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UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 100th CONGRESS
SECOND SESSION

VOLUME 134—PART 1

JANUARY 25, 1988 TO FEBRUARY 16, 1988
(PAGES 3 TO 1466)

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, SECOND SESSION

SENATE—*Monday, January 25, 1988*

The 25th day of January being the day prescribed by House Joint Resolution 436 for the meeting of the 2d session of the 100th Congress, the Senate assembled in its Chambers at the Capitol, at 12 noon.

Mr. REID. The Senate will come to order. The Chaplain will now deliver the opening prayer.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, Father of us all, help us to hear and take seriously the wisdom of God as expressed in the words of the psalmist:

"Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight is in the law of the Lord; and in his law doth he meditate day and night. And he shall be like a tree planted by the rivers of water, that bringeth forth his fruit in his season; his leaf also shall not wither; and whatsoever he doeth shall prosper. The ungodly are not so: but are like the chaff which the wind driveth away. Therefore the ungodly shall not stand in the judgment, nor sinners in the congregation of the righteous. For the Lord knoweth the way of the righteous: but the way of the ungodly shall perish."—(Psalm 1). Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk shall please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 25, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is now recognized.

Mr. BYRD. Mr. President, I thank the Chaplain for his excellent prayer.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CERTAIN SENATE RULES

Mr. BYRD. Mr. President, I ask unanimous consent that rule III and rule IV, paragraph 1, of the Rules for the Regulation of the Senate Wing, and rule XXXIII, paragraph 1, of the Standing Rules of the Senate be suspended for the purpose of the response by the majority leader to the State of the Union Address today.

Mr. STEVENS. Mr. President, reserving the right to object, and I shall not object, I would like to state that it is my understanding that the chairman of the Rules Committee has cleared this matter.

I have been contacted by the distinguished majority leader, as the ranking Republican on the Rules Committee. I wonder, if there would be no objection that following the request of the majority leader, I could put in the RECORD the letter that was sent by the majority leader to our Republican leader, setting forth the terms under which this unanimous-consent request has been agreed to.

The ACTING PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, January 23, 1988.

Hon. ROBERT DOLE,
Republican Leader,
U.S. Senate,
Washington, DC.

DEAR ROBERT: This will refer to our telephone conversation in which we discussed the use of the Senate floor for the Democratic Response immediately following the President's State of the Union Address on Monday evening.

As one who is very particular about the Senate's rules and regulations, I specified that the use of the Senate Chamber in this instance would be under the following strict conditions:

(1) The precedent is limited to "the formal response" to the President's State of the Union Address.

(2) The precedent is further limited to "the formal response" carried by one or more of the major networks.

(3) Only a Senate Leader (myself in this instance) would be using and speaking from the Senate Chamber.

(4) The occasion is the official response by one of the two major political parties—the party not in control of the White House.

(5) There is no participant in the response other than a Senate Leader; the response follows immediately after the President's address to the two Houses; and no charts or other visual aids will be used.

(6) There will be no audience present in the galleries or on the floor of the Chamber, the only persons present being the network pool camera personnel.

Inasmuch as the State of the Union Address occurs only once a year, and the President speaks from the House Chamber, I feel that this request is appropriate, especially when limited to the foregoing restrictions. At such time as the Democratic Party may be in control of the White House in a future year, the Republican Leader would be entitled to the same privilege.

With best regards.

Sincerely yours,

ROBERT C. BYRD.

Mr. DOLE. Mr. President, if the majority leader will yield—and reserving the right to object—I have discussed this at length with the majority leader. I have no problem with it. I think it has been very tightly circum-

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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scribed, as the letter will indicate, and I have no objection to the request.

I appreciate the majority leader calling me in South Dakota, in Rapid City, on Saturday. We had a good discussion. I had been apprised earlier by the distinguished Senator from Alaska, through staff.

I thank the majority leader for his courtesy.

The ACTING PRESIDENT pro tempore. Without objection, the request of the majority leader is granted.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader. I thank the distinguished Senator from Alaska [Mr. STEVENS], who is the ranking member of the Rules Committee, and I thank Mr. FORD, who is the chairman of the Rules Committee.

The restrictions are very, very tight, and the precedent they will set is one which, of course, will be the privilege of the leader on the other side of the aisle at some point in the future.

WAIVER OF CALL OF THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOTIONS OR RESOLUTIONS OVER UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over under the rule come over.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business for not to exceed 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BYRD. Mr. President, I shall shortly suggest the absence of a quorum.

It would be my plan today, as I indicated to the distinguished Republican leader on the day before yesterday, that the Senate conduct no business today of any controversial nature. I do not plan to make any motion to take up any such business today.

The Senate should go out shortly, following a quorum call. It will be a live quorum. It need not necessarily be a rollcall for the quorum in this instance. But I would hope that our Senators would come in quickly, and then the Senate would go out and await the President's address to the joint session of the two Houses this evening.

The Senate will come back in tomorrow. I should say to my very distinguished friend, the leader on the other side of the aisle, that it would be my plan tomorrow to go to the Grove City legislation. I hope we can work this out so that perhaps there could be a time agreement.

I also wish to express the fervent hope that once the nomination of Mr. Kennedy to the Supreme Court of the United States is reported to the Senate, we can work out an agreement whereby action by the Senate on that nomination can be expedited.

In view of the fact that I am expressing various hopes, I also express the hope that we would not run into a filibuster on the Grove City legislation. If we can work out some kind of time agreement on that, this would enable us then to bring in the Kennedy nomination at any point, dispose of it and any other legislation that we might expedite.

The distinguished Republican leader will be discussing these matters with his colleagues. I will be discussing these matters with our colleagues.

Tomorrow, there will be the regular Tuesday luncheon caucuses, beginning at 12:45 p.m. and continuing, let us say, until 2 o'clock.

I want to get some idea as to what the weather is, what it will be like in the morning, because I do not want to bring us in for a 9 o'clock rollcall in the morning with heavy snow on the ground. We will seek not to inconvenience Senators in that regard by coming in a little later tomorrow than we might otherwise come in.

Does the distinguished Republican leader have any question?

I think that will suffice.

QUORUM CALL

Mr. BYRD. Mr. President, I shall now suggest the absence of a quorum. It will be live. I hope Senators will come to the floor quickly and help us to get the live quorum early, after which there will be a brief period for morning business; and I ask unanimous consent that Senators may speak during that period for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Burdick
Byrd
Dodd
Dole
Domenici
Ford
Grassley
Hollings
Inouye
Leahy
Proxmire
Reid
Simpson
Stevens

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia [Mr. BYRD] to instruct the Sergeant at Arms to request the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. GRAHAM], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maine [Mr. MITCHELL] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Nebraska [Mr. KARNES], the Senator from Wisconsin [Mr. KASTEN], the Senator from Oregon [Mr. PACKWOOD], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from California [Mr. WILSON] are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 5, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—73

Adams
Armstrong
Baucus
Biden
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Conrad
Cranston
D'Amato
Danforth
Dixon
Dodd
Dole
Domenici
Evans
Exon
Ford
Fowler
Glenn
Gramm
Grassley
Harkin
Hatch
Hatfield
Helms
Hollings
Humphrey
Inouye

Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stafford
Stennis
Stevens
Thurmond
Trible
Wallop
Warner
Wirth

NAYS—5

Hecht
McCain
Quayle
Symms
Weicker

NOT VOTING—22

Bentsen
Boren
Chafee
Cohen
Daschle
DeConcini
Durenberger
Garn
Gore
Graham
Heflin
Heinz
Johnston
Karnes
Kasten
Matsunaga
Mitchell
Packwood
Rudman
Simon
Specter
Wilson

So the motion was agreed to.

The ACTING PRESIDENT pro tempore. With the addition of Members voting who did-not answer the quorum call, a quorum is present.

THE NEW SESSION OF CONGRESS; ACTIVE AND FORWARD LOOKING

Mr. BYRD. Mr. President, the 100th Congress now begins its second session. We begin this session on the eve of a Presidential election. All eyes are increasingly on Iowa and New Hampshire and other primaries. All eyes are on the candidates of both parties who now seek the affirmation of the voters. But while the Presidential election surely attracts our attention, the work of Congress must go on.

This Congress must be active and forward-looking, smoothing the road ahead for the next President, be he Republican or Democrat. We must be the helping hand, the vital link of continuity between a new Presidency and the power of Government to effect positive change.

The American people already know that the time for self-deception is over. America's future cannot be defined by some outdated ideological past. America must begin to get ready for its future.

So we must be forward—looking and active. We cannot be idle and mark time. We cannot waste the little time we have in which to prepare America for its future. The American people expect that of us and we must not disappoint them.

Partisanship will surely be an element in our debates. But we must not allow partisanship to overwhelm us. Last year was a year of more than usual partisanship and acrimony. The Congress and the administration, more often than not, were at odds with each other. Stalemate, frustration, and lost opportunities were frequently the results.

But 1987 was also a year when a bipartisan coalition of Republicans and Democrats in the Senate joined together in a common effort to check the excesses of those not in the mainstream.

On issues of great importance to the Nation—the clean water bill, the highway bill, the nomination of Judge Bork, interpreting the ABM Treaty, the majority of the appropriations bills, the trade legislation which passed this Senate by more than 70 votes, and the budget deficit—this bipartisan coalition consistently held together and moved beyond party affiliation. Our battle was not against a genial President so much as it was a battle for the belief that the purpose of government is to build-up rather than tear down.

The 100th Congress returns to at least four immediate issues—the passage of the trade bill, the confirmation of Judge Kennedy to the Supreme Court of the United States, Contra aid, and the Senate's constitutional responsibility to give its advice and consent or to decline to give its advice and consent, on the INF Treaty. Of these immediate issues little need be said. We are all familiar with the terrain.

The trade bill is now in conference. Differences between the House and Senate versions must be negotiated. It is my hope that this most important bill will be sent to the President by early March. The confirmation of Judge Kennedy should be speedy. I intend to vote for his confirmation. I believe I will be joined by the majority of my colleagues.

Contra aid will once again be revisited. We have been up this hill and we have been down it so often the path is very well beaten. Congress should continue its role of keeping the diplomatic alternative alive despite the continued desire by the White House to seek a military solution.

Our primary concern remains the question of Soviet power in the hemisphere and the nurturing of democratic and humane societies. In particular, I have urged the Secretary of State on a number of occasions to open up negotiations with the Sandinistas with the goal of eliminating Soviet bases, influence, and advisers in Nicaragua. Such an initiative is long overdue.

The Senate has already begun to uphold its constitutional responsibilities with regard to the INF Treaty. Every effort will be made to insure that the novel verification process in the INF Treaty is sound. The treaty will be considered thoroughly, as will its import for the future of our Atlantic alliance.

In the closing days of the last session the first housing bill in 7 years was passed and became law. In this session, Congress will finish the work it started last year to free millions of elderly Americans from the fear of costly catastrophic illnesses. We are also determined to renew the Federal commitment to education with the passage of the conference report on the Elementary and Secondary Education Act.

Other important issues will also be on the table. Finding a cure for AIDS, reform of banking laws, a free trade agreement with Canada, and a continuing review of aviation safety. I also believe that we need to examine the way in which Congress and the executive branch handle the budget with an eye to improving the process.

Looming over all of our efforts must be our collective awareness that a policy of borrowing and debt has mortgaged our future and that of our children. The leadership budget package passed by the Congress in the close of the last session was a significant bipartisan effort at deficit reduction. But we should not concede that our work is done. We must be vigilant to ensure that the agreement is carried through to its conclusion, while also being prepared to respond to new economic developments.

Finally, the Senate must make every effort to insure the integrity of its own House. Here, I speak to the issue of campaign finance reform. As I have said before and I say again, democracy can not be given over to an aristocracy of money. The power of money to corrupt and eat away at the integrity of the Government is powerfully clear.

The Congress has much to do. We must be active and forward looking. We must move America beyond the narrow ideology of the past that has so dominated the Reagan era. We must prepare America for its future. We have much to do.

FEDERAL ELECTION CAMPAIGN ACT—1987 YEAREND REPORT

Mr. BYRD. Mr. President, the mailing and filing date of the 1987 yearend report required by the Federal Election Campaign Act, as amended, is Sunday, January 31, 1988. Principal campaign committees supporting Senate candidates file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 12 noon to 4 p.m. on the filing date for the purpose of accepting these filings. In general, reports will be available to the public 24 hours after receipt. For further information, please contact the Public Records Office on (202) 224-0322.

NOTICE CONCERNING ANNUAL REGISTRATIONS OF MASS MAILINGS

Mr. BYRD. Mr. President, in view of the approaching February 1 filing

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date, I would like to remind Senators of the requirements concerning registrations of mass mailings under Senate Rule 40.

Members are required to register annually such mailings. The 1987 calendar year filings will be due on February 1, 1988. Mass mailing registrations are also accepted on an "as mailed" basis if Members so desire.

For your information, the following are excerpts from Rule 40:

. . . 3, (a) When a Senator disseminates information under the frank, by a mass mailing (as defined in Section 3210(a)(6)(E) of Title 39, United States Code), the Senator shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing on a form supplied by the Secretary, a description of the group or groups of persons to whom the mass mailing was mailed.

(b) the Secretary of the Senate shall promptly make available for public inspection and copying a copy of the matter mailed and a description of the group or groups of persons to whom the mass mailing was mailed . . .

The Senate Office of Public Records will be open from 8 a.m. to 9 p.m. on the filing date for the purpose of accepting these filings.

For further information, please do not hesitate to contact the Public Records Office on (202) 224-0322.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask that the time of the two leaders be reserved momentarily and that the Senate proceed with morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 5 minutes.

WHY THE UNITED STATES SHOULD MOVE CAUTIOUSLY ON SDI RESEARCH SPENDING

Mr. PROXMIRE. Mr. President, two experts for the Union of Concerned Scientists [UCS] have written a superb analysis of the strategic defense initiative. Peter Clausen is director of research for UCS. Michael Brower, a physicist is a UCS arms analyst. Clausen and Bower recommend continued research on missile defense at a robust level of $2 to $2.5 billion per year. The prime purpose of this research would be to deter the Soviets from renouncing the ABM Treaty and deploying missile defenses unilaterally. They recommend directing the research at low altitude rockets to protect military targets such as land-based missiles and command centers. The research should also be directed at meeting Soviet countermeasures, that is, decoys and fast burn boosters. The UCS experts contend the program would save a great deal of money. It would also protect the ABM Treaty. It would make large nuclear weapons reductions much more feasible. And it would give a clearer picture of the real outlook for effective missile defense as time passes.

Let us not kid ourselves about this SDI Program. It is already far and away the most costly military research program that has ever engaged this or any other government. This is true although the Congress has reduced the spending for the program far below the administration's requests. If the Congress should continue the SDI spending to try to achieve the President's dream of population defense, SDI spending would shoot up to over $100 billion each and every year. The President and the SDI's most fervent supporters are determined to lock the Nation permanently into this project in the remaining months of the President's term in office. This is the obvious motivation behind the push for early deployment of SDI. It is the reason for the reinterpretation of the ABM Treaty by the administration. This push for an SDI population defense has already become a leading issue in the 1988 Presidential election. A Republican victory in 1988 would be hailed by SDI supporters as a mandate for pushing ahead with SDI. Clausen and Brower make a devastating analysis of the technical feasibility of SDI and early deployment. They contend that the heart of early deployment is a two-stage rocket. Five to ten rockets would be carried on a battle station or kinetic-kill vehicle. The battle stations would orbit the Earth at an altitude of between 250 and 600 miles. This would bring battle stations periodically in range of Soviet missiles. Because the Earth orbit would take the battle stations out of range of Soviet missiles during most of their Earth orbit, this would require several thousand battle stations to cover all Soviet missiles. The technology that SDI has tested has two weaknesses. First, it is too heavy to be placed in a space-based rocket. Second, it can be jammed or fooled.

Even if these technical problems are solved, there remain three further drawbacks: First, since the rockets would orbit at 600 miles and less in altitude only a few would be in a position to fire at Soviet ICBM's at any given time. This would require a very large number of rockets to be deployed for each missile that is intercepted. If the Soviets tightly cluster their missiles, which they could easily do, as many as 100 rockets would be require for every ICBM. The Soviets could frustrate this defense by simply increasing their ICBM deployment.

Second, the Soviet could reduce the burn time of their ICBM's to 2 minutes by relatively simple design changes. Such a reduction in burn time would require a big increase in U.S. battle stations. A really fast-burn booster of less than 1 minute would defeat the satellite-based kinetic-kill vehicles [SBKKV] completely. Martin Marietta and Lockheed studies show that burn time could be shortened to 1 minute with only a 25 percent or less loss in payload.

Third, the Soviets could easily develop space mines that could closely pursue a defensive satellite until ordered to explode. Or the U.S.S.R. could use an interceptor rocket as an antisatellite device. The United States has already done this.

Whatever technique the Soviets chose to combat SDI would have the great advantage denied to the defense, of being able to choose the time to strike. Furthermore, one ASAT can destroy a defensive platform carrying five or more rockets and their accompanying sensors, computers, and communications equipment.

The SDI weapons of the future, lasers and particle beams, require vast improvement. American Physical Society experts recently estimated the degree of improvement required as ranging from a factor of 100 to a factor of 1 million. That is, the improvement would have to range from hundredfold to millionfold in power, accuracy, reliability, et cetera. Does that make such improvement impossible? Certainly not. But it makes it very costly. It also will require decades, perhaps even centuries, to achieve it. The cost will be enormous and the results of the research are likely to serve the offensive transmission of nuclear weapons at least as well as the defense against intercontinental ballistic missiles.

All of this is why the United States strategic defense policy should be to proceed with a relatively modest and limited program designed to hedge against and discourage the U.S.S.R. from renouncing the ABM Treaty.

TRIBUTE TO DON ROGERS

Mr. PROXMIRE. Mr. President, all of the members of the Senate Banking Committee were saddened to learn that one of its former staff members, Don Rogers, died last Monday. Don served on the staff of the committee from 1953 to 1958. He played a major role in the writing and passage of the landmark Bank Holding Company Act of 1956. When he left the staff in 1958 he helped form the Association of Bank Holding Companies which under his leadership has become a force for progressive banking regulation.

I had just arrived as a freshman member of the Banking Committee in 1957 during Don's last year on the staff. I was impressed with the thoughtful and professional way in which he served all the members of the committee. He was especially helpful to me during my first year of service on the committee.

Over the years, I got to know Don better as an able spokesman for the bank holding company movement. He was a frequent witness before the committee and played a constructive role in every major banking bill passed by the committee during the last three decades.

Don Rogers set the standard for what a legislative representative should be. He was honest, professional and thoroughly knowledgeable of the industry he served. We agreed on some things and disagreed on others. But there was never any doubt that he represented his industry with absolute integrity.

In his long and distinguished career, Don enjoyed the deep respect of all the members of the committee. His advice and counsel will be sorely missed. On behalf of all the members of the Banking Committee, I extend our profound sympathy to his family.

GLASS-STEAGALL ACT OF 1933

Mr. PROXMIRE. Mr. President, in the next several weeks, Congress will be considering fundamental changes in financial law. We will be revisiting the Glass-Steagall Act of 1933.

Fortunately, the fourth estate has covered this issue in some detail and our Nation's editorial writers have devoted considerable time to the subject.

Today, I submit for the Record a number of editorials from Texas newspapers. The Dallas Morning News, for example, dedicated a three-part series to the argument that reform is necessary, and that this reform requires that the monopoly enjoyed by security firms—an unintended effect of Glass-Steagall—must be busted.

I ask unanimous consent that the editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Dallas Morning News, Jan. 7, 1987]

The Nation's Financial System Is a Mess

Ask any American to name top problems facing the nation, and it's a good bet the words "financial system" will not be uttered—unless perhaps the respondent is a banker.

Yet, if reform of the financial system is not quickly undertaken, the nation could be flirting with a near-term collapse of that system and, in the slightly longer term, loss of world leadership in financial services.

Consider:

One in 10 U.S. banks—1.484 to be precise—is considered by the Federal Deposit Insurance Corp. to be in "trouble."

One in five savings and loans is considered to be in "deep trouble" by the Federal Savings and Loan Insurance Corp.

No U.S. bank remains among the world's 10 largest, and only three remain among the top 20. The world's seven largest banks are Japanese. A single Japanese securities firm, Nomura, is responsible for financing one-third of the entire national debt of the United States.

Some of this nation's largest banks are threating to return their bank charters and either become state banks outside the Federal Reserve system or to stop being banks and become financial institutions without the right to either gather deposits or make commercial loans.

Unregulated subsidiaries of non-financial firms such as Sears and General Motors raised their share of the U.S. credit from 9 to 19 percent in the last 10 years.

Although a topic even less sexy and more complex than tax reform, reform of the nation's financial system must become a top agenda item for the new Congress. Congress should: a) define the activities that may be undertaken by various types of financial institutions and the markets they may serve; b) determine to what degree market forces will be allowed to shape the future of the financial system; and c) redesign the financial regulatory system to meet the radically altered structure of the industry.

From the Great Depression until the mid-1970s, the nation's financial "central different institutions (commercial banks, investment bankers, thrifts and insurance companies) existed to do specific jobs without treading on each others' territory, and where non-financial concerns were prohibited from financial services altogether. Banks were not allowed to pay interest on demand deposits (checking accounts), and the amount of interest that could be paid on time deposits was fixed by the government (by Regulation Q). It wasn't too difficult to pay a fixed low rate for deposits, loan them out to creditworthy borrowers, and show a profit.

But over the past decade, this "central nervous system" has undergone severe shocks. The first shock came when market interest rates shot far above levels the government allowed depository institutions to pay for time accounts. Hundreds of billions of dollars in savings fled banks and thrifts for vehicles such as "money market mutual funds," which were created by securities firms and offered near-checking account convenience with high rates of interest. Congress responded by "deregulating" interest rates. Almost overnight, banks were taken from a protected and predictable status to the fierce disciplines of the marketplace. This deregulation has forced banks to compete (pay higher prices) with a variety of non-bank entities for capital while institutions from Sears to Merrill Lynch have continued to encroach on bankers' turf by offering additional traditional banking services.

Another shock arrived with those computer technologies that turn money into electrons and send them whizzing about the globe (and across state boundaries) at the speed of light, thereby greatly thwarting government efforts to control the money supply, capital flow or exchange rates.

A final shock occurred when a variety of bad debts began to crash in on banks and thrifts. The first round hit the big multinational lenders when falling commodity prices undermined the ability of many foreign governments (Mexico, Brazil, Poland) to repay hundreds of billions in loans. Other U.S. banks were hit when loans to energy concerns and farmers went sour.

Thrifts (which primarily use savings from small investors and channel them into mortgage investments) got into trouble when they found themselves having to pay high market rates for deposits while their loan portfolios were primarily low-interest, long-term mortgages. To get more money into the thrifts, Congress allowed 20 percent of their deposits to be invested in non-mortgage investments like commercial real estate. Lacking the expertise to make wide-ranging loans, many savings and loan institutions poured billions into bad deals.

The financial system has done the best it could to adjust. But it has had to do so without much guidance from Congress or even those regulatory agencies currently charged with managing the system. This has occurred because Congress has deadlocked over whether the government should act forcefully to maintain the walls between types of financial institutions, between commerce and finance, and between states, or whether to encourage the rapid metamorphosis of the financial institutions toward large, nationwide, diverse enterprises guided more by the demands of the market than the visions of regulators.

Whatever the merits of available options, the most unacceptable option is inaction. Government must provide the framework for the nation's financial nervous system. If it fails to do so, it courts disaster as individual savers and investors lose confidence in the system, as Americans turn to foreign alternatives to meet their money needs and as experimentation increasingly defies the ability of regulators to assure safety and soundness.

[From the Dallas Morning News, Jan. 8, 1987]

The System Needs to be Unchained

The United States' financial system is being called on to do an increasing number of jobs:

Finance large multinational corporations as well as small- to medium-sized businesses. Provide venture capital for ideas that still are gleams in entrepreneurs' eyes. Keep thousands of governmental entities funded. All this and still supply credit to individual consumers in a wide range of income brackets.

At the same time, the U.S. financial industry is as much under siege from Japanese and European competitors as are other industries. And, as with other industries, the foreign competition operates with far fewer constraints. Japanese and most European banks labor under far fewer restrictions than do U.S. banks, and some may even engage in "merchant" banking (equity ownership for investment purposes). Many foreign banks are not required to maintain specific amounts of reserves.

U.S. financial institutions are caught because populist laws build walls between types of institutions, between state markets and between commerce and finance. At the same time, the international marketplace demands large, sophisticated enterprises able to offer a wide variety of financial services and products at the lowest possible cost. Historically, many Americans have been leery of nationwide financial conglomerates and a concentration of assets in fewer hands. But we must now accommodate ourselves to new realities. If the U.S. financial industry fails to serve the world marketplace, foreign institutions will—at great profit. That will mean a continued withering of U.S. financial muscle and a growing

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dependency of American industry and consumers on foreign sources of capital. Main Street, U.S.A., worries over losing control of its local destiny to New York, or Chicago, or even Dallas, when it should worry about a shift to Tokyo, or Paris, or London. Americans also must realize that if foreign havens offer lower costs, financial concerns will take their jobs and leave. A competitive U.S. financial system means U.S. industry, workers and consumers will be the first to benefit.

A new U.S. financial system should:

Continue the dual system of state and national chartering of financial institutions. Most financial innovations—including the development of thrifts, branch banking and current moves toward interstate banking—had their beginning with the states. Continuing this "federal" system should act as a balance against concentrations of power and financial assets, and ensure responsiveness to the needs of heartland America.

Allow the creation of federally chartered financial services holding companies that would be allowed to own and operate subsidiaries offering a cafeteria of financial services, and be able to operate nationwide. Such holding companies could themselves be owned by a commercial enterprise, provided that enterprise was willing to comply with tough regulatory requirements intended to assure that a failing retailer or manufacturer could not dip into its financial services subsidiary to postpone disaster. This would allow the development of "one-stop shopping" financial service corporations with national networks, great economies of scale, high levels of expertise and the ability to garner the large asset base required to compete in the world marketplace.

To move quickly down the road toward this market-oriented financial system the 100th Congress should:

Repeal those portions of the Glass-Steagall Act and other laws limiting the activities of different types of financial institutions. A new "financial institutions act" should replace these laws to allow for those financial services holding companies previously described.

Repeal the McFadden Act and the Douglas Amendment to the Banking Act of 1956 to allow for full interstate banking and unlimited branching. Texas has, at no small urging from the Federal Reserve, torn down all walls barring out-of-state banks from acquiring banks in Texas, and the sooner the rest of the nation follows suit the better.

Also repeal those sections of the Bank Holding Company Act that prevent the ownership of banks by commercial firms and the purchase of thrifts by banks. This may be the only way out of our current morass of troubled banks and thrifts without the Treasury Department having to cover billions in deposit losses.

Restructure the nation's regulatory system to reflect the new shape of the U.S. financial system

Will this brave new world of banking mean an end to small local banks? To the contrary, deregulation may be their only hope. Consider: If an insurance company offers a five-year tax-deferred annuity at the same interest rate as a bank can offer a certificate of deposit, many local savers will opt for the annuity. The bank loses deposits and loan capacity, while the faraway insurance company gains money to invest in faraway real estate. But if the local bank also can offer annuities through its own insurance subsidiary, it will retain its asset base.

What many Americans often fail to understand is that their hometown banks are as unwilling to sink money into risky local loans or economies as the money giants. They, too, can ship money around the world with the flick of a switch. However, the strength of the larger institutions may enable them to take risks that smaller bankers cannot. The larger banks will offer economies of scale that small banks cannot in some instances, while smaller local banks will have their own advantages, such as more personalized services.

In a new, market-based system, the consumer will profit from competition that will lower costs and improve service. And what the U.S. will have is a financial system able to meet the needs of a diverse marketplace.

[From the Dallas Morning News, Jan. 9, 1987]

REGULATION NEEDS TO BE REVAMPED

A new U.S. financial system shaped by market forces will require greater regulatory supervision, not less. We are not talking about total deregulation, but different regulation that gives market forces more play.

It will be important to make certain that a financial conglomerate does not make use of inside information obtained by its commercial banking subsidiary to benefit its other subsidiaries. With greater concentration of financial power, it will be important to carefully enforce antitrust and fraud provisions.

The objectives of any system of regulation should be to: a) maintain the safety and soundness of the system; b) protect consumer interests; and c) promote competition and efficiency.

Today's unwieldy system complicates the attainment of these goals. Today, a national bank may be subject to regulation and supervision by the comptroller of the currency, the Federal Reserve Board and the Federal Deposit Insurance Corp. Not only does this multiple-supervision approach result in time-consuming, expensive duplication, it can result in dangerous confusion and conflict.

At the same time, there is widespread disagreement over who should regulate what. The New York Bank Board this month voted to allow New York state banks (including Morgan Guaranty and Chemical Bank) to underwrite certain types of securities in contravention of Federal Reserve policy. The move sets up a showdown over who's boss.

As long ago as 1984, the President's Task Force on Regulation of Financial Services recognized the need for substantial changes in the nation's financial regulatory system. While the task force made no recommendations regarding further deregulation of the industry, the report's tone indicated sympathy for deregulation. Privately, several of the members suggest events since 1984 have made the case for further deregulation even more compelling and urgent.

Among those task force recommendations that should be adopted by the 100th Congress are:

The reduction of three bank regulating agencies to two, with no bank regulated by more than one agency. The task force called for the creation of a "federal banking agency" within the Treasury Department to regulate "national" banks, with the Federal Reserve maintaining authority over state banks with membership ("member" banks) in the Federal Reserve System. This reform will stand up even if current restrictions on permissible activities by types of financial institutions were dropped and full national interstate banking allowed.

The delegation of federal supervision of "state" member banks to state regulators deemed capable by the Federal Reserve, with the Fed retaining final authority over standards and compliance.

The transfer of authority over what banks can or cannot do from the Federal Reserve to the new federal banking agency. However, in a fully deregulated system where a financial holding company could engage in any financial holding company could engage in any financial activity, there would be no need for this type of regulation.

The delegation of authority to the Federal Reserve over the very largest financial holding companies so that the Federal Reserve can fulfill its responsibilities to control the nation's money supply and to oversee foreign lending. Such a company might be defined as any holding company controlling 1 percent of the nation's financial assets or 5 percent of any given market activity.

The retention of the FDIC and Federal Savings and Loan Insurance Corp. to provide deposit insurance, but without their current regulatory responsibilities. These newly constitued entities would work with the federal banking agency and with state agencies to review issuance of insurance to all institutions.

Whether the current financial system is allowed to slowly evolve or is unchained by significant deregulation, the recommendations of the task force provide a solid starting point of regulatory reform.

However, it is important to realize that technology alone will likely so change the face of the money industry over the coming years as to make a continual evolution necessary. Indeed, in the not so distant future, technology likely will render the bricks-and-mortar banks a memory as home and office terminals allow executives and consumers alike to establish lines of credit and shop the world for optimal credit terms and investment opportunities. Deals then could be consummated with the tap of a key.

Whether the nation's financial system and its regulatory shadow evolve to meet changing market and technological realities is in doubt. Banking reform is a complex subject with no broad constituency among the general population. Change is resisted by a small number of powerful lobbies determined to protect their turf and profits. The result has been drift, the growing danger of a systemwide failure and the loss of world market share to foreign competitors.

Congress and the White House should join forces to put reform of the financial system on the front burner, and turn up the heat.

[From the Dallas Times Herald, Feb. 8, 1987]

PERMIT BANKS TO COMPETE

In the aftermath of the stock market crash of 1929 and the collapse of the American banking system, Congress passed the Glass-Steagall Act which separated bank operations from investment activity on the theory that it was not safe for banks to enter this type of legalized gambling with depositors' money. That theory was appropriate to an era when banking was a localized endeavor lacking federal depositors' insurance guarantees.

But nearly 60 years later, in an era of international electronic financial exchanges, with billions sloshing around the globe overnight, lingering restraints from the age of

rural America are inappropriate. They dangerously hamper the ability of U.S. financial groups to compete with their international counterparts. Congress, which has intermittently debated the issue for the past four years, must immediately repeal the Glass-Steagall Act of 1933 and develop a modern regulatory system.

The issue is urgent because the Federal Reserve Board is planning to rule by the end of April on the request of three New York Banking companies—Citicorp, J.P. Morgan, and Bankers Trust—to expand their services to incude underwriting commercial paper, mortgage-backed securities, and municipal revenue bonds. They also want to offer consumer services such as credit cards and auto loans through non-banking subsidiaries.

Not surprisingly, the major Wall Street firms are opposing any expansion of financial services by banks—though these same firms have moved wholesale into the banking business. The commercial paper market is worth more than $300 billion annually, and more than $100 billion in municipal revenue bonds were underwritten last year. Permitting banks to enter this arena would bring more competition to a relatively closed marketplace and increase consumer services.

Federal Reserve Board Chairman Paul Volcker publicly supports banks expanding into these areas as well as into underwriting corporate stocks and bonds. However, he adds that the nation would be better served if changes were to come through legislation, rather than the piecemeal regulatory route. He is correct. The regulatory route, by definition, is not permanent. Its rulings are subject to change with each new administration. America's financial system needs the stability provided by congressional action.

The expansion of banking services is not without peril. Congress should examine carefully the role of federal insurance corporations under an expanded system. A bank's investment is one of its own, non-banking subsidiaries should not be insured with the public's money, for example. And antitrust and securities laws should be adapted to prevent bank-owned investing arms from benefiting improperly from insider information gleaned from its regular banking business. But these are not insurmountable problems. Congress need only act, prudently, and quickly.

[From the Fort Worth Star-Telegram, Mar. 23, 1987]

A MATTER OF FAIRNESS—CONGRESS SHOULD LIFT RESTRICTIONS FROM COMMERCIAL BANKS

Because of a 1933 law, which seemed necessary in a nation caught in the grips of the Great Depression, American banks find themselves in 1987 at a competitive disadvantage with foreign banks and other financial institutions, most of which did not even exist 54 years ago.

The time has come—indeed, it's long overdue—to change that situation.

At issue is the Glass-Steagall Act, which severely limits the type of business a bank may conduct. Specifically, it prohibits U.S. commercial banks from underwriting corporate debt or equity offerings in the United States. It effectively separates bank operations from investment activities and was designed to thwart banking speculation in the stock market, such as occurred on Wall Street in the 1920s and which was blamed in many quarters for contributing to the 1929 crash.

In hindsight, stock speculation wasn't so much at fault as was failure by the Federal Reserve to halt the precipitous decline in bank reserves as panicky depositors removed their money. Nevertheless, Glass-Steagall became the law of the land and remains in effect today, when its provisions are actually a threat to the stability of the national banking system, which already has troubles aplenty.

In the years between 1933 and 1987—and particularly during the past decade—the number of "non-banks" that have entered some phase of the banking business has mushroomed. Also, foreign banks, which operate under much less-restrictive regulations, have seized the financial initiative in this country.

Foreign banks now provide more than one-fifth of all loans made to U.S. businesses, having doubled their share of that market in eight years. They also have opened more than 600 offices in this country, triple the number 10 years ago. A single Japanese securities firm is financing one-third of the U.S. national debt.

Restrictions, such as Glass-Steagall, prevent U.S. banks from competing evenly for that business.

Meanwhile, investment banks (which are not the same as commercial banks) and other financial entities are permitted to own savings and loan firms and conduct various activities in direct competition with commercial banks without having to hew to the same narrow restrictions. Ford Motor Co., for example, owns a savings and loan association. The same is true of Sears, Roebuck. Goldman, Sachs, Merrill Lynch and Shearson Lehman Brothers all own "non-bank banks" that either accept demand deposits or make commercial loans.

Those firms, of course, are content with the status quo and are lobbying intensely to keep Glass-Steagall in effect. After all, the commercial paper market is worth more than $300 billion annually, and more than $100 billion in municipal revenue bonds were underwritten last year. Opponents have thus far been successful in side-tracking a bill in the U.S. Senate that would allow banks to underwrite mortgage-backed securities, revenue bonds and commercial paper.

Fortunately, the war is not over. Sen. William Proxmire, D-Wis., sponsor of legislation to grant commercial banks some of the expanded powers needed to compete against "non banks," has vowed to continue the fight. In fact, the Senate could get the opportunity to vote on the matter within the next two weeks.

If senators at that time aren't impressed by the fact that the changes have been endorsed by President Reagan, Vice President George Bush's task force on the regulation of financial services and Federal Reserve Board Chairman Paul Volcker, they should be impressed by the fact that passage of the bill would help stabilize an ailing industry and, in the process, grant the type of competitive balance to banks that they deserve in a rapidly changing world.

[From the San Antonio Express-News, July 5, 1987]

OUTDATED BANK LAW SHOULD BE SCUTTLED

When a major law controlling an industry is more than 50 years old, you can be sure it's outdated. In fact, outdated is too mild a term in the case of banking.

The Glass-Steagall Act of 1933 is a fossil that is seriously hampering the efficiency of the entire financial services sector—and, indirectly, the American economy.

In writing Glass-Steagall, experts sought to separate the commercial securities business from traditional banking in order to avoid a repeat of the Great Depression. Unfortunately, their explanation of the Depression was almost certainly wrong. On that basis alone banks now deserve deregulation.

In fact, far more urgent reasons exist to favor an overhaul of the country's banking law. American banks are quickly losing their competitive edge. Only three U.S. banks remain among the world's largest 25, whereas seven ranked in the top 10 not too many years ago. As a result they're finding it increasingly difficult to compete with well-capitalized banks of Japan and Europe.

Nor is size the only—or even the major—problem. American banks are hamstrung by restrictions that exist nowhere else in the world. They can't issue commercial paper, for example, even though many businesses increasingly use that form of short-term unsecured credit instead of relying on traditional bank loans.

Thus, banks have lost some of their most reliable customers. A law intended to protect banks from high-risk ventures ironically now serves to siphon off some of their safest business.

Banks would like to expand their activities beyond commercial paper, of course. They point out that brokerage firms and businesses such as Sears, Montgomery Ward and General Motors have surged into a number of financial-service areas that banks are now banned from entering.

Among the possibilities for banks: stock brokerage, underwriting of insurance and municipal revenue bonds, operation of mutual funds and even travel agencies.

The question is not whether the financial industry should be allowed to change. It has been changing for years and will continue its transformation in the future.

The real question is whether banks will be allowed a piece of the action. They deserve it—not just for their own health, as important as that is to the nation's economy, but also in the interest of consumers, who would benefit from the heightened competition.

[From the Dallas Times Herald, Aug. 4, 1987]

BANKING BILL SHOULD WORK

After months of wrangling over massive legislation to deal with the savings-and-loan crisis and new-wave banking, Congress and the White House have fashioned a workable bill that should sail through the legislative process.

The bill, passed Monday by the House and expected to win approval in the Senate Wednesday, still places too many restrictions on "non-bank banks," the expanded financial institutions that are certain to dominate the future. But it is an eminently supportable bill. It shows what the threat of a presidential veto can accomplish when wielded by a negotiator as adroit as Treasury Secretary James Baker.

The most controversial section of the bill deals with the recapitalization of the Federal Savings and Loan Insurance Corp., which guarantees deposits up to $100,000 in the nation's thrift institutions. The FSLIC has been technically insolvent for months, primarily because it lacked the resources to take over the assets of scores of bankrupt savings and loans.

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Its request for a minimum of $15 billion in new financing was blocked by Texas Reps. Jim Wright, D-Fort Worth, and Steve Bartlett, R-Dallas. They insisted the regulators give bankrupt savings and loans a chance to work out their problems as the Texas economy improves and argued for limiting funding to $5 billion. Their forbearance provisions, however, drew a promised presidential veto because they effectively precluded regulatory control of the savings and loan system.

The agreement worked out by Mr. Baker removes the most onerous features of the forbearance clause, while still making it difficult to close soundly managed thrifts that are victims of the depressed economy. There is now a three-year sunset provision, which allows sufficient time for well-managed institutions to recover before being subject to more stringent federal oversight. The legislators also agreed to a $10.8 billion refinancing for the FSLIC.

The compromise bill does not resolve the need for banks to expand their services or permit other fiscal institutions, such as insurance companies and investment houses, actively to enter banking. It skirts the issue by freezing the existing number of nonbank banks at the present 168 for one year. Congress should spend that period thoroughly evaluating the nation's antiquated banking and investment laws with a view toward eliminating the unnecessary strictures that impede American banks from competing in a global marketplace.

Despite its flaws, the bill has positive features for all segments of the banking community and the banking public.

[From the Dallas Times Herald, Oct. 19, 1987]

Bankers Check Hole Cards

Bankers have not had so many character-building experiences since the 1930s. Fluctuating interest rates, the soaring national debt, the dwindling American share of international trade, the growing power of foreign banking concerns and the rise of virtually unregulated financial-services companies have put the industry on the ropes.

The industry is now "circling the wagons," says Charles Pistor, vice chairman of First Republic Bank Corp. in Dallas and president-elect of the American Bankers Association, which is convening here this week. Domestically, the banking industry is hobbled by the Glass-Steagall legislation of the Depression era, which prohibits it from engaging in a host of financial services routinely offered by foreign competitors and nonbank banking companies. Congress will have to rectify this inequity or the competitive ability of the banking industry will be permanently stifled.

The bankers meeting in Dallas also must determine how to make their industry more attractive to consumers. Federal Reserve Chairman Alan Greenspan notes, "The basic products provided by banks—credit evaluation and diversification of risk—are less competitive than they were 10 years ago." Corporate borrowers routinely utilize computerized data banks to analyze investment risks and turn to the commercial paper market for financing.

Mr. Pistor says the banks are already changing to meet the challenges. They are consolidating facilities, combining departments, offering new services such as trading floors within the banks themselves and expanding to interstate operations. That type of innovation propelled the American banking industry into the forefront of world finance. With luck it will see American banking through a turbulent future.

[From the Dallas Morning News, Oct. 21, 1987]

Banking Outlook—Industry Needs Help to Rebound From Recent Woes

Fear of rising interest rates is one of the primary reasons for the stock market meltdown. One of the less-discussed reasons for recent increases in interest rates is the losses suffered by banks from real estate, farming, energy and foreign loans. When banks have to set aside billions to cover loan losses, they try to make up those losses by increasing interest rates.

Banking has undergone tremendous strains the past few years. Financial markets have been deregulated. Non-banking institutions have begun to compete with banks by offering traditional banking services while the banks have remained hamstrung by regulations restricting their activities.

The obvious way to put the U.S. banking industry back on top is to jettison the burden of ancient regulation designed for another time and place. The Glass-Steagall Act, which restricts banks from participating in investment banking and other activities, should be repealed. So should restrictions on full interstate banking. So should restrictions against commercial enterprises owning banks.

Yes, a new regulatory framework will have to be designed to protect against abuses of such newly granted freedoms, but the efficiencies of a banking industry freed from its old chains would be a boon to consumers large and small.

Charles Pistor, chairman of Dallas' First Republic, takes command of the American Bankers Association today at that organization's Dallas convention. Pistor's challenge will be to rally the forces of banking deregulation, reassure a public that is feeling depression jitters from the stock market meltdown and convince the Congress a new day for banking must dawn if American banks are to do their part for the U.S. economy.

[From the Dallas Times Herald, Nov. 24, 1987]

Let Banks Be Nonbanks

Federal Reserve Board Chairman Alan Greenspan is right in urging that banks be allowed to expand their services to include a broad range of securities underwriting. The shock of the stock market crash last month and the timidity of world stock exchanges and international investors now makes it more imperative than ever that the American banking industry be allowed to diversify and meet growing international competition.

Since 1933, banks and thrifts have operated under the constraints of the Glass-Steagall Act, which was intended to ensure the stability of banking institutions by preventing them from engaging in speculative ventures such as stocks and securities. It was a proper response in the '30s, when the stock market crash had triggered a convulsion in the nation's banking industry. But the act has outlived its usefulness.

American banks and thrifts now face hefty competition from brokerage firms, insurance companies and other non-banking conglomerates such as Sears, Roebuck & Co. which have purchased banks or added banking services to their existing financial operations. In addition, the reaction of the international stock markets to each other following the Oct. 19 crash graphically illustrated the increasing globalization of banking.

Chairman Greenspan's call to remove the shackles from the nation's banks represents a reversal of the Fed's previous policies. But he now joins Federal Home Loan Bank Board Chairman Danny Wall in calling for the repeal of Glass-Steagall.

The Senate and House are both considering repeal bills, while the securities industry lobbies frantically against them. Congress should reject their arguments as self serving and against the public interest. It is time to lay Glass-Steagall to rest.

[From the Fort Worth Star-Telegram, Nov. 27, 1987]

Deregulating Banks—Some Restrictions Need To Be Lifted

When the Glass-Steagall Banking Act was passed in 1933, consumers wrote checks on banks, bought farm implements from Sears, Roebuck and traded stocks with Merrill, Lynch.

Times have changed. Although operations of commercial banks remains strictly limited by law, other businesses have entered banking. Investment brokers and mercantile companies offer checking accounts, securities transactions and insurance services and have their own real estate arms—all under one roof.

Congress should revamp the nation's banking regulations to recognize the changes.

Yet those who talk of deregulating the nation's banks, or of tossing out the Glass-Steagall Act, misspeak their own case. The government must regulate banking to protect not only the public but also the banks themselves. If nothing else, federal insurance of bank deposits must be maintained, and with it comes federal regulation.

The question is the degree of regulation and the specific limitations on commercial banking activities needed in the face of growing financial services competition.

Sen. William Proxmire, D-Wis., long a foe of bank deregulation, proposes allowing bank holding companies to own securities affiliates, with Federal Reserve Board approval. Congress probably should go even further and create a really level playing field by allowing banks to sell insurance, broker real estate and offer the same wide range of financial services as "non-banks."

This can be done, says the Federal Deposit Insurance Corp., without compromising the safety and reliability of traditional banking operations.

Congress has been tip-toeing up to this politically sensitive issue. When the Federal Savings and Loan Insurance Corp. was reorganized last summer, Congress put a freeze on expansion of banks and non-banks into other financial services, but with a promise that it would develop a permanent policy to meet changing conditions.

That moratorium ends March 1. By that time, Congress should develop rational regulations—not outright "deregulation"—that will free commercial banks to compete in the financial services market without removing the safety net.

[From the Dallas Morning News, Dec. 6, 1987]

Banking Reform—Critical Issue Shouldn't Be Lost in Political Shuffle

Among the more critical issues you are unlikely to hear debated in the ongoing presidential campaign is banking reform. The issue is considered too esoteric and boring to trot out before TV debate audiences. If so, that's sad. Reform of banking regulations is among the more critical issues of our time.

Financial services is still one area where the United States excels. And in an era where capital is dominant, financial expertise and strength are keys to national competitiveness. Yet, U.S. banks are hamstrung by antiquated regulations written a half-century ago for an era long gone.

Fortunately, the issue may be moot by the time the next presidential inauguration rolls around. The chairman of the Senate Banking, Housing, and Urban Affairs Committee—William Proxmire, D-Wis.—has had another change of heart and has come down foursquare on the side of dropping restrictions on interstate banking and on commercial banks engaging in investment banking activities and insurance sales.

Proxmire has two powerful allies. One is Sen. Jake Garn, R-Utah, the ranking Republican on the committee. The other is Alan Greenspan, chairman of the Federal Reserve Board. Greenspan's support for amending the Glass-Steagall Act is a welcome change from the opposition evidenced by his predecessor at the Federal Reserve, Paul Volcker.

All these men understand that we have put U.S. commercial banking in what Proxmire calls a "1933 model straitjacket." By allowing its banks to participate in investment banking and certain other financial activities, the U.S. should gain better customer services and lower banking prices. Yes, there will be additional consolidation among financial institutions of all types, but that is necessary to balance the muscle of the behemoth banks in Japan and Europe.

The primary obstacle to the Proxmire/Garn bill is fear that allowing banks to be all things financial contributed to the Great Depression. Yet, there is now a consensus among financial experts and historians that financial diversification within banks played no role in that dark event.

The threesome now pushing for a new era in banking has a real shot at winning. Proxmire could certainly leave no finer legacy to his country after long years of national service than banking deregulation. But just in case some party pooper in the House throws up a roadblock, it would be well if some smiling interrogator at some debate should ask the presidential contenders their stands on banking reform.

A RIVAL FOR THE SPACE PALACE

Mr. PROXMIRE. Mr. President, every Member of the Congress must be aware of the absolute necessity that the Congress hold down Federal spending wherever possible. This should include even projects as exciting and promising as scientific experiments in space. The exploration and development of space offers our most promising frontier. We have made a great start with our sensationally successful visit by American astronauts to the Moon. Sure that was 20 years ago. But prudent progress in space will not be achieved every year like a new football season or even every 4 years like the Olympics.

The next big American space project is the space platform. Here is a program that could cost $30 billion. It could tell us a great deal about the practicality of using space for pharmaceutical research and a wide variety of quality fabrications in the gravity-free environment of space. Why can we not achieve much of that space progress by using the far less costly incremental approach? Why not try a man tended—instead of a man occupied space station? This way much of the space work could be accomplished for a far lower cost. A private group of entrepreneurs has proposed precisely this approach. Many private and public clients could use the station, paying simply the cost required for the particular project. The cost to the Federal Government would be a small, in fact, a very small fraction of the space station palace. It would have the discipline of private operation with private funds.

The New York Times has written a superlative editorial challenging the Congress to meet this economical, modest, money-saving challenge. As chairman of the subcommittee of the Senate Appropriations Committee that funds our space program, this Senator welcomes the chance to take this prudent and practical course. I ask unanimous consent that the editorial from the January 15, 1988, New York Times be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A Rival for the Space Palace

The space station NASA wants to build a luxury sky hotel with a sky-high price tag, now at $32 billion. Congress has at last decreed that the agency should also consider supporting a much smaller, privately operated space station that costs a mere $700 million and can do many of the same things. NASA seems petrified that Congress may next wonder why it needs a palace in space if a mobile home would do nearly as well.

The Industrial Space Facility, to be built by Space Industries of Houston, is an orbiting laboratory designed to be tended by astronauts, not inhabited by them. That makes it far simpler and cheaper than the space station. It would be launched into orbit on the shuttle, and astronauts would visit periodically to monitor experiments in low gravity crystal growing and materials processing. If successful, extra modules could be added.

With no humans lumbering around, the lab would be free of vibrations, an essential quality for many space experiments. It has as much power as the Soviet Mir space station. Devised by Maxime Faget, once a top NASA designer, the lab is built from off-the-shelf parts and could be launched in 1991. The space station won't be ready until 1997 at the earliest. To erect the space station requires 20 shuttle flights, the lab just one.

The lab thus seems a better bet than investing in a full-fledged space station right away. Yet NASA doesn't see it that way. The space agency apparently prefers hardware to results. If cheap access to space had been the agency's top priority, it could have pressed long ago to reduce the cost of launching payloads from the present $3,600 per pound to $400 per pound, a project the Air Force and NASA have just begun. The agency might have discovered the Antarctic ozone hole 10 years ago in data from the Nimbus 7 satellite, but it invests so little in analysis that most data from space sit unanalyzed in NASA's vaults.

The agency says it has no need to lease space on the private orbiting lab, and that the lab does not compete with the space station: most experiments need to be continuously watched, as the space station makes possible, not merely visited every four months. But the orbiting lab, with its big solar panels, could supply the power to double the shuttle's time in space, allowing for some extended experiment watching. And doubtless some experiments now designed for continuous monitoring could be adapted to the lab.

The Industrial Space Facility looks like a carefully designed, cost-effective way of exploiting specific goals in space. On careful scrutiny, Congress might find the lab could achieve many of the goals promised for the space station, allowing the station to be postponed or scaled down. The money and shuttle flights saved could then be invested in getting results from space, instead of building hardware for hardware's sake.

AMERICA—STILL THE GREAT COUNTRY!

Mr. PROXMIRE. Mr. President, on December 31 the Washington Times carried a column by a great American thinker, a former professor, and a superb writer. The person is Max Lerner. Here was a refreshing affirmation of faith in our country by a person who has been a very sharp and astute critic. Lerner specified concisely most of the ailments that plague our country:

> The trade balance, the dollar in the dumps, the overall deficit blight, the homeless, the jobless, the underclass, the falling test across, the rising entitlements, the shoddy quality of competing American products, the greed, the corruption, the collapse of tinsel values—in sum a civilization clearly on its way down history's greased chute to a secondary limbo.

But then he goes on to say that we are just beginning to understand the nature of the emerging world in our age of the information revolution. The question—says Lerner—is "whose science, whose technology, whose ideas, whose myths circle the world and animate it."

And that nation—says Lerner—is the United States. We are the mainframe—to use a computer model. And listen to this:

> America is the center still of the world's energies and of the world's attention. In power terms, it remains the world's Rome. In creative terms it is also Greece. It offers the standing threat of a brain drain to every nation that keeps its gates open for emigration. It is what the young and talented dream of—even as they curse it. To paraphrase Ralph Waldo Emerson, when they fly America—America is the wings.

Lerner has given this country an inspiring lift. For any American who feels depressed about his country, this remarkable wise man has given us a

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reason to be confident and proud and so I ask unanimous consent that this Max Lerner column, "America, the Main Frame," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

AMERICA, THE MAIN FRAME

[By Max Lerner]

At year's end, when our media are abuzz with men, events and personalities of the year, I venture a more dubious and disturbing speculation.

What does 1987—and the '80s thus far—show us about whether America is itself in decline? What do they portend about its vaunted status as the world's prime power?

The answer implied in most of the year-end roundups by experts is a bleak one. The trade balance, the dollar-in-the-dumps, the overall deficit blight, the homeless and jobless, the underclass, the falling test scores, the rising entitlements, the shoddy quality of competing American products, the greed, the corruption, the collapse of tinsel values—in sum, a civilization clearly on its way down history's greased chute to a secondary limbo.

Yet, just as clearly, I feel they are wrong. Their assessments deal with the discontents that every civilization suffers during its life course, but not with the creativeness that negates the negations, and betokens a continuing life force.

I believe we are only just beginning to understand the nature of the emerging world in our age of the information revolution. The question is no longer which power controls the seas, or whose armies swarm over the land or whose planes darken the skies. Overriding this military strength—and its economic base as well—is the question of whose science, whose technology, whose ideas, whose myths circle the world and animate it.

The Japanese, for a complex of reasons, are now challenging America's technological and economic leadership. The West Germans, the British, the French, are reasserting their long-standing claims as major players. The Chinese have awakened to the new technology and are inching toward a market economy. Finally, General Secretary Mikhail Gorbachev's Russia is showing some signs of abandoning its long winter of isolation and is probing the possibilities that only the West offers.

The world in which these nations clamor to play a prime role is no longer an international but a transnational world. The nation is still the governmental unit but no longer an economic or technological one. Cutting across national boundaries, the necessities of instant information have irrevocably linked every money market of the world. With volatile currencies and interest rates, every corporation of any scale must cope with both trade and finance markets worldwide.

Obviously the national prides, fears and interests, the protectionist barriers, the rival bashing, the xenophobias, are still there. But they need perspective. There is a world within the womb of our past and present world, struggling to be born. The thing that rakes America with so many inner conflicts is its position at the very center of this process of birth.

The news of the "parallel processing" supercomputer to which IBM has now committed its energies, offers a hint of the nature of the emerging global community.

To use the computer model—as good a metaphor these days as any—every nation in the world (along with its economy and its culture) may be seen as a parallel processor, attacking its own problems as creatively as it can, vying with the others to its utmost. But in the end there is the "mainframe," as the technical jargon goes, which performs a mediating and synthesizing function for the whole.

That, I assert, is still America. it is the center still of the world's energies and of the world's attention. In power terms, it remains the world's Rome. In creative terms, it is also Greece.

It offers the standing threat of a brain drain to every nation that keeps its gates open for emigration. It is what the young and talented dream of—even as they curse it. To paraphrase Ralph Waldo Emerson, when they fly America, America is the wings.

A century from now some other civilization may have overtaken America's mainframe primacy. That will happen if Americans get even more money-greedy and power-giddy than they are, and if they neglect or consume the very seed corn of their greatness—the education of their young.

Right now, however, none of the other Great Powers have achieved the combination of strengths that will enable it to displace America. That is why Mr. Gorbachev, who wants more than anything else to be admitted to the world community, knocked so energetically at America's doors for entrance, he knew where, right now, the central energy is.

DECEMBER GOLDEN FLEECE

Mr. PROXMIRE. Mr. President, I awarded my December Golden Fleece to the Department of the Army for digging a hole and burying $159,000 of taxpayers dollars on decorative trees and shrubs which died within a year and had to be uprooted. The Army succeeded in treeing the taxpayer this time and should turn over a new leaf. This spending was truly bush league.

During September 1986, the Army at Fort Belvoir, VA, found a stray $159,000. Rather than returning this money to the taxpayer, they decided to spruce up their fort, which has 4,000 acres of trees and shrubs that nature has already provided. They spent $35,000 for the landscaping design. Then on September 29 and 30, right before the fiscal year ended, they spent the other $124,000. This smacks of year-end spending just to get money off the books. I suspect it was a last ditch effort to bury the money before it expired at Fort Belvoir.

What did the taxpayer buy? Faulty landscape design work along with holly bushes, summit ash trees and various other shrubs for areas around buildings. These buildings include the general's office building, the commissary, the finance and accounting office building, and others. This was in the midst of thousands of acres of trees that could have been used for transplanting or tree farming.

Evidently the trees and shrubs did not take well to this military approach to gardening. As the seasons passed, so did the greenery. Finally, they bit the dust. On December 5, 1987, the Army dug up the brown, shriveled plants, which had become an eyesore. The Army has really dug themselves in on this one. Their efforts to make parts of Fort Belvoir look like a posh English garden have failed. The trees and shrubbery were nothing more than a forgotten gleam in some officer's eyes. But the taxpayers had plowed $159,000 into this garden of sorrows only to reap an empty purse.

VOLUNTARY SCHOOL PRAYER ACT

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I send a bill to the desk and ask for its immediate consideration.

Mr. BYRD. Mr. President, I object to the immediate consideration of this measure. I will not object to the introduction of it. I could not object to the introduction of it. The Senator would be introducing the bill on the next legislative day. I have no desire to do that. I object to the immediate consideration of it.

May we have the title of the bill read?

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2001) to restore the right of voluntary prayer in public schools and to promote the separation of powers.

Mr. BYRD. I know what the Senator seeks to do. He spoke to me about this measure earlier. He intends to use rule XIV to get it on the calendar, and I want to cooperate in every way that I can.

Does he wish to have the first reading at this time?

Mr. HELMS. Yes. I ask for first reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2001) to restore the right of voluntary prayer in public schools and to promote the separation of powers.

Mr. HELMS. Mr. President, I now ask for second reading.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BYRD. Mr. President, I object to second reading today.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will stay at the desk.

Mr. HELMS. Mr. President, I as always am grateful to the distinguished majority leader for his cooperation.

Mr. President, the time is long overdue for Congress to exercise its very clear prerogative under the U.S. Constitution to restore voluntary prayer to the schools of America. Therefore, I am today again introducing legislation to do precisely that.

I am confident that in days to come we may hear the same old shopworn arguments against my proposal. But I do hope that, for once, Senators and others who presume to make such arguments will at least take the time to read article III of the U.S. Constitution, which clearly confers upon Congress the authority—and, I believe, the absolute duty—to remove from the Federal courts the jurisdiction over cases involving voluntary school prayer, Bible reading, or religious meetings in schools.

Mr. President, literally millions of Americans have long been pleading that this be done. In December, just before Congress adjourned, I met with Martha Rountree, who has been a leader in nationwide efforts to restore school prayer. Martha Rountree is a distinguished American. It was she, Mr. President, who years ago founded the NBC television program, "Meet the Press." She was the first moderator of "Meet the Press." She now heads the Leadership Foundation, with headquarters in Washington, which represents countless thousands of God-fearing men and women throughout the United States.

Mr. President, the restoration of school prayer in America should be given a top priority this year as candidates seek the votes of citizens in campaigns for the Presidency, the Congress and other public offices. Candidates should be asked to take a stand, to say yes or no, on the question of school prayer.

I suspect that if Martha Rountree and countless thousands of other fine women have their way, the candidates will indeed be asked. This is a priority that should no longer be pushed aside with phony rhetoric and specious reasoning.

One way or another, Mr. President, I intend to see that the U.S. Senate votes on this issue in the coming months.

So, it is no concidence that I have chosen this day, the first day of the 2d session of the 100th Congress, to reintroduce my school prayer bill. One month ago today we celebrated the birth of Jesus Christ who suffered and died for the sins of mankind.

During the adjournment of Congress, I have talked with, and reviewed letters from, countless citizens of the State I am honored to represent in the Senate. Their concerns are many—at least as many as the desks of Senators in this Chamber—yet, whether the issues discussed were abortion, pornography, crime, sodomy, drugs, teenage suicide, AIDS, there is a common thread linking almost all of them: The collapse of America's moral fiber.

The vast majority understand that it was a predictable result of our shift away from the God-fearing Nation we once were—a shift to the secular, anti-God Nation we have now become.

I do not say this lightly: Unless we as a nation are willing to return to the Judeo-Christian principles which the Founding Fathers established as this Nation's cornerstone, our future will be short-lived. Unless we as a nation are willing to invoke God's guidance and help, we are rapidly approaching the point when we will self-destruct.

All of us, especially those of us in Congress, should take the time to read Benjamin Franklin's counsel 200 years ago at Philadelphia.

On December 20, I listened with great respect to the majority leader's impressive comments after the morning prayer. While recognizing his "profound belief in God's place in our constitutional system," Senator BYRD recounted our Founding Fathers' recognition of the power of prayer. He recounted how Benjamin Franklin had stood before our contending forefathers at the Constitutional Convention of 1787 to express his belief in the sacred writings which say: "Except the Lord build the house they labor in vain that build it." The majority leader related how the morning prayer was "the supreme moment of the day" for him and that he felt it affected the "very system of representative democracy that we have."

I wholeheartedly agree with the distinguished majority leader. I walked over to his desk and commended him on December 20. God not only has a place in our constitutional system, He has a place in our Nation's schools as well. If the legislators of this country are entitled to pray for divine blessing upon their work, then so are our schoolchildren.

Yet, with the aid of liberal activist jurists in the Federal courts, this Nation has run afoul of its intended course, Mr. President. In a series of decisions since 1962, the Supreme Court has barred our children from invoking God's aid for their daily endeavors.

As a result, school administrators and students alike interpret the myriad of Supreme Court prohibitions on religious practices as official disapproval of theistic religion, going far beyond strict neutrality.

In the State of Florida, a school principal felt personally compelled to remove pictures of the Bible club from the high school annual with his scissors.

A teacher in North Carolina was prohibited from reading her Bible on her lunch hour.

Students have been prohibited from praying in their cars while on school property.

Three separate studies have noted textbooks in the public schools systematically shun the role of religion in molding the Nation and motivating our leaders because publishers feel Supreme Court decisions require such censorship. Students are even prevented from merely carrying their personal Bibles on school premises.

Mr. President, barring God from our classrooms was not the intent of our Founding Fathers who wrote the U.S. Constitution. Prof. Edward Corwin, a distinguished constitutional scholar declares:

> The historical record shows beyond peradventure that the core idea of an "establishment of religion" comprises the idea of preference; and that any act of public authority favorable to religion in general cannot, without manifest falsification of history, be brought under the bar of that phrase.

Prof. Charles Rice of Notre Dame Law School explains:

> It has been incorrectly asserted, by the Supreme Court and others, that the establishment clause ordained a government abstention from all matters of religion, a neutrality between those who believe in God and those who do not. An examination of the history of the Clause, however, will not sustain that analysis. Its end was neutrality, but only of a sort. It commanded impartiality on the part of government as among the various sects of theistic religions, that is, religions that profess a belief in God. But as between theistic religions and those nontheistic creeds that do not acknowledge God, the precept of neutrality under the establishment did not obtain. Government, under the establishment clause, could generate an affirmative atmosphere of hospitality toward theistic religion, so long as no substantial partiality was shown toward any particular theistic sect or combination of sects.

So, Mr. President, we have a duty to restore to the Nation the Constitution's original intent regarding religion. Our Founding Fathers' sole intent was to prohibit the establishment of a national church; all remaining issues concerning church-state relations were left strictly with the States.

That is why my legislation will restore the framers' original intent by exercising Congress' authority under article III of the Constitution. The bill will curtail the appellate jurisdiction of the Supreme Court, and the general jurisdiction of the inferior Federal courts, so that Federal courts no longer have the power to hear cases involving voluntary school prayer, Bible reading, or religious meetings in the public schools. Congress has the right to implement article III. Congress has the duty to do so.

Implicit in my bill is the understanding that the American citizen will have recourse to a judicial settlement of his rights, but this settlement will be made in the State courts of this

Nation, not in the Federal courts. My legislation will effectively replace the nonsense produced by Federal judges on school prayer during the past two decades—and reclaim the common sense and practical experience of the American people over the prior 170 years.

So I reiterate: Our forefathers gave Congress the authority—and, I believe, the duty—to limit the jurisdiction of the Supreme Court and/or the other Federal courts when, in the judgment of Congress, the Supreme Court exceeds its purview. The framers would not have granted Congress such authority unless they intended Congress to exercise it when necessary. I will be urging Senators to exercise that constitutional prerogative.

Restoring balance and freedom to the public schools regarding religion and prayer will return this country back to the right course. Until we do that, we will succeed no better than the builders of Babel in correcting the problems plaguing our Nation, our schools, and our children.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voluntary School Prayer Act".

Sec. 2. (a) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1260. Appellate jurisdiction: limitations

"(a) Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter and in accordance with section 2 of Article III of the Constitution, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any state statute, ordinance, rule, regulation, practice, or any part thereof, or arising out of any act interpreting, applying, enforcing, or effecting any state statute, ordinance, rule, regulation, or practice, which relates to voluntary prayer, Bible reading, or religious meetings in public schools or public buildings.

"(b) For purposes of this section, the term 'voluntary' means an activity in which a student is not required to participate by school authorities.".

(b) The section analysis of chapter 81 of title 28 is amended by adding at the end thereof the following new item:

"1260. Appellate jurisdiction; limitations.".

Sec. 3. (a) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1365. Limitations on jurisdiction

"Notwithstanding any other provision of law and in accordance with section 2 of Article III of the Constitution, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1260 of this title.".

(b) The section analysis at the beginning of chapter 85 of title 28 is amended by adding at the end thereof the following new item:

"§ 1365. Limitations on jurisdiction.".

Sec. 4. The amendments made by this Act shall take effect on the date of enactment, except that such amendments shall not apply to any case which, on such date of enactment, was pending in any court of the United States.

Mr. HELMS. Mr. President, I thank the Chair and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. The majority leader.

Mr. BYRD. Mr. President, the distinguished Senator from North Carolina has introduced legislation that would bring about a return to the time in our history when we had school prayer. I favor a constitutional amendment to that end. Tennyson said that more things are wrought by prayer than this world dreams of.

It is very difficult to get a two-thirds vote in both Houses to support a constitutional amendment on this score. The late Senator and Republican leader Everett Dirksen tried, and I supported his effort. But notwithstanding the difficulty, one certainly needs to stand up for what he believes. It is my belief that what we take out of the classroom today will be taken out of the Nation a quarter of a century away, and what we put into the classroom today will be pervasive through the Nation a quarter of a century away. I am of the old school that no harm is done to anybody in having prayer. I can listen to the other man's prayer. I can listen to any man's prayer. And I can respect him for praying to his god.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. HELMS. Mr. President, I do thank the distinguished majority leader for his comments. I reiterate what I said in my statement earlier, that I was profoundly inspired by the majority leader's remarks just before Christmas when he discussed the prayer of the Chaplain that morning, and as the Senator may know I included that in my remarks. I commend him again, and I thank him for his statement, and I thank him for his help.

Mr. BYRD. Mr. President, I thank the Senator and I thank him for feeling as he does about this matter and the fact that he does take a stand for it and is proud to take a stand for it.

TOUGH INF QUESTIONS

Mr. HELMS. Mr. President, during the adjournment of Congress I ran across an article in Defense News written by the distinguished Senator from Alabama Mr. Shelby, entitled "Tough INF Questions Confront the Senate" and subtitled "Will the World's Greatest Deliberative Body Live Up to Its Name?"

I was deeply impressed by Senator Shelby's succinct presentation of the major issues raised by the proposed INF Treaty. I was equally impressed by the distinguished Senator's understanding of the overriding importance of detailed and careful Senate consideration of the treaty, and of the unseemliness of allowing the treaty to be rushed through this body without the scrutiny it deserves and that the security of the United States requires.

Mr. President, our distinguished friend from Alabama did not have, as I did, the great privilege of serving in the Senate with the late Jim Allen of Alabama, but I am confident that Senator Shelby knew and admired Jim Allen as much as any of us. I mention that, Mr. President, because Senator Shelby's question—will the world's greatest deliberative body live up to its name?—reminded me so much of the perspective Senator Allen brought to the Senate.

I believe that it was the same perspective that the framers of the Constitution envisioned. It was a perspective of caution, of carefulness, of refusal to be stampeded, and of genuine deliberation and deliberate craftsmanship in structuring both legislation and treaties. It was a perspective, I believe, that the framers particularly sought and expected with regard to the international entanglements and dangers that could result from treaty commitments made in haste.

So Mr. President, I commend Senator Shelby for his insistence that—and I shall quote him, "The Senate should carefully inspect the treaty, examine the full negotiating record and consider any and all ramifications to our national security before reaching a conclusion." I also commend him for showing so many of the admirable characteristics of one of the greatest Senators from his State and indeed one of the greatest Senators in the history of the Senate, Jim Allen.

Mr. President, I ask unanimous consent that the article by Senator Shelby to which I have just referred be printed in the Record. I also ask unanimous consent that an article from the Tuscaloosa News of January 5, 1988, on the same subject matter also be printed in the Record.

There being no objection, the articleswere ordered to be printed in the Record, as follows:

[From the Defense News Monday, Dec. 14, 1987]

Tough INF Questions Confront Senate—Will "World's Greatest Deliberative Body" Live Up to Its Name?

(By Richard Shelby)

The signing of the INF (Intermediate-range nuclear forces) agreement has been hailed by the administration as a foreign policy victory. However, numerous members of the U.S. Senate, the body charged by the

Constitution to ratify treaties, have expressed grave concerns over the possible effects of such an agreement.

In a television interview before the summit, President Reagan said he believes that those who oppose the treaty ". . . have accepted that war is inevitable and that there must come to be a war between superpowers." However, it is perhaps more accurately thought that war with the Soviet Union is not inevitable, but rather there must be a strategic equilibrium to keep the peace.

With this second line of reasoning in mind, the Senate should thoroughly and exhaustively investigate this agreement. Although the Foreign Relations Committee is charged with reporting the treaty to the full Senate, Majority Leader Robert Byrd requested both the Armed Services and Intelligence Committees to hold hearings and report their findings.

These committee members must grapple with some tough questions regarding the effect of this treaty on NATO's conventional force structure, on NATO's nuclear capabilities and on verification. Further, the appointed committee members should painstakingly examine the entire INF U.S.-Soviet negotiating record, given the recent controversy over the broad vs. narrow interpretation of the ABM Treaty. Obviously, this process is too important to be treated as a rubber stamp approval.

Basically, the INF treaty eliminates all U.S. and Soviet nuclear missiles with ranges of 300 to 3,000 miles, namely the U.S. Pershing IIs and ground-launched cruse missiles (GLCMs), and the Soviet SS-4s, SS-12s, SS-20s and SS-23s.

In 1979, NATO decided to support a dual-track policy of deploying Pershing IIs and GLCMs while simultaneously negotiating to eliminate them and the Soviet SS-20s. NATO made this decision for several reasons. First, there existed no comparable, NATO counterpart to the Soviet SS-20. Second, the NATO doctrine of "flexible response" required an intermediate link between tactical and strategic weapons. Third, the deployment was a means to politically share the burden of the responsibility of nuclear war with five other nations, rather than just the United States. It took considerable courage for European governments to support this deployment in the face of an effective Soviet propaganda attack. Now these missiles may be removed.

With the removal of INF weapons from Europe, and subsequently their destruction, NATO still is confronted with the same threat it faced in 1979. The Warsaw Pact holds a tremendous advantage in conventional forces over NATO. Other than the F-111, the NATO commander would only have battlefield tactical nuclear weapons at his disposal. Thus, the concern exists among some Europeans that by removing INF weapons, we have made Europe safe for a conventional war.

How capable are we of bolstering our conventional forces to the point where NATO could compete with the Warsaw Pact? U.S. defense budgets and those of our allies are shrinking, not growing. The Army, our prime resource for conventional defense, may be forced to cut its fiscal 1989 budget by 10 percent. Will our European allies, who have historically spent much less on defense than the United States, now spend more? Not likely. Obviously, the possibility of linking the INF treaty and Soviet conventional force reductions is an issue that must be debated by the Senate.

Looking ahead, the post-INF nuclear options available for NATO must be explored. One alternative would be a retargeting of other systems, such as sea-launched cruise missiles. This concept was rejected in the late 1970s because such action did not reflect the political resolve of land-based missiles. It is apparent this policy should be reconsidered. Another option of NATO is to increase their dependence on land-based aircraft, such as B-52s and F-111s equipped with air-to-surface missiles. However, the question remains of European governments basing these aircraft on their soil, while successfully fighting the public relations battles.

Finally, Soviet history points to several ominous and realistic questions demanding consideration during the Senate ratification hearings. Why are we entering into a treaty when it has been undeniably confirmed that the Soviets repeatedly, and even recently, violated the ABM Treaty? Would the monitoring of just one Soviet missile plant in Votkinsk be enough to ensure compliance? What assurances do we have that the Soviet delay in specifying the location of all their SS-20s was not a ploy to hide the quantity of these mobile missiles?

The administration will be working overtime to bring the INF Treaty to a vote swiftly on the Senate floor with the goal of moving quickly to a START agreement.

The Senate should carefully inspect the treaty, examine the full negotiating record and consider any and all ramifications to our national security before reaching a conclusion. The Senate has been called the world's greatest deliberative body. It is the hope of many that it lives up to its name.

[From the Tuscaloosa News, Jan. 5, 1988]

Shelby Skeptical About INF Pact

(By Tommy Stevenson)

U.S. Sen. Richard Shelby. D-Ala., said Monday he remains skeptical about the pending INF missile treaty with the Soviets, citing what he said was the failure of Moscow in the past to keep its word.

Shelby faced a variety of issues, ranging from the missile treaty to the economy, at the Northport Civic Center Monday morning in his first town meeting of the new year.

The freshman senator from Tuscaloosa, who is in his second year of a six-year term, has promised to visit each of Alabama's 67 counties each year. He told a standing-room only crowd in the Northport City Council chambers that he made good on his promise last year and was "starting right here at home" to fulfill his pledge in 1988.

In brief opening remarks before he opened the public forum to questions, Shelby said he would like to see the world free of nuclear arms, but "I don't know if that's practical. I know we can't do it unilaterally—I know we better not."

Shelby is one of the few Democratic senators who has not come out in support of the INF treaty signed by President Reagan and awaiting Senate confirmation. The treaty is designed to eliminate most intermediate nuclear missiles in Europe.

"I would like to see us make meaningful and real long-range progress in negotiations with the Soviet Union and their implement treaties that will be kept," he said. "But most treaties that the Soviet Union has entered into, they haven't kept over the years.

"So, that's why I am a little skeptical about the INF treaty that the president just signed with Gorbachev. I would like to believe all of that," he said, adding that he doesn't believe it yet.

In response to questioning, Shelby said he believes "we missed the boat" in net linking the INF treaty with a reduction in conventional weapons in Europe.

"I believe the president was in such a hurry, and was too anxious to grab at something that would be a big headline in the papers and on television and so forth because he was politically damaged here," Shelby said.

"But when you go out and embrace the Soviets on the INF treaty I think it was a mistake and a mistake for this reason—he did not link the conventional reductions to the nuclear removal over there.

"So the Soviet Union, once this is done, will have a decided advantage in Europe," he said, pointing out that the Russians outnumber NATO 4 to 1 in tanks in Europe.

"But if there are corresponding conventional reductions, then the INF treaty wouldn't look so bad, but standing alone, I think it's dangerous."

Although Shelby would not commit himself on how he will vote once the treaty is up for final confirmation, he admitted the pro-treaty forces in the Senate had enough votes to make it "a done deed."

Shelby said the Middle East "is a powder keg" and criticized Reagan's commitment of forces to the region as "a half-baked policy."

He also reiterated his support of a balanced budget amendment to the U.S. Constitution and pointed out that he had been a sponsor of legislation for such an amendment in his eight years in the U.S. House prior his election to the Senate in 1986.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Wirth). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

ONE HUNDREDTH CONGRESS RETURNS

Mr. DOLE. Mr. President, I want to join the distinguished majority leader in welcoming our colleagues back to the 100th Congress. It has been a productive recess for most of us: a time for family, friends, and constituents; a time when many of our colleagues have traveled to the far corners of the Earth; while still others have traveled to the far corners of Iowa and New Hampshire and States close by.

Mr. BYRD. West Virginia.

Mr. DOLE. West Virginia.

Now it's back to business. We accomplished much last year. We have even more to accomplish this year.

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HISTORIC VOTES

No doubt about it, this promises to be a year of historic votes and events: The Senate will vote to fill the vacancy on the Supreme Court; we will vote on a landmark nuclear arms reduction treaty; we will conclude the first two centuries of the symbol of our democracy, the U.S. Congress; and we will also be the Congress that works with Ronald Reagan in the final year of his history-making Presidency.

SIX COLLEAGUES' FINAL YEAR

This will also be the final year for six of our colleagues: three Republicans and three Democrats; six Americans who have made this a better place because of their presence:

JOHN STENNIS

A Senate legend: respected, admired and irreplaceable. The man from Mississippi who set the standard to which all of us aspire. It was Senator Stennis who taught a young Bob Dole what the big leagues were all about.

BILL PROXMIRE

Yes, 9,782 consecutive rollcall votes and still counting. It probably should be 9,783 now. A staggering record that speaks volumes about the kind of dedication the Senator from Wisconsin has brought to this body.

BOB STAFFORD

Vermont's champion of the environment, whose legacy is cleaner air and water. He is certainly, I think, one of the outstanding Members of this body, someone who is respected on both sides of the aisle. We thank him for his leadership.

LAWTON CHILES

The Senator from Florida, who devoted himself to the thankless budget chores. He did an outstanding job. That is a very, very difficult chairmanship. He did what he had to do. His tireless efforts will long be remembered.

PAUL TRIBLE

A tenacious and articulate young spokesman for the people of Virginia, who made a choice because he wanted to be closer to his family and to his State. Certainly, his leadership and dedication will be missed.

DAN EVANS

A respected voice of reason in this Chamber. A man we can best honor by passing one of his top priorities—the line-item veto.

RONALD REAGAN

This is also Ronald Reagan's final year in office. But don't get any ideas that this President is a "lame duck." Don't even think it! Ronald Reagan will be out front, leading the way as he has for the past 7 years: He's still the dominant player in this town.

INF

I have pledged to the President that I will lead the fight to win overwhelming, bipartisan support for one of the crowning achievements of the Reagan Presidency—the INF Treaty. At the same time—and I believe the distinguished majority leader will support me on this point—the Senate can, and will, strengthen the treaty through additions that will not require renegotiations with the Soviets.

UNFINISHED BUSINESS

Of course, there is plenty of other major business awaiting our attention.

I know that the majority leader has the primary responsibility, but I will assure him now, as I have in the past, that we want to cooperate. Leadership requires cooperation on both sides. A leader is helpless without cooperation. We will do the best we can.

I know that there are a number of controversial issues. Hopefully, most we can agree on, get time agreements, get our work done, try to follow the new schedule that the majority leader has outlined, and make it work. It can work only if we have cooperation on both sides, Members on both sides.

TRADE

Our conferees will take another crack at producing the kind of trade bill we all want: tough and effective in opening up foreign markets, but not the kind that simply builds walls around America. The American farmer, too, will be watching closely to make certain we are doing all we can to make our agricultural abundance competitive overseas.

CONTRAS

The first major decision of this session will be on aid to the democratic resistance in Nicaragua—the so-called Contras. Without Contra aid, there would have been no "Arias plan." Without Contra aid, Ortega would never have signed the Arias plan. And without continued Contra aid, the Arias plan will never work.

It is that simple.

So we must come up with a formula that will signal our desire for peace; without undermining our commitment to freedom;

That will support the Arias plan; without letting Ortega and his cronies off the hook.

I have suggested either delaying the vote, or an escrow of lethal aid. I look forward to hearing the President's recommendation this evening. And I fully expect he will offer a sound and flexible plan, which will put America where it should be—on the side of peace and freedom.

I have not been consulted by anyone in the White House about its Contra package. I am not quite certain what they may propose.

There are a couple of things you can do: You can delay it, but you will have to pass a resolution to do that. But the White House is looking for some creative packaging in an effort to win enough votes. It is going to be very difficult. You could delay the vote or have some kind of escrow account for it, or perhaps follow a plan suggested by the distinguished former Governor of Virginia, Governor Robb.

HEALTH CARE

Catastrophic protection continues to be a top priority. After talking about a solution to this ever-increasing threat to our elderly and their families, we are closer than ever to reaching a cost-effective, sensible final product. Again, we will continue to work with the conferees to get the best deal for the taxpayers.

AIDS

Still "public health enemy No. 1."

I am committed to spending whatever it takes to battle this nightmare, although the bottom line is making certain our scarce budget resources are being put to the best possible use.

We have had a lot of bipartisan cooperation with Conservatives and Liberals, Republicans and Democrats, but there are still three issues we have not yet resolved: testing, confidentiality, and antidiscrimination. These are areas in which we need all the help we can obtain from the experts. Hopefully, we will not become bogged down in partisanship or political wrangling over AIDS, because it is something we need to address.

RURAL AMERICA

With the landmark 1985 farm bill, and last year's important farm credit legislation, we have helped rural America slowly pull itself out of a deep hole. But there is still a long way to go. We must continue to search for innovative new ways to revitalize rural America: in technology, in transportation, in education, and in the marketplace both at home and abroad.

ENVIRONMENT

We must continue the fight for cleaner air. And also for some sensible solutions to the nuclear power question. Today, I will be introducing legislation that will help resolve some of the controversies plaguing nuclear powerplants and their evacuation plans.

OBLIGATION

Mr. President, these are just some of the challenges facing the remaining days of the 100th Congress. I will continue to work closely with the distinguished majority leader to make this place work. Oh yes, we will have differences—and the usual spirited debate on the issues—but, together, we have demonstrated that we can—and will—get the job done. The Senator from Kansas would like to compliment the distinguished majority leader for his cooperation and leadership last year. There will be more of the same between us this year.

The distinguished majority leader did an outstanding job last year. I did not agree with him on everything he did, but he did a good job. We worked and worked until we finally got it done.

I congratulate my colleagues on this side who, I believe, in most cases were able to either cooperate with the majority leader or indicate, as we should, right up front, that we could not, in order not to keep people guessing. If we have a strong difference of opinion, I will try to convey that to the majority leader. If we can get a time agreement, that will expedite the business.

We have an obligation that we take very seriously; an obligation to work for all the people: not Democrats, or Republicans. But for the American people. It is their business—their futures—that we have in our hands.

So let's get to work.

Mr. BYRD. Mr. President, I thank the Republican leader for his statement. I thank him for his assurance of cooperation. I thank him for the cooperation that was given last year. There were a few occasions—but they were indeed few—in which we did not have the cooperation of the minority; and we have to expect that from time to time, regardless of which party is in the minority. For the most part, I did not have to grumble very much about the minority.

The Republican leader saw to it that we had the appropriations bills cleared for action. We passed 10 of those appropriations bills in the Senate last year, and we would have sent them separately to the White House. But there were reasons—and they will be explained from time to time—as to why all the bills ended up in the one, big continuing resolution.

I do not like that approach. I urged that we not follow that approach. As a matter of fact, the House Democratic leadership and the Senate Democratic leadership were agreed that we would send some separate bills down to the White House. But we were so late in getting the reconciliation measure passed, with the November 20 deadline facing us, that we could not break those bills out and send them down without jeopardizing them via a possible veto, so we had to pass the sequester situation which was threatening.

It is my hope that this year we can avoid these problems and send down those bills separately.

Also, the distinguished Republican leader, Mr. Dole, and the Republicans on this side who helped to manage the bills were very cooperative in working out the amendments, moving the amendments along on reconciliation measures on the continuing resolution, and it was demonstrated how with the cooperation from the minority the Senate was able to expedite action on these measures and move them along and I think overall give to people a good account of our stewardship here last year.

I welcome that offer of cooperation again. Without it, as the Republican leader has said, the Senate would be able to do little but would stand stalled and pathetically impotent before the world.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, there are two or three housekeeping matters.

Mr. DOLE. They have been cleared.

NOTIFICATION TO THE HOUSE

Mr. BYRD. Mr. President, with the clearance of the Republican leader, I send to the desk a resolution and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 354) informing the House of Representatives that a quorum of the Senate is assembled.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 354) was agreed to, as follows:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT

Mr. BYRD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 355) informing the President of the United States that a quorum of each House is assembled.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 355) was agreed to, as follows:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

APPOINTMENT OF MEMBERS TO COMMITTEE ON NOTIFICATION TO THE PRESIDENT

The PRESIDING OFFICER. Pursuant to the resolution, the majority and minority leaders are appointed members of the committee.

PRINTING OF COMMITTEE RULES

Mr. DOLE. Mr. President, I ask unanimous consent that paragraph 2 of rule XXVI, requiring the printing of committee rules in the Congressional Record by March 1 of this year, be suspended for those committees who have made no changes in their rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOR PRIVILEGES

Mr. DOLE. Mr. President, I ask unanimous consent that for the second session of the 100th Congress, Senators be allowed to leave at the desk with the journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant at Arms be instructed to rotate staff members as space allows.

The PRESIDING OFFICER. Without objection , it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the treaty between the United States and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles (Treaty Document No. 100-11), transmitted to the Senate today by the President of the United States.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the Record.

The PRESIDING OFFICER., Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I am transmitting herewith, for the advice and consent of the Senate to ratification, the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (the Treaty). The Treaty includes the following documents, which are integral parts thereof: the Memorandum of Understanding (the MOU) regarding the establishment of a data base, the Protocol on Elimination governing the elimination of missile systems, and the Protocol on Inspection regarding the conduct of inspections, with an

Annex to that Protocol on the privileges and immunities to be accorded inspectors and aircrew members. The Treaty, together with the MOU and the two Protocols, was signed at Washington on December 8, 1987. The Report of the Department of State on the Treaty is provided for the information of the Senate.

In addition, I am transmitting herewith, for the information of the Senate, the Agreement Among the United States of America and the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands, and the United Kingdom of Great Britain and Northern Ireland Regarding Inspections Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (the Basing Country Agreement), which was signed at Brussels on December 11, 1987. The Basing Country Agreement confirms that the inspections called for in the Treaty will be permitted by the five Allied Basing Countries. The Report of the Department of State discusses in detail the terms of the Basing Country Agreement. Also attached for the information of the Senate are the notes exchanged between both the German Democratic Republic and Czechoslovakia and the United States.

The notes acknowledge that these countries agree to the United States' conducting inspections, under the Treaty, on their territory. Identical notes also are being exchanged between the Soviet Union and the five Allied Basing Countries.

The Treaty is an unprecedented arms control agreement in several respects. It marks the first time that the United States and the Soviet Union have agreed to eliminate, throughout the world, an entire class of their missile systems. Significantly, the eliminations will be achieved from markedly asymmetrical starting points that favored the Soviet Union. The Treaty includes provisions for comprehensive on-site inspections, including the continuous monitoring of certain facilities, to aid in verifying compliance. To a much greater extent than in earlier arms control agreements between the United States and the Soviet Union, detailed information has been, and will continue to be, exchanged by the Parties in order to facilitate verification of compliance. Finally, the United States and the Soviet Union have agreed on cooperative measures to enhance verification by national technical means.

The missile systems to be eliminated consist of all U.S. and Soviet ground-launched ballistic missiles and ground-launched cruise missiles having a range capability between 500 and 5500 kilometers. The launchers for such missiles and unique elements of their related support structures and support equipment also will be eliminated. The shorter-range missiles to be eliminated under this Treaty are those with a range capability between 500 and 1000 kilometers. They must be eliminated within 18 months after the entry into force of the Treaty. Intermediate-range missiles, having a range capability between 1000 and 5500 kilometers, are to be eliminated in two phases within three years after entry into force of the Treaty. Elimination will take place at designated locations and will be subject to on-site inspection as an aid to verifying compliance.

In the MOU, the United States and the Soviet Union have provided detailed information on the location of all missiles, launchers, and related support structures and support equipment subject to the Treaty. Each Party is required to provide updated data on a routine basis after the Treaty enters into force.

The Treaty provides that on-site inspections are permitted at specified locations in the United States and the Soviet Union as well as in the Basing Countries in Western and Eastern Europe where U.S. or Soviet missiles, launchers, and related support structures and support equipment subject to the Treaty are or have been located. The different types of "short-notice" on-site inspections for which the Treaty provides are designed to contribute to our ability to verify Soviet compliance, while protecting all U.S. and Allied nuclear and conventional forces not subject to the Treaty as well as other sensitive intelligence and defense facilities.

In addition to "short-notice" on-site inspections, the Treaty provides for other types of on-site inspections, including the continuous presence of U.S. inspectors at the Soviet facility at Votkinsk, at which SS-25 and SS-20 missiles have been assembled, and a continuous Soviet presence at the identified facility at Hercules Plant #1, located at Magna, Utah, at which stages of Pershing II missiles formerly were produced.

The Treaty is the culmination of six years of negotiations with the Soviet Union. To a large extent, the Treaty is the result of Allied solidarity in support of the fundamental objectives established by NATO's "dual-track" decision in 1979. Our Atlantic and our Asian and Pacific Allies have been closely involved throughout the period of negotiation, and they fully support the Treaty. The Treaty enhances our collective security by eliminating an entire class of Soviet missile systems that has been a major concern for over a decade. Our European Allies will continue to be well protected by the significant U.S. nuclear forces remaining in Europe, by the independent British and French nuclear deterrents, and by conventional forces, which include over 300,000 U.S. troops.

I believe that the Treaty is in the best interests of the United States and represents an important step in achieving arms reductions that strengthen U.S. and Allied security. Therefore, I urge the Senate's advice and consent to its ratification.

RONALD REAGAN.

THE WHITE HOUSE, *January 25, 1988.*

IN RECOGNITION OF THE ACHIEVEMENTS OF WALTER GERKEN

Mr. CRANSTON. Mr. President, in November of last year, the family, friends, and colleagues of my good friend, Walter Gerken, gathered in Los Angeles to honor the accomplishments and the commitment of this fine man. The occasion was the presentation of the Raymond E. Baldwin Medal, the highest honor awarded by the Wesleyan University alumni body "for extraordinary service to the university and to the public interest." Walter, a member of Wesleyan's class of 1948, was the 12th recipient of the award, which is named for the only person to hold Connecticut's three highest offices—Governor, U.S. Senator and chief justice of the State supreme court.

A brief summary of the many organizations that Walter has contributed his considerable talents to more than demonstrates why his alma mater chose to honor him. Over the last three decades he has served nearly 30 corporations, foundations and colleges as director, trustee or Governor. These include the Times Mirror Co., Carter Hawley Hale Stores, Inc., Southern California Edison Co., and the Whittaker Corp.; the Beckman Laser Institute and Medical Clinic, the California Nature Conservancy and the Orange County Performing Arts Center; and the University of California at Irvine, Occidental College and Wesleyan University.

In addition, Walter has chaired the California Business Roundtable, the board of Occidental College, the United Way of Los Angeles County, the University of California at Irvine Foundation and that university's board of overseers. In the current academic year, he is also serving as regent's professor at Irvine. In that capacity, he takes part in seminars, lectures, and conferences within the Graduate School of Management.

Remarkably, Walter has managed to do all this in his spare time. Professionally, he's been every bit as busy and productive. In 1967, he joined the Pacific Mutual Life Insurance Co., as a financial vice president. Today, he is chairman of the executive committee of the board of that company. Walter's commitment to his industry

matches his commitment to his community: he served as chairman of the American Council of Life Insurance in 1981.

Mr. President, Walter Gerkin more than deserves the recognition he received last November. His concern for and his dedication to his family, his friends, his community, and his industry make him deserving of our thanks and admiration as well. I'm very proud to call Walter Gerkin my friend, and I'm very pleased to say so here today.

SENATOR DOLE'S STATEMENT IN SUPPORT OF INF TREATY

Mr. LUGAR. Mr. President, today the distinguished minority leader, Senator ROBERT DOLE, made an eloquent statement in support of the INF Treaty before the Committee on Foreign Relations. I believe the statement is an important articulation of the reasons for supporting the President's INF Treaty. I share those same views and ask that Senator DOLE's statement be printed in full so that all Members can benefit from his views on this all important debate on the INF Treaty.

The remarks are as follows:

REMARKS OF SENATOR BOB DOLE BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

Mr. Chairman, Senator Helms, members of the committee, and Secretary Shultz: I welcome this opportunity to state my strong conviction that the INF Treaty is in America's national security interest; and the Senate should give "advice and consent" to its ratification. As leader of the Republican Party in the Senate, I have pledged to President Reagan that I will work closely with him to achieve that important goal.

200 years ago, the framers of the Constitution decided that the Senate should have a central, unique role in the treaty-making process. Throughout two centuries, the Senate has taken its role very seriously; and made many, many important contributions to our Nation—by considering; by adding to; and, on a few occasions, by rejecting treaties before it.

Every one of the 100 Americans who are privileged to be Members of the Senate today intend to perform their roles in that same tradition.

Immediately upon completion of the negotiations leading to the signature of this treaty by the President, and General Secretary Gorbachev, I undertook my own intensive study of it.

Although strongly disposed to support my President whenever I can, I was determined to reach an independent judgment on the treaty's merits. The people from Kansas that I represent; and the Republicans that I lead in the Senate—expect, and indeed demand, no less from me.

So I took the opportunity to discuss the treaty with some of this Nation's most prominent leaders, including former Presidents Nixon and Ford. I met with Secretary of State Shultz and Secretary of Defense Carlucci, and with National Security Adviser Powell. I was briefed by Admiral Crowe, and the heads of several of our intelligence agencies; and by Max Kampelman, who heads our Geneva negotiating team. And I talked to many defense and arms control specialists outside the Government: for example, my fellow Kansan, General Bernard Rogers; Henry Kissinger; and Jeanne Kirkpatrick.

In light of the intense importance of the treaty to our NATO allies, and in the face of conflicting reports about the European view of INF, I also talked with Italian Prime Minister Goria, British Prime Minister Thatcher, and German Chancellor Kohl—each of whom confirmed strong support for the treaty.

In short, I did my homework. And because I did, I can say now with confidence: This is a good treaty—good for America; Good for NATO.

What makes it a good treaty?

It is the first agreement which will actually reduce—and not just limit the growth of—the nuclear stockpiles of the superpowers. It is the first agreement which will result in the elimination of two entire classes of nuclear weapons.

Just as important, it is an agreement which firmly establishes the principle that—in arms control—equal reductions do not always mean fair, or stabilizing, or acceptable reductions. In fact, when the Soviets have more, they must reduce more. Anything less will not produce an agreement that preserves the security interests of the United States and the alliance.

This concept—asymmetrical reductions to equal levels—is a principle that we must adhere to, as we move forward on conventional arms reductions in Europe.

Finally, INF is an agreement that can be verified. Because the treaty's double-global-zero levels ease the verification problem, the intelligence chiefs I consulted assured me that—with adequate resources—they can do the verification job.

So those are my basic conclusions—the basic reasons why I believe the Senate should give advice and consent to ratification of this treaty.

But let me add this: I not only believe the Senate should give its advice and consent to this treaty. I believe we can strengthen the security of the United States, and the President's hand in future negotiations—as we have done with many other treaties throughout our history. I believe we can make constructive additions to this treaty—in ways that will not require renegotiation with the Soviet Union.

On December 17th, when I met with the President to advise him of my decision to support the treaty, I also told him of concerns which I—and other Senators—have which the Senate would want to address. I suggested that the Senate very likely would seek to make additions to the treaty—additions which could take the form of reservations, understandings, declarations, or even domestic legislation. But additions which would be constructive, and aimed at strengthening our overall position—not at killing—the treaty. President Reagan assured me he was prepared to work cooperatively with the Senate, in just that vein.

So let me outline three areas which I have identified to date in which I believe the Senate can—and ought to—act.

First, treaty compliance. The simple fact is: The Soviet treaty-compliance record is dismal. I do not want to see the INF Treaty we ratify this year—turn up on the first compliance report the next President sends to the Congress.

The Soviets need to understand—up front—that there will be serious consequences for cheating on this treaty. I look forward to working with members of the committee to craft language which will address this important need.

At a minimum, the Senate should go on record, first, that the United States would view a violation as an extraordinary event—justifying our withdrawal from the treaty; and second, demanding, at the least, that we suspend our treaty obligations, or take some other proportionate response, in case of a Soviet treaty violation. That kind of declaration would send a strong political message to the Soviets that the Senate will back any American President who takes a tough stance in reaction to Soviet violations.

This committee will also be working with the Intelligence and Armed Services Committees, in addressing two other areas which I believe need to be addressed: verification, and theater forces in Europe. I would like to share with you, as I will later with those committees, my concerns on these matters.

On verification, I believe we may well need to beef up our own capability to insure effective verification under the regime established in the INF Treaty. Here I refer both to technical systems; and to steps which will insure the retention of the skilled, experienced professionals we need to do the job.

Effective verification will not come cheap; but ineffective verification would exact a cost far higher than this Nation can ever afford to pay—the cost of a less secure America.

On "theater forces," we should take full advantage of the opportunity the "INF Treaty" debate affords us to examine NATO's overall security posture. Eliminating INF systems from Europe requires that we focus our attention on those forces which will remain; and which will bear the burden of discouraging—deterring—"Warsaw Pact" attack.

We simply cannot allow our theater forces to be in a state which invites Soviet Attack, Soviet threats, or Soviet bluffs. Therefore, I believe the Senate must focus on three specific aspects of the theater forces issue.

First, we need to make clear that our "residual nuclear forces" in Europe—short-range nuclear weapons, including dual-purpose aircraft and artillery—will remain in Europe until the conventional arms imbalance is redressed.

Second, we should declare our readiness to undertake those "theater force modernization programs" which are necessary to insure the credibility of our deterrence. We should expect no less from our NATO allies.

And, finally, we should stress that a conventional arms reduction agreement—covering the area from the Atlantic to the Urals; and based on the INF principle of "asymmetrical reductions to equal and stabilizing levels"—is the highest arms control priority for the NATO alliance.

Mr. Chairman, last Tuesday at the University of Iowa, I spoke at greater length about some of these same subjects. In the hope that my comments might be of interest to the committee, I would like to put the text of that speech in the record.

Mr. Chairman, the INF Treaty is a "milestone achievement." But it is only the first step on a long and uncertain road.

I think there is probably unanimous agreement in this committee; in the Senate; and in this country—about where we would like that road to take us: Toward greater security for America; toward greater peace for the world.

But getting there is not going to be easy.

We have learned some lessons from the INF experience; lessons about dealing from strength; about preserving the deterrence which has kept us free, and at peace. Les-

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sons about standing together, as an alliance and as a country; and about sticking to our principles, when we are right. The fact is that—in the face of persistent criticism—President Reagan's steadfast pursuit of a good agreement—and nothing less—is what made the "INF Treaty" reality.

I hope the Senate will take cognizance of those lessons, and let them point the way for our own deliberations.

More important, I hope the country will consider these lessons, too. And that they will shape our own strategies and policies as we conduct our relations with the Soviets; as we seek to strengthen our alliances; and as we look at further arms reduction agreements, to make our country, and our freedom, more secure.

BICENTENNIAL MINUTE

JANUARY 22, (1917): WILSON'S "PEACE WITHOUT VICTORY" SPEECH

Mr. DOLE. Mr. President, Senators have made many memorable speeches in this Chamber but 71 years ago this week a President of the United States delivered an important address, from the rostrum before us. At 1 p.m. on January 22, 1917, President Woodrow Wilson was escorted into the Chamber by a committee of Senators, and took a seat to the right of Vice President Thomas R. Marshall, the presiding officer.

At that time the First World War was raging in Europe, with England, France, and Russia combatting Germany and Austria. The United States had maintained its neutrality—Wilson had just won reelection under the slogan: "He Kept Us Out Of War"—but German infringements upon United States neutrality rights were increasingly pressuring the Nation into war. On this day, however, President Wilson addressed the Senate, "as the council associated with me in the final determination of our international obligations," to outline his vision for permanent peace in the future.

Wilson took the bold step of calling for a "peace without victory." This was difficult to propose in wartime, but he argued that "victory would mean peace forced upon the loser * * *. It would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, resentment, a bitter memory upon which terms of peace would rest, not permanently, but only as upon quicksand. Only a peace between equals can last." The warring powers, of course, ignored and ridiculed Wilson's proposals, and even the United States forgot them as soon as this Nation entered the war in April 1917. When World War I ended, not by "peace without victory," but with the total defeat of Germany, the resulting peace was built upon the quicksand that Wilson had predicted, leading to a Second World War just 20 years later.

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on December 23, 1987, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 1162. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order;

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture;

H.R. 1454. An act to permit private contributions for construction of the Korean War Veterans Memorial to be invested temporarily in Government securities until such contributed amounts are required for disbursement for the memorial;

H.R. 2401. An act to extend the authorization of the Renewable Resources Extension Act of 1978, and for other purposes;

H.R. 3435. An act to provide that certain charitable donations, and payments for blood contributed, shall be excluded from income for purposes of the Food Stamp Program; and

H.R. 3674. An act to provide congressional approval of the Governing International Fisheries Agreement between the United States and Japan; to implement the provisions of Annex V to the International Convention for the Prevention of Pollution from Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets, and for other purposes.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bills were signed on December 29, 1987, during the sine die adjournment of the Senate, by the Acting President pro tempore [Mr. BYRD].

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on December 30, 1987, during the sine die adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker had signed the following enrolled bills and joint resolution:

S. 1389. An Act to amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments;

H.R. 145. An act to provide for a computer standards program within the National Bureau of Standards, to provide for Governmentwide computer security, and to provide for the training of the security matters of persons who are involved in the management, operation, and use of Federal computer systems, and for other purposes;

H.R. 278. An act to amend the Alaska Natives Claims Settlement Act to provide Alaskan Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the act, and for other purposes;

H.R. 2598. An act to limit the ability of foreign-built and foreign-rebuilt vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes;

H.R. 3030. An act to provide credit assistance to farmers, to strengthen the Farm Credit System, to facilitate the establishment of secondary markets for agricultural loans, and for other purposes;

H.R. 3395. An act making technical corrections to the Federal Employees' Retirement System, and for other purposes;

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes; and

H.J. Res. 436. Joint resolution providing for the convening of the second session of the One Hundredth Congress.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bills and joint resolution, except H.R. 278, were signed on December 30, 1987, during the sine die ajournment of the Senate, by the Acting President pro tempore [Mr. BYRD].

Under the authority of the order of the Senate of February 3, 1987, the bill H.R. 278 was signed on January 21, 1988, during the sine die adjournment of the Senate by the Act of President pro tempore [Mr. BYRD].

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on December 30, 1987, he had presented to the President of the United States the following enrolled bill:

S. 1389. An act to amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.

MESSAGES FROM THE HOUSE

At 2:27 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 236. A concurrent resolution providing for a joint session of Congress to receive the President's Message on the State of the Union.

The message also announced that the House has agreed to the following resolutions:

H. Res. 346. A resolution authorizing the appointment of a committee on the part of the House to notify the President that a quorum of each House is assembled.

H. Res. 347. A resolution directing the Clerk of the House to inform the Senate that a quorum of the House is assembled; and

H. Res. 349. A resolution relative to the death of the Honorable Dan Daniel, late a representative from the Commonwealth of Virginia.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2323. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the second annual report on trade policies and market opportunities for U.S. Farm exports for 1987; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2324. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a rpeort on the conversion of the aircraft maintenance function at Columbus Air Force Base, Mississippi, to performance by contract; to the Committee on Armed Services.

EC-2325. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of the equipment maintenance function at Sheppard Air Force Base, Texas, to performance by contract; to the Committee on Armed Services.

EC-2326. A communication from the Secretary of Defense, transmitting, pursuant to law, certification of certain requirements that must be met for the obligation of funds for the Naval Advanced Tactical Aircraft Program and the Air Force Advanced Tactical Fighter Program; to the Committee on Armed Services.

EC-2327. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the annual report of the Corporation for 1986; to the Committee on Banking, Housing, and Urban Affairs.

EC-2328. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, the annual report of the Export Administration for fiscal year 1986; to the Committee on Banking, Housing, and Urban Affairs.

EC-2329. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "U.S. Government Securities—An Examination of Views Expressed About Access to Brokers' Services"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2330. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "Semiannual Report to Congress on the Effectiveness of the Civil Aviation Security Program"; to the Committee on Commerce, Science, and Transportation.

EC-2331. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on Motor Vehicle Theft; to the Committee on Commerce, Science, and Transportation.

EC-2332. A communication from the Chairman and Members of the Interagency Committee on Cigarette and Little Cigar Safety, transmitting, pursuant to law, the policy recommendations of the Committee; to the Committee on Commerce, Science, and Transportation.

EC-2333. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, copies of the concluded agreements referred to in the legislation approving the Compact of Free Association for Palau; to the Committee on Energy and Natural Resources.

EC-2334. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the viability of the domestic uranium mining and milling industry; to the Committee on Energy and Natural Resources.

EC-2335. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on review and comments on the official national development plan required of Palau; to the Committee on Energy and Natural Resources.

EC-2336. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of lease revenues; to the Committee on Energy and Natural Resources.

EC-2337. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of lease revenues; to the Committee on Energy and Natural Resources.

EC-2338. A communication from the Director of the Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a report on activities involved with Federal Lands Cleanup Day 1987; to the Committee on Energy and Natural Resources.

EC-2339. A communication from the Secretary of Energy, transmitting, pursuant to law, a comprehensive report on a project negotiated under the Clean Coal Demonstration Program; to the Committee on Energy and Natural Resources.

EC-2340. A communication from the Secretary of the Interior and the Secretary of Commerce, transmitting jointly, pursuant to law, a report on activities of their departments with respect to the Emergency Stripped Bass Research Study; to the Committee on Environment and Public Works.

EC-2341. A communication from the Administrator of NASA, transmitting, pursuant to law, a biennial report on the state of our knowledge of the Earths upper atmosphere, particulary the stratosphere; to the Committee on Environment and Public Works.

EC-2342. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on "Management of Wastes from the Exploration, Development, and Production of Crude Oil, Natural Gas, and Geothermal Energy;" to the Committee on Environment and Public Works.

EC-2343. A communication from the Chairman, Inland Waterways Users Board, transmitting, pursuant to law, a report entitled "First Annual Report to the Secretary of the Army and the United States Congress;" to the Committee on Environment and Public Works.

EC-2344. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Studies of Urban-Rural and Related Geographical Adjustment in the Medicare Prospective Payment System;" to the Committee on Finance.

EC-2345. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the Generalized System of Preferences (GSP) and Chile; to the Committee on Finance.

EC-2346. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the National End-Stage Renal Disease Patient Registry Required by Public Law 99-509; to the Committee on Finance.

EC-2347. A communication from the President of the United States, transmitting, pursuant to law, a report on the Centralized System of Preferences (GSP); to the Committee on Finance.

EC-2348. A communication from the Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on the status and operation of the State and Local Government Fiscal Assistance Trust Fund for the fiscal year 1987; to the Committee on Finance.

EC-2349. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report on Medicare for the fiscal year 1984; to the Committee on Finance.

EC-2350. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the Use of Tax Deductions for Donations of Conservation Easements;" to the Committee on Finance.

EC-2351. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements other than treaties, entered into by the United States; to the Committee on Foreign Relations.

EC-2352. A communication from the Executive Director, Navajo and Hopi Indian Relocation Commission, transmitting, pursuant to law, a report on a review of their accounting systems in use during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2353. A communication from the Deputy Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report on the evaluation of the systems of internal administrative control in effect during the fiscal year ending September 30, 1987 for the agencies of the Executive Office of the President; to the Committee on Governmental Affairs.

EC-2354. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report entitled "National Endowment for the Arts Workbook for Evaluation, Improvement and reporting of Internal Control Systems;" to the Committee on Governmental Affairs.

EC-2355. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, a report on an evaluation of the system of internal accounting and administrative control of the Federal Emergency Management Agency (FEMA); to the Committee on Governmental Affairs.

EC-2356. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the 1987 reviews of the Education Department's financial management; to the Committee on Governmental Affairs.

EC-2357. A communication from the Chairman, Federal Labor Relations Authority, transmitting, pursuant to law, a report on the evaluation of the system of internal controls of the Federal Labor Relations Authority (FLRA) for Fiscal Year 1987; to the Committee on Governmental Affairs.

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EC-2358. A communication from the Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report on an evaluation of the system of internal controls of the Equal Employment Opportunity Commission for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2359. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a proposed Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2360. A communication from the Chairman, Committee for Purchase From the Blind and Other Severly Handicapped, transmitting, pursuant to law, a report on an evaluation by the Committee on its system of internal controls; to the Committee on Governmental Affairs.

EC-2361. A communication from the Vice President and Treasurer, Overseas Private Investment Corporation, transmitting, pursuant to law, a report on the internal accounting and administrative controls of the Corporation, as of December 31, 1987; to the Committee on Governmental Affairs.

EC-2362. A communication from the Special Counsel, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report on an evaluation of the internal accounting and administrative control of the Board in effect during the year ended September 30, 1987; to the Committee on Governmental Affairs.

EC-2363. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on an evaluation of the Department's internal control system in effect during the year ended September 30, 1987; to the Committee on Governmental Affairs.

EC-2364. A communication from the Chairman, U.S. Consumer Product Safety Commission, transmitting, pursuant to law, a report on an evaluation of the Commission's internal accounting and administrative control in effect during the fiscal year ending September 30, 1987; to the Committee on Governmental Affairs.

EC-2365. A communication from the Acting Secretary of State, transmitting, pursuant to law, a report on a review of the Department's management control system; to the Committee on Governmental Affairs.

EC-2366. A communication from the Administrator, U.S. Small Business Administration, transmitting, pursuant to law, a report on an evaluation of the Administration's systems of internal accounting and administrative control in effect during the year ended September 30, 1987; to the Committee on Governmental Affairs.

EC-2367. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative control in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2368. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2369. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2370. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2371. A communication from the Chairman and Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2372. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2373. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2374. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2375. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2376. A communication from the Associate Director for Management, United States Information Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2377. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Program Fraud Civil Remedies Act; to the Committee on Governmental Affairs.

EC-2378. A communication from the Secretary to the Commission of Fine Arts, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2379. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2380. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal Workforce—Low Activity in Awards Program for Cost Savings Disclosures"; to the Committee on Governmental Affairs.

EC-2381. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2382. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Biannual Audits of the Advisory Neighborhood Commissions—Wards 1, 2, 4, and 5 for the period October 1, 1985 through September 30, 1986"; to the Committee on Governmental Affairs.

EC-2383. A communication from the Deputy Secretary of Commerce, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2384. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-116 adopted by the Council on November 24, 1987; to the Committee on Governmental Affairs.

EC-2385. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-117 adopted by the Council on November 24, 1987; to the Committee on Governmental Affairs.

EC-2386. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-118 adopted by the Council on November 24, 1987; to the Committee on Governmental Affairs.

EC-2387. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-119 adopted by the Council on November 24, 1987; to the Committee on Governmental Affairs.

EC-2388. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-120 adopted by the Council on November 24, 1987; to the Committee on Governmental Affairs.

EC-2389. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-122 adopted by the Council on November 24, 1987; to the Committee on Governmental Affairs.

EC-2390. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the semiannual report of the Inspector General, Agency for International Development, for the period April 1 through September 30, 1987; to the Committee on Governmental Affairs.

EC-2391. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Integrity Act—Continuing Efforts Needed to Improve Internal Control And Accounting Systems"; to the Committee on Governmental Affairs.

EC-2392. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative control in effect for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2393. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2394. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Concerns Relating to the Boxing and Wrestling Commission, December 11, 1987"; to the Committee on Governmental Affairs.

EC-2395. A communication from the Acting Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2396. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2397. A communication from the Commissioner of the Immigration and Naturalization Service, transmitting, pursuant to law, copies of an order adjusting the status of a certain alien pursuant to section 13(c) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2398. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the International Research and Studies Program; to the Committee on Labor and Human Resources.

EC-2399. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report on the Employment of Minorities, Women, and Individuals With Handicapped in the Federal Government for fiscal year 1986; to the Committee on Labor and Human Resources.

EC-2400. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for fiscal year 1987; to the Committee on Small Business.

EC-2401. A communication from the Administrator of Veterans Affairs, transmitting, pursuant to law, a report on the extent to which activities at VA health-care facilities have been performed by contractors; to the Committee on Veterans' Affairs.

EC-2402. A communication from the Administrator of Veterans Affairs, transmitting, pursuant to law, the July 1987 Biennial Report of the Advisory Committee on Former Prisoners of War; to the Committee on Veterans' Affairs.

EC-2403. A communication from the Acting Under Secretary of Agriculture (International Affairs and Commodity Programs), transmitting, pursuant to law, the second quarterly commodity and country allocation table showing current programming plans for food assistance under Public Law 480 for fiscal year 1988; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2404. A communication from the Director of the Office of Management and Budget, Executive Officer of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated January 1, 1988; pursuant to the order of January 30, 1975, as amended by the order of April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-2405. A communication from the Acting Director of the Selective Service System, transmitting, pursuant to law, the semiannual report on the Selective Service System for the period April 1 through September 30, 1987; to the Committee on Armed Services.

EC-2406. A communication from the Secretary of Defense, transmitting, pursuant to law, certification that the design selected for the Navy Advanced Tactical Aircraft will accommodate essential Air Force peculia requirements for such aircraft; to the Committee on Armed Services.

EC-2407. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the interim annual report on the Neighborhood Development Demonstration Program for 1987; to the Committee on Banking, Housing, and Urban Affairs.

EC-2408. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency with respect to Libya; to the Committee on Banking, Housing, and Urban Affairs.

EC-2409. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Urban Mass Transportation Administration quarterly report for the fourth quarter of fiscal year 1987; to the Committee on Banking, Housing, and Urban Affairs.

EC-2410. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of the extension of the time period for acting upon the appeal in South-West Railroad Car Parts v. Missouri Pacific Railroad Company; to the Committee on Commerce, Science, and Transportation.

EC-2411. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a copy of the Board's letter to the Office of Management and Budget appealing the fiscal year 1989 allowance for the Board; to the Committee on Commerce, Science, and Transportation.

EC-2412. A communication from the Assistant Secretary of Energy (Conservation and Renewable Energy), transmitting, pursuant to law, notice of a delay in the submission of comprehensive program management plans for the Wind and Ocean Energy Programs; to the Committee on Energy and Natural Resources.

EC-2413. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the current report in the series "Progress in the Prevention and Control of Air Pollution in 1986"; to the Committee on Environment and Public Works.

EC-2414. A communication from the Acting Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the Department's fifth annual report for the deployment of Federal Interim Storage, entitled "Implementation Plan for Deployment of Federal Interim Storage Facilities For Commercial Spent Nuclear Fuel"; to the Committee on Environment and Public Works.

EC-2415. A communication from the secretary of the Treasury, transmitting, pursuant to law, the United States Government Annual Report for the Fiscal Year Ended September 30, 1987; to the Committee on Finance.

EC-2416. A communication from the Acting Director of the United States Information Agency, transmitting, pursuant to law, a report stating that action has been taken by the United States Government in response to an official report from the Republic of El Salvador for emergency import restrictions under the Convention on Cultural Property Implementation Act"; to the Committee on Finance.

EC-2417. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the Fiscal Year 1987 Annual Reprt on the operation of the Special Defense Acquisition Fund; to the Committee on Foreign Relations.

EC-2418. A communication from the Commissioner, United States Section, International Joint Commission, transmitting, pursuant to law, the 1986 Activities Report of the International Joint Commission; to the Committee on Foreign Relations.

EC-2419. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to January 7, 1988; to the Committee on Foreign Relations.

EC-2420. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to enhance the procurement test authority of the Administrator for Federal Procurement Policy; to the Committee on Governmental Affairs.

EC-2421. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2422. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a proposed plan for contributions to the Thrift Savings Fund; to the Committee on Governmental Affairs.

EC-2423. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative control in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2424. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2425. A communication from the Assistant Secretary of Energy (Management and Administration), transmitting, pursuant to law, a report on proposed revisions to two Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2426. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report on the Foreign Service Retirement and Disability System for fiscal year 1986; to the Committee on Governmental Affairs.

EC-2427. A communication from the Records Officer of the United States Postal Service, transmitting, pursuant to law, notice of a computer matching program; to the Committee on Governmental Affairs.

EC-2428. A communication from the Chairman of the Board of Governors of the United States Postal Service, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-2429. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2430. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2431. A communication from the Acting Attorney General of the United States transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2432. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2433. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2434. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on a proposed Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2435. A communication from the Secretary of the Mississippi River Commission, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-2436. A communication from the Special Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, a report setting forth the findings and conclusion of the Secretary's review of an allegation that disability retirement regulations were violated by an employee of the Bureau of Reclamation who was working while using the balance of his sick leave; to the Committee on Governmental Affairs.

EC-2437. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2438. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "review of Annual Reports of District Agencies"; to the Committee on Governmental Affairs.

EC-2439. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2440. A communication from the Managing Director of the Interstate Commerce Commission, transmitting, pursuant to law, a report on its competition advocacy program; to the Committee on Governmental Affairs.

EC-2441. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2442. A communication from the Chairman of the National Mediation Board, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2443. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office in December 1987; to the Committee on Governmental Affairs.

EC-2444. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2445. A communication from the Chairman of the Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during calendar year 1987; to the Committee on Governmental Affairs.

EC-2446. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2447. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the recent awarding of the Young American Medals for Bravery and Services for calendar years 1985 and 1986; to the Committee on the Judiciary.

EC-2448. A communication from the Clerk of the United States Claims Court, transmitting, pursuant to law, the annual report of the Court for fiscal year 1987; to the Committee on the Judiciary.

EC-2449. A communication from the Register of Copyrights, Library of Congress, transmitting, pursuant to law, the Second Five-Year Report on Library Photocopying of Copyrighted Works; to the Committee on the Judiciary.

EC-2450. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1986 Annual Report on the National Health Service Corps and NHSC Scholarship Program; to the Committee on Labor and Human Resources.

EC-2451. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the first report of the Council on Alzheimer's Disease; to the Committee on Labor and Human Resources.

EC-2452. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for NIDR—Rehabilitation Engineering Centers; to the Committee on Labor and Human Resources.

EC-2453. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities—Secondary Education and Transitional Services for Handicapped Youth Program; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-372. A resolution adopted by the Cameron County, Texas Industrial Commission favoring the consideration of Cameron County in the relocation of military bases from the Panama Canal Area; to the Committee on Armed Services.

POM-373. A resolution adopted by the Naval Reserve Association supporting a requested increase in full-time support personnel for the Naval Reserve; to the Committee on Armed Services.

POM-374. A resolution adopted by the Naval Reserve Association supporting a program to test and prove out SPUR implementation in Readiness Command Region TEN before full scale implementation; to the Committee on Armed Services.

POM-375. A resolution adopted by the Naval Reserve Association commending the Armed Services YMCA for its services to young Americans in uniform; to the Committee on Armed Services.

POM-376. A resolution adopted by the Naval Reserve Association relating to officer cuts in each of the military services; to the Committee on Armed Services.

POM-377. A resolution adopted by the Naval Reserve Association relating to a standby system to provide health care personnel; to the Committee on Armed Services.

POM-378. A resolution adopted by the Naval Reserve Association relating to outpatient fees for care provided by uniformed services medical facilities; to the Committee on Armed Services.

POM-379. A resolution adopted by the Naval Reserve Association relating to support for combat medical readiness and resources; to the Committee on Armed Services.

POM-380. A resolution adopted by the Naval Reserve Association relating to reserve use of the commissary; to the Committee on Armed Services.

POM-381. A resolution adopted by the Naval Reserve Association relating to the new GI bill; to the Committee on Armed Services.

POM-382. A resolution adopted by the Naval Reserve Association in support of the COOP program; to the Committee on Armed Services.

POM-383. A resolution adopted by the Naval Reserve Association relating to total coordination for sealift resources; to the Committee on Armed Services.

POM-384. A resolution adopted by the Naval Reserve Association relating to raising the 60-point annual retirement credit limitation; to the Committee on Armed Services.

POM-385. A resolution adopted by the Naval Reserve Association relating to promotion inequity of Naval Reserve officers; to the Committee on Armed Services.

POM-386. A joint resolution adopted by the Second Olbiil Era Kelulau; to the Committee on Energy and Natural Resources.

House Joint Resolution No. 2-0081-12, SD1

"Whereas, the Micronesian Claims Act of 1971 which was enacted by the United States Congress created the Micronesian Claims Commission; and

"Whereas, it was the duty of the Micronesian Claims Commission to receive, examine, adjudicate, and render final decision, in accordance with the laws of the Trust Territory and international law, with respect to (1) the claims of Micronesian inhabitants of the Trust Territory who suffered loss of life, physical injury and property damage directly resulting from the hostilities between the governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by the United States Armed Forces (Title I), and (2) those claims arising as postwar claims between the dates of the securing of the various islands of Micronesia by United States Armed Forces and July 1, 1951 (Title II); and

"Whereas, the governments of Japan and the United States entered into an agreement in 1969 to contribute exgratia the equivalent of 10 million dollars (US currency) to the Micronesian inhabitants to the Trust Territory to compensate them for their sufferings caused by World War II, each government contributing the equivalent of 5 million dollars (US currency) (Title I); and

"Whereas, the Micronesian Claims Commission issued awards under Title I in the amount of 34,349,509 dollars in US currency; and

"Whereas, since there were insufficient funds to pay the entire amount of the awards, each claimant was paid a pro rata share of the award; and

"Whereas, the remaining unpaid balance of the award made under Title I of the Micronesian Claims Act of 1971 is 24.3 million dollars; and

"Whereas, in 1977 the United States Congress authorized the appropriation of funds to pay the 50 percent of the unpaid awards owed by the United States if Japan would contribute its 50 percent share; and

"Whereas the congressional records of the United States Congress made it very clear that the United States Congress will appropriate and pay to Micronesian claimants the 24.3 million dollars, which represents the unpaid balance of the award made to Micronesian claimants under Title I, if the Secretary of Interior certifies to the United States Congress that the government of Japan had contributed to the Micronesian governments an equivalent of 12 million dollars in aid; and

"Whereas, the officials from both the Interior Department and the State Department had confirmed and informed the United States Congress that the Government of Japan had contributed more than 12 million U.S. Dollars in aid to the Micronesian governments since 1978; and

"Whereas, it is the will and the desire of the Palauan people to be paid their war claim awards in full before the termination of the Trusteeship Agreement; and

"Whereas, a good number of individuals due awards have died, and others are about to follow the same path, without ever receiving the total amount due to them for their suffering and property damages during World War II; now therefore

"*Be it resolved,* That the 100th United States Congress is hereby urged and requested, by the House of Delegates, Second Olbiil Era Kelulau, Sixteenth Special Session, December 1987, the Senate concurring, to appropriate and approve the 24.3 million dollars war claim awards for the Micronesian claimants; and

"*Be it further resolved,* That certified copies of this resolution be transmitted to the President of the United States, Presiding Officers of the Senate and of the House of Representatives of the 100th United States Congress, Secretary of the U.S. Department of Interior, President of the Federated States of Micronesia, President of the Republic of the Marshall Islands, Governor of the Commonweath of the Northern Marianas, the President of the Republic of Palau, the Speaker of the House of Delegates and the President of the Senate of the Second Olbiil Era Kelulau."

POM-387. A petition from a citizen of Santa Ana, California, expressing concern with the proposed conditions of participation for skilled nursing and intermediate care facilities; to the Committee on Finance.

POM-388. A resolution adopted by the Senate of the Commonweath of Pennsylvania; to the Committee on Finance:

"RESOLUTION

"Whereas, A fee on imported crude oil and refined petroleum products would directly increase the costs of production and manufacturing for Pennsylvania industries using petroleum products, including industries critical to Pennsylvania's economic growth and prosperity; and

"Whereas, The increased production costs resulting from such a fee would impair the ability of Pennsylvania industries to compete in international markets; and

"Whereas, Such a fee would directly increase the costs to other users of petroleum products, including those who are dependent on oil and oil products to heat their homes and those who use oil-generated electricity; and

"Whereas, The increased costs to industry and to homeowners from such a fee would not be uniformly distributed geographically or among economic sectors but would be borne disproportionately by those industries and regions of the nation most dependent on petroleum products; therefore be it

"*Resolved,* That it is the sense of the Senate that neither the President of the United States nor the Congress of the United States should impose fees, taxes, quotas or tariffs on imported crude oil and refined petroleum products; and be it further

"*Resolved,* That copies of this resolution be sent to the Pennsylvania delegation of the Congress of the United States.

POM-389. A joint resolution adopted by the Legislature of the Commonweath of Pennsylvania; to the Committee on Finance:

"RESOLUTION

"Whereas, due to economic downturns and double digit unemployment, Pennsylvania's unemployment compensation system was compelled to borrow a substantial amount from the Federal Unemployment Account in order to meet compensation payments; and

"Whereas, the system and Pennsylvania employers were unable to repay this debt by the originally established deadline and therefore became subject to a credit loss penalty which increases annually; and

"Whereas, this accumulated penalty has placed and will continue to place a burden on Pennsylvania employers, averaging $126 per employee in 1988; and

"Whereas, by 1989, this penalty will exceed the amount of the debt by more than $272 million; and

"Whereas, a coalition of Pennsylvania employers, unions and the General Assembly has made successful efforts to restore the fiscal integrity of the unemployment system and to repay interest-bearing and non-interest-bearing debts; and

"Whereas, this projected overpayment can be avoided if the Federal Unemployment Tax Act is amended to cap the automatic accrual of penalties and reduce the penalty in the last year of debt repayment; and

"Whereas, such amendments to the Federal Unemployment Tax Act are currently being considered in the United States Senate (through S 1254) and the United States House of Representatives (through HR 2801); therefore be it

"*Resolved (the House of Representatives concurring),* That the General Assembly memorialize the Congress of the United States to support and enact an amendment to section 3302 of the Federal Unemployment Tax Act to provide limitation on the credit loss penalty applicable to employers with outstanding loan balances, and to prevent overpayment of the debt; and be it further

"*Resolved,* That copies of this resolution be transmitted to the presiding officers of each House of Congress and to each member of Congress from Pennsylvania."

POM-390. A resolution adopted by the Naval Reserve Association relating to Federal income tax relief for reserve personnel; to the Committee on Finance.

POM-391. A petition from a citizen of Evansville, IN, favoring ratification of the nuclear arms limitation treaty recently concluded with the Soviet Union; to the Committee on Foreign Relations.

POM-392. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations.

"RESOLUTIONS MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO URGE THE SOVIET UNION TO ALLOW REFUSENIKS TO EMIGRATE

"Whereas, the Massachusetts House of Representatives urges the Government of the Soviet Union to allow the following refuseniks to emigrate: Valdimir and Izolda Tufeld, the Kuznetsch family, Zycheslav and Mila Livshets, Emmanuel Tvladze, Boris and Vladimir Dorodny, Semyon Gluzman, Vadim Teter, Alex Guinter, Natalia Blayveis-Safronova, Leonid Volvovsky, Igor Smirnoff, Marianna Protopopov, Yuli Kosharovsky, Eva Dragoon, Felix Fridiender, Alexander Paritsky, Alex Chernick, Valery Bykhovsky, Iosif Kaplenko, Michael Foingersh, Benjamin Charny, Boris Boim, Alexander Feldshtein, Gennady Khasin, Irina Urovitsky, Boris and Elena Kimelfeld, Yevgeny Lein, Emil Mendzheritsky, Lev Sheiba, Mark Ocheredyansky, Mikhail Mechnicov, Boald Zelichenock, Abe Stolyar, Lev Shapiro, Irina, Ada, and Alexander Garger, Ilya Vaitsblit, Josehph Latinsky, Edward and Nine Nadgornyi, Vladimir Doshevsky, Irina Alievskaya, Victor Fulmacht, Mark and Ada Lvovsky, Michael Kazanevich, Gersch Paikin, Alla Pilatovsky, Lev Furman, Yakov Rubinovich, Moisey Terlitsky, Yuri Zieman, Alexander Zhukovsky and Pokotillo family; therefore be it

"*Resolved,* That the Massachusetts House of Representatives hereby urges the Government of the Soviet Union to allow refuseniks to emigrate; and be it further

"*Resolved,* That copies of these resolutions be forwarded by the Clerk of the House of Representatives to Secretary Mikhail Gorbachev, the President of the United States, the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth."

POM-393. A resolution adopted by the County of Hawaii, Hawaii, recognizing the relocation and internment of Japanese Americans as a grave injustice and urging passage of legislation relative to this injustice; to the Committee on Governmental Affairs.

POM-394. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Labor and Human Resources.

"RESOLUTION

"Whereas, the retirement security of millions of American workers is being undermined by the growing practice among employers of terminating financially sound employee pension plans; and

"Whereas, workers often lose major pension benefits when such terminations occur which can wreck a worker's retirement security; and

"Whereas, the object of employers in these terminations is to drain the so-called "excess assets" from these pension plans so that they can use the funds for other corporate purposes benefitting themselves; and

"Whereas, since 1980, some 1,300 pension plans covering more than 1.6 million participants have been terminated so that companies could appropriate $16 billion of so-called "excess assets" from these plans; and

"Whereas, the funds being siphoned off by companies really belong to their workers, since a pension plan is not a conditional or discretionary gift by the employer but represents current wages withheld to pay a benefit on retirement; and

"Whereas, all responsible experts in the private pension field agree that action is needed to curb the abuses that are occurring with pension plan terminations and the reversion of excess assets; therefore be it

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania call upon the Congress of the United States to enact legislation that will recognize that pension fund assets are the deferred wages of workers and are held in trust for workers and retirees and that, therefore, employers have no right to appropriate such funds for other purposes; and be it further

"*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each Member of Congress from Pennsylvania.

POM-395. A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Labor and Human Resources:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR ADDITIONAL OSHA INSPECTORS

"Whereas, there has been an alarming increase in fatal disabling accidents in the workplace and on construction sites throughout the country; and

"Whereas, the rise in avoidable industrial accidents has been generally attributed to budgetary cutbacks to the Occupational Safety and Health Administration resulting in serious reductions in the agency's staff of investigators and inspectors which severely hampers the agency's ability to provide for all Americans a safe working environment; and

"Whereas, all citizens of this Nation ought to be able to engage in their daily labors secure in the knowledge that all precautions have been taken to guarantee their physical and mental integrity within the workplace; now therefore be it

"*Resolved*, That the Massachusetts Senate hereby respectfully urges the Congress of the United States to enact legislation enabling the Occupational Safety and Health Administration to increase its staff of inspectors and investigators in order to reduce the incidence of tragic and senseless industrial accidents in this Nation; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the Presiding Officer of each branch of the Congress and to each Member thereof from the commonwealth."

REPORTS OF COMMITTEES SUBMITTED DURING SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of December 22, 1987, the following reports of committees were submitted on January 22, 1988, during the sine die adjournment of the Senate:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 96. An original concurrent resolution to express the sense of the Congress on the proposed revision of the United States agreement for nuclear cooperation with Japan (with additional views).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

A. 1999. A bill to extend until January 1, 1989, the waiver granted by the Federal Communications Commission to the New York Post in connection with the Federal Communications Commission's rule relating to the common ownership of a daily newspaper and certain television stations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRANSTON (for himself, Mr. KERRY, Mr. SIMON, and Mr. INOUYE):

S. 2000. A bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity; to the Committee on the Judiciary.

By Mr. HELMS:

S. 2001. A bill to restore the right of voluntary prayer in public schools and to promote the separation of powers; read the first time.

By Mr. CRANSTON:

S. 2002. A bill to extend the period during which a special agricultural worker may apply for adjustment of status of that of an alien lawfully admitted for temporary residence, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAMM:

S. 2003. A bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes; to the Committee on Finance.

By Mr. BIDEN (for himself and Mr. THURMOND):

S.J. Res 240. Joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week."

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Res. 354. Resolution informing the House of Representatives that a quorum of the Senate is established; considered and agreed to.

S. Res. 355. Resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRANSTON (for himself, Mr. KERRY, Mr. SIMON, and Mr. INOUYE):

S. 2000. A bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity; to the Committee on the Judiciary.

HATE CRIMES STATISTICS ACT

Mr. CRANSTON. Mr. President, today I am introducing a bill that would direct the Attorney General to collect data on the incidence of crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity. Data would be collected on such crimes as homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and other crimes as the Attorney General considers appropriate. I am pleased to be joined in introducing this bill by the Senator from Massachusetts [Mr. KERRY].

Mr. President, I am aware that other legislation is pending in the Senate which mandates the collection of data regarding crimes against racial, ethnic, and religious groups. However, these bills do not require that data be collected on crimes against gay and lesbian individuals. I am introducing this bill today because I believe that crimes based on prejudice against gay and lesbian individuals are just as reprehensible as crimes based on any other type of prejudice. The purposes of the data collection effort we would require the Attorney General to undertake will best be served if all incidents of crimes based on prejudice are compiled. In fact, the House Judiciary Committee has approved a bill, H.R. 3193, which is identical to the bill I am introducing today. I therefore hope that we can reach consensus on this issue in the Senate.

Mr. President, the seriousness of the problem of crimes based on prejudice against individuals because of their race, ethnicity, religion, or sexual orientation, is well-documented. A recently completed report commissioned by the National Institute of Justice [NIJ]-entitled "The Response of the Criminal Justice System to Bias Crime: An Exploratory Review," October 7, 1987, reviewed evidence regarding the incidence of "bias" or "hate" crimes, defined as "words or actions designed to intimidate an individual because of his or her race, religion, national origin, or sexual preference." The report notes that the evidence suggests that bias crimes are widespread and increasing. The report further explains that "[b]ias crimes may be turning more violent: compared with the past, a larger proportion of incidents appear to involve personal injury as opposed to vandalism." Additionally, the report indicates that "[t]he most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians." Of these groups, the report found that "[h]omosexuals are probably the most frequent victims."

The NIJ report's finding that homosexuals are frequently the victims of hate crimes is corroborated by the data collection efforts which have been undertaken by organizations and State law enforcement agencies. For example, the National Council of Churches recently released a report on hate crimes which documents the growing incidence of hate violence. The report, entitled "They Don't All Wear Sheets: a Chronology of Racist and Far Rights Violence—1980-1986," explains the members of the Ku Klux Klan "have increasingly targeted gay and lesbian individuals for physical attack and intimidation. In addition, a largely spontaneous wave of homophobic violence appears to be sweeping the Nation."

The scope of the problem is further emphasized by reports of hate crimes documented by the National Gay and Lesbian Task Force. In 1985, the task force received 2,042 reports of hate crimes directed at gay and lesbian individuals, and in 1986 it received 4,946 reports of hate crimes.

Furthermore, there is evidence that the public's fear and lack of information regarding the AIDS epidemic are causing an increase in attacks against gays. This issue is thoroughy discussed in an article entitled " 'Gay Bashing'—AIDS Fear Cited as Attacks on Male Homosexuals Grow" which appeared in the Los Angeles Times, April 10, 1986. That article quotes a number of representatives of organizations and agencies from around the country who point out that the incidence of crimes against gays is growing and is related to the public's fear of AIDS. Mr. President, I ask that the full text of this article be entered in the RECORD at the conclusion of my remarks.

Unfortunately, Mr. President, the problem of violence against gay and lesbian individuals is very serious in my home State of California. For example, last April the staff of the AIDS project Los Angeles and a person with AIDS were harassed and assaulted outside the project's food bank. Partly in response to this incident, the Gay and Lesbian Community Services Center of Los Angeles established a hotline to document the incidence of violence against gay men and lesbians in the Los Angeles area. During the months of May through November of 1987, that hotline received 125 calls from Los Angeles gay and lesbian residents complaining of a variety of incidents including verbal abuse, physical or verbal threats, assault, robbery, hate mail, and other forms of harassment. Additionally, the San Francisco-based Community United Against Violence organization reports that as of June 30, 1987, it has recorded double the number of severe assaults against gay and lesbian individuals which have required hospitalization or surgery, as compared to a similar time period in 1986.

Because of the incidence of hate crimes in California, the State attorney general established the Commission on Racial, Ethnic, Religious, and Minority Violence in May 1984 to determine the nature and extent of violence perpetrated against blacks, Hispanics, Asians, native Americans, religious groups, lesbians, gay men, elderly persons, and disabled persons. Through public hearings the commission determined that in every region of the State, incidents have occurred in which racial, ethnic, religious, and sexual minorities have been harassed, intimidated, assaulted, and even murdered. As a result of the commission's findings and recommendations, California law enforcement agencies conducted a pilot project to identify the preliminary steps that are needed to establish a statewide system of collecting data on hate crimes. Legislation is currently pending in the California legislature to implement the findings and recommendations of that pilot project throughout the State.

Mr. President, other States have also undertaken efforts to develop effective and workable systems of collecting data on the incidence of hate crimes. Yet, currently there is no ongoing, in depth effort to collect relevant data nationwide. The NIJ report, mentioned earlier, was merely an "exploratory" review—as indicated in its title—and it points out that a more comprehensive effort is needed to "understand the severity, pattern, and location of bias crimes. With improved data collection, law enforcement officials and prosecutors will be better able to make appropriate resource allocation decisions and to target specific neighborhoods or organizations for special attention."

While it is clear that a Federal mandate to collect national hate crime data is needed so that we can make better decisions regarding legislative solutions and the needed allocation of our limited resources at the Federal level, the bill I am introducing today is not intended to subvert those efforts at the State level, such as that undertaken by California, to establish systems of documenting hate crimes. I would expect the Attorney General, in carrying out the mandate of this bill, to work cooperatively with ongoing State efforts.

In conclusion, Mr. President, I would like to stress to my colleagues that this bill I am introducing today represents an important first step in addressing the very serious problem of the incidence of hate crimes in the United States. To be effective, it is absolutely imperative that every form of prejudice which motivates hate crimes be addressed, whether that prejudice is directed at individuals because of their race, ethnicity, religion, or their sexual orientation. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crime Statistics Act".

SEC. 2. ACQUISITION AND PUBLICATION OF DATA.

(a) IN GENERAL.—Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire, for calendar year 1988 through calendar year 1992, data on the incidence of criminal acts that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity. The crimes with respect to which such data shall be acquired are as follows: homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and such other crimes as the Attorney General considers appropriate.

(b) LIMITATION ON USE AND CONTENT OF DATA.—Data acquired under this Act shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(c) ANNUAL SUMMARY.—The Attorney General shall publish an annual summary of the data acquired under this Act.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 1988 through fiscal year 1993.

[From the Los Angeles Times, Apr. 10, 1986]

"GAY BASHING"—AIDS FEAR CITED AS ATTACKS ON MALE HOMOSEXUALS GROW

(By Ruth Snyder)

SAN FRANCISCO.—A group of teen-agers, shouting "diseased faggot" and "you're killing us all," dragged David Johnson from his car in a supermarket parking lot last December, beat him with their skateboards, kicked him and clawed his face.

Johnson's jaw and three ribs were broken, his head was gashed, his kidneys bruised, and his face and neck cut with deep fingernail scratches.

"I just keep thinking . . . why did this happen? What did we do?" said Matthew Holoway, Johnson's lover who was with him when he was attacked.

"It shattered our lives," Johnson said.

Johnson was an apparent victim of "gay bashing"—attacked solely because he was a homosexual. His assailants have not been found.

Gay activists say that physical attacks against homosexuals are increasing at an alarming pace here and elsewhere.

They attribute at least part of the increase to a fear of AIDS, the deadly disease that has most commonly stricken gay men in this country. They also charge that the belief of conservative religious groups that the AIDS epidemic is God's way of punishing the gay community has spurred anti-gay sentiment.

"It's like giving them a carte blanche, saying it's OK to beat up gays," said Dr. Ian Barlow, a San Francisco psychologist who counsels victims of anti-gay violence.

Community United Against Violence, a San Francisco agency serving victims of anti-gay violence, reported the number of clients it served in 1985 increased 61%, from 185 to 298, over the previous year. The New York City Gay and Lesbian Anti-Violence Project reported a 41% increase in the same period.

A poll conducted last year by the Philadelphia Gay and Lesbian Task Force concluded that homosexuals are four times more likely to be victims of violence than the general urban population.

"Anti-gay violence has reached epidemic proportions," said Kevin Berrill, manager of the Washington, D.C.-based National Gay and Lesbian Task Force's project on violence.

Law enforcement officers, though, are divided on whether gay bashing is increasing. For instance, Lt. Paul Seidler, the San Francisco Police Department's liaison to the gay community, said he personally believes it is on the rise. But Ray Benson, deputy chief of the Mission District Police Station, which covers the Castro District, the largest gay neighborhood in San Francisco, says he has no reason to believe that is true.

Law enforcement officers in the Los Angeles area also say they have seen no increase. "We don't have any systematic attacks on gays," said Capt. James Cooke of the West Hollywood Sheriff's Station.

Some gay activists disagree. Eric Rofes, executive director of the Gay and Lesbian Service Center in Hollywood, asserts that "Los Angeles is seeing an increase in anti-gay violence." However, neither he nor other gay activists in the Los Angeles area can document any increase. The only California organization to keep statistics on the issue is Community United Against Violence, which records attacks only in San Francisco.

Similarly, police keep no statistics on attacks against gay.

There's no box to check off on the police report form. They can mention it in the body of the report but no one is really tracking it," Seidler said.

Still, a number of cases have received public attention in the last two years.

In Stockton in February, the body of Virgil Scott, a minister of the Metropolitan Community Church, which has a predominantly homosexual congregation, was discovered in the trunk of his car. Scott, who was also gay, had been badly beaten and suffered multiple stab wounds.

At least 20 Metropolitan Community Churches nationwide have been burned in the last 13 years and several dozen ministers and staff members have either been assaulted or received death threats, according to church officials in Los Angeles. The church has formally requested an FBI investigation into the "concentrated effort to murder, terrorize and otherwise deprive ministers and others of their civil rights." An aide for Sen. Alan Cranston (D-Calif.) said the senator will also ask for an FBI investigation.

Last month a New Jersey gay man was assaulted by three men, who extinguished cigarettes on his face, tied him to the back of their truck and drove along a road dragging him in tow. Local gay activists say he was attacked because he was gay.

A man arrested for the 1985 shooting and killing of a gay man in Vermont explained why he shot the victim he had never met: "I killed him because he looked like a fag."

In January, three youths who were among a group in 1984 who attacked John O'Connell, a San Francisco gay man, were convicted of second-degree murder. Witnesses said O'Connell was walking down the street with a friend, when the youths—shouting "faggot"—jumped them. O'Connell fell and struck his head on the curb. He died two days later.

In some cases homosexual men and women say they are being victimized, not by violence, but by the threat of violence.

Jim Langham, who works as a health care products distributor in San Francisco, says he has been repeatedly chased and shouted at by a group of teen-agers who live in his neighborhood.

"I have to live with this every day," said Langham. "They scream 'AIDS, AIDS, you've got AIDS.' They just stalk me like an animal—like a wolf pack. Sometimes I feel angry, like going and beating up the little punks."

The New York project reported that 28% of the incidents it documented in 1985 involved violence against people with AIDS or explicit use of AIDS-related epithets by the assailants.

"One of the reasons I see it increasing is because AIDS has been used as a way of legitimizing anti-gay attitudes," said Randy Schell, a counselor at Community United Against Violence in San Francisco.

"People are getting the message that gay equals AIDS, that it's OK to hate these people and it's OK to do something about it."

Another reason for the increase, Berrill said, may be a backlash against the gay rights movement.

"We are more visible now and that makes us more vulnerable to people who hate us and would hurt us," Berrill said.

Groups like Community United Against Violence are urging victims of gay bashing to fight back. The first step, says Schell, is to persuade victims to report attacks to police.

According to a report last year by Mayor Dianne Feinstein's Criminal Justice Council, "community outreach data suggests that 82% of anti-gay attacks were not reported to the police."

Gay advocacy groups in Philadelphia, New Jersey and New York also estimate that more than 75% of the victims never report gay-bashing attacks to authorities.

The National Gay and Lesbian Task Force says in a recent report that the reasons victims keep silent are clear: "Those who work with such victims cite fear of exposure and discrimination, fear of reprisals and fear that the police will be indifferent or even hostile."

"There is a real material basis for that kind of fear," said Carmen Vasquez, community outreach coordinator for the San Francisco project. "It wasn't very long ago that police were raiding bars and arresting people for sodomy. There is little basis for trusting the police, but we're starting to take steps in that direction."

"The most important thing is not to suffer in silence," said Schell, who learned first-hand about homosexual attacks six years ago when assailants repeatedly slammed his head against a lamp post.

Advocacy groups like Schell's and the New York project are helping victims fight back with a variety of services. They are providing hot lines staffed by trained peer counselors, escort services for those who feel they may be in danger, volunteers to go with victims to the police, and court monitoring.

The San Francisco group is also reaching out to potential gay bashers. More than half of the assailants, according to the project's 1985 report, were white males under the age of 18.

Because of that, two volunteers—one gay man and one lesbian—visit family life classes at Bay Area high schools to talk about themselves and to answer questions.

At a recent high school presentation, students sat forward in their chairs and the air was full of waving hands. They asked questions like "When did you become gay?" or "Aren't you afraid of getting AIDS?"

"To unlearn stereotypes you need to be able to talk to real life human beings who can answer questions. We try to reduce the tensions brought on by ignorance and fear that can lead to hostility and violence," Vasquez said.

Johnson, who was beaten up last December, said that at first he withdrew and then he became angry. He has now directed part of his anger at the supermarket that owned the parking lot where he said he was attacked. A lawsuit filed by Johnson alleges that the store security guard remained inside during the 30-minute attack, despite pleas for help from Holloway.

Both Johnson and Holloway say they will never forget the attack.

"No one can know what it was like to turn around and see them ripping off the car door and dragging David out," Holloway said, "I thought, 'My God—what if it was a straight man's wife or child?' "

● Mr. KERRY. Mr. President, I am very pleased to join with my good friend Senator ALAN CRANSTON in introducing and sponsoring the Hate Crime Statistics Act. This is an important piece of legislation which would provide for the acquisition and publication by the Attorney General of data about crimes that manifest prejudice based on race, religion, ethnicity, or affectional or sexual orientation.

One year ago, Senator CRANSTON and I introduced the Civil Rights Amendments Act of 1987, to protect the civil rights of gay Americans. The legislation which we introduce today continues and extends that effort. This legislation is a companion bill to H.R. 3193, which has over 85 cosponsors in the House, and which was recently reported out favorably by the House Judiciary Committee.

Hearings which have been held in the House on this legislation indicate that there is a serious problem in America with hate crimes of all types, including violence against blacks, Hispanics, Asian-Americans, Jews, Arab-Americans, and gays. While there are other bills in the Senate which would address some of these issues, none of them until now has addressed all of them together, including especially the serious problem of antigay violence.

This year, in 1988, it is even more important that we address the problem of violence against gay Americans. The epidemic of AIDS has spread throughout our society, and it continues unabated. Unfortunately, along with AIDS has come an increase in prejudice and violence against gay Americans in certain parts of our society. This problem can only be addressed by confronting it directly. The collection of statistics on hate crimes, and the publication of an annual report by the Attorney General on the subject, is a first and important step in that process.

As we look around us, we see too many examples of hate crimes and crimes of violence and prejudice in our society. From Howard Beach to Forsyth County, from New York and Boston to Los Angeles and San Francisco, such crimes are an ugly fact of life. As legislators, we must be sensitive to this problem and strive to find a solution. For, as Martin Luther King once wrote, "Injustice anywhere is a threat to justice everywhere."●

By Mr. HELMS:

S. 2001. A bill to restore the right of voluntary school prayer in public schools and to promote the separation of powers; read the first time.

(The remarks of Mr. HELMS and the text of the legislation appear earlier in today's RECORD.)

By Mr. CRANSTON:

S. 2002. A bill to extend the period during which a special agricultural worker may apply for adjustment of status to that of an alien lawfully admitted for temporary residence, and for other purposes; to the Committee on the Judiciary.

SPECIAL AGRICULTURAL WORKER'S PROGRAM

Mr. CRANSTON. Mr. President, I rise today to express my serious concerns regarding the progress of the Immigration Reform and Control Act's Special Agricultural Workers [SAW] Program, and to introduce legislation which I believe is necessary to assure the success of the SAW Program.

My colleagues may recall that the SAW Program was incorproated into the new immigration law to assure that the reforms provided for under the new law would not have an unfair negative impact on the agricultural industry which traditionally has relied heavily on undocumented workers. Because we realized that it was in our country's interest to assure that farmers have an adequate legal work force to harvest their crops, the SAW Program was designed to provide legal status for workers, without regard to whether they were currently residing in the United States, who could demonstrate that they previously worked for a period of time in American agriculture.

While the idea we had when we passed this law was a good one, Mr. President, we must now ask whether it is working. For my home State of California, the answer to this question is extremely important. Agriculture is California's leading industry, and it is estimated that one-half of all undocumented immigrants in the United States reside in California. Also, California is the principal destination for undocumented farmworkers from outside the United States.

To answer the question as to whether the SAW Program is working, I recently conducted three forums in the agricultural regions of California. The response was unanimous: The SAW Program is not working as we intended it to.

VIEWS OF CALIFORNIA FARMERS AND FARMWORKERS

While there are many reasons to be concerned about the possible failure of the SAW Program, Mr. President, I am pleased to report that both farmers and farmworkers expressed to me that the new program has provided them with an opportunity, for the first time, to attempt cooperatively to comply with the new law. I heard from farmers who are actively supporting legalization efforts through such organizations as the alien legalization for agriculture [ALFA], as well as from farmers who, on an individual basis, have tried to assist workers in gathering the necessary documentation to establish the required work history. This, I believe, is a significant positive development.

Perhaps it is because of this development that the information I received in all three forums, from both farmers and farmworkers, was consistent. That is, that many farmworkers who might qualify for SAW status are not coming forward to apply, or are unfairly excluded from the program.

FACTORS DETERRING SAW APPLICANTS

Witnesses explained that it is proving difficult and time-consuming for many farmworkers to gather the necessary documentation to establish prior work history because, in many cases, a worker must contact a number of employers throughout the State in order to substantiate that she or he worked 90 days between May 1985 and May 1986. It was reported that sometimes farmers or labor contractors have not kept adequate records, refuse to provide the records for personal reasons or because required deductions were not properly recorded—that is, social security, unemployment, et cetera—or demand that the worker pay exorbitant fees for documents which will verify previous employment. Also, some farm operations have been consolidated, or farm labor contractors have lost their license, so that workers have no way of obtaining necessary records.

Furthermore, both farmers and farmworkers explained that the failure of INS to establish a uniform national policy that ineligible family members will not be deported if one member of the family qualifies for legalization, is keeping many eligible SAW applicants from applying.

Witnesses also complained that the fees INS charges for legalization, and the cost of an appeal if the initial application is denied, is proving burdensome for farmworkers who generally are among this country's poorest workers.

PROBLEMS WITH INS' ADMINISTRATION OF THE SAW PROGRAM

Both farmers and farmworkes agreed that the policies and inconsistent procedures of INS regarding the SAW Program are imposing unfair burdens on those seeking to legalize their status. For example, witnesses reported that different INS offices have different documentation requirements; some offices will accept signed affidavits as sufficient proof of work history, others require detailed work records signed by the employer. Witnesses also complained that INS has overreacted to some incidents of fraud and has made its documentation requirements unreasonably rigorous.

Furthermore, witnesses pointed out that INS instituted some limitations on the SAW Program which were not authorized by the statute. For example, until recently, INS would not allow individuals to apply for the SAW Program in the United States unless they could show that they arrived in the United States before June 26, 1987. Some witnesses complained that policies such as this have resulted in significant hardship for those farmworkers who thought they did not qualify for legalization and therefore left the United States.

Witnesses also reported that in some regions of the State the border patrol is being overly aggressive in apprehending and detaining workers who have applied, or are in the process of applying, for SAW status.

There was also general agreement that INS has not conducted an adequate and timely public education campaign regarding the SAW Program. Some witnesses reported that, because of the general lack of information regarding what the law requires and when the law requires it,

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some workers were fired during the last harvest season because farmers mistakenly believed they might be vulnerable to sanctions unless the workers had current work authorizations.

CONCERNS REGARDING STATUTORY REQUIREMENTS

Concern was also expressed, Mr. President, regarding the statutory requirements for the SAW Program. Both farmers and farmworkers explained that the statutory requirement that a worker prove employment in agriculture for 90 days between May 1, 1985, and May 1, 1986, unfairly excludes workers who are entitled to benefit from the SAW Program because of their long and consistent work history in American agriculture. Farmers pointed out that specialty crop workers have erratic employment depending on the crop, season, and market for the particular crop, and may not have accumulated the required 90 days during the specified employment period, although they normally work full time in the fields. Witnesses also explained that the law's employment requirement excludes workers who may have a substantial work history in American agriculture but, because of extenuating circumstances—that is, illness—may not be able to prove employment during the 1985 through 1986 period.

Witnesses also complained that many workers are unfairly excluded from the SAW Program because of the statute's requirement that only farmworkers who have worked in perishable crops, as defined by the Department of Agriculture, are entitled to apply for legalization under the SAW Program. Farmers and farmworkers pointed out that the regulations promulgated by the Department of Agriculture defining perishable are unreasonably exclusive because many crops were not included which are, in fact, perishable and closely related to some crops which were included. For example, Christmas trees were included, pine trees were not; ground cover was included, sod was not. Also, witnesses complained that cotton, which is as perishable as many crops which were included, was excluded.

Witnesses also noted that there is no provision in the law which requires INS to subpoena work records on behalf of a worker when the employer refuses to provide the documentation. Both farmers and farmworkers agreed that such a procedure is sometimes necessary, and without the intervention of INS in these cases, the only recourse a worker has is to file a private lawsuit.

Finally, some farmers complained that the employment sanctions provisions of the law are unfair because the law puts farmers in the position of being policemen. Farmers explained that they are not prepared to detect fraudulent documents, and they are concerned that they may unfairly be subjected to sanctions.

THE POSSIBILITY OF LABOR SHORTAGES

Most farmers agree that if a labor shortage is to occur, it will happen after the SAW application period closes, when they will become vulnerable to sanctions for employing undocumented workers. They expressed concern that those workers who fail to qualify or do not apply for legalization will leave the country, and a number of those who do qualify may leave the agricultural industry for better-paying jobs. They explained that they are likely to experience a labor shortage in 1989 due to the fact that the Replenishment Agricultural Workers [RAW] Program, which is intended to address this problem, is not due to be implemented until 1990.

INS OPTIMISM IS SUSPECT

Mr. President, in response to some of the concerns which were expressed to me at my public forums, an INS representative in Washington countered with a statement to the press that alien legalization "is a hugely successful program." This representative claimed that INS expects to meet its projection that 2 million—including both SAW applicants and non-SAW applicants—will apply for legalization by the close of the programs' application periods.

Well, Mr. President, whether INS will meet its own projections is an open question. Many people have explained to me that the easy cases were filed first, and that the rate of applications to be filed in the next months will decrease. Furthermore, I would like to point out that the 2 million figure INS relies on really doesn't mean much. We all know that it is very difficult to get an accurate count of the undocumented. For example, some estimates I've seen indicate that there are over 2 million who might qualify for legalization in California alone.

My point is, Mr. President, that the success or failure of the legalization program cannot solely be determined by numbers. We must consider the purposes we hoped to accomplish when we passed the immigration reform legislation, and whether INS is implementing the law so as to accomplish those purposes. From all reports I have received, the effort by INS will fall short of our expectations.

NEW LEGISLATION

To address some of the concerns that were presented to me at these forums, I am introducing today a bill that will focus on two specific issues.

First, both farmers and farmworkers explained that many workers cannot meet the act's requirement that they prove 90 days of employment in agriculture between May 1, 1985, and May 1, 1986. Therefore, the bill I am introducing today will extend the qualifying period so that 90 days of agricultural labor performed between May 1, 1985, and December 31, 1986, will qualify a person to apply for legalization under the SAW Program.

Second, both farmers and farmworkers agreed that INS was slow in publicizing the SAW Program so as to reach all who may qualify, and, in some instances, imposed unauthorized restrictions on the program which excluded individuals Congress intended to be included in the program. These problems, along with the problems which many farmworkers are encountering in securing the necessary documentation, warrant an extension of the SAW application period. Therefore, my bill will extend the application period for the SAW Program by 6 months so that it will terminate on May 31, 1989, rather than November 30 of this year. It is important that Congress not wait until the last moment to extend this deadline. The agricultural industry needs to know well in advance that the labor needed to harvest crops next year will be available so they can plan accordingly.

CONCLUSIONS

In conclusion, Mr. President, I would just like to reiterate that our country has much at stake in assuring the success of the legalization programs we authorized in the 1986 immigration reform legislation. When we passed that law we realized that our country stood to benefit if undocumented workers, who have made a significant contribution to our economy through the labor they have performed, could legalize their status and begin to participate openly in our society. The contribution of these workers to our economy is especially evident in the agricultural industry.

We must, therefore, make every effort to guarantee that the SAW Program succeeds. From the reports I have received, there are many farmworkers who may unfairly be denied the benefit of legalization. We must not allow this to happen. I believe the legislation I am introducing today is necessary to assure the success of the SAW Program, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210(a) of the Immigration and Nationality Act (8 U.S.C. 1160) is amended—

(1) in paragraph (1)(A), by striking out "18-month" and inserting in lieu thereof "24-month";

(2) in paragraph (1)(B) (in the text following clause (ii)), by striking out "12-month period ending on May 1, 1986" and inserting in lieu thereof "period beginning on May 1, 1985, and ending on December 31, 1986"; and

(3) in paragraph (2)(A), by striking out "1984, 1985, and 1986," and inserting in lieu thereof "1984 and 1985 and during the period beginning on May 1, 1985, and ending on December 31, 1986,".

By Mr. GRAMM:

S. 2003. A bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes; to the Committee on Finance.

TAX EXEMPTION FOR DIESEL FUEL USED FOR FARMING PURPOSES

● Mr. GRAMM. Mr. President, today I am introducing legislation to correct a problem created by a provision in the recently enacted budget reconciliation law.

Currently, farmers and ranchers are exempt from paying the 15 cent-per-gallon excise tax on diesel fuel in those cases where the fuel is used solely for farming purposes. However, as a result of this change in the law, they will now be forced to pay the tax at the time of purchase. In many cases, this will have the effect of increasing their costs for diesel fuel by some 25 percent. This is not to say they owe this money, for they will be eligible to apply for a refund of the full amount of taxes paid when they file their tax returns.

It's as if somebody in Government said, "How can we make life tougher for farmers?" and the answer was, "Make them pay a tax they don't even owe." There is no legitimate reason for the Federal Government to have the use of farmers' hard-earned money for as long as a year when they don't owe it in the first place.

This is no time to be piling more bureaucratic recordkeeping requirements on our producers while they are adjusting to the market-oriented farm programs of the 1985 farm bill. This idea is a first cousin to the contemporaneous recordkeeping requirements imposed by the Internal Revenue Service a few years ago where owners of private vehicles used in business travel were required to keep log books.

Today I am introducing legislation which will remove the new requirement that farmers and ranchers pay this tax at the time of purchase.

Because the new tax requirement will not take effect until April 1, it is my hope this bill will be approved soon by the Congress so that farmers and ranchers will never have to feel the effects of Congress' misjudgment. I strongly encourage all Senators to join this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX EXEMPTION FOR DIESEL FUEL USED FOR FARMING PURPOSES.

(a) IN GENERAL.—Section 4093 of the Internal Revenue Code of 1986 (relating to exemptions; special rule) is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(c) FARM USE.—Under regulations prescribed by the Secretary, the tax imposed by section 4091 shall not apply in the case of sales of any taxable fuel for use or used on a farm for farming purposes.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to sales after March 31, 1988.●

By Mr. BIDEN (for himself and Mr. THURMOND):

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week"; to the Committee on the Judiciary.

NATIONAL SAFE KIDS WEEK

● Mr. BIDEN. Mr. President, last year, the Nation watched in hopeful anxiety as rescuers worked for more than 2 days to free a Texas girl from a deep well where she had fallen. Our hopes were fulfilled as Jessica McClure was pulled from underground alive and alert.

Our shared relief at this rescue, however, should not displace the sense of tension and concern that swept across the country as we asked ourselves, "How could this happen?" We would like to think that the world of our children is filled with promise rather than danger, with comfort rather than threats. We would like to think that way, but we cannot afford to.

The fact is that accidental injury is the leading cause of death among America's children. Often in the Senate we are confronted with daunting statistics, but I would ask my colleagues to consider the mere name of one measure of this threat to our children. There is a statistic called the YPLL, which stands for years of potential life lost. Even the coldest possible scientific language cannot remove the sense of human tragedy. It is estimated that so-called unintentional injuries claim the lives of nearly 8,000 children in this country every year, and approximately 50,000 more are left permanently disabled. Every year, one out of every four American children under the age of 15 is involved in an accident.

And there is an even deeper tragedy. Many, if not most, of these accidents could be prevented. It doesn't take the discovery of new medical technology to address this problem. What it does take is awareness, education, and a sense of responsibility—an acknowledgement that this killer is out there, in our children's world, and that the tools to fight it are also there. It's up to us to put those tools to use and to teach our children how to be safe kids.

Today, I am privileged to join—and to ask my colleagues to join—a national campaign to prevent accidental injuries among American children. The campaign of training and educational programs is being implemented by the National Coalition to Prevent Childhood Injury, which includes organizations such as the National Safety Council, the American Red Cross, the national organizations of the Girl Scouts and Boy Scouts and the American Academy of Pediatrics.

In order to help launch the national safety campaign, I am introducing a resolution to designate May 16–22 as "National Safe Kids Week." This resolution is a small step, to be sure, but in this effort—where awareness is a primary key to unlocking a safe future for American children—it is an important step.

It has often been said that our children are the future, our greatest natural resource as we look toward the 21st century. As a legislator, a citizen, and—most important—as a parent, I agree with that assessment. There are dangers from which we cannot protect our children. But in the area of preventing accidental injury, we can make a difference; we can cap many of the wells into which our children might fall.

We have the power to be rescuers ourselves—every State, every community, every household, and every individual. We share the opportunity and the obligation. It is my belief and my hope that the Senate can take a leading role in this national effort, and "National Safe Kids Week" would be a good place to start.●

ADDITIONAL COSPONSORS

S. 492

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 492, a bill to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

S. 533

At the request of Mr. THURMOND, the names of the Senator from Texas [Mr. GRAMM], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. REID], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 801

At the request of Mr. JOHNSTON, the name of the Senator from Texas [Mr. Gramm] was added as a cosponsor of S. 801, a bill to facilitate the national distribution and utilization of coal.

S. 824

At the request of Mr. SPECTER, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 824, a bill to establish clearly a Federal right of action by aliens and United States citizens against persons engaging in torture or extrajudicial killing, and for other purposes.

S. 1201

At the request of Mr. PROXMIRE, the names of the Senator from North Carolina [Mr. Sanford], and the Senator from Tennessee [Mr. Sasser] were added as cosponsors of S. 1201, a bill to prevent consumer abuses by credit repair organizations.

S. 1242

At the request of Mr. HUMPHREY, the name of the Senator from Arizona [Mr. McCain] was added as a cosponsor of S. 1242, a bill to prohibit the use of Federal funds for abortions except where the life of the mother would be endangered, and to prohibit the provision under title X of the Public Health Service Act of Federal family planning funds to organizations that perform or refer for abortions, except where the life of the mother would be endangered, and for other purposes.

S. 1474

At the request of Mr. BRADLEY, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 1474, a bill to require that any U.S. Government support for military or paramilitary operations in Angola be openly acknowledged and publicly debated.

S. 1659

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1659, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and credit for contributions to, education savings accounts.

S. 1660

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1660, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of educational savings accounts the earnings on which will not be taxed.

S. 1661

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1661, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and a credit for contributions to, education savings accounts but to provide that the earnings of such accounts will be taxable.

S. 1662

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1662, a bill to provide for the issuance of educational savings bonds a portion of the interest on which is exempt from taxation, and for other purposes.

S. 1761

At the request of Mr. DURENBERGER, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 1761, a bill to amend the Internal Revenue Code of 1986 to provide that a decedent's spouse may enter into a cash lease of farm and other real property with family members and still qualify for the special estate tax valuation of the property.

S. 1817

At the request of Mr. KENNEDY, the names of the Senator from Maryland [Ms. Mikulski], the Senator from North Dakota [Mr. Burdick], and the Senator from Texas [Mr. Bentsen] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1830

At the request of Mr. SANFORD, the names of the Senator from Kentucky [Mr. Ford], and the Senator from Alabama [Mr. Shelby] were added as cosponsors of S. 1830, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition—and a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers born in years after 1916 and before 1930—and related beneficiaries—and to provide for increases on their benefits accordingly, and for other purposes.

S. 1835

At the request of Mr. Evans, the name of the Senator from Florida [Mr. Graham] was added as a cosponsor of S. 1835, a bill to provide that each title of any bill or joint resolution making continuing appropriations that is reported by a committee of conference and is agreed to by both Houses of the Congress in the same form during a 2-year period shall be presented as a separate joint resolution to the President.

S. 1849

At the request of Mr. Melcher, the name of the Senator from Montana [Mr. Baucus] was added as a cosponsor of S. 1849, a bill for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson.

S. 1988

At the request of Mr. Breaux, the names of the Senator from Texas [Mr. Gramm], and the Senator from Louisiana [Mr. Johnston] were added as cosponsors of S. 1988, a bill to amend the Merchant Marine Act of 1920.

SENATE JOINT RESOLUTION 199

At the request of Mr. Byrd, the names of the Senator from New Jersey [Mr. Lautenberg], the Senator from Hawaii [Mr. Matsunaga], and the Senator from Arizona [Mr. DeConcini] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 215

At the request of Mr. Durenberger, the names of the Senator from Nevada [Mr. Reid], and the Senator from Alabama [Mr. Shelby] were added as cosponsors of Senate Joint Resolution 215, a joint resolution to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial to women of the Armed Forces of the United States who served in the Vietnam war.

SENATE JOINT RESOLUTION 218

At the request of Mr. Lautenberg, the names of the Senator from Michigan [Mr. Riegle], and the Senator from Georgia [Mr. Nunn] were added as cosponsors of Senate Joint Resolution 218, a joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 229

At the request of Mr. Warner, the names of the Senator from New Mexico [Mr. Domenici], the Senator from Kansas [Mrs. Kassebaum], the Senator from New York [Mr. Moynihan], the Senator from Florida [Mr. Chiles], the Senator from Ohio [Mr. Metzenbaum], and the Senator from Colorado [Mr. Wirth] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day."

SENATE RESOLUTION 270

At the request of Mr. Lautenberg the names of the Senator from Delaware [Mr. Biden], and the Senator from Massachusetts [Mr. Kennedy] were added as cosponsors of Senate Resolution 270, a resolution paying special tribute to Portuguese diplomat Dr. de Sousa Mendes for his extraordinary acts of mercy and justice during World War II.

SENATE RESOLUTION 355—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. BYRD submitted the following resolution; which was considered and agreed to.

S. Res. 355

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 354—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. Res. 354

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

NOTICES OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, the Committee on Small Business has scheduled the first in a series of hearings on legislation to improve the Small Business Administration's Minority Small Business and Capital Ownership Development [MSB/COD] Program, more frequently referred to as the SBA section 8(A) Program. The initial hearing is scheduled for Tuesday, February 2, 1988, commencing at 10 a.m. It will be held in the committee's hearing room in SR-428A.

The Committee will be receiving testimony on S. 1993, the Minority Business Development Program Reform Act of 1987, a bill which I introduced along with Senator Weicker and Senator Kerry on December 21, 1987. Testimony will also be received on H.R. 1807, the Capital Ownership Development Reform Act of 1987, a similar bill which passed the House on December 1, 1987.

During this initial hearing, testimony will be received from the Administrator of the Small Business Administration, representatives of the General Accounting Office, the Administrator of the Office of Federal Procurement Policy, and representatives of the National Academy of Public Administration, which recently completed for SBA for a management review of the organization and operation of the MSB/COD Program. Subsequent hearings, which will be scheduled for late February and early March, will focus on testimony from organizations representing the minority business community as well as individual program participants and program graduates.

Further information concerning the committee's hearings on this important effort may be obtained from the Committee's procurement policy counsel, William B. Montalto. Bill may be reached at 224-5175.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled on Senate Joint Resolution 231, to authorize the entry into force of the "Compact of Free Association" between the United States and the Government of Palau, and for other purposes.

This hearing will take place on January 28, 1988, at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Allen Stayman at (202) 224-7865.

Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of two oversight hearings before the Committee on Energy and Natural Resources.

The hearings will be held on Monday, February 1, 1988, and Tuesday, February 2, 1988, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Testimony will be received regarding proposals before the Federal Energy Regulatory Commission to: First, clarify certain requirements of the Public Utility Regulatory Policies Act of 1978 [PURPA]; second, provide guidelines for the use of competitive bidding systems to acquire nonutility power under PURPA; and third, create a new category of Independent Power Producers [IPP's] who would be subject to reduced regulation under the Federal Power Act.

For further information regarding the hearings, you may wish to contact Bill Conway, senior counsel for the committee, at (202) 224-7149. Those wishing to testify or who wish to submit a written statement for inclusion in the hearing record should write to the Committee on Energy and Natural Resources, room SD-364, Dirksen Senate Office Building, Washington, DC 20510.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a field hearing before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

This hearing will be held on Monday, February 8, 1988, beginning at 9 a.m. and concluding at noon, in the Walla Walla Room of the Red Lion Motor Inn, 304 South East Nye Avenue, Pendleton, OR.

Testimony will be received regarding S. 1613, to authorize the Secretary of the Interior to construct, operate, and maintain the Umatilla Basin project, Oregon, and for other purposes.

For further information regarding the hearing, you may wish to contact Russell R. Brown, professional staff for the committee, at (202) 224-2366. Those wishing to testify or who wish to submit a written statement for inclusion in the hearing record should write to the Committee on Energy and Natural Resources, room SD-364, Dirksen Senate Office Building, Washington, DC 20510.

ADDITIONAL STATEMENTS

NATIONAL GEOGRAPHIC SOCIETY

● Mr. STAFFORD. Mr. President, I stand before the Senate to recognize the outstanding contribution the National Geographic Society has made to this country. In its charter statement, the National Geographic Society sets out for itself the task of increasing and disseminating geographic knowledge. The society has taken up this mission in earnest, achieving respect and admiration for it's outstanding efforts to promote geographic literacy among the citizens of our Nation.

Attaining geographic literacy for all the citizens of our Nation is a crucial goal, a goal we are far from reaching. At hearings held last fall, we learned that knowledge of geography is woefully lacking among school-aged children. As a consequence, my good friend Senator Bradley and I organized a successful campaign to declare November 15-21 as Geography Awareness Week. During that time activities promoting geography literacy were carried out across our Nation. Geography Awareness Week is a good beginning, but it is not nearly enough. In the past 10 years geography as a subject of study has all but disappeared from American classrooms. In the mind of this Senator, geographic illiteracy is a stumbling block to achieving economic competitiveness and a threat to our environmental well-being.

Recognizing the need to increase awareness of geography, Gilbert Grosvenor, the president of National Geographic is steering the society on a long-range program of geography education. Educational efforts are not new to that organization. National Geographic has earned a reputation of being America's premier promoter of global understanding through education. Among it's many educational efforts, the society makes maps available to junior and senior high schools, distributes a newsletter with a mailing list of 20,000 and offers a curriculum in geography for children from kindergarten through 12th grade.

In keeping with it's mission to educate children about geography, the National Geographic Society recently launched a $20 million campaign to fight the problem of geographic illiteracy. This will enhance the ongoing program which for the past 3 years has been offering teachers opportunities to increase their knowledge of geography and to share this knowledge with their peers. In fact, working with teachers in schools is the centerpiece of the society's thrust for geographic literacy and the future path of it's efforts.

Under the able leadership of Gilbert M. Grosvenor, the society has continued to bring the world to the doorsteps of American homes through the National Geographic magazine. Unequalled in excellence for it's thorough treatment of cultural, climate, and global issues, the National Geographic magazine has made a major contribution to the cultural literacy of our Nation's citizens. At no time over it's long history has the society lowered it's standard of excellence for the National Geographic magazine. The award winning photography and intellectually rigorous reporting has given, and continues to give, a first class view of people and places many Americans may never visit, but nonetheless must understand and appreciate.

In a time when the world seems to be shrinking, we cannot afford to ignore the impact geography makes on world affairs. We cannot close our eyes to cultural diversity, to differences in our planet's surface and to the ways geography influences human welfare.

It is with great admiration, then, that I stand before you to congratulate the National Geographic Society as it celebrates its centennial. More than any other organization, the National Geographic Society has promoted global understanding. I commend the society for it's many worthwhile initiatives and applaud it's efforts on behalf of all our citizens. When our young people have an appreciation for the impact of geography on the human condition, we as a nation will be better equipped to carryout our mission of preserving world peace and promoting harmony among the people living on our planet.●

RECOGNITION OF JOSEPH D. MONTICCIOLO

● Mr. D'AMATO. Mr. President, I rise in recognition of the outstanding Government service of Mr. Joseph D. Monticciolo, FAIA. For more than 27 years, Mr. Monticciolo has served the Federal Government with distinction. His service has benefited the lives of citizens, communities, and this country.

Since 1981, Joseph D. Monticciolo has served as the regional administrator and regional housing commissioner of the U.S. Department of Housing and Urban Development, region II. In this capacity, Mr. Monticciolo directed all the Department's programs and activities in the States of New Jersey, New York, the Commonwealth of Puerto Rico and the U.S. Territory of the Virgin Islands. He provided overall managerial supervision and direction to three field offices and two service offices totaling approximately 1,000 employees. He represented and supported the administration's policies in the region, providing input for the development of major housing and community development policies under consideration by the administration. Mr. Monticciolo also served as the Department's principal field liaison with Governors and other State officials.

Prior to serving as the regional administrator, Joseph D. Monticciolo held several positions in region II of the U.S. Department of Housing and Urban Development: from 1977 to 1981 he served as the regional director for program coordination; from 1974 to 1977 he served as the director of the New York area office; from 1971 to 1974 he served as the deputy director; from 1967 to 1971 he served as project planner and production coordinator in the Housing Assistance Administration.

From 1961 to 1967, he served as the regional architect for the Federal Aviation Administration, eastern region; from 1960 to 1961, he served as the architect/engineer, USAF Continental Air Command, Mitchell Field, NY, and Warner Robins AFB, GA.

His professional organization memberships include: American Institute of Architects [AIA], Washington, DC, 1967 to present, regional director, AIA National Board of Directors, 1980-82, elected to the college of fellows of the American Institute of Architects, 1981, member, New York State Board for Architecture, 1982 to present. He was nominated for the Rockefeller Public Service Award in 1973 and the Arthur S. Fleming Award in 1975. He is also the recipient of the James William Kideney Award from the New York State Association of Architects, 1981, and the prestigious Kemper Award from the American Institute of Architects, 1987.

Other professional affiliations include membership on the board of directors of St. Christopher-Ottilie Child Care Facilities, the Columbus Citizens Foundation, the Order Sons of Italy in America, the American Arbitration Association, member on the advisory board of Hofstra University, board of visitors of the graduate school University Center of CUNY, and the board of trustees of the Italian Board of Guardians.

During November 1981 Joe Monticciolo was appointed by President Reagan to serve as the chairman of the Federal Regional Council [FRC], Region II. The FRC was charged with improving intergovernmental relations, responding to problems which involved more than one Federal department or agency, and overseeing administration program priorities.

Joseph Monticciolo received a bachelor of architecture from the University of Illinois, 1960 and became a licensed registered architect, New York State, 1966 to present, he received an honorary doctorate degree from the graduate school of the City University of New York, 1987. He is also the recipient of numerous HUD, public service awards and honors for accomplishments in the field of housing, community development and architecture from local/State associations and private foundations. He has not only shown a dedication and commitment to housing and community development policies and programs, but showed a keen sense of commitment to community revitalization efforts regionwide.

Mr. President, I ask that my colleagues join me in honoring Joseph Monticciolo for his untiring service to so many. He skillfully administered programs that were designed to provide safe and decent housing, as well as programs that enhanced the economic viability of our cities, towns and villages. His participation in the Federal Government has been recognized by many and serves to promote housing and economic development for the future.●

THE RETIREMENT OF MARCUS HALBROOK

● Mr. PRYOR. Mr. President, at the end of 1987, Marcus Halbrook retired from his position as executive director of the Bureau of Legislative Research for the Arkansas Legislature. He had held that job since September 1953.

This may strike the uninitiated as being simply the retirement of a prominent State employee from a long-held position of some importance to the State Legislature of Arkansas. What it means, however, is a great deal more.

Marcus Halbrook has been the conscience, the guiding force, and the institutional memory of the Arkansas House and Senate for the past 34 years. He has personally written most of the legislation our State has acted upon during that time, and it is to Marcus that legislators have turned time and again for advice, counsel, support, and encouragement. He has a

fine legal mind and a razor-sharp accuracy with the English language.

I was a member of the Arkansas Legislature during the early 1960's, and 10 years later I was Governor of the State for two terms. During those times in office, I worked closely with Marcus and came to know and respect the fairness and dedication of his large spirit. There was no one with his grasp of the legislative process, and no one with a better sense of politics and the art of compromise, with the practical know-how that's necessary for getting a bill passed.

I'm not alone in saying this, Mr. President. Marcus Halbrook has been recognized by the National Conference of State Legislatures, by the Council of State Governments, and by numerous commissions and task forces throughout the country charged with improving their legislative processes. He has worked with the Eagleton Institute of Politics at Rutgers as a liaison with State legislatures.

What an understatement, Mr. President, to say that Arkansas will miss Marcus Halbrook. Governors, legislators, State employees, members of all boards and commissions, and the people of my State wish for him a long and distinguished retirement, and we thank him for so many years of truly dedicated service.●

CENTENNIAL OF SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION

● Mr. GLENN. Mr. President, I am proud to join my colleagues today in celebrating the 100th anniversary of the Sheet Metal Workers' International Association. On January 25, 1888, seven local unions met in Toledo, OH, and founded this solid, hard-working organization. The association grew rapidly, and today membership totals 150,000. During the past 100 years, its members have left the quality mark of sheet metal craftsmanship in every community across the United States and Canada.

I am proud to be an honorary member of the Centennial Committee for the Sheet Metal Workers' anniversary celebration, and to recognize the efforts of generations of sheet metal workers who made this special anniversary possible. Although the past century has brought many changes to the sheet metal industry, the association has successfully met these challenges and has committed itself to innovation, progressive action, and dedicated service to its members.

Sheet metal workers have played a historical role in the building of our Nation. The Statue of Liberty owes her existence to sheet metal craftsmanship. One hundred years ago the statue was clothed in copper by skilled sheet metal artisans. In 1986, members of the union restored and refurbished her original sheathing.

The expertise and hard work of sheet metal craftsmen created the famed *Spirit of St. Louis* for Charles Lindbergh in 1927. This custom-made plane, constructed to exacting specifications, completed the first nonstop flight across the Atlantic. The association's involvement with flight continued with the American space program. In July 1969, when men landed on the Moon in the *Apollo 11* spacecraft, sheet metal workers were there again—with every weld in the command module made by union artisans.

Sheet metal workers were also pioneers in other areas of technology. They were instrumental in creating the first aluminum iron lung. This is only one of many contributions sheet metal workers have made to the health care system—laboratory, dental, medical, and hospital equipment are also made by these workers. And association members worked at home and abroad during World War II, lending their expertise and dedication to the war effort.

The Sheet Metal Workers' International Association is one of the Nation's oldest trade unions, and is highly regarded for its dedication and commitment to its members. The association instituted the first pension, health and welfare funds in the building trades, and has been recognized for its leadership in apprenticeship and training programs. The association has cooperated successfully with management in establishing state-of-the-art training programs to expand productivity and job opportunities. The late Edward F. Carlough, general president of the association, was instrumental in the formation of these programs. His son, Edward J. Carlough, current general president, continues the tradition of leadership today.

Today's centennial celebration will be marked by the grand opening of the Edward F. Carlough Gallery and the exhibition, "Sheet Metal Craftsmanship: Progress in Building," at the National Building Museum in Washington, DC.

The National Building Museum is a fitting place for these two exhibits because its mission is to commemorate and encourage the American building arts. The Edward F. Carlough Gallery will be the museum's first endowed gallery and is a gift from the Sheet Metal Workers' International Association. The gallery will feature revolving exhibits, with the first one highlighting the artistic and engineering challenges involved in creating the Statue of Liberty.

The concurrent exhibit, "Sheet Metal Craftsmanship: Progress in Building," is sponsored by a consortium of sheet metal industry groups. Union members, contractors, and other industry members contributed their labor, skills, tools, and materials to fabricate a towering sheet metal structure which chronicles the use of sheet metal in American architecture. The structure will house historic exhibits and a working sheet metal shop. The exhibit will remain at the National Building Museum through August 1988, and I hope that many people will take the opportunity to visit the exhibit and learn more about the great contributions of the sheet metal industry.

I congratulate the members of the Sheet Metal Workers' International Association on their centennial anniversary, and I hope they will continue to serve America for many more years to come.●

TRIBUTE TO ERIC WILKERSON, OF KENT STATE

● Mr. GLENN. Mr. President, I rise today to pay tribute to Eric Wilkerson, an outstanding young football player at Kent State University.

Eric has just completed his third year as a tailback for the Golden Flashes and has already become one of Kent's all-time leading rushers. During the past season, Eric rushed for an average of 111 yards per game, the highest total in the Mid-American Conference and 17th in the Nation. He gained 2,074 all-purpose yards—yardage gained rushing, catching passes, and returning punts and kickoffs—tops among the Nation's division I-A players. And his kickoff returns averaged 23.4 yards, leading the Mid-American Conference and ranking him the 19th in the Nation.

Over the past 3 years, Eric has rushed for 2,524 yards, placing him third on Kent's all-time rushing list. With another year left, he stands an excellent chance of propelling his way to the top of the list.

In recognition of his performance, Eric was selected as the Mid-American Conference player of the year. Eric graduated from Cleveland Central Catholic High School and is currently majoring in graphic design at Kent State.

If past is prologue, Eric can look forward to an outstanding future. I want to congratulate him on his achievements and wish him the best of success.●

UKRAINIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, January 22 marked a day of hope and inspiration for the Ukrainian people and for all those who cherish freedom. It was on this day in 1918 that the proud and strong people of Ukraine threw off the chains of oppression and established their independence. One year later the Ukrainian Rada passed

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the Act of Union, uniting all the territories of the Ukraine into one nation.

In honoring the brave Ukrainian patriots of 70 years ago it is fitting that we also pay tribute to those who against enormous and often life-threatening odds continue their quest for human liberty. It has been more than a decade since 10 courageous Ukrainians joined together, despite constant harassment and intimidation, to monitor compliance with the Helsinki accords by forming the Ukrainian Helsinki Monitoring Group. Although their activities were brought to a virtual halt by the arrest and lengthy imprisonment of the members, a new effort is now under way to revitalize the monitoring group and resume its functions.

Among those whose lives have been dedicated to the quest for freedom and who serve as an example to all of us are Iosyp Terelia and Danylo Shumuk, who served combined sentences of more than 60 years in prison for their human rights activities. Both recently left the Soviet Union and came to the West to tell their stories, and have received special recognition by Americans for Human Rights in Ukraine, the Commission on Security and Cooperation in Europe, and Amnesty International. Yet there were many more whom they were forced to leave behind: Mykola Horbal, Lev Lukyanenko, Petro Ruban and seven other Ukrainian activists struggling just to survive inside the notorious Perm Camp 36–1; Hanna Mykhaylenko and Vasyl Spinenko, incarcerated without cause or redress inside psychiatric facilities; and countless others who suffer in silence and anonymity.

At the same time that we recognize the heroism and personal sacrifice of those being persecuted in their quest for liberty, we must give special recognition to the outstanding accomplishments of those who have brought that same spiritual strength and the rich Ukrainian heritage, here to the United States. The large and active Ukrainian-American community in the United States has made an invaluable contribution to the cultural and economic development of our country through participation in the arts, sciences, politics, business, and other endeavors. We in Maryland are proud to have an active community of Ukrainian-Americans who have enriched our State tremendously with their profound ties to family, church and community, their hard work, and their involvement in public service.

As we reflect on the accomplishments, hopes, and dreams of Ukrainians everywhere, we must renew our pledge to speak out on behalf of those who still lack the most basic human rights and freedoms. This year marks the millenium of Ukrainian Christianity, an anniversary of great historical and religious significance, yet our celebrations will be dampened by the knowledge that the Ukrainian Catholic Church is still suppressed by the Soviet Government and that in the U.S.S.R. the practice of religion is thwarted. The abiding strength and courage of the Ukrainian people give us hope for a brighter future.●

APPOINTMENT OF COMMITTEE TO ESCORT THE PRESIDENT OF THE UNITED STATES

Mr. BYRD. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate adjourns for the day, which it will, that it stand in adjournment over until the hour of 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar under rule VIII be dispensed with and that any motions or resolutions over, under the rule, not come over; that there be a period for the transaction of routine morning business not to extend beyond 30 minutes and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDDAY RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the Senate stand in recess beginning at 12:45 p.m. until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. The recess will accommodate the regular party conferences.

Mr. President, for the convenience of Senators, the weather being what it is and what it may become, I will not have any rollcall vote tomorrow before the hour of 2 o'clock.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now stand in recess awaiting the call of the Chair, if it is agreeable with the Republican leader.

There being no objection, the Senate, at 1:20 p.m., recessed subject to the call of the Chair.

The Senate reassembled at 2:27 p.m., when called to order by the Presiding Officer (Mr. SHELBY).

JOINT SESSION OF THE TWO HOUSES TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. BYRD. Mr. President, I am authorized by the Republican leader to proceed without his presence to conduct the following business.

I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 236.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 236) providing for a joint session of Congress to receive the President's message on the State of the Union.

Mr. BYRD. Mr. President, I ask that the clerk read the resolution.

The PRESIDING OFFICER. The resolution will be read.

The assistant legislative clerk read as follows:

> *Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, January 25, 1988, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 236) was agreed to.

Mr. BYRD. Mr. President, Senators should assemble in the Chamber at 8:30 p.m. for the purpose of gathering to proceed in a body to the hall of the House of Representatives, where the two Houses will receive the address of the President of the United States on the State of the Union.

Following the joint session, immediately upon the conclusion of the joint session, the Senate will stand in adjournment under the provisions of House Concurrent Resolution 236.

ADJOURNMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now stand in adjournment until the joint session begins as provided for in House Concurrent Resolution 236, and I ask unanimous consent that upon the conclusion of that joint session the Senate then stand in adjournment in accordance with the order previously entered until 11 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection to the request?

RECORD OPEN UNTIL 4 P.M.

Mr. BYRD. Mr. President, in the meantime, I ask unanimous consent that the CONGRESSIONAL RECORD remain open for statements by Senators and for the introduction of bills and resolutions until 4 o'clock p.m. today.

The PRESIDING OFFICER. Is there objection to the request?

Hearing none, it is so ordered.

There being no objection, the Senate, at 2:31 p.m., adjourned in accordance with the provisions of House Concurrent Resolution 236, and the previous order until 11 a.m. tomorrow, Tuesday, January 26, 1988.

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HOUSE OF REPRESENTATIVES—*Monday, January 25, 1988*

This being the day fixed by the 20th amendment of the Constitution of the United States and Public Law 100-229, for the annual meeting of the Congress of the United States, the Members of the 100th Congress met in their Hall and, at 12 noon, were called to order by the Speaker of the House of Representatives, Hon. JIM WRIGHT.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, even as we give You praise and thanksgiving for the bountiful gifts of the world, so we ask Your blessing on our responsibilities to be faithful to the high calling of service in this assembly. Help us to be good stewards of the riches of our land and to be eager ambassadors of understanding and good will. May the works of justice be accomplished and the deeds of mercy be celebrated. In spite of the differences inherent in our free land, may we see each other as colleagues working together toward the dreams and hopes that are our heritage and sharing the same good spirit that makes us one people.

We especially remember in this our prayer the life and work of DAN DANIEL and we commit him to Your loving spirit. May Your almightly hand and Your everlasting peace be with him and those he loved and may Your grace keep each of us all our days. In your name, we pray. Amen.

The SPEAKER. The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device to determine whether a quorum is present.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1]

ANSWERED "PRESENT"—280

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Baker
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Bruce
Bryant
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Craig
Darden
Davis (MI)
DeFazio
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Dixon
Dorgan (ND)
Downey
Dreier
Duncan
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Flippo
Foglietta
Foley
Ford (TN)
Frost
Gallegly
Gejdenson
Gekas
Gilman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hatcher
Hawkins
Hayes (IL)
Henry
Herger
Hertel
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hughes
Hutto
Inhofe
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kasich
Kastenmeier
Kennelly
Kildee
Kleczka
Kolbe
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lott
Lukens, Donald
Lungren
MacKay
Madigan
Markey
Martin (IL)
Matsui
Mavroules
Mazzoli
McCandless
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Nichols
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Panetta
Pashayan
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
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Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rose
Roth
Rowland (GA)
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Sawyer
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Schneider
Schroeder
Schuette
Schumer
Sharp
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Spence
Staggers
Stallings
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tauke
Thomas (GA)
Torres
Traxler
Udall
Upton
Valentine
Volkmer
Walker
Waxman
Wheat
Whittaker
Whitten
Wolf
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)

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The SPEAKER. On this roll call, 280 Members have answered to their names, a quorum.

Under the rule, further proceedings under the call were dispensed with.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 25, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a telegram received from the Honorable Gentry Crowell, Secretary of State, State of Tennessee, advising that based upon the unofficial returns the apparent winner of the special election for the Fifth Congressional District of the State of Tennessee held on January 19, 1988, was the Honorable Bob Clement. An official election certificate will be issucd by the Secretary of State on January 26, 1988, and transmitted to the House of Representatives.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

[Western Union Telegram]

STATE OF TENNESSEE,
Nashville, TN, January 21, 1988.

DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives, Washington, DC.

DEAR SIR: This is to advise that a special election to fill the vacant seat from, Tennessee's Fifth Congressional District was held on January 19, 1988. The apparent winner of the election is Bob Clement, Democrat. The unofficial returns are as follows: Bob Clement, 56,090, Terry Holcomb, Republican, 32,765, Joe Driscoll, Independent, 604, Suzanne Stewart, Independent, 678. Official election certification will be completed January 26, certified duplicate original will be sent to you upon completion. Facsimile copy will be sent as well. Thank you for your assistance.

GENTRY CROWELL,
Secretary of State.

SWEARING IN OF HON. BOB CLEMENT OF TENNESSEE AS A MEMBER OF THE HOUSE

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee, Mr. BOB CLEMENT, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. Will the Honorable BOB CLEMENT of Tennessee kindly step forward and take the oath of office.

Mr. CLEMENT appeared at the bar of the House and took the oath of office.

The SPEAKER. The gentleman from Tennessee is a Member of the House of Representatives.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RESPONSE OF HON. BOB CLEMENT

(Mr. CLEMENT asked and was given permission to address the House for 1 minute.)

Mr. CLEMENT. Mr. Speaker, it is indeed a real honor and a real pleasure to have the opportunity to be here with you in the greatest deliberative body in the history of the world.

I am looking forward to getting to know all of you on a first-name basis.

I had the opportunity at Greenbrier to get to know a lot of you. Bill Cosby was there and talked to my daughter, Mary Elizabeth, and asked Mary Elizabeth, "What is your name?"

And she said, "Mary Elizabeth Clement."

"Well, why are you here?"

"My daddy just got elected."

So it is good to be here with all of you, knowing that I am the 435th Member of Congress, the least most powerful Member of Congress.

Thank you, Mr. Speaker, for giving me the oath.

Mr. Speaker, during the last year I have met thousands of people. It was clear that we all shared the core values which make our country and our community strong and vibrant.

We agreed, for example, on the need to instill excellence into our educational system, to protect the retirement years of our older citizens, including those affected by the Social Security notch, and to turn our children away from drugs.

We also agreed on the need to make our Government fiscally responsible, to make international free trade fair, and to reward initiative and selflessness.

Mr. Speaker, I look forward to realizing those values. I want to join you and the other Members of this deliberative body in setting the priorities necessary to move this country forward.

Thank you for giving me the opportunity to say my 1 minute's worth, and thank you, family and friends, for coming so far to see me take the oath today.

Mr. FOLEY. Mr. Speaker, I know I speak for Members on both sides of the aisle in congratulating and welcoming our newly elected Member from Tennessee.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. FOLEY. Mr. Speaker, I offer a privileged resolution (H. Res. 346) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 346

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1230

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 346

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Washington [Mr. FOLEY] and the gentleman from Illinois [Mr. MICHEL].

NOTIFICATION TO THE SENATE

Mr. WHITTEN. Mr. Speaker, I offer a privileged resolution (H. Res. 347) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 347

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF ENROLLED BILLS SIGNED DURING SINE DIE ADJOURNMENT

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Wednesday, December 23, 1987:

H.R. 1162. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order;

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture, and for other purposes;

H.R. 1454. An act to permit certain private contributions for construction of the Korean War Veterans Memorial to be invested temporarily in Government securities until such contributed amounts are required for disbursement for the memorial;

H.R. 2401. An act to extend the authorization of the Renewable Resources Extension Act of 1978, and for other purposes;

H.R. 3435. An act to provide that certain charitable donations, and payments for blood contributed, shall be excluded from income for purposes of the Food Stamp Program; and

H.R. 3674. An act to provide congressional approval of the governing International Fishery Agreement between the United States and Japan; to implement the provisions of annex V to the International Convention for the Prevention of Pollution From Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets; and for other purposes.

And the Speaker signed the following enrolled bills and joint resolution on Wednesday, December 30, 1987:

H.R. 145. An act to provide for a computer standards program within the National Bureau of Standards, to provide for Governmentwide computer security, and to provide for the training in security matters of persons who are involveld in the management, operation, and use of Federal computers systems, and for other purposes;

H.R. 278. An act to amend the Alaska Native Claims Settlement Act to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the act, and for other purposes;

H.R. 2598. An act to limit the ability of foreign-built and foreign-rebuilt vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes;

H.R. 3030. An act to provide credit assistance to farmers, to strengthen the Farm Credit System, to facilitate the establishment of secondary markets for agricultural loans, and for other purposes;

H.R. 3395. An act making technical corrections to the Federal employees' retirement system, and for other purposes;

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes;

H.J. Res. 436. Joint resolution providing for the convening of the 2d session of the 100th Congress; and

S. 1389. An act to amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.

DAILY HOUR OF MEETING

Mr. PEPPER. Mr. Speaker, I offer a privileged resolution (H. Res. 348) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 348

Resolved, That until otherwise ordered, the hour of meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays; 2 o'clock post meridiem on Wednes-

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days; 11 o'clock ante meridiem on all other days of the week up to and including May 14, 1988; and that from May 16, 1988, until the end of the second session, the hour of daily meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays and 10 o'clock ante meridiem on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
December 28, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:53 a.m. on Monday, December 28, 1987, the following message from the Secretary of the Senate: That the Senate agreed to the House amendment to the Senate amendments to H.R. 2598.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF HON. DAN DANIEL, U.S. REPRESENTATIVE FROM THE STATE OF VIRGINIA

Mr. SISISKY. Mr. Speaker, I offer a privileged resolution (H. Res. 349) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 349

Resolved, That the House has heard with profound sorrow of the death of the Honorable Dan Daniel, a Representative from the Commonwealth of Virginia.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER. The gentleman from Virginia [Mr. SISISKY] is recognized for 1 hour.

Mr. SISISKY. Mr. Speaker, it is my sad duty to report to the House the passing of our dear friend and colleague, DAN DANIEL, who so ably represented the Fifth District of Virginia for the past 19 years.

As I said on television the other evening, DAN was truly a Virginia gentleman. He was a Virginian, through and through, steeped in all of the highest principles of our Founding Fathers, a great believer in Jeffersonian democracy, and yes he was a gentle man.

All of us who knew him could not escape the feeling that here was a man, from humble beginnings, who felt very deeply and very personally the importance of every issue which came before this House.

DAN was unapologetically a conservative, but he recognized that we cannot sweep problems under the rug, and he was therefore always open to options or alternative approaches to deal with the problems when he could not in good conscience support the original proposal.

He will be sorely missed in this House, but he will leave a tremendous void on the House Armed Services Committee, where he so faithfully served for so long. As chairman of the Subcommittee on Readiness, he was directly responsible for 8 percent of the national budget, but he treated each item, each problem, as though it were his personal duty. He was thorough in his approach and wanted to make certain that every dollar met a specific need. He was concerned about the needs of our Armed Forces and felt correctly that without a strong national defense, "all other matters are academic."

As chairman of the moral, welfare and recreation panel, his responsibility was the oversight for all military post exchanges and commissaries around the world—an awesome task in itself.

Yet, he also found time to represent his district in an unexcelled manner and served his constituents in ways which went far beyond the call of duty.

DAN was faithful in his stewardship of the office, he was loyal to his friends, zealous of the Nation's good, and had a sense of duty which was hard to equal.

When he died at 5:20 p.m. last Saturday in Charlottesville, it was almost precisely 4 days after he had reluctantly announced his retirement at the end of this term. As he said in his statement on January 19, he had reached the point where he felt he could no longer give "a 100-percent effort" because of health problems. A 75- or 90-percent effort from DAN DANIEL would be more than most could give, but this would, in his words, "not be fair to the people I represent and would be inconsistent with my basic work ethic."

This is what DAN DANIEL told the press on January 19. I can tell my colleagues that DAN DANIEL told me the same thing on the evening of January 18.

I am sure I join all of my colleagues in extending sincere condolences to his wife Ruby and his son Jimmie Foxx Daniel, and, of course, to his two grandchildren.

Mr. Speaker, we will depart the House steps for Andrews Air Force Base to go to Danville, VA, tomorrow, at 11:45 a.m. The funeral services are ar 2 p.m. at Mount Hermon Baptist Church in Danville, VA, and, of course, our estimated arrival back here should be at 5 p.m.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am more than happy to yield to the distinguished Speaker.

Mr. WRIGHT. Mr. Speaker, I should like to join the gentleman from Virginia [Mr. SISISKY] in expressing our sadness which I know all of us feel over the passing of one so quintessentially a part of this body. DAN DANIEL epitomized in his life that much overused term "gentleman." He was indeed a Virginia gentleman. The phrase fitted him like a well-tailored shirt. In each of his public and private expressions DAN DANIEL was courtly, genteel, and yet every inch a man. I cannot imagine anyone who is not moved by the passing of somebody so essentially honorable, so fundamentally decent, who contributed as much as he did to the deliberations of this Chamber.

So I join in sadness and in expression to his loved ones of such solace and consolation as we may impart and join in the prayer that his spirit may endure and he may rest in peace.

□ 1245

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to my colleague, the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for taking the well and the lead in bringing this resolution to the floor. This is a sad day for me and for my wife, Mary. We have come to love DAN and indeed we were with him just a week ago. To stand here today I am still in a state of shock, as I am sure we all are.

DAN was a great man, as my colleague from Petersburg has pointed out. He represents an era in Virginia that is fast fading, that will be almost impossible to replace. His dedication to his constituents, his dedication to his State, his dedication to his country by his previous service as national commander of the American Legion and the invaluable service that he has given us and all future generations of Americans here in this House and on the Intelligence Committee as well as the Armed Services Committee.

Indeed out prayers go out to DAN and to Ruby and Jimmie Foxx and their grandchildren.

I appreciate the gentleman from Virginia granting me this time.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. Mr. Speaker, I am delighted to yield to my colleague, the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I want to thank the gentleman in the well as well as the other members of the Virginia delegation for taking this time.

DAN DANIEL, in my opinion, is really the great American story, coming from poor beginnings, working in a mill in Danville, VA, and rising up as the vice president and total manager of that mill.

DAN served in the Navy for 2 years in World War II. After that he came back to Danville and became active in the American Legion and other veterans' organizations and was the national commander of the American Legion for 1 year.

I believe DAN came to Congress about 20 years ago and the Congress saw his abilities and he was placed on the Armed Services Committee as soon as he came to Congress, and eventually he worked his way up to become chairman of the Readiness Subcommittee. If there is anything that has ever been done good for this country it has been done by DAN DANIEL as the head of the Readiness Subcommittee. I am happy to say I served on that subcommittee as the gentleman in the well does and several others who will talk here. Our readiness is in the proper position. We have as fine young men and women as we have ever had in the service, and it is under the all-voluntary system. DAN DANIEL has had a lot to do with having our Nation prepared.

I would state to the gentleman in the well that I hope we can come up with something in the Defense Department or some area of defense that could be named in memory of DAN DANIEL, and members of the Armed Services Committee should begin work on that.

DAN loved the Prayer Breakfast Group which we attended every Thursday morning. He was our president of the Prayer Breakfast Group. He was going to participate Thursday a week in the National Prayer Breakfast.

He will be totally missed by all of us in this Chamber and by many Americans. I thank the gentleman for giving me this time and want to express my sadness to his wife, Ruby, and to Jimmie, his son, and to his grandsons.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I thank the gentleman from Virginia [Mr. SISISKY] for taking out this time. I want to join the other Members in expressing my sorrow on behalf of myself and my wife at the death of DAN DANIEL, and to his family, his wife, Ruby, and to his son Jimmie and to his constituents and friends.

I think there will be much more to say at a later time. The gentleman from Mississippi [Mr. MONTGOMERY] talked about his services. But I think the most important thing said was by the Speaker of the House, the gentleman from Texas [Mr. WRIGHT], in describing DAN DANIEL by saying that the one word that sums up his life is that he was a real "gentleman," an individual who I went to for guidance on so many items. I know we all just regret and want to express our sorrow to his family.

I agree with the gentleman from Mississippi [Mr. MONTGOMERY], at the appropriate opportunity we should do something in his memory so that it will live on long after this.

Mr. SISISKY. Mr. Speaker, I would add to the gentleman that we are going to plan a special order hopefully Wednesday a week for more Members to have an opportunity to express themselves.

Mr. PICKETT. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Virginia.

Mr. PICKETT. Mr. Speaker, I want to add my remarks to the remembrances of DAN DANIEL, a gentleman who I always spoke of as being the grand gentleman of Virginia, someone who carried himself in a proud manner, someone who always spoke well, was a good friend, a hard worker, and a credit to our State. He will be missed.

I would like to add my condolences to his family and say that I hope that we will be able to carry on in the future and do those things that DAN has started here in the Congress. He was known as a friend to our Defense Establishment, and I know that those of us who have worked with him will want to see the things that he has started continue on.

I thank the gentleman for yielding.

Mr. BATEMAN. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Speaker, I thank my friend from Petersburg, Mr. SISISKY, for making it possible for us to say this near to the occasion of DAN's untimely death those things that come first to our hearts and our minds.

It has been my privilege to have known DAN DANIEL since 1968 when I found myself newly elected to the General Assembly of Virginia, a body in which he was then serving and had served for a number of years before he came on here and began his exemplary service that we have all come to love and respect him for.

DAN DANIEL is certainly the very epitome of that finest of all of the traditions that Virginians speak of with pride, and that is the tradition of public service, giving of oneself in the service of the public good.

DAN DANIEL has done that all of his life in a very special kind of way. In all of the years that I knew him, both as a legislator in Richmond and the time in which I served with him here, and I am sure this is true of all of my colleagues who have served here with him much longer than I, there has never been a moment when he was other than the very essence of civility, courtesy, decorum, not an unkindly word or deed have I ever known or observed or even had attributed to DAN DANIEL, a very, very special man and one that I and all of those in the House will miss a very great deal.

Our hearts, our sympathy, our deepest condolences go out to his lovely wife, Ruby, to his son, Jimmie, to those grandchildren, to all those who knew and loved DAN DANIEL.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, California is a long way from Virginia, but I am confident that all 45 Members of the California delegation join me in deep sorrow on learning of the passing of our good friend, DAN DANIEL.

DAN had the office next to mine in the Rayburn Building for the past few years, and his wonderful staff and my staff spent much time together. DAN was always courteous and helpful. At Christmastime he had the nicest party in the world, and we all went down and sat and chatted with him and his wonderful wife, Ruby. We met the other members of his family.

Often DAN and I would talk about golf because both of us played. DAN right up until the last few months played very, very well. He was always a great sportsman. He loved the game, he was a great outdoorsman.

It always seemed to me that DAN lived in the tradition of the great State of Virginia, and we from California, a rather new State as time goes, should be eternally grateful to the statesmen of Virginia and especially people like DAN DANIEL and so many Members of the House here from Virginia who 200 years ago almost singlehandedly created our Nation and wrote the Declaration of Independence and the Constitution and are the authors of so much of what is important in American lives.

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So, Mr. Speaker, we do miss Dan, but we are all better off for having had the opportunity to experience the friendship of this gentle, dignified, good man, and our sympathies go to his wife, his children, his grandchildren and, of course, the members of his loyal staff here in Washington and to his hometown constituency.

Mr. SLAUGHTER of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Virginia.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I appreciate the gentleman yielding to me and also extend my appreciation to him for introducing this resolution today on Dan Daniel.

Dan Daniel was an outstanding legislator in the General Assembly of Virginia where he served many years and in the Congress of the United States. In both bodies he was recognized as one the leaders for the abilities that he had and for the dedication which he showed in all of his actions.

Dan was a gentleman of the highest character. He always did what he thought was for the benefit of his State and his country.

In the field of national defense, by his own choice, he became an expert and he has contributed to the national defense of this country over the past 20 years immeasurably, and indeed all of the United States has benefited by his activities in that area.

He will be missed by his friends, his family of course, and by so many people in his district and throughout Virginia, and indeed his passing is a loss by our country.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I join my friends in expressing my sorrow at the passing of our friend and colleague, Dan Daniel of Virginia.

Truly, he represented fully the basic values which have made our country great, values which we need to remember and on which we should build.

His contributions to defense, to our veterans, and to the people of his district, his State, and the Nation leave a great record which is a challenge to all of us.

It was my privilege to have Dan as a close friend, one whom we shall miss.

To his wife, Ruby, and other members of his family, I extend my deepest sympathy at their loss.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the distinguished minority leader.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, I was so distressed when early Sunday morning I heard the news on the air that our good friend, Dan Daniel, had passed away, because it was only in this past week that we were both together in a setting out on the west coast where some of us were playing golf, no secret about that. And of course Dan being such a good athlete in his earlier years, a baseball player, and ultimately all of the times we have played golf together, I hope my Democratic friends will not take any offense to my recounting the last words we had together. It just so happened that that evening I was to make some comments or a speech of some sort and we jocularly said Dan, would you mind coming along. And he said no, I do not think I need to hear your speech, Bob. I think everything you would say would be perfectly in concert with what I probably would say under the same conditions.

I mention that only because Dan Daniel and I, although coming from opposite sides of the aisle, voted together a great many times on the floor of this House. He was certainly one of those outstanding individuals who you then come to know as a friend for just having served together in this body.

□ 1300

As I said, I was so distressed to learn that so shortly after announcing that he would not run for reelection Dan should pass from the scene. But I wanted to express my unbounded sympathy to his lovely wife and the members of the family for them to know how much we are going to really miss seeing our friend, Dan Daniel, around the floor of the House.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SISISKY. Mr Speaker, I thank the distinguished leader.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Virginia.

I appreciate the fact that he has taken this time so that we can say briefly today what I think we will say at greater length at some time in the future how much we will miss Dan Daniel.

I had the honor of being regional representative for the region in which Virginia and Maryland are both members, and in the course of my discussing various issues to be considered by the House with the members of our region, I had the opportunity of meeting with Mr. Daniel on a number of occasions. He was of course some 20-plus years my senior. It has been mentioned that he was a gentleman of the first rank; and that he was, though much senior to me in the House, he always was solicitous of my views, always took the time to discuss with me his positions, and one other thing that struck me most, and I think it was indicative of the kind of Representative that Dan Daniel was and the kind of representation that he gave to Virginia and our Nation, was that he never failed to articulate on any of the major issues that confronted our House. In his discussions with his constituency, with all the interest groups in his constituency, he solicited their views and their opinions, and rarely, if ever, failed to act on their advice and what he perceived to be in the best interest of his State and of his Nation.

We will all miss Dan Daniel. He brought to the House of Representatives a quality of character and commitment that America could be proud of and that his State was indeed proud of, and I join my colleagues in lamenting his loss.

Mr. SISISKY. Mr. Speaker, I thank the gentleman.

Mr. ROWLAND of Georgia. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am glad to yield to the gentleman from Georgia.

Mr. ROWLAND of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have heard my colleagues in this House describe Dan Daniel, and I agree with everything they have said about him, but there is one trait that he had that I came to personally know after he became ill, and that trait is courageousness.

If you recall, Dan went off last year. He went to have himself examined, and he found that he had an aneurysm of his aorta, and he came back, and he was told there that there is no surgery that could be done for him. I talked with him on several occasions about this, and he had that weakness in that vessel and he knew that someday that vessel was going to rupture and that he would not live very long after that. But in spite of that he was courageous, he carried on his activity in this House, he carried on his activities outside of this House.

I came to know him really well in the Thursday morning Prayer Breakfast that we have here. He was president of that prayer breakfast. So Dan Daniel to me was a courageous person. He represented the people of his district and his State and this country in a way that was exemplary. He was to me a gentleman's gentleman, a legislator's legislator. He was to me the epitome of what Members of the U.S. House of Representatives should be. He will be sorely missed by the Members of this House, by the people that live in his district, the State of Virginia, and this entire country, and I extend to his entire family my deepest sympathy. He was a true friend of mine and a great American in my opinion.

I thank the gentleman for yielding.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Georgia.

Mr. GRAY of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Illinois.

Mr. GRAY of Illinois. Mr. Speaker, I thank my friend from Virginia for taking this time and thank him for yielding to me.

Mr. Speaker, greater love hath no man than he who is willing to lay down his life for his friends. Dan Daniel was that kind of man.

Before coming to Congress more than 33 years ago, I had the great privilege of being a commander both on the district and local level of the American Legion, and I followed Dan Daniel's tenure when he was national commander, and I can say to this body and to his family that they can be proud of the work he did for the veterans, for the widows and orphans of this country, and then after coming to Congress 19 years ago he took up that great vigil of defending democracy and doing everything he could as a member of the House Committee on Armed Services.

So I want to rise today briefly in associating myself with remarks made by the previous speakers about what a great American and a great patriot Dan Daniel was and to extend to his family our deepest sympathy.

Mr. Speaker, I thank my friend for yielding.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Illinois.

Mr. HUTTO. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Florida.

Mr. HUTTO. Mr. Speaker, some of us knew the condition of Dan Daniel, we knew that he was going day to day, and so his passing was a shock, although it was not a complete surprise to those of us who knew him so closely. I had the opportunity to be on the Armed Services Committee with Dan Daniel for the nearly 10 years that I have been here, and I certainly would echo the comments that have been made earlier about Dan Daniel.

This body has lost one of its finest Members. Someone has commented about how distinguished Dan Daniel looked, and indeed, he did look the part of a Congressman, and he performed as a Congressman should. There is not any greater patriot that I know of than Dan Daniel, and it has been mentioned that he was the national American Legion commander; he has done everything that he possibly can to see that we have a strong nation.

It was my privilege to serve as the ranking member under him on the Readiness Subcommittee which he chaired. We have worked very closely together, and I believe that Dan Daniel probably is the single individual who has done more for our forces to see that they had the wherewithal to do their job. He was a perceptive man who realized that just glamorous tanks and guns and airplanes would not do it, but people were important, that you have to give them what they need to do the job. And so he fought for making sure that they had the spare parts, that they had what they needed to do their job well.

So he will be sorely missed, not only by those of us who worked with him personally, but by the House of Representatives, the Congress and the people of America because he truly was a great statesman and a great American.

I and my wife, Nancy, extend to Ruby and their family our deepest sympathy. Our hearts and prayers are with them at this time.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Florida.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Alabama.

Mr. NICHOLS. Mr. Speaker, I thank the gentleman for yielding.

On the night of January 18 I received a call from Congressman Daniel from his home in Virginia, and Dan told me that he had made up his mind not to run again. He told me that his reason for making this decision was based on the fact that he felt he could not give it the full attention that the office deserved, and then on the night of Saturday, January 23, my telephone rang to tell me that my friend of 20 years had passed away.

Mr. Speaker, Dan Daniel in my judgment epitomized God and country and family. He was extremely proud of his Virginia heritage, and he followed in the footsteps of the Washingtons, the Jeffersons, and Patrick Henrys.

Dan Daniel will be sorely missed on the Armed Services Committee, but Dan will be remembered not for his support of sophisticated and expensive and futuristic military weapons and hardware, but rather he will be mentioned, and he will be memorialized in the hearts of those who knew of his love and his concern for people demonstrating time and time again his support of commissaries, housing, and day care centers.

Certainly those of us who meet each Thursday morning at the House Prayer Breakfast will sorely miss our friend, Dan Daniel, who had such a great love for prayer, and God, and his own church, and his own family.

I recall his lovely great old hymn, "Amazing Grace," and he asked that in arranging the program for this year's Prayer Breakfast, the song, "How Great Thou Art," will be sung, and when that song is rendered, I will certainly think of my friend Dan Daniel. He indeed fought a good fight, he kept the faith, and I extend my deepest sympathy to his wife and to his son and all members of his immediate family.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Alabama.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to extend my sympathy to Congressman Dan Daniel's family and all the people of the great State of Virginia who returned him to Congress for so many years and who truly loved this man. To me he was truly one of the most dignified and courtly people, not only in demeanor and looks but in character. I think he had an extraordinarily strong dimension to his character.

I did not have the privilege of serving on a committee with Dan, but I got to know him rather belatedly in the past several years. He encouraged me to go to the Prayer Breakfasts along with Congressman Montgomery, and I have been going when I can. The fact is that that Thursday morning has meant an awful lot to me. It has meant a lot to me primarily because of the camaraderie and the wonderful spirit that really is mirrored and has been mirrored by the head of the Prayer Breakfast, Dan Daniel.

I found out about his passing away at our issues conference this weekend when a number of Dan's colleagues and their families were gathered together. We heard it from Bill Hefner. We were having a segment of the program where we devoted it to some entertainment, and he was the master of ceremonies par excellence. So Bill Hefner, a good friend of Dan's, told the House Members and those present that Dan had passed away. I thought that the way that Bill handled it was really beautiful, because he did, I think, what Dan would have wanted him to do. He sang for the entire group in Dan's memory "Amazing Grace." I think that the lyrics to that song really truly portray the feeling that we all have about Dan—"Amazing Grace, How Sweet Thou Art."

He had a tremendous influence on all of us. Most of us probably will never really realize how great his influence was. God bless him, and God bless his wonderful family.

Mr. SISISKY. Mr. Speaker, I thank the gentlewoman from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, with the passing of Dan Daniel, we have lost a great friend. The House has lost a great friend, one that will be almost impossible to replace when it

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comes to loyalty to his country and his constituents.

Mr. McCURDY. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Oklahoma.

□ 1315

Mr. McCURDY. Mr. Speaker, I thank the gentleman for yielding.

I, too, want to join our colleagues in giving our sympathies to the DANIEL family and to say just a word about a truly remarkable and very memorable person.

I served on the Armed Services Committee with DAN and had the privilege of serving on his subcommittee when he was chairman of the Readiness Subcommittee, and also had, I think, a very cherished experience of serving on the House Intelligence Committee with Congressman DANIEL.

He was a very thoughtful, a very serious person, who, I think, exemplifies the values of this great Nation. He, as so many of our colleagues have indicated, was truly a gentleman. When you think of Virginia and what you consider a southern gentleman, you would have to of course think first of DAN.

He was a person who was strong of character, certainly held the highest values that we as Members seek to achieve.

I think his commitment to our country and to our people and the freedoms that we all cherish will long be remembered in this body.

So many times we would always be able to find DAN back there leaning against the rail by the center aisle. We always knew where to find him, but more importantly, we always knew where he stood, whether it was in defense of this great Nation, whether it was in the military arena, in armed services, he made such a valiant fight and stood up for the readiness of our Nation, knowing that it was more than just systems, it was the people and that they needed to be supported in military personnel.

Also, he had a strong inner commitment to maintain the freedoms and liberties of the citizens of this Nation, but more importantly throughout the world.

He will be missed. We send again our respects to his family. We will miss him very much.

I thank the gentleman for his leadership and certainly for taking this time in honor of our late colleague.

Mr. STUMP. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Arizona.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I, too, had the privilege of serving with DAN on two different committees, on the Armed Services Committee and the Intelligence Committee. More than that, I had the opportunity to serve with DAN as an officer of the Prayer Breakfast that meets frequently here in the Capitol. Last year DAN spoke to the National Prayer Breakfast and in his comments in a message from the House he made the statement to the audience that the thing he looked forward to the most each week was our weekly Prayer Breakfast here.

We are going to miss DAN. DAN was supposed to be on the program this year.

I think DAN was truly the epitome of a southern gentleman, and probably one of the most patriotic Members of this body.

We will miss him, and my condolences to Ruby and his family.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, on behalf of the entire West Virginia delegation, Mr. Speaker, I want to join my colleagues in expressing my deepest sympathy over the loss of our dear friend and dear colleague, DAN DANIEL.

Coming from the neighboring State of West Virginia, we shared many problems in agreement with each other. I know during my 12 years in my service in this Congress of the United States, DAN's counsel and his advice and his friendship were most important to myself and I know to the other Members of the West Virginia delegation.

Although not serving on a committee with him, his advice in matters that were of concern to the national security of this Nation was certainly advice that I took under serious consideration and advisement in all such matters.

Probably as much as any Member of this body, DAN DANIEL was concerned, No. 1, about the national security of these United States of ours. It was that concern that brought to his standing in this Congress the highest of respect from all our Members and indeed from all his constitutents that sent him back to the Congress by such overwhelming margins.

I know that DAN was a personal friend. We shared many times of relaxation together, especially back in my home State of West Virginia on the golf course, I might add. His counsel was often sought there also, because he was such a sports enthusiast.

I know having learned of his passing for the first time this past weekend at our Democratic Issues Conference in my home State of West Virginia, I thought immediately of the times that we had shared and the friendship we had shared on those golf courses at that very setting where we were this weekend.

So again on behalf not only of myself personally, but of our entire West Virginia delegation, I join in expressing our sympathy to DAN's wife and to his family and to his constituents.

Mr. FAZIO. Mr. Speaker will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, I just want to say a few words of remembrance of my friend, DAN DANIEL. I served on the Armed Services Committee with him during my first year here in the Congress and during that first freshman year, DAN and I developed a friendship that has lasted through the remaining time that DAN was able to serve with us in this House.

I want to say that I thought of DAN DANIEL more than someone concerned with simple concepts of national defense, but as someone who was deeply dedicated to the needs and the morale of the men and women who serve in the military. DAN was first and foremost with the infantrymen, with the seamen, with the airmen, with the men and women who do the very difficult job of defending our country on a daily basis.

He looked and acted like the epitome of the confederate officer. If you looked at DAN DANIEL, you could see him standing there in that gray uniform of, I am sure, his ancestors, but he never really forgot, I am sure, part of his tradition, the contributions that the average person makes to the service of their country and to the defense of the Nation and the freedom that we all enjoy.

I think DAN in great detail made it his task to make sure that those people, for example serving on a flat top out there in the Mediterranean or on a post up against the Warsaw Pact in Germany really had the kind of attributes, had the kind of services, had the kind of life that made it possible for them to serve their country to the epitome.

I really think DAN should be most remembered for the contributions he has made to the men and women in uniform.

At this time I would simply like to add my condolences to his family and to his constituents that he served so well for so many years.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the distinguished majority leader, the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding and thank him on behalf of the House for taking this time in honor of the memory of DAN DANIEL of Virginia.

I think it has been clear from the comments made by Members on both sides of the aisle from every region in the country how thoroughly the gentleman from Virginia, Mr. DAN DANIEL, will be missed in this body. It has been said time and again that he was the epitome of what we regard as service in the House of Representatives in the great tradition of his State and his commitment not only to the nationally security of the United States, but to the welfare of all Americans, he was truly an outstanding and exemplary Member and his memory will be cherished as his service will be missed.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for giving us the opportunity to say a few words, and yet it is impossible to adequately express our sense of loss or to adequately express our sympathy to his lovely wife, Ruby.

To say he will be missed is an understatement. We knew him not only as a fellow member of the Armed Services Committee, we knew him not only as an outstanding American, having risen through the years from rather humble beginnings, through World War II with a distinguished service record, to the epitome of the heights of the American Legion, being at least at that time the only enlisted commander of the U.S. American Legion, later becoming a Member of Congress, a subcommittee chairman, and someone who looked out for the American soldier, sailor, airman, and marine, as few others do; but in a more personal sense, we will miss him as a friend, as a colleague whose advice was always good, whose demeanor was always that of a gentleman and one who epitomized the phrase, a Virginia gentleman.

We will truly miss DAN DANIEL. He was a great American.

Mr. BENNETT. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Florida.

(Mr. BENNETT asked and was given permission to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, one of the finest Americans we have had in this great country of ours, DAN DANIEL, has passed to his reward in Heaven. I am sure he is in Heaven because he certainly was a man with his heart and his soul in things that were good for mankind and for our great country, a man of determination, of character, of humility, and real leadership.

Of all the people I have served with in the 40 years I have been in Congress, I cannot pick out anybody that I have a higher regard for than the fine gentleman from Virginia, DAN DANIEL, and with great sadness I pay my respects to the family and his many friends and hope that they will realize that they were blessed like all of America was by the presence of this great man in this institution.

Mr. STRATTON. Mr. Speaker, the passing of our much beloved and respected colleague, DAN DANIEL, the day before yesterday has dealt a heavy blow to the House of Representatives and to the committees he served—the House Armed Services Committee and the House Select Committee on Intelligence. Oddly the press noted that DAN was the only member of the Virginia delegation without a college degree.

But DAN had graduated cum laude from the College of Hard Knocks, and his knowledge came from experience—the best teacher of all.

Those of us who had the privilege to know DAN DANIEL and to hear his sage comments on military problems know that when DAN DANIEL asked a colleague to yield it was in the process of giving the most concise and practical suggestion that could be made.

DAN DANIEL as the chairman of the Readiness Subcommittee had the toughest assignment of all to corral the funds that would provide the pay of our troops and would provide the weapons for our soldiers, sailors, airmen, and marines.

In spite of the budget cuts made in the Gramm-Rudman-Hollings legislation, DAN managed to see that our need for readiness in personnel, in construction, and in weapons was not overlooked.

As a former national commander of the American Legion, DAN stood strongly for those who had served their nation in time of war. Single-handedly DAN DANIEL saved one of the last remaining portions of the beach at Wakiki, the R&D hotel for veterans and retirees at Fort DeRussy. DAN vowed to see that this last bit of Oahu's beach was reserved, as it was intended to be, for rest and recreation for veterans and their families.

DAN DANIEL was selected by Speaker Tip O'Neill some 3 years ago to fill a vacancy on the House Select Committee on Intelligence, one of the most prestigious committees in the Congress. Tip knew the distilled wisdom that DAN DANIEL possessed, and Tip wanted that wisdom because he believed that the experience of a former commander of the American Legion could be vastly helpful in dealing with foreign governments.

I can remember when our committee went on overseas trips invariably the military leaders in many countries already knew DAN DANIEL because, as national commander of the American Legion, DAN had visited them earlier and always had good advice on how our committee should handle certain problems.

Those of us who saw DAN on a daily basis saw that his medical problems were slowing him down, but he never complained. He never lost his smile and his sense of humor. And, as he had done in the Armed Services Committee, he would not hesitate to correct some Member when DAN knew he had missed the crux of some argument on the floor. In his quiet voice DAN'S contribution was on the beam—as Tip O'Neill recognized at the very start.

We will surely miss him. Oh for the touch of a vanished hand and the sound of a voice that is still.

(Mr. SISISKY asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. SISISKY. Mr. Speaker, I thank the gentleman and before I yield back the balance of the time, DAN expressed to me last week his concern about how he would be remembered in history. A Virginian will do that, and obviously we have heard today how he will be remembered.

As a Virginia gentleman, he was a very religious, a deep thinking person, and the greatest patriot of this Nation I have ever seen in the love for this country, not for the State, but the love for this Nation. I think he will be remembered as a true servant of the people.

Mr. Speaker, I include the following article from the Danville Register of January 20:

[From the Danville Register, Jan. 20, 1988]

NO STATUE, ONLY RESPECT

Writing in the Lives of Plutarch in the 2nd century B.C., Cato the Elder, a Roman statesman and historian, mused upon the meaning of greatness in this way—"I would much rather have men ask why I have no statue, than why I have one."

In a telephone conversation yesterday evening, F. Seward Anderson, the mayor of Danville, reached back in time for those words to describe the impact and influence of Fifth District Rep. W.C. "Dan" Daniel, who, just hours earlier, made public his decision not to seek another term in the House of Representatives. After 29 years of public service, the last 20 atop Capitol Hill, the dean of the Virginia Congressional delegation will return to the homeplace in Danville.

In a special way, Daniel is the personification of Cato's words. The beau ideal of the citizen-legislator, Daniel may not be the stuff of statues, but a harder-working, more dedicated Congressman would be difficult to find. He embraced the hopes, aspirations, goals and ideals of a sprawling district, roughly the size of Connecticut, and made them his own. This diligence, this devotion to detail, figured significantly in his decision to step down. Though not, in his words, a "sick man," he believes his current physical condition renders him incapable of satisfying a demanding work ethic—and the needs of the people proud to be called his constituents.

By his own admission, Daniel is more of a "participant" in, rather than a initiator of, public policy. A fiscal conservative and a proponent of a strong national defense, the 73-year-old Democrat has shunned the limelight, much preferring to work behind the scenes in committee. With the possible exception of his 19 Watchdog of the Treasury awards, he is perhaps most pleased with the excellent voting record—96 percent, one of the best in Congress—he has forged in his 20 years in the lower house. Despite this low-key profile, he has aggressively taken care of his constituents, especially in matters of textile and tobacco legislation. Whether it be fighting for the designation of Red Hill, home of Patrick Henry, as a national historic site or helping to block the location of a nuclear waste deposit in Pittsylvania County, Daniel has worn the interests of the Fifth District on his sleeve.

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More than just an examplar of Tip O'Neill's dictum that "All politics is local," Daniel also dealt deftly in statecraft. As the chairman of the Readiness Subcommittee of the House Armed Services Committee and a member of the Permanent Select Committee on Intelligence, he has widened his scope beyond the borders of the Fifth and is ever cognizant of America's mission in the world. In Daniel's eyes, only an America strong and indefatigable is capable of succoring the growth of freedom and liberty throughout the world.

Daniel's doggedness in promoting the well-being of both the United States and the Fifth District may stem from the fact that he has truly lived the American Dream. Born of farm parents, Daniel grew up during the Depression. In 1939, he gained employment at Dan River, Inc. as an hourly wage-earner and gradually rose to the position of Assistant to the Board Chairman of DRI. Before entering politics, he served as president of the Virginia State Chamber of Commerce; he is also a former National Commander of the American Legion.

For all his success, however, W.C. "Dan" Daniel is essentially a simple man. Take, for instance, his unswerving—and uncluttered—vision of a Congressman's duties. Speaking to a group of students one day, he said that a legislator best serves his constituents by being present on the floor at voting time, working on designated committees, being accessible to the folks back home, and keeping said neighbors informed. One of the last vestiges of the so-called "Byrd machine," this throwback has unstintingly remained loyal to his vision of the dedicated citizen-legislator.

But then, as Anderson said, Dan Daniel is nothing if not constant. In an effort to grasp the essence of Daniel's character, Danville's mayor said, "He is consistently fair, consistently conservative, and consistently a gentleman." His presence in the House will be missed, most definitely by his fellow Congressmen, but most of all by us, the citizens of the Fifth District for whom he has toiled so tirelessly.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. FOLEY. Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

The President asked us to report that he will be pleased to deliver his message at 9 p.m. tonight, Monday, January 25, 1988, to a joint session of the two Houses.

PROVIDING FOR JOINT SESSION OF CONGRESS—STATE OF THE UNION ADDRESS

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 236) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 236

> *Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, January 25, 1988, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE RECESS TODAY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess today subject to the call of the Chair.

The SPEAKER pro tempore (Mr. PICKETT). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT TO WEDNESDAY, JANUARY 27, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Wednesday, January 27, 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

APPOINTMENT AS MEMBERS TO NATIONAL ECONOMIC COMMISSION

The SPEAKER pro tempore. The Chair desires to announce that pursuant to the provisions of section 2101, Public Law 100-203, and the order of the House of December 21, 1987, the Speaker appointed the following individuals on the part of the House to the National Economic Commission on January 11, 1988:

From the House of Representatives, Mr. Gray of Pennsylvania; and

Mr. Felix Rohatyn of Washington, DC; and

Mr. Robert Strauss of Dallas, TX.

ANNOUNCEMENT OF ADJOURNMENT TO 2 P.M., WEDNESDAY, JANUARY 27, 1988

Mr. FOLEY. Mr. Speaker, I take this time to make the announcement that when the House adjourns today, it will adjourn to meet at 2 p.m. on Wednesday, January 27, 1988.

The House will not be in session tomorrow, January 26, 1988, out of respect to the memory of our departed Member, DAN DANIEL of Virginia.

☐ 1330

LEGISLATION TO CURE THE BUDGET PROBLEMS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I am going to introduce a bill today which could go a long way to cure the budget sickness that overcomes this House every single year. It would call for if the Congress should fail to adopt a budget by its deadline of September 30 that the next day automatically would be reenacted the previous year's budget. No more the continuing resolutions of 30 days creating another crisis within that 30 dàys, no more the pressure of checks that would be forced not to be delivered by the Government because of a deadline not met, no more the spectacle of a President of the United States forced to sign an unacceptable budget because of the threat of a shutdown of the Government operations throughout the world, no more the crisis, never ending, that besets the Congress of the United States.

I know that one thing militates against passage of this bill, and that is that it makes sense. But I hope that we can overcome that illness of ours so that this country can be put on a straight basis for a budget process.

CONTRA AID

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, President Reagan will tonight make a last pitch for more Contra aid in the name of peace and democracy in Nicaragua. But does this administration really support the peace process? Didn't we learn from the Iran-Contra affair that this administration cannot be trusted to keep its word in Central America?

As the Iran-Contra committees concluded in their report:

> The common ingredients of the Iran and Contra policies were secrecy, deception, and distain for the law. A small group of senior officials believed that they alone knew what was right. They viewed knowledge of their actions by others in the Government as a threat to their objectives. They told neither the Secretary of State, the Congress nor the American people of their actions. When exposure was threatened, they destroyed official documents and lied to Cabinet officials, to the public and to elected representatives in Congress. They testified that they even withheld key facts from the President.
>
> Time and again we have learned that a flawed process leads to bad results, and that a lawless process leads to worse.

Again, I ask you, can we trust this administration's pronouncements of support for the peace process. I think not.

Further Contra aid will not be an insurance policy for peace, but a death sentence for the peace process.

LEGISLATION WOULD STOP $8 MILLION TO FRENCH SCHOOLS

(Mr. FAWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAWELL. Mr. Speaker, tonight President Reagan will make a renewed plea for the line-item veto. I can't think of a better reason for why the line-item veto is needed than the $8 million appropriated in the continuing resolution for construction of private religious schools near Paris, France, as part of "refugee assistance."

Today, I'm introducing legislation which would stop this expenditure. The legislation would simply eliminate the earmark in the CR, allowing full funding for truly needy refugee programs. I'm pleased to have as original cosponsors, Congressmen COATS, COURTER, CRANE, CROCKETT, DERRICK, GUNDERSON, HENRY, INHOFE, KONNYU, MCGRATH, PORTER, RHODES, SKEEN, SLAUGHTER of Virginia and UPTON.

The $8 million is simply unjustifiable.

First, it will result in cutting United States assistance to millions of Ethiopian and Afghan refugees who are far more in need of assistance. There are 1 million Ethiopian refugees in Sudan, 3 million Afghan refugees in Pakistan, and thousands of Nicaraguan refugees in Central America who get assistance under the refugee program. Many of the Afghan refugees are living in mud huts, and few of their children have any education. The State Department has told me they have little choice but to cut these programs because of earmarks such as the one funding French schools. The CR provides $346 million for refugee assistance in fiscal year 1988, the same amount as fiscal year 1987.

Second, this expenditure is totally inconsistent with our other refugee programs. Refugee assistance normally does not go to developed countries. France is the 10th wealthiest nation in the world. Nor does other refugee assistance go to construct religious schools. Ironically, French law prohibits their Government funds from going toward constructing religious schools. So does ours.

Third, refugee assistance is generally targeted to recent refugees who intend to return to their home country. The United Nations does not classify these North Africans in France as refugees. They are French citizens. I do not dispute that some of these North Africans now in France may need educational assistance, and they may be persecuted.

However, with limited U.S. dollars available for refugee assistance, are they needier than starving Ethiopians in Sudan? Are they needier than 3 million Afghans in Pakistan? Moreover, is the 10th wealthiest nation in the world unable to provide for them? I believe that the answer to these three questions is a resounding "no."

None of the major Jewish organizations in Washington had anything to do with this appropriation. They didn't know about, and they aren't interested in getting the $8 million funded. In fact, Washington Jewish Week strongly denounced the $8 million appropriation in an editorial. They said:

> It is inappropriate for U.S. taxpayers to support such projects out of the public treasury. As the State Department pointed out, the North African Jews in question have lived in France for decades; they are not refugees. And it is certainly not the business of the United States to aid the citizenry of a prosperous, developed nation like France.

This unfortunate incident is a perfect example of why massive CR's are such a terrible way to legislate.

We need the line-item veto to stop projects like this. But until we get it, let's take care of this unjustifiable appropriation legislatively.

I've been asked why I am going after this $8 million expenditure. Some of the CR conferees were quoted as saying that Senator INOUYE "doesn't ask for much so why not give him this one."

I'll tell you why. Because it isn't right. That's what editorials across the country have been saying about this provision. That's what dozens of constituents have been telling me. Squandering the public's money in such a covert and unjustified way can't be condoned by Congress, regardless of the fact that the offender doesn't "ask for much."

CALLING FOR INVESTIGATION OF ACTIVITIES OF SOME DEMOCRATIC MEMBERS OF CONGRESS IN CENTRAL AMERICA

(Mr. INHOFE asked and was given permission to address the House for 1 minute.)

Mr. INHOFE. Mr. Speaker, I have just returned from Oklahoma and read with great concern about the activities in Central America of some of our Democratic colleagues in this House. According to press reports, they have been advising the Communist Sandinista government in Nicaragua on what it must do to help them in their efforts to defeat additional aid for the Democratic resistance.

I firmly believe that these actions violate the constitutional separation of powers. These Members have joined with a foreign government to devise ways to defeat the foreign policy of the United States of America.

Under the Constitution, the executive has the power to conduct foreign relations, checked by congressional powers of budget and of declaring war.

I do not by any means question the right of these Members to oppose U.S. policy or to seek a change in policy. However, they should work within the constitutional framework of the U.S. Government or with the citizens of the United States to achieve these changes. No one will doubt that their conduct is a violation of the constitutional separation of powers, but, Mr. Speaker, I cannot believe that a much more serious violation was not committed by the delegation and I intend to cause an investigation into their conduct.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PICKETT). On behalf of the Speaker, the Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

TELEVISION VIOLENCE ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, along with Congressman ED FEIGHAN of Ohio, today I am introducing the Television Violence Act of 1988, which would allow the television industry to undertake collective voluntary measures to curb the violence in program-

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ming seen by children without running afoul of the antitrust laws for a period of 3 years. This bill would not impose regulation on broadcasters, but instead would provide an opportunity for them to discuss voluntary guidelines for cutting down on television violence.

Most scientists studying in this field agree that there is a causal relationship between televised violence and later aggressive behavior in children. They may disagree about the strength of this relationship, but when one considers that there are over 50 million viewers under the age of 16 in this country, any relationship is alarming and deserving of close attention. There is no question that television violence is pervasive; from Saturday morning cartoons to Friday night Miami Vice, children are exposed to scenes of graphic violence. Because the average child watches over 30 hours of television each week, the television ranks high on the list of major influences in the process of growing up. Parents are careful about how they behave in front of their children, and school programs and curricula are subject to close scrutiny, yet television brings explicit and violence into our living rooms every day. Some studies have shown that childhood television viewing was a better predictor of teenage aggression than social class, parents' behavior, child-rearing practices, and host of other qualities.

Apart from possibly inspiring children to commit violent acts, either as children or later in life, constant exposure to graphic violence desensitizes adults and children to the effect of violence in real world, and introduces an acceptance of violence as a way to resolve our differences.

This issue is not new, and the statements I have just made are widely accepted. Indeed, Members of Congress in both Houses have sought legislative solutions to this problem for many years. However, legislative solutions are constrained, fortunately, by the first amendment of the Constitution which protects free speech. We should not and cannot dictate the content of television programming. An obstacle to a voluntary reduction in violence by the networks is that, in this intensely competitive business, it is commonly held that violence sells. Each network is reluctant to take unilateral steps to reduce violent programming for fear of slipping in the ratings. At the same time, our antitrust laws prohibit these large industrial competitors from meeting to discuss ways to address the issue as an industry.

I believe that the bill I am introducing today addresses the industry's concerns, and more importantly, the concerns of parents for the education and future of their children, without violating the first amendment. This bill simply provides the television industry with a narrow exemption from the antitrust laws for a period of 3 years so that its members may meet to discuss and implement voluntary guidelines to reduce television violence. The networks are not required to meet, nor to write and disseminate guidelines, nor to implement them. This law would just provide the opportunity to do so. Furthermore, the exemption granted is narrowly drawn so that anticompetitive discussions and agreements would remain subject to the antitrust laws.

In conclusion, this bill addresses a difficult and insidious problem—the blight on our Nation's children caused by a constant barrage of graphic violence on television. This bill may result in a significant change in the industry's approach to programming content, and it may not. In any event there is no cost to the American taxpayer. By introducing the bill, I am clearly hopeful that the broadcasters will use this opportunity to address this problem. If not, we will have lost time and some hope, but we would be no worse off than we are today. I hope that my colleagues will join me in moving it to enactment.

TRIBUTE TO THE LATE HARRY RANDOLPH POSNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, it is with a deep sense of personal loss that I call to the attention of my colleagues the passing of my longtime friend, Harry R. Posner, who died on Christmas Day in Chicago at the age of 80.

Harry, who retired in 1985, was assistant general counsel of the Chicago Park District for 20 years and a practicing attorney in Chicago for more than 50 years. In the 1930's he was Cook County's first assistant State's attorney, he served as president of the 32d ward Democratic organization for 16 years, as a member of the board of directors of Hebrew Theological College, was president of Temple Sholom, grand master of the Beehive Masonic Lodge, cofounder and president of Schar Lodge of B'nai B'rith, and Chicago chairman of the Multiple Sclerosis Foundation where he gave so generously of his time and effort for more than 35 years.

During World War II, Harry was a lieutenant commander in the Navy, and for his heroic service during wartime in the Pacific theater, he merited a Purple Heart award.

Many outstanding accomplishments as well as countless contributions to his community marked Harry's life, yet he was always a modest and unassuming individual who embodied the finest virtues of mid-America. He was never pretentious; he was always open, approachable, and kind, and believed in the best in everyone else.

To know Harry Posner was to respect his intelligence and rely on his integrity. His dedication to the highest standards was an inspiration to his friends and fellow citizens, and he will be long remembered by those of us who had the privilege of enjoying his friendship.

Mrs. Annunzio and I extend our deepest sympathy to his wife, Betty, and to his son, Michael.

WORLD WAR I VETERANS TO BE HONORED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, it is a great honor to announce the formation of a committee to coordinate a series of programs planned in November 1988 to honor the estimated 150,000 surviving veterans of World War I.

I am proud to serve as a member of the board of governors of this committee, which is officially known as the American Expeditionary Forces WW-I National Commemoration Committee. The group is planning activities all across the country this fall in conjunction with the 70th anniversary of the armistice and the end of America's participation in World War I.

The committee estimates that approximately 150,000 of the more than 5 million who served in that war are still living among us today. I agree wholeheartedly with committee chairman Jerry L. Hester who said, "It is fitting that the Nation focus attention on these surviving veterans who made sacrifices for all of us."

Other members of the National Commemoration Committee include Gen. Bennie L. Davis, USAF (retired); Lt. Gen. Charles G. Cooper, USMC (retired); Winston Roche, past national commander, Veterans of World War I; Gen. Frederick Kroesen USA (retired); and Rear Adm. Paul Engle, USN (retired). Also assisting the committee are the Department of the Army's Chief of Military History and the Veterans of World War I.

The centerpiece of the commemoration is a major three-part television series on America's role in World War I, including its role in creating the NATO alliance. The series will be produced by Varied Directions of Camden, ME. In addition to the TV series, there will be other celebrations in Washington, DC and throughout the United States. I look forward to working with the committee to make this effort a big success and I plan to update my colleagues here in the House on the developments as the year goes by.

SOLUTIONS TO GUARANTEED STUDENT LOAN DEFAULTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. COLEMAN] is recognized for 15 minutes.

Mr. COLEMAN of Missouri. Mr. Speaker, Education Secretary William J. Bennett's recent disclosure of guaranteed student loan [GSL] default rates has focused attention on critical questions which must be addressed by Congress and the higher education community in the coming months. The Secretary has announced immediate program reviews of 500 schools with default rates above 50 percent. Based on current data, an additional 2,000 of the 7,300 institutions participating in the GSL Program have default rates greater than 20 percent and face administrative action barring them from all Federal aid programs.

Clearly, the program is in serious difficulty when almost one-half of current costs are due to defaults which are likely to exceed $2 billion annually by the end of the decade. Defaults, now representing the third largest expenditure by the Department of Education, undermine public confidence and take away limited Federal resources from education programs. In the short term, immediate steps must be taken to restore the integrity of the program. We must also reexamine the social policies which have shaped the evolution of the program since 1965.

The GSL Program originally provided minimally subsidized loans for middle-income students during the 1960's and 1970's, a period of rapidly rising college costs. Such loans help to provide middle-income families a choice between a State institution and generally more expensive private colleges and universities.

During the 1980's, however, the GSL Program has served growing numbers of low-income and minority students, as Federal assistance to financially needy students shifted from grants to repayable loans. During the last 10 years, as loans have increased from 17 percent to almost 50 percent of the student aid package, the program, in effect, shifted from one which provided choices to middle-income students to one which increasingly provides educational access to lower income students. When Congress, under pressure to reduce spending, mandated a "needs test," the trend toward eliminating many middle-income students from eligibility was accelerated.

Since their inception in 1965, GSL's have evolved into a $3.5 billion program with an annual new loan volume of $9 billion. These GSL's provide education opportunity to some 4 million student-borrowers at 7,300 institutions. Thirteen thousand private lenders participate and are insured by guaranty agencies operating in all 50 States. Forty-seven secondary loan markets provide additional capital for loans and collection services.

Congress is not equipped to micromanage a complex program with a cumulative loan volume in excess of $82 billion. However, Congress can and must distinguish between the various responsibilities of all of the major participants—schools which certify the student's status and need, guarantors which approve the loan, lenders who make the loan, and students who can borrow up to $17,250 for undergraduate study and $54,750 for graduate and professional programs.

Of the important players, schools are now coming under increased scrutiny in Congress and by the Secretary of Education, because, along with students themselves, schools are the program's chief direct beneficiaries. Indeed, the correlation between a school's dropout rate and placement record and the rate of GSL loan defaults is virtually undisputed. It is axiomatic that the quality of a school's educational program, its counseling, and its administrative practices can have a direct impact on the default rate of its students.

Recent studies have given us increased insight into the general characteristics of student defaulters. These "high risk" students are frequently low-income borrowers, attending trade and technical schools or community colleges. Likely defaulters tend to be first-year students who drop out before completing their education or training program. They tend to borrow small amounts, usually a single loan, and consequently do not account for a disproportionate percentage of the default loan volume. Finally, the overwhelming majority of defaulters fail to make the first payment on their loan.

To decrease the number of loans going into default and to minimize defaults due to poor administrative practices, the following changes in the program should be made.

SCHOOLS

Institutions, particularly those producing a disproportionate number of GSL defaults, should be required to disclose accurate placement rates to prospective students and show a greater commitment to retaining those students who do enroll. This is common sense. But presently, schools have few incentives to prevent GSL borrowers from beginning study and then dropping out. Anecdotally, it seems that many defaulters are either unwilling to repay loans for education they did not receive or they are unable to pay due to low wages or unemployment. In either case, defaults are an index of lost educational opportunity.

Schools with high rates of default should be required to counsel the borrower before the first disbursement of the loan, outlining the conditions of the loan and emphasizing the borrower's responsibilities. As incredible as it may seem, some defaulters never fully understand that GSL assistance is a loan that must, at the conclusion of study or training, be repaid. The currently mandatory exit interview should be supplemented by written communication during the 6-month grace period after completion of the educational program, reinforcing borrower information and outlining the loan repayment schedule and provisions for deferring payment under certain circumstances. Finally, schools should also be required to certify and update four references for lenders and guaranty agencies to assist in locating borrowers whose loans are either delinquent or in default.

To provide incentives for lowering GSL defaults, schools with excessive default rates should be required to pay a 5-percent supplemental insurance premium on loans they certify for students borrowers. Twenty percent of these funds would support enhanced collection efforts by guaranty agencies; the remaining 80 percent would offset Federal reinsurance costs.

Further, schools undergoing "limitation, suspension and termination" proceedings due to high defaults should be required to pay a "user fee," offsetting the administrative and oversight costs to the Department of Education. Finally, high-default institutions should be encouraged to purchase defaulted loans of former students before reinsurance by the Federal Government of that loan.

LENDERS

Loans are paid out by the lender in two or more installments or "disbursements." Because the overwhelming majority of dropouts occur during the early weeks of an educational program, the first disbursement of a loan to students attending high-default schools should be delayed until the student successfully completes at least the first month of the program. Such a delayed disbursement would reduce, in effect, the actual risk of making loans to high-risk students.

To improve communication and enable schools to assist in preventing defaults from occurring in the first place, lenders should be required to send a copy of the first delinquency notice and final demand letter to the institution.

Lenders should notify the school within 30 days of the sale of a loan to a secondary market or other purchaser to enable schools to share relevant information with the actual holder of the loan regarding the status of the student. Finally, lenders should be expressly prohibited from making loans in excess of the amount certified by the school as needed.

GUARANTORS

To improve communication between schools and guaranty agencies, guarantors should be required to notify schools of loans delinquent over 120 days—the definition of "default"—or changes in borrower status. Institutions can then verify the accuracy of the information, indicating changes in enrollment status or conditions for deferment, and providing updated information on the student to aid in collection efforts.

Presently, each guaranty agency has the discretion to establish its own collection practices, within general guidelines established by the Department of Education and in conformity with individual State laws. We must encourage more uniform practices by all agencies, based on the notification, collection, and litigation methods of the most effective guarantors.

CONGRESS

Congress should amend the Higher Education Act to establish a uniform definition of default. An annual net default rate, which would measure the percentage of loans which default in a given year, taking into account collections and repayments, would accurately indicate default reduction and improved collection efforts. If schools, for example, must reduce default rates by 1990 under Secretary Bennett's plan, then we must have an analytical means to monitor and measure accurately their progress.

Congress should extend IRS authority to offset costs by retaining Federal income tax refunds of defaulters. This program generated approximately $250 million during its 2 years of authorization and is projected to generate a further $140 million in fiscal year 1988. This authority expired on September 30, 1987, and Congress should act on pending legislation to make it permanent.

In the months ahead, after we have completed some of the necessary procedural changes, Congress should begin a comprehensive reevaluation of the Guaranteed Student Loan Program and its social policy goals. We must remember that the GSL Program is an investment in America's future. We must ensure that, in the future, it continues to guarantee the very educational opportunities which are now jeopardized by the rising costs of defaults.

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LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LLOYD (at the request of Mr. FOLEY), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House following the legislative program and any special orders heretofore entered was granted to:

(The following Members (at the request of Mr. COLEMAN of Missouri) to revise and extend their remarks and include extraneous material:)

Mr. COLEMAN of Missouri, for 15 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. GRAY, of Illinois, for 5 minutes, on January 27.

Mr. FRANK, for 60 minutes, today.

Mr. FRANK, for 60 minutes, on January 27 and 28.

Mr. FRANK, for 60 minutes, on February 1, 2 and 3.

Mr. OLIN, for 60 minutes, on February 16.

Mr. SISISKY, for 60 minutes, on February 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COLEMAN of Missouri) and to include extraneous matter:)

Mr. MCDADE.

Mr. SOLOMON.

Mr. BROOMFIELD in two instances.

Mr. ROTH in two instances.

Mr. LAGOMARSINO.

Mr. LOTT.

Mr. GALLO in two instances.

Mr. DAUB in three instances.

Mr. MCEWEN.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous material:)

Mr. LOWRY of Washington.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. VENTO.

Mr. SMITH of Florida.

Mr. PEPPER.

Mr. FUSTER.

Mr. LIPINSKI.

Mr. FAUNTROY.

Mr. KILDEE in two instances.

Mr. ROYBAL.

Mr. CARR.

Mr. BROOKS.

Mr. FLORIO.

Mr. TORRES in two instances.

Mr. BONIOR of Michigan.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED AFTER SINE DIE ADJOURNMENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

On December 23, 1987:

H.R. 1162. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order;

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture, and for other purposes;

H.R. 1454. An act to permit certain private contributions for construction of the Korean War Veterans Memorial to be invested temporarily in Government securities until such contributed amounts are required for disbursement for the memorial;

H.R. 2401. An act to extend the authorization of the Renewable Resources Extension Act of 1978, and for other purposes;

H.R. 3435. An act to provide that certain charitable donations, and payments for blood contributed, shall be excluded from income for purposes of the Food Stamp Program; and

H.R. 3674. An act to provide congressional approval of the Governing International Fishery Agreement between the United States and Japan; to implement the provisions of Annex V to the International Convention for the Prevention of Pollution from Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets; and for other purposes.

On December 30, 1987:

H.R. 145. An act to provide for a computer standards program within the National Bureau of Standards, to provide for Governmentwide computer security, and to provide for the training in security matters of persons who are involved in the management, operation and use of Federal computer systems, and for other purposes;

H.R. 278. An act to amend the Alaska Native Claims Settlement Act to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the Act, and for other purposes;

H.R. 2598. An act to limit the ability of foreign-built and foreign-rebuilt vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes;

H.R. 3030. An act to provide credit assistance to farmers, to strengthen the Farm Credit System, to facilitate the establishment of secondary markets for agricultural loans, and for other purposes;

H.R. 3395. An act making technical corrections to the Federal Employees' Retirement System, and for other purposes;

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes; and

H.J. Res. 436. Joint resolution providing for the convening of the 2d session of the 100th Congress.

SENATE ENROLLED BILL SIGNED AFTER SINE DIE ADJOURNMENT

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

On December 30, 1987:

S. 1389. An act to amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 3435. An act to provide that certain charitable donations, and payments for blood contributed, shall be excluded from income for purposes of the Food Stamp Program;

H.R. 1162. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order;

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture, and for other purposes;

H.R. 1464. An act to permit certain private contributions for construction of the Korean War Veterans Memorial to the invested temporarily in Government Securities until such contributed amounts are required for disbursement for the memorial;

H.R. 2401. An act to extend the authorization of the Resources Extension Act of 1978, and for other purposes;

H.R. 3674. An act to provide congressional approval of the Governing International Fishery Agreement between the United States and Japan: to implement the provisions of Annex V to the International Convention for the Prevention of Pollution from Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets; and for other purposes;

H.R. 2598. An act to limit the ability of foreign-built and foreign-rebuilt vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes;

H.R. 3030. An act to provide credit assistance to farmers, to strengthen the Farm Credit System, to facilitate the establishment of secondary markets for agricultural loans, and for other purposes;

H.R. 3395. An act making technical corrections relating to the Federal Employees' Retirement System, and for other purposes;

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes;

H.R. 145. An act to provide for a computer standards program within the National Bureau of Standards, to provide for Governmentwide computer security, and to provide for the training in security matters of persons who are involved in the management, operation, and use of Federal computer systems, and for other purposes; and

H.J. Res. 436. Joint resolution providing for the convening of the 2d session of the 100th Congress.

On January 22, 1988:

H.R. 278. An act to amend the Alaska Native Claims Settlement Act to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the act, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of earlier today, the Chair declares the House in recess until approximately 8:40 p.m. today.

Accordingly (at 1 o'clock and 50 minutes p.m.) the House stood in recess until 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 47 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 236. Concurrent resolution providing for a joint session of Congress to receive the President's message on the State of the Union.

The message also announced that a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The message also announced that the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill during the recess today:

S. 825. An act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 236 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Washington [Mr. FOLEY];

The gentleman from California [Mr. COELHO];

The gentlewoman from Ohio [Ms. OAKAR];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from California [Mr. EDWARDS];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Mississippi [Mr. LOTT];

The gentleman from Wyoming [Mr. CHENEY];

The gentleman from California [Mr. MOORHEAD]; and

The gentleman from California [Mr. LAGOMARSINO].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from West Virginia [Mr. BYRD];

The Senator from California [Mr. CRANSTON];

The Senator from Hawaii [Mr. INOUYE];

The Senator from South Carolina [Mr. HOLLINGS];

The Senator from New York [Mr. MOYNIHAN];

The Senator from New Jersey [Mr. LAUTENBERG];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Colorado [Mr. ARMSTRONG];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Minnesota [Mr. BOSCHWITZ]; and

The Senator from South Carolina [Mr. THURMOND].

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of

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the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 2 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 151)

The PRESIDENT. Mr. Speaker, Mr. President, distinguished Members of the House and Senate: When we first met here 7 years ago—many of us for the first time—it was with the hope of beginning something new for America. We meet here tonight in this historic Chamber to continue that work. If anyone expects just a proud recitation of the accomplishments of my Administration, I say let's leave that to history; we're not finished yet. My message to you tonight is: Put on your work shoes—we're still on the job.

History records the power of the ideas that brought us here those 7 years ago. Ideas like: the individual's right to reach as far and as high as his or her talents will permit; the free market as the engine of economic progress; and as an ancient Chinese philosopher, Lao-tzu, said: Govern a great nation as you would cook a small fish; do not overdo it.

These ideas were part of a larger notion—a vision, if you will, of America herself. An America not only rich in opportunity for the individual but an America, too, of strong families and vibrant neighborhoods; an America whose divergent but harmonizing communities were a reflection of a deeper community of values—the value of work, of family, of religion—and of the love of freedom that God places in each of us and whose defense He has entrusted in a special way to this Nation.

All of this was made possible by an idea I spoke of when Mr. Gorbachev was here: the belief that the most exciting revolution ever known to humankind began with three simple words: "We The People"—the revolutionary notion that the people grant government its rights, and not the other way around.

And there is one lesson that has come home powerfully to me, which I would offer to you now: Just as those who created this Republic pledged to each other their lives, their fortunes, and their sacred honor; so, too, America's leaders today must pledge to each other that we will keep foremost in our hearts and minds not what is best for ourselves or for our party, but what is best for America. In the spirit of Jefferson, let us affirm that, in this Chamber tonight, there are no Republicans, no Democrats, just Americans.

Yes, we will have our differences. But let us always remember: what unites us far outweighs whatever divides us. Those who sent us here to serve them—the millions of Americans watching and listening tonight—expect this of us. Let's prove to them and to ourselves that democracy works even in an election year.

We have done this before. And as we have worked together to bring down spending, tax rates, and inflation, employment has climbed to record heights; America has created more jobs and better, higher-paying jobs; family income has risen for 4 straight years, and America's poor climbed out of poverty at the fastest rate in more than 10 years. Our record is not just the longest peacetime expansion in history but an economic and social revolution of hope, based on work, incentives, growth, and opportunity; a revolution of compassion that led to private sector initiatives and a 77-percent increase in charitable giving; a revolution that—at a critical moment in world history—reclaimed and restored the American dream.

In international relations, too, there is only one description for what, together, we have achieved: a complete turnabout, a revolution. Seven years ago, America was weak and freedom everywhere was under siege; today, America is strong and democracy is everywhere on the move. From Central America to East Asia, ideas like free markets and democratic reforms and human rights are taking hold. We've replaced "Blame America" with "Look Up to America." We've rebuilt our defenses; and, of all our accomplishments, none can give us more satisfaction than knowing that our young people are again proud to wear our country's uniform. In a few moments, I'm going to talk about three developments—arms reduction, the Strategic Defense Initiative, and the global democratic revolution—that, when taken together, offer a chance none of us would have dared imagine 7 years ago, a chance to rid the world of the two great nightmares of the postwar era. I speak of the startling hope of giving our children a future free of both totalitarianism and nuclear terror.

Tonight, then, we are strong. Prosperous. At peace. And we are free. This is the state of our Union. And if we will work together this year, I believe we can give a future President and a future Congress the chance to make that prosperity, that peace, that freedom, not just the state of our Union, but the state of our world.

Toward this end, we have four basic objectives tonight. First, steps we can take this year to keep our economy strong and growing, to give our children a future of low inflation and full employment. Second, let's check our progress in attacking social problems where important gains have been made but which still need critical attention. I mean schools that work; economic independence for the poor; restoring respect for family life and family values. Our third objective tonight is global: continuing the exciting economic and democratic revolutions we've seen around the world. Fourth and finally: our Nation has remained at peace for nearly a decade-and-a-half, as we move toward our goals of world prosperity and world freedom—we must protect that peace and deter war by making sure the next President inherits what you and I have a moral obligation to give that President: a national security that is unassailable and a national defense that takes full advantage of new technology, and is fully funded.

This is a full agenda. It's meant to be. You see, my thinking on the next year is quite simple: let's make this the best of eight. And that means: it's all out, right to the finish line. I don't buy the idea that this is the last year of anything; because we're not talking here tonight about registering temporary gains, but ways of making permanent our successes. That's why our focus is the values, principles, and ideas that made America great. Let's be clear on this point: We're for limited Government because we understand, as the Founding Fathers did, that it is the best way of ensuring personal liberty and empowering the individual so that every American of every race and region shares fully in the flowering of American prosperity and freedom.

One other thing we Americans like is the future; we like the sound of it, the idea of it, the hope of it. Where others fear trade and economic growth, we see opportunities for creating new wealth and undreamed of opportunities for millions in our own land and beyond. Where others seek to throw up barriers, we seek to bring them down; where others take counsel of their fears, we follow our hopes. Yes, we Americans like the future and like

making the most of it. Let's do that now.

And let's begin by discussing how to maintain economic growth by controlling and eventually eliminating the problem of Federal deficits. We have had a balanced budget only eight times in the last 57 years. For the first time in 14 years, the Federal Government spent less, in real terms, last year than the year before. We took $73 billion off last year's deficit compared to the year before. The deficit itself has moved from 6.3 percent of the GNP to only 3.4 percent. And perhaps the most important sign of progress has been the change in our view of deficits. You know, a few of us can remember when, not too many years ago, those who created the deficits said they would make us prosperous and not to worry about the debt because "we owe it to ourselves." Well, at last there is agreement that we can't spend ourselves rich.

Our recent budget agreement, designed to reduce Federal deficits by $76 billion over the next 2 years, builds on this consensus. But this agreement must be adhered to without slipping into the errors of the past—more broken promises and more unchecked spending. As I indicated in my first State of the Union, what ails us can be simply put: the Federal Government is too big and it spends too much money. I can assure you, the bipartisan leadership of Congress, of my help in fighting off any attempt to bust our budget agreement. And this includes the swift and certain use of the veto power.

Now, it is also time for some plain talk about the most immediate obstacle to controlling Federal deficits. The simple but frustrating problem of making expenses match revenues—something American families do and the Federal Government can't—has caused crisis after crisis in this city. Mr. Speaker, Mr. President, I will say to you tonight what I have said before—and will continue to say: the budget process has broken down, it needs a drastic overhaul. With each ensuing year, the spectacle before the American people is the same as it was this Christmas: budget deadlines delayed or missed completely, monstrous continuing resolutions that pack hundreds of billions of dollars worth of spending into one bill—and a Federal Government on the brink of default.

I know I'm echoing what you here in the Congress have said because you suffered so directly—but let's recall that in 7 years, of 91 appropriations bills scheduled to arrive on my desk by a certain date, only 10 made it on time. Last year, of the 13 appropriations bills due by October 1st, none of them made it. Instead, we had four continuing resolutions lasting 41 days, then 36 days, 2 days, and 3 days, respectively. And then, along came these behemoths. This is the conference report, a 1,053-page report weighing 14 pounds. Do you remember this? This is a reconciliation bill, 6 months late, that was 1,186 pages long, weighing 15 pounds, and the long-term continuing resolution. This one was 2 months late, and it was 1,057 pages long, weighing 14 pounds. That was a total of 43 pounds of paper and ink. You had 3 hours, yes, 3 hours to consider each, and it took 300 people at my Office of Management and Budget just to read the bill so the Government wouldn't shut down.

Congress shouldn't send another one of these. No. And if you do, I will not sign it.

Let's change all this; instead of a Presidential budget that gets discarded and a congressional budget resolution that is not enforced, why not a simple partnership, a joint agreement that sets out the spending priorities within the available revenues?

And let's remember our deadline is October 1st, not Christmas; let's get the people's work done in time to avoid a footrace with Santa Claus. Yes, this year—to coin a phrase—a new beginning. Thirteen individual bills, on time and fully reviewed by Congress.

I am also certain you join me in saying: Let's help ensure our future of prosperity by giving the President a tool that—though I will not get to use it—is one I know future Presidents of either party must have. Give the President the same authority that 43 Governors use in their States, the right to reach into massive appropriations bills, pare away the waste, and enforce budget discipline. Let's approve the line-item veto.

And let's take a partial step in this direction. Most of you in this Chamber didn't know what was in this catch-all bill and report. Over the past few weeks, we have all learned what was tucked away behind a little comma here and there. For example, there's millions for items such as cranberry research, blueberry research, the study of crawfish, and the commercialization of wild flowers. And that's not to mention the $.5 million so that people from developing nations could come here to watch Congress at work. I won't even touch that. So tonight, I offer you this challenge. In 30 days, I will send back to you those items, as rescissions, which if I had the authority to line them out, I would do so.

Review this multibillion-dollar package; that will not undercut our bipartisan budget agreement. As a matter of fact, if adopted, it will improve our deficit reduction goals. And what an example we can set: that we are serious about getting out financial accounts in order. By acting and approving this plan, you have the opportunity to override a congressional process that is out of control.

There is another vital reform. Yes, Gramm-Rudman-Hollings has been profoundly helpful, but let us take its goal of a balanced budget and make it permanent. Let us do now what so many States do to hold down spending and what 32 State legislatures have asked us to do; let us heed the wishes of an overwhelming plurality of Americans and pass a constitutional amendment that mandates a balanced budget and forces the Federal Government to live within its means.

Reform of the budget process—including the line-item veto and balanced budget amendment—will, together with real restraint on Government spending, prevent the Federal budget from ever again ravaging the family budget.

Let's ensure that the Federal Government never again legislates against the family and the home. Last September, I signed an Executive order on the family requiring that every department and agency review its activities in light of seven standards designed to promote and not harm the family. But let us make certain that the family is always at the center of the public policy process, not just in this administration but in all future administrations. It is time for Congress to consider—at the beginning—a statement of the impact that legislation will have on the basic unit of American society, the family.

And speaking of the family, let's turn to a matter on the mind of every American parent tonight—education. We all know the sorry story of the sixties and seventies—soaring spending, plummeting test scores—and that hopeful trend of the eighties, when we replaced an obsession with dollars with a commitment to quality, and test scores started back up. There is a lesson here that we all should write on the blackboard a hundred times—in a child's education, money can never take the place of basics like discipline, hard work, and, yes, homework.

As a Nation we do, of course, spend heavily on education—more than we spend on defense—yet across our country, Governors like New Jersey's Tom Kean are giving classroom demonstrations that how we spend is as important as how much we spend. Opening up the teaching profession to all qualified candidates; merit pay, so that good teachers get A's as well as apples; and stronger curriculum, as Secretary Bennett has proposed for high schools—these imaginative reforms are making common sense the most popular new kid in America's schools.

How can we help? Well, we can talk about and push for these reforms. But the most important thing we can do is to reaffirm that control of our schools belongs to the States, local communities and, most of all, to the parents and teachers.

My friends, some years ago, the Federal Government declared war on poverty, and poverty won. Today, the Federal Government has 59 major welfare programs and spends more than $100 billion a year on them. What has all this money done?

Too often it has only made poverty harder to escape. Federal welfare programs have created a massive social problem. With the best of intentions, Government created a poverty trap that wreaks havoc on the very support system the poor need most to lift themselves out of poverty—the family. Dependency has become the one enduring heirloom, passed from one generation to the next, of too many fragmented families.

It is time—this may be the most radical thing I've said in 7 years in this office—it is time for Washington to show a little humility. There are a thousand sparks of genius in 50 States and a thousand communities around the Nation. It is time to nurture them and see which ones can catch fire and become guiding lights.

States have begun to show us the way. They have demonstrated that successful welfare programs can be built around more effective child support enforcement practices and innovative programs requiring welfare recipients to work or prepare for work.

Let us give the States even more flexibility and encourage more reforms. Let's start making our welfare system the first rung on America's ladder of opportunity—a boost up from dependency; not a graveyard, but a birthplace of hope.

Now let me turn to three other matters vital to family values and the quality of family life. The first is an untold American success story. Recently, we released our annual survey of what graduating high school seniors have to say about drugs. Cocaine use is declining and marijuana use was the lowest since surveying began. We can be proud that our students are just saying "no" to drugs. But let us remember that ending this menace requires commitment from every part of America and every single American—a commitment to a drug-free America. The war against drugs is a war of individual battles, a crusade with many heroes—including America's young people, and also someone very special to me. She has helped so many of our young people to say "no" to drugs. Nancy, much credit belongs to you, and I want to express to you your husband's pride and your country's thanks. I surprised you, didn't I?

Now, we come to a family issue that we must have the courage to confront. Tonight, I call America—a good Nation, a moral people—to charitable but realistic consideration of the terrible cost of abortion on demand. To those who say this violates a woman's right to control of her own body—can they deny that now medical evidence confirms the unborn child is a living human being entitled to life, liberty, and the pursuit of happiness? Let us unite as a nation and protect the unborn with legislation that would stop all Federal funding for abortion—and with a human life Amendment making, of course, an exception where the unborn child threatens the life of the mother. Our Judeo-Christian tradition recognizes the right of taking a life in self-defense.

But with that one exception, let us look to those others in our land who cry out for children to adopt. I pledge to you tonight, I will work to remove barriers to adoption and extend full sharing in family life to millions of Americans, so that children who need homes can be welcomed to families who want them and love them.

Let me add here: so many of our greatest statesmen have reminded us that spiritual values alone are essential to our Nation's health and vigor. The Congress opens its proceedings each day, as does the Supreme Court, with an acknowledgment of the Supreme Being—yet we are denied the right to set aside in our schools a moment each day for those who wish to pray. I believe Congress should pass our school prayer amendment.

Now, to make sure there is a full nine-member Supreme Court to interpret the law, to protect the rights of all Americans, I urge the Senate to move quickly and decisively in confirming Judge Anthony Kennedy to the highest court in the land and to also confirm 27 nominees now waiting to fill vacancies in the Federal judiciary.

Here then are our domestic priorities; yet if the Congress and the administration work together, even greater opportunities lie ahead to expand a growing world economy; to continue to reduce the threat of nuclear arms and to extend the frontiers of freedom and the growth of democratic institutions. Our policies consistently received the strongest support of the late Dan Daniel of Virginia. I am sure all of you join me in expressing heartfelt condolences on his passing.

One of the greatest contributions the United States can make to the world is to promote freedom as the key to economic growth. A creative, competitive America is the answer to a changing world, not trade wars that would close doors, create greater barriers, and destroy millions of jobs. We should always remember: protectionism is destructionism. America's jobs, America's growth, America's future depend on trade—trade that is free, open, and fair.

This year, we have it within our power to take a major step toward a growing global economy and an expanding cycle of prosperity that reaches to all the free nations of this Earth. I'm speaking of the historic Free Trade Agreement negotiated between our country and Canada. And I can also tell you that we're determined to expand this concept, South as well as North. Next month I will be traveling to Mexico where trade matters will be of foremost concern. And, over the next several months, our Congress and the Canadian Parliament can make the start of such a North American accord a reality. Our goal must be a day when the free flow of trade—from the tip of Tierra del Fuego to the Arctic Circle—unites the people of the Western Hemisphere in a bond of mutually beneficial exchange; when all borders become what the United States-Canadian border so long has been—a meeting place, rather than a dividing line.

This movement we see in so many places toward economic freedom is indivisible from the worldwide movement toward political freedom—and against totalitarian rule. This global democratic revolution has removed the specter—so frightening a decade ago—of democracy doomed to permanent minority status in the world. In South and Central America, only a third of the people enjoyed democratic rule in 1976. Today, over 90 percent of Latin Americans live in nations committed to democratic principles.

And the resurgence of democracy is owed to these courageous people on almost every continent who have struggled to take control of their own destiny. In Nicaragua, the struggle has extra meaning because that nation is so near our own borders. The recent revelations of a former high-level Sandinista Major, Roger Miranda, show us that, even as they talk peace, the Communist Sandinista Government of Nicaragua has established plans for a large 600,000-man army. Yet even as these plans are made, the Sandinista regime knows the tide is turning and the cause of Nicaraguan freedom is riding at its crest. Because of the freedom fighters, who are resisting Communist rule, the Sandinistas have been forced to extend some democratic rights, negotiate with church authorities, and release a few political prisoners.

The focus is on the Sandinistas, their promises and their actions. There is a consensus among the four Central American democratic presidents that the Sandinistas have not complied with the plan to bring peace and democracy to all of Central America. The Sandinistas again have promised reforms; their challenge is to take irreversible steps toward democracy.

On Wednesday, my request to sustain the freedom fighters will be submitted which reflects our mutual desire for peace, freedom, and democracy in Nicaragua. I ask Congress to pass this request; let us be for the people of Nicaragua what Lafayette, Pulaski, and Von Steuben were for our forefathers and the cause of American independence.

So, too, in Afghanistan, the freedom fighters are the key to peace. We support the Mujahidin. There can be no settlement unless all Soviet troops are removed and the Afghan people are allowed genuine self-determination. I have made my views on this matter known to Mr. Gorbachev. But not just Nicaragua or Afghanistan; yes, everywhere, we see a swelling freedom tide across the world—freedom fighters rising up in Cambodia and Angola, fighting and dying for the same democratic liberties we hold sacred. Their cause is our cause. Freedom.

Yet, even as we work to expand world freedom, we must build a safer peace and reduce the danger of nuclear war. But let's have no illusions. Three years of steady decline in the value of our annual defense investment have increased the risk of our most basic security interests, jeopardizing earlier hard-won goals. We must face squarely the implications of this negative trend and make adequate, stable defense spending a top goal both this year and in the future. This same concern applies to economic and security assistance programs as well. But the resolve of America and its NATO allies has opened the way for unprecedented achievement in arms reduction. Our recently signed INF Treaty is historic because it reduces nuclear arms and establishes the most stringent verification regime in arms control history, including several forms of short-notice, on-site inspection. I submitted the treaty today, and I urge the Senate to give its advice and consent to ratification of this landmark agreement.

In addition to the INF Treaty, we are within reach of an even more significant START agreement that will reduce United States and Soviet long-range missile or strategic arsenals by half. But let me be clear: our approach is not to seek agreement for agreement's sake, but to settle only for agreements that truly enhance our national security and that of our allies. We will never put our security at risk—or that of our allies—just to reach an agreement with the Soviets. No agreement is better than a bad agreement.

As I mentioned earlier, our efforts are to give future generations what we never had: a future free of nuclear terror. Reduction of strategic offensive arms is one step. SDI another. Our funding request for our strategic defense initiative is less than 2 percent of the total defense budget. SDI funding is money wisely appropriated and money well spent. SDI has the same purpose and supports the same goals of arms reduction. It reduces the risk of war and the threat of nuclear weapons to all mankind. Strategic defenses that threaten no one could offer the world a safer, more stable basis for deterrence. We must also remember that S.D.I. is our insurance policy against a nuclear accident—a Chernobyl of the sky—or an accidental launch or some madman who might come along.

We have seen such changes in the world in 7 years: as totalitarianism struggles to avoid being overwhelmed by the forces of economic advance and the aspiration for human freedom it is the free nations that are resilient and resurgent. As the global democratic revolution has put totalitarianism on the defensive, we have left behind the days of retreat—America is again a vigorous leader of the free world, a Nation that acts decisively and firmly in the furtherance of her principles and vital interests. No legacy would make me more proud than leaving in place a bipartisan consensus for the cause of world freedom, a consensus that prevents a paralysis of American power from ever occurring again.

But my thoughts tonight go beyond this. And I hope you will let me end this evening with a personal reflection. You know, the world could never be quite the same again after Jacob Shallus, a trustworthy and dependable clerk of the Pennsylvania General Assembly, took his pen and engrossed those words about representative Government in the Preamble of our Constitution. And in a quiet but final way, the course of human events was forever altered when, on a ridge overlooking the Emmitsburg Pike in an obscure Pennsylvania town called Gettysburg, Lincoln spoke of our duty to Government of and by the people and never letting it perish from the Earth.

At the start of this decade, I suggested that we live in equally momentous times—that it was up to us now to decide whether our form of Government would endure and whether history still had a place of greatness for a quiet, pleasant greening land called America. Not everything has been made perfect in 7 years—nor will it be made perfect in seven times 70 years—but before us, this year and beyond, are great prospects for the cause of peace and world freedom.

It means, too, that the young Americans I spoke of 7 years ago—as well as those who might be coming along the Virginia or Maryland shores this night and seeing for the first time the lights of this capital city, the lights that cast their glow on our great halls of Government and the monuments to the memory of our great men—it means those young Americans will find a city of hope in a land that is free.

We can be proud that for them, and for us, those lights along the Potomac are still seen this night—signaling, as they have for nearly two centuries and as we pray God they always will, that another generation of Americans has protected and passed on lovingly this place called America, this shining city on a hill, this Government of, by, and for the people.

Thank you and God bless you.

[Applause, the Members rising.]

At 9 o'clock and 50 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Ambassadors, Ministers, and chargés d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER pro tempore [Mr. Foley]. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 54 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. MINETA. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE DAN DANIEL

The SPEAKER pro tempore. Pursuant to House Resolution 349, the Chair appoints as members of the funeral committee of the late Dan Daniel the following Members on the part of the House:

Mr. Parris of Virginia;
Mr. Foley of Washington;
Mr. Michel of Illinois;
Mr. Coelho of California;
Mr. Bliley of Virginia;
Mr. Wolf of Virginia;
Mr. Bateman of Virginia;
Mr. Boucher of Virginia;
Mr. Olin of Virginia;
Mr. Sisisky of Virginia;
Mr. Pickett of Virginia;
Mr. Price of Illinois;
Mr. Conte of Massachusetts;
Mr. Stratton of New York;
Mr. McDade of Pennsylvania;
Mr. Dickinson of Alabama;
Mr. Duncan of Tennessee;
Mr. Bevill of Alabama;

Mr. Montgomery of Mississippi;
Mr. Nichols of Alabama;
Mr. Alexander of Arkansas;
Mr. Biaggi of New York;
Mr. Chappell of Florida;
Mr. Stokes of Ohio;
Mr. Jones of Tennessee;
Mr. Dellums of California;
Mr. Gilman of New York;
Mr. Moakley of Massachusetts;
Mr. Moorhead of California;
Mr. Murtha of Pennsylvania;
Mr. Lagomarsino of California;
Mr. Hefner of North Carolina;
Mr. Hyde of Illinois;
Mr. Mineta of California;
Mr. Akaka of Hawaii;
Mr. Kildee of Michigan;
Ms. Oakar of Ohio;
Mr. Rahall of West Virginia;
Mr. Skelton of Missouri;
Mr. Weiss of New York;
Mrs. Byron of Maryland;
Mr. Dannemeyer of California;
Mr. Hutto of Florida;
Mr. Leath of Texas;
Mr. Matsui of California;
Mr. Roth of Wisconsin;
Mr. Stenholm of Texas;
Mr. Whittaker of Kansas;
Mr. Coats of Indiana;
Mr. Emerson of Missouri;
Mr. Gunderson of Wisconsin;
Mr. Hertel of Michigan;
Mr. McCurdy of Oklahoma;
Mr. McGrath of New York;
Mrs. Kennelly of Connecticut;
Mr. Carr of Michigan;
Mr. Cooper of Tennessee;
Mr. Kasich of Ohio;
Mr. Mollohan of West Virginia;
Mr. Ray of Georgia;
Mr. Richardson of New Mexico;
Mr. Rowland of Georgia;
Mr. Valentine of North Carolina;
Mr. Darden of Georgia;
Mrs. Bentley of Maryland;
Mr. Coble of North Carolina;
Mr. McMillan of North Carolina;
Mr. Rowland of Connecticut;
Mr. Davis of Illinois;
Mr. Harris of Alabama;
Mr. Hochbrueckner of New York; and
Mr. Lancaster of North Carolina.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 825. An act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

ADJOURNMENT

Mr. MINETA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes p.m.), pursuant to House Resolution 349 and under its previous order, the House adjourned until Wednesday, January 27, 1988, at 2 p.m. in memory of the late Honorable Dan Daniel of Virginia.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2617. A letter from the Secretary of Agriculture, transmitting the second annual report on the agricultural trade policies of other governments and market opportunities for U.S. agricultural exports, pursuant to 7 U.S.C. 1736r(c); to the Committee on Agriculture.

2618. A letter from the Assistant Secretary of the Army (Financial Management), transmitting a report of the value of property, supplies and commodities provided by the Berlin Magistrate for the quarter July 1, 1987, through September 30, 1987, pursuant to Public Law 99-190, section 8014 (99 Stat. 1205); Public Law 99-591, section 9010 (100 Stat. 3341-102); to the Committee on Appropriations.

2619. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of January 1, 1988, pursuant to 2 U.S.C. 685(e); to the Committee on Appropriations and ordered to be printed.

2620. A letter from the Deputy Secretary of Defense, transmitting a report on the specific source of funds for the Nicaraguan Democratic Resistance, pursuant to 10 U.S.C. 114nt; to the Committee on Armed Services.

2621. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide authority for the Armed Forces to recover and examine certain remains; to the Committee on Armed Services.

2622. A communication from the President of the United States, transmitting the second annual report on the National Security Strategy of the United States, 1988, pursuant to Public Law 99-433, section 603(a); to the Committee on Armed Services.

2623. A letter from the Secretary of Defense, transmitting certification that the design selected for the Naval Advanced Tactical Aircraft [ATA] will accommodate essential Air Force peculiar requirements, pursuant to Public Law 99-661, section 206(b)(1) (100 Stat. 3840); to the Committee on Armed Services.

2624. A letter from the Secretary of Defense, transmitting certification that the requirements of the Navy's Advanced Tactical Aircraft [ATA] and the Air Force's Advanced Tactical Fighter [ATF] have been finalized, pursuant to Public Law 99-661, section 206(b)(3) (100 Stat. 3840); to the Committee on Armed Services.

2625. A letter from the Secretary of Housing and Urban Development, transmitting the 1987 interim annual progress report on the Neighborhood Development Demonstration Program, pursuant to 42 U.S.C. 5318 nt; to the Committee on Banking, Finance and Urban Affairs.

2626. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the annual report of the Corporation for 1986, pursuant to 42 U.S.C. 8106(a); to the Committee on Banking, Finance and Urban Affairs.

2627. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Concerns Relating to the Boxing and Wrestling Commission," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2628. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Annual Reports of District Agencies," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2629. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Alleged Pay Raises for the University of the District of Columbia Departmental Chairpersons, Assistant and Associate Deans," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2630. A letter from the Secretary of Education, transmitting a copy of Notice of Final Priorities for NIDRR—Rehabilitation Engineering Centers, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2631. A letter from the Secretary of Education, transmitting a Notice of Final Annual Funding Priorities—Secondary Education and Transitional Services for Handicapped Youth Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2632. A letter from the Secretary of Education, transmitting the annual report of the International Research and Studies Program, fiscal year 1987; to the Committee on Education and Labor.

2633. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting the annual report on the Employment of Minorities, Women and Individuals with Handicaps in the Federal Government for fiscal year 1986; to the Committee on Education and Labor.

2634. A letter from the Secretary of Health and Human Services, transmitting the 1986 Annual Report on the National Health Service Corps [NHSC] and NHSC Scholarship Program [NHSCSP], pursuant to 42 U.S.C. 254b(g); 42 U.S.C. 2541(i); to the Committee on Energy and Commerce.

2635. A letter from the Secretary of Transportation, transmitting the 1987 report on motor vehicle theft, pursuant to 15 U.S.C. 2034(a)(1) and (b)(1); to the Committee on Energy and Commerce.

2636. A letter from the Acting Assistant Secretary for Environment, Safety and Health, Department of Energy, transmitting the annual report of progress in implementing requirements of the Superfund Amendments and Reauthorization Act, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

2637. A letter from the Administrator, Environmental Protection Agency, transmitting the current report, "Progress in the Prevention and Control of Air Pollution in 1986," pursuant to 42 U.S.C. 7613; 42 U.S.C. 7521(b)(4); 42 U.S.C. 7606(d); to the Committee on Energy and Commerce.

2638. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the management of wastes from the exploration, development, and production of crude oil, natural gas, and geothermal energy, pursuant to 42 U.S.C. 6982(m); to the Committee on Energy and Commerce.

2639. A letter from the Chairman, Interagency Committee on Cigarette and Little Cigar Fire Safety, transmitting policy recommendations pursuant to the final technical report concerning the production of cigarettes less likely to ignite mattresses and upholstered furniture, pursuant to 15 U.S.C. 2054 nt; to the Committee on Energy and Commerce.

2640. A letter from the Secretary, Interstate Commerce Commission, transmitting the Commission's notice that Docket No. 40073, South-West Car Parts Company versus Missouri Pacific Railroad Company, has extended the time period for acting on the appeal by an additional 60 days to January 6, 1988, pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

2641. A letter from the Secretary of Health and Human Services, transmitting the first report on Alzheimer's Disease, pursuant to Public Law 99-660, title IX, section 912(b)(1) (100 Stat. 3805); to the Committee on Energy and Commerce.

2642. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of transmittal No. 01-88, concerning a proposed Memorandum of Understanding with the NATO Maintenance and Supply Agency on the Consolidated Procurement of Munitions for NATO, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

2643. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed transfer of defense articles and defense services valued at time of acquisition at $15.75 million or more by the Government of Norway to the Government of Spain (transmittal No. NC-11-88), pursuant to 22 U.S.C. 2753(d)(3) (AECA section 3(d)(3); 94 Stat. 3131, 95 Stat. 1519); to the Committee on Foreign Affairs.

2644. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed manufacturing license agreement for the production in Australia of Tempest MXT-1200A KSB message terminals and MXT-1200A RO matrix printers (transmittal No. MC-9-88), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2645. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed manufacturing license agreement for the production of significant military equipment in a country not a member of NATO (transmittal No. MC-8-88), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2646. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed manufacturing license agreement for the production in Taiwan of AN/TVS-5 Crew Served Weapons Sights (transmittal No. MC-4-88), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2647. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting Presidential Determination Number 88-5, with a justification, authorizing the provision of assistance to Pakistan, pursuant to 22 U.S.C. 2429a(a)(2); 22 U.S.C. 2375(e); 22 U.S.C. 2429(b)(1); to the Committee on Foreign Affairs.

2648. A letter from the Director, Defense Security Assistance Agency, transmitting the Department's annual report on the operation of the special defense acquisition fund for fiscal year 1987, pursuant to 22 U.S.C. 2795b(a); to the Committee on Foreign Affairs.

2649. A communication from the President of the United States, transmitting a bimonthly report on progress toward a negotiated settlement of the Cyprus question, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

2650. A letter from the Secretary of Commerce, transmitting the annual report on Export Administration for fiscal year 1987, pursuant to 50 U.S.C. app. 2413; to the Committee on Foreign Affairs.

2651. A letter from the Secretary of Commerce, transmitting a report on the extension for the period January 21, 1988 through January 20, 1989, of export controls maintained for foreign policy purposes, pursuant to 50 U.S.C. app. 2405(f); to the Committee on Foreign Affairs.

2652. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2653. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2654. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a report, on behalf of the Secretary, prepared in consultation with Justice, Drug Enforcement Administration, Customs and the Central Intelligence Agency, which includes the appropriate certifications by the Secretary, is the second of a series on official involvement in narcotics trafficking by governments and senior officials, and provides additional information on the investigation into the murder of DEA Agent Camarena and the issue of "hot pursuit" raised with the Government of Mexico, pursuant to 22 U.S.C. 2291-1 Public Law 99-570, section 2013(a) (100 Stat. 3207-66); to the Committee on Foreign Affairs.

2655. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the annual report for fiscal year 1986 on the Foreign Service Retirement and Disability System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2656. A letter from the Comptroller General, General Accounting Office, transmitting a list of reports during the month of December 1987, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2657. A letter from the Acting Attorney General, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2658. A letter from the Acting Secretary of State, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2659. A letter from the Administrator of Health and Human Services, transmitting the Department's notice of proposed new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2660. A letter from the Administrator, Panama Canal Commission, transmitting an evaluation of the Commission's system of internal accounting and administrative control in effect during the year ending September 30, 1987, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2661. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2662. A letter from the Director, Arms Control and Disarmament Agency, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2663. A letter from the Chairman, Board of Governors of the U.S. Postal Service, transmitting the Board's annual report for calendar year 1987 on its activities under Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2664. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2665. A letter from the Chairman, Committee for Purchase from the Blind and Other Severely Handicapped, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2666. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2667. A letter from the Acting Secretary, Department of the Treasury, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2668. A letter from the Assistant Secretary for Management and Administration, Department of Energy, transmitting the Department's notice of altered Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2669. A letter from the Administrator, Department of Health and Human Services, transmitting the Department's notice of proposed new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2670. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notification of altered Federal records systems submitted by the Civil Division, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2671. A letter from the Director of the Office of Management and Budget, transmitting a draft of proposed legislation to enhance the procurement test authority of the Administrator for Federal Procurement Policy; to the Committee on Government Operations.

2672. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2673. A letter from the Deputy Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2674. A letter from the Chairman, Farm Credit Administration, transmitting a report on compliance with the requirements of the internal accounting and aadministrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2675. A letter from the Chairman, Federal Communications Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2676. A letter from the Director, Federal Emergency Management Agency, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2677. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2678. A letter from the Director, Federal Mediation and Conciliation Service, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2679. A letter from the Administrator, General Services Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2680. A letter from the Chairman, Interstate Commerce Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2681. A letter from the Managing Director, Interstate Commerce Commission, transmitting a report of the actions taken by the Commission to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2682. A letter from the Secretary, Mississippi River Commission, Corps of Engineers, transmitting a report of the Commission's compliance with the Government in the Sunshine Act of calendar year 1987, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2683. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2684. A letter from the Chairman, National Capitol Planning Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2685. A letter from the Chairman, National Credit Union Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2686. A letter from the Chairman, National Endowment for the Arts, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2687. A letter from the Executive Director, Navajo and Hopi Indian Relocation Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2688. A letter from the Director, Office of Management and Budget, transmitting a report that identifies accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); to the Committee on Government Operations.

2689. A letter from the Director, Peace Corps, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2690. A letter from the Chairman, Postal Rate Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2691. A letter from the Secretary of the Interior, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2692. A letter from the Secretary of the Treasury, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2693. A letter from the Secretary of Agriculture, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2694. A letter from the Secretary of Defense, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2695. A letter from the Secretary of Education, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2696. A letter from the Secretary of Education, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2697. A letter from the Secretary of Energy, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2698. A letter from the Secretary of Housing and Urban Development, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2699. A letter from the Secretary of Labor, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2700. A letter from the Secretary of Transportation, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2701. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2702. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2703. A letter from the Office of the Special Counsel, U.S. Merit Systems Protection Board, transmitting a report on compliance with the requirements of the internal accounting and administrative control system pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2704. A letter from the Board Members, U.S. Railroad Retirement Board, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2705. A letter from the Administrator, U.S. Small Business Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2706. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2707. A letter from the Comptroller General, United States General Accounting Office, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2708. A letter from the Director, U.S. Information Agency, transmitting the Agency's third annual report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2709. A letter from the Chairman, United States International Trade Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2710. A letter from the Records Officer, United States Postal Service, transmitting notice of a new computer matching program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2711. A letter from the Administrator, Veterans' Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2712. A letter from the Clerk, U.S. House of Representatives, transmitting a list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives (H. Doc. No. 100-160); to the Committee on House Administration and ordered to be printed.

2713. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2714. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2715. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2716. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2717. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2718. A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting a report on activities involved with Federal Lands Cleanup Day 1987, pursuant to 36 U.S.C. 169i-1(c)(1); to the Committee on Interior and Insular Affairs.

2719. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting the final phase I report on the Bureau of Reclamation's groundwater recharge demonstration program, pursuant to 43 U.S.C. 390g-1(d) Public Law 98-434, section 3(d) (98 Stat. 676); to the Committee on Interior and Insular Affairs.

2720. A letter from the Attorney General, Department of Justice, transmitting certification of the region comprised of the Federal judicial districts for central and southern Illinois and those established for the State of Indiana, to the Circuit Court of Appeals for the Seventh Circuit, pursuant to 28 U.S.C. 581 nt; to the Committee on the Judiciary.

2721. A letter from the Chief Immigration Judge, Executive Officer for Immigration Review, Department of Justice, transmitting a list of individuals erroneously included among the cases forwarded during the 99th Congress, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

2722. A letter from the Commissioner, Immigration and Naturalization Service, transmitting copies of orders entered into for certain persons, pursuant to 8 U.S.C. 1255b(c); to the Committee on the Judiciary.

2723. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting certification that the Department cannot state that section 8142 will interfere with any ongoing criminal investigation with respect to the Arms Export Control Act, pursuant to Public Law 100-202; to Committee on the Judiciary.

2724. A letter from the Register of Copyrights, Library of Congress, transmitting a copy of the second 5-year report on Library Photocopying of Copyrighted Works, pursuant to 17 U.S.C. 108(i); to the Committee on the Judiciary.

2725. A letter from the Counsel, Pacific Tropical Botanical Garden, transmitting the annual audit report of the Pacific Tropical Botanical Garden, calendar year 1986, pursuant to Public Law 88-449, section 10(b) (78 Stat. 498); to the Committee on the Judiciary.

2726. A letter from the Clerk, U.S. Claims Court, transmitting the court's report for the year ended September 30, 1987, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

2727. A letter from the Presiding Judge, U.S. Court of Appeals, transmitting a report from the independent counsel concerning a matter that warrants no action; to the Committee on the Judiciary.

2728. A letter from the Administrator, Office of Juvenile Justice and Delinquency Prevention, transmitting a report on the use of official mail in the location and recovery of missing children, pursuant to 39 U.S.C. 3220 nt.; to the Committee on Post Office and Civil Service.

2729. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a proposed plan for delayed contributions to the thrift savings fund by Federal employees, pursuant to 5 U.S.C. 8432 nt; to the Committee on Post Office and Civil Service.

2730. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a copy of a report by the Secretary of the Interior of the conclusion of the investigation of an allegation that disability retirement regulations were violated by an employee of the Bureau of Reclamation who was working while using the balance of his sick leave, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

2731. A letter from the Chairman, Inland Waterway Users Board, Department of the Army, transmitting the Board's first annual report with respect to construction and rehabilitation priorities on the inland waterways, pursuant to Public Law 99-662, section 302(b) (100 Stat. 4111); to the Committee on Public Works and Transportation.

2732. A letter from the Secretary of Transportation, transmitting the Urban Mass Transportation Administration quarterly report for the fourth quarter of fiscal year 1987, pursuant to 49 U.S.C. app. 1603(h)(1); to the Committee on Public Works and Transportation.

2733. A letter from the Federal Highway Administration, Department of Transportation, transmitting a report on recommended improvements to reduce traffic congestion for Charlotte Amalie, U.S. Virgin Islands, pursuant to Public Law 100-17, section 170(b) (101 Stat. 217); to the Committee on Public Works and Transportation.

2734. A letter from the Assistant Secretary for Conservation and Renewable Energy, Department of Energy, transmitting the Department's notification of the delay in submission of the annual revisions to the comprehensive program management plans for the Wind and Ocean Energy Programs; revised plans to be submitted within 90 days, pursuant to 42 U.S.C. 9203(c), 9002(d); to the Committee on Science, Space, and Technology.

2735. A letter from the President, National Academy of Sciences, transmitting the report of the Academy's Super Collider Site Evaluation Committee in response to the request of the Department of Energy for an independent technical evaluation of the proposals it received for locating the Nation's proposed superconducting super collider [SSC]; to the Committee on Science, Space, and Technology.

2736. A letter from the Executive Secretary, Department of Defense, transmitting the report on Department of Defense procurement from small and other business firms for October 1987, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

2737. A letter from the Administrator, Veterans Administration, transmitting a report on the extent of contractor performance of activites at VA health-care facilities during fiscal year 1987, pursuant to 38 U.S.C. 5010(c)(7) (96 Stat. 1449); to the Committee on Veterans' Affairs.

2738. A letter from the Administrator, Veterans Administration, transmitting a revised Biennial Report of the Advisory Committee on Former Prisoners of War, as a substitute for the material previously forwarded (Ex. Com. No. 2039), pursuant to 38 U.S.C. 221(c); to the Committee on Veterans' Affairs.

2739. A communication from the President of the United States, transmitting a report on the application of sections 501 and 502(c) of the Trade Act of 1974, as amended, to the GSP Program, pursuant to 19 U.S.C. 2464(a)(2); to the Committee on Ways and Means and ordered to be printed.

2740. A communication from the President of the United States, transmitting notification of his intent to suspend indefinitely Chile's status as a GSP beneficiary, pursuant to 19 U.S.C. 2462(a); to the Committee on Ways and Means and ordered to be printed.

2741. A letter from the Acting Director, United States Information Agency, transmitting a report on the official request from the Republic of El Salvador for emergency import restrictions on significant pre-Hispanic archaeological material, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

2742. A letter from the Secretary of Health and Human Services, transmitting a report on Urban-Rural and Related Geographical Adjustments in the Medicare Prospective Payment System and its impact on rural hospitals, pursuant to 42 U.S.C. 1395ww nt; to the Committee on Ways and Means.

2743. A letter from the Acting Under Secretary of Agriculture, International Affairs and Commodity Programs, transmitting the second quarterly commodity and country allocation table showing current programing plans for food assistance for fiscal year

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1988, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

2744. A letter from the Deputy Assistant Secretary for Supply, Maintenance and Logistics Plans, Department of the Air Force, transmitting notification of the decision to convert from government to contractor performance the technical training equipment maintenance function at Chanute Air Force Base, IL, which is the most cost-effective method of accomplishment, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); jointly to the Committees on Appropriations and Armed Services.

2745. A letter from the Administrator, Agency for International Development, transmitting a report on the origin, contents, destination and disposition of humanitarian goods and supplies transported by the Department of Defense for fiscal year 1987, pursuant to Public Law 98-525, section 1540(e) (98 Stat. 2638); Public Law 99-145, section 306(a) (99 Stat. 617); jointly to the Committees on Armed Services and Foreign Affairs.

2746. A letter from the Acting Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting the Department's fifth annual report for the deployment of Federal interim storage, entitled "Implementation Plan for Deployment of Federal Interim Storage Facilities for Commercial Spent Nuclear Fuel," pursuant to 42 U.S.C. 10155(f); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2747. A letter from the Secretary of Energy, transmitting a copy of his determination of the viability of the domestic uranium mining and milling industry for calendar year 1986, pursuant to 42 U.S.C. 2210b(a); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2748. A communication from the President of the United States, transmitting a report on developments since the last report of July 10, 1987, concerning the national emergency with respect to Libya, pursuant to 50 U.S.C. 1641(c); 50 U.S.C. 1703(c); 22 U.S.C. 2349aa-9(c); jointly, to the Committees on Foreign Affairs and Ways and Means, and ordered to be printed.

2749. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting copies of the concluded agreements referred to in section 101(d)(1)(C) of Public Law 99-658, the legislation approving the Compact of Free Association for Palau; jointly, to the Committees on Foreign Affairs and Interior and Insular Affairs.

2750. A letter from the Assistant Secretary of the Treasury (Management), transmitting a report on the status and operation of the State and Local Government Fiscal Assistance Trust Fund for fiscal year 1987, pursuant to Public Law. 99-272, section 14001(a)(8) (100 Stat. 328); to the Committee on Government Operations.

2751. A letter from the Comptroller General, transmitting a report on the compliance of Department of Defense with providing additional drug law enforcement assistance to civilian agencies; review of the memoranda of agreement specifying the distribution of such assistance, pursuant to 10 U.S.C. 374 nt; jointly, to the Committees on Government Operations and Armed Services.

2752. A letter from the Comptroller General, transmitting a report on the review of the United States-Mexico opium poppy and marijuana aerial eradication program, pursuant to 22 U.S.C. 2291 nt.; jointly, to the Committees on Government Operations and Foreign Affairs.

2753. A letter from the Secretary of Energy, transmitting a comprehensive report on the seventh project negotiated under the Department of Energy's Clean Coal Technology Demonstration Program entitled "The Appalachian Project", pursuant to Public Law 99-190; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space and Technology.

2754. A communication from the President of the United States, transmitting his determination and certification relating to efforts to achieve a cease-fire agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance, pursuant to Public Law 100-202, section 111(b)(2)(A) (H. Doc. No. 100-158); jointly, to the Committees on Appropriations, Foreign Affairs, and the Permanent Select Committee on Intelligence, and Armed Services and ordered to be printed.

2755. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to make two technical amendments to laws relating to drug interdiction; jointly, to the Committees on Armed Services, Merchant Marine and Fisheries, the Judiciary, and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KILDEE:

H.R. 3841. A bill to provide for demonstration projects for the improvement of child care, and for other purposes; to the Committee on Education and Labor.

By Mr. BENNETT:

H.R. 3842. A bill to authorize the Secretary of Defense to adjust rates of pay for members of the Armed Forces stationed overseas in order to offset the effects of foreign currency fluctuations; to the Committee on Armed Services.

By Mr. DAUB:

H.R. 3843. A bill to require that a pay adjustment for Members of Congress may not be made except by a recorded vote on a bill or resolution relating to that subject matter only, to deny Federal retirement annuities to Members of Congress convicted of any felony, and for other purposes; jointly, to the Committees on Post Office and Civil Service, House Administration, and Rules.

By Mr. DAUB (for himself and Mr. Dorgan of North Dakota):

H.R. 3844. A bill to amend the Internal Revenue Code of 1986 to permit farmers to purchase tax-free certain fuels for farm use, and for other purposes; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 3845. A bill to amend the municipal bankruptcy law to provide for special revenue bonds and for other purposes; to the Committee on the Judiciary.

By Mr. FAWELL (for himself, Mr. Crane, Mr. Konnyu, Mr. Inhofe, Mr. Coats, Mr. Crockett, Mr. Courter, Mr. Derrick, Mr. Gunderson, Mr. Henry, Mr. McGrath, Mr. Porter, Mr. Rhodes, Mr. Skeen, Mr. Slaughter of Virginia, and Mr. Upton):

H.R. 3846. A bill to remove the earmark of $8 million for the construction of educational facilities for North African Jewish refugees in France; jointly, to the Committees on Appropriations and Foreign Affairs.

By Mr. GEKAS (for himself, Mr. Penny, Mr. Parris, Mr. Nielson of Utah, Mrs. Bentley, and Mr. Porter):

H.R. 3847. A bill to amend chapter 13 of title 31, United States Code, to provide for an automatic continuing resolution for the U.S. Government; jointly, to the Committees on Appropriations and Rules.

By Mr. GLICKMAN (for himself and Mr. Feighan):

H.R. 3848. A bill to exempt from the antitrust laws certain activities relating to alleviating the negative impact of violence in telecast material; to the Committee on the Judiciary.

By Mr. GREEN:

H.R. 3849. A bill to amend title XVIII of the Social Security Act to eliminate Medicare part B premium increases for months during which an individual resides outside the United States; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. JONTZ (for himself, Mr. Nagle, Mr. Johnson of South Dakota, Mr. Penny, Mr. Perkins, Mr. Glickman, Mr. Gordon, Mr. Stenholm, Mr. Flippo, Mr. Sikorski, Mr. Tallon, Mr. McCloskey, Mr. Pickle, Mr. Hatcher, Mr. English, Mr. Harris, Mr. Evans, Mr. Lancaster, Mr. Campbell, Mr. Stallings, and Mr. Moody):

H.R. 3850. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for use on a farm; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 3851. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to establish a presumption of eligibility for disability benefits in the case of certain coal miners who filed claims under part C of such Act between July 1, 1973, and April 1, 1980; to the Committee on Education and Labor.

By Mr. LENT:

H.R. 3852. A bill to amend title 38, United States Code, to provide for the prorating of veterans compensation and pension for the month in which the death of a veteran occurs; to the Committee on Veterans' Affairs.

H.R. 3853. A bill to amend the Internal Revenue Code of 1954 to exclude from the gross income of any participant in any State or local government plan so much of any distribution from such plan as represents his allocable share of tax-exempt interest of such plan; to the Committee on Ways and Means.

By Mr. McGRATH:

H.R. 3854. A bill to repeal the provision of the fiscal year 1988 continuing resolution that bars the Federal Communications Commission from modifying, or extending waivers from, certain rules relating to common ownership of a daily newspaper and a television station; jointly, to the Committees on Appropriations and Energy and Commerce.

By Mr. MOLINARI (for himself, Mr. Green, Mr. Lent, Mr. Downey of New York, Mr. McGrath, Mr. Ackerman, Mr. DioGuardi, and Mr. Garcia):

H.R. 3855. A bill to extend until January 1, 1989, the waiver granted by the Federal

Communications Commission to the New York Post in connection with the Federal Communications Commission's rule relating to the common ownership of a daily newspaper and certain television stations, and for other purposes; jointly, to the Committees on Appropriations and Energy and Commerce.

By Mr. MONTGOMERY:

H.R. 3856. A bill to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the Reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. RAHALL (for himself, Mr. Murphy, Mr. Mollohan, Mr. Boucher, and Mr. Staggers):

H.R. 3857. A bill to clarify the intent of Congress regarding the interim presumption of eligibility for black-lung benefits; to the Committee on Education and Labor.

By Mr. TORRICELLI:

H.R. 3858. A bill to establish a National Mars Commission, and for other purposes; jointly, to the Committees on Science, Space and Technology and Foreign Affairs.

By Mr. VANDER JAGT (for himself and Mr. Levin of Michigan):

H.R. 3859. A bill relating to the treatment of certain workers' compensation funds; to the Committee on Ways and Means.

By Mr. ROTH:

H.J. Res. 438. A joint resolution designating October 7, 1988, as "National Teacher Appreciation Day"; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H. Con. Res. 236. A concurrent resolution providing for a Joint Session of Congress to receive a message from the President on the State of the Union; considered and agreed to.

H. Res. 346. A resolution providing for a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. WHITTEN:

H. Res. 347. A resolution to inform the Senate that a quorum of the House has assembled; considered and agreed to.

By Mr. PEPPER:

H. Res. 348. A resolution providing for the hour of meeting of the House; considered and agreed to.

By Mr. SISISKY:

H. Res. 349. A resolution expressing the condolences of the House on the death of Representative Daniel of Virginia; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

261. By the SPEAKER: Memorial of the Second Olbiil Era Kelulau, Republic of Palau, relative to the appropriation and distribution of War Claims awards to Micronesian claimants; to the Committee on Interior and Insular Affairs.

262. Also, memorial of the Nineteenth Guam Legislature, Agana, Guam, relative to the two redrafted Articles of the proposed Commonwealth Act of Guam; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FROST:

H.R. 3860. A bill for the relief of Xochiquetzalli Carreto; to the Committee on the Judiciary.

By Mr. McGRATH:

H.R. 3861. A bill for the relief of Sundaram Srinivasan; to the Committee on the Judiciary.

By Mr. MRAZEK:

H.R. 3862. A bill for the relief of Maurice G. Hardy; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Gingrich.

H.R. 42: Mr. Applegate.

H.R. 303: Mrs. Smith of Nebraska, Mr. Shays, Mr. Hastert, and Mr. Vander Jagt.

H.R. 544: Mr. Conte.

H.R. 620: Mr. Boucher.

H.R. 637: Mr. Bilirakis and Mr. Feighan.

H.R. 792: Mr. Gallegly.

H.R. 975: Mr. Brown of California.

H.R. 1213: Mr. Nielson of Utah and Mr. Wolf.

H.R. 1437: Mr. Gallo.

H.R. 1438: Mr. Weldon and Mr. Inhofe.

H.R. 1531: Ms. Pelosi, Mr. Dornan of California, and Mr. Courter.

H.R. 1555: Mr. Emerson.

H.R. 1721: Mr. Hyde.

H.R. 1782: Mr. Stallings, Mr. Dymally, Mr. Madigan, Mr. Wolf, Mr. Badham, Mr. Matsui, Mr. Vento, and Mr. Stenholm.

H.R. 1834: Mr. Evans, Mr. Gray of Pennsylvania, Mr. Waxman, and Mr. Roe.

H.R. 1917: Mr. Bilirakis and Mr. Mfume.

H.R. 2168: Mr. Stark.

H.R. 2502: Mr. Roybal and Mr. Clay.

H.R. 2517: Mr. Gray of Illinois.

H.R. 2609: Mr. de Lugo and Mr. Swindall.

H.R. 2667: Mr. Berman, Mr. Miller of Ohio, and Mr. Tallon.

H.R. 2692: Mr. Goodling.

H.R. 2695: Mr. Johnson of South Dakota.

H.R. 2717: Mr. Hertel, Mr. Kastenmeier, Mr. Moakley, and Mr. LaFalce.

H.R. 2724: Mr. Moakley.

H.R. 2762: Mr. Bustamante, Mr. Berman, and Mr. Robinson.

H.R. 3193: Mr. Bryant, Mr. Waxman, Mr. Espy, Mr. Roe, Mr. Conte, and Mr. Mrazek.

H.R. 3265: Mr. Vento, Mr. Dwyer of New Jersey, Mr. Hayes of Illinois, Mr. Fauntroy, Mrs. Collins, and Mr. Chapman.

H.R. 3291: Mr. Ford of Tennessee, Mrs. Collins, Mr. Mica, Mr. Carr, Mr. Clay, Mr. Owens of New York, Mr. Bustamante, Ms. Oakar, Mr. Dwyer of New Jersey, Mr. Rowland of Connecticut, Ms. Pelosi, Mr. Waxman, Mr. Fish, and Mr. Mazzoli.

H.R. 3322: Mr. Bruce, Mr. Leach of Iowa, Mr. Martinez, Mr. Livingston, Mr. Robinson, and Mr. Savage.

H.R. 3340: Miss Schneider, and Mr. St Germain.

H.R. 3361: Mr. Gray of Pennsylvania, Mr. Lott, Mr. Walgren, Mr. Yates, Mr. Roe, Mr. Jones of North Carolina Mr. Wolf, Mr. Wortley, Mr. Kemp, Mr. Crockett, Mr. Borski, Mr. Penny, Mr. Lowry of Washington, Mr. Smith of Florida, Mr. Foglietta, Mr. Lagomarsino, Ms. Kaptur, Mr. DeFazio, Mr. Moakley, Mr. Fascell, Mr. Coleman of Texas, Mr. Cardin, Mr. Ravenel, Mr. English, Mr. Wheat, Mr. Stratton, Mr. Hyde, Mrs. Bentley, Mrs. Collins, Mr. Schumer, Mrs. Meyers of Kansas, Mr. Fauntroy, Mr. Owens of New York, Mr. Martinez, Mr. Buechner, Mr. Mrazek, Mr. Quillen, Ms. Slaughter of New York, Mrs. Boxer, Mr. Jacobs, Mr. Bates, Mr. Lancaster, Mr. Kastenmeier, Mr. Levine of California, and Mr. Feighan.

H.R. 3440: Mr. Chandler and Mr. Solarz.

H.R. 3454: Mr. Boehlert, Mr. Brennan, Mrs. Byron, Mr. Davis of Michigan, Mr. Ford of Michigan, Mr. Gray of Illinois, Mr. Kildee, Mr. Moakley, Mr. Owens of New York, Mr. Saxton, Ms. Snowe, Mr. Tallon, and Mr. Wolpe.

H.R. 3485: Mr. Mica.

H.R. 3505: Mr. Gregg, Mr. Solomon, Mr. Foglietta, Mr. Conte, Mr. Brown of California, Mr. Hughes, Mr. Panetta, Mr. Clarke, Mrs. Boxer, Mr. Ford of Tennessee, Mr. Emerson, Mr. AuCoin, Mr. Gilman, Mr. Weiss, Mr. Martinez, Mrs. Morella, Mr. DioGuardi, Mr. Morrison of Connecticut, Mrs. Collins, Mr. Edwards of California, and Mr. Feighan.

H.R. 3598: Mr. Dwyer of New Jersey.

H.R. 3619: Mr. Horton, Mr. Dwyer of New Jersey, Mr. Rinaldo, Mr. Owens of New York, Mr. Espy, Mr. Saxton, Mr. Owens of Utah, and Mr. Matsui.

H.R. 3646: Mr. Barnard, Mrs. Collins, Mrs. Roukema, and Mr. Fish.

H.R. 3657: Mr. Goodling, Mr. Hammerschmidt, and Mr. de Lugo.

H.R. 3695: Mr. Dornan of California, Mr. Lagomarsino, and Mrs. Collins.

H.R. 3722: Mr. Bilirakis.

H.R. 3737: Mr. Andrews.

H.R. 3742: Mr. Horton, Mrs. Johnson of Connecticut, Mr. Clarke, and Mr. Edwards of Oklahoma.

H.R. 3764: Mr. McCollum, Mr. Fascell, Mr. LaFalce, Mr. Chapman, Mr. Hutto, and Mr. MacKay.

H.R. 3783: Mr. Fauntroy, Mr. Lehman of California, Mr. Hughes, and Mr. Vento.

H.R. 3784: Mr. Fauntroy, Mr. Hughes, Mr. Vento, and Mr. Lehman of California.

H.R. 3794: Mr. Crane and Mr. Applegate.

H.R. 3800: Mr. LaFalce and Mr. Shumway.

H.R. 3816: Mr. Coleman of Texas, Mr. Richardson, Ms. Pelosi, Mr. Gonzalez, Mr. Roybal, Mr. Owens of New York, Mr. Flake, and Mrs. Collins.

H.R. 3840: Mr. Frank.

H.J. Res. 8: Mr. Shays.

H.J. Res. 50: Mr. Gilman, Mr. Michel, Mr. Coelho, Mr. Moody, Mr. Hoyer, Mr. Smith of New Hampshire, and Mr. Foley.

H.J. Res. 260: Mr. Perkins, Mr. Crockett, Mr. LaFalce, Mr. Levin of Michigan, Mr. Gingrich, Mr. Gonzalez, Mr. Solarz, Mr. Towns, Mr. Flippo, Mr. Dicks, Mr. Boland, Mr. Clay, Mr. Traficant, Mr. Bosco, Ms. Snowe, Mr. Howard, Mr. Henry, Mr. Matsui, and Mrs. Meyers of Kansas.

H.J. Res. 289: Mrs. Collins, Mr. Hochbrueckner, Ms. Pelosi, Mr. Roberts, Mr. Skeen, Mr. Solarz, and Mr. Upton.

H.J. Res. 292: Mr. Boehlert, Mr. Burton of Indiana, Mr. Espy, Mr. Frenzel, and Mr. Mack.

H.J. Res. 332: Mr. Gonzalez, Mr. Henry, Mr. Taylor, Mr. Schuette, Mr. Studds, and Mr. Vander Jagt.

H.J. Res. 369: Mr. McHugh.

H.J. Res. 373: Mr. Swindall, Mr. Buechner, Mr. Hefner, Mr. Dicks, Mr. Goodling, Mr. Duncan, Mr. Valentine, Mr. Sundquist, Mr. Conte, Mr. Cooper, Mr.

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Torricelli, Mr. Price of North Carolina, Mr. Robert F. Smith, Mr. Jones of Tennessee, and Mr. Traficant.

H.J. Res. 383: Mr. Studds, Mr. Espy, Mr. Levin of Michigan, Mr. Wheat, Mr. Smith of New Jersey, Mr. Pickett, Mr. Lungren, Mr. Dingell, Mr. Weldon, Mr. Brooks, and Mr. Kildee.

H.J. Res. 386: Mr. Atkins, Mr. Badham, Mr. Bryant, Mrs. Collins, Mr. Crockett, Mr. Dannemeyer, Mr. de la Garza, Mr. Dyson, Mr. Fish, Mr. Frenzel, Mr. Gray of Illinois, Mr. Hyde, Mr. Kostmayer, Mr. Mineta, Mr. Molinari, Mr. Mollohan, Mr. Richardson, Mr. Rodino, Mr. Staggers, Mr. Stallings, Mr. Studds, Mr. Berman, Mrs. Boggs, Mr. Cheney, Mr. Erdreich, Mr. Horton, Mr. Kasich, Mr. Ravenel, and Mr. Wise.

H.J. Res. 399: Ms. Pelosi, Mr. Clay, Mr. Gonzalez, Mr. Wolpe, Mr. Bartlett, Mr. Dornan of California, Mr. Lewis of California, Mr. Sawyer, Mr. Thomas A. Luken, Mr. Oberstar, Mr. Hubbard, Mr. Hefner, Mr. Hamilton, Mrs. Kennelly, Mr. Traficant, Mr. McEwen, Mr. Dellums, Mr. Dixon, Mr. Fauntroy, Mr. Ford of Tennessee, Mr. Leland, Mr. Mfume, Mr. Cheney, Mr. Murphy, Mrs. Vucanovich, Mr. Pashayan, Mr. Green, Mr. Pepper, Mr. Manton, Mr. Miller of California, Mr. Quillen, Mr. Coats, Mr. Montgomery, Mr. Pickle, Mr. Regula, and Mr. Solomon.

H.J. Res. 419: Mr. Andrews, Mr. Grant, Mr. Gray of Pennsylvania, Mr. McGrath, Mr. Boland, Mr. Frost, Mr. Dornan of California, Mr. Dwyer of New Jersey, Mr. Dymally, Mrs. Morella, Mr. Towns, Mr. Mack, Mr. Sisisky, Mr. de Lugo, Mr. Garcia, Mr. McMillen of Maryland, Mr. Berman, Mr. Blaz, Mr. Bliley, Mr. Espy, Mr. Fauntroy, Mr. Donnelly, Mr. Fuster, Mr. Buechner, Mr. Fazio, Mr. Oxley, Mr. Evans, Mr. Dyson, Mr. Hall of Texas, Mr. Bilbray, Mr. Perkins, Mr. Kolter, Mr. Conte, Mr. Lancaster, Mr. Lujan, Mrs. Boxer, Mr. Dixon, Mr. Kostmayer, Mr. Gonzalez, Mr. Hansen, Mr. Hefner, Mr. Hoyer, Mr. Hutto, Mr. Ireland, Mr. Henry, Mr. Wyden, Mr. Kildee, Mr. Wilson, Mr. Lagomarsino, Mr. Lehman of Florida, Mr. Flippo, Mr. Lewis of Georgia, Mr. Daub, Mr. Natcher, Mr. Lantos, Mr. Akaka, Mr. Owens of New York, Mrs. Collins, Mr. Pepper, Mr. Ravenel, Mr. Rowland of Georgia, Mr. Torricelli, Mr. DioGuardi, Mr. Owens of Utah, Mr. Gray of Illinois, Mr. Bevill, Mr. Wheat, Mr. Bosco, Mr. Price of North Carolina, Mr. Hefley, Mr. Chapman, Mr. Wolf, Mr. Leath of Texas, Mr. Hammerschmidt, Mr. Kolbe, Mr. Nelson of Florida, and Mr. Bennett.

H.J. Res. 429: Mrs. Johnson of Connecticut, Mr. Fazio, Mrs. Collins, and Mr. Manton.

H. Con. Res. 201: Mr. Solomon, Mr. Hammerschmidt, Mr. Kolbe, and Mr. Hefley.

H. Con. Res. 216: Mr. Dornan of California.

H. Res. 210: Mr. Bateman and Mr. Ravenel.

H. Res. 311: Mr. Holloway, Mr. Lagomarsino, and Mrs. Meyers of Kansas.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

110. By the SPEAKER: Petition of the Council of the County of Hawaii, Hilo, Hawaii, relative to the Rural Economy Act of 1987; to the Committee on Agriculture.

111 Also, petition of the New York City Council, NY, relative to the Urban Development Action Grant Program; to the Committee on Banking, Finance and Urban Affairs.

112. Also, petition of the Council of the County of Hawaii, Hilo, Hawaii, relative to S. 1009 concerning the wartime relocation and internment of civilian Japanese Americans; to the Committee on the Judiciary.

113. Also, petition of Mr. Earl Hunwardsen, relative to the U.S. Congress; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

FOREIGN INVESTMENT: WHERE IS IT GOING?

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. FLORIO. Mr. Speaker, I would like to call my colleagues' attention to an article that appeared in the December 13, 1987, New York Times Magazine, entitled "Foreign Money, U.S. Fears" by Martin and Susan Tolchin.

The huge drop in the value of the dollar over the last 2 years has made U.S. industrial and other capital assets the world's "best buy" for foreign investors. Foreign investment in everything from our largest manufacturing firms to big city skyscrapers has skyrocketed in recent years.

This article gives a great deal of information about the increase in foreign investment in the United States and the concerns many have about how little we know of how and where these investments are being made. I am happy to say that the House trade bill contains a provision which would provide for the registration and disclosure of large foreign investments in the United States.

Mr. Speaker, at this time I would like to insert this article in the Record, and I urge my colleagues to read it.

[From the New York Times Magazine, Dec. 13, 1987]

FOREIGN MONEY, U.S. FEARS

(By Martin and Susan Tolchin)

The Capitol corridors were crowded this fall with hundreds of lobbyists who had descended upon House and Senate negotiators working on the final stages of the omnibus trade bill. Few were as resolute as those lobbying against a House-passed amendment that would require major foreign investors in America to disclose their identities and holdings.

Representatives of Japanese, British, Swiss, Canadian, German, Dutch, Taiwanese and Korean investors were among the leaders of a coalition of 50 who met regularly to plot strategy and make lobbying assignments.

"I've never seen such a concentrated show of force by foreign lobbyists," said Representative John Bryant, a Texas Democrat and sponsor of the legislation. "They've really turned on the heat."

His amendment has become the center of an emerging debate on foreign investment that has brought the investors and their American lawyer-lobbyists to Federal agencies, state legislatures and city halls, as well as to Capitol Hill.

Noboby knows the full extent of the foreign funds, some of which cross United States borders with the stealth and anonymity of illegal aliens. But the combined reports of several Federal agencies indicate that more than $1.5 trillion has poured into the United States from around the world, $1.3 trillion of it since 1974.

As foreign investment has increased, so has the political activity of investors from abroad. Nearly 100 political action committees (PACs) formed by foreign-owned companies contributed $2.3 million to 1986 Congressional campaigns, compared with $1 million in 1984. Although they represent only a small part of the 3,152 PACs that contributed $132.2 million to the campaigns last year, the foreigners' activities have created considerable concern, particularly in Congress.

Foreign lobbyists also are becoming skilled at obtaining support at the grassroots level. In September, for example, the Confederation of British Industry wrote the Metrocrest Chamber of Commerce in Carrollton, Tex, that if the Bryant amendment became law, "its effect would be to . . . deter new and future investment proposals." The letter was promptly forwarded to Representative Bryant.

Foreign lobbying actually begins when prospective investors negotiate terms with the American mayors and governors who circle the globe wooing foreign investors. Thus, Toyota obtained a $125 million package from state and local officials when the Japanese automaker agreed to build a $1.1 billion plant in Scott County, Ky. Included were funds for land, site preparation, job training and highway improvements. The plant, scheduled for completion next year, is expected to provide 3,500 jobs.

Foreign investment, lobbyists say, has created 3 million jobs. And along with fresh infusions of capital to dying industries, it has brought new technology and managerial techniques to American companies facing obsolescence, rebuilt the nation's cities, reshaped rural areas, heightened real-estate values, stimulated art sales, preserved agricultural land, increased the pool of venture capital, lowered home mortgage rates and underwritten record budget deficits.

But the most significant benefit of foreign investment, many lobbyists argue, is that it furthers the historic goal of the United States to reduce the restrictions on the free flow of goods, services and capital throughout the world. Since World War II, the United States has been the leading advocate of free trade and the reduction of tariffs worldwide, as well as the prime mover behind the engines that power those goals: the General Agreement on Tariffs and Trade, the International Monetary Fund and the World Bank.

In the aftermath of October's Black Monday stock market crash, lobbyists say, it would be senseless to take any action that could lead to the flight of foreign money.

Some in Congress warn, however, that the United States is becoming addicted to foreign capital. They fear that this overdependence has made the United States vulnerable to the vagaries of foreign investment, and that the withdrawl of foreign investment could wreak havoc on the economy. A reminder that the threat of withdrawal is not an idle one came in November, with the announcement by Volkswagen that it plans to close its 2,500-employee Pennsylvania plant.

Others lament the loss of profits that are taken out of the country. They contend that some foreign investors have hidden agendas, such as the acquisition of American technology, avoiding protective tariffs, cornering market shares, and using foreign investments as a trade weapon to destroy American corporate rivals in this country. And they warn that major decisions affecting the lives of American citizens and, possibly, the security of the nation, are now being made in foreign capitals—Tokyo, London, Riyadh.

Members of Congress also are concerned about the lack of reciprocity on the part of many foreign governments whose nationals invest in the United States. They note evidence that some investors in third world countries are merely sending back American foreign aid rather than investing in their own hard-pressed countries. Some say that states are giving away too much to lure investors, while the late William J. Casey, Director of Central Intelligence, called foreign investments "a Trojan horse," because of national security problems resulting from the foreign acquisition of American technology.

In addition, union leaders have been concerned with what they consider the antiunion practices of many foreign investors who are unaccustomed to vigorous unions or to laws that protect the employment rights of women and minorities.

But the Reagan Administration has been strongly supportive of foreign investments. "The United States welcomes foreign direct investment that flows according to market forces," the President told a White House audience in 1983. "We believe that there are only winners, no losers."

Others, like Felix Rohatyn, the investment banker, fear that the decline of the dollar will lead foreigners to withdraw their market investments and convert them into direct investments in American industry "at bargain basement prices."

Indeed, in the aftermath of Black Monday, firms specializing in corporate takeovers reported a rash of inquiries from foreign investors seeking to locate vulnerable companies as targets of potential acquisitions. Meanwhile, the Commerce Department's Office of Trade and Investment Analysis reported last month that a combination of a falling dollar, a strong consumer base and protectionist worries had encouraged more foreign companies than ever to build production plants in the United States. The office identified 1,051 direct foreign investments in 1986, up from 912 in 1985.

"We are a dependent nation that is beginning to lose control of its fate," Senator Dale Bumpers, Democrat of Arkansas, told the Senate during the debate on the Bryant amendment. "I can foresee a time when . . . our foreign creditors and foreign owners will demand concessions from us, just as OPEC [the Organization of Petroleum Exporting Countries] has done on several occasions.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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These concessions will undermine our independence."

At the very least, critics say, the United States should know the source and extent of foreign investment. That is the purpose of the Bryant amendment, which was narrowly approved by the House Energy and Commerce Committee by a 21-20 vote and survived a challenge in the full House by a vote of 230-190. In the Senate, however, a massive lobbying effort helped bring on its defeat by a vote of 83-11. House and Senate negotiators are now seeking to reconcile the two bills, and are expected to complete work early next year.

The House-passed measure would affect only those with "a significant interest"—more than 5 percent—in a United States business or real estate property with assets of more than $5 million or sales of more than $10 million. Such investors would have to list their identity and holdings. Those with a controlling interest of more than 25 percent in an American business with assets or sales of more than $20 million would have to furnish more information: a balance sheet, income statement, location of United States facilities and the names of company directors and officers.

Lobbyists against the Bryant amendment have included representatives of these American subsidiaries: Fujitsu, Toyota, Nissan and Honda (Japan); Northern Telecom, Alcan Aluminium and General Research Corporation (Canada); Batus and B.P. (Britain); Sandoz, Ciba-Geigy and Nestle (Switzerland); Shell Oil and Unilever (the Netherlands and Britain); and Miles (West Germany). They are represented by some of Washington's top lawyer-lobbyist firms, including Patton, Boggs & Blow (Batus), and Akin, Gump, Strauss, Hauer & Feld (Fujitsu). They have been joined by White House and Commerce Department officials as well as representatives of some United States multinationals, including E. I. du Pont de Nemours & Company and American Express.

Supporters of the disclosure amendment say that information has been so limited, hidden in bureaucratic quagmires or actually kept secret, even from Congress, that American officials often don't know who is investing in the United States, or whether they are from friendly nations like Canada, or hostile ones like Libya and Iran. Nor do American officials always know whether a foreign investor represents a legitimate business enterprise, a front for a hostile government or a criminal involved in illicit ventures. Indeed, many investments bear few signs of their real foreign owners, as various Congressional committees discovered when they sought to uncover the United States real estate holdings of Ferdinand E. Marcos, the deposed Philippine leader. And before an alert Central Intelligence Agency official blew the whistle in the mid-1970's, the Russians nearly completed the purchase of three banks in California's Silicon Valley, in an effort to obtain information on high-tech companies.

But critics of the proposal warn that it could stanch the flow of foreign investment that has been crucial to the nation's economy. Paul A. Volcker, former chairman of the Federal Reserve Board, warned in April that "legitimate actual and potential investors would be deterred by the risk of revealing proprietary information, and would take their money elsewhere."

Representative Norman F. Lent of East Rockaway, N.Y., the ranking Republican on the Energy and Commerce Committee, has called the disclosure bill "controversial, burdensome, confusing and inflexible," and warned that it could cause "a severe outflow of capital and produce a severe, negative impact on our economy and on the present and future jobs of millions of American workers. It could hurt foreign-held United States companies by forcing them to disclose confidential data to their employees or competitors, when American-owned companies are protected.

But to others, the disclosure amendment underscored a concern about the growing political power of foreign investors. Known foreign ownership of American assets more than doubled from 1981 to 1986, and increased by 25 percent in 1986. Some 75 percent to 80 percent of this money is in Treasury bills, stocks and bonds and other portfolio investments. The remainder is in manufacturing facilities, warehouses and assembly plants. During recent years, foreign investors have been heavy purchasers of Treasury bills, and are believed to hold 10 percent to 20 percent of the $2 trillion national debt.

"It is the biggest change taking place in our economy today," Representative Bryant says. "To consciously remain ignorant of the extent of this phenomenon can't possibly be justified. Every other nation in the world watches foreign investment much more carefully than we do."

Foreign lobbying against the Bryant amendment is the latest example of a historical reversal. For much of the nation's history, American investors have circled the globe, investing in overseas ventures, exporting their culture and intervening in foreign governments. Now, the tables are turned.

Some in Congress warn that foreign investment compromises the political independence of government officials. Senator Jeff Bingaman, Democrat of New Mexico, questioned, for example, how a Senator from a state with substantial foreign investments could play an active role in curbing the national trade deficit.

The Japanese, who recently replaced Canadians as the third-largest foreign investors (behind the British and Dutch), have also become the most politically active. They specialize in what some have called "threat power." Last year, Japanese investors warned Congressmen that the proposed repeal of investment tax credits—which rewarded companies for reinvesting in their plants and facilities—would lead them to curtail their investments in the United States. Despite their efforts, Congress repealed the tax credits.

Saudi Arabians threatened to divest themselves of their American securities, mostly Treasury bills, in 1979 rather than comply with Congressional requests to disclose the extent of their holdings. With the assistance of Treasury officials, these holdings remain listed in the aggregate of all Middle Eastern countries rather than by nationality.

The influence of foreign investors has even penetrated a closed meeting of the House Ways and Means Committee, which ranted an exemption in the 1986 tax bill to the Esselte Pendalflex Corporation, a Swedish-owned office products company in Garden City, L.I.

The political activity generated by foreign investors has become aggressively visible. "When Japanese companies invest in the United States, in addition to being welcomed on the local level, they would like to see Congressmen, Senators, the President, Vice President and Secretary of the treasury," says Jiro Murase, a New York lawyer who represents 200 Japanese companies.

"They don't just stop at the Washington level," says Senator Lloyd Bentsen, Democrat of Texas and chairman of the Finance Committee, "You hear from their distributors and contractors back home right away."

Foreign lobbyists have amply demonstrated they can also play hardball on state issues. Executives of Sony of America, a subsidiary of the Japanese company, threatened both the Florida and California legislatures, from 1984 to 1986, with cancellation of plans to build facilities in their states unless they repealed their unitary taxes, which are based on a company's worldwide profits, rather than just the amount of sales within the state. The tax was initially imposed a half-century ago by states that felt they were not getting their fair share of taxes for products made, warehoused or otherwise enhanced in their states but sold elsewhere.

Floirida responded by repealing the tax in a hastily called session during Christmas week in 1984. California was more resistant. A coalition of Japanese and European investors made campaign contributions to a number of state legislators and also used the considerable political weight of their leaders. British Prime Minister Margaret Thatcher personally lobbied President Reagan on the issue. Last year, California repealed the tax.

I do not think foreign nationals have any business in our political campaigns," said Senator Bentsen, sponsor of a law that prohibits foreign interference in American elections, during a Senate debate on the subject: "They cannot vote in our elections, so why should we allow them to finance our elections? Their loyalties . . . lie with their own countries and their own governments.

Some major PACs of 100 percent foreign-owned companies and their contributions to 1986 Congressional campaigns include: Joseph E. Seagrams (Canada), $169,000 to 166 candidates; Shell Oil Company (the Netherlands/Britain), $160,000 to 206 candidates, and Brown & Williamson (Britain), $111,575 to 132 candidates. Like domestic PACs, the foreign PACs tend to give to incumbents, especially those highly placed on key committees.

PAC contributions also filter down to local political organizations and candidates. The PAC of the Shell Oil Company, for example, gave $726,000 in contributions and loans to an organization that sought to block a proposed oil tax that was presented in a referendum before California voters in 1980. The proposal was defeated by a whopping 66 percent of the vote. California law allows companies to contribute to local campaigns, and the Federal Election Commission has ruled that in such cases, foreign-owned domestic companies can do likewise.

The Federal Election Commission has repeatedly asked Congress to clarify the legality of foreign PACs, in view of a 1974 amendment to the Federal Election Campaign Act, which specifically prohibits foreign nationals from contributing to political campaigns. The roots of this act trace back to the late 1930's, when Congress passed the Foreign Agents' Registration Act in an

effort to prevent foreign governments from pushing the United States into war in Europe.

Some foreign lobbyists say that they are merely seeking to correct the injustices suffered by their clients, who sometimes feel betrayed by various regulatory restrictions placed upon them after mayors and governors have promised non-interference with their management.

Public officials stress that they do not give foreign corporations any benefits not offered to domestic corporations that relocate in their cities and states. But some critics question why foreign investors, who have been wooed with financial aid, tax abatements and assurances of labor peace, should be given advantages over domestic competitors.

"Why are we using American taxpayers' money to put Komatsu in business in Tennessee?" asks Senator Jim Sasser. Komatsu, a Japanese manufactuer of earth-moving equipment, has received local tax advantages, as well as funds for training workers, to locate in Chattanooga. "Why are we using taxpayers' money to help Komatsu beat Caterpillar's brains out?" (Ironically, Caterpillar has moved one of its operations to Korea.)

Representative Don Bonker, Democrat of Washington and chairman of the Foreign Affairs Subcommittee on International Economic Policy and Trade, laments the competition among the states, which dissipates needed resources. "Mayors and governors are concerned with microeconomics," he says, "and the Congress should be concerned with macroeconomics. The real thinkers around here are concerned about the long-term cost of the capital inflows. It's subsidizing the present with the hardships of the future."

Two decades ago, a book on foreign investment sent waves of alarm through the European Community. "The American Challenge," by Jean-Jacques Servan-Schreiber, warned that the invasion by American multinational was dominating Europe's economy and destroying its traditional industries.

The scenario never materialized. The oil crisis of 1973 diminished America's industrial power and, more important, the Europeans rose to meet the American challenge by reorganizing their industries and becoming more competitive. Former colonialists themselves, they understood all too well the relationship between economic and political power.

The current debate on the Bryant amendment indicates that Congress is finally beginning to understand that foreign investment is not a totally free lunch. Senator Tom Harkin, Democrat of Iowa and the major sponsor of the Senate disclosure amendment, argues that "over time, as ownership of our assets is transferred overseas, so is the authority to make important business and economic decisions affecting the prosperity and independence of our nation."

Politicans on both sides of the issue agree that they must walk a thin line, and adopt policies that continue to reap the benefits of foreign investment while minimizing its risks. Should they fail to meet this challenge, they say, the danger of losing a measure of political and economic sovereignty may become a reality.

VOCATIONAL EDUCATION WEEK

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. FAUNTROY. Mr. Speaker, February 7 marks the commencement of the week which has been designated as Vocational Education Week by the American Vocational Association, a 47,000-member professional association serving educators and administrators in all fields of vocational/prevocational education programs. The national theme of the week is "Vocational Education: The Competitive Edge."

I would like to take this opportunity to congratulate the DC Board of Education, its Committee on Career Development and Vocational Education and its chairperson, Phyllis Etheridge Young, our superintendent of schools and chief State school officer, Dr. Floretta Dukes McKenzie, the deputy superintendent, Dr. Andrew Jenkins, and the assistant superintendent of the DC Public Schools Division of Career and Adult Education, Dr. Otho E. Jones, on their excellent job of providing quality vocational education programs in the District of Columbia. In addition, I would like to extend my best wishes to all concerned for a rewarding and productive National Vocational Education Week.

ENROLLMENT

National Center for Education Statistics show clearly that vocational education benefits a great number of Americans. Almost 16 million individuals were enrolled in public vocational education programs as of 1984, 60 percent in secondary programs, and 40 percent in post-secondary programs. Approximately 95 percent of all high school graduates take at least one vocational course in high school. Enrollment in vocational education is almost evenly divided among male, 47.4 percent; and female, 47.8 percent; students. Minority students account for about 22.6 percent of the enrollment in vocational education, a percentage which is roughly equal to minority representation in the general population.

Statistics further reveal that vocational education serves students of all socioeconomic levels. The difference in vocational Carnegie units earned among high school students of low, middle, and high socioeconomic levels is very slight, ranging from an average of 5.2 Carnegie units for students from the low socioeconomic level to an average of 3.0 Carnegie units for high socioeconomic level students.

Vocational education also serves students of all ability levels. While college-bound graduates average 2.7 vocational credits in high school, those in general programs average 4.6 credits and those in vocational preparation programs average 6.5 credits.

EDUCATIONAL ATTAINMENT

In addition, statistics show that participation in vocational education programs is linked with academic success. Sixty percent of all high school vocational graduates enter some form of postsecondary education than is generally recognized. According to a recent study, 38 percent of the vocational graduates surveyed had finished or were still enrolled in a 4-year college or other training programs. Moreover, another recent study shows that for many students, vocational education appears to make a difference between dropping out and staying in school.

FUNDING

Vocational education, originally funded under the George Barden Act, is presently funded under the Carl D. Perkins Act, Public Law 98-524, and with State and local dollars. Federal dollars constitute 11.4 percent of all vocational education expenditures at State and local levels.

CONCLUSION

In conclusion, I wish to invite all my colleagues to join me in supporting National Vocational Education Week. Anyone interested in our local vocational education efforts may contact the DC Public Schools Division of Career and Adult Education, located at the Brown Administrative Unit, 26th and Benning Road NE., Washington, DC 20002, at 724-4178.

DO WE REALLY WANT TO HELP THE SOVIETS?

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. ROTH. Mr. Speaker, last month in an NBC Today Show, Jane Pauley hit the nail on the head when she asked this question: "The bottom line is that Gorbachev wants the Soviet Union to become an economic superpower with our help. Do we really want to help?"

Not surprisingly, the answer from the business industrialist heading up the United States-U.S.S.R. Trade and Economic Council was yes. There's an adage that a person's view is always colored by his or her perspective and his or her interests.

From the point of view of this Member, a headlong rush to sign Russian trade deals will undermine America's technological edge in the United States-Soviet military equation. While short-term profits may be realized, playing the role of technological enabler to the Soviets is not in the long-term interest of the United States.

Rehauling the Soviets' telecommunications network, modernizing its machine tool industry, and upgrading its engineering capabilities are but a few of the billion dollar trade deals activities being discussed between Washington and Moscow. According to one high-ranking Soviet official, 26 proposals from United States firms have good prospects for agreement within the next few months.

Can the United States really be taken seriously by our Cocom partners when we threaten sanctions against countries that don't safeguard their technology from the Soviet bloc, while at the same time we rush to sign billion dollar trade deals with the Soviet Union? We cannot have it both ways. But I think the American people recognize which of the two objectives is more important. And I'm quite sure that the American people would answer Jane Pauley's question much differently. I'm convinced that their answer would be a resounding no.

I encourage my colleagues to review the following article that appeared on December 16, in the International Trade Reporter which details a number of the United States-Soviet trade deals and trade talks currently underway.

Soviet Union—Trade Should Be More Prominent in Next Summit, Commerce Secretary Tells Reporters

Trade should play a more prominent role in the next U.S.-Soviet summit than it did in last week's meeting between President Reagan and Soviet General Secretary Mikhail Gorbachev, Commerce Secretary C. William Verity said Dec. 14.

Verity met with a small group of reporters after the summit, at which the two governments endorsed expansion of trade and economic relations and called on the U.S.-U.S.S.R. Joint Commercial Commission to develop proposals to improve bilateral economic relations.

The Reagan Administration and Soviet government, in the joint statement issued after the summit, also agreed that commercially viable joint ventures complying with each country's laws could aid development of commercial relations.

Verity told reporters the communique was encouraging from an economic and trade point of view because both sides said the joint commission should examine the situation. The joint statement also called on the commission, at its March meeting in Moscow, to reduce barriers to the point that trade questions could be discussed at the next Reagan-Gorbachev summit, expected during the first half of next year.

The commerce secretary also said the summit statement was encouraging because both sides endorsed joint ventures.

Trade was not a major focus of the summit—which concentrated more on arms control issues—although the issue did come up, as had been expected (4 ITR 1525, Dec. 9, 1987), in a number of forums, including a meeting between Gorbachev and U.S. business executives.

EMBASSY SESSION FOR EXECUTIVES

Gorbachev met with about 70 U.S. business officials at the Soviet Embassy Dec. 10 to press for major U.S. investments in joint ventures. Soviet sources said the U.S. executives included broadcaster Ted Turner, David Rockefeller of Chase Manhattan Bank, Felix Rohatyn of Lazard Freres & Co., and Duane Andreas of Archer-Daniels-Midland Co. The session was followed by a small group meeting with several business leaders and Verity.

Occidental Petroleum Corp. Chairman Armand Hammer said the general secretary had spoken of the importance of "consortiums," such as the one Occidental and Italy's Montedison SpA plan to develop and operate a petrochemical complex (4 ITR 1453, Nov. 25, 1987).

Gorbachev, according to Bunge Corp. Chairman Walter Klein, "said all the right things."

"The Soviets means to have improvement," he said. "Therefore they are going to do as much as they can. I don't say it will last forever, but he certainly got a great deal of applause, and those in the room who have not dealt with the Soviets were charmed," Klein said.

James Giffen, president of the U.S.-U.S.S.R. Trade and Economic Council, said Gorbachev had pointed out that Soviet rules on joint ventures will keep changing until workable arrangements can be achieved.

Giffen said that Gorbachev and U.S. business leaders had discussed "some major proposals" for expanding trade, but he said he could not elaborate.

TWENTY-SIX POSSIBLE U.S. VENTURES

Able G. Aganbegyan, chief of the economic branch of the Soviet Academy of Sciences, told reporters Dec. 9 that 26 proposals from U.S. firms for joint ventures have good prospects for agreement within the next few months.

He said the industries included machine building, food-stuffs, light industry, waste processing, chemicals, biotechnology, agriculture, and infrastructure projects.

The Soviet official also said he had discussed joint ventures during the summit trip, both in New York and in Washington, and said he would be returning to the United States in February or March for more talks in New York. He said the talks had been with firms in the machine building, light industry, food processing, chemical, and agricultural fields.

Aganbegyan, who said there needed to be a five- to 10-fold increase in bilateral trade with the United States, said the 26 U.S. proposals were among some 300 proposals for joint ventures, including 45 U.S. proposals which have been received under the new joint venture law. He also noted that there are now 13 operational joint ventures, including one with a U.S. firm, Combustion Engineering (4 ITR 1425, Nov. 18, 1987).

BARRIERS TO INCREASED BILATERAL TRADE

Soviets traditionally cite lack of U.S. most-favored-nation treatment as a barrier to increased bilateral trade. The quality of Soviet goods is also often mentioned as a problem. When asked which was the greater problem for U.S.-Soviet trade, Aganbegyan said they were both problems, but that discriminatory tariff treatment was more important.

One product the Soviets could sell to the U.S. market is automobiles, he told reporters, suggesting that Soviet cars could be sold as second or third cars, as the Yugo or Hyundai autos are sold in this country now.

When asked about grain sales, he told reporters the Soviets would like to cut grain imports, adding that Moscow is taking measures to increase production. During the 1990s, he said, the Soviets hope to halt large-scale imports of grain except for soybeans.

He also said the Soviets want to cut domestic consumption of oil and told reporters there are good prospects for oil in the Soviet Union, citing new deposits in the Caspian region, Siberia, and the Sakhalin region.

On making the ruble convertible, Aganbegyan said the Soviets are planning the move for around 1989 or 1990, saying Moscow is first interested in making the Soviet currency convertible in the socialist market. He said he would recommend that Moscow start with making the ruble convertible domestically before allowing it to be converted on the international market.

Aganbegyan noted that Moscow is interested in joining the General Agreement on Tariffs and Trade—which he said the Reagan Administration opposes—adding that the Soviets currently are establishing contacts with the European Community. The Soviet official told reporters Moscow is planning more cooperation between the countries of Eastern Europe and the EC on the one hand and the Soviet Union and individual Western countries on the other.

JEC MEETING

Aganbegyan also met for about 90 minutes with three members of the Joint Economic Committee of Congress. Present at the meeting were Sens. William Proxmire (D-Wis) and Paul Sarbanes (D-Md) and Rep. James H. Scheuer (D-NY). But trade was not a major topic of discussion, according to a committee source who was present at the meeting.

Proxmire reportedly pointed out to Aganbegyan that the Soviets had been borrowing to a significant extent from the West, with imports from the West decreasing, a contention which Aganbegyan did not challenge.

The committee source said his impression was that the entire emphasis on the Soviet side was on improving domestic performance and that there was no great reliance on imports from the West.

The question of illegal Soviet acquisition of Western technology came up, although the Soviet academician reportedly responded that such transfers did not pose a major risk to the United States because countries that borrow other countries' technology remain behind competitively.

AIR SERVICE AGREEMENT

In addition, Secretary of State George Shultz and Soviet Foreign Minister Eduard A. Schevardnadze Dec. 9 signed and exchanged diplomatic notes amending the U.S.-U.S.S.R. Civil Air Transport Agreement of 1966 to authorize joint use of aircraft by Pan American World Airways and Aeroflot for non-stop air service between New York and Moscow.

The State Department said the two sides agreed to set up joint non-stop service starting in May 1988, and the agreement authorizes use of Pan American aircraft.

A department spokesman called the move a "concrete example of mutually benefical commerce" between the United States and the Soviet Union.

RESTORING THE CAPITAL GAINS PREFERENCE

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. DAUB. Mr. Speaker, today I am introducing a bill that will restore preferential tax treatment for capital gains. This legislation will encourage desperately needed capital formation which will translate into more economic growth and more jobs.

My bill would reinstate special long-term capital gains exclusions similar to the exclusion provided prior to the Tax Reform Act of 1986. The new exclusions would similarly apply to all capital assets as defined in section 1221 of the Internal Revenue Code of 1954 and to those assets qualifying for capital gains treatment under section 1231 of the Code.

A 25-percent exclusion would be allowed when a taxpayer held an asset for at least 2 years, but less than 5 years. A more favorable 50-percent exclusion for assets held for more than 5 years is provided.

In addition, no exclusion would be provided in any case for assets used for farming purposes unless the taxpayer or a member of the taxpayer's family materially participates in the operation of the farm.

I think this bill reflects the necessity for legislation which will encourage investment and risk taking by Americans, which will in turn result in more jobs and greater productivity at virtually no cost to the Treasury.

RESTORATION OF CAPITAL GAINS PREFERENCE BASED ON PERIOD CAPITAL ASSET HELD

(a) Restoration of Capital Gains Preference.—Sections 301, 302, and 311 of the Tax Reform Act of 1986 (relating to repeal of capital gains treatment), and the amendment made by such sections, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied as if such sections, and amendments, had never been enacted.

(b) Holding Period Increased to 2 Years.—

(1) In general.—The provisions amended by section 1001 of the Tax Reform Act of 1984 are each amended by striking out "6 months" and inserting in lieu thereof "2 years".

(c) Amount of Preference Based on Holding Period.—

(1) Taxpayers other than corporations.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 is amended to read as follows:

"(a) Allowance of Deduction.—

"(1) In general.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction for gross income—

"(A) 25 percent of the gain described in paragraph (2), and

"(B) 50 percent of the gain described in

"(2) Assets held less than 5 years.—The gain described in this paragraph is the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the net capital gain for the taxable year taking into account only gains and losses on property held by the taxpayer for at least 2 years but less than 5 years.

"(3) Assets held 5 years or more.—The gain described in this paragraph is the lesser of—

"(A) the excess of —

"(i) the net capital gain for the taxable year, over

"(ii) the gain described in paragraph (2), or

"(B) the net capital gain for the taxable year taking into account only gains and losses on property held by the taxpayer for at least 5 years.

"(4) Special rule for determining holding period for property used for farming purposes.—

"(A) In general.—For purposes of this subsection, the taxpayer shall not be treated as holding property used for farming purposes for any period unless there is material participation by the taxpayer (or a member of the family of the taxpayer) in the operation of the farm throughout such period.

"(B) Definitions.—For purposes of subparagraph (A), the terms 'farming purposes', 'material participation', and 'member of the family' have the meanings given such terms by section 2032A."

(2) Corporations.—Subsection (a) of section 1201 of such Code (relating to alternative tax for corporations) is amended by striking out plus at the end of paragraph (1) and by striking out paragraph (2) and inserting in lieu thereof the following new paragraphs:

"(2) a tax of 27 percent of the net capital gain described in section 1202(a)(2), plus

"(3) a tax of 20 percent of the net capital gain described in section 1202(a)(3)."

Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1987.

THE HONORABLE DAN DANIEL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. MATSUI. Mr. Speaker, this weekend our country lost a dedicated public servant and we in Congress lost a treasured friend with the death of Representative Dan Daniel. As we mourn his death, I ask my colleagues to take a few minutes to consider the many contributions of this great American.

Many of us are familiar with Dan's achievements in Congress. Elected to the U.S. House of Representatives in 1968, Dan was the dean of the Virginia delegation and the chairman of the House Armed Services Subcommittee on Readiness. He brought to his work a keen understanding that people, not weapons, were the most critical element of our national defense. During his tenure as chairman significant improvements were made in military maintenance and many other indexes of readiness, and morale, welfare and recreation programs made many significant improvements.

I was fortunate enough to benefit from Dan's commitment to national security just last year, when he took time from his busy schedule to join me for a trip to Mather Air Force Base in Sacramento. This was a particularly trying time for me, as the proposed closing of Mather would have involved serious changes both in our national defense and in the economy of my district. Dan's careful analysis of Mather's operation and his subsequent support for keeping it open helped prevent the Air Force from making a serious mistake that would have weakened our national defense. Dan cared a great deal, and I will certainly never forget him.

Dan's wisdom was cultivated during a life of public service. Born in Chatham, Virginia, Dan grew up during the Great Depression and was a member of the Civilian Conservation Corps for 2 years. He served in the Navy during World War II, and was elected State commander of the American Legion in 1951. In 1956 he became the first Virginian to be elected national commander.

His achievements and character were recognized around the world. He was an honorary member of veteran's associations in Canada, Italy, Belgium, France, and Israel, and received numerous civic awards in the United States, including the Salvation Army's "Others" award.

Mr. Speaker, I believe I can speak for all Members of Congress in saying that we will miss Dan very much, and that we offer his family our deepest condolences.

THE SUBURBAN TEMPLE OF WANTAGH'S 35TH ANNIVERSARY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LENT. Mr. Speaker, I rise today to recognize an occasion of great importance to the Jewish community of Wantagh, NY. This year, the Suburban Temple of Wantagh marks its 35th anniversary, and the congregation will be holding a gala celebration on May 6 to commemorate this event.

Back in 1952, the temple began with only 12 families who joined together to establish a reform Jewish congregation. At that time, they met in a small restaurant on Merrick Road in Wantagh. But with dedication and perseverance, they were able to purchase the land the temple sits on today.

Two years later, the ground was broken at the present temple site and, in 1965, the building was completed and the synagogue's doors were opened to all who wished to join. Over the years, the temple has served the community well as a place to gather and worship with family and friends. Today, the congregation takes great pride in its membership of over 700 families.

This anniversary represents the conviction and commitment of the temple's founders and all those who have worked to further Jewish culture and religion in their community. Their dedicated efforts will preserve this legacy for their children and future generations.

In closing, I'd like to congratulate the congregation on this important occasion and offer my best wishes for the Suburban Temple of Wantagh's continued success as one of the community's most valued institutions.

KILDEE URGES PEACEFUL SETTLEMENT OF ISRAELI-PALESTINIAN CONFLICT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. KILDEE. Mr. Speaker, I have been a strong supporter of the State of Israel all my life; not for strategic reasons but for moral and ethical reasons. The Jewish people have suffered too much throughout their long and illustrous history without the protection of a state of their own. Most observers agree that the Nazi Holocaust would never have occurred if European Jews had had a safe haven, like Israel, in the 1940's.

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However, as a friend of Israel, I feel compelled to join with those Israelis who have spoken out against the continuing violence in the Israeli-occupied territories between Israeli soldiers and Palestinian demonstrators. At least 38 Palestinians have been shot dead by Israeli soldiers and hundreds of others wounded in the last few weeks of rioting. Unfortunately, I can find little comfort in Israeli Defense Minister Yitzhak Rabin's new policy of substituting severe beatings for live bullets as a means of suppressing the demonstrations.

Over the weekend, more than 50,000 supporters of Peace Now rallied in Tel Aviv to protest the government's policy in suppressing the civil disturbances in the occupied territories. As Peace Now leader Tzali Rehsef said at the demonstration, "The hard fist, the harder fist, the iron fist—where has it gotten us? We have come here tonight in our tens of thousands to say no." In the short run, Rehsef and his colleagues are concerned with the continuing occupation's dehumanizing effect on the young Israeli soldiers serving in the territories. As the mother of a soldier serving in the occupied territories put it, "In Lebanon I was afraid for his life. Now I am afraid for his soul."

In the long run, these Israelis are deeply worried about the ultimate consequences of the occupation for Israel's moral and political values as a democratic nation. They and other thoughtful Israelis realize that the overwhelming weight of the Israel Defense Forces can and will eventually bring the current round of Palestinian demonstrations to end. However, they also realize that no amount of military force can crush the spirit of the Palestinian people or extinguish their desire for self-determination in their own homeland.

Mr. Speaker, some say that it would be too easy for us to sit here in the safety of the Halls of Congress and offer advice to the Israeli people and Government who have lived for the last 40 years surrounded by hostile neighbors bent on their destruction. However, I feel that to remain silent at this time would be an even greater disservice to the Israeli people. The Israeli-Palestinian conflict cries out for a solution based on mutual recognition of both peoples' right to self-determination and their desire to establish a just and lasting peace for all nations in the region.

The U.S. Government can play an important role in facilitating negotiations between Israel and her neighboring Arab States and the Palestinian people. As a superpower and as an unshakeable friend of Israel, our Nation must be an active participant in bringing together the various parties to this long-standing conflict. A just and comprehensive solution to this conflict can and must be found. But our silence will not contribute to that goal.

PICO RIVERA, CA CELEBRATES ITS 30TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TORRES. Mr. Speaker, the city of Pico Rivera was incorporated on January 29, 1958, and is now celebrating its 30th anniversary as a city. The city is a combination of two historic unincorporated communities: Pico and Rivera. The union of these two areas, each of which had its own strong tradition, has been a happy and successful one. Today, Pico Rivera is a city of 60,000 residents with its own excellent school district and a record of economic and social growth.

It is a model city for others to follow. The leaders of the city have fashioned a balance between the contract system and services by city employees that has proven to be highly successful. Under wise leadership by a succession of dedicated city councils and planning commissions, Pico Rivera has developed into a well-balanced community of industrial, commercial and residential land use.

Pico Rivera is a family-oriented community of well-maintained residential properties. Its beautiful parks are highly patronized. Many organizations work closely with city government to provide a variety of healthful outlets for people of all ages, Pico Rivera operates 20 baseball fields which are busy day and night. The city's Olympic size swimming pool was used for training purposes in the 1984 Olympics. In conjunction with the U.S. Army Corps of Engineers, the city was able to develop a Bicentennial Park in the Whittier Narrows area. The complex includes a stadium, public campgrounds, stables and a municipal golf course with driving range, pro shop, plus a restaurant to serve area residents.

To assure a continued high-quality environment for the entire community, Pico Rivera operates a multifaceted housing assistance program. An extremely active redevelopment agency has completed one major shopping center and is now completing a major industrial development with the assistance of an urban development action grant from the Federal Government. Pico Rivera has begun work on the rehabilitation of Whittier Boulevard, including new storefronts and new offstreet parking facilities. It also works closely with the Northrop Corp. which is developing its advanced systems division on 220 acres within the city limits.

Further, Pico Rivera has extremely capable and progressive civic leaders. The city council members include: Mayor Garth Gardner, first elected in 1972 and served on the planning commission for 13 years; Mayor pro tempore James M. Patronite, elected in 1974 and served on the incorporation committee in 1956; Councilman John Chavez, elected in 1978 and served on the planning commission for 5 years; Councilman Alberto Natividad, elected in 1982 is retired from the Los Angeles County Sheriff's Department; and Councilman Gil de La Rosa, also elected in 1982 and served for 14 years as a member of the board of the el Rancho unified school district.

Mr. Speaker, on Firday, Janauary 29, 1988, the city of Pico Rivera will celebrate this important occasion with a dinner-dance at the Whittier Hilton Hotel, I ask that my colleagues in the House of Representatives join me today in saluting the people of Pico Rivera by extending to them best wishes for a future of accomplishment and achievement as successful as the past 30 years. it is an honor for me to represent the people of Pico Rivera in Congress during their 30th anniversary.

STATE SPONSORED TERROR

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. BROOMFIELD. Mr. Speaker, on November 9, 1987 a South Korean airliner exploded near the Burmese coast. The direct result: 115 innocent people lost their lives so that North Korea could prevent the success of the Summer Olympic games.

Earlier this month Kim Hyon Hui, an agent of Communist North Korea, admitted to South Korean authorities that she, along with a male accomplice, carried out orders to bomb a South Korean passenger jet. Their instructions came from the highest levels of the North Korean Government. Her confession should serve as a chilling reminder of the respect Communist nations attach to human life.

How did the South Koreans manage to extract this confession from Miss Hyon Hui? By the use of excruciating torture so often synonymous with totalitarianism? No; instead, according to media reports, Kim Hyon Hui freely gave her story after she was exposed to South Korean newspapers, television and allowed to view everyday life in South Korea. The diet of propaganda and fabrications which she was fed in North Korea could not stand up to reality.

Her story is one of many which demonstrates Communist affinity for terrorism. In addition to North Korea, the Soviet Union, Cuba—which actively supported the bombing by refusing to participate in the Seoul Olympic games—and several Eastern bloc nations all engage in equipping and training many of the world's terrorists.

Over 15 years ago world opinion was shocked by the terrorist killing of Israeli Olympic athletes in Munich. Today the recent crimes of North Korea are just as heinous and cold blooded. The fact that these deaths are the product of state policy is even more frightening. Yet, the international community has not stood with one voice in condemning the state sponsored terrorism of North Korea. The criminal government of North Korea will go unpunished and the deaths of 115 innocent airline passengers will be recorded as yet another human sacrifice for communism.

FAMILY REUNIFICATION CASE DEMANDS ACTION

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. JEFFORDS. Mr. Speaker, I would like to express my concern for Elena Keiss Kuna who is seeking an exit visa from the Soviet Union so that she can be reunited with her relatives in Israel. Since her initial refusal in 1974, she has reapplied every 6 months to no avail. The Leningrad OVIR has continually denied her application, claiming she has knowledge of state secrets. However, Elena has not worked for more than 10 years. Furthermore, when she was employed in the Leninetz plant, her position involved no exposure to sensitive information.

As a result of her application, Elena has been stigmatized as a refusenik and has been unable to find employment. Currently, Elena's mother, sister, niece, and nephew all reside in Israel. Her mother, who is permanently hospitalized, lives with the hope of seeing her family reunited.

Even though Soviet authorities in recent years have made progress in the resolution of family reunification cases, there are a number of cases, including Elena's that demand action. It is imperative that Congress continue to bring attention to cases such as Elena's in an effort to encourage compliance by all the signatories to the provisions of the Helsinki final act and the Madrid concluding document.

Included for the record is the text of the letter I am sending to General Secretary Gorbachev requesting Elena's release from the Soviet Union.

House of Representatives,
Washington, DC, January 25, 1988.

Mikhail S. Gorbachev,
General Secretary, CPSU,
The Kremlin,
Moscow, USSR.

Dear Mr. General Secretary: I would like to commend you for the recent progress your government has made in the resolution of family reunification cases. The continuing Soviet commitment to the Helsinki Final Act and the Madrid Concluding Document is a promising sign of Soviet willingness to bridge U.S.-Soviet mistrust. However, there are a number of cases which demand consideration.

Specifically, I am concerned about Elena Keiss Kuna, who is seeking an exit visa so that she can be reunited with her relatives in Israel. Since her initial refusal in 1974, she has reapplied every six months to no avail. The Leningrad OVIR has continually denied her visa application, claiming she has knowledge of state secrets. However, Elena has not worked in more than ten years. Furthermore, when she was employed at the Leninetz plant, her position involved no exposure to sensitive information.

Currently, Elena's mother, sister, niece and nephew are all residing in Israel. Her mother, who is permanently hospitalized, lives with the hope of seeing her family reunited again. In light of these circumstances, I hope your government will reconsider Elena's case and will allow her to join her family in Israel.

Thank you for your attention to this matter.

Sincerely,

James M. Jeffords,
Member of Congress.

100 YEARS OF CHURCH HISTORY

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. GALLO. Mr. Speaker, this year, Our Lady of Sorrows Roman Catholic Church in South Orange, NJ, celebrates its 100th anniversary as a force for good in the community. This active community, which includes the expanding Seton Hall University campus, deserves our special recognition today.

In honor of this milestone, I am requesting that portions of the Church history be included in the Record of today's proceedings.

FROM THE CHURCH'S HISTORY

The Church in New Jersey was flourishing. Whereas in 1854 there had been only one church school in the State, by 1874 there were 80 such schools with a total enrollment of 20,000 Catholic children. Fostered by the presence of a Catholic seat of higher learning, Catholicism in South Orange grew rapidly. The founding of a village parish became essential.

In 1887, Rev. John Francis Salaun was appointed first pastor of the South Orange parish by Rt. Rev. Winand M. Wigger, the third Bishop of Newark. Father Salaun, a native of Brittany, France, had volunteered his services on the cholera ship in Lower New York Bay and later had served at Seton Hall.

On the 3rd of January, 1887, the Articles of Incorporation of the parish were signed by Bishop Wigger, the Very Rev. William P. Salt, Vicar General of the Diocese, Father Salaun and Messrs. Paul Fuller and Henry P. Finlay, lay trustees. Three months later these articles were filed with the county clerk in Newark and the corporate existence of the parish began.

The Board of Trustees of the new parish continued to meet at Seton Hall while they planned for a church. They thought at first to locate the new building on a tract directly east of the Edwin Taylor Estate opposite Grove Road (South Orange Bulletin, Aug. 13, 1887). We don't know what made them change their mind about that site, but not long after they purchased the property at Fourth and Academy Streets and asked Augustus Eichorn of Orange to be architect for a church there. A $1,345 contract for the foundation and masonry work was given to Henry Becker of South Orange; Jos. M. Smith Bros. of Newark won the contract for carpentry work with a bid of $7,000. Inside and outside painting was given to Timothy Donnelly of South Orange, at a price of $675.

The cornerstone of the first church of Our Lady of Sorrows was laid Sunday afternoon, December 21, 1888. The stone contained copies of the South Orange Bulletin, the Newark News and Journal, the New York Herald and World, several Catholic publications, a list of the Church trustees signed by Bishop Wigger, the Rev. Charles Mills, and others, lists of the members of the Village Board and Township Committee and Board of Health and a number of coins. (Bulletin, Dec. 8, 1888). About 300 persons attended the cornerstone Ceremonies. Rev. Charles Mills delivered the short address on the principles of Catholicism and reviewed the efforts of parishioners to have a church of their own. . . .

"The first church of Our Lady of Sorrows was dedicated Sunday, September 22, 1889, by Bishop Wigger, The Bulletin of September 21st announced that the Chapel of the Immaculate Conception at Seton Hall will be opened to the parishioners of the village for the last time tomorrow morning (Sept. 22nd) at the 6:30 Mass. The new Church of Our Lady of Sorrows will be dedicated in time for the 8:00 Mass. The Rev. J. F. Salaun, Pastor, has decided to spend his last days in France and not return to America as originally planned. The same paper a week later recorded that the choir for the dedication ceremonies was composed of Seton Hall College students—and several good singers from Jersey City.

"The same issue of the paper reported this: A pretty frame structure, the new Church is located on a slight elevation on the corner property of Academy and 4th Streets. The Church has three altars. The main altar is furnished more completely than main altars in most Churches, while the altars of the Blessed Virgin and St. Joseph are strikingly neat and attractive. The pews and general interior of the edifice are constructed mainly of yellow pine.

The Church in New Jersey continued to flourish. By 1890 the Diocese of Newark had 168,000 Catholics, 191 priests, 109 churches, 15 chapels and stations, 20 charitable institutions, 1 seminary, 3 colleges and 93 church schools attended by about 25,000 students. In addition to the diocesan clergy, the priests included Benedictines, Carmelites, Dominicans, Franciscans, Jesuits, Fathers of Mercy and Passionists. There were many Christian Brothers. In addition to the Sisters of Charity, religious communities of women included Benedictines, Sisters of Christian Charity, Dominicans, Franciscans, Sisters of the Good Shepherd, Sisters of Notre Dame, Sisters of Peace, Little Sisters of the Poor, and Sisters of St. Joseph.

A year after the dedication of its church, the parish was ready to lay the cornerstone for its school. Bishop Wigger made his annual visitation on Sept. 14, 1890, and participated in the events of a full day. At the 8:30 Mass, about 75 boys and girls received their First Holy Communion from their pastor, Father Carroll. That evening they were confirmed by Bishop Wigger. In the afternoon Bishop Wigger presided at the cornerstone ceremonies for the new school.

The current church is a monument to the vitality of Catholic life and culture in South Orange. It was dedicated May 3, 1931, by Most Rev. Thomas J. Walsh, Bishop of Newark. The slender, Cross-topped metal fleche of Our Lady of Sorrows overlooks the village. . . .

It was in June 1957 that Archbishop Boland appointed Rt. Rev. Msgr. John H. Byrne our pastor. The monsignor was born in West Orange and baptized in St. John's Church, Orange. He attended Bayley Hall and Seton Hall College. After completing his studies at Immaculate Conception Seminary, then at Seton Hall, he was ordained April 11, 1920, in the Immaculate Conception Chapel where parishioners of the present parish of Our Lady of Sorrows first worshipped. Monsigor's first pastorate was St. Luke's, Hohokuns, with a mission at Allendale, N.J., the Church of Our Guardian Angel. Immediately before coming to South Orange, he spent 14 years as pastor of St. Mary's Church, Jersey City. It was while at St. Marys' that he was named a domestic prelate with the title of Right Reverend Monsignor.

At Our Lady of Sorrows, Monsignor Byrne is assisted by Rev. Joseph A. Hearns, Rev. Lester A. McGuinness and Rev. John J. Krozser. Frank Radel has been a lay trustee since 1945, Louis Kernan since 1957. There are 950 students in the school and more than 2,100 families in the parish.

The present is promising. The parish debt, which was $600,000 in 1957 when Monsignor arrived, is now in the neighborhood of

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$100,000. The spiritual wealth of Our Lady of Sorrows is suggested by the 150,000 Holy Communions distributed each year and the parish's many vocations to the religious life.

It is no easy thing to write a history of a parish. So much of what can be said smacks of brick and mortar. The important, underlying life of the parish must be left unsaid—the sacrifices offered, the graces received, the daily efforts of each of us to glorify God and to live together in His peace. Of the future, we know only that He will be with us all days, even to the consummation of the world.

GORBACHEV CAN'T DEFY HUMAN-RIGHTS TIDE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. HERTEL. Mr. Speaker, I would like to submit for inclusion in the Congressional Record an article on the recent summit meeting which appeared in the Wall Street Journal on December 16. It is a reflection on, and a thoughtful analysis, in my judgment, on what really was achieved and on how the human rights issue suffered severe neglect by the administration, as well as on the intolerable manipulations by Secretary General Gorbachev. The article, entitled, "Gorbachev Can't Defy Human-Rights Tide," follows:

Gorachev Can't Defy Huaman-Rights Tide

(By Morris B. Abram)

Now that the much celebrated summit between President Reagan and General Secretary Gorbachev has ended, it is appropriate to evaluate the meeting in light of its own agenda. On Oct. 30, in a joint statement convening the summit, Mr. Gorbachev promised to make substantial headway on human rights. The cryptic statements made at the conclusion of the summit may not tell the full story of the achievements in that area; President Reagan's assurance of "future, more substantial movement" on the issue of human rights is certainly encouraging. However, some of Mr. Gorbachev's statements on the subject are deeply troubling.

In a discussion of the right of emigration. Mr. Gorbachev said of the U.S.: "What right does it have to be the teacher—who gave it the moral right?" This challenge invites the simple answer that the right comes from pledges made by the Soviet Union. In three separate international documents—the Universal Declaration of Human Rights, the International Covenant on Civil and Politic Rights and the 1975 Helsinki accords the Soviet Union guaranteed that "Everyone shall have the right to leave any country, including his own."

When Mr. Gorbachev went on to say to the president, "You are not the prosecutor and I am not the accused," he was mistaken. The Soviet Union, having given the international community its pledge, also gave the community the right and duty to judge its compliance with the international human-rights agreements. It bestowed upon mankind the right to judge the Soviet Union's performance. When President Reagan advocated the cause of human rights, he spoke for all mankind.

Mr. Gorbachev compared the human-rights situation in his country with unemployment in the West. Although the poverty we see in our country merits serious concern, only a cynic would equate such problems with the denial of basic human rights: freedom of speech, freedom to assemble and petition one's government, and the right to leave one's country.

Mr. Gorbachev excused and explained Soviet refusal to grant emigration visas by referring to "state secrecy concerns." This is an absurd position that contradicts the statement he made in Paris in 1975 that even if a person possessed secrets, the secrets' usefulness would expire in five (and at most 10 years). Some refuseniks who have never held any significant posts or any positions sensitive to national security have been held in the Soviet Union for more than 17 years on the grounds of "state secrecy concerns."

Furthermore, two new Soviet laws are designed to further constrict Jewish emigration. The first requires any Soviet Jew who applies for a visa to produce an invitation from an immediate family member in Israel. Thousands do not qualify. The second, the so-called "family law," requires that every applicant have permission to emigrate from family members in the Soviet Union. This device permits the Soviet Union to manipulate reasons for refusal while disguising its role.

There never can be a normal relationship between the Soviet Union and the West until the Soviets normalize their conduct of human rights. Similarly, trade relations never will be normal until the conditions that gave rise to the Jackson-Vanik and Stevenson amendments are redressed. The next move is up to Mr. Gorbachev.

Based on the actions taken by his government while Mr. Gorbachev was in Washington, there is every reason to be skeptical of his intentions. When Americans were marching in Washington last week in support of basic human rights in the Soviet Union, a similar demonstration in Moscow by Soviet Jews and others who have been denied visas was roughly broken up by police. That action speaks much louder and clearer than any of Mr. Gorbachev's rhetoric about glasnost.

It is to be hoped that the treaty on intermediate-range nuclear missiles will be a major step toward peace. But as John F. Kennedy said a few weeks before he was slain: "Is not peace, in the final analysis, a matter of human rights?" Last week more than 200,000 Americans joined in a freedom raly in Washington to insist that the Soviet Union comply with the human-rights standards that it has pledged to mankind. They represented the entire spectrum of American political, religious, ethnic, labor and cultural life. Mr. Gorbachev cannot defy the tides of history no more than legend says King Canute attempted to defy the ocean's tides.

REPUBLICAN CONTRIBUTIONS

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LOTT. Mr. Speaker, on Dec. 21, 1987, the Washington Post ran an article by Eric Pianin entitled, "House GOP Frustrations Intensify," which fairly accurately described the abuses our party has been subjected to in this 100th Congress.

On December 29, the Post published a letter from our distinguished Republican Leader [Mr. MICHEL] in response to the article, in which he discussed the positive contributions made by Republicans in this Congress. While our protests over majority abuses of power often receive the most attention, the fact remains that our Members continue to labor on constructive legislative alternatives, and that our ideas do make a difference.

Our Republican leader can be credited with helping to foster this spirit of constructive involvement, despite the many frustrations that come with being on minority turf. At this point in the RECORD, Mr. Speaker, I insert the letter from our Republican leader, and commend it to the reading of my colleagues. The letter follows:

[From the Washington Post, Dec. 29, 1987]

The Minority Leader Replies

The Post ran an article [Dec. 21] about the Republican minority in the House of Representatives. The article addressed the "painful reality" of minority status in the House and all that it entails. It mentioned the abuses that Republicans are subjected to by the Democratic majority.

By omission, however, the article left the impression that the minority party has no influence in the development of public policy, and in fact has reached a point of such permanency that it has been reduced to "an unhappy collection of handwringers and complainers."

While we wring a hand now and then and at times a complaint may be heard from our patient and enduring ranks, we spend most of our time working. During this Congress, the House Republican positions on farm credit, catastrophic health care, welfare reform and particularly trade will be far closer to what the nation will ultimately have as public policy than those the Democratic majority forced through the House. So, too, can our imprint be found on what the House did not do—the costly experimentations in social policy, the destruction of defense policy and, to a lesser degree, fiscal policy.

Yet it is not simply in specific legislative proposals that House Republicans have a beneficial impact. We have through sheer necessity become the embodiment of parliamentary vigilance, ever on the alert to identify, challenge and, at times, even prevent some of the more blatant procedural abuses of the majority. In fighting the Democratic procedural juggernaut, House Republicans represent all that is best in our nation's parliamentary tradition. They also serve who only reserve the right to object.

Nothing is so boring to the layman as a litany of complaints over the more obscure provisions of House procedures. It is all "insider baseball." Even among the media, none but the brave seek to attend to the howls of dismay from Republicans over such esoterica as the kinds of rules under which we are forced to debate. But what is more important to a democracy than the method by which its laws are created?

We Republicans are all too aware that when we laboriously compile data to demonstrate the abuse of legislative power by the Democrats, we are met by reporters and the public with that familiar symptom best

summarized in the acronym "MEGO"—my eyes glaze over. We can't help it if the battles of Capitol Hill are won or lost before the issues get to the floor by the placement of an amendment or the timing of a vote. We have a voice and a vote to fight the disgraceful manipulation of the rules by the Democrats, and we make use of both. All we need now is media attention, properly directed to those boring, but all-important, House procedures.

The fact is that Republicans in the House are far more productive and creative as a minority than Democrats in the House are as a majority. All the Democrats have (and, alas, it is often enough!) is sheer numbers. They are as bereft of ideas as they are of credible presidential candidates.

It is time for a new assignment and a greater challenge for Republicans who, through the uses of adversity, have learned how this House should operate. Since Democrats have so badly abused and disfigured the body of power entrusted to the majority, the next step seems obvious—a Republican majority.

ROBERT H. MICHEL,
Office of the Republican Leader,
U.S. House of Representatives.

TRIBUTE TO MAYOR CECILE F. NORTON

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. HOWARD. Mr. Speaker, the borough of Sea Bright, N.J., has had the good fortune for the last 20 years to have Cecile F. Norton as its mayor. As the representative of Sea Bright in Congress, I have had the good fortune of working closely with Mayor Norton for all of these years. She has been an outstanding public servant, and certainly one who deserves special recognition upon her retirement from office.

Ceil Norton is often referred to as the "First Lady of Sea Bright" because of her devotion to her constituents and because of her grace and intelligence that are her trademarks. She has been a loyal friend to so many, myself included. She has conducted her private and her public life with kindness and compassion. The strong vote of confidence she has received year after year from the residents of Sea Bright is a testament to her wise and evenhanded leadership. It is not unusual for Mrs. Norton's political opponents to express admiration for her and, in fact, she has run unopposed in the last several elections.

Mayor Norton closed her farewell address to borough residents in December with the words, "I love you all." There is no question that all of us feel the same way about Ceil Norton.

The Asbury Park (NJ) Press editorial of January 11 which follows provides a good account of and appropriate tribute to this fine public servant.

Cecile Norton Retires—Sea Bright Mayor Steps Down After 20 Years

Cecile F. Norton's first taste of politics came more than half a century ago when she and her husband, Robert, ran afoul of a state law that classified any residence where four or more dogs were kept as a kennel requiring a $100 license.

"A hundred dollars was a lot of money in those days," she recalled recently, and her late husband was the devoted owner of four German shepherds. The Nortons sued the state, succeeded in overturning the law, and discovered the joy of the fray that is an essential attribute for anyone who devotes years to politics.

Mrs. Norton had found a calling that was to last for decades. She helped build the Democratic Party in Sea Bright in the 1940s and '50s, and became a member of the Borough Council in 1955, after several years' service on the Board of Education, and on the planning committee that helped form the Shore Regional High School district. After 12 years as a council member, she was elected mayor. By then she was well on her way to becoming a major player in the region's political affairs, a member of the state and Monmouth County Democratic committees.

And she served as mayor for 20 years, until the council's organization meeting this month. Mrs. Norton did not seek reelection last November, but her handpicked successor, Councilman Andrew B. Manning, was elected in her stead. One of Manning's first official acts was to appoint Mrs. Norton to the Planning Board, and the council quickly confirmed it. Mrs. Norton, now 80, may have relinquished the reins, but she does not intend to lose touch with the borough's affairs.

In a brief farewell address, she thanked residents for the honor of being their mayor, expressed pride in the services the borough provides its residents, and pledged she would "always be ready to help" the new mayor and council.

"Sea Bright is losing a strong and dedicated leader," declared her successor, and he is right. Mrs. Norton served the borough ably and vigorously, and became a political leader at a time when few members of her sex were contesting elections and seeking an active role in government. She was appointed to set up Monmouth County's Office on Aging in 1974 and a year later she became Monmouth County's first woman freeholder, when she was appointed to complete an unexpired term. The only election she ever lost, for a full term on the Board of Freeholders, pitted her against Republican Jane G. Clayton, now the Monmouth County clerk. The margin was just 39 votes.

But Mrs. Norton's public career was as successful as it was long, and it's not entirely over yet. Her constituents and scores of other admirers wish her the best in her well-earned retirement.

A TRIBUTE TO PETER McGUIRE

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. MANTON. Mr. Speaker, on December 11, 1987, a Washington institution died at age 81 in Fort Lauderdale, FL. He wasn't the Peter McGuire who some claimed founded Labor Day in this country, and he wasn't Tip O'Neill or Eddie Patton of New Jersey, both for whom he was frequently mistaken. He was instead the Peter McGuire who represented the Hotel Employees and Restaurant Employees [HERE], the Transportation, Communications Union—now TCU and formerly called the "Brotherhood of Railway and Airline Clerks"—and a variety of other labor and retiree organizations.

A large affable Irishman with a distinctive growl in his voice he had the advantage of being once met, always remembered. Even after only knowing him briefly all had to be impressed with other qualities. He was the kind of human being for whom the words honesty, decency and loyalty were invented to describe. He "gave a damn." As a recent article in the January 1988 edition of "the Catering Industry Employee" said, "Pete believed there still was room in life for compassion and consideration for the little people."

Peter was born in New York City in 1906. He spent most of the last 25 years in Washington representing working people and retired working people. Nevertheless, he remained the quintessential west side Irishman. He was raised in Manhattan's Hell's Kitchen and he relished explaining to the uninitiated that it was more accurately Held's Kitchen named after Held, the German proprietor of a frequently visited watering hole on the west side.

Before his move to Washington, DC, he worked intensively with volunteer groups, to preserve the idea among young people that decency was right and delinquency wrong. To the people in his old neighborhood, he became "mister volunteer." Because of this he was subsequently recognized by the West Side Businessman's Association as the honorary mayor of Hell's Kitchen.

When Pete graduated from Blessed Sacrament Elementary School on the west side, he went to work, out of necessity, as an electricians' helper wiring the luxury mansions of uptown Manhattan. Then he joined the fledgling movie industry, and became a member of the International Alliance of Theatrical Stage Unions [IATSE], local 52, which was established in 1924. When he died he had a paid up book in IATSE.

When the movie industry left for Hollywood in 1929, Pete drove armored cars, then became chief of guards and guides in the newly built Empire State Building. He worked there 9 years, and said that the best fringe benefit of the job was the people he met. In a recent interview for New York's Irish Echo Newspaper, Pete said one of them in particular, Kathleen Liebner, was "* * * pretty bright, she married the boss." Of course, the boss was Pete and they were married in 1936. Kathleen died in 1961. To this day if you visit the Empire State Building, just before you are admitted to the tour you'll be greeted by a large picture of Peter with Fay Wray taken around the time of the filming of the original King Kong movie.

Pete next worked as a laborer's foreman for the 1939–40 New York World's Fair. When the fair closed Pete made the move that determined the rest of his career. In 1941, he took a job with the New York Central Railroad and was involved quickly in union affairs with the Brotherhood of Railway and Airline Clerks [BRAC]. By 1950, he was vice chairman of BRAC's New York State Legislature Committee.

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In the late 1960's, he was called to Washington to serve as BRAC's national legislative representative.

Jim Kennedy, now the executive secretary treasurer of the Railway Labor Executives Association and one who worked and lived with Pete a la the "odd couple" during Pete's years in Washington said:

> There's an expression often said and rarely justified "he's a living saint" but it was true about Peter. If there is a heaven, and I know there is, Peter is there growling at Saint Peter and arguing for better working conditions for the angels and even hell's angels for that matter.

During his very productive years as legislative representative for TCU/BRAC and here, Pete played a key role, sometimes the key role, in guiding legislative victories for working people through the U.S. Congress. His personality and his compassion carried him to a close working relationship with a generation of U.S. Senators and Representatives.

During the last years of his career, though he never experienced a twilight era, Peter joined the Washington legislative office of here to help newly appointed Bob Juliano establish contacts and initiate a legislative/political program. Pete's tutorial skills are demonstrated in Bob's emergence in the last decade as one of the most widely respected and effective lobbyists in Washington.

Somehow also during these 20 years in the District of Columbia, Pete managed to represent often for a song or a gold badge the interests of the Concerned Seniors for Better Government, the National Association of Retired and Veteran Railroad Employees, and the International Union of Police Associations. He truly believed he was doing God's work in all these endeavors. As here president Ed Hanley said in a recent tribute to Peter, "There's no way Pete's special brand of Irish charm and fellowship can be duplicated."

Pete is survived by his sister Marie Gitto of Pompano Beach, FL, his brother Charles of New York City, several nieces and nephews and scores of adopted ones who all came to know and love him as "Uncle Buster."

We have all lost a lot by his death but we all gained so much more because he lived and worked among and for us.

JIM CLARK RETIRES AS PRESIDENT OF GREATER VENTURA CHAMBER OF COMMERCE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LAGOMARSINO. Mr. Speaker, I rise to bring to the attention of my colleagues the retirement as president of the Greater Ventura Chamber of Commerce of my constituent, Jim Clark.

Jim has been a resident of Ventura since 1970 and a member of the Chamber of Commerce since 1979. Since that time he has served as chairman of the Governmental Affairs Committee and was elected a director in 1984, vice president 1985, president-elect 1986 and president of 1987.

Jim's term as president was marked by a 30-percent increase in membership, making the Ventura Chamber the largest in numbers of business members along the California coast between Los Angeles and San Francisco. Additionally he was responsible for establishing the award-winning "Ventura Business" as the Chamber's monthly newsletter, keeping the members abreast of current and future activities of the organization. Revisions to the city's smoking and sign ordinances were achieved, mainly through his efforts, and he spearheaded efforts which led to the justification for a 4-year university to be located in Western Ventura County and selection of Ventura as the first choice for a site on which to build it.

Mr. Clark is a native of Ashland, OH and a graduate of the U.S. Naval Academy. Shortly after graduation he married Suzy also of Ashland. His Navy career included tours on carriers, battleships, cruisers, and destroyers as well as schooling at the Naval Postgraduate School in Monterey, giving him a postgraduate degree. Duty in Washington, DC followed and then he was assigned to duties at the Naval Weapons Systems Engineering Station at Port Hueneme, CA. While there he headed three departments and was responsible for the design, construction and testing of a 95-foot remote-controlled Anti-Ship Missile Defense Test Boat which survived all range weapons threats and continues to this day to serve as a drone launching vessel for the Pacific Missile Test Range. At his retirement from the Navy in 1976, he had served the third longest tour of duty ever at Port Hueneme.

Mr. Clark embarked on a career in real estate after his retirement from the Navy and opened his own office, Tugboat Realty in 1981. He is a member of the Ventura Board of Realtors and was a director from 1983 to 1985, serving as the board's secretary/treasurer in 1985. In addition, he was a director of the California Association of Realtors in 1984–85 and continues to serve as a trustee of the Ventura board's political action committee and has been recognized nationally for his political action involvement.

Yachting and boating activities take up most of Jim's spare time. He is a member of the Ventura Yacht Club and served on its board of directors from 1982 to 1987 and was the club's commodore in 1985. He currently serves on no less than seven regional, statewide, national and international boating and yachting organizations. He is 1988 commodore of the Association of Santa Barbara Channel Yacht Clubs, president of District 16 of the International Order of the Blue Gavel (the Past Commodore's Club). He is an officer or member of numerous other boating organizations and in 1980 was awarded the Yacht Club and Ventura Port District's prestigious Merril C. Allyn Award for outstanding service to recreational boating. Other activities and awards are simply too numerous to mention.

In 1987, Jim and Suzy returned to Ashland, OH, where Samaritan Hospital awarded him and his family its Award for Excellence in Medical Care at its 75th anniversary celebration. The hospital was originally given to the city by Clark's grandfather, J.L. CLark.

Jim's other leisure activities include rose culture, gardening, and wine tasting. He is a member of the Consumer Tasting Panel of Mirassou Winery, one of California's oldest family-owned wineries. He is also a judge and life member of the International Chili Society. He judges chili at country fairs and conducts chili cookoffs and declares chili to be his and America's favorite meal.

Please join me in wishing Jim many more years of his chosen activities and best wishes to him and his lovely Suzy.

A CONGRESSIONAL SALUTE TO D.C. STUDENTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. FAUNTROY. Mr. Speaker, when the history of the 20th century is written, deeply woven in its fabric will be the saga of how, in the latter part of the 20th century, this Nation ended the tyranny of taxation without representation for its last colony—the citizens of its Nation's Capital.

That history will have to record that 39 bright and committed young people from the District of Columbia fashioned a magnificent stride toward their own freedom when they carried out a mission on behalf of all the people of the District of Columbia by traveling to Atlanta, GA, for the third national celebration of the birthday of Dr. Martin Luther King, Jr., to enlist people of conscience from across the Nation in support of D.C. statehood.

These students included representatives from the University of the D.C. and the following District of Columbia public schools—Louis Charles Rabaut Junior High School, William H. Taft Junior High School, Frank W. Ballou Senior High School, Benjamin Banneker High School, Calvin Coolidge Senior High School, Theodore Roosevelt Senior High School, the Washington Dix Street Academy, and the Washington, DC, School Without Walls, including participants from Mayor Barry's Youth Leadership Institute. I thought you, Mr. Speaker, would like to know the names of these young people to whom posterity will owe a debt of gratitude.

They are: Dennis Abrams, Darlene Allen, Dwayne Bailey, Lisa Brooks, Sheila Bunn, Stanley Burley, Ricardo Canales, Danna Carter, Carla Y. Cyrus, Carolyn Dennis, Sabreena Geddie, Baxter W. Greene, Michael V. Harold, Karin L. Harrison, Lee Hayden, Jr., Ronnelle Johnson, Kito D. Jones, Kwanza M. Jones, Meta Jones, Jacqueline R. Maki.

Angela R. Manning, Lisa McCurdy, Hewlette Pearson, Kathie Shoulders, Cynthia Smith, Patricia A. Smith, Wallace Southerland III, Furard Tate, Tracey L. Taylor, Gary M. Thompson, Cornell R.H. Twilley, Cheryl A.M. Waldron, Kevin R. Waller, Stacye V. Whyte, Susan Whyte, Clyde E. Williams II, LaToya Woodbury, Joseph T. Wyche, Charles H. Young.

NATIONAL TEACHER APPRECIATION DAY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. ROTH. Mr. Speaker, I am today introducing a resolution that will continue the fine tradition that was begun with the first "National Teacher Appreciation Day."

"National Teacher Appreciation Day," first inspired by Jhoon Rhee, founder of Tae Kwon Do, Inc., honors perhaps our most dedicated and valuable citizens: the educators of our youth.

Education is one topic which touches our society on all levels, literally affecting all Americans. At the general end of the spectrum, education is vital for America as a whole as it strives to compete in the international market and to be influential in world affairs. At my seventh annual Great Lakes Conference on Exports, we had numerous experts speaking on "Japan-United States Competitiveness." A recurring theme throughout this conference was the vital role education plays in maintaining a competitive edge.

At the particular end of the scale, every individual needs education to survive in our complex society. Study after study has shown the importance of a high school education in staying above the poverty level. Any attempts at welfare reform, also, recognize the indispensable role that training plays in achieving independence from welfare.

However, a mastery of invaluable knowledge, as great as that is, is only part of the educational experience. The transformation of thoughts and knowledge into tools and action, the social skills, the humanizing which education provides us, is at least as important as the knowledge which education imparts. To often we forget the major role teachers play in teaching children to perform in a social, interactive setting. Components of this are cooperation, diligence, courtesy, order, self-discipline and respect.

As Jhoon Rhee points out in his essay, "Let's Honor Our Teachers by Observing a Teacher's Day," "Without essential discipline, children will never fully understand what respect means. Without student respect for teachers, which is the first step to learning, they will never be able to realize their full learning potential." In seeking to give our children the best education possible we have, I fear, forgotten the indispensable role which discipline and respect play in the development of our children. This does not only mean development in the sense of emotional growth and civic responsibility, but, also, development academically. As Jhoon Rhee says, "We all remember from childhood that from those teachers whom we respected the most, we learned the most. Nobody wants to learn from someone for whom they have no respect."

"National Teacher Appreciation Day" gives teachers the honor we owe them and encourages the respect from students that they deserve. A day of honor, however, is not all that this commemoration represents. By setting aside a day of commemoration for our teachers, we can better appreciate throughout the year how much we owe them. This engendering of respect for teachers, always, and not just on one day, is what this day is really for.

It is for this reason that I propose October 7, 1988, as "National Teacher Appreciation Day." It places special emphasis on our teachers' invaluable part played in students' growth both academically and as people. It calls for efforts to foster due respect to teachers, as that is a necessary prerequisite for learning.

I urge your support for a renewal of "National Teacher Appreciation Day" for our teachers, our students, and our society.

THE FARMER FUEL TAX RELIEF ACT

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. DAUB. Mr. Speaker, today I am introducing a bill which will relieve farmers of a bureacratic and financial nightmare in the Internal Revenue Code by allowing them to purchase their diesel and gasoline fuel without giving the Government the use ot their money. Since farmers are exempt from the tax on fuels for off-road use the collection of this tax followed by the farmer filing quarterly or annually for a tax refund simply adds to the red tape in the Government and steals capital from the pockets of our Nation's farmers. The last people the Government should be borrowing from is America's farmers.

The passage of the 1986 and 1987 tax bills exacerbated the problem by moving the point of collection of the Federal fuel taxes up to a higher point in the distribution ladder. The 1987 bill, which I opposed, is particularly hard for farmers to stomach because other off-road users were provided with an exemption from paying the tax; for example, State and local governments.

In addition, my bill permits registered wholesale dealers, who post a bond or supply other proof of financial responsibility, to purchase gasoline without payment of the tax. This provision was originally offered by Mr. PICKLE and approved by my committee, Ways and Means, but was not adopted by the Conference Committee in the Reconciliation Act of 1987. Finally, my bill will also clarify that the Secretary of the Treasury is to provide regulations so that gasohol blenders are assured the reduced rate they are entitled to when purchasing gasoline for use in blending gasohol.

HON. JOHN FUJIO AISO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. MATSUI. Mr. Speaker, it is with great sadness that I bring to my colleagues' attention the death of Hon. John Fujio Aiso on December 29, 1987. John Aiso was a man that I and many others were proud to know, and he leaves behind an outstanding record of personal achievement and public service.

John broke an important racial barrier when he became the first Nikkei judge in the continental United States with his appointment to the Los Angeles Municipal Court in 1952. Known for his abilities and sense of justice, he served in California courts until his retirement 21 years later, by which time he held a seat on the Second District Court of Appeals.

His distinguished judicial career came after many other contributions to his country. He entered the U.S. Army in 1941 as a private, but he rose to the rank of lieutenant colonel and served as the director of academics at the Military Intelligence Service Language School before leaving the Army in 1947. He continued to serve as a reserve officer until his retirement at the rank of colonel in 1965. He was awarded the Legion of Merit for his distinguished service.

Adding to the tragedy of this loss is the senseless cause of John's death. He died from head injuries sustained when an assailant knocked him to the ground in an unsuccessful attempt to steal his wallet. It is a cruel irony that one who did so much to stop crime should die as a victim of crime.

Mr. Speaker, John Aiso exemplified the virtues that made the United States the great Nation that it is today. A man who fought for freedom and worked daily to uphold justice, he set standards that Americans of all races should strive to achieve. His survivors, his wife Sumi, daughter Emi, and son John, Jr., have suffered a great loss, and my deepest condolences go out to them.

A TRIBUTE TO SEAN MACBRIDE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LENT. Mr. Speaker, on January 15, the world mourned the passing of a truly remarkable individual, Mr. Sean MacBride, whose diplomatic career and dedicated work for human rights won him international recognition.

Sean MacBride's distinguished career spanned nearly 70 years. As a young man, he became actively involved in the cause of Irish nationalism and went on to serve as chief of staff of the IRA during the 1930's. He obtained a law degree at Dublin's National University and, following a brilliant career as one of the most successful trial lawyers in Dublin, Sean MacBride helped establish a new faction in Irish politics, the Republican Party. He was elected to Parliament in 1947 where he served until 1958.

In 1948, Sean MacBride entered the international political arena with his appointment as Irish Foreign Minister. As a lifelong advocate of human and individual rights, Mr. MacBride may best be remembered for founding Amnesty International in 1961. He served as the organization's chairman until 1975 and as Assistant Secretary General of the United Nations from 1973 until 1976.

Sean MacBride was a long-time friend of the Ad Hoc Congressional Committee on Irish Affairs, of which I am a member, appearing

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before the committee on several occasions to discuss issues relating to Ireland and Northern Ireland. One issue that prompted considerable debate both in Ireland and in the United States was the antidiscrimination code he sponsored, the "MacBride Principles," which called on American companies operating in Ireland to offer equal employment opportunities to Roman Catholics.

In 1974, he was honored with the Nobel Peace Prize for his work to promote human rights, and 3 years later, he was honored with the International Lenin Prize for Peace Among Nations for his efforts to end the arms race and achieve world peace. He is only the second person to win both these distinguished awards.

Sean MacBride's remarkable achievements earned him international respect and admiration, and his significant contributions to ensure human rights and world peace should be a source of great pride for all Irish-Americans. Sean MacBride will be missed, but his legacy lives on.

TRIBUTE TO ELIAS H. GALVAN RECIPIENT OF LULAC COUNCIL 2043 EDUCATOR OF THE YEAR AWARD

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TORRES. Mr. Speaker, I rise to pay tribute to Mr. Elias H. Galvan for his outstanding dedication and service to education.

Last year Mr. Galvan was honored by the League of United Latin American Citizens [LULAC] as the "Educator of the Year," for his commitment and distinguished service as an administrator and educator in my district.

A native of Las Cruces, NM, Mr. Galvan attended New Mexico Western University and East Los Angeles Junior College. He earned his bachelors and masters degree from California State University at Los Angeles. He and his wife, Helen, have nine children.

Mr. Galvan began his career in education with the Los Angeles City School District as a teacher. As a television teacher specialist with the Pasadena Unified School District he coauthored and participated in an audio-lingual visual multimedia program for teaching Spanish. Later, as the district foreign language supervisor and manager of the closed circuit television stations, Mr. Galvan served as the producer and moderator for an educational television series sponsored by the California State Department of Education. His talent and administrative ability led to his promotion as principal at John Muir High School in Pasadena. Mr. Galvan later transferred to Norwalk High School for 5 years and currently serves as the principal for John Glenn High School in Norwalk.

In addition to his function as an exemplary administrator, Mr. Galvan has always actively participated in several community organizations, such as educational task forces, scholarship committees, Little League, and affirmative action committees. Mr. Galvan has provided testimony at hearings held in Los Angeles by the House of Representatives Committee on Education and Labor. He most recently was lauded for his success in increasing parental involvement in the educational process.

Mr. Speaker, I ask my colleagues to join me, the Galvan family, and the members of LULAC Council 2043 in commending Mr. Elias H. Galvan for his extraordinary commitment to educational excellence and service to the community.

COMMEMORATING UKRAINIAN INDEPENDENCE DAY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. BROOMFIELD. Mr. Speaker, on January 22, the Ukrainian-American community commemorated the 70th anniversary of the establishment of an independent, democratic Ukrainian nation.

On January 22, 1918, the people of the Ukraine proclaimed their independence after centuries of domination by other countries. For a short 3 years, Ukrainians governed themselves and determined their own future through a democratically elected parliament. Externally the Ukraine enjoyed diplomatic ties with England, France, and many other countries, and internally Ukrainian culture and dreams thrived.

However, in 1921 that free nation was crushed by the soldiers of the expanding Soviet Empire. The Soviet Army swept into the Ukraine and established a puppet government there, thus beginning the suffering of the Ukrainian people under the Kremlin's dictatorship.

The years since 1921 have witnessed the Soviet engineered Ukrainian famine of 1932–33, efforts by the Soviet Government to destroy the culture and the self-identity of the Ukrainian people, and the contrast soul-crushing burden that comes from living under the tyranny of the Kremlin's dictators.

Through all this, the Ukrainian spirit has not been crushed, and with such events as the January 22 commemoration, Ukrainian-Americans join the people of the Ukraine in the hope for a free and independent Ukrainian nation.

Mr. Speaker, the commemoration of Ukrainian independence 70 years ago is important not just for Ukrainians, but for all who cherish freedom. All Americans share a kinship of freedom and independence in their hearts, and we too suffer as long as they must bear the yoke of tyranny. The United States must review its resolve to support the hopes of a once again free and sovereign Ukrainian nation.

DANA STONE REMEMBERED

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. JEFFORDS. Mr. Speaker, today I would like to pay tribute to Dana Stone, a freelance photographer who covered the Vietnam war and was captured in Cambodia in 1970. He has since become one of our missing.

Dana grew up in my home State of Vermont, in the small crossroads town of White River Junction. He was an intelligent young man who was always willing tc travel and accept daring new adventures. His friends refer to his "extra energy," and his eventual decision to go to Vietnam came as no surprise to those close to him. Photography had not always been a hobby of Dana's, but it was in this that he found his true passion.

Dana's dedication to photography was recognized by both friends and associates. According to one close friend:

> Dana Stone stood out among these young free-lancers. He was persistent and agressive, competing not so much with them as with himself.

The Vietnam war was a painful experience for virtually all who served there. That was no less true for the countless news reporters and photographers like Dana Stone who voluntarily went to Vietnam to observe and relate the truth of that war.

Dana originally had joined the U.S. Navy before our involvement in Vietnam. Discharged later after the discovery of a heart murmur, he chose to involve himself in Vietnam in a different way, as a freelance photographer. In a sense, capturing the war through his photographs became Dana's mission. With each photograph he recorded the reality of the war and brought that reality home for everyone to see. His understanding of the deep, varied and confusing emotions that surrounded the Vietnam experience were evident in his vivid photographs of the war.

Dana's talents did not go unrecognized. In July 1966, for instance, he was awarded third prize in UPI's monthly picture contest. But sadly, like so many others, Dana never returned home from the war he photographed. Like the American soldiers who remain MIA's, Dana is among the missing.

Mr. Speaker, in many ways, the controversy in Vietnam is not something Americans like to remember. But as we recognize and honor the contribution of those who heroically fought for this country, we cannot affort to forget the courage of those who risked their lives to capture the truth in photographs, on camera and on paper.

KEEPING THE WATER FLOWING

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. GALLO. Mr. Speaker, we often take for granted the routine elements of our lives, even those elements that make life itself possible. A dependable supply of water is one of those services that we rely on heavily, but rarely do we give credit to the men and women who keep this community lifeblood flowing.

Baldassare (Bill) Ferraro, who is retiring as superintendent of the Southeast Morris County Municipal Utilities Authority after 40 years of service to the people of Morris County, NJ, has dedicated his entire working career to the ever-expanding effort to keep the water flowing.

Bill's wife, Olga David Ferraro, will also retire, after 11 years of dedicated service at the authority, from her position as the authority's assistant board secretary and the executive secretary to the authority's Executive Director Harry Gerken. Bill and Olga met when she joined the authority and they were married 6 years ago.

When Bill began his career in 1948 with the Morristown Water Department, this historic community was located in a rural area of New Jersey with very specific, but limited, water needs. By the time he was appointed superintendent of the Water Department in 1975, the surrounding area was well on its way to becoming the center of growth and development that it is today.

In 1977, Bill undertook one of the great challenges of his life when he became superintendent of the newly formed Southeast Morris County Municipal Utilities Authority [SMCMUA].

Today, more than 60,000 people are served by the SMCMUA. Residential and commercial water customers, including many of Morris County's Fortune 100 companies, are directly served as a result of the dedication and leadership provided by Bill during this period of record growth and development.

I had the opportunity to work closely with Bill, Olga and the dedicated employees of the SMCMUA during that critical period of time in the mid-1970's when the current system was in the critical planning stages. Bill's years of service, working his way up through the ranks within the Water Department, gave him the experience and the insight needed to undertake the challenges associated with development of a water system in a rapidly growing area.

The true measure of the SMCMUA's success is the fact that the people being served today take for granted an essential service being provided in a quietly effective way.

We wish Bill and Olga Ferraro a long, healthy and happy retirement together. They deserve our recognition and our heartfelt thanks for a job well done in service to the people of Morris County, NJ.

HONORING UKRAINIAN INDEPENDENCE DAY

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. HERTEL. Mr. Speaker, I rise today to honor the courageous and enduring spirit of the people of the Ukraine.

Seventy years ago this month, the people of the Ukraine put forth a proclamation of the independence of Ukraine and founded the democratic Ukrainian National Republic. This was a momentous step in the history of Ukraine. They wanted to live freely and independently, preserving their unique cultural and socal heritage while living without persecution and fear.

Unfortunately, just 2 years later, Communist Russia annexed Ukraine and forced it to give up its sovereignty. Over the last 70 years, the Soviet Union has tried to destroy the national consciousness of the citizens of the Ukraine by many unconscionable means. Reported famines, executions, deportations, and political incarcerations have outraged the free nations of the world for decades.

The domination of the Soviet Union has not dimmed the spirit or national pride of Ukrainians at home or around the world. An underground struggle, begun in the early years by the Organization of Ukrainian Nationalists, has continued. In 1941, the restoration of Ukraine's independence was declared, but was subdued by the Germams and Ukraine eventually fell under the power of the Soviet Union once again.

The pride and determination in evidence then have continued to this day. We in the free world celebrate this spirit and support the people under siege in Ukraine today.

I ask my colleagues to join me in honoring this anniversary. We look forward to the day when all Ukrainians will celebrate independence openly and freely.

THE 70TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. STRATTON. Mr. Speaker, I rise today in commemoration of the 70th anniversary of the Declaration of Independence by the Ukranian Central Rada, the Parliament of Ukrainian people.

Although Congress was not in session on the actual anniversary date, January 22, that did not deter us from joining our Ukrainian friends and relatives—and all those who love freedom—to reflect on the brief period of Ukrainian independence and to deplore the oppressive actions of the Soviet Union. The Soviet government continues to deny the most basic human rights to the people of the Ukraine and other captive nations, and we cannot stand silently by.

Many of us take the basic human rights for granted—freedom of religion, of self-determination, and of speech. The Ukrainian people still long for them. We who have these rights must not be complacent; we must double our efforts to assist these people in their struggle to remove the shackles of persecution.

This year is especially important because 1988 marks the millennium of Christianity in Kievan-Rus. Ukrainians throughout the world will join to observe this glorious occasion. We cannot forget, however, that some will not be able to participate in this joyous celebration. Religious persecution against all faiths persists in the Soviet Union. It is our duty to assist all captive people in their struggle to regain the freedom to practice their faith without fear of harassment.

Let me reiterate my own commitment to the efforts of the Ukrainian people to recapture the freedoms they so very briefly enjoyed and to reaffirm my support for the elimination of all religious and personal oppression throughout the world.

WHO SAYS WE'RE ENEMIES

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. DOWNEY of New York. Mr. Speaker, in December of 1987, while all of this city buzzed with the excitement of the signing of the INF Treaty, a number of us were given the opportunity, indeed the honor, to meet with a small group of United States and Soviet veterans who had also traveled to Washington to celebrate what we all hope is a new and promising turn in the course of the United States-Soviet relationship.

The veterans with whom we met have played a particularly important part in one of the more promising encounters our two nations have ever had. They were the veterans who, on April 25, 1945, crossed the Elbe River to meet, share some food, some stories, and a much-needed respite from the Nazi forces. Though soldiers from very different places, they quickly realized that they had much in common, perhaps most importantly, a common interest in survival.

Since 1945 these veterans have come together to form the Elbe Alliance, a group of concerned veterans who realize that our two nations still share some common interests. In an effort to educate both American and Soviet citizens on a history of relations that has often been cooperative rather than confrontational, they have prepared the following fact sheet which they have asked that I share with my colleagues here. A copy of their work follows:

"WHO SAYS WE'RE ENEMIES?"—TWO CENTURIES OF COOPERATION BETWEEN AMERICA AND RUSSIA

(Compiled by The Elbe Alliance)

The greatest misconception characterizing and largely guiding US-Soviet relations is the belief that the United States and the Soviet Union (earlier Czarist Russia) have been historical, implacable enemies. Nothing could be further from the truth. For more than two centuries, often in "seasons of our greatest need," to quote a famous American writer, the peoples and the governments of these two world powers have cooperated as allies and even partners in areas of vital concern.

U.S. REVOLUTIONARY WAR

Did you know that Catherine the Great of Russia assisted American revolutionaries by establishing the League of Armed Neutrality to challenge British interference with

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world shipping, thereby allowing Washington's army to be supplied?

Did you know that Catherine the Great refused to go along with British General Gage's scheme to hire 20,000 Russian mercenaries to fight against the American patriots?

Did you know that at least four Ukrainians fought in the American Revolution along side the American revolutionaries?

Did you know that the Revolutionary War hero, John Paul Jones, served in the Russian navy during the second Russo-Turkish War?

CRIMEAN WAR PERIOD

Did you know that during the Crimean War (1853-6) the U.S. Government was virtually Russia's sole friend and that it gave valuable supplies, including arms, to Russia?

Did you know that American surveyor George Washington Whistler oversaw the construction of the first long-distance railroad in Russia (Moscow to St. Petersburg) and that he received the Order of St. Anne conferred by the Russian Czar in 1847 for that achievement?

U.S. CIVIL WAR

Did you know that the end of serfdom in Russia in 1861 gave new courage and impetus to those who were striving to end slavery in the United States?

Did you know that in 1863, four days after the Union defeat at Chickamaugua, an Imperial Russian fleet sailed into New York harbor to provide valuable moral support and to discourage Britain from intervening on behalf of the Confederacy?

Did you know that the Far East fleet of the Russian Imperial Navy assisted in putting out a large fire in San Francisco and warded off a rumored Confederate attack by sea?

Did you you know that John Turchin, an emigré from Russia, fought in the Civil War and eventually became a Union general?

Did you know that Mark Twain after the Civil War in 1867, acknowledging Russia's significant help, said, "America owes much to Russia—is indebted to her in many ways—chiefly for her unwavering friendship in seasons of our greatest need"?

POST-CIVIL WAR ERA

Did you know that the first Europeans to discover, explore and settle Alaska were Russians and that in 1867 the mutually beneficial sale of Alaska to the United States added a half of a million square miles to American territory?

Did you know that the Russian Grand Duke Alexis visited the United States in 1871 and that Ulysses S. Grant visited Russia in 1877?

Did you know that Turkey Red wheat brought by Russian Mennonite emigrés to the United States in the 1870s made the Plains states the breadbasket of the nation and even the world?

Did you know that the U.S. provided lifesaving relief to millions of Russians during the Great Famine of 1892?

EARLY 20TH CENTURY

Did you know that President Teddy Roosevelt served as the mediator at the Portsmouth Peace Conference in 1905 which ended the Russo-Japanese War on terms very favorable to Russia?

Did you know that the helicopter was developed in Kiev during 1909–1919 by Ivan Sikorsky who later emigrated to the United States where his invention made its first flight in 1939?

Did you know that Kansan George MacDowell was the first American awarded the Order of Lenin in the 1920s for his work in reorganizing Soviet agricultural production?

Did you know that the first transpolar flight over the North Pole began in Moscow and ended on June 20, 1937, in Vancouver, Washington, after which the three Russian aviators went on a triumphal tour of the U.S. culminating in a ticker-tape parade in New York City and a meeting with President Franklin Roosevelt at the White House?

WORLD WAR II

Did you know that many historians believe that Nazi Germany would have won World War II without the great sacrifice and cooperation of the United States and the Soviet Union acting in their mutual interests?

Did you know that by July 1943 the United States was shipping one million tons of food, medicine and war materiel a month to the Soviet Union?

Did you know that on the same historic day American and Soviet forces met at the Elbe River to ensure Germany's defeat—April 25, 1945—the San Francisco Conference opened which founded the United Nations?

Did you know that on V-Day in May 1945 a crowd of thousands of cheering and waving Soviets gathered outside of the American Embassy in Moscow in a demonstration of gratitude for the support Americans gave in the victorious war effort?

These historical highlights compiled by THE ELBE ALLIANCE, P.O. Box 1776, Lawrence, Kansas 66044, U.S.A. Full permission granted herewith to copy and distribute this information. THE ELBE ALLIANCE welcomes your support of its U.S.-Soviet educational activities and cooperative projects in the "Spirit of the Elbe."

DEATH OF SANTIAGO POLANCO-ABREU

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. FUSTER. Mr. Speaker, it is with considerable sadness and regret that I rise to inform the Members of this House of the death on January 18 of a former colleague, Santiago Polanco-Abreu, who was Resident Commissioner of Puerto Rico from 1964 to 1968. He was the 10th Resident Commissioner in the House since Federico Degetau Gonzalez first represented Puerto Rico in 1901.

Mr. Polanco-Abreu will be remembered by those who served in the Congress in the mid-1960's as a dedicated, hard working and effective representative who served the Congress and the people of Puerto Rico well. He will also be remembered as a very likeable and congenial Member of Congress who made a great many friends for Puerto Rico at a time when Puerto Rico needed—and still needs—all the friends it can get. The reason for that is because, as you know, the Resident Commissioner from Puerto Rico is the sole representative in Congress of about 3.5 million U.S. citizens.

Interestingly, one of the last public appearances made by Mr. Polanco-Abreu was to go last July to the San Juan Airport to welcome Speaker JIM WRIGHT, his longtime friend, to Puerto Rico. It was symbolic of his feeling for the House and its Members that Santiago Polanco-Abreu carried with him for many years, even after he left the Congress in 1968.

"Chaguin," as he was known in Puerto Rico, had a lifetime of public service to the people of our island Commonwealth. He was born in Bayamón, Puerto Rico, in 1920 and received his undergraduate and law school degrees from the University of Puerto Rico. He was legal adviser to the Tax Court of Puerto Rico in 1943–44, a member of the American Bar and Puerto Rico Bar Associations, and one of the founders of the Institute for Democratic Studies in San Jose, Costa Rica.

Moreover, Mr. Polanco-Abreu served in the Commonwealth House of Representatives from 1948 to 1962, and was speaker of the House in 1963–64. In 1951 and 1952 he was a member of the constitutional convention of Puerto Rico, which drafted the constitution that created the Commonwealth of Puerto Rico. From that evolved the novel Commonwealth status that endures today as the basis of the free association between Puerto Rico and the United States—a political status that has served well the interests of both the United States and Puerto Rico.

In short, Mr. Polanco-Abreu was in on the groundwork that brought about the success story in the Caribbean that Puerto Rico has become. It is a testimonial to the far-sightedness of the Members of Congress in the 1950's who helped in the creation of the Commonwealth of Puerto Rico—elevating it from the status of territory.

Santiago Polanco-Abreu was always "there" in this House to explain the special circumstances of Puerto Rico and to win friends for the Commonwealth along the way. Thus, his contributions to this body and to Puerto Rico are considerable, and his untimely death at only 67 years of age will be mourned as a major loss to responsible public service.

FRANK HORTON SCHOLARS FUND

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. BROOKS. Mr. Speaker, I rise to pay tribute to a close friend and colleague, Congressman FRANK HORTON. FRANK has served in this body for 25 years and in that time has worked tirelessly to improve the quality of life of the youth of this Nation. Best illustrated by his work to create the Department of Education, Congressman HORTON's record on education issues is second to none.

This record has not been lost upon his constituents. Recently, FRANK was honored by his friends and colleagues in the Rochester community. At this grand event many Members of this body stood to honor FRANK for his leadership and achievements. Rarely have I seen such a magnificent tribute to such a superb man.

The event was attended by over 1,200 friends and supporters and was in every respect a gala worthy of the man. The tribute raised over $500,000 which will be devoted to the creation of the Frank Horton Scholars

Fund at Rochester Institute of Technology, one of the Nation's leading institutes of technology and innovative educational programming.

The tribute afforded many of us the opportunity to better understand the contribution that FRANK HORTON and RIT are making to economic growth and development in upstate New York and across the Nation. Further, we came to understand the reason that FRANK HORTON, who has worked tirelessly to protect the economic interests of the Northeast-Midwest region of the Nation, should select RIT as the beneficiary of the Horton Scholarship Program. RIT, like FRANK, is committed to providing opportunities for excellence to young people around the country.

The Horton Scholars will be a select group of young men and women who have demonstrated outstanding scholarship in a variety of fields. With FRANK's personal participation and guidance, the Horton Scholars will concentrate their energies on areas which FRANK deems of greatest national significance. Undoubtedly, the excellence at RIT. These centers—Microelectronics, Imaging Science and Advanced Manufacturing Technologies, the Academic Health Science Center, and the National Technical Institute for the Deaf—which FRANK has championed through the years—will provide these scholars the resources needed to become national leaders in their respective fields.

The Horton dinner, and the scholarships for which it raised funds, was a magnificent tribute to a great man. I was proud to participate and feel certain that this legacy will contribute to the economic and social well being of the community and the nation through generations to come.J. 019–060 Payroll No.: 78655 - Folios: 1MC to -Date: 1–25–88

CONGRESSIONAL PAY RESPONSIBILITY ACT OF 1988

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. DAUB. Mr. Speaker, today I am introducing the Congressional Pay Responsibility Act of 1988. The purpose of this bill is twofold. First of all, it will require Members of Congress to vote on their pay adjustments. Furthermore, the bill will terminate the pension of Members of Congress who are convicted of a felony.

It became clear last year that Members of Congress should bite the bullet and share in the burden of deficit reduction. However, this was not the case as the House of Representatives managed to increase their pay without ever voting on the issue.

The Quadrennial Commission recommended in December 1986 that salaries for Representatives and Senators be increased. Subsequently, the administration's 1988 budget introduced on January 5, 1987, proposed a pay increase to $89,500. The Congress had 30 days—until February 4—to override the $89,500 proposal.

While the Senate voted down the pay increase on January 29, the House of Representatives did not. Thus, without a vote, the House allowed salary increases for Members of Congress to go into effect on February 4.

It is time for Members of Congress to be accountable for their actions; the Congressional Pay Responsibility Act of 1988 will do just that.

THE TELEVISION VIOLENCE ACT OF 1988

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. FEIGHAN. Mr. Speaker, where do soldiers gun down dozens of Charlies, not once, not twice, but every week? Where do psychopaths ravage the streets, beating, raping, sawing victims in half, only to reappear in other episodes? Where are cartoon characters zapped, run over and blown to bits, again and again and again? On television, that's where. And our children may be the ultimate victims of exposure tc this violence.

The evidence is overwhelming: violence on television has a harmful effect on viewers' attitudes and behavior, especially when those viewers are children. The National Institute of Mental Health [NIMH], the American Psychological Association, the American Academy of Pediatrics, and the Surgeon General of the United States, among others, have each documented the causal link between television violence, on the one hand, and aggressive and destructive behavior, on the other.

A 1982 NIMH report, which analyzed a decade of research on television violence, found that these studies shared several disturbing conclusions. First, many studies found that frequent viewers of television violence tended to become desensitized to violence in the real world, thus decreasing their concern for actual victims of violence. Second, many found that viewers of television violence came to see violence as an acceptable way of resolving conflict. Third, many found that television violence created generalized fear among viewers. As the report of the Attorney General's 1984 Task Force on Family Violence stated, "Evidence is becoming overwhelming that, just as witnessing violence in the home may contribute to normal adults and children acting out violent behavior, violence on television * * * may contribute to the same result."

Unfortunately, television violence has become such a powerful ratings tool that it is difficult for any one network to restrict its use. The television industry is reluctant to undertake joint action to curb this violence because of possible antitrust exposure.

Although there is no easy answer to the problem of violence on television, the Television Violence Act of 1987 would allow broadcasters to move toward their own solution. The bill would provide a narrowly drawn antitrust exemption to certain members of the television industry which permits them to discuss, develop, and disseminate voluntary guidelines on the subject of televised violence. The measure, which does not prescribe what the voluntary guidelines should contain, also includes a 3-year sunset provision.

While I recognize the serious first amendment concerns that would be raised by any attempt on the part of the Government to restrict the content of television programming, I believe that this bill presents no threat to freedom of speech or artistic expression. It simply places responsibility for the regulation of televised violence where it should rest—on the shoulders of public minded broadcasters, cable operators, and producers.

Mr. Speaker, I look forward to working with my distinguished colleague, DAN GLICKMAN, to make this bill a reality. We must untie the broadcasting industry's hands so that it can confront violence on television.

UKRAINIAN INDEPENDENCE DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LIPINSKI. Mr. Speaker, on January 22, Ukrainians throughout the world observed the 70th anniversary of their homeland's proclamation of independence. For the sons and daughters of this fine land it was a day of pride. It was a day to remember the noble struggle their forebears fought for the cause of a free Ukraine.

The freedom and independence won in that struggle was ultimately lost when the Ukraine fell into the clutches of communism. But what inspired and grew out of that struggle—the Ukrainian people's dedication to and love of that freedom—is something the Soviet Union can never take away.

Ukrainians have suffered countless losses at the hands of their Communist captors. All have lost their liberty, many their lives. But, the strength that marked their struggle for independence still lives. And, nowhere is it more apparent than in the survival of Christianity in this oppressed nation.

This year marks the millenium of Christianity in the Ukraine. Last month, Senator DECONCINI and I introduced a joint resolution, House Joint Resolution 429, deploring the Soviet Government's active persecution of Ukrainian religious believers. I urge all of my colleagues to join us in asking the Soviet Government to legalize the Ukrainian Orthodox and Ukrainian Catholic Churches.

It is a tribute to these proud people that they have remained true to the hope for a free Ukraine in which religious believers may practice their faith freely and openly. This is a hope that we here in the U.S. Congress must not abandon and one that I implore all of you to consider today.

UKRAINIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. BONIOR of Michigan. Mr. Speaker, today is the day when the work of the second session of the historic 100th Congress begins. I want to take a few moments to discuss a

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subject of great importance to myself and many of my constituents.

On January 22, 1988, Ukrainians around the world commemorated the 70th anniversary of the creation of the democratic Ukrainian National Republic. The independence of the Ukrainian state was short-lived as it fell victim to Soviet imperialism. But, Mr. Speaker, January 22 serves to remind Ukrainians and all of those committed to freedom that one day Ukraine will regain its place in the family of free nations.

We have all heard much about the new atmosphere of glasnost or openness which is reportedly occurring in the Soviet Union. I say reportedly, Mr. Speaker, because although there is a smiling new leader in the Kremlin, it is not apparent that there is much glasnost touching the lives of those in Ukraine.

Early last December, while the light side of glasnost was dazzling Washington with the visit from General Secretary Gorbachev, the dark side of Soviet repression was seen by three Ukrainian human rights activists.

On December 8, 1987, Vyacheslav Chernovol, Mikhail Goring and Ivan Gell, with their fellow activist Armenian Paruir Airikyan were arrested on trumped-up drug charges. They were detained for 8 hours as they tried to board a train in Lvov, Ukraine to attend a Moscow conference on human rights.

Clearly, Mr. Speaker, for these Ukrainian activists who were only recently released from prison the message from Soviet authorities was this: You are free, but only if you abide by our rules. This incident typifies the repression that has fallen upon the Ukrainian people since the Soviets occupied their country in 1921. It brings to life the old cynical saying "The more things change, the more they stay the same."

Not that we should be surprised by this. It seems that Ukrainian Communist party boss Scherbitsky is considered to be the leading opponent to glasnost within the Kremlin. He is the man who is charged with breaking the spirit of Ukraine and he knows that his job will only be made harder with glasnost. And it is because the yearning for freedom resides so strongly in the hearts of the Ukrainian people that Soviet authorities exert so much energy to force Ukrainians into the Soviet mold.

Evidence of Soviet policy to extinguish the Ukraine national identity is voluminous. It spans the 71-year history of the Soviet occupation of Ukraine. Starting with mass exterminations in the 1920's, induced famines in the 1930's, and Stalinist terror in the 1940's, the Soviet's have pursued a comprehensive strategy to suffocate the rich cultural, religious, and social fabric of Ukraine.

By gagging the artists, poets, and writers—those who record the stirrings of the Ukrainian soul—Soviet authorities hold captive the evolution of a whole culture. By outlawing the Ukrainian Orthodox and Ukrainian Catholic churches, Soviet authorities ignore the internationally recognized human right to free worship and spiritual fulfillment. The repression of religious freedom is especially abhorrent this year as those in Ukraine—the cradle of Christianity in Eastern Europe—should be joyfully celebrating the millennium of Christianity in their nation.

An finally, Mr. Speaker, by forbidding the speaking of Ukrainian and burning libraries to limit the availability of Ukrainian literature, Soviet authorities are robbing Ukraine of the social tools which bind generation to generation.

What hope can we hold for glasnost on an international level, when it is seemingly such a hypocrisy on a domestic level? If a government remains an enemy of its people, how can it ever be expected to be a reliable friend on an international level?

As we reflect on the significance of Ukrainian Independence Day, let us remember the struggle that goes on each day in the Ukraine. Let us be strengthened by our Ukrainian brothers and sisters who thirst for freedom and reject the death penalty to which Soviet authorities have sentenced their culture. We can take heart in our efforts because we know in the deepest way that they are not in vain. We know that the fight for freedom persists inside the Ukraine and that one day all Ukrainians will reach the peak of freedom enjoyed by other nations.

EDUCATION DEPARTMENT SHOULD ENFORCE THE LAW

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. SOLOMON. Mr. Speaker, the Department of Education has confirmed it will not attempt to collect Federal higher education assistance which was illegally obtained by students who failed to register with Selective Service.

Public Law 96-250, the Solomon amendment, requires students to register with the Selective Service System as a condition to receiving Federal higher education assistance. Yet, it is Education Department's intention that students who refused to register for several years not be required to refund the grants or loans which were illegally obtained. The Department of Education should be aware that this is unacceptable to the U.S. Congress.

Notwithstanding, that these young men have refused to register as required by the law and that they have fraudulently represented registering, the Department of Education will allow them to go scot-free. Not only will these men not be prosecuted by the Department but they will not even be required to reimburse the Government for the illegally obtained grants. In effect, what this policy is telling America's young men is that they can receive a cash award for refusing to face their responsibilities and abide by the law.

The Department of Education has thus far refused to initiate prosecutions for at least two violations of the law: The failure to register as required by the military Selective Service Act and for false statements that the student has registered. On top of this, the Department has failed in its responsibility to the American taxpayers to collect the debt owed the U.S. Treasury. I call upon Secretary Bennett to take prompt action to correct this action which is an insult to the American taxpayers and an insult to the 98 percent of America's young men who have abided by the law by registering with Selective Service.

THE MIDDLE EAST SITUATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. GREEN. Mr. Speaker, I would like to bring to the attention of my colleagues the text of a telegram sent by Rabbi Alexander M. Schindler, president of the Union of American Hebrew Congregations, to Israeli President Chaim Herzog.

Rabbi Schindler puts the current tragic situation in Gaza and the West Bank in its correct historical perspective. Yet, I think he speaks for many of us when he states that the Israeli Government's policy in putting down the riots "serves only to shift responsibility for the neglect and abuse of the Palestinians from the Arabs to the shoulders of Israel."

I commend the full text of Rabbi Schindler's statement below to everyone who has an interest in Middle East peace.

TEXT OF STATEMENT

I am deeply troubled and pained in sending you this message, but I cannot be silent. The indiscriminate beating of Arabs, enunciated and implemented as Israel's new policy to quell the riots of Judea, Samaria and Gaza, is an offense to the Jewish spirit. It violates every principle of human decency. And it betrays the Zionist dream.

It is moreover, a self-defeating and therefore counter-productive policy. Far from bringing order, it will only increase the cycle of violence and intensify hatred. It also threatens to erode the support of Israel's friends here in the United States, who are dismayed by what they see on their television screens and read in their daily newspapers.

I know that the Palestinian Arabs who are rioting in the administered territories have consistently been exploited and victimized by the Arab states and by the PLO, who have chosen military confrontation over political accommodation, who (except for Egypt) have refused to come to the peace table and whose response to Israel's invitation to negotiate has been aggression and terrorism.

I know that the Palestinian refugees have been living in camps for 40 years because their Arab brothers would do nothing to alleviate their plight, either by integrating them into their societies or by improving the conditions that breed today's despair, frustration and hatred.

I know that every proposal by governments, international organizations and Israel itself to resolve the refugee situation has been rejected for four decades.

Your government's latest policy serves only to shift responsibility for the neglect and abuse of the Palestinians from the Arabs to the shoulders of Israel.

Clearly, the decision must be yours. We live in safety, you and your children live under the gun. Still, we owe you the truth as we see it. Israel's present policy, as announced by the Minister of Defense, is morally wrong and practically unavailing. We

plead with you to bring this madness to an end.

Respectfully,
Rabbi ALEXANDER M. SCHINDLER.

A SALUTE TO GOVERNOR AND MRS. ROBERT P. CASEY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. McDADE. Mr. Speaker, the Easter Seal Society of northeastern Pennsylvania is holding a community salute to Governor and Mrs. Robert P. Casey on February 5 in Dickson City, PA.

This special event will not only honor the special contributions of Pennsylvania's first family, but it will focus attention on the excellent work of the Easter Seal Society of Northeastern Pennsylvania for the past 55 years.

The Governor and Mrs. Casey are long-time supporters of Easter Seals. Governor Casey served as statewide chairman of the Easter Seal Campaign while he was Pennsylvania's auditor general, and Mrs. Casey played an important role in the presentation last March of the 1987 Easter Seal Telethon.

The society provides a number of programs and services for residents of Lackawanna, Wayne, Wyoming, and Susquehanna Counties as well as the Wyoming Valley in northern Luzerne County. They include occupational and physical therapy, nursing services, provision of equipment, recreation, adult day care and a polio survivors support group.

The society operates under the philosophy that individuals with handicaps desire and have the right to live in dignity within the limits of their capabilities and to be responsible for their own welfare and destiny. The society believes that all persons are entitled to services needed for maximum development of their potential as accepted and contributing members of society.

I am very pleased to bring to the attention of my colleagues in the House of Representatives the fine work of the society and the unique contributions of Governor and Mrs. Casey. My congratulations to the Caseys and to the society for enriching the lives of the people of northeastern Pennsylvania.

BRIAN J. SIMPSON HONORED

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LEWIS of California. Mr. Speaker, it gives me great pleasure to have this opportunity to recognize a longtime friend, Mr. Brian J. Simpson. Mr. Simpson is the outgoing president of the San Bernardino Area Chamber of Commerce. Because he has contributed immensely to the significant advancement of that organization and to the improvement of the local community, I feel he is deserving of special recognition and the highest commendations.

Brian Simpson's strong leadership and personal involvement were responsible for the chamber's newly adopted proactive stance. Under his leadership, the chamber reactivated its political action committee, formed a governmental relations committee, and increased its involvement in local and State business issues in one of the fastest growing communities in this country. The chamber played a key role in attracting the city's first major convention in several decades. In addition, the chamber presented a proposal to the city council for the formation of a visitor and convention bureau which will be established in early 1988. Due to Brian's aggressive leadership, professional baseball made a highly successful return to San Bernardino after an absence of 30 years, with the formation of the San Bernardino Spirit. The Spirit broke a 40-year-old class A California League attendance record.

Other chamber accomplishments conducted during Brian's term as president include high visibility campaigns which promoted business within geographical business districts of the city. The chamber was very instrumental in attracting new businesses to the rapidly growing city of San Bernardino. Also, during his term in office the chamber developed, published, and distributed San Bernardino Business, its highly acclaimed monthly newspaper, to 5,000 area businesses. San Bernardino Business is recognized as one of the top leading chamber publications in the State of California. The chamber's increased involvement, heightened visibility, and improved services led to increased membership and membership involvement.

In addition to his admirable work within the chamber, Mr. Simpson has devoted many years of service to the community by serving on the board of directors of several notable organizations, including the local YMCA and the San Bernardino Arrowhead United Way. He served as a member of the board of directors and a coach of the San Bernardino Junior All American Football Program, a member of the Citizen's Advisory Committee-Redevelopment Agency, uptown project, and as a member of the City Parks and Recreation Commission from 1985 to date. Brian has volunteered countless hours of assistance to the San Bernardino Community Against Drugs. He has served as a member of the board of directors and president of the San Bernardino County Bar Association. As the founder, member of the board of directors and president of Tel-law, Inc., a nonprofit system which disseminates free, generalized, legal information to the general public over the telephone in 13 different States. Brian's many contributions and achievements were recognized by the San Bernardino Valley Board of Realtors when he was given that organization's Citizen of the Year Award in 1987.

Throughout his career, Brian has been an active, responsible, dedicated member of the community and has lived up to the highest democratic ideals. In recognition of his dedication, he is indeed most deserving of special recognition, and it is with great pride and admiration that I salute Mr. Brian J. Simpson and offer sincere wishes for continued success in the future.

DIANE SCHUUR WEEK

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LOWRY of Washington. Mr. Speaker, Gov. Booth Gardner of Washington State has proclaimed January 9–16 as "Diane Schuur Week." Diane, a resident of my hometown of Renton, WA, is a Grammy-award winning jazz singer who has been heralded as "the next Ella Fitzgerald."

Her new album, "Diane Schuur and the Count Basie Orchestra" is currently and has been No. 1 on the Billboard jazz chart for several weeks. The singer, who has been blind since birth, has staged many critically acclaimed appearances throughout the country and has appeared on NBC's "Tonight Show" and ABC's "20/20."

I ask my colleagues to join in the observance of "Diane Schuur Week" in recognition of the singer's significant contributions to jazz throughout the world.

FOREIGN INVESTMENT AT UNHEALTHY LEVEL

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. McMILLEN of Maryland. Mr. Speaker, last April, on the floor of the House during the debate over the Bryant amendment to strengthen disclosure requirements for foreign investment in the United States, I spoke in support of the amendment and cited a document that had been read to several of my colleagues and myself at a breakfast meeting at the Woodrow Wilson Center on March 3.

The memo discussed how Japanese investment would be used in the United States to maximize political influence and economic leverage. In an unfortunate incident, Mr. Speaker, I recently found out that the memo was a hypothetical example by the Wilson Center. It was not made clear that the memo was not authentic at the breakfast meeting and I was never given a copy of the document to judge for myself.

While I apologize to my colleagues for this regrettable error, I stand firm regarding the unhealthy level of foreign investment in the United States. A Washington Post article on October 22, 1986, reported that the Japanese Trade Ministry had proposed a $200,000 grassroots campaign to promote their trade interests. In the Washington Times last Wednesday, it was reported that foreign investors are forming a lobbying group to promote their interests. While I favor a prudent level of foreign investment in the United States, Mr. Speaker, there must be a disclosure and review. As Members of Congress, we must always remember that foreign investors, by their very nature, will have different values and objectives than will Americans. This is what concerns me, Mr. Speaker, and that is

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why I spoke on the House floor in support of the Bryant amendment last April.

TRIBUTE TO ROBERT AND BEVERLY COHEN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to two close friends, Robert and Beverly Cohen. Robert and Beverly are outstanding members of the community who have dedicated their time and energy to a wide range of projects to serve the community. They are being honored for their selfless efforts by the Sephardic Hebrew Academy at its 1988 scholarship banquet on January 26, 1988.

Robert serves as chairman of the board of Bayco Financial Corp., one of the largest and most prestigious management, consulting, sales and leasing companies in the South Bay area. He has played a major role in the development of numerous commercial and residential developments, including the South Bay "Skypark" which received the acclaimed Los Angeles Beautiful Award. Robert is currently a member of the board of directors of Marymount College and a member of the Masons and the Shriners.

Beverly serves as a vice president of the Sephardic Hebrew Academy and of the Los Angeles Sephardic Home for the Aged. She is also an Eastern Star member of the Shriners and serves on the executive committee of the State of Israel Bonds Golda Meir Club.

Beverly and Robert are active supporters of and donors to a long list of community organizations. Their associations include the YMCA, City of Hope, the Salvation Army, Palos Verdes Art Association, Big Brothers of America, Anti-Defamation League, the Exchange Club, United Jewish Welfare Fund, and the Associates for Troubled Children. They are cofounders of Ben Gurion University in Los Angeles.

It is my distinct honor and pleasure to ask my colleagues to join the American Jewish community and me in saluting Robert and Beverly Cohen. Their philanthropy and devotion to serving the community is heartening and of great benefit to a large number of people. Robert and Beverly's efforts certainly deserve to be recognized.

UNITED STATES AND NORWEGIAN EXPORTS OF NUCLEAR MATERIAL TO ISRAEL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. HAMILTON. Mr. Speaker, on December 1, 1987, I wrote to the Department of State asking for its comments on an op-ed article which appeared in the November 25, 1987, New York Times concerning the export of nuclear material by the United States and Norway to Israel. The article discussed possible diversions to military purposes of heavy water for nonmilitary purposes and the apparent unwillingness of the United States and Norway to insist on inspections of nuclear materials supplied for peaceful purposes.

The op-ed, my letter of December 1, 1987, and the State Department reply on January 21, 1988, are attached for the information of my colleagues:

[From the New York Times, Nov. 25, 1987]

NEW NUCLEAR FOLLIES?

(By Gary Milhollin)

WASHINGTON.—For nearly 30 years, countries have sold nuclear materials around the world with the requirements that the importing nations promise to use them for peaceful purposes and permit on-site inspection. These two pledges are the main barrier between civil and militay use of the atom.

It now appears that—for the first time in history—a country, Israel, has broken the peaceful use pledge. It also appears that a second country, France, may have broken it, and that the civilian exports of a third, Norway—possibly made without the pledge—have gone freely into bombs. With this, the entire framework of nonproliferation seems threatened. Does anyone care?

Israel has just admitted that, for more than 20 years, it has been making plutonium in its Dimona reactor with heavy water imported from Norway. Heavy water, deuterium oxide, is essential to the manufacture of plutonium and tritium: the nuclear weapon materials.

Israel had promised to restrict the plutonium to peaceful use and to allow international inspections of plutonium made with Norway's heavy water. According to the Central Intelligence Agency, however, Israel is using the heavy water to make bombs. And Israel refused to allow any inspections.

Israel may also have made plutonium by using heavy water imported from the United States under similar pledges. America admits that heavy water sent to Dimona was not inspected for the first 17 years after it was exported. Moreover, America has not asked for the kind of inspection that would show what the water was used for.

France established and continues to build its thermonuclear arsenal with tritium made with heavy water imported from Norway. France gave Norway a string of certificates stating the "end use" of each heavy water shipment, but Norway won't reveal what the certificates say. If they don't require peaceful use, Norway has deliberately helped France make the hydrogen bomb. If they do require it, France, too, has broken the peaceful use pledge.

Neither world security nor the nuclear export trade can accept such a breakdown in nuclear protocol. The nonproliferation treaty, and every other effort to combat proliferation since the 1960's, assume that the peaceful use and pledges will be kept. To preserve the credibility of their policies against proliferation, Norway and the United States must now enforce their rights.

Under terms of the export agreements, both Norway and the United States have the right to conduct inspections in Israel to assure that the heavy water is and has been used for peaceful purposes. If Israel refuses, both would have the right to withdraw the heavy water summarily. Norway can also demand assurances that France has used its heavy water in peaceful applications.

All these rights are clear. Enforcing them would unquestionably slow the spread of the bomb. They are nondiscriminatory and don't raise regional issues. They are the one sure way to deal with proliferation.

Why aren't they used? Why won't the State Department, perpetually in search of something to do about proliferation, inspect its heavy water in Israel? Why won't it ask Israel to honor Norway's rights? Why won't Norway disclose and enforce what ever rights it has in France? The answer seems to be that the United States endorses Israel's bomb, Norway endorses France's and that both America and Norway value smooth relations with their allies above nonproliferation.

World attention will soon focus on the superpower summit meeting, where a minor arms control pact will be signed. In the rest of the world, which is less stable, countries will continue to make bombs they really intend to use. Perhaps it is time to shift our gaze and watch the risks that count.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, December 1, 1987.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State,
Washington, DC.

DEAR MR. SECRETARY: I write to the Department of State asking for its comments on an op-ed article which appeared in the November 25, 1987 *New York Times* by Gary Milhollin concerning the exports of nuclear material by the United States and Norway to Israel.

This article discusses apparent diversions to military purposes of heavy water supplied for non-military purposes and the unwillingness of the United States and Norway to insist on inspections of nuclear materials supplied for peaceful purposes.

I would appreciate a detailed response of the State Department to this op-ed piece, including information on the extent of our discussions with Norway and Israel on this matter.

Thank you for your consideration of this issue.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 21, 1988.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of December 1 which asked for comments on a November 25, 1987 *New York Times* op-ed article by Mr. Gary Milhollin concerning exports of heavy water to Israel by the U.S. and Norway.

The United States shipped 3.9 tons of heavy water to Israel in 1963 subject to peaceful use assurances provided by the Israeli government and subject to the U.S.-Israel nuclear cooperation agreement, which has since expired. The agreement provided for direct, bilateral inspections of material, equipment and technology supplied by the U.S. to ensure it was used solely for peaceful purposes. In 1965, however, the agreement was amended in connection with the entry into force of a trilateral U.S.-Israel-International Atomic Energy Agency agreement pursuant to which the Agency undertook to apply safeguards to that U.S.-origin material, in lieu of the United States.

That agreement was superceded by a new trilateral agreement of April 4, 1975, (which was extended on April 7, 1977, and is currently in force) which contained a comparable provision. Pursuant to these agreements the U.S. right to conduct bilateral inspections on nuclear material, equipment or material supplied under its agreement with Israel is suspended unless the IAEA is unable to apply safeguards. Suspension of U.S. bilateral safeguards while IAEA safeguards are being applied is a standard feature of our agreements for peaceful nuclear cooperation. The U.S., in fact, does not currently conduct direct, bilateral inspections pursuant to its agreements for peaceful nuclear cooperation anywhere in the world.

The U.S.- supplied heavy water in question is on the appropriate safeguards inventory for Israel and inspections are being carried out regularly. The U.S. is satisfied that the IAEA safeguards currently being applied to the U.S.-origin heavy water are adequate to ensure that the material is used for peaceful purposes only. At present the heavy water is in storage at the Nahal Soreq research facility.

There is some Norwegian-origin heavy water in Israel, as Mr. Milhollin has pointed out. It is our understanding that the Norwegian and Israeli Governments are engaged in negotiations to find an acceptable means to resolve questions about the use of the heavy water. We understand that an Israeli delegation visited Norway to discuss this issue with the Norwegian Government and that discussions are continuing. Neither party has sought our involvement in this issue. With respect to our general policy regarding non-proliferation and IAEA safeguards, we do support the application of full-scope IAEA safeguards to all nuclear material in non-weapons states as well as adherence to the Non-Proliferation Treaty (NPT). In the case of Israel, specifically, we have consistently urged the Israeli government to adhere to the NPT and to accept IAEA safeguards on all its nuclear activities. Both U.S. law and policy prohibit any significant U.S. nuclear cooperation with Israel absent such steps.

With best wishes,
Sincerely,
J. EDWARD FOX,
Assistant Secretary, Legislative Affairs.

UKRAINIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. ANNUNZIO. Mr. Speaker, our country just celebrated the 200th anniversary of our Constitution. The commemoration of this anniversary has given us an opportunity to reflect on the true worth of the liberties our Constitution has guaranteed us.

The Ukrainian nation was once guaranteed liberty, too. Seventy years ago, on January 22, 1918, the Parliament of the Ukrainian people, called the Ukrainian Central Rada, declared their independence. They established a form of government based on the inherent rights of each individual. The government which declared Ukrainian freedom, however, was able to remain in power for only 4 short years before falling to the Soviet Government.

The Ukrainians since then have suffered in many ways their loss of liberty—not the least of which is their loss of freedom to worship openly. This loss is felt acutely this year in particular which marks the Millennium of Christianity in the Ukraine. In recent decades, the Soviet Union has done all that it possibly could to destroy free religious worship in the Ukraine, in conjunction with the Soviet Union's general destruction of Ukrainian culture.

The Ukrainian Catholic and Ukrainian Orthodox Churches and the Ukrainian liberation movement have endured similar fates. Both are outlawed; both have been downtrodden. The Soviet Union has done its best to eliminate both of them, and to "Russify" Ukrainian culture as well.

Yet the various Ukrainian churches and the Ukrainian liberation movement have managed to survive. This is due to the brave men and women who have sacrificed so much—even their lives—to regain the legitimate existence of the Ukrainian churches and nationhood.

The persecution the Soviet Government inflicts upon religious believers in the Ukraine is not only an outrage to common decency, it is a violation of the Universal Declaration of Human Rights. It is in support of the elimination of religious persecution in the Ukraine that I have cosponsored House Joint Resolution 429. Mr. Speaker, I include at this point in the RECORD the text of House Joint Resolution 429, which follows:

H.J. RES. 429

Joint resolution deploring the Soviet Government's active persecution of religious believers in the Ukraine

Whereas, 1988 marks the Millennium of Christianity of Rus'-Ukraine, officially adopted by Kievan Prince Volodymyr the Great in a ceremony on the banks of the Dnieper River one thousand years ago; and

Whereas, today freedom of religion is a fundamental right which is explicitly guaranteed by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe; and

Whereas, the Soviet Government has violated the Universal Delcaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe by engaging in, among others, the persecution of religious believers and the systematic liquidation of the historic and national churches in the Ukraine; and

Whereas, the Ukrainian Orthodox and Ukrainian Catholic churches, both forcibly liquidated in the 1930's and 1940's respectively, have remained outlawed while their clergy and laity have been murdered, imprisoned, or exiled for their religious beliefs; and

Whereas, despite decades of severe persecution, Ukrainian Orthodox and Ukrainian Catholic believers to this day continue to practice their faiths clandestinely for fear of persecution by Soviet authorities; and

Whereas, the Soviet Government has in addition, sought to restrain and undermine the spiritual mission of the Evangelical Church in the Ukraine, and has established restrictive legislation in direct contravention of the Biblical precepts that undergird the evangelical movement; and

Whereas, many members of the Ukrainian Evangelical churches, in particular unregistered Baptist and Pentecostal congregations, are currently imprisoned and harassed for their faith; and

Whereas, suspected clergy and lay members of the Ukrainian Orthodox, Ukrainian Catholic, Baptist and Pentecostal churches are victimized by job discrimination, their access to religious literature is restricted, and they are subject to various forms of harassment such as house searches, interrogations, and arbitrary arrests by Soviet authorities; and

Whereas, despite the Soviet Government's policies of religious persecution in the Ukraine, faith in God is widespread among Ukrainians as evidenced by the underground Ukrainian Catholic movement which embraces hundreds of priests headed by a number of secret bishops assisted by more than one thousand religious women in orders; and

Whereas, Ukrainian Catholic catacomb bishops, priests and laity have placed themselves in direct danger of KGB persecution by appealing to the Kremlin to end its legal prohibition of the Ukrainian Catholic Church: Now, therefore, be it

Resolved, That the Congress of the United States, in both Houses assembled, deplore the Soviet Government's active persecution of religious believers in the Ukraine, as well as the forcible liquidation of the Ukrainian Orthodox and Ukrainian Catholic Churches; and be it further

Resolved, That on the occasion of the Millennium of Christianty in the Ukraine, the Congress of the United States—

(1) sends its greetings to the Ukrainian people as they mark this solemn event in the history of the Ukrainian nation;

(2) voices its concern for those Ukrainian religious believers who are persecuted for attempting to exercise their rights to religious worship;

(3) urges the President, the Secretary of State, the United States delegation to the United Nations, the United States delegation to the Vienna Review Meeting of the Conference on Security and Cooperation in Europe to continue to speak out forcefully against violations of religious liberty everywhere and specifically in the Ukraine during this anniversary year;

(4) calls upon the Soviet Government to abide by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe, and release all those imprisoned for their religious beliefs;

(5) discourages officials of the United States Government from attending the commemoration of the Millennium in the Union of Soviet Socialist Republics, so long as individuals remain imprisoned for their religious beliefs and the Ukrainian Catholic and Ukrainian Orthodox churches remain outlawed; and

(6) urges, in observance of the Christian Millennium, the United States Government to call on the Soviet Government to ban its prohibition of the Ukrainian Orthodox and Catholic Churches in Ukraine.

The U.S. Government and the Soviet Government have just completed a long-awaited summit meeting. The primary focus of this summit meeting, arms control, is extremely important. Human rights, however, are no less important and should never be left to fall by

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the wayside. In an effort to emphasize this to the leaders of the Soviet Union, several of my colleagues and I sent a letter on December 22 to General Secretary Mikhail Gorbachev denouncing the forced exclusion of several people, including three Ukrainians, from an informal human rights seminar that took place in Moscow last December, and stressing how such actions could "weaken trust and confidence between our nations."

I am proud to join with Ukrainian-Americans in this Nation and Ukrainians the world over in commemorating the 70th anniversary of Ukrainian Independence Day and in reaffirming our support of the Ukrainian struggle for religious and political freedom, with the hope that one day the Ukraine will again assume its rightful place in the community of free nations.

TRIBUTE TO DAVID CASTRO

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. STARK. Mr. Speaker, the citizens of Alameda County gathered on January 21, 1988, to honor an outstanding humanitarian. Tribute was paid to David Castro during a testimonial dinner acknowledging his exemplary contributions to the Hispanic community.

Mr. Castro has worked tirelessly to improve his fellow Hispanics' economic status. In earlier years, he was both a business agent and the first Hispanic to hold an executive board position in a local Teamster's Union. Weathering threats and intimidation, Mr. Castro organized workers at a food cannery and in agricultural fields.

The most severe test for David Castro was to turn the 1964 Civil Rights Act into reality. To quote Mr. Castro:

> In many ways, I was ahead of my time. As soon as that bill was passed, I set out to get more jobs for minorities and to make sure that women were placed in the kinds of jobs that men always held. In 2 years, I was able to get 151 women in men's jobs.

But David Castro's efforts to help do not stop at jobs. He works to provide people with affordable housing and to provide educational opportunities for young people. He is a founder, director or member of at least three dozen statewide organizations in California. These organizations provide career opportunities, scholarships, consumer services and other objectives to promote the well-being and self-image of Hispanics.

I am proud to salute David Castro. I join his many friends in thanking him for decades of compassionate, dedicated service. He is a champion of the people.

A TRIBUTE TO THE MICHIGAN STATE SPARTANS

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. CARR. Mr. Speaker, hail the Spartans of Michigan State. After nearly a decade of Rose Bowl domination by the PAC–10, the Spartans roared into Pasadena on New Years Day and came away with a Rose Bowl victory over Southern California, 20–17. Michigan State University is in East Lansing, MI and I'm proud to represent them and I wanted to pay tribute to their win.

Their win was the first for the Big Ten Conference since 1981 and only the third for the conference since 1969. We may not represent the Big Ten in the Rose Bowl that often, but we're proud to win when we do.

The Spartan offense was led by running back Lorenzo White with 113 yards gained on 35 carries and two touchdowns. Quarterback Bobby McAllister passed seven times, and completed four of 128 yards. Split end Andre Rison was the key receiver, catching two passes for 91 yards, the first for 55 yards setting up State's second TD, and the second for 36 which led to State's winning field goal.

Middle linebacker Percy Snow was the tackle leader for MSU with 15 solo and two assisted efforts for 17, and was named the game's "Outstanding Player". Strong safety John Miller picked off two interceptions, with Joe Bergin and Kurt Larson each getting one interception. Plus, I cannot forget to mention the outstanding effort of Coach George Perles.

One of the really great participants of the game were the Michigan State fans. Of the more than 103,000 in attendance, officials estimate 30,000 of those were connected to State and I was proud to be one of them! Green and White spirit was everywhere.

The Spartans finished the year with a record of 9–2–1, their highest win total since 1966.

Hail the Spartans! Hail Green and White spirit! Hail Michigan State, Big Ten Champs and winner of the 1988 Rose Bowl.

U.S. CAN'T BE OSTRICH-LIKE IN FACE OF FISCAL PROBLEMS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. PEPPER. Mr. Speaker, now that we have all been privy to the sight of a reeling stock market, I would like to remind my colleagues of my September 21 insertion on page E3619 of the CONGRESSIONAL RECORD. On that day, almost a month before Black Monday, I submitted the prophetic words of Arthur Burck, a Palm Beach, FL, business merger consultant. The title of Mr. Burck's editorial, "Three Inevitabilities: Death, Taxes, and the Market's Collapse," speaks for itself about his knowledge and insight into the workings of our economy. If you did not read Mr. Burck's article then, I strongly encourage you to do so now.

[From the Palm Beach Post, Nov. 1, 1987]

U.S. CAN'T BE OSTRICH-LIKE IN FACE OF FISCAL PROBLEMS

(By Arthur Burck)

"As certain as death and taxes is the inevitability that the market will collapse . . . when it comes, the deluge is likely to shake the foundations of our economy." This was the prediction I made in my article in *The Palm Beach Post* Sept. 14, and entered in the CONGRESSIONAL RECORD on Sept. 21, 1987.

Now what? A massive array of economic, fiscal and business problems will face the nation, expecially after the violent market collapse leaves in its wake a recession or worse, and businesses, government and consumers struggle under the mountains of debt created during the spending binge of recent years.

Add up all these problems and business casualties, and America will face a bleak future—unless we are able to restore financial responsibility, rehabilitate enough of our crippled businesses, and propagate many new high-growth firms. These difficult tasks will require the wisdom of Solomon, the patience of Job and total dedication to the truism, "When the going gets tough, the tough get going."

Those of us who struggled with the seemingly bottomless problems of the Great Depression, and the ensuing challenges of World War II, know that America resolve can overcome great obstacles when our populace finally recognizes that there really is an emergency.

Indeed, our main problem may be in recognizing that an emergency does exist. Ostrich-like, it is human nature to minimize problems, as did Herbert Hoover in an earlier day.

FIESTA: "IN RECOGNITION OF HISPANICS IN THE ENTERTAINMENT INDUSTRY"

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. ROYBAL. Mr. Speaker, I rise today to pay tribute to four Hispanic entertainers who are being honored on January 28, 1988, at the Palace Theatre in Hollywood for their professional achievements and commitment to community service. Cesar Romero, Hector Elizondo, Luis Avalos, and Elena Verdugo have made enormous contributions not only to the entertainment industry, but to the people of their communities.

These four entertainers will be honored at FIESTA: "In Recognition of Hispanics in the Entertainment Industry," the proceeds of which will go to AltaMed Health Services Corp., an east Los Angeles health agency. AltaMed was established in 1969 and today serves over 30,000 families each year. AltaMed's La Clinica Familiar del Barrio Foundation will be the direct beneficiary of the FIESTA event.

The honorees were selected by a committee of Hispanics in the entertainment industry as well as by business and community leaders. They were chosen for their consistent contributions to the betterment of life in their communities. These individuals have given freely of their time to support many programs crucial to the community environment.

In this year, Hollywood's centennial, it is fitting to honor these Hispanic actors for their contributions to their profession and for their dedication to helping others. Until recently, Hispanics have been the invisible minority in Hollywood. Cesar Romero, Hector Elizondo, Luis Avalos, and Elena Verdugo are four Hispanics who have torn down this barrier through hard work and through giving back to society. I commend them for their contributions and congratulate them on this occasion.

NATIONAL SCHOOLBUS SAFETY ACT OF 1987

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. SMITH of Florida. Mr. Speaker, I would like to draw your attention to an incident which occurred in Charlottesville, VA while most of us were enjoying the Martin Luther King holiday. On Monday, January 18, a schoolbus accident in Charlottesville left five people injured, including four junior high school students. According to the head nurse at the hospital where the injured were treated, seatbelts in schoolbuses could have prevented some of the injuries suffered by the Albemarle County students.

As the author of H.R. 1815, the National School Bus Safety Act of 1987, I favor the installation of seatbelts on schoolbuses. My bill would mandate that all new schoolbuses be equipped with seatbelts. The only way to reduce the injury and trauma associated with schoolbus accidents is to have our children buckle up on the bus.

I invite my colleagues to join me in cosponsoring the National School Bus Safety Act of 1987. It is for the good of our children, who are our future.

THERE'S NO SUCH THING AS FAIR TRADE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. McEWEN. Mr. Speaker, I would like to commend to the attention of my colleagues a letter sent to me by Mr. Richard N. Olmstead of Fremont, Ohio. I trust my colleagues will find the following information to be of interest.

CLAUSS CUTLERY CO.,
Fremont, OH, October 29, 1987.

Hon. BOB MCEWEN,
Federal Building,
Hillsboro, OH

DEAR CONGRESSMAN MCEWEN: The enclosed article was authored by a respected competitor of our company. I agree 100 percent with Mr. Farrington's position.

An entire American industry will disappear unless positive action is taken.

American quality is superior.

It is impossible to compete worldwide if American manufacturers are excluded from foreign markets.

It is impossible to compete with imports if the imports are unfairly priced.

What does it take to wake our lawmakers up to the reality that a large portion of the foreign trade inbalance is caused by foreign markets being closed to American manufacturers while foreign companies are allowed to flood our market with imports?

It's a double whammy!

Very truly yours,
RICHARD N. OLMSTEAD,
President.

THERE'S NO SUCH THING AS FAIR TRADE—BUT WE CAN DO SOMETHING ABOUT IT

(By James F. Farrington)

As this country's largest manufacturer of household shears and scissors, as well as the oldest surviving company in our field, we have learned a great deal about doing business with other countries.

Our overall conclusion is that there is no such thing as fair trade in the scissors and shears industry among most nations today. For that matter, there is no such thing as fair trade in most industries today.

Our conclusion is based on our cumulative experience in combatting foreign competition from every corner of the world, especially over the past four decades, as well as on extensive research of both industry statistics and the actual practices of several foreign countries and their manufacturers.

To substantiate this claim, let me offer some market data to document the trade imbalance:

Imports of scissors and shears in the U.S. market in terms of dollars have grown sharply year after year. However, domestic sales peaked in 1981 and are heading downward.

The imbalance of trade is depicted more dramatically when market share is analyzed (Figure 2). Imports (dotted) have risen steadily since 1979, while domestic share of the market has declined sharply since that same year.

The growth rates over the past five years by country of origin are equally shocking (Figure 3). The total U.S. market has grown 6.4 percent per year in that period. Domestic sales have risen only 3.9 percent per year, while imports have risen 11.9 percent per year. During the five years, imports have climbed 45.9 percent from Korea, 22.9 percent from Taiwan, 16.8 percent from Germany and 14.2 percent from Japan.

In 1986 alone, imports increased 32.1 percent. Korea topped the list with an increase of 122.4 percent, followed by Taiwan with 41.9 percent, Germany with 29.4 percent and Japan with 27.0 percent. Korea and Taiwan have regularly adjusted their currencies to tie them directly to the U.S. dollar and have thus been able to penetrate our market with ease, in spite of the dollar's decline versus many foreign currencies.

It is crystal clear that imports of scissors and shears are seriously damaging the U.S. industry. This is not taking place because foreign-made products are superior. Far to the contrary, our domestic industry has long been recognized as leaders in producing and marketing high-quality, cost-effective scissors and shears.

Imports have been seizing our market share in our own marketplace because several countries and their manufacturers have targeted the U.S. and are competing unfairly in our market.

These countries are providing their manufacturers with low-interest loans, tax forgiveness, and subsidies for materials and job training. These countries focus on the U.S. market because it is prosperous, of course. But the real reason is that they are either kept completely out of, or are restricted to quotas, in almost all other world markets.

What's more, these same countries are unfairly blocking United States manufacturers from competing in their own domestic markets. They use prohibitive duties to bar imports. For example: Korea has a 30 percent duty; Taiwan has a 30 percent duty; Japan has many different barriers; Brazil has a 70 percent duty, plus a prohibition on our products; Pakistan simply does not permit imports; and Germany, Italy, China and many others have restrictive quotas and excessive duties.

It's bad enough to try to sell to countries that virtually close the doors on you. But, to make a bad situation worse, there's no single agency or office in Washington where our domestic manufacturers can take our case and cry "foul." Instead, there are more than a dozen different agencies or offices, each with a limited area of responsibility. This is clearly an unworkable situation.

All small industries and companies—not just ours—need a responsible voice in Washington. We do not possess enough resources in time or money to wage a fair fight. It is very time-consuming and costly for us to get relief under the present system. History also shows that even when a case is proven, the Administration can choose to ignore the facts. This is very discouraging.

What's more, an increasing number of U.S. jobs are being lost to unfair foreign trade. The loss of 25,000 jobs is equivalent to $1 billion in the national trade deficit. Anyone who thinks we can alter the deficit simply with a currency change or a program to encourage exports has got to be incredibly naive.

Our main conclusion from this frustrating experience is that world trade is played by two sets of rules. We in the United States are playing by the rules of fairness and equality. However, many nations in the rest of the world are violating the international trade agreements. At the same time, our executive and legislative branches in Washington refuse to take positive action.

Sometimes, it seems like we are in a boxing ring, restricted to the Marquess of Queensbury rules, and our opponent is free to use judo or karate.

As a small manufacturer, we ask: Why do our officials meet and make agreements with other countries, when these countries have no intention to stick to the agreements, and when our country has no intention to enforce them?

It is clear that we are fighting a losing battle against countries that are determined to export to the U.S. using any means whatsoever to pirate our share of the market. It will only be a matter of time before our domestic scissors and shears industry is wiped out completely.

In view of this unfair situation in our industry, we can speculate that many other industries are suffering as badly, if not worse, from unfair foreign competition. Help is urgently needed. Our legislators and administrators in Washington can assist the many industries and companies that are in this plight.

First, we need recommendations and guidance. We do not want any handouts, but just the opportunity to prove we can compete.

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Many companies, including ours, have been investing heavily year after year to improve productivity and achieve competitiveness. We can compete against foreign producers on a true cost basis.

But, that is not enough. We also need a program from Washington that will require overseas companies to compete fairly. We must find ways to stop unfair practices and create a level playing field. A small company simply cannot fight an entire country that is dedicated to exporting into the U.S., using any means it wishes.

If imports threaten jobs, then Washington should consider incentives to manufacturers to invest time, money and creativity to keep jobs. We should put foreign governments on notice that we will match them incentive for incentive. Then do it!

These are not my views alone. Stanley C. Gault, chairman of the National Association of Manufacturers, recently had this to say:

"We must provide the economic incentives to improve our quality, productivity, product development, technology, research and cost of capital—and do so in a way that matches what is done for industry by the governments in Europe and the Far East. Also, we should provide American companies with the financing support they need to make them competitive against the financing offered by foreign manufacturers, banks and governments on export sales.

"My own feeling is that if our government announced it would match any credits offered by any foreign government—on any deal, anywhere—this unfair, under-the-table subsidy game would end quickly and we'd see some honest competition."

As Mr. Gault suggests, perhaps we should decide that both parties should play by the same rules—either theirs or ours. If it is their rules, then Washington must get involved.

One course of action would be to create some sort of "America Inc." and get aggressive in our battle. America Inc. would find a way around antitrust, get bank assistance for low-interest loans, provide tax programs to create incentives to keep jobs, and develop ways to slow down aggressive importers who act with impunity to world trade agreements.

Yes, some of these possible solutions sound a bit drastic. That's because the situation is indeed drastic—I am talking about entire industries and their jobs being wiped out as a result of predatory marketing practices which our government permits other countries to get away with in our own marketplace.

FIGURE 1.—SALES IN DOLLARS—SCISSORS/SHEARS IN U.S. MARKET

Year	Imports	Domestic
1976	28,253,000	35,300,000
1977	36,211,000	36,700,000
1978	36,987,000	39,200,000
1979	35,501,000	43,100,000
1980	39,134,000	46,900,000
1981	42,544,000	50,500,000
1982	42,418,000	48,700,000
1983	46,954,000	46,300,000
1984	50,341,000	48,800,000
1985	55,184,000	50,264,000

FIGURE 2.—MARKET SHARE PERCENTAGE—SCISSORS/SHEARS IN U.S. MARKET

[In percent]

Year	Imports	Domestic
1976	44.5	55.5
1977	49.7	50.3
1978	48.5	51.5
1979	45.2	54.8
1980	45.5	54.5
1981	45.7	54.3
1982	46.6	53.4
1983	50.4	49.6
1984	50.8	49.2
1985	52.3	47.7

Five year growth rate

	Percent
U.S. Market	6.4
Domestic Manufacturers	3.9
Imports	11.9
Japan	14.2
West Germany	16.8
Taiwan	22.9
Korea	45.9

[From the Bridgeport (CT) Sunday Post, Aug. 16, 1987]

THERE'S NO SUCH THING AS FAIR TRADE

(By James F. Farrington)

As this country's largest manufacturer of household shears and scissors, as well as the oldest surviving company in our field, we have learned a great deal about doing business with other countries.

Our overall conclusion is that there is no such thing as fair trade in the scissors and shears industry among most nations today. For that matter, there is no such thing as fair trade in most industries today.

Our conclusion is based on our cumulative experience in combatting foreign competition from every corner of the world, especially over the past four decades, as well as on extensive research of both industry statistics and the actual practices of several foreign countries and their manufacturers.

Imports of scissors and shears in the U.S. market in terms of dollars have grown sharply year after year, while domestic sales peaked in 1981 and are heading downward. Our domestic share of the market has declined from 55 percent in 1979 to 41 percent in 1986.

The growth rates over the past five years by country of origin are also shocking. The total U.S. market has grown 6.4 percent per year in that period. Domestic sales have risen only 3.9 percent per year while imports have risen 11.9 percent per year. During the five years, imports have climbed 45.9 percent from Korea, 22.9 percent from Taiwan, 16.8 percent from Germany and 14.2 percent from Japan.

In 1986 alone, imports increased 32.1 percent. Korea topped the list with an increase of 122.4 percent, followed by Taiwan with 41.9 percent, Germany with 29.4 percent and Japan with 27.0 percent. Korea and Taiwan have regularly adjusted their currencies to tie them directly to the U.S. dollar and have thus been able to penetrate our market with ease, in spite of the dollar's decline versus many foreign currencies.

It is clear that imports of scissors and shears are seriously damaging the U.S. industry. This is not taking place because foreign-made products are superior. Far to the contrary, our domestic industry has long been recognized as leaders in producing and marketing high-quality, cost-effective scissors and shears.

Imports have been seizing our market share in our own marketplace because several countries and their manufacturers have targeted the U.S. and are competing unfairly in our market.

These countries are providing their manufacturers with low-interest loans, tax-forgiveness and subsidies for materials and job training. They focus on the U.S. market because it is prosperous, of course. But the real reason is that they are barred completely or restricted to quotas in almost all other world markets.

What's more, these same countries are unfairly blocking United States manufacturers from competing in their domestic markets. They use prohibitive duties to bar imports. For example:

Both Korea and Taiwan have a 30 percent duty.

Japan has many different barriers.

Brazil has a 70 percent duty, plus a prohibition on our products.

Pakistan simply does not permit imports.

Germany, Italy, China and many others have restrictive quotas and excessive duties.

It's bad enough to try to sell to countries that virtually close the door on you. But, to make a bad situation worse, there's no single agency or office in Washington where our domestic manufacturers can take our case and cry "foul." Instead, there are more than a dozen different agencies or offices, each with a limited area of responsibility. This is clearly an unworkable situation.

All small industries and companies—not just ours—need a responsible voice in Washington. We do not possess enough resources in time or money to wage a fair fight. It is very time-consuming and costly for us to get relief under the present system.

What's more, an increasing number of U.S. jobs are being lost to unfair foreign trade. The loss of 25,000 jobs is equivalent to $1 billion in the national trade deficit. Anyone who thinks we can alter the deficit simply with a currency change or a program to encourage exports has got to be incredibly naive.

Our main conclusion from this frustrating experience is that world trade is played by two sets of rules. We, in the United States, are playing by the rules of fairness and equality. However, many nations in the rest of the world are violating the international trade agreements.

As a small manufacturer, we ask: Why do our officials meet and make agreements with other countries when these countries have no intention of sticking to the agreements and when our country has no interest in enforcing them?

We are fighting a losing battle against countries that are determined to export to the U.S. using any means whatsoever to pirate our share of market. It will only be a matter of time before our domestic scissors and shears industry is wiped out completely.

In view of this unfair situation in our industry, we can speculate that many other industries are suffering as badly, if not worse, from unfair foreign competition. Help is urgently needed—first, in the form of recommendations and guidance. We do not want any handouts, but just the opportunity to prove we can compete.

Many companies, including ours, have been investing heavily year after year to improve productivity and achieve competitiveness. We can compete against foreign producers on a true cost basis.

But, that is not enough. We also need a program from Washington that will require overseas companies to compete fairly. We

must find a way to stop unfair practices and create a level playing field. A small company simply cannot fight an entire country that is dedicated to exporting into the U.S., using any means it wishes.

If imports threaten jobs, then Washington should consider incentives to manufacturers to invest time, money and creativity to keep jobs. We should put foreign governments on notice that we will match them incentive for incentive. Then do it!

These are not my views alone. Stanley C. Gault, chairman of the National Association of Manufacturers, recently had this to say:

"We must provide the economic incentives to improve our quality, productivity, product development, technology, research and cost of capital—and do so in a way that matches what is done for industry by the governments in Europe and the Far East. Also, we should provide American companies with the financing support they need to make them competitive against the financing offered by foreign manufacturers, banks and governments on export sales.

"My own feeling is that if our government announced if would match any credits offered by any foreign government—on any deal, anywhere—this unfair, under-the-table subsidy game would end quickly and we'd see some honest competition."

As Gault suggests, perhaps we should decide that both parties should play by the same rules—either theirs or ours. If it is their rules, then Washington must get involved.

One course of action would be to create some sort of "America Inc.", and get aggressive in our battle. America Inc. would find a way around antitrust, get bank assistance for low-interest loans, provide tax programs to create incentives to keep jobs, and develop ways to slow down aggressive importers who act with impunity to violate world trade agreements.

Yes, some of these possible solutions sound a bit drastic. That's because the situation is indeed drastic—I am talking about entire industries and their jobs being wiped out as a result of predatory marketing practices which our government permits other countries to get away with in our own marketplace.

TRIBUTE TO THE CHESTER NEWELL AREA CHAMBER OF COMMERCE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, it is indeed a pleasure to pay tribute today to the Chester Newell Area Chamber of Commerce. I had the privilege of addressing this organization and it became clear to me then that special recognition was in order.

Residents of Chester, WV, are clearly in good governing hands as this group of officials exemplify the epitome of loyalty, concern and understanding. Mayor Roy Cashdollar though only in office for 18 months, has done an excellent job, as have the board members.

The Chester Newell Chamber of Commerce represents their constituents well and it is with great pride that I pay tribute to them today.

A TRIBUTE TO COMMISSIONER EDWARD J. MUHL

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to Maryland's insurance commissioner, Edward J. Muhl, who will be honored for his years of outstanding public service at a banquet in Baltimore on January 29.

Ed Muhl was appointed commissioner of insurance on June 1, 1983, after serving 18 months as deputy commissioner and acting insurance commissioner. His appointment came at a critical time for insurance regulation in Maryland, which, like the rest of the Nation, was facing a liability crisis.

It was my privilege to serve in the legislature and observe the skillful diplomacy of Commissioner Muhl. Without his negotiating skills, the outcome of health insurance, workmen's compensation, tort reform and medical malpractice issues might have been resolved quite differently. Ed is a quiet and effective negotiator, committed to the fair resolution of problems.

As a regulator, Commissioner Muhl balanced the interests of both the consumer and industry. During his tenure, consumer information was greatly improved, as were the procedures for appealing a commission decision.

The State of Maryland has been fortunate to have such an outstanding public servant and I have been fortunate to have Ed as my constituent, my consultant of my Health Advisory Committee, and my friend. Although we are sorry to lose Ed to North Carolina, he has left us a very proud legacy.

TRIBUTE TO THE YOUNGSTOWN MAENNERCHOR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I pay tribute to the Youngstown Maennerchor. This institution is the second oldest singing organization in the State of Ohio. This year the society celebrates its 125th anniversary.

Since the first gathering of the initial nine German members in January of 1863, America has seen five wars. During the Second World War these men were engulfed by a great wave of prejudice and unyielding abuse. Under the weight of such widespread German prejudice, the Maennerchor members reaffirmed their oath of allegiance to this great Nation. They vowed to "aid and support all national and local programs for the ultimate victory of the United States." Their loyalty and commitment to this Nation has been, and is unquestionable.

Members have long sought to preserve their German heritage and culture. Though membership has fallen in recent years, the Maennerchor is optimistic that their numbers will increase as the commemorative concert schedule begins.

The Youngstown Maennerchor represents an integral part of Ohio's German heritage and it is with great pleasure I pay tribute to such an outstanding organization. The members are to be congratulated on their outstanding community contributions and personal character. Thank you, Youngstown Maennerchor, for your gift of song and heritage to our great State.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes 488 and 489 on Thursday, December 17, 1987. Had I been present on the House floor, I would have voted "yea" on approval of the Journal and "no" on the Watkins amendment to the Endangered Species Act.

I was also absent for rollcall vote 493 on Friday, December 18. I would have voted "yea" on approval of the Journal.

TRIBUTE TO THE WOMEN LAW ENFORCEMENT OFFICERS OF OHIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I stand before you today to pay tribute to Ohio's finest, the Women Law Enforcement Officers of Ohio. Their untiring service to the people of Ohio and those of the 17th district, is to be commended and I am proud to represent such a fine group.

Established in December 1986, the organization has committed itself to protect the citizens of Ohio and of the Mahoning Valley, and to uphold the laws therein. Beyond this, the organization seeks to promote equal opportunities for women employed in law enforcement; to support, educate, and promote women in law enforcement; and, to improve the working relationship among men and women in that profession.

The tasks of an officer are vast and the daily job is always potentially life threatening. Somehow, "thank you" seems so insignificant in light of the duties these women perform.

It is with great pride and appreciation that I pay tribute to the members of the Women Law Enforcement Officers of Ohio. They indeed represent the finest of Ohio's citizens.

SHIP ROCKET FUEL BY SEA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. LAGOMARSINO. Mr. Speaker, in recent months concern has developed over the practice of shipping rocket fuel and oxidizers by truck to the Western Space Port at Vandenberg Air Force Base. Last fall, at hearings by the House Government Operations Committee, Subcommittee on Government Activities and Transportation, I proposed that the Defense Department look into the feasibility of transporting these materials by sea.

Vandenberg has barge landing facilities on the base, built to accommodate the large external tanks used on the space shuttle. These tanks are shipped from the gulf coast through the Panama Canal, and there is no reason that I know of why nitrogen tetraoxide should not be shipped by the same route.

At my request, the Air Logistics Center at Kelly Air Force Base in San Antonio has agreed to study this transport mode. In the meantime, the center has proposed shipping the materials by truck through downtown Santa Maria on Broadway. This would be a foolhardy thing to do, in my opinion, since the trucks could travel more safely and efficiently down Highway 101, bypassing the downtown section.

I hope the Air Force will reconsider its proposal, and route the fuel down 101 for the time being. In the final analysis, I hope the Defense Department will agree that the real solution to this problem—and the alternative involving the least risk to the fewest number of people—would be to use the barge facilities at Vandenberg.

In that regard, I would like to call to the attention of the Members a recent editorial from the Santa Maria Times, which eloquently states the case for both avoiding Broadway and shipping the fuel by sea, which I request be entered into the RECORD.

TAKE THE ROCKET FUEL OUT TO SEA

We're with Mayor George Hobbs when it comes to the Air Force's proposed rocket fuel route that was scheduled to come through Santa Marla on Broadway. We're especially in agreement with the mayor when he said ". . . nobody would be idiotic enough to run it down Broadway."

What George was saying if in not the same words, is that the Air Force is not idiotic enough to force something this ridiculous onto the people of Santa Maria.

What we think probably happened was that some Pentagon officials sat down with a list of where they couldn't go (through Los Angeles suburbs, through part of San Luis Obispo County, and through Santa Barbara) and drew on a map a route that looked like it might fit the criteria of getting the fuel to Vandenberg Air Force Base. Then they went out and hired a consulting firm to verify their finding.

On many maps Santa Marla looks like an insignificant place and how were these Pentagon people to know the difference since the only political howling had come from the three aforementioned places. Besides, the route through Santa Maria is shorter than the 101 route, according to the consultant, who said this weighed heavily in favor of the Broadway route.

We wouldn't go as far as Mayor Hobbs did and ignore the issue altogether. We have the same faith that the mayor has in the commanding generals at Vandenberg, but we're not as sure as he is that they have the power to override a Defense Department decree on the fuel routing. That's why we believe it is necessary for the council to raise its voice in objection and for the community to be represented at the public hearings on the route that now includes 101 instead of Broadway.

As for an overland route for the rocket fuel, we think the route outlined by the California Highway Patrol is by far the best. It takes into consideration routes previously established for hauling other dangerous and hazardous materials. At least 101 is not as heavily congested as Broadway, and we're sure the extra couple of miles of driving time really isn't significant to the whole picture.

Now that the land route has been disposed of—we hope—let's take a look at a far more practical route. That is by sea.

We know Santa Barbara folks would object to using the channel to haul toxic materials, but sensible folks will readily see the advantages of keeping the rocket fuel out to sea except for when it is to be unloaded at the Vandenberg dock and for the short overland trip to its storage site on the base.

Perhaps the sea route has been overlooked to date because of its simplicity. The solution looks so simple and commonsense that it is understandable that government hadn't even considered it.

TRIBUTE TO MRS. ISABELLE ADALINE PANTON BARRETT OF YOUNGSTOWN, OH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, I am very pleased to rise today to pay tribute to Mrs. Isabelle Adaline Panton Barrett of Youngstown, OH. She has recently celebrated her 95th birthday. I am honored to represent this outstanding resident of Ohio's 17th District.

Mrs. Barrett has contributed so much of her time to the citizens of Ohio. She worked 25 years in the gift shop of St. Elizabeth Hospital. She accepted a crippled girl into her home and cared for her along with many homeless children of the area. She was a volunteer for St. Vincent de Paul, was a post office auxiliary, sewed quilts for homeless families and the needy, organized and held parties for Indian missions and a host of other missionaries, and she regularly visited the sick and aged at St. Mary's Home. In addition, Isabelle established a scholarship fund through St. Edwards Catholic Church.

Her list of accomplishments and volunteer work is impressive. How privileged Ohio residents are to have such a giving and loving woman living among us. It is with great pride and thanks that I stand before this Congress and pay tribute to Mrs. Isabelle Adaline Panton Barrett of Youngstown, OH.07304

INTRODUCTION OF THE NEW SCHOOL CHILD CARE DEMONSTRATION PROJECTS ACT OF 1988

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. KILDEE. Mr. Speaker, I rise today to introduce the New School Child Care Demonstration Projects Act of 1988.

As many of you know, I am also the sponsor of the act for better child care services. These two bills will deal with separate issues within child care. The act for better child care responds to a crisis in child care services. There are millions of families who need child care desparately in order to work and remain self-sufficient. Too many young children are being placed in less than adequate, if not potentially harmful, child care situations. We need to strengthen and improve the current child care delivery system and provide financial assistance to families who need help in meeting their child care cost immediately.

The New School Child Care Demonstration Projects Act of 1988 offers a relatively small pilot project which would test one new model of delivering child care through the public schools. In contrast, the ABC bill represents a large-scale effort which would help hundreds of thousands of low-income families pay for child care as well as improve the quality and expand the supply of child care for all families. The act for better child services would offer parents a range of options including the use of school-based child care, family day care homes, and community based child care programs.

The enormous need for child care warrants a significant new Federal response. The testing of new models should not be viewed as a substitute to a larger initiative but as a complementary strategy for expanding and improving our child care system.

The New School Child Care Demonstration Projects Act of 1988 will not detract from my efforts toward the act for better child care. In fact, I believe that my introduction of this legislation today indeed will facilitate the swift enactment of the act for better child care serv-

TRIBUTE TO THE TRUMBULL COUNTY JOINT VOCATIONAL SCHOOL DISTRICT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, today, I rise in order to pay tribute to the Trumbull County Joint Vocational School for providing 10 years of exceptional vocational training in my 17th District of Ohio. This outstanding educational facility has been meeting the needs of high school students and adults alike by offering vocational programs in 28 different areas, including computers and business, health services, technical fields, agriculture and animal care, personal services, construction, automotive, and cooperative education.

Trumbull County Joint Vocational School opened its doors to high school students on September 6, 1978, and the student body is now comprised of 750 students from 15 Trumbull County school districts. The Adult Education Department opened on January 8, 1979, and nearly 6,000 adults are expected to enroll in programs this year.

I salute the fine people at Trumbull County Joint Vocational School for 10 years of outstanding service to their community and for recognizing the needs of not only young adults, but the older ones as well. In particular, I would like to extend my congratulations to Superintendent Dr. Robert J. Williams and Directors Bartley DuBois and Melvin Pentecost for their administration of such an important institution. Mr. Speaker, I am proud and honored to represent quality people such as these and their students.

BLACK LUNG BENEFITS ELIGIBILITY CLARIFICATION ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. RAHALL. Mr. Speaker, today I am introducing legislation aimed at ensuring that approximately 10,000 pending black lung benefit claims are fairly treated by the Labor Department.

Entitled the Black Lung Benefits Eligibility Clarification Act of 1988, this bill comes close on the heels of a recent U.S. Supreme Court decision affecting claims filed between July 1, 1973, and April 1, 1980, under the Labor Department's interim regulations.

The central issue in the Supreme Court decision this legislation seeks to address involves what constitutes a presumption of black lung benefit eligibility. According to the majority opinion of the court, a single item of qualifying evidence such as an x ray does not necessarily make a person eligible for black lung disability benefits under the Labor Department's interim program. I disagree. My legislation is premised on the need to clarify the intent of Congress in this matter.

The 1972 amendments to the Federal Coal Mine Health and Safety Act of 1969 clearly indicated the frustration of Congress with the Social Security Administration's management of the Black Lung Program. The amendments sought to expedite the adjudication of benefit claims and to reduce the number of benefit denials. The 1972 law also transferred administrative responsibility of the program to the Labor Department for claims filed after July 1, 1973.

After enactment of the 1972 law, the Social Security Administration's claim approval rate increased due to new paco... regulations the agency had implemented. However, for post-1973 claims, the Labor Department's benefit approval rate remained low. In response, Congress again amended the law in 1977 by requiring the Labor Department to adopt eligibility standards not less restrictive than those of the Social Security Administration.

It was the clear intent of the Congress in 1977 that the Labor Department adopt a similar standard for considering claims filed after July 1973 as that used by the Social Security Administration. This standard allowed a claimant to prove disability based on a single piece of qualifying evidence. My legislation intends to reiterate this criteria and ensure its adoption.

The claimant in the Supreme Court case not only had a qualifying x ray, but two qualifying ventilatory studies and one qualifying physician's opinion as well. Yet, the claimant was denied benefit eligibility.

This is an alarming and dangerous precedent. We have a claimant with not one, but four qualifying pieces of evidence and yet under the standard set by the Supreme Court he was still denied eligibility. It should be obvious to all that corrective measures must be taken.

Mr. Speaker, West Virginia's disabled coal miners who are afflicted with the crippling affects of black lung disease deserve compensation, not additional bureaucratic barriers.

TRIBUTE TO THE ST. JAMES' EPISCOPAL CHURCH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, it is indeed a pleasure to pay tribute to the St. James' Episcopal Church. Their contributions to the 17th District of Ohio deserve special praise.

Rev. Michael S. Jones, the rector of St. James', launched a program to collect Christmas gifts for the underprivileged children of Ohio. The donated gifts were laid at the foot of the Christmas Nativity scene as a gesture of gratitude to God. Since the children that received gifts from St. James' were from low-income families, these presents were probably all Santa brought this year.

The love and care that emanates from St. James' congregation is astounding. The efforts, time and energy invested by the Reverend Michael Jones is greatly appreciated by the people of Ohio. Those especially grateful are the children, the ones who make this world all worth while.

The St. James' Episcopal Church and Reverend Jones have shown to us the depth of giving we are all capable of. May the giving not stop at Christmas but continue without end. It is with great pride that I pay tribute to the St. James' Episcopal Church of Ohio's 17th District.

CONGRESS AND THE CONSTITUTION

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mrs. BOGGS. Mr. Speaker, as we begin the second session of the 100th Congress, I would like to take this opportunity to remind my colleagues that we will observe the 200th anniversary of the Congress of the United States in March 1989. In recognition of that forthcoming anniversary, the Commission on the Bicentennial of the U.S. Constitution has designated 1988 as a year in which to focus on the formation of the first branch of the Federal Government.

After the preamble, which begins with the famous words "We the People," the first order of business in article I of the Constitution is to describe the powers of the Congress, "which shall consist of a Senate and a House of Representatives." It all seems so clear and simple when we read it today. But 200 years ago when the Constitution was drafted by 55 men meeting in Philadelphia, there was a great deal of debate over just what the Congress would be like. Those important debates not only determined the structure of the Congress and the two other branches of the Federal Government, they defined democracy itself.

We take for granted today the idea that "We the People" have the power to elect our representatives in Washington. The framers of the Constitution had their doubts about the wisdom of this practice. Roger Sherman, of Connecticut, and Elbridge Gerry, of Massachusetts, for example, expressed fears that too much democracy was a bad thing. Sherman thought people were easily misled by false information and were not sophisticated enough to make political decisions. He preferred to have the House of Representatives elected by State legislatures, people who had Government experience, rather than the average citizens of the country. Gerry thought the problems the country faced in 1787 were due to an "excess of democracy." The people, he believed, had no respect for public servants.

Other delegates took a different stand. George Mason and James Madison, of Virginia, and James Wilson, of Pennsylvania, believed that the people had to be the great strength of the Government. It was essential to these men that the House of Representatives be elected directly by the people, and the House, in Mason's words would be the "grand depository of the democratic principle of Government." Madison believed that a House elected directly by the people would result in better representatives who would be sensitive to the needs of all the people who elected them.

Two hundred years later we can look at the handiwork of the framers of the Constitution and still see the structure of Congress that they crafted. The House of Representatives is indeed elected directly by the people just as the framers planned it. The fear of too much democracy was tempered by the structure of the Senate, which was, in fact, elected by the

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State legislatures for the first 124 years under the Constitution. It wasn't until 1913, as a result of the 17th amendment, that the Senate was elected directly by the people.

The Constitution has not stood still. It was written on paper, not carved into stone, and it has been changed occasionally to expand the principles of democratic Government. It started changing almost immediately. The Bill of Rights, the first 10 amendments, were proposed in the First Congress in 1789 and ratified by the States in 1791. The great amendments following the Civil War, the 13th, 14th, and 15th, abolished slavery, established important principles of citizenship, and guaranteed black Americans the right to vote. The 19th amendment, ratified in 1920, guaranteed that women could vote.

The Congress is the first branch of Government, and the one closest to the people. It is designed to work in conjunction with the executive and judicial branches. The Constitution spells out the duties of each branch. The Congress makes laws, but the President has the power to veto them. The Congress, with a two-thirds vote, has the power to override a Presidential veto. The House of Representatives can investigate and even impeach a President. The Senate acts as the jury in any impeachment. The Supreme Court has the power to declare a law unconstitutional. The Congress has the power to craft a new law to correct the flaws found by the Court. These checks and balances are part of the genius of the Constitution. Each branch works with the others, but each branch also has power to check the excesses of the others.

When these forces are at work, it is the Constitution that is working. It has survived for 200 years, the longest lasting written Constitution in world history, not only because of the work of the framers back in 1787, but because generation after generation of Americans both inside and outside of Government have made it work, by defending it, by following it, and even, on occasion, by amending it. As we celebrate the 200th anniversary of the signing and the ratification of the Constitution and prepare for the bicentennial of the three branches of Government coming up in 1989, we have much for which to be thankful, and we have a large responsibility to sustain this remarkable system of Government for future generations.

For those who desire additional information on the role of Congress, in general, and the House of Representatives in particular, in the structure of our Constitution, I would strongly recommend a pamphlet prepared and published by the Office of the Bicentennial of the U.S. House of Representatives entitled "The Federal Convention and the Establishment of the United States House of Representatives." It is available by request at 138 Cannon Building.

TRIBUTE TO LLOYD S. JONES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1988

Mr. TRAFICANT. Mr. Speaker, I am very pleased to stand before you and pay tribute to Mr. Lloyd Jones. This year he retires after 52 years of loyal service to the Vindicator as staff photographer.

At 9 years old, Lloyd began his literary career selling the Literary Digest magazine door to door. During high school, he began working weekends and Saturdays in a print shop in Warren, OH. He purchased his first camera with money he earned selling Easter cards. While in college, the Telegram offered Mr. Jones a job that he could now well refuse for it was during the depression and full-time jobs were scarce.

Jones interrupted his career with the paper to serve in the Army Signal Corps during World War II. As a combat motion-picture photographer, Jones filmed historical events and made training films on jungle fighting.

After 3 years of service, he returned to his civilian job which, was not without its dangers for he was attacked three times by his subjects. Regardless, he continued to photograph the world the best and most creatively he knew how. During his career he has covered several decades of political conventions and has photographed Presidents Truman, Hoover, Kennedy, and Eisenhower. Clearly, this man has photographed more than most of us see in a life time.

Mr. Lloyd S. Jones represents the very finest of America's citizens. His life-long commitment of bringing the world to our front steps shall not go without praise. Millions of Americans have unknowingly experienced the world through Lloyd's camera. It is with extreme pride that I pay tribute to such an outstanding man.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

MEETINGS SCHEDULED

JANUARY 27

9:00 a.m.
Armed Services
To hold hearings to review the NATO-Warsaw Pact military balance, NATO military strategy, and NATO force improvements.
SR-325

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on licensing of rural cellular telephone systems.
SR-253

10:00 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to consider proposed committee budget request for 1988, and committee rules of procedure.
SD-538

Energy and Natural Resources
Business meeting, to consider committee budget request for operating expenses for 1988, and other pending committee business.
SD-366

Foreign Relations
To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-316

Judiciary
To hold hearings on the nominations of Wade Brorby, of Wyoming, to be United States Circuit Judge for the Tenth Circuit; Suzanne B. Conlon, to be United States District Judge for the Northern District of Illinois; Richard J. Arcara, to be United States District Judge for the Western District of New York, and Paul V. Niemeyer, to be United States District Judge for the District of Maryland.
SD-226

Labor and Human Resources
Business meeting, to consider S. 1904, to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce, and pending nominations.
SD-430

Select on Intelligence
Closed business meeting.
SH-219

1:30 p.m.
Judiciary
Business meeting, to consider the nomination of Anthony M. Kennedy, of California, to be an Associate Justice of the Supreme Court of the United States.
SD-226

2:00 p.m.
Armed Services
To continue hearings to review the NATO-Warsaw Pact military balance, NATO military strategy, and NATO force improvements.
SR-325

Select on Intelligence
Closed business meeting.
SH-219

JANUARY 28

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on drug trafficking and money laundering in Panama.
SD-342

Special on Aging
Business meeting, to consider committee budget for 1988.
SD-628

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1988, to require vessels used to transport sewage sludge and the dredge material removed from and redeposited between any two points within the exclusive economic zone to be built in the United States.
SR-253

Energy and Natural Resources
To hold hearings on S.J. Res. 231, to authorize the entry into force of the "Compact of Free Association" between the United States and the Government of Palau.
SD-366

Finance
Business meeting, to consider proposed committee budget request for 1988.
SD-215

Foreign Relations
To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Labor and Human Resources
To hold hearings to review procedures for cancer detection in women.
SD-430

Select on Intelligence
To hold closed hearings on the proposed Treaty between the United States and the USSR on the elimination of their Intermediate-range and Shorter-range Missiles (INF).
SH-219

10:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider proposed committee budget request for 1988.
SR-328A

2:00 p.m.
Select on Intelligence
To continue closed hearings on the proposed Treaty between the United States and the USSR on the elimination of their Intermediate-range and Shorter-range Missiles (INF).
SH-219

JANUARY 29

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings to review practices and operations under the National Labor Relations Act.
SD-430

10:00 a.m.
Foreign Relations
To hold closed hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
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Select on Intelligence
To continue closed hearings on the proposed Treaty between the United States and the U.S.S.R. on the elimination of their Intermediate-range and Shorter-range Missiles (INF).
SH-219

1:00 p.m.
Select on Intelligence
To continue closed hearings on the proposed Treaty between the United States and the U.S.S.R. on the elimination of their Intermediate-range and Shorter-range Missiles (INF).
SH-219

FEBRUARY 1

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the implementation of the Public Utility Regulatory Policies Act of 1978 (P.L. 95-619).
SD-366

FEBRUARY 2

9:30 a.m.
Energy and Natural Resources
To continue oversight hearings on the implementation of the Public Utility Regulatory Policies Act of 1978 (P.L. 95-619).
SD-366

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1988.
SR-301

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

Small Business
To hold hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.
SR-428A

2:00 p.m.
Select on Intelligence
To resume closed hearings on the proposed Treaty between the United States and the U.S.S.R. on the elimination of their Intermediate-range and Shorter-range Missiles (INF).
SH-219

2:30 p.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

FEBRUARY 3

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Rules and Administration
To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.
SR-301

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities market, focusing on events surrounding the stock market crash of 1987.
SD-538

Select on Intelligence
Closed business meeting.
SH-219

FEBRUARY 4

9:30 a.m.
Judiciary
Business meeting, to consider pending committee business.
SD-226

Rules and Administration
To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.
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10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

FEBRUARY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

FEBRUARY 16

2:00 p.m.
Select on Intelligence
To resume closed hearings on the proposed Treaty between the United States and the USSR on the elimination of their Intermediate-range and Shorter-range Missiles (INF).
SH-219

FEBRUARY 17

2:00 p.m.
Select on Intelligence
To continue closed hearings on the proposed Treaty between the United States and the USSR on the elimination of their Intermediate-range and Shorter-range Missiles (INF).
SH-219

FEBRUARY 18

2:00 p.m.
Select on Intelligence
To continue closed hearings on the proposed Treaty between the United States and the USSR on the elimination of their Intermediate-range and Shorter-range Missiles (INF).
SH-219

FEBRUARY 19

10:00 a.m.
Select on Intelligence
To continue closed hearings on the proposed Treaty between the United States and the USSR on the elimination of their Intermediate-range and Shorter-range Missiles (INF).
SH-219

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FEBRUARY 23

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.
SD-106

FEBRUARY 24

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.
SR-325

FEBRUARY 25

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

MARCH 3

9:30 a.m.
Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

SENATE—*Tuesday, January 26, 1988*

The Senate met at 11 a.m., and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious God, omniscient and omnipotent, there is never a time when Your wisdom—Your truth is not needed in our lives. Forgive us when we refuse to believe or ignore or reject the cosmic resource we have in Your divine guidance. May the practical instruction of the Proverbs find its way into our minds and hearts as this final session of the Senate begins.

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge Him, and He shall direct thy paths.—Proverbs 3:5-6.

We thank You, Father, that Your counsel teaches us, not to be unthinking, but to look to You to illuminate our thinking. It has to be difficult if not impossible for the Senate to conduct business as usual with two national conventions—a Presidential election—and control of the White House and Senate at issue. Grant to the leadership, membership, and staffs of the Senate the awareness of the availability of God's wisdom and strength in the most pragmatic political matters and the most practical circumstances of life. God of love, demonstrate to everyone who labors in the Senate that the infinite provisions of deity are relevant, available, awaiting our acceptance and use. In His name who is the way, the truth, and the life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 26, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, I hope that the Senate will be able to proceed to the consideration of the Grove City legislation today. The distinguished Republican leader and I have discussed this. He has indicated that he will do whatever he can on his side to get permission for the Senate to proceed to the consideration of this bill, without any debate on the motion to proceed hopefully. If we could do this, then we can get off to a good week's work.

I had also indicated to the Republican leader and to the Senate on the record yesterday that I would not make this motion prior to the conferences, and I did this because, when I made the statement, I had no knowledge of what the weather would be like today. I felt that there might be difficulty, with a storm upon us almost, in some of our Members being able to get to the Senate today early enough to make any votes. And so I indicated then that we would not have votes before 2 o'clock.

Happily, the weather has turned out better, but I still have my word. It is on the record, and it will be kept.

I do hope that we can proceed, though, at 2 o'clock with this legislation. It is needed. It lifts the horizons of everyone, and it gets us back on the track of where we were before this administration. It deals specifically with discrimination in education, in sex; we are talking about the handicapped, the elderly, women, and race, but it is nothing new. It just puts it back where we were before. And I hope that we can pass this legislation. It is common sense. It is not ideology. It makes good, common sense. When I say it will lift everybody's horizons, that is what we are talking about.

Mr. President, I reserve the remainder of my time.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. BYRD. I ask unanimous consent that the time of the Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 30 minutes with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin is recognized.

MISSION OF ARMS CONTROL: TO STRENGTHEN NUCLEAR DETERRENCE.

Mr. PROXMIRE. Mr. President, why do we need arms control? Why? Think about that for a long minute. This Senator firmly believes in arms control. But why can't we simply rely on the force that has kept the peace for the past 42 years? Why can't we rely on mutual, nuclear deterrence? Now let's not kid ourselves. Arms control has had almost nothing to do with the fact that we have not had war in Europe since 1945—the longest period of European peace in centuries. We have peace between the superpowers not because of arms control treaties. We have it because both sides recognize that the other would surely have the capability if attacked to rely with a nuclear counterattack that would be absolutely devastating. We have peace because both sides fully understand that any war between the Soviet Union and the United States would almost certainly become a nuclear war. And both sides know that such a war would leave only two utterly devastated losers. President Reagan and Secretary Gorbachev have both said there would be no winners in a nuclear war. Both have said that a nucelar war must never be fought.

So we have had more than 40 years of superpower peace and we can expect to have 40 more or 400 more for this one simple overwhelming reason: War would mean a double suicide. But can arms control contribute nothing to sustaining this peace based on deterrence? Mr. President, the fact

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

is that arms control has in fact contributed greatly to the peace we have enjoyed for four decades and it is essential if we are to continue to live in a peaceful world. To date the most significant arms control treaty has been the Antiballistic Missile Treaty. The ABM Treaty has contributed to peace by reinforcing the credibility of the deterrent of both superpowers. Consider briefly the history of the ABM Treaty. In the 1960's the Soviets were pushing hard to develop an antimissile system. Russia has a very long tradition of stressing defense in their military forces. So they took the initiative in developing an ABM system that was the forerunner of our SDI. Our Presidents and Defense Secretaries in both Democratic and Republican administrations vigorously opposed the Soviet antimissile or SDI push. We served notice on the Soviet Union that if they persisted in their SDI project it would threaten the credibility of our nuclear deterrent and we would go all out with all our technological and economic strength to build offensive missiles that would overwhelm it. The Soviets finally recognized the United States could and would build an irresistible offensive nuclear force. So they agreed to the U.S.-drafted and championed ABM arms control treaty. That treaty has a single purpose: To kill the Soviet SDI in order to preserve the credibility of the deterrent of each superpower and in doing so to continue the full and mutual understanding that a U.S.-U.S.S.R. war would be a total disaster for both sides. So arms control in the form of the ABM Treaty helped keep the peace by maintaining the mutual nuclear deterrent.

The INF Arms Control Treaty makes a different kind of contribution to the maintenance of peace. First the INF contribution is not in the reduction or elimination of nuclear missiles. That represents a minor element. The real contribution of INF is in its advancement of verification of compliance for arms control agreements between the two superpowers. What is the first complaint the distinguished Senators who oppose the INF Treaty raise in connection with this treaty or any arms control treaty with the Soviet Union? The answer always comes through loud and clear. The opponents charge that the Soviets cannot be trusted. They will violate the treaty. Arms control opponents go on to charge that any compliance by the United States will be unilateral and amount to unilateral disarmament. Mr. President, this Senator does not question the proposition that any sovereign country is likely to cheat if its leaders think they can get away with it and if the cheating is construed by its leaders as in the interest of that country. This is why verification is so important. And it is exactly why the provisions of the INF Treaty are so encouraging.

Here's what the INF provides in verification: First the destruction of Soviet missiles will be witnessed by our own experts. Second experts will constantly observe the exits from the Soviet nuclear missile assembly plants. Any egress from these plants by Soviet-produced missiles will be validated by our own observers. Third, our observers will have frequent short notice on-the-spot inspection of the Soviet assembly plants. Fourth, and most important literally hundreds of Soviet missile deployment sites will be opened up to inspection by our remarkably advanced satellites.

Mr. President, this system established by the INF Arms Control Treaty provides this country with precisely the kind of thorough verification we need—not only to proceed with the INF Treaty but to go much further. The one way this country can hold down its vast military spending without diminishing our national security is to reach arms control agreements, especially with respect to conventional arms that will enable us to make reductions in our military forces that will be matched by corresponding reductions in Soviet forces. This will permit us to maintain our national security while reducing its crushing burden. It will permit the Soviet Union to do the same. Both nations can gain both in nationwide security and economically.

But once again, Mr. President, the realistic contribution arms control can make to peace is to use arms control not to eliminate nuclear weapons. That is an impossible and counterproductive dream. Arms control's prime contribution to peace is in reinforcing the credibility of the nuclear deterrent of both sides.

ARCHAIC RESTRAINTS OF GLASS-STEAGALL ACT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the editorials from the Colorado newspapers arguing for repeal of the Glass-Steagall Act be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver Rocky Mountain News, Oct. 7, 1987]

BANKS HELD HOSTAGE BY ARCHAIC RESTRAINTS OF GLASS-STEAGALL ACT

An overhaul of U.S. banking law is in order, Senate banking-committee chairman William Proxmire said last week. Colorado Sen. Tim Wirth, who also sits on the panel, seconded the assertion:

The two lawmakers speak sense. The dilemma at issue is the growing competitive weakness of the American banking industry. The remedy is to loosen governmental ties that bind.

The 1933 Glass-Steagall Act, which regulates the industry, long ago outlived its usefulness. In fact, it has become a positive drag on efficiency. Exhibit A: Only a handful of American banks in 1987 are among the world's top 25. In contrast, not that long ago, seven were among the top 10. The consequence of that downward trend is that lucrative business is being diverted to institutions in Europe and Japan.

Glass-Steagall's protective embrace is smothering. While firms such as General Motors and Sears have moved into the financial-services arena, banks are forbidden from branching out in innovative ways—the brokering of stocks and bonds, for instance, and the underwriting of insurance, are off limits.

Moreover, banks can't underwrite commercial paper, mortgage-backed securities, and revenue bonds issued by states, counties and local communities. This prohibition is especially damaging in a period when many firms are issuing securities to raise money instead of going to lenders.

Partly as a result of such restrictions, Proxmire pointed out, the bank share of lending has declined "very sharply" in recent years. More than half of housing loans now are packaged and sold as securities, because they are seen as safer, cheaper and more liquid than mortgages held by banks or S&Ls.

Wirth favors revising Glass-Steagall to fashion a more "rational and logical" system. Proxmire plans to introduce a bill that would allow banks to get into the securities business and brokers to get into banking (while prohibiting mergers between the two kinds of institutions to prevent undue concentration of financial power).

Though their approaches differ somewhat, both lawmakers have the right thrust. Financial institutions have been undergoing dramatic change for years, but outmoded government rules have distorted the course of the industry's evolution. The distortions have hindered progress toward greater productivity and profitability.

Cumbersome regulations have also slowed the development of competition. The banking industry deserves the freedom to be more innovative. Consumers deserve the benefits of increased competition that would flow from increased industry freedom.

[From the Denver Rocky Mountain News, Nov. 30, 1987]

AFTER 54 YEARS, BANKS NEED RELIEF

A customer can go to a general merchandiser, say a Sears Roebuck store, and deposit or withdraw money, buy or sell stocks and bonds and satisfy his need for life, auto and casualty insurance.

The same customer can also deal with a stock brokerage firm, which not only can handle his security business but also offers an interest-paying checking account—a bank-like product.

But when the customer visits his commercial bank branch, he is limited to banking services: savings and checking accounts, certificates of deposit and loans. He cannot buy stocks, insurance or real estate, even if one-stop financial services is convenient and makes sense.

The fact that other industries can compete with banks but banks are barred from the securities industry means that their potential for growth and profitability is limited. Credit the situation to a 54-year-old law.

In 1933, when many banks were failing because of the Depression, Congress passed the Glass-Steagall law, whose purpose was to make banks more secure by keeping them out of the more speculative securities field. The law was a sound response to conditions at the time but is outdated.

All federal banking regulatory bodies, the Federal Reserve Board, the Treasury Department and key senators agree that the banking industry should be able to underwrite corporate and government securities.

Chairman William Proxmire of the Senate Banking Committee and Sen. Jake Garn of Utah, the ranking Republican on the committee, have introduced a bill to repeal Glass-Steagall, and it deserves to become law.

The measure appropriately would erect a wall between a bank holding company's banking and securities subsidiaries. That is necessary to prevent possible underwriting losses from undermining bank deposits, which are guaranteed by the federal government. Few would argue against the need for this separation in light of the recent stock market crash. In any future crash, banks must not be tempted to dip into their deposit reserves to cover speculative shortfalls.

A new study by the House Government Operations Committee states that the underwriting business is dominated by five large Wall Street firms, which market 70% of all domestic corporate debt. Naturally these firms like the status quo and are lobbying to keep banks off their turf.

However, Fed chairman Alan Greenspan says added competition by banks in the securities business would lower financing costs to corporations and state and local governments by between 1% and 3%. That enormous savings is worth going after.

[From the Denver Rocky Mountain News, June 21, 1987]

ANACHRONISTIC BANKING LAWS UNDERMINE HEALTH OF SYSTEM

When a major law controlling an industry is more than 50 years old, you can be sure it's outdated. In fact, outdated is too mild a term in the case of banking.

The Glass-Steagall Act of 1933 is a fossil that is seriously hampering the efficiency of the entire financial services sector—and indirectly, the American economy.

When Glass-Steagall passed, experts sought to separate the commerical securities business from traditional banking in order to avoid a repeat of the Great Depression. Unfortunately, their explanation of the depression was almost certainly wrong. On that basis alone banks now deserve deregulation.

In fact, far more urgent reasons exist to favor an overhaul of the country's banking law. American banks are quickly losing their competitive edge. Only three U.S. banks remain among the world's top 25, whereas seven ranked in the top 10 not too many years ago. The result is they're finding it increasingly difficult to compete with well-capitalized banks from Japan and Europe.

Nor is size the only—or even the major—problem. American banks are hamstrung by restrictions that exist nowhere else in the world. They can't issue commerical paper, for example, even though many businesses increasingly go to that market instead of relying on traditional bank loans.

As a result, banks have lost some of their most reliable customers. A law intended to protect banks from highrisk ventures ironically now serves to siphon off some of their safest business.

Banks would like to expand their activities beyond commerical paper, of course. They point out that brokerage firms and businesses such as Sears, Montgomery Ward and General Motors have surged into a number of financial-service areas that banks are now banned from entering.

Among the possibilities: stock brokerage, the underwriting of insurance and municipal revenue bonds, the operation of mutual funds and even travel agencies.

The question is not whether the financial industry should be allowed to change. It has been changing for years and will continue its transformation in the future.

The real question is whether banks will be allowed a piece of the action. They deserve it—not just for their own health, as important as that is to the nation's economy, but also in the interest of consumers, who would benefit from the heightened competition.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum, and I yield the floor.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I believe that the minority leadership is down at the White House and at the moment there seem to be no speakers who wish to talk on either side. And we are working toward a possible agreement to take up the Grove City legislation. I think the time is being spent.

I believe I will ask that the Senate stand in recess for 30 minutes, and hopefully by the time the Senate is reconvened we may have some progress to report.

RECESS UNTIL 11:47 A.M.

Mr. BYRD. I, therefore, ask unanimous consent that the Senate stand in recess for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Thereupon, at 11:17 a.m., the Senate recessed until 11:47 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GROVE CITY LEGISLATION

Mr. BYRD. Mr. President, as I indicated before the brief recess, efforts were being made to arrive at a judgment that we might be able to proceed to the consideration of the Grove City legislation without any debate on the motion and that hope has come to fruition. The distinguished assistant Republican leader, Mr. SIMPSON, has appeared on the floor, and we have been discussing the matter. I therefore will ask unanimous consent that, at 2 o'clock, when the Senate reconvenes, following the recess for the two conferences, the Senate then proceed to the consideration of the Grove City legislation.

I therefore make that request now. I ask unanimous consent that when the Senate reconvenes following the recess today for the two regular party conferences, circa 2 o'clock p.m., the Senate proceed to the consideration of Calendar Order No. 157, S. 557.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SIMPSON. Mr. President, I do not object and I want to thank the majority leader for his courtesies, as usual, to me. As our majority leader will be unavoidably absent today, and we do on this side of the aisle want to set a tone, as expressed by the President last night, to cooperate, and that can only be done by some very interesting persons—one is the majority leader of the U.S. Senate, the President of the United States, and the Speaker of the House. I hope all three of them will become forthcoming with each other in these coming months so we can be productive. When that does not occur, we do not legislate very well.

So, I thank the majority leader and I may have misfired when I said that I believe Senator DOLE—that was an old twisted view there—I believe I referred to him as the majority leader. Obviously it was a mistake. It will not happen again, I assure you. But I think agreement to go to this, and this has been a contentious issue as the majority leader so knows, but to be able to go to the Grove City issue, I hope, augers well and portends our hope, on this side of the aisle, our wish to cooperate in getting business done.

We do have a lot of business to do and the people of America expect us to do it. We have several who have serious disagreements with this bill as it currently stands but are willing to try amendments, and I would hope and earnestly suggest to the majority leader that we might withhold the filing of cloture for a reasonable time and perhaps the managers will agree to allow some up or down votes on an amendment or two amendments, which are intended to improve the bill. I leave that to the leadership, of course. But I thank the majority leader and on behalf of the minority leader express that the only way to prove up, on producing in this place, is to begin right now. You have to start, and this is our earnest effort at starting.

With that I certainly withdraw any objection and join in the unanimous-consent request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader. This is, indeed, cooperation at the start upon the part of the minority, and it does augur well, I think, for this second session of the 100th Congress. There is a lot of work to be done. This year we have the two party conventions and they will necessitate our being out of session for some time in each case. We have the elections in November, and we ought to try to get our work done in time, before the election, for those Senators and Members of the House who have chosen to run for reelection to be able to get out into their respective States and districts and campaign.

It would be well if the Senate and House did not have to return following the elections to complete work that had to be done but was left undone.

So, with the cooperation of the minority I feel confident that we can do this, and I am not suggesting that I would expect the minority to give consent to every bill that I might want to call up. But, in the main there are measures which have to be done before we do adjourn sine die and, for those instances especially, if the minority can give the Senate cooperation we will finish our work. And I would appeal not only to the minority, but to Senators on all sides of the aisle, to cooperate with joint leadership in moving our work along.

We are going to have 3 weeks of session, and 1 week out of session. The 1 week out of session is not giving Senators anything. I am not doing it for the convenience of Senators, to give them a week off. That is not the point and they know that. They have work to do. They have work to do back in their States. They have work to do here. Committee work can go on and it would be unimpeded and uninterrupted by rollcalls and quorum calls.

So, this is a plan which, hopefully, will produce a more effective session, more productive session. It is not 3 weeks, 3 days per week, Tuesday through Thursday; but it is 3 weeks of 5 days per week. If we can have that understanding and Senators will be prepared to get to work early every day, including Mondays and Fridays, and to a reasonably late hour every day, reasonably late—it might be 5 o'clock on a given day or it might be 6 o'clock or that might be 8 o'clock, or in a particular situation it might be later. But we can get our work done.

I thank the distinguished assistant leader and the leader and those on the Republican side who have been agreeable to taking this measure up without a debate. It could consume a considerable length of time if that had not been done, and I do assure the distinguished leader that it is not my plan or my desire or my intention to file cloture on this measure today or as long as we are making reasonable progress. I would like to hope that we can make resasonable progress and dispose of this measure in a reasonable length of time.

If we are doing that, I have no desire to file cloture. I would hope that on the Kennedy nomination, when reported, when it reaches the calendar, we could take that nomination up without undue delay. As far as I am concerned, and I am only talking for myself personnally, we could waive the 2-day rule, take up the nomination, and fill that vacancy. But if we are caught in a cloture situation, we could not take it up except by unanimous consent. I hope that does not give any Senator who might wish to delay this any succor or comfort because he would be putting a roadblock in the way of confirmation of the nomination. I hope we can move to take up the mountain quickly when it is reported to the floor, which I hope will be soon.

I thank the acting minority leader. I am very grateful for this kind of understanding, consideration, and cooperation. It is legislative statesmanship at its best.

Mr. SIMPSON. Mr. President, I thank the majority leader. Let me say that we hope here on our side of the aisle to avoid any creativity with regard to things in dealing with the Kennedy nomination which will be voted on tomorrow in the Judiciary Committee. It should come forward. I would certainly personally want to join and see if we cannot waive the 2-day rule.

Mr. President, I want to take the opportunity in this new session to thank the majority leader for the new schedule, which I know was difficult for all of us to consider. It is certainly of interest and benefit to those of us in the West, Democrats and Republicans alike, who are forced to travel with the schedule we presently have.

This new schedule will enable us in this 1 week to do the Rotary Clubs, the chambers, the town meetings, the Kiwanis, and things that we have to do with regard to our constituents and know that we will not be missing votes, and know, too, that we will have votes on Mondays and Fridays. That word will spread, that every Monday and Friday we will likely have votes.

Mr. President, I do not think any of us will complain about that. That is what we are here for. So I thank the majority leader for that.

Mr. President, I do wish to make a unanimous-consent request, if I might take that up now.

Mr. BYRD. Certainly.

LEAVE OF ABSENCE

Mr. SIMPSON. Mr. President, I ask unanimous consent that rule 6, paragraph 2, of the Standing Rules of the Senate, be waived, for Senators WALLOP and MURKOWSKI, for official business, to attend the funeral of President Chiang Ching-kuo, of Taiwan, at the request of the President of the United States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Senator BINGAMAN is waiting for recognition. I will just take a minute.

I compliment the acting Republican leader and his colleagues for making this request under rule VI. This is the way it ought to be done. This is the way the rules provide that it be done. When Senators wish to absent themselves from the floor of the Senate for a day or two or three, they really should ask the consent of the Senate. The Senate will give that consent. I daresay that a good many Members do not even know that that rule is there. I do not denigrate the actions of anyone. Perhaps they should know that it is there but it is not observed. I hope we will observe that rule, that Senators who wish to be absent can get excused by the Senate on the record

Mr. President, I will ask unanimous consent that morning business continue.

How long does the distinguished Senator wish to speak?

Mr. BINGAMAN. Not more than 8 minutes.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended and that Senators may be allowed to speak for not more than 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VOLUNTARY SCHOOL PRAYER ACT

The ACTING PRESIDENT pro tempore. There is a bill at the desk which has been read for the first time. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2001) to restore the right of voluntary prayer in public schools and to promote the separation of powers.

Mr. SIMPSON. Mr. President, I object and ask that there be no further consideration of that measure at this time.

The ACTING PRESIDENT pro tempore. Objection to further consideration being heard at this time, the bill will be placed on the calendar under rule XIV.

The Senator from New Mexico is recognized.

PRESIDENT REAGAN'S STATE OF THE UNION ADDRESS

Mr. BINGAMAN. Mr. President, last night, President Reagan delivered his final State of the Union Address, and once again he looked back over the past 7 years of his administration through, I fear, rose-colored glasses. Once again he delivered a message to the Nation that avoided or sidestepped a serious confrontation with a problem even he has termed a "national priority."

In one breath the President praised and encouraged a strong national commitment to quality education, but in another, as he has done so often in the past, he sought to undercut congressional efforts to improve our children's education.

President Reagan acknowledged that a creative, competitive America is our only guarantee for a strong and enduring America. Yet he again delivered the message that protecting our Nation's stability through educational excellence was a job better left to someone else—not the Federal Government and certainly not this President.

Although, as he said in his speech last night, "Individuals have the right to reach as far as his or her talents will allow," in President Reagan's agenda, it is the States, localities, and parents who must find the resources to develop and nurture those talents.

The President's goal of reducing the Federal budget deficit is an admirable one, and it is a goal to which I also believe we must strive. But it is time for President Reagan to remove his rose-colored glasses and view this Nation and the world in the proper context. We simply cannot achieve a balanced budget or a "safe and prosperous world for our children" as long as our political system continues to foster an underclass of citizens for whom poverty and the lack of motivation are key components of everyday life.

We no longer live in an isolated environment. Our marketplace is the challenging world of the 21st century, and we simply cannot compete effectively with other nations in that marketplace if we do not address the needs and problems of a growing number of unprepared and undereducated citizens.

If our children cannot read or write—if they lack the crucial skills needed to participate in the work force—then a significant portion of our human assets will be lost. And the loss will not be borne by these children alone. It will be borne by our entire Nation.

A recent estimate of the total lifetime earnings loss from our high school dropouts in 1981 alone is a staggering $228 billion. And nearly $64.4 billion will be lost in tax revenues from those dropouts as well.

What can we do? How can we help our children and turn the ever-increasing class of unprepared youths into motivated, productive members of our society? The answer is simple: Emphasize education.

Indeed, mountains of recorded evidence, including comprehensive studies by President Reagan's own National Commission on Excellence in Education and the Committee for Economic Development, have made clear the fact that quality education, early in life, is a fundamental component in restoring this country's competitiveness. And without the ability to compete, we cannot lead.

Undoubtedly, every Federal dollar spent on education can be a cost-effective investment in our future productivity and competitiveness. But President Reagan consistently has refused to make this investment.

President Reagan's commitment to education is best showcased not in an emotion-charged speech on a snowy winter's night, but on the graphic chart prepared by the nonpartisan Committee for Education Funding. .

Mr. President, let me just describe this chart for a moment because I think it correctly depicts the situation that we have faced in the last 8 years. The chart shows education funding levels from fiscal years 1980 through 1988. And there are three lines on this chart. The top line shows the current services starting in 1980 if those services had risen by the Consumer Price Index and had we just maintained the level that we had at that time. The second or middle line shows the actual amounts appropriated by this Congress and approved in bills passed into law.

As you can see, we are at a significantly lower level than we were in 1980 in real spending terms. And the third line, which I think is the crucial one for the point I am making this morning, is the budget request by this President and this administration. You can see from that third line that the President's requests, had they been adopted, would have us today funding education at $14 billion instead of at $21.1 billion as the Congress has approved; not quite half, but approaching half of the level of real spending that we made on education in 1980.

As the chart indicates, this year, under the President's request for fiscal 1988, we would commit only $14 billion. Fortunately Congress saw better, and decided to commit a higher level of spending.

That recommendation is a $5.5 billion—or 28 percent—cut in Federal education programs from the amount Congress fought to secure last year. In nominal dollars, President Reagan's request is $400 million below the level that we invested on education in 1980—or nearly 40 percent below the fiscal year 1980 level after adjusting for inflation.

This attempt to decrease the Federal Government's role in education is nothing new. Since taking office, President Reagan has consistently sought to subvert Congress' efforts to improve the quality of our educational system with Federal funds.

According to the New York Times, President Reagan was willing to spend more on interest payments to foreign investors in 1987 than he was willing to invest in our children's education. In 1987, the Federal Government paid foreign investors nearly $23.5 billion in interest payments. That was 50 percent more than the President recommended we invest in education.

For 7 years this President has submitted to Congress budget requests for education that ignore the strong commitment the American people have made to that crucial issue. He consistently has attempted to thwart the efforts to ensure educational and economic progress that a bipartisan majority in Congress has voted for over the last 7 years.

President Reagan's short-sighted goal of decreasing Federal spending for education under the guise of shifting responsibility to State and local governments, private industry, and individual families, simply ignores the fact that education is a fundamental and essential component in restoring this country's ability to compete.

We must invest wisely in our citizens, especially our children, who are our Nation's future. Any initiative aimed at strengthening our long-term ability to compete must address the needs of all our children, especially those at risk. And to prevent later risks, we must start early.

Strong evidence—the successful completion of high school and college—indicates the important role quality preschool programs play in shaping a child's future. This is where the Federal Government should be. We should be making a serious commitment now to the long-term stability of our Nation.

In the larger scheme of things, the investment I'm advocating is small. Last year, we spent less than $1 for el-

elementary and secondary education of each $100 spent on all functions of the Federal Government. In 1980, we spent $1.10 for every $100. Surely our children are worth at least the level of support we provided to them in 1980.

Thank you, Mr. President.

I yield the floor.

RECESS UNTIL 2 P.M.

Mr. BYRD. Mr. President, has the order been entered for the recess of the Senate to accommodate the two party conferences beginning at 12:45 p.m. today and extending until 2 p.m.?

The ACTING PRESIDENT pro tempore. It has.

Mr. BYRD. I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. today.

There being no objection, at 12:23 p.m. the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. Kennedy].

CIVIL RIGHTS RESTORATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now turn to the consideration of S. 557 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SHORT TITLE

Section 1. This Act may be cited as the "Civil Rights Restoration Act of 1987".

FINDINGS OF CONGRESS

Sec. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

Sec. 3. Title IX of the Education Amendments of 1972 is amended by adding at the end the following new section:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"Sec. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

REHABILITATION ACT AMENDMENT

Sec. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "Sec. 504."; and

(2) by adding at the end the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

Sec. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

Sec. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"Sec. 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

Sec. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

The PRESIDING OFFICER. The Chair suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Lautenberg). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, today the Senate begins consideration of the Civil Rights Restoration Act, one of the most important civil rights measures in recent years. A broad, bipartisan coalition of 56 Senators is sponsoring the bill. Our goal is to reverse the 1984 Supreme Court decision in Grove City College versus Bell, which permits tax dollars to be spent in support of discrimination.

The moment is ripe for Congress to renew its commitment to civil rights. The historic struggle to secure these rights for all Americans has known both triumph and tragedy.

Over the past 200 years, the American people have worked hard to make the promises of the Constitution a reality for all of our citizens. The harsh fact remains, however, that discrimination still prevents too many of our citizens from enjoying the American dream.

Despite the 1954 Supreme Court decision in Brown versus Board of Education, subsequent predictions about the demise of racial segregation proved grossly premature. Faith in what the Brown case would accomplish swiftly turned to frustration and then cynism. It took inspiration and leadership from Presidents Eisenhower and Kennedy, Martin Luther King Jr., and other great leaders to advance the legislation that has achieved so much in the past two decades.

Twenty-four summers ago, Congress distinguished itself by passing the landmark Civil Rights Act of 1964. In enacting this monumental measure, we initiated a new assault against the injustices which pervaded America's social fabric and political order. One of the most significant components of the 1964 legislation is title VI, which prohibits discrimination based on race, color, or national origin in any "program or activity" which receives Federal aid.

In terms of eradicating racial injustice, the success of title VI surpassed our expectations. Under its impact, many engines of discrimination began grinding to a halt. Faced with the prospect of losing Federal aid, schools, hospitals, and State and local governments had no choice but to dismantle their discriminatory practices. For example, black enrollment in colleges increased by 92 percent in the decade of the 1970's.

Influenced by a new national awareness, Congress in the 1970's grew sensitive to additional groups which suffer from the effects of prejudice and discrimination. In this climate, title VI emerged as a prime model for new initiatives. In 1972, Congress enacted title IX, which prohibits sex discrimination in educational programs or activities receiving Federal aid. In 1973, Congress adopted section 504 of the Rehabilitation Act, which prevents the recipients of Federal funds from discriminating against the disabled. And the Age Discrimination Act of 1975 was written into law to guarantee the same protection for the elderly.

Each of these statutes achieved remarkable results. Under title IX, the participation of women in high school and college athletic activities has soared. And their achievements have soared, too, including the extraordinary successes of American women in the summer and winter Olympic games. Equally impressive is the record for section 504, which has brought disabled citizens into the mainstream of American life by dismantling the barriers to education and employment of the handicapped.

But suddenly, in 1984, much of the progress against discrimination in each of these areas was placed at risk by the decision of the Supreme Court in the Grove City College case. In that case, a divided court interpreted the antidiscrimination language in title IX extremely narrowly. Since the only Federal money reaching the college was in the form of student aid, the Court concluded that only the financial aid office was covered by the law. The rest of the college was left free to deny equal opportunities to women.

The decision affects all of the civil rights statutes which prohibit discrimination in federally funded programs or activities, since each of these statutes is identical to the phrasing which the Supreme Court interpreted in the Grove City case. If this decision is permitted to stand, millions of female, minority, disabled, and senior citizens will be denied simple, basic protections.

Repercussions from the decision proved to be swift and substantial. Within a matter of weeks, the Department of Education's Office of Civil Rights dropped 18 antidiscrimination cases in higher education and 4 cases in elementary and secondary education. To date, 674 pending cases have been closed or suspended by the Department of Education.

Regrettably, our Nation has yet to achieve the goal of full justice for disabled persons. Society is often hostile to those who appear different; therefore, progress is particularly slow in breaking down the prejudices which prevent disabled citizens from enjoying full integration. Section 504 is the only Federal statute which prohibits discrimination against disabled persons in employment. In the aftermath of the Grove City College case, numerous section 504 complaints have been dismissed.

The dramatic progress of the past two decades in desegragating our society would never have been possible if the narrow interpretation of the Supreme Court in the Grove City case had been in effect for the first 20 years after title VI was enacted.

From the beginning, the sponsors of this legislation have stated and restated our intention to do nothing more than restore the status quo which existed before the Supreme Court decision in the Grove City College case. The legislative history of the civil rights laws shows that broad coverage is consistent with the original intent of Congress. That construction has been followed by past Democratic and Republican administrations alike, and it deserves to be restored so that we can keep the faith of the four great statutes that protect the basic rights of millions of Americans to be free from federally subsidized discrimination.

Our goal is clear and our legislation is straightforward. The bill adds no new operative language to the four civil rights laws. It merely adds a definition of "program or activity" which restores the meaning that these terms had prior to the Grove City College decision.

Through this legislation, the 100th Congress can reaffirm its commitment to civil rights. There is no justification for discrimination in programs that receive Federal funds. We have already delayed 4 years in restoring these laws

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to their proper strength, and it is time for the delay to end.

Mr. HATCH. Mr. President, it is with regret that I rise in opposition to S. 557 as it is currently drafted. I hope my colleagues understand that my decision to oppose this bill was not reached easily, nor does it evidence any lack of commitment on my part to guaranteeing civil rights for all Americans. Rather, my concerns reflect the view that we can rectify the problems flowing from the decision of the Supreme Court in Grove City versus Bell without imposing and expanding, without limitation, the Federal Government's power over churches, synagogues, private and religious schools, the private sector, and States and localities. Simply labeling a measure a "civil rights" bill does not negate our responsibility to understand its ramifications or draft it carefully.

I hope my colleagues will indulge me as I provide some background on this issue, because it is critical that we understand the current state of the law, and the ramifications of this legislation. I assume that the rhetoric will be quite impassioned during the next few days, but I hope that the following observations will be taken for what they are—legitimate concerns that we do not destroy one set of civil rights in order to guarantee others.

The simple fact is that, unless we address legitimate concerns such as the coverage of churches and synagogues, religious tenets and abortion, S. 557 may never be able to move through the other body.

It will certainly be vetoed by the President, and that veto will be sustained, in my opinion. And for yet another session we will have done nothing to correct the legitimate concerns confronting title IX, or those who believe in title IX; and I happen to be one of them. We could have solved this problem in 1984 had we had a simple overrule of the Grove City case.

This is the political reality that we are facing today. Mr. President, the four statutes amended by this bill prohibit discrimination on certain bases, "any program or activity receiving Federal financial assistance." That is the present state of the law.

Title VI of the Civil Rights Act of 1964 bans discrimination on the basis of race, color, or national origin. Title IX of the Education Amendments Act of 1972 bans discrimination on the basis of sex, but it is limited to education programs or activities receiving Federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 bans discrimination against persons with handicaps; and the Age Discrimination Act of 1975 bans discrimination on the basis of age.

The plain language of these statutes together with their legislative histories demonstrates that Congress always intended the scope of these statutes to be "program specific," as the Supreme Court correctly determined in the Grove City decision. Indeed, the words "program or activity" would appear, by common sense, to mean something less than an entire institution.

Congress has often been criticized for its ambiguity or its mistakes in legislative drafting, but I do not think it made such a wholesale mistake as to expect the entire country to think that the term "program or activity" was a synonym for an entire school, a school system or a State.

Title IX itself makes reference to "an educational institution" and defines the term "educational institution" as broader than a program (20 U.S.C. section 1681(c)). In all honesty we have to admit that Congress knew how to cover an entire institution whenever one part of it received Federal aid, but declined to do so in the antidiscrimination provision of these laws.

Moreover, in section 904 of title IX, Congress prohibited discrimination on the basis of blindness or vision impairment "in any course of study by a recipient of Federal financial assistance for any education program or activity * * *." 10 U.S.C. section 1684. Here, Congress clearly banned discrimination on the basis of blindness throughout the institution by using the word "recipient" in the statute itself—in stark contrast to the more discrete term "program or activity" used in the antisex discrimination provision of title IX and in the other three statutes. Congress clearly knew how to provide institutionwide coverage under these statutes and declined to do so.

Thus, it is important to realize that references by the proponents of S. 557 to the long standing interpretation of these laws are inaccurate. Indeed, while some lower courts did rule that these statutes covered an entire institution whenever any part of the institution received Federal aid, many other Federal courts ruled, as the Supreme Court did, that the statutes were program specific. And, the trend in the lower courts leading to the Grove City decision by the Supreme Court was certainly in that direction. In *Simpson* v. *Reynolds Metals* Co., 629 F.2d 1226 (7th Cir. 1980), a case brought under section 504 of the Rehabilitation Act before Grove City was decided, the Court said:

> The statute does not, as plaintiff seems to contend, generally forbid discrimination against the handicapped by *recipients* of federal assistance. Instead, its terms apparently require that the discrimination must have some direct or indirect effect on the handicapped person *in the program or activity* receiving federal financial assistance. To be actionable, the discrimination must come *in the operation of the program* or manifest itself in a handicapped individual's exclusion *from the program* or a diminution of the benefits he would otherwise receive *from the program*. 629 F.2d at 1232 (italic supplied).

The Court went on to note that it could find nothing in other parts of the act to show "an intent by Congress that section 504 impose a general requirement upon recipients of Federal grants not to discriminate against handicapped employees who are not involved in a program or activity receiving such assistance." 629 F.2d at 1233. Thus, in Simpson, the court ruled that an employee at one of the defendant's plants could not assert a section 504 claim by virtue of a federally assisted job-training program at the plant because the employee was not a participant in that program. Thus, coverage did not even extend to the entire plant, let alone the entire company.

Likewise, in *Bachman* v. *American Society of Clinical Pathologists*, 577 F. Supp. 1257 (D.N.J. 1983), 1 year before Grove City, the court made an identical finding under a section 504 action:

> It is not enough . . . to show that a person has been discriminated against by a *recipient* of federal funds. Plaintiff must also show that she was subject to discrimination *under the program* or *activity* for which those funds were received. . . . Section 504 of the Rehabilitation Act imposes a *program-specific* requirement limiting claims brought pursuant to this section to those programs or activities which are federally funded. 577 F. supp. 1262-1263 (emphasis supplied).

Here, a nonprofit medical association received approximately $50,000 in Federal aid to conduct three seminars on alcohol abuse and to publish the proceedings of the seminar. The court ruled that such Federal aid does not subject to coverage the association's board of registry, which develops standards and procedures for entry and promotion in medical laboratories and certifies and registers those who meet competency requirements, including the use of an examination. Had the court ruled otherwise, the standards for certifying clinical pathologists would have been subjected to an equality of result rather than equality of opportunity analysis by Federal agencies and courts.

In *Brown* v. *Sibley*, 650 F.2d 760 (5th Cir. 1981), a case involving a business operated by the state, the Court of Appeals for the fifth circuit held:

> [O]n the basis of the language of section 504 and its legislative history, and on the strength of *analogies to Title VI and Title IX*, we hold that it is not sufficient, for purposes of bringing a discrimination claim under section 504, simply to show that some aspect of the relevant overall entity or enterprise receives or has received some form of input from the federal fisc. A private plaintiff in a section 504 case must show that the *program or activity* with which he or she was involved, or from which he or she was excluded, *itself* received or was directly benefited by federal financial assistance. 650 F.2d at 769 (italic supplied; one footnote omitted).

The court's footnote at the conclusion of the foregoing passage is highly enlightening and particularly relevant to this debate. The court noted:

> This burden should be slight. *Contrary to popular belief in certain quarters*, federal financial assistance does not materialize out of thin air. Requests in writing must be submitted by the applicant entity to some federal funding authority with respect to a proposed program or activity. If federal financial assistance is approved for the particular program or activity, it cannot be gainsaid that recordkeeping requirements will be imposed on the entity responsible for the expenditure of the federal funds. *Discovery of the receipt and utilization of those funds with respect to particular programs and activities will be the least of plaintiffs' burdens.* 650 F.2d at 769 (italic supplied).

In Brown, the Mississippi Industries for the Blind received Federal aid for its social services program and for its day care center, but not for its production departments. The court held that the production departments were, therefore, not covered by section 504.

For holdings substantially similar to the ones I have cited, I invite my colleagues to read *Rice* v. *President and Fellows of Harvard College*, 663 F.2d 336 (1st Cir. 1981), cert. denied, 456 U.S. 928 (1982); *Hillsdale College* v. *Department of Health, Education and Welfare*, 696 F.2d 418 (6th Cir. 1982), vacated and remanded in light of *Grove City College* v. *Bell*, 466 U.S. 901 (1984); *Dougherty County School System* v. *Bell*, 694 F.2d 78 (5th Cir. 1982); and *University of Richmond* v. *Bell*, 543 F. Supp. 321 (E.D. Va. 1982).

Even the proponents of S. 557, at page 11 of the report of the Committee on Labor and Human Resources, admit that the trend in case law immediately preceding Grove City favored the program-specific approach.

Despite this great weight of authority, and the persuasiveness and rationale of so many holdings that these statutes are to be program specific, many of us in this Chamber have been willing since the 98th Congress to provide for institutionwide coverage of all educational institutions receiving any Federal aid under all four statutes.

We are prepared to go beyond Congress' original intent in enacting these four laws to address identified, actual concerns. We are not, however, prepared to extend the regulatory hand of the Federal bureaucracy into churches and synagogues, and every other function and activity of the United States without first demonstrating a need for such intrusion.

That is why it will be hotly cpposed on the floor.

In other words, we stand ready, willing, and able to resolve the problems created by the Grove City case, even in ways that are far broader than the law was and the laws that were prior to the Grove City case. But we are not willing to just provide another great big Federal intrusion into everything when we have not justified the intrusion. That is what this bill does. Let nobody be deceived. This is just another big Federal bill using the guise of civil rights to do that which they could never do straight up, and that is to impose more Federal Government on everybody in our society with no real basis for doing so.

It is also important to note that in 3 years of hearings in both Houses on Grove City legislation, with few exceptions, the only evidence that Grove City has had an impact on civil rights enforcement is in the area of education. The Labor Committee heard testimony that many agencies, other than the Department of Education, have stated that Grove City has had virtually no impact on their civil rights enforcement program. They have so stated in writing in response to questions from the chairman of the committee, the senior Senator from Massachusetts.

We are prepared to address concerns in the education context and have so for several years. But if there are discrete problems outside the area of education, they should be dealt with by carefully tailored legislation, not by a catch-all bill that expands the overreaching arm of the Federal Government. This is the approach Congress undertook when it passed the Air Carrier Access Act of 1986 (Public Law 99-435), which protects persons with handicaps from discrimination by airlines.

Mr. President, it is not surprising that advocates of this vastly overexpansive bill have had such a difficult time in producing examples outside of education. According to testimony before the Labor Committee, in fiscal year 1963, immediately preceding the adoption of title VI, the first of these statutes, the Federal Government administered somewhat more than 190 Federal aid programs which provided just under $11 billion to public and private entities. In contrast, by conservative estimate in fiscal year 1985, there were nearly 1,400 programs dispensing over $200 billion in Federal aid. Thus, program-specific coverage under these statutes by itself yields significant and broad coverage—but it does so in ways that can be reasonably defined.

It is also important to note that in the last quarter century, a significant and steady increase in the number of civil rights laws provides additional protection to our citizens. For example, title VII forbids discrimination to employment on various bases. Title II of the Civil Rights Act of 1964 forbids discrimination in public accommodations. The Voting Rights Act of 1965 forbids voting discrimination. The Fair Housing Act of 1968 forbids discrimination in housing. The Age Discrimination in Employment Act of 1967 forbids discrimination on the basis of age in employment. There are other similar laws and executive orders, and many more State and local laws protecting the civil rights of Americans.

THE BURDENS OF INCREASED FEDERAL JURISDICTION

The proponents of this amendment will ask why there should be any problem in dramatically expanding the scope of these laws if the only thing we are doing in banning discrimination. They ask with great indignation—just what is it that myself and others are so worried about protecting? If one does not discriminate, then one should have nothing to fear. That is what they argue.

In fact, however, there is much to fear. All of us elected to this Chamber have heard, at some point, from constituents who are being harassed by Federal agencies running amok. The record of Federal, bureaucratic restraint is an extremely slim volume.

The real issue, here, is one of freedom. The proponents believe that the Federal Government, like some benevolent guardian, knows what is best for this country. They believe the Federal Government must have the authority to regulate every aspect and function of life in this country. Only through such domination will we, as a nation, advance into the kind of society they desire.

This philosophic bent is evidenced in other legislation moving through the Committee on Labor and Human Resources. From plant closing and layoff legislation to the high risk bill, from the array of legislation imposing specific benefits on all employees, some would have the Federal Government involved in every function and activity of the private sector. Such intrusion is simply unwarranted.

At some point we in Congress must come to terms with the fundamental question as to whether there is some limit to the scope of Federal regulatory jurisdiction. I feel there is, and the people out there feel there is. I am not sure whether the proponents of S. 557 would agree.

Justice Powell, Chief Justice Burger, and Justice O'Connor, in their concurring opinion in Grove City, put this issue quite accurately. They said:

> It was and is the policy of this small college [Grove City College] to remain wholly independent of government assistance, *recognizing—as this case well illustrates—that with acceptance of such assistance one surrenders a certain measure of the freedom that Americans always have cherished.*" *Grove City College v. Bell*, 465 U.S. 555, 576-77 (1984) (concurring opinion) (emphasis supplied).

Indeed, I believe Judge Abraham Sofaer, currently the State Department's Legal Advisor, but then a Carter-appointed Federal district court judge, captured very well a le-

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gitimate concern about the implementation of these statues in a case called *Bryan* v. *Koch,* 492 F. Supp. 212 (1980), aff'd 627 F.2d 612 (2d Cir. 1980). In that case, the decision by the city of New York to close a city hospital, Sydenham Hospital, was challenged by private plaintiffs as illegal racial discrimination under the 14th amendment and title VI—one of the statutes whose scope is greatly expanded by the bill before us.

The hospital served less than 2 percent of the city hospital system's patients, and averaged only 93 inpatients per day. Mayor Koch wanted to close it because of the city's severe financial problems. The hospital served a primarily black community. The plaintiffs, represented by advocacy groups, claimed that the hospital's closure caused a disproportionate impact on minorities and sued the city to block the hospital's closure. 492 F. Supp. at 216.

In so doing, plaintiffs relied on the Department of Health and Human Services' title VI disparate impact regulations. Plaintiffs, supported by the Department, asserted "that a prima facie violation of title VI can be established by proof that the city's decision to close Sydenham has a 'disproportionate impact' upon minorities * * * plaintiffs and Government contend further that a prima facie case can be rebutted only if the city proves that its actions are necessary to achieve legitimate objectives unrelated to race, color, or national origin, and that these objectives cannot be achieved by other measures which have a less disproportionate impact." 492 F. Supp. at 233 (footnote omitted).

In other words, the Government and private advocacy groups argued that by merely having a disproportionate impact on a specifically protected group, any program is suspect. And, the recipient running the federally funded program must defend itself from a charge of racial discrimination. Indeed, the city would have to prove not only that it was innocent, but that there was no better way to achieve its objectives. This is a very intrusive posture.

Even though there was no intention to discriminate, even though the city had a severe financial problem and had to make decisions on how best to allocate scarce resources, the city was put under great pressure to alter its decision.

Judge Sofaer rejected this argument as applied in this case. He wrote, "Any disciplined analysis would reveal [HHS's] formula for what it really is—a vehicle by which HHS, and the other title VI agencies, may assert jurisdiction to review the merits of, and to require the justification for, virtually all important decisions by Federal fund recipients." The judge noted that a Federal agency may not always find fault, "But the power to inquire, and to demand explanation, provides leverage that will inevitably delay or discourage many nondiscriminatory and essential decisions." 492 F. Supp. at 235. As the judge courageously noted, "[this case] appears * * * to be an effort by plaintiffs to use the Federal courts as a last resort for delaying if not preventing the implementation by elected officials of a painful but purely political decision. Under these circumstances, to delay the closing of [the hospital] for any period * * * would serve to undermine the authority and governing capacity of the city's responsible officials." F. Supp. at 217. The same, of course, can be said of private programs receiving Federal aid.

In this particular case, Mr. President, the judge rejected the allegation of discrimination based on disparate impact. But not every recipient of Federal aid has the legal resources and courage of New York City. Most public and private entities can not withstand such powerful Federal Government pressure or law suits. They all know that it is costly and time consuming to argue with or attempt to resist Federal agencies. They all know they can be sued or face a cutoff of their Federal funds. Lawsuits are costly to defend and create additional delay and uncertainty. Indeed, a different judge less sensitive and courageous than Judge Sofaer, may have decided this very case differently.

Judge Sofaer's very apt warning bears repeating and careful consideration: "* * * the power to inquire, and to demand explanation, provides leverage that will inevitably delay or discourage many nondiscriminatory and essential decisions." 492 F. Supp. at 325. This power is greatly expanded under the measure before us, and without adequate justification.

In short, the issues that have been raised concerning S. 557 are not whether discrimination should be outlawed. We all oppose discrimination and support the numerous laws that are now on the books, including the four, which are the subject of S. 557. This debate is about the simple proposition that Americans and their institutions should be free from Federal interference when the Federal Government has not demonstrated a compelling basis for such interference.

EXAMPLES OF OVEREXPANSIVENESS

Let me give you some examples of other overexpansiveness of the Federal Government of which I have been speaking.

One of the most glaring misrepresentations about S. 557 is that it is a simple bill which merely returns the law to that point in time when there was allegedly total consensus—the day before the decision by the Supreme Court in Grove City. The proponents would have us believe that at that singular point in time there was no debate over the scope of these four civil rights laws. They seem to contend that everyone, except for a mistaken few, readily agreed that the minute a Federal dollar entered the door, the entire institution was covered.

In fact, as has already been pointed out, the day before the Court's decision, the case law was far from clear. While some argued for a broad interpretation, many others, including the seventh circuit, the fifth circuit, the first circuit and the sixth circuit, believed the law should be applied narrowly. And, this interpretation represented the trend in the lower courts. As the Congressional Research Service pointed out in its anaylsis of S. 557, the Supreme court aligned itself with the apparent majority of lower court decisions that had opted for a construction of program specificity under title IX. (Page 8-9.)

In fact, one could argue that the best way to return the law to what it was prior to the Grove City decision is to leave the decision intact because that was correct law.

The proponents, however, want to go much further. Under the guise of simplicity, they want to broaden the regulatory grasp of the Federal Government beyond what it was in 1984.

Take for example churches and synagogues. Today, and prior to the Grove City decision, if a church or synagogue runs a hot meals program in its basement, only that program is subject to Federal regulation. The remainder of church activities are beyond the Federal Government's reach under these four statutes. Not so under S. 557.

According to the bill, if a church or synagogue runs such a program, it would be considered to be a Federal recipient in its entirety. Consequently, according to the bill, all of the activities and programs of the church or synagogue, whether or not related to the hot meals program, would be subject to Federal regulation. How does this happen?

Paragraph 3 of the operative provisions of S. 557 establishes coverage of corporations, partnerships, sole proprietorship, and other private organizations. It is important to stress that coverage of the private sector extends not only to corporations and other businesses, but to all private organizations of any sort. In other words, a church would be a private organization under paragraph 3 of this bill.

Paragraph 3, in turn, is divided into two parts. Paragraph 3(A) covers five kinds of private entities—those principally engaged in providing education, health care, housing, social services, or parks and recreation, throughout every plant and facility everywhere in the country.

Paragraph 3(B) covers all of the operations of "* * * the entire plant or

other geographically separate facility * * * in the case of all other corporations, partnerships, and other private organizations * * * any part of which is extended Federal financial assistance." That is pretty broad coverage.

A church or a synagogue is clearly a private organization. A church is comprised of its own geographically separate facility. So, when one program at a church receives Federal aid, the entire church is covered.

Let's take an example. In the case of a church or synagogue operating a "meals for the elderly" program in its community room, the church or synagogue is a geographically separate facility a part of which—the meals program—receives Federal aid. Therefore, the entire church or synagogue, including its prayer rooms and other purely religious elements, will be subject to all regulatory requirements established under these statutes. Its school and religious classes will be subject to all of these requirements, plus those under title IX. Proponents of S. 557 were quite vocal in committee in demanding this pervasive coverage of religious institutions.

Let's consider another example. A church or synagogue builds a low-income housing project for the elderly or persons with handicaps with the help of Federal aid. Many religious institutions undertake such housing projects. Even though the church or synagogue itself received no Federal financial assistance, under S. 557, not only is that housing project covered, so is the entire church or synagogue.

Again, how would such coverage occur? First, the housing project is an operation of the separate, geographical facility, namely, the church. Thus under the language of bill, whenever any part of the church's operations receive any Federal aid, all of the operations are covered.

Second, according to the committee report, the term "geographically separate facility" doesn't mean just the one building where the Federal aid goes, it means all other buildings related in any way to that building in the same locality or even region. According to the committee report, in referring to "an entire plant as the geographically separate facility, the bill refers to facilities located in different localities or regions. Two facilities that are part of a complex or that are proximate to each other in the same city would not be considered geographically separate." Committee report on page 18. I am not sure my colleagues know that the phrase "geographically separate facility" really means all facilities which appear in the same locality or region.

No evidence whatsoever was presented to the committee that such broad coverage of our most basic religious institutions existed before Grove City. Such coverage would represent a fundamental contempt for these institutions; indeed, contempt was expressed by some during the committee markup.

There are even more ramifications for religious institutions under this measure. According to the plain language of this bill, when the church receives Federal social welfare aid for a noneducation program, and the church or synagogue also conducts an educational program as many of them do; that is, religious classes and instruction, these classes and instruction—at a minimum—would be subject to title IX, with a limited exception in those instances when title IX conflicts with the religious tenets of these schools, assuming that they can show they are controlled by the church or synagogue. This expands title IX. In fact, it appears that if the church or synagogue operates an educational program, and Federal aid goes to any part of the church or synagogue, the entire religious institution becomes subject to title IX.

Mr. President, there are those who do not trust our churches and synagogues to do the right thing by their parishioners and congregations, and prefer to extend the Federal hand over all of their operations. I disagree. When a particular church or synagogue program receives Federal aid, that program itself should be covered, not the entire church or synagogue. We should be encouraging these institutions to provide services in the community rather than discouraging them by subjecting them pervasively to a Federal bureaucracy and private lawsuits just because one of their social welfare programs is federally aided.

What many of my colleagues and I fear—but what well may be the intent of some of the proponents of this measure—is that religious institutions will decline to participate in many social programs rather than undergo the Federal regulation of their religious beliefs. If this possibility of such coverage of religious institutions were remote, if the proponents sincerely have no intention of regulating churches and synagogues, logic would say they would support an amendment which made clear Congress' intent in this area. But they did not. Instead, they specifically rejected an amendment which, with regard to churches and synagogues and only churches and synagogues, would have limited Federal regulation to the programs or activity receiving Federal aid. We do not need a Federal regulator standing in every pulpit and at every altar to have effective civil rights laws in this country.

PUBLIC AND RELIGIOUS SCHOOLS

Another example of overreaching concerns private and religious elementary and secondary schools. In the past, if a private school received Federal aid, the Department of Education would assert jurisdiction over the school but not the entire system to which the school belonged. Under S. 557, however, the result would be different. Regulatory jurisdiction would, to use an old familiar term, "trickle up."

Accordingly, under S. 557, if one school in a private or religious school system receives even $1 of Federal aid directly or indirectly, not only is that entire school covered, but so is every other school in that private or religious school system. Moreover, even the noneducational activities of the school and school system—that is, all of the operations of the school system—would be subject to these four statutes.

How does this happen, Mr. President? Take a look at paragraph 2(B) of the operative provision of this bill. It covers "all of the operations of * * * a local educational agency, system of vocational education, or other school system * * * any part of which is extended Federal financial assistance * * *."

The key here is the phrase "other school system." A "local educational agency" is a public school district. A "system of vocational education" is the next type of school covered. The only thing left to be included in the term "or other school system" is obviously a private, including religious, elementary and secondary school system.

Mr. President, such coverage of private and religious school systems did not exist prior to Grove City. The definition of "educational institution" in the Department of Education's title IX regulation states that such an institution is "a local educational agency [LEA] as defined by section 1001(f) of the Elementary and Secondary Education Act of 1965, a preschool, a private elementary or secondary school, or an applicant or recipient of the type defined by paragraph (k), (l), (m), or (n) of this section." 34 C.F.R. sec. 106.2(j).

The local educational agency described in this definition is a public school system. The institutions referred to in paragraphs (k), (l), (m), and (n) are institutions of higher education or of vocational education. Nowhere in this definition is a private or religious school system covered. Indeed, while an individual private elementary or secondary school may be covered, the phrase "other school system" or "private school system" or "religious school system" is conspicuously absent.

It is not surprising that entire private school systems are not subject to coverage because just one school in the system receives Federal aid. People who attend these schools do so of their own free will, knowing the policies and practices of the school. In the case of religious schools, the Government understandably seeks to

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tread lightly in order to assure first amendment rights of religious freedom. Notwithstanding the clear definition of existing law, and the obvious intent of Congress in its adoption, an amendment offered during committee markup of S. 557 to limit coverage to the private or religious school itself receiving Federal aid was defeated by an 11 to 5 vote.

RELIGIOUS TENETS EXCEPTION UNDER TITLE IX

There are similar problems with the provisions of the bill addressing religious tenets. In 1972, when Congress enacted title IX, it included a so-called religious tenet exemption which provides that "this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization * * *." 20 U.S.C. sec. 1681(a)(3).

Under this provision, schools controlled by religious organizations can submit a request to the Department of Education for an exemption from a specific title IX regulation if that regulation conflicts with one of the organization's religious tenets. The Department of Education has authority to review these requests and may grant or deny them based on the facts submitted by the organization and the Department's own investigation. Unfortunately, recent changes in the relationship between religious organizations and religious educational institutions have rendered the current exemption inadequate.

In its report, the majority cites a longstanding Department of Education interpretation of the "controlled by" test. Never published as a regulation, this interpretation establishes the following criteria:

> An applicant or recipient will normally be considered to be controlled by a religious organization if one or more of the following conditions prevail:
>
> (1) It is a school or department of divinity; or
>
> (2) It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or
>
> (3) Its charter and catalog, or other official publication, contains explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religicus organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization of an organ thereof.

The problem is that few institutions would qualify under a strict interpretation of this standard because of recent changes in the structure of higher education. In the past, many educational institutions were controlled outright by religious entities. Today, however, many of these institutions, while retaining their clearly defined religious mission, are no longer controlled by a specific church or synagogue. School governing bodies now include not only church members who promote and administer quality education but also individuals who are not members of that religious group.

Similarly, the financial ties between religious organizations and church-related institutions have decreased, and there have been changes in the nature of the denominational affiliation of religious institutions. In sum, many church-related colleges now have lay boards of trustees, diverse funding sources, and less direct denominational ties. Despite these changes, many religious institutions are still valued by parents and students because of the identifiable religious influence they bring to the education process.

In this new environment, the need to protect a student's right of choice has added importance as the specific values and policies of private institutions have become more diverse. Church-related colleges and universities, freely chosen as private institutions by the students who attend them, have traditionally regarded religiously based attitudes about marriage, children, and family life as central to the concerns of their students. Mirroring closely held religious beliefs, some also teach that particular distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant.

Consequently, religious schools act differently than public schools. State schools are extensions of the democratic state and have a constitutional obligation to take a more "neutral" posture on certain value-laden matters. The same is not true for private religious schools. Without a broader exemption for religious schools and institutions, S. 557 would tend to establish an official orthodoxy in private schools concerning these value questions, a serious and unnecessary violation of a very central civil liberty, the first amendment right of religious freedom.

In order to address these concerns, I offered an amendment during the committee markup of this bill to expand the exemption in the bill to cover not only entities controlled by a religious organization but also those "closely identified with the tenets of a religious organization." The amendment was quite narrow in scope. It would not provide exemption to title VI—race—section 504—handicap—or the Age Discrimination Act of 1975—age. The exemption would only apply to title IX, which addresses gender discrimination.

(Ms. MIKULSKI assumed the chair.)

Mr. HATCH. Furthermore, the amendment would not have permitted an institution to be exempt in its entirety from title IX, if one of its policies based on a religious tenet conflicts with title IX. Instead, the exemption would apply only to the particular title IX regulation which conflicted with the religious tenets of that eligible religious educational institution. Title IX would apply to all other aspects and operations of that institution.

What are the concerns which give rise to requests for an exemption? It is our understanding that the title IX regulations which cause problems are those which require abortion to be treated as other temporary disabilities, which prohibit inquiries or actions based on marital or parental status, and which restrict counseling about traditional gender roles in the family. Obviously, this list is not complete, and it may include other concerns based on the moral values imposed by future bureaucracies through new regulations. In areas of obvious religious significance to many schools and institutions, we believe Congress must provide a mechanism that protects not only against discrimination but also ensures the freedom to practice one's religion.

The majority has argued that the Department of Education's current enforcement of the "controlled-by" test negates any need to broaden the exemption. If one looks at the Department's current practice, it is true that the control standard has been broadly interpreted. However, there is no assurance that this practice will continue in subsequent administrations without the necessary statutory revision. Moreover, if this legislation is adopted without the language I am recommending, advocacy groups hostile to the exemption are likely to sue these institutions and the Department of Education to strip the institutions of their exemptions.

If the majority is comfortable with the Department of Education's current treatment of requests for exemptions by religious institutions, shouldn't the law clearly mirror that practice? And, given the more expansive coverage called for in S. 557, we believe Congress cannot ignore the need to adjust this exemption so that it adequately protects deserving institutions.

It has also been argued that if religious schools want to adhere to certain religious tenets, they can always refuse to accept any Federal moneys, thus avoiding a need for an exemption. This is not a realistic choice. With the expansive nature of what is considered Federal aid, it is difficult, if not impossible, for any institution to separate itself entirely from the Federal Government. Moreover, few private schools have such large cash surpluses that they can uniformly bar all forms of Federal student aid. But

more importantly, given the legitimacy of the first amendment issues involved, we feel they should not have to face such a Hobson's choice. Why should Congress force a school to choose between providing abortion insurance and accepting Pell grant students?

The proponents have expressed their fear that the amendment would open a large loophole in the Federal Government's prohibition against discrimination. Nevertheless, they offer no examples of such abuse. The amendment offered in committee was virtually identical to language in the Higher Education Amendments of 1986, addressing religious discrimination, adopted by Congress and signed into law in October 1986. It is supported by such organizations as the National Association of Independent Colleges and Universities, the American Association of Presidents of Independent Colleges and Universities, the United States Catholic Conference, Association of Catholic Colleges and Universities, Agudath Israel, and the Catholic Health Association. Unfortunately, it was defeated by a vote of 11 to 5.

I believe language must be included in any Grove City legislation to protect a religious institution closely identified with the tenets of a religious organization if a religious tenet of that organization conflicts with a title IX regulation. The control exemption found in current law is not adequate given the expanded scope of Federal coverage called for in S. 557.

Religious institutions not controlled by churches or synagogues are clearly entitled by the Constitution to protection of their first amendment rights. Surely, we must remember that, of the rights protected in the first amendment, religion is recognized first, before speech, press, assembly and petition. As drafted, S. 557 represents an unacceptable entanglement of church and state. Congress can bar discrimination without trammeling upon the constitutional right to freedom of religion.

NEW LAW

As I mentioned earlier, the proponents regularly contend that S. 557 simply restores the law to what it was prior to the decision by the Supreme Court in *Grove City* v. *Bell.* Yet, an examination of the bill demonstrates that this assertion is simply false.

Currently, there is no language in the four statutes amended by S. 557 which requires an organization to be treated differently based on the nature of the business in which it is principally engaged. According to S. 557, however, if a business or private organization "is principally engaged in the business of providing education, health care, housing, social services, or parks or recreation," it is covered in its entirety when any of its parts receive Federal financial assistance. That coverage is created by paragraphs 3(A)(ii) of the operative provisions of the bill. In contrast, all other private entities which do not receive Federal aid "as a whole" are covered only with respect to a "plant or other comparable geographically separate facility." (Paragraph (3)(B)).

There is virtually no limit to the number of organizations or corporations which will fall into the category of "principally engaged in the business of providing education, health care, housing, social services, or parks or recreation." There is nothing in either the bill or the report of the majority that explains what types of businesses are to be included in these five new categories. For example, many construction companies and all real estate agencies are principally engaged in the business of providing housing. Drug companies are principally engaged in the business of providing health care. Are these the kind of companies the majority intends to cover?

The proponents of S. 557 concede that this bifurcated standard did not exist prior to the decision by the Supreme Court in the *Grove City* case. How then, can one argue that S. 557 simply restores the law to what it was prior to the *Grove City* decision and still concede that a key portion of the bill is brand new law. The proponents, while not explaining this contradiction, argue that private entities and businesses principally engaged in providing education, health care, housing, social services, parks or recreation are, essentially, part of the public sector. According to the committee report on page 20, these companies really "perform governmental functions." Consequently, for them, there can be a total blurring of traditional, legal distinctions between what is considered public and governmental and what is considered private and independent.

During committee consideration of S. 557, Senator THURMOND offered an amendment to treat all businesses that receive Federal assistance in the same manner, regardless of the nature of the business. Unfortunately it, too, was voted down.

In a similar vein, the proponents included in S. 557 a substantive amendment to section 504 of the Rehabilitation Act, exempting "small providers" from making significant structural alterations to their existing facilities if alternative means of providing services to persons with handicaps are available. According to the committee report, pages 23-24, this provision statutorily codifies existing regulations concerning application of this statute to small employers.

While we agree with the motive behind this exemption, it should be recognized that it did not exist in section 504 prior to the decision of the Supreme Court in the *Grove City* case. In fact, not every Federal agency's section 504 regulation contains such an exemption. This provision has been added out of recognition that if section 504 is administered on an institution-wide basis, its requirements will impose, as the proponents acknowledged, "significant costs on small, low-budget providers."

Again, it is impossible to argue on the one hand that S. 557 is simply a restoration bill and at the same time argue that the bill should include a substantive change to section 504 in order to avoid undue economic hardship on some small businesses. It seems that the proponents argue restoration in order to avoid dealing with difficult policy questions, such as abortion or coverage of religious schools, but they feel free to amend substantively these statutes where it is in their interest to minimize the problems caused by the dramatic increase in Federal jurisdiction called for in the bill.

Similarly, section 7 of the bill creates a new exemption from coverage for certain ultimate beneficiaries of Federal financial assistance if such beneficiaries were excluded prior to enactment of S. 557. While we agree with the motive behind this new substantive change in the bill, it does pose several problems.

First, the authors of S. 557 never define who is covered by this exemption. We assume that the purpose of section 7 is to codify an interpretation presently found in some—but unfortunately not all—agency regulations that the pertinent nondiscrimination statutes apply only to covered programs that administer Federal funds for the benefit of others, not the ultimate beneficiaries of Federal assistance themselves. The problem, however, is that without a specific regulatory or statutory reference, it is impossible to determine who the majority intends to cover in its exemption.

S. 557 provides no guidance whatsoever as to the proper coverage of entities such as farmers receiving crop subsidies. We can only hope the proponents' opinion, found on pages 24 and 25 of the committee report, will be sufficient to fill in the gap left by the legislation as drafted. Obviously, to avoid unnecessary litigation, it would be far more prudent to include within the statute a more complete explanation of who is and who is not covered. Without such clarity, there is no assurance that pre-Grove City standards will be codified by the bill in this instance.

A second problem with section 7 stems from the fact that it is drafted as a cap on who may be included within the term "ultimate beneficiary." Only those who were deemed to be an ultimate beneficiary prior to enactment of the bill can benefit from

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this exemption. On page 25 of the committee report it states:

> Nothing in S. 557 would prohibit recipients of new forms of federal financial assistance created after enactment of the bill from being exempted from coverage as "ultimate beneficiaries," where the type of aid and the nature of the recipient is analogous to the existing categories of "ultimate beneficiaries."

Unfortunately, that is not what the actual language of the bill states. It specifically refers to ultimate beneficiaries excluded prior to enactment of S. 557. Consequently, legislation authorizing a new Federal program will have to include a specific amendment to these four statutes in order to provide ultimate beneficiaries of the new program the same treatment provided their counterparts in existing Federal activities.

The practical difficulties of such an approach are readily apparent. For example, last session, the Labor Committee reported Senator KENNEDY's S. 514, which was entitled, "Jobs for Employable Dependent Individuals" [JEDI]. I supported that bill. I was a spokesman for it on the floor and a cosponsor. It creates a new program designed to target Federal resources to long-term welfare recipients. It did not address the ultimate beneficiary issue. As a result, if S. 557 is enacted before S. 514, individual participants in the JEDI Program will not be afforded the same treatment guaranteed participants in programs created by the Job Training Partnership Act, although the eligibility for these programs overlaps. While this may not be the intent of the majority, it is the legal consequence of S. 557 as currently drafted.

ABORTION

No discussion of S. 557 would be complete without addressing the issue of abortion. The Department of Education's title IX regulations require an educational institution to treat termination of pregnancy by employees like any other temporary disability "for all job-related purposes, including commencement, duration, and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment." 34 CFR 106.57(c).

Moreover, the same treatment of termination of pregnancy applies to the provision of "a medical, hospital, accident or life insurance benefit to any of its students." 34 CFR 106.39; id. at 106.40(b)(4)—"A recipient shall treat * * * termination of pregnancy * * * in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan, or policy" of the recipient with respect to students.

Even if S. 557 did not expand the scope of these title IX regulations, abortion-neutral language is necessary to ensure that, whatever its scope, title IX does not require entities to provide abortions or abortion insurance as a condition of the receipt of Federal aid.

Moreover, despite the unpersuasive claims of its sponsors, the Civil Rights Restoration Act would significantly expand the reach of these proabortion regulations. If a hospital has a federally aided education component, the entire hospital, including services to patients, will be covered by title IX and these proabortion regulations. Further, any institution with an educational component—including a hospital—that receives Federal aid to its noneducational components will also automatically have title IX and these abortion regulations applied not only to the unaided education programs, contrary to the pre-Grove City practice, but also to all of those participating in the institution, such as hospital patients.

Thus, a hospital conducting an education program which receives Federal aid to any of its operations, will be required to include abortion services in its obstetrics program. This follows from the "all of the operations of" definition of program or activity and is a clear result of the pervasive, all encompassing coverage of health care institutions set forth in subparagraph 3(A)(ii) of the operative parts of the bill. While proponents of this bill claim that only the educational part of a hospital receiving Federal aid is covered by title IX, the language of the bill goes far beyond that.

The bill plainly defines "the term 'program or activity' and 'program'" as "all of the operations of * * * of an entire corporation, partnership, or other private organization, or an entire sole proprietorship * * * which is principally engaged in the business of providing * * * health care * * * any part of which is extended Federal financial assistance." This is not limited coverage. Indeed, it is ironic that proponents talk about the supposed need for institutionwide coverage, reiterate it in this bill's "findings" clause, and then suddenly describe their bill as extremely narrow in scope when it comes to abortion. As I mentioned earlier, they can't have it both ways. If they are going to broaden coverage to "all of the operations of" health care institutions whenever any part of the institution gets Federal aid, title IX regulations and the proabortion principle embodied in them also apply that broadly. And, if it is illegal under the regulations to provide insurance without covering abortions, how can a hospital covered under S. 557 provide an obstetrics program without including abortion services themselves?

In response to these proabortion regulations and their expansion under the bill, it is my understanding that the distinguished senior Senator from Missouri will offer an amendment which states:

> Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such a person has received any benefit or service related to a legal abortion.

This abortion-neutral amendment denies no one the "right" to an abortion under Roe versus Wade, and forbids discrimination against anyone who has had a legal abortion. Moreover, an institution that wishes to provide abortion coverage is free to do so—it is simply not compelled to do so as a condition of the receipt of Federal aid. Indeed, Congress has regularly voted to forbid the use of Federal funds for abortions.

Unless we adopt an abortion-neutral amendment to this legislation, we will leave in place the anomalous situation in which an institution is, on the one hand, forbidden to use Federal funds to provide abortions, but on the other is required because of the receipt of Federal funds to use its own funds to provide abortion coverage. Surely, this contradictory state of affairs is unsound. Let me note that the committee report's suggestion that the amendment would take away protections against abortion-related discrimination is patently false. The amendment would make clear that title IX does not permit a penalty against a woman who has had a legal abortion.

Another completely specious argument against this amendment is that it is substantive in nature and has no place in a bill ostensibly addressing only the scope of the civil rights statutes. Obviously, this argument is without merit. As I have already mentioned, S. 557, in its current form, already makes several substantive changes in the law. It, itself, does that.

The proponents cannot address substance in their language and then tell those of us deeply concerned about another matter that we are out of bounds when we wish to address existing regulations on so fundamental an issue as abortion.

Some opponents of the Danforth abortion-neutral amendment have argued that the administration can simply repeal the regulations. That is no solution. Pro-abortion advocacy groups could tie up that proposed change for years in Federal court litigation, or, a subsequent administration could put them right back in place. In order to address this problem, we must do so by express legislative provision.

In conclusion, S. 557 should not be enacted in its current form. It calls for a marked increase in Federal jurisdiction, in the regulation of churches and synagogues, private and religious

schools, State and local government and all aspects of the private sector, from the corner grocery store to the small farmer to the large corporation. It imposes the Federal Government into all of the activities of religious institutions, unnecessarily trammels the religious freedoms of many colleges and universities, and dramatically expands the scope of Federal regulations that would make the failure to provide abortion services a discriminatory act.

My colleagues will have an opportunity to vote on many of these issues during the next few days. There will be amendments to protect the first amendment right of freedom of religion. There will be amendments to protect religious schools, small providers and portions of the private sector. There will be amendments to clarify the laws concerning religious tenets and ultimate beneficiaries. And, we will have an opportunity to vote on a substitute bill, one which the President would quickly sign into law and one which will quickly solve the problem. We, in fact, could have done this 3 years ago.

There is no interest on this side, of which I am aware, to filibuster this issue, provided that the proponents do not attempt to use the procedural advantages they have to preclude Senate consideration of these amendments. I think the distinguished chairman of the committee, the senior Senator from Massachusetts, will agree that despite the divisive nature of this bill, we have tried to facilitate its consideration. This was true in committee and it is true here on the floor, and it will be, I believe. I hope this spirit continues.

I urge my colleagues to carefully consider the amendments that will be offered, because their adoption is critical to passage of the bill. If we fail to address the scope of Federal regulatory jurisdiction, the abortion issue, religious tenets and the coverage of religious institutions—S. 557 will never become law.

As early as 1984, we could have resolved the problems with the Supreme Court's decision with regard to title IX, where there has been a demonstrated need for relief. We have yet to do so, a failure which all of us who support title IX regret.

It is time for us in this Chamber and in this other body to recognize that we can have effective civil rights laws without regulating churches; we can guarantee equality of opportunity without forcing a Notre Dame to provide abortion services; and, we can guarantee the civil rights of all Americans without sacrificing other constitutionally guaranteed freedoms.

And, unless we come to terms with this fact, the changes in the coverage of educational institutions under all four statutes that so many of us endorse will never have a chance to become law.

I yield the floor.

The PRESIDING OFFICER [Mr. METZENBAUM]. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the Civil Rights Restoration Act. This is now the fourth year that Congress has debated a Civil Rights Restoration Act. We must not let another session of Congress end without passage of this important legislation.

It has been almost 25 years since the Federal Government committed itself to ending invidious discrimination in this country. At that time, such discrimination existed in our schools, our public accommodations, in housing and in voting. And all too often, the discrimination was supported and paid for with Federal money. With passage of the Civil Rights Act of 1964, we took the first major step to stop publicly supported discrimination. Under title VI, discrimination based on race, color or national origin was prohibited in any program or activity that received Federal aid.

Title VI became a major vehicle for attacking the separate and unequal society which denied basic civil rights and opportunities to millions of Americans. With time, we realized that invidious discrimination takes many forms and we moved to protect the civil rights of women, disabled persons and the elderly.

Title IX of the education amendments of 1972 prohibits sex discrimination in education program or activities receiving Federal funds. Its mandate was clear, simple and effective, if an educational institution received Federal funds it could not discriminate on the basis of gender.

The Supreme Court's decision in the Grove City College destroyed that simplicity and severely limited the effectiveness of title IX and its companion statutes. The time is now long past due to restore the protections against sex, race, age, and handicap discrimination that were removed by the Grove City decision. That is what the Civil Rights Restoration Act will do, and that is all that this legislation will do.

The educational opportunities lost due to Grove City are gone forever. The young woman denied an athletic scholarship because of Grove City will not apply to college again. The students whose cases were closed because of Grove City now have their college careers behind them.

Education is the door to opportunity—the opportunity to choose one's own destiny. We simply cannot continue to deny even one more student a guarantee of equality, or to subsidize discrimination with Federal aid.

The impact of the Grove City decision has been real and devastating. Since 1984 dozens of discrimination investigations have been dropped. The cases that will never be heard, much less remedied, cover everything from loss of a teaching job held by an elderly woman to denial of admission to medical school for a wheelchair bound student.

Let me conclude by saying discrimination has no place in our society. In education—the key to unlock the golden door of opportunity—our vigilence against the blight of discrimination must be doubly strong. Passage of the Civil Rights Restoration Act will restore the strength to this country's commitment to equality for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise in support of the Civil Rights Restoration Act.

Passage of this legislation will be a landmark in the historic struggle to bring all Americans—black and white, old and young, women and men, the disabled and the able-bodied—into full enjoyment of their inalienable rights. While we have come a long way in this struggle, there is still some distance to go to put an end to racism, sexism, and the attitudes that stereotype the elderly and the handicapped and relegate them to second-class citizenship.

Mr. President, discrimination of any kind is wrong and goes against the American grain. Individuals who practice it must answer to their own conscience. But when institutions that depend on the Federal Government for support discriminate, the Constitution and its guarantees come into play.

A generation ago, the civil rights movement forced us to face up to this fact, and as a result, the Nation made some important promises. One of them was contained in the Civil Rights Act of 1964. It stated that "no person shall, on the ground of race, color or national origin * * * be subjected to discrimination under any program or activity receiving Federal financial assistance."

In subsequent years, this promise was extended to women, by way of title IX of the education amendments of 1972; to the handicapped under section 504 of the Rehabilitation Act of 1973; and to the elderly via the Age Discrimination Act of 1975. Congress made it plain: there will be no Government subsidy for discrimination.

These pledges, together with the enforcement provisions which provide the statutory teeth, represent our most powerful tools for doing away with a separate and unequal existence for any American.

Unfortunately, these tools were taken out of our hands in 1984. The Supreme Court, in the decision *Grove City College* v. *Bell* and later rulings, wrongly interpreted what Congress

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sought to do in these statutes. It determined that the discrimination ban applied merely to the specific program or activity receiving Federal money, not the entire organization or entity.

Although the Grove City ruling applied to title IX and education programs, it clearly contracted the scope of coverage of all four laws. The same day the Supreme Court handed down Grove City, it issued *Consolidated Rail Corp.* v. *Darrone*, a section 504 case involving employment discrimination by a railroad against a disabled worker. In that ruling, the Court explicitly held that its narrow interpretation of "program and activity" in Grove City applied with full force to section 504.

For nearly 4 years now, recipients of Federal funds—hospitals, nursing homes, corporations, local governments, and universities—have been able to take Government money with one hand and discriminate with the other. And they continue to get away with it.

(Ms. MIKULSKI assumed the chair.)

Mr. **WEICKER**. I think it important to emphasize at this point that so many times I hear Grove City mentioned. It is done so in the context of discrimination against women, and, more particularly, women in athletics. This is not a piece of legislation directed toward women or women in athletics. It is directed toward women; it is directed toward the elderly; it is directed toward the handicapped; and it is directed toward minorities.

Indeed, add one or two more groups and it really is directed towards all of us.

I want to point out also at this juncture that the failure to remedy the consequences of the Supreme Court decision lies directly on the doorstep of all Americans, not on the doorstep of the Court or just on the doorstep of the Senate or the House.

I stated in the few minutes that I had to speak at the Ebeneezer Baptist Church in Atlanta last Monday, that, in the final analysis, the American people are what make things happen in this Nation. My reference there was the latent discrimination that exists in all of us, from all sections of the country, and how, in the 1950's and 1960's we tried to place the blame on our sister States and their representatives from the South. But indeed such discrimination could not be eliminated until a nation asked that it be eliminated. When a nation asked, it was.

Even though it is called Grove City, which sounds very legalistic, there is nothing very legalistic or narrow or incomprehensible about what has transpired. It is discrimination subsidized by the American taxpayer. That is what is going on. That is what the issue is before this body.

I have never seen any such anticonstitutional behavior so clouded over and masked by flyspecking arguments as has been true in the instant case.

Of course we meant it when we passed legislation saying that Federal funds would be cut off if discrimination took place. I really do not find much fault with the decision of the Court, because it is up to us to be precise. I do not like that decision that was rendered in Grove City, but I can understand it.

What I cannot understand is the failure to do clearly the very simple act of precision that was called for in that the Court ruling. That is our job and it is the job of the American people.

Today in America a black person can walk into a satellite clinic of a major hospital and be denied treatment because no Federal funds support the operation of that particular facility. An elderly person can be denied equal access to bus service if a city uses all its Federal mass transit funds for its subway system, then chooses not to buy "step-up" buses which many older people rely on. A disabled employee, no matter how qualified, can be denied a promotion if the specific department involved receives no Federal money. A student can be sexually harassed without protection of the law if the building in which it occurs was not built with Federal funds.

The force and the promise of the 14th amendment, of due process and equal protection of the laws, and the intent of our civil rights laws, are being denied because of a technicality.

A few specific examples will serve to illustrate the ludicrous way in which these laws are being applied. In *Foss* v. *City of Chicago* (N.D. Ill. 1986), the Court held that a handicapped firefighter who claimed to be improperly fired because of a disability could not sue the Chicago Fire Department under section 504 of the Rehabilitation Act. The fire department did, in fact, receive Federal funds, but the Court found that those funds did not cover the specific duties performed by Foss and therefore he had no protection under section 504.

In United States versus the State of Alabama, a case decided just last October, the 11th circuit court of appeals reversed and remanded a district court finding that the State of Alabama had perpetuated a "dual system" of higher education. According to the district court memorandum, Alabama students were channeled into schools on the basis of their race and the predominantly black schools received far less State funding than white colleges. On appeal, the 11th circuit, citing Grove City, held that the United States could not maintain an action under title VI of the Civil Rights Act of 1964 against a State's system of higher education without specifying which programs and activities within the various institutions received Federal funds and how those specific programs and activities were discriminatory.

In *Walters* v. *President and Fellows of Harvard College* (D. Mass. 1985), a former employee of the building and grounds department of Harvard University alleged that she was harassed on the job and ultimately forced to quit because of her sex. The Court agreed that employment discrimination was prohibited by title IX but dismissed her claim because it found that the maintenance of school buildings where teaching took place was not directly enough related to the education programs that received Federal funds.

In the case *Moire* v. *Temple University School of Medicine* (E.D. Pa. 1985), a psychiatry student claimed she received a failing grade because she rebuffed a professor's sexual advances. The district court dismissed her title IX claim because the professor in question received no Federal grant money, even though the university receives millions of dollars of Federal funds.

These are all court cases. The impact of Grove City has also been felt, with a vengeance, in the executive branch. It is disheartening to recall that the court's ruling was welcomed by the Department of Justice, which had adopted the limited view of the laws a year before the Supreme Court did. Grove City amounted to a judicial stamp of approval and other Federal agencies followed suit. From compliance reviews of institutions receiving Federal financial assistance to investigations of discrimination complaints, these agencies have taken a new and narrow view of their responsibilities. Case upon case has been closed, narrowed in scope or never opened. Our once vigorous enforcement efforts have been replaced by bureaucratic paper chases to pinpoint Federal dollars.

This is particularly true in the U.S. Department of Education. It is estimated that a total of 834 discrimination cases have been dismissed or narrowed due to Grove City. Just days after the Court's ruling, the Department dropped its investigation of sex discrimination in the intercollegiate athletic program at the University of Maryland because the program itself received no direct Federal funding. And this was so, even though the Department had already documented discrimination in travel and other support services to female athletes.

To take another example, a black high school student filed a complaint alleging that her school's chapter of the National Honor Society failed to induct her because of her race. Although she was ranked fifth in her class and took part in many extracurricular activities, she was not among

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the 16 students invited to join the society. The Department's Office of Civil Rights closed the case because it found the alleged discrimination did not occur in a program or activity directly receiving Federal financial assistance.

In yet another instance involving the Massachusetts Department of Youth Services, an employee claimed that although he passed the exam to become "supervising group worker" and was ranked first on the list for such a position, he was denied it because of his disability. The Office of Civil Rights advised the complainant that although the department received Federal funds the custodial program did not. Case closed.

Madam President, for almost 4 years now, cases such as these, involving vital civil rights, have been taken off the dockets or decided in the discriminator's favor. It's time the Congress of the United States put an end to it. The Civil Rights Restoration Act would do just that.

As its name suggests, this legislation would restore the broad scope of the Nation's four bedrock civil rights statutes. It does not rewrite the substantive language of those laws. It does not redefine who is a "recipient" of Federal financial aid, nor does it redefine what constitutes "Federal financial assistance."

The Federal Government can no longer afford and the American people can no longer tolerate discrimination in any program or activity receiving tax dollars. Last week we celebrated the birthday of Dr. Martin Luther King, Jr. In his letter from the Birmingham Jail, Dr. King wrote: "Injustice anywhere is a threat to justice everywhere." No matter how few it affects or how subtly it occurs, injustice has no excuse. We must never forget that "equal justice under law" is not merely a phrase that graces the Supreme Court building but a principle by which this Nation lives. Unless and until Congress acts to restore full civil rights to minorities, women, the disabled and the elderly, that principle is in peril. I urge my colleagues to join me in giving this legislation their unqualified support.

I also call upon the President to push for its passage. It was Ronald Reagan who said once:

> My belief has always been * * * that wherever in this land any individual's constitutional rights are unjustly denied, it is the obligation of the Federal Government—at point of bayonet if necessary—to restore that individual's constitutional rights.

Right now, President Reagan, the bayonet is being held at the throat of the victims. The Federal Government, by virtue of its funds, is a coconspirator in countless cases of discrimination. Congress and the President must cooperate to restore Government to its proper constitutional role as defender against, rather than perpetrator of, discrimination.

Several weeks ago, this body examined the credentials rather closely of a nominee to the Supreme Court of the United States. At issue was his dedication and commitment to the ideals of the U.S. Constitution. His commitment and his dedication was found wanting, and appointment to that body was denied him. In the course of his confirmation hearings, Judge Bork—I now paraphrase his statement—expressed the belief that the courts were to be the last repository in the defense of the rights of the people of this Nation, that Congress and the executive were the first. The Senate of the United States, the House of Representatives of the United States, and the President of the United States: these were the ones to carry the battle against oppression in whatever form that oppression took place.

Now, Madam President, you know and I know what has been going on around here among Republicans and Democrats alike. During the past decade as civil rights have become less and less popular everybody has been sitting back saying, "Let the courts handle it. We don't have to get involved. It is a hot potato. Let the courts handle it." And then when the courts do handle it, if the decision is not to our liking, we say, "Well, we have got to go ahead and do something about the courts."

This very attitude, I might add, often means that this is a fingerpointing exercise. This very attitude is prevalent in my own State of Connecticut today where the incumbent administration through its commissioner of education has indicated that discrimination exists within our school system. I picked up the newspaper, and do you know what I read? Comments that unnamed legislators will never bring this matter to a vote. The courts will handle it. And the courts probably will handle it. And the legislators will rise up in a mighty wrath as they have on the floor of the Senate saying, we do not like busing, we do not like this or that remedy, when all along we have the first opportunity to make real, to make beautiful the ideals of our Constitution. And yet we could not face up to a tough choice.

Well, we have that opportunity right now. How do you want to have it? If there is discrimination against the disabled by an institution, do you feel that they ought to be denied Federal funds? I do.

I am not interested in eons of time passing as we flyspeck the institution to find out where it is that the discrimination occurs and who ordered it and in what form.

If you cannot get it knocked into your head that discrimination is out in this Nation, period, then you do not deserve the help of the American people, the munificence of our Government.

If you want to discriminate against women, then you should not be permitted to receive Federal funds until you understand that, yes, women are just as equal as anyone else in this Nation, by virtue of the laws and the ideals and the Constitution of this Nation.

If it is the elderly who have had part of their inheritance taken away by an institution, then it is the institution that should suffer momentarily, not those in the declining years of life.

Then, if there are those who still feel that because you are black or Hispanic you must travel a special road in this land of equality, then we must punish those who feel that way, not those against whose neck the sword of discrimination lies.

All of these forms of discrimination are at issue before this body. But, just as important, it also is before the American people, because nothing will happen here that is not demanded by the American people.

I know that many feel that we went so far for a decade that we should go no further. It is embarrassing to have to look at our prejudices in generations past. We are saying that we can only look at so much within our own generation.

Well, if the American people can demand a balanced budget, then they also can demand equality under our Constitution. If the American people can demand a strong defense, then they can also demand the promise of equality for every American.

Ben Franklin said in this Nation the people rule. We will find out about that in the days and votes ahead.

I yield the floor.

Mr. **STAFFORD**. Madam President, I rise in support of S. 557, the Civil Rights Restoration Act, a bill of which I am proud to be an original cosponsor.

I am joined by 58 of my colleagues in this sponsorship. Clearly a majority of the Members in this legislative body disagree with the Supreme Court's ruling in Grove City College versus Bell. Conversely, I believe that we all agree that Federal funds should not be used to subsidize discrimination.

S. 557 would overturn the 1984 Supreme Court ruling in the case of Grove City College versus Bell, which substantially narrowed the scope of title IX of the Education Amendments of 1972. Title IX, which I helped to author, has provided women with equal opportunities once held at bay to them. These amendments received bipartisan support in their enactment in 1972, and they should receive bipartisan support in their enforcement 15 years later. The enactment of the Education Amendments of 1972 provided women with opportunities to partici-

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pate in programs and facilities that they had previously been denied access to.

Since the enactment of the Education Amendments of 1972, our Nation has seen an increase in the number of women entering all sectors of the job market. The number of women who were conferred medical degrees in 1972 was 830 out of 9,253 total. In 1985, the number had risen to 4,874 out of a total of 16,041. This represents an increase from 9.0 percent to 30.4 percent. This is an increase of 21.4 percent—quite substantial. Law schools in 1972 conferred a total of 21,764 degrees of which females accounted for 1,498. Today they total 14,421 out of 37,491. That is nearly a 32-percent increase. Undergraduate degrees have shown over a 7-percent increase. Surely we can attribute much of this rise to the passage of these amendments guaranteeing women and girls equal access and equal opportunity.

In regard to the specific ruling of Grove City and its relation to title IX, the Supreme Court unanimously upheld that student aid reaching the college via Pell grants and guaranteed student loans constituted Federal financial assistance to the institution. The Court found, however, that the financial assistance was "program specific" and only the student aid office was bound to abide by the nondiscrimination tenets outlined in the education amendments. This narrow ruling on behalf of the Court essentially allowed the college to deny equal opportunities to women as long as they provided equal access and opportunity within their financial aid office.

The impact of this case was almost instantly seen and felt. In testifying before the Senate Judiciary Committee close to a year after the landmark ruling, then Secretary of Education Bell stated that the Department had been forced to drop 18 higher education and 4 secondary level discrimination cases due to lack of jurisdiction. The current number for fiscal year 1986 is 690 cases that have either been closed in whole or part, reviews dropped or narrowed because of the Grove City ruling. I do not believe it was the Court's intent—certainly it is not our intent—to permit discrimination to exist in any form within our educational system.

The Court ruling affects not only title IX of the Education Amendments of 1972, but substantially narrows 3 other statutes as well; title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. By enacting these statutes the Congress intended to provide an effective and permanent remedy against discrimination. The decision rendered by the high court in *Grove City* v. *Bell* severely narrows this intent. The Supreme Court found the statute to be "program-specific" and not "institution-wide," thereby severely constricting the definition originally intended by the legislators.

S. 557 seeks to amend the affected statutes by more clearly defining the phrase "program or activity." It says that institutions of entities receiving Federal financial assistance should in fact be mandated to adhere to the principals and guidelines set forth in these four statutes. We as legislators must prevent the continuation of discrimination in any form. By failing to enact S. 557 we will in essence be giving our nod to the practice of circumventing the intent of the law.

It is important that we as legislators send a strong message to the rest of the Nation which reaffirms our commitment to equal access and equal opportunity for all individuals. Support and passage of S. 557 accomplishes that goal. We must continue forward in our path toward equal education opportunity, not take a step backward. We must not permit Federal money to aid those who participate in discriminatory practices. It is important to note that no institution has lost any funds as a result of title IX complaints. Rather, complaints have been readily resolved after receipt by the Department of Education through negotiations with the parties involved.

There are many within our ranks who are trying to attach various amendments to this piece of legislation as well as twist the original purpose of this measure. This legislation seeks to restore coverage under the law to pre-Grove City status. It addresses an educational issue—the right of each individual in our Nation to have access to educational opportunities regardless of their sex, race, age, handicap, or religion. Furthermore, it clarifies congressional intent when title IX was enacted that an institution which accepts Federal funds shall treat women students and employees as equitably as their male counterparts in all operations of that institution. I hope that we as legislators can look upon the basic context of this legislation, which is to prevent the practice of discrimination, and not get bogged down amidst amendments that lose the original objective of this measure.

I encourage my colleagues to join the 58 cosponsors of S. 557 in the quick passage of this very important piece of legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I have already nearly a year ago spoken out in favor of the Civil Rights Restoration Act, the act before us today. Thus, I will not repeat those remarks except to say that I fully associated myself with the remarks just delivered by my distinguished colleague from Vermont. He very eloquently set forth the arguments in favor of this act, and I fully support what he has said and I commend him for the splendid leadership that he has given not only in this measure but a whole series of other civil rights measures that have come before this body during his long and distinguished tenure here.

It is my understanding, Madam President, that an amendment will be offered to this act that would in effect overturn the Supreme Court ruling in the case of the *School Board of Nassau County, Florida* v. *Arline.* I am opposed to such an amendment and will briefly set out my views.

In 1987, the Supreme Court held that a schoolteacher who had a history of tuberculosis qualified as "handicapped" under section 504 of the Rehabilitation Act of 1973. In finding that a history of tuberculosis did qualify as a handicap, the Supreme Court recognized that "society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment."

Unfortunately, the disabled are often more handicapped by society's preceptions than by their own physical impairment. The Arline decision itself cites many examples where persons with cerebral palsy, epilepsy, arthritis, and cancer were all subjected to discrimination because of unfounded fears of transmissibility, or merely because disfigurement caused discomfort in those making the hiring decisions.

Section 504 of the Rehabilitation Act provides that:

> No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation in, or denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance.

The emphasis behind section 504 and behind the entire Civil Rights Restoration Act is the same. This is the point of the act: When we as a nation give money to a program, Federal taxpayers' money goes to a program, we the taxpayer who are paying for this in turn ask that that program be conducted fairly, that it be conducted intelligently, and that it be conducted in an honorable fashion. Federal funds should not subsidize discrimination. That is all it says. That is what it is all about.

Let me digress for a moment and point out an important distinction—one that is missed often than not in the discussion of the Arline case. "Discrimination," as used in the act, and as it is used in the Arline decision, means just that: Discrimination means a baseless, irrational exclusion. Somebody is kept out for baseless or irrational reasons. Ms. Arline had a history of tuberculosis, which is a contagious disease. But tuberculosis does not present a constant contagion. The generalization that once infected, always contagious, is groundless. It just is not so. The Supreme Court therefore qualified Ms. Arline as protected under 504; namely, she had a handicap, but the Court did not automatically conclude that she must be reinstated in her position, not at all.

There remained a factual determination to be made, a factual determination whether, first of all, was she qualified for the job. That in this case has actually been made. Yes, she was qualified for the job. She had the job. But the other factual determination was, was Ms. Arline indeed noninfectious? If she is infectious and going to injure other people, then, no, she is not qualified; but if she is noninfectious, yes.

Discrimination does not mean excluded for a medically sound reason. It is just the opposite: unless those who are ill, disabled, or mentally impaired are allowed a shot at this factual determination, the factual determination means, is there a medically sound reason for keeping the person out. And if there is not, then that is discrimination. And if they are excluded, kept out for unsound, for less than medically sound reasons, then they will continue to fall victim to ignorance. That is far more handicapping, as I said in the original part of my remarks, than their impairment. All the Arline decision does is give these people a chance.

When section 504 was enacted, Congress sent a message to all those programs that received Federal funds. Essentially, we asked them to "share with handicapped Americans the opportunities for an education, transportation, housing, health care, and jobs that other Americans take for granted." Americans who are mentally or physically disabled, or who have an illness, those with cancer, epilepsy, cerebral palsy, arthritis—the list goes on—have rights, freedoms, and responsibilities.

Sure, that is acknowledged they have responsibilities, but also they have rights and freedoms just like all other Americans.

Section 504, as interpreted by the Supreme Court in the Arline decision, protects those rights by cutting through the myths and misperceptions and requiring reasonable analysis and medical judgment, before we allow the exclusion of any American from a federally funded program.

To require sound thinking and fair dealing when it comes to one's livelihood, or one's education, or one's home to give that to all our citizens is the purpose of civil rights, and I do not think that is too much to ask.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. WIRTH). Who seeks recognition?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

Mr. WIRTH. Mr. President, 23 years ago, President Johnson signed into law the landmark Civil Rights Act of 1964. The message was clear: The constitutional guarantee of equal protection would finally be given force of law—the Federal Government would no longer fund institutions that practiced discrimination on the basis of race or national origin.

Fifteen years ago, Congress enacted title IX of the Education Amendments of 1972, with the support of a number of our distinguished colleagues who still serve in this body, including the distinguished chairman. The message was clear: The Federal Government would no longer fund institutions of learning that practiced discrimination on the basis of gender.

In the following years, Congress broadened its efforts to ensure equal opportunity for all Americans by expanding the coverage of antidiscrimination laws to the elderly and the disabled. Once again, the message was clear: The Federal Government would no longer fund institutions that practiced discrimination on the basis of age or disability.

This is a history of progress—a history of which the Senate, we in the Senate, the Congress, and the American people, should be proud. Through this series of actions, Congress translated a fundamental ideal of the Constitution—equal opportunity for all Americans—into enforceable law.

However, that progress was brought to a screeching halt 3 years ago. When the Supreme Court handed down the Grove City decision, congressional intent and years of bipartisan enforcement practices were abandoned. By narrowing the scope of civil rights laws to cover only those specific programs directly receiving Federal funds, rather than the whole institution, the Court heralded a new message to federally funded institutions. It said, in effect, the Federal Government will continue to fund institutions that discriminate, so long as clever accounting measures or other devices ensure that the discriminating departments do not directly receive Federal dollars.

The Department of Education's reaction to this dictum was swift and alarming. Since the decision, over 600 cases of alleged discrimination have been closed solely because Federal funds could not be traced directly to the specific programs named in these complaints.

The congressional reaction to this reversal of traditional enforcement was equally swift. In the Senate, legislation to reinstate the original intent of Congress was introduced only months after the Grove City decision was announced. Impressively, it garnered the cosponsorship of 62 Senators from both sides of the aisle—including both the past and present minority leaders.

Let's consider what has happened to the Civil Rights Restoration Act since 1984, when the leadership of both parties supported its passage.

Most importantly, the intent of the legislation has stayed exactly the same in these 3 years. The bill has one straight forward goal: Restoring civil rights enforcement to its status before the Grove City decision. That is the simple and fundamental goal that united 62 Senators in 1984.

Unfortunately, passage of the bill in 1984 was stalled when opponents wrongly charged that the scope of Federal enforcement would be broadened by the legislation, and that abortion rights would be expanded by the bill.

Since 1984, the language of the bill itself has been made even more specific. For the sake of greater clarity, S. 557 alters only the definition of a "program or activity," rather than amending the definition of "recipient" as the 1984 bill did. As a result, the false claims that were leveled against the original bill—the same claims which have been resurrected against S. 557—are based even less on fact than they were in 1984.

Critics claim that S. 557 expands abortion rights. It does not. Long standing title IX regulations regarding abortion would not be altered in any way by this legislation.

Instead, these regulations would remain unchanged from the form in which they were promulgated by HEW Secretary Caspar Weinberger and the Ford administration 12 years ago. They would remain unchanged from the form in which even the Reagan administration has administered them without modification. Critics of S. 557 would have us believe that abuses of these regulations would run rampant if the bill were to pass. History tells us otherwise. In 12 years of pre-Grove City enforcement, none of these abuses ever came to pass.

Opponents insist that religious hospitals and universities would be forced by this bill to provide or fund abortions against their will. They would not. The bill clearly exempts any institution controlled by a religious organization, if the application of the law would conflict with the religious tenets of that organization. During 12 years of pre-Grove City enforcement

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of title IX regulations, no institution has ever been denied such a waiver.

Since it was first introduced in 1984, the Civil Rights Restoration Act has been improved so that it clearly does only what it is purported to do—return civil rights enforcement to the status quo before Grove City. The great irony of this debate is that while the legislation has gained focus and clarity toward the goals endorsed by both sides of the aisle in 1984, it has, at the same time, lost support. Now, why is that?

Quite simply, opponents of the Civil Rights Restoration Act have succeeded in changing the terms of the debate. Rather than a referendum on our commitment to civil rights, this bill has somehow become a referendum on wholly unrelated issues.

Several amendments relating to abortion and religious organizations have been introduced. These amendments are not only unnecessary, but are destructive to the overall goal of the bill. For instance, one amendment, which purports to be abortion neutral, would repeal important regulations in force for 12 years which ensure that a woman cannot be discriminated against on the basis of having had a legal abortion.

If Senators wish to attempt to change these title IX regulations, there is nothing to stop them now; there has been nothing to stop them since the regulations were first implemented. They may do so in a host of other, more proper ways—ways which would not hold hostage the most important civil rights legislation of the decade.

The broad-based coalition of organizations, interests and Members of Congress that support this bill have made clear that they will request that the bill be withdrawn, should the Senate approve an amendment making any substantive changes to the affected civil rights laws—regardless of the arguable merits of those changes.

Let there be no misunderstanding, a vote for any of these killer amendments—which may sound good if you say them fast enough—before us is a vote to kill the Civil Rights Restoration Act. I reiterate—for this is the crux of the issue—a vote for any one of these amendments is a vote to cement in place a gaping and disastrous loophole in Federal enforcement of every civil rights law. It is nothing more and nothing less than that.

This debate is not about abortion rights. This debate is about recommitting ourselves to the ideals of equal rights and opportunities. This debate is about rededicating our Government to the elimination of discrimination in the workplace and in the classroom. This debate is about ensuring for future generations that our civil rights laws are more than empty and cynical promises.

A quarter century ago, Americans throughout the country fought long and hard for fundamental civil rights and simple justice. The need then for change in our civil rights laws was obvious and urgent. The need now may appear to be a little less obvious, somewhat better hidden. However, after the folly of Grove City, the need is no less urgent.

Mr. President, I urge all my colleagues to oppose all the amendments before us, and to support the Civil Rights Restoration Act in its unamended form.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

AMENDMENT NO. 1381

(Purpose: To repeal a certain proviso relating to cross ownership of newspapers and television stations)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 1381.

At the end of the pending question, add the following:

SEC. . (a) The third proviso under the heading "Federal Communications Commission" and the sub-heading "Salaries and Expenses" in title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1988, as enacted by Public Law 100-202, and which reads as follows, is repealed: "*Provided further*, That none of the funds appropriated by this Act; or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communication Commission with respect to the common ownership of a daily newspaper and a television station where the grade A contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:".

(b)(1) The Senate finds:

(A) that there remain serious First Amendment questions concerning the constitutionality of the aforementioned proviso in Public Law 100-202 repealed by subsection (a) of this section; and

(B) that procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions;

(C) that it is critical that no action be taken which would irreparably change the status of any party until the 100 Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

(2) It is therefore the sense of the Senate that the Federal Communication Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100 Congress has made a determination of whether that material should be repealed.

Mr. SYMMS. Mr. President, the purpose of this amendment is very direct. It addresses what I consider to be a serious civil rights problem.

Mr. President, since S. 557 purports to be a civil rights restoration bill, it provides an ideal opportunity to redress an injustice which affects what may be the most basic civil right of all—the freedoms of speech and press guaranteed by the first amendment to the Constitution. This amendment will repeal a provision included in last year's continuing resolution which forbids the Federal Communications Commission [FCC] from considering waivers to the rule barring cross ownership of newspapers and television stations in the same market.

As has been widely reported, during the closing hours of the last session, the restriction on waivers was included during deliberations of the conference committee on the continuing resolution. Only a few Senators knew of the provision's existence. The measure was specifically targeted against two particular newspapers, the New York Post and the Boston Herald. These feisty newspapers are both owned by an individual—Mr. Rupert Murdoch—who also owns television stations in New York and Boston and is, therefore, subject to the FCC cross-ownership rules.

Mr. President, I offer this amendment. I do not impugn anyone's motives. Our colleagues all have reasons why they work on various provisions in legislation, and I do not in any way impugn anyone's motives for having included this in the bill.

But I do think that for the rest of us to allow this to happen without attempting to redress what I think was an error, an egregious violation of civil rights and the freedom of speech in this particular instance, would be a violation of our duties and responsibilities.

Mr. Murdoch was able to maintain his FCC licenses while he owned the two papers under existing waivers granted by the FCC. There is every reason to believe that he would have been able to obtain an extension of these waivers were it not for the furtive midnight measure designed to silence his critical voice.

Mr. President, this attack on the first amendment affects all Americans, and condemnation of that measure has been bipartisan. For example, the

Democratic mayor of New York, Edward Koch, cogently described the issues involved in an article he wrote in the Washington Post on January 6, 1988, where he said:

> Let me make it clear that if this unfair action had been taken against the Amsterdam News—a paper that weekly calls for my resignation—I would respond in exactly the same way. The overriding issue is not whether you like the Post and the Herald. The issue is whether or not we are going to stand by and allow our freedom of the press to be abridged and abrogated by veiled manipulations in the back rooms of Congress.

Mr. President, I ask unanimous consent that Mayor Koch's article, published in the January 6, 1988, edition of the Washington Post, under the title "A Sneak Attack on the First Amendment," be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SNEAK ATTACK ON THE FIRST AMENDMENT

(By Mayor Edward Koch)

Since the earliest days of journalism, the press has been fighting for survival against the powers of oppression. The Sandinistas, for example, shut down La Prensa. But sometimes the enemy is closer to home.

Last month several members of the U.S. Senate launched a sneak attack on the First Amendment by furtively passing legislation that forbids the Federal Communications Commission from considering waivers to the rule prohibiting cross-ownership of a newspaper and a television station in the same market. The target of this underhanded assault on open government was Rupert Murdoch, owner of the New York Post and WNYW-TV in New York, and the Boston Herald and WFXT-TV in Boston. The purpose of the FCC regulation is to keep one owner from dominating competing news media. The purpose behind sneaking the FCC amendment through Congress was to avoid detection of an outrageous mugging of the public interest.

Instead of debating the issues on the Senate floor, thus giving New York Sens. Alfonse D'Amato and Daniel Moynihan a chance to express their opposition, Sen. Ernest Hollings of South Carolina acted in the dead of night. He introduced the anti-Murdoch legislation directly to a House-Senate conference committee. By the time our New York delegation discovered that Hollings had short-circuited the legislative process, it was too late.

For some strange reason, however, Hollings did remember to notify Sen. Edward Kennedy of Massachusetts that he was introducing a bill "aimed directly" at Rupert Murdoch, who would be forced to sell his papers in Boston and New York. Later it turned out that the trail of ink-stained footsteps led straight to Ted Kennedy's door and that he himself had encouraged Hollings to do what he did.

It's not hard to figure out why. Murdoch's Boston Herald, like his New York Post, generally supports the conservative end of the political spectrum. The Herald has been a constant critic of the liberal Kennedy. It's not surprising he'd like to see it sold to another owner. What is surprising, however, is that a staunch advocate of liberalism would subvert liberal principles in the name of hidden self-interest.

I happen to like both Rupert Murdoch and the New York Post. There are those who will cynically suggest that I am supporting Murdoch because he supported me. Let me make it clear that if this unfair action had been taken against the Amsterdam News—a paper that weekly calls for my resignation—I would respond in exactly the same way. The overriding issue is not whether you like the Post and the Herald. The issue is whether or not we are going to stand by and allow our freedom of the press to be abridged and abrogated by veiled manipulations in the back rooms of Congress. If a fascist gang broke into the Post and burned the building to the ground, we would be up in arms at this blitzkrieg against the press. Should we be any less concerned if the same result is achieved by secret deals in Washington?

Under previous regulations, the FCC had the latitude to make exceptions to the rule prohibiting one owner from running a broadcasting station and a newspaper in the same area. Such waivers recognized that conditions vary from city to city. In New York City, for example, the New York Times owns WQXR radio. The Daily News and WPIX-TV are both owned by the same company. These cross-ownerships are permitted because they were grandfathered in when the new FCC regulations took effect. Does anyone seriously believe that such ownership in any way constitutes a monopoly of the media? Of course not. We have dozens of radio stations and dozens of television and cable channels that represent every conceivable facet of public opinion. In such a market, worries about monopoly of the press are unwarranted.

The former FCC rule recognized that hard-and-fast laws against ownership of a newspaper are likely to be incompatible with the First Amendment of the U.S. Constitution, which guarantees freedom of the press. Waivers were appropriate when local conditions called for them. Rupert Murdoch was appealing for such waivers in New York and Boston. I think he deserves them. New York City has four daily papers to serve a population of more than 7 million. Among them, the four dailies cover the complete range of news stories and political viewpoints. Were we to lose any one of them, it would be a blow to the entire city.

It should be noted that the Post has been running a large annual deficit. Rupert Murdoch is keeping it going anyway. I think he deserves our thanks and gratitude. If the Post and the Herald succumb to this submarine attack from Washington, thousands of employees could lose their jobs.

I am calling upon every presidential candidate, Democratic and Republican, and upon President Reagan himself to urge Congress to reconvene immediately and undo this deplorable act. I will support no candidate—in either the primaries or the general election—who does not join in this defense of the First Amendment. I urge others to take the same stand.

The Kennedy-Hollings measure has defamed our legislative process and undermined our freedom of the press. The anti-Murdoch bill is a direct attack on a cornerstone of American liberty. It must be repealed. Let the FCC make its determination based on the merits of the case. Kennedy and Hollings should recognize the harm they have done and lead the effort to overturn their ill-advised legislation. Rupert Murdoch is an American citizen. The fact that he came from Australia does not mean he deserves to be the victim of a kangaroo court in the halls of Congress.

Mr. SYMMS. There may be many differing views in this body as to the validity or merits of the FCC cross-ownership rules, and I believe there is room for a difference of opinion. However, I think few members of this body would support the concept that those rules should be selectively manipulated by Congress to stifle targeted categories of speech, amounting to blatant legislative censorship. After all, the first amendment says that "Congress shall make no law * * * abridging the freedom of speech of the press."

But in the waning hours of the last session, unbeknownst to most of us, we did pass a law "abridging the freedom of the press." There is simply no other way to describe what the anti-Murdoch amendment did.

Some may argue that the Murdoch measure was simply designed to enforce rigorously the cross-ownership rules. But this argument fools no one. When the Supreme Court upheld the cross-ownership rules in a 1978 decision, it emphasized the importance of FCC discretion in applying the rule. The Justices stressed that "waivers are potentially available" where enforcing the rule could lead to closing down a newspaper. But the anti-Murdoch measure deliberately removes that critical discretion for the manifest purpose of censoring the views of two newspapers. Waivers were barred precisely because the Murdoch papers needed such a waiver.

A more blatant example of targeted, content-related censorship would be difficult to imagine.

Mr. President, the Grove City legislation is the first piece of legislation that has come before the Senate this session. This makes it the only available vehicle for as much as several weeks to cure the damage done by last year's amendment. I therefore urge adoption of my amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. SYMMS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending matter be temporarily set aside so the Senator from Ohio may address himself to the basic bill before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

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The Senator from Ohio.

Mr. METZENBAUM. Mr. President, it is fitting that the first bill considered by the Senate in 1988 is the Civil Rights Restoration Act. It is probably even more appropriate that we do so shortly after this Nation has observed the birthday of Dr. Martin Luther King, Jr. I think our action bringing up this matter at this moment on the floor indicates the leadership's concern for the issue and shows a commitment on the part of the Senate leadership to address important and controversial issues this year.

Passage of this bill is long overdue.

I might say parenthetically that last night we heard the President address himself to the matters of the budget and the matters of legislation and appropriations bills being sent to him at the end of the session, talking about some of the procedures that occur in the Senate.

I have to say with no intent to be insulting that I think that the issue that has been made with respect to the present amendment may very well be a matter that this body is going to have to deal with at some point. But I do indeed regret the fact that an effort has been made to attach it to the Grove City bill, this matter that is so basic and so important to civil rights in this country.

This issue has been with us since the erroneous Grove City versus Bell decision by the Supreme Court in 1984.

That decision deprives women, racial minorities, older Americans, and the disabled of basic civil rights protection. The Civil Rights Restoration Act presents a simple issue. It is not a complicated issue. The question is, Do we continue to allow the Federal Government to underwrite discriminatory programs?

This is not an academic exercise. Real people are being denied their basic civil rights because of the Grove City decision. Last year a Federal court of appeals overturned a lower court ruling that Alabama maintained a discriminatory higher education system by favoring traditionally white schools with money and programs over traditionally black schools.

There is not a Member of this body who does not know that is wrong. I do not think there are many Americans who would think that it was right for the State of Alabama to favor traditionally white schools over traditionally black schools. We have tried to move forward since that day when we discriminated against the blacks of this country. We have tried to move to a point where every person in this country is entitled to an equal education, and we have tried to see to it that all will have an equal amount of dollars available.

So for that obvious inequity, that obvious unfairness, there was an effort to hit that issue—to meet that issue in the courts.

The court of appeals relied on the Grove City decision, the one we are attempting to change today. And the plaintiffs were forced to demonstrate discrimination on a program-by-program basis. Friends, you cannot compartmentalize discrimination. You cannot say that just one area of the school discriminates and therefore the rest of the school ought to get Federal dollars. That approach makes no sense. That approach has no reason. Neither Federal dollars nor State dollars should be permitted to be allocated on the basis of race. And if one part of an institution discriminates then the entire institution is tainted by that discrimination.

In 1986 another court of appeals dismissed a discrimination complaint by a deaf person with a mental handicap seeking educational assistance. Here is a deaf person mentally handicapped who goes to court to seek educational assistance. The court declared there was no claim under section 504 of the Rehabilitation Act because Grove City required program-specific proof of Federal funding.

It is time to end these injustices. We reported a clean bill with no amendments out of the Labor Committee and we had strong bipartisan support.

I understand that there are a number of amendments that will be forthcoming and we already have before us one of those amendments. That amendment has no relationship to what this bill is all about. And the other amendments that are being talked about and being circulated do not deal with the basic issue. I say raise the amendments. We can debate them and then vote on them. But let us not confuse the issue.

The Civil Rights Restoration Act is the most important civil rights bill of this decade. It is about restoring basic civil rights protection for millions of Americans. It is not about abortion. It is not about religion. It is not about small business. It is not about contagious disease. Yes, it is not about the question of whether or not a TV and newspaper owner can or cannot continue to own those properties. That is not the issue. Those are important issues where people have strongly-held views. But those issues have nothing to do with this bill.

What is at stake here are the basic civil rights that people marched for, fought for and, yes, even died for. The bill restores protection of those rights.

I urge all my colleagues to support the Civil Rights Restoration Act as reported by the Labor Committee without substantive amendments.

Mr. President, I suggest that absence of a quorum.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina. Will the Senator from Ohio withdraw the request?

Mr. METZENBAUM. I withdraw that request.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. I thank the distinguished Presiding Officer. I am very pleased that the Presiding Officer is the distinguished Senator from Colorado who had quite an experience on the matter I wish to discuss, namely the amendment of the Senator from Idaho, because I think if the Senator from Idaho understands the circumstances he will want to withdraw this particular amendment about Rupert Murdoch's civil rights.

Mr. President, I had no opportunity until yesterday in returning to the Senate from the Christmas break to get involved, you might say, in this imbroglio that has been going on relative to the New York paper, I think it is, and the Boston TV station. I thereupon on yesterday had a conference which, of course, has promptly not been reported. I have not found anything in any newspaper at any time. I had over a dozen reporters there. But I have not seen anything reported about it because I take it that they like what they have written and the editors do not want to have to take back the editorials about the "dark of night" and how things have happened in a very secretive fashion. Bluntly put, the truth is it happened at 10:30 in the morning a week before it was passed.

Let me tell you what is really involved about the so-called dark of night and the civil rights of Mr. Murdoch. My particular concern is that of the Federal Communications Commission. There is no question that we have a runaway animal in the FCC.

If you have been in the communication field, which I have for over 17 years on the subcommittee, as either chairman most of the time or ranking member, you have watched the FCC develop over the years into what, I happen to think, is a wonderful broadcast industry. It is the finest in the entire world. But the particular issue that the Senator and I have in mind about the sense of the Senate was promulgated by none other than by Dean Burch, in the Nixon and Nixon-Ford administration, supported by Richard Wiley, the Chairman of the FCC, until this crowd came to town and has been open season over there in getting rid of nearly any kind of rule and regulation.

I have had legitimate broadcasters come to me and say, "Senator, we have got to do something about it," ergo the matter of the antitrafficking provision. We have always had a provision

in the law that you should hold your station at least 3 years and with that antitrafficking provision we have had substantial broadcasters come into the broadcast field that were, as we characterize them, legitimately interested in the long range of improving and supporting the broadcast industry.

Now you are getting financial whiz kids coming in, fly-by-nights, hit-and-run drivers, who come and buy a station, fire all of the news staff to save money, make additional money by putting in five advertisements at the news break rather than three, causing what legitimate broadcasters call clutter and then having turned it into a high-profit operation, sell it off to some other unknowing, who thinks that they are getting a good deal, and as a result two dozen stations were bought and sold just last year alone.

That is what has been going on. Similarly, with children's television, the various rules and restrictions that they had with respect to children's advertisements are gone. The specific provisions with respect to the public interest in the relicensing are gone. Minority ownership has been opposed by this FCC. The FCC is an administrative arm of the U.S. Congress, not the executive branch. And we have, time and again, set forth admonitions and the FCC has in turn done exactly the opposite. The fairness doctrine is gone after 40 years of building up the character, the integrity, and the balance that we have had under the fairness doctrine and we have 18 former Federal Communications Commissioners, Republican and Democratic, bipartisan, saying that this has been the grossest error ever to happen at the FCC, all by administrative rule. We put in a proviso under the appropriations bill year before last to have a study about the fairness doctrine and instead of a study we got repeal. Now let us get to the particular point in mind as a general thing.

The particular point we had in mind year before last in 1985 when you talk about the "dark of night" and how things happen and they are not debated. You will see this has been a running fight. It is pretty good downtown Washington lawyer strategy and Rupert Murdoch strategy. But that is not the case at all. Back in 1985 in the reconciliation bill, not the dark of night, no one complained about it because they knew exactly what we had in mind.

We included language in the reconciliation bill observing the trend of this particular FCC. I read as follows:

> The conferees are concerned with Commission enforcement of the local cross-ownership rules, particularly in the light of the number of recent waiver requests to these rules the Commission has considered. The Commission's purpose in granting any waiver to the cross-ownership rules should be to further the public interest: Furtherance of the private interests of any applicant or license must be subservient to this purpose.
>
> The conferees expect the Commission to review such requests with greater scrutiny and not grant a waiver unless the applicant meets the burden of clearly demonstrating why such a waiver should be granted. Any temporary waiver granted should be limited in duration.

This is what we did in the bill you refer to.

We said 2 years ago:

> Any temporary waiver granted should be limited in duration to the amount of time necessary.

That was subsequent, I say to the Senator from Idaho, to an exchange that the distinguished Presiding Officer, who was then the head of our Communications Subcommittee on the House side, now the Senator from Colorado (Mr. WIRTH), had with the particular individual involved.

If I can get the attention of the Senator from Idaho, I am speaking seriously. This is not a laughing matter.

Here is a letter—when you are talking about dark of night in December—this is June 13, 1985, where Mr. TIMOTHY E. WIRTH was addressed by Mr. Rupert Murdoch.

If the Senator from Utah will also listen, I would appreciate it very much, because he will understand it was not any dark of night, and this has been a situation going for quite a while.

I quote Mr. Murdoch:

> I am writing as a followup to our meeting of May 14, 1985, in order to assure you of my intention to comply fully and expeditiously with the FCC's cross-ownership rules and the acquisition of the Metromedia broadcast licenses.
>
> In view of your longstanding commitment to diversity which I share, let me confirm to you the accuracy of statements attributed to me in recent press reports, that my application for assignment of Metromedia licenses will not seek a permanent waiver of the FCC cross-ownership rules and will otherwise fall within the parameters established by FCC regulations and prior precedent dealing with cross-ownership of broadcast and publishing properties. The application is now being drafted. We will keep you informed of the progress.
>
> Thank you for your continued interest.
>
> Sincerely, Rupert Murdoch.

That is what he addressed to the distinguished Presiding Officer when he led the communications effort on the House side. When this language was added, I was not even thinking about New York. I was thinking, generally speaking, of the cross-ownership rule.

Mr. Murdoch is not conforming to that representation in that letter about not getting a permanent one.

On the other hand, he is financing a foundation known as the Freedom of Expressions Media Foundation. That Freedom of Expressions Media Foundation was formulated a few years back and we can get into that, about the fairness doctrine.

Before I put this in, I want the attention of the Senator, if I can get it.

In November, the Freedom of Expressions Foundation petitioned the FCC for what? Not for a waiver. For repeal of the cross-ownership rule.

I had been hearing, and staffs talk to the FCC, and people follow this, and it has been said that there have been various offers with respect to these particular properties; but the gentleman had written the letter, saying he did not want any permanent waiver and he was going to conform, or now working through this particular foundation in order to abolish the rule.

So here I am with the responsibility, and our particular committee watching all these things come crumbling down over the years, having built up the integrity of broadcasting, about to do away with the cross-ownership rule. Everybody in Idaho has complied with it; everybody in South Carolina. Joe Albritton and the Washington Star had to comply. We know about the Washington Post. It had to sell a TV station here. All of them have complied.

When there was question about the constitutionality and freedom of press, there was an 8-to-0 Supreme Court decision back in 1978 that found just exactly that. The rule was not only in conformance of it but in support of freedom of press. That is exactly what the Court found. We had that argument out. It has been argued in the most superior of all particular bodies—namely, the Supreme Court of the United States. We can reargue that right now, about the freedom of the press. They had the best of lawyers.

So the Court was upholding the cross-ownership rule, and the gentleman was setting us up for one of these repeals like we got with the fairness doctrine.

I wish the Senator would refer to it. It is in page 33 of the continuing resolution. On page 33, I list a lot of things. It was not the dark of night. I am trying to catch a runaway Federal Communications Commission. It reads:

> For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901–02); not to exceed $300,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses: purchase (not to exceed ten) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $99,613,000, of which not to exceed $300,000 of the foregoing amount shall remain available. * * *.

Then we put in all these particular restrictions, if the Senator from Idaho would refer to the particular section he is referring to in his amendment:

> That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a re-

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> examination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in Statement of Policy on Minority Ownership of Broadcast Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 60 F.C.C. 2d 607 Rev. Bd. (1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: *Provided further*, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments * * *

Then I cite the section of the code under the Federal regulations:

> [*Provided further*, That none of the funds appropriated by this Act or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communications Commission with respect to the common ownership of a daily newspaper and a television station where the grade A contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:] *Provided further*, That no funds appropriated to the Federal Communications Commission shall be used prior to March 22, 1988 to accept or grant any applications to construct or operate cellular systems in rural service areas.

Now, for example, the last one, I say to the Senator, on rural service areas, he is interested in that and I am interested in that, and what has been happening is the FCC put in a lottery system. The advertisements are going on in downtown Geneva, Switzerland, where anybody and everybody you all come and just fill out the papers and there is no financial test and anybody can come and anybody can get that license and, of course, they have no idea of operating that system, and then they go around to the legitimate ones and for a premium then they have to pay the money out, and it does not go really to expanding the system, but it is a shakedown and we wanted to stop it. That is why we put that thing in with respect to the FCC and the sale of cellular licenses because we have the FCC using lotteries without requirements, financially or otherwise with respect to experience.

The VHF stations—they have been trying to do away with our public broadcast—VHF station. We reserved a few of them in the original act and allowing them to be sold off for a lot of money just to get programming because we have strapped public broadcasting in the Congress over the past several years.

This particular provision, I say to Senator Symms, was put in at 10:30 on the morning of the 15th, not in the "dark of night." We did not vote on it until December 22. It was put in the presence, if you please, of everybody connected with the particular markup. Senator Rudman was there. I advised him. Of course, when he saw it, I said "You know, this is in the Boston area, I think, and it transfers over into your particular viewing and hearing audience or newspaper readership, whichever it is in New Hampshire, because we have campaigned up there."

He knew about it.

The distinguished chairman on the House side, Neal Smith knew about it, and I am told later he checked it with his Members on his side and also Mr. Rogers, the Republican Member there, and they must have had a good 8 to 10 staffers there, so it was not secreted in the dark of midnight at the last minute. It was in there for a solid week. It was in there for a solid week, and it has been an ongoing struggle because they know downtown, their Washington lawyers keep in touch with us and everything else of that kind, and they have been the ones who have been edging up to not just another waiver but permanent repeal.

And that is what your committee wanted to do in charge of communications and I hope the entire Congress wants to do, to not characterize this thing as a sneak operation at midnight, the last minute, not thought out and not justified. It is the most justified procedure I know of and the only way you can take an administrative body and bring them in line, and you can go throughout the bill and we did a lot of things that way. Contra aid never appeared in the House bill. Contra aid never appeared in the Senate bill, but at the President's request in the "dark of night," if you want to characterize it, it was brought in and not in either bill to bring it in the last minute. Of course, we know it was not in the "dark of night" and we debated it fully.

We would be glad to debate this. I was ready to put it in the appropriations bill.

When we came to the continuing resolution markup of the appropriations bill the distinguished Senator from Mississippi, our chairman, said no amendments. He wanted to put in a policy of no amendments whatsoever. And as a result, I had to hold off and put it in then when we marked it up. I was not thinking at the time frankly of any kind of sneaking in, and I was glad to try to take credit with my distinguished colleague from Massachusetts, Senator Kennedy. When he talked to me he said "Don't sweat it; it is a good idea. I will get it in there."

I already had an idea of putting all these things in.

As a politician we like to get a little credit from our fellow Senators. So I was doing that. But the truth of the matter is I was trying to get to a runaway FCC. If you want to get on his side, more power to you. They have the Washington lawyers and they have the money and they spend out a month of editorials, got demonstrations going on, and everything else of that kind.

I think it is deplorable. You can buy a Congress if you want to. Yes, you can get a foundation, get your money spewed out the editorials and lampoon everybody. But the "dark of night" and midnight and everything else is absolutely false. They never asked me, any of those writers who are spewing this out, including my local newspapers and they have asked that my local newspaper when I got home this week they said "Why don't you write an op/ed piece and we will publish it?"

I will have it ready I hope by the "dark of night" tonight and I will start mailing it out to everybody so they will get the truth of exactly what happened.

I welcome the opportunity from the Senator's amendment to get the sense of the Senate because I would like to get the sense of the Senate.

If they want to do away with all the rules and restrictions on broadcast properties which is brought about the finest of broadcast rules and been adhered to, all upheld in the name of freedom of the press, done legitimately. I do not know any way else I am going to put it in, with everybody in the open daylight at 10:30 in the morning a week ahead of time, then so be it.

But the Senate should not be misled about this ancillary fight that is going on with Mr. Murdoch and my distinguished friend who is more than able to handle himself, the senior Senator from Massachusetts. I am glad to be his friend. I am glad of his interest in this.

I just want the Senator to know that this carries back long ago. I am sure the Senator from Colorado will have a word to say on this. We have been working together, the House and the Senate. The broadcast owners know about this. They understand it. They have adhered to it. And they have taken it up and they have found it constitutional for us under an 8-to-0 decision.

So I have some other things to say about some of these articles, but let me look specifically at the Senator's amendment if I can get a copy of it.

As I see it here, the third proviso under the heading "Federal Communications Commission" and then it quotes that part that we have read here about the FCC and cross ownership.

> (b)(1) The Senate finds (A) that there remain serious first amendment questions concerning the constitutionality of the aforementioned proviso * * *

Now I say to the Senator there is not any serious question about the first amendment on an 8-to-0 bipartisan decision, if you want to call in the court about its appointees. There is no serious question over on the House side. There never has been on this side. Cross-ownership has been sustained and I hope in this pandemonium of a rush around here to get the group of Murdock and his money and take over that we will sober up and understand what is at issue here.

> (B) That the procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions.

Absolutely false. They had a whole week. We can debate it at any time as we are debating it now.

Violations of the Senate rules—that is outrageous nonsense.

I was here the particular time when we passed the continuing resolution and the distinguished Senator from Washington took the floor and he got up the piles of paper as the President did last night. He said it weighed so much and so many pages and such a stack so high and how can we know, and the distinguished senior Senator from New Mexico and ranking member and former chairman of the Budget Committee said we have gone over this line by line. Other Members got up and said we have been checking it, minority and majority, line by line.

I am not trying to say that there is not any rabbits in the bill. I have been in the legislative process 40 years. There will always be rabbits in the bill.

This was not a rabbit. This was intentional to sustain the constitutional finding of the Supreme Court on freedom of the press and what the Republican leadership of the FCC has given us, Dean Burch and Dick Wiley and all the rest, until we got this runaway group in Mark Fowler. He said at his retirement party: "The greatest gift I gave to anybody as Chairman of the FCC was an 18-month waiver to Rupert Murdoch." And everybody clapped and said "Whoopee." That is the way we are doing business—cash and carry downtown at the Federal Communications Commission.

I want to stop it. I want to stop that nonsense, Senator. This sense of the Senate is totally out of place. You did not talk to me before you put it in. I am the one involved. I will take full responsibility for putting it in.

As I was leaving the country, there was a reporter named Jones from the New York Times who called me. I wrote it and I tried to explain that to him. He acted like it was some kind of a sneaky case or whatever it was. I said, "Oh, no, I take full responsibility." He did not print that.

> (c) that it is critical that no action be taken which would irreparably change the status of any party until the 100th Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

We had a hearing. There was little opposition on this particular matter. We had the hearing in July. We put in a bill, the distinguished Senator from Hawaii and I, which is called the Broadcast Improvement Act. We introduced it in May of last year, 1987. We had hearings in July and no one appeared in opposition to it. This is in there. We have been heard. We have been going along with the rightful procedures.

But when you see this Freedom of Expression Foundation sneaking in in November when we are all involved in Contra aid, the fairness doctrine, and all those other things that we were working on until the wee hours of the morning trying to reconcile a measure, then you have to act and you have to move.

We had been using the regular procedures and you were welcome to come and testify to the committee on our Broadcast Improvement Act. But it is no sneak. It is out in the open daylight and we have had testimony about it.

Paragraph 2:

> It is therefore the sense of the Senate that the Federal Communications Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100th Congress has made a determination * * *.

That sounds interesting, but it would have to be retroactive now. They have already acted. They have complied and there has been a legal proceeding. As a result, a judge's order on yesterday gave 45 days, after the court rules, to Murdoch. He has lawyers. You do not need any Senator from Idaho to come in here with this nonsense about it being against the rules of the Senate and all of that. I have been up here for 21, now going on 22, years, and I have never heard that before on any legislation that I put in. I can tell you that right now about the rules of the Senate. This is done in conformance with the rules and I resist and resent any implication otherwise.

Murdoch is defended. He went to court already. He knows how to get injunctions on the spurious nonsense of some constitutional provision that provides only to him.

I was after the FCC, and he knows it. I was after that particular provosion, amongst other provisions, and I have read them out to you. It was a general halter to be placed upon a runaway Federal Communications Commission.

I have other editorials—well, I have a stack of them here—to refer to when we get into the debate if you want to get into it more fully.

But I wish the distinguished Senator would seriously consider this, now that he has heard from the author of this particular provision and how it occurred in the broad daylight of morning at 10:30 in the morning with everybody interested sitting around and all the staffers there and checked out in that particular area. I do not know anything else to do.

The Senator and I have worked on all these committees, and we were all working and marking this up. It is in my bill, and we have had a hearing on it in July. We hope to mark that bill up and have another hearing if the gentleman wishes. But nobody appeared in opposition to the cross-ownership rules, other than this sneaky operation of Rupert Murdoch.

Now, I found out that the prevaricator and the manipulator has gotten the high road of the headlines and editorials and the chairman of the Commerce Committee—doing an honest job trying to protect the broadcast industry, because I do not own any property or have anything in here, other than my track record for integrity and doing a good job on communications—I am the one trying to be charged in a sense of the Senate about violating the rules. That is outrageous nonsense. I wish I had talked to you ahead of time because you and I have been good friends and on the same side of many, many issues. But I can tell you here and now if you had heard from me on this one, you would have known how it happened.

I was glad to put it in. I defend it and I think that is the majority sentiment of the U.S. Congress, both in the House and the Senate.

Mr. KENNEDY. Mr. President, there has been a great deal of discussion in recent weeks about the provision that Senator Hollings and I added to the continuing resolution. Our action was designed to preserve the Federal Communications Commission's so-called cross-ownership rule, which prohibits broadcasters from owning newspapers in the same community.

The cross-ownership rule is a cornerstone of the first amendment and free speech. It helps to ensure diversity of expression in our modern media-dominated society. It has been widely accepted in recent years, and it deserves to be continued—and obeyed.

The fundamental question is whether Rupert Murdoch is entitled to thumb his nose at that law and become the only newspaper publisher in America who can buy a television station and keep his newspaper in the same community.

Mr. Murdoch was well aware of the law when he acquired his television stations in Boston and New York. He had a choice then, and he has a choice now. He can keep his newspaper—or he can keep his broadcasting station. But he cannot keep them both. That is the law, and that is the way the law ought to be. I'm defending the first amendment principle. The principle is right—and Rupert Murdoch is wrong to try to change it. Instead of attacking me, he should try to explain why he thinks he's entitled to an exemption from the law.

Mr. Murdoch is one of the most powerful publishers in the world, and he has been using those powers to ignore the will of Congress, subvert the FCC, and evade the cross-ownership rule.

At the same time, I want to emphasize that the amendment was not directed specifically at Mr. Murdoch or his waivers, but at all persons who would be similarly situated, and at all waivers, now or in the future, in situations where persons such as Mr. Murdoch would be seeking to evade the cross-ownership rule by obtaining a permanent exemption in the guise of a series of temporary waivers.

The present controversy began in 1985, when Murdoch decided to branch out from publishing into television and negotiated the purchase of the Metromedia television stations, which he has now developed into the Fox Television Network. In three of the cities where he purchased TV stations—Chicago, Boston, and New York—Murdoch also owned newspapers, and his purchase of the stations brought him into conflict with the cross-ownership rule.

At the time he acquired the stations, the FCC gave Murdoch temporary waivers to sell the three newspapers involved—the Chicago Sun Times, the Boston Herald, and the New York Post—in order to bring himself into compliance with the cross-ownership rule.

The waivers were of unprecedented duration—2 years in the case of the Chicago Sun Times and the New York Post, and 18 months in the case of the Boston Herald. Murdoch sold the Chicago newspaper within 4 months, and that publication is not an issue now. However, he made no apparent effort to sell his newspapers in New York and Boston. He simply allowed the time to run, and as the deadlines approached, he began a series of maneuvers to persuade the FCC to abolish the cross-ownership rule, or at least extend his waivers indefinitely, in order to keep both his newspapers and his television stations in Boston and New York.

As a member of the Senate Judiciary Committee, I have followed newspaper antitrust issues for many years. I was also familiar with the cross-ownership issue, which is within the jurisdiction of the Commerce Committee, and I was well aware of Murdoch's effort to subvert the rule. After the Senate's unsatisfactory experience with the FCC and the Fairness Doctrine last year, it seemed clear to me that if Congress did not act, the FCC, in the guise of deregulation, would buckle to Murdoch's pressure and abolish the cross-ownership rule.

Last October 15, the Senate passed its version of the Commerce-Justice-State-Judiciary-related agencies appropriations bill. The appropriation for the FCC in that legislation included two specific limitations on the agency. One prohibited the FCC from relaxing its rules encouraging ownership of broadcasting stations by minorities and women; the other prohibited the agency from going along with so-called UHF-VHF swaps, in which profitable commercial UHF stations have been leaning on financially hard-pressed VHF public television stations to swap channels.

At the same time, the Murdoch interests were intensifying their pressure against the cross-ownership rule. An organization often regarded as a Murdoch front, the Freedom of Expression Foundation, petitioned the FCC to repeal the rule. It was widely anticipated that Murdoch would go in behind this petition and ask the FCC to extend his waivers to sell the New York Post and the Boston Herald until any new FCC proceedings on the cross-ownership rule were completed.

In these circumstances, I went to Senator HOLLINGS and urged him to save the cross-ownership rule. Senator HOLLINGS agreed completely with my position on the issue, and he added a provision to the continuing resolution to accomplish this purpose.

Some have questioned our tactics in enacting this provision. I would just make two points here.

First, the provision was not a midnight special—it was added to the continuing resolution on December 15 as part of the ongoing Senate-House conference negotiations. As of that date, the text of the provision was available and remained available throughout the entire week leading up to final House and Senate approval of the conference report in the early morning hours of December 22. Senator HOLLINGS and I did not advertise the amendment, but we did not attempt to conceal it, either.

Second, Congress was already considering other restrictions on the FCC in appropriations bills and it is hardly a surprise that an additional restriction was added. In fact, our amendment was added to the other limitations on the FCC already approved by the Senate on October 15 in the regular FCC appropriations bill. Senators, Congressman, and the administration had been on notice for 2 months that the Senate and House, burned over the Fairness Doctrine, were using appropriations bills as a means to require the agency to comply with the will of Congress.

With respect to the merit of the cross-ownership rule itself, a longstanding principle is at stake. The Communications Act of 1934 established the basic power of the Federal Communications Commission to grant broadcasting licenses in the "public interest, convenience, and necessity."

In a key decision in 1945, the Supreme Court interpreted public interest as including the widest possible dissemination of information from diverse and antagonistic sources. *Associated Press* v. *United States,* 326 U.S. 1, 20.

For almost two decades, until the present controversy, the FCC has been emphasizing diversity, applying increasingly strict rules to prevent media concentration and encourage diverse sources of information for the public.

As early as 1965, the Commission stated that one of its primary objectives was the minimum diffusion of control of the media of mass communications, since diversification of control is a public good in a free society, and is additionally desirable where a government licensing scheme limits access by the public to the use of radio and television facilities.

The cross-ownership rule itself was first proposed in 1970 by a Republican FCC under Chairman Dean Burch. It was adopted in 1975, after an unprecedented 5-year rulemaking proceeding, by a Republican FCC under Chairman Richard Wiley. As the Commission stated in its 1975 opinion:

> If our democratic society is to function, nothing can be more important than insuring that there is a free flow of information from as many divergent sources as possible * * * [I]t is unrealistic to expect true diversity from a commonly owned station-newspaper combination. The divergency of their viewpoints cannot be expected to be the same as if they were antagonistically run.

In the rule adopted in 1975, the ban on newspaper-TV cross-ownership was made prospective; in order to avoid undue disruption of the industry, it applied only to new acquisitions. In general, the rule grandfathered existing cross-ownership arrangements and did not require divestiture of existing newspaper-broadcasting combinations; however, in 16 specific cases, where the only TV or radio station owned the only newspaper in a community, the FCC did require divestiture.

The cross-ownership rule and the grandfather clause were challenged in the courts. In 1977, the D.C. Circuit sustained the rule but rejected the grandfather clause and ordered divestiture of all newspaper-TV combinations.

In 1978, the Supreme Court unanimously—8 to 0—sustained the rule, but reversed the D.C. Circuit on the grandfather clause, on the ground that divestiture would be too disruptive to the broadcasting industry. *FCC* v. *National Citizens Committee for Broadcasting,* 436 U.S. 775 (1978). Justice Marshall's opinion contains a detailed analysis and history of the cross-ownership rule. His opinion specifically reaffirmed the Associated Press decision in 1945 with its emphasis on the need for diversity in sources of information. The opinion categorically rejected a first amendment challenge to the cross-ownership rule, and makes clear that both Congress and the FCC have ample constitutional authority to promote the first amendment goal of diversity of expression by restricting the ownership of broadcasting stations by newspapers.

In 1980, responding to an effort by broadcasters to head off continuing pressure for across-the-board divestiture, the House of Representatives adopted the Communications Cross-Ownership Act by a vote of 310 to 97. That bill codified the FCC rule and the grandfather clause. It died in the Senate, but its purpose was achieved—there is no significant pressure today to require divestiture of the grandfathered newspaper-broadcast combinations. But that is no justification for relaxing the rule now to permit new combinations, as Rupert Murdoch is seeking.

It is true that under the grandfather clause as it applies to New York City, the New York Times was able to continue to own an AM and an FM radio station—WQXR-AM and FM—and the Tribune Co. continues to own the New York Daily News, a TV station, Channel 11, and a radio station, WPIX-FM. But those grandfather arrangements are hardly unfair to Rupert Murdoch. No new cross-ownerships have been permitted in New York City or any other city in America since 1975, and there is no justification to carve a special interest loophole in the law for Mr. Murdoch.

Murdoch ran afoul of the cross-ownership rule because his TV stations in Boston and New York City were purchased in 1986, at a time when he owned newspapers in both cities. The FCC granted temporary waivers for Murdoch to bring himself into compliance with the rule. The waivers expire on March 6, 1988, for New York City and on June 30, 1988 for Boston.

Congress has learned the hard way to be skeptical about anything Mr. Murdoch says or does, and we have also learned the hard way to be skeptical about whether the FCC is willing to stand up to him and apply the same rules to him that it applies to everyone else. Murdoch should never have received a waiver in the first place, let alone a waiver for the unprecedented period of 2 years. Instead, he should have used the 6 to 9 month period in 1985—while his application to purchase television stations for the Fox Network was pending before the FCC—to bring himself into compliance with the cross-ownership rule by disposing of the newspapers. Instead, he obtained a 2-year waiver, and now he wants to make it permanent.

Congress was well aware of Murdoch's intentions from the beginning. At a House hearing in July 1985, Senator WIRTH, who was then chairman of the House Subcommittee on Telecommunications, had an angry exchange with FCC Chairman Mark Fowler over the agency's reluctant enforcement of the cross-ownership rule and its promiscuous grants of waivers of the rule.

In December 1985, as the controversy continued, Congress included a provision in the continuing resolution of that year, strongly admonishing the FCC to enforce the rule and restrict its waivers to the public interest. As the conference report on the resolution explained:

> CROSS-OWNERSHIP RULE WAIVERS
>
> The conferees are concerned with Commission enforcement of the local cross-ownership rules, particularly in light of the number of recent waiver requests to these rules the Commission has considered. The Commission's purpose in granting any waiver to the cross-ownership rules should be to further the public interest; furtherance of the private interest of any applicant or licensee must be subservient to this purpose.
>
> The conferees expect the Commission to review such requests with great scrutiny and not grant a waiver unless the applicant meets the burden of clearly demonstrating why such a waiver should be granted. Any temporary waiver granted should be limited in duration to the minimum amount of time necessary.

At the time he obtained his unprecedented waivers, Mr. Murdoch was less than candid about his intentions. In January 1986, in an effort to mollify Congress and defuse the public controversy over the FCC's extraordinary action, he issued a clear statement denying that either he or his agents were seeking a permanent waiver from the FCC cross-ownership rules. Murdoch said then:

> We stand by and reaffirm representations we made to the FCC. We do not seek an extension of our two-year waiver. There is no basis in fact to recent press reports suggesting otherwise.

That is not the end of this sorry story. At Mark Fowler's farewell party as FCC Chairman, he boasted that his greatest giveaway as chairman was his gift of the 2-year waiver to Rupert Murdoch. Mr. Fowler now claims that the remark was made in jest—but the joke is on the public.

And in 1986, a key aide to Mr. Fowler at the FCC, Tom Herwitz, who had been deeply involved in negotiating media concentration issues, went to work for Murdoch at Fox Television. So much for integrity at the FCC. The agency had been captured lock, stock, and barrel by Rupert Murdoch, and it was long past time for Congress to step in.

Opponents of the cross-ownership rule argue that in recent years, there has been an explosion of new sources of information—new TV stations, new radio stations, and cable TV—and that with this abundance, the rule is no longer needed.

But TV stations remain scarce privileges. There are not available TV channels in the top markets. The number of powerful VHF channels is fixed and cannot be significantly increased—there were 508 VHF stations in 1970, and 518 in 1980. That is why VHF stations sell for half a billion dollars in the largest cities. If a VHF channel opened up in any of the top 50 markets, where over 75 percent of the U.S. population resides, there would be a dozen applicants for it.

The principle of diversity is as valid today as it was in 1970, when the FCC first began its cross-ownership proceeding, or in 1975, when the rule was finally promulgated. The American people obtained their information primarily from television and newspapers. According to a Roper poll, 67 percent get their news from TV—and about 50 percent obtain if from newspapers—the total exceeds 100 percent because the sources of news overlap. These powerful media should be in separate hands. Newspapers can still own TV stations, but not in the same community.

Congress itself has recently stressed the importance of diversity. In 1982, we permitted the FCC to use a lottery for low-power TV stations—called beltway stations because they reach about 15 miles—only if the lottery is weighted in favor of applicants who did not own other media. If the diversification principle applies to thousands of low-power TV stations, it clearly should apply to the much scarcer and more important full-power TV stations and daily newspapers.

In the 1984 Cable Act, Congress again emphasized the need for diversity. We barred local cross ownership of TV and cable. Again, since newspapers are more powerful than cable as sources of information on local issues, it is obvious that the cross-ownership rule should continue to apply to newspapers.

Opponents of the rule also argue that it leads to the death of unprofitable newspapers that could otherwise be subsidized by lucrative local TV stations.

But that argument is nonsense. It has no economic justification. No one wants to see newspapers go out of business. But there are no economies of scale in newspaper-TV cross ownership. The papers and stations are run separately with respect to both news and advertising. And where, as in

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Boston, the newspaper is used to promote the TV station, the effects on competition are unfair.

If the issue is subsidizing an unprofitable newspaper to keep it in operation, the subsidy can come from other sources, without violating the cross-ownership rule. The rule did not cause the death of the Washington Star. If Joe Albritton had wanted to subsidize the Star, he did not need to own Channel 7 in Washington to do so. He could have swapped it for a comparable channel in another city, just as the Washington Post did with Channel 9 to comply with the rule. Instead, Albritton sold the Star to Time magazine, which had deeper pockets than he did. In the end, Time folded the Star because of its large continuing losses. It is difficult to believe that Albritton would have kept absorbing the losses, and it is absurd to blame the failure of the Star on the FCC or the cross-ownership rule.

All of us in Congress are well aware of what is going on at the Reagan Federal Communications Commission. Ideology is dictating policy, and deregulation is running amok.

Earlier this year, the agency acted unilaterally, against the will of Congress, to repeal the longstanding fairness doctrine, which requires broadcasting stations to air both sides of controversial issues. When Congress tried to rewrite the doctrine into law, President Reagan promptly vetoed the legislation—and then threatened to veto the entire continuing appropriations bill at the end of the session last month if the bill contained the fairness provision. So now we have no fairness doctrine, and the public interest is the poorer because of it.

The FCC was also proposing, as I have mentioned, to do away with policies fostering minority and women ownership. It was willing to see commercial broadcasters lean on public TV stations to exchange their VHF channels for UHF. Congress stopped these trends that are against the public interest, and we were right to do so. For the same reason, we acted to halt repeal of the newspaper-TV rule.

In 1984 and 1985, the FCC had eased another aspect of the anti-monopoly rules by raising the national limits on TV-FM-AM ownership from seven stations in each category (the so-called 7-7-7 rule) to 12 stations. At the time, the agency said that what is important is the local cross-ownership rules. But in 1987 it began taking aim at eliminating the local rules, first for radio-TV, and then for newspaper-TV. The FCC simply isn't trustworthy in this area, and Congress was right to act.

The provision added to the continuing resolution preserves the existing law. If the cross-ownership rule and other important media first amendment and antitrust laws are to be changed at all, they ought to be changed by Congress, not by a bureaucratic agency bent on end running Congress to implement an ideological agenda.

That was the situation when I went to Senator HOLLINGS. The signals were abundantly clear that history was about to repeat itself. The FCC was about to do again what it had already done to the fairness doctrine, and repeal the basic rule that prohibits media cross ownership. Congress had been burned once by the FCC, and Senator HOLLINGS and I were not about to be burned again. So we took the only practical step available to us.

Finally, let me make one other point. The issue is a fundamental first amendment and antitrust principle. I have no vendetta against the Boston Herald or the New York Post. I may not always agree with their editorial boards or their news coverage—but I do have genuine respect for the papers, their journalists, and their employees. But Rupert Murdoch does not deserve an exemption from the cross-ownership rule—and it would be wrong for Congress or the FCC to give him one.

AMENDMENT NO. 1382

(Purpose: To repeal a certain proviso relating to cross ownership of newspapers and television stations)

Mr. NICKLES. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.,

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1382 to the Symms amendment numbered 1381.

Mr. NICKLES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "(a)" the first time it appears and insert in lieu thereof the following:

The third proviso under the heading "Federal Communications Commission" and the sub-heading "Salaries and Expenses" in title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1988, as enacted by Public Law 100-202, and which reads as follows, is repealed: "*Provided further*, That none of the funds appropriated by this Act or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communications Commission with respect to the common ownership of a daily newspaper and a television station where the grade A contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:".

(b)(1) The Senate finds:

(A) that there remain serious First Amendment questions concerning the constitutionality of the aforementioned proviso in Public Law 100-202 repealed by subsection (a) of this section; and

(B) that procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions;

(C) that it is critical that no action be taken which would irreparably change the status of any party until the 100th Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

(2) It is therefore the sense of the Senate that the Federal Communications Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100th Congress has made a determination of whether that material should be repealed.

(c) The provisions of subsection (a) of this section shall take effect one day after enactment.

Mr. HECHT addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HECHT. Mr. President, I ask unanimous consent that the Symms amendment be temporarily set aside so that I might make a statement.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SYMMS. Reserving the right to object, I say to the distinguished manager of the bill, I think the Senator from Nevada wants to speak on the Grove City bill the same as Senator METZENBAUM did.

Mr. KENNEDY. I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn.

The Senator may proceed.

Mr. HECHT. Thank you, Mr. President. Thank you, distinguished Senator from Idaho.

Mr. President, I rise today in opposition to S. 557, the Civil Rights Restoration Act. While my objections are many, one of the major reasons I am opposed to this legislation concerns the expanded role that the Federal Government would take on if S. 557 were enacted and the burden this would place on the business community. This bill, it is clear, will only increase that burden.

Because S. 557 expands the scope of current law, I believe that if this legislation is passed, there will be some very negative results. Business representatives have indicated that companies would be less willing to participate in activities such as Federal job training programs if Federal regulation under these statutes are applied to them more broadly than they were before Grove City. Their concern has nothing to do with discrimination. It

simply has to do with the vastly increased time and expense required to comply with the full range of Federal regulations that will result from expanded coverage.

Under this legislation, Mr. President, any corporation which receives Federal funding will be dramatically impacted. For example, if a business receives Federal aid of some sort, every division of that business would be covered. As well, if a small, private organization is not covered, yet one of its facilities is, that one facility, and all others associated with it are covered.

Mr. President, there are additional examples of overbroad coverage under this legislation but I want to outline one other that I think is important. The Federal Government is a major benefactor of each State in this Union. I believe in States' rights yet, under this bill, if a State service organization receives Federal assistance for a particular program, not only is that program covered, but the entire unit and all other State or local units are covered as well. Such coverage did not exist before Grove City. Similarly, if the national headquarters of a social service organization receives Federal aid for an activity, all local chapters will be covered. This broad coverage will discourage participation by the private sector in Federal social service programs.

Mr. President, I believe that the Civil Rights Restoration Act will only serve to harm the private sector in our society while increasing the sphere of the Federal Government. The sponsors of this measure have acknowledged that this will be the result if this bill is enacted, even though much testimony given during committee consideration made clear that this was not the situation prior to the Grove City decision. Before Grove City, coverage in the private sector applied only to the specific program receiving federal funding. Mr. President, if these provisions dealing with expanded coverage of the private sector cannot be dealt with in some rational way, I will certainly vote against this measure, and I will encourage my colleagues to do likewise.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I want to preface my remarks by saying that there is probably no other Senator in this Chamber whom I have more admiration or respect for than the distinguished Senator from South Carolina, the chairman of the Commerce Committee. I do work with him on many issues and expect to continue to do so. And I think that Senator HOLLINGS has made a very cogent point here this afternoon. If I understand his argument correctly, he wants to have the FCC, which works as an administrative arm of Congress, to not grant a waiver that he opposes.

In other words, he wants to direct the FCC with respect to cross-ownership rules.

Now, this may well be the position of most Members of the Senate. I think the Senator made a very good argument and it is very tempting to yield to his argument. However, my point of view is that if we have an FCC, that they should be able to set cross-ownership rules and they do have the right to grant a waiver in particular cases where there are extenuating circumstances. That is really what the question is.

Maybe what we need to do is get rid of the FCC and let the Senate and the House set these rules directly. I think that is what the Senator from South Carolina probably would like better. Unfortunately, this amendment has generated some considerable publicity. There have been many columns and editorials about it, and my question is: Did the Senate, in fact, have a full airing of this question, a full hearing of this question? This waiver affects two newspapers and two television stations in the country. Just two, in Boston and New York. It does not affect anyone else. The Senator makes quite a case, I must say, that this was just a coincidence.

It might be that the best thing we could do would be to put this off until tomorrow. I do not know what the leadership wants to do here tonight.

Mr. HOLLINGS. May I respond?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SYMMS. I would be happy to yield to my friend.

Mr. HOLLINGS. I appreciate the objectiveness and deliberateness of the way he is approaching the problem. What happens here is the Senator from Idaho is right. I got the statements but in order to continue that way, and we were going to pass a law at that particular time—you are right. Waivers are given under hardship circumstances, but not to manipulate the original intent against cross ownership.

That is why Mr. WIRTH got that letter from Murdoch 2 years ago, over 2 years ago. He bought the stations knowing he would have to sell the newspapers, he is the one that brought himself into this situation, having a year and a half, and 2 years to sell.

The reason for the waiver was to have time enough to go ahead and make a good college try at selling those properties. He has not. Instead, he has gotten ahold of the Freedom of Expression Foundation that he has been financing and they are petitioning for the outright repeal.

So, this legislation certainly hits many directly. But it was my idea to get ahold of the FCC on all measures. I know my competition in this distinguished body. I respect the distinguished Senator from Oregon. He has different views with respect to broadcast and how it is built up, with the fairness doctrine in the balance. He sees it is a violation of freedom of the press. The Red Lion case and all the rest said absolutely not, and it has been conformed with for 40 years. But he has a different opinion and he and I have debated that.

I included this language because I see the Freedom of Expression Foundation come moving, if you please, to once again take another rule that has been established in law and in practice for everybody. Yes, it affects Mr. Murdoch only because he is the only one trying to repeal the rule rather than what he said in his original letter to Senator WIRTH, then Congressman WIRTH on the House side, that his full intent was to comply.

Now he has gone forward and he says, since this affects him, he has got a constitutional question and it is unconstitutional. Of course he is playing with Washington lawyers and you can delay anything and parlay it around.

But, be that as it may, your particular amendment, Senator, first repeals the provisions of law and then very—I do not want to say cleverly, I do not know if that is intended—but it looks like a sense of the Senate. It is not sense of the Senate. You give outright repeal here on page 1. It is not the sense of the Senate——

Mr. SYMMS. Let me explain, Senator. The first section of my amendment repeals the amendment that precludes cross ownership. Section B is the sense of the Senate that the Senate is asking the courts, while this amendment is in the legislative process, to grant a stay of the order to sell. That is really the basic point.

I think there is always room for a difference of opinion, I say to my good friend from South Carolina. But the point is that in a city the size of New York where you have millions of people, hundreds of individuals newspapers, weeklies, dailies, all kinds of radio and television stations, there is hardly the same situation as you would be in if you went to a town somewhere in the West where you have one daily newspaper and one television station and had one person in control of it.

I am not quite convinced that all Members of the Senate have really focused on this issue, and I am not convinced that they focused on it when this Senate included it in the continuing resolution.

I hear what the Senator has said today. I have to say that I had the impression this was done in conference, that it was not addressed by the full Senate, and that it was more or less done in a hurried situation.

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I have no feeling for Mr. Murdoch. I have never met him. I do not know him. I have no contact with him. But I do know this, that when you ask someone to sell an asset the size of the Boston Globe or the New York Post and you tell them they have 30 days, you've really placed a heavy burden on them. I think I would be somewhat concerned if I was asked to sell my farm and they only gave me 30 days to sell it. You might like a little bit of time to at least be able to receive what would be considered a fair market value on one side or the other.

I think those are points that I would like to see talked about. That is why I brought this up this afternoon.

I think it is important. It is the first bill that has come up in the second session of the 100th Congress. It is a civil rights restoration bill. In my view, it provides a perfect opportunity to address this question of cross ownership, freedom of speech and the press as guaranteed by the first amendment.

The Senator from South Carolina made some very good arguments. They are worthy of our consideration. However, there is another point of view that I have referred to. We are living in the information age, and we are not limited to one television station or one newspaper in any one city, particularly in cities the size of Boston and New York. There are massive opportunities for people to get the news. They are not limited to just one source of news.

I know we have an FCC, and the FCC has made an exception on cross ownership.

I said before the Senator from South Carolina arrived on the floor the question is, do we want to let the FCC's ruling on cross ownership with the exception stand or do we want to step in and change it and say that the FCC does not have the authority to grant that waiver.

That is really the issue.

It is a coincidence, maybe, but there are only two places in the United States that were affected, New York and Boston. It is no secret that one of our distinguished colleagues has been targeted occasionally by one of the newspapers in question here. That is probably unfortunate because it distorts the real question.

I do not want to get involved in the politics of it, but I want to go back to the question of cross ownership.

I thank my good friend and colleague, and I hope we will be able to air this issue very well. I would hope that the Senate would ultimately decide on it. I do think it is appropriate that it be addressed in this bill, the first bill that we address in this session, because there is a short timeframe involved. People are aware of the issue across the country. I think it is appropriate that we address it right here on the first day back to work on legislation. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, with respect to the broadcast property proposals, that has been the contention in many other large cities, and it has been applied in Chicago and Los Angeles. The Senator knew that at the time. Chicago and Boston are relatively the same size, or perhaps Chicago is a little larger. So that is not just the one that it applies to.

You do not give anybody that particular advantage of owning the newspaper and the broadcast property whether the city be small, isolated, or of a metropolitan nature like the city of New York.

Mr. Murdoch knew that. This was intended to cut off the FCC. That is who I am after.

You say that is a single issue. It is your discoloration here. You say we violated the Senate rules.

If the Senator from Iowa will yield, what is the Senate rule we have violated?

Mr. SYMMS. I do not say we have violated Senate rules.

Mr. HOLLINGS. That is what it says, that the procedures involved in this proviso constitute a violation of Senate rules. That is on page 2 of your amendment. That is what disturbs me.

You are not putting it in on the basic merit of the issue. You are using the manipulator's manipulation.

I have to read all of this bank of editorials that say, "We like Hollings and we are shocked." If you read those editorials, they said they are shocked and surprised that the Senator from South Carolina would engage in anything. Heavens above! They are trying to get into a political fight in Boston. I am trying to stop the repeal of the rules by this foundation and by that FCC.

Mr. SYMMS. The sense-of-the-Senate resolution referred to is the scope of the conference.

Mr. HOLLINGS. You do not want to do away with the Contra aid. I am familiar with the conference rules. I can give you a list of things. Contra aid did not appear in that. We put in a proviso about the State Department at their request. You never heard that debated on the floor, but they have a section in the bill that unless authorization is passed, they cannot spend money. We waived that for them. That was not debated on the floor, in the conference rules. I can go through a list of them.

It was not done in the dark of night. It was done by those in authority who were interested in it, with all of their staff members, with everybody to check. That is how it was done.

If we are talking about the rules, there are not any rules that were violated at all with respect to that and they know that. That is what you really want to vote on, whether they had something in the dark of night to verify all of these editorials.

I would like to have a month for people to read my statement and let me get out an op-ed piece and let me write some letters to the editors and get it around so they really understand who is bamboozling who around here.

It is Murdoch trying to bamboozle this Congress in a headlong rush. We have a bill in for this particular issue.

He is not waiving his constitutional question about this being of a spurious nature to get a continuation, not that. But he is coming back through this foundation. We all know he has it greased and now he has the high road of suspicion around with colleagues who have not heard from me for a month. They did not ask me a question. They did not want to know.

I respectfully yield to the distinguished Senator from Colorado. I did not want to take up all the time, but I feel strongly about this and the procedures used and the intent they have.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I thank the Chair. Mr. President, I did not initially come over to get into a debate on the cross-ownership rules, and I will not speak out on this subject at any length tonight. I came over to make an opening statement on the Civil Rights Restoration Act. However, on the cross-ownership issue I would say simply this: I have no fixed opinion on the cross-ownership rules. I was frankly, surprised to learn that a provision on cross ownership was contained in the continuing resolution. I think all of us have a desire to ensure the preservation of as broad a diversity of public expression as possible in this country—this means newspapers, radio, television. And I know the cross-ownership provisions, when they were adopted by the Federal Communications Commission in 1975, were intended simply to prohibit monopoly situations in a mediamarket.

I know nothing more about the Boston Herald-New York Post situation than what I have read in the newspapers. However, I would feel badly if, because of the cross-ownership provisions and their enforcement, Mr. Murdoch was forced to give up the New York Post when there was no buyer, and therefore, the Post went out of business. I do not know if the cross-ownership provisions are actually working adverse to what they intended or not. I think it is well worth extensive hearings to find the answer to this question, because I think we all have the same goal: to try to preserve as many newspapers and radio stations and television stations as we can in this country in all markets.

Mr. President, I would now like to address myself to the Civil Rights Restoration Act, an act which Senator KENNEDY and I cosponsored and introduced in 1984. We are here 3½ years later still trying to pass this act.

I can speak for what the intention is of this Senator, who still is a strong supporter of this act, a sponsor once again of this bill. We are attempting to achieve one simple goal, and that is to reverse the Grove City College versus Bell case and put the law back where it was prior to the Supreme Court's decision in Grove City. Let me explain what I mean by that.

For almost 20 years prior to the Grove City case most people assumed that program or activity meant an institutionwide effect. In the latter years of the Johnson administration we thought that is what it meant. All during the Nixon years, the Ford years, the Carter years, through Republican administrations, Democratic administrations, liberal and conservative interpreters of the words "program or activity" thought they meant on an institution-wide basis. Therefore if the French department at a university received Federal money, the entire university could not discriminate on the basis of sex in education.

Now, that is what we thought it meant. The reason that the words "program and activity" are so important, however, its not just because of the Education Act Amendments in 1972 and the Grove City case. It is because the words "program or activity" appear in almost every significant civil rights statute in the country starting with the 1964 Civil Rights Act, going through the Education Amendments of 1972, going up to the Rehabilitation Act of 1973, the Age Discrimination Act in 1975. Each of these statutes uses the words "program or activity." So that if the interpretation of the Court stands in Grove City, it is not just educational institutions, which may or may not discriminate on the basis of sex, which might or might not lose some Federal funding or be prohibited from discriminating. It is the entire body of civil rights law in this country.

Now, I want to emphasize again what was my understanding, and which I think was no different then that of the bulk of the country who had any knowledge of the early civil rights acts, of what program or activity meant, as to what was intended. Program or activity meant institution-wide; it meant citywide. It meant whatever the institution was. If some segment of the institution got some money from the Federal Government, the whole institution could not discriminate.

However, the Reagan administration's Justice Department argued that program or activity meant narrow, it meant just the program or activity that actually received the money. That is the first time that argument had been made. The Court bought it. So all those of us who are proponents of the Civil Rights Restoration Act are trying to do is to put the law back to what we thought it was prior to the Court's Grove City decision. But that means restoring the law to where it was prior to that Supreme Court decision, so that for purposes of civil rights coverage in this country, program or activity will mean institionwide, not a narrow interpretation of program or activity.

I hope that is what we can confine the discussion to. Whether that be on the subject of abortion or whether that be on the subject of any kind of first amendment liberties involving the religious clause, are we trying to change what the law was prior to Grove City or are we trying to go back to what it was prior to Grove City?

We will probably have plenty of time to discuss cross-ownership on this bill or a variety of other things on this bill unrelated to Grove City. We have very few rules of germaneness in the Senate except on appropriation bills. Anybody can add an amendment to halt Contra funding on an acid rain bill if they choose to do it. That may happen on this bill and I may involve myself in some of those debates. I clearly will vote one way or the other on some of those amendments. But for the moment it is important to realize what we are trying to do. And that is to restore the law as we all understood it, Mr. President, prior to Grove City. So that if you choose to accept Federal money, you can not discriminate in any of your activities throughout the institution. I hope that sets the framework for the debate, Mr. President. I intend to participate in it. I would hope that we would not adopt any amendments that do anything other than attempt to clarify or restore what the law was prior to Grove City.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Thank you very much, Mr. President. I wanted to make a few comments given my own experience on this issue of cross-ownership that has been so hotly debated here this afternoon. It seems to me it is pretty clear that the atmospherics have gotten far head of the facts, and I thought it might be helpful to put a few of the facts back on the table, many of which have been discussed so eloquently by the Senator from South Carolina.

First of all, this whole issue of cross-ownership is not new. This is not a dead-of-the-night issue. It is one that has been around for a long period of time. As was pointed out, the cross-ownership rule was promulgated by the FCC under the Nixon administration. It has been in effect for a long time. It became significantly controversial during the early 1980's when ownership of television stations began to change. We will all remember the purchase of NBC, and the question became what happens if people who own newspapers buy television stations and that are in the same community, what are the criteria that the FCC is going to set for cross-ownership rules?

A number of us were deeply concerned about that question. As chairman of the House Subcommittee on Telecommunications, Consumer Protection and Finance, I organized an extensive hearing. Long before Rupert Murdoch even showed up on the scene, we had an extensive hearing with Mark Fowler, then chairman of the FCC. We asked the chairman what the criteria were going to be. Later, in February 1985, we wrote an extensive letter to Mr. Fowler about the criteria, attempting to establish how the cross ownership was going to be handled. I ask unanimous consent, Mr. President, to have that letter included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON TELECOMMUNICATIONS, CONSUMER PROTECTION AND FINANCE OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 13, 1985.

Hon. MARK S. FOWLER,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN FOWLER: As you know, we are extremely concerned about the lack of a coherent policy at the Commission with respect to the granting of waivers of the cross-ownership rules.

While temporary waivers may be justified in cases where clear public policy justifications exist, we are very disturbed by the Commission's apparent attitude that temporary waivers are justified solely upon mere allegations that possible financial hardship or distress sales would result if property cannot be disposed of in what has been termed an "orderly" fashion. Clearly, this attitude is nothing more than an open invitation for parties to seek temporary waivers with an expectation that they be routinely, if not automatically, granted. Moreover, it is particularly important that the mere allegation of financial hardship or distress not be the basis for the granting of a temporary waiver if the Commission has no basis to believe that there will be greater diversity in the ownership of these properties following a waiver period as compared to the situation that existed prior to the transaction being approved.

As you are well aware, we firmly believe that the cross-ownership rules are vitally important in protecting competition and diversity in the marketplace of ideas and that waivers to those rules should be viewed as an extraordinary, not an ordinary, action.

Before the Commission makes any decision with respect to any applications seeking temporary waivers on the sole basis that failure to obtain such a waiver will result in financial hardship or distress sales, we strongly urge you to consider your own

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words before the Subcomittee on Telecommunications, Consumer Protection and Finance on this very subject just four months ago:

(1) Mr. Fowler. I think generally we ought not to grant waivers unless a compelling case is shown which demonstrates that a waiver would either not disserve the purpose of the rule and would serve other important public policy goals or that it would serve the purpose of that rule by having granted a waiver. I am generally, though, however, against a policy of liberally granting waivers for two reasons: one, I think it is very poor administrative law; and two, once you do that, I think it is difficult to justify not having to grant other waivers in similar circumstances.

(2) Mr. Wirth. Therefore, the burden of proof is on the individual coming in for a waiver?

Mr. Fowler. Yes, sir.

Mr. Wirth. To make a case that, in fact, they need that waiver?

Mr. Fowler. If they do not meet the burden, they are required to divest.

(3) Mr. Fowler. They have got to make their case each time. And if they do not make that case, they will not be granted any kind of a waiver.

(4) Mr. Wirth. * * * Everybody would like more time . . . What criteria then do you use? What is a distress sale?

Mr. Fowler. I think the one factor I looked at earlier was—I think the one of the most important, the difficulty of disposing of that particular property.

(5) Mr. Wirth. Should they come in and make their case as to why they have to do that? You have not told us yet that they have to come in and make that case.

Mr. Fowler. I thought I did. We require them to make a case in writing as to all of the factors justifying some period of time to divest.

Mr. Wirth. * * * There [were] no criteria before. There are no criteria now, it seems to me. Again some kind of a standard ought to be out there so that people know what the rules of the business are so you can see what the criteria were or the bases were in a given case that you rely on in determining to grant some period of time for divestiture.

Mr. Fowler. You have to show the degree of difficulty involved in selling the newspaper.

Mr. Wirth. It seems to me that there is an important consideration here in terms of again the standards and criteria that you are using on this front. And it is my concern—and you and I have talked about this in the past—that we underline, underscore, and emphasize to people the importance of concentration and cross-ownership, which is the thrust of what I am getting at. And I would hope that you all, in looking at this, make very clear to the applicants our mutual concern about this and the fact that this is not something that is going to go away. It is not going to disappear as some think it may, and that this is an important concern, and to be as strong and clear about that as possible.

Mr. Fowler. We totally agree, Mr. Chairman.

Media Mergers and Takeovers: The FCC and the Public Interest; Hearings before the Subcommittee on Telecommunications, Consumer Protection, and Finance of the House Committee on Energy and Commerce, 99th Cong., 1st Sess., transcript pp. 60–73 (July 10, 1985).

We want to remind you of this testimony that you offered to the United States Congress as to how the Commission would exercise its responsibilities with respect to the grant of temporary waivers to the cross-ownership rules. Any Commission action that would grant a temporary waiver on the mere allegation that financial hardship or a distress sale would result if a period of time to make an "orderly" disposition of the property was not given, would be totally inconsistent with your statements to Congress.

By your own words, an applicant who seeks a temporary waiver must carry the burden of presenting a compelling case which demonstrates all of the facts that would justify such a waiver, "[a]nd if they do not make that case, they will not be granted any kind of a waiver."

It is one thing for a regulatory agency created by the Congress to disagree with the Congress over the direction of policy, as you have done on a number of previous occasions. It is quite another for you to come before the Congressional committee responsible for overseeing your agency and make commitments as to how you will exercise your responsibility under the Communications Act and then not give up to those commitments either in letter or spirit.

We would seriously urge you to keep your statements to this body very much in mind as you consider taking any further actions that relate to this issue.

With best wishes,

Sincerely yours.

Timothy E. Wirth,
Chairman.
John Bryant.
Edward J. Markey.
James H. Scheuer.
Henry A. Waxman.

Mr. WIRTH. This is not a new issue. The issue of cross ownership was around starting with Dean Burch in the Nixon administration. It came to a head during the early 1980's when television stations were being purchased and we began to see a turnover, a change of ownership. The issue of Rupert Murdoch's cross ownership came up in 1985. Mr. Murdoch was then a citizen of Australia and was the owner of a number of newspapers in the United States. We are all familiar with the Murdoch newspaper empire.

In 1985, Mr. Murdoch purchased Metromedia, which owned a number of television stations in the United States, including television stations, as I remember it, in Chicago, Boston, and New York. The issue of cross ownership was not the first issue that we raised in discussion with Mr. Murdoch. The first issue we raised with Mr. Murdoch was to remind him that in order to own a television station in the United States you have to be a citizen of the United States. Mr. Murdoch came into my office over in the Rayburn Building and we had quite an extensive discussion.

Mr. Murdoch came in to try to get a sense of what the rules were. He was well represented by very able lobbyists, and we came in and had as I remember it, a very firm session in which I said, "Mr. Murdoch, let me remind you that before you can take ownership of these television stations you have to first become a citizen of the United States." At that point, he said he was going to become a citizen, get his green card and move rapidly to become a citizen so he could legally own these television stations. That was the first issue that we faced with Mr. Murdoch.

The second issue in that discussion was cross ownership. I said, "By the way, while you are complying with the citizenship requirement let me also remind you that there are some very significant cross-ownership requirements." We described those to him. I am sure he knew very well what they were. He was again very well represented. I described in significant detail to him what those cross-ownership requirements were and that we had them for the purpose of avoiding the concentration of ownership of television stations, and newspapers in communities, and in fact of television stations, newspapers, and radio stations. We have had divestiture of radio stations.

It has been pointed out that in the business of freedom of expression that we want to have as many outlets as possible. We do not want to have the concentration of ownership in a few hands, unlike the Australian model. We have the model in the United States which calls for very broad divestiture. We had this discussion. I said, "Mr. Murdoch, I am very leery of giving any kind of a waiver whatsoever. If you are going to purchase Metromedia stations, you know darn well you are going to have to divest. Either refrain from buying the television stations or divest yourself of the newspaper. You know that going in before you lay the money down. I want you to know we are going to insist upon the enforcement of the cross-ownership rules." He said, "No problem. No problem whatsoever."

Let me read to you the letter once again that Mr. Murdoch wrote to me, dated June 13, 1985, following that discussion when he said, "No problem." Let me read you his words:

Dear Mr. Wirth: I am writing as a follow-up to our meeting of May 14, 1985, in order to assure you of my intention to comply fully and expeditiously with the FCC's cross-ownership rules in the acquisition of the Metromedia broadcast licenses.

In view of your long-standing commitment to diversity which I share, let me confirm to you the accuracy of statements attributed to me in recent press reports that my application for assignment of the Metromedia licenses will not seek a permanent waiver of the FCC's cross-ownership rules and will otherwise fall within the parameters established by FCC regulations and prior precedent dealing with cross-ownership of broadcast and publishing properties.

The application is now being drafted. We will keep you informed of its progress.

Thank you for your continued interest.

Sincerely,

Rupert Murdoch.

Mr. President, I ask unanimous consent to have that letter included in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

June 13, 1985.

Hon. Timothy E. Wirth,
Rayburn House Office Building,
House of Representatives, Washington, DC.

Dear Mr. Wirth, I am writing as a follow-up to our meeting of May 14, 1985, in order to assure you of my intention to comply fully and expeditiously with the FCC's cross-ownership rules in the acquisition of the Metromedia broadcast licenses.

In view of your long-standing commitment to diversity which I share, let me confirm to you the accuracy of statements attributed to me in recent press reports that my application for assignment of the Metromedia licenses will not seek a permanent waiver of the FCC's cross-ownership rules and will otherwise fall within the parameters established by FCC regulations and prior precedent dealing with cross-ownership of broadcast and publishing properties.

The application is now being drafted. We will keep you informed of its progress.

Thank you for your continued interest.

Sincerely,

Rupert Murdoch.

This was not a letter sent out secretly. In addition to sending that letter to me, Mr. Murdoch, through News America Publishing, Inc., in New York the public relations firm put out the following statement of January 16.

* * * Mr. Rupert Murdoch, in a statement issued in London today, said that neither he nor his agents are seeking a permanent waiver from Federal Communications Commission cross-ownership rules.

He said, "We stand by and reaffirm representations we made to the FCC. We do not seek an extension of our two-year waiver. There is no basis in fact to recent press reports suggesting otherwise."

On November 14, 1985 Mr. Murdoch was granted a two-year waiver from cross-ownership rules in connection with his application for the purchase of the Metromedia television stations.

So Mr. Murdoch is not only on record in a letter to me, but he put out a press release saying he was not seeking a permanent waiver. Is this issue new? No. There is a long history of Mr. Murdoch saying "I seek no permanent cross-ownership waiver." The Congress was concerned about this, so concerned that we forged language which I offered on the House side and the distinguished Senator from South Carolina offered on the Senate side in the reconciliation bill in December of 1985 in which once again we reinforced the congressional concern that the cross-ownership rules be enforced. It is not an issue targeted at anybody in particular. That language is very clear.

Mr. President, I ask unanimous consent to have that reconciliation language be included in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Cross-Ownership Rule Waivers

The conferees are concerned with Commission enforcement of the local cross-ownership rules particularly in light of the number of recent waiver requests to these rules the Commission has considered. The Commission's purpose in granting any waiver to the cross-ownership rules should be to further the public interest; furtherance of the private interest of any applicant or licensee must be subservient to this purpose.

The conferees expect the Commission to review such requests with great scrutiny and not grant a waiver unless the applicant meets the burden of clearly demonstrating why such a waiver should be granted. Any temporary waiver granted should be limited in duration to the minimum amount of time necessary.

The purpose of this is simply to say that this is not, as has been argued a little bit on the floor here but more importantly in the press, a new issue. This is not a "sneak attack." This is something that goes back a long way. Let me talk a little bit, if I might, Mr. President, about the equities involved in this.

Mr. Murdoch has gotten a waiver and now through a variety of mechanisms is attempting to get a full permanent waiver of the cross-ownership rule. Tell me how fair that is. There have been a variety of other entities that have owned radio stations, television stations, newspapers, or have owned more than the concentration allowed. What have they done? Have they come in and asked for a permanent waiver? Not a chance in the world. What they have done is to comply with the regulations and comply with the law. I think in particular of CapCities. CapCities purchased ABC. Tom Murphy, the new president of CapCities, at that point came into my office and said, "I have got a problem." He was forthcoming about it. He said, "I have got a problem. We own a greater concentration of television stations and radio stations than we are allowed to own. What is the best way to go about divesting of these?"

Rather than running around and trying to get a waiver, the CapCities people in the most constructive way possible put up the stations that they had to sell and bent over backward to sell those to minority groups in big cities. They were not running around.

CapCities and Tom Murphy and company were not trying to get a waiver. They were not trying to backdoor the rules. They were very forthcoming not only about divesting themselves, but divesting themselves in the public interest, doing everything they could to sell those broadcast outlets to minority groups so we could increase diversity of opinion, so we could increase the minority stake in broadcast ownership in the country. Lack of minority ownership is a real problem that we have.

So it seems to me that it is absolutely inequitable for us to say we are going to grant a permanent waiver to one group, Rupert Murdoch, who has apparently been trying to circumvent the law while those people like CapCities and Tom Murphy have been responsibly complying with obeying the law. It scarcely seems to be fair for us to do that.

Third, we have talked a little bit about the FCC here. We have talked about the FCC and how to deal with the FCC, and whether we as a group ought to be going in and telling the FCC what rules and regulations they ought to write. I will tell you that in the last 7 years of history with the Congress dealing with the FCC, when the Congress has sat down with the FCC and worked through a policy, the FCC has ended up being very constructive and we all end up on the same wavelength. There are a number of examples of that.

There were real problems on the concentration of ownership. Mark Fowler and I sat down and instead of the old 7-7-7 rule worked through a concentration of a percentage of markets. That turned out to be a much more equitable way than the 7-7-7 rule. We worked it out. It happened very nicely, and we had the Congress putting the pressure on. The FCC came up, sat down, and worked out a very reasonable situation. There have been a number of examples where that sort of thing has happened.

I think on the minority ownership matter the FCC has not gone nearly as far as I would like to see the Commission do, but I think there has been the opportunity to sit down and work constructively with them. I think what Senator Hollings has attempted to do in this language is to say to the FCC if we are going to have waivers let us sit down and talk about where they are but let us not have a blanket writing in of the waiver.

Finally, let me answer a number of the specific questions that have been raised today. I would like if I might to get the attention of the Senator from Idaho. I would like to answer some of the specific points that he raised earlier which I think are appropriate to raise. I think they were good questions. I think they are ones that we all ought to know the answers to.

First of all, one of the questions raised by the Senator from Idaho was should we be in a position to preclude the FCC from granting a waiver in extenuating circumstances? It is a very legitimate question. If someone has extenuating circumstances should not the FCC be able to give them a waiver? The answer of course is yes. And Mr. Murdoch has had a waiver for 2 years. He knew going in when he bought Metromedia and owned those newspapers what the rules were. We explained them to him in my office. He wrote back and said "I know what the rules are." Then he went on to say, "I have no intention of going after a permanent waiver."

Now what has he done? He has turned around and gone after a permanent waiver. Is 2 years enough time or not enough time to go out and sell these newspapers to avoid the cross-ownership problem?

Well, he put together a package after a lot of wrangling in Chicago; and finally, as I recall, the Chicago Sun Times was sold to a syndicate in Chicago, and the Sun Times is operating.

More than 2 years ago, I knew of a number of offers for the New York Post. To suggest that somehow this ruling is going to shut down the New York Post is nonsense. Mr. Murdoch had years to sell the Post and had offers on the table for the New York Post, which he did not respond to. I talked to a number of groups trying to buy the New York Post that tried to get a response from Murdoch, and they could not get one.

So, while he was saying he had no intention of a permanent waiver, he was not responding, so far as we could determine, to good offers of people who wanted to buy the Post.

It is disingenuous for some—I'm not referring to the Senator from Idaho—to say suddenly we are going to shut down this newspaper. There have been a lot of offers, and he had more than 2 years to sell it.

The second question raised by the Senator from Idaho, a good one, is, why is this provision focused just on these two stations? The question is, Why these two stations?

The answer is that everybody else complied with the rules except Rupert Murdoch. That is why it is focused on these two stations. It has nothing to do with the politics of Massachusetts. It has nothing to do with editorial cartoons. It has to do with the fact that everybody else complied with the law. The only people who have not complied with the law are the Murdoch group, which is trying to get this permanent waiver. That is why this is focused just on these people.

The third question raised by the Senator from Idaho, another good one, is, should we not give him time to be able to do this?

The Senator mentioned if he were forced to sell his farm, he would like to have time to do it. I think we have given the Murdoch group lots of time. He got the waiver in the middle of 1985 and has had more than 2½ years to sell it. He has used that time to try to lobby us to waive the rules. So he has had plenty of time in which to do this.

Finally, a question was raised about the issue of concentration, and the argument was made that we have plenty of outlets, that we have plenty of newspapers and lots of television stations. That is hardly the case. I think that if you will look in New York City, there are very few newspapers. If you look there, there are in fact very few media outlets that everybody has access to.

That is the whole rationale behind the cross-ownership rule: to avoid any individual party from being able to concentrate an enormous amount of media power and to become effectively a bottleneck for public opinion.

The Supreme Court has said, by a vote of 8 to 0, that it is appropriate for us in the United States to have these cross-ownership rules so that we encourage a diversity of opinion; that no single individual, whether it is a powerful network which has complied with this ruling, or Rupert Murdoch, who has not, whether the Washington Post or anyone else, can be a bottleneck opinion. We must have a diversity of opinion. That is the purpose of the cross-ownership rule, and that has been upheld by the first amendment as being fully constitutional.

Mr. President, the history of this is very clear. For anybody to suggest that this was done at the last moment, that this is a political vendetta, is wrong. The facts do not bear that out. I think I have put into the RECORD all the appropriate documentation to lay out very clearly the long history of this particular issue, the fact that we have bent over backward to make clear to Mr. Murdoch what the law was, that he said very clearly on the record that he was going to comply with the law. He was given a long waiver time in which to comply with the law.

Usually, waivers are 2 years; and because of the complexity of these large newspapers, he was given a long waiver time.

We have done everything possible to make sure these newspapers could be sold and that Rupert Murdoch could comply with the law.

It seems to me that we have now seen something of a different situation. The FCC has not acted in the public interest, as they are required to do under the Communications Act of 1934; and it is our responsibility in Congress to act with oversight over the FCC and make sure that they do operate in the public interest. It is that precise public interest standard that has been met by the language in the continuing resolution. I commend the Senator from South Carolina for putting that in, and I commend all the other Senators who were involved in that process who agreed with the Senator from South Carolina that it should be in there. We should keep it in there and table the amendment offered by the Senator from Idaho and move on to the important legislation before us.

I yield the floor.

Mr. THURMOND. Mr. President, I ask unanimous consent to set aside the consideration of the Symms amendment for 7 minutes, so that I may offer my opening statement.

I also ask unanimous consent that my statement appear with the other opening statements on S. 557.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, today the Senate begins consideration of S. 557, the proposed "Civil Rights Restoration Act of 1987," the latest version of legislation to address the Supreme Court decision in the case of Grove City versus Bell, decided in 1984. For more than 3 years now, we have heard the clamor from House and Senate Members and the civil rights community demanding reversal of this decision.

"Restore the law to its pre-Grove City state," has been the cry. However, if anything has become clear in the last 3 years, it is that there is wide disagreement on what the state of the law was in this area before that decision.

The sponsors of S. 557 state that they want to restore the broad, institution-wide coverage of title IX and the other statutes addressed in their bill. However, there is strong evidence that coverage prior to Grove City was not institution wide, but program-specific, as the language of the statutes appears to mandate. The fact is, we are probably involved in this exercise today because Congress did not meet its responsibility to pass clear and unambiguous legislation in the first instance. I hope we will not repeat that mistake.

Mr. President, the controversy surrounding Grove City-related legislation has been improperly focused from the start. The question is not whether Federal financial assistance should be allowed to fund discriminatory activities. Indeed, I believe that Americans support the continued prohibition of such use of Federal funds. I have heard no one argue otherwise.

However, the sponsors of S. 557 have chosen to distort this debate by posing the question in simplistic terms under which one is either for their bill or for federally subsidized discrimination. It is a tactic which has served them well on this and other legislation which, regardless of merit, has been touted as critical to the future of civil liberty in our Nation.

The true controversy underlying this legislation is based upon complex, yet subtle questions which arise in the implementation of the accepted policy goal that Federal dollars should not subsidize discrimination. It is here that a number of significant disagreements exist: What breadth of coverage should be invoked as the result of receipt of Federal funds by a particular

entity? For example, should an entire multisited corporation be covered under the civil rights statutes when only one part of one of its plants receives Federal assistance? Should certain types of organizations be singled out for especially expansive coverage for no apparent reason—as they are under S. 557?

Should we agree to expanded coverage of a statute under which there are regulations that require others to do with their own money that which is prohibited with Federal money? This is the hypocrisy which would result from expanded reach of the title IX regulations requiring recipients to provide abortion services to students and employees—services which are prohibited from being performed with Federal dollars.

Is it appropriate that we expand coverage under the civil rights statutes to cover, as S. 557 would, all the operations of a church or synagogue merely because it assists the elderly or the needy with the use of Federal dollars? Coverage prior to Grove City would have extended only to the federally assisted program within the church or synagogue. Although the sponsors of S. 557 have argued vigorously in defense of the expansive coverage of churches which would result under the bill, they have presented no evidence of discrimination to warrant such new coverage. Should we not at least have a reason for discarding first amendment religious freedoms?

Mr. President, these are some of the issues which make the proposed "Civil Rights Restoration Act of 1987" controversial. They do not center on the question of whether Federal funds should be allowed to subsidize discrimination. They center on the need for a careful balancing of constitutionally guaranteed freedoms and rights and their relationship to important public policy objectives.

I look forward to the discussion of these and other issues during consideration of S. 557.

REGARDING THE CIVIL RIGHTS RESTORATION ACT

Mr. HARKIN. Mr. President, I am a cosponsor of S. 557, the Civil Rights Restoration Act of 1987 because I deeply believe that Federal tax dollars should not be used by any entity that discriminates against a person on the basis of race, color, national origin, sex, disability, or age.

The Congress has passed four civil rights statutes—title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975—that prohibit entities operating programs or activities receiving Federal financial assistance from engaging in discrimination.

These laws specify which entities are covered—entities receiving Federal assistance; the scope of coverage—programs or activities receiving such Federal assistance; the proscribed actions—exclusion, denial of benefits, and discrimination; and the protected classes—persons subjected to discrimination on the basis of race, color, national origin, sex, disability, and age.

On February 28, 1984, the Supreme Court, in Grove City versus Bell and Conrail versus Darrone significantly narrowed the scope of coverage of title IX (sex discrimination) and section 504 (discrimination on the basis of handicap) and by implication title VI (race discrimination) and the Age Discrimination Act.

The purpose of S. 557 is to restore the scope of coverage that existed prior to the Grove City and Darrone decisions. In other words, the bill redefines the phrase "program or activity" to restore the broad institutionwide scope of coverage that existed prior to the decisions.

The bill does not amend the other components of the civil rights statutes. Thus, the bill does not address which entities are recipients of Federal financial assistance and thereby made subject to the prohibitions in the laws. For example, entities or persons such as farmers, who were determined not to be recipients under prior law because they were the ultimate beneficiaries of Federal assistance would not have their status changed by the provisions in the bill.

In addition, the bill does not redefine what constitutes discrimination. Many in the civil rights community would have liked to strengthen and expand the current definition of discrimination. However, it was agreed, in the spirit of bipartisanship, and in an effort to gain passage of the bill, to put aside such agendas and support the restoration principle. Finally, the bill does not redefine the classes of persons protected by the acts.

I believe that an overwhelming majority of the Members of this body support the restoration purpose of this legislation. Most Senators that I have talked to reject the Supreme Court's interpretation that where a college accepts Federal aid in the form of student loans that only its financial aid office is barred from engaging in discrimination and that the rest of the college is free to deny equal opportunities in their course offerings, extracurricular activities, or student programs. All activities at a university that accepts Federal assistance must be free from discrimination.

Further, I believe that most Senators who realize that the executive and judicial branches have interpreted the Grove City decision as extending beyond education, will enthusiastically support restoring a broad interpretation that reaches beyond education to prevent Federal funding of discrimination in such areas as health, transportation, housing, social services, and economic development.

I also believe that most Senators who realize that persons with disabilities have no protections against employment discrimination other than under section 504 will enthusiastically support restoring the broad institution-wide coverage envisioned by Senator Hubert Humphrey, the sponsor of section 504, when he stated: "The treatment and regard for the rights of handicapped citizens in our country is one of America's shameful oversights * * * I am insisting that the civil rights of 40 million Americans now be affirmed and effectively guaranteed by Congress. These people have the right to live, to work to the best of their ability—to know the dignity to which every human being is entitled."

The effective guarantee that Senator Humphrey was referring to has been gutted by the Darrone and the Grove City decisions. A recipient institution may be receiving millions of dollars of Federal aid and at the same time denying employment opportunties to employees with disabilities but the Federal agency responsible for enforcing section 504 will be unable to take any remedial action unless it can identify specific Federal aid tied to the specific activity in which the alleged discrimination occurred.

For example, a person filed a claim that he was discriminated against by the Massachusetts Department of Youth Services on the basis of his handicap. He alleged that although he passed the exam for supervising group worker and was ranked first on the list for such a position, he was not given a supervisory position with reasonable accommodation for his disability. The U.S. Department of Education refused to pursue this case because it could not track the thousands of dollars the Massachusetts Department of Youth Services received to the particular activities for which the person would have been responsible if he had been hired.

In sum, I believe that most Senators support the restoration purposes of the bill. I am still hopeful that those Senators who are considering offering amendments which go well beyond restoring the broad institution-wide coverage of the civil rights laws will realize that the Civil Rights Restoration Act is not the vehicle for such amendments.

I urge my colleagues to get on with the business before us—restoring the scope of coverage of these four Civil Rights Acts that existed before six members of the Supreme Court assumed the role of legislators and rewrote these statutes. People with disabilities, girls and woman, minorities, older persons, and persons who oppose having their tax moneys be used to support discrimination are awaiting our actions.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Idaho.

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, there will be no more rollcall votes today.

J. RUSSELL WIGGINS

Mr. COHEN. Mr. President. I rise to call the Senate's attention to the accomplishments of one of Maine's favorite sons and one of the Nation's finest journalists. The gentleman in question is J. Russell Wiggins, editor of the Ellsworth American, former executive editor of the Washington Post and former U.S. Ambassador to the United Nations.

His many achievements were outlined recently in an article in the January 18 issue of Time magazine, which I would like to have reprinted in the RECORD. At a vital 84 years old, Mr. Wiggins is described alternately as an American original and a curmudgeon. Yet he and his newspaper are beloved by the residents of Ellsworth, the gateway to Acadia National Park. What other weekly would send a correspondent to cover the America's Cup race in Australia and have an editor who is the appointed fence viewer of the town of Brooklin?

I hope the Members of the Senate will enjoy the Time article, "In Maine: A Town and Its Paper."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Time, Jan. 18, 1988]

IN MAINE: A TOWN AND ITS PAPER

(By Ted Gup)

Some years back, James Russell Wiggins, editor of the Ellsworth *American* in Maine, wanted to prove to readers how pitifully slow was the U.S. Postal Service. So he proposed a race: he sent letters to a nearby village, one through the Postal Service and others by oxcart, canoe and bicycle. At the pedals was a local celebrity, Writer E.B. White. The Postal Service lost every race, and Wiggins gloated on the front page.

That was big news. Big news elsewhere, though, often doesn't seem quite so pressing in Ellsworth. The October stockmarket crash got one sentence last fall; the blueberry industry, a mainstay of the region, got a five-part series. But nothing is read more closely than the court page, a list of everyone caught speeding or driving tipsy or lobstering without a license. "I want to see if any of my buddies are in there," says Carmen Griffin, a waitress at the Pineland Diner on Main Street. It may be a yawn in Portland, Me., but in Ellsworth, it's front-page news when there's a bumper crop of scallops or the cops seize a pet snake (the headline: Police Put Permitless Pet Python in Pen).

When Editor Wiggins, 84, wanted to tell his readers, many of whom live by and from the sea, what was happening in the America's Cup race, the weekly sent a reporter to Australia. The story was relayed by satellite to Washington, wired to an Ellsworth bank and then walked across Main Street by the bank's vice president.

That's how things have always been done in Ellsworth, one neighbor counting on another. Ellsworth is the shire town of Hancock County, some two-thirds up the Maine coast, and gateway to the summer resorts of Bar Harbor. For more than 200 years, the town has hugged the Union River, which spills out into Union River Bay and eventually the bold Atlantic. The town was named for Oliver Ellsworth, an early Chief Justice of the Supreme Court. Folks here are friendly. They can't help themselves. But Down Easters draw a line between outsiders—"people from away"—and locals. You can be born in Hancock County and still not be judged a local if your parents were "from away." They say, "A cat can have her kittens in the oven and call them biscuits. Doesn't make it so."

Ellsworth has reason to be wary of outsiders, who come here seeking tranquillity and disturb what tranquillity there is. They clog streets, drive up land prices and bring with them some anxieties they hoped to escape. And they talk funny. Not since the fire of 1933 swept down Main Street, consuming 130 buildings, has the character of the town and the region been so threatened. "We're getting a little class," says Victoria Smallidge, owner of the Pineland Diner, who moved here in 1970. Call it what you will, some locals are uneasy about a diner that offers a wine list and tenderloin with bearnaise sauce but holds mashed potatoes and meat loaf in contempt. *American* reporters discuss stories that straddle two worlds: a log-sawing contest in Brooklin, Me., and drug-awareness week at nearby Bucksport High. These days lawyers and real estate agents seem to outnumber clergymen and clam diggers. Even the lilting Down East accent, once spoken as if it were passing over a dip on a backwoods road, is losing its curls.

The *American* began publishing in 1350. There were 5,000 townspeople then, and the paper's slogan was "Americans can govern America without the help of foppish influence." There are now just over 5,000 souls in Ellsworth, and they still bristle at outsiders' arriving in Peugeots with ideas for their town. But change is certain. Some city officials say the population may double in five years. Many fear the region is losing its identity. It is the *American* that is helping to preserve that identity, holding itself up as a mirror of community interests, passions and humor in uncertain times. "It's the one continuity we have in our lives, besides the seasons," says Jack Raymond, a reader from Bar Harbor.

Wiggins and the *American* seem an unlikely pair. He never went to college and didn't take over the *American* until late in life. Before that he was executive editor of the *Washington Post*, then U.S. Ambassador to the United Nations. A great-grandfather, he holds eight honorary degrees, reads up to five books a week and recites Chaucer from memory. He belts out incendiary editorials, writes a sometimes syrupy nature poem and, until recently, had a paper route. He hasn't drawn a salary in two decades. The former Ambassador still holds public office—of a sort. He's Brooklin's appointed fence viewer. He is supposed to settle boundary disputes, but none ever arise. Wiggins is a robust man with snow white hair, eyebrows that arch in incredulity and strong hands beginning to gnarl like briar. In his spare time, he strolls his saltwater farm on Carlton Cove or sails the *Amity*, his sloop. "I picked the name out of the air," he says. "I threatened to name it *Lolita*, an old man's darling, but my wife didn't care for that."

"J. Russell? He's an American original," says Ellsworth's city manager, Herbert Gilsdorf. "For this place and this time, it's probably the best fit between a newspaper and a community I've ever seen, and I don't have any reason to blow the guy's horn 'cause he's harpooned me a couple of times." Folks are proud of the *American*, and why not? It may be the finest—albeit quirkiest—weekly in the nation. "It's a real good pay-pa," says Don Walls as he lowers a 100-lb. crate of lobsters from a wharf in Southwest Harbor; the *American* ran a photograph of Walls' six-year-old son Travis, winner of the fishing derby. "Meant a lot to me and the boy," he says.

Some think Wiggins is a curmudgeon. He grabs onto every subject like a pit bull. He's been railing against the lottery for years. "It's a fraud on the public," he steams. Maybe, but he hasn't even won over his personal secretary, Rose Lee Carlisle; who buys five dollars' worth of lottery tickets every week. When the Maine legislature amended the state constitution, Wiggins wrote an editorial saying the change was "as clumsily executed as a double heart-bypass by a band of butchers wielding a chain saw."

"Like that one, did you?" he asks. Some folks say he's too liberal. Wiggins laughs: "My children and grandchildren are always telling me what a reactionary old bastard I am." He enjoys citing the saying that a newspaper should "comfort the afflicted and afflict the comfortable." But Wiggins can be a softy too. His reporters remember his weeping when a Christmas caroler from a home for wayward boys put his arms around him. Then there is the Wiggins who laughs until he tears. He passes on the latest story from his friend and sailing partner, Walter—Cronkite, that is. Greeting visitors to his 1802 Federal house are life-size cutout figures of Frank and Ed, the yokels from the Bartles & Jaymes ad. "I want you to meet a couple of friends of mine—Frank and Ed," he tells an unwary visitor. He admits to two vices, Scotch old-fashioneds and raspberry sherbet. After he wrote a column about the scarcity of the latter, merchants started stocking it.

On his farm, Wiggins walks among his mallard ducks, chickens, geese and a Norfolk terrier named Red that once belonged to the late White. The elders among the geese—Arthur, the old gander, and Jezebel, the goose—are often featured in Wiggins' Aesop-like bimonthly column. Once a "mover and a shaker," he steered the *Washington Post's* coverage of every crisis from the Berlin Wall to the Viet Nam War. No more. "You can't flatter yourself in the

belief that you can leverage the world from the perimeter of Ellsworth, Me.," he says. "But I enjoy rural life a lot better than I do big cities. I'm at home in this environment." Happiness, he says, is an old age shared with Ben Franklin's three faithful friends: "an old wife, an old dog and ready money."

BICENTENNIAL MINUTE

JANUARY 26, 1830:

WEBSTER'S REPLY TO HAYNE

Mr. DOLE. Mr. President, 158 years ago today, on January 26, 1830, Daniel Webster rose in the Old Senate Chamber to deliver one of the most famous speeches in Senate history, and one of the greatest defenses of the American Union. On the previous day, Senator Robert Y. Hayne, of South Carolina, had delivered a speech that denounced a pending tariff bill as unconstitutional and he suggested the superiority of the States over the Federal Government.

The next day, Senator Webster, defender of the tariff and the Union, responded with these emotion-laden words:

> When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on states dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, as it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic . . . bearing for its motto . . . Liberty and Union, now and forever, one and inseparable!

In the galleries sat Robert Scott, a Kentucky lawyer, who jotted down his eyewitness description of the scene:

> January 26, 1830. This morning a dense crowd of the most respectable gentlemen and ladies assembled, crowding the floor and galleries. They listened for two hours and a half to Mr. Webster, who spoke with the grandest and most interesting parliamentary eloquence which it has ever been my good fortune to hear. He attacked his antagonist with the most clever satire and cutting sarcasm, refuting his facts and subverting his arguments. . . . Mr. Webster concluded his speech with the most convincing argument and forcible eloquence. . . . He closed in appropriate and eloquent terms, calling for union, happiness, and glory for our common country.

THE 100TH ANNIVERSARY OF THE FOUNDING OF THE NATIONAL GEOGRAPHIC SOCIETY

THE NATIONAL GEOGRAPHIC SOCIETY CELEBRATES ITS CENTENNIAL

Mr. PELL. Mr. President, this year marks the 100th anniversary of the founding of the National Geographic Society. With almost 10½ million members, the National Geographic Society is today the largest nonprofit scientific and educational organization in the world. This 100th birthday is an event of considerable importance, and one that should not, and indeed will not go unnoticed.

The concept behind the National Geographic Society began on the evening of January 13, 1888, when 33 men traveled on foot, horseback, and in elegant carriages through the foggy streets of Washington to the Cosmos Club where they convened around a mahogany table to discuss the "advisability of organizing a society for the increase and diffusion of geographic knowledge." In the ensuing 100 years the National Geographic Society has conducted research, sponsored exploration and acted as a leader in education in bringing the knowledge of the wonders of our planet to generations of Americans and other peoples around the world.

The National Geographic Society has supported over 3,300 research projects and explorations—from Hiram Bingham's 1912–15 excavation of the lost Inca city of Machu Picchu, to Donald C. Johanson's 1974 unearthing in Ethiopia of the oldest, most complete skeleton of any human ancestor ever found, to current research on animal behavior and undersea photography.

National Geographic has pioneered advances in communication, from early color photography to laser printing, and has set a standard of communications excellence in the society's publications and films. National Geographic's photographers have won hundreds of awards for their photography and have brought the magnificence of nature and the excitement of discovery to millions.

But most important, I believe, is the National Geographic Society's commitment to education. National Geographic, the official journal of the society, is used by teachers and students everywhere. National Geographic films, television programs, maps and other teaching materials enrich thousands of classrooms every day. And National Geographic WORLD, the society magazine for 8 to 13 year-olds, reaches 1.2 million young readers in 150 countries. As chairman of the Subcommittee on Education, Arts, and Humanities, I am keenly aware of the remarkable contribution the society has made and continues to make to the education of children and adults throughout our Nation and the world.

To celebrate its first 100 years and to begin its second century, I was extremely pleased to learn that the society will establish a $20 million foundation to provide grant support to local and national programs in geography education. As Gilbert Grosvenor said at the announcement ceremony:

> The establishment of the foundation during the Centennial underscores the Society's commitment to making students and teachers a major beneficiary of its century old mission to increase and diffuse geographic knowledge.

Recognition of the National Geographic Society's contribution to a better knowledge of the world around us, however, cannot be accomplished without recognizing the very significant contribution made by the Grosvenor family. From Gilbert H. Grosvenor, who joined the society in 1899 and served as president for 34 years beginning in 1920, to Melville Bell Grosvenor, who joined the staff in 1924 and served as president from 1957 until 1967, to his son, Gilbert H. Grosvenor, the current president who joined the staff in 1954 and became president in 1980, this is a truly talented and dedicated family. They have given to the society, and in reality to citizens the world over, generations of thoughtful, progressive leadership in geography education. We are deeply indebted to them for their unstinting devotion to a noble cause and for their brilliant leadership in accomplishing so much.

Mr. President, I know that the entire Senate joins me in congratulating the society on its first 100 years and in applauding the establishment of the new foundation as the renewal of the society's ongoing commitment and effort to imbue teachers and students with the critically important knowledge of geography.

NOTE

UNITED STATES-JAPAN AGREEMENT FOR NUCLEAR COOPERATION NEEDS REVISION

Mr. CRANSTON. Mr. President, late last year a deeply divided Reagan administration asked the Senate to approve a new agreement to govern United States nuclear cooperation with Japan.

This proposed new agreement, which would supplant an existing accord that runs through the year 2003, would give away completely the United States right to approve commercial use of several metric tons of nuclear bomb-grade plutonium each year by Japan.

The agreement anticipates two to three shipments over and through the United States of hundreds of pounds of plutonium each month for at least the next 30 years.

The agreement proposes to abandon the bipartisan policy of our Government, first enunciated by President Gerald Ford, which discourages widespread commercial use of plutonium.

It will, therefore, not surprise my colleagues to learn that this proposal to depart radically from past U.S. policy was opposed by the Secretary of Defense on urgent national security grounds.

The Department of Defense opposed this agreement in writing.

So did the independent Nuclear Regulatory Commission.

And so have strong majorities of the Senate Foreign Relations Committee and the House Foreign Affairs Committee.

It should thus be clear that opposition to this accord in its present form unites critics in the executive and legislative branches, liberals and conservatives, Democrats and Republicans, nuclear enthusiasts and skeptics.

At issue is not nuclear power per se. The issue here is the national security interests of the United States, which are inadequately protected by the new draft accord.

The Senate Foreign Relations Committee took extensive testimony on this question in two December sessions. We found that the State Department negotiators propose to give away completely the United States right to approve commercial plutonium shipments, shipments which will move through the United States each month in casks that have not been created and tested, to be used in Japanese facilities that have not yet been designed, to be protected by safeguards that have not yet been invented.

The proposal, the committee concluded, is an extreme environmental hazard, a proliferation peril and a would-be terrorists dream come true.

The senior Senator from North Carolina, Jesse Helms, and I do not often agree on international security issues. But we both agree that the proposed new United States-Japan agreement is flawed. We both raised a number of questions about this scheme, as did Senator Adams, who termed the scheme "outrageous," as did Senator Murkowski, who has deep concern about it in his home State, as did Senator Glenn and others.

The Foreign Relations Committee voted 15-3 that the draft agreement was not in compliance with the key provisions of the Atomic Energy Act, and must, therefore, be returned to the President for renegotiation, or resubmission with a waiver of these key provisions. The committee, in a December 19, 1987, letter which I submit for the Record, asked for prompt consultations with senior administration officials, with a reply requested by January 11. A majority of the House Foreign Affairs Committee took similar action.

Under the terms of the Atomic Energy Act, as amended by Congress in 1985, the new United States-Japan agreement cannot now enter into force unless Congress acts affirmatively to approve its provisions.

What has been the administration's response to date?

It has given this body the back of its hand.

It has ignored the Senate committee action.

It has ignored the House concerns.

It has ignored the law.

No response whatsoever was received by January 11, though there have been press leaks about an aggressive lobbying strategy to mislead Senators and to try to pull off a procedural end run on the Congress of the United States.

Mr. President, I am eager to work with this administration to resolve this issue. There are men and women of good will downtown who understand—indeed, who share the legitimate concerns the Congress has expressed about flying tons of plutonium through the United States of America with the Federal Government having no right to bar these Japanese shipments.

But I want to make clear here and now that there are many of us in Congress who will not allow this agreement to move forward until its defects are remedied.

We will not tolerate procedural games and parliamentary end runs by the State Department negotiators.

And while we await the beginning of a serious dialog with administration officials, we will do all in our power to block the entry into force of this new accord.

We have a number of options which we will advance in the days ahead.

We will seek to ensure that the law is upheld. We will seek to protect the rights and the responsibilities of Congress to approve any new nuclear agreement which does not satisfy basic national security safeguards contained in the Atomic Energy Act. Our purpose is simply to uphold the position of the Senate as expressed in our December 19 letter to the President.

I hope we do not have to engage in a parliamentary confrontation. I hope we do not have to contest this draft new agreement with Japan, and all licenses and contracts pursuant to it, in courts of law. I hope we can work with the executive branch in the same spirit of cooperation which marks our present dialog on the INF Treaty to address concerns about blanket approvals for commercial plutonium use.

If not, we're going to have a prolonged fight on our hands, a fight which can help protect our national security interests, but which can do little to improve United States-Japan relations, not to mention relations between Congress and the executive branch.

The letter follows:

U.S. Senate,
Committee on Foreign Relations,
Washington, DC, December 17, 1987.

The President,
The White House,
Washington, DC.

Dear Mr. President: In accordance with the provisions of Section 123b. of the Atomic Energy Act of 1954, as amended, 42 U.S.C. S2153(b) (the "Act"), we are writing to advise you that the Senate Foreign Relations Committee has concluded that the proposed Agreement for Cooperation between the Government of the United States of America and the Government of Japan Concerning Peaceful Uses of Nuclear Energy, submitted to the Congress on November 9, 1987 (the "Agreement"), is not consistent with Section 123 of the Act. The Committee respectfully requests that you renegotiate the Agreement to bring it into conformity with U.S. law. If the Agreement is not renegotiated, then it must be resubmitted to the Congress with an exemption of statutory requirements, in accordance with Section 123a. of the Act, and must await affirmative action by Congress through enactment of a joint resolution of approval.

As made clear in the Conference Report accompanying the 1985 amendment to the Act, "(t)he Congress fully expects . . . that the President will resubmit any agreement for which he has not submitted an exemption if either (Foreign Affairs) Committee during the prior consultation period recommends that an exemption is required."

In submitting the Agreement to Congress, your Administration expressed the conclusion that the Agreement "meets all statutory requirements". The Committee cannot accept this assertion. The proposed Agreement would provide for thirty-year advance consent of extraction, transport and widespread commercial use of plutonium by Japan—activities which, as the Administration itself states, are "unprecedented in . . . nature and scope. . . ." In our judgment, Section 123 of the Act unqualifiedly requires that the United States retain prior approval rights in its agreements for cooperation over the transfer and reprocessing of nuclear material. While the Administration asserts that these requirements are met, the implementing Agreement exercises in Article 1 the consent rights provisions on a one-time basis for the life of the Agreement, a proposal totally incompatible with the provisions of the Act.

The Committee also has serious reservations about the finding that the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security—inasmuch as this determination was made arbitrarily in the face of serious, written objections from both the Department of Defense and the Nuclear Regulatory Commission. The Committee also finds fault with the Administration's interpretation of the Act's requirements with regard to the "timely warning" criterion. Congress intended in the Nuclear Nonproliferation Act for timely warning to be something more than a mere restatement of the general test of "inimicality" which the Act provides for subsequent arrangements. Rather, Congress intended timely warning to be a technically-based criterion, judged in light of the workability of safeguards and physical security measures. Since the Administration has not made such a determination, we do not believe that the exercise of consent rights in the Agreement is consistent with the requirements of Section 131b.(2) of the Act. Consequently, the safeguards and physical security criteria of Section 123 of the Act are not met.

The Committee is deeply concerned about the major policy implications of the precedents which would be established by entry into force of this Agreement. Testimony taken by the Committee indicates that the U.S. is preparing to give blanket authorization for the next 30 years to air-shipment of several hundred kilograms of weapons-usable plutonium each month over and through U.S. territory. Before embarking

on such a perilous course—which could seriously jeopardize our nonproliferation interests while posing a grave environmental risk—we wish to consult with the Administration very closely. It is therefore our purpose in this letter to stop the "ninety day clock", and to begin a good faith dialogue with all parties on how the fundamental deficiencies in the Agreement can be corrected.

The Committee has reached these judgments on the basis of its own investigations, as well as its lengthy hearing conducted on December 15, 1987. Accordingly, the Committee finds that the Agreement must either be renegotiated, or, at a minimum, resubmitted with an exemption from the appropriate provisions of Section 123 of the Act. The Committee requests that your Administration communicate its intentions to the Chairman and to the Ranking Republican Member by January 11, 1988, in order to provide sufficient time to consider necessary legislative action and other remedial options.

Sincerely,

Claiborne Pell, Chairman; Jesse Helms, Ranking Republican Member; Alan Cranston, Chairman, Subcommittee on Asia and Pacific Affairs; Frank H. Murkowski, Ranking Republican Member, Subcommittee on Asia and Pacific Affairs; John F. Kerry, Rudy Boschwitz, Paul Simon, Terry Sanford, Paul S. Sarbanes, Brock Adams, Daniel P. Moynihan, Christopher J. Dodd, Nancy Landon Kassebaum, Larry Pressler, Joseph R. Biden, Jr.

WASHINGTON HARVARD SEMINAR

Mr. PRESSLER. Mr. President, on October 20, 1987, I sponsored a 1-day "Washington Seminar" for Harvard Law School graduates from the classes of 1970, 1971, and 1972. Over 125 graduates from across the Nation and overseas were in attendance to hear several presentations on Washington political affairs and national issues.

During the seminar, many speakers—including Members of the U.S. Senate, the President's Cabinet, the Supreme Court, local legal professionals, and members of the Washington press corps addressed current issues facing the Nation. I would like to take this opportunity to thank all of my colleagues who participated in the event.

The first presentation of the day was by Jay Stevens, 1973 Harvard Law School Graduate and Deputy Counsel to the President, who discussed White House operations and the role of Counsel to the President. Two distinguished members of the Senate Foreign Relations Committee, Senator Jesse Helms and Senator John Kerry, led an informative discussion on foreign policy issues and their interests on the Foreign Relations Committee.

At a luncheon in the Russell Senate Caucus Room, Supreme Court Justice Antonin Scalia addressed the group with a lively, interesting talk regarding his role on the Supreme Court and the day-to-day life of a Supreme Court Justice.

During the afternoon, Leslie Stahl, CBS News National Affairs Correspondent, gave an analysis of the national media and how public perception of many Government officials is affected by the media. Senator John Chafee, a 1950 graduate of Harvard Law School, and chairman of the Senate Republican Conference, outlined the duties of the Republican Senate leadership and how the U.S. Senate agenda is developed.

The new U.S. Secretary of Commerce, C. William Verity, discussed his role as the new Secretary of Commerce and his goals for his term as Secretary.

Senator Arlen Specter, a member of the Senate Judiciary Committee reviewed his reasons for voting against Judge Robert Bork's nomination to be a Supreme Court Justice.

Senator Warren Rudman one of the coauthors of the Gramm-Rudman-Hollings Deficit Reduction Act, described that legislation, and discussed his duties as vice chairman of the Iran-Contra Committee. Senator Alan Simpson described his work as the Senate Republican whip.

Wayne Kelley, publisher, of Congressional Quarterly and Richard Cohen, congressional reporter for National Journal, together discussed the coverage of politics in Washington and national policy issues.

Also, two prominent Washington attorneys, J.D. Williams and Tad Davis provided insights into the role of the Washington lawyers in shaping national policy issues.

The seminar was a great success, and I thank all of the Harvard Law graduates who attended and participated.

I ask unanimous consent that an agenda of this day's events and speakers be printed in the Record.

There being no objection, the agenda was ordered to be printed in the Record, as follows:

Harvard Law School Washington Seminar, October 20, 1987

Welcome remarks by Senator Pressler.

The President's Counsel.—Jay Stevens, Deputy Counsel to the President, will discuss White House operations and the role of Counsel to the President.

Foreign Affairs Issues.—Senator Jesse Helms and John Kerry, members of the Senate Foreign Relations Committee, will discuss timely foreign policy issues.

Washington Law Practice.—Prominent Washington legal practitioners, J.D. Williams and Tad Davis, will give an insight into the role of the Washington lawyer in shaping national policy.

Luncheon.

Keynote address: Supreme Court Justice Antonin Scalia.

The Senate Leadership.—Senator John Chafee, chairman of the Senate Republican Conference, will discuss the role of the Senate Leadership Offices in developing and managing the Senate agenda.

International Trade.—C. William Verity, U.S. Secretary of Commerce, will discuss international trade issues.

The Washington Press Corps.—Lesley Stahl CBS News National Affairs Correspondent followed by Wayne Kelley, Publisher, Congressional Quarterly; Richard Cohen, Congressional Reporter, National Journal. They will discuss covering of politics and national policy issues.

The Bork Debate.—Senator Arlen Spector, member of the Senate Judiciary Committee will discuss the Bork nomination.

Budget Issues and the Iran-Contra Hearings.—Senator Warren Rudman, co-author of the Gramm-Rudman-Hollings Deficit Reduction legislation and Vice Chairman of the Iran-Contra Committee, will discuss development in both areas.

Open Senate Forum.—Senators Robert Dole, Claiborne Pell, Ted Stevens, and Alan Simpson will stop by for short presentations throughout the afternoon.

JOHN J. WILLIAMS

Mr. BIDEN. Mr. President, Delawareans were saddened earlier this month by the passing of former Senator John J. Williams on January 11.

For more than two decades, John Williams was known as "the Conscience of the Senate" for his high standards of personal integrity and for his unyielding belief in government accountability. His life was a testament to the concept of "public service," and this body in particular was the better for his having served here.

I was 3 years old when John Williams was elected to the Senate, and it was only 2 years before I arrived here that he announced his retirement. During the time that I was growing up, nurturing my interest in public service, and beginning my own career, John Williams was the preeminent political leader in Delaware.

That leadership was not due to a powerful political organization, nor was it due to partisan political considerations here in Washington, for during much of his tenure, his party controlled neither the White House nor either House of Congress. Instead the nature of John Williams' leadership was the best kind—leadership by example. For it was through the strength of his character and the sincerity and firmness of his convictions that John Williams set the standard of honor for public servants everywhere.

His pursuit of that standard knew no partisan bounds, whether the offenders were highly placed members of an administration he supported, or employees of the Senate who would tarnish this body in pursuit of personal gain. When it came to the partisan political considerations of his deeds, John Williams let the chips fall where they may, taking great care to protect the reputations of innocent and honorable men and women. His 24 years in the Senate, the longest tenure of any Senator in our State's history, is proof that, contrary to the old maxim, an honest man can succeed in politics.

All of this may sound a little old-fashioned to some people. Sometimes in a world where we too often measure success in material terms, the idea of doing right for its own sake and seeking excellence as an achievement rather than simply as a slogan does seem out-of-fashion. But those of us who were fortunate to know John Williams had a living reminder that the ideals of honor and integrity are timeless.

John Williams was a man of honor, not because he tried to be, but because he did not know how to be anything else. It was a part of his being. And those of us who felt it was the end of an era when he left the Senate feel the loss even more deeply now that he has left us altogether. But at the same time, because we all recognized John Williams as so essentially American, his life, and even his passing, serve to remind us that honor and integrity are a part of the fabric that makes this Nation what it is.

The people of Delaware, and the Members of this body, will miss him a great deal.

And that is good, for it means that we will not forget the ideals that he stood for.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty, which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

REPORT ON THE STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM-97

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

When we first met here 7 years ago—many of us for the first time—it was with the hope of beginning something new for America. We meet here tonight in this historic Chamber to continue that work. If anyone expects just a proud recitation of the accomplishments of my Administration, I say let's leave that to history; we're not finished yet. So my message to you tonight is: Put on your work shoes—we're still on the job.

History records the power of the ideas that brought us here those 7 years ago. Ideas like: the individual's right to reach as far and as high as his or her talents will permit; the free market as the engine of economic progress; and as an ancient Chinese philosopher, Lao-tzu, said: Govern a great nation as you would cook a small fish; do not overdo it.

These ideas were part of a larger notion—a vision, if you will, of America herself. An America not only rich in opportunity for the individual but an America, too, of strong families and vibrant neighborhoods; an America whose divergent but harmonizing communities were a reflection of a deeper community of values—the value of work, of family, of religion—and of the love of freedom that God places in each of us and whose defense He has entrusted in a special way to this Nation.

All of this was made possible by an idea I spoke of when Mr. Gorbachev was here: the belief that the most exciting revolution ever known to humankind began with three simple words: "We The People"—the revolutionary notion that the people grant government its rights, and not the other way around.

And there is one lesson that has come home powerfully to me, which I would offer to you now: Just as those who created this Republic pledged to each other their lives, their fortunes, and their sacred honor; so, too, America's leaders today must pledge to each other that we will keep foremost in our hearts and minds not what is best for ourselves or for our party, but what is best for America. In the spirit of Jefferson, let us affirm that, in this Chamber tonight, there are no Republicans, no Democrats, just Americans.

Yes, we will have our differences. But let us always remember: what unites us far outweighs whatever divides us. Those who sent us here to serve them—the millions of Americans watching and listening tonight—expect this of us. Let's prove to them and to ourselves that democracy works even in an election year.

We have done this before. And as we have worked together to bring down spending, tax rates, and inflation, employment has climbed to record heights; America has created more jobs and better, higher-paying jobs; family income has risen for 4 straight years, and America's poor climbed out of poverty at the fastest rate in more than 10 years. Our record is not just the longest peacetime expansion in history but an economic and social revolution of hope, based on work, incentives, growth, and opportunity; a revolution of compassion that led to private sector initiatives and a 77-percent increase in charitable giving; a revolution that—at a critical moment in world history—reclaimed and restored the American dream.

In international relations, too, there is only one description for what, together, we have achieved: a complete turnabout, a revolution. Seven years ago, America was weak and freedom everywhere was under siege; today, America is strong and democracy is everywhere on the move. From Central America to East Asia, ideas like free markets and democratic reforms and human rights are taking hold. We've replaced "Blame America" with "Look Up to America." We've rebuilt our defenses; and, of all our accomplishments, none can give us more satisfaction than knowing that our young people are again proud to wear our country's uniform. And in a few moments, I'm going to talk about three developments—arms reduction, the Strategic Defense Initiative, and the global democratic revolution—that, when taken together, offer a chance none of us would have dared imagine 7 years ago, a chance to rid the world of the two great nightmares of the postwar era. I speak of the startling hope of giving our children a future free of both totalitarianism and nuclear terror.

Tonight, then, we are strong. Prosperous. At peace. And we are free. This is the state of our Union. And if we will work together this year, I believe we can give a future President and a future Congress the chance to make that prosperity, that peace, that freedom, not just the state of our Union, but the state of our world.

Toward this end, we have four basic objectives tonight. First, steps we can take this year to keep our economy strong and growing, to give our children a future of *low inflation* and *full employment*. Second, let's check our progress in attacking social problems where important gains have been made but which still need critical attention. I mean *schools that work; economic independence for the poor;* restoring respect for *family life* and *family values*. Our third objective tonight is global: continuing the exciting *economic and democratic revolutions* we've seen around the world. Fourth and finally: our Nation has remained at peace for nearly a decade-and-a-half, as we move toward our goals of world prosperity and world freedom—we must protect that peace and deter war by making sure the next President inherits what you and I have a moral obligation to give that President: a *national security* that is unassailable and a national defense that takes full advantage of new technology, and is fully funded.

This is a full agenda. It's meant to be. You see, my thinking on the next year is quite simple: let's make this the best of eight. And that means: it's all out, right to the finish line. I don't buy the idea that this is the last year of anything; because we're not talking here tonight about registering temporary gains, but ways of making permanent our successes. That's why our focus is the values, principles, and ideas that made America great. Let's be clear on this point: We're for limited Government because we understand, as the Founding Fathers did, that it is the best way of ensuring personal liberty and empowering the individual so that every American of every race and region shares fully in the flowering of American prosperity and freedom.

One other thing. We Americans like the future; like the sound of it, the idea of it, the hope of it. Where others fear trade and economic growth, we see opportunities for creating new wealth and undreamed-of opportunities for millions in our own land and beyond. Where others seek to throw up barriers, we seek to bring them down; where others take counsel of their fears, we follow our hopes. Yes, we Americans like the future and like making the most of it. Let's do that now.

And let's begin by discussing how to maintain economic growth by controlling and eventually eliminating the problem of Federal deficits. We have had a balanced budget only eight times in the last 57 years. For the first time in 14 years, the Federal Government spent less, in real terms, last year than the year before. We took $73 billion off last year's deficit compared to the year before. The deficit itself has moved from 6.3 percent of the G.N.P. to only 3.4 percent. And perhaps the most important sign of progress has been the change in our view of deficits. You know, a few of us can remember when, not too many years ago, those who created the deficits said they would make us prosperous and not to worry about the debt—"We owe it to ourselves." Well, at last there is agreement that we can't spend ourselves rich.

Our recent budget agreement, designed to reduce Federal deficits by $76 billion over the next 2 years, builds on this consensus. But this agreement must be adhered to without slipping into the errors of the past—more broken promises and more unchecked spending. As I indicated in my first State of the Union, what ails us can be simply put: the Federal Government is too big and it spends too much money. I can assure you, the bipartisan leadership of Congress, of my help in fighting off any attempt to bust our budget agreement. And this includes the swift and certain use of the veto power.

Now, it is also time for some plain talk about the most immediate obstacle to controlling Federal deficits. The simple but frustrating problem of making expenses match revenues—something American families do and the Federal Government can't—has caused crisis after crisis in this city. Mr. Speaker, Mr. President, I will say to you tonight what I have said before—and will continue to say: the budget process has broken down, it needs a drastic overhaul. With each ensuing year, the spectacle before the American people is the same as it was this Christmas: budget deadlines delayed or missed completely, monstrous continuing resolutions that pack hundreds of billions of dollars worth of spending into one bill—and a Federal Government on the brink of default.

I know I'm echoing what you here in the Congress have said because you suffered so directly—but let's recall that in 7 years, of 91 appropriations bills scheduled to arrive on my desk by a certain date, only 10 made it on time. Last year, of the 13 appropriations bills due by October 1st, none of them made it. Instead, we had four continuing resolutions lasting 41 days, then 36 days, 2 days, and 3 days, respectively. And then, along came those two behemoths—a reconciliation bill, 6 months late, that was 1,186 pages long, weighing 15 pounds, and the long-term continuing resolution, 2 months late, that was 1,057 pages long, weighing 14 pounds. Not to mention the 1,053-page conference report weighing 14 pounds. That was a total of 43 pounds of paper and ink. You had 3 hours, yes, 3 hours to consider each, and it took 300 people at my Office of Management and Budget just to read the bill so the Government wouldn't shut down.

Congress shouldn't send another one of these. And if you do, I will not sign it.

Let's change all this; instead of a Presidential budget that gets discarded and a congressional budget resolution that is not enforced, why not a simple partnership, a *joint* agreement that sets out the spending priorities within the available revenues? And let's remember our deadline is October 1st, not Christmas; let's get the people's work done in time to avoid a footrace with Santa Claus. Yes, this year—to coin a phrase—a new beginning. Thirteen individual bills, on time and fully reviewed by Congress.

I am also certain you join me in saying: Let's help ensure our future of prosperity by giving the President a tool that—though I will not get to use it—is one I know future Presidents of either party must have. Give the President the same authority that 43 Governors use in their States, the right to reach into massive appropriations bills, pare away the waste, and enforce budget discipline. Let's approve the line-item veto.

And let's take a partial step in this direction. Most of you in this Chamber didn't know what was in this catch-all bill and report. Over the past few weeks, we have all learned what was tucked away behind a little comma here and there. For example, there's millions for items such as cranberry research, blueberry research, the study of crawfish, and the commercialization of wild flowers. And that's not to mention the $.5 million so that people from developing nations could come here to watch Congress at work. I won't even touch that. So tonight, I offer you this challenge. In 30 days, I will send back to you those items, as rescissions, which if I had the authority to line them out, I would do so.

Review this multi-billion-dollar package; that will not undercut our bipartisan budget agreement. As a matter of fact, if adopted, it will improve our deficit reduction goals. And what an example we can set: that we are serious about getting our financial accounts in order. By acting and approving this plan, *you* have the opportunity to override a congressional process that is out of control.

There is another vital reform. Yes, Gramm-Rudman-Hollings has been profoundly helpful, but let us take its goal of a balanced budget and make it permanent. Let us do now what so many States do to hold down spending and what 32 State legislatures have asked us to do; let us heed the wishes of an overwhelming plurality of Americans and pass a constitutional amendment that mandates a balanced budget and forces the Federal Government to live within its means.

Reform of the budget process—including the line-item veto and balanced budget amendment—will, together with real restraint on Government spending, prevent the Federal budget from ever again ravaging the family budget.

Let's ensure that the Federal Government never again legislates against the family and the home. Last September, I signed an Executive Order on the family requiring that every department and agency review its activities in light of seven standards designed to promote and not harm the family. But let us make certain that the family is always at the center of the public policy process, not just in this Administration but in all future administrations. It is time for Congress to consider—at the beginning—a statement of the impact that legislation will have on the basic unit of American society, the family.

And speaking of the family, let's turn to a matter on the mind of every American parent tonight—education. We all know the sorry story of the sixties and seventies—soaring spending, plummeting test scores—and that hopeful trend of the eighties, when we replaced an obsession with dollars with a commitment to quality, and test scores started back up. There is a lesson here that we all should write on the blackboard a hundred times—in a child's education, money can never take the place of basics like discipline, hard work, and, yes, homework.

As a Nation we do, of course, spend heavily on education—more than we spend on defense—yet across our country, Governors like New Jersey's Tom Kean are giving classroom demonstrations that how we spend is as important as how much we spend. Opening up the teaching profession to all qualified candidates; merit pay, so that good teachers get A's as well as apples; and stronger curriculum, as Secretary Bennett has proposed for high schools—these imaginative reforms are making common sense the most popular new kid in America's schools.

How can we help? Well, we can talk about and push for these reforms. But the most important thing we can do is to reaffirm that control of our schools belongs to the States, local communities and, most of all, to the parents and teachers.

My friends, some years ago, the Federal Government declared war on poverty, and poverty won. Today, the Federal Government has 59 major welfare programs and spends more than $100 billion a year on them. What has all this money done?

Too often it has only made poverty harder to escape. Federal welfare programs have created a massive social problem. With the best of intentions, Government created a poverty trap that wreaks havoc on the very support system the poor need most to lift themselves out of poverty—the family. Dependency has become the one enduring heirloom, passed from one generation to the next, of too many fragmented families.

It is time—this may be the most radical thing I've said in 7 years in this office—it is time for Washington to show a little humility. There are a thousand sparks of genius in 50 States and a thousand communities around the Nation. It is time to nurture them and see which ones can catch fire and become guiding lights.

States have begun to show us the way. They have demonstrated that successful welfare programs can be built around more effective child support enforcement practices and innovative programs requiring welfare recipients to work or prepare for work.

Let us give the States even more flexibility and encourage more reforms. Let's start making our welfare system the first rung on America's ladder of opportunity—a boost up from dependency; not a graveyard, but a birthplace of hope.

Now let me turn to three other matters vital to family values and the quality of family life. The first is an untold American success story. Recently, we released our annual survey of what graduating high school seniors have to say about drugs. Cocaine use is declining and marijuana use was the lowest since surveying began. We can be proud that our students are just saying "no" to drugs. But let's remember that ending this menace requires commitment from every part of America and every single American—a commitment to a drug-free America. The war against drugs is a war of individual battles, a crusade with many heroes—including America's young people, and also someone very special to me. She has helped so many of our young people to say "no" to drugs. Nancy, much credit belongs to you, and I want to express to you your husband's pride and your country's thanks.

Now, we come to a family issue that we must have the courage to confront. Tonight, I call America—a good Nation, a moral people—to charitable but realistic consideration of the terrible cost of abortion on demand. To those who say this violates a woman's right to control of her own body—can they deny that now medical evidence confirms the unborn child is a living human being entitled to life, liberty, and the pursuit of happiness? Let us unite as a Nation and protect the unborn with legislation that would stop all Federal funding for abortion—and with a Human Life Amendment making, of course, an exception where the unborn child threatens the life of the mother. Our Judeo-Christian tradition recognizes that right of taking a life in self-defense.

But with that one exception, let us look to those others in our land who cry out for children to adopt. I pledge to you tonight, I will work to remove barriers to adoption and extend full sharing in family life to millions of Americans, so that children who need homes can be welcomed to families who want them and love them.

And let me add here: so many of our greatest statesmen have reminded us that spiritual values alone are essential to our Nation's health and vigor. This Congress opens its proceedings each day, as does the Supreme Court, with an acknowledgement of the Supreme Being—yet we are denied the right to set aside in our schools a moment each day for those who wish to pray. I believe Congress should pass our school prayer amendment.

Now, to make sure there is a full nine-member Supreme Court to interpret the law, to protect the rights of *all* Americans, I urge the Senate to move quickly and decisively in confirming Judge Anthony Kennedy to the highest court in the land and to also confirm 27 nominees now waiting to fill vacancies in the Federal judiciary.

Here then are our domestic priorities; yet if the Congress and the Administration work together, even greater opportunities lie ahead to expand a growing world economy; to continue to reduce the threat of nuclear arms and to extend the frontiers of freedom and the growth of democratic institutions.

One of the greatest contributions the United States can make to the world is to promote freedom as the key to economic growth. A creative, competitive America is the answer to a changing world, not trade wars that would close doors, create greater barriers, and destroy millions of jobs. We should always remember: protectionism is destructionism. America's jobs, America's growth, America's future depend on trade—trade that is free, open, and fair.

This year, we have it within our power to take a major step toward a growing global economy and an expanding cycle of prosperity that reaches to all the free nations of this Earth. I'm speaking of the historic Free Trade Agreement negotiated between our country and Canada. And I can also tell you that we're determined to expand this concept, South as well as North. Next month I will be traveling to Mexico where trade matters will be of foremost concern. And, over the next several months, our Congress and the Canadian Parliament can make the start of such a North American accord a reality. Our goal must be a day when the free flow of trade—from the tip of Tierra del Fuego to the Arctic Circle—unites the people of the Western Hemisphere in a bond of mutually beneficial exchange; when all borders become what the U.S.-Canadian border so long has been—a meeting place, rather than a dividing line.

This movement we see in so many places toward economic freedom is indivisible from the worldwide movement toward political freedom—and against totalitarian rule. This global democratic revolution has removed the specter—so frightening a decade ago—of democracy doomed to a permanent minority status in the world. In South and Central America, only a third of the people enjoyed democratic rule in 1976. Today, over 90 percent of Latin Americans live in nations committed to democratic principles.

And the resurgence of democracy is owed to those courageous people on almost every continent who have struggled to take control of their own destiny. In Nicaragua, the struggle has extra meaning because that nation is so near our own borders. The recent revelations of a former high-level Sandinista, Major Roger Miranda, show us that, even as they talk peace, the Communist Sandinista government of Nicaragua has established plans for a large 600,000-man army. Yet even as these plans are made, the Sandinista regime knows the tide is turning and the cause of Nicaragua freedom is riding at its crest. Because of the freedom fighters, who are resisting Communist rule, the Sandinistas have been forced to extend some democratic rights, negotiate with church authorities, and release a few political prisoners.

The focus is on the Sandinistas, their promises and their actions. There is a consensus among the four Central American democratic presidents that the Sandinistas have not complied with the plan to bring peace and democracy to all of Central America. The Sandinistas again have promised reforms; their challenge is to take irreversible steps toward democracy.

On Wednesday, my request to sustain the freedom fighters will be submitted which reflects our mutual desire for peace, freedom, and democracy in Nicaragua. I ask Congress to pass this request; let us be for the people of Nicaragua what Lafayette, Pulaski, and Von Steuben were for our forefathers and the cause of American independence.

So, too, in Afghanistan, the freedom fighters are the key to peace. We support the Mujahidin. There can be no settlement unless all Soviet troops are removed and the Afghan people are allowed genuine self-determination. I have made my views on this matter known to Mr. Gorbachev. But not just Nicaragua or Afghanistan; yes, everywhere, we see a swelling freedom tide around the world—freedom fighters rising up in Cambodia and Angola, fighting and dying for the same democratic liberties we hold sacred. Their cause is our cause. Freedom.

Yet, even as we work to expand world freedom, we must build a safer peace and reduce the danger of nuclear war. But let's have no illusions. Three years of steady decline in the value of our annual defense investment have increased the risk of our most basic security interests, jeopardizing earlier hard-won goals. We must face squarely the implications of this negative trend and make adequate, stable defense spending a top goal both this year and in the future. This same concern applies to economic and security assistance programs as well. But the resolve of America and its NATO allies has opened the way for unprecedented achievement in arms reduction. Our recently signed I.N.F. treaty is historic because it reduces nuclear arms and establishes the most stringent verification regime in arms control history, including several forms of short-notice, on-site inspection. I submitted the treaty today, and I urge the Senate to give its advice and consent to ratification of this landmark agreement.

In addition to the I.N.F. treaty, we are within reach of an even more significant START agreement that will reduce U.S. and Soviet long-range missile or strategic arsenals by half. But let me be clear: our approach is not to seek agreement for agreement's sake, but to settle only for agreements that truly enhance our national security and that of our allies. We will never put our security at risk—or that of our allies—just to reach an agreement with the Soviets. No agreement is better than a bad agreement.

As I mentioned earlier, our efforts are to give future generations what we never had: a future free of nuclear terror. Reduction of strategic offensive arms is one step. S.D.I. another. Our funding request for our Strategic Defense Initiative is less than 2 percent of the total defense budget. S.D.I. funding is money wisely appropriated and money well spent. S.D.I. has the same purpose and supports the same goals of arms reduction. It reduces the risk of war and the threat of nuclear weapons to all mankind. Strategic defenses that threaten no one could offer the world a safer, more stable basis for deterrence. We must also remember that S.D.I. is also our insurance policy against a nuclear accident—a Chernobyl of the sky—or an accidental launch or some madman who might come along.

We have seen such changes in the world in 7 years: as totalitarianism struggles to avoid being overwhelmed by the forces of economic advance and the aspiration for human freedom, it is the free nations that are resilient and resurgent. As the global democratic revolution has put totalitarianism on the defensive, we have left behind the days of retreat—America is again a vigorous leader of the free world, a Nation that acts decisively and firmly in the furtherance of her principles and vital interests. No legacy would make me more proud than leaving in place a bipartisan consensus for the cause of world freedom, a consensus that prevents a paralysis of American power from ever occurring again.

But my thoughts tonight go beyond this. And I hope you will let me end this evening with a personal reflection. You know, the world could never be quite the same again after Jacob Shallus, a trustworthy and dependable clerk of the Pennsylvania General Assembly, took his pen and engrossed those words about representative Government in the Preamble of our Constitution. And in a quiet but final way, the course of human events was forever altered when, on a ridge overlooking the Emmitsburg Pike in an obscure Pennsylvania town called Gettysburg, Lincoln spoke of our duty to Government of and by the people and never letting it perish from the Earth.

At the start of this decade, I suggested that we lived in equally momentous times—that it was up to us now to decide whether our form of Government would endure and whether history still had a place of greatness for a quiet, pleasant greening land called America. Not everything has been made perfect in 7 years—nor will it be made perfect in seven times 70 years—but before us, this year and beyond, are great prospects for the cause of peace and world freedom.

It means, too, that the young Americans I spoke of 7 years ago—as well as those who might be coming along the Virginia or Maryland shores this night and seeing for the first time the lights of this capital city, the lights that cast their glow on our great halls of Government and the monuments to the memory of our great men—it means those young Americans will find a city of hope in a land that is free.

We can be proud that for them, and for us, those lights along the Potomac are still seen this night—signaling, as they have for nearly two centuries and as we pray God they always will, that another generation of Americans has protected and passed on lovingly this place called America, this shining city on a hill, this Government of, by, and for the people.

RONALD REAGAN.

THE WHITE HOUSE, *January 25, 1988.*

1988 LEGISLATIVE AND ADMINISTRATIVE MESSAGE—MESSAGE FROM THE PRESIDENT—PM 98

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

1988 LEGISLATIVE AND ADMINISTRATIVE MESSAGE—A UNION OF INDIVIDUALS

INTRODUCTION

In one sentence of 52 words, the Framers of our Constitution announced the proper ends of government in a free society:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The six purposes listed in the Preamble for establishing the Constitution serve as a lasting measure of the legitimate role of government. An American President has no more sacred duty than to ensure that the government stays within the constitutional limits that protect individual liberty. In assessing this Administration's policies and proposals now and for the future, the fundamental blueprint remains the Preamble of the Constitution.

In the past 7 years, our Administration has worked to restore a vision of government that was the Founders' own—a vision of a free and self-reliant people, taking responsibility for its own welfare and progress through such time-tested means as individual initiative, neighborhood and community cooperation, and local and State self-government. The return of responsibility and authority to the individual American is now leading to a virtual renaissance in America of liberty, productivity, prosperity, and self-esteem.

Our foreign and defense policies are geared to protect American freedom against external threats, to guarantee that our liberties are secure from the aggressions of those whose values are not founded in human freedom. Protection of liberty today means not just a strong America, but also a common defense with our allies of the free world. It gives me pride to report that our mutual efforts are being rewarded with a new growth of democracy and a renewed respect around the world for this country and what it stands for. At home our challenge remains to achieve full participation in the longest peacetime economic expansion on record—in the almost unlimited prosperity which flows from genuine human freedom.

This statement of Administration policy is organized according to the six basic tenets for which the American people first ordained and established the Constitution:

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I. TO FORM A MORE PERFECT UNION

In setting aside the Articles of Confederation for a new Constitution, the Framers acknowledged that the governmental deficiencies of the new Nation were of their own making. They understood that if the American republic were to endure and prosper, its organizing principles would have to be revised. The constitutional system the Framers produced has been the wonder of the free world, but after 200 years some aspects of that system are in need of repair and reform. Accordingly, I propose the following measures to "form a more perfect Union."

A. *Balanced Budget Amendment*

Before the Great Depression, the idea that the Federal government should balance its budget on a yearly basis was treated as though it were part of the Constitution. The economic crisis, and later World War II, forced the abandonment of this policy. But what may have been necessary in those national emergencies is now a permanent feature of the Federal government.

There is no question that continued Federal budget deficits, fueled by higher spending, are bad for the economy. Unfortunately, our political system makes it extremely difficult to reduce the deficit. The public interest in spending restraint is a generalized one, diffused among the entire citizenry. The special interests favoring spending on any particular program are smaller, but they fight much harder to maintain or increase spending.

Certainly, there are constructive proposals that would help control spending. Since 1981, our budgets have sought billions of dollars in reductions of outdated and outmoded programs. Members of the Congress and private think tanks have also identified wasteful spending. But the political process's inability to overcome inertia, along with the persistence of special interests, has led many Americans to despair of achieving budgetary balance without constitutional reform. That is why 32 States have applied to the Congress to call a constitutional convention for the purpose of proposing a constitutional amendment to require a balanced budget—only two States short of the number required by Article V of the Constitution.

In previous years, the Senate has approved such a balanced budget amendment that would obviate such a convention, but the House has failed to support it. This is clearly the option I prefer to achieve the constitutionally mandated balanced budget desired by the overwhelming majority of the American people.

It is imperative that the Congress consider such an amendment as a major priority for 1988, and I will be a willing partner in that enterprise.

B. *Budget Process Reform*

It is widely acknowledged, by the Congress, the press, and the American people, that the current budget process is not working. The Budget Act of 1974 was purported to streamline and rationalize the budget considerations by the Congress. The new process was to "force" the various committees to consider their recommendations in the context of the entire budget and ensure that proper attention was paid to the bottom line—the deficit.

In both substance and form, the process has failed. Deadlines are routinely missed or ignored. Enforcement mechanisms are rarely employed. Debates over the same issue occur three and four times a year. And from the size of the deficit, the process has obviously failed to provide fiscal discipline.

Over the last 7 years, total revenues paid to the Federal government have increased by over $250 billion. But total expenditures have increased by some $325 billion. Part of the increased spending, $125 billion, or half of the increase in revenues, was devoted to rebuilding our national defenses. But last year, the government spent $140 billion more on domestic programs than in 1981 and $70 billion more on interest payments due to the deficit. And for every dollar the Congress has cut from my defense request, they have added $2 to domestic spending.

Nowhere is the failure of the budget process more evident than in the annual process of developing the appropriations bills that establish discretionary spending levels making up just under one-half the total budget. The regular process requires that 13 separate appropriations bills be sent to the President well in advance of the October 1 beginning of a new fiscal year. But the norm has been anything but normal—during the last 7 years, the Congress sent only 10 of the 91 required bills on time. In the last 2 years, not one bill has been on time and all 13 have been collapsed into one massive piece of legislation.

These increasingly large spending bills, passed at the last moment before existing funding expires, deny the Congress and the Executive the ability to adequately examine their contents. The Congress cannot truly vote on their merits and the President has little ability to employ a veto.

While Gramm-Rudman-Hollings has helped restore some fiscal discipline, it simply adds another layer to an already broken process. The threat of across-the-board cuts is only partially effective as major portions of the budget are exempt. And G-R-H does not produce what a truly effective budget process should; namely, a thorough consideration of spending priorities within the constraints of available revenues. To assist the next administration in attaining the deficit targets contained in the Gramm-Rudman-Hollings law and achieve a balanced budget within the next few years, the following changes in the budget process are proposed:

Joint Budget Resolution. The budget process has so degenerated in recent years that the Presidential budget is routinely discarded and the congressional one regularly goes unenforced. The product of this breakdown is a concurrent resolution, requiring neither consultation with the Administration nor the signature of the President. As a remedy, I propose that henceforth the Congress and the Executive collaborate on a joint resolution that sets out spending priorities within the revenue available. The requirement of a Presidential signature would force both branches of government to resolve most policy issues before formulating appropriations measures. The budget process could be further improved by including in the budget law allocations by committee as well as by budget function.

Individual Transmittal of Appropriations Bills. The current practice of transmitting full-year omnibus continuing resolutions oversteps appropriation committee/subcommittee jurisdictions. More important, it does

not permit the Legislative and Executive branches to exercise proper scrutiny of Federal spending. Therefore, I propose a requirement that appropriations bills be transmitted individually to the President.

Strict Observance of Allocations. During the 1980s, an unacceptable budget practice evolved of disregarding congressionally approved function allocations. Funds regularly were shifted from defense or international affairs to domestic spending. I strongly urge that each fiscal year separate defense and non-defense allocations be made and enforced through a point-of-order provision in the budget act.

Enhanched Rescission Authority. Under current law, the President may propose rescissions of budget authority, but both Houses of Congress must act "favorably" for the rescission to take effect. The Supreme Court in the *Chadha* decision (1983) effectively moots even this limited authority. I propose a change of law that would cure the legislative veto defect and require the Congress to vote "up or down" on any Presidentially proposed rescission, thereby preventing the Congress from simply ignoring the rescission or avoiding a recorded vote.

Adopt Biennial Budgeting. The current budget process consumes too much time and energy. A 2-year budget cycle offers several advantages—among them, a reduction in repetitive annual budget tasks, more time for congressional oversight and consideration of key spending decisions in reconciliation, and fewer gimmicks, such as shifting spending from one year to the next. I am calling on the Congress to adopt biennial budgeting, beginning with a trial 2-year Defense budget.

Truth in Federal Spending Legislation. As part of my Economic Bill of Rights proposal, I outlined legislation that provides for "Truth in Federal Spending." Soon I will transmit legislation that will require any future legislation creating new Federal programs to be deficit-neutral; this will be done by requiring the concurrent enactment of equal amounts of program reductions or revenue increases. Additionally, my proposed legislation would require that all future legislation and implementing regulations be accompanied by financial impact statements detailing the measure's likely economic impact, including the effect on State and local governments. Enactment of this proposal would be an important step toward reassuring the American people that the Congress is serious about controlling government spending.

C. *Line Item Veto*

A President should have the same tools to control spending that 43 governors have. I will forward my proposal for a line item veto. It would allow future Presidents to remove from spending bills those items that are extraneous—without threatening the continuation of vital government programs. The Congress could override each veto by a two-thirds vote in each House. The budget crisis, however, also demands immediate action. For example, last month the Congress presented me with a catchall spending bill with many extraneous and costly provisions, some of which had been considered for the first time in conference. I am asking the Congress immediately to accept the responsibility for making its own processes work, rather than giving up and resorting to a continuing resolution.

D. *Super-majority Tax Amendment*

Our Founding Fathers knew that without economic freedom there can be no political freedom. Even before our Nation was full-born, nine colonies assembled in a "Stamp Act Congress" and worked their will to oppose taxation without representation. Today, we must once again resolve to put an end to irresponsible taxation and spending. We have fallen into a costly and dangerous habit, which could threaten our future prosperity, burden future generations, and reduce the incentive of individuals and businesses to create more goods and services.

It is clear that we need a mechanism to control expenditures of Americans' hard-earned money. To this end, I will send to the Congress a proposed constitutional amendment to require a super-majority vote in the Congress in order to increase the tax burden on our citizens. I urge the Congress to act expeditiously in approving this amendment and to send it to the States for ratification.

E. *Federalism—Returning Power to the People*

At the time of my first State of the Union address, it was apparent that the limited national government envisioned by the Framers had been replaced by a national government whose involvement in domestic affairs was limited only by its own will. The Founders understood that unchecked central authority threatens individual liberties. Accordingly, they constituted a Federal system of government, with all powers not specifically granted by the Constitution to the national government reserved to the States and to the people.

We have sought to revitalize the principle of federalism by reforming the institutional processes of the national government. This past October, I signed Executive Order 12612, which requires Executive officials to ensure that all proposed policies and legislation comply with federalism principles and to conduct a formal federalism assessment as appropriate, and which restricts Federal preemption of State laws. The Congress should review its legislative procedures to determine whether reforms similar to those in Executive Order 12612 are warranted.

The National Governors Association and the Advisory Commission on Intergovernmental Relations, as well as State and local officials, have been examining possible amendments to the Constitution that would restore the structural balance of power between the national government and the States. If we in Washington are unsuccessful in reviving the constitutionally crucial principle of federalism, it may become necessary to consider such proposals.

II. TO ESTABLISH JUSTICE

For 200 years our Republic has enjoyed a constitutional system that is the envy of the world. By its own terms and by the will of the American people, the Constitution is the supreme law of the land. Yet, in recent years, some have advocated and at times have succeeded in promoting a laxity in the observance of the terms of its text. Fortunately, I can count as one of the most satisfying legacies of my presidency the work my Administration has done to restore the foundations of American government through an insistence on the faithful interpretation and observance of the Constitution.

A. *Judicial Appointments*

In the elections of 1980 and 1984, I promised the American people that I would nominate judges and justices to the Supreme Court who would be faithful to the Constitution. I have kept that promise.

Our written Constitution, adopted and ratified by the people 200 years ago and amended several times since, is our fundamental law. Every government official takes an oath to abide by its provisions. For Members of the Congress, this should mean enacting laws only in pursuance of the powers set forth in the Constitution. As President, this means taking care that the laws are faithfully executed. To the courts falls the task of adjudicating cases or controversies according to the Constitution and the laws made under it. In so doing, judges must faithfully interpret the text of the Constitution, as well as laws passed by the Congress, as written, in accordance with their original meaning. To do otherwise would constitute a usurpation of legislative power never intended by the American people. With this in mind, I have been careful to nominate only judges faithful to this principle. I urge the Senate to be guided by the same standards in exercising its constitutional duty in the confirmation process.

Part of faithfully interpreting the law is seeing to it that those convicted of crimes are dealt with fairly but firmly. In this respect, I am particularly proud of my judicial appointments. Federal court records indicate that between 1981, when I first took office, and 1984, the average sentence handed down by a Federal court per conviction increased dramatically—by over 100 percent for rape, over 100 percent for burglary, and over 60 percent for murder. I will continue to nominate judges who are tough on crime. When the Senate adjourned last year, 27 judicial nominations were left pending—an unprecedented number—and other vacancies are yet to be filled as well. The Chief Justice of the United States has stated that the high number of vacancies is contributing to an enormous backlog for the Federal courts. The Senate must act expeditiously to confirm these judges.

B. *Civil Rights*

Among the greatest imperatives in establishing justice is the elimination of discrimination based on race, sex, and other immutable characteristics. Discrimination based on religion is equally invidious. This Administration has held high the banner of equal opportunity for all Americans, and we will not retreat from the fight against discrimination wherever it exists.

Our achievements have been significant. We have successfully prosecuted racial hate groups and have achieved more convictions for criminal civil rights violations than any previous administration. We have moved aggressively to enforce our Nation's voting rights laws, thereby securing for thousands of citizens the most fundamental of all rights—the right to help shape their future with a ballot.

In desegregating our Nation's public schools, we have placed the emphasis where it should be—on enhancing educational quality for all children.

I am particularly proud of our successes in moving America closer to the constitutional ideal of a color-blind society open to all without regard to race. In the workplace, we have rejected the use of quotas and have insisted on fair treatment in hiring and promotion decisions. And after 3 years of effort by this Administration, the Fair Housing Initiatives Program has finally been authorized. The Federal government will now be able to provide direct assistance to State and local governments, as well as public and private organizations, investigating complaints of housing discrimination. The 20th anniversary of the Fair Housing Act of 1968 is an appropriate time to strengthen the statute by increasing the penalties for those convicted of housing discrimination and by extending the protections of the Act to handicapped persons. This Administration will submit appropriate legislation to achieve this purpose. Every American is entitled to freedom from discrimination—to be judged on the basis of qualification and performance, not on stereotypes and unfair assumptions.

Currently pending in the Senate, however, is a bill whose vague and sweeping language threatens to subject nearly every facet of American life—from the corner grocery to the local church or synagogue to local and State government—to intrusive regulation by Federal agencies and courts. Ironically it does so in the name of civil rights. This Administration opposes this overreaching legislation known as the Civil Rights Restoration Act of 1987 (S. 557). In its stead, I have proposed a bill that provides institution-wide coverage under the appropriate civil rights statutes of educational institutions receiving Federal aid while avoiding an unwarranted expansion of Federal jurisdiction. My proposal, the Civil Rights Act Amendments of 1987 (H.R. 1881), also ensures adequate protection of religious tenets under Title IX and makes clear that no institution must provide insurance coverage for abortions or perform abortions as a condition of the receipt of Federal aid.

C. *Protection of Victims of Obscenity and Child Pornography*

In establishing justice we must be ever mindful that our cherished constitutional freedoms cannot be distorted to protect activities that exploit the innocent and defenseless. The production and distribution of obscene materials, as well as child pornography, are such activities. Our Administration has made the elimination of these materials to top domestic priority.

The Attorney General's Commission on Pornography report has resulted in several new law enforcement efforts, foremost among these being the establishment of a special enforcement unit within the Department of Justice. In a single operation in 1987 more purveyors of child pornography were federally indicted than at any time in history, and the first Federal obscenity racketeering convictions were recently returned in Virginia. However, much more can be done tc protect our children and families if the Congress enacts my proposed Child Protection and Obscenity Enforcement Act of 1987. It would criminalize buying and selling children for use in pornography, and it would also prohibit dial-a-porn and cable obscenity. It would strengthen our laws against organized crime traffic in hard-core obscenity.

D. *Legal Services for the Needy*

Provision of needed legal services for those who cannot afford them is an important goal of our society. Unfortunately, the current system administered by the Legal Services Corporation (LSC) is not working. Each year the Congress has mandated that a large portion of these funds be allotted to a group of "National and State Support Centers." Since 1975 these law reform think tanks have been criticized for political involvement and have not provided and day-to-day service to the poor—the original intent of the LSC. Instead, they have concentrated on social "law reform," without regard to a particular client's needs. I call on the Congress to disallow LSC funds for political think tanks or "support centers" and through strong and specific legal language to limit any political lobbying by LSC grantees. All LSC funds should be used to assist *directly* the poor in need of legal help.

There is another way in which the needy are being badly served by LSC. A congressionally mandated policy of "Annual Presumptive Funding" precludes the possibility of awarding LSC grants on a competitive basis. LSC must be able to demand results from grantees or give other prospective grantees opportunity better to serve the poor. While stability is desirable, we must be able to weed out inefficient or incapable grantees.

III. TO ENSURE DOMESTIC TRANQUILLITY

The leading threat to domestic tranquillity comes in the form of criminal offenses of citizen against citizen. When I took office crime rates were soaring. The public, with good reason, felt unsafe in our streets and often even in homes and places of work. Determined to give America back to its law-abiding citizens, our country is in the midst of the most vigorous crime-fighting effort in its history. Passage of the Comprehensive Crime Control Act of 1984, appointment to the bench of Federal judges who are tough on crime, and an unprecedented attack on organized crime are efforts that have paid off. In spite of our successes, however, much remains to be done.

A. *Restoration of the Federal Death Penalty*

Federal statutes currently provide for capital punishment for the offenses of espionage, treason, murder, and certain other felonies such as air piracy. Except in the case of the air piracy statute, enacted in 1973, these death penalty provisions are not accompanied by appropriate procedures required since the Supreme Court's 1972 decision in *Furman* v. *Georgia* to prevent disparate application. In this respect, the Congress has lagged well behind the State legislatures, more than 40 of which have acted to adopt appropriate death penalty procedures since the *Furman* decision.

Fortunately a solution is at hand. The Comprehensive Crime Control Act of 1984 created the United States Sentencing Commission to promulgate sentencing guidelines to insure consistent, tough, and equitable sentencing. The Commission should go forward now to set in place procedures to permit the constitutional imposition of capital sentences for the most serious Federal offenses.

B. *Criminal Justice Reform Act*

To protect further society from criminals, the Congress should act promptly on the Criminal Justice Reform Act, which I transmitted last year. By statute it would establish uniform procedures that would allow death penalty provisions in current Federal statutes to be enforced according to recent Supreme Court decisions. It also contains important reforms to curb the abuse of *habeas corpus* by convicted criminals and to promote truth in the courtroom by ensuring that evidence obtained by the police through reasonable searches and seizures can be used at trial. These important protections for the public will complete the anti-crime effort we began with the Comprehensive Crime Control Act of 1984. They were approved by the Senate in 1984 and in part by the House of Representatives in 1986. The time has come—this year—to enact them into law.

C. *Victims of Crime*

In 1982 my Task Force on Victims of Crime pointed out that all too often crime victims suffer doubly—they are first victimized by criminals and then by an inadequate justice system. My Administration has put into effect a number of the Task Force recommendations. The most important of these has been the development of model legislation mandating the protection and fair treatment of crime victims, which by 1986 had become the basis for legislative action in nearly two-thirds of the States. I am directing the Attorney General to press forward on the remaining Task Force recommendations.

D. *The Fight Against Terrorism*

Innocent Americans and freedom-loving people across the world have become the victims of terrorists. But this Nation will not be held captive to the will and whim of terrorists.

This Administration is considering a series of legislative proposals designed to strengthen our hand against terrorists. These include proposals for the expeditious removal of aliens from the United States who are engaged in terrorist activity and proposals providing for criminal and civil forfeiture of terrorists' assets.

State-sponsored terrorism, fomented by governments whose conduct and support for such acts put them outside the community of nations, remains a scourge on the international scene and a particular threat to our citizens and interests. We must further develop the rule of law against these criminals by denying terrorists the legitimacy of international instruments condoning their activities. The Senate should give its advice and consent to ratification, with certain reservations, of Additional Protocol II to the 1949 Geneva Conventions, which would serve to promote basic human rights. The Administration has rejected Additional Protocol I, which would give combatant status to terrorist organizations, and I welcome congressional support of this decision.

E. *Organized Crime*

For over a half-century this Nation has been plagued by organized crime. Due to vigorous efforts by Federal investigators and prosecutors, some of the most infamous leaders of organized crime are now facing long jail terms. This progress has come through a new strategy aimed at penetrating crime syndicates and targeting their leadership for prosecution. Strike forces have focused on several major cities such as Cleveland, Kansas City, and Boston. One of our most recent successes was in March of 1987 when a jury in New York returned 18 guilty verdicts in the "Pizza Connection" case involving $50 million in laundered proceeds from heroin sales by an organized crime group. In addition, our Administration's Comprehensive Crime Control Act of 1984 has enabled police to detain pending trial certain organized crime figures who previously could have made bail and has dramatically expanded our ability to seize and forfeit the assets of mob members.

Yet, mob-run crime is still a grave problem. Obscenity, extortion, drug importation and sales, loan sharking, illegal gambling, and murder are all crimes that we intend to hit hard during the remainder of this Administration. Our goal is to put "the mob" out of business through vigorous use of both criminal and civil statutes, by purging organized crime elements from labor organizations, and by targeting the newer, "emerging" organized crime groups to ensure that they never wield the mob's power and influence.

F. *Prison Capacity Expansion*

One result of our increased efforts to fight crime is that the number of criminals serving time in Federal prisons has increased dramatically—nearly 80 percent since 1981. We anticipate that the Federal inmate population will continue to increase in the future, particularly in light of the enhanced criminal penalties contained in the Anti-Drug Abuse Act of 1986 and the new sentencing guidelines. One of my top priorities for the next year will be to increase substantially the construction of new prison space to accommodate the increased number of criminals being removed from our streets.

G. *Drug Free America*

In the past 7 years, the Nation has made tremendous gains towards a drug free America. Today, public attitudes are clearly against the use of illegal drugs, and drug awareness is increasing. The national prevention effort has taken off with its own strong momentum. Individuals and communities, businesses and schools are taking a firm stand against the use of illegal drugs. Most important, the number of drug users is down; and our children are showing us that they are willing and able to say "no" to drugs.

We are on our way to a drug free future. Still, illegal drugs continue to destroy the lives and the hopes of hundreds of thousands of Americans each year, especially young people whose future lies before them. Since the beginning of my Administration, I have committed the Federal government to provide national leadership and support to the national crusade, encouraging and assisting private sector efforts and aggressively pursuing Federal responsibilities to stop the supply and use of illegal drugs. The National Drug Policy Board, which I established by Executive Order on March 26, 1987, has ensured that our Federal agencies work together effectively and efficiently. The Board has named lead agencies for all facets of the anti-drug program to improve coordination throughout the government and enable us to achieve maximum impact with our resources. To this end, the Board has developed a series of nine interrelated strategies.

Five strategies are aimed at reducing the supply of illegal drugs: enhanced *international* cooperation; stepped-up *interdiction* of drugs coming into the country; improved *intelligence* on drug activities; stepped-up *investigations* to eliminate drug trafficking organizations; and targeting *prosecution* of top drug organizations. Simply put, we are working with our allies throughout the world to reduce the amount of illegal drugs produced or processed; making sure that as little as possible of those illicit drugs enter this Nation; and Federal, State, and local officials are working together to investigate and prosecute to the fullest these merchants of destruction.

And we are working to reduce the demand for drugs. Nancy and I join the millions of parents across the country who know too well that real progress toward the goal of a drug free America will best be measured by preventing individuals who do not use drugs from beginning to use them and by convincing those who do use to stop.

Our four strategies to reduce demand are: *prevention education* to keep young people from becoming drug users; reduction of drug use by *high-risk youths;* improved community-based *treatment* for addicts whose drug habits have removed them from the American mainstream; and fostering attitudes of intolerance toward drug use on the part of *mainstream adults.*

Every American should be able to enjoy a drug free workplace. Schoolchildren should have drug free schools. Every citizen should be able to rely on a Federal work force free from drugs. And every American should be able to enjoy a drug free transportation system. This Administration is working in partnership with private employers and State and local governments to ensure all four.

We are proceeding with a cooperative national effort to reduce and eventually eliminate drugs from government housing projects. The Department of Education issued *Schools Without Drugs* and has mobilized school, parent, and community efforts to take drugs away from young people and give them back their lives.

These efforts have already begun to produce results. In 1987, for the first time since the National Institute on Drug Abuse began its annual survey of high school seniors in the early 1970s, a significant drop—one-third—in current cocaine use was revealed. Ninety-seven percent of the seniors polled disapproved of regular cocaine use, and 87 percent disapproved of even trying it—strong evidence that cocaine use is no longer "in" among young Americans.

Finally, as the Nation's largest employer, the Federal government is committed to establishing a model for a drug free workplace that deals constructively with illegal drug use. We are establishing a broad drug education training program for all employees. The program includes testing of employees holding safety-sensitive positions. For example, the Department of Transportation has already implemented drug-testing programs for employees in such positions, including air traffic controllers and airline safety inspectors. Indeed, fair and accurate drug testing is one of the few effective ways to ensure that illegal drug users begin the process of rehabilitation. Agency programs that include random testing to identify these drug users will be ready for implementation in 1988. We are putting our money where our heart is. In the past 7 years, there has been a three-fold increase in Federal spending to fight drugs, bringing the total close to $3.5 billion this year.

I worked closely with the Congress to enact the Anti-Drug Abuse Act of 1986, which embodies a national commitment to fight drug abuse through: increased criminal penalties, improved criminal investigation and prosecution, demand reduction, better international cooperation, and more effective interdiction. The Act also established the White House Conference for a Drug Free America. Already it has hosted six regional forums to facilitate information gathering and interchange on various aspects of the drug issue. The Conference will hold a national assembly in Washington next month that will expand upon the findings of the regional conferences, showcase the best of the Nation's efforts, and highlight new proposals for combatting drug use in this country. I look forward to the group's final report this spring in order to work with the Congress to implement its recommendations and promote our vision of a drug free America.

IV. TO PROVIDE FOR THE COMMON DEFENSE

Our Government has no higher duty than defense of the freedom of the American people. On this point, Alexander Hamilton and James Madison, two of the most eminent Framers of our Constitution, were in complete agreement. Wrote Alexander Hamilton in *The Federalist*, "The circumstances which endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed." James Madison concurred, "The means of security can only be regulated by the means and the danger of attack."

In our constitutional framework, the President and the Congress share the vital responsibility for ensuring our national security. Within this same constitutional framework, however, the President has important independent powers. Both of these constitutional principles apply to the agenda of national security issues we will face in 1988 and beyond.

Our two branches of government clearly share powers in such areas as planning and budgeting for the maintenance of our defense capability; the ratification of treaties, as in the case of the INF Treaty; and foreign economic and security assistance, that vital instrument of our foreign policy. At the same time, the Congress must respect the constitutional wisdom that only the President can act as the effective Executive agent in the conduct of foreign relations. This truth is long established in our constitutional law and practice. And the President, in order to act effectively in the Nation's behalf, needs the flexibility to respond, within the framework of law, to often unpredictable and fast-moving challenges.

In 1980, I promised as my first priority to rebuild our national defenses to meet the Soviet military challenge and to retore America's standing as leader of the Free World. Immediately this Administration went to work to rebuild our military, to restore morale in the services and national pride among our people, and to make America once again the leader of free nations. As a result, we are now able to deal from strength with our adversaries and to promote and sustain the efforts of valiant men and women around the globe who are struggling to win or preserve their freedom. Peace is our goal, but we must guard the power and responsibility to meet every challenge.

A. *East-West Relations*

On the basis of our renewed strength, and a policy of realism in the pursuit of peace, we have in the past 7 years taken great strides toward a world in which freedom can flourish. In the coming year, we face new challenges and new opportunities, and I hope that the Congress will be my partner in addressing both.

Today I have submitted to the Senate for its advice and consent to ratification the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles. This INF Treaty is the first agreement ever to *reduce* and not simply *limit* the buildup of nuclear weaponry, and it provides for the elimination of an entire class of U.S. and Soviet nuclear missiles. It contains the most stringent verification regime in the history of arms control. This treaty represents the culmination of 6 years of hard negotiation. After the West showed strength and solidarity, the Soviets joined us in an agreement to ban such weapons on both sides.

On the basis of similar strength and fortitude, and support from the American people and the Congress, we are engaged in serious negotiations with the Soviet Union on an agreement that could reduce strategic nuclear offensive forces by 50 percent. The United States and Soviet Union are negotiating for effective verification measures that would make it possible to ratify the U.S.-U.S.S.R. Threshold Test Ban Treaty of 1974 and Peaceful Nuclear Explosions Treaty of 1976.

These accomplishments depend on maintaining our strength. It should now be unmistakably clear that our determined program to rebuild our military strength and my Strategic Defense Initiative have spurred major advances in arms reduction, as well as strengthening our own and allied security. These efforts must not be undercut.

In addition, I must reiterate what I said last year—that legislating Soviet arms control positions into American law is not the way to get good agreements. I will veto legislation that undermines national security and undercuts our negotiating position.

The issue between East and West, of course, is not simply arms control. Efforts by the Soviet Union and its surrogates to suppress freedom are major sources of international tensions. Experience shows these efforts to be significant obstacles to improvements in U.S.-Soviet relations.

Human rights and regional conflicts are key issues on my agenda with the Soviet Union. Unfortunately, I can report to you only very limited improvement in both of these areas. For instance, while a few Soviet political prisoners have been released, and there has been some increase this past year in the emigration of Soviet Jews, many more prisoners remain, and many thousands of Soviet Jews are

still denied the basic right to emigrate. Furthermore there has been no significant change in Soviet involvement in or provocation of regional conflicts, despite the repeated Soviet lip service to the need for peaceful solutions.

B. *Defense Budget*

Our defense budget proposals represent an essential program for maintaining our defensive strength. The defense budget has already been reduced to levels that will require us to delay the achievement of important defense objectives. Anything less will jeopardize not only our national security and that of our allies but also the prospects for fair agreements negotiated with our adversaries.

With this in mind we must continue with the Strategic Modernization Program as an essential guarantor of Free World security at the same time as we seek clear-cut and effectively verifiable strategic arms reductions. We must also continue the modernization of nuclear, conventional, and chemical deterrence forces supporting our commitments to our allies. Additionally, we must ensure that the conventional force disparities between NATO and the Warsaw Pact are redressed through a combination of negotiated reductions and the strengthening of NATO capabilities.

My Strategic Defense Initiative (SDI) is not simply a program of research and development of new technology. It offers hope of a reorientation of strategy—hope for a world in which strategic defenses, which threaten no one and can block a ballistic-missile attack, play a greater role in maintaining deterrence. This is a vital program. It is an investment in a safer world for our children, and it is insurance against violations of arms reduction agreements. It reinforces our negotiating efforts. I will ask the Congress to provide increases in funding necessary for essential SDI research, development, and testing. It is a cornerstone of our security strategy for the 1990s and beyond. And when it is ready, we will deploy it.

Despite reductions in defense funding, we must attempt to maintain the strength of our technology base, pursuing new developments in conventional weapons technology. We must also continue our Armaments Cooperation initiatives with our allies to realize improvement in acquisition management and the advantages of shared technological advances among our allies.

We will maintain, where necessary, the deployment of U.S. military forces throughout the Free World as a deterrent to those who might act to threaten peace and freedom and as evidence of solidarity with our allies and other friendly nations.

We must continue to develop and to exercise our capabilities to respond to low-intensity conflict. These simmering confrontations below the threshold of large-scale conventional war undermine the political, economic, and security interests of the United States and its allies and friends.

We must complete the revitalization of our special operations capability begun early in this Administration and preserve that capability in the ensuing years.

Similarly, we need a vital and effective intelligence capability. We must ensure that this capability is effectively managed and that the President has the ability to employ its flexibly. I will not accept legislation governing the conduct of intelligence activities that does not preserve the flexibility that is required if our intelligence community is to do its job. To improve the military intelligence support to U.S. military commanders, especially in the vital area of human intelligence collection, I am seeking legislation to authorize the Secretary of Defense to establish commercial entities to provide cover for certain Department of Defense foreign intelligence collection activities.

As we address the resources requirements for our defense efforts, we must also streamline the process of resource allocation. For this reason, I urge the Congress to shift fully to a 2-year defense authorization and appropriation cycle. This Administration continues to press initiatives that streamline and strengthen the Federal procurement process to dramatically increase competition in the award of Federal contracts. We are placing particular emphasis on the findings of the Blue Ribbon Commission on Defense Management (The Packard Commission) and especially those recommendations having government-wide effect.

C. *Democracy and Freedom*

America's goal is both peace and freedom. Americans have always believed that liberty was not the birthright of a fortunate few but of all mankind. And we are inspired in this period by the stirring sight of democracy flourishing anew in many regions of the world—from Latin America to the Philippines to the Republic of Korea.

Most remarkable is the struggle of those directly resisting aggression sponsored by the Soviet Union and its surrogates—in Afghanistan, in Cambodia, in Nicaragua, and in Angola.

I strongly support the cause of the brave Freedom Fighters of Nicaragua. On this issue there have been differences between the Executive branch and the Congress, but there are also shared principles: that there must not be a Cuban or a Soviet-bloc military base in Nicaragua, because such a base would threaten the United States and the other nations in the Hemisphere; that Nicaragua must not pose a military threat to its neighbors or provide a staging ground for subversion or destabilization; and that Nicaragua must respect the basic freedom and human rights of its own people, including the original pledges the Sandinista regime made to the Organization of American States in 1979.

It is now widely accepted that democracy *within* Nicaragua is the core issue in the conflict in Central America. It is the attempt of the Communist Sandinista regime to consolidate its monopoly of power that has led to armed rebellion. The Guatemala Peace Accord, reached last August, recognizes the importance of democracy within Nicaragua—of total amnesty for political prisoners, of negotiations with the armed resistance for a cease-fire. The outcome of the January 15 San Jose meeting to evaluate compliance with the Guatemala Peace Accord presents important opportunities to further peace and democracy in the troubled Central American region.

At the San Jose Summit there was a clear consensus among the four Central American democratic presidents that the Sandinistas had not complied with the Peace Accord. By making his last-minute promises President Ortega acknowledged the accuracy of that judgment.

The key issue is whether the Sandinistas are now committed to genuine and enduring democracy or do they just seek the elimination of the Nicaraguan Democratic Resistance.

The Nicaraguan Democratic Resistance is the best insurance policy for keeping the peace process on track and producing a democratic outcome in Nicaragua. This is not the time to falter in our support for the Freedom Fighters. The United States must not abandon those fighting for democracy in Nicaragua until true democracy is attained.

In Afghanistan, we maintain our firm and unwavering support for the heroic struggle of the Afghan Resistance against the Soviet occupation. We will never agree to any steps that put the Afghan Resistance, or Afghan hopes for self-determination, at risk.

We support a peaceful solution, but such a solution can be achieved only if the Soviet Union withdraws its forces promptly and completely and allows Afghans themselves to determine their political future. As I reminded Secretary General Gorbachev during the December Summit, a prompt and permanent Soviet withdrawal would open the way to futher improvements in U.S.-Soviet relations. Let 1988 be the year that sees an end to the Soviet occupation of Afghanistan.

We shall continue our policy in the Persian Gulf to promote stability in the region, maintain freedom of navigation, and promote peace between Iran and Iraq. This bloody conflict has been prolonged because of Iran's intransigence and its attempts to intimidate and threaten the countries of the area and disrupt freedom of navigation. As a result of our policy, we have broadened and strengthened our relationship with the countries of the Gulf Cooperation Council, and our vital interest in the free flow of oil in and out of the Gulf has been protected. We are actively pursuing an arms embargo resolution against Iran, which has refused to comply with the cease-fire demand of the United Nations Security Council.

At the same time, we will work actively to promote peace between Israel and its Arab neighbors. The violence in the West Bank and Gaza is a vivid reminder of the dangers of the status quo. We, along with those in the area, must work together to give the Palestinians a reason for hope, not despair. Stability in the Middle East requires a just and lasting settlement of the Arab-Israeli conflict—a settlement that both assures Israeli security and recognizes the legitimate rights of the Palestinians. We are committed to achieving such a settlement.

The cause of democracy and freedom worldwide is promoted by our program of economic and security assistance to our allies and friends. Central to our security and to the preservation of peace are our ties with allies and friends, including NATO and our East Asian allies—Japan, Korea, the Philippines, and Thailand. Enormous progress has been made in this decade in restoring America's influence in the world and in expanding the horizons of democracy. To further reduce our foreign assistance programs would be a tragic mistake. Economic assistance, especially when coupled with wise internal policies, helps friendly countries prosper; security assistance helps them carry the burden of their self-defense, often in regions of strategic importance for the Free World. In many cases, our aid programs help countries on whose territory there are facilities that support the mutual defense or whose democratic aspirations we wish strongly to support—such as the Philippines. Our assistance programs have also been vehicles for encouraging structural economic policy reforms that promote prosperity, in part through greater reliance on free markets. This crucial support for basic American goals must be restored.

Since the enactment of comprehensive reform of our Nation's immigration laws in the fall of 1986, the flow of illegal aliens across our southern border has been reduced significantly. Our Nation continues to provide open avenues of legal immigration that each year allow 600,000 people to join our ranks as permanent residents. As in the past, a significant portion of these new arrivals are individuals seeking refuge from oppression in their home countries. I am pleased to report the Department of Justice has taken two important steps toward fairer, more expeditious consideration of the asylum applications of persons suffering persecution because of their religious and political beliefs. An Asylum Policy and Review Unit, charged with reviewing asylum cases, has been created directly within the Department. In addition, a change has been proposed in the Immigration and Naturalization Service that would give specially trained Asylum Officers jurisdiction to interview applicants and render decisions, while preserving for each applicant an opportunity for a new hearing before an independent immigration judge. Our Administration is also studying a further restructuring of the asylum process to ensure that asylum and refugee cases are considered from a humanitarian perspective.

As General Vessey's visit last summer to Vietnam indicated, we remain committed to obtaining the fullest possible accounting of our men missing in action in Southeast Asia.

D. *The Economic Dimension of Freedom*

We remain active in promoting free economic institutions in the developing world. In this connection, the Administration strongly supports the intent of the Caribbean Basin Economic Recovery Expansion Act, which would extend the Caribbean Basin Initiative (CBI) for an additional 12-year period and enhance the program's duty preferences. While not supporting every specific provision in the bill, such as the one concerning sugar, the Administration shares the goal of strengthening the CBI and is proposing modifications and alternatives to reach that goal. In addition, the Senate should give its advice and consent to the ratification of the Bermuda Tax Treaty, and the Congress should enact the complementary tax law changes. These actions would help regularize our economic ties with this strategically important island.

The United States has been in the forefront of Western nations helping Africa to alleviate food shortages due to drought, war, and destructive economic policies as in Ethopia. For example, in June 1987 I set a common goal for all U.S. economic policies and programs for Sub-Saharan Africa—to end hunger there through economic growth and private sector development, and I am now implementing that decision. At the same time, we have had some success in promoting economic policy reform in Africa, which is now bringing the benefits of investment incentives and free markets to a number of countries that began their independence burdened by stultifying centralized structures. Senegal, Ghana, Cameroon, Botswana, and Malawi are some of the countries adopting market-oriented reforms.

To meet future oil supply disruptions that might develop, it is important that additional oil reserves be placed in the Strategic Petroleum Reserve to meet our 75-million-barrel target. In the section "Strengthening America's Energy Security," which follows, I outline several steps that will strengthen America's overall energy security.

I am proud that our Administration has instituted an effective and prudent system of safeguarding our strategic interests in East-West trade. We cannot let our adversaries acquire through trade vital technology that would strengthen their military capability against us. At the same time we are determined to harmonize trade control practices with friends and allies both to enhance their effectiveness and to avoid undermining the competitive position of U.S. exports.

V. TO PROMOTE THE GENERAL WELFARE

As James Madison observed in *The Federalist*, No. 41, the meaning of the "general welfare" is restricted to that public happiness which the government may promote by its clearly enumerated powers. Permitting general and unlimited powers to government, even though these might be used with the best motives, would render the Constitution useless as a safeguard for individual freedom.

This Administration is deeply committed to decreasing the power of the Federal government to its intended scope and to increasing the power of individuals. These policies establish conditions most conducive to individual initiative and enterprise and, consequently, to the creation of wealth and public well-being. The preservation of freedom, the highest value in our Republic, requires placing the rights of individuals above the power of government. The great challenge of our national government is to use only its carefully enumerated powers in promoting the general welfare by empowering individuals to help themselves.

A. *Empowering Individuals to Control Their Own Resources*

If individuals are to possess genuine autonomy then they must be free to control their own resources, to enjoy the fruits of their labor, and to keep what they earn, free from excessive government taxation and spending. To further this ideal, I propose the following six specifics:

1. *Tax Policy.* Experience has shown that higher taxes ultimately fuel higher spending and do not improve the deficit. During the past 7 years, tax revenues generally have increased, but spending has still increased 27 percent more than tax revenues. This is the true source of the deficit.

Those who favor higher taxes ignore the impact of such taxes on the economy. By reducing and reforming taxes we have seen unprecedented economic growth, high rates of job creation, and

increasing productivity for over 60 months. During this period of time, the Administration has lowered income tax rates and removed the automatic tax increases caused by inflation. Future tax policy must preserve these and other gains made on behalf of the American taxpayer. Tax increases should also be opposed on the basis of their burden on economic growth. These include, but are not limited to, returning to higher marginal rates for individuals or corporations; repealing indexing; creating a value-added tax or increasing excise taxes; increasing taxes on capital or energy sources; and levying new taxes on securities transfers or corporate takeovers.

2. *Reduction of Capital Gains Tax Rate.* The tax reforms accomplished in 1986 did much to remove provisions that inhibit economic prosperity. The most important piece of unfinished business is to reduce the capital gains tax rate to the level that will generate the savings and investment necessary for future economic growth.

Past experience demonstrates that lowering the capital gains tax rate will mean increased realizations of capital gains upon which taxes are paid. When capital gains tax rates increase, investors tend to hold rather than sell their assets. If investors hold their assets until death, they can pass their untaxed gains on to their children, resulting in no income taxes paid on those gains. When the capital gains tax rate was increased in 1969, for example, it led to an immediate reduction in the amount of capital gains realized. By contrast, a reduction in the capital gains tax rate in 1978 and again in 1981 led to significant increases in capital gains realizations.

Reducing the capital gains tax rate to an agreed-upon optimum should be a cornerstone of tax reform for the 1990's. I will consult with the Congress about achieving this rate reduction as soon as possible.

3. *Raise Revenues with User Fees.* The burden of reducing the deficit must not be allowed to hamper the productive element of society—the private sector. Raising new revenues must be confined to areas where they will not burden productivity. I believe that user fees for services are a sensible alternative to a policy where revenues are unrelated to expenditures, where some citizens are singled out for gain while others are excluded. Additionally, user fees promote efficiency by encouraging individuals to use the proper level of government services.

4. *Spending Restraint.* We all recognize that reducing the size of the Federal deficit is a top priority. The 2-year budget agreement that the Congress and I worked out last fall is a first step. But we must go further and reduce the size and the cost of the Federal Government. I will apply the following principles in considering new appropriations and authorization legislation, which I urge the Congress also to follow: eliminate pork-barrel spending that uses national funds to benefit local interests; work toward subsidy-free business and agriculture marketing; avoid creation of new entitlement programs and additional cost-of-living increase provisions; direct public assistance to the needy; and provide for necessary discretion to promote efficient administration of Federal programs. Moreover, the Congress should avoid attaching appendages to spending bills that authorize unnecessary programs and go beyond the enumerated powers of the National Government.

5. *Government Management Improvements—Government of the Future.* When I became President, one of my earliest priorities was to try to reestablish the proper relationship between the Federal Government (which had grown much too large and too powerful) and the State and local governments; and between government and the private sector. In 1981, through our federalism and deregulation initiatives, we placed greater responsibility at the State and local level and in the private sector. We are continuing those efforts.

But as we look forward to the beginning of the 21st century, we need to update our perspective on the proper role of the Federal Government and examine what needs to be done to prepare for the changes that will take place. For example, we expect the population to grow to over 268 million people. Changes in technology and communication will link the world's economies, trade, capital flows, and travel as never before. I have asked the Office of Domestic Affairs to work with the President's Council on Management Improvement to conduct an indepth review and recommend to me by August what further adjustments have to be made in the Federal role to prepare for these anticipated changes. This summer I look forward to receiving their report, "Government of the Future," which will also incorporate plans of my "Reform '88" program.

Meanwhile, those responsibilities that legitimately fall within the enumerated powers of the executive branch should be managed to deliver quality service to all of our citizens. Our government has a major effect upon the daily lives of all of us through the direct delivery of services, the payment of financial assistance through various entitlement programs, the collection of taxes and fees, and through regulating commercial enterprises. My 1988 management priorities will be to complete the "Reform '88" management improvement program I started 6 years ago; to overhaul the administrative, financial, and credit systems in our Federal Government; to implement productivity and quality plans in each agency; and to direct the Office of Personnel Management to examine the needs of the Federal work force of the future.

My goal, therefore, is to ensure that my administration leaves a "legacy" of good management of today's problems—with plans in place to handle tomorrow's challenges.

6. *Social Security Reports to Participants.* Virtually all workers are required to participate in the social security system. But the average worker does not know the level of benefits that would be paid his family should he die, become disabled, or retire. As a result he cannot make plans for any supplemental benefits and insurance he may need.

I am pleased to announce that before the year is over the Social Security Administration will begin providing upon request reports similar to those frequently provided to employees who receive private sector benefits. The social security report will contain a clear and detailed statement that outlines a participant's credited earnings and social security taxes for each year; indicates his current eligibility status; and sets forth an estimate in current dollars of the current and future benefits available to him.

B. *Freeing the Individual From Government Dependency.*

It is a fact of American life that many Federal programs, while attempting to help the poor, have made them more dependent on the Government. Much is within our reach to help dependent citizens lift themselves to self-sufficiency:

1. *Reducing Welfare Dependency Through Opportunity.* The current welfare system has trapped too many Americans in a dependency on welfare that is hard to break and easy to pass on to succeeding generations. In recent years, a consensus has emerged that it is through work and the acceptance of responsibility that people develop the self-esteem to pull themselves up from dependency.

Last year I launched a major effort to encourage the States, working with established community self-help groups, to undertake a wide range of "workfare" and other responsibility-building reform experiments. Experience has clearly shown that it is in the States that real welfare reform will occur. This was true back in the 1970's in California when we started this movement; it is increasingly the case today. The States and my objective is to make work and self-sufficiency more attractive than welfare. However, because the current welfare system is so complex and restrictive in its endless rules and restrictions, we need legislation to give the States added flexibility and encouragement to undertake truly innovative and individualized reform experiments.

Last August I endorsed H.R. 3200/S. 1655, legislation that represents a constructive and fiscally responsible approach to reducing welfare dependency. This legislation would help more people become self-sufficient through mandatory participation requirements and a flexible work and training program. It would strengthen our ability to require absent parents to support their children. It also contains the broad waiver authority States need to implement their own ideas and make the welfare system more responsive to the needs of each particular State. I call on the Congress to enact this legislation and not use the present consensus on the need to reform our welfare system as an opportunity simply to expand the benefit levels, which would lead to increased dependency.

Even under the limited authority of current law, many States have undertaken or are planning such experiments. To assist them I have established the Interagency Low Income Opportunity Advisory Board to facilitate "one-stop shopping" for the States as they deal with the Federal Government and to advise my Cabinet on the impact of the State proposals on the Federal welfare system.

Recently this Board facilitated multi-program waivers of Federal programs to the States of Wisconsin and New Jersey, enabling them to launch broad-based welfare reform initiatives. Wisconsin's program structures benefits to make participation in work and training programs more attractive than simply collecting welfare. New Jersey's Reaching Economic Achievement ("REACH") program employs widespread mandatory work requirements, together with the services intended to make long-term employment a reality, and promises savings through reduced case loads. We need more such experiments, emphasizing the close tie we know exists between achievement through work and the feelings of self-worth essential to personal economic independence.

2. *Removing Barriers to Home Ownership.* Historically our freedom has been symbolized by the opportunity for every American family to own and occupy housing. The success of our economic recovery program has caused inflation and mortgage interest rates to decline, making it easier for more Americans to buy homes. To make housing even more affordable, this Administration is working with home builders and local officials to overcome government delays and cost-adding regulations. I am also pleased that the recently passed housing bill granted permanent authority for the FHA mortgage insurance program that increases the availability of credit to American home buyers. The bill also accepts my recommendations for extending the availability of rental housing vouchers to rural as well as urban areas. These vouchers will give meaningful choice to the individuals intended to be beneficiaries of housing programs. Moreover, the bill endorses the concept of tenant ownership of public housing. In order fully to empower occupants of public housing to own their own homes, I will be acting on the recommendations of the President's Commission on Privatization to develop a proposal to sell at a discount existing public housing to the current occupants, thus mirroring the success this approach has enjoyed in Britain.

3. *Strengthening the Family.* It is one of our country's most basic principles—where there are strong families, the freedom of the individual expands. The strength and stability of the American family provide essential armor for individuals in the fight against poverty. Only a few years ago, the American household of persons related by blood, marriage, or adoption—the traditional definition of the family—seemed in peril.

I have sought to further policies that recognize the importance of a stable family life. For example, the tax reforms of 1986 contributed to family stability by increasing personal exemptions. Last fall I issued an Executive order on the Family requiring that every department and agency review its proposed activities in light of seven standards designed to promote and not harm the family. The Offices of Management and Budget and Policy Development are charged with the responsibility of reviewing future Executive branch activity to ensure that it meets these standards. In addition, the Congress should require a statement that determines the impact legislation will have on the American family.

In March, I will receive a report from the Office of Policy Development on the impact of existing policies and regulations on the family. At that time I will take administrative action and propose legislation necessary to correct policies that do not conform to the family criteria.

4. *Strengthening Communities Through Enterprise Zones.* Despite the economic prosperity enjoyed by most of the Nation, some regions remain economically depressed. The key to revitalizing these areas is not new or expanded government programs, but free enterprise. In 1981, I proposed the creation of enterprise zones in which economically depressed areas could receive tax and regulatory relief in order to expand private economic activity and opportunity within the zones and create jobs in the process.

More than half the States have set up their own enterprise zones, even without Federal incentives. These zones have created new jobs and spurred billions of dollars in capital investment. Their success is testimony to the power of this concept and is just a small indication of how much could be accomplished if Federal incentives were added to those of States and localities. Adding Federal incentives would make existing zones far more economically attractive and successful and would also encourage more State and local zones. Accordingly, I am renewing my call to the Congress to take up effective Federal enterprise zone legislation that will complement the State programs.

5. *Independence Through Excellence in Education.* Individuals well instructed in basic skills, important knowledge, sound values, and independent reasoning are better equipped to participate in America's continued freedom and prosperity. In 1981, however, our educational system was suffering from a 20-year decline in academic achievement. Yet spending per pupil had nearly doubled since 1970, and Federal spending for education had increased over 3,000 percent since 1960. It has now risen to more than $20 billion. But while funding is very important, money without genuine commitment does not lead to educational excellence.

In 1983, the National Commission on Excellence in Education launched a national renaissance in education by identifying problem areas and suggesting solutions for State and local programs. In its ground-breaking report, *A Nation At Risk*, the Commission recommended that the States and localities return to the basics in curriculum and strengthen high school graduation requirements. Additionally, my Administration urged the States and localities to consider merit pay and competency testing to improve the abilities of educators. As a result of the Commission's and our efforts, some school systems began to turn away from a smorgasbord curriculum and toward a more structured, traditional program designed to educate good citizens and to enable all students to participate in the opportunities our society offers in abundance. But despite this progress, we still have a long way to go. For example, only 5 percent of American 17-year-olds have advanced reading skills; an average high school student takes only 1.4 years of history. In April the Department of Education will complete its review of progress made since the issuance of *A Nation at Risk*.

Last month the Secretary of Education unveiled a model curriculum in a report entitled *James Madison High School.* This report outlined a year-by-year slate of courses in English, social studies, math, science, foreign language, fine arts, physical education, and health, and proposed that they be made graduation requirements for all students. Four years of English would include American, British, and world literature. Three years of social studies would include western civilization, American history, and Principles of American Democracy, with a hefty dose of geography throughout. This is the kind of curriculum that will help America's young people meet the challenges of the next century. Although a public high school curriculum must be set at the State or local level, I hope school officials will examine the model curriculum proposed in *James Madison High School.*

In addition to "back to basics" reforms, American education would benefit from greater parental involvement. In July 1987, as part of my Economic Bill of Rights, I stated that we must recognize the right of parents to have their children educated, publicly or privately, without unreasonable regulation or interference from State or Federal Governments. To that end, I am establishing a working group in the Domestic Policy Council that will examine the parental role in education and make recommendations for strengthening parents' rights.

Improving choice in education continues to be an important goal of this Administration. Study after study has found that when parents have a say and are involved in their children's education, the children do better in school. For example, the Congress should authorize a program of giving parents a choice of schools when providing Federal funds to benefit students.

I will continue to encourage efforts to advance parental choice through expansion of the magnet schools program, as well as in the compensatory education programs financed through Chapter 1 of the Education Consolidation and Improvement Act. Compensatory education programs provide additional services to children most in need of extra help in mastering basic skills. Enhancing parental choice is particularly critical in the education of disadvantaged children, who are the focus of the Chapter 1 program.

But I do not intend to stop there. Polls show that millions of Americans would like, but do not have, the ability of choosing the education program and institution that is best for their children. A voucher system at the State level would empower parents. I will ask the Department of Education to develop model voucher legislation and make it available to the 50 States, so that they can implement programs that promote choice in education.

A college education is part of training for tomorrow's challenges. However, since 1980 the cost of a college education has risen more than twice as fast as the Consumer Price Index, and many Americans are wondering whether their children will ever be able to go to college. Colleges set tuition, not the Federal Government. It is my hope that our Nation's universities will act to reduce the cost of higher education without sacrificing quality in core fields. To help college students from families of limited means, I propose an increase in the maximum Pell Grant to $2300.

I will also ask the Congress to approve creation of College Savings Bonds. These bonds will offer an incentive for lower- and middle-income families to save now for the future education of their children. Interest on bonds used for this purpose will be free from taxation.

While we do our part to help finance college education, students must do their part and act responsibly. Most do, many do not. The taxpayers will spend over $1.6 billion this year to pay off student defaults. To ensure that tomorrow's students do not lose out because Federal guarantees are abused, the Department of Education will propose a rule holding schools and colleges accountable for excessive rates of default on Guaranteed Student Loans. Schools in which there is a disproportionately high number of student defaults will face the loss of eligibility for student aid.

Other policies addressing this problem include: providing better information to students on their duties when they borrow and when their debts are due; use of the IRS to take money owed out of tax refunds; use of collection agencies and litigation to go after the worst offenders; and increasing the incentives for lenders and guarantee agencies to do a better job of collecting loans.

6. *Protecting the Health of Citizens.* Government promotion of public health has enabled many individuals to participate fully in society. The Federal Government now has the opportunity to assist elderly persons who fall victim to catastrophic illnesses and to lead the fight against diseases such as AIDS.

I am asking the Congress to enact my proposal for Federal coverage of catastrophic health care costs incurred by Medicare beneficiaries. This legislation, which I negotiated with the Senate, would provide affordable catastrophic coverage.

Additionally, the Office of Personnel Management has a new proposal before the Congress to help Federal workers deal with long-term health care needs—both nursing home and home health care. This proposal will serve as an example for *privately funded* long-term health care. No new Government funds will be needed to provide this additional insurance. It will be made available through the already-existing life insurance program for Federal employees, with a small additional premium from employees, enrolled in the program.

We must continue to take preventive measures against AIDS while at the same time treating AIDS victims with compassion and care. Although increased Federal funding is not the only solution, I am proposing $1.5 billion in fiscal 1989 for research, treatment, testing, counseling, and education, up ten-fold since 1985. Administration scientists were centrally involved in the discovery of the Human Immuno-deficiency Virus (HIV), developing the HIV blood antibody test and the anti-AIDS drug AZT. And testing has been initiated in human volunteers for two experimental AIDS vaccines.

However, the primary responsibility for avoiding AIDS lies with the individual. As the Surgeon General, the Secretary of Health and Human Services, and the Secretary of Education have been reminding us all, the best way to prevent AIDS is to abstain from sex until marriage and then to maintain a faithful relationship, as well as to avoid illicit drugs altogether. If the American people follow this wise and timeless counsel, if our schools and families and media communicate it effectively, the spread of AIDS can be greatly diminished.

For our young people, education is crucial for AIDS prevention, and parents have the primary responsiblity for this. The Department of Education released *AIDS and the Education of Our Children* last October to assist parents and educators in this effort. This publication reflects my conviction that educational efforts in the schools should be determined locally and with deference to parental values.

In 1987 I announced a policy of expanded routine testing, which is essential for early diagnosis and treatment of infected individuals, for protection of the public, and for assisting Federal, State, and local policymakers in dealing with this epidemic. I also established the Presidential Commission on the HIV Epidemic and will receive their final recommendations this summer.

I have directed the Public Health Service to undertake a comprehensive program to determine the extent of HIV infection and full-blown AIDS. We need to know more about the dynamics of this disease, its prevalence, and its rate of spread. Beginning in March 1988, the Centers for Disease Control will produce quarterly reports on the progress in implementing this program.

I am directing the Food and Drug Administration to accelerate its review of new therapeutics, vaccines, blood-screening tests, and other products to fight this disease.

C. *Freeing Individuals to Pursue Productive Endeavors*

I believe all individuals should have the right to pursue their livelihood in their own way, free from excessive Government regulations and Government-subsidized competition. Greater personal autonomy, not a paternalistic "industrial policy," is the path to greater American competitiveness. As the 1987 Nobel Laureate in Economics, James Buchanan, recently pointed out:

> "We now have in place the scientific and technical tools that enable us to make meaningful comparisons between the workings of an industry in an unregulated, privatized setting and the workings of the same industry in a regulated or controlled setting."

Our experience with deregulation over the past 7 years has demonstrated the superiority of industry inspired by private initiative rather than controlled by Federal regulations. Accordingly, I am instructing my administration to take all possible measure to provide individual Americans with the greatest possible range of economic opportunities, and I invite the Congress to join me in further deregulating our economy and in promoting free trade among free nations. Here are nine areas on which the Administration will focus:

1. *Deregulation of Key Industries.* Back in 1980, I promised to get the Government off the backs of all individual Americans—working men and women, consumers, and businessmen and women. More than 7000 new regulations were issued in my predecessor's last year in office. This had to stop. At my direction, various departments have acted to reduce the scope and cost of Federal regulation. We have accomplished a great deal. For example, we have expedited Federal approval of experimental drugs, making them available to treat serious or life-threatening diseases when other treatments do not work.

Individual Americans have access to more goods and are able to travel more easily and at less cost because of deregulation. today, for the first time in 30 years, the railroad industry is financially stable because of economic deregulation. Shippers and consumers across the Nation benefit from real cost reductions brought on by more competition. And, despite some problems inevitable in a large, dynamic industry, airline consumers now enjoy about $11 billion per year in lower fares, a great number of flight options, and a safe, efficient air transportation system unequaled by any nation. Our free market policies have worked. Although we must continue our vigilance to assure safety, we must not, in any form, re-regulate these industries.

The current relaxation of Federal regulation of the trucking industry has demonstrated the tremendous potential of individual Americans. Now is the time to complete the deregulation process. I ask the Congress to pass the Administration's Trucking Productivity Improvement Act of 1987 to remove the last vestige of Federal regulation of the interstate trucking industry and ensure that the States do not re-regulate the interstate and intrastate operations of interstate trucking firms. Already the progress of rail and trucking deregulation has made the Interstate Commerce Commission an anachronism. It should be abolished as proposed in legislation sent to the Congress last year.

This Administration has sought to promote the free flow of information among individuals by freeing the telecommunications industry from intrusive government control. In this "Age of Information" America risks losing its position as the world's leader in information and telecommunications technology—not because we lack the talent, the resources, or the will, but because we have needlessly regulated our telecommunications industry.

Another area in which deregulation has promoted individual freedom is the broadcasting and cable industries. I have strongly supported the elimination of the so-called "Fairness Doctrine" as an unconstitutional infringement upon the freedom of the press, and I will continue to resist any legislation that attempts to reverse this Federal Communications Commission [FCC] action. This Administration has also insisted in the courts that the cable industry receive the same First Amendment protection as the print media. This is particularly imperative in light of recent technological changes in the industry. One area where First Amendment rights have been dealt a severe blow is the recent codification of the "cross-ownership" rule. This last minute appendage to the Continuing Resolution prevents owners of newspapers and broadcast stations from even seeking a waiver of the rule and thus violates their First Amendment rights. This change could force the closing of newspapers. I strongly support measures to repeal legislative cross-ownership restrictions that inhibit rather than enhance the free market of ideas.

Where the government does regulate economic activity, this Administration has sought to use market-oriented approaches. For example, in the case of airline landing rights, it is important that individuals be able to freely transfer rights to operate within the regulatory regime. Despite the progress we have made on deregulation, more needs to be done. The Office of Management and Budget therefore will continue to assure that agencies, as they develop proposed regulations, evaluate and make public their findings concerning the effect of proposed Federal regulations on private sector employment and commerce.

2. *Reducing Government Reporting Burdens.* Since 1982, my Executive Office has actively sought to reduce the burden of Federal reporting requirements on every individual and business. Each year we have made sizable reductions in paperwork burdens, totalling 560 million man-hours from Fiscal Year 1981 through Fiscal Year 1986. To improve our efforts, the Office of Management and Budget will issue regulations that will provide a more timely and complete description of proposed reporting burdens. Citizens will be encouraged to report back to OMB when, in their experience, the reporting requirement is unduly onerous. The Office of Management and Budget is systematically simplifying Federal procurement regulations and reducing the paperwork burden imposed upon those who want to compete for contracts with the Federal government.

Similarly, the Census Bureau has substantially improved the questionnaires to be used in the 1990 decennial census. These improvements will reduce the paperwork burden on all American households by using a significantly abbreviated "short" form and by making sure that no more households than absolutly necessary are asked to complete the "long" form. These changes will also improve the quality of the information collected.

3. *Strengthening America's Energy Security.* The economic well-being and future security of this Nation depend upon maintaining and building long-term energy security and strengthening the domestic energy industry. We have made considerable progress. While our economy has greatly expanded, we are using no more energy and less oil than we did 10 years ago, and our strategic oil stocks are five times higher. But more needs to be done.

In May 1987, I offered several proposals to enhance our Nation's energy security. The windfall profit tax has raised little or no revenue since the collapse of oil prices in 1985, yet it discourages long-term investment in new domestic oil production. Moreover, it causes oil producers to engage in purposeless record-keeping. It should be repealed.

Last May I signed legislation eliminating restrictions on natural gas use. The Congress should now act to decontrol the wellhead price of natural gas and provide for open access pipeline transportation. Both measures would lead to less demand for imported oil. I also urge action on the Administration's proposal to deregulate many oil pipelines.

This year the Congress will consider our recommendation concerning oil and gas activities on the coastal plain of the Arctic National Wildlife Refuge—the most outstanding onshore oil and gas frontier in this Nation. The Department of the Interior would manage exploration, development, and production of these poten-

tially vast resources while assuring that environmental safeguards are carefully maintained. The Congress should move expeditiously to enact legislation implementing our recommendation.

Development of our offshore energy resources continues to be vital to our economic and energy security. Last year we developed and implemented a 5-year Outer Continental Shelf [OCS] leasing program. Unparalleled in its responsiveness to State and local concerns, this program meets America's need for domestic energy supplies while it continues to provide protection for our important coastal resources.

Lastly, to ensure the future viability of nuclear power in the United States, the nuclear licensing process should be reformed and the Price-Anderson Act should be reauthorized. I urge responsible congressional action in these areas.

4. *Protecting the Environment Without Unnecessary Government Intrusion.* I have always believed that this Nation does not have to choose between a clean, safe environment and a productive economy. Of course, sometimes trade-offs exist and choices have to be made.

America's program for environmental protection is the most comprehensive in the world. And our environmental accomplishments are impressive. We have dramatically reduced air pollution in our cities and restored thousands of miles of waterways without hampering economic growth. We have cut levels of lead in urban air by nearly 90 percent and cleaned up more than 1,000 hazardous dumps and spill sites. And we have made impressive strides in the Superfund hazardous waste cleanup program. Work has been completed at almost 200 sites this year, including many that posed immediate threats to human health and the environment. This brings the total since this program began to over 1,000. In addition, work is underway at more than 700 national priority list sites.

We have recognized the global nature of some environmental challenges and played a leadership role in the world community to meet them. In December, I submitted to the Senate for advice and consent to ratification an international protocol to reduce chemical emissions that may be depleting the stratospheric ozone layer, and I urge early congressional action on this initiative. This protocol is the first time nations of the world have agreed to specific action in order to address a global environmental problem.

Consistent with the report of the National Acid Precipitation Assessment Program, I will again request congressional approval of a 5-year, $2.5 billion program for development of innovative clean coal technologies to reduce further acidic deposition (acid rain) emissions. The Secretary of Energy has begun implementation of the first 2 years' funding provided in the continuing resolution and, at my direction, has formed a panel to advise on innovative technology projects for funding. Additionally, I have reviewed and accepted significant new recommendations from my task force on regulatory relief that will introduce such new technologies into the marketplace more quickly and efficiently:

> The Department of Energy will permit preferential treatment for innovative clean coal technology projects, recognizing the risk inherent in such demonstrations.
>
> The Federal Energy Regulatory Commission will support a 5-year demonstration program on rate incentives for innovative technologies.
>
> The Environmental Protection Agency will support and encourage a variety of means to include "bubbles" and interpollutant trading, to achieve emissions reductions.

5. *Strengthening Financial Markets.* With a view to empowering people to engage in productive activity for mutual gain, I am taking steps to reduce arbitrary second-guessing of markets by government regulators who can scarcely hope to administer financial services more efficiently or fairly.

I reassert my support for the procompetitive Financial Modernization Act of 1987, which would repeal Sections 20 and 32 of the Glass-Steagall Act prohibiting affiliations between commercial banks and securities firms. It would permit bank holding companies, with Federal Reserve Board approval, to own affiliates that underwrite or deal in securities. I welcome the bipartisan initiatives of the Senate and House Banking Committees in this area, and I encourage the Congress to consider additional reforms that keep financial services open and competitive and allow the development of innovative services to benefit individuals, businesses, and government. In today's global economy, America's financial institutions must be released from this outdated legal framework so that they will be able to remain on the leading edge in the world marketplace.

The market for corporate control is a vital component of our free enterprise economy. This Administration opposes legislation that would have the effect of making takeover activity more costly and difficult. Such efforts prevent the free flow of capital and make American firms less responsive to competitive forces, often at the expense of shareholders.

6. *Protecting Individual's Property Rights.* It was an axiom of our Founding Fathers and free Englishmen before them that the right to own and control property was the foundation of all other individual liberties. To protect these rights, the Administration has urged the courts to restore the constitutional right of a citizen to receive just compensation when government at any level takes private property through regulation or other means. Last spring, the Supreme Court adopted this view in *Nollan* v. *California Coastal Commission.* In a second case, the Court held that the Fifth Amendment requires government to compensate citizens for temporary losses that occur while they are challenging such a government regulatory "taking" in court.

In the wake of these decisions, this Administration is now implementing new procedures to ensure that Federal regulations do not violate the Fifth Amendment prohibition on taking private property; or if they do take a citizen's property for public use, to ensure that he receives constitutionally required just compensation.

7. *Trade and Competitiveness.* To enable individuals to enjoy the benefits of trade with other countries and to engage in productive activity without the burdens of retaliatory trade barriers, I will continue to encourage a free and fair trade policy. U.S. trade policy must reflect the fact that we live and work in a global economy and that our future prosperity lies in establishing stable, open relationships with our trading partners abroad and competitive, unrestrained markets at home. An effective trade policy, therefore, must pursue two interrelated goals: to extend, by example and by negotiation, the benefits of free trade to the world economy and to enhance, through deregulation and privatization, the free operation of the domestic economy. Only in such a competitive environment will American business reach its productive potential and American workers enjoy the just rewards for their labors.

Last February, I submitted to the Congress a program for making the United States more competitive, much of which was contained in the Trade, Employment, and Productivity Act of 1987. There were six elements to that program, each critical to ensuring America's future economic preeminence: increasing investment in human capital; promoting the development of science and technology; better protecting intellectual property rights; enacting essential legal and regulatory reforms; shaping the international economic environment; and continuing to eliminate the Federal budget deficit by reducing domestic spending. Taken as a whole, this program recognized that government must not interfere with the marketplace but should ensure that the underpinnings of American economic success, such as a well-educated work force and a technological edge, remain strong.

Unfortunately, the Congress has failed to recognize the broad nature of the competitiveness problem and instead has placed too much emphasis on protectionist measures that may defer short-lived adjustment pains but harm the future health of the economy. Protectionism serves as a hidden tax on the American economy, crippling once prosperous industries, throwing Americans out of work, and raising costs for consumers. American business comes to rely more heavily on government and less on the marketplace, while Americans watch their standard of living slip away. Despite the soothing words of its advocates, protectionism represents the triumph of special interest over the general interest. This Administration remains committed to working with the Congress to draft responsible trade legislation, but if that legislation is not free of harmful protectionist measures, I will veto it.

The Department of Commerce is taking two important steps to boost U.S. exports. First, it will launch Export Now, an intensive new effort, supported by the private sector, to inform small, medium, and large businesses of the current opportunities to expand exports. This effort will encourage American business to take advantage of favorable exchange rates, of the market-opening actions of this Administration, and of the support our government agencies can give them in entering new overseas markets. Second, the Department will begin the Malcolm Baldrige Quality Awards program to help restore "Made in the U.S.A." as the symbol of the very best products throughout the world.

No sector of our economy would benefit more from international trade reforms than agriculture. One of my proposals to the General Agreement on Tariffs and Trade (GATT) for negotiations under the Uruguay Round is to eliminate worldwide all subsidies that distort agricultural trade and all agricultural import barriers. I propose that these subsidies and restrictions be phased out over 10 years. We are striving for an agreement on agriculture by the end of this year, in order to hasten access of U.S. farmers to export markets now closed to them. I also propose an international harmonization of health and sanitary measures affecting agricultural trade with the aim of eliminating foreign countries' use of them as disguised trade barriers.

The Nation benefits from the excellence of our scientists, engineers, and researchers. Because it is important that business have adequate incentives to fund research here in the United States, we are seeking enactment of a permanent tax credit for firms engaging in research and experimentation to replace the tax credit that expires at the end of this year. In addition, we are seeking legislation that would permit the allocation of at least 67 percent of a U.S. company's research expenses to its domestic income for purposes of the foreign tax credit.

During this Administration, we have also shifted the focus of Federal investment in R&D to basic research, allowing the private sector to transform this fundamental knowledge into technologies and processes necessary to develop products and services that meet the demands of the marketplace. Federal investment in basic research has grown in real terms by 40 percent since 1981. Last year, I issued an Executive order to facilitate citizens' access to such federally funded basic research. In addition, I am asking the Congress to fund incentives to spur American innovation. I am requesting that we now provide monetary awards to accompany our National Medals of Science and Technology. In addition, I am proposing a new Thomas A. Edison Prize that will challenge Americans from all walks of life to use technology to improve the quality of life in the United States and the world.

This Administration has also proposed construction of a Superconducting Super Collider, which is essential to continued U.S. leadership in high-energy physics and America's scientific and technological competitiveness. Presently, the Department of Energy is studying locations in seven States, and late this summer the Secretary of Energy will select the preferred site for the project. We hope that our allies will share the cost of construction and operation of this facility, as well as the benefits it will afford for new discoveries in basic physics.

The freedom to compete in the marketplace is essential to our concept of liberty. Our antitrust statutes were intended to protect this freedom. Sadly they have been transformed into weapons that competitors use against each other and tools for inappropriate government interference in the marketplace. Additionally, American firms find themselves at a competitive disadvantage with foreign competitors because of the burden and uncertainty fostered by some outdated aspects of our Nation's antitrust statutes. Therefore, I again urge the Congress to adopt my proposed antitrust reforms, particularly those that remove disincentives to pro-competitive mergers. In addition, I am asking the Congress to amend the National Cooperative Research Act to permit some types of joint production ventures. While retaining the protection of the antitrust statutes, this change will help U.S. manufacturing firms develop innovative ways to produce goods and services at competitive prices both here and overseas.

For example, the domestic automobile manufacturing industry has made major strides in improving its competitive position, producing higher quality and more fuel-efficient vehicles. Despite these gains in fuel efficiency, the industry remains restricted by current law, which requires automobile manufacturers to "balance" their line of automobiles to include cars and light trucks that meet corporate average miles-per-gallon fuel economy (CAFE) standards. These standards make it more difficult for U.S. firms to produce automobiles that consumers want to buy. This Administration has proposed the Motor Vehicle Information and Cost Savings Act of 1987 to eliminate this requirement for future model years. This legislation would remove a competitive disadvantage for American firms at a time when the purpose of the CAFE standard has been largely realized and would remove the incentive for domestic auto manufacturers to export U.S. jobs.

Another factor affecting U.S. competitiveness is our civil justice system. During the past 2 years, 47 of the 50 States have enacted tort reform legislation. We strongly supported many of these State initiatives, and we will work closely with the States to achieve further reforms whenever possible. In addition, the Administration is encouraged by the progress of the legislation to reduce the costly product liability insurance spiral and will work with the Congress towards the enactment of effective and meaningful reform of product liability law.

Key to promoting investment in ideas, innovation, and research is ensuring that those investments will be protected. Accordingly, I have proposed as part of my superconductivity legislation to raise legal protection for products resulting from patented processes and to prohibit foreign nations from using the Freedom of Information Act to acquire intellectual property developed by the U.S. Government. Additional measures planned include joining the Berne Convention, which provides international protection for intellectual property, demanding adequate protection of intellectual property rights when negotiating treaties, and pushing hard in the GATT Round for high standards for intellectual property protection worldwide.

8. *Free Trade with Canada.* On January 2 Prime Minister Mulroney and I signed a Free Trade Agreement that, when enacted, will mark the beginning of a remarkable new era. It eliminates all tariffs between the United States and Canada over the next 10 years, promotes free trade in energy, and greatly reduces restrictions on investments. The agreement goes beyond most trade agreements and covers services and investment. It is a "win-win" agreement for both the United States and Canada. Moreover, it sends a signal to the rest of the world: protectionism is not inevitable. Rather, with the political will and commitment, all nations can promote freer

trade to the benefit of each and every citizen. I will soon transmit a bill to implement this agreement and I urge prompt enactment to ensure that the agreement takes effect on January 1, 1989.

In November, the United States Trade Representative, on my behalf, signed a framework agreement with Mexico for discussions on trade and investment. This framework agreement is an important step forward in our bilateral trade relationship that will enable us to work together to address problems, reduce barriers and, thus, increase trade and investment between our two countries.

9. *Freeing the Individual to Work.* Few laws that a government may impose are more injurious to liberty than restrictions on the right to work, as outlined in my Economic Bill of Rights. Today, we are in the 6th year of an economic recovery that has created 14.5 million jobs. In order to continue and to build on that record of growth, we need policies that recognize the changing nature and changing needs of the work force.

These policies include enhanced training for dislocated workers, so that they are able to adjust to a world requiring new and different skills. Our proposed Worker Adjustment Program will address this need in a comprehensive way while increasing the role of States and localities in determining how these funds are best spent. In addition, we are preparing to give States and localities the flexibility to provide remedial training to disadvantaged youth. For thousands of low-skilled young people, this initiative holds the potential to provide a way out of poverty and into a job.

Indeed, the changes in our work force present other challenges as well. More people are working than ever before in our history. There is fuller work force participation across all sectors, and more women are working than ever before. While this helped power our tremendous growth, it has also created tension between demands of work and demands of child-rearing. We need to work with State and local governments and the private sector to identify and develop effective solutions, consistent with our efforts to strengthen the family, to foster practical, voluntary ways to ease this tension.

Several threats to our continued job growth can be found in a range of initiatives pending in the Congress, such as employer-provided health care and health insurance; parental leave; advance notification of plant closings; risk notification; an increase in the minimum wage; labor protective provisions; and a ban on employers using polygraphs to prevent theft. Many of these initiatives have been called "mandated benefits," but a more accurate description would be "mandated costs" or "mandated unemployment." Such mandated costs are particularly harmful to our Nation's small businesses, which are leading the way in job creation in our economic recovery. While many of the objectives sought by such legislation are laudable, they are not the proper subject for Federal mandates.

While well intentioned, the added employment costs would reduce job opportunities, lower wages generally, weaken economic growth, and hinder our competitiveness in world markets. In short, they are efforts to make individuals and companies pay for new government programs, mandated by the government but implemented by the private sector. Rather than forcing employers to provide such coverage, with possible serious adverse side effects for some workers, these decisions should be left to voluntary negotiation between employers and employees.

The adoption of "comparable worth" pay standards, another intrusive form of government intervention into the labor market, has also been proposed. The objective is not to provide equal pay for equal work, a concept I fully support and which I enforce as the law of the land. Rather, "comparable worth" proposals seek to determine the worth of completely different jobs and then empower government panels to assign "fair" and "comparable" wages. Proposals that would establish panels of "experts" to determine how much workers can earn would create the kind of planned economy that has stifled economic growth in other parts of the world. Such wage fixing completely ignores the fact that in a free enterprise economy market forces should determine wages.

We should seek to eliminate existing barriers to employment. For example, when I took office I inherited a rule that, for over 40 years, prohibited individuals from working in their homes to produce knitted garments such as sweaters, caps, and scarves. In 1984, we dropped that rule and permitted employers to hire home workers after obtaining a certificate from the Department of Labor authorizing such employment, thus ensuring that the home workers receive the protection of the Fair Labor Standards Act. The restrictions still apply to six other categories of products, and the Department of Labor will be working to extend the certification procedures for five of the six remaining home work industries.

Another proposal in the Congress would raise the minimum wage, thereby creating additional barriers to employment. Today most people who work at the minimum wage are teenagers and others with limited experience who need these jobs to begin their climb up the economic ladder. Few are heads of households. Higher minimum wages will surely force young and inexperienced workers into unemployment. We should permit a special minimum wage differential for teenagers that would increase employment, on-the-job-training, and future wage growth for the least-skilled workers. Reform of other Federal wage statutes, such as Davis-Bacon, is also needed.

We should avoid so-called anti-"double breasting" laws that would bar firms with union labor from having independent affiliates without union contracts. Anti-double breasting laws reduce job opportunities by raising labor costs and should be left to negotiation between employer and employee.

D. *Empowering Individuals by Opening Up New Areas for Human Endeavor*

One enduring legacy of American frontier society has been a love of bold challenges and wide open vistas. Some 30 years ago we crossed a "new frontier" with a shot into space. Today we continue to face new opportunities and new challenges in opening a limitless universe beyond our tiny globe to exploration and commercial enterprise. But here on Earth as well, whole new sectors of discovery and productivity lie waiting for development through individual creativity and initiative.

1. *Privatization of Government Activities.* Over time, government has accumulated numerous commercial operations, many of which could be performed more efficiently by the private sector. Where such opportunities exist to provide better services at lower cost, we will seek to transfer such services and operations to the most efficient enterprises. This does not imply the abrogation of government responsibility for these services. Rather, it merely recognizes that what matters the most is the cost and quality of the service provided, not who provides it. In addition, there is an important moral consideration—individual liberty would be enhanced and the debilitating effect of public sector growth on human freedom would be reduced.

Even now, government relies extensively on the private sector to provide basic government services in many key programs: the G.I. Bill, Medicare, Medicaid, student loans, food stamps, and many other programs. Further, the government benefits from private sector assistance in disbursing funds electronically, assessing credit worthiness of loan applicants, servicing and collecting payments due the government, and relying on finance accounting systems from the private sector to bring about an extensive upgrading of Executive branch financial management throughout the government. Thus privatization can make government operations more efficient and at

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the same time provide more convenient service to our citizens.

The Administration sold over $5 billion in government loans to private investors last year, with plans to sell an additional $4 billion in government loans this year. Additionally, we sold the government-owned freight railroad, CONRAIL, to private investors at a price tag of almost $2 billion.

As part of my Economic Bill of Rights, I established the President's Commission on Privatization to accelerate our program of placing greater reliance on the private sector. In its interim report covering government housing programs the Commission recommended expanded use of housing vouchers, tenant management of public housing projects, and sales of public housing units to tenants. The Congress has already enacted a major housing bill that endorses housing vouchers and facilitates the Administration's efforts to encourage tenant management and public housing ownership. Similarly, the Commission has endorsed the sale of government loan assets. The Commission's final report is expected in March and will cover many more opportunities, including prison construction, military commissaries, AMTRAK, Naval Petroleum Reserves, and urban mass transportation. After a careful review of these proposals, legislation will be developed to implement the most promising proposals.

To pursue administrative measures within the Executive branch and implement the findings of the Commission on Privatization, I have created an Office of Privatization within the Executive Office of the President. I have given it the responsibility to investigate and propose privatization opportunities that can be included in my recommendations for the Fiscal Year 1989 Budget.

I will recommend that a comprehensive study be conducted to measure the likely benefits that would occur if we permit the private sector to perform some functions now performed by the United States Postal Service and other government entities.

I will also recommend a series of pilot projects to determine if privatization is the best way to go in other government programs, including operation of minimum security Federal prisons, Federal prison industries, regulatory audits by the U.S. Customs Service, management of Federal multiple-use lands by public and private groups, and waste water treatment facilities funded by Federal grants.

I am further recommending the direct privatization of all or some of several existing government programs where the benefits of privatization are believed to be significant or where studies have already been completed. Included in this category are the Naval Petroleum Reserves, AMTRAK, Federal Crop Insurance, arbitration of tax disputes, government employee housing, the Railroad Retirement Board, the National Finance Center, the National Technical Information Service, the Alaska Power Administration, and the collection of overdue loans to the Federal government. I will also ask for substantially expanded authority to allow individuals to use their private sector credit cards to pay money owed to the government.

In addition, I have recently promulgated an Executive order to foster greater contracting out of services currently provided by the government to private providers, many in America's vital small business community. Study after study, many conducted by the General Accounting Office, demonstrate that savings of between 30 to 40 percent can be achieved by contracting out government work to private business. If all agencies took advantage of contracting-out opportunities, the total savings would amount to $7 billion per year.

2. *New Opportunities in Space.* Nearly 2 decades ago, with courage and bold technological innovation, America pushed back the frontier of space by landing a man on the moon and safely bringing him back. This breakthrough created untold opportunities for scientific discovery and commerce and advanced mankind's age-old dream of exploring space beyond its planetary home.

If America is to continue its leadership in space, we must now forge ahead, exploring space's vast frontier and expanding our free enterprise system to Earth's orbits and beyond. And we must build our long-term space future on a sound foundation that will ensure reliable and economical access to and use of outer space.

I recently adopted an enhanced comprehensive national space policy. This policy reaffirms America's commitment to space leadership as a fundamental national objective and recognizes the importance of both private sector and governmental space activities in achieving critical national goals. And while acknowledging the importance of returning the Space Shuttle to safe, reliable operations, it also stresses that access to space, so vital to America's security and prosperity, must never be limited to any single system.

As a matter of special note, my policy also specifically recognizes the importance of extending the reach of American private commerce to space and establishes goals to guide both civil and national security space efforts in achieving cost-effective, resilient, and reliable means of access to space.

And I am no less deeply committed to the long-range goal of expanding human presence and activity beyond Earth orbit and into the solar system, and I invite the Congress to join with me in endorsing and supporting this new long-term goal.

As the first step, I have directed the National Aeronautics and Space Administration to begin a systematic development of space technologies called Project Pathfinder, which will aid us in deciding where this new adventure should take us, and when. The funding proposed for Fiscal Year 1989 is $100 million.

Second, I am asking the Congress to maintain our strong national commitment to a permanently manned space station. The Fiscal Year 1989 Budget request includes $1.0 billion to achieve this goal, along with a request for a 3-year appropriations commitment from the Congress totalling $6.1 billion.

Third, I will soon announce a major Commercial Space Initiative that includes administrative and legislative action to nurture entrepreneurship in space. By taking advantage of the private sector's innovative excellence, we can maintain and extend America's leadership in space.

My initiative will have three goals: (1) promoting a strong commercial presence in space—we need the private sector to begin to lay the infrastructure necessary for research and manufacturing in space; (2) assuring a highway to space by building on my previous efforts to promote a strong private expendable launch vehicle industry; and (3) building a solid technology and talent base. The engineers and scientists who will be working in space are in school now. We must give them the tools and the enthusiasm to do the job well.

E. *Empowering the People to Participate in the Political Process*

Political enfranchisement in America has evolved in the direction of a more participatory republic. Today any legislation in this area should open up more participation in the political process.

1. *Removing Government Interference with the Political Process.* The right to free speech and the right to participate in the democratic process are two of our most fundamental freedoms. In *Buckley* v. *Valeo,* the Supreme Court held that limits on how individuals spend their own resources in the political process can violate the First Amendment. This is a sound principle. We should make sure "campaign reform" will not have the effect of reducing popular participation in the political process or impairing constitutional rights. Today, there are proposals to restrict certain parts of our electoral process. A more beneficial reform would be the requirement of full disclosure of all campaign contributions, including in-kind contributions, and expenditures on behalf of any electoral activities, including

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those in the context of membership communication.

2. *Protecting Civil Servants from Political Pressure.* The Hatch Act was passed in 1939 in response to scandals involving the administration of funds in New Deal programs. It prohibits Federal civil servants from taking part in certain partisan political activities, such as campaigning for public office, participating in party management, or raising political funds. The Clay Amendments in the Congress would severely erode these prohibitions. Although advanced in lofty terms—"the right of government workers to participate more fully in the political process"— their effect would be to politicize the civil service and reduce public faith in government. Federal workers already enjoy their democratic right to vote and to express their political views in a wide variety of other ways.

We do not want to risk a situation in which Federal employees come to believe that their advancement depends on espousing particular views, perhaps the political views of their superiors. Neither should electoral campaigning be allowed to mar cooperation between the political appointees of the President and the civil service establishment, a cooperation crucial to good government. As I have said in the past, the Hatch Act should not be changed or repealed.

3. *Improving the Civil Service.* The past 7 years have witnessed an increasing commitment by the Nation's Federal civil service to qualify in their work and pride in their performance. The abilities of this work force, from the most recently hired clerical worker to the most senior member of the managerial corps, are ready not only to continue the effort to serve the American people, but to take that service to new levels of excellence.

At present, however, the Federal civil service is over-regulated by a system that discourages employee initiative and hamstrings government managers with thousands of pages of restrictive rules and regulations. With the major reforms encompassed in my proposed Civil Service Simplification Act, we can provide substantial incentives for top performance, introducing into our Federal government the classic productive values of the American workplace: entrepreneurial freedom and reward for hard work.

VI. TO SECURE THE BLESSINGS OF LIBERTY

It was the need to secure inalienable, God-given rights from oppression that moved our forefathers to institute a new government in America. Among these individual rights, Jefferson wrote, were "Life, Liberty and the pursuit of Happiness." But, as the Founders of our Republic made clear in drafting a new Constitution 11 years later, their intention was not only to secure liberty but the blessings of liberty as well. To attain these blessings would mean cultivating the values that sustain a free people. George Washington advised our Nation in his Farewell Address,

> "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity."

Following our first President's good counsel, I am leading my Administration in efforts to shore up the moral foundations of our individual freedom:

A. *Protection of the Unborn*

None are more powerless than the unborn. Since the legalization of abortion-on-demand in 1973, there have been an estimated 21 million abortions in this country. I am committed to reducing the number of abortions in this country and reaffirming life's sacred position in our Nation.

The Congress should pass expeditiously my Human Life Bill. The first section of the bill contains a finding that abortion takes the life of a human being that *Roe* v. *Wade* was wrong not to recognize the humanity of the unborn child. The second section would enact, on a permanent and government-wide basis, the Hyde Amendment restriction prohibiting Federal dollars from going for abortion unless a mother's life is endangered. In addition, the Congress should pass the Human Life Amendment.

At my direction, the Department of Health and Human Services is about to issue regulations prohibiting the use of Title X funds (approximately $140 million) for any program that performs abortion, counsels for abortion, or promotes abortion through lawsuits, lobbying, or other such activities. The regulations also require that Title X programs separate themselves from programs that engage in abortion activities. It is clear from the legislative record surrounding the passage of Title X that its purpose, far from promoting abortion, was one of offering an alternative to abortion and indeed reducing the number of abortions. For some time the program as enforced was standing its essential purpose on its head, effectively promoting abortion instead of reducing the incidence of abortion as intended by the Congress.

Another loophole often used to circumvent prohibitions on using Federal funds for abortions is the use of psychiatric recommendations. Currently the law allows for Federal funding only when an abortion is necessary to save the life of the mother. This law reflects the consensus that abortion may be considered when there is a physical threat to the mother. I am directing the Secretary of Health and Human Services to issue regulations that reflect this consensus and make it clear that only when there is physical danger to the life of the mother can Federal funds be used for abortion.

In August 1987 I formed an Interagency Task Force on Adoption that delivered its final report to me on November 13. I will act to implement the Task Force recommendations and propose legislation where necessary. Each year over 140,000 children are adopted, yet thousands of childless families still wait for children to adopt. There are 36,000 children awaiting adoption, of which about 60 percent are "special needs" children. Many have physical or emotional handicaps, belong to sibling groups, or are older children; they are generally more difficult to place.

This Administration will also work with the States to encourage model legislation that promotes adoption. California's Pregnancy Freedom of Choice Act, for instance, allows the State to reimburse licensed nonprofit maternity homes for the costs of maternity care and other pregnancy services. Michigan contracts out special needs adoption to private agencies, reimbursing them for the full cost of adoption services up to $10,000. These are exemplary efforts to provide families for children in need of parental love and care.

B. *Religious Liberties*

The First Amendment protects the right of Americans to freely exercise their religious beliefs in an atmosphere of toleration and accommodation. As I have noted in the past, certain court decisions have in my view interpreted the First Amendment so as to restrict, rather than protect, individual rights of conscience. I have repeatedly affirmed my belief that school prayer on a voluntary basis is permissible, indeed desirable, in the public school. In my State of the Union addresses in 1986 and 1987, I expressed my support for a constitutional amendment that would make it clear that the Constitution does not prohibit voluntary prayer in public schools.

One disturbing development in this area of the law has been the exclusion of religiously affiliated organizations from federally funded programs. A recent lower court decision held unconstitutional my Adolescent Family Life Program because the program included religious organizations among those carrying out its implementation. That decision, if upheld, would effectively require the government to discriminate against religious charitable organizations, even when their participation in a program only serves to further its legitimate secular purpose. The Department of Justice is appealing this ruling that I believe to be inconsistent with the First Amendment. Our forefathers came to this land in large part to secure the rights to freedom of religion and individual conscience that they would later establish as bedrock provisions of our Constitution. We must avoid such perversion of the First Amendment. Rather, as we prepare for the 21st century, we must continue to foster the free exercise of religion that our forefathers understood would provide the moral foundations for American society.

CONCLUSION

These then are the legislative and administrative policies that the Administration will pursue in furtherance of the six purposes for which the American people first ordained and established our Constitution. They have been carefully chosen. For obviously not every policy that a President or a Congress may put forward is compatible with our Constitution, even though that policy might be popular. In order to secure the liberty of individuals and political minorities, the Constitution places a number of carefully considered restrictions on the Federal Government. The Congress does not, for example, possess a general legislative power, nor the President the power of decree. The Framers proscribed both as inconsistent with limited, constitutional government. Thanks in large measure to their wisdom, America has enjoyed the blessings of liberty for 2 centuries. It is my belief that the policies presented in this message will contribute to the continuing restoration of the Federal Government to a sound constitutional footing and thus preserve these same blessings for our posterity in the 21st century.

Ronald Reagan.

The White House, *January 25, 1988.*

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR 1987—MESSAGE FROM THE PRESIDENT—PM 99

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

In accordance with the requirements of Section 809 of the Housing and Community Development Act of 1974 (12 U.S.C. 1701j-2(i)), I herewith transmit the eleventh annual Report of the National Institute of Building Sciences for 1987.

Ronald Reagan.

The White House, *January 26, 1988.*

ANNUAL REPORT OF THE TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT—PM 100

The PRESIDING OFFICER laid before the Senate the following message, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with Section 302 of the International Travel Act of 1961, as amended (22 U.S.C. 2124a), I transmit herewith the sixth annual report of the Tourism Policy Council, which covers fiscal year 1987.

Ronald Reagan.

The White House, *January 26, 1988.*

REPORT TO CONGRESS ON UNITED STATES GOVERNMENT ACTIVITIES RELATED TO THE GREENHOUSE EFFECT—MESSAGE FROM THE PRESIDENT—PM 101

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with Section 9 of Public Law 99-383 (100 Stat. 816), I transmit herewith a report on current government activities in the area of research on the so-called "greenhouseeEffect."

While you will note that extensive investigations of the phenomenon are in progress, we do not plan to establish an International Year of the Greenhouse Effect as suggested in the language of Public Law 99-383.

Ronald Reagan.

The White House, *January 26, 1988.*

ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT—PM 102

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with Section 308 of Public Law 97-449 (49 U.S.C. 308), I hereby transmit the 17th Annual Report of the Department of Transportation, which covers fiscal year 1983.

Ronald Reagan.

The White House, *January 26, 1988.*

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with Section 1011 of the Alaska National Interest Lands Conservation Act (P.L. 96-487; 16 U.S.C. 3151), I transmit herewith the sixth annual report on Alaska's mineral resources.

Ronald Reagan.

The White House, *January 26, 1988.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bills:

On December 18, 1987:

S. 649. An act to amend the Reclamation Authorization Act of 1976 (90 Stat. 1324, 1327).

On December 24, 1987:

S. 1642. An act to designate the United States Post Office at 600 Franklin Avenue in Garden City, New York, as the "John W. Wydler United States Post Office".

On December 31, 1987:

S. 1684. An act to settle Seminole Indian land claims within the State of Florida, and for other purposes.

On January 11, 1988:

S. 1389. An act to amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on January 25, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 825. An act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bill was subsequently signed on January 25, 1988, during the adjournment of the Senate, by the President pro tempore [Mr. Stennis].

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 26, 1988, he had presented to the President of the United States the following enrolled bill:

S. 825. An act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar pursuant to the provisions of rule XIV:

S. 2001. A bill to restore the right of voluntary prayer in public schools and to promote the separation of powers.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. Res. 356: An original resolution authorizing expenditures by the Committee on Foreign Relations; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 2004. A bill to provide that the provisions of the National Labor Relations Act and the Labor-Management Relations Act, 1947, shall apply to employees at the Metropolitan Washington airports, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PRESSLER:

S. 2005. A bill to amend the Higher Education Act of 1965 to permit guaranteed student loans to students from families with incomes equal to or less than $30,000 without the use of a need analysis, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL (by request):

S. 2006. A bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

By Mr. DOLE:

S. 2007. A bill to amend the Atomic Energy Act of 1954 to provide for a neutral review by the National Academy of Sciences of emergency evacuation plans necessary for approval of low power and operating licenses for nuclear facilities; to the Committee on Environment and Public Works.

S. 2008. A bill to amend the Atomic Energy Act of 1954 to require consideration of an emergency evacuation plan for a nuclear facility before a construction permit is issued for such facility; to the Committee on Environment and Public Works.

S. 2009. A bill to establish a national advisory council on children's issues, to provide a Federal-State child care grant program, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. Dole, Mr. Dodd, Mr. Cohen, Mr. Cranston, Mr. Durenberger, Mr. Moynihan, Mr. Wirth, Mr. Breaux, Mr. Pell, Mr. Mitchell, Mr. Simon, Mr. Daschle, Mr. Chafee, Mr. Adams, Mr. Riegle, Mr. Matsunaga, Mr. D'Amato, Mr. Hollings, Mrs. Kassebaum, Mr. Metzenbaum, Ms. Mikulski, Mr. Harkin, Mr. Weicker, Mr. Specter, Mr. Heinz, Mr. Boren, Mr. Sanford, Mr. Stafford, Mr. Reid, Mr. DeConcini, Mr. Conrad, Mr. Pryor, Mr. Bingaman, and Mr. Fowler):

S. 2010. A bill to establish a National Voluntary Reunion Registry Demonstration Program; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself, Mr. Murkowski, Mr. Matsunaga, Mr. DeConcini, Mr. Rockefeller, Mr. Simpson, Mr. Thurmond, Mr. Specter, Mr. Melcher, Mr. Burdick, and Mr. Hecht):

S. 2011. A bill to increase the rate of Veterans' Administration compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. CHAFEE (for himself and Mr. Pell):

S. 2012. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide financial assistance for the operation and maintenance of State veterans' cemeteries, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL, from the Committee on Foreign Relations:

S. Res. 356. An original resolution authorizing expenditures by the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. ADAMS (for himself and Mr. Stafford):

S. Con. Res. 97. A concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER:

S. 2005. A bill to amend the Higher Education Act of 1965 to permit guaranteed student loans to students from families with incomes equal to or less than $30,000 without the use of a need analysis, and for other purposes; to the Committee on Labor and Human Resources.

STUDENT LOAN AMENDMENTS

● Mr. PRESSLER. Mr. President, I feel strongly that no student of ability should be denied the opportunity for a higher education solely because of financial need. That is why I rise today to introduce legislation to help students from lower and middle income families become eligible for guaranteed student loans [GSL's].

Specifically, the legislation would allow students from families with adjusted gross incomes of $30,000 or less to be exempt from further demonstration of financial need as a prerequisite to being granted guaranteed student loans. Parents and students would be required only to submit copies of their most recent tax returns to determine the amount of their adjusted gross income.

Financial need now is determined by the estimated cost of attendance minus the expected family contribution as established by part F—the need analysis requirement in the Higher Education Amendments of 1986. Under my proposal, lower and middle income students would not be required to demonstrate financial need to be eligible for a GSL. However, all GSL applicants, regardless of family income, would be required to fulfill the eligibility requirements of section 484, Public Law 99-498. This would require that GSL applicants:

Be enrolled at an institution of higher education;

Be making satisfactory progress in school—under unusual circumstances, such as the death of a relative, this provision may be waived;

Not owe a refund on a Federal grant;

Not be in default on a student loan; and

Be a U.S. citizen or an eligible noncitizen.

Additionally, my legislation directs the Secretary of Education to conduct a study to determine the impact of the Higher Education Amendments of 1986 on students and their ability to continue their education. My bill is entitled, "Student Loan Amendments of 1988."

The Higher Education Amendments of 1986 Act was a compromise. It cut Federal spending, but also was intended to provide adequate financial assistance to truly needy students. Unfortunately, some students are experiencing unforeseen problems as a result of that compromise. Student financial aid eligibility requirements have been tightened. Many loan awards have been reduced. Students who in previous years has received the maximum guaranteed student loan suddenly can obtain nothing. This is not fair.

Students received no warning that they would be forced to find means other than guaranteed student loans to finance their education. It would be in their best interest for Congress to legislate a return to the pre-1986 law. Current law makes it very difficult for students to qualify for guaranteed student loans. Students who in prior years received the maximum loan award of $2,500 are now granted only $300 to $400 loans. Everyone is aware of the soaring cost of higher education, and it is clear that $400 makes a small dent in college student expenses.

The Higher Education Amendments of 1986 enacted many changes in the student financial aid law. The maximum loan award for first and second year students was increased to $2,625. For third, fourth, and fifth year students the maximum was increased to $4,000. Graduate students are able to borrow up to $7,500. The American College Testing Program conducted a study projecting the impact of the Higher Education Amendments of 1986 Act on students applying for financial aid. For the 1986–87 school year, 94 percent of the applicants for GSL's were eligible for a loan. Of those, 89 percent were eligible to receive the maximum loan award. Predictions for the current 1987–88 academic year suggest that only 81 percent of the applicants will be eligible for student financial aid. Additionally, of those eligible for financial aid, only 41 percent will be able to receive the maximum GSL award. The average loan award for all undergraduate and graduate students is predicted to be $2,693. This might seem to be a fair distribution. However, the fact is that 59 percent of the students eligible for student financial aid are receiving very small amounts, with the remainder receiving maximum loans. So the average loan figure is somewhat misleading.

Unfortunately, official statistics for this academic year are not yet available. Loan awards were processed just recently. There has not been enough time to accumulate the statistical evidence necessary to provide that students who in years past had received guaranteed student loans are receiving smaller loans, or none at all. However, after talking with students from my State and receiving hundreds of letters and phone calls from distraught students and parents, I know there is a problem. I am sure South Dakota is not alone in this problem. Students in every State have been affected adversely by the current law. For example, Phil Shreves, financial aid director for the University of Nebraska-Omaha, has estimated that 35 percent of the students at UNO who received GSL's last year will not receive a GSL for the academic year 1987–88. Additionally, over two-thirds of the GSL applicants will be affected by the current GSL eligibility law. For the 1987 fall semester, Tennessee State-Nashville had a drop of about 10 to 15 percent in the number of students who were eligible for GSL's, according to Homer Wheaton, student financial aid director. Mike Novak, the student financial aid director for the University of Texas-Austin, conducted an analysis at his institution of the potential impact of the stricter GSL eligibility requirements. He predicted that about 30 percent of the undergraduate students who received GSL's last year would receive a smaller GSL or would not even be eligible for a loan.

To prove or disprove the need to return to the law prior to 1986 regarding student financial aid, more data are needed. My legislation directs the Secretary of Education, through the Office of Education Research and Improvement or the Center for Education Statistics, to conduct a rapid study to determine the impact of the Higher Education Amendments of 1986 on students and their ability to continue their education. Time is of the essence. Students need assistance now. The legislation requires that the results of this study be presented within 6 months of enactment.

While the cost of postsecondary education is rising dramatically, many students are being granted smaller loans. We must address the needs of students who currently are in school, and those who will be attending in the next few years. To cut them off with no warning is extremely unfair. It takes years of financial planning to prepare parents and students for the financial burden of financing an education without guaranteed student loans. I think it would be in the best interest of our country to slowly phase out the program and eventually provide loans for only the truly needy students. However, young men and women in school now must have assistance. This is something they have counted on, and it should not be taken away without adequate warning. Financial aid should be phased out slowly in order to permit students and parents to plan rationally for future educational expenses.

Mr. President, the need for my legislation is clear. No student of ability who wishes to pursue an education should be denied that opportunity. The future of our students and the future of our country are at stake. The escalating cost of a college education requires the government to play a responsive role in allowing individuals to continue their education. If many students are denied the means to pursue a higher education, the security of our Nation could be jeopardized. We need their mental resources and technical skills to compete in this increasingly competitive and technologically sophisticated world.

There are enormous pressures to reduce Federal spending, and I agree that cuts must be made. However, we cannot afford to impose excessive cuts in Federal funding of education. For fiscal year 1980, education programs received 2.5 percent of the total annual Federal outlays. It is estimated for fiscal year 1987 that education programs will receive only 1.9 percent of Federal outlays. This decline in Federal funding for education programs cannot continue. Education is one of the wisest possible investments we can make.

Mr. President, I urge our colleagues to join in support of this important legislation. My bill simply proposes that no student whose parents' adjusted gross income is less than $30,000 will be required to further demonstrate financial need as a prerequisite to being awarded a guaranteed student loan. Additionally, it requires the Secretary of Education to conduct a study to determine the impact of the Higher Education Amendments of 1986 on students and their ability to continue their education.

Looking to the future, it is clear that the Government cannot continue to bear the entire burden of funding higher education. That is why I am a cosponsor of S. 1659, S. 1660, S. 1661, and S. 1662 introduced by Senator DOLE. These bills provide tax incentives to parents who start educational savings accounts for their children. S. 1659 is designed after the Individual Retirement Account Program. Contributions would be tax deductible and earnings on such accounts would be tax deferred. S. 1660, S. 1661, and S. 1662 offer other tax incentives to encourage parents to save for their childrens' education. These measures need further fine tuning through the usual legislative process, but they provide a sound basis from which to begin. It is essential that parents save for future educational expenses, and these bills will give them additional incentives to do so.

Let us not overlook the immediate crisis as we develop these better incentives for educational savings. Until an educational savings accounts program actually is implemented, the Federal Government must continue to share in the responsibility of making financial aid available to students. So, again, I urge our colleagues to support my proposal.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Student Loan Amendments of 1988".

ELIGIBILITY FOR GUARANTEED STUDENT LOANS

SEC. 2. Section 428(a)(2)(B) of the Higher Education Act of 1965 is amended to read as follows:

"(B) For the purpose of clause (ii) of subparagraph (A), a student shall qualify for a portion of an interest payment under paragraph (1) if the adjusted gross income of such student's family—

"(i) is less than or equal to $30,000; or

(ii) is greater than $30,000 and the eligible institution has provided the lender with a statement evidencing a determination of need for a loan (as determined under part F of this title) and the amount of such need, subject to the provisions of subparagraph (D).".

NEED ANALYSIS RULE

SEC. 3. The Secretary shall, in carrying out the provisions of the amendment made by section 2 of this Act, apply the provisions of part F of title IV of the Higher Education Act of 1965 on the need analysis as necessary to carry out that amendment.

STUDY ON IMPACT OF 1986 AMENDMENTS ON THE GUARANTEED STUDENT LOAN PROGRAM

SEC. 4. (a) The Secretary of Education, through the Office of Education Research and Improvement or the Center for Education Statistics, shall conduct a study to determine the impact of the amendments made by the Higher Education Amendments of 1986 on students applying for guaranteed student loans under part B of title IV of the Higher Education Act of 1965 and the effects on the enrollments of students in institutions of higher education.

(b) The Secretary shall prepare and submit a report of the study required by subsection (a) not later than 6 months after the date of enactment of this Act containing the findings of the study, together with such recommendations as the Secretary deems appropriate.

EFFECTIVE DATE

SEC. 5. Section 3 of this Act and the amendments made by section 2 of this Act shall take effect with respect to loans made on or after 30 days after the date of enactment of this Act.●

By Mr. PELL (by request):

S. 2006. A bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Assistance Act of 1961 to authorize the extension of the Overseas Private Investment Corporation's investment insurance and guaranty programs and to make certain changes in existing programs and policies.

This proposed legislation has been requested by the Overseas Private Investment Corporation and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the President of the Overseas Private Investment Corporation to the President of the Senate dated November 25, 1987.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas Private Investment Corporation Amendments Act of 1988".

SEC. 2. REFERENCE TO THE ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Assistance Act of 1961.

SEC. 3. UPDATING INCOME LEVELS IN LESS DEVELOPED COUNTRIES.

Section 231 (22 U.S.C. 2191) is amended in paragraph (2) of the second undesignated paragraph by striking out "$896 or less in 1983 United States dollars" and inserting "$962 or less in 1985 United States dollars"; and by striking out "$3,887 or more in 1983 United States dollars" and inserting "$4,171 or more in 1985 United States dollars".

SEC. 4. PROMOTING INVESTMENT POLICY REFORM.

Section 231 (22 U.S.C. 2191) is amended by redesignating subsections 231(g) through (n) as subsections 231(h) through (o), and by inserting a new subsection 231(g) which shall read as follows:

"(g) to be guided by the extent to which the investment policies of the country in which the project is undertaken are consistent with U.S. investment policies;"

SEC. 5. MAINTAINING ECONOMIC STABILITY OF HOST COUNTRIES.

Section 234 (22 U.S.C. 2194) is amended in subsection (a) by inserting after subparagraph (a)(4) the following new subparagraph (a)(5):

"(5) Recognizing that changed political conditions in a developing country may cause investors to disinvest and that such disinvestment may contribute to disruption of the host country's economy, loss of developmental benefits to its citizens and loss of trade benefits to the United States, the Corporation may, to the extent consistent with prudent underwriting, offer insurance against the risk set forth in sections 234(a)(1) (A)–(D) for existing investments, including those otherwise ineligible under section 237(e): *Provided, however*, That insurance for existing investment may be offered only when The Board determines, upon the recommendation of the Secretary of State, that insuring such investment, under guidelines to be issued by the Board, would further the interests of the United States in maintaining the economic stability of the host country.

SEC. 6. FINANCING DEVELOPMENTAL TECHNOLOGY AND PRODUCTS.

Section 234 (22 U.S.C. 2194) is amended in subsection (c) by inserting before the final paragraph the following new paragraph:

"A part of any loan under this subsection may be designated for use by the project sponsor in the development or adaptation in the United States of new technologies or new products or services that are likely to contribute to the economic or social development of less developed countries."

SEC. 7. PILOT PROGRAM OF EQUITY FINANCING IN AFRICA AND CARIBBEAN BASIN.

Section 234 (22 U.S.C. 2194) is amended by deleting the second and third sentences of subsection (c) and the first sentence of the last paragraph of subsection (f), and by adding a new subsection (g), which shall read as follows:

"(g) PILOT EQUITY FINANCE PROGRAM.—

(1) AUTHORITY FOR PILOT PROGRAM.—In order to study the feasibility and desirability of a program of equity financing, the Corporation is authorized to establish a five-year pilot program under which it may, on the limited basis prescribed in subparagraphs (2) through (5), purchase, invest in or otherwise acquire equity or quasi-equity securities of any firm or entity upon such terms and conditions as the Corporation may determine for the purpose of providing capital for any project which is consistent with the provisions of this title: *Provided, however,* That the aggregate amount of the Corporation's equity investment with respect to any project shall not exceed 30 percent of the aggregate amount of all equity investment made or subscribed for with respect to such project at the time that the Corporation's equity investment is made, except for securities acquired through the enforcement of any lien, pledge or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the Corporation's investment: *Provided further,* That the Corporation's equity investment under this subsection with respect to any project, when added to any other investments made or guaranteed by the Corporation under subsection (b) or (c) of this Section 234 with respect to such project, shall not cause the aggregate amount of all such investment to exceed, at the time any such investment is made or guaranteed by the Corporation, 75 percent of the total investment committed to such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to make or guarantee any such investment.

(2) LIMITATION TO PROJECTS IN SUB-SAHARAN AFRICA AND CARIBBEAN BASIN.—Equity investments may be made under this subsection only in projects in eligible countries in sub-Saharan Africa and the Caribbean Basin.

(3) ADDITIONAL CRITERIA.—In making investment decisions pursuant to this subsection the Corporation shall give preferential consideration to projects sponsored by or significantly involving United States small business or cooperatives, and shall consider the extent to which the Corporation's equity investment will assist a project's sponsor in arranging the full capital investment required for the project.

(4) DISPOSITION OF EQUITY INTEREST.—Taking into consideration, among other things, the Corporation's financial interests and the desirability of fostering the development of local capital markets in less developed countries, the Corporation shall endeavor to dispose of any equity interest it may acquire hereunder within a period of 10 years from the date of acquisition of such interest.

(5) CREATION OF FUND FROM CORPORATE REVENUES.—The Corporation is hereby authorized to establish a fund to be available solely for the purposes specified in this subsection and to make a one-time transfer to the fund of $10 million from its income and revenues.

(6) CONSULTATIONS WITH CONGRESS.—The Corporation shall consult annually with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the implementation of the pilot equity finance program established under this subsection.

SEC. 8. ENHANCING PRIVATE POLITICAL RISK INSURANCE INDUSTRY.

Section 234A (22 U.S.C. 2194A) is deleted and replaced in its entirety by a new section 234A, which shall read as follows:

"SEC. 234A. ENHANCING PRIVATE POLITICAL RISK INSURANCE INDUSTRY.—(a) COOPERATIVE PROGRAMS.— In order to encourage greater availability of political risk insurance for eligible investors by enhancing the private political risk insurance industry in the United States, the Corporation shall undertake programs of cooperation with such industry, and in connection with such programs may, to the extent consistent with sections 231 and 234, engage in the following activities—

(1) utilizing its statutory authorities, encourage the development of associations, pools or consortia of United States private political risk insurers;

(2) share insurance risks in a manner that is conducive to the growth and development of the private political risk insurance industry in the United States; and

(3) notwithstanding section 237(e), enter into risk-sharing agreements with United States private political risk insurers to accord protection for investments previously insured by OPIC: *Provided, however,* That in cooperating in the offering of insurance under this subparagraph (3), the Corporation shall not assume net responsibility for more than 50 percent of the insurance being offered in each separate transaction.

(b) ADVISORY GROUP.—

(1) ESTABLISHMENT AND MEMBERSHIP.—The Corporation shall establish a group to advise the Corporation on the development and implementation of the cooperative programs under this section. The group shall be appointed by the Board and shall be composed of up to twelve members, including the following:

(A) Up to seven persons from the private political risk insurance industry, of whom no fewer than two shall represent private political risk insurers, one shall represent private political risk reinsurers, and one shall represent insurance or reinsurance brokerage firms.

(B) Up to four persons, other than persons described in subparagraph (A), who are purchasers of political risk insurance.

(2) FUNCTIONS.—The Corporation shall call upon members of the advisory group, either collectively or individually, to advise it regarding the capacity of the private political risk insurance industry and the development of cooperative programs to enhance the capability of that industry to meet the political risk insurance needs of United States investors.

(3) MEETINGS.— The advisory group shall meet not later than September 30, 1989, and at least annually thereafter. The Corporation may from time to time convene meetings of selected members of the advisory group to address particular questions requiring their specialized knowledge.

(4) FEDERAL ADVISORY COMMITTEE ACT.— The advisory group shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 9. RAISING CEILING ON INVESTMENT GUARANTIES.

Section 235 (22 U.S.C. 2195) is amended in subsection (a)(2) by striking out "$750,000,000" and inserting in lieu thereof "$1,500,000,000".

SEC. 10. EXTENDING ISSUING AUTHORITY.

Section 235 (22 U.S.C. 2195) is amended in subsection (a)(5) by striking out "September 30, 1988" and inserting in lieu thereof "September 30, 1992".

SEC. 11. DEFINING ELIGIBLE INVESTOR.

Section 238 (22 U.S.C. 2198) is amended in subsection (c) by inserting before the final semicolon, the following:

"except that the acquisition of majority ownership of an entity that was theretofore an eligible investor, as defined in section 238(c)(2), by investors who are not themselves eligible hereunder shall not require the Corporation to terminate on grounds of ineligibility any insurance or guaranties previously issued so long as at least 45 percent of the voting interest in such entity continues to be beneficially owned by United States citizens.

SECTION BY SECTION ANALYSIS OF THE PROPOSED OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT OF 1988

I. INTRODUCTION

The proposed Overseas Private Investment Corporation Amendments Act of 1988 (hereafter referred to as the Bill) would amend the Foreign Assistance Act of 1961, as amended (hereafter referred to as the Act) in order to extend the authority of the Corporation to issue investment insurance and guaranties and to make certain changes in existing programs and policies.

II. PROVISIONS OF THE BILL

Section 1. Short Title

This Section provides that the Bill may be cited as the "Overseas Private Investment Corporation Amendments Act of 1988".

Section 2. Reference to the Act

This section states that unless otherwise provided, all amendments or repeals made by the Bill are to the Foreign Assistance Act of 1961.

Section 3. Updating Income Levels in Less Developed Countries

This section would continue the practice, begun in prior reauthorizations, of updating for inflation the per capita income levels established for those groups of countries with respect to which Congress has required the Corporation to either give preferential consideration (the least developed countries) or restrict its activities (the higher income developing countries).

Section 4. Promoting Investment Policy Reform

This section would establish a new policy mandate for the Corporation by requiring that, in addition to its existing legislative guidelines, it also be "guided by the extent to which the investment policies of the country in which the project is undertaken are consistent with U.S. investment policies."

In carrying out this new mandate, the Corporation would, among other things, develop programs of special assistance to countries which are deserving of recognition because of steps they have taken or are taking to improve their investment environment, and would restrict or curtail its operations in countries with investment policies that are flagrantly inappropriate.

Section 5. Maintaining Economic Stability of Host Countries

This section would give the Corporation authority to insure existing U.S. investment for the limited purpose of helping protect a developing country's economy, and the developmental and U.S. trade benefits resulting from the investments, when changed political conditions in the host country make it likely that the investments would be withdrawn.

This authority could only be used when the OPIC Board, upon recommendation of the Secretary of State, determined that insuring such investment would further the interests of the U.S. in maintaining the economic stability of the host country.

Since OPIC traditionally has insured only new investments, guidelines to be issued by OPIC's Board shall limit the insurance of existing investments to situations involving exceptional circumstances, and shall limit the term of such insurance to the period necessary to maintain the economic stability of the host country. The Board's guidelines shall also assure that the issuance of the insurance is consistent with prudent underwriting, taking into account OPIC's Congressional mandate to operate its programs on a self-sustaining basis.

Section 6. Financing Developmental Technology and Products

This section would allow OPIC to designate part of any loan from its Direct Investment Fund for use in the U.S. for the development or adaptation of technologies or products or services that are likely to contribute to the economic or social development of less developed countries. This provision would help the Corporation assure that products produced by projects it supports are optimally adapted to meet the needs and circumstances of host countries.

Under guidelines to be issued by the Corporation, this authority shall only be used where adequate research and development capabilities for adapting the products or technology are unavailable in the host country, and OPIC's role as project lender shall remain as its principal function, i.e., at least two-thirds of any loan shall be used to finance project costs in the host country.

Section 7. Pilot Program of Equity Financing in Africa and the Caribbean Basin

This section would authorize the Corporation to establish a pilot program in sub-Saharan Africa and the Caribbean Basin to assist eligible projects through the provision of limited equity capital. Preferential consideration would be given to projects involving U.S. small business or cooperatives, and the Corporation would be required to consider the extent to which the financing would assist a project sponsor in arranging the full capital investment required for the project, thereby assuring that this authority would be used only in those circumstances where a project sponsor was unable to arrange other equity financing and the project could not meet additional debt service requirements.

The pilot program would be limited to five years, and would be funded by a one-time allocation of $10 million from the Corporation's income and revenues. The Corporation would consult with Congress on an annual basis on the implementation of the program.

In developing guidelines for its pilot equity finance program, the Corporation shall draw upon the knowledge and expertise of those departments and agencies concerned with development of capital markets in developing countries, and shall provide for divestiture of any equity interest it acquires as soon as circumstances permit, recognizing that it is the purpose of the pro-

gram to help fill the initial capital requirements of desirable projects rather than to develop a permanent portfolio of equity investments by the Corporation. The Corporation shall endeavor to dispose of any equity interest within 10-years of its acquisition and in a fashion that is consonant with U.S. efforts to develop capital markets in developing countries.

Although substantially limited both geographically and in amount (the Corporation's equity interest would be limited to 30 percent of a project's total equity), the pilot program would make the Corporation more competitive with its counterparts in other major OECD countries, all of which have authority to take equity positions in projects they support, and would give the Corporation a valuable tool for fulfilling the Congressional mandate that it facilitate developmental projects in the least developed countries.

Section 8. Enhancing Private Political Risk Insurance Industry

This section would replace the pilot program established in 1985, under which OPIC was to provide reinsurance on a facultative basis, with a program of broader cooperation with the private political risk insurance industry.

The new program would be designed to enhance the growth and development of the private political risk insurance industry through the development of associations, pools or consortia between OPIC and members of the industry; through the sharing of risks in a manner conducive to the growth and development of the private insurance industry; and through agreements between OPIC and private insurers to offer insurance on investments that were previously insured by OPIC.

The new section would also replace the facultative reinsurance advisory group with a broader-based advisory group representing insurers, reinsurers, brokers and users of political risk insurance. OPIC would call upon members of the group, either collectively or individually, to advise it on the private political risk insurance industry and the development of cooperative programs to enhance the capability of that industry to meet the political risk insurance needs of United States investors.

Section 9. Raising Ceiling on Investment Guaranties

This section would raise the ceiling on the Corporation's investment guaranty authority from $750 million, which has been the ceiling since the Corporation was formed in 1971, to $1.5 billion. As of June 30, 1987, the aggregate amount of investment guaranties authorized or committed totaled $598.7 million, and it is estimated that the $750 million ceiling could be reached as early as the first quarter of fiscal year 1988. The new ceiling of $1.5 billion would allow the Corporation to operate the investment guaranty program at current levels through the term of the proposed reauthorization.

Section 10. Extending Issuing Authority

This section would extend the authority of the Corporation to issue investment insurance and guaranties until September 30, 1992.

Section 11. Defining Eligible Investor

This section would revise the definition of "eligible investor," so that OPIC would not be forced to terminate existing insurance or guaranties issued to a U.S. company simply because the percentage of U.S. ownership of the company had fallen below 50 percent. The proposed revision would allow OPIC to keep the insurance or guaranties in effect so long as U.S. ownership remained at or above 45 percent. No change would be made in the definition of eligible investor as it relates to debt investments, i.e., the final determination of eligibility would still be made at the time the insurance or guaranty is issued.

OVERSEAS PRIVATE
INVESTMENT CORPORATION,
Washington, DC, November 25, 1987.

Hon. GEORGE H. BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I am transmitting today a bill to authorize a four-year extension of the investment insurance and guaranty programs of the Overseas Private Investment Corporation ("OPIC") and to make certain changes in OPIC's authorizing legislation to further refine and improve its existing programs and policies. The Office of Management and Budget has advised that there is no objection to the presentation of this bill to the Congress.

Next year will mark the 40th anniversary of the programs adopted as part of the Marshall Plan to encourage the participation of U.S. private enterprise in the reconstruction and development of Europe. These programs, which were later expanded by the Congress and extended to countries of the Third World, will soon enter their third decade under the management of OPIC, a Government corporation formed by the Congress in 1969 with a mandate to operate a self-sustaining basis.

The reauthorization provided in the enclosed bill would mark the fifth Congressional renewal of the programs since they were placed under OPIC's management. In each year of OPIC's existence, its programs have been operated profitably and we are pleased to report that our net profit for FY 1987 is estimated to be $100 million and that our capital and reserves currently exceed $1 billion. OPIC has received no public funds beyond its original start-up appropriation of $106 million which it has returned to the U.S. Treasury.

OPIC is directed by the Congress to encourage the participation of U.S. private enterprise in Third World development and to support development projects that have positive trade benefits for the United States. With respect to U.S. trade benefits, the projects assisted by OPIC make significant contributions to the promotion of U.S. exports through both project procurement from U.S. sources and the development of Third World markets for U.S. goods and services. These contributions are particularly important in view of the continuing U.S. trade deficit and the increasing evidence of the strong positive relationship between overseas investment and trade.

In the course of its successive reauthorizations, OPIC has also been called upon by the Congress to carry out a number of other mandates. Thus, as directed by the Congress, OPIC gives preference to projects located in the least developed countries. In this connection, OPIC is currently engaged in special efforts to increase private sector investments in the economic development of sub-Saharan Africa and the Caribbean Basin. OPIC is also directed by the Congress to encourage greater participation in its programs by U.S. small business and cooperatives, and in FY 1987, as in previous years, OPIC exceeded Congressional goals for such participation.

OPIC carries out its Congressional mandates through the operation of programs of political risk insurance, investment guaranties, direct loans and investment promotion facilities. We believe that the refinements to these programs that are contained in the enclosed bill will make OPIC even more effective in assisting the economic development of Third World countries, increasing U.S. exports through project procurement and the creation of new markets for U.S. goods and services, encouraging investments in the least developed countries and helping U.S. small businesses and cooperatives compete in the world marketplace.

The principal provisions of the enclosed bill are as follows:

Encouraging Investment Policy Reform in Developing Countries.—To encourage developing countries to improve their investiment environments, thus helping them attract foreign capital and technology to assist their economic development, a new policy guideline would be added to OPIC's authorizing legislation that would require OPIC to consider in the operation of its programs the extent to which a host country's investment policies are consistent with U.S. investment policies.

Maintaining Economic Stability of Developing Countries.—To help maintain the economic stability of a developing country when it appears that political change might cause disinvestment that adversely affects the country's development, OPIC would be authorized in exceptional circumstances, and to the extent consistent with prudent underwriting, to insure U.S. investments already in the affected country.

Financing Developmental Technology and Products.—To help assure that products produced by OPIC-supported projects in Third World countries are optimally adapted to meet the needs and circumstances of host countries, thereby increasing the developmental impact of such projects, OPIC would be authorized to designate part of a project loan for use in the U.S. in the development and adaptation of such products.

Pilot Program of Equity Financing in Africa and the Caribbean Basin.—To further assist sub-Saharan Africa and the Caribbean Basin, two areas of the Third World that are in dire need of developmental projects, OPIC would be authorized to operate in those regions a five-year pilot program, funded by $10 million from OPIC's earnings, for providing small amounts of equity capital to projects, particularly those sponsored by U.S. small businesses or cooperatives, that are unable to arrange other financing.

In conclusion, the Administration believes that OPIC has played an important role in advancing U.S. foreign economic development policies and that its programs can be of even greater value in the future. There is a growing recognition on the part of Third World leaders that foreign private investment can play a vital role in their economic development. This affords a unique opportunity for the U.S. private sector, OPIC and the Congress to help demonstrate the efficacy of the private enterprise system in promoting economic growth while at the same time assisting the international competitive position of the U.S. The improvements in OPIC's programs that are sought in this proposed reauthorization legislation will provide OPIC with additional tools to play an even more effective role in achieving the important goals established for it by the Congress.

Sincerely,

CRAIG A. NALEN.●

By Mr. DOLE:

S. 2007. A bill to amend the Atomic Energy Act of 1954 to provide for a neutral review by the National Academy of Sciences of emergency evacuation plans necessary for approval of low power and operating licenses for nuclear facilities; to the Committee on Environment and Public Works.

S. 2008. A bill to amend the Atomic Energy Act of 1954 to require consideration of an emergency evacuation plan for a nuclear facility before a construction permit is issued for such facility; to the Committee on Environment and Public Works.

NUCLEAR PLANT EVACUATION LEGISLATION

Mr. DOLE. Mr. President, following the accident at the Three Mile Island nuclear facility in 1979, a number of significant changes have been made by both the Congress and the Nuclear Regulatory Commission to decrease the risk of additional accidents as well as establishing procedures to be followed in the event another does occur.

One of the most significant changes has been the requirement for evacuation plans to be in place for an emergency planning zone surrounding a commercial nuclear reactor before a full-power operating license could be granted by the NRC. Unfortunately, as laudable as this requirement is, the current mechanism is flawed in its implementation.

Under current law, a State or its political subdivisions is expected to file an evacuation plan for these plants. However, in the event a State refuses to submit a plan, or if a plan submitted by a State is ruled to be inadequate by the NRC, the operator of the plant may file its own plan with the NRC. This procedure was contained in statute from the outset of the evacuation planning process in 1980.

UTILITY-SUBMITTED PLANS

There are currently two commercial reactors which are entirely constructed and ready for licensing but have had the licenses held up due to a lack of cooperation by a State within the emergency planning zone.

Tens of millions of dollars are being spent each month to pay the interest costs on these multibillion dollar plants as those who reside near these plants watch in astonishment as politicians play Russian roulette with their health and safety. The residents are looking for some assurance that someone is looking out for them—not looking out for political gain.

The first of the two bills I am introducing will help alleviate the fears of these individuals by requiring the NRC to contract with the National Academy of Sciences for a review of the adequacy of the utility-submitted plans. The academy, an independent organization established by Congress in 1863 to advise the Federal Government on "any subject of science or art," would then advise the NRC if the plan met all statutory and regulatory requirements to protect the public health and safety.

Mr. President, the Department of Energy contracted with the academy to study the safety of the Federal production reactors in the States of Washington and South Carolina. The recently completed study pointed out a number of matters which would have to be corrected before the academy would state that the reactors were operating safely. My proposed requirement for a review by the National Academy of Sciences for commercial reactors with utility-submitted evacuation plans would cover some of the same issues already reviewed by the academy for plants owned by the Federal Government.

In addition, I believe a "stamp of approval" by the academy would go a long way toward assuring the nearby residents of a commerical reactor that their welfare was of the utmost concern to the Federal Government.

FUTURE PLANTS

Mr. President, the second bill I am introducing addresses the future of evacuation planning. We all know that hindsight can be 20/20, and with this advantage it is time to review the current system and look for improvement.

If we are truly concerned with the health and safety of those who reside near nuclear plants, the evacuation process should begin before a plant is constructed. Currently, NRC determines whether residents can be safely evacuated only after billions of dollars have been spent to construct a plant. In the case of the two plants where the utility has been forced to submit its own evacuation plan, these billions of dollars may never result in the generation of the promised power for the consumer.

Therefore, I am introducing legislation which will move the evacuation process up-front, in a cooperative effort between the Federal and State governments. I propose to give the States, in effect, a veto over whether a commerical nuclear reactor will be constructed within their boundaries by providing that a State file a preliminary evacuation plan and for the NRC to approve that plan before the NRC could issue a construction permit. However, once that State gave its approval, it would be required to work with the NRC through in the final evacuation plan process.

This process puts the health and safety of the nearby residents first, not last, and assures that political maneuvering will not enter the process while staggering interest bills are awaiting payment by consumers who may never receive the benefit of additional power.

Mr. President, no new nuclear powerplants have been ordered in years. If nuclear is to fit in the mix of domestically produced energy in America's future, some certainty must be placed in the current process. The cooperative efforts of the Federal and State governments will be required, and this bill is a first step in that direction.

Mr. President, I ask unanimous consent that the text of the bills be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 2007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 16 of the Atomic Energy Act of 1954 (42 U.S.C. 2231 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 193. Review of Emergency Evacuation Plans.—

"The Commission shall not issue a temporary operating license or a full power operating license for a utilization facility required to be licensed under section 103 or 104b. of this Act to an applicant for such a license required to submit an emergency evacuation plan under this Act unless the emergency evacuation plan of the applicant and any other emergency evacuation plan submitted by a State or local government are reviewed by the National Academy of Sciences and the National Academy of Sciences reports to the Commission with respect to the adequacy of such plans.".

S. 2008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 185 of the Atomic Energy Act of 1954 is amended by—

(1) striking out "All applicants" and inserting in lieu thereof "a. Subject to the provisions of subsection b., all applicants"; and

(2) adding at the end thereof the following:

"b.(1) No applicant for a license to construct or modify a production or utilization facility required to be licensed under sections 103 and 104b. of this Act shall be granted a construction permit unless each State within the emergency planning zone for such facility submits a preliminary emergency evacuation plan for the facility and each such plan is approved by the Commission.

"(2) The preliminary plan required by paragraph (1) shall include sufficient data for a determination that adequate roads, equipment, and personnel exist or will be provided for the safe evacuation of those who reside in the emergency planning zone.".

(b) Section 182 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following:

"e. The Commission shall not issue a full operating license for a utilization or production facility required to be licensed under sections 103 and 104b. of this Act unless the Commission has approved a final emergency evacuation plan for such facility. The final emergency evacuation plan for a facility shall not be subject to approval by each State within the emergency evacuation planning zone of such facility.".

By Mr. DOLE:

S. 2009. A bill to establish a national advisory counsel on children's issues, to provide a Federal-State child care grant program, and for other purposes; to the Committee on Finance.

FEDERAL CHILD CARE AND CHILD DEVELOPMENT COORDINATION ACT

Mr. DOLE. Mr. President, I am introducing "The Federal Child Care and Child Development Act of 1988." As my colleagues are aware, issues affecting children are in the forefront of our national consciousness today.

NATIONAL ADVISORY COUNCIL ON CHILDREN'S INITIATIVES

Mr. President, there are currently scores of programs relating to children buried in different Federal departments with virtually no interagency coordination. We have child nutrition programs in the Department of Agriculture, health and low-income assistance programs in the Department of Health and Human Services, child and drug abuse programs in the Department of Justice, not to mention education programs at that Department.

Moreover, because the children's program can be secondary to the primary mission of a given Department or Agency, it may not always get the priority attention it deserves. We need one voice within the Federal Government to speak on behalf of children and ensure that their interests are being protected.

To this end, I am including in this bill a provision to establish a national advisory council on children's issues, which would report directly to the President and would be responsible for coordinating programs affecting children in the various Federal agencies and serving as an advocate for children's concerns.

As we head into the 1990's, children's issues are taking on increasing significance as part of the National agenda. Child abuse, drug abuse, teen pregnancy, the high drop-out rate—all these are issues calling out for national attention. We need a uniform, coordinated strategy to deal with these problems. Children need an official, national advocate—one with direct access to the President. Creating such an advisory body will give children's issues the prominence they deserve.

CHILD CARE GRANT PROGRAM

Mr. President, it is time that the Federal Government come to grips with demographic realities. The United States labor force now includes 53 million women. In addition, the growth in the female labor force has occurred primarily among women with very young children, with the result that 50 percent of working mothers have children under 6 years of age, and, of these, 25 percent are single parents.

Finding safe, affordable child care has become a major problem for parents of modest means. Many are confronted with the stark choice of leaving their children at home alone or in the hands of unlicensed providers. Based on current realities, I believe we need a national strategy to deal with this problem. While the Federal Government can't provide all the answers, as some woud have it do, it clearly has a role in this effort.

The Federal Child Care Grant Program to the States which I am proposing would be targeted at increasing the availability of child care services to low- and moderate-income parents. The grants could be used for a variety of activities, including:

Neighborhood child care centers, after-school child care programs, and startup costs for onsite child care offered by small business employers;

Establishment of grandcare programs which would recruit and train senior citizens to serve as child care workers;

Assistance to help family-based child care providers and others meet State licensing standards;

Coordination with existing programs, including Head Start, Chapter One, and preschool programs for disabled children to extend the hours of operation to help employed parents; and

Voucher programs to assist with child care costs for low-income parents.

OFFSETTING COSTS

Mr. President, this type of initiative could be paid for by phasing out the dependent care tax credit for high income families. Although I have been a strong supporter of the dependent care tax credit, I believe we have to reevaluate our priorities, given the Federal deficit situation.

Low- and moderate-income parents desperately need affordable child care. In these tough budgetary times, I believe this is where our Federal child care dollars should be spent. Phasing out the tax credit for upper income individuals could save $300 to $400 million a year.

CONCLUDING REMARKS

Mr. President, my ultimate goal is to have child care programs funded with the grant moneys become self-sustaining. I hope that, with Federal leadership and help, the supply will eventually catch up with the demand. At this point, I also want to make it clear that I am opposed to proposals by which the Federal Government would require employers to provide day care or dictate day care standards. It is the role of the Federal Government to facilitate—no mandate—the provision of child care services.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Child Care and Child Development Coordination Act of 1988".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) the incidence of child abuse, child and teen drug and alcohol abuse, teenage pregnancy and high rates of students dropping out of secondary schools, are issues calling for national attention;

(2) the labor force includes over 50,000,000 women, and the growth in the numbers of the women in the labor force has occurred primarily among women with young children; and

(3) safe and affordable child care has become a major problem for parents of modest means and for parents with low incomes.

(b) Purpose.—It is the purpose of this Act—

(1) to establish a National Advisory Council on Children's Issues; and

(2) to establish a Federal child care grant program.

TITLE I—NATIONAL COUNCIL ON CHILDREN'S ISSUES

SEC. 101. ESTABLISHMENT.

There is established the National Council on Children's Issues (hereinafter referred to in this title as the "Council".

SEC. 102. MEMBERSHIP.

(a) Members.—The Council shall be composed of—

(1) the Secretary of Agriculture;

(2) the Secretary of Education;

(3) the Secretary of Health and Human Services;

(4) the Secretary of Labor;

(5) the Attorney General; and

(6) the heads of such other Federal agencies as the Council considers appropriate.

(b) Chairperson.—The Council shall elect a Chairperson and a Vice Chairperson from among its members.

(c) Quorum.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings.

(d) Meetings.—The Council shall meet at the call of the Chairman or a majority of its members.

SEC. 103. FUNCTIONS.

(a) Functions.—The Council shall—

(1) review all Federal activities and programs relating to issues involving children;

(2) take such actions as may be necessary to reduce duplication among programs and activities by Federal agencies concerning issues involving children;

(3) monitor, evaluate, and improve programs and activities that assist children conducted by Federal agencies, States and local governments, and private voluntary organizations;

(4) provide professional and technical assistance to States, local governments, and other public and private nonprofit organizations, in order to enable such governments and organizations to—

(A) effectively coordinate and maximize resources of existing programs and activities concerning children's issues; and

(B) develop new and innovative programs and activities to assist children;

(5) collect and disseminate information relating to issues involving children;

(6) serve as an advocate for children; and

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(7) prepare the annual reports required by subsection (c)(2).

(b) Authority.—In carrying out subsection (a), the Council may—

(1) arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities concerning issues involving children; and

(2) publish a newsletter concerning Federal, State, and local programs which are effectively meeting the needs of children.

(c) Reports.—

(1) Department reports.—Within 90 days after the date of enactment of this Act, and annually thereafter, the head of each Federal agency shall prepare and transmit to the Council a report that describes—

(A) each program involving children administered by such agency and the number of children served by such program; and

(B) impediments, including any statutory and regulatory restrictions, to the use by children of each such program and to obtaining services or benefits under each such program.

(2) Council report.—The Council shall prepare and transmit to the President an annual report that—

(A) assesses the nature and extent of the problems relating to children and the needs of children;

(B) provides a comprehensive and detailed description of the activities and accomplishments of the Federal Government in resolving the problems and meeting the needs assessed pursuant to paragraph (1);

(C) describes the accomplishments and activities of the Council in working with Federal, State, and local agencies and public and private organizations in order to provide assistance in resolving issues concerning children;

(D) assesses the level of Federal assistance necessary to adequately resolve the problems and meet the needs assessed pursuant to paragraph (1); and

(E) specifies any recommendations of the Council for legislation, administrative actions, or other appropriate and necessary actions to resolve such problems and meet such needs.

SEC. 104. DIRECTOR AND STAFF.

(a) Director.—The Council shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) Additional Personnel.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Council.

(c) Consultants.—Subject to such rules as may be prescribed by the Council, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

(d) Details.—Upon request of the Council, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this title.

(e) Administrative Support.—The Secretary of Health and Human Services shall provide to the Council such administrative and support services as the Council may request.

SEC. 105. POWERS.

(a) Meetings.—For the purpose of carrying out this title, the Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate. The Council may administer oaths or affirmation to witnesses appearing before the Council.

(b) Delegation.—Any member or employee of the Council may, if authorized by the Council, take any action which the Council is authorized to take by this section.

(c) Information.—The Council may secure directly from any Federal agency such information as may be necessary to enable the Council to carry out this title. Upon request of the Chairman of the Council, the head of such agency shall furnish such information to the Council.

SEC. 106. DEFINITION.

As used in this title, the term "Federal agency" has the meaning given to the term "agency" in section 551(1) of title 5, United States Code.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

To carry out this title, there are authorized to be appropriated such sums as may be necessary for fiscal year 1988.

TITLE II—CHILD CARE GRANT PROGRAM

SEC. 201. DEFINITIONS.

As used in this title:

(1) Child.—The term "child" means an individual who has not attained 13 years of age;

(2) Institution of higher education.—The term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965;

(3) Local educational agency.—The term "local educational agency" has the same meaning given that term by section 198(10) of the Elementary and Secondary Education Act of 1965, or any successor statute defining that term for the purposes of Federal assistance to elementary and secondary education;

(4) Secretary.—The term "Secretary" means the Secretary of Health and Human Services; and

(5) State.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the trust territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 202. GRANT PROGRAM AUTHORIZED.

(a) General Authority.—The Secretary is authorized, in accordance with the provisions of this title, to make grants to States to pay for authorized activities under a State plan approved under section 205.

(b) Authorization of Appropriations.—There are authorized to be appropriated $300,000,000 for the fiscal year 1989, and $400,000,000 for each of 3 succeeding fiscal years.

SEC. 203. ALLOTMENTS.

(a) Reservations.—The Secretary shall reserve 1 percent of the amount appropriated for each fiscal year under section 202 for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

(b) State Allotment.—

(1) In general.—From the remainder of the sums appropriated under section 202 for grants to States for each fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the number of individuals in such State who have not attained 13 years of age bears to the total number of such children in all States, except that each State shall be allotted not less than one-half of 1 percent of such remainder for each fiscal year.

(2) Definition.—For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands and the Trust Territory of the Pacific Islands.

(c) Recent Data Required.—For the purpose of this section, the Secretary should use the most recent data available.

(d) Reallotment.—

(1) In general.—Any portion of the allotment of a State under subsection (b) that the Secretary determines is not required to carry out a State plan approved under section 206, in the period that the allotment is made available, should be reallotted by the Secretary to other States in proportion to the original allotment of such States.

(2) Reductions.—The amount that another State is entitled to under paragraph (1) shall be reduced to the extent that such amount exceeds the sum that the Secretary estimates will be used in that State to carry out a State plan approved under section 206 and the amount of such reductions shall be similarly reallotted among States in which the proportioned amount is not reduced.

(3) Treatment.—Any amount reallotted to a State under this subsection shall be considered to be part of the original State allotment under subsection (b) for that year.

SEC. 204. ELIGIBLE PROVIDERS.

For the purpose of this title an eligible provider is—

(1) a unit of general local government;

(2) a local educational agency;

(3) a nonprofit organization, including any organization described in section 501 (c) or (d) of the Internal Revenue Code of 1986;

(4) a professional or employee association;

(5) a consortium of small businesses;

(6) an institution of higher education;

(7) a hospital or health facility;

(8) a family care provider; or

(9) an entity which the State determines is able and appropriate to carry out a project assisted under this title.

SEC. 205. AUTHORIZED ACTIVITIES.

Grants made under this title to a State may be used for—

(1) the provision of child care services to low-income parents and to parents with moderate incomes, including the provision of such services with appropriate fee schedules;

(2) the establishment and operation of neighborhood child care centers, after school child care programs and the startup cost of onsite child care offered by small business concerns;

(3) the establishment of programs which would recruit and train senior citizens to serve as child care workers;

(4) assistance to help eligible providers and family based child care providers to meet the licensing standards required by the State for furnishing child care services; and

(5) the coordination of programs assisted under this title with child care programs operated or assisted by the State and with federally assisted child care programs, including Head Start programs, Federal assistance programs for the education of disadvantaged children in the elementary schools of

the State, preschool programs, and programs for handicapped children, designed to improve the operation of such program with respect to hours of operation for child care services.

SEC. 206. STATE PLAN.

(a) State Plan Required.—Each State desiring to receive a grant from its allotment under this title shall prepare and submit a State plan to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) Contents of Plan.—Each such plan shall—

(1) describe the State agency which will administer the programs for which assistance is sought;

(2) describe the authorized activities for which assistance is sought consistent with the provisions of section 204;

(3) provide assurances that the State will provide technical assistance to eligible providers;

(4) provide assurances that Federal funds made available under this title for any fiscal year will be so used as to supplement, and to the extent practicable, to increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the purposes described in section 204, and in no case supplant such funds from non-Federal sources;

(5) provide assurances that the State will not expend more than 10 percent of the amount received in any fiscal year for administrative expenses;

(6) describe procedures the State will use for eligible providers to submit applications to the State in accordance with section 207, and for approval of applications by the State agency designated under paragraph (1), including appropriate procedures to assure that the State agency will not disapprove an application without notice and opportunity for a hearing;

(7) provide assurances that the State will establish standards for the purpose of this title;

(8) provide such fiscal control and account procedures as may be necessary—

(A) to insure proper accounting of Federal funds paid to the State under this title; and

(B) to ensure the verification of reports required under this title; and

(9) provide such additional assurances that the Secretary may reasonably require.

(c) Approval.—The Secretary shall approve State plans submitted under subsection (b) which meet the requirements of this title.

SEC. 207. APPLICATION FOR GRANTS BY ELIGIBLE PROVIDERS.

(a) Application.—In order to receive a grant from the State under this title, an eligible provider shall submit an application to the State that—

(1) describes the project for which assistance is sought;

(2) contains assurances that the eligible provider will use the funds furnished in accordance with requirements of this title;

(3) provides assurances that appropriate fee schedules will be established in the case of any project in which child care services are furnished with assistance under this part and that such fee schedules will be based on the annual incomes of the participating families;

(4) provides assurances that procedures will be established for parental involvement in the operation of the project; and

(5) if necessary, the eligible provider will comply with the training and other requirements of section 206(a)(7).

(b) Priority.—In making grants under this title, a State should give priority to applications from eligible providers that—

(1) meet the licensing requirements of the State; and

(2) significantly expand or improve the provision of child care services to children of parents with low incomes and parents with modest incomes.

SEC. 208. EVALUATION.

(a) Evaluations Required.—Each State agency designated under section 206(b)(1) shall—

(1) conduct an evaluation of projects assisted under this part at least every 2 years and make public the results of that evaluation; and

(2) inform eligible providers of the specific evaluation information that the State agency will need.

(b) Report.—

(1) In general.—Each State agency designated under section 201(b)(1) shall prepare and submit a report to the Secretary on the evaluations conducted under this section.

(2) Summaries.—The Secretary shall, as part of the annual report of the Department of Education, prepare and submit to the Congress a summary of the evaluations conducted under this section.

SEC. 209. PAYMENTS.

(a) In General.—The Secretary shall pay to each State under the State plan approved under section 206 the cost of the activities described in the State plan.

(b) Method of Payments.—The Secretary may make payments to a State in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(c) Spending of Funds by State.—Payments to a State from the allotment under section 203 for any fiscal year may be expended by the State in that fiscal year or in the succeeding fiscal year.

TITLE III—CHILD AND DEPENDENT CARE CREDIT

SEC. 301. CHILD AND DEPENDENT CARE CREDIT COMPLETELY PHASED OUT FOR ADJUSTED GROSS INCOMES ABOVE $80,000.

(a) In General.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (relating to expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(2) Applicable percentage defined.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 0 percent) by the sum of—

"(A) 1 percentage point (but no more than a total of 10 percentage points) for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000, plus

"(B) 1 percentage point for each $1,500 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $50,000.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1987.

By Mr. LEVIN (for himself, Mr. Dole, Mr. Dodd, Mr. Cohen, Mr. Cranston, Mr. Durenberger, Mr. Moynihan, Mr. Wirth, Mr. Breaux, Mr. Pell, Mr. Mitchell, Mr. Simon, Mr. Daschle, Mr. Chafee, Mr. Adams, Mr. Riegle, Mr. Matsunaga, Mr. D'Amato, Mr. Hollings, Mrs. Kassebaum, Ms. Mikulski, Mr. Harkin, Mr. Weicker, Mr. Specter, Mr. Heinz, Mr. Boren, Mr. Sanford, Mr. Stafford, Mr. Reid, Mr. DeConcini, Mr. Conrad, Mr. Pryor, Mr. Bingaman, and Mr. Fowler):

S. 2010. A bill to establish a National Voluntary Reunion Registry Demonstration Program; to the Committee on Labor and Human Resources.

NATIONAL VOLUNTARY REUNION REGISTRY

Mr. LEVIN. Mr. President, today I am joined by 34 of our colleagues from both sides of the aisle in introducing a humane and much-needed piece of legislation. I am pleased to have the support of Senator Dole; and Senator Dodd, chairman of the Labor Subcommittee of Children, Family, Drugs and Alcoholism and to have the continuing cosponsorship of long-time supporters of this legislation such as Senator Cohen, Senator Cranston, Senator Moynihan, and Senator Durenberger.

We are all deeply touched by the problems of adult adoptees, birthparents and separated siblings who, often for many years and at great expense, have been looking for each other. The felt need of so many of these individuals to have access to information which may affect their own mental and physical health and influence their own family decisions, is often of great moment. The facilitating of such reunions should be dealt with care, thoughtfulness, and compassion for all the parties involved.

The legislation we are introducing today deals with these needs and emotions in a careful and sensitive way. The bill is designed to avoid intrusion into the life of either party, the birthparent who put her child up for adoption or the child who was adopted. The legislation does not involve the opening of sealed records.

Our proposal would authorize a 3-year demonstration project where adult adoptees and biological parents, and separated siblings, may voluntarily find each other through a centralized National Voluntary Reunion Registry. The system would not search for one party at the request of another. Both parties would have to, on their own, mutually and voluntarily enter into the system in order for a reunion to be facilitated.

The anticipated cost of this program is minimal—expected not to exceed $300,000 the first year—and future costs would be offset by reasonable fees paid by the applicants. Under our proposal, the Secretary of Health and Human Services would be authorized to provide, by contract with public or private nonprofit agencies or organizations, a computerized clearinghouse to

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facilitate these voluntary, mutual reunions. The legislation contains provisions making it unlawful for information contained in the National Voluntary Reunion Registry to be disclosed for unintended purposes.

Mr. President, a number of sources reveal that there may be as many as 10 million adopted persons in the United States today. According to a report prepared by the American Law Division of the Congressional Research Service:

> It is estimated at the present time that there are five million adopted persons in the United States, of whom some two million are actively involved in a search for the identity of their birth parents. A lesser but still significant number of birth parents are also attempting to locate children they have given up for adoption. These figures may in fact be unrealistically low, due in part to the increasing practice, widespread in some areas of placing infants for adoption through unauthorized channels. Also, of the adoptees not seeking to learn something of their background, many have been placed with relatives or otherwise grow up with knowledge of the circumstances behind their adoptions; others are children, too young for any such effort; and still others, while interested, are discouraged from trying by the realization that the present state of the law in many states makes any such effort difficult if not impossible.

Mr. President, my office has been involved in extensive research, surveying search groups, interviewing adoptive parent, individuals of the medical and legal professions, reviewing case studies, and personally screening hundreds of individuals who are searching for, or have located, relatives. Additionally, the Governors of the States that now have reunion registries support the concept of a National Voluntary Reunion Registry.

I would like to share with my colleagues excerpts from some of the responses I have received about my proposal from Governors of the 19 States that have implemented State registries. They are as follows:

> September 4, 1987, Governor Donald Schaefer, State of Maryland. "In light of the differing, and often conflicting requirements of the existing local registries and the number of states with no registry at all, we support the legislation you propose."
>
> September 9, 1987, Governor Neil Goldschmidt, State of Oregon: "The Children's Services Division maintains Oregon's registry and the adoption program staff reviewed your proposed legislation. They found your proposal compatible with our state goals and recommended support for the concept of a National Registry."
>
> December 4, 1987, Governor Edward W. Edwards, State of Louisiana: "Generally, I am supportive of the proposed legislation included in your letter as I view it as a means to extend services for those involved in the adoption triangle."
>
> October 26, 1987, State of Illinois: "Governor Thompson referred your letter to the Department of Children and Family Services so your questions could be answered. We, in Illinois, are supportive of the attached proposed legislation."
>
> August 21, 1987, State of Arkansas: "Ray Scott, Director, Department of Human Services, referred your letter to Governor Clinton to the Division of Children and Family Services . . . Yes, Arkansas is supportive of the legislation you are proposing. This legislation appears to be what is needed in order to connect individuals with adoption inquiries throughout the nation.

This proposal also enjoys the support of many adoptive parents, and adoptive parent support groups. As I reflect on the numerous meetings I have had over the years with adoptive parent groups on the issue of a national registry, there are a number that stand out vividly in my mind. For instance, I would like to share with our colleagues excerpts from a letter received from the cofounders of Parents For Private Adoption based in Pawlet, VT, following their meeting with me in my Washington office in June of 1986. Their thought-provoking and sympathic expressions of support of this bill reads, in part, as follows:

> Thank you for inviting us to discuss your bill to establish a national reunion registry. As a national education and support group, we are well aware that this country is in its infancy as it begins to address the controversial issues related to adoption. We wholeheartedly support your efforts to establish a national registry. Now that we are [adoptive] parents, we know even better that our children all too soon will become adults who are entitled to all the rights of any other American. For us, as parents, it is unthinkable to prevent them from knowing the truth about their heritage. Our little daughter was seriously ill recently with an immune system disease. She might have needed a bone marrow transplant. I cannot begin to tell you what peace of mind I had, knowing that all I had to do was pick up the phone and make one phone call—not to a federal or state agency, not to a lawyer, not to anyone but the birthmother herself to arrange for what might have been a crucial, lifesaving transplant." Signed: Margaret Hutchison-Betts, Parents For Private Adoption, P.O. Box 7, Pawlet, Vermont 05761; other co-founders Dr. Alan Betts and Dawn Smith-Pliner.

Mr. President I was deeply touched by a letter I recently received from Mrs. Maureen M. Wahmhoff from my own State of Michigan. Mrs. Wahmhoff is the president of Adoptive Parents Responding In Love which is headquartered in Baraga, MI. Her letter reads as follows:

> I am probably an unusual case since I wear two "hats", I was adopted myself in 1937, and my husband and I have adopted our three children. after searching for my birth mother with no success, I must admit I was a bit hesitant about our children wanting to search. However, I also realize what a quandary they are in just not knowing who their birthparents are, what they look like, etc. Our feeling on this is these are our children in our hearts and nothing is going to change that for either of us. The difficulties in beginning this search are many. As an adoptive parent, I firmly believe we need a registry system whereby our adopted children have a means of making contact with their birthparents whether because of a medical history problem or a physical or emotional longing to meet their parents face to face." Signed: Maureen M. Wahmhoff, Adoptive Parent (President of Adoptive Parents Responding in Love), Rt. 1, Box 360, Baraga, Michigan 49908.

Mr. President, a recent survey conducted by my staff revealed that more and more adoptive parents support efforts of adopted sons and daughters who are seeking to connect with their roots. The organization, Roots and Reunions in L'Anse, MI, recently reported that 75 percent of all requests for reunion assistance last year came from adoptive parents. Not only are these adoptive parents seeking to meet the needs of their sons and daughters, "Our adoptive parents want to set at ease the hearts of their childrens' birth mothers, but are unable to do so," says Mrs. J.A. Swanson, director of the organization.

According to Emma May Vilardi of the International Soundex Reunion Registry [ISRR], "20 percent of ISRR's registry applicants for adoptees under the age of 18 have been made by adoptive parents. Mrs. Vilardi says she has received application requests for prospective adoptive parents "who want to register their newly acquired children for future reunion with their birthparents."

A preliminary Los Angeles study determined that 89 percent of the birthparents they surveyed wanted reunion with their relinquished children when grown, if the offspring so desired.

Many who have sought and succeeded in locating each other, find many troublesome events might have been avoided had their struggle been aided at an earlier time. One such example brought to my attention by a birthmother from Michigan is outlined in the following letter:

> I want to register my support for your voluntary reunion registry. I am a birthmother who surrendered to adoption in 1960. I was pleased and encouraged when Michigan instituted a mutual consent registry in 1980, but was disappointed that no effort was made to notify adoptive parties of its existence. After six years of searching, and the expenditure of over $3,000, I finally located my daughter shortly before her 24th birthday. Because she no longer lived in Michigan, she was unaware of the mutual consent registry, so had not filed. However, she had made a preliminary contact with a Detroit search and support group in 1981, taking the first steps toward finding me. She did not feel comfortable about conducting an all-out search for me at that time, because she feared my rejection of her. Had she attended a support group meeting, she might have learned about the Michigan registry, where I had filed a consent waiver years ago. My daughter was one of two adopted children raised in an unfortunate home situation.
>
> The mother's alcoholism led to her death at the age of 52, leaving the two girls motherless at ages 12 and 14. My daughter left home without finishing high school at age 17, and was totally on her own thereafter. One year later, I had begun to search for her, yet we were kept apart by the current

> adoption system. Because of that system, I also lost my first grandchild to abortion. I have learned that, at age 20, my daughter became pregnant out of wedlock. Being her own sole means of support, and having no family to back her up, she saw abortion as the only realistic alternative open to her. It breaks my heart to realize that at the time she was going through this excruciating decisionmaking process, I was searching frantically for her. If only I could have found her in time, I could have offered her the loving support she needed to bring her child to term and parent it. You will be interested to know that at the present time I am helping a number of adoptive parents in search of their children's birthparents."
>
> Sincerely,
>
> MICHIGAN BIRTHMOTHER.

Dr. Dirck Brown, family therapist and coauthor of Clinical Practice in Adoption (Pergamon Press), has had extensive clinical experience working with families who have adopted, adoptees of all ages, and men and women who have relinquished children in adoption. In recent correspondence to me about the proposed National Voluntary Reunion Registry, he said:

> Your legislation will contribute in a substantial way to the positive emotional and social well-being of all those involved in the adoption experience—adoptees, birth parents, and the adoptive family. Adoptees understand and acknowledge universally that their "real parents" are their adopted parents—that bond cannot be broken by having accurate information about one's birth parents and having the opportunity, as an adult, to have contact with them if that is desired. Thus the right to know on the part of the adopted person supports healthy relationships between the adopted person and his or her parents.

Mr. President, the CRS report I referenced earlier also touches upon the frustration felt by adopted persons, many of whom meet obstacle after obstacle in their pursuit of reunion with their blood relatives. According to the report, "To adoptees searching for their birth parents," the facts are simple and straightforward: they are being denied access to information on their backgrounds and identity which is readily available to the non-adopted. One adoptee recently appealed to a State legislature considering a right to access proposal to "give me the same right to know my roots that you give to those who are not adopted," adding, "How can you deny me my identity by locking away my heritage?" Another noted at the same hearing, "It's really very difficult to communicate to one who is not adopted what it is like to be without the same basic information that the rest of society takes for granted."

Kate Pijanowski of Houston, TX, author of a soon-to-be published book on adoption laws and her struggle over a 25-year period to find her birthmother, recently wrote:

> I do wish you success in implementing the national registry. The adult adoptee feels punished and victimized. * * * I finally succeeded. It only took 25 years, 365 filed pages of inquiries and phone billings crossing six states. There are an additional 85 pages of genealogical documentation. Monetary cost? But the emotional cost was more exacting. I suffer from a genetic kidney disease, but even without that factor, it is my right to know my history, and more important, it is not anyone else's right to deny me and the other 5 million adoptees in this country * * *.

Mr. President, the separation of siblings, including twins and triplets in past years was more the norm rather than the exception. Regrettably, for many siblings, reunion may not come soon enough. Mrs. Vilardi reports that the oldest living adoptee registered with ISRR for reunion with his siblings is 96 years of age. Mrs. Vilardi says, "he knows he was one of 12 children and keeps hoping we will find his siblings. We also have deceased adoptees registered by their children or grandchildren whose births extend back to the 1860's."

Mr. Clyde Worley of Columbia, MO, recently wrote:

> I was adopted, in 1934, and until 1984 was under the impression that I was an only child. In May of 1984 I discovered that I had four older siblings as well as a twin sister. I had no idea of the time and expense involved in locating them. We have been to court in three states, Arkansas, Tennessee, and Mississippi. We have located four of the siblings but, as of yet have been unable to locate the twin sister. My older sister was 11 years old at the time of seperation and had been able to keep track of some of the others. She had also located our birth mother and kept track of her, until her death in 1977. The father passed away in June of 1934. I am very much in favor of your bill to establish a national registry. I know that if such a registry had been in place while the major portion of my search was being done that a great amount of time and money would have been spared.

Let me also share the remarks of a young woman who wrote to me and whom my staff interviewed relative to the proposed National Voluntary Reunion Registry. She is a 41-year-old professor, formerly of a univerity in Connecticut, and she has been searching for her birth mother for 12 years:

> Had I surrendered a child for adoption, I know I would always secretly wonder what had happened to her, if she were alive, if she were well, if she had found a good home. I would wonder what she looked like, what sort of person she had become. I would wonder if she wondered about me. Sociological research done over the last ten years indicates that my projections were not unfounded. The overwhelming majority of women who give up children for adoption are disturbed by these questions all their lives. Many are even haunted by guilt. This is a chapter in their lives that never has an ending. They can never put their thoughts to rest. If only I could speak to the woman who gave me life I could tell her how happy I am; I could tell her about the wonderful people who adopted me and the joy she brought into their lives. And for my part, I could see her, discover the secret of my origin, know the country from which my ancestors came, the story that is my history. I could reenter the bond of life that links all other people. I would see a blood relative—until my daughter was born, I could never discern my features in the face of another, and again and again since my son's birth people have asked me "who does he look like?" I want to know the answer. For twelve years I have been searching. Under our present laws, the search is difficult, frustrating and time consuming. It is often expensive, as well. I worked for two years with a young man searching for his biological parents and when he finally found them, learned that his birth mother and he had both gone to the same adoption agency for information within months of each other and were denied help. Each was assured that the other would not want to know and would suffer from knowledge or contact! We cannot but question why this myth is being perpetuated in the face of direct refutation, personally in this case or more broadly in the face of sociological studies of hundreds of involved parties.

I would also like to bring to the attention of our colleagues excerpts from a letter I received from Thomas J. Bouchard, Jr., Professor of Psychology, Director, Minnesota Study of Twins Reared Apart:

> Because of my work with twins reared apart conducted at the University of Minnesota, I have been contacted by parties interested in the passage of the national reunion registry proposed by Senator Levin.
>
> I have, over the last five years, worked with a large number of twins who were separated early in life and who have experienced adult reunions. The vast majority of these reunions have been monumentally positive experiences for the individuals involved, and in no case has a pair of twins reported that they wish the reunion had not happened. This is not to say that there has never been any emotional turmoil; there has been in some cases. I should mention that my own experience with these twins has resulted in a dramatic change in attitude on my part regarding the ethics of facilitating such reunions. Prior to carrying out research, I would have, at best, been more neutral to the idea.
>
> There is no doubt in my mind about the great value of this registry. As Senator Levin points out, a national registry operated by the Department of Health and Human Services would be far more effective and would be a sensible and humane solution to a difficult problem.
>
> I strongly support the passage of this bill. It strikes me as just the kind of activity in which the federal government should participate. It involves an activity that neither individuals nor individual states can carry out in any effective manner. Participation in this activity is voluntary, and reasonable fees for the service should cover most of the expenses. In addition, such a registry would meet a real human need.

Mr. President, this legislation is based on tested principles. It is similar to the reunion and matching registries that presently exists in 19 States and has been used by various adoptee-birthparent groups, for example, Jean Paton's Orphan Voyage, of Cedaredge, CO; Emma Vilardi's International Soundex Reunion Registry, of Carson City, NV; the Adoption Connection headed by Susan Darke, of Peabody, MA; and Search Triad, Inc., of Litchfield, AZ, headed by Karen Tinkham. These organizations support this legislation because a National Voluntary Reunion Registry system under Federal supervision would, on a far more comprehensive basis inform, coordinate, and expedite the reunions of those persons who mutually wish to be reunited. More importantly, it would insure the necessary confidentiality of the clearinghouse and lessen the time, money, and frustration presently incurred by all persons desiring to find each other.

If either the birthparent or adoptee, siblings, or other birth relative do not seek to know the identity of the other—so be it. But if both want reunion, why not facilitate it. In an age of rootlessness, the search for knowledge of one's own identity certainly should not be squelched now by the simple absence of a National Voluntary Reunion Registry.

I ask unanimous consent that a letter from Luthern Social Services of Texas, Inc., be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LUTHERAN SOCIAL SERVICE
OF TEXAS, INC.,
December 17, 1987.

Hon. CARL LEVIN,
U.S. Senate, Russell Building,
Washington, DC.

DEAR SENATOR LEVIN: I applaud and support your continued efforts to establish a National Voluntary Reunion Registry designed to facilitate contact between adult adoptees and their birthparents, and separated siblings. This is a necessary bill which would validate the real needs of adopted adults and birthparents. It is estimated that there are 5-8 million adopted persons in the United States. A large segment of this population is currently in active search. The largest proportion of our callers are persons seeking contact with original family. This has been consistent for all seven years of our program.

I am the Coordinator of the Adoption Awareness Center, the post adoption component of Lutheran Social Service of Texas (LSST), a state wide agency providing adoption related services to all triad members. The Adoption Awareness Center is one of the oldest agency affiliated post adoption programs in the country, having been established in 1980 to provide services beyond the point of original adoption. As such, we are plugged into a nationwide network of search and support organizations, offering direct search assistance ourselves.

We advocate a national registry, unencumbered with blocking requirements. An example of elements within such a desirable registry would be found in the now existing International Soundex Reunion Registry.

It is our philosophy that the adult adoptees and birthparents wishing contact should have a vehicle for this. Thus a national registry endorsed and publicized by our government would be a major step in facilitating this.

The age of majority that we use in our direct services is 18. Thus, we propose that this age be considered within your bill.

Our experience in the area of search has consistently demonstrated that the need for contact is a core issue for persons involved with adoption. Acting upon this need is determined by personal timing. We have found that well over 95 percent of the birthparents we have approached have been open to contact with their children. These birthparents do not wish to intrude but rather make themselves available. Adopted persons are very protective of the needs of their birthparents and seek them out to fulfill identity needs and other core issues in adoption. Adoptive parents also approach us for assistance in contacting the birthparents of their children. We are experiencing an increase, even when their children are teenagers, of these requests. Our agency has been an active advocate for open adoption, receiving recognition for this practice on a nationwide basis. Publicity about this philosophy and practice has led a large number of persons to seek out our services for search and contact.

Thank you for your understanding of adoption dynamics and for exerting the effort to have this bill become law.

I would like to share with you that I am an adoptive parent of two children, ages 7 and 9, and that we have contact with their birthparents. Even at these tender ages, there has been a need to deal with the realities of adoption. Being able to do this, has been highly positive and confirming for all of us.

Please feel free to contact me if I can be of assistance in your efforts.

Sincerely,
PATRICIA DORNER, MA, L.P.C.

Mr. LEVIN of Michigan. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. PURPOSE.

The purpose of this Act is to provide for the establishment of a demonstration program which shall facilitate on a voluntary mutual request basis, the reunion of biological parents and adoptees, biological siblings or other biological relatives of adoptees, through a centralized computer network.

SEC. 2. DUTIES OF THE SECRETARY.

(a) The Secretary of Health and Human Services (hereinafter referred to as the "Secretary") is authorized, in accordance with the provisions of this Act, to establish, by contract with public or private nonprofit agencies or organizations, a National Voluntary Reunion Registry System.

(b) The Secretary shall submit to the Congress an annual report of all activities carried out under this Act. The report shall include the following:

(1) The number, nature, recipients, and amounts of contracts entered into under this Act.

(2) The total amount of fees collected.

(3) The number of applications submitted by biological parents, adoptees, siblings, or other biological relatives.

(4) The number of searches ending in a succesful match.

SEC. 3. VOLUNTARY REUNION REGISTRY.

(a) The National Voluntary Reunion Registry authorized under this Act shall provide a centralized nationwide capacity, utilizing computer and data processing methods. Participation in the registry shall be voluntary by all parties involved.

(b)(1) The registry authorized under this Act shall provide that—

(A) a biological parent, or an adoptee over the age of 21 may initiate the matching process by submitting an application to the agency or organization operating the system; and

(B) a sibling or other biological relative of an adoptee may also initiate the matching process whenever—

(i) the biological parent of an adoptee is deceased or his or her whereabouts is unknown;

(ii) the biological parent of an adoptee has consented in writing to the initiation of the matching process; or

(iii) under such other circumstances as the Secretary may determine to be appropriate after taking into consideration the privacy rights and interest of all parties who may be affected.

(2) The Secretary shall establish specific procedures for the purpose of, to the maximum extent feasible, protecting the confidentiality and privacy rights and interests of all parties participating in the program authorized by this Act.

(3) Records pertaining to any individual which are maintained in connection with any carried out activity under this Act shall be confidential and not be disclosed for any purpose without the prior written, informed consent of the individual with respect to whom such record is maintained.

(4) Reasonable fees, established by taking into consideration the costs of services provided for individuals under this Act and the income of such individuals, shall be collected for all services provideu under this Act.

(c) The National Voluntary Reunion Registry may include the operation of a similar statewide identification computer system in a State which chooses to participate in the voluntary reunion registry and agrees to provide—

(1) provide necessary coordination with the voluntary identification system provided for in subsection (a) of this section;

(2) provide such financial participation as the Secretary may prescribe by the State; and

(3) establish standards and procedures for the operation of the statewide system which are consistent with those provided for in this Act.

SEC. 4. COUNSELING SERVICES.

The National Reunion Registry established under this Act may include referral to existing programs that provide counseling services.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $300,000 for the fiscal year 1988, and such sums as may be necessary for each of the succeeding 2 fiscal years.

Mr. DOLE. Mr. President, I am pleased to cosponsor the national voluntary reunion registry bill introduced by Senator CARL LEVIN. This bill goes a long way toward humanizing the adoption process by making it easier for adopted children and their biological parents to reunite. Unfortunately, few means currently exist to help adoptees and their families maintain their genetic heritage. Senator LEVIN's bill will help address that need for

contact at very little cost through the creation of a national clearinghouse to match biological relatives on a voluntary mutual request basis.

Besides the obvious innate human desire to know one's family roots and genetic heritage, there are other important reasons for facilitating communication between adoptees and their birth families. Many of the mental and physical illnesses that plague our society, from alcoholism to sickle cell anemia, have possible genetic links. Adoptees must have access to their genetic history in order to receive the full benefit of modern medicine and to make well-informed decisions about personal health and family. In addition, biological relatives are often the only feasible resource for life-saving procedures such as organ transplants.

The few State matching programs in existence do not adequately serve the needs of biological relatives separated by the adoptive process who wish to reunite, especially when a State boundary must be crossed. This bill will create a centralized interstate computer network, making it possible for relatives to be accessible to one another, should they so desire. The program does not provide access to closed files, nor does it make possible the matching of parties when only one party is searching. Only certain individuals may initiate a search, and all records are confidential and will only be released upon the informed, written consent of the subject of the record.

I believe adopted children need an alternative to spending a lifetime with altered or censored family histories. This clearinghouse will cost less than $300,000 in its initial year and substantially decreased amounts in following years as reasonable fees are collected from applicants. It provides welcome hope to those who feel the very human desire to be reunited with lost family members, and it will reduce some of the mystery and isolation created by the adoption process.

Mr. ADAMS. Mr. President, I am proud to rise as a cosponsor of this legislation which will facilitate the ability of adult adoptees and their birth parents to locate each other through the creation of national adoption registry.

The concept of contact between adult adoptees and their birth parents is an emotional one. There are those who argue that such contact constitutes a violation of the privacy rights of both birth parents and adoptees as well as being a threat to the parental rights of the adopting family. There are also those who argue that the right of adult adoptees to get some level of information about their birth parents is absolute. This legislation goes to neither extreme. It is a sensitive response to the needs and desires of all parties. It balances the right that all of us have to privacy with the understandable desire that all human beings have to know more about who they are and where they come from.

The distinguishing characteristic of this legislation is simple: It establishes a national registry in which, upon request, the names of birth parents and adult adoptees are placed. The existence of such a registry allows for the possibility of matching adult adoptees and birth parents and allowing them to contact each other if they desire to do so. While the legislation establishes a national registry, names of adult adoptees and birth parents are placed in the registry only if the parties request that they become a part of the system. As a result, matches made through the registry require the mutual and voluntary consent of both the adult adoptees and the birth parents.

This bill does not—does not—create open records. This bill does not—does not—create a situation in which unwilling contact is possible. All this bill does is facilitate the possibility of contact if, and only if, both adult adoptee and birth parent make an active effort to allow that contact to take place. Each party must voluntarily place their names in the registry and, as a result, a match can only be made if both parties desire it.

Mr. President, this legislation does nothing more than respond to reality. There are similar voluntary registries in some States and the experience we have had with them proves that the system does protect the rights of all parties. Unfortunately, such State-based systems are restricted, by nature, to the geographic boundaries of the State; since we are a mobile society, that limitation reduces the utility of State-based system. In addition, Mr. President, the plain truth is that without a national registry, both adult adoptees and birth parents are engaged in private searches for each other—searches which do not recognize the privacy rights of the other party. It is my hope that the failure of one party to indicate a willingness for contact by placing their name on the registry will discourage such freelance searches and, as a result, help protect all parties from contact which they may not desire.

Let me conclude these remarks, Mr. President, by paying a special tribute to Senator LEVIN and his staff. I know that they have been working on this legislation for close to 10 years now. I am absolutely convinced that the opposition to this legislation is based on a failure to understand the extraordinary protections which have been built into it. And I am also absolutely convinced that when this legislation is adopted—as I hope it will be—adult adoptees and birth parents and everyone who cares about this issue, will applaud the Senator for Michigan and his staff for their persistence, their dedication, and the creative and responsible way in which they have addressed this issue.

Mr. D'AMATO. Mr. President, I am pleased to join my distinguished colleague from Michigan, Senator LEVIN, as an original cosponsor of legislation to facilitate the reunions of those adult adoptees, birth parents, and separated siblings who are seeking to find one another. Our bill would accomplish this by establishing a national adoption reunion registry.

The need for this legislation is great. There are presently millions of long-separated adoptees and birth parents who wish to be reunited. Studies have shown that four out of five birth parents desire a reunion with their adopted children. Experience with State registries indicates that a similar percentage of adult adoptees wish to make contact with their biological parents. In addition, there are scores of adult siblings who, separated from their brothers or sisters in early childhood, now seek to be reunited.

Unfortunately, identifying and locating a separated birth parent, child, or sibling can be a costly, time consuming, and frustrating endeavor. Our legislation would greatly streamline this process by enabling interested parties to voluntarily find one another through a centralized reunion registry. At the same time, our proposal would respect the privacy of those who wish to remain anonymous. I believe that this approach represents a careful and sensible way to address the needs and interests of all parties involved. I encourage my colleagues to join me in support of this humane legislation.

Thank you, Mr. President.

Mr. BREAUX. Mr. President, many Americans desperately search for years and sometimes for decades at great economic expense to find their biological parents, siblings, or children. The problems associated in the search for lost relatives are unfortunate and often times unnecessary. Fortunately, however, the pains associated with the search for a lost family member are replaced by the joys of being reunited.

Several States, including Louisiana, have made admirable attempts to facilitate the reunion of those who have been separated from their relatives. Many of these reunions occur as a result of a State-by-State registry. Every State does not have a registry, thus, gaps exist that have prevented the establishment of a comprehensive national registry.

Today I am pleased to be part of an effort that will attempt to facilitate the reunion of perhaps thousands of Americans who have lost track of family members. This effort includes the establishment of a 3 year demonstration project through which biological parents and adult adoptees, and

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biological siblings, may voluntarily find each other through a centralized system. By this system individuals may make contact with the center independently in order to facilitate the reunion.

The registry is designed to fall under the control of the Secretary of the Department of Health and Human Services. The Secretary would be authorized to create, by contract with public of private nonprofit agencies or organizations, a computerized clearinghouse system to facilitate reunions. There will, of course, be protections to prohibit the information from being used for unintended purposes.

The cost of the program will be minimal for the first year of operation. Thereafter, the cost will be absorbed by a reasonable fee paid by the applicants.

The National Adoption Registry is a needed and vital catalyst to resolving the problems associated with the search of a lost relative. I respectfully ask that my colleagues join me by supporting this important legislation.

Mr. CHAFEE. Mr. President, today I join Mr. Levin and several other of my distinguished colleagues in introducing a bill to create a National Voluntary Reunion Registry to assist birth parents, adoptees, and siblings in their search for each other.

This measure that we introduce today will establish a 3 year demonstration project in which biological parents, adult adoptees, and biological siblings may voluntarily find each other through a centralized network. All parties would have to, on their own, voluntarily enter the system. The National Voluntary Reunion Registry would not search for one party at the request of another.

The registry will be developed by the Secretary of Health and Human Services, who through contract with public or private nonprofit agencies will create a computerized clearinghouse system to facilitate a match of requests. The bill contains provisions making it unlawful for information contained in the clearinghouse to be disclosed for unintended purposes.

Because it will be strictly voluntary, this registry will not result in unwelcome or unexpected reunions. In order to reunite an adoptee and his or her birth parent, each must independently contact the registry. It is only when on this independent basis a match is made that a reunion can be facilitated.

Adoption, by definition, is an emotional issue. Some birth parents wish to leave their past behind them, for a number of valid reasons. Some adoptees as well, do not wish to find their birth parent. These wishes are the right of the individuals involved, and we should hold that right in the highest regard.

Yet, the pain and frustration of many adoptees and birth parents is that they do seek each other and are blocked every step of the way by the State laws that assume they wish to remain unknown. If there were any way we could protect the rights of those who wished to remain anonymous, as well as help those who want to be together once again, we should undoubtedly pursue it.

A National Voluntary Registry will create the balance of rights we need. In addition, it will enable families to reunite even if they live on different coasts. As an increasing number of adoptions are made on an out-of-State basis, this is an important factor. State-created registries cannot fulfill this need.

The cost of this clearinghouse and registry is expected to be about $300,000 in the first year, and future costs are to be offset by reasonable fees paid by registrants. It is a small cost to pay to enable dreams of reunions to become reality.

There are many viable reasons birthparents seek their adopted offspring, and just as many viable reasons adoptees seek their biological parents. The news is full of accounts of the long and frustrating searches of people who want nothing more than to know their roots—or their genetic background. I am aware of cases where natural parents were sought to provide organs for transplants for their adopted children. Siblings who were separated at birth conduct their searches with hopes, not of disturbing ghosts of the past, but of establishing familial bonds that were broken because of circumstances of adoptive placement. It could only be a positive result when two people's mutual wish to meet again is made possible because of a simple clearinghouse.

In the spirit of the season, and in support of those who have been searching for a long time—I urge my colleagues to join me in cosponsoring this measure.

Mr. HARKIN. Mr. President, as citizens of a country which prides itself as a melting pot of cultures, many of us are fascinated with our heritage. Iowa, not unlike most other States, is inhabited by a vast array of persons from different backgrounds. I believe many of us gain a sense of pride and a sense of who we are by knowing who our ancestors were. Yet, there are some who do not know the identity of their parents. While I was fortunate to know my parents and my siblings, I am concerned about the many Americans who did not have this opportunity. I am pleased to support Senator Levin's bill today which establishes a Voluntary Reunion Registry.

For understandable reasons, our current law protects from inspection the birth records of adoptive children. However, for those cases in which both parties want to find the other, this legislation establishes a system through which biological parents, adult adoptees and separated siblings can locate one another. In order to facilitate a reunion, however, both parties must voluntarily seek this information. Thus, the rights of those individuals who wish to maintain their anonymity are protected.

I want to thank Senator Levin for introducing this legislation. I hope this Congress will act swiftly to enact it, thus helping individuals in the search for their families.

By Mr. CRANSTON (for himself, Mr. Murkowski, Mr. Matsunaga, Mr. DeConcini, Mr. Rockefeller, Mr. Simpson, Mr. Thurmond, Mr. Specter, Mr. Melcher, Mr. Burdick, and Mr. Hecht).

S. 2011. A bill to increase the rates of Veterans' Administration compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT

Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am today introducing S. 2011, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 1988. Joining me as original cosponsors of this measure are the committee's ranking minority member, Senator Murkowski, six other committee members, Senators Matsunaga, DeConcini, Rockefeller, Simpson, Thurmond, and Specter, and Senators Melcher, Burdick, and Hecht.

This bill would provide for a fiscal year 1989 cost-of-living adjustment [COLA] in the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation [DIC] paid to the survivors of those who die from service-connected causes. This COLA, which would take effect on December 1, 1988, would be the same percentage as the COLA which will automatically be provided for Social Security and VA pension benefits effective on that same date. According to the most recent—August 1987—projection of the Congressional Budget Office [CBO], the Social Security/VA pension increase will be 5.3 percent. By virtue of Public Law 100-227, enacted on December 31, 1987, the Congress recently provided for a 4.2-percent COLA in the compensation/DIC rates, effective December 1, 1987.

Mr. President, the VA's service-connected compensation program lies at the heart of our system of veterans' benefits. The Committee on Veterans' Affairs has consistently attached the highest priority to the needs of veterans with service-connected disabilities and the survivors of those who have

made the final sacrifice. My No. 1 priority in veterans' affairs is meeting the needs of the more than 2.2 million veterans who suffer from disabilities resulting from their service and the more than 310,000 survivors of those who died from service-connected causes.

The disability compensation program provides cash benefits to veterans who have suffered disabilities in the line of duty during active service in our Nation's Armed Forces. The amount paid in individual instances is contingent upon the nature of the veteran's disability or combination of disabilities, the extent to which earning capacity is considered to have been impaired, and the veteran's family status. Compensable disabilities are rated according to the VA's Schedule for Rating Disabilities on a graduated schedule ranging from 10 to 100 percent. Higher monthly rates are payable to totally disabled veterans with certain severe disabilities and combinations of disabilities. A veteran whose disability is rated at 30 percent or more may receive additional compensation for the veteran's spouse, children, and dependent parents. These dependents' allowances are prorated according to the percentage of disability.

As of September 1987, the disability compensation program was providing benefits to 2,212,303 veterans who have service-connected disabilities. This number includes disabled veterans with service during the following periods of conflict: 7,894 World War I veterans, 981,534 World War II veterans, 217,743 Korean-conflict veterans, and 623,430 Vietnam-era veterans. Also, as of September 1987, 674,922 veterans were receiving additional compensation for 1,048,780 dependents.

Mr. President, DIC is paid to the survivors—surviving spouses, unmarried children under the age of 18 and certain children age 18 and over, and certain needy parents—of servicemembers or veterans who died on or after January 1, 1957, from a disease or injury incurred or aggravated in the line of duty during active service.

DIC is paid to surviving spouses at rates determined by the pay grade—service rank—of the deceased veteran. A higher rate is payable if the surviving spouse is so disabled as to be housebound or in need of regular aid and attendance, and additional amounts are payable for the veteran's surviving children. Children become entitled to DIC where there is no surviving spouse, or where a child age 18 or over became permanently incapable of self-support before reaching age 18, or where a child is age 18-23 and pursuing an approved course of education. As of September 1987, DIC benefits were being paid to or for 311,679 surviving spouses and children and 36,086 needy surviving parents. Under section 3112 of title 38, United States Code, the parents' DIC rates are automatically adjusted at the same time and by the same percentage as are Social Security and VA pension benefits.

Assuming a 5.3 percent COLA, CBO advises preliminarily that the cost of our bill would be $471 million in budget authority and $425 million in outlays for fiscal year 1989.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1988".

SEC. 2. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.

(a) In General.—(1) The Administrator of Veterans' Affairs shall, as provided in paragraph (2), increase, effective December 1, 1988, the rate of and limitations on Veterans' Administration disability compensation and dependency and indemnity compensation.

(2)(A) In the case of each of the rates and limitations in sections 314, 315(1), 362, 411, 413, and 414 of title 38, United States Code, that were increased by amendments made by title I of the Veterans' Compensation Cost-of-Living Adjustment Act of 1987 (Public Law 100-227), the Administrator shall further increase such rates and limitations, as in effect on November 30, 1988, by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1988, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) Special Rule.—The Administrator may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) Publication Requirement.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1989, the Administrator shall publish in the Federal Register the rates and limitations being increased under this section and the rates and limitations as so increased.

Mr. MURKOWSKI. Mr. President, I am pleased to join in bipartisan cosponsorship of legislation to provide a cost-of-living adjustment [COLA] for the compensation paid to veterans with disabilities which were incurred while they were on active duty. This bill would also provide a COLA in the benefits paid to the survivors of those who die while on active duty or due to a service-connected cause. The COLA would be effective December 1, 1988, and would be the same percentage increase as the COLA paid to the recipients of Social Security benefits effective that same day.

Mr. President, unlike many benefits paid by the Federal Government, veterans' disability compensation is not indexed. If there is an increase in the cost of living, an act of Congress is required to provide an offsetting increase in veterans' disability compensation and survivors' dependency and indemnity compensation.

This requirement for legislation is both a duty and an opportunity for the Congress It is our duty to protect from inflation the compensation received by veterans injured while on active duty and to their survivors. It is also an opportunity for the Congress to reaffirm that we recognize—and will meet—our obligations to those whose service has protected our Nation and the democratic principles for which it stands.

I enthusiastically embrace that opportunity and duty. That is why I am pleased to join with the distinguished chairman of the Committee on Veterans' Affairs, and other Senators, in offering this legislation. That is why I am pleased to urge my colleagues in the Senate to support this bill.

By Mr. CHAFEE (for himself and Mr. Pell):

S. 2012. A bill to amend the title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide financial assistance for the operation and maintenance of State veterans' cemeteries, and for other purposes; referred to the Committee on Veterans' Affairs.

VETERAN CEMETERY PARTNERSHIP ACT

● Mr. CHAFEE. Mr. President, today I am introducing legislation that aims to use existing funds to expand the State Cemetery Grant Program.

The Veterans Cemetery Partnership Act will expand the State Veterans Cemetery Grant Program, in order for State cemeteries to receive Federal grants to defray the cost of up to 50 percent of their expenses for operation, maintenance, and initial equipment.

It also eliminates the $150 plot allowance that the Veterans Administration now pays directly to State veterans cemeteries each time a veteran is buried there—only for those State cemeteries that receive grants under my legislation.

The State Cemetery Grant Program, which was established in 1978, is designed to assist any State in establishing, expanding or improving State-

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owned cemeteries for veterans. Currently, States may apply for grants to cover up to 50 percent of these costs, which primarily involve land acquisition and construction.

Unfortunately, the Federal Government cannot realistically assume the full burden of providing veterans cemeteries for all veterans who wish to be buried with their comrades-in-arms. As a result, there are 12 States, including Rhode Island, that do not have a national veterans cemetery, and five more whose national cemeteries are closed to new interments. In addition, there are nine large States whose national cemeteries are too far away from the homes of many veterans and their families. As a result, State veterans cemeteries play a critical role in serving the needs of veterans.

Since the State Cemetery Grant Program was created, only 18 States have applied for 38 grants to establish new cemeteries or expand or improve existing ones. These grant awards have averaged about $600,000.

Many States are reluctant to take advantage of this program because they will not be able to afford the full cost of establishing new cemeteries, and may be forced to abandon or sell State-owned veterans cemeteries because of the inability to maintain them. Thus, there is money left over in the State Cemetery Grant Program budget that we can put to good use.

My bill does not call for the expenditure of any additional funds. Of the funds available to the State Cemetery Grant Program since its inception, almost $4 million has remained unspent. I believe this leftover money should be used to help State veterans cemeteries pay for their operation and maintenance.

Elimination of the plot allowance paid to State veterans cemeteries would consolidate all Federal aid to State cemeteries into one account. Right now, part of the assistance State cemeteries receive come from the State Cemetery Grant Program, while another part, the plot allowances, comes out of the Department of Veterans Benefits—two different offices at the Veterans Administration.

It would also eliminate a technicality in the current law governing the payment of death benefits. At present, this technicality in effect prevents State veterans cemeteries from getting reimbursed for the burial of veterans whose deaths are attributed to service-connected causes.

Perhaps most important, this provision transforms an entitlement into a grant. Although the end result—Federal assistance to State veterans cemeteries—is the same, changing an entitlement into a grant is philosophically very important: It bolsters the Federal-State partnership that was created by the State Cemetery Grant Program. Instead of the Federal Government giving the States a handout, the two are working together to ensure that veterans' needs are met.

In any year that a State does not receive a grant for the maintenance and operation of its veterans cemeteries, it would continue to receive plot allowances from the VA's Department of Veterans Benefits. Burial benefits that are now paid directly to the surviving families of veterans will remain unaffected by my legislation.

The Federal Government stands to benefit from an extension of the State Cemetery Grant Program partnership as well. First, such an extension encourages the States to assume a responsibility that the Federal Government cannot. Second, the States are historically more cost-efficient in their construction and administration of facilities such as veterans benefits. Thus, perhaps the Federal Government would be able to learn something from the States through the Veterans Cemetery Partnership Act.

I believe many veterans have the perception that the Federal Government has forgotten them and their fine service to their country. Perhaps the simplest and most important thing we can do to ensure that veterans are remembered is to provide places where we can go to reflect on their heroism and sacrifice in the name of freedom—places where our veterans will be honored by us forever.

If the Federal Government cannot do this itself, it must ensure that the States are able and willing to provide and maintain these resting places of honor.

I urge all Senators to join me in supporting the Veterans Cemetery Partnership Act.●

ADDITIONAL COSPONSORS

S. 237

At the request of Mr. Thurmond, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 237, a bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the U.S. Government from attempting to influence the U.S. Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes.

S. 260

At the request of Mr. Thurmond, the names of the Senator from New Hampshire [Mr. Humphrey] and the Senator from Oklahoma [Mr. Boren] were added as cosponsors of S. 260, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 277

At the request of Mr. Thurmond, the names of the Senator from New Hampshire [Mr. Humphrey] and the Senator from Oklahoma [Mr. Boren] were added as cosponsors of S. 277, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 278

At the request of Mr. Thurmond, the names of the Senator from New Hampshire [Mr. Humphrey] and the Senator from Oklahoma [Mr. Boren] were added as cosponsors of S. 278, a bill to amend title 18 to limit the application of the exclusionary rule.

S. 430

At the request of Mr. Metzenbaum, the name of the Senator from New Hampshire [Mr. Humphrey] was added as a cosponsor of S. 430, a bill to amend the Sherman Act regarding retail competition.

S. 465

At the request of Mr. Metzenbaum, the names of the Senator from New Jersey [Mr. Bradley] and the Senator from Rhode Island [Mr. Pell] were added as cosponsors of S. 465, a bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale or possession of firearms, not detectable by metal detection and x-ray systems commonly used at airports in the United States.

S. 762

At the request of Mr. Pell, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 762, a bill to provide for a Voluntary National Service and Education Demonstration Program, and for other purposes.

S. 840

At the request of Mr. Thurmond, the name of the Senator from Idaho [Mr. McClure] was added as a cosponsor of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Incorporated.

S. 936

At the request of Mr. Durenberger, the name of the Senator from South Carolina [Mr. Thurmond] was added as a cosponsor of S. 936, a bill to amend title XVIII of the Social Security Act to permit certain individuals with physical or mental impairments to continue medicare coverage at their own expense.

S. 1515

At the request of Mr. Heflin, the name of the Senator from Iowa [Mr. Grassley] was added as a cosponsor of S. 1515, a bill to prohibit injunctive relief, or an award of damages, against a judicial officer for action taken in an official capacity.

S. 1519

At the request of Mr. Lautenberg, the name of the Senator from Indiana [Mr. Lugar] was added as a cosponsor of S. 1519, a bill to authorize the President of the United States to award congressional gold medals to Lawrence Doby and posthumously to Jack Roosevelt Robinson in recognition of their accomplishments in sport and in the advancement of civil rights, and to authorize the Secretary of the Treasury to sell bronze duplicates of those medals.

S. 1731

At the request of Mr. Metzenbaum, the names of the Senator from North Dakota [Mr. Burdick], and the Senator from Maryland [Mr. Sarbanes] were added as cosponsors of S. 1731, a bill to amend the Job Training Partnership Act to establish a demonstration program employment opportunities for severely disadvantaged youth, and for other purposes.

S. 1888

At the request of Mr. Cranston, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 1888, a bill to establish national standards for voter registration for Federal elections, and for other purposes.

S. 1942

At the request of Mr. Moynihan, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of S. 1942, a bill to amend title 13, United States Code, to remedy the historic undercount of the poor and minorities in the decennial census of population and to otherwise improve the overall accuracy of the population date collected in the decennial census by directing the use of appropriate statistical adjustment procedures, and for other purposes.

S. 1957

At the request of Mr. McCain, the name of the Senator from New Mexico [Mr. Bingaman] was added as a cosponsor of S. 1957, a bill to re-establish the authority of the Small Business Administration to make disaster assistance loans in the case of economic injury resulting from currency devaluation.

S. 1970

At the request of Mr. Thurmond, the names of the Senator from New Hampshire [Mr. Humphrey] and the Senator from Oklahoma [Mr. Boren] were added as cosponsors of S. 1970, a bill to reform procedures for enforcement of the fourth amendment to the Constitution, for collateral review of criminal judgments, and for the imposition of capital punishments, and for other purposes.

S. 2000

At the request of Mr. Cranston, the name of the Senator from Rhode Island [Mr. Pell] was added as a cosponsor of S. 2000, a bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity.

SENATE JOINT RESOLUTION 59

At the request of Mr. Thurmond, the names of the Senator from Arizona [Mr. DeConcini], the Senator from Utah [Mr. Hatch], and the Senator from Alabama [Mr. Heflin] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 197

At the request of Mr. Dole, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of Senate Joint Resolution 197, a bill to designate the month of April 1988, as "Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 199

At the request of Mr. Byrd, the names of the Senator from Washington [Mr. Adams], the Senator from Rhode Island [Mr. Pell], the Senator from Arkansas [Mr. Bumpers], the Senator from Hawaii [Mr. Inouye], the Senator from Florida [Mr. Chiles], the Senator from Florida [Mr. Graham], the Senator from North Dakota [Mr. Burdick], and the Senator from Connecticut [Mr. Weicker] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 214

At the request of Mr. Lautenberg, the names of the Senator from Georgia [Mr. Nunn], the Senator from Arkansas [Mr. Bumpers], the Senator from Arkansas [Mr. Pryor], the Senator from Massachusetts [Mr. Kerry], the Senator from Rhode Island [Mr. Pell], the Senator from New Jersey [Mr. Bradley], the Senator from Mississippi [Mr. Stennis], the Senator from Illinois [Mr. Simon], the Senator from Oklahoma [Mr. Boren], the Senator from Louisiana [Mr. Johnston], the Senator from North Carolina [Mr. Sanford], the Senator from Florida [Mr. Graham], the Senator from Florida [Mr. Chiles], the Senator from Tennessee [Mr. Sasser], the Senator from North Dakota [Mr. Conrad], the Senator from West Virginia [Mr. Rockefeller], the Senator from Connecticut [Mr. Dodd], the Senator from Wisconsin [Mr. Kasten], the Senator from Minnesota [Mr. Durenberger], the Senator from Virginia [Mr. Warner], the Senator from Idaho [Mr. Symms], the Senator from Iowa [Mr. Grassley], the Senator from California [Mr. Wilson], the Senator from Utah [Mr. Hatch], the Senator from Utah [Mr. Garn], the Senator from New Mexico [Mr. Domenici], the Senator from South Dakota [Mr. Pressler], and the Senator from Indiana [Mr. Lugar] were added as cosponsors of Senate Joint Resolution 214, a joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week.".

SENATE JOINT RESOLUTION 215

At the request of Mr. Durenberger, the name of the Senator from Nevada [Mr. Hecht] was added as a cosponsor of Senate Joint Resolution 215, a joint resolution to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial to women of the Armed Forces of the United States who served in the Vietnam war.

SENATE JOINT RESOLUTION 224

At the request of Mr. Chiles, the names of the Senator from Texas [Mr. Bentsen], the Senator from New Mexico [Mr. Bingaman], the Senator from Arkansas [Mr. Bumpers], the Senator from North Dakota [Mr. Conrad], the Senator from Arizona [Mr. DeConcini], the Senator from New Mexico [Mr. Domenici], the Senator from Nebraska [Mr. Exon], the Senator from Utah [Mr. Garn], the Senator from Iowa [Mr. Grassley], the Senator from Pennsylvania [Mr. Heinz], the Senator from South Carolina [Mr. Hollings], the Senator from Idaho [Mr. McClure], the Senator from Oklahoma [Mr. Nickles], the Senator from Georgia [Mr. Nunn], the Senator from Arkansas [Mr. Pryor], the Senator from North Carolina [Mr. Sanford], the Senator from Tennessee [Mr. Sasser], the Senator from Illinois [Mr. Simon], the Senator from South Carolina [Mr. Thurmond], the Senator from Virginia [Mr. Warner], and the Senator from Colorado [Mr. Wirth] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

SENATE JOINT RESOLUTION 234

At the request of Mr. Thurmond, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from Arkansas [Mr. Pryor], the Senator from Idaho [Mr. McClure], the Senator from California [Mr. Wilson], the Senator from Tennessee [Mr. Gore], and the Senator from Tennessee [Mr. Sasser] were added as cosponsors of Senate Joint Resolution 234, a joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DeConcini, the name of the Senator from Connecticut [Mr. Weicker] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 236

At the request of Mr. Nickles, the names of the Senator from Ohio [Mr. Glenn] and the Senator from Kentucky [Mr. Ford] were added as co-

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sponsors of Senate Joint Resolution 236, a joint resolution to designate the week of January 17 through January 23, 1988, as "National Jaycee Week."

SENATE JOINT RESOLUTION 237

At the request of Mr. DOLE, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. CHILES], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Florida [Mr. GRAHAM], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 237, a joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

SENATE CONCURRENT RESOLUTION 97—COMMENDING THE ADMINISTRATION FOR RELIEF EFFORTS ON BEHALF OF ETHIOPIA AND SUB-SAHARAN AFRICA

Mr. ADAMS (for himself and Mr. STAFFORD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 97

Whereas in excess of 5,000,000 people in Ethiopia will need emergency food assistance during 1988;

Whereas additional millions of people in other nations of sub-Saharan Africa will need emergency food assistance during 1988;

Whereas the United States Government and United States private and voluntary organizations have taken a leading role in responding to the food emergencies in Ethiopia and across Africa during the past four years, and were instrumental in saving the lives of several million people; and

Whereas the humanitarian traditions of the American people are best represented by a generous, effective response to the present emergency food needs in Africa without regard to politics: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commends the President, the Secretary of State and the Administrator of the Agency for International Development for their efficient and timely response to the drought and the growing food emergency in Ethiopia and other affected nations of sub-Saharan Africa;

(2) encourages the President, the Secretary of State, and the Administrator of the Agency for International Development to continue and extend all efforts deemed appropriate to preclude the onset of famine in the drought-affected regions of Ethiopia and other sub-Saharan African nations;

(3) in particular urges the President, the Secretary of State, and the Administrator of the Agency for International Development to pursue all appropriate means to ensure the timely delivery of medical supplies and other essential life-saving emergency relief supplies needed to prevent the unnecessary loss of life;

(4) declares that the United States Government response to these food emergencies in sub-Saharan Africa should include all appropriate initiatives to prevent the dislocation of large numbers of persons across national borders and/or into relief camps; and

(5) further declares that the plight of those who have become refugees or have otherwise been displaced as a result of drought, civil strife, or regional conflict in sub-Saharan Africa should be addressed with an emphasis on ensuring the provision of basic human needs, including food, water, shelter, clothing, tools, and seeds.

● Mr. ADAMS. Mr. President, along with Senator STAFFORD, I am submitting legislation which commends the President, Secretary of State, and the Administrator of the Agency for International Development [USAID] for the effective relief efforts they have already undertaken to support the people of Ethiopia and sub-Saharan Africa, and encourages them to continue and extend all efforts deemed appropriate to preclude the onset of famine in these nations.

The nations of the world are once again called upon to assist people who are in need of the bare essentials of life. For the second time in this decade, the rains have failed to fall on many of the African nations, most particularly Ethiopia. The drought is expected to affect about 5 million people in a country with a population of nearly 43 million.

There are many factors which have allowed the United States, in conjunction with the international community, to respond much more effectively to this crisis than the one which struck Ethiopia just 5 years ago. The Ethiopian Government has shown encouraging signs that it wishes to deal with this drought situation before it turns into a devasting famine and all the international relief agencies have been able to agree that 1.3 million metric tons of total food assistance will be required initially.

This resolution acknowledges the work of USAID. They have made a concerted effort to lessen the effects of this drought right from the start, and the Congress ought to do everything we can to encourage them to do all they can in the future. Beyond that, this resolution gives the Congress an excellent opportunity to express our concern for the desperate drought situation in Ethipia and bolster international efforts to continue and expand food aid for the people of this area. To date, USAID has committed to delivering over 247,000 metric tons of cereal and about $7 million in transportation costs. In addition to this, they have allocated $300,000 to the United Nations for their efforts in combating the drought.

As a result of these efforts and others, Ethiopia seems likely to receive adequate quantities of food aid. But receiving food and having the ability to deliver it are two different things. Food delivery remains a serious problem. Shortages of trucks and poor road conditions have restricted the inland distribution of the emergency aid. Ethiopia has fewer vehicles and fewer miles of paved road than any other African country. Only two major paved roads traverse the northern parts of the country which have been hardest hit by the drought.

As difficult as transportation is, the major obstacle affecting emergency food distribution is the internal armed conflicts in the northern part of the country between insurgent movements and the Ethiopian Government. I find the policy of using food as a weapon to be intolerable. The aid donated by the international community is a response to an emergency situation; it is designed to help people, not influence politics. It ought to be treated that way by all parties no matter what their political agenda may be. No legitimate purpose can be achieved by using starvation as a means to achieve a political end.

I encourage USAID and all other relief agencies to continue their work in Ethiopia to overcome the difficult situation which the current drought has brought to the area. I also want to encourage my colleagues to join me in this expression of the Congress that we will do everything possible to ensure that hungry people—wherever they are, whoever their leaders may be—do not starve.●

SENATE RESOLUTION 356—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. PELL, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 356

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,438,915, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff

of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

AMENDMENTS SUBMITTED

CIVIL RIGHTS RESTORATION ACT

SYMMS AMENDMENT NO. 1381

Mr. SYMMS proposed an amendment to the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; as follows:

SEC. . (a) The third proviso under the heading "Federal Communications Commission" and the sub-heading "Salaries and Expenses" in title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1988, as enacted by Public Law 100-202, and which reads as follows, is repealed: "*Provided further*, That none of the funds appropriated by this Act or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communications Commission with respect to the common ownership of a daily newspaper and a television station where the grade A contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:".

(b)(1) The Senate finds:

(A) that there remain serious First Amendment questions concerning the constitutionality of the aforementioned proviso in Public Law 100-202 repealed by subsection (a) of this section; and

(B) that procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions;

(C) that it is critical that no action be taken which would irreparably change the status of any party until the 100th Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

(2) It is therefore the sense of the Senate that the Federal Communications Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100th Congress has made a determination of whether that material should be repealed.

NICKLES AMENDMENT NO. 1382

Mr. NICKLES proposed an amendment to amendment No. 1381 proposed by Mr. SYMMS of the bill S. 557, supra; as follows:

Strike all after "(a)" the first time it appears and insert in lieu thereof the following: The third proviso under the heading "Federal Communications Commission" and the sub-heading "Salaries and Expenses" in title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1988, as enacted by Public Law 100-202, and which reads as follows, is repealed: "*Provided further,* That none of the funds appropriated by this Act or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communications Commission with respect to the common ownership of a daily newspaper and a television station where the grade a contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:".

(b)(1) The Senate finds:

(A) that there remain serious First Amendment questions concerning the constitutionality of the aforementioned proviso in Public Law 100-202 repealed by subsection (a) of this section; and

(B) that procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions;

(C) that it is critical that no action be taken which would irreparably change the status of any party until the 100th Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

(2) It is therefore the sense of the Senate that the Federal Communications Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100th Congress has made a determination of whether that material should be repealed.

(c) The provisions of subsection (a) of this section shall take effect one day after enactment.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a business meeting on Tuesday, January 26, 1988, beginning at 2:00 p.m. in Senate Russell 485, to consider the committee's fiscal year 1988 budget, and for other purposes.

Those wishing additional information should contact the committee at 224-2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on Drug Trafficking and Money Laundering.

These hearings will take place on Thursday, January 28, 1988 at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel F. Rinzel of the subcommittee staff at 224-9157.

SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Nutrition and Investigations of the Committee on Agriculture, Nutrition, and Forestry will hold a field hearing on USDA food assistance programs. The hearing will be held on January 30, 1988 at 9 a.m. at Kennedy High School Auditorium, Cedar Rapids, IA.

Senator TOM HARKIN will preside. For further information please contact Bob Andros of Senator HARKIN's office at 224-3254.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Tuesday, January 26, 1988 at 2 p.m., to hold a business meeting to consider the committee's fiscal year 1988 budget, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CHEROKEE COMMUNITY SCHOOL

● Mr. PELL. Mr. President, in December the Senate overwhelmingly approved the Robert T. Stafford Elementary and Secondary Education Improvement Act. Woven throughout every title of this legislation are provisions which encourage innovation and creativity. This theme is central to the effectiveness of schools and schooling, for it is in trying out new ideas that we expand our thinking of what might be accomplished in a school building. In that regard, I would like to draw attention to a creative use of school facilities which I believe could serve as a model for many other schools nation-

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wide. That school is the Cherokee Community School in Phoenix, AZ.

This public school operates a regular school program during the day. After school, however, the school is turned over to a private operation which offers students and the entire community a wide variety of enrichment classes. These classes include acting, ballet, beginning Spanish, desert survival, crafts, sports, and native American history, to mention but a few. Tuition is charged for each class, and is determined by teachers' salaries, class materials, district rental, liability insurance and janitorial services. Any resulting profit is donated to the school.

I would like to applaud the work of the Cherokee Community School Committee for developing and implementing this program. Their hard work has resulted in a better use of school facilities. By making use of the school building after regular school hours, they have taken advantage of the resource of the school facilities at no additional cost to the school. In so doing, they are able to offer a rich selection of additional classes to students which add dimension and depth to their educational package.

This school, I believe, serves as a powerful example of what might be accomplished by breaking free of the traditional concept of school use. I would hope that this may serve as a model for adoption by other schools, and in addition encourage other innovative ideas in education.●

NEWPORT, RI, A CAPITAL FOR CROQUET

● Mr. PELL. Mr. President, I would like to share with my colleagues news of a new national event in Newport, RI. Internationally renowned for many sporting events, including tennis and yachting, the City by the Sea has added yet another attraction.

Last September, the famous Newport Casino was the site of the first National Croquet Championship ever to be held in New England. The Newport Casino, by the way, may prove to be the home of the earliest known organized croquet club in the world.

The claim is supported by a reference, published in 1865, to "Croquet as played by the Newport Croquet Club" which strongly suggests that the organization of that club predates the establishment of the earliest known Croquet Club in England in 1865.

The U.S. Croquet Association's New England Regional Championships have been held, since their inception in 1982, in Newport. Last year, for the first time, the Newport Croquet Club joined with the Newport Casino Croquet Club and the USCA to stage the national championships in Newport.

I would like to congratulate everyone involved in staging the successful championships and, in addition, I would like to echo the hope expressed by USCA President Jack R. Osborn that the championships "will continue to be invited to return to this delightful City by the Sea."●

"MOSAIC" PROJECT CAPTURES FLORIDA'S JEWISH HISTORY

● Mr. CHILES. Mr. President, I would like to bring to the attention of my colleagues an important and creative project that is currently being undertaken in the State of Florida.

It is called "Mosaic: Jewish Life in Florida," a project to recognize, renew, and celebrate the kinship to the Jewish ancestors who helped forge Florida's history.

The history of Jews in Florida, and their impact on the development of the State, is significant. In one century, south Florida has grown into one of the largest Jewish metropolitan areas in the United States.

"Mosaic" is the first comprehensive study of Florida's Jewish citizenry and their very significant contribution to the development and history of Florida.

It is an exhibition to depict the Jewish experience in the State of Florida from 1763 to 1990. Communities all across the State will participate by assembling one "tile" of the mosaic. These tiles will consist of artifacts and memorabillia reflecting historic moments of the Jewish experience in Florida.

Materials for the tiles include: early-era clothing and household items; religious ceremonial objects; property deeds to early Jewish businesses; minutes from synagogue meetings from early years; early newspaper articles about Jewish events; artwork from homes and synagogues; family trees of early residents, and much more.

With these kinds of artifacts, communities will construct their tiles. The tiles will be put together to make up the mosaic, showing the evolution of Florida Jewish communities across the State. In 1990, when the assembly of the mosaic is complete, the exhibition will formally open and travel the State for 2 years.

Memorabillia for the exhibit date back to 1763, when three Jewish men, fearing religious persecution in Spanish Louisiana, settled in Pensacola and opened businesses. Other items will be as current as 1990, when the exhibit officially opens.

Mr. President, "Mosaic" is an exciting and important undertaking because Jews have played such a significant and colorful role in the history of Florida. They include David Levy, who helped draft Florida's first constitution and was the first Jewish citizen to serve in the U.S. Senate in 1845, and Morris Dzailynzki, who was mayor of Jacksonville in the early 1880's.

With communities all across the country evolving and transforming so rapidly, we have a tendency to look solely to the future and ignore the past. But each of us forges a new link in history.

"Mosaic: Jewish Life in Florida" is a project that allows us to recognize and renew our past, to cultivate our history and unite generation to generation. And perhaps most importantly, it encourages us to use the treasury of our past to build our future.●

THE URANIUM ENRICHMENT ENTERPRISE DEBT OWED TO THE FEDERAL GOVERNMENT

● Mr. HUMPHREY. Mr. President, soon the Senate may be asked to consider legislation relating to the Department of Energy's [DOE] Uranium Enrichment Program. An article in the September 12 National Journal, "Over-Enriched," provides an excellent analysis of issues which will confront the Senate when we consider enrichment legislation.

S. 1846, the Uranium Revitalization Tailings Reclamation and Enrichment Act of 1987, is now pending on the Senate calendar. The bill contains several objectionable provisions. The most outrageous of these would allow the Government's Uranium Enrichment Program to shirk over $8 billion in debt owed to the U.S. Treasury. Whereas the General Accounting Office estimates that DOE owes the Treasury $8.8 billion in unrecovered costs for its Uranium Enrichment Program, S. 1846 magically declares that debt to be just $364 million. I believe that this massive write off can and should be avoided.

Mr. President, I ask that the article "Over-Enriched" from the National Journal, be printed in the RECORD. I urge my colleagues to read this article before making a multibillion dollar mistake.

The article follows:

[From the National Journal, Sept. 12, 1987]

OVER-ENRICHED

(By Carol Matlack)

Lee Iacocca, you're not gonna believe this. The Senate is gearing up to vote on the biggest industrial bailout in U.S. history, and hardly anybody has noticed.

This legislation could cost the Treasury upwards of $8 billion, more than five times what the federal government lent Chrysler Corp. in 1980. And get this, Lee—the money doesn't have to be paid back.

The industry is uranium enrichment, the processing of uranium for use as nuclear fuel. This little-known enterprise, currently in the hands of the Energy Department, has been a government monopoly since the 1960s, when three World War II-era processing plants were turned over to civilian government use. As recently as 1977, the department was the western world's sole civilian supplier of enriched uranimum, with a backlog of orders from domestic and foreign

utilities and an ambitious expansion program.

A decade later, the business is a shambles. The United States has lost more than half the world market to foreign competitors and has run up a debt to the Treasury that government analysts put at $8.8 billion. To cut costs, the Energy Department closed one plant in 1985 and mothballed a fourth, unfinished one. More recently, the enterprise has been feeding on itself, selling off its inventory at cut-rate prices. "It's the old joke, 'We're losing money, but making it up in volume,'" said a House aide who has followed the situation.

The inventory will be depleted by next year, and the department's processing costs are so high that it may find few takers if production is cranked back up. Meanwhile, scientists say they've found a cheaper processing method that could save the business, but Energy can't afford to develop it.

The Senate Energy and Natural Resources Committee is expected to vote sometime this fall on legislation to spin off the enrichment business as a government-owned corporation, like Amtrak, and forgive most of its debts. The bill, which has been endorsed by Democratic and Republican committee leaders, is considered likely to pass in the Senate; the House may be more skeptical.

"If Congress fails to act now," the domestic industry "could shut down altogether," said Sen. Wendell H. Ford, D-Ky., chairman of the Energy Research and Development Subcommittee and a chief sponsor of the legislation. Preserving the industry is "a matter of national security," Ford said. In addition to supplying about 90 per cent of the fuel needs of U.S. nuclear plants, the department is the sole source of uranium for the Navy's nuclear fleet. (Weapons-grade uranium is produced under a different program.)

STRATEGIC BLUNDERS

In some respects, the uranium enrichment program was a victim of the down-turn in the civilian nuclear power industry, which left Energy loaded with production capacity and inventory just as foreign competitors were starting to lure customers with lower prices.

But those problems were compounded by strategic blunders that in hindsight, seem astonishing. While utilities were shelving plans for new nuclear plants willy-nilly, Energy was signing contracts obliging it to buy enough electricity to run the enrichment plants at full throttle for many years. When demand slackened, the enterprise was left paying half its annual revenues to the Tennessee Valley Authority (TVA) for unneeded generating capacity, propelling the department toward a politically charged showdown with the government-owned power authority.

Also during the 1970s, Energy invested heavily in a new technology, employing centrifuges that were touted as more economical than the equipment at its World War II-vintage enrichment plants. But the centrifuge technology proved even more expensive, and the department abandoned it in 1985 after investing nearly $3 billion.

By law, the department is supposed to run the enrichment enterprise on a break-even basis. But the General Accounting Office (GAO) and the Office of Management and Budget (OMB) say it has run up its $8.8 billion debt by failing to recoup its full costs from its utility customers. If so, that represents an enormous subsidy to the nuclear industry—and an acute embarrassment to the industry and to the department, which have long maintained that nuclear power pays its own way.

Not surprisingly, utilities contend that the "debt" exists only in the minds of government accountants looking for a gimmick to reduce the deficit. "There is no debt; there never has been a debt," said Loring E. Mills, vice president for nuclear activities at the Edison Electric Institute, the chief trade group of the private power industry. Industry executives also argue that utilities shouldn't be penalized for the department's mistakes.

The proposed Senate legislation essentially accepts that view: It would require the enterprise to repay only $364 million to the Treasury and ignore the remainder. Curiously, no one has gotten very upset.

EVERYBODY WINS

Uranium enrichment is not a sexy industry. Its product is invisible to the public and its three factories are in out-of-the-way places: Paducah, Ky., Oak Ridge, Tenn., and Piketon, Ohio. Discussions about it are heavy with jargon such as "SWUs" (rhymes with "snooze"), short for "separative work units," the standard unit of production.

But there's another reason why the proposed legislation has stirred so little controversy: Almost everyone connected with the industry stands to benefit from it. The Energy Department would get rid of an operation that is giving it fits. Utilities could forget about having to pay off the enterprise's debts, and as a bonus, the government would absorb the cost of decommissioning and cleaning up the enrichment plants when they go out of service. State utility regulators are enthusiastic because lower costs to utilities would mean lower rates for customers. TVA would be taken care of: The proposed government-owned corporation would sell bonds to pay off the disputed electric bills. The enrichment plants would keep running, which pleases Martin Marietta Corp., the contractor that operates them, and the Oil, Chemical and Atomic Workers Union, which represents about half the 6,000 employees. The legislation even helps uranium miners and millers, by imposing higher tariffs on imported uranium and requiring the government and utilities to share the cost of cleaning up uranium mill tailings, a pressing environmental problem in several states.

"They [the bill's sponsors] are saying, 'We'll give you money to go away. We'll just pass it on through to the folks back home,'" said B. Jeanine Hull, a lawyer for the National Taxpayers Union, one of the few groups actively opposing the legislation. "The cost of this legislation is enormous," Hull said, "and all because Sen. Ford is scared that he'll lose Paducah." The Paducah and Piketon enrichment plants are still open; Oak Ridge has not operated since 1985.

DOUBLE WHAMMY

If the enrichment program's woes have escaped public notice in Washington, they're about to hit home, literally, for TVA's three million customers. After complaining for years about huge bills from TVA for unneeded electricity, Energy Department officials announced in July that they would pay only half of what TVA was charging. TVA tried unsuccessfully to block the move, and now the two agencies are girding for battle in the U.S. Court of Claims. Meanwhile, TVA customers are being asked to absorb the lost revenues, in the form of a 6 per cent rate increase to take effect in October.

The dispute has its roots in the late 1960s and early 1970s, when the Energy Department's predecessor agencies contracted with TVA to supply electricity to the Paducah and Oak Ridge plants. Uranium enrichment requires huge amounts of power, and the enrichment enterprise projected that by 1984, it would need 4,485 megawatts—more than enough to supply the District of Columbia on the hottest summer day. That projection far exceeded TVA's generating capacity, but TVA was happy to build more—so long as the government signed "take or pay" contracts promising to pay for the added capacity regardless of whether it was needed.

The nuclear industry's troubles, already evident by the mid-1970s, were a double whammy for the enrichment business. The market for enriched uranium shrank as scores of planned nuclear plants were canceled, and many nuclear plants under construction faced nightmarish cost overruns that raised the cost of the electricity needed to enrich uranium.

TVA officials were well aware of those trends, having scrapped several nuclear projects of their own, and they tried to warn Energy that its projections were out of kilter. But, said Robert CV. Steffy Jr., who heads the TVA power office, "The reaction of DOE [Department of Energy] was, 'We handle the uranium business and you handle the electricity.' . . . DOE as late as 1980 sent us a letter saying they still needed the full amount." When department officials finally asked, in December 1981, to get out of the contracts, they found that tough advance-notice provisions obliged them to keep paying TVA until 1994.

John R. Longenecker, who headed the department's enrichment program from 1983 until this summer, said Energy officials were aware that demand was shrinking but were complacent because TVA initially didn't demand full payment for unused generating capacity. The policy suddenly changed in 1981, he said, when TVA announced that the department's annual bill was rising from $27 million to $120 million.

The department has asserted ever since that TVA is using revenues from the enrichment program to subsidize its other customers and is charging Energy for costs that utilities are not normally allowed to pass along to customers. "They don't see any problem with charging DOE billions of dollars . . . so long as their residential and commercial rates stay down," Longenecker said.

An accounting firm hired by the department reported in June that TVA was overcharging the enrichment program by as much as $350 million annually; a separate study released last month by Milton R. Copulos of the Center for Economic Policy, an affiliate of the Heritage Foundation, arrived at roughly the same figure.

Steffy of TVA said that the department and the studies were wrong. "We set our rates based on our actual costs," he said, adding that "DOE's rates are the same as our other industrial customers'."

TVA has powerful friends in Washington and has gotten remarkably little public criticism of its role in the dispute. In a recent interview, Ford declined to say whether he thought TVA had overcharged the department. The bill he has sponsored would allow the new government corporation to issue bonds and immediately pay off the TVA contracts, no questions asked.

Meanwhile, the planned TVA rate increase is sure to put pressure on Members of

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Congress from the Tennessee Valley region to find a solution quickly.

OVERSEAS COMPETITION

Then there is the tricky question of the department's debt to the Treasury. Analysts at the GAO and OMB say that over the past 20 years, Energy and its predecessor agencies should have used enrichment revenues to reimburse the Treasury for the value of the plants and equipment. Instead, revenues were pumped into expansion and improvements while the debt sat on the books, ballooning with interest. "It's like ignoring your mortgage payments and using the money to build an addition on your house," Hull said.

Officials who oversaw the program during those years have left the department, and no one seems able to say why the problem went undetected for so long—and why the enterprise continued to expand while its market shrunk. Longenecker said that until the past few years, "Nobody viewed it as a business. . . . We never did the hard investment analysis." (He left the agency in August, and other Energy officials declined to be interviewed until a replacement has been named.)

When the GAO first reported the debt publicly in 1984, in response to a query from then-Rep. Richard L. Ottinger, D-N.Y., Energy insisted that there was a mistake. But OMB analysts soon seconded the GAO's findings and started pressing the department to raise its prices to recover some of the debt. Under pressure, Energy officials last year imposed a price increase on its customers that would recover $3.5 billion over the next 10 years.

But in trying to repay the debt, Energy runs the risk of pricing itself out of the world market. Two European competitors already are selling enriched uranium at prices considerably lower; Japan is expected to enter the market in a few years, and even the Soviet Union has a sales agent looking for customers in the United States, apparently with little success.

The biggest competitor is Eurodif, a government-owned consortium formed by France and six other countries in the 1970s—ironically, in response to the Energy Department's announcement that it was not accepting new customers because of a backlog of orders. A smaller European consortium, Urenco, is made up of Great Britain, the Netherlands and West Germany. Although Eurodif and Urenco do not publish their prices, department officials estimate that they are selling uranium for $90-$100 per unit. Energy has kept its price at about $120 per unit by cutting back production and selling inventories, but the GAO has estimated that the figure would soar to more than $170 if Energy boosted prices enough to recover the entire debt over 10 years.

Most U.S. utilities still buy from the department, but utility representatives have warned they will switch to foreign suppliers if prices rise. That's not an immediate threat; both Eurodif and Urenco say they won't have enough capacity to serve new customers for several years, and most observers think that U.S. utilities will balk at defecting to Soviet suppliers.

Some Members of Congress have suggested requiring U.S. utilities to "buy American," but that's considered a politically unpalatable solution that would drive away foreign customers who still account for about a third of the department's business.

AVLIS TO THE RESCUE?

For all the depressing news about the enrichment program, there is one encouraging development. Virtually everyone familiar with the program agrees that Energy could dramatically improve its competitive situation by switching to a new technology, called atomic vapor laser isotope separation (AVLIS) under development at the Lawrence Livermore national laboratories in California. AVLIS has performed well in tests; Longenecker estimated that it could reduce production costs to about $60 per unit and be ready for full-scale production by the mid-1990s. France and Japan are developing a similar process, but the United States is believed to be several years ahead.

But the department, with its enrichment revenues consumed by huge electric bills and debt payments, has nothing left for AVLIS. It has provided modest sums for research and development, but for the past two fiscal years, its budget request was cut to zero by the Administration.

Congress restored barely enough to keep the project alive, and there is little hope that it will approve a full-scale production facility. Part of the appeal of a new, debt-free corporation is that it could invest in AVLIS.

The Reagan Administration has sent ambiguous signals on the legislation. The department has endorsed the idea of a government corporation, although many Administration officials eventually would like to see the program placed entirely in private hands. But the Administration may choke on some sweeteners in the bill, especially tariffs on important uranium.

From the National Taxpayers Union's perspective, the proposal is worse than privatization. Hull said the bill would create "an unlimited draw on the Treasury" because, if the corporation didn't break even, it could rely on government subsidies as Amtrak has.

Ford acknowledged that there was no guarantee that the business could be run profitably. But, he said, "I'm optimistic enough to say it will work."●

AN ENCOURAGING EMPHASIS UPON EDUCATION

● Mr. PELL. Mr. President, over the past few weeks, it has been most encouraging to see Governor after Governor place education as one of their highest priorities, if not their highest priority for the coming year.

My home State of Rhode Island is no exception. In schools throughout Rhode Island, change has been evident. As a result, we have expanded vocational education offerings, new adult literacy programs, innovative dropout prevention projects, and pilot programs in early childhood education—just to mention a very few of the new efforts underway in Rhode Island schools.

I am equally proud of the new proposals which Gov. Edward DiPrete, in his state of the State message to our general assembly, set forth to strengthen further the remarkable gains secured over the past several years.

These new efforts include mandating kindergarten for all 5-year-olds in Rhode Island, the establishment of Governor's schools to test new and innovative strategies for early childhood education, and movement to a 60-percent State and 40-percent local funding formula for elementary and secondary education. The commitment to increase funding is something that should be highlighted, for it is an encouraging sign for education and one that we certainly should not lose sight of at the national level.

In higher education, the Governor's proposals are equally as sweeping and important. They include inauguration of a satellite nursing program on Aquidneck Island and the establishment of tax credits for those families saving for a college education. This latter proposal is very similar to the one which I have proposed at the national level, and is something that I firmly believe we should pursue.

We at the national level should not ignore what is happening at the State level where education is literally the issue of greatest concern. It should be a strong message for us at the Federal level to commit even more resources to the vitally important education programs we have in place in elementary, secondary, vocational, and postsecondary education. In view of the very severe budgetary constraints placed upon us, this will not be easy. Yet, it is of critical importance, for it is upon the education and character of our people that our future strength and health of our Nation depends.●

INFORMED CONSENT: MONTANA

● Mr. HUMPHREY. Mr. President, women who are faced with an abortion decision must make a serious choice that would affect them for the rest of their lives. Many women experience emotional, psychological, and physical problems as a result of their abortion procedures. No other medical procedure is performed without an appraisal of the risks that are involved. S. 272 and S. 273 will require that abortion providers also provide basic factual information relating to the procedures, risks, and alternatives to abortion. I ask that three letters from Montana in support of this legislation be entered into the CONGRESSIONAL RECORD.

The letters follow:

JUNE 1987.

DEAR SENATOR GORDON HUMPHREY: This is a hard letter for me to write. I am 72 years old. Forty-eight years ago I had an abortion and I have been sorry every day since. I really had no excuse. My husband owned a small business and money was not too short. But peer pressure exerted an influence. I had one darling two-year-old boy.

When I went with friends to another town to a "doctor" to have the abortion it occurred to me at the last second what an awful thing I was doing. But thanks to being a coward, plus a big shot in the arm to anesthetize me, I went through with it and have been sorry every since. My beautiful son was killed—a pilot in the Air Force.

If only I had done some thinking before the operation instead of ever since, I would be a much happier person—I can never forgive myself. Please help the girls realize the consequences.

NAME WITHHELD.

JUNE 1987.

DEAR SENATOR HUMPHREY: I have had two abortions, one in 1973 when I was 17, and one in 1977 when I was 22. I received absolutely no counseling at either time. Neither the possible physical or emotional side effects were explained. All that was mentioned was that I might bleed a little and to get help if it continued heavy. It was all very clinical. I had no moral training on attitudes concerning abortion. I felt it was my business and my life. I did not see the baby within me as a live human being.

Both times I had tremendous depression afterwards. Also I felt emotionally "numb." I even contemplated suicide. I received psychological counseling after the second abortion for severe depression.

I feel that it is very clear that I had no counseling in this matter. I was not warned about the after effects. I had a miscarriage after each abortion. No one told me of the possible consequences.

Please continue to fight for legislation concerning informed consent.

I. MILLER.

JUNE 1987.

DEAR SENATOR GORDON HUMPHREY: I am 37 years old and obtained an abortion in 1968. I was only 18 and could not foresee the emotional pain that I have suffered. I had a complete nervous breakdown 14 years later.

I received no type of counseling before or after the abortion. I married the boy and have since had two beautiful girls by him. We have been married for 17 years and we both still suffer from terrible guilt.

I feel this is an opportunity to help others. Please use this letter, it will surely make me feel happy to at least try to help other women who will face this traumatic experience.

Sincerely,

B.J. FROM MONTANA.[1]

UKRAINIAN INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, January 22 marked the 70th anniversary of a 3-year period of independence in the Ukraine. In this time of glasnost and improved relations between the United States and the Soviet Union, it is appropriate to remember that the sovereign Ukrainian National Republic thrived from 1918 to 1921, and to renew our commitment to the struggle for freedom in the Ukraine.

Since Congress joined in solidarity with the people of the Ukraine to celebrate this important day last year, some positive changes have occurred in the Soviet Union. Changes which have kept the hope for freedom alive in the hearts of the Ukrainians and their loved ones in the United States.

While the long overdue changes we witnessed last year were welcomed, they did not go far enough. Despite all the talk about glasnost, the Soviets have not made enough progress in the area of human rights. Still, the Soviets deny their citizens fundamental rights guaranteed in the Helsinki accords, the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights. Religious freedoms are still severely restricted in the Ukraine. Ukrainians still languish in Soviet prisons for expressing their political and religious beliefs. And Russification of Ukrainian schools is still prevalent.

We must remember the plight of the Ukrainians today and every day. The struggle for freedom in the Ukraine must continue to be our struggle. And we must continue to remind the Soviet Union on all occasions that improvement in human rights will go a long way in improving relations between our two countries.

I hope my colleagues will join me in the struggle for freedom in the Soviet Union so that the Ukrainian dream of freedom will soon be realized.●

BALANCED BUDGET AMENDMENT AND A CONSTITUENT LETTER ON THE BUDGET DEFICIT

● Mr. DECONCINI. Mr. President, once again I come before this body to discuss one of the most presssing problems facing our Nation. I am speaking about the huge Federal budget deficit.

The figures bantered about are mind-boggling: 25 of the last 26 years, and 48 of the last 56 years there has been a Federal deficit. The last 10 years the deficit has exceeded $50 billion; the deficit reduction package passed in December will leave a deficit of $140 billion—$140 billion.

We in the U.S. Senate can not continue to hide our heads in the sand. History has proven that the problem will not take care of itself.

Mr. President, recently I received a letter from two of my Arizona constituents—William and Ann Moore of Tucson. If any of my colleagues thinks the citizenry of this country is unaware of the degree of the problem caused by the deficit, this letter would suggest otherwise.

Mr. President, at this time I would like to read the Moore's letter into the RECORD.

An Open Letter to the U.S. Congress and President Reagan:

We are writing this letter out of frustration and anger and we believe these feelings to be shared by tens of millions of Americans.

During the past several years we have watched in utter amazement the federal budget deficit increase the national debt to proportions that if not reversed will change forever the economic hopes of future generations as we have known them.

You have been elected by the people to protect our economic freedom and security for which we have all worked so hard, for which millions have died and you are not carrying out that responsibility.

Our constitution provides you with open ended spending regardless of the national income and further gives you the power to increase the debt ceiling when you find yourselves running out of credit, leaving we the people as the debtors.

If you think you are above having to answer to us for your selfishness and if you think we do not care—You are wrong.

If you think the American people are not watching and not listening to your every word and not understanding the terrible economic position in which you are putting us—You are wrong.

If you think the budget cutting package where almost one half the cuts are generated by higher taxes and the selling of government owned assets shows great political courage, hard work and leadership—You are wrong.

If you think a meaningful budget cutting package can be achieved by not including entitlements and social security and if you think that the majority of entitlement and social security recipients do not want to help achieve a balanced budget—in order to insure the very future of entitlement programs—You are wrong.

If you think that current low inflation, low interest rates and increased gross national product means that everything is fine and we are not headed for economic paralysis—You are wrong.

If you think we are not close to losing our ability to correct our own economy from within our own borders—You are wrong.

If you think, based on your spending habits and resulting accelerating national debt obligations, we would not be facing the possibility of 400 billion dollar annual deficits should we enter a strong recession—You are wrong.

Make no mistake—The budget cutting decisions that are made during the next few weeks will be some of the most important decisions any of you will make while holding an elected office. Perhaps that's the problem. No real courage to face up to the problems of our country because you want to be elected or re-elected.

Therein lies the fallacy—For the American people will surely fill future elected positions with those who put the national interest first.

WILLIAM B. AND ANN LAURIE MOORE.

Since my first days in the Senate I have worked for the passage of a balanced budget amendment to the Constitution. Last June 1, along with my distinguished colleagues, Senator HATCH and Senator PROXMIRE, introduced Senate Joint Resolution 161, calling for the balancing of the Federal budget as a step in the right direction, addressing the Federal deficit issue.

Today, I again urge that those of my colleagues who have not joined the fight, do so, and become cosponsors of Senate Joint Resolution 161. It is my hope that hearings on this and other balanced budget amendments can be scheduled in the near future, and that the Senate will give this issue the attention it demands and deserves.

As Mr. and Mrs. Moore have so well stated:

> [We] have been elected to protect * * * economic freedom and security, * * * and [we] are not carrying out that responsibility.

Mr. President, I assert that the time for us to assume our responsibility is upon us.●

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THE TRAGEDY OF ABORTION

● Mr. GARN. Mr. President, last Friday, you could look out the windows of any of our Senate offices to see tens of thousands of people marching up Constitution from the White House to the Supreme Court. These people were expressing their first amendment rights to free speech and assembly. They were here to protest the Supreme Court decision in the infamous Roe versus Wade case that allows abortions to be performed in every State of our Nation for almost any reason.

For 15 years now, we have felt the sad effects of Roe versus Wade. In those 15 years, the lives of millions of unborn children have been destroyed. Tragic as it is, these lives are often taken without a second thought for the child's suffering, for the grief and sorrow often felt afterward by the parents, and, most importantly, for the loss of a potential lifetime.

As you know, there are many who have hoped that the practice of abortion would become common and routine. But controversy about abortion still exists for a number of reasons. Science and the law become more and more entangled as babies survive at earlier and earlier gestation periods. Women are protesting more often and more vocally that they have been victimized by a system promoting a medical procedure that no one wants to talk about. Just give us your money and it will be over soon, doesn't that offer much consolation when a woman finds out later that what was surgically removed had a heartbeat and fingers and toes.

Mr. President, people around the Nation mourn these lives. The strength of those feelings was evident last week as so many people took the time to come to Washington and protest against the horror of abortion.

We should all be saddened that lives are lost and affected daily by abortion. That is why we must find positive and effective means to change direction. Several bills are before Congress that would give us an opportunity to make change. State legislatures continue to fight for ways to monitor the abortion process and regain the jurisdictional rights that were lost to them in 1973.

As we follow these battles in the courts, as we study the bills before us, and as we provide education to our children and families so they will understand the sanctity of human life, we join in the effort to both mourn and protest the loss of lives by abortion.

We know that the abortion issue has not gone away, and that we must keep fighting to protect life. President Reagan, in his State of the Union Address last night, called upon our Nation to end the tragedy of abortion. I am hopeful that we will make progress in that direction this year.●

TRIBUTE TO DON ROGERS

● Mr. GARN. Mr. President, the death last Monday of Donald L. Rogers was a great loss to the banking industry he so ably represented, to those of us in Government who benefitted so much from his objective counsel and to his many friends who knew him to be a man of absolute integrity.

Don grew up in Steubenville, OH, he graduated from Miami University in Oxford, OH, and then from the College of Law at Ohio State University in Columbus.

Don was brought to Washington in 1953 by Ohio Senator John W. Bricker to serve as a staff member on the Senate Banking Committee. While he was hired by a Republican Senator, Don was the principal staffer for both Republican and Democratic committee members on the landmark Bank Holding Company Act of 1956.

Don left the Banking Committee staff in October 1958, to become the first executive director of the Association of Registered Bank Holding Companies. Over the next 30 years, Don built the association into one of Washington's most respected, and he built for himself a reputation for unquestioned ability, honestly, and integrity.

Don was named president of the Association of Bank Holding Companies in 1976, and he continued to serve with distinction in that capacity until the time of his death.

Those of us who knew Don and worked with him will miss him. I join many others in expressing heartfelt sympathy to his treasured wife, Helen.●

MAJOR TRAFFIC DISASTER AVERTED BY QUICK, RESPONSIBLE REACTION

● Mr. PELL. Mr. President, I want to share with my colleagues the good news that quick and responsible actions by an individual citizen, transportation officials, and the Governor of Rhode Island averted a major traffic disaster last week.

Last Thursday night David Spicer, 32, of Providence, RI, spotted a major vertical crack, more than 5 feet long, in a girder supporting the northbound span of an elevated section of Interstate Route 95 in Providence.

After double checking the next morning, he drove to the Rhode Island Department of Transportation headquarters several blocks away to report the problem. The response was immediate and a credit to both the department and Rhode Island Gov. Edward DiPrete.

Only hours after the discovery of the crack, Governor DiPrete and DOT Director Matthew J. Gill met with State and Federal highway experts under the bridge, where the Governor ordered the northbound span of the interstate be closed to traffic.

Traffic was detoured and emergency repairs were made over the weekend, including a massive steel support structure to act as a temporarily butress. The interstate reopened Sunday evening, only 52 hours after it was closed by the Governor's order.

All of us who use Interstate Route 95, a major north-south artery up the east coast, owe a debt of gratitude to Mr. Spicer for his alert observation, to Governor DiPrete for his rapid decision, and to Rhode Island's DOT for their exceptional response.

Mr. President, I ask that an article from the Providence Journal of January 25, 1988, titled "His Chance Glance Averts a Disaster," and from the Providence Journal of January 26, 1988, titled "Placed in Spotlight by Highway Crisis, DOT Hits a Homer," be placed in the CONGRESSIONAL RECORD.

The articles follow:

HIS CHANCE GLANCE AVERTS A DISASTER

(By Brian C. Jones)

PROVIDENCE.—David Spicer, driving under an elevated section of Route 95 Thursday night, happened to glance up at the superstructure of the highway and saw light glinting through what should have been a solid steel girder.

"There is a God in heaven—I didn't have to look up in that direction," Spicer said yesterday after he had returned for a second look, then sped to the State Department of Transportation to report a tear-like crack in the beam.

Within hours, the Department of Transportation would launch a swift, sure-footed counterattack to what could have turned into a disaster for some of the estimated 100,000 motorists who travel Rhode Island's busiest highway daily.

Among the DOT moves:

As soon as State officials saw the seriousness of the crack, they radioed a highway crew, working farther south on Route 95, to move flashing lights and barriers up the highway to close off one right-hand lane.

Even as that was happening, inspectors on a raised, truck-borne platform under the bridge were finding two more cracked beams and radioed directly from the platform to the topside crew to block still another lane.

Meanwhile, DOT director Matthew J. Gill rushed to the muddy, rutted area underneath the bridge that spans Kinsley Avenue, Promenade Street and the Woonasquatucket River, then soon sped off in his large blue car with license plate number 1 to the State House to brief Governor DiPrete.

DiPrete wanted to see for himself, and conferred with a crowd of state and federal highway experts who had gathered under the bridge with traffic rumbling 29 feet above in the lanes that had been left open.

"Is this supposed to be open like that?" DiPrete asked about the jagged cracks. The experts said no. DiPrete looked at his transportation chief and said: "Matt, look, we better close down Route 95 as soon as possible."

Back at DOT headquarters, engineers had pulled out drawings of the bridge and began to design a huge system of girders as a temporary support.

Richard Kalunian, head of bridge design for DOT, working on the repair plan with engineer Richard Swanson, conferred with Aetna Bridge Co. officials—to make sure DOT's design matched the construction materials the company had on hand. Aetna built the bridge in 1964.

Another team of engineers planned detours—and quickly seized on an emergency plan to pen up the still unfinished Francis Street bridge in front of the State House and a new Route 95 northbound entrance ramp in the Capital Center development project.

TALK TO THIS GENTLEMAN

Spicer, whose 32nd birthday is today, said he was in the area of the bridge Thursday night because he had gone to look for a friend whose work took him to the wholesale produce market nearby.

When he couldn't find the friend, Spicer made a U-turn and, for no special reason, looked up at the highway. It was after 5 p.m.

"I was driving slowly and the light shone through the crack," Spicer said. He thought that was odd. At about 9 a.m. yesterday Spicer went back and saw what was plainly a tear in the giant green girder.

"Gee, that's not right," Spicer said to himself, and, remembering the disastrous collapse in 1983 of the Mianus Bridge on the Connecticut Turnpike, he drove to DOT and was directed to the DOT director's office.

Gill happened to step out of his private office, saw Spicer sitting on a couch in the waiting area, and when he learned why he had come, called over to Charles "Ted" Dolan, a top aide who checks on department operations.

"Drop what you're doing, talk to this gentleman," Gill said. Dolan, a retired Pawtucket police captain, is not a bridge inspector. But when he drove with Spicer and saw the split steel, Dolan said: "My heart stopped."

Dolan brought back Polaroid pictures to Gill's office, and soon top experts, including William Carcieri Jr., DOT's chief engineer, were gathered under the bridge. An inspection truck was ordered.

Lifted up by the truck's raised platform to look at the outside girder on the east side of the highway, Carcieri and other experts spotted a smaller crack in an adjacent beam, then radioed the crew above to shut two lanes, not just one.

As the platform was being lowered, the inspectors looked over at the separate, southbound bridge and spotted a crack in one of the four beams on that structure, and radioed more orders topside to close the high-speed lane.

BY THE GRACE OF GOD

Meanwhile, Spicer, who lives at 14 Woodmont St., Providence, had gone back to work at the pest exterminating service Griggs & Browne Co., more sure than ever of deeply-held religious beliefs: "There is a God in heaven, and through God's grace tragedy was avoided."

Roadblocks placed on northbound Route 95 by now had begun to snarl traffic and Spicer himself was trapped in the developing gridlock.

"I got stuck in my own traffic jam today," he laughed.

PLACED IN SPOTLIGHT BY HIGHWAY CRISIS, DOT HITS A HOMER

(By Brian Jones)

By late afternoon Friday, the engineers and other experts at the state Department of Transportation knew that they had hit what, in the mundane world of public works, amounts to a home run, a grand slam.

Only hours after discovery of a crack as high as a small man in a giant girder of downtown Route 95, DOT had moved to protect life and to get traffic moving again.

The result was that what could have been a catastrophic illness for Rhode Island's most important highway, and the more than 100,000 motorists who use it daily, was reduced to a weekend bout with the flu.

But DOT faced one more hurdle.

How was all this going to play with the public? Or to be more specific, how were the media going to present it to the public? Was DOT going to be—as often has happened in the past—criticized, blamed, hammered?

In a "command center" in the office of chief engineer William Carcieri Jr., perhaps 20 officials responsible for the handling of the biggest highway crisis in state history switched on the 6 o'clock news to find out.

And seconds after a Channel 6 reporter began to describe the mammoth traffic jam that occurred after the highway was closed, someone grumbled knowingly: "Nobody's saying what we did right."

DIRECTOR ACTED IMMEDIATELY

This might be a good point to review the remarkable story of what DOT had done right, starting about 10 a.m. Friday, when pest-control worker David Spicer walked into DOT to say he'd seen a big split in a steel beam.

What might have happened—as it probably does in many bureaucratic offices—is that Spicer would have been told to fill out something in triplicate, to come back tomorrow, to go elsewhere, to call back, to get lost.

Instead, Matthew J. Gill, DOT's director, happened to duck out of his office, saw Spicer, asked if he was being helped, then dispatched a top aide, inspector general Charles "Ted" Dolan, to check his story.

Dolan, who inspects department procedures, not bridges, knew right away that something terrible had happened. So did top engineers. So did Gill. So did Governor DiPrete.

Even as state police were blocking the highway, Richard B. Kalunian, DOT's chief of bridge design, and other engineers were designing a structure to shore up the bridge.

Meanwhile, Edmund Parker, chief of the design section, and his colleagues were plotting detours. They seized on an imaginative idea: to press into service a partly built entrance ramp near the Civic Center, to quickly return traffic to Route 95 just after the break.

IN THE PUBLIC EYE

Construction on the structure and detour began immediately and went on for the next 52 hours. Traffic moved slowly. But it moved. Sunday night Route 95 reopened.

When crises arise in our shared public life in America, we turn to what the "authorities" are doing. Often when we find out, it's a disappointment. Not in this case. DOT knew exactly what to do. It did it fast. It did it right.

That was evident to viewers of Channel 6, and of Channels 10 and 12 and to readers of the newspaper.

But as I was watching the glum, tense DOT people watching the news, I felt a twinge of regret that in addition to trying to pull off a public works coup, they should have to worry about critical news stories.

Then I had another thought. That it wasn't the news media that were watching DOT. Ultimately, it was the public. More than 100,000 drivers would be asking questions, making judgments.

A public agency such as DOT is unlike any other enterprise in America, different than most private business. The difference is that the public agency is on the line, it is accountable.

The people who work in these agencies often are underpaid, underappreciated, subject to political pressure, taken for granted, ridiculed as being on the public dole.

But what makes them special is that they are accountable. Accountable when they fall. Accountable when they hit home runs.

But in either case, it's right that they should worry about the public and what the public will think. That's the price of doing something special.●

NATIONAL JAYCEE WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor legislation to elevate public awareness of the U.S. Jaycees. This measure, Senate Joint Resolution 236, already has considerable support on both sides of the aisle. Sponsored by Senators NICKLES, BOREN, and PRESSLER, Senate Joint Resolution 236 designated the week of January 17 as "National Jaycees Week." We all are interested in promoting community improvement programs, which the Jaycees have worked toward since their organization as the "junior citizens" in 1915. They have been known as the U.S. Jaycees since 1965.

The U.S. Jaycees have greatly benefited society through their support of programs on youth development, government affairs, health, safety, and international affairs. Their emphasis on leadership training and civic involvement have encouraged many young Americans to develop to their full potentials.

I am proud to be a cosponsor of this resolution. It is time that the U.S. Jaycees received recognition for their contributions to humanity and efforts to improving man's lives.●

THE CALENDAR

Mr. BYRD. Mr. President, I shall inquire of the distinguished assistant Republican leader, Mr. SIMPSON, if the following calendar orders have been cleared on his side for action: Calendar Orders Nos. 511 and 512.

Mr. SIMPSON. Mr. President, I advise the leader that those have been cleared for passage on this side of the aisle.

Mr. BYRD. I thank my friend.

ORDER TO INDEFINITELY POSTPONE CERTAIN MEASURES

Mr. BYRD. Mr. President, I ask the distinguished Senator if the following calendar orders have been cleared for indefinite postponement on his side: Calendar Orders Nos. 163, 204, 305, 354, 384, 462, 463, 485, and 509.

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Mr. SIMPSON. Mr. President, those items have been cleared on our side of the aisle.

Mr. BYRD. Mr. President, I thank my friend.

I ask unanimous consent that all of those calendar orders which have been cleared for indefinite postponement be indefinitely postponed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I move to reconsider that vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 511 and 512 seriatim.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVEYANCE OF FRANKFORT NATIONAL FISH HATCHERY

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1143) to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. CONVEYANCE OF FISH HATCHERY TO THE COMMONWEALTH OF KENTUCKY.

Notwithstanding any other provision of law and within 180 days of the date of enactment of this Act, the Secretary of the Interior shall convey, without reimbursement, to the Commonwealth of Kentucky, all of the right, title, and interest, including the water rights, of the United States in and to the fish hatchery property located approximately 14 miles due north of the city of Frankfort in Franklin County, Kentucky and known as the Frankfort National Fish Hatchery, consisting of 114.2 acres, more or less, of land together with any improvements and related personal property thereon. The property conveyed by this Act shall be used by the Kentucky Department of Fish and Wildlife Resources as a part of the Kentucky fishery resources management program and if it is used for any other purpose, title to such property shall revert to the United States.

SEC. 2. CONVEYANCE OF FISH HATCHERY TO THE STATE OF NEW HAMPSHIRE.

Notwithstanding any other provision of law, the Secretary of the Interior shall convey, without reimbursement, to the State of New Hampshire no later than December 31, 1987, all of the right, title, and interest of the United States in and to those improvements and related personal property under the Secretary's jurisdiction, including buildings, structures and equipment, associated with the United States' facility known as the Berlin National Fish Hatchery and located in the northwest corner of Berlin township, Coos County, New Hampshire. The improvements and related personal property conveyed shall be used by the New Hamsphire Fish and Game Department as a part of the New Hamsphire fishery resources management program and if they are used for any other purpose, title to such property shall 'revert to the United States.

SEC. 3. CONVEYANCE OF FISH HATCHERY TO THE STATE OF WISCONSIN.

Notwithstanding any other provision of law and within 180 days of the date of enactment of this Act, the Secretary of the Interior shall convey, without rembursement, to the State of Wisconsin, all of the right, title, and interest, including the easements and water rights, of the United States in and to the fish hatchery property located in the Town of Lake Mills, Wisconsin, and known as the Lake Mills National Fish Hatchery, consisting of the land together with any improvements and related personal property thereon. The property conveyed by this Act shall be used by the Wisconsin Department of Natural Resources as a part of the Wisconsin fishery resources management program and if it is used for any other purpose, title to such property shall revert to the United States.

The PRESIDING OFFICER, Are there further amendments to the bill? If not, the question is on agreeing to the substitute amendment.

The substitute amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky, and for other purposes".

ADDITION OF LANDS TO KILAUEA NATIONAL WILDLIFE REFUGE

The PRESIDING OFFICER. The clerk will state the next bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1193) to add additional lands to the Kilauea Point Wildlife Refuge on Kauai, Hawaii.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with an amendment.

On page 2, line 22, strike "$8,000,000", and insert in lieu thereof "$4,000,000".

So as to make the bill read:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL LANDS.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire certain additional lands adjacent to the Kilauea Point Wildlife Refuge on Kauai, Hawaii, which shall become part of the Kilauea Point Wildlife Refuge upon acquisition by the Secretary.

(b) DESCRIPTION OF LANDS.—The lands to be acquired pursuant to subsection (a) are—

(1) Crater Hill, comprising approximately 101.1 acres; and

(2) Mokolea Point, comprising 37.6 acres.

SEC. 2. CONSTRUCTION OF ACCESS FOOT PATH.

Upon acquisition of the lands described in section 1, the Secretary of the Interior shall construct and maintain a fence and access foot trails through such lands in order to provide wildlife protection and public access to such lands. Any trails constructed pursuant to this section shall be constructed in a manner consistent with preserving the wild and scenic beauty of the wildlife refuge.

SEC. 3. AUTHORIZATION OF FUNDING

There is hereby authorized to be appropriated to the Secretary of the Interior $4,000,000 to be used to acquire lands and construct trails pursuant to the provisions of this Act.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1193) was passed.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to move to reconsider the action on the two bills en bloc and I ask unanimous consent that the motions to reconsider be laid on the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from Amendments to Regulations 47 and 48 of Annex II of the 1966 International Convention on Load Lines (Treaty Document No. 100–12), transmitted to the Senate today by the President of the United States.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate with a view to acceptance by the United States, amendments to regulations 47 and 48 of Annex II of the International Convention on Load Lines, 1966. The report of the Department of State is also transmitted for the information of the Senate in connection with its consideration of these amendments.

The International Convention on Load Lines establishes uniform principles governing the safe loading of ships on international voyages. The annexes, which form an integral part of the Convention, embody the regulations for determining the location of ships' load lines. The annexes also divide the world's oceans into regions in which particular load lines must be observed depending on the season of the year in which the vessels operate. The amendments to regulations 47 and 48 of the Convention, proposed by the Government of Chile, would redefine the boundaries of the seasonal zones intersecting the coast of Chile. The effect would be to extend the tropical and summer zones toward the south to the advantage of both the Chilean coastal trade and visiting foreign trade.

I believe that the proposed amendments will not be detrimental to United States shipping and should be accepted. I recommend that the Senate give early and favorable consideration to these amendments, and give advice and consent to their acceptance by the United States.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

ORDERS FOR WEDNESDAY, JANUARY 27, 1988

ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO MOTIONS OR RESOLUTIONS OVER UNDER THE RULE COME OVER

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow no motions or resolutions over under the rule come over.

The PRESIDING OFFICER. Without objection; it is so ordered.

CALL OF THE CALENDAR WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, after the two leaders or their designees have been recognized on tomorrow under the standing order, there be a period for morning business not to extend beyond 9:30 a.m. and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUMPTION OF THE PENDING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that at 9:30 a.m., the Senate resume consideration of the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, it would be my plan at 9:30 a.m. tomorrow to suggest the absence of a quorum at 9:30 a.m. I will move that the Sergeant at Arms be instructed to request the attendance of absent Senators. I will ask for the yeas and nays on the motion. The yeas and nays being granted, that will be a rollcall vote and the call for regular order will be automatic. I ask unanimous consent that the call for regular order be automatic at the end of the 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. This means, then, that there will be a rollcall vote at 9:30 tomorrow morning and, upon the conclusion of that vote, the Senate will have already resumed consideration of the pending business and it will resume consideration. I anticipate other rollcall votes early and during the day and throughout the day tomorrow until such hour as the business is completed or debate and action on amendments have run their course.

Mr. President, I inquire of my good friend and colleague, Mr. SIMPSON, as to whether or not he has any further business that he would like to see transacted or any further statement he would wish to make?

Mr. SIMPSON. Mr. President, I thank the majority leader. I would simply report back that during our policy lunch today, our caucus, that we expressed the necessity that you had impressed upon us of meeting the rollcall votes; that the time will be strictly adhered to.

I think that colleagues are aware of that, the 15 minutes, and the necessity for meeting that in this new session and that has been expressed and the importance of that. I appreciate the accommodation to realize weather conditions and those things, as you have expressed, and the 30-minute time for the vote to assure our attendance so we might proceed with our business. We do appreciate that.

Mr. BYRD. Mr. President, I thank my good friend.

ADJOURNMENT UNTIL TOMORROW AT 9:00 A.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 9 o'clock tomorrow morning.

The motion was agreed to, and the Senate, at 6:30 p.m., adjourned until Wednesday, January 27, 1988, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate January 26, 1988:

DEPARTMENT OF STATE

EUGENE J. MCALLISTER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE DOUGLAS W. MCMINN, RESIGNED.

CHESTER E. NORRIS, JR., OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

EDWARD MORGAN ROWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSSADOR AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTER-AMERICAN FOUNDATION

L. FRANCIS BOUCHEY, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM OF 6 YEARS, NEW POSITION.

DEPARTMENT OF DEFENSE

JACK KATZEN, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE ROBERT B. COSTELLO.

DEPARTMENT OF JUSTICE

ROGER J. MARZULLA, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE FRANK HENRY HABICHT II, RESIGNED.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

CAROL PENDAS WHITTEN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1990, VICE PENNY PULLEN, TERM EXPIRED.

U.S. INTERNATIONAL TRADE COMMISSION

DON E. NEWQUIST, OF TEXAS, TO BE MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 1988, VICE SUSAN WITTENBERG LIEBELER.

RONALD A. CASS, OF MASSACHUSETTS, TO BE A MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 1996, VICE PAULA STERN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

RICHARD L. BARNES, OF VIRGINIA.
JOHN M. BESHOAR, OF MARYLAND.

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DAVID M. SCHOONOVER, OF VIRGINIA.

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JOHN A. SANBRAILO, OF CALIFORNIA.
ROY ADDISON STACY, OF CALIFORNIA.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JAMES MICHAEL ANDERSON, OF MARYLAND.
PETER BENEDICT, OF VIRGINIA.
GEORGE CARNER, OF CALIFORNIA.
DAVID ALAN COHEN, OF NEW JERSEY.
JOHN ALEXANDER PATTERSON, OF RHODE ISLAND.
STEVEN WILLIAM SINDING, OF CALIFORNIA.
JOHN R. WESTLEY, OF THE DISTRICT OF COLUMBIA.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND COUNSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE APPOINTMENTS, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

PHILLIP R. AMOS, OF TEXAS.
ROBERT JOSEPH ASSELIN, JR., OF CALIFORNIA.
RICHARD BURKE, OF VIRGINIA.
ROSS CALVIN COGGINS, OF TEXAS.
JOHN PETER COMPETELLO, OF FLORIDA.
JOHN R. DAVISON, OF MARYLAND.
EDWARD A. DRAGON, OF CALIFORNIA.
JOHN J. DUMM, OF VIRGINIA.
WILLIAM B. ERDAHL, OF CALIFORNIA.
DOUGLAS S. FRANKLIN, OF TEXAS.
JOSEPH B. GOODWIN, OF MISSOURI.
LEE R. HOUGEN, OF MISSOURI.
HELENE KAUFMAN, OF THE DISTRICT OF COLUMBIA.
JAMES ALEXANDER LEO, OF TEXAS.
ROBERT M. LESTER, OF NEW YORK.
RICHARD BERNARD NELSON, OF VIRIGNIA.
PAUL J. O'FARRELL, OF MARYLAND.
EDWARD J. PLOCH, OF VIRGINIA.
CHRISTINA HUSSEY SCHOUX, OF CALIFORNIA.
PAUL M. SCOTT, OF VIRGINIA.
J. C. STANFORD, OF FLORIDA.
WILBUR GENE THOMAS, OF OKLAHOMA.
GEORGE A. WACHTENHEIM, OF FLORIDA.
STEPHEN C. WINGERT, OF CALIFORNIA.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARGARET PURDIE BONNER, OF TEXAS.
STEPHEN P. FRENCH, OF VIRGINIA.
MICHAEL FRANCIS LUKOMSKI, OF VIRGINIA.
KENNETH ARTHUR PRUSSNER, OF VIRGINIA.
ROBERT BRUCE RICHARDSON, OF NEW YORK.
EDWARD J. SPRIGGS, JR., OF MARYLAND.
F. GARY TOWERY, OF VIRGINIA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

LT. GEN. HARLEY A. HUGHES, 441-34-0667FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL J. DUGAN, 091-28-2234FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JAMES P. MCCARTHY, 288-28-9866FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ELLIE G. SHULER, JR., 249-50-1947FR, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS N. GRIFFIN, JR., 578-42-8801, U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS W. KELLY, 207-26-7144, U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 5044.

To be general

JOSEPH J. WENT, 042-32-1604, U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

CARL E. MUNDY, JR., 237-48-1423, U.S. MARINE CORPS.

THE FOLLOWING-NAMED BRIGADIER GENERALS OF THE MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

MICHAEL K. SHERIDAN
ROBERT J. WINGLASS
MICHAEL P. SULLIVAN
JARVIS D. LYNCH, JR.
RONALD L. BECKWITH
ROSS S. PLASTERER
MATTHEW T. COOPER
HENRY C. STACKPOLE III
JOHN S. GRINALDS

IN THE NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE STAFF CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE FOR REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS (2100)

HAROLD MARTIN KOENIG

SUPPLY CORPS (3104)

JAMES ALAN MOGART
EDWARD MCCOWN STRAW
HARVEY DONALD WEATHERSON

CHAPLAIN CORPS (4100)

DAVID EDWARD WHITE

CIVIL ENGINEER CORPS (5104)

ALAN KENT RIFFEY

DENTAL CORPS (2200)

RONALD PRESCOTT MORSE

MEDICAL SERVICE CORPS (2300)

CHARLES RAY LOAR

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATES FOLLOW SERIAL NUMBERS):

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. RANDALL M. ANDERSON, 260-66-2680, 10/17/87
MAJ. JOAHN V. BARTON, 211-34-0085, 10/14/87
MAJ. THOMAS W. BATTERMAN, 566-68-6940, 10/3/87
MAJ. FORREST C. CLARK, 264-82-1616, 9/11/87
MAJ. THOMAS M. COOK, 371-46-7396, 8/15/87
MAJ. WILLARD G. DELLICKER, 187-34-9787, 8/24/87
MAJ. STEVEN R. DOOHEN, 503-58-3213, 10/3/87
MAJ. JOHN F. FLANAGAN, 080-36-9770, 9/14/87
MAJ. MARK P. MEYER, 571-80-7853, 9/20/87
MAJ. JOHN A. PRATT, 448-46-1985, 10/7/87
MAJ. ROBERT C. ROLL, 507-56-8250, 10/16/87
MAJ. JAMES SCUTTINA, 073-40-0145, 9/15/87
MAJ. JOHN R. STRIFERT, 134-38-8590, 10/3/87
MAJ. EDWARD I. WEXLER, 258-60-2812, 9/20/87
MAJ. CHARLES R. YOUNG II, 235-74-3502, 9/13/87

LEGAL CORPS

To be lieutenant colonel

MAJ. JAMES R. WALTI, 558-68-4017, 9/19/87

MEDICAL CORPS

To be lieutenant colonel

MAJ. EDITH P. MITCHELL, 414-80-5575, 10/6/87

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10, OF THE UNITED STATES CODE. (EFFECTIVE DATES FOLLOW SERIAL NUMBERS):

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. MELVIN L. ADAMSON, 519-42-7006, 8/22/87
MAJ. JAMES W. AMASON, 419-60-6224, 9/8/87
MAJ. JOHN D. BIDELMAN, 318-44-3626, 9/13/87
MAJ. RALPH J. CLIFFT, 504-60-6308, 8/22/87
MAJ. JOHN D. DEATON, 343-42-9493, 9/13/87
MAJ. JAMES F. FRANCIS, 568-58-5782, 9/1/87
MAJ. ROBERT B. LEVINE, 004-44-0123, 9/4/87
MAJ. WILLIAM J. LUTZ, 428-90-6187, 9/16/87
MAJ. ROBERT C. MELROSE, 448-46-6220, 8/24/87
MAJ. JAMES D. NELSON, 501-52-4134, 6/1/87
MAJ. ALAN J. OSE, 479-52-3894, 9/12/87
MAJ. STEVEN L. PETTERSEN, 536-42-2949, 9/10/87
MAJ. ERNEST A. PINSON JR., 019-34-9400, 9/12/87
MAJ. EDWARD R. SAIN, 150-38-6013, 8/21/87
MAJ. EDWARD N. STEVENS, 239-84-3837, 8/24/87
MAJ. GLENN B. SYLVEST, 422-58-8757, 8/22/87
MAJ. SIDNEY R. TOLER, 245-78-1054, 8/27/87
MAJ. JOHN A. TRASK JR., 019-34-7760, 7/13/87
MAJ. THOMAS D. WEBSTER, 472-50-5003, 8/4/87
MAJ. MARVIN D. ZOLLMAN, 543-44-5392, 9/19/87

MEDICAL CORPS

To be lieutenant colonel

MAJ. DANIEL E. COLEMAN, 034-38-9245, 7/13/87
MAJ. MICHAEL R. EVANS, 528-62-9402, 8/16/87
MAJ. KEVIN W. OLDEN, 102-40-6787, 9/19/87

DENTAL CORPS

To be lieutenant colonel

MAJ. STEPHEN A. SCHORR, 104-38-7520, 8/6/87

IN THE ARMY

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 3353:

MEDICAL CORPS

To be colonel

FLORENTINO V. ALABANZA, 256-74-8908
HERMAN V. BARNES, 453-54-4220
THOMAS S. J. BERGER, 282-34-0937
MURRAY J. CASEY, 515-32-8513
RAYMOND L. KERCHER, 279-30-3363
EDWARD S. LINDSEY, 428-44-9876
MONTE S. MELTZER, 158-32-3390
JOSEPH H. NELSON, 528-40-3399
RICHARD W. PERRY, 367-28-2921
RICHARD D. SCHULTZ, 506-38-5236

To be lieutenant colonel

JOHN A. BIZAL, 331-28-4293
GEORGE R. BUCKUN, 343-24-9283
JOSE E. CARDELL, 045-34-0052
PETER B. COLLIS, 571-56-8139
GARY D. DAVIS, 429-80-2283
REID R. HEFFNER, JR., 054-32-8927
BRACE L. HINTZ, 474-38-8790
JONATHAN H. HORNE, 528-42-4119
GEORGE S. LAKNER, 159-56-8935
ROSEWELL T. LOWRY, 287-26-7991
WITIZA P. MARQUEZ, 583-16-8723
NAGBHUSHAN S. RAO, 052-44-9881
ROBERT D. VALLION, 445-38-3789
GEORGE E. VOLK, 495-42-3523

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3370:

ARMY PROMOTION LIST

To be colonel

HENRY H. GORDON, 225-54-4315
JOSE M. LEDESMA, 462-54-1298
EDWARD L. PERRY, 160-28-8321
RON SCHWACHENWALD, 284-30-7958

MEDICAL CORPS

To be colonel

CARL W. GRAVES, 425-92-1283
MICHAEL NORRIS, 523-54-8418

MEDICAL SERVICE CORPS

To be colonel

WILLIAM H. KALB, 429-64-6964
JAMES RICHARDS, 160-30-7644

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

CHARLES W. BROWN, 420-58-7871
EDWARD J. GIERING, 044-16-4103
JOHN R. MCCLARREN, 564-60-1999
JAMES N. MEADE, 512-46-8344
JOSEPH S. MROZ, 185-34-3534
JOSEPH W. NOBLE, 265-54-2702
LARRY I. PARK, 257-68-8754
GENE J. RICHARDS, 045-30-4628
CECIL D. VINEYARD, 462-62-4360
THOMAS E. WILLIAMS, 308-44-1447

ARMY NURSE CORPS

To be lieutenant colonel

MARY L. SMITH, 256-74-8251

MEDICAL CORPS

To be lieutenant colonel

PABLO LOMANGCOLOB, 044-54-4307
FARHAD MOATAMED, 015-44-1139
Y. BARALT PASCUALT, 580-98-7018
ROB. R. ROTH, 510-54-5401

MEDICAL SERVICE CORPS

To be lieutenant colonel

STEPHEN MONTGOMERY, 463-54-3738
CECIL G. NEWSOME, 258-64-6613
MAXWELL L. WARREN, 417-58-8713

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. ARMY IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 828:

ARMY NURSE CORPS

To be lieutenant colonel

MARY J. HEGER, 197-40-1275
DIANE M. HULSEY, 488-54-9874

To be major

DEBORAH D. WARNER, 225-84-9678

MEDICAL SERVICE CORPS

To be major

CHARLES F. FERRIS, 276-40-3514
STEPHEN C. FLETCHER, 460-66-9774

IN THE MARINE CORPS

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 2107:

ROBERT M. BRASSAW, 0633
MICHAEL J. MACLANE, 2383
ROBERT L. PYLES, 8849
ROBERT L. ROUSE, 0230
ANTONIO B. SMITH, 4224

THE FOLLOWING-NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE SECTION 531:

BRUCE A. DANIEL, 0177
MATTHEW P. HOWELL, 1246
DWIGHT D. JENKINS, 1867
KENNETH L. LARSON, 0092
PAUL J. LEDBETTER, 1452
CULLIN L. LUMPKINS, 0507
DWAYNE E. MEREDITH, 3545
GRANT K. POE, 8070
MICHAEL M. SCHMIDT, 8834
JOSEPH SPAIR, 6539

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

JOHN O. AHNERT, JR, 461-56-4999
DAVID R. ANSPAUCH, 523-36-5204
GEORGE C. ARVANETAKI, 041-26-0819
BRIAN C. BADE, 503-48-6486
JULIAN F. BATES, 399-36-8914
RONALD E. BLACKMORE, 256-56-7009
CECIL G. BRENDLE, 419-40-3470
GARY A. BREWINGTON, 519-44-4746
NORMAN D. BROCHU, 008-26-8460
GEORGE D. BROOKS, 407-42-0022
JAMES C. BURDICK, 123-32-9214
JOHN C. CHESTER, 023-32-9212
ERNEST S. CLARK, 243-70-6497
JOHN J. CRAWFORD, JR, 455-56-8786
DAVIS H. CRENSHAW, 424-46-0161
GARY R. DUPLISSEY, 452-68-5139
EDWARD A. I. FACEY, II, 013-30-2303
FREDERICK D. FEINSTEIN, 428-80-3008
WILLIAM L. FLESHMAN, 236-62-8848
FREDERICK H. FORSTER, 410-76-6694
WILLIAM M. FOX, 154-34-5779
HENRY R. GODSEY, 411-56-1291
EDWARD L. GRACE, 495-38-9800
JOEL F. GRASSE, 393-40-3863
DAVID B. HILL, JR, 238-66-6285
CURTIS P. JONES, 470-26-2953
GARY E. KAISER, 476-44-1808
STEPHEN G. KEARNEY, 170-36-5874
GEORGE W. KEEFE, 033-28-3692
RALPH L. KENNEDY, 511-40-5250
KEITH H. KEPPEN, 317-38-5299
RAYMOND T. KLOSOWSKI, 470-42-2286
WILLIAM D. LACKEY, 245-48-6618
FRED N. LARSON, 278-34-1465
LARRY D. LESSLY, 464-64-7865
LAWRENCE A. MACIARIELLO, 085-36-5641
CLINTON D. MAGSAMEN, JR, 218-32-7635
RONALD H. MARTINSON, 517-34-9726
LAWRENCE J. MCCARTHY, 022-32-4626
KENNETH W. MCGILL, 321-36-0765
MICHAEL D. MCILHON, 483-54-1502
JAMES MCINTOSH, 136-30-6731
THOMAS J. MONFORTE, JR, 126-32-5286
AUTRY N. NOBLITT, 226-48-2078
HUGH C. NORRIS, JR, 458-54-0165
C. D. PAYNE, 440-32-5343
JAMES L. PIERCE, 181-28-3561
RICHARD G. PORTER, 428-66-6833
JOHN F. ROSENBURG, 380-40-6669
RONALD S. ROSSON, 444-42-5825
DOUGLAS B. ROUTT, 334-34-3484
JOHN L. RUPPEL, JR, 534-36-1699
JOSEPH J. SADOWSKI, 477-32-7320
DAVID I. SANDERSON, II, 478-44-0302
EUGENE A. SCHMITZ, 392-42-2448
LORAN C. SCHNAIDT, 521-58-1892
DOUGLAS J. SCOTT, 010-32-4937
JAMES P. SCOTT, II, 221-20-0938
HILLIARD W. SHEPHERD, JR, 225-48-9026
JOHN H. SMITH, 475-40-7849
WILLIAM T. SPARKS, 237-72-9749
HERBERT J. SPIER, JR, 306-44-9089
JERRY L. STELLNER, 503-38-3570
JOE T. STROW, 330-30-4984
PRESTON M. TAYLOR, JR, 203-26-1165
JOHN C. TIMMERMAN, JR, 250-58-5292
THOMAS M. VADNAIS, 556-50-4673
JAMES W. VANSCYOC, 342-24-8517
RUDOLPH VENTRESCA, 192-30-0568
ANTHONY C. VOLANTE, 153-26-1242
JOHN H. WAYERT, JR, 043-34-9296
GALE O. WESTBURG, 483-48-3938
JERRY W. WHITMAN, 446-40-5240
DELL R. WIGHTMAN, 529-38-2726
JOHN S. WILKINSON, 212-30-3583
JIMMIE L. WINDERS, 525-96-1488

CHAPLAIN CORPS

WILLIAM H. BRIDGES, 415-40-3405
PHILLIP L. TILLMAN, 427-52-3461

DENTAL CORPS

JEROME E. FISHER, 199-30-6130
JOSEPH T. ROBERTS, 418-42-3690
RONALD C. SZARLAN, 025-32-0548

JUDGE ADVOCATE

STEPHEN L. GALLAGHER, JR, 095-30-3666
DENNIS T. GUISE, 160-36-2945
ROBERT F. HOWARTH, JR, 285-40-5285
TIMOTHY J. LOWENBERG, 483-50-7542

MEDICAL CORPS

JAMES C. KIZZIAR, 432-62-1747
STEPHEN M. KRANZ, 058-30-0292
JOSEPH M. LONG, 309-44-1666
WILLIAM T. ONGLINGSWAN, 010-46-5259
RAVINDRA F. SHAH, 161-38-0480
RICHARD G. SPINDLER, 305-36-3081
ARTHUR W. SPIRO, 144-36-4090
WILLIAM M. WELLS, 432-66-1428

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF SECTIONS 593, 8362 AND 8371, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

JAMES R. ANNIS, 402-46-7805
ERNEST R. ARTERBURN, 306-34-2779
PHILLIP N. ASHBAKER, 519-40-8294
BOYD L. ASHCRAFT, 303-44-5153
GEORGE E. BAHAM, 545-54-2509
ROBERT L. BAILEY, 531-34-0835
WILLIAM R. BAKER, 346-34-6643
JAMES D. BANKERS, 501-48-2533
WILLIAM G. BARNSON, 559-48-3667
STANLEY H. BARTON, 489-48-4024
JOHN J. BATBIE, JR, 564-72-7759
ERWIN P. BECKER, 461-72-8032
GARY C. BERENSEN, 529-48-2347
PAUL B. BERMINGHAM, 032-28-5760
JOHN C. BLACKMAR, 200-34-6846
LANCE D. BLEAKLEY, 193-32-5956
BERNARD W. BOGUSH, 183-32-6895
PETER E. BOGY, 429-68-6232
ROBERT C. BOWMAN, 241-66-1555
DENE R. BOYD, 322-32-5448
JOHN A. BRADLEY, 408-76-1756
FREDRICK G. BREWER, 434-54-9362
LARRY D. BROCK, 411-64-7108
CHARLES T. BRODNAX, 435-44-1316
JEROLD E. BUDINOFF, 047-32-9049
MARTIN J. BYRNE, 082-26-4751
LYLBURN S. CAGLE, JR, 330-34-5430
JOHN S. CARLSEN, 549-60-7926
RUBYEN M. CHAMBLESS, JR, 252-74-3461
FRANCES L. CILIBERTI, 125-26-4781
ROGER C. CLAPP, 425-80-0388
GEORGE B. CLIFFORD, 566-52-1193
ELMER E. COCHRAN, JR, 444-32-0193
CLIFFORD A. COLE, 548-34-9403
HOWARD L. CONKLIN, 141-34-7536
DAVID W. COOPER, 547-54-3660
JERRY A. CORNWELL, 550-56-7958
DAVID B. CORY, 510-38-5715
JAMES J. CROWLING, JR, 223-58-2595
DONALD M. DALTON, 585-01-0801
ROBERT S. DARDEN, 230-56-0918
EDWIN G. DAVISON, JR, 452-62-7404
CHARLES S. DEE, 104-34-0797
DAVID A. DEES, 250-54-4065
RICHARD F. DEMONG, 554-60-6893
ALOYSIUS J. DIETRICH, 122-22-8498
ROBERT E. DORROUGH, JR, 458-48-8741
ROBERT G. ELLIOT, 297-30-6874
DENNIS J. ELLITHORPE, 508-46-8102
GERALD W. ESTEPP, 298-32-8571
TOMMY D. EVANS, 458-56-1090
GEORGE B. EVEREST, 537-36-9479
WILLIAM G. FERGUSON, 471-44-0946
FREDRIC R. FLOM, 394-40-9121
JIM L. FOLSOM, 444-38-8538
LEO H. FOX, 037-22-6585
THOMAS B. FRANK, 568-48-3843
JERRY D. GARLAND, 255-72-3880
JOSEPH M. GATELY, 023-30-0405
GORDON A. GOLOB, 533-36-0495
SAMUEL B. GRAVES, 049-32-5843
NICHOLAS E. GRYNKEWICH, JR, 259-64-4401
EUGENE L. HAGGERTY, 139-30-9869
PHILIP J. HALL, 527-68-8277
JON E. HANNAN, 329-32-4809
JOHN H. HESLIN, 565-48-8619
DONALD H. HESSENFLOW, 508-52-3925
HENRY D. HOFFMAN, III, 378-40-7166
JOHN L. HOPPER, 489-48-6453
HENRY B. HUFNAGEL, 326-34-3873
PATRICK J. HURLEY, 349-38-0147
STEVEN E. ICARDI, 566-52-1004
EDWIN B. JELKS, III, 259-62-3615
WILLIAM D. JENKINS, 231-54-1908
GLEN F. JEPSEN, 518-44-4348
JAY A. JOHNSON, 471-40-8382
CHARLES S. JOSLIN, JR, 011-32-5647
EDWARD E. KIRKPATRICK, 488-40-0715
ROBERT A. KRELL, 063-38-7981
HUGO E. KURTZ, 487-44-7160
JOHN W. LACEY, 207-28-4993
HARLEY E. LAWRENCE, JR, 444-38-5594
HAROLD L. LAWRENCE, JR, 436-58-5001
ALBERT J. LEFKO, 164-32-5773
DAVID L. LEISING, 363-40-5324
THOMAS E. LEWIS, JR, 257-58-2100
FREDERICK W. LINDAHL, 013-32-1330
HAROLD C. LLOYD, JR, 135-30-1206
CHARLES J. LOAN, JR, 273-32-7076
CALVERT B. LYON, 530-22-0231
DALE S. MANWILLER, 172-36-0195
WAYNE R. MARKISON, 476-40-0471
DAVID W. MARTIN, 184-30-4562
JAMES G. MARTIN, 007-36-4383
PAUL A. MATTIJETZ, 569-60-1001
DOUGLAS L. MAY, 459-62-8497
MICHAEL T. MCANDREWS, 183-34-3318
EDWARD B. MCDONALD, 148-22-7393
FRANCIS L. MCDONALD, 524-62-8392
DAVID M. MILLS, III, 529-54-1248
HAROLD D. MONLUX, 480-44-5848
NICHOLAS G. MORGAN, III, 528-48-2792
MAX J. MUNCH, 188-28-9953
JOHN T. MURPHY, JR, 018-32-4068
JOHN A. NEHRING, 522-54-7446
ROBERT A. NESTER, 306-42-5227
ROBERT W. NICHELINI, 554-62-3719
JOHN L. NIDIFFER, 440-40-3765
REESE R. NIELSEN, 528-56-0084
PETER M. NOYES, 548-52-8086
GARY H. OLSON, 472-44-7515
BERNARD F. OPPEL, 171-34-5255
JESSE U. OVERALL, IV, 422-56-4259
MICHAEL A. PARMENTIER, 044-34-9641
DAVID A. PASERO, 352-36-1702
JAMES F. PAULS, 231-56-1304
JAMES M. PETTITT, III, 319-34-8808
DAVID E. PIERSON, 450-66-2156
GEORGE J. PILCH, 332-38-5210
FRANK P. PLAVAN, JR, 204-30-2023
DENNIS R. POWELL, 423-50-2390
GEORGE J. PULICELLA, 540-42-1390
ALBERT M. RANDALL, 573-48-2420
ROBERT I. RECKER, JR, 394-40-8813
RONALD E. REIHEL, 329-34-3735
RENE REIMANN, JR, 155-30-1390
BOBBY J. REYNOLDS, 438-60-1693
TERREL D. RICHMOND, 560-40-7926
ROBERT L. ROBBINS, 196-32-8268
GLEN G. RUSWINKLE, 272-38-2526
LARRY C. SCHAAT, 519-46-6095
CLARK W. SCHADLE, 450-72-4115
DENNIS R. SCHNORR, 127-32-3134
PAUL W. SCHOWALTER, 281-58-3921
ROBERT M. SCHUEHLE, 532-38-9629
ROGER P. SCHULTZ, 447-34-3676
ROBERT M. SCOTT, 005-42-3175
FRANKLYN E. SENFT, 278-38-8366
VANCE R. SHAW, 462-56-7803
DAVID S. SIBLEY, 558-54-0461

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JAMES E. SIDEBOTTOM, 509-44-4202
JOSEPH M. SIMPSON, JR. 423-48-5140
CONRAD P. SKLADAL, JR. 148-30-9703
PAUL M. SMITH, 452-66-0575
NELSON D. SMITTLE, 281-28-5166
KENNETH E. STAGOS, 291-32-8945
PAUL K. STEHLIK, 434-62-8827
ROBERT B. STEPHENS, 258-68-2399
DONALD B. STOKES, 505-46-2936
DONALD R. STREAMO, 276-24-0536
WILLIAM H. SWAN, JR, 226-58-5560
DAVID E. TANZI, 056-38-1978
JOHN B. TAPPEN, 143-30-1401
DAN L. TAYLOR, 541-42-7976
WILLIAM R. TETER, 579-54-4971
GEORGE O. THUNE, 076-24-8576
LUTHER J. TILLMAN, 267-64-5158
MARY W. TODD, 452-70-9402
VIRGIL J. TONEY, JR, 258-86-3240
DAVID J. TROEBER, 150-32-0708
JAMES G. TURNER, 429-78-0468
WARREN M. VANDERBURGH, 018-32-7244
NATHANIEL R. VIVIANS, 424-44-7273
GARY L. WAMSLEY, 555-50-2443
TERESA M. WARNIMENT, 292-36-1139
PHILLIP L. WHITE, 418-46-9280
EDWIN L. WHITMAN, 081-32-6097
LEONARD D. WILLIAMS, 450-50-5499
BASCOMBE J. WILSON, 242-74-4924
STEPHEN B. WITMER, 198-30-7654
CARL L. WOMACK, 430-78-5475
RICHARD H. WOMACK, 415-60-0365
ROBERT A. YOUNG, 310-40-9137
KARL F. ZELLER, 144-34-4791

CHAPLAIN CORPS

To be colonel

COLLUM D. BIRDWELL, 430-54-9866
DENIS A. DIRSCHERL, 297-28-1655
JOHN E. GROH, 488-44-1518
LAURENCE E. KELLEY, 020-26-8613

DENTAL CORPS

To be colonel

JOSEPH A. ANSELMO, 535-38-4050
TOBY G. COTHREN, 431-84-8832
RUSSELL G. EYMAN, 262-80-9776
LARRY L. LINDENSCHMIDT, 317-44-7729
BARRY L. MATTHEWS, 214-38-8108
MICHAEL D. PAREY, 357-32-4723
LLOYD G. THOMAS, JR. 524-66-3799

JUDGE ADVOCATE

To be colonel

JAMES F. BREITHAUPT, 053-32-6835
JAMES C. FETTERMAN, 204-36-5777
DONALD L. MANNING, 266-60-5964
ROBERT L. MCHANEY, JR, 426-76-5000
JOHN D. MCQUAID, JR, 564-46-6630
RICHARD I. MESH, 096-32-4129
DAVID B. POYTHRESS, 256-64-3685
MARLIN D. REID, JR, 272-38-2191
RALPH J. RODAMAKER, 471-38-9782
DONALD E. VANMETER, 448-38-1624
RICHARD K. WALSH, 200-34-3726
MAXIMILIAN J. WELKER, JR. 068-34-4506
CHARLES L. WIEST, JR, 216-42-7562

MEDICAL CORPS

To be colonel

FREDRICK S. ARNOLD, 227-70-5889
LEWIS W. BARTLES, 249-68-3819
FRANK P. BONGIORNO, 155-34-5868
DANIEL D. CHAPMAN, 382-38-5486
MANUEL V. CORPUS, 470-48-2752
CLAYTON E. CULBERTSON, 197-22-6141
JAMES K. DEORIO, 375-50-6026
JAMES P. DYRUD, 396-36-1916
CHESTER J. GODELL, 375-32-1880
CLIO A. HARPER, JR. 432-50-6143
HARRISON B. KELLER, 228-68-2237
KARL D. KUNER, 572-50-9224
ROGER D. MATHEWS, 534-28-1931
ROBERT E. NAYLOR, 034-28-7557
MARY J. OSULLIVAN, 057-30-0618
LOUIS F. OWENS, JR, 225-60-8164
DANIEL L. ROPER, 453-78-1017
PHILIP M. SCHMIDT, 068-36-1143
R. J. BLACK SCHULTZ, 488-38-3734
WILLIAM R. SEXSON, 548-66-9374
JEFFREY A. SHANE, 031-32-8810
JOHN W. SIMMONS, JR, 256-38-4140
ELIJAH T. SPROLES, III, 408-62-9901
FREDERIC W. STEARNS, 484-50-3485
VICENTE TAVAREZ, JR, 460-36-6091
CHARLES V. TRAMONT, 269-34-7712
FRANK VIERAS, 583-09-2926
ROSTON M. WILLIAMSON, 267-14-3202

NURSE CORPS

To be colonel

BERYL ASBERRY, 467-64-4914
ALICE M. CARTLEDGE, 463-56-6543
HELEN L. DULOCK, 454-64-1278
SANDRA J. FAIRBURN, 422-54-2017
SHIRLEY A. KELLEY, 170-36-2235
MARY JANE E. KOCH, 155-34-8094
BARBARA W. MAKANT, 355-26-1725
ELEANOR M. NEUWIRTH, 068-30-7292
CAROLYN R. STONE, 253-46-3802
PATRICIA V. WARCHOCK, 171-32-6242
CONSTANCE A. WOODS, 269-36-1122

MEDICAL SERVICE CORPS

To be colonel

JOSEPH A. CURLEY, 026-30-3752
WILLIAM E. ELLIS, 229-48-0689
GARRARD P. KRAMER, 207-28-6911
SAMUEL A. MORSE, 463-64-7127
ANTHONY J. SANTARSIERO, 261-84-8177

BIOMEDICAL SCIENCES CORPS

To be colonel

MARY A. BAUGHMAN, 233-68-5954
LEROY J. BRONSTEIN, 569-42-1102
STEPHAN H. CRAMLET, 567-56-6805
CHARLES M. SHOFF, 270-34-7582

IN THE ARMY NATIONAL GUARD

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3385:

ARMY PROMOTION LIST

To be colonel

BEN B. BABIN, 434-56-4708
CHARLES W. BALLINGTON, 250-62-6198
FRANK P. BARAN, 032-32-8917
SANTO L. BONACCORSO, 026-26-9594
ROGER L. BRILL, 390-44-1057
THEODORE T. CARLSEN, 549-60-9669
RANDY L. COCKRUM, 005-42-3358
THOMAS F. COX, 031-28-7958
JAMES E. DALTON, 033-26-8131
LYLE V. FULLER, 475-38-0365
PAUL G. GEBHARDT, 327-32-4975
JOSEPH H. GUERREIN, 186-36-8906
JERALD R. HELGESON, 338-22-0650
PHILIP G. JACKSON, 212-32-7261
JOHN W. JONES, JR., 421-42-4712
JOHN R. KABLITZ, 394-42-2875
JAMES R. KEYLON, 410-48-9766
MICHAEL A. KIEFER, 305-54-8239
DANIEL N. KIRBY, 251-50-3701
PAUL H. KORECKIS, 240-48-6729
JIMMY F. LANDRUM, 460-58-0503
TOMMIE R. LEWIS, 255-50-3266
GENE LOPRESTE, 096-26-1145
JEROME A. MARSCHKE, 501-34-2981
DONALD K. MEETZE, 247-60-2487
RICHARD J. NAREL, 028-26-9478
JOE R. REID, 455-56-8080
GENE R. RILEY, 247-72-1691
LEE V. RUSSELL, III, 427-54-8262
RICHARD S. SMALL, 407-40-9910
JIMMY J. TAYLOR, 251-60-1304
DAVID M. TUTTLE, 345-34-7885
ANDREW A. VANORE, JR., 142-32-4279

ARMY PROMOTION LIST

To be lieutenant colonel

ROGER T. ARBOGAST, 314-48-0034
JULIUS H. AVANT, 244-52-0497
JOHN R. BASEHART, 277-32-0629
ALVIN C. BLALOCK, III, 238-72-3950
BRUCE R. BODIN, 475-54-7438
JAMES R. CARPENTER, 008-32-2966
PAUL J. CAVISE, JR., 067-42-2565
HENRY C. CHAPMAN, 254-64-5970
LAWSON W. DURFEE, 037-28-2995
CARROLL L. EDGE, 259-62-1178
STEPHEN L. ELDER, 518-46-4071
ALAN A. FLETCHER, 383-40-8189
MICHAEL F. GANTT, 302-42-9161
JOHN R. GROVES, JR, 402-60-2716
RICHARD F. HOUSER, 491-52-6554
CLIFFORD E. KELLER, 502-42-1555
GARY L. KEYSER, 439-62-5082
ALEXANDER M. LINDSAY, 091-36-2216
JEFFREY A. LOZIER, 365-38-4294
ROBERTO MARREROCORLETO, 583-07-1485
LARRY E. MATCHETT, 516-50-5290
MICHAEL J. MCCRORY, 507-56-2953
JERRY A. MCFARLAND, 408-68-0878
JAMES T. MILLER, 522-54-5062
ALFRED T. NEVILL, 322-40-3253
DWIGHT L. OVERMAN, 522-56-3466
WALTER PERALESREYES, 582-70-2050
KENNETH F. PERRY, 447-48-1486
JOHN G. PHELPS, 574-14-3810
GERALD D. PURCELL, 377-38-5068
JAMES B. READING, 528-60-3337
MICHAEL N. SCHLEUPNER, JR, 212-48-7456
MANUEL R. SOSA, 581-64-4463
WILLIAM T. THIELEMANN, 261-70-4517
KENNETH F. TRUJILLO, 585-18-8359
CLYDE M. WADSWORTH, 523-50-1707
BENNETT H. WILLIAMS, 236-62-4758

CHAPLAIN

To be lieutenant colonel

DAVID I. ABRAM, 485-34-3071
EDGAR A. MCDANIEL, 428-78-7767

ARMY NURSE CORPS

To be lieutenant colonel

STEPHEN W. LLOYD, 529-76-0708
LINDA K. SIMS, 407-56-3592
BEVERLY E. WRIGHT, 412-88-4644

MEDICAL CORPS

To be lieutenant colonel

ALGIRDAS A. JUOCYS, 373-48-0256

MEDICAL SERVICE CORPS

To be lieutenant colonel

MICHAEL D. STONER, 177-32-9096

HOUSE OF REPRESENTATIVES—*Wednesday, January 27, 1988*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, gracious God, for the opportunities of a new day. May we have the vision to dream the dreams of justice and understanding and the enthusiasm to labor for our goals. Guided by Your spirit, O God, and encouraged by Your abiding presence, may each of us discover our own responsibilities by doing the work of righteousness in our own day and time. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1193. An act to add additional lands to the Kilauea Point Wildlife Refuge on Kauai, HI.

The message also announced that pursuant to Public Law 99-624, the Chair on behalf of the President pro tempore, appoints Mr. HEFLIN, Mr. EXON, and Mr. DOLE, to the Eisenhower Centennial Commission.

The message also announced that pursuant to Public Law 81-754, as amended by Public Law 93-536, the Chair on behalf of the Vice President, appoints Mr. SARBANES to the National Historical Publications and Records Commission.

CONGRESSIONAL STAFF SHRINKING

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, 2 weeks ago the Washington Post printed an op-ed essay by an ex-Republican staffer from the other body "Memo to Congress: Fire Half Your Staff."

His thesis was simple: Congressional staff have proliferated and this has contributed to a meddlesome Congress.

His facts were wrong: Since January 1981, legislative branch staff has dropped 7.2 percent while executive branch staff, where he is now employed, has grown 6.6 percent.

House employment alone dropped to 11,360 in 1986-87 from 11,570 in 1981-82.

Looking at in it another way: In 1981 there were 14 congressional staffers for every 1,000 in the executive branch. In 1987 the ratio was only 12.5 per 1,000.

One hundred years ago, by the way, there were 36 congressional staffers per 1,000 executive branch staffers, almost triple the ratio today. Bring back the good old days.

DIESEL FUEL EXCISE TAX COLLECTION BILL

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, today I am introducing legislation to correct an injustice tucked away in the 1987 Budget Reconciliation Act.

Slipped into that law is a subtle change to the Tax Code that will require wholesalers to collect the diesel fuel excise tax rather than the retailers.

Off-highway users, such as farmers and ranchers, are exempt from the diesel fuel tax, but they will now have to pay it and then apply for a refund.

This will cost off-road diesel fuel users undue hardship. The law allows farmers to claim a refund or a tax credit but only after the damage has been done.

Most importantly, the new policy will significantly increase up-front fuel costs. Increasing such up-front outlays will intensify the cash-flow problems of many farm operations. And certainly, it makes no sense to burden farmers with the added paperwork that will be necessary to keep track of a tax they paid but do not owe in the first place.

Congress changed the collection procedure to prevent cheating. But this change is incredibly unfair to the majority of those who have purchased and used fuel within the law.

My bill would easily and simply correct the problem, and, in doing so will not reduce the amount of diesel fuel excise taxes the Federal Government collects.

My bill is a commonsense technical correction that would remove one of the coals Congress put in the farmer's Christmas stocking.

At a time when America's farmers and ranchers are starting to "get back on their feet," this is not the time to put an additional burden on agriculture.

FBI INVESTIGATION OF U.S. GROUPS OPPOSED TO REAGAN'S CENTRAL AMERICAN POLICIES

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, this morning, the Wichita Eagle-Beacon newspaper printed a Boston Globe story that revealed that the FBI conducted a massive campaign of surveillance and infiltration of U.S. groups opposed to the Reagan administration's policies in Central America. This investigation, which began as an investigation of allegations of one group's activities, a group called Cispes seem to have gotten completely out of control and eventually reached mainstream labor and religious organizations such as the United Steelworkers, the American Federation of Teachers, the Catholic Church and groups meeting at Wichita State University. What is most alarming about these revelations is that the common thread linking these organizations was the belief that our involvement in Nicaragua and other countries in Central America is wrong.

A teletype from the New Orleans field office in 1983 said:

> It is imperative at this time to formulate some plan of action against Cispes and, specifically, against individuals (deletion) who defiantly display their contempt for the U.S. Government by making speeches and propagandizing their cause.

Our most important constitutional right, which goes to the core of our democracy, is that we have the freedom to hold and express our beliefs without harassment by the Government. The fact that many of us disagree with the Reagan administration's policy toward Nicaragua, or that the Sisters of Charity—one of the groups named in the FBI documents—disagree, should not subject us to suspicion and investigation by the FBI, which is supposed to protect the very rights we exercise.

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ORTEGA IS USING THE PEACE PROCESS TO ELIMINATE THE CONTRAS

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, 8½ years ago, July 1979, Daniel Ortega and the Sandinistas, who had overthrown that horribly repressive dictator, Anastasio Somoza, made a four-point promise to the Organization of American States and to the people of Nicaragua. They promised free and fair elections, an end to human rights violations, a nonaligned foreign policy, and political pluralism.

Mr. Speaker, we have noticed that just 2 weeks before this critically important vote, which we in the Congress are going to face next week, Daniel Ortega has reaffirmed the promise for the exact same thing. It appears that Ortega is using the peace process to eliminate the Contras. We know full well that it is the existence of the democratic resistance, which has provided the pressure on the Sandinistas to negotiate.

We hope and pray that this very balanced package, which is going to be closely monitored by the Congress, will be implemented. Less than $40 million is the least that we can do, Mr. Speaker.

PRESIDENT REAGAN'S REQUEST FOR AID TO THE CONTRAS WILL KILL THE PEACE PROCESS

(Mr. AuCOIN asked and was given permission to address the House for 1 minute.)

Mr. AuCOIN. Mr. Speaker, Ronald Reagan is saying that warfighting aid to the Contras has forced Nicaragua to the bargaining table and will keep them there.

That's pure baloney. The President knows it. And this Congress shouldn't swallow it.

Six straight years of spending on the Contras did nothing to create this peace process. This process was started—without any help from this administration—by the President of Costa Rica.

President Arias won approval of a plan for peace involving all five nations in Central America. For his efforts, he won the Nobel Peace Prize.

So it was this man who brought the Sandinistas to the table—not the gun barrels of Contra rifles which have been aimed more often at civilians than soldiers inside Nicaragua.

What now does Mr. Arias ask of the United States? What do the other three Central American Presidents, whom we call "our democratic friends," ask of America?

To disapprove new aid to the Contras. Because aid in any form is aid to a standing army. Based in Honduras, for the purpose of overthrowing a neighboring government.

That's a violation of the peace agreement. It'll kill the peace process.

I urge my colleagues to defeat this aid because we have a choice between a peaceful settlement or a major escalation of the war that my colleagues will live to regret.

LET'S NEGOTIATE A UNITED STATES-MEXICO FREE TRADE AGREEMENT

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, in his State of the Union Address, President Reagan called for the day "when the free flow of trade * * * unites the people of the Western Hemisphere in a bond of mutually beneficial exchange; when all borders become what the United States-Canadian border so long has been—a meeting place, rather than a dividing line."

With a commitment from Congress, I believe we have the opportunity—if we will but seize it—to forge a North American Economic Community to rival that of Western Europe. The free trade agreement with Canada was a crucial step forward. Now is the time to carry the momentum southward to America's third largest trade partner, the Republic of Mexico.

Next week, I will introduce a concurrent resolution expressing the sense of the Congress that the President and our trade representatives should negotiate a free trade agreement with Mexico. Under such an agreement, duties imposed by both countries on each other's imports will be mutually reduced and eliminated. My resolution sets a target date of 5 years for the agreement to take effect—depending, of course, on the status of negotiations, the discretion of the President, and the approval of Congress.

Now more than ever, the time is ripe for a major breakthrough in United States-Mexico trade. Since Mexico's accession to the GATT, the General Agreement on Tariffs and Trade, a little more than a year ago, tariffs and licensing requirements on hundreds of United States products have been lifted. Last November, the United States and Mexico concluded the most sweeping trade agreement in our history, covering everything from steel and textiles to computers and copyrights.

These are but two events in what many are calling Mexico's "second revolution." A decade ago, 75 percent of Mexico's imports, by value, were covered by licensing requirements. Now, less than 25 percent are covered; those remaining are being phased out. Tariffs are being lifted in accordance with GATT requirements. Hundreds of government-owned industries have been sold to private investors. Without exaggeration, Mexico has made more progress toward free trade in the last 4 years than in the previous four decades.

Next month, President Reagan will meet with Mexican President de la Madrid to chart the future course of United States-Mexico relations. Congress can help frame their agenda—and recognize the progress achieved by both nations—by calling for a United States-Mexico free trade agreement. Working together, the United States, Mexico and Canada can transform our continent into the most productive job-machine the world has ever known.

Millions of American workers and their families already depend on trade with Mexico for their livelihood. We owe it to them, and to future generations, to open Mexico's markets and bring our collective strengths to bear on the increasingly competitive global economy. I hope my colleagues will support this legislation. The prosperity of a continent depends on it.

OUTRAGEOUS PERVERSION OF JUSTICE IN EL SALVADOR

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, yesterday in and outrageous perversion of justice, a military court in El Salvador ruled that under the terms of the amnesty program in that country, the killers of four U.S. Marines will be released. I have talked this morning to the family of one of those U.S. Marines, and I think it is that Marine Patrick Kwiatkowski is from my home town, and I went to high school with his mother. I just have to say that I think it is safe to say that this family shares the outrage of many Americans, that a country which receives as much money as it does from the United States is engaged in the process of perverting the amnesty process by releasing these killers. I think it is important for people to understand that if El Salvador goes ahead with this decision, they will lose $18 million of their aid under the terms of an amendment which we installed in the continuing resolution this last December.

Mr. Speaker, I have been in contact with the White House, the State Department, and our Embassy in El Salvador. I appreciate the interest of all of them, and I ask all of them to renew their efforts to assure that this perversion of justice does not take place, and the killers of those four American marines ought to remain in jail.

THE CONTINUING RESOLUTION: THE GIPPER WON'T SIGN IT AND THE BUDGET CLOCK IS RUNNING

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, three cheers for the Gipper! In response to universal disgust over the fiscal year 1988 continuing resolution, President Reagan announced in his State of the Union Address that he won't sign another CR if Congress sends him one. The stage is set to make fiscal year 1989 the year of responsible budget practices.

The President isn't bluffing. He has in hand a letter I sent to him on December 22, signed by 147 Members promising to uphold his veto. So, the situation is simple—this year we must debate, vote and send up 13 separate appropriations bills. Foreign aid, defense, agriculture and all the rest must all come to the floor and have their day in the Sun. They will stand before this body on their own merits, and the Congress will work its will. And that, Mr. Speaker, is as it should be.

To avoid the CR is to avoid the shame which befell us last December. But we must get moving now. The President's budget will be before us soon and time is short. We must analyze and draw upon his efforts and report our own budget resolution on time. Then the authorizers and appropriators must roll up their sleeves and get to work. We must let the Senate know that procrastination on their side of the rotunda will not be tolerated either.

Mr. Speaker, there is no reason we can't send the President 13 appropriation bills separately and on time. Let us see this not as a battle with the Executive, but as a challenge to ourselves to prove to the Nation and the world our basic competence as the world's greatest legislative body.

☐ 1415

CONTRA AID

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KLECZKA. Mr. Speaker, the Central American peace plan clearly offers us the best hope for promoting peace and pluralism in Nicaragua.

As a result of the peace process, the Nicaraguan Government has lifted some restrictions on basic political liberties. Most important, the 6-year-old state of emergency and the special tribunals for political crimes have been suspended. The major opposition newspaper, La Prensa, is also now being published again.

President Ortega has also offered to take additional steps to accept wider political dissent. Opposition radio stations will be allowed to broadcast news again. Ortega has also vowed to release over 3,300 political prisoners and to open direct negotiations with the Contras. He has even offered to permit the Contras to form their own political party.

Are these proposals serious? I don't know! However, it will be impossible to tell prior to the Contra vote scheduled for February 3. But one thing is certain. Voting for any form of Contra aid now will certainly kill these peace initiatives, thus killing the best chance we have for promoting democracy in Nicaragua. I urge my colleagues to vote no on the President's $36 million request until we can judge the sincerity of Nicaragua's recent reforms.

Mr. Speaker, to conclude my remarks, I include the following editorial from the January 12, 1988 issue which eloquently addresses this subject:

[From the Milwaukee Journal, Jan. 12, 1988]

ARIAS PEACE PLAN NEEDS U.S. HELP

A little more than five months after its birth, the Arias plan for peace in Central America is languishing, the innocent victim of inaction and hypocrisy. If the plan dies, many people in Central America are likely to die along with it, for the plan is the only evident alternative to continued war, poverty and injustice in the region.

The plan, named for its architect, Costa Rican President Oscar Arias, was signed by five Central American leaders on Aug. 7. Its principal goal is peace and justice in Nicaragua, and it requires the Sandinista government there, as well as the other four countries, to foster democracy. It also requires an end to outside help to rebel groups, notably the contras seeking the overthrow of Nicaragua's government. The five signatories will meet Friday, by which time the plan is supposed to be in place.

In reality, it hasn't been fully implemented. True, the Sandinistas have taken significant steps toward compliance—for instance, they have allowed the re-opening of an opposition newspaper and a banned radio station, permitted the return of exiled dissidents and released some political prisoners. However, they have failed to make other moves required by the Arias formula, such as lifting the state of emergency that curtails civil liberties.

For its part, the United States has proclaimed support of the plan but appears to have worked diligently to kill it, seeking further aid to the contra rebels. Not only does such aid violate the Arias plan; it gives the Sandinistas a gold-plated excuse to perpetuate Nicaragua's state of emergency, and of course the U.S. aid fuels the war that kills innocent people.

On Friday, the five signatories are likely to extend the deadline for the plan. But as one diplomat said, "From the moment deadlines are extended, the process begins to die, just like Contadora"—an allusion to an earlier peace plan that failed to survive. The signatories must do more than extend deadlines and risk killing momentum; they need to increase the heat on the Sandinstas and the U.S. to comply with the plan.

They need to remind Congress, for example, that seven years of U.S.-funded war have failed to produce either peace or democracy in Nicaragua, whereas five months of diplomacy under the Arias plan have produced significant movement. That should rebut claims that more war is the key to a successful strategy in Central America. Congress should demand that the administration support a policy of Central American peace, not war.

RESTORING PREFERENTIAL TAX TREATMENT FOR CAPITAL GAINS

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, with the idea in mind that we need to further assist small business, I introduced a bill today that will restore the preferential tax treatment for capital gains. This measure will help foster the formation of capital, and that in turn will mean more economic growth through expansion and more jobs.

My bill would reinstate special long-term capital gains exclusions similar to the exclusions that were provided prior to the Tax Reform Act of 1986. The new exclusions would also apply to all capital assets, as defined in section 1221 of the Internal Revenue Code of 1954, and to those assets qualifying for capital gains treatment under section 1231 of the Code.

My legislation would not establish a 25-percent exclusion when taxpayers hold that asset for at least 2 years, but less than 5 years. A more favorable exclusion of 50 percent would be provided for assets held longer than 5 years.

To try to get some stability back into the management of our money, give some incentives to taking risks, to stimulate risk-taking and entrepreneurship, and to say that we are going to reward extraordinary risk-taking with extraordinary gain, that is the way America has helped to create wealth rather than to allow the Congress to continue to figure ways to redistribute the wealth.

Mr. Speaker, we need to reward substantial risk-taking with substantial benefits. In the end, this will mean more prosperity for all Americans.

DISDAIN FOR LAW NOTED IN THE IRAN-CONTRA AFFAIR

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, I rise to express my grave reservations over the continuation of Contra aid. The policy of providing funds to the Contras has been characterized by a number of elements, including a disdain for the law.

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As noted in the report of the congressional committee investigating the Iran-Contra affair:

> Officials viewed the law not as setting boundaries for their actions, but raising impediments to their goals. When the goals and the law collided, the law gave way.
>
> When Congress enacted the Boland amendment, cutting off funds for the war in Nicaragua, administration officials raised funds for the Contras from other sources—foreign governments, the Iran arms sales, and private individuals; and the NSC staff controlled the expenditures of these funds through power over the Enterprise. Conducting the covert program in Nicaragua with funding from the sale of U.S. Government property and contributions raised by Government officials was a flagrant violation of the Appropriations Clause of the Constitution.

Mr. Speaker, an element that has been missing in the Contra program has been that of success. I urge my colleagues to deny further Contra funding. It will insure conflict, not peace.

FURTHER CONTRA AID WOULD CONTINUE PRESSURE ON ORTEGA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, freedom is never free.

It must be constantly nurtured, cultivated, and supported. It must be paid for, and sacrifices must be made.

That is one reason why, since Ronald Reagan became President 7 years ago, not a single square foot of land has fallen into Communist hands.

But next week that record will face a grave test.

The fact is indisputable: The threat of the Communist Sandinista regime in Nicaragua is twice as close to the Rio Grande, as that Texas border is to the well of this House.

And if we fail to approve the request the President submitted today, we will be practicing "the politics of retreat, complacency and doubt," to use the phrase of Senator ALBERT GORE a Democratic candidate for President.

Some of my colleagues say even this minimal aid would undermine the tenuous peace process under way in Central America.

But haven't the prospects for peace been undermined much more by the $450 million the Soviet Union poured into Nicaragua just in the last year?

The Soviets realize it takes both money and determination to make their toehold in the region.

But many in this House appear reluctant to spend less than one-tenth of 1 percent of our national defense budget to combat the major Communist threat in our hemisphere.

If we do not stand up for democracy in Nicaragua—in our own continent—then where will we stand up for democracy?

Sending $36 million to the Contras may not be enough to win the war in Nicaragua. But it will be enough to continue the steady pressure on President Ortega to negotiate and accept democratic reform.

INTRODUCTION OF FEDERAL TORT CLAIMS ACT AMENDMENTS

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, today, I am introducing a bill to amend the Federal Tort Claims Act [FTCA] to allow victims of Government negligence the ability to sue the Federal Government for damages.

When Congress enacted the FTCA, it thought that it was abolishing the sovereign immunity doctrine—the outdated doctrine based on the ancient adage, "the King can do no wrong." The FTCA was supposed to hold the Government liable for its negligent acts.

While the FTCA was to hold the Government liable for its negligence, Congress did not want the courts second guessing the executive branch's policy decisions; such an intrusion might violate the separation of powers. As a result, Congress provided a limited exemption for acts that fell under the Government's "discretionary function."

A growing number of district and circuit courts have been interpreting the discretionary function exception so broadly that it has almost swallowed the whole of the Federal Tort Claims Act and, in essence, reinstated the sovereign immunity doctrine.

In the most recent case, Allen versus U.S., 1,200 victims living downwind from the nuclear test sites were denied compensation even though the Federal Government was negligent in monitoring testing results and negligent in failing to warn people of the danger they faced from radiation. Tenth Circuit Judge McKay, in his concurrence, stated:

> The FTCA is largely a false promise in all but 'fender benders' and perhaps some cases involving medical malpractice by government doctors.

In Begay versus United States, the Ninth Circuit denied 200 Navajo Indian uranium miners compensation even though Federal agencies were negligent in failing to establish and enforce radiation safety standards when the dangers were first discovered and negligent in failing to warn the miners of the dangers of radiation exposure to their bodies. The court held that the Government's actions fell within discretionary functions. The court stated:

> We agree with the district court that this is the type of case that cries out for redress, but the courts are not able to give it; Congress is the appropriate source in this instance.

It is in the executive branch's discretion to decide whether to engage in uranium mining and above ground nuclear testing, and therefore, it should not be liable for these decisions. But the Federal Government should be liable for their negligence in carrying out these policy decisions.

The judges in both the Allen and Begay cases, as well as other judges, have called on Congress to amend the FTCA; they have been bound by precedence to continue the broad interpretation of the discretionary clause. Congress must act. My bill, today, heeds these judges' calls and will, if enacted, put substantive relief into the Federal Tort Claims Act.

This bill amends the FTCA to delineate between policy formulation and implementation; the courts still would not be able to second guess the executive branch's policy decisions, but the Government would be held liable for the negligent acts it commits in carrying out those decisions. This approach has been advocated by a number of legal scholars.

My bill would not be retroactive, but it would allow future victims to have their day in court; victims should not have to shoulder the burdensome medical expenses for the Federal Government's negligent acts.

The King can and has done wrong, and he should be liable for his negligence.

DAN RATHER'S CONDUCT IN BUSH INTERVIEW LABELED "UNPROFESSIONAL"

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, like many Americans, I am outraged by the manner in which Dan Rather conducted his interview with Vice President BUSH just prior to the President's State of the Union speech. To say that Mr. Rather's conduct last Monday evening was unprofessional is an understatement. In our society, where the media are entrusted with great responsibility, there is simply no excuse for Mr. Rather's conduct or the CBS news department defense of it.

The objectivity and trustworthiness of the media are crucial in a democracy, especially in an important Presidential election year. Dan Rather's bait-and-switch tactics, that is his extension of an invitation to the Vice President to do a live campaign profile and then ambushing him with "Contra aid" and "arms for hostages" accusations, completely undermined these cornerstones of journalistic professionalism and amounted to nothing less than a public mugging.

The Vice President, relying on the integrity of the media, put his trust in Mr. Rather and the CBS network; it was a trust sadly misplaced.

Mr. BUSH correctly stated that Dan Rather was dwelling on mistakes of the past, not reporting news. Rather built his reputation on hard-line reporting, uncovering the bottom line. What CBS and Dan Rather did in this interview was not hard-line reporting nor was it simply reporting the news. It was an embarrassing display of the abuse of a sacred public trust in responsible journalism. Can any of us imagine such a scene with Walter Cronkite or Chet Huntley? Of course not.

The arrogance of Mr. Rather and other media elites should not go unchallenged. Rather says he was "persistent"—most Americans say he was "obnoxious."

NEW LEGISLATION WOULD ADDRESS POTENTIAL ABUSES OF DAIRY TERMINATION PROGRAM

(Mr. OLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLIN. Mr. Speaker, we have an obligation to our dairy farmers and our constituents to assure that the Dairy Termination Program is free of abuse.

That program cost $1.8 billion. It required those who participated to have their animals slaughtered or exported and to keep themselves and their dairy facilities out of dairying for 5 years.

The Office of Inspector General has found two potentially major opportunities for abuse. Some leased properties and some properties removed from the control of the producer through bankruptcy or foreclosure could be put back in production before the 5-year period expired.

Today I am introducing a bill to extend penalties to anyone who produces milk on—or makes available for milk production—any facility under DTP restrictions. It also requires the USDA to request voluntary DTP compliance from owners of leased facilities.

Mr. Speaker, we cannot squander the assessments from our dairy farmers or the taxes of our constituents. We must keep these properties out of production. I welcome the support of my colleagues in this effort.

As you recall, under the DTP nearly 14,000 milk producers agreed to go out of the dairy business for 5 years. The prohibition against milk production extended to both the producer and the facilities. In a very early audit of the contracts, the Office of Inspector General discovered that there were two potentially major areas of abuse of the 5-year prohibition against the use of DTP-idled dairy facilities.

First, facilities removed from the producer's control through foreclosure or bankruptcy could be returned to production by a subsequent owner. Although the Farmers Home Administration has agreed not to sell DTP properties in its inventory back into production, there is no restriction on other interim holders or subsequent buyers of such property.

Second, contracts were awarded to some producers using leased facilities. In many cases, there either was no formal lease or lease which would expire well before the 5-year production prohibition was lifted. Nothing guarantees that the owner will not lease the facility right back into production when the current lease expires.

My bill is an attempt to lessen abuse potential. It extends the application of penalties to anyone who produces milk on—or makes available for milk production—any facility under DPT restrictions. It also requires the USDA to contact the owners of leased facilities under DTP restrictions to request voluntary compliance with the DTP contract.

The 5-year clock of prohibition on some of these facilities will not wind down until August 31, 1992. That poses a very real opportunity for undermining the primary purpose of the DTP—to reduce production by idling dairy facilities. We must do all that we can to assure that assessments imposed on our remaining dairy farmers and the taxes paid by all of our constituents are not squandered away in payments when the facilities are being returned prematurely to milk production.

Join me as a cosponsor. Let's make good our promise to our constituents that the DTP would not only kill cows and retire dairymen, but it also would reduce production by idling dairy facilities.

JAPAN CONTINUES SLAUGHTER OF WHALES

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, today several minke whales in the Antarctic will probably meet a bloody end as Japanese harpooners posing as scientists shoot explosive tipped projectiles into their bodies.

In 1972 when it became obvious that several species of whales had been hunted to the verge of extinction, it became the position of our Government that commercial whaling should cease. Every administration since has pursued this goal. Finally in 1982, the International Whaling Commission voted for an international moratorium to begin in 1986. When it became obvious that Japan had no intention of observing the moratorium, our Government negotiated an agreement with Japan. In exchange for a pledge to observe the moratorium, Japan was given a couple of additional whaling seasons and they slaughtered over 6,000 whales. Japan's Antarctic whaling was to end last April. On December 23, the Japanese fleet sailed again to continue their whale killing.

Shame on you Japan. Shame on you.

MORE VIOLENCE IN COLOMBIA RELATED TO DRUG TRAFFICKING

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, anyone who was not aware of the ruthlessness of narcotics traffickers received a rude awakening this week.

Carlos Moauro Hoyos, Colombia's chief prosecutor, was brutally murdered this week by the drug traffickers he had vowed to oppose. He is the third Colombian attorney general victimized by these arrogant criminals.

Our House Select Committee on Narcotics has been reporting the violence that has become a day-to-day occurence in Colombia.

Colombian drug traffickers announced this week a "total war" on officials who try to extradite them to the United States to face criminal charges.

They are terrorizing and intimidating the entire Colombian Government and its citizenry.

Mr. Speaker, a worldwide full scale war against these drug traffickers and their deadly product is the only way we will succeed in eradicating the menace of drug abuse and narcotics trafficking.

Courageous men and women who will follow in Mr. Hoyos' footsteps need to know that they enjoy our Nation's full support, in addition to our prayers.

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LESSON FROM THE IRAN-CONTRA AFFAIR

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, there are many valuable lessons to be derived from the Iran-Contra affair—lessons that are applicable to the current debate over continued aid to the Contras. Let me share with you the following passage from the "Report of the Congressional Committees Investigating the Iran-Contra Affair":

> In a Constitutional democracy, it is not true, as one official maintained, that "when you take the King's shilling, you do the King's bidding." The idea of monarchy was rejected here 200 years ago and since then, the law—not any official or ideology—has been paramount. For not instilling this precept in his staff, for failing to take care that the law reigned supreme, the President bears the responsibility.

Fifty years ago, Supreme Court Justice Louis Brandeis observed: "Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a law-breaker, it breeds contempt for law, it invites every man to become a law unto himself, it invites anarchy."

The Iran-Contra affair demonstrated this administration's total lack of respect for the law. As a nation that strives to set a good example for the rest of world, our credibility has been seriously damaged. The President's request for more aid to the Contras, at such a critical time in the fragile peace process, once again sets a bad example. This request shows a total lack of respect for the peace process, a lack of respect for the hard work and resolve of the Central American leaders, a lack of respect for the people of Central America. This is not the example we should be setting.

ADMINISTRATION'S "ASSURANCES" REGARDING CONTRA AID

(Mr. CROCKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROCKETT. Mr. Speaker, in case my colleagues have forgotten the history of this administration's "assurances" to this Congress regarding Contra aid, I would like to read a particularly telling excerpt from the bipartisan report of the Iran-Contra Committee.

> When the press reported in the summer of 1985 that the NSC staff was engaged in raising money and furnishing military support to the Contras, the President *assured* the public that the law was being followed. His National Security Adviser *assured* Committees of Congress that the NSC staff was neither soliciting money nor coordinating military support for the Contras. A year later . . . Adm. Poindexter repeated these *assurances* to Congressional Committees . . . When one of (Gen.) Secord's planes was shot down over Nicaragua . . . the President *assured* the public that the U.S. Government has no connection with the flight . . . And several senior Government officials, including Elliott Abrams, gave similar *assurances* to the congress.

Mr. Speaker, the will of the Central American people for peace was borne out in the Guatemala agreement. We should support the peace process, rather than continue to accept the "assurances" of this administration that all this money for more war is really designed to achieve peace.

OPPOSING CONTRA AID

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, right now, in Central America, there is a faint light of hope shining in the darkness of a wartorn nightmare: it is a hope born of the peace plan which the nations of Central America are struggling to implement.

But rather than heeding the wishes of the Central American leaders who are seeking peace, President Reagan has chosen to sabotage their hopes and their independence.

The President has demanded more money for the Contras, so he can send in the CIA with more weapons, to continue an armed conflict in which everyone loses.

Let there be no doubt: if we send more money to the Contras now we will be harpooning the peace process and only prolonging the bloodshed in Central America. More Contra aid is no insurance policy in Central America: it is a death wish for the peace process.

Mr. Speaker, it's time to put an end to this administration's senseless challenge to reason and responsibility.

It's time to send our diplomats, and not the CIA, to Central America.

FOOD, NOT GUNS, FOR CENTRAL AMERICA

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, some while ago one of my constituents called and said that he had been listening to the radio, and he said, "You know, I am a Reagan supporter. I have been a Reagan supporter all my life; like what he says, like what he does; but I heard on the radio he wants to send some contraceptives to Central America. I am opposed to that."

I said, "No, you are confused, not contraceptives. He is talking about Contra aid. He is talking about sending guns to Central America."

"Oh, well," he says, "I support that."

I said, "I kind of figured you would."

Why is it this President and his supporters are so insistent on sending more guns to a region that needs food and education and, yes, birth spacing? Why not send food to Central America, to people who are hungry? Why not send health care to Central America, to people who are sick?

Elliott Abrams, the point person for the debate by this administration on Contra aid, you remember Elliott Abrams, he is the fellow who lied to Congress last year and said he lied to us because he was not authorized to tell the truth. He is the point person now for the Contra debate which will culminate with a vote next week. He apparently believes, based on what I heard him say last week on television, that war is really the only answer for resisting communism in Central America.

He does not understand what many of us, I think, understand and what most American people understand, that peace is an alternative and that President Arias and his three fellow presidents in the region have a peace plan put together that has done more in 6 months than this administration's policy have done in 6 years to bring the Sandinistas to the bargaining table and the region to the brink of peace. This is a very pragmatic test. The peace process has produced movement by the Sandinistas, Contra aid has not.

All these leaders ask is something very small of this country. What they ask is for us not to support additional Contra aid in the middle of this peace process. They ask us to give this peace process a chance to work.

It is embarrassing, in my judgment, for this country to be acting in a way that destroys the peace process. This might work. We need to give it every bit of encouragement that we can to give this peace process a chance. That means we should not pass Contra aid in the middle of this process. The aid we do send should complement negotiations, not undercut them. By that, I refer to food, education, and health.

If the peace process breaks down, there is plenty of time for us to discuss alternatives; but frankly, we ought to support President Arias and his neighbors. We owe them that. We owe the people of Central America that. We owe peace that action, in my judgment.

INTRODUCTION OF H.R. 3850, CORRECTING A PROBLEM FOR AMERICA'S FARMERS

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, I have introduced a bill, H.R. 3850, to correct a problem which we have created for America's farmers.

The Budget Reconciliation Act of 1987 contains a provision requiring farmers to pay excise taxes when purchasing diesel fuel for onfarm use, and then apply for a refund or credit at a later date for the taxes they have paid. This is a dramatic change from the current system under which farmers don't pay this tax to start with, since onfarm use is exempt from the road tax.

America's farmers should not have to pay a diesel fuel tax and then wait for a refund. Under the new law, every time a farmer fills a thousand gallon storage tank he could pay as much as $150 in taxes—money that doesn't belong, and will never belong, to the Government. Yet the Treasury is going to have the use of his money, interest free, for as long as a year. And

in order for a farmer to get his money back, he must fill out yet another IRS form, a requirement which will not be popular.

America's farmers are not dishonest, and should not have to pay hundreds or thousands of dollars every year to the Federal Government, and then file a form for the privilege of getting it back. It is estimated that farmers would pay $420 million every year under this new provision, which many will have to borrow, to meet the requirements of this new law.

Individuals who abuse the law ought to be prosecuted; however, all farmers shouldn't have to be punished for something which can be remedied in another way.

H.R. 3850 which I have introduced calls for agricultural users to be exempt from any initial payment of this excise tax. This legislation is endorsed by the American Agriculture Movement, American Farm Bureau, American Soybean Association, National Farmers Organization, National Farmers Union, and National Grange.

I urge my colleagues to join us in seeking to repeal a tax provision which is unfair to America's farmers by cosponsoring H.R. 3850.

CAN WE BELIEVE THE ADMINISTRATION WANTS PEACE IN CENTRAL AMERICA?

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, 6 years of bombs, bullets and diverted funds, 6 years of maimed and murdered civilians, destroyed clinics, ruined rural development projects, 6 years of stonewalling the movement toward peace in Latin America and undermining our democracy here at home.

Consider this excerpt from the Iran-Contra report:

> In the Iran-Contra affair, officials viewed the law not as setting boundaries for their actions, but raising impediments to their goals. When the goals and the law collided, the law gave way.

Can we believe that this administration is sincere in wanting a negotiated peace?

They tell us more Contra aid will help this process. Can we still believe them? I, for one, do not.

Contra aid is no insurance for the peace in Central America. It is a death sentence for the peace process. Let us not vote a single penny more in aid to the Contras.

HARASSMENT OF BLACK ELECTED OFFICIALS

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DYMALLY. Mr. Speaker, I come to the well of the House today to place before this Nation a document which challenges the very basic tenets of constitutional rights and abrogation of duty. As chairman of the Congressional Black Caucus and on behalf of my colleagues—I have transmitted this morning to the chairmen of the House and Senate Judiciary Committees and the House Subcommittee on Civil and Constitutional Rights, an affidavit sworn by an FBI agent which alleges an established official policy of that body to initiate investigations of black elected officials without probable cause.

Such a policy represents the ultimate abuse of power and places at risk more than 6,700 elected officials mandated to serve the people of this Nation. The Congressional Black Caucus and the National Black Caucus of State Legislators call for an immediate investigation into these facts.

Mr. Speaker, the actions alleged in this affidavit are deplorable and we offer them for the record in order that people of conscience everywhere will know the impact of unbridled authority. The Congress of the United States must not allow those empowered to enforce the law to make mockery of the instruments of justice and due process.

[In the U.S. District Court for the Northern District of Georgia, Atlanta Division, Criminal Indictment No. CR87-406-A]

UNITED STATES OF AMERICA *v.* A. REGINALD EAVES

AFFIDAVIT

The undersigned, Hirsch Friedman, having been duly sworn does hereby depose and state that the following is based upon his personal knowledge and is intended for use in connection with the above-captioned case:

1.

I served in the United States Marine Corps during the period of March 1960, through September 1963, and left the service with an honorable discharge. Thereafter, I attended New York University at nights and obtained an A.A.S. (business) degree.

2.

During the period of late 1963 through 1972, I was employed in various capacities in private industry. In 1976, I received a Juris Doctorate degree from John Marshall Law School and was admitted to practice law in the State of Georgia in June 1976.

3.

In February 1979, I was requested to work in an undercover capacity with the Federal Bureau of Investigation (FBI) on a number of occasions. In 1979, I was approached by an Atlanta City official in a criminal case with a proposal whereby he would "fix" the case for the sum of five hundred dollars ($500.00) plus other considerations. The official was an individual named John R. Collicot, a Zoning Inspector for the City of Atlanta.

4.

I advised the FBI of the incident and agreed to work in an undercover investigative capacity with the FBI for purposes of gathering evidence for use in connection with a criminal prosecution of Collicot.

5.

Collicot and others were subjects of audio and video covertly recorded conversations with the undersigned and others. These recorded conversations were highly incriminating and were used by the FBI to persuade Collicot to become a cooperating witness for the government.

6.

Collicot was originally promised that the charges which could be brought against him would be reduced in exchange for his complete cooperation. Collicot agreed to cooperate and participated with the FBI in an extensive program of covertly recorded video and audio tape-recorded conversations with numerous individuals.

7.

The undersigned continued to work with the FBI in an undercover capacity up to and including January 1980, and through June 1982 in an advisory capacity. Throughout a major period of this time, the activities of the undersigned were under the control of Special Agent John C. McAvoy of the FBI, Atlanta office. I worked closely with McAvoy and serveral other Special Agents on a number of investigations. I was routinely admitted to the FBI offices throughout this time and was generally allowed access to FBI records and sources for their investigations. FBI reports regarding investigations in which I was involved were routinely shared with me.

8.

The FBI throughout this time placed a high priority on the investigation of elected and appointed officials in local government. The undersigned understood that this priority was national in scope and not limited solely to the Atlanta office.

9.

Shortly after I began working with the FBI in 1979, I was made aware of an "unofficial" policy of the FBI which was generally referred to by Special Agent John McAvoy as "Fruhmenschen." The purpose of this policy was the routine investigation without probable cause of prominent elected and appointed black officials in major metropolitan areas throughout the United States. I learned from my conversations with special agents of the FBI that the basis for this policy was the assumption by the FBI that Black officials were intellectually and socially incapable of governing major governmental organizations and institutions.

10.

An upshot of the FBI's Fruhmenschen policy in Atlanta was the investigation generally referred to in the Atlanta FBI field office as "Blue Eyes, Green Eyes and Brown Eyes." This investigation specifically referred to: "Blue Eyes," Eldrin Bell, a top-ranking black police official in Atlanta who has blue eyes; "Green Eyes," Maynard Jackson, the black Mayor of Atlanta at the time who has green eyes; and, "Brown Eyes," A. Reginald Eaves, the Defendant in this case who has brown eyes. The investigation had targeted these particular individuals with the aim of prosecuting them if possible al-

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though there was no probable cause to have started the investigation.

11.

The Fruhmenschen policy of the FBI and the Blue Eyes, Green Eyes, Brown Eyes investigation were conducted throughout the period, 1979-1982, that the undersigned worked with the FBI in Atlanta as described herein. During this time, Special Agent John McAvoy was the first supervisor of the Eaves' investigations.

12.

FBI agents and an Atlanta Police detective assigned to work with the FBI would routinely discuss the progress of their investigations with me. I understood that over a dozen indictable cases against white appointed officials and others in the Northern District of Georgia were dropped and investigations discontinued altogether during this period of time while great effort was put forth in connection with the Fruhmenschen policy and pursuit of the "Blue Eyes, Green Eyes, and Brown Eyes" case, notwithstanding the absence of indictable cases against these three particular targets.

13.

In one instance during this period of time, information was received by the FBI that a then sitting Judge in the Appellate System had received the sum of $15,000.00 in exchange for the Judge's vote and the use of his influence in connection with a case then pending before the Court on which he was then a member. This information was considered reliable by the FBI. Special Agent John McAvoy was instructed by his superiors not to pursue an investigation of this matter because it was "too explosive." The Judge involved was white.

14.

Special Agent McAvoy, in the presence of others, routinely made remarks regarding the targets of his investigative efforts which the undersigned took as strictly racist. An example of these remarks used in connection with his investigation of elected and appointed black officials in the Northern District of Georgia would be, "We've got to get the Fruhmenschen!"

15.

In the fall of 1979, the undersigned was approached by an individual named Russell Weiss. Weiss wished to retain the services of the undersigned for assistance in connection with federal charges then pending against him as well as a conviction before District Judge William C. O'Kelley. Weiss had been sentenced to a prison term. The undersigned was advised by Weiss that Weiss understood the undersigned had "connections" within the FBI and that the undersigned might be able to assist Weiss in obtaining a favorable resolution of Weiss' federal problems.

16.

I discussed Weiss with Special Agent John McAvoy who advised me that Weiss might be useful in the Blue Eyes, Green Eyes, Brown Eyes investigation.

17.

Because I was working with the FBI at this time and because I had been retained as a private attorney by Russell Weiss to assist him in pursuing a favorable resolution of other federal criminal charges pending against him at that time, it was necessary for Weiss to formally waive any conflict of interest claim which he might have regarding the representation of the undersigned. In this regard, the undersigned appeared with the attorney handling the Eaves' investigation, and Special Agent John McAvoy before Judge William C. O'Kelley, the Judge who had sentenced Weiss.

18.

At the meeting, Judge William C. O'Kelley reviewed the possible conflict which might exist in connection with the services rendered by the undersigned since the undersigned was then working with the FBI in an undercover capacity. In writing, Weiss had waived any claim which he might have had regarding any possible conflict. At that time, the undersigned and the Assistant United States Attorney requested that Weiss be allowed to assist the FBI pending the appeal of his criminal case in order that he might continue to assist the government in various undercover operations. The Court granted the request provided that it was advised from time to time regarding Mr. Weiss' activities and whether they were of any use to the government.

19.

Russell Weiss was, prior to his conviction, a notorious nightclub owner in Atlanta. Because of that business, Weiss would from time to time have dealings with city and county officials regarding licensing, zoning and other problems. Weiss was directed by McAvoy to offer a bribe to A. Reginald Eaves in exchange for his influence in connection with a licensing matter fabricated for purposes of the attempted bribe. In late 1979, the undersigned, Russell Weiss, Special Agent John McAvoy and another agent traveled to the Fulton County Courthouse, Atlanta, Georgia, the location of the offices for the Commissioners of Fulton County. Weiss was provided with a tape recorder, microphone and transmitter that could broadcast conversations in which he was involved to a receiver which was located in the auto occupied by the undersigned and Special Agent McAvoy. To conceal the transmitter and tape recorder, Weiss was armed by Special Agent McAvoy with a pistol and the equipment was placed behind the holster containing the pistol.

20.

Weiss was able to meet with Commissioner Eaves and in the discussion which followed, Weiss described the artificial licensing problem which he and Special Agent McAvoy had created for purposes of the FBI's planned bribery attempt. When Weiss indicated that he wanted to pay Eaves money for the use of his influence, Eaves refused and stated that he was a public servant and was routinely available to assist taxpayers with any legitimate problem which they might have with the Fulton County Government and spurned the money that was proffered. Mr. Weiss then left Commissioner Eaves office.

21.

Sometime shortly thereafter, the undersigned together with the Assistant United States Attorney handling the cases and Special Agent John McAvoy advised Judge O'Kelley of Mr. Weiss' undercover activities including the one described herein. When Judge O'Kelley was advised that Weiss was permitted to carry a firearm by the FBI, the Judge became outraged and reprimanded both the Assistant United States Attorney and Special Agent McAvoy.

22.

On other occasions in 1979 and 1980, the undersigned, at the direction of Special Agent John McAvoy, made extensive plans for the possible exchange of money for the official influence of Commissioner Eaves, with Commissioner Eaves' brother, Manuel. On each occasion, no evidence was produced to indicate an actual willingness to participate in such conduct.

23.

I told Special Agent John McAvoy that there appeared no basis for believing that Commissioner Eaves was about to break any law involving the abuse of public office, and no basis for pursuing him. In light of that, I asked him why the FBI continued to focus on Eaves. His reply was simply that they would pursue an investigation because Eaves was a Fruhmenschen and would thus have to break the law. McAvoy used Fruhmenschen to describe black people. The undersigned understood from this and from his knowledge of the investigations by the FBI, that the investigation of Eaves and the other black elected and appointed officials in the Northern District of Georgia was based upon suspicion and racial bias and not upon reliable information or evidence.

24.

As far as the undersigned is aware, the Fruhmenschen policy of the FBI and the Blue Eyes, Green Eyes, and Brown Eyes investigation of the FBI, were ongoing at the time the relationship between the undersigned and the FBI was terminated in 1982.

I have read the foregoing statement and hereby certify that it is true and accurate to the best of my knowledge and belief.

HIRSCH FRIEDMAN.

VETERINARY MEDICINE STUDENTS PAY BACK STUDENT LOANS

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, at a time when it is costing the Federal Government more than $1.5 billion in delinquent student loans, I am happy to report that there are two institutions in the Third Congressional District of Alabama which have no default rates.

No one from either the College of Veterinary Medicine at Auburn University or the School of Veterinary Medicine at Tuskegee University has defaulted on their guaranteed student loans.

In fact, according to an article in the December 1, 1987, edition of the Veterinary Medical News from Washington, published by the American Veterinary Medical Association, only 2 percent of the $34.3 million in guaranteed student loans distributed to veterinary medicine students are delinquent.

Mr. Speaker, I am submitting this article from the American Veterinary Medical Association for the RECORD to make other Members of Congress aware of the fact that these students appreciate the benefits the Guaranteed Student Loan Program has provided them to help offset the high cost of a professional education.

VETERINARY MEDICAL—NEWS FROM WASHINGTON

[Volume 11, Number 23, Dec. 1, 1987]

VETERINARY STUDENTS—LOAN DEFAULTS STAY LOW

The veterinary medical profession is maintaining its excellent record in repaying student loans received under the Health Professions Student Loan program. More than $34.3 million in loans are outstanding, with a corresponding delinquency rate of slightly more than 2 percent. A total of 22 veterinary schools and colleges participate in this important source of federal student financial assistance.

Among the 7 health professions, only optometry has a lower default rate. Only 1 veterinary school is on probation because its delinquency rate exceeds the 5 percent limit. The lowest delinquency rate, 0.01 percent, is boasted by 2 schools.

The Guaranteed Student Loan program is the largest single source of financial aid for veterinary students. It has recently received national attention and criticism for enduring high default rates (see *News from Washington*, November 20); however, no veterinary colleges have default rates for those loans that would be high enough to jeopardize their eligibility.

Loan defaults currently cost the federal government more than $1.5 billion each year. Stating that the government should be "paying for students to attend college, not for cleaning up costs of their defaults," Sen. Dan Quayle (R-IN) recently introduced the Student Loan Default Reduction Act. The bill, S 1879, is an even tougher version of the proposal put forth previously by Secretary of Education William Bennett. Under the Quayle plan, guaranteed student loans would be restricted to schools with loan default rates of less than 20 percent and schools would be required to assume a greater degree of responsibility for their students' failure to pay back their loans. No action has been scheduled on the legislation.

NO ACCOUNTABILITY FOR CONTRA AID

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, some of my colleagues favor Contra aid. Some of my colleagues favor the peace process, but I do not know a single Member of Congress who favors waste of taxpayers' dollars, and the record of Contra aid in this administration is a record of waste and profiteering.

Last year, as a result of a Federal audit, we determined that half of the humanitarian aid we had sent nominally to the Contra forces in Nicaragua ended up in one grocery store in Honduras, a street corner grocery store in Tegucigalpa, owned by the generals in the Honduran army. We were not quite sure we got our money's worth in this humanitarian assistance.

Last year Secretary of State Shultz testified before the House Budget Committee and assured me personally that he could account for the $27 million in Contra aid which American taxpayers sent down there the year before.

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I exchanged several letters. I do not have the stack of them to rap on the podium here as the President did with the CR the other night. But I wish my colleagues could see them because as they would read them they would find out the Secretary of State could not provide that information. As the GAO reported, our State Department has shown an utter disregard for spending controls and lack of accountability when it comes to Contra aid.

It is becoming increasingly clear that our Contra aid is being monitored by Johnny Carson's infamous bookkeeper "Loose-Leaf Maurice."

Now the President wants us to throw another $36 million in Contra aid into the dense jungle of waste and profiteering. We cannot afford to waste another penny of the taxpayers' dollars to perpetuate Contra folly in Nicaragua. It is time to give peace a chance and stop squandering tax dollars on the Contra effort.

LEGISLATION TO AMEND LOW LEVEL RADIOACTIVE WASTE POLICY ACT

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, I appreciate the opportunity to address the House in support for legislation I am today introducing which would amend the 1980 Low Level Radioactive Waste Policy Act.

This bill would add a section to current law which delegated to the States responsibility for disposal of low-level radioactive waste within their respective jurisdictions. A majority of the States have formed regional compacts which then assume control over the site selection process for location of waste disposal facilities as well as all other tasks associated with the operation of the disposal facilities. The formation of these regional compacts must be approved by the Congress through legislation.

The State of Texas has elected not to join a regional compact and has created the Texas Low-Level Radioactive Waste Disposal Authority to provide a plan for the disposal of its low-level waste.

The effort of the authority in Texas to select a suitable location for the disposal facility have raised strong concerns among west Texans, the area most likely to play host to such a facility, in that political and budgetary considerations appear to have had more influence in the site selection process than scientific or engineering factors.

At the present time, two locations have been selected, both in Hudspeth County and both in my district. A neighboring county, El Paso, has filed suit against the authority alleging that both sites do not meet the siting criteria spelled out in State law. An injunction has been placed on the authority preventing any further work on these two sites while the Texas Supreme Court decides the merits of the suit. Only last week the Texas court ruled against the county thus clearing the way for the final designation of a site and, in turn, spawning a new cycle of litigation in the State court system.

My legislation would essentially duplicate language which is contained in a 1983 agreement between the United States and Mexico on cooperation for the protection and improvement of the environment in the border area. The agreement, which was signed by the Presidents of both countries, provides generally for mutual cooperation in preventing or reducing sources of pollution in their respective territory which affect the border area of the other. The border area is defined as the area situated 100 kilometers—or 60 miles—on either side of the Rio Grande.

The 1983 agreement, and my bill, recognize the need for both countries to act responsibly in respecting our shared border area environment. Certainly, the location or a low-level disposal facility within the defined area—in this case an international waterway that is fed by several surface and ground water sources, the Rio Grande—violates the intent of the agreement and poses a risk to the natural resource H.R. 791 seeks to protect.

Congress has only recently begun to recognize the need to agressively safeguard against ground water contamination. With this legislation, Congress would be demonstrating an appreciation for the role we all must play in acknowledging the interdependence which so characterizes our border area environment.

Finally, Mr. Speaker, I am aware of the general unwillingness of some within this House to revisit an issue—the disposal of low-level nuclear waste—which many feel has already been disposed of. The situation in Texas underscores, at least in my mind, that Congress cannot afford to duck its ultimate responsibility for the threat posed to our population by problems associated with the disposal of such waste when this problem is the direct result of policies pursued at the Federal level.

I am hopeful that testimony developed during committee consideration of this bill would articulate more clearly the need for a more careful monitoring of the actions of the States in addressing this problem. Just as im-

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portant, I also believe that this legislation could serve as a vehicle for the examination of our legal as well as moral reponsibilities in the field of international pollution and its disposal.

FINDINGS AND CONCLUSIONS OF THE IRAN-CONTRA INVESTIGATION

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LANCASTER. Mr. Speaker, I, too, wish to share with this body some of the findings and conclusions of the Iran-Contra investigation:

> The common ingredients of the Iran and Contra policies were secrecy, deception, and disdain for the law. A small group of senior officials believed that they alone knew what was right. They viewed knowledge of their actions by others in the Government as a threat to their objectives. They told neither the Secretary of State, the Congress nor the American people of their actions. When exposure was threatened, they destroyed official documents and lied to Cabinet officials, to the public, and to elected representatives in Congress. They testified that they even withheld key facts from the President.
>
> The United States Constitution specifies the process by which laws and policy are to be made and executed. Constitutional process is the essence of our democracy and our democratic form of Government is the basis of our strength. Time and again we have learned that a flawed process leads to bad results, and that a lawless process leads to worse.
>
> (Excerpt from the Report of the Congressional Committees Investigating the Iran-Contra Affair, H. Rept. No. 100-433, S. Rept. No. 100-216)

CONTRA AID AND THE IRAN-CONTRA SCANDAL

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, how can the Reagan administration expect us to believe that they support the Central American peace process when they have shown nothing but contempt for truth in the past? The hearings on the Iran-Contra affair revealed that officials in this administration felt justified lying to Congress and to the American people in order to promote war in that troubled region.

At the hearings held by the special investigating committees, "Col. Oliver North conceded * * * that he had participated in making statements to Congress that were 'false,' 'misleading,' 'evasive and wrong,'" according to the committee's report. Indeed, North proudly declared that he "didn't want to tell Congress anything."

Mr. Speaker, the administration is misleading Congress again when it argues that $36 million in aid to the Contra terrorists will act as insurance for peace. The truth is that more aid to the Contras will be a death certificate for the peace process. The end of the peace plan will insure a prolonged, bloody war in Nicaragua with no foreseeable end. I urge my colleagues to vote against more war. Give peace a chance. Vote "no" to Contra aid.

COAST GUARD CUTS IN THE CONTINUING RESOLUTION

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, cutting the Federal deficit must continue to be one of Congress' highest priorities. Unfortunately, one of our recent exercises in budget-cutting has yielded disastrous results.

I am talking about the $105 million cut in Coast Guard spending, mandated by the continuing resolution we passed last month which is going to undermine the ability of the Coast Guard to carry out its mission, including a number of critical law enforcement functions.

Indeed, if you are a drug trafficker, you will be delighted to know that your chances of evading detection by the Coast Guard have just doubled. That is because budget cuts will force the Coast Guard to cut routine inspections to 55 percent of fiscal year 1987 levels, and it is routine inspections that have, in the past, resulted in 90 percent—that's 90 percent—of all drug interdictions by the Coast Guard. Just 10 percent of Coast Guard seizures are based on intelligence.

These cuts, coming on the heels of past budget cuts, will also adversely affect other important Coast Guard missions, and result in the cancellation of all routine air and surface patrols, the closing of a number of vital facilities, and the reduction of maintenance, aids to navigation, and readiness training.

Mr. Speaker, meat-ax cuts in a vital Government function such as Coast Guard just don't make sense. It's about time we gave the Coast Guard the resources they need to do their job.

NATIONAL "CHALLENGER" CENTER DAY

Mr. DYMALLY. Mr Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 201) to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. Owens of Utah). Is there objection to the request of the gentleman from California?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the distinguished gentleman from Texas [Mr. Brooks], the chief sponsor of House Joint Resolution 419, designating January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

Mr. BROOKS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to express my heartfelt appreciation to my distinguished colleagues, the chairman of the Post Office and Civil Service Committee, and the chairman and ranking minority member of the Census and Population Subcommittee, who have agreed to ask for unanimous consent to pass this legislation.

The survivors of the *Challenger* crew have worked diligently to turn into reality their dream of a National Challenger Center to encourage educational opportunities for all Americans in the fields of space research and science. Congress recognized their efforts last year by approving legislation identical to that being considered today.

Passage of this resolution, Mr. Speaker, will serve not only as a memorial to the brave men and women lost in the *Challenger* accident but will also help in the creation of this lasting, working tribute to their ideals and sacrifices. I encourage my colleagues to support the resolution.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. Dymally], the distinguished chairman of the subcommittee.

Mr. DYMALLY. Mr. Speaker, I rise today in support of Senate Joint Resolution 201, a bill to designate January 28, 1988, as "National Challenger Center Day." I commend my colleague, Mr. Brooks, for sponsoring the House companion measure which honors the crew of the space shuttle *Challenger*.

As we remember the crew of the ill-fated mission, we commemorate their commitment to stimulating the interest and promoting the education of American children in space flight.

In paying tribute to the *Challenger* crew, we must continue to encourage the involvement of all Americans in space research programs of our Nation.

Astronaut Ronald McNair was one of seven historical Americans on that mission, and his memory should prompt a renewed commitment to the participation of minorities in the sciences and technology.

If we are to remain competitive globally into the next century, we must take it upon ourselves now to develop and support programs which encourage a higher level of participation by Americans in engineering, computer sciences, physics, and similar fields of study.

Mr. Speaker, I commend the sponsors of this bill and I urge my colleagues to join me in supporting this measure.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Vermont [Mr. Jeffords].

Mr. JEFFORDS. Mr. Speaker, I appreciate the gentleman yielding.

As I did last year, I would like to come forward on this day and commend the sponsor of this resolution for recognizing the contribution of the members of the *Challenger* crew. As we all know, one of the members of that crew was a teacher, Christa McAuliffe. We had looked forward to her participation in that flight as an example of the incredible importance that education plays in this country. It is a horrible irony that it instead highlighted problems in the space program and the need for us to recommit ourselves to improving our educational system as well as the space agency.

So I think it is important we do not forget this day, especially for those of us who are dedicated to improving education in this country. Again I commend the gentleman for introducing this resolution.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I commend the gentleman from Texas [Mr. Brooks] for introducing this resolution and calling attention to our Nation of the importance of the "National Challenger Center Day" for honoring once again that courageous crew of the space shuttle *Challenger* and what they meant to our Nation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 201

Whereas the crew of the space shuttle Challenger was dedicated to stimulating the interest of American children in space flight and science generally;

Whereas the members of the Challenger crew gave their lives trying to benefit the education of American children;

Whereas a fitting tribute to that effort and to the sacrifice of the Challenger crew and their families is needed;

Whereas an appropriate form for such a tribute would be to expand educational opportunities in science by the creation of a center that will offer children and teachers activities and information derived from American space research; and

Whereas the Challenger Center is the only institution expressly established by the immediate families of the crew of the Challenger for the above-named purposes, and is intended to be the living expression of the Nation's commemoration of the Challenger crew: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 28, 1988, is designated as "National Challenger Center Day" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day—

(1) by resolving that in the course of their regular activities the people of the United States will remember both the Challenger astronauts who died while serving their country, and the importance of the Challenger Center is honoring the accomplishments of the Challenger crew by continuing their goal of the expansion of interest and ability in space and science education; and

(2) with other appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EULOGY FOR THE HONORABLE DAN DANIEL

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. FOLEY. Mr. Speaker, yesterday a very large delegation of this House joined the members of the Virginia delegation from the House and the Senate and a great number of other citizens of Virginia and of the Fifth District of Virginia to express our condolences and sorrow at the death of our late colleague, Dan Daniel.

At that ceremony in Danville, VA, yesterday at his home church, the eulogy was delivered by our colleague, the Honorable Bill Nichols of Alabama, in what I think every Member who attended that ceremony will recall as one of the most moving eulogies ever delivered by a Member of this body on behalf of a departed colleague. The gentleman from Alabama [Mr. Nichols] expressed the views of all of the Members at our sorrow at Dan Daniel's death.

Mr. Speaker, I include the remarks eulogizing Dan Daniel at this point in the Record:

Eulogy Given Congressman Dan Daniel, Funeral Services, January 26, 1988, Mount Hermon Baptist Church, Danville, VA

Twenty years ago I first met Dan Daniel when the both of us were seeking seats on the House Committee on Armed Services. My name was selected first and so I ranked Dan by a matter of three minutes and one seat and for twenty years we sat side by side on the committee. I admired many things about Dan Daniel, his Virginia pronunciation of "about" and "house" but I especially appreciated his rural background and the hardships he overcame in his early life. He told me of his bout with tuberculosis and I knew that he had found a job as a teenager in the Danville mill. He was proud of his service with the Civilian Conservation Corps and I knew also that he was the only member of the Virginia delegation who never attended college and yet last night the President of the United States, in his State of the Union Message, viewed by millions of Americans paid respect to this son of a Virginia sharecropper.

It is extremely difficult for me to adequately express the deep bonds of friendship, of confidence, of trust that I had for Dan Daniel other than to say that I had no better friend in the entire Congress. He was a man universally liked and respected by his colleagues across party lines and sectional differences for his loyalty, high principles and patriotism. He epitomized the very spirit of his State's founding fathers, of Washington, of Jefferson, of Patrick Henry—he loved this country to the core and his service on the Armed Services Committee reflects the deep devotion that he held for America. But his two decades of service on the Armed Services Committee will be remembered not necessarily for his support of sophisticated, complex and expensive weapons systems, but for his genuine heartfelt concern for people—the men and women who wear the uniform of the United States of America. His leadership in the Congress in behalf of child care facilities, housing, the GI bill, and commissaries has made military living better for hundreds of thousands of American servicemen and women.

Dan's politics reflected the strong conservative views of those constitutents who entrusted the representation of his State and his country to him when he was first elected to Congress in 1968. He had previously served as a member of the Virginia House of Delegates and he was always attentive to the needs of people who had sent him to represent them in Washington.

And Dan Daniel will be remembered by us all as being a devout Christian with the highest moral precepts and at the time of his death was serving as President of our Thursday morning House Prayer Breakfast. He loved to join in the singing of "Amazing Grace" and in planning the program for this year's national prayer breakfast he asked that one of his favorites "How Great Thou Art" be included in the music.

Over Dan's career in the Virginia Assembly and in Congress he received many honors including the service to mankind award, the George Washington Honor Medal, the Croix du Merite from the Republic of France and was National Commander of the American Legion—but I shall remember him for the concern he showed to everyone. He was always courteous to the elevator operators, to the cleaning woman, to the policemen around the Capitol Grounds.

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Everything Dan did he did well. He was a fair and impartial presiding chairman of his Subcommittee on Readiness and he was the very best golfer in the entire Congress. Dan Daniel was indeed a "gentleman's gentleman," he was a "legislator's legislator" and he possessed all the many admirable traits which in my judgment made him the outstanding Congressman that he was.

Dan was solid as a rock, as dependable as the changing of the tide, a champion of old fashion discipline and restraint. He was blessed with an abundance of personal warmth and charm and kindness—a man of character and I shall expect him to be in the "cloakrooms of heaven" on vigil for the arrival of his close friends.

So my memories of Dan Daniel will be memories of gratitude—that I knew him and that perhaps a portion of his character may become a part of me.

The words then of St. Paul's second letter to Timothy would seem appropriate "he has fought the good fight, he has finished the race, he has kept the faith."

Dan Daniel will be sorely missed by his many friends in the Congress and he will be missed by the people he so ably represented in his State of Virginia.

So on behalf of the entire Congress, we extend our deepest sympathy to his devoted wife Ruby and to his son, Jimmy and the other members of the Daniel Family.

And "Dan, I am going to miss you". Too!

ADJOURNMENT TO MONDAY, FEBRUARY 1, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, January 28, 1988, it adjourn to meet at noon on Monday, February 1, 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

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COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. OWENS of Utah) laid before the House the following communication from the Clerk of the House of Representatives:

Office of the Clerk,
House of Representatives,
Washington, DC, January 26, 1988.

Hon. Jim Wright,
The Speaker, House of Representatives,
Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 11:11 a.m. on Tuesday, January 26, 1988 as follows:

(1) Said to contain a message from the President whereby he transmits the 17th Annual Report of the Department of Transportation;

(2) Said to contain a message from the President whereby he transmits the report on current government activities in the area of research on the so-called "Greenhouse Effect.";

(3) Said to contain a message from the President whereby he transmits the eleventh Annual Report of the National Institute of Building Sciences for 1987;

(4) Said to contain a message from the President whereby he transmits the sixth Annual Report on Alaska's mineral resources; and

(5) Said to contain a message from the President whereby he transmits the sixth Annual Report of the Tourism Policy Council, which covers fiscal year 1987.

With great respect, I am,
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce, the Committee on Merchant Marine and Fisheries, and the Committee on Public Works and Transportation:

(For message see proceedings of the Senate of Tuesday, January 26, 1988, at page 151.)

REPORT ON CURRENT GOVERNMENT ACTIVITIES RELATING TO "GREENHOUSE EFFECT"—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology:

(For message, see proceedings of the Senate of Tuesday, January 26, 1988, at pages 150 and 151.)

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

(For message, see proceedings of the Senate of Tuesday, January 26, 1988, at page 150.)

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs:

(For message, see proceedings of the Senate of Tuesday, January 26, 1988, at page 151.)

ANNUAL REPORT OF THE TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceeding of the Senate of Tuesday, January 26, 1988, at page 150.)

IN TRIBUTE TO DAN DANIEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. Miller] is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, I want to elaborate on my previous comments offered in tribute to our good friend and House colleague, Congressman Dan Daniel. I want to underscore my earlier remarks regarding the loss of this distinguished American and loyal servant of the Fifth Congressional District of Virginia.

The House of Representatives has lost a true friend, who has demonstrated, time and time again, his sense of dedication to the principles of democracy and his faith in the system of government that we are responsible for maintaining and protecting. I was privileged to have worked alongside Dan for years in this Chamber. I valued his counsel and respected his thoughtful views. You always had the impression that his stance on an issue—particularly the major decisions we've faced in the House—was based upon sound reason and thorough research.

The citizens of the Fifth Congressional District were fortunate, indeed, to have had Dan represent them for nearly two decades. They depended upon him for leadership and he always responded. He was active in the American Legion, in civic affairs and he made the concerns of his district the business of Congress. Most importantly, he pursued his legislative tasks with a manner and attitude that impressed us all.

He will be greatly missed. I extend my personal sympathy to the family and friends of my friend, Dan Daniel.

REMARKS OF SPEAKER JIM WRIGHT ON THE STATE OF THE UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. Foley] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I would like to take this opportunity to commend to the House the excellent and insightful remarks of our Speaker in response to the President on Monday evening, January 25, 1988. Those remarks are as follows:

Remarks of Speaker Jim Wright on the State of the Union, January 25, 1988

We have indeed made a strong start, and I'll tell you a bit about it.

But first I want to say congratulations to President Reagan for having successfully negotiated the INF treaty with the Soviet Union. We pledge him our support in that endeavor.

Six months ago, President Reagan and I joined together in calling for a new peace plan for Central America. A few days later, the five Central American Presidents agreed to move that peace process forward. They are still actively pursuing it. Mr. President, so long as there is any measurable progress toward solving that conflict at the table, I think you and I should give peace a chance.

In national security and the pursuit of peace, there ought not to be Democrats and Republicans—just Americans.

Congress has supported those goals. We provided some $300 billion last year for our military defenses.

But we know that no democracy can be a first rate military power if it becomes a second rate economic power.

As important as our commitments abroad may be, our first obligation is to the American people—and to their future.

Today is the day America looks at itself in the mirror and asks how we are doing.

Consider the State of our Union with me as we reflect upon five major steps the 100th Congress is taking to build America's future.

House bill number 1, our first legislative act, was the clean water bill, to protect the one precious resource upon which all human life depends. Because nearly one out of every five public water systems are now contaminated by toxic wastes, we cannot delay the clean-up no longer.

Yet President Reagan vetoed this bill. He insisted that we cut back sharply on America's commitment to clean water and a safe environment. Fortunately, Congress overrode that veto.

House bill number 2 was the highway bill, to improve and upgrade the network of highways and bridges on which Americans depend.

Twenty percent of the bridges in this country are unsafe—thousands of them built more than 100 years ago.

President Reagan vetoed this highway bill also. He mistakenly called it a "budget buster." That was absolutely incorrect. This bill doesn't add a penny to the national debt. We pay for these highways with our gasoline taxes that make up the Highway Trust Fund, where billions of dollars lie idle. And so we overrode that veto as well.

House bill number 3 is the trade and jobs bill.

Mr. Reagan said a few days ago in Cleveland not to worry about the trade deficit—that it was a sign of strength. But just ask the local people who worked at Dalton Industries or at the General Motors Plant near Cleveland, both of which just closed. Those people just lost their jobs to the trade deficit—as millions of other Americans have done.

In spite of what the President says, the trade gap has risen sharply every year for the past seven years, and was higher last year than ever in our history. This has made America the number one debtor country in the world. That isn't a sign of strength!

Our bill does two things. It provides incentives for other countries to abandon unfair practices which discriminate against American goods—like deliberate red tape which keeps American import applications permanently "under study" and never acted upon, or like unloading a shipload of 200 American automobiles—just one car a day.

We simply require in this bill that other nations treat our American products on their markets just exactly as we treat their goods on our markets. No better and no worse.

The bill also strengthens our ability to compete. Tools and schools. It will improve our research and development, modernize America's aging industrial plants, and equip America's work force with the skills and knowledge we need—so that unemployed industrial workers aren't forced to settle for lower paying jobs.

We can't build a vibrant economy by just delivering pizzas to each other.

So while this Administration has crossed its fingers and hoped for the best, the Congress has acted. We'll send a bill to the President shortly, and we earnestly hope he signs it.

House bill number 4 is the housing bill. In the last few years the hope of home ownership has become a fading illusion for too many American families.

President Reagan asked that we abolish the Federal Housing Administration and increase the price of houses by charging hidden user fees. But we saved the FHA outlawed user fees, and protected home ownership, not just for an affluent few, but for Americans of average and modest means.

We also passed a farm credit bill to stop the epidemic of family farm foreclosures.

And, for the growing number of men, women and children who have fallen victim to the sad new phenomenon of homelessness, our bill reflects our belief that there is no excuse for *any* American to be abandoned by his country to die of starvation or exposure to the weather.

I have always believed in an eleventh commandment—Thou shalt pass on to your children a better world than you received from your parents—and it is to them, America's children, that the great thrust of our legislative program is dedicated.

House bill number 5 is an education bill. Five year ago, the Administration's own commission produced a chilling report on the sagging quality of American education. The report was called "A Nation at Risk."

The President ignored that warning. In each year of his Presidency, he has called for major cuts in education. Last year he called for a 28% cut. This goes beyond foolhardy. In an age when our children will have to cope with semi-conductors, supercolliders and international competition, America will not survive unless this generation is better educated. Education must be our first priority, so our bill increases our commitment to quality education for the first time in seven years.

And if it is disastrous to equip our young with inadequate learning, it is immoral to burden them with our financial debts. The policies of this administration have added more to the national debt in seven years than all its predecessors added in almost 200 years.

A great nation like ours should not be forced to borrow from foreigners to pay our bills, or to lose twenty-four cents from every one of your tax dollars just to pay interest on the National Debt.

In the year ahead your nation's Congress will complete this agenda that we began last year for a stronger, more humane, and more secure America. And if the President will help, we can do it all on a pay as we go basis, and not just keep adding to the debt.

Mr. President, we all have to work on this together. The ancient scribes wrote, "not thine to finish the task, but neither art thou free to exempt thyself from it." We cannot solve all our problems by January 1989. But that doesn't mean we don't have to try.

BANK ISSUES: DON'T FORGET THE CONSUMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. Annunzio] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, this second session of the 100th Congress will be a busy one. My colleagues and I must consider many important issues which will undoutedly receive a lot of attention here in Washington as well as around the country. A review of the banking industry coupled with possible changes is among these. I ask my colleagues to bear in mind consumer needs and rights when considering any legislation which might affect the ability of banks to serve all consumers of bank services.

After long, arduous deliberation late in the last session of Congress, we reached an agreement to strive for more fiscal responsibility in Federal spending. Deficit spending, however, is not only an issue in terms of the Federal budget, but has also become a serious problem for individuals in this country. It is my hope that the Congress will adhere to the budget plan not only to decrease the national debt, but also to set an example for the people of this country who have come to rely on credit in a habit of living beyond their means.

While overextension of credit creates a dangerous situation for consumers, the issuers of credit cards are exacerbating the situation by not adequately informing their customers about their credit plans. In not disclosing information on interest rates and other charges, issuers of credit are reaping profit in an unfair and unacceptable manner. Legislation to require that issuers of credit cards disclose interest rates and other charges is essential in providing consumers with the appropriate information to make responsible fiscal deci-

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sions. Fairness to consumers is at the heart of this issue, and I intend to work diligently to ensure that such legislation becomes law.

A similar problem exists with regard to home equity loans. In hearings which were held last fall, the need to inform borrowers of fees, rates of interest, and the consequences of defaulting was deemed crucial in protecting consumers. I believe that not providing such information is tantamount to false advertising and must be prevented under the protection of the law.

It is the responsibility of this Congress to consider the effects of banking legislation not only on banking institutions, but also on consumers. I ask that my colleagues remember consumer needs when the House considers banking legislation in this session of Congress. Banking institutions are intended to serve customers in the most efficient and profitable manner possible. This should not be carried to such an extreme, however, the consumers are treated unjustly in the process.

THE IMPACT OF DAIRY PROBLEMS OF CERTAIN ESSENTIAL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. JEFFORDS] is recognized for 60 minutes.

Mr. JEFFORDS. Mr. Speaker, it will come as no surprise to anyone that I have taken a special order today to talk in this body about what is certainly one of my very favorite subjects, and that is dairy. However, it may be a surprise that I will not talk to any extent about dairy farmers, but rather, about what impact the present dairy situation will have upon very essential nutrition programs in this House. I would not disappoint my dairy supporters who, I am sure, would like me to spend more time on our dairy situation, since we have some problems there, and I intend to take another special order within a couple of weeks to delineate specifically the outcome of the whole herd buyout, as well as certain recommendations which I will be making with respect to program changes in order to take care of some of the problems we have incurred with that bill. So today I want to talk about a subject which, as a result of the present situation in the dairy program, I believe, requires urgent attention.

Two years ago, when Congress put into motion the 1985 farm bill, that required the Secretary of Agriculture to cut the dairy price support if the overall annual dairy surplus was expected to exceed 5 billion pounds.

The USDA recently relied on that authority to implement a 50-cent-per-hundredweight price cut. And, under law, that cut must be implemented and has been implemented, and also a similar cut will be implemented in 1989 and 1990 if the Secretary so believes the surplus will exceed that 5-billion-pound trigger.

Mr. Speaker, I am here before the Members today to call on the administration and the Congress to support legislation increasing that 5-billion-pound trigger. If we do not, this Congress and this administration will soon have to face the next price cut, and we will be in the position of jeopardizing very valuable nutrition programs, including programs helping the elderly, the disabled, and children, as well as the homeless, to whom we would anticipate giving a substantial amount of help from our surpluses.

Let me explain. What tends to be lost in all the debate about dairy surpluses and the cost of the program is that those surpluses have been used for years to feed the hungry. The Government buys surplus milk, butter, and cheese at a cost considerably lower than the market value, the commercial value. Those surpluses are the foundation of programs such as the school lunch program, elderly nutrition programs, and, until this year, the so-called TEFAP, the Temporary Emergency Food Assistance Program, which has provided emergency food for the homeless.

Now, one of the great ironies and tragedies is that even though Congress last year passed our large assistance bill for the homeless, USDA is already planning to eliminate TEFAP this spring. And why? Because despite a dairy surplus well in excess of 5 billion pounds next year, USDA does not expect there to be enough surplus commodities available to support this emergency food program for the homeless at anywhere close to present levels.

Mr. Speaker, in 1985, when we were in conference, I argued that a higher trigger on price cuts was necessary, warning of the possibility of running out of surpluses that sustain valuable nutrition programs. Unfortunately, that warning is coming all too true.

The USDA cut the dairy price support to $10.60, down a full dollar from where it was just about a year ago and almost $3 from where it was in 1981. It did so, as it was not only authorized but told to do under the law, because of an expected surplus exceeding 5 billion pounds. Even at the USDA projected surplus level of 7 billion pounds, about which I have some serious question, the USDA admits it will not have enough surplus commodities to sustain nutrition programs at their current levels or to sustain emergency programs for the homeless at all.

Let me just give the Members a little bit of information on the dairy program, its cost and where that cost goes. Unfortunately, during this budget-cutting period we spend a great deal of time looking at figures without closely examining what the product of those figures is. In this case the dairy program costs of about $1 billion are not costs without a benefit. They are not waste, they are not additional income to dairy farmers. What they are is cost related to certain programs.

Let me just give the Members a brief idea of where those costs are. First of all, we have the donations of the program to the School Lunch Program. This results in about 3.25 billion pounds of milk equivalent that are going to the School Lunch Program. Also we have some 325 million pounds going to the elderly feeding programs, with some additional 4.1 billion pounds going to the child nutrition program and TEFAP, the Temporary Emergency Food Assistance Program, has been utilizing up to 4 billion pounds of milk equivalent. The total money that would be involved here would be well over $1 billion. In other words, that $1 billion which we look at and some people point out as going to dairy farmers and being an unnecessary expense is not really that. It is necessary to do such basic things as to keep our school lunch program operating at its present level. If we were to eliminate it, it is important to remember the result would not be a cut in Government cost but, rather, we would have to look to the commercial markets to supply the additional amount of food we would have to have to replace the School Lunch Program and other feeding programs.

Now, with respect to this situation where we are having inadequate surpluses, we can basically do four things. We can cut back substantially on the Government assistance programs for the needy. If we do that, however, we will be turning our backs basically on our commitment with respect to domestic programs for our many, many people who are in need, either the homeless, the needy, or the people in school lunch programs. This would, of course, be a course which runs counter to the efforts the Congress has already made to reduce poverty and homelessness and hunger.

Under another option, we would make up for the shortfall by purchasing on the open market the remaining commodities needed for the program, but pursuing this option means considerably higher costs, not only for consumers but for the Government. And a government faced with enormous deficit problems can ill afford to have increasing costs in one program, with the increase being greater than the reduction.

Another option is the one I proposed 3 years ago and which the House agreed upon, and one which I am proposing again today. That is to increase the dairy trigger to 7 billion pounds and make the Secretary of Agriculture's authority to cut the support price discretionary and not mandatory. Incidentally, the House bill that did pass here in 1985 did not contain price cuts but, rather, a mandatory

supply program over the 7-billion-pound level. This approach will allow us to maintain our commitment to nutrition programs for the needy without unnecessary cost increases to either Government or to the consumer or to those who are participating in the feeding programs.

If we do not implement these simple changes in the law, we will guarantee the curtailment and probably the eventual demise of most, if not all, of these nutrition programs.

I believe it is important to make the decision discretionary for at least two reasons: First of all, for the reason I have spoken about, to give the Secretary the option as to whether or not he would desire to have a larger surplus to be able to fulfill the commitments that we have to the nutrition programs, but in addition to that, throughout the country we are experiencing regional dislocation because of the low cost of production. This would allow the Secretary, as we await the coming of the 1989 farm bill, the option and the discretion to say we should postpone further price cuts until such time as we can take care of these very substantial regional dislocations which, if they continue and get worse, will result in much higher costs for the consumers in those areas.

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Also, of course, in this process as we move forward, we also will be jeopardizing the livelihoods of innumerable American dairy farmers under the present price cut system who will be forced out of business and potentially on to welfare because of support price cuts that will undermine their ability to farm, and this of course also for me personally coming from a State which has seen serious losses in this regard is an important issue.

Advocates of dairy price cuts continually argue that cuts are a sure fire way to reduce the national dairy surplus, and they are right. The lower the support price, the greater chances that more farmers will be driven out of business and milk production reduced.

The issue, therefore, before us is not the effectiveness of that approach, but how far we can afford to go with it and who do we hurt. Since much of the national dairy surplus is used to support Government nutrition programs, in fact all of it, if you look at the total usage in the near future, the question becomes how much can we afford to cut back on the national surplus before our ability to maintain these nutritional programs is undermined?

Thanks to the success of the wholeherd buyout program, overall production has fallen significantly over the last 2 years. We are now at the point where we need to stabilize that production at a level that will allow us to meet our nutritional program obligations, while curbing excess dairy production.

If the surplus level that triggers annual price cuts remains at 5 billion pounds, we will not be able to meet those nutrition program obligations without incurring significantly higher costs to the Government, and the USDA's own figures confirm that, a zero balance in the level of uncommitted surpluses available for use by nutrition programs.

Last year, for instance, some 8.1 billion pounds of surplus dairy products were used for nutrition programs, although USDA only purchased 5.4 billion pounds of surplus that year. The balance was a carry forward of surpluses. Obviously, as we go forward, if we have, we are not going to be able to have enough at the present projections to meet the current level of distribution of 8 billion pounds.

This year, as I said, there is no prior surplus to call upon to meet that shortfall. The USDA projects a 7-billion-pound surplus, and therefore you will have to look to the commercial levels in order to maintain our present program levels.

This situation will get worse in the coming years because the trigger built into the 1985 farm bill, in my estimation for most of the country, is too low. Despite the fact that USDA projects a 1-billion-pound shortfall for 1988, the 50-cent price cut will most likely be triggered in 1989 and possibly in 1990. This will only exacerbate the situation, unless we act.

The House version of the 1985 farm bill contained the 7-billion-pound trigger I had urged, and again point out not through price cuts, but for mandatory supply management programs; but unfortunately we were forced to accept the Senate's 5-billion-pound price cut trigger in order to win final agreement with the administration.

Now that we have had a chance to measure the impact of the price cuts on the surpluses, we must act to raise the trigger to the level required to meet our commitments to the needy.

My proposal would also remove the straitjacket Congress put on the Secretary of Agriculture when it required the Secretary to do this, even though in his own judgment he might have wished to do something else.

I believe we should give the Secretary the discretion. We need to allow him to look at a number of factors, such as our commitments to the needy and changes in production costs, as well as in regional milk market dislocations, which are occurring around the country and the higher consumer prices, when he evaluates whether he wants to make further price cuts and not do it arbitrarily based upon too low a figure, especially when we have increasing production in areas where they do not consume the milk that is produced.

As I mentioned earlier, I just wanted to say that I will be back here again to go over the situation with respect to the milk price support program and the wholeherd buyout in a couple weeks; but in the meantime, I just hope Members, especially those from urban areas for whom I am pleading, will recognize the ramifications on the helpless, the needy and the homeless in this country, are going to be dramatically affected to the tune of hundreds of millions of dollars by virtue of a cutback in the dairy products that will be available for distribution over the years ahead unless we do, as I believe we must do, act to correct what I believe is a very unfortunate inequity.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. JEFFORDS) to revise and extend their remarks and include extraneous material:)

Mr. JEFFORDS, for 60 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. PICKETT) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, on January 28.

Mr. KLECZKA, for 60 minutes, on February 2 and 3.

Mr. KLECZKA, for 10 minutes, on January 28.

Mr. GONZALEZ, for 60 minutes, on January 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. BOGGS, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,089.

(The following Members (at the request of Mr. JEFFORDS) and to include extraneous matter:)

Mr. BUECHNER.
Mr. QUILLEN.
Mr. ROGERS.
Mr. SHUMWAY.
Mr. ARMEY.
Mr. VANDER JAGT.
Mr. SCHAEFER in two instances.
Ms. SNOWE.
Mr. SUNDQUIST.

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Mr. Broomfield.

Mr. Gilman in two instances.

Mr. Rinaldo.

Mr. Molinari.

Mr. Conte in two instances.

Mrs. Bentley.

(The following Members (at the request of Mr. Pickett) and to include extraneous matter:)

Mr. Atkins.

Mr. Montgomery.

Mr. Smith of Florida.

Mr. Ackerman in three instances.

Mr. Traficant.

Mr. Florio in two instances.

Mr. Fuster.

Mr. Frank.

Mr. Yatron.

Mr. Coleman of Texas.

Mr. Garcia.

Mrs. Boxer.

Mr. LaFalce.

Mr. Moakley.

Mr. Mavroules.

Mr. Morrison of Connecticut in two instances.

Mr. Kleczka.

Mr. Pepper.

Mr. Lehman of California.

Mr. Edwards of California.

Mr. Lantos in two instances.

Mr. Moody.

Mr. Solarz.

Mr. Bennett in three instances.

Mr. Borski.

Mr. Tallon.

Mr. Fascell.

Mr. Anderson.

Mr. Berman in two instances.

Mr. Jones of North Carolina.

Mrs. Schroeder.

Mr. Williams.

Mr. Matsui.

Mr. Levine of California.

Mr. Leland.

Mr. Wyden.

Mr. Biaggi in three instances.

Mr. Bates.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1193. An act to add additional lands to the Kilauea Point Wildlife Refuge on Kauai, HI; to the Committee on Merchant Marine and Fisheries.

S. 1382. An act to amend the National Energy Conservation Policy Act to improve the Federal Energy Management program and for other purposes; to the Committee on Energy and Commerce.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 3545. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988.

(Certification of correct printing of hand enrollment of Public Law 100-203 pursuant to section 8004 of this act.)

H.J. Res. 295. Joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes.

(Certification of correct printing of hand enrollment of Public Law 100-202 pursuant to section 101(n) of this joint resolution.)

ADJOURNMENT

Mr. JEFFORDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, January 28, 1988, at 11 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, Bob Clement, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 100th Congress, pursuant to the provisions of 2 U.S.C. 25:

Hon. Bob Clement, Fifth District, Tennessee.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2756. A letter from the Assistant Secretary of Defense (Legislative Affairs), transmitting a report, signed by Secretary Carlucci, on "Support of NATO Strategy in the 1990's", which focuses on NATO's ability to maintain its deterrent strategy through the 1990s and the implications of the INF Treaty for that strategy, pursuant to Public Laws 100-180, section 1001; to the Committee on Armed Services.

2757. A letter from the Acting Director, Selective Service System, transmitting the agency's semiannual report for the period April 1, 1987 through September 30, 1987, pursuant to 50 U.S.C. app. 460(g); to the Committee on Armed Services.

2758. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-131, "District-WMATA Easement Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2759. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-125, "D.C. Health Occupations Revision Act of 1985 Amendment Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2760. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-123, "Emergency Shelter Services for Families Reform Amendment Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2761. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-126, "D.C. Public Hall Regulation Amendment Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2762. A letter from the Director, Agency for International Development, transmitting the 1987 annual report of the private sector revolving fund, pursuant to 22 U.S.C. 2151f(h); to the Committee on Foreign Affairs.

2763. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification which involves the amendment of a manufacturing license agreement to approve the possible sale of S-70A (Military Designation UH-60) helicopters manufactured in the United Kingdom to 18 other countries (Transmittal No. MC-3-88), pursuant to 22 U.S.C. 2753(d)(3) (AECA sec. 3(d)(3), 94 Stat. 3131; 95 Stat. 1519); to the Committee on Foreign Affairs.

2764. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of reports of political contributions by Edward Morgan Rowell, of California, Ambassador Extraordinary and Plenipotentiary-designate to Portugal, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2765. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of reports of political contributions by Chester E. Norris, Jr., of Maine, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Equatorial Guinea, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2766. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2767. A letter from the Administrator, Agency for International Development, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2768. A letter from the Assistant Secretary of State for Administration, transmitting the Department's notification of a new system of records, pursuant to 5 U.S.C.

552a(o); to the Committee on Government Operations.

2769. A letter from the Director, National Science Foundation, transmitting an evaluation of the agency's system of internal accounting and administrative control in effect during the year ending December 31, 1987, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2770. A letter from the Director, Institute of Museum Services, transmitting the Institute's report of its activities under the Freedom of Information Act during 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2771. A letter from the Secretary of Health and Human Services, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2772. A letter from the Secretary of Labor, transmitting the Secretary's report on competition in contracting for fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2773. A letter from the Administrator, Veterans Administration, transmitting the Department's notice of a proposal for altered Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2774. A letter from the Assistant Secretary of the Interior for Water and Science, transmitting notification that the Bureau of Reclamation has approved a deferment of the 1986 construction repayment installment due the United States from Almena Irrigation District No. 5, (District) Pick-Sloan Missouri Basin Program, KS; to the Committee on Interior and Insular Affairs.

2775. A letter from the Attorney General, transmitting a report on the awarding of the Young American Medals for Bravery and Service for the calendar years 1985 and 1986, pursuant to 42 U.S.C. 1925; to the Committee on the Judiciary.

2776. A letter from the Chairman, Administrative Conference of the United States, transmitting the 1986 report of the Administrative Conference for the period January 1, 1986, through December 31, 1986, pursuant to 5 U.S.C. 575; to the Committee on the Judiciary.

2777. A letter from the Chairman, U.S. Sentencing Commission, transmitting amendments to the sentencing guidelines and commentary which the Commission adopted on December 15, 1987, and January 5, 1988, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

2778. A letter from the Director, Office of Personnel Management, transmitting the 1985 edition of the agency's "Compensation Report", containing statistical and financial information on the Civil Service Retirement System, the Federal Employees Health Benefits Program, the Federal Employees' Group Life Insurance Program, and the pay programs administered by OPM; to the Committee on Post Office and Civil Service.

2779. A letter from the Postmaster General transmitting a copy of the 1987 Comprehensive Statement on Postal Operations which discusses postal programs and policies, pursuant to 39 U.S.C. 2401(g); to the Committee on Post Office and Civil Service.

2780. A letter from the Assistant Secretary of Defense transmitting notification of the decision to convert to contractor performance the computer operations and telecommunications center [TCC] function at Peterson Air Force Base, CO, which was found to be the most efficient and cost effective, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); jointly, to the Committees on Appropriations and Armed Services.

2781. A letter from the Assistant Secretary of Defense transmitting notification of the decision to convert to contractor performance the retail sales warehouse function at Andrews Air Force Base, MD, which was found to be the most efficient and cost effective, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); jointly, to the Committees on Appropriations and Armed Services.

2782. A letter from the Commission on Merchant Marine and Defense transmitting the Commission's second report on Merchant Marine and Defense recommendations, pursuant to 46 U.S.C. app. 1120 nt.; jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

2783. A letter from the Secretary of Transportation transmitting the Department's report for 1987 on the recommendations received from the National Transportation Board regarding transportation safety, pursuant to 49 U.S.C. app. 1906 (b); jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself and Mr. Moody):

H.R. 3863. A bill to clarify the treatment of certain property under the amendments made by the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mr. COLEMAN of Texas:

H.R. 3864. A bill to amend the Low-Level Radioactive Waste Policy Act to prescribe that States which are not members of regional compacts for the disposal of nuclear waste may not locate regional disposal facilities within 60 miles of the border with Mexico; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. COMBEST (for himself, Mr. Skeen, Mr. Denny Smith, Mr. Marlenee, Mr. Gunderson, Mr. Hatcher, Mr. Wortley, Mr. Lagomarsino, Mr. Boulter, Mr. Roberts, Mr. Penny, Mr. Coleman of Missouri, Mr. Ray, Mr. DeWine, Mr. Herger, Mr. Inhofe, Mr. Barton of Texas, Mr. Grandy, Mr. Emerson, Mr. Armey, Mr. Mack, Mr. Schuette, Mr. Upton, and Mr. English):

H.R. 3865. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for use on a farm or for other off-highway uses; to the Committee on Ways and Means.

By Mr. de la Garza:

H.R. 3866. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for use on a farm or for other off-highway uses; to the Committee on Ways and Means.

By Mr. FISH (for himself and Mrs. Boxer):

H.R. 3867. A bill to amend the Federal rules of evidence to provide an explicit hearsay exception in certain child abuse cases; to the Committee on the Judiciary.

By Mr. LELAND:

H.R. 3868. A bill to provide increased opportunities for disadvantaged business concerns to participate in procurements made by the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NICHOLS:

H.R. 3869. A bill to amend the act providing for the establishment of the Tuskegee University National Historic Site, AL, to authorize an exchange of properties between the United States and Tuskegee University, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OLIN:

H.R. 3870. A bill to amend the Agricultural Act of 1949 to establish joint liability for certain breaches of contracts made under the milk production termination program, and for other purposes; to the Committee on Agriculture.

By Mr. OWENS of New York:

H.R. 3871. A bill to amend part B of title IV of the Higher Education Act of 1965, relating to the guaranteed student loan programs, to reduce the high default rate under that program, and to improve debt collection under that program, and for other purposes; to the Committee on Education and Labor.

By Mr. OWENS of Utah (for himself, Mrs. Bentley, and Mr. LaFalce):

H.R. 3872. A bill to amend section 2680(a) of title 28, United States Code, to narrow the discretionary function exception to the Federal Tort Claims Act; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 3873. A bill to create the parental assistance with tuition savings certificate to assist parents in their efforts to save for their children's postsecondary education; to the Committee on Education and Labor.

H.R. 3874. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for purchases of savings bonds the redemption proceeds of which are used to pay costs of attendance at postsecondary education institutions, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. FASCELL (for himself and Mr. Broomfield) (both by request):

H.J. Res. 439. Joint resolution with respect to the agreement for cooperation between the United States and Japan Concerning Peaceful Uses of Nuclear Energy; to the Committee on Foreign Affairs.

By Mr. HOPKINS:

H.J. Res. 440. Joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. HUGHES (for himself and Mr. McCollum):

H.J. Res. 441. Joint resolution designating August 9, 1988, as "National Neighborhood Crime Watch Day"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE (for herself, Mr. Gunderson, Mrs. Lloyd, Mr. Fuster, Mr. Boucher, Mr. Lehman of Florida, Mr. Biaggi, Ms. Oakar, Mr. Brooks, Mr. Dyson, Mr. Smith of Florida, Mr. Traxler, Mr. Neal, Mrs. Boxer, Mr. Conte, Mr. Schulze, Mr. Gonzalez, Mr. Konnyu, Mr. Lehman of California, Mrs. Roukema, Mr. Lagomarsino, Mr. McHugh, Mr. Nielson of Utah, Mrs. Collins, Mr. Schuette, Mr. Evans, Mr. McGrath, Mr. Hughes, Ms. Kaptur, Mr. Lipinski, Mr. Howard, Mr. Hyde, Mr.

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Ritter, Mr. Jones of Tennessee, Mr. Rowland of Georgia, Mr. Kostmayer, Mr. Denny Smith, Mr. Ortiz, Mr. Jones of North Carolina, Mr. Petri, Mr. Sunia, Mr. Dornan of California, Mr. de Lugo, Mr. Bliley, Mr. Towns, Mr. Fish, Mr. Watkins, Mr. Espy, Mr. Lowry of Washington, Mr. Frost, Ms. Slaughter of New York, Ms. Pelosi, Mr. Weiss, Mr. Martin of New York, Mr. DeWine, Mrs. Vucanovich, Mrs. Bentley, Mr. McDade, Mr. Frenzel, Mr. Levin of Michigan, Mr. Daub, Mr. Rodino, Mr. Roe, Mr. Gray of Illinois, Mr. Sawyer, Mr. Gilman, Mr. Dwyer of New Jersey, Mr. Bosco, Mrs. Saiki, Mr. Porter, Mr. Chandler, Mr. Miller of Ohio, Mr. Schumer, Mr. Wylie, Mr. Gephardt, Mr. Owens of Utah, Mr. Pashayan, Mr. Hefner, Mr. Hertel, Mr. Perkins, Mr. Quillen, Mr. Hochbrueckner, Mr. DeFazio, Mr. Ravenel, Mr. Wyden, Mr. Hutto, Mr. Young of Alaska, Mr. Hatcher, Mr. Skelton, Mr. Smith of New Hampshire, Mr. Miller of Washington, Mr. Pepper, Mr. Spence, Mr. Staggers, Mrs. Patterson, Mr. Wolf, and Mr. Matsui):

H.J. Res. 442. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week"; to the Committee on Post Office and Civil Service.

By Mr. HALL of Ohio (for himself, Mr. Leland, Mr. Emerson, Mr. Bereuter, Mr. Dorgan of North Dakota, Mr. Gray of Pennsylvania, Mr. Lewis of California, Mr. Brennan, Mr. Smith of New Jersey, Mr. Mfume, Mr. Gunderson, Mr. Moakley, Mr. Jeffords, Mr. Berman, Mr. McDade, Mr. Bosco, Mr. Wolf, Mr. Crockett, Mr. de Lugo, Mr. Fauntroy, Mr. Clarke, Mr. Gordon, and Mr. Stokes):

H. Con. Res. 237. Concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people of Ethiopia and other drought-stricken nations in sub-Saharan Africa, and to encourage these officials to continue and extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DENNY SMITH (for himself and Mr. Frenzel):

H. Con. Res. 238. Concurrent resolution calling for a modified freeze on Federal spending in fiscal year 1989; to the Committee on Government Operations.

By Mr. CAMPBELL:

H. Res. 350: Resolution to amend the Rules of the House of Representatives to provide that no bill may contain more than one subject; to the Committee on Rules.

By Mr. WYDEN (for himself, Mr. Markey, Mr. Rinaldo, Mr. AuCoin, Mr. DeFazio, Mr. Robert F. Smith, and Mr. Denny Smith):

H. Res. 351: Resolution urging local telephone operating companies to establish community telephone centers to provide free local service for persons who cannot afford residential telephones; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII:

263. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to the nation of Afghanistan; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 382: Mr. Lehman of California and Mr Saxton.

H.R. 457: Mr. Staggers.

H.R. 458: Mr. Espy and Mr. Kleczka.

H.R. 573: Mr. LaFalce.

H.R. 633: Mr. Dornan of California.

H.R. 778: Mr. Gallegly.

H.R. 911: Mr. Traficant, Mrs. Byron, Mr. Duncan, and Mr. Gejdenson.

H.R. 956: Mr. Shays.

H.R. 1002: Mr. St Germain and Mr. Brown of California.

H.R. 1076: Mr. Applegate, Mr. Barnard, Mr. Daub, Mr. DioGuardi, Mr. Gallo, Mr. Jacobs, Mr. Jenkins, Mr. Lehman of California, Mr. Quillen, Mr. Shays, Mr. Sikorski, and Mr. Spence.

H.R. 1197: Mr. Jontz.

H.R. 1303: Mr. Dymally, Mr. Fazio, Mrs. Boxer, Mr. Dellums. Mr. Miller of California, Mr. Martinez, Mr. Dixon, Mr. Bates, Mr. Morrison of Connecticut, Mr. Gejdenson, Mr. Fauntroy, Mr. Evans, Mr. Savage, Mr. Atkins, Mr. Ford of Michigan, Mr. Wolpe, Mr. Vento, Mr. Towns, Mr. Owens of New York, Mr. Ackerman, Mr. Pease, Ms. Kaptur, Mr. Murphy, Mr. Ford of Tennessee, Mr. Leland, Mr. Jeffords, Mr. Swift, Mr. Lowry of Washington, Mr. Kastenmeier, Mr. Mfume, Mr. Garcia, and Mr. Torres.

H.R. 1352: Mr. Oberstar and Mr. Fish.

H.R. 1620: Mr. Gallo, Mr. Cardin, and Mr. Lantos.

H.R. 1736: Mr. Cooper.

H.R. 1770: Mr. Cooper and Mr. Stokes.

H.R. 1785: Mr. Rodino.

H.R. 1966: Mr. Fish.

H.R. 2248: Mr. Lewis of Florida.

H.R. 2260: Mrs. Boxer, Mr. Leland, and Mr. AuCoin.

H.R. 2532: Mr. Weldon and Mr. Yatron.

H.R. 2611: Mr. McMillen of Maryland, Mr. Schuette, Mr. Smith of Texas, and Mr. Miller of Washington.

H.R. 2776: Mr. Craig and Mr. Espy.

H.R. 2793: Mr. Wortley and Mr. Clinger.

H.R. 2883: Mr. Bonior of Michigan, Mr. Courter, Mr. Frost, Miss Schneider, Mr. Bustamante, Mr. Kennedy, Mr. Lehman of Florida, Mr. Stokes. Mr. Jacobs, and Mr. Ortiz.

H.R. 3044: Mr. Espy.

H.R. 3045: Mr. Espy.

H.R. 3071: Mr. Beilenson, Mr. Atkins, and Mr. Crockett.

H.R. 3119: Mr. Towns, Mr. Bates, Mr. McGrath, Mr. Akaka, Mr. Foglietta, and Mr. Smith of New Hampshire.

H.R. 3130: Mr. Feighan and Mr. Shaw.

H.R. 3250: Mr. Craig, Mr. Stump, Mr. Badham, Mr. Russo, Mr. Berman, and Mr. Murphy.

H.R. 3312: Mr. Smith of New Hampshire.

H.R. 3332: Mr. Johnson of South Dakota, Mr. Coleman of Texas, Mr. Fish, Mr. Coyne, Mr. Matsui, Mr. Schuette, and Mr. Obey.

H.R. 3374: Mr. Bereuter, Mr. Weiss, Mr. Wolpe, Mr. Richardson, Mr. Thomas A. Luken, Mr. Armey, Mr. Upton, Mr. Martinez, and Mr. Dowdy of Mississippi.

H.R. 3410: Mr. Conyers.

H.R. 3440: Mr. Bosco.

H.R. 3511: Mr. Ford of Tennessee, Mr. Bustamante, and Mr. Morrison of Connecticut.

H.R. 3553: Mr. Manton, Mr. Quillen, Mr. Hall of Texas, Mr. Moakley, and Mr. Fazio.

H.R. 3562: Mr. Erdreich, Mr. Flippo, Mr. Garcia, Mr. Gray of Pennsylvania, Mr. Lewis of Florida, Mr. Manton, Mr. Markey, Mrs. Martin of Illinois, Mr. Mrazek, Mr. Nichols, Mr. Waxman, Mr. Dixon, Mr. Hertel, Mr. AuCoin, Mr. Nowak, Mr. Conte, Mrs. Kennelly, Mr. LaFalce, Mr. Gray of Illinois, Mr. McMillen of Maryland, Mr. Ford of Michigan, and Mr. Lehman of California.

H.R. 3622: Mrs. Boxer, Mr. Lujan, Mr. Fazio, Mr. Wolf, and Mr. Hoyer.

H.R. 3698: Mr. Daub and Mr. Sharp.

H.R. 3800: Mr. McMillan of North Carolina.

H.R. 3855: Mr. Hochbrueckner and Mr. Manton.

H.J. Res. 240: Mr. Chappell, Mr. Baker, Mr. Applegate, Mr. Akaka, Mrs. Collins, Mr. Lancaster, Mr. Matsui, Mrs. Meyers of Kansas, Mr. Harris, Mr. Bliley, Mr. Gonzalez, Mr. Fazio, Mr. Evans, Mr. Cardin, Ms. Pelosi, Mr. Mineta, Mr. Fuster, Mr. Wyden, Mr. de la Garza, Mr. Mazzzoli, Ms. Kaptur, Mr. Owens of Utah, and Mr. Ford of Tennessee.

H.J. Res. 304: Mr. Shays and Mr. Bustamante.

H.J. Res. 339: Mr. Russo, Mr. Miller of Ohio, Mr. Shaw, Mr. Roemer, and Mr. Bruce.

H.J. Res. 360: Mr. Young of Florida, Mr. Boucher, Mrs. Bentley, Mr. Staggers, Mr. Weber, Mr. Cardin, Mr. Gunderson, Mr. Beilenson, Mr. Wolf, Mr. Frenzel, Mr. Sabo, Mrs. Morella, and Mr. Sikorski.

H.J. Res. 388: Mr. Hamilton, Mr. Bateman, Mr. Fish, Mr. Mazzoli, and Mr. Michel.

H.J. Res. 391: Mr. Waxman, Mrs. Boxer, Mr. LaFalce, Mr. de Lugo, Mr. Hughes, Mrs. Saiki, Mrs. Collins, Mr. McEwen, Mr. Florio, Mr. Rodino, Mr. Torricelli, Mr. Saxton, Mr. Walgren, Mr. Coyne, Mr. Bunning, Mr. Gonzalez, Mr. Rinaldo, Mr. Mazzoli, Mr. Fish, Mr. Courter, Mr. Vento, Mr. Smith of New Jersey, Mrs. Meyers of Kansas, Mr. Mrazek, and Mr. Madigan.

H.J. Res. 419: Mr. Bryant, Mr. McCloskey, Mr. Wortley, Mr. Lipinski, Ms. Pelosi, and Mr. Roe.

H. Con. Res. 227: Mr. Erdreich, Mr. Gonzalez, Mr. Hughes, Mr. Sikorski, and Mr. Vento.

H. Res. 276. Mr. Whitten, Mr. Jontz, Mr. Holloway, and Mr. Shumway.

H. Res. 290: Mr. Montgomery, Mr. Bustamante, Mr. Lipinski, Mr. Wortley, Mr. Bateman, Mr. Badham, Mr. Coleman of Missouri, Mr. Kasich, Mr. DeLay, Mrs. Johnson of Connecticut, Mr. Ireland, Mr. Bunning, Mr. Lagomarsino, Mr. Davis of Illinois, Mr. Rhodes, Mrs. Collins, Mr. Shaw, Mr. Ritter, Mr. Dowdy of Mississippi, Mr. Tauzin, Mr. Applegate, Mr. Wilson, Mr. Chapman, Mr. Penny, Mr. Jones of Tennessee, Mr. Broomfield, Mr. Barnard. Mr. Fawell, Mr. Courter, Mr. Gingrich, Mr. Porter, Mr. Chappell, Mr. Skeen, Mr. Lowery of California, Mr. Rowland of

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Georgia, Mr. Cooper, Mr. English, Mrs. Vucanovich, Mr. Smith of New Jersey, Mr. Swindall, and Mr. Kyl.

H. Res. 338. Mr. Dornan of California, Mr. Nielson of Utah, and Mr. Erdreich.

PETITIONS, ETC.

Under clause 1 of rule XXII,

114. The SPEAKER presented a petition of the County Legislature, County of Suffolk, Riverhead, NY, relative to the cost-of-living adjustment for retirees; which was referred to the Committee on Government Operations.

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SENATE—*Wednesday, January 27, 1988*

The Senate met at 9 a.m. and was called to order by the Honorable JOHN BREAUX, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Father in heaven, infected as our American culture is with the spirit of materialism and its worldly wisdom, help us hear and heed the wisdom of Jesus and His prescription for true happiness: "Blessed are the poor in spirit: for theirs is the kingdom of heaven. Blessed are they that mourn: for they shall be comforted. Blessed are the meek: for they shall inherit the earth. Blessed are they which do hunger and thirst after righteousness: for they shall be filled. Blessed are the merciful: for they shall obtain mercy. Blessed are the pure in heart: for they shall see God. Blessed are the peacemakers: for they shall be called the children of God." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 27, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. **BREAUX** thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The **ACTING PRESIDENT** pro tempore. Under the previous order, the majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. **BYRD**. Mr. President, I thank the Chaplain for his good prayer and for the Scriptures that he quoted. Today, he concentrated on the teachings of Jesus. He told us to be humble. He called attention to the great good that comes from those who are humble, the peacemakers, those who are lowly in spirit, those who are poor. I am glad that the Chaplain recalls these Scriptures to us daily and brings us back away from the precipice of the mad rush of life causing us to focus, as we should focus, on those who are helpless, on those who are homeless, and on those who are indeed in need.

It recalls to my mind a bit of verse which, in that same spirit, reminds us of those who are less fortunate, and what is the real good.

"How far away is the temple of fame?"
Said a youth at the dawn of the day.
He toiled and strove for a deathless name;
The hours went by and the evening came,
Leaving him old and feeble and lame,
To plod on his cheerless way.

"How far away is the temple of good?"
Said another youth at the dawn of the day,
He toiled in the spirit of brotherhood,
To help and succor as best he could
The poor and unfortunate multitude,
In its hard and cheerless way.

He was careless alike of praise or blame,
But after his work was done,
An angel of glory from heaven came
To write on high his immortal name,
And to proclaim the truth that the temple of fame
And the temple of good are one.

For this is the lesson that history
Has taught since the world began;
That those whose memories never die,
But shine like stars in the human sky,
And brighter glow as the years go by,
Are the men who live for man.

RECOGNITION OF THE REPUBLICAN LEADER

The **ACTING PRESIDENT** pro tempore. Under the previous order, the Republican leader is recognized.

Mr. **BYRD**. Mr. President, I ask unanimous consent that the time of the Republican leader be reserved.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **BYRD**. Mr. President, I reserve the remainder of my time until Mr. PROXMIRE has spoken.

MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond 9:30 a.m., with Senators permitted to speak for no more than 5 minutes each.

The Chair recognizes Senator PROXMIRE.

IS U.S. ECONOMIC POLICY TORPEDOING OUR NATO ALLIES?

Mr. **PROXMIRE**. Mr. President, recently the distinguished Senator from Michigan, CARL LEVIN, made an extraordinarily useful contribution to the country's understanding of our national security. Senator LEVIN went right to the heart of the most widely believed myth that bedevils the free world's conventional military strength compared to Communist conventional military strength in Europe. For the first time in years, thanks to Senator LEVIN, we have before us in the Congress a serious attempt to analyze the military strength of NATO and the Warsaw Pact, not just in the simple minded terms of the number of tanks and planes and ships on each side, but in terms of the quality and effectiveness of the conventional military power of NATO and the Warsaw Pact. The Levin study shows that when all factors are considered: The numbers of weapons, the quality of weapons, the readiness on each side, the sustainability of forces, the number and quality of personnel and other factors there may be a very rough balance as of right now. This Senator intends to pursue this analysis by Senator LEVIN in detail in a series of speeches over the next month or so.

Today I will address an element of military strength that is basic, but is rarely considered. Senator LEVIN rightly includes it in his analysis. It is economic and industrial strength. Certainly this goes right to the heart of military power. And it would seem that it represents an advantage and a very big advantage for NATO. In fact, Senator LEVIN so counts it. But there is a troublesome problem here.

The January 25 New York Times reports:

> Western Europe's unemployment picture, which has been exceedingly grim for several years, is expected to grow even grimmer over the next few months, as a result of the dollar's plunge which has made American goods more competitive with European products.

The fall in the value of the dollar and the more recent resultant increase in the volume of American exports has been very good news for America in terms of unemployment, profits, and continued growth in our country. But it is bad news, in fact, very bad news, for our friends and allies in Europe and in the NATO alliance. The New York Times calls the statistics staggering. Europe's jobless rate today is 11 percent. No net new jobs have been created in Europe since 1980. Spain has unemployment of 20 percent, Ireland 19 percent, Italy more than 14 percent. Even the strongest economy in Europe and the NATO anchor—West Germany—suffered an increase in its jobless rate with an 8.5 percent in November rising to 9.2 percent in December. Unemployment in France is about 11 percent.

What has this to do with West Europe's military strength? In terms of free Europe's capacity to contribute to NATO's military forces the unemployment may not be a significant factor. But think of the danger these economic very bad times could represent politically to the NATO alliance. The European forces supporting NATO have been largely lead by conservative, strongly anti-Communist governments. Those conservative governments contributed the on-the-spot military personnel, the tanks, the artillery, the planes, and the will to make economic sacrifices to provide NATO with the necessary military capability. Europe's growing unemployment could wreck much of that. New governments elected by constituencies protesting the heavy unemployment might turn away from NATO. So-called peace movements or even pro-Communist movements could slow the European military cooperation with NATO.

The strength of the NATO alliance is a consideration that few have associated with the strength of the dollar. But the connection is clear and powerful. Senator LEVIN is right in including the economic and industrial strength of our European allies as a critical element in comparing the military power of the free world compared to the Warsaw Pact. It is essential, however, that we recognize that free European economic strength is not a fixed and given basis for our reliance. It is subject to the variations in western Europe's economic growth and decline. It is subject to the political consequences of that growth or decline. It also hinges on the effect of United States economic policies on Europe—right now and especially our policies toward the value of the dollar. Of course, we should work toward a correction in our woefully adverse balance of trade, including our adverse balance of trade with Europe. But we should move cautiously and with full appreciation of the fact that while a cheaper dollar increases the volume of American exports and diminishes the competition of European imports, it also may enfeeble the military strength and will of our critically important European allies.

GLASS-STEAGALL ACT

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that editorials in Tennessee newspapers supporting legislation to repeal the Glass-Steagall Act be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Knoxville (TN) News-Sentinel, Nov. 23, 1987]

DEREGULATING BANKS

A customer can go to a general merchandiser, say a Sears Roebuck store, and deposit or withdraw money, buy or sell stocks and bonds and satisfy his need for life, auto and casualty insurance.

The same customer can also deal with a stock brokerage firm, which not only can handle his security business but also offers an interest-paying checking account—a bank-like product.

But when the customer visits his commercial bank branch, he is limited to banking services: savings and checking accounts, certificates of deposit and loans. He cannot buy stocks, insurance or real estate, even if one-stop financial services is convenient and makes sense.

The fact that other industries can compete with banks but banks are barred from the securities industry means that their potential for growth and profitability is limited. Credit the situation to a 54-year-old law.

In 1933, when many banks were failing because of the Depression, Congress passed the Glass-Steagall law, whose purpose was to make banks more secure by keeping them out of the more speculative securities field. The law was a sound response to conditions at the time but is outdated.

All federal banking regulatory bodies, the Federal Reserve Board, the Treasury Department and key senators agree that the banking industry should be able to underwrite corporate and government securities.

Chairman William Proxmire of the Senate Banking Committee and Sen. Jake Garn of Utah, the ranking Republican on the committee, have introduced a bill to repeal Glass-Steagall, and it deserves to become law.

The measure appropriately would erect a wall between a bank holding company's banking and securities subsidiaries. That is necessary to prevent possible underwriting losses from undermining bank deposits, which are guaranteed by the federal government.

A new study by the House Government Operations Committee states that the underwriting business is dominated by five large Wall Street firms, which market 70 percent of all domestic corporate debt. Naturally these firms like the status quo and are lobbying to keep banks off their turf.

However, Fed chairman Alan Greenspan says added competition by banks in the securities business would lower financing costs to corporations and state and local governments by between one-tenth and three-tenths of a percent. That would add up to enormous savings that are worth going after.

[From the Memphis (TN) Commercial Appeal, Nov. 21, 1987]

BANK LAW IS OUTDATED

A customer can go to a general merchandiser, say a Sears Roebuck store, and deposit or withdraw money, buy or sell stocks and bonds and satisfy his need for life, auto and casualty insurance.

The same customer can also deal with a stock brokerage firm, which not only can handle his security business but also offers an interest-paying checking account—a bank-like product.

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Mr. **PROXMIRE**. I thank the gracious majority leader for his generosity in letting me go ahead, and I yield the floor.

The **ACTING PRESIDENT** pro tempore. The Chair recognizes the majority leader.

Mr. **BYRD**. Mr. President, I thank the distinguished Senator from Wisconsin for always being here early every morning. He is always here.

ORDER OF PROCEDURE

Mr. **BYRD**. Mr. President, how much time do I have remaining under the leader's time?

The **ACTING PRESIDENT** pro tempore. The majority leader has 6 minutes 47 seconds remaining.

Mr. **BYRD**. I thank the Chair. I would like to claim that time now together with recognition under morning business.

The **ACTING PRESIDENT** pro tempore. The majority leader is recognized.

ARMS CONTROL AND THE ATLANTIC ALLIANCE

Mr. BYRD. Mr. President, action on the INF Treaty, as the country is well aware, has commenced in the Senate, and it is certain to dominate our work, the news, and the attention of our allies, friends, and our chief adversary well into the spring. It will command the substantial energy and resources of the full Senate on this floor for a number of weeks. Such an agreement is well deserving of our attention, for it is the first major arms reduction agreement in nearly a decade.

From preliminary indications and study, I am favorable inclined toward this accord, although its complexity and import merit careful examination. We must consider carefully what this treaty represents and what lessons it will mean for the future. This treaty, whatever its merits and whatever its flaws, represents an attempt to turn back the tactics of intimidation exercised by the very same power which has cosigned this document with the United States. It is a victory for the West because we stood together under pressure by an antagonist over a long period of time.

But now we must answer this question: Where goes the alliance? Is the threat which brought us together somewhat dissipated with the advent of a dynamic, and stylistic new, PR-conscious Soviet leader? Mr. President, the success or failure of the INF Treaty is in its most important respects future oriented. How will NATO behave? How will the Warsaw Pact countries behave? What will the West need to maintain and, if possible, increase our credible deterrence of any Soviet bloc temptation to test us? I offered an amendment to the fiscal year 1988 DOD authorization bill this past September 26, 1987, asking the Secretary of Defense to analyze this question in depth and to provide the Senate with his analysis at the same time as any INF Treaty was submitted to the Senate. My purpose was not only to review this situation anew, but to make the point of the integrated nature of the INF Treaty with the future of NATO. I am pleased that the Secretary was able to produce a sound study along these lines, and I shall share the unclassified version of that report with my colleagues today.

The study addresses the full range of key questions confronting NATO, including the future of the strategy of flexible response, and the modernization of both nuclear and nonnuclear forces in Europe. It clearly recognizes that we must do better, that we must be more efficient, more creative, that we must work more closely in tandem with our allies, and, most importantly, that we must sustain the political will to take whatever steps necessary to ensure the security of our allies and our own national security. The Kremlin will certainly seek to engender an air of euphoria about East-West relations in order to undermine the resolve of NATO citizens to make difficult choices in spending for defense. The Soviets have already been quick to portray NATO modernization measures as circumvention of the INF Treaty and counterproductive to future arms agreements, while, at the same time continuing to improve their own—meaning the Soviets and Warsaw Pact countries—offensive capabilities. The report addresses in detail the tasks ahead of us, and outlines a "framework for a NATO defense program directed toward strengthening flexible response in all of its dimensions."

Mr. President, I commend the Secretary for this study. I intend to follow it up in detail and to discuss its implications with our European allied leaders over the February recess. Going with me on that journey will be the distinguished chairmen of each of the three committees which will be handling the brunt of the work in examining this treaty and its implications. I have reference to Mr. PELL, chairman of the Foreign Relations Committee; Mr. NUNN, chairman of the Armed Services Committee; and Mr. BOREN, chairman of the Intelligence Committee, as well as Mr. WARNER, the distinguished ranking member of the Armed Services Committee and a member of the Intelligence Committee. These Senators will accompany me, we will be examining three broad areas of inquiry; among others: First, to evaluate the candid assessments of European leaders as to the advantages and disadvantages of the INF accord; second, to discuss their assessment—the assessment of European leaders—of Soviet strategy and tactics vis-a-vis NATO during the current period and for the immediate future; and, third, to assess the implications for NATO weapons modernization, planning and arms control strategy in a post-INF treaty environment, assuming the treaty is approved for ratification. In other words, where do we go from there?

We will be meeting with European political leaders, both those in power and those in the opposition, as well as military officials, opinion makers, and experts out of government. I intend to share a comprehensive assessment of my findings upon my return and hope that it will contribute to our understanding of the virtues, and possibly the dangers, of the treaty that we have just begun to consider. The Defense Department report "Support of NATO Strategy in the 1990's," will help to focus the attention of the Senate on the ramifications of treaty enactment for the Western alliance. Does enactment of the treaty bode well for the future of NATO? That, in the final analysis, is an important point in enacting the treaty, in approving the ratification thereof—to make the Western alliance more secure for the coming decades.

Mr. President, I ask unanimous consent that this unclassified report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SUPPORT OF NATO STRATEGY IN THE 1990'S

(A Report to the United States Congress in Compliance With Public Law 100-180)

THE SECRETARY OF DEFENSE,
Washington, DC, January 25, 1988.

To the Congress of the United States:

This Report is in response to requirements in the *National Defense Authorization Act for Fiscal Years 1988-1989*, of December 4, 1987, that I discuss the ability of the North Atlantic Treaty Organization (NATO) to maintain its strategy of deterrence through the 1990s.

Our confidence in maintaining the Alliance's flexible response strategy is explained in President Reagan's January 1988 *National Security Strategy Report.* Before entering into our agreement with the Soviets we made sure that from the standpoint of the military implications of the INF Treaty, NATO's resulting force structure would be fully capable of supporting deterrence—*provided* that we vigorously pursue the necessary modernization, and make effective use of the gains in capability achieved over the last few years.

Consistent with the President's guidance, this report outlines a framework for achieving what the National Security Strategy states must be accomplished to maintain the credibility and viability of NATO forces and strategy. The U.S. is prepared to work in close consultation with our allies to carry out a NATO Defense Program to achieve these objectives.

I am confident that the Congress will support both what we propose, and the INF Treaty.

FRANK C. CARLUCCI.

OVERVIEW

Purpose

The following report concerns U.S. and allied planning for the future security posture of the North Atlantic Treaty Organization.

It responds to the Congressional request (spelled out in the Appendix) that the Secretary of Defense discuss how Intermediate-Range Nuclear Forces (INF) missile reductions fit with NATO objectives and how they relate to the Alliance's flexible response strategy. In so doing, the report reflects consultation with NATO's Supreme Allied Commander, Europe (SACEUR) and the Chairman of the Joint Chiefs of Staff.

It includes seven supporting sections matched to specific questions from the Congress. This Overview discusses these important matters involving flexible response, defense requirements, arms control and developing programs. All involve issues which are integral to the support of NATO and America's overall strategy—aimed at bolstering deterrence, strengthening our alliances, and decreasing Soviet military advantages.

The INF Agreement

The INF Treaty provides for the U.S. and the Soviet Union to eliminate all their ground-launched missile systems with ranges between 500 and 5,500 kilometers, worldwide.

This is a major achievement for NATO and its policy. It not only represents the culmination of years of negotiation with the Soviet Union, but also years of steadfast NATO resolve in maintaining and advancing our shared security interests. At the same time, it should not stimulate a false sense of security nor become an excuse to reduce defense efforts. For decades we have included arms control as one of several measures available to improve our security posture. We have never pursued it as an end in itself.

In 1979, NATO met the rapid expansion in the dangerous nuclear missile threat to Europe with a "dual-track" decision to deploy U.S. PERSHING IIs and Ground-Launched Cruise Missiles (GLCM), and at the same time work to negotiate the reduction of Soviet INF missiles. In the 1980's, the U.S. and NATO also began comprehensive modernization efforts directed toward restoration of badly needed nuclear and conventional capabilities. Together, these initiatives will strengthen our Alliance and will enhance our security, if we are steadfast in pursuing them.

The INF Treaty contributes to NATO security in several ways. First, it will reduce the military threat to Western Europe and Asia. Under its provisions the Soviet Union will eliminate forces capable of delivering over 1600 nuclear warheads. Many of the systems have conventional and chemical warfare capabilities which, of course, will also be eliminated. For this reason, such reductions complement efforts by NATO and other allies to deal with the existing and very serious Soviet advantages in nonnuclear forces.

The removal of a complete class of missile systems will reduce the Soviet Union's ability to strike critical targets throughout Western Europe without recourse to its strategic weapons. In addition to relieving pressures on our own nuclear forces, and related command and control facilities, this should improve NATO's ability to reinforce its conventional forces during wartime by reducing the Soviet threat to air bases, ports, depots, and other facilities essential to that reinforcement effort.

Accompanying this reduction in the Soviet threat is the requirement that our side eliminate forces capable of delivering about 400 nuclear warheads. This will remove a part of our ability to strike targets in Eastern Europe and the Western USSR. Nevertheless, both East and West still will retain robust nuclear and conventional forces and capabilities, including ground-based nuclear systems as well as those carried by aircraft, ships and submarines. Significant risks to us, our allies, and friends in Europe as well as in Asia will remain.

We still have the pressing need to revitalize and strengthen our military capabilities for the 1990s, as was the case prior to the INF Agreement.

The Treaty, in addition to eliminating a category of weapons in which the Soviet Union has enjoyed a significant preponderance, will not impede NATO's ability to maintain and modernize a credible mix of nuclear and conventional forces. The United States will remain prepared to respond to aggression with its full range of forces, including its strategic nuclear arsenal, if necessary. Moreover, British and French independent nuclear forces will not be affected by the Treaty.

A second major way in which the INF Treaty promises to buttress NATO security is by enhancing the credibility of NATO as a whole and showing that our nations have the political will to make—and stand by—the tough decisions necessary to ensure our security, and to preserve our shared values.

The INF Treaty also promotes security by validating sound arms control principles. It affirms the principle of asymmetrical reductions to achieve equal U.S. and Soviet levels, which is now an important precedent for future negotiations in both the strategic nuclear and conventional fields. Moreover, the eliminations are global; they do not simply transfer the Soviet threat from one region of the world to another. And, the agreement does not rely on stated intentions, but rather on a very stringent verification regime.

The Treaty contributes to NATO's objectives. It promises to advance both NATO's military security and its political cohesion.

NATO objectives

In May 1987, the U.S. Joint Chiefs of Staff completed a review of the military significance of arms reductions. They concluded that our security interest would be served by a verifiable agreement to eliminate U.S. and Soviet INF missiles worldwide. That assessment has not changed. However, because of longstanding asymmetries, the INF Treaty must be an integral part of coordinated force planning which is designed to support our strategy. We must ensure the effectiveness and strength of NATO's nuclear and nonnuclear forces as NATO carries out INF reductions. This is a fundamental objective.

The INF Treaty preserves intact NATO's strategy of flexible response as a credible framework for deterring aggression and intimidation. To be effective, flexible response has always required that NATO possess deterrent capabilities that encompass a spectrum of possible responses to aggression. As a part of this overall deterrence posture, NATO maintains a spectrum of nuclear options which would be used to defeat an attack if needed, and to increase the Soviet risks in continuing the aggression.

It remains U.S. and NATO policy to deploy the minimum number of theater nuclear weapons in Europe required to do this job. Though its ground-launched nuclear missiles will be reduced in number, NATO will continue to maintain the forces needed to implement its strategy of flexible response and forward defense. This remains our consistent goal.

NATO military posture

Our military strengths and weaknesses are well-understood by NATO and there is consensus about needed improvements in defense capabilities. The U.S. and NATO also look to arms control where agreements will clearly support our efforts to improve security. In recent times, Congress and this Administration have emphasized armaments cooperation as another means for speeding progress in NATO improvement efforts and for encouraging more acceptance of shared responsibilities.

Our allies, in fact, do more for NATO defense than is commonly recognized, but they can and should do even better. If we are to lower the risks associated with existing and projected conventional imbalances, our European and Canadian allies must find ways to help sustain and go beyond what has been achieved in the past few years. However, our allies are also independent nations, with individual priorities. In the coming months and years, we will all need to do more than perhaps ever before to limit possibilities for weakening our common purpose.

The U.S. commitment to the Alliance mission is clear. We will retain over 300,000 troops and about 4,000 theater nuclear warheads in Europe in support of U.S. and allied forces. An allocation of U.S. Submarine Launched Ballistic Missile (SLBM) warheads remains assigned to SACEUR. U.S. and allied strategic nuclear capabilities should also improve significantly in the 1990s.

Shortcomings in NATO's military posture would have been much more severe had it not been for the greater U.S. investment in defense over the past seven years. However, basic asymmetries still exist because of the Warsaw Pact's geographic advantage in its ability to reinforce land and air forces from the USSR, and the major quantitative advantages it maintains in essentially every category of offensive forces.

Ultimately, the strength of our military posture will depend on whether NATO nations will sustain the political will to take steps necessary to ensure their security. The Kremlin will certainly seek to engender an air of euphoria about East-West relations in order to undermine the resolve of NATO citizens to make difficult choices in spending for defense. The Soviets have already been quick to portray NATO modernization measures as circumvention of the INF Treaty and counterproductive to future arms agreements, while at the same time continuing to improve their own offensive capabilities.

To strengthen our security posture and to maintain the effectiveness of the Alliance as it enters its fifth decade, NATO political and military leaders will have to work harder at not letting our citizens forget the basic lessons we have learned about Soviet respect for strength and how they are prepared to exploit weakness.

NATO plans

The nuclear and conventional modernization and improvement programs which NATO has underway are founded on consistent Alliance policy direction and extensive military planning.

With respect to nuclear forces, these requirements stem most directly from NATO's 1983 decision taken by Defense Ministers at Montebello to modernize NATO's theater nuclear force posture. The program calls for a range of measures to ensure that NATO's nuclear weapons are responsive, survivable, and effective, and on this basis the European nuclear stockpile was also reduced by over 1,400 warheads. NATO must continue with the modernization of its remaining nuclear forces. The NATO modernization programs which have high priority include: development of a dual-capable (nuclear-conventional) longer range follow-on to the LANCE surface-to-surface missile system; development of a tactical stand-off air-to-surface missile (TASM); modernization of nuclear artillery projectiles, dual-capable aircraft, and nuclear bombs; and continued improvement in nuclear security and survivability. None of these programs are constrained by the INF Treaty because the agreement in no way limits systems with ranges below 500 kilometers or dual-capable aircraft.

The NATO Nuclear Planning Group (NPG) is reviewing how the theater nuclear force posture might be further adjusted in light of the security situation following implementation of an INF Agreement.

We will be consulting with our allies in the NPG and will address such adjustments in the U.S. program and budget process. In this way we will narrow the options and focus on approaches which reinforce stability and NATO's force improvement programs.

With respect to conventional forces, the need for substantial improvements was well established long before the Soviets returned to the INF negotiating table. NATO's current Conventional Defense Improvement (CDI) program is designed to remedy or ameliorate the most critical deficiencies in our Alliance's conventional force posture, including areas relating to reinforcement, Follow-on Forces Attack (FOFA) mission, and the counter-air mission in all its dimensions. Moreover, given the massive Soviet chemical arsenal, modernization of U.S. retaliatory chemical weapons also is crucial to our ability to deter at any level of conflict. In addition to pressing ahead with these and other ongoing programs, we will explore certain adjustments to our conventional force structure as well as new initiatives for strengthening flexible response. For example, we will vigorously pursue the potential of longer range air- and sea-launched cruise missiles for a wide range of missions.

Certainly we can envision conventional forces arms control agreements that could complement—although by no means substitute for—our maintenance of an effective military posture. In that regard, the prospective NATO-Warsaw Pact negotiations designated "Conventional Stability Talks" (CST), are still a priority for NATO.

While Soviet and Warsaw Pact intransigence have stalemated the Mutual and Balanced Force Reduction (MBFR) talks in Vienna, NATO has called for the new CST negotiations to deal with the threat arising from Warsaw Pact advantages in Europe. The new talks would encompass a broader geographic zone than MBFR, from the Atlantic to the Urals. We expect East and West can agree that the goal of these negotiations should be to strengthen security in Europe by establishing a more stable balance of conventional forces at lower levels. Our interest must be in eliminating the Pact's capability for surprise attack and large-scale offensive action.

Although we have already negotiated certain confidence building measures, such as notification and observation of large military exercises, major reductions in Pact offensive capabilities are the only arms control cuts which could improve the basic security situation. NATO's conventional force posture can ill-afford sizeable reductions in its standing forces if it is to defend Alliance territory against a Warsaw Pact surprise attack. Any Warsaw Pact reductions should be large and highly asymmetrical. Small reductions, or less asymmetrical ones, would simply make the conventional force balance worse, and more unstable.

The INF Treaty provides no basis for significant changes in U.S. or Canadian force levels in Europe. These forces are the most tangible, most credible guarantee of the fundamental North American commitment to the defense of Europe. Holding our troop levels more or less constant is essential to providing an incentive for the Soviets to negotiate meaningful reductions and to maintaining and, if possible, improving the current conventional balance.

The INF Treaty heightens awareness of that balance; of persisting NATO deficiencies; of the trends in Soviet force posture; of Soviet lines of communciation and reinforcement advantages; and of the importance of stepping up the momentum behind NATO's force improvement efforts.

Some force adjustments may need to be made and are being considered as a result of the INF Treaty. However, the realities of the basic security situation in Europe exist with or without the INF Treaty. The predominant impact of the INF Treaty, in this regard, is not to exacerbate NATO's problems but rather to high-light the risks of neglecting them.

Strengthening flexible response

NATO's military posture will continue to deter. This is so because it is sufficiently robust to confront a potential aggressor with major uncertainties about the consequences of using or threatening the use of nuclear or conventional forces in an attack against NATO. But this favorable judgment is conditional. It depends upon NATO's ability to act decisively to sustain both nuclear and conventional modernization.

The NATO strategy of Flexible Response is itself a reflection of the inherent strength of the Alliance, and of the profound commitment of its members to the common defense of their citizens and of fundamental shared values. We must build on this foundation and revitalize a sense of shared priorities and responsibilities—unambiguously directed toward the absolute requirement for strengthening Flexible Response. This is our mission.

There are many ways to approach this task. We should welcome proposals which are clearly consistent with our mission. However, we cannot afford a debate about that mission. From the perspective of an accountable NATO Defense Minister, the preferred approach is a direct one. The outlines of such a program, relevant to our security in the 1990s, are quite clear. Its goal is well established. The following is a framework for a NATO Defense Program directed toward strengthening Flexible Response in all of its dimensions:

1. In strengthening Flexible Response we must confront two challenges.

First, NATO's most difficult challenge will continue to be providing adequate resources for defense.

Second, NATO's enduring challenge is exploiting the West's technological edge. We must continue to use quality in offsetting the Warsaw Pact's greater numbers. In meeting this challenge we need greater cooperation among NATO nations in all aspects of our defense programs—from research to production to increased interoperability.

2. Strategic forces must remain the backbone of NATO's deterrent. Therefore, continued modernization of systems comprising this element of the NATO Triad is essential to strengthening Flexible Response.

We are hopeful that such modernization will at some point be complemented by the limits of a strategic arms treaty, ideally achieving the 50 percent mutual reductions we have been seeking. However, we must not make our plans dependent upon such an outcome.

Under President Reagan's Strategic Defense Initiative, we also are researching the feasibility of defenses against all types of missiles—defenses which could strengthen our deterrence of attack against our allies, as well as against us.

3. NATO dual-capable forces and forward defense capability must be strengthened. This requires modernization of tactics, systems, and forces which can provide the best assurance for blocking Warsaw Pact attacks on NATO's front lines; for slowing and halting reinforcing forces; for knocking out critical targets in the enemy's rear areas; and for confronting the Soviets with grave risks if they mass troops for concentrated attack.

Achievement of a modern Follow-on Forces Attack (FOFA) capability complemented by vital offensive and defensive counter-air forces, as well as command and control, and active and passive measures for dealing with the combined air-and-missile threat must remain priority objectives. We must also thoroughly explore technology to deliver systems with modern capacity to strike deeper targets. Conventional Stability Talks (CST) may provide options for reinforcing such a strengthened posture, but in the course of such negotiations our dual-capable systems and critical conventional armaments must be appropriately protected. As in the case of START, we must not make our plans dependent on arms control.

4. NATO initiatives for strengthening our defenses must build upon what has been established in planning improvements and in modernizing our forces over the last few years. We must not slide backward. Our Canadian and European allies must take on a greater share of the responsibility we all have for protecting the gains that have been made and building upon them.

5. We must emphasize a better sense of shared priorities in every aspect of the NATO Defense Program. In so doing, we must ensure that there is sufficient balance in the total program to prevent any decisive weakness from developing for NATO or for the U.S. as a result of emphasis placed on any special interest or single priority. This requires much more long-range strategic and budget planning. The following functional management areas must be a major part of such planning. We will thoroughly coordinate priorities among them, and protect such priorities in defense budgets.

a. We must *first* maintain high-level consultations using the NATO Nuclear Planning Group (NPG) for the development of long-range nuclear policy, strategy, and forces recommendations. The aim must be to most effectively maintain the credibility, survivability, security, and safety of NATO's nuclear and dual-capable forces by implementing our modernization programs while also planning for NATO's future security.

b. *Second*, we must focus (1) on those elements of NATO's Conventional Defense Improvement (CDI) Program which have the best long-term prospects for narrowing the gap in the balance; (2) on those which can most effectively be advanced by NATO arms cooperation that results in fielded, highly leveraged systems; and (3) on those which are appropriate for our Canadian and European partners to carry a greater share of responsibility. In this respect, the U.S. approach should not be limited to NATO alone, but must embrace other allies around the world. In setting specific priorities we will seek to avoid inefficient duplicative efforts among nations, as well as military services. Opportunities will be sought for our allies to take the lead in fielding systems for certain missions.

c. *Third*, in guiding our defense preparations, NATO leaders must be creative and open-minded in identifying and refining all possible low-cost measures which can enhance security. We must develop means for ensuring that plans and tactics achieve the most deterrence for our investment. For example, we should find ways for making better use of terrain for barrier planning, and for planning greater flexibility in defensive operations.

d. *Fourth*, we also must further develop what we call "Competitive Strategies",

which seek to guide our acquisition process so as to align enduring Western strengths against persistent Soviet weaknesses. Initial analysis indicates that investment in areas such as countering air-and-ground penetration and command and control operations could contribute to raising Soviet uncertainties about the Warsaw Pact's ability to successfully conduct offensive operations.

Ultimately, the future of NATO and our democratic institutions is determined by the judgments of our citizens about how best to allocate resources for their security.

This emphasizes how important it is for our political and military leaders to provide our citizens with a straightforward framework which clearly shows how their resources are applied to missions and a strategy which can be directly related to deterrence and their security. The NATO Defense Program outlined above provides a basis for strengthening Flexible Response and for gaining the support of our publics in pursuing prudent choices for the common defense.

There is no safe and easy way to avoid the burdens of assuring our security through adequate military strength. Arms control can help—as the INF Treaty shows—but only if increased security can be demonstrated to be the goal.

NATO Defense Ministers support the need to move ahead with force improvements consistent with the Montebello nuclear modernization framework and with the NATO Conventional Defense Improvement (CDI) initiative. We will move swiftly to work out the specifics in consultation with them. We will also offer the NATO Defense Program we have outlined to help tie together other elements of our planning and management to focus a revitalized sense of mission for NATO.

We will need Congressional support to advance the NATO Defense Program in the years ahead. Even though defense is likely to be confronted with increasingly constrained budgets, we must ensure—and will so encourage the NATO Defense Ministers—that the prioritized elements of an integrated program along these lines are given special attention as they compete with other priorities.

We have already established our NATO Defense Program priorities in the Department of Defense and are proceeding in their refinement. We must now consult with our allies to ensure that we are joined in a newly relevant sense of direction strengthening our security posture. Above all, we need the firm backing of our citizens, here in America and in Europe.

We need to coordinate our effort and more than ever before to deal with the two basic challenges which confront the NATO Defense Program—getting the most from (1) our resources and, (2) from our technology. Modern cooperative armaments management is a major factor in dealing with these challenges.

Cooperative armaments management

Because both the U.S. and our Allies have significant technological capabilities in areas important to the NATO Defense Program, we see increased cooperation in exploiting our collective industrial strengths to develop and field the weapons and other military assets we will need well into the future. We are taking two important steps in that direction. One involves cooperative research and development efforts, including new and continuing activities supported by the NATO Cooperative Research and Development Program, as well as new work to be carried out under the Balanced Technology Initiative (BTI). The second step involves the planned establishment of a NATO Conventional Armaments Planning System (CAPS).

The NATO Cooperative Research and Development Program was established in 1986 to support joint weapons and material development work on an equitable cost-sharing basis by the U.S. and one or more NATO Allies. Important cooperative activities involving precision guided munitions, standoff weapons, sea mines, surveillance and target acquisition applications; target identification, and NATO frigate for the 1990s have been started. Additional efforts related to air-to-air warfare, missile mobility and tactical missile systems, advanced sensors communications systems, battlefield intelligence, surface ship defense, and other areas important to the defense of Europe are currently being devleoped. To date, $445 million has been appropriated for this program.

The Balanced Technology Initiative is another new defense program that is addressing many problems of considerable importance to our NATO Allies. This program was explicitly established to support the development of technologies important to conventional defense. The program was described in detail in a report to Congress submitted in May, 1987. The estimated cost of the planned work described in the report was more than $1.5 billion over a five-year period. As the BTI program continues, we intend to develop cooperative technology development efforts—as opposed to the systems development activities of the NATO Cooperative Research and Development Program—with our NATO Allies.

The NATO Conventional Armaments Planning Systems (CAPS) is intended to increase cooperation in exploiting our collective industrial strengths and provide a framework for developing armaments plans consistent with NATO long-term planning guidelines. As a part of this effort, NATO force planning adjustments will be identified, addressed, and plans will be made to develop and field weapons and other military systems to meet mission needs. NATO has agreed to begin a two-year trial of CAPS beginning in 1988. We strongly support this initiative. CAPS will provide a much improved framework for harmonizing requirements and setting priorities directed toward strengthening Flexible Response.

The activities described above represent only a small segment of the much larger, comprehensive DoD NATO Defense Program. Included in this major defense effort are much of the DoD Science and Technology Program, numerous advanced tactical weapon and platform development programs, conventional and nuclear weapon modernization programs relevant to the European theater, and a significant fraction of ongoing communication, command, control and intelligence work. The program also includes extensive planning and training efforts to enable effective use of all of our developing capabilities. Many of the elements of the NATO Defense Program are described in detail in other sections of this report.

Conclusion

Improved cooperative armaments management is, of course, a major way of contributing to Alliance confidence and cohesion by reinforcing efficient coordination of priorities and demands made on limited resources. We must improve NATO military and political management structures across the board to ensure that we also reinforce a clear sense of shared priority and responsibility. Consultations among the military and political leaders of the Alliance remain key in that regard.

The following sections of this report provide further background on strategy, nuclear forces, and conventional forces considerations which bear on support of the NATO Defense Program and strengthening Flexible Response in the next decade. Management of modern munitions, Follow-on Forces Attack, and counter-air operations is also elaborated. Finally, the views of NATO political and military leaders, so critical to our mission, are summarized. These discussions all reflect our confidence that we have the strategic vision, the technical capacity, and the will to carry out our mission for the 1990's. We see very difficult challenges, but we have defined them, and we are prepared to face them.

SECTION I—FLEXIBLE RESPONSE STRATEGY

NATO strategic concept

The combined military capabilities of NATO exist in order to maintain security by deterring armed attack, the threat of aggression, or intimidation at any level. If deterrence failed NATO forces would seek to deny the enemy's military objectives and terminate any conflict quickly—restoring deterrence at the lowest level of violence consistent with NATO's objectives.

The military force postures of both NATO and the Warsaw Pact consist of three major elements—strategic systems, theater nuclear forces, and conventional forces. On the NATO side the posture is sometimes referred to as the NATO Triad.

By maintaining the ability to execute military options across a spectrum of conflict from conventional defense up to a large scale nuclear response, the NATO forces posture provides for deterrence. Ultimately deterrence depends on the political cohesion of the Alliance, the credibility of the envisaged response, and the willingness of all of its members to share the risks and responsibilities of collection defense.

INF Treaty and NATO strategy

The INF Treaty is fully consistent with NATO's strategic concept. The Treaty's main provisions call for the following:

Elimination of ground-launched INF missiles within three years after the Treaty enters into force.

A ban on all production and flight testing of Treaty-limited systems.

Cessation of all training, repair, storage, or deployment of Treaty-limited items after elimination is completed.

A stringent verification regime, including on-site inspections.

Elimination of a complete class of missiles eliminates Soviet preponderence is those missiles. In addition, Warsaw Pact conventional and chemical warfare capabilities associated with these missiles are eliminated. Although its land-based nuclear missiles are reduced in numbers, NATO will retain the forces with which to implement its strategy of flexible response and forward defense.

Among the elements of the Treaty which directly support our security objectives are the following:

Land/based Long-Range INF Missiles (LRINF): Since the formal talks with the Soviet Union began in November 1981, we have sought to eliminate all U.S. and Soviet missile systems in this category. Achievement of this goal is the main aspect of the INF Agreement.

Land-based Shorter-Range INF Missiles (SRINF): We have also insisted that an INF Agreement must constrain shorter-range land-based INF Missiles to prevent erosion of a LRINF missile accord by Soviet deployment of such systems. The Treaty satisfies this requirement by eliminating all Soviet missiles in this category. The U.S. has no deployed SRINF systems. The Federal Republic of Germany has unilaterally decided to eliminate its PERSHING IA missiles (armed with U.S. nuclear warheads) after elimination of U.S. and Soviet INF missiles has been achieved.

Reductions on a Global Basis: We have long insisted that any limitations on INF Missiles must be worldwide to prevent the transfer of the threat from one region to another. The Soviets have accepted this in the context of global elimination of both longer- and shorter-range U.S. and Soviet INF missiles.

Limits on Only U.S. and Soviet Systems: Throughout the negotiations, we made clear that bilateral agreements between the U.S. and the Soviet Union will not constrain Third Country forces nor affect existing nuclear programs of cooperation with our Allies. The INF Treaty is true to this principle.

No Involvement of Conventional Forces: No U.S. or NATO conventional capabilities are limited. No limits are imposed on dual-capable (nuclear and conventional) aircraft.

NATO policy development

These outcomes will, of course, require policy and planning action to develop detailed target plans, operation concepts, and other actions related to force management. NATO's Nuclear Planning Group (NPG) reviewed the implications of the INF Agreement before it was signed, and has further planning and analysis underway. In this regard, nothing in the INF missile reduction regime suggests any change in fundamental requirements for modernization and improvement which have been long established by the Alliance—prior to, and independent of an INF Agreement. The critical modernization of theater nuclear forces not limited by the Treaty remains a high-priority for NATO. In addition to nuclear planning, some adjustments and changed priorities may prove desirable in NATO's non-nuclear posture. For example, the air defense mission area is certainly no less important as a result of reliance placed on dual-capable aircraft for longer range missions. Support and attention to the Follow-on Forces Attack mission area and associated long-range conventional delivery missions are no less important.

Although many of the Soviet INF systems being eliminated have chemical capabilities, we remain faced with a substantial chemical warfare threat to all of the NATO allies from other Soviet systems. This was a problem before the INF Treaty and will remain a problem independent of the Treaty. In the absence of an adequate modern chemical retaliatory capability we continue to be forced to rely on the threat of nuclear retaliation to deter Soviet chemical attack. With or without the elimination of INF missiles our posture continues to place too much reliance on nuclear weapons to deal with the chemical threat.

Planning for NATO's future

A new challenge that faces NATO in preparing to support its strategy for the 1990s is how to revitalize the coordinated planning that will be essential to successful force modernization in the face of current budgetary problems. We must ensure that Alliance political will is reinforced by U.S. leadership and that allied solidarity remains as strong as it has been. This can be helped with long-range strategic planning, prioritization, and regular consultation—among other things.

The U.S. must offer a clear and coordinated position in such approaches. At the same time, every aspect of activity must be founded on allied participation. National program decisions will be increasingly linked through Alliance planning relationships.

We will need new initiatives to make best use of our strengths, our technology, and our limited resources. The sections of this Report which follow address various structural components which will contribute most importantly toward strengthening Flexible Response in the 1990s.

SECTION II—NUCLEAR FORCES FOR EUROPE

NATO nuclear planning

For 20 years, NATO's Nuclear Planning Group (NPG) has provided a forum for NATO Defense Ministers to discuss and provide strategic direction to the Alliance's nuclear policy and posture. The NPG and its subordinate body, the High-Level Group, worked to help formulate NATO's December 1979 "dual-track" decision on INF deployment and arms control negotiation.

In 1983, the NPG agreed on modernizing NATO's theater nuclear force posture. This included appropriate reductions in NATO's nuclear stockpile in Europe. Specifically, they identified critical modernization needed, independent of the INF Treaty, to maintain a credible deterrent posture. The resulting program is designed to ensure the remaining warheads and their delivery systems will be responsive, survivable, and effective in the modern environment. The associated warhead withdrawals, in conjunction with an earlier reduction of 1,000 warheads, will bring NATO's stockpile in Europe, following INF reductions, to about 4,000 nuclear weapons.

The main elements of this NATO theater nuclear force modernization program are now as follows:

The development of a Follow-on to the LANCE (FOTL) surface-to-surface missile with increased range, improved accuracy, and improved operating characteristics;

The development of a standoff Tactical Air-to-Surface Missile (TASM);

The modernization of NATO's Artillery-Fired Atomic Projectiles (AFAPs); and

The continued modernization of NATO's dual-capable (nuclear-conventional) aircraft and associated nuclear bombs.

In addition to these measures, the modernization program also provides for correction of maldeployment of nuclear capabilities among and within regions; improvements in the survivability of NATO's nuclear forces; and improvements to their command and control.

For the United States, the Secretary of Defense, as a member of NATO's NPG, has consistently joined NATO Ministers in endorsing this Alliance modernization plan and the "Montebello" framework for the implementation of its range of measures. Many are in progress, but decisions are needed on a number of development programs in order to maintain the momentum of this priority NATO effort.

Strategic systems posture

U.S. forces provide the backbone of the strategic deterrent. United Kingdom and French forces are also part of the strategic equation, although France still remains outside of NATO's formal military structure. In addition, the U.S. commits Submarine Launched Ballistic Missile (SLBM) warheads to SACEUR's plans. Continued modernization of strategic systems is essential for support of NATO strategy in the 1990s.

NATO theater nuclear systems posture

The INF Treaty does not place any limits on nuclear missiles above the range of 5,500 kilometers. Also, Sea-launched and Air-launched Cruise Missiles are not limited. Dual-Capable Aircraft (DCA) which carry nuclear and non-nuclear bombs, and Air-to-Surface Missiles (ASM) are not limited. Short-Range Nuclear Forces (SNF) under 500 kilometers range are not limited. This includes ballistic missiles and artillery capable of firing nuclear projectiles—Artillery Fired Atomic Projectiles (AFAP). It does eliminate ground-launched Longer-Range INF (LRINF) including the SS-20, and Shorter-Range INF (SRINF) missiles.

Needed improvements in our conventional capabilities would help deal with the threat posed by Soviet systems in all the foregoing categories. Just as ours, Soviet systems in this category are essentially all dual-capable and as much a part of the conventional balance as the nuclear balance. Most of theirs pose a chemical warfare threat, as well.

With this said, the Soviets are expected to maintain their vast numerical superiority in the SNF category of missile systems for the foreseeable future. In addition to the 70 kilometer Soviet FROG, the greater range SS-1 (SCUD B), SS-21, and follow-on missiles will continue to present a formidable threat to many NATO airfields, command and control centers, and other facilities. We are not planning to try to directly match this Soviet superiority with our own force of dual-capable systems. However, we will give priority attention to the quantity and quality of capabilities we do have available, or might have, and to the modernization of all our systems. We will also give priority to conventional forces mission areas which can help to offset this threat. That includes, in particular, the FOFA and air defense mission areas—including defensive and offensive counter air, survivability measures, and command and control.

At the same time, conventional arms control proposals which might seek to reduce or limit dual-capable armaments also require careful attention in order to protect fundamentally important NATO capabilities which can be conventional as well as nuclear.

Sections III, IV, V, and VI of this Report elaborate on non-nuclear capabilities which address these objectives.

Planning for NATO's future

The NATO Nuclear Planning Group (NPG) is reviewing how NATO's nuclear force posture might best be readjusted in light of the security situation following implementation of an INF Agreement. This review is aimed at ensuring NATO retains an appropriate spectrum of nuclear capabilities and options.

The Secretary of Defense is prepared to ensure a high-priority for all aspects of the NATO "Montebello" modernization framework, as development programs mature and consultations with our allies proceed. The following views will bear on the evolution of this planning. They address specifically (1) Follow-on to LANCE, (2) the Tactical Air-to-Surface Missile, and (3) Artillery-Fired Atomic Projectiles.

1. Follow-on to LANCE

We should seek to lift the Congressional restriction on development of the Army Tactical Missile System (ATACMS) as a nuclear follow-on to LANCE (FOTL), and that we should seek to implement this modernization element. A combination of MLRS and the ATACMS would offer savings in time to develop the program, in force structure, and in overall costs.

2. Tactical Air-to-Surface Missile

We should make development of Tactical Air-to-Surface Missile (TASM) a high priority.

3. Artillery-Fired Atomic Projectiles

We should continue to seek legislation to remove the Congressional restriction limiting further production of modern artillery-fired projectiles (AFAPs), which are required, as a minimum, to replace deployed older weapons.

As we proceed to evaluate specific systems and programs to support the NATO requirement for theater nuclear modernization it is increasingly important that our overall planning with respect to theater nuclear capabilities, NATO conventional forces, and any arms control proposals is coordinated.

In that regard, it is crucial that we improve NATO's conventional forces in areas which can counter Warsaw Pact theater nuclear systems. This strengthens the conventional conponent of the NATO Triad and also helps deal with potent Warsaw Pact dual-capable threats.

Status of systems

Some relevant U.S. programs which bear on consideration of the NATO theater force posture are outlined below. Many of these systems are dual capable, and therefore can contribute to capability needed in a non-nuclear environment. They include LANCE, TASM, AFAPS, Bombs, DCA, Communications, and SLCM. Allied aircraft and other systems are not included.

1. LANCE and Follow-on to LANCE (FOTL)

The LANCE is a dual-capable, liquid-fueled missile. Deployed with U.S. forces in Europe in 1973, it is also assigned to the ground forces of five NATO allies. The FOTL is a development program to offer increased range, improved safety, force structure savings, and improved survivability and reliability. Survivability would be enhanced as compared to LANCE.

The Army Tactical Missile System (ATACMS) is a conventional missile to be fielded for use with the MLRS. There is a Congressional restriction that precludes a nuclear warhead for the missile. However, study of a nuclear ATACMS concept is permitted. This system could be used to fulfill the FOTL requirement. However, this would require funding and immediate lifting of all Congressional restrictions.

2. Tactical Air-to-Surface Missile (TASM)

TASM is a development program to provide both U.S. and allied dual-capable aircraft (DCA) with the capability to attack high value, heavily defended targets throughout the theater. Currently, NATO's DCA can deliver several types of gravity bombs, but have no standoff nuclear delivery capability—that is, the capability to attack targets without having to penetrate enemy air defenses. Development of a TASM compatible with U.S. and Allied DCA would extend the range of target coverage of these aircraft, improve their in-flight survivability, and allow widespread allied participation in NATO's nuclear forces capable of executing longer range missions.

3. Artillery-Fired Atomic Projectile (AFAP)

AFAPs provide a combination of accuracy, low-yield, and responsiveness that could help defeat large enemy force concentrations near friendly troops. They are deployed with ground forces of eight NATO countries. There are currently several types of AFAPs in the NATO stockpile. These include the older 155mm and 8-inch howitzer system projectiles as well as the modern 8-inch AFAP.

Modernized AFAPs provide significant improvements in security, effectiveness and range compared to the older systems. Currently, we are limited in the total number of modernized AFAPs which can be in the U.S. inventory. This is because of legislation placing a ceiling on total production of such new weapons. Due to this restriction a substantial number of the older AFAP systems must be retained indefinitely in the stockpile in order to meet current requirements and deployments.

4. Nuclear Bombs

The Nuclear Bomb Modernization Program involves replacement of older bombs with modernized bombs. It is directed toward improving the overall safety, security, and effectiveness of the nuclear bomb stockpile. This program is funded, but has been slowed due to Congressional cuts in the DoE and DoD budgets.

5. Dual-Capable Aircraft (DCA)

Three U.S. DCA (the F-111, and F-16 and F-15E) are, or will be, available for employment in NATO.

Currently, F-111 aircraft are deployed at two bases in the UK. Additional aircraft are based in the western U.S. All of these continental U.S. (CONUS-based) F-111s could be used in a conventional role; these aircraft also are available for employment by U.S. commanders in other theaters and provide a rotation and reinforcement base for the worldwide F-111 force. The F-111s provide NATO's only conventional interdiction capability at longer ranges.

The F-15E is a new, long-range interdiction fighter-bomber variant of the F-15 air superiority fighter. It will deliver the full range of precision-guided conventional weapons and tactical nuclear weapons in day or night, and under all-weather conditions. The F-15E will begin entering the force in the early 1990s. These aircraft will significantly augment the capabilities of NATO's DCA, albeit at shorter ranges than F/FB-111s.

The F-16 is a multi-role fighter which is capable of performing close air support, interdiction and air superiority tasks. The F-16 has less range than the F-15E. However, like the F-15E, the newest models will have the capability of delivering precision-guided conventional weapons and tactical nuclear weapons by day or night, and under all weather conditions.

6. Command, Control and Communications

A nigh priority program to strenghten the survivability of nonstrategic nuclear force communications is deployment of MILSTAR (an EHF satellite system).

7. Sea-Launched Cruise Missiles (SLCM)

The U.S. SLCM is a subsonic, winged missile designed for four different configurations: conventional antiship, conventional land-attack, conventional submunition land-attack, and nuclear land-attack. TOMAHAWK variants are capable of being launched from armored box launchers on surface ships, vertical launchers on submarines or surface ships, and torpedo tubes on submarines with the requisite fire control suite. The nuclear variant of the TOMAHAWK Land-attack-Missile (TLAM/N) was introduced in 1984.

The mission of TLAM/N is to enhance the U.S. world-wide nuclear deterrent, and deter Soviet nuclear attack on U.S. naval forces. The TLAM/N concept of operations envisions that the system constitutes an important nuclear capability, but one which should not detract from the ability of general purpose naval combatants to execute critical sea control missions in wartime. Ultimately, the responsiveness of the TLAM/N is dependent both upon the degree of prior mission planning and upon coordination in execution.

SECTION III—NON-NUCLEAR FORCES BALANCE

NATO non-nuclear force posture

NATO is a defensive Alliance facing an adversary postured with significant offensive potential. This potential is characterized by in-place force ratios that substantially favor the Warsaw Pact in main battle tanks, artillery, and numerous other categories of capability including dual-capable (nuclear and conventional) missiles and other Warsaw Pact systems. The potential exists for Pact forces to mount an offensive with high relative force ratios that could overwhelm NATO defenses through concentrated attacks at times and places of the attacker's choosing.

NATO nations program conventional forces to successfully counter a limited non-nuclear attack, and to help deter larger non-nuclear attacks by confronting the aggressor with the prospect of non-nuclear hostilities on a scale that would involve a grave risk of escalation to the use of nuclear capabilities. Should aggression occur, NATO's conventional forces are designed to provide a coherent forward defense. They must afford the flexibility necessary for political control and decision-making, under all circumstances.

NATO relies upon the combination of its full range of non-nuclear, nuclear, and dual-capable (nuclear-conventional) capabilities and its flexible response strategy to deter. Risk assessment is ultimately a continuous subjective process that is carried on in the Department of Defense and Alliance planning headquarters, as well as by political authorities. Supporting analytical inputs vary considerably, depending on assumptions about resources, leadership, warning time, training, mobilization, and uncertainties about political decisions as well as the confusion of the battlefield.

Such analysis done in support of force planning and arms control activities does consistently demonstrate the large Soviet advantages in numbers of forces and quantity of armaments. NATO forces are stretched thin, by comparison. Therefore, our focus in evaluating the balance is on (1) what the significant NATO deficiencies are in that regard; and (2) how to prioritize programs to achieve improvements directed at the most critical deficiencies.

The area of conventional capability is quite complex in terms of planning, programming, and budgeting, to say nothing of measuring "the balance". First, many nations are involved in the NATO force planning context. A variety of national capabilities, doctrines, and programs must be fitted into an overall international military structure. Second, for the U.S., planning must cover worldwide requirements and fit into an integrated global strategy, in addition to European Theater needs. Third, planning involves not only force structure (units, systems, and manpower) but must also provide for a balance of capabilities including the state of readiness of the forces; sustaining them in combat; in some cases, moving them to Europe with reinforcement capabilities; and, finally, investing sufficiently in research and development so that future force structure will be sufficiently modernized to be viable in future environments.

Weighing all these factors, and others, our judgment with regard to NATO forces is that although conventional capabilities have improved over the past few years, major limiting factors remain.

Apart from elimination of certain Soviet INF dual-capable missiles, the INF agreement will not affect the current inventory of conventional force capabilities. However, remaining NATO and Warsaw Pact theater nuclear forces (not banned by the INF Treaty) are essentially all dual-capable (nuclear-conventional). Thus, NATO improvements or Warsaw Pact threats in the nuclear area impact on capabilities in the conventional area, and vice versa. Taking dual capability into account, some adjustments among priorities will prove desirable to accord with the evolving military situation.

Planning for NATO's future

We particularly support current and planned improvement programs in key areas of deficiency and where they provide us leverage. Programs in areas which enhance NATO capability receive high priority in the U.S. Defense Program. To the extent possible, many such programs will be undertaken in cooperation with the allies to take advantage of cost-savings and inter-operability benefits realized through cooperative development, production and logistic support.

NATO Defense Ministers, in pursuing Conventional defense Improvements (CDI), are agreed on planning in accord with nine critical conventional priorities. We are following these baseline priorities carefully, but they will require further refinement and prioritization in planning for the 1990s.

The U.S. must continue its efforts to fulfill security assistance program goals in the Southern Flank Region. These programs support weapons modernization in Greece, Portugal and Turkey as well as help cement cooperative defense arrangements. Security assistance to these NATO allies remains a high priority, even though the programs are under increasing pressure because of overall reductions in the Foreign Assistance Budget.

In reviewing these priorities we also need to consider other factors, for example, the U.S. has a commitment to field ten divisions in Europe within ten days of a mobilization decision. Important to this goal are programs such as POMCUS, strategic lift, host nation support, and unit readiness.

NATO's conventional defense improvements must upgrade NATO's capability to defend both its nuclear and conventional forces. In addition, our chemical modernization program is designed to give NATO a more credible chemical retaliatory capability and reduce our reliance on nuclear weapons to deter a chemical attack. A priority is production of modern binary munitions capable of safe, rapid deployment wherever required. We are also proceeding with important programs to improve our defensive capability for individual and unit protection and decontamination.

We must not seek to further focus well established CDI and other U.S. priorities to ensure we are best investing for the 1990s. In addition to consideration of priorities among these improvements, we intend also to address overall requirements in the context of the recently developed DOD "Competitive Strategy" (CS) initiatives.

Competitive strategies

Work of the first DOD Competitive Strategies Task Force led to a series of recommendations which could improve NATO's military position in relation to the Warsaw Pact. These proposals can complement the CDI and other priorities for strengthening Flexible Response by guiding our acquisition process so as to align enduring strengths against persistent Soviet weaknesses.

Through analysis we are looking for ways to channel long-term military competition into areas where the Soviets function ineffectively and where they obtain minimum results for given costs in time, effort, and money. To enhance deterrence, the recommendations aim at altering the Soviet perception of the correlation of forces and raising the level of Soviet uncertainty about their ability to conduct a successful offensive in the European theater. Should deterrence fail, the proposed programs and strategies would strengthen Flexible Response.

Recommended competitive strategies which we are actively addressing focus on Soviet command and control operations and countering Soviet air and ground penetration capacity. These concepts take advantage of the Soviet requirement for strict time management and maintenance of high tempo operations. NATO advantages in data automation and processing, target acquisition, and intelligence fusion and dissemination can be used to exploit this dependence and provide a springboard for more effective use of NATO's conventional capability.

Soviet lack of success in redressing this program would force them to compete in an arena in which they recognize they have serious weaknesses. Proposals from the Task Force which we are examining in this area offer an improved military capability reflecting a combination of new doctrinal and organizational approaches, innovative operational concepts, existing systems, and emerging technologies. The aim is to channel competition into areas in which we can take advantage of core, long-term strengths enjoyed by the Alliance.

Highlights of four initiatives are as follows:

Countering Soviet Air Operations: The Task force recommended that NATO, led by the United States, enhance its offensive capabilities against Soviet sortie generation by developing a phased attack on the Soviets' main operating bases and air infrastructure led by unmanned aircraft. From a defensive air perspective, the task force recommended measures to strengthen the integrity of NATO's air and ground operations.

Countering Soviet Penetration of NATO Forward Defenses: The Task force recommended developing an asymmetric force capability comprised of an integrated network of long-range, mobile weapons platforms and target acquisition and command and control assets capable of engaging Soviet mobile targets beyond the range of Soviet artillery and Multiple Launcher Rocket Systems.

Stressing the Warsaw Pact Troop Control System: The Task force recommended frustrating Soviet tactical operations by blocking preplanned options. This would force communications to the operational level where a replanning capability exists. By use of direct attack, special operations, and deception, NATO could counter the Pact's ability to devise and execute operational responses.

Countering Soviet Global and Multitheater Operations: Finally, to exploit Soviet aversions to a multitheater, protracted conflict, the task force recommended developing an offensive warfighting capability for conducting large scale joint and combined conventional offensive military campaigns.

As we develop our broad strategic thinking and address the conventional force posture, we must increasingly tie together our strategic perspective focused on flexible response with (1) our approach to conventional and strategic arms control, and (2) the NATO force planning process.

Conventional arms control

For two decades NATO has worked at meaningful conventional arms control in Europe directed toward improving the Alliance security posture. The guiding principle is that the Alliance will not settle for essentially cosmetic outcomes which can result in a false sense of security and no real improvement in stability.

From the beginning, it was on this basis that NATO insisted, first, that the Soviet-proposed European Security Conference (now CSCE) address human rights and other fundamental East-West differences along with building confidence and increasing security in Europe. Second, NATO insisted that before any of its members would participate in such a conference, specific military issues must be addressed. Thus, NATO demanded initiation of talks on Mutual and Balanced Force Reductions (MBFR) in Central Europe. Both negotiations began in the early 1970s.

In the CSCE arena, in 1975, a "Helsinki Accord" was concluded. It contained *inter alia* a security "basket" that required prior notice of certain military maneuvers and encouraged participants to invite observers to such exercises. This was a modest approach to improving stability through confidence-building measures (CBMs).

With respect to the sister MBFR talks, the focus has always been on improving stability at negotiated lower levels of forces. In other words, actual force reductions were the aim, as opposed to confidence-building measures being addressed in CSCE.

By 1986 the Stockholm Conference (Conference on Confidence- and Security-Building Measures and Disarmament in Europe, or CDE), continuing the Helsinki process, reached agreement on a more ambitious, though still modest, package of CBMs. The most significant aspect of this agreement is the inclusion of all Soviet European territory to the Urals. After years of Soviet insistence that Soviet territory must be a sanctuary from the European security equation, that barrier was broken.

This approach to CBMs continues through the CSCE process at the current Vienna Review Conference. NATO countries have agreed that additional confidence-building measures may improve stability. If a balanced outcome at Vienna can be achieved, most importantly including improvement in Soviet human rights performance, it appears that all 35 participating CSCE states will agree to new negotiations in 1988 on more confidence-building measures. We support this.

In the MBFR talks, negotiations have continued for fourteen years. During most of that period the Warsaw Pact refused to discuss current force levels. This meant that there was no way to agree on the size reduction required to reach equal ceilings. In De-

cember 1985, NATO proposed dropping its requirement for agreed data, and advanced the idea of taking small asymmetrical reductions. Determining existing force levels through an exchange of data and verification would follow. Then both sides would later reduce to parity within a defined geographic area in Central Europe. The Soviet Union has not yet seriously responded to this proposal.

Having established the principle that all of Europe "from the Atlantic to the Urals" is subject to military measures, NATO called for conventional arms control negotiations covering forces of both alliances in that wider area in 1986. Indeed, continued Warsaw Pact force buildup and modernization, force restructuring, doctrinal changes and considerable improvement in reinforcement capabilities have made it imperative that Soviet forces in the wider zone be addressed if an agreement on conventional forces is to insure security.

By February 1987, all countries of both alliances began meeting in Vienna to negotiate a mandate for these conventional forces negotiations. They are expected to begin in 1988.

At the mandate discussions, NATO and Warsaw Pact nations have agreed on objectives as follows: "to strengthen stability and security in Europe through the establishment of a stable and secure balance of conventional armed forces, which include conventional armaments and equipment, at lower levels; the elimination of disparities prejudicial to stability and security; and the elimination, as a matter of priority, of the capability for launching surprise attacks and for initiating large-scale offensive action."

Difficult work remains to be done in reaching agreement on armaments and forces subject to negotiation. NATO participants have stated that nuclear weapons will not be included. The Warsaw Pact began by insisting upon inclusion, but their position is no longer clear.

The record of the last fifteen years shows how the U.S. and NATO are committed to working at conventional forces arms control which supports NATO's security interests and improved stability in Europe. Because of the large asymmetries in offensive forces, especially in tanks and artillery, such agreements require substantial reductions in Pact combat capability in forward deployed forces. Small reductions even at favorable ratios would not be in NATO's interest because (a) such reductions do not alter the Warsaw Pact's fundamental advantages, and (b) because they immediately and directly affect NATO's already limited conventional capabilities. The likelihood that the Soviet Union will accept the kind of agreement that protects NATO security interests cannot be predicted. For our part, we will place no reliance on the outcome of such negotiations until it is actually achieved, and a treaty ratified.

Negotiations of this type involve 16 sovereign NATO nations. A Western proposal must be agreed upon by all and take into account a range of security and political concerns. The details of Western proposals are being discussed in a High Level Task Force chaired by NATO's Assistant Secretary General. Not all details have been settled, but there is a remarkable convergence of views. All agree that reductions can help improve stability but cannot in themselves achieve stability. All agree that to be acceptable, reductions must be highly asymmetrical and large on the Warsaw pact side. Moreover, the massive concentration of Soviet invasion forces in Eastern Europe will have to be significantly reduced. All agree that any agreement must be subject to extensive verification measures and other measures that will contribute to stability. Finally, all agree that a negotiated outcome must not weaken our nuclear deterrent capacity.

Our objective is to reduce offensive capabilities, which means the major ground invasion forces of the Warsaw Pact. However, there are substantial risks for NATO in measures in which armaments are involved in such negotiations. Our goal must be strengthened Flexible Response. SACEUR views are an important consideration in our approach to these talks, and are summarized in Section VII.

NATO force planning

U.S. planning and programming, NATO's coordinated planning, and the budget processes of all the NATO members are increasingly interconnected. For the 1990s they must be better structured to respond to Alliance consensus on goals, objectives, and specific programs responsive to strategic guidance.

As we proceed in seeking to exploit NATO strength, we will take care to work within these integrated national and international force planning structures but we will and must address new initiatives and approaches to solving our complex security problem. In so doing, we will want to reduce the danger of using our limited resources inefficiently. This is possible if we: (1) avoid acting without adequate international consultation; and (2) seek to strengthen the established strategic planning and program budgeting systems to make them more responsive to integrated strategic thinking. A simple framework for our NATO Defense Program is key to this.

In order to advance and refine CDI priorities as well as new initiatives based on a NATO strategic framework for the 1990s, we must see that they are coordinated and reflected in specific force proposals by the NATO Military Authorities. NATO Military leaders propose force plans based on the senior NATO Military Committee's Annual Military appreciation, and detailed annual combat-effectiveness reports by each of the three Major NATO Commanders (SACEUR, SACLANT and CINCHAN). NATO force goals for each country, covering a six-year period, are taken into account in those inputs. The goals deemed to be of particular importance for CDI are not "highlighted", and nations have undertaken to make more efforts to implement such "highlighted" goals. The U.S. has been a leader in this process.

We must work to keep this process responsive and modern, tailored to shared sense of priorities throughout NATO and its supporting orgainzation.

SECTION IV—ADVANCED CONVENTIONAL MUNITIONS

Role of advanced conventional munitions (ACM)

Modern technology has permitted great strides in improving conventional system capability and we intend to do more to make best use of our technology. However, in a NATO versus Warsaw Pact confrontation, theater nuclear capabilities form a unique element of the Alliance deterrent. NATO must sustain the capability of forward-based and land-based systems for delivery of nuclear weapons against a wide variety of targets. These include direct defense capabilities with short-range nuclear weapons, nuclear weapons which put massed concentration of Warsaw Pact forces at risk, and weapons which can engage critical targets at longer ranges. At the same time NATO must strengthen its forward conventional forces and give its ground forces greater battle depth and flexibility through modern fire support. It is here that ACM are important, not as substitutes for nuclear fire power.

We believe our allies can cooperate significantly in joint efforts involving ACM in what we call Competitive Strategies. We remain sensitive to NATO's weaknesses and to the Warsaw Pact's established advantages—its quantitative superiority, in particular. However, new opportunities exist for executing Competitive Strategies which attack Soviet weaknesses rather than attempting to match their strengths. ACM can provide options in this regard, but are certainly not an exclusive solution. In any event they have wide application on the modern battlefield.

Allied cost-sharing

Some examples of cooperation among the allies in the application of ACM technology are as follows:

Advanced conventional munitions [ACM]	Sharing allies	Application
Multiple-launched rocket system/terminally guided warhead [MLRS/TGW].	United States, United Kingdom, Federal Republic of Germany, and France.	Antiarmor.
155mm autonomous precision-guided munition [APGM].	Canada, France, Germany, Italy, the Netherlands, Spain, Turkey, and United States.	Antitank.
Modular stand-off weapon [MSOW].	United States, United Kingdom, Federal Republic of Germany, Canada, Italy, and Spain.	Multiple.
Infrared Maverick (65–D)	Italy, Denmark, Germany, the Netherlands, Turkey, and Spain.	Antiarmor.
Antitactical missile [ATM]	Germany and United States	Air defense.
Under the Conference of National Armaments Directors [CNAD], resides cadre group AC/310, that is presently setting up an information center that will contain technical information that NATO ACM engineers/scientists will be able to draw from when designing insensitive/high performance munitions.	France, the Netherlands, United States, United Kingdom, Federal Republic of Germany, and Norway.	All.

Cost-sharing with our NATO allies is already an ongoing, integral aspect of advancing ACM programs. These efforts have been given impetus by FY 86 and subsequent NATO Cooperative Research and Development legislation promoting cooperative programs. NATO allies are actively engaged in cooperative ACM programs that span the acquisition arena from technology through procurement. The potential exists to do more.

Applications

Many types of munitions and systems fall into the general category of ACM. Thus, applications are not restricted to a single mission area. The foregoing table shows that ACM contribute to the Follow-on Forces Attack (FOFA) mission, discussed in Section V; they are part of our modernization of air defense capabilities, discussed in Section VI; and could also be involved in some cases in dual-capable (nuclear-conventional) systems.

Without a doubt ACM contribute in a most important way to the munition, or lethal end of the FOFA capability. However, as is elaborated in Section V, the application of lethal technology to a target involves advanced sensors, fusion capability, and target acquisition means as much as it does and advanced conventional warhead.

Cost-effectiveness

No general assessment can be made about cost-effectiveness in this area of technology application. It depends on the total concept; strategic and tactical objectives; and on the relative effectiveness of each weapon against specific targets. This becomes more apparent in the discussion of an overall concept employing ACM, such as FOFA, described in Section V.

A potential "effective" application for ACM could focus on a Competitive Strategy based on a "Win Early" concept. Under this concept, if our adversary chooses to strike, our response would be to attack his most vulnerable points using ACM. Our success would be dependent upon our ability to identify critical targets and destroy them through selective application of modern conventional munitions in the early days of the conflict. This solution is directed toward rapid attrition of targets having a high payoff.

If we consider the prospect of converting all of our munitions to ACM, this might well be extremely "cost-effective". However, no sophisticated analysis is needed to show that we could not afford to do this no matter how effective the result. Total ACM substitution of the current US $70B stockpile could well cost hundreds of billions. An affordable option, as called out in a "Win Early" strategy, is to utilize our new modern munitions in a way to allow an early transition to the standard stockpile, thereby limiting the total number of ACMs needed to do the job. This solution envisions significant application of modern munitions during the early days of a conventional conflict in Europe. These modern munitions would attack those enemy targets that pose the greatest threat to the survivability of our delivery systems and maneuver units. By engaging the enemy's critical targets early in the war, we would be able to efficiently transition to the employment of the standard stockpile. As our forces become more survivable and the critical enemy target capabilities are reduced, the mix would shift from the utilization of moden munitions to larger quantities of the standard munition.

Planning for the future

The US approach to Advanced Conventional Munitions is managed through the Department of Defense Conventional Munitions Master Plan (CMMP). This planning offers integration, and coordination for the development and acquisition of conventional munitions. It provides programmatic information and analyses on munitions-target pair, that is, those modern munitions or combinations of modern munitions that have been designed and are best suited to defeat specific target types. The planning activity ensures that critical issues associated with conventional munitions are given high-level attention. It also calls for tradeoff analyses to be conducted between specific ACMs in which one conventional munition is substituted for another with the objective of optimizing our potential on the battlefield.

Development of the Master Plan provides the basis for orchestrating a "Win Early" competitive ammunition strategy and produces a document that addresses the feasibility and cost-effectiveness of applying a proper mix of ACMs to the problem of conventional force imbalance. NATO cooperative programs and opportunities are addressed as part of the overall planning objective.

The CMMP is designed to create an affordable, effective mix of conventional munitions in support of our strategy. The Plan addresses near- to long-term objectives through: (1) procurement and/or product improvement of selected modern munitions; (2) accelerated development and/or preplanned product improvement programs; and (3) acceleration of promising munitions R&D programs which have potential for defeating next generation threats. Output from the Department of Defense Balanced Technology Initiative (BTI) is also used to introduce matured technologies into our conventional munitions, and becomes an integral part of the CMMP.

We anticipate the full implementation of the CMMP by April 1988. It will serve as the basic DoD document to guide and support planning to best utilize conventional munitions of every type to achieve a "Win Early" strategy and support our overall modernization efforts.

SECTION V—FOLLOW-ON FORCES ATTACK

The concept

The aim of Follow-on-Forces Attack (FOFA) is to significantly strengthen NATO's forward defense. The concept employs non-nuclear systems and capabilities, including advanced conventional munitions, to help stop the advance of enemy forces. It is a technical and military approach, in this case, designed to delay, disrupt and destroy enemy forces. The concept calls for an improved posture to engage the aggressor at longer range by integrating advanced and emerging technologies into established conventional forces.

FOFA should be viewed as a targeting strategy that supports an overall requirement to interdict an enemy's capacity to launch and sustain an attack. It is one means by which numerically inferior NATO forces can counter numerically superior opponents. In this regard it is a primary focus of the interdiction campaign. It is not a new concept. NATO has always faced the need to conduct such interdiction operations to restrict an agressor's capacity to introduce forces at the Allies' forward line of defense.

Advances in sensor, microprocessing, communications, and munition technologies now make it possible to develop the capabilities to reduce to manageable proportions the number of enemy forces arriving at NATO's battle lines.

FOFA involves operations which employ air-to-surface and surface-to-surface weapons to attack enemy reinforcements and supporting elements enroute to the forward battle area. We combine acquisition, targeting, C^3I and attack systems to mount an integrated interdiction campaign. The FOFA area of operations stretches from just behind the front lines as far into the enemy's rear as our target acquisition and weapon systems capabilities will permit.

Such technologies are now embodied in systems currently in full-scale development and will be entering the inventory starting in 1989. The Advanced Conventional Munitions programs discussed in Section IV support the advance of the FOFA concept.

Employment of conventionally-armed Sea-Launched Cruise Missiles (SLCM) carried on naval combatants in support of SACEUR missions can also contribute to FOFA operations. Employment of SLCMs as well as Air-Launched Cruise Missiles (ALCMs) and other concepts will be thoroughly explored as part of our Competitive Strategies approach.

U.S. and NATO planning for the future

Complementary planning for the FOFA concept is maturing in the U.S. and the Alliance. SACEUR is now developing an operational concept for FOFA in the 1990s and beyond. NATO also has a Long Term Planning Guideline that provides for coordinating armaments and force planning in support of FOFA. SACEUR is focusing on the need for long-range target acquisition and attack requirements, in the context of a conceptual military framework which ties together the various components and prioritizes them.

Most NATO nations have recognized the need to address new and improved FOFA capabilities, and U.S. leadership has provided an important stimulus. The U.S. is developing joint doctrine for FOFA and coordinating the planning for procurement and fielding of FOFA-related systems in an integrated manner among the services and within the Alliance. The Services have jointly identified contributing systems and are working to expedite fielding of key programs.

FOFA systems

The FOFA concept is essentially operationalized through a "system of systems" approach involving sensors, communications, fusion, munitions, and delivery systems. Some of the programs important to the concept are highlighted below. The systems to support FOFA missions are not being developed as FOFA unique or dedicated elements, but rather are part of our overall effort to modernize conventional capabilities. Many of these systems are being cooperatively developed or produced with our allies. However, the integration of the architecture for special missions characterizing FOFA may eventually require dedicated communications equipment.

The actual numbers and types of systems we procure will depend on further development of the concept of operations for FOFA. This will determine the amount of money dedicated to FOFA in the future. Coordinated planning with regard to all the types of systems outlined below is underway in the Department of Defense, and a full range of delivery system options will be evaluated through Competitive Strategies planning and related analysis. In the interim, the Secretary of Defense is ensuring appropriate funding of the projects, summarized on the following pages, among others, as they relate to supporting the NATO Defense Program.

Sensor systems

Air Force

The advanced Synthetic Aperature Radar System II (ASARS II) is an Air Force theater asset employing a high resolution imaging radar system carried aboard the TR1 aircraft. It collects and processes radar imagery in near real time.

Army

GUARDRAIL Common Sensor combines the GUARDRAIL V (COMINT) with QUICKLOOK (ELINT) and the Communications High Accuracy Airborne Location system (CHAALS) on a single platform, the RC-12K.

Intelligence and Electronic Warfare-Unmanned Air Vehicle (IEW-UAV) is a member of an Army family of UAVs. It consists of an air vehicle with a long loiter capability used for reconnoitering areas deep in enemy territory. It can operate in day or

night and in all weather environments; it includes several different sensor packages.

Joint

Joint Surveillance and Target Attack Radar System (JSTARS) is a multi-mode joint Army/Air Force program, Air Force lead, to provide Moving Target Indicator (MTI) radar surveillance of the Corps area of influence. The single radar system incorporates both wide area (MTI) surveillance and a limited synthetic aperature spot mode radar capability. Cooperative development with our allies is being pursued in both the NATO Air Force and Army Armament Groups.

Communications systems

Air Force

Joint Tactical Information Distribution System (JTIDS) will provide jam resistant secure information distribution. Through advanced access and counter EW measures JTIDS will conduct rapid, reliable C2 and status information distribution.

Army

The Mobile Subscriber Equipment (MSE) provides secure static and mobile communications to Corps and Division level commanders. Army MSE is based upon the French RITA system and was selected by the U.S. Army after an intensive international competition. MSE allows voice/data/facsimile transmissions which are interoperable with the joint Tactical Communication Systems (TRI-TAC) combat net radios, and commercial telephone systems.

The Army Data Distribution System (ADDS) will assist in near real-time information transmissions using the Enhanced Position Location Reporting System (EPLRS) User Unit (EPUU), Joint Tactical Information Distribution System (JTIDS), and Net Control Stations. The combination of EPLRS with JTIDS will capitalize on the previously separated projects to meet the data transfer requirement throughout Division and Corps.

Fusion, correlation, and processing systems

1. Tactical

Air Force

The Battlefield Coordination Element (BCE), in coordination with the Ground Attack Control Center (GACC), will provide air attack planning support to the tactical ground coordinator. The units will coordinate the air attack plan for use of controlled assets, the execution of these plans, and the reporting of the results of the attack.

Army

The Ground Station Module (GSM) for JSTARS and several other sensors will display and report MTI and FTI (Fixed Target Indicator) data on the enemy situation and his movement. Communications with attack coordinators will be provided by JINTACCS, Landline, and FM radio transmission. A downsized GSM will process sensor data for light forces. The Airborne Radar Demonstration System (ARDS) is an active NATO project which will demonstrate interoperability of both British (ASTOR) and French (ORCHIDEE) development systems with the Army's GSM.

Joint

The Limited Operation Capability Europe (LOCE) currently provides intelligence collection, analysis, and distribution to NATO users over secure communications systems, for early warning, situation assessment and targeting activities. Information provided will assist early target nomination for strike or reconnaissance, and support threat analysis.

In 1990, LOCE is to be developed into the Battlefield Information Collection and Exploitation Systems (BICES) and will combine U.S. and NATO fused intelligence in support of the NATO Central Region.

All Source Analysis System/Enemy Situation Correlation Element (ASAS/ENSCE) will provide commanders a near real time detailed picture of enemy positions from the fusion of data gathered by organic, theater, and national sensors. Automated processing of high volume data and interoperability between Army Divisions/Corps and Air Force Wings will allow coordinated deep attack planning.

2. National

Army

Electronic Processing and Dissemination System (EPDS) is a ground-based, computer-assisted Electronic Intelligence (ELINT) correlation facility for theater and national sensors.

Enhanced Tactical User Terminal (ETUT) is a processing and visual display for ELINT and Imagery Intelligence (IMINT) support of the Corps.

Imagery Processing and Dissemination System (IPDS), the operational version of the Digital Imagery Test Bed (CITB), will provide the tactical commander with the capability to receive and exploit digital imagery in near real time from national and theater level sensors.

Tactical Radar Correlator (TRAC) is a direct downlink system receiving radar imagery in digital format from the ASARS II.

The Echelon Above Corps (EAC) test bed is a limited interim, soft copy, digital imagery exploitation capability which has been deployed in advance of fielding the Joint Service Image Processing System (JSIPS) and the Image Processing Dissemination System (IPDS) in Europe.

Weapons systems

1. Penetrators

Air Force

The B-53G, originally designed to perform strategic, intercontinental, high altitude nuclear strikes, has been modified to provide long-range, deep-attack, conventional missions in some scenarios. It provides a platform for conventional ground attack missions with surface attack missiles as well as conventional bombs in standoff and penetrating modes.

The F-15E (a dual-capable aircraft) will perform interdiction and is capable of carrying guided and unguided conventional weapons and dispensers with various submunitions which will allow it to conduct interdiction and other missions.

In a major standardization effort, the F-16 is in use with five of our NATO allies and is coproduced by them. An advanced model of the F-16, the F-16C/D, is a light weight, multi-role aircraft capable of performing air-to-air, and air-to-ground missions. The aircraft's versatility and its munitions capabilities will enable it to conduct FOFA.

The F-111 is a long-range fighter bomber capable of delivering a range of weapons for deep strike and deep interdiction missions, including FOFA operations.

2. Stand-Off

Air Force

Modular Stand-Off Weapon (MSOW): The purpose of the MSOW Program is to build a series of both short- and long-range stand-off weapons to attack fixed and running targets using a modular approach. Weapons built under this approach can attack a variety of targets including airfields, air defense units, hardened C^3 nodes, and armor. MSOW is a major codevelopment effort in which six allied NATO nations are participating. The funding for U.S. participation in this program has recently been reduced dramatically.

TACIT RAINBOW is a missile system designed to attack enemy radars and is capable of loitering for an extended time over a target until the radar goes active. The missile is currently designed to be launched from air platforms. Cooperative opportunities for TACIT RAINBOW have been offered to selected NATO allies to promote achievement of this capability on a broad basis in the NATO Central Region.

Army

LANCE is an Army Surface-to-Surface Missile (SSM) with conventional as well as nuclear capabilities. It is deployed in relatively small numbers.

Multiple Launch Rocket System (MLRS) is a tracked, ground launcher for the basic, guided semi-ballistic missiles. MLRS is to be the launch platform for the Army Tactical Missile System (ATACMS). MLRS is the result of a cooperative development with four NATO nations, and European production is about to begin.

Army Tactical Missile System (ATACMS) is a short-range Surface-to-Surface Missile (SSM) developed to attack area targets deep in the Corps commander's area of responsibility. Launched from an MLRS platform, the missile is designed to carry various submunitions. It will replace LANCE in the latter's conventional role and is a potential candidate for the Follow-On to LANCE in the nuclear role as well. The U.S. has offered this program for NATO codevelopment and coproduction; it has been offered to all U.S. partners in the MLRS Program.

Navy

The U.S. Sea-Launched Cruise Missile (SLCM) is currently budgeted and on schedule. The conventional SLCM, TOMAHAWK Land-Attack Missile (TLAM/C/D) has an extended range, and could contribute significantly to FOFA by providing a conventional deep-attack capability against fixed installations in the Warsaw Pact.

Air Force

Tactical Munitions Dispenser (TMD) is a new general purpose, 1000 lb. class submunition dispenser capable of dispensing SKEET, Boosted Kinetic Energy Penetrator (BKEP), and Combined Effects Munitions (CEM). It is currently available for use with F-15, F-16, F-4 and F-111.

Combined Effects Munitions is a cluster weapons of 202 CEBs. The bomblets consist of armor-penetrating charges, a fragmenting case and a zirconium incendiary.

The Booster Kinetic Energy Penetrator (BKEP) is a runway attack submunition. When configured for in a TMD for the Direct Attack Combined Munition (DAACM) the system consists of eight BLU-106/B BKEP and twenty-four Hunting BH876 area-denial mines.

SKEET or Sensor Fuzed Weapon (SFW) is an antiarmor warhead, dispensed from a Tactical Munitions Dispenser (TMD). After leaving the dispenser, the submunition detects a tank and fires a self-forging armor-piercing plug at the target.

Laser-Guide Bomb consists of a laser guidance kit attached to a MK-84 warhead. The target is designated for an aircraft, using Forward Looking Infrared Radar (FLIR) or

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Low-Altitude Night Targeting Infrared Navigation (LANTRIN) targeting pod.

GBU-15/AGM-130 (glider and rocket version) carry MK-84 or I-2000 warheads and are targeted against high value point targets. They are guided either by television or an imaging infrared seeker and deployed from F-4E or F-111 aircraft.

I-2000 Bombs (Improved 2000 lb Bombs) are designed to attack hardened targets such as bridges, bunkers runways, or command posts. Utilizing a redesigned warhead, in a thicker steel casing, they are able to penetrate hardened targets.

Army

Terminally Guided Warhead (TGW) is a submunition for the MLRS rockets; it is designed to search for and destory enemy armor. TGW development is being undertaken in a cooperative project with France, Germany, and the UK.

Anti-Personnel/Anti-Material (APRM) are air dispensed, high explosive fragmentation submunitions designed for release at a designated height above the ground for LANCE and ATACMS. The APAM submunitions are fuzed to burst on contact with the ground.

SECTION VI—NATO AIR DEFENSE

NATO air defense mission area

NATO's counter-air capability—both offensive and defensive—represents an important and flexible firepower capability which can be employed against fixed installations and against attack from the skies. U.S. air and air defense assets provide a major contribution to NATO, and they also comprise capabilities we need to meet our global defense responsibilities. This mission area will receive continuing high priority.

A significant share of the NATO Conventional Defense Improvement (CDI) effort is already aimed at sustaining a modern and robust air defense capability in the face of an increasingly potent Soviet/Warsaw Pact nuclear, conventional and chemical warfare threat.

The INF Treaty will relieve somewhat the missile threat facing NATO, particularly in the rear areas of Western Europe which are beyond the reach of Warsaw Pact short-range missiles, but the otherwise relentless pace of Soviet weapons modernization continues to threaten critical NATO assets. Increased numbers of attack helicopters, new close air support aircraft, and conventionally-armed, dual-capable, short-range missiles are increasing the threat to our forward fighting forces, key defenses, and certain vital assets. We and our NATO allies have given special emphasis to near term practical steps to defend against the threat through both active and passive defenses. Allied planning has also been quite successful in this mission area.

The Warsaw Pact attaches great importance to the rapid achievement of air supremacy in any conflict. One means available to the Pact to assist in achieving this objective is the use of tactical missiles. In the 1990s, NATO will continue to be threatened by the traditional air threat as well as by remaining theater missiles. The Soviet SS-21s, SS-1s (SCUD Bs), FROGS, SLCMs, ALCMs, and Tactical Air-to-Surface Missiles (TASMs) are not limited under the INF Treaty. NATO's ability to defend against the threat depends on a full range of integrated capabilities and their effective employment. These include modern aircraft, air-to-air and air-to-ground munitions, land-based air defense missiles and guns, tactical missile defenses, as well as command and control, survivability and other passive measures, and electronic warfare systems. Research on new systems and capabilities is also critical to protect against an uncertain future. Investment in all of these areas will be important if we are to achieve needed improvements.

Planning for the future

We are embarked on a significant improvement of NATO's Command and Control system that is crucial to the Alliance's future air defense posture. NATO's Airborne Early Warning and Control (NAEW&C) Program is proving to be an exceptional performer in this area. However, impacting on our air defense capability is the lack of a modern system for discriminating between friend and foe in the air; this is being addressed in NATO through the development of NATO Identification System (NIS). With respect to air base defense, we are making marked improvements, but our posture remains uneven among allies and among different categories of bases. Continued priority planning and action are needed for air base defense, recovery, chemical protection, and dispersal.

The NATO capacity for Defensive Counter Air (DCA) operations is being significantly upgraded with U.S. and allied deployments of PATRIOT and other modern surface-to-air missiles, increases in more capable aircraft, and deployment of modern air-to-air munitions. However, Allied command Europe faces shortages in surface-to-air missiles (SAMs) and air defense gun systems. To redress these and future shortcomings, we intend to take advantage of a number of technological and other opportunities for building on advances made to date in our defensive stance.

NATO plans now provide for marked improvements in aircraft and munitions to carry the battle to the enemy by attacking his airfields, other sources of his air power, and his follow-on forces, as outlined in Section V. However, we have not yet advanced sufficiently in NATO's capacity for standoff attack and hard target kills. It is here that a number of emerging technology initiatives could have the potential for significant payoff. We are limited in long-range aircraft and must examine the mix of stand-off and direct attack munitions, aircraft, and missile delivery systems, as well as target acquisition capabilities appropriate to conducting Offensive Counter Air (OCA) missions. We intend to pursue this.

Countering Soviet air operations (involving both missile and aircraft attacks) is among our highest priorities for the future. There are opportunities in this area for exercising competitive strategy operations, in particular. The Secretary of Defense is ensuring appropriate funding of air defense programs as they relate to the NATO Defense Program. Intensive U.S. and NATO planning in this area will continue to be key and an appropriate balance among all areas in the counter air mission area will continue to be important.

Status of NATO air defense improvements

Important ongoing efforts are summarized below:

US bilateral efforts: Active air defense

US/UK RAPIER Initiative: This was the first of several US bilateral agreements with NATO allies for improving active air defenses in NATO Europe. This initial US/UK effort, became known as the "RAPIER role model." Under the terms of the 1981 agreement, the US has procured and the UK is manning, operating, and maintaining 32 RAPIER Short-Range Air Defense (SHORAD) fire units for the point defense of seven US air bases in the UK.

US/FRG PATRIOT/ROLAND Agreement: This initiative provides for Germany to purchase 14 PATRIOT fire units while the US will provide Germany with 14 additional PATRIOT fire units from previously planned US deployments. In return, Germany will man and operate 12 of the 54 US PATRIOT fire units in Germany (providing medium-to-high altitude air defense) and also procure, man, operate, and maintain 27 ROLAND fire units providing short range protection to three US bases. Because of the coverage provided by PATRIOT, six more U.S. bases will also receive air defense coverage.

US/The Netherlands Agreement: In February 1984, the Dutch Government signed an agreement for the purchase of four PATRIOT fire units. They are planned to buy additional missiles and launchers for these fire units. Moreover, the Dutch have an option to purchase an additional two fire units for a total of six; they are currently studying this option. The Dutch have taken delivery of two fire units and will complete delivery of their four fire units in March 1989.

US/Turkish RAPIER Agreement: In November 1984, the US and Turkey agreed to enter into a cooperative air base defense program. The US will procure 14 RAPIER fire units and associated equipment from the UK as an extension of the 1981 US/UK RAPIER Agreement, and Turkey will man, maintain, and operate them. US Air Force and the Turkish Air Force Command have jointly produced a comprehensive Turkish air defense master plan for future air defense C^3 and weapon acquisition in Turkey.

Priorities for active air defense

The PATRIOT Missile System in NATO: NATO's agreed air defense program called for the fielding of PATRIOT fire units by the US and other NATO allies. US deployment began in 1985 and will be completed in the early 1990s. In addition to providing medium-to-high altitude air defense coverage against the traditional air-breathing threat, PATRIOTs will also have a self-defense and a limited capability to defend NATO vital assets against attack by conventionally-armed tactical ballistic missiles.

The Army's Forward Area Air Defense System (FAADS): With the August 1985 decision to cancel the Army's Division Air Defense (DIVAD) gun weapon system, the Army was forced to reassess just how it would meet its air defense requirements in the forward area. A combination of factors—the cancellation of DIVAD, the need to address other air defense deficiencies which were independent of the DIVAD decision, and an increased threat capability led the Army to seek a systemic solution. Following several months of study, the Army established its FAADS approach to the problem. FAADS, as formulated, consists of five elements: a non line-of-sight rear system; a line-of-sight forward heavy system; a line-of-sight rear system; a combined arms element; and finally, the FADD C^2I element (command, control, and sensors). The chosen system for the non-line-of sight missile system is the FOG-M (Fiber Optic Guided Missile). This system has gone into advanced system development. The Army recently held a competitive selection process to choose an "off-of-the-shelf" to fill the line-of-sight forward heavy role. The Air Defense Anti-Tank System (ADATS)

built by Martin Marietta/Oerlikon Buhrle (US/Swiss teaming) was selected and deployment is expected to begin in 1988 and be completed by 1992. Pedestal Mounted STINGER, which is being built by Boeing Aerospace, has been selected as the line-of-sight rear system. FADDS weapons will be added to US corps as an additional or organic capability, providing a capability which does not exist today.

Fighter Aircraft: With the planned deployment of F-15Es to NATO Europe along with NATO's existing US F-111s and allied TORNADOS, capabilities for conducting Offensive Counter Air missions will be greatly increased. Likewise, improvements to US and allied F-16s and a capability to employ the Advanced Medium-Range Air-to-Air Missile (AMRAAM) will serve to improve NATO's traditional Defensive Counter Air operations. Together, these improvements will enhance NATO's ability to gain and maintain a favorable air situation (to conduct offensive and defensive counter-air operations) should the Warsaw Pact choose to attack.

Hawk and the Medium Surface-to-Air Missile (MSAM): The US and several NATO allies maintain the HAWK medium altitude air defense system. HAWK, originally designed in the 1950s, has undergone several Product Improvement Programs (PIPs) to modernize and upgrade its capabilities. The US HAWKs are currently being upgraded by the phase-3 PIP. This PIP improves the reliability, availability, and the maintainability of the HAWKs. Furthermore, phase-3 will enhance the system's mobility and provides the HAWKs with a low altitude multiple engagement capability. The Army has also proposed a plan to further enhance the capability of the HAWK against cruise missiles. Finally, it should be noted that Norway has decided to retain HAWK, but in a modified and upgraded fashion unique to Norway in a system called NOAH—Norwegian Adapted HAWK.

The foregoing highlights do not detail every facet of our priorities in the improvements to NATO's active air defenses, but they do offer an overall picture of some important aspects. The following information highlights other air defense initiatives and passive air defense measures which are priorities in NATO.

Other priorities

UK and French AWACS Purchase: In December 1986, the UK announced plans to purchase six Boeing AWACS aircraft from the US; in 1987 they further announced that they planned to exercise their option for a seventh AWACS aircraft. In February 1987, the French agreed to purchase three AWACS from the US. Further, France has announced that it expects to exercise its option to acquire a fourth AWACS aircraft. Given their compatibility with US AWACS and NATO's 18 Airborne Early Warning & Control (NAEW&C) aircraft, the French and UK AWACS acquistion should greatly enhance NATO's overall capability in this vital area of airborne early warning and control.

The NATO Identification System (NIS): NIS consists of two components: the Direct Sub-System (DSS) component which primarily consists of the Question and Answer (Q&A) component, and the Indirect Sub System (ISS) component. While both components are important, the Q&A component has received the greatest NATO cooperative effort to date as well as the most visibility and public attention. In response to the designation of NIS by the Conference of NATO Armament Directors (CNAD) as a cooperative R&D legislation endeavor (Nunn Amendment), a five nation MOU was signed in October 1987 by representatives of the US, Germany, France, Italy, and the UK. In essence, the MOU provides for cooperation and collaboration on the design and development of the Q&A component. In the US, the Q&A component is referred to as the MARK XV. An October 1987 demonstration and validation of the US, UK, French, and German Q&A components was conducted at the Patuxent River Naval Test Center. This test was highly successful and proved that the systems were compatible and interoperable.

The NATO Air Command and Control System (ACCS): In February 1982, the North Atlantic Council (NAC) tasked the NATO Air Defense Committee (NADC) to undertake a revision of the 1979 Refined Program for Air Defense in Allied Command Europe. The NADC's Panel on Airspace Management and Control Systems (PAMCS) was assigned the task of devising a NATO ACCS Master Plan as part of that revision process. The PAMCS established an ACCS Team to lead and direct the development of the ACCS Master Plan. When fully implemented, the ACCS Master Plan will provide for the total airspace management in NATO, an extremely important undertaking. Of the five volume ACCS Master Plan, Volumes I through IVA have been approved; Volume IVB (the ten regional annexes) are currently out to nations for national staffing. Volume V is the transition-funding plan; it is still being drafted. At the NADC meeting of 17-18 November 1987, national representatives agreed to establishing an Interim ACS Management Organziation under the Defense Support Divison of NATO's International Staff (IS). Therefore, an organization will soon be in place to work the difficult issue of ACCS implementation.

US Bilateral Agreements with NATO Allies: In 1985, USAFE worked out bilateral arrangements with Norway and Denmark for the construction of revetted dispersed aircraft parking at US Collocated Operating Bases (COBs). Under the terms of the agreement, the US would provide material and training for allied teams to manufacture the two-meter square Rapid Runway Repair (RRR) concrete slabs. The allies would then be responsible for manufacturing the slabs and installing them so as to construct dispersed parking pads for US reinforcement aircraft. Additionally, they would install four-meter high reinforced concrete revetments (US provided) on three sides of the parking pad to provide some blast and splinter protection to parked aircraft. USAFE personnel are exploring similar arrangements with Turkey and Italy. The revetted dispersed parking pads offer increased protection to reinforcing aircraft (when hardened aircraft shelters are not available) while at the same time increasing the number and availability of concrete slabs required for RRR should airfield attack occur.

Hardened Aircraft shelters: The NATO goal is to provide hardened aircraft shelters for 100% of the aircraft; however, NATO infrastructure funds will only finance shelters for 70% of the aircraft. To provide sheltering above the 70% level requires funding by the nation involved. For the US, CINCUSAFE has established a policy to shelter 100% of in-place and reinforcing aircraft at US Main Operating Bases (MOBs) and 70% of reinforcing aircraft at collocated operating bases. The Air Force currently has aircraft shelter construction programmed in the FYDP to meet the 100% goal for US MOBs.

Other Passive Measures for NATO Air Defense: The US has been exploring other elements of passive defense with our NATO allies such as the construction of Alternate Launch and Recovery Surfaces (ALARS) for aircraft and the provision of Emergency Landing Strips (ELS) for aircraft; Camouflage; Concealment, and Deception (CCD); Survivable Collective Protection Shelters (SCPS) for chemical/biological warfare protection; Base Recovery After Attack (BRATT) measures to include air base reconnaissance/damage assessment to determine the extent of the damage; Explosive Ordinance Disposal (EOD); Rapid Runway Repair (RRR); and Mobile Aircraft Arresting Systems (MAAS). Camouflage and concealment involve the use of netting to cover equipment and the use of paint to "tone down" runways and structures. Deception includes the use of aircraft decoys and decoys for radar antennas. The U.S. Air Force and Army regularly conduct exercises during which the use of chemical/biological protective clothing and procedures are used and evaluated. The Air Force is engaged in installing SCPS at three US MOBs: Spangdahlem, Bitburg, and Ramstein. Hahn Air Base will be next to receive SCPS. France is also installing its chemical/biological protective shelters, AMF-80, at its air bases. The French have conducted discussions with the Belgians, Dutch, and Canadians trying to win support for use of the France AMF-80 system. To date, only the Canadians have purchased a variant of the France system, AMF-82, for their air bases at Lahr and Baden-Sollingen.

SECTION VII—LEADERS' VIEWS

Confidence in NATO strategy

In their approach to INF, the allies made a solid commitment from which they never deviated. Since 1979 the political and military leaders of NATO in Europe have addressed the Soviet theater nuclear forces buildup directly and unambiguously. In that regard, their actions concerning Alliance security posture speak for themselves.

The decision to deploy INF systems while supporting U.S./Soviet negotiations was taken in the face of considerable political unrest and turmoil which continued to grow for several years. For the European leaders steadfast adherence to this dual-track decision demonstrated the type of political courage so important to the NATO security concept. We should neither presume nor expect anything less in the future.

Both the Ministers of Defense at their December 1987 Defense Planning Committee meeting and the Foreign Ministers at their meeting endorsed the Agreement finally achieved as a result of collective Alliance efforts. The Foreign Ministers said: "We welcome and fully support the Washington INF Treaty. It is fully consistent with the security requirements of the Alliance. It accomplishes an important and longstanding Alliance objective: the elimination of a class of Soviet nuclear weapons threatening the European allies and other regions of the world."

The approach taken in the dual-track process has certainly strengthened NATO because of the confidence demonstrated by the allies in their security policy. NATO ministers, after considering the implications of an INF Agreement, affirmed the viability of NATO's strategy. In November 1987, the Defense Ministers stated that the "strategy

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of flexible response will continue to be vital to the security of the Alliance.

Support of modernization

The allies have indicated a clear recognition of the need for modernization of both nuclear and conventional components of NATO's forces in support of the strategy. The issue for the future is how well the U.S. and our allies do in protecting the gains we have made and in building upon them.

Although the real increases in U.S. defense spending exceeded by a wide margin the average growth rates on non-U.S. defense programs in the early through mid-1980s, U.S. spending reflected major efforts to make up for real decreases we experienced in the 1970s. At that time our allies were achieving steady real increases. U.S. real defense spending for the early 1970s through the mid-1980s was equivalent to an annual decline of roughly 1 to 2 percent. Comparable non-U.S. spending for defense was two percent real growth per year.

In the Nuclear Planning Group and its related bodies, our allies have recognized, with us, that NATO must continue to fulfill requirements to modernize and increase the survivability of the nuclear forces remaining after an INF Agreement. Our allies have also recognized that additional adjustments may be necessary to ensure a full spectrum of nuclear deterrent options at all ranges.

Our allies also join in supporting our conviction that coordinated programs to modernize and improve NATO's conventional forces must be revitalized. This was established in NATO's CDI Program to redress key deficiencies in NATO's conventional posture. The European allies have shown generally strong performance in meeting established modernization objectives.

Reports from the EUROGROUP nations indicate they are planning to introduce a wide range of new equipment into their forces in 1988. In that year, 250 main battle tanks, over 1,000 other armored vehicles and over 50 pieces of heavy artillery will be introduced into service. The air forces of those nations will bring 200 new combat aircraft into service in 1988, mostly of the advanced TORNADO and F-16 types. Improvements will continue in existing aircraft, survivability and airfield defense. At sea, the EUROGROUP nations plan to introduce seven escorts, three submarines and five mine-warfare vessels, together with smaller vessels and support ships, as well as 25 new aircraft in a maritime role. Support for new initiatives for the future will certainly be based on the effectiveness of transatlantic consultation.

Conventional arms control

Indications are that most of the allies believe the INF accord signals a breakthrough in arms control and security policy. They, of course, support continuing U.S./Soviet START negotiations, and are committed to planning for Conventional Stability Talks (CST) addressing forces in Europe.

Most allies appear to be intent on NATO management of an allied approach to CST negotiations to ensure that these talks complement NATO force improvement initiatives. NATO military authorities will be consulted by political leaders as we prepare for these negotiations, and throughout their conduct. For this reason, SACEUR's criteria for such negotiations are an important consideration. His current views on this subject are as follows:

Suggestions for initial U.S./Soviet asymmetric reductions have possibilities but need more analysis. All reduction proposals should be accompanied by conventional defense capability improvements.

Soviet efforts to circumscribe Alliance force modernization goals must be firmly resisted. The likehood of a new agreement cannot be determined and will depend on Soviet perceptions and willingness to negotiate.

Further SACEUR views

The NATO commander in Europe, SACEUR, has focused on specific military considerations related to the execution of the flexible response strategy. SACEUR points out the need to differentiate between deterrence of Warsaw Pack agression and NATO's ability to respond flexibly to restore deterrence if the nuclear threshold is crossed. As long as NATO maintains a credible linkage between European-based theater nuclear forces, conventional forces, and strategic systems, and a viable and unquestioned ability to execute military options across a spectrum up to general nuclear response, we will continue to have credible deterrence, according to SACEUR.

SACEUR believes it is critical that NATO continue to field nuclear systems that provide a credible, visible (European land and sea-based) mix of both short- and long-range systems. These systems, he believes, must be capable of holding at risk militarily significant targets of the Warsaw Pact to include those in the USSR.

Fundamentally, SACEUR supports the nuclear modernization and CDI programs upon which NATO is embarked. With respect to nuclear forces modernization, SACEUR cites the need for additional dual-capable aircraft (DCA) of longer range, the development of the tactical air-to-surface missile, the LANCE missile follow-on, and modernized artillery munitions and bombs. Also critical, in his view, is the lifting of current congressional restrictions on the number of modernized artillery munitions and also the restrictions on development of a nuclear follow-on to LANCE. According to SACEUR, a nuclear force containing these systems would maintain target coverage while continuing to provide widespread NATO nation participation and the sharing of burdens and risks.

In advancing technology to achieve improvements in non-nuclear deterrence, SACEUR has pointed out that visible nuclear capability has a deterrent value that conventional systems, however high their technology, cannot match.

In the area of conventional capabilities, SACEUR strongly supports the concept of FOFA which is designed to delay, disrupt, and destroy those forces arriving at the forward edge of the battle area (FEBA) and thereby enhance significantly the integrity of NATO's forward defense.

SACEUR believes that NATO's air defense picture is improving. His view is that there are several programs both in development and procurement to bring air defense capability to an adequate level. Among specific systems and programs in the air defense area evaluated by SACEUR are the following:

The introduction of PATRIOT in the central region starting in 1986 greatly enhances NATO's air defense.

The development of an adapted HAWK for Norway starting in 1987 will improve vital point defense in Norway. Danish deployment of further HAWKS will add to defense of the Danish Islands. The U.S. plans to further enhance the capabilities of its HAWKS with the Product Improvement Program (PIP) phase III. Defense of troops and vital assets is being improved by the introduction of new generations of man-carried and short range weapons like ROLAND, Self Propelled RAPIER, JAVELIN and STINGER.

The provision of aircraft for the NATO Airborne Early Warning (AEW) force is complete. Ground environment tasks are due to be completed in the next two to three years. The decision by the UK to obtain its component of AEW will add considerably to the NATO AEW force. Improved deployment options are planned in the northern region.

APPENDIX

PUBLIC LAW 100-180, NATIONAL DEFENSE AUTHORIZATION ACT, FY 1988-89

TITLE X—MATTERS RELATING TO NATO COUNTRIES AND OTHER ALLIES

PART A.—NATO DETERRENCE, SECTION 1001, REPORT ON REQUIREMENTS FOR MAINTAINING NATO'S STRATEGY OF DETERRENCE

(a) REQUIREMENT.—The Secretary of Defense shall submit to Congress a report regarding the ability of the North Atlantic Treaty Organization (NATO) to maintain its strategy of deterrence through the 1990s. The report shall include a specific discussion of the implications for such deterrence if the United States and the Soviet Union agree to a treaty which requires the elimination of all intermediate-range nuclear force (INF) missiles having a range between 500 and 5,500 kilometers. The report shall be prepared in consultation with the Supreme Allied Commander, Europe, and the Chairman of the Joint Chiefs of Staff.

(b) FORM AND CONTENT OF REPORT.—The Secretary shall submit the report required by subsection (a) in both CLASSIFIED and UNCLASSIFIED forms and shall include in the report the following:

(1) A discussion of the effect that the elimination under an INF Treaty of intermediate-range missiles deployed by the United States and the Soviet Union would likely have on the ability of NATO to remain an effective flexible response strategy and credible deterrence.

(2) The appropriate numbers and types of nuclear weapons and nuclear-capable delivery systems of the United States not limited by the proposed INF Treaty which the Secretary of Defense recommends for deployment in or redeployment to the European theater if an INF Treaty is ratified and enters into force, including a description of any nuclear modernization program the Secretary has recommended or proposes to recommend as necessary to ensure that NATO will be able to maintain a credible and effective military strategy.

(3) A discussion of the balance between the nonnuclear forces of NATO and the Warsaw Pact in the European theater, the likelihood of NATO making significant improvements in that balance over the next few years, the potential effect of conventional force balance alternatives currently under consideration by the United States Government, and the likelihood and potential effect of a new agreement between NATO and the Warsaw Pact limiting nonnuclear forces on that balance.

(4) A discussion of the feasibility and cost-effectiness of substituting advanced conventional munitions for nuclear weapons currently deployed by NATO, including a discussion of the costs of such weapons and prospects for sharing such cost among NATO allies.

(5) A description of nonnuclear forces that would be needed to support the operational concept of Follow-on Forces Attack (FOFA).

(6) The status of improvements being made in the air defense of NATO in Europe.

(7) A discussion of the views of the leaders of member nations of NATO (other than the United States) and of the Supreme Allied Commander, Europe (SACEUR), on the matters described in paragraphs (1) through (5).

(c) DEADLINE OF REPORT.—The Report required by subsection (a) shall be submitted not later than the earlier of—(1) 90 days after the date of the enactment of this act; or (2) the date on which the President submits to the Senate for its advice and consent a Treaty described in subsection (a).

Mr. BYRD. I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader yields the floor.

Mr. EVANS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington [Mr. EVANS] is recognized.

Mr. EVANS. Thank you, Mr. President,

AVIATION HISTORY

Mr. EVANS. Mr. President, on Monday of this week, aviation leaders gathered in Seattle for two important events. First, to celebrate the rollout of the two newest models of Boeing airliners, the 747-400 and the 737-400; Second to recognize the remarkable career of "T" Wilson on his retirement as chairmen of the board of the Boeing Co.

In all fields of human endeavor, the most enduring legacy is achievement and the most honored tradition is trust. It is this legacy and this tradition that T.A. Wilson leaves to those who will follow him at the helm of the Boeing Co. as he moves into a new career of busy retirement.

"T", as he is known to his friends, was born in Missouri, the home, ironically, of one of Boeing's biggest competitors. During his briliant career, he truly lived the motto of that great State as he showed everyone what first class management talent could accomplish.

The Boeing Co., throughout "T's" career, has been the world's preeminent producer and seller of commercial aircraft. Today, their market share for free world sales continues to exceed 50 percent despite major competitive challenges both at home and abroad. Sales backlogs continue at record breaking levels.

Recently the company was awarded a major contract to build America's Space Station. Thus Boeing continues as a world leader in space, national security and civilian, air transport.

At a time when we are enthralled by a crisis of competitiveness, "T's" efforts at Boeing are a shining example of American industry at its best. Because he insisted on research, he ensured that Boeing would stay on the leading edge of technology. Because he insisted on quality, he ensured that Boeing stayed in the forefront of sales. We can compete as Americans. Just ask "T."

In a career filled with awards, accolades, and successes, three accomplishments stand out. "T" should perhaps be proudest of his contributions to the security of our country through his work on two of the mainstays of our strategic arsenal, the B-52 bomber and the Minuteman ICBM. These two programs are still heralded by military procurement experts as models of public-private partnership.

For his second major achievement, I turn the clock back to the aerospace recession of 1969, a particularly painful time in the State of Washington. I know, I was Governor at the time. Through decisive and innovative management action, "T" preserved Boeing's manufacturing base and laid the groundwork for the immensely successful years which followed.

For his third major achievement, "T" and Boeing received the prestigious Collier Trophy. In the mid-1970's, as foreign government supported efforts to crack the commercial aviation market intensified throughout the world, Boeing, under "T's" leadership, boldly undertook to develop privately a new family of long-range, fuel efficient aircraft: the 757 and 767. The resounding commercial success of these aircraft is a testament to the courageous vision of T.A. Wilson.

Although "T" will be stepping out of the pilot's seat at Boeing, he will still be in a position to advise the new management from his chair at the board of director's table. He will still be in the front row as Boeing moves toward the 21st century as not only a commercial aviation giant, but as a major defense contractor and space technology innovator.

QUORUM CALL

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 2]

Breaux
Byrd
Evans

The ACTING PRESIDENT pro tempore. A quorum is not present.

The clerk will call the names of absent Senators.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], and the Senator from Pennsylvania [Mr. HEINZ] are necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 15, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—76

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Wilson
Wirth

NAYS—15

Bond
Chafee
Cohen
Gramm
Hecht
Helms
Karnes
Kasten
McCain
McConnell
Nickles
Quayle
Specter
Symms
Weicker

NOT VOTING—9

Cochran
Dole
Exon
Gore
Heinz
Matsunaga
Murkowski
Simon
Wallop

So the motion was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the regular order be automatic on every rollcall, at the close of 15 minutes, which is in accordance with the order of the Senate on every rollcall vote today.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I thank all Senators.

CIVIL RIGHTS RESTORATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of unfinished business, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

Pending:

(1) Symms Amendment No. 1381, to repeal a certain provision relating to cross ownership of newspapers and television stations.

(2) Nickles Amendment No. 1382 (to Amendment No. 1381), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina, Senator HOLLINGS.

AMENDMENT NO. 1381

Mr. HOLLINGS. Mr. President, with respect to the Senator from Idaho's amendment, relative to repealing the cross-ownership rule, or at least granting waivers, I am pleased that our distinguished colleague from New York is on the floor because he can listen and we will address his concerns.

Mr. BYRD. Mr. President, may we have order in the Senate so Senators can listen to the Senator.

The DEPUTY PRESIDENT pro tempore. The Senate will be in order. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished majority leader. I believe the manager of the bill, Senator KENNEDY, and the author of the amendment, Senator SYMMS, after a few Senators who want to be heard here momentarily, are prepared here to vote.

I say to the Senator from New York [Mr. D'AMATO] that in all the years I have been working in the communications field, frankly, I have been a champion of deregulation. I will never forget the extended arguments we had within the Committee of Commerce and the Subcommittee of Communications when our distinguished friend from Rhode Island, Senator Pastore, was chairman.

He opposed the extension of broadcasting licenses from 3 to 5 years. I supported the extension. I said, after all, we as Senators are given a 6-year license, why shouldn't a broadcaster also get a 5-year license, at least? By retaining the shorter term, all you do is guarantee millions and millions of dollars in payments to Washington lawyers to handle ascertainment and relicensing procedures.

Right to the point, I offered an alternative. I said: Let us put the money in to programming and improving public broadcasts, rather than into a bunch of Washington lawyers' pockets.

So I have been in the vanguard of communications deregulation. With some 9,000 radio stations, we figured, that there was ample competition to maintain discipline within the industry. But with respect to all broadcast properties, we have always insisted at the congressional level on the maintenance of certain fundamental rules to safeguard the public interest, to prevent a concentration of sources of information in a community and to ensure that there is as much diversity as possible.

Accordingly, we have had the fairness doctrine to encourage presentation of alternative opinions, and we have had antitrafficking restrictions to encourage ownership by responsible broadcasters rather than by speculators who see stations as quick-buck opportunities.

We have been struggling, in all candor, with the Reagan FCC. We got along with Dean Burch, who originated this cross-ownership rule during the Nixon administration. We supported Richard Wiley, also a Republican who oversaw the adoption of this rule. So it is not a partisan matter and assuredly not a dark-of-the-night manipulation, as I will soon explain further.

The next Chairman, Mr. Fowler, publicly bragged at his retirement party how he had made Mr. Murdoch wealthy, with this 18-month and 2-year waivers. It was the fattest gift he could possibly give, and we all realized that. But we also realized at the time that we should not be snookered.

Back in 1985, Mr. Murdoch came to the Congress and met with our distinguished colleague, the Senator from Colorado [Mr. WIRTH]. Mr. Murdoch not only assured him in a letter that he was going to adhere to the cross-ownership rule, he also announced through his PR firm that he would adhere to the rule. So enough of this claim that Mr. Murdoch has been given only a short time to come into compliance. The facts are that he has had more than 2 years to comply.

Nevertheless, this past year, as we watched the Reagan FCC and continually heard reports that one of the few rules left on cross-ownership might be repealed, I, together with the distinguished Senator from Hawaii, put in a bill, the Broadcast Improvement Act, S. 1277, within which section 403 reiterated our commitment, not just to the rule, but to all of the cross-ownership provisions.

I remind the Senator from New York that we had a hearing in July and no one appeared at that hearing in opposition to our proposal.

Nonetheless, in the fall, we continually heard reports that he had no intention of selling. Instead, he intended to renege on his commitment to adhere to the cross-ownership rules. He was going to ask for the rule to be repealed. Indeed, such a request was submitted in November by the Freedom of Expression Foundation, and the FCC is well along in its proceeding to eliminate the rule pursuant to that petition.

I relate that to you because, when we discussed this matter at 10:30 in the morning—not the dark of night—and a full week before we voted on it in the continuing resolution—not the last minute—I stated my misgivings about the FCC for having repealed the fairness doctrine and other longstanding rules. I included provisions relating to the noncommercial VHF stations, minority ownership, cellular licensing, provisions that you will find on pages 33 and 34 of the continuing resolution. My focus was not limited to cross-ownership waivers. When the cross-ownership language was inserted, I informed the appropriate Senators, at a regular meeting, the majority and minority Senators, as well as the chairman and ranking member on the House side. I would daresay there were at least four staffers on our side and probably that many or more on the House side. There were 8 to 10 staffers present, so there was nothing resembling a sneak attack or dead-of-the-night maneuver. That is a figment of distorted imaginations.

I am confident Chairman NEAL SMITH on the House side checked it out with his Members and I knew at the time, talking to our distinguished ranking member, Senator RUDMAN of New Hampshire, that he was fully informed.

It was checked off unanimously and thereupon enacted.

The reason the argument is given now that it affects only Murdoch is he is the only one who has a waiver and he wants those waivers extended.

I want to make sure everyone understands why I authored this law. This law serves the useful purpose of ensuring that the intent set forth in the first half of this amendment, that the FCC not modify the existing criteria for permanent waivers, not be evaded through the successive grants of temporary waivers. This applies to any extension of any temporary waiver which is granted, not just the outstanding temporary waivers held by Mr. Murdoch. While Mr. Murdoch's company may be the only one that fits that description today, it is quite likely that others could obtain short waivers and request extensions of those waivers. It is my intention that this law apply in all such cases.

I was not engaged in any conspiracy, although I am delighted to conspire

with the senior Senator from Massachusetts any time he wants to conspire. But this was not an occasion of conspiracy. Rather, he asked me about the cross-ownership issue. I was glad to tell him I was prepared to offer a provision. After all, I and the communications staff were watching, and the Washington lawyers were watching. There are many, many parties in both broadcast and newspaper ownership that are watching this issue very closely. There is a lot of money behind it. They appealed it to the Supreme Court in the 1970's, all on this fanciful pretense of freedom of speech and freedom of the press. The truth of the matter is that Associate Justice Marshall in his decision, which was an 8-to-0 decision—found that the cross-ownership rule actually enhances freedom of the press and freedom of speech, and protects against undue concentration.

So there it is. No one can complain that this is an unfair attack on Murdoch. He has known he was going to have to dispose of these properties for almost 2 years in the case of New York and 1 year in the Boston situation. Yet Mr. Murdoch has assumed the pose that he is somehow the aggrieved party. His media voices have trumpeted his point of view. Meanwhile, I was away most of early January and could not respond. It was assumed that the Senator from Massachusetts handled the cross-ownership provision, and that some kind of personal vendetta between him and Murdoch was involved.

Not so at all. Not so at all. On the contrary, I handled it. I take full responsibility for it and I stand by it today. I only wish we could get beyond the intramurals going on in Boston and New York. I understand the standpoint of the Senator from New York. I told him as I told the open media, that I never had the New York Post in mind.

I say to the Senator from New York I was prepared to bring up the cross-ownership provision in the Appropriations Committee, as I related to Senator INOUYE at the time. I said I had amendments on communications issues. However, Chairman STENNIS was saying no amendments, as the Senator from New York will remember, and I said I guess we would have to wait until we got to conference and put in the communications amendments there. So I had no idea of waiting until the last minute, not informing anybody. What's more, the fact is that the lawyers for Mr. Murdoch are extremely well informed. They know what is going on. They have been very cleverly positioning this thing for an appeal. It is clear that Mr. Murdoch has had no intention of carrying out what he pledged to the Congress some 2 years ago both by letter and by news release.

I hope we will not in an ill-considered fashion here do away with one of the last tried and tested rules that protects the interest of the viewing and listening public in the United States. The electromagnetic spectrum is scarce. It is worth millions of dollars. Yet those who use it pay absolutely nothing for it. They pay negligible fees to cover some of the administrative costs, but that is the extent of it. Television stations are often sold for prices as high as $300 million. One in my home town of Charleston sold this past year for $66 million, even though half of the viewing audience is out in the ocean. I can say with confidence that some $60 million of that $66 million was for the spectrum, and only some $6 million was for the equipment and property.

When you rent grazing lands you pay a fee. When you use other properties, for example cut timber, you pay a fee. Yet here we have the FCC which says let the market forces operate, do not pay any fees, let them come in willy-nilly as they wish, and act as though competition is going to control the industry.

We had concentration of the media in Charleston, SC. The newspaper had to sell a radio station in my home town. So it was here in Washington. Mr. Joe Albritton had to sell the Washington Star. Katherine Graham of the Washington Post had to dispose of a television station. Conscientious business people in South Carolina, in all 50 States, have been complying with this rule without objection. Likewise, initially we had no objection from Mr. Murdoch. Yet rather than conform with his commitment to sell the papers, he has now launched a frontal assault he has come around on the cross-ownership rule through the proxy of his Freedom of Expression Foundation. Through its appeal to the courts, the foundation claims that somehow it is unconstitutional to prevent the FCC from repealing the law. It is up to us in Congress to maintain the law.

This will not change anything but keep the law and the policy intact which has been tried and proven and found constitutional by a unanimous Supreme Court.

Mr. D'AMATO addressed the Chair.

The DEPUTY PRESIDENT pro tempore. The Senator from New York.

Mr. D'AMATO. Mr. President, let me first take this opportunity to say what I have said privately and sometimes not too privately, that there is no Member of this body for whom I have a greater respect who calls them the way he sees them. Indeed, I have said repeatedly that if the Congress of the United States and if this administration in 1981, rather than engaging in a political exercise, rather than engaging in an exercise of demonstrating its power and at times even going to great lengths to embarrass the Speaker of the House and obtain pyrrhic victories, were to have supported the proposals put forth in good faith in a bipartisan manner by my friend and colleague, the Senator from South Carolina, Senator HOLLINGS, to freeze spending across the board, we would not enjoy a $150 billion plus deficit and worry about what is going to take place 2 months from now when the figures come in and we have to revisit the question of targets, et cetera.

He has the courage to stand and to articulate and take positions that are not just for political expedience or for his own aggrandizement.

Having said that and having had the opportunity for 7-plus years to work with a good friend and colleague, I am forced to disagree as it relates to what has taken place in terms of the passage in the continuing resolution of that provision which no longer will afford the FCC the opportunity as it relates to the fairness doctrine to grant waivers. And let me suggest to my friend that I understand the frustration of dealing with a recalcitrant administration or a commission or a body. Lord knows, we have anguished together on numerous occasions as it relates to the FCC, as it relates to their treatment of the fairness doctrine, as it relates to the minority ownership concepts, and I undertand his outrage. This Senator has had similar experiences, if not with the FCC, certainly with the Nuclear Regulatory Commission, which disregards its own rules, that sets them aside willy-nilly. And I, too, have offered legislation at times to curb their appetite. I have not been successful, and so I understand his feelings for what is a misapplication in many cases of what the spirit and the intent of the Federal communication law should be.

Let me make an appeal, an appeal for fairness, to say that as we look at the 1975 provision which was adopted by the Commission, that rulemaking provision—that was a rule, the expressed policy of which was to say, one, we want to promote the diversity of viewpoints and, secondly, the preservation of competitive advertising markets—that to pass this legislation, this killer legislation that removes from the FCC the ability to grant waivers does not accomplish that.

Now, let us look to the facts, whether they were intended or not. Is this a market that will be enhanced as a result of forcing publisher Rupert Murdoch to make a decision to divest himself of the Post or his media properties? As a practical matter, he is not going to divest himself of ownership of Fox. He is just not going to do it. And what do we have in New York? The New York Times, the Daily News, New York News Day, Staten Island Advance, and the New York Post.

Now, let us look at the circulations of these papers, the profitability of these papers. In every one of these cases we find that every one of the other papers is earning substantially more than the New York Post. And so we have a newspaper that is being subsidized by a publisher and some have indicated to the extent of $15 to $17 million a year. And unless he has that ownership it is unlikely, notwithstanding the offers that have been put forth, that someone is going to continue to subsidize this newspaper indefinitely, as Rupert Murdoch has to date.

What do we accomplish by seeing to it that the FCC has no discretion to look to see whether or not the principle established in 1975 and that was adjudicated and held up, as Senator HOLLINGS has indicated, by the Supreme Court in its decision of 1979 that, yes, indeed, the FCC has the obligation and the authority to see that there is diversity, to see to it that there is a preservation of competitive advertising markets, has been abused?

I suggest to you that as it relates to whether or not the FCC has abused this particular provision, I have failed to see where anyone can demonstrate that they have abused it. I fail to see one case that anyone makes on the floor of this Senate or anyplace else where they can say that the FCC has abused this particular provision, that somehow it flies in the face of competition, fairness, that this is not what the rulemakers in 1975 intended. Indeed, let me point out that there is a community within my same State of New York called Watertown, and there was a newspaper owned by the Johnson family and that same family owned WWNY-TV, the only television station.

By the way let us look and see what New York City has in terms of television stations. It has CBS, it has NBC, it has ABC, it has CNN. Indeed, WOR operates across the river and has crews working in the city, and it has, if anything, the smallest of the stations, channel 5, Fox Television, owned by Murdoch.

Now, I suggest to my colleagues that there is every reason to believe that if a hearing were held, that any responsible, reasonable FCC Commissioner would say that a waiver should be granted. And I have been following the proposed sale. It is not an issue that there is someone ready to buy. The issue is whether or not there is a preservation of competitive advantage, the issue is, are you providing a monopoly as it would have been in the Johnson case in Watertown? Because there the Board refused to extend a waiver and the matter was litigated through the courts. As my friend from Connecticut well knows, the Supreme Court, the final arbiter of these situations, decided that the FCC was within their rights and, furthermore, the fact was that there would not be competition; that you would have, indeed, one common ownership that would control all of the local TV, as well as the printed media, as well as the radio communications. Therefore, pursuant to that decision and under the FCC's cross-ownership rules, they divested themselves of the television and radio properties.

I am not going to go into the fact that the Tribune company has television stations and is grandfathered in, that the New York Times has television stations, radio stations grandfathered in. The fact is that this provision was hastily put forward. I am not going to argue about what has taken place with respect to the operation of the FCC, and I share my colleague's concern that the fairness doctrine, the principles of giving and encouraging minority ownership as it relates to a nation's airways be one that we support.

It is not fair not only to the workers at the New York Post but, more importantly, to the citizens of this Nation. It certainly puts this Congress in the position where it looks like freedom of expression is OK as long as you support my position. Freedom of opinion is all right so long as you do not harpoon me because I am going to suggest that this was a harpoon job. And whoever wants to take the credit for sending that harpoon, take the credit. I do not believe that my colleague from South Carolina for 1 minute believed that this affected any properties outside of Boston. And I know that to be the case because he has indicated that to me. But there were others who were aware of it.

Now, we have 535 Members of this Congress. It is simply not fair that only 1 out of 535 was absolutely aware of the magnitude of this legislation. And it does affect people in my area, but whether it does in New York or any other place really is a secondary issue. It is an issue of fairness. By God, could you imagine if each and every one of us had our opportunity to close or to force to sale or divestiture that news organ that happened to be working us over. I would hate to think what would happen to the people of New York when I got irked or piqued. There would not be any newspapers left.

After all, they have done their job. They have taken me to task, as rightfully they should, and maybe sometimes unfairly in my eyes; and that is why the framers of the Constitution when they came together talked about protection of the press, liberty, and free speech so that we do not have this kind of situation taking place.

I may not have drafted this legislation with the ardor and the fervor of my friend, Senator SYMMS, as it relates to some of the suggestions of the sense of the Senate, et cetera. Certainly, I support the basic overall principle and philosophy to say let us go back to the law of 1975. Let us let the FCC do its job and encourage it to do it in the open and clearly. I support the contention of my friend, Senator HOLLINGS, as it relates to some of their activities in other areas. They have not and it has not been demonstrated that they have applied or failed to apply this doctrine fairly as being established in 1975. Indeed, the Johnson family, notwithstanding their power, notwithstanding their attempts to continue to maintain ownership of the Watertown Times and the local TV station, was forced by this Commission to divest. As the Senator indicated, that basic decision and premise was supported by the Supreme Court. That is not the case here. I would think that if we want to argue this out, then let us do it on the merits of whether or not there should be any waivers of these provisions granted at any time and as it affects this one person. Then let us do it as we are doing it here. Let us do it on the merits, on the record, so that there is no misunderstanding as to what properties are covered.

So while I have the greatest admiration for my dear friend, I would hope that he would reconsider this one provision as it applies in this case and goes far further than even he recognized at the time. Regardless of the outcome, I thank him for his fairness and again I state for the RECORD, I know that FRITZ HOLLINGS has absolutely no idea that the language in the legislation would affect the people of New York, in this case, the oldest newspaper in America, the New York Post.

It certainly does not present any challenge to the fairness doctrine or to the doctrine of diversity. As a matter of fact, many people look forward to it for comic relief. Its flashy headlines will be missed. Its diversity of opinion is something that I believe is good for this Nation, whether or not you agree with their editorial policy or the factual content contained. That is a judgment that the people who purchase and read or choose not to read should be allowed to continue to make.

I yield the floor.

Mr. SYMMS and Mr. WIRTH addressed the Chair.

The DEPUTY PRESIDENT pro tempore. The Senator from Idaho.

Mr. SYMMS. Mr. President, thank you. I will be very brief.

Mr. President, I have here in my hand the legislative and administrative message that accompanied the President's excellent State of the Union Message Monday night. I want to read very briefly two paragraphs of that.

> This administration has sought to promote the free flow of information among individuals by freeing the telecommunications industry from intrusive Government control. In this "age of information" America risks losing its position as the world's leader in information and telecommunications technology—not because we lack the talent, the resources of the will, but because we have needlessly regulated our telecommunications industry.

It goes on with one paragraph about the fairness doctrine, which is not at issue here, and then another paragraph that says:

> One area where the first amendment rights have been dealt a serious blow is the recent codification of the "cross-ownership" rule. This last-minute appendage to the continuing resolution prevents owners of newspapers and broadcast stations from even seeking a waiver of the rules and thus violates their first amendment rights. This change could force the closing of newspapers. I strongly support measures to repeal the legislative cross-ownership restrictions that inhibit rather than change the free market of ideas.

Mr. President, the letter that I have just been passing out here on the floor is a very brief explanation for our colleagues use when they are going to be asked to vote on this amendment very soon, I believe. It just very simply—I call to the attention of my colleagues—explains what the issue will be. Very simply the issue is, should the Senate, by not changing what was done in the continuing resolution, the conference report, force the death of one and possibly of two major American newspapers? As it now stands, the New York Post will be forced to be sold within 45 days following a judgment by the D.C. Court of Appeals. This means that one of the largest newspapers in the country would have to be sold in less time than most of us would normally take to sell our home. This result in my judgment can only chill the exercise of the first amendment rights by the American press. Whatever the motivation of the participants, this is not the procedure by which a fundamentally important decision should be made.

So I urge my colleagues. This is the first opportunity to have an amendment of this sort to correct what I believe was an error that was passed late in December with the rush of Christmas upon us. And I think it would be possible for us to support this amendment and correct what I would consider to be a mistake.

I yield the floor.

Mr. WIRTH addressed the Chair.

The DEPUTY PRESIDENT pro tempore. The Senator from Colorado.

Mr. WIRTH. Thank you, Mr. President.

I do not want some of the comments that have gone on earlier to go unattended, and I want to make sure we know what the real story of the record is here.

As the Senator from South Carolina pointed out, I had the privilege of chairing the House Subcommittee on Telecommunications for a number of years and spent a great deal of time on this particular situation, the request by Rupert Murdoch for a waiver. This is not a new issue. It has been around for a long time. As has been clearly pointed out, this is not a sneak attack in the middle of the night. This is not an obscure provision tucked away in the recesses of a conference report that nobody knew about.

Anybody who has been watching the history of American broadcasting over the last 3 or 4 years has been acutely aware of the request of Mr. Murdoch for a waiver. In fact he has been granted a waiver and in fact that waiver has been given. Most people have been aware of the fact that it is pretty clear that he was going to come back and ask for a permanent waiver and not the temporary waiver he said he was going to ask for. There is a long history of this. There is nothing new about it whatsoever.

In the earlier comments by my colleague from the State of New York, he talked about fairness. Let us talk about the fairness and the fairness of the situation. The fairness is everybody else in the country has complied with these rules except Rupert Murdoch. That is the situation. Everybody else has complied. Reference was made to what happened here in Washington, what has gone on in South Carolina, what has gone on in Chicago, and what has gone on in a whole variety of places. Everybody else has complied with the cross-ownership rules except this one individual. Who is he to think that he is going to be able to sneak around this set of rules whether he sets up a nonprofit organization, a tax fairness, and advocates his position, whether he goes around with a lot of very high-powered Washington lawyers, or whatever, and that one man is going to be able to obviate these rules. I do not think that is fair whatsoever.

Right in the center of New York, for example, in the State of the earlier speaker, CapCities purchasing ABC complied with the rules. CapCities divested itself of and divested itself very honorably, knowing full well what the rules were going to be. We expected CapCities, an honorable American corporation, which they were, to divest themselves and they did it and did it very, very constructively. Why in the world would we require that of CapCities, ABC, and not require that of Rupert Murdoch, who arrived here from Australia, bought Metromedia, and goes around trying to get us to change the rules?

The one thing I can say for Mr. Murdoch is he did comply with the rules of becoming a citizen of the United States on ownership of Metromedia. We will give him credit for that. I do not think it is fair for him to be going around trying to make the case that he ought to be allowed to have this waiver while nobody else has had it.

Second, argument is made that somehow Mr. Murdoch is going to be allowed at the last minute to divest himself of that property. That is nonsense. The record is clear, and I put all the documentation in the RECORD last night, that Mr. Murdoch knew from the start he was going to have to divest, has known this for at least 3 years, and has not done so.

This is not something he is being required to do, as suggested in the memo handed to us here, that this is a 45-day fire sale, or whatever. Hardly the case. This is something that has been on the docket for more than 3 years. Mr. Murdoch has known that. Everybody else has known that.

In fact, a variety of people years ago went to Mr. Murdoch and said they wanted to buy the New York Post from him and could not get a response from him. What is that? He is so eager to sell the newspaper. Why did he not sell the newspaper?

It goes on to say in this that somehow we are forcing the sale of one of the Nation's largest newspapers. That is not the only alternative. Mr. Murdoch can sell the television station. He does not have to shut down the newspaper. He can sell the television station and get himself out of the cross-ownership bind.

The third point made in this letter, that this is chilling the exercise of first amendment rights by the American press, is a little hyperbole in making a case. But I think the fact of the 8-to-0 Supreme Court decision confirming the cross-ownership rules is certainly a resounding confirmation of that cross-ownership rule as being appropriate for the exercise of first amendment rights, reinforcing the fact that we have to have a lot of diverse choices in a democratic society.

We do not want to allow one or two companies or a handful of individuals to be a bottleneck for the expression of ideas in the United States.

This is not a new issue. Rupert Murdoch has known this for a long time. Everybody else has complied with this rule.

What this issue is about is whether one individual is going to be able to circumvent a clearly laid out set of rules and regulations, whether one individual is going to be able to end-run the intent of the FCC, the intent of Congress; whether one individual, having clearly stated he was going to divest, will be allowed to go back on his word.

I think we want to confirm what is in the continuing resolution, these rules and regulations which are absolutely consistent with what we have done for many years, and we should do that today.

I yield the floor.

The PRESIDING OFFICER (Mr. KERRY). The Senator from New York.

Mr. D'AMATO. Mr. President, this does not force Mr. Murdoch to live up to the law. It is a codification of the rule, 1975, that was put forth, and that was affirmed by the Supreme Court. But it is more than a codification. It takes away the ability to grant the waiver. That is clear. That existed under the law.

When we begin to say that somehow that waiver provision may or may not be exercised as to someone we may or may not like, that is wrong.

If the FCC has abused it, then demonstrate where they have abused it. I have not heard that. My friend from Colorado has not given one example. If you want to say it is an abuse to give him an extension as it relates to a property that is losing $15 million a year—and I heard everybody is going to buy it, from Mr. A to Mr. Z. It is one thing to say you are going to buy it and it is another to put up your money and, if you are going to buy it, to run it as a newspaper. I do not know how many people in this country would run a newspaper and lose $10 or $12 million in a year.

What is it? We do not like him? He is intolerable? He is an ultraconservative? He is an Australian? My family came from Italy. Does it mean because you came from Australia or some other place you are not an American citizen, you are second-class? The greatness of this country is the diversity of its people.

An Australian—you ought to be ashamed of yourself, my colleague, in referring to something like that. He is a U.S. citizen. I resent it. I think it is wrong. It is out of place, absolutely. I wonder if you would take on the New York Times that way. It ought to be interesting to see.

I think it is rather interesting in that the media, even those who do not like Rupert Murdoch and his property, have said that what we have done is wrong, a sneak attack. It is an attack against the very foundations of our Founding Fathers—freedom of the press. It is an abuse of the authority and power we have.

If the FCC rules one way or the other and we do not like it, let us challenge it in court. If you want to say we are taking away their ability to make those decisions, that is what we are doing. We are saying in no way should it be granted under any condition without having the facts. Let him put forth his case. Maybe the FCC will buy it or reject it. Maybe in our analysis we will find it hogwash and will say no longer should the FCC have the ability to grant the waiver, whether it is a temporary or permanent waiver.

We have targeted one person and one person only. This is not a principle of law you are going to apply to everyone, but it should be a principle.

The fact is that I think probably and most likely the FCC would have granted a waiver. Look at the facts: the New York Post losing millions. You have somebody who is willing to operate it. It does not challenge the dominance in terms of news diversity or control or advertising revenues, and certainly the television station does not.

Who are we to say to somebody: "You must sell this one, that one," when the very principle of the law that came about, the rulemaking in 1975, was so that we do not impair that diversity?

We are closing down another avenue, because I expect that within 2 or 3 years, regardless of who purchases this paper, if Murdoch could not make it go, the chances are that no one else will make it go. But that is not the law, and that is not what the law in 1975 was intended to do, to say you must sell. It does not say you must sell. It has granted waivers specifically.

Murdoch has gotten those waivers. Chances are he would get that waiver every 2 years from here on down, and some people may not like it or his editorial policy, and now they choose to take away the discretion that was in the law for the FCC to say whether or not it will grant the waiver. We have removed the discretion from the FCC to grant the waiver.

I think we did it in the dead of night, and there was only 1 Member in 535 in Congress who knew all the implications, and only 5 Members out of 535 in the House and the Senate who even were aware of the provision. Shame on us, but shame on those who have taken advantage of the manner in which we have relied upon each other as it relates to the legislative process.

I yield the floor.

Mr. WEICKER. Mr. President, first, let me express my unbounded admiration for the distinguished junior Senator from New York in eloquently presenting his side of the argument, one that certainly has a great deal of merit.

No. 2, I think it is necessary in any sort of debate of this nature to declare any personal matter that might influence one's decision.

I have to say that I would hope that that is not clouding my own view on the issue as a whole, which I will get to in the second part of my comments. But as one who, by innuendo, has been dragged through the mud by Mr. Murdoch, as one who woke up one morning to read that I had a Communist spy nest in my office because a young intern, unpaid, happened to talk to somebody on the streets of Washington, I can assure you that when it comes to media ownership in the United States, my doubts have nothing to do with his citizenship. I just think he probably is the No. 1 dirt bag owner of any publications or electronic media in this Nation.

I have seen Mr. Murdoch do this to person after person after person, and it has nothing to do with being conservative or liberal. He applies loose standards of language and of terminology to individuals who have caused a great deal of hurt among many, many persons; hurt which is unwarranted. And maybe he has made money, but to me an individual is more important than property.

Second, obviously Murdoch has done well in the United States, and the Senator from New York is absolutely right. That is what this Nation is all about. Obviously he has done well by the policies of the FCC because he has gotten waiver after waiver.

I have not really been able to understand why it is that he continues to go ahead and be excused from the applications of the law.

But the main point that I want to make here today to my colleagues is that the year is 1988. The Grove City decision was handed down in 1984. For 4 years, blacks, women, the elderly, the handicapped have been in the legislative line for their turn on the floor of the U.S. Senate or the House of Representatives, for 4 years, through both Republican and Democratic control of this Chamber. When the Republicans controlled it they tried to ensure that this legislation did not come up; when the Democrats controlled the Senate last year, they were afraid to have the Grove City bill come up because it was going to be controversial. But the bottom line is the same. All the weakest elements of our society have been waiting. Mr. Murdoch has not been waiting. For 4 years he has done very well by this Nation.

I realize we are going to have a lot of amendments to this bill, and I think probably most of them will be relevant to it, and they will be raising points that I disagree with, but that is neither here nor there.

I would hope we could attend to a particular need without clouding it up with extraneous issues.

I did not attend the State of the Union speech because I was with my children that night, but I watched it. Everybody roared with laughter when the President pointed to all the paperwork and procedures that bogged down the whole governmental system.

But what we have before us right now is a perfect example of why that happens. Here we have a valid piece of legislation which has been on hold for 4 years. For 4 years, these most disenfranchised elements of society have waited their turn.

Now is their day, and we have to be concerned with Rupert Murdoch?

So regardless of how we feel about Mr. Murdoch or waivers from the FCC, or media cross-ownership, I would hope that we would go ahead and table this amendment not on the matter of substance, but on the fact that Mr. Murdoch gets his hearings day in and day out. He has his lawyers before the FCC and in court. He has Fox television and all of its publications with which to voice his opinion. He has a voice. He has the money. He has the opportunity, Whereas, the women, the blacks, the retarded, and the elderly who have been stripped of their constitutional guarantees, are still on the outside looking in.

I do not think this country has anything to apologize for in terms of giving Mr. Murdoch his due. Day after day after day, whether it is his opinion or his money, he has done very well.

The subject matters of this legislation have done very badly in the Nation, in its courts, and in its legislature.

I would hope at the appropriate time that this matter will be tabled for the reason that I have described and so that nobody comes back after me and says, "Well, you know Mr. Murdoch didn't like Weicker so Weicker is flying under false colors," I told you exactly what the problem is I have with Mr. Murdoch so we get that right up front. That is neither here nor there.

Really I have to tell you, I have desperately tried along with Senator KENNEDY, and I might add Senator HATCH, to get this piece of legislation before this body and if we take on every single amendment, and I realize it is our right to do so, and a very important right I might add, but I am asking, I am begging my colleagues to please forbear in this instance and let us get on to the business of Grove City.

Mr. HATCH. Mr. President, will the distinguished Senator yield for a comment?

Mr. SYMMS. Yes.

Mr. HATCH. If I can make this point, I think this matter has been debated at length. I think the distinguished Senator from Massachusetts would like to say a few words, but really the way to get rid of this is to vote on it. I believe we are prepared to go to a vote. If we can do so within the next 5 minutes, I think we can have the vote. If we do not, then the White House has called and asked for some time, and frankly I will have to delay it.

Mr. HOLLINGS. Mr. President, if my distinguished colleague from Idaho will yield, I would not want to cut him off. I am prepared to move to table. The reason I do that is I understand the Nickles amendment is in the second degree. The Symms amendment in the first degree.

So the way to get a direct vote on the Symms amendment is simply to move to table. I am prepared to do that when the Senator agrees. I am not going to do it before he says go ahead and do it.

In the light of what the manager of the bill says, I am ready to vote either now or after he makes his comment.

Mr. SYMMS. I might say, if the Senator will yield——

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. SYMMS. I thank the Chair.

Mr. President, I just want to say one very brief thing about the comments of my good friend from Connecticut.

I think the one point we have to make is that the clock is ticking on what is going to happen with respect to the New York Post and this is an opportunity to settle the issue.

Point No. 2, I would say to my colleagues and the distinguished manager and minority manager, and Senator HOLLINGS, if it would be the preference of the committee to temporarily set this aside and go ahead with the bill I would have no objection to it and maybe we could work out an accommodation on it.

If people are going to just hide behind the civil rights bill and not have a clean vote on this, I am not pushing and do not want to push my colleagues on the issue, but I also have no objection to voting on it because if it is voted down, if it is tabled, then there is an opportunity later in this legislation to bring it up again in another form.

But I would say to my colleagues to remember that the clock is ticking and if they vote on this issue thinking that they can say, "Well, we didn't want to clutter up the Grove City bill," that is not the way that it should be interpreted, and we should vote on this issue for what it is and I think we are all aware of what the issue is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are about to vote, and so I would like to make just a few brief points.

First, there is ample justification for the action we took in the continuing resolution last December to preserve the cross-ownership rule. Rupert Murdoch does not deserve to be the only publisher in America who can buy a television station and keep his newspaper in the same community.

Second, the cross-ownership rule and its emphasis on diversity of viewpoints are more important than ever now, in light of our unsatisfactory experience with the FCC and the repeal of the fairness doctrine. Broadcasters are no longer under the constraints of the fairness doctrine to present opposing viewpoints, and the cross-ownership rule, with its focus on diversity, can help to fill the gap.

Diversity is the issue. Some of our opponents in this debate are confusing monopoly and diversity. No one claims Murdoch has a monopoly in New York City. What he has done is reduce diversity. It's a fundamental first amendment principle, and it's been affirmed and reaffirmed by the Supreme Court. Newspapers should not be able to buy television stations in the same community.

Third, there are serious buyers for the New York Post. No one is trying to close the newspaper. The issue is whether Rupert Murdoch is prepared to obey the law, and become a willing seller. He may be a powerful publisher, but he is not a power unto himself. He should play by the same rules as everyone else.

Fourth, the Senator from Idaho is wrong on the facts. There is no immediate crisis facing the New York Post. The March 6 deadline is no longer in effect. The Court of Appeals for the District of Columbia has stayed any FCC action affecting that newspaper until 45 days after the court rules on Murdoch's legal challenge.

Fifth, with respect to adding this provision to the continuing resolution, the Symms amendment is the height of hypocrisy. As we all know, in closing days of the Senate session last month, dozens of riders were added to the resolution, conferring various special benefits on various special interests. Yet the Senator from Idaho is seeking to repeal the only provision that does not confer a benefit, but that steps on the toe of a special interest.

Make no mistake about it. Whatever Senators may feel about the procedures governing the continuing resolution, the cross-ownership amendment was in the public interest. It was designed to protect the public interest and stiffen the backbone of an FCC about to buckle before the onslaught of a powerful special interest named Rupert Murdoch.

And as Senator HOLLINGS has indicated, the amendment was not added in the dead of night, but in the glow of morning, a full week before final House and Senate action on the conference report. And throughout that week, the Senator from New York, Mr. D'AMATO, was a member of the very conference committee that approved it.

Finally, this amendment does not belong on this important civil rights bill. Many of us in both parties have worked hard to bring this underlying legislation before the Senate, and it should become a vehicle for extraneous riders such as this. I hope the amendment will be resoundingly defeated.

I respond to the Senator from Idaho.

Quite frankly, this legislation will probably take 3 or 4 months before it is ever completed in any event. The House of Representatives has a long and trying hearing and debate to look forward to. I am very hopeful that we will get this legislation passed within the next 4 or 5 months, but in terms of the relevancy of time, that should not be persuasive in terms of the membership.

I have a brief statement, but to comply with what I understand is going to be absences with a number of Senators on their way to the White House, I would like to get this resolved, and I see my colleague from South Carolina on his feet, hopefully for the purpose of either voting or——

Mr. SYMMS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. Yes.

Mr. SYMMS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter and statement from the mayor of New York.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, January 5, 1988.

Hon. STEVEN D. SYMMS,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR STEVE: I am writing to you about a matter of deep concern—the unconscionable action by Senators Kennedy and Hollings in adding language, in conference, to the appropriations legislation that could spell the end of two major American newspapers and cost 2,000 people their jobs.

This tactic, in circumventing the normal legislative process, undermines our democratic foundations. It is an assault on the freedom of the press and unworthy of the men who perpetrated it. The excuse that the action was directed at the situation in Boston is hardly acceptable. And the decision not to inform New York legislators about language affecting their constituents is, at the very least, a breach of legislative courtesy.

I have detailed my position on this matter in the accompanying statement, and I urge you to support Congressional action to undo the damage.

A personal political vendetta cannot be a justifiable reason for government to force a publisher to sell or close his newspapers. One's feelings about The New York Post or The Boston Herald should play no role in determining government's relationship with their publisher. The FCC has a legitimate role to play in making a determination about broadcast licenses. It should be allowed to play that role.

Aside from the gratuitous assault on the freedom of the press, this episode is a blot on Congress' reputation for fair dealing. The legislative process is tainted, perhaps fatally, when procedures are used to prevent consideration in public of important matters. It is not too late to recognize that a serious mistake was made and to reverse it.

Time is of the essence.

All the best.

Sincerely,

EDWARD I. KOCH, *Mayor.*

THE WORST AMENDMENT

(By Edward I. Koch)

Since the earliest days of journalism, the power of the press has been fighting for survival against the powers of oppression. The Sandinistas, for example, shut down La Prensa. But sometimes the enemy is closer to home.

Last month several members of the United States Senate launched a sneak attack on the First Amendment by furtively passing legislation that forbids the Federal Communications Commission from considering waivers to the rule prohibiting cross-ownership of a newspaper and television station in the same market. The target of this underhanded assault on open government was Rupert Murdoch, owner of the New York Post and WNYW-TV in New York, and the Boston Herald and WFXT-TV in Boston. The purpose of the FCC regulation is to keep one owner from dominating competing news media. The purpose behind sneaking the FCC amendment through Congress was to avoid detection of an outrageous mugging of the public interest.

Instead of debating the issues on the Senate floor, thus giving New York Senators D'Amato and Moynihan a chance to express their opposition, Senator Ernest Hollings of South Carolina acted in the dead of night. He introduced the anti-Murdoch legislation directly to a House-Senate conference committee. By the time our New York delegation discovered that Senator Hollings had short-circuited the legislative process, it was too late.

For some strange reason, however, Senator Hollings did remember to notify Senator Kennedy of Massachusetts that he was introducing a bill "aimed directly" at Rupert Murdoch, who would be forced to sell his papers in Boston and New York. Later it turned out that the trail of ink-stained footsteps led straight to Ted Kennedy's door, and that he himself had encouraged Senator Hollings to do what he did. It's not hard to figure out why. Mr. Murdoch's Boston Herald, like his New York Post, generally supports the conservative end of the political spectrum. The Herald has been a constant critic of the liberal Senator Kennedy. It's not surprising he'd like to see it sold to another owner. What is surprising, however, is that a staunch advocate of liberalism would subvert liberal principles in the name of hidden self-interest.

It has been liberals who most fervently defend the rights of a free press. Voltaire set the standard when he said, "I may disagree with what you say, but I will defend to the death your right to say it." Now we'll find out how many Voltaires we have on Capitol Hill, and among the Presidential candidates.

I happen to like both Rupert Murdoch and the New York Post. There are those who will cynically suggest that I am supporting Murdoch because he supported me. Let me make it clear that if this unfair action had been taken against the Amsterdam News—a paper that weekly calls for my resignation—I would respond in exactly the same way. The overriding issue is not whether you like the Post and Herald. The issue is whether or not we are going to stand by and allow our freedom of the press to be abridged and abrogated by veiled manipulations in the back rooms of Congress. If a fascist gang broke into the Post and burned the building to the ground, we would be up in arms at this blitzkrieg against the press. Should we be any less concerned if the same result is achieved by secret deals in Washington?

Under previous regulations, the FCC had the latitude to make exceptions to the rule prohibiting one owner from running a broadcasting station and a newspaper in the same area. Such waivers recognized that conditions vary from city to city: In New York City, for example, The New York Times owns WQXR radio. The Daily News and WPIX-TV are both owned by the same company. These cross-ownerships are permitted because they were grandfathered in when the new FCC regulations took effect. Does anyone seriously believe that such ownership in any way constitutes a monopoly of the media? Of course not. We have dozens of radio stations, and dozens of television and cable channels that represent every conceivable facet of public opinion. In such a market, worries about monopoly of the press are unwarranted.

The former FCC rule recognized that hard and fast laws against ownership of a newspaper are likely to be incompatible with the First Amendment of the U.S. Constitution, which guarantees freedom of the press. Waivers were appropriate when local conditions called for them. Rupert Murdoch was appealing for such waivers in New York and Boston. I think he deserves them. New York City has four daily papers to serve a population of over seven million. Among them, the four dailies cover the complete range of news stories and political viewpoints. Were we to lose any one of them, it would be a blow to the entire city.

It should be noted that the Post has been running a large annual deficit. Rupert Murdoch is keeping it going anyway. I think he deserves our thanks and gratitude. If the Post and the Herald succumb to this submarine attack from Washington, thousands of employees could lose their jobs.

I am calling upon every presidential candidate, Democratic and Republican, and upon President Reagan himself, to urge Congress to immediately reconvene and undo this deplorable act. I will support no candidate—in either the primaries or the general election—who does not join in this defense of the First Amendment. I urge others to take the same stand. The Kennedy-Hollings bill has defamed our legislative process and undermined our freedom of the press. The anti-Murdoch bill is a direct attack on a cornerstone of American liberty. It must be repealed. Let the FCC make its determination based on the merits of the case. Senators Kennedy and Hollings should recognize the harm they have done, and lead the effort to overturn their ill-advised legislation. Rupert Murdoch is an American citizen. The fact that he came from Australia does not mean he deserves to be the victim of a kangaroo court in the halls of Congress.

Mr. PACKWOOD. Mr. President, yesterday I spoke briefly about the cross-ownership rules, expressing my concern about the possible connection between the decline in daily newspapers in this country and the current cross-ownership rules. I also indicated my interest in seeing this issue reviewed—by the Federal Communications Commission and by the appropriate committees in Congress. Unfortunately, language in the continuing resolution prevents the FCC from conducting a study of the cross-ownership rules this year.

This Symms amendment repeals this language, allowing the FCC to look into the cross-ownership rules. Mr. President, I support the concept of this amendment because I do believe this issue deserves review. However, I am also a cosponsor and strong supporter of the underlying bill, the Civil Rights Restoration Act. Our goal on this bill is to pass it without substantive amendments. Although the Symms amendment does not specifically address the subject of the Civil Rights bill, I fear if the amendment is adopted at this time, it would send the wrong signal to others who might have amendments that they could offer to this bill.

Therefore, consideration of the Symms amendment at this time is premature. However, if other amendments are adopted to the underlying bill, I would reconsider my vote on this amendment. At this time, I must vote to table the Symms amendment.

Mr. RUDMAN. Mr. President, the Symms amendment would repeal a provision in the 1988 continuing resolution that reaffirms the regulations of the Federal Communications Commission prohibiting the common ownership of a daily newspaper and a television station in a major media market.

I support the common ownership regulations—regulations in effect since 1975. They are designed to prevent the concentration of power in the hands of large corporations or individuals, both to conform with antitrust policy and to provide for a diversification of the sources of public information. However, the current members of the Federal Communications Commission do not seem interested in protecting the public interest in receiving a variety of views and opinions. They proved this last year when they voted to abolish the fairness doctrine.

Senator HOLLINGS has been a leader in the effort to attempt to convince the Commission that it has a responsibility to protect the public interest—not just the interests of a few powerful corporations. When he proposed that we reaffirm existing policy in this area to prevent a repetition of the kind of action the FCC took concerning the fairness doctrine, I agreed. The provision is consistent with my views on antitrust policy and on the need for diversity among the major sources of public information.

Regarding the impact of the provision on the Boston Herald and the New York Post, it's worth noting that the individual who controls these newspapers was well aware of the common ownership regulations when he bought television stations WFXT in Boston and WNYW in New York. Indeed, enforcement of the regulations was waived for 18 months for the Boston station and 24 months for the New York station in order that he have time to comply.

While I support the common ownership regulations and believe they should be retained, I would support a modification to allow waivers to be granted to prevent the closure of a newspaper. The regulations are designed to encourage diversity, not eliminate competition. However, the granting of such waivers should be the exception and not the rule, and should be subject to carefully drafted guidelines.

Mr. KERRY. Mr. President, the issue before us today raises a number of important questions, but none are so basic—or as clear cut—as this: Do the FCC's cross-ownership rules represent an unconstitutional assault on the first amendment protections of the freedom of the press?

The answer, Mr. President, is equally clear. It does not, and a review of the Court opinions on this matter make this perfectly clear.

The Federal Communications Commission's broadcast newspaper cross-ownership restrictions bar the initial licensing or the transfer of newspaper-broadcast combinations where there is a common ownership of a radio or television broadcast station and a daily newspaper located in the same community. These regulations were adopted in 1976 after a rulemaking that began in 1970, and are part of a carefully developed body of policies develloped over many years to ensure that the Nation's broadcast spectrum serves the public interest.

The cross-ownership rules were challenged in court immediately after they were published by a group calling itself the National Citizens Committee for Broadcasting. Both the D.C. Circuit Court of Appeals, and the U.S. Supreme Court upheld the cross-ownership rules in no uncertain terms. Both found that the FCC had acted within its authority in imposing the rules, and that, indeed, the rules themselves did not violate the first amendment rights of newspaper publishers. The decision was not even a close call.

The decision bears careful reading. The court noted that in setting its licensing policies the FCC has long acted on the theory that diversification of mass media ownership serves the public interest by promoting the diversity of program and service viewpoints as well as by preserving undue concentration of economic power, and that the cross-ownership restrictions were a reasonable and appropriate means of fulfilling the congressional mandate contained in the 1934 Communications Act to allocate the limited broadcast spectrum in a manner consistent with the public interest.

In rebutting the claims of those who argued that the cross-ownership rules violated freedom of the press, the court pointed to the precedent established in the 1969 case upholding the fairness doctrine—Red Lion Broadcasting Co. versus FCC—when it ruled:

> The contention that the first amendment rights of newspapers are violated by the regulations ignores the fundamental proposition that there is no unabridgable first amendment right to broadcast comparable to the right of every individual to speak, write, or publish.

The court noted that the cross-ownership rules do not prevent a newspaper publisher from broadcasting in another community, nor do they single out newspaper publishers for more stringent treatment than other owners of mass media under various cross-ownership rules. In the words of the court:

> Far from seeking to limit the flow of information, the FCC has acted to enhance the diversity of information heard by the public without on-going government surveillance of the content of speech.

This final point is critical, because the court's rulings on first amendment issues within the context of FCC regulation of the broadcast spectrum have repeatedly emphasized the same point: In light of the physical limitations of the broadcast spectrum—and the fact that there are many more persons who wish to broadcast than may do so—"The right of the viewers and listeners, not the right of the broadcasters * * * is paramount." To again quote the Red Lion case the court has clearly ruled that in these circumstances, the FCC is correctly carrying out the intent of Congress when it insures "the widest possible dissemination of information from diverse and antagonistic sources."

It is important to note that the appeals court—while upholding the FCC's authority in this matter, and the constitutionality of the rules—did note that difficulties could arise when the FCC implemented the rules in a manner which is arbitrary and capricious. And the appeals court found that the "grandfathering" of a large number of existing broadcast-newspaper combination by the FCC when it implemented the rules in 1976 was indeed suspect, and it ordered the Commission to review its rules in this regard.

Thus, the constitutionality of the cross-ownership restrictions could not be more clear: Both courts ruled that the rules are authorized, and do not represent an unconstitutional intrusion of the first amendment. The only matter on which there was any disagreement concerned the perception that the FCC had acted in an arbitrary and capricious fashion by applying the rules to certain parties, while exempting others. Yet this is exactly what is being proposed by those who seek to grant special status to the broadcast licenses held by the News America Corp.

Mr. President, it seems abundantly clear that if we truly seek to preserve the neutrality of these rules—and thereby the constitutional foundation on which they rest—we must insure that they are scrupulously enforced upon one and all to whom they apply.

And Mr. President, there can be no doubt that this, and only this, was the purpose of the amendment which the Senator from Idaho now seeks to repeal.

Mr. President, in my opinion, the compelling and eloquent arguments put forth by the Nation's Highest Court are sufficient to justify the action taken by the distinguished Senator from South Carolina last month, and argue against the amendment before us today.

But so many other issues have been raised in this debate, I feel I must take a few moments to address them now as well.

First, there is the issue of process, and of the so-called "dark of night" in which this issue was allegedly incorporated into the continuing resolution last December. I have heard from many of my constituents over these last several weeks about this issue, and I feel I must set the record straight.

It is true that this issue was not the subject of debate on the floor of the Senate at the time the conference report on the commerce, State, justice appropriations bill was added to the corpus of the continuing resolution. It could have been * * * we were here, the lights were burning, and C-span was televising our proceeding for all to see. But there was no request for debate * * * the matter had been discussed—in broad daylight, in not one but two separate conference committee meetings which were open to, and attended by the public and those who represent their interests before us. The amendment had been discussed, and cleared by both Republican and Democratic House and Senate conferees. For better or worse, Mr. President, that is how we do business in a world of complex issues and precious little time.

I for one would prefer that events would have permitted us to take more time to debate more fully many of the important issues contained in the omnibus spending bill. I would have preferred, for example, that the issue of aid to the Contras be debated more fully—and not lumped into a "take-it-or-leave catch-all bill." I wish we had more debate on the fairness doctrine, which was, unfortunately, removed from the CR that same way that the cross-ownership provision was put in. And there are many other issues as well. But all of us understand this process, and it is disingenuous, I believe, to assert, as this amendment does, that the procedures surrounding the passage of the amendment "arguably constitute a violation of the Senate rules." All Senators know that at such times that the rule is unanimous consent—and that any Senator is always within his right to object—and the record will show that there was no objection to the provision at any time.

Another matter which has been raised is the fear that by virtue of the cross-ownership rules New York and Boston will suffer the loss of two newspapers. This need not be so, and it is becoming more clear each day. First of all, the rules do not require that the newspapers be sold at all; News America can just as easily sell off its broadcast properties in Boston and New York, and keep both papers. Just last year, an independent UHF TV station in Boston, WSBK, changed hands for $150 million—and we can presume that the prices paid for broadcasters in New York are even greater. News American purchased it's New York and Boston broadcasters at prices far below that, so that News America has already profited enormously by virtue of the temporary waiver that granted by the FCC in 1984 and 1985.

What if it choses to retain the profitable station licenses, must the papers fail? Absolutely not. Numerous offers have been made for both publications—the profitable Boston Herald is highly sought-after, and according to Monday's Wall Street Journal, even the money-losing New York Post has had four offers ranging from $30 to $35 million.

Finally, Mr. President, I want to address one last issue—an issue that is troubling indeed, and that is the question of how News America's chairman, Mr. Rupert Murdoch, can explain the 180 degree turnaround in his position of whether he would seek a permanent extension of the 1985 waiver. For more than 3 weeks the American people have been subjected to a tirade against this congressional action by a man who seemed genuinely surprised by the cross-ownership rule, and by the congressional insistence that he would have to abide by it as others have for more then a decade. Thus, I was shocked, Mr. President, when I saw the letter that Mr. Murdoch had written to our distinguished colleague from Colorado, Senator Wirth, just 2 years ago, in which he stated in no uncertain terms that he shared a commitment to diversity and that he would live within its parameters.

THE CIVIL RIGHTS RESTORATION ACT AND THE NEW YORK POST

Mr. MOYNIHAN. Mr. President, on Tuesday, January 26, we began debate on S. 557, the Civil Rights Restoration Act of 1987. The Congress has been trying to pass this legislation for over 3 years. The bill deserves prompt consideration and should not serve as a vehicle for dealing with totally extraneous matters.

Yesterday Senator Symms introduced an amendment repealing the action taken in the continuing resolution prohibiting the Federal Communications Commission from extending any current waivers from its cross ownership rule. The result of this action may be to force the sale or closure of the New York Post, whose current waiver expires on March 6, 1988.

On the first day of the second session Senator D'Amato and I introduced S. 1999, which would extend the New York Post's current waiver until January 1, 1989, and thereafter return the question of waivers to the jurisdiction of the FCC.

Our purpose is a simple one. To help ensure, if at all possible, the survival of the New York Post, and the jobs of the men and women who work for this paper. The amendment would provide the owner of the Post with the time necessary to find a suitable buyer committed to keeping the paper.

In order to accomplish these goals, legislation must pass the House and Senate and be signed by the President before March 6. The prospects for quick passage of the Civil Rights Restoration Act are uncertain. This legislation is not an appropriate vehicle for dealing with the New York Post's situation. It cannot succeed in time, and only serves to impede our efforts to pass this important civil rights bill.

Mr. HUMPHREY. Mr. President, I support Senator Symm's amendment to repeal the measure which would selectively prevent the Federal Communications Commission from granting a waiver to preserve the Boston Herald and the New York Post.

Yesterday we heard extensive rationalization of why this targeted action should be regarded as a sound regulatory oversight measure rather than a law abridging freedom of the press. I am unpersuaded. The fact remains, as I understand it, that the only parties affected by the antiwaiver measure are the stations and newspapers operated by Mr. Murdoch.

I am not here to make a brief for Mr. Murdoch or his papers. I would note that they bring a point of view to the markets in which they operate which is decidedly different than that of the orthodox liberal papers with which they compete. They are aggressive, trenchant, and opinionated. That may disturb those who are the targets of their barbs; but that is exactly what the first amendment is all about.

The first amendment is intended to preserve robust, wide-open debate on issues of public concern. But the antiwaiver measure inserted in the last continuing resolution will suppress that robust, wide-open debate in the Boston and New York media markets.

One of Mr. Murdoch's papers, the Boston Herald, is distributed in my State of New Hampshire. I would not want to see the diversity this newspaper adds to my State undercut by legislation which was never actually considered by Congress.

Yesterday, opponents of the repeal amendment invoked the Supreme Court's 1978 decision in ECC versus National Citizens Committee for Broadcasting as a justification for the anti-Murdoch measure. That decision had upheld the general constitutionality of the FCC's cross-ownership rules. What they failed to note was that the Court made several significant statements in that case which indicate why this targeted repeal of the FCC's waiver power presents a totally different situation. As the Court stated:

> The issue before us would be wholly different if the Commission (were) to choose among applicants upon the basis of their political, economic or social views. Here the regulations are not content related; moreover, their purpose and effect is to promote free speech, not to restrict it.

Since the sole victims of the waiver-repeal measure were two newspapers reflecting political views often harshly critical of Members of this body, the question arises as to whether this legislative interference with normal FCC procedures may have been content related.

The Supreme Court made another important qualification in its decision upholding the cross-ownership rules. It went out of its way to stress that "waivers are potentially available from both the prospective and the divestiture rules in cases in which a broadcast station and a co-located newspaper cannot survive without common ownership."

But the measure inserted in the continuing resolution specifically deprived the FCC of the discretion to extend the Murdoch waivers. This action undercuts the very flexibility the Court cited as so important to sustaining the reasonableness of the cross-ownership rules. I think the Supreme Court's 1978 decision highlights the unconstitutionality of the anti-Murdoch measure, rather than demonstrating its validity.

Members of this body are rarely at a loss for words when first amendment rights are allegedly infringed by the two other branches of Government. I suggest that we should be honest enough to recognize that this branch unintentionally and inadvertently infringed on first amendment rights when it passed the antiwaiver provision in the rush to conclude our last session. We can cure this constitutional wrong by adopting the Symms repeal amendment.

Mr. HOLLINGS. Mr. President, the clock is not ticking. The lawyers are ticking and what has happened is they have already got a 45-day delay. They have already defeated the purpose of the waiver. They know how to maneuver the law. I hope they do not know how to manuever this U.S. Senate.

In that light, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator is moving to table which amendment?

Mr. HOLLINGS. The Symms amendment.

The PRESIDING OFFICER. The Symms amendment.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina to lay on the table the amendment of the Senator from Idaho [Mr. Symms].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr Bingaman], the Senator from Tennessee [Mr. Gore], the Senator from Alabama [Mr. Heflin], and the Senator from Illinois [Mr. Simon] are necessarily absent.

I also announce that the Senator from Nebraska [Mr. Exon] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. Dole], the Senator from New Mexico [Mr. Domenici], and the Senator from North Carolina [Mr. Helms] are necessarily absent.

I also announce that the Senator from Alaska [Mr. Murkowski] and the Senator from Wyoming [Mr. Wallop] are absent on official business.

I further announce that, if present and voting, the Senator from Kansas [Mr. Dole] and the Senator from Wyoming [Mr. Wallop] would each vote nay.

The PRESIDING OFFICER (Ms. Mikulski). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 30, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—60

Adams
Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Daschle
DeConcini
Dodd
Durenberger
Evans
Ford
Fowler
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Stafford
Stennis
Stevens
Warner
Weicker
Wirth

NAYS—30

Armstrong
Bond
Cochran
D'Amato
Danforth
Dixon
Garn
Gramm
Grassley
Hatch
Hecht
Heinz
Humphrey
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Nickles
Pressler
Quayle
Roth
Simpson
Specter
Symms
Thurmond
Trible
Wilson

NOT VOTING—10

Bingaman
Dole
Domenici
Exon
Gore
Heflin
Helms
Murkowski
Simon
Wallop

So the motion to lay on the table amendment No. 1381 was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. HOLLINGS. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 1384

(Purpose: To ensure that the coverage under this Act does not extend to any part of a religious entity that does not receive Federal financial assistance)

Mr. HATCH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Utah [Mr. Hatch] proposes an amendment numbered 1384.

Mr. HATCH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 20, strike "section" and insert in lieu thereof "sections".

On page 12 strike out "organization.'." and insert in lieu thereof the following: "organization.

" 'INTERPRETATION

" 'Sec. 909. Nothing contained in this title shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.' ".

On page 12, line 15, insert "(a)" after the section designation.

On page 14, between lines 11 and 12, insert the following new subsection:

(b) Title V of the Rehabilitation Act of 1973 is amended by inserting at the end the following new section:

"INTERPRETATION

"Sec. 509. Nothing contained in this title shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.".

On page 14, line 13, insert "(a)" after the section designation.

On page 16, between lines 8 and 9, insert the following new subsection:

(b) Title III of the Age Discrimination Act of 1975 is amended by inserting at the end the following new section:

"INTERPRETATION

"Sec. 310. Nothing contained in this Act shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.".

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On page 16, line 11, strike out "section" and insert in lieu thereof "sections".

On page 17, line 22, strike out "assistance.'." and insert in lieu thereof the following: "assistance.

"'SEC. 607. Nothing contained herein shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.'".

Mr. HATCH. Madam President, one of the most critical issues posed by the expansive drafting of S. 557, and I mean expansive drafting, is the manner in which the bill would impinge on religious liberty. The amendment I have sent to the desk has but one purpose. It would make clear that in the case of churches and synagogues, Federal regulatory jurisdiction would extend over only the program or activity at the church which received the Federal assistance. In the cases of churches and synagogues would be applied in a program-specific manner. As drafted, S. 557 extends regulatory coverage to entire churches and synagogues.

This means that churches or synagogues that accept even a dime of Federal money to assist their community through programs such a shelters for the homeless or hot meal programs for the elderly, will expose even their prayer rooms and ministerial functions to Federal Government regulation.

I do not think anybody looking at this would fail to be concerned about that type of broad, expansive jurisdiction.

This coverage results from paragraph 3(B) of sections 3 through 6. Paragraph 3(B) subjects to coverage "all of the operations of * * * the entire plant or other comparable, geographically separate facility to which federal financial assistance is extended * * * any part of which is extended" such assistance. In the case of a church or synagogue operating a meals for the elderly program in its community room, the church or synagogue is a geographically separate facility. Moveover, because the meals programs would constitute Federal aid, the entire church or synagogue, including its prayer rooms and other purely religious elements, would be subject to the gamut of Federal regulation and its accompanying burdens and restrictions, including: Paperwork, onsite compliance reviews, the need to accommodate persons with contagious diseases, expensive accessibility rules, affirmative action requirements, and much more.

This is serious stuff. This bill impinges on religious liberty as badly as any bill I have seen come before this body, except for its predecessor bills, which, of course, have been estopped up to this time.

Indeed, coverage of these institutions goes even farther. A number of churches and synagogues operate housing for the elderly in the locality where the church is located. The housing is often built with Federal aid; often tenants receive Federal subsidies. Under this bill, not only would the housing project be covered, but also the church or synagogue, even if the latter receives no Federal aid. This is true for two reasons: first, the housing project is an operation of the church and under the language of the bill, whenever any part of the church's operations receive any Federal aid, all of the operations are covered. Second, according to the committee report, the term "geographically separate facility" does not mean just the one building where the Federal aid goes, it means all other buildings related in any way to that building in the same locality or even region.

There are even more ramifications for religious institutions under this particular measure. According to the plain language of this bill, when the church receives Federal social welfare aid to a non-education program and the church or synagogue also conducts an education program, such religious classes and instruction could be subject to title IX. This expands title IX beyond what anybody thought it was prior to the Grove City case in 1984. In fact, S. 557 could be interpreted to require that if the church or synagogue operates an educational program, and Federal aid goes to any part of the church or synagogue, the entire religious institution becomes subject to title IX, which addresses gender discrimination.

Once again, it is important to note that the coverage of churches and synagogues under S. 557 is not a "restoration" of laws. In fact, no evidence was presented to the committee that such broad coverage of our most basic religious institutions existed prior to the Supreme Court ruling in Grove City College versus Bell. Proponents of S. 557 were quite vocal in committee in their defense of this pervasive coverage of religious institutions. These are those who offer the bill here today. However, there is a fundamental difference between a church or synagogue on the one hand and a manufacturer or defense contractor on the other, a distinction which the majority cavalierly ignores.

In the past, Congress has recognized this difference and trodden most cautiously to avoid interfering with the constitutionally acknowledged activities of religious institutions. The proponents of this bill would have us discard such caution and expand the law to impose the Federal Government directly into the operations of the church—and they would do so despite a lack of any allegation of discrimination that would warrant such action.

Certainly, the threat of such regulation provides a tremendous disincentive to churches and synagogues who are currently serving their communities by providing these needed and valued services. Contrary to the views of the proponents of S. 557, I believe the Government should be encouraging religious institutions to assist in the provision of services to their constituents and communities. Churches and synagogues are often best informed about the problems of the needy and are generally in the best location to deliver services to them.

But even more important are the constitutional implications of the coverage of churches and synagogues under S. 557. Let me quote the first amendment:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.

We must remember that of the rights protected in the first amendment, religion is recognized first, before speech, press, assembly and petition. These rights may be overridden only where their exercise poses a specific and immediate threat, not avoidable by other means, to some supreme public interest. *Thomas* v. *Collins,* 323 U.S. 516, 530–531 (1945); *Wisconsin* v. *Yoder,* 406 U.S. 205, 213 (1972).

William Bentley Ball is one of the greatest authorities on religious freedom in this country and has probably argued more cases before the Supreme Court on these issues than any other person.

As William Bentley Ball stated during the committee hearings on S. 557:

> One of the great reasons for strong protective language in statutes potentially affecting religion is the intolerable burden which may be visited upon a religious body of limited resources while in the toils of an agency blind to all but its own narrow area of "expertise" and *before* the first amendment claim can be aired in court.

Certainly, the free exercise clause of the first amendment is threatened by the broad coverage of churches and synagogues found in S. 557. As the Supreme Court explained in *Abington School District* v. *Schempp,* 374 U.S. 203, 222–223 (1963):

> The free exercise clause * * * withdraws from legislative power, State and Federal, the exertion of any restraint on the free exercise of religion. Its purpose is to secure religious liberty in the individual by prohibiting any invasions thereof by civil authority.

Moreover, in *Wisconsin* v. *Yoder,* 406 U.S. 205, 220 (1972), the Court explained:

> A regulation neutral on its face may, in its application, nontheless offend the constitutional requirement for governmental neutrality if it unduly burdens the free exercise of religion.

The area of government regulation that burdens the free exercise of religion has been a difficult and less than clear area of law for the Supreme Court. However, the Court has consistently made clear that religious beliefs are absolutely protected from governmental interference. Moreover, recent cases indicate that the Court is developing a standard of review in the area of government regulation of religiously based conduct that is highly protective of free exercise claims. For example, in *Sherbert* v. *Verner,* 374 U.S. 398 (1963), the Court held that the free exercise clause compels exemption for a Seventh Day Adventist from a requirement of a State unemployment compensation statute. The statute required beneficiaries to be ready to accept suitable employment at anytime. However, Sherbert stated that she could not accept employment involving work on Saturday because Saturday was recognized by her religion as the sabbath. The Court held that the statutory requirement could be applied to her only if it served "a compelling State interest." Similarly, in Wisconsin versus Yoder, the Court held the free exercise clause to compel an exemption from a State compulsory education requirement for Amish children whose religiously based way of life could be threatened by the required 2 years of high school education. The Court found that—

> Only those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion.

More recently, in *Corporation of Presiding Bishop* v. *Amos,* 107 S.Ct. 2862 (1987), the Supreme Court upheld the broadening of the exemption in title VII for religious organization from the ban on religious discrimination to include not only employees engaged in religious activities but also those who perform "work connected with the carrying on by such corporation, association, educational institution, or society of its activities." The case involved three employees who worked for church-owned enterprises and who were fired because they failed to meet certain religious requirements. Justice White, writing for the Court found that—

> It is a permissible legislative purpose to alleviate significant governmental interference with the ability of religious organizations to define and carry out their religious missions.

The Court noted that the free exercise clause required only an exemption for the religious activities of religious organizations. However, the Court recognized that the extension of the exemption to the organizations' secular activities served a legitimate function.

> [I]t is a significant burden on a religious organization to require it, on pain of substantial liability, to predict which of its activities a secular court will consider religious. The line is hardly a bright one and an organization might understandably be concerned that a judge would not understand its religious tenets and sense of mission. Fear of potential liability might affect the way an organization carried out what it understood to be its religious mission.

This concern, expressed by Justice White, is very applicable here. Regulation of even the ministerial functions of a church or synagogue, as required by S. 557, and the resulting fear of potential liability might well affect the way an organization carries out what it understands to be its religious mission. Such regulation might well be found by the Court to be an interference with belief and thereby a violation of the Free Exercise clause. In any case, regulation of the religious activities of a church or synagogue would surely constitute an unacceptable entanglement of church and State that interferes with the ability of religious organizations to carry out their religious missions.

In enacting this legislation, the Senate need not and must not sacrifice religious freedoms in an attempt to strengthen civil rights protection. So I urge the support of my colleagues for this important amendment.

Let me just say a couple more words.

Madam President, I can see where some feel that the churches have nothing to fear because of the religious entanglement aspects of Supreme Court law, but they do because there are all kinds of special interest groups out there that bring these suits, sometimes for no good reason at all, in my opinion, but many times sincerely bring suits to try and impose their will in courts of law, something that they cannot get otherwise within religious institutions. I can see some of the major religious institutions in our society attacked wholesale, at will and finding themselves spending an awful lot of their religious and spiritual time trying to obtain religious and spiritual experiences in courts of law which generally turn out not to be very religious or spiritual. My feeling is that this is a really important reason why this legislation, standing as it presently does, is bad legislation. I think most people out there who think it through will agree with me and I hope that my colleagues will give great consideration to this amendment because I think it makes a very good point.

Mr. KENNEDY. Madam President, will the Senator yield?

Mr. HATCH. Yes.

Mr. KENNEDY. I appreciate the Senator's yielding.

Just in terms of notifying Members, I wonder whether the Senator from Utah would yield to the majority leader for a unanimous-consent request, which I believe the Senator from Utah has agreed to and which I find acceptable.

Mr. HATCH. I yield.

Mr. BYRD. Madam President, what time would the distinguished Senator and our colleagues be willing to agree to so that all Senators would be notified of a vote?

Mr. HATCH. Madam President, I understand there are a number of Senators from this side who are presently at the White House. I believe we could begin to vote at about 10 minutes after 12.

Mr. BYRD. All right.

Madam President, I understand those Senators who are meeting at the White House will be finishing their meeting at noon.

Mr. HATCH. My understanding is they should be over at noon and they would then require time to return to the floor.

Mr. BYRD. I hope the White House will learn, as the Carter White House had to learn, that this Senate has business to do and that when it calls Senators down to the White House and the Senate is in session doing business, it may cause those Senators to miss votes.

I ask unanimous consent that the vote on the pending amendment——

Mr. HATCH. On the pending amendment.

Mr. BYRD. Occur at——

Mr. HATCH. No later than 12:15.

Mr. KENNEDY. Or a motion to table.

Mr. BYRD. On or in relation to this amendment occur no later than 12:15 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. With all remaining time equally divided.

Mr. BYRD. The time to be equally divided between Mr. HATCH and Mr. KENNEDY or their designees.

Mr. THURMOND. I have about 8 minutes on this amendment and have no objection just so I can get that in.

Mr. HATCH. We will work out the time between the two floor managers.

Mr. BYRD. Madam President, I ask unamimous consent that no amendment to the amendment be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Madam President, I remind all Senators that this will be a 15-minute rollcall vote. The curtain goes down at the end of the 15 minutes. Senators who are not here when the curtain goes down, of course, will not make the vote.

The PRESIDING OFFICER. I would like to return to the majority leader's unanimous-consent request that a vote occur at 12:15.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the majority leader's request for the vote to occur at 12:15?

Mr. HATCH. As I understand it, the unanimous-consent request includes the time equally divided between now and 12:15.

Mr. BYRD. Yes, it would be equally divided and the vote would occur at no later than 12:15. I think we ought to make it 12:15 and Senators know that they have until 12:30 to get here.

Mr. HATCH. It certainly will not occur before 10 after 12 is what I am saying.

Mr. THURMOND. Madam President. I have no objection as I stated except I want to reserve the right to speak 8 minutes.

Mr. HATCH. If it would be all right with the distinguished floor manager, the distinguished Senator from South Carolina will take the last 8 minutes before the vote.

Mr. KENNEDY. I would be glad to yield whatever time that I have to the Senator from South Carolina.

Mr. HATCH. Just so he knows so he can have a schedule if he can take the last 8 or 10 minutes before the vote.

Mr. KENNEDY. I would like to give him 8 of the last 12 minutes so we have 4 minutes, if necessary, to respond.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. KENNEDY. I yield such time as the Senator from Ohio may need.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Will the Senator from Massachusetts be good enough to yield to a couple of questions because I think there is some misunderstanding concerning the applicability of the law as it presently is drafted. I think it might perhaps help if he and I had a colloquy.

Mr. KENNEDY. I welcome the opportunity to yield to the Senator.

Mr. METZENBAUM. I thank the Senator. I have several questions I would like to ask about the impact of S. 557 on religious organizations. Let me assume that a religious organization, a church or diocese or synagogue, receives Federal assistance for a limited purpose. The Federal assistance is to provide assistance to homeless people, to aid refugees or for some other discrete purpose. Under S. 557 will the receipt of such assistance result in coverage of the religious organization in its entirety so that it would be under an obligation not to discriminate in any of its operations?

Mr. KENNEDY. Not under the circumstances that the Senator has described. Coverage of a religious organization is described in sections (3)(a) of the four parts of S. 557—dealing with title VI, title IX, section 504 and the Age Discrimination Act. Section (3)(a) provides for complete coverage of a corporation, partnership or "other private organization" only under two circumstances—neither of which applies to the situation described by the Senator. The first is where assistance is extended to the private organization "as a whole." That would apply where the Federal financial assistance is to bail out a Chrysler or Lockheed Corp., but not where aid is for a particular designated purpose. So, as the committee report says (p. 17):

> A grant to a religious organization to enable it to extend assistance to refugees would not be assistance to the religious organization as a whole if that is only one among a number of activities of the organization.

The second circumstance that results in organizationwide coverage is where the organization is "principally engaged in the business of providing education, health care, housing, social services or parks and recreation." The principal occupation of a church, or a diocese or a synagogue or another religious organization is by definition "religious." So such an organization would not be covered in its entirety even if it conducts one or more programs in education or health care or social services.

Accordingly, a religious organization which receives limited purpose assistance will be covered only as to the "geographically separate" facility—to which the assistance is extended.

As the Senator knows, prior to Grove City we did not draw a distinction between the religious organization and the nonreligious organization. We do draw a distinction between corporations that provide social services whose primary purpose is social services. That is given one requirement, and those whose principal interests are others, such as religious or maybe a private corporation. So what we are basically saying is if you go into a particular parish or a particular synagogue which is receiving money in that particular parish which is a small area in any event, they are providing refugee help and assistance, but they are also providing food assistance, and if they are getting Federal money on refugees they cannot discriminate in that particular parish against the handicapped. That is the limited area.

So we draw a distinction with regard to those institutions that are primarily providing public services, and then within those that are primarily orientated in a different way, a private corporation or a religious group, we say only those particular separated geographical areas that are receiving the assistance would be covered. But we have not drawn a distinction on that prior to Grove City and we never had a problem with it. We never had any kind of issue raised even in the course of the hearings. There was some question with regard to the definition, whether it was sufficiently clear that we were really doing what I just described as what we are doing.

I have a letter here from the U.S. Catholic Conference that says:

> I have been asked by your staff to provide you with a letter concerning one of the three amendments to S. 557, the Civil Rights Restoration Act which the United States Catholic Conference recommended in its testimony before your Committee. That amendment deals with the coverage of church institutions. The Committee Report (S Rep 100-64) accompanying the bill which was approved by the Senate Committee on Labor and Human Resources and is now pending business before the U.S. Senate contains language that addresses the major concerns on institutional coverage which the USCC raised in its testimony. Because of the Committee action, the USCC is no longer seeking such an amendment to the bill.

So I think recognizing again that what this bill is really talking about is the extension of coverage. We are not trying to change what existed prior to the holding in Grove City understanding the historical pattern that existed prior to Grove City, understanding the clarifications that have been made there which have been accepted not only by the Catholic conference but a number of other religious groups. I would hope that we would not further define this in a way which would, I think, undermine the central thrust of the purpose of the legislation.

Mr. HATCH. On this point, would the Senator yield?

Mr. KENNEDY. I would rather wait. I am not going to yield.

Mr. HATCH. It is on this point.

Mr. KENNEDY. I will yield at a time.

Mr. METZENBAUM. I have been waiting patiently to clarify.

Mr. KENNEDY. Then I will come back.

Mr. HATCH. Let us clarify on this point.

Mr. KENNEDY. I do not yield, Madam President.

The PRESIDING OFFICER. The Senator declines to yield. The Senator from Ohio has the floor.

Mr. HATCH. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HATCH. The Senator has misstated even his own bill. It seems to me, is it not——

Mr. KENNEDY. Regular order, Madam President.

Mr. HATCH. Does this Senator not have the right——

Mr. KENNEDY. Regular order.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. I thank the Senator for that clear and cogent explanation. My second question has to do with the application of title VI of the Civil Rights Act of 1964, the law that bars discrimination in the use of Federal funds on grounds of race,

color, or national origin, as that title would be amended by S. 557. Do you see anything in title VI or S. 557 that would impair the ability of a religious organization to prefer members of the religion in services or benefits it provides with Federal funds?

Mr. KENNEDY. No. As the Senator knows, neither title VI nor any of the other Federal funding statutes we are dealing with here bars discrimination on grounds of religion. S. 557 makes no change in this. Thus, it would not be a violation of title VI for a religious organization to prefer members of the religion in its federally assisted activities unless racial discrimination was practiced in determining membership in the religion. That, of course, was the situation in one of the Bob Jones cases.

Mr. METZENBAUM. Yes, of course, and we could not allow religious preference to become a pretext for racial discrimination. To make sure, however, that I fully understand the Senator's answer, permit me to pose a couple of hypotheticals. Let us assume that a Jewish organization operates a hospital or nursing home facility in New York City and Cleveland and that it accords a preference to Jews in admission to the facility. The organization decides to move the facility to a suburban location because most of the Jewish population now resides in the suburbs and the organization believes it can better serve its membership in this way. Would the organization be liable to a racial discrimination charge under title VI on grounds that it was moving from an area with a large racial minority population to one where there were few minority citizens?

Mr. KENNEDY. In answering the Senator's questions, I should make a couple of general observations. The first is that as the Senator knows, S. 557 is intended to deal with issues of coverage raised by the Grove City decision. It does not alter substantive law. The second is that I do not want to be in the position of rendering opinions and decisions in cases as though I were an administrative law judge or a member of the Federal judiciary.

Mr. METZENBAUM. I understand, although I know the Senator would make a very fine judge.

Mr. KENNEDY. I thank the Senator. In any event, I will assume for the purposes of his question that under some circumstances, it might well be a violation of title VI for a public hospital to relocate from city to suburbs where the result of the move would be a significant decrease in health services to minority citizens. But in the situation the Senator describes where it is a religious organization and the reason for the move is to serve better members of the religion, I do not believe title VI would be violated. Again, I add the caveat that the religious preference could not be a pretext for racial discrimination.

Mr. METZENBAUM. Thank you. Here is another hypothetical. Let us say that a Catholic organization receives Federal assistance that it is free to use for a variety of social services purposes. If it used the funds for youth services, for example to deal with school dropouts, it would assist many minority citizens. Instead, it chooses to use the Federal assistance to help older citizens, for example with a meals-on-wheels service. The reason for the organization's decision is to serve its own constituency better, but the result is that many fewer minority citizens derive benefits from the program. Does the Senator believe there is a potential title VI violation?

Mr. KENNEDY. My answer is the same as to the previous question. I do not know whether there is settled law on the question of whether a public agency may in the exercise of its discretion use Federal assistance in ways that serve members of minority groups less well than others. The answer to that question may well depend on the particular facts and circumstances. But I do believe that a private religious organization could make choices to better serve its members even if the outcome were less minority participation. Again, the caveat is that race cannot be a determinant of membership in the religion.

Mr. METZENBAUM. In answering these questions, is the Senator taking into account the regulations promulgated by departments and agencies under title VI which typically say that a recipient may not "utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race * * *"? In other words, is the answer the same whether an effect standard or an intent standard is used under title VI?

Mr. KENNEDY. I am aware that title VI regulations use an effect standard to determine violations and that the Federal courts have upheld the use of an effect standard. Nevertheless, even under an effect standard, defenses of business necessity are permitted as they are under title VII. So, the kinds of religious preferences the Senator describes would not in my judgment become violations of title VI.

Mr. METZENBAUM. One final question. What if a religious organization preferred members of its own religion in hiring employees under a Federal grant. Would that be a title VI violation if few members of the religion were minority citizens?

Mr. KENNEDY. Again, the answer would be "no" provided there is no racial discrimination in determining membership in the religion. I would point out to the Senator, however, that title VII of the 1964 act does in many circumstances prohibit religious discrimination in employment decisions. Accordingly, such a religious preference, might well violate title VII even if it did not violate title VI.

Mr. METZENBAUM. I thank the Senator for his helpful answers. As the Senator knows, the overwhelming majority of religious organizations in this country abhor discrimination on the basis of race, national origins, sex, handicap or age as well as discrimination based on religion. These groups were a bulwark in the enactment of title VI in 1964 and in subsequent civil rights acts. They are strong supporters of S. 557 as well.

I want to point out that there is available a letter indicating tremendous support from just about all of the religious organizations, although I have not checked the list closely, indicating that they urge prompt passage of the measure as introduced and oppose all amendents. That comes on the stationery of the Evangelical Lutheran Church of America, and includes Presbyterian Church, Reform Judaism, Episcopal Church, and a number of others. I ask unanimous consent that the entire letter and entire list be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EVANGELICAL LUTHERAN
CHURCH IN AMERICA,
Washington, DC, January 26, 1988.

DEAR SENATOR: As representatives of the religious community we cannot ignore the most important civil rights issue to come before Congress in many years—the Civil Rights Restoration Act. We urge prompt passage of this measure as introduced, and oppose all amendents.

You are well aware of the 1984 Supreme Court decision, Grove City College v. Bell. In our view this decision dramatically narrowed the coverage of civil rights enforcement under Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. We must not allow this digression to continue unabated. Passage of S. 557 will enable us to put a stop to government subsidized discrimination against women, minorities, the elderly and disabled persons.

We have already waited too long to put a halt to the academic institution that says "No" because of a disabling condition. We have waited too long to stop the federally financed school that says "No" because of race or age. We have waited too long to make sure that women are treated fairly and with equity in every department of the University—not only those receiving direct federal aid. We oppose any attempt to delay this measure by amendent, extended debate, or procedural tactic. The time to act is now.

Incidents at Howard Beach and Forsyth County serve as vivid reminders that the long march for civil rights in this nation is not over. We live in an imperfect society which requires protections under the law for all our people, not only a privileged few.

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The measure we urge you to support forges no new ground but simply seeks to restore those protections to all our citizens regardless of race, sex, age or disabling condition.

Passage of the Civil Rights Restoration Act is a high priority for our respective religious groups. We appeal to you to make it a high priority in your work, as well.

Respectfully yours,

Elwyn Ewald, Director, Office for Governmental Affairs, Evangelical Lutheran Church in America
Mary Jane Patterson, Director, Washington Office; George A. Chauncey, Deputy Director, Washington Office, Presbyterian Church (U.S.A.)
Rabbi David Saperstein, Director, Religious Action Center of Reform Judaism
Fr. Robert Brooks; Dr. Betty A. Coats, Staff Officer, Washington Office, Episcopal Church
James A. Hamilton, Director, Washington Office, National Council of Churches of Christ
Rev. Jay Lintner, Director, Washington Office, United Church of Christ
Rev. Robert W. Tiller, Director, Office of Governmental Relations, American Baptist Churches, U.S.A.
Mark J. Pelavin, Washington Representative, American Jewish Congress
Rev. Leland Wilson, Director, Washington Office, Church of the Brethren
Shoshana Riemer, Member, National Legislative Task Force, NA'AMAT/USA
Robert Z. Alpern, Director, Washington Office, Unitarian Universalist Association of Congregations in North America
David A. Harris, Washington Representative, American Jewish Committee
Edward F. Snyder, Executive Secretary, Friends Committee on National Legislation
Rabbi Joseph Glaser, Executive Vice President, Central Conference of American Rabbis
Dr. John M. Swomley, Jr., President, Americans for Religious Liberty
Rabbi Andrew Baker, Washington Area Director, American Jewish Committee
Isaac Asimov, President, American Humanist Association
Sally Timmel, Director, Washington Office, Church Women United
Herb Blinder, Director, Washington Ethical Action Office; American Ethical Union
Rev. Carol Cole Flanagan, President, Episcopal Women's Caucus
Scott Kaplan, Co-Chairman, Commission on Social Policy, United Synagogue of America
David A. Brody, Director, Washington Office, Anti-Defamation League
Rev. Dr. Donna T. MortonStout, Associate General Secretary, Issue Development and Advocacy, General Board of Church and Society, United Methodist Church.

Mr. METZENBAUM. Madam President, I appreciate the courtesy extended to me by the Senator from Massachusetts. I yield the floor.

Mr. KENNEDY. I would be glad to yield now to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank my distinguished colleague from Massachusetts. I do not think my distinguished colleague has read his own bill because I cannot read it without understanding what it really does mean. I do not think, with all due respect to the National Catholic Conference, they have read the bill either very carefully. If you read under educational—

Mr. KENNEDY. What does the Senator say?

Mr. HATCH. Let me refer to page 10 of the bill.

If you read under "Education Amendments," section 3: "Title IX of the Education Amendments of 1972"—and the other bills are also covered in similar fashion—"is amended by adding at the end the following new section: Interpretation of 'program or activity.'"

Then, section 908: "For the purposes of this title, the term 'program or activity' and 'program' mean all the operations of—" All of them.

I will bring you down to 3(B) on page 12: The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization" which the majority agrees religious institutions are covered by "or sole proprietorship; or (4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3)."

The purpose of this legislation is to ensure that if an entity, public or private, receives $1 of Federal funds, all of the entity is subject to Federal regulation.

So, S. 557 is designed to negate the possibility of program-specific regulation.

If you look at paragraph 3(B) of the operative sections of the bill, that covers all the operations of every private organization which is a geographically separate facility, any part of which is extended Federal financial assistance.

Let us understand that. If the local Catholic church has a food program for the elderly in its basement, literally funded by the Federal Government by $1, that whole Catholic church becomes liable to the rules and regulations of this bill. That is what the language says. You cannot refute the language, no matter what is said here. The church would not qualify under either A-1 or A-2 of this bill, but it would qualify under subparagraph 3.

How can you explain that, if a church would not satisfy the requirements of the definition of subparagraph 3(B)?

I suggest that people who have supported this bill had better start thinking it through. The fact is that it is going to be very intrusive into churches and synagogues and other religious institutions because they are covered under the embracive terms of this statute under the term "private organization." There is no way around it, to be honest with you.

I think churches had better understand that now, because they are going to be faced with problems—lawsuits, compliance reviews, paperwork, bureaucratic ensnarlments—all because they take the time to operate a humble program for the poor in the basement of the church or one congregation of the church or one building of the church.

You cannot say that the language does not say what it says, which is what I think the floor manager has said. He tries to slide it away when he does not read the language of his own bill.

Mr. FOWLER. Mr. President, will the Senator yield?

Mr. HATCH. I am happy to yield.

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. HATCH. I am happy to yield to the distinguished Senator from Georgia.

Mr. FOWLER. I ask this of the Senator from Utah because I was trying to follow the debate and follow his remarks specifically.

Under the bill as cited on page 11, it seems that each paragraph covers a different entity. For example, 2-A on page 11 covers colleges, universities, public systems of higher education. The next paragraph covers local education agencies. But 3-A and 3-B do not refer to religious institutions, do they?

Mr. HATCH. Yes, they do.

In the language of the report of the majority: I think in any reasonable construction of law, the term "corporation, partnership, or other private organization"—"other private organization" would cover almost all religious institutions. There are some churches in partnership. So they are all embraceably covered.

Mr. FOWLER. Will the Senator cite the language in the bill that refers to pages 10 and 11 that would specifically cover religious organizations? It seems to this Senator that the language is clear that it is referring to corporations, yes; educational institutions, yes, entity of States and local communities, yes; but that the language being debated does not refer to a comprehensive religious institution.

Mr. HATCH. Go back to page 10, section 908:

> For the purpose of this title, the term "program or activity" and "program" mean all of the operations of—

If you go to 3-A, that is one aspect of it. But go to 3-B:

> the entire plant or other comparable geographically separate facility to which Federal assistance is extended, in the case of any other corporation, partnership, private organization or sole proprietorship.

Some are partnerships. "Private organization" covers all others, and I do not think there is a dispute by the majority on that, because they have basically stated that in the bill and in the report. "Or sole proprietorship," which is inclusive of other religious institutions.

It clearly is covered in that language, and it clearly covers the institution if you have something in the basement of the church.

Mr. FOWLER. I appreciate the Senator yielding and having this discussion with me. But in reading the bill, if there is discrimination, if any religion uses the pretext of that religion to discriminate in any of its programs, then all of the title VI material under the Civil Rights Act would apply, regardless of any geographical separation. It seems to me that under the bill, as I read it, there is the limitation to geographical entities. I cannot find the language that seems to disturb the Senator from Utah which says that one program, one federally funded program, in the basement of the church, would cover the whole religious institution. If he can cite that, I would like to know it, because that would concern me.

Mr. HATCH. I think the language does cite that, and I have cited it.

The PRESIDING OFFICER. The Chair informs the Senator from Utah that he now has approximately 7 minutes remaining. He has stated that he desires to reserve time.

Mr. HATCH. I will take 30 seconds more, and I will reserve the remainder of the time.

Let me just say this: If there is in fact discrimination, the present law covers it. We do not need this bill to solve discrimination.

Where you get into problems is, let us say there is segregation, with men on one side and women on the other, and some special-interest group, for good or bad reasons, wants to bring suit under the statute because there is some program that has Federal financial assistance.

They are going to be able to do so. They may not win. They can bring suit pursuant to this bill. That language is all embracive, all-inclusive.

Mr. FOWLER. I thank the Senator.

Mr. HATCH. I reserve the remainder of my time.

Mr. KENNEDY. Madam President, first of all, I agree with the interpretation of the Senator from Utah and his description of the Catholic Church and the feeding programs and that is satisfactory to the Catholic Conference the way that has been described, so we do not have that difference on it.

Second, the Senator from Georgia is correct when he talks about the entire plan for a comparable but geographically separate facility. That is what we needed to clarify in the report. Those were the words.

You can say "the entire plant." Does that mean the whole complete diocese or does it include just the parish? And that had been as described on the bottom of page 19 in the report when it says "3 parishes receive Federal aid, the parishes are geographically separate facilities which received Federal aid . . ." Separate facilities.

That is why the only application in these terms, in terms of what we are doing here, in terms of discrimination, would only apply to that separate facility that is actually receiving aid.

Finally, the Senator is disingenuous when he says if there is discrimination, the law will take care of it. That is poppycock. If that were the problem, we would not be dealing with this particular legislation. We have to deal with the whole kind of implications of repercussions of the Grove City decision.

We agree also that the whole parish not the whole religious organization is covered if the parish itself gets the funds.

We had a mutual understanding to try to give the time to the Senator from South Carolina. I indicated to the Chair I would reserve the last 4 minutes of my time. But I would just reserve the last 2 minutes and yield whatever time remains to me to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of this amendment.

Primarily, S. 557 was drafted to cover all the operations of institutions which receive Federal financial assistance. As a general proposition, I do not quarrel with institutionwide coverage under the four statutes addressed by S. 557. We should be clear, however, that such coverage goes well beyond the law prior to the Supreme Court decision in Grove City versus Bell. Additionally, as we will discuss during this debate, S. 557 goes even beyond institutionwide coverage to cover whole systems of institutions—for example private or parochial school systems. In my view this broad expansion of prior law is inappropriate, and I am hopeful the Senate will adopt amendments to limit coverage to institutions.

However, I also believe strongly that there should be one important exception even to the institutionwide scheme of coverage—and that is when the institution is a church or religious institution.

Lest anyone claim that entire churches will not to covered under S. 557, I would urge them to read section 3(B) carefully. Is not a church a private organization, a geographically separate facility? I certainly read this section to include churches.

Mr. President, I realize that it is rare that Federal financial assistance is extended to churches. However, I am informed that some churches participate in one of several federally assisted programs which serve communities across the country. Certainly, all the federally assisted programs operated by a church should be covered under the statutes addressed by S. 557. However, extension of Federal regulation throughout the whole church as a result of such assistance trends very close, if not all over, first amendment rights.

Mr. President, it is true that churches can avoid Federal regulation by refusing to participate in federally assisted programs. However, it appears to me that it is desirable to have churches participating in programs that are beneficial to the elderly, the handicapped, the needy, or to others. Churches are often best situated in our communities to provide these services. We must, therefore, consider whether we want to discourage churches from participating in such programs by imposing upon them regulations which threaten their religious freedom.

Has there been a showing that illegal discrimination in our churches is a problem which justifies the risk of discouraging churches from participating in federally assisted programs? I am aware of no evidence that illegal discrimination is rampant in our religious institutions.

I urge each Senator to think of some of the requirements which must be met by those subject to the statutes being amended by S. 557. How might they apply to churches? How will a church overcome a ruling which determines that its practices have the effect of discriminating against a minority group because too few of that group are a part of the church membership? I submit that in the real world there are going to be serious problems when this test, which now is applied in areas such as voting rights and fair housing, is applied to religious institutions.

Congress should always tread lightly in the area of regulation of religious institutions. Only in extreme cases should such regulation be imposed. In summary, this amendment will simply narrow the application of the provision of S. 557 to the programs in a church or synagogue which receive Federal funds, not the entire religious institution.

I do not think we want to inject the Federal Government into the operation of our churches. This is an important amendment, and I urge its adoption.

Mr. KENNEDY. Mr. President, I want to just point out for the benefit of the membership that there has not been a major religious organization, Catholic, Protestant, Jew, or any other major organization that has requested

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this amendment. Prior to the Grove City decision there were virtually no complaints about the types of situations which have been described here this afternoon.

During the course of our hearings there were questions about what various words meant in the language and we worked with the various religious groups that were interested and we have received the support of those religious groups that indicate that this responds to any particular concern. That happens to be where we are.

A final point, what we are basically talking about is receiving Federal funds and discrimination. The churches do not want to receive the funds. They do not have to receive the funds, but if there are going to be Federal funds there should not be discrimination. We have found that that has been the teachings of the great churches, part of the great Judeo-Christian ethic and they have been the leaders in our society in helping us to overcome the difficulties of particular problems that we faced in our history.

So I would just hope, Mr. President, that the language which has been worked out, both in the legislation as described by the bill, which follows the past precedent which existed for 15 years depending on which statute but which is general application, same words that we would have sufficient confidence in the past history not to feel that we are going to have to be stampeded into altering and changing the language.

I reserve whatever time that I have.

Mr. HATCH. Mr. President, I ask how much time remains?

The PRESIDING OFFICER. Five minutes and 56 seconds.

Mr. HATCH. I would just point out to my friend and colleague from Massachusetts that our goals are the same with regard to restoration of title IX. I have just as great a desire as he does. In fact, I worked very hard immediately after the Grove City bill to explain to the White House and others involved in the administration that literally we ought to overrule that part of the Grove City bill that this bill in fact overrules, but we ought to do it straight up without trying under the guise of civil rights to expand the law so broadly. On any other bill I think the distinguished Senator from Massachusetts and I can work arm in arm and we could go down the same path and we could resolve these difficulties.

Let me tell you something. These religious institutions who have written in support of this bill or do not want any amendments, I do not know who they are, and I frankly do not know how many of them there are. I know there are thousands of them out there if they knew what was in this bill would be outraged, would be scared to death because this bill goes way beyond what the law was 1 day before the Grove City case was decided.

I know the distinguished Senator from Massachusetts knows that. As a matter of fact, they tried the same ploy back in 1984 when they brought this bill to the Senate floor and I had to stop it. I had to do whatever I could to stop it because it was even worse than this bill, and the ploy was that this is the law as it existed 1 day before Grove City, that it was nothing but a simple overrule, the then bill back in 1984 was nothing but a simple overrule of the Grove City case.

The fact of the matter is that since that day this bill—and I have to give the distinguished Senator from Massachusetts some credit, they have acknowledged that they did not represent it correctly back in 1984, because they have had to make a number of changes to try to accommodate my concerns and others' concerns during the intervening years. They have not done it yet, although I have to admit they made some changes. And they have had to admit, I think, in open committee that they were trying to bring forth a bill that was far broader than the law was on that day.

Now we get here again. We have the same supercilious argument that this is a simple overrule of the Grove City case. Well, it is not a simple overrule. And any church or religious institution or synagogue that does not understand this is going to pay the piper if this bill happens to become law someday.

The fact is I do not think this bill will become law because I do not think it is going to pass. And if it does I think it will be vetoed, for these reasons: because of the expansive nature and the overall intrusion of the Federal Government in ways never contemplated before that this bill does.

Now, let us just be frank about it. They cannot answer their own language in this bill and they know it and I know it. They never have been able to but, because this is what the community wants, they have to come out here and make these arguments on the floor that really do not make sense. Now I harken back to 1984 when they said this is a simple overrule and they tried to sell it then and people found it was a lot more than a simple overrule. Now they are using the same arguments here, and there is no way this is a simple overrule. This expands Federal laws way beyond where they should be expanded and in areas where there has not been one shred of evidence that it needs to be expanded.

In the area of education, I agree. We would have solved title IX in 5 seconds on this floor back in 1984 had they really wanted to solve the title IX problem. What they are really trying to do is they see a chance to vastly expand the rules and regulations and controls by the Federal Government in ways never contemplated by the founders of this country or by anybody else for that matter. And they do it under the guise of civil rights and under the guise of correcting what really is a bad decision with regard to title IX.

The fact of the matter is we can straighten this out by unanimous consent in less than 3 minutes if we really wanted to solve title IX and extend it institutionwide.

You are going to find before this debate is over that on the issue of abortion and other religious issues that are involved that people have real legitimate concerns that this bill does not solve and that this bill creates problems. It is not a simple overrule. It is a great big thrust forward to have the Federal Government dominate all of us.

Frankly, the language says it. It is as clear as a bell. I do not see how any lawyer can argue against it. And to have them come here and say—well, I was very interested in Senator KENNEDY admitting that private organizations, it does include all these religious institutions. There is no question it does. Well, they were not included before, I guarantee you that. So that is a lot more than just the title IX fight back in 1984.

Anybody who thinks this is a simple little bill has got rocks in his or her head. This bill can be intrusive into our lives in ways nobody ever contemplated. I am telling you it is a serious, serious set of problems. And to try and pass it off as a simple overrule and the churches are not going to be hurt by this is poppycock. Wait until these churches have all these lawsuits from groups that are antithetical to them, who like to see churches hurt, who do not want free religions in this country. Wait until that starts. And if it started under present law, can you imagine what it would be under this broadly-drafted thing?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, this bill was reported out of our committee 12 to 4 in a bipartisan way. And I dare say that those 12 members do not have any less of a commitment than my friend, the Senator from Utah, in terms of the first amendment and the separation of church and state.

What you are talking about is discrimination against the handicapped. What you are talking about is discrimination against women. What you are talking about is discrimination against blacks and the elderly.

If they do not discriminate, you have no problems. You have no problems at all.

And whatever the Senator says about it, I know better. I know what is achieved dealing with this particular amendment. And the other provision is an extension of what has worked prior to the Grove City decision. That is what we are talking about, nothing else—discrimination; discrimination.

And we have described it in a way which has been satisfactory in terms of religious groups that are going to be most effective and that has been satisfactory to 12 members of that committee that went through the long course of the hearings on this legislation.

So, Mr. President, I hope that this amendment will be defeated and that the position that has been assumed by the major religious groups in support of this legislation and in opposition to this amendment would be sustained.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Utah [Mr. HATCH]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], and the Senator from Nevada [Mr. HECHT] are necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 56 as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—36

Armstrong
Bond
Boren
D'Amato
Danforth
DeConcini
Domenici
Ford
Garn
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Humphrey
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Melcher
Nickles
Pressler
Quayle
Reid
Roth
Rudman
Simpson
Stennis
Stevens
Symms
Thurmond
Trible
Warner

NAYS—56

Adams
Baucus
Bentsen
Biden
Bingaman
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Daschle
Dixon
Dodd
Durenberger
Evans
Fowler
Glenn
Graham
Harkin
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Specter
Stafford
Weicker
Wilson
Wirth

NOT VOTING—8

Cochran
Dole
Exon
Gore
Hecht
Murkowski
Simon
Wallop

So the amendment (No. 1384) was rejected.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

ANNOUNCEMENT OF POSITION ON A VOTE—SYMMS AMENDMENT NO. 1381

Mr. HEFLIN. Mr. President, there was a rollcall vote this morning which occurrred at approximately 11 a.m. There was not time for me to reach the Chamber prior to the completion of that vote. However, had I been present and voting, I would have voted to table the Symms amendment.

The PRESIDING OFFICER. Are there any further amendments to be offered?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1385

(Purpose: To target the application of the definition of program and activity)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 1385.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 15, strike out "school system" and insert in lieu thereof "educational institution".

On page 13, line 10, strike out "school system" and insert in lieu thereof "educational institution".

On page 15, line 13, strike out "school system" and insert in lieu thereof "educational institution".

On page 17, line 4, strike out "school system" and insert in lieu thereof "educational institution".

Mr. THURMOND. Mr. President, I believe that we must dispel the notion that S. 557 is merely restorative legislation. The amendment I am offering clearly demonstrates this fact. It will ensure that restorative language is applied to religious and private schools.

Mr. President, this amendment would strike the words "school system" on line 15 on page 11 of the bill and insert in lieu thereof "educational institution". It would make the identical change in language where it appears in each of the operative sections of the bill.

The words "other school system" which appear in this section can mean only one thing—entire private and religious school systems will be covered when only one school, or part of one school, in a system receives Federal financial assistance. It is clear that prior to Grove City, no more than the particular private school that received assistance would have been covered. In fact, regulations promulgated under title IX define "educational institution" as, among other things, "a private elementary or secondary school". This definition only covers a private elementary or secondary school, not the whole school system.

Mr. President, S. 557 would expand coverage to entire private school systems contrary to the narrow interpretation of title IX. This coverage threatens religious liberty by placing the religious goals of those schools in a secondary position to the vast regulatory requirements of S. 557. The Constitution guarantees religious freedom. Therefore, we must tread lightly when it comes to asserting Federal regulation of religion or its institutions.

I believe it is interesting that some claim that prior to Grove City, school systems were covered in their entirety when only a part of one school in the system received assistance. This flies in the face of the testimony of Department of Education witnesses who testified in 1984 on this matter. This flies in the face of the actual practice of the Department of Education.

Additionally, it is one thing to claim that the Supreme Court erred in limiting coverage to the Grove City College financial aid department—that it overlooked previous law which had mandated "institution-wide" coverage. However, it is very hard to believe that the Supreme Court could have erred so badly to interpret Grove City so narrowly if prior law had covered not only institutions, but whole school systems.

Mr. President, I repeat, not only institutions, but whole school systems.

Mr. President, my amendment would result in institution-wide coverage of the religious or private school which receives Federal aid as opposed to coverage of an entire school system. This interpretation is necessary to protect religious and private schools from overreaching by the Federal Govern-

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ment. It would cover more than just the program or activity receiving the assistance, providing for coverage of the whole school. This is the reasonable approach to coverage in this area. I urge adoption of the amendment.

Mr. BYRD. Mr. President, would the Senator enter into a time agreement on this amendment? Would it be possible to have a time agreement on the amendment?

Mr. THURMOND. Mr. President, unless there are some other speakers, that is all I have to say. I would be glad to enter into a time agreement.

Mr. KENNEDY. Mr. President, I would be glad to enter into a time agreement. I would like to take just a brief opportunity.

Mr. THURMOND. I will be happy to enter into a time agreement.

Mr. KENNEDY. Say we take 30 minutes.

Mr. THURMOND. I have no objection.

Mr. KENNEDY. Thirty minutes equally divided.

Mr. BYRD. Thirty minutes equally divided.

Mr. THURMOND. Thirty minutes equally divided suits me.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 30 minutes to be equally divided in accordance with the usual form and that at the expiration of the 30 minutes the Senate vote on or in relation to the amendment and that no amendments be in order.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, let me make a brief comment to try to put this issue in some perspective. Prior to the Grove City decision, when we had public schools and private schools, we treated them the same. That was the historic pattern and the historic record and we did not find any real complaints during that period of time, nor did we find many complaints about that even during the course of our hearings. We are talking now about discrimination and we applied the same tests in terms of the public schools and the private schools. And then the question has been raised by the Senator from South Carolina, well, how are we going to know whether we have a school system within the private sector. I think that is a legitimate question because generally I think it is understood, if we are talking about a public school system, what schools are included. I think by and large it is understood in the private school system as well.

We have defined that in the course of our report. We have taken the more general language which is in the legislation and defined it in the report. We talk about for two or more schools to be considered a school system there must be some significant linkage between them. Thus, for example, any group of schools whose only connection to one another is that they belong to some unbrella advocacy or membership group or that they are accredited by one central accrediting agency would not constitute a school system. What we are talking about is significant linkage. What we are talking about is common governing. What we are talking about is common funding. If one of those schools receives some help and assistance, if they belong and can be defined as getting common governing, common funding, significant common linkage, the others ought to be covered. That is all that we are doing in this legislation. It is difficult for me to understand why you would want to permit a school to justify discrimination. It would seem to me you want to try to make the case what is the reason for justifying discrimination in the first place? Again, we are talking about the handicapped, we are talking about women and we are talking about minorities, the elderly people. It seems to me that the criteria which have been used here, which have been I think to a more extensive degree spelled out in this report, even clearer than was set out in the initial legislation, understanding that we are building upon the past record and acceptance, ought to be the way that this legislation should be enacted.

So I would hope, Mr. President, that the Senator might be able to give me illustrations about the kind of situations that are so troublesome to him. What schools does the Senator feel ought to be able to discriminate? Because clearly if they are not discriminating, it would not be a matter of concern. And so I would welcome clarification, if we do need further clarification.

Mr. President, have we evenly divided the time prior to the vote?

The PRESIDING OFFICER. The time is equally divided. Each side has 15 minutes.

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. The Senator from Massachusetts has 11 minutes and 20 seconds remaining. The Senator from South Carolina has 15 minutes.

Mr. KENNEDY. If the amendment is accepted, Mr. President, it would permit schools within a private school system to effectively funnel Federal funds to some of its schools while practicing discrimination in other schools. That is basically the problem. And that I think we clearly want to avoid. It is inconsistent, as I mentioned, with the pre-Grove systemwide coverage of private schools under which, for example, the four Catholic dioceses in Louisiana submitted schoolwide, systemwide desegregation system plans to HEW in 1969 pursuant to title VI and it would establish for the first time a different standard for civil rights protection for public and private schools.

That is basicially the case, Mr. President. Consider private schools and public schools on the issue of discrimination equally. We are talking about those that are going to be receiving Federal funds. If there is a question in terms of what constitutes a private school system, we have set out the criteria which is really the result of the hearings and based upon the previous history on this issue prior to the Grove City decision. I think for those who want to alter or change that, they ought to be able to make a case why they think we ought to permit Federal funds to be used for discrimination. Otherwise, I fail to see why there would be justification for this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from South Carolina has 15 minutes remaining.

Mr. THURMOND. Mr. President, the bill before us affects all private schools whether they discriminate or not. The argument that private school systems that do not discriminate need not worry is disingenuous. All schools will face regulatory preclearance red tape. This is expensive, time consuming, and detracts from the purpose of educating young people in a religious environment. To say that only bad schools need worry ignores the tremendous impact of Federal intrusion into the lives of all citizens and organizations.

Now, Mr. President, no evidence was presented to the Committee on Labor and Human Resources that, before Grove City, an entire private elementary and secondary school system, including a religious school system, was covered just because one school in that system received Federal aid.

A vague, cryptic reference in the committee report at page 26 to an alleged 1969 example where a private school system of four systems submitted to jurisdiction is unavailing. Proponents of this bill produced none of the facts surrounding this alleged occurrence during hearings. It is possible that all the schools in the system received Federal aid or that the example is otherwise not relevant. The matter was not raised in hearings nor otherwise explained in the committee report.

In any event, whatever the validity or lack of validity of this supposed example, the example predates the adoption of title IX in 1972 and the implementation of the title IX regulations in 1975 which define educational institution. That definition covers an entire public elementary and secondary school system, but not an entire private or religious elementary and secondary school system. That definition is at 34 CFR 106.2(j). This regulation, on the books for 12 years, sets the parameters for how the agency acted in this area. It comes as a definitive agency expression after the enactment of title IX and after this vague reference to 1969.

Ironically, in light of the regulatory definition, adopted 9 years prior to the Grove City decision, the committee report at page 26 claims that failing to cover the entire private school system will establish, "for the first time, a different standard * * * for public and private schools." Not only is this factually incorrect—I repeat, factually correct—as a quick glance at the title IX regulation indicates, it ignores the bill's own double-standard in providing coverage of entire public systems of higher education—subparagraph (2)(A)—but not private systems of higher education. Only the individual private institution of higher education is covered, in contrast to systemwide coverage of public higher education. We seek the latter coverage for private schools at the elementary and secondary level as well.

Mr. KENNEDY. Mr. President, I am somewhat troubled about the reasons for this particular amendment. One of the groups that runs perhaps the largest degree of private schools in the country happens to be the Catholic church. And they have indicated that they do not support this amendment. They have been the ones that would be generally the most affected. You have a number of other groups that run small school systems. But they are by and large the major system so to speak of private schools in the country. There are a number of very distinguished private schools. But they are not systems. But the Catholic church is by and large the largest system and they do not support it.

We talked about the course of the hearings in 1984. We had representatives who came up to speak on the bill oppose the legislation. Let us get that on the record now. They were opposing the legislation. They are not individuals who actually administered that program prior to the Grove City decision.

So I am hard-pressed to justify why we alter and change what has been the existing understanding and the tradition of Gove City where you are going to have school systems—we define that in the report clearly, unequivocally, I believe, in terms of control and fundraising, governing bodies—and define that, that we ought to follow the past tradition that says we are not going to distinguish between the public and the private.

Clearly, it is easier by general definition to describe a public school system for obvious reasons that all of us understand here. But it seems to me to be somewhat troublesome to understand why we are going to save people from themselves when they do not even request it or want it.

That is basically, I believe, why we ought to continue the legislation.

In the course of our hearings we had a good deal of recommendations about how we ought to change the legislation, how we ought to strengthen the legislation, how we ought to weaken it. We made a commitment to try to maintain it. You know, there are those who say let us find out when you use new words what the words mean. We tried to the best of our ability to just continue. And we are continuing on the public and private school application. That is basically what we committed to do. That is what we are attempting to do. Quite frankly, we are reassured in doing that because we have received the support of the church group that would be most affected by this that does not support the amendment.

Mr. President, I hope the amendment will not be accepted.

I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes and 20 seconds.

Mr. THURMOND. Mr. President, the first amendment gives people the right to practice religion without regulation by the Federal Government. This bill vastly expands coverage of the civil rights laws well beyond what is intended. Private and religious school systems should not be covered in their entirety when only one school receives Federal funds. To do otherwise vastly expands civil rights laws well beyond what has ever been contemplated before.

Mr. President, I predict unless this amendment is adopted you are going to have the Federal regulators going into religious schools, and private schools and disturbing their operation. If they are not discriminating and there is no evidence they have discriminated, why should that occur? Why should we have inspectors and regulators going into private schools, religious schools, to inspect when there is no objection, no facts shown as to discrimination, and to me it is the Federal Government again putting its long arm down into religion, putting its long arm down into private schools and religious schools. I do not think people know what is in this bill. I do not think a lot of people would vote for this bill if they knew what is in it and the effect it is going to have. I suggest to you that this amendment should be passed. It cannot do any harm. And it will give protection that is deserved.

Mr. KENNEDY. Mr. President, I will be prepared to yield back the remaining time in just a moment or two. I do not think there is any question that we have had broad compliance with this legislation over a long period of time. I think that is encouraging. That is very, very hopeful.

The fact remains, Mr. President, that those groups that should resent the long arm of the Federal Government—in this case, the Catholic churches and Catholic schools—are not saying that. There is no testimony that they have been hassled, there is no testimony that they have been harassed, and there are no letters from the various churches or parishes from around the country about how they have been harassed in their local communities. There is none of that. There has been no record of that. To the best of the information we have had, we would not tolerate it or stand for it. And it has not been forthcoming in terms of this particular proposal.

Again, Mr. President, if there is some particular group that is particularly concerned about these issues and if they have a question about their own practices, there is nothing that says that they have to go and take Federal funds. All we are saying is that those are going to be taxpayers' funds that are paid in by hard working men and women from all over this country and that they should not be used for discriminatory purposes to discriminate against the handicapped, or to discriminate against women in our society, the minorities in our society, and the elderly.

If the machine is not broken, why try to fix it, Mr. President? Our commitment is to try to maintain what existed prior to the Grove City decision. We are trying to maintain the same kind of standard, public and private schools, the way it has been interpreted. That has been accepted, to the best of our knowledge as the supporters of the legislation, by those groups that would be most directly affected.

So I have no hesitancy, really, in expressing my hope that the Senate will reject this proposal.

I am prepared to yield back the time and proceed to vote.

Mr. THURMOND. Mr. President, my distinguished friend says if there is nothing wrong, do not fix it. That is exactly right. Why not keep it like the Supreme Court passed it down? The Supreme Court of the United States has acted on this matter.

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What have you got to fix? What do you want to fix? Do churches have to come in and explain everything and object to everything? The churches of this country rely on Congress to do the right thing. A lot of them do not know anything about what is taking place here.

I say let us protect them, whether they come in and object or not, when most of them do not have any idea of what is going on most of the time concerning a lot of this legislation. It is our duty, as Members of Congress, to protect the churches, protect religious freedom, abide by the Constitution.

I say this amendment ought to be adopted.

The PRESIDING OFFICER. The Senator from South Carolina has 7 minutes remaining.

Mr. THURMOND. I am willing to yield back my time.

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Washington [Mr. Adams], the Senator from California [Mr. Cranston], the Senator from Tennessee [Mr. Gore], and the Senator from Illinois [Mr. Simon] are necessarily absent.

I also announce that the Senator from Nebraska [Mr. Exon] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. Gore] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. Cochran], the Senator from Kansas [Mr. Dole], the Senator from New Mexico [Mr. Domenici], the Senator from Nevada [Mr. Hecht], the Senator from Indiana [Mr. Lugar], and the Senator from Virginia [Mr. Warner] are necessarily absent.

I also announce that the Senator from Alaska [Mr. Murkowski] and the Senator from Wyoming [Mr. Wallop] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. Wallop] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 16, nays 70, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—16

Armstrong
Garn
Gramm
Hatch
Helms
Humphrey
Karnes
Kasten
McClure
McConnell
Nickles
Pressler
Quayle
Simpson
Symms
Thurmond

NAYS—70

Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Durenberger
Evans
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Specter
Stafford
Stennis
Stevens
Trible
Weicker
Wilson
Wirth

NOT VOTING—14

Adams
Cochran
Cranston
Dole
Domenici
Exon
Gore
Hecht
Lugar
Murkowski
Rockefeller
Simon
Wallop
Warner

So the amendment (No. 1385) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, regrettably, I missed the last record vote. I fully understand the rules under which the Senate is operating; namely, the 15-minute strict enforcement, and I commend the leadership. But I was unavoidably detained at the White House in a brief meeting with the President of the United States and therefore my absence occurred.

I ask unanimous consent that my statement just completed be entered in the Record immediately following the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1386

(Purpose: To clarify that the exemption to Section 901 of the Education Amendments of 1972 shall also apply to entities closely identified with the tenets of a religious organization)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. Hatch] proposes an amendment numbered 1386.

On page 12, line 11, insert ", or which is closely identified with the tenets of," after "controlled by".

Mr. HATCH. Mr. President, I have to leave here in just a few minutes to go to the Judiciary Committee for the nomination of Judge Kennedy. Senator Kennedy has to be there and Senator Thurmond and others on the committee. We have nobody to manage the floor on this side. I have laid down this amendment.

I am wondering if I could ask the distinguished majority leader to consider my plight here for a minute?

Mr. BYRD. Yes.

Does this meet with the Senator's situation?

Mr. HATCH. Could I ask for the yeas and nays first?

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. What time would the Judiciary Committee have completed its work on the nomination?

Mr. HATCH. I am not sure, but I cannot imagine it taking very long. I think Senator Kennedy would have more understanding on that than I, because I do not know if there is any opposition to him. If there is no opposition, I would hope that we would be able to report the nomination out of committee certainly by 3 o'clock.

Mr. KENNEDY. Mr. President, that is the only business before the Judiciary Committee. That is the only reason for meeting. I imagine there will be some brief statements, but I would think—we are supposedly meeting at 1:30—for myself I would think we could get back here certainly by 2:30 probably, if not before.

Mr. BYRD. I want to give the Senator my proxy and my statement and ask simply that my statement be put in the Record.

Mr. KENNEDY. I will do that.

Mr. BYRD. And my proxy will be in favor of the nomination.

Now, may I ask Mr. Hatch if we could agree?

Mr. HATCH. I will try to be through in an hour. Let us not put a time on it. I certainly want to move this bill and I want to move this as quickly as I can.

Mr. BYRD. Mr. President, the Judiciary Committee will be meeting to report out this nomination, which is an exceedingly important nomination to fill a vacancy on the U.S. Supreme Court, and the managers of the bill that is presently being debated are principals in that action that will occur in the committee. In view of these circumstances, I would propose that we have an hour for morning business in which Senators may come and speak on any subject they wish. In the meantime, if any Senators wish to speak on this matter, they could do so.

Mr. KENNEDY. Mr. President, I hope we could finish our Judiciary Committee by 2:30. I would make every effort to be back here at 2:30. If we are not here at 2:30, if the leadership would put in a short quorum call, I am sure we could commence right after that, and hopefully continue what I think has been good progress

on the legislation in the course of the afternoon.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business not to extend beyond the hour of 2:30 p.m. today and that Senators may speak therein for not to exceed 10 minutes each.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, the period for morning business now will run until 2:30 p.m. today. In the meantime, there will be no rollcall votes. I would anticipate, from the discussions I listened to here a moment ago, that it would appear there could be a rollcall vote as early as 3:30 p.m. or thereabouts. So I can only say that between now and 2:30 p.m. there will be no rollcall votes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT OF CHINA

Mr. HELMS. Mr. President, on January 13, the President of the Republic of China, the Honorable Chiang Ching-kuo, passed away peacefully. So ended 77 years of distinguished service to the Chinese people.

Mr. President, the 20th century has been cruel to the Chinese people. Foreign invasion, war, internal strife, economic collapse, and the violent suppression of human rights has been the norm. Recently a distinguished American economist told the Senate Foreign Relations Committee that just one insane political campaign by the Communists, the "Great Leap Forward," cost the lives of more people than the total of all the casualties of World War II including the holocaust. On the mainland of China today the Chinese people face the prospect of a life of grinding poverty and victimization.

In their pain and humiliation the Chinese people have had twin beacons to guide them and give them hope: the late President Chiang Kai-shek, the father, and the late President Chiang Ching-kuo, the son.

Last month the Congress passed and the President signed the Foreign Relations Authorization Act. The first line of section 1246 reads as follows: "The Congress finds that stability and peace prevail on the island of Taiwan and in the Western Pacific Region." Mr. President, had it not been for the tireless efforts of the late President Chiang, we would undoubtedly have made other, less optimistic findings.

Mr. President, it is difficult to do justice to the achievements of President Chiang and his father on Taiwan. Shall we point to a standard of living 10 times that of the mainland? Shall we compare the great respect for human decency found on the island of Taiwan with the mainland of China where a call for democracy can result in a year of solitary confinement and years in a labor camp? Political leadership of a steady hand pointing in the right direction has made this possible.

As his legacy to the Chinese people President Chiang has ensured that the steady hand will continue. Taiwan-born Vice President Li Teng-hui has been selected to succeed him. The new President has received unqualified support from all quarters, including the military and the party rank and file.

In a 1978 interview with Mr. William Rusher, the publisher of the National Review, President Chiang had the following message for the American people:

> First, I hope the American people will study and understand the true nature of communism: It is treacherous, poisonous.
>
> Second, I hope they will remember who their true friends are.
>
> Third, I hope they will look not only at today, but at tomorrow—and the day after tomorrow.
>
> Fourth, the American people love freedom. That is why they are admired all over the world. But that devotion to freedom brings with it certain responsibilities.

Mr. President, the voice is stilled but the words will be remembered.

RECESS UNTIL 2:30 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m. today.

There being no objection, the Senate, at 1:34 p.m. recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. Fowler].

CIVIL RIGHTS RESTORATION ACT

The Senate continued with consideration of the bill.

AMENDMENT NO. 1387

(Purpose: To ensure that the bill does not require that persons, or public or private entities receiving Federal funds perform abortions)

Mr. DANFORTH. Mr. President, I send a second-degree amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. Danforth] proposes an amendment numbered 1387.

At the end of the language proposed to be inserted, insert the following: "a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization."

"NEUTRALITY WITH RESPECT TO ABORTION

" 'Sec. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on a person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.' ".

Mr. DANFORTH. Mr. President, this second-degree amendment is the so-called abortion-neutral amendment. It has received a lot of attention, I know, on the part of a number of Members of the Senate and a number of people who watched the course of this legislation. The amendment is offered on behalf of myself and Senators Wilson, Murkowski, Lugar, Quayle, Grassley, Dole, McConnell, Boschwitz, Durenberger, Bond, Melcher, Karnes, Hecht, Humphrey, Nickles, Hatfield, Thurmond, Gramm, Hatch, Proxmire, and Kasten.

Mr. President, I have long supported the concept of fixing the Grove City problem and I would like very much to support S. 557. Back in the 99th Congress, Senator Dole introduced a bill which was a bill that was designed to remedy the problem that was created by the Grove City case. I was a cosponsor of that bill because I felt very strongly that it was necessary to further the cause of civil rights in this country and that we should not have a system where narrow distinctions were made between various programs within a college and university whereby Federal funds could be received by part of the college but discrimination could be practiced by another part of the college.

Some time ago, I think it was early last year, I was visited by a variety of people, including the Catholic Health Association and the American Hospital Association, who described to me what they considered to be a real problem with S. 557 unless it were amended. The problem as they saw it was that S. 557 would mandate colleges, universities, and hospitals to, at the very least, provide abortion coverage under their health plans and further possibly to provide for abortions themselves, either in university hospitals or even hospitals that were not related to a university but provided some teaching function.

As described to me, I must say that I thought that this was such a far-out result that it had to be an alarmist point of view. I could not imagine that a bill could pass the Congress which

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would require, for example, a college with a religious tradition to fund abortions in its student health program. And I could not imagine that, for example, the Congress of the United States would pass a bill which could conceivably have the effect of requiring, say, the Georgetown University Hospital to perform abortions in that hospital. It struck me as being so strange that these people must be overreacting.

But I agreed that I would at least look into it because, obviously, it is a serious matter if the Congress of the United States voluntarily or involuntarily sets in motion a process where educational or medical institutions in this country are compelled by Congress to do something which is morally abhorrent to them.

Now, I recognized at the outset that the construction of the legislation and its legal effect was something that I needed help to do. I did not want to be in the position of standing on the floor of the Senate and making representations of points of law. People would say, "Well, you know, when was the last time you practiced law?" And the answer was, "Well, before I entered the U.S. Senate." So I think people would dismiss the Senator from Missouri simply stating what the legal consequences were without any backup strength at all.

So what I did was to communicate with one of the Nation's great law firms, the law firm of Dewey, Ballantine, Bushby, Palmer & Wood. The Dewey, Ballantine law firm, of course, is one of the great law firms of America, with its main office in New York City and offices in Washington and Los Angeles and elsewhere. As a result of my inquiry, Dewey, Ballantine agreed to prepare a legal opinion for me. They did that and they wrote me a letter and also a memorandum of law.

Mr. President, I ask unanimous consent that both the Dewey, Ballantine letter to me and the memorandum of law be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEWEY, BALLANTINE, BUSHBY,
PALMER & WOOD,
New York, NY, January 21, 1988.

Hon. JOHN C. DANFORTH,
U.S. Senate, Washington, DC.

DEAR SENATOR DANFORTH: This is in response to your request for our opinion on whether pending amendments to Title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions. The proposed amendments, known as the Civil Rights Restoration Act, would overturn the Supreme Court's decision in *Grove City College* v. *Bell*, 465 U.S. 555 (1984), which limited the scope of Title IX.

No one can predict with certainty how the pending amendments would be construed in court if enacted in their present form. Nevertheless, we have reviewed the CRRA's language and legislative history to date and past court decisions to determine what results are reasonably possible, assuming enactment of the CRRA.

Title IX already requires covered institutions to pay for abortions if they offer federally funded insurance coverage to their employees and students for other temporary disabilities. But the decision in Grove City means that few institutions are now subject to this requirement. If the CRRA is enacted in its present form, the following results could ensue:

"Every education institution that receives federal funds and that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;

Hospitals that are affiliated with a university, or that have an education component, also could be required to fund abortions;

Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;

Hospitals could be required to perform abortions for the general public;

Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under Title IX's religious exemption; and

Non-religious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

Our conclusions and the reasoning on which they depend are set out in greater detail in an accompanying memorandum of law.

If we can provide any additional information or analysis with respect to any of the issues addressed in this letter or the accompanying memorandum, please do not hesitate to call on us.

J. PAUL MCGRATH.

[Memorandum]

JANUARY 21, 1988.

THE CIVIL RIGHTS RESTORATION ACT AND THE OBLIGATION TO FUND OR PERFORM ABORTIONS

This memorandum considers whether proposed amendments to Title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions. For the reasons stated below, we have concluded that:

There is a serious risk that the proposed legislation, known as the Civil Rights Restoration Act (CRRA), could require schools, hospitals, and other institutions—even ones with a religious affiliation—to fund or perform abortions; and

The proposed "abortion-neutral" amendment would remove that risk by specifying that Title IX does not require covered institutions to fund or perform abortions.

Title IX provides that "[n]o person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance . . . ." The Civil Rights Restoration Act would extend Title IX's proscription of sexual discrimination to an entire institution, and not simply to the particular department or division receiving federal funds, thus overturning the Supreme Court's decision in *Grove City College* v. *Bell*, 465 U.S. 555 (1984). See S. 557 and H.R. 1214, 100th Cong., 1st Sess. (1987).

No one can predict with certainty how the pending legislation would be construed in court. The CRRA's legislation history is still being made, and there is no controlling judicial precedent. Nevertheless, we can predict what results are reasonably possible, taking into account past court decisions, the CRRA's language and legislative history to date, and what we understand to be the underlying purposes of Title IX and the CRRA.

Based on our analysis of these factors, we conclude that, if the CRRA is enacted in its present form:

Education institutions could be required to fund abortions for students or employees;

Hospitals that engage in education activities or that are affiliated with education institutions could be required to perform abortions for students or employees;

Hospitals could be required to perform abortions for the general public; and

Many education institutions and hospitals associated with a religious institution could fail to qualify under the Act's "religious" exemption.

We note that the Senate Committee Report on the CRRA contains language purporting to rule out some, but not all, of these results. It is hazardous, however, to rely heavily on the Committee Report. In several instances its assertions appear to conflict with the unqualified language of the statute itself. The Supreme Court has cautioned that a court should not refer to legislative history if the statutory language is clear. E.g., *Ex parte Joseph Collett*, 337 U.S. 55 (1948); *United States* v. *Public Utilities Commission*, 345 U.S. 295, 319 (1952) (Jackson, J., concurring) (warning against undue reliance on legislative history). And it has refused to follow Committee Report interpretations that conflict with statutory language. See *United States* v. *Shreveport Grain & Elevator* Co., 287 U.S. 77 (1932).

A vivid illustration of the need for caution in relying on legislative history is contained in the very Senate Committee Report on the CRRA. The authors of that Report maintain that the legislative history of the original Title IX leads to the "inescapable" conclusion that the Act was to be applied institution-wide. Yet despite their confidence on this point, a unanimous Supreme Court decided otherwise in Grove City. The obvious lesson is that isolated statements in the legislative history may not prove dispositive on the interpretation of a statute, particularly where the legislative history is hard to square with the literal language of the statute.

1. *Existing Law*

Title IX prohibits sex discrimination in any "education program or activity" that receives federal funds. The statute does not now define the term "education program or activity." But the Supreme Court addressed its meaning in its 1984 decision in Grove City versus Bell, supra.

The case concerned a college whose students received federal funds to help pay for tuition. The Court unanimously held that the financial aid office, rather than the entire college, was the "program or activity" receiving federal funds. Thus, the financial aid office alone, and not the institution as a whole, was subject to Title IX's prohibitions. Under the principles established in Grove City, a university-affiliated teaching hospital is subject to Title IX only if the hospital itself receives federal funds, and then only in regard to the programs or activities that receive the funds.

Regulations issued pursuant to Title IX establish standards that a covered institution must meet to avoid a finding of sex discrimination. The regulations provide that covered institutions: "shall treat . . . termination of pregnancy . . . in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such [institution] administers, operates, offers or participates in with respect to students. . . ." 34 C.F.R. § 106.40 and 45 C.F.R. § 86.40. Under these regulations, where a covered student health plan pays for treatment of temporary disabilities generally, it must also pay for abortions. Since the regulations also prohibit discrimination with respect to any "service," they arguably go further and require a covered institution to perform abortions on a non-discriminatory basis, and not just to pay for them. As a practical matter, however, Grove City has obviated the need for a definitive resolution of the meaning and potential scope of the regulations. Because Title IX applies only to those portions of an institution that receive federal funds, health plans and university hospitals' medical facilities that do not receive federal aid (and most do not) are not even covered by Title IX or the regulations.

The CRRA would overturn Grove City, broadening the coverage of Title IX and compelling answers to the question of what constitutes unlawful sex discrimination under Title IX and the regulations. We turn, therefore, to an analysis of the potential reach of Title IX as amended by the CRRA.

2. *Application of Title IX to Hospitals*

The CRRA would broaden the application of Title IX by expanding the definition of the term "program or activity." This term is critical to the coverage of Title IX since the Act bars discrimination "under any education program or activity" receiving federal funds.

First, under the CRRA a "program or activity" would include "all of the operation of . . . a college, university, or other postsecondary institution, or a public system of higher education," if any portion thereof receives federal financial assistance. Under this formulation, any hospital affiliated with an education institution would be subject to Title IX, whether or not the hospital itself receives federal funds.

Second, the CRRA would define "program or activity" to include "all of the operation of . . . an entire corporation, partnership or other private organization" that is "principally engaged in the business of providing . . . health care." Read alone, this provision would appear to extend Title IX to all hospitals. But Title IX bans discrimination only under an "education program or activity." The question, therefore, is whether and to what extent the word "education" would limit the newly enlarged definition of "program or activity."

At the very least, this provision would subject to Title IX coverage all of a hospital's educational activities that receive federal funds. It could sweep much more broadly. The CRRA could be interpreted to subject all educational activities of a hospital to Title IX coverage if any portion of the hospital—whether or not educational—received federal funds. It could even be read to provide that all of a hospital's activities would be covered by Title IX if any portion of the hospital received federal funds and if any educational activities took place in the hospital.

The language of the CRRA does not conclusively establish which of these interpretations is correct. The Senate Report suggests a narrow reading, stating that Title IX "would apply only to students and employees of educational programs operated by the hospital, if any." That statement apparently indicates that non-educational parts of the hospital would not be covered. But language on the preceding page of the Report explains that, at least with respect to colleges and universities, the Act is intended to cover all the activities of the institution, whether or not they are educational in nature: "The language 'all of the operations of' an educational institution or system would include, but is not limited to, the following—traditional educational operations, faculty and student housing, campus shuttle bus service, campus restaurants, the bookstore, and other commercial activities."

In light of these conflicting statements in the legislative history, courts might look to other sources in interpreting the CRRA. In fact, several other factors suggest that courts should read the statute broadly.

First, it would be very difficult to draw a line between education and non-education activities, especially since so many facilities in a hospital can be used for both purposes. Should the salary of physicians, for example, be considered an education or a non-education expense? What if the physicians both supervise the activities of interns and treat their own patients? The court might well decide that Congress could not have intended to make the coverage of Title IX turn on such an elusive and problematic distinction, particularly where Congress has given no guidance on how to draw the line.

Second, the whole thrust of the CRRA is to avoid the compartmentalization of discrimination. It rejects the principle that programs or activities should be examined in isolation from the institution as a whole. Thus, an interpretation of the CRRA allowing a hospital to discriminate in its non-education activities merely because it does not also discriminate in its educational component could well be considered contrary to the spirit and underlying purpose of the CRRA.

While the resolution of this issue is unclear, its potential impact on the nation's hospitals is substantial. Numerous hospitals are affiliated with education institutions and could be considered "educational programs or activities" on that account alone. In addition, virtually all hospitals participate in "education" activities of one kind or another, whether or not they are affiliated with an education institution. For example, 1500 facilities, containing forty percent of the nation's hospital beds, offered clinical education in 1978.[1] If the Department of Education or the courts adopted a broad interpretation of the coverage of the CRRA, all of the activities of a large portion of the nation's hospitals would be covered by Title IX. Even a narrow reading of the statute would subject a wide range of activities in thousands of hospitals nationwide to the prohibitions of Title IX.

3. *Who Is Covered?*

Patients of a hospital covered by Title IX could be considered a class of persons entitled to the protection afforded by the Act.

The statute states simply that "no person . . . shall . . . be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any education program or activity receiving federal financial assistance" on the basis of sex. There is no doubt that students are "persons" entitled to Title IX protection. See, e.g., *Cannon* v. *University of Chicago*, 441 U.S. 677 (1979). And, although the lower courts previously were divided on the issue, the Supreme Court has held that employees of education institutions also are covered by the Act. *North Haven Board of Education* v. *Bell*, 456 U.S. 512 (1982). But what about a hospital's patients?

The Senate Report on the CRRA indicates that the amended Title IX would cover only "students and employees." Once again, however, the legislative history may be in conflict with the language of the statute itself.

In North Haven, the Court applied Title IX to employees on the grounds that the Act's "broad directive that 'no person' may be discriminated against on the basis of gender appears, on its face, to include employees as well as students." "After all," the Court explained, "Congress easily could have substituted 'student' or 'beneficiary' for the word 'person' if it had wished to restrict the scope of [Title IX]". Id. at 520-21.

The identical reasoning would support a finding that the Act protects a hospital's patients from discrimination. A patient who was denied admission to a covered hospital or denied a particular service because of her sex might well succeed with a claim that she had been "excluded from participation in, [or] denied the benefits of . . . [an] education program or activity" in violation of Title IX.

4. *Title IX's Applicability to Abortions*

Title IX itself says nothing about abortions. Nevertheless, regulations issued by the Department of Health, Education and Welfare, which remain in effect, require that covered insititutions treat abortion like other temporary disabilities. Specifically, the regulations provide that covered institutions "shall treat . . . termination of pregnancy . . . in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such [institution] administers, operates, offers or participates in with respect to students . . ." 34 C.F.R. § 106.40 and 45 C.F.R. § 86.40. The same standard governs the provision of benefits or services to employees. See 34 C.F.R. § 106.57 and 45 C.F.R. § 86.57. These regulations presently require covered institutions to provide abortion coverage in their student and employee health benefits packages if those packages provide coverage for other temporary disabilities.[2]

The regulations prohibit discrimination with respect to any "service" as well as benefits. Thus, if a university provides its students with health care at the university's own teaching hospital, it might also be required to provide abortion services at that same facility (or make comparable care available at another institution). True, the Senate Committee Report concerning the CRRA states flatly that "Title IX does not now require any institution to perform abortions and no abortions would be mandated if S. 557 were enacted." But the meaning and impact of that statement are problematic. The statement is accompanied by no analysis purporting to reconcile it with Title IX and the existing regulations. And a court might well give it little weight in view of the statute's broad language and purpose.

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[1] J. Hadley, Medical Education Financing 39 (1980).

[2] Although Grove City has limited the impact of these regulations, numerous institutions have entered into voluntary agreements with the Education Department's Office of Civil Rights to modify their student health plans, and at least twelve others have terminated their plans rather than comply with the regulations.

The statement may simply reflect the Committee's assumption that Title IX as a whole has nothing to do with abortion. If a restriction on abortion does not constitute sex discrimination in violation of Title IX, then no institution would be compelled by the Title or by S. 557 to perform an abortion. (On that view, of course, the present regulations would have to be considered invalid.) But if a court were to reject the Committee's premise and conclude that Title IX does outlaw certain restrictions on abortion, it might well consider the Committee's statement irrelevant in deciding what obligations flow from a proper understanding of Title IX's prohibition of sex discrimination.[3]

The effects of the CRRA could, however, be even more far-reaching. As noted above, the protections of Title IX could be extended to a hospital's patients as well as to its students and staff. In that case, the refusal to perform abortion services for the general public could also be considered sex discrimination in violation of Title IX. Although current regulations do not appear to extend the coverage of Title IX beyond students and employees, a future Administration might determine that the regulations should be extended to cover patients as well as students and employees. Furthermore, given the language of Title IX and the rationale of North haven, as discussed above, a court might hold that such a result is mandated by the statute itself.

5. *Religious Exemption*

Title IX, as amended by the CRRA, would require covered institutions to pay for abortions, and it could even be held to require them to perform abortions. Nevertheless, some institutions may be able to avoid this obligation under the Act's exemption for religious institutions. Our analysis indicates, however, that the exemption could be available to many fewer institutions than one might at first suppose.

To be exempted from Title IX for religious reasons, an institution must show that it is "controlled by a religious organization." Under current practice, an institution must in theory demonstrate that: (1) it is a school or department of divinity, (2) it requires students, faculty or employees to espouse belief in the religion of the organization by which it claims to be controlled, or (3) its charter or official publications explicitly state that it is controlled by a religious organization, its governing body is appointed by that organization and it receives significant financial aid from that organization. See S. Rep. No. 64, 100th Cong., 1st Sess. 21 (1987) (1977 HEW Assurance form definition of religiously controlled).

Many educational institutions that are closely affiliated with religious organizations might not be able to satisfy this test—because, for example, they have lay boards of directors or significant nonreligious sources of financial aid. In testimony before the House Judiciary Committee, Father William Byron, President of Catholic University, stated that:

"Over the years . . . colleges once tightly linked to churches began to expand the make-up of their governing bodies. They began to include members who could help promote and administer quality education but who were independent of the controlling religious group. This result, which we see as a positive trend, points to the conclusion that many of these boards are now independent. . . ."

One pertinent example is the institution at issue in the Grove City case itself. Grove City College was affiliated with the Presbyterian church and "retain[ed] its Christian conscience." The college conceded, however, that it was "not controlled or operated by any church." *Grove City College* v. *Bell*, 687 F.2d 684, 701 n.29 (3d Cir. 1982), rev'd, 465 U.S. 555 (1984).

The Senate Report indicates that the Department of Education has granted religious exemptions liberally in the past. Nevertheless, the statutory language that authorizes the exemptions is narrow. Now or under some future Administration the Department of Education could decide to construe strictly the rigorous standards it has already enunciated for considering religious exemption applications under Title IX.

Moreover, a court could determine that the language of Title IX already mandates a narrower reading of the exemption. Although there is no case law interpreting the phrase "controlled by a religious organization" within the meaning of Title IX, one court has interpreted the religious exemption narrowly in a related context. In Fike versus United Methodist Children's Home of Virginia, Inc., a children's home founded by the Methodist church was charged with religious discrimination under Title VII. 547 F. Supp. 286 (E.D. Va. 1982), aff'd on other grounds, 709 F.2d 284 (4th Cir. 1983). The court acknowledged that the home's Board of Trustees was subject to church confirmation and that only Methodists could be trustees. Nevertheless, the court concluded that the home was secular in nature and hence not protected by Title VII's religious exemption.

Thus, the existence of the religious exemption does not necessarily insulate religiously-affiliated schools and hospitals from the application of Title IX. Further, the exemption would provide no protection at all to non-religious institutions with moral objections to paying for or performing abortions.

6. *Effect of the Abortion-Neutral Amendment*

Because of concern about the potential impact of the CRRA on abortions, Senator Danforth has proposed the following amendment to the CRRA:

"Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to a legal abortion."

It is our conclusion that this amendment would accomplish its intended result. It would declare, in the language of the statute itself and not simply in the legislative history, that nothing in Title IX can be held to require any institution to fund or perform abortions. The provision would, of course, displace any contrary regulations. The amendment is neutral on abortion in the sense that it would not forbid a hospital or other covered institution from funding or providing abortions if it should so choose. Further, the amendment would explicitly prohibit covered institutions from penalizing individuals because they have had legal abortions.

7. *Conclusion*

If the CRRA is enacted in its present form, the following results could ensue:

Every education institution that receives federal funds and that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;

Hospitals that are affiliated with a university, or that have an education component, also could be required to fund abortions;

Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;

Hospitals could be required to perform abortions for the general public;

Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under Title IX's religious exemption; and

Non-religious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

DEWEY, BALLANTINE, BUSHBY,
PALMER & WOOD.

Mr. DANFORTH. Before I read excerpts from this letter and memorandum, I would point out that subsequent to being contacted by the American Hospital Association and the Catholic Health Association, which expressed their concerns about the effects of the bill, I was also made aware of the position that was taken by the city of St. Louis. The city of St. Louis has entered into a contractual arrangement with the St. Louis Regional Medical Center to provide medical care for people who are within the city of St. Louis, principally poorer people. By city ordinance, the city of St. Louis has provided that its funds will not be used to provide abortions. Similarly, there is a State statute in Missouri which provides that, as a matter of policy in our State, State funds and public funds will not be used to provide abortions.

The St. Louis ordinance was challenged in court and was specifically upheld by the U.S. Supreme Court.

So, under present law, under the existing set of circumstances and the existing law, it is quite permissible, if we do not change things, it is quite permissible for the city of St. Louis to state that as a matter of public policy it does not want its funds to be used to provide abortions.

The St. Louis Regional Medical Center has also entered into a contractual agreement with Washington University. Washington University is one of the great medical centers in the United States and Washington University provides very high-quality medical

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[3] The Report language is drafted in such a manner that it is susceptible of several alternative interpretations. The Committee may have distinguished between providing abortions and paying for them. Under that view, its statement would be literally true, since covered institutions would not themselves have to perform abortions. But they would still have to pay for them. Or the statement could mean that an institution could avoid performing abortions by giving up its federal funding and removing itself completely from the reach of Title IX. Again, the statement would be literally true but less significant than it first appears. Given the uncertainty about what the Committee's statement means, it is questionable whether a court could give it much weight in deciding precisely what Title IX and the implementing regulations do and do not require.

advice to the St. Louis Regional Medical Center.

The concern that has been expressed by the city of St. Louis through its counsel is that the bill, in its present form, would mean that the relationship between Washington University and the Regional Health Center would require the Regional Health Center to perform abortions because the Regional Health Center is an adjunct part of the educational operation of Washington University.

So, said the city counselor for the city of St. Louis, he would recommend that should this bill be adopted, the contractual relationship with Washington University would be terminated.

The effect of that termination would be that the quality of health care provided to indigent people in the city of St. Louis would greatly decline. But that is the position of the city of St. Louis.

Mr. President, I have previously entered into the RECORD both the Dewey, Ballantine letter which is just two pages long, and a 17-page memorandum of law. I am not going to attempt to read the entire letter or the entire memorandum. I am going to read a few excerpts from the letter and from the memorandum. But I would suggest that the legal points made by one of the finest law firms in the country really deserve to be studied by interested Senators.

If you have a question about the legal effect of this legislation in mandating both insurance coverage for abortion and the actual performance of abortions, if you have any doubt about the legal effects and the legal reasoning for this concern, I would urge interested Senators or their staffs to read the letter and read the memorandum. I assume that we will be voting on this issue later in the day. I have got copies on the floor of the Senate of the letter and of the memorandum. You are welcome and you are encouraged to read them.

So, I think that that would be very important for interested Senators to do. I might say that the letter, the Dewey, Ballantine letter and the memorandum have been prepared by Mr. J. Paul McGrath. Mr. McGrath has served twice, as a matter of fact, as Assistant Attorney General of the United States so he is certainly an eminent lawyer in a distinguished law firm.

Well, here are some excerpts, Mr. President, first from the letter of Dewey, Ballantine:

> This is in response to your request for our opinion on whether pending amendments to Title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions.
>
> No one can predict with certainty how the pending amendments would be construed in court if enacted in their present form. Nevertheless, we have reviewed the CRRA's language and legislative history to date and past court decisions to determine what results are reasonably possible, assuming enactment of the CRRA.
>
> Every education institution that receives federal funds and that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;
>
> Hospitals that are affiliated with a university, or that have an education component, also could be required to fund abortions;
>
> Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;
>
> Hospitals could be required to perform abortions for the general public;
>
> Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under Title IX's religious exemption; and
>
> Non-religious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

That is from the opinion letter dated January 21, 1988, of Dewey, Ballantine, Bushby, Palmer & Wood, and signed by J. Paul McGrath.

Then the memorandum that bears the same date says, in part, as follows:

> This memorandum considers whether proposed amendments to Title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions. For the reasons stated below, we have concluded that:
>
> There is a serious risk that the proposed legislation, known as the Civil Rights Restoration Act (CRRA), could require schools, hospitals, and other institutions—even ones with a religious affiliation—to fund or perform abortions; and the proposed "abortion-neutral" amendment would remove that risk by specifying that Title IX does not require covered institutions to fund or perform abortions.
>
> No one can predict with certainty how the pending legislation would be construed in court. The CRRA's legislative history is still being made, and there is no controlling judicial precedent. Nevertheless, we can predict what results are reasonably possible, taking into account past court decisions, the CRRA's language and legislative history to date, and what we understand to be the underlying purposes of Title IX and the CRRA.
>
> Based on our analysis of these factors, we conclude that, if the CRRA is enacted in its present form:
>
> Education institutions could be required to fund abortions for students or employees;
>
> Hospitals that engage in education activities or that are affiliated with education institutions could be required to perform abortions for students or employees;
>
> Hospitals could be required to perform abortions for the general public; and
>
> Many education institutions and hospitals associated with a religious institution could fail to qualify under the Act's "religious" exemption.
>
> The CRRA would define "program or activity" to include "all of the operations of . . . an entire corporation, partnership or other private organization" that is "principally engaged in the business of providing . . . health care."
>
> At the very least, this provision would subject to Title IX coverage all of a hospital's educational activities that receive federal funds. It could sweep much more broadly. The CRRA could be interpreted to subject all educational activities of a hospital to Title IX coverage if any portion of the hospital—whether or not education—received federal funds. It could even be read to provide that all of a hospital's activities would be covered by Title IX if any portion of the hospital received federal funds and if any education activities took place in the hospital.
>
> The protections of Title IX could be extended to a hospital's patients as well as to its students and staff. In that case, the refusal to perform abortion services for the general public could also be considered sex discrimination in violation of Title IX. Although current regulations do not appear to extend the coverage of Title IX beyond students and employees, a future Administration might determine that the regulations should be extended to cover patients as well as students and employees.
>
> Furthermore, given the language of title IX and the rationale of North Haven, as discussed above, a court might hold that such a result is mandated by the statute itself.
>
> Title IX, as amended by the CRRA, would require covered institutions to pay for abortions, and it could even be held to require them to perform abortions. Nevertheless, some institutions may be able to avoid this obligation under the Act's exemption for religious institutions. Our analysis indicates, however, that the exemption could be available to many fewer institutions than one might at first suppose.
>
> Many educational institutions that are closely affiliated with religious organizations might not be able to satisfy the test—because, for example, they have lay boards of directors or significant nonreligious sources of financial aid.

I would point out in that regard, Mr. President, parenthetically, that I take it that St. Louis University and its teaching hospital, Firmin des Loge Hospital, would be covered by title IX, despite the fact that St. Louis University is generally regarded as a Jesuit university because of the fact that it has a lay board of trustees.

> The existence of the religious exemption does not necessarily insulate religiously-affiliated schools and hospitals from the application of title IX. Further, the exemption would provide no protection at all to nonreligious institutions with moral objections to paying for or performing abortions.

Again, Mr. President, parenthetically, the St. Louis Regional Medical Center would be included under that analysis.

(Mr. SANFORD assumed the chair.)

Mr. DANFORTH. And then the legal memorandum winds up as follows:

> It is our conclusion that this amendment would accomplish its intended result.

That is, the amendment I have just sent to the desk.

> It would declare, in the language of the statute itself and not simply in the legislative history, that nothing in title IX could be held to require any institution to fund or perform abortions. The provision would, of course, displace any contrary regulations. The amendment is neutral on abortion in the sense that it would not forbid a hospital or other covered institution from funding or providing abortions if it should so choose.

Further, the amendment would explicitly prohibit covered institutions from penalizing individuals because they have had legal abortions.

Just to elaborate on those points, Mr. President, the amendment that I have sent to the desk is neutral on abortions. It is expressly neutral on the question of abortion. It says that the law cannot be read to mandate the funding for abortions, and that the Federal law cannot be read to mandate the providing of abortions at, say, university hospitals.

It does not in any way prevent those hospitals that want to conduct abortions, those health plans that want to include abortions, from doing so. They are free to do it. It says that the decision on whether or not to fund abortions or to provide abortions is something that is to be determined by the educational institution or by the hospital.

Furthermore, the amendment says that these institutions, say a college, cannot use this amendment as an argument. In fact, it is prohibited—hospitals, colleges, universities—from discriminating against people who have had abortions or who are seeking abortions. So it does not intend to authorize, in fact, it prohibits, penalties against people who have made their own choice for abortion. The question before us is not whether we are getting into the so-called freedom of choice issue. We all have different opinions on that. We are leaving that aside. We are not going to allow any coercion on the individual. But what we are saying is that the institution itself makes its own choice as to whether under its moral judgment it is going to fund abortions or provide abortions.

Finally, the memorandum of Dewey, Ballantine concludes as follows:

> If the CRRA is enacted in its present form, the following results could ensue:
>
> Every education institution that receives Federal funds that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;
>
> Hospitals that are affiliated with a university or that have an education component, also could be required to fund abortions;
>
> Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;
>
> Hospitals could be required to perform abortions for the general public;
>
> Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under title IX's religious exemption; and
>
> Nonreligious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

Mr. President, many Senators, a number of Senators, have come up to me in the last couple of days and asked me, does my amendment change present law? Does it change past law? At what point in time? Are we going back and overturning something that has already happened?

To answer those questions, I would like to describe very briefly the history of the law as it now stands.

Title IX of the education amendments was enacted by Congress in 1972. At the time that title IX was enacted into law, at the time the Congress last acted on this matter, Roe versus Wade had not been decided. Therefore, Mr. President, clearly, at the time of Congress' action, Congress' enactment of title IX, it was not the intention of Congress to mandate that educational institutions pay for people's abortions because abortions were frequently felonies in the various States.

Clearly, it was not Congress' intention in title IX when we passed the law, let us say, the Georgetown University Hospital should be compelled to perform abortions. This was a law that was passed before Roe versus Wade.

In 1975, the then Department of Health, Education, and Welfare, promulgated regulations, and those regulations said that the failure to provide for abortions in a college's health plans was discrimination under title IX. In other words, it was the interpretation of HEW that the failure to provide for abortions in health plans was sex discrimination.

I do not think there has been any court opinion on this subject. The subject was really mooted out when the Supreme Court decided the Grove City case, because the Grove City case had such a narrow interpretation of the coverage of title IX that there was just no possibility that it would ever come up. So right now it is a moot question.

I would argue that when Congress passed the law, clearly it was not our intention to cover abortions and that prior to the decision of Grove City the law on the subject was immature in that it had never really been formulated by the Supreme Court or, to my knowledge, by any other court.

The concern that has been expressed by the Dewey, Ballantine law firm and others, by the American Hospital Association, is, What will happen after this law is enacted? How will it be interpreted either by the Department of Education, or some future Department of Education, or how will it be interpreted by some court?

The concern is that when we pass this bill, if we pass this bill, a court could hold, or an administrative agency could interpret, that Congress has reenacted title IX of the education amendment; that Congress has not only reenacted title IX but Congress has, in effect, ratified the regulations that had been promulgated by HEW which could be interpreted as equating the refusal of a hospital or school to fund or provide abortions with sex discrimination; and that this particular statute would broadly apply the sex discrimination prohibition throughout educational institutions, teaching hospitals, and hospitals that have an adjunct relationship to educational institutions. That is the concern, and the Dewey, Ballantine law firm believes that is a concern that is well founded.

I would conclude, Mr. President, by saying simply this: It seems to me that clearly the Congress of the United States cannot mean to mandate institutions to perform abortions against their moral or religious principles, that Congress cannot mean in this legislation that we want other people to fund abortions even if those abortions are against their most deeply felt religious and moral principles. It would be peculiar in the extreme if the Congress of the United States, having decided under the Hyde amendment that we are not going to fund abortions in the Federal Government, would then turn around and say that Georgetown University is supposed to fund abortions. We cannot mean that. We cannot mean that Georgetown University or St. Louis University or any other college, whether or not church affiliated, is required to provide abortion coverage even if they think it is morally wrong. We cannot believe that. That is not freedom of choice for those who advocate freedom of choice.

It is one thing to say that a woman has a right to an abortion. That is not the issue before us right now. We have different opinions on the woman's right to an abortion. That is not before the Senate today. It is not at issue whether a woman has a right to an abortion. What is at issue is whether we can compel somebody to provide that abortion for that woman either by paying for it or by providing it directly in the hospital.

Now, as the Dewey, Ballantine opinion points out, this is not a settled issue of the law. And when you ask a lawyer to write a legal opinion, that lawyer is almost certainly not going to say something that is just totally predictable. The lawyer is not going to give you an iron-clad opinion. You ask the lawyer to point out the probabilities, the possibilities, what could happen, what could an administrative regulation do in the future, what could a court do in the future, how could a court interpret the law in the future? And Dewey, Ballantine has said that there is certainly a reasonable possibility that either an administrative agency or a court at some future time could hold that Georgetown University, St. Louis University, on and on, is required under its health plan to provide for abortions if it has a health plan, and that it is required to perform abortions.

Mr. President, that is not right. That kind of manipulation by the

granting or withholding of the kinds of funds that are the lifeblood of these institutions is not right, for us to so manipulate the decisions of colleges and universities.

People say, am I upsetting the present law? No, I am not upsetting the present law because we have not yet held that the Georgetowns and the St. Louis Universities have to do this. But if we do not speak clearly, if we do not make it clear that this is not our intention, then there is the possibility, reasonable possibility, as the Dewey, Ballantine law firm says, that somebody is going to do it for us, an administrative agency or a court.

I think that this is an important issue, Mr. President. I think it has to do with where values are set in this country. I do believe that there is a role to be played by our private sector in the creation of its own values, and I really do not think we want to cram abortion down the throats of hospitals and colleges and universities that have the deepest religious and moral abhorrence at this practice.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I understand that the distinguished Senator from California, Mr. WILSON, wishes to address some remarks to the amendment offered by Mr. DANFORTH. I would yield to Mr. WILSON for that purpose, for not a purpose of offering an amendment or a motion of any kind. I would be happy to yield with the understanding that I retain my right to the floor, for that purpose only, for the purpose of the Senator making a statement. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from California.

Mr. WILSON. Thank you, Mr. President. I thank my friend, the distinguished majority leader.

Mr. President, I rise in support of the Danforth amendment. I think the Senator from Missouri has done his usual very careful and very thorough job of explaining his legislation. His analysis of it is correct. But let me—for the purposes of attempting to alleviate some fears that have been expressed to me by some of my colleagues—address some specific points on which he has already touched. Perhaps some elaboration will not hurt.

This is an amendment to what is termed the Civil Rights Restoration Act. But in the particular area of abortion addressed by the Danforth amendment, the underlying Kennedy legislation I think quite arguably goes beyond restoration, as Senator DANFORTH has indicated in his recital of the history of the legislation, and more to the point, Mr. President, the proper question is not what the law was before the Grove City decision but what should the law be. We must ask ourselves what should the law be with respect to a very narrow issue, but one that is tremendously important because it raises the question of fundamental fairness that my friend from Missouri has so correctly and emphatically placed before us.

Let me say that I do not regard the issue that he has crystalized with this amendment as being properly characterized as either prochoice or prolife. Let me explain.

My friend from Missouri, in his views with respect to abortion, is generally characterized as being prolife. On the other hand, I, who rise to support him in this measure, am characterized as prochoice.

What do those phrases mean? They are not really very helpful. Let me give my definition of prochoice. It does not mean that I favor abortion. It means that I favor choice. More importantly, it means that, as a realist, I recognize that women will insist upon having that choice with respect to their own bodies. We have learned the hard way throughout the history of the United States that there are certain laws that are unenforceable. Just recall the Volstead Act, and then remember that an amendment to the Constitution was adopted to repeal it. Prohibition did not work.

Mr. President, if it was important to otherwise law-abiding Americans that they be able to get a drink, an alcoholic beverage, I suggest that whether you or I or the law of the land agree or disagree with the motivation, the thoughts, the feelings of a woman who is determined to seek an abortion, she will nonetheless seek one. That is in fact the history of illegal abortion in America before Rowe versus Wade.

So as a realist, Mr. President, I take the view that Congress does not encourage respect for the rule of law in this Nation, and we do not do anything wise or good when we enact a law that results in widespread violation of that law by otherwise law-abiding citizens who feel fully justified in breaking the law. To focus more specifically on the problem of illegal abortion, I do not think a law wise or good if it drives a 17-year-old girl or a 15-year-old girl who becomes pregnant to seek back-alley medical treatment, or to abort herself with a coathanger. I do not think that is good. I do not think it is wise. I do not think it breeds respect for the law.

But, Mr. President, the Danforth amendment is not prolife, and it is not prochoice. It raises a question of fundamental fairness. It asks how we on this floor can, in conscience, sanction the threat to withhold Federal funds, given an institution for totally different reasons than the funding of abortion, to coerce that institution to provide or pay for abortion-related services when the institution finds it morally repugnant to do so.

Mr. President, the Danforth amendment simply states that there shall be a narrow exemption from the requirements of title IX to avoid the wrong they would otherwise impose, of coercing institutions or individuals that find abortion morally repugnant to pay for or provide abortion-related services against the dictates of conscience.

Let me take back in time some who, perhaps, will not themselves remember that in time of war, the American people have been tolerant of those who did not find themselves able, in conscience, to take up arms against America's enemies. In our history, we have honored those conscientious objections when we found them valid.

Yes, we have allowed people whom the law termed as conscientious objectors to escape the burden imposed upon other able-bodied citizens to bear arms in the defense of this Nation. We did so in recognition of their assertion that they found it impossible to do so, to take a human life, as a matter of conscience. Many conscientious objectors of course distinguished themselves and won decorations for their valor serving as medical corpsmen.

Mr. President, I recall the conscientious objector to military service as clear precedent in our history and in American law for giving recognition to and honoring the assertion of conscientious objection by exempting from a duty, imposed by the law on other citizens, those who find it morally repugnant. We are right to make such exceptions.

And that is what the Danforth amendment is all about. It does not change the law which establishes the right to a legal abortion. It does not change significantly the availability of legal abortion. What it does instead is simply to create a very narrow exemption that permits those who find the provision of or payment for abortion to be morally repugnant, to escape that morally offensive duty.

And for that reason, Mr. President, there is no reason for someone who is prochoice to find a conscientious objection to the Danforth amendment; very much to the contrary. It is entirely consistent to maintain a prochoice position and also maintain that it is wrong to coerce against their will,

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against their moral principles and judgments, those who find the provision of those abortion-related services repugnant.

The passage and the enactment of the Danforth amendment will not deny to those who seek legal abortion the opportunity to obtain it. It will not alter the rights of those who under existing law have a legal right to abortion but not a right to a federally funded abortion. The Danforth amendment grants to institutions and individuals a very narrowly drawn exemption.

Mr. President, when we were considering this same legislation last fall, I thought to offer an amendment that would have created a similar but much narrower exemption, one that was limited to those who could qualify under the so-called religious tenet exemption. But as I have thought about it in the interval, it seemed to me that a religious tenet exemption was unnecessarily narrow because it would not permit many whose objections are as deeply and as conscientiously held as those of people affiliated with a religious institution the same kind of exemption. It would be unfair to draw a distinction between those who find it against their conscience as a matter of their religious belief and those who find provision of abortion-related services repugnant simply as a matter of moral beliefs. So I favor the broader language of the Danforth amendment which exempts those whose objections are grounded in religious beliefs or secular moral conviction.

The Danforth amendment does a second very important thing.

After assuring that we will not use this blackjack of Federal funding and the threat of taking it away to coerce people to do things they find repugnant in this very narrow sphere having to do with abortion, it offers a second guarantee.

The second sentence of the amendment provides a guarantee that no individual shall be penalized by an institution claiming exemption. If a professor seeking tenure has had an abortion or is prospectively seeking an abortion, she will not be denied tenure for that reason, and will not be denied employment.

The Danforth amendment assures that an individual who has received abortion-related services or prospectively is seeking them will not suffer a penalty because of it. That is an important guarantee. It was not in the minds of those who first offered the exemption for institutions seeking exemption from the requirement to perform or to assist in the performance of abortion. It is a separate but related issue and a critically important one.

I emphasize it for the very simple reason that some of my colleagues have come to me and asked, "Won't the Danforth amendment not only let institutions off the hook, but also give to those institutions which may be exempted the opportunity to penalize unfairly those connected with them whose lives and fortunes they govern?" The answer is that it does not. To the contrary, it prevents any such penalty from being imposed.

So, Mr. President, I ask my colleagues to bear in mind the history of this nation, a nation that in virtually every generation has been compelled to repurchase our freedom by fighting for it, a nation that has sought peace but has been necessarily drawn into wars.

We have felt that the first duty of a democracy is to survive, so that we may make available to our citizens and those who come to our shores all the other benefits of freedom; and therefore we have thought military service a duty in time of war and one that we would not allow people to escape easily. Nor should we. But even in such an emergency, we have honored the claims of those whom the law describes as conscientious objectors.

What the Danforth amendment does is state that those who conscientiously object to performing or to assisting in the performance of abortions shall not be compelled against their conscience to do so. That is a good thing. That is the kind of America we can all believe in. That is the sort of principle we should all honor, whether on the basic issue of abortion we are prochoice or prolife.

The Danforth amendment is about discrimination. The great irony is that it is an effort to fight discrimination of a rather peculiar kind, discrimination against those who assert legitimately, as a matter of conscience, that they cannot perform or assist in the performance of abortion-related services. But for the Danforth amendment, that threat of discrimination will become a reality.

So, I conclude as I began, by saying that there is no reason for those who are prochoice to oppose the Danforth amendment, because it will not affect what they are concerned about. But it will allow them to continue the American tradition of tolerance to those whose moral beliefs, legitimately asserted, demand our respect if not our agreement. To uphold that tradition of tolerance, we must enact the Danforth amendment.

Mr. BYRD. Mr. President, I understand that Mr. HUMPHREY wishes to speak for 10 or 15 minutes. I ask unanimous consent that I may yield to Mr. HUMPHREY for the purpose of a statement only, without losing my right to the floor, so that I be protected in that regard.

The PRESIDING OFFICER. Is there objection? The Chairman hears none, and it is so ordered.

Mr. BYRD. I yield to the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, there can be no doubt that the debate on this amendment is of unusual importance to thousands of institutions and millions of American citizens throughout the Nation. Both opponents and supporters of the amendment feel strongly about the abortion-neutralization provision.

Where the debate on this provision once centered on what the Grove City bill would do with respect to abortion, it is now patently clear that the bill's proponents knew 2 years ago of this bill's wide sweeping, proabortion ramifications. Indeed, they knew, and intended that virtually every institution in America, even remotely connected with the Federal Government, would be forced to provide abortion services. Moreover, virtually every religiously affiliated institution, including hospitals and schools, will be covered by the yawning sweep of this bill's abortion provisions and compelled to go against deeply felt religious and moral convictions.

Current title IX regulations treat the refusal of a title IX recipient to provide abortion coverage as "sex discrimination." The logic is strained, it seems to me, but the argument is that denial of a particular benefit to women only, constitutes discrimination against females.

It is self-evident that only women can have abortions, that only women can conceive and bear children. That is a fact of nature. It is certainly strange in logic to suggest that the denial of an abortion is sex discrimination.

Then, of course, there is the overriding fact, self-evident, however much some may refuse to see it, that abortion takes the life of a living human being who should be accorded all the same civil rights we enjoy. The offspring, after all, of human beings are human beings. How can it be otherwise? Abortion, after all, kills human beings. It is a great injustice, a great tragedy. It is unjust and it is unjustifiable, in that there are better, more humane alternatives.

Nonetheless, under title IX, programs now must provide abortion coverage to female students and employees in the programs.

If unamended, S. 557 would force an organization receiving title IX funds, directly or indirectly, to be subject to title IX regulations. In the case of abortion, that would mean that all institutions, all organizations, in some way receiving title IX funds would have to provide abortion coverage or perform abortions to comply with title IX regulations, or they can choose to violate the regulations and be subject to legal liability for sex discrimination.

You can imagine the advice of counsel of these organizations. You would be compelled, whether your morals and your ethics can accommodate that or not.

Surely, Mr. President, this is an intolerable situation, even for those who genuinely believe that abortion ought to be enforced as a right.

Anyone who looks close enough will see that the Grove City bill before us is not just a simple restoration of civil rights. In fact, it may be one of the most expansive pieces of legislation to come before this body in a long time.

First, S. 557 does not restore the abortion situation to its pre-Grove status where only certain universities would be compelled to provide abortion coverage. S. 557 greatly expands the universe of affected organizations.

Previously only certain university programs were bound by the regulations.

Now the entire university, not just certain programs, but the entire university in its entirety on whatever campuses, wherever, will be bound to perform abortion or to provide abortion coverage, if just one of its programs, anywhere, somewhere, however tangentially, even if just one student benefits by a Federal loan under title IX.

Second, S. 557 actually violates the civil rights of organizations which hold religious or moral or ethical objections to abortion or which respect the sense of the host community that abortions should not be performed, as is the case with the community in St. Louis.

Third, S. 557 denies any intention of respecting the civil rights—the most fundamental of which is the right to life—of the prenatal infant.

The question we must answer is not "does this bill expand abortion rights in any way" but "should this bill expand abortion rights." The answer we hear now from some quarters is a resounding "yes." And they intend and have always intended this bill to advance abortion rights to the fullest extent possible.

An unamended S. 557 will achieve this by forcing institutions to pay for, or actually perform, abortion on demand for students, employees, and the general public, ethical objections be damned.

Unamended this bill is nothing short of a disaster for the schools and hospitals which do not provide abortion coverage. Without the Danforth amendment, this bill reaches the heights of hypocrisy.

For a dozen years the Federal Government has refused and the Congress has legislated so as to preclude the Federal Government from paying for abortions except in the most narrow circumstances. The Medicaid Program has funded abortions only in the narrowest of instances—a total of 250 abortions last year, for example. The Department of Defense, Bureau of Prisons, District of Columbia, Agency for International Development, Indian Health Service, Federal Employees Health Benefits and Peace Corps all have similar restrictions, enacted by whom? By us. That is whom. By this body and the other.

Yet without the Danforth amendment, S. 557 completely brushes aside the logic and the rationale which this body has upheld so many times, indeed which the Supreme Court has upheld in finding that our statutes along those lines are constitutional.

But now if it does not amend S. 557 with the Danforth amendment the Senate is about to say to anyone interested in Federal funds, "In order to receive such funds, you must pay for abortions."

Mr. President, I stress once again this is not an antiabortion amendment. The language is neutral on aboriton. It offers choice. It offers choice to institutions. It offers them a latitude to exercise their ethical and moral judgments and that of the community which hosts them. It neither mandates abortion coverage nor does it prohibit. It neither mandates nor prohibits abortion coverage. Institutions are free to do as they wish but "free to do as they wish" that is the key—"free." The amendment leaves to the particular community or institution the decision to provide or not provide abortions.

The real issue is not the fundamental issue of abortion. We will raise that certainly on more appropriate occasions. The issue is whether you believe that every hospital in America, every educational institution in America, indeed those religiously affiliated or any institution even remotely tied to the Federal Government—which one is not today—should be forced to perform or provide abortion services.

If Senators believe the Government has that right, if that kind of dictatorial regime is justified and ethical, then Senators will have no problem, I suppose, in leaving the bill as is, but if you think there is something wrong with the Federal Government forcing every last institution to dirty its hands with the blood of prenatal infants, then you will want to support the Danforth amendment.

I yield the floor.

Mr. BYRD. Mr. President, I understand the distinguished Senator from Oregon wishes me to yield to him for a statement.

Mr. HATFIELD. I would, Mr. President, and I thank the majority leader, for about I would say 12 minutes.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Oregon for not to exceed 15 minutes for the purpose only of just making a statement.

Mr. DANFORTH addressed the Chair.

Mr. BYRD. I ask to be protected in my rights to the floor.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. DANFORTH. I wonder if I could just make a unanimous-consent request to add a cosponsor.

Mr. BYRD. Yes, I will do that.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Senator EXON be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I thank the majority leader for yielding for the purpose of making a few comments on the so-called Danforth abortion-neutral amendment.

Mr. President, the interpretation of Federal statute in the Grove City decision has compelled Congress to reexamine title IX and seek to restore its original intent. I believe that Grove City should be considered by this body and I am pleased to see the Senate once again take up the Civil Rights Restoration Act.

Unfortunately, the rights of the unborn and the rights of women have been placed by the bill's sponsors on a collision course. Unless an abortion-neutral amendment to this legislation is adopted, it is likely that organizations will be forced to violate their corporate consciences because they will be compelled to provide abortion services. If we cannot reach an agreement on this issue we may lose the opportunity to overturn Grove City and women will once again be denied full protection from the intolerable spectre of sex discrimination by educational institutions.

Adoption of this legislation as drafted will push aside those protections for individuals and institutions opposed to abortion in favor of a questionable interpretation that abortions must be funded—and even performed—by hospitals and educators if they are to avoid lawsuits charging sex discrimination and the loss of Federal financial support. Yet the right to deny funding or facilitation of an abortion is long established. Federal law has protected the individuals' right of conscience with respect to this difficult issue. Congress has prohibited the use of Federal funds for most abortion activities and has adopted specific protections from discrimination for any individual who performed or assisted in a legal abortion, or if that person refused to perform or assist in an abortion procedure.

My colleagues on the other side of the issue of abortion have argued forcefully for the right to choose; yet this legislation before us strips away that right and forces the Federal Government into the untenable position of enforcing a prohibition of choice. We must change this bill if we are to truly have a clean piece of legislation which affirms the right to differ. The proposal offered by my distinguished colleague from Missouri is surprisingly simple and straightforward: It says that nothing in this legislation secures or denies any benefit or service related to abortion to any individual, entity or organization. Nor shall any individual be discriminated against because that person has had a legal abortion. This amendment is neutral. Without this amendment this bill is not clean.

I must differ with my colleagues who claim that by passing a clean bill we are in keeping with our original position on the mandatory coverage of abortion. We do not know how the courts will interpret this act. The court could conceivably judge this act as broadly as it judged title IX narrowly in Grove City. After considering many legal opinions on the issue, I have come to the conclusion that it is simply not true that the bill offered today represents the status quo. It would please me greatly if one of the sponsors of the bill could offer a guarantee that the protections afforded now will continue to protect those whose consciences tell them abortion is morally wrong. And I would be greatly interested in learning from the sponsors how, in a nation that does not allow tax dollars to pay for most abortions, the payment for, and provision of, abortion services became rights protected by Federal antisex discrimination statutes?

Congress did not mandate that all federally-funded institutions, save religious-affiliated institutions, must offer abortion services to employees and students. Under this proposal, regulations issued 13 years ago with respect to insurance coverage for abortion would become law and dramatically expanded under the Civil Rights Restoration Act. Without the Danforth amendment, many institutions originally untouched by title IX could find themselves forced to offer a service which is morally unacceptable to them.

It is not my desire today to ignite a full-blown debate on the issue of abortion. This body has considered an endless string of abortion-related amendments to almost every imaginable piece of legislation and yet has reached no real consensus on the question of whether abortion is morally right or wrong. We have reached political agreements but we have not answered the fundamental moral question of when life begins, and thus, when the protections of human and civil rights begin. Roe versus Wade toppled abortion laws in every State, but it did nothing to steady our consciences: as a public body we are just as polarized on this issue now as we were 15 years ago.

We cannot expect to resolve the abortion issue today so we must seek to avoid a clash of differences. An acceptable solution is within reach. It does not have to be difficult. By adopting this amendment, we can set aside the paralyzing abortion debate and attempt to restore for women the protections from sex discrimination originally included in title IX, an effort I wholeheartedly support.

Mr. President, I guess the one positive thing out of this whole matter today is, as ranking member of the Appropriations Committee, I am grateful that this is not on an appropriations measure; that it is standing on its own.

I thank the majority leader for yielding me time.

Mr. BYRD. Mr. President, I have no desire to retain the floor. I am merely trying to protect it until the managers of the bill are on the floor. I would be happy to yield to any Senator for the purposes of making a statement only. Mr. HATCH is here and Mr. KENNEDY was here.

Mr. PACKWOOD. Mr. President, I would like to make a statement. I may later have an amendment; I may not. But, at the moment, I would like to make a statement, if the Senator would yield to me for the purpose of a statement.

Mr. BYRD. May I ask how long would the Senator like?

Mr. PACKWOOD. I would say 7 to 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to Mr. PACKWOOD for not to exceed 10 minutes for the purpose of making a statement only, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

The Senator from Oregon.

Mr. PACKWOOD. Mr. President, let us try to put things in proper perspective if we can as to what we are trying to do with the Civil Rights Restoration Act. Those of us who are proponents of the Civil Rights Restoration Act would maintain that we are simply trying to put the law back in the state it was prior to the Grove City case. Those opposed to the Civil Rights Restoration Act will make the argument we are trying to do more.

We do not think we are trying to do more. And, to the extent they could prove to me we are trying to do more, I will try to accommodate the opponents. But I think what they are really opposed to is the act and the law the way it was prior to Grove City. They do not want to go back to the law prior to Grove City. They want to change the law prior to Grove City.

As far as abortion is concerned, if they could upset the Roe versus Wade decision, I think a great many of the opponents would be happy to do so.

So I want to, if I might, indicate what the law was prior to Grove City involving abortion and educational institutions, religious hospitals, if they had an educational component, a teaching hospital with a nursing school or something like that. Bear in mind the sequence. Roe versus Wade was 1973. Title IX was passed in 1972, but the regulations involving this particular section did not come until 1975. It was after Roe versus Wade.

It is not a question that the regulations were offered first, then came Roe versus Wade, giving an entire new cast to the regulations. We had title IX; Roe; regulations.

Prior to Grove City, this was the situation involving abortion in title IX. One, it prohibited any university from discriminating in the selection of students or employment of faculty or administration on the basis of pregnancy, childbearing, false pregnancy, termination of pregnancy—which, of course, is abortion—or recovery therefrom. And this regulation could prohibit a university from exempting a student or firing a teacher who had an abortion.

Second, it provided that you treat pregnancy, childbearing, false pregnancy, termination of pregnancy, and recovery in the same manner and under the same policy as other temporary disabilities with respect to any medical hospital benefit service plan or policy.

This means that the regulation would require a university-paid health insurance plan for employees or students to cover abortion services unless they had other exemptions for temporary disabilities. All the regulation said is you could not separate abortion out. Abortion was legal in this country. Roe versus Wade said it was legal; you have a right to it.

And these are universities receiving public funds or charitable funds of some kind or another and we have said, "All right. You don't have to have a health plan," period. "Don't want one, don't have to have one."

Next, if you have a health plan, there are certain things you could exclude from it, certain temporary disabilities, if you want. Maybe you think intramural athletics is bad and you do not want to cover it in the health plan. You say, "All right, we don't want to cover it in our health plan, but for $20 a term, for example, extra, you can buy the coverage if you want it. But we are just not going to cover it in the general health plan." And if we had hospitals excluding it, everybody excluding it, you could probably have an abortion exclusion. But that was not common. But to the extent it separated it, there are certain temporary disabilities we will not cover, you could also exclude abortion coverage or add it in the sense you would have to pay

$20 a term or $30 a term, whatever it might cost the university to provide. That is uncommon. It is very seldom the health plan excludes temporary disabilities.

But that is all the law was prior to Grove City. Grove City is unrelated per se to abortion. Grove City was a different issue. Grove City was a situation questioning whether or not a university, if they received Federal funds or funds that were touched by the Federal Government, were prohibited from discriminating throughout the university if some small part of the university got Federal funds.

Example: The French department might get Federal funds. Would that prohibit the English department from discriminating, the athletic department from discriminating?

Prior to the Grove City case, everyone—and I mean Republican, Democrat, conservative, liberal; Gerald Ford, Richard Nixon, Jimmy Carter, right up until the Reagan administration—thought that the title IX regulations meant institutionwide coverage. And this, very frankly, is how we finally were able to get universities and other educational units, schools, high schools, to give equal treatment to women in athletics. This was the opening wedge. And I think there are many, many parents now that are very proud of their track star daughters or basketball star daughters or field hockey star daughters, all of which was really forced upon the educational institutions by title IX. That issue is unrelated at the moment to abortion.

Along came Grove City and the Supreme Court said, no, in defining the term "program or activity." Those were the key words. They are what we call program specific. If the French department gets money, the French department cannot discriminate, but the English department can. And, unfortunately, most importantly, the athletic department can. And most athletic departments do not get Federal money and we are seeing a retrenchment in the equal treatment of women in athletics. You say all of that is unrelated to abortion, except to this extent:

Under the old law, if you thought it was institutionwide coverage and the institution received Federal money, they could not discriminate anyplace in the institution if they provided a health plan; could not discriminate in abortion, if they provided a health plan. That was the law prior to Grove City.

Grove City first raises the issue, therefore, about intitutionwide versus programwide discrimination. But that relates to everything: racial discrimination, it is not just abortion; relates to all kinds of discrimination.

Then you have the second issue, and that is what the Danforth amendment is trying to raise. It is about abortion. He wants to go back prior to Grove City and say: "OK, we will accept institutionwide coverage. We won't argue about the French department versus the whole school or the French department versus the health department or the athletic department. We will go back and accept the whole institutionwide coverage. But we now want to make an exception for abortion, an exception that was not there prior to the Grove City case and which the Grove City case did not touch. It was a different issue.

So, whether or not the Civil Rights Restoration Act as introduced and is being considered on this floor does or does not change the law prior to Grove City, it is very clear that the proponents of the Danforth amendment do want to change what the law was prior to Grove City. They will use the argument that it is immoral, it is unfair to force a Catholic university to provide abortion advice. I want to emphasize: they do not have to provide abortions.

There is an outrageous statement from the Department of Justice today that is just off the wall. Let me read it to you.

> It would also expand the scope of title IX's mandatory abortion regulations to the point that a hosptial receiving one dollar of Federal aid and which conducts an education program would be compelled to perform abortions on demand to the general public.

That is outrageous pap. The bill does not require that. The old law did not require that. I do not know anybody who suggests it requires that.

Now, if worst comes to worst, what happens? Let us say an institution says: This is against our religious beliefs. Then we have in the present law a religious tenet exception. That is also being debated in this amendment to expand the religious tenet exception. In this case you apply, you say: This is religiously opposed to our beliefs and we do not want to do it.

Georgetown University, interestingly, in sort of a tangential case, has a situation involving gay students and the gay students had a club and they demanded that the university recognize their club. Georgetown said that is against our religion. This is a case involving the District of Columbia's discrimination laws. But Georgetown raised the issue they were a religious institution. This violated their religious principles and they should not have to recognize the group. And Georgetown raised the issue of being a religious organization.

They went to the District of Columbia court. In kind of a Solomon-like decision the judge sort of split the difference and said Georgetown does not have to recognize the group in violation of their religious principles but they do have to afford them a room to meet in or they cannot discriminate on that basis. But they do not have to recognize them. And both sides kind of came out reasonably satisfied with the decision.

The reason I raise that point is Georgetown in that case said: We are a religious organization. This violates our principles. They could do the same thing on the abortion regulations.

Mr. President, I have a list, if I can find it. It is 142 colleges that have applied under the current law for religious exception. Every one of them has had their application granted.

As a matter of fact there has never been an application that any university has ever filed applying for the so-called religious exception that has not been granted, under the old law.

So if this act passes as it is now before us, without the Danforth amendment, first, all we do is enforce what the old law was. Second, if you are a religious institution, you file for a religious exception, and so far every single one has received it.

So, we are not requiring any university to provide abortions to the general public. We are not requiring any university to provide an abortion at all in the sense they have to perform them. All we are saying is you cannot discriminate. If you are going to have a health plan and you have no exceptions from that health plan for any kind of temporary disability, you cannot exclude abortion. But if it really violates your religious principles, apply for an exception and at least to date every single university that has applied has received it.

So, Mr. President, I would hope that the Danforth amendment would be defeated. It is one more effort to chip and chink away at the rights of women in this country to make a decision for themselves whether or not they want to have an abortion. I realize it is a relatively small chipping. It is whether or not universities are going to have to pay for a health plan. They do not even have to pay for it. Maybe they are going to charge all the students for it and the students pay themselves under a university group coverage. It is whether or not the university is going to provide coverage for abortion along with all other temporary disabilities. All I am asking is that the law remain as it was prior to Grove City. And I think in terms of this amendment, there is no question in the authors' minds that they want to change what was the law and the regulations prior to Grove City.

Whether any other part of this bill changes or not is a fair debate, but there is no question but what this amendment changes it for those who believe the Supreme Court's decision in Roe versus Wade was right and that women, all women whether they go to college or not, ought to be entitled to make the choice for themselves as to

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whether they want an abortion or do not. And I would encourage them to vote against the Danforth amendment.

I thank the Chair and I thank the majority leader.

Mr. DANFORTH. What I would like to do is ask unanimous consent to add two cosponsors and then proceed for 5 minutes.

Mr. BYRD. I have no problem with that. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Missouri for not to exceed 5 minutes for the purpose of making a statement only and for the purpose of asking that additional cosponsors to the amendment be added.

The PRESIDING OFFICER. Is there objection? The Senator from Missouri.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Senator Warner, Senator Pressler—Senator Thurmond already is a cosponsor—Senator Warner and Senator Pressler be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, just responding to Senator Packwood on the question: Do we want to change the law? Do I want to change the law? The answer to that question is, of course, no, I do not. The law has not yet been interpreted to require hospitals to preform abortions. The law has not yet been interpreted to provide that, for example, Georgetown University funds abortions, to my knowledge.

My position is that we do not want the law to be so construed in the future and the Dewey, Ballantine law firm has written a legal opinion that the law might be construed by a court or by an administrative agency to require a Georgetown University to perform abortions or to fund abortions.

That is the issue: prospectively, in the future, do we want to preclude a court from making such a decision or do we not? My view is that the Congress has never taken a position in the past that it is the position of the Government of the United States to use the power of the purse to coerce educational institutions or hospitals into either funding or performing abortions. Congress has never done that. To my knowledge, courts have not done that. The law now is not that hospitals must perform abortions. The law today is not that Georgetown University Hospital has to perform abortions. The law is not now, today, that Georgetown University has to pay for people's abortions.

My position is that we should make it clear in this bill that a Federal judge in the future or administrative agency in the future is not going to do that. We do not believe, as a matter of policy, that should happen.

Senator Packwood cited a letter from the Justice Department on the effect on hospitals. He said it was outrageous. But the firm of Dewey, Ballantine reached precisely the same conclusion. And I quote again from the Dewey, Ballantine memorandum of law:

> The protections of title IX could be extended to a hospital's patients as well as to its students and staff. In that case the refusal to perform abortion services for the general public could also be considered sex discrimination in violation of title IX.

This is not just the Justice Department. This is the Dewey, Ballantine law firm that has given me the same legal opinion as to what a court can do if it pushes this legislation to its farthest extreme. I want to preclude that.

That is why I have offered the amendment. It will not change the law, but, instead, it is taking a very clear position that the Congress of the United States is not going to force hospitals and universities and colleges into doing something which, under the Hyde amendment, we do not do.

Under the Hyde amendment we have decided we are not going to fund abortions with the taxpayers' dollars. How can we be in a position in the Congress of the United States of deciding that a court is going to have a free run at compelling hospitals and universities and colleges in their health plans and in their medical services to do what we in Congress will not do?

What kind of quirky position would that be? This really would be the law. The bill in its present form, without the amendment, would open the door to wild changes in the status quo, in the opinion of this Senator.

The PRESIDING OFFICER (Mr. Dixon). The majority leader.

Mr. BYRD. Mr. President, I suggest the absence of a quroum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I understand the distinguished Senator from South Carolina wishes to speak. It is not my desire to hold the floor long. I merely am trying to protect Senators for the moment who have amendments they are preparing.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from South Carolina for not to exceed 10 minutes for the purpose of making a statement only, and that I be protected in my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized for not to exceed 10 minutes, while the right of the majority leader to the floor is protected.

Mr. THURMOND. Mr. President, I rise in support of this amendment.

The amendment that has been offered by the distinguished Senator from Missouri would merely establish that title IX of the Education Amendments of 1972 is to be neutral with respect to abortion.

Mr. President, each year Congress enacts provisions of law that prohibit the use of Federal dollars to perform abortions. This is our consistent policy and one which has been ruled constitutional by the Supreme Court. In light of this fact, it is ludicrous that there is a Federal regulation on the books that requires those who receive Federal financial assistance to make abortion services available.

One can hardly imagine anything more hypocritical than the Federal Government making an activity off limits for its own money at the same time it requires others to use their money for the same activity. Such hypocrisy should be erased from the regulations and any legislation that addresses title IX is an appropriate place to do so.

Clearly, the title IX regulations of the Department of Education on abortion do not reflect the intent of the Congress which approved that law, nor do they reflect the policy of the Congress today. It is simply ridiculous to describe, as these regulations do, the failure to provide abortion services as discrimination on the basis of sex.

Quite frankly, Mr. President, I am having a bit of a hard time understanding why it is so objectionable to remove this regulatory blunder from the books. I am not aware of anyone who has endorsed the policy that failure to provide abortion services is a form of sex discrimination. In fact, in a response to a written question submitted by Senator Hatch, Eleanor Smeal, president of the National Organization for Women, Inc., stated:

> To the best of my knowledge, NOW has not to date taken a policy position that the failure to provide abortion services is a form of sex discrimination.

In responding to the same question, Marcia D. Greenberger, managing attorney of the National Women's Law Center, stated:

> To the best of my knowledge and belief, the National Women's Law Center has never taken the position, as a matter of policy not the law, that failure to provide abortion services is a form of sex discrimination.

Mr. President, if groups such as these have not endorsed this policy—and I am not sure I have ever heard of anyone endorsing this policy—I wonder, then, how it could be the issue which supposedly derailed the Grove City bill in the House during the 99th Congress. I do not understand how an unsupported agency policy could have been allowed to halt the progress of a bill which the chairman of the Labor Committee has called one of the most important civil rights bills of the decade.

We have heard for several years now that this legislation is not the place to address this issue. However, we do not legislate in a vacuum and the fact is, any bill which addresses title IX is appropriate for such an amendment. It is no secret that in moving from program-specific to institution-wide coverage, as S. 557 proposes, regulations will gain broader application. The substance of those regulations, then, is absolutely relevant to the bill.

Mr. President, I believe that the authors of this regulation saw an opportunity to achieve through regulation what the proabortion forces could not achieve through legislation. We should revoke these regulations and now is the time to do it.

I strongly support this amendment and urge its adoption.

I yield the floor.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senator is advised that the Chair, in his capacity as a Senator from Illinois, has made a commitment to object to such a request, temporarily.

Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued the call of the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is it the Senator's purpose to make a brief statement for not more than 10 minutes?

Mr. NICKLES. The Presiding Officer is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. I thank the Chair.

Mr. President, I rise in support of the amendment offered by the Senator from Missouri, and I compliment him for his leadership in this issue, sometimes a confusing issue, but one that is vitally important.

I state to my colleagues that I am surprised, in looking at the amendment of the Senator from Missouri, that there is any opposition whatsoever to this amendment. I have been involved in floor debates dealing with the abortion issue, and I have heard Senators make the pro-choice argument. The Senator from Missouri has an amendment that provides for choice. It states that institutions can provide abortion services or they can decline to provide abortion services. They have had that choice for years. Historically, they have had that choice, and they will continue to have that choice, unless we pass this legislation.

Look at the amendment of the Senator from Missouri. It is very clear; it is very plain, it has been read. I hope my colleagues are aware of it. It says:

> Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion.

It goes further and says:

> Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to a legal abortion.

That is trying to make it very clear. The institution will not be penalized and the person will not be penalized if they have opted to provide an abortion, but we are trying to say they will not be compelled or forced to provide services for abortion.

We have heard Georgetown University mentioned. Every Senator has countless hospitals, possibly teaching hospitals, in their States which would be covered. Many of those would be violently opposed to teaching and/or providing or subsidizing abortion services.

I talked to one yesterday in my State, and it was not Catholic. It was associated with the Baptists. He stated: "If we were compelled to provide abortion services, we would refuse to do so. It is against our religious convictions. We will not do so. We would not do it." Some way or other, they would not do it. You have to applaud that type of conviction.

Mr. President, some of those who are proponents of this legislation have said: "Wait a minute. This is just pre-Grove City. This is no expansion of power." If this is no expansion of power, certainly they can accept this amendment, because under present-day law these institutions are not required to perform abortion services; and if this amendment is not agreed to, they will be required. If it is not an expansion of power, the Members of the Senate should concur in this amendment.

This is an abortion-neutral amendment. This is not so much a pro-life amendment. This does not outlaw abortion. It just allows institutions the opportunity not to provide, not to be compelled to provide, abortion services.

I am sure that my good friend from Illinois and every other Senator in this Chamber has such institutions in their State. I can think of several in my State.

I heard the Senator from Oregon say that 142 institutions have applied for exemptions under title IX. This has been expanded to such an extent that you would have to have thousands of exemptions, because you have so many religious hospitals that would object to providing the services. I am not sure that the exemption that the Senator from Oregon was talking about would apply if we did not accept the Danforth amendment.

This is a vitally important amendment. I shudder to think of going for example, to St. Anthony's Hospital in Oklahoma City or St. Francis Hospital, big institutions that provide a multitude of outstanding services to my constituents, and telling them, "The Civil Rights Restoration Act of 1987 is a great act in almost every case, but I need to inform you that part of that act says you cannot have sex discrimination, it applies to the entire institution, and therefore you not only have to provide for abortion services for your employees, but since you are also teaching hospitals and you receive Federal funds, and you have recipients of Federal funds in the hospital, and so forth, you have to provide abortion services."

Those are religious institutions, privately funded hospitals that began in our State, and I can tell you they would be most upset. I am upset. I do not want to tell them that. I do not think we will have to tell them that, because I believe that if the Danforth amendment is not adopted, you will not have passage of the Civil Rights Restoration Act of 1987.

Mr. DANFORTH. Mr. President, will the Senator yield for a question?

Mr. NICKLES. I am happy to yield.

Mr. DANFORTH. Let me ask the Senator first on the religious tenet exemption. A religious tenet exemption would not apply, would it, to hospitals that have no conceivable relationship with a religious denomination?

For example, the St. Louis Regional Health Center, which does not now provide abortions because that is the city policy, could not avail themselves of a religious exemption.

Mr. NICKLES. The Senator is correct.

Mr. DANFORTH. I also think I am correct—and the Senator can correct me if I am not—that under the Carter administration, religious exemptions were not granted, and under the Reagan administration they have been. But it is up to the whim of whatever the administration is, whether or not to grant the religious exemption. It is perfectly possible to construe it very narrowly and simply not act on it or not grant the exemptions.

Mr. NICKLES. I do not know how many exemptions the Carter administration did or did not grant.

Mr. DANFORTH. I think it is zero or very close to zero.

Mr. NICKLES. I would not be surprised.

I think the Senator is making an outstanding comment. It is certainly not a policy that should change on administration philosophy.

Mr. DANFORTH. The Senator mentioned St. Anthony Hospital. Maybe it has a nursing program which would bring it within reach of this bill, conceivably. Does the Senator believe that the administrators of St. Anthony Hospital in Oklahoma should be in a position of going through an administrative officer of the Federal Government and begging for an exemption so that the hospital would not have to perform abortions? Is that the position we should put them in?

Mr. NICKLES. I think the Senator is making an excellent point. Administrators of hospitals have a lot of important work to do, and this should not be added, not to mention the fact of the litigation that this would expose them to. That is dollars and services and time that could be better used in servicing their patients, instead of fighting legal battles and class action suits.

Mr. DANFORTH. Let us say that Georgetown Hospital would have to go to the Department of Education. It is demeaning and it is a tenuous position to be put into, if Georgetown University or St. Anthony Hospital, or St. Mary's Hospital in St. Louis, or whatever, has to go to a Federal bureaucrat and say: "Please, Mr. Bureaucrat, out of the kindness of your heart construe the religious exemption in a way that is beneficial to me."

The Dewey, Ballantine opinion pointed out very clearly that the religious exemption can be very tightly construed and it is not right—I think the Senator will agree—it is just not right to put religious hospitals or hospitals that are affiliated with universities in the position of pleading for an exemption which can be granted or denied at the discretion of the administrative officer.

Mr. NICKLES. I think the Senator is exactly correct.

Again when you think of the issue and how important it is to various institutions to take the issue of abortion in Georgetown or I mentioned St. Anthony's, and I am sure again all Senators have other similar type institutions, the issue is so important to a lot of their strong beliefs, that we are not talking about a minor issue of whether or not something is approved, an insurance claim or something. We are talking about very significant changes in policy that should not really be at the whim of any particular administration as it changes from time to time.

Why in the world would we in Congress mandate the hospitals that they have to provide services and fund services, whether it be insurance or provide those services, when we in Congress through the Hyde amendment say we are not going to fund them, we did not fund abortions with Federal taxpayers' dollars, but yet we would be requiring those institutions to provide that service?

Mr. President, the final point I want to make—and we have a lot of people, probably a strong majority in this body who would like to see this piece of legislation pass—I am confident that if the Danforth amendment does not pass, that the Civil Rights Restoration Act of 1987 will not become law.

I do not know if it has been read or not, but I will read to you comments that the President has stated, which gives me a great deal of confidence that the President will veto the bill if the Danforth amendment is not passed.

On July 30, 1987, he addressed persons active concerning the Grove City issue and I will read what the President had to say. This is President Reagan on July 30, 1987. He said:

> I want, third, to restate our firm opposition to the so-called "Grove City" legislation sponsored by Senator Kennedy. This bill—S. 557—would mean that hospitals and colleges receiving federal funds, even those with religious affiliations, would be open to lawsuits if they failed to provide abortions. In other word, the legislation would virtually force these institutions to provide abortion on demand.

The President goes on:

> I don't mind telling you, this one really touches my temperature control. I don't want to get started, but let me just say this. As far as I'm concerned, every member of Congress should oppose this pro-abortion federal intrusion. * * *

He goes on to say:

> We support an amendment offered by Senator Danforth—an amendment that would eliminate the pro-abortion aspects of that legislation. As I said before, this Administration will oppose any legislation that would require individuals or institutions—public or private—to finance or perform abortions.

Mr. President, I am confident that if the Danforth amendment is not agreed to, the President will veto this entire bill.

So for the proponents of this legislation, I would think that they would like to see the Danforth amendment, which would just guarantee those institutions the right to perform abortions or the right not to perform abortions, agreed to.

Mr. President, I conclude my statement. Again, I would urge the adoption of the Danforth amendment.

I think if we fail to adopt the Danforth amendment, it would be a very serious mistake.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. Would the Senator from Oklahoma withhold that last motion?

The clerk will call the roll.

Mr. PACKWOOD. I asked for recognition, Mr. President.

He yielded the floor.

Mr. NICKLES. No. I suggested the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oklahoma has suggested the absence of a quorum.

The clerk will call the roll.

Mr. WEICKER. Mr. President, will the Senator yield for a parliamentary inquiry?

I would like to have the record read back.

Mr. DANFORTH. Regular order is correct.

Mr. WEICKER. The Senator yielded the floor and then said he suggested the absence of a quorum.

I would like the record read back.

Mr. PACKWOOD. I believe the Senator from Connecticut is right. The Senator from Oklahoma had yielded the floor.

Mr. NICKLES. No. I suggested the absence of a quorum.

Mr. PACKWOOD Could we have the RECORD read?

The PRESIDING OFFICER. I understand that. The quorum call is in progress. The Senator from Oregon is recognized.

Mr. DANFORTH. I object.

The PRESIDING OFFICER. Objection has been heard.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask to dispense with the further proceedings under the call of the quorum.

Mr. DANFORTH. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the quorum call be suspended.

Mr. DANFORTH. I object.

The PRESIDING OFFICER. There is objection heard. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3]

Adams
Byrd
Danforth
Dixon
Hatch
Inouye
Kennedy
Metzenbaum
Nickles
Packwood
Reid
Stennis
Weicker
Wirth

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will now call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Kansas [Mr. DOLE], and the Senator from Nevada [Mr. HECHT] are necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 75, nays 15, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—75

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stafford
Stevens
Thurmond
Trible
Warner
Wilson
Wirth

NAYS—15

Chafee
Cohen
D'Amato
Evans
Gramm
Hatch
Helms
Kasten
McCain
McConnell
Nickles
Quayle
Specter
Symms
Weicker

NOT VOTING—10

Bond
Dole
Exon
Gore
Hecht
Murkowski
Rockefeller
Simon
Stennis
Wallop

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BYRD. Mr. President——

The PRESIDING OFFICER. The majority leader.

Mr. DANFORTH. Mr. President, I was recognized. Regular order. The Senator from Missouri has been recognized and has the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I have to say that the Senator from Missouri does not understand the situation that the Senate is in. I have offered an amendment which I think is a very—if I could have order, Mr. President.

Mr. BYRD. May we have order in the Senate, so that the Senator can be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DANFORTH. Mr. President, I have offered an amendment to the bill which I think really could not be more straightforward. It is an absolutely straightforward, direct, very easy to understand proposition.

The proposition is this: It is wrong for the Congress of the United States to create a situation in which a subsequent court or administrative agency could determine that church-related colleges or hospitals or colleges or hospitals that for other reasons do not want to participate in abortions either have to fund abortions or provide them. That is the point of my amendment.

The point of my amendment is that right now the law is in flux. This is an issue that has not been determined.

Back in 1972 when Congress passed title IX, Roe versus Wade had not even been decided. But the concern is that if we pass this legislation, the combination of title IX, plus a regulation that has been promulgated by the old Department of Health, Education, and Welfare, plus this bill, would create a reasonable possibility that a court could determine that, for example, Georgetown University is required to provide abortions or that, say, Georgetown University could be required to fund abortions in its health plan.

My proposition, Mr. President, is that we do not want that to occur, we should not want that to occur. We should want to mail that right now, so that Georgetown University or St. Louis University, which is a Jesuit hospital, which has a medical school and a hospital, or the St. Louis Regional Health Center, which now, as a matter of policy, does not perform abortions, is not forced to perform abortions by some court reading the combination of title IX, plus the regulations, plus this bill.

Some might say: "That sounds absolutely outrageous. How could a court decide such a thing?" Well, it sounded outrageous when the American Hospital Association came to me. It sounded outrageous when the Catholic Church Association came to me and suggested that that could be the case. So I asked for a legal opinion on the matter.

I went to a well-known firm, one of the finest law firms in this country, Dewey, Ballantine, and I asked them if they would write a legal opinion, and they have done so. They wrote the legal opinion, and they wrote a memorandum of law to attach to the legal opinion. It stated that in the opinion of the law firm, there was at least a reasonable possibility that the law as it would exist if we pass this legislation would result as follows:

> Every education institution that receives Federal funds and that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;
>
> Hospitals that are affiliated with a university, or that have an education component, also could be required to fund abortions;
>
> Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;
>
> Hospitals could be required to perform abortions for the general public;
>
> Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under title IX's religious exemption; and
>
> Nonreligious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

My amendment, Mr. President, is designed to make it clear that is not going to happen. It is abortion neutral. It is designed to be abortion neutral and it is abortion neutral.

It says that we are not going to require anybody to fund abortions, we are not going to require anybody to provide abortions, and we are not going to prevent anybody from providing or funding abortions.

It says that an institution is not going to be permitted to penalize somebody who has had an abortion. That is fair. That is reasonable, and that is straightforward. I want a vote, and I am prepared to vote. We have gotten ourselves in a quagmire. The other side does not agree. My amendment is a second-degree amendment. I just want a vote on my amendment. What the other side wants to do is to amend my amendment. The way that they can do that is by a motion to recommit. They can get that. I cannot stop that from happening. They will recommit it with language that modifies my amendment that looks fine but is not fine. It undoes it. It undoes it. It wipes out my amendment and that is the point. I mean that is what they are after.

It is not just a substitute or different words for the same thing. It undoes what my amendment tries to do.

Now, Mr. President, I would be absolutely delighted to work with the majority leader and with people on the other side, and just get a vote at some time certain on my proposition. I really think I am entitled to that, to the basic proposition of whether we want to compel organizations, institutions, to either fund or provide abortions that they do not want to do. I am willing to do it. I would suggest some Senators are missing tonight. We can do it, say, at noontime, 1 o'clock, 2 o'clock tomorrow, have a time certain, not get bogged down in a lot of amendments, a lot of procedural rigmarole, and that would be my suggestion to the majority leader.

Mr. BREAUX. Mr. President, will the Senator yield for a question?

Mr. DANFORTH. Of course.

Mr. BREAUX. I would like to ask a question because I am really not certain of the answer, in the sense that I have heard there are some areas that would be affected by the Senator's amendment that are outside of the confines of the existing bill that the Senate is now considering, that there would be existing regulations in fact that are in place, that the bill does not address in any way.

If the amendment of the Senator from Missouri were in effect adopted then changes would be made in those existing regulations that the bill does not address. Can the Senator comment on that?

Mr. DANFORTH. Yes; I would be happy to comment on it. There was no law until 1972. In 1972 Congress passed the title IX of the Education Act. Title IX was passed a year before Roe versus Wade was decided. Clearly there was no intention at the time for Congress to mandate abortions or insurance coverage of abortion.

In 1975, the Department of Health, Education, and Welfare promulgated a regulation and that regulaton equated the unwillingness to perform abortions with sex discrimination. That issue, to my knowledge, was never litigated. The law was really unformed. Then came the Grove City case and the effect of the Grove City case was to moot out those regulations because it so narrowly interpreted title IX that it really had no effect that is pertinent to the situation we are in now.

The position that is taken by Dewey, Ballantine—and I recommend the memorandum and the opinion to any Senator who is interested—the position that is taken by Dewey, Ballantine is that the combination of enacting a law which would tend to put our stamp of approval on title IX and ratify the regulations promulgated by HEW and apply title IX institution-wide and in fact even to hospitals that are not in themselves affiliated with colleges and universities which have some sort of teaching program, such as a nursing program, that that combination of events, that cluster of events, would open the door for a court to create an interpretation which is not now the law and which has not been the law.

It has never been the case before that it could be argued that Georgetown University Hospital could be forced to perform abortions. According to the Dewey, Ballantine law firm, that could be argued, and there is a reasonable possibility that a court would so hold. So that really is the issue.

The issue is not changing some prior law. The issue is acting now to prevent a bizarre result, which the Dewey, Ballantine law firm and the Department of Justice have both said and the American Hospital Association have all said, as a matter of fact, is a reasonable likelihood to occur.

Mr. BREAUX. If the Senator will yield for a following question, I do not want to delay the Senate on this matter, but my agreement with the Senator from Missouri is that this bill should be abortion neutral in the sense we do not make any declaratory judgments one way or the other on the abortion issue. But I think what I am getting from the author of the amendment is that by adopting his amendment, he is in fact recommending and perhaps mandating some changes in how abortion is treated in some of these institutions. So, to me it seems that he is taking it out of the area of neutral and abortion neutral because he is in fact making some changes in some other areas of how abortion is handled.

It seems to me it is hard to argue that it is abortion neutral if in fact changes are required by the Senator's amendment.

Mr. DANFORTH. But I believe it is abortion neutral because it really is not now the law that says a church-related hospital can be compelled to perform abortions. After the HEW decision regulation in 1975 which equated sex discrimination with the refusal to fund abortions in health plans, it is true that some colleges and universities changed their health plans and some terminated their health plans. The matter was never litigated; at least I think that that is correct, that the matter was never litigated. But it really seems to me that as far as the law is concerned Congress has never acted to state that the refusal of a private party to fund abortion is sex discrimination. Congress has never done that.

To the contrary, Congress has said with respect to Federal funds in the Hyde amendment, that we are not going to be in the business of funding abortion. So I really do not believe that it is fair to say that the present state of the law or that the state of the law before the Supreme Court decided the Grove City case was one that compelled unwilling institutions to either perform abortions or to finance abortions.

Mr. BREAUX. I thank the Senator.

Mr. LUGAR. Mr. President, I rise to speak on behalf of the amendment offered by the senior Senator from Missouri. I am pleased to be a cosponsor of this important amendment which has been carefully written to ensure that the bill before us, if enacted into law, will not be construed in a manner adverse to human life.

Mr. President, some may argue that this amendment is not needed. For this reason, it is suggested that current policy on the termination of pregnancies will not change. I wish this were true. Sadly—it is not.

Under the current regulatory policy governing Federal assistance for education, schools receiving Federal assistance have been required to make abortion services available to students and to employees. No exemption is allowed—unless a school can prove that they are controlled by a religious body. As a result, the regulations have been used to force institutions to provide abortions against clear moral conscience, and in violation of the historical convictions of many independent institutions which have been established on religious principles.

Whatever a Senator may feel about the merits of this particular regulatory policy, all must agree that it is controversial and divisive. Until now, that controversy has at least been limited to educational institutions. If the current legislation does not assure abortion neutrality, the controversy which now attends Federal policy in the area of education will be spread to every other area of public policy endeavor. Therefore, I ask my colleagues, and I ask the American people:

Is that what we intend to do with enactment of this bill?

Is that what we should do?

For me it is clear that we should not.

This body is deeply divided on the issue of abortion. This body is divided, and the American people are divided. The debate has gone on for a long time. But as long as the American people are so obviously divided, we as representatives of the people must not coerce private individuals or private institutions into providing abortions.

Those who wish to provide abortion services, are currently free to do so. I do not agree with those who do. I think they are wrong. But they are permitted by law to do as they choose. The bill before us, unless it is amended to ensure abortion neutrality, will deny the influence of conscience on the abortion issue to institutions worthy of our most profound respect.

We have not done this in the past. We certainly should not do it now.

I recognize that most Senators will decide their vote on this amendment as a matter of conscience. This is as it should be. Abortion votes are deeply divided precisely because the issue touches on a matter which means so much to us, not merely as individuals, but as a society, and as a civilization. It has to do with our understanding of human life, and the responsibility of a civlized society to protect innocent human life from preventable harm.

Whatever we may say, it is an undeniable scientific fact that a fetus growing in its mother's womb is an actual, individual, innocent, and very vulnerable human life.

It is undeniable. For this reason, I must oppose public policy that is favorable to abortion.

I realize there are contrary views. But we are only richer if they are articulated frankly and clearly. My colleagues must make up their own minds. I urge those who are undecided to support the protection of innocent human life by voting for the Danforth amendment.

Mr. HELMS. Mr. President, I intend to vote for the Danforth amendment because it will provide some protection to the unborn from the ravages of abortion.

Over the last few days, I have listened to a number of Senators singing the praises of this bill. They have said that S. 557 is a step forward for America; that S. 557 will ensure more rights for the American people than ever before.

What a cruel hoax, Mr. President. S. 557 will not enhance the cause of individual rights. It will destroy it. The abortion issue is one of the best, if not the best, example.

Mr. President, what the proabortionists have been unable to accomplish by going through the front door, they seek to accomplish by going in the back. To the disappointment of the proabortionists, for more than a decade, this Congress has refused to allow Federal tax dollars to be used for the deliberate termination of innocent human life except in the case where the life of the mother would be endangered by carrying the fetus to term. S. 557 not only would force the private sector to provide this service, it could require these institutions to pay for it.

S. 557 will force thousands of hospitals in this country to perform abortions. Religiously affiliated hospitals which do not fall within the religious exemption or other hospitals which refuse to perform abortions will be forced to participate in this holocaust. These hospitals, by the hand of the Federal Government, will be forced to murder millions of God's most innocent human beings. In addition, S. 557 could force these hospitals to pay for abortions for students and staffs through insurance plans.

The Danforth amendment will ensure some protection for the unborn. As I understand the amendment, it will give institutions the right to refuse to participate in the travesty of abortion. It will allow institutions to close avenues for the taking of the life of God's most helpless creatures. It is my understanding, however, that the Danforth amendment is not intended to expand the discrimination hiring protections presently in the Public Health Service Act, the Community Mental Health Centers Act or the Developmental Disabilities Services and Facilities Construction Act.

I urge the adoption of this amendment.

AMENDMENT NO. 1389

(Purpose: Motion to recommit the bill)

Mr. PACKWOOD. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. PACKWOOD] proposes an amendment numbered 1389.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, may I inquire how long the amendment is?

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

I move to recommit the pending bill to the Committee on Health and Human Resources with instructions that the committee report the bill back forthwith with the following amendment:

Strike ali after the enacting clause and insert in lieu thereof:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Restoration Act of 1988".

FINDINGS OF CONGRESS

SEC. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

SEC. 3. Title IX of the Education Amendments of 1972 is amended by adding at the end the following new section:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"SEC. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

REHABILITATION ACT AMENDMENT

SEC. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "SEC. 504."; and

(2) by adding at the end the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

SEC. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole próprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

SEC. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"SEC. 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

SEC. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I would be glad to yield to the distinguished Senator from North Carolina if he wishes me to.

Mr. HELMS. I thank the Senator. I want to either see the amendment or know how long it is. I will either have it read or I want to read it, if I could get a copy of it.

Mr. HATCH. Mr. President, will the distinguished majority leader yield to me?

Mr. BYRD. Mr. President, if the distinguished Senator wishes to see a copy of the motion to recommit with instructions and the instruction I will be very happy to not proceed until he has had that opportunity. I ask unanimous consent that my rights to the floor be protected meanwhile.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. HATCH. Will the distinguished majority leader yield for a comment?

Mr. BYRD. Yes, I yield for a comment with my rights to the floor protected.

The PRESIDING OFFICER. The rights to the floor of the majority leader will be protected.

Mr. HATCH. I have been chatting with the majority floor managers and they are trying to reach an accommodation that we can resolve this matter without going to a motion to recommit, which was done, without going through that, plus a whole lot of other things that we will have to go through if we cannot accommodate each other. I think we are pretty close and we might be able to resolve this. We need just a few minutes to discuss this with the distinguished majority floor manager and the majority leader, of course, and our acting minority leader. So I would suggest that if you will give us a few minutes we can maybe resolve this. If we cannot, it is going to be a long time.

Mr. BYRD. Mr. President, I have no desire to hold the floor. I intend to offer an amendment to the instructions and I intend to fill up the tree, not because I want to but because I am trying to help the manager of the bill on this side. And I can do that. But, at the same time, I want to accord Senators an opportunity to discuss this matter in the meantime. Maybe it will be helpful. How long would the Senator suggest? Ten minutes?

Mr. HATCH. Yes.

Mr. BYRD. Mr. President, I ask unanimous consent that my rights to the floor be retained, that no Senator be recognized for the making of a motion or the offering of an amendment or for any purpose other than to speak and then that there be a limitation on the time of not to exceed 10 minutes, at which time I be recognized again.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS FOR 10 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

There being no objection, the Senate, at 6:03 p.m., recessed until 6:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAHAM).

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I understand an additional 5 minutes is needed.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that at such time that the quorum is called off, that I be recognized.

The PRESIDING OFFICER. Is there any objection? It is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I had hoped that it could be worked out to the end that there would be a vote tomorrow morning on the Hatch amendment up or down, unamended; that would be followed by an amendment by Mr. METZENBAUM with a vote up or down, no amendments in order thereto; and that would be followed by a vote on an amendment by Mr. DANFORTH up or down, no amendments in order thereto.

I take it that there is no agreement to proceed in that fashion. So I shall proceed as I had earlier indicated that I would.

AMENDMENT NO. 1390

(Purpose: To amend the amendment)

Mr. BYRD. Mr. President, I send to the desk an amendment to the motion to instruct.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], on behalf of Senators KENNEDY, WEICKER, and METZENBAUM proposes an amendment numbered 1390 to the Packwood amendment 1389.

Add at the end of the amendment, the following:

Section: Abortion Neutrality and Rule of Construction.

Nothing in the amendment made by this Act shall be construed to extend the application of the Act so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1391

(Purpose: To amend the amendment)

Mr. BYRD. Mr. President, I send to the desk an amendment to the amendment.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], on behalf of Senators KENNEDY and WEICKER, proposes an amendment numbered 1391 to amendment numbered 1390.

Add at the end of the pending amendment the following:

"No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion."

Mr. BYRD. Mr. President, I am very agreeable to having debate on the amendment. If there is no debate the Chair can put the question, and I do not know whether Senators want to debate this amendment awhile or not. But I am going to yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I regret the situation that we are in right now. I think that the issue is so clear whether the Government of the United States is going to require private hospitals, private universities, private colleges, public hospitals, public colleges, public universities that all have their own positions on abortion, pro or con, to perform abortions, or whether we are going to require them to fund abortions, whether we are going to create a situation that some subsequent Federal judge or some subsequent administrative agency can determine that is the state of the law, that Georgetown University must perform abortions at its hospital or lose all Federal funds, students' aid, and so on.

I think it is an outlandish position to take. I think that this is something that the U.S. Senate should clarify.

The state of the law now is not clear. The state of the law, if we pass this bill, will be even murkier, and an opinion of counsel, very reputable counsel, has held that a court could very well determine that the state of the law subsequent to the enactment of this bill is that abortions are required at Georgetown Hospital or St. Mary's Hospital in St. Louis, or the St. Louis Regional Health Center, or that Avila College in Kansas City, MO, would be compelled to provide abortion coverage under its health plan. Now that is not right.

All I want is a clear statement in the law that that is not right and that that is not what we intend. And I have been trying to get that since 2:30 this afternoon.

I offered an amendment. It was a second-degree amendment. Apparently that threw the Senate into some kind of turmoil. I did not know it was going to throw the Senate into turmoil. It seemed to me a good idea to offer a second-degree amendment so that I could get a vote on this simple proposition.

Well, then we got into this big brouhaha on how can we deny DANFORTH his vote?

So I recognize if there is a motion to recommit, I cannot have the first vote. I am sorry about that. I do not want it to get muddied up, but I cannot get the first vote.

So then, we stood right here in the aisle, the interested Senators, and I thought we had a deal worked out where tomorrow we would go to this issue at about 11:30 in the morning. We would debate it until 1 o'clock. Then we would have a vote on the Metzenbaum shell amendment. It does not have any content. It does not do anything. But we would have a vote on this shell. And then, after an hour passed, after the completion of that, we would have a vote on mine. I do not want to be in that position. I want to vote on mine first. I cannot have that.

Now, clearly if the Senate passes two amendments on the same subject and one amendment is a shell and one amendment has substance, there has to be some statement of what is the position of the Senate. And the agreement, as I understood it in the well, was that the Metzenbaum amendment, even if it were voted up, if we agreed to the Metzenbaum amendment, the effect would be that it would be superseded by my amendment. Even in the U.S. Senate, you cannot say yes and no at the same time.

So that was what I thought was the deal. I did not like it. I did not like the agreement.

Now we are in a position where we are going to have multiple votes on this matter, further confusing us.

You know, Mr. President, one thing I found, having spent this recess back in the State of Missouri, is that the people of my State really do not think we know how to do anything around here. I believe when the President plopped those bills on the House rostrum the other night, that really resonated with the people of this country. They think we just cannot decide anything. And it is true. We cannot. We fuss around forever.

Can we not decide at a time certain tomorrow the simple proposition of whether we are going to say that Georgetown University can determine that its hospitals do not have to perform abortions? Can we not determine on the floor of the Senate at a time certain that Avila College in Kansas City, MO, does not have to fund abortions for its kids and that no Federal judge can make it do that. What is wrong with that?

We do not pay for abortions in the Federal Government. Why should we say that Avila College in Kansas City, MO, has to pay for abortions for its students if it is morally obnoxious to that college? How can we argue for that? Or, if we are going to argue, let us just make a plain argument that there is some rationale for such nonsense and let us vote on it. Let us not deny a Senator a vote.

How many times have I heard the distinguished majority leader stand before the Senate and say: "Let's get on with the business of the Senate. Let's let the Senate determine the issue. Let's let the Senate decide"?

I do not know if I have the votes on this. I would hope I would, because the contrary result is so outrageous. To say that it is not up to Avila College, that it is not up to St. Louis University to determine that it does not want anything to do with abortions, we cannot even say that. We have got to muddy it up; leave the question open. That is the issue before us. Leave the question open, leave the question open so some judge can decide it. That is, I guess, what we want around here—policy decisions made by the judiciary. I mean, we have already gone through this debate in the last few months. Let the Federal judiciary not be bound by the statutes, not be bound by plain language. Give them plenty of latitude to make social policy for this country; to establish our values, create loopholes, fuzziness in the law; to allow the Federal courts to write the law for us. That is ridiculous.

I wish we could just have votes tomorrow, but now we are in this amendment tree.

Parliamentary inquiry, Mr. President. What is the situation? We now have a second-degree amendment pending?

The PRESIDING OFFICER. There is a second-degree amendment pending now to the first-degree amendment to the motion.

Mr. DANFORTH. So I take it we will then vote on that second-degree amendment and then I will offer my amendment. I suppose that is the situation. Or maybe Senator Byrd will get the floor and offer another second-degree amendment. I guess we could be at this for weeks. This could make the question of election reform that we went through last year look like a brief interlude in the Senate's business. We could be voting on second-degree amendments, I take it, forever.

Maybe the distinguished Senator from North Carolina can think up some second-degree amendments that he would like to offer on this bill. He has done that before on occasion. He has a fertile mind. He is perfectly capable of thinking up amendments on a variety of subjects.

All I want to do is vote. And I would plead with the Senator from Ohio to just let me have a vote. I want to go first. I think I should go first. I think that is only fair. But under the rules of the Senate, that can be denied me. That can be denied me, so I go second.

I do not know what the intention of the majority leader is tonight. I guess we will just start voting.

Mr. BYRD. Mr. President, it is all right with me to start voting.

And may I say to my friend, he mourns the fact that he will not have the first vote. But he says that after the vote occurs on the second-degree amendment, then he can offer an amendment, which he has a right to do, and then there could be other second-degree amendments. Well, that would have been the case if the motion to recommit had not been introduced.

I offered a second-degree amendment to the amendment by Mr. Hatch. When that second-degree amendment is disposed of, other second-degree amendments could be offered. So the only thing that is changed is that the shoe is on the other foot.

When we all went off to the Judiciary Committee meeting today to report out the nomination of Mr. Kennedy to fill the Supreme Court vacancy, the two managers were here. The understanding was that we would go into morning business until 2:30, and at 2:30 there would be a quorum call. I think that was pretty well understood among the three of us that were standing here. So we went out.

I put the Senate in recess rather than have a long quorum for an hour because no Senators were here seeking recognition. So I put us in recess until 2:30. Two-thirty came, and nobody put in a quorum. Once in a while I cannot be on the floor. Once in a while I have to leave this floor. I was in my office dealing with a matter affecting West Virginia.

I looked at the clock, 2:30, 2:31, 2:32, I did not hear any quorum call. Well, I thought someone was talking. That is OK.

I came in and find out the distinguished Senator from Missouri plopped an amendment in, an amendment in the second degree. He had a right to do that. I have no beef about the fact that he offered a second-degree amendment. There was nobody on this side.

I do not think I can recall ever offering an amendment in a situation such as we are in here. If there is nobody on that side I am not going to offer an amendment, even if I were not majority leader and did not have the right to first recognition. Put in a quorum and let somebody be on that side. But that was all right. He acted within his rights. But, still it was Mr. Kennedy's understanding there would be a quorum call and there should have been a quorum call until the managers of the bill were back here.

Well, that is water over the dam and nobody shed any tears over that. So the Senator from Missouri did what he thought he had to do to get a vote first.

Now, within the rules the motion to recommit with instructions was offered. That is of a higher degree than the first- and second-degree amendments that were pending so we start down that tree first.

Now for the question. Why do we not vote? Let us do it on this vote. It is fine with me. We can either vote now or we can, perhaps, enter into an agreement to vote at a certain time tomorrow on the amendment in the second degree and then to the amendment in the first degree, or on the amendment by Mr. Packwood—whatever. Are Senators ready to enter into agreements to vote? At certain times on tomorrow?

Mr. METZENBAUM. Mr. Leader, I am not the manager of this bill. It is not even my amendment. It has been called the Metzenbaum amendment. I am perfectly willing to be identified with it, but it is the Kennedy-Weicker amendment.

I would like to be heard a little bit before coming to some agreement with respect to a vote tomorrow but I would guess that would be appropriate procedure because I think many Members of the Senate may have left thinking there would be no more votes.

Mr. BYRD. Mr. President, if the Senator will allow me on that point, nobody has told Senators that there will not be any more votes.

Mr. METZENBAUM. You said they did?

Mr. BYRD. Nobody. Nobody has told Senators there would not be any more votes. So, if there needs to be a vote, we will send for Senators to return.

Mr. SIMPSON. Mr. President, would the majority leader yield?

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The acting Republican leader.

Mr. SIMPSON. Mr. President, I think I understand the situation and it is difficult and frustrating and here we go. That is the way it is here. That goes with the territory. But we need at least 10 minutes or 15 minutes for a quorum call tonight to get our Members together. If we could have some indication that, even though the Senator from Ohio would like to speak and will at whatever length, if we could agree in concept to getting a unanimous consent where we can deal with these votes tomorrow it would be advantageous.

But I am just throwing that out because we do have people who, I think, had not intended that at this early in the session we would be into a 9 o'clock or 10 o'clock activity. So that is my expression to the majority leader, if there is some way to do that.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, may I address myself to this matter rather briefly?

The amendment offered by Senators Kennedy and Weicker, with the support of Senator Packwood and myself, other Senators as well, is truly a very simple amendment and notwithstanding the effort to obfuscate the issue, our position is clear and I do not understand some of the things that the Senator from Missouri is saying.

What we are saying in our amendment is that we do not want to touch the issue of abortion. We do not want to add to the rights or detract from the rights in this bill. Let us face it, this is a civil rights bill. This is not an abortion bill. This is not a bill having anything at all to do with that subject and the whole issue has developed because my friend from Missouri wants to affect the whole issue of abortion, not alone with respect to the contents of this bill but way beyond that. And he can quote all the hospitals in the world, and all the big law firms that he wants. But the fact is he is attempting in this civil rights bill to add an amendment to undo something

that occurred in 1975, if my recollection serves me right.

We are just saying you may be right, Senator. We do not happen to agree with you, but there is some merit to your position. We respect your right to make that position. But do not confuse the issue. We are suggesting simply that this amendment will say that this bill does not affect, add to, detract or in any way have any impact on the issue of abortion. It is a civil rights bill.

We know about the procedure that has occurred. The fact is, nobody expected this amendment to be on the floor and the distinguished Senator from Missouri saw fit to do that which we call loading up the tree in four separate amendments. He was within his rights. But we and the leaders in handling this matter were over in the Judiciary Committee, voting on the matter of the confirmation of Judge Kennedy to be Justice Kennedy. And nobody expected this issue to develop in this manner.

So, when we came back to the floor we did not have much alternative but to offer a motion to recommit the bill and then to load it up with the extra amendments so that we might have an up-or-down vote on our amendment.

Now then, along came the proposal that the matter be resolved by giving us an up-or-down vote on our amendment and giving them an up-or-down vote on their amendment and I would like the attention of my colleague from Missouri to be sure he understands what I am saying. If you want to agree upon an up-or-down vote on our amendment and subsequently an up-or-down vote on your amendment, we are still prepared to do that. But let me tell you what happened.

We agreed upon that and the next thing I know that a whole cavalcade of Senators went out and I do not know with whom they met but that is immaterial, but they came back with extra language that was not in the original amendment.

I assumed that they might try to do that. It would have been as unfair for us to put in extra language as it was for them to put in extra language. And the extra language they put in was to the effect that, OK, even if you pass your amendment, our amendment supersedes yours. That was not the understanding and I knew that that might come about.

So, before they had ever come back with their proposal I had advised the minority whip: tell them not to bring back any new language. We agreed upon an up-or-down vote on our amendment and an up-or-down vote on their amendment. It was not an up-or-down vote on our amendment as changed or modified or some way made something different, and it was not an up-or-down vote on some new amendment that they might come forward with.

I stand here now and say to you: We are prepared to agree to vote on our amendment up or down tomorrow at 1 o'clock or any other time that the leadership determines is the appropriate time; we are prepared to agree to have such time for debate as the leadership and others agree is appropriate; and then we are prepared to vote up or down on your amendment. We are ready to do that.

We are not prepared to agree to vote on your amendment which says: Notwithstanding any other provisions of this law, our amendment prevails. That was not our understanding. And I do not think you should call upon us to make that understanding.

We are prepared to vote tomorrow up or down on our amendment and then upon your amendment. Whatever the time is agreeable with those of us on this side.

Mr. President, I ask unanimous consent I may put in a quorum call and not lose my right to be recognized immediately upon conclusion of the quorum call.

The PRESIDING OFFICER. Is there objection? The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. If the majority leader will suspend just a moment, under the previous order the Senator from Ohio is to be recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I have a unanimous-consent request which I shall propound. It is as follows:

I ask unanimous consent that the pending motion to recommit with instructions and the amendments in the first and second degrees thereto be considered withdrawn;

Providing further, that on tomorrow at 10:30 a.m., the Senate proceed to vote up or down on the Hatch religious tenet amendment, that on any motion to reconsider the vote, there be no time for debate; that upon the disposition of the Hatch amendment, the Senate proceed to the consideration of an amendment by Mr. Metzenbaum, that there be 1 hour for debate on that amendment to be equally divided and controlled by the usual form, that upon the expiration of the hour, the vote be up or down on that amendment, that on any motion to reconsider, there be no time for debate; that upon the disposition of the amendment by Mr. Metzenbaum, there be 1 hour on an amendment by Mr. Danforth to be equally divided and controlled in accordance with the usual form, and that any motion to reconsider there be no time for debate; that upon the disposition of the amendment by Mr. Danforth, the Senate proceed to debate a substitute by Mr. Hatch for S. 557, and there be 30 minutes equally divided, and that the vote be up or down on the substitute amendment by Mr. Hatch, that upon any motion to reconsider, there be no time for debate; that upon the disposition of the Hatch substitute, the Senate proceed to consideration of an amendment by Mr. Humphrey on the Arline amendment, and that that amendment be subject to an amendment by Mr. Harkin and Mr. Weicker in the second degree, provided it be relevant and germane thereto; that there be 1 hour on the amendment in the first degree and one-half hour on the second-degree amendment. Well, let me make it an hour. In the interest of time now, let us make it an hour on each tomorrow to be equally divided and controlled, in accordance with the usual form, and that on any motion to reconsider there be no time thereon; that upon the disposition of that amendment there be an amendment by Mr. Humphrey on small providers and that there be 1 hour on that amendment, equally divided and controlled in the usual form; that there be an amendment by Mr. Harkin and Mr. Weicker in the second degree to the Humphrey amendment on small providers, provided the second-degree amendment is germane and relevant thereto; that there be no more than 1 hour on the second-degree amendment and that it be similarly controlled and divided; that there be no further amendments dealing with abortion. No further abortion amendments be in order.

And, Mr. President, I ask unanimous consent that on debatable motions or appeals—motion to reconsider having already been excepted—or points of order there be a limitation of 20 minutes to be equally divided and controlled in the usual form. I think that is about as far as we have gotten, but if we could get consent on that we could go home.

Mr. HATCH. Reserving the right to object, Mr. President. I wonder if we could change the times a little bit, because I have been informed some of our people may have some difficulty getting here early. I wonder if we could begin the Hatch amendment debate at 11 to go no later than 12.

Mr. BYRD. That is going to be very difficult.

Mr. HATCH. The two abortion amendments are the ones we are going to have some difficulties on. We went

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ahead and provided both sides an opportunity to be here for those important amendments. There are a few Senators who will not be able to be here at all who are over in Taiwan. But, nevertheless, it is my understanding that the Danforth amendment really should not come up much before 1:30.

Mr. DANFORTH. Mr. President, reserving the right to object, if I could ask the majority leader. My preference would be if the Metzenbaum amendment would be voted on no earlier than 1 o'clock; that there could be, instead of 1 hour, 2 hours of debate before the Metzenbaum amendment; that there be 1 hour of debate on the Danforth amendment; and that neither the Metzenbaum amendment nor the Danforth amendment be amendable and that both be subject to an up or down vote.

Mr. BYRD. Mr. President, I ask unanimous consent that no amendments be in order to the Metzenbaum amendment or to the Danforth amendment. I think the original request took care of the up or down part.

Mr. DANFORTH. Pardon?

Mr. BYRD. The original request allowed for an up or down vote.

Mr. DANFORTH. I am sorry; I did not understand that.

Mr. BYRD. Yes.

Mr. DANFORTH. For both of the two amendments.

Mr. BYRD. Yes.

Mr. HATCH. I think all of the amendments would be up or down.

Mr. BYRD. It allowed for up or down votes on all amendments. That was specified.

Mr. FORD. Reserving the right to object, Mr. President, and I do not want to and probably will not. I am looking at the timeframe here that we have started and would be very hopeful that we can have a vote on the Hatch amendment, the Metzenbaum amendment, and Danforth amendment, and the vote on the Danforth amendment occur no later than 2 o'clock. It would help a great deal. If we could stay somewhere close to the original posture of 10:30 and a 15-minute vote, it would be 11:45, I guess. I would like to get the timeframe down to where you vote would be somewhere close to 2 o'clock.

Mr. DANFORTH. Mr. President, reserving the right to object, what I would like to accomplish is to allow, if we could, a total of 3 hours of debate on the Metzenbaum and Danforth amendments; most of the debate occurring before the Metzenbaum amendment. There could be a fairly short debate between the Metzenbaum and Danforth amendments, but there are a sufficient number of people who want to speak on this side that I think 3 hours would be about right. And I also am aware that some Senators will not be here until 1 o'clock.

So it could be possible to accommodate the Senator from Kentucky if we would have those votes—if you could start the Danforth vote at 2 o'clock, say after half an hour's debate after the completion of the Metzenbaum amendment with, say, 2½ hours of debate before the Metzenbaum amendment?

Mr. BYRD. Mr. President, I think if it is outlined in the way that I outlined it, or I will be glad to change it, it would allow a total of something like 3 hours on both amendments before the vote on the Danforth amendment.

If we began the vote on the religious tenet amendment at 10:30, it would be a 15-minute rollcall vote; then at 10:45, you begin the vote on the Metzenbaum amendment.

Mr. DANFORTH. Debate.

Mr. HATCH. You say at 10:30 we have an hour debate?

Mr. BYRD. No, have the vote at 10:30. It is a 15-minute rollcall vote. Upon the completion of that vote, at 10:45, then you debate the Metzenbaum amendment until 1 o'clock. If the vote begins at 1 o'clock, that is 2 hours and 15 minutes of debate. You have a 15-minute rollcall vote, that is 1:15. You have 45 minutes, then, until the 2 o'clock vote. That is exactly 3 hours for the debate in total.

Mr. DANFORTH. That is fine with me.

Mr. HATCH. Reserving the right to object and I do not object, it is my understanding that when you refer to the Danforth amendment, you are talking about the new language that we have been chatting about? The "notwithstanding" language?

Mr. KENNEDY. Would be Senator say that again, please?

Mr. HATCH. With regard to the Danforth amendment, we are referring to the redrafted language that we submitted to you.

Mr. KENNEDY. The Senator is correct.

Mr. HATCH. I submit he could send that amendment to the desk. I think ours is at the desk.

Mr. BYRD. All right.

The PRESIDING OFFICER (Mr. Ford). Is there objection?

Mr. KENNEDY. Mr. President, I would not object. I want to express my appreciation to the majority leader and also to those in the minority who are supporting these amendments, as well as to my good friend, the Senator from Ohio. I think we are making substantial progress. These are issues that are divisive to this body. We are trying to move the legislation forward. I think we will make very substantial headway with this agreement.

I am hopeful we can continue the progress that we made in the early part of today and that we should make tomorrow so that this legislation, which is so important to millions of Americans, can be enacted. But I will not object. I want to express may appreciation to all those who have been part of it. It has only taken us about 6 hours to work out but nonetheless I believe we will make some progress with this proposal.

Mr. HATCH. Will the majority leader yield for just a moment?

Mr. BYRD. Yes.

Mr. HATCH. I would also like to express my appreciation to the minority leader and the majority leader and his staff, both of these staffs, for the work they have done on this. I think this is a good resolution to what has been a difficult set of negotiations and I want to thank both of them for the work they have done, and their staff members. As I understand, it would be expected to start arguing the Hatch amendment at 9:30 tomorrow morning?

Mr. BYRD. Yes, Mr. President, the Senate would come in at 9.

In view of the fact that there is a rollcall vote scheduled at 10:30, we would not have the 9:30 Sergeant at Arms vote.

I would add to the request, if I may have the attention of all Senators so we can be sure, may it be a part of the request that no amendment to any of the aforementioned amendments be in order with two exceptions: Those two being the Humphrey amendments, the two Humphrey amendments. We have specified the amendments that would be in order thereto.

Provided further, that the votes on all amendments enumerated in the first and second degrees as aforementioned will be up and down votes.

Provided further, that all rollcall votes which have already been ordered to be limited in time to 15 minutes be at the end of that 15 minutes closed. The call for regular order is automatic. I think it worked out fine today. I make that as an additional request.

The PRESIDING OFFICER. The acting minority leader.

Mr. SIMPSON. Mr. President, reserving the right to object, and I certainly will not, I have asked the majority leader to be certain that if the time is yielded back on that central amendment, that there be no vote before 2 o'clock. In other words, if time would be yielded back, would that be the understanding, so that we preserve that time for those who need to know that time to be here for that vote?

Mr. BYRD. Yes.

Mr. President, I ask unanimous consent that the time on the 11:30 vote——

Mr. SIMPSON. Just the 2 o'clock, Mr. Leader, would be sufficient for our purposes.

Mr. BYRD. All right. That the vote occur on the Danforth amendment at 2 o'clock.

Mr. SIMPSON. I just wanted to be certain if time is yielded back we will not change that time.

Mr. BYRD. Under this order, it would take unanimous consent to change the order.

Mr. SIMPSON. Then one other thing just for our understanding. We have a substitute amendment for S. 557 which if it were to pass, would effectively foreclose further amendments beyond those that are listed in the agreement.

Mr. BYRD. I hope all Senators understand that.

Mr. SIMPSON. I think they do. The fact that if the Hatch substitute were to pass.

Mr. BYRD. That is a substitute for the bill.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. President, on the amendment in the agreement that was designated as the Metzenbaum amendment, we will modify the language to provide that that be an amendment to be offered by either Mr. Metzenbaum or Mr. Kennedy or Mr. Packwood or Mr. Weicker.

The PRESIDING OFFICER. Is there objection? Hearing none, the unanimous-consent order is agreed to.

The majority leader.

Mr. BYRD. Let me make sure for the Record that there is a clear understanding as to the agreement that we have just entered. And I should say while the distinguished Republican assistant leader is here, the fact that we are not having an early vote, we are not having a vote at 9:30, which is normally a 30-minute vote, the vote that comes at 10:30 will be a 15-minute vote, not a 30-minute vote.

Second, that vote occurs at 10:30 on the amendment by Mr. Hatch, the religious tenet amendment. That is a 15-minute rollcall vote. There will be a motion to reconsider but there will be no debate on the motion to reconsider. Then the vote on the amendment by Mr. Metzenbaum, et al., will occur at 1 p.m., which means that between the hours of 10:45 a.m. and 1 p.m., the time will be for debate on the amendment that will be offered by Mr. Metzenbaum or Mr. Weicker or Mr. Packwood or Mr. Kennedy. In all cases, the time is to be equally divided and controlled in the usual form.

Upon the disposition of that amendment, no time on a motion to reconsider, there should be 45 minutes remaining, circa 45 minutes before the vote occurs on the Danforth amendment at 2 p.m.

So this would mean coming in at 9 o'clock and starting at 9:30 on the bill. There would be 1 hour of debate, 9:30 to 10:30, on the Hatch amendment. On the Metzenbaum amendment beginning at 10:45, ending at 1 p.m., there would be 2 hours and 15 minutes. On the Danforth amendment, beginning at 1:15 p.m. and ending at 2, there would be 45 minutes on that amendment for debate. But the time for the vote is to be adhered to. If it comes out a minute or two less for debate, the time should be strictly adhered to for the hour, the 2 o'clock vote, for example. That is the way I believe it was requested.

Then it was agreed that there would be 30 minutes on the Hatch substitute for the bill, the time to be equally divided. Then there would be a vote again with no time on the motion to reconsider for debate. And then following that there would be the amendment by Mr. Humphrey, the Arline amendment, subject to an amendment in the second degree. The time on the first-degree amendment would be 1 hour, the time on the second-degree amendment would be one-half hour. If I am misstating it, I hope someone will correct me.

Then upon the disposition of that amendment Mr. Humphrey would call up an amendment designated as the small provider amendment. It would be subject to an amendment by Mr. Harkin and Mr. Weicker, the amendment to be germane and relevant; the time on the Humphrey amendment would be 1 hour, and the time on the amendment in the second-degree would be 30 minutes.

I believe that was the extent of the agreement. I do not think that other amendments are locked out except in case the substitute is agreed to. In that case, other amendments would be locked out. But Senators should know that a motion to recommit is in order at any time prior to the passage of the bill. And a motion to recommit would be in order even after a substitute is adopted and prior to final passage of the bill—the motion to recommit with instructions. Am I correct, may I ask the Chair?

The PRESIDING OFFICER. The Senator is correct. The motion to recommit prior to the passage of the bill is in order.

Mr. BYRD. I think it is a good agreement and I want to express my gratitude to the assistant leader and to the two managers, Mr. Hatch, Mr. Kennedy, and to the other principals, Mr. Packwood, Mr. Danforth, Mr. Metzenbaum, and all other Senators.

I yield the floor.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I ask unanimous consent that a copy of what has been called the Danforth amendment that I will not send to the desk be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment proposed by Mr. Danforth is printed later in the Record under "Amendments Submitted.")

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I believe there is one other loophole.

I have a parliamentary inquiry, Mr. President. In the event the substitute is not adopted, of course the pending substitute and the bill are both open to further amendments following the disposition of all the other amendments that have enumerated. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. The next question, Mr. President, is this: If the substitute is adopted, would amendments to the underlying bill still be in order and, if so, would there be debate?

The PRESIDING OFFICER. If a substitute for the bill is adopted, no amendments are in order thereafter unless specified in the agreement.

Mr. BYRD. I have a further parliamentary inquiry. I do not believe that amendments to the underlying language in the bill that could conceivably be offered following the Danforth vote and just prior to the vote on the substitute—I believe that amendments, if offered thereto on the underlying language, would have no time for debate thereon but there is that window through which amendments could be offered to the underlying amendment.

The PRESIDING OFFICER. The Senator is correct. If he wanted that excluded, it should be specific in the unanimous-consent agreement.

Mr. BYRD. I think, Mr. President, if I may say to my friend, the assistant leader, that we ought to button that up, also.

Mr. SIMPSON. I would like to do that; but mentioning anything about further amendments on this side, at this hour, and to reopen that unanimous-consent agreement would be very difficult, just too tenuous. Yet, I know what the intent is.

You are talking about no debate.

Mr. BYRD. No. What I am saying is that as it now stands, amendments can be offered to the language that is to be stricken.

Mr. SIMPSON. As it now stands?

Mr. BYRD. As it now stands, and no debate, and that scares me, because any kind of amendment could come in.

I would suggest that we preclude any amendments to the underlying language to be stricken.

Mr. SIMPSON. Mr. President, while the substitute is pending, that would be the case. If the substitute amendment had been completed, that would not be the case. Is that correct?

The PRESIDING OFFICER. While the substitute is pending, amendments to the underlying language would be in order.

Mr. SIMPSON. Mr. President, that would be acceptable, with the understanding about the pending of the substitute amendment.

Mr. BYRD. I ask unanimous consent that amendments, therefore, be precluded to the underlying language.

The PRESIDING OFFICER. Is there ojection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I have two other modifications to the agreement.

I understand that there is a desire that the "relevant and germane" phrase that I used in the agreement be changed to "relevant."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment in the second degree that is enumerated in the agreement to each of the Humphrey amendments have a 1-hour limitation thereon, rather than a 30-minute limitation, to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That at 10:30 a.m. on Thursday, January 28, 1988, the Senate proceed to vote, up-or-down, on the Hatch amendment, dealing with religious tenet, with no time for debate on any motion to reconsider that vote.

Ordered further, That upon disposition of the Hatch amendment, the Senate proceed to the consideration of a Metzenbaum/Kennedy/Weicker/Packwood amendment, with the time until 1:00 p.m. to be equally divided and controlled in the usual form, with an up-or-down vote to occur at 1:00 p.m. thereon, and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Metzenbaum amendment, the Senate proceed to the consideration of a Danforth amendment, with the time until 2:00 p.m., to be equally divided and controlled in the usual form, with an up-or-down vote thereon to occur at 2:00 p.m., and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Danforth amendment, the Senate proceed to the consideration of a Hatch substitute for S. 557, on which there shall be 30 minutes debate, to be equally divided and controlled in the usual form, with an up-or-down vote to occur at the expiration of that time, and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Hatch substitute, the Senate proceed to the consideration of a Humphrey amendment, dealing with Airlines, on which there shall be 1 hour, to be equally divided and controlled in the usual form, and which will be subject to a Harkin-Weicker amendment in the second degree, which must be relevant, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form.

Ordered further, That upon the disposition of the Humphrey amendment, the Senate proceed to the consideration of a Humphrey amendment dealing with small providers, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form, and which will be subject to a Harkin-Weicker amendment in the second degree, which must be relevant, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form.

Ordered further, That no further amendments on abortion be in order.

Ordered further, That no amendments to listed amendments be in order, unless so specified.

Ordered further, That no amendments to any underlying language be in order.

Ordered further, That time for debate on any debatable motion, appeal, or point of order shall be limited to 20 minutes, to be equally divided and controlled in the usual form.

Mr. SIMPSON. I thank the majority leader.

I think that is a superb result.

I commend the leader, also, on something we talk about here, quality of life, and with his activity in regard to the 15-minute rollcall automatic under the rules and point of order, it has certainly stirred those on our side of the aisle to answer to the first bell rather than the second, and I notice the same on the Democratic side.

Mr. BYRD. It helps in getting them here on time.

Mr. SIMPSON. That is what we talked about. It may be disruptive. We will have to learn. I will have to learn. But the advance notice, if possible, that we are going to vote is helpful.

That is a very important step to what we all desire on both sides of the aisle and I thank Mr. DANFORTH, Mr. PRYOR, and the majority leader and the minority leader. I do commend the majority leader on that.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his observation, cooperation, and assistance in making it work.

Now, Mr. President, we have other matters.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a brief period for morning business not to extend beyond 10 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CIVIL RIGHTS RESTORATION ACT

Mr. LUGAR. Mr. President, I rise today to speak in opposition to S. 557, not because I am against the furtherance of civil rights in our country, or even because I oppose the professed intent of this bill—to reverse the Supreme Court's decision in Grove City. I support overturning the Supreme Court's decision, but I believe we should do so in a responsible manner without curtailing other fundamental rights such as religious liberty.

When one takes the time to study this bill closely, serious problems are apparent. For example, the language of S. 557 is broad enough that all operations of a church or synagogue would be covered if it engages in any federally assisted activities—the most common example is the Meals on Wheels Program. Churches could avoid Federal regulation by refusing to participate in federally funded programs, but clearly the law should not discourage these institutions from helping the handicapped, the elderly, or other needy groups in their communities.

Currently, under title IX of the Education Act—one of several civil rights statutes impacted by S. 557—institutions which are "controlled by" a religious organization are permitted to claim exemptions from compliance with regulations which conflict with the institution's religious tenets. There is some dispute as to what "controlled by" actually means. Does it mean that a Catholic school which is overseen by a lay board could claim exemption? I think not, from my reading of the bill. I would support a reasonable amendment of this language to include institutions which are closely identified with the tenets of a religious organization.

Other less-publicized problems exist within S. 557. One of these would adversely affect the farmers in Indiana and across the country. Language within S. 557 protects "ultimate beneficiaries" from coverage under the bill. Its sponsors claim that farmers who receive Federal assistance through such programs as crop subsidies and price supports are included in this definition.

A number of my colleagues and I disagree with this "ultimate beneficiaries" reading of the bill. It is my belief that if any disagreement exists on the current wording with respect to farmers, then it makes sense to amend the bill to retain the pre-Grove City treatment of farmers. All farms, farmers, ranches, and ranchers should be exempted unless the program providing the assistance expressly requires coverage. This would allow committees with expertise in this area to draw distinctions between the various recipients of Federal funding—for example, programs targeting small family farmers versus large agri-business enterprises.

Another concern for those of us who are opposed to abortion and the Federal funding of abortion is the expanded

scope of existing title IX regulations. These regulations require institutions which receive Federal financial assistance to make abortion services available to employees and students as part of their health care coverage—not to do so is considered discrimination on the basis of sex.

It seems to me that this is blatantly inconsistent with our record of enacting laws which prohibit the use of Federal dollars to perform abortions, which, I might add, has been ruled constitutional by the Supreme Court. An attempt was made during committee consideration of S. 557 to add abortion neutral language. I support this approach, which would allow each federally funded institution to make its own decision as to whether it adopts a prolife or prochoice policy.

Mr. President, I am in agreement with the basic premise of the bill, to overturn the Supreme Court's decision in Grove City. However, unamended, S. 557 goes beyond the pre-Grove City status quo and imposes Federal Government regulation on churches and synagogues, religiously affiliated schools, and farmers. The problems I have noted underscore the difficulty with overly broad coverage, in many cases so broad that it is disproportionate to the benefits institutions or individuals receive from Federal aid. With the addition of the amendments I have outlined, S. 557 would correct the Grove City decision without mandating unbridled Federal Government intrusion where equally important rights and liberties are at stake.

Mr. HELMS. Mr. President, this morning I was absent during rollcall vote No. 3 on Senator SYMMS' amendment. I missed the vote because I was at the White House conferring with the President.

Mr. President, had I been able to be present for the vote, I would have voted against tabling the amendment.

CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. DODD. Mr. President, I cannot state strongly enough my belief that passage of the Civil Rights Restoration Act of 1987 will constitute one of the most important achievements of this Congress. We must make clear once and for all that discrimination against anyone because of their race, sex, disability or age is illegal and will not be federally supported.

The Civil Rights Restoration Act is necessary to reverse the Supreme Court's 1984 Grove City decision. This act will restore the original broad institutional antidiscrimination coverage intended by Congress when it passed the four civil rights bills jeopardized by the Grove City decision—title VI of the Civil Rights Act of 1964; title IX of the Education Amendments of 1972; section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975.

I am deeply concerned about the damage the Grove City decision has already wrought across the country, particularly throughout the educational system. The U.S. Department of Education's Office of Civil Rights has already dropped or drastically limited in scope an estimated 79 cases involving discrimination at all levels of the educational system. This same Department has also closed more than 20 cases which involved employment discrimination against handicapped individuals.

Mr. President, when the Grove City decision was rendered in 1984, I sponsored a resolution

> To express the sense of the Senate that the laws which ensure equal rights with regard to education opportunity for women should be maintained.

I think the U.S. Department of Education's above-cited actions demonstrate beyond any doubt that the original intentions of Congress in passing the Title IX Education Amendments of 1972 must be restored. Clearly this is true not only to eliminate sex discrimination but to eliminate all discrimination across the country.

I think the record prior to the Grove City decision demonstrates unequivocally that the civil rights statutes currently in jeopardy have been among the most effective tools instituted in our society to eliminate discrimination. For example, the educational antidiscrimination statute has had a remarkable record of achievement in opening the doors to equal educational opportunity, as the following facts illustrate—

First, between 1972 and 1982, the percentage of women in medical school rose from 11 percent to 20 percent; in law school from 10 percent to 36 percent; and in engineering school from less than 1 percent to almost 16 percent.

Second, the percentage of all doctoral degrees awarded to women rose from 16 percent to 30 percent during this same time period.

Third, participation by women in intercollegiate athletic programs doubled between 1973 and 1980; and women now account for 30 percent of all college athletes, with women receiving 20 percent of all athletic scholarships.

The basic principle upon which our civil rights laws is founded is as valid today as when the first civil rights laws was passed in 1964—the Federal Government should not do business with those who violate its law or allow public tax dollars to underwrite discrimination. Congress must act now to eliminate discrimination forever throughout this great Nation.

TRIBUTE TO CONGRESSMAN W.C. (DAN) DANIEL

Mr. WARNER, Mr. President, over this past weekend Virginia lost one of their great public servants in Congressman W.C. (Dan) Daniel of Virginia, the dean of our congressional delegation. Yesterday I joined Senator TRIBLE, Governor Baliles, Lieutenant Governor Wilder, Attorney General Terry, many members of the Virginia General Assembly, the Secretary of the Army, and 70 Members of Congress in traveling to Dan Daniel's hometown of Danville to pay our final respects to this great Virginian. My heartfelt sympathies go out to his wife Ruby, his family, and his staff.

In the 9 years that I have served in the U.S. Senate, it has been my privilege to work closely with the members of the Virginia congressional delegation. And in the course of this service, I will always consider the complete trust I enjoyed with Congressman Daniel to be a great strength of my Senate career.

Dan Daniel deeply loved Virginia and our Nation. And, make no mistake about it, Dan Daniel was loved by the people whose lives he touched. The staffs for all members of the Virginia delegation have been deeply saddened by his death, because he knew each by name and always took the time to inquire about their well-being as well as their families.

Congressman Daniel was midway through his 10th term in Congress and had informed his constituents last week he would not seek reelection because of health considerations. He had the courage to make such difficult decisions. He enjoyed a degree of popularity in his southside Virginia district that most Members of Congress can only dream about. He was rarely opposed in his long career in the House of Representatives, most likely because few Virginians could question his performance, and because he stayed in such close touch with the people he was elected to serve.

Dan Daniel held dear the principles cherished by most Virginians, including maintaining a strong defense, limiting the size of Government and fiscal responsibility. Because of our work together on the Armed Services, and Intelligence Committees, I witnessed first-hand his deeply-rooted convictions of the need to repel communism and keep American strong. A veteran of World War II, he was a valued member of the House Armed Services Committee and chairman of the Readiness Subcommittee. And his tenure as National Commander of the American Legion paved the way for his efforts on behalf of America's defenses and the men and women who serve our Nation.

The passing of Dan Daniel represents a deep personal loss to this Senator and, particularly, to those Virginians he faithfully served for so many years.

One had only to look at Dan Daniel—the hawkish profile and silver hair combined with an ever-gentle spirit to be reminded of the essence of the Virginia gentleman. Dan represented our Commonwealth in so many ways, but perhaps none as important as the way he represented Virginia's strong, unaffected spirit.

Dan Daniel was a soft-spoken man who never raised his voice—yet he was always heard clearly.

The words of Thomas Jefferson are fitting in describing the contributions of such a distinguished public servant such as Congressman Daniel—"God grant that men of principle shall always be our principal men."

"CITIZENS BOUNDARY PROPOSAL" AND DEPARTMENT OF INTERIOR GENERAL MANAGEMENT PLAN TO EXPAND THE CONGAREE SWAMP NATIONAL MONUMENT

Mr. THURMOND. Mr. President, in May of 1976, it was my privilege to introduce legislation authorizing the establishment of the Congaree Swamp National Monument, one of the few remaining examples of an old-growth southern bottomland forest in the country. In October of that same year, former President Ford signed into law legislation to establish the monument. That legislation, which became Public Law 94-545, not only authorized the monument, but also directed the Secretary of Interior to develop and transmit to Congress a general management plan for the use and development of the monument.

A proposed general management plan was submitted to Congress in 1987. That plan provides for the addition of acreage to the monument, the designation of certain lands within the monument as wilderness, the construction of park visitor facilities, and the improvement of certain roads, parking facilities, and boating ramps. At the present time, the Department of Interior is reviewing public comments on the plan and will be submitting a final plan later this year.

Mr. President, I have reviewed the proposed general management plan of the Department of the Interior as well as a related citizens boundary proposal submitted by interested citizens from South Carolina. While there is much these plans have in common, the citizens boundary proposal would add approximately 7,000 acres to the monument. The Department of Interior plan only calls for adding approximately 2,300 acres. Based on my conversation with local citizens familiar with the area, the monument should encompass a greater area than now being proposed by the Department of Interior. Accordingly, within the next several days I intend to introduce legislation which would implement the citizen's proposal. Furthermore, I want to take this opportunity to urge the Department of Interior to include the citizens proposal in their final general management plan to be submitted to Congress later this year.

Mr. President, this great natural resource has provided valuable outdoor recreational opportunities—hiking, canoeing, camping, and fishing—to residents of the Southeast and the Nation at large. Accordingly, I believe upgrading the Congaree Swamp and including additional acreage will provide a lasting benefit to both present and future generations of Americans.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REQUEST FOR ADDITIONAL ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE—MESSAGE FROM THE PRESIDENT—PM 104

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I herewith transmit a request in accordance with Section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (P.L. 100-202) for budget and other authority to provide additional assistance for the Nicaraguan Democratic Resistance. Such assistance is essential to enhance the national security of the United States by advancing the prospects for democracy in Nicaragua and security for all of Central America.

Despite the combined diplomatic efforts of the four Central American democracies and the United States to persuade the Sandinista regime in Nicaragua to move toward democracy and to cease its actions that threaten the security of the region, progress towards these goals is far from complete.

The Sandinistas have repeatedly promised democracy to the people of Nicaragua, first before the Organization of American States in 1979 and, most recently, two weeks ago in the Final Communique of the Central American Presidents at the close of the San Jose Summit. In contrast to these assurances, the Sandinistas' years in power have brought repression and poverty to the Nicaraguan people, not democracy.

It has become clear beyond doubt that, without the steady pressure created by an effective Nicaraguan Democratic Resistance supported by a determined United States, the Sandinistas will move toward democracy nor desist from aggression against their neighbors. The United States, in consulation with the governments of the four Central American democracies, is prepared to redouble its diplomatic efforts in support of peace and democracy on the Central American isthmus. However, the success of such efforts depends on the continuation of the pressure that the Resistance provides.

I urge approval of the additional aid I am requesting for the Nicaraguan Democratic Resistance. Congressional approval of this request is essential to assure a democratic future for Central America and to protect the national security interests of the United States.

RONALD REAGAN.

THE WHITE HOUSE, *January 27, 1988.*

MESSAGES FROM THE HOUSE

At 3:42, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

The message also announced that pursuant to the provisions of section 2101, Public Law 100-203, and the order of the House of December 21, 1987, the Speaker appointed the following individuals on the part of the House to the National Economic Commission on January 11, 1988: Mr. GRAY of Pennsylvania; and from the private sector Mr. Felix Rohatyn of Washington, DC, and Mr. Robert Strauss of Dallas, TX.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence, with an amendment in the nature of a substitute:

S. 1721. A bill to improve the congressional oversight of certain intelligence activities, and to strengthen the process by which such activities are approved within the Executive branch, and for other purposes (Rept. No. 100-276).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 343. A bill for the relief of Pandelis Perdikis (Rept. No. 100-277).

S. 391. A bill for the relief of Hyong Cha Kim Kay (Rept. No. 100-278).

S. 1329. A bill for the relief of Roswitha Starins (Rept. No. 100-279).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 357. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 358. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. Res. 359. An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. Res. 360. An original resolution authorizing expenditures by the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD (for himself and Mr. Dole) (by request):

S.J. Res. 241. Joint resolution to disapprove the proposed agreement for cooperation between the Government of the United States of America and the Government of Japan concerning peaceful uses of nuclear energy, transmitted to the Congress by the President on November 9, 1987; to the Committee on Foreign Relations.

By Mr. SARBANES (for himself, Ms. Mikulski, Mr. Adams, Mr. Boren, Mr. Bradley, Mr. Bumpers, Mr. Burdick, Mr. Chiles, Mr. DeConcini, Mr. Glenn, Mr. Gore, Mr. Harkin, Mr. Hollings, Mr. Kerry, Mr. Levin, Mr. Matsunaga, Mr. Metzenbaum, Mr. Mitchell, Mr. Pell, Mr. Reid, Mr. Riegle, Mr. Rockefeller, Mr. Sanford, Mr. Moynihan, Mr. Boschwitz, Mr. Cohen, Mr. D'Amato, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Garn, Mr. Grassley, Mr. Hatch, Mr. Heinz, Mr. Lugar, Mr. McClure, Mr. Murkowski, Mr. Pressler, Mr. Roth, Mr. Specter, Mr. Stafford, Mr. Stevens, Mr. Trible, Mr. Warner and Mr. Wilson):

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSTON from the Committee on Energy and Natural Resources:

S. Res. 357. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. PROXMIRE from the Committee on Banking, Housing, and Urban Affairs:

S. Res. 358. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. BOREN from the Select Committee on Intelligence:

S. Res. 359. An original resolution authorizing expenditures by the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. BIDEN from the Committee on the Judiciary:

S. Res. 360. An original resolution authorizing expenditures by the Committee on the Judiciary; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself, Ms. Mikulski, Mr. Adams, Mr. Boren, Mr. Bradley, Mr. Bumpers, Mr. Burdick, Mr. Chiles, Mr. DeConcini, Mr. Glenn, Mr. Gore, Mr. Harkin, Mr. Hollings, Mr. Kerry, Mr. Levin, Mr. Matsunaga, Mr. Metzenbaum, Mr. Mitchell, Mr. Pell, Mr. Reid, Mr. Riegle, Mr. Rockefeller, Mr. Sanford, Mr. Moynihan, Mr. Boschwitz, Mr. Cohen, Mr. D'Amato, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Garn, Mr. Grassley, Mr. Hatch, Mr. Heinz, Mr. Lugar, Mr. McClure, Mr. Murkowski, Mr. Pressler, Mr. Roth, Mr. Specter, Mr. Stafford, Mr. Stevens, Mr. Trible, Mr. Warner, and Mr. Wilson):

S.J. Res. 242. Joint resolution designating the period May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week"; referred to the Committee on the Judiciary.

PUBLIC SERVICE RECOGNITION WEEK

● Mr. SARBANES. Mr. President, today I am introducing a joint resolution designating the week of May 2-8, 1988, "Public Service Recognition Week." Last year, 59 of my colleagues joined me in sponsoring a similar resolution honoring the achievements of public servants. That resolution was passed by both Houses and signed by the President. I am quite pleased today that a significant number of my colleagues have joined with me again as cosponsors to recognize public servants across the United States for their unselfish dedication to serving all Americans. The bipartisan support for this resolution is confirmation from this body that we think the public workforce is indeed one of our Nation's most valuable resources and should be recognized as such.

Our governments—Federal, State, and local—have many highly skilled workers whose contributions have a far-reaching impact on the strength and vitality of our Nation. America is viewed throughout the world as a world leader, and the men and women who work in public service for our governments strive to ensure that we maintain this reputation. Assuming a public trust, these individuals provide services to all our citizens. Public servants educate our children, defend our borders, represent our interests to other countries, and are responsible for advancements in medical and scientific research.

From time to time there has been a tendency to criticize and attack Government employees. Despite all of this, public servants continue to be willing and eager to perform their jobs responsively and responsibly, even when the rules of the game have been unclear or constantly and unpredictably changing.

I view public service as a respectable career and a high calling and I am hopeful that our government will continue to attract bright young people who recognize the value and importance of public service. Public employees have made a significant contribution to America's prosperity by supporting the public interest generously and efficiently, and I think they should be proud of themselves and their accomplishments.

I remember President John F. Kennedy, who characterized public service as a noble calling. In a message to Congress in 1961, he said:

> We need to draw upon America's entire reservoir of talent and skill to help conduct our generation's most important business—the public business.

I share President Kennedy's view. Public servants keep our Government running and should be recognized and thanked for their efforts. I am pleased today to sponsor this joint resolution honoring their many outstanding achievements.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 242

Whereas the remarkable range of skills and unceasing dedication of government employees has supported the United States' leadership position in the world;

Whereas government employees have helped make the United States a global leader in industry, health care, agriculture, and defense by developing some of the world's most important technologies;

Whereas career government employees provide the Nation's defense, carry out the laws of the land, ensure environmental protection, maintain transportation systems, guard the Nation's borders to stem the flow of illegal drugs, administer Social Security, support health programs, provide policy direction for the education of the Nation's children, and provide countless other crucial public services;

Whereas government employees perform their demanding duties in exchange for compensation which is often far less than that received by their private sector counterparts; and

Whereas government employees are a valuable national resource, fulfilling the needs and desires of the American people as expressed through their elected representatives in the executive, legislative, and judicial branches of government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 2-8, 1988, is designated as "Public Service Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 533

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 639

At the request of Mr. BURDICK, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 639, a bill to eliminate restrictions on the taxing power of the State to impose, collect, and administer State and local sales and use taxes on sales in interstate commerce.

S. 675

At the request of Mr. MITCHELL, the names of the Senator from North Carolina [Mr. SANFORD], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 714

At the request of Mr. SPECTER, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. DeCONCINI], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Incorporated.

S. 731

At the request of Mr. INOUYE, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 731, a bill to amend section 788(d) of the Public Health Service Act to permit schools of nursing to obtain grants for training projects in geriatrics.

S. 1611

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1611, a bill to amend the Immigration and Nationality Act to effect changes in the numerical limitation and preference system for the admission of immigrants.

S. 1630

At the request of Mr. HEFLIN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1630, a bill to provide for retirement and survivors' annuities for bankruptcy judges and magistrates, and for other purposes.

S. 1804

At the request of Mr. ROTH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1804, a bill to amend the National Wildlife Refuge Administration Act.

S. 1817

At the request of Mr. KENNEDY, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Washington [Mr. ADAMS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. HATCH], the Senator from Illinois [Mr. SIMON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1896

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1896, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 1988

At the request of Mr. BREAUX, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1988, a bill to amend the Merchant Marine Act of 1920.

S. 2011

At the request of Mr. CRANSTON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2011, a bill to increase the rate of Veterans' Administration compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans.

SENATE JOINT RESOLUTION 181

At the request of Mr. WILSON, the name of the Senator from Arkansas [Mr. PRYOR,] was added as a cosponsor of Senate Joint Resolution 181, a joint resolution designating the week beginning February 1, 1988, as "National VITA Week."

SENATE JOINT RESOLUTION 199

At the request of Mr. BYRD, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Nebraska [Mr. EXON], the Senator from Arkansas [Mr. Pryor], the Senator from Washington [Mr. EVANS], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May, 1988, as "Trauma Awareness Month".

SENATE JOINT RESOLUTION 206

At the request of Mr. DOMENICI, the names of the Senator from Florida [Mr. CHILES], the Senator from South Carolina [Mr. HOLLINGS], the Senator from West Virginia [Mr. BYRD], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Massachusetts [Mr. KERRY], the Senator from Mississippi [Mr. STENNIS], the Senator from Michigan [Mr. LEVIN], the Senator from Maine [Mr. COHEN], the Senator from Washington [Mr. EVANS], the Senator from Utah [Mr. GARN], the Senator from Idaho [Mr. McCLURE], the Senator from Vermont [Mr. STAFFORD], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from California [Mr. CRANSTON], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to declare Dennis Chavez Day.

SENATE JOINT RESOLUTION 210

At the request of Mr. WILSON, the names of the Senator from Missouri [Mr. BOND], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Alaska [Mr. STEVENS], the Senator from Utah [Mr. GARN], the Senator from Nevada [Mr. HECHT], the Senator from New Jersey [Mr. BRADLEY], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. GORE], the Senator from Nevada [Mr. REID], the Senator from Arizona [Mr. McCAIN], the Senator from Iowa [Mr. GRASSLEY], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 210, a joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week."

SENATE JOINT RESOLUTION 218

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 218, a joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 224

At the request of Mr. CHILES, the names of the Senator from West Virginia [Mr. BYRD], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

SENATE JOINT RESOLUTION 229

At the request of Mr. WARNER, the names of the Senator from Utah [Mr. GARN], the Senator from Delaware [Mr. ROTH], the Senator from Iowa [Mr. GRASSLEY], the Senator from Missouri [Mr. BOND], the Senator from Arizona [Mr. McCAIN], the Senator from Nebraska [Mr. KARNES], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. THURMOND], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day."

SENATE RESOLUTION 357—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 357

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $2,464,068, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 358—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 358

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $1,705,000 of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expanded for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act.)

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 359—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. BOREN, from the Select Committee on Intelligence, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 359

Resolved, That in carrying out its powers, duties, and functions under S. Res. 400, approved May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1988 through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the Committee under this resolution shall not exceed $2,138,034.00.

Sec. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 360—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. BIDEN, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 360

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Adminstration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $4,353,295.69 of which amount (1) not to exceed $75,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "expenses of Inquiries and Investigations".

AMENDMENTS SUBMITTED

URANIUM REVITALIZATION, TAILINGS RECLAMATION AND ENRICHMENT ACT

FORD AMENDMENT NO. 1383

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill (S. 1846) to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing commercial enterprise on a profitable and efficient basis, and for other purposes; as follows:

On page 51, beginning with line 1, strike all of section 1404 through page 52, line 9, and insert in lieu thereof:

"SEC. 1404. CERTAIN PENDING LITIGATION.—The Corporation may enter into or continue any contract in accordance with the provisions of this title without regard to any judgment in the proceeding pending before the United States Court of Appeals for the Tenth Circuit in Docket No. 85-2428, concerning the procedure followed by the Department in setting the terms of certain enrichment services contracts.".

Mr. FORD. Mr. President, today I introduce an amendment to S. 1846, the Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1987. The purpose of this amendment, Mr. President, is to acknowledge the settlement of litigation between the Department of Energy [DOE] and the Tennessee Valley Authority [TVA] concerning demand charges owed by the DOE enrichment enterprise for power not taken. The contracts in question were signed in the 1960's and 1970's for TVA to supply power for DOE's Oak Ridge, TN, and Paducah, KY, enrichment plants.

Under the settlement agreement, DOE will make annual payments to TVA over the next 7 years which have a present value of approximately $1.5 billion. DOE will provide additional benefits to TVA through modifications to the contract under which TVA buys uranium enrichment services from DOE. In return, TVA will drop its lawsuit against DOE.

As a result of this agreement, TVA has reduced electric rates in the Valley by 6 percent. I am very pleased about that. Also as a result of this settlement, the enrichment enterprise will face a firm schedule of payments. This stability in future payments to TVA should help to mitigate future increases in the price for enrichment services. Establishing stability in the enrichment price is a first step toward increasing the competitiveness of DOE's enrichment enterprise.

Unfortunately, this agreement does not solve all of DOE's enrichment problems. Legislation, such as S. 1846, which restructures the enrichment program as a Government corporation is urgently needed. In addition to establishing a wholly owned Government Corporation to manage the Nation's uranium enrichment enterprise, this comprehensive uranium legislation is intended to provide for a viable domestic uranium industry and to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites. I urge our distinguished majority leader, Senator BYRD, to begin prompt consideration of this very important piece of legislation.

I also ask unanimous consent that a copy of the agreement between DOE and TVA be printed in the RECORD.

There being no objection, the agreement was ordered to be printed in the RECORD, as follows:

AGREEMENT

This Agreement is made and entered into this 18th day of December, 1987, between the United States Department of Energy (hereinafter "DOE") and the Tennessee Valley Authority (hereinafter "TVA"):

1. For the period October 1 through December 31, 1987, DOE shall pay TVA, for capacity not being used by DOE, an amount equal to 50% of the charges currently being billed to DOE by TVA for such unused capacity under Contract No. DE-AC05-760R03760, TV-30613A, and Contract No. DE-AC05-760R03761, TV-30614A.

2. In addition to the amounts payable under section 1 hereof, contracts DE-AC05-760R03760, TV-30613A, and DE-AC05-760R03761, TV-30614A (hereinafter the "Contracts") shall be amended by the parties effective January 1, 1988, to provide as follows:

a. DOE shall make payments to TVA in the total amounts and on the dates as provided in the following table:

[In millions of dollars]

Due date	Amount
January 1, 1988	$375
October 1, 1988	465
October 1, 1989	311
October 1, 1990	160
October 1, 1991	160
October 1, 1992	160
March 6, 1994	160

b. With respect to any payment under this section scheduled subsequent to January 1, 1988, DOE may make a prepayment fo up to $50 million. Upon mutual agreement of the parties, any larger amount may also be prepaid by DOE. All prepayments shall be made on the last business day immediately preceding the due date of the payment and shall be credited towards the amount of such payment as shown on the schedule.

c. To any amount due under this section that remains unpaid after the due date, there shall be added a charge equal to the sum of (1) $150 and (2) an amount calculated in the following manner: the average of the interest rates payable on TVA's short-term borrowings (having maturities of less than one year) made during the calendar month preceding the month of the due date is to be applied on a daily basis to the unpaid portion of the amount due for each day of the period from and after the due date to and including the date of payment in full. (In the event that TVA made no short-term borrowings during such preceding calendar month, the amount used in making the late-payment charge calculation shall be the average effective interest rate on 91-day United States Treasury bills (based on the average of the closing bid and asked price) during such preceding calendar month, plus ⅛ of one percent.) TVA will prepare and send to DOE appropriate invoices for any late payment charges that become due under this subsection, which shall be due and payable upon receipt.

d. Payments under this section shall not be subject to the 5 percent reduction provided by the Contracts associated with payments in lieu of taxes.

e. Payments under this section, as made each year in accordance with this section, shall satisfy DOE's obligation for the fiscal year for which they are made for capacity charges due or to become due under the Contracts, except as otherwise provided in sections 1, 3, and 4 hereof.

3. Contract No. DE-AC05-760R03760, TV-30613A shall be amended by the parties effective January 1, 1988, to provide as follows:

a. In addition to all other charges for capacity payable under the contract as amended by this agreement, DOE shall pay charges for a contract demand of 125 megawatts of power and for actual energy use. The charges and payments for such power and energy shall be in accordance with the rates and provisions of TVA's General Power Rate—Schedule GP-11, as modified, changed, replaced, or adjusted by TVA from time to time.

b. TVA may, at TVA's sole discretion and without any liability, refuse to deliver power exceeding 125 megawatts. If DOE desires delivery of power in excess of 125 megawatts and TVA is willing to deliver such power to DOE, the charges and payments for such power and energy shall be in accordance with the rates and provisions of TVA's General Power Rate—Schedule GP-11, as modified, changed, replaced, or adjusted by TVA from time to time.

c. Payments due or becoming due under the contract as amended by this section for capacity, energy, or any other reason shall be made by DOE in addition to and not in substitution for any other payments required by this agreement, and shall be billed monthly by TVA.

4. Contract No. DE-AC05-760R03761, TV-30614A, shall be amended by the parties effective January 1, 1988, to provide that TVA may, at TVA's sole discretion and without any liability, refuse to deliver any power to DOE. If DOE desires delivery of any amounts of power and TVA is willing to deliver such power to DOE, the charges and payments for such power and energy shall be in accordance with the rates and provisions of TVA's General Power Rate—Schedule GP-11, as modified, changed, replaced, or adjusted by TVA from time to time. Payments due or becoming due under the contract as amended by this section for capacity, energy, or any other reason shall be made by DOE in addition to and not in substitution for any other payments required by this agreement, and shall be billed monthly by TVA.

5. Except as otherwise amended by this agreement, the parties' rights and obligations under the Contracts shall remain the same.

6. The parties, by their attorneys, will execute a stipulation in the form of the attached Exhibit 1, to be submitted to the court in the pending litigation styled *Tennessee Valley Authority* v. *The United States of America*, Cl. Ct. No. 513-87-C, jointly moving for an order dismissing said litigation.

TENNESSEE VALLEY AUTHORITY
C.H. DEAN, Jr.,
Chairman.

DEPARTMENT OF ENERGY
THEODORE J. GARRISH,
Assistant Secretary for Nuclear Energy.

CIVIL RIGHTS RESTORATION ACT

HATCH (AND THURMOND) AMENDMENT NO. 1384

Mr. HATCH (for himself and Mr. THURMOND) proposed an amendment to the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; as follows:

On page 10, line 20, strike "section" and insert in lieu thereof "sections".

On page 12 strike out "organization.'." and insert in lieu thereof the following: "organization.

" 'INTERPRETATION

" 'SEC. 909. Nothing contained in this title shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.' ".

On page 12, line 15, insert "(a)" after the section designation.

On page 14, between lines 11 and 12, insert the following new subsection:

(b) Title V of the Rehabilitation Act of 1973 is amended by inserting at the end the following new section:

"INTERPRETATION

"SEC. 509. Nothing contained in this title shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.".

On page 14, line 13, insert "(a)" after the section designation.

On page 16, between lines 8 and 9, insert the following new subsection:

(b) Title III of the Age Discrimination Act of 1975 is amended by inserting at the end the following new section:

"INTERPRETATION

"SEC. 310. Nothing contained in this Act shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.".

On page 16, line 11, strike out "section" and insert in lieu therof "sections".

On page 17, line 22, strike out "assistance.'." and insert in lieu thereof the following: "assistance.

" 'SEC. 607. Nothing contained herein shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.' ".

THURMOND AMENDMENT NO. 1385

Mr. THURMOND proposed an amendment to the bill S. 557, supra; as follows:

On page 11, line 15, strike out "school system" and insert in lieu thereof "educational institution".

On page 13, line 10, strike out "school system" and insert in lieu thereof "educational institution".

On page 15, line 13, strike out "school system" and insert in lieu thereof "educational institution".

On page 17, line 4, strike out "school system" and insert in lieu thereof "educational institution".

HATCH AMENDMENT NO. 1386

Mr. HATCH proposed an amendment to the bill S. 557, supra; as follows:

On page 12, line 11, insert ", or which is closely identified with the tenets of," after "controlled by".

DANFORTH AMENDMENT NO. 1387

Mr. DANFORTH (for himself, Mr. WILSON, Mr. MURKOWSKI, Mr. LUGAR, Mr. QUAYLE, Mr. GRASSLEY, Mr. DOLE, Mr. MCCONNELL, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. BOND, Mr. MELCHER, Mr. KARNES, Mr. HECHT, Mr. HUMPHREY, Mr. NICKLES, Mr. HATFIELD, Mr. THURMOND, Mr. GRAMM, Mr. HATCH, Mr. PROXMIRE, Mr. KASTEN, and Mr. EXON, proposed an amendment to amendment No. 1386 proposed by Mr. HATCH to the bill S. 557, supra; as follows:

At the end of the language proposed to be inserted, insert the following "a religious organization of the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

" 'NEUTRALITY WITH RESPECT TO ABORTION

" 'SEC. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.' ".

KARNES (AND NICKLES) AMENDMENT NO. 1388

(Ordered to lie on the table.)

Mr. KARNES (for himself and Mr. NICKLES) submitted an amendment intended to be proposed by them to the bill S. 557, supra; as follows:

On page 10, line 20, strike "section" and insert in lieu thereof "sections".

At the end of section 3, insert the following:

"SEC. 909. Nothing contained herein shall be construed to extend the application of this title to farms, farmers, ranches, or ranchers based upon participation in any federal agricultural program unless application is expressly required by any such federal agricultural program."

On page 12, line 15, after the words "Sec. 4" insert the following: "(a)".

At the end of Sec. 4 of the bill, add the following new subsection:

"(b) Title V of the Rehabilitation Act of 1973 is amended by adding at the end the following new section:

"SEC. 508. Nothing contained herein shall be construed to extend the application of this title to farms, farmers, ranches, or ranchers based upon participation in any federal agricultural program unless application is expressly required by any such federal agricultural program."

On page 14, line 13, after the words "Sec. 5" insert the following: "(a)".

At the end of Section 5 of the bill, add the following new subsection:

"(b) Title III of the Age Discrimination Act of 1975 is amended by adding at the end the following new section:

"SEC. 310. Nothing contained herein shall be construed to extend the application of this title to farms, farmers, ranches, or ranchers based upon participation in any federal agricultural program unless application is expressly required by any such federal agricultural program."

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On page 16, line 11, strike "section" and insert in lieu thereof "sections".

At the end of section 6 of the bill, add the following:

"Sec. 607. Nothing contained herein shall be construed to extend the application of this title to farms, farmers, ranches, or ranchers based upon participation in any federal agricultural program unless application is expressly required by any such federal agricultural program."

PACKWOOD AMENDMENT NO. 1389

Mr. PACKWOOD proposed a motion to recommit with instructions (numbered as amendment No. 1389) to the bill S. 557, supra, as follows:

I move to recommit the pending bill to the Committee on Labor and Human Resources with instructions that the committee report the bill back forthwith with the forthcoming amendment:

Strike all after the enacting clause and insert in lieu thereof:

SHORT TITLE

Section 1. This Act may be cited as the "Civil Rights Restoration Act of 1988".

FINDINGS OF CONGRESS

Sec. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

Sec. 3. Title IX of the Education Amendments of 1972 is amended by adding at the end the following new section:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"Sec. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

REHABILITATION ACT AMENDMENT

Sec. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "Sec. 504."; and

(2) by adding at the end of the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

Sec. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

Sec. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"Sec. 606. For the purposes of this title, the term 'program or activity' and the term 'program' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such state or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

Sec. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

KENNEDY (AND OTHERS) AMENDMENT NO. 1390

Mr. BYRD (for Mr. Kennedy, for himself, Mr. Weicker, and Mr. Metzenbaum) proposed an amendment to the motion of Mr. Packwood to recommit the bill S. 557, with instructions (numbered as amendment No. 1389); as follows:

Add at the end of the amendment, the following:

Sec. . Abortion neutrality and rule of construction.

Nothing in the amendment made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

KENNEDY (AND WEICKER) AMENDMENT NO. 1391

Mr. BYRD (for Mr. Kennedy, for himself and Mr. Weicker) proposed an amendment to amendment No. 1390, proposed by him on behalf of Mr. Kennedy (and others) to the motion of Mr. Packwood to recommit the bill S. 557, with instructions (numbered as amendment No. 1389): as follows:

Add at the end of the pending amendment the following:

No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion.

DANFORTH AMENDMENT No. 1392

(Ordered to lie on the table.)

Mr. DANFORTH submitted an amendment intended to be proposed by him to the bill S. 557, supra; as follows:

Notwithstanding any provision of this Act or any amendment adopted thereto:

"NEUTRALITY WITH RESPECT TO ABORTION

"Sec. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce that the Special Committee on Aging will be holding a business meeting on Thursday, January 28, 1988, beginning at 9:30 a.m. in Senate Dirksen 628, to consider the committee's 1988 budget, committee rules, and for other purposes.

Those wishing additional information should contact the committee at 224-5364.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Wednesday, February 3, 1988, at 9:30 a.m. in SR-332 to receive testimony on the nomination of Wendy L. Gramm, to be Chairman of the Commodity Futures Trading Commission.

For further information, please contact John Podesta of the committee staff at 224-2035.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Tuesday, February 2; Wednesday, February 3; and Thursday, February 4, 1988, beginning at 9:30 a.m. on each day, to receive testimony from committee chairmen and ranking minority members on their 1988 committee funding resolutions.

For further information concerning these hearings, please contact Carole Blessington of the Rules Committee staff on extension 40278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on January 27, 1988, at 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 27, 1988, to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on January 27, 1988, to hold a business meeting pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 27, 1988, to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on January 27, 1988, to hold hearings on rural cellular nonwire licensing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 1143—FRANKFORT FISH HATCHERY

● Mr. FORD. Mr. President, yesterday the Senate passed S. 1143. This action is most gratifying to me and the Commonwealth of Kentucky. Senator McConnell and I introduced S. 1143, legislation for what I hope will be the culmination of several years of effort to resolve the uncertainty over management and funding for the Frankfort National Fish Hatchery. The creation of the Frankfort National Fish Hatchery was the direct result of initiative on the part of the local community and the Kentucky State Fish and Wildlife Department.

Years ago, the Commonwealth of Kentucky realized a need for a fish spawning facility to stock the surrounding waterways. The Commonwealth, therefore, on January 15, 1952, deeded to the United States of America land along the Elkhorn Creek, land acquired from residents of Franklin County, KY, to be used for construction of a warm water fish hatchery. The Federal Government subsequently agreed to operate the facility and has done so over the last 33 years.

Beginning in 1980, the Federal Government consistently attempted to close the facility. These attempts came at a time when improved sport fishing facilities were proving themselves as great tourist attractions, providing jobs and revenues to local, State, and Federal entities.

I have worked diligently each of these last 8 years to secure adequate funding to continue the operation of the Frankfort National Fish Hatchery. Unfortunately, as Federal funding became scarce, $150,000 in fiscal year 1986, the facility itself began to deteriorate as much needed improvements were ignored.

The deed from the Commonwealth of Kentucky to the Federal Government on this donated land contained no restrictions whatsoever. However, a common understanding existed that, as the State of Kentucky assisted in the management of the facility and, for that matter, was responsible for its very existence, the State would receive a larger share of the spawned fish.

Until 1985, Kentucky and the immediately surrounding States did indeed receive the large share, including black bass, walleye, catfish, and blue gill. The Federal Government, in that same year, dedicated 15 ponds, or 25 percent of the pond facilities to produce striped bass to be used for stocking the Chesapeake Bay.

I encouraged the State department of fish and wildlife to look into acquiring the facility and taking control of the management. The Federal Government made it clear in 1980, when proposals to stop funding the facility first appeared before Congress, that the facility was no longer a high priority. Although I welcomed the opportunity to supply the Chesapeake Bay with fish from the Frankfort facility, I felt the original understanding resulting from land conveyance had been broken. Furthermore, conservative estimates indicated that the Frankfort Fish Hatchery needed over $1 million in repairs and improvements to allow the facility to operate up to its full potential. Money, I point out, that would not have been coming from the Federal Government.

The Commonwealth of Kentucky, on October 1, 1986, entered into a memorandum of agreement [MOA] with the Federal Fish and Wildlife Service to assume full operation and associated costs of the facility. The State of Kentucky intends to improve the facility by upgrading the water supply system through a new deep well, construct a new hatchery building, renovate existing structures and repair existing ponds. The State has committed over $70,000 for this year to do so.

Despite the fact that the State of Kentucky has assumed all responsibility for the facility, the Federal Government will continue to benefit from increased tourism and adequate stocking of Kentucky waterways.

Sounds like the perfect arrangement. However, the truth is the intervention and interference of the Federal Government hangs over the heads of those managing the facility. S. 1143 would resolve this matter. More to the point, transferring ownership of the Frankfort Fish Hatchery back to the Commonwealth of Kentucky is the proper and responsible thing for the Federal Government to do. After all, the Federal Government will only be returning what was given to it originally in 1952.●

OLD MAIN—A SUCCESS STORY

● **Mr. BOSCHWITZ.** Mr. President, I rise today to share with my fellow Senators a tale of success about a building called "Old Main" in Mankato, MN, from an article in the Minnesota Real Estate Journal. The Federal Government is often criticized—many times deservedly—for dragging its feet on important decisions. But the story I'd like to share is one of prompt action and cooperation.

Old Main, which was placed on the National Register in 1983, is the last remnant of the old Mankato State Teachers College. It was built in 1923–24 and is a fine example of the academic style of architecture. Now Old Main is being renovated to provide 85 units of senior housing.

Curt Fisher, of Fisher Commercial Real Estate in Mankato, together with many others, was a leader in the fight to save this building from the wrecking ball. Curt recognized the needs of the community, particularly the need for senior housing, and worked hard with the citizens of Mankato to make the vision a reality. The city of Mankato pitched in by purchasing the building from a developer using proceeds from a tax increment financing [TIF] district, and then selling it to the nonprofit Senior Development Corp.

But it wasn't easy going. Provisions of the Tax Reform Act of 1986, which was signed into law while financing and planning of the renovation was still worked out, could well have stopped the project. The cut in the historic preservation tax credit from 25 to 20 percent, as well as the limitation on passive losses for partnerships, could have killed the project. My office went to work and obtained an amendment to the Tax Reform Act exempting the project and putting it back on track.

I think the story of the renovation of Old Main, which will be completed by next May, is a fitting example of the benefits of cooperation between private investors, and local, State, and Federal Governments. Old Main will provide much needed housing for seniors, while preserving the historic heritage of Mankato.

At this time, Mr. President, I ask that the attached copy of the article on Old Main be inserted in the RECORD.

The article follows:

NEW LIFE FOR OLD MAIN—HALLS OF ACADEME NOW SENIOR HOUSING

When they took the wrecking ball to the auditorium of Old Main, it collapsed after one hit.

Fortunately for the rest of the flagship building of what used to be the lower campus of Mankato State University, structural integrity has not been a problem.

In fact, Old Main appears to be beating the odds, and by next May the renovated building will reopen as an 85-unit market rate senior housing project.

More than once the apartment project has come close to being killed, either because of changes in tax law or historic renovation policy, or because of financial feasibility troubles.

Ground was broken July 29 for the $8 million Old Main Village development. Old Main Village Ltd. Partnership closed last summer on the property in the 400 block of South Fifth Street. Minneapolis-based Wellspring Corp., a barge equipment investment company with a real estate subsidiary, is the general partner in the partnership. State Bank and Mortgage Co. of New Ulm, which put up $1.5 million in equity to help finance the project, is a limited partner.

The senior housing project began, says Curt Fisher of Fisher Commercial Real Estate in Mankato, because area senior citizens were interested in saving the building and because they saw a need for housing.

"Old Main is a very important building in Mankato," Fisher says. The lower campus was abandoned by the university about nine years ago when it consolidated its operations on its hilltop campus overlooking downtown.

The building, listed on the National Register of Historic Places, was one of several in the lower campus sold at auction to Mankato developer Art Petrie by the state of Minnesota.

Placed on the National Register in 1983, Old Main is significant because it is the last remnant of the old Mankato State Teachers College, explains Historical Architect Charles Nelson of the State Historic Preservation Office in St. Paul. In addition, the building, erected in 1923–24, is a good example of the Medieval Revival or Academic style of architecture, Nelson says.

Even though Old Main had its place in Mankato's history, "there was no viable use," Fisher says. "They (Petrie and his partners) tried to look at apartments, but the numbers just didn't work."

Thought was given to leveling the building, allowing for a new development from the ground up. While Petrie concedes that swinging the wrecking ball at Old Main was a consideration, he suggests that the concern the community had about the building's fate was a bit overdone. "I don't think it (demolition) was as close as it was perceived," Petrie says.

The city of Mankato bought it for $500,000, using proceeds from a tax increment financing (TIF) district.

Petrie credits the city's TIF program for the current renovation of Old Main, but takes credit for beginning the project. "We did the original development work and postured it," he says.

The city in turn sold part of the Old Main property for $1 to Senior Development Corp., a non-profit senior citizen group set up to try to renovate the old school building into housing.

Larry Forsythe, Mankato's economic development director, says the city will be reimbursed $360,000 from TIF money for the sale. If they decide to construct a second phase for Old Main Village, the developers have an option for a second parcel, once the site of a physical education building.

Fisher was hired as a development consultant by Senior Development Corp. But when the seniors found they couldn't afford to do the project either, Fisher and the Old Main Village Partnership took over. He assembled a development team that included Life Care Services of Des Moines, Iowa, which will manage the property and helped in design of the renovation; general contractor R.W. Carlstrom Construction Inc. of Mankato; Kagermeier-Skaar Architects Inc. of Mankato; and Allison-Williams Co., a Minneapolis mortgage banker that handled

the public sale of $5.7 million in tax exempt bonds.

In addition to the bonds and State Bond and Mortgage Co.'s equity, financing included $1.3 million in investment tax credits for which the project barely qualified.

Soon after deciding to go ahead with the project, Fisher explains, the federal Tax Reform Act of 1986 was signed. The damper the new law put on real estate investment could have meant the end of Old Main Village, but the partnership sought an exemption through Minnesota Sen. Rudy Boschwitz. "It was critical," Fisher says.

Specifically, Nelson explains, the tax law cut the historic preservation tax credit from 25 percent to 20 percent. In addition, the law's limitations on passive losses closed the door to development partnerships passing on project costs to individual investors in the form of tax write-offs.

To their surprise, Fisher says, the exemption was okayed, allowing the project to move ahead. "One of the other things it did was give us some acclaim, which helped with financing."

One other stumbling block came in the National Park Service's review of the project. The park service administers the National Register and its standards state that all parts of a building must be evaluated as a whole.

The developers had expected to tear down the auditorium, added to Old Main in 1924. The space was unusable, Fisher says, and to shore up the rickety room would have been financially prohibitive.

"Had the portion of the building been structurally sound and rehab-able," Nelson says, "the developers would have had to go back to the drawing board and figure out how to renovate it."

Because of the condition of the auditorium, however, demolition was allowed.

"When we took the jacks out and hit once with a wrecking ball, the whole thing (auditorium) collapsed," Fisher says.

Renovation work on Old Main will yield 85 units ranging in size from 575 to 1700 square feet, says Marc J. Weisenburger, vice president of finance for Wellspring Corp. In addition to residential units, the building's library is being converted to a dining room, while the basement will include a swimming pool.

About half the space in Old Main, Fisher says, is common area. That's more than necessary, but it would be balanced against the second phase, which would be a 90-unit high-rise with a skywalk connection to Old Main.

Old Main Village will be the most recent of several renovations on the lower campus. Petrie, who once owned the bulk of the campus, has sold two other buildings:

The old Mankato State University library was converted into the Blue Earth County Government Center and sold to the county.

One of several dormitories, Searing Center, was run by Petrie as student housing for four years after he bought it. Roseville, Minn., developer E.E. "Pete" Parranto bought it from Petrie and tried to convert it to senior housing. Searing Center, however, now sits empty and Parranto has lost it to Norwest Bank Mankato, Petrie says.

Petrie still owns two of the lower campus facilities:

The former Nichols South classroom building is run by Valley Campus Associates, which redeveloped the property into the Nichols Office Center. An adjacent structure, Nichols North, was leveled to make way for a parking lot.

Another student housing facility, Cooper Dorms, was converted into the Colonial Square apartment complex and is owned now by Petrie's Colonial Square Associates.●

JUDICIARY COMMITTEE HEARING ON SUZANNE B. CONLON, NOMINEE FOR U.S. DISTRICT COURT OF THE NORTHERN DISTRICT OF ILLINOIS

● **Mr. SIMON.** Mr. President, this morning I had the opportunity to present to the Judiciary Committee one of my distinguished constituents, Suzanne B. Conlon. Ms. Conlon has been nominated to a seat on the U.S. District Court for the Northern District of Illinois.

At the outset I would like to thank the distinguished committee chairman for holding this hearing. Unfortunately this position has been vacant for far too long as a result of the administration's delay of nearly 2½ years in choosing a nominee. I commend the chairman for scheduling this hearing and doing his part to see this vacancy filled.

Suzanne Conlon has an excellent academic and professional record. After graduating from Mundelein College, she attended the Loyola University School of Law where she distinguished herself by graduating cum laude and ranking third in her class. She then spent 3 years clerking for the former chief judge of the Northern Illinois District Court, the Honorable Edwin A. Robson. Upon completion of her clerkship she worked as an associate in two well-respected Chicago law firms, Schiff Hardin & Waite and Pattishall, McAuliffe & Hostctter.

In 1972 Ms. Conlon moved from private practice to the U.S. Attorney's Office. During her 9 years of service Ms. Conlon developed a reputation as a hard working and fair individual. I have received letters of recommendation from both a fellow assistant U.S. attorney and defense attorneys praising her for her thoroughness and even temperament. I am pleased to note that in 1980 Ms. Conlon received a special commendation from the former Attorney General Ben Civiletti for successful prosecution of air piracy and kidnap murder cases. This honor, along with her 9 years as an assistant U.S. attorney, reflect Ms. Conlon's commitment to public service, a commitment she can be proud of.

Since leaving the U.S. Attorney's Office in 1986, Ms. Conlon has worked for the U.S. Sentencing Commission and is currently its Executive Director.

In closing I wish to note that I am particularly pleased to be able to speak not only on behalf of a fine Illinois citizen, but on behalf of a female nominee to the Federal court. As of September 1987, the Reagan administration had nominated 320 people to the Federal courts. Of these only 5 were black and 25 were women. I find this to be a very sorry record indeed.

I am pleased the committee now has the opportunity to hold hearings on Ms. Conlon, and I hope that her nomination will spark the selection of other talented women for the Federal judiciary.●

BICENTENNIAL MINUTE

JANUARY 27, (1879): JAMES SHIELDS

● **Mr. DOLE.** Mr. President, 109 years ago today, on January 27, 1879, James Shields was sworn in as the new Democratic Senator from Missouri. Now, there is nothing unusual in this event alone. What makes it a Senate first was the fact that Missouri was the third State Shields represented in the Senate. Shields had previously been a Senator from Illinois and Minnesota.

Though the only person to represent three different States in the Senate, Shields began his career in this body under difficult circumstances. Emigrating to the United States from Ireland in 1823, he settled in Illinois and was elected to the Senate as a Democrat in 1849. His eligibility was questioned on the grounds that he had not been a U.S. citizen the requisite 9 years at the time of his election, and he was denied his seat. The Illinois Legislature, however, again elected Shields for the same term, and he triumphantly claimed his seat 7 days after the ninth anniversary of his naturalization. He served until 1855, when he failed in his bid for reelection.

Shields moved westward to Minnesota, where in 1858 he became one of that State's first two Senators. On that occasion his seating was challenged on the grounds that Minnesota had not been a State at the time of his election. The Minnesota delegation was finally seated and Shields served until 1859 when, again, he was not reelected. After the Civil War, Shields moved to California, Wisconsin, and finally Missouri, where he was again elected to the Senate to fill a vacancy. He served from January 27 until March 3, 1879, when he declined to run for reelection. Shields died later that year in Missouri.

Throughout the Senate's history, 25 Senators, at one time in their careers, have represented more than one State in Congress. All but two of them—Shields and Waitman Willey, who served in the Senate from Virginia and then West Virginia—served their other term in the House of Representatives.●

FRAUD OF THE DAY—PART 23

● **Mr. HEINZ.** Mr. President, over the last few months of the first session I presented a series of examples of customs fraud in order to demonstrate

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the gravity of the problem facing the Customs Service and domestic industries and to make clear the reasoning behind my amendment to the trade bill that would create a private right of action for customs fraud. Today I want to resume that series with Fraud No. 2[illegible], and I will continue with additional cases from time to time, as the supply appears inexhaustible. At the same time, I want to indicate that, in the spirit of today's television networks, I also plan to reprise some of the classic frauds of last year—reruns, or golden oldies, if you will—just in case anyone has forgotten them. Needless to say, reprints are also available from my office, and syndication rights will be auctioned off at an appropriate time in the future. Pending all that, however, I want to begin 1988 with a fresh fraud and an important one that involves the high tech sector of our economy.

Today's fraud involves a serious scheme designed to circumvent a major trade arrangement, namely the United States-Japan Semiconductor Trade Agreement of 1986. This particular case illustrates the extraordinary complications often faced by the Customs Service. Had it not been for a confidential informer, this harmful episode might have continued for quite some time, doing incalculable damage.

The Customs Service began investigating a report of smuggled computer chips on September 25, 1986. Working in cooperation with Canadian Customs Agents, the U.S. officers uncovered an elaborate operation specifically designed to profit from the newly imposed trade restrictions on semiconductor chips, which were created to protect U.S. semiconductor manufacturers.

Between March and October, 1986, some $1.1 million in semiconductor products were deliberately misclassified by the culprits who brought the contraband over the United States-Canada border. A vast assortment of NMOS dynamic random access memory chips were purchased by arrangement in Japan at prices well below world and U.S. market prices. The computer chips were then transshipped to Lee & Drummond Ltd., a Canadian importer in Vancouver, British Columbia.

The now convicted smuggler, Paul S. Columbus, a microchip dealer in Huntington Beach, CA, brought nine illegal shipments of Japanese produced semiconductor chips over the United States-Canadian border in a rented automobile. He then sold these restricted items, further reducing U.S. semiconductor manufacturers' market shares while netting a handsome profit for himself and his partners in crime. Mr. Columbus operated with a Japanese distributor, Mr. Kanji Sato, to bring thousands of NEC, Toshiba, and other high quality computer chips to U.S. markets in clear violation of Customs Service material and documentation codes. His conviction would not have been possible without close United States-Canadian cooperation.

The Customs Service investigation of this import violation lasted 11 months. During this period American and Japanese semiconductor manufacturers suffered from the illegal presence of additional computer chips in U.S. markets. Policy makers in both industrial nations continued to face pressures because the agreement designed to assist Americans was not showing substantial beneficial effects, and Japanese sales would continue to remain under restrictions for an extended period.

One of the important lessons of this case is the emasculation of trade agreements by a few nefarious individuals who would make exorbitant personal profits at the expense of carefully designed trade policy. This effort failed because of good work at Customs, close international cooperation, and the good fortune of a private informer. A private right of action provision would be of considerable assistance to the Customs Service in helping enforce the law in the face of an ever-increasing burden of cases, and it would give domestic manufacturers a means to redress the injury they suffer as a result of this criminal activity.●

INFORMED CONSENT NEW HAMPSHIRE

● Mr. HUMPHREY. Mr. President, I ask that a letter from a woman in New Hampshire be entered into the CONGRESSIONAL RECORD. This woman experienced serious complications from her abortion and had never been advised that such risks were involved. I urge my colleagues to support S. 272 and S. 273 which could prevent such tragedies from occurring. The letter follows:

JULY 1987.

DEAR SENATOR HUMPHREY: In my own case, I initially went to a doctor to have a pregnancy test which turned out positive. I remember him telling me that it might be the only child that I would have. But I did not believe him and I was thinking in terms of other possibilities such as becoming married and having an equal chance of having a family under proper circumstances, after this "mistake" had passed.

I was no longer in a full time teaching position and was fearing I'd have to go on welfare, and also that I would expose my wrongdoing to all my family and their friends. I also had a conceited attitude that I was attractive enough to catch a man who I would want to marry under the right circumstances.

I had a friend inform me that on a local radio station there was an ad for a telephone number in New York City to talk about getting an abortion. I called the number and made an appointment to go to the clinic. I was told the procedure, the cost, and that I would get post-abortion counseling if I desired it. When I got there they ran through a brief description of the method and an explanation of the physical aspects only.

They especially inquired about how many weeks into the pregnancy I was. I really had a doubt and was not sure. It was stressed that I had only up to 3 months to make up my mind if I was going to do it or not.

Just before going to the clinic, another friend gave me a Readers Digest article to read about what an abortion procedure is like and its benefits. With this "informed approach," I steeled myself for what I was about to go through. I wish I had had more time to think about my choice, but I kept remembering that I didn't have much time to decide as the three months was almost up. I was also the type of person who, when I made up my mind to do something, went through with it.

I now wish I had just gone home and had the child, because, just as the first doctor had warned, I was never able to have children again. When I was married eight years later, I had to have a total hysterectomy. They removed a benign tumor as large as a cereal bowl. I also had developed endometriosis, a pre-cancerous disease of the fallopian tubes. Along with this I developed diverticulitis, and a chronic skin infection, not to mention my treatment by a psychiatrist for anxiety that I played along with for 5 years prior to my marriage.

If I had had proper counseling, I am almost certain that I would not have gone through with the abortion. I would have made an intelligent choice, one based upon facts rather than fear and ignorance.

Name withheld by request.●

DR. ALVIN C. POWELEIT: A CARING PHYSICIAN

● Mr. McCONNELL. Mr. President, I rise today to enter into the RECORD an article about a highly respected community leader, Dr. Alvin C. Poweleit. This remarkable physician has dedicated his life to the caring of his fellow man, a goal he has achieved admirably.

Although many physicians provide the same quality care that Dr. Poweleit has provided for four decades, it is his method of providing the care that distinguishes him. As the article mentions, he never turned away a patient who could not pay and he never turned over an overdue bill to a collector. This commitment to service earned him the endearing and everlasting gratitude of his patients.

I hope that my colleagues will take note of the article's content and join me in wishing the best to Dr. Poweleit in his well-deserved retirement.

I ask that the article to which I have referred be printed in the RECORD.

The article follows:

[From the Kentucky Post, Jan. 12, 1988]

A CARING PHYSICIAN

Dr. Alvin C. Poweleit's particular brand of medicine was born in a prisoner of war camp in Japan.

During the Bataan Death March and his three years in the camp, Dr. Poweleit, a tank battalion surgeon, vowed if he made it

back to America he would spend his life helping people, according to a patient.

When he retired last month, he had done just that.

At 78, the little man with the bow tie and the wisp of white hair was more than just another medical man.

He was a caring physician who always had time to listen. There is a particularly touching story about a child who faced surgery and was afraid. Dr. Poweleit spent several Saturday mornings walking with the child and easing her fears.

He says he never turned away a patient who couldn't pay and he never turned an overdue bill over to a collector.

He was notorious for his waiting room. Patients would spend hours waiting to see him. They groused, but most of them came back the next time.

Neither his payment plan nor his waiting room were particularly good business policies but they grew from Dr. Poweleit's commitment to serve.

It would be easy to say he will be missed and that all doctors should emulate their colleague.

But all of us should follow the example Dr. Poweleit has been setting for the past 30 plus years.

He's earned a wonderful retirement. He carries with him the gratitude of his patients and the entire community.●

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

● Mr. PROXMIRE. Mr. President, I submit for the RECORD the Rules of Procedure for the Committee on Banking, Housing, and Urban Affairs:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, February 4, 1981)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate or the full Committee has specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of the summary, unless specifically authorized by the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the ranking minority member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session at least 48 hours prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless thirty written copies of such amendment have been delivered to the office of the Committee at or before 2:00 p.m. on the business day prior to the meeting. This subsection may be waived by a majority of the members of the Committee or Subcommittee voting. This subsection shall apply only when at least 48 hours written notice of a session to mark up a measure is required to be given under subsection (e) of this rule.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Committee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the ranking minority member of the Subcommittee, or by a majority vote of the Committee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the ranking minority member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular, addition, or special meeting of the Subcommittee, the ranking member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee are actually present. Any absent member of a Subcommittee may affirmatively request that his vote to recommend a measure or matter to the Committee or his vote on any such other matter on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (before noon, 24 hours preceding his appearance) 75 copies of his statement to the Committee or

Subcommittee. In the event that the witness **fails to file a written statement in accordance with this rule, the Chairman** of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his views to the Committee or Subcommittee. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Fifteen-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 15 minutes duration. This period may be extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the ranking minority member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and ranking minority vote of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 10 minutes duration, except that if a member is unable to finish his questioning in the 10-minute period, he may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 10 minutes until all members have been given the opportunity of questioning the witness for a second time. This 10-minute time period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than a report on a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him during such public or executive hearing on the dais. If a member desires a second staff person to accompany him on the dais he must make a request to the Chairman for that purpose.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes..
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least five days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

U.S. GLOBAL MILITARY COMMITMENTS

● Mr. INOUYE. Mr. President, Navy Secretary James H. Webb, Jr., delivered a speech recently to the National Press Club calling for a thorough review of our global military commitments. Mr. Webb's comments are contained in the January 18, 1988, edition of the Wall Street Journal, which I would like printed in the RECORD.

The remarks follows:

[From the Wall Street Journal, Jan. 18, 1988]

U.S. MILITARY: STRENGTH THROUGH FLEXIBILITY

(By James H. Webb, Jr.)

The key question for our leaders in the new year is whether, and how, the U.S. can maintain its commitments throughout the world while reducing the size and force structure of its military. We must establish the guidelines that will take us into the next century.

First, although the NATO alliance is one of the keystones of our military structure, we need to remind ourselves that we are more than a European nation. Moreover, we should bear in mind that no region is better equipped to reassume a great share of the burden of its own defense than Western Europe.

Second, in economic, cultural and political terms the U.S. is becoming more intertwined with Asia. It is imperative that we match those ties with the military capability to protect our interests and honor our obligations in the region.

The Soviet Union already is placing a greater emphasis on Asia. While the Soviets' force structure in Europe has remained relatively constant over the past decade, they have made marked advances in Asia. They have achieved the historic Russian dream of owning a warm water port in the Pacific, and on any given day two dozen Soviet ships are in Cam Ranh Bay, Vietnam, as are

fighter, bomber and long-range reconnaissance aircraft. They have increased their Far East Command by 10 divisions over the past 10 years, and now have 530,000 ground troops in East Asia, in addition to 200,000 spread through Mongolia, the trans-Baikal and Central Asia. The Far East military region has 85 Backfire bombers, and nearly 2,500 combat aircraft. The Soviet Pacific Fleet is the largest of its four fleets, with 840 warships compared with 750 a decade ago.

SHIFT IN PRIORITY

The Soviets are said to be looking for naval bases in North Korea. They have pursued in recent months a defense relationship with Thailand. For three years running they have attempted to offer a dry dock facility for the Australians in Perth. They have become active in Polynesia and Micronesia. They have continued a close defense relationship with India. And they have done all of this while pursing vigorously a rapprochement with China.

Our responsibility to meet Soviet pressure globally might logically dictate an increase in our Asian presence that would match their obvious shift in priority.

One element in this equation, obviously, must be Japan. The Japanese have recovered from the devastation of World War II, and most Americans believe it is time for the Japanese to assume more of the burden of defending the way of life we share.

The Japanese have made measurable progress on this score. They have increased their defense spending for several years in a row, and regional security demands that they do more of this. I recommended as early as 1973 that Japan include the defense of its sea lanes in its constitutional interpretation of "self-defense." Ocean-going activities of that sort would aid our alliance without inciting the concern of other nations in the region.

Third, we must consider the Soviets themselves. Soviet conventional force structure around the world has been growing, and if force structure cuts are to occur in our own military, we must signal to the Soviets that this is a refinement rather than a reduction of our capabilities.

Fourth, we must pay greater attention to our own hemisphere. Fully 42% of our legal immigrants over the past 10 years have been from Latin America. Latin America's problems are rapidly becoming our problems. The Soviets and Cubans have been more adept at understanding that than many of our own policy-makers.

The Soviets operate roughly 7,600 military personnel in Cuba, and 230 in Nicaragua and Peru. During 1986 alone the Soviets provided more than $600 million of equipment to the Sandinista regime. The Cubans contribute 2,500 troops in Nicaragua. Discounting our Southern Command in Panama, the U.S. has 2,300 troops in Guantanamo Bay, Cuba, and 932 operating personnel elsewhere in 27 Latin American countries, 643 of those in Honduras.

In Africa, the Soviet Union and Cuba are heavily involved through troop presence and arms transfers. The Cubans maintain military and technical personnel in 17 African nations, with major combat units in Ethiopia, Algeria, Congo, Angola and Mozambique. The Soviets maintain a continuous naval presence off the coast of west Africa.

Additionally, key water routes and bases around the world continue to be at risk. American basing rights in Panama, Greece, Portugal, Spain and the Philippines will be subject to negotiations in the near future, and it is reasonable to assume that we will lose our lease on Guantanamo Bay in 1999. The southern reaches of the Red Sea have been bracketed by the Soviet influence in Ethiopia and its presence in Yemen. The importance of protecting international waterways into and inside the Persian Gulf should be clear.

It will require extremely careful use of a reduced U.S. force structure, as well as a more enthusiastic participation by other friendly nations, for us to meet such challenges. To the greatest extent possible, forces of the future should be free to deploy and to maneuver, to concentrate at a crisis point and project military force at that point—without the necessity of negotiating base rights or the unavoidable involvement in local conflict that such base rights imply.

POST-INF thinking that conventional forces in Europe be increased because conventional forces in Europe are arguably more at risk without the intermediate nuclear shield does not necessarily mean that this should be a U.S. buildup. Nor does it mean that such a buildup should occur in Europe at all, or even that it be a land-oriented buildup.

Strategy does not dictate that pressure applied by an adversary at one point be countered at exactly that point. If the interests of the U.S. and its allies are threatened or attacked by the Soviet Union in one part of the world, the U.S. could and probably should react at the point most beneficial to its own strengths—anywhere in the world.

And this is the great strength of seapower. We are not a continental land power, except on our own continent, and we never have been. We are a maritime nation be virtue of our geographic position, economic necessity and political commitment.

U.S. seapower maintains unimpeded access to world markets. It denies our adversaries the use of sea lanes for expansionist or imperialist reasons. It maintains international security and stability, including protection of nations we count as friends and allies during crisis. It enables us, when war comes, to reinforce allies, to multiply the effectiveness of their armies, to inject our own ground forces when appropriate, to become supreme on the land through control of the sea. It provides us the single greatest deterrent to nuclear war, with a nuclear submarine force that fields one-half our nuclear capability at one-fourth the overall cost for the strategic nuclear Triad.

A credible seapower—which means a naval force that can deploy immediately, stay for as long as necessary, and fight at whatever level of conflict the situation demands—can affect world events quickly and decisively. Our Navy and Marine Corps meet those criteria. This is exactly what we will need more of in the future. Furthermore, while the Navy and Marine Corps participate with the other services in exercises designed to test wartime readiness, they also are continually participating in real-world operations that are essential to keeping the peace—today.

DECADE OF EVISCERATION

It's not necessary to speculate on what would happen if we cut back naval force structure. Those who claim that the past seven years have shown the greatest peacetime buildup of the U.S. Navy—to 569 ships today—forget that the decade that proceded this buildup gave us the greatest evisceration of the Navy in its history. When I was commissioned in 1968 there were 931 combatants in the U.S. Navy. By the time we inherited the Indian Ocean commitments in 1979, the Navy had been cut to 479 combatants. Operational commitments did not decrease.

The Navy did it with less, and the result was a hemorrhaging of manpower and materiel. Aircraft carriers deploying to the Indian Ocean commonly spent four months and longer at sea, without so much as seeing land, much less visiting a liberty port. By 1980, the Navy was short 22,000 non-commissioned officers.

I'm not sure we'd be lucky enough as a service to survive that sort of misfortune again.●

W. CLYDE GLASS

● Mr. McCONNELL. Mr. President, each spring during the week preceding the Kentucky Derby, two paddlewheel steamboats, the Belle of Louisville and the Delta Queen, race each other on the Ohio River in Louisville. An article I would like to enter into the RECORD details the account of one such race where the Belle of Louisville outwitted its opponent and raced to victory. What the article does not say is that W. Clyde Glass masterminded the craftiness.

The article does go on to say that Mr. Glass began his life in retirement on Monday after 25 years on the Belle of Louisville's operating board including 18 years as its chairman. Friends of Mr. Glass say that a retirement party is in the works and that they expect the party to be attended by distinguished guests such as city and county officials who will be eager to extend their gratitude to Mr. Glass for his tireless involvement in community activities.

While Mr. Glass served on the boards of directors for many of the finest service organizations in Louisville, his greatest accomplishment is his work with the Belle of Louisville. There is a consensus that had it not been for Clyde Glass, there would be no Belle of Louisville, for without the strong leadership of a successful, independent businessman, this beloved paddlewheel vessel would not be able to serve the community on a nonprofit basis today.

Mike Fitzgerald, the master of the Belle of Louisville and its captain of operations said, "If there is a Mr. Belle of Louisville—he is it." He went on to add that Mr. Glass is a definite leader in the community "* * * because he is involved in many, many community projects. To describe Mr. Glass, you would have to use words such as 'integrity' and 'successful'."

Mr. President, I have inserted this article into the RECORD because, in light of this fine individual's distinguished record of service, I hope that my colleagues will join me in wishing him the best of luck in his well-deserved retirement.

The article follows:

GLASS ENDS "LOVE AFFAIR" WITH BELLE, STEPS DOWN AS CHAIRMAN

(By Leslie Scanlon)

W. Clyde Glass loves to tell the story of the year the Belle of Louisville outsmarted the Delta Queen, and won the Great Steamboat Race by hiding two tugboats behind Six Mile Island and using them to make a quick turn.

"Ernie Wagner, who was captain of the Delta Queen, was a great big fella," Glass reminisced. "He was truly a riverman. He had a bass voice that you could hear across the river, and he hollered, 'Dirty pool! Dirty pool!' "

Harvey Sloane, now Jefferson County judge-executive, suggested to Glass that the Belle crew perhaps should apologize for their high jinks.

And Glass told Sloane: "You don't apologize in a steamboat race. This is not a canoe race. Anything is fair in a steamboat race, as long as you can beat the other guy."

For the past quarter of a century, Glass has had a love affair with the Belle, despite having had cold feet about her in the beginning. At 78, he is four years older than the Belle, and still is smitten with the white-decked charmer. Yesterday, however, he stepped aside after 25 years on the Belle of Louisville operating board—the last 18 as chairman. Gene Johnson, senior vice-president of the Blue Boar Cafeteria Co., will take over as new chairman.

Glass said yesterday that he thinks "it's time to move over a little bit and let the younger people take it. The finances are in perfect shape, and the boat's in as good a shape as it's been in since it was built, and we've got a crew that's as good as we've ever had, and we had a good season last year. I think it's time to move on."

Glass, a Louisville native, has been drawn to the water ever since he took his skiff out on the river while a student at Louisville Male High School. He has owned boats and been active in the Coast Guard Auxiliary.

Now, he is a successful businessman—chairman of the board of V. C. Glass Carpet Co., which also operates Merchants Ice & Coald Storage Co. and Arctic Ice Co. He is the father of two sons, Kenneth and Ray, and an active community volunteer. His wife of 55 years, Virginia, died on Sept. 26.

C. W. Stoll, who served with Glass on the Belle's board since its inception, said his friend's greatest contribution to the Belle is "his fiscal responsibility" and his insistence that the steamboat be run according to "strict business principles."

"If it hadn't been for Clyde's leadership, the boat wouldn't be operating today," said Neil Whitehead, a former board member who served with Glass for 22 years.

And Mike Fitzgerald, the Belle's captain, said he will never forget the faith Glass showed in him back in 1983, when "they decided to pick a 25-year-old boy to step into the master's position—I don't think I could have come up under a better bunch."

Glass became involved with the Belle in 1962 when Marlowe Cook, who was Jefferson County judge at the time, forked over $34,000 in county money to buy the decrepit steamboat, then called the Avalon, at a bankruptcy auction in Cincinnati. Like a lot of other Louisvillians, Glass thought the boat would soon be called "Marlowe's Folly."

When Cook asked him to join the operating board, Glass told the judge point-blank that "I didn't think he should have bought it."

Now, asked to say what he's proudest of from his years with the Belle, Glass responds: "We're proud that we took a pile of junk and put it into a condition that it became the apple of the public's eye."●

DISAPPROVAL RESOLUTION

Mr. BYRD. Mr. President, I am authorized by the distinguished assistant Republican leader, Mr. SIMPSON, to make the following request, which he approves.

I ask unanimous consent that notwithstanding the provisions of title 42, United States Code, section 2159(i)(2) the majority leader may introduce the disapproval resolution with the agreement of the minority leader at any time prior to the close of business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOURNAL

Mr. BYRD. Mr. President, did I get the Journal approved today?

The PRESIDING OFFICER. The Journal has not been approved.

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JANUARY 28, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until tomorrow morning at 9:30 a.m.; that no motions or resolutions over under the rule come over; provided further, that the call of the calendar under rule VIII be waived; provided further, that following the prayer the time of the two leaders be reduced to 2½ minutes each, and that upon the expiration of the 5 minutes the Senate then proceed to the resumption of the Grove City bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 9:30 tomorrow morning.

The motion was agreed to; and, at 8:56 p.m., the Senate adjourned until Thursday, January 28, 1988, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 27, 1988:

DEPARTMENT OF STATE

CHARLES FRANKLIN DUNBAR, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE YEMEN ARAB REPUBLIC.

MILTON FRANK, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

APRIL CATHERINE GLASPIE, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

BILL K. PERRIN, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

DEPARTMENT OF DEFENSE

RONALD F. LEHMAN II, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE RICHARD N. PERLE, RESIGNED.

IN THE ARMY

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT AS RESERVE COMMISSIONED OFFICERS OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. GERALD E. AMUNDSON, 483-34-8087.
BRIG. GEN. DIONEL E. AVILES, 450-52-3680.
BRIG. GEN. RICHARD D. CHEGAR, 317-38-1059.
BRIG. GEN. JAMES T. CRAIG, 376-30-4276.
BRIG. GEN. WILLIAM A. GANTT, JR., 247-56-7814.
BRIG. GEN. DANIEL F. HITCHCOCK, 549-44-0159.
BRIG. GEN. JOHN W. KNAPP, 229-40-2521.
BRIG. GEN. BERNARD F. LOSEKAMP, 284-36-1034.
BRIG. GEN. ROBERT F. PENNYCUICK, 500-36-7466.
BRIG. GEN. ANTHONY S. SARBANES, 214-38-0410.
BRIG. GEN. GEORGE M. WOYWOD, 331-28-6562.

To be brigadier general

COL. ROBERT J. STRADER, SR., 451-44-2639.
COL. JOSEPH E. TURNER, 236-58-6030.
COL. RONALD E. SNEED, 244-52-4311.
COL. ROLLYN C. GIBBS, 298-30-6137.
COL. ROSS G. PICKUS, 128-28-7242.
COL. JAN H. PAYNTON, 492-36-3538.
COL. RICHARD B. BURLESON, 253-52-6355.
COL. THOMAS S. CUSHING, 099-28-6142.
COL. ALVIN BRYAN, 264-56-7429.
COL. JOHN R. GALVIN, 045-30-1034.
COL. ROBERT C. POOLE, JR., 247-48-4702.
COL. ROBERT D. BROOKE, 557-50-8055.
COL. ROBERT L. MENIST, 565-56-8132.
COL. JOHN E. SCULLY, JR., 350-34-9115.
COL. WILLIAM C. COCKERHAM, 444-34-9523.
COL. TERRENCE D. MULCAHY, 388-34-1391.
COL. JOHN S. GUTHRIE, 224-52-4546.
COL. KENNETH A. BOULDIN, 411-62-2333.
COL. JOHN E. SIMEK, 467-48-2023.
COL. HERBERT B. QUINN, JR., 416-44-4444.
COL. JOHN C. C. ROTH, 088-32-9972.
COL. JON A. STANDRIDGE, 429-68-4321.
COL. MICHAEL D. STRONG, III, 047-32-7752.
COL. FRED E. MARQUIS, 264-56-0087.
COL. ROBERT L. RUTH, 299-38-8144.
COL. JOSEPH F. CONLON III, 073-34-9870.

THE U.S. ARMY NATIONAL GAURD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. FRANK M. DENTON, 438-44-1239.
BRIG. GEN. MARK B. MULLIN, 140-26-9465.
BRIG. GEN. JAMES B. STODDART, JR., 160-30-7775.
BRIG. GEN. BOYD M. COOK, 221-24-0194.

To be brigadier general

COL. JOHN W. CUDMORE, 057-36-4028.
COL. DAVID L. JENNETTE, 246-50-8390.
COL. WARREN J. LAWRENCE, 386-32-1826.
COL. JAMES E. MOORE, 416-40-1276.
COL. JAMES F. RUEGER, 509-38-6720.
COL. ELMER O. SIMONSON, 392-32-1363.
COL. DONALD G. SMITH, 442-34-9942.
COL. JOHN R. WARD, 412-50-4476.
COL. GARY J. WHIPPLE, 433-54-7116.
COL. EDWARD S. BALDWIN, 728-09-8170.
COL. JEROME J. BERARD, 399-32-4672.
COL. JOHN L. BLANDFORD, 247-54-3574.
BRIG. GEN. WILLIAM R. BROWN, 219-30-6284.
COL. DONALD R. BRUNELLE, 009-22-8839.
BRIG. GEN. LOMER R. CHAMBERS, 430-52-8132.
COL. CLAYTON A. HOVDA, 728-28-2942.
COL. JAMES J. HUGHES, 300-28-2942.
COL. JOAB M. LESESNE, 251-56-4100.
COL. JOSEPH N. POULIOT, 040-24-8092.
COL. GLENN N. SLOAN, 239-52-4940.
BRIG. GEN. NED L. TURNIPSEED, 418-42-6182.

COL. ROBERT D. CARTER, 520-42-1808.
COL. ALLEN E. CHANDLER, 218-30-8827.
COL. JAMES L. MURPHY, 577-44-0605.
COL. ROBERT L. MOOREHEAD, 581-58-9850.
COL. RAYMOND F. REES, 544-42-1616.
COL. BENJAMIN W. DAY, 026-26-9235.
COL. ALAN D. JONES, 216-34-3492.
COL. DONALD W. LYNN, 340-30-2272.
COL. GERALD W. PORTER, 430-62-1832.

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EXTENSIONS OF REMARKS

BICENTENNIAL OF THE CONSTITUTION

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. BOGGS. Mr. Speaker, recently, retired Chief Justice Warren Burger, Chairman of the Commission on the Bicentennial of the United States Constitution, issued a year-end report in which he recapped the Commission's activities during 1987, the year in which the Nation celebrated the 200th anniversary of the Federal Convention which drafted and approved the Constitution in 1787.

In his report, Chief Justice Burger recounts a number of activities that occurred under the sponsorship of or in coordination with the Bicentennial Commission. In addition, he highlights some of the plans for future activities that will occur as we observe the anniversaries of the ratification of the Constitution, the establishment of the Federal Government and the approval of the bill of Rights. This information is most helpful to everyone interested in the Bicentennial.

YEAR-END REPORT

(By Warren E. Burger, Chairman, Commission on the Bicentennial of the U.S. Constitution)

THE FIVE-YEAR PROGRAM

For the first year of its existence, this Commission worked under the shadow of the superb program of the Statue of Liberty. Lee Iacocca had successfully employed every mechanism of modern communications methods of making Americans aware of the Statue and its meaning to our nation of immigrants.

After July 4, 1986, we began programs to focus the attention of the country on the Constitution, which most Americans have taken for granted, like good health and good weather. Studies and opinion polls raised serious concerns, such as: (a) most people did not know that the Constitution was the first of its kind, setting up a federal system of divided powers; (b) most had a confused perception of what the separation of powers meant; (c) many did not understand the fundamentals of federalism and the division of authority between state and federal governments; (d) many could not answer relatively simple questions on the Emancipation Proclamation, the Bill of Rights, the Missouri Compromise, the Great Compromise, the Mayflower Compact, Magna Carta and the *Federalist Papers.*

CREATING AWARENESS

The Commission concluded that its first step must be to make Americans aware of the Constitution, how we got it, that it was a "first" in human history and that it was very difficult to get the 13 states to "merge" into a United States. We defined our task as one "to give outselves a history and civics lesson."

To make people aware, a "consciousness" program included the following:

Public service announcements. A public awareness campaign was built around brief TV and radio spots, and ads in magazines and newspapers with pictures of the signing of the Constitution. The advertising Council and an advertising agency in New York provided free assistance for media ads, and it is reliably estimated that free time and space in excess of $25 million was provided during 1987.

Roads to Liberty. A trailer-truck 64-feet long, titled "Roads to Liberty; Magna Carta to the Constitution," with a staff of a dozen trained people, toured more than 100 cities from March to September 1987. It contained an original draft of Magna Carta of 1215, a facsimile of the Mayflower Compact, the Constitution and all amendments, the Northwest ordinance of 1787, and the Connecticut Resolves. This project was co-sponsored by the U.S. Constitution Council of the Thirteen Original States, Inc., and the American Express Company.

High school essay contests. An essay contest on the meaning of the separation of powers drew 13,000 entries from 50 states, two territories and the District of Columbia. The state supreme courts undertook the judging, and prizes were $1000 for each state winner and $10,000 for the national winner. The two winners who tied for first place—Liza Johnson of Ohio, whose ancestral roots are Scandinavian, and Mahbub Majumdar of Washington State, who came from Bangladesh in childhood—were brought to Washington, where they met with congressional leaders and had lunch at the Supreme Court. President Reagan received them and presented the certificates to the two students. Each received a check for $10,000. USA TODAY/Gannett Company financed this contest and the visit to Washington.

Law school essay contest. The law shcool essay contest drew essays from barely half of the accredited law schools. The quality of the essays was excellent, with a University of Maryland student winning the $10,000 first prize. A check on the law school participation suggested that second- and third-year students were concentrating on grades to assure summer "clerkships" in large law firms and did not have time for essay contests.

Constitutional Convention Re-enactment. The 52 high school essay contest winners were named delegates to a re-enactment of the Constitutional Convention of 1787 and met for three full days in historic Williamsburg, Va. (They added several new ideas to the Constitution they drafted: A debt-limit provision and a line-item veto.) This project was co-sponsored with the College of William & Mary and Colonial Williamsburg.

Corporate programs. The American Hotel and Motel Association co-sponsored with the Commission a plan to have placemats (trayliners) in fast-food restaurants, hotel coffee shops, and other eating establishments carry the Preamble to the Constitution. McDonald's restaurants developed on their trayliners a pictorial theme with a quiz. Reports showed that the 1987 series of four placemats were sought by schoolteachers and used as a teaching tool. McDonald's alone reported it used approximately 10 million placemats a day. Various firms carried brief historical messages on breakfast food and milk containers. General Mills reported using 100 million such messages on the company's cereal boxes. International Paper Company produced 25 million milk cartons with brief Constitutional messages, read by millions of schoolchildren in 1987. Champion International has similar plans for 1988.

Private organizations. To carry out the Commission mandate to promote and coordinate Bicentennial events throughout the country, such groups as Boy Scout, Girl Scout and other youth organizations; civic and fraternal groups; labor unions; trade associations; senior citizens groups; handicapped groups; and ethnic groups were encouraged to create Bicentennial programs. As an example, a year-long project co-sponsored by the National Conference of Christians and Jews and numerous other organizations culminated when I, as Chairman, was presented in Philadelphia with hundreds of thousands of signatures from students who had signed copies of the Constitution. We then marked the 200th anniversary of the signing at precisely 4 p.m. September 17 by ringing a replica of the Liberty Bell at Independence Hall, as thousands of bells across America joined in a 200-second tribute to the Constitution.

Religious groups. Religious groups took an active role, particularly during September when sermons and homilies on the Constutition were presented in houses of worship throughout the country.

Federal, state and local programs. The Commission also supported the development of Bicentennial programs by 100 federal government agencies, by Bicentennial commissions in all 50 states and committees in more than 2,200 communities. Hundreds of college campuses and defense installations also have Bicentennial committees at work.

Pocket Constitutions. Pocket-size copies of the Constitution have been issued to millions of people through state and local commissions and private organizations. The Commission's pocket Constitutions contains two appendix items: significant dates to remember on Constitutional history, and a descriptive word index to facilitate reading. As resources permit, we hope to distribute at least 100 million of these pocket Constitutions between 1987–1991.

Teaching materials to schools. Teaching tools for primary and high schools have been sent to teachers of history and social studies. An example is a 100-page book on the Constitution written by historian Richard Morris of Columbia University. More than half-a-million educational booklets produced by The World Book went to teachers and students around the country. A 200-page resource guide published by the Department of the Army is going to 50,000 teachers.

A Celebration of Citizenship. A Celebration of Citizenship on September 16, 1987, drew one of the largest crowds ever to gather at the U.S. Capitol. It was joined by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

President Reagan, Chief Justice Rehnquist, Congressional leaders, the Supreme Court, and the Cabinet, in a tribute to the Constitution. A live radio and television broadcast enabled Americans at home and abroad to participate while more than 100,000 schools nationwide conducted day-long teach-ins on the Constitution. The program was funded by Xerox and Nabisco Brands, Inc. At the climax of the ceremonies the President led a television and radio audience on more than 50 million students in the Pledge of Allegiance to the American flag. Police estimated the crowds at up to 140,000 people. The program was carried by radio to all U.S. military bases.

Speakers Bureau. Members of the Bicentennial Commission have given hundreds of lectures and speeches at colleges, private groups and conventions. A "Speakers Bureau" of more than 300, together with 400 federal and state judges, has been made available through both the federal and state commissions. This will continue.

Communications Advisory Committee. The Commission has had valuable assistance from its Communications Advisory Committee, chaired by Edward Fritts (president of the National Association of Broadcasters), with Jerry Friedheim (executive vice president of the American Newspaper Publishers Association) as vice chairman.

EDUCATION

Commission Education Grants. Education became the centerpiece of the Commission's activities once awareness had been established. The essay contests and the re-enactment of the Constitutional Convention served to inform and enlighten many representative young people. The Commission's Educational Grant Program was equally important. The fiscal year 1987 Educational Grant Program received 222 applications from 46 states and U.S. territories, seeking project funding. The Commission issued grants awards reaching 37 states and the District of Columbia. Funded programs included in-service training, conferences, institutes, video productions on the Constitution, and the development of instructional materials. Total money committed for the fiscal year 1987 program was $997,000. Twenty-two conferences and institutes were funded for elementary, middle and secondary school teachers.

The fiscal year 1988 Educational Grant Program has over $3 million for discretionary grant awards. Awards for the first round of applications will be announced in early March 1988. The second round of awards will be announced by July 15, 1988. The second-round competition encourages proposals on specific themes of the development of the legislative and the executive branches of government.

Center for Civic Education Grants. An appropriation of $2.85 million has been earmarked by Congress for the Center for Civic Education's National Bicentennial Competition on the Constitution and Bill of Rights. It is now being used in schools reaching approximately 500,000 students.

Madison Fellowship Program. Congress approved a $20 million James Madison Memorial Fellowship Trust Fund to encourage outstanding teachers to earn master's degrees focusing on the history, principles and development of the Constitution. A $10 million matching fund must be secured from private sources.

Bicentennial Campuses. The Bicentennial Campus program recognizes the contributions of America's colleges and universities to the celebration of the Constitution's Bicentennial. Over 200 colleges and universities now participate in the program. Each college must establish a Bicentennial committee and plan events for the years 1988–1991. The program also provides the colleges with information and resources to help them develop their commemorative plans.

National Educational Advisory Committee. A National Educational Advisory Committee to the Commission, chaired by Elliot Richardson, former Attorney General of the U.S., and composed of educators and representatives of educational publications, provides counsel to the Commission on a variety of matters.

Educational projects. The Commission has given official recognition to a variety of educational projects; for example, the Macalester College Conference on the Liberal Arts dedicated to the Constitution and freedom of expression, and Claremont Institute's three-year program of annual conferences, lecture series, library exhibits and examinations of political thought on the American founding. Conferences and seminars have been encouraged by the Commission through official recognition and Bicentennial Campuses programs.

Educational programs by corporations. Numerous corporations have been licensed to use the Commission's logo for educational and commemorative purposes. In addition, many corporations have contributed not only to creating awareness of the Bicentennial but to public education as well. For example, Merrill Lynch & Co. underwrote a public television series on the Constitution, and is sponsoring ratification celebrations throughout the country. Polaroid Corporation developed educational materials on the Constitution and distributed them, along with 50,000 Polaroid cameras and film, to photograph student programs on the Constitution in grade schools. Other examples of corporate support: IBM underwrote a major television special on the Constitution that appeared on ABC in September 1987. Gulf & Western released new and revised editions of school texts on the Consitution in 1987. Walt Disney World sponsored a year-long Constitutional exhibit and is putting murals of the famed Christy painting of the signing of the Constitution with life-size reproductions of the delegates in federal court buildings across the U.S.

Playlets. On the theory that active participation can be an effective learning experience, playlets on the Constiutional period are being written for use in the schools with pupils as the actors. For example, one playlet depicts the Virginia ratification convention, and another portrays the Supreme Court's refusal to give advice to President Washington in 1793.

FOUNDATION FOR THE COMMEMORATION OF THE U.S. CONSTITUTION

A group of distinguished American leaders has created this Foundation to secure funding and sponsors for Commission projects Dwayne Andreas (chief executive officer, Archer-Daniels-Midland Company) is chairman, and John A. Meyers (chairman, Time, Inc.) is president.

FUTURE PROGRAMS

The Commission approved a five-year plan with conferences, lectures and symposia at colleges and universities. Under the five-year program, which covers the life of the Commission 1987 dealt with the historical background and framing of the Constitution; 1988 deals with the ratification struggle—including the close-call votes in Massachusetts (187–168), New Hampshire (57–46), Virginia (89–79), and New York (30–27). Programs relating to the first national elections will also be covered; 1989 will emphasize the first U.S. Congress and George Washington's inauguration. The roles of the Legislative and the Executive Branches will be analyzed during these years. In 1990, the role of the Judicial Branch will be studied. And in 1991, the Bills of Rights and later amendments will be studied.

College Forums the Commission will undertake to co-sponsor forums arranged with groups of colleges on each of these subject areas. We will help secure members of Congress and the Executive Branch, and former members of each branch, as well as lawyers, law teachers, historians, political scientists, and others knowledgeable on the subjects. The extent of these programs will depend on private sector funding.

Adult Education. A program is now under way to develop a package of learning materials on the Constitution and civic responsibility, designed for the adult education market. These materials can be used by the network of junior and community colleges, and by other organizations and constituencies which serve the adult learner.

International Participation. The U.S. Information Agency has arranged interviews on Constitutional subjects on its WorldNet, and distributed copies of the Constitution in foreign languages. Interviews by American leaders with scholars, judges and lawyers in other countries reached Europe and South America. Plans are being made for seminars in England, in cooperation with the Four Inns of Court, the Bar Council (Barristers), and the Law Society (Solicitors). Members of the Commission have delivered lectures in various countries and will make visits in coming years. Some countries have sent government officials and scholars to the U.S. to study our system; others have held and will schedule seminars honoring the Constitution.

Broadcasts and writing awards. Jounalists, historians and others will be honored at an awards presentation in April 1988. The National Press Foundation, in cooperation with the Commission, will give awards to authors of articles, series, columns and special sections. Over the next five years, the Institute for Radio-Television at Ohio State University will make awards in nine categories of broadcasting including children's educational television. The goal is to impart greater understanding and appreciation of the Constitution. A program is being developed to identify the best articles on the Constitution during 1987–1991, with publication at the close of the Bicentennial.

Government relations. The Bicentennial Commission has maintained communication with the House of Representatives, the Senate and the Executive and Judicial Branches. The House and Senate Historians and the Chairman of the Bicentennial Committee of the Judicial Conference of the United States have been invited to attend Commission meetings. Discussions have proceeded with the Department of the Interior, the National Park Service, the Department of the Army and other Executive Branch agencies. We have met with the chairman of the New York City Bicentennial Commission in relation to some celebration of the meeting of the first Congress on March 4, 1789, and the first Inaugural on April 30, 1789, in New York City. In 1990, some appropriate celebration should take place with respect to the first convening of the Supreme Court of the United States, on February 1, 1790, in New York.

Pictorial map contests. The Commission is developing map contests relating to historical events of 1770-1791 in the 13 original states. This concepts is in the process of testing in 20 schools.

ALL AMERICANS MUST BE CONCERNED WITH HUMAN RIGHTS VIOLATIONS IN TIBET—REMARKS OF RABBI HERBERT MORRIS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LANTOS. Mr. Speaker, at the save Tibet rally on the steps of the U.S. Capitol a few weeks ago, Rabbi Herbert Morris of the Congregation Beth Israel-Judea in San Francisco delivered a brief talk that sums up the reason for rally and for congressional concern over conditions in Tibet. Indeed, it is a resounding statement of why all Americans should care about what is happening many thousands of miles away on the "roof of the world." I would like to place his outstanding remarks in the RECORD for the benefit of my colleagues:

"And God created man in His image, in the image of God He created him." I've never met Tibetans; Never tasted their food; do not know what language they speak; Never walked through their villages; Never studied their culture; the names of their cities do not come easily to my lips and their national anthem I've never heard played. But I do know this:

"When God created that very first human being, He scooped up soil from all four corners of this world. He took that earth—with all of its colors, the red and brown and black and yellow and white—and said: 'You're entitled to live and none to make you afraid. And you don't have to be all the same color, speak the same language, eat the same food, worship the same God or think the same thoughts.'"

No, I've never met a Tibetan—but he's my brother. He's entitled to live. That is his right. I know that. The same God that created me, created him. I know that! And I know one more thing from the experience and the history and the teaching of my people; to be indifferent to the fate of my Tibetan brother will condemn him and to be indifferent to his anguish condemns me; To be neutral condemns him and to be neutral to his suffering condemns me. To be silent—condemns the Tibetan to a cultural and spiritual death—to be silent, to be silent—condemns me.

JANET CHAMPNEY POSS HONORED

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, on January 24, 1988, a "Supper of Recognition and Thanks" was held in honor of Janet Champney Poss by her friends and colleagues from the town of Guilford, CT.

A graduate of Wheelock College, Jan continued her studies at Boston University and Columbia University, where she also held a number of administrative positions. She later married Eliasz Poss, a senior engineer at Sikorski Aircraft.

Jan is a leader of the Democratic Party in Guilford. In that role, we have worked together on many causes large and small. Her help was a key part of my success in my first campaign for Congress in 1982 and each of my subsequent runs for reelection. She is a committed activist in the struggle for peace and justice here at home and around the world.

Jan is also well known in Guilford for her volunteer work. She has been involved in a wide range of volunteer activities for the past 23 years, and is Guilford's "Best Volunteer." She chaired the Little Folks Fair, the Shoreline Unitarian-Universalist Society, and the East Shore Adult Day Care Center. In addition, Jan has served as the chairman of the Guilford Human Services Council and the Youth Services Bureau. And the list goes on.

Jan was a founding member of the Guilford League of Women Voters. She was also a founder of the Guilford "A Better Chance" Program, which sponsors inner-city children and provides them with the opportunity to attend several years of school in Guilford, away from the crime and poverty often associated with inner-city schools. Finally, Jan was a founder and part-time manager of the "Hole-in-the-Wall" second-hand clothing store. This store was originally started to finance the Interfaith Housing Board, of which she is now the executive director, but presently helps fund the "A Better Chance" Program.

Mr. Speaker, the people of Guilford and its surrounding communities owe a debt of gratitude to Jan Poss. Her commitment and unflagging energy in her efforts to improve the lives of the people around her are truly remarkable. But most important, I am proud to call her a true and dear friend, and I take great pride in sharing her accomplishments with my colleagues today.

A TRIBUTE TO DR. DAVID E. FARKAS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Dr. David E. Farkas, my good friend and a leader in my community. I became acquainted with David and developed a lasting friendship with him some 30 years ago at Camp Ramah where his endless generosity and strong leadership abilities were already apparent.

David will be honored on January 31, 1988, by the Los Angeles Hebrew High School at a gala dinner/dance at the Beverly Hills Hotel. The Los Angeles Hebrew High School provides a meaningful secondary Jewish education to thousands of students in nine branches throughout the Los Angeles area. A graduate of Hebrew High, David has worked tirelessly for this fine institution in many leadership positions for the past 16 years. He currently serves on the board of directors as president-elect and scholarship chair.

David has given generously of his time and resources to Jewish educational institutions to provide Jewish youths with the best possible educational opportunities. Among his past activities are service as the vice president of Camp Ramah, a member of the Young Leadership Cabinet of UJA, a board member of Heschel Day School, and a board member of Adat Ariel. David continues to aid Jewish youths as a founder of the Hebrew University School of Dentistry, a member of the Patrons Committee at the University of Judaism, and a member of the Society of Founders at the American Friends of Hebrew University. He is also a member of the Prime Ministers Club of State of Israel Bonds.

David's contributions to this community at large are also noteworthy. He graduated from the University of Judaism, the Association of Arts in Hebrew Literature, the Hayim Greenberg Teachers Institute in Jerusalem, Israel, the University of Southern California and the School of Dentistry at the University of Southern California. For the past 20 years he has been a practicing dentist in Sun Valley, CA. He has also served as a member of the School Screening Committee, Dental Health Program, and the Sun Valley Chamber of Commerce.

It is my distinct honor and pleasure to pay tribute to this outstanding individual. I welcome this opportunity to congratulate David and join the Los Angeles Hebrew High School in saluting him for his continued efforts to help our young Jewish people achieve their goals.

MONUMENTS COMMISSION AND KOREAN WAR MEMORIAL PASS MUSTER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FLORIO. Mr. Speaker, for almost 6 million men and women who sacrificed a part of their lives fighting for the cause of freedom in the Korean war, the journey home has been an incomplete one. While many individuals returned from the fray to rejoin our Nation in peace as they had joined our Nation in war, over 60,000 individuals remained behind in Korea, dead or missing.

For those 60,000 who served their nation admirably, the journey home ended halfway. Those 60,000 went to Korea but did not return from Korea.

There is an opportunity to remember those who served and sacrificed as well as those who served and returned.

In the 99th Congress, I was pleased to have authored legislation establishing the Korean War Memorial. As a symbol, the memorial will honor the ultimate sacrifice, that is, self-sacrifice so that others may live.

In the 100th Congress, I am pleased to have introduced additional legislation that would bring closer to home here on the Mall

of Washington, DC, the memory of those who served.

In this area, we have often gathered before as a nation and as individuals to commemorate the fallen. The Vietnam Veterans Memorial is located nearby. Yet throughout this entire area, the only memorial to the thousands who fell or who served in Korea is in Arlington Cemetery. Indeed, that memorial, known as the Meditation Bench, was dedicated only this past summer.

In the effort to bring to reality the dream of a full-scale memorial honoring the Korean war's veterans, the American Battle Monuments Commission had done its share of preparation and work effectively and with dedication.

But on the return road home for the veterans of the Korean war, the efforts of the American Battle Monuments Commission only underscore the fact that there is so much more road left to travel. Although the Federal Government will be providing a portion of the funds necessary to defray the costs of the memorial, there is a need for the public to participate in the creation of the memorial.

Indeed, it is only fitting that this memorial, honoring the sacrifices of Americans on behalf of other Americans should be a national effort.

I am including an article from The Retired Officer, describing the road traveled in the effort to construct a national monument to the veterans of the Korean war by the American Battle Monuments Commission.

The article follows:

A TIME TO REMEMBER

(By Col. Charles D. Cooper)

[The Beginning of the End of War Lies in Remembrance.—Herman Wouk.]

Since its dedication in November 1982, the Vietnam Veterans Memorial has become one of the most popular sites in our nation's capital. Located on the Mall, between the Washington Monument and the Lincoln Memorial, "The Wall" serves as a continuing reminder of the more than 58,000 dead and missing men and women from that extremely divisive period in our nation's history.

Millions visit the Vietnam Memorial each year to gaze upon its stark beauty, to touch the name of a family member, buddy or friend engraved on that polished black granite wall, to leave some small token of recognition to one whose sacrifice went possibly unnoticed in that unpopular conflict.

Since its dedication, "The Wall" has also served as the focal point for many major gatherings, both official and unofficial. This past Veterans Day, thousands of Americans, including the venerable Bob Hope, braved a foot-deep, early November snowstorm to pay tribute to the fallen heroes of the Vietnam conflict.

Yet barely two miles away, on the windswept slopes of Arlington National Cemetery, nestled nearly in the winter shadows of the Memorial Amphitheatre and the Tomb of the Unknowns, stands another memorial, an inconspicuous, granite Meditation Bench.

In this city of magnificient monuments to fallen heroes, it is our lone national memorial to the 5.7 million men and women who served in Korea. Several times each hour, only a stone's throw away, tour buses disgorge scores of visitors who frequently walk unknowingly past the bench on their pilgrimage to the ever-popular Changing of the Guard at the Tomb of the Unknowns.

Engraved in the Meditation Bench are the cruel statistics of a now mostly forgotten war. In the slightly more than three-year duration of the Korean War (six years shorter than Vietnam), 54,246 made the ultimate sacrifice. Some 8,177 are listed as missing in action and 389 prisoners of war are still unaccounted for after nearly 35 years.

It was 12 years after the Korean armistice was signed that the veterans of Pusan, Chosin, Porkchop Hill and a thousand other unfamiliar sounding places received their first national recognition. That came through a lone Korean white pine, planted adjacent to the current memorial site by then Korean President Park Chung Hee.

Then, in July 1987, still another 22 years later, the Korean War Veterans Association joined hands with the No Greater Love organization to dedicate the Meditation Bench.

"The men and women who served our country during the Korean War have never received a national or international tribute," said Carmela LaSpada, chairman of the board of No Greater Love, at the bench's dedication. "They deserve to be recognized by the United States for their contribution to peace and freedom."

In October 1986, less than a year before this belated ceremony, President Ronald Reagan has signed P.L. 99-572, authorizing construction of a monument in the Washington, D.C., area to honor the members of the U.S. Armed Forces who had served in Korea. The $6 million memorial is to be built with private funds except for a federal appropriations of $1 million for design, site preparation, associated administrative costs and partial construction.

On Jul. 20, 1987, the president appointed a 12-member advisory board of Korean War veterans to recommend siting and design and to encourage contribution of funds for the construction and maintenance of the memorial.

With the renewed infusion of awareness generated by the dedication of the Meditation Bench has come a revived interest in building a proper monument to help remove the stigma of the forgotten heroes of Korea. However, to date, little more than $1.5 million has been raised, a major portion of that donated by Hyundai Motor America, a Korean automobile manufacturer. Veterans groups have pledged between $750,000 and $1.3 million.

Unfortunately, earlier private efforts to build a monument raised a considerable amount of money—most of which went to sustain fund-raising and administrative costs—and siphoned off precious, needed funds. This problem has been corrected by placing the program under the American Battle Monuments Commission (ABMC). All contributions made to the Korean War Memorial Fund are fully tax deductible, placed in a special trust account with the U.S. Treasury and will be used solely for the purposes intended.

As the vocal—and visible—Vietnam vets continue to debate over further embellishments to their magnificent monument, isn't it time to remember, to give proper and long overdue recognition to our forgotten heroes of the Korean War?

Your much-needed contributions should be sent to the Korean War Memorial Fund/ABMC, P.O. Box 2372, Washington, DC 20013-2372.

JOHN HULBERT, THE "SILVER-TONGUED LEGISLATOR"

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. CONTE. Mr. Speaker, as we begin the 2d session of the historic 100th Congress I rise today to continue my series of biographies of former members from western Massachusetts. The subject of today's installment is the eighth man elected to Congress to serve the people of western Massachusetts.

In spite of the odds against him, John Hulbert was elected to serve in the 13th Congress by a margin of about 100 votes where he served until 1817. After the financial disaster he experienced with the failure of the Berkshire Bank in 1809, Mr. Hulbert was able to wage only a perfunctory campaign in the race to fill a vacancy caused by the death of Daniel Dewey. But a traditionally Republican electorate was swayed by the oratory style of this Federalist and sent them to Washington to represent him in 1814.

John Hulbert was born in the Berkshire Country town of Alford in 1770. At the age of 25 he graduated with honors from Harvard University, Cambridge. He began practicing law in Alford in 1797 and shortly thereafter moved to Pittsfield.

On July 5, 1807, the Bank of Berkshire was organized with John Hulbert and Simon Larned appointed directors of the bank. While neither of the new directors were men of distinguished business talent, they were chosen for their notariety as leaders of their respective political parties. Likewise, none of the other board members had any experience in banking. However, by employing an equal amount of Federalists and Republicans and striking a balance between the parties within the bank, it was thought that the bank's success was guaranteed.

Two years after Mr. Hulbert was appointed director, the Berkshire Bank, like many others in the State, lost the confidence of the public. The bills issued by the bank were redeemed at an alarming rate. Finally the State legislature revoked the charter of the Berkshire Bank and as director, John Hulbert was held personally responsible. His property was seized and he was left financially ruined.

But the collapse of the bank did not diminish the respect and stature held by these gentlemen in the town of Pittsfield. On June 3, 1811, Mr. Hulbert organized the Washington Benevolent Society of the county of Berkshire. The objective of the institution was to promote the Federalist Party in the western part of Massachusetts.

With the overwhelming support of this group, his personal popularity, and the negative reaction to excessively harsh criticism from the Sun newpaper, Mr. Hulbert was able to secure the seat left vacant by the resignation of Judge Daniel Dewey.

During his tenure in Congress, John Hulbert was known as the silver-tongued legislator and the Hamilton of Massachusetts for his sharp and colorful oratory. He became deeply involved in the reconstruction of Washington

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that took place beginning in 1814. The British had burned the Capitol, the White House, and all the executive departments except the Patent Office. And the reconstruction effort required the replacement of the burned buildings as well as the construction of the new Library of Congress.

He was reelected to the 14th Congress but decided not to run for the 15th. After the collapse of the bank and years of public service, Mr. Hulbert instead moved to Auburn in search of economic prosperity. There he practiced as a lawyer before serving in the New York State Legislature.

Despite good health and fine spirits, Mr. Hulbert was seized by a fit of apoplexy on the night of October 19, 1831, and died as a respected and wealthy man.

NATIONAL OSTEOPOROSIS PREVENTION WEEK, MAY 8 THROUGH MAY 14, 1988

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Ms. SNOWE. Mr. Speaker, I am pleased to introduce legislation today, on behalf of myself and 96 of my colleagues, which would designate the week of May 8–14, 1988, as "National Osteoporosis Prevention Week."

This is the fourth consecutive year that I have introduced legislation to promote the awareness and prevention of osteoporosis. Osteoporosis is a major public health problem affecting 24 million Americans, primarily postmenopausal women and older persons. In 1986, the national expenditures for osteoporosis totaled $7 to $10 billion. Since both the cost and number of Americans affected by osteoporosis are expected to increase in the future, we have a continuing responsibility to inform our citizens about this preventable disease.

Just a few short years ago osteoporosis was a word that was hardly known. Last year, during National Osteoporosis Prevention Week, over 10 million Americans were reached and received information about osteoporosis. Through the efforts of organizations like the National Osteoporosis Foundation, a national voluntary health agency, education about this debilitating disease became even more widespread. Educational and media campaigns were conducted in all 50 States and public service announcements were delivered to over 200 television stations. Over 100 U.S. city newspapers featured articles on osteoporosis and 600 radio stations across the country aired prevention messages. The National Osteoporosis Foundation and 17 other national health and aging organizations distributed over 5,000 Osteoporosis Prevention Week kits which were used by hospital educators and public relation departments.

Osteoporosis is no longer perceived to be a problem only for older women, but rather a condition of concern to individuals of all ages. Called the "silent disorder," osteoporosis is characterized by a gradual loss of bone tissue causing the bones to become progressively weaker and more fragile. Each year osteoporosis is responsible for 1.3 million bone fractures annually, including 250 hip fractures, many of which lead to permanently reduced mobility or death.

This year, the theme of Osteoporosis Prevention Week is "Build a Stronger Future" because it is now believed that osteoporosis is as much a product of lifestyle throughout the life-span as it is genetic predisposition. For example, childhood and young adulthood are critical periods for building maximum bone mass and thereby decreasing the later affects of loss of bone. As a consequence, a diet rich in calcium and weight bearing exercise are essential during this critical period. For young and middle-aged women, diet, regular exercise, and restrictions on both alcohol intake and smoking can help keep bones strong. Older women, too, can take preventive measures to decrease the risk of bone fractures through falls by "fall proofing" their homes, having their vision and hearing tested regularly, using caution when getting up too quickly, and limiting alcohol consumption. At each stage of our lives we can take simple steps to keep our bones healthy.

This year our goal is to reach 50 million consumers and professionals—to make young and old aware of what they can do to prevent this debilitating disease. In keeping with that goal, I want to pay special tribute to the National Osteoporosis Foundation and the following organizations for their work on behalf of National Osteoporosis Prevention Week:

PARTNERS IN PREVENTION

Abbott Laboratories.
American Home Products Corporation.
Coca-Cola Foods.
The Dannon Company, Inc.
Kraft, Inc.
Lederle Laboratories, Division of American Cyanamid Company.
Lunar Radiation Corporation.
Marion Laboratories, Inc.
Mead Johnson Laboratories.
The Merck Company Foundation.
Norwich Eaton Pharmaceuticals, Inc.
Parke-Davis.
The Procter & Gamble Company.
Rorer Pharmaceuticals.
Sandoz Pharmaceuticals Corporation.
Serono Symposia, USA.
The Upjohn Company.
Warner-Lambert Company.

PREVENTION WEEK COSPONSORS

American Academy of Physical Medicine and Rehabilitation.
American Association of Retired Persons.
American College of Obstetricians and Gynecologists.
American Dietetic Association.
American Home Economics Association.
American Hospital Association.
American Medical Association.
American Medical Association Auxiliary, Inc.
American Medical Women's Association, Inc.
American Physical Therapy Association.
American Red Cross.
American School Food Service Association.
American Society for Bone and Mineral Research.
Association for the Advancement of Health Education.
B'nai B'rith Women.
Camp Fire, Inc.
Food Marketing Institute.
Future Homemakers of America, Inc.
Girl Clubs of America, Inc.
Girl Scouts of the U.S.A.
National Association of Area Agencies on Aging.
National Association of State Units on Aging.
National Consumers League.
National Council on the Aging, Inc.
National Council of Catholic Women.
National Council of Jewish Women.
National Council on Patient Information and Education.
National Dairy Council.
National Extension Homemakers Council, Inc.
National Rural Health Network
Nurses Association of the American College of Obstetricians and Gynecologists.
President's Council on Physical Fitness and Sports.
Society for Nutrition Education.
U.S. Department of Agriculture, Extension Service.
U.S. Department of Health and Human Services:
Administration on Aging.
Bureau of Maternal and Child Health and Resources Development.
Food and Drug Administration.
National Institute on Aging.
National Institute of Arthritis and Musculoskeletal and Skin Diseases and the National Arthritis and Musculoskeletal and Skin Disease Clearinghouse.
National Institute of Diabetes and Digestive and Kidney Diseases.
Office of Disease Prevention and Health Promotion YMCA of the USA.

FRIENDS OF PREVENTION WEEK

Alleghany Regional Hospital (Low Moor, VA).
Amarillo Hospital District (Amarillo, TX).
Borgess Medical Center (Kalamazoo, MI).
Bradley Memorial Hospital (Cleveland, TN).
Cape Fear Memorial Hospital, Inc. (Wilmington, NC).
Chelsea Community Hospital (Chelsea, MI).
Corning Hospital (Corning, NY).
Cottonwood Hospital Medical Center (Murray, UT).
Elmwood Medical Center (Jefferson, LA).
Hospital for Special Surgery (New York, NY).
Humana Women's Hospital—South Texas (San Antonio, TX).
Lafayette General Medical Center (Lafayette, LA).
LDS Hospital (Salt Lake City, UT).
Lenox Hill Hospital (New York, NY).
Martha Jefferson Hospital (Charlottesville, VA).
Meadville Medical Center (Meadville, PA).
Mesa Lutheran Medical Center (Mesa, AZ).
Metropolitan Medical Center Foundation (Minneapolis, MN).
Mother Frances Hospital (Tyler, TX).
New England Baptist Hospital (Boston, MA).
North Colorado Medical Center (Greeley, CO).
Our Lady of Mercy Hospital (Dyer, IN).
Riverside Hospital (Newport News, VA).
Sacred Heart Hospital and Rehabilitation Center (Norristown, PA).
Saint Joseph's Medical Center (South Bend, IN).
Shadyside Hospital (Pittsburgh, PA).

Southwest General Hospital (Middleburg Heights, OH).
The South Side Hospital (Pittsburgh, PA).
The Staten Island Hospital (Staten Island, NY).
Western Reserve Care System (Youngstown, OH).
Women's Hospital (Baton Rouge, LA).
Zurbrugg Memorial Hospital (Willingboro, NJ).

THE DEATH OF JOHN GLENN CHASE—A POLICE TRAGEDY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BIAGGI. Mr. Speaker, all too often, the death of one of our Nation's police officers is largely overlooked and soon forgotten. However, Saturday's shooting death of Dallas police officer John Glenn Chase has been different. It has been one of the top stories on network news shows and has made headlines in newspapers around the country.

Like so many police deaths before him, John Chase was killed during a "routine" traffic stop. Thus, his death serves as a tragic reminder of the extraordinary risks our police officers assume on our behalf every day on the job. But, that is only part of the story behind Officer Chase's death. The New York Post reported the shooting this way:

> A homeless man shot dead a cop who was begging for his life while a heartless crowd chanted: "Shoot him! Shoot Him!" The homeless man was later gunned down by off-duty patrolmen.
>
> Officer John Chase, 25, had pulled over a car and was writing a traffic ticket Saturday when a crowd gathered and accused the cop of harassing the driver.
>
> Suddenly, homeless man Dudley Williams, 34, began scuffling with Chase.
>
> Williams, described as a street person with a history of mental illness, did not know the driver of the car being ticketed, said cops.
>
> Williams grabbed the officers' .44 magnum revolver and shot him to death as he pleaded for his life.
>
> "The officer was saying, 'Don't shoot me. I'll help you whatever way I can.' But the guy shot him in the head," said witness Melitha Johnson.
>
> A crowd of about 30 people watched—some urging Williams to open fire, shouting, "Shoot him!" according to Police Chief Billy Prince.

Mr. Speaker, I walked the streets of New York City for 23 years as a police officer. During that time, the residents and shopowners on my beat were my friends. They knew they could count on me and my fellow police officers for protection. There was a strong sense of community between all of us. Granted, some of that has changed over the last two decades, but what happened to Officer Chase is simply beyond belief.

I, for one, have long contended that the extraordinary service and sacrifice by our law enforcement officers has been largely unrecognized and underappreciated. But, there is a big difference between a lack of appreciation, and hateful violence aimed at police.

Based on the strong show of support for law enforcement displayed by Dallas residents, including the homeless there, in the wake of Officer Chase's death, it is fair to say that the hateful cries heard before Officer Chase was shot were not representative of society's true feelings toward police. But, that incident forces all of us to question whether we have done enough to support the 600,000 brave men and women in our Nation who have sworn to protect us from crime and violence.

Frankly, I think we can all do a lot more. That's why in 1984, I coauthored a law with Senator CLAIBORNE PELL to authorize a National Law Enforcement Memorial to be built in Washington, DC. Since funding for this memorial is coming exclusively from private contributions, it's an important opportunity for all Americans to express a very special, and long overdue, thanks to the law enforcement profession for all that they do for us. Ultimately, this memorial effort is expected to result in a greater understanding and appreciation of the law enforcement profession's uniquely perilous and important role in our society; as well as a more attentive ear to their needs and concerns. Efforts to build this memorial are well underway, with ground breaking expected by October 1989. Thousands of Americans have already expressed their support for this effort, but it will take thousands more to make it become a reality. I strongly urge all of my colleagues to roll up their sleeves and do what they can to support this very important project. For more information contact the National Law Enforcement Officers' Memorial Fund, Inc., at 1360 Beverly Road, Suite 305, McLean, VA 22101, phone: (703) 960–2320.

There are other ways to express our support. For example, we should be quick to pass two bills pending this Congress to raise the public safety officers death benefit from $50,000 to $100,000, and to regulate undetectable plastic firearms.

This is the least we can do for those that do so much for us each and every day of our lives. Now, more than ever, our law enforcement officers need to know we support them.

At this time, Mr. Speaker, I would like to insert a copy of today's Washington Post article reporting on the funeral of Dallas police officer John Glenn Chase:

[From the Washington Post, Jan. 27, 1988]

THOUSANDS MOURN DALLAS POLICE OFFICER

DALLAS, January 26.—Thousands of law officers, their badges masked in black, ringed a Baptist church and packed a sanctuary today to mourn a policeman killed by a deranged vagrant.

"We're hurting this morning, O God. We don't understand the tragedy of this man whose life was taken from him because of the uniform he wears," Sgt. Carroll Pruitt prayed before the lawmen, who ranged from marshals to paramedics to park rangers.

Meanwhile, thousands of Dallas residents offered a silent show of support for the police department as they drove to work with headlights on. A group of homeless people marched this afternoon to back police, while other citizens scheduled a candlelight vigil.

Chase, 25, died Saturday in a downtown parking lot when a man who lived on the streets wrestled his gun away and, ignoring the officer's pleas for mercy, shot him three times in the face. Carl Dudley Williams, 34, then walked away firing a shot at two pursuing off-duty officers, and was killed in a hail of return gunfire.

Billionaire businessman H. Ross Perot and oilman Ray Hunt have offered planes to transport officers to Chase's funeral Thursday in Des Moines, Iowa. Fort Worth-based American Airlines was to fly the officer's body and family members, including his wife of three months, to Iowa, where her family lives.

LET'S REPLACE OUR ICEBREAKING SHIPS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. JONES of North Carolina. Mr. Speaker, this Nation ignored the deterioration of its minesweeping fleet until the events in the Persian Gulf late last year. We now are paying the price of our neglect and are trying to overcome our weakness, but it will be a long time before we are as prepared as we should be.

A similar crisis is developing with regard to the U.S. presence at sea in the Earth's polar regions. Our fleet of icebreakers operated by the U.S. Coast Guard has declined to the point where it does not adequately serve our national security needs in the Arctic and Antarctic. We now have only four commissioned icebreakers, and two of those were built over 40 years ago during World War II. They must be replaced even though the cost of doing so will be high. I might note that in the defense authorization bill enacted last session, Congress made clear that replacement icebreakers must be constructed in U.S. shipyards.

Recently the U.S. Naval Institute in its publication "Proceedings" carried an excellent article by Rear Adm. Norman C. Venzke, USCG (retired). Admiral Venzke served 5 years as the Coast Guard's Chief Officer of Operations and Program Director, Ice Operations. He also served as commanding officer on two of the Coast Guard's polar icebreakers. His analysis of this looming crisis is right on point. I commend it for my colleagues' review.

NOBODY ASKED ME, BUT . . .

(By Rear Adm. Norman C. Venzke, U.S. Coast Guard (Retired))

FIDDLING WHILE THE ICE GRINDS . . .

The articles on the Arctic in the September 1987 *Proceedings* were disappointing. Aside from the comments of Norman Polmar and Captain Thomas C. Pullen, Royal Canadian Navy (Retired), no attention was given to icebreakers—only aircraft and submarines. One could come away from the issue believing that Canada and the Soviet Union need icebreakers, but not the United States.

In fairness to *Proceedings*, I suspect that an author would have discussed U.S. icebreakers if the government agencies responsible for the program were not, once again, in serious disarray over fundamental questions: What type of polar-capable ships does the United States require? Should we lease icebreakers or buy them?

We have to backtrack to the evolution of the U.S. icebreaker fleet after World War II to understand the contentious confusion that surrounds it today. Of the four U.S. icebreakers now operating, two—the

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USCGC *Westwind* (WAGB-281) and the USCGC *Northwind* (WAGB-282)—were built toward the end of the war. The other icebreakers are the USCGC *Polar Star* (WAGB-10) and the USCGC *Polar Sea* (WAGB-11), commissioned in 1976 and 1978 respectively. They are ships of much greater capability than the Wind-class vessels, or another predecessor, the USCGC *Glacier* (WAGB-4), which was decommissioned in June 1987, after serving 32 years.

This gives the United States a fleet of two relatively new and powerful Polar-class ships and two old, increasingly unreliable Wind-class icebreakers. Like the U.S. Merchant Marine, the once-powerful U.S. icebreakers fleet is sliding toward a major crisis.

The aging of the fleet and public controversy over whether users should pay for the services of Coast Guard icebreakers point up the need for a long-range interagency policy on the U.S. icebreaker program. Obviously, the country needs icebreakers to execute operations in support of U.S. policy in the Arctic and the Antarctic. The question was—and apparently still is—just how many icebreakers do we need, and of what type? An interagency committee was formed to study the issue in fall 1982. Included were the offices of the Secretary of Transportation and Management and Budget, the National Science Foundation, the National Oceanic and Atmospheric Administration, the Maritime Administration, the Navy, and the Coast Guard.

From the outset, it was obvious that construction and operating costs were driving the agencies as they developed requirements for the icebreaker fleet. Planners were not formulating the requirements and associated costs first and then determining what was affordable. Some agencies were less than candid about what was needed, because they were concerned about having to pay for part of the construction costs.

In July 1984, the committee finally completed the United States Icebreaker Requirements Study, terminating months of tortuous negotiations. The study recommended that "the U.S. Coast Guard should maintain a fleet of four icebreakers to meet stated requirements," and that "the capital costs of new polar icebreakers should be funded by the Coast Guard." Further, the committee recommended that "work should be started immediately on the design of a new polar icebreaker." And "the design of the new icebreakers should enhance research support while retaining essential escort and logistic support capabilities." In short this was to be a multipurpose fleet capable of meeting the needs of the scientific community while carrying sufficient command-and-control equipment to satisfy the Coast Guard's contingency tasking.

The Coast Guard sponsored a minority recommendation in the study that a fifth icebreaker should remain in reserve for unforeseen contingencies. It was that fifth icebreaker, the *Glacier*, that was decommissioned this year. Meanwhile, the sort of contingency the Coast Guard anticipated has already occurred. As Captain Pullen said in his *Proceedings* article, in 1985 the *Polar Sea* had to circumnavigate North America to carry out Thule resupply and Arctic West operations when the *Northwind* had a machinery breakdown. And in 1987, another *Northwind* breakdown forced the United States to ask for support from Canadian icebreakers in resupplying Thule. So it has been demonstrated twice that the United States cannot always depend upon its icebreakers to carry out their missions.

The United States is approaching a crisis in icebreaking capability. Or perhaps we are already there. Modern and powerful as the Polar-class icebreakers are, there are only two of them. Keeping their Wind-class sisters operating for just a few more years may cost more than $10 million each.

What action has been taken to remedy this problem? Coast Guard officials believed that the issuance of the requirements study report signaled that the agencies involved had reached a compromise that would allow the country to maintain and acquire the icebreakers to meet our national needs. That is not the case.

In 1984, the Coast Guard commenced design of a multipurpose icebreaker capable of breaking 4.5 feet of fast ice or the equivalent at three knots. The design incorporated all reasonable desire of the scientific community and other intended users. Contingent upon the availability of fiscal year 1989 funds, the Coast Guard still plans for the new icebreakers to enter the fleet in 1993.

But relatively new developments—reportedly discussed during recent congressional hearings—are confusing the issue, and may delay the ships' funding and construction:

In the requirements study report, the National Science Foundation agreed to support construction of a multipurpose icebreaker to be operated by the Coast Guard. Now the foundation is recanting that support and lobbying for a single-purpose icebreaking research ship.

There has clearly been a change of the watch at the foundation. Under current federal budget constraints, it is doubtful that the country can afford both ships.

Policymakers are considering whether to lease an icebreaker in lieu of acquiring one for the Coast Guard to operate. There are serious problems with this catchy idea. A lessor will have to procure an expensive icebreaker. But unless the lessor wants to go broke, he will not do so before issues involving the sole-source and multiyear lease are resolved. Legislation would undoubtedly be required to clear the way for such a lease.

The Thyssen-Waff bow form—a development originating in the Federal Republic of Germany—has been recommended as an alternative to acquiring a costly new icebreaker. Reportedly, this bow could convert an old icebreaker into a super icebreaker at low cost. This is an appealing but unproven design. To my knowledge, the Germans are not considering it as a modification to their icebreaker, the *Polarstern*.

So slightly more than three years after the 1984 study was completed, we are back to studying the icebreaker question again. The delay does not benefit the United States.

U.S. polar ship operations are in jeopardy. If anyone doubts it, let's consider the following scenario. Assume that ample funding has been provided to keep the Wind-class ships in satisfactory operating condition. The *Polar Star* and the *Polar Sea* are deployed to Antarctica to carry out logistic support and research operations. Originally, it has been planned to use only one Polar-class and one Wind-class ship in Antarctica, but neither of the Winds could deploy because of a routine availability for one and serious ice damage to the other. It is deep winter in the high Arctic. An emergency occurs there involving U.S. ships. They require icebreaker support. But the United States does not have a highpowered icebreaker that can do the job anywhere in the Northern Hemisphere.

When planning for such a contingency, should we depend upon Canada and the Soviet Union to handle our search and rescue and other missions in the ice? That is the position we have drifted into by permitting our fleet capability to drop below our requirements, just as we have done, by the way, with U.S. minesweeping capability. In the case of icebreakers, let's stop studying the problem. Let's fund them, acquire them, and put those icebreakers to work.

FRANCIS LEWIS HIGH SCHOOL STUDENT SURVEY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to commend the students and staff of Francis Lewis High School in Flushing, Queens County, NY, for publishing an informative survey of its students opinions on current social issues.

Too often we overlook or ignore the opinions and concerns of young people. Our young men and women offer views and insights that we should listen to and can learn from.

Over 2,000 Francis Lewis High School students were surveyed and I would like to share some of their informative answers.

Just 38 percent feel that our Government meets the need of the people; 31.5 percent of the students support Contra aid, 46.1 percent opposed to the aid; 70 percent suport arms control negotiations with the Soviet Union; 70 percent also support AIDS education in lower schools; and 60 percent are opposed to prayer in public schools.

The students were also asked their opinion on issues ranging from equal opportunity employment to surrogate motherhood.

I applaud Francis Lewis High School for this educational survey and wish it similar success in future projects.

I include the results of this interesting survey in the CONGRESSIONAL RECORD:

PARTICIPATORY GOVERNMENT STUDENT SURVEY

[Taken Oct. 26–Nov. 31, 1987; Mr. Gootnick–Fall 1987]

	Number	Percent
PART I. ELECTED OFFICIALS		
1. The number of people polled concerned the knowledge of their Congressman was	2,089	
2. The number of people who knew their Congressman	586	20.0
3. Do you approve or disapprove of the job your Congressman is doing?		
Number polled	2,077	
Approve	535	25.7
Disapprove	519	25.0
No opinion	1,023	19.3
4. Do you approve or disapprove of the job President Reagan is doing?		
Number polled	2,078	
Approve	646	31.1
Disapprove	1,060	52.0
No Opinion	350	16.9
5. Did President Reagan know of the Iran/Contra scandal?		
Number polled	570	
Yes	356	62.4
No	62	14.3
No opinion	132	23.7
6. Should Oliver North be prosecuted?		
Number polled	570	
Yes	139	24.3
No	280	49.1
No opinion	151	26.5
7. Should there be a maximum age limit for the Presidency?		
Number polled	1,105	
Yes	671	60.7
No	307	27.6
No opinion	127	11.5
8. Does our Government meet the needs of the people?		
Number polled	560	
Yes	213	36.0
No	260	46.4
No opinion	87	15.6
9. Are politicans corrupt?		
Number polled	570	
Yes	265	50.0
No	66	15.4
No opinion	197	34.5
PART II. FOREIGN AFFAIRS AND THE MILITARY		
10. Should the United States aid the Contras in Nicaragua?		
Number polled	2,086	
Yes	658	31.5
No	962	46.1
No opinion	466	22.4
11. Should the United States be involved in the Persian Gulf?		
Number polled	1,503	
Agree	506	33.7
Disagree	660	43.9
No opinion	337	19.4
12. Should the United States negotiate with the Russians on arms control?		
Number polled	545	
Agree	381	70.0
Disagree	82	15.0
No opinion	82	15.0
13. Should the United States aid other countries that are threatened by communism and get involved in their foreign affairs?		
Number polled	1,111	
Yes	410	36.9
No	466	42.1
No opinion	233	20.9
14. Should the United States battle terrorism?		
Number polled	560	
Yes	341	60.0
No	150	26.6
No opinion	69	12.4
15. Does the United States spend too much money on defense?		
Number polled	960	
Yes	491	50.1
No	307	31.3
No opinion	182	16.6
16. Should the United States sell arms to other countries in the world?		
Number polled	391	
Agree	123	31.4
Disagree	129	45.6
No opinion	69	22.6
17. Should we be stricter with our immigraiton laws?		
Number polled	560	
Yes	317	56.6
No	166	30.0
No opinion	75	13.4
18. Should the United States spend more money on the space program?		
Number polled	570	
Yes	237	41.5
No	226	39.6
No opinion	107	18.6
PART III. THE ECONOMY		
19. Do you agree or disagree with the way Reagan is handling our economy?		
Number polled	570	
Agree	151	26.5
Disagree	303	53.1
No opinion	116	20.3
20. Some economists think the U.S. economy is heading toward a depression do you agree/disagree?		
Number polled	942	
Agree	336	35.9
Disagree	360	38.2
No opinion	244	25.9
21. Do you think the economic situation in the United States during the next 6 months will get better or worse?		
Number polled	927	
Better	459	49.5
Worse	308	33.2
No opinion	160	17.3
22. Should the United States have a balanced budget?		
Number polled	540	
Approve	393	77.7
Disapprove	73	13.3
No opinion	82	9.0
23. Are the middle-class over taxed?		
Number polled	560	
Yes	415	74.1
No	106	16.9
No opinion	39	7.0
24. Should the U.S. raise taxes?		
Number polled	570	
Yes	83	14.6
No	402	70.5
No opinion	65	14.9
25. Should the U.S. help large companies that are going bankrupt?		
Number polled	391	
Agree	49	12.5
Disagree	298	76.2
No opinion	44	11.3
PART IV. EDUCATION		
26. Should the U.S. spend more money on education?		
Number polled	570	
Yes	430	75.4
No	96	16.8
No opinion	44	7.7
27. Should schools be open year round?		
Number polled	928	
Agree	124	13.3
Disagree	708	76.3
No opinion	96	10.3
28. Should children with AIDS be allowed to attend public school?		
Number polled	959	
Yes	369	40.6
No	433	45.1
No opinion	137	14.3
29. Do you approve of high schools giving out contraceptives without parental consent?		
Number polled	1,130	
Approve	540	47.8
Disapprove	413	36.5
No opinion	177	15.7
30. Should AIDS education be taught in lower schools?		
Number polled	560	
Yes	390	69.6
No	139	24.6
No opinion	31	5.6
31. Should there be prayer in public schools?		
Number polled	560	
Yes	165	29.5
No	319	60.0
No opinion	76	10.5
PART V. WOMEN		
32. Should a woman be able to have an abortion?		
Number polled	2,070	
Agree	1,340	64.7
Disagree	476	23.1
No opinion	252	12.2
33. Are women entitled to the same rights as men?		
Number polled	1,120	
Yes	862	76.6
No	137	12.2
No opinion	107	9.0
34. The United States should back equal opportunity employment?		
Number polled	371	
Agree	263	67.2
Disagree	73	16.6
No opinion	55	14.2
PART VI. SOCIAL ISSUES		
35. Should welfare finances be cut?		
Number polled	1,521	
Yes	596	39.1
No	639	42.0
No opinion	266	16.9
36. Do you approve or disapprove of surrogate motherhood?		
Number polled	1,108	
Approve	419	37.6
Disapprove	494	44.6
No opinion	195	17.6
37. Should homosexuals be segregated from the rest of the people?		
Number polled	560	
Yes	261	46.6
No	203	36.3
No opinion	96	17.1
38. Should there be a gay bill of rights?		
Number polled	539	
Yes	118	21.8
No	269	50.0
No opinion	152	26.2
39. Should we segregate people with AIDS?		
Number polled	551	
Approve	201	36.4
Disapprove	247	44.8
No opinion	103	16.6
40. Should AIDS testing be mandatory?		
Number polled	570	
Yes	328	57.5
No	170	29.6
No opinion	72	12.6
41. Should we have mandatory drug testing?		
Number polled	570	
Yes	293	51.4
No	197	33.5
No opinion	60	14.0
42. Should border babies be housed in your neighborhood?		
Number polled	553	
Approve	244	44.1
Disapprove	173	31.2
No opinion	136	24.7
43. Do you approve or disapprove for having homes in your neighborhood for the handicapped?		
Number polled	593	
Approve	303	54.1
Disapprove	166	29.6
No opinion	124	16.3
44. Should capital punishment laws be enforced?		
Number polled	552	
Approve	314	56.9
Disapprove	141	25.5
No opinion	97	17.6
45. Should mercy killing be considered a crime?		
Number polled	530	
Approve	197	37.7
Disapprove	208	39.2
No opinion	125	23.5

IN RECOGNITION OF ANDREW BARR'S SELFLESS SERVICE TO OTHERS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. WOLF. Mr. Speaker, I would like to share with my colleagues who were away from Capitol Hill over the Christmas season the story of a lifelong resident of northern Virginia who exemplifies the true spirit of selfless service to his fellow man.

Andrew Barr, of Arlington, VA, spent his Christmas on the streets of Washington, DC, assisting the homeless. He passed out sleeping bags, hats, gloves, sweaters and other items which he had donated to help the less fortunate in our community.

We are fortunate to have a man like Andy Barr in our community and at this point in the RECORD, I would like to insert a copy of a Washington Post article which reports on his good deeds for others.

[From the Washington Post, Dec. 24, 1987]

A MILLIONAIRE'S GOOD WILL MISSION

(By Elizabeth Lazarus)

On a recent Sunday night, Andy Barr and Sammy Smith chatted quietly as they walked toward Barr's dark green van parked at 17th Street and Constitution Avenue N.W. They made an odd pair—Barr, 53, a real estate broker from Arlington who has made millions buying and selling houses, and Smith, 83, an affable man who makes his home on the streets of Washington.

When they reached the corner, the duo stopped. Just a few blocks away the National Christmas Tree glowed red, blue and gold and young carolers sang of good tidings and cheer. But neither man seemed interested.

"Let see your hands," Barr said.

Smith complied.

Barr stared intently at one of Smith's parched hands and muttered, "looks like a medium." With that he climbed into his van and emerged a few seconds later with a pair of gloves and a sleeping bag, both made by L.L. Bean.

"I sure do appreciate this," said Smith, taking the sleeping bag and gloves that complemented the wool hat and sweater Barr had given him a week before. "Thank you, Reverend," he said.

"Oh, I'm no reverend. I'm just a real estate man," Barr said.

Andy Barr is part of an increasing number of residents in the Washington area who are making a commitment to help the homeless.

That commitment takes many forms—some people make sandwiches, others volunteer to staff soup kitchens and shelters, some donate money or clothes, said Mitch Snyder, founder of the Community for Creative Non-Violence.

But Barr is somewhat unusual.

Few people have the resources to donate nearly $15,000 worth of L.L. Bean sleeping bags, hats, gloves, cargo bags, jeans and sweaters, even with a company discount of 15 to 20 percent.

And few actually go to the parks, grates and subway stations to talk to the homeless.

"I like to see the people I help—to touch them on their arm, to shake their hand. It benefits both the recipient and the donor. I almost never refuse [to give them things] even if they come back for seconds," he said.

A self-made man, Barr recalls being hungry once himself—for money.

For more than 20 years, he devoted himself to real estate, buying houses with no money down.

He wrote several books on the subject and even founded his own real estate school.

But several million dollars later, Barr found his appetite for money was more than satisfied. So he closed his office in the late 1970s and started working just a few hours a day, spending the rest of his time enjoying hobbies such as camping and helping out worthy causes, he said.

Until this past November, Barr said he confined his charitable activities mostly to give money to churches and charities as well as to such individuals as Lenny Skutnik, who rescued a survivor of the Jan. 13, 1982, Air Florida crash.

Barr felt Skutnick made a difference.

Barr said that shortly before Thanksgiving he saw a news story about a man who makes 100 sandwiches for the homeless every week.

It moved him to help.

Not sure what would be most beneficial, Barr called Snyder and asked him what he thought about giving sleeping bags to the homeless.

When Snyder told him it was a good idea, Barr wasted no time and ordered 100.

Barr gave the first 50 CCNV volunteers to distribute. Snyder had encouraged Barr to go with the volunteers, but he declined.

"It was cold and windy that night. And Andy Barr didn't want to go out, didn't want to see. But then the next time when I did go out with them, I saw that it was much better giving in person," Barr said.

On Thanksgiving, Barr decided not to go to his sister's home near Atlantic City, N.J. Instead, Barr said he went to the Mall to give out more sleeping bags and $500 in $10 bills.

"It was wonderful to see people using these sleeping bags. I feel I am among friends," Barr said.

"It's such a turnaround. He never did anything like this before,"said Edwina Ogden, Barr's sister. "He lives alone and I was worried about him being alone on Thanksgiving. But he said this past one was the best he had ever had. Money doesn't seem to be a problem in his life. It's almost like the challenge is gone. He has been successful. Now he has another goal in life.

Bert Sikkelee, a minister at Herndon United Methodist Church and an acquaintance of Barr's for four years, said he was not surprised to hear that Barr was helping the homeless.

"He's a kind-hearted, smart, highly motivated man whose mind is always racing. If he sees someone who needs [help], he hands it out. That is very much in character with Andy," Sikkelee said.

"He's doing a good thing," Snyder said. "Best of all he is expressing concern and going out of his way trying to help these people. That is as important as the material things he's giving out. The recognition that someone cares."

In the next few months, Barr said, he would like to distribute waterproof ponchos and shoes. Today he plans to help shuttle people from the CCNV shelter to the Washington Convention Center for a Christmas Eve dinner. And Christmas morning he will give out more sleeping bags, socks and other items to help buffer the cold.

"I identify with these people and can see parts of myself in them, Barr said. " I am not a hero."

FORMER HOBBS NEWSPAPER PUBLISHER SUMMERS DIES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. RICHARDSON. Mr. Speaker, this month my home State of New Mexico lost one of its finest newspaper men in the form of Bob Summers, who passed away January 7.

Mr. Summers spent an entire lifetime providing the people of his community, Hobbs, NM, with the day's news. He followed the profession of his father, also a newspaper man, when he joined his brother in launching the Hobbs Daily-News Sun in 1937. To this day, the Daily-News Sun brings to the people of Hobbs the happenings of the world as well as their town.

Mr. Summers talents were not unrecognized because he was the publisher of a newspaper in a relatively small town: just last October he was elected to the New Mexico Press Association's Hall of Fame after already having served as president of that group of journalists. He also believed strongly in public service: he served in the Army, and later as an aide to the Secretary of the Army.

The reigns of the Daily-News Sun in Hobbs have been assumed by a new publisher, but Bob Summers absence from that community's life is already widely felt.

FORMER HOBBS NEWSPAPER PUBLISHER SUMMERS DIES

HOBBS.—Funeral services are scheduled for 10 a.m. Monday for Robert L. Summers, the former publisher of The Hobbs Daily News-Sun.

Summers, 71, died Wednesday at Park Plaza Hospital in Houston, where he had been since Dec. 24, when he fell while on a cruise ship docked in Puerto Vallarta, Mexico. He and his wife, Louise, had sailed Dec. 20 from Los Angeles.

The services will be held in the First Presbyterian Church in Hobbs.

Summers retired as News-Sun publisher last July 17, when the newspaper's reins were assumed by Bill Shearman.

Summers' contributions to New Mexico's newspaper profession were recognized last October when he was elected to the New Mexico Press Association's Hall of Fame.

He was a former president of the NMPA. He served many years on the association's board of directors and was a member of various board committees until his retirement.

Summers was honored by the Democratic Party of Lea County in July for his work in the party. He was the first recipient of the James M. Murray Jr. Award, which designated him as "Democrat of the Year."

His party work had gained the attention of then-President Jimmy Carter, who named Summers as a civilian aide to the secretary of the Army in 1977. Summers served for three years.

After his retirement from the newspaper business, Summers continued to operate Martindale Petroleum Corp. as that company's president.

He also was active in banking for many years. He was a director of First Interstate Bank and a member and former chairman of the bank's executive committee.

Born Aug. 9, 1916, in Hartsville, MO., Summers chose to follow the newspaper profession of his father. He majored in journalism at Southwest Missouri University in Springfield.

Summers' first and only job in the business was with The Hobbs Daily News-Sun, which his brother, Tom Summers, helped form.

Summers joined the organization as an advertising salesman in the summer of 1937. He became advertising director the next year.

By 1941, he had served as circulation director and was editor and general manager.

Summers joined the U.S. Army Air Corps in 1942 during World War II, spending most of his military career in the Panama Canal Zone, where he was a pilot and training instructor.

He was discharged in 1946, and returned to The News-Sun. He became publisher in 1948 when his brother stepped down.

Summers also served as vice president of the Sun Publishing Co. and a member of the board of directors.

He married Louise Caunch on April 14, 1944.

He is survived by his wife; a brother, Dr. W.A. Summers of Detroit, and two sisters, Virginia Cooper of Detroit and Florence Schudy of Houston.

JOSÉ MARTÍ

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. GARCIA. Mr. Speaker, tomorrow marks the 135th anniversary of the birth of the great Cuban patriot, José Martí. Martí a writer by profession, was a leader of Cuba's struggle for independence in the late 19th century. So profound is his legacy that he is revered by both the present Cuban regime and the Cuban American community in the United States.

Martí spent several years in exile in New York City where he gathered support for Cuban independence from among others, the fledging Puerto Rican community. I would like to share with my colleagues a brief biography of José Martí written by Carlos Ripoll, a noted

Cuban historian who is currently a professor at Queens College in New York City.

JOSÉ MARTÍ

The importance of José Martí to the American reader does not lie only in the fact that he was a most acute observer of this countrty, nor in his being considered one of the great writers of the Hispanic world. Martí's importance stems as well from the universality and timeliness of this thought.

Martí devoted his life to ending colonial rule in Cuba and to preventing the island from falling into the hands of the United States after the defeat of Spain or under a regime inimical to the democratic principles he held. With those goals, and with the conviction that the independence of the Caribbean was crucial to Latin American security and to the balance of power in the world, he used his talents to forge a nation. Thence the breadth of his works: he was a revolutionary, a statesman, a guide, and a mentor. And because his vast culture enabled him to move freely in the most diverse fields, his teaching is rich indeed.

Martí was born in Havana in 1853. At seventeen he was exiled to Spain for his opposition to colonial rule. There he published a pamphlet exposing the horrors of political imprisonment on the island, which he himself had experienced. Upon graduating from the University of Saragossa, he established himself in Mexico City, where he began his literary career. A military coup d'état led him to depart to Guatemala, but government abuses forced him to abandon that country as well. In 1878 he returned to Cuba under a general amnesty, but he conspired against the Spainish authorities and once again was banished. Then, after a year in the United States, he went to Venezuela to settle, only to have still another dictatorship force him to depart. Martí lived in New York from 1881 to 1895, when he left to join the war for Cuban independence that he had painstakingly organized. There he died in one of its first skirmishes.

During the years he spent in the United States, Martí analyzed American society with clarity and insight as a correspondent for the most influential newspapers of Argentina, Venezuela and Mexico. "In order to know a country," he wrote, "one must study all its aspects and expressions, its elements, its tendencies, its apostles, its poets, and its bandits." This he did, and because of his uncompromising honesty, his chronicles contain both criticism and praise that have sometimes been put to improper use. It was the period when the American experiment in self-government and free enterprise was crystallizing, now strengthening, now undermining moral values. Martí roundly censured materialism, prejudice, expansionist arrogance, and political corruption, and enthusiastically applauded love of liberty, tolerance, egalitarianism, and the practice of democracy. Thus, in October of 1885, contrasting the opulence and poverty in New York, he warned his readers: "It is necessary to study the way this nation sins, the way it errs, the way if founders, so as not to founder as it does. . . . One must not merely take the statistics at face value but hold them up to examination and, without being dazzled, see the meaning they contain. This is a great nation, and the only one where men can be men, but as a result of conceit over its prosperity and of its inability to satisfy its appetites, it is falling into moral pygmeism, into a poisoning of reason, into a reprehensible adoration of all success."

Martí's thought has ethical foundations; as a political theorist and as an artist he can be understood only in terms of his faith in morality. Every inquiry into the nature of man and his role on earth led Martí to identify the good with the true. For him there was no force behind what he considered right unless it had the strength of truth. He believed that "every human being has within him an ideal man, just as every piece of marble contains in a rough state a statue as beautiful as the one that Praxiteles the Greek made of the god Apollo." To attain the salvation of man the only thing needed, he felt, was to free man from apathy and egotism.

The will to affect reality kept Martí from limiting himself to pure speculation, and given his capacity for abstract thought and his ability to reduce it to concrete formulae of conduct—a rare combination—his ideas are of singular value. Martí himself explained it thus: "What proud work could be done by sending forth to face life together three beings who think differently about it: one, like the Brahman and the Morabite, given to the impossible worship of absolute truth, the second to exuberant self-interest, and the third with a Brahman's spirit restrained by prudent reason and going through life as I do, sadly and sure that no reward will come, daily drawing fresh water from an ever recalcitrant stone."

How to achieve a functional accommodation of "truth," "self-interest," and "reason" was the central question posed by Martí. Although he did not systematize his knowledge and, therefore, left no treatise on political science, his works are replete with ideas on the purpose of the State and its relations to society. He thought it possible to reconcile individual with collective needs and disapproved all governmental forms that proposed subjecting either, since freedom was for him the only viable climate for human existence: "A nation is made of the rights and opinions of all its children," he wrote, "and not the rights and opinions of a single class." He knew that the differences and inequalities among men could not be ignored, but that neither could they be left to the whims of history or the manipulation of a single group. Rather, he recommended correcting the imbalances through "social charity and social concern," the objectives of which were, he declared, "to reform nature herself, for man can do that much; to give long arms to those whose arms are short; to even the chances for men who have few gifts; to compensate for lack of genius with education."

Martí's own example lent validity to his doctrines, and the strength of his style enhanced their effectiveness as political and philosophical instruments. His literary work is an invaluable achievement of expression and is conditioned throughout by moral objectives; the artist and the apostle became inseparable in his work. "In literature one should not be Narcissus but a missionary," he proclaimed. For Martí aesthetics was but an aspect of ethics: "Man is noble and inclined to what is best. After knowing beauty and the morality that comes from it, he can never after live without morality and beauty." In his art and as a critic of art he resolutely voiced faith in human perfectibility, a faith in total agreement with his insistence on coupling act with thought.

UNION, NJ, HIGH SCHOOL FARMERS, STATE FOOTBALL CHAMPIONS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. RINALDO. Mr. Speaker, I wish to call the attention of the Members of this House to a great success story in New Jersey. It is the Union High School football program under Coach Lou Rettino. In completing another undefeated season, the Union High School Farmers again achieved the distinction of being recognized as the No. 1 ranked football team in New Jersey and one of the top 10 high school teams in the Nation, according to USA Today.

Coach Rettino has built a football dynasty at Union High School. In three of the last four seasons, his teams have gone undefeated, and in only 11 seasons as head coach of the Union High School football team, he has achieved 100 victories. It is a remarkable record when you consider the fact that Coach Rettino and his staff teach the fundamentals of the game to new players each season.

The commitment to excellence at Union High School also extends beyond the playing field into the classroom. A dedicated teaching staff, a sound and efficient school administration led by Superintendent Dr. James M. Caulfield, and parents who care about their children's education have produced a winning attitude in Union High School and the elementary schools. This was recognized by the U.S. Secretary of Education, William Bennett, who a few months ago presented the Union Board of Education with the National Governor's Association Award as 1 of 16 model public school districts in the Nation.

It proves, Mr. Speaker, that athletics and academics go hand in hand with the right kind of leadership and community commitment to excellence. Mr. Speaker, I wish to commend Mr. Walter Shallcross, athletic director, and Coach Rettino and his championship team. It includes the following:

UNION HIGH SCHOOL FOOTBALL ROSTER 1987-88

GRADE 12

Joe Cruz, Joe Dotro, Bob Falzarano, Dean Ferdinandi, Mike Ferroni, Steve Fillaci, Guy Francis, Frank Goveia, Tawan Green, Mike Katz, George Kostis, Chris Markovich, Joe Matina, Al Miller, Anthony Nardone, Tom O'Rourke, Eugene Pierce, John Power, Daryl Scott, Bill Vignes, and Kevin Williams.

HEAD COACH

Lou Rettino.

COACHES

Fred Stengel, Jack DeBarbieri, Jeff Longueil, Chet Czaplinski, Gary Zakovic, Brian Shanahan, Sam Iacobone, Carmine Guarino, Charles King, and Russell Cannavo.

GRADE 11

Cliff Baskerville, Marcus Coley, Steve Donaway, Ralph Johnson, Robert Jones, Sean Lattimore, Mike Magliacano, Marlon Mathews, Russ Menoni, Dave Mollett, Frank Napolitano, Paul Palmucci, Jamal Patterson, Frank Pontoriero, Dave Rego, Nick Ricigliano, Fred Scott, Gerald Smith, Doug Solla, Derrick Vaughan, Anthony Wakefield, James Young, and Richard Zimbardo.

ATHLETIC TRAINER

Mike Zurlini.

STUDENT TRAINERS

Ken DesRochers, Bill Grobes, Tom Krauth, Tom Ollemar, Karen Ostroski, Jenn Regan, and Nicole Hodge.

GRADE 10

Pat Allen, Chris Banks, Scott Binder, Andre Caban, Kirk Patrick Capers, Julio Cepeda, Daryl Crawford, Louis D'Annario, Chris Dupre, Gus Fernandez, Earl Finney, Doran Godwin, James Herrera, Scott Hibbard, Todd Hibbard, Shawn Hodges, Conrad Jones, Robert Kimble, Andre Marksimow, James Martielli, Matt McMurdo, Sam Mickens, Gary Morris, Sean Mullery, Shaun Murray, Robert Pecoraro, Michael Simomson, Kelvin Smith, Martin Soto, Richard Tullis, Van Tran, and Craig Walker.

STATISTICIANS

Nicole Mayo, Kim Policastro, Dannines Soares, and Diane Lang.

THE BICENTENNIAL AND THE FIRST CONGRESS

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. BOGGS. Mr. Speaker, on January 12, Dr. Ray Smock, the Historian of the House of Representatives and the Director of our Office of the Bicentennial addressed the Capitol Hill Chapter of the Federal Bar Association. Dr. Smock provided the members of the association with an entertaining and inciteful commentary on the First Congress which convened 199 years ago in March, its members and the issues facing the new Federal Government.

As we continue the process of observing the 200th anniversary of our Constitution, its ratification and the establishment of the three branches of our Federal Government, I would like to share Dr. Smock's comments with my colleagues. In addition, I would recommend that anyone desiring additional information about the 200th anniversary of the Congress to contact our Historian, Dr. Ray Smock, or his counterpart in the Senate, Dr. Richard Baker.

The Great Experiment Begins: The First Federal Congress in Action

(By Dr. Raymond W. Smock, Historian of the U.S. House of Representatives)

One Hundred and Ninety Nine years ago the new government of the fledgling United States of America began in New York City amidst the ringing of church bells, the display of flags, and the roar of cannon. It was a time of great promise and of great opportunity for the new nation. Many historians consider the First Federal Congress to be the most productive legislative assembly in the history of the country. Being the First Congress had some built in advantages from the standpoint of history, just as part of George Washington's greatness stems from his large role in setting so many precedents in the development of the Executive branch. But none of this was automatic. The achievements of the First Federal Congress were forged by real people operating in an arena full of political choices. In looking backward two centuries, we get a glimpse of Congress that is both very familiar and very strange to us. The Congress has changed tremendously in two centuries, but in some fundamental ways it has remained the same.

It is such a commonplace to say that the size of the Congress has grown to keep pace with the nation, that I hesitate to even say it. I do so now merely to get us ready for a brief trip back 200 years. One of the cardinal rules of historical understanding is to put yourself in the shoes of the people in the time you are studying. If we begin with today's problems and today's political assumptions, and the realities of today's Congress, we will have a harder time understanding the First Congress. Looking backward two centuries the United States seems deceptively simple. It appears quaint, rustic, romantic, purer, less technical, less complex, slower paced, less urgent. Somehow it also seems nobler, a time, as some claim, when giants strode the land; godlike statesmen whose likes we have never seen since and are unlikely to ever see again. The men who shaped the nation have been elevated to virtual sainthood. We even carry their likenesses with us in our pockets and wallets. But making gods out of the leaders of the Founding period distorts history plays tricks on how we view the past and the present. When we view the personalities and actions of the Members of the First Congress as real people, many quite ordinary, struggling with real day to day political decisions and realize they were persons who had the same kind of strengths and weaknesses as the people in the 100th Congress, then history has meaning for us.

But what I say about the accomplishments of the "saints" in the First Congress is likely to play up their legendary qualities, because so many of the humanizing details have been lost or forgotten. But I am always looking for the telling insight about Congress that gives the Members and the institution a human quality, because I firmly believe that the Congress is the most human of governmental institutions, and the one that most closely reflects American politics and the American character.

Let me give you a brief overview, mostly statistical, of then and now.

Fisher Ames, a Member of the first House of Representatives from Massachusetts, described his colleagues this way.

"The House is composed of sober, solid, old-charter folks, as we often say. At least, I am sure that there are many such. They have been in government before, and they are not disposed to embarrass business, nor are they, for the most part, men of intrigue . . . However, though I am rather less awed and terrified at the sight of the members than I expected to be, I assure you I like them very well. There are few shining geniuses; there are many who have experience, the virtues of the heart, and habits of business."

Nineteen Members of the First Congress had been delegates to the Federal Convention in 1787. Nine of them served in the House and 10 in the Senate. In the House one of the "few geniuses" referred to by Fisher Ames was none other than James Madison, often called the father of the Constitution, who served in the House during the first four Congresses. The Members then were planters, lawyers, merchants, and a few clergymen. Today, in the 100th Congress, the planters have been replaced by businessmen and bankers, not too far removed from the role played by the planters of 200 years ago. Thirty-eight percent of the Members of the First House were lawyers. Forty-two percent of the 100th House are lawyers. In the Senate the percentage of lawyers has risen from thirty-eight percent in the First Senate to sixty-two percent today. There were 65 representatives and 26 senators in the First Congress. Today there are 435 voting House Members and five territorial delegates and 10 Senators. The First Congress handled 143 House-introduced measures and 24 Senate measures, resulting in the passage of 117 bills, compared with 7,522 measures introduced into the 99th Congress on the House side and 4,080 on the Senate side, with a total of 664 bills enacted through 31 standing House committees and 24 standing Senate committees.

The statistical comparisons give us some idea of the dimension of the changes that have transformed the Coangress in two centuries. But they do not tell the whole story, any more than baseball statistics alone can explain the game of baseball. The real test, it seems to me, is to judge the 11,000 persons who have served in Congress in the past 200 years by the job description handed down by the Framers of the Constitution themselves. By that standard the job of the Congress, no matter how well done, is never finished, because the task is to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general welfare, and secure the Blessings of Liberty to ourselves and our Posterity.

I started out by saying the First Congress was the most productive legislative assembly in U.S. history. But if you were there, in New York City, on March 4, 1789, when it all began, you sure wouldn't think that it was going to amount to much. The public turned out to celebrate and cheer for the new Constitution and the new Congress. Flags were everywhere. At 11 o'clock, the hour of the convening of the First Congress under the new Constitution, church bells pealed throughout the city, which at that time had a population of 29,000. The Members who made it to that day's session found the newly renovated Federal Hall, at the corner of Broad and Wall Streets, unfinished, even though carpenters had worked feverishly for months to get things ready. The Members of the House had to meet in makeshift quarters.

Only thirteen House Members, out of 65 who would eventually serve in the First Congress, showed up. The Senate, too, failed to achieve a quorum. Both bodies adjourned in less than an hour, and the guns sounded again and the crowds cheered again, but the Members themselves were disappointed in the anticlimax of their first day under the new Constitution. Fisher Ames of Massachusetts, worried as days dragged into weeks with still no quorum. "We lose credit, spirit, everything. The public will forget the government before it is born," he wrote. Finally on April 1, almost a month after the new government was to begin, the House achieved its first quorum. The Senate followed suit five days later. At last the government was launched.

Two hundred years later, as we prepare for the bicentennial of these events, I wish the House had gotten down to business on March 31, or April 2, or any day other than April 1. I can already see the jokes and media madness that will focus on the fact that the House finally got down to business on April Fool's Day and nothing has changed since! Knocking Congress is as American as Apple Pie, and few will pass up the chance to comment on this unfortunate juxtaposition of dates. Even a Member of the First Congress, Elias Boudinot of New Jersey, wrote to his wife questioning the wisdom of beginning the Congress on Fool's Day.

Once a quorum was achieved the House wasted no more time getting down to business, electing their first Speaker and first Clerk that same day. The Speaker was Frederick Augustus Muhlenberg of Pennsylvania, a huge capable man who was a leader of the influential German community of Pennsylvania, a former clergyman, and Pennsylvania state legislator. The House chose him for his strong experience as a parliamentarian. He had served as Speaker of the Pennsylvania General Assembly from 1780 to 1783.

The First Clerk of the House, John Beckley of Virginia, who served the first four congresses and the seventh, eighth, and ninth congresses, was a young, highly skilled clerk and lawyer who had served the Virginia legislature in several capacities. Beckley, it seemed, was always in poor health and was just one step away from debtor's prison, although he managed to keep up appearances and even owned a few slaves. He borrowed heavily from his friends such as James Madison and Thomas Jefferson. Beckley has come under fire recently from historians of the early congresses not for his politics but for his records-keeping practices. Many of the records that we wish we had to reconstruct the history of the early congresses were assumed to have been destroyed when the British invaded Washington and burned the Capitol in 1814. That's the standard legend around here, and it's partly true. But now we know that many of those records were discarded earlier by the meticulous Beckley himself, who couldn't stand to have loose paper scattered around the Clerk's office.

Beckley would probably be shocked to realize that historians would be lamenting the loss of his rough drafts two centuries later. In the Senate, on the other hand, the first Secretary, Samuel Otis, was a model archivist who has been praised for saving enough for us to reconstruct legislative histories by comparing handwriting on draft legislation and determining who introduced which amendments, and when. Because of Otis's efforts we have a much better idea of what was going on in the first years of the Senate than we do in the House, even though the Senators chose to meet in secret.

It is a bit ironic that the first Clerk of the House has been the subject of more historical attention, including a fine full length biography, than has the first Speaker. The first elected officer and the first staff member of the House did far more to shape history than Frederick Muhlenberg did. Beckley, a protege of James Madison, was a real power behind the throne in national politics, thwarting the presidential ambitions of Alexander Hamilton and championing his hero Thomas Jefferson.

While I am mentioning the staff of the first Congress, I may as well cover them all. Today there are more than 18,000 of us, with about 11,000 on the House side and 7,000 on the Senate side, representing a $3 billion dollar enterprise. In the First Congress, there was the Clerk, two assistant clerks, the Chaplain, the Sergeant at Arms, the Doorkeeper and one assistant, and that was it. The Senate had a Secretary of the Senate, a chaplain, two clerks, a doorkeeper, and a messenger. The budget to run the First Congress was less than $374,000. The Clerk employed his assistants mainly to transcribe the journals and other business of the House and see to it that everything was placed in neat bound volumes. The Clerk, among his other duties, was the reading clerk, praised for his clear, precise delivery, and he was even the first Librarian of Congress, beginning in 1802, overseeing its whopping $5,000 budget and all 243 books in the Library's collection. There were also one or two public printers hired by contract to print bills and laws, but they would not qualify technically as House staff.

Since there were no standing committees in the First Congress, there was no committee staff. For each of the 143 bills that were introduced in the First Congress a separate committee was appointed by the Speaker to handle each item. The Chairman of the committee was often the first person named by the Speaker. It was not a position of power. The Members, often working in their boarding houses near Federal Hall, wrote the legislation themselves with no staff assistance. Furthermore, there were no lobbyists, at least as we describe them today. Members often consulted prominent politicians and businessmen in their home states and asked for specific information needed to help draft legislation, but that was the usual extent of outside advice, other than what came through direct petitions to the Congress. Congress also heard often, through petitions, from a fellow on George Washington's staff by the name of Alexander Hamilton, the secretary of the Treasury, who kept Congress busy with his reports on national financing and other matters. The President himself generally confined his communications with Congress to matters related to Indian treaties and the military.

The petition, derived from British common law and widely employed in the colonial legislatures, was the primary device for getting an issue before Congress. This was true until at least the 1820s, when "lobby agents" began to make their appearance in the halls of Congress and in the state legislatures. The closest things to lobbying in the First Congress were the actions of such "special interests" as the Potomac Company, desiring a permanent capital on the Potomac, and the activities of agents of the Ohio Company, and other speculators in western lands.

Studying the petitions to the First Congress is one of the best ways I know to see what kind of issues came before the House. Many of the petitions led directly to legislation. The workload of the Congress, as reflected in the numbers of petitions received on a particular subject, is one way to study the origins of the standing committees. Last year the Committee on Energy and Commerce published a remarkable compilation of the petitions received by the first four congresses. It graphically portrays what was on the mind of Americans from 1789 to 1795. You be the judge of whether things have changed much in two centuries. Here is a brief sample of some of the petitions received by the First Congress:

1. Within ten days of the first quorum, a group of tradesmen in Baltimore urged Congress to pass "an imposition of duties on all foreign articles which can be made in America." The same day the House appointed a committee of nine Members to draft an import and tonnage bill. There were many commercial petitions urging increased duties on foreign goods.

2. The House received petitions from "sundry persons, citizens of the United States, captured and held in slavery by the Algerians."

3. In August of 1789 the Sergeant at Arms desired an inquiry into charges made against him in an anonymous letter to the Speaker.

4. Petitions came in from public creditors urging the House to appropriate sufficient funds to pay the interest on the public debt.

5. There were many pension claims from Revolutionary War veterans, and claims from citizens for property confiscated or damaged in the war.

But the enduring legacy of the First Congress was the role it played in completing the work of the Federal Convention, held two years earlier in Philadelphia. The Framers of the Constitution left important work undone, and some of the state ratifying conventions made additional demands that needed attention in the First Congress, mainly the adoption of a Bill of Rights. Furthermore, parts of the executive branch needed to be fleshed out, and Article III of the Constitution, describing the federal judiciary, was the most incomplete part of the Constitution, awaiting Congressional action. Here then, are a few of the monumental achievements of the First Congress relating to the Constitution. It is safe to say that the First Congress breathed life into the Constitution and transformed it from a document describing how government should work to an actual functioning system. Considering the fact that 19 of these persons were the same individuals who drafted the Constitution, and given the fact that the Committee on the Whole House was about the same size as the Federal Convention, the First Congress was very much like the Convention itself.

Congress conducted the process of counting the electoral ballots of the first electoral college and administered the inauguration of George Washington as President and John Adams as Vice President.

Congress created the executive departments of State, Treasury, and War, and established the office of Attorney General.

Congress passed the Judiciary Act of 1789, giving form to Article III of the Constitution and establishing the Supreme Court and the federal court system. The Judiciary Act, by the way, is the only case we know of where an actual subcommittee was established to handle the bill in the Senate. The subcommittee had three members, Oliver Ellsworth of Connecticut, William Paterson of New Jersey, and Caleb Strong of Massachusetts. House records are not complete enough for this time period to determine if subcommittees were used by the House.

And, as I mentioned above, the Congress, under the leadership of James Madison in the House, introduced 12 amendments to the Constitution, ten of which were eventually adopted as the Bill of Rights.

Other bills passed in the First Congress related to some familiar subjects: an oath of office, copyrights and patents, support of lighthouses and maritime regulations, the first act to preserve the records of government, a naturalization act, postal regulations, duties on distilled spirits, funding of the national debt, the incorporation of the bank of the United States, and last, but not least, a bill to establish a permanent seat of the federal government along the banks of the Potomac River.

Overall, the First Congress was preoccupied with the national debt created during the Revolutionary War. It spent more time

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on this subject than any other. But in terms of time consumed, and the amount of politicking that went on, the other major issue was the permanent location of the capital. The First Congress spent its first seventeen months in New York City, moved to Philadelphia, for its third session, and remained there for ten years until 1800, when Washington became the permanent seat. The question of the location of the capital kept popping up as a bargaining chip in relation to other bills, and helped determine the outcome of such legislation as the bank bill, the assumption of state debts, and other matters.

Everything the First Congress did was not, however, of such Olympian proportions. The Senate spent practically its entire first month in debate over what to call the President. Should it be "His Excellency" or "His Elective Highness"? Or, as the Senate came to prefer: "His Highness the President of the United States and Protector of the Rights of the Same." To the everlasting credit of the House of Representatives, the people's branch, the Senate's highfalutin strategy failed and we have known all our Presidents since Washington as "Mr. President." And the man who led the effort for the fancy title, Vice President John Adams, got his own titles: "His Rotundity," and "His Superfluous Excellency." Even this debate, as trite as it may seem today, had its serious side. The Federalists were debating not with antifederalists, but with themselves over an issue some perceived as an attempt to establish a monarchy in the United States and threaten the country's development as a republic. This issue, along with more fundamental disagreements stemming from sectional disputes and other matters would eventually divide the Federalists into two factions called Hamiltonian Federalists and Jeffersonian Republicans, divisions that contributed to the development of an important new phenomenon, not envisioned by the framers of the Constitution or the Members of the First Congress: a thing called political parties, which, I need not remind anyone in this room, transformed the way the future Congresses would do their work.

Fisher Ames, whom I cited earlier, made a prediction about the First Congress on its opening day. "The feds have too much faith in its *good*," he wrote, "and the anti's too much forecast of its *ill* tendencies. Both will be baulked probably." And he used the word "baulked" as a synonym for "frustrated." Two hundred years later the Federalists and Antifederalists debate, while still vital to an understanding of American politics, seems far removed from the complex organized parties and special interests of today. But Ames' observation still holds true. What he predicted as the reaction to the First Congress could be applied to the 99 that have followed. Some still have faith in the *good* of Congress, while others forecast its *ill* tendencies. And both viewpoints have been "baulked" for two hundred years. The great experiment to see if we can keep our republic continues.

TRIBUTE OF SUSAN S. TABOR TO RAOUL WALLENBERG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LANTOS. Mr. Speaker, this month marks the 43d anniversary of the abduction of the great humanitarian Raoul Wallenberg by Soviet military officials in Budapest in 1945. Some 9 months earlier, this young Swede arrived in the Hungarian capital at about the time that the notorious Nazi Adolph Eichman had arrived in Budapest with the task of exterminating the Jews of Hungary. Wallenberg fought Eichman at every turn and through skill, wit, and sheer determination succeeded in saving the lives of 100,000 men, women, and children.

Mr. Speaker, as we mark the 43d anniversary of Raoul Wallenberg's disappearance into the Soviet gulag, I wish to bring to the attention of my colleagues in the Congress a tribute to Wallenberg by Susan S. Tabor of New York City. Despite a grave illness, she traveled to Washington last fall to speak in the Senate Russell rotunda about how Raoul Wallenberg saved her life and the lives of many others.

Born in Budapest in 1920 and educated in Hungary, Mrs. Tabor lived through the Nazi era. In 1939, she married Emery Tabor, an architect, and emigrated to the United States in 1948. Since 1950, she has been a librarian at the Hebrew Union College Jewish Institute of Religion.

Mrs. Tabor believes she owes her life to Raoul Wallenberg, the Swede who saved the lives of tens of thousands of Hungarian Jews late in World War II. Wallenberg acted to save people in many ways, but none was more dramatic than his intervention in the Nazi-enforced death march of Jews from Hungary to Austria. Here is how Susan Tabor recalls that event:

> It happened forty three years ago, and it is still a recurring nightmare in my life.
>
> My mother and I were taken with thousands and thousands of others on a Death March toward Austria. Trains were not running, and we had to be driven on foot in mud, cold rain and snow toward our destination—the gas chambers.
>
> At night like cattle we were herded into an abandoned brick factory, many of us breaking legs in hidden pits. Whoever tried to climb out was mercilessly beaten, and some were killed by the guards.
>
> Once in, there was hardly room on the floor for everybody to sit. There was no light, no food, no doctors, no first aid, no sanitary facilities, no one was allowed outside. Armed guards walked around stepping on people, abusing them, cursing and shooting. We were beaten because our spirit was broken. Somehow, the night passed.
>
> The next day, unexpectedly at one end of the building, we saw people in civilian clothes with a loudspeaker and flashlights. And there was Raoul Wallenberg. We just stared, not even realizing he was talking to us, not even comprehending what he was saying.
>
> He was telling us that he had demanded of the Germans that those with schutzpasses should be allowed to return to Budapest. He further informed us that medical doctors and nurses had volunteered to take care of the sick and wounded. He demanded that toilet facilities be provided.
>
> Can you fathom what his being there meant to us hunted, desperate people? Someone thought we were human beings worth saving. Someone who had no obligation to us fought for us.
>
> And suddenly, those beaten people straightened their backs, and from every corner you could hear 'Shema Yirael,' the declaration of faith of the Jews. Maybe we were getting ready for death with dignity. Or maybe, just maybe, there was a glimmer of hope for survival.
>
> The next morning, we were lined up to continue the march toward our last destination, but Raoul Wallenberg was there with his trucks. Under his watchful eyes, the Nazi officers checked the schutzpasses, and Wallenberg removed those under his protection to the relative safety of protected houses in Budapest. The others continued their march and according to records, 150,000 perished on their way.
>
> Allow me to quote Elie Weisel: "Hitler's platform contained many pledges, but the only one, nearly the only one, he fulfilled was the extermination of the Jewish people. How much more then do the deeds and humanity of Raoul Wallenberg shine, giving hope, for mankind".

THE STRUGGLE FOR UKRAINIAN INDEPENDENCE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, on January 23, a banquet was held in Farmington, CT, by the Connecticut chapters of the Ukrainian Congress Committee of America, commemorating the 70th anniversary of Ukrainian independence. The guest of honor was the Honorable Bohdan Futey, a judge in the U.S. Court of Claims in Washington, DC.

On January 22, 1918, the Ukrainian people, through the Ukrainian Central Rada, proclaimed the Ukraine a full-fledged sovereign and independent state, with its capital in Kiev. The new government forged close economic and political ties with a number of European nations, including Britain and France. Tragically, Ukrainian independence was shortlived. The country was invaded late in 1918 by Polish and Russian armies. Ukrainians of all ages rallied to preserve their precious freedom, but after a heroic struggle which lasted 3 years, the Ukrainian National Republic was finally defeated by the numerically superior forces of Lenin's army.

With the Soviet occupation came political, cultural, and religious repression and economic exploitation on a grand scale. Over 7 million Ukrainians starved to death in the only recorded manmade famine in world history. These hardships continued during the Second World War, as members of the Ukrainian resistance movement fought bravely against the Nazi and the Soviet armies in turn. In efforts to halt the activities of the resistance, hundreds of thousands of Ukrainians were deported, exiled or killed by the Nazis and the Soviets.

Today, the Ukrainians' struggle for independence and human rights goes on. While almost half of all political prisoners being held in the Soviet Union are Ukrainians, scores of intellectual and cultural activists continue to criticize the Soviet regime despite great personal risks. These brave men and women are joined by the many Ukrainians around the world and their friends who continue the struggle for a free Ukraine.

As we commemorate Ukrainian Independence Day, we remember the cost the Ukrainian people have paid in their battle for freedom. The celebrations honoring Ukrainian independence that are taking place worldwide in Ukrainian communities this week are not only a salute to those who have kept the dream of an independent Ukraine alive, but also celebrate the ideal of freedom, and the right of all people to self-determination.

A TRIBUTE TO JACK SHINE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding member of my community, Jack Shine, who has also been honored by the Anti-Defamation League—Pacific Southwest Region for his leadership in advancing the causes of human rights in the community and the corporate world. He is the recipient of the Anti-Defamation League's 1988 San Fernando Valley Achievement and Community Award.

Jack is president and founder of the First Financial Group of Companies, a financial services firm that has played a major role in the development of a myriad of commercial and residential projects in Los Angeles. Through his involvement in trade organizations and his success in business, Jack has become one of the most prominent men in his field. He is a past president of the Building Industry Association of Southern California, the current chairman of the CBIA Political Action Committee and a trustee for the National Association of Home Builders PAC in Washington, DC.

In addition to his success in real estate, Jack has demonstrated an extraordinary dedication to community service by his involvement in numerous civic organizations. He is currently a trustee of the Society of Fellows of the Anti-Defamation League, an honorary member of the board of directors of the Henry Mayer Newhall Memorial Hospital and an active supporter of the Santa Clarita Valley Boys Club of the YMCA. His contribution to cultural organizations is just as noteworthy. Jack serves as vice president of the Los Angeles County Music and Performing Arts Commission and is a member of the Fraternity of Friends of the Music Center. He is also a board member of the San Fernando Valley Cultural Foundation and is actively involved with several museums in Los Angeles.

It is my distinct honor and pleasure to ask my colleagues to join the Anti-Defamation League and me in saluting Jack Shine. He is an exemplary man whose success and dedicated service to the community is an inspiration for all of us.

LONG-TERM HEALTH CARE INSURANCE AND CONSUMER PROTECTION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FLORIO. Mr. Speaker, we are approaching a crisis in providing long-term health care in this country. Approximately 43 percent of those now aged 65 or over will spend some time in a nursing home before they die. Nursing home care constitutes the single largest category of health care payments by persons over 65, and often leads to impoverishment—approximately half of the elderly who enter nursing homes as private pay patients exhaust their resources, ultimately falling back on Medicaid.

Senior citizens are expected to pay $46 billion in nursing home costs in 1988. Currently, nearly 50 percent of the cost of nursing home care, which averages $22,000 per year, is covered by out-of-pocket expenditures by individuals.

I would direct my colleagues' attention to the following article from the Bergen Record, which discusses ways in which the private health insurance industry is stepping in to deal with this problem by providing comprehensive long-term care insurance policies, and issues that this kind of insurance policy raises for consumers.

INSURANCE COVERS LONG-TERM CARE

(By Kathleen Lynn)

> Nursing home costs—at an estimated $20,000 to $30,000 a year—can quickly leave an elderly person almost penniless. The federal Medicaid program pays only after a nursing home patient has exhausted most of his assets—even if that means selling the house.
>
> "It's a very severe problem," said Harvey Adelaberg, executive vice-president of the Daughters of Miriam nursing home in Clifton.
>
> To meet this need, more than 70 insurance companies have recently begun offering nursing home insurance. It's a growing market just four years ago only 16 companies offered the coverage.
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> About 425,000 people have bought policies, says the Health Insurance Association of America. Typically, the policy pays a set, per-day benefit covering most or all of the cost of long-term care, in a nursing home or at home.
>
> Preparing for the possibility of a nursing home stay isn't easy.
>
> "Nobody thinks they're going to go in one," said John Mather, the 66-year-old head of the Teaneck chapter of the American Association of Retired Persons (AARP). "People don't believe they're going to get sick."
>
> But, according to the Department of Health and Human Services, 43 percent of the people now aged 65 to 69 will spend at least some time in a nursing home. About 1.5 million Americans are now in nursing homes. About half will stay 90 days or less; for the rest, the average stay lasts 2½ years according to the Health Insurance Association.
>
> It all added up to $38.1 billion in 1986, and is expected to climb to $46 billion in 1988. More than half is paid out of patients' or their families' pockets.
>
> Beatrice S., 86, spent her life savings—more than $50,000—on bills at a Bergen County nursing home. Her daughter recalls her mother in tears saying: "This isn't what we wanted. This isn't what we worked so hard for. We wanted to leave you something."
>
> Insurance companies are moving cautiously into this new market, typically starting by offering policies in a half dozen or so states. Six companies are offering individual policies in New Jersey, according to Deborah Hudgin of the state Department of Insurance. They are Aetna Life and Annuity, American Integrity, American Republic, Continental Casualty, Intercontinental Life, and Mutual of Omaha.
>
> In addition, another half dozen companies sell group policies that may be available to New Jersey residents if they are members of the group targeted, Hudgin said. The Newark-based Prudential, for example, offered policies to members of AARP. Several insurers are also trying to get employers to take the coverage for workers.
>
> For a 65-year-old person buying a policy, annual premiums will average about $700; for an 80-year-old, about $1,500, said Robert Waldron, a spokesman for the Health Insurance Association. The premiums usually will not increase as the policyholder ages.
>
> How can a customer best decide whether to buy insurance to cover long-term care? And how best to judge the different policies?
>
> Curling up with an insurance policy is no one's idea of fun. But you shouldn't let an insurance agent do all your thinking for you. In a May 1987 report on nursing home insurance, the U.S. General Accounting Office commented, "There is some indication that misleading sales and marketing practices are being used in this market."
>
> Hudgin has not heard complaints about misleading sales pitches in New Jersey. But she said: "It is certainly advisable for anyone who is reviewing a long-term care or nursing home policy to ask many questions. Do not be pressured into buying anything."
>
> Some advice for shopping for long-term care insurance:
>
> Check your other policies to see what might be covered. Most health policies do not cover nursing-home care. If you are already covered by Medicaid, the health-insurance policy program for low-income people, you do not need long-term care insurance. Medicaid will pay any nursing home bills.
>
> But do not be confused—Medicare, the program that covers the elderly and the disabled, does NOT pay for long-term care in most cases.
>
> Avoid policies that would pay only for long-term care related to certain diseases, advises Robert Hunter, head of the National Insurance Consumer Organization. If you insure against cancer, what happens if you have a stroke? And make sure Alzheimer's disease is covered.
>
> Check and compare at least three policies, Hunter advises. Among other things, compare the length of coverage—policies generally will pay benefits for periods ranging from three to six years.
>
> Make sure a policy will pay for custodial care—help in the basics of living, such as

dressing, eating, and so on. Most people in nursing homes receive custodial care, rather than the "skilled" or "intermediate" medical care required for serious illnesses. A policy that pays only for skilled care is not enough, says Ronald Hagen, director of insurance services at the AARP in Washington, D.C.

Ask whether the policy-holder must first spend three days in a hospital or six months in a skilled nursing home before collecting benefits for custodial care. Such provisions could make it difficult to collect on the policy. Victims of Alzheimer's and some other diseases often go straight into a nursing home, without first stopping at a hospital.

Check whether the policy pays for custodial care at home. Most people would much prefer to stay at home if they can.

Check the policy's provisions on so-called preexisting conditions. If you are suffering from a serious illness when you buy long-term care insurance, you might have to wait six months or more before you can collect benefits, Hudgin said.

Ask whether the benefits would rise with inflation. Some policies are set up to pay $60 a day now—roughly the current rate in many nursing homes—and to rise to $200 as the cost of care rises.

Look at the amount of time that would have to pass before benefits are paid. With some policies, the patient would have to pay for the first 20, 60, 100, or 180 days in a nursing home. This is one way to lower the policy's premium, but make sure you can afford it.

The General Accounting Office compared 33 policies available in 1986. For a free copy of the report, entitled "Long-Term Care Insurance: Coverage Varies Widely in a Developing Market," write to U.S. General Accounting Office, P.O. Box 6015, Gaithersburg, Md. 20877.

You can also get help analyzing policies from the state Senior Health Insurance Program (SHIP), Hudgin said. Call your county's Office on Aging for more information about SHIP.

Finally, check the insurance company's rating with A.M. Best, which reviews insurers' financial health. You can find A.M. Best information in local libraries, or ask your insurance agent.

IN TRIBUTE TO HAROLD F. SKELTON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. CONTE. Mr. Speaker, for more than 33 years the city of Holyoke, MA, was protected by a man with the compassion to care, the character to lead, and the strength to protect. In fact, he served as chief of police for almost 10 years. Harold Skelton won't be leaving Holyoke but he will be leaving the police department.

Mr. Speaker, in any position of leadership there is no substitute for personal experience. And no one knows that better than Harold Skelton. He was not a foreigner to the concerns and difficulties encountered by the officers that worked for him and the citizens he protected.

Harold was not simply an effective and able administrator. Harold Skelton was an involved chief of police. After working his way through the ranks, he learned an appreciation of all that it takes to run a police department. He knew the energy, emotion, and patience that went into every call.

All of these things characterized Harold Skelton in his position as chief of police. But when he turned in his badge, he didn't turn in those valued characteristics. Harold Skelton will always be a compassionate, dedicated, patient man. Mr. Speaker, the people of Holyoke have been fortunate to have the leadership of Harold Skelton. And all those who know him are fortunate to have him as a friend.

After 33 years, it's time to say, "Congratulations, Harold, on a job well done!"

JAMES RUSSELL WIGGINS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Ms. SNOWE. Mr. Speaker, Time magazine recently brought to the Nation's attention one of the treasures of the State of Main—James Russell Wiggins, editor of the Ellsworth American.

To read the American is to get not only a sense of the community, but of the man who stands behind the paper as well. It reflects Russ Wiggins' enthusiasm for ideas, his diversity of interests, and his deeply rooted, abiding care for the future of Ellsworth, the State and the country. He has been able to bring out not just the news of Ellsworth and Hancock County, but also convey the sensibilities and nature of a special region.

Pehaps it is the fact that Russ Wiggins saw and experienced so much of the world, from serving as executive editor of the Washington Post to U.S. Ambassador to the United Nations, that he continually shows that the rural, coastal setting of down east Maine is anything but circumscribed. We are fortunate indeed that he has let us see that dynamic world through his eyes.

It has been a great pleasure for me to have been acquainted with Russ Wiggins in recent years, so I want to take this opportunity to wish him continued health and good fortune in the years ahead.

Mr. Speaker, I ask that the Time magazine article appear after my remarks.

[From Time magazine, Jan. 18, 1988]

IN MAINE: A TOWN AND ITS PAPER

(By Ted Gup)

Some years back, James Russell Wiggins, editor of the Ellsworth *American* in Maine, wanted to prove to readers how pitifully slow was the U.S. Postal Service. So he proposed a race: he sent letters to a nearby village, one through the Postal Service and others by oxcart, canoe and bicycle. At the pedals was a local celebrity, Writer E.B. White. The Postal Service lost every race, and Wiggins gloated on the front page.

That was big news. Big news elsewhere, though, often doesn't seem quite so pressing in Ellsworth. The October stockmarket crash got one sentence last fall; the blueberry industry, a mainstay of the region, got a five-part series. But nothing is read more closely than the court page, a list of everyone caught speeding or driving tipsy or lobstering without a license. "I want to see if any of my buddies are in there," says Carmen Griffin, a waitress at the Pineland Diner on Main Street.

It may be a yawn in Portland, Me., but in Ellsworth, it's front-page news when there's a bumper crop of scallops or the cops seize a pet snake (the headline: Police Put Permitless Pet Python in Pen).

When Editor Wiggins, 84, wanted to tell his readers, many of whom live by and from the sea, what was happening in the America's Cup race, the weekly sent a reporter to Australia. The story was relayed by satellite to Washington, wired to an Ellsworth bank and then walked across Main Street by the bank's vice president.

That's how things have always been done in Ellsworth, one neighbor counting on another. Ellsworth is the shire town of Hancock County, some two-thirds up the Main coast, and gateway to the summer resorts of Bar Harbor. For more than 200 years, the town has hugged the Union River, which spills out into Union River Bay and eventually the bold Atlantic.

The town was named for Oliver Ellsworth, an early Chief Justice of the Supreme Court. Folks here are friendly. They can't help themselves. But Down Easters draw a line between outsiders—"people from away"—and locals. You can be born in Hancock County and still not be judged a local if your parents were "from away." They say, "A cat can have her kittens in the oven and call them biscuits. Doesn't make it so."

Ellsworth has reason to be wary of outsiders, who come here seeking tranquility and disturb what tranquility there is. They clog streets, drive up land prices and bring with them some anxieties they hoped to escape. And they talk funny.

Not since the fire of 1933 swept down Main Street, consuming 130 buildings, has the character of the town and the region been so threatened. "We're getting a little class," says Victoria Smallidge, owner of the Pineland Diner, who moved here in 1970. Call it what you will, some locals are uneasy about a diner that offers a wine list and tenderloin with béarnaise sauce but holds mashed potatoes and meat loaf in contempt.

American reporters discuss stories that straddle two worlds: a log-sawing contest in Brooklin, Me., and drug-awareness week at nearby Bucksport High. These days lawyers and real estate agents seem to outnumber clergymen and clam diggers. Even the lilting Down East accent, once spoken as if it were passing over a dip on a backwoods road, is losing its curls.

The *American* began publishing in 1850. There were 5,000 townspeople then, and the paper's slogan was "Americans can govern America without the help of foppish influence." There are now just over 5,000 souls in Ellsworth, and they still bristle at outsiders' arriving in Peugeots with ideas for their town. But change is certain.

Some city officials say the population may double in five years. Many fear the region is losing its identity. It is the *American* that is helping to preserve that identity, holding itself up as a mirror of community interests, passions and humor in uncertain times. "It's the one continuity we have in our lives, besides the seasons," says Jack Raymond, a reader from Bar Harbor.

Wiggins and the *American* seem an unlikely pair. He never went to college and didn't take over the *American* until late in life. Before that he was executive editor of the Washington *Post*, then U.S. Ambassador

to the United Nations. A great-grandfather, he holds eight honorary degrees, reads up to five books a week and recites Chaucer from memory. He belts out incendiary editorials, writes a sometimes syrupy nature poem and, until recently, had a paper route. He hasn't drawn a salary in two decades.

The former Ambassador still holds public office—of a sort. He's Brooklin's appointed fence viewer. He is supposed to settle boundary disputes, but none every arise. Wiggins is a robust man with snow white hair, eyebrows that arch in incredulity and strong hands beginning to gnarl like briar. In his spare time, he strolls his saltwater farm on Carlton Cove or sails the *Amity*, his sloop. "I picked the name out of the air," he says. "I threatened to name it *Lolita*, an old man's darling, but my wife didn't care for that."

"J. Russell? He's an American original," says Ellsworth's city manager, Herbert Gilsdorf. "For this place and this time, it's probably the best fit between a newspaper and a community I've ever seen, and I don't have any reason to blow the guy's horn 'cause he's harpooned me a couple of times."

Folks are proud of the *American*, and why not? It may be the finest—albeit quirkiest—weekly in the nation. "It's a real good paypa," says Don Walls as he lowers a 100-lb. crate of lobsters from a wharf in Southwest Harbor; the *American* ran a photograph of Walls six-year-old son Travis, winner of the fishing derby. "Meant a lot to me and the boy," he says.

Some think Wiggins is a curmudgeon. He grabs onto every subject like a pit bull. He's been railing against the lottery for years. "It's a fraud on the public," he steams. Maybe, but he hasn't even won over his personal secretary, Rose Lee Carlisle, who buys five dollars' worth of lottery tickets every week. When the Maine legislature amended the state constitution, Wiggins wrote an editorial saying the change was "as clumsily executed as a double heart-bypass by a band of butchers wielding a chain saw."

"Like that one, did you?" he asks. Some folks say he's too liberal. Wiggins laughs: "My children and grandchildren are always telling me what a reactionary old bastard I am." He enjoys citing the saying that a newspaper should "comfort the afflicted and afflict the comfortable. But Wiggins can be a softy too. His reporters remember his weeping when a Christmas caroler from a home for wayward boys put his arms around him. Then there is the Wiggins who laughs until he tears.

He passes on the latest story from his friend and sailing partner, Walter—Cronkite, that is. Greeting visitors to his 1802 Federal house are life-size cutout figures of Frank and Ed, the yokels from the Bartles & Jaymes ad. "I want you to meet a couple of friends of mine—Frank and Ed," he tells an unwary visitor. He admits to two vices. Scotch old-fashioneds and raspberry sherbet. After he wrote a column about the scarcity of the latter, merchants started stocking it.

On his farm, Wiggins walks among his mallard ducks, chickens, geese and a Norfolk terrier named Red that once belonged to the late White. The elders among the geese—Arthur, the old gander, and Jezebel, the goose—are often featured in Wiggin's Aesop-like bimonthly column.

Once a "mover and a shaker," he steered the Washington's *Post*'s coverage of every crisis from the Berlin Wall to the Viet Nam War. No more. "You can't flatter yourself in the belief that you can leverage the world from the perimeter of Ellsworth, Me.," he says. "But I enjoy rural life a lot better than I do big cities. I'm at home in this environment." Happiness, he says, is an old age shared with Ben Franklin's three faithful friends: "an old wife, an old dog and ready money."

ALARMING RISE IN ANTI-SEMITISM NOTED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BIAGGI. Mr. Speaker, as one member who since 1981 has been sponsoring legislation to impose swift and certain penalties on those convicted of hate crimes. I wish to again urge that final congressional action be completed on legislation passed by this House which would be an important first step forward, H.R. 3258 which I was proud to cosponsor.

In addition the report released yesterday by the Anti-Defamation League of B'nai B'rith makes this an even more compelling cause. Their report makes the disturbing conclusion that anti-Semitic incidents in the United States increased 12 percent in 1987 reversing a 5-year downward trend according to this morning's New York Times.

The total number of incidents for 1987 was 1,018 a staggering rate of more than two a day for the whole year. These incidents of anti-Semitic incidents include two types: vandalism against Jewish institutions and property and harassment threats and assaults against Jews and Jewish property. Typically acts of vandalism outnumber the harassment and threat type of incidents and 1987 was no exception. There were 694 acts of vandalism and 324 harassments, threats and assaults.

Tragically, New York State again led the States with 207 incidents. New York also led with acts of harassment, threats and assaults.

It is important to note that an increased number of State legislatures, 29 in all have adopted stricter laws aimed at curbing religious or ethnic vandalism. Yet there remains to this date no Federal legislation to deal with the problem of religious and ethnic violence.

H.R. 2538 proposes a graduated series of penalties for those who commit these heinous acts against religious persons and or property. This would include life imprisonment for any such incident that results in death.

There are far too many acts of violence and vandalism occurring against people of all religions. Just two nights ago, Cardinal O'Connor of the Archdiocese of New York had his personal residence broken into by a knife wielding individual who threatened one of the cardinal's housekeepers. It was the second forced entry into the residence in the past year. We read about too many religious buildings being defaced. We even hear too much about desecration of cemeteries.

It is time to act and we must do so. It is tragic that these acts occur but they do. We cannot ignore them because our inaction will only encourage more such acts in the future.

At this time I wish to insert an article from the New York Times highlighting the B'nai B'rith report.

[From the New York Times, Jan. 27, 1988]

REPORT SHOWS 12-PERCENT RISE IN ANTI-SEMITIC INCIDENTS

Anti-Semitic incidents in the United States increased 12 percent in 1987, reversing a five-year downward trend, the Anti-Defamation League of B'nai B'rith reported yesterday.

At the league's New York headquarters, its national director, Abraham H. Foxman, called the results "disturbing." He said that, paradoxically, the increase had come in a period of vigorous local law enforcement and statutory efforts against crimes of bias as well as a recent Federal crackdown on hate groups.

The 1,018 reported incidents in 1987 and the percentage of increase from 1986, however, were less than those of 1981, the last year the annual audit found a significant increase in anti-Semitism in this country.

In 1981, there were 1,324 reported incidents. That was the third year in a row that the number of incidents was more than double the previous year's.

694 VANDALISM INCIDENTS

The league divided the incidents into two types: vandalism against Jewish institutions and property, and harassment, threats and assaults against Jews and Jewish property. Historically, incidents of vandalism have largely outnumbered harassments, threats and assaults and that was the case last year.

The number of incidents of vandalism last year was 694, ranging from swastika daubings to arson and pipe bombings. This was an increase of 17 percent over the 594 incidents reported in 1986. The sharp increase, the audit said, largely reflected a 121 percent increase in such incidents in California.

The audit found some of the more serious vandalism was carried out by members of a neo-Nazi hate group who call themselves the Skinheads. The group's activity last year, particularly in California, the audit said, brought the number of anti-Semitic incidents attributable to organized hate groups to 20. In recent years, no more than one or two vandalism incidents have been attributed to such groups.

The number of harassments, threats and assaults was 324 last year, a 4 percent increase over the 312 such incidents reported in 1986 These included 16 assaults last year, compared with 11 the year before. Most of the harassments and threats came in the form of hate mail and telephone calls.

NEW YORK'S BREAKDOWN

New York, the state with the highest Jewish population, led the nation with 207 vandalism incidents, up from 186 in 1986. Of the 91 incidents reported last year in New York City, Brooklyn had the most, with 37, followed by Manhattan, with 27.

Outside the city, Nassau County had the most in the state, followed by Suffolk County, with 41. The remaining 55 counties in the state had a combined total of 15 incidents.

California had the second highest number of vandalism incidents, 137, up from 62 in 1986.

Florida was third, with 64, followed by New Jersey, with 43. The 1987 totals for both states, however, were down from 1986. Connecticut was ranked 20th, with 6 incidents, one more than the year before.

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The top four states for vandalism were ranked the same for harassments, threats and assaults.

Mr. Foxman said that, in recent years, 29 state legislatures, including those in New York, New Jersey and Connecticut, had adopted stricter laws aimed at curbing religious or ethnic vandalism.

Nonetheless, he said, the 1987 figures reinforced the need for even stricter law enforcement of bias crimes, strengthened security measures for Jewish institutions and greater educational efforts to heighten public concern about such crimes.

A UNIQUE PROPOSAL FOR WORLD COURT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to call my colleagues attention to an informative article written by Paul Kerson, a lawyer from Queens County, NY, on the use of the International Court of Justice of the United Nations to resolve international disputes and consequently lower the risk of nuclear war.

So that my colleagues may be able to learn more about this intriguing proposal, I include the article, which appeared in the December 1987 issue of the Queens Bar Bulletin, in the CONGRESSIONAL RECORD.

THE INTERNATIONAL COURTS OF JUSTICE—QUEENS COUNTY STYLE

(By Paul E. Kerson)*

Have you noticed the change that has come over our county in the last five years? The court-appointed translator has become the most indispensable party in the administration of justice!

Item—In a child custody action between a Dominican-American and a Nicaraguan, the issue was whether she married him for his coveted U.S. citizenship.

Item—In a commercial landlord-tenant action between a Korean fruit store tenant and a Syrian discount store landlord, the issue was a $10,000 water bill. It seems that the Syrian could not successfully explain to the Korean that his refrigerator was using too much water because of a defective valve. Without the able interpreter, bloodshed may have resulted in the courthouse.

Item—The Romanian contractor client fails to show up in court because he could not read his mail. At the court's direction, the defendant shopkeeper, also a Romanian, volunteered to contact the plaintiff to get him in on the adjourned date.

Item—A Hungarian-American wishes to sell a kosher bakery to a Russian. At the closing, the Russian insists that the Hungarian sign a 500 year old religious document in biblical Hebrew declaring joint venturers so the interest on the notes can be divinely forgiven. The creative Queens County practitioner comes up with the English language disclaimer: "This document is signed for religious purposes only and has no civil effect." All parties are satisfied.

Item—A Nigerian gets off the plane at Kennedy Airport with 100 pounds of marijuana in his suitcase. Local counsel is appointed. The District Attorney and the court agree to an E felony plea with voluntary deportation. The Office of Court Administration has no Ibo language interpreter. The United Nations Nigerian mission claims that no one speaking Ibo could possibly have committed such a crime. Columbia University saves the day by sending an Ibo speaking engineering graduate student to translate.

Item—A thoroughly distraught Russian woman gets off the plane at Kennedy screaming to the Port Authority police that her husband has kidnapped their children and hidden them in Queens. The Family Court appoints local counsel for the woman. A Federal Express letter to the Secretary of State (the one in Washington, not Albany) gets the children before the court the next day.

Item—An Indian Sikh priest is given a summons for carrying a ceremonial sword in the Flushing subway station. A wise Queens County Criminal Court judge rules that the interests of society in preventing violence on the subway must be balanced against one's First Amendment right to freedom of worship. A creative judicial solution is suggested: Summons dismissed, but Indian Sikh priests should carry their ceremonial swords encased in lucite in the future.

Item—A local con artist hoodwinks a Greek archbishop into signing over the deed to his church in violation of canon and civil law. The con man then sells the church building to a Korean congregation. The Koreans threaten to evict the Greeks. A respected Queens County Supreme Court justice confides to counsel that this is the most difficult decision he has had to make in 18 years on the bench.

At the trial, no one can speak to anyone, and both Greek and Korean interpreters are needed for justice to be done. Invoking the spirt of Solomon, the judge awards title to the Koreans, but permits the Greek congregation to remain in possession pending appeal.

There is no question that the skill of our local lawyers and judges have defused these incidents, which would have resulted in international tensions had they been exposed to media attention at the time they occurred.

Something incredible is happening right before our very eyes. Our lawyers and judges in this county at this time are adjusting the ancient common law to fit a world gone mad. Rather than at the United Nations, international law is being made daily in the civil and criminal courts of Queens County, New York.

ARGUMENT

Are the problems of countries so very different than the problems of the individual men and women, businesses and religious institutions that constitute those very nations? Can raw anger and rage be defused by advocates, judges and interpreters working together? By our willingness to deal fairly with anyone from anywhere, do we in the courts of Queens County have something very special to teach the world?

Our nation is locked in a frightfully dangerous and expensive arms race, principally with the Soviet Union but potentially with the whole rest of the world.

War, after all, does not exist because of any fundamental mean streak in the human character. It exists because, horrible as it is, it can solve a conflict. Up until the invention of nuclear weapons, a war could have a winner and a loser. The competitive streak in the human character encouraged many in power throughout world history to seek to be winners, with the tremendous spoils that go with winning.

Now, of course, it is clear that nuclear war can have no winner. But every day we awake our countrymen ready doomsday devices for immediate use—in the air, below the sea and in underground silos.

A dangerous adversary not subject to the protections of relatively free elections and relatively free speech, is similarly overarmed. Both sides are doing this at great cost to themselves and the world, and doing it every day.

And to top it off, other governments, individuals and organizations around the globe are rapidly acquiring nuclear weaponry.

Only when we devise an alternate means of resolving international disputes, can we finally address the question of the elimination of doomsday weapons.

The bare rudiments of the machinery are in place. The International Court of Justice (ICJ), an arm of the United Nations with headquarters at the Hague, Holland, dealt with 72 contentious cases between 1922 and 1978, and rendered 44 advisory opinions in that period. This is not yet enough of the world's potential wars to call it a serious alternative forum for conflicts resolution, and thus, war prevention.

The problems with the ICJ as currently structured are these:

1. Only states can be parties.
2. Jurisdiction is not compulsory.
3. There is no enforcement mechanism.
4. There is no appellate process to wear down the emotions of the moment and burden the resources of the parties, thus, postponing much of the passion of conflict out of existence.
5. The judges are not appointed for life, thus subjecting them to political influence.

A NEW IDEA

Perhaps the Statute of International Court of Justice should be amended so it more closely resembles the courts of Queens County. Following is part of the Statute, with newly suggested matter in italics:

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

ARTICLE 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations, shall be constituted and shall function in accordance with the provisions of the present statute.

ARTICLE 2

The court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

ARTICLE 3

1. The court shall consist of 15 members, no two of whom may be nationals of the same state.

Substitute: The Supreme Court Division of the International Court of Justice shall consist of 15 members, no two of them shall be nationals of the same state.

Add 3. District Chambers of the court shall consist of six hundred members, three of whom shall be assigned to each district chamber, the remainder assigned to the Appellate Divisions, or held ready to fill vacancies.

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* Paul E. Kerson is co-editor of the Queens Bar Bulletin and President of the Queens County Criminal Courts Bar Association.

Add 4. The Appellate Divisions of the Court shall consist of four chambers of 9 members each. The First Appellate Division shall include Asia, Australia and the Antarctic. The Second Appellate Division shall include Europe. The Third Appellate Division shall include Africa. The Fourth Appellate Division shall include South America, North America and the Arctic.

Add 5. Each District Chamber of the Court shall consist of three members of the court, only one of whom may be a national of the said District Chamber.

Add 6. Each Appellate Division of the court shall consist of nine members of the court, only three of whom may be nationals of the states located in the said Appellate Division.

ARTICLE 13

1. The members of the court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

Substitute: Judges of the court shall be elected for life during good behavior.

2. The judges whose terms are to expire at the end of the above mentioned initial periods of three and six years shall be chosen by lot to be chosen by the Secretary General immediately after the first election has been completed.

Substitute: A judge of the court may only be removed by a three-fourths vote of the General Assembly and a three-fourths vote of the Security Council.

ARTICLE 26

1. The court may from time to time form one or more chambers, composed of three or more judges as the court may determine, for dealing with particular categories of cases: for example, labor cases and cases related to transit and communications.

2. The court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the court with the approval of the parties.

Substitute: District Chambers of the court are hereby formed in the capital or principal city of each member of the United Nations and/or party to this statute.

3. Cases shall be heard and determined by the chambers provided for in this article if the parties so request.

Substitute: Cases shall be heard and determined by the District Chambers provided they arise in the venue of the District Chamber. Each member of the United Nations and/or party to this statute shall be considered a district of the court for venue and administrative purposes.

ARTICLE 34

1. Only states may be parties in cases before the court.

Substitute: All persons, states, corporations, parties or other entities engaged in international commerce or other international transactions shall be parties before the court.

ARTICLE 36

1. The jurisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in the charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the court in all legal disputes concerning:

(a) The interpretation of a treaty:

(b) Any question of international law;

(c) The existence of any fact which, if established, would constitute a breach of an international obligation;

(d) The nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declaration shall be deposited with the Secretary-General of the United Nations, which shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

Substitute: (Replacing current Section 2-4) Recognition of compulsory jurisdiction of the court shall be a condition precedent to continued membership in the United Nations and/or continued subscription to this Statute. However, the court shall not have the power to alter the territorial integrity of any State without the express permission of that State.

(NEW) CHAPTER VI—ENFORCEMENT AND APPEAL

ARTICLE 71

Each member of the United Nations and/or subscriber to this statute shall, as a condition precedent to continued membership or subscription, give full faith and credit to judgments, decisions and orders of the International Court of Justice.

ARTICLE 72

Any judgment, decision or order of a District Chamber of the court shall be final and binding on all parties before the court unless properly appealed.

ARTICLE 73

Any party before the court dissatisfied with a decision of a District Chamber of the court, may, upon application, have its cause heard on appeal by the Appellate Division of the court for the Division where the District Chamber lies. Any judgment, decision or order of an Appellate Division of the court shall be final and binding on all parties before the court unless properly appealed.

ARTICLE 74

Any party before the court dissatisfied with a decision of an Appellate Division of the court, may, upon application, have its cause heard on appeal by the Supreme Court Division of the Court in the Hague. Judgments, decisions and orders of the Supreme Court Division shall be final and binding on all parties before the Court.

CONCLUSION

If the United Nations General Assembly and Security Council would enact these sweeping reforms, serious arms reduction would be completed within two generations of the successful functioning of local International Courts of Justice.

Expensive arms are not needed where real, binding alternative dispute resolution exists. You can say I am a dreamer, or you can wait for the mushroom-shaped cloud.

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OUTSTANDING ACHIEVEMENTS OF KRISTI OVERTON

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. JONES of North Carolina. Mr. Speaker, during a time when so many problems face our young people, it is refreshing to note the outstanding achievements of one of my constituents, Kristi Overton of Greenville, NC. Kristi, a senior at Rose High School in Greenville, is the recipient of the most prestigious Dial Award for 1987 which recognize high school athletes throughout the country who achieve excellence in athletics. The award is decided by three criteria: dedication, talent, and confidence. The first Dial Award was Herschel Walker. Kristi is ranked as one of the top female water skiers in the world; she is also an honor student and member of the National Honor Society. She has won every major water skiing title in the junior division and holds world records in both the slalom and jump categories. But more so than her athletic ability, I recognize Kristi as an outstanding young citizen of the State of North Carolina, one who has represented her State not ony with athletic excellence, but one whose character has been exemplary. She has set a standard for other young Americans and she represents her school and her community exceedingly well. I commend her and am proud to have her as a part of the First Congressional District of North Carolina, and wish her all success in her future endeavors.

AT MONO LAKE

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LEHMAN of California. Mr. Speaker, it is my privilege and honor to pay tribute to an extraordinary photographic exhibition known as "At Mono Lake." This majestic exhibit has quite properly been described as "a visual statement about a splendid ancient place by some of those who love it deeply." An outstanding example of landscape photography, "At Mono Lake" has traveled throughout the United States reaching out to 2 million people to share Mono Lake's many moods and faces.

I am proud to count myself as one of many friends of Mono Lake who appreciates the perspective and poignancy bestowed upon all of us by the vision of the artist's eye. From the genius of Ansel Adams to historic prints of the 1800's to more contemporary images of young photographers, Mono Lake comes alive through this magnificent display.

In 1983 when congressional hearings were held on the future of Mono Lake, a native American testified about Mono Lake and said: "I speak not only for myself, but others. I also speak for Mono Lake, a sacred place, since it cannot speak for itself." I took this gentle woman's words to mean that since Mono Lake does not speak to us with words, but through its own beauty and grace, others must speak for the lake with words and art. "At Mono Lake" gives the lake its opportunity to "speak" to us through the eyes and art of photography.

Mr. Speaker, I am especially pleased that this collection of treasured photographs is now being shown at the Fresno Metropolitan Museum of Art, History and Science and that the exhibiting photographers will be honored on February 7, 1988. The names of the outstanding Mono Lake artists whose work was freely given for the success to this project are:

Ansel Adams, Morley Baer, Dave Bohn, John Boynton, Saul Chaikin, Neil Chapman, Gary Clark, Paul Cockroft, Doris Coonrad, Daniel D'Agostini, Robert Dawson, Michael Dressler, Cynthia Faria, Lawrence Ford, Tony Gardner, Richard Garrod, Lyle Gomes, Mr. Daniel Gunther, Jeff Harvey, Joe Holmes, Philip Hyde, Stephen Johnson, Viki Lang, Norman Locks, Anthony Lovette, Joseph McDonald, Barbara Morgan, Ted Orland, Marion Patterson, Jonathan Pollock, Steve Remington, Donald Ross, Galen Rowell, Martin Schweitzer, Clinton Smith, Ron Suttora, Edmund Teske, Reed Thomas, Todd Walker, Al Weber, Bob Werling, Brett Weston, Cole Weston, Wallace Wong, and Don Worth. We are all grateful for this very fine contribution these artists have made to the visual appreciation of the gem of the Sierra Nevada, Mono Lake.

In addition to the artists themselves, others deserve special recognition for making "At Mono Lake" possible. Stephen Johnson conceived the project and served as exhibition coordinator. In addition, implementation of the "At Mono Lake" exhibit would not have been possible without the support of the Mono Lake Committee—especially Martha Davis and the late David Gaines, David Brower, and the Friends of the Earth Foundation, the National Endowment for the Arts, the Polaroid Foundation, the Flieshhacker Foundation, the Sierra Club Foundation, the National Audubon Society and the Western Association of Art Museums.

I am proud to honor all those who revere our natural landscape and who capture its beauty for all time.

GROUP SELF-INSURED WORKERS' COMPENSATION FUNDS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. VANDER JAGT. Mr. Speaker, on January 25, I introduced the bill, H.R. 3859, with my colleague, Congressman SANDER LEVIN. This measure is designed to ensure equitable Federal income tax treatment of group self-insured workers' compensation funds.

I first attempted to legislatively address this issue last year when I introduced a bill, H.R. 1709, that was designed to clarify the tax exempt status of these funds. The sudden reversal by the Internal Revenue Service of its long-standing position that these funds were tax exempt entities severely impacted the viability of the workers' compensation funds both retroactively and prospectively. A legislative response was clearly indicated to address the dispute that had arisen because of the change in IRS policy.

The text of that bill was modified by the House Committee on Ways and Means and included in section 10428 of the House-passed version of the 1987 budget reconciliation bill. Unfortunately, these provisions were deleted in conference committee action on the final reconciliation bill for reasons entirely unrelated to the merits of the measure.

This problem which affects workers and employers throughout the country, therefore, persists and legislative action is still needed. These funds are utilized in some 28 States and in my home State of Michigan, we have some 38 funds in which over 7,000 employers participate and some 2 million employees are provided workers' compensation coverage. Furthermore, these funds have not only been instrumental in reducing skyrocketing insurance costs but have helped employers to avoid the nonavailability problem which many of them have encountered.

Recognizing that we are in a revenue-conscious Congress, it is important to note that neither last year's bill, H.R. 1709, nor this year's measure H.R. 3859, which is more modest and basically the same as the House-passed budget reconciliation bill language, will have a significant revenue effect. This is the case because in prior years these entities were considered to be tax exempted and hence, nonrevenue producing.

What, in effect, our new bill does is to provide tax relief for those funds for years prior to 1987 to the extent the IRS' revised position would create tax deficiencies attributable to the timing of policyholder dividend deductions. For 1987 and 1988 these funds would be subject to a transition rule and treated as property and casualty insurance companies were treated prior to amendments contained in the 1986 Tax Reform Act. Starting in 1989, the funds would be treated the same as any other property and casualty insurance company.

Mr. Speaker, there is an urgent need for this legislation which would allow these funds to continue as viable business entities. We would certainly welcome the cosponsorship of our colleagues.

PUERTO RICO'S "MODEL" BANKING INDUSTRY

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FUSTER. Mr. Speaker, I think my colleagues would be interested to know that the banking industry in Puerto Rico is in excellent shape, and that this assessment comes from none other than the Federal Deposit Insurance Corporation. In fact, David C. Cooke, deputy to the chairman of the FDIC, says that Puerto Rico's banks "could serve as models for many mainland banks to emulate."

I think Mr. Cooke is right on target, and to that extent I want to share with you some extracts from a speech he gave recently to the Banker's Association of Puerto Rico. He said in part:

> It does indeed give me great pleasure to speak to this group in my capacity of representing Chairman Seidman of the Federal Deposit Insurance Corporation.
>
> Those of us at the FDIC think the bankers of Puerto Rico deserve great credit for the enormous strides forward your beautiful Island has made over the past few years.
>
> Although this has been a troubled year for so many mainland U.S. banks, the Puerto Rican banking community indeed deserves a great deal of praise—Praise for your efforts and your vigor that have helped this great island Commonwealth achieve such economic progress—and praise for your continued role as leaders of the Caribbean banking community.
>
> The banks of Puerto Rico could serve as models for many mainland banks to emulate.
>
> The return on assets of your banks stands almost 50 percent higher than the national average from all U.S. banks. No commercial bank in Puerto Rico lost money during 1986. In contrast, about one out of five banks on the mainland operated at a loss last year.
>
> You have steadily improved your capital levels, lowering your levels of nonperforming assets by 50 percent. This is also an achievement of which you can be proud.
>
> ·And there are still more good news about Puerto Rico's banks.
>
> In 1983, over four percent of your loans were nonperforming. Now that rate is down to two percent, while the average for mainland banks is over three percent. The proportion of your loans charged off as uncollectable in 1986 was less than half the mainland average. Consider, also that in 1983 you had significantly higher levels of troubled or worthless loans.
>
> I'd like also to note that the leadership provided by Puerto Rico's bankers extends beyond the boundaries of your profession. For one thing, there is noteworthy involvement and concern that you have shown in helping to shape the economic policies of the Commonwealth. These are truly worthy of commendation.
>
> This island's four percent economic growth in 1986, again, was more than double the growth rate experienced by the mainland U.S. economy last year. And not only have many more of your citizens gained employment than in past years, but your workforce is gaining experience in essential high technology areas. Much of the credit for this vigor is due, I am sure, to the leadership of may of you in this room.

Mr. Speaker, those are encouraging remarks indeed, and yet another indication that Puerto Rico is on the move. I commend the FDIC and its leadership for its positive and optimistic report on the banking industry in Puerto Rico.

THE PROPOSED NUCLEAR COOPERATION AGREEMENT WITH JAPAN

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FASCELL. Mr. Speaker, today I am introducing, for myself and Mr. BROOMFIELD, the ranking minority member of the Committee on Foreign Affairs, a resolution approving the proposed nuclear cooperation agreement between the United States and Japan. This resolution is required by law—section 130(i) of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978, and further by the Export Administration Amendments Act of 1985, "the act"—to be introduced, by request, on the first day such agreements come under full-scale review by the Congress. Under an amendment to the act passed in 1985, the President must submit proposed nuclear cooperation agreements to the Congress for two separate review periods, of 30 and 60 days of continuous session, respectively. The first review period is designated for informal consultations with the President on the extent to which the agreements meet the requirements of the law. The second review period is set aside for formal review of the agreement, 45 days of which are allotted to the Committee on Foreign Affairs to discharge it responsibilities.

The administration made one submission of the United States-Japan agreement, to fulfill both review periods, on November 9, 1987. The first review period ended on January 25, 1988. Therefore, the day on which the agreement is deemed to be submitted for the second review period—pursuant to section 123(d) of the act—was January 26. Because the House was not in session yesterday, I am introducing this resolution today, pursuant to the statute. In addition, today is the first day of the second review period. Introduction of the resolution is itself a formality designed to provide the committee and the House with a legislative vehicle with which to express its views on this proposed agreement.

The Committee on Foreign Affairs will hold additional hearings on this important matter, and I urge all Members to review the proposed nuclear cooperation agreement with Japan.

PRESCRIPTION FOR PROGRESS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FLORIO. Mr. Speaker, in Blackwood, NJ, there lives a man who is a testament to the tragedy of drug addiction. In the same man, however, there also lives a testament to the will to live.

Al Szolack graduated from Woodbury High School in 1968 into a world where his athletic abilities made him one of the artful players in the game of basketball.

When he graduated from high school and enrolled in Glassboro State College, he held the promise of success and enthusiasm. When he joined the Washington Generals, the professional sidekicks of the Harlem Globetrotters, he still offered the promise of success.

But there came a time following the death of his mother when the circumstances became too difficult to bear. At that time, Al Szolack found himself at a crossroads where he decided that the path of least resistance to the problems in his life was the way of drug dependency.

But this is not necessarily a story of the road to tragedy. Indeed, it is a story repeated by many young individuals who are beset by trying times and personal situations beyond their control. Like many of those individuals, Al thought that drugs were the avenue out of his troubles.

However, drugs served only to deepen his troubles, eventually making him not only a user of drugs such as cocaine but also a seller of the same drugs without which he thought he could not survive.

Fortunately, Al ultimately was given the opportunity to change his life around. Although he does not consider himself cured of his dependency on drugs, he does think that he has made progress toward that end. And he has shown that he can, in fact, survive without drugs.

In fact, to communicate his experience and to alert others to the danger of ignorance with regard to drug addiction, now he frequently talks to students in high schools where the pressure to experiment with drugs is often stronger than the reality of devastation and dependency due to drugs go beyond one small experiment with drugs.

Al Szolack is now living through his experience with drug addiction so that others in New Jersey and around the country, in high schools and in the inner cities can learn from his experience and avoid drugs entirely.

I wish to commend Al for the efforts he has made in the last few years to stem the epidemic of drug addiction among our Nation's youth. As he notes, there is no 1-day cure for addiction. Neither is drug addiction always one way; where there is a willingness to go back on that choice, there is also a chance for success.

I am including in the RECORD an article from the Gloucester County Times describing Al's efforts at overcoming drug addiction.

The article follows:

LUCKY I'M ALIVE: EX-BASKETBALL STAR WHO BEAT DRUGS, TELLS STUDENTS THE PRICE

(By Jim Six)

Al Szolack's story is pretty much the tale of a typical American kid: A diehard basketball player with a brother who's a cop and parents he considered friends winds up with a glamorous job on a celebrity sports team.

There is, however, the matter of his seven-year cocaine addiction.

Szolack started playing basketball in grammar school, but admits he wasn't very good until his last year in Woodbury High School. Still, it was almost an obsession. He was such a "gym rat," he said, that while most of his buddies were on dates, he'd spend Friday and Saturday nights shoveling snow off outdoor courts so he could shoot some baskets.

"I lived, ate, drank and slept basketball," he said.

He graduated from Woodbury in 1968 and got a degree in health and physical education from Glassboro State College in 1973. The following season, 1974-1975, he played with the Washington Generals, the shill team for the Harlem Globetrotters.

He spent a year with the Generals, playing basketball in Canada, Sweden, Denmark, Italy, England, Belgium—a different city every night, seven nights a week.

He left the Generals and took up bartending, spending summers in Wildwood and winters in Fort Lauderdale, Fla.

Szolack had always been on pretty good terms with his mother and stepfather, he said, but his basketball cemented the relationship. His mother became more interested in the sport when her son started getting his name in the papers, and she started attending his games.

His mother had suffered from a weak heart for years, he said, and he should have been prepared for the inevitable, but he wasn't. He was in Florida when she died in 1979. He says that's when his problems all started.

"I tried to escape reality for a little while. I guess. I was afraid to face it," Szolack said.

He's never been a smoker or a drinker, he said. "I was a model kid, all sports, all basketball."

But he knew people who were using cocaine and for some reason he sought them out then.

"I started indulging, thinking that it would ease the pain. Little did I know. It grew into a habit. It was constant. I lived to use and used to live," he said.

Eventually, escape got expensive, so he started selling cocaine to support his own habit.

"My brother's a narcotics agent—that's good, isn't it?" he said, adding that his admission will probably be embarrassing all around. "I know this won't look good."

For the next several years, Szolack said, he didn't really have a life.

"I was passing out instead of falling asleep and coming to instead of waking up," he said. "I'd get up in the morning and do a line. I was very paranoid. I didn't want to ever go out."

Yet, it got even worse.

"It started making me do things I never thought I'd stoop as low to do. Stealing, sexual stuff," he said, his voice low and hard to hear. "It was really eating at me."

Near the end, he claims, he spent most of a year without using coke, then started again, recreationally.

"The only thing recreational use will do is light the fuse. If you realy don't want to stay clean, you can't stay clean. The results are the same: You're going to jail, you're going to an institution—or you're going to die."

Somehow in the middle of all this, he got engaged, but his fiancee had second thoughts and returned the ring.

"It snapped me out. One tragedy takes you in, another can take you out," Szolack said.

Today, at 37, Szolack lives in Blackwood, tends bar, drives a limousine and takes acting classes. In fact, he said, he was an extra in a movie filmed not long ago in Philadelphia. Its title, ironically, was "Clean and Sober."

"There is no cure. Doctors have (the addiction)—medicine isn't the answer. Psychiatrists have it—psychiatry isn't the answer. Nuns and ministers have it—religion isn't the answer," he said.

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He doesn't consider himself cured even now.

"I live my life one day at a time, knowing that I don't have to stay clean for the rest of my life—just today, because tomorrow's not promised to anyone," he explained.

Szolack thinks knowledge is the key.

"If a thousand people walk into a fire and get burned, and if you're number 1,001, chances are you're going to get burned, too," he said. "I'm lucky. I'm alive today and it's not even my choice that I'm alive. Someone up there likes me and I think I have a purpose."

He sees that purpose as talking to school kids young enough that they maybe haven't started experimenting.

"It's really starting to happen younger and younger in the schools. A teacher can only teach so much. Someone who's been there, who can relate to what they're going through—I don't mind being used as an example," he said.

"When you start doing a drug, your mind stops growing. If you start at 12 and manage to stay alive another 10 years, you're still going to be 12 years old," said Szolack. "As soon as a kid can say the word 'yes,' he should learn the word 'no.'"

"I'm not proud of my past, but I'm proud of the fact that I'm doing something about it," said Szolack. "If my story can change one kid's mind, my seven years of living hell will have been worth it."

TRIBUTE TO SEAN MACBRIDE OF IRELAND—A PATRIOT AND STATESMAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan 118-member Ad Hoc Congressional Committee for Irish Affairs, I wish to take this occasion to pay tribute to a remarkable man, Sean MacBride who died on January 15 at the age of 83. Few men in this century have worked harder and longer for the cause of world peace and human rights than Sean MacBride. His commitment to peace, whether in his beloved Ireland or anywhere in the world, was a lifelong mission that he was involved with until the end.

Sean MacBride was born in Paris on January 26, 1904. He was the son of Maj. John MacBride, a man from County Mayo who formed the Irish Brigade and who was later executed in 1916 by the British for his part in the so-called Easter rising in Dublin. His mother was a renowned actress and revolutionary by the name of Maud Gonne who was called the Joan of Arc of Ireland according to the Irish Echo newspaper.

Sean was deeply involved in the Irish Republican Movement for more than 20 years. During this same time period of his life he earned a law degree at Dublin's National University and transformed his work and became a crusader against repressive antiterrorist legislation.

In 1946, Sean MacBride entered the political world in a major way. He founded a new nationalist political party Clann Na Poblachta 2 years later in a coalition with other opposition parties defeated the existing party in power. MacBride in turn was elected to the Irish Dail in 1947 and remained there for 11 years. After the 1948 election he held the position of foreign minister in the coalition government until 1951.

Sean MacBride emerged as an international spokesman for human and civil rights in 1961 when he founded Amnesty International. He served as its chairman for 12 important years until 1975. During that time Amnesty International grew to become the most respected organization for human rights and freedom in the world. During the same time period that he was heading Amnesty International, Sean MacBride was also secretary general of the International Commission of Jurists. He served in that capacity from 1963–70 and remained an active member of the organization until his death.

From 1971 to 1974, he was United Nations Commissioner for Southwest Africa also known as Namibia. His specific work on behalf of the cause of Namibian independence earned him tremendous worldwide respect and recognition. Most significantly, it led to him receiving the coveted Nobel Peace Prize for the year 1974.

Sean MacBride's work on behalf of peace and justice in his beloved Ireland spanned more than half a century. As mentioned in his early years, he was an active Republican spokesman including work in their paramilitary activities. He formally gave up his association with the official Republican movement in 1937 but by no means did he end his work on behalf of the struggle for peace and justice in Northern Ireland. Sean MacBride as a man of peace was a strong and determined foe of violence in Ireland. Yet, Sean MacBride, unlike many in Ireland, recognized that there were two forms of violence in Ireland—civilian and official. He repudiated both forms, making his position a more honest one.

Throughout the 10-year history of the Ad Hoc Congressional Committee for Irish Affairs we worked very closely with Sean MacBride. He testified before the committee on several occasions in the 1970's and again in the 1980's. His topics initially were general relative to Northern Ireland but his counsel was always valued by myself as chairman and the other members of the committee.

Yet for the past 4 years, Sean MacBride has been advocating here and around the world for a very specific issue and cause. Sean MacBride became the author of the antidiscrimination code known as the MacBride principles of fair employment and nondiscrimination. The purpose behind the MacBride principles is a simple one. Discrimination exists in Northern Ireland to an appalling degree. While unemployment throughout the six northeast counties is the highest in Europe at over 20 percent, the rate among the minority Catholic population runs as high as 60 percent in certain towns and cities. American companies operating in Northern Ireland are estimated to provide at least 11 percent of all jobs in Northern Ireland.

The MacBride principles are aimed to be a corporate code of conduct for American firms doing business in Northern Ireland. Their objective is to ensure equal employment opportunities for the Catholic minority in Northern Ireland. In the United States, the MacBride principles are gaining support. Legislation advocating their use has been passed in four State legislatures and are pending in several others. Legislation has been introduced in the House as H.R. 722, which I am proud to be an original cosponsor and S. 229 to require adoption of the MacBride principles by American firms.

Last night in New York a memorial mass was held for Sean MacBride at St. Patrick's Cathedral. Being unable to attend I sent the following telegram to be read at the event about my friend Sean MacBride:

[Telegram]

JANUARY 26, 1988.

Mr. PAUL O'DWYER,
O'Dwyer and Bernstein, New York, NY.

DEAR PAUL: I sincerely regret that I have to remain in Washington tonight. I do wish to join in paying special tribute to one of Ireland's greatest patriots—and a true champion of world peace—Sean MacBride. He was an extraordinary man who made the pursuit of peace and justice a lifelong mission.

Sean MacBride had a profound impact on me the past 20 years. He was the most respected authority on Ireland and its struggle for peace ever to appear before the Ad Hoc Congressional Committee for Irish Affairs. Sean MacBride loved Ireland, but agonized over its divided nature and people. He stood for Irish unity through economic justice for all.

The legacy of Sean MacBride will endure for centuries. Yet we who are still active in the cause of peace and justice for Ireland must redouble our efforts in furtherance of the work of Sean MacBride. We must pass legislation in Congress and in all 50 states to require American firms in Northern Ireland to adopt the MacBride Principles. We must work to end all other forms of discrimination in Ireland and we must re-empower all those who care about Ireland to work for a future of peace, justice and freedom for all.

MARIO BIAGGI, M.C.,
Chairman Ad Hoc Congressional Committee for Irish Affairs.

The tributes to Sean MacBride have come from around the world. They have recognized the enormous contributions he made to the cause of peace, human rights, and justice. A most interesting column in the Wall Street Journal by the columnist Alexander Cockburn on Sean MacBride made this observation:

> The word "statesman" is not one imbued with energy. But MacBride was a statesman in the active and virtuous sense—in the 30 years after he quit domestic politics he exercised his talents on behalf of the rights of man.

In my mind the legacy of Sean MacBride will endure for centuries. Yet if we are to do true justice to this remarkable man we must recommit ourselves to those causes that Sean MacBride dedicated his life to. Most critical is the need to work for continued progress aimed at achieving a political solution to the problems in Northern Ireland. Ireland today is divided geographically, politically, and economically. If there is to be Irish unity, it must be achieved by removing those barriers that divide. Central to the solution must be an improvement in the economic conditions of all the people of Ireland but especially the Catholic minority in the north. This Congress has a contribution to make and it is a meaningful

one. We can pass the MacBride principles legislation which will serve to promote equality of opportunity for all the people of Northern Ireland. We have a vested interest in the future of Ireland and Northern Ireland. We have committed ourselves to a long-term package of economic aid. Let us ensure that our public aid and the private business funds that go into Northern Ireland benefit both communities and do not extend the problem of discrimination. That was the goal of Sean MacBride and one we should readily embrace.

I would like at this point in the RECORD to insert a selection of newspaper articles on Sean MacBride as well as some comments by the director of the Irish National Caucus—Sean MacManus.

Finally for the sake of those of my colleagues who may not be familiar with the MacBride principles, I would like to insert them in their entirety with the hope it will lead to more of my colleagues cosponsoring H.R. 722, authored by my distinguished colleague Mr. FISH.

SEAN MACBRIDE OF IRELAND IS DEAD AT 83

(By William G. Blair)

Sean MacBride, an Irish revolutionary who went on to win the Nobel and Lenin peace prizes, died after a short illness yesterday at his home in Dublin. He was 83 years old.

In a 70-year career that took him from street battles with the British in Dublin to the international award-ceremony podium in Oslo, Mr. MacBride's name was linked, often controversially, with such causes as Irish nationalism, a united Europe, nuclear disarmament and human rights.

He was a joint winner, with former Prime Minister Eisaku Sato of Japan, of the Nobel Peace Prize in 1974. Mr. MacBride was honored for his work on behalf of human rights.

Three years later, in ceremonies in Dublin, he received the International Lenin Prize for Peace Among Nations for his efforts to end what he once called "this absolutely obscene arms race."

IN JOURNALISM AND LAW

The two awards made him only the second person to win both prizes, the first having been Dr. Linus Pauling of the United States.

Mr. MacBride's career also embraced journalism, law, politics and diplomacy. He was Ireland's Foreign Minister from 1948 to 1951 and an Assistant Secretary General of the United Nations and United Nations Commissioner for Namibia, or South-West Africa, from 1973 to 1976.

In Dublin yesterday, Prime Minister Charles Haughey called Mr. MacBride "a statesman of international status who was listened to with respect throughout the world."

At the time of his death, Mr. MacBride was president emeritus of the International Peace Bureau in Geneva, a well-known peace organization. He had headed the bureau from 1972 to 1985.

AMNESTY INTERNATIONAL FOUNDER

A lifelong rights advocate, he was a founder of Amnesty International in 1961 and served as its chairman until 1975. Almost simultaneously, from 1963 to 1970, he was secretary general of the International Commission of Jurists and remained a member of that rights group until his death.

Mr. MacBride was sometimes criticized from both ends of the political spectrum, by the right as being too close to the Kremlin in his views and by the left as secretly advancing American conservative interests.

As recently as 1980, he raised hackles among some Western journalists and governments as the head of a study commission on world communications of the United Nations Educational, Social and Cultural Organization. The commission's report prompted fears that it would lead to greater government control of the press, particularly in third-world countries.

Mr. MacBride came naturally to his youthful revolutionary inclinations. Born in Paris on Jan. 26. 1904, he was the son of Maj. John MacBride, a County Mayo man who formed the Irish Brigade that fought against the British in the Boer War and who was executed in 1916 by the British for his part in the Easter Uprising in Dublin.

EDUCATED IN FRANCE

The major's wife and Sean's mother was a beautiful Irish actress and revolutionary by the name of Maud Gonne, the daughter of a British army colonel. She was called the Joan of Arc of Ireland and was celebrated in the poetry of William Butler Yeats, who at one time was in love with her.

Sean MacBride was educated in France and remained there until 1916, when he and his mother managed to spirit themselves into Ireland. That year, at the age of 12, he joined the Irish Volunteers, forerunners of the Irish Republican Army. He was only a year older when he was arrested for the first of many times by the British, who sent him to prison three times—in 1918, 1922 and 1930.

Mr. MacBride spent 20 years "on the run" with the I.R.A. and was 24 years old when he became chief of staff of the underground army. He ended his association with the I.R.A. in 1937.

While fighting the British, he managed to earn a law degree at Dublin's National University. Mr. MacBride, who was admitted to the Irish bar in 1937, quickly became the most successful trial lawyer in Dublin. A brilliant pleader, he earned the coveted title of senior counsel in seven years; it usually took 15.

FROM LAW TO POLITICS

From law it was an easy step into Irish politics, dominated since 1932 by Prime Minister Eamon de Valera's Fianna Fail Party. Before the 1948 election, Mr. MacBride formed a new and radical party, the Republican Party, and in cooperation with other opposition parties managed to unseat Mr. de Valera. His prize, the Foreign Ministry, took him into the international arena, which he never left.

Mr. MacBride had been elected to Parliament in 1947 and served there until 1958. His party, however, disappeared as a political force in Ireland in 1965.

As the United States-sponsored Marshall Plan to rebuild Europe after World War II was getting under way in the late 1940's, Foreign Minister MacBride was named in 1948 a vice president of the newly formed Organization for European Economic Cooperation, a forerunner of the European Economic Community. He held the post until 1951 and, during one year, 1950, also served as the president of the Council of Foreign Ministers of the Council of Europe.

In 1984, at the age of 80, Mr. MacBride took on another controversial issue. He was the chief sponsor of an antidiscrimination code known as the MacBride Principles. Aimed at forcing American companies operating in Northern Ireland to insure equal employment opportunities for Roman Catholics, the code was much debated there and in this country and Britain.

Mr. MacBride's Argentine-born wife of 50 years, Catalina Bulfin, died in 1976. He is survived by a son, Tiernan, and a daughter, Anna.

SEAN MACBRIDE—GREAT IRISH PATRIOT IS DEAD

DUBLIN.—Sean MacBride, one of the most remarkable men of the 20th century, died at his home here on Jan. 15 after a short illness. He was 83 years old.

In a career that spanned 70 years, he was in turn an Irish freedom fighter, chief of staff of the IRA, an outstanding lawyer, Ireland's Foreign Minister, a United Nations Assistant Secretary General, U.N. Commissioner for Southwest Africa, a founder of Amnesty International, a Nobel Peace Prize winner and a Lenin Peace Prize winner.

Sean MacBride was born in Paris on Jan. 26, 1904. He was the son of Maj. John MacBride, a County Mayo man who formed the Irish Brigade that fought against the British in the Boer War in South Africa and who was executed in 1916 by the British for his part in the Easter Rising in Dublin.

The major's wife and Sean's mother was a beautiful Irish actress and revolutionary by the name of Maud Gonne, the daughter of a British army colonel. She was called the Joan of Arc of Ireland and was celebrated in the poetry of William Butler Yeats, who at one time was in love with her.

Sean MacBride was educated in France and remained there until 1916, when he and his mother managed to spirit themselves into Ireland. A year later, at the age of 13 he joined the Irish Volunteers, forerunner of the Irish Republican Army. He was only a year older when he was arrested for the first time by the British who sent him to prison in 1918, 1922 and 1930.

He was leading his own IRA unit when he was 16½ and became a trusted lieutenant of General Michael Collins.

Mr. MacBride spent 20 years with the IRA and was 24 years old when he became chief of staff of the underground army. He ended his association with the IRA in 1937.

During this period, he managed to earn a law degree at Dublin's National University. Mr. MacBride, who was admitted to the Irish bar in 1937, quickly became the most successful trial lawyer in Dublin. A brilliant pleader, he earned the coveted title of senior counsel in seven years; it usually took 15.

Over the years, Mr. MacBride often defended IRA suspects or fought antiterrorist legislation, but he strongly opposed the IRA's current campaign of violence.

In 1946, Mr. MacBride was one of the founders of a new radical nationalist political party, Clann na Poblachta. In the general election of 1948, Clann na Poblachta in conjunction with other opposition parties defeated Prime Minister Eamon DeValera's Fianna Fail Party, which had been in power for 16 years.

Elected to the Dail (Parliament) in 1947, Mr. MacBride served there until 1958. After the 1948 election he held the position of Foreign Minister in the Coalition Government until 1951.

A lifelong human rights advocate, he was a founder of Amnesty International in 1961 and served as its chairman until 1975. Almost simultaneously, from 1963 to 1970, he was secretary general of the International Commission of Jurists and remained a

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member of that rights group until his death.

His crusades for human rights and nuclear disarmament won him many admirers around the world.

From 1971 to 1974 he was U.N. Commissioner for South-West Africa, also known as Namibia, which is controlled by South Africa.

He made the cause of Namibian independence an international issue and won the 1974 Nobel Peace Prize although he failed to persuade Pretoria to yield control of the mineral-rich territory.

In 1977 MacBride got the Soviet Union's Lenin International Prize for Peace for his work in Namibia, underlining his reputation as a freedom fighter on both sides of the Iron Curtain.

The two awards made him only the second person to win both prizes, the first having been Dr. Linus Pauling of the United States.

In 1984, at the age of 80, Mr. MacBride took on another controversial issue. He was the chief sponsor of an antidiscrimination code known as the MacBride Principles. Aimed at forcing American companies operating in Northern Ireland to insure equal employment opportunities for Catholics.

In the United States, the MacBride Principles, received widespread support. A Bill advocating their use has been passed in four state legislatures and are pending in several others.

In Dublin last Saturday, Prime Minister Charles Haughey called Mr. MacBride "a statesmen of international status who was listened to with respect throughout the world."

Paul O'Dwyer, the Irish American leader and human rights advocate, in Dublin for the funeral said, "Sean MacBride was one of the greatest Irishmen of this century."

Mr. MacBride's Argentine-born wife of 50 years, Catalina Bulfin, died in 1976. He is survived by a son, Tiernan, and a daughter, Anna.

TRIBUTES TO SEAN MACBRIDE

BIAGGI STATEMENT

The following statement was issued by Congressman Mario Biaggi and was sent to the MacBride family in Ireland:

"On behalf of the 118 member Ad Hoc Congressional Committee on Irish Affairs, I send our deepest condolences on the passing of Sean MacBride. Few leaders in this century have contributed as much to the cause of world peace as this man of principle, commitment and compassion.

"Sean MacBride provided great inspiration to me over the 20 years I have been involved in the cause of peace and justice for his beloved Ireland. The committee will continue to work for passage of legislation to require that the MacBride Principles be adopted by American firms in Northern Ireland. It would be a most fitting tribute to the memory of this extraordinary man."

IRISH NATIONAL CAUCUS STATEMENT

The following statement was issued by the Irish National Caucus and was signed by Fr. Sean McManus, national director and Rita Mullan, executive director:

"Sean MacBride was the last of the great Fenians and eternity is not long enough, nor heaven good enough to adequately reward him.

"He was one of the greatest Irishmen of this century. He had enormous dedication to his country, to international human rights and to world peace.

"He was a man of profound wisdom and compassion. The most fitting tribute that the Irish National Caucus can pay to him is to ensure that the MacBride principles (which the Caucus named after him) will continue to be a powerful force for justice and peace in Ireland.

"May this noble son of Ireland rest in God's eternal peace and may his name live forever in the memory of those who love justice and peace the world over."

PEC STATEMENT

The following statement from the American Irish Political Education Committee (PEC) was signed by John Finucane, the national president:

"We are deeply saddened by the death of our esteemed and honored friend, Dr. Sean MacBride. As we mourn his passing and in final tribute to Ireland's greatest statesman of the 20th century, we proclaim 1988 "the year of the MacBride Principles." The PEC has called upon all concerned Americans to rededicate themselves to the success of the MacBride Principles campaign."

STATEMENT BY LENIHAN

The following statement was issued in Dublin by Irish Foreign Minister Brian Lenihan:

"I have learned with deep sorrow of the death of Sean MacBride, one of the most distinguished Irishmen of our time. Sean MacBride served his country as Minister for External Affairs from 1948-51, and ever since then, throughout the political lifetime of the members of today's Dail, he has played a major part in the affairs of our nation.

"Outside Ireland, Sean MacBride worked untiringly in the cause of international cooperation. A review of the offices he held reveals not only his international standing but the special concern he felt for the victims of injustice. Among other things, he was Chairman of Amnesty International, Secretary-General of the International Commission of Jurists, and Assistant Secretary-General of the U.N. and U.N. Commissioner for Nambia.

"Sean MacBride pursued his political career through difficult and demanding times, as did so many others of his generation. If he was sometimes a controversial figure, it may have been on occasion because his thinking was too challenging, his perspective too broad for conventional wisdom. He was often ahead of his time in his awareness of the position in international affairs of the newly independent nations, in his determination to bridge the divide between east and west, and in his belief in the force of justice in international relations. His outstanding contributions deserve our respect, as indeed they earned him the Nobel Peace Prize, the Lenin Peace Prize and a number of other major international awards.

"It is the better part of a century since Yeats wrote

MacDonagh and MacBride
And Connolly an Pearse
Now and in time to come
Wherever green is worn
Are changed, changed utterly. . . .

Sean MacBride carried on the noble tradition of his parents, Maud Gonne and John MacBride. He will be remembered not only "wherever green is worn," but in every continent. May He Rest In Peace."

LEFTOVER BITS FROM AN EDITOR

Sean MacBride did not deal in guile. Many men and women who reach the level he did in international political affairs routinely deal in guile.

But it was not for him. He dealt straight up. In the vernacular of the day, what you saw was what you got.

Sean MacBride was principled. He fought the fight for freedom and justice throughout the world, never swerving from a path he chose which was generally paved in truth.

Of course, he was not infallible and like all of us made mistakes. But they were the mistakes of enthusiasm and sometimes of frustration.

But he did not become bitter and he did not ever accept defeat. He perservered and in so doing inspired thousands of others to join the fight for liberty and justice in Ireland and throughout the world.

IRISH NATIONAL CAUCUS' TRIBUTE TO SEAN MACBRIDE

WASHINGTON, DC, January 15, 1987.—"Sean MacBride was the last of the great Fenians . . . and eternity is not long enough, nor Heaven good enough to adequately reward him," said Father Sean McManus, national director, and Rita Mullan, executive director of the I.N.C.

"He was one of the greatest Irishmen of this century. He had enormous dedication to his country, to international human rights and, to world peace. He was a man of profound wisdom and compassion."

"The most fitting tribute the Irish National Caucus can pay to him is to ensure that the MacBride principles—which the caucus named after him—will continue to be a powerful force for justice and peace in Ireland."

"May this noble son of Ireland rest in God's eternal peace and may his name live forever in the memory of those who love justice and peace the world over."

[From the Wall Street Journal, Jan. 21, 1988]

SEAN MACBRIDE: THE MAN WHO SMELLED A RAT

(By Alexander Cockburn)

ARDMORE, IRELAND.—Eight miles along the coast from here is the town of Youghal. Sir Walter Raleigh was its mayor in 1588 and today his bureaucratic descendants, t Youghal Urban District Council, wrestles with problems too minute for Sir Walter, who was more preoccupied with his "History of the World" and staying awake while his friend Edmund Spenser read drafts of "The Faerie Queene" to him after dinner. A couple of weeks ago Councilor Bob Bickerdike of Youghal proposed that the relevant authorities be called upon to attend to the problem of rat infestation in Youghal. "The situation here is far more serious than people imagine," Mr. Bickerdike stated, adding that recently a woman in the Raheen Park area of town had been bitten and that "there are killer rats loose in Youghal."

This is not the kind of talk a holiday town likes to hear. Councilor Willie Kenefick said that the type of resolution proposed by Mr. Bickerdike could easily attract headlines that would be unfavorable to Youghal. Other council members concurred, and an investigation found that the town was not infested with rats.

The world is divided pretty much between those inclined to smell a rat and eager to alert the populace, and those who take the view that given suitable discretion the problem might disappear of its own accord. While the councilors of Youghal were deliberating, life was seeping from one of Ireland's greatest men and champion rat smellers. Dead at the age of 83 on Jan. 15, Sean MacBride moved on the world stage, and his long life takes us back to the dawn of the century and the swell of the nationalist movements that have helped shape our times.

MacBride's mother was Maud Gonne, the nationalist heroine hailed by Benjamin Constant as "the most beautiful woman in Europe," inspiration for some of W.B. Yeats's most beautiful poems. His father was a Fenian, John MacBride, executed in 1916 for his part in the Easter uprising. It was of him Yeats wrote, "He, too, has been changed in his turn,/ transformed utterly:/ A terrible beauty is born."

Young Sean was born in Paris in 1904 but transported by his mother to Dublin 12 weeks later to be baptized. The boy grew up in Paris, thus giving his accent an indelible Franco-Gaelic lilt, and acquired education from Yeats and Ezra Pound.

MacBride returned to Ireland in 1918, then joined the Irish Volunteers, and in 1921 was one of those who along with Eamon de Valera opposed the treaty and thus found himself in Mountjoy prison. For the next 15 years he was in and out of prison, on the run and organizing the IRA.

In 1936 he became chief of staff of the IRA, but a year later left the organization, opposed to a planned bombing campaign in England and swayed by De Valera's proposed constitution, which affirmed Irish unity and removed the oath of allegiance to the British crown. MacBride and his fellows felt their struggle could be pursued by constitutional means, and he held this position to the end of his life. A decade later he was in the postwar Irish coalition government as foreign minister.

The word "statesman" is not one imbued with energy. But MacBride was a statesman in the active and virtuous sense—in the 30 years after he quit domestic politics he exercised his talents on behalf of the rights of man. In 1961 he was one of the founders of Amnesty International. In 1973 he became U.N. commissioner for Namibia. In 1977 he chaired UNESCO's special commission on a new world information order. Throughout the entire period he was a crusader for disarmament. Uniquely in the world, he shared the Nobel peace prize in 1974 and was given the Lenin peace prize in 1977.

As one might expect of so vigorous a rat smeller, he provoked hostility. Governments roared their anguish under the lash of Amnesty International's reports, but who now questions the organization's integrity? MacBride's activities on behalf of Namibia aroused fury, but who can deny that Namibia remains under illegal occupation, the rights of its people to self-determination flouted? The UNESCO document on world information, published in 1980, known informally as the MacBride Report, drew down a torrent of abuse on the grounds that it called for the licensing and control of journalists by governments, a crafty distortion of an actual proposal for protection of journalists in war zones. But what objective person could deny the inequities in the control and flow of information passing between the First and Third Worlds?

The British establishment hated him till the day he died. As MacBride's coffin was being lowered into his mother's grave at the start of this week, the London Times printed a distraught editorial denouncing him as "a cosmopolitan high priest" of the "cult of violence." About the partition of Ireland MacBride said as foreign minister in the late 1940s that it would create a situation in Northern Ireland comparable to that in Palestine in 1946-48. Who can now controvert the truth of that prediction?

Because he helped hold Ireland clear of NATO after the war, MacBride similarly earned the hostility of ruling circles in the U.S. so he was duly denounced as a Soviet cat's-paw and drummer for the PLO. MacBride was no country's or movement's kept man. Because he spoke up for Palestinian rights he earned the enmity of Israel's ruling circles and American-Jewish organizations in the U.S. Who would now disagree with him about abuses of Palestinian human rights in the Occupied Territories, Gaza, and in Israel itself?

MacBride kept jabbing at injustices that will not go away. The last movement associated with his name was the campaign in the U.S. for the "MacBride Principles," promoted by labor and the Irish National Caucus, seeking to make it incumbent on U.S. companies invested in Northern Ireland to increase representation of minorities, ban provocative symbols in the workplace, publicize job openings and so forth. This peaceful and legal campaign has aroused British fury, but who can dispute that Catholic unemployment runs at twice that of Protestants' in the north and that this is one of the underlying causes of internecine strife?

One of MacBride's proudest boasts was that he was a member of the government that in 1949 passed the Republic of Ireland Act, which he said, "took the gun out of politics in the south." He proclaimed the right of the Irish People to sovereignty over the 32 counties, but his final vision, in 1983, was for a federal cantonal system along Swiss lines as an answer to the partition problem. He predicted that in a decade or two the exhaustion of paramilitary organizations on both sides, the indifference of the British and their impatience at the expense of an army presence would admit a peaceful solution.

Those who vilify his memory and talk of a "terrorist" past should look at themselves, whether it be the British with their courtroom travesties in Ulster, South Africans ravaging justice in Namibia and their own country, Israelis spurning international law in the Occupied Territories, Americans defying the World Court in funding terror in Nicaragua or Soviets and other socialist countries abusing the rights of their citizens; all should ponder a life that did honor to the best in man.

JERRY LASURDO: LEGENDARY BANKER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to bring my colleagues' attention to an article about Jerry Lasurdo, chairman of the Green Point Savings Bank of Flushing, Queens County, NY, that recently appeared in the magazine, Crain's New York Business.

Jerry Lasurdo is a valued business and civic leader in the Queens community. Under his leadership, Green Point Savings Bank has become an innovator in the banking industry and a great source of pride for the people of Queens.

I include the article in the CONGRESSIONAL RECORD so that my colleagues may learn more about Jerry Lasurdo.

[From the Crain's New York Business, Dec. 21, 1987]

GREEN POINT'S OLD-FASHIONED WAYS MAKE IT TOPS IN PROFITS; WILL BONANZA CONTINUE?

(By Alan Breznick)

Green Point Savings Bank is not what one would call a trendy thrift. It still has its original name, owns no automated teller machines and avoids Manhattan like the plague. It does no radio or television advertising, makes few consumer loans and shuns Wall Street's attention. It never lends out of state and doesn't even push checking accounts much.

About all Green Point does is rake in deposits and make mortgages, lots of them, to nearly everyone who can afford a 25% down payment. This single-mindedness has turned the old-fashioned, mutually owned thrift into the state's most profitable savings institution.

"We're not too bright here. There are no M.B.A.s," says I.J. Lasurdo, Green Point's wise-cracking, 71-year-old chairman and president. "We're just good businessmen."

Indeed. In the early 1980s, when the twin demons of deregulation and steep inflation forced most banks to abandon the mortgage market, Green Point didn't, lending money out at 18% and 19%. As a result, the thrift gained market share on every rival except Citibank, the New York mortgage king.

"The others tightened up, battened down the hatches and waited for the tornado to pass," Mr. Lasurdo says. "We went into the eye of the storm."

Whether Green Point can continue to steamroll is another story as more lenders have crowded the mortgage field and the local mortgage market has turned sour. Other banks and thrifts have made inroads this year, including giants like Chemical Bank, Chase Manhattan Bank and Crossland Savings.

Observers also wonder what will happen when Mr. Lasurdo, the body and soul of Green Point to many, retires in two years. They express doubt that Green Point's old-fashioned ways can carry it strongly into the 1990s.

But no one disputes the thrift's stunning performance so far or the role of Jerry Lasurdo, the man behind much of Green Point's success.

The down-to-earth banker started with the thrift in 1935 at $75 a month and spent most of his years as a mortgage loan officer. He still rises most mornings at dawn to jog around a Manhasset, L.I., track, before arriving at the mutual's Flushing, Queens, headquarters to sign off on every mortgage request.

Under his leadership since 1974, Green Point has quietly developed into a slick mortgage machine even though its rates are on the high side. In 1986 it churned out a record-high 22,000 mortgages—$2.1 billion worth. It also has more than doubled in size over the last five years, passing $3 billion in both assets and deposits.

"I don't know much about them," says Peter Treadway, a thrift analyst for Smith Barney, Harris Upham & Co. "But I've never met a thrift banker that wasn't in awe of them."

It's easy to see why. In the first half of this year, Green Point reported a $48.7 million profit, a phenomenal 2.9% return on

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assets. Locally, only the much larger Dime Savings Bank of New York and Crossland earned more.

In addition, Green Point made $91 million last year, adding more to its capital base than it did in the previous 112 years combined. It enjoyed strong years in 1984 and 1985 and even posted profits in 1982 and 1983, when most thrifts hemorrhaged red ink.

In fact, Green Point has made so much money lately that numerous investment bankers have reportedly come knocking on Mr. Lasurdo's door, seeking to take the mutual public. But the chairman has sternly turned them all down, saying he doesn't need more capital. "What the hell are we going to do with it?" he demands.

Green Point has built much of its sterling reputation by practicing a unique lending policy that breaks with the thrift industry's generally cautious posture and draws the ire of other bankers. It does not demand that borrowers verify such basic information as income and place of employment. If an applicant can make a 25% down payment on the home's value, that's usually good enough to borrow the other 75%.

Most Green Point borrowers opt for this "automatic credit" approach, which involves a simple check through a credit bureau and permits loan approvals within days. If applicants desire, the thrift will perform a complete credit check and award a lower interest rate, but that takes longer.

Other savings bankers see this policy as near-blasphemy because of the high potential risks. But Green Point and its backers say the risks are quite calculated and have not proved to be a problem.

"We are not the IRS," Mr. Lasurdo says. "Some may live more modestly than others, some may not report all their income, some may get money from their inlaws. It's not my job (to check)."

In fact, the chairman claims, the thrift has had to foreclose on just two of more than 100,000 mortgages, both largely because of divorce. Analysts agree that Green Point, like most mortgage lenders, has relatively few delinquency problems because consumers rarely default on their most precious possession—their homes.

Green Point also owes much of its mortgage success to its strong, informal network of real estate brokers, lawyers, accountants and other financial advisers who steer borrowers to the thrift. Mr. Lasurdo still spends much of his time cultivating this network, which brings in a lion's share of the mortgage applications.

Other institutions envy this network and have started going after it. Citibank, for instance, runs a "Mortgage Power" program for brokers that, for annual $2,500 fee, permits them to offer advice, lower fees and quicker loan approvals to their customers.

Unlike many rivals, Green Point also maintains an army of 18 home appraisers who fan out over the metropolitan area and quickly report their findings back to the home office. Other lenders hire outside appraisers.

Finally, Green Point spends heavily on no-nonsense newspaper rate advertising, eschewing the image ads that competitors like Crossland, Anchor Savings Bank and Bowery Savings Bank run on the radio and television. Robert Moss, president of Competitrack, which monitors bank ads, estimates that Green Point spent $1.6 million on these "supermarket" rate ads through the first 10 months of 1987, $300,000 more than second-place Dime.

"Print is very successful," says Mr. Lasurdo, who cut out Green Point's radio campaign when he took over.

Luck has also played a role in Green Point's success. Like other old-line thrifts, it had the good fortune to grow up in a solid, working-class community that stresses saving. The thrift takes its name (although not its spelling) from the Greenpoint section of Brooklyn, a largely Polish waterfront community that has changed little over the years, just like the mutual.

In fact, Green Point's grand main branch on Manhattan Avenue, which towers over the Polish delicatessens, bakeries and shops lining the commercial drag, now holds an enormous $410 million in deposits, 21 years after the thrift moved its executive offices to Flushing. The 79-year-old branch, lavishly decorated for the Christmas season, boasts an imposing white granite exterior topped by a rounded dome, thick marble columns and at least two dozen teller stations. A clock outside the main entrance proclaims "Time To Save."

Unlike some of its fellow old-line thrifts, Green Point has not left those roots behind. It has steadfastly avoided the lure of Manhattan, for instance, preferring to build its 15-branch network largely in working- and middle-class areas of Brooklyn, Queens and Long Island.

That strategy has paid particularly high dividends since the early 1980s, when deregulation and galloping interest rates forced all banks to pay much more for consumer deposits. In fiercely competitive Manhattan, consumers are more savvy and more prone to shift "hot money" from one bank to another in pursuit of the highest rates.

Moreover, unlike its fellow thrifts, Green Point never invested heavily in long-term, fixed-rate bonds. In the rampant inflation of a few years ago, Green Point's large pool of low-rate mortgages offered a healthier cash flow than bonds, which pay interest only twice a year.

"They got hammered on long-term, fixed-rate mortgages, but they still got monthly payments," says Thomas Schettino, a managing principal in Lyons, Zomback & Ostrowski, a thrift analyst and consultant. "The others got hammered down (worse)."

As a result, Green Point had money to lend in the early 1980s, when the other thrifts virtually stopped lending and struggled to stay afloat, and copped its second-place market share behind Citibank and ahead of Dime and Long Island Savings Bank.

"When I was with the FDIC (Federal Deposit Insurance Corp.), they were closing mortgages like crazy while basically everybody else was out of the market," Mr. Schettino recalls.

Adds Al Sorrentino, a vice president in Citibank's real estate business management unit, "Us and Green Point, that was about it."

Now Green Point faces some new challenges, even from veteran rivals. Citibank's highly successful "Mortgage Power" program, for one, has cut into the mutual's broker referral business.

"Right now we are seeing roughly 70% of our mortgage applications coming through our broker program," says Citibank's Mr. Sorrentino.

The bank, which has 1,100 local brokers signed up for the program, gave out $5 billion in mortgages last year and expects to match that this year.

Green Point has come back fighting. Earlier this year, the thrift launched "Advantage," its own version of "Mortgage Power." It offers similar benefits to brokers at one-fifth the Citibank price.

So far, Mr. Lasurdo says, 500 brokers have signed up.

But more lenders are contending than ever before, driving down profit margins and forcing all institutions to chase more marginal loans. Up-and-comers include Astoria Federal Savings & Loan Association. Emigrant Savings Bank and the reawakened Bowery.

"I think a number of the new players in the marketplace are definitely gaining market share," says William Zimmerman, marketing director of Long Island Savings.

His institution clocked just over $1 billion in new mortgages last year and expects to close 1987 with nearly the same.

What's more, the local mortgage market, paralleling the national one, shows few signs of awakening from its recent sluggishness. Hammered by rising interest rates, this fall's plunging stock market and recessionary fears, fewer New Yorkers are purchasing homes and apartments.

"The marketplace has turned frigid," Citibank's Mr. Sorrentino says.

Nevertheless, Green Point has few plans to change its ways, other than to keep shifting more of its mortgage portfolio toward adjustable-rate loans rather than fixed-rate ones.

Although other thrifts may branch out into consumer loans, commercial loans, credit cards and other newfangled products and services, Mr. Lasurdo will have none of that.

The thrift executive's only concession may be the installation of ATMs in a pilot program, years after his rivals.

We stick to what we know best, what we do best, what produces the most desirable results with the least amount of risk," Mr. Lasurdo says. Despite a drop-off in business of 40 percent to 50 percent in the second half of the year, he plans to close 17,000 mortgages by year-end, for a total of $1.75 billion.

With more capital than it needs. Green Point does intend to open new branches next year in Lynbrook and Commack both on Long Island, as well as possibly Staten Island and the Midwood section of Brooklyn. This past summer, the thrift opened its first branch in Westchester County. But few other changes are contemplated.

Observers wonder how the thrift will fare when Mr. Lasurdo retires, as he plans to do at the end of 1989 after 54 years.

"Jerry has grown up in that business. A great deal is due to him," says an executive at a rival thrift. "I don't see any management behind him."

Mr. Lasurdo, however, modestly pooh-poohs such concerns. He says his successor will come from three executive vice presidents who are all in their forties and fifties—Martin Dash, James Cava and Michael Gagliardi, a recent recruit from Dollar Dry Dock Savings Bank.

"We're looking for a clone of Jerry Lasurdo," Mr. Lasurdo only partially jokes.

COLOMBIAN CHIEF PROSECUTOR KILLED BY DRUG TRAFFICKERS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. GILMAN. Mr. Speaker, we are all appalled to learn that Carlos Mauro Hoyos, Colombia's chief prosecutor, has been murdered by drug traffickers.

While investigating the recent release from prison of the notorious drug trafficker, Jorge Luis Ochoa Vasquez—the second in command of the Medellin cartel—Hoyos' car was run off the road and sprayed with machinegun fire near an airport on the outskirts of Medellin. Two of his bodyguards were killed, and, according to a policeman's eyewitness report, Mr. Hoyos was bleeding from the throat. His body was later found alongside the highway.

Our Select Committee on Narcotics Abuse and Control, on which I serve as ranking minority member, is fully familiar with the violence that has become a day-to-day occurrence in Colombia. The ruthless Colombian drug traffickers, over the past few years, have assassinated Colombia's Minister of Justice Rodrigo Lara Bonilla; news editor Guillermo Carro and a number of other journalists engaged in an antidrug crusade; Col. Jaimie Ramierez Gomez, commander of the Jamoes Colombian antinarcotics unit; killed 21 judges including one-half of Colombia's highest court; and attempted to assassinate former Justice Minister Enrique Parejo in Hungary, where he was serving as Colombia's ambassador.

Our Drug Enforcement Administration estimates that the Medellin cartel controls 80 percent of the cocaine that enters the United States. The narco-traffickers have been doing their best to prevent the Colombian Government from extraditing to the United States drug kingpins such as Ochoa for prosecution. The Colombian drug traffickers this week announced a total war on officials who try to extradite them to the United States to face criminal charges. Their objective is to terrorize and intimidate the entire Government of Colombia and its citizenry.

The tragedies of Colombia underscores the need for us to expand our efforts to awaken the world to the dangers of the narco-traffickers undermining the judiciary and holding governments hostage to their demands.

Having just returned from conferring with members of the European Parliament as well as with the leaders of several southeast Asian nations, I am convinced that a worldwide full scale war against these drug traffickers and their deadly product is the only way we will succeed in eradicating the menace of drug abuse and narcotics trafficking from the face of the Earth. Courageous men who will follow in Mr. Hoyos' footsteps need to know that they enjoy our Nation's full support for their noble efforts, as well as our prayers. And the narco-traffickers must learn that law-abiding nations will not retreat, even in the face of their wanton acts.

RESOLUTION ON RELIEF EFFORTS IN DROUGHT-STRICKEN AFRICAN NATIONS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. HALL of Ohio. Mr. Speaker, today along with several of my colleagues, I am introducing legislation to commend the President, the Secretary of State, and the Administrator of the Agency for International Development for the effective relief efforts they have organized for the people of Ethiopia and for other hungry, needy people in sub-Saharan Africa. This concurrent resolution also encourages these executive branch officials to continue and extend their efforts to reduce suffering in Africa.

Unfortunately, it is already clear that this year will be particularly difficult for millions of Africans—people who already are hungry and not particularly healthy. Our Government has an unequivocal stance on how to respond to this continuing tragedy: the United States people as represented by their government will continue to do everything possible, go anywhere, to stop hungry people from starving.

As we respond to the needs of millions of people across the African continent, we must be particularly ready to deliver medical supplies and other essental life-saving provisions as soon as and where they are needed. And we cannot forget the pain and suffering of the millions of people who have left their homes to travel sometimes hundreds of miles in search of a little bit of food and a cup of water.

I was in Ethiopia in December. I saw a videotape of young boys who had walked hundreds of miles from their homes in the Sudan in search of food. They looked near death. And they were the survivors. We must help these people.

For the benefit of my colleagues, the full text of the resolution follows:

H. CON. RES. 239

Concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people of Ethiopia and other drought-stricken nations in sub-Saharan Africa, and to encourage these officials to continue and extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes

Whereas in excess of 5,000,000 people in Ethiopia will need emergency food assistance during 1988;

Whereas additional millions of people in other nations of sub-Saharan Africa will need emergency food assistance during 1988;

Whereas the United States Government and United States private and voluntary organizations have taken a leading role in responding to the food emergencies in Ethiopia and across Africa during the past four years, and were instrumental in saving the lives of several million people; and

Whereas the humanitarian traditions of the American people are best represented by a generous, effective response to the present emergency food needs in Africa without regard to politics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the President, the Secretary of State, and the Administrator of the Agency for International Development for their efficient and timely response to the drought and the growing food emergency in Ethiopia and other affected nations of sub-Saharan Africa;

(2) encourages the President, the Secretary of State, and the Administrator of the Agency for International Development to continue and extend all efforts deemed appropriate to preclude the onset of famine in the drought-affected regions of Ethiopia and other sub-Saharan African nations;

(3) in particular urges the President, the Secretary of State, and the Administrator of the Agency for International Development to pursue all appropriate means to ensure the timely delivery of medical supplies and other essential life-saving emergency relief supplies needed to prevent the unnecessary loss of life;

(4) declares that the United States Government response to these food emergencies in sub-Saharan Africa should include all appropriate initiatives to prevent the dislocation of large numbers of persons across national borders and/or into relief camps; and

(5) further declares that the plight of those who have become refugees or have otherwise been displaced as a result of drought, civil strife, or regional conflict in sub-Saharan Africa should be addressed with an emphasis on ensuring the provision of basic human needs, including food, water, shelter, clothing, tools, and seeds.

THE NUCLEAR COOPERATION AGREEMENT BETWEEN THE UNITED STATES AND JAPAN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BROOMFIELD. Mr. Speaker, today Congressman FASCELL, the chairman of the House Foreign Affairs Committee, and I introduced a resolution approving the proposed nuclear cooperation agreement between the United States and Japan.

This resolution is required by the Atomic Energy Act of 1954 as amended by the Nuclear Non-Proliferation Act of 1978, and further by the Export Administration Amendments Act of 1985. It is introduced by request, and commits neither of us to support the agreement. Rather, the resolution provides a legislative vehicle of the Foreign Affairs Committee and the House to express its views on this proposed agreement between the United States and Japan.

The Foreign Affairs Committee will be holding additional hearings on this very important matter. Several serious issues are involved from the impact of the agreement on the protection of U.S.-supplied nuclear materials, to nuclear nonproliferation concerns, and several environmental and safety considerations. I join Chairman FASCELL in urging all Members to

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review the proposed nuclear cooperation agreement with Japan carefully.

RECOGNITION OF LERONE BENNETT, JR.

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. DOWDY of Mississippi. Mr. Speaker, I would like to ask my colleagues here in Congress to join me in honoring a very special person, Mr. Lerone Bennett, Jr.

We in Mississippi are very proud of this accomplished author, journalist, lecturer, and historian who was educated in the public schools of Jackson, MS.

Mr. Bennett currently holds the position of senior editor at Ebony magazine. He has written several books, including "What Manner of Man: A Biography of Martin Luther King, Jr.," "The Challenge of Blackness," and "Before the Mayflower: A History of the Negro in America," which is now used in several colleges and universities as a textbook for black studies.

Before joining Ebony magazine, Mr. Bennett worked as a reporter and city editor of the Atlanta Daily World, as associate editor of Jet magazine, and associate editor of Ebony magazine. He has served as an advisor and consultant to several national organizations and commissions, including the National Advisory Commission on Civil Disorders. Mr. Bennett has also served as a delegate to the Sixth Pan-African Congress, in Tanzania, and the Second World Festival of Black and African Art in Nigeria. Mr. Bennett's short stories, poems, and articles have won critical acclaim. They include Rhetoric and Literature, Coming of Age in Philosophy, Myths and Motifs in Literature and the Media and the Critics. His books and short stories have been translated into French, German, Japanese, Swedish, Russian, and Arabic. Mr. Bennett has traveled extensively in Europe and Africa. He has lectured in colleges and before audiences in all regions of the country. A graduate of Morehouse College, Mr. Bennett now sits on the Morehouse College Board of Trustees.

Mr. Speaker, there will be a homecoming ceremony in Mississippi to welcome Lerone Bennett home and to thank him for the inspiration he has given to thousands of his admirers over the years. Please join me in extending our very best wishes to Mr. Bennett on this special occasion.

A TRIBUTE TO PRESIDENT CHIANG CHING-KUO

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. QUILLEN. Mr. Speaker, January 13, 1988, was a sad day for all the Chinese people in the Republic of China on Taiwan. Their leader, President Chiang Ching-Kuo, died of a heart attack.

In the last 12 months, the late President Chiang Ching-Kuo ended martial law and permitted opposition groups to form. Last winter he allowed Taiwan citizens to visit their relations in China. Indeed, the late President Chiang laid a firm foundation for democracy to flourish in Taiwan.

I join my friends in the United States Congress in sending my condolences to President Lee Teng-hui of the Republic of China on Taiwan. I hope and trust that Taiwan will continue to grow economically and politically in the future.

INTRODUCING THE PARENTAL ASSISTANCE WITH TUITION BONDS ACT OF 1987 AND THE PARENTAL ASSISTANCE WITH TUITION SAVINGS CERTIFICATE ACT OF 1987

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. WILLIAMS. Mr. Speaker, today, I am introducing two bills, both designed to help parents save for their children's college educations.

Americans have long realized the importance of a college education; its attainment not only adds to the quality of life but also represents an economic boost. In support of this view, the U.S. Census Bureau recently published data from its 1984 "Survey of Income and Program Participation." These data indicate that individuals with college degrees earn nearly twice the income of high school graduates. Obtaining a college degree provides an important economic benefit, not only to the individual but also to Government. Therefore, the cost of attaining a college degree is a matter of growing concern to families, students, and Government.

In contrast to the obvious importance of obtaining a college degree, American families are not saving adequately to meet future college costs. According to a 1984 survey conducted by the National Association of Independent Colleges and Universities, fewer than 20 percent of parents with incomes under $20,000 saved for college; about 52 percent of parents with incomes between $20,000 and $30,000 saved for college; and about 70 percent of parents with incomes over $30,000 saved for college.

According to the 1980 survey of high school seniors and their parents conducted by the Department of Education, about two-fifths of the families of college students had saved for college costs; the median amount saved was $2,500. Unfortunately, about one-quarter of the middle-income parents who did save, waited until their children were enrolled in high school to begin saving.

As these two surveys indicate, most parents are not saving sufficiently to provide for their children's college education needs. Therefore, it is the purpose of this legislation to provide parents with an incentive to save so that they might better provide for their children's postsecondary education needs.

The first bill, The Parental Assistance with Tuition Bond Act of 1987, amends the Tax Code, as follows:

First, the Secretary of the Treasury would be directed to issue a special savings bond, designated for use in meeting postsecondary education costs.

Second, parents who buy these bonds would be able to deduct a portion of their costs—up to $2,000 annually for low-income families; for families with higher incomes, the tax advantage is ratably reduced—from their annual income before determining their tax liability. The maximum tax deduction per child would be $36,000 over 18 years.

Third, students who exchange these bonds for the costs of attendance at postsecondary education institutions pay no tax on interest the savings bonds have earned over their life. However, if the bonds are cashed in for other purposes, the student pays taxes on the interest, including a 10-percent penalty. Students who own regular savings bonds may have these bonds grandfathered into this interest exemption provision.

The bill would also direct the Secretary of the Treasury to implement support activities to encourage the participation of parents, the private sector, and others in this savings bond program. These activities include: First, stimulating use of payroll deductions; second, encouraging businesses, nonprofits, charitable groups and educational organizations to participate by helping needy students acquire bonds; and third, reconstituting the Savings Stamp Program to enable school-aged children to participate in saving for their college education.

The Parental Assistance with Tuition Savings Bond Program does require a change in both the Tax Code and in the Internal Revenue Code. These changes are needed to encourage participation by families of all income levels and to ensure that the bonds are used for postsecondary education. This bill will encourage savings which in turn will make more money available for Government activities and could thus decrease the need for Government borrowing.

The second bill I am introducing today, the Parental Assistance with Tuition Savings Certificates Act of 1987 does not amend the Tax Code in any way. Instead, this bill gives to the Secretary of Education authority to issue and redeem a postsecondary education savings certificate to be used to pay some or all of the costs of attending a postsecondary education institution. In this way parents will be encouraged to put aside funds for their children's education.

This legislation contains two provisions designed to encourage parental use of education savings certificates. First, the savings certificates are registered in the student's name. Therefore, the tax status of these certificates will be based on the child's lower income rather than on the parents' higher income. However, for purposes of determining the family contribution in calculating eligibility for federally funded student aid, these educational savings certificates will be treated as parental assets. In this way, the portion of their value that would be considered under current needs analysis procedures would not only be less overall but also would vary as a function of total parental assets. Thus, for example, in families with low incomes, none of the value of these savings certificates likely would be factored into the family's expected contribution in determining eligibility for student aid under title IV of the Higher Education Act.

Second, the legislation contains a provision to encourage schools to accept these savings certificates as payment for all or part of their attendance costs. Institutions which accept these certificates, and which hold their average tuition increases to under a 3-percent increase over the CPI during the 3 previous years, would be eligible to receive an incentive payment based on each institution's pro rata share of all such certificates redeemed for postsecondary education.

The educational savings certificate legislation also directs the Secretary of Education, working with the Secretary of the Treasury as appropriate, to implement support activities to encourage the participation of parents, the private sector, and others in this savings bond program. These activities include: First, stimulating use of payroll deductions by parents for the purchase of educational savings certificates; second, encouraging businesses, nonprofits, charitable groups and educational organizations to participate by helping needy students acquire savings certificates; and third, reconstituting the Savings Stamp Program to enable school-aged children to participate in saving for their college education.

Some months ago, I also introduced H.R. 2509, the Parental Assistance with Tuition Investment Act of 1987. This legislation, which now has 65 cosponsors in the House and has been introduced in the Senate by Senator PELL, establishes a trust that would accept parental savings for postsecondary education, invest these funds in safe Government investments, and pay out the invested funds to educational institutions on behalf of the eligible student in whose name the savings have been invested. This legislation also modifies the Tax Code to create favorable tax incentives for saving for future college costs.

Collectively, these three bills provide a number of options for consideration by the Congress, parents and students, institutions of postsecondary education, and others concerned about enhancing the Nation's ability to provide all its citizens with the benefits of a college education. I encourage my colleagues in the Congress to examine all three bills and to share their thoughts with me. I encourage my friends in the higher education community to do the same. And, I hope that parents and students around the country will also provide the Congress with their thoughts on these three bills. In this way, I believe that the Congress can move on legislation that grows out of this debate, legislation that will be effective, and legislation that will complement our existing student aid programs.

PRESIDENT CHIANG CHING-KUO

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. TALLON. Mr. Speaker, citing President Chiang Ching-kuo's political initiatives during the last year, both the Washington Post and the New York Times have generously praised President Chiang's achievements as a statesman.

In my view, Chiang's most important legacy is his having laid the groundwork for full democratization in the Republic of China.

It must be recognized that Western-styled democracy is by and large a foreign concept to most traditional Chinese, who are used to an authoritarian form of government. Therefore, it was Herculean for President Chiang to change the way the Chinese people think. He persuaded his countrymen that economic prosperity could not be sustained without parallel progress in the area of democratic reforms.

He sought, to the best of his ability, to weed out nepotism, parochialism and corruption in the military and other branches of government. By ruthlessly stamping out poisonous elements in the military and in the Nationalist Party, he earned his people's confidence, thereby making his political reforms possible.

Mr. Speaker, having visited Taiwan and met President Chiang, I know he had his people's confidence; and more importantly, he had their unwavering love and affection. Most importantly, he made them believe that democratization is and will continue to work well in Taiwan.

NATIONAL CIVIC INDEX: RANKING THE CITIES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. SCHROEDER. Mr. Speaker, last November at a National Conference on Civic Renewal in Boston, a national civic index was created as a means for evaluating approaches to community problem solving. The conference, sponsored by the National Civic League, brought together representatives of local government, business and nonprofit organizations in an effort to focus on strengthening the civic infrastructure of American communities.

The national civic index has become an effective tool for self-evaluation, and already it has been applied in a number of U.S. cities. Denver is one of them.

Denver Post senior editor Bill Hornby recently wrote an incisive column about the national civic index and its application by the Greater Denver Chamber of Commerce. Other communities across the country may find his observations interesting and helpful.

[From the Denver Post, Jan. 14, 1988]

HOW DOES METRO DENVER STACK UP ON THE NATIONAL CIVIC INDEX?

(By Bill Hornby)

Is metro Denver's "civic infrastructure" in as good as or better repair than its physical base? Are the political and social processes by which its people solve community problems in as good shape as its roads, bridges, buildings and other built facilities?

The National Civic League, with former Coloradan John Parr as president and Richard L. Anderson of Aurora as a national adviser, probably has accumulated more understanding of how American communities do or don't solve their problems than any other political science study group. Out of this, it has shaped a questionnaire by which any community can evaluate its civic strength. A Western community of any size needs no costly analyst to get this self-evaluating list of questions and put itself on the couch.

Called the National Civic Index, the questions cover elements deemed essential to an effectively working community—Citizen Participation, Community Leadership, Government Performance, Volunteerism and Philanthropy, Intergroup Relations, Civic Education, Community Information Sharing, Capacity for Cooperation and Consensus Building, Strategic/Long Range Planning, and Inter-Community Cooperation.

Still in its infancy and subject to revision through experience, the NCL Index was used to kick off the 1987 Leadership Denver program of the Greater Denver Chamber of Commerce, and has proven a useful tool in other communities.

As Parr puts it, "Healthy communities have the ability to deal with problems and challenges in a collaborative fashion. That is, through joint action among governmental, private sector and non-profit entities. The components of the Index make up what we think to be the critical underpinnings of a community's ability to resolve problems, meet challenges and set directions for the future."

How does metro Denver stack up under the specific questions of the NCL Index? Answers would vary with the state of mind of the answerer, and whether or not he or she was relatively bruised or unbruised from recent community struggle. Don Bain's scorecard might differ from Federico's, and Al Cohen's or Phil Anschutz's from Dave French's!

In pondering specific questions, it strikes this corner that it is in Government Performance, Intergroup Relations and Inter-Community Cooperation that metro Denver's long strides are yet to be made.

The evaluating questions under Government Performance are: "Does the city systematically address qualitative concerns about city services? Are certain neighborhoods given inordinately special treatment? Are alternative ways of delivering services openly considered and utilized when appropriate?" Good questions!

Under Intergroup Relations—"Does the community have programs to stimulate communication between diverse populations? How often do small, specific conflicts escalate to involve larger issues and a wider range of groups? How involved are various 'solidarity' groups in developing broad public policy and providing community-wide services?"

The Index explanation adds, "While all communications have a certain number of coherent 'solidarity' groups, the degree to which they cooperate in resolving broad issues and co-exist in harmony is an essential measure of civic health." Just how well does Denver stack up when it comes to cooperation among its Hispanic, black and Anglo institutions?

On Inter-Community Cooperation, while the region is making great strides in recent months, these Index questions still bother: "How do local government entities in the area relate to each other? How do region-wide problems or policy disputes get resolved? Does business do economic development or the non-profit sector provide services on a regional basis?"

NCL, in distilling its Index, was convinced "there are fundamental differences between communities that work and those that don't. Some communities argue over their problems while others put their differences aside to solve them. The questions we asked ourselves were what accounts for these differences; what are the basic characteristics of communities that work?"

Denver and the region have had a great deal of good planning under way in the past few years. Our problem has been more than execution of the plans than their creation. But in the constantly changing economy and environment in which we huddle beneath the Rockies, it never hurts to take a fresh look at these basics.

You might like to get the whole Index from NCL at 55 West 44th St., New York, N.Y. 10036, and do a little civic psychoanalysis yourself. It certainly couldn't do the old hometown any harm.

ARCHBISHOP ANTHONY J. BEVILACQUA, THE PRIDE OF BROOKLYN'S CATHOLIC COMMUNITY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to a Brooklyn native son, who has recently been appointed to one of the most important positions in the Catholic Church. A few weeks ago, the Holy Father named Bishop Anthony J. Bevilacqua to be archbishop of Philadelphia.

It is with great pride that I point out to my colleagues that Archbishop Bevilacqua was born and educated in Brooklyn. He began his religious instruction at Brooklyn's Cathedral College and later attended the Seminary of the Immaculate Conception in Huntington, NY. The Archbishop's towering and diverse intellectual strengths are evidenced by the fact that he has also earned a doctorate in Canon Law at the Gregorian University in Rome, an advanced degree in political science at Columbia University, and a doctorate in civil law at St. John's University.

Mr. Speaker, throughout my career in public service, in the New York Assembly and in the Congress, I have had the immense pleasure of working directly with Archbishop Bevilacqua on a number of critical issues. The Archbishop served Brooklyn's Catholic community with distinction, first as director of the diocese's migration and refugee office and then as Brooklyn's auxiliary bishop. He is one of the Nation's authorities on refugee and human rights matters and has always provided me with expert counsel on these important issues.

Several years ago, Archbishop Bevilacqua left the Brooklyn diocese to assume the role of bishop of Pittsburgh. Although he moved away from our city, the Archbishop will never cease to be a beloved member of the Brooklyn family. Now that he is moving to another great city in Pennsylvania, I'm sure my colleagues will join the people of Brooklyn and me in extending to Archbishop Bevilacqua our most sincere congratulations and best wishes for a productive and inspiring career as archbishop of Philadelphia.

THE POSTAL SERVICE DISADVANTAGED BUSINESS PROCUREMENT ACT OF 1988

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LELAND. Mr. Speaker, last year the Postal Service released its comprehensive statement on postal operations. In the midst of pronouncements about the Postal Service complying with this act or that regulation, was the startling revelation that in 1986, only 5.9 percent of all contract dollars went to minority businesses. This is a dramatic decrease from 1985 when 10 percent of all Postal Service contracts went to minority businesses and the lowest percentage since 1981. In terms of dollars and cents, this is a drop from $237 million spent with minority businesses in 1985, down to $186 million in 1986. This is appalling. Instead of building on a record that was improving incrementally, the Postal Service has taken a huge step backward.

The Postal Service's disappointing lack of involvement with disadvantaged business concerns, those small businesses that are owned and controlled by minorities or women, is forcing me to introduce legislation today mandating that every year, at least 10 percent of all contract dollars be spent with such disadvantaged business concerns.

We should not have to legislatively mandate that the Postal Service give more than token consideration to minority and women owned businesses. The Postal Service, however, has resisted previous efforts to encourage, even cajole them into being more receptive to minority contractors. As part of the Federal Government, the Postal Service should be a positive role model for the Nation. Unfortunately, when it comes to providing equal opportunities for all, regardless of race or sex, the Postal Service exhibits, to put it mildly, a lack of commitment. I cite as an example the fact that nearly half, 49.7 percent, of all EEO cases filed with the EEOC by Federal employees are filed by Postal Service employees. And believe me, my colleagues, I am seeking legislative means of changing this sad state of affairs also.

The legislation that I introduce today will bring the Postal Service in line with existing Federal policy. Section 8(a) of the Small Business Act authorizes Federal programs that encourage and assist small minority businesses in contracting with the Federal Government. Recent court cases, including a landmark case before the Supreme Court, considered the provisions of section 8(a) and the procedures and constitutionality of this statute were upheld.

The legislation that I introduce today will not result in additional costs to the taxpayers nor postage rate payers. This measure stipulates that in every fiscal year, the Postal Service is required to set goals for contracting with disadvantaged business concerns. These goals cannot be lower than 10 percent, nor can actual contract dollars spent with disadvantaged business concerns drop below 10 percent without sanctions being imposed on the Postal Service. For women owned and controlled businesses, the goals and actual dollar amount must be at least 5 percent each fiscal year. I want to make clear that this bill does not represent a limit on the extent to which the Postal Service may contract with disadvantaged business concerns. Quite the contrary. We have set a minimum standard with which the Postal Service must at least comply. To accomplish this, the Postal Service must reevaluate its policies, and change them where necessary, so that they are more conducive to minority businesses and encourage minority participation. I suggest the Postal Service start by removing some of the many procedural roadblocks to contracting with the Postal Service and launch serious efforts to solicit minority business participation.

Finally, this bill is comprehensive, covering all aspects of contracting with disadvantaged business concerns, including solicitation of bids and proposals, the responsibility of prime and subcontractors, the use of inventions, patents and licenses, research and development, payment to the covered businesses, penalties for misrepresentation of minority or small business status and a required annual report to Congress on compliance with the statute. To see that the legislation is carried out to its fullest, the bill also contains a provision that creates an Office of Small and Disadvantaged Business Utilization.

It is time the Postal Service joined the rest of the Federal Government in working to assist and encourage the growth of small, minority and women owned and controlled businesses. It is good public policy and helps the businesses involved, the economy and the Postal Service. I encourage my colleagues to support this measure.

A NATIONAL NETWORK OF FREE COMMUNITY PHONES

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. WYDEN. Mr. Speaker, 2 months ago the Pacific Northwest Bell Telephone Co. kicked-off a unique program to help the needy. It's called the Community Connection, and consists of free telephones for local service at 14 centers around Oregon. Located at senior citizen centers, community centers, public assistance offices, and the like, these free phones have already been hailed as a ringing success.

The program is the result of a proposal I made last summer, when I asked Pacific Northwest Bell to consider how much good such a network of free local service could do those without jobs, homes, or simply the financial wherewithal to afford their own phone.

The community phones are already being used heavily, particularly by Oregonians seeking jobs. The service, paid for by the company's shareholders, is relatively low cost: about $1,600 per location annually. For this modest sum, an immeasurable amount of good can be done. About 65,000 Oregonians, and 7 million people nationwide, are without residential phone service. About 650,000 of those homes are headed by senior citizens, who face special problems when emergency medical help is more than a bedside call away.

This network of free phones can serve as a community lifeline, bringing people who need to check in with a sick relative, a potential employer, or a child's teacher into the 20th century. Today, I join the chairman of the Telecommunications Subcommittee, Mr. MARKEY, its ranking minority member, Mr. RINALDO, and Messrs. AUCOIN, DEFAZIO, DENNY SMITH, and ROBERT F. SMITH, in urging other local phone companies to follow the lead of Pacific Northwest Bell. We are calling on local phone companies nationwide to establish free community phones in their own areas in a true display of good corporate citizenship. Our hope is that someday all Americans, regardless of financial means, will have access to this vital utility.

I urge my colleagues to join us in support of this resolution.

THEIR STYLE OF DEMOCRACY

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SHUMWAY. Mr. Speaker, next week the Congress will once again consider whether the United States should provide humanitarian and military assistance to the democratic resistance in Nicaragua.

The leaders of the other Central American nations that signed the peace accord in Guatemala last August agree that the Sandinistas have failed to comply with its essential provisions concerning a general amnesty, a cease-fire or internal reconciliation.

In an editorial which appeared in yesterday's Washington Post, Jeane Kirkpatrick discusses the democratic reforms recently announced by the Sandinistas and the undemocratic practices which continue in Nicaragua. She also raises some interesting questions about the possibilities for any real and lasting democratic reform in Nicaragua in the absence of pressure from the Nicaragua resistance which brought the Sandinistas to the negotiating table. I commend this article to the attention of my colleagues.

[The article follows:]

[From the Washington Post, Jan. 25, 1988]

THEIR STYLE OF DEMOCRACY

(By Jeane Kirkpatrick)

The Central American peace accord signed in Guatemala last August was a plan, not just an expression of good intentions. It committed its signatories, the five presidents of Central America, to establish authentic democratic processes and carry out national reconciliation. A time frame for compliance was provided. Then time ran out.

When the presidents met in Costa Rica a week ago to examine the question of compliance, it was clear to all (except possibly Daniel Ortega) that Nicaragua had not fulfilled its promises. There has been no general amnesty, no cease-fire, no internal reconciliation. Controls over speech, press and assembly had been relaxed, but freedom in all domains remained sharply limited. Central America's presidents said as much. Now they said Nicaragua must either comply or give up the pretense, and must do so at a time when the U.S. Congress would be considering continued aid to the contras.

The pressure precipitated an interesting and often contradictory scramble in Nicaragua that has already produced new promises, new punitive actions and new proposals for peace talks. The Sandinista response—including its latest proposal Thursday for urgent talks with the contras—makes it clear the Nicaraguan government does not relish the choice with which it has been confronted.

The contradictory actions of the Sandinistas were reflected in last week's headlines. "Nicaragua Cancels State of Emergency," The Washington Post announced on Page 1 of its Jan. 17 edition. "Five More in Nicaraguan Opposition Are Arrested by the Security Policy," The New York Times said on the same page on the same day. Both headlines were accurate.

On the same day that Managua announced the lifting of a state of emergency, police arrested leaders of Nicaragua's democratic trade unions, private sector, independent press and democratic political parties. They were interrogated for some 36 hours and released.

This was not the first time opposition leaders were arrested at the same time the government sought to convince the world of its democratization. It also happened eight days after the signing of the accords, when the Nicaraguan government forcibly broke up a peaceful demonstration and arrested Lino Hernandez, director of the independent Permanent Commission on Human Rights, and Alberto Saborio, president of the Nicaraguan Bar Association. Both arrests were clearly designed to intimidate.

Now Hernandez, Saborio and 10 associates once again are victims of the Sandinista desire to proclaim freedom and control its use.

It is not the only contradiction. An amnesty was declared for 3,500 political prisoners providing they are accepted by the United States. While the state of emergency was lifted and the constitution restored, the official newspaper Barricada warned that the restoration of civil rights "should not be misinterpreted as a blank check for irresponsibility and subversion."

"They are telling us that this is their style of democracy," said La Prensa Director Violetta Chamorro, whose brother-in-law, La Prensa editor Jaime Chamorro, was arrested.

Is this "style of democracy" acceptable to the U.S. congressmen who have tied their support for aid to the contras to Nicaragua's compliance with the Central American accords? The vote is scheduled for the first week in February, and some Democratic leaders have indicated they will make an all-out effort to block further aid to the contras. They call their policy "a risk for peace."

But it is necessary to ask what is being risked.

The most recent Sandinista proposal for peace talks is clearly designed as a further measure to influence the U.S. Congress against providing additional aid. Still, Congress cannot avoid the fundamental questions—which are unchanged by the Sandinistas' latest overture.

Is there a chance for democracy in Nicaragua without continued pressure on these would-be totalitarians?

Is there a chance for peace in El Salvador while the Sandinista regime rules Nicaragua?

Is there a chance for economic development in Central America while the region is thus afflicted by repression, revolution and civil war?

Is there any good reason for Democrats who do not desire a Communist Central America to oppose aid to the contras?

But opponents of aid have a question of their own: Is it morally justifiable for those who believe in peace and democracy to support the use of force by Nicaraguans against the Nicaraguan government?

El Salvador's president, Jose Napoleon Duarte, provided the answer to this last question in a speech before the United Nations General Assembly:

"Force can only be acceptable," Duarte argued, "when there are no institutional processes available to open the political system, and then should only be used for the purpose of opening that system."

Supporters of democracy must agree. There still remain no institutional processes through which internal or external opposition to the Sandinistas can effectively participate in the country's political system. It is therefore up to Congress to help the rulers of Nicaragua understand that democracy is their only alternative.

CONTRA AID

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BATES. Mr. Speaker, the Reagan administration has not only abused its authority in providing lethal aid to the Contra rebels in Nicaragua, it has also ridiculed our commitment to the principles of international law as set out by the United Nations.

Let me quote from a statement which the U.S. Government supported through U.N. Resolution 2625, the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States:

> No state * * * has the right to intervene, directly or indirectly, * * * in the internal or external affairs of any other state.
>
> Every state has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another state.

The administration's Central American policy has clearly violated this declaration. I urge my colleagues to join me in opposing any further military assistance to the Contras, a true demonstration of our belief in the principles of international law.

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A BRIEF HISTORY OF CUMBERLAND COLLEGE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ROGERS. Mr. Speaker, during 1988, Cumberland College in Williamsburg, KY, will be celebrating its centennial. For 100 years Cumberland College, the College of the Mountains has maintained its founding mission: "To provide a quality liberal arts education within the means of mountain people."

The founders of Cumberland College include such men as Gen. Green Clay Smith, who was almost President of these United States, and R.C. Medaris, after whom novelist John Fox, Jr., modeled the character Sherd Rains in three of his novels.

On the Cumberland College campus a plaque honors four of the college's early supporters. In tribute to T.B. Mahan, James P. Mahan, Dr. Ancil Gatliff, and John W. Siler, the plaque makes the great understatement, "They builded better than they knew."

Early supporters of Cumberland College include John D. Rockefeller, Andrew Carnegie, Jay Gould, and William Jennings Bryan.

Cumberland College opened its doors as Williamsburg Institute on January 7, 1889, with 2 teachers and 199 students. Today, Cumberland College is still alive, well, and vibrant with over 2,100 students, faculty, and staff.

As Williamsburg Institute opened its doors for students that morning in 1889, Mr. John Wesley Siler, one of the college's first trustees, was present. He was there sponsoring, encouraging, and pushing forward four young men: A.J. Meadors, A.J. Parker, A.S. Petrey, and E.L. Stephens, all of whom were in the first graduating class in 1893. Siler said, "Go forward young men, this school will never die. We will pass on, but the college itself will live."

These founders did build a strong, lasting, influential educational institution. As of today, more than 10,000 graduates of Cumberland College have gone forth to serve as medical doctors, dentists, pharamacists, attorneys, business men and women, teachers, social workers, ministers and missionaries, and in many other capacities as they minister to the needs of others.

What is truly remarkable is that over 65 percent of Cumberland College's graduates return to the hills and hollows of Appalachia to serve their fellowman and to encourage their friends, neighbors, and families to seek an education in order to improve their lives and to lift themselves out of their poverty.

Cumberland College's alumni include two Governors of Kentucky, Edwin P. Morrow and Bert T. Combs; one U.S. Congressman, Eugene Siler, Sr.; the highest ranking naval officer ever to emerge from the State of Kentucky, Adm. William T. Blakely; and many other high ranking military officers.

Today, Cumberland College is like a bright, shining city set on a hill, illuminating the way for all who come truly seeking a quality liberal arts education. Cumberland College sits in the heart of Kentucky's Fifth Congressional District and serves primarily a 14-county area in the Kentucky mountains and three countries in the mountains of Tennessee. Some 75 percent of Cumberland College's students come from this area and over 90 percent of them must receive financial aid, yet, in keeping with its mission, during its first 100 years, Cumberland College has never refused a student because he or she lacked funds. Cumberland College is an island of hope in a sea of despair.

The past is but a prologue; the best is yet to be.

There always have been those few who dreamed the impossible dream and were willing to sacrifice everything to bring it to pass; so shall it continue to be.

In the words of the immortal Daniel Webster:

> If we work upon marble, it will perish. If we work upon brass, time will efface it. If we rear temples, they will crumble to dust. But if we work upon men's immortal minds, if we imbue them with high principles, with the just fear of God and love of their fellow men, we engrave on those tablets something which no time can efface, and which will brighten to all eternity.

Cumberland College is the bright, shining city set on a hill that is now celebrating its 100th year of providing a quality liberal arts education and is planning for another 100 years of educational service to students from the mountains of Appalachia, from across the Nation, and from around the world.

Cumberland College will continue in its mission to its constituents, for in the words of poet Robert Frost, Cumberland College has "* * * promises to keep and miles to go before it sleeps."

In planning for the future, Cumberland College has made a series of promises to its constituents: (1) To offer a first-class educational opportunity within the means of mountain people; (2) To provide an atmosphere which fosters distinctive spiritual growth; (3) To aid in developing socially responsible citizens; (4) To urge each student to endeavor to reach full potential; (5) To make available opportunities for self-help through work study; (6) To cultivate an appreciation for physical and mental health; and (7) To help uplift this low-income area through Appalachian outreach programs.

The good that Cumberland College does for the mountain area can be seen in the following comparison. Nationwide, we are told, there is a ratio of about 1 medical doctor for every 1,700 people, and in this area there is a ratio of about 1 medical doctor for every 5,000 to 7,000 people. Most of the area's medical doctors are Cumberland College alumni. Cumberland College continues striving to better the health and the health services of Appalachia.

While Cumberland College maintains an enrollment of around 1,900 students, size is not what counts. What matters is Cumberland's caring concerns and demanding expectations for the students from the hills and hollows, the mining camps, and the isolated mountain areas.

I know that the Members of the House join with me in congratulating Cumberland College during its centennial celebration and in wishing Cumberland College the best of success as it enters its second century of service.

TRIBUTE TO DELORES HRYCYK—CITIZEN OF THE YEAR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I stand before you today to pay tribute to Mrs. Delores Hrycyk, of Pulaski, PA—a brave and determined woman who is being honored on January 30, 1988, as Citizen of the Year by the United Veterans Council.

Mrs. Hrycyk was one of the organizers of Solidarity USA and she led the fight for the restoration of medical and supplemental pension benefits for LTV retirees. These benefits had been concealed when LTV Steel filed for chapter 11 in July 1986. Her fight led her several times to Washington for important rallies. She also collected thousands of signatures in a petition campaign to reinstate the benefits. I have worked with her very closely and I am glad to count her as one of my friends. I have seen how tirelessly she works. I can also say that she has made a difference.

I know that Delores will continue fighting for the rights of LTV retirees. It is my privilege to be fighting beside her and I look forward to working with her again and I am thrilled that she is receiving this award. So, Mr. Speaker, it is with great pride and appreciation that I pay tribute to Mrs. Delores Hrycyk, an extraordinary woman and an exemplary citizen.

MARITIME UNION STANDS BEHIND IMPORT REDUCTIONS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. BENTLEY. Mr. Speaker, since my first election to Congress I have urged this body to work with the executive branch and to help bring about responsive legislation needed to reduce our trade imbalance. I am encouraged by the recent support offered by the International Longshoremen's Association [ILA] to the AFL–CIO commitment to restrict foreign imports.

The announcement of this support was made earlier this month in Atlantic City by ILA's President John M. Bowers to the New Jersey State AFL–CIO Legislative Conference on January 12, 1988. ILA's commitment to support import reductions will possibly cost some longshoremen jobs. I applaud their contribution to America's future because if we are not prepared to work together and pay the price necessary to reduce foreign imports in the United States, then the problem of an eroding industrial base will only continue to exist in America.

We need more individuals like ILA President Bowers and members of the maritime union who offer their support to reducing the trade imbalance. Illegal dumping by foreign countries continues to affect our domestic market.

In many instances, as a result of foreign imports, American workers are forced to sit idly while foreign producers are free to provide services to American consumers. A stronger domestic trading policy must be achieved in this country if we are to continue to be a first-class superpower.

Mr. Speaker, I insert at this time for the RECORD a copy of the formal remarks of ILA President John Bowers:

REMARKS OF JOHN BOWERS

(Opening salutations)

President Charlie Marciante; Secretary-Treasurer Edward Pulver; officers and members of the New Jersey State AFL–CIO, on behalf of my fellow officers and members of the International Longshoremen's Association, I am happy and privileged to extend warm fraternal greetings to my brothers and sisters of this great union body.

The ILA values its association with the New Jersey State AFL–CIO and we're equally proud that our Executive Vice President, Donald Carson, serves as a member on your Executive Board.

The ILA is thrilled to include and welcome the International Brotherhood of Teamsters back into the AFL–CIO family. I was in Florida in October when General President Jackie Presser told Lane Kirkland he wanted to come home again.

I think the Teamsters reaffiliation with the AFL–CIO is the greatest thing to happen in the labor movement in a long time.

Our union takes particular satisfaction with the Teamsters rejoining the AFL–CIO.

Donald Carson and I have been working closely with Jackie Presser and Teamster Vice President Walter Shea for close to three years now, trying to resolve jurisdictional problems we've had at several port areas around the country.

With the Teamsters back in the house of labor, these problems will be more easily solved.

This conference affords all unions an opportunity to salute the New Jersey State AFL–CIO as a leader among labor bodies because it consistently espouses an important trade union principle in its legislative efforts: protecting and promoting American union jobs.

The ILA is proud to reaffirm our affiliation with you and join you in this important mission.

Sometimes, however, the price for fighting for the principles of free trade unionism is steep.

Last year, the ILA paid an extremely high price for fighting for American jobs.

As a result of our members' refusal to handle Russian lumber that was produced at their slave labor camps in the early 1980s, the ILA was sued for $9 million.

We've exhausted all appeals and must pay the fine.

However, our members knew when they were protesting against the Russians that they were not just condemning the Soviet slave camps, but also protecting and preserving American jobs.

ILA members knew of the dangers of allowing slave labor products to come into our country. The result could be the elimination of millions of American union jobs.

In retrospect, their protest was a costly one but necessary to preserve standards of human dignity. I do not regret what our membership did.

When I was elected president of the ILA in July 1987, a television reporter asked me what the ILA's position on international trade was going to be.

I think the reporter expected me to say that the huge quantity of imports into the U.S. was good for ILA manhours. Perhaps he thought I'd say that one-way trade was better than nothing.

It's true my union makes a living by handling import cargo.

But the sad fact of life in today's world is that millions of American workers have lost their jobs, perhaps permanently, because of our trade policies.

The ILA wants what every union in America wants, I told the reporter. We don't appreciate foreign countries dumping their products—most produced by low paid or slave labor—in our markets while denying us access to theirs.

As I said earlier, the ILA values its affiliation with the AFL–CIO too much to allow our union to take a selfish position of indifference to the trade imbalance.

My union is ready to join the AFL–CIO to stop the endless flow of import cargo from coming into this country.

My membership does not mind tightening their collective belts to help more American union workers get their jobs back.

We demand fair trade. We don't believe in free trade.

Brothers and sisters of the New Jersey State AFL–CIO, we in the labor movement do not need to be the authors of trade legislation bills.

We should be the practitioners of a policy that has the better than 14 million members of the AFL–CIO thinking American products and buying American products.

Products produced by skilled union workers: Union suits; union shoes; union made computers. We should drive American made cars and encourage our family and friends to do likewise.

In other words, we don't need Congress to legislate something we can accomplish if we unite in purpose.

Let's put America back to work;
Say union yes.
Thank you very much.

WHAT HODEL DID NOT TELL

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. BOXER. Mr. Speaker, some months ago Secretary of the Interior Donald Hodel proposed one of the strangest ideas to come from this administration—breaching O'Shaughnessy Dam and draining the Hetch-Hetchy Valley. Unfortunately, the environmental fight over Hetch-Hetchy was lost in 1913. Unless and until an environmentally acceptable substitute is found to provide water and power to San Francisco and all the people Hetch-Hetchy serves, the proposal shouldn't even be considered because it will only cause needless fear and worry mixed with false hope.

The following editorial which ran in the San Francisco Chronicle on January 12 highlights important aspects of this matter.

I commend it to the attention of my colleagues:

WHAT HODEL DID NOT TELL

When Secretary of the Interior Donald Hodel proposed last year that the city's O'Shaughnessy Dam, the source of its drinking water, be razed to restore a second Yosemite Valley for public park use, we found it impossible to share his unquestioning enthusiasm. A lot of people, including some Southern California politicians, cheered the secretary on. San Fransicso's discomfiture is Downey's and Azusa's joy if the subject is water.

In San Francisco, however, there was no joy. Hetch Hetchy is lifeblood. Its destruction must be regarded seriously. So we decided the other day to chat with some of the people who run Hetch Hetchy. We have been astonished at what they say. Secretary Hodel talks grandly of restoring a new and awesome Yosemite Valley to public access. That valley is seven miles long and one to 1.8 miles wide, some 4,480 acres, all crowded, to boot.

The Hetch Hetchy people told us, however, that the area behind O'Shaughnessy Dam totals about 800 acres. It seems apparent that no new and grand Yosemite Valley sleeps beneath the waters but rather a mini-park which dwindles down to a width of a few hundred feet and is only about a mile long. Hardly room enough for another Camp Curry much less another Ahwanee. Or their parking lots.

All of this should be interesting to San Franciscans, we believe. Some say that replacing O'Shaughnessy Dam with another water source (which might mean building another high dam) would cost something more than $1.5 billion. This brings Don Hodel's mountain fantasy to a cost of something more than $1.875 million per acre. The price seems a little high for a comparatively small valley that has been under water for so long.

Maybe it's worth it for a unique reason: unquestionably Hetch Hetchy Canyon would offer visitors the sight of the biggest bath tub ring ever created by man.

COX CABLE HAMPTON ROADS HONORED

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. PICKETT. Mr. Speaker, too often we take for granted the good public service work performed by many cable television companies. So today, I want to tell my colleagues something about one of eastern Virginia's leading cable companies, Cox Cable Hampton Roads. In 1987, Cox marked another year of service to more than 150,000 households in Hampton Roads, making it the 14th largest cable system in the Nation.

One of the fundamental principles on which the deregulation of the cable television industry went forward is that of responsible public programming. Cox carefully and energetically fulfilled that mission in 1987 as in past years. Typical of the system's accomplishments this year was the creation of the Cox Naval Affairs Project [C–NAP], which is broadcast by Cox over its systems in Hampton Roads, Pensacola, and San Diego. The C–NAP project provides Navy families in my district, and in other cities served by Cox where there is a major naval facility, with important information about naval matters that affect their lives. It has

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been enthusiastically received and fills a genuine need for these families.

Cox Cable Hampton Roads has been honored for its production entitled "Liberty, Sail of the America's," which is a spectacular documentary of the tall sailing ships entering the port at Norfolk. It has also broadcast numerous public-interest documentaries, including one on drunken driving and another on local neighborhood watch programs.

Mr. Speaker, with this kind of sensitivity and response to community needs, it is little wonder that Cox Cable Hampton Roads won more than 30 service awards last year. It is an example for other cable television companies to follow, and I commend it for a job well done.

TAIWAN PRESIDENT CHIANG CHING-KUO REMEMBERED

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. KLECZKA. Mr. Speaker, Taiwan's distinguished President Chiang Ching-kuo, whom I had the honor to meet during my trip to that country a year ago, died on January 13, 1988. Almost immediately, Vice President Lee Teng-hui was sworn in as President, making him the first native-born Taiwanese to become President since 1949, when the Nationalists moved to Taiwan.

Mr. Lee's ascension to the Presidency in this country of 19 million people is an eloquent testimony to the legacy left by President Chiang. During his tenure as President, Chiang tried his very best to integrate native Taiwanese into a government that has been controlled by mainlanders since 1949. To ensure that on one in his own family would succeed him as leader on Taiwan, Chiang—himself a mainlander—worked tirelessly and effectively to prepare Vice President Lee as his constitutional successor.

The Chinese people, mainlanders and Taiwanese alike, will surely miss their late president. Like them, I, too, will remember him as a man who devoted his public leadership to the honorable goal of bringing the mainlanders and the Taiwanese together.

A LIVING CONSTITUTION

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. WHEAT. Mr. Speaker, in celebration of the 200th anniversary of the Constitution of the United States, the Black Archives of Mid-America, Inc., is sponsoring a program in Kansas City, MO, which might be of interest to a number of my colleagues. The program will be held during Black History Month, February of this year, and its focus will be on the intellectual origins and evolution of the Constitution.

The centerpiece of the Black Archives' program will be a symposium of lectures and group discussions entitled "The Constitution and You" involving a number of distinguished speakers. The symposium will be attended by high school students as well as teachers, school administrators, and college students from the Kansas City metropolitan area. It will also be broadcast via satellite to a number of other schools throughout the State of Missouri. I am pleased to have accepted an invitation to participate in this noteworthy event. Mr. Speaker, as I look forward to the commencement of these proceedings, I would like to share with my colleagues some of my thoughts on this truly remarkable document, the Constitution of the United States.

September 17, 1987, marked the 200th anniversary of the signing of the Constitution of the United States. Over 11 years elapsed between the signing of the Declaration of Independence on July 4, 1776, and the signing of our present Constitution on September 17, 1787. Clearly, the seed of liberty takes time to take hold and to grow. But the years it took to produce this Constitution provided the time necessary to build a durable foundation for our Nation.

This historic document is one of the oldest blueprints for a system of government still in force in the world today. Though there are many older nations in the world, there is none that has sustained such a remarkable expansion of individual rights and freedoms as we have had in the United States. If the American spirit of rugged individualism is the fuel for our continuing growth and success, the American Constitution is the vehicle that has allowed that individualist spirit to move our society forward in an orderly way.

However, the process of drafting a Constitution for our Nation was anything but orderly. Debate amongst our Founding Fathers was sparked by philosophical tension and resolved by political compromise. The framers of our Constitution brought stongly held beliefs about the nature of government and individual rights to the Constitution Convention, and those beliefs often clashed head-on with each other.

After all, the framers did not magically create the Constitution out of nothing. They did not pull a rabbit out of a hat. Constitution-making did not begin at Philadelphia. Today, the Constitution is considered old, but it was modeled after numerous other documents that preceded it.

One of those sources is the British Constitution, which is not a constitution drawn on paper, but a set of customs, practices, precepts, and documents that together are considered the British Constitution. Our Constitution is also drawn from the charters of the original colonies. The charters were not constitutions by name, but they had the same purpose—to set out the fundamental terms by which that colony would be governed.

Finally, our Constitution is drawn from a rich history of political theory. The framers were well-versed in the writings of famous political philosophers, and many were to become famous political philosophers themselves. John Adams, James Madison, Alexander Hamilton, and Benjamin Franklin each drew upon a great body of experience to assist in the crafting of our Constitution.

Each of these sources—the experiences in Britain, in the colonies, and in political theory—came together to form the basis of our Constitution.

Today, our Constitution guarantees "the Blessings of Liberty to ourselves and our Posterity", stating the tenet most basic to our representative government. It guarantees that no majority, however strong or vocal, may unjustly deprive the minority of its basic rights and freedoms and ensures that all public officials and the laws they enact will be subject to the approval of the people.

Indeed, in his first inaugural address, President Abraham Lincoln said that "If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution". The Bill of Rights builds upon this foundation by guaranteeing specific rights, such as freedom of speech and religion, the right to due process and protection from unreasonable searches, detainments, or punishments.

As we celebrate the bicentennial of this document, we cannot help but note its original exclusion of groups of Americans. Many people believe that the words "All men are created equal" flow from the Constitution, but they do not. They are from the Declaration of Independence, a document born 11 years before the Constitution. And the simple truth of those words—that all men are indeed created equal—did not get fully translated into the Constitution.

The Constitution begins with the words "We, the people of the United States." But, as a female suffragist declared in 1853, "Which 'We the people'? The women were not included."

Not just women, but blacks, too, were excluded. Blacks, who were slaves at the time, were in effect treated as property, not as human beings. They were viewed as somehow less than human. In fact, they were viewed as exactly "3/5" human.

Now that may sound cruel and unrealistic today, but it was actually part of the Constitution drafted by the Founding Fathers. When the Great Compromise provided for proportionate representation in the House, the next logical question became how to count the slaves. Were they to be considered people or property?

On this point, the States were divided into Northern and Southern factions because of the large number of slaves in the South. If they were counted, Southern States would get several more representatives in the House, even though the slaves could not vote and had virtually no legal—or human—rights.

The compromise reached between the delegates came to be know as the "Three-Fifths Clause" of the Constitution. Article 1, section 2, clause 3 of the Constitution provided that Members of the House of Representatives would be apportioned among the States according to the number of all "free persons" as well as "three-fifths of all other persons". Those "other persons" were black slaves.

Even James Madison, who understood and generally opposed the institution of slavery, defended the 3/5 clause as a reasonable compromise that roughly reflected the legal status of a slave: a human for certain purposes, and chattel for others.

In the famous Federalist paper No. 54, Madison elaborated on this point when he wrote the following of slaves: The true state of the case is that they partake of both these qualities: being considered by our laws, in some respects, as persons, and in other respects as property. In being compelled to labor, not for himself, but for a master; in being vendible by one master to another master; and in being subject at all times to be restrained in his liberty, and chastised in his body, by the capricious will of another; the slave may appear to be degraded from the human rank, and classed with those irrational animals which fall under the legal denomination of property.

In being protected, on the other hand, in his life and in his limbs, against the violence of all others, even the master of his labor and his liberty; and in being punishable himself for all violence committed against others; the slave is no less evidently regarded by the law as a member of society, not as a part of the irrational creation; as a moral person, not as a mere article of property.

The Federal Constitution, therefore, decides with great propriety on the case of our slaves, when it views them in the mixed character of persons and of property. This is in fact their true character. It is the character bestowed on them by the laws under which they live; and it will not be denied, that these are the proper criterion.

Southerners wanted blacks counted for purposes of representation in Congress—not for black representation, but for Southern representation in Congress. On the other hand, they did not want slaves counted for tax purposes. If States had to pay taxes to the Federal Government based upon their population—the more people, the more taxes—then Southerners did not want slaves counted as people. As it turned out, the 3/5 clause ended up basing both representation and the amount of taxes a State paid to the Federal Government on the 3/5 formula.

The 3/5 compromise gave Southern States additional political weight in Congress and angered New Englanders and others in the North. It revived old arguments that if Virginia could count its slaves, then Massachusetts should be able to count its cattle. Such was the status of black people under the original Constitution.

However, even in making the political compromises of their era, the framers of the Constitution had the vision to create a document that would transcend the prejudices of their times. As social views about the roles of blacks, women, and other groups have advanced, it has been possible to incorporate these views into the Constitution, reaffirming and expanding upon its basic principles.

For example, the 13th, 14th, and 15th amendments to the Constitution—the "Civil War Amendments"—extended protection of basic civil rights to all Americans. The 13th abolished slavery; the 14th prohibited States from denying to any person due process of law or equal protection of the laws; and the 15th protected voting rights against governmentally imposed racial discrimination.

Of the 14th amendment, which guaranteed due process and equal protection under the law, Justice Oliver Wendell Holmes said it "was adopted with a view to the protection of the colored race, but has been found to be equally important in its application to the rights of all." Indeed, the 14th amendment has been invoked not only to protect the rights of blacks, but to forbid the denial of equal rights to any citizen.

The 19th amendment corrected another glaring injustice in the original Constitution by giving women the same basic right that had been denied to blacks—the right to vote.

Keeping pace with the times * * * evolving with the changing nature of our existence * * * this is the key to the strength and longevity of our Constitution.

If we are to ensure that these ideals remain alive for another century, we must be willing to continue to make the necessary additions to the Constitution to supplement its commitment to the ideals of personal liberty.

Despite numerous political crises and dramatic social and technological change, the Constitution is as visionary today as it was over two centuries ago. Even now, the ideals behind the Constitution are considered by many to be bold and even radical. In a way, our revolution is still new, still growing, still receptive to change.

Thomas Jefferson once wrote, "I am not an advocate for frequent changes in laws and Constitutions. But laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manner and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors."

It is precisely the flexibility of our Constitution that has allowed it to weather change and made it such a successful and emulated framework for democratic government. Certainly its bicentennial is a time for praise end reflection. But more importantly, we must renew our commitment to advancing our ideals of freedom and liberty. This is the true spirit of our remarkable, living Constitution.

CELEBRATING THE RELEASE OF ALEXANDER PARITSKY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MAVROULES. Mr. Speaker, I would like to take this opportunity to rejoice in the release of a long-suffering Soviet refusenik, Dr. Alexander Paritsky.

Dr. Paritsky rose above his oppression and his oppressors; his courage and determination never wavered. His release gives the world hope that the injustice and persecution will soon end, and that fundamental liberties and freedoms will soon be granted to Soviet Jews.

Dr. Paritsky's struggle mirrors that of thousands of Soviet Jews. In our efforts on their behalf we must never compromise; we must never forget; we must never rest.

Welcome to freedom, Dr. and Mrs. Paritsky.

TRIBUTE TO MS. THELMA PUISYS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. DYMALLY. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Ms. Thelma Puisys, a Bellflower resident whose invaluable contributions have touched the lives of many disadvantaged citizens in the Bellflower community.

Thelma Puisys, along with support from family and friends, has administered a Holiday Food Basket Program for over 25 years in the Bellflower community. At a recent city council meeting, she announced that at age 85 she is sorrowfully retiring from administering the program.

Originally pioneered by the Bellflower Coordinating Council, Thelma Puisys faithfully served as a volunteer on the Food Basket project for 12 years until the club was disbanded in 1974. At that time, Ms. Puisys, solely inherited the program.

In the beginning, the only outside funding she received was a modest contribution from the Salvation Army. When the donation was exhausted, it was not uncommon for Thelma to use personal funds to assist those seeking help.

However, after 13 years, the Holiday Food Basket Program gained full community support and now serves nearly 155 clients through donations of food and toys from local businesses, service organizations, and individual contributions.

Among the organizations which donate to the program are the Bellflower Kiwanis Club, the Bellflower High School Key Club, the Soroptimist Club, the Bellflower Women's Club, the Rancho Los Cerritos Board of Realtors, and the Salvation Army. Additionally, 50 handmade rag dolls are donated annually to the project by inmates of the Los Angeles County Sybil Brand Institute.

Born one of six children in Cushing, OK, Thelma early on learned concern for her fellowman. When she moved to Bellflower 31 years ago she brought that concern with her. "I love people. This gives me a lot of pleasure, and the best return on my investment is to see those who have once been helped, help those who are in need," she said.

Thelma's efforts have not gone unrecognized. In 1985 Cerritos Community College voted Thelma "Woman of the Year," Bellflower Rotary nominated her as "Senior of the Year" and the Bellflower City Council has honored Thelma at numerous meetings for her dedicated service to the Bellflower community.

Bellflower Mayor M.G. "Mike" Brassard has described Thelma as "a model citizen" and "one who we'd all like to be more like." "The Thelma Puisys of the world are what makes America great," says Mayor Brassard.

In addition to the Food Basket Program, Thelma served on the Bellflower Traffic and Safety Commission for 21 years. She also vol-

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unteered 20 years of service to the Los Angeles County Sheriff's Department—Lakewood Station. Ten years were dedicated as a board member for the Little House Women's Alcohol Recovery Home, and over 12 years she faithfully served as a chamber ambassador.

Thelma's contributions to the city of Bellflower are unending. She is a past president of the Bellflower Soroptimist Club, the Bellflower Woman's Club, the Board of Realtors, the Bellflower Art Association. Also, she is a board member of the Salvation Army and the Fleet Reserve Auxiliary No. 196.

It gives me great pleasure today to join Mayor M.G. "Mike" Brassard and the entire Bellflower Community to take this opportunity to honor Thelma for her outstanding contributions to the city of Bellflower and the people of California.

TRIBUTE TO ASSEMBLYMAN LLOYD G. CONNELLY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a most distinguished member of the Sacramento community, Assemblyman Lloyd G. Connelly, on his acceptance of the City of Hope's 1988, Spirit of Life award. It is an honor to salute such a dedicated and deserving individual.

Lloyd's record of service to the Sacramento community is outstanding. Upon graduating from the California State University, Sacramento, Lloyd went on to earn his law degree from the McGeorge School of Law. He began work at the Legal Center for the Elderly and Disabled before opening the law practice of Olson, Connelly, and Hagel.

It is in the field of public service that Lloyd has most truly distinguished himself. During his tenure in the State legislature, Lloyd has led the way in public policy development. He has been the primary mover behind some of California's most important toxic waste laws, and has been a leading author of consumer, aging and insurance reform legislation. Lloyd's committee assignments reflect his dedication to the people of Sacramento. He serves as the chairman of the assembly's Committee on Aging and Long-Term Care and the Judiciary's Subcommittee on the Administration of Justice. Furthermore, Lloyd sits on the Environmental Safety and Toxic Materials Committee.

Throughout his career, Lloyd has earned the respect and praise of the entire community. During his freshman term in the legislature, he was named Assembly "Rookie of the Year" by the California Journal. The journal further recognized him as one of the best prepared lawmakers in the lower house and one of its hardest workers. In 1985, Lloyd was honored by the Planning and Conservation League as "Legislator of the Year" for his work in the environment. Also, Common Cause awarded him the National Public Service Award in 1986, for his record as a defender of the rights of citizens to participate in government and as a sponsor of campaign finance legislation.

Mr. Speaker, on behalf of the people of Sacramento and the State of California, I want to congratulate Lloyd on a truly outstanding job. His dedication to the community is most admirable and I thank him for his tireless efforts. I wish Lloyd luck in all his future undertakings and I know that he will continue to provide Sacramento with his fine service and devotion.

JOSÉ MARTÍ: A GREAT PATRIOT

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. PEPPER. Mr. Speaker, January 28 is the 135th anniversary of the birthday of a great patriot of the Americas, José Martí. He was a revolutionary, a statesman, a philosopher and writer.

Born in Havana in 1853, Martí devoted his life to the struggle to establish a democratic Cuba. At the age of 17 he was exiled to Spain for his opposition to colonial rule. He published a pamphlet, based on his personal experiences, that exposed the horrors of political imprisonment. Then, after graduating from the University of Saragossa, he moved to Mexico City to begin his literary career. After returning to Cuba under a general amnesty in 1878, he joined in the opposition to the Spanish Government and once again was forced into exile. This time he moved to New York where he lived off and on until 1895. He returned to Cuba to join the war for independence that he helped to organize. Unfortunately, he died in one of the first battles.

Martí moved often in his lifetime from Mexico to Guatemala to Venezuela as he searched for political freedom, finding it finally as a New York-based correspondent for Latin American newspapers. "I am, at last, in a country where everyone looks like his own master," he wrote. "One can breathe freely, freedom being here the foundation, the shield, the essence of life."

Martí expressed—and continues to represent—the true aspirations of the Cuban people for liberty and justice. "I want the first law of our republic to be the reverence of Cubans for the total dignity of man," he wrote. His philosophy lives on in the hearts of Cubans. "A nation is made of the rights and opinions of all its children," he wrote, "and not the rights and opinions of a single class."

I urge my colleagues who want to understand the Cuban people to begin with a study of José Martí. An excellent start would be Carlos Ripoll's "José Martí, the United States, and the Marxist Interpretation of Cuban History," which explores the meaning of this visionary's thoughts.

A TRIBUTE TO SINGER EQUIPMENT CO.

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Singer Equipment Co. of Reading, PA. Singer Equipment was recently recognized as the 1987 "Dealer of the Year" by Foodservice Equipment and Supplies Specialist magazine. This award marks the first time that this national honor has been received by a company based outside a major metropolitan area.

In the Reading area, we have long been familiar with Singer's outstanding achievements in the foodservice equipment and supplies field. First founded in 1918 by Frederick Singer, the company has prospered over the past 70 years. Under the current leadership of Henry Singer, Singer Equipment has grown to employ over 100 people and to maintain average annual sales volumes of over $14 million. As former president of the Foodservice Equipment Distributors Association, Henry Singer's many accomplishments are widely recognized throughout the industry. He is ably assisted at Singer Equipment by Secretary-Treasurer Bernie Singer, Vice President of Finance Anita Reuben, Vice President of Operations/Purchasing John Vozzo and Vice President of Key Accounts Jesse Brown. Through their dedication and commitment, Singer Equipment has expanded into one of the Nation's most-respected foodservice equipment and supply firms.

Singer Equipment has recently moved to a new facility where its tradition of excellence and unparalleled service is certain to continue. Singer's selection as "dealer of the year" is testament to this fine tradition. I congratulate Henry Singer and all of Singer's officers and employees on this well-deserved honor. I know that my colleagues will join me in recognizing Singer Equipment and in wishing all of its employees continued success and good fortune in the years to come.

TRIBUTE TO JAMES E. HOULIHAN, JR.

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ATKINS. Mr. Speaker, I rise today to pay tribute to Dr. James E. Houlihan, Jr., who is retiring after 18 years as president of Middlesex Community College.

When Middlesex Community College first opened its doors in the fall of 1970, it enrolled 573 students in 11 academic programs. The campus, at that time, consisted of two leased facilities on the grounds of the old Veterans Administration Hospital in Bedford, MA. Few could have dreamed that it would expand into the thriving institution it has become today. But President Houlihan dreamed it, and he did it.

Under the guidance of President Houlihan, enrollment has grown to 2,800 students in the day division, and over 12,000 students at night. Middlesex now offers 40 academic programs, and continues to provide the continuing education and community service classes that it pioneered, and for which it is still renowned. The college owns a 200-acre campus site on the Bedford-Billerica border, and has branched out to establish sites in Burlington and Lowell. And, just last November, Middlesex received its third accreditation from the New England Association of Schools and Colleges, guaranteeing that it will continue to provide educational excellence.

As Middlesex Community College's one and only president, James Houlihan must receive the lion's share of the credit for this remarkable growth. President Houlihan came to Middlesex from Quinsigamond Community Collage in Worcester, MA, where he was a dean as well as chairman of the Humanities Department and professor of Music. He holds a bachelor's degree in philosophy and music from Harvard College, a master's degree in teaching from the Harvard Graduate School of Education, and a Doctorate in music and administration of higher education from Boston University. Throughout his lifetime and his career, President Houlihan has stood for excellence—both in education and in administration. The success of Middlesex Community College is a direct tribute to his hard work and abilities.

President Houlihan's accomplishments have been of value not only to Middlesex Community College, but to the entire Commonwealth of Massachusetts. If, as it is said, the direction in which education starts a man will determine his future life, then President James E. Houlihan, Jr. has left quite a legacy of opportunity and direction for thousands of young men and women. I join his friends and colleagues in congratulating him on his well earned retirement, and in wishing him well in his future endeavors.

IN HONOR OF DR. DAVID E. FARKAS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to a friend and fine community leader, Dr. David E. Farkas as he is honored by the Los Angeles Hebrew High School at a gala dinner dance on Sunday, January 31, 1988. Los Angeles Hebrew High School is one of the largest Jewish afternoon high schools in the country. It was founded in 1950 and has provided a meaningful secondary Jewish education to thousands of students at nine branches throughout the Los Angeles area.

David Farkas has always maintained a deep commitment to quality Jewish education through his active involvement and financial support of all levels from nursery school to university.

Most especially, he has devoted himself to L.A. Hebrew High. During his teen years he studied and graduated from Beverly Hills High School and the Los Angeles Hebrew High School, as did his brothers and sisters. For the past 16 years he has served the school in many leadership positions and currently serves on the board of directors as president-elect and scholarship chair. His oldest son, Joel, a 1985 Hebrew High graduate, will be followed by Jordan, class of 1988, and Liat, entering in September 1988.

Dr. Farkas attended USC where he earned both his undergraduate and dental degrees. He also spent a year at the Hayim Greenberg Institute in Jerusalem and in 1966 received an A.H.L. degree from the University of Judaism.

David Farkas and his family have been active members of Adat Ari El for many years. He has served on the board of the temple and on the board of Heschel Day School, where he was a founding parent. I have personally known and liked David and his brother, Danny, very much since our days together as high school classmates.

In 1976, Dr. Farkas was the recipient of the American Friends of Hebrew University Torch of Learning Award, recognizing his efforts on behalf of Hebrew University and his concern for quality Jewish education.

Dr. Farkas has been a leader in professional associations, including the San Fernando Valley Dental Society, Alpha Omega Dental Fraternity and Sun Valley Chamber of Commerce. David also is a member of the Prime Minister's Club of the State of Israel Bonds, Patrons Society of the University of Judaism, Society of Founders of Hebrew University and its School of Dentistry, and the Young Leadership Cabinet of the United Jewish Appeal.

It is with great pleasure that I ask my colleagues in the U.S. House of Representatives to join me in saluting this fine American.

THE TRAGEDY OF TAWANA BRAWLEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. RANGEL. Mr. Speaker, as we approach the turn of the century, I am saddened, disgusted, and outraged that oppression can continually be permitted to flourish in this Nation. On November 24, 15-year-old Tawana Brawley was brutally abducted and raped by a gang of white men in Dutchess County, NY.

The horror of this teenager's ordeal almost extends beyond the limits of the imagination. Tawana, an honor student, and cheerleader, was repeatedly raped and sodomized for 3 days. Her abductors, then, left her wrapped in a garbage bag with "nigger", "KKK", and their excrement plastered on her body.

Miss Brawley's nightmare was prolonged, however, with the defective medical and police care she subsequently received. This young black girl was only treated for trauma and exposure; she did not receive treatment for her internal injuries or health care routinely provided for rape victims. Moreover, the Dutchess County police has been accused of attempting to discredit Tawana because of the fear of local white backlash.

In the face of this tragedy, I can only offer my praises to the black community that has rallied around its wounded child. Although sympathy from the surrounding white community has been virtually nonexistent, the NAACP and other black leaders have offered their support to Tawana and her family. A protest march was recently held in response to this attack.

As black Americans, we know all too well the destructive pervasiveness of the racism that spurred this attack. The history of our existence in this Nation is lined with beatings, lynchings, and rapes that, unfortunately, have given us the experience to know that Tawana Brawley will not completely recover from this attack. Although she may physically heal, the mental scars will never disappear.

We blacks know that the justice and medical systems have often worked against us. In the past, some public servants have refused to provide us with the same humane assistance that is afforded our white counterparts. It is unforgettable that we, the victims of racism, have often been blamed for our ill treatment.

Tawana's attack must also be understood in light of what it means to be female as well as black in a frequently hostile society. Rape is not a sexual act, but one of aggression. For centuries, men have used violence against women as an instrument of conquest. Akin to their land and jewels, women are often perversely seen as property and, thus, open game in times of war.

Compounded with racism, rape has even greater historical consequence for black women in the United States. Dating back to slavery, white males, motivated by racism, used the open rape of black women to exert domination over black men. The condition of enslavement left black men powerless to aid their women. Later, black men were largely denied access to the political and economic institutions in the country that could ensure appropriate prosecution of such rapists. It is not surprising, therefore, that these six men chose the rape of this particular child as a reaffirmative of white domination. The racial slurs left on Tawana's body are a testament to this motivation.

Now that ugliness of Tawana Brawley's ordeal is before us, every Member of this Congress and every citizen of this Nation must work to stamp out the oppression that has marred her. The media has afforded this attack an amazingly small dose of coverage. Isn't lack of action secretly condoning the situation?

So many of us can remember powerful, multiracial coalitions formed in this country to topple the pernicious influence of institutionalized and legally sanctioned racism. With this spirit, we cannot afford to be complacent and just say Tawana Brawley's attack was horrible and forget it. Instead, we must fight for our rights, our children, and our community by not allowing our fellow citizens to readopt precivil rights era attitudes based on intolerance and ignorance. The time is ripe for every American to let the world know that we will not stand for the needless sacrifice of another of our children to the clutches of evil.

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A BILL TO AMEND RULE XXI OF THE RULES OF THE HOUSE

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. CAMPBELL. Mr. Speaker, if your congressional district is at all like mine, you are hearing from your constituents, reading newspaper editorials, et cetera—people wondering what is going on with Congress. I am proud of this institution, and am proud to be a Member. I want our fellow citizens to be just as proud of their Congress.

The public seems to be concerned, rightly or wrongly, that Congress often plays games with important legislation. I am proposing a rule change to limit those sensitive and controversial situations in which unrelated matters of legislation are added to issue-specific legislation, for whatever reason. Those situations are not frequent, but when they occur, the discomfort and suspicions of the public are heard. We need to polish up, if not restore, the public image of Congress, to boost the public's confidence in the honorable processes of this institution. My bill is intended to help do these things.

The bill I am introducing would change the rules of the House regarding consideration of legislation. What I propose is already the rule or the law for a majority of our State legislatures. My proposal would amend rule XXI of the Rules of the House by adding the following language:

> 8. No bill shall be considered in the House if it contains more than one subject.

Beyond the important imagery, it just makes sense, as most States realize, for legislators to be able to make their decisions on a piece of legislation based upon the primary purpose for its introduction, the subject to which it primarily addresses. This bill is not intended to do anything to disturb the rights and duties of authorizing and appropriating committees in their legitimate exercise of those rights and duties, nor change budgetary law.

Please join me in this one small effort to enhance the confidence and pride in Congress and to provide for greater certainty in what legislation can or should contain. If you wish to cosponsor, please contact me or Ken Lane of my office at 225-4761.

SEAN MACBRIDE: A MAN OF JUSTICE, A MAN OF PEACE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. DOWNEY of New York. Mr. Speaker, Ireland and the world have lost a great man, Sean MacBride. Many Members had the happy opportunity to meet him and discuss Irish affairs and the nuclear arms race and we are saddened to think that no longer will we enjoy the benefit of his great vision and passion.

Following Sean MacBride's life takes us on a tour of the landmarks of 20th century history. He grew up in the heady atmosphere of the Irish Renaissance and very early joined the battle against English rule over Ireland. He rose to become chief of staff of the Irish Republican Army.

In the newly independent Ireland he led an active political life, eventually establishing a new political party, the Republican Party, which was instrumental in ending the long rule of Eamon De Valera's Fianna Fail Party in 1948. He served as Foreign Minister from 1948 to 1951.

Like many great Irishmen before him, Sean MacBride occupied the international stage with confidence and eloquence. He was a strong advocate of a united Europe. He was one of the first presidents of the Council of Foreign Ministers of the Council of Europe. He was also a vice president of the Organization for European Economic Cooperation.

Sean MacBride's breadth of vision was evident in his work at the United Nations where he served as an Assistant Secretary General. Those of us who have worked to end apartheid owe a great debt to his work as United Nations' Commissioner for Namibia.

In 1974, his career seemed to reach a peak when he received the Nobel Peace Prize in recognition for his work on international human rights. Yet his restless spirit was not content and he continued his wide-ranging activities. Three years later, he was awarded the International Lenin Prize for Peace for his work on nuclear disarmament.

Near the end of his long and brilliant career, Sean MacBride turned his attention back to his native Ireland to engage himself in the troubled politics of Northern Ireland. He sponsored an antidiscrimination code for U.S. companies in the north. The MacBride principles, modeled on the Sullivan principles, are an important tool in the effort to protect the rights of Catholics in the north. In a sense, Sean MacBride returned to his roots, to the long struggle for Irish independence.

It seems to me, Mr. Speaker, that Sean MacBride's life exemplifies the injunction "if you wish peace, work for justice."

I know, Mr. Speaker, that my colleagues join me in sending condolences to his children and the people of Ireland. Truly, we have lost a great citizen of the world.

PERSONAL EXPLANATION

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BUECHNER. Mr. Speaker, I rise today to explain my absence for the quorum call on January 25, 1988. Due to congressional business, I was unable to respond.

TRIBUTE TO DANIEL LIPSKI

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MOODY. Mr. Speaker, I am privileged to honor Daniel Lipski on his retirement from the Milwaukee Fire Department after 44 years of dedicated service to his community.

Dan joined the department on March 16, 1944, and quickly advanced through the department ranks. In 1965 he was promoted to fire captain, in 1973 he was asked to serve as the 6th battalion chief and in 1985 he was promoted to deputy chief. At each level he demonstrated superb leadership and effective administrative skills.

He has assisted the Wisconsin State Crime Lab in the instruction of fire ground sketching in arson fires, as well as providing valuable assistance to the district attorneys office. In addition, he is registered as an instructor in mine rescue procedures by the Mine Safety and Health Administration, U.S. Department of Labor. He also has been registered with the U.S. Bureau of Mines in mine rescue procedures since 1964.

An excellent example of Dan's contribution is his effort to establish the mine rescue unit in Milwaukee. As a result of Dan's hard work, knowledge, and insight, this unit, which was the first in a large municipal fire department, is recognized as one of the finest in the country.

I join with the Milwaukee Fire Department, Dan's many friends, and the entire Milwaukee community in saluting his efforts and expressing our sincere appreciation for his many years of service.

THE 70TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE CELEBRATED IN THE LEHIGH VALLEY OF PENNSYLVANIA

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. RITTER. Mr. Speaker, I congratulate Lehigh Valley Americans and the Ukrainian Congress Committee of America for their constant vigilance and resolution to actively remember the hopeful days of Ukrainian independent 70 years ago.

Ukrainian independence from Russia was proclaimed by the democratically elected Ukrainian Central Council of Rada on January 22, 1918, in its Fourth Universal Decree. The decree asserted that, "from this day forward, the Ukrainian National Republic [UNR] is the independent, free, and sovereign state of the Ukrainian people." The Universal Decree noted, "the ancient dream of our forefathers" had come true. "People of Ukraine: by our own power, your will and your word, a free Ukrainian republic now exists in your land," it stated. The Ukrainian National Republic existed only 4 years before the Russian-Bolshevik armies invaded Ukraine and replaced the UNR with a Communist regime.

In the Lehigh Valley, the Ukrainian Congress Committee of America, in brotherhood with Ukrainians the world over is this week celebrating and commemorating Ukrainian independence. Lehigh Valley Ukrainian-Americans are witnesses to the tragedy and the potential of their homeland. Lehigh Valley citizens stand in solidarity with those trapped behind the Iron Curtain, denied the most basic human rights. It is the Ukrainian people in

America and many other nations who keep alive the Ukrainian heritage, language and values, always hopeful to see them once again flourish in their native land.

We have heard much about glasnost and the Intermediate Nuclear Forces [INF] Treaty. Mr. Gorbachev and many news reports are increasingly reflecting what has been called a new era in United States/U.S.S.R. relations. We are told that things may be changing in the Soviet Union, that the society is being opened, that people are being given more freedom. Yet, the Commission on Security and Cooperation in Europe, or Helsinki Commission, of which I am a ranking member, has uncovered a different picture.

At an October 22, 1987 Helsinki Commission hearing, Ukrainian activist Danylo Shumuk described the reality of life in the U.S.S.R. and Ukraine. Until his release last January, Mr. Shumuk was the longest-serving prisoner of conscience known. All totaled, he spent 37 years in Polish, German, and Soviet prisons and camps, and 5 years in exile. He says:

> The Soviet Union consists of various republics, each with its own language, culture and spirituality. But the existence of separate "independent" republics is only theoretically recognized. In reality, the U.S.S.R. is a Russian Communist empire with an authoritarian regime of government, which does not tolerate the slightest signs of a desire for independence, freedom, and democracy. For expressions of free thought, for strivings toward independence, the Russian Communist empire starved over 7 million people in Ukraine in 1933. Later approximately the same number of people perished in prisons and labor camps, some having been sentenced for possessing a handful of grain gleaned from the fields to save children from death by starvation.

On this the 70th anniversary of Ukrainian Independence I once again register my strongest protest to the Soviet authorities for their treatment of Ukrainians and all other peoples from captive nations. Self-determination is a God-given right that is being denied the Ukrainian people.

Yet, as Ukrainian-Americans and others strive to keep the flame of freedom for Ukraine burning brightly, the Soviet Government stands opposed. Again, according to Mr. Shumuk:

> * * * on the 70th anniversary of the Bolshevik revolution, the terror of Russification * * * has reached a culmination point. In the capitol of Ukraine, in Kiev, there are only 34 Ukrainian language schools and 152 Russian-language schools and in such traditionally Ukrainian cities as Donetsk, Voroshilovhrad, Mykolayiv and Chernihiv there are none. In the historical Ukrainian city of Zaporzhzhis there is only one, and 95 Russian schools.

The Ukrainian people, and their hope for independence, are not forgotten. They will not be forgotten. If we, following the lead of Lehigh Valley Ukrainian-Americans remember, celebrate and commemorate, if we remain steadfast and strong, in time, we will once again see a free and self-determined Ukraine. The Ukrainian people, oppressed and denied their rights, depend on us. We shall not let them down. As cochairman of the House Ad Hoc Committee on the Baltic States and Ukraine I once again pledge myself to work with Lehigh Valley Ukrainian-Americans in an historic effort to restore freedom to Ukraine.

THE 50TH ANNIVERSARY OF NANSEN LODGE 410, INTERNATIONAL ORDER OF SONS OF NORWAY

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MOLINARI. Mr. Speaker, I rise to congratulate Nansen Lodge No. 410, International Order of Sons of Norway in Staten Island, NY, on celebrating its 50th anniversary, Saturday, January 30, 1988.

In 1938, Nansen Lodge was founded with 81 members, today, the lodge has grown to nearly 700 members. I have had the pleasure of visiting Nansen Lodge many times. The lodge has given the community of Staten Island a rare opportunity to protect the heritage of Norway and to continue teaching its values.

Nansen Lodge No. 410 can be very proud of its many contributions to the community. But most importantly, Nansen Lodge has continued to take the lead in the social and cultural life on Staten Island, keeping this tradition over its 50-year life. Again, I extend to Nansen Lodge my very best and wish it many more years of success.

OBSTACLES TO FINANCIAL SERVICES RESTRUCTURING

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LAFALCE. Mr. Speaker, the U.S. Congress has not been able to fashion a response to developments in the financial marketplace. Many, such as myself, have argued that we must modernize the antiquated laws which govern our financial services industry. The stock market crash of October 19 and the legislative proposals to restructure the banking system present two important opportunities for Congress to address the difficulties it has in legislating on financial issues. As Stephen Friedman points out an article which appeared in the New York Times, January 14, 1988, there are some significant structural obstacles to achieving this goal. I ask unanimous consent that this article be printed in the CONGRESSIONAL RECORD.

FINANCIAL REFORM? NOT IN THIS LIFE

(By Stephen J. Friedman)

The Brady Commission has delivered to President Reagan its findings on the causes of Black Monday and instability in the financial markets, and we now await further reports by numerous institutions, both public and private. While we don't know what those later studies will add to the Brady Commission's recommendations, we can be sure of one thing: Few, if any, concrete suggestions will be translated into regulatory law. Congress just doesn't have the capacity to act on financial issues.

Our political system once earned praise for its capacity to mediate conflicting interests in a country of remarkable cultural and geographic diversity. As the number and political power of factions have multiplied, however, the effectiveness of Congress in striking the compromises required to make a pluralistic society function has shrunk.

The evidence is presented yearly in the inability to deal adequately with the budget. But nowhere is it more plain than in financial regulation. Here Congress is plainly more a part of the problem than of the solution.

The financial markets are characterized by many powerful players. Those players tend to be organized into industries and, for historical reasons, each industry—securities, banking, futures, etc.—has a separate regulator.

Over the years, the industries have grown together. For example, banks provide many investment products and securities firms own banks and market certificates of deposit. But the regulatory system has not evolved in concert with these changes because Congress could not make the hard decisions needed to lay the groundwork.

Part of the problem lies with the committee system. For example, both the House and the Senate have separate committees for the securities and futures markets. That's because the futures markets grew up to serve agriculture. But there has been an explosion of financial futures contracts over the last 15 years, and it is often alleged that they have played a central role in creating market instability—through complex, computerized trading strategies like portfolio insurance and program trading.

There is no intellectually respectable argument for the existing system of separate regulators for securities and options on securities, and for financial futures and options on financial futures. Yet a merger of the regulatory functions would eliminate the jurisdiction over these instruments of the agriculture committees in the House and Senate—and thus this simple step is not viewed as "realistic" by Washington professionals.

The Brady Commission, properly recognizing the need for overall regulation of the financial markets, suggested that the Federal Reserve "coordinate" the activities of the other regulators. In point of fact, the Federal Reserve lacks the experience to perform that role. Moroever, what is needed is very clear accountability in regulation. Coordination implies a dispersion of responsibility.

Why did the Brady Commission not recognize what everyone pointed out within five minutes of the report's release—that this is not a good solution? Undoubtedly, because the commission was advised that reform of the regulatory structure is unrealistic.

Each industry group has a vested interest in its own regulator. Change forces legislators to attack those vested interests with no political payback. It is viewed by the industry groups as a zero sum game: What helps one is seen as hurting another. Thus, any Congressional action will anger some powerful group. To make matters worse, there is no political capital to be gained by legislators in reorganizing the financial regulatory system. The result is continuing inaction.

Legislators and Congressional staff complain that there is too much fragmentation among the interested groups—for example, that bankers cannot agree even among themselves, no less than with the securities industry, about revising the Depression-era Glass-Steagall Act, which separates the banking and securities industries. But these complaints miss the point.

Representative government requires leadership in striking compromises, good judgment and a willingness to do the right thing when the national interest demands it. When Congress fails to act in the face of a clear need for action over a sustained period of time, the result cannot be dismissed with a shrug and a passing reference to "political realities." It is a true failure of constitutional function, a true constitutional crisis.

CONGRATULATIONS TO CLARENCE G. KATZKE

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SCHAEFER. Mr. Speaker, I would like to take this opportunity to extend my congratulations to Clarence G. Katzke as he celebrates the 40th anniversary of his business, the Katzke Paper Co. I would also like to share his story, a story of hard work and determination that led to his success.

Clarence Katzke was born in Chicago on December 22, 1917. He later served valiantly in the U.S. Army during World War II receiving two decorations, the Purple Heart and the Bronze Star. After serving his country, Clarence left Chicago to seek opportunities in the growing West. In 1948 he arrived in Denver and opened the Katzke Paper Co. Clarence lived in this storefront operation, and made deliveries from the back of a 1941 Chevrolet. His business was based on the principal of "Quality and Service Above All Things." The business steadily expanded, and now, 40 years after its opening, the Katzke Paper Co. is a successful multimillion-dollar enterprise.

Not only has Clarence created a major business from a meager beginning, he has also played a role in the community he adopted. Clarence is active in his church, as well as other organizations such as the 7th Armed Division Society and the Military Order of the Purple Heart. Two years after arriving in Denver he married Gay Marberger.

Again, my warmest congratulations to Clarence and Gay Katzke on their success, and my best wishes for 1988. Clarence Katzke is a symbol of entrepreneurial initiative and community service, and it is a pleasure for me to recognize and share with my colleagues this example of what makes America great.

A CONGRESSIONAL SALUTE TO OLIVIA HINES

HON. GLENN M. ANDERSON

OF CALFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a distinguished civic leader in my district, Mrs. Olivia Redman Hines. Mrs. Hines will be honored on January 28, 1988, by the San Pedro community as San Pedro's Citizen of the Year. This auspicious occasion gives me an opportunity to publicly express my gratitude for her work on behalf of the community of San Pedro.

Born in Walnut Hills, OH, Olivia's family moved to Los Angeles when she was still a child. She graduated from Jefferson High School in Los Angeles, and attended UCLA for a period ot time. From there Olivia went to the Department of Social Services, where she worked for 22 years.

It was after she quit her supervisory position with the Department of Social Services that San Pedro gained a full-time community servant. Olivia has devoted an enormous amount of time and energy to the Boy Scouts, establishing the Scouts in Government Day in the Harbor District, and helping to run the Scouts Cabrillo Beach Base Camp in San Pedro for 11 years. She was awarded the Scouts' highest honor, the Silver Badge Award for 30 years of service to the organization.

This dynamic woman has not limited her talents to the Boy Scouts; she has served on the board of the Harbor Area YWCA since 1975, and is also active with Friends of the Library. She volunteers with the Emergency Alert Response System at San Pedro Peninsula Hospital and the First Methodist Church of San Pedro. In addition, Olivia is on the San Pedro Centennial Committee and will organize the city's centennial parade.

Currently, Olivia works for the Golden State Homemakers Inc., helping to arrange house cleaning and other services for the elderly.

My wife, Lee, joins me in extending our warmest congratulations to Olivia Hines on this special occasion. The citizens of San Pedro are lucky to have such an outstanding woman in their midst. On behalf of the community of San Pedro, we wish Olivia Hines all the best in the years to come.

PRESIDENT CHIANG CHING-KUO IS MOURNED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SUNDQUIST. Mr. Speaker, I would like to take a moment to express my condolences to the family of President Chiang Ching-kuo and to the people of Taiwan, who lost a great leader on January 13, 1988.

President Chiang ushered in a new era for his island nation by teaching his people the importance of self-respect and self-reliance. Perhaps most importantly, he taught his nation not to fear the future, but to embrace it and welcome the chance it brings for prosperity and success. Characteristic of a true leader, President Chiang was able to inspire and motivate his country, even in Taiwan's darkest hours of virtual diplomatic isolation from the world.

Through President Chiang's devoted efforts, Taiwan has developed and maintained clearly successful commercial and cultural ties with most of the free world.

Mr. Speaker, I had the distinct honor of meeting President Chiang not long ago and from personal experience, I can say that we have lost a friend, a world-class leader, and a steadfast supporter of the causes of liberty and democracy.

While the people of Taiwan mourn the loss of their leader, I wish to extend to them my deepest sympathies.

GULF NATIONS: GET OFF THE FENCE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SMITH of Florida. Mr. Speaker, for 8 months now U.S. military forces have been policing the waters of the volatile Persian Gulf. The ostensible justification for this military venture is to ensure that the Iran-Iraq war does not disrupt the flow of oil to the West. Yet another effect of U.S. policy is the enhanced security of the nations lining the Persian Gulf—Saudi Arabia, Kuwait, Bahrain, to name a few. Unquestionably, these countries are strengthened by our continued presence and military commitment.

It would seem equitable, then, that we could depend on those very states we are protecting to provide us with the means necessary to do the job efficiently and with minimal risk to our people. This, however, is not the case. The article printed below argues that the gulf nations should allow U.S. military forces access to their airfields and docks. It is an argument that is correct and should be accepted by the Persian Gulf nations enjoying our protection.

[From the Defense News, Jan. 18, 1988]

GULF NATIONS: GET OFF THE FENCE

It is time for Saudi Arabia, Kuwait and other friendly nations in the Persian Gulf to stop straddling the fence and provide access to the airfields and docks that the United States must have in order to defend them. American military personnel should not be asked to risk their lives under conditions made more arduous by the very friends it seeks to protect.

Kuwait has gained much from the reflagging scheme but refuses to provide even minor accommodations for its protector.

Saudi Arabia last year took a small step in the right direction. Limited access to airfields quietly was provided on a case-by-case basis. Oman and Bahrain provided limited facilities. What is needed is guaranteed access to specific facilities for so long as American forces are in the region to protect U.S. and Arab interests.

The refusal of Saudi Arabia, a U.S. friend of 40 years, to provide adequate basing is particularly puzzling. Certainly the reason cannot be that Saudi Arabia wants to keep secret from its neighbors the extent of its military relationship with the United States.

To lobby for the proposed sale of U.S. missiles to Saudi Arabia in March 1986, the Saudis sent Congress and the press a statement that said: "A full-time U.S. military mission in-country was established by mutual agreement almost 30 years ago . . . The American military presence is headed by a U.S. Air Force Major General who has over 1,500 American military personnel in his command." The statement notes that the United States operates an airborne warning and control system (AWACS) fleet from bases in Saudi Arabia, and helps maintain Saudi-owned AWACS planes.

Sufficient precedent already has been set. The provision of adequate bases requires no new policy or political departure.

The situation in the gulf is indicative of what has gone wrong with U.S. foreign policy. Too many nations look to the United States for no-risk protection at bargain basement prices. Defense Secretary Frank Carlucci said last Thrusday that "the degree of cooperation from our friends in the Arab world and around the gulf is unprecedented." However, Undersecretary Fred Ikle issued a Pentagon report on long-term strategy last Tuesday that says the United States "should continue to encourage other friends [in the gulf]—Saudi Arabia, for example—to make bases available in an emergency." The United States asks too little of some of its friends. Americans are tired of it and in the near future will begin insisting upon two-way relationships or none at all.

King Fahd of Saudi Arabia is a U.S. ally skilled in the give-and-take of international politics. He should provide the bases forthwith and urge other Arab states to do likewise.

VIRGINIA MORSE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. EDWARDS of California. Mr. Speaker, it is with deep regret that I have learned of the death in Santa Barbara of Virginia Morse.

A distinguished Carmel, CA, artist, Mrs. Morse leaves behind a legacy of paintings, pottery, writing, and photography that her husband John Boit Morse, describes as "a celebration of life." Over the years I have seen and admired many of Mrs. Morse's paintings and pottery pieces. She was possessed of an exciting and immense talent.

Virginia Morse's husband was John Boit Morse, nationally known Carmel artist and former president of the Del Monte Properties Co. She was the daughter-in-law of Samuel F.B. Morse, founder of what is now the Pebble Beach Co., where is located the world famous Pebble Beach golf links.

Virginia Morse was born October 20, 1916 in Benton County, IN. She earned her bachelor's degree at Smith College, her master's from the University of Nebraska. She did postgraduate studies at Oxford University at the Art Students League in New York City.

Mrs. Morse turned to the arts after working as a journalist. She was a Time magazine correspondent for about a decade, assigned to Washington, DC, during World War II.

Mr. Speaker, in addition to the lovely works of art that Virginia Morse leaves behind, she also leaves a host of friends and relatives whose lives will be enriched because of knowing her. I count myself as one of those lucky persons.

A TRIBUTE TO RAY AND EDITHA EDWARDS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MOORHEAD. Mr. Speaker, on Sunday evening, February 7, the many friends of Ray and Editha Edwards will gather at the Beverly Hills Hotel to say thanks for the more than 40 years of commitment to their community and to the savings and loan industry.

The tribute will be hosted by Dinah Shore, Carl Karcher, the city of Glendale and the California League of Savings Institutions. The Edwards requested that all proceeds from the gala be given to the Criminal Justice Legal Foundation for the advancement of victims' rights.

Mr. Speaker, Raymond D. Edwards is the chairman of the board of Glenfed, Inc., and the Glendale Federal Savings and Loan Association. He was born in Los Angeles and was raised in Glendale. He attended the University of Calfiornia at Berkeley where he received a bachelor of arts degree in economics.

Following service in the U.S. Navy during WWII, he joined Glendale Federal Savings and Loan in 1945 as a teller. In 1949, he was named secretary to the board of directors and, soon thereafter, was named vice president, then executive vice president. In 1965, he became president of Glendale Federal. Seven years later, he became chairman and chief executive officer. He became chairman of the board of Glenfed, Inc., the parent company of Glendale Federal Savings and Loan, in November of 1985.

Throughout his 41 years in the savings and loan business, Ray Edwards has assumed a leadership role in industry affairs. He was founder and first president of the Conference of the Federal Savings and Loan Associations. He has served on the U.S. Savings and Loan League's Legislative Committee and the president's economic policy committee of the National Savings and Loan League.

Mr. Edwards has served as president and on several committees of the California Savings and Loan League. He also helped establish a Federal section within the league and served as its first chairman. In addition, he was director of the Federal Home Loan Savings Bank Board of San Francisco for 6 years. He is currently serving as trustee for the Foundation for Savings Institutions.

Ray Edwards has also actively participated in many civic and service groups throughout the greater Los Angeles area. He is the founder and past president of the Glendale Citizens for Law and Order. He has served as honorary chairman and past president of the Glendale Symphony Orchestra Association. The Glendale Symphony Orchestra is a splendid orchestra and a proud community tradition. At the foundation of its success is Glendale Federal and Ray Edwards. They have given the orchestra their time, effort, and resources.

The list of commitments and activities goes on. He is chairman of the board of the Glendale Redevelopment Council; he is a recipient of the 1986 Medal of Honor Award presented by the Building Industry Association of Southern California; he is on the board of trustees of the California Museum Foundation; he is a member of the Glendale Community College Foundation, and he is chairman of the city of Glendale Diamond Jubilee. In addition, he is a member of Kiwanis, the Community Chest, the Red Cross, and the PTA. He is a member and former director of the Oakmont Country Club.

Editha Edwards was born in Glendale. She attended the University of Southern California and served in the WAVES during WWII. She has been an active member of many community philanthropic and charitable organizations over the past four decades, including serving in the local PTA and the YWCA. She is active in the Philanthropic and Educational Organization for Women, as an advisory committee member of the Twelve Oaks Lodge Retirement Home. She is also past president of the Glendale Community Foundation.

Mr. Speaker, the contributions of the Edwards cannot be measured. They have given with generosity, with humility, with eagerness. They have shared their gifts, their time, their love. We have all benefited from their devotion and their good will. On behalf of the residents of the 22d Congressional District, I am delighted to express my gratitude to Ray and Editha Edwards and to play a small role in a highly deserved tribute.

TRIBUTE TO HIS EMINENCE, JOHN CARDINAL KROL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to His Eminence, John Cardinal Krol, retiring Archbiship of Philadelphia.

Cardinal Krol has had an extraordinary 51-year career in the Catholic Church. This son of Polish immigrants was ordained to the priesthood in Cleveland in 1937. He studied canon law in Rome and at Catholic University, where he received his doctorate.

In Cleveland, then Monsignor Krol served as Chancellor of the Archdiocese. He was consecrated as a bishop in 1953, and served as auxiliary bishop to the Archbishop of Cleveland.

In 1961, John Krol was named Archbishop of Philadelphia, and became the spiritual leader of the city's 1.3 million Catholics. In 1967, he was elevated to the Sacred College of Cardinals by Pope Paul VI.

While Archbishop of Philadelphia, the Nation's fourth largest Catholic diocese, Cardinal Krol served as an undersecretary of the Second Vatican Council, president of the National Conference of Catholic Bishops and as host of the International Eucharistic Congress in 1976.

Cardinal Krol has also distinghished himself as a member of the President's National Citizens Committee on Community Relations and as a trustee to both the Catholic University of America and the Catholic League for Religious Assistance to Poland.

His tireless efforts have led to countless honors, including the gold medal from the Paderewski Foundation, the Philadelphia Freedom Medal and the Legion of Honor gold medal of the Chapel of Four Chaplains.

Cardinal Krol's reputation as an able administrator and authority on canon law has earned the respect of Catholics and non-Catholics alike, both in this country and around the world. His celebrated career of religious leadership and 27 years as Archbishop of Philadelphia merits our gratitude and our admiration.

I join the people of Philadelphia in paying tribute to John Cardinal Krol.

THIRD INTERNATIONAL WOJAC CONFERENCE RESOLUTIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FRANK. Mr. Speaker, there are a number of grave problems in the Middle East which attract newspaper headlines and television coverage. But there are other serious issues in that region which get less coverage, in part because they involve fewer people than some of the more dramatic issues, and in part because they are played out in societies which are repressive and do not allow free access to the news media. Among those problems is that of the Jews who remain imprisoned against their will in Arab countries.

The great majority of Jewish inhabitants of Arab countries have left for Israel and other places, as a result of the tensions which tragically divide the Arab and Jewish communities in the Middle East. But there are Jews who remain behind in Arab lands, and in many cases they are the victims of prosecution and oppression. This is a particular problem in three Middle Eastern countries which unfortunately are governed in ways which are antithetical to democracy and which do not recognize human rights: Syria, Iraq, and Yemen.

To represent the interests of those people left behind in Arab countries, and to represent as well the interest of those who are expelled from Arab countries, there exists an organization known as the World Organization of Jews From Arab Countries, or WOJAC. Recently, WOJAC held its third international conference here in Washington at the Omni Shoreham Hotel. I had the privilege of meeting with representatives of that organization at that time, and I was struck by their commitment to alleviating the plight of those less fortunate than themselves. A great deal of attention is legitimately given to the severe problems afflicting the Arab refugees of the series of Middle Eastern wars. It is clear that peace will only come to that troubled area when these Arab refugees are treated fairly and an overall political solution in the area must deal with this. The representatives of WOJAC also point out that an overall settlement must also look to the interests of those Jews left behind in Arab countries, and their questions of compensation for those forceably resettled because of the Middle Eastern war should apply equally to Arabs who fled what is now Israel, and Jews forced to flee Arab countries.

Mr. Speaker, I insert the resolutions of the Third International WOJAC Conference:

RESOLUTIONS OF THE THIRD INTERNATIONAL CONFERENCE WOJAC—THE WORLD ORGANISATION OF JEWS FROM ARAB COUNTRIES—OMNI SHOREHAM HOTEL, WASHINGTON, DC, OCT. 28, 1987

Whereas United Nations General Assembly Resolution 181 of November 29th 1947 was rejected by the Arab League, which waged war against Israel, and this war gave rise to an exchange of populations between Palestine Arabs and Jews from Arab countries

Whereas some Arab States still deny human rights to Jews, in violation of basic international instruments, including "the right to leave," as enshrined in the Universal Declaration of Human Rights.

Whereas more than 900,000 Jews who left Arab Countries as refugees those who today number nearly half the Jewish population of Israel and those living in other countries constitute a major Middle East refugee movement that has not been adequately recognized.

Whereas Israel, having limited resources, absorbed the Jewish refugees from Arab countries at a cost of over $11 billion.

Whereas the Arab League rejects a humanitarian solution to the Palestinian Arab refugee problem.

Whereas the State of Israel has declared, in a resolution adopted by the Knesset on October 26th 1987, that "Israel, for its part, has made it known that within the framework of a peace settlement, it will be prepared to compensate the Arabs who left Israel," and

Whereas UN Security Council Resolution 242 of November 22, 1967 stipulated that a comprehensive solution of the Arab Israel conflict must necessarily include "a just settlement of the refugee problem," which includes the claims of Jewish refugees from Arab countries.

The World Organisation of Jews from Arab Countries urgently calls upon those Arab Governments concerned, particularly Syria, Iraq and Yemen:

To cease persecution of those Jews still living in their midst and to grant them their basic rights, and permit those who wish to emigrate to do so without hindrance; at the same time, the conference notes with appreciation those Arab governments which have adopted a moderate attitude toward their Jewish citizens.

WOJAC calls upon Syria to permit all those Jews who wish to emigrate to do so, and particularly to grant exit permits to Jewish women wishing to marry, in accordance with the promise made by President Hafez Al Assad to President Jimmy Carter in Geneva in 1977.

WOJAC calls upon the Arab States:

To meet their international obligations by providing full compensation and indemnification for property and assets, as well as their cultural patrimony of which Jews were deprived.

To return to Jewish ownership and administration all religious and cultural properties.

To cease the political exploitation of the Palestinian Arab refugees and to work for a prompt humanitarian solution.

The World Organisation of Jews from Arab Countries reaffirms its solidarity to Israel's ongoing efforts to implement the Peace Treaty with Egypt and to develop friendly relations and establish a lasting peace with other Arab States.

WOJAC appeals to Jews throughout the world:

To support its struggle on behalf of Jews from Arab countries for the realisation of their legitimate rights.

WOJAC appeals to the International Community, as well as to the United States government, presently negotiating for the release of hostages held in the Lebanon, not to forget the tragic plight of the Lebanese Jewish hostages, nine of whom have already been executed.

To use its influence upon Arab governments to fulfill their obligations for the protection of their Jewish minorities and to support the legitimate rights and claims of Jewish refugees from Arab countries.

WOJAC appeals in particular to the government and people of the United States of America to intensify their efforts to resolve the longstanding problems of Arab and Jewish refugees and to facilitate their integration into the societies in which they live.

CONGRESSMAN DALE E. KILDEE PAYS TRIBUTE TO REV. AVERY AND MILDRED ALDRIDGE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to an extraordinary couple whose compassion and spiritual integrity have been a powerful force for good in my hometown of Flint, MI—Rev. Avery and Mrs. Mildred Aldridge.

On Sunday, January 17, Dr. Aldridge and his wife celebrated 31 years of pastoral service at the church Dr. Aldridge founded, the Foss Avenue Baptist Church in Flint. Their friends, family, and congregants gathered to commemorate this couple's remarkable commitment to their church and their community, and I would like to add my voice to theirs on this very joyous occasion.

Dr. Aldridge's service to his congregants goes far beyond speaking to them from the pulpit every Sunday. He has become an integral part of their lives because he is willing to meet people right where they are—to minister to their real needs and to counsel them from his own experience, strength, and hope. Reverend Aldridge's congregants are a cross section of the Flint community, from diverse backgrounds and with varied needs. His commitment to a spiritual way of life and his unflinching honesty about his own struggles and victories have been a constant source of comfort and inspiration to people of all walks of life in need or in pain.

Dr. Aldridge has also been an impetus in Flint for a deeper community involvement. He is founder of both the Foss Avenue Christian School and the Concerned Pastors for Social Action. Both organizations fill a tremendous need in Flint. The Concerned Pastors for Social Action has become an important voice for human dignity and social action in our community. This group reflects the challenge of Reverend Aldridge's own philosophy—that a spiritual commitment leads to action, and a helping hand to an individual or an entire community is not simply an ideal, it is a way of life.

Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S.

House of Representatives to join with me in commending Rev. Avery and Mrs. Mildred Aldridge on the occasion of their 31st anniversary at Foss Avenue Baptist Church. Their selflessness has touched the lives of countless people and continues to serve as a message of bright hope to our entire community.

DAV RESPONDS TO SPATE OF EDITORIALS AGAINST UPGRADING THE VA

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MONTGOMERY. Mr. Speaker, since early November, many of the Nation's newspapers have collectively devoted a considerable amount of editorial attention—mostly negative and completely unjustified—to the effort to upgrade the Veterans' Administration to a Cabinet-level department.

Curiously, many of these editorials share an entirely too coincidental similarity in words, phrasing, and clichés, that suggests a concerted effort to prevent this long-overdue action. I have to wonder why when such a move is in the best national interest, involves insignificant costs, does not expand government, and affords the Nation's defenders the deference they have earned. Why would editorial boards oppose it?

Perhaps Butch Joeckel, executive director of the Washington headquarters of the Disabled American Veterans, has hit upon one reason for this media opposition. I would like to share with my colleagues his thoughts on the matter:

A DIVISIVE PEN

In the month after the House Committee reported the bill on November 10 giving the VA Cabinet rank, the *Post* published more than a dozen articles, letters and columns on the proposal. Three of the *Post's* four editorials against the measure appeared before the Senate Committee's December 9 hearing on it. Predictably, the paper's report of that hearing headlined criticism of the proposal despite its virtually unquestioned likelihood of passage.

The unique intensity of the *Post's* coverage alone, not counting an indirect swipe at the idea in an editorial about the Dallas Cowboys, invites attention. But the more widespread editorial commentary provoked by the legislation is more important to consider.

We have found expressions of opinion in about twenty newspapers (of some 1700 dailies nationwide) during the same month, from cities that include New York, Washington, Philadelphia, Detroit and Atlanta. All but one (from Waco, Texas) have opposed Cabinet status for the VA.

In addition to this rather remarkable uniformity of view, the same reasoning and even phraseology recur with surprising frequency. More than half of the editorials, for example, condemn support for the proposal by reference to "special interest" lobbying for a larger share of the budget, and more than half use the word "clout" to identify the villain.

We would not be shocked to discover that certain editorial rooms have spoken with each other about the matter. Nor are we surprised to observe behavior that seems at least to be conscious parallelism if not concerted action. Our concern instead begins with the hypocrisy suggested in the hostile commentary.

The double standard is best illustrated by the *Post*'s second editorial (Nov. 25, 1987), asserting that supporters of the bill claim "with a wink" that it won't increase the budget, when "of course" the *Post* knows that isn't true. So much for the integrity of the President, 399 House members and veterans' organizations to which belong some seven million Americans.

The *Post* then expects its own arguments to be accepted at face value when, after paying lip service to the "special obligation" owed veterans (as do three-fourths of the editorials we have read), it goes on to wave the flag of deficit reduction and declare that at some point, that obligation expires. Why should the *Post*'s pious handwringing over the deficit be accepted as its real agenda any more than the *Post* accepts as genuine the rationale of the bill's supporters?

A clue to what this double standard may conceal is contained in the *Post*'s first editorial (Nov. 12, 1987), which says the budget problem will "only get worse" as World War II veterans become eligible for benefits by reason of age (current average: 65). The reference has more than demographic significance, because it begs comparison with the unmentioned, new generation of veterans from the Vietnam War (average age: 40).

The significance of the generational issue is threefold. First, the different experience of the two wars produced different attitudes that have been a crucial element of the divisiveness that has adversely affected veterans' affairs for the last decade. Second, no one can doubt the professional skepticism bred in the media by the government's information policy during the Vietnam War. Third, the Vietnam generation is now assuming leadership in America's institutions, including the media.

Our theory is that for powerful historical reasons, certain like-thinking press leaders may be perpetuating the divisions of the Vietnam War by unconsciously working out their generational conflicts in the forum of veterans' affairs. At least, continuation of those divisions can be the effect of the monolithic reaction of newspapers so far moved to comment on a Department of Veterans Affairs.

The country has lived enough with the image of Vietnam veterans popularized by those who profit financially from extreme stereotypes, pitted against the twin Goliaths of an ungrateful society and an insensitive generation of earlier veterans by those who profit ideologically from seeming to occupy the moral high ground.

President Reagan supports Cabinet status for the VA partly out of a desire to honor Vietnam veterans and Congressman Montgomery believes the move will help heal the wounds of the Vietnam era. Both are World War II veterans. Every veterans' organization representative who testified at the Senate hearing on the bill, all of whom supported it, was a Vietnam veteran.

It is time to reflect the reality that Vietnam veterans are welcomed, not to say treasured, part of the national mainstream and that, in the critical area of veterans' affairs, the older generation and the younger are mutually reaching across the vanishing divisions to face a united future.

We hope that 1988—twenty years from the Tet Offensive—will see the establishment of a Cabinet department in recognition of this truth, and as an occasion for turning pens as well as swords into plowshares.

CHARLES E. JOECKEL, Jr.,
December 14, 1987.

Mr. Joeckel, a combat-disabled Vietnam veteran, is executive director of the one-million-member Disabled American Veterans.

A FAREWELL TO NANCY PIGMAN

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. GARCIA. Mr. Speaker, as chairman of the Subcommittee on International Finance, Trade, and Monetary Policy, I would like to acknowledge the career of Ms. Nancy S. Pigman in public service which spans 34 years—14 years in Congress and 20 as Congressional Relations Officer for the U.S. Export-Import Bank.

Ms. Pigman joined the Eximbank in August 1967. She headed the Bank's congressional relations staff and was Eximbank's legislative liaison with the U.S. Congress. Her job included monitoring all legislation directly affecting or of interest to the Bank, responding to myriads of requests for information from Members of Congress and congressional committees, and preparing appearances of Bank officers before Congress.

Before her career with Eximbank, Ms. Pigman was an intern in the office of U.S. Congressman Jacob K. Javits of New York and appropriations and legislative assistant to U.S. Senator Leverett Saltonstall of Massachusetts.

Thursday, January 28, 1988, will be Ms. Pigman's last day at the Eximbank but a beginning of a new phase in life—retirement. Congress will be losing a valued friend and resource. Ms. Pigman was of top caliber among the congressional relations officers of the Federal agencies. Having worked both for Congress and the Bank, Ms. Pigman knew well how to keep harmonious the relationship between Congress and the Eximbank. Many of us who have dealt with her have truly benefited from her thorough understanding of Eximbank's programs and the congressional process.

I congratulate her for her dedication to public service and would like to thank her for a job well done. I along with the subcommittee members and staff will miss her dearly and wish her Godspeed.

FREE WORLD LOSES GREAT ALLY

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ARMEY. Mr. Speaker, last week, the free world lost a great ally in the fight against communism. President Chiang Ching-kuo led the Republic of China during a period of spectacular achievement. Today, Taiwan is in many ways a model of the developing nation's of the world.

Under his stewardship, economic growth skyrocketed upward at an average annual rate of 10 percent. His dedication to the principles of free enterprise has made the Republic of China a prosperous land of optimism and hope. It is now the fifth largest trading partner of the United States and has joined the ranks of the world's leading economic powers. The people of the world have much to learn by studying the wise policies of President Chiang.

I had the honor and privilege of meeting President Chiang during my last visit to Taipei. He was a well-informed, amiable statesman who understood his nation's crucial role as a force for stability in an often troubled region of the world. He will be greatly missed.

PRESIDENT CHIANG CHING-KUO

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. COLEMAN of Texas. Mr. Speaker, it was widely reported that President Chiang Ching-kuo had been seriously ill for a long time before his death on January 13, 1988. Yet to the public, he put his love of his country ahead of concern for himself, and he sought to give the impression that he was hale and hearty to prevent his declining health from unduly alarming his people.

In fact, despite a great deal of physical discomfort and possibly pain, he kept all his appointments right up to the end, including the arduous task of meeting with foreign visitors and subordinates.

When Ambassador Chien visited with him last December, for example, President Chiang made only vague references to his leg and back problems, while he kindly consulted Ambassador Chien on a number of policy matters. All in all, no matter how personally uncomfortable it was for him, President Chiang always had his country and his people uppermost in his mind.

To his country, President Chiang gave his whole life and sought nothing personal in return. He was truly a remarkable leader in the 20th century, and I trust that Chinese history books will view him as the man who best embodied the concept of "country above self." He was, in my opinion, as dedicated to his country and his people as any leader could aspire to be.

Mr. Speaker, I once had the honor to meet His Excellency, President Chiang, on a visit to the Republic of China; I will always remember that visit with fondness and affection. The people of the United States of America have always had a special bond with the people of the Republic of China, and this bond of friendship and esteem continued to strengthen and enhance under the leadership of President Chiang. The American people have lost a good friend; the people of the Republic of China have lost a great leader; the West, a voice of freedom; but our special bond will remain and endure.

Chiang Ching-kuo will be remembered as a proudly nationalistic leader and one who played a leading role in the evolution of his nation's government. As the attached eulogies point out, he moved freely among his people and presided over the transition from an underdeveloped agrarian state to a modern, free-trading capitalist economy. His grateful people can look back on leadership that helped produce one of the world's most vibrant economies: the third-highest per capita income in Asia ($3,700); its 4.4 million households today have an average income of $12,000; its average savings rate of $10,600 ranks highest in the world, and about 80 percent of all families own their homes.

Indeed, as a major newspaper pointed out, President Chiang's political reforms matched those in the economy. He has broadened the base of his country's democracy, ended the 40-year rule of martial law and allowed the creation of an opposition political party.

Mr. Speaker, the highly respected Wall Street Journal observed that President Chiang's vision deserves to be honored by all the democracies of the world. It should and will be honored by the U.S. Government, and perhaps more importantly, by the American people who still honor and cherish our historical and fraternal bonds with the people of Taiwan.

We will miss him deeply and the free world will miss him as well. I extend our condolences to the people of the Republic of China and their leaders, and wish them the best of success and prosperity in the future.

Mr. Speaker, I request that the attached eulogies from some of America's leading newspapers be entered in the CONGRESSIONAL RECORD so my colleagues can achieve a better understanding of President Chiang's remarkable achievements and his contributions to democracy and freedom.

[Wall Street Journal, Jan. 15, 1988]

TAIWAN IN TRANSITION

Nationalist Chinese President Chiang Ching-kuo, who died Wednesday at the age of 77, leaves behind on Taiwan one of the liveliest, most rapidly liberalizing societies in Asia. He will be missed.

It's impressive to look back on Mr. Chiang's achievements for Taiwan since he took over leadership after the death of his father, Chiang Kai-shek, in 1975. An initial drive for liberalization was derailed in 1978 by the shock of U.S. derecognition. By the mid-1980s, with Taiwan prospering, Mr. Chiang was back on track—easing restrictions, some of which had been in effect since the Nationalists fled from the Chinese mainland in 1949.

The past year-and-a-half brought the lifting of martial law, the organization of a vocal opposition party, and for many on Taiwan an end to the ban on visits to the Chinese mainland. The government relaxed longstanding currency controls and pushed ahead with serious tariff reform to open the economy to imports. Mr. Chiang also sought to ensure that no dynastic interests would stand in the way of democratization. The vice president, Lee Teng-hui, sworn in yesterday as Mr. Chiang's successor, is a native Taiwanese.

It was not unusual during Mr. Chiang's lifetime to hear him criticized abroad for clinging stubbornly to the hope that someday all of China might enjoy the freedoms now flowering on Taiwan. But it is for this stubbornness most of all that Chiang Ching-kuo deserves today a full salute. Mr. Chiang understood that for China there is no fast and simple solution. More important, he insisted that however long China must wait, reunification will come only when it brings with it not compromise for Taiwan but freedom for the mainland.

When we spoke with Mr. Chiang in October, he was not looking to reunification by military force, but to the hope that a free and democratic Taiwan might someday show all of China a way out of its agony. This is a vision that deserves to be honored by the democracies of the world. In the words of Chiang Ching-kuo, they would be doing so "for the sake of China and the Chinese people."

[From the Journal of Commerce, January 14, 1988]

CHANGE IN TAIWAN

Taiwanese president Chiang Ching-kuo, who died Wednesday at the age of 77, proved to be an unexpectedly strong leader during an important period in Taiwan's history.

Mr. Chiang, who effectively exercised power in Taiwan since 1972, was the son of nationalist Chinese leader Chiang Kai-shek. The elder Chiang, who brought his nationalist government to the island following its ouster from the mainland by Mao Tse-tung's communists in 1949, designated Chiang Ching-kuo as his successor in the expectation that he would maintain the existing order. Instead, the younger Chiang presided over the transformation of Taiwan into a world economic power. Per capita income in the island nation was barely $1,300 when he assumed the presidency in 1978; today, it is close to $4,000. Taiwan's exports to the United States, just over $5 billion when Mr. Chiang took power, were more than five times that amount last year.

Taiwan has successfully made the leap from manufacturing shoes and clothing to producing sophisticated manufactured goods. The country's most pressing economic problem has been figuring out what to do with the country's $72 billion in foreign reserved, among the largest in the world.

This economic progress, ironically, came even as Taiwan's official stature in the world declined. Only a handful of countries now recognize Taiwan's claim to be the sole representative of the Chinese people. Almost all now maintain diplomatic missions to the People's Republic of China in Beijing, while keeping unofficial representatives in Taipei.

Although Mr. Chiang never formally acknowledged the government on the mainland, Taiwanese authorities have recently shown flexibility in dealing with Beijing for the first time. Taiwanese citizens are now allowed to visit the People's Republic, and direct trade between the two countries is growing, even if neither government officially acknowledges that it occurs.

In the last years of his term, Mr. Chiang proved acutely sensitive to the winds of democracy that are blowing across East Asia. He began preparations for transition to democracy, freed many political prisoners, eliminated press censorship and last year ended the marital law that had prevailed on the island for 38 years. The task facing the new president. Lee Teng-hui, is to maintain the pace of change in hopes that Taiwan can avoid the political turmoil evident in other Asian countries with less foresighted leadership.

[From the Washington Times, Jan. 18, 1988]

CHIANG CHING-KUO

The darkest moment in the 10-year rule of Taiwan's President Chiang Ching-kuo, who died Wednesday at the age of 77, was the denunciation of the U.S. Mutual Defense Treaty with the Republic of China by President Carter in 1978. It was a moment that many on the island of 19.6 million had foreseen but that few liked to contemplate. That dreaded event allowed Mr. Chiang to demonstrate his enormous gift for leadership, which was indispensable in maneuvering the Republic of China through the transition to non-recognition by its most important ally. If he leaves no other legacy to his nation, it will be the skill, moderation and foresight he demonstrated during his presidency.

He studied as a youth in the Soviet Union, during a temporary flirtation between Soviet communists and Chinese nationalists. Mr. Chiang gained from the experience a Russian-born wife and a deep appreciation of the catastrophe of communism. What he did not learn about communism from Joseph Stalin he absorbed from the experience of the Chinese civil war and the subsequent rise of brutal Chinese communists.

Mr. Chiang inherited his leadership from his father Chiang Kai-shek, one of the world-historical figures of this century, but his style of leadershop differed significantly from his father's austere, paternalistic authoritarianism. As president, Chiang Ching-kuo moved freely among his people, wore informal civilian clothes instead of his father's military uniform and disarmed friends and foes with a chuckle that would be the envy of most American politicians.

He presided over the transition of Taiwan from a backward agrarian state into a modern capitalist one. The nation boasts the third-highest per capita income in Asia ($3,700); its 4.4 million households today have an average income of $12,000 and its average savings rate of $10,600 ranks highest in the world, according to Dr. Martin Lasater of the Heritage Foundation's Asian Studies Center. About 80 percent of all families on Taiwan own their homes. Such economic progress fulfills the slogan of the father of the Chinese revolution. Sun Yat-sen, "Land (or wealth) to the people"—not through redistribution by the state but through the free energies of the people themselves.

Chiang's political reforms matched those in the economy. His successor as president, Lee Teng-hui, is a native Taiwanese whose rise to prominence symbolizes the integration of the ethnic majority on the island into the political mainstream dominated since 1949 by the mainland Chinese. Under Chiang native Taiwanese came to compose 70 percent of the Kuomintang and the majority of the military forces. Chiang also ended the 40-year rule of martial law, permitted a liberalization of press laws and allowed the formation of an opposition political party, the Democratic Progressives, that last year took part in elections for the first time since the occupation of the island in 1949.

Taiwan faces an uncertain future. Not all political factions embraced Mr. Chiang's reforms and some in the military or the aging Chinese elite of the KMT establishment may try to regain power they once held. Economically, Taiwan is too dependent on the U.S. market and faces strong competitors in Japan, South Korea and other miraculous Asian economies. Despite liberalization, the government retains some trappings of authoritarianism, which must be removed despite provocations from dissidents. The country's relations with the United States, with the mainland and with much of the rest of the world remain uncertain since U.S. derecognition pushed it toward non-nationhood.

Such problems are not necessarily fatal, however, and the United States, which depended on nationalist forces in World War II, the Korean conflict and the Vietnam War and helped foster Taiwan's political and economic evolution, owes the country a historic debt that future administrations should honor. Chiang guided his country from almost feudal rule toward liberal democracy; the United States should support and encourage further development in the Republic of China.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, January 28, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 29

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings to review practices and operations under the National Labor Relations Act.
SD-430

10:00 a.m.
Armed Services
To continue hearings on strategy and capabilities for NATO defense, focusing on the implications for the Alliance of the Intermediate-Range Nuclear Forces (INF) treaty.
SR-325

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

1:00 p.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

2:30 p.m.
Armed Services
To continue hearings on strategy and capabilities for NATO defense, focusing on the implications for the Alliance of the Intermediate-Range Nuclear Forces (INF) treaty.
SR-325

FEBRUARY 1

9:00 a.m.
Foreign Relations
To resume hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the implementation of the Public Utility Regulatory Policies Act of 1978 (P.L. 95-619).
SD-366

FEBRUARY 2

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the implementation of the Public Utility Regulatory Policies Act of 1978 (P.L. 95-619).
SD-366

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 1731, to establish a demonstration program for employment opportunities for severely disadvantaged youths.
SD-430

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1988.
SR-301

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

Foreign Relations
To resume hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Judiciary
To hold oversight hearings on the judicial selection process.
SD-226

Small Business
To hold hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal

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procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.
SR-428A

2:00 p.m.
Select on Intelligence
To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

2:30 p.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

FEBRUARY 3

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nomination of Wendy L. Gramm, of Texas, to be Chairman of the Commodity Futures Trading Commission.
SR-332

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Rules and Administration
To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.
SR-301

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities market, focusing on events surrounding the stock market crash of 1987.
SD-538

Foreign Relations
To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Select on Intelligence
Closed business meeting.
SH-219

10:30 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
Business meeting, to mark up S. 951, to establish the Federal Courts Study Commission on the future of the Federal Judiciary.
SD-226

2:00 p.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on S. 1934, to provide for the construction of a Federal office building adjacent to Union Station in Washington, DC to consolidate certain judicial branch offices.
SD-406

Foreign Relations
To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

FEBRUARY 4

9:30 a.m.
Judiciary
Business meeting, to consider pending committee business.
SD-226

Rules and Administration
To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.
SR-301

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

Foreign Relations
To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

FEBRUARY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

FEBRUARY 16

2:00 p.m.
Select on Intelligence
To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 17

2:00 p.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 18

2:00 p.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 19

10:00 a.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 23

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.
SD-106

FEBRUARY 24

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.
SR-325

FEBRUARY 25

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

MARCH 3

9:30 a.m.
Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.
SR-253

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars
SD-106

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

HOUSE OF REPRESENTATIVES—*Thursday, January 28, 1988*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, just as we concern ourselves with the actions that we take, so help us make clear our motives and our purposes in life. Cleanse the thoughts of our hearts by the inspiration of Your spirit, purify our desires, so that what flows from our hearts and minds may be good in Your sight and helpful to all people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

EXPRESSION OF OPPOSITION TO FURTHER FUNDING OF CONTRAS

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, Ronald Reagan is wrong when he says America should fund the Contras because they are fighting for democracy. For one thing, what the Contras have been doing can hardly be called fighting.

Reporters from the Philadelphia Inquirer who investigated the Contras and their operations for 4 months report that the Contras are dodging the Sandinista army and instead prefer to attack civilians, burning farms, clinics, schools, and homes. And when the combat does get tough, the Contras have this peculiar tendency to run for the border.

Are these Contras motivated by a selfless love of democracy? If we look at the documents plucked from the files of Oliver North, we will see they are not. North sent his assistant, Robert Owen, to keep watch on Contra operations in Nicaragua. Owen was troubled with what he saw. Listen to Owen's own words from this memo to Colonel North:

> * * * Calero * * * is a creation of the U.S. government and so he's the horse we choose to ride.

Owen says further:

> I have no problem with this as long as we do and understand Calero's shortcomings. The best way to point these out is to take a close look at who he keeps around * * * they are liars and greed- and power-motivated. They are not the people to rebuild a new Nicaragua.

So much then, Mr. Speaker, for the administration's effort to describe the Contras as latter-day Thomas Jeffersons.

Today the Sandinistas are negotiating face to face with the Contras on a cease-fire, something this administration has always demanded.

Mr. Speaker, this is no time for America to invest more deficit money into this war. This is a time instead to give peace talks a chance.

THE SILENCE ABOUT THE WEST BANK AND GAZA

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, my statement today is designed to break the congressional silence regarding the uprisings in the West Bank and the Gaza Strip. As one who spent 2 days in that troubled region, I feel compelled to appeal to my colleagues in the House to join in this international debate about the "iron fist" policy of the Israeli Defense Forces and the need for peace in the Middle East.

If we were residents of Israel; if we were members of the Knesset, we would not be silent on the most troubling issue facing us today.

Indeed, members of the media, the clergy, academicians and the public in general, in the United States and Israel, have all joined in this debate about bringing an end to the conflict which exists in the Middle East, in general and Israel, the West Bank and Gaza in particular.

And so I say to my colleagues, this is too important an issue for us to play it safe.

Think about it.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 27, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 5:35 p.m. on Wednesday, January 27, 1988 and said to contain a message from the President whereby he transmits the request for funding for the Nicaraguan Democratic Resistance.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

REQUEST FOR ADDITIONAL ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-161)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence and ordered to be printed.

(For message, see proceedings of the Senate of Wednesday, January 27, 1988, at page 262.)

TRIBUTE TO SEVEN ASTRONAUTS ON SECOND ANNIVERSARY OF SPACE SHUTTLE "CHALLENGER" ACCIDENT

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the flags at the NASA Space Center fly at half-mast today to mark the second anniversary of the tragic space shuttle accident of the *Challenger*.

Seven courageous astronauts lost their lives when the *Challenger* shuttle exploded in flames just 73 seconds after liftoff. The families of those seven heroes will never forget the horror of that particular moment, and they will continue to live with a tremendous sense of deep loss.

But the seven astronauts did not die in vain, Mr. Speaker. The shuttle accident shook our space agency. It shook our space program to its very foundations. This may have delayed the shuttle program and our space program for 2 years or more. It may have extracted a tragic toll in national trauma, but it also set in motion new standards, new standards of safety, new standards of science that will basically improve our program.

NASA is improving its management. NASA has improved its science. Hopefully, NASA will change the attitudes and behavior that brought us to the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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moment of that awful tragedy. We think they will, and we hope they will.

Mr. Speaker, space travel is never 100 percent safe, and the *Challenger* crew knew that when they joined the space program and embarked on their last mission. They were brave and bold professionals.

Francis Scobee, Michael Smith, Robert McNair, Ellison Onizuka, Judith Resnik, Gregory Jarvis, and Christa McAuliffe—your names will forever be etched in the hearts and minds of all Americans and in our national Pantheon of heroes.

SERIOUS QUESTIONS RAISED ABOUT PROPOSED SANDINISTA REFORMS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, some Democratic Members of the House have undermined the effectiveness of U.S. foreign policy by taking it upon themselves to counsel a foreign government on how to influence a vote in the U.S. Congress.

In addition to serious questions about the propriety of their actions, they have done a great disservice to the national security interests of this country. If and when the Sandinista regime reforms, it must be from within, not as a means to influence votes in the U.S. Congress. Otherwise there is no confidence that any reforms will be anything but temporary window-dressing intended to fool us.

What faith can we have in a regime that agrees to a peace plan, and then 2 months later reaches yet another agreement with the Soviet Union and Cuba on a massive military buildup? A buildup that includes a military force of 600,000 and the introduction of a squadron of Soviet Mig-21 fighter aircraft—but only after the Reagan administration and the resistance are gone.

The Sandinistas have said that they would relinquish the government if Nicaraguans were crazy enough to vote them out, but they would never relinquish the power. That is directly contradictory to any democratic process.

As for the Sandinistas reforms, they say they will release 3,300 political prisoners, but only if another country will take them. In other words, they trade imprisonment for exile. And what about the remaining 6,000 political prisoners?

The state of emergency has been lifted, but peaceful demonstrations that are now legal have been broken up by Sandinista turbas while the police look on. On the day Ortega announced he would lift the emergency decree, seven members of the internal democratic opposition were arrested. Three days later, another five internal democratic leaders, including an editor of the independent newspaper La Prensa, were arrested.

Ironically, by their actions these Democrats have admitted the success of the democratic resistance and U.S. aid in putting pressure on the Sandinistas to make reforms. What they are missing is the fact that without continued pressure, the Sandinistas are free to make temporary or superficial changes that can then be revoked after aid is denied and the resistance withers away. The continued existence of the resistance is the key to any long-term movement toward democracy and freedom in Nicaragua.

JAPAN CONTINUES TO IGNORE INTERNATIONAL MORATORIUM ON WHALING

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, last month the top whale scientists in the world met to examine Japan's latest attempt to circumvent the international moratorium on whaling. Japan submitted a new proposal to kill whales for the benefit of science. This latest proposal was to slaughter 300 minke whales in the Antarctic as a feasibility study for a much more extensive killing operation. The feasibility actually could have been tested in a computer simulation. In fact, it has already been done by an Australian scientist who found that the proposal will not answer the questions being posed.

At the special meeting of the Scientific Committee of the International Whaling Commission only scientists from Japan and Iceland consistently supported the Japanese proposal. Scientists from the United States and other countries exposed the fact that the proposal was not legitimate science.

Thumbing its nose at the world's scientific community, Japan is back down in the Antarctic right now killing whales!

Shame on you, Japan. Shame on you, Japan!

CONSIDERING OUR OPTIONS ON CONTRA FUNDING

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, next Wednesday, this body will be asked to approve a package of $36 million in Contra aid assistance—both lethal and nonlethal—plus $20 million for replacement of aircraft, and an undisclosed amount of intelligence assistance.

There has been a tremendous amount said on the Central American issue already, but I would like my colleagues to step back for a moment and put this debate into historical perspective.

For 6 years, since the administration started backing the Contras, war has raged in Central America. The Sandinistas have slowly and consistently backed out of their promises of openness and transition to democracy.

During this time, the Nicaraguan Government has imposed a state of emergency, closed La Prensa and Radio Catolica, and grown generally less tolerant of dissent and open opposition to the Sandinistas. The justification for these repressive measures has been the Contra war.

An effort by the Contadora nations failed to make significant progress toward peace, partly because of the pressures of war and partly because of lack of support from the Reagan administration.

Last August, the untiring efforts of Costa Rican President Oscar Arias to create a Central American peace alternative resulted in the signing of the Guatemala accord.

In the 6 months since the signing of this agreement, all five Central American nations have made strides toward national reconciliation. Yet, much remains to be done.

For its part, the Sandinista government has released political prisoners, allowed La Prensa and Radio Catolica to resume operations, and has lifted the state of emergency.

The reason for these steps toward a more open society and the sincerity of these moves are the subject of much debate. But the reality is that they have occurred, reversing the downward spiral into repression that characterized the preceding 6 years.

We cannot ignore the facts of history as we review our options.

I urge all my colleagues to think carefully about what has been achieved in the past half year compared to the previous 6 years and how we can best ensure that this trend continues.

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LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished acting majority leader the program for next week.

Mr. AuCOIN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Well, I will yield only after I make the comment that I am happy to see the gentleman here. I know that he has a considerable number of his colleagues out in the great State of Iowa today, and it is nice to see that the gentleman remained behind, as he is so diligent in his work on an everyday basis, and I am happy to have the gentleman respond to my inquiry.

I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Speaker, I appreciate the gentleman's kind remarks.

I would say to the gentleman that upon adjournment today, the House will adjourn and we will have no session on tomorrow.

The House will reconvene on Monday, February 1, at noon for a pro forma session.

On Tuesday, February 2, the House meets at noon to consider the Private Calendar. Two bills will be on suspension at that time, one bill dealing with the technical corrections to the Agriculture Credit Act of 1987, the second suspension is the civil service due process amendments; 40 minutes will be allocated to each of these bills, 20 minutes divided on each side.

Recorded votes on those two suspensions will be postponed until after debate on both suspensions.

Then on Wednesday, February 3, the House, subject to unanimous consent which I intend to make after our colloquy, would meet at 10 a.m. to consider the resolution which calls for the President's request for funding for Contra aid.

Our purpose in asking unanimous consent to come in at 10 a.m., rather than the normally scheduled 2 p.m., would be that the 10-hour schedule for general debate could begin earlier in the day, and therefore allow Members to leave at an earlier point in the evening.

After that, on Thursday, February 4, the House meets at 11 a.m. in a pro forma session.

On Friday, February 5, the House will not be in session.

Conference reports may be brought up at any time. Any further program will be announced later.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

We certainly have no objection to the unanimous-consent request that the gentleman will make for 10 a.m. on next Wednesday.

HOUR OF MEETING ON WEDNESDAY NEXT

Mr. AuCOIN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, February 2, 1988, it adjourn to meet at 10 a.m., Wednesday, February 3, 1988.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

A TRIBUTE TO DEPARTING PAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. Emerson] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, last September, 66 new pages arrived in Washington from all over the United States to serve us here in the House of Representatives. Tomorrow will be the final day of work for many of them.

Before they return home, I would like to take a moment to comment on the job they have done for us these past few months.

When they arrived they were all strangers to each other and a little nervous about their new assignments. But it didn't take long for them to become friends or to learn their jobs.

Curtis Rooney and his staff at the Page Residence Hall helped our new pages with the many adjustments they had to make living away from home and family for the first time, which I recall from personal experience, includes a twinge or two of homesickness.

By the way, Mr. Speaker, Curtis Rooney is himself leaving the page program at the end of this month in order to complete law school. I would like to thank him for all he has done for the page program during his tenure and wish him the best of luck with school and his new career.

Mr. Speaker, our colleagues have gotten used to the many demands placed on our time, including the need to get up early in order to attend breakfast meetings, caucuses, conferences and the like. Well, the pages certainly share in that experience. They must get up, dress, grab a bite to eat, and be in school by 6:45 in the morning.

Dr. Knautz and his faculty at the House Page School have been given the task of putting together a curriculum which meets the needs of our pages who come from a variety of educational backgrounds and school systems.

This curriculum includes a class which meets on alternate Saturdays called Washington Seminar. The Washington Seminar provides the pages with cultural and historical insights into the development of our Nation and its Government. This past semester the pages traveled to Williamsburg, VA, to see what life in colonial America was like and where the seeds of independence were first placed in the minds of our forefathers. They visited Monticello to learn a little about the man who drafted our Declaration of Independence. And they saw Independence Hall in Philadelphia in the bicentennial year of our Constitution in order to learn how our founding fathers crafted the document with which we still govern ourselves.

The hard work of the pages at school and the guidance of the faculty shows up each year when several students are selected for induction in the National Honor Society. I don't expect this year to be any different.

After classes end at 10 a.m., the pages come over here to start work. Peggy Sampson, the Republican page supervisor and Lenny Donnelly, the Democratic page supervisor together with the managers of our respective cloakrooms guide the pages through their daily tasks in the House.

The pages perform a variety of tasks which make the job of the Members and our staffs much easier. Messages and mail, bills and briefcases are shuttled back and forth between offices by pages. The flags, which are flown over the Capitol, that we send to our constituents are delivered to the flag office and returned to our offices by the pages. The phone calls which we receive while here in the Chamber are taken and delivered by the pages. The whip packets containing the bills and resolutions which we must consider, are assembled and delivered to us by the pages. Even the legislative bells which summon us to vote are rung by the pages.

The pages' day is not finished when the House adjourns. While our colleagues run to catch airplanes or return to their offices to complete our work, the pages return to their rooms in the residence hall to begin their homework and other assignments for school.

Mr. Speaker, we ask a lot from the young men and women who serve as pages. But we also give a lot in return. The lessons these young people learn in the residence hall about living away from home and managing their time will, no doubt, help them when they attend college. The insights they get into the governmental and political process and the responsibilities they are given here at work will help them throughout life in whatever field they choose to follow. Many of these young people may choose to return to Washington after college for careers in Government service. Several of our colleagues and many of the staff members who serve us got their start in Government as pages.

So, Mr. Speaker, as these young people prepare to return home, I would like to take this opportunity on behalf of myself and my colleagues on the page board to thank them for a job well done and wish them the best of luck in all they do.

Mr. Speaker, I am including a list of all of the pages who served us this semester.

HOUSE OF REPRESENTATIVES PAGE SCHOOL

ROSTER—FALL 1987 PAGES

1. Albertie, Heather, J.
2. Aronberg, David A.
3. Belzer, Nathan C.
4. Blosser, Nicholas G.
5. Brown, Darren N.
6. Butler, Danny J.
7. Callahan, Kathleen
8. Carrazco, Xavier F.
9. Chang, Aaron C.
10. Cherne, Julie A.
11. Chu, Tiffany P.
12. Clark, Trina D.
13. Connelly, John C.
14. Creeden, Kathleen M.
15. Croom, Wydell L.
16. Curtis, Michael A.
17. Emmert, Wendy A.
18. Fauber, Crystal M.
19. Ferguson, Claire M.
20. Flores, Theresa A.
21. Forkosh, Elyse S.
22. Fritcher, Bradley K.
23. Geraci, Sebastian J.
24. Hanshaw, Matthew D.
25. Hart, Chelsea M.
26. Hiller, Stephen M.
27. Hines, Gregory K.
28. Horton, Robert E.
29. Issenman, Steven B.
30. Jacobson, Eric

31. Keber, Christopher A.
32. Kravits, Jennifer
33. Leuffen, Erika L.
34. Lin, Debbie C.
35. Livingston, Amy J.
36. Maduros, Nicholas T.
37. Meek, Gerald F.
38. Morales, Antonio
39. Morgan, Jill L.
40. Murphy, Memory M.
41. Nelson, Katherine S.
42. Nemec, Mary Margaret
43. Neuman, Iliana A.
44. Noriega, Megan T.
45. Orr, Allison D.
46. Oubre, Rebecca A.
47. Owens, Edward W.
48. Owens, Rachel M.
49. Panek, Todd M.
50. Parzybok, Benjamin I.
51. Peyser, Scott F.
52. Philyaw, Deesha D.
53. Porter, Charles R.
54. Quintero, Diana M.
55. Robinson, Charnita L.
56. Shekoyan, Matthew J.
57. Shepperson, Stanley M.
58. Smith, Ariane K.
59. Sneed, Karla A.
60. Sobolewski, Eric C.
61. Stern, William E.
62. Tapia, Patricia
63. Tinsley, Benjamin T.
64. Warner, Steven D.
65. Watkins, Norman G.
66. Zakriski, Jennifer N.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Ballenger) to revise and extend their remarks and include extraneous material:)

Mr. Emerson, for 5 minutes, today.

(The following Members (at the request of Mr. AuCoin) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Stokes, for 60 minutes, on February 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Ballenger) and to include extraneous matter:)

Ms. Snowe.

Mr. Quillen.

Mr. Stangeland.

Mr. Hefley.

(The following Members (at the request of Mr. AuCoin) and to include extraneous matter:)

Mr. Lantos in two instances.

Mrs. Schroeder.

Mr. Leland.

Mr. Traficant in two instances.

Mr. Rangel.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

ADJOURNMENT

Mr. AuCOIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 20 minutes a.m.), under its previous order, the House adjourned until Monday, February 1, 1988, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2784. A communication President of the United States, transmitting notification that comments and recommendations regarding the biennial report of the U.S. Institute for Peace were conveyed in a joint House-Senate hearing, November 10, 1987, pursuant to 22 U.S.C. 4611; to the Committee on Armed Services.

2785. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-124, "Technical Amendments Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2786. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's submission to OMB appealing the budget allowance for fiscal year 1989, pursuant to 49 U.S.C. app. 1903(b)(7); jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. SCHROEDER (for herself, Mr. Horton, and Mr. Dymally):

H.R. 3875. A bill to amend title 5, United States Code, with respect to appeal rights for members of the excepted service affected by adverse personnel actions and with respect to the Merit Systems Protection Board; to the Committee on Post Office and Civil Service.

By Mr. COLEMAN of Missouri:

H.R. 3876. A bill to amend the Higher Education Act of 1965 to reduce the default rates of student borrowers under the Guaranteed Student Loan Program, and for other purposes; to the Committee on Education and Labor.

By Mr. DAUB:

H.R. 3877. A bill to amend the Internal Revenue Code of 1986 to provide for the restoration of the capital gains preference with the amount of preference determined on the basis of the holding period of the asset sold; to the Committee on Ways and Means.

By Mr. JONTZ:

H.R. 3878. A bill to amend the Higher Education Act of 1965 in order to reduce the default rate under the Guaranteed Student Loan Program; to the Committee on Education and Labor.

By Mr. LELAND (for himself, Mr. Gejdenson, and Mr. Atkins):

H.R. 3879. A bill to amend the Child Nutrition Act of 1966 to authorize the establishment of a demonstration project to provide coupons to recipients of assistance under the special supplemental food program for women, infants, and children for use at farmer's markets; to the Committee on Education and Labor.

By Mr. McDADE (for himself, Mr. Gilman, and Mr. McHugh):

H.R. 3880. A bill to extend the authorization for the Upper Delaware Citizens Advisory Council for an additional 10 years; to the Committee on Interior and Insular Affairs.

By Mrs. SMITH of Nebraska:

H.R. 3881. A bill to amend the Internal Revenue Code of 1986 to exempt diesel fuel destined for use on a farm for farming purposes from taxation at the wholesale level; to the Committee on Ways and Means.

By Ms. SNOWE (for herself and Mrs. Roukema):

H.R. 3882. A bill to require that amounts withheld by an employer from an employee's wages for child support enforcement purposes under the mandatory income withholding provisions of title IV of the Social Security Act must be turned over to the appropriate State agency or entity (for distribution to the persons entitled thereto) within 10 days after the payment of such wages; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 3883. A bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in establishing restrictions on seating in aircraft; to the Committee on Public Works and Transportation.

By Mr. HOYER (for himself, Ms. Oakar, Mr. Ackerman, Mr. Akaka, Mr. Barnard, Mr. Bates, Mr. Borski, Mrs. Byron, Mr. Cardin, Mr. Coleman of Texas, Mr. Dixon, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Evans, Mr. Fauntroy, Mr. Fazio, Mr. Foglietta, Mr. Gejdenson, Mr. Gray of Pennsylvania, Mr. Kostmayer, Mr. Lehman of California, Mr. McCloskey, Mr. McMillen of Maryland, Mr. Matsui, Mr. Mfume, Mrs. Morella, Mr. Parris, Mr. Roe, Mr. Smith of Florida, Mr. Wolf, Mr. Weiss, and Mr. Wheat):

H.J. Res. 443. Joint resolution designating May 2-8, 1988, as "Public Service Recognition Week"; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS of Oklahoma (for himself, Mr. Skelton, Mr. Chandler, Mr. Ray, and Mr. Stenholm):

H.J. Res. 444. Joint resolution relating to Central America pursuant to House Joint Resolution 395 of the 100th Congress; jointly, to the Committees on Appropriations, Armed Services, Foreign Affairs, and the Permanent Select Committee on Intelligence.

By Mr. BONKER:

H. Con. Res. 239. Concurrent resolution in support of strict adherence to the indefinite cessation of all commercial whaling adopted by the International Whaling Commission

in 1982; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 341: Mr. Edwards of Oklahoma, Mr. Gallegly, Mr. Grandy, Mr. Herger, Mr. Schuette, Mr. Swindall, and Mr. Goodling.

H.R. 792: Mr. McCollum.

H.R. 1808: Mr. Fish and Mr. Hertel.

H.R. 1987: Mr. Frenzel.

H.R. 2473: Mr. LaFalce.

H.R. 2666: Mr. Obey and Mr. Torricelli.

H.R. 2704: Mr. Smith of New Hampshire.

H.R. 3174: Mr. Murtha.

H.R. 3199: Mr. Shumway, Mr. McEwen, and Mr. Hamilton.

H.R. 3588: Mr. Mineta, Mr. Porter, and Mr. Ackerman.

H.R. 3628: Mr. Jeffords, Mr. Yates, Mr. de Lugo, Mr. Young of Alaska, Mr. Jones of Tennessee, Mr. Hyde, Mr. Hughes, Mr. McCloskey, Mr. Hertel, Mr. Kastenmeier, Mr. Bates, Mr. Wolpe, Mr. Boehlert, Mr. Buechner, Mr. Donnelly, Mr. Moody, Ms. Pelosi, Mr. Conyers, Mr. Panetta, Mr. Denny Smith, Mr. Kostmayer, and Mr. Bryant.

H.R. 3699: Mr. Weber.

H.R. 3814: Mr. Morrison of Connecticut, Mrs. Meyers of Kansas, Mr. Walgren, Mr. Whittaker, Mr. Nichols, Mr. Skelton, Mr. Dickinson, Mr. Miller of Ohio, Mr. Ritter, Mr. Volkmer, Mr. Oberstar, and Mr. Upton.

H.R. 3815: Mr. Fish, Mr. Edwards of Oklahoma, and Mr. Miller of Ohio.

H.R. 3846: Mr. Armey, Mr. Boulter, Mr. Shumway, Mr. Emerson, Mr. Applegate, Mr. Donnelly, Mr. Lagomarsino, Mr. Wylie, Mr. Daub, Mr. Harris, Mr. Visclosky, Mr. Petri, Mr. Baker, Mr. Hyde, Mr. Penny, Mrs. Martin of Illinois, and Mr. Sensenbrenner.

H.J. Res. 390: Mr. Kastenmeier and Mr. McEwen.

H.J. Res. 399: Mr. Inhofe, Mr. Hall of Texas, Mr. Moorhead, Mr. Hoyer, Mr. Chapman, Mr. Stark, Mrs. Martin of Illinois, Mr. Jacobs, Mr. Konnyu, and Mr. Kleczka.

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SENATE—*Thursday, January 28, 1988*

The Senate met at 9:30 a.m. and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious God, merciful heavenly Father, we may reject Your love or ignore it. You never cease to love us. We may forget You. You never forget us. We may forsake You. You never forsake us. You have committed Yourself to us in Your own words: "Have not I commanded thee? Be strong and of a good courage; be not afraid, neither be thou dismayed: for the Lord thy God is with thee whithersoever thou goest."—Joshua 1:9. You have promised: "I will never leave thee nor forsake thee."—Hebrews 13:5. Grant to all Your servants who labor in this pressure cooker place daily—hourly awareness of and trust in Your unconditional, universal, enduring love and provision. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 28, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, it was informally agreed last night that the time of the two leaders would be yielded to the Senator from Wisconsin [Mr. PROXMIRE].

I ask unanimous consent that that be done.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Wisconsin is recognized.

SDI A BAD BARGAIN AT ANY COST: HERE'S WHY

Mr. PROXMIRE. Mr. President, how do we make a realistic estimate of the cost of a project like the strategic defense initiative [SDI]? Supporters of the program tend to ignore its costs, or understate them. Opponents buttress their argument against the project by stressing the costs and overstating them. How do we secure the most likely cost or the range of most likely costs? First, we should recognize that cost projections at this stage of the development of a new technological program like the strategic defense initiative are guesses. It is impossible to make estimates of the cost of researching, developing, producing, deploying SDI. Even after SDI has been completed, the cost of maintaining, operating and especially modernizing the project will continue at a very high level year after year, in perpetuity. Why can we not secure reliable cost estimates from those most expert in the SDI technology?

Here is why: First, there is no agreement on what SDI should be designed to do. Should it simply protect our own missile sites and command and control centers so that the U.S. deterrent is safer? Should it defend the Nation's Capitol as the ABM Treaty permits? Should it defend all major U.S. cities? Should it defend all population centers in the United States? Should it defend the entire territory of the United States? Obviously the larger the mission the more costly the project. Defense of missile sites and command and control centers would come in at a small fraction of the cost of a total defense of the entire Nation.

Second, how intensive a defense is necessary for each of these American targets to make SDI sufficiently effective to be worthwhile or "adequate"? And what is the cost of a system that provides "adequate" defense? For example, would a system that provides a 50-percent defense; that is, eliminating 50 percent of Soviet ICBM's that would otherwise strike American targets be adequate? Would a 90-percent defense against U.S.S.R. attack be "adequate"? How reliably can we determine the survivability percentage that SDI would provide?

Third, in a recent article in The Backgrounder, a publication of the Heritage Foundation, by Grant Loebs, SDI advocates estimate the cost of an SDI system that would safeguard the American population against 90 percent of Soviet ICBM's at about $118 billion. They contended the expenditure would cover a 10-year period and would vary between $10 and $12 billion per year. The article omitted any shred of documentation to justify the capability of such an SDI to stop 90 percent or any other percentage of Soviet missiles. It made no distinction between Soviet ICBM's that would be fired from the Soviet Union over the pole and those that would be discharged from bombers or submarines. In fact, it assumed that the SDI would primarily use space based kinetic kill vehicles [SBKKV's] or battle stations to strike Soviet stationary land-based ICBM's in their burst phase. The article failed to show how we would defend such an SDI against antisatellite weapons designed to destroy our highly vulnerable SBKKV's.

Fourth, even if everything worked according to the unlikely scenario desired by the SDI advocates; that is, no effective counter measures used by the Soviets, no bomber or submarine attack, no mobile land-based launchers that could evade the orbiting SBKKV's, the SDI advocates failed to indicate why we should expect SDI to take out 90 percent of the Soviet's missiles.

Fifth, suppose SDI enjoyed that unlikely success, what would be the result of a Soviet strike using only half of their arsenal of 10,000 nuclear warheads and a 90-percent success rate for our SDI, the consequence would be 500 Soviet warheads finding their American target. The Union of Concerned Scientists estimate that if just 100—not 500—if just 100—Soviet strategic warheads should strike American cities we would instantly suffer the death of between 35 and 55 million Americans. Our cities would be a steaming radioactive mess.

Sixth, obviously the Soviets would be expected at the very least—if we proceed with SDI—to increase their offensive nuclear warheads by whatever factor required to nullify our SDI. If they calculate that SDI might eliminate 90 percent of their warheads they could relatively quickly and cheaply increase their warheads by tenfold. Result, the Soviet deterrrent with 100,000 nuclear warheads would carry precisely the same force against a 90-percent effective SDI that it carries now against no SDI.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Seventh, it is as impossible to estimate the cost of SDI as it is to estimate how much water it would take to fill a swimming pool that has precise dimensions but also has a drainage hole in the bottom of the pool that flows out into the ocean. Whatever resources we in the United States pour into a defensive system, the Soviets will certainly view SDI as an attempt to destroy the credibility of their deterrent. They view their deterrent as we view our own deterrent—as absolutely essential to their nation's security. Result: No matter how much we pour into building an SDI—several hundred billion, a trillion dollars or several trillion, the Soviets can spend far less and maintain a capability to retaliate against any attack with a devastating and I mean totally devastating nuclear counterattack.

The solid, grim fact remains. SDI or no SDI, no one can win a superpower nuclear war. There will be nothing left but losers. This is why arms control, not SDI, is the only way to peace in this nuclear world.

CALIFORNIA PAPERS FAVOR REPEAL OF GLASS-STEAGALL

Mr. PROXMIRE. Mr. President, I ask unanimous consent, on another subject, that a number of editorials from California newspapers supporting a repeal of the Glass-Steagall Act be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Aug. 10, 1987]

BANKING IN THE VISE

For a half century, federal law has barred commercial banks from engaging in other businesses, such as selling securities. But while rules designed to protect bank stability have restrained banks, a decade of deregulation has loosed other businesses, including investment firms, brokerage houses, insurance companies, travel agents, auto manufacturers and even retailers, to tread on the commercial banks' turf. The result? The very rules designed to promote bank safety are now making the banking system more risky.

In the new world of financial supermarkets, banks—defined as institutions that both take deposits and make commercial loans—are being besieged from two directions. On the deposit side, customers who once had little choice but to keep their money in banks can now buy certificates of deposit at the department store or set up cash management accounts that offer packages of services—checking, credit cards, insurance, brokerage, mutual funds—that banks are not permitted to match.

On the loan side, the large and medium-sized corporations that were once the bank's best borrowers are turning to the commercial paper market for short-term financing. Mortgages and auto loans, once a substantial source of income for banks, are being repackaged as securities by investment firms, a technique that lowers costs for consumers but deprives banks of business. That competition has left banks squeezed into what has become the least profitable and riskiest part of the financial world—lending to small companies, farmers, real estate developers and governments abroad.

Although the need to bolster the banking system by putting banks on a level playing field with their less-regulated competitors has been clear to regulators such as the Federal Reserve Congress so far has failed to heed their calls for comprehensive banking reform. Lawmakers are readier to listen to the investment houses, brokers and real estate and insurance agents, who enjoy the legal shackles that keep the banks at bay. As a result, after five years of trying, the closest that Congress can come to a major reform is a bill, headed for the president's desk, that puts restrictions on the growth of non-bank banks and a moratorium on regulatory or court actions that let banks into new fields.

That sort of dithering doesn't inspire confidence. To bolster the banks and spread their risks, Congress must free them to compete with other financial institutions in services such as securities underwriting, insurance and brokerage. At the same time, lawmakers must think about how to restructure financial regulation to achieve in today's more market-oriented financial world the same kind of protection against panics and concentration of power that existed in decades past. Strict laws are needed to see that insured deposits aren't used by diversified institutions to venture into risky businesses, that loans aren't tied to the sale of other financial services and that financial institutions keep firm walls between their banking and non-banking activities.

Properly managed, diversified financial supermarkets can bring lower costs and new services to consumers. But the current willy-nilly deregulation, without comprehensive reform, only brings new instabilities and the risk of a weakened banking system.

[From the Oakland Tribune, June 29, 1987]

DON'T REGULATE BANKS TO DEATH

As if competing with foreign behemoths and domestic financial giants weren't challenge enough, America's banks must do battle from within a regulatory straitjacket fastened by a false premise.

The straitjacket is the Glass-Steagall Act of 1933, which bars banks from applying their financial expertise to underwriting and dealing in securities, a field monopolized by investment banks and foreign institutions.

The premise behind that act is the assumption that bank meddling in securities markets prompted the wave of bank failures in the Great Depression.

This enduring myth has no basis in fact. The great majority of the 4,800 banks that collapsed between 1930 and 1933 were small, rural banks that handled no securities business at all. They went under because they had too small an asset base and too restricted a loan portfolio to survive the one-third shrinkage of the nation's money supply engineered by the Federal Reserve Board.

Today the threat to the nation's banks comes not from overspeculation but overregulation. In today's hypercompetitive international markets, banks cannot hold onto quality customers without more freedom to expand the scope of their operations.

Consider some indicators of the dismal state of the domestic banking industry: Of the world's top 25 banks, only two are American, down from 15 only 30 years ago. Bank profits have slid for the past 15 years, to the point where a quarter of the nation's banks are losing money. For five years running, the bank failure rate has broken post-Depression records.

Glass-Steagall isn't the only culprit. But arbitrary limits on bank entry in the underwriting field, combined with equally arbitrary geographic limits on branch banking, have made it tough for many banks to survive the sharp deflation of the 1980s.

The law effectively stops banks from competing for the prime corporate market in short-term lending; their share of the market has plummeted from 43 percent in 1974 to 27 percent 1985. The reason: Cash-poor companies find it cheaper to raise money from cash-rich companies through the $1 trillion-a-year commercial paper market rather than going to the bank. Only investment banks—and 15 foreign banks grandfathered by Congress—can underwrite commercial paper and other securities.

So U.S. banks have been forced to become lenders of last resort to energy ventures, farm operations and other risky businesses, even while facing tough new competition from "non-bank banks" set up by large companies like Sears and J.C. Penney.

Frustrated by all these restrictions, Chase Manhattan president Thomas Labrecque even talked of abandoning the bank's federal charter. "A bank charter begins to look more and more like a one-way ticket to the graveyard," he said.

Relief is not in sight. Although the Supreme Court last week upheld the right of banks to broker commercial paper, they still may not underwrite it. And Congress is moving, under enormous pressure from investment banks and other financial sectors, to stop further erosion of the Glass-Steagall Act. California Sen. Alan Cranston, listening to his generous campaign contributors in the securities industry, is among the many in Congress fighting to keep the banks in their narrow place.

But the consequences of limiting competition across the range of financial services will surely be to further weaken domestic banks vis-a-vis their foreign rivals.

"If banks cannot evolve," warns Treasury Secretary James Baker, "the term 'countinghouse industry' may before long become an epitaph like 'smokestack' or 'rust bowl.' * * * The victim would be one more U.S. industry that would not—or in this case could not—evolve to meet the competition."

[From the San Jose Mercury, July 7, 1987]

UNBIND THE BANKS

House and Senate conferees have approved a measure that may well be remembered as the banking bill that wasn't.

The legislation, which now goes back to the two chambers for approval, is notable more for what it doesn't accomplish than for what it does.

The bill fails most broadly and miserably in the crucial area of banking deregulation, a process that is long overdue and which must be undertaken soon if American banks are to retain—recover, in many cases—their health.

Congress, unfortunately, has allowed itself to be pressured by the competitors of a reinvigorated banking industry. The conferees agreed to curb the creation and expansion of limited-service banks, which aren't subject to the same regulations as full-service institutions, and to ban temporarily the granting of new banking powers by federal regulators.

Their position may gladden members of the brokerage, insurance, real estate and travel industries, who fear competition from fully armed banks, but it makes no economic sense. It also is a disservice to consumers.

The U.S. financial landscape has shifted dramatically since the Great Depression, but the regulations governing banks have remained essentially unchanged. Rules created to stabilize the industry more than 50 years ago are throttling it today.

In 1970, seven of the world's 25 largest banks were American, today only three are. A post-Depression record of 200 bank failures is expected this year.

Banks are restricted to activities—principally commercial and consumer lending—that potentially are far riskier than the underwriting and brokerage business they would like to engage in.

No such prohibitions hinder foreign banks or a variety of financial services firms in this country, and they are plundering U.S. banking's business base.

There are ways to let banks expand into more lucrative areas without compromising the safety of their deposits, and they should be adopted. A far greater risk would be posed if the current slide were allowed to continue.

However, blocking the conference committee measure is not the best way to achieve the needed reform.

The legislation authorizes a crucial refinancing by the Federal Savings and Loan Insurance Corp., the currently insolvent agency that is supposed to provide a safety net for the U.S. thrift industry. On that ground alone, it should be approved.

Then, next fall, Congress should take on the crucial, politically nettlesome task it has avoided. Banks must be deregulated.

[From the Fresno Bee, July 13, 1987]

Banking in the Vise

For a half century, federal law has barred commercial banks from engaging in other businesses, such as selling securities. But while rules designed to protect bank stability have restrained banks, a decade of deregulation has loosed other businesses, including investment firms, brokerage houses, insurance companies, travel agents, auto manufacturers and even retailers, to tread on the commercial banks' turf. The result? The very rules designed to promote bank safety are now making the banking system more risky.

In the new world of financial supermarkets, banks—defined as institutions that both take deposits and make commercial loans—are being besieged from two directions. On the deposit side, customers who once had little choice but to keep their money in banks can now buy certificates of deposit at the department store or set up cash management accounts that offer packages of services—checking, credit cards, insurance, brokerage, mutual funds—that banks are not permitted to match.

On the loan side, the large and medium-sized corporations that were once the bank's best borrowers are turning more and more to the commercial paper market for short-term financing. Mortgages and auto loans, once a substantial source of income for banks, are being repackaged as securities by investment firms, a technique that lowers costs for consumers but deprives banks of business. That competition has left banks squeezed into what has become the least profitable and riskiest part of the financial world—lending to small companies, farmers, real estate developers and governments abroad.

Although the need to bolster the banking system by putting banks on a level playing field with their less-regulated competitors has been clear to regulators such as the Federal Reserve, Congress so far has failed to heed their calls for comprehensive banking reform.

Lawmakers are readier to listen to the investment houses, brokers and real estate and insurance agents, who enjoy the legal shackles that keep the banks at bay. As a result, after five years of trying, the closest that Congress can come to a major reform is a pending bill that puts restrictions on the growth of non-bank banks and a moratorium on regulatory or court actions that let banks into new fields.

That sort of dithering doesn't inspire confidence. To bolster the banks and spread their risks, Congress must free them to compete with other financial institutions in services such as securities underwriting, insurance and brokerage. At the same time, lawmakers must think about how to restructure financial regulation to achieve in today's more market-oriented financial world the same kind of protection against panics and concentration of power that existed in decades past.

Strict laws are needed to see that insured deposits aren't used by diversified institutions to venture into risky businesses, that loans aren't tied to the sale of other financial services, and that non-bank financial institutions keep firm walls between their banking and non-banking activities.

Properly managed, diversified financial supermarkets can bring lower costs and new services to consumers. But the current situation of willy-nilly deregulation without comprehensive financial reform only brings new instabilities and the risk of a weakened banking system.

JANUARY GOLDEN FLEECE GOES TO MINORITY BUSINESS DEVELOPMENT AGENCY

Mr. PROXMIRE. Mr. President, I am presenting my Golden Fleece of the month for January to the Minority Business Development Agency of the Department of Commerce for awarding a second $200,000 grant to a virtually useless conference of mayors in southern Texas despite being told by the Department's own auditors that the "performance of the conference during its first grant was extremely poor" and that the project should be terminated. Only after the additional $200,000 was spent and a followup audit report concluded that in the second year the "project's results were minimal" did Federal funding finally stop.

The Minority Business Development Agency's [MBDA] mission is to assist in the establishment and successful operation of minority owned and run businesses. On August 30, 1984, the Lower Rio Grande Conference of Mayors was incorporated in Texas. On September 28, 1984, the conference was awarded a $200,000, noncompetitive, no matching funds required, demonstration project from MBDA.

In May 1986, the inspector general issued a highly critical report of the project and strongly recommended no further funding. According to the report only part of the initial focus of the conference related, even indirectly, to minority business enterprise. Most of the effort and funding went into the overhead costs of setting up the conference and into general community planning.

The auditors pointed out that both the first grant and the proposed second grant duplicated services already provided by the MBDA and other Commerce Department agencies. For example, MBDA itself was funding minority business development centers in key locations in the area. Also, the Department's Economic Development Administration was funding other economic planning and development organizations in the lower Rio Grande region.

Finally the auditors questioned the appropriateness of funding a project, "a major purpose of which would be to generate applications to other Federal agencies for additional grants."

Disregarding the detailed warnings, MBDA awarded the second grant which ran until July 1987.

An interim audit in April 1987 found in addition to producing "minimal" results, the conference was in terrible financial straits. The organization was more than $47,000 in debt, including owing $4,400 to the IRS for overdue payroll taxes. The Federal grant money could not be used to pay the money owed IRS. The auditors concluded that it was doubtful that the conference could continue to function without significant non-Federal funding. Once again the inspector general's report recommended the MBDA not renew the grant.

Finally, after wasting $400,000 of taxpayers' money, the MBDA cut off the funding, and without another handout from "Uncle Sugar" the Lower Rio Grande Valley Conference of Mayors ceased operations.

CIVIL RIGHTS RESTORATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of unfinished business, which the clerk will now report.

The assistant legislative clerk read as follows:

> A bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.
>
> Pending: Hatch Amendment No. 1386, to clarify that the exemption to Section 901 of the Education Amendments of 1972 shall also apply to entities closely identified with the tenets of a religious organization.

The Senate resumed consideration of the bill in accordance with the unanimous-consent agreement entered on yesterday, which provides as follows:

S. 557 (Order No. 157)

2.—*Ordered*, That at 10:30 a.m. on Thursday, January 28, 1988, the Senate proceed to vote, up-or-down, on the Hatch amendment, dealing with religious tenet, with no time for debate on any motion to reconsider that vote.

Ordered further, That upon disposition of the Hatch amendment, the Senate proceed to the consideration of a Metzenbaum/Kennedy/Weicker/Packwood amendment, with the time until 1:00 p.m. to be equally divided and controlled in the usual form, with an up-or-down vote to occur at 1:00 p.m. thereon, and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Metzenbaum amendment, the Senate proceed to the consideration of a Danforth amendment, with the time until 2:00 p.m., to be equally divided and controlled in the usual form, with an up-or-down vote thereon to occur at 2:00 p.m., and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Danforth amendment, the Senate proceed to the consideration of a Hatch substitute for S. 557, on which there shall be 30 minutes debate, to be equally divided and controlled in the usual form, with an up-or-down vote to occur at the expiration of that time, and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Hatch substitute, the Senate proceed to the consideration of a Humphrey amendment, dealing with Arlines, on which there shall be 1 hour, to be equally divided and controlled in the usual form, and which will be subject to a Harkin-Weicker amendment in the second degree, which must be relevant, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form.

Ordered further, That upon the disposition of the Humphrey amendment, the Senate proceed to the consideration of a Humphrey amendment dealing with small providers, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form, and which will be subject to a Harkin-Weicker amendment in the second degree, which must be relevant, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form.

Ordered further, That no further amendments on abortion be in order.

Ordered further, That no amendments to listed amendments be in order, unless so specified.

Ordered further, That no amendments to any underlying language be in order.

Ordered further, That time for debate on any debatable motion, appeal, or point of order shall be limited to 20 minutes, to be equally divided and controlled in the usual form. *(Jan. 27, 1988.)*

AMENDMENT NO. 1386

The ACTING PRESIDENT pro tempore. The pending question is the Hatch amendment, Amendment No. 1386.

Mr. HATCH. Mr. President, the amendment I am offering will address one of the serious flaws of the legislation as drafted. In 1972, when Congress enacted title IX, which bans sex discrimination in education programs or activities receiving Federal financial assistance, it adopted an exception to coverage under the provisions of the act. This exception reads as follows:

> This section shall not apply to an education institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization. * * * (20 U.S.C. section 1681(a)(3).)

When this language was adopted, many educational institutions were controlled by religious organizations. Today, this direct nexus is not quite so clear. Today, many of these institutions, while they retain their identity with religious tenets, are controlled by governing boards, a majority of whose members are lay persons. Similarly, many such institutions receive less financial support from religious organizations than they did in the past. They are, therefore, outside of the scope of the existing test.

The amendment I am offering would expand the scope of the religious tenets exemption by including not only entities controlled by a religious organization, but also those "closely identified with the tenets of" a religious organization.

This language is by no means new to Congress. When we last faced this issue directly during consideration of the higher education amendments of 1986, we included in that legislation a nearly identical exemption to a prohibition on religious discrimination for projects under the Construction Loan Insurance Program.

So this is not a new idea. It is something we have approved.

The amendment would not protect an institution which sought an exemption from prohibitions under title VI, that is, race; section 504, that is, handicapped; or the Age Discrimination Act, that is, age. The exemption would have no application to public schools or hospitals. It would apply only to private institutions which persons attend voluntarily.

So it is a very narrow exception. It is one that does recognize religious freedom and religious beliefs in our society, and I think corrects what is an inequity with regard to religious freedom and religious beliefs in our society that would not otherwise be corrected without this particular amendment.

Moreover, the amendment would not allow an institution to be exempted in its entirety. It would only exempt a policy of the institution that is based on its religious tenets to the extent that the policy conflicts with title IX.

So it is very limited in that regard also.

Church colleges and universities, freely chosen by the students who attend them, have traditionally regarded attitudes about marriage, children and families as central to the concerns of their students. These schools provide not just a traditional education but instill important family and religious values as well. In this regard, church schools provide a very different approach than public schools. The latter, as an extension of the democratic state, must take a more neutral posture regarding certain values including sexual mortality, abortion, marriage, and family life. Without any amendment, S. 557 will push much closer toward an official orthodoxy on value questions in all schools and educational institutions. And it will be an orthodoxy set by Washington, not by the particular beliefs of the citizens out there in the respective areas.

The proponents of S. 557 will argue that this amendment is unnecessary, that no school has ever been denied a request for an exemption. While that may be technically correct—and that is all it is—during the 10-year period between 1975 and 1984, only 5 out of 220 requests for exemptions were actually granted. What the proponents forget to mention is that the bureaucracy has stubbornly resisted even acting on the requests, reflecting an apparent hostility for an exemption.

If one wanted to accurately describe what has happened with the current exemption, during the period I just mentioned, there were 220 requests, 5 exemptions granted and 215 what we might call "failures to act." So technically it is true that one can say that the Department did not deny any requests, but such a description creates a false impression. In fact, more than 95 percent of the requests were simply ignored. Obviously, for the schools involved, there is no real difference between a denial and a failure to act. The result is the same. The schools were forced to bend their religious beliefs to accommodate the regulatory demands of the Department of Education.

Since 1985, when this issue became the subject of congressional debate and public attention, about 145 of the requested exemptions have been granted. Current law provides no guarantee, however, that a different administration will not revert to the practices of the past or revoke the exemptions already granted. Moreover, since there is a private right of action under title IX, there is also the very real possibility that private suits will be filed to deny schools these exemptions.

Moreover, given the scope of Federal jurisdiction called for in S. 557, the need for this amendment will increase as a result of the scope of this bill. While in the past a private, religious school could assume that only a specific program or activity was subject to Federal regulation, S. 557 would apply coverage over the entire institution, guaranteeing that all value and moral related activities at a school would be subject to Federal regulation.

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I do not know how anybody could not vote for this amendment which corrects that imbalance and restores the rights of these basically religious institutions to believe in the values that they do and in the tenets that they do.

The support for this amendment is perhaps the evidence of its merit. It has been endorsed by such mainstream organizations as the National Association of Independent Colleges and Universities, which has over 800 member institutions enrolling over 2 million students; the Association of Catholic Colleges and Universities; the American Association of Presidents of Independent Colleges and Universities; the United States Catholic Conference; Agudath Israel; the National Society for Hebrew Day Schools; and the Association of Advanced Rabbinical and Talmudic Schools.

Religious liberty is a basic right of every American, the first right guaranteed in the first amendment. I hope my colleagues will join with the other sponsors of this amendment and protect diversity and pluralism in education. That is what this amendment does. This amendment can be adopted without jeopardizing our commitment to civil rights or impairing the effectiveness of the four statutes addressed in S. 557.

With that, I will reserve the remainder of my time. I will be happy to yield to Senator HATFIELD as the lead cosponsor on this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I thank my colleague from Utah, Senator HATCH, for yielding time.

I rise not only as a cosponsor of the amendment before us, but as one who supports the general principles of the Civil Rights Restoration Act. In light of the Supreme Court's decision in Grove City, there is a clear need to strengthen and expand coverage of the four civil rights statutes banning various forms of discrimination in programs and activities that receive Federal funds.

With this said, however, I am also troubled by several aspects of this bill, including its impact on first amendment rights as they relate to religious liberty. Our country was founded on principles of diversity and pluralism, particularly with regard to the free exercise of religious beliefs as guaranteed by the Constitution. As currently drafted, this bill does not adequately protect these rights.

Let me explain. Title IX of the Education Amendments of 1972, which I voted for, prohibits gender discrimination in educational programs or activities receiving Federal funds. That title, however, contained an exemption for educational institutions which are "controlled by a religious organization." Under this exemption, an educational institution may seek an exemption from the provisions of title IX where application of that title "would not be consistent with the religious tenets of such organization." Many private religious colleges and universities teach fundamental religious principles on such topics as marriage, chastity, and abortion. Some religious educational institutions, while believing that educational and other opportunities for men and women should be fully and completely available, also teach that particular distinctions based on gender are both natural and religiously significant. While this may not be the viewpoint of any Senator, surely we all support the right of those institutions to follow the tenets of their religion.

In 1972, the vast majority of these religious schools were directly controlled by church denominations, catholic dioceses and other religious organizations. The current exemption was adequate to protect each school's first amendment right to the free exercise of their religious beliefs. I emphasize that was in 1972.

However, the form of association between these religious entities and their private colleges and universities has evolved over the past 16 years. And I doubt if there are many Senators here that are fully acquainted with this evolution. Today, many of these educational institutions, while still holding to their religious beliefs and doctrine, are controlled by lay boards and have additional sources of funding beyond the religious organization.

Mr. President, it is pretty obvious with the economics of private colleges today, that they must look beyond those denominational constituencies for sources of funding. They could not exist if they did not.

The "religious tenets" exemption from application of title IX, as presently worded, does not reflect this current form of relationship in these institutions. Accordingly, the "control" test for application of the exemption no longer affords adequate protection for religious values under title IX. The current exemption must be amended to reflect the changed nature of religiously oriented institutions.

The amendment before us restores full protection of religious values by providing an exemption from title IX based on religious tenets not only when the institution is controlled by a religious organization, but also when an educational institution "closely identifies with the tenets of" that religious organization.

Keep in mind that we do not seek to "loosen" this exemption. I am an adamant supporter of the full application of all civil rights laws. After 37 years in public life, I think that record is pretty well established. But I do not share the fear that this amendment will somehow create a loophole resulting in widespread discrimination in education. This amendment simply seeks to restore fully the constitutional protection of the free exercise of religious beliefs in religious educational institutions, therefore satisfying the intent of Congress when it adopted the "religious tenets" exemption to title IX in 1972. The amendment will protect important nondiscriminatory principles embodied in title IX and other civil rights statutes.

Let me remind my colleagues what this amendment will not do. It is very limited in scope and does not allow a college to unilaterally claim a blanket exemption from all title IX requirements. There must be a policy or policies embodying a particular religious tenet and a particular title IX regulation regarding gender discrimination in conflict before the exemption will apply. We still hold the control over this, Mr. President, under this act. Title IX coverage will properly apply to all other aspects of the institution's activities.

Further, under the regulations promulgated by the Department of Education, a college must still apply for the exemption. The Department of Education reviews each exemption request submitted, and grants or denies the request based on the facts presented. The Department of Education retains jurisdiction to investigate any complaints or concerns raised regarding the school's connection with the particular religious organization, or if there is concern about the legitimacy of the religious tenet articulated by the school.

Nor does the amendment permit an educational institution to claim protection for differentiation on the basis of race, handicap, or age. These civil rights statutes are fully applicable.

Finally, the exemption is only available to schools which are "controlled" by a religious organization or "closely identified with the tenets of a particular religious organization." The language places reasonable limits on the class of eligible religious organizations.

Let me repeat, Mr. President, that this amendment does not abrogate the intent of title IX; but rather, reflects the actual structure of religious higher education. The amendment strikes a constitutional balance between the need to promote the principles of equal rights, while allowing for the legitimate exercise of religious liberty.

Let us remember that the first amendment guarantees religious liberty as well as free speech and other rights.

This amendment has the support of many organizations, including the U.S. Catholic Conference, the National Association of Independent Colleges and Universities, the Christian College Coalition, the Association of Catholic Colleges and Universities, and the American Association of Presidents of Independent Colleges and Universities.

Mr. President, this amendment is badly needed, and I think we ought to be aware of the erosion of first amendment liberties that is happening in our land today. It is interesting to note in closing that a great number of publications on the bicentennial celebration of the Constitution of the United States are addressing first amendment rights and the problems that are arising periodically and regularly under those rights, specifically regarding religious liberties. I speak as one who has had a little experience not only in university and educational life, but in dealing with a very interesting cult that developed in my State. Their presence again called attention to the right to freely exercise religious beliefs under the first amendment. I refer to the Rajneesh. The point is that we must continue to protect our full rights under the Constitution and the first amendment, particularly in the field of religious education.

I urge its adoption.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I would also like the RECORD to show that the National Association of Evangelical Churches supports our amendment and then we reserve the balance of our time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. How much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Utah controls 2 minutes 52 seconds; and the Senator from Massachusetts 21 minutes 22 seconds.

Mr. KENNEDY. I yield such time as the Senator from Vermont may want.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I thank the very able Senator from Massachusetts for yielding time to me.

Mr. President, it is not without some trepidation that I find myself on the opposite side of an issue from the very able Senator from Utah, Senator HATCH, and my very able friend of many years, the Senator from Oregon, Senator HATFIELD. But that is the way it is today.

Mr. President, I rise in opposition to the amendment being offered to S. 557, The Civil Rights Restoration Act.

The issue before us is whether or not to permit the standard for the religious tenet exemption as outlined in title IX of the Education Amendments of 1972 to be expanded from "controlled by" to "closely identified" with the tenets of a religious organization. It is my opinion that we should reject the amendment and leave the language in the bill as it now stands. I believe that the goal of all civil rights laws is universal compliance. Immunity from such compliance should be granted cautiously and judiciously, as is current practice. Liberalizing the standard for the granting of waivers is unwarranted.

There are several reasons why we should reject this amendment. First and foremost in my mind is the simple fact that in order for S. 557 to be effective it needs to be passed as it is now crafted. I cannot emphasize this point enough. We must not stray from the original intent of this legislation which is to restore the nondiscriminatory statutes back to their pre-Grove City status. We must not allow this measure to be turned into a vehicle for other legislative agendas, but rather, we must permit it to pass in its original form. If we allow one amendment to take hold, I am afraid that we will find ourselves lost in a sea of legislative agendas far from our original shoreline.

Let me also remind my colleagues of the short title of this act: The Civil Rights Restoration Act. Its basic premise is to restore the civil rights of all individuals to the status they held before the narrow ruling issued by the Supreme Court in Grove City. It does not address the issue of religion. It is not, and should not become a religious issue.

Current title IX regulations provide for a religious exemption to the statute where it is inconsistent with the religious tenets of the institution. An educational institution need only make application to the Department of Education for such an exemption. To date, no institution that has completed an application has been denied an exemption. According to a 1987 Department of Education report, there are 150 institutions that have been granted religious exemptions. The National Center for Education Statistics reports that nationally, there are 3,301 institutions of higher learning. They report 786 religiously affiliated schools. That represents over five times the current number that could possibly gain exemption from compliance to the nondiscrimination statutes safeguarded by S. 557. It also means that 559,053 students, the total number of women enrolled both part time and full time in religiously affiliated schools, would possibly be subjected to discriminatory acts. The enactment of the education amendments of 1972 provided women with opportunities to participate in programs and facilities in which they had previously been denied access. The amendment offered by Senator HATCH threatens the rights that we sought to protect in the education amendments of 1972.

Some of my colleagues have mentioned the fact that contained within the Higher Education Act reauthorization of 1986 is language which is similar, if not identical, to that being proposed by Mr. HATCH. They are indeed correct—there is language. However, the context in which that language is used is entirely different from the way in which the amendment proposes its use in S. 557. The language that was inserted by Congressman HENRY during the conference on S. 1965 references only section 752 of the College Construction Loan Insurance Association authorization. This was a concession made very reluctantly by the Senate conferees. When the Senate spoke during floor consideration of the Higher Education Act amendments, the antidiscrimination statute adopted used the phrase "religiously controlled." The expansion agreed to in conference was just that—a conference agreement. It refers only to religious discrimination in consideration of doing business with a newly formed loan insurance association. If I had anticipated then, that insertion of that conference agreement language would possibly cause the failure of a reassertion of our civil rights, I would have fought much more vigorously to prevent its inclusion.

In the 99th Congress, attempts were made to broaden the religious exemption language during consideration of H.R. 700, the civil rights legislation. The House Education and Labor Committee adopted an amendment similar to that proposed by Senator HATCH. The House Judiciary Committee rejected this so-called religiously "affiliated" language. Because of this and other points of disagreement, H.R. 700 was permanently stalled in committee. During the 100th Congress, the Senate Labor and Human Resources Committee reaffirmed the House Judiciary's decision to reject this language by a vote of 11-5. I ask my colleagues to support the decision made by the committee and vote against this amendment.

In closing, I would like to reaffirm my commitment to title IX of the education amendments of 1972. It is indeed unfortunate that in order to guarantee equality for women, we have to mandate it in Federal funds. It seems to this Senator that we should be able to look upon each other as equals and treat each other in such a manner that does not require Government intervention. Discrimination against women should be eradicated from our society. Expanding definitions and manipulating words only creates a greater potential for side-stepping equal treatment.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

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Mr. KENNEDY. I yield myself such time as I may use.

Mr. President, I oppose this amendment.

I welcome the comments of the former chairman of the Education Committee, now the ranking minority member of the committee, who has made an extraordinary contribution in the areas of education and not only has reviewed our general education programs but also has a unique perspective on this issue. He has given it a good deal of attention and is probably as knowledgeable about the real implications of this amendment and what the current situation is as any other Member of this Senate.

Since its enactment in 1972, title IX has contained an exemption for educational institutions "controlled by a religious organization." I think that basically addresses the central concerns of the Senator from Oregon and the Senator from Utah. The exemption permits an education institution to seek an exemption from the prohibition on sex discrimination in title IX where the application of title IX "would not be consistent with the religious tenets of such organization."

S. 557 leaves the religious tenet exemption in title IX intact and clarifies that the exemption is as broad as the title IX coverage of education programs and activities. Thus, a religiously controlled education program or activity which receives Federal financial assistance and is therefore subject to the sex discrimination prohibition in title IX, but is not part of an education institution, would still be within the scope of the religious tenet exemption. The inclusion of clarifying language for the religious exemption was prompted by concern expressed by the Catholic Conference in previous Congresses. Bishop Joseph Sullivan, who testified on behalf of the U.S. Catholic Conference before the committee on S. 557, commented approvingly on the religious tenet exemption in S. 557:

> When we testified on this legislation in the last Congress, we requested that the religious tenet provision be extended to ensure that the noneducational institutions would also be protected. As we read S. 557 in its present form, the extension of the religious tenet provision beyond education institutions have been made.

The Catholic Conference later expressed sympathy with the supporters of a change in the religious tenet exemption. I want to make that clear. But in terms of working out the language which we have in S. 557 and reviewing that the testimony we had, it was acceptable at that time. There was an effort to develop this further position, and the conference has embraced that.

The record of implementation of the religious tenet exemption does not indicate any need to broaden the religious tenet provision. The U.S. Department of Education, the agency charged with administering title IX religious exemption requests, provided the following information to the committee by letter dated May 19, 1987. I think this is very important, Mr. President, and I hope the Members are listening.

> OCR has received requests for religious exemptions from 227 institutions since July 21, 1975, the date the title IX regulation was implemented, to the present.
>
> OCR has granted exemptions to 150 institutions. Under the 1985 religious exemption project aimed at resolving the requests pending at that time, OCR closed 79 request files for a variety of reasons, including, but not limited to: the institution withdrew the request; the institution did not need a religious exemption since its admission practices were already exempt; the institution had ceased operations; or the institution failed to respond to repeated requests from OCR for additional information sufficient to act on the exemption request. * * * OCR has never denied a request for religious exemption. No requests for religious exemption are pending at this time.

Some requests were not granted because they were incomplete or the practice engaged in did not violate title IX, as I mentioned.

So exemptions have been granted to institutions seeking to discriminate against women based on their marital status, to limit intercollegiate athletic activities for women, and to discriminate against unmarried pregnant students.

This amendment seeks to expand the religious tenet exemption to include entities who are "closely identified" with the tenets of a religious organization.

Expanding the exemption would substantially broaden the exemption by allowing potentially hundreds of schools and colleges to escape from title IX coverage.

The National Center for Educational Statistics reports that there are 3,331 institutions of higher education nationwide, of which 794 report a religious affiliation. Therefore, it is conceivable that as many as one-quarter of all such institutions could apply for and receive exemptions.

Admittedly, the control test is, and should be, a difficult one. Many schools have chosen to no longer be controlled in order to be able to receive private and public aid. By adopting this amendment, we would allow them to take Federal funds on the one hand and discriminate on the other. There have been no problems in the past. I do not believe that there are problems at the present time.

Mr. President, I want to repeat that there are no pending applications at the present time, and there has not been an instance where there has been a rejection, other than as I understand for the lack of additional information or the conditions which we have mentioned, and the potential in this other area is indeed significant.

Now, we have provided a test that exists and is well understood now by educational institutions. No such test is even suggested by those who propound this amendment.

We provide: is it a school or a department of divinity?

When the initial language was developed, it was pointed out to the supporters of the amendment that we had various seminaries and other religious organizations, groups, educational, whose tenets were of sufficient nature that may be violative of the language. So there was the development with those various groups of these criteria which have been the standard criteria which now are in place, are understood, with a solid record of adherence to it.

These are the criteria: Is it a school or department of divinity, or requires its faculty, students or employees to be members of or otherwise espouse a personal belief in a religion of the organization which it claims to be controlled or on its charter and catalog or other official publications contain explicit statements that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion and the members of its governing body are appointed by the controlling religious organizations or an organ thereof or it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

Those seem to me to be flexible, Mr. President. They are understood. Those are words that have been interpreted time in and time out, and I think quite frankly the proof is in the pudding and that is that this has not been an issue which we gave that was raised in a significant way in the course of our hearings. In fairness, the issue was raised over the course of the hearings, but in the consideration, when we talked to and inquired of the various religious groups, even at that time the Catholic Conference reported it; later they adjusted it when the Senate proposal came up.

But under the current situation I will include the full list of the groups that support the existing law for the reasons that I have identified.

The following religious denominations and faith groups support the Civil Rights Restoration Act and oppose all substantive amendments:

Episcopal Church.
Presbyterian Church, USA.
United Methodist General Board of Church and Society.
Union of American Hebrew Congregations.
American Baptist Churches, USA.
Lutheran Office for Governmental Affairs.
United Synagogue of America.
Progressive National Baptist Convention.
United Church of Christ.

United Methodist Church, Women's Division, General Board of Global Ministries.
African Methodist Episcopal Church.
Unitarian Universalist Association.
American Jewish Congress.
American Jewish Committee.
National Council of Churches.
African Methodist Episcopal Zion Church.
Central Conference of American Rabbis.
Church of the Brethren.
Christian Church (Disciples of Christ).
Church Women United.
Friends Committee on National Legislation.
American Friends Service Committee.
National Council of Jewish Women.
Reorganized Church of Jesus Christ of the Latter Day Saints.
National Federation of Temple Sisterhoods.
American Ethical Union.
NA'AMAT U.S.A.
American Humanist Association.
North American Federation of Temple Youth.

Mr. THURMOND. Mr. President, the provisions of title IX allow partial exemptions to institutions where the provisions of title IX are in conflict with their religious tenets. However, these exemptions are limited to institutions which are "controlled by a religious organization".

I support the pending amendment which would extend this exemption to entities which are "closely identified" with the tenets of a religious organization. This amendment would permit religiously oriented schools to claim an exemption from a particular title IX regulation on the basis of a conflict between that regulation and its own religious principles.

I believe it is important that these institutions retain the religious freedoms so basic to our Constitution.

I, therefore, urge the approval of this amendment.

Mr. LEVIN. Mr. President, I will vote against the so-called religious tenets amendment because it expands a current exemption in an ill-defined way.

It may be true, as the proponents of this amendment claim, that the current criterion for educational institutions to receive an exemption from title IX—that they be "controlled by a religious organization"—is too rigorous a standard. It is possible that the nature of educational institutions has changed in such a way over the past few years so that meeting this standard has become too difficult.

However, the solution proposed by those supporting this amendment is too vague. "Closely identified" is an undefined phrase which, in my view, contains potential for abuse.

If the pre-Gover City standard, as expressed through agency regulations, is no longer appropriate because religiously affiliated educational institutions have changed in some way, regulations can be redrafted to accommodate these changes. But the standard that would be applied under this amendment is too broad, and therefore I cannot support it.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator controls 2 minutes and 56 seconds.

Mr. KENNEDY. I yield the remaining time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. I thank the distinguished Senator from Massachusetts. I think he has pointed out statistically what the case is.

Again, I want to repeat that the bill as written specifically states that any entity which is controlled by a religious organization is eligible for an exemption.

What the distinguished Senator from Utah is trying to do is expand that to entities that are "closely identified with the tenets of a religious organization."

This is a Civil Rights Restoration Act. What we are dealing with is the Constitution of the United States and, very frankly, any exemptions that are granted should be very narrow in terms of scope. The Constitution—that is what prevails in this land; that is what allows every faith to go ahead and practice as they will, but in no wise should it contravene the tenets of the Constitution.

In this particular instance, all sorts of untold mischief would occur as to title IX were the amendment to be adopted.

I think appropriate consideration has been given to people's religious beliefs insofar as an entity is controlled by a religion. But to go ahead and expand it as closely identified with, I can assure you anybody that is in contradiction to the civil rights laws of this Nation is all of a sudden going to find themselves closely identified with one faith or another and the whole purpose of the legislation goes by the boards.

So, I would hope that this would be roundly defeated in the sense that it once again reaffirms the Constitution of the United States. This is not a theocracy. This was set up as a democracy. And in order to preserve that freedom which attaches to all faiths or no faith, it is essential that we have clear-cut guidelines and touchstones as to what the rights of every American are, regardless of what our religious beliefs happen to be, and they can vary, and I would hope that the amendment of the distinguished Senator from Utah will be defeated.

The PRESIDING OFFICER. The Senator from Connecticut yields the floor.

The Senator from Utah.

Mr. HATCH. Mr. President, I have been intrigued by the arguments by the proponents of the bill and the opponents of this particular amendment.

First of all, Senator STAFFORD indicated we are just doing a simple overrule of the Grove City decision. The record is well established that we are not just returning to the law as it was prior to the Supreme Court's decision in Grove City.

Look at the language in S. 557 concerning two-tier coverage. Did that exist prior to Grove City? No. And the proponents admit this.

Look at the language on small providers, ultimate beneficiaries of school systems. Was comparable language in existence prior to Grove City? No.

S. 557 really does a lot more than put us back where we were right before Grove City. What is unfortunate is that the sponsors are so eager to abridge, curtail, and eliminate basic fundamental religious rights guaranteed in the Constitution in the name of civil rights.

So when the distinguished Senator from Connecticut starts telling about the Constitution he ought to look at it and read it and realize that the first amendment provides for religious freedom first before all other types of freedoms.

We can have other effective civil rights laws and still have the basic right to freedom of the religion.

With regard to the Catholic Conference, I was intrigued with the comments of my distinguished colleague from Massachusetts because I have a letter from Rev. Msgr. Daniel F. Hoy, from the United States Catholic Conference, one paragraph of which says:

> We also understand that Senator Orrin Hatch will offer an amendment at the request of the National Association of Independent Colleges and Universities, to broaden the religious tenets exception. We are sympathetic to their concerns in this area and are supportive of the amendment.

Contrary to what the distinguished Senator from Massachusetts said, the Catholic Conference is supportive of this amendment, as I think most religious institutions are.

Finally, let us understand what is involved here. When the distinguished Senator from Massachusetts indicated that there has not been 1 exemption denied, actually of the 215 applied for between 1974 and 1984, there were literally only 5 exemptions granted and 215 of them ignored.

Now, admittedly, since Reagan has taken over, that has changed. But it could go right back to that. And the reason they are ignored is because of, I think, bureaucratic hostility to religion, and that is what we have to watch out for.

Finally, with regard to using this "controlled by" language, let me just say this to you: "Controlled by" means, as near as we can ascertain, only two schools in this whole country who would fit within that category. The other 200 or 300 schools, in excess of 200 schools, would not be covered.

Only Brigham Young University and Catholic University would literally be controlled by the religions involved. All the rest of them—Georgetown, Notre Dame, all these others—would not fit within that category and their exemptions would be denied if my amendment does not pass.

So I encourage all Members of the Senate to vote for the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The hour of 10:30 having arrived, the question is on agreeing to the Hatch amendment. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore] is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. Gore], would vote "nay."

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. Dole] is necessarily absent.

I also announce that the Senator from Alaska [Mr. Murkowski] and the Senator from Wyoming [Mr. Wallop] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. Wallop] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 56, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—39

Armstrong
Bentsen
Boren
Breaux
Cochran
D'Amato
Danforth
Domenici
Exon
Ford
Garn
Gramm
Grassley
Hatch
Hatfield
Hecht
Heflin
Helms
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Melcher
Nickles
Pressler
Quayle
Roth
Simpson
Stennis
Stevens
Symms
Thurmond
Trible
Warner

NAYS—56

Adams
Baucus
Bingaman
Bond
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Evans
Fowler
Glenn
Graham
Harkin
Heinz
Hollings
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stafford
Weicker
Wilson
Wirth

NOT VOTING—5

Biden
Dole
Gore
Murkowski
Wallop

So the amendment (No. 1386) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was not agreed to.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there any other amendments? By previous agreement, the Senator from Connecticut is recognized.

AMENDMENT NO. 1393

(Purpose: To clarify that S. 557 is abortion-neutral)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Connecticut [Mr. Weicker] for himself and Mr. Kennedy, Mr. Metzenbaum, and Mr. Packwood, proposes an amendment numbered 1393.
>
> At the end of the bill, insert the following new section:
>
> ABORTION NEUTRALITY
>
> No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal Funds to perform or pay for an abortion.

Mr. KENNEDY. Mr. President, I think the Senator from Connecticut is entitled to be heard. We are making good progress and we want to continue to make progress. This is an important issue. The Senator from Connecticut is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. Mr. President, have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. They have not been ordered.

Mr. WEICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, the amendment before the Senate reaffirms that the Civil Rights Restoration Act is neutral with respect to abortion. As the committee report states, and as the sponsors of the bill have consistently maintained, this bill creates no new abortion rights. I note the statement in the committee report on page 26:

> Title IX does not now require any institution to perform abortions and no abortions would be mandated if S. 557 were enacted. This bill does not expand abortion rights.

Frankly, this amendment should not be necessary. A debate on abortion has no place in a bill which seeks only to define what constitutes "program or activity" under the four statutes in question. But, to reassure those who are concerned that our bill will require institutions or hospitals to perform or pay for abortions through their health insurance plans, we offer this amendment.

This amendment does not change the substantive language of title IX—in fact it does not amend title IX. Title IX does not mention abortion now, and we do not alter that.

For those religiously controlled institutions, including hospitals which operate educational programs receiving Federal aid, the exemption in title IX will continue to be available. As everyone is aware after the debate this morning, that exemption allows such institutions to be exempt from those portions of the title IX regulations which are offensive to their religious tenets. No institution has ever been denied such an exemption.

Mr. President, I urge adoption of this amendment in order that the law be clear and in order to satisfy any doubts relative to this subject matter.

Admittedly, it is not the intention of this amendment to go ahead and start redefining and redrafting regulations. That is not the job of this body. But it makes very clear what the law can and cannot do in regard to this matter.

Mr. President, I urge adoption of the amendment.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut controls the time.

Mr. WEICKER. Mr. President, I yield such time as the distinguished Senator from Oregon requires.

The PRESIDING OFFICER. Under the previous order, the vote on this amendment has been ordered at 1 p.m. Therefore, the Senator from Connecticut is in control of 70 minutes and the Senator from Utah is similarly in control of 70 minutes.

Mr. PACKWOOD. After the 1 o'clock vote, may I ask the Chair, will there be further debate time on the Danforth amendment which will be voted on at 2 o'clock?

The PRESIDING OFFICER. From the conclusion of the vote which will commence at 1 o'clock until 2 o'clock, the time will be equally divided and will be on the Danforth amendment.

Mr. PACKWOOD. I thank the Chair.

Mr. President, let me address myself to the amendment which has been offered by Senator Weicker and to the

argument raised by my good friend from Missouri, Senator Danforth. You will recall yesterday Mr. Danforth made reference several times to the memorandum of law from the law firm of Dewey, Ballantine, Bushby, Palmer & Wood of what would be the effects of the Civil Rights Restoration Act; whether that act would possibly cause institutions who do not have to perform abortions or pay for abortions currently to have to perform and pay for them under this act.

The proponents of the Civil Rights Restoration Act as it came from the committee thought the answer to that was no, that we did not create additional rights that did not exist before.

But a red flag was waved indicating that we were not just returning to institutionwide coverage, instead of program-specific coverage, but that we were also attempting to expand the rights so that institutions that did not approve of abortion would have to perform or pay for them.

This is the memorandum given to Senator Danforth by Dewey, Ballantine, Bushby, Palmer & Wood:

> This memorandum considered whether proposed amendments to title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions.

Then it goes on:

> No one can predict with certainty how the pending legislation would be construed in court.
>
> Based on our analysis of these factors, we conclude that, if the CRRA is enacted in its present form,
>
> Education institutions could be required to fund abortions for students or employees;
>
> Hospitals that engage in education activities or that are affiliated with education institutions could be required to perform abortions for students or employees;
>
> Hospitals could be required to perform abortions for the general public; and
>
> Many education institutions and hospitals associated with a religious institution could fail to qualify under the Act's "religious" exemption.

The amendment of the Senator from Connecticut is very specifically designed, I hope, to answer the "could-be" possibilities in the memorandum from the law firm, to answer the concerns of the Senator from Missouri and others allied with him, that this act could expand the requirement, the compulsion, that certain organizations would have to provide or pay for abortions that do not now.

This amendment says nothing in this act shall require them.

Mr. President, I do not think there should be any argument about that now as to how does the act read, with the amendment of the Senator from Connecticut.

The question really becomes, therefore, whether all we are trying to do is to put the law back to where it was prior to Grove City. All of us prior to Grove City felt the law meant institutionwide, that it was not meant program specific. That surprised us all, Mr. President: President Nixon, President Ford, President Carter, and my hunch it maybe even surprised President Reagan.

That is all we were trying to do.

Mr. President, I think what the Senator from Missouri is trying to do is to return the law to something more than existed prior to Grove City. He is not quarreling with institution-wide coverage. He supports, as I understand, institution-wide coverage.

The amendment of the Senator from Connecticut will take care of the problem about whether this act compels abortions.

Mr. President, I think what the Senator from Missouri wants to do is to change the interpretation of the law that might possibly follow from the regulations in place long before Grove City. These regulations were promulgated by them Secretary of Health, Education, and Welfare Caspar Weinberger in 1975. They all came out simultaneously; they all in one form or another relate to sexual discrimination; they all have some abortion language in them—termination of pregnancy, as it is called in the regulations.

Many of those regulations have never been tested in the court. That was the state of law prior to Grove City.

If we want to go back and undo the state of law prior to Grove City, that, I think, is what the Senator from Missouri wants. He would make the argument that those old regulations that have now been in place for 12 or 13 years have never been tested and he does not want them tested. He wants right now, by law, to simply cut them off and reverse any possibility that they might be tested in the courts and come out adverse to the position of the Senator from Missouri.

That is a fair argument. I understand that argument. I do not agree with it. I do not want to achieve the same end that he wants to achieve, but I understand his argument.

I think it is fair, however, for everyone to understand in the Senate what it is he wants to do. Whether it is the Senator from Utah, the Senator from Connecticut, the Senator from Massachusetts, or myself, or Senator Danforth, we have all argued we do not want to change anything in the law other than reverse Grove City's institutionwide versus narrow interpretation.

We all say that is all we want to do. I would posit that the Senator from Missouri wants to change much more than that, and to the extent that we are trying to narrowly confine this bill to one purpose, one purpose, and that is to reverse Grove City's very narrow definition of "program or activity," I think he has to admit that he wants to go beyond that and prohibit any court interpretations of 13-year-old regulations that might conflict with his position.

That is the issue we should be arguing. We should not be arguing abortion here at all. We should be arguing whether or not we want to in any way expand substantive rights, substantive rights, not the issue of institutionwide versus narrow. We should be arguing whether or not we want to expand, restrict, or in any way change substantive rights under title IX and any regulations that have been issued thereunder.

For the sake of simplicity, for the sake of doing as little as possible other than correcting Grove City, all of us at least on my side have tried to make sure honestly that we were not expanding any rights. Heaven knows, those opposed have tried to make sure that we were not doing anything beyond retaining present rights. There is no question but what the amendment of the Senator from Connecticut makes sure, absolutely makes sure, that there is nothing in the Civil Rights Restoration Act that expands abortion rights. That is clear beyond any doubt. So when we come to vote on the amendment of the Senator from Connecticut, I do not know why anyone in this body would vote no, whether or not they share Senator Danforth's position or do not; at least this amendment absolutely guarantees that the Civil Rights Restoration Act does not expand abortion rights.

We can then get to the debate on the amendment of the Senator from Missouri, Senator Danforth, as to whether we want to pass a law that will change substantive rights and make the substantive law something different—the substantive law something different—than it was prior to Grove City. That is fair debate. But all of us, including opponents and proponents of this act, including proponents and opponents of the Danforth amendment, have said we do not want to change the substantive law. If the Senator from Missouri wants to, he is so entitled. He has a fair argument on his side. But we should all understand that we are then opening up a crack, the issue of changing the substantive law. Rather than all of us trying to say let us not change the law at all, we are then in a position to say, well, if we are going to change what the law was, not just the institutionwide versus "program or activity," narrow coverage, then we all might have a lot of amendments that we would like to offer to either restrict or expand title IX, to restrict or expand the other three principal civil rights acts in areas where at least in my judgment we have not expanded coverage far enough. But I am willing to put that aside for another time.

So I would hope that by a unanimous vote the amendment of the Sen-

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ator from Connecticut would pass, and then I would hope that this Senate would say, "There, that takes care of the subject of abortion; there is nothing in this act now that is going to change any abortion rights," and then let us focus on whether or not we want to change the substantive law in any way, substantive law as it existed prior to Grove City; I hope we do not. I strongly support the amendment of the Senator from Connecticut. I hope it passes overwhelmingly and that we subsequently defeat the amendment of the Senator from Missouri.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HATCH. I yield such time as the Senator from Missouri may need.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, the question is one of substantive law. I do not think there is any doubt about that. The question is, Where will the substantive law be going after Congress acts on the Civil Rights Restoration Act? The concern that has been expressed by the Senator from Missouri is that if we pass the Civil Rights Restoration Act without the Danforth amendment, the result will be that we will open the door to court decisions or to administrative regulations which will have effects which I think most of us in Congress would believe to be outrageous. The issue is whether we want to open the possibility, a very real possibility according to legal opinion which I have, that a court decision could hold, for example, that a hospital affiliated with a Catholic university must perform abortions or that, for example, Notre Dame University must cover abortions under its health plan.

That is the substantive law issue. It does not have anything to do with the timing of regulations. It does not have to do with what was done in 1975. The law as of right now is, as I understand it, that medical schools and hospitals are not required to perform abortions if it is contrary to their conscience. They are not now required to do that. The issue is, Could they be required to do that in the future? That is the question before us.

Now, that question is not something that just popped out of the head of the Senator from Missouri. I did not wake up some morning and say, "By golly, we are about ready to pass something called the Civil Rights Restoration Act which could force Notre Dame University to provide for abortion coverage under their health plan or could require Georgetown University Hospital or Baylor University Hospital to perform abortions." That is not something that I dreamed up. That is something that was presented to me by the American Hospital Association, which supports the Danforth amendment, by the Catholic Health Association, which supports the Danforth amendment. So I sought legal opinion. I sought the opinion of counsel.

I called the Dewey, Ballantine law firm, one of the great law firms of this country, and I asked them for a legal opinion. I have copies of that legal opinion. Any Senator, any staff person is welcome to see it. The legal opinion said that, yes, as a matter of fact, the combination of title IX plus regulations that have been promulgated under title IX, plus the Civil Rights Restoration Act could be construed by a court or by an administrative agency to require colleges, universities, hospitals to provide insurance coverage for abortions under their health plans and could be construed by a court or by an administrative agency to require the actual performance of abortions on students, on staff, on faculty members, and even on the general public.

Now, what is the present state of the law? When Congress passed title IX of the education amendments back in 1972, clearly Congress did not pass a law by which we intended to mandate the funding or the performance of abortions by people who did not want to fund or perform abortions. We did not intend that in 1972. I am sure it was not even thought about in 1972 because Roe versus Wade was not decided until a year later.

The glitch comes when title IX is embellished by a regulation of the Department of Health, Education, and Welfare equated sex discrimination with denial of abortion coverage, and further, with the Civil Rights Restoration Act which expands the coverage of title IX to include hospitals, even hospitals that are not related to a university or to a medical school. If they have any kind of education programs such as nurses education, they would be included by this bill and which expands institutionwide the coverage of title IX.

That was the opinion that I sought from the Dewey, Ballantine law firm. They said yes, a court could so decide.

Now we come to the events of today. We are going to have two amendments to vote on. Under the agreement that we have entered into, no matter what happens to the Weicker-Kennedy-Metzenbaum-Packwood amendment, we will have to vote on my amendment which will provide notwithstanding anything else in the bill, and so on that my amendment prevails. So we will have two votes. We had a big hassle which lasted about 7 or 8 hours yesterday on the floor of the Senate as to who goes first. I obviously wanted to go first with my vote. I could not do it. But why was that so important to the other side? It was so important to the other side because they wanted to create an initial vote which was a shell, which created a plausible argument that it was doing something so that people could get political cover by voting for their amendment and then vote against the Danforth amendment. So that Metzenbaum-Kennedy-Weicker-Packwood amendment is a blank. It is a zero. It does not do anything as a matter of law. It appears to do something as a matter of law, but it does not do a thing.

Again, I am not relying on JACK DANFORTH's analysis for saying that it has no legal effect. I again have sought the opinion of counsel.

I am going to read into the RECORD the analysis of the Dewey, Ballantine law firm. Here is what they say in an opinion letter that is written to me dated January 27.

> DEAR SENATOR DANFORTH: This letter follows up on our letter of January 21, 1988, and an accompanying memorandum on the Civil Rights Restoration Act and the Obligation to Fund or Perform Aborations.
>
> You have asked for our opinion on an amendment to the Civil Rights Restoration Act that has been introduced by Senators Kennedy and Metzenbaum as an alternative means of addressing the problem discussed in our earlier memorandum. This amendment reads as follows:

Then Dewey, Ballantine sets forth the text of the pending amendment.

Then the letter goes on:

> Based on our review of this proposed amendment, we conclude that it would not solve the problem identified in our earlier memorandum. The proposed amendment declares that the Civils Rights Restoration Act itself does not require the funding or performance of abortions. It is silent, however, on the possibility—which was the subject of our earlier letter and memorandum—that Title IX and regulations promulgated under its authority could require the funding or performance of abortions.
>
> Moreover, since the Civil Rights Restoration Act would overturn the Supreme Court's decision in the Grove City case and thus extend the reach of Title IX, the danger would remain, despite the proposed amendment, that institutions newly brought under the authority of Title IX would also be required to fund or perform abortions for students, employees and even the general public, as described in our earlier letter and memorandum.

The letter is signed by Dewey, Ballantine, Bushby, Palmer & Wood, by J. Paul McGrath who served this country as Assistant Attorney General.

Here is the opinion of the Justice Department in a letter signed by John R. Bolton, Assistant Attorney General, dated today.

> DEAR SENATOR DANFORTH: This letter will advise you of the views of the Department of Justice concerning an amendment to S. 557 offered by Senators Edward Kennedy and Lowell Weicker concerning abortion.

Then they set forth the text of the amendment which is now pending.

The letter continues:

> It is clear that this amendment will do nothing to address the abortion issue raised by S. 557, in light of the enforcement of Title IX under binding agency regulations, as analyzed in our January 25, 1988 bill comment on S. 557.
>
> This amendment merely purports to state that S. 557 itself does not require payment for, or performance of, abortions. The current pro-abortion Title IX regulations are left in place and fully enforceable by this amendment. Moreover, the underlying bill, S. 557, expands the reach of these regulations, with the continuing result that hospitals operating an education program and which receive federal financial assistance will be compelled to perform abortions on demand to the public. Even on its own terms, the language is wholly inadequate: it does not preclude a hospital from being forced to provide the use of its facilities and services to doctors for the performance of abortions.
>
> In order to render Title IX abortion neutral, Title IX itself must be amended. The language you are offering is the most appropriate and effective way to achieve that essential goal.

I ask unanimous consent that copies of the two opinion letters from Dewey, Ballantine and the Justice Department be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEWEY, BALLANTINE, BUSHY,
PALMER & WOOD,
JANUARY 27, 1988.

Hon. JOHN C. DANFORTH,
U.S. Senate, Senate Russell Office Building,
Washington, DC.

DEAR SENATOR DANFORTH: This letter follows up on our letter of January 21, 1988, and an accompanying memorandum on the Civil Rights Restoration Act and the Obligation to Fund or Perform Abortions.

You have asked for our opinion on an amendment to the Civil Rights Restoration Act that has been introduced by Senators Kennedy and Metzenbaum as an alternative means of addressing the problem discussed in our earlier memorandum. This amendment reads as follows:

"No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program or activity receiving federal funds to perform or pay for an abortion."

Based on our review of this proposed amendment, we conclude that it would not solve the problem identified in our earlier memorandum. The proposed amendment declares that the Civil Rights Restoration Act itself does not require the funding or performance of abortions. It is silent, however, on the possibility—which was the subject of our earlier letter and memorandum—that Title IX and regulations promulgated under its authority could require the funding or performance of abortions.

Moreover, since the Civil Rights Restoration Act would overturn the Supreme Court's decision in the Grove City case and thus extend the reach of Title IX, the danger would remain, despite the proposed amendment, that institutions newly brought under the authority of Title IX would also be required to fund or perform abortions for students, employees and even the general public, as described in our earlier letter and memorandum.

Please let us know if there is additional information we can provide or there are other issues you would like us to address.

Sincerely,

J. PAUL MCGRATH.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, January 28, 1988.

Hon. JOHN C. DANFORTH,
U.S. Senate,
Washington, DC.

DEAR SENATOR DANFORTH: This letter will advise you of the views of the Department of Justice concerning an amendment to S. 557 offered by Senators Edward Kennedy and Lowell Weicker concerning abortion.

We understand this amendment reads as follows:

"No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving federal funds to perform or pay for an abortion:"

It is clear that this amendment will do nothing to address the abortion issue raised by S. 557, in light of the enforcement of Title IX under binding agency regulations, as analyzed in our January 25, 1988 bill comment on S. 557.

This amendment merely purports to state that S. 557 itself does not require payment for, or performance of, abortions. The current pro-abortion Title IX regulations are left in place and fully enforceable by this amendment. Moreover, the underlying bill, S. 557, expands the reach of these regulations, with the continuing result that hospitals operating an education program and which receive federal financial assistance will be compelled to perform abortions on demand to the public. Even on its own terms, the language is wholly inadequate: it does not preclude a hospital from being forced to provide the use of its facilities and services to doctors for the performance of abortions.

In order to render Title IX abortion neutral, Title XI itself must be amended. The language you are offering is the most appropriate and effective way to achieve that essential goal.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

Mr. DANFORTH. Mr. President, again, the question before us is not the timing of when a result is brought to pass but rather what result could occur in a court decision in the future. I would suggest that the Weicker-Packwood-Metzenbaum-Kennedy amendment is not in fact abortion neutral, that the effect of our enacting the Civil Rights Restoration Act without the Danforth amendment would be that the Congress of the United States would reaffirm title IX and the regulations thereunder which equate the refusal to provide abortions with sex discrimination, and that further enactment of this legislation, even with this Kennedy-Metzenbaum-Weicker-Packwood amendment, would extend title IX coverage to institution-wide coverage and to hospitals that have any kind of educational component, whether or not affiliated with a university.

I think that the Civil Rights Restoration Act would not preserve the status quo on the question of abortions in these institutions but instead would invite prospective court cases which I predict will occur throughout this country should this act be passed without the Danforth amendment.

So, again, Mr. President, I cannot emphasize too much that the real issue before us has to do with whether or not we in the U.S. Senate really want to require Notre Dame University to provide abortion coverage under its health plan, Georgetown University to provide abortions at its hospitals. That is the real question before us. That is the possibility that has been pointed out by Dewey, Ballantine, by the Justice Department, by the American Hospital Association, by the Catholic Health Association, not just by JACK DANFORTH. I think it is a very, very serious matter. I think it is a very serious matter.

Mr. WEICKER. Mr. President, first, as was eloquently pointed out by the distinguished Senator from Oregon [Mr. PACKWOOD], and to bring the argument back to the amendment before us, we are not debating the Danforth amendment now. We are debating the Civil Rights Restoration Act. We are debating the Weicker-Packwood-Kennedy-Metzenbaum amendment.

I ask the distinguished Senator from Missouri whether he feels that the amendment before us in any way diminishes the substance of his amendment or, in effect, does anything other than strengthen his contention so far as the law is concerned. In other words, would it not be possible to go ahead and adopt both this amendment and his amendment, if that was the will of the Senate?

Mr. DANFORTH. Mr. President, responding to that question, I view the Weicker-Metzenbaum-Kennedy-Packwood amendment as being very similar to a motion to instruct the Sergeant at Arms. It is a legal blank. It has no legal consequence. It does not address the issue that has been raised by my amendment, and that is the opinion of the Justice Department and that is the opinion of the Dewey, Ballantine law firm.

I think the purpose of offering this Weicker-Metzenbaum amendment at this time is not to have a legal consequence but an attempt to provide political cover to Senators who want to vote for something and for some reason do not want to vote for my amendment. It has no legal consequence. It is designed as a fig leaf. I suggest that it is a very small fig leaf, a transparent fig leaf, and it does not provide any cover at all for Senators who are seeking cover.

Mr. WEICKER. So, therefore, to paraphrase the consequence enunciated by the distinguished Senator

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from Missouri, there is no reason why anybody should not vote for the amendment, because it has no consequence.

Mr. DANFORTH. I suggest that the reason for voting against it is to simply state by your vote that this is a hoax, it is a sham, it is a nothing, and that a Senator is not going to address a very significant issue of whether institutions that have moral concerns about abortions should be forced to perform abortions; that we are not going to address that very serious concern by voting on an amendment that has no consequence at all.

Mr. WEICKER. To address the last point of the distinguished Senator from Missouri first, let me make two points.

Title IX applies only to students and employees. It is incorrect that the reach of title IX could ever reach the general public. So the Senator's contention that title IX can force hospitals to perform abortions for the general public is false.

Second, hospitals which have a federally assisted education program do come under the reach of title IX; and to the extent that they are religiously controlled, they can receive an exemption.

So let us do away with the fact that anybody is going to be forced to perform abortions on the public. That is not the case.

Let me address, if I can, several of the matters that have been raised in the very articulate presentation by the distinguished Senator from Missouri.

I appreciate getting letters from the Department of Justice, except that I think one has to consider, in terms of the substance of those letters, the source.

First, this Justice Department, has been opposed to the Civil Rights Restoration Act since the matter was first raised. They are against the act, period. This is the Justice Department that commended the court when Grove City was handed down.

So, clearly, this administration, this Justice Department, is going to do everything it can to impede the progress of the Civil Rights Restoration Act or, indeed, if it does progress, to so shape it to the inclinations of this Justice Department and this administration.

Would that this Justice Department had strong feelings on behalf of the retarded and the protection of their rights, and of women and their rights, and of blacks and their rights, and of the elderly and their rights. Enforcement has been notably lacking by this Justice Department in all these areas; and when they come up on the subject of abortion, this is, I suppose, one of the principal comments we have heard from the Justice Department relative to Grove City or the Civil Rights Restoration Act. So, consider the source.

I should like a copy of the letter from the Justice Department.

The point being made here is that the Justice Department says in their letter, and I want to now use their letter:

> It is clear that this amendment will do nothing to address the abortion issue raised by S. 557, in light of the enforcement of Title IX under binding agency regulations, as analyzed in our January 25, 1988 bill comment on S. 557.

Has it occurred to anybody that here is the administration that controls the regulations in their Departments of Education and Health and Human Services? This is the Justice Department commenting on regulations. Regulations are written by the executive branch of Government. If they want the regulations changed, they can change the regulations. This, more than anything else, I think unmasks what is going on out there.

This is just another in the long series of abortion amendments tacked onto every bill that comes down the pike. If it is regulations that bother the administration, and obviously the administration is bothered, as evidenced by this letter from the Justice Department, it can change the regulations. It does not need the Danforth amendment.

Again, consider the source: A Justice Department which has done everything under the Sun not to enforce the civil rights legislation that is on the books and which cheered Grove City and has consistently been opposed to the Civil Rights Restoration Act. So I am delighted that this is going to be passed among my colleagues. But, No. 1, consider the source; and, No. 2, the source says that it is the regulations that are going to be affected, regulations which in themselves can be changed by the executive agencies of this administration. Do you think it can change regulations?

Do any of my colleagues have in the recesses of their memory a recent change of regulations by the administration in this general area?

Does my friend from Missouri have any reaction that this same administration which cannot change title IX regulations has changed title X regulations when it comes to family planning? That is exactly what they have done: change the regulations.

So this really is not an issue, is it? Here is the hoax. Here is the smokescreen. In dragging the regulatory argument out here as if remedy were not available to those who complain, they could change those regulations, as indeed they have changed title X.

The third point is the legal memorandum from Dewey, Ballantine. I certainly hope that not a great amount of money was expended on that opinion, because all Dewey, Ballantine said is that courts could do this. As pointed out by the distinguished Senator from Oregon, they could do this, they could do that. Courts can do anything.

I have not been practicing law since I have been in the U.S. Senate, but as I said, I could issue an opinion like that myself when I was in my general practice days as a young man in Greenwich, CT. Obviously, courts can do anything.

There is nothing very definitive about this great memorandum except courts could do this or could do that.

If indeed the concern of the U.S. Senate is the law that we are about to pass here on the floor of the U.S. Senate, if that is the concern, and that the law reflects title IX before Grove City, then most assuredly this Packwood-Kennedy-Metzenbaum-Weicker amendment gives the assurance the law will not be changed.

I am not in the position here on the floor of the U.S. Senate nor are any of my colleagues, to say what the various executive agencies can or cannot do by virtue of regulation.

Why is it, as I say, that they can go ahead and change title X by regulation, but we cannot do anything with title IX? Of course they can.

But the larger purpose very frankly is another abortion amendment to chip away at Roe versus Wade. That is what this is.

The law, I repeat, as it now is situated does not force religiously controlled hospitals to perform abortions. It does not. And that contention is entirely false both as to how title IX is applicable, because it is applicable to students and employees only and does not apply to the general public. Exemptions can be granted to those religiously controlled institutions, and we have just been through that argument.

If this body wishes, they can pass these two different amendments and they will achieve two different results.

The Weicker amendment, if passed, will guarantee no change in the law vis-a-vis abortion.

The Danforth amendment, if passed, will radically change the law by repealing the executive branch's regulations. So those who have been arguing for no change are the perpetrators of change. And maybe that is what the body wants. I do not.

I disagree with the Danforth amendment.

I have given my word that we should pass something that brings us back to the status quo.

But a vote for the Weicker amendment has a consequence. It clarifies the law and subsequent memorandums from Dewey, Ballantine, Palmer, Bushby & Wood, a fine law firm, to the contrary notwithstanding. All that they say in their second memorandum is that this amendment which reinforces the law will not change executive regulations. Big deal. They did not

have to write a memorandum to tell me that.

Their other great conclusion in the first memorandum is that it could be interpreted by court to say such and such. Very frankly, if I hire a law firm I would like a little more precise, definitive answer than that.

But in any event, I would hope the body would adopt this amendment. If you want to have it both ways, you can have it both ways. I do not advocate that is what we ought to do because one proposes a radical change from the present regulatory stance, which can be accomplished by an administration that somehow has failed to do that.

But if you really want to put it on ice then go ahead and pass this amendment, and you can also go ahead and pass the Danforth amendment which I will oppose for some of the reasons I have described here. I also recognize the fact that has been validly raised by the distinguished Senator from Missouri that there might be those who vote for this amendment would not want to vote for his amendment, but nobody is asking for any cover. Nobody is asking for any cover.

What we want is a Civil Rights Restoration Act passed, with the rights of women, the elderly, the retarded, and minorities to be fully protected by the force of the Federal Government, and a cessation of subsidized discrimination in this Nation. That is the issue before us.

And as I said on the Rupert Murdock amendment and all others that have come along here, these people have been waiting in line and I think these abortion amendments are getting a little tiresome. Regardless of the vestments in which they are paraded on the floor of the U.S. Senate, they come down to the basic bottom line: Let us do something to legislatively change the decision in Roe versus Wade. That is what it all comes down to.

There is no basis in the present law to justify the Danforth amendment.

As I said in my opening statement, there is nothing in the present law to justify a Weicker amendment. It is already the law.

But to allay fears, the amendment is presented to this body. And I hope it would be adopted.

I hope this amendment, as every other extraneous piece of legislation that is going to be heaped on this bill, will be rejected. All we should do is to reaffirm what we meant in the first place, that the civil rights laws of this Nation are to be enforced with all the power at our command and that means if you discriminate you do not get taxpayer money, period.

I am sorry that we continue to be diverted from what this bill is about, to once again get into arguments on abortion. I have been told, I might add, that we have school prayer waiting in the wings, and probably AIDS amendments, et cetera.

I thought that maybe for once something that was magnificent in its ideals, such as the underlying legislation, would have its day before the U.S. Senate and not be sullied by the extraneous.

I yield the floor.

The **PRESIDING OFFICER.** Who yields time?

The Senator from Florida.

Mr. GRAHAM. Mr. President, will the Senator from Connecticut yield for a question?

Mr. WEICKER. Of course I will yield for a question.

Mr. GRAHAM. I want to be clear as to what the effect of this amendment as well as the amendment that is being offered by the Senator from Missouri would have on the regulations that were adopted in 1975 or others that might be proposed at a future date.

Recognizing the basic legal principle that a regulation must be consistent with and based upon statutory authority, what effect, in the Senator's opinion, would the adoption of the amendment he has proposed have on the statutory authority which is the basis upon which the 1975 regulations are predicated?

Mr. WEICKER. I think my answer to you is it would have really no affect at all because we interpret the law as being very clear on that point as the law is now written. This is in response to the request of those who feel the law is not clear. So we have restated in this amendment what the law already is.

Mr. GRAHAM. So it is your position that the law as it existed prior to 1975 provided a sufficient statutory basis for the regulations that were adopted and that the effect of adopting your amendment would not alter that statutory basis for the 1975 regulations?

Mr. WEICKER. It would not alter the statutory basis and it would not alter the regulations. And the Danforth amendment would or could, as interpreted by Dewey, Ballantine, Bushby, Palmer & Wood, alter the regulations.

Mr. GRAHAM. Could you give me your basis of that distinction between the Weicker amendment and the Danforth amendment to determine the effect on the statutory basis for the 1975 regulations? Why would your amendment not affect the statutory basis and the Senator from Missouri's would have that effect?

Mr. WEICKER. Well, I will let the Senator from Missouri explain how he is reaching into the regulations. I think that is really for him to explain because it is his amendment.

Again, all I have done is to restate the law in this amendment. It is simple. I have to repeat to the distinguished Senator from Florida that my amendment is superfluous to the law as presently written, but it is presented to this body since there are those that have said the Civil Rights Restoration Act gives additional abortion discretion that did not exist in the law before. So in order to reemphasize that that is exactly what we are not doing, we present this amendment, and we say so again in the year 1988. It does no more than that.

Mr. GRAHAM.-The concern I have is that when a court does come to the interpretation of the 1975 regulations, one of the questions is going to be: Is there statutory authority to adopt a regulation which purports to say that an institution which receives Federal funds must provide in advance its comprehensive health insurance program for payment of termination of pregnancy? Then, looking at the language which you are now offering, it would appear that a reading of this language would be that that statutory authority of such regulations has been eliminated. Your answer indicates that you do not think that that statutory authority upon which the regulation would be premised is eliminated by the adoption of your amendment.

Mr. WEICKER. No, because I am not in any way addressing the regulations.

Mr. GRAHAM. I know you are not addressing the regulations directly, but I am talking about the foundation upon which the regulations have to be based, which is statutory authority. You cannot have a regulation unless there is a statutory basis.

Mr. WEICKER. It is a reaffirmation of that statutory authority. No more. I think maybe what is in the back of the mind of the distinguished Senator from Florida—correct me if I am wrong, because I do not mean to go ahead and put words in your mouth—is, does enactment of this amendment retroactively approve of the regulations that were enacted back then? If that is the question, I do not think it accomplishes that either. I still think it is open to court interpretation. I do not think anything we do here in any way changes the law as it was or the regulatory interpretation of that law. The next amendment clearly does. There is no question about that.

We have merely tried to respond to those that have a doubt that we are expanding abortion rights under this legislation, and we tried to assure them by restating that such is not the case. I would yield to my distinguished colleague from Oregon to see whether or not he concurs or has additional remarks.

Mr. DANFORTH. Mr. President, who has the floor?

Mr. WEICKER. I have the floor.

Mr. DANFORTH. Who has the floor?

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The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. WEICKER. I will be glad to yield, incidentally.

Mr. DANFORTH. I was just going to address the question.

Mr. WEICKER. I will yield for that purpose after I yield to the Senator from Oregon.

Mr. PACKWOOD. I am going to try to address the question because I am not quite sure what you are driving at. Let me ask the Senator from Florida: You are familiar with the argument that both sides seem to make on this that what we want to do is simply go back to the status quo prior to Grove City.

Mr. GRAHAM. I might say, I am not interested or persuaded by that issue. I am interested in finding out the answer to this question: Someone must have assumed in 1975 that there was a statutory basis upon which the regulations were adopted.

Mr. PACKWOOD. I think, then, I can answer the question.

Mr. GRAHAM. My question is: Assuming that was a correct position and that, if challenged in 1975, the regulations would have been sustained, what effect would this amendment have on that statutory basis for the 1975 regulations and what effect would the amendment offered by the Senator from Missouri have on that statutory basis?

Mr. PACKWOOD. The amendment of the Senator from Connecticut would have no effect, because it says nothing in this act, the Civil Rights Act, shall in any way deny, prohibit, compel abortions. It does not attempt to reinterpret title IX in 1972. It does not attempt to reinterpret the regulations of how a court might pass on those regulations. It simply says, nothing in this act shall in any way give any preference to a court decision for or against abortion.

But I think I can answer it this way: I understand what you are saying. I do not know what side you want to come out on, but I think I can explain why we are in the situation we are in.

Let us take the sequence: 1972, the education amendments are passed, including title IX; 1973 is Roe versus Wade is decided; 1975, the regulations are issued by then-Secretary of Health, Education, and Welfare Caspar Weinberger, based upon the 1972 act. And there is a variety of regulations in it. There was relatively little court action involving the subject of abortion under those regulations, relatively little.

But there was no question—now, I will move off this subject for a moment—there was no question but what Congress and the courts, up until the Supreme Court in Grove City, assumed that whatever these regulations related to were institutionwide. And the words "program or activity" appear in the four key civil rights acts that are in the law. And I would just go through a variety of decisions, and where I say State, it is the district court, and where I say circuit, it is the circuit court. California; the District of Columbia, Fifth Circuit; South Carolina; 10th Circuit; 5th Circuit, again; 5th Circuit, again; Illinois; Pennsylvania; 3d Circuit; New York; New Jersey; New Hampshire; we had cases coming from all over the country, all of which interpreted the term "program or activity" to be institutionwide. No one in this Congress thought it meant anything different. We were all thunderstruck when the Supreme Court came out and said Grove City means program specific. And not only was that not even a contest in Congress when we debated this issue 3 years ago, the issue of going back to institutionwide coverage was not even an issue.

This act died 2½ years ago, excuse me, but it did not die over that issue. What you have from 1972 on, actually from 1964 onward, with the Civil Rights Act, was an assumption that coverage was institutionwide.

In title IX, it says you cannot discriminate in education on the basis of sex and you cannot discriminate institutionwide. In 1975, come the regulations that are a point of contest, and they set out certain things, including termination of pregnancy under title IX, we presume institutionwide. If Congress ever presumed institutionwide and if we had meant program specific, we would have changed the law long ago based on all these court decisions.

Now we come to the Civil Rights Act and here is what the Senator from Missouri wants to change. He does not quarrel with institutionwide coverage. We are not making any change that might not have happened absent Grove City, because I want to emphasize again—I think the Senator from Missouri agrees and I see the Senator from New Mexico nodding—we presumed institutionwide. Whatever problems he might have had with abortion existed before the Grove City case. They exist after the Grove City case. And he wants to change the statutory basis, the 1972 statutory basis, to make sure the 1975 regulations cannot be used to achieve an end involving abortion that he does not like.

Now, I think I make the argument fairly for what he wants to do. For the bulk of the rest of us, we thought this exercise was to simply put the law back to where we thought it was. He could be offering this amendment, and I think would be offering this amendment, whether or not there was a Civil Rights Restoration Act on the floor or whether or not the Grove City case had ever been decided. And he wants to change title IX and the authority that the regulations now might give some court—might give, because it has not been interpreted—to reach a conclusion that he does not want.

I am ready to yield the floor unless the Senator from Florida has another question.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I would be delighted to yield response time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DURENBERGER. Mr. President, I think the Senator from Florida has focused precisely on what the question is. The question is whether the law is written in such a way as to allow administrative agencies or the courts to decide that it mandates either the funding or the performance of abortions. Now, that really is the underlying question. It does not have to do with what happened in 1972 or 1973 or 1975. The question is: Do you believe that the refusal to fund or provide abortions constitutes sex discrimination triggering title IX on an institutionwide basis and including hospitals? Now, that really is the substantive issue before us.

If you will look at the committee report on your desk on page 2, under "Purpose" the last paragraph, "The purpose of the Civil Rights Restoration Act of 1987 is to reaffirm the pre-Grove City College judicial and executive branch interpretations and enforcement practices." To reaffirm the regulations. Without the Danforth amendment, we are voting to reaffirm the regulations pre-Grove City. Those regulations equated the refusal to fund or provide abortions with sex discrimination.

The belief of the Dewey, Ballantine law firm and the Justice Department and the American Hospital Association is that if we pass this law reaffirming those regulations, the effect of it would be to broaden the instances in which a lawsuit could successfully be filed against an institution to mandate it to fund or to perform abortions. That is the question.

Do you want to open up the possibility that a court or an administrative agency can do that? Or, instead, do we in the Congress want to say no court and no administrative agency is going to be able to read the law in a way to force people to either fund or perform abortions when they do not want to do it. It does not have anything to with Roe versus Wade. Roe versus Wade is the question of a woman's rights to an abortion. There is a difference of opinion on Roe versus Wade. This has nothing to do with Roe versus Wade. It is not an attempt to chip away at Roe versus Wade.

The difference is, on one hand the woman's right to an abortion; on the other hand, whether title IX can be

used as a way to force institutions to either fund or to provide them.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, it is critical that my colleagues recognize that the Weicker-Kennedy-Metzenbaum-Packwood amendment is nothing but an empty shell. This particular amendment states only that the act, S. 557, shall not be interpreted to require individuals or institutions to perform or pay for abortions. But, as the distinguished Senator from Missouri has so cogently stated, it is the existing regulations under title IX that must be addressed. S. 557 does, in fact, broaden the coverage of title IX and, consequently, S. 557 expands the coverage of the abortion regulations.

You cannot read the bill without recognizing it expands the law as it existed 1 day before Grove City. But it is the application of the regulations under title IX that must be changed and only the Danforth amendment brings about that change. That is a fact.

Mr. WEICKER. Would the distinguished Senator yield for just one question?

Mr. HATCH. I would be delighted.

Mr. WEICKER. The distinguished Senator from Utah—I thank him for yielding for a question—sees only the Danforth amendment.

Mr. HATCH. That is right.

Mr. WEICKER. Does the distinguished Senator from Utah agree that the regulations could be changed by the executive agency itself?

Mr. HATCH. The answer to that is the agency might change them, but there will be instant litigation to reenforce them, and we do not know what would happen.

But also, the second answer to that is, not only may the agency change them, but a subsequent administration may harden them or make them more difficult.

So the fact that we have regulations in existence does not necessarily stop them from being changed one way or the other, and it does not change the litigation that would ensure that would reenforce them.

I call to the attention of the distinguished Senator from Connecticut, my friend, his comments made before the committee, which I thought were unique.

Let me do that in just a second, but let me just say this: Danforth solves this problem. It is an abortion-neutral amendment. It seems to me that it is a fair amendment. It does not impose Roe versus Wade on anybody nor does it stop Roe versus Wade from having its full force and effect. In short, if the Weicker-Kennedy-Packwood-Metzenbaum amendment passes, then colleges, hospitals, State government agencies and others would be forced to pay for or perform abortions. Only the Danforth amendment corrects this gross inconsistency under Federal law, whereby the Federal Government refuses to fund abortions.

Under the Hyde amendment, the Federal Government refuses to fund abortions, but under this bill as it is written now, colleges, hospitals, and others will be forced to fund or perform abortions. This is an important thing.

Let me just say in that regard, when we debated this matter before the committee, the distinguished Senator from Connecticut, my friend and a person for whom I have a great deal of respect, he said this. Just for the Record I will state:

> If you take Federal funds, you cannot deny a person an abortion. The reason why you cannot deny a person an abortion is it is legal in the United States of America. The reason why it is legal is we do not run the Nation by virtue of our individual consciences. We run by virtue of the constitutional system. That is the answer, pure and simple. And it is not going to change.
>
> The fact is——

This is the distinguished Senator from Connecticut——

> The fact is that the law of the United States of America says that abortion in certain circumstances is legal. Period. That is it . . . that is exactly what the law states . . . I just repeat, so that it is relatively simple, that if someone wants to take Federal funds that you cannot deny the rights of a person under the law. That is it. This in no way impinges upon your individual conscience * * * as I said before * * *.

Senator Humphrey then said: "Will the Senator yield for a question?" Does the Senator wish to require Catholic University to perform abortions?"

It probably would have been better for him to have used Notre Dame University, so let us substitute Notre Dame.

Senator Weicker said: "No, I certainly do not want Catholic University"—or in this case Notre Dame University—"to be required to perform them. The fact is that if Catholic University wants to take Federal funds, they cannot deny—they are not forced to perform them, but they cannot deny an abortion if it is requested."

Once my amendment went down, the preceding amendment went down to defeat—we only had 39 votes, although that is a significant vote——

Mr. WEICKER. Would the Senator yield? Catholic University has an exemption.

Mr. HATCH. That is the point I was going to make personally. Let me just make that point. The reason my amendment was so important before is because under the law as written in this Grove City bill that may pass the floor today, I do not know—under that law, any institution controlled by a religious organization is exempt if its tenets conflict with title IX.

There are only two who make that a requisite in the whole country today out of thousands of schools and hundreds of religious schools. They are Brigham Young University and Catholic University, because they are the only ones completely controlled by religious institutions. All the others are now going to be subject to title IX regulations superseding their own religious tenets—it is just that simple—with the defeat of the Hatch amendment the last time.

I do not think people realize that. This bill is so broadly drafted that, frankly, bureaucrats, with their hostility to religious beliefs, will be trampling all over religious beliefs in these schools.

I think the distinguished Senator from Connecticut would have answered the same way had it been Notre Dame.

Is that correct?

Mr. WEICKER. To respond to the distinguished Senator from Utah, and, again, I can only respond as I did before, exemptions can be granted and they are granted.

Mr. HATCH. Not pursuant to this bill without my amendment.

Mr. WEICKER. And they are granted. And they have been granted to all religiously controlled institutions as far as the public is concerned. So, again, I think you have stated your point articulately and I hope I have mine. But I again have to repeat underlying all of this, yes, to say that Roe versus Wade is not involved is to say that a portion of the law of the land does not have any bearing on what happened after title IX was enacted. I think it certainly does. And that is the law of the land, regardless of how some would like to have it changed.

In terms of, No. 1, the application of title IX is specific to students and employees, and not the public. What those nonreligiously controlled institutions are trying to do is get around this business by having a lay board of trustees and they do not come under the law. These are matters which, quite frankly, really we are not getting into insofar as trying to reestablish what the law was.

I appreciate the speculations of the distinguished Senator from Utah. All I am trying to do is to make sure that what the law was prior to the Grove City case will be the law again with that one point on the definition of program activity being cleared up.

Mr. HATCH. Frankly, that cannot be the case the way this bill is written.

Let me say this, and I will substitute Notre Dame University for Catholic University because Catholic University would be exempt. They do have an exemption, as does Brigham Young University, the only two schools in the country that will have the exemption

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if this bill passes both Houses of Congress and is signed into law, which I doubt will happen. So we are going through an exercise here.

Mr. HUMPHREY stated, "Will the Senator yield for a question? Is the Senator willing to substitute Notre Dame to perform the abortion? They will be subject to this law when it passes."

Mr. WEICKER said, "No, I certainly do not want Notre Dame University required to perform them. The fact is that if Notre Dame wants to take Federal funds they cannot deny." He goes on to say, "They cannot be forced to perform them. They cannot deny the abortion if it is requested."

I said, "It is a lot more than that. Under those title IX abortion regulations they have to provide it regardless of their religious beliefs. If those regulations stay in force and effect, and there is no way it seems to me they do not, and this bill passes in its present form, then Catholic institutions that are not owned and controlled by that church but nevertheless affiliated with the church are going to have to provide abortions as a matter of fact to their students. That is, I think, an abomination and I think it flies in the face of religious freedom."

Mr. HARKIN said, "Will the Senator yield? I take it if they don't take Federal money then they don't have to."

I said, "Senator, there is hardly any entity of any size in this world today that does not take Federal money either directly or indirectly. There is hardly a school in this country today that does not indirectly or directly take Federal funds."

Mr. WEICKER said, "That comment, of course, is the essence of the entire argument of this legislation. If you are going to discriminate, you do so with your own money and on your own hook. You do not do so with Federal funds. That underlies everything we are doing here today."

I take it that Roe versus Wade is the law of the land, a constitutional law of the land, and, therefore, it has to be imposed on these schools whether they like it or not, and, frankly, will be imposed whether they have any regulation or not.

Mr. WEICKER. Will the Senator yield?

Mr. HATCH. Let me finish my statement. I would like not to be interrupted and I would like to be able—if you will do it on your own time, I will be happy to yield.

Mr. WEICKER. Sure. I would just comment to assuage the very misgivings the distinguished Senator from Utah has, and they are obviously based on fact, from my own lips, to assuage those doubts being exactly the purpose of this amendment that is before us now.

Now, granted, other misgivings that he has relative to the regulatory agency are addressed by the distinguished Senator from Missouri in his amendment. But what I am saying, and the Senator will certainly agree, is that this amendment is very clear. The very point raised in committee cannot happen, cannot happen, by virtue of this amendment, at least as far as the law is concerned.

It can still happen under regulations, which is the reason why the Senator from Missouri has his amendment.

Mr. HATCH. Your point is Roe versus Wade is the constitutional law of the land and supersedes regulations. Is that your position?

Mr. WEICKER. It certainly is. Roe versus Wade is the law of the land.

Mr. HATCH. Then even this law, which is a statutory law, even your amendment, that does away with your amendment because the precedent that Roe versus Wade would take being the constitutional law of the land would overrule your own amendment.

Mr. WEICKER. Is the Senator amending Roe versus Wade?

Mr. HATCH. This amendment is abortion neutral and ends the issue, if the Senator is wrong that Roe versus Wade would take precedence. If Roe versus Wade does, then both of these amendments would be unconstitutional.

I do not agree with that.

Be that as it may, the Senator may be right.

S. 557 raises serious questions as to the requirements of public and private institutions with regard to the provisions of abortion services. Let me say at the outset that there has been a great deal of confusion regarding the relevance and importance of an abortion neutral amendment to S. 557 which Senator DANFORTH has brought to the floor.

To begin, it is appropriate to discuss the abortion neutral amendment that has been offered by Senator DANFORTH. The amendment reads as follows:

> Nothing in this Title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to a legal abortion.

It is hard to believe anybody would vote against that amendment if, in fact, we are trying to go back to pre-Grove City.

The language of the amendment is clear. It would not prohibit any public or private institution from providing abortion services; such institutions would have the option to provide abortion services if they deem such services appropriate and desirable. However, these institutions would not be required to provide abortion services when the provision is against the conscience of the institution. I think that is a fair position.

What we must recognize is that this is not a question of whether one should be able to have an abortion—the Danforth amendment in no way prohibits institutions from providing abortions if they so choose. Rather, the question is whether the Federal Government has the right to force these institutions to pay for or perform abortion services even if to do so is against religious belief or conscience. That is the issue here.

Frankly, there is a glaring irony in the effect of this bill. On the one hand Congress has consistently prohibited the use of Federal funds for the performance of abortions under the Hyde amendment and yet under this bill, institutions that receive Federal assistance would be required to pay for or provide abortions.

Specifically, the regulations at issue, 34 CFR 106.41 and 106.57 require that:

> A recipient shall treat . . . termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational programs or activity.

That is pretty stark stuff.

It is important to note the S. 557 and its accompanying legislative history render these regulations even more egregious than they were before the bill was proposed. First, the proponents have interpreted these regulations as meaning that failure to perform or provide for abortion services is a form of sex discrimination. While this assumption has been argued on the State level in connection with litigation involving State equal rights amendments, this is the first time that abortion has been linked to sex discrimination with regard to these regulations or in connection with Federal legislation, generally.

Second, S. 557 expands the scope of title IX and thereby expands the scope of the existing regulations and the opportunity for future action consistent with the misinterpretation that failure to perform or provide abortion services is a form of sex discrimination. For example, the proponents of the bill have acknowledged that the bill would extend title IX coverage to any off-campus hospital which has any teaching program, such as medical students, nursing students or residents.

In short, under S. 557, any university with students receiving federally subsidized grants or loans will be required to apply the abortion regulations in all of its operations. If a university has a teaching hospital and its students or employees receive medical care at the hospital, it would be required to provide abortion services on

the same basis as any other medical service. Even a nonuniversity hospital receiving Federal assistance could be required to provide for abortions if it conducts any education programs. Under this bill, that is how far it has been expanded. It is not taking us back simply to pre-Grove City.

In fact, in hearings before the Senate Labor and Human Resources Committee, James J. Wilson, city counselor of the city of St. Louis, MO, tested that S. 557 would not only overturn a Missouri State law that treats abortions differently from other medical procedures but also would invalidate the contractual relationship between the city of St. Louis and Regional Hospital which specifically prohibits abortions being performed by Regional with respect to any patients of the city.

The Missouri State Statue, 376.805 R.S.Mo. 1986, provides in pertinent part, "No health insurance contracts, plans or policies * * * shall provide coverage for elective abortions except by an optional rider for which there must be paid an additional premium." The proponents of S. 557 such as the American Civil Liberties Union [ACLU] and Planned Parenthood have publicly conceded that under the bill, the mandatory abortion regulations would cover all educational activities of any teaching hospital. In other words, they concede that hospitals would be required to provide coverage of abortions in the health benefit plans which they offer to the teaching staff and others connected with the teaching program.

Thus, the bill conflicts with Missouri State law prohibiting coverage for elective abortions in group health plans. Moreover, hospitals, such as Regional that have a staffing or teaching relationship with a nearby medical school would be required to provide abortion services, thereby invalidating contractual arrangements such as that between St. Louis and Regional Hospital. There is tremendous controversy in this country surrounding the issue of abortion and those who oppose abortion hold a sincere respect for the right of life of unborn children. To call a failure to perform or provide abortion services sex discrimination is heinous.

Students in colleges covered by title IX have already been compelled to support abortions for other students through mandatory student fees. In the case of *Erzinger* v. *Regents of the University of California*, the Superior Court for San Diego County relied in part on title IX for its decision rejecting the student's claim that the university could not compel them to support the abortions of other students through mandatory student fees. As the court stated:

> The exclusion of medical care in connection with termination of pregnancies might very well and probably would violate Federal law, Title IX of the 1972 Higher Education Amendments * * * (Erzinger v. Regents of the University of California, No. 458599, Superior Court San Diego, Franklin B. Orfield, J., presiding, at pp. 63-64.)

Moreover, there is strong reason to believe that the mandatory abortion coverage resulting from enactment of S. 557 will go beyond coverage of students and employees. As drafted, S. 557 decimates a significant existing limitation on the scope of the title IX abortion regulations—that is, section 901 which provides that the statute applies only to "educational" activities is altered by S. 577, section 901 would exclude noneducational operations of otherwise covered hospitals from regulation. S. 557, effectively abolishes that limitation by providing that "all of the operations" of an entity engaged in the health care business will be covered in their entirety. This indicates that if a hospital is covered at all under title IX, S. 557 will assure that even its treatment of patients from the general public will be subject to the abortion regulations. As drafted, "all of the operations of" listed entities, would include health care institutions whenever a health care institution receives any Federal aid. Certainly, it would run counter to the entire thrust of the bill to limit the application of title IX, and the abortion regulations, to only a hospital's "educational activities." No one contends that the act's other requirements will be limited to students or employees.

In fact, the coverage of this issue has still further ramifications. If a health care institution receiving Federal financial assistance is part of a larger chain, all other institutions in that chain are covered even if none of the other institutions receive Federal assistance. Clearly, S. 557 expands abortion requirements dramatically.

The proponents have suggested that Congress or the administration need merely rescind the regulations in order to correct the concerns raised by this issue. Mr. President, that is an insufficient solution to a serious problem. These regulations were promulgated in 1974 and therefore, have been on the books for the last 14 years. Any rescission would be met immediately with litigation in an attempt to reinstate the regulations. The abortion regulations represent one agency's view of what is required by title IX.

Administrative revocation of those regulations would not bar a court from deciding that the interpretation of the law reflected in the regulations was valid nonetheless and required by the statute. Absent congressional amendment in the form of the Danforth abortion neutral amendment, future administrations could easily reinstate the egregious regulations. Departmental regulations do not provide binding interpretations of Federal law. Judicial interpretations of Federal statutes do. In any event, S. 557 effectively codifies the title IX abortion regulations, which would place them beyond mere administrative revocation. In short, congressional action is required at this time to correct the proabortion effects of S. 557.

It may be useful to point out the views of the proponents of S. 557 on this issue. During the Senate Labor and Human Resources Committee markup of S. 557, on May 20, 1987, Senator WEICKER stated:

> Just for the record, I'll state, if you take Federal funds, you can't deny a person an abortion. The reason why you can't deny a person an abortion is, it's legal in the United States of America. The reason why it's legal is we don't run the nation by virtue of our individual consciences, we run by virtue of a constitutional system. That's the answer pure and simple, and it isn't going to change * * *. It's relatively simple. If someone wants to take Federal funds, then they can't deny the rights of an American under the law. That's it. This in no way impinges on your individual conscience, as I said before * * *. No, I certainly do not want Catholic University required to perform them. The fact is, if Catholic University wants to take Federal funds * * * they can't deny—they're not forced to perform them—they can't deny an abortion if its requested.

Mr. President it is outrageous and inconsistent to disallow the use of Federal funds for abortions on the one hand and to require those receiving Federal funds to pay for or provide abortions on the other hand. It is essential that we accept the Danforth abortion-neutral amendment and correct this glaring problem posed by S. 557.

Let me just add one other sentence. There are those who think that they will be supporting a prolife position by supporting the Weicker-Kennedy-Metzenbaum-Packwood amendment. That is not so. The only position on the floor this day that can solve this problem is going to be the Danforth amendment. So we are asking all Senators who have concerns in this area to vote against the Weicker-Kennedy-Packwood-Metzenbaum amendment. We think that it does more harm to the debate and problem than it does any good, and certainly it seems to me does not solve the problems that we are trying to address here today. It certainly does not solve the expansive nature of this bill, that expands the law way beyond what anybody thought it was back in 1984, before the Grove City decision occurred.

Let me just give 5 minutes to the distinguished Senator from New Mexico, and then turn the balance of my time over to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I am not a Senator who believes that we ought to leave the Grove City decision alone. I

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have cosponsored legislation to overrule the narrow interpretation of the Supreme Court with reference to institutions. I was an original cosponsor of Bob Dole's bill of the 98th Congress, and the Senator from Oregon quite properly noted that I was nodding on that part—and that part only—of his discussion about institutionwide coverage versus a narrow interpretation.

Second, I am fully aware that this is not and should not be a discussion of whether or not we agree with Roe versus Wade. I think my record is pretty clear; I do not like the decision, but I am not the Supreme Court. I am a member of the legislative branch.

Third, it should be eminently clear that the law of the land is that the U.S. Government will not pay for abortions. That is the Hyde amendment. We have had that before us enough times where, regardless of how close the vote, it is pretty clear that the Congress of the United States—and I hope and assume constitutionally; nobody has taken that issue to the Supreme Court—has said "You will not spend taxpayers' money for abortion." I assume that is an appropriate exercise of our legislative authority. That is point three. We will not pay for abortion as a matter of decision of the Federal Government.

We had a choice, to borrow the jargon of the day, and Congress elected and exercised its right to choose, and we said we do not pay for them. That is No. 3.

Fourth, if you believe that the Grove City decision is too narrow, you ought to be down here on the floor trying to enact a bill with legislative language that will be passed, be signed by the President, and that will substantially ameliorate the narrow interpretations of the Supreme Court regarding civil rights. Those are my four positions.

Let me take the last one first. I want the last one to happen. In my humble opinion, there is no chance that it is going to happen unless the issue of abortion and civil rights is resolved. I just do not see how, since it has held the House up for 3 years. Can you imagine the President of the United States signing a bill with the Weicker-Kennedy-Metzenbaum language in it and the rest of this bill as it is, with the very first legal opinion out of the box saying you have, by this legislation, substantially expanded the coverage, and thus the scope for litigation, under civil rights of title IX of the Education Act as interpreted by departmental regulations. Can you imagine the President signing that? Can you imagine a veto being sustained by the U.S. Senate and the U.S. House? I just do not believe there is a chance of that.

Now, Mr. President, it seems to me to be—I was going to say the height of hypocrisy, but let me make it a little bit more mellow—it seems to me to be extremely ironic that we will not pay for abortions, exercising our free choice and voting, and we are about to say here today that institutions out there in the United States, principally medical schools doing a fantastic job for American health, doing research, that we are sitting up here saying that an awful lot of them, if they get a little tiny bit of Federal money, there is a real chance, says this legal opinion, that in spite of the Metzenbaum-Weicker-Kennedy language, there is going to be a coercive effect of this new bill. We are drawing on their decisions regarding their choice to say, "We do not choose to perform abortions. There is somebody up the street that might. There is some hospital down the road that might. But we do not."

As a matter of fact, it is a civil rights issue, a pro-choice issue, in my opinion. In this case, it happens to be the same decision that those who are pro-life or right-to-life have come to with reference to their position on this bill.

Mr. President, it is very easy for me—and I have the greatest respect for the Senator from Oregon, who sits here, and the Senator from Ohio, who is over there.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DOMENICI. Will the Senator yield me 5 additional minutes?

The PRESIDING OFFICER. The Senator from New Mexico is recognized for an additional 5 minutes.

Mr. DOMENICI. It is very simple for me to see what is occurring. Let me couch it this way: Those who say vote for Metzenbaum are asking us to dodge the issue instead of deciding the issue. That is a very, very simple point—dodge the issue and be able to say that, as to the four corners of this new legislation we have addressed the issue. But as a matter of fact you cannot separate title IX of the Education Act from this. So we are not deciding the issue. We have grown notorious as a Congress for not deciding issues. We have grown to the point where our people expect litigation from our legislation because we do not want to decide in clear, plain English language.

I hope those in this body who think they are going to dodge instead of deciding this issue will at least listen to part of this morning's debate because it is unequivocal to this Senator that this legislation before us has in mind affecting title IX of the Education Act in some way or another.

Now, we would be told to not worry about it, it is something else, just worry about the four corners of this bill—dodging the issue instead of deciding it so those who think we are saying to our institutions, our medical schools and derivatives of those medical schools, "We are protecting you because we adopted this language and if you do not want to perform abortions, you are not harming anyone, you are not violating Roe versus Wade, they can go somewhere else and have them." If they think they are going to tell people that is what we decided, they dodged it. And they will have people litigating from now until it finally gets to the Supreme Court—on average 5 years—while people out there are saying what does it mean with reference to title IX, which now has a broadened institutional effect according to the very first legal opinion out of the box.

And I do not think anybody asked them how to decide. Let us send it to five more lawyers, even if we got a three-to-two decision—three lawyers, good ones saying we agree with this one and two do not—it is precisely the point the Senator from New Mexico is making. Let us make it clear. I guarantee my fellow Senators, if you are going to vote for the Metzenbaum-Weicker-Kennedy amendment, and say we made it clear, we protected the choice of institutions to deny abortions because nobody is hurt, you really have not, you have dodged it.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, how much time is left?

The PRESIDING OFFICER. The proponents have 20 minutes; the opponents have 14 minutes and 51 seconds.

Mr. PACKWOOD. I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, let us not confuse the issue. Let us not say that which is not so is so, and let us not say that that which is so is not so.

The manager of the bill, Senator Hatch, in opposition, talks about the expansion of the rights and the obligations of medical schools. The committee report addresses itself to that issue. It says "title IX covers only students and employees and does not reach the public at large." How the Senator from Utah can come to the conclusion that it reaches the public at large in spite of that interpretation by the committee report is difficult for me to understand. The language goes on to state that, "therefore, claims that the bill would require hospitals to provide abortion services to the general public are false."

Yet in spite of that, a member of the committee comes on the floor and says it just is not so. Then we hear the very strong argument made by our friend from New Mexico, who says we want to correct the Grove City decision, but we want to go further. And there is some concern that the language of this bill expands the right to an abortion, or rather the right to keep Federal funds from being used for an abortion. They talk about a Dewey, Ballantine legal letter saying it is possible that it may be interpreted in a certain way.

Let us face it. None of us who are interested in the Grove City bill or supporting this amendment would require that abortions be performed for the public at large. None of us want to affect the issue of abortion, and we have tried to say that time and time again. The bill does not change the requirement of title IX that it applies to educational programs or activities and their students and employees.

What we are talking about here is an effort on the part of some to put into this civil rights bill a change in the law with respect to the regulations that were passed and enacted several years ago, about 10 years ago. Nobody wants to do that as far as the proponents are concerned. We have tried to make the language as explicitly clear as can be. We say, "No provisions of this act or any amendment made by this act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion."

In spite of that specific language, language as direct as it could be, the distinguished Senator from Utah says that amendment is nothing but an empty shell. I do not understand his reasoning.

We are saying that abortion is an issue that Congress has dealt with. By my last count, I think it has been almost 500 times since I have been in the U.S. Senate, and every time we get a measure before us, we get an abortion amendment.

Grove City is a civil rights bill. What we are saying is "Let's deal with the civil rights issue, the limitations imposed by Grove City, and let us not get into the abortion issue." The amendment of the Senator from Missouri would do just that. It would reach title IX. It would undo the regulations.

I respect his right to make that argument, that the regulations should be undone, that they should be changed. I do not happen to think so. He certainly has that right. But it is unbecoming for him and others to come to the floor of the Senate and jeopardize this civil rights bill. I believe it is confusing the issue.

I would have much preferred we not have to consider any kind of disclaimer language on the subject of abortion; but we have not been able to prevail upon others who would want us to address the regulations adopted in 1975. We do not want to change the title IX regulations. We do not want to add to them. We do not want to detract from them. We just want to make it clear that scare stories and reports about the impact of this bill on the issue of abortion are not based on fact. That is the reason for our amendment.

On another day, it may be appropriate to deal with the question of the regulations. My views with respect to changing those regulations would not be different from what they are now. But I feel sad that those who would say they support the reversal of the Grove City decision come to the floor, as the Senator from New Mexico has just done, and say that we need to address the abortion issue before we do what is right with respect to Grove City. I do not believe we should condition our consideration of this bill or consideration of an abortion issue.

I remember when Senator Magnuson was a Member of this body, and he would say, almost with tears in his eyes, "Why is it that every time I have an appropriation bill, whether it has to do with this subject, that subject, or any of a number of other subjects, I have to get into a battle on the abortion issue?"

Congress has dealt with that issue on innumerable occasions—as I have said, almost 500 times since I have been here.

The question is, can we stay away from that subject and not jeopardize the enactment of a very much needed piece of legislation to correct the civil rights laws of this country? That is what this issue is all about.

If you think we ought to be able to move forward on the Grove City matter without getting into the abortion issue, then I hope you will vote for our amendment. But if you are willing to jeopardize the passage of the correction, and if you believe that we ought to reach out beyond and try to do something about the 1975 regulations, then of course you will vote against our amendment.

I strongly urge my colleagues: Stay away from the abortion issue on this bill. Vote the Grove City matter up or down, and do not tinker with the 10-year-old abortion regulations.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. Mr. President, I wish to respond to a few of the points that have been made by various Senators.

First, I think that perhaps the most telling part of the debate this morning occurred when questions were put to Senator Weicker and to me by the Senator from Florida [Mr. Graham] about the effect of the two amendments, the Metzenbaum-Packwood amendment and a Danforth amendment that we will shortly be voting on. I think the questions before us are as follows:

First, do we, by passing this legislation, reaffirm a regulation of the Department of Health, Education, and Welfare which equates the refusal to provide abortions with sex discrimination? That was the 1975 regulation. It equated the refusal to fund abortions with sex discrimination.

The bill before us states, quite expressly, and I quote from page 10 of the bill before us:

> Congress finds that legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad institutionwide application of those laws it previously administered.

That is to say that the bill without the Danforth amendment expressly reaffirms a regulation.

Senator Weicker said, "Well, a regulation that is adopted by an administrative agency can be changed by an administrative agency." I do not think that is the case once Congress has expressly reaffirmed it.

So the underlying policy question for each Senator to answer is, do you believe that the refusal to fund or to provide abortions or to perform abortions constitutes sex discrimination within the meaning of title IX and therefore should be broadly applied to hospitals and to educational institutions under the Civil Rights Restoration Act?

Do we want to open the courts and regulatory agencies to the possibility that institutions may be required to fund or to perform abortions, even though abortion is morally abhorrent to those institutions?

Do we want to say to Notre Dame University that it has to be in their health plan? Do we want to say to Georgetown University that it has to be in their hospital?

Answering some of the points that have been made, first of all——

Mr. METZENBAUM. Mr. President, will the Senator yield for a question?

Mr. DANFORTH. I do not have much time, and I would like to run through these points. I know that some other Senators want to be heard.

Senator Weicker said that the abortion requirement might apply to students and staff of a university.

But it would not be applied simply to patients.

I do not think that is much of a consolation to Georgetown University Hospital that the only abortions it would have to perform is for students or staff, but in point of fact the Dewey, Ballantine legal memorandum expressly addresses this question and states that a court could without the Danforth amendment interpret the law so as to require abortions for the general public even in a hospital like Georgetown University Hospital.

Second, the scope of the religious exemption we have already voted on today. We have voted on a very narrow

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scope of the religious exemption. Again the religious exemption, depending on what administration is reading it, can be read so that a university with a lay board of trustees is not covered by the religious exemption. For example, St. Louis University is generally viewed as a Jesuit university. The president of the board of trustees, at least the last time I looked, was Vice President Bush's brother, who is not a Roman Catholic. It would not be viewed as a Catholic institution or a religiously controlled institution. So the religious exemption provides very little coverage.

Finally, it has been said, "Well, do we chip away at Roe versus Wade?" Before us is not Roe versus Wade. Roe versus Wade has to do with a woman's right to abortion.

The issue before us is whether a hospital or a college or a university can be compelled to fund abortions.

Senator Domenici pointed out we in Congress in the Hyde amendment language have already voted that we are not going to be in the business of funding abortions in the Federal Government.

Together with title IX and the regulations subsequent to title IX, this bill could be read to force the private sector and local governments, for that matter, to fund abortions when we say that we are not going to do so in the United States.

Mr. President, I would simply reiterate that the Metzenbaum-Kennedy-Packwood-Weicker amendment is a blank. It does nothing. It provides absolutely no cover.

We have legal memos from Dewey, Ballantine and from the Justice Department stating that it has absolutely no effect.

I would urge the Senate to vote against the sham of that amendment and to vote for the Danforth amendment.

I believe that Senator Wilson has been seeking time.

How much time does the Senator wish?

Mr. WILSON. Three minutes.

Mr. METZENBAUM. Will the Senator yield for a question first?

Mr. DANFORTH. Let me ask first: How much time do I have?

The PRESIDING OFFICER. The Senator from Missouri has 8 minutes.

Mr. DANFORTH. Let me say this. I know Senator Metzenbaum and Senator Bumpers both wanted to question me. I would like Senators who would like to speak to have the opportunity.

I will yield 3 minutes to Senator Wilson and if I have time I will be happy to entertain any questions.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Thank you, Mr. President.

Mr. President, the Senator from Missouri has I think very clearly stated the case for the need for his amendment, but what is apparently not clear to many on this floor and many who are wondering why this amendment is necessary or why if this is adopted there is a need for the Danforth amendment is simply this: This amendment does not remove the need for the Danforth amendment because the need for the Danforth amendment arises from a regulation that would be unaffected by this amendment.

So if Senators wish to vote for this amendment, I suppose they can, but they should dare not delude themselves that by so doing, they will have eliminated the need or addressed the problem that gives rise to the need for Senator Danforth's amendment.

Without the Danforth amendment, that regulation continues to give promise of not just strife, but certainly of being applied by bureaucrats in a way that will force institutions subject to title IX to perform or to fund abortions against their conscience. That is not right. And as I stated yesterday, I am one of those Senators generally characterized as prochoice. We will not get into that debate, because there is not time, and that essentially is not the issue. The issue here is one of fairness, for Senators, whether they be prochoice or prolife, can and should support the Danforth amendment simply because on the basis of fairness, hearkening back to the tradition of honoring the request of conscientious objectors, we say to those who legitimately assert a conscientious objection that abortion is morally repugnant to them that they shall not be required to perform it or to fund it.

That is what this is about. It is nothing more or less. It is a narrow point, but of tremendous importance. But do not delude yourselves, my friends, that by voting for this amendment you remove the need for the Danforth amendment. That is not true. The Danforth amendment addresses all of title IX. Its reach is broad as the title and needs to be to protect against that unfairness arising from that underlying regulation, and this amendment that is before us, the Weicker-Metzenbaum-Packwood et cetera, et al., does not do that.

There is nothing wrong with it, I suppose, as long as you understand it does not give the needed protection against that unfairness.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The Senator from Ohio.

Mr. METZENBAUM. Mr. President, it is very interesting to me that the Senator from California says that we need the Danforth amendment for protection against title IX regulations while the Senator from Missouri says the bill does not effect the regulations. These are contradictory positions.

But because the Senator from Missouri is saying that the bill does have an impact and enacts the title IX regulations, I want to make it clear that this is not so.

The committee report specifically addresses itself to this issue.

> The title IX regulations are not at issue in this legislation. They have been in place for 12 years and there have been neither any legal challenges to these regulations by anti-choice groups nor any effort on the part of this administration to withdraw or modify the regulations. S. 557 neither ratifies nor rejects the title IX regulations related to discrimination based on pregnancy or termination of pregnancy.

It is as clear as it could be, that we are not affecting the title IX regulations, and we do not want to affect those title IX regulations. The administration can change them if it wants to. That is up to the administration. But what the Danforth amendment does is interject into this civil rights issue the matter of those title IX regulations. We are saying "stay out of the abortion issue if you want to change the law with respect to Grove City." That is as simple and as direct as we can make it.

If you think our language does not say it directly enough, tell us. Nobody claimed that our language wasn't clear.

We are making it clear. We do not want to affect the title IX regulations. We do not want to change law on the abortion issue. We just want to pass the Grove City legislation. We can deal with the title IX regulations in other legislation. It is within the power of the administration modify them.

Mr. BUMPERS. Mr. President, will the distinguished Senator from Missouri be willing to engage in a short colloquy that will be very brief.

Mr. DANFORTH. Yes.

Mr. BUMPERS. This is an immensely difficult problem for almost every Senator here, I think.

But, No. 1, the Senator's amendment only deals with title IX; is that correct?

Mr. DANFORTH. The Senator's amendment deals with the combination of title IX, the regulations pursuant to title IX, and the Civil Rights Restoration Act. The Senator's amendment says that that combination is neutral on the subject of abortion, that the law cannot be read by a court or by a regulatory agency to compel a college, university, or hospital to pay for abortions in its health coverage plan or to perform abortions. That is exactly what the Senator's amendment is intended to do.

Mr. BUMPERS. In the Senator's amendment, section 909 says, "Nothing in this title shall be construed," et cetera——

Mr. DANFORTH. Right.

Mr. BUMPERS. "This title" refers to title IX.

Mr. DANFORTH. Yes.

Mr. BUMPERS. Now, the second question, as I understand the debate, to be very succinct about it, is that the authors of this amendment and the proponents of the Grove City restoration, the repeal of the Grove City decision, are saying this bill as presently written has absolutely no effect on the law as it has previously been. We are simply reinstating the law as it was prior to the Supreme Court decision.

As I understand the Senator's amendment, the Senator's amendment goes beyond that by simply saying "I want to make it permissible for any person, private, public or institution to have the right to refuse to perform abortions," You say pay for. I do not know why "pay for" is there. I do not know anybody who has been required to pay for.

Mr. DANFORTH. Yes. That is a very big issue. In fact, that is what the 1975 regulations were specifically about. Whether you say the university health plan, say, Notre Dame University, whether a health plan a Notre Dame University provided generally for students' health care had to provide for abortions as well. If the Danforth amendment is adopted then the U.S. Senate is saying that Notre Dame University in its health care program does not have to provide for abortion coverage. It is up to Notre Dame to do it or not do it.

We are saying that Georgetown University does not have to perform abortions. It is up to Georgetown University.

By contrast, if the route we are going is the Metzenbaum amendment, we are saying that if a court or a regulatory agency is left open to decide that issue, and according to the legal opinion of Dewey, Ballantine, the well-known law firm, it is well within reasonable possibility for a court to determine that, yes, a school, a college, a hospital, can be required to fund or to perform abortions if they are receiving any Federal funds for any part of their program.

Mr. BUMPERS. Are you saying Notre Dame can be made to include in its health care plan provisions to pay for abortions?

Mr. DANFORTH. That is precisely the issue before us.

Mr. BUMPERS. Under existing law?

Mr. DANFORTH. Yes.

Mr. BUMPERS. Has that been determined by the court?

Mr. DANFORTH. That is the opinion of the Dewey, Ballantine law firm.

Mr. BUMPERS. Has that been validated in court? Has any court said that?

Mr. DANFORTH. The answer to the question is, no, this is a matter that has not been determined by a court. We anticipate litigation as a result of this legislation. The issue is: Do we want to preclude such a court interpretation or, instead, do we in the Congress want to pass the buck to the Federal judiciary and say, "You make the policy for us"? If it is our decision that as a matter of Government policy the decision on funding or performing abortions should be left up to the Notre Dames and the Georgetowns of the country, then we vote for the Danforth amendment. If, instead, we say that no, a court or administrative agency will have a free hand to interpret this law in such a way as to force abortion coverage or abortion performance on these institutions, then we can vote for the Metzenbaum amendment, claim that we have got some kind of cover, and vote for the bill without the Danforth amendment. That is precisely the issue before us.

Mr. BUMPERS. Last question: Since the amendment of the Senator only deals with title IX, what would prohibit somebody from challenging a hospital, private or public, under title VI of the Civil Rights Act?

Mr. DANFORTH. I have not made any legal analysis of that. I have no idea one way or the other.

The only question that I put to the law firm, and the only question I responded to when it came to me from the American Hospital Association and other organizations had to do with the effect of the combination of the bill that is before us, together with title IX and regulations under title IX. They are concerned that we will have given a basis for a court to determine the funding of abortion or performance of abortion could be mandatory. Now, that is their concern.

Mr. BUMPERS. The Senator's amendment goes far beyond the religious——

The PRESIDING OFFICER. The time on the amendment has expired. The proponents have 7 minutes and 17 seconds remaining.

Mr. PACKWOOD. I would be happy to yield additional time to the Senator from Arkansas if he wants to ask a question and the Senator from Missouri to answer to them on my time, but I want to save 3 minutes.

Mr. METZENBAUM. Would you save 2 for me?

Mr. BUMPERS. The Senator may just go ahead. I think I have said all I want to say.

Mr. PACKWOOD. I think you have got it right. There was, I do not want to say an agreement, but there was an understanding that what we were going to try to do with this legislation was simply reverse Grove City and go back to institution-wide coverage. We were not going to get into school prayer although somebody apparently is going to offer a school prayer amendment.

We were not going to get into abortion. We were not going to get into AIDS. We were just going to try to reverse Grove City and go back to what all of us, including the Senator from Missouri, thought was the law prior to Grove City and what the law was in title IX and the 1975 regulations and whatever court decisions we had. And you asked whether we had any court decisions that concluded what he concluded and Dewey, Ballantine concluded, and the answer is no, there were no court decisions. That was the law.

Now, because the allegation was made that the bill as it came out of committee actually expanded abortion rights, Senator Metzenbaum, Senator Weicker, Senator Kennedy, and myself offered an amendment that says nothing in this act expands abortion rights. You cannot compel any abortions, provide for them, pay for them in this act. We will go back to where we were prior to Grove City.

What Senator Danforth wants to do is change title IX and change the law so that the regulations that are now in existence could never be interpreted by a court to reach a decision on abortion that he does not like. It is a perfectly legitimate position. I do not agree with it. But it certainly cannot be said that all he wants to do is go back to where the law was prior to Grove City. He wants to change the law as it existed prior to Grove City.

I will yield 2 minutes to the Senator from Ohio if he is ready.

Mr. METZENBAUM. Would the Senator just reply to one simple question?

Mr. PACKWOOD. Sure.

Mr. METZENBAUM. Is it not a fact that the Dewey, Ballantine letter is addressed to the bill without our amendment?

Mr. PACKWOOD. Absolutely; totally. As you read the Dewey, Ballantine letter, first, it does not apply to title IX as title IX was originally written. It applies to it as this act amends it. And they have got a whole lot of could be's and may be's, this might happen. This whole memorandum is unrealated to the Weicker-Metzenbaum amendment. It is related, allegedly, to the act as reported. And the amendment that you have offered and Senator Weicker has offered absolutely denudes the 17-page Dewey, Ballantine memorandum of any relevance.

Mr. METZENBAUM. And is it not a fact that even if it had relevancy, all they say in that letter is some court could decide it this way but make no observation that it is certain that the court will interpret them in this manner. Nor does the memo say that the bill cannot be interpreted any other way. It is just one of those speculative answers.

Mr. PACKWOOD. Here is exactly what they say: If the Civil Rights Restoration Act is enacted in its present form, that is before your amendment,

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educational institutions could be required to fund abortions, hospitals that engage in educational activities could be, hospitals could be, educational institutions could fail to qualify.

There is no court decision under all those regulations that existed under title IX prior to Grove City that ever found that, that ever compelled that, that ever could be; never took place. The only issue that Grove City decided was narrow versus institutionwide coverage. That is all. But there have been no bogeyman court decisions reaching those could-be conclusions.

Mr. METZENBAUM. That was my understanding. I thank the Senator.

Mr. DANFORTH. If the Senator has nothing more to say, I will be happy to ask him some questions.

Mr. PACKWOOD. Go right ahead.

Mr. DANFORTH. Well, is not the difference between my amendment's approach and the Senator from Oregon's approach that under the position of the Senator from Oregon, the Senator from Ohio, and others, a court could determine that an institution such as Georgetown University could be compelled to perform an abortion. Under the Danforth amendment, Georgetown University could not be compelled by a court order to perform abortions under title IX. Is that not the difference?

Mr. PACKWOOD. All I would ask my distinguished colleague, since he asked, all I would ask my distinguished colleague is this: Is that any different than what the state of the law was prior to the Grove City decision?

Mr. DANFORTH. Well, this is different, as a matter of fact. First of all, because we are, by statute, reaffirming a regulation; and, second, by statute, we are applying the Grove City scope to hospitals, even hospitals that are not connected with universities. So the answer is clearly yes, we are expanding the law beyond what it was before Grove City by enacting this legislation.

Mr. PACKWOOD. I would respond to my good friend, and he is my good friend, from Missouri that that simply is not the case. It was not intended to do that. We have tried to limit that by the Weicker-Metzenbaum-Kennedy-Packwood amendment. We have no desire to expand the substance of the law beyond where it was. We tried not to do that. And all we wanted to do was say this law applies to institutions. We will go back just prior to Grove City. We had the regulations. We had no particular court decisions on this subject one way or the other. That is the situation we would like to return to.

What the Senator from Missouri wants to do is say, not only are we going to go back to that, we are going to pass a law that will prohibit any court decisions that might reach a conclusion which you do not want.

Mr. DANFORTH. The Senator has read the Dewey, Ballantine letter of this morning which states that the Metzenbaum-Weicker, et al, amendment is a nullity as far as the issue raised by the Senator from Missouri is concerned.

Mr. PACKWOOD. As far as the issue raised by the Senator from Missouri, that is correct, because the amendment of the Senator from Missouri goes back to title IX and the Education Act and the regulations, whereas the amendment of the Senators from Ohio and Connecticut and Senator Kennedy and myself relates to this act. So it is a nullity as it relates to your amendment, because your amendment applies to the whole panoply of the regulations in the act of 15 years ago.

Mr. DANFORTH. Therefore, the Metzenbaum amendment would provide no cover for a Senator who wants to come to the floor and address the issues that have been raised by the Senator from Missouri.

Mr. PACKWOOD. What the Metzenbaum amendment does is clear. What it would do is carry out the understanding that we would not use this legislation to attempt to change the substantive law of abortion or anything else; that we would try simply to rectify a decision that we all were surprised by and thought was wrong.

Mr. DANFORTH. And the Metzenbaum amendment therefore would leave open the possibility that a court could mandate that Georgetown University has to provide or fund abortions?

Mr. PACKWOOD. The Metzenbaum amendment would leave the law in exactly the same state that it was in prior to the Grove City decision.

Mr. DANFORTH. So the answer to my question is yes?

Mr. WILSON. Yes.

Mr. CRANSTON. Mr. President, the Senate will have the chance to vote on two amendments relating to the issue of abortion.

The first amendment is truly an abortion neutrality amendment.

The second amendment, offered by the Senator from Missouri [Mr. Danforth], has been described as an abortion neutral amendment. It is not. The Danforth amendment rewrites substantive law which has been in effect for more than a decade. It would overturn the title IX regulations issued under the Ford administration which forbid educational receiving Federal funds from discriminating against students or employees who are seeking or have had an abortion.

Mr. President, the Civil Rights Restoration Act is not an abortion bill. It is a civil rights measure designed to restore the scope of coverage of the four basic civil rights statutes which require that recipients of Federal funds refrain from discrimination.

The opponents of this legislation have charged that the bill will expand abortion rights, require hospitals to provide abortions to the general public and require religious institutions to perform abortions. Those charges are totally false. The committee report discusses these claims and rejects them flatly. The proponents of the Danforth amendment have contended that the committee report language is not binding and therefore inadequate to respond to their concerns.

The abortion neutrality amendment which is being offered with the support of the principal sponsors of the Civil Rights Restoration Act, in effect, places the committee report language into the statute itself. If flatly provides that on provision of this act or any amendment made thereby shall be construed to require or force any individual or entity to perform or pay for an abortion. It makes the Civil Rights Restoration Act, on its face, abortion neutral. It leaves the substantive law under title IX with respect to abortion exactly where it was. There is no expansion nor any contraction of rights with respect to this issue.

The Danforth amendment, on the other hand, is intended to and would rewrite title IX. It would overturn the existing regulations which protect students, for example, who have had legal abortions from discrimination. It appears to be intentionally drafted to go well beyond the simple issue of performance of or payment for abortion. The Reagan administration has already attempted under the family planning program authorized under title X of the Public Health Service Act to curtail entities receiving Federal funds from providing any counseling or referrals for abortion services. The Danforth amendment does not even provide any special treatment for abortions to save the life of the mother. Literally applied, if the Danforth amendment were enacted, a student who is a rape victim and has been diagnosed to have an ectopic pregnancy—a life-threatening condition—could be denied information at a student health clinic on the necessity of terminating the pregnancy immediately.

Mr. President, the Danforth amendment has no place on the Civil Rights Restoration Act. The sponsors of this measure have drafted the abortion neutrality amendment to make it absolutely clear that this act is abortion neutral. I urge my colleagues to vote for that amendment and against the Danforth amendment.

The PRESIDING OFFICER. The hour of 1 o'clock p.m. having arrived, the question is on agreeing to the amendment offered by the Senator from Connecticut. The yeas and nays

have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. Gore] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. Dole] is necessarily absent.

I also announce that the Senator from Alaska [Mr. Murkowski] and the Senator from Wyoming [Mr. Wallop] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. Wallop] would vote "nay."

The PRESIDING OFFICER (Mr. Wirth). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—55

Adams
Baucus
Bentsen
Bingaman
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Cranston
D'Amato
Daschle
Dixon
Dodd
Evans
Fowler
Glenn
Graham
Harkin
Heflin
Heinz
Hollings
Inouye
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stafford
Stevens
Weicker
Wilson
Wirth

NAYS—40

Armstrong
Bond
Boren
Boschwitz
Cochran
Conrad
Danforth
DeConcini
Domenici
Durenberger
Exon
Ford
Garn
Gramm
Grassley
Hatch
Hatfield
Hecht
Helms
Humphrey
Johnston
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Melcher
Nickles
Pressler
Proxmire
Quayle
Reid
Roth
Shelby
Stennis
Symms
Thurmond
Trible
Warner

NOT VOTING—5

Biden
Dole
Gore
Murkowski
Wallop

So the amendment (No. 1393) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METZENBAUM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1392

(Purpose: To ensure that the bill does not require that persons, or public or private entities receiving Federal funds perform abortions)

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized for the purpose of offering an amendment pursuant to the unanimous-consent agreement of last night. The time will be evenly divided between now and 2 o'clock.

Mr. DANFORTH. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. Danforth) proposes an amendment numbered 1392.

At the appropriate place add the following: Notwithstanding any provision of this act or any amendment adopted thereto.

NEUTRALITY WITH RESPECT TO ABORTION

Sec. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

The PRESIDING OFFICER. Recognizing the Senator from Missouri, the Chair will once again ask that Senators who wish to converse please retire to the Cloakrooms. The Senate will be in order.

The Senator from Missouri.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Senator Nickles be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, during the last vote, a number of Senators came up to me and asked my thoughts on how that vote should go, and my response was it did not make any difference. So I know that some Senators who intend to vote for my amendment voted for the Metzenbaum amendment, some Senators who intended to vote for my amendment voted against the Metzenbaum amendment. My own view, as I stated on the floor during the debate on the Metzenbaum amendment, was that it was very much like a motion to instruct the Sergeant at Arms. It was a rollcall vote, but it had no content at all. It was a rollcall vote that purported to touch on the question of whether or not the Government is going to mandate abortions, but in point of fact it did not in any sense prevent the Government or some court from mandating abortions or abortion coverage. It did not provide any cover whatever for Senators who voted on it. Some people might say, "Well, is it some sort of compromise? Was the Metzenbaum-Weicker amendment some kind of compromise on the issue before us?" The answer is no, it was not any compromise. It was not half a loaf. It was not a slice. It was not a crumb. It was an absolute zero. It did not matter whether it was cast or not, because it had absolutely no legal effect on the issue that has been raised by my amendment.

That is not simply my conclusion. When the language of the Metzenbaum amendment was available, I asked for two opinions, one from the Justice Department and one from the Dewey, Ballantine law firm. I received both of those legal opinions today. Both of them stated that from the standpoint of the basic question of whether or not abortions or abortion coverage is going to be mandated, the Metzenbaum amendment had no legal effect.

The Dewey, Ballantine opinion, which is dated January 27, after setting forth the Metzenbaum amendment, states, "Based on our review of this proposed amendment, we conclude that it would not solve the problem identified in our earlier memorandum. The proposed amendment declares the Civil Rights Restoration Act itself does not require the funding or performance of abortions. It is silent, however, on the possibility, which was the subject of our earlier letter and memorandum, that title IX and regulations promulgated under its authority could require the funding or performance of abortions. Moreover, since the Civil Rights Restoration Act would overturn the Supreme Court's decision in the Grove City case and thus extend the reach of title IX, the danger would remain, despite the proposed amendment, that institutions duly brought under the authority of title IX would also be required to fund or perform abortions for students, employees, and even the general public as described in our earlier letter."

Mr. President, the State of the bill as it now exists before the Senate, with the Metzenbaum-Weicker amendment which was just added, is that it remains a very live possibility that an administration or a court could require hospitals to perform abortions and could require health plans of colleges or universities to fund abortions.

Now, if that is the result that we want, if we want that possibility to stay alive, then the thing to do is to vote against the Danforth amendment. If it is the decision of the Senate of the United States to leave it up to a Federal judge, to enter an order requiring abortions performed at Georgetown University Hospital, to require abortion coverage under the health plan at Notre Dame University, and so on, if that is the intention of the Senate, let us leave it open. Let us reaffirm the regulations under title IX and kick the buck to the courts.

If, on the other hand, it is the position of the Senate that we should preclude that possibility in a court decision or in a future regulation, then we should adopt the Danforth amendment. That is the very simple issue before us. Regulations under title IX of the education amendments identified sex discrimination with the refusal to perform or to provide abortions. The bill in its present form expressly ratifies those regulations. No language in a committee report to the contrary undoes the expressed language in the bill itself. So if we in the Senate want to ratify a regulation that identifies refusal to perform abortions with sex discrimination, and if we want to extend that interpretation throughout universities, to university hospitals, to hospitals that have internship programs flowing out of those universities, and to other hospitals which have any teaching program at all, if we want that kind of expanded interpretation, then vote against the Danforth amendment.

I think it would be an absolute outrage for the Senate, the Congress to force on Georgetown or Notre Dame or the city of St. Louis or wherever a policy that under the Hyde amendment we do not support ourselves.

We do not fund abortions. We have made that decision. I do not understand why the Senate at this point should force even church-related colleges and hospitals to do what we will not do ourselves.

Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. GRAMM. Mr. President, I will be brief. What we have seen here is exactly the same kind of sham that has outraged the American people for years about this greatest of deliberative bodies. We have a clear-cut issue before us. The issue is as simple as any issue can be: Do we want to make it clear that under title IX, with the expansion that is being contemplated, Baylor University and Notre Dame do not have to fund abortions or to perform abortions in their medical facilities?

Now, you can beat all around the bush. You can try to confuse the issue all you want. You can say, well, let us leave it undetermined as it is in the current law. But when you get down to the bottom line, when you vote on the Danforth amendment, there is only one issue: Do we want to leave it open to some Federal judge to come along and say to Baylor University or Notre Dame or St. Mary's or any other private, church-related college in America that although the fundamental teachings of your church are totally opposed to abortion, we are going to force you to fund abortion and we are going to force you to conduct abortions?

Now, the great paradox is that the Congress will not even fund abortion under Medicaid unless the life of the mother is in danger, and yet here we have a clear-cut attempt to force church-related institutions to do what we have prohibited under Medicaid. So you can try to make this a technical question. You can cloud it and go back home and say we were neutral on this subject; it was unclear before. We left it unclear.

The point of this amendment is that it ought not be unclear. There ought to be no doubt in anyone's mind that Baylor University should not be forced to fund something they fundamentally oppose. If you vote against this amendment, you are voting against that basic guarantee.

I yield the floor.

Mr. METZENBAUM. Does the Senator from Texas understand that——

The PRESIDING OFFICER. The time of the Senator from Texas has expired. Who yields time?

Mr. HATCH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes 44 seconds.

Mr. HATCH. Let me yield 2 minutes.

The PRESIDING OFFICER. The time is under the control of the Senator from Missouri, Senator DANFORTH.

Mr. DANFORTH. Mr. President, I yield—how long would the Senator like?—2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. EXON. I thank my friend from Missouri. I thank the Chair.

Mr. President, this is one of those votes in the U.S. Senate for which it is extremely easy for this Senator to cast and support the Danforth amendment. The case has been adequately made in previous arguments before this body. And I will not attempt to rehash those statements. Suffice it to say unless the Danforth amendment becomes law we are leaving an unanswered question that should not be left unanswered in this very, very important civil rights legislation.

I hope that all of the Members of this body will recognize and realize that the Danforth amendment is very simple, it is very straightforward. It simply says that we should not be in a position of forcing any institution regardless of its association to do something for which the fundamental tenets of that institution—and fundamental beliefs that many of us share—should not be put in jeopardy on a whim of one Federal judge at some time in the future.

It is a clarifying amendment. It states clearly what we should do. I appeal to all of my colleagues to support the Danforth amendment. It will do nothing in the opinion of this Senator, and legal scholars that I have talked with, to harm or weaken the amendment that we are going to vote on, the bill itself, which has to do with civil rights. I hope we will pass the Danforth amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. DANFORTH. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, first I would like to point out to my friend from Texas that Baylor University is specifically exempted under the religious tenet exemption. So his argument in connection with that university is not applicable.

Second, I want to point out that if you vote for our amendment, the Packwood - Kennedy - Weicker - Metzenbaum amendment, you will be undoing that amendment 100 percent because that amendment provides that "Notwithstanding any other provision of the law or any other provision in this bill." So if you voted with us and now you vote for the Danforth amendment, you've totally turned around. It would be a 100-percent change in vote. I hope those who have seen fit to stand with us by 55 votes will see fit to reject the Danforth amendment.

The big question is whether we are going to have a civil rights bill or an abortion bill. We have made it clear in our previously offered amendment now in the bill that this is a civil rights bill and we do not want it to be encumbered with abortion issues.

If you vote for the Danforth amendment, you will have voted for language that totally negates the impact of our amendment, or at least language which would appear to do so on its face. That is the intent of the Danforth amendment. I hope it does not. But I am afraid that it will.

The amendment offered by the Senator from Missouri is also problematic because it does not preclude the imposition of a penalty on a woman if she has a legal abortion. The amendment says nothing in the preceding sentence "* * * shall be construed to permit a penalty to be imposed on any person * * * because such person * * * has received any benefit or service related to a legal abortion."

That language is extremely unclear. It says nothing in the amendment that permits a penalty but the language does not prohibit a penalty or discrimination against a woman who has had an abortion. For example, a woman who has had an abortion or who has been counseled for abortion

can be excluded from scholarship programs, student employment, or even enrollment in classes. The Danforth amendment not only permits this discrimination but it also may encourage institutions to treat women differently because they exercise their constitutional right.

If we pass this amendment, we sanction discrimination against women who exercise their constitutional right. So this civil rights bill which we have introduced to expand the civil rights of all people would sanction discrimination against women. So I think it is fair to say that a vote for the Danforth amendment is a vote for discrimination against women. We say that is inappropriate.

Another problem with the Danforth amendment is that it changes title IX to permit discrimination against women as the medical services provided to them. The Danforth amendment says that "Nothing in this title shall be construed to require or prohibit any person or public or private entity to provide or pay for any benefit or service including the use of facilities related to an abortion."

This language means that if a university provides a medical service and that service has doctors who are ethically required to counsel patients on medical options, it would not be discrimination to fail to counsel pregnant women on all options. What we say when we pass the Danforth amendment is that women are not victims of discrimination when they are denied all information about their options including the option of abortion.

The discrimination that the Danforth amendment sanctions is the kind of discrimination that reduces women to less than full human beings because it denies women the information they need to make an important medical decision.

There is not even a life of the mother exception in the Danforth amendment. And a woman could be bleeding to death from pregnancy complications and under the Danforth amendment she could be denied a lifesaving abortion. A man who is bleeding to death can be saved. That, to me, is discrimination against women.

We have already said we do not want to do anything about abortion. We have indicated we want to move forward with the Grove City legislation situation. I would hope that my colleagues would not undo the impact of the amendment which we just passed. That is what this amendment would do. But much more important than that, this amendment would permit discrimination against women in this country.

How inappropriate, how wrong it would be to include in a civil rights bill language which would authorize the discrimination against all women. We must defeat the Danforth amendment.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Chair would remind the gallery that they are here as guests of the Senate.

The Senator from Missouri.

Mr. DANFORTH. Mr. President, the characterization of the bill by the Senator from Ohio is completely erroneous and totally without foundation at all. It is a fabrication. My amendment expressly says, "Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mr. WILSON. Mr. President, at the risk of being rude, the Senator from Ohio has flatly misstated the contents of the Danforth provision. The language just read by the Senator from Missouri was language which I and others insisted be in there, precisely to ensure that there could not be discrimination against women who either are seeking or have received abortion-related services.

You could have voted for or against the Metzenbaum amendment. You could have voted for it as simply being a truism, as Mr. DANFORTH said, without content, or voted against it as being a sham aimed at trying to persuade people that it would suffice and that there was no need for the Danforth amendment. There is need for the Danforth amendment.

To focus momentarily on the strict legal question, the amendment by Senator METZENBAUM stated that the bill does not require abortion, but it does not reach the offending regulation which gives rise to the need for the Danforth amendment. That need continues to exist, even with the Metzenbaum amendment in it. The Metzenbaum amendment is without content. The Danforth amendment is required to prevent a travesty.

I am prochoice, but I will be hanged if I can see my way or want the Congress of the United States to be on record as imposing upon someone who conscientiously objects to providing or funding abortion, as something morally repugnant to him or to her or to their institution, to be compelled by a Federal bribe to do so. That is wrong. We should not leave the law unclear.

The argument has been made that we should go back to what it was before Grove City. It is not what the law was. The question is what the law should be. It should be clear.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from Missouri has remaining 4 minutes and 37 seconds. The Senator from Ohio has remaining 12 seconds.

If neither side yields time, the time available will be counted equally against both sides.

Mr. DANFORTH. Mr. President, I yield 1 minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mr. GRAMM. Mr. President, I want to respond to the Senator from Ohio.

First, is he aware that Baylor University waited 9 years to get an exemption? They currently have an exemption. But, as we are all aware, under the law, a new Secretary could come into office, do an investigation, and deny them that exemption.

Let me give the names of some Texas colleges that are religion affiliated that have asked for exemptions, and that for one reason or another did not get them: The Dallas Theological Seminar, Lubbock Christian College, University of Dallas, Southwestern Assemblies of God College, Concordia Lutheran College.

I ask my colleagues: Do we really want to leave any doubt as to whether Lubbock Christian College should have to conduct and/or pay for abortions if that is against the tenets of their religious beliefs? That is the issue here, and I urge my colleagues to focus on that.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. DANFORTH. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time. If neither side yields, the time will be counted equally against both sides.

Mr. DANFORTH. Mr. President, I yield 1 minute to the Senator from Utah.

Mr. HATCH. Mr. President, purely and simply, this is a question of funding for abortion. Access to abortion is not affected by the Danforth amendment.

The fact is, Mr. President, that the Weicker-Metzenbaum amendment does not solve the problem which is raised here today by Senator DANFORTH. Are we going to force all colleges and many other institutions to pay for or perform abortions despite any decision of conscience or religious belief to the contrary? That is what the Danforth amendment addresses, pure and simple.

Again, the Danforth amendment merely eliminates the coercion factor. Colleges and hospitals and other institutions will be free to provide for abortions if they want to, if they choose to, even under this amendment. But the amendment ensures that they are not forced to fund or perform abortions if they object on the ground of conscience or religious belief.

It is outrageous for the Federal Government not to choose to fund abortions, on one hand, and to require colleges or hospitals to fund or perform abortions, on the other hand—if you think about it, merely because those institutions receive, directly or indirectly, Federal funding.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **HATCH**. May I have an additional 30 seconds?

Mr. **DANFORTH**. I yield 30 seconds to the Senator.

Mr. **HATCH**. Mr. President, I ask unanimous consent to have the following documents printed in the RECORD. An analysis of student health insurance plans and a criticism by the U.S. Department of Education; a letter from the U.S. Catholic Conference, dated January 27, 1988; a letter from the U.S. Catholic Conference, dated January 27, 1988, with respect to inaccuracies in the January 21, 1988, letter from the Leadership Conference on Civil Rights, regarding this bill; a letter dated January 28, 1988, from the National Right to Life Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF EDUCATION,
Washington, DC, June 11, 1987.

To: Alicia Coro, Acting Assistant Secretary for Civil Rights.
From: Philip G. Kiko, Acting Director, Policy and Enforcement Service.
Subject: Analysis of Student Health Insurance Plans.

CONCLUSION

Due to the current Title IX regulation, OCR has been placed in the position of being committed to its enforcement when such a practice sometimes appears to have been in conflict with the religious rights guaranteed under the First Amendment and a consistent Federal policy manifested in the Hyde Amendment, Title VII, which includes an abortion-neutral provision, and other Federal statutes. The essential difficulty has been caused by the inclusion of the terms "termination of pregnancy" and "full gynecological care" within the definition of sex discrimination in the Title IX regulation, as it relates to mandated coverage for elective abortions.

INTRODUCTION

Pursuant to our discussion and your instructions, the Policy and Enforcement Service conducted an analysis of the provisions of the Title IX regulation on health benefits and services, as it pertains to OCR's recent investigations of recipients' health insurance programs.

During the past three years, the Office for Civil Rights has received 693 complaints which allege that recipients of Federal financial funds have violated the regulation of Title IX of the Education Amendments of 1972. Specifically, each complaint alleged that a recipient of Federal funds violated the Title IX regulation by not providing the same student insurance benefits for pregnancy and pregnancy-related conditions as are provided for other temporary disabilities.

Of the 693 complaints filed, all but one have been closed by OCR's regional offices. A total of 486 cases were closed when it was determined that no jurisdiction existed over the insurance programs of the institutions. Five of the "no jurisdiction" determinations involved the granting of a religious exemption under Title IX. Of the remaining complaints, 24 were closed for administrative reasons, 13 were closed when no violation was found within the insurance plans, and 169 were closed when a voluntary agreement was reached between OCR and the recipients. Many of the complaints specifically requested: "*Please ensure that elective abortion is covered.* (emphasis added)." (*See, e.g.,* 01-86-2041.)

The voluntary agreements were entered into before jurisdiction over the health insurance plans of the institutions was determined. The fact that 169 institutions entered into these agreements before jurisdiction was determined suggests that the mere filing of the compliant and the commencement of an investigation by the Department of Education was all that was necessary to motivate the institutions to enter into agreements to either (1) amend the benefits of insurance plans, or (2) cancel their offerings of insurance plans for their students.

VOLUNTARY AGREEMENT PLANS

As stated above, OCR has entered into voluntary agreements with 169 institutions. These institutions including some that are religiously affiliated, agreed to take corrective measures before jurisdiction under Title IX was determined. In responses to these cases, a memorandum dated March 7, 1986, was sent by the Acting Assistant Secretary for Civils Rights. The memorandum notified the regional offices that the institutions which were subjected to the health insurance investigations should be informed of their rights under Section 901(a)(3) of Title IX. The memorandum also attempted to clarify the meaing of the term "temporary disability" within 34 C.F.R. §§106.40(b)(4) and 106.57(c). Subsequently, this Policy and Enforcement Office analyzed the complaints, OCR's regional investigations, and OCR's regional agreements with the institutions. The analysis revealed that the institutions adopted corrective action plans in order to bring their health insurance plans into full compliance with the pertinent provisions of the Title IX regulation. Several institutions that were investigated requested exemptions based upon the religious tenets exemption of Section 901(a)(3) of Title IX and its implementing regulation, 34 C.F.R. §86.12. However, other institutions that may have been eligible for the religious tenets exemption apparently were unaware of its existence, failed to ask for it, and thus revised their health insurance plans to fully comply with 34 C.F.R. §§106.39, 106.40(b)(4), and 106.57(c). These revisions appear to contradict the religious tenets of some affected institutions; exemptions had been granted for other institutions in similarly situated instances.

In one complaint which resulted in a voluntary agreement, (complaint # 02-86-2035), the complainant alleged that a Catholic college violated Title IX by not providing elective abortion coverage in its student health insurance plan. OCR investigated the compliant and found the college in violation of 34 C.F.R. §106.40(b)(4). Under the college's student health insurance plan, "voluntary termination of pregnancy was explicitly excluded from coverage, while, according to the insurance carrier, other elective surgery generally was covered" (p. 3, voluntary agreement # 02-86-2035). OCR held that "the College was unable to provide OCR with a legitimate, nondiscriminatory reason, for its limitations on pregnancy-related medical benefits." (*Id.*) Thus, the insurance plan was determined to be discriminatory and in violation of Section 106.40(b)(4).

The result of the complainant's allegation that Title IX had been violated by this Catholic college for not providing coverage for elective abortion was summarized in a letter from OCR to the College:

"In a letter dated March 3, 1986, the College advised OCR that it has taken corrective action to secure voluntary compliance with Title IX. Specifically, effective February 26, 1986, the College has eliminated the four-day limit on maternity care benefits, and *deleted the exclusion of termination of pregnancy. . . ." (Id.)* (emphasis added).

Based upon the above remedial action by the College, OCR stated: "We consider the College to be presently fulfilling its obligations under Title IX of the Education Amendments of 1972. Continued compliance is contingent upon the College carrying out the provisions of its plan. Failure to implement the plan fully may result in a finding of violation." (*Id.*)

It should be noted that after OCR's complaint investigation began, but before a final determination on jurisdiction was made, the Catholic College decided to revise its insurance plan. The following is a quote from a letter from the Dean of Students, who is a Catholic nun, to the president of the insurance company:

"In addition, [the College] wishes to delete, effective today's date, [February 26, 1986], under the maternity care clause, the sentence, 'Elective abortions are not covered'. This limitation is no longer to be included in our Student Accident and Insurance Plan (emphasis added)."

Thank you for your assistance in assuring that [the College] is in full compliance with the federal requirements under Title IX.

This Catholic nun's letter exemplifies the impact that the complaint and subsequent investigatory process can have upon a recipient of Federal financial assistance.

In complaint No. 01-86-2075, the insurance plan of a Catholic college originally excluded coverage for "voluntary termination of pregnancy." After the complaint process had concluded with the signing of a voluntary agreement, the president of the College, a member of a Catholic religious order, wrote to OCR and stated:

"[The College] has committed itself to full compliance with the various laws and regulations forbidding discriminatory practices and will continue to do so."

The president of this College enclosed a copy of the revised insurance plan with this letter; the exclusion of voluntary termination of pregnancy in the former plan had been deleted in the revised plan.

Many of the voluntary agreements begin with the requirement that the institution agree that its student health insurance plan will comply with Sections 106.39 and 106.40(b)(4) of the Title IX regulation. These agreements request that the student health insurance plans provide benefits for "pregnancy, childbirth, false pregnancy, termination of pregnancy, and related medical conditions and recovery therefrom." If provided, these benefits must be provided to the same extent as benefits are provided for other temporary disabilities.

Approximately 30 of the voluntary agreements include an example of what the student health insurance plan must cover in order to comply with the Title IX regulation. These agreements state:

"If the plan provides major medical coverage, specifies a maximum level of costs, covers the cost of a private room, or pays the cost of office visits to physicians for temporary disabilities, pregnancy-related conditions must be treated the same."

These approximately 30 agreements also state:

"The University will not require students to pay a disparate premium for comparable coverage of pregnancy-related conditions under its student health insurance plan."

Approximately 30 voluntary agreements also include an attachment, marked "Exhibit A." This attachment fully quotes Sections 106.39 and 106.40(b)(4) of the Title IX regulation. The quote from Section 106.39 states, in pertinent part:

"This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of another, including family planning services. However, any recipient which provides full coverage health service shall provide gynecological care."

A number of insurance plans are enclosed herein; they indicate that corrective action taken as a result of the filing of these complaints *has resulted in the inclusion of election abortion coverage in institutional insurance plans.* For example, in complaint #01-86-2055, the former policy excluded coverage for "childbirth, pregnancy and complications thereof." After the OCR investigation, the revised policy included the following coverage: "[M]aternity, complications of maternity, and abortion shall be payable as any other illness."

In complaint #01-86-2041, the insurance policy excluded coverage of "elective treatment, preventive medicines, serums or vaccines where no injury or sickness is involved." This provision was replaced with "preventive medicines, serums or vaccines." Thus, elective treatments, such as abortion, were added to the coverage of the policy.

In complaint #01-86-2024, the university's insurance plan was also revised after OCR's investigation. Attached to the revised insurance plan was a letter from the insurance company to the college, stating the following:

"Subject to all the terms of your contract, your benefits have been changed."

* * *.

2. Termination of Pregnancy Services: The benefits that are available under your contract for the treatment of a medical condition are also available for termination of pregnancy.

The following insurance plans are enclosed in order to demonstrate the changes which occurred after the complaint and OCR investigation commenced: 01-86-2024, 01-86-2075, 01-86-2055, 01-86-2050, 01-86-2058, 01-86-2061, 01-86-2063, 01-86-2079, 01-86-2041, 01-86-2010, 10-85-2060, 10-85-2059, 10-85-2063, and 02-86-2035.

RECIPIENTS' TERMINATION OF HEALTH INSURANCE PLANS

Approximately 12 of the institutions which were subjected to the complaint and investigation process decided to terminate their offerings of health insurance to the students. (*See, e.g.,* #03-86-2105.) In one complaint against a religiously affiliated college, (#06-85-2077), the complainant alleged that the college discriminated against female students by not offering an insurance plan that treats pregnancy-related conditions in the same manner as other temporary disabilities. Subsequent to the filing of this complaint and during OCR's investigation, the college discontinued offering a health insurance plan for its students.

In a similar instance, (#10-85-2041), a university entered into a voluntary agreement to find a carrier that would "provide coverage for pregnancy and related conditions." Because of the university's small enrollment, it was unable to find a carrier willing to provide the expanded coverage. Thus, this university was compelled to not offer a student health insurance plan due to the economic burdens placed upon it by the complaint and subsequent agreement with OCR.

Enclosed herein are copies of voluntary agreements between OCR and the recipients which resulted in the termination of student health insurance plans by the institutions. (*See, e.g.,* #06-85-2081, 06-85-2082, and 08-86-2034.)

COMMENTS

This office is currently reviewing the voluntary agreements reached between OCR and state university education systems, institutions, or other public schools. The abortion provisions of the Title IX regulation conflict with the laws of some states that prohibit the use of state funds for abortions. It is important to discover whether the enforcement of the abortion provisions of the regulation may have resulted in the violation of state laws by any public recipient. In addressing federalism principles, an analysis will be conducted to measure the extent to which a conflict exists between OCR's voluntary agreements and state laws. The above analysis does not review the present circumstances of private and public hospitals receiving Federal financial assistance, since they are under the jurisdiction of the Department of Health and Human Services.

The Title IX regulation also conflicts with Federal policy to prohibit funding for abortion. In 1976, Congress enacted the Hyde Amendment, which repeatedly was re-enacted in succeeding years, to prohibit Federal funds from being used to pay for nearly all abortions in programs receiving Medicaid funds, with limited and clearly specified exceptions. For example, the current version of the Hyde Amendment states:

"None of the funds contained in this act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term."

The Federal policy to prohibit funding for abortion is exemplified by several other Federal statutes as well: 10 U.S.C. § 1093 prohibits, in the provision of medical care to members of the armed forces, the use of Federal funds to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; 22 U.S.C. §§ 2151b (f)(1) and (2) state that none of the funds provided for international development assistance shall be used for abortions as a method of family planning or to motivate any person to practice abortion; 42 U.S.C. § 300a-6 prohibits the use of Federal funds by any population research and family planning program where abortion is a method of family planning; 42 U.S.C. § 300z-10 prohibits the payment of Federal grants to any Adolescent Family Life Demonstration Projects that provide abortions or abortion counseling or referral; 42 U.S.C. § 2996f (b)(8) states that Legal Services Corporation funds shall not be used for legal assistance with respect to proceedings that seek to procure a nontherapeutic abortion.

The abortion provisions of the Title IX regulation adopted by the Department directly contravene the Federal policy to prohibit Federal funding for abortion, as exemplified by numerous congressional enactments. The regulation requires funding of abortion, where other Federal legislation prohibits such funding. In so doing, the regulation creates a confusing inconsistency within Federal law.

Title VII of the Civil Rights Act of 1964, prohibiting discrimination in employment, appropriately does not include a provision prohibiting the use of Federal funds for abortion, inasmuch as no Federal funding is involved; significantly, however, Title VII does include an abortion-neutral provision that protects employers from being forced to cover employees in their health insurance benefits:

"This subsection shall not require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion."

42 U.S.C. § 2000e (k). The inconsistent policy between the Title IX regulation and the Title VII provision may subject an institution to conflicting legal standards governing the type of coverage that is mandated for health insurance plans. Thus, an institution could be placed in the anomalous position of having the same health insurance plan being in compliance with Title VII as it relates to coverage for abortion and in violation of the Title IX regulation as it relates to coverage for termination of pregnancy. The right to choose whether to cover abortion that is secured employers by Title VII is abrogated by the Title IX regulation for those employers that are federally funded educational institutions.

A resolution of this dilemma could be achieved through the legislative process. It is the legal opinion of this Acting Director that if the abortion-neutral language of the Sensenbrenner-Tauke amendment and the religious tenets amendment contained in either H.R. 1881 or the legislation that was adopted in the House Education and Labor Committee in the 99th Congress, had been enacted into law, OCR would have been able to enforce the Title IX proscriptions against pregnancy discrimination without the complications outlined above. Specifically, OCR would not be placed in the position of running afoul of the First Amendment and the existent Federal policy that is manifested by such Federal statutes as the Hyde Amendment and Title VII.

In the 99th Congress, the House Education and Labor Committee adopted the Sensenbrenner-Tauke amendment. It is my understanding that this amendment will be offered in the U.S. House of Representatives and the U.S. Senate when any *Grove City* legislation is considered by either body. Thus, no regulatory revisions are necessary until congress acts. Furthermore, a revision from the legislative process is preferable since a mere regulatory change could be deleted in the future.

Thus, OCR has witnessed a conflict between the constitutional rights of some recipients and a Federal policy of proscribing Federal funds for abortions, on the one hand, and enforcement of the provisions of the Title IX regulation concerning "gynecological care" and "termination of pregnancy," on the other hand.

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U.S. CATHOLIC CONFERENCE,
Washington, DC, January 27, 1988.

DEAR SENATOR: As the Senate considers the Civil Rights Restoration Act (S. 557), the U.S. Catholic Conference wishes to reaffirm its conviction regarding this important legislation. We wish to renew our support for efforts to strengthen and make more effective the federal commitment to combat discrimination in our nation. The U.S. Catholic Bishops have actively supported the major civil rights acts that have come before the Congress. Our consistent support is based on our strong beliefs that government has the fundamental moral duty to protect and enhance the life, dignity and rights of the human person.

In our teaching and advocacy, we have sought to condemn racism and unjust discrimination and to work for full equality and opportunity for all people. The USCC supports the goals of the Civil Rights Restoration Act—to insure that federal funds and institutions that receive federal funds do not discriminate. But we cannot support a measure which, under the guise of "civil rights," would require any entity to provide abortion services, which we and millions of other Americans regard as the destruction of innocent human life and a violation of fundamental human rights.

We therefore renew our call for the adoption of the Abortion Neutral Amendment to be offered by Senator Danforth and the passage of strong civil rights legislation which combats discrimination without infringing on the legitimate rights of religious institutions and without requiring any institution to participate in abortion.

BACKGROUND

The Civil Rights Restoration Act (CRRA) would amend four civil rights laws, including Title IX of the Education Amendments of 1972. Title IX prohibits discrimination "on the basis of sex" in federally assisted education programs. In 1975, federal regulations interpreted Title IX to require institutions to treat abortion the same as pregnancy in student and employee health and other insurance programs.

Title IX was enacted in 1972 when it was illegal in most states to perform abortions except to save the mother's life. Clearly, the Congress that enacted Title IX did not intend to mandate that institutions provide or pay for abortion services as a condition for receiving federal funds.

In its 1984 *Grove City College* v. *Bell* decision, the Supreme Court construed Title IX to apply only to specific programs receiving federal assistance. The CRRA would reverse that decision and expand coverage under civil rights laws, which we support. However, in expanding the reach of Title IX, the CRRA as drafted would also inevitably expand the reach of the proabortion regulations to entire institutions. The CRRA and the abortion regulations would apply to non-educational institutions having education components, and thus would affect hospitals. The Catholic Health Association (CHA), which represents over 600 Catholic hospitals in the United States, has concluded that S. 557 ". . . could require all Catholic hospitals which participate in teaching or other educational programs, e.g., interns, residents, nursing students, to provide abortion services."

To prevent these results, the Senate needs to adopt the following amendment to be offered by Senator Danforth:

"Section 909. Nothing in this title shall be construed to require or prohibit any person or public or private entity to provide or pay for any benefit or service, including use of facilities, related to abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to legal abortion."

The CHA supports this amendment, as does the American Hospital Association (AHA), which represents 5,600 institutions. AHA maintains that ". . . a hospital—religiously affiliated or secular—should be free to choose whether abortion-related benefits and services will be performed in its institution without fear of violating Title IX regulations." The amendment has rightly been called abortion neutral because it does not prevent institutions from including abortion services, but merely does not force institutions to include abortion services against their deep conviction or policies. If the "Danforth" amendment is not included in the CRRA, then the federal government will be in the ironic position of denying federal funds for abortions through the Hyde Amendment, while simultaneously requiring under Title IX that public and private organizations provide abortion coverage with non-Federal funds.

We also understand that Senator Orrin Hatch will offer an amendment at the request of the National Association of Independent Colleges and Universities (NAICU), to broaden the religious tenets exception. We are sympathetic to their concerns in this area and are supportive of the amendment.

The Senate need not choose between greater protection of civil rights and the concerns of the Catholic Bishops. With these improvements, we believe the Civil Rights Restoration Act can help this nation fulfill its commitment to protect individuals against discrimination. We urge strong support of a bill with the protections we have advocated. We do not support any other amendments which we believe would weaken the bill's basic civil rights protections. We support a strong and effective Civil Rights Restoration Act, one that will combat discrimination without requiring any institution to violate deeply held convictions of human life and religious liberty.

Sincerely,

Rev. Msgr. DANIEL F. HOYE,
General Secretary.

U.S. CATHOLIC CONFERENCE,
Washington, DC, January 27, 1988.

DEAR SENATOR: I am writing as a result of several inquiries which have been made concerning a memorandum on S.557, the Civil Rights Restoration Act, circulated to members of the Senate by the Leadership Conference on Civil Rights (LCCR). This correspondence addresses several of the same issues which are of concern to the Catholic Bishops Conference in this proposed civil rights legislation.

The enclosed fact sheet corrects the record and documents several of the inadequacies in this memorandum.

I hope you will find this helpful to you in dealing with this very important legislation.

Sincerely,

FRANK J. MONAHAN,
Director.

JANUARY 26, 1988.

INACCURACIES IN THE JANUARY 21, 1988 LETTER FROM THE LEADERSHIP CONFERENCE ON CIVIL RIGHTS REGARDING S. 557

The January 21, 1988 letter and accompanying memoranda to each U.S. Senator from the Leadership Conference on Civil Rights regarding proposed amendments to S. 557 contain inaccuracies which can only serve to confuse the Senate and the public in the ongoing debate on S. 557 and the need for the "Danforth" amendment. Proponents rely heavily on the "principle of restoration" as the reason for opposing any amendments to S. 557. As will be demonstrated below, the restoration principle is at least as much myth as it is reality. Following are several illustrative examples from that letter, and Committee Report 100-64, which do not comport with reality.

1. *Myth.*—"Proponents of the Restoration Act have adhered unswervingly to the fundamental principle of simply restoring coverage . . . and have opposed every amendment that would change substantive law." See page 1 of the letter.

Reality.—Proponents in fact have supported changes in substantive law in S. 557. As reported, the bill contains at least two substantive changes in current law, e.g., the religious tenet exemption in Title IX has been broadened and the definition of "program or activity" for the four amended statutes now singles out for special treatment five kinds of private organizations (i.e., those engaged principally in education, health care, housing, social services, or parks or recreation). Proponents admit in Committee Report No. 100-64 (at p. 18) that the definition of "program or activity" differs from what they perceive as the scope of coverage prior to the Grove City College decision.

In addition, in at least one respect, S. 557 would require a substantive change in longstanding regulations. Under current Title VI regulations which predate the regulations implementing the other three statutes, there is no per se rule of institution-wide coverage of all activities for institutions such as hospitals and universities. Such coverage is merely presumed unless the institution "establishes, to the satisfaction of the responsible Department official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program." 45 C.F.R. § 80.4(d)(2). S. 557 would eliminate this rebuttable presumption of institution-wide coverage. S. Rep. 100-64 does not attempt to explain this deviation from the principle of restoration.

The above can hardly be described as unswerving adherence to the principle of restoration. In reality, proponents have supported substantive amendments that suit their purposes while hiding behind the rhetoric of the so-called "restoration principle" to oppose other meritorious amendments.

2. *Myth.*—"It should also be emphasized that Title IX does not now require any institution to perform abortions. . . ." See page 2 of the letter.

Reality.—Section 106.39 of the current Title IX regulations provides in relevant part that "[i]n providing a medical, hospital, accident, or life insurance, benefit, service, policy, or plan to any of its students . . . any recipient which provides full coverage health service shall provide gynecological care." 34 C.F.R. § 106.39. The Title IX regulations require abortion to be treated the same as pregnancy and other temporary disabilities. Abortion services would have to be provided as part of gynecological care in the case of a recipient, such as an educational institution, if it provides full coverage health service.

Myth.—"No institution would be mandated to perform abortions if S. 557 were enacted." See page 26 of Senate Report 100-64.

Reality.—As indicated above, section 106.39 of the current Title IX regulations on its face already requires certain recipients to provide abortion services.

In addition, assertions in the Committee Report may lead the Senate and the public to believe that the language, "all of the operations of", which modifies all categories of entities described in the new definition of "program or activity," will mean one thing (i.e., all of the activities) for educational institutions such as colleges, but will mean something else (i.e., only certain activities) with respect to other institutions such as hospitals. This is simply doublespeak. It defies common sense, violates well-established rules of statutory construction, and is blatantly inconsistent with the concept of "institutional" coverage embodied in S. 557. Courts will simply not give two different meanings to a single phrase in a sentence despite what the Committee Report suggests.

Finally, the Committee Report (at p. 2) stated that one of the purposes of S. 557 is "to reaffirm . . . executive branch interpretation . . . which provided for broad coverage . . . of these civil rights statutes." In this respect it should be noted that in interpreting the scope of Title IX's coverage in 1975, then HEW Secretary Weinberger stated that "if Federal funds go to an institution which has educational programs, then the institution is covered throughout its activities." See *Grove City College* v. *Bell*, 104 S.Ct. 1211, 1233 (Brennan, J., concurring and dissenting in part). Once S. 557 is enacted, the stated purpose of the bill, Secretary Weinberger's 1975 interpretation, along with the all inclusive "all of the operations of" language, will be relied upon to extend Title IX coverage to all activities of institutions such as hospitals that have been singled out for broad coverage in S. 557. Because S. 557 now singles out health care organizations for special corporate-wide coverage, courts will conclude that "all of the operations of" a hospital which has an educational activity and receives federal assistance will be subject to Title IX coverage, including the abortion requirements.

4. *Myth.*—Citing the Senate Committee Report, proponents indicate that Title IX would "apply only with respect to students and employees of educational programs—not to a hospital's patients." See page 1 of the memorandum relating to abortion amendments attached to the letter.

Reality.—As enacted in 1972, Title IX applies to persons, which on its face is broad enough to include patients and is not limited to students and employees of education programs. In this respect, it is interesting to note that longstanding regulations under Title VI, which is the seminal statute after which Title IX and the other two affected statutes are patterned, embody the principle that "[i]n a research or demonstration grant to such an institution [a hospital] discrimination is prohibited with respect to any educational activity and *any provision of medical or other service* and any financial aid to individuals incident to the program." (Emphasis added.) 45 C.F.R. § 80.5(d). Applying this principle, and given the very broad "all of the operation" language, it is unrealistic to believe that courts will interpret Title IX to prohibit hospitals from discriminating against students and employees while at the same time allowing the hospital and its employees to discriminate against patients, such as pregnant women, who receive medical services.

5. *Myth.*—Committee Report 100-64 (at p. 11) states: "Judicial recognition of institution wide coverage waned only after the Supreme Court opinion in North Haven See, e.g., *Dougherty County School System* v. *Bell*, 694 F.2D 78 (5th Cir., 1982) (follows North Haven dicta that Title IX requires program specific interpretation). Prior to North Haven the weight of authority was clearly on the side of institution wide coverage of the civil rights statutes."

Reality.—Prior to North Haven the weight of judicial authority was clearly running against institution-wide coverage of the civil rights statutes. The Committee Report does recognize some contrary authority but understates the weight of that authority by failing to recognize other Court of Appeals cases had already ruled against institution-wide coverage. See, e.g., *Romeo Community Schools* v. *U.S. HEW*, 438 F. Sup. 1021, (E.D. Mich. 1977), aff'd, 600 F.2d 581 (6th Cir. 1979), cert denied, 444 U.S. 972 (1979) ("HEW contends that the term 'program or activity' as used in § 1681 [Title IX] refers to the entire operation of the recipient educational institution. . . . Hence, HEW argues that it may regulate employment practices through a school district's entire system. This novel and protean interpretation of a well established statutory term was thoroughly refuted in *Board of Public Instruction of Taylor Co.* v. *Finch*, 414 F.2d 1068, 1077 (5th Cir. 1969)." 438 F. Supp. at 1033 n. 18); *Mandel* v. *HEW*, 411 F. Supp. 542 (D.Md. 1976) affirm'd by equally divided court, 571 F.2d 1273 (4th Cir. 1976) ("There is much authority for the proposition that Title VI requires HEW to employ a program-by-program analysis when reviewing federally funded institutions." 411 F.Supp. at 556).

One can only assume that proponents' continued denials of the extent of contrary authority stems from a need to defend the so-called principle of restoration at all costs in order to avoid any amendments, however meritorious, to S. 557.

In addition, there are other interesting facts which proponents routinely do not acknowledge. For example, North Haven was a unanimous decision. There were no dissenters to the program-specific discussion of Title IX in the case, which the Committee Report (at p. 10, n. 1) acknowledges paved the way for Grove City. Grove City itself, was a 6-3 decision with no Justice, including those in dissent, advocating the per se institution-wide coverage standard that proponents assert had always been the case. Of particular relevance here, even Justice Brennan recognized that "the program specific language in Title IX was designed to ensure that the reach of the statute is dependent upon the scope of federal financial assistance provided to an institution." *Grove City College* v. *Bell*, 104 S.Ct. 1211, 1237 (1984) (Brennan, J., dissenting).

Crucial to the validity of the restoration principle is a 1969 case, *Board of Public Instruction of Taylor County* v. *Finch*, 414 F.2d 1068 (5th Cir.), on which proponents heavily rely for the proposition that "courts assumed and endorsed institution-wide coverage." Committee Report at p. 10. While various administrative officials undoubtedly urged this interpretation on the courts, the majority of Circuit Courts rejected this interpretation. In the words of Justice Brennan, the court in *Taylor* v. *Finch* "refused to assume . . . that defects in one part of a school automatically infect the whole . . . and rejected the definition of the term program offered by the Department. . . .'" *Grove City College* v. *Bell*, 104 S.Ct. 1211, 1231 (Brennan, J., dissenting) (citations omitted). Finally, the Eleventh Circuit recently described the Finch holding in the following manner:

"Our predecessor court sided with the Taylor County School Board. In a ruling later cited with approval by the Supreme Court, Finch held that HEW's attempt to characterize the entire school system as the relevant 'program' was contrary to the legislative history of title VI. A review of the congressional debate showed that the legislators expected the statute to be applied to narrowly focused grants, referring by name to programs such as the school lunch program, the agriculture extension program for home economics teachers, aid for vocational agriculture teaching, and aid to impacted school districts. The Finch court concluded that Congress intended title VI to apply 'to particular grant statutes . . ., not to a collective concept known as a school program or a road program.'"

U.S. v. *State of Alabama*, 828 F.2d 1532, 1549-50 (1987) (citations and footnotes omitted). Put simply, courts have generally rejected the misinterpretation of Finch advocated by administrative officials.

6. *Myth.*— "[T]he bill deals only with how much of an entity is covered—not with what it must do once it is covered." See page 1 of the memorandum relating to abortion attached to the letter.

Reality.—Proponents cannot deny that, if enacted, S. 557 will extend coverage under the four affected statutes to more operations and activities of covered institutions than is the case at the present time. Institutions will have to bring newly covered operations and activities into compliance with the four affected statutes. The very purpose of S. 557 is to insure coverage of these activities. Yet, disingenuously, proponents attempt to separate the extended coverage provided by S. 557 from the effect of that coverage on newly covered activities. Who is kidding whom? Despite protestations to the contrary, an entity must, of course, do something once covered—it must bring its activities into compliance.

With respect to Title IX, whatever one's views are regarding proponents' restoration principle and assertions regarding coverage of hospital patients, no one can deny that S. 557 will require more abortion coverage in employee and student health and benefit programs. Attempting to counter the reality that S. 557 will result in the application of the pro-abortion Title IX regulations to more activities, proponents routinely trot out a statement taken out of context from a 1985 legal analysis prepared for the United States Catholic Conference. Proponents consistently fail to disclose that in the same paragraph, the legal analysis concluded that the "bill would extend the reach of the Title IX [abortion] regulations . . . to all of the operations of . . . organizations that receive federal assistance and operate education programs."

Conclusion.—As the above demonstrates, there are many inaccuracies associated with the restoration principle. This is not to suggest that there is no need for a Restoration Act. The Conference has consistently supported the need to reverse the Grove City College decision and broaden coverage of the four civil rights statutes. This does not mean that the Conference must accept the lobbying rhetoric promoting the very suspect "restoration principle" that is used as a tool to allow some proponents to choose among amendments to S. 557, arbitrarily accepting some and rejecting others which have merit, e.g., the Danforth Amendment.

NATIONAL RIGHT TO LIFE
COMMITTEE, INC.,
Washington, DC, January 28, 1988.

Re Danforth and Metzenbaum amendments to S. 557.

Senator JOHN DANFORTH,
U.S. Senate, Washington, DC.

DEAR SENATOR DANFORTH: The National Right to Life Committee (NRLC) strongly supports your amendment to the "Civil Rights Restoration Act" (S. 557). The final form of your amendment, upon which the Senate will vote today, states that: ". . . nothing in this title [Title IX] shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

As you know, Title IX regulations define it as "sex discrimination" for recipients to fail to provide abortion "services" on the same basis as other "medical benefits." By vastly expanding the reach of Title IX, S. 557 would impose this pro-abortion legal doctrine on thousands of new institutions, including virtually every hospital in the nation which has any teaching program. The Danforth amendment would establish the simple legal principle that Title IX does not require hospitals, colleges, and state government agencies to provide abortions, insurance coverage for abortions, or facilities for abortions.

The Danforth Amendment, and only the Danforth Amendment, is supported by the American Hospital Association, the U.S. Catholic Conference, the Catholic Health Association, the Southern Baptist Convention, and other organizations which oppose the use of Title IX to compel federally assisted institutions to support the practice of abortion.

The National Right to Life Committee is strongly opposed to the alternative amendment proposed by Senators Metzenbaum, Kennedy, and Weicker. By design, the Metzenbaum Amendment does not address the substantive legal issue at stake, but instead is merely cosmetic. The Metzenbaum Amendment carefully leaves the current pro-abortion Title IX regulations undisturbed. The preamble to S. 557 [Section 2 (2)] states that the purpose of S. 557 is to "restore prior consistent and long-standing executive branch interpretation" of Title IX, which clearly includes the pro-abortion regulations. The Metzenbaum Amendment in no way curbs this ratification of, and expansion of the reach of, the current pro-abortion Title IX regulations.

The Metzenbaum Amendment merely asserts that that "no provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion." Because the Metzenbaum Amendment refers only to "this act" (S. 557) and not to Title IX itself, it would not protect hospitals, colleges, and state agencies from "sex discrimination" lawsuits if they fail to provide abortion "services," including abortion procedures, on the same basis as other medical procedures.

After all, it is Title IX itself (as interpreted by regulation) which imposes the requirement that educational institutions provide abortions. It is undisputed that S. 557 would expand the reach of those pro-abortion requirements. The Metzenbaum Amendment neither removes the current substantive requirements that recipients of federal funds provide abortion services, nor prevents the expansion of those requirements to the thousands of institutions to which coverage is extended by S. 557.

Moreover, under S. 557, Title IX coverage (including the pro-abortion requirements) would usually extend to a teaching hospital because such a hospital would be deemed to be an "operation" of a federally assisted medical school or nursing school—not because the hospital itself receives federal funds. The Metzenbaum Amendment, by design, refers only to direct recipients of federal funds, and on its face would have no application to whatever to the teaching hospitals and other institutions which are covered under the bill's sweeping "all of the operations of" language.

It is also noteworthy that the Danforth Amendment explicitly reinforces existing legal barriers against penalization of women who are seeking or who have obtained legal abortions. The Metzenbaum Amendment has no comparable provision.

The Metzenbaum Amendment has been sponsored by the leading pro-abortion advocates in the Senate in an attempt to scuttle your amendment, and to thereby preserve and expand a mandatory abortion policy under Title IX. In this context, the National Right to Life Committee can only regard a vote for the Metzenbaum Amendment as a pro-abortion vote.

Thank you for your continuing efforts to prevent thousands of federally assisted colleges, hospitals, and government agencies from being compelled to provide abortions and abortion-related services.

Respectfully submitted,

DOUGLAS JOHNSON,
Legislative Director.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the remaining time will be charged equally against both sides.

The Senator from Missouri has 1 minute and 18 seconds. The Senator from Ohio has 11 minutes and 20 seconds.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Missouri be given the opportunity of speaking with his remaining time immediately before the vote.

Mr. PACKWOOD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DANFORTH. Mr. President, I obviously would like some time at the end to rebut whatever is said. I will not be given that.

The issue before us is simple, and that is whether the U.S. Senate wants to leave up to the Federal courts and the regulatory agencies the possibility of requiring hospitals, colleges, and universities to fund or perform abortions when abortions are contrary to the moral sentiments or religious sentiments of those organizations. It is very simple.

The characterization by Senator METZENBAUM is absolutely erroneous. There is no element of discrimination. This does not have anything to do with Roe versus Wade. The question is not whether a woman has the right to an abortion, but the right to pick a hospital to give her an abortion or to have it paid for by a hospital or institution or has a physician that is contrary to the basic principle of abortion.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I believe the Senator from Ohio will yield to me.

The Senator from Ohio controls the time.

Mr. METZENBAUM. Mr. President, I yield such time as the Senator from Oregon needs.

Mr. PACKWOOD. I thank the Senator.

Mr. President, it has been said in this debate that this is not about Roe versus Wade or not about the right of a woman to have an abortion, that it is solely involved with the question of whether or not we are going to compel Baylor University or Notre Dame to provide or to do abortions against their will.

Respectfully, Mr. President, I say that is not the issue. The issue is multifold. One is that there is a certain antiwoman animus in the attitude of the proponents of this amendment. Two, there is no question but that any school that has any religious conscience can get out from under these regulations altogether.

I do not know where the figures came from that the Senator from Texas had, but I will quote a letter from the Office of Civil Rights, May 19, 1987. This is from the Reagan administration Office of Civil Rights:

> The Office of Civil Rights has never denied a request for religious exemption. No requests for religious exemption are pending at this time.

There have been a number of schools that refused to comply. For whatever reason, they did not ask the Government for a religious exemption.

But do you mean, has any school ever been turned down for a religious exemption? The answer is no.

Let me read just some of the schools that have obtained the exemptions: Brigham Young; St. John's in Minnesota; Cumberland College; Columbia Union College; Catholic University; George Fox in my home State of Oregon; Pepperdine in California; Union University, in Tennessee; Seton Hall.

I ask unanimous consent there be submitted for the RECORD and printed in the RECORD a list of 142 colleges as of October 25, 1985, that had requested exemptions and received them. I do not have the list beyond that date.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

RELIGIOUS EXEMPTIONS: TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

EXEMPTIONS GRANTED

1. Brigham Young University (UT),[1] August 12, 1976.
2. St. Charles Borromeo Seminary (PA), September 14, 1976.
3. Harding College (AR), Harding University (AR) (additional exemption granted 9-23-85), October 14, 1976.
4. Covenant Theological Seminary (MO),[1] May 19, 1983.
5. Saint John's University (MN), March 9, 1984.
6. Christian Heritage College (CA),[1] October 19, 1984.
7. Atlantic Christian College (NC),[1] January 9, 1985.
8. Lees Junior College (KY), May 17, 1985.
9. Asbury College (KY), May 17, 1985.
10. Asbury Theological Seminary (KY), May 17, 1985.
11. Central Wesleyan College (SC), May 17, 1985.
12. Freed-Hardeman College (TN), May 17, 1985.
13. Cumberland College (KY), May 17, 1985.
14. Chowan College (NC), May 17, 1985.
15. Columbia Union College (MD), June 18, 1985.
16. United Wesleyan College (PA), June 18, 1985.
17. Appalachian Bible College (WV), June 18, 1985.
18. Ohio Valley College (WV), June 18, 1985.
19. Immaculata College (PA), June 18, 1985.
20. Baptist Bible College and School of Theology (PA), June 18, 1985.
21. Catholic University of America (DC), (additional exemption granted 8-8-85), June 18, 1985.
22. Ricks College (ID), June 24, 1985.
23. LDS Business College (UT), July 22, 1985.
24. Presentation College (SD), July 22, 1985.
25. Southeastern Bible College (AL), July 24, 1985.
26. David Lipscomb College (TN) July 24, 1985.
27. Johnson Bible College (TN), July 24, 1985.
28. Brescia College (KY), July 24, 1985.
29. Kenrick Seminary (MO), August 1, 1985.
30. York College (NE), August 1, 1985.
31. George Fox College (OR), August 5, 1985.
32. Mt. Angel Seminary (OR), August 5, 1985.
33. Walla Walla College (WA), August 5, 1985.
34. Western Baptist College (OR), August 5, 1985.
35. West Coast Christian College (CA), August 6, 1985.
36. Los Angeles Baptist College (CA), August 6, 1985.
37. Pope John XXIII National Seminary (MA), August 16, 1985.
38. Roberts Wesleyan College (NY), August 16, 1985.
39. Antillian College (PR), August 16, 1985.
40. De Sales School of Theology (DC), August 26, 1985.
41. St. John's Seminary (CA), August 27, 1985.
42. Pepperdine University (CA), August 27, 1985.
43. Dominican School of Philosophy and Theology (CA), August 27, 1985.
44. Denver Conservative Baptist Seminary (CO), August 27, 1985.
45. Northwest Baptist Seminary (WA), September 3, 1985.
46. St. Patrick's Seminary (CA), September 3, 1985.
47. Campbell University (NC), September 3, 1985.
48. Bethune-Cookman College (FL), September 3, 1985.
49. Tennessee Temple College (TN), September 3, 1985.
50. Campbellsville College (KY), September 3, 1985.
51. Oakwood College (AL), September 3, 1985.
52. Union University (TN), September 3, 1985.
53. Berea College (KY), September 3, 1985.
54. Biola University (CA), September 3, 1985.
55. Pacific Union College (CA), September 3, 1985.
56. Circleville Bible College (OH), September 13, 1985.
57. Bethel College (IN), September 13, 1985.
58. Trinity Evangelical Divinity School (IL), September 13, 1985.
59. Wheaton College (IL), September 13, 1985.
60. Dr. Martin Luther College (MN), September 13, 1985.
61. Grace College and Grace Theological Seminary (IN), September 13, 1985.
62. Bethany Lutheran College (MN), September 13, 1985.
63. Marion College (IN), September 13, 1985.
64. Andrews University (MI), September 13, 1985.
65. Kettering College of Medical Arts (OH), September 13, 1985.
66. The Cincinnati Bible Seminary (OH), September 13, 1985.
67. The Athenaeum of Ohio (OH), September 13, 1985.
68. College of Saint Benedict (MN), September 13, 1985.
69. Saint Mary of the Lake Seminary (IL), September 13, 1985.
70. Grand Rapids Baptist College (MI), September 13, 1985.
71. Cedarville College (OH), September 13, 1985.
72. St. Louis-Chaminade Education Center (HI), September 18, 1985.
73. Westminster Theological Seminary (PA), September 18, 1985.
74. Seton Hall University (NJ), September 20, 1985.
75. Wadhams Hall Seminary-College (NY), September 20, 1985.
76. Christ the King Seminary (NY), September 20, 1985.
77. Mid-America Bible College (OK), September 20, 1985.
78. Oklahoma Christian College (OK), September 20, 1985.
79. Oral Roberts University (OK), September 20, 1985.
80. Louisiana College (LA), September 20, 1985.
81. Concordia Seminary (MO), September 20, 1985.
82. Mesivta Yeshiva Rabbi. Chaim Berlin (NY), September 23, 1985.
83. Mirrer Yeshiva Central Institute (NY), September 23, 1985.
84. Rabbinical College of Long Island (NY), September 23, 1985.
85. Rabbinical Seminary of America (NY), September 23, 1985.
86. Sh'or Yoshuv Rabbinical College (NY), September 23, 1985.
87. Yeshiva Gedolah-Zichron Moshe (NY), September 23, 1985.
88. Yeshivath Kehilath Yakov (NY), September 23, 1985.
89. Yeshiva and Mesivta Ohr Yisroel (NY), September 23, 1985.
90. Yeshiva of Nitra Rabbinical College (NY), September 23, 1985.
91. Talmudical Academy (NJ), September 23, 1985.
92. Ohr Hameir Theological Seminary (NY), September 23, 1985.
93. Yeshiva Torah Vodaath and Mesivta (NY), September 23, 1985.
94. Mesivtha Tifereth Jerusalem of America (NY), September 23, 1985.
95. Derech Ayson Rabbinical Seminary/Yeshiva of Far Rockaway (NY), September 23, 1985.
96. Central Yeshiva Beth Joseph Rabbinical Seminary (NY), September 23, 1985.
97. Grace Bible College (MI), September 23, 1985.
98. Saint Mary's College (MN), September 23, 1985.
99. Saint Mary's College (IN), September 23, 1985.
100. The Saint Paul Seminary (MN), September 23, 1985.
101. Concordia Theological Seminary (IN), September 23, 1985.
102. Calvin College and Seminary (MI), September 23, 1985.
103. Harding Academy (IN), September 23, 1985.
104. Rabbinical Seminary M'kor Chaim (NY), September 24, 1985.
105. Beth Hamedrash Shaarei Yosher (NY), September 24, 1985.
106. Rabbinical Seminary of Belz (NY), September 24, 1985.
107. Rabbinical College of Adas Yereim (NY), September 24, 1985.
108. Rabbinical College Ch'san Sofer of New York (NY), September 24, 1985.
109. Rabbinical Seminary of Munkacs (NY), September 24, 1985.
110. Ner Israel Rabbinical College (MD), September 24, 1985.
111. Reformed Presbyterian Theological Seminary (PA), September 24, 1985.
112. St. Louis Rabbinical College (MO), September 24, 1985.
113. Faith Baptist Bible College (IA), September 24, 1985.
114. Grace College of the Bible (NE), September 24, 1985.
115. Beth Hatalmud Insitute for Advanced Talmudic Studies (NY), September 24, 1985.
116. Beth Medrash Emek Halacha (NY), September 24, 1985.
117. The Jewish Theological Seminary of America (NY), September 24, 1985.
118. Rabbinical College Beth Shraga (NY), September 24, 1985.
119. Rabbinical College Kamenitz Yeshivah of America (NY), September 26, 1985.
120. Talmudical Yeshiva of Philadelphia (PA), September 26, 1985.
121. Baylor University (TX), September 26, 1985.
122. Southern Baptist College (AR), September 26, 1985.

Footnote at end of article.

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123. Notre Dame Seminary (LA), September 26, 1985.

124. Bartlesville Wesleyan College (OK), September 26, 1985.

125. Southwestern Adventist College (TX), September 26, 1985.

126. Crowley's Ridge Academy (AR), September 26, 1985.

127. Crowley's Ridge College (AR), September 26, 1985.

128. Rabbinical College of the Bobover Yeshiva Bnei Zion Inc. (NY), September 27, 1985.

129. Mesivta of Eastern Parkway Rabbinical Seminary (NY), September 30, 1985.

130. Brisk Rabbinical College (IL), September 30, 1985.

131. Telshe Yeshiva (OH), September 30, 1985.

132. The Hebrew Theological College (IL), September 30, 1985.

133. Michigan Christian College (MI), September 30, 1985.

134. William Tyndale College (MI), September 30, 1985.

135. Union College (NE), October 25, 1985.

136. Ohr Somayach (NY),[1] October 25, 1985.

137. Central Yeshiva Tomchei Tmimim Lubavitz (NY), October 25, 1985.

138. Mesivta Sanz of Hudson County (NJ), October 25, 1985.

139. Ayelet Hashachar (NY), October 25, 1985.

140. Yeshiva Kesser Torah (NY), October 25, 1985.

141. Yeshiva Toras Chaim Talmudical Seminary/Denver (CO), October 25, 1985.

142. Colorado Christian College (CO), October 25, 1985.

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[1] Five institutions were not included in the count of 216 case files officially pending as of February 19, 1985.

Mr. PACKWOOD. So if you want to get out from under these regulations you have no difficulty. You can apply for an exemption and it will be granted.

I think the issue here is not religious exemption. The issue really boils down as to whether or not you really do think a woman is entitled to make a choice for herself whether she wants an abortion, whether she happens to be a student at Oregon State University, or whether she happens to be a woman who is a housewife or whether she happens to be a woman who is working in the lumber mill or a lawyer. Whether she happens to be going to a public university or a private university that is not religiously affiliated and takes substantial amounts of money from the Government—and most are happy to take money from the Government if they can get it in most cases—can she be denied the right not to have the university perform the abortion, but to provide the access to it under a student health plan?

What the Senator from Missouri is afraid of, and I can understand his fear, is that under the old law, the 1972 law, he thinks there is a possibility that some court might interpret the 1975 regulations in a manner affecting abortion that he and his supporters do not agree with. He has referred to a 17-page memorandum from the law firm of Dewey, Ballantine, Bushby, Palmer & Wood in which they offer their opinion as to what could—not will—could happen if this bill were to pass.

According to Dewey, Ballantine if the Civil Rights Restoration Act is enacted, educational institutions could be required to fund abortions; hospitals that engage in educational activities could be required; hospitals could be required to perform abortions; educational institutions and hospitals associated with a religious institution could fail to qualify under the act's religious exemption.

Mr. President, that has never happened. No institution that has applied for a religious exemption has ever failed to get it. No court has ever yet imposed on any institution the fears that the Senator from Missouri has expressed. But he wants to make sure that no court might. What bothers me with his approach on this was the tacit—I do not want to say explicit—the tacit understanding that all we were trying to do in this act was to reverse the case of Grove City, which the Supreme Court decided 3 or 4 years ago, in which they said that what everyone in this Senate, and I think everyone in the House, and everyone in any administration had ever thought title IX and the regulations meant. Title IX of the Education Act of 1972 is the one that basically prohibits discrimination in sex and employment.

I might add it is the act under which we finally managed to pry loose moneys for women in sports. I would wager today there are a great many proud—I do not mean just halloaed—I mean proud fathers who have reveled in the success of their daughters in track or high school basketball or field hockey with equipment of reasonable quality that they never had access to until we passed title IX.

I might say checking the votes of some of the people who were here in 1972, some of the people who are opposed to giving women the right to make a choice on abortion, also did not like title IX and the right to give women an equal shot at equal athletic facilities.

Now, Mr. President, there is a thread that runs through this entire debate, and that thread is bigger than just the issue of whether or not Notre Dame would have to provide health coverage which might provide abortion. Notre Dame can opt out if they want. The issue is bigger than that. The issue is whether or not you really believe that a woman is entitled to do something beyond what many in this body would limit her to do. That is the basic genesis of the support of many, not all, but many for this amendment.

Deep down in their hearts they are convinced that the world would be better off if women would not be in the marketplace, if they would simply stay home with the children, that deep down we would be better off if the Government could compel and prohibit them from making a choice freely as to whether or not they want an abortion, legally, because we know what the situation would be if they cannot. They would freely make a choice to have an illegal abortion. I hope we are not going back to those days.

They just know the world would be better off if what we did on Friday night was watch boys basketball games, and that is—I do not want to use the word animus, because that has a certain sense of maliciousness. It is not animus so much as it is a sense that we all have a place in society that has been ordained by God and if we would all stay in our place, America would be stronger, safer, freer.

That in whole is the problem we are facing. The vote on the Danforth amendment is frankly an itsy-bitsy part of that whole debate. It is not an integral part of the debate. It is an effort to try to roll back the rights a little bit, of women in this country in the hopes that this can be the harbinger of rolling them back a lot.

No. This is not a vote to repeal Roe versus Wade and overturn the Supreme Court, although I assume we may have those votes from time to time in this Congress, but it is an effort to start down that road, and I would hope that this Senate today in just a few minutes would vote to say we are not going to start down that road, not today, not this Congress, not ever.

The PRESIDING OFFICER Who yields time?

The Senator from Ohio has remaining 2 minutes; the Senator from Missouri 10 seconds.

If no one seeks time, the remaining time will be charged equally against both sides.

Mr. DURENBERGER. Mr. President, I rise as a supporter and cosponsor of the Danforth amendment to the Civil Rights Restoration Act.

The legislation before the Senate is designed to restore the four landmark civil rights statutes to the force and vitality they enjoyed prior to the Grove City versus Bell decision of the Supreme Court. The fact that this effort has taken more than 3 years for the Congress to accomplish, and we are not done yet, testifies to the complexity and controversy of some of the issues it raises.

I would expect that the work of this body on this matter will be subject to substantial interpretation and litigation by administrations not yet elected and in future Court cases. The Grove City controversy arose in the first instance out of a misunderstanding of congressional intent with respect to the "program or activity" language in the four statutes. It is therefore vitally important that we make our intent very clear with respect to the controversies which have been raised and discussed in relation to this bill. I appreciate the work the committee has done, in its report and in legislative history made on this floor, to anticipate and deal with such matters prior to disposition of this measure.

The pending amendment is a necessary addition to this bill because it resolves an ambiguity which has been raised: The obligations of religious and other educational institutions to provide abortion related services or insurance coverage. Title IX of the education amendments was enacted in 1972 and implemented by HEW regulations in 1975. Those regulations define the denial of abortion services or health plan coverage as sex discrimination, in violation of title IX. Were those regulations to be proposed as a bill in the 100th Congress, I would not support it and doubt very seriously that it would ever become law.

I do not believe it is the view of a majority of the Congress that we should force hospitals associated with educational institutions, whether they be religious or secular institutions, to make a choice of whether, on the one hand, to forego all forms of Federal funding or, on the other, to violate the tenets of their moral conscience by providing abortions.

The inconsistency of that choice with other elements of Federal law, and principles we cherish in this democracy, is both striking and obvious. But that conclusion does not, in itself, remove the necessity of dealing with the issue.

As the Senator from Missouri has stated, there is a reasonable possibility that a future Court or administration may interpret our silence on this issue, or our failure to clarify this ambiguity, as a tacit congressional affirmation of the broadest interpretation of the title IX regulations. We should not allow that to happen.

It is argued that title IX's "religious tenet exemption" will provide teaching hospitals with an opportunity for relief. That exemption is the subject of the underlying amendment and will be debated as soon as this amendment is disposed of. But as the American Hospital Association has argued, there is a large number of hospitals without religious affiliations who do not perform abortions as a matter of conscience. There is no similar "exemption" opportunity for these institutions as currently exists for religious teaching hospitals.

Throughout my career in the Senate, I have consistently and without exception voted to protect the sanctity of human life, including questions of abortion, medical ethics, and capital punishment. Many disagree with a number of those votes. But I regard the Danforth amendment as an important decision by this body with regard to our respect as a nation for all human life.

I recognize that many of my colleagues do not and will not share my conviction on matters of life. Nevertheless, I urge them to carefully consider the pending amendment as a necessary protection of the freedom of conscience for organizations, in their own States and throughout the country, who have chosen not to perform abortions. We should respect and protect their right to do so. We should act affirmatively on the Danforth amendment.

Mr. ADAMS. Mr. President, I am a cosponsor of the Civil Rights Restoration Act. Consistent with the concept of the bill, I have opposed all amendments which seek to do anything but restore the status quo ante. All I want is to go back to where we were before the Supreme Court decision in the Grove City case. There have been a number of amendments which clearly would have had the effect of making substantive changes in the law. In those cases, given my desire to restore the law to the status enjoyed prior to Grove City, it has been a simple decision to oppose them.

The amendment offered by Senator DANFORTH, however, represents a more difficult decision. I know that the relationship between this bill and an alleged expansion of abortion rights has prevented congressional action for a number of years since many believe that this legislation in some way expands abortion rights. If I agreed with that assumption, if I thought it was factually correct, I would be inclined to support the Danforth amendment: after all, the goal of the bill before us is to return us to where we were—not move us either forward or backward in terms of abortion.

After careful study of the legislative language, the committee report, and the memorandum of law prepared for Senator DANFORTH by Dewey Ballantine, I have concluded that this bill does not expand abortion rights, does not change either the rights or the responsibilities of institutions, does not alter the law or the regulations created by title IX. The amendment offered by Senator WEICKER earlier today makes this perfectly clear. While I was pleased to vote for the Weicker amendment, I agree that it was not necessary. It was not necessary because no compelling case was made to support the claim that the Civil Rights Restoration Act changes the legal or regulatory scheme which was in effect relative to abortion prior to Grove City.

The Dewey Ballantine memorandum which is used to justify the "worst case" situations which the Danforth amendment seeks to prevent, for example, is cast in conditional terms. They argue that there is "a serious risk" that a court "could require" actions which some would find unacceptable. The point is that the memorandum does not establish even a probability that a court would so rule. Indeed, the committee report very clearly precludes such a ruling. On page 26 and page 27, the majority makes that point explicitly. The report is worth quoting at some length since it establishes clear congressional intent on this point:

> Title IX does not now require an institution to perform abortions and no abortions would be mandated if S. 557 were enacted. Religiously-controlled organizations will continue to be able to apply for, and receive, an exemption from Title IX requirements where compliance with those requirements would violate their religious tenets. For example, a religiously-controlled university that wished to exclude insurance coverage of abortions from an otherwise comprehensive student health insurance policy, could seek a religious exemption. Additionally * * * claims that the bill would require hospitals to provide abortion services to the general public are false.

Given this clear legislative history, I simply do not believe that the legislation restricts or expands or in any way changes abortion rights under title IX or under Roe versus Wade.

Let me, however, make one more point: While the bill is abortion neutral, I am not at all sure that the language of the Danforth amendment is. There have been persuasive arguments made to indicate that adoption of the Danforth language is specifically designed to alter the regulations which have been in effect since the mid-1970's to implement title IX. That is not the purpose of this bill. And that is not something that I would want to see done. Those who support the Danforth amendment have an agenda which is different then mine: Their desire is not to have an abortion neutral law, rather their desire is to restrict the right to abortion. That is a desire I do not share. And that is why I have supported the abortion neutral language in the bill and the Weicker amendment and why I oppose the Danforth language.

Mr. HEINZ. Mr. President, I strongly support passage of the Civil Rights Restoration Act—S. 557. I was an original cosponsor of this legislation both in the 99th and 100th Congresses. Restoring these four civil rights statutes—title VI of the Civil Rights Act, title IX of the Education Act amendments, section 904 of the Rehabilitation Act, and the Age Discrimination Act—is essential. Restoration of these laws reflects America's commitment to one of the most cherished values in our democratic system: Equality under the law.

During Senate consideration of the Grove City bill over these past few days, along with other colleagues, I

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have resisted all amendments that would further dilute these civil rights. These include attempts to expand the religious exemption and to narrow the scope of coverage to individual institutions not systems.

The Senate now is enrolled in a debate on an issue upon which there is considerable disagreement—whether this bill will have an effect on the provision of abortions. I would like to discuss this objectively and dispassionately before the Senate votes today.

First, let me take a minute to describe what these civil rights laws that we are restoring do: They protect individuals against discrimination in federally assisted programs or activities. Title VI prohibits discrimination on the basis of race, color, and national origin; title IX prohibits discrimination on the basis of sex; section 504 prohibits discrimination on the basis of physical or mental disability; and the Age Discrimination Act prohibits discrimination on the basis of age.

Americans have made it clear that they will not tolerate discriminatory treatment of others because of race, sex, age, or disability. We all agree that Federal financial assistance should not be used to subsidize discrimination of any kind.

Since there is agreement about these principles, why is there opposition to the Civil Rights Restoration Act?

In 1984, in its *Grove City College* v. *Bell* decision, the Supreme Court substantially narrowed the scope of title IX of the Education Act amendments. The Court ruled that title IX applied only to specific programs or activities that directly or indirectly received Federal funds. With this decision, the three other similarly worded civil rights statutes that I have mentioned which protect the rights of the elderly, minorities and the disabled were similarly narrowed.

Mr. President, I believe that a careful examination of the legislative history demonstrates the clear intent of Congress to apply title IX not just to a specific program but to an educational institution as a whole. It is for this reason that I joined as an original cosponsor of civil rights restoration legislation. S. 557, the legislation before us is intended to reverse the Grove City decision and restores title IX of the Education Act Amendments of 1972 as well as the three other civil rights statutes to the meaning and scope intended by Congress.

I fully support the overall goal of the legislation. We need to restore the full force and effectiveness of our Nation's civil rights laws to millions of women, the elderly, minorities and the handicapped from discrimination. Since the Supreme Court decision, justice delayed has been justice denied for these individuals.

I am, however, concerned that this legislation goes significantly beyond its original goal of prohibiting Federal subsidization of discrimination. It may, in fact, infringe on certain religious or deeply held moral beliefs, particularly regarding abortion. It is for this reason we are currently debating the pending Danforth amendment.

The root of the concern here, as I understand the issue, lies in the consequences of enacting S. 557, specifically the effect it would have because of existing Federal regulations. Currently, Federal regulations implementing title IX require that educational institutions receiving Federal financial assistance treat abortion on par with other medical treatments for pregnancy. These regulations state:

> A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such students * * * termination of pregnancy * * *.
>
> A recipient shall not discriminate against or exclude any person on the basis of * * * termination of pregnancy [in admission or recruitment] * * *.
>
> A recipient shall not discriminate against or exclude from employment any employee or applicant * * * on the basis of * * * termination of pregnancy * * *.
>
> A recipient shall treat * * * termination of pregnancy * * * in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit * * * or policy * * *.

Mr. President, people on both sides of this issue have told me that they do not favor legislation that would require institutions to perform abortions against their will. I am certain that opponents of the Danforth amendment are sincere in their belief that restoration of title IX will not result in unwilling abortions. However, as I read the language of the bill in the context of its legislative history and its implementing regulations, I am concerned that there is considerably uncertainty about how the courts or administrating agencies would construe this legislation.

I share the concern that S. 557 could expand the scope of title IX and its prohibitions on discrimination on the basis of abortion in two ways. First, it could conceivably expand the reach of these regulations within institutions to cover college and university health insurance plans at any institution that receives Federal funds, directly or indirectly, regardless of whether that health insurance plan receives direct Federal funding.

Second, and more importantly, there is reason to believe it could expand the reach beyond the confines of the educational institutions to any hospital which operates "Federal assisted education programs or activities." It is my understanding that under S. 557, if a hospital participates in a program of nursing or medical education in affiliation with a university or medical school and that educational institution receives any Federal assistance whatever, the hospital is brought within the scope of title IX. At a minimum, this may result in the hospital having to provide abortion insurance coverage to residents, interns, nursing students, and teaching staff. More importantly, an institution's refusal either to provide insurance coverage or to perform abortions would equal—for purposes of title IX—"sex discrimination." The institution would stand in violation of the statute.

Mr. President, I do not believe that Congress ever intended, directly or indirectly, to compel health care facilities and personnel that object to abortion as a matter of conscience and religious belief to provide abortions. Nor do I believe that Congress intended these facilities' refusal to do so to be the equivalent of sex discrimination. There are innumerable religiously affiliated hospitals which have had a long record of offering care to those in need in a nondiscriminatory manner. They should not be liable and subject to suit for sex discrimination. This would be unfair, and it would be a cruel irony if in trying to provide justice to certain individuals, we should end up denying justice to others by forcing them to act against their convictions.

In my own State of Pennsylvania, we could be a significant problem for the vast majority of hospitals, both religiously affiliated and nonaffiliated. There are 380 hospitals in Pennsylvania, of which 240 are general community hospitals. Only 40 out of these 240 provide or fund abortions on demand. Mr. President, the great majority—200 of these—have chosen for moral reasons not to perform or fund abortion. These involve both private, nonaffiliated hospitals like Scranton State General Hospital, NTW Medical Center (Wilkes-Barre), Western Pennsylvania Memorial Hospital, and so forth, and the many Catholic hospitals throughout the State, none of which perform abortions.

It is my understanding that in the absence of an abortion neutral amendment, none—I repeat, none—would meet the religious exception test of title IX principally because they have lay boards. Hence, all of these hospitals I have just mentioned would be required to provide abortions or be guilty of sex discrimination. In short, we would be requiring hospitals such as Mercy Hospital in Pittsburgh and St. Joseph's Hospital in Philadelphia to act in a manner that directly violates a fundamental precept of their religious affiliation. We should not do so.

My colleague from Missouri, Senator DANFORTH, has offered an amendment to avoid this situation. His amendment states:

> Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to a legal abortion.

Mr. President, this amendment would clarify that neither title IX of the Education Act amendments nor the implementing regulations require educational institutions, hospitals or other entities to provide or pay for abortions and abortion-related services. Insofar as I can judge, the amendment is narrowly drawn to remove the risk that institutions—such as those I have named in Pennsylvania—could be compelled to offer abortions against their moral convictions. It would appear to protect women who have had abortions from discrimination. It would neither require nor prohibit the provision of abortion services as a condition of the receipt of Federal funds.

More significantly, Mr. President, it would remove abortion from the dimension of categories for purposes of sex discrimination under title IX. I recognize that this is the core argument in opposition to the amendment. And, I must say, it has given rise to some very serious claims that removing abortion from the categories of sex discrimination will result in women losing scholarships, being denied employment or admission to educational institutions—in short, losing everything they had gained in the last 16 years. These charges were troublesome to me in that I have always been a strong proponent of legislation supporting women's rights including, in particular, the equal rights amendment. Upon my review of all the information, however, I am not persuaded that removing abortion from the category of discrimination will produce these dire results for two reasons.

First, given the advances made by women since enactment of title IX in 1972, our country would neither countenance nor condone these types of draconian measures inflicted upon women who have had abortions. Second, abortion was never an issue, or an element of congressional intent, in the original legislation. In fact, when title IX was enacted in 1972, abortion was almost entirely illegal in most States. There is nothing in the legislative history to suggest that Congress intended to include it within title IX. The Danforth amendment, in my judgment, is fully consistent with the goal we all share of restoring title IX to its meaning when first enacted, and I will vote for the amendment.

Mr. President, let me address a final comment to the bill itself, S. 557. Some have portrayed this legislation as a simple question of justice. Others have portrayed it as a complex constitutional issue. Irrespective of these portrayals and arguments there should be no ambiguity where we stand: Federally assisted discrimination should be illegal. It is vital that we pass legislation to ensure that the civil rights of women, minorities, the elderly and the disabled be protected. That is why I wholeheartedly support the Civil Rights Restoration Act.

Mr. LEVIN. Mr. President, I do not believe that the law should mandate the performance of abortion—through a threat of withdrawal of Federal funds if an entity receiving Federal funds wishes not to provide abortions—nor do I believe that an entity receiving Federal funds that wishes to perform abortions should be penalized for doing so. I believe the Danforth amendment carries out that policy.

The Danforth amendment provides that nothing in the law shall be construed:

> * * * to require or prohibit any person or public or private entity to provide or pay for any benefit or service, including use of facilities, related to abortion or * * * to permit a penalty to be imposed on any person because such person has received any benefit or service related to legal abortion.

In stating that institutions receiving Federal funds have a choice of performing or not performing abortions, without being threatened one way or another relative to the receipt of Federal funds, I believe the Danforth amendment strikes an appropriate balance in dealing with this issue.

Mr. METZENBAUM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has remaining 1 minute and 50 seconds.

Mr. METZENBAUM. And all time has expired on the other side?

The PRESIDING OFFICER. All time has expired for the Senator from Missouri.

Mr. METZENBAUM. Mr. President, let me just summarize where we are: We passed our amendment, the Packwood - Kennedy - Weicker - Metzenbaum amendment, and we said we do not want to address the issue of abortion in this bill. Our amendment was adopted by a vote of 55 to 40.

Now, Senator DANFORTH comes along with an amendment that says notwithstanding any other provision of the bill, his language will be applicable. There is not much question about the fact that that language negates the impact of that which has already been passed.

I would say to my colleagues, if you voted with us on the past one, I would hope you would vote against the Danforth amendment. If you do not, you are totally reversing your vote cast just a few minutes ago.

But the real issue is not abortion but of civil rights. We want to pass a civil rights bill. We do not want to get involved in the issue of abortion. That is the entire thrust of our efforts.

Unlike Senator DANFORTH, we are not trying to change law on abortion. We are not trying to expand the rights to abortion. We are not trying to cut back. The amendment of the Senator from Missouri does reach out beyond the limits of this bill. That's why it should be rejected.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

All time has expired. Under the previous order the vote occurs on the amendment offered by the Senator from Missouri. The yeas and nays have not been ordered.

Mr. DANFORTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. DANFORTH]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN], is absent because of illness.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] and the Senator from Tennessee [Mr. GORE] would each vote "nay."

Mrs. KASSEBAUM. Mr. President, on this vote I have a pair with the Senator from Alaska [Mr. MURKOWSKI]. If he were present and voting, he would vote "aye." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—56

Armstrong
Bentsen
Bond
Boren
Boschwitz
Breaux
Cochran
Conrad
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Garn
Graham
Gramm
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Humphrey
Johnston
Karnes
Kasten
Levin
Lugar
McCain
McClure
McConnell
Melcher
Moynihan
Nickles
Nunn
Pressler

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Proxmire
Quayle
Reid
Roth
Rudman
Shelby
Simpson
Stennis
Stevens
Symms
Thurmond
Trible
Warner
Wilson

NAYS—39

Adams
Baucus
Bingaman
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Cranston
Daschle
Evans
Fowler
Glenn
Harkin
Hollings
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Matsunaga
Metzenbaum
Mikulski
Mitchell
Packwood
Pell
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Stafford
Weicker
Wirth

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Kassebaum,
against

NOT VOTING—4

Biden
Gore
Murkowski
Wallop

So the amendment (No. 1392) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I would like to just say a few words about the preceding vote. I know that it was a difficult vote for everybody in the Senate and everybody on the floor at the time. I know it was difficult for you to come back from New Hampshire.

I want to pay tribute to the three Presidential candidates who returned for this last vote: Senator SIMON, Vice President GEORGE BUSH, and of course, our own minority leader, ROBERT DOLE. I think that emphasized how important that vote really was and really is to the American people.

I want to compliment each of them for thinking enough about how important that issue is to be here and to make the extra effort to be here. I know that it was an extremely difficult effort for all three. I happen to know a little bit about the inconvenience that it caused to all three of them, and I want to express my admiration to all three of them.

Mr. President, I would also like to extend my congratulations to the distinguished Senator from Missouri. I think the passage of his amendment could not have occurred had he not led the fight for it and he did so with great skill, with consummate legal ability and I think with a tremendous capacity for tolerance for all of us here on the floor.

I just could not have more respect for an individual than I have for him at this time, so I would like to pay my respects there. I would like to pay my respect to all who voted for or against the amendment because it was a difficult battle.

AMENDMENT NO. 1394

(Purpose: To provide institution-wide coverage in education, and to retain the scope of coverage for all other entities that existed prior to the ruling in Grove City College versus Bell)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. FOWLER). The amendment will be stated.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1394.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Act of 1987".

PROGRAM OR ACTIVITY

SEC. 2. (a) Title IX of the Education Amendments of 1972 is amended by adding at the end thereof the following new section:

"SEC. 908. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College and others, versus Bell, Secretary of Education, and others* (465 U.S. 555 (1984)), and in *North Haven Board of Education and others, versus Bell, Secretary of Education, and others* (456 U.S. 512 (1982)) the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase 'program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in *Grove City* and *North Haven*.

"(c) Nothing in this title shall be construed to require or prohibit any person or public or private entity to provide or pay for any benefit or service, including use of facilities, relating to abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to legal abortion.".

(b) Section 901(a) of title IX of the Education Amendments of 1972 is amended by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) this section shall not apply to an educational institution which is controlled by, or which is closely identified with the tenets of, a particular religious organization to the extent that the application of this section would not be consistent with the religious tenets of such organization;".

(c) Section 504 of the Rehabilitation Act of 1973 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding the decision of the Supreme Court in *Grove City College and others, versus Bell, Secretary of Education, and others* ((465 U.S. 555 (1984)), and in *North Haven Board of Education and others, versus Bell, Secretary of Education, and others* (456 U.S. 512 (1982)), the phrase "program or activity' as used in this section shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(2) In any other application of the provisions of this section, nothing in paragraph (1) shall be construed to expand or narrow the meaning of the phrase "program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in *Grove City* and *North Haven.*".

(d) The Age Discrimination Act of 1975 is amended by adding at the end thereof the following new section:

"EFFECT OF SUPREME COURT DECISIONS

"SEC. 310. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College and others, versus Bell, Secretary of Education, and others* ((465 U.S. 555 (1984)), and in *North Haven Board of Education and others, versus Bell, Secretary of Education, and others* (456 U.S. 512 (1982)), the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase 'program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in *Grove City* and *North Haven.*".

(e) Title VI of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new section:

"SEC. 606. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College and others, versus Bell, Secretary of Education, and others* ((465 U.S. 555 (1984)), and in *North Haven Board of Education and others, versus Bell, Secretary of Education, and others* (456 U.S. 512 (1982)), the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase "program or activity" and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in Grove City and North Haven.".

Mr. HATCH. Mr. President, the substitute that I have offered is a reasonable response to the Grove City decision. We all oppose discrimination and favor vigorous civil rights enforcement. This substitute amendment provides explicitly for institutionwide coverage of educational institutions under all four cross-cutting civil rights statutes: Title VI of the Civil Rights Act of 1964; title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975.

It is our intent that educational institutions include elementary and secondary schools, postsecondary institutions, and public school districts. Thus, whenever one school in a public school district receives Federal aid, the

entire public school district is covered. This coverage of public school districts reflects the Department of Education's title IX regulation which defines "educational institution" as including public school districts. 34 C.F.R. 106.2(j).

With respect to all other applications of the term "program or activity," the meaning of that term is neither expanded nor narrowed by the substitute proposal. The Grove City and North Haven cases are to be disregarded in determining the scope of the "program or activity" language outside of the educational institution context.

Therefore, resolution of the scope of coverage outside of education will turn on these statutes' plain language and legislative history and past clear agency practice with respect to specific cases. Where such coverage was broad, taking into account the nature of the Federal aid and its uses, the plain language of the statutes, and their legislative histories, then coverage will be broad. For example, all of the activities conducted within a building constructed with Federal aid would be covered as they have been in the past. Federal block grant funding may yield broad coverage when a State or local agency or other entity receives such funding and uses it for a variety of purposes. Where coverage before Grove City was more narrowly focused, such coverage will be retained. Farmers will not be covered solely by virtue of receiving crop subsidies, although they are covered by the committee amendment. Grocery stores and supermarkets will not be covered solely by virtue of their participation in the Food Stamp Program; entire religious school systems will not be covered solely because one school in that system enrolls a child in the school lunch program, every plant, facility, division, and subsidiary of a corporation will not be covered just because one part of one plant receives some Federal aid.

Let me reiterate, my substitute applies all four statutes throughout an educational institution or public school district receiving any Federal aid. And my substitute does cover all areas outside of education in exactly the same way they were covered before Grove City.

Further, this substitute includes the Danforth abortion-neutral language for title IX endorsed by the National Right-to-Life Committee, the U.S. Catholic Conference, the American Hospital Association, the Catholic Health Association, and others. The substitute also includes language adequately protecting religious tenets under title IX. This religious tenets language, which I will describe shortly, is endorsed by the National Association of Independent Colleges and Universities which has 800 member institutions enrolling 2 million students; the Association of Catholic Colleges and Universities; the American Association of Presidents of Independent Colleges and Universities, Agudath Israel, an orthodox Jewish organization, and others.

These laws were intended to be program-specific when they were originally drafted.

Now, Mr. President, with respect to the scope of these statutes, I want to point out again that the plain language of these statutes, together with their legislative histories, demonstrates that Congress always intended the scope of these statutes to be "program-specific," as the Supreme Court correctly determined in the Grove City decision. They all use a phrase "program or activity" which on its face denotes something less than an entire entity or institution.

Frankly, the term "program or activity" would appear by common sense to mean something less than an entire institution. Congress is often criticized for its ambiguity, or its mistakes in legislative drafting, but I do not think it made such a wholesale mistake as to expect the entire country to think that the term "program or activity" was a synonym for an entire school, a school system, or a state.

Title IX itself makes reference to "an educational institution" and defines the term "educational institution" as broader than a program (20 U.S.C. 1681(c)). In all honesty we have to admit that Congress knew how to cover an entire institution whenever one part of it received Federal aid, but declined to do so in the antidiscrimination provision of these laws.

Moreover, in section 904 of title IX, Congress prohibited discrimination on the basis of blindness or vision-impairment "in any course of study by a recipient of Federal financial assistance for any education program or activity * * *." 10 U.S.C. 1684. Here, Congress clearly banned discrimination on the basis of blindness throughout the institution by using the word "recipient" in the statute itself—in stark contrast to the more discrete term "program or activity" used in the anti-sex discrimination provision of title IX and in the other three statutes. Congress clearly knew how to provide institution-wide coverage under these statutes and declined to do so.

Thus, it is important to recognize that references by the proponents of S. 557 to the "long-standing" interpretation of these laws are inaccurate. Indeed, while some lower courts did rule that these statutes covered an entire institution whenever any part of the institution received Federal aid courts ruled, as the Supreme Court did, that the statutes were program-specific. And the trend in the lower courts leading to the Grove City decision by the Supreme Court was certainly in that direction.

The list of program specific holdings is long. I invite my colleagues to read a few of these cases: *Rice* versus *President and Fellows of Harvard College,* 663 F. 2d 336 (1st Cir. 1981), cert. denied, 456 U.S. 928 (1982); *Hillsdale College* versus *Department of Health, Education and Welfare,* 696 F. 2d. 418 (6th Cir. 1982) (Federal scholarship and loan aid to a college subjects only the college's student aid program to title IX coverage), vacated and remanded in light of *Grove City College* versus *Bell: Dougherty County School System* versus *Bell,* 694 F. 2d. 78 (5th Cir. 1982) (reaffirming earlier decision holding that title IX is program-specific); *University of Richmond* versus *Bell,* 543 F. Supp. 321 (E.D. VA. 1982), university's intercollegiate athletic program not subject to title IX coverage because it did not receive Federal financial assistance.

"Grove City has not impaired executive branch enforcement except in education."

That was basically the testimony before our committee.

Mr. President, let me repeat that we recognize that harm has been documented in the area of education, and my substitute will fully meet those concerns. Institutions of higher education, private elementary and secondary institutions, and public school districts receiving any federal aid are covered throughout. Federally assisted education programs in non-educational entities are also covered.

However, it is important for my colleagues to be aware, that outside of the Department of Education most, if not all, other agencies enforces the statutes properly as program-specific, and have not seen their enforcement activities diminished by the Grove City decision.

For example, the Department of Labor reported that all 47 of its complaint investigations initiated since March 26, 1985 were unaffected by the Grove City decision. No investigation was narrowed in scope as a result of Grove City, and no investigation was found to be beyond the Department's jurisdiction as a result of Grove City. Letter from William J. Harris, Director, Directorate of Civil Rights, U.S. Department of Labor, to Susan J. Prado, Acting Staff Director, U.S. Commission of Civil Rights, December 9, 1986. Indeed, Secretary of Labor William Brock advised Senator KENNEDY on April 2, 1987 that no Department of Labor enforcement on investigative activity has been curtailed as a result of the Grove City decision, adding:

The Department has traditionally interpreted the phrase "program or activity" consistently with the interpretation set forth by the Supreme

Court in Grove City—letter from Secretary of Labor William E. Brock to Senator Edward Kennedy, April 2, 1987.

The Veterans' Administration reported that its conplaint investigation process had not been affected by Grove City, no compliance reviews were dropped, narrowed, or "put on hold" as a result of Grove City, and the Department's procedures for handling complaints and compliance reviews had not been changed—letter from James R. Yancey, Director, Office of Equal Opportunity, Veterans' Administration, to Susan J. Prado, Acting Staff Director, U.S. Commission on Civil Rights, February 27, 1987.

Thus with respect to the vast bulk of Federal agency activity, not only has there been no showing by sponsors of S. 557 that the effectiveness and vitality of these four crosscutting civil rights statutes has been impaired, reports from a number of agencies demonstrate to the contrary.

Even for the Department of Education, of the 674 complaints closed in whole or in part, or suspended, during fiscal years 1984 through 1986, 468 of them concerned abortion rights and were filed by one person. Moreover, if this substitute language had been adopted when it was first offered 3 years ago, all of these cases could have been resolved.

INSUFFICIENT EVIDENCE TO WARRANT 557'S BROAD SWEEP

Let me emphasize, Mr. President no case has been made for the radical expansion of Federal jurisdiction represented by S. 557. Everyone in this body knows that Federal regulations, and the private right of action under at least three of these statutes, are not without significant costs. They should not be imposed without a basis in the record of harm. When we expand Federal authority, we expand the burdens that go with it.

Justice Lewis Powell, joined by Chief Justice Warren Burger and Justice Sandra Day O'Connor, neatly captured the point in a nutshell in a concurrence in this very Grove City case: "[W]ith acceptance of [Federal financial] assistance one surrenders a certain measure of the freedom that Americans have always cherished." 465 U.S. at 577.

As Judge Abraham Sofaer, now the State Department's legal advisor, said in a title VI case, a Federal agency's power is very significant and threatening, even at the investigation phase: "[T]he power to inquire, and to demand explanation, provides leverage that will inevitably delay or discourage many nondiscriminatory and essential decisions." *Bryan* v. *Koch*, 492 F. Supp. 212, 235 (S.D. N.Y.), aff'd, 627 F., 2d, 612 (2d Cir. 1980).

In other words, Mr. President, we must recognize that when we expand Federal jurisdiction under these laws, we expand the burdens accompanying them—paperwork, onsite compliance reviews, affirmative action requirements, and much more.

No record has been made demonstrating a need for the sweeping reach of S. 557. If there are demonstrated problems, let's address them. That is why I'm prepared to go institution-wide in education.

The tailored approach is the way we handled the issue of discrimination by airlines against persons with handicaps. Advocacy groups argued that section 504 covered an airline which used an airport which received Federal aid. Now, that reading of section 504 would mean businesses using federally aided highways would be covered and there would be no end to coverage. The Supreme Court rejected this interpretation.

Congress responded by enacting a law which banned discrimination by an airline against persons with handicaps, the Air Carrier Access Act of 1986. Now, Mr. President, that's the way to fix a problem: Identify a problem, not with slogans, rhetoric, and catchy titles, but with fact, and then craft legislation addressing it. S. 557, in stark contrast, covers the country with a blanket of Federal jurisdiction, regardless of whether there is a problem in a given area or not. Have any of my colleagues heard complaints about farmers, grocers, churches, and synagogues? As I mentioned, except for the Department of Education, Grove City has had either no impact or virtually no impact at any agency in 4 years.

ABORTION

The substitute amendment also addresses the separate abortion issue raised by title IX, by including the Danforth abortion-neutral language. Congress must ensure that no recipient of Federal aid is compelled to provide or pay for abortions or abortion-related services as a condition of the receipt of such Federal aid.

RELIGIOUS TENETS

Again, we have already debated this issue. New religious tenets language is needed in title IX to protect a covered institution's policy which is based upon tenets of a religious organization where the institution is controlled by, or closely identified with the tenets of, the religious organization.

The religious tenet language found in the substitute amendment is virtually identical to language in the Higher Education Amendments of 1986, adopted by Congress and signed into law in October 1986. There, a prohibition against religious discrimination in the Construction Loan Program was enacted with an exception using virtually the same language recommended for title IX. This provision, in short, is modeled on language used by the 99th Congress.

This language is supported by such organizations as the National Association of Independent Colleges and Universities [NAICU], with over 800 college and university members-enrolling over 2 million students; the U.S. Catholic Conference; the Association of Catholic Colleges and Universities; Agudath Israel, a national orthodox Jewish movement with tens of thousands of members; National Society for Hebrew Day Schools—approximately 500 elementary and secondary schools; the Association of Advanced Rabbinical and Talmudic Schools—approximately 60 schools, the National Association of Evangelicals, and others.

Mr. President, we need not expand the scope of Federal regulation beyond what is required to correct problems identified under title IX, this language recognizes that religious liberty is a civil right. The Senate need not and must not sacrifice religious freedoms in an attempt to strengthen civil rights protection.

Mr. President, I urge adoption of the substitute amendment.

No record has been made demonstrating the need for the sweeping reach of S. 557. All the rhetoric aside about why these other three statutes have to be covered, the fact is they were not covered pre the 1984 Grove City decision. If there are demonstrated problems of discrimination or failure to provide proper enforcement against discrimination, then let us solve those problems. And I will work hard with Senator Kennedy and all others to do so. But I am prepared with this substitute to go all the way with regard to institution-wide coverage of title IX in education, something that many thought was not the law before the Grove City case.

I reserve the remainder of my time.

Mr. THURMOND addressed the Chair.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 15 minutes. The Senator from Utah has 2 minutes and 19 seconds.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

Mr. President, this amendment is totally inadequate for several reasons. It overturns only a part of the Grove City decision.

The four statutes which were affected by the Grove City decision prohibit discrimination against women, minorities, the disabled, and the elderly in a wide variety of activities in addition to education such as health, social services, transportation, and housing.

In fact, on the same day that Grove City was decided, the Supreme Court applied the same narrow construction to section 504 in an employment case.

The Hatch substitute says that, in applying the four civil rights laws to other than education institutions, there shall be no reference to the Grove City and North Haven decisions. But there is nothing in the substitute to prevent the court from reaching the exact same narrow result in the next case that comes along.

Under the Hatch substitute, the following federally subsidized discrimination could occur:

A black patient could be denied medical care at a State hospital even though the State hospital system receives Federal funds if the funds were not traceable to the particular hospital and unit where the discrimination occurred.

A State department of social services that receives Federal funds could refuse to permit the adoption of disabled children if the funds are not traceable to the particular unit responsible for adoption.

People over the age of 55 could be denied immunization by a city clinic's policy of providing such services only to the so-called working age population. Such discrimination would be permitted even though the city received Federal funds for health services, unless the funds were traceable to this particular service.

A qualified disabled employee could be denied a promotion in a nursing home corporation if the specific department involved received no Federal money even though the corporation received Federal money in other departments.

Our civil rights laws were designed to prevent this kind of discrimination, not support it.

These four statutes all contain the same "program or activity" language. The courts have specifically applied Grove City to limit coverage under title VI and section 504.

Even as to education, the Hatch substitute does not restore the broad coverage that existed prior to the Grove City decision. For example, prior to Grove City, an entire school system was covered if any school within the system received Federal aid. This broad coverage, which prevents a school system from using Federal money at one school and discriminating at another, would be lost.

Disabled Americans would be particularly disadvantaged by this amendment. Section 504 is the only Federal law which prohibits discrimination against the disabled. This amendment would leave in place the Grove City requirement that Federal funds be traced to a discriminatory program before a claim of discrimination can be made.

These fundamental civil rights laws have never included a dual system of protection from discrimination, giving you more protection if you are in a federally supported school than if you are in a federally supported nursing home.

Our bill would overturn the Grove City decision completely and restore the full protection against the use of Federal funds to discriminate what Congress intended when it passed these laws.

I urge the Senate to reject the amendment.

Let me give you an example, Mr. President. In the case of Foss versus City of Chicago, the city of Chicago and its fire department received Federal funding. There was alleged discrimination against a fireman who had some disability, and under the Grove City case they would say, since the money just went to the city of Chicago and that fire department and did not go to his particular ladder, he was out of court. It did not make any difference; he was out of court. We changed the whole concept of Grove City to say that if the principal departments are going to get Federal funding, they cannot discriminate on the basis of race, they cannot discriminate on the basis of disability, and they cannot discriminate on the basis of age. That condition would continue under the Hatch substitute but not under our bill and not under the original four pieces of legislation that existed prior to the Grove City decision. And that particular example exists on the basis of race and on the basis of age. All this amendment does is deal solely with the issue of education.

What you are saying in effect is OK, we will take care of education but we are going to close the door to the handicapped, close the door to minorities, and close the door to the elderly. That is the effect of the substitute. And for what reason? For what reason? This country and this body decided we were not going to discriminate on the basis of race, age, or ability. It took a period of years to reach that decision, but that has been the decision and that has been the way that the courts interpreted it for years before Grove City. The Hatch amendment will say we are just going to deal with education but too bad if you are handicapped or disabled and too bad if your skin is a different color and too bad if you are too old. What possible sense does that make, Mr. President? It does not make any sense. That is the principal reason the amendment should be rejected.

I reserve the remainder of my time.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield myself 1½ minutes.

The PRESIDING OFFICER. The Senator from South Carolina, [Mr. Thurmond] is recognized.

Mr. THURMOND. Mr. President, I rise in support of the substitute proposal. S. 557 in its present form clearly provides for an expansion of Federal control under the four civil rights statutes. The substitute proposal offered by my colleague from Utah provides a responsible approach to the Grove City decision.

We heard testimony concerning the problems and confusion arising in some educational institutions since the Grove City decision. Regarding educational institutions, this amendment provides explicit institutionwide coverage and for coverage of entire public school districts whenever any Federal aid goes to such a district as a whole. But no showing has been made of the necessity for the sweeping Federal coverage in all areas of American life that is embodied in S. 557—particularly S. 557's encroachment on religious liberty.

Regarding this substitute, it will retain coverage in areas outside of education to the extent that it existed before Grove City. Where such coverage was broad, the substitute proposal retains such coverage. Where the coverage before Grove City was narrow, such coverage will result under the substitute.

I urge support for the substitute.

I yield back any time that I did not use.

Mr. KENNEDY. Mr. President, I would also point out to the membership that the substitute also includes two other provisions which the Senate has previously rejected in terms of treating private schools and public schools differently. We rejected that proposal. That is included in the Hatch proposal. And also with regard to the tenet protections, that is altered and changed in the Hatch substitute.

So we have addressed those ideas after full debate. We reversed the decisions of the Senate, and we come back again to the fundamental approach of the Hatch proposal. That is to deal with only the questions on education and not deal with the issues of the disabled, the elderly, and minorities. It just defies both, I believe, logic, common sense, decency, and as well, public policy and morality to do that.

So I hope that amendment would be rejected. I reserve the balance of my time. How much time do I have?

The PRESIDING OFFICER. The Senator has 8½ minutes remaining. The Senator from Utah or his designee has 50 seconds remaining. The yeas and nays, the Chair advises the Senator from Massachusetts, have not been ordered.

Mr. KENNEDY. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

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Mr. HATCH. Mr. President, I must respond to my colleague from Massachusetts. In no way does this substitute amendment close the door to the blind, to the handicapped, to the aged. Instead, this amendment responds with institutionwide coverage in all four of these civil rights statutes in the area of education. This is the only area in which there was documentation of harm from the Grove City decision. When and if other problems arise I will lead the fight to craft legislation to deal with those problems.

I am really disappointed with the misleading rhetoric expressed by my colleague from Massachusetts. This substitute would resolve the problems raised by the Grove City decision. And it is the only bill that can pass both Houses of Congress and be signed by the President.

Mr. DOLE. Mr. President, I must reluctantly vote against the substitute offered by my distinguished colleague from Utah. I agree that legitimate concerns have been raised about whether the legislation now before the Senate wil truly restore the status quo ante Grove City, or whether it will significantly expand pre-Grove City law. Should this bill become law, the courts should be mindful of the concerns that have been raised and the assurances of the sponsors that they have no intention of going beyond pre-Grove City bounds.

However, my concern with this amendment is that it might go too far in the opposite direction—that is, because of certain drafting problems, it may leave the door open for the courts to continue to construe all these laws in a narrow, program-specific manner and we would be right back where we started.

Specifically, because of the manner in which the phrase "educational institution" is used, the courts could interpret the language to mean that only specific departments of a university or college should be covered, as opposed to the entire institution.

In addition, I am concerned that under the amendment, section 504 would continue to be narrowly construed because the grandfathering clause fails to reference the Darrone case—a section 504 case decided shortly after Grove City which held that that law was also program specific.

Again, Mr. Chairman, I want to emphasize that I am very concerned about this bill's sweeping language. There is virtually unanimous agreement that our goal should be to restore pre-Grove City law, nothing more and nothing less. This legislation should be interpreted by the agencies and the courts with that goal in mind. However, I am also concerned that this amendment may leave the door open for the courts to once again give a narrow, program-specific interpretation of these laws. As a result, we would have to pass another piece of corrective legislation.

This Grove City case has had a substantial detrimental effect on civil rights enforcement, particularly on section 504. We have been struggling with this legislation for over 4 years. It is time to put this issue to rest.

Mr. KENNEDY. I suggest the absence of a quorum.

Mr. THURMOND. With the time not being counted to either side.

Mr. KENNEDY. That is right.

The PRESIDING OFFICER. If there is no objection, time for the quorum calls will not be counted to either side.

Mr. KENNEDY. I thought the time was to be counted on either side.

The PRESIDING OFFICER. If that is the request, the Chair is in error. What is the request of the Senator from South Carolina as to allotment of time in the quorum call? Does the Senator from South Carolina wish it be counted against both sides?

Mr. THURMOND. I wish it not count against either side.

Mr. KENNEDY. I object. We are prepared to vote, Mr. President.

Mr. THURMOND. Mr. President, we will go ahead if we cannot find Senator Hatch. He was handling the bill.

The PRESIDING OFFICER. Do both sides yield back the remainder of their time?

Mr. THURMOND. Mr. President, we will go ahead.

The PRESIDING OFFICER. The Senator yields his time. Does the Senator from Massachusetts yield the remainder of this time?

Mr. KENNEDY. If the time has been yielded.

Mr. THURMOND. No. I want to make a statement. We have 50 seconds left, do we not?

The PRESIDING OFFICER. Yes, the Senator has 50 seconds.

Mr. THURMOND. I will take part of that. If Senator Hatch has not come back, we will talk about it later.

Mr. President, here is what I want to say. The White House has sent word down that if this amendment is adopted they will sign this bill. If this amendment is not adopted, the President will not sign this bill. It is just that simple. So now if we want a piece of legislation, we have a chance to get it. But if we want to claim discrimination when there is no discrimination, then that would take place.

So I think it is to the advantage of all concerned to go ahead and vote for this amendment. It ought to pass. It is fair. I have heard no argument against it that is reasonable at all. I hope that the Senate will pass this bill and the President will sign it, and it will become law. This will end the controversy. Otherwise this controversy will go a long time except if the President will veto it, and that would be the end of it. I reserve the balance of my time.

The PRESIDING OFFICER. All time of the Senator from South Carolina has expired.

Mr. KENNEDY. Mr. President, I find it absolutely extraordinary that on the floor of the U.S. Senate through my good friend, the Senator from South Carolina, that we would hear the President of the United States say close the door to the handicapped, close the door to the elderly, close the door to those minorities. That is what the effect of the Hatch substitute bill does; it closes them out, it treats them one way with regard to education under Grove City, and treats them entirely different. No way. Tell all the handicapped people that are outside in that corridor, in their wheelchairs, tell all of the blind people, no way, no way. Why? Let us hear that answer from the President of the United States. Why do you not, Mr. President? Why do you not, Mr. President, want to permit the handicapped and the elderly and the minorities to be included? Why? I would be glad to yield time to hear that answer from any of those who want to speak for the President on this issue about that. But the silence is deafening.

I yield back my time. I hope we will reject this amendment.

The PRESIDING OFFICER. All time has been yielded back.

Mr. THURMOND. This amendment addresses the problem where there is discrimination. It takes care of the situation.

The PRESIDING OFFICER. The question occurs on the amendment offered by the Senator from Utah, Mr. Hatch. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. Chiles], the Senator from Tennessee [Mr. Gore] and the Senator from Hawaii [Mr. Inouye], are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden], is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. Gore], would vote "nay."

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. Murkowski] and the Senator from Wyoming [Mr. Wallop] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. Wallop], would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 19, nays 75, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—19

Armstrong
Garn
Gramm
Grassley
Hatch
Hecht
Helms
Humphrey
Karnes
Lugar
McClure
McConnell
Nickles
Pressler
Quayle
Symms
Thurmond
Trible
Warner

NAYS—75

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hatfield
Heflin
Heinz
Hollings
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Weicker
Wilson
Wirth

NOT VOTING—6

Biden
Chiles
Gore
Inouye
Murkowski
Wallop

So the amendment (No. 1394) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum with the time to be equally charged.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. Mikulski). Without objection, it is so ordered.

Mr. BYRD. Madam President, the agreement that was entered into last evening provides for an amendment at this time by Mr. Humphrey that is wrongfully referred to on the printed calendar as the "Airlines" amendment. It is the Arline amendment, I believe, is it not?

Mr. KENNEDY. That is right.

Mr. BYRD. Madam President, at this time, under the agreement, Mr. Humphrey was to call up an amendment dealing with the so-called Arline amendment. He wishes to proceed instead to that part of the agreement which provides that, upon the disposition of the Arline amendment, Mr. Humphrey is to call up an amendment, the so-called small providers amendment. The agreement provided also that there would be a qualifying amendment to that amendment. Mr. Humphrey is agreeable to proceeding with that amendment prior to the Arline amendment if those who were qualified to offer a second-degree amendment do not intend to do so.

I, therefore, ask unanimous consent that the order of the two Humphrey amendments be reversed and that the small providers amendment not be subject to amendment and that the amendment in the first degree continue to be subject to the 1-hour limitation.

The PRESIDING OFFICER. Is there objection to the request?

Mr. WEICKER. Reserving the right to object.

Mr. HATCH. Will the Senator yield?

Mr. WEICKER. Of course I will yield.

Mr. HATCH. It is my understanding that the distinguished Senator from New Hampshire would limit his time to 30 minutes, equally divided, if there are no amendments to his amendment.

Mr. BYRD. Very well. I include that in the request. The distinguished Senator from Connecticut has reserved the right to object.

Mr. WEICKER. My understanding then is that this amendment has 30 minutes to be equally divided, to which there can be no amendment.

Mr. BYRD. That is correct.

Mr. WEICKER. Well, I have to say that I am not inclined to those kinds of procedures out here, but I think that, in the interest of expediting this bill and feeling hopeful that my colleagues will see the deficiencies in the proposed amendment, I would agree to the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the majority leader's request? Hearing none, the unanimous-consent request is agreed to.

Mr. BYRD. Madam President, I thank the distinguished Senator from Connecticut and I thank Senator Humphrey, Senator Kennedy, Senator Harkin, and Senator Hatch.

AMENDMENT NO. 1395

(Purpose: To provide for the treatment of small providers under the Rehabilitation Act of 1973)

Mr. HUMPHREY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. Humphrey) proposes an amendment numbered 1395.

Mr. HUMPHREY. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, strike out lines 5 through 11 and insert in lieu thereof the following:

"(c) Small providers are not required by subsection (a) to make structural alterations to existing facilities for the purpose of assuring program accessibility. For the purpose of this subsection, the term 'small providers' means any nongovernmental corporation, partnership, sole proprietorship, or other private organization or business which has less than fifteen employees during each working day in each of thirty or more calendar weeks in the current or preceding calendar year."

Mr. HUMPHREY. Madam President, there is very big trouble brewing for small business persons in this country if the bill is passed as it now stands. And I would go beyond that to say that there is big trouble brewing for Senators and Congressmen who are going to be appealed to by such small business persons if this bill is enacted as is. And that is because small business persons, small providers, as we call them in this context, are going to be subject to suits, indeed they will be sued in many cases wherever there is a will to do so, by those who complain that such small providers have not built adequate access to their facilities for handicapped persons.

The purpose of the amendment which is now pending is to qualify that feature of the bill to limit it—I should say to exclude from it, small providers, small business persons, who employ not more than 15 persons.

Under the bill as it now stands, absent amendments, small businesses such as corner grocery stores and the like would be—drycleaners, you name it—anything that is a business and small, would be required to make structural alterations to ensure handicapped accessibility to that facility.

In the bill it allows that small businesses may be excused from making significant structural alterations. "Significant" is the word, undefined, by the way, but only if "alternative means of providing the services are available."

It also provides that "the terms used in this subsection shall be construed with reference to the regulations existing on the date of enactment of this subsection."

In other words, for anyone who wants to know the meaning of "significant," he should refer to the regulations on the date of enactment of this subsection.

Well, that sounds simple enough and handy enough, but it is not, as a practical matter. Under various acts, there are a host of different regulations that define "significant" and define the other important terms in the bill with respect to its applicability to small business. So that is not a solution to the problem of vagueness. In fact, it compounds the problem of vagueness.

What do we mean by "significant"? There are regulations supposedly covering this point but there are many sets of different regulations depending upon which agency you examine.

The same holds true for the provision that even significant structural alterations are required if there are not "alternative means of providing the service."

What does this mean? Does it mean that a grocer is excused from providing a wheelchair ramp? Remember, we are talking about small grocers now, not Giant Food stores. We are talking about small ones if this amendment is adopted. But absent the amendment, does this mean a grocer is excused from providing a wheelchair ramp only if he provides home delivery service as an alternative means of providing the service?

The requirements and the terms are really, hopefully, imprecise and subjective and I believe will put an unfair burden on these small providers; subject them to lawsuits and ultimately subject Members of Congress to a rising tide of pleas for relief because, absent this amendment, the effect will be unreasonable.

For example, referring, again, to the welter of regulations governing small providers, the USDA, for example, referred to small providers but then required them to engage in consultation with handicapped persons to ascertain whether "significant alterations" are necessary. If a small provider wishes to avoid structural alterations through so-called alternative methods, the provider must ascertain if there is an alternative accessible provider who provides the services in question at no additional cost, remember. And if there is no equal cost provider the regulations offer no further guidance.

Presumably, in that case, the small provider must undertake the significant structural alterations. Well, if Senators want every little mom and pop grocery in this country to construct, for example—and this is only one example—wheelchair ramps for handicapped access then certainly they will want to defeat the amendment pending. But if they think that we ought to carve out, as we have so often on a very reasonable and appropriate basis, an exception for small providers, for small businesspersons, then they will want to support the amendment offered by the Senator from New Hampshire.

Take the case of a minority grocery store proprietor who receives assistance of the Department of Commerce minority business program and who also accepts food stamps in his trade. Does he refer to the Commerce Department regulations or the USDA or both? And what if they differ, if they do? Then he has not only to worry about this but a hire a lawyer to make sure he is doing the right thing, and he might not even find out through hiring a lawyer. He may qualify as a USDA small provider, but not as a Commerce Department small recipient.

It is a very confused situation and we would be a lot better off now, we and the affected citizens, who will be legion, if we get this straight now and to carve out a reasonable and appropriate exception in the case of small businesses as we have so often in other matters of this kind.

So, in summary, Madam President, it is really quite a reasonable amendment. It does not break any new ground. It does not set any precedent.

I would urge my colleagues to adopt the amendment and, Madam President, I would yield the floor at this time and reserve the balance of my time.

Mr. KENNEDY. Madam President, we have 15 minutes, as I understand it; is that correct, Madam President?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I voice opposition to this amendment. As chair of the Handicapped Subcommittee I find this amendment to be one that ought to be soundly rejected by the Members of this body. I really cannot understand why the Senator would offer an amendment like this. I do not know if the Senator from New Hampshire is a veteran or not. I just ask: Is the Senator a veteran of the Armed Forces of the United States?

Mr. HUMPHREY. Yes, he is. I would be happy to answer your preceding question, by the way; why I am offering this amendment.

Mr. HARKIN. I am just saying, in my own mind I cannot understand. I think it is incomprehensible that a veteran would be insensitive to the rights of our disabled American veterans who want to be accepted in our society.

I have a letter from the Paralyzed Veterans of America, which I ask unanimous consent be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Paralyzed Veterans of America,
January 28, 1988.

Hon. Tom Harkin,
Chairman, Subcommittee on the Handicapped, Washington, DC.

Dear Senator Harkin: The Paralyzed Veterans of America strongly urges you to reject the "small provider exemption" amendment to S. 557 being proposed by Senator Gordon J. Humphrey. The amendment, if accepted, will destroy the entire reasonable accommodation and program accessibility premise of Section 504 of the Rehabilitation Act of 1973.

Section 504 currently allows small providers an exemption from making their business accessible to persons with a disability if they can prove that the cost of making such structural modifications would impose an undue financial burden. This test of reasonableness is central to the success of Section 504 implementation. Mr. Humphrey's proposal would remove this test from existing law and would allow "small providers" a blanket exemption from making "structural alterations to existing facilities for the purpose of assuring program accessibility." This amendment must be defeated.

Mr. Humphrey's attempt to destroy the "reasonable accommodation" principle of Section 504 violates the accomplishments made in making a more accessible America. His proposal also comes in conflict with the only other federal statement on accessibility—Section 190 of the Internal Revenue Code. Section 190 allows publically-used, privately-owned businesses to deduct up to $35,000 per year for expenses they incur in making their business accessible to elderly and handicapped persons. The Tax Reform Act of 1986 reaffirmed Congressional acceptance of this important incentive to small businesses by making it a permanent part of the tax code. If Mr. Humphrey's amendment is incorporated into S. 557 it will establish a counter-productive federal policy for small providers who wish to make their places of business more accessible to persons with handicaps.

Sincerely,

David M. Capozzi,
National Advocacy Director.

Mr. HARKIN. The letter asks that the small provider exemption proposed by Senator Humphrey be rejected. I can understand that. I can understand why they would want to reject it. We have a lot of disabled American veterans in this country that would like to have accessibility to the same kind of things that we have accessibility to.

The Senator says: Well, it is going to cost all this money and it is going to create a burden on our small shopkeepers.

We have already taken care of that in this bill. There is a provision in the bill that already addresses that. They are not required to make significant structural alterations to their existing facilities if alternative means of providing the services are available.

Now, the Senator from New Hampshire mentioned putting in a ramp to a dry cleaning establishment or something like that. First of all, dry cleaning establishments, let us be honest about it, are not going to be included because they are not recipients of any kind of Federal aid.

Let us talk about grocery stores. We have looked into the cost of putting in just a couple of planks of wood to make a ramp so someone in a wheelchair can get into a grocery store; what, 100 bucks? You are going to tell a paralyzed veteran who risked life and limb for his country that for 100 bucks he cannot go into a grocery store?

Mr. HUMPHREY. May I respond to the question? Would the Senator yield for a response to the question?

Mr. HARKIN. I do not think the Senator wants to tell these paralyzed veterans that. I do not even mean to focus on the veterans.

How about the other handicapped people in our society who happen to be born that way who cannot help it? They would like to have accessibility. The Senator uses a cutoff of 15 employees. It makes it sound reasonable.

Fifteen employees could be a small business that has an income of $5 million, $10 million, $15 million a year and for 100 bucks to put in a small ramp so someone can get across the threshold of a door? Maybe a person to assist someone? And beyond that, our bill even provides for referral.

They do not even have to do that if, in fact, they have consulted with the handicapped person and can refer that handicapped person to another recipient of such Federal aid that has accessibility.

So if the small mom and pop grocery does not want to spend $100 putting in a couple planks of wood so that a person in a wheelchair can get into the store, they can refer the handicapped person to a store down the street that might do something like that.

They are perfectly covered by this. They do not have to make significant alterations.

Madam President, I have a letter from the Consortium for Citizens with Developmental Disabilities representing about 38 different groups of handicapped citizens in opposition to this amendment. They recognize also that this amendment would take them out of the accessible environment. I ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. HARKIN. In the case of a small provider, more is provided by this bill. As I said, we have this last resort provision that says if they have fewer than 15 employees, then they can refer the person to another provider where the facilities are accessible. So we leave plenty of room in there for the mom and pops who absolutely do not want to build that ramp, who do not want to provide the facility to help a handicapped person to shop in that store. They can refer them down the street to someone else who has such accessibility. That is not too much to ask in our society.

In 1964, we passed the Civil Rights Act in this country. We said people could not discriminate on the basis of race, religion, sex, or national origin. In 1973, we passed the National Rehabilitation Act, section 504, which the Senator is amending, extending those rights to handicapped people but only to those who are recipients of Federal aid.

I will go the Senator one better: We have to extend the same Civil Rights Act of 1964 that applied to individuals of this country on the basis of sex, religion, race, and national origin to handicapped people, too. We are not doing that here.

We are saying that under section 504, those small amounts of civil rights we give to handicapped people in terms of accessibility in our society, we are going to assure those civil rights.

To back off with an amendment like that we back down on our commitment to handicapped people to equal treatment in our society. It is a step backward that no one in this Senate, I am sure, wants to take.

Exhibit 1

Consortium for Citizens With Developmental Disabilities,
January 28, 1988.

Dear Senator: The undersigned member organizations of the Consortium for Citizens with Developmental Disabilities strongly urges you to reject Senator Humphrey's proposed amendment to the Civil Rights Restoration Act which would exempt small providers from compliance requirements currently in place under Section 504 of the Rehabilitation Act of 1973. As representatives of many of America's 36 million citizens with disabilities, we find it most disconcerting that Congress would consider limiting already existing protections in the process of restoring those which were lost.

Senator Humphrey has wrongly characterized the requirements embodied under the Section 504 regulations as "burdensome", somehow failing to recognize that those very regulations do in fact provide for an extremely flexible small provider exception. This exception has anticipated the potential difficulties which might be faced by a small provider, and provides for a variety of options which will allow the recipient to comply with program accessibility requirements. In fact, since their inception in 1977, the existing regulations have so well met the intent of Congress and the needs of small providers, that they have been directly incorporated into the Civil Rights Restoration Act under Section 4.

In enacting the Rehabilitation Act fifteen years ago, Congress understood the significant barriers faced in our society by persons with disabilities and sought to assure that at least those segments of society which had access to the resources of the federal government would not engage in the continuing discrimination against and exclusion of America's largest minority. It is unacceptable to permit any recipient of federal funds to engage in the discriminatory actions which would be permitted under Senator Humphrey's proposal.

Senator Humphrey's amendment is not only unnecessary, it will roll back the clock on the progress already made. We are asking you today to reaffirm your support of those protections which Congress has already extended to our nation's citizens with disabilities.

American Academy of Child and Adolescent Psychiatry.
American Association on Mental Retardation.
American Association of University Affiliated Programs.
American Foundation for the Blind.
American Physical Therapy Association.
American Speech-Language-Hearing Association.
ACLD, an Association for Children and Adults with Learning Disabilities.
Association for the Education of Rehabilitation Facility Personnel.
Association for Retarded Citizens of the United States.
Autism Society of America.
Child Welfare League of America.
Conference of Education Administrators Serving the Deaf.
Council of Organizational Representatives.
Council for Exceptional Children.
Disability Rights Education and Defense Fund.
Epilepsy Foundation of America.
Mental Health Law Project.
National Alliance for the Mentally Ill.
National Association of Developmental Disabilities Councils.
National Association of Private Residential Resources.
National Association of Protection and Advocacy Systems.
National Association of Rehabilitation Professionals in the Private Sector.
National Association of State Mental Health Program Directors.
National Association of State Mental Retardation Program Directors.
National Council on Independent Living.
National Council on Rehabilitation Education.
National Easter Seals Society.
National Head Injury Foundation.
National Mental Health Association.
National Rehabilitation Association.
Paralyzed Veterans of America.
Spina Bifida Association of America.
The Association for Persons with Severe Handicaps.
United Cerebral Palsy Associations.

Mr. SIMON. Mr. President, Senator Humphrey's amendment to exempt "small providers" from any responsibility to provide access to persons with physical handicaps is another response to apprehensions rather than reality, and I urge my colleagues to reject it.

When the section 504 regulations were promulgated by HEW in 1977, small providers were given alternatives to making expensive structural changes in their facilities. The regulations for all recipients require "program accessibility"; structural changes are frequently not necessary to ensure that the program or activity is available to individuals with handicaps. The regulations for small providers, those with fewer than 15 employees, are even more flexible. To avoid significant costs to small, low-budget providers, the regulations provide another alternative; if small providers cannot make their programs accessible, they may refer individuals with handicaps to other providers which are accessible.

The bill responds to concerns that have continued to be raised by those who are not familiar with the flexibility of the existing regulations. S. 557 includes the small provider exception from the regulations to indicate clearly that small providers are not required to make significant structural alterations to their existing facilities. They can provide the services through

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alternative means or, when necessary, they can refer the individual to another provider. What they are not permitted to do is to totally ignore the needs of persons with disabilities.

The Humphrey amendment says to all small providers, including those which make more than $1 million a year, that people with disabilities are not their concern. It says to an American veteran who was disabled in service to this country that he can be shut out and ignored by a Federal recipient, just because that recipient has no more than 15 employees. It says to every tax-paying citizen with a disability that his or her hard-earned income can help support a small emergency medical services company and that company can choose not to serve him or her. This goes far beyond what is fair to small providers, and creates a real injustice for our citizens with disabilities—citizens whose taxes help provide the Federal assistance to the small providers who will be able to ignore them if this amendment is passed.

This is an unnecessary and an unjust amendment, and I urge my colleagues to oppose it.

The PRESIDING OFFICER. The Chair will advise the Senator from New Hampshire that he has 7½ minutes remaining and the Senator from Massachusetts has approximately 8½ minutes.

Who yields time?

Mr. HUMPHREY. Madam President, as the Senator from Iowa pointed out, there is already an exception in this bill. The problem is that the exception is impractical, as the Senator says, and the language of the bill clearly says that. Small businesses are excepted from providing this alternative. In other words, if it is a grocery store, provided there is an alternative grocery store that, in this case, would have a wheelchair ramp. Remember, wheelchair ramps are one thing but there must be widening of the aisles and a whole host of modifications. I used the wheelchair ramp as one example.

Madam President, Senators should not be confused on that point. It would include widening aisles and other matters as well.

Let me say to the Senator from Iowa that if he thinks he can get anything built by a carpenter today for $100, he has not had anything built for a long time. It will be in multiples of hundreds of dollars or the carpenter will be subject to suits for inadequate construction.

Madam President, there are exceptions in the bill, but they are not workable exceptions. The only time the exceptions come into play is if there is an alternative provider, in the case of a grocery store if there is another one nearby with a ramp. Suppose there is not. I can think of a lot of small towns in my State where there is only one little mom and pop grocery store at a crossroads. It is not a matter of going down the street. In some places in Iowa, I think you might have to go to the next county. That may be an exaggeration, but it is not just a matter of going down the street because in many cases it is the only business around for miles and that business person will have to modify his facilities and not at the cost of $100 but more likely multiples and more likely multiples of thousands because it is not just wheelchair ramps.

I understand the rights of the veterans and the obligations, particularly those we have to those who have been injured. But there are also property rights, and there is also the concept of reasonability, which we have always applied in handicapped regulations in the statutes heretofore.

This amendment which the Senator from New Hampshire is offering is reasonable. It is within the context of other things of this kind that we have done before.

All it does with respect to the bill is to modify and improve the exception which is already there by stipulating that businesses with fewer than 15 employees are simply flat out exempt. It is reasonable.

I know the paralyzed veterans organization will say they are obligated to represent the interests of their membership. Of course, they are going to say, "We want every last business in America to make their stores and their facilities absolutely perfectly accessible to our membership." We can understand that. They are an advocacy group. But have we not the right and the obligation, I should say, to consider the general interest as well as the special interest? Do we not have the obligation to consider the burden, the unreasonable burden in this case, on small business? That will be to hundreds of thousands and perhaps millions, though I do not know the figures. They will be large, indeed, however.

What the Senator from New Hampshire is saying is let us clarify, let us improve this unworkable, unrealistic, draconian exception in the bill, which is no exception at all in most cases, improve it by excepting businesses where fewer than 15 persons are employed.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 3 minutes 36 seconds remaining.

Who yields time?

Mr. KENNEDY. Madam President, I yield such time as he may desire to the Senator from Connecticut.

Mr. WEICKER. Madam President, I rise to oppose the amendment. I believe Senator HARKIN has well enumerated the reasons on behalf of handicapped persons of this Nation. Again, I would point out that there are exceptions made in the bill as it exists, both as to size and as to what is expected.

I would like to address this amendment from the point of view of the small business owner. Granted, in the change in leadership in the U.S. Senate, I was dethroned as chairman of the Small Business Committee, as I was dethroned as chairman of the Handicapped Subcommittee, but I keep in touch with the constituencies as the ranking Republican member.

Not one small business, not one small business, has written in support of this amendment. After all, who would want to write in support of this amendment?

As far as the small business aspects are concerned, I have to point out that section 190 of the Internal Revenue Code allows privately owned businesses to deduct up to $35,000 per year for expenses they incur in making their businesses accessible to elderly and handicapped persons.

So to my good friend, Senator HARKIN, I say never mind a few planks for a wheelchair ramp; there is $35,000 to make the premises available to the handicapped.

Madam President, from a business point of view and from a small businessman's point of view or a small businesswoman's point of view, nobody has asked for this amendment. Indeed, there has been provision made in our Tax Code to enable the smallest of our businesses to comply with the law.

I realize it is rather bitter and cold outside, but it will not be long before they will start to sing the hymn, at least in my church, "Welcome Happy Morning; Age to Age," they will sing, at Eastertime.

Well, happy morning for the disabled of this Nation came when section 504 was passed and they came from out of the cold into this family called America. They can participate in all aspects of our lives, not segregated and relegated to whatever can be done in some special hole or hovel which was assigned to them.

For us who support the Civil Rights Restoration Act to go back to those cold days and away from that happy morning I do not think is the object of the exercise on this floor.

I hope that we use this occasion to affirm the fact that the lame and the halt and the blind are as fully members of our society as anyone else, no more, no less. And by affirming that great moment when we made that possible in this Nation I would hope that the Senator from New Hampshire would be alone in his vote for the amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Madam President, parliamentary inquiry. How much time remains to each side?

The PRESIDING OFFICER. The Senator from New Hampshire has 3 minutes 36 seconds, the Senator from Massachusetts has 4 minutes 43 seconds.

Mr. HUMPHREY. Madam President, I wonder if I might address a question to the Senator from Iowa. Is it his intent that every small business in this country will be required to provide access for handicapped persons if there is no alternative business nearby that provides such access?

Mr. HARKIN. If the Senator will yield for my response——

Mr. HUMPHREY. Yes.

Mr. HARKIN. That is neither the language of the law nor the change we made, nor is it the intent of the Senator. The language and the intent is quite clear. It is only those businesses that are recipients of Federal money, period.

Mr. HUMPHREY. Yes, of course.

Mr. HARKIN. The Senator keeps saying every business in America. The bill does not cover every business.

Mr. HUMPHREY. The Senator is correct. But every business that is touched in some by way by the Federal Government, food stamps or whatever. Let us just take grocery stores. Is it the intent of the Senator that every grocery store in America that takes food stamps will have to make structural alternations to provide access to the handicapped, if there is no alternative provider in the locale?

Mr. HARKIN. There are many ways in which they can meet the requirement. They can do it through structural changes. They can do it through other kinds of changes. In fact, I come from a very small town in Iowa where——

Mr. HUMPHREY. Will the Senator answer my question in that it is on my time?

Mr. HARKIN. Will the Senator repeat the question, please?

Mr. HUMPHREY. I withdraw the question because I did not really wish to have a filibuster on my time.

I think the refusal of the Senator to answer my question answers the question. He wishes every business in America in some way, however tangentially touched by the Federal Government, to be required, however small it may be, however marginally profitable it may be, to provide access to the handicapped unless, of course, there is an alternative provider nearby. Who knows what "nearby" means, by the way? Who knows what "adequate alternative" is? It is not defined.

The Senator from New Hampshire is merely trying to improve the exception already in the bill by exempting from all of this vagueness, and troublesome vagueness, and expensive vagueness, as it will be, you may be sure, businesses that employ fewer than 15 persons. It is reasonable. It is prudent and I urge Senators to support it.

I reserve whatever time I may have remaining.

Mr. KENNEDY. I yield a minute to the Senator from Iowa.

Mr. HARKIN. I wanted to respond to a couple points. The answer to the Senator's question is that any recipient of Federal services, Federal aid or moneys, yes, has to meet the requirements of this bill and has to be accessible to handicapped people, but within that umbrella there are many ways in which they can do that. It is not necessarily structural changes. As I began to tell the Senator, I am from a small town in Iowa and I know many times that if an elderly person came to the store to shop and could not make it around the store, the owner or one of his aides would do the shopping for them. They would ask the person what they needed and pick the item off the shelf. There are many different ways in which they can meet this requirement.

I know the Senator talks about costs. Are there costs involved? Yes, there are costs involved. But I note also that the Senator from New Hampshire is a great proponent of the rights of handicapped infants, that they be kept alive—a great proponent of that. I compliment him for that because, I, too, feel strongly about that. We can spend hundreds of thousands of dollars to keep these infants alive but——

The PRESIDING OFFICER. The Senator has spoken for 1 minute.

Mr. HARKIN. Just 30 seconds.

Mr. KENNEDY. How much time do I have, Madam President?

The PRESIDING OFFICER. The Senator from Massachusetts now has 3 minutes and 27 seconds.

Mr. KENNEDY. Thirty seconds.

Mr. HARKIN. I thank the Senator. I just wanted to finish on that point. We spend hundreds of thousands of dollars to keep these handicapped infants alive right at birth and yet we are going to tell them later on, because they want to do things that other people want to do in terms of whether it is shopping or having accessibility, I am sorry, for a few hundred we cannot make this place accessible. I find that a rather curious juxtaposition of an outlook on the right of handicapped citizens.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. First of all, Madam President, in order to even have 504 apply they have to be able to get Federal funds. If you listen to the Senator from New Hampshire, you would think that applies to every small business in the country. Obviously, laundries, McDonald's, they do not get Federal funds. It is only those that are going to get Federal funds that this even applies to, No. 1. Second, when we had the broad interpretation of these provisions between 1977 and 1984, 7 years, there was not a single letter to our Human Resources Committee complaining about this. Even when you have the narrow interpretation of Grove City, over the last 4 years, there was not a single complaint. Who is complaining except the Senator from New Hamsphire?

Finally, Madam President, I find this one of the most mean-spirited amendments that I have heard on the floor of the Senate in recent times. To talk about the paralyzed veterans—speaking for a special interest—they are speaking for the American interests.

Hopefully, we have made some progress in recent years. Hopefully they are speaking for all of us. Hopefully we have a little more generosity of heart and spirit to those individuals who have either been afflicted by disease or by accident or by war than to close the doors on those individuals because we just are not going to do it. We have addressed this issue in the legislation in a reasonable and rationale and sensible way. That is the way we ought to approach this question. I hope that the amendment of the Senator from New Hampshire is overwhelmingly defeated.

If I have any additional time, I will yield it.

I ask for the yeas and nays, Madam President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. How much time remains?

The PRESIDING OFFICER. Exactly 1 minute.

Mr. HUMPHREY. I would assure the Senator from Massachusetts as well as my other colleagues that were I the proprietor of a business, however large or small, you may be sure that I agree with your sentiment, that it is enlightened and indeed in the self-interest of a business to make it as fully accessible to the handicapped as that business can be. Of course, you are right. I am not arguing that point at all. My point is that it is a step removed when you say that you are for something but then you are going to force everybody else, however small and marginally profitable, to accept your point of view. That is what I am talking about. I am talking about something that comes down to the distinction of freedom.

Now, I agree larger businesses probably ought to be coerced, if that is nec-

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essary. We hope that would not be necessary. That is why I am saying we should exempt only businesses employing fewer than 15 people. The exemption now contained in the bill is vague, is unworkable, is going to cause lots of trouble for many businesses that are touched by Federal funds and, by gosh, that must be all of them by now, every last one of them, And we better amend it and clarify it now and avert the trouble rather than let the bill go through as it is.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute 5 seconds.

Mr. KENNEDY. I yield back whatever time I have.

The PRESIDING OFFICER. All time is yielded back.

The question is now on agreeing to the amendment offered by the Senator from New Hampshire. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. MCCLURE] is necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER (Mr. LAUTENBERG. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 13, nays 79, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—13

Armstrong
Garn
Gramm
Hatch
Hecht
Helms
Humphrey
Lugar
McConnell
Nickles
Rudman
Symms
Thurmond

NAYS—79

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Hollings
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Trible
Warner
Weicker
Wilson
Wirth

NOT VOTING—8

Biden
Chiles
Gore
Inouye
McClure
Murkowski
Simon
Wallop

So the amendment (No. 1395) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire was to have been recognized.

Mr. BYRD. Mr. President, I ask unanimous consent—if this will accord with the wishes of the Senator from New Hampshire—that the distinguished Republican leader may proceed for whatever time he needs.

Mr. DOLE. About 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOLE in connection with the introduction of the joint resolution appear at a later point in today's RECORD.)

Mr. BYRD. Mr. President, I understand that the principals who are involved in the next amendment are trying to perhaps work out some accord. Or shall we proceed with the amendment? What is the situation?

Mr. HUMPHREY. There is an effort to come up with acceptable language, which I understand is promising.

Mr. BYRD. All right.

Mr. HUMPHREY. I am told we will require perhaps another 10 minutes or so.

Mr. KENNEDY. Mr. President, I will agree. I think there is a real possibility we might be able to work out some satisfactory language. I think it is still uncertain, but I think we are close to having a final decision whether we are able to do that or not. I would hope that we could, and we could have a short interlude for that purpose.

Mr. BYRD. All right.

Let me take this occasion to express the hope, then, that the Senate may finish action on this bill.

Mr. KENNEDY. Mr. MATSUNAGA wants to speak.

Mr. BYRD. On this?

Mr. MATSUNAGA. On S. 557, just briefly.

Mr. BYRD. All right.

Let me just say an expression of hope that might be of interest to others that if the Senate completes its business on this bill today, there will be no session tomorrow. However, the hour of 6 o'clock is, I would say, the ultimate beyond which we may go today for good and sufficient reasons, which the people in the fourth estate especially know about. I hope that we will all work hard to try to complete action on the bill so that the Senate can be out at 6 o'clock and, as I say, if we are able to do that, then the Senate will go over until Monday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, as a cosponsor of S. 557, a bill which now has 59 cosponsors in the Senate, I rise in support of the measure.

S. 557, the Civil Rights Restoration Act of 1987, would not create any new "rights" nor would it extend rights to any new, previously unrecognized minority group. Nonetheless, enactment of S. 557 is essential in order to restore remedies used by the Federal Government for years to enforce four major civil rights laws: Title VI of the Civil Rights Act of 1964, which protects the rights of racial minorities; title IX of the Education Act Amendments of 1972, which mandates equal educational opportunity for women; section 504 of the Rehabilitation Act of 1973, designed to protect the rights of handicapped individuals; and the Age Discrimination Act of 1975.

The need for this legislation stems from a 1984 Supreme Court decision, Grove City College versus Bell, in which the Court ruled that Federal financial assistance to an educational institution mandated such an institution to provide equal opportunity only in the specific program which received Federal aid and not throughout the entire college or university. Prior to the Grove City decision, the language in these four laws was widely interpreted to mean that remedies could be imposed upon the institution as a whole and not merely against a component program or activity.

Since the Supreme Court decision in 1984, enforcement of the Federal Government's civil rights statutes has become much less effective. Many ongoing investigations and enforcement activities were suspended. Moreover, as many observers have pointed out, compliance with the Grove City decision puts the Federal Government in the ridiculous position of saying to institutions that "discrimination is strictly forbidden in your financial aid program, but it is okay to discriminate in your English Department or in your Math Department because those departments do not receive Federal aid."

Mr. President, as we debate the Civil Rights Restoration Act, there will be

efforts to amend the act so as to exempt additional institutions and agencies from coverage under the Nation's civil rights laws, and there will be efforts to expand the existing exemption granted to religious institutions under title IX of the Education Act Amendments of 1972. I urge my colleagues to reject these attempts and simply provide for restoration of the Federal Government's enforcement authority.

I hope that Congress will place itself firmly on the side of justice by saying that discrimination on the basis of race, sex, age and physical handicap is always wrong. We must reaffirm once and for all our commitment to equal opportunity—in education, in employment, in housing, and in medical care.

Mr. SIMON. Mr. President, the Senate has begun debate on the most important civil rights bill to come before the Senate since the 1982 extension of the Voting Rights Act and the most important omnibus civil rights legislation since the Civil Rights Act of 1964. S. 557, the Civil Rights Restoration Act, overturns the decision of the Supreme Court of the United States in Grove City College versus Bell by restoring the broad scope of coverage previously understood and enforced under the four principal civil rights laws by the four previous administrations.

Title IX of the Education Amendments of 1972, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Amendments of 1973 and the Age Discrimination Act of 1975 represent the cornerstones of equal opportunity and the basic protections against Federal subsidization of discrimination. The Congress did not enact these statutes needlessly, nor did we craft their language carelessly. Each of these statutes contains language that was closely modeled on the basic title VI language which sought to target, for purposes of identifying discrimination, the entire program or activity involved, but for purposes of fashioning a remedy to proven discrimination—only the specific entities affected by the discrimination would be the object of the relief granted.

In 1984, while serving in the other body, I was privileged to chair the House Education and Labor Subcommittee on Postsecondary Education and to serve as floor manager of H.R. 5490, the Civil Rights Act of 1984. H.R. 5490 was the predecessor version of the bill now before the Senate. The House passed that bill overwhelmingly by a vote of 375 to 32, with 26 not voting on April 12, 1984. Not since the adjournment sine die of the 98th Congress have we been as close as we are today to restoring the rights of women of all races, the handicapped, the young and the old, and those whose race and national origin is not the predominant one in America—to nondiscrimination in Federal programs.

During the 99th and the 1st session of the 100th Congress, it has not been possible to bring before the Senate the Civil Rights Restoration Act. As we continue with this landmark session of the 100th Congress, the celebration of the 200th anniversary of the signing of the U.S. Constitution, and the celebration of the 59th birthday of the Reverend Dr. Martin Luther King, Jr.—it is both fitting and proper that we mark this occasion by passing S. 557. Enactment of S. 557 would not only close a gap in the enforcement of civil rights, but it would recommit the Nation to the basic principles of equal opportunity. There is, however, another good reason for passing this bill.

Everyday that we delay further, the rights of another child to the best education possible or to participate fully in every aspect of the curriculum or interscholastic sports may be denied. Each year we postpone action on this legislation, we deny some elderly person access to the job training they may need to be free from the shackles of dependency or the poverty that too often characterizes their golden years. Each moment we delay consideration of this bill, we ask some handicapped child or adult to postpone their transition to independence and economic self-sufficiency.

Why do we delay? What does Grove City say that creates a problem in civil rights enforcement? It has been almost 4 years since the High Court's decision on February 28, 1984. *Grove City College* v. *Bell*, 104 S.Ct. 1211 held: First, that title IX applied to Grove City College because some of its students received Pell grants and guaranteed student loans and used them to pay for their education at the college and that Congress intended that these Federal funds constitute "Federal financial assistance" to the institution; second, receipt of these Federal student aid funds, however, did not 'trigger' institutionwide coverage, but restricted coverage to the college's student financial aid office; third, refusal of an institution to execute a proper program-specific assurance of compliance warrants termination by the Department of Education of Federal assistance the college's student financial aid program; and fourth, requiring Grove City College to comply with title IX does not violate the first amendment rights of the college or its students.

It is High Court's recognition that Federal student aid is aid to the college or university admitting a student with a Pell grant or guaranteed student loan, but the limitation it then places on the "program or activity" language that is problematical. The Court accepted a tortured interpretation of the facts—urged on the Court by the Reagan Justice Department—that the student aid was Federal financial assistance to the student aid office only, not to the entire institution! As former Education Department Secretary Ted Bell has written in the 13th man—a Reagan Cabinet memoir, "Much to my surprise and disappointment, the Court handed down a decision that was almost fully in support of Brad Reynolds position." It is almost impossible to conceive how the Justices could understand that Federal student assistance which pays for tuition, dormitory expenses, and other fees could stop at the college's student financial aid office. If all student payments to a college or university were held in the bursar's or the business office—the institution would cease to function. The same is true with Federal student aid.

What has happened since the 1984 decision? According to the Department of Education's own account—834 cases committed to the administrative enforcement process have been affected during fiscal years 1984-86, for example, closed in whole or in part, dropped or narrowed. A total of 674 complaints have been closed or narrowed, including 468 third-party complaints alleging sex discrimination in college health insurance plans involving hundreds of individuals. A total of 88 compliance reviews have been dropped, and 72 others have been narrowed.

What does the Grove City decision really mean? Let's begin by looking at the facts. Grove City College is a private educational institution of higher learning which accepts no direct assistance from the Federal Government. However, the college did enroll students who received federally funded Pell grants and guaranteed student loans. In fact, between 1974 and 1984, students financed their Grove City College educations with more than $1.8 million in Pell grant funds.

In 1976, the Department of Education attempted to obtain an assurance of compliance with title IX from the college. The Department requires such assurances from educational institutions which receive Federal financial assistance. The college refused to execute the assurance and argued that they received no Federal financial assistance. The Department of Education initiated administrative proceedings to terminate the grants and loans to Grove City College students because of the college's refusal to execute an assurance of compliance.

The Supreme Court, on February 28, 1984, unanimously held that Grove City College was a recipient of Federal financial assistance. However, by a 6-to-3 majority vote, the Court held that Federal financial assistance does not create institution-wide coverage under title IX. Title IX governs only the "program or activity" which receives the Federal funds. Thus, Pell grant funding triggered title IX coverage only of the college's financial aid program. The financial aid department was required to execute a program-specific assurance of compliance with title IX. Failure to execute such a compliance could result in termination of Federal assistance to the financial aid program. Grove City College remained free to sexually discriminate in its remaining "programs and activities," including course offerings and extracurricular activities, while receiving large amounts of Federal aid in the form of Pell grants and GSL's.

The impact of Grove City is not limited to title IX. Title IX is only one of the four major civil rights laws which prohibit recipients of Federal funds from discriminating. All four statutes incorporate the same "program or activity" language. The narrow construction of that language in Grove City, with respect to title IX, equally limits the applicability of title VI, section 504 of the Rehabilitation Act, and the Age Discrimination Act. Thus, Federal funds may be used to subsidize discrimination on the basis of race, handicap and age, as well as sex.

The debate on S. 557 incvitably leads to controversy and debate in several areas. The element of fear and the unknown which has surrounded debate on restoring the most basic of civil rights protections tends to have clouded the real issue. This debate must focus on restoration—returning the protected groups to exactly where they were on February 28, 1984—nothing more and nothing less. We must, in essence, "keep our eyes on the prize." We do not enact this bill to protect hospitals or church-affiliated colleges or private schools. We are seeking to continue this Nation's commitment to its black, brown and native Americans, to women of all races, to the elderly and to those with disabilities. We have tended, in the last few years, to spend far too much time worrying about how this bill will impact those who may have to comply with it, the rights of those who need its civil rights protections have been ignored.

I want to explain my views on these important issues.

Religious tenets—this issue has been a difficult one. Title IX already contains an exemption for those schools and colleges which qualify for it. The exemption permits those educational institutions "controlled by a religious organization" and permits noncompliance with title IX if doing so "would not be consistent with the religious tenets of such organization." A religious tenet exemption applies if the organization satisfies one or more of the following criteria established by the Department of Education: First, the applicant institution is a school or department of divinity; second, it requires its faculty, students or staff to espouse a particular religious belief; or third, its official written material contain an explicit statement that it is controlled by a religious organization, the members of the governing board are appointed by the religious organization, and it receives significant financial support from the religious organization. There is little or no evidence that there is a problem with the existing criteria. Since 1975, 227 institutions have sought an exemption and 150 have been granted. The amendment offered in committee, and rejected overwhelmingly, seeks an unjustified and unwarranted expansion of the exemption by permitting any institution "closely identified with the tenet of" to qualify for an exemption. I don't think the current exemption is broken and it certainly does not need to be fixed.

Colleges and universities which can justify their need for an exemption can get one. It is interesting to note that there are no such applications pending. The existing tests are appropriate because they state legitimate criteria for assessing whether a school or college which receives Federal aid can be exempted from complying with title IX.

Abortion—perhaps the abortion amendment most clearly presents the tension between those of us who seek to do nothing more than restore the full protection of title IX and the other major civil rights protections as they existed prior to the decision in Grove City College versus Bell, and those who see this as an opportunity to expand current restrictions on the use of Federal funds to pay for abortions.

Abortion language has no real place in the Civil Rights Restoration Act. Prior to the Grove City decision, no religiously controlled institution was required to perform abortions. The bill now before us continues this protection for religious institutions opposed to abortion—protections that have resulted in over 90 percent of those institutions applying for such exemptions being granted them. Religious institutions will continue to apply for, and be granted, these exemptions with enactment of S. 557.

We cannot and should not let this bill become the vehicle for turning our backs on the basic civil rights of women, minorities, the aged, and the handicapped because we are unable to move it through the 100th Congress. And we cannot let this bill be the vehicle for attempting to limit a woman's right to abortion beyond the scope of the law as it existed prior to Grove City. Those who label S. 557 expansive are wrong. The real reason for the so-called abortion neutral amendment is to repeal the 1975 HEW title IX regulations. Abortion neutrality in the context of S. 557, requires us to return to February 28, 1984, not all the way back to 1975 in order to eliminate a regulation in effect before the Grove City decision.

Contagious diseases—I was one of several Members of Congress who signed an amicus brief in the Supreme Court Arline case, a brief which argued that persons with contagious diseases are covered by section 504 of the Rehabilitation Act. The Court, by a 7-to-2 majority, affirmed that a person with the contagious disease of tuberculosis may be a "handicapped individual" within the meaning of section 504.

There are several reasons why I oppose any changes to this coverage. First, there is no need to change the law in order to protect the public health. Current law does not guarantee to any person with a contagious disease the right to participate in any specific job or program. It does give the individual the right to show that he or she is an "otherwise qualified" handicapped individual, and as such, must not be discriminated against. In any job or other setting where the individual could not, with reasonable accommodation, do the job or participate without significant risk to others, that individual would not be "otherwise qualified." The individual is simply allowed by section 504 to have his or her day in court.

Second, as the Supreme Court noted, the purpose of section 504 is to ensure that individuals with handicaps are not denied jobs or other benefits because of the prejudiced attitudes or ignorance of others, and this purpose is not served if persons with contagious diseases are automatically excluded. As the Court also noted, "Few aspects of a handicap give rise to the same level of public fear and misapprehension as contagiousness" and "the fact that some persons who have contagious diseases may pose a health threat to others under certain circumstances does not justify excluding from the coverage of the act all persons with actual or preceived contagious diseases."

If we exclude persons with contagious diseases from coverage of section 504, those who are accused of being contagious will never have the opportunity to have their condition evaluated in light of medical evidence and to have reasonable medical judgment determine their risk to others. They will have no opportunity for a determination as to whether they are "otherwise qualified"—whether, with reasonable accommodation, they can do the job without significant risk to others. Fear and prejudice, not reason, will prevail.

Small providers—one of the most difficult problems we face in our Nation is making citizens with disabilities true citizens of this Republic. We must bring them into the mainstream

and help them become a part of every aspect of our national life as full, working, independent partners. They have a right to enjoy the exact same freedoms and opportunities that are available to every other American. Yet, in the context of this bill, the specter of building a ramp to every drug store or grocery store in America has been paraded about to scare small businessmen all around the country. This is unfortunate. The bill includes an exemption for small providers which the committee intends to quiet these fears. I strongly support that language and oppose attempts to broaden it.

The benefits of nondiscrimination are realized not only by persons with disabilities, but by society at large. A major study commissioned by the Office for Civil Rights at HEW about 10 years ago estimated that eliminating discrimination against persons with disabilities within HEW-funded programs would produce $1 billion annually in increased employment and earnings. In addition to increasing the GNP, it was estimated that such an earnings increase by persons with disabilities would result in some $58 billion in additional revenue for Federal, State, and local governments. I dare say that these revenue estimates would be higher today.

Let me conclude by indicating my consistent, strong and unwavering support for quick passage of S. 557. I lead the fight in the Illinois general assembly for public accommodations, antidiscrimination in employment and other key civil rights legislation. I did so at a time when it was not popular to do so. I represented an area in southern Illinois which was closer to Mississippi, than it was to Chicago. My stand was not popular. The protection of the rights of our people are too important to be subjected to poll taking and popular whim before we make a decision. I urge my colleagues to oppose all "killer amendments" and vote for this important civil rights bill.

Mr. GLENN. Mr. President, I rise today in support of S. 557, the Civil Rights Restoration Act of 1987. "Restoration" is indeed the purpose and focus of this legislation. It seeks to restore rights which were conferred by the Constitution 200 years ago, and which have been in the process of restoration ever since.

The Constitution guaranteed to every citizen the right to equal treatment under the laws. Despite this, however, there has been widespread discrimination—against the elderly, the handicapped, aliens, against minorities and women, and against those with religious beliefs which are different from the mainstream.

Congress has recognized that acts of discrimination are inconsistent with the letter and spirit of the Constitution, and have sought to correct this practice—at least, in federally funded programs. The result has been the enactment of major legislation prohibiting discrimination under the threat of of a loss of Federal funds if such discrimination persists. Language to this effect can be found in each of the four major civil rights measures, specifically, title VI of the Civil Rights Act of 1964, title IX of the education amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

The withdrawal of Federal funds for noncompliance with antidiscrimination directives remains the most effective sanction which Congress can impose. It emphasizes the intent of Congress, which is, not only to enact civil rights laws, but also, to put some teeth into the statutes so that they would be given the maximum force and effect.

In 1974, the Supreme Court greatly weakened the impact of these civil rights laws by its erroneous interpretation of the congressional intent in the case of Grove City College versus Bell. In that case, the Court ruled that the Federal prohibition against (sex) discrimination extends only to the particular program or activity which receives Federal financial assistance, not to the institution as a whole. Grove City College is a private institution which received funds only indirectly by way of Federal grants and loans to the students. While holding that indirect aid was sufficient to bring the college under compliance requirements, the Supreme Court narrowed the existing scope of the sanction for noncompliance. Mr. President, I submit that this holding was erroneous in that it does not reflect the intent of Congress.

The Civil Rights Restoration Act is an attempt to set the record straight as to what the actual intent of Congress was in enacting the aforementioned civil rights statutes. These statutes were enacted to eliminate discrimination in all Federal assistance programs. The sense of the Congress during the time of enactment of these measures was expressed most clearly by President Kennedy in his call for enactment of the Civil Rights Act:

> Simple justice requires that public funds, to which taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination.

In limiting the sanction to the specific program directly affected by Federal funds, the Supreme Court opened the door to the possibility that schools and institutions, such as Grove City College, could receive Federal aid for some programs while discriminating in others. This is not the "simple justice" of which President Kennedy spoke. Rather, this is a dangerous precedent which runs completely contrary to this commitment to eliminate discrimination in all Federal assistance programs. I submit, Mr. President, that the intent of Congress was to close any loopholes which would permit discrimination—not to create them, as the Supreme Court has done.

Congress enacted title IX of the Education Act of 1972 to outlaw discrimination on the basis of sex under any education program or activity receiving Federal financial assistance. In 1973, Congress adopted section 504 of the Rehabilitation Act to include the handicapped under the antidiscrimination rubric, and in 1975, passed the Age Discrimination Act to prohibit discrimination on the basis of age. The language prohibiting discrimination in each of these acts is the same. In each case, it has been our intent to expand the protections of the original Civil Rights Act. Indeed, the legislative history of these statutes is replete with language urging that the protections provided for be afforded the maximum force applicable under the law. This can only be accomplished by continuing to give these laws the broadest of interpretations.

Mr. President, it should be evident to all that our civil rights laws cannot protect all persons equally if they are applied selectively. The bill which we are introducing clarifies the original intent of those laws to deny all Federal funds to any institution which discriminates on the basis of sex, race, national origin, handicap, or age. It restores the broad scope of those laws by carefully defining "program or activity" and by setting standards to determine their application.

Mr. President, the implication of the range of discriminatory practices which would be available through the use of Federal funds unless this legislation is enacted is astounding. Consider, for example, a black child who is refused admission to the privately funded wing of a hospital purely on the basis of race. If that hospital receives Federal money in each of its other departments, under Grove City, that child could have legally been refused treatment from a facility paid for by his parents' own tax dollars.

The Grove City decision, thus, represents a severe threat to civil rights protections. Women and minorities are looking to us to defend their hard-won opportunities and freedoms; indeed, to protect them from the oblique injustice of having to pay, through taxes, for programs or activities which discriminate against them. I urge my colleagues—let us pass this legislation, and let us move boldly toward the day when our Nation's laws effectively reflect God's law: That all persons are created equal.

MORNING BUSINESS

Mr. BYRD. Mr. President, so as to accommodate those who are trying to work out some resolution of the amendment that is to be called up at this time, I ask unanimous consent that there be a period for morning business for not to extend beyond 10 minutes and that Senators may speak therein up to 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and then I would like to propound a parliamentary inquiry.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I would like to clarify the parliamentary situation. As I understand it, we are in a quorum call so that those who are working on a proposed amendment will have time to work it out, and that there has been a unanimous-consent order entered that following the quorum call the Senator from New Hampshire be recognized to offer an amendment.

The PRESIDING OFFICER. The amendment of the Senator from New Hampshire is the next order of business.

Mr. ARMSTRONG. It is my understanding further that it would not be in order except by unanimous consent for another Senator to offer an amendment or even indeed to address the Senate at this point.

The PRESIDING OFFICER. The Senator is correct.

Mr. ARMSTRONG. Mr. President, it would be my hope that my colleagues would give me unanimous consent to address the Senate at this time, simply as a time expedient, without displacing, of course, the Senator from New Hampshire, so that we can use this time productively rather than continuing with a quorum call.

That is my request, that I be permitted to address the Senate at this time.

Mr. BYRD. Mr. President, would the Senator indicate how long he would like to address the Senate?

Mr. ARMSTRONG. I would think 20 minutes or so, certainly not longer than that or not longer than a half-hour. It is only my desire to make a few observations at this time and not to delay the Senate.

Mr. BYRD. It is my hope, let me say, that the Senate will complete action on this measure today by 6 o'clock, in which case there will not be a session tomorrow. But we cannot go longer than 6 o'clock today. If we do not finish by around 6 o'clock today, we will have to come back tomorrow. There is an event tonight. The press has invited the Members of Congress and their wives to an event, an annual event, which many of us want to attend.

I have no objection if the Senator would mind putting a limitation, say, of 20 minutes rather than 30 minutes.

Mr. ARMSTRONG. It would seem perfectly fair to me. It is only my desire to use the time productively, and I certainly want to cooperate.

Mr. KENNEDY. Reserving the right to object, and I do not want to object, is there any chance that if the amendment is worked out, that the time the Senator uses will be considered as part of the time that will be associated with the Humphrey amendment?

Mr. ARMSTRONG. That would not be something for me to talk to. I do not have control of that time.

Mr. HUMPHREY. If the Senator will yield, I would be reluctant to accede to the request until we see the package that is being worked out.

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I thank the Chair and I thank the leader and my colleagues.

THE STATE OF MEDICAL KNOWLEDGE IS CHANGING

Mr. ARMSTRONG. Mr. President, there was a headline in the Washington Post that we ought to think about before we act upon the Humphrey amendment or on this bill. In this morning's paper there is an article entitled "First U.S. Case Of Second Form of AIDS Reported." That is on page A-9. And another story entitled "Prompt Screening Of Blood Supply Urged To Detect Leukemia-Causing Virus." That is on page A-8.

I bring this to the attention of my colleagues to point out that the state of medical knowledge is changing very, very rapidly.

When it comes to AIDS, particularly, what we are learning about this disease every day, every month and every year, is dramatically expanding the horizons of medical knowledge.

Three years ago, the most reputable medical authorities in this country were saying do not worry about getting AIDS through blood. That is not the way you get it.

People like the American Red Cross and distinguished doctors were issuing public reassurances that you do not get AIDS from blood. That shows how far we have come in just 3 years.

What has that to do with the amendment we are going to consider or the whole theory of this bill?

Plenty. Under the Arline case, which I guess has been discussed somewhat on the floor, but has been discussed extensively behind the scenes, it appears that a person who has a contageous disease, such as AIDS, tuberculosis, you name it, might suddenly and unexpectedly be considered a handicapped person for the purposes of this law.

Traditionally, employers, both public and private, exercise unlimited discretion as to who they will hire, fire, who they will promote and what jobs they will put them into.

Over a period of time society has determined we should temper to some degree that particular discretion on the part of employers. We have determined long since that as a matter of public policy we do not want employers, whatever their private feelings might be, to discriminate on the basis of race or sex. More recently, we have determined we do not want employers discriminating or making arbitrary decisions on the grounds of being handicapped. In other words, if a person is handicapped, an employer may not discriminate against the handicapped in employment.

Now, then the question that is addressed in Arline and which comes up in the Humphrey amendment is this. Suppose a person has a contagious disease. Is that person, therefore, entitled to legal protection against being terminated in their employment or being denied employmnent in the first instance? Specifically, let us say you have a person with TB and a school board wants to prevent that person from working on the food service line. May the school board do that? Now, as a matter of public policy, I think it is the height of irresponsibility for the courts or for Congress to say no, the school board may not exercise such discretion.

Well, let us not beat around the bush. That is exactly what we are talking about here, is the right of public and private employers to exercise discretion in the employment and tenure and assignment of persons who have communicable diseases.

Now, why is that important? Because under Arline and under the amendment that is coming up, if, as and when it comes up, an employer who wants to exercise that discretion will have to go into court and show that such a person who has TB or AIDS or whatever it might be is in fact a direct threat to the health of other persons. How will an employer prove that? By medical testimony. Keep that in mind as you read the article that I mentioned at the outset, that just today there is an item in the paper in which medical science has discovered a new strain of AIDS virus and only a few years ago competent medical authorities were assuring the public, were going out of their way to issue broad-based blanket assurances, which proved to be absolutely 100 percent dead wrong. Under the circumstances, to tie the hands of public and private employers just seems to me to be very far-fetched.

Mr. President, in the epilog from Charles Gregg's book "A Virus of Love and Other Tales of Medical Detection," Mr. Gregg writes the following:

> Looking back, then the theme of this book has to be our profound ignorance, 100 years after Pasteur, of the world pathogenic—that is, illness-producing—micro-organisms.

The point is we do not know what we are doing and yet we are preparing to enshrine in statute a test which employers must get passed in order to exercise their reasonable discretion.

Now, I am not saying—and I hope nobody would interpret what I am saying to mean that—someone who has a communicable disease ought to therefore be denied employment or ought to be transferred or ought to be fired or whatever. What I do say is that to tie the hands of employers in making that decision for the protection of other employees, of students, and the general public is really a far-fetched idea, in my opinion, and yet that is what we are about to do. It would be far better, in my opinion, to simply restore the law to where it was before Arline, and that is to just flatly say that at least for the time being communicable diseases do not make you a handicapped person for the purposes of this act. That would be a far better solution. I understand that there has been some attempt to work out an amendment along that line, and it simply is not popular. The only reason I can think of why that is the case is because those who are working on it have not thought this through or perhaps because I have thought it through and do not understand what is at issue. I do not believe that to be the case, but I suppose that is a possibility.

It seems to me that a good place to start in thinking about this is to review the facts of the Arline case itself.

Mrs. Gene Arline was hospitalized for tuberculosis in 1957, when she was 14 years of age. Her disease went into remission for approximately 20 years, during which time Mrs. Arline began teaching elementary school. In 1977, and twice in 1978, she had relapses. In response to these recurrences, Mrs. Arline was first suspended with pay and then discharged after a hearing. Before Mrs. Arline's termination, the superintendent of schools consulted with a medical doctor, who testified that Mrs. Arline's condition posed a threat to the health of the small children with whom Mrs. Arline was in constant contact.

Mrs. Arline sued, and she claimed that the school board had illegally discriminated against her on the basis of her handicap in violation of section 504 of the Rehabilitation Act. On March 3 of 1987, the U.S. Supreme Court agreed with Mrs. Arline by holding in a ruling which surprised me, and I judge surprised a lot of other people as well, that section 504 covers persons who are both contagious and physically impaired by the disease. The Court has sent back to the district court the question of findings of act of whether or not Mrs. Arline is otherwise qualified to teach, and so on and so on.

But the central issue in the case is that so far as I know for the first time the Supreme Court said that a contagious disease could get you into the protected classification of section 504.

Well, why not just live up to Arline where it is? After all, the Court did not order tubercular teachers into elementary classrooms. It just said that sick teachers are entitled to a hearing and to reasonable accommodations so that they will not suffer deprivation based on prejudiced stereotypes or unfounded fear, an aspiration that none of us could argue against in my opinion.

Mr. President, Arline is unacceptable because it will mean that more healthy children and adults will be unwillingly exposed to persons with communicable disease. An increased exposure will mean more sickness among persons who would otherwise be healthy. And if just one of Mrs. Arline's students happens to contract tuberculosis, it appears to me that prejudice and fear and stereotyping is likely to increase and multiply, not to diminish.

Ironically, therefore, the outcome of the decision of the Court is to make worse the very problem which the Court sought to alleviate. Many of the possible criticisms of Arline were summarized in an article by the distinguished scholar, Thomas Sowell, who wrote as follows:

> The reason this decision is likely to mean more teachers with contagious diseases teaching your children is that no school has unlimited time and unlimited money to put into hearings, medical evidence for hearings, and fighting the inevitable court appeals from hearings, after an employee is found to be dangerously contagious.

Professor Sowell might also have mentioned—he did not but he could have mentioned—that schools that lose lawsuits will probably have to pay the teacher's attorney's fees, which is a significant threat to many school districts, especially the small ones. Professor Sowell continues:

> Somewhere along the way, many schools are going to decide that it is better to give up and hope for the best, rather than continue a ruinously expensive process.
>
> While everyone is looking out for individuals with contagious diseases, who will be looking out for the children?

That is Professor Sowell's view, which I share. Schools and other recipients of Federal financial assistance will have better rules about contagious diseases, it seems to me, if we do not enshrine in law a requirement that to any degree school boards or other employers in question have to prove that a person is a direct or indirect threat to other persons. If they have reason to believe, if a school board acting in its discretionary capacity reaches that conclusion—not to say that everybody who has a contagious disease should be dismissed. Far from it. They should be treated with sympathy and humanely and with a balanced point of view, but if we could just leave it to those who are charged by the voters in their areas with respect to public jurisdiction to make that decision, we will end up, in my opinion, with a more flexible and a far more responsible system than if we simply write into law that in order to give discretion to the school board you have to prove that somebody is a threat. That is hard to prove. It is hard to prove in a disease about which a lot is known, but when you get into those which are on the frontiers of medical knowledge, particularly those that are the most threatening at the present time, such as AIDS, it is impossible, and it is very likely the fact that the proof would end up itself being disproven within a very few years. I remind Senators again that only a few years ago, 3 or 4 years ago, doctors were confidently assuring us something which has later proven to be absolutely untrue.

The Arline decision extended the Rehabilitation Act of 1973 to a contagious disease, and I believe to all contagious diseases. AIDS, however, has captured the public attention and much of the energy of litigators around the country and therefore AIDS provides a case study in how the Federal courts are developing public policy with respect to infectious diseases.

In its footnote 16, the Arline court said:

> A person who poses a significant risk of communicating an infectious disease to others in the workplace will not be otherwise qualified for his or her job if reasonable accommodation will not eliminate that risk. (Emphasis added.)

Under Arline each contagious plaintiff is entitled to an individualized inquiry to determine whether he or she is a "significant risk." That inquiry will include:

> [findings of] facts, based on reasonable medical judgments given the state of medical knowledge, about (a) the nature of the risk (how the disease is transmitted), (b) the duration of the risk (how long is the carrier infectious), (c) the severity of the risk (what is the potential harm to third parties) and (d) the probabilities that the disease will be transmitted and will cause varying degrees of harm.

This four-part formulation was suggested to the Court by the American Medical Association; indeed, the Court took it straight from the Association's amicus brief.

Consider now how the A.M.A.-U.S. Supreme Court formulation is working in practice. I would like to cite some specific instances.

A. THE STUDENT WITH AIDS

Ryan Thomas became infected with the AIDS virus as a result of a contaminated blood transfusion. His two physicians wrote to the school district "indicating that there is no medical reason" why Ryan could not attend school. In May 1986 Ryan's school district adopted a policy concerning the admission of children with communicable diseases. A committee—established pursuant to the policy—recommended that Ryan be admitted; the school board concurred and Ryan was admitted to kindergarten.

During the first week of school, "Ryan was involved in an incident in which another child and Ryan got into a skirmish and Ryan bit the other child's pants leg. No skin was broken." Ryan's parents were told to keep him at home until his case was reviewed. A psychologist analyzed Ryan and concluded that Ryan would behave "aggressively" in a kindergarten setting because his social and language skills were below those of his peers. The doctor could not predict what form this aggression might take. Based on this evaluation, the committee recommended that Ryan be kept out of school and taught at home. The school board concurred, but agreed to review the case after 3 months.

The committee "took the recommendations of the Centers for Disease Control [CDC] into account in its determinations and recommendations regarding Ryan following the biting incident." CDC's recommendations included the following:

> 1. Decisions regarding the type of educational and care setting for [AIDS]-infected children should be based on the behavior, neurologic development, and physical condition of the child and the expected type of interaction with others in that setting. * * *
>
> 2. For the infected preschool-aged child and for some neurologically handicapped children who lack control of their body secretion or who display behavior, *such as biting*, . . . a more retricted environment is advisable *until more is known about transmission* in these settings. * * * (Emphasis added.)
>
> Substantially similar guidelines and recommendations were issued by the American Academy of Pediatrics (AAP) and the California State Department of Education (SDE).

Apologies to my colleagues for taking the time for this much detail, but here is why this is important.

> However, a Federal district court judge enjoined the school district from exclud[ing] or prevent[ing] Ryan Thomas from attending his kindergarten class on the ground that he poses a risk of transmission of the AIDS virus to his classmates or teachers.

The school district was held to have violated section 504, the same section the Arline case turned on.

The judge said:

> Aside from its citation to the recommendations of the CDC, AAP, and SDE, the School District has presented no medical evidence to *prove* that the AIDS virus can be transmitted by human bites. The information and recommendations published by the CDC, AAP, and SDE cite no such medical evidence and do not, of themselves, prove that transmission by biting is possible.

In this particular judicial district of California, evidently, it is impossible for a school district to act cautiously. Here is a case where the board established a written policy, the board set up a special review committee, and board admitted an AIDS victims after review. After the child got into a skirmish and bit another child, the board sent the victim home but provided home-based education. The board had the child analyzed by a psychologist who concluded that the child would behave aggressively.

The board then acted on the recommendations of its own committee which in turn had relied on guidelines of the Centers for Disease Control, the American Academy of Pediatrics, and the California Department of Education;

Relying on expert advice with regard to children who bite, the board adopted an interim policy of home-based education because—CDC's words—"a more restricted environment is advisable until more is known about [AIDS] transmission."

I would ask my colleagues what in the world could the school board have done that would have been a more thoughtful, responsible, compassionate, balanced approach than this? It sounds to me—I do not know all the facts, but I know this many facts—that they did exactly what we would expect a group of school directors to do. That is that we would expect the school directors in our own home school districts to do in that circumstance.

They did not pass the muster of the court. In this case, the judge wants proof, mind you, not reasonable supposition, not grounds to believe, but proof that you can get AIDS by biting. In other words, the school evidently has a duty to ensure that they can prove it by evidence. Are we going to set up a situation in which school districts have to let a student become exhibit A? I just think that is an untenable thing for this Congress to do.

I am honestly dumbfounded that the Supreme Court took the position it did and for us to go on and make it worse or to fail at this opportunity to make a clear-cut statement that contagious diseases are not a handicap within the meaning of section 504 just boggles my mind.

That is exactly where we are going in the post-Arline era.

Let me give you case No. 2.

This is a teacher with AIDS.

Consider the case of Vincent Chalk, a public schoolteacher who has AIDS. Chalk's employer removed him from the classroom but offered a job writing grant applications at the same rate of pay. Chalk sued.

The school board produced a professor of medicine who testified that AIDS may be transmitted by as-yet undiscovered means, such as tears or saliva. The board admitted that its expert was in a medical minority.

I think that is true. I believe that opinion is a medical minority just as the opinion that you could get AIDS from a blood transfusion was not only a medical minority, but a ridiculed medical minority 4 years ago.

In any case, the board admitted that the expert was in the minority. By the way, my dentist thinks it is true. I will bet your dentist thinks it is true because they are all wearing rubber gloves these days. They were not a few years ago.

The board admitted its expert was in a medical minority. The board said:

> The possibility of the transmission of AIDS may be small based on the majority of medical opinion, but it's still a risk. And all the plaintiff's experts * * * can say is that there are no reported cases.* * * However, our expert believes that they haven't been studying this long enough.

The Federal district court refused Chalk's request for a preliminary injunction. The Court said:

> I do not in any sense mean to be an alarmist.* * * The likelihood is that the medical profession knows exactly what it's talking about. But I think it's too early to draw a definitive conclusion as far as this case is concerned about the extent of the risk.* * * [H]ow much of a risk is worth taking to gratify the sensibilities of [Chalk] and allow him to return to the classroom because he deeply wants to do so when * * * the results could be so disastrous?

I leave it to you, ladies and gentlemen of the Senate. Did the school board act responsibly? I think so. It appears to me that they took into account the legitimate concerns, even the anguish of the teacher, and said, "We are not making you a pariah, we are not firing you, we are not guaranteeing anything; we are saying you should not be in the classroom, you should be somewhere else earning the same salary writing grant applications."

The court agreed that the board had acted lawfully but the ninth Circuit reversed the finding that the board was discriminating against Chalk in violation of section 504 of the Rehabilitation Act. The court of appeals said:

> Evidence before the district court overwhelmingly indicates that the casual contact incident to the performance of his teaching duties in the classroom presents no significant risk of harm to others.

The PRESIDING OFFICER (Mr. DASCHLE). The Chair would inform the Senator from Colorado that his 20 minutes has expired.

Mr. ARMSTRONG. Mr. President, unless the managers are ready with the amendment, I would ask for 10 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, of course I shall not object, but because of the fact we may reach final passage, and my last flight to Vermont is in about an hour I will not object. I hope maybe the Senator from Colorado may not need to use the whole 10 minutes.

Mr. BYRD. Mr. President, reserving the right to object, I will not object, it is my understanding that those who are preparing a colloquy expect it to be ready in about 10 minutes. So I have no objection. It will probably work out all right.

Mr. ARMSTRONG. Let me say to the Senator from Vermont that the reason I am speaking now is that the amendment is not ready, and rather than wait until it was on the floor and use time then, I thought I could share a few thoughts with my colleagues in advance of its arrival.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 10 minutes.

Mr. ARMSTRONG. I thank the majority leader and my other colleagues.

Mr. President, I think we have pretty well got it into perspective, but I want to go back to where I began and document the point I made at the outset.

Just a few years ago, health officials were telling us there was no significant risk of contracting AIDS from blood transfusions, either as a donor or as a recipient.

In July 1983—this is not the Stone Age; this is July of 1983—the New York City Health Department, the Greater New York Hospital Association, and the Council of Hospital Blood Bank Directors of the Greater New York Region issued a joint statement asserting:

> Physicians can reassure their patients that the community's blood supplies are not considered a source of the spread of AIDS. (United Press International, July 14, 1983).

On November 2, 1983, Dr. John Bove, a spokesman for the American Association of Blood Banks and a physician at the Yale School of Medicine, said:

> The risk of contracting AIDS from a transfusion [is] one out of one million. (Associated Press, November 2, 1983)

On October 16, 1983, an Assistant Secretary of the U.S. Department of Health and Human Services, Dr. Edward N. Brandt, Jr., said:

> Let me make it clear, the blood supply of the nation is safe. I have no concern * * * and would not be afraid of receiving blood anywhere in the country. (Associated Press, October 16, 1983).

Dr. Harold Jaffe of the Centers for Disease Control said in December 1982:

> The risk to the general population is quite small. (Newsweek, Dec. 27, 1982).

On September 15, 1983, American Red Cross President Richard F. Schubert defended his agency's blood collection methods by saying the risks of getting AIDS from a blood transfusion are "infinitesimal," according to a United Press International wire report of that date.

Of course, we know better today. I am not here to criticize these experts. They were giving their best judgment at that time. What I am saying is that there is a lot we do not know about this, an enormous amount we are learning every day, and to require employers to go to court based on the present state of medical knowledge and prove that somebody is a direct threat to the health of others is far too tough a test.

Medical knowledge is constantly changing, even reversing itself. We have seen it over and over now.

Let me read a description of the fight against diphtheria, a disease that ravaged America for generations:

> Physicians in the 18th and 19th centuries thought more about the nature of disease than physicians in previous eras. There was much casting aside and recasting of older ideas, and much that was new. Because of the prominence of diphtheria, physicians seeking to explain illness had to take diphtheria into account. Was diphtheria contagious? Its ease in spreading through the communities, especially among children, persuaded many lay members of the population. But medical opinion was spread among several points of view. Some thought disease passed along genetic, racial, or constitutional lines. Others believed that disease resulted from unhealthy environmental conditions, such as inclement weather or filth. Still others pointed to the deleterious influence of social surroundings, such as poverty, poor diet, crowding, or inadequate clothing. Some doctors believed in contagion.

You get the point. They did not know about diphtheria any more than they know about AIDS today. But in the fight against diphtheria, they did not have Congress saying you had to convince a court that you knew something which medical science did not know.

Who should decide about exposure to contagious diseases, and by what standards? Is the threat of serious contagious disease just another legal element that judges must weigh equally with all other elements? Is the "reasonableness" of judges more reasonable than the "reasonableness" of school boards, which, after all, have the duty to safeguard the health of their students and teachers? Are we quite sure that the correct legal standard for measuring the risk of contagious disease is "no significant risk"? Are we willing to risk our children's lives for that standard? I do not think so.

Mr. President, here is the dilemma: There is no doubt in my mind, though I have yet to see it, that the Humphrey amendment is better than the underlying bill. It improves the underlying bill, and yet it does so in a way which falls so far short of what we ought to be doing by any thoughtful standard that I am in a dilemma whether to vote for it or not. I guess I will, because it appears to be about as far as we can go at this point. But I appeal to my colleagues that we do not have to settle this matter tonight. We could lay it over for a day or two and see if we can come up with a better formula.

However, if we adopt the Humphrey amendment and it is signed into law, and that is all we do, we are making a very marginal improvement in a very bad situation. I am honestly not sure, as I stand here today, whether or not by adopting it we delay or advance the date at which we might have a better solution.

I am pretty sure I know what we ought to do. What we ought to do is simply make a public policy decision that having a contagious disease is not a protected handicap within the meaning of section 504. That would then leave it to the good sense, responsibility, and compassion of public and private employers to make that decision for themselves, rather than requiring them to go to court.

So I am going to wait the advice of the Senator from New Hampshire and others and actually see the amendment before I decide what I am going to do in voting for it. I hope we can do much better than this, because, at least in the version that was floating around earlier, it does not go far enough—not to satisfy me, but to resolve a bad decision of the Court in the Arline case.

Mr. HUMPHREY. Mr. President, if the unanimous-consent agreement permits, I ask the Senator to yield.

Mr. ARMSTRONG. I believe I have time remaining.

The PRESIDING OFFICER. The Senator from Colorado has 3 minutes and 45 seconds remaining.

Mr. HUMPHREY. Mr. President, the amendment is now available, and the colloquy will be completed soon.

First, I commend the Senator for his usual clear presentation of the facts. I agree with him: We ought to be doing far more than the Humphrey amendment will do.

I also agree with him in his surmise or opinion that the Humphrey amendment is better than the status quo but that it is not much better. I agree with what the Senator said, and I hope we can do more in the future.

I think that, given the mood displayed by this body today, if we were to go to what he and I think we should seek, we would fail. In the meantime,

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this is better than the status quo, following the Arline decision.

Mr. ARMSTRONG. I do not have the facts completely clear, but I understand that the Senator from New Hampshire offered an amendment in committee which was of a more sweeping nature, more along the lines that I believe would be in order. Is that correct, and, if so, what was the vote on it in committee?

Mr. HUMPHREY. It was offered, and only two members of the committee supported it.

Mr. ARMSTRONG. Mr. President, I do not want anybody who reads the transcript or is in the Chamber to think that any of my observations are intended to criticize my friend from New Hampshire. He is trying to solve this problem, and tried in committee, and he could not get the votes. I suspect the reason is that when this issue has come up before, we handled it by unanimous consent or a short time agreement; but I think we need to address this issue. I have little doubt that as more Senators begin to understand the issue, there will be a disposition to take a far more thoughful and penetrating look at it and adopt something along the lines of the original Humphrey amendment.

Mr. President, since the amendment is here, I think I will now yield the floor and let the process move on. But I hope other Senators will come to the floor and listen to the debate and understand this issue, because we are going to have to come back to this. I would assume that probably later this year, in one way or another, we will have to address this again; because the way the courts are moving, I predict that within a brief period of time it will be obvious to every Senator, as it is to me and the Senator from New Hampshire, that this is not a satisfactory response to the problem, that this is far too serious and too important to deal with in this way.

I thank the Chair and I thank my colleagues.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, in the interest of time I think that I will prevail upon my colleagues to allow me to anticipate Senator HUMPHREY's laying down his amendment.

Mr. BYRD. Mr. President, there is need for a unanimous-consent request by the Senator.

Mr. WILSON. I thank my friend, the majority leader.

Mr. President, I ask unanimous consent to have 5 minutes for the purpose of addressing and commending those who have crafted the compromise that we will shortly have before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 5 minutes.

Mr. WILSON. Mr. President, I have had the opportunity to view the language that has been crafted by those who are attempting to deal with what is a very difficult problem, and the Senator from Colorado, I think, has made that very clear in his eloquent comments that have addressed and made clear as well his concern for what has been a very, very difficult problem or, I should say more accurately, a set of problems.

There are two purposes to the legislation that exists now on the books. There is a desire that those who, through no fault of their own, suffer some physical disability, some affliction or some mental impairment not be deprived of employment or some other benefit if in fact there is no harm to anyone else that flows from their condition.

Competing with that concern obviously has been that enunciated by the Senator from Colorado, the concern for public health, and in the case that he has discussed, the Arline case, the Supreme Court, it seems to me, attempted to mediate those concerns and come to a Solomon-like judgment in which they could see to it that those suffering handicaps were not the subject of discrimination and at the same time obviously create some mechanism that would safeguard from the public health those whose affliction did or conceivably would pose a threat to public health.

I would agree that this may not be perfect language, but I think under the circumstances it deserves commendation because what it does is to state that there will be an adjustment in the definition of the phrase "handicapped person," to take into account that someone who is currently afflicted with the contagious disease or an infection and who by reason of that would constitute a threat to public health or to public safety or by reason of that affliction would be unable to perform the duties that person will not have the protection that exists for those who simply suffer a handicap and pose no threat of harm to others.

I think what this language will do is to require of the local employer, let us say the local school district, the local park and recreation board, that they seek to get the best possible medical evidence. It is conceivable that under this language in different communities a different result may occur, but even in that, I hope, unlikely event as it begins to work its way up through judicial appeal at some point hopefully we will achieve not only a legal but a medical consensus, and it is obviously far preferable that we achieve the kind of medical consensus nationally that would impose a uniform national standard so that the application of the law will be the same in all communities all across the land.

I commend those who have come to this compromise, the Senator from New Hampshire, the Senator from Massachusetts, and others who have been involved, because it is obviously of paramount importance that we safeguard public health. It is also of enormous importance that we do everything humanly and humanely possible to see to it that those who affliction does not pose a threat to public health or to public welfare in some other fashion not be the subject of discrimination, and it seems to me that the compromise that they have struck here comes about as close as it is possible at the present time.

Obviously, too, Mr. President, the difficulty of what they have addressed here consists in the fact that the threat will be very different depending upon the disease, depending upon the circumstances of the individual involved. So it is probably not possible to generalize in the law beyond proposing what is a reasonable test and I think that, therfore, this compromise deserves support because it does afford to us legal protection for the handicapped person and legal protection as well as public health protection for the public in terms of the public health threat that might exist.

So my commendation and I rise in support, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there may be a period for morning business at this time not to exceed 5 minutes and that Senators may speak therein for not to exceed 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, for the information of Senators, the colloquy which has been under preparation for quite some time is being gone over now and it is expected to be ready for presentation to the Senate briefly.

As far as we are able to determine, we know of no other amendments that will be called up once the Humphrey amendment has been disposed of by colloquy or otherwise. It is still hoped that the Senate might be able to complete action on this bill today. And, if I may add one additional hope, it would be that the Senate might be able to finish by 6 o'clock or very shortly thereafter, in which event, if final action is taken on this bill today, the Senate will go over until Monday and will not be in tomorrow. Committees will meet on tomorrow so that committee work can be done without interruption by rollcalls and quorum calls.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF ANTHONY M. KENNEDY TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that, provided the nomination and report have been filed by the close of business on Monday, February 1, the Senate proceed to executive session on Wednesday morning at 9:30 a.m.; that there be 1 hour of debate, to be equally divided and controlled in accordance with the usual form on the nomination of Mr. Kennedy to be Associate Justice of the Supreme Court, the time to be controlled by Mr. BIDEN, and Mr. THURMOND; that the vote on the nomination occur at 10:30 a.m.; provided further, that there be no time for debate on the motion to reconsider and that, upon the disposition of the nomination, the Senate return to legislative session without further action, motion, or debate.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent it be in order to order the yeas and nays at this time to the nomination of Mr. Kennedy.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the nomination as if in executive session.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

MR. BYRD. Mr. President, I thank Mr. ARMSTRONG, who is the acting Republican leader at the moment.

UNANIMOUS-CONSENT AGREEMENT—ILO CONVENTION (NO. 144) AND ILO CONVENTION (NO. 147)

Mr. BYRD. Mr. President, I have a further request which I believe has been cleared all around.

As in executive session, I ask unanimous consent that at such time as the Senate considers Executive Calender No. 6, the ILO Convention (No. 144) concerning tripartite consultations to promote the implementation of international labor standards, and Executive Calendar No. 7, the ILO Convention (No. 147) concerning the minimum standards in merchant ships, there will be 30 minutes, equally divided between the chairman and ranking member of the Committee on Foreign Relations, or their designees, on each of the two conventions, and that no amendments or motions to recommit be in order; provided further, that, after all time for debate has been used or yielded back on each of the two conventions, the Senate proceed to vote back to back on the conventions without any intervening action, and that the call for the regular order be automatic at the expiration of 15 minutes on both of those rollcalls.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Mr. President, reserving the right to object, if the leader will yield, could we know what your plan is on these? Do you intend to call these up on Monday?

Mr. BYRD. Yes; I intend to go to these on Monday.

Mr. ARMSTRONG. Can you give us an idea of when the vote would occur?

Mr. BYRD. I want to talk to Mr. MOYNIHAN, who is handling the matters on this side of the aisle. I will talk to him on the next rollcall, after which I will be in a position to respond to the Senator's question.

Mr. HATCH. Will the Senator yield?

Mr. BYRD. I am happy to yield.

Mr. HATCH. I think I will be handling it on this side of the aisle. If that is so, we would like to have the votes so they will be over by 2:30.

Mr. BYRD. All right. Mr. HATCH would like to see the votes completed by no later than 2:30, and he is managing the two conventions on that side of the aisle. When Mr. MOYNIHAN comes to the floor for the next rollcall vote—and there will be at least one more rollcall vote—I will get an answer to the Senator's question.

Mr. ARMSTRONG. I apologize to the leader. My attention was distracted. It is likely that the vote would occur between 2 and 3:30?

Mr. BYRD. Well, I hope the vote would occur earlier than that. That would accommodate Mr. HATCH.

Mr. ARMSTRONG. Earlier than 2 o'clock?

Mr. BYRD. Earlier, I hope.

Mr. ARMSTRONG. Mr. President, it is a matter of indifference to me, but there is a person on our side of the aisle who expressed great interest that this occur sometime after 2 and I understand there are others who want it to occur before 3:30. As far as I am concerned, September would be all right.

Let me leave it at this, if I may, to just express to the leader—I do not intend to object—that if it is possible for the leader to work it out so the vote occurs between 2 and 3:30, it would be convenient for Members on this side.

Mr. BYRD. I will certainly make every effort to do that if Mr. MOYNIHAN, the manager on this side, can accommodate himself to that. This does not mean there will not be rollcall votes before 2 o'clock on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I understand the Senators are ready now to resume consideration of the pending business. I yield the floor.

CIVIL RIGHTS RESTORATION ACT

The Senate continued with consideration of the bill.

AMENDMENT NO. 1396

(Purpose: To provide a clarification for otherwise qualified individuals with handicaps in the employment context)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] for himself and Mr. HARKIN, proposes an amendment numbered 1396.

At the end of the bill insert the following:

CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

SEC. . (a) Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after subparagraph (B) the following:

"(C) for the purpose of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.".

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand under the UC agreement there was time set aside for the consideration of a Humphrey amendment. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. As I understand the situation at the present time, that there has been an amendment which has just been read which is a Harkin-Humphrey amendment, and I would ask consent that it be in order for the Senate to consider that measure at this particular time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I thank the Senator from Iowa and the floor managers and others, the staff involved, for working diligently to come to compromise language and likewise I thank my colleagues not involved for their patience.

Mr. President, I would like to address several questions to the Senator from Iowa, relative to his understanding of this amendment. Is the Senator prepared? Do I have the attention of the Senator from Iowa?

Is it your understanding that this amendment is designed to address an issue comparable to the one faced by

Congress in 1978 with regard to coverage of alcohol and drug abusers under section 504 of the Rehabilitation Act? That is, Congress wishes to assure employers that they are not required to retain or hire individuals with a contagious disease or infection when such individuals pose a direct threat to the health or safety of other individuals, or cannot perform the essential duties of a job.

Mr. HARKIN. If the Senator would yield, yes, Senator, that is my understanding.

Mr. HUMPHREY. I thank the Senator for that response. Inquiring further, is it the Senator's understanding that this amendment does nothing to change the current laws regarding reasonable accommodation as it applies to individuals with handicaps who cannot perform the duties of the job?

Mr. HARKIN. If the Senator would yield, there seems to be a bit of a difference here. On my copy of the compromise, which again I would just compliment the Senator from New Hampshire and his staff for working on so diligently to reach a compromise in this, the language that I have here basically has a question mark after the word "handicaps." That is in the third sentence, "to individuals with handicaps." That is why I did not understand the last little clause that was added and I would have to have some time to think about that. I am sorry.

Mr. HUMPHREY. Somehow we got two different copies here. I would be happy to end my question with the question mark after the word "handicaps."

Mr. HARKIN. I appreciate that. I am not certain that I know what exactly that does, but, if the Senator would, I would appreciate it and I would respond, then, to the Senator's question by saying that: Yes, indeed, that is my understanding.

Mr. HUMPHREY. Finally, is it the Senator's understanding, as we stated in 1978 with respect to alcohol and drug abusers, that the two-step process in section 504 applies in the situation under which it was first determined that a person was handicapped and then it is determined that a person is otherwise qualified?

Mr. HARKIN. Yes. I do understand—yes, that is my understanding.

Mr. INOUYE. Mr. President, this amendment would undo the United States Supreme Court's decision in School Board of Nassau County versus Arline, which held that individuals with contagious diseases are handicapped within the meaning of section 504 of the Rehabilitation Act of 1973, and are therefore protected from discrimination based on their medical condition.

The factual question posed in Arline was narrow: Are employees suffering from contagious diseases subject to automatic termination, without regard for any actual incapacity or risk of infection? The Court's answer was correspondingly clear: Groundless fears do not alone justify terminating an employee with a contagious disease.

The question in Arline surfaced in the Supreme Court because, in adopting the Rehabilitation Act, Congress had given statutory protection to the handicapped without enumerating the specific conditions to which the act would apply. Of course, Congress customarily acts by categories; groups are as central to the legislative process as cases are to the courts. Still, it is easier to articulate a general principal than to apply it in a threatening situation or uphold it in a difficult case.

The Rehabilitation Act was needed and passed because human beings often harbor an unreasonable dread of diseases and disorders. It is precisely because AIDS is surrounded by this same unreasonable and unwarranted fear and distaste that the Supreme Court's decision was sensible. The logic of the Rehabilitation Act demands that we make no distinctions where no reasonable grounds for differentiation exist.

In adopting an amendment contrary to the Arline decision, we would embody the prejudices that we overcame and precluded in the Rehabilitation Act. However, a number of unpleasant realities pertaining to AIDS give us additional reasons to reject the proposed amendment.

Some of us, and many Americans, seem to feel that we can confront people with AIDS as adversaries or enemies and forcibly control the spread of AIDS. I don't believe that would be morally acceptable, but even if it were, it is impossible. We will control AIDS only through cooperation, education, and respect.

By September 18, 1987, the Center for Disease Control had reported 51,361 cases of AIDS, and it was clear then that many cases had not been properly diagnosed or reported. The Public Health Service estimates that more than 270,000 cases of AIDS will be diagnosed by 1991. According to the CDC, there may be as many as 100 people who carry HIV, the virus that causes AIDS, for each person with AIDS. An estimated 25-50 percent of those who are HIV positive may develop AIDS within 5 to 10 years.

I hope that we will not resort to harassing and rejecting people who have been exposed to AIDS. In any event, it is clear that we do not have the capacity to identify and control the millions of people who may become contagious with AIDS, half of whom may never display any symptoms, and most of whom would not be eager to be diagnosed and subjected to discrimination. A program of contact tracing, for example, would become impossible under such circumstances. A threat of imprisonment is not likely to be very effective against someone who has been diagnosed with AIDS, even if our prisons were equipped to hold numbers of fatally ill individuals.

Only with the trust and cooperation of those who suffer from AIDS, can we continue to seek effective treatment for AIDS, and to discover treatments that prevent antibody-positive individuals from developing the disease.

Even if our compassion fails us in the face of AIDS, I hope that our powers of reason will still allow us to recognize the realities that must dictate our response to AIDS. It is futile to call for measures that cannot be effective and simply reflect our most unworthy reactions to AIDS, drug users, and homosexuals. Further, we would generate panic and cruelty that we could never extinguish. Instead, we must commit ourselves to a realistic and balanced approach to AIDS. We can begin by rejecting the proposed amendment.

Mr. HUMPHREY. Mr. President, the form of agreement is that, at least on the part of the Senator from Iowa and the Senator from New Hampshire, there would be no further debate or discussion at this point. Unless other Senators wish to do so, I think we are ready to dispose of it. A voice vote is acceptable.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. As I understand it, Mr. President, we have a time agreement. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I would be glad to yield back the remainder of the time on our side.

Mr. HATCH. I will be happy to yield back the remainder of ours.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senators from New Hampshire and Iowa.

The amendment (No. 1396) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, this bill would unnecessarily extend four major civil rights statutes far beyond the scope ever intended.

Under this bill, we are venturing into unknown areas of coverage for these statutes. It has become obvious that the sponsors don't even know for certain how far this bill will extend. Coverage under the bill would be limited only by the imagination of special interest advocacy groups and the unfettered discretion of Federal judges.

One of the problems is that the bill represents a broad attack on religious liberty in America. It would expand coverage over every operation of an entire religious school system where Federal money may only go to one activity at one school within the system. It also would cover all of the activities of a church or synagogue in all of its buildings in an area if any program or activity in the area receives any Federal money. Furthermore, it fails to protect adequately the religious tenets of educational institutions and other institutions covered under the expansion of title IX.

Mr. President, as a result of the expansion of coverage under the statutes amended by the bill, many more sectors of American society would be subjected to increased Federal paperwork requirements, random on-site compliance reviews, physical accessibility requirements, and affirmative action.

Mr. President, I am particularly concerned with the effect this legislation would have on the Nation's farmers. Agriculture is the largest employer in the United States. Growers hire 4 percent of the total U.S. work force—nearly 5.5 million people—and this payroll costs about $9.5 billion each year. To put this in proper perspective, labor costs on the farm equal or exceed other costs of production in most cases.

Mr. President, our farmers are already overburdened with Federal laws and regulations regarding employment and other phases of their operations. S. 557 would threaten the Nation's farmers with coverage of additional statutory and regulatory requirements that were never intended to cover them and which are unnecessary.

Last year Mr. C.H. Fields, on behalf of the American Farm Bureau Federation, testified before the Senate Labor Committee in opposition to S. 557. I will ask unanimous consent that a copy of that testimony be printed in the Record at the conclusion of my remarks.

Mr. President, let me close by quoting a sentence from Mr. Fields' testimony:

> We have long believed that unnecessary and unwarranted expansion of the power and responsibility of the federal government constitutes a serious threat to the fundamental principles upon which this nation was founded and prospered among the nations of the world.

Mr. President, that captures my feelings precisely, and I urge my colleagues to vote against this unwise legislation.

Mr. President, I ask unanimous consent that the statement of Mr. Fields be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION TO THE SENATE LABOR COMMITTEE REGARDING S. 557—"CIVIL RIGHTS RESTORATION ACT OF 1987"

(Presented by C. H. Fields, Assistant Director National Affairs Division)

The American Farm Bureau Federation is the nation's largest farm organization with a current voluntary membership in excess of 3.5 million member families who have paid annual dues to nearly 2,800 county Farm Bureaus in 49 states and Puerto Rico.

Last January, the voting delegates of the member State Farm Bureau reaffirmed a policy opposed to any legislation that would expand the scope of the existing civil rights statutes to cover those who have not been previously subject to them. The nation's family farms are already struggling for their continued existence as economic entities, and are overburdened with a myriad of federal regulations affecting employment on farms and many other phases of their operations. They should not be threatened with coverage by additional statutory and regulatory requirements in the area of discrimination and civil rights, particularly when such coverage was never intended by the original sponsors of the original statutes and when there is no need for such coverage.

No group of people in this country has a stronger belief in the fundamental principles of freedom, liberty and justice embodied in our nation's basic charter than this nation's farmers and ranchers. We have long believed that unnecessary and unwarranted expansion of the power and responsibility of the federal government constitutes a serious threat to the fundamental principles upon which this nation was founded and prospered among the nations of the world.

We are mindful of the fact that some 750,000 farmers and ranchers are employers. Any statute or regulation affecting employment practices could have an impact on agricultural employers with regard to sex, age or handicap requirements. Several thousand farmers throughout the country operate roadside markets and other direct markets to consumers. The Department of Agriculture administers a number of programs involving federal payments or other assistance to farmers and ranchers. The broad and sometimes vague language in this bill raises serious questions as to what impact anti-discrimination regulations would have on such benefits as loan guarantees, commodity loans, deficiency payments, disaster payments, price supports, conservation cost-sharing, etc.

Supporters of the bill state that Section 7 provides a "rule of construction" which, in effect, exempts farmers as ultimate beneficiaries of federal aid.

We find that statement unpersuasive because:

1. There is no indication in the bill as to which persons or entities are defined as ultimate beneficiaries and under which aid programs. We are not sure it includes businesses, such as farms and ranches.

2. Farms appear to be clearly covered by subparagraph (3) of each operative section because farms are business entities or private organizations, or both under this bill.

3. Even if Section 7 is constructed to exclude coverage of farmers as ultimate beneficiaries before enactment of S. 557, any farm-aid programs adopted after enactment of S. 557 would not be excluded from coverage.

It might also be erroneously argued that Section 4(c) exempts farmers from coverage under the Act. We point out, however, that this language applies only to discrimination against handicapped persons under Section 504 and does not reduce compliance burdens under Title VI or age discrimination. Even under Section 504, only some farmers will benefit from this exemption. USDA Section 504 regulations define "small providers" as entities "with fewer than 15 employees." Somewhere between 50,000 and 100,000 farms employ more than 14 persons. Further, even the "small providers" are exempted only from the most onerous of Section 504 regulatory burdens, such as making structural alterations to existing facilities—and only "if alternative means . . . are available."

The small operations would still be subject to many onerous requirements, including paperwork requirements, requirements to consult with disabled groups and make a record of such consultations; extensive employment regulations; and a requirement to "take appropriate steps" to guarantee that communications with hearing and vision-impaired applicants, employees, and customers can be understood.

To the extent that S. 557 extends the basic principle that the term "program or activity" means all of the operations of the "entire corporation, partnership, private organization, or sole proprietorship," farms may well fall within the scope of that definition in several ways. For example, a subsidy to one commodity on a farm would subject the entire entity to regulation. A farm of contiguous fields could be deemed a "geographically separate facility," and thus covered in its entirety. Additionally, farming could be construed as providing a "social service" to consumers.

Farm Bureau is not opposed to a bill that simply provides coverage under the Civil Rights statutes the same as it was before the Grove City College decision; but our analysis of this bill leads us to the conclusion that it seeks to go much further than that. We believe it would result in a broad expansion of coverage under the Civil Rights statutes, including farmers who were never covered before.

For that reason we are opposed to S. 557 as introduced. We favor, instead, a bill such as the one introduced by Senators Dole and Hatch in the last Congress and which we understood will be introduced in both Houses of this Congress. We hope this Committee will give careful consideration to the concerns we have expressed.

We appreciate the opportunity to present our views.

Mr. THURMOND. Mr. President, I rise in opposition to this bill. The issue surrounding Grove City-related legislation has been improperly focused from the beginning. Federal financial assistance should not be allowed to fund discriminatory activities. No one could rationally argue otherwise. However, the sponsors of S. 557 have chosen to distort this debate by posing the question in simplistic terms under which one is either for their bill or for federally subsidized discrimination.

Many have argued during this debate that they want to restore civil rights coverage to what it was before the Grove City decision. There is substantial evidence that coverage prior

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to Grove City was program specific, not institutionwide. However, this bill goes well beyond institutionwide coverage. It does not restore the reach of the four civil rights laws to their pre-Grove City status, but expands Federal authority. The broad extension of these four laws goes well beyond what is justifiable.

Briefly, I would like to discuss a number of significant instances where the breadth of coverage is simply too broad because one small part of a particular entity receives Federal funds.

I believe strongly that there must be an exception to the institutionwide scheme of coverage—that is when the institution is a church or religious organization. Many churches participate in federally assisted programs which serve communities across the country. All the federally assisted programs operated by a church should be covered under the statutes addressed by S. 557. However, extension of Federal regulations throughout the whole church as a result of such assistance treads all over first amendment rights. I do not believe that the Federal Government should be interjected into the operation of our churches.

Additionally, this legislation will provide for coverage of entire religious school systems when only one school, or part of one school, in a system receives Federal financial assistance. Prior to Grove City, only the particular school that received assistance would have been covered. S. 557 would expand coverage to the entire religious school system instead of just the particular school that receives the Federal funds. This coverage threatens religious liberty by placing the religious goals of those schools in a secondary position to the vast regulatory requirements of S. 557.

As the Constitution guarantees religious freedom, we must tread lightly when it comes to asserting Federal regulation of religion or its institutions.

Additional provisions of S. 557 are ambiguous and unnecessary. For example, certain sections mandate blanket coverage by the four statutes of any corporation, partnership, other private organization, or a sole proprietorship, which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation. I can think of no justification for the blanket coverage. Stated simply, there is no reason to treat these so called special purpose businesses any different from other businesses. Coverage for all corporations should be uniform.

In closing, these are some of the issues which make the proposed "Civil Rights Restoration Act of 1987" unacceptable. The question of whether or not Federal funds should be allowed to subsidize discrimination is not the issue. Clearly, Federal funds should not be used to subsidize discrimination. The major issue is the need to carefully balance and protect constitutionally guaranteed freedoms and rights against the reach of the Federal Government. A fundamental right—the freedom of religion—is a guaranteed constitutional right. The Federal Government must not get into the regulation of religion. This bill simply goes too far. It represents a significant increase in Federal jurisdiction over churches and synagogues, private and religious schools, and the private sector.

For these reasons, I will vote against S. 557.

Mr. DIXON. Mr. President, as an original cosponsor of S. 557, the "Civil Rights Restoration Act of 1987," I rise today to solicit my colleagues' support for its approval.

Having debated S. 557 for 2 days now, we all know what the issues are. The bill overturns the 1984 Supreme Court decision in Grove City College versus Bell. The decision severely narrows the scope of coverage of title IX of the Education Amendments of 1972 which bar sex discrmination in federally assisted education programs.

The Court decision affects three other laws which bar discrimination since they contain similar language. The laws are title VI of the Civil Rights Act, section 504 of the Rehabilitation Act, and the Age Discrimination Act of 1975.

Mr. President, I support S. 557 because I deplore discrimination and strongly feel that the Federal Government should not be about the business of subsidizing it.

Additionally, I want to very clearly express my reasons for supporting the overturn of this Court decision. First, I do not believe that it is in line with the intent of Congress.

Second, S. 557 has 58 cosponsors, more than a simple majority of the Members of this body.

And third, I am certain that the people of the State of Illinois do not want the Federal Government to subsidize discrimination.

I am pleased that the Senate approved the Danforth amendment earlier today. During this past year, many hospitals in my own State of Illinois have expressed serious concerns that provisions of S. 557 would force them to perform abortions. Additionally, on behalf of many of its members, the Illinois Hospital Association has been in constant contact with my office regarding this issue.

From where I come in Belleville, IL, Mr. President, there is an old saying that "where there is smoke, there is fire." I am pleased that this body smothered the smoke on the abortion issue by approving the Danforth amendment.

Mr. President, I urge immediate approval of S. 557.

Mr. CRANSTON. Mr. President, I rise in support of S. 557, the proposed Civil Rights Restoration Act. I am proud to be one of the principal sponsors of this important legislation to restore the effectiveness of our Nation's four basic civil rights statutes which provide that Federal funds may not be used to support invidious discrimination.

Mr. President, in 1984, the Supreme Court dealt a crippling blow to the enforcement of the civil rights statutes—title VI of the 1964 Civil Rights Act, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975—which provide that entities which accept Federal financial assistance must not discriminate on the basis of race, color, national origin, sex, handicap, or age. In the case of Grove City College, the Court held that the obligation to refrain from discrimination was limited only to the specific program which received the Federal funds.

Since that decision was handed down, its dire consequences have become apparent. In numerous instances, civil rights complaints have been dismissed because the specific programs involved could not be demonstrated to have received direct Federal funding. In October 1987 a Federal court of appeals reversed a district court decision holding that the State of Alabama had perpetuated racial segregation in its system of public higher education on the grounds that the Justice Department, which had brought the litigation, had not specified which programs or activities within the school system had received Federal funds and how those particular programs were discriminatory. Literally hundreds of administrative complaints filed with the Department of Education alleging civil rights violations have been dismissed because of the Grove City ruling.

The longer the Grove City decision remains the law of the land, the greater its adverse impact will be on civil rights enforcement.

Mr. President, during the Senate's consideration of S. 557, we decisively defeated amendments aimed at weakening the legislation expect one: the Danforth amendment relating to abortion. I strongly opposed that amendment which, if enacted, would rewrite title IX so as to overturn regulations promulgated under the Ford administration which prohibit educational entities from discriminating against students or employees who are seeking or have had an abortion. I regret it was added to this important bill intended to restore rights, not withdraw them. I hope the Danforth amendment does not become law.

CONCLUSION

Mr. President, the proposed Civil Rights Restoration Act is about one issue: Whether the funds of the United States should be allowed to be used to subsidize discrimination. Many of us thought that we had answered that question once and for all with the enactment of the civil rights statutes in the 1960's and 1970's. We must, today, reaffirm that Federal funds will not be used to perpetuate discrimination. We must reaffirm our continuing and enduring commitment to achieving a just and a fair society, a society where every individual, regardless of sex, race, age, or disability, enjoys the right to participate and contribute fully.

DON'T EXPAND REGULATIONS FOR AGRICULTURE

Mr. KARNES. Mr. President, I have offered an amendment to settle the concern that this legislation will expand the scope of the civil rights laws beyond that which existed before the Grove City decision. I share the concern of many of my colleagues about its potential far-reaching effects on farmers and ranchers throughout the country.

I am concerned about the possibility of farmers being brought under the civil rights laws by virtue of their participation in Federal farm programs. As currently drafted, farmers who receive loan guarantees, commodity loans, deficiency payments, disaster payments, price supports, and so on, might be forced to comply with the entire range of civil rights statutes. If this circumstance were to come about, it would lay a whole new set of Federal regulations at the doorstep of farmers and ranchers across the land.

This does not imply that farmers are opposed to civil rights or want to turn back the clock to the times and the events that necessitated the enactment of these laws. In this case, the issue is not discrimination. The issue is unnecessary Federal interference. If someone feels that complaints have been made or a record has been established showing that there are civil rights problems on the American farm that warrant our attention, I would like to hear those arguments and see that record. I do not feel that any such record exists, nor do I feel that there is any basis for such a record. So let's leave them out of the civil rights discussion altogether.

I do not know that it is the direct intent of any Senator to include farmers and ranchers in the coverage of S. 557. The problem with the bill is that is leaves open the question of whether farmers and ranchers could be included. It creates an ambiguity which could ultimately require litigation to resolve unless we deal specifically with the issue here and now.

Section 7 of the bill states that none of its provisions shall be construed to extend the application of the civil rights laws to ultimate beneficiaries of Federal financial assistance excluded from coverage before enactment. It is asserted by some that this language is sufficient to lay the farm and ranch issue to rest. It does not, however, make clear which ultimate beneficiaries are now excluded, nor does it address the issue of exclusion of those persons receiving benefits from programs that may be enacted in the future. Comments in the committee report are not adequate to address these concerns because the bill substantially rewrites the statutes and adds a new definition of programs and activities covered by the law.

The purpose of section 7 may be to generally exempt a number of activities touched by Government funding. However, I have received an opinion developed by the Justice Department asserting that section 7 is not necessarily sufficient to remove all ambiguities about application to farmers and ranchers. Mr. President, I ask unanimous consent that the Justice Department opinion that I refer to be printed in the RECORD immediately following my statement.

Farmers have enough problems. They should not have to operate under the gun, knowing that a court may later rule that S. 557 does include farmers and ranchers, triggering unnecessary, but nonetheless mandatory regulations for them to study and adhere to. They have neither the time, money, nor personnel to attempt to comply with the requirements of bureaucrats who may demand volumes of proof of nondiscrimination even when no complaint has been received. Soon, agribusinessmen are going to feel like they have to call their lawyer before they go out to work in the fields.

There is nothing in this bill which specifically assures farmers that they will not be covered by the wide range of civil rights laws. What could happen if a court would construe the law to include farmers and ranchers against our intent? Such an occurrence has been known to happen from time to time. The possibilities are mind-boggling and outrageous.

Let's consider some. Would farmers have to hire persons with infectious diseases such as TB or AIDS? Perhaps they could be required to restructure jobs, modify facilities or install equipment for handicapped persons.

They might have to establish grievance procedures whereby a hearing would have to be held before letting a worker go simply because he doesn't do the job.

Even small operations could be subject to increased Federal paperwork requirements, random on-site compliance reviews and other regulatory burdens.

Passage of this bill could make farming a whole new ball game, a game that I know farmers like my Nebraska constituents do not want to play. The potential impact of this legislation on the average farm operation is devastating. Anyone familiar with farming knows that regulations like these on farms would be utterly ludicrous.

Farmers are experiencing a severe crisis. They are overburdened with low commodity prices, excess surplus stocks, and the lack of affordable financing. To be faced with additional statutory and regulatory requirements could jeopardize their continued existence.

Mr. President, as the owner of my family's farm, I can tell you how farmers and ranchers would react to extending new civil rights regulations to the farm. They would shake their heads in disbelief. They would wonder why in the world the U.S. Congress is slapping on controls that have no rational relationship whatsoever to life on the average family farm. They would sit down in disgust and write to us, pleading "leave us alone!"—and they would be completely justified in doing so.

Therefore, to be absolutely certain that farmers and ranchers will not be covered by these statutes, I introduced my amendment to clarify the matter. It does nothing more than settle the issue at hand. It states that nothing contained in the statute shall be construed to extend application of the four titles in question to farms, farmers, ranches, or ranchers, based upon participation in any Federal agricultural program unless application is expressly required. I believe that is the unarticulated intent of the act, but my amendment would remove all uncertainty.

I wish to ask the Senator from Massachusetts, does S. 557 affect the historical exemption of farmers and other persons who receive payments under various agricultural support and marketing programs?

Mr. KENNEDY. No. Farmers and other persons who receive Federal grants, loans, or assistance contracts would be "recipients". A full discussion of this continuation of present policy is contained in the committee report, Senate Report 100-64, at pages 24-24.

Mr. KARNES. With that clarification, I withdraw my amendment at this time. I am not certain whether this action will completely resolve the issue altogether, but I feel we have taken a good step toward establishing a record to protect the interests of farmers and other agricultural interests from onerous and unnecessary added regulation and costs.

I yield the floor.

Mr. BRADLEY. Mr. President, there is no subject more important to America than civil rights. Our past failures in guaranteeing equal opportunity to all members of the American community have been our badge of shame. Our successes in redressing those inequalities have been our greatest pride.

But we cannot rest on our laurels. We must not take the inviolability of equal opportunity for granted. For once again civil rights are under siege, and this body must liberate them.

Why do I say that civil rights in America are besieged? Because in February 1984, the Supreme Court, at the instigation of the Department of Justice, gutted the principle law outlawing sex discrimination in education. Education—the great equalizer. Education—the very essence of equal opportunity. I can not believe that in 1984, our Supreme Court ruled that it is OK to discriminate against women in federally assisted educational programs. Hard to believe; yet it's true.

That Supreme Court decision, the Grove City case, has left a gaping hole in all our antidiscrimination laws. It has dealt a body blow to the cause of civil rights in America. It cannot be allowed to stand.

Grove City jeopardizes the hard won rights of millions of women and minorities. It dashes the hopes that the elderly and the disabled might take their rightful place in our great economy. It makes a mockery of the principles for which our Nation stands.

Unless we bring the Supreme Court's decision in line with the history and clear intent of our civil rights laws, there will no longer be an all-inclusive prohibition against discrimination based on race, sex, handicap or age. Schools, hospitals, State and local governments—indeed any entity conducting a federally assisted activity will be empowered to get around the clear intent of our civil rights laws.

No Congress that believes in the principle of equal justice under law can permit the Grove City case to stand. That is the purpose the Civil Rights Restoration Act.

Support for this legislation is broad and deep. Top ranking civil rights officials in four administrations have unanimously endorsed it. Women and blacks are solidly behind it.

Given the unassailable strengths of this legislation and its broad-based, enthusiastic support, who could be against it? Well, sad to say, a small but determined band of people implacably opposed to civil rights are trying to prevent passage of the bill.

They argue, disingeniously, that the Civil rights Restoration Act returns the burdensome yoke of Federal intrusion on the frail neck of the States and the private sector. Even sadder, they are supported in their claims by the Department of Justice and the White House.

These claims are groundless. They are part and parcel of a tactic of delay, designed to prevent passage of this essential bill. But the bill's proponents are even more determined.

Let me be quite clear about what this act does. It reaffirms an appropriate interpretation of existing law. That's all. It does not add to that law. It does not thrust the Federal Government down the throats of the States. And it is not the camel's nose of Federal intrusion under the tent of civil liberties. It just says that the civil rights law prior to Grove City remains the law today. It reaffirms this Nation's commitment to the principle that all people are created equal. Which is how I, and I believe a large majority of the American people, want it.

Mr. MITCHELL. Mr. President, I support the Civil Rights Restoration Act. The act is needed to correct the 1984 Supreme Court decision in Grove City College versus Bell which held that recipients of public funds need comply with the civil rights laws only in the particular program or activity to which public funds are directed.

The effect of this ruling has been widespread. It has reached far beyond the original confines of the case—which was brought only on the question of whether student aid was a Federal benefit to the college which the student attended. The Supreme Court ruled that it was. But the Court then went to a question not raised in the case, and found that only the student aid office, which directly handled the funds, had to comply with the antidiscrimination law.

No sooner was this decision handed down than the Department of Justice announced that it would, henceforth, apply this standard to the enforcement of all the major civil rights laws, not merely to the education act amendments on which the ruling was brought.

The Justice Department has done precisely that, and as a result, lower court rulings—which are required to follow Supreme Court precedents—and administrative action have both closed off redress against discrimination for many Americans.

Individuals have been denied hearings when funds could not be traced directly to the salary of a professor accused of sexual harassment, or to the building in which an individual was denied the right to speak, or to the courtroom in which jurors served. In the Education Department alone, well over 600 cases have been suspended or dismissed because of the Grove City ruling.

Four months ago, the 11th Circuit Court of Appeals reversed the factual findings of a lower court that an entire State's higher educational system had systematically channelled black and white students to separate institutions, not on the grounds that the Government failed to show this occurred, but that it did not show precisely where each Federal dollar of aid was used and how that particular program discriminated.

In 1954 the Supreme Court finally overturned more than half a century of de jure segregation in its Brown versus Board of Education judgment. But it was not until passage of the 1964 Civil Right Act, with its title VI enforcement powers, that actual progress began to be made against discrimination.

The threat of losing Federal funds was finally the incentive before which much segregation gave way. And in the decade of the seventies, black college enrollment almost doubled.

The other statutes affected by the Grove City ruling are all based on that experience.

Title IX of the Education Act Amendments of 1972 extended civil rights protections to women in higher education facilities. In 1972, when the act was passed, our Nation's medical schools graduated 830 women as physicians out of a total of 9,253. In 1985, 4,874 women physicians were in the graduating class of 16,041.

In 1972, the Nation's law schools graduated 1,498 women, out of a total of 21,764. Today's 37,491 graduating lawyers include 14,421 women.

There can be no doubt that the doubling of black college enrollment and the increased admissions of women to graduate studies was not a fortuitous outcome. It was the result of enforcing what the law has always demanded, equality of treatment.

We should not have to look back to a century of racial turmoil and discrimination under the 14th amendment to the Constitution to know that a written statute, even a constitutional commandment, has no effect unless it is enforced.

That understanding guided the Congresses which enacted the four civil rights statutes covered by this bill. Those Congresses moved beyond exhortation and recognized that additional incentives were necessary to promote equal treatment.

There are those who like to characterize the civil rights laws as punitive. That implies that institutions have a prior right to receive Federal funds and that any threat of their loss is unfair.

That is not the case. Federal funds are appropriated for programs which the Congress judges to be in the national interest. And among the many issues that are in the national interest is the vindication of our constitutional promise of equality before the law.

As the Supreme Court itself noted in Bob Jones University, any private organization enjoys the full protection of the first amendment in its beliefs or doctrine. But no private organization may expect preferential Government

treatment when its beliefs conflict with national policy.

So when Congress chose to enforce antidiscrimination efforts through the funding mechanism, it did not detract one iota from the first amendment rights of any group, individual or organization. It did offer institutions a choice—the choice between accepting Federal funds and abiding by the law or not accepting Federal funds. There is nothing coercive in such a regime.

Simply put, if an institution accepts tax funds, that institution may not discriminate. We know we cannot eliminate private prejudices and bigotry by law. But we need not and should not subsidize them.

The fundamental issue at stake is that tax dollars raised from all Americans should not be used to discriminate against some Americans, where the issue involves, race, sex, age or handicapping condition.

This is a matter of simple justice.

The Civil Rights Restoration Act does nothing more than restore through statutory language the reach of the civil rights statutes to the institutions which chose to benefit from Federal funds.

The act does not affect any of the definitions of what constitutes discrimination. It neither expands nor narrows any of the rights that may be asserted under antidiscrimination law.

The act does not alter or modify the meaning of "recipient", so those who are not now affected by civil rights laws—for instance, grocers accepting food stamps, farmers accepting crop subsidies or individuals receiving Social Security benefits—remain unaffected by the reach of the law, as they were before the Grove City decision.

The act preserves exactly the same language as in current law with respect to religious organizations; it neither narrows nor broadens it.

The entire purpose and, I believe, the only effect of the bill as written, will be to restore in practice the understanding that I and most Americans held before the Grove City ruling—namely that when an institution chooses to benefit from public funds, it must abide by public law, including laws which outlaw discrimination.

The repeated claims that the bill unacceptably expands civil rights law are untrue. The definitions of unfair treatment which exist in regulations, in case law and in practice are neither broadened nor narrowed by this bill.

I very much regret that the President's State of the Union message included this misleading and inaccurate claim about the Civil Rights Restoration Act, and I sincerely trust that he will not veto this very simple and straightforward legislation, when it reaches him.

We have already waited too long to correct the statutory deficiencies that the Supreme Court found in these four civil rights laws. Over the past 4 years, many cases, some reaching back more than a decade in some instances, have been abandoned, dismissed, and suspended as a result of the congressional failure to act.

These cases are not merely statistics. Each one involves a fellow American whose life has been directly affected. Students have found their study plans delayed and, in some instances, ended. Disabled persons have lost jobs and the chance for independence and personal self-respect. Women have seen career choices and opportunities foreclosed.

We should end this unfairness now. We should reinstate and reaffirm the 20-year-long struggle to vindicate the civil rights of every American.

From 1964 until the earlier years of this decade, there was a bipartisan congressional consensus that civil rights laws must be vigorously enforced. That consensus reflected the overwhelming demand of the American people, who were no longer satisfied with a status quo which treated some of them unfairly.

The effort to give life to the great ideals of our Constitution has always been a struggle against entrenched habit, accepted convention and comfortably established inequities.

That is as true today as it was in 1964. Over the past three decades, the majority of Americans has concluded that we want a society where equality of treatment is not restricted to men, or to white men, or to the physically capable, or to the young. We have concluded that this is not the American ideal.

And we know that we cannot wait passively for a just society to evolve over time. We know that to achieve justice, we must pursue justice. The pending legislation is an essential element of that effort. It must be approved.

Mr. KERRY. Mr. President, in the 1960's, this Nation made a commitment to civil rights for all of our citizens. Many Americans participated in that struggle. Some sat in at lunch counters. Some demonstrated on college campuses. Some were Freedom Riders in the South. Some were arrested and went to jail. Some even gave their lives.

As a result of those efforts, we passed a law, the Civil Rights Act of 1964, which made civil rights a reality in this country. We enshrined those struggles in the law of the land, and by that action we began a process of changing the mentality of a nation, of changing attitudes and age-old prejudices. We have come a long way in that struggle in the past 20 years.

But the Supreme Court's decision in February 1984 in the case of Grove City College versus Bell was a step backward in the continuing struggle for civil rights in this country. In that decision, the Supreme Court ruled that title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in most education programs and activities receiving Federal financial assistance, applies only to the particular program receiving Federal aid, not to the entire institution. The effect of this misguided decision has been to strip away constitutional protections against discrimination for women, minorities, the elderly, and the disabled in our society.

The time has come for the Congress to correct that injustice, and to restore the full protection of our civil rights laws to all Americans. I am pleased, therefore, to be a cosponsor of the Civil Rights Restoration Act of 1987. This legislation would reverse the Grove City decision, and restore full constitutional and civil rights protections under title VI of the 1964 Civil Rights Act, title IX of the 1972 Education Amendments, section 504 of the 1973 Rehabilitation Act, and the Age Discrimination Act of 1975. All of these laws provide vitally important protection against discrimination for our citizens.

We need to pass this legislation now, and pass it in undiluted form, without amendments. We need a clean bill that will make a clear statement to the American people that we still believe in the ideals of the civil rights movement.

Mr. President, amendments that deal with abortion, or with "religious tenets," or with AIDS, have no place on this legislation. This is a civil rights bill. This legislation exists for one purpose, and one purpose only—to reverse the Grove City decision, and to make it clear that we still care about civil rights in the U.S. Senate. And I oppose any efforts to alter or distort that message by adding amendments which do not belong on this bill.

I am disturbed by the Senate's vote in favor of the Danforth amendment. The effect of this amendment would be to penalize women who choose to have abortions, or who have already made that choice. The right to an abortion is a matter of free choice for women, not a decision made for women by the U.S. Senate.

In addition, this legislation is not the appropriate vehicle for such an amendment. This is a civil rights bill, not a referendum on abortion. However, because I believe that the good in this bill outweighs the bad, because it expands the scope of title IX protections for women, I will support the legislation as a whole.

I am pleased that a compromise has been reached with respect to provisions concerning the Arline decision and its ramifications. I would object to any effort to add an amendment to this bill which would overturn the Su-

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preme Court's decision in the Arline case. The Arline decision, handed down on March 3, 1987, by a 7-to-2 margin, protects the rights of handicapped persons. It holds that, under section 504 of the Rehabilitation Act, a person with a contagious disease like tuberculosis is considered a handicapped person.

The Supreme Court concluded that all handicapped persons, including those with contagious diseases, have a constitutional right to go to court and have a fair hearing. The Court did not state that all such persons are automatically entitled to a job. Only those persons who do not pose a health or safety risk would be so entitled. There is nothing in Arline which threatens public health or safety. The decision simply protects the constitutional rights of handicapped persons, and it should be respected by the Senate.

I am also pleased that the Senate has soundly rejected an attempt to limit the access of handicapped persons to small businesses. I am strongly opposed to any amendment which would limit the applicability of the law regarding access for the handicapped to small businesses. As chairman of the Subcommittee on Minority and Urban Small Business, I am sensitive to the needs of small businessmen. But I also feel strongly that handicapped persons must have rights equal to those of all others in our society. To close off our Nation's small businesses to handicapped citizens would be a grave disservice not only to the handicapped, but to small business as well.

President John F. Kennedy said:

> Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination.

That is what this legislation is designed to ensure. The four areas of law covered by this bill are laws which were written to assure that Federal funds would always go to prevent discrimination, not to promote it.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance. Title IX of the Education Amendments of 1972 bans sex discrimination in educational institutions and programs that benefit from Federal funds. Section 504 of the Rehabilitation Act of 1973 protects disabled persons from discrimination by all recipients of Federal funding. And the Age Discrimination Act of 1975 forbids discrimination on the basis of age by any agency or institution which receives Federal aid.

These are laws for which many people have worked and struggled. Some have even given their lives in the movement for civil rights in this country. And over the past three decades, since the Supreme Court's landmark decision in Brown versus Board of Education, this Nation has made great progress toward the goal of equal justice for all.

But that progress has been seriously threatened by the Court's regressive decision in the Grove City case. As a result of the Reagan administration's broad interpretation of the ruling in Grove City, the impact of the ruling has been extended to reach corporations, local governments, hospitals, airports, and many other facilities which receive Federal funds. Ed Meese, William Bradford Reynolds and company have extended the Grove City ruling far beyond the educational institutions to which the actual holding applied. While the Court's ruling in Grove City was damaging enough, the Reagan administration has made it much worse.

As a result of the Reagan-Meese-Reynolds interpretation of Grove City, Federal civil rights enforcement has been drastically reduced. At each step in the enforcement process, major barriers have been imposed by this administration. Audits and compliance reviews of institutions receiving Federal funds have been drastically curtailed. Investigation of civil rights complaints have been put on hold, sometimes for months or years. Compliance plans to end discrimination, even those which were already in place, have been revoked. Administrative law judges are refusing to hear cases involving discrimination in federally funded institutions, and Federal judges are throwing many private law-suits out of court which would vindicate civil rights.

This is not just a matter of abstract legalisms. It means that, if this decision is not reversed, there would be no Federal enforcement mechanism and no adequate legal recourse for many injustices. For example, as a result of the Grove City decision, an elderly couple may be denied immunization by a city clinic which decides to reserve a vaccine for the working-age population. It means that an employee with outstanding evaluations may suddenly be fired when his employer learns that he has epilepsy, or other diseases. It means that a high school girl may be put on a waiting list for a science class until all the boys who want to enroll have had a chance to do so. And it means that a public school may decide to hold separate dances for black students and white students.

Incidents like these should be only memories of a distant past in America. But unfortunately, they are all too real. They can happen even now, in 1988, in cities and towns across the United States. And sadly, they can happen with the protection and blessing of the Reagan Justice Department.

That is why we need to pass the Civil Rights Restoration Act, and pass it this year. Too many people have struggled too long, and sacrificed too much, for us to turn our back on civil rights now. Martin Luther King Jr. said, in a letter from the Birmingham jail, that "injustice anywhere is a threat to justice everywhere." Let us once again make American justice a model for all the world. Let us reaffirm our national commitment to civil rights in 1988.

Mr. CONRAD. Mr. President, I rise today in strong support of the Civil Rights Restoration Act. This legislation is urgently needed to clarify the intent of our civil rights laws. The Civil Rights Restoration Act will ensure that institutions receiving Federal funds will not be allowed to discriminate against women, minorities, the disabled or the elderly.

Since the Supreme Court decision in Grove City College versus Bell, the ability of victims of discrimination in federally funded institutions to protest discriminatory practices has been greatly diminished. For example, female students could be denied the use of school facilities for a women's basketball program, if the athletic program of the school does not directly receive Federal funds even though other school activities and education programs do. It is simply unfair to the women, minorities, elderly and disabled people that pay Federal taxes to allow Federal funds to subsidize discrimination.

I think this bill accomplishes its purpose. Under this legislation, victims of discrimination will have a means of challenging unfair practices within institutions that receive Federal aid. I strongly support this effort to strengthen enforcement of our antidiscrimination laws by clarifying the Federal Government's power to cutoff funds.

At the same time, I feel that Congress cannot enact legislation that could be interpreted as forcing federally funded institutions to support abortion against their religious or moral objections. To guard against this possibility, I supported the Danforth amendment. I believe the clarification of congressional intent on this issue is too important to be left to a later date.

The Civil Rights Restoration Act is the most important piece of civil rights legislation to come before the Senate in this decade; and I am proud to have this opportunity to voice my strong support for the rights of women, minorities, the elderly, and the disabled to participate freely in all arenas of American life. In this act, Congress assures that, at the very least, women, minorities, the elderly and the disabled are not denied the chance to participate in programs and activities which receive Federal funds.

Mr. DURENBERGER. Mr. President, this is indeed an important moment for millions of Americans. For 4 years, the four landmark civil rights statutes have operated with a judicial tourniquet, the Grove City versus Bell decision of the Supreme Court. Today we make a major step to remove that constraint, and restore our national commitment to the equality and dignity of each of our citizens.

As an original cosponsor of this legislation in the 98th, 99th and 100th Congresses, I can say that this has been a long time coming. I salute the perseverance of my colleagues on the Labor Committee, Mr. Kennedy and Mr. Weicker, Mr. Packwood, and many others, who fought this fight to the finish.

I am hopeful that the Senate action on this bill, while controversial to many, will speed this bill through the House of Representatives and to the President's desk. It is a bill that deserves to be signed into law, as the strong vote on final passage indicates.

"Simple justice," President Kennedy said, "requires that public funds * * * not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination." It has not been simple, but justice has been done today.

Mr. MOYNIHAN. Mr. President, I rise in support of S. 557, the Civil Rights Restoration Act. I am pleased to be an original sponsor of this much needed and long overdue legislation. This is the third Congress in which this vital measure has been introduced. Certainly, this is a bill whose time has come.

The operative word in this Act is restoration. Unfortunately, we are fighting to restore lost ground, rather than pursuing new legislative initiatives. Our purpose is to restore the protection of the rights of individuals which existed prior to the Court's 1984 decision in Grove City versus Bell. At this time, the intent is not to expand but only to restore. It is my hope that subsequent interpretations of this act will honor that purpose.

In Grove City, the Court held that the prohibition on sex discrimination under title IX of the Education Amendments Act of 1972 applied only to the particular education program or activity receiving Federal funds, rather than to the entire institution. While Grove City on its face only dealt with title IX of the education amendments which bars sex discrimination in education programs, the case had a far broader impact—diminishing the protections against discrimination provided by the Civil Rights Act of 1965, the Education Amendments of 1972, the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

To fully understand the impact of this, we must turn to history—the history of the struggle for equal rights under the law. To do so, one must look to the period immediately after the Civil War, when the 13th, 14th, and 15th amendments to the Constitution were enacted. The 13th amendment outlawed slavery in 1865, the 14th, enacted in 1868, sought to guarantee blacks full citizenship in this country, and the 15th, enacted in 1870, sought to guarantee that the right to vote would not be denied under any circumstances. But history shows that it took another century before the 14th and 15th amendments could be said to have truly guaranteed those rights to blacks.

The first obstacles were of course, the infamous "Jim Crow" laws. Although it is difficult to pinpoint the first of these State laws forbidding blacks and whites from using the same public facilities—trains, schools and particularly interracial marriage—from 1870 to 1885, most, if not all, of the rights the 14th and 15th amendments sought to protect were denied for blacks—completely and seemingly irrevocably.

In 1896, the crushing blow was dealt to equal rights at the Federal level: the Supreme Court formally upheld "Jim Crow" laws in its decision, Plessy versus Ferguson. This decision held that "separate but equal" did not violate the fundamental guarantees of the Constitution. But in fact, both "Jim Crow" and Plessy versus Ferguson did violate the Constitution, as the Supreme Court ruled 58 years later, 58 years too late.

The Brown decision, which effectively reversed the Plessy decision, marked the beginning of both judicial and legislative action to guarantee the protection of civil rights. In 1963, President Kennedy sent the Civil Rights Act to Congress and in doing so said:

> Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, state or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious * * *.

Title VI of the Civil Rights Act attacked this indirect discrimination by prohibiting discrimination based on race, color or national origin in a "program or activity" that receives Federal aid. The Education Amendments of 1972 prohibited sex discrimination in educational programs or activities receiving Federal aid, the Rehabilitation Act of 1973 did the same for handicapped individuals and the Age Discrimination Act of 1975 did the same for the elderly.

During debate of these measures, a number of Members of Congress stated their belief that protection from discrimination should indeed be comprehensive. In the words of former Senator Birch Bayh, "Nothing else would have made any sense if our goal was meaningful coverage and effective enforcement."

Clearly, we have a record of congressional intent. The question is what recourse belongs to Congress and, indeed, many citizens of this Nation in the face of a Supreme Court decision which contradicts the intent of Congress and to which many of us would not choose to consent. In a speech at Tulane University in October of last year, Attorney General Meese addressed this very dilemma. He quoted President Abraham Lincoln on the impact of the Dred Scott decision:

> We nevertheless do oppose [Dred Scott] . . . as a political rule which shall be binding on the voter, to vote for nobody who thinks it wrong, which shall be binding on the members of Congress or the President to favor no measure that does not actually concur with the principles of that decision.

Attorney General Meese went on to say that "the constitutional interpretation is not the business of the Court only, but also, and properly, the business of all branches of Government.

Agreed. Yet, this power can be abused. Reacting to the Supreme Court decision in Engel versus Vitale which forbade school prayer, the Senate tried two times in 1979 to deny the Supreme Court appellate jurisdiction in such cases. Although they did not ultimately succeed, this was clearly an abuse of legislative power in the face of the prohibition of State encouraged "establishment of religion" written in the Constitution. Still, the legislature is surely within its constitutional bounds to try to remedy a decision rendered by the Court to which it does not consent. The legislation we consider today does exactly that.

But is there evidence that Grove City has indeed diminished the enforcement of civil rights? Yes; for example, the Department of Education reports that enforcement actions brought by its Office for Civil Rights have decreased considerably. As of September 1986, 674 complaints filed with the Department of Education have been closed or scaled back because of this decision. Another 88 compliance reviews have been dropped and another 72 have been narrowed. Similar findings have been reported in all of the offices responsible for enforcement of our civil rights statutes. In addition, many court cases have been dismissed for lack of jurisdiction when Federal funds cannot be traced to the specific program where the alleged discrimination occurred. The deterrent effect on potential complainants cannot be measured, but undoubtedly grows as more time passes without rectifying this shameful state of affairs.

Mr. President, I have no doubt that the Congress in crafting these civil rights laws intended an expansive interpretation. We need only look to the words of former Senator Hubert Humphrey during debates on the 1964 Civil Rights Act, the model of subsequent antidiscrimination laws, that "the pur-

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pose of title VI is to make sure the funds of the United States are not used to support racial discrimination." Unless Grove City is not overturned, that goal will not be realized.

The Civil Rights Restoration Act is simple and straightforward. The act would amend each of the four civil rights laws by defining the phrase "program or activity" to mean that discrimination is prohibited throughout entire agencies or institutions if any part therein receives Federal assistance.

Mr. President, too much critical time has already been wasted. Over the past 4 years, our civil rights laws have been eroded. We have before us the opportunity to reverse this trend and return to full enforcement of our civil rights laws to protect the rights of all citizens. It is imperative that we act now. I urge my colleagues to vote for this crucial legislation.

Mr. HOLLINGS. Mr. President, I have been a cosponsor of legislation to overturn the Grove City decision since it was handed down by the Supreme Court because I am opposed to any discrimination, and federally subsidized discrimination is the worst situation because it makes us all a party to this travesty. In the 1984 case of Grove City College versus Bell, the Supreme Court said that Congress intended to allow an educational institution to discriminate on the basis of sex in any program which did not receive Federal aid directly. For example, if the English department at a university received Federal funds, it could not discriminate on the basis of sex. The business school, however, assuming it did not receive direct Federal funding, could refuse to allow women to participate in any of their programs. As a Member of the Congress that passed title IX of the Education Amendments of 1972, let me assure you that Congress intended nothing of the sort; what was intended was that artificial barriers like sex discrimination be removed so that men and women would have the chance to go as far as their ability and drive could carry them.

Mr. President, a lot has been said about the evil that this bill seeks to eradicate, and by and large, the Senate is in agreement about what needs to be done to eliminate federally subsidized discrimination. Unfortunately, a lot of falsehoods have also been spread about this bill. Let me set the record straight. This bill merely returns the law to what it was before the Grove City decision was handed down. There are no provisions which will allow the Federal big brother in the backdoor where Federal funds are not accepted.

I support this legislation because I believe that everyone should have a fair shot, and this bill ensures that where the Federal Government is involved, they will get that fair shot.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I will be happy to yield in 1 minute, but I need to make some final remarks before the vote.

Mr. BYRD. If the Senator will yield and if the Senator from Nebraska will allow me, all Senators need to know what time the vote will occur. Can we set a time?

Mr. HATCH. I think we can set it right at 6, if you would like. I will try to finish before then.

Mr. BYRD. I ask unanimous consent that a vote on final passage occur at 6 o'clock p.m. today and that paragraph IV of the Standing Rules be waived.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. I thank all Senators.

The PRESIDING OFFICER. The Senator from Utah retains the floor. Does the Senator from Utah yield the floor?

Mr. HATCH. I yield for a minute to the Senator from Nebraska.

Mr. EXON. Mr. President, the State motto of Nebraska is "Equality Before the Law." That principle is deeply engrained in the aspirations of that great State and our great Nation.

I have been a consistent supporter of the Civil Rights Restoration Act because it embodies the spirit of the words of my State's motto. The principle of this legislation is simple. Institutions which chose to accept Federal funds also accept the responsibility of not discriminating against individuals on the basis of sex, race, age, religion, or creed.

Congress passed the Education Amendments Act of 1972 to prohibit educational institutions receiving Federal funds from employing sex-based discriminatory practices. Since its enactment, Democratic and Republican administrations, conservatives and liberals alike interpreted this law and three other civil rights laws with similar language to apply broadly to entire institutions receiving Federal funds.

In 1984, the Supreme Court narrowly interpreted title IX in the Grove City College case. The Court ruled that an institution, receiving Federal support in the form of student aid, need only meet title IX's antidiscrimination requirements in its student aid office. Under this restrictive ruling, institutions receiving Federal funds are now free to discriminate in other programs not specifically receiving Federal aid.

This unfortunate decision overturns many years of practice and jeopardizes the effectiveness of other civil rights statutes. The Civil Rights Act of 1964, barring racial, religious, and ethnic discrimination; the Age Discrimination Act of 1972; and the Rehabilitation Act of 1974, which prohibits discrimination against the handicapped, all have language similar to that interpreted by the Supreme Court in the Grove City College case.

I am of the firm belief that Federal funds should not be used to encourage, facilitate or promote discrimination.

If enacted, this legislation is intended to only restore the status of the law prior to the Grove City College case. The legislation is not intended to expand the application of Federal law into new areas.

This is a narrowly drafted bill with careful consideration given to accommodate the special needs of religious institutions. In this regard, title IX and the Civil Rights Restoration Act contains a time tested system of waivers. To date, no religious institution which has applied for a waiver has been denied a waiver. Over 140 institutions have been granted religious waivers under title IX.

Early drafts of the Civil Rights Restoration Act did merit criticism for instances of imprecise language, but the bill before the Senate today is tightly drawn and has adequately addressed the concerns of farmers and small businesses.

I realize special interest groups have kicked up a lot of dust with regard to this legislation. As in the past many fundraising letters have gone out with alarmist language. Given the fact that the Reagan administration applauded the Grove City case, it is no surprise that some zealots in the Department of Justice have participated in this organized cry of wolf. It is unfortunate that some in this body will panic and succumb to those cries.

Those of us who have been in the public life long enough recognize many of the organized opponents of the Civil Rights Restoration Act as the same groups who have opposed civil rights and equal opportunity for decades.

The United States is a land of opportunity. Our Federal Government should not condone, facilitate, or encourage discrimination. If an institution should choose to engage in discrimination, it should not receive the financial assistance of the Federal Government.

Our Nation is a better place since we have broken down the barriers of discrimination. The Civil Rights Restoration Act returns the law to its status prior to the Grove City court decision. Once again, I want to emphasize that

the record is replete with assurances that this legislation will not expand into new areas of regulation.

As a cosponsor of the Danforth amendment to clarify concerns about abortion, I am pleased that the Senate did add language to address concerns about abortion. This is a positive step. I am hopeful that the final version of this legislation will include language acceptable to all sides of this controversial and emotional issue.

Mr. President, I have supported the reversal of the Grove City decision for a number of years and am pleased to join with my colleagues to support this much needed legislation.

Thank you, Mr. President.

Mr. HATCH. Mr. President, I think the debate over the last few days has helped make clear the serious problems involved in S. 557. I think we have established quite clearly that S. 557 is not a simple piece of legislation that restores the law to what it was the day before the Supreme Court issued its decision in the Grove City case.

We have established already that the law the day before the Grove City decision was far from settled. There was a split in the circuits and when the Supreme Court decided that title IX should be applied on a program specific basis, it was siding with the majority, that's right, the majority of the lower court decisions.

So, does S. 557 return the law to what it was? Of course not. S. 557 changes the law to the interpretation the proponents seek, the very interpretation rejected by the Supreme Court in the Grove City decision.

S. 557 authorizes a dramatic, radical increase in the jurisdiction of the Federal Government.

Moreover, it trammels the first amendment's guarantee of freedom of religion by forcing churches and synagogues to bow under the heavy hand of Federal regulations just because they run a social service program in their basement which receives but $1 of Federal money. It tells religious schools and universities that if one of their religious beliefs runs afoul of a single Federal regulation, then the religious belief must always be compromised.

The proponents have never made clear why we must assault religious beliefs in order to have an effective civil rights policy.

We do not have to. The Senate has chosen to address one of the key problems with this legislation, the abortion issue, by adopting the Danforth amendment. This is an excellent first step, but I regret it is not enough.

I hoped we would be able to vote out of the Senate a Grove City bill I could support. We got part of the way there, but we failed to address the problems posed for religious institutions by S. 557. Without language that will guarantee religious liberty, I cannot support S. 557.

If my concerns with this bill were of a different nature, perhaps the problems could have been worked out. But one can't chip away constitutional rights, constitutional protections. Once the Federal Government is allowed to regulate churches, once it is allowed to dominate synagogues, once Federal bureaucrats can control religious schools and universities, we no longer have freedom of religion. Consequently, I cannot support S. 557, a position I regret.

For the record, S. 557 is a different bill than its predecessors. The proponents did change the language to address one or two glaring mistakes, but they still have failed to resolve the critical issue for me—why can't we protect all civil rights, including religious rights. We must not be forced to choose between the two.

Mr. President, I think this is important before we finally vote. This should only take a minute or so more. I would announce to all Senators I think I would be finished in just a minute or two.

I should read a letter from the President with regard to this bill.

> Dear Orrin: I greatly appreciate your efforts on behalf of the Administration's legislation to overturn the Grove City College decision. This legislation that you are offering as an alternative to S. 557, the so-called "Civil Rights Restoration Act of 1987," accomplishes the stated intention of proponents of S. 557. At the same time, it avoids the vastly overreaching scope of S. 557.
>
> As you know, our proposal would provide institution-wide coverage for educational institutions receiving Federal aid, under all four cross-cutting civil rights statutes at issue as a result of the Grove City College decision. In all other areas this measure retains the scope of coverage as it existed without regard to the Supreme Court's decisions in the Grove City College and North Haven Board of Education v. Bell cases. Moreover, our proposal assures that Title IX is abortion-neutral and adequately protects the religious tenets of institutions under Title IX.
>
> A measure such as S. 557 is unacceptable to me. It dramatically expands the scope of Federal jurisdiction over state and local governments and the private sector, from churches and synagogues to farmers, grocery stores, and businesses of all sizes. Additionally, S. 557 inadequately protects religious tenets under Title IX and, even as amended by the Weicker Amendment, compels covered institutions, such as hospitals, to pay for or perform abortions as a condition of the receipt of Federal aid.
>
> We can address legitimate concerns about the Grove City College decision with the simple override of that decision as reflected in the measure you have introduced in the Senate.
>
> Sincerely,
>
> Ronald Reagan.

Mr. President, I have to admit that my amendment was defeated and I have been informed in chatting with the White House that when he says in his letter, "measures such as S. 557 are unacceptable to me," that that means that this measure, as it presently exists, even with the Danforth amendment on it, will be vetoed if it comes finally through both Houses of Congress. I think everybody should understand that. I hope our colleagues will vote against this bill because of the overreaching nature of this bill.

Mr. HATCH. Mr. President, I am prepared to vote.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, there will be no session tomorrow. The Senate will have concluded its work on this bill. I want to compliment all of those who were responsible for the good work that has been done; those who managed the bill, Mr. Kennedy and Mr. Hatch; those who had amendments, Mr. Harkin, Mr. Humphrey, Mr. Metzenbaum, and others.

There will be no votes, of course, after this vote today, but there will be votes on Monday.

I do not know when the votes will occur on the conventions. Mr. Hatch is managing the conventions on his side of the aisle. Mr. Moynihan is handling the conventions on this side of the aisle. So I will see in a little while what time the managers can dispose of the handling of those conventions.

Senators should not feel that there will not necessarily be votes prior to the votes on the convention. I just want to make clear on the Record that we are coming in at 10 o'clock on Monday and, as we have already agreed, there will be 5 full days of work for 3 weeks and then 1 week to work back in our States and in committees or in our offices.

So Senators should expect votes at any time beginning with the time the Senate comes in at 10 o'clock on Monday.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will just take a few moments.

Mr. President, today the Senate approves a major civil rights bill which restores protections from discrimination to millions of men and women, older Americans and disabled Americans. The Civil Rights Restoration Act closes a major loophole in our civil rights laws.

The bill eliminates the extremely costly and burdensome requirement that funds be traced to a particular discriminatory program before a claim of discrimination can be made, and reaffirms the broad coverage of our civil rights laws which existed prior to the Grove City decision.

Mr. President, the acceptance of the Danforth amendment was unfortunate. I urge my colleagues in the House of Representatives to return

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this bill to one that simply affects the scope of coverage of our civil rights laws and does not make substantive amendments to any of those laws.

I commend Senator **Weicker**, the principal Republican cosponsor, for his tireless efforts to bring this bill to completion.

I commend Senator **Hatch** for his efforts.

Mr. President, I wish to express my appreciation to the members of my staff and the staff of the other Senators. Though I will mention their names after we complete the vote, it does not lessen my appreciation to them for the outstanding work they have done.

Mr. HATCH. Mr. President, I would like to compliment the distinguished Senator from Massachusetts for his leadership on the floor, along with the Senator from Connecticut and others, Senators **Domenici** and **Thurmond**.

I thank the distinguished majority leader for his cooperation and that of the distinguished Republican leader. Above all, I would like to thank everybody on this side. It has been a hard-fought issue. There are two sides to it. I think everybody has acted with a good deal of fairness throughout the process. In particular I thank Senator **Danforth** for his leadership on the Danforth amendment.

With that, Mr. President, we will add anything further that we have for the record.

Mr. KENNEDY. Mr. President, as I understand, the last amendment was a Harkin-Humphrey amendment. Am I correct?

The PRESIDING OFFICER. Yes.

Mr. EXON. Mr. President, could I inquire of the leader? There was to be a colloquy between Senator **Kennedy** and my colleague from Nebraska with regard to farmers' exemptions. Was that included?

Mr. KENNEDY. That has been completed.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on final passage may occur beginning now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. **Gore**], the Senator from Hawaii [Mr. **Inouye**], and the Senator from Illinois [Mr. **Simon**] are necessarily absent.

I further announce that the Senator from Kentucky [Mr. **Ford**] is absent on official business.

I also announce that the Senator from Delaware [Mr. **Biden**] is absent because of illness.

I further announce that, if present and voting, the Senator from Delaware [Mr. **Biden**], the Senator from Florida [Mr. **Chiles**], and the Senator from Tennessee [Mr. **Gore**] would each vote "yea."

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. **Dole**], the Senator from Idaho [Mr. **McClure**], and the Senator from New Hampshire [Mr. **Rudman**] are necessarily absent.

I also announce that the Senator from Alaska [Mr. **Murkowski**] and the Senator from Wyoming [Mr. **Wallop**] are absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. **Murkowski**] would vote "yea."

On this vote, the Senator from New Hampshire [Mr. **Rudman**] is paired with the Senator from Wyoming [Mr. **Wallop**].

If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Wyoming would vote "nay."

The PRESIDING OFFICER (Mr. **Daschle**). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 14, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—75

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Fowler
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Hollings
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Trible
Warner
Weicker
Wilson
Wirth

NAYS—14

Armstrong
Garn
Gramm
Hatch
Hecht
Helms
Humphrey
Karnes
Lugar
McConnell
Nickles
Quayle
Symms
Thurmond

NOT VOTING—11

Biden
Chiles
Dole
Ford
Gore
Inouye
McClure
Murkowski
Rudman
Simon
Wallop

So the bill (S. 557), as amended, was passed, as follows:

S. 557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Civil Rights Restoration Act of 1987".

FINDINGS OF CONGRESS

Sec. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

Sec. 3. (a) Title IX of the Education Amendments of 1972 is amended by adding at the end the following new sections:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"**Sec.** 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

(b) Notwithstanding any provision of this Act or any amendment adopted thereto:

"NEUTRALITY WITH RESPECT TO ABORTION

"**Sec.** 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.".

REHABILITATION ACT AMENDMENT

Sec. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "**Sec.** 504."; and

(2) by adding at the end the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

Sec. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

Sec. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"**Sec.** 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

Sec. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

ABORTION NEUTRALITY

Sec. 18. No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal Funds to perform or pay for an abortion.

CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

Sec. 9. (a) Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after subparagraph (B) the following:

"(C) For the purpose of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.".

Mr. KENNEDY. I move to reconsider the vote by which the bill was passed.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Could we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. Will Senators please retire to the Cloakrooms with their conversations? The Senate will be in order.

The Senator from Massachusetts.

COMMENDATIONS

Mr. KENNEDY. Mr. President, I want to just take a moment, but it is a moment important to me and I would think to the Senate and to all of those who have been working on this issue for a very considerable period of time, actually since April 1984.

I thank the majority leader, Senator **Byrd**, for his leadership on this critical issue, and for his willingness to schedule this legislation as the first order of business of this session. This legislation has been long overdue. The leader is very familiar with the complexities and the challenges that the issue presented, and I want to express my own personal appreciation, and I know I speak for the 58 cosponsors of this legislation in thanking him for his support. I thank the Republican leadership as well for their willingness to work with our leader in scheduling this measure. We know it takes the cooperation of both leaders. But I want to thank especially Senator **Byrd** and Senator **Cranston**, and Senator **Inouye**, all of our leadership who have been a part of this effort.

I also again want to thank Senator **Weicker** for his tireless efforts on this bill. We spent not only hours in the markup in committee, but we went through long evenings in the consideration of this bill, well into the night and I believe the early morning, before completing our final markup in the Labor and Human Resources Committee. And I want to thank the other Senators who worked on this measure,

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Senator Mikulski who worked closely with us to clarify the important issues of coverage of religious institutions, Senator Metzenbaum, who is so important and involved in the floor debate but also was critical to our success in the committee; Senator Harkin, who has provided strong leadership in dealing with section 504 and disability discrimination; Senator Simon himself was active in the committee, and made the long trip back from Texas to be here at the critical times in the consideration of this measure.

On our other side, Senator Stafford's involvement in the whole range of education issues is well known to the Members of this body. He is really unsurpassed in terms of his knowledge and understanding of the implications of this measure as it applies to education, and he and Senator Pell have worked closely with us. Senator Stafford has been active in the floor debate. Senator Matsunaga was on the floor and active in our committee considerations, as were Senator Adams and Senator Dodd.

All of their staffs were very much involved in our markups. These measures have been complicated. Words make very profound differences as we saw in the Supreme Court's decision on this measure.

So it really required extraordinary craftsmanship and all of the Members, both the majority as well as the minority, were very much involved.

We have worked many months in the Human Resources Committee on S. 557 and the Senate has spent 3 days on its passage. But our real concern goes out to the women, the minorities, the handicapped, the elderly, who have waited 4 long years for the Senate to speak on this issue.

I want to thank particularly the members of my staff, Carolyn Osolinik, who has been working on this issue for some 4 years. Those of us who go back over the Senate consideration remember not only the debates but the many hours off the floor that we spent with Brad Reynolds and other members of the Justice Department when we were attempting to find some common ground. We were unable to do so a few years ago. But her efforts have been invaluable.

Michael Epstein, Michael Iskowitz, Mona Sarfaty have been invaluable to us. The general counsel and committee staff director, Tom Rollins, was of great assistance and help all through the consideration and all through the debate.

I want to express my appreciation also to the staff members of our colleagues. I know they would want me to remember them. Terry Muilenberg, who has worked for Senator Weicker; Al Cacozza, and Linda Greene and Eddie Correia, for Senator Metzenbaum; Bob Silverstein and Kay Casstevens for Senator Harkin, Diane Thompson for Senator Mikulski, William Blakey for Senator Simon, Ellen Nolan for Senator Stafford, Kathy Shine and Diane Pollack for Senator Packwood, Suzanne Matinez for Senator Cranston.

I also pay tribute to Senator Packwood for all his efforts. We worked closely together on the previous Civil Rights Restoration Act. He was the prime cosponsor at that time and spent a great deal of time on this bill as well as in floor debate.

There are far too many groups and individuals in the Leadership Conference on Civil Rights and other organizations who worked on this bill to thank them individually. But I thank them all for their hours and years of work to reverse Grove City and reaffirm our commitment to civil rights.

This vote of 75 to 14 is for all of them and for all the others whose lives will be improved as a result of this action.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill, Mr. Kennedy, for his kind remarks concerning myself and concerning the leadership on the Republican side of the aisle. I have already expressed my appreciation for the good work that has been done by Mr. Kennedy, Mr. Hatch, and other Senators.

I want to express appreciation to the Republican leadership for the cooperation that was given in allowing this measure to be called up and for the cooperation that was given not only by the Republican leadership but also by Mr. Helms, Mr. Hatch, Mr. Gramm, and others on the other side of the aisle. There were others who had several amendments, and most of those amendments were not called up.

I express appreciation to the minority, because it meant a great deal in our being able to complete action on this measure today.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business, that Senators may speak therein for not to exceed 5 minutes each, and that the period for morning business not extend beyond 20 minutes.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, I do not lose the floor by virtue of making the unanimous consent request.

The PRESIDING OFFICER. The Senator is correct.

Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I will not impose on the time over the Senators. I know that other Senators wish to speak.

THE NARCO-TRAFFICKERS WAR ON SOCIETY

Mr. DeCONCINI. Mr. President, as a former prosecutor in the mid-1970's in Arizona, I had first-hand experience with the violent and ruthless drug interdiction cases and trying to prosecute them and threats on the lives of deputies as well as my own.

Today, it brings me great sorrow to report the cold-blooded murder of another prosecutor, that being the prosecutor in Colombia.

It is really a sad day when a government is shaken as that government is by the drug lords who have declared war on the civilian government and people.

I am hopeful that governments around the world will take notice of Monday's murder of Colombian Attorney General Carlos Mauro Hoyos, and will better understand the growing power and brutality of illegal drug traffickers. The bullet ridden body of Attorney General Hoyos Jimenez was found in the city of Medellin hours after his car was ambushed by half a dozen armed men who kidnaped Hoyos after murdering two of his body guards.

There is a brutal attempt to intimidate a government and law enforcement, and I think it is very sad that this has happened. I hope that the people of Colombia will take heed that we recognize the severity of the problem they face, that fair government officials will not relent and that we as a nation here will stand with such leadership that wants to take on these types of people.

The attorney general was in Medellin to investigate several government officials and judges who were involved in the release from prison last month of one of the largest drug traffickers in the world, Jorge Luis Ochoa Vasquez. The United States was seeking extradition of Ochoa for drug-related charges when he reportedly bribed his way out of prison. I have been told narco-traffickers paid about $3.5 million to get Ochoa out of prison, and were ready to spend as much as $20 million. After Ochoa's release, the Colombians announced that arrest warrants had been issued for five major traffickers, including Ochoa, and the head of the Medellin cocaine cartel, Pablo Escobar. On Sunday, however, the traffickers declared total war on Colombian officials who would attempt to extradite them to the United States. The individual who gave authorities the location of Attorney General Hoyos' body ended the call by saying "the war continues."

The citizens of Colombia can tell you firsthand about the war. The country has witnessed the murder of thousands of courageous public officials, law enforcement officers, and journalists who attempted to stand up

to the drug trafficers. It is reported that the Medellin cocaine cartel controls approximately 75 percent of the U.S. market—earning as much as a $6 billion a year. The enormous profits and resources accumulated from illegal drugs have made the drug trafficers in Colombia the largest capitalists and landowners. The former President of Colombia, Belisaro Betancur, has said, "We are before an organization stronger than the state."

Mr. President, the United States cannot ignore the traffickers' message of war. Last year after Colombia extradited drug kingpin Carlos Lehder to the United States, the Washington Post reported that intelligence intercepts in the possession of United States officials said that Colombian traffickers had made plans to dispatch two teams of assassins to murder United States officials.

Our good neighbor to the south—Mexico—which is now the No. 1 source of marijuana and heroin coming into the United States must also take notice. I have been told by law enforcement officers working on the southwest border that it is now common to intercept individuals smuggling drugs across the border that are armed with semiautomatic and automatic weapons. According to a September 1987 story in Tucson magazine, drug-related violence near our own southwest border is escalating at an astounding rate. That story cited a local newspaper in the border city of Nogales, Sonora, which has reported that 140 killings took place during the first 8 months of last year. Another reporter listed 29 murders for the month of May alone. If the Mexican Government does not get control of the drug production and transshippment organizations, the problems of Colombia could be their own.

I commend the Colombian Government officials, military personnel, police officers, and private citizens who are attempting to wage a war on drugs. They have suffered greatly, but if they give up the fight the traffickers and terrorists will not hesitate to take total control.

The drug traffickers are doing their best to increase the availability of drugs and so far have been very successful. I urge President Reagan to reaffirm his commitment to fighting drugs when he produces his fiscal year 1989 budget—and not abandon the fight as he did in the 1988 budget.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank the Chair and I thank my friend from that great State where he served with such great distinction as the attorney general. I listened with great interest to the comments that he has made and I wish to associate myself with those remarks.

It is a sad time indeed for the world when these things continue to happen.

RESPONSE OF SENATOR BYRD AND SPEAKER WRIGHT TO THE PRESIDENT'S STATE OF THE UNION

Mr. ROCKEFELLER. Mr. President, on last Monday evening, January 25, 1988, the President of the United States delivered to the Congress a message on the State of the Union. By tradition, the party not occupying the White House is afforded the priviledge to respond to the President's address.

It was with great pride that I watched, as did other West Virginians, the Democratic view of the State of the Union. Along with the Speaker of the House of Representatives, Jim Wright, my distinguished and able senior colleague, the majority leader of the U.S. Senate, Senator Robert C. Byrd, stated their view of the State of the Union to America.

Mr. President, I commend the leader, and Speaker Wright, for their fine remarks to the people of this country.

I ask unanimous consent that Senator Byrd's and Speaker Wright's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Senate Majority Leader Robert C. Byrd—Democratic View of the State of the Union

The state of the union has changed dramatically since my boyhood in the coal fields of West Virigina. I grew up in the Depression years—and came to Washington as Harry Truman was leaving office. I've seen America in distress. And I've seen us at our best—innovative, forceful, generous.

I've learned a thing or two about the greatness of America and what holds us together. I've learned how quickly adversity strikes—the stock market crash of '29, Pearl Harbor, the death of John Kennedy—and how our country struggled back each time to renewed vision and strength.

I've also learned that predictions of the future more often bear the glitter of hope than the tarnish of reality.

Tonight House Speaker Jim Wright and I will take a look at the state of the union from a different perspective. We will explore what government has done—and what it must do in the future. Our assessment of America will be tougher than the President's. But it's anchored to the same faith in our people—and the same hopes for the future.

I'm a Democrat whose politics were shaped in an era of hard times—from the small world of coal mines and company stores.

Back then my foster father earned two dollars a day as a miner. Our life was as spare as it was close-knit. As a small community we hung together—and endured. We had our disappointments and our sorrows.

There was no such thing as unemployment compensation, or social security. Our horizons were limited—and our choices few. I graduated as valedictorian of my high school and was lucky to get a job pumping gas at $50 a month.

But out of that grim time came a President and a government that lifted the spirit of America. Never before—or since—has this nation been galvanized by such force.

We came out of World War II with a new confidence—and a new promise. For the first time my people—working people—had some security against deep poverty. We had better working conditions in the mines. The elderly didn't have to turn to their children to take them in.

Looking back, we did the obvious. We rose to the crises of our time. Yet, for me, the images remain—and with them the truth that government is best measured by how well it responds to the peoples' needs.

Since then I have watched this nation—and its government—seek its way through a changing maze of economic and political circumstances—from Medicare to the Great Society. The anguish that was Vietnam. The arrogance that was Watergate. The promise that was Camp David.

Then dawned the Reagan years—and the profound experiment. If the Roosevelt and Truman presidencies were born of necessity, the presidency of Ronald Reagan was born of ideology—and a technicolor view of America and our people.

It opened with the promise to get government off our backs. It offered the mystical formula of "supply side" economics which claimed that a huge buildup of military spending and enormous tax cuts for corporations and the rich would lead to a balanced budget in three years. It was an Administration that sought to make us feel good with images of "morning in America."

It was a time when the President and his presidency became separated in our minds.

As a man, Ronald Reagan has withstood physical pain with grace. He has carried the nation's grief at times of loss. He has always been at ease with his beliefs. A man who can touch the nation's humor—and make us feel better than we sometimes should.

As President, his greatest victory has come at the negotiating table. The arms reduction treaty, though limited is a milestone on the road to a safer world.

But his political victories have not always been national triumphs.

The dark side of the Reagan years has only begun to loom. Instead of a balanced budget, he has presided over a doubling of the national debt in seven years. Our record budget and trade deficits—once just abstract numbers—have now forced the government to default on its most fundamental promises—like education and health. We have surrendered economic leadership in markets around the world.

Our nation has been sharply divided on the question of Central America. The secret arms-for-hostages deals stand in direct contradiction to our given word not to deal with terrorists. The cases of cronyism and abuses of power for personal gain continue to mount in Washington's courtrooms.

We've come to the end of an era. The "feel good" slogans have gone flat with time. We've learned that bravado is not leadership—that ideology is no substitute for common sense.

The time has finally come for us all to face the hard truths that once gave us our self-reliance and world leadership. Hard work—on the job and in the classroom. Pay as you go—no free lunches, no running away from the bills due. Helping those in need—but not those with greed.

It was right here on the Senate Floor that Congress worked with Franklin Roosevelt to help end the Depression—and to win a war.

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It was right here that Harry Truman's request for the Marshall Plan was answered—where John Kennedy's space program became a reality—and Lyndon Johnson led the campaign for equal rights.

It is right here that government has had some of its finest moments. This is where we've faced crisis head on—where the institution rose with the nation—together.

We've done it before. And now we've got to do it again.

We've got to educate our children better than we do. We must have a system that not only launches the most gifted—but lifts the horizon for the least well off. More than the number of missiles and tanks, the number of well-educated children is a truer measure of our national strength—and our potential. Every moment we wait is a fraction of our future lost.

We've got to pay as we go. We can't go on borrowing—especially from foreigners. They're after short term gain for themselves—not a long term investment in America. We've got to depend on ourselves to work out a sensible balance between spending and income. The President has to work with Congress—not wait until three weeks after the fiscal year deadline and a stock market crash to sit down with us. The recent budget summit should have been called seven years ago. We've long understood that line-item vetos and balanced budget amendments are no substitute for national will. To palm off our debts to the next generation must not be an option for our own.

We've got to make America free from fear—the fear of a lifetime of savings wiped out by illness—or the dread of foreclosure on a mortgage—or the shame of having an able child cut off from college. Too many of our people are still slipping through the safety net—unknown and unprotected. We must reduce the incidence of killer diseases—like AIDS and cancer—by multiplying the nation's research. And we ought to demand safe passage—on our streets and in the air.

And we've got to sharpen our competitive edge. It's a shock to be told that America is no longer number one around the world—that our products are increasingly outsold—that our manufacturing jobs are shipped overseas. Regaining our leadership rank among nations presents our people with an enormous challenge. And government has a big role—not to subsidize industry, but to give American producers and exporters the best advantge we can. To improve our highways and our ports. To encourage productive investment.

The face of my hometown in West Virginia has changed a great deal since the Depression. The little house where I was raise is gone. A lot of the mines are closed. But we still hold to the old values born to this country long ago.

And we still remember well when government acted to give us the leadership and the hope and the tools to rebuild. We still marvel at what we've achieved when government has been both America's sail and her keel. When we have driven ahead—but stayed clear of the shoals. When we've been guided by common sense and simple trust and vision.

We've done it before. And now we've got to do it again.

As Speaker Jim Wright will explain, we've already made a strong start.

Remarks of Speaker Jim Wright on the State of the Union, January 25, 1988

We have indeed made a strong start, and I'll tell you a bit about it.

But first I want to say congratulations to President Reagan for having successfully negotiated the INF treaty with the Soviet Union. We pledge him our support in that endeavor.

Six months ago, President Reagan and I joined together in calling for a new peace plan for Central America. A few days later, the five Central American Presidents agreed to move that peace process forward. They are still actively pursuing it. Mr. President, so long as there is any measurable progress toward solving that conflict at the table, I think you and I should give peace a chance.

In national security and the pursuit of peace, there ought not to be Democrats and Republicans—just Americans.

Congress has supported those goals. We provided some $300 billion last year for our military defenses.

But we know that no democracy can be a first rate military power if it becomes a second rate economic power.

As important as our commitments abroad may be, our first obligation is to the American people—and to their future.

Today is the day America looks at itself in the mirror and asks how we are doing.

Consider the State of our Union with me as we reflect upon five major steps the 100th Congress is taking to build America's future.

House bill number 1, our first legislative act, was the clean water bill, to protect the one precious resource upon which all human life depends. Because nearly one out of every five public water systems are now contaminated by toxic wastes, we cannot delay the clean-up no longer.

Yet President Reagan vetoed this bill. He insisted that we cut back sharply on America's commitment to clean water and a safe environment. Fortunately, Congress overrode that veto.

House bill number 2 was the highway bill, to improve and upgrade the network of highways and bridges on which Americans depend.

Twenty percent of the bridges in this country are unsafe—thousands of them built more than 100 years ago.

President Reagan vetoed this highway bill also. He mistakenly called it a "budget buster." That was absolutely incorrect. This bill doesn't add a penny to the national debt. We pay for these highways with our gasoline taxes that make up the Highway Trust Fund, where billions of dollars lie idle. And so we overrode that veto as well.

House bill number 3 is the trade and jobs bill.

Mr. Reagan said a few days ago in Cleveland not to worry about the trade deficit—that it was a sign of strength. But just ask the local people who worked at Dalton Industries or at the General Motors Plant near Cleveland, both of which just closed. Those people just lost their jobs to the trade deficit—as millions of other Americans have done.

In spite of what the President says, the trade gap has risen sharply every year for the past seven years, and was higher last year than ever in our history. This has made America the number one debtor country in the world. That isn't a sign of strength!

Our bill does two things. It provides incentives for other countries to abandon unfair practices which discriminate against American goods—like deliberate red tape which keeps American import applications permanently "under study" and never acted upon, or like unloading a shipload of 200 American automobiles—just one car a day.

We simply require in this bill that other nations treat our American products on their markets just exactly as we treat their goods on our markets. No better and no worse.

The bill also strengthens our ability to compete. Tools and schools. It will improve our research and development, modernize America's aging industrial plants, and equip America's work force with the skills and knowledge we need—so that unemployed industrial workers aren't forced to settle for lower paying jobs.

We can't build a vibrant economy by just delivering pizzas to each other.

So while this Administration has crossed its fingers and hoped for the best, the Congress has acted. We'll send a bill to the President shortly, and we earnestly hope he signs it.

House bill number 4 is the housing bill. In the last few years the hope of home ownership has become a fading illusion for too many American families.

President Reagan asked that we abolish the Federal Housing Administration and increase the price of housing by charging hidden user fees. But we saved the FHA outlawed user fees, and protected home ownership, not just for an affluent few, but for Americans of average and modest means.

We also passed a farm credit bill to stop epidemic of family farm foreclosures.

And, for the growing number of men, women and children who have fallen victim to the sad new phenomenon of homelessness, our bill reflects our belief that there is no excuse for *any* American to be abandoned by his country to die of starvation or exposure to the weather.

I have always believed in an eleventh commandment—Thou shalt pass on to your children a better world than you received from your parents—and it is to them, American's children, that the great thrust of our legislative program is dedicated.

House bill number 5 is an education bill. Five years ago, the Administration's own commission produced a chilling report on the sagging quality of American education. The report was called "A Nation at Risk."

The President ignored the warning. In each year of his Presidency, he has called for major cuts in education. Last year he called for a 28% cut. This goes beyond foolhardy. In an age when our children will have to cope with semi-conductors, super-colliders and international competition, America will not survive unless they are better educated than we were. Education must be our first priority, so our bill increases our commitment to quality education for the first time in seven years.

And if it is disastrous to equip our young with inadequate learning, it is immoral to burden them with our financial debts. The policies of this administration have added more to the national debt in seven years than all its predecessors added in almost 200 years.

A great nation like ours should not be forced to borrow from foreigners to pay our bills, or to lose twenty-four cents from every one of your tax dollars just to pay interest on the National Debt.

In the year ahead your national Congress will complete this secure America. And if the President will help, we can do it all on a pay as we go basis, and not just keep adding to the debt.

Mr. President, we all have to work on this together. The ancient scribes wrote, "not thine to finish the task, but neither art thou free to exempt thyself from it." We cannot solve all our problems by January 1989. But that doesn't mean we don't have to try.

Mr. Byrd. The Speaker is right. We must work together.

These are the times when we must take our measure and gather our strength. These are the times when we must reach for the steel that has been ours for generations and sharpen it.

There are the predictions that we've flattened out—that we've lost the fire.

But we've been tested before. And each time we've come back stronger.

Over the last year, the course of America has begun to change—right on this very floor. Each of you—in your own way, from your own neighborhood—has adjusted our direction by a fraction. You've become a consensus for openness—and caring and balance.

You have asked government to build—and not tear down.

And we have begun. The laws that we have passed in this chamber are not just promises. They are not just the rhetoric of what might be. They are the building blocks for what is to be. They are the working parts of our society that have been hammered by compromise and consensus. And each of you has left a mark on the books.

Together we have committed government to help rebuild America. Together we have begun the job. Together we will finish it.

Good night. May God bless you and may He continue to bless our great country.

RESPONSE OF SENATOR ROBERT C. BYRD AND SPEAKER JIM WRIGHT TO STATE OF THE UNION ADDRESS

Mr. SARBANES. Mr. President, on Monday evening following President Reagan's State of the Union Address, our distinguished majority leader, Senator Robert C. Byrd, and the distinguished Speaker of the House, Jim Wright, delivered the Democratic reply.

I believe all my Democratic colleagues will join me in saying that our party was well served by their replies. Individually, each spoke to what is best about our political heritage. Together, they spoke directly to America's future.

In their response to the President, they spoke with a sensitivity to the past and with an acute awareness about what America needs to do to prepare for the coming times.

As the majority leader pointed out, "We've come to an end of an era." And so we have. The Reagan experiment, an experiment in ideology is coming to an end.

America must have a governing philosophy appropriate for the 21st century. A philosophy grounded in reality yet one that recognizes the hopes of our people: That their needs, aspirations, and their best intentions be reflected in their Government here in Washington.

The majority leader, in particular, spoke with great eloquence and personal insight about the deeper purpose of our Government: To build up rather than tear down; that government can "give us the leadership and the hope and the tools to rebuild." And rebuild we must after the years of neglect on the part of the administration.

The Speaker, Mr. Wright, spoke with directness about those legislative initiaties passed last year by this Congress that now mean something tangible to our constituents—the clean water bill, the highway bill, the housing bill, and the trade bill that we will soon send to the President.

Both the majority leader and the Speaker spoke with forcefulness about our need to return excellence to education. And so we shall. As the majority leader so eloquently stated, "we must have" [an education system] "that not only launches the most gifted—but lifts the horizon for the least well off."

I urge my colleagues from both sides of the aisle to re-read these thoughtful statements. I commend the majority leader for his sureness of word, his profound sense of history, and his definition of the role of government in our times. He has pointed the way to a better future for America.

GRASSROOTS SUPPORT FOR INF TREATY

Mr. CRANSTON. Mr. President, the Intermediate-Range Nuclear Forces Treaty now before the Senate has received widespread support from the public, in Congress, and in the arms control community.

Recently 111 major organizations released a statement strongly endorsing the INF Treaty for advancing the mutual security interests of both the United States and the Soviet Union.

The signers of this statement include a broad segment of major religious, labor, environmental, citizen, and arm control organizations representing millions of Americans. The joint statement reflects virtually unanimous grassroots support for this major nuclear arms agreement. Those with long memories will recall that other treaties, including the 1979 SALT II agreement, lacked such widespread backing.

While the rightwing movement in this country is clearly working to whip up sentiment against the INF Treaty, it is heartwarming to see that there will be strong majority backing from the treaty from around the country.

I ask unanimous consent that the statement and list of signers be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Support for INF Agreement

We strongly endorse the Reagan Administration's agreement with the Soviet Union to eliminate land-based nuclear missiles with a range of 300 to 3,500 miles. The resulting treaty, which will eliminate all intermediate range nuclear missiles, advances the mutual security interests of the United States and the Soviet Union.

We applaud the precedent that this agreement will create—a treaty signed by the Reagan Administration, certified by that Administration as mutually advantageous and adequately verifiable, and approved by a Democratic-led Senate. Such a treaty will enhance the prospects for future and more significant agreements that would substantially reduce the huge stockpiles of strategic nuclear weapons. We intend to mobilize public and congressional support for the treaty.

Even as we endorse the INF agreement, we will work to ensure that this treaty not be used as a smokescreen for abandoning existing U.S.-Soviet agreements on strategic weapons, particularly the 1972 Anti-Ballistic Missile Treaty, for moving towards deployment of a Star Wars system or for slackening the endeavor to complete successfully the negotiations on the central strategic nuclear arms systems that gravely threaten the world.

Without limits on strategic offensive and defensive weapons, an INF agreement can be easily circumvented by replacing the destroyed weapons with new strategic weapons. We urge therefore that the administration utilize the INF Treaty as a step toward agreement on strategic nuclear weapons and space weaponry.

ACORN (Association of Community Organizations for Reform Now), Mildred Brown, President.

Alliance of Atomic Veterans, Anthony Guarisco, Director.

American Association of University Women, Sarah Harder, President.

American Baptist Churches, U.S.A., Office of Governmental Relations, Robert W. Tiller, Director.

American Friends Service Committee, Asia Bennett, Executive Secretary.

American Library Association, Margaret Chisholm, President.

American Medical Student Association, P. Preston Reynolds, M.D., Ph.D., President.

American Public Health Association, Bailuf Walker, Jr., Ph.D., M.PH., President.

Americans for Democratic Action, Marc Pearl, Executive Director.

Architects/Designers/Planners for Social Responsibility, Tician Papachristou, President.

Catholic Peace Fellowship, Bill Ofenloch, Coordinator.

Center for New Creation, Joan Urbanczyk.

Center of Concern, Peter Henriot, Executive Director.

Church of the Brethren, Washington Office, Leland Wilson, Director.

Church Women United, Washington Office, Sally Timmel, Director.

Citizens Against Nuclear War, Karen Mulhauser, Director.

Clergy and Laity Concerned, Sister Barbara Lupo.

Coalition for a New Foreign Policy, David Reed, Executive Director.

Commission on Social Action of Reform Judaism, Norma Levitt.

Committee for Children, J. Scott Douglas, Director.

Committee for National Security, Anne Cahn, Director, James Leonard, Board of Directors, Paul Warnke, Board of Directors.

Common Cause, Fred Wertheimer, President.

Computer Professionals for Social Responsibility.

Congress of Italian-American Organizations, Mary Sansone, Executive Director.

Council for a Livable World, Jerome Crossman, President, John Isaacs, Washington Director, George Rathjens, Chairman.

Defense Budget Project, Gordon Adams, Director.

Delta Sigma Theta Sorority, Dr. Marcella Peterson, Executive Director.

Dumbarton Peace Ministry, Jessma Blockwick.

Environmental Policy Institute, Robert Alvarez, Director, Nuclear Weapons & Testing Production Project.

Episcopal Peace Fellowship, Patricia Scharf, Executive Secretary.

Federation of American Scientists, Jeremy Stone, Director.

Federation of Reconstructionist Congregations and Havurot, Rabbi Mordechai Liebling, Director.

Freeze Voter, William (Chip) Reynolds, National Director.

Friends Committee on National Legislation, Edward Snyder, Executive Director.

Friends of the Earth, Cynthia E. Wilson, Executive Director.

General Board of Church and Society, United Methodist Church, Donna Morton Stout, Associate General Secretary.

Graphic Communications International, James J. Norton, President.

Gray Panthers, Karen Talbot, Executive Director.

High Technology Professionals for Peace, Alex Brown, Director.

IMPACT, Gretchen Eick, National Director.

Institute for Policy Studies, Richard Barnet, Senior Fellow.

Institute for Space & Security Studies, Dr. Robert Bowman, President.

International Association of Machinists & Aerospace Workers, William Winpisinger, President.

Jesuit Social Ministries, Joe Hacala (S.J.), Director.

The Jewish Peace Fellowship, Rabbi Philip Bentley, President, Naomi Goodman.

Lawyers Alliance for Nuclear Arms Control, Anthony P. Sager, Executive Director.

Lawyers' Committee on Nuclear Policy, Alex Miller, Executive Director.

League of Women Voters of the United States, Nancy Neuman, President.

Mennonite Central Committee, Peace Section, Washington Office, Delton Franz, Director.

Methodists United for Peace with Justice, Adrien Helm, Co-Chair.

Missouri Rural Crisis Center, Roger L. Allison, Executive Director.

Mothers Embracing Nuclear Disarmament, Maureen King, Executive Director, Linda Smith, President.

National Association of Social Workers, Mark Battle, Executive Director.

National Audobon Society, Patricia Baldi, Director, Population Program; Fran Webber, Director, International Issues.

National Conference of Black Lawyers, Wade Henderson.

National Congress for Community Economic Development, Robert Zdenek, President.

National Council of Jewish Women, Lenore Feldman, National President.

National Council of Senior Citizens.

National Education Association, Peace & Justice Caucus, Rhonda Hanson, Chairperson.

National Farmers Organization, DeVon Woodland, President.

National Institute for Women of Color, Sharon Parker, President.

National Rural Housing Coalition, Bob Reposa, Director.

NETWORK: A Catholic Social Justice Lobby, Nancy Sylvester, Coordinator.

New Jewish Agenda, Rabbi Marc Gruber, National Co-Chair.

Nuclear Information Research Service, Michael Mariotte, Executive Director.

Nuclear Times Magazine, Richard Healey, Executive Director.

Organization of Pan-Asian American Women, June Inuzuka, President.

Pastoral Care Network for Social Responsibility, John R. Thomas, Chair.

Pax Christi, U.S.A., Mary Lou Kownacki, O.S.B., National Coordinator.

Peacelinks, Betty Bumpers, President.

Performers and Artists—Anti-Nuclear Action Committee, Barbara Kopot.

Physicians for Social Responsibility, Maureen Thornton, Executive Director.

Presbyterian Church (U.S.A.), Washington Office, George Chauncey, Director.

Presbyterian Peace Fellowship, Bill Yolton.

Professionals' Coalition for Nuclear Arms Control, David Cohen, President; Richard Mark, Executive Director.

Project Vote, Sanford Newman, Executive Director.

Psychologists for Social Responsibility, M. Brewster Smith, President.

Public Citizen, Joan Claybrook, President.

Rabbinical Assembly Social Justice Committee, Alan Silverstein, Chairperson.

Reconstructionist Rabbinical College Reformed Church in America, Author Green, President.

Religious Action Center of the Union of Americans Hebrew Congregations and Central Conference of American Rabbis, Rabbi David Saperstein, Director.

Ripon Society.

Riverside Church Disarmament Program.

Rural Coalition, Lawrence Parachini, Executive Director.

SANE/FREEZE, David Cortright, Co-Director, Carolyn Cottom, Co-Director.

Security Options, Jane Wales, Executive Director.

The Shalom Center, Ira Silverman, Honorary President; Arthur Waskow, Director; Jacqueline Levine, Board Member; Viki List, Chair of the Board; Morton Siegel, Board Member.

Sierra Club, Michael McCloskey, Chairman.

Sisters of Notre Dame de Namur, Mission Education Center.

Sisters of St. Joseph of Carondelet, Incarnation House.

Sojourners, Jim Rice.

Union of Concerned Scientists, Howard Ris, Executive Director.

Unitarian Universalist Association of Churches in North America, Robert Alpern, Director, Washington Office; Dr. William Schulz, President.

United Auto Workers, Dick Warden, Legislative Director.

United Campuses to Prevent Nuclear War, April Moore, Executive Director.

United Church of Christ, Washington Office for Church in Society, Jay Lintner, Director.

United Electrical, Radio and Machine, Workers of America, John H. Hovis, Jr., President.

United Food & Commercial Workers International Union, AFL-CIO-CLC, William H. Wynn, International President.

United Steelworkers of America, Lynn Williams, President.

U.S. Student Association, Circe Pajunen, President.

Women for a Meaningful Summit, Anne Zill, President.

Women for Racial and Economic Equality (WREE), Cheryl Burrows, President; Vinie Burrows, International Secretary.

Women Strike for Peace, Edith Villastrigo, National Legislative Coordinator.

Women's Action for Nuclear Disarmament, Calien Lewis, Executive Director.

Women's International League for Peace and Freedom, Isabel Guy, Legislative Director; Jane Midgley, Executive Director.

Women's League for Conservative Judaism, Eveyln Auerbach, President; Bernice Balter, Executive Director.

Women's Peace Initiative, Jancis Long, Director.

World Federalist Association, Walter Hoffman, Executive Director.

World Peacemakers, Bill Price, Director.

Young Women's Christian Association of the U.S.A., National Board, Glendora Putnam, National President.

FORMER SECRETARY WEINBERGER RECEIVES MINUTE MAN AWARD

Mr. BYRD. Mr. President, I call to the attention of my colleagues that last evening, the Reserve Officers Association of the United States, at its 1988 national council midwinter banquet, presented the distinguished former Secretary of Defense, Caspar W. Weinberger, with the 1988 "Minute Man of the Year" Award. This award is presented annually by the ROA to "the citizen who has contributed most to national security in these times."

Mr. President, previous recipients of the ROA's annual "Minute Man of the Year Award" include Presidents Ford and Reagan; Senators STENNIS, Jackson, THURMOND, NUNN, and STEVENS; and Representatives CHAPPELL, Vinson, Rivers, Sikes, Hébert, McCormack, Laird, Albert, Mahon, MONTGOMERY, and others.

Mr. President, I offer my congratulations to the former Secretary of Defense and wish him all the best in the years to come.

I ask unanimous consent to have printed in the RECORD a list of previous recipients of ROA's annual Minute Man of the Year Award.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PREVIOUS RECIPIENTS OF ROA'S ANNUAL MINUTE MAN OF THE YEAR AWARD

1958—Brig. Gen. David Sarnoff.
1959—Senator Richard B. Russell.
1960—Col. Bryce N. Harlow.
1961—The Honorable Hugh M. Milton, II.
1962—The Honorable Carl Vinson.
1963—The Honorable Dennis Chavez (posthumously).

1964—The Honorable Margaret Chase Smith.
1965—The Honorable L. Mendel Rivers.
1966—The Honorable John C. Stennis.
1967—The Honorable Robert L.F. Sikes
1968—The Honorable F. Edward Hébert.
1968—Francis Cardinal Spellman (posthumously)
1969—The Honorable John W. McCormack.
1970—The Honorable Melvin L. Laird.
1971—The Honorable Strom Thurmond.
1972—The Honorable Carl Albert.
1973—The Honorable Henry M. (Scoop) Jackson.
1974—The Honorable George H. Mahon.
1975—The Honorable Gerald R. Ford.
1976—The Honorable John L. McClellan
1977—The Honorable Bob Wilson.
1978—The Honorable Charles E. Bennett.
1979—The Honorable Milton R. Young.
1980—The Honorable Samuel S. Stratton.
1981—The Honorable John Goodwin Tower.
1982—The Honorable G.V. (Sonny) Montgomery.
1983—President Ronald W. Reagan.
1984—The Honorable Sam Nunn.
1985—The Honorable William L. Dickinson
1986—The Honorable Ted Stevens
1987—The Honorable Bill Chappell, Jr.

TRIBUTE TO DONALD L. ROGERS

Mr. RIEGLE. Mr. President, during the recess a pillar of the Washington banking community died.

Donald L. Rogers served as counsel to the Senate Banking Committee from 1953-58 and later became president of the Association of Bank Holding Companies. I think it is fair to say that no one in Washington knew the Bank Holding Company Act and related banking statutes better than Don Rogers.

As president of the Association of Bank Holding Companies, he brought a certain grace to the job. He was always accessible to those who sought his counsel, and as a former staff member he had an unparalleled understanding of Congress as an institution.

Don Rogers combined both a superlative substantive knowledge of banking and financial services law with a gentleness and friendliness and integrity of character which all of us who knew him will miss.

The growth and the success of the bank holding company movement over the last 30 years is inextricably linked to the leadership and commitment of Don Rogers.

I count myself among the many people who mourn his loss. My deepest condolences to his family, to his staff and to his friends.

THE PLIGHT OF SOVIET JEWS

Mr. INOUYE. Mr. President, the plight of the Soviet Jews is a matter of concern for anyone who believes that there are rights that are basic to every human being. This should be of moral and humanitarian concern to all Americans. This statement is part of the coordinated Congressional Call to Conscience for Soviet Jews. I would like to express my appreciation to Senator ALAN CRANSTON and Senator JOHN HEINZ for cochairing this noble effort. There are 2 million Jews who reside in the Soviet Union. It is estimated that some 400,000 Jews in the Soviet Union are currently seeking the right to emigrate. I mention Dr. Vladimir Dashevsky as an example of the plight of the Soviet Jews.

Dr. Dashevsky wishes to be reunited with his daughter in Israel, but has repeatedly been denied his exit visa since 1976. The reasons given for these refusals is that Dr. Dashevsky has not fully demonstrated that he is free from any financial obligations. Since the last refusal, Dashevsky's daughter, Ira, has made a formal declaration that she is fully responsible for the complete payment of any judgment against her father. Thus nullifying any legitimate legal action that the Soviets could claim to take against this citizen. Hopefully, it will be possible for Dr. Dashevsky to be reunited with his family in Israel soon, in light of renewed Soviet commitment to facilitate emigration and to improve relations with the United States.

Dr. Dashevsky's case is only one of thousands of similar cases. The plight of this man and his family is not an isolated incident. The Soviet Government's action in preventing the emigration of Dr. Dashevsky is part of the policy of persecution that they insist on practicing. We, in the Senate, have a duty to raise this issue again and again until the Soviet Union discontinues the inhumane policy of denying Jewish citizens the right to emigrate.

TRIBUTE TO THE "CHALLENGER" ASTRONAUTS

Mr. LAUTENBERG. Mr. President, today marks the second anniversary of the tragic explosion of the space shuttle, *Challenger*, and the death of the seven astronauts. Around the country, many groups are participating in commemorations of the brave space explorers. I would like to share with my colleagues a description of a slide presentation about the astronauts which was prepared by fourth grade students at the Bangs Avenue School in Asbury Park, NJ. I wish they could all view the video tape of this impressive show which I received from their teacher, Barbara J. Hurley.

I ask unanimous consent that the description be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASBURY PARK SCHOOL DISTRICT WINS AWARD OF MERIT FOR SLIDE PRESENTATION DEDICATED TO ASTRONAUTS

An award of merit was presented to the Asbury Park School District at the New Jersey School Board's Convention, for the slide presentation, "A Salute to the Spirit of America."

The slide presentation originated as a project in one of the fourth grade classrooms at the Bangs Avenue School. The students had witnessed on television, the disaster of the space shuttle, "Challenger", and were so stunned and moved by the tragedy that they wanted to do something to honor these brave Americans.

The students had been currently studying the poem, "America The Beautiful" in their choral reading class. They decided to combine the theme of the beauty and spirit of America with a dedication and tribute to these special astronauts who personified that spirit.

The students corresponded with NASA and requested pictures and information relating to the astronauts. They also wrote to the Chamber of Commerce in Washington, D.C. and other sources to obtain scenes and symbols of America. As a musical background for their pictures, the students selected Ray Charles' unusual and moving version of "America The Beautiful." As a final and very emotional touch, the students added their sweet voices to that of Ray Charles as they sang together in praise of America.

The slide production was presented in honor of all astronauts from the "Challenger" with a special tribute to Mrs. Christa McAuliffe, the first teacher in space.

The presentation was produced by Mrs. Barbara Hurley, Reading Specialist and Mr. Allen Ogaard, Media Specialist. It has been shown in other school districts and is available upon request.

SECOND ANNIVERSARY OF THE "CHALLENGER" ACCIDENT

Mr. GLENN. Mr. President, 2 years ago today, the space shuttle *Challenger* exploded in the skies over Florida. It's been 2 years since America shared the grief of the families whose men and women perished in that tragedy. And it's been 2 years since the U.S. Space Program was gripped by uncertainty and inertia.

What lessons have we learned since then? And how should we approach the future of space exploration?

Perhaps the biggest lesson we've learned is that we shouldn't allow our past success in space to lull us into complacency. Complacency about the nature of space exploration—it's not a refined science, but a continuous experiment. Complacency about the benefits of a Space Program—our investment produces a rate of return of 7 to 1 in spinoff technology that we can use right here on Earth. And complacency about America's preeminence in space—we can't rest on our past laurels to sustain our lead in space; if we falter, other nations will pass us by.

And as we work toward rebuilding our Space Program, we should set our sights on some priorities for the

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future. The *Challenger* accident created a backlog of military satellites waiting to be put into orbit. For the sake of our national security—when verification of the proposed INF Treaty will be paramount—those satellites must be launched as soon as possible. In the wake of the *Challenger*, our civilian Space Science Program has slowed down; it must proceed and be increased. The Soviets currently have two orbiting space stations, but we don't have even one; if we're to reap the full benefits of space, plans for an American space station must go forward. And while the Soviets actively plan a mission to Mars, we must also begin the preliminary studies and planning for such a journey sometime in the next century.

In order to reach these goals, we need an administration that is willing to support a Space Program for decades into the future, not just in fits and starts. Even though Americans are always fascinated with space "spectaculars" and "firsts," it's our steady investment in basic research and development that lays the foundation for these successes. Solid research must be able to build upon itself. Long-term support for our Space Program requires steadfast leadership from the top—as well as the constant backing of Congress and the American people. The race for space is a marathon, not a sprint, and we must make a commitment to it for the long haul.

I can't overstate the importance of maintaining a strong program of basic research and development in space. America got to be No. 1 because of our commitment to providing education for everyone—not just the rich or politically powerful. From this educated population, America has produced the scientific innovations that gave us an advantage over every other country. And it's that technological leadership which has drawn other nations to us, making the United States a political leader in the international community. If we lose our lead in technology, then we'll lose our edge in world politics, too. And we cannot afford to lose either.

We owe it to the *Challenger* astronauts to pursue an aggressive space program. Their sacrifice will have meaning only if we learn from it and move forward. On this second anniversary of the *Challenger* disaster, we must renew our commitment to research in space, which will, in turn, determine our leadership here on Earth.

In fact, I believe that the words "Go at throttle up"—the final four words spoken by Comdr. Dick Scobee just seconds before the *Challenger* exploded—are nothing less than an expression of America's spirit. And as we pause for reflection on this anniversary, I hope that all of us will recognize that the words "Go at throttle up" were far more than just a courageous epitaph. They are America's history, and they are America's destiny. And they will turn tragedy into triumph once again.

BICENTENNIAL MINUTE

JANUARY 28, 1913: SENATOR ELECTED BY 89-VOTE MARGIN

Mr. DOLE. Mr. President, 75 years ago today, on January 28, 1913, the Nevada State Legislature elected Key Pittman to the U.S. Senate. This event—three quarters of a century in the past—is worth noting for two reasons. It marked the passing of the system under which State legislature elected Senators and it was based on the closest popular vote margin of victory for a Senator in the history of this institution.

The Constitution of 1787 gave to the individual State legislatures the power to elect U.S. Senators. Beginning in the 1890's, reform advocates regularly introduced constitutional amendments to provide for the election of Senators directly by the people. Although the House of Representatives routinely passed those amendments, the Senate routinely rejected them. In the early years of the 20th century several States—particularly the newer Western States—devised plans that essentially achieved those amendments' objectives. In those States, the legislatures made a commitment to follow the voters' will by electing the candidate who won a popular referendum. Nevada by 1910 had adopted this two-track plan.

In November of that year, Republican incumbent Senator George Nixon defeated Democrat Key Pittman in a referendum by 1,100 votes. Although control of the Nevada Legislature shifted to the Democrats as a result of the 1910 election, its new majority agreed to follow the referendum and Nixon was reelected.

In 1912, Key Pittman ran again. This time he succeeded, but by the narrowest electoral margin in Senate history. Pittman's election established two Senate records. He won his four-way race with the smallest total number of votes—7,942 and he won by the smallest margin ever—a mere 89 votes.

THE "CHALLENGER" ASTRONAUTS

Mr. KERRY. Mr. President, I rise today to remember and honor the seven brave American astronauts who died in the *Challenger* tragedy 2 years ago today, Francis Scobie, Judith Resnik, Ronald McNair, Michael Smith, Ellison Onizuka, Gregory Jarvis, and Christa McAuliffe.

They were the best of us. They were distinguished in their careers and dedicated to this Nation's Space Program and its future. The *Challenger* crew has been called "spectacularly democratic," female, male, black, white, Japanese American, Catholic, Jewish, Protestant. Our gratitude for their sacrifice and the sacrifice of their families is eternal.

While the sadness and tragedy of that day will never be fully behind us, it is imperative that we also note the success of this Nation's Space Program. We have flown 55 missions successfully over the last 25 years, sent men to the Moon and returned them safely, opened a new world of communications and pushed back the limits of science in every field. That progress will continue.

The 2-year grounding of our Space Program reminds us that space flight is not ordinary. The risks and challenges of breaking gravity's hold are grave. But we will return to reliable, safe manned flight and continue the work *Challenger's* crew set about 2 years ago.

I would like to conclude by quoting President Reagan's remarks at memorial services for those we remember today:

> The sacrifice of your loved ones has stirred the soul of our Nation, and, through the pain, our hearts have been opened to a profound truth. The future is not free; the story of all human progress is one of a struggle against all odds. We learned again that this America was built on heroism and noble sacrifice. It was built by men and women like our seven star voyagers, who answered a call beyond duty . . . your families and your country mourn your passing. We bid you goodbye, but we will never forget you.

REBECCA THATCHER REPORTS FROM NICARAGUA

Mr. KENNEDY. Mr. President, as Congress begins the countdown in the critical debate over President Reagan's request for additional aid to the Contras and the impact it will have on the issue of war or peace in Central America, we must all remember that those with the biggest stake in the outcome of the debate are the people of Nicaragua themselves. It is their sons and daughters and fathers and mothers who are being maimed and killed in the murderous crossfire of the continuing conflict, and it is their villages and farms that are being used as the bloody battleground.

The people of Massachusetts know this, and they are trying in the best way they can to alleviate some of the suffering and destruction and dislocation that the conflict has generated.

Recently, a journalist for the Springfield Sunday Republican went to Nicaragua to report firsthand on some of these efforts. The journalist, Rebecca Thatcher, visited La Paz Centro, a small city of 20,000 people which has been designated a sister city of Amherst, MA. In an excellent article published last month, Ms. Thatcher reported on the people of La Paz Centro and how they are fighting an uphill battle to cope with the effects of the war.

Ms. Thatcher also traveled to Condega, Nicaragua, and in a companion article she describes the efforts of a group of women from Northampton, MA, and other communities in the Pioneer Valley, who are working with the women of Condega to build three schools in that war-torn border city. In the course of this volunteer construction brigade's day-to-day work, Ms. Thatcher reports, they often hear the gunfire of skirmishes nearby.

I commend Rebecca Thatcher's articles to the attention of the Senate, and I ask unanimous consent that they may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Springfield Sunday Republican, Dec. 20, 1987]

AMHERST'S SISTER CITY FEELS WAR'S EFFECTS—NICARAGUAN CONFLICT ENDS IN DEATH TO SONS OF LA PAZ CENTRO

(Northampton bureau reported Rebecca Thatcher recently visited Nicaragua where she toured Amherst's sister city, La Paz Centro, and in another town observed a construction project that had its roots in a program that began in Northampton.)

(By Rebecca Thatcher)

LA PAZ CENTRO, NICARAGUA.—Though this town is far from the conflict zones to the north and east of this war-torn country, the 20,000 residents of Amherst's sister city here acutely feel the effects of the six-year conflict.

The high levels of inflation and currency devaluation that are affecting all of Nicaragua are present here, and on a regular basis one of the town's native sons comes home in a coffin.

"It's a very difficult situation," said Father Enrique Martinez, the Catholic priest of La Paz Centro. "It is sad to see the number of young boys that have fallen. The death of young people is very frequent."

And on a recent Thursday afternoon, there was a palpable silence in the community as roughly 200 people marched in a funeral for 18-year-old Domingo Guadelope.

Angela Quezada is the secretary of the Committee of Mothers of Heroes and Martyrs, a group that works on behalf of those who have lost their children in the war. The next day, inside the organization's office, Quezada echoed a familiar refrain: "We don't want any more of our children dying."

The Nicaraguan embassy here estimates that 50,000 Nicaraguans died in the 1979 revolution that ousted Anastasia Somoza. Another 40,000 have died in the past six years of fighting the U.S.-backed rebels known as Contras.

With a strongly-worded resolution condemning the war, the Amherst town meeting voted on May 11, 1987, to adopt La Paz Centro as a sister city.

"The United States government since 1981 has waged an illegal war against Nicaragua by means of the Contra rebels, which violates the charters of the United Nations, and the Organization of American States, and consequently Article 6 of the U.S. Constitution," stated the resolution.

Irwin Spiegelman, a member of the committee, said the goal of the sister city project is to promote educational and cultural exchanges between the two communities as a way of improving the prospects of peace.

"We want to make the Nicaraguan people more immediate and real to the people of Amherst. We thought this would be a systematic kind of support," Spiegelman said.

According to residents and officials of this town, La Paz Centro is a typical medium-sized Nicaraguan community whose residents are struggling to survive, and in some cases "advance the revolution," in the face of real economic troubles.

"There is no rice, nothing works, our only hope is Jesus Christ," said Angela Garcia, an elderly woman interviewed near the center of the town.

The economic crisis that is gripping all of Nicaragua has caused an astronomical devaluation of the cordoba, the basic unit of currency.

In 1981, the exchange rate was 10 cordobas for $1. In late November, the rate changed again to 15,700 cordobas for $1, and the black market rate is almost twice that.

A teacher in La Paz Centro earns 200,000 cordobas per month, or $12.74. The failure of wages to keep pace with inflation has led to a vast "informal economy" in which people of all ages, mostly women and children, sell everything from bags of ice water to sugar cane in the streets.

Still, the people improvise.

Justina Montano Martinez is the director of the town's pre-school. The building they use is old and dilapidated, and the school lacks such basic supplies as paints, crayons and scissors.

But Martinez holds up a handmade doll and says, "If we don't have a doll we can make one."

Brenda Alburto, a senior in high school, was part of the Sandinistas' literacy program when she was 10 years old.

She spent six months with an isolated peasant family teaching them to read and write. She called it a good experience, noting, "All the wisdom they have . . . we taught each other."

Julio Velasquez Coutreras is the town's interim mayor, appointed by the government. Velasquez was optimistic about the "hermanamiento" or matching between his town and Amherst.

He spoke enthusiastically about last summer's week-long visit by a representative of the sister-city committee in Amherst.

Walking through the town in an old yellow shirt and dungarees, it seems as though almost everybody knows the 47-year-old Sandinista.

People call out greetings or pull him aside to discuss problems. He is obviously proud of the new pre-school that is almost finished, (Pre-school goes up to six years of age in Nicaragua), and the health center, which has a main facility in the town's center and five satellite offices.

There is also a small library with 5,000 books. Except for the books by Marx and Lenin donated by the Soviet Union, nothing has been added to the collection recently, according to the woman in charge of the library, Auxiliadora Saavedra.

"There are some that have read all the books and they come in and ask if there are any new ones," Saavedra said.

Valasquez said the town's economy is primarily agricultural, with one large state farm, a state-sponsored milk project, eight cooperatives and several private farms.

According to Velasquez, the eight cooperatives represent land that was given to peasants after the revolution. He said the government provides the cooperatives with technical assistance, loans, and supplies such as fertilizer.

The principal crops are cotton, corn, soy beans, sorghum, and vegetables, he said.

Townspeople also produce crafts and there is one privately-owned brick factory. A few small businesses, such as beauty parlors, are intermingled in what could be called the downtown. The center also has a monument to the 40 residents of La Paz Centro who died in the 1979 revolution, a park, and a Catholic Church.

Next year, there are plans to have municipal elections, and "the Frente" (people here always refer to the Sandinistas as "the Frente," or "the Front") will run a slate of candidates for the city council and the mayor's office. Velasquez says he expects participation from as many as five other parties.

Velasquez, and the other members of the Frente who run the town, seem remarkably upbeat.

Carlos Edmundo Morales is a 58-year-old Sandinista who works in the Mayor's office. He joined the Sandinistas 25 years ago and personally knows the nine members of the party's directorate.

From 1970 to 1979 he traveled throughout Nicaragua and Central America, organizing political, economic, and military support for the revolutionaries.

"As you can see, what characterizes La Paz Centro is the development of the revolution," Morales said one afternoon.

In Amherst, a sister city committee has been meeting regularly, and plans to raise money for medical supplies and possibly an ambulance, according to committee member Margery Bancroft.

The committee will sponsor a benefit dinner this winter, and plans to organize a fund-raising drive that will request one dollar from every resident of the town in the spring, she said.

Bancroft spent a week in La Paz Centro last summer and returned anxious to build a strong relationship between the two towns.

"They're very happy about it. It gave them some hope," she said.

[From the Springfield Sunday Republican, Dec. 20, 1987]

AREA WOMEN HELPING IN NICARAGUA

(By Rebecca Thatcher)

CONDEGA, NICARAGUA.—The women in this town are often forced to wait for many things as they attempt to build three school buildings here.

But the one thing they are not waiting for is for the men to arrive.

"We want to be independent. They (the men) think that we are not capable of constructing . . . but this is an example that we are strong," said Francesca Ponce-Lira, a spokeswoman for the eight Nicaraguan women who are working with the financial, technical, and physical aid of an organization that was started in Northampton, Mass.

Here in this town of 6,000, about three hours drive north of the capital city of Managua, a women's construction brigade project that was born in Northampton, is proceeding steadily. Eight Nicaraguan women, with the help of between 7 and 14 American women at a time, are building three, three-room school buildings and learning construction skills as they go along.

From the beginning, this project had two objectives, according to the Pioneer Valley women involved. They wanted to express solidarity with the people of Nicaragua, and they wanted in particular to "empower" Nicaraguan women.

Anne Perkins of Wendell has taught carpentry at the Pathfinder Vocational and Technical School in Palmer, and the Putnam Vocational and Technical School in Springfield. A long-time peace activist, Perkins said she became involved in the women's construction brigade called Brigade Companeras, because she saw a need to counteract the millions of dollars the United States government has spent on the contras, a U.S.-supported rebel army in Nicaragua.

"We wanted to use American dollars to rebuild what American dollars are destroying," she said.

As feminists, the women also saw a need to help Nicaraguan women aquire skills such as carpentry. "It's important that women have the confidence and skills to shape our environment, especially in Nicaragua where they are trying to reconstruct so much," said Aja Rose of Amherst.

Perkins added that she sees the project as an expression of a certain type of feminism—a feminism that goes beyond the needs of women in the United States.

"To be a feminist who struggles only for a better place for white women in a white world is denying what feminism is, it's a very shallow kind of feminism," Perkins said.

Also a carpenter, Rose said she has not been very involved in the peace movement in the United States and speaks little Spanish. Nevertheless, she said working for a month on the construction brigade had been a very important experience.

It was stressful and difficult, but it also felt very right, she said.

Unlike towns closer to the capital city of Managua, Condego is located close to the conflict and could almost be considered a war zone, she said.

"We could hear bombs and guns shooting often. To have that as a constant presence is hard to integrate," she said.

Recently the contras attacked a civilian bus on the Pan-American Highway very near Condega, she said. They killed one woman on the bus, forced everyone else off, and machine-gunned the bus, she said.

She said that despite the danger, building a school in Nicaragua was a very special experience.

"I can't explain the feeling of just knowing that what you're doing is the right thing to do," she said.

Brigada Campaneras began in Northampton a year and half ago, the brainchild of a group of activist women, some of whom had participated in an earlier construction brigade with men.

Later on, the idea received support from women from New York City and Boston, who also became involved in the fundraising and organizing. Through dances, dinners, tee-shirt sales, raffles and other fundraising events, a total of $21,000 was raised between the three cities.

Working through a Nicaraguan government agency, the group was assigned the project in Condega, and began working in August.

And Ponce-Lira says it is only the beginning.

"After this is done we want to continue constructing . . . We look for a place to build a carpentry school for women," she said.

NATIONAL DAY OF EXCELLENCE

Mr. SHELBY. Mr. President, I rise on this National Day of Excellence to recognize the commitment of the *Challenger* astronauts, whose memory this special day honors. These astronauts—as well as the scores of other astronauts who have flown into space for America's space program—symbolize the pioneering spirit of adventure that our great Nation cherishes. This pioneering spirit is evidenced in young and old Americans. After the *Challenger* accident, the news media conducted polls of schoolchildren across America. Those children said that, even in the face of such a tragedy, the space program must move foreward, exploring the Heavens and more closely studying our Earth.

The 2 years since *Challenger* have allowed time for close examination of our space program, its hardware, its workers and managers, its goals. We have come to appreciate even more the importance of safety and the disastrous effects of slavish adherence to schedules at all costs. A scientist for Morton Thiokol will receive the Scientific Freedom and Responsibility Award next month for his warning about O-ring seals and cold weather. The warning came the night before the *Challenger* launch. Thiokol officials recommended that the launch be put off; NASA objected and Thiokol acquiesced.

It is time now to put those mistakes behind us and to truly honor the *Challenger* crew and get our space program off the launch pad. A report by a National Academy of Sciences and National Research Council team has found that NASA is "no longer a strong technical organization" and must more than double work on advanced space technology to fulfill its mandate to support civil and defense needs under the National Space Act. The Congress and White House must work together to give NASA the funding necessary to undertake this vital research. The research council found the most serious area of deficiency is rocket propulsion development. They warn that any further delays in program expansion will "translate to the loss of United States space leadership to the European, Asian, and Soviet programs," with "considerable impact on the United States economy, prestige, and security." We cannot afford to let this happen.

ZENON HANSEN—THE FIRST DISTINGUISHED EAGLE SCOUT

Mr. HARKIN. Mr. President, I am confident my colleagues will agree on the tremendous contribution to national leadership that has been provided by the Boy Scouts of America. I am happy to report that a fine example of one such contributor comes from my home State of Iowa—Mr. Zenon C.R. Hansen.

An article appearing in this month's Scouting magazine chronicles the inspiring story of Mr. Hansen, the founder and original recipient of the Distinguished Eagle Award. Mr. Hansen grew up in Sioux City, IA, and has been an active supporter of scouting since first earning his Eagle badge at age 16. Throughout his highly successful career, Mr. Hansen has supported the Boy Scouts of America and credited his remarkable success to Eagle Scout training.

The prestige and honor of receiving the Distinguished Eagle Award is worthy of our highest regards. It is presented to adult Eagle Scouts who, having risen to important posts in business, education, or public life, have remained dedicated to the high ideals and principles of the scouting tradition and who have continued to provide leadership for the organization.

I would like to express my gratitude to Mr. Hansen, who, at age 77, remains active today as a member of the national advisory council. I am confident that the people of Iowa share in my pride in the outstanding achievements in industry and scouting of Mr. Hansen.

I ask unanimous consent that a copy of the Scouting article be entered in the RECORD as testament to my respect for Mr. Hansen.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FIRST DISTINGUISHED EAGLE

(By Dick Pryce)

In 1986, 62 men received the Distinguished Eagle Award, one of the most coveted of Scouting's honors. They were men who in their adult life had achieved significance in business, education, or public life. In each case the recipients felt deeply honored to receive this award, available only to men who had been Eagle Scouts as boys.

What was the origin of the Distinguished Eagle Award? And who was the author of the idea?

It began with Zenon C. R. Hansen, one of the nation's leading business executives and a lifelong, dedicated Scout and Scouter. His Scouting story deserves to be told for, in addition to creating the Distinguished Eagle program, he began making contributions to Scouting in the 1920s, when the movement was still in its infancy.

Life was good for 17-year-old Zenon C. R. Hansen in the spring of 1927. He had just been graduated from high school in Sioux City, Iowa, and his immediate future was all mapped out. An excellent student, young Hansen expected to enroll in the fall on an academic scholarship at the University of Iowa.

He would earn his degree in four years, perhaps less, for he was recognized by his teachers as a hard-working, able student. His background was Swedish, and Swedish-Americans believed that hard work would take a man to the heights.

Then came a call from his high school principal, a man he admired. "The manager

of International Harvester wants to talk to you," the principal told him.

"What about?" asked Zenon.

"I think he wants to hire you."

The young man's achievements in high school and Scouting were common knowledge in the small Iowa town. Zenon had four Silver Palms to go with the Eagle badge he had earned in Troop 17 at age 16. Businessmen in Sioux City recognized him as a dynamo destined to continue achieving.

He was flattered when the manager did offer him a job. He thanked the manager politely and told him of his desire to go to the university on a scholarship. But the man refused to take no for an answer. He convinced Zenon that he would get ahead quicker by working for International Harvester.

The manager was right. At the age of 18, while his peers were pursuing educations, Zenon Hansen was immersed in management training at International Harvester's main office in Chicago. He completed the course with high marks and was dispatched to Europe where he embarked on a personal program to educate himself. He learned German, Italian, and French, and he studied business management, automotive engineering, auditing, and accounting.

By the time the Great Depression cast a pall over the United States, Hansen was 21 and comptroller of his company's Swiss affiliate. A lot of his high school classmates who went on to college weren't doing so well.

He remained overseas until 1936, then returned to the main office in Chicago. In 1941 he was named manager of IH's truck branch in Portland, Ore. He was on a path that was to lead to the board rooms of industrial America. Other opportunities arose, and in 1944 he left International Harvester for a vice-presidency with Automotive Equipment in Portland.

Continuing to climb the business trail, he became president and director of the Diamond T Motor Truck Company and, after that, in 1972 chairman of the board and chief executive officer of Mack Trucks, Inc., in Allentown, Pa.

A rags-to-riches story? That's a fairly accurate description, for his grandmother and two aunts had reared him, and there certainly never had been any extra money around. But don't call it luck because Zenon Hansen has always known the source of his good fortune in life. Scouting!

When I interviewed him at his home in Sebring, Fla., Zenon Hansen, a powerful-looking white-haired man of 77, who is still a member of the National Advisory Council, emphasized that the discipline he learned as a Boy Scout and his belief in the Scout Oath and Law served him well in his business career.

"I was raised as an orphan boy and, frankly, I don't know what would have happened to me if I hadn't been in Scouting," said Hansen. "Even my first job with International Harvester came as a result of my Boy Scout work."

That job offer came as no surprise to Scouter Henry A. Hoskins, who was recruited by Hansen to serve as Scoutmaster of Troop 1 that Hansen had organized. Since Hansen was not old enough to be Scoutmaster, he promised to be the assistant and do all the work if Hoskins would serve as Scoutmaster.

"I'd been active in Scouting some years before I became Scoutmaster," Hoskins said in 1969 when he visited Hansen, who was by then Mack Trucks' top executive. "I was chairman of the court of honor of the Sioux City Boy Scout Council and Hansen kept appearing for more merit badges beyond the 21 required for Eagle Scout—a total of 81 merit badges! That's more than any other Scout I've ever known or heard about.

"When I found out that he was being raised by an aunt and grandmother," Hoskins said, "I figured he could use some fatherly advice from time to time. So my wife and I invited him to our house for dinner each Sunday. We had three boys and one girl, and he became just like one of the family."

In fact, Hansen called his Scoutmaster "Uncle Henry," and Hoskins became the man he could pattern his own life after. And the BSA brought this remarkable man into an impressionable young Scout's life. Little wonder that Scouting became so important to him.

As Hansen recognized, the Scouting door swings both ways. Hansen the Scout became Hansen the Scoutmaster, then Hansen the itinerant Scouter, moving from town to town and corporation to corporation while continuing to serve the movement in an incredible number of positions in many councils. He was president in two—Portland Area in Portland, Ore., and Thatcher Woods Area in Oak Park, Ill. He sat on executive boards in seven councils, on executive committees in three regions, and was executive committee chairman of Old Region Seven.

Hansen had many jobs at the national level—chairman of the National Advisory Council, the National Finance Committee, the National Civic Relations Committee, the National Employee Benefits Committee, and the Distinguished Eagle Scout Award Committee. To each he added the mark of his great abilities.

He is also the man who sold to the Boy Scouts of America the concept of the Distinguished Eagle Scout Award. "The idea for it was born in the mind of Zenon C.R. Hansen approximately 25 years ago," remembers William Harrison Fetridge, who knew Hansen's views well.

"He was then National Treasurer and I was National Vice President of the BSA. He came to see me with the recommendation to create the Distinguished Eagle Award and outlined what he considered would be the necessary qualifications, including 25 years as an Eagle plus a distinguished record in business or public service."

Councils were in desperate need of what Hansen calls "appreciative leadership," men like himself who had profited by their experiences as Eagles and could appreciate what it meant.

At first he found little support for both ideas from Scouting's top hierarchy. "They all thought the Distinguished Eagle Award was a great idea, but nobody wanted to do anything about it," Hansen said.

Among Hansen's supporters was William Fetridge. "He also thought there should be a roster of all Eagle Scouts," said Fetridge. "But I convinced him this would be impossible to do. Finally Mr. Hansen presented his idea to the National Court of Honor, which approved it—as did, I believe, the National Executive Board."

The Boy Scouts of America did sanction the Distinguished Eagle Scout Award in 1969, incorporating Hansen's ideas—including his basic design for the award. And in 1970 Zenon C.R. Hansen, a very distinguished Eagle from Sioux City, Iowa, was deservedly the first person the BSA honored with the award.

Hansen and many of the other earliest recipients—Neil Armstrong, Gerald Ford, Ross Perot—gave money that eventually was used to start the National Eagle Scout Association.

The basic point of the Distinguished Eagle Award, as envisioned by Hansen, is to bring back into Scouting, Eagles who have been out of Scouting but want to give something back. "You have got to give these people the opportunity to participate in Scouting," he insists. "They become the future board members and future council contributors.

"If they're like me, they'll admit they never would have gotten anywhere in this world if they hadn't been an Eagle Scout."

URBAN DEVELOPMENT ACTION GRANTS

Mr. GRASSLEY. Mr. President, I rise today to do two things.

First of all, I want to congratulate Senator PROXMIRE, chairman, and Senator GARN, the ranking member, and their staff of the Committee on Banking, Housing, and Urban Affairs.

Last year Congress passed a new housing bill. This is the first time we have had a housing bill since 1980. The members of the Housing Subcommittee and their staffs are also to be congratulated for their hard work in putting together a bill that we hope the administration will sign.

This brings me to my second point and one I want to bring to the attention of the Senate today.

In this bill yet to be signed, a new formula for the Urban Development Action Grant Program is included. The Senate passed that provision about six different times over the last 4 years only to have the House reject it because they wanted a complete housing bill.

A number of Senators from States on both side of the aisle realized that the UDAG Program would not survive without a change in the formula that would allow it to be a national program again. That group worked hard to come up with a formula that we hoped would be a fair one.

The current system used by HUD has favored for over 4 years now, only about eight States in the Northeastern part of the country, shutting out the rest of the country. This area of the country has received over 80 percent of all the UDAG funds because of this unfair, unjust formula.

I feel compelled today to inform my fellow Senator's of a blatant, unfair attempt by these same few privileged States to again take the bulk of the UDAG funds during the currently scheduled round of funding to be announced before the first of the month.

Let me explain the problem.

Congress, so concerned with the unfairness of the formula now being used, placed a requirement in the new law that the new UDAG formula be immediately implemented by the Secretary upon the signing of the bill.

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Everyone felt this bill would have been signed by now. In fact, a bill signing ceremony was scheduled for the 20th of this month. Then the date was moved—I understand at least two other times—to accommodate scheduling problems.

It currently is scheduled on the 5th of February.

Because this date is after January 30, HUD's published date for announcing the UDAG's, HUD feels they are forced to use the old formula.

This means those few States that have been receiving all the funds will again soak up all the funds this round.

I might add: I understand these States felt this would be the last "gravy train round" they would have so they gathered every UDAG application they could muster and applied.

They have lobbied and have, as of now, convinced HUD to use the old formula for this current round.

We have been working hard these last few days to resolve this issue so the new formula would be used immediately. HUD had been planning to use the new formula. They too felt the bill would be signed prior to the funding announcement date and their staff has been working on placing the new provisions in their considerations as they worked with the cities during their negotiations on these projects.

They were so confident this law would be in place they implemented the $10 million cap on the amount of funds any one UDAG could receive.

One of the privileged cities has a number of request in, one of which was for over $15 million, and then indicated that, yes, they could do the project for the $10 million. After they heard the law would not be signed, they went back to HUD and tried to say they really needed the $15 million. Remember, the UDAG funds are only to fill the gap to complete a project. This city has continually been funded no matter what type of application they submitted or how many they applied for, while States like Iowa and three-fourths of the rest of the country were completely shut out.

I say to my fellow Senators, enough is enough.

We have until noon today to get this unfair, unjust, down right wrong decision reversed.

There are three things that can be done.

First, the chairman and ranking member of the Banking and Housing Committee can send a letter to the Secretary requesting him to ask for a waiver of a provision in the current housing law that requires the Secretary to send to Congress all proposed HUD rules 30 days before they are published in the Federal Register. This would allow the Secretary to publish tomorrow in the Federal Register a recission of the January 30 announcement date of this round of UDAG's.

This is the easiest and fastest way to get this program solved.

The second option would be for the President to go ahead and sign the new housing bill, regardless of Members of Congress wanting a bill signing ceremony.

Third, the Secretary would, under current law, just not hold the round and wait until the next large city round in May and use this round's $57 million with the May round's money and hold one large round.

There are good points and bad ones for this option. Some projects cannot wait until May and some of their commitments will have to be renegotiated.

I prefer the first option that would reschedule the date of this round until the President signs the new legislation which is currently scheduled for February 5, only 1 week from tomorrow.

But if this cannot happen, then I would favor the Secretary canceling this round and using this round's funds with May's round. This would allow all projects to have the same opportunity that only those few States that now get the funds to finally have to face the same review that we have to face with our projects.

I want to encourage Senators from the following States to contact HUD and Chairman PROXMIRE and Senator GARN before noon today to encourage them to act immediately by working with their counterparts on the House side to send to Secretary Pierce the letter I have provided their offices.

The States that have UDAG's that will probably not be funded this round are:

Virginia, West Virginia, Alabama, Florida, Georgia, Kentucky, Mississippi, Tennessee, Illinois, Michigan, Louisiana, Oklahoma, Texas, Iowa, Kansas, Missouri, Arizona, California, Washington, and North Dakota.

I encourage Senators from those States, and other States from the South, Midwest, and West that understand how unfair this action is to immediately take action because if you wait until after noon today it will be too late.

If Senate staffs need more information they can contact my office and we will be happy to provide it to them.

INF VERIFICATION AND SANDIA NATIONAL LABORATORIES

Mr. BINGAMAN. Mr. President, Sunday's edition of the Washington Post carried an excellent article on verification technology. The article, entitled "Verification: Keeping Ivan Honest," by John A. Adam, highlights the work done by Sandia National Laboratories in Albuquerque, NM, in support of our INF Treaty negotiators.

The article details the techniques which Sandia has developed for onsite inspection of a Soviet missile assembly plant. The system had to be sufficiently intrusive to guarantee that any significant cheating by the Soviets at such missile assembly plants would be detected, yet not be an invitation to espionage when reciprocally applied to our own facilities.

The article mentions the work of Gus Simmons and Roger Hagengruber in support of a Department of Defense contract on verification. I might note that many other Sandians have played important roles in the treaty negotiation process. Stan Fraley spent 6 months last year in Geneva and there headed a subgroup that defined the inspection protocol to the treaty. In Albuquerque, Don Bauder, John Taylor, and Pauline Bennett, under the supervision of John Holovka, all helped provide information to back-stop the verification subgroup's negotiations.

The article also notes that Richard Perle was primarily responsible for initiating this verification research effort at Sandia in support of the INF negotiations. I want to commend Mr. Perle for this. He and I are not often in agreement on strategic weapons and arms control issues, but we are in total agreement on the need for greater attention to be focused on verification technologies. I have been pointing out since coming to the Senate that we need a solidly funded forward-looking research program on verification technologies to provide options and answers to our negotiators when they need them. Too often in the past, the development of verification options has not kept up with the development of new weapons technologies.

Last year, as a result of an amendment I offered to the Defense Authorization Act, the Congress increased authorized funding for verification research in the Department of Energy and the Defense Advanced Research Projects Agency by almost $30 million. The Appropriations Subcommittees on Energy and Defense later included appropriations for almost $26 million of this addition in the final continuing resolution. These actions testify to the strong support in the Congress for verification research, even when budget constraints forced cuts in many other defense programs. I hope that we will continue that support this year.

Mr. President, we have at Sandia and its sister DOE weapons laboratories a unique national resource. For over 40 years they have played a central role in providing our nuclear deterrent. But increasingly they are diversifying into research on verification technologies and advanced conventional munitions technologies, and thus they are becoming national security laboratories in the broadest sense, not simply nuclear weapons laboratories. Sandia, for example, last year in just a couple of months came up with a technology to limit use of the Stinger missile in response to Senator DECONCINI's concerns about this antiaircraft missile falling into the hands of terrorists. This involved a simple spinoff from the much more complex use controls embodied in our nuclear weapons. We need to continue to encourage this diversification of the laboratories. Especially at a time of overall budget constraints, we need to make better use of the broad technology base which the laboratories have developed and sustained over the past 40 years.

Mr. President, I ask unanimous consent that the article from yesterday's Post be printed here at the end of my statement.

There being no objection, the material was ordered to abe printed in the RECORD, as follows:

VERIFICATION: KEEPING IVAN HONEST

(By John A. Adam)

When the Senate begins hearings Monday on the INF arms-control treaty, a crucial issue will be whether—and how—the United States can detect potential Soviet violations.

The subject is critical because both the INF accord and the Strategic Arms Reduction Treaty (START) now being negotiated in Geneva will require unprecedented verification technologies. Unlike previous arms accords, which involved watching large structures such as fixed missile silos and bombers, INF and START would restrict individual small missiles.

Consequently, America's traditional monitoring systems—surveillance satellites and electronic intelligence—will not be sufficient. Extensive cooperative measures will be needed. Trucks and railroad cars must be inspected; plant gates, grounds and fences watched; small weapons examined for nuclear content. And the INF pact requires new systems for continuous monitoring of missile-production facilities.

Exactly what kind of sensors the United States will place on Soviet soil is still being decided. But U.S. research on on-site inspection systems—involving tamper-resistant fiber-optic seals, video alert and data-encryption systems, infrared surveillance arrays and more—is already well underway, much of it at Sandia National Laboratories in Albuquerque, which AT&T runs for the Department of Energy.

OVERCOMING MUTUAL MISTRUST

Problems abound when working in an adversary's territory. The verification system must ensure that each side can trust the authenticity of the on-site data, producing a paradox: The Soviets must be assured that information gathered is for verification only—not espionage—and that it agrees with the facts. Thus, data cannot be encrypted. But the United States must be confident that streams of data, traveling through open channels in Soviet territory, are not forgeries. Thus some form of encrypted authentication code must be used.

Cracking that puzzle falls to Sandia's Gustavus J. Simmons, a mathematician with a foot-long beard and a flattop coif who has been solving such brainteasers for 20 years. Simmons and his colleagues are perfecting a data system that guarantees integrity. The technique that the United States will propose to the Soviets is the least sophisticated of Simmons' schemes. But it has already passed the scrutiny of codebreakers at the National Security Agency and was discussed with the Soviets in the '70s during the Comprehensive Test Ban Treaty talks. Moreover, it has proven reliable at remote U.S. seismic stations in Norway and glean data from Soviet underground nuclear tests.

The system works by automatically attaching an authentication "word" to the output of a monitoring device such as a camera. The output, in the form of a long binary sequence (strings of 0s and 1s), is fed into a computer, which breaks the data up into small blocks of, say, 64 bits. The first block is encrypted with a secret key which produces a 64-bit cipher held in the computer's memory. As the second block of data arrives, each element in the cipher is matched with its corresponding element in the second data block. If the two elements are alike, a 0 is recorded; if different, a 1. This produces a new 64-bit number, which replaces the first cipher and is in turn encrypted with the key. This new cipher is then matched against the contents of the third block of data, which begets yet another new cipher and so forth. The end result, after processing an entire data stream thousands of bits long, is a final 64-bit cipher incorporating information about each bit of data in the whole stream. This final cipher, or authentication word, is appended to the unencrypted monitor output and sent.

Nothing in the process prevents the Soviets from scrutinizing the data while it is sent. And the United States can verify the result by running the received data through the same encrypting procedure using a copy of the secret key. If the final cipher generated matches the one that was appended to the original monitor output, then the data are genuine. Just as increasing the number of grooves in a housekey makes it harder to pick the lock, the more variables there are in a cipher key, the less the likelihood of cracking the code.

ON-SITE AND ON GUARD

Shortly before the 1986 summit in Reykjavik where the Soviets agreed to U.S. proposals regarding on-site INF monitoring, Roger L. Hagengruber, vice president of systems analysis at Sandia, got a phone call from the Pentagon. DOD wanted a full-scale test facility built to examine schemes for continuous monitoring of a Soviet weapons-production plant. It also wanted a working model of the site. The project was given top priority.

Within two months, the Sandia team produced a table-top model showing the section of a typical Soviet missile factory which includes the main portal. The Pentagon displayed the model to officials from the White House, State Department and Congress, demonstrating how a missile-carrying truck triggers a suite of sensors to record weight and other data. One U.S. official called it a "good marketing tool" that helped policymakers visualize potential problems.

Both the United States and the Soviet Union have agreed that INF monitoring systems exist which will include "weight sensors, vehicle sensors, surveillance systems and vehicle dimensional measuring equipment." In addition, "non-damaging image-producing" gear will be installed to examine contents of shipping containers and launch canisters. The goal is to devise a system that automatically collects and records data 24 hours a day. The monitoring system must be accurate enough to detect potential violations but work fast enough so traffic flow is not unduly impeded. And because deployment within Soviet borders precludes use of trade-secret equipment, engineers must create highly reliable systems composed mainly of commercially available gear.

One such device is a vertical and horizontal array of infrared sensors to measure rapidly the length and profile of various vehicles leaving the plant. Like radar, the system would send out its own energy beam to sense objects day or night and in adverse weather. For weighing, Hagengruber says commercial scales can be modified to assess a moving truck or to weigh loads on freight trains. Railroad cars in some respects are easy to monitor because they are constrained to tracks, have a fixed geometry and uniform velocities. But they also pose special problems because they may weigh much more than their freight and the cars may come in a mix of gondolas and box cars. To skirt this problem, Hagengruber says they may negotiate that only certain types of train cars are allowed into the plant.

If a vehicle is large and heavy enough to be carrying a prohibited missile, its cargo will be examined by nondestructive imaging, most likely by X-ray sensors tuned to appropriate intensities. X-rays can take measurements and determine material composition and are generally hard to deceive. Manufacturers of rockets routinely use them to inspect solid propellants for cracks. For verification, however, the scans must occur faster than industrial applications, and probably be less intrusive too, says Hagengruber.

Sandia is also examining tamper-resistant seals that would reliably indicate if enclosures had been breached. In one such device, a loop of multistrand plastic fiber-optic cable is cut to desired length in the field. Its ends are put into a one-piece seal body which contains a serrated blade that randomly severs a portion of the cable fibers. The result is a unique "signature" of the uncut fibers. That pattern is photographed. If the fiber-optic loop is later released, the blade is designed to cut additional fibers and change the signature. During inspection, a second Polaroid shot is taken for immediate comparison with the original signature.

WARHEADS AND HOLOGRAMS

Authorities note that it is much easier to verify a ban than a residual force of, say, 100 missiles. Consequently the START pact, because it seeks to halve levels of strategic warheads, will require more strict measures.

In addition, the two superpowers are discussing in Geneva how to limit nuclear-tipped cruise missiles on ships and submarines. Such controls pose special monitoring problems because the missiles are much smaller than other strategic weapons and because some are fitted with conventional warheads.

Researchers have been examining techniques to "tag" concealable mobile nuclear weaponry. The challenge is to design a system that permits counting for verification but does not allow targeting by the military.

Fred Holzer, deputy leader of verification at Lawrence Livermore National Laboratory, outlined further constraints during a 1986 interview. The tags must be tamper-proof and impossible to duplicate; and they must in no way interfere with the missile's operation, he explained. Moreover they must be designed so they cannot be used—or even be perceived to be usable—as a homing device.

Numerous schemes exist. For new missiles, tags might be installed at the production line. One possibility is to make a special

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mold with an intricate surface pattern for producing a tag. After the required number were produced, Holzer said, the mold could be broken. Another possibility, for new or existing weaponry, is to make a photomicrograph or acoustic hologram of a small patch on the missile. Each weapon examined could then be checked against a database of the fiber patterns of "legitimate" missiles.

Yet another option is to use a microchip tag that could be queried on inspection. The basic technologies that might be used are being employed by auto manufacturers including BMW, Fiat and Honda. BMW's assembly line uses chips coded to contain such information as paint color, options to be installed and so forth for each chassis. The chip is queried during assembly stages and the specified actions taken. Honda uses an intrinsic property, like fiber grains, to guard against piracy in spare auto parts. Other scenarios are akin to existing methods of satellite tracking of caribou. A U.S. satellite monitors free-roaming herds fitted with radio transmitters in northwestern Alaska to an accuracy of 0.8 kilometers. Holzer says that "these kinds of techniques are being developed rather rapidly." A senior administration official observes, however, that despite all the studies no practical tagging schemes have yet emerged.

START verification might include a plan to designate assembly areas to make missile production more transparent to surveillance satellites. But satellites cannot provide the sort of information that Soviet leader Mikhail Gorbachev mentioned in his summit farewell speech, when he shocked many observers by declaring that the Soviets had a technique that would remotely "identify not only the presence but also the capacity of the nuclear warheads" aboard mobile vessels.

If it exists, such a device probably emits a pulse of high-energy neutrons to induce a small amount of fission in any nuclear warhead. The pulse would have to be weak enough to prevent the degradation in the reliability of the nuclear weapons but strong enough to produce a recognizable signature of gamma rays or neutrons. But because of the rapid degradation of this signature in the atmosphere, such measurements must be made from close range. Moreover, shielding by lead or water could foil the inspection. More detailed schemes must be fielded for effective START verification.

A November 1987 report by the House Intelligence Committee was unanimous in saying that the Executive Branch provides "no central direction and prioritization of research and development to improve arms control monitoring capabilities." It placed the blame largely on the intelligence community.

Indeed many technologies for use in the INF treaty were developed for other purposes. Participants say some analyses, such as whether inspections of suspect sites should be allowed, were done hastily.

Although INF negotiations began in November 1981, money for the major INF monitoring program started flowing several years later. The Department of Defense was the surprising source, including the international security policy branch formerly headed by Richard N. Perle, popularly known as a bete noire of arms control.

In spite of budget constraints, Congress supplemented administration requests for verification research for fiscal 1988. Whether that results in innovative techniques for monitoring the strategically sensitive START pact remains to be seen.

Secrets and Ciphers

(By John A. Adam)

The Drawback in the simplest version of Gus Simmons' scheme is that the Soviets would not know everything being sent. But the secret key used to authenticate old messages would be periodically supplied to the Soviets, who could then exactly reconstruct the authentication words to determine whether espionage information existed. The Soviets could also dismantle a similar piece of authentication gear to discern its intelligence potential.

In that simple approach, the same key is used to encrypt and decrypt a message. In 1986, however, a different method emerged. Called public-key cryptography, it uses one key to scramble a message and a different key to unscramble it. Hence the ability to decrypt a message does not also permit one to make forgeries.

Such a scheme is ideal for verification work, for it allows authentication without secrecy, and it can prevent some convoluted ways of cheating. The United States would encrypt the entire message and share the decrypt key with the Soviets and any other third party. All parties could decipher the data as it was transmitted. Simmons' group at Sandia uses the Rivest-Shamir-Adleman algorithm where the encrypting party bases its key on a pair of prime numbers P and Q that are kept secret and are so large that factoring N = PQ is beyond all projected capabilities of computers. The United States would be confident that the data were genuine because it would be practically impossible, even with supercomputers, to determine the encryption key in time to alter the data.

But under the scheme, the party doing the encryption could send a forgery. Because of that ability, the Soviets could disavow any incriminating message, telling the United Nations, for example, that U.S. data indicating a trainload of illegal SS-20 missiles was a fabrication. So in 1980, Simmons' group devised a method whereby the United States and the Soviet Union would collaborate in the encryption.

But several years ago, it was realized that unilateral action of either party—saying its secret encryption key had been compromised, for instance—would circumvent the system. So Simmons, in his fourth iteration, proposed that a third party do on-site encryption using the public-key technique. With at least three parties contributing to the message-scrambling, the system was immune to impeachment by unilateral actions.

"Each time you solve one problem and peel off that layer of difficulty," says Simmons, "you find a more subtle one inside." But for now at least, he thinks the problem is finally solved. If the Soviets do not agree on his first-generation system, there are many alternatives.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination, which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 11:29 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. Stennis].

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, January 27, 1988, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance, without amendment:

S. Res. 361. An original resolution authorizing expenditures by the Committee on Finance.

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 362. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. Res. 363. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. Res. 364. An original resolution authorizing expenditures by the Committee on Governmental Affairs.

By Mr. CRANSTON, from the Committee on Veterans' Affairs, without amendment:

S. Res. 365. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 2013. A bill to prevent distortions in the reapportionment of the House of Representatives caused by the use of census population figures which include illegal aliens; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 2014. A bill to establish certain grant programs relating to acquired immune deficiency syndrome among intravenous substance abusers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. Simon, Mr. Cranston, and Mr. Moynihan):

S. 2015. A bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 2016. A bill to impose a legislative ban on and require a rulemaking with respect to, certain all-terrain vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. Simpson, Mr. Stevens, Mr. McCain, Mr. Hollings, Mr. Bentsen, Mr. Shelby, and Mr. Stennis):

S.J. Res. 243. Joint resolution relating to Central America pursuant to H.J. Res. 395 of the 100th Congress; to the Committee on Foreign Relations.

By Mr. EXON (for himself, Mr. Karnes, Mr. Dole, Mr. Durenberger, Mr. Conrad, Mr. Burdick, Mr. Lugar, Mr. Gore, Mr. Bradley, Mr. Cochran, Mr. Levin, Mr. Pell, Mr. Sanford, Mr. Stennis, Mr. Thurmond, Mr. D'Amato, Mr. Bond, Mr. Chiles, Mr. Pryor, Mr. Domenici, Mr. Metzenbaum, Mr. Sasser, Mr. Riegle, Mr. Dodd, Mr. Garn, Mr. Reid, Mr. Simon, Mr. Hecht, Mr. Graham, Mr. Ford, Mr. McClure, Mr. Danforth, Mr. Wilson, Mr. Nunn, Mr. Helms, Mr. Symms, Mr. Stevens, Mr. Chafee, Mr. Grassley, Mr. Warner, Mr. DeConcini, Mr. Heinz, Mr. Boren, Mr. Humphrey, Mr. Heflin, Mr. Bingaman, Mr. Inouye, Mr. Stafford, Mr. Byrd, Mr. Lautenberg, Mr. Johnston, Mr. Bumpers, Mr. Roth, Mr. Hollings, and Mr. Cranston):

S.J. Res. 244. Joint resolution to designate the month of April, 1988, as "National Know Your Cholesterol Month"; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. Wilson, Mr. Adams, Mr. Baucus, Mr. Bingaman, Mr. Bradley, Mr. Breaux, Mr. Bumpers, Mr. Burdick, Mr. Chafee, Mr. Chiles, Mr. Cochran, Mr. Conrad, Mr. D'Amato, Mr. DeConcini, Mr. Dodd, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Evans, Mr. Exon, Mr. Fowler, Mr. Garn, Mr. Gore, Mr. Graham, Mr. Grassley, Mr. Hecht, Mr. Heflin, Mr. Heinz, Mr. Hollings, Mr. Humphrey, Mr. Johnston, Mr. Kasten, Mr. Kennedy, Mr. Leahy, Mr. Lugar, Mr. Metzenbaum, Mr. Moynihan, Mr. Murkowski, Mr. Packwood, Mr. Pell, Mr. Proxmire, Mr. Pryor, Mr. Reid, Mr. Riegle, Mr. Rockefeller, Mr. Roth, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Stafford, Mr. Stennis, Mr. Warner, and Mr. Wirth):

S.J. Res. 245. Joint resolution to designate April 21, 1988, as "John Muir Day"; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself and Mr. Dodd.

S.J. Res. 246. Joint resolution to designate the month of April, 1988, as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN, from the Committee on Finance:

S. Res. 361. An original resolution authorizing expenditures by the Committee on Finance; to the Committee on Rules and Administration.

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

S. Res. 362. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. BURDICK, from the Committee on Environment and Public Works:

S. Res. 363. An original resolution authorizing expenditures by the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. GLENN, from the Committee on Governmental Affairs:

S. Res. 364. An original resolution authorizing expenditures by the Committee on Governmental Affairs; to the Committee on Rules and Administration.

By Mr. CRANSTON, from the Committee on Veterans' Affairs:

S. Res. 365. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 2013. A bill to prevent distortions in the reapportionment of the House of Representatives caused by the use of census population figures which include illegal aliens; referred to the Committee on Governmental Affairs.

PREVENTING DISTORTIONS IN THE REAPPORTIONMENT OF THE HOUSE OF REPRESENTATIVES CAUSED BY CENSUS FIGURES INCLUDING ILLEGAL ALIENS

● Mr. SHELBY. Mr. President, today I rise to introduce legislation that prevents the use of census figures which include illegal aliens for apportionment of the House of Representatives. This legislation will direct the Secretary of Commerce to ensure that illegal aliens shall not be counted for apportionment purposes.

Does it make sense that illegal aliens who are here without the consent of the governed be given representation in Congress? In 1980, the Census Bureau counted 2 million illegal aliens and included them in the numbers used to apportion the 435 seats in the House of Representatives.

According to a Congressional Research Service study, including illegal aliens in the 1980 census awarded an extra seat in Congress to California and New York at the expense of Indiana and Georgia. In 1990, Pennsylvania, Connecticut, Michigan, North Carolina, and Alabama could lose congressional seats if the Census Bureau continues to include illegal aliens.

This problem is relatively new, since prior to the 1970 census the number of illegal aliens in the United States was fairly negligible. To the extent illegal aliens were enumerated at all, their incidental inclusion in the census count was not an issue. But today the situation has changed and the inclusion of illegal aliens is affecting congressional district reapportionment.

The decision to include persons unlawfully present is not the product of years of agency practice, but rather is simply the failure to respond to a recent massive escalation in illegal migration.

The Census Bureau estimates that the permanent stock of illegal aliens coming to the United States rises by 200,000 to 300,000 each year, and brings the total illegal alien population in the United States to as many as 12 million; 12 million people translates into roughly 6 seats in the House of Representatives. The method currently used by the Census Bureau will cause some unknown number of foreign visitors, temporary workers, and foreign students to be included as well.

To avoid this problem in the future, the Census Bureau should add questions to its long and short forms which will identify illegal aliens. This inclusion of illegal aliens in the apportionment base dilutes the representation of several States and violates the equal representation principle.

Mr. President, I urge my colleagues to support this legislation and ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) in recent years millions of aliens have entered the United States in violation of immigration laws and are now residing in the United States in an illegal status and are subject to deportation;

(2) the established policy of the Bureau of the Census is to make a concerted effort to count such aliens during the 1990 census without making a separate computation for such illegal aliens; and

(3) by including the millions of illegal aliens in the reapportionment base for the House of Representatives, many States will lose congressional representation which such States would not have otherwise lost,

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thereby violating the constitutional principle of "one man, one vote".

SEC. 2. Section 141 of title 13, United States Code, is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) The Secretary shall make such adjustments in total population figures as may be necessary, using such methods and procedures as the Secretary determines appropriate, in order that aliens in the United States in violation of the immigration laws shall not be counted in tabulating population for purposes of subsection (b) of this section.".

SEC. 3. Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929 (2 U.S.C. 2a(a)), is amended by striking out "as ascertained under the seventeenth and each subsequent decennial census of the population" and inserting in lieu thereof "as ascertained and reported under section 141 of title 13, United States 1 Code, for each decennial census of population".●

By Mr. MOYNIHAN:

S. 2014. A bill to establish certain grant programs relating to acquired immune deficiency syndrome among intravenous substance abusers, and for other purposes; to the Committee on Labor and Human Resources.

INTRAVENOUS SUBSTANCE ABUSE AND AIDS PREVENTION ACT

● Mr. MOYNIHAN. Mr. President, since June 1981, over 28,000 people have died of AIDS. One-quarter of these deaths, 7,000 people, have resulted from intravenous drug use. According to the Centers for Disease Control, between 50 and 60 percent of intravenous drug users, as many as 335,000, are infected with the AIDS virus.

The AIDS virus is spread through the interaction of bodily fluids. This occurs when a needle used to inject heroin is used by another individual to do the same. That needle has the blood of the first user, which the second user is exposed to when using the same needle. This is the primary way in which AIDS is spread among intravenous drug users.

It is not only the intravenous drug users themselves that are contracting AIDS. They are spreading AIDS to their sexual partners and children. All these people will die; 53 percent of all AID-related deaths in New York City occur among intravenous drug users. As many as 350 children have died already from the AIDS virus contracted from their mother, and the number of children born with the AIDS virus is growing daily. According to a study conducted by Dr. Lloyd Novick, 1 out of every 60 newborns in New York City are born with the AIDS virus.

Children are dying. Mothers and fathers are dying. We are witness to this and seem powerless to stop it.

But we are not powerless.

We have the means to reach these people, break their habit, and stop the spread of AIDS.

This is not the first time intravenous drug use has threatened to wipe out a good number of people in our society. In 1969, when I was a Special Assistant for Urban Affairs for President Nixon, the crisis was heroin, a narcotic derived from the poppy plant. At that time, poppy plants were grown primarily in Turkey, processed into heroin in Marseilles, and then smuggled into New York.

In order to cut off the supply of heroin, I persuaded the President to provide financial assistance to help Turkish farmers make the transition from a poppy-based to a more general agricultural economy. With our help, the program to eradicate illicit poppy production succeeded and the French Connection collapsed, creating a severe shortage of heroin in every major drug center in the country.

It worked. Heroin use in all our cities went down. Crime went down. But now poppy production has moved to Pakistan, Burma, and Thailand. Iran and Syria have replaced France as heroin processing centers. We have had some cooperation with these countries to stop poppy production but not enough. In the last decade, heroin use has reemerged, and with the onset of AIDS, has become even more destructive.

Just last year, in an effort to control the growing problem, Congress enacted a major antidrug abuse law. It authorized $1.7 billion for prevention and treatment of illicit drug use and research into ways of breaking drug addiction, most notably with substances known as narcotic antagonists which block nerve endings so that the effects of narcotics cannot be felt by the user. But the Reagan administration, less than 4 months after the enactment of this much touted piece of legislation, proposed a $900 million cut in antidrug abuse programs. Fortunately, Congress was able to restore some of this money, but not nearly enough.

The bill I introduce today, the Intravenous Drug Abuse and AIDS Prevention Act, was introduced by Congressman RANGEL on September 16, 1987. As chairman of the House Select Committee on Narcotics, Congressman RANGEL has led the long and difficult battle against drug abuse. I have been privileged to work with him in the past and am proud to do so again.

This bill seeks to attack this problem where it lives. It provides $100 million for the Secretary of Health and Human Services to make grants for nonprofit organizations for treatment services to intravenous drug users; 75 percent of these funds will go to areas with a high incidence of drug use and AIDS. The remaining 25 percent of funds will go to areas which have a low incidence of AIDS but a high incidence of drug use and therefore have the potential for widespread AIDS infection.

In addition, $50 million is authorized for demonstration projects to reduce the incidence of AIDS in infants and to care for infants infected with AIDS. These funds could be used to provide prenatal care for women who are intravenous drug users, services to parents of infected children, foster care for children with AIDS, counseling, education and testing services for women at risk for AIDS by virtue of drug use or sexual contact with drug users, and pregnant women infected with the AIDS virus.

Lastly, $50 million is provided for grants for outreach and counseling programs to prevent intravenous drug use among minority groups. We have appropriated $14 million specifically for outreach AIDS education to minority communities. Too little.

The responsibility is clear: If we don't inform our citizens of the dangers of drug use in and of itself and its direct link to the spread of AIDS, we fail in our duty as public officials and as fellow human beings.

I ask unanimous consent that an editorial in the January 23, 1988, New York Times entitled, "Contain AIDS by Treating Addicts" be printed in the RECORD.

I urge my colleagues to support this bill and ask unanimous consent that the text be printed in the RECORD in full.

There being no objection, the bill and the letter were ordered to be printed in the RECORD, as follows:

S. 2014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intravenous Substance Abuse and AIDS Prevention Act of 1988".

SEC. 2. FINDINGS.

Congress finds that:

(1) More than 38,000 cases of acquired immune deficiency syndrome (AIDS) have been reported to the Centers for Disease Control, and more than 270,000 such cases are expected to be reported by 1991.

(2) Intravenous substance abusers are the second largest group in the United States that has AIDS. Of the cases of AIDS reported to the Centers for Disease Control, 17 percent are attributable to intravenous substance abuse and such abuse was a risk factor in an additional 8 percent.

(3) HIV (the virus causing AIDS) is transmitted among intravenous substance abusers through the use and sharing of needles, syringes, swabs, or other drug-related implements that are contaminated with blood infected with HIV.

(4) HIV can be transmitted rapidly among intravenous substance abusers in a given geographic area. Once a group of intravenous substance abusers becomes exposed to HIV, such abusers become the primary source for heterosexual transmission and perinatal transmission of HIV.

(5) A disproportionate number of cases of AIDS has occurred among members of minority groups. More than 80 percent of such cases attributable to intravenous substance abuse have occurred among Blacks and Hispanics and more than 90 percent of heterosexual and perinatal transmission AIDS cases related to such abuse have occurred among Blacks and Hispanics.

(6) More than 50 percent of women in the United States who have AIDS developed the disease as a result of intravenous substance abuse. The second largest group of women who are at risk with respect to infection with HIV are women who are the sexual partners of intravenous substance abusers.

(7) Most women with AIDS are in their child-bearing years, and women infected with HIV may transmit HIV to any of their children born subsequent to the mother's infection. In July 1987, the Centers for Disease Control reported a cumulative total of 460 cases of AIDS among children under 5 years of age at the time of diagnosis. Approximately 80 percent of children with AIDS who were infected through perinatal transmission were children of intravenous substance abusers.

(8) Preventing or reducing the transmission of HIV among intravenous substance abusers is essential with respect to preventing or reducing the heterosexual and perinatal transmission of HIV in the United States.

(9) To reduce and prevent the spread of AIDS related to intravenous substance abuse, additional Federal leadership and support is urgently needed to expand treatment for intravenous substance abusers, to promote efforts to prevent pediatric AIDS and provide better care for infants with AIDS, and to establish effective school and community-based AIDS prevention programs.

SEC. 3. ESTABLISHMENT OF GRANT PROGRAM FOR TREATMENT SERVICES WITH RESPECT TO INTRAVENOUS SUBSTANCE ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services may make grants to public and nonprofit private entities for the purpose of enabling grantees to provide, in accordance with subsection (b), treatment services to intravenous substance abusers.

(b) REQUIREMENTS WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME.—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that, in providing pursuant to subsection (a) treatment services to intravenous substance abusers, the applicant will—

(1) make available to such abusers, and to the sexual partners of such abusers, counseling and education services with respect to preventing the transmission of the etiologic agent for acquired immune deficiency syndrome; and

(2) make available to such abusers testing for the purpose of determining whether such abusers are infected with such etiologic agent.

(c) CONSENT TO TESTING.—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that the applicant will not, as a condition of the receipt of substance abuse treatment services, require that an individual undergo testing described in subsection (b)(2).

(d) REQUIREMENT OF PROVISION OF SERVICES IN CERTAIN GEOGRAPHIC AREAS.—The Secretary may make grants under subsection (a) only to applicants that will provide services under the grant in a geographic area in which, in the determination of the Secretary—

(1) the incidence of intravenous substance abuse is substantial relative to such incidence in other geographic areas; and

(2) the incidence, among intravenous substance abusers, of infections with the etiologic agent for acquired immune deficiency syndrome—

(A) is substantial relative to such incidence in other geographic areas; or

(B)(i) is insubstantial relative to such incidence in other geographic areas; and

(ii) may be prevented from becoming substantial if sufficient treatment, counseling, and education services are provided to intravenous substance abusers.

(e) ALLOCATION OF AMOUNTS AVAILABLE FOR GRANT PROGRAM.—Of amounts available pursuant to subsection (f), the Secretary shall—

(1) reserve 75 percent for grants under subsection (a) to applicants that will provide services under the grant in geographic areas described in paragraphs (1) and (2)(A) of subsection (d); and

(2) reserve 25 percent for grants under subsection (a) to applicants that will provide services under the grant in geographic areas described in paragraphs (1) and (2)(B) of such subsection.

(f) FUNDING OF GRANT PROGRAM.—Of the amounts appropriated pursuant to section 7, the Secretary shall reserve 50 percent for the purpose of carrying out this section.

SEC. 4. ESTABLISHMENT OF GRANT PROGRAM FOR SERVICES AND ASSISTANCE FOR REDUCTION AND PREVENTION OF ACQUIRED IMMUNE DEFICIENCY SYNDROME AMONG INFANTS.

(a) IN GENERAL.—The Secretary may make grants to public and nonprofit private entities for the purpose of enabling grantees to carry out demonstration projects for reducing or preventing the incidence in infants of infections with the etiologic agent for acquired immune deficiency syndrome and for providing support to infants who have such infections.

(b) PREFERENCES IN MAKING GRANTS.—The Secretary shall, in making grants under subsection (a)—

(1) give first priority to qualified applicants that will provide services under the grant in any geographic area in which, in the determination of the Secretary—

(A) the incidence in infants of infections with the etiologic agent for acquired immune deficiency syndrome is substantial relative to such incidence in other geographic areas; and

(B) the incidence, among intravenous substance abusers, of infections with the etiologic agent for acquired immune deficiency syndrome is substantial relative to such incidence in other geographic areas; and

(2) give second priority to qualified applicants that will provide services under the grant in any geographic area described in paragraph (1)(B).

(c) PROVISION OF CERTAIN SERVICES.—Grantees under subsection (a) may expend grant funds—

(1) to provide for prenatal care for women who are intravenous substance abusers;

(2) to provide for prenatal care for women who are the sexual partners of intravenous substance abusers;

(3) with respect to the parents of infants infected with the etiologic agent for acquired immune deficiency syndrome, to provide services and financial assistance to parents for the purpose of aiding parents in caring for, and providing support to, such infants;

(4) to provide services and financial assistance with respect to encouraging foster care for such infants and other means by which such infants can receive care and support in settings other than hospitals;

(5) with respect to women who are intravenous substance abusers and who are pregnant or at risk of becoming pregnant, to make available to such women counseling and education services with respect to preventing the transmission of the etiologic agent for acquired immune deficiency syndrome and to make available to such women testing for the purpose of determining whether such women are infected with such etiologic agent; and

(6) to make such services and such testing available to women who are pregnant, or at risk of becoming pregnant, and who are the sexual partners of intravenous substance abusers.

(d) FUNDING OF GRANT PROGRAM.—Of the amounts appropriated pursuant to section 7, the Secretary shall reserve 25 percent for the purpose of carrying out this section.

SEC. 5. ESTABLISHMENT OF GRANT PROGRAM FOR PREVENTION OF ACQUIRED IMMUNE DEFICIENCY SYNDROME RELATING TO INTRAVENOUS SUBSTANCE ABUSE.

(a) IN GENERAL.—The Secretary may make grants to public and nonprofit private entities for the purpose of enabling grantees to provide counseling and education services with respect to preventing the transmission of the etiologic agent for acquired immune deficiency syndrome directly or indirectly through intravenous substance abuse.

(b) PREFERENCES IN MAKING GRANTS.—The Secretary shall, in making grants under subsection (a), give preference to qualified applicants that will provide services under the grant to minority populations in any geographic area in which, in the determination of the Secretary, the incidence of intravenous substance abuse is substantial relative to such incidence in other geographic areas.

(c) PROVISION OF CERTAIN SERVICES.—Grantees under subsection (a) may expend grant funds—

(1) to provide counseling and education services described in such subsection through outreach services to intravenous substance abusers; and

(2) to provide education services described in such subsection through the dissemination of information throughout the geographic area involved, including dissemination in school systems and through means of mass communication.

(d) FUNDING OF PROGRAM.—Of the amounts appropriated pursuant to section 7, the Secretary shall reserve 25 percent for the purpose of carrying out this section.

SEC. 6. GENERAL PROVISIONS.

(a) REQUIREMENT WITH RESPECT TO INCREASE IN SERVICES.—The Secretary may not make a grant under any of sections 3 through 5 to an applicant unless the applicant agrees that the applicant will not expend amounts received under the grant involved to supplant any funds otherwise available to the applicant for the purpose for which such grant is to be made to the applicant.

(b) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under any of sections 3 through 5 to an applicant unless the applicant has submitted to the Secretary an application for the grant involved. The application shall, with respect to carrying out the purpose for which the grant is to be made, provide assurances of compliance satisfactory to the Secretary and shall otherwise be in such form, be made in such manner, and contain such information and agreements as the Secretary

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determines to be necessary to carry out such purpose.

SEC. 7. AUTHORIZATIONS OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated $200,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) The term "intravenous substance abuse" includes substance abuse through subcutaneous injection and intramuscular injection.

(2) The term "Secretary" means the Secretary of Health and Human Services.

[From the New York Times, Jan. 23, 1988]

CONTAIN AIDS BY TREATING ADDICTS

New York City has long had to cope with crimes committed by its 200,000 heroin addicts to finance drug purchases. Now they pose a new danger. By sharing the needles they use to shoot up, they spread AIDS. Mayor Koch deserves praise for recognizing the need to increase the city's drug treatment capacity. State officials, already taking steps to boost drug treatment, would earn more credit by finding the funds for the Mayor's plan.

City officials recently made the alarming discovery that 53 percent of AIDS-related deaths in the city occur among intravenous drug abusers, a figure that far exceeds the percentage among gay and bisexual men. While the authorities despair of curbing the drug problem through law enforcement, treatment offers some hope. Most addicts eventually seek help; many more would if more help were freely available.

But residential drug treatment programs offer fewer than 5,000 spaces in the city; expansion would require heavy investments to acquire and staff new facilities. Methadone, a drug that blocks heroin craving and permits a normal life, offers more promise. It is now dispensed on an outpatient basis to about 29,000. Tens of thousands more could be accommodated in city hospitals and clinics with only modest increases in resources and an easing of legal requirements for counseling.

Governor Cuomo recently approved state funding for 5,000 more methadone treatment "slots." Mayor Koch now would extend hours of drug treatment centers to add an additional 3,000 addicts. He also would set up new drug treatment programs in city-owned buildings. He estimates an initial added cost of $5 million and asks the state to come up with the money.

That's appropriate. The state has paid for drug treatment in the city since the fiscal crisis of the 70's. And Mayor Koch offers more than just time and space. He pledges to face down any community objections. A prompt state response could hold him to that pledge and help contain the AIDS epidemic.●

By Mr. KENNEDY (for himself, Mr. SIMON, and Mr. MOYNIHAN):

S. 2015. A bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program; referred to the Committee on the Judiciary.

IMMIGRATION LEGALIZATION DEADLINE

● Mr. KENNEDY. Mr. President, today I am joining Senator SIMON, Senator CRANSTON, and Senator MOYNIHAN in introducing legislation to extend the application period for the immigration legalization program for an additional 12 months. The application deadline set by statute is May 4, 1988, but all indications are that the program may well need some additional time for those eligible to apply.

I propose this extension because I believe the program has been a success to date. Immigration officers in the field have exhibited extraordinary dedication to this program, along with the hard-working staff of churches and community groups around the country. And this dedication has overcome many of the monumental obstacles faced in getting the program underway.

The result is that, to date, some 1.2 million persons have applied for legalization.

But reports I have received suggest that there are still hurdles ahead—that there are still pockets of eligible illegal aliens who have not yet come forward for the amnesty. I believe even more can be done with this population with more time.

Public education and information has been slow. Word of the program's achievements—that illegal aliens can apply without fear of deportation—has not yet adequately reached undocumented alien communities. And the Immigration Service has made some commendable midcourse adjustments in the regulations governing the program which need time to take full effect.

Like many others, I personally have tried to contribute to the public education campaign by taping public service announcements for the Immigration and Naturalization Service. But now, fully 6 weeks after the taping, the Immigration Service has only now prepared these announcements for airing. I am confident that this situation will be corrected soon, but nonetheless it illustrates the fact that public education of this magnitude is tedious and slow.

The Immigration Reform and Control Act envisioned a 6-month period of public education before the legalization program began. However, the first advertising for the amnesty followed, rather than preceded, the start of the amnesty.

Mr. President, some of the blame for the slow start on public education lies with Congress. The immigration reform law was enacted in November 1986, after we had already wrapped up appropriations for the 1987 fiscal year. And we did not pass a supplemental appropriations bill until July 11—well after the legalization program had already begun.

On this point, Mr. President, we can afford to be generous. We can afford to give the program the benefit of the doubt. For the legalization program has proceeded to date at little or no expense to the taxpayer. As mandated by statute, it is funded through application fees.

So, too, would an extended application period be self-funded.

An extension would in no way alter the requirements for legalization. In other words, only those already qualified for legalization would benefit from extension of the application period.

Hopefully, Mr. President, this legislation in the end will not be necessary. Hopefully, we can take stock of the legalization program in a few weeks and find that the last-ditch public education efforts by the Immigration Service and church and community groups are paying off.

But I believe it is important not to lay the groundwork for an extension of the application period, should it be necessary.

Throughout the debate over the Immigration Reform and Control Act we in this Chamber stated repeatedly that this legalization was a one-shot deal. If this is indeed to be a one-time effort, we need to be sure that the job is complete before we close the books on this humane and important program.

I ask, Mr. President, that the text of my bill be printed at this point in the RECORD, as well as relevant articles from the press.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 1-YEAR EXTENSION OF APPLICATION PERIOD UNDER THE LEGALIZATION PROGRAM.

(a) IN GENERAL.—Section 245A(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(1)(A)) is amended by striking out "12-month period" and inserting in lieu thereof "24-month period".

(b) CONFORMING AMENDMENTS.—(1) Section 245A(a)(1)(B) of such Act is amended—

(A) by striking out "first 11 months of the 12-month period" and inserting in lieu thereof "first 23 months of the 24-month period", and

(B) by striking out "18-month period" and inserting "24-month period".

(2) Section 201(c) of the Immigration Reform and Control Act of 1986 (Public Law 99-603) is amended—

(A) in paragraph (1), by striking out "two years" and inserting in lieu thereof "3 years", and

(B) in paragraph (2), by striking out "18 months" and inserting in lieu thereof "30 months".

[From the Boston Globe, Nov. 6, 1987]

AMNESTY DEADLINE EXTENSION URGED

(By Andrew Blake)

Cardinal Bernard Law and Mayor Flynn, saying the federal amnesty program for aliens has been a failure, joined with the Massachusetts Immigrant and Refugee Advocacy Coalition yesterday in calling for an extension of the amnesty deadline next May.

"The promise of the amnesty bill has not been fulfilled," Law said at a news conference in the Haitian Multi-Service Center in Dorchester. Fear, he added, is keeping thousands from applying to the Immigration and Naturalization Service for legal status.

"The termination date should be extended for six months to fulfill the original intent of the law. The bill took six months just to get off the ground," he explained.

Congress last year established an amnesty period for aliens who have lived continuously in this country since Jan. 1, 1982. The program expires on May 4, 1988. Law, Flynn and the coalition also called on Congress for new legislation to cover aliens who entered the country after the Jan 1, 1982 cutoff date.

Although the INS estimates that 3.9 million undocumented aliens nationwide would benefit from the program, only 733,700 have applied. Locally, of about 60,000 who could achieve legal status, only 4,200 have applied, according to the immigrant coalition.

"This law was a reform that never happened. It needs to be revised. It needs to be more open," said Flynn. Last month, Flynn established an outreach program for aliens regardless of their legal status. The program, the first of its kind in the nation, offers free medical and legal assistance.

Earlier in the week, Kitty Dukakis, the governor's wife, urged illegal immigrants to apply for amnesty before the federal program expires in May.

"I realize that many of you have not applied because you are afraid you will be deported or your family will be separated," she said Wednesday at a State House news conference. "Please be aware that the information in your application cannot be used to deport you or your family."

The state's Executive Office of Human Services, recognizing the growing population of legal and illegal immigrants in Massachusetts, Wednesday expanded its refugee assistance program to include all immigrants.

The program primarily operates as a referral service for aid such as legal advice, medical help and information on the amnesty offer for illegal aliens.

In a 17-page report, the immigrant coalition found that aliens are not coming forward in large numbers because they fear the INS, have little knowledge about the amnesty program, are put off by excessive documentation requirements and are concerned about being separated from other members of their family.

Muriel Heiberger, executive director of the immigrant coalition, said the INS should liberalize its policies on the national level rather than follow the most strict interpretation of the amnesty law. Local INS offices, she added, have been courteous and cooperative but must follow policies dictated in Washington.

Cardinal Law said some 3,500 people in the Archdiocese of Boston have asked about amnesty in recent months and some 130 applicants, aided by the church, are being processed by the INS with "another 100 in the pipeline."

"This does not begin to address the potential number of people who could benefit from this bill," said Law.

[From the New York Times, Nov. 3, 1987]

DON'T LET THE AMNESTY DOOR SLAM

Congress passed the Immigration Reform and Control Act last year to make it harder for new illegal aliens to stay in this country—and easier for old ones. The act provided amnesty for aliens who had been here since at least 1982. But they were given only 12 months to apply, and even that time has been constricted. Fairness alone would impel Congress to keep the legalization door open an additional year, to May 4, 1989.

The first goal was to deter illegal immigrants by forbidding employers to hire them. Early evidence indicates that this goal is being met. The second goal was to bring out of the shadows hundreds of thousands of aliens who have lived in this country illegally, and furtively, for years. This goal has been less well met.

Many of the eligible aliens need more time to apply. The Immigration and Naturalization Service did not start taking applications until May 5. So far, across the nation, less than a million illegals have applied for legalized status; less than 50,000 are from the New York area. I.N.S. legalization offices are operating at 50 percent capacity in the West and only 20 percent in the East.

If these rates continue, the program will legalize far fewer aliens than anticipated. Also, the approval process has been painfully slow. Only 75,000 amnesty requests have been granted. The most effective way to spur applications is to decide cases and let beneficiaries spread the word.

It comes as no surprise that the Immigration Service is still ironing the wrinkles out of this massive effort. There have been computer problems. National and regional information campaigns take time to develop. Outreach and networking have been inadequate: it takes vast effort to penetrate thousands of aliens enclaves. In addition, clarification is needed for regulations about length of continuous residence, proof of employment and policies regarding the protection of family members.

Aliens, some daunted by language, have hung back. Some don't understand the new law. Some fear, incorrectly, that even if one member of a family is eligible for amnesty, a spouse, parents or children could be deported based on information on the application form. There must be time for accurate information to be disseminated and digested, and for understanding and trust to develop. The Immigration Service is, after all, the agency that deports people.

The Service has worked hard to make the amnesty program work. By extending legalization to May 4, 1989, Congress would insure that it does.

[From the Dallas Times Herald, Dec. 20, 1987]

GIVE AMNESTY MORE TIME

No single law has had more impact on Texas during the past year than the Immigration Reform and Control Act of 1986, which provides amnesty for undocumented aliens who have lived in the United States continuously since Jan. 1, 1982. After years of wrangling, Congress passed the act to help control the flow of illegal immigrants into the United States. It was signed into law on Nov. 6, 1986.

Implementation of the law required a delicate touch, but the responsible organization, the Immigration and Naturalization Service, has proceeded with a heavy hand. Still, the INS was the only government agency that could do the job.

Suddenly, by the stroke of the presidential pen, the INS was told to switch gears: from the agency that tenaciously hunted down illegals and deported them to a kindhearted agency extending the olive branch of amnesty.

Little wonder illegal aliens reacted with fear and suspicion.

While the INS originally projected that about 4 million undocumented aliens would apply for amnesty, only about 1 million have surfaced. Yet the backlog on processing applications is huge—only about 15 percent of the applications have reached a final determination. And many experts feel the INS is letting other business go to deal with the amnesty overload.

Granted, the INS was given a massive task in establishing 107 amnesty centers around the country and publicizing the new law. But imagine how overloaded the system would be if the expected number of illegals had applied.

Distrust of the INS is not the only reason for the slow rate of amnesty applications. Lack of knowledge is another key factor. That's why the Dallas Times Herald has made this story a top priority—publishing information in Spanish as well as English. But in New York, for instance, where only about one-fifty of illegals believed to be there had applied for amnesty a year after the law was passed, efforts to publicize the new law have only recently begun to pick up steam.

It's unfortunate that public service announcements about amnesty are rarely shown on television during prime time.

Still, given time, the public education program will be successful. Eventually, the word will spread and most illegals will understand the opportunity they are being offered. That, however, is only part of the remedy.

A Times Herald survey being published today indicates as many as 40 percent of those eligible for the legalization program are not applying—not because they aren't aware of the program, but because they cannot meet the rigorous documentation requirements, fear the government and are afraid they will be separated from their families.

The question of family unity is critical. Splitting up homes is hardly the American way, and illegal aliens must be treated by American standards. Legal or not, they are here. It demeans us to use totalitarian methods to cure our immigration problems. Congress has been unwilling to deal with the question of spouses and children. In October the lawmakers voted down an amendment to extend amnesty to members of a qualified illegal's nuclear family. Last week, by one vote, House-Senate conferees killed a comparable amendment that was to be attached to the omnibus spending bill.

Congress should reconsider. While splitting up families may be justified on abstruse, technical grounds, we find it distasteful to force people to trade their spouses and children for a chance at U.S. citizenship. The INS has said children won't be deported, which leaves spouses at risk.

It seems the INS is having a difficult time adapting to its new role. The agency cannot resist playing hardball with illegals, with continuing raids and the recent directive that illegals better not be foolish enough to return home for Christmas without U.S. government permission—granted only for medical emergencies.

That's a wonderful way to encourage people to come forward.

Until either the INS or Congress finds the courage and compassion to assure illegals they can apply for amnesty without jeopardizing their families, the application rate will remain to low.

For immigration reform to work as planned, those eligible for amnesty must receive it. Sanctions against employers who hire undocumented aliens, which had to be delayed because of the INS' faulty education program, are now rumbling into action. That's essential. It cuts off the primary attraction of the United States to illegals—jobs.

But there are problems with employer sanctions as well. Fraud has surfaced in many cases, especially in the Special Agriculture Worker program. In Florida, for instance, as many as half of the 42,000 SAW applicants are suspected of using bogus documents to back up their claims.

The INS has also had a problem of districts using different guidelines. This creates confusion and encourages illegals to "shop" for a district to suit their needs. Clearly, all illegals should meet the same standards.

Gauging the effectiveness of immigration reform is difficult. Its ultimate goal is to bring U.S. borders under control. But the only quantitative tool available to measure its success is the number of apprehensions. Although border arrests have dropped by 30 percent since the law's implementation, there's no way to tell if this means fewer illegals are crossing the border or if it is simply the result of less stringent enforcement.

Given the numerous problems, it seems apparent that the May 4, 1988, deadline for amnesty applications must be extended. Rep. Charles Schumer, D-N.Y., is ready to introduce a bill for a one-year extension, and Congress should approve it.

Extending the arbitrary deadline only enables more qualified illegals to apply for amnesty; it does not alter the qualification requirements. While some deadline must be kept to encourage illegals to act quickly, there is no reason not to extend it long enough for the INS and Congress to get their act together.

[From the New York Times, Jan. 3, 1988]

AMNESTY REQUESTS BY ALIENS DECLINE

(By Peter Applebome)

The number of aliens applying for legal status under the new immigration law has dropped steadily in recent months, raising serious questions about whether the program will reach its envisioned total of two million applicants before it ends May 4.

Requests have been made that the one-year program be extended. The situation is also contributing to a debate about the effectiveness of the immigration law and to calls for expanding the number of aliens eligible for amnesty. The law led to the largest amnesty program in history.

MANY CASES NOT FULLY REVIEWED

Thus far 1.2 million aliens have applied for legal status under the terms of the Immigration Reform and Control Act, passed by Congress in November 1986. The number includes 240,000 seasonal agricultural workers and 904,000 aliens applying under the measure's provision for general amnesty.

Fewer than a quarter of the applications have been fully reviewed, with 92 percent of the 1.2 million, or 249,000 people, approved to be issued cards that prove their lawful status.

Applications have been steadily declining since September. At that rate, they would fall below the Immigration and Naturalization Service's estimate of 2 million and the total would not approach the 3.9 million figure that immigration officials used as the most optimistic estimate of potential applicants.

Immigration officials attribute part of the decline to the holiday season. They also say they expect a deluge of applicants in the final month, noting that such programs elsewhere have seen a frantic rush as they wound up.

While immigration officials oppose an extension, they concede that the turnout continues to be disappointing in some parts of the country, particularly Northeastern cities like New York and Boston.

The slow pace and relatively low number of applications that have been reviewed have led to calls for extension. Representative Charles E. Schumer, Democrat of Brooklyn, introduced a bill in December calling for a one-year extension of the application period until May 1989. Members of Congress returning from the holiday recess will find the bill in committee.

"OUT OF THE SHADOWS"

"The original intent of this program was to get the underclass out of the shadows and into the mainstream," said Muzaffar Chistl, who heads the legalization program for the International Ladies Garment Workers Union in New York. "That is not happening. We need more time."

Immigration officials are not alone in opposing extension. "I think there's something un-American about breaking a deal, and that's how people will see extending or expanding the program," said Patrick Burns, assistant director of the Federation for American Immigration Reform, a nongovernmental, nonprofit organization that opposes efforts to liberalize immigration policies.

"Instead of being thanked for an act of beneficence," Mr. Burns went on, "we're hearing the whining of the ungrateful. It's patently obvious this is a bottomless pit. They'll be damned lucky if amnesty isn't repealed altogether if they push this too far."

The immigration law offers legal status or amnesty to illegal aliens who can prove they have resided continuously in the United States before Jan. 1, 1982. More liberal amnesty provisions are included for seasonal agricultural workers.

The amnesty program is part of an approach that includes sanctions against employers who hire illegal aliens and stepped-up Border Patrol and immigration service enforcement agents. The goal is to deter further illegal immigration while offering the protection of legal status to aliens who have lived here since the beginning of 1982.

The amnesty program began slowly last May, amid criticism that the immigration service and counseling agencies set up to assist aliens were not prepared to take up their tasks at the beginning. But applications picked up in July and August, culminating in a record 64,574 in a week at the end of August.

Aliens applying for jobs had to apply for amnesty by the end of August to be hired to work, but applications dipped below 40,000 a week in mid-September for the first time since the beginning of July. They have continued to plunge since then, running below 30,000 a week since the beginning of November.

PROBLEMS ARE CROPPING UP

Interviews with counseling agencies across the nation and reports by groups involved with the matter in Boston, San Franscisco and New York suggest that the program has a number of nagging problems: inadequate publicity, overly strict interpretation of some parts of the law, fear of the immigration service and difficulties in documenting residence.

Most people involved agree, however, that the biggest barrier to broader participation is a failure to clarify the status of family members who are ineligible for amnesty on their own. The issue has raised fears that families will be split up if one member is eligible for amnesty but a spouse or child is not.

"We've found that a lot of people are simply disqualifying themselves because of the family unity question," said Lavinia Limon, executive director of the International Institute of Los Angeles. "It's very clear the law is not resulting in the balanced approach that Congress had in mind."

But Duke Austin, a spokesman for the Immigration and Naturalization Service, said Congress had voted down proposals last year to clarify and broaden the family unity provisions. "It's time to get that issue off the I.N.S.'s back," he said. "It was brought up in Congress and voted down. They couldn't pass it. It's totally unfair to keep carping at I.N.S. when Congress has made its intend clear."

HARDSHIP FOR THE HELPERS

The decline in applicants has caused particular hardship to the church and counseling groups established to aid aliens in applying.

The low turnout, coupled with a lower than expected percentage of applicants using the counseling groups, have resulted in strains on the groups' resources. Many of the agencies, which receive fees for processing the applications, say they are losing money because they established costly operations that are not bringing in as much income as had been projected. Many agencies have radically cut back their services.

In Los Angeles, Catholic Charities has cut back from 14 legalization offices to 5. Ms. Lemon said her organization had been reduced from 20 to 6 legalization workers.

"THREATS TO SMALL BUSINESSES"

There is a fear that the applicants still to come are the weakest cases that will need the most help, and that the agencies will not be prepared to offer it by the time the program ends. Most of the support for extension is from groups that work with aliens. These groups range from organizations working with Hispanic people to Irish organizations in Boston that help Irish aliens.

Some business groups question the program's effectiveness. "This law is not working," said Tom Rowland, executive vice president of the 1,200-member Restaurant Association of Metropolitan Washington. "There are jobs which are going unfilled. If we are going to get extra attention for employer sanctions, then we want extra attention for amnesty. We are saying this is not a temporary discomfort but a serious threat to small businesses."

But beyond the issue of extension, which critics and proponents alike agree has a good chance of passage, is all assessment of the amnesty program as a whole.

Amnesty was the most disputed element of the immigration legislation. Even those who wanted to see the applicant pool expanded by setting a later eligibility date admit they faced long odds. But some familiar with the matter say that so many aliens entered the United States after 1982—or do not apply under the current law—that the program will still leave a huge residue of illegal aliens. That appears most likely in the

Northeast, where the turnout for applications for legal status is the worst.

In a report on the program in New York state, Dr. Josh DeWind, director of the Immigration Research Program of the Center for the Social Sciences at Columbia University, concluded: "A major implication of the low legalization application rate for New York will be the continued existence of a large undocumented population, probably 80 percent of those currently here, which will be even more vulnerable to poverty and exploitation than in the past."

In an interview, he said: "The real problem is not in the program's time period or in the public education program, but in the bill itself and who it restricts. I would advocate a real amnesty to a recent date."

Groups like FAIR say extending or expanding the program would send out the worst possible signal.

"It would make a mockery of the immigration law and encourage illegal immigration to the United States," said Mr. Burns, the assistant director of FAIR, "There are a lot of folks in El Salvador and Mexico and Korea and the Philippines looking at us and asking, are we serious about enforcing the law? If we extend or expand it, not only are we telling them we're not serious—we're telling the 2 million people waiting to come here legally they were fools to believe in the American system."

[From the New York Times, Jan. 6, 1988]

THE MASSES: STILL HUDDLED

(By Jay Mazur)

A union official recently overheard a Haitian-born worker listening to a radio station broadcasting in Creole. Every word was in the man's native tongue, with one glaring exception: The Immigration and Naturalization Service's announcement about the amnesty program for undocumented workers was in English!

This illustrates one reason why, with four months to go in the yearlong amnesty period, perhaps one-quarter of the estimated 3.9 million "illegal aliens" eligible for amnesty have come forward. In the New York area alone, 80 percent or more of those eligible have failed to apply.

If the program falters, the United States risks perpetuating a threat to its social and economic stability as serious as any external menace: a vast underground society populated by millions of men, women and children who live furtively and fearfully, often at the mercy of unscrupulous employers.

The Immigration Reform and Control Act of 1986 was a carefully crafted compromise. It sought to control illegal immigration by penalizing employers who hire "illegals." It also offered legal residency to some, though by no means all, undocumented workers already in America.

Unfortunately, the amnesty provisions of the act are very restrictive. Only immigrants who arrived before Jan. 1, 1982, are eligible, insuring that an enormous pool of immigrants will remain ineligible and constantly subject to deportation. Even those eligible have only a year to apply and to complete an extremely difficult process of documenting their claims.

Problems with the law have been obvious since it took effect. People who came to America legally before Jan. 1, 1982, but later became illegal—say, because their temporary visas expired—are excluded from the amnesty. Eligible immigrants fear coming forward because their spouses or children are ineligible.

Moreover, the extensive documentation required by the Immigration and Naturalization Service to prove residency is overwhelming. For people who have gone to great lengths to conceal their true status, proving it becomes a formidable obstacle. Most import, I.N.S. publicity efforts have been inadequate: The message has not gotten through to millons of eligible people. And now to overcome the distrust of people accustomed to avoiding the I.N.S.?

To be sure, the I.N.S. has mounted a significant amnesty effort. Some 1.2 million people have entered the legalization process and most of them are likely to become resident legal aliens, eligible for citizenship. But the immigrants who have applied generally are those who are better educated, speak English well or work in unionized industries. The three million who have not applied—the large majority—tend to be the less educated, speak little or no English and work in marginal jobs. Thus, the amnesty program has not and will not reach the most vulnerable and exploited.

If the major immigration reform of this generation is to work, it must be liberalized. Unwisely, Congress failed to include in the law a guarantee of family unity, and should correct this mistake. Meanwhile, the I.N.S. can insure that no family will be separated as a result of one family member's applying for amnesty.

First, the amnesty period must be extended for a year; three or four million people cannot be legalized in a few months.

Second, the I.N.S. must use the longer period to launch an effective information campaign: Immigrants should learn about amnesty through the ethnic media and in their own languages. To help establish trust, the I.N.S. should spotlight the work of trade union, religious and community organizations that offer help. The employers of undocumented workers should play a larger role in educating eligible immigrants.

Third, the I.N.S. must simplify its burdensome documentation requirement and other rules. Congress declared an amnesty, and the I.N.S.'s job is to find eligible workers and legalize them, not to make legalization difficult.

The fears of some members of Congress that new immigrants would overburden public services are unfounded. Congress should extend the 1982 cutoff date and make a larger number of undocumented workers eligible for amnesty.●

● Mr. SIMON. I wish to join Senator KENNEDY, chairman of the Immigration Subcommittee, in sponsoring this measure to extend the time period to apply for legalization. This bill, when enacted, will go far to ensure congressional intent that aliens who meet the eligibility standards for amnesty be permitted to apply.

As a member of the Immigration Subcommittee, I have been very concerned with the success of the legalization program. To be sure, uncertainty regarding new administrative requirements for applying for legalization were to be expected, particularly in an undertaking as large as this one. The task of overcoming the historic fear and mistrust of the Immigration Service among the undocumented population just 6 months after the new law passed would have been difficult in the best of circumstances. So it is not to be critical of the INS or to point a finger at the agency when I cosponsor this bill. I support this bill simply in order for the law to have full opportunity and time to work.

The Immigration Service originally estimated that at least 200,000 aliens could be legalized in the Chicago area. As of January 12, however, only 65,323 applications had been accepted. In other words, fewer than one-third of those expected to be eligible have applied after two-thirds of the time to apply has elapsed. Worse, the trend in the numbers of applications—both in Chicago and nationwide—indicates a steady drop each month. Applications for all of November and December in Chicago were fewer than for the month of September. Nationally, the November figures were slightly more than half of the applications received in August. Most of these applications are still under consideration and have not been finally approved. The INS can rightfully be proud of making possible the new futures awaiting these individuals. But we can do better.

Our bill will give the Immigration Service more time to publicize the program—its requirements and its benefits—and will enable the community agencies, religious institutions and other interested parties to work with the INS to increase the number of participants in the legalization program. Legalization under the Immigration Reform and Control Act is a once in a lifetime proposition. Let's make sure that all of those who meet the eligibility standards set down by Congress and the INS have the full opportunity to take part in America.

Cardinal Joseph Bernardin of the Archdiocese of Chicago has recently called upon Congress to extend the legalization period and make other changes in the immigration law. I commend this statement to my colleagues and ask that it be entered into the RECORD with an article from the Chicago Tribune.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOSEPH CARDINAL BERNARDIN ON LEGALIZATION ISSUES

When the Immigration and Reform Act of November 1986 was passed, I shared the joy of many immigrants in Chicago. This was to be the opportunity of a lifetime, a chance to realize their hopes and dreams of becoming part of this country which they had come to call home. Now, a year later, I hear their fears and concerns, for this law is fundamentally flawed and simply is not doing what it was established to do.

First: I would add my voice to those who complain that the law is indifferent to keeping a family together. Under the present regulations, for example, a father who came here in December, 1981, could apply for temporary residency and then permanent residency; but his wife and children who may have come a year later could be deported. There are others who could be excluded

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because their children are developmentally or physically disabled. Have we created a law that allows for the destruction of the family?

Second: The amount of documentation required to make application should be greatly simplified. For example, proof of living here seems to duplicate proof of working here. Because of the fear of being apprehended, many have destroyed the very evidence that they now need. As the son of an immigrant couple, I know how confusing the laws and regulations of a new country can be.

Third: To qualify for legalization at the present time, one must prove residency in the United States since January 1, 1982, and applications must be filed before May 5, 1988. These dates should be changed because they contradict the intent of the law. To insist on a date of January 1, 1982 ignores the many people who have come to this country because of political and economic problems in Europe and Latin America during the past 5 years. I would urge an extension of the present law to lengthen the application period. Furthermore, I believe that the law should be amended to include all who have been here since November 6, 1986.

Those who minister to immigrants experience the hopes and fears of their people most directly. I am aware that a number of them, specifically the members of the Hispanic Caucus, are addressing this matter in a public way, I share their concern. For my part, while continuing our efforts to assist those who currently qualify for legal status, we must seek to correct the fundamental flaws in the legislation. Moreover, I recommit the Archdiocese of Chicago to work with all those who bring their fears, needs and hopes to the Church.

I believe we can effectively appeal for changes in this law and in the ways it is being interpreted and enforced. Further, I believe we must work within democratic processes to change the law, so that as many people as possible will truly benefit from the legalization process.

[From the Chicago Tribune, Jan. 19, 1988]

GROUPS URGE EASIER, BROADER AMNESTY FOR ALIENS

(By Constanza Montana)

The number of immigrants applying for legalization has been steadily declining in recent months, and state, city and private agencies are pushing for fundamental changes in the new immigration law to make amnesty easier.

Two-thirds of the way into the one-year legalization program, the number of immigrants who have applied is far below the original expectation of the U.S. Immigration and Naturalization Service.

As of Jan. 12, only 65,323 people have applied for legalization at the four Chicago offices, far below the 200,000 to 300,000 initially estimated to be eligible. And 1.2 million have applied nationally, below the 2 million to 4 million estimated to be eligible. The numbers of immigrants applying also have dropped steadily in recent months.

At a recent hearing, the Illinois Human Rights Commission, the Mayor's Advisory Commission on Latino Affairs and several private advocacy groups attacked the law and offered recommendations to amend it.

These recommendations include allowing illegal immigrants who have entered the country before Nov. 6, 1986, to apply; extending the application period to May 4, 1989; expanding the law to include ineligible family members of qualified immigrants; penalizing employers who fail to sign employment verification forms; standardizing and easing application procedures; and stengthening the public information campaign.

Under the Immigration Reform and Control Act of 1986, immigrants who can prove they have lived in the United States since Jan. 1, 1982, without prolonged absences, felony criminal activity or dependence on government cash assistance are eligible to apply for legalization until May 4. Under the law, those who entered the country after Jan. 1, 1982, are not eligible.

The Chicago Committee on Immigrant Protection, a coalition of 40 local organizations serving immigrant needs, called for extending legalization to immigrants who have entered this country illegally before Nov. 6, 1986, the date the law was enacted, and for prolonging the application period by one year.

"The burdensomeness of [the law], needing to prove 5½ to 6½ years of residence, financial responsibility and trouble-free existence in the USA, is overwhelming," said Sister Bernardine Karge, an attorney with the Archdiocese of Chicago Catholic Charities legalization program, at a hearing sponsored by the Governor's Inter-department Task Force on Immigration and the Illinois House Speaker's Task Force on Immigration Reform.

"By extending the qualifying entry date beyond Jan. 1, 1982, the family unity issue . . . and many thorny aspects of document retrieval . . . will be more easily defused," she said. "By expanding the application date beyond May 4, 1988, for at least one more year . . . more eligible aliens will be able to apply."

But last Wednesday, Commissioner Alan Nelson of the Immigration and Naturalization Service said he was opposed to extending the amnesty deadline, and he warned that legislation and even proposals to prolong the year-long program could cause confusion among illegal immigrants and make them miss the application deadline. A.D. Moyer, director of the INS Chicago district, said he would consider any extensions "bad government."

Sister Karge and others contend that the difficulty of documenting residence in this country, fear that family members who do not qualify for the law will be deported and a poor public information campaign are responsible for the lower-than-expected number of immigrants applying for legalization in Chicago and nationwide.

But Moyer said he expects the INS legalization offices "to be flooded the last 30 days" of the application period. He conceded that the difficulty of gathering documentation and "apathy" are keeping most of the eligible immigrants from applying.

"The majority who haven't applied and are eligible appear to be the group that can't get sufficient documentation," he said. "I would be petitioning the commissioner to get an extension of time, but these individuals haven't been able to get their paperwork together in eight months," often because they cannot locate their former employer or that person is unwilling to sign a work verification form, which is necessary to apply for legalization, he said.

David Strauss, executive director of the Illinois Human Rights Commission, said Congress could amend the immigration law "by making it a violation to fail to fill out a verification letter."

Moyer also said that 6 to 10 percent of eligible immigrants have not applied "because of concerns of family unity." The INS's "family fairness" policy states that if both parents qualify for legalization, the INS will not deport children if they are apprehended. Moyer said he would release this week a "format to start dealing with the spouses and minor children of legal applicants."

But that position is small comfort to immigrants still suspicious of the process, said Esther Nieves, executive director of the Mayor's Advisory Commission on Latino Affairs. She said Congress must be pressured to pass a law that addresses the needs of families with only one member qualified to apply for legalization, she said.

David Marzahl, coordinator of the Chicago Committee on Immigrant Protection, said the low application figures "clearly point to the failure of the amnesty program to bring out of the shadows the hundreds of thousands of immigrants who have been living underground for years."

Marzahl and other immigrant advocates say the INS's inconsistent policies hinder the program.

For example, the INS's Belmont and Pulaski legalization offices require photo identifications in each application, though the regulations stipulate that a birth certificate should be sufficient, said Cecelia Munoz, director of the Catholic Charities' legalization program.●

Mr. CRANSTON. Mr. President, I am pleased to join my good friend from Massachusetts [Mr. KENNEDY] in introducing this bill today that will extend the application period for legalization under the new immigration law for 1 year. The extension of the application period until May 4, 1989, is a reasonable and necessary step to assure that all undocumented persons who have arrived in the United States prior to January 1, 1982, will have the opportunity to legalize their status.

My colleagues may recall that on the first year anniversary of the President's signing of the Immigration Reform and Control Act of 1986 into law I expressed my concern that the legalization program may not achieve the goals we intended because many people who appear to qualify for legalization are not coming forward to apply. For a State such as California, where an estimated half of the undocumented population of the country reside, the failure of the legalization programs—for persons who have arrived in the United States prior to January 1, 1982, as well as for farmworkers who could apply for legalization under the Special Agricultural Workers Program—could have a significant negative social and economic impact.

In my remarks on November 6, 1987, I specifically noted that many undocumented immigrants who appear to meet the legalization criteria are not applying for legalization because they fear that their ineligible family members will be deported. I pointed out that the policy announced by the Immigration and Naturalization Service [INS] last fall to address this situation did not resolve the problem because it did not provide adequate assurance that families will not be separated. Although I joined eight other Senators in urging INS to change its policy, as of this date INS has refused to do so.

In addition to the fear of family separation, I have been informed that many apparently eligible individuals are not applying for legalization because of the cost of the application process, the difficulty of gathering the necessary documentation, and the lack of information regarding the legalization program. A number of groups and individuals have complained that the legalization program got off to a slow start, and that many undocumented people are still confused as to whether they qualify for legalization. The fact that INS has changed and modified its regulations pertaining to eligibility for legalization has contributed to this confusion.

I am especially concerned about the failure of the Asian Pacific community to participate in the legalization program. In an editorial which appeared in the Los Angeles Times, November 17, 1987, entitled "Circumstances of Asians Call for Amnesty Extension," the author pointed out that:

> It is estimated that in Southern California alone, there are 100,000 to 150,000 undocumented Asian Pacifics. Yet in the INS' entire Western Region (Arizona, California, Hawaii and Nevada) only 29,000 Asian Pacific applications have been filed.

The author goes on to make a point which has been stressed to me over and over again by State government agencies, church organizations, unions, employers, and the undocumented themselves:

> The INS has already reached the easy-to-reach immigrant; it is the underground immigrants—those suffering the most—who have yet to apply. It takes time and effort to get the word out to these people. Simply to suggest that a year has passed since the act was passed does not satisfactorily resolve problems of communication, policy and documentation.

Mr. President, I ask that the full text of this editorial be printed in the RECORD at the conclusion of my remarks.

In sum, Mr. President, I believe that there is ample evidence indicating that an extension of the application period for the legalization program is warranted. I am not persuaded by the arguments put forth by the INS that the legalization program is successful given the number of applications it has received to date. While INS hopes to receive 2 million applications by the May 4, 1988, deadline, there is no guarantee that in fact that number of applications will be filed. Moreover, there are some estimates that twice that number could qualify for legalization if the program were to be administered in a manner consistent with congressional intent.

When we passed the immigration reform legislation in 1986 we realized that the task of legalizing this country's undocumented population was indeed monumental. We must not leave that task half done. I urge my colleagues to support this legislation.

[From the Los Angeles Times, Nov. 12, 1987]

CIRCUMSTANCES OF ASIANS CALL FOR AMNESTY EXTENSION

(By Stewart Kwoh and Andrew Cushnir)

The U.S. immigration amnesty program, designed to bring into the mainstream millions of undocumented immigrants who have been living in the shadows of American society, needs to be given a fair chance to fulfill its purpose. Without an extension of the May 4, 1988, deadline, hundreds of thousands of those eligible may remain forever trapped in our underground culture and economy.

A year ago, President Reagan signed this significant immigration reform legislation—The Immigration Reform and Control Act of 1986. One provision of the complicated and controversial act created the amnesty program.

To qualify for the program, an individual must satisfy a long list of requirements. Most important, he must be able to prove that he has continuously lived in this country illegally for at least five years. Qualified people have just one year—from May 5, 1987, to May 4, 1988—to compile the necessary documentation and apply.

The first problem is that many eligible applicants, conditioned for years to fear the Immigration and Naturalization Service, are reluctant to come out of hiding and trust the INS.

Also, INS officials are still revising eligibility regulations. But many people, previously rejected by the INS under the old rules, are unaware of favorable changes. There has not been enough publicity to let them know that they are now eligible.

Although we generally think of the undocumented Latinos when we think of the amnesty program, the undocumented Asian Pacific community, which is having a particularly difficult time with the program, illustrates how much work still needs to be done. The INS' appointment of three Asian Americans this week to help set up outreach programs is a step in the right direction.

To immigrants who speak little or no English and are fearful of government officials, coming forward to apply for amnesty is an intimidating process. Consequently, relatively few Asian Pacifics have applied. It is estimated that in Southern California alone, there are 100,000-150,000 undocumented Asian Pacifics. Yet in the INS' entire Western Region (Arizona, California, Hawaii and Nevada) only 29,000 Asian Pacific applications have been filed.

In a typical example, an eligible Asian woman decided not to file a legalization application because her husband and children did not qualify. She feared that the information in her application would be used against her family and lead to their deportation. She did not understand that all applications are confidential.

The INS recently increased its focus on this outreach issue and has taken some constructive steps. Through several meetings the agency expanded the role of the Asian Pacific Liaison Committee to solicit the help of community leaders in publicizing the program, and last month application documents were released in the eight major Asian Pacific languages. Given time, these initiatives and current intensive outreach campaigns by several Asian Pacific American organizations will help bridge this communication and trust gap, but they are expanding when the amnesty year is half finished.

Initially, the INS estimated that it would process up to 4 million to 5 million amnesty applications nationally. Now they say they hope to reach 2 million people. Many agencies and community organizations believe that the original figures were accruate.

If so, what will happen to the other 3 million people? They will not simply go away. The undocumented are here because they are independent, creative, ambitious and sometimes, in the case of refugees fleeing war-torn countries, desperate people. Those who qualify for amnesty deserve a chance to participate in the program.

Despite all of these problems, the INS and Congress seem unwilling to extend the amnesty deadline. It is argued, based on new figures showing a decline in amnesty applications, that no more time is needed. Not true—the decline is simply a product of the law of diminishing return. The INS has already reached the easy-to-reach immigrant; it is the underground immigrants—those suffering the most—who have yet to apply. It takes time and effort to get the word out to these people. Simply to suggest that a year has passed since the act was passed does not satisfactorily resolve problems of communication, policy and documentation. By extending the amnesty program just six months we can integrate hundreds of thousands of additional eligible immigrants into American society.

As a nation we have a choice to make. Do we resign ourselves to the creation of two classes of Americans—the unprotected citizen and the vulnerable undocumented immigrant? Or do we extend the amnesty program and work toward a humane, fair and consistent policy that offers the promise of America to all responsible, long-time residents who live within our borders? The choice is clear and Congress should act immediately to extend the amnesty program.

By Mr. D'AMATO:

S. 2016. A bill to impose a legislative ban on and require a rulemaking with respect to, certain all-terrain vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EMERGENCY ALL-TERRAIN VEHICLE SAFETY ACT

● Mr. D'AMATO. Mr. President, I rise to introduce the Emergency All-Terrain Vehicle Safety Act.

The December 30, 1987, settlement of the U.S. Consumer Product Safety Commission's imminent hazard case against the manufacturers of all-terrain vehicles [ATV's] is likely to become final by February 13, 1988. Today I testified before the House Subcommittee on Commerce, Consumer, and Monetary Affairs to express my strong opposition to the settlement. The bill I am introducing today will correct the glaring inadequacies contained in the settlement.

Since 1982, ATV accidents have claimed at least 59 lives in New York State—we are second only to California. Nationwide, ATV's have been responsible for more than 900 deaths and over 330,000 serious injuries requiring hospital emergency room treatment.

If I could believe that the Federal Government's ATV settlement would help to reduce the imminent hazard that ATV's pose to consumers, especially to children, I would not be introducing this bill today. If I were convinced that the CPSC and the Justice Department had fought a tough legal battle or had engaged in serious negotiations to achieve the greatest degree of consumer protection possible without years of litigation, I would not introduce this bill.

Unfortunately, this settlement is a sham and the American public deserve to know it. It is nothing less than a bill of rights for the Japanese-based ATV manufacturers and an insult to American consumers.

This settlement is an embarrassment to the American public. It is the worst example of how a government agency has acted on behalf of the foreign Japanese manufacturers at the expense of American consumers. The manufacturers have waltzed away with a package that will provide them with litigation insurance for the years of individual court battles that are ahead. There were no real negotiations here. The settlement is virtually identical to the first offer made by the Japanese manufacturers in a letter to CPSC on December 3, 1987. In fact, the settlement contains less than what the American ATV manufacturer, Polaris of Minnesota, offered in a separate letter on that same date. It is a stunning victory for the Japanese-based ATV companies.

Let's look at the facts. The settlement does not include consumer refunds for three-wheeled ATV's and the adult-sized ATV's bought for use by children under age 16. It falls far short of the relief authorized by the Commission in December of 1986, and the complaint filed by the Justice Department last December. It does not even match what the only American ATV manufacturer has offered. Consumer refunds are the only effective means for keeping children off adult-sized ATV's: 90 percent of ATV riders aged 12 to 15 ride adult size ATV's. Nearly half of the ATV injuries and deaths are to children under age 16.

This story settlement does nothing for the thousands of American children who are going to be killed and maimed by these products. CPSC's own data show that if there were only four-wheeled ATV's operated by drivers age 16 or older, this could save nearly 100 lives and 60,000 injuries per year. The consumer refunds, dropped from this settlement, would have gone a long way toward making this happen.

Chairman Scanlon has indicated his concerns that refunds wouldn't have worked because used ATV's returned for refunds could still be sold to untrained purchasers. Nothing in this settlement prevents the sale of used ATV's. Supporters of the settlement also claim that if after 1 year this settlement does not reduce ATV deaths and injuries that CPSC can go back and seek refunds. That will be a monumental job. The settlement requires that a "go back" be based on new and substantial evidence—if the current statistics of 20 ATV deaths per month do not increase, or even if they do, is this "new" evidence? Industry is likely to argue that proof of a product defect is that type of new evidence required to reopen the case.

Dropping the demand for refunds is outrageous when the only major American manufacturer—Polaris—had agreed to provide refunds. Here we have an American company willing to take responsible action, while the Japanese-based companies whose ATV's constitute the lion's share of products in the United States are unwilling to do this. Perhaps more shocking is that the Federal agencies charged with protecting consumers were unwilling to fight for them.

Instead of assuming responsibility for tackling the enormous concerns raised by ATV death and injury data the CPSC majority—with the exception of Commissioner Anne Graham—shirked their duty by running to give the industry the keys to the store. This settlement is a bigger giveaway than the Publishers' Clearinghouse sweepstakes.

Defenders of this settlement claim that refunds are too expensive. Really? Each year, since 1985, we have spent over a billion dollars on ATV deaths and injuries. Last year ATV companies sold about 500,000 new ATV's at an average price of $2,000. Instead of refunds, Chairman Scanlon says that "hardheaded negotiations" resulted in a settlement that is in the public interest. What did the public get? Let's look.

The settlement requires consumers to sign what amounts to a manufacturers' and dealers' liability release form when they purchase an ATV. It provides for a watered-down form notice from the manufacturers to dealers and consumers that does not emphasize the hazards to kids. It includes a public awareness campaign that is not spelled out to indicate if it will approach the type of expensive, world series prime-time hype that induced millions of consumers to buy ATV's for family fun. Training courses provided for are unlikely to attract sufficient numbers of riders because no incentives are provided to induce them to take the courses. And the crowning achievement of the settlement—the "stop sale" of three wheelers—is not a stop sale, it is at best a brief moratorium. One day after the settlement was filed, American Honda stated that it would store the three wheelers returned by dealers and expected to be able to sell them again in several months.

Supporters of the settlement say that it represents the only alternative to years of protracted, costly litigation and that it is the most protection that could be obtained for the least amount of time and money. This is nonsense. This settlement is not the most for the least, but the least for the longest amount of time.

The CPSC has been analyzing the ATV problem since 1984. Since that time there have been 20 deaths and 7,000 injuries per month on ATV's. CPSC's imminent hazard case languished at Justice from February 1987 until December 11, 1987 when Justice declared that it was prepared to immediately file suit seeking all the relief authorized by the CPSC including consumer refunds. Scanlon, through such actions as removing the two lead attorneys familiar with the case, made sure that there would be no quick movement on the litigation until a deal suitable to the industry could be worked out. Meanwhile, the ATV industry continued to push their ATV inventories on unsuspecting consumers.

The emergency all-terrain vehicle safety bill bans future sales of three-wheeled ATV's and designed for use by children under age 16. It provides for reasonable refunds to consumers who purchased three-wheeled ATV's, adult-sized ATV's intended for use by children under age 16, and child-size ATV's. Free hands-on training courses coupled with incentives to encourage ATV owners actually to take the courses are required, as well as, an extensive public notice and warning campaign. Moreover, CPSC is barred from requiring consumers to execute written promises as to their use of ATV's. If CPSC failes to issue an emergency rule within 60 days to implement the refunds, notice, warning, and training, then the sale of all ATV's would be prohibited.

Mr. President, I urge my colleagues to support this urgent safety legislation.●

By Mr. DOLE (for himself, Mr. Simpson, Mr. Stevens, Mr. McCain, Mr. Hollings, Mr. Bentsen, Mr. Shelby, and Mr. Stennis) (by request):

S.J. Res. 243. Joint resolution relating to Central America pursuant to House Joint Resolution 395 of the 100th Congress; to the Committee on Foreign Relations.

CONGRESSIONAL APPROVAL OF PROPOSED AID TO NICARAGUAN DEMOCRATIC RESISTANCE

Mr. DOLE. Mr. President, today, at President Reagan's request and because of my own strong conviction that this is the right thing to do, I am introducing the joint resolution of congressional approval for the President's proposed aid package to the freedom fighters in Nicaragua—the so-called Contras.

This joint resolution will enjoy the expedited procedures laid out in House Joint Resolution 395—the fiscal year 1988 continuing resolution. The Senate will vote on this matter February 4.

It is a crucial vote; a vote we must win, to preserve the chance for real peace, and true democracy, in Central America.

It is a vote we cannot duck—no matter how many "fig leafs" and "smokescreens" the House Democratic leadership dream up.

The cry we hear today is: Give peace a chance. The problem is: The only place we hear that cry is in Washington. But this war didn't start in Washington; isn't being sustained from Washington; and is not going to be ended in Washington.

I don't know of anyone in Washington who isn't ready to give peace a chance. Ronald Reagan is—as he has made clear, in every word and deed since the Arias plan was signed in Guatemala City. Ronald Reagan is giving peace a chance.

But what about Mikhail Gorbachev? What about Fidel Castro? What about Daniel Ortega? Are we demanding that they, too, give peace a chance?

Are we demanding that Gorbachev and Castro stop sending military aid and military advisers to the Sandinistas? Are we demanding that Ortega refuse such aid?

The excuse we hear is: Well, Ortega needs the aid, because we support the Contras. Hogwash.

I'll make this deal today, with any opponent of Contra aid who wants to make it: Have the CIA report to Congress on Communist bloc military aid to the Sandinistas; and the American aid to the Contras directly to what's in that report—for every dollar the Communist bloc gives to the Sandinistas in military aid, we'll give just a quarter to the Contras.

So if Gorbachev and Castro want us to end Contra aid, they can just cut off Managua. If Ortega wants us to end Contra aid, he can just refuse the largesse of his Communist mentors—go cold turkey.

Let's just see if Gorbachev, and Castro, and Ortega are willing to give peace a chance.

Or how about this? I keep hearing Contra aid opponents demanding that we "heed the voices of the Presidents of the Central American democracies." A good suggestion. Why don't we ask each of those Presidents to send to us in the Congress a confidential, two-sentence report. The first sentence would be: "The Sandinistas are—or are not—supporting an insurgency and terrorism in my country." The second sentence would be: "The Sandinistas are—or are not—in full, repeat full, compliance with the Guatemala City accords."

That's all we need—those reports every month. And the first month we get four reports saying: "The Sandinistas are not supporting an insurgency and terrorism, and are in full compliance with the peace accords"—the first month we get that report from each of the four Presidents: We cut off military aid to the Contras.

So if Ortega wants to stop our military aid, all he has to do is stop his aid to the insurgents; and stop his oppression of the Nicaraguan people.

Let's see if Daniel Ortega and his Sandinista cronies are really interested in giving peace a chance.

There won't be any takers for either of these offers. And I'll tell you why. Because opponents of Contra aid know—if we make our decision on Contra aid on the basis of the real intentions, actions, and good faith of the Communists in Managua, Havana, and Moscow—if that's what determines our decision, then Contra aid will continue.

Mr. President, why don't we demand of Gorbachev and Castro and Ortega at least as much as we demand of ourselves? Why do we insist on always putting the monkey on our own back?

The suggestion that the United States is perpetuating a war in Nicaragua is hogwash.

Sandinista oppression is perpetuating the war.

Sandinista aggression against its neighbors is perpetuating the war.

Sandinista noncompliance with the Guatemala City accord is perpetuating the war.

Soviet and Cuban militarization of Nicaragua is perpetuating the war.

Mr. President, let's give peace a chance.

But let's make sure Gorbachev, and Castro, and Ortega are willing to give it a chance, too.

Mr. President, I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 243

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to H.J. Res. 395 of the 100th Congress, the act making continuing appropriations for fiscal year 1988.

By Mr. EXON (for himself, Mr. Karnes, Mr. Dole, Mr. Durenberger, Mr. Conrad, Mr. Burdick, Mr. Lugar, Mr. Gore, Mr. Bradley, Mr. Cochran, Mr. Levin, Mr. Pell, Mr. Sanford, Mr. Stennis, Mr. Thurmond, Mr. D'Amato, Mr. Bond, Mr. Chiles, Mr. Pryor, Mr. Domenici, Mr. Metzenbaum, Mr. Sasser, Mr. Riegle, Mr. Dodd, Mr. Garn, Mr. Reid, Mr. Simon, Mr. Hecht, Mr. Graham, Mr. Ford, Mr. McClure, Mr. Danforth, Mr. Wilson, Mr. Nunn, Mr. Helms, Mr. Symms, Mr. Stevens, Mr. Chafee, Mr. Grassley, Mr. Warner, Mr. DeConcini, Mr. Heinz, Mr. Boren, Mr. Humphrey, Mr. Heflin, Mr. Bingaman, Mr. Inouye, Mr. Stafford, Mr. Byrd, Mr. Lautenberg, Mr. Johnston, Mr. Bumpers, Mr. Roth, Mr. Hollings, and Mr. Cranston):

S.J. Res. 244. Joint resolution to designate the month of April 1988, as "National Know Your Cholesterol Month;" referred to the Committee on the Judiciary.

NATIONAL KNOW YOUR CHOLESTEROL MONTH

Mr. EXON. Mr. President, today I rise on behalf of myself, my colleague from Nebraska, Senator Karnes and more than 50 other Members of the Senate to introduce a resolution designating the month of April 1988, as "Know Your Cholesterol Month."

As many of you may recall, a resolution of this nature was the last legislative act of my very good friend and colleague, Senator Ed Zorinsky. I am introducing this resolution in memory of Ed. I know he would want this to be passed. Health, most particularly, cardiovascular health, was very important to Ed.

It is an irrefutable fact that cholesterol is a mass killer. Worldwide studies provide documented proof. The higher a person's cholesterol, the greater his risk of suffering a heart attack or stroke.

The National Institutes of Health has launched a multimillion-dollar campaign, the National Cholesterol Education Program, designed to fight this devastating disease. The goal of this program is to reduce the prevalence of elevated blood cholesteral in the United States, thereby reducing coronary heart disease mortality.

According to a recent survey done by the National Heart, Lung and Blood Institute, only 8 percent of American citizens know their cholesterol levels. This resolution can help create broad-based public awareness of this issue, and the deadly importance of knowing your cholesterol levels. As was the case last year, the Nebraska-based National Heart Savers Association, under the leadership of Mr. Phil Sokolof, will conduct free cholesterol checks for all Members of Congress and Capitol Hill Staff in conjunction with the observance of this special month. The exact dates for those tests have not been worked out yet, however, I will pass along that information when the details are finalized. Last year, over 9,000 people were tested during the

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congressional observance of "Know Your Cholesterol Week."

Almost 30 percent of the nearly 2 million deaths in this country each year are the result of coronary heart disease. Most coronary heart disease is due to blockages in the arteries that supply blood to the heart. This blockage can be controlled. Elevated blood cholesterol is one of the three main controllable risk factors for coronary heart disease. The other two factors are high blood pressure and cigarette smoking. Any one of these risk factors increases an individual's chance of developing heart disease. The chances of developing heart disease increase in proportion to the amount of cholesterol in an individual's system. However, studies also show that people who have elevated blood cholesterol and who take steps to reduce it also reduce their risk of having a heart attack.

Every adult American should know their cholesterol level. This is a lifesaving issue. Mr. President, I urge swift passage of this resolution.

I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 244

Whereas heart attacks struck an estimated 1,500,000 Americans in 1987, a third of whom died immediately;

Whereas scientific data indicates that effective measures to lower serum cholesterol are capable of decreasing occurrences of heart disease;

Whereas only 8 per centum of Americans know their cholesterol level; and

Whereas as many as 250,000 lives could be saved each year if Americans were tested for and took action to reduce high levels of cholesterol: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April, 1988, is designated as "National Know Your Cholesterol Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs and activities.

Mr. D'AMATO. Mr. President, I rise today in support of legislation introduced by my distinguished colleague, Senator Exon, to designate the month of April 1988, as "National Know Your Cholesterol Month." I believe this effort will encourage individuals not only to learn their cholesterol levels, but, more importantly, will lead them to take steps to lower elevated levels.

The dangers associated with high cholesterol are well documented. Years of scientific research have proven that individuals with even modestly elevated serum cholesterol levels run a higher risk of having a heart attack or stroke. The more elevated a person's cholesterol level, the greater are his chances of developing heart disease.

Heart disease is presently the No. 1 killer in America. Last year alone, heart attacks struck an estimated 1.5 million Americans, a third of whom died immediately. More than 43 million Americans suffer from some form of heart or blood vessel disease. In 1985, the cost of providing health care to those suffering from heart disease reached $72.1 billion.

Yet, in spite of the well-established connection between higher than recommended cholesterol levels and heart disease, very few Americans—only 8 percent according to a recent survey—know their own cholesterol levels. This deficiency must be addressed if we are to combat effectively heart disease in America.

Therefore, I am pleased that my colleague has taken the initiative to encourage individuals to become more aware of their cholesterol levels. I commend my colleague from Nebraska for his commitment to this cause, and I ask my colleagues who have not already done so to lend their support to this resolution.

By Mr. CRANSTON (for himself, Mr. Wilson, Mr. Adams, Mr. Baucus, Mr. Bingaman, Mr. Bradley, Mr. Breaux, Mr. Bumpers, Mr. Burdick, Mr. Chafee, Mr. Chiles, Mr. Cochran, Mr. Conrad, Mr. D'Amato, Mr. DeConcini, Mr. Dodd, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Evans, Mr. Exon, Mr. Fowler, Mr. Garn, Mr. Gore, Mr. Graham, Mr. Grassley, Mr. Hecht, Mr. Heflin, Mr. Heinz, Mr. Hollings, Mr. Humphrey, Mr. Johntson, Mr. Kasten, Mr. Kennedy, Mr. Leahy, Mr. Lugar, Mr. Metzenbaum, Mr. Moynihan, Mr. Murkowski, Mr. Packwood, Mr. Pell, Mr. Proxmire, Mr. Pryor, Mr. Reid, Mr. Riegle, Mr. Rockefeller, Mr. Roth, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Stafford, Mr. Stennis, Mr. Warner, and Mr. Wirth):

S.J. Res. 245. Joint resolution to designate April 21, 1988, as "John Muir Day"; to the Committee on the Judiciary.

JOHN MUIR DAY

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a joint resolution to designate April 21, 1988, as John Muir Day. I'm very pleased that Senators Wilson, Adams, Baucus, Bingaman, Bradley, Breaux, Bumpers, Burdick, Chafee, Chiles, Cochran, Conrad, D'Amato, DeConcini, Dodd, Dole, Domenici, Durenberger, Evans, Exon, Fowler, Garn, Gore, Graham, Grassley, Hecht, Heflin, Heinz, Hollings, Humphrey, Johnston, Kasten, Kennedy, Leahy, Lugar, Metzenbaum, Moynihan, Murkowski, Packwood, Pell, Proxmire, Pryor, Reid, Riegle, Rockefeller, Roth, Sanford, Sarbanes, Sasser, Stafford, Stennis, Warner, and Wirth are joining as cosponsors.

John Muir is one of America's great conservationists. Often called the father of our national park system, Muir helped preserve some of our first national parks, including Yosemite, Sequoia, and the Grand Canyon. He also championed the preservation of our forest lands and through his writings and work influenced U.S. Presidents to set aside forest reserves, leading to the establishment of our national forest system. Muir's articles extolling the natural wonders of Alaska also changed public opinion about this magnificent area.

Not only did Muir's writings of his travels and opinions on man's relationship with nature influence his own generation, but they continue to teach us about the beauty of our country and the value of protecting our wild lands. Today, because of Muir's vision and those who followed him, millions of Americans enjoy billions of acres of national park and forest lands and better understand and appreciate the value of conservation.

In September, the World Wilderness Conference, with representatives from 60 nations, unanimously passed a resolution calling for the commemoration of Muir's birthday. April 21, 1988 marks John Muir's 150th anniversary. I believe this is an appropriate occasion to celebrate the legacy of this great American who helped spawn the modern conservation movement.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 245

Whereas April 21, 1988, marks the 150th birthday of the great American conservationist John Muir, heralded worldwide for his dedication to the preservation of wilderness in this country;

Whereas generations of Americans have reveled in the wonders of Yosemite, the Grand Canyon, and other parklands set aside by past Presidents and Congresses at the urging of the Scottish-born naturalist;

Whereas a system of natural, cultural, historical, and recreational national parks which John Muir helped pioneer has grown in size to almost 80 million acres symbolizing the stewardship Americans demonstrate for their precious public resources;

Whereas John Muir was the cofounder and first president of the Sierra Club, an organization which contributes in making this nation a leader in the global environmental movement;

Whereas the John Muir National Historic Site, in Martinez, California, one of 337 units of the National Park Service, was set aside by Congress in 1964 as a monument to the wild lands crusader and was the site from which Muir wrote books celebrating the natural beauty and wildlife of the United States, books that are still widely read and treasured by people of all ages; and

Whereas the important role of an ecologically sound environment in the quality of life for all people was proselytised by the tireless voice and pen of John Muir; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21, 1988, is designated as "John Muir Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

By Mr. DeCONCINI (for himself and Mr. Dodd):

S.J. Res. 246. Joint resolution to designate the month of April 1988, as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

NATIONAL CHILD ABUSE PREVENTION MONTH

● Mr. DeCONCINI. Mr. President, I am introducing today, together with my colleague from the great State of Connecticut, Senator Dodd, a joint resolution to declare the month of April 1988 as "National Child Abuse Prevention Month." I am hopeful that a great number of my distinguished colleagues will join us in this important effort.

Mr. President, despite the fact that agencies and organizations serving our children have made notable contributions over the past few years in improving the lives of our youth—by revamping rules and regulations, pinpointing issues, disseminating information and increasing public awareness—child abuse is still on the increase.

Recent data makes it abundantly clear that our Nation's poor children are the high-risk victims for abuse, neglect, and other poverty-related problems. The families of these children are caught in a web of strife, stress, and strain in their attempt to merely survive from day to day. Their struggle is compounded by lack of resources, both spiritual and physical, to reduce the burden imposed by their state of proverty.

Mr. President, America's child-abuse problem does not stop there. It appears in every State in the Union and cuts across all socioeconomic groups. From the impoverished ghettos of our urban centers to the stately manors across the Nation, millions of America's children are not getting a fair chance to grow into productive adults. Many children in the United States are growing up in wholesome, nurturing environments. However, millions more are not blessed with that good fortune. Every child in the world needs and deserves food, shelter, and love in order to survive and prosper.

The evidence of child abuse and neglect is both alarming and overwhelming. The best available statistics estimate that 3 of every 4 cases of child abuse go unreported and the actual number of incidences is on the rise. The data collected by the Child Help U.S.A. organization and others show that over 1 million cases of child abuse is repoprted, so as many as 4 million of our Nation's children are being tragically abused. When I introduced this resolution in 1986, I cited national statistics which stated that reports of child abuse and neglect were up 39.8 percent from 1981. Today, I regret to report that the incidence rate is not declining. And all experts agree that the numbers will escalate further since victims in turn, will likely victimize their own children and others.

Mr. President, despite the best efforts of the social service providers, like Child Help U.S.A., Parents Anonymous, and other members of the National Child Abuse Coalition, the entire Nation is threatened by the continued growth in child abuse and neglect. The only all day, every day, national crisis counseling hotline staffed totally by medical and clinical professionals received over 126,000 calls in 1986 compared with only 8,600 calls when it was established in 1982. The Child Help U.S.A. phone system was at capacity in 1986. Since then, it has had to expand to accomodate an increasing number of calls.

As I have stated previously, Members of Congress have an opportunity to assist the many individuals, organizations, and agencies that are striving to rid our Nation of the epidemic of child abuse and to assist the victims as well. We can help focus public attention on goals and objectives of these agencies and improve the general welfare of our children.

The declaration of April 1988 as "National Child Abuse Prevention Month" is a significant way in which we in Congress can emphasize the importance of increasing public awareness and education for the benefit of our troubled families and suffering children. There is help available in communities throughout the Nation, but we need to get the message out to the abused as well as the abusers. Therefore, I urge my colleagues to join Senator Dodd and myself in this effort to have April 1988 designated as "National Child Abuse Prevention Month."

Mr. President, I ask unanimous consent that the text of the resolution be printed in the Congressional Record following my statement.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 246

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated four million children become victims of child abuse in this Nation each year;

Whereas an estimated five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including Child Help U.S.A., Parents Anonymous, the National Committee for the Prevention of Child Abuse, the American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages and abuse and neglect and to help child abusers break this destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations such as Parents Anonymous, and other members of the National Child Abuse Coalition, are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April, 1988, is designated as "National Child Abuse Prevention Month", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 533

At the request of Mr. Thurmond, the names of the Senator from Rhode Island [Mr. Chafee] and the Senator from Tennessee [Mr. Gore] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 703

At the request of Mr. Specter, the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of S. 703, a bill to amend title 18, United States Code, including the Child Protection Act, to create remedies for children and other victims of pornography, and for other purposes.

S. 708

At the request of Mr. Proxmire, the name of the Senator from Georgia [Mr. Fowler] was added as a cosponsor of S. 708, a bill to require annual appropriations of funds to support timber management and resource conservation on the Tongass National Forest.

S. 714

At the request of Mr. Specter, the name of the Senator from Virginia [Mr. Warner] was added as a cosponsor of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Inc.

S. 929

At the request of Mr. MELCHER, the names of the Senator from Georgia [Mr. NUNN], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 929, a bill entitled the "Volunteer Protection Act of 1987."

S. 1109

At the request of Mr. HARKIN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1109, a bill to amend the Federal Food, Drug, and Cosmetic Act to require certain labeling of foods which contain tropical fats.

S. 1124

At the request of Mr. SIMON, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1124, a bill to amend title 18, United States Code, to require that telephone monitoring by employers be accompanied by a regular audible warning tone.

S. 1346

At the request of Mr. MATSUNAGA, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1346, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1424

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1424, a bill to amend title 8, United States Code, to provide for adjustment of status of certain Polish nationals who arrived in the United States before July 21, 1984, and who have continuously resided in the United States since that date.

S. 1512

At the request of Mr. HATCH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1512, a bill to provide that in judicial actions against State judges, such judges shall not be held liable for attorney fees.

S. 1567

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1567, a bill to provide for refunds pursuant to rate decreases under the Federal Power Act.

S. 2003

At the request of Mr. GRAMM, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. MELCHER], the Senator from Oklahoma [Mr. NICKLES], the Senator from Nebraska [Mr. KARNES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2003, a bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes.

S. 2011

At the request of Mr. CRANSTON, the name of the Senator from Maine [Mr. MITCHELL], was added as a cosponsor of S. 2011, a bill to increase the rate of Veterans' Administration compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans.

SENATE JOINT RESOLUTION 199

At the request of Mr. BYRD, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Vermont [Mr. STAFFORD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Kansas [Mr. DOLE], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 206

At the request of Mr. DOMENICI, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from Maryland [Mr. SARBANES], the Senator from Hawaii [Mr. INOUYE], the Senator from Maine [Mr. MITCHELL], the Senator from Delaware [Mr. ROTH], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. SYMMS], the Senator from Nevada [Mr. HECHT], the Senator from Connecticut [Mr. WEICKER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New York [Mr. MOYNIHAN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to declare Dennis Chavez Day.

SENATE JOINT RESOLUTION 212

At the request of Mr. DIXON, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Indiana [Mr. LUGAR], the Senator from Ohio [Mr. METZENBAUM], the Senator from Florida [Mr. GRAHAM], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Colorado [Mr. ARMSTRONG] were added as cosponsors of Senate Joint Resolution 212, a joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week."

SENATE JOINT RESOLUTION 224

At the request of Mr. CHILES, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 224, a joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. SARBANES, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from Connecticut [Mr. WEICKER], the Senator from California [Mr. CRANSTON], the Senator from Alabama [Mr. HEFLIN], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 242, a joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."

SENATE RESOLUTION 254

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Resolution 254, a resolution to state the guiding principles of United States policy toward South Africa's illegal occupation of Nambia.

SENATE RESOLUTION 270

At the request of Mr. LAUTENBERG, the names of the Senator from Florida [Mr. CHILES], the Senator from Nevada [Mr. REID], the Senator from Ohio [Mr. METZENBAUM], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. QUAYLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Indiana [Mr. LUGAR], and the Senator from Maryland [Mr. SARBANES], were added as cosponsors of Senate Resolution 270, a resolution paying special tribute to Portuguese diplomat Dr. de Sousa Mendes for his extraordinary acts of mercy and justice during World War II.

AMENDMENT NO. 1388

At the request of Mr. KARNES, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Idaho [Mr. MCCLURE], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Idaho [Mr. SYMMS], were added as cosponsors of amendment No. 1388 intended to be proposed to S. 557, a bill to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

AMENDMENT NO. 1392

At the request of Mr. DANFORTH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of amendment No. 1392 proposed to S. 557, a bill to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

SENATE RESOLUTION 361—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BENTSEN, from the Committee on Finance, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 361

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,503,993, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 362—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on Rules and Administration.

S. RES. 362

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $3,384,299, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 363—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURDICK, from the Committee on Environment and Public Works, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 363

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,381,014.00, of which amount (1) not to exceed $8,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 364—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN, from the Committee on Governmental Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 364

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1988 through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel,

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and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,548,[illegible]10 of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(1) the efficiency and economy of operations all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public.

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud and the use of offshore banking and corporate facilities to carry out criminal objectives;

(5) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(C) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(6) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into discovery and development of alternative energy supplies; and

(7) the efficiency and economy of all branches and functions of government with particular reference to the operations and management of Federal regulatory polices and programs: Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(b) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1988, through February 28, 1989, is authorized, in its, his, or their discretion (1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Subcommittee on General Investigations and Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(d) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 313 of the Ninety-ninth Congress, second session, are authorized to continue.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of long-distance telephone calls.

SEC. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the appropriations account for "Expenses of inquiries and investigations.".

SENATE RESOLUTION 365—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON, from the Committee on Veterans' Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 365

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion, (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,016,583.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 1988, through February 28, 1989, to be paid from the appropriations account for "Expenses of Inquiries and Investigations".

AMENDMENTS SUBMITTED

CIVIL RIGHTS RESTORATION ACT

WEICKER (AND OTHERS) AMENDMENT NO. 1393

Mr. WEICKER (for himself, Mr. KENNEDY, Mr. METZENBAUM, and Mr. PACKWOOD) proposed an amendment to the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; as follows:

At the end of the bill, insert the following new section:

ABORTION NEUTRALITY

No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal Funds to perform or pay for an abortion.

HATCH AMENDMENT NO. 1394

Mr. HATCH proposed an amendment to the bill S. 557, supra; as follows:

Strike out all after enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Act of 1987".

PROGRAM OR ACTIVITY

SEC. 2. (a) Title IX of the Education Amendments of 1972 is amended by adding at the end thereof the following new section:

"SEC. 908. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College and others*, versus *Bell, Secretary of Education, and others* (465 U.S. 555 (1984)), and in *North Haven Board of Education and others*, versus *Bell, Secretary of Education, and others* (456 U.S. 512 (1982)) the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase 'program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in Grove City and North Haven.

"(c) Nothing in this title shall be construed to require or prohibit any person or public or private entity to provide or pay for any benefit or service, including use of facilities, relating to abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to legal abortion.".

(b) Section 901(a) of title IX of the Education Amendments of 1972 is amended by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) this section shall not apply to an educational institution which is controlled by, or which is closely identified with the tenets of, a particular religious organization to the extent that the application of this section would not be consistent with the religious tenets of such organization;".

(c) Section 504 of the Rehabilitation Act of 1973 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding the decision of the Supreme Court in *Grove City College and others*, versus *Bell, Secretary of Education, and others* (465 U.S. 555 (1984)), and in *North Haven Board of Education and others*, versus *Bell, Secretary of Education, and others* (456 U.S. 512 (1982)), the phrase 'program or activity' as used in this section shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(2) In any other application of the provisions of this section, nothing in paragraph (1) shall be construed to expand or narrow the meaning of the phrase "program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in Grove City and North Haven.".

(d) The Age Discrimination Act of 1975 is amended by adding at the end thereof the following new section:

"EFFECT OF SUPREME COURT DECISIONS

"SEC. 310. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College and others*, versus *Bell, Secretary of Education, and others* (465 U.S. 555 (1984)), and in *North Haven Board of Education and others*, versus *Bell, Secretary of Education, and others* (456 U.S. 512 (1982)), the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase 'program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in Grove City and North Haven.".

(e) Title VI of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new section:

"SEC. 606. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College and others*, versus *Bell, Secretary of Education, and others* (465 U.S. 555 (1984)), and in *North Haven Board of Education and others*, versus *Bell, Secretary of Education, and others* (456 U.S. 512 (1982)), the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase "program or activity" and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in Grove City and North Haven.".

HUMPHREY AMENDMENT NO. 1395

Mr. HUMPHREY proposed an amendment to the bill S. 557, supra; as follows:

On page 14, strike out lines 5 through 11 and insert in lieu thereof the following:

"(c) Small providers are not required by subsection (a) to make structural alterations to existing facilities for the purpose of assuring program accessibility. For the purpose of this subsection, the term 'small providers' means any nongovernmental corporation, partnership, sole proprietorship, or other private organization or business which has less than fifteen employees during each working day in each of thirty or more calendar weeks in the current or preceding calendar year.".

HARKIN (AND HUMPHREY) AMENDMENT NO. 1396

Mr. HUMPHREY (for Mr. HARKIN, for himself and Mr. HUMPHREY) proposed an amendment to the bill S. 557, supra; as follows:

At the end of the bill insert the following:

"CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

"SEC. . (a) Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after subparagraph (B) the following:

"'(C) For the purpose of sections 503 and 504, as such sections related to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.'".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, January 29, 1988, to conduct a hearing on "Cancer Detection in Women."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MERCHANT MARINE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on January 28, 1988, to hold a hearing on S. 1988, legislation amending the Merchant Marine Act of 1920 relating to barges.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, January 26, 1988, to receive testimony concerning Senate Joint Resolution 231, to authorize the entry into force of the Compact of Free Association between the United States and the Gov-

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ernment of Palau, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 28, 1988, at 6 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, January 28, 1988, to consider the committee's resolution authorizing expenditures for the period March 1, 1988–February 28, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 28, 1988, in open session to consider the nomination of Grant S. Green, Jr., to be Assistant Secretary of Defense for Force Management and Personnel. In addition, the committee will consider the Senate Armed Services Committee budget for 1988, certain pending military nominations, and possibly consider other civilian nominations which may be eligible for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, January 28, 1988, to hold hearings on Drug Trafficking and Money Laundering in Panama.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, January 28, 1988, to hold hearings on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CATERPILLAR, INC.

● Mr. SIMON. Mr. President, on December 26, 1987, there appeared in the New York Times an article featuring Illinois's largest exporter, Caterpillar, Inc., about their efforts in selling to the debt-ridden countries of Latin America.

I believe that the sale described in the opening paragraphs graphically demonstrates the lengths that our companies are going to now in order to sell to Latin American countries, and the lengths to which manufacturers eager to make export sales will go.

I ask that the article be printed in the RECORD, and I urge my colleagues to read it.

The article follows:

[From the New York Times, Dec. 26, 1987]

DEBTS OF LATINS MAKING TRADE LINKS TORTUOUS

(By Clyde H. Farnsworth)

WASHINGTON, December 25.—In 1985 Venezuela wanted to buy a fleet of construction vehicles called wheel loaders from the Caterpillar Tractor Company. Because the country's crushing debt burden was forcing it to curtail imports, Caterpillar was asked to take Venezuelan iron ore in payment.

Caterpillar agreed, then found a buyer for the ore in Rumania, but for payment it had to accept men's suits, which it eventually sold in London for dollars.

"Better to have gone through all that than to have lost a sale," said William F. Canis, Caterpillar's Washington manager for government affairs.

The ingenuity of Caterpillar, based in Peoria, Ill., shows what it sometimes takes to sell to Latin America because of the generalized contraction of business brought on by the five-and-a-half-year international debt crisis.

ASSISTANCE CALLED ESSENTIAL

A number of experts contend that increased foreign capital and other assistance to the debtor nations, aimed at bolstering their economies, is essential to reverse the situation.

While exports by the United States to most other areas of the world are rising, shipments to Latin America have tumbled, falling by 26 percent in 1986, to $31.1 billion, from $42.1 billion in 1981. From 1981 to 1986, imports of the four largest debtors—Brazil, Mexico, Argentina and Venezuela—fell by one-third to one-half.

To finance payments to creditors, one debtor country after another has embarked on varying degrees of austerity, curbing consumption and imports and channeling more resources into dollar-earning exports.

Many analysts are now citing the problems of the debtor nations as among the reasons for the intractably huge United States trade deficit. Some warn that the American trade position will not improve until growth returns to the debtor countries.

"Demand from Europe and Japan won't be enough," said Stuart K. Tucker, a fellow at the Overseas Development Council. "Debtor countries have to help."

The council, a research organization specializing in third world issues, takes the position that growth will not resume in these countries until they are again on the receiving end of world resources. Largely because of interest payments on $1 trillion of third world debt, the flow of resources in recent years has gone from the third world to the developed countries.

William R. Cline, a senior fellow at the Institute for International Economics, a public-policy research organization, contends that the debtor countries need more private capital and more loans from the World Bank. But he stresses that these flows must be linked to improved economic policies in those nations.

John A. Bohn Jr., president of the Export-Import Bank, has proposed that the United States, Western Europe and Japan put up $3 billion in long-term export credits to the major debtors to help them finance purchases from industrial countries. Presumably, the United States could get much of this business, since the dollar's decline in value has helped make the prices of manufactured goods more competitive on world markets.

The need to do something more is also an issue in Congress. Both the House and Senate trade bills envision creation of an international debt management agency to buy third world debt at discounted market prices.

Freed of some of its debt burden, the third world would then play a major role in the growth of world demand, in the view of two backers of the idea, Senator Paul S. Sarbanes, Democrat of Maryland, and Representative David R. Obey, Democrat of Wisconsin.

Treasury Secretary James A. Baker 3d opposes such an arrangement as unworkable, although he supports greater resources for the World Bank to recycle into third world growth. He is expected to ask Congress next year to approve an American contribution for what is expected to be an increase of 60 to 80 percent in World Bank capital. The American share of the overall increase would be one-fifth.

Meanwhile, the debt crisis continues to have a severe impact on American exporters. Some of the story is dramatically told in Caterpillar's sales.

In 1981, the company shipped $903 million of wheel loaders, bulldozers, off-highway trucks and other such equipment to Latin America. Its exports to Western Europe amounted to a bit more, at $992 million.

In 1983, exports collapsed to $266 million in Latin America, but fell more modestly, to $771 million, in Europe. By 1986, sales to Europe, at $1.1 billion, were even greater than in 1981, but sales to debt-saddled Latin America were $543 million, only half the 1981 total.

For other leading exporters, the pattern is not much different. Latin American shipments by Dresser Industries of Dallas, a diversified maker of products for the energy and natural resource industries, amounted to $165 million in 1981 and fell to $109 million in 1983 before recovering to $130 million in 1986.

The debt crisis has not only caused a shrinkage in the Latin American and other third world markets, but has also accelerated a rush of goods to the United States and intensified competition for American exporters outside Latin America. In 1981 the United States took one-third of exports from developing countries but, by 1986, the figure had risen to 60 percent.

"The United States was the only expanding market in the world," said Stephen Cooney, director of international investment and finance of the National Association of Manufacturers. "The surplus countries, mainly West Germany and Japan, were taking advantage of Latin America as a cheap commodity provider, but had no interest in increasing trade in manufactures and used their formal and informal barriers to keep the Latin products out."

PRICES OF EXPORTS DEPRESSED

Fighting desperately for their own export markets, debtor countries, meanwhile, were both producing more and competing more fiercely with American producers elsewhere around the globe, ironically, the increased production and competition has hurt the debtor nations by pushing down the prices of their exports, according to a staff study by the Joint Economic Committee of Congress.

Although falling oil prices have received the bulk of public attention during most of this decade, prices have fallen for nearly every major commodity exported by debtor nations.

"Since the beginning of this decade, the external debt grew faster than export revenues," the study noted, "but the lag in export receipts cannot be attributed to an unwillingness of the debtors to boost their export volume. Rather, the failure of export revenues to keep pace is due almost entirely to falling commodity prices."

Falling commodity prices, in turn, made it more difficult for American farmers, who are big exporters, to continue servicing their debt, and pushed many of them into bankruptcy.●

HERBERT HOOVER AND THE BAY BRIDGE

● Mr. HATFIELD. Mr. President, the European voyagers who came to this continent, and the pioneers who explored it, found amazing natural wonders: Niagara Falls, Half Dome in Yosemite, the Columbia River Gorge, the Grand Canyon, Crater Lake.

While incapable of building on God's grand scale, the American people, nevertheless, have added magnificent man-made wonders to the landscape: Bonneville Dam, the interstate highway system, the Brooklyn Bridge, and two that bear the unmistakable imprint of our 31st President: the Hoover Dam and the San Francisco Bay Bridge.

It takes uncommon greatness to envision great public works. And it takes uncommon leadership to marshal the resources and public support to bring them into existence. But one's vision often is not appreciated by one's contemporaries. President Hoover's bold vision of a bay bridge was criticized, but with its construction his vision was vindicated by the jobs generated, the industry stimulated and the general prosperity brought to the Bay Area. The bridge paid for itself within its first decade, with a handsome rate of return on the initial loan.

Yet President Hoover's deserved reputation for vision and leadership was buried in the false blame for the Great Depression placed upon him by the succeeding administration. This is a great injustice in our history books.

Robert Hessen, senior research fellow and deputy archivist at Stanford University, has commemorated Herbert Hoover's leadership in envisioning and building the bay bridge in his essay, "Herbert Hoover and the Bay Bridge." In an effort to correct history's verdict of this remarkable man and his achievements, I ask that Mr. Hessen's essay be printed in the RECORD.

The essay follows:

HERBERT HOOVER AND THE BAY BRIDGE

A COMMEMORATIVE ESSAY

(By Robert Hessen)

The San Francisco Bay Bridge opened to traffic on November 12, 1936, and was hailed as the eighth wonder of the world. It cost more than any bridge ever built; it had the longest span over navigable water; and its foundations were the deepest ever sunk. But the Bay Bridge was much more than a great feat of engineering: it was and is indispensable to traffic between San Francisco and the East Bay cities.

Only old-timers can recall the pre-bridge era, when people who lived in Marin and Alameda counties spent a couple of hours on ferry boats commuting to work in San Francisco. Today, on the occasion of its fiftieth anniversary, most people take the Bay Bridge's existence for granted. So it is timely to recall the long struggle that preceded the building of the bridge and the crucial role that Herbert Hoover played in its creation. It is no exaggeration to say that if Herbert Hoover had not exerted his power as president on behalf of the bridge, it would not have been build until many years later.

Shortly after the gold rush, William Walker, a San Francisco newspaper editor, made the first recorded suggestion to build a transbay bridge. Leland Stanford raised the idea twice, once in 1859, two years before he was elected governor of California, and again in 1867, four years after he left office. No action was taken on either occasion. In 1869 a third advocate, the self-proclaimed emperor of the United States, Joshua A. Norton, commanded a bridge be built across the bay—but reality stubbornly defied his decree.

At the end of the nineteenth century, the bay bridge proposal was a good idea waiting for someone to come along with the determination to surmount all obstacles. A candidate for that role emerged in 1914: a San Francisco engineer, F. E. Fowler, designed a cantilevered bridge to span the Bay. But Fowler had underestimated the army and navy's opposition to any bay bridge. Both departments strenuously opposed the building of a bridge, fearing it would be an obstruction to commercial vessels in peacetime and military vessels in wartime—and no bridge could be built without their consent and cooperation.

Herbert Hoover revived the bay bridge idea in 1922, while serving as secretary of commerce. At Hoover's urging, President Warren G. Harding agreeed to appoint a new army-navy commission to study the question. But their findings did not please Hoover: the army recommended a less desirable route than the one he favored, and the navy opposed the bridge altogether. Hoover later wrote in his memoirs:

"I attempted to conciliate the military and engineering conflicts; but my authority, without the backing of the President, was insufficient. Also, opinion in the Bay cities concerning the proper and feasible route was divided, and much acrimonious debate was going on. At that time there seemed to be no way of financing a project so ambitious as this."

Years later, Leland Cutler (a key figure in the creation of the Bay Bridge) recalled how strongly the army and navy had opposed the whole idea. While serving as a director of the San Francisco Chamber of Commerce in 1927, Cutler was chosen to present the case for the bridge to Secretary of the Navy Curtis D. Wilbur. Cutler wrote: "I knew Curtris Wilbur well but made no headway on the bridge presentation. The Navy just wouldn't have it. The Army, whose permission had to be obtained for anything affecting navigable waters, was adamant and it looked as though there would be no bridge."

Herbert Hoover's election as president in 1929 finally gave him the political leverage to offset the army and navy's opposition. During a 1928 campaign speech in San Francisco, he pledged his active support for a bay bridge, and he quickly made good on his promise. In August 1929, after consulting with Governor Clement C. Young of California, Hoover announced the creation of a new commission to reopen the bay bridge question. At his press conference on August 13, 1929, Hoover declared:

"There can be no question as to the necessity for such a bridge for the economic development of these communities. In addition to the cities of San Francisco, Oakland and Alameda, the Governor of California through recent legislation has recently taken an interest in this problem. In order that we may have an exhaustive investigation with a view to final determination which I hope will be acceptable to all parties, I have consulted the Secretary of War and the Secretary of the Navy as well as Mr. [Bert B.] Meek, the representative of Governor Young, and I shall appoint a Commission comprising two representatives from the Navy, two from the Army, and I shall ask the authorities of San Francisco to appoint one member, the authorities of the east side of the Bay to appoint another member. I shall ask the Governor to appoint one or two members and I shall appoint a leading citizen, Mr. Mark Requa if he will undertake it, in the hope that we may arrive at a determination of the common interest."

Hoover's deep commitment to the bay bridge idea is best seen in his choice of the man to head the commission. Mark L. Requa, a fellow mining engineer, had been Hoover's close friend since they first met in 1905. He had been Hoover's assistant in the U.S. Food Administration (1917–1918) and had served as general director of the oil division of the U.S. Fuel Administration (1918–1919). Requa was precisely the sort of man Hoover could count on, someone accustomed to circumventing obstacles and cutting through bureaucratic delays.

To the nine-member group that soon became known as the Hoover-Young Commission, Hoover also appointed Professor Charles D. Marx, his former teacher and retired head of engineering at Stanford University. By choosing Requa and Marx, Hoover clearly signaled the army and navy that their representatives on the commission must be open-minded and not tied to traditional prejudices against a transbay bridge.

The Hoover-Young Commission undertook a comprehensive survey of the bay bridge issue, confronting for the first time

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the claims that the whole idea was impossible. The skeptics said the water was too deep, that there was insufficient bedrock on which to build the bridge's piers, and that the cost of construction would be prohibitively high.

The commission's engineering survey addressed the physical obstacles first. The finding were encouraging: on May 27, 1930, Mark Requa advised Lawrence Richey, the president's secretary, that "they have found high bed-rock on a line between Rincon Hill . . . and Goat Island. The only feasible route seems to be from Rincon Hill in a northeasterly direction to Goat Island, and from thence easterly to the Oakland shore." Hoover and others had favored a route from Oakland Point to Telegraph Hill via Yerba Buena Island, but the geological surveys forced a shift of route: the bridge eventually built begins at Emeryville and ends at Rincon Hill Commuter convenience had to be sacrificed to geological necessities, yet Hoover had won a crucial victory. On August 12, 1930, the commission returned a unanimous report favoring construction on a bay bridge.

The next major hurdles were financial. A year earlier, the California legislature had created the California Toll Bridge Authority, empowering it to create and operate a transbay bridge, and giving the Department of Public Works the job of designing and building the bridge. Soon after the Hoover-Young Commission issued its report, the California legislature appropriated $650,000 to prepare plans for the bridge. But to build the bridge required more than a hundred times that amount, and California lacked the money to finance the project.

If the bridge were to be built during the Great Depression, the Bridge Authority had to find a buyer for $62 million in bonds. Given the fact that banks and other financial institutions throughout the country were verging on bankruptcy, it quickly became evident that the most solvent buyer was the federal government, through the newly created Reconstruction Finance Corporation (RFC).

The RFC had been Hoover's creation: he had proposed it in December 1930 to lend funds to financial institutions, especially banks and insurance companies, that were in danger of collapse. At the same time, Hoover also had sought to use the RFC as a job-creating mechanism, by enabling it to lend capital for what he called "reproductive public works," such as the Bay Bridge.

But when Congress voted in January 1932 to create the RFC, it deleted the provision relating to public works. Hoover refused to accept defeat on this measure and continued to push for its passage. Two men from California—Leland Cutler, president of the San Francisco Chamber of Commerce, and Charles H. Purcell, chief engineer of the California State Highway Commission—began a campaign of tireless lobbying in Washington on behalf of the amendment. Their efforts, openly endorsed by Hoover, proved successful: on July 16, 1932, Congress amended the Emergency Relief and Construction Act, authorizing the RFC to make available up to a billion and a half dollars in loans to finance "self-liquidating" projects, that is, public works whose toll revenues would retire their original bonded debt. But even then it was uncertain that the bay bridge project would be endorsed by the RFC. The process would involve approval on two levels: engineering and finance.

A few days after the amendment passed, Hoover urged the California Toll Bridge Authority to send its board of engineers (headed by his former teacher, C.D. Marx) to meet with the RFC's newly created board of engineers. A month later, when no progress had been made, a delegation from the financial advisory committee headed for Washington, hoping to expedite the approval process through personal salesmanship.

Leland Cutler expected that the biggest obstacle would be Harvey Couch, an Arkansas Democrat, who was in charge of self-liquidating loans. When Cutler arrived in Washington in September to see Couch, he found a message saying that the president wanted to see him immediately. At their White House meeting, Cutler later recalled, he found Hoover impatient for results: "He made it clear that he would help us in every way but that the President of the United States had quite a few things to do and wasn't an errand boy and that we would have to do our own work."

Cutler enlisted the aid of Merle Thorpe, editor and publisher of the *Nation's Business*, who was a close friend of Couch. Accompanied by Thrope, Cutler immediately went to see Couch, requesting an opportunity to present the case for the Bay Bridge to the directors of the RFC. To Cutler's surprise, Couch simply said, "How about tomorrow morning at eleven o'clock?"

The next morning, Cutler recalls, the first question posed by Judge Wilson McCarthy, a Utah Democrat, "was one none of us wanted to answer and couldn't answer because it was fatal to our bridge. The question was, 'What was the total revenue from the ferryboats last year?' The answer, of course, would have to be, 'Not enough to amortize the amount we are asking for.'" Cutler realized that to argue that a bridge would cut down commuter time across the Bay would carry no weight with the RFC. He was at a loss as to how to proceed and Harvey Couch took him aside and whispered, "Cutler, did you ever play football in college?"

"Yes, Sir," Cutler replied.

"What did you play?"

"I played quarterback."

"Did you ever take time out when you got into trouble? You're in trouble now, Son; take time out."

Another hearing was scheduled for two weeks later. Meanwhile, Cutler conferred with individual RFC directors and staff, seeking to persuade them that a bridge would stimulate transbay traffic, so that bridge tolls would far exceed existing ferry revenues. To Cutler's surprise, the least receptive RFC director was a newly appointed Republican, Gardner Cowles, Sr., the Iowa publisher. He suspected that the Bay Bridge was only a make-work scheme, a boondoggle for an area hard hit by the depression. He wanted the California delegation to head home and never return.

Cutler tried to arrange a meeting with Hoover to discuss Cowles's recalcitrance, but he was unsuccessful. He turned for help to Ray Lyman Wilbur, who was on leave from the presidency of Stanford University to serve as secretary of the interior. Cutler hoped that Wilbur, Hoover's closest friend, could get him into the White House. Wilbur succeeded, and Cutler delivered his gloomy report. Hoover, determined that the Bay Bridge would not be blocked by anyone, least of all by a Republican whom he had nominated to the RFC, agreed to persuade Cowles to change his position. Hoover later told Cutler that he had spent several unpleasant hours arguing with Cowles. The next day, yielding to the president's personal pressure, Cowles voted to approve the RFC's purchase of bay bridge bonds.

Newspapers throughout California hailed the good news from Washington, and they singled out Hoover for special praise. But outside of California, the news was not as cordially received. Reflecting the fact that sectional rivalries sometimes transcend party loyalties, a fiercely Republican newspaper, the *Chicago Tribune*, wrote two angry editorials questioning the RFC's decision:

"It is significant that no banking syndicate in boom times when any kind of security was salable had the nerve to finance San Francisco's bridge with its staggering overhead. Uncle Sam, for motives which are purely political corruption, has now undertaken to sink 62 millions of the taxpayers' money in this scheme, which would probably land a professional promoter in the penitentiary if he tried to sell it to the public . . . If there are any honest men in the region of the Bay, they have not been heard from at this distance."

Such sharp-tongued criticism was less important than the fact that the RFC's vote was only conditional. Before it made a firm bid to buy the bridge bonds in June 1933, more than fifty amendments to the laws of California had to be enacted. This feat was accomplished largely due to the efforts of Senator Thomas A. Maloney, the speaker pro tem of the state assembly.

Even so, it wasn't certain that California banks would be the repositories of the RFC money. An attorney for RFC exclaimed: "This money . . . will not be put in California banks; it will be put in New York banks where it will be safe."

This remark infuriated Florence McAuliffe, who had worked closely with Leland Cutler to sway the RFC vote. Hearing this slur on California and its banks, McAuliffe shouted back: "my name maybe Florence but I wear a 17½ collar. Out in California, we are not Liberia or France, we are a part of this great commonwealth. The money will be put in California banks!"

It was, and it proved a great stimulus to California's economy. The banks were not the only ones to profit; the bridge created job opportunities for 6,500 engineers and bridgeworkers during the three-and-a-half years of its construction. The bridge consumed 1.2 percent of all the steel produced in America in 1933, and other manufacturers and suppliers received sorely needed contracts. Clearly, the Bay Area profited greatly, but so did the RFC. The increased traffic across the Bay Bridge produced sufficient revenues to yield the RFC several million dollars profit on its investment within a decade.

Twenty years later, when he was writing his memoirs, Leland Cutler wrote that Hoover had been the key figure responsible for the building of the Bay Bridge:

"I gave Mr. Hoover the greatest credit, for he cut all red tape and formed the Hoover-Young Commission to find a way of doing it. Mr. Hoover conceived the Reconstruction Finance Corporation, agreed to an agreement to fit the case of the San Francisco-Oakland Bay Ridge, and during our first onslaught on Washington, used his power with the RFC to help us at every turn. President Hoover also stayed up late at night and received me when I needed help and at any hour telephoned friends who might be needed. I think he knew he would not be reelected and he wanted the bridge on its way before he was out, because he believed in it

and in its part in the progress of the nation."

Hoover, characteristically, stressed the role others had played in the bridge's creation. Speaking at the opening ceremonies of the San Francisco-Oakland Bay Ridge on November 12, 1936, he said:

"This bridge stands for far more than even its convenience and its economic worth. It stands as a monument to unity in community action. It stands for American genius and accomplishment. It is the realization of the dream of two generations . . . That this is the greatest bridge yet constructed in the world requires no repetition from me. Its construction spans not alone this great bay but also the whole advance in industrial civilization—our discoveries in science, our inventions, our increasing skill. It is the product of hundreds of years of accumulated knowledge . . . But above them all in our tributes are the engineers and workmen right here who combined all those centuries of knowledge with courage and imagination . . . Deserving high credit with them are the manufacturers, the contractors. But not the least was the part of those courageous men who daily risked their lives in construction. This bridge will be here giving service to these communities for another hundred years. By that time the nation may have discovered something else that will do the job better. But it will remember that the community courage, and its spirit of cooperation did a great thing here."

As Hoover spoke, generously praising twenty-one individuals by name for their role in building the bridge, those who heard him were probably aware that he had played the preeminent role. If subsequent generations have forgotten his contribution, the Bay Bridge's fifieth anniversary is an appropriate occasion to recall it.

Robert Hessen is a senior research fellow and deputy archivist at the Hoover Institutions, Stanford University. He also teaches U.S. business history at Stanford's Graduate School of Business. His books include *Steel Titan: The Life of Charles M. Schwab*, *In Defense of the Corporation*, and *Berlin Alert: The Memoirs and Reports of Truman Smith* (editor). He is the general editor of the Hoover Archival Documentaries, a multivolume series that illuminates significant aspects of twentieth century history.

INFANT MORTALITY

● Mr. SHELBY. Mr. President today in Alabama, from across the State, men and women are gathering to talk about a problem that is close to the hearts of all Alabamians, infant mortality. Indeed, Alabama is no stranger to the high costs infant mortality can place on a State. And so it is fitting that members of the business community are joining with government officials and health care professionals in our State capitol to try and put an end to this shameful tragedy.

Due to my schedule here in the Senate, I was not able to attend this symposium. However, I have asked that the following message be delivered to Governor Hunt and the attendees of the meeting. I ask that this letter be inserted in the RECORD.

Mr. President, I look forward to reviewing the information that is generated by this meeting of minds in my home State. I also look forward to sharing this information with my colleagues in the Senate, as we continue to tackle the serious health care problems facing our Nation.

The letter follows:

U.S. SENATE,
Washington, DC, January 27, 1988.

Hon. GUY HUNT,
c/o *Mrs. Jean Blackmon, Alabama Department of Human Resources, Montgomery, AL.*

DEAR GOVERNOR HUNT AND ATTENDEES TO THE FIRST GOVERNOR'S SYMPOSIUM ON INFANT MORTALITY: I would like to take this opportunity to commend you on the organization of the First Governor's Symposium on Infant Mortality in Alabama. Unfortunately, due to the recovering of the 100th Congress, I am unable to be with you for this most worthy meeting.

Alabamians are no strangers to the high claim infant mortality makes on a state. Indeed, we have the dubious distinction of being one of the country's leaders in the number of child mortalities each year. But as this issue makes headlines throughout the country, the people, parents, and policymakers of this country are not going to remain silent any longer.

You have gathered here today to give of your time, your energy and your knowledge to help galvanize Alabama's response to the tragedy of infant mortality. You are here today to strategize and plan, educate and learn, participate and partake of the vast amount of information available on the crisis that is facing our state. But mostly, you are here today to do something about this problem.

Many of you are leaders of industry and business from across our great state. You bring to this Symposium a special perspective and an important edge. We can not beat this problem alone, we need your input, your guidance—we need your help. It's that simple.

I commend each and every one of you for being here today and I look forward to working with the Governor and with you to help implement a first rate plan that will attack the infant mortality problem in the most comprehensive and effective way possible.

We come from a state that is blessed with bright minds, prestigious educational institutions, exceptional medical resources, and a thriving business community. I am confident that together, we can win the war against infant mortality.

With best wishes for a successful and effective Symposium, I am,

Sincerely,

RICHARD SHELBY.●

JUSTIN DART

● Mr. SIMON. Mr. President, I was saddened by the forced resignation of Justin Dart as Commissioner of the Rehabilitation Services Administration. I have been impressed with his commitment and I admire his courage. He is a remarkable person—just how remarkable is indicated in an article from the Los Angeles Times of December 10.

We need Justin Dart's voice as an advocate for people with disabilities, and we need his leadership as an advocate for democratic processes and participation in Government. I am pleased that he intends to continue to speak out and provide this leadership.

I urge my colleagues to read the Times article about this unusual man.

The article follows:

[From the Los Angeles Times, Dec. 10, 1987]

DART'S DEFIANCE—TAKING ON THE BUREAUCRACY, JUSTIN DART, JR., LOST A JOB BUT GAINED A FOLLOWING

(By Lee May)

WASHINGTON.—Blue-blazered and white-shirted, wearing a blue tie with tiny American flags, Justin Dart, Jr. seems more the patriotic professor than the combative advocate for the handicapped.

Forced late last month to resign as commissioner of rehabilitation services after harshly criticizing Education Department management, he seems more like a man who just got liberated than one who just got fired.

He wheels his chair next to a flag that dominates a wall in his apartment near the Education Department Building in Southwest Washington, obliging a photographer, then tells a visitor of an outpouring of calls and letters from people who are angry that he was fired.

"Many have called to indicate their moral support and want to know what they can do," he said. Others have written and telephoned Congress, the White House and the department.

Thus, in losing the job to which he was appointed in September, 1986, Dart has gained a cause. His firing is focusing on unprecedented attention on problems in the Education Department and on his personal 20-year battle for the rights of the nation's estimated 35 million handicapped.

Such is the contradiction woven through the life of Justin Whitlock Dart, Jr.

His father, the late Justin Dart Sr., was the wealthy California industrialist who raised huge sums of money for the Republican Party and helped persuade Ronald Reagan to enter politics, in the process becoming a charter member of Reagan's California "kitchen cabinet."

But until he switched parties in 1972, the younger Dart, who is 57 years old, strongly supported Democrats, attending the inaugurations of both John F. Kennedy and Lyndon Baines Johnson.

"There were some years we didn't meet at all," Dart said of his father, who died in January, 1984. "He was so intense about his politics, and I was so intense about mine."

Despite their early political differences, Dart said, his father—known for his blunt views in unrefined language—"never tried to intimidate me to support his ideas." He called his father "a great man," adding: "He taught me a lot. He was straightforward. He was a person who held very high standards for himself and for me and others. He expected us to do whatever we did with a passion and with a conscience."

Dart said, "We did agree on one thing: the importance of democracy and the democratic process. He told me to participate in the democratic process as if your life depended on it because it does."

They became closer toward the end of his father's life, said Dart, who has been confined to a wheelchair since suffering polio in 1948. He has a brother—also a polio victim—three half-brothers and a half-sister.

Explaining his rejection of the Democratic Party, he said: "I gradually came to appreciate the importance of independence

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and liberation from too much paternalistic central government."

Yet it was his charge of Republican paternalism that drove the Reagan Administration to demand his resignation, which he submitted Nov. 25. It becomes effective Dec. 15.

The simmering problem boiled over at a congressional hearing on Nov. 18, when Dart set aside testimony the Education Department had approved, delivering instead what he called a "statement of conscience," a stinging condemnation of the system in which he worked—a system he said was characterized by "paternalistic central control."

Paternalism was so bad, Dart told The Times later, that whenever he wanted to send anything by Federal Express, he was required to get advance approval from his boss, Madeleine Will, or a "high member of her staff."

In his testimony before the House Education and Labor subcommittee on select education, Dart said his program, the Rehabilitation Service Administration, was "afflicted . . . by profound problems in areas such as management, personnel and resource utilization." The program, budgeted at $1.5 billion a year, makes grants to states, helping them provide training and education that will make handicapped people employable.

Dart's remarks were too much for the Administration to swallow. Choosing between Dart and Will, the wife of conservative columnist and Reagan ally George Will, the Administration asked Dart to leave.

Loye Miller, spokesman for Education Secretary William J. Bennett, said Dart was fired from his $72,500-a-year job "because he stood up and attacked his boss in a hearing. When he attacked Madeleine Will, he attacked Bill Bennett. And that was the end of Justin Dart."

Not quite.

On the first of this month, Dart made public his resignation. Then, the letters to President Reagan began.

"We were shocked, profoundly saddened, and even angry at this great loss of opportunity and waste of talent," wrote the Council of State Administrators of Vocational Rehabilitation.

The National Rehabilitation Assn. wrote: "The unwise decision to force Justin Dart to resign was not in the best interest of the rehabilitation program, the Rehabilitation Services Administration.

When Reagan appointed him last year, Dart had come to Washington from his home in Fort Davis, Tex., to work for three months on the National Council on the Handicapped, an independent federal agency that analyzes federal laws and recommends policies to the government.

A CRUSHING WORKLOAD

The Education Department appointment was so sudden and the workload so crushing, Dart said, that he and his wife never went back to Texas to move. They bought most of the furnishings for their two-bedroom apartment from the Door Store, he said.

Dart still wears cowboy boots, and over his kitchen door hangs a sign the credo: "Lead, Follow or Get the Hell Out of the Way."

While he wears boots and claims a Texas temperament, Dart appears unwilling to get down in the political mud, an activity that many in the nation's capital seem to relish. "Justin's too nice for Washington," one acquaintance said.

Dart said, "I don't like to criticize anyone personally; it's against my principles."

As a Reagan-appointee family, the Darts have always been somewhat unusual, showing up at black-tie events in their 3-year-old beige Nissan pick-up.

But by all accounts, he was a hard worker, conducting research in all 50 states and five Indian nations. Working from his wheelchair, Dart inspired people with disabilities and encouraged their advocates in the struggle for handicapped people's rights.

His firing, said Charlotte Bly-Magee, director of the Southern California Projects With Industry, is "going to look like the Administration is letting the handicapped down."

In Seattle, Paul Dziedzic, president of the Council of State Administrators of Vocational Rehabilitation, declared that Dart has "amplified the problems" of the handicapped, adding, "If people thought they were going to muffle him by firing him, then it backfired."

Both views are accurate.

Many people are complaining that Dart's firing made the Administration look villainous. But Dart certainly has not been muffled.

Winding down his chores at the Education Department, Dart still goes to the office, but his work at home has intensified since he resigned. Rising by 7 a.m., sometimes as early as 5, he churns out letters on a computer and conducts telephone conferences across the nation.

In the future, he said, he will help organize efforts to broaden civil rights laws covering handicapped people in areas like employment, public transportation and housing. Currently, he said, such laws apply mostly to federal activities and those supported by federal funds.

RIGHTS, RESPONSIBILITIES

"We will never accomplish any of our goals fully until we can communicate [to] this nation and [in] law and everyday life that people with disabilities have the same rights and responsibilities as other people and that disability is a normal characteristic of the human process," Dart said.

He likened his own efforts to those of Martin Luther King Jr. and the Mahatma Gandhi, speaking passionately of the world's estimated 500 million handicapped people, whom he called "the largest disadvantaged minority."

Often, Dart seems a man tugging against himself.

Even as he skewered Will's administration of the program he headed, he praised her as his "distinguished colleague advocate."

Similarly, in his resignation letter to Reagan, who presumably acquiesced in his firing, Dart declared that he remained "profoundly respectful of your personal endorsement" of the idea that handicapped people should have independence and equality.

One long-time associate said, "I watched him struggle with divided loyalties. He has come out unfettered."

But not uncriticised.

It is bad enough to be a former Democrat, but even worse to battle so openly with Republican bosses. In addition to the embarrassment he has caused it, the Education Department may be investigated by the General Accounting Office because of Dart's charges.

All this has angered some Republicans. Said Dart, "I've heard that people have suggested that I might be happier in the other party, but nobody said that to my face." He said he is not going to switch back, noting that both Reagan and Education Secretary Bennett are former Democrats.

"I believe people with disabilities need to be strong in both parties," he said. "There are good people in both parties."

Dart is enjoying his new freedom of speech and the attention his dismissal has brought to handicapped people. "I'm not proud that I got fired," he said, "but this is the work that I've dedicated my life to—quality opportunities backed up by quality services."●

NORTH KOREA: TERRORIST STATE

● Mr. **ROCKEFELLER**. Mr. President, just as South Korea has demonstrated extraordinary resilience and maturity in its current transition to democratic rule, its neighbor to the north has once again stunned civilized people everywhere with the sheer barbarity of its international behavior. I am referring to the wanton North Korea-directed destruction of a Korean Air passenger plane en route from Bahrain to Seoul on November 29, 1987. One hundred fifteen people perished as KAL 858 disintegrated over Adaman Bay near the Thai-Burmese border.

It is now known that two North Korean agents were ordered by the North Korean leader's ambitious son, Kim Jong-Il, to destroy the KAL flight in order to discourage attendance at the 1988 summer Olympics in Seoul. Posing as Japanese father and daughter, Kim Sung-Il and Kim Hyun-Hee boarded KAL 858 in Baghdad, placed a radio time bomb with liquid explosives in the overhead storage compartment, and disembarked when the passenger plane made a scheduled stopover in Abu Dhabi. Nine hours later, 115 innocent people, mostly South Korean construction workers returning home, died.

Regrettably, Mr. President, this North Korean action is not unique. On October 9, North Korean agents succeeded in killing 15 South Korean Government officials in Rangoon on the occasion of President Chun's state visit to Burma. Four cabinet ministers perished in that vicious attack, including Foreign Minister Lee. President Park Chung Hee was similarly the attempted target of a North Korean assassination attack in 1968 in which his wife was killed.

Following the KAL attack, Bahrain agreed to extradite Kim Hyon Hui to South Korea where she underwent questioning by Korean, American, and Japanese authorities. There is no doubt that she and her accomplice were under the direct control of Pyongyang. Last week, our Government announced that North Korea was to be placed on the list of terrorist countries—thus, giving them the same status as Libya, Iraq, and others. Just this week the Japanese Government cut off all diplomatic contact with

North Korea citing "organized terrorism" directed by Pyongyang.

Mr. President, I was in Seoul on the day when the testimony of Kim Hyun Hee was announced. The purpose of my visit was to congratulate President-elect Roh Tae Woo on his election and to express my admiration for the democratic direction in which he is leading Korea. I was deeply impressed with the calm manner in which Roh Tae Woo, the South Korean people, and their Government reacted to this terrible act of state-sponsored terrorism. There were no threats or destabilizing actions—just the calm assurance of a vibrant and increasingly self-confident nation. This contrast with the state-sponsored, barbaric actions of North Korea is obvious for all to see.●

THE IMPACT OF LIABILITY CRISIS ON VOLUNTEERS

● Mr. **MELCHER**. Mr. President, today, I had the pleasure of announcing the results of a Gallup survey to determine the impact of the liability crisis on volunteers. This survey, funded by the Gannett Foundation and the American Society of Association Executives Foundation, confirms what we have suspected—volunteers are getting harder to find because they are afraid of being sued.

This country was built by volunteers, and it's volunteers who make it work today. But today we learned that almost 20 percent of our volunteers are no longer willing to volunteer. Now, that's a serious problem—a problem that is so serious that we need Federal action to help see volunteers are not scared off.

That's why I introduced S. 929. This bill simply encourages States to exempt volunteers of tax-exempt organizations from personal civil liability if their actions are within the scope of their duties as a volunteer.

More than 30 States have passed legislation offering some protection to volunteers, but there is a great deal of difference in the protection. Some is limited to sports volunteers; some is limited to board members of tax exempt organizations, and some is for all volunteers. We need to have legislation in all the States protecting all our volunteers.

Mr. President, I ask that the results of the Gallup survey be inserted in the RECORD.

The material follows:

THE LIABILITY CRISIS AND THE USE OF VOLUNTEERS BY NON-PROFIT ASSOCIATIONS

INTRODUCTION

This report has been prepared by The Gallup Organization, Inc., for the Foundation of the ASAE. The report summarizes the findings of a survey of non-profit organization executives and volunteer board members concerning liability risk. The survey covered the following areas:

Survey of association executives:

1. Incidence of carrying director and officers liability insurance coverage;
2. Change in cost of liability coverage since 1984;
3. Changes resulting from concern for exposure to liability risk;
4. Practices used by non-profit organizations to minimize liability risks;
5. Incidence of suits over liability issues;
6. Effects of liability coverage on relations with association chapters;
7. Indemnification of directors or volunteers;
8. Perceived effect of liability exposure on volunteers.

Survey of board members:

1. Effect of liability crisis on participation in not-for-profit organizations;
2. Extent to which volunteers inquire into liability coverage and issues prior to accepting board membership;
3. Perceived effect of liability crisis on volunteers;
4. Incidence of refusing to serve due to fear of liability;
5. Experience with lawsuits;
6. Extent of insurance coverage.

SUMMARY OF FINDINGS

Given the concern for liability it is somewhat surprising that only about two-thirds of the organizations report carrying director and officer liability insurance. However, it may be noted that seven in ten board members report they are insured either by their company or by a personal liability policy. Volunteer board members are also likely to report the biggest effect of the liability situation is a concern for insurance coverage.

Most voluntary organizations report the cost of liability insurance has increased. In fact, the average reported increase in the past three years is 155%, and one in eight organizations report an increase of over 300%, roughly the equivalent of a 100% increase over 1984 rates per year.

The risk of being sued or being held liable has lead organizations, in some instances, to make changes. About one in twenty report changing the structure of their board of directors, and as many eliminated committees due to the potential exposure to liability risk. A larger proportion (14%) have eliminated programs they believed would expose the organization to risk.

From the volunteer board member's perspective the fear of exposure to liability is seen as resulting in fewer individuals willing to serve as volunteers. About half of the active board members report a decline in volunteers in the past few years. In fact, 16% of the board members report they have withheld their services to an organization out of fear of liability. More common, seven in ten report volunteers are more careful in what they do or say as board members. Related to the greater caution expressed by board members, organizations report establishing policies concerning volunteer activities. Eight in ten organizations have a policy regarding who may speak for the organization and nine in ten give their committees and boards specific charges and authorization and monitor compliance.

While there is a great deal of concern for the risk of liability, only one in twenty organizations report being sued on a directors and officers liability questions in the past five years. However, the response says nothing about the organizations which may have adopted more cautious policies to avoid such situations nor does it indicate the extent to which potential suits may have been averted before filing with the courts. It is of note that almost as many board members as organizations report being sued. It may also be noted that while only about 5% were sued within the past five years, one in four organizations have been sued at some time in the past.

Thus, while the number of organizations reporting problems with liability risk is not great, concern for liability is common. Organizations have taken steps to alter their operations or activities to minimize liability in the face of ever increasing insurance rates and potential risk. Volunteer board members approach the request to serve on an organization's board with caution, investigating the organization's history of lawsuits and its potential for liability risk. Finally, volunteers are more likely than organization executives to express concern and see a problem affecting the number and quality of volunteers resulting from the liability crisis.

(The following pages summarize the findings of interviews with association executives)

Carrying of Director and Officer Liability Insurance:

The Questions: To begin, does your organization currently carry director and officer liability insurance coverage?

Does your coverage include exclusions for any of the following?

Ethics committee;

Standards committee;

Peer review;

Employee discrimination.

When were these exclusions added?

Approximately two-thirds (64 percent) of all associations surveyed report carrying D&O liability insurance coverage. Among those with liability coverage one in eight (13 percent) report their insurance has exclusions for ethics or standards committee, peer review or employee discrimination. Typically such exclusions appear to have been imposed on the association's coverage since 1985.

[In percent]

	All executives
Carry C&O liability insurance coverage	
Yes	64
No	35
No answer	1
Number of interviews	265

Exclusions:	*All with D&O insurance*
Coverage has exclusions (net) 13:	
Peer review	07
Standards committee	6
Ethnics committee	6
Employee discrimination	4
None of the above	87
Total	100
Number of interviews	171

Extent to Which Costs for Liability Coverage Have Increased

The Question: Compared with the cost of liability coverage in 1984, by what percentage, if any, have your premiums gone up?

Most associations with D&O coverage report an increase in their premiums since 1984. On average, the reported increase is 155%, and the median increase is 54%. Among associations carrying D&O liability insurance about one in four (26%) report their premiums have increased by 100% or more since 1984. Another one in four (23%) have seen their premiums rise by twenty to eighty percent in the past three years. Only

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one in seven (14%) report no increase. A large percentage of executives could not estimate the extent of change in the cost of their insurance premiums.

[All with D&O Insurance]

Percent increase on premiums since 1984:	Percent
Over 300	12
Over 200 to 300	5
Over 100 to 200	5
100	4
80 to 99	0
70 to 79	2
60 to 69	4
50 to 59	7
40 to 49	2
30 to 39	4
20 to 29	4
10 to 19	6
1 to 9	4
No increase	14
Can't say	27
Total	100
Number of interviews	171
Median	54
Mean	155

Extent to Which Costs for Liability Coverage Have Increased

The Question: Compared with the cost of liability coverage in 1984, by what percentage, if any, have your premiums gone up?

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[All with D&O Insurance]

Percent increase on premiums since 1984:	Percent
Over 300	12
Over 200 to 300	5
Over 100 to 200	5
100	4
80 to 99	0
70 to 79	2
60 to 69	4
50 to 59	7
40 to 49	2
30 to 39	4
20 to 29	4
10 to 19	6
1 to 9	4
No increase	14
Can't say	27
Total	100
Number of interviews	171
Median	54
Mean	155

Changes Resulting From Concern With Liability Risk

The Questions: Has concern for problems with liability caused your organization to make changes in the structure of your board of directors?

Has your organization eliminated any programs due to potential exposure to liability risk?

Has your organization eliminated any committees due to potential exposure to liability risk?

Relatively few associations (5%) report making changes in the structure of their board of directors as a result of concern for problems of liability. However, a larger proportion (14%) have eliminated programs due to potential exposure to liability risk. The elimination of committees is less common, only 5 percent report potential exposure to liability risk has lead to the elimination of committees.

While the number of executives reporting liability issues have affected the organization's leadership is relatively small it is noteworthy that such organizations are more likely than others to report changes in board structure or elimination of programs or committees.

[In percent]

	All executives	Liability affected leadership: Yes [1]	Liability affected leadership: No
Made changes on structure of board:			
Yes	5	17	2
No	95	83	98
Total	100	100	100
Number of interviews	265	52	213
Eliminated programs:			
Yes	14	25	11
No	86	75	89
Total	100	100	100
Number of interviews	265	52	213
Eliminated committees:			
Yes	5	17	2
No	95	83	98
Total	100	100	100
Number of interviews	265	52	213

[1] Executives who answered "yes" to at least one of the following questions are categorized as yes to this item.

Have any potential volunteer leaders withheld their services to your organization due to concern over liability exposure?

Have any volunteer leaders resigned due to concern over the liability situation?

Has the number of volunteers actively participating in the leadership of your organization declined as a result of the liability situation in the past three years?

Review of Organization Documents

The Question: Are the governing documents of your organization periodically reviewed to make them current and consistent with present interpretation of association law?

Almost all (88%) association executives report they periodically review the organization's governing documents to keep them current with interpretation of association law.

All executives

Governing documents reviewed:	Percent
Yes	88
No	11
No answer	1
Total	100
Number of interviews	265

Policies Concerning Volunteers

The Questions: Is there an established policy as to who among the volunteers and staff is specifically authorized to communicate outside, the association's views, comments and positions?

Are volunteers prohibited from using association letterhead except when authorized for a specific task, project or purpose?

Do committees and boards have specific charges and authorizations and are they monitored to insure compliance?

A large majority of organizations (80%) have policies concerning communication of the association's views outside the organization. The same proportions report prohibitions on the use of official letterhead except for authorized use.

Nine in ten association executives (90%) also report committees and boards have specific charges and authorizations and are monitored for compliance.

All executives

	Percent
Established policy regarding communication:	
Yes	80
No	19
No answer	1
Total	100
Number of interviews	265
Prohibitions against using letterhead:	
Yes	80
No	18
No answer	2
Total	100
Number of interviews	265
Committees/Boards have specific changes/authorization:	
Yes	90
No	8
No answer	2
Total	100
Number of interviews	265

Experience with Law Suits

The Questions: Has your association been sued on a directors and officers liability question in the past five years?

How many times?

When was the last time your organization was sued?

How many suits, if any, have you settled out court within the past five years?

How many suits, if any, have you successfully defended in the past 5 years?

How seriously has your liability coverage been affected by these suits?

Approximately one association in twenty (5%) has been sued, within the past five years, on a directors and officers liability question. The majority of organizations have been sued once, but one in four have experienced multiple suits. In addition, it may be noted that about one in four organizations have been sued for some reason at some point in time, including 6 percent who were sued within the past five years for some reason other than D&O liability.

The numbers reporting any involvement in suits is too small to base definite conclusions upon; however, it would appear that about half the suits are settled out of court and most are successfully defended.

[In percent]

Sued on D&O question	All executives	Carries D&O insurance: Yes	Carries D&O insurance: No
Yes	5	6	1
Once	−3	−4	−1
Twice	−1	−1	−0
Five or more	−1	−1	−0
No	95	93	99
No answer	([1])	1	0
Total	100	100	100
Number of Interviews	265	171	92

[1] Less than one-half of 1 percent.

[In percent]

Last time organization was sued	All executives	Carried D&O insurance: Yes	Carried D&O insurance: No
Within past year	4	5	2
1 to 2 years ago	3	5	0
3 to 4 years ago	3	5	1
5 years ago	([1])	0	1
More than 5 years ago	12	14	8
Never	74	67	87
No answer	4	4	1
Total	100	100	100
Number of interviews	265	171	92

[1] Less than one-half of 1 percent.

Of those sued for any reason in the past 5 years, 18 percent report their liability coverage has been very or fairly serious affected by these suits.

Organization sued in past 5 years

Liability coverage affected:	Percent
Very seriously	11
Fairly seriously	7
Not too seriously	50
Not at all seriously	50
Don't know	11
Total	100
Number of interviews	28

Bias on Underwriters

The Question: Have you incurred a bias on underwriters due in part to the technical nature of your profession?

About one in four association executives report having incurred a bias on underwriters due to the technical nature of their profession. Those who report the liability situation has had an effect on leadership are more likely than the norm to report incurring an underwriters bias.

[In percent]

Incurred bias on underwriters	All executives	Liability effected leadership: Yes	Liability effected leadership: No
Yes	23	46	18
No	69	50	73
Don't know	8	4	9
Total	100	100	100
Number of interviews	265	52	213

Effect of Liability on Relations with Chapters

The Question: Have changes in liability coverage changed relations with chapters of your association?

If yes, in what ways?

Are you able to secure coverage for your chapters?

One in ten (10%) report that changes in liability coverage have changed relations with association chapters. While the number is small it may be of value to look at the changes reported. A third report initiating programs or monitoring to reduce the risk of liability. Others report discontinuing chapters, requiring chapters to pay for their own insurance or increased financial management.

[In percent]

Changed relations with chapters	All executives	Liability effected Leadership: Yes	Liability effected Leadership: No
Yes	10	19	7
Programs to reduce risks: Have gotten much more conscientious watching all levels of chapter activities; started a risk management program; Made chapters more sensitive to liability	−3	−6	−3
Provide liability insurance: Incorporated liability insurance for chapters under national policy; Got them liability insurance; Are required to cover chapters, independent D&O coverage in effect	−2	−4	−1
No longer part of national insurance: Had to distance from the chapters because of this; Cut them loose and they are on their own; Are not part of us anymore, they had to establish a new structure	−2	−6	([1])
Increased financial management: Are starting to write guidelines for them concerning financial matters; Increased financial management; Greater audit and fiscal control	−2	−0	−2
Chapters pay own insurance: Require they carry their own liability coverage when conducting an activity using the organizations name or under our umbrella; They have had to pay more of their share of directors and officers insurance	−1	−2	([1])
Strengthen relationship: Because of group plan have had strengthening of relationship; Have strengthened affiliation agreement	−1	−0	1
Strained relationship: Strained relationship by raising concern at the chapter level which is very difficult; Caused some hard feelings	−1	−2	([1])
Tax laws: Had to change membership requirements for the tax laws; Has to do with tax laws	−1	−2	([1])
No	70	62	72
Don't know	20	19	21
Total	100	100	100
Number of interviews	265	52	213

[1] Less than one-half of 1 percent.

Less than half (36%) of the association executives report they are able to secure coverage for their chapters; however, a large proportion (46%) could not answer the question.

All executives

Able to secure coverage for chapters:	Percent
Yes	36
No	18
No answer	46
Total	100
Number of Interviews	265

Indemnification of Directors and Volunteers

The Question: Do you indemnify your Board of Directors in the Bylaws?

Do you indemnify your volunteers as well?

A majority of associations (58%) indemnify their board of directors. However, less than half (32%) indemnify volunteers. Organizations with D&O insurance are more likely than others to indemnify board members and volunteers. Those reporting the liability crisis has affected leadership also are more likely to indemnify board members.

[In percent]

	All executives	Carries D&O insurance: Yes	Carries D&O insurance: No	Liability affected leadership: Yes	Liability affected leadership: No
Indemnify board of directors:					
Yes	58	64	48	65	56
No	35	29	43	25	37
No answer	7	7	9	10	7
Total	100	100	100	100	100
Number of interviews	265	171	92	52	213

[In percent]

	All executives	Carries D&O insurance: Yes	Carries D&O insurance: No	Liability affected leadership: Yes	Liability affected leadership: No
Indemnify volunteers:					
Yes	32	37	25	35	32
No	59	54	66	59	58
No answer	9	9	9	6	10
Total	100	100	100	100	100
Number of interviews	265	171	92	52	213

Effect of Liability Exposure on Volunteer Leaders

The Question: Have any potential volunteer leaders withheld their services to your organization due to concern over liability exposure?

Have any volunteer leaders resigned due to concern over the liability situation?

Has the number of volunteers actively participating in the leadership of your organization declined as a result of the liability situation in the past three years?

Association executives were asked a series of questions concerning the possible effects of the liability crisis on volunteer leaders. About one in five executives (20%) perceive some change as a result of the potential exposure to liability. The most common effect is the withholding of services to the association. Eighteen percent report that, due to concern over liability exposure, potential leaders withheld their services to the organization. A little less than one in ten (8%) report resignations as a result of concern over liability issues. Related to the reported resignation six percent have seen a decline in the number of volunteers in the past three years related to the liability situation. Finally, seven percent believe the quality of volunteers in their organization has suffered due to liability questions.

All executives

Potential volunteer leaders have:	Percent
Withheld services	18
Resigned	8
Declined in number	6
None of the above	80
Number of Interviews	265

Effect of Liability Exposure in Other Volunteers

The Questions: Has the number of individuals volunteering time for service roles in your organization declined as a result of the liability situation in the past three years?

Has the quality of volunteer leaders in your organization suffered due to liability questions?

As one might anticipate, organizations reporting the liability crisis has effected leadership are more likely than others to report a decline in volunteers and relatedly, a decline in the quality of volunteer workers.

[In percent]

	All executives	Carries D&O insurance: Yes	Carries D&O insurance: No	Liability effected leadership: Yes	Liability effected leadership: No
Individual volunteers declined:					
Yes	6	4	10	29	([1])
No	91	93	87	67	97
Can't say	3	3	3	4	3
Total	100	100	100	100	100

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[In percent]

	All executives	Carries D&O insurance		Liability effected leadership	
		Yes	No	Yes	No
Number of interviews	265	171	92	52	213
Quality suffered:					
Yes	7	5	10	31	1
No	91	93	88	65	98
Can't say	2	2	2	4	1
Total	100	100	100	100	100
Number of interviews	265	171	92	52	213

¹ One-half of 1 percent.

SUMMARY OF FINDINGS BASED ON INTERVIEWS WITH VOLUNTEER BOARD MEMBERS

Affect of Liability Crisis

The Question: Overall, how would you say the liability crisis has affected your participation in not-for-profit organizations?

One in five board members (21%) report the liability situation facing voluntary organizations had made them more concerned about serving on boards of directors. One in ten (10%) either carry insurance or verify that the organization carries liability insurance. A small proportion (3%) have become more selective in their participation and 2% have resigned or refused to serve on a board as a consequence of their concern. However, seven in ten (69%) report no negative effect.

LIABILITY CRISIS AFFECT

	Percent	Number
More concerned (net)	21	
Cause for concern/more cautious (have to be more cautious; has not stopped volunteering; has not affected actions, but has generated a sense of concern)		18
Hesitancy in joining (reluctant to join new boards; tougher to get people to work for non-profit organizations; leery of volunteering)		3
Fear being sued (concerned for individual suits; look into risk liability; felt personal exposure)		2
References to insurance (net)	10	
Must have insurance coverage (refusal to serve if proper insurance not available; will serve on boards that have coverage, make sure directors are covered)		5
Increased cost of insurance (costing more money for insurance; premiums have escalated; created financial problems)		3
Carry insurance		3
More sensitive (net)	3	
Seek legal counsel (go to an attorney before making statements; talk with attorney before serving)		6
Check on organization/board member (check before joining; check every-thing out; find out how they operate; ask about policies before joining)		3
Resigned/will not participate	2	
Other	3	
No negative affect	69	
Can't say	2	
Number of interviews	359	

Inquiries Concerning Liability Coverage

The Questions: When asked to volunteer as a board member, do you inquire into the organization's liability coverage before making a decision to serve?

Do you research the organization's history of lawsuits before volunteering?

Nearly half (48%) the board members question the organization's liability coverage before making a decision to sit on a board. Perhaps because of their greater experience, or greater potential exposure to suits, those who have been board members for a long period of time or have membership on more than one board are more likely to raise questions about liability before accepting a seat on the board.

Approximately one in four directors (23%) report researhing the organiztion's history of lawsuits prior to volunteering. Again, it is the volunteer with more years of experience or multiple board membership who is most likely to look into the organization's past history.

INQUIRIES CONCERNING LIABILITY COVERAGE

[In percent]

Inquire into liability coverage	Total	Length of board membership			Number of organizations ¹		
		2 yr or less	3 to 6 yr	7 plus years	Only 1	2 to 3	4 plus
Yes	48	42	47	56	34	53	54
No	51	57	53	41	65	46	43
Don't know	1	1		3	1	1	3
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

¹ Number of organizations for which respondent is a board member.

RESEARCHING ORGANIZATION'S HISTORY OF LAWSUITS

[In percent]

Research organization's history of lawsuits	Total	Length of board membership			Number of organizations		
		2 yr or less	3 to 6 yr	7 plus years	Only 1	2 to 3	4 plus
Yes	23	17	26	26	17	26	23
No	76	83	71	74	81	73	77
Don't know	1		3		2	1	
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

Criteria used in research of organization's history

The Question: What criteria do you use in your research of an organization's history?

Among those who look into the organization's history the most common approach, taken by about one in four, is to consult with other board members. Almost as many consider the stability of the organization (22%). Slightly less than one in five (17%) consider the quality of the current board members and as many consider the organization's current insurance coverage. The full distribution of factors considered are shown in the table below.

Criteria used in research of organization's history

Criteria used	*Total (percent)*
Consultation with members (e.g., check with administration staff)	27
Stability of organization (e.g., how long established; the organization itself)	22
Quality of board member (e.g., quality of people on board now and in the past; knowing about the leaders of the organization)	17
Insurance coverage (e.g., whether or not they are insured; if they carry liability; consult insurance representative)	16
General reputation/word of mouth (e.g., asking around in community; word of mouth; ask community leaders)	11
Type of service/activity provided (e.g., if they do good work; look at what they have to offer; primary purpose	9
Organization records (e.g., go to records; minutes of meetings)	7
Legal counsel (e.g., check with legal counsel; our lawyers follow through the liability clause; State courts)	7
Financial background (e.g., ask to look at financials for 3 yrs; financial status; auditors reports)	8
Media (e.g., check newspaper stories)	3
Other involvement (e.g., usually on a committee so I can research well)	1
Potential for lawsuits (e.g., area of risks; probability of exposure of liability)	6
Number of interviews	81

Perceived changes in volunteer board members

The Questions: In the past few years have you noticed any of the following regarding volunteer board members . . . fewer willing to volunteer or serve? volunteers are more cautious about what they do or say?

About half the volunteer board members (49%) report that they see fewer willing to volunteer to serve on boards of directors. As much larger proportion (72%) report volunteers are more cautious in what they do or say.

FEWER WILLING TO VOLUNTEER OR SERVE

[In percent]

	Total	Length of board membership			Number of organizations		
		2 yr or less	3 to 6 yr	7 plus years	Only 1	2 to 3	4 plus
Yes	49	47	48	52	49	47	53
No	49	50	51	46	47	52	46
Don't know	2	3	1	2	4	1	1
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

VOLUNTEERS MORE CAUTIOUS ABOUT WHAT THEY SAY OR DO

[In percent]

	Total	Length of board membership			Number of organizations		
		2 yr or less	3 to 6 yr	7 plus years	Only 1	2 to 3	4 plus
Yes	72	69	74	74	67	77	70
No	27	28	26	26	31	22	29
Don't know	1	3			2	1	1
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

Withholding of volunteer services

The Question: Have you ever withheld your volunteer services due to fear of liability?

One in six board members (16%) report withholding their services due to fear of liability. Those who serve on several boards, as one might expect, are more likely to report such an experience. It should also be noted that since the survey is of currently active board members there is no measure of the proportion of board members who have completely withdrawn from volunteer activity due to concern for liability.

WITHHOLDING OF VOLUNTEER SERVICES

[In percent]

	Total	Length of board membership			Number of organizations		
	2 yr. or less	3 to 6 yr.	3 to 6 yr.	7 plus years	Only 1	2 to 3	4 plus
Yes	16	16	13	20	14	17	19
No	84	84	87	80	86	83	81
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

Experience with lawsuits

The Question: Have you ever been sued as a volunteer of a not-for-profit organization?

Relatively few board members (2%) report having been sued as a volunteer for a not-for-profit organization. As one might anticipate, board members who have served a long time or who serve on several boards are more likely than the less experienced to report being sued.

EXPERIENCE WITH LAWSUITS

[In percent]

Ever been sued	total	Length of Board membership			Number of organizations		
		2 yr or less	3 to 6 yr	7 plus years	only 1	2 to 3	4 plus
Yes	2	1	1	4	0	2	4
No	98	99	99	96	100	98	96
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

Current Liability Coverage

The Question: Does your employer provide liability coverage for your volunteer service?

Do you carry personal coverage for liability?

Seven in ten board members (72%) carry some type of liability coverage. Slightly more than one in four volunteer board members (27%) report their employer provides liability coverage for their volunteer service. This is particularly true of volunteers who serve on several boards or who have served for a long period of time.

Many more volunteers (62%) report carrying personal liability coverage.

CURRENT LIABILITY COVERAGE

[In percent]

	Total	Length of board membership			Number of organizations		
		2 yr or less	3 to 6 yr	7 plus years	Only 1	2 to 3	4 plus
Net liability coverage	72	62	78	76	63	73	79
Personal coverage	62	51	72	66	54	65	66
Employer provides coverage	27	20	30	33	23	22	41
None	28	38	22	24	37	27	21
Total	100	100	100	100	100	100	100
Number of interviews	359	131	107	121	108	151	100

SAMPLING TOLERANCES

In interpreting survey results, it should be borne in mind that all sample surveys are subject to sampling error, that is, the extent to which the results may differ from what would be obtained if the whole population had been interviewed. The size of such sampling errors depends largely on the number of interviews.

The following tables may be used in estimating the sampling error of any percentage in this report. The computed allowances have taken into account the effect of the sample design upon sampling error. They may be interpreted as indicating the range (plus or minus the figure shown) within which the results of repeated samplings in the same time period could be expected to vary, 95 percent of the time, assuming the same sampling procedures, the same interviewers, and the same questionnaire.

The first table shows how much allowance should be made for the sampling error of a percentage:

RECOMMENDED ALLOWANCE FOR SAMPLING ERROR OF A PERCENTAGE

[In percentage points (at 95 in 100 confidence level ¹)]

	Sample size						
	350	250	125	100	75	50	25
Percentages near 10	3	4	5	6	7	8	12
Percentages near 20	4	5	7	8	9	11	16
Percentages near 30	5	6	8	9	10	13	18
Percentages near 40	5	6	9	10	11	14	19
Percentages near 50	5	6	9	10	11	14	20
Percentages near 60	5	6	9	10	11	14	19
Percentages near 70	5	6	8	9	10	13	18
Percentages near 80	4	5	7	8	9	11	16
Percentages near 90	3	4	5	6	7	8	12

¹ The chances are 95 in 100 that the sampling error is not larger than the figures shown.

The table would be used in the following manner: Let us say a reported percentage is 33 for a group which includes 350 respondents. Then we go to row "percentages near 30" in the table and go across to the column headed "350". The number at this point is 5, which means that the 33 percent obtained in the sample is subject to a sampling error of plus or minus 5 points. Another way of saying it is that very probably (95 chances of 100) the true figure would be somewhere between 28 and 38, with the most likely figure the 33 obtained.

In comparing survey results in two samples, such as, for example, men and women, the question arise as to how large a difference between them must be before one can be reasonably sure that it reflects a real difference. In the tables below, the number of points which must be allowed for in such comparisons is indicated.

Two tables are provided. One is for percentages near 20 or 80; the other for percentages near 50. For percentages in between, the error to be allowed for is between those shown in the two tables.

RECOMMENDED ALLOWANCE FOR SAMPLING ERROR OF THE DIFFERENCE

[In percentage points (at 95 in 100 confidence level ¹)]

Size of sample	175	125	100	75	50	25
Table A (percentages near 20 or 80):						
175	8					
125	9	10				
100	10	11	11			
75	11	11	12	13		
50	12	13	14	14	16	
25	17	17	18	18	19	22
Table B (percentages near 50):						
175	10					
125	11	12				
100	12	13	14			
75	14	14	15	16		
50	16	16	17	18	20	
25	21	21	22	23	24	28

¹ The chances are 95 in 100 that the sampling error is not larger than the figures shown.

Here is an example of how the tables would be used: Let us say that 55 percent of men responded a certain way and 40 percent of women respond that way also, for a difference of 15 percentage points between them. Can we say with any assurance that the 10-point difference reflects a real difference between men and women on the question? Let us consider a sample which contains approximately 125 men and 125 women.

Since the percentages are near 50, we consult Table B, and since the two samples are 125 persons each, we look for the number 12 here. This means that the allowance for error should be 12 points, and that in concluding that the percentage among men is somewhere between 3 and 27 points higher than the percentage among women we should be wrong only about 5 percent of the time. In other words, we can conclude with considerable confidence that a difference exists in the direction observed and that it amounts to at least 3 percentage points.

If, in another case, men's responses amount to 22 percent, say, and women's 24 percent, we consult Table A because these percentages are near 20. We look for the number in the column headed "125" which is also in the row designated "125" and see that the number is 10. Obviously, then, the two-point difference is inconclusive.

A SELF-RELIANT COUNTRY

● Mr. SIMON. Mr. President, on October 27, 1987, Congresswoman MARCY KAPTUR spoke before the 17th convention of the AFL–CIO in Miami. A week after the dramatic Wall Street plunge, Congresswoman KAPTUR addressed problems such as our dependence on foreign credit, and our need to balance the books.

Congresswoman KAPTUR offers a sound analysis of the problems we are facing and the need to move on such important issues as education and health care in an effort to build a stronger more self-reliant country.

I ask that Congresswoman KAPTUR's remarks be printed in the RECORD.

The remarks follow:

REMARKS OF CONGRESSWOMAN MARCY KAPTUR BEFORE THE 17TH CONVENTION OF THE AFL–CIO

Thank you President Kirkland, Secretary-Treasurer Donahue, members of the Executive Council, delegates, distinguished guests, Brothers and Sisters, Toledo delegates. It is an honor for me to address you, the representatives of the freest, most socially progressive trade union movement on earth.

More than 200 years ago, our forebears captured our nation's spirit of independence and freedom in writing the Declaration of Independence. This grant document declares our nation's right to be free and independent of foreign governments. Today, we are the most free of nations. Individual rights are the cornerstone of American democracy. In the last century our freedoms have been expanded. We have created a society with a broad middle class, the envy of the world. We must, and will, do more. Our system of government has withstood the political turmoil of unpopular wars, public corruption, and assassination of our top lead-

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ers. As a people, we admire self-reliance, independence, and opportunity for all. We remain the most pluralistic and socially diverse nation on earth. Our diversity is the source of our democratic strength.

But there is another dimension to our heritage of freedom and independence—an economic dimension. This was dramatically brought home last week with the first convulsion on Wall Street and the subsequent ups and downs we have witnessed. At the center of the storm is our nation's dependence on foreign credit. No one is sure how much America is worth anymore. New York Times headlines on Monday, 10/19: "Foreigners Called Key to Rates—Markets Fear Cut in Flow of Capital to U.S."

How long can we truly remain free and independent when we borrow from foreign creditors to subsidize our national income because we, as a nation, spend more than we earn? As astounding as it sounds, we are borrowing money from abroad to pay for goods we insist on importing from abroad.

We as a nation are engaged in a dangerous credit binge which is deepening our reliance on foreign capital. Our government is running the largest deficit in history. During the first five years of the Reagan Administration, more debt was added to the federal ledger than by all previous Administrations—Democratic and Republican—combined! The interest we are paying on this debt is astounding—$137 billion for 1987 alone! This amounts to 16.6 cents of every tax dollar you pay.

I ask you, how long can the United States truly remain free and independent while we are challenged by aggressive foreign competitors who send a flood of money as well as foreign goods—both industrial and agricultural—to capture larger shares of our marketplace? Our own productive capacities are suffering from erosion and displacement. We have witnessed over 4 million jobs move offshore.

Industries vital to our nation's defense are being sold to foreign interests—machine tools, metal fasteners, steel, autos, bearings, electronics and textiles. While U.S. exports abroad are struggling, international investment in the U.S. is booming. I am a vocal supporter of "Buy American" in a world which is rapidly buying America.

Think about it. Where are jobs and profits going when:

25% of our machine tool industry is foreign owned.

½ the value of all autos in the U.S. market are made outside the U.S.

½ of all the textiles we buy are from foreign sources.

Steel imports are 22% of the U.S. market, and imports from countries not restricted under VRAs are rising.

We import nearly half of the oil we consume.

In 1986 the U.S. imported nearly ⅕ of its agricultural products as farmers in Iowa, South Dakota, Minnesota, Oklahoma and elsewhere went bankrupt.

Did you see the recent Wall Street Journal rankings of the world's largest companies and financial institutions?

Of the world's ten largest public companies, 8 are Japanese. Only two, IBM and Exxon, are U.S. owned.

Of the world's ten largest banks, only one is U.S., Citicorp. Seven are Japanese. Two are French.

As a nation, we must reclaim America. We must learn to live within our capacity to earn. We must invest our dollars wisely in our own productive ventures. We must again assert our economic muscle in manufacturing, mining, and agriculture. For if America loses its industrial and agricultural muscle, all the social programs which we rely upon to improve our standard of living are threatened—health care, social security, education, housing.

What are the answers? First, the public pocket book must be put in order. The President was wise to accept the invitation of our Speaker, Jim Wright, to sit down with Congress to balance the books. This is for the good of the nation. The President has nothing to lose in this last year of his administration. I believe the next President of the U.S. should submit pay-as-you-go-budgets. Congress should accept no less. This means programs must have the means to pay for them built in prior to passage.

As individuals, we must wean ourselves off the borrowing binge and get our private checkbooks under control. Working men and women of this nation know how to save. I've seen it firsthand in my own community. Most recently I attended the 50th anniversary celebration of the credit union at GM's Hydra-matic plant in Toledo. It has $20 million in assets. Shortly thereafter, new ground was broken for another multi-million dollar credit union next to the Jeep facility in my District. You and the people you represent understand the meaning of thrift. Your pension funds are one of the largest sources of capital in America—earned by the workers and saved for the workers. As my Dad used to say, "It's not how much you make, it's how much you save."

We need a President to launch our nation on a major campaign to sell U.S. Savings Bonds to provide dollars for investment here at home—call them "Independence Bonds." The American people must be called upon to rebuild our nation's financial independence. We have the ability to finance our own spending. We have an obligation to future generations to pay our own way. Our initial goal should be to displace all foreign purchases of U.S. bonds, an amount nearing $270 billion. In fact, when you buy holiday presents this year, buy savings bonds. It's the best investment you can make in America's future. The federal government must make it financially advantageous for Americans to save. It's no secret domestic savings fuel domestic investment. A dollar saved helps create a job in America.

We also need a President who will sign the Trade Bill. And we need a President who will enforce it. And we need a President who will appoint respected negotiators in the international trade arena. We have people negotiating for our country who don't know a car from a truck, a machine tool from a baseball bat, or a slab of steel from a soybean. How I would love some of the members of this Executive Council to negotiate for America! The goal for America should no longer be free trade, but mutually beneficial trade—trade that expands markets, trade that raises the standard of living for all countries, trade that does not demand that concessions come from one side only.

Not only do we need competence among our trade negotiators, we need integrity. Two weeks ago, it was revealed that the Reagan Administration's top official for auto trade policy, Robert Watkins, was using his official position to solicit a job with top Japanese auto firms. He was doing this at the same time as he was involved in the most important auto trade negotiations with Japan in decades. He is a national disgrace. Members of Congress like myself forced his resignation. Now I am certain why he achieved such weak-kneed results in those negotiations.

This Administration's record is filled with far too many examples of this type of breach of the public trust. Michael Deaver is only the tip of the iceberg. It's happened in machine tools. It's happened in textiles. It's happened in autos. Citizens of this country who go to work for the government of the United States in top trade positions should not be allowed to leave these positions and then immediately go to work on behalf of a foreign country or company.

Congressman Howard Wolpe of Michigan and I have introduced the Foreign Agents Compulsory Ethics in Trade Act, FACE IT, H.R. 1231 to put an end to this type of despicable activity. We need your help in getting the legislation passed. When you go home, ask your member of Congress to sign on to our bill. The battle for fair trade is tough enough. America doesn't need traitors in her own camp.

Let's move to another key measure to reclaim America. We can modernize the public fact of America through the establishment of a "Build America Trust Fund." We can revitalize our cities by modernizing our mass transit systems and our water, sewage and drainage facilities. We can rehabilitate our schools, our fire stations, our libraries and other public buildings. We can rebuild our major county and state roads and bridges. We can improve our ports and inland waterways. In short, we can put in place all of the public works that create and sustain jobs. This means we must tap the talent, creativity, and dedication of our public sector work force.

The Speaker of the House Jim Wright has proposed such a Trust Fund predicated upon the highly successful Highway Trust Fund, a pay as you go method of financing that is fair and fiscally responsible. It has not added one penny to the national debt. We can do the same to set in motion an American public renaissance to repair and upgrade this nation from coast to coast.

Labor too can play a vital role in this endeavor. Pension funds are labor's source of economic power. They are the largest source of capital investment in the U.S. By creatively using pension funds, the building trades in my hometown, Toledo, have helped rebuild our downtown. At the same time they have put thousands of union men and women to work. This should be done all across America.

The private face of America needs to be modernized too. It is unconscionable that our nation has lost its shipbuilding capacity, that our steel mills are not state-of-the-art technology, and that U.S. made tractors are becoming a rare commodity. It is unacceptable that Japan is quickly catching the U.S. auto industry in world market share. And it is unacceptable that, last year, almost half the patents approved by the U.S. government were granted to foreigners.

The next President of this country must revisit the tax code of this land. We must reform Tax Reform to invest in America! We must stamp out hostile takeovers that make financiers rich on Wall Street but destroy jobs on Main Street. We must close the loopholes in the tax laws that move jobs overseas. Our tax laws must encourage U.S. industry to retool, rebuild and emphasize research and development here at home.

To help, we must enlist the help of our own Department of Defense to use its mighty resources, purchases of over $150 billion per year, to help retool and modernize U.S. industry. The national security of this nation is a function of the strength of our manufacturing industries. We must no longer tolerate the offshore migration of manufacturing capabilities in forging, castings, ball bearings, machine tools, semiconductors, steel, electronics, refining, metals, ceramics, and composite fibers. Cutting edge technologies are essential to our defense base. We must invest in them.

Reclaiming an independent America also means committing ourselves to a first-rate educational system. I have always believed education is this nation's first line of defense. We must reverse the trend where nearly one-third of each entering high school class drops out before earning diplomas. And we must make it easy for currrent workers to learn new skills in order to keep pace with technology.

There is a dangerous trend in higher education as well. Japan, with only half the population of the U.S., graduates five times as many engineers as the U.S. Foreign nationals make up nearly half of the enrollment in our graduate schools in engineering, mathematics and computer sciences. There is something wrong with our system which makes it more glamorous and financially rewarding for our best graduates to work on Wall Street than in the factories and on the farms of America. We need an educational system and a business community which encourage America's young to make a commitment to careers vital to our nation's future.

We must spark an American educational renaissance. For those students who do not have the financial means to continue their education, I propose a new type of student aid—a national program of Voluntary Service for America, that would reward participants with educational benefits similar to the GI Bill.

Finally, one of the most difficult issues facing the next administration will be affordable health care for all Americans. Today, 37 million Americans lack any type of health care coverage. One third of them are children. Many of the rest are workers who have lost their health care benefits due to lay offs and unemployment. By 1990, these numbers are expected to double.

We must confront the health care challenge head on. The next President of the United States, within 90 days of assuming office, should appoint a blue ribbon commission comprised of labor and business, health experts, and government officials to formulate a new program of health insurance. It worked for Social Security: it can work for comprehensive health care. Congressmen Don Pease (OH), Martin Sabo (MN), and Ed Roybal (CA) should be part of that Commission. They have already introduced forward looking legislative proposals which would make health care available to all our people. Of course, this proposal has a price tag. But cost-sharing by insurance purchasers according to ability to pay, requiring State matching funds, and saving some money through use of HMOs. I also suggest we place a tax on earnings from rapid stock transfers and the unproductive paper shuffling taking place on Wall Street, and target that money productively for health care for all our people.

In 1776 we were a young confederation fighting for our political independence. In 1987, we are a mature nation waging another fight—to sustain our economic independence.

Mutually beneficial trade, high educational standards, health-care, self-reliance in finance, and the rebuilding of our country. These goals can reclaim America. "Made in the U.S.A." will again be a standard of excellence and dependability. We can do this by *investing* in ourselves, in our future, and in the independence of America.

David Halberstam, in his recent best-selling book about the auto industry entitled *The Reckoning*, professes that this may be the end of the American century. I believe differently. Our country is going to regain its preeminence because of the essential strength of our democratic system. I believe this is the time to reclaim and recapture America for the 21st Century. Our task is to turn America to the next generation in better condition than we found it.

As Carl Sandburg wrote—

> "I see America not in the setting sun of a black night—
> I see America in the crimson light of a rising sun—
> I see great days ahead, great days possible to men and women of will and vision."●

NAUM MEIMAN

● Mr. SIMON. Mr. President, as many of you know, I have been inserting statements in the CONGRESSIONAL RECORD for the past 1½ years on behalf of Naum and Inna Meiman. Last January 1987 we witnessed with relief the occasion of Inna arriving in the United States to receive much needed cancer treatment. Sadly, her release came too late. Inna died 3 weeks after she entered the United States.

This year, I am pleased to announce that Naum Meiman has received permission to leave the Soviet Union. Naum received official confirmation from OVIR on Tuesday, January 26. I am sure that many share my delight in the news; however, it is a delight which is tempered by caution. Naum is old, sick, and alone. Unfortunately, he now has to go through the formal procedure alone. For someone of Naum's age, this procedure can be exhausting.

I am pleased that Naum has received the news for which he has been waiting so long. I am pleased for Naum and I am pleased for the Soviet Union. However, I urge that the Soviet authorities expedite the departure procedure so that Naum can leave in good health and avoid his wife's fate. ●

THE 100TH ANNIVERSARY OF THE EPIPHANY SCHOOL

● Mr. D'AMATO. Mr. President, I rise today to commemorate the 100th anniversary of the Epiphany School in New York City. Since 1888, the Epiphany School has been providing its students with the finest in Catholic education.

One hundred years ago, Epiphany opened as a Catholic grade school by Rt. Rev. Msgr. Richard Burtsell. At the time, New York City's population was increasing at an astonishing rate and a complete Catholic grade school was needed.

From the outset, Epiphany's educational program was conducted by the Sisters of Charity. From 1900 to 1935 they were joined by the Christian Brothers. Every pastor has been in active charge over the years and together they continue to improve the school and its facilities.

Today, the academic achievements at Epiphany rank it among the finest parish schools in the city—as well as one of the oldest. There is now a lay principal, James L. Hayes, and faculty teaching a highly expanded curriculum to approximately 360 students. More students than can be accommodated are continually attracted to the school.

The Epiphany School rejoices in their rich history. They have a proud past and may look forward to an even brighter future.

Thank you, Mr. President.●

INFORMED CONSENT: NEW JERSEY

● Mr. HUMPHREY. Mr. President, abortion on demand claims the lives of nearly 4,000 unborn childen every day. Beyond this tragedy, many women suffer mental anguish and develop severe psychological problems as a result of their abortions. S. 272 and S. 273 would require informed consent by making abortionists supply women with basic information on abortion procedures, risks, and alternatives. I am convinced that if this legislation were passed, many of the abortions that are routinely and needlessly performed would be avoided. I ask unanimous consent that a letter from a woman in New Jersey who supports these bills be entered into the CONGRESSIONAL RECORD. The letter follows:

FEBRUARY 1987.

DEAR MR. HUMPHREY: I am a member of Concerned Women of America. In 1977 and 1978 I had two abortions. I was single, in my early twenties, and living in New York City. I went to the "Eastern Women's Clinic" in Manhattan. Both times my treatment was the same. After testing my urine and discovering that I was pregnant, they politely sat me down and told me the results of the test.

After I calmed down and had a minute to understand my predicament, I told them I wanted the abortion. They quickly set up an appointment for me. They told me what to avoid eating or drinking, to bring a friend to help me home afterwards, and that was it! They never went into any detail of what was involved in the procedure. They never told of the possible consequences to me if anything went wrong, or even what could go wrong. They never talked about the possibility of excess bleeding or of possible injury to my cervix, or of the increase of miscarriages to those women who have undergone multiple abortions * * * Nothing!

I was convinced that there was no child inside of me at the time that I had these abortions. I have since learned that there were two little children living inside of me who I will never get to know. Two little people, that if I had only known about their

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growth and development, they might be with me today.

Do not believe the abortionists who say that there are no psychological effects on the women after their abortions. I will never be able to read about, or see on television anything about abortions without my heart breaking for those children that I had killed. And that is exactly what I did to them. Praise God for His forgiveness and love.

I know that if it was mandatory for clinics to counsel and to fully inform these women, there would be fewer abortions and fewer guilt-ridden and heartbroken women later on.

Most sincerely,

MRS. E. RODERED,
Raritan, NJ.●

WELFARE REFORM

● Mr. MOYNIHAN. Mr. President, as chairman of the Subcommittee on Social Security and Family Policy, I rise to welcome and to praise the exceptional emphasis President Reagan gave to family policy in his State of the Union Address Monday evening, and in particular, his summons to make this at long last the year of true welfare reform.

The President commented:

> My friends, some years ago, the Federal Government declared war on poverty, and poverty won. . . .
>
> Too often it has only made poverty harder to escape. Federal welfare programs have created a massive social problem. With the best of intentions, Government created a poverty trap that wreaks havoc on the very support system the poor need most to lift themselves out of poverty—the family. Dependency has become the one enduring heirloom, passed from one generation to the next, of too many fragmented families.
>
> It is time—this may be the most radical thing I've said in 7 years in this office—it is time for Washington to show a little humility. There are a thousand sparks of genius in 50 States and a thousand communities around the Nation. It is time to nurture them and see which ones can catch fire and become guiding lights.
>
> States have begun to show us the way. They have demonstrated that successful welfare programs can be built around more effective child support enforcement practices and innovative programs requiring welfare recipients to work or prepare for work.

The President is quite correct in calling attention to the energy and creativity with which State governments have addressed the issue of welfare dependency in recent years. As Senators will know, last year the National Governors Association made welfare reform its No. 1 issue. Governor Clinton of Arkansas, then chairman of the association, and Governor Castle of Delaware brought their proposal to the Finance Committee, and we fashioned our bill (S. 1511) after their model. Time and again I have referred to it as the Governors' bill.

I emphasize my agreement with the President in this large matter, as I would beg to differ on the lesser point with which he opened his discussion. Which is to say that in the War on Poverty, "poverty won."

It happens I was present in the Rose Garden at midmorning of August 20, 1964, on the occasion President Johnson signed the Economic Opportunity Act of 1964. These were his opening remarks:

> On this occasion the American people and our American system are making history.
>
> For so long as man has lived on this earth poverty has been his curse.
>
> On every continent in every age men have sought escape from poverty's oppression.
>
> Today for the first time in all the history of the human race, a great nation is able to make and is willing to make a commitment to eradicate poverty among its people.

At no point in his remarks that day did he use the term "war on poverty," but that usage became common and President Reagan surely reflects a widespread judgment that as a nation we failed in that great undertaking.

Not long ago, a cover story in U.S. News & World Report, by the able young scholar David Whitman, noted that Tom Fletcher, the impoverished coal miner President Johnson visited in a vastly publicized tour of eastern Kentucky, is still poor, still living in the same cabin. Just this week an editorial in the New Republic, commenting on a decline in the quality of American civic culture, notes:

> One of the causes is the frustration of grinding poverty, particularly in the wake of both insincere promises and oafish efforts to end it.

Indeed, some of the more eccentric programs of the time aroused considerable opposition. Osborn Elliott recently noted that in his final State of Union message, President Johnson did not even mention the Great Society and antipoverty programs.

There were, you could say, auguries. I sat beside Sargent Shriver on March 17, 1964, as he presented the opening testimony on the Economic Opportunity Act before the House Committee on Education and Labor. When at length Chairman Powell invited the comment of a senior Republican member, the hapless legislator could only offer us a reading from John 12:18: "For the poor always ye have with you."

In the near quarter century since, this prophecy appears to have been borne out. About one American in six was poor in 1964. About one in six is poor today.

However, Mr. President, I would offer the thought that this seeming intractable proportion is the result of two quite opposite movements.

In 1964, poverty was essentially a problem of the aged. More than a quarter of the aged were poor.

But programs enacted under President Johnson and President Nixon, primarily within the Social Security area, greatly reduced poverty among the elderly. I refer especially to Medicare, to SSI, and to the increase and subsequent indexing of Old Age Insurance benefits.

PERCENTAGE BELOW POVERTY LEVEL

	1966	1986
65 and over	28.5	12.4

Source: U.S. Census Bureau.

This is a wholly unacceptable level of poverty among the aged. Even so it is a much reduced level, and this was anticipated.

By contrast, of a sudden we look up to find there are more poor Americans today than a quarter century ago, and that the poorest group in our population are children.

Moreover, in actual numbers and as a proportion of the age group—one in five—poverty is greater among children today than it was a quarter century ago.

As we approach the end of the 20th century, a child in America is almost twice as likely to be poor as an adult.

This is a condition that has never before existed in our history. Most probably, it has never before existed in the history of the human species.

Percentage below poverty level

Age group:	*1986*
Under 18 years	19.8
18-64	11.1
65 and over	12.4

Source: U.S. Census Bureau.

How has this come about? At one level the answer is simple. It is, as Samuel H. Preston put it in the 1984 Presidential Address to the Population Association of America: "the earthquake that shuddered through the American family in the past 20 years." The 20 years, that is, from the beginning of the poverty program.

Which is to say a new poverty problem has emerged.

As the Census has just reported, in 1986, nearly 1 in every 4—23.5 percent—children lived with only one parent, 2½ times the proportion in 1960. The vast majority—89 percent—of these 14.8 million children lived with their mothers. These include 18.3 percent of all white children, 53.1 percent of all black children, and 30.4 percent of all Hispanic children.

CHILDREN UNDER 18 LIVING WITH ONE PARENT

[Percent]

	1986	1960
Total	23.5	9.1
White	18.3	7.1
Black	53.1	21.9
Hispanic	30.4	(NA)

Source: U.S. Census Bureau.

Estimates of the number of children who will live with a single parent at some point during childhood are yet more striking. Arthur Norton of the U.S. Bureau of the Census predicts that 61 percent of children born in

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1987 will live for some time with only one biological parent before reaching 18. Inevitably, large numbers of these children require some form of public assistance.

Further, Mr. President, in providing such assistance, we have created an extraordinary institutional bias against minority children.

The Social Security Act has two provisions for the care of children in single parent families. The first is Aid to Families with Dependent Children, enacted into law as part of the original 1935 Social Security Act. The second is Survivors Insurance, added to the act in 1939. The characteristics of these two populations are quite different. The majority of the children receiving SI benefits are white. The majority of the children receiving AFDC are black or Hispanic.

RACIAL COMPOSITION OF AFDC AND SURVIVORS INSURANCE CASELOADS

[Percent]

	SI	AFDC
White	66	40
Black	22	41
Hispanic	8	14
Other	4	5

Source: Social Security Administration and Family Support Administration; AFDC data are for 1986; SI data are estimated for 1985.

May I now ask the Senate to listen closely?

Since 1970 we have increased the real benefits received by children under SI by 53 percent.

We have cut the benefits of AFDC children by 13 percent

The U.S. Government, the American people, now provide a child receiving SI benefits almost three times what we provide a child on AFDC.

To those who say we don't care about children in our country, may I note that the average provision for children under SI has been rising five times as fast as average family income since 1970.

We do care about some children. Majority children.

It is minority children—not only but mostly—who are left behind.

AVERAGE MONTHLY AFDC AND SURVIVORS INSURANCE BENEFITS PAYMENTS

[Per recipient payment, in constant 1986 dollars]

	SI	AFDC
1970	$222	$140
1986	339	122
Percent of change	+53	−13

Source: Social Security Administration and Family Support Administration.

In terms of the present emphasis on education in the President's State of the Union, consider this table of the proportion of children in major urban school districts who are now on welfare. (Consider how much greater that proportion would be if measured over time.)

Percentage of children enrolled in public schools on AFDC—by selected cities [1]

Hartford	58
Newark	58
New York	45
Detroit	45
Chicago	44
Oakland	43
Gary, IN	42
Philadelphia	42
Jackson, MS	40
Minneapolis	33
New Orleans	31
Seattle	31

[1] The data in these tables were provided by city officials.

Percentage of children enrolled in public schools on AFDC—by selected cities in New York State [1]

Utica	50
Buffalo	47
New York	45
Rochester	38
Niagara Falls	33
Yonkers	32

[1] The data in these tables were provided by city officials.

Remember these children on average receive less support today than they did 20 years ago. Is it any great wonder, on the edge of privation or worse, that they do not become model scholars?

Surely, if someone in that Rose Garden a quarter century ago had predicted we would treat our children so, the rest of us would have predicted the troubles the children now have.

Why has this come about? Why this institutional bias?

I believe we know why. Welfare has become a stigmatized program. Children dependent on it—as many as one child in three before reaching 18—are stigmatized as well. That surely is what institutional bias means.

Our legislation, with 56 cosponsors, is designed to get rid of that stigma by emphasizing child support and the education and training adults need to get off welfare. There has been a great deal of talk about both, but the Federal Government has really never backed either. Once that stigma is gone, or diminished, States will once again feel the moral obligation to maintain and even increase AFDC payments to dependent children. They are free to do so now. They do not. We want to change this.

Let me declare my own conviction in this matter. AFDC should be a national program, with national benefits that keep pace with inflation, in exactly the same way that Survivors Insurance is a national program with national benefits.

Had the Family Assistance Plan been enacted, we would now have a national program. Had President Carter's Program for Better Jobs and Income been enacted, we would have a national program. As a White House aide, I helped fashion the first for President Nixon. I supported the second here in the Senate. Neither proposal became law. Both fell before a coalition of those who thought the benefits were too great and those who thought them too little.

But that is history. Our Federal budget deficit is such that there is no possibility whatever of establishing national AFDC benefit standards at this time.

Welfare reform must become the art of the possible or it will become a diversion of the essentially unserious.

Mr. President, we can have welfare reform this year. The House has sent us a bill. A majority of Senators have cosponsored a Senate bill. Senator BENTSEN, the distinguished chairman of our Committee on Finance, has scheduled a final hearing next week, on February 4.

I find the words a bit unfamiliar, but why not? "Let's win one for the Gipper."●

THE DONALD ROCHON MATTER

● Mr. SIMON. Mr. President, in the past few days the Nation has been shocked by the reports of the conduct of FBI agents against one of their colleagues, Donald Rochon.

FBI special agent Rochon has sued the FBI for racial harassment and pranks committed against him since 1983. The acts complained of are almost unspeakable—taping the faces of apes over his children's pictures on his office desk, leaving notes on his desk threatening sexual and physical attacks against him and his wife, and forging his signature to a death and dismemberment insurance policy. All of these acts were attributed to his fellow FBI agents. According to EEOC and Justice Department findings, agent Rochon's supervisors failed to respond when he complained of these actions against him. In fact, when Mr. Rochon complained of discrimination, the FBI tried to make him the culprit.

I first learned of the abuses against Mr. Rochon in May 1986 when he was stationed in the Chicago FBI office. I convened a meeting between then-FBI Director Webster and the head of the Chicago NAACP to discuss the allegations. I was not satisfied that the FBI has adequately addressed Mr. Rochon's situation so I raised my concerns about it at the confirmation hearings of Judge William Sessions last September. Judge Sessions responded that "the kind of behavior described is in total contradiction to FBI policy and practice." To a followup question, he indicated that he would be alert to this important issue and implement appropriate changes.

I am pleased that Senator JOSEPH BIDEN, chairman of the Judiciary Committee, has acted upon my request for an investigation of the Rochon matter. I have been assured

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that the committee will hold hearings on this and perhaps other instances of harassment within the agency by fellow agents. I was also pleased to learn that, yesterday, the President was reported to have taken personal interest in this case.

There is no room for the type of conduct suffered by Mr. Rochon. It is intolerable. The days are long gone when the FBI can be seen by the American people to be insensitive or above the law. The Rochon matter is an embarrassment to responsible law enforcement officials everywhere as it shakes the Nation's confidence in the Bureau and makes it that much harder for the Bureau to attain the cooperation critical to perform its work.

Mr. President, I ask that the New York Times editorial on the Rochon matter and Judge Sessions' testimony be printed in the Record following my remarks.

The material follows:

Question From Senator Simon

Question on *Rochon v. FBI.*

Question: Judge Sessions, I am concerned both about the hiring practices of the Bureau in view of the low number of minority and women special agents, and about the treatment and working conditions of the special agents once they join the Bureau.

I want to relate to you an incident which my Chicago staff has been following for some time relating to the Omaha FBI office. A Black special agent was subjected to continued racial harassment by one or more of his colleagues in that office. In what the EEO Hearing Officer and Justice Department called "overall, racially deplorable treatment", the local Omaha FBI office failed to stop the harassment after being informed of its existence, transferred the complaining black agent to an offce he did not request by applying rules to his transfer it did not apply to white agents, and eventually censured the complaining black agent for not coming forward earlier about housing discrimination he and he alone may have faced in Omaha.

I might add that the Omaha office had been the subject of a prior complaint of racial harassment of one agent by others which was upheld by the Justice Department. My question is this:

Can the Bureau function effectively and gain the necessary cooperation in the communities it serves if this type of racial atmosphere in violation of the law exists?

Answer: Of course, the FBI must not tolerate racial discrimination in its ranks in any form. I have no personal knowledge of the incidents related in your question and I have been advised by the FBI that the kind of behavior described is in total contradiction to FBI policy and practice. To be sure, I would not tolerate discrimination by FBI employees in any form.

In my view, the FBI significantly benefits from the inclusion of both minorities and women in the Special Agent ranks. The personnel complement of the FBI should reflect the makeup of the country. I have been advised that the FBI's current policies and initiatives in the area of minority recruitment and retention are in line with my own views. Be assured I will make it clear to all FBI personnel that this area is one of significant importance.

Question: What steps will you take as Director to ascertain whether this type of situation exists in other offices, and, where it does exist, to order remedial action to personnel involved and preventive action to improve race relations within the Bureau?

Answer: As previously stated, I have no personal knowledge of the incidents described in your question and the FBI has advised me that any such conduct is not consistent with FBI policy or practice. I have been advised that the FBI already provides EEO training to all its new Special Agents as well as to FBI management personnel during mandatory and elective courses of instruction. Moreover, EEO counselors are assigned to every FBI division to resolve problems and alert FBIHQ to pertinent EEO matters. I have been advised further that the FBI strictly adheres to established EEO complaint procedures (i.e., Title 29, Code of Federal Regulation, Section 1613.201 *et seq.*) and that each FBI division's EEO program is reviewed during routine inspections conducted by FBIHQ.

I will certainly be alert to this important issue, and to the extent that agency policy or practice in the area of EEO relations need to be enhanced or augmented appropriate changes would be implemented.

[From the New York Times, Jan. 28, 1988]

Bigotry and the FBI's Answers

If Donald Rochon's experience typifies that of blacks in the F.B.I., then the new Director, William Sessions, has a catastrophe on his hands. Even if it's atypical Mr. Sessions has a problem, because the handling of the Rochon case has sent all the wrong signals to his agents and to the public about the F.B.I.'s attitudes on race.

Mr. Sessions needs to send a different signal, forcefully. And Congress needs to investigate, to insure that this case does not reflect deeper racial problems in an agency that the public ought to be able to respect.

Mr. Rochon is a 37-year-old F.B.I. agent who endured a vicious campaign of racial harassment by fellow agents. It started in Omaha in January 1983. A photograph of his family was defaced by someone who taped a picture of an ape's head over his son's face. A photograph of a black man's bruised, beaten face was placed in his mail slot..

According to the Equal Employment Opportunity Commission, the Special Agent-in-Charge of the Omaha office described these and other incidents as "pranks" that were "healthy" and a sign of "esprit de corps."

Things got worse after Mr. Rochon was transferred to Chicago in 1984. His family received obscene late-night calls and he got anonymous letters threatening him with death and his wife with sexual assault. He also received a bill for a death and dismemberment insurance policy he hadn't requested.

An internal F.B.I. investigation found that another agent had forged Mr. Rochon's name to the insurance application. The agent was given a two-week suspension without pay, but other white agents chipped in to replace his salary.

There are indications that Mr. Rochon was treated especially badly because his wife is white. But other blacks say that discrimination is part of the F.B.I. culture, infecting every aspect of their employment. Like Mr. Rochon, several others have filed complaints and a majority of the agency's 400 Hispanci agents have joined in a class-action suit charging discrimination. All this has attracted attention in Congress, and a House subcommittee plans hearings shortly. They'll come none too soon.

But in the first instance, it's up to Mr. Sessions to restore confidence in the F.B.I's approach to race, particularly in view of the historic cloud over its role in enforcing the civil rights laws. The public is entitled to answers to some reverberating questions:

What does the bureau consider to be merely a prank? Does it believe that a painless two-week suspension is appropriate punishment for an agent who commits forgery and implicitly makes a death threat against another agent? And how does it explain allowing a criminal investigation into these matters to languish for months, even years?

A spokesman says the Rochon case was one of the first times on Mr. Sessions' agenda when he took over the F.B.I. in November. That's encouraging. It's also encouraging that President Reagan yesterday announced his personal interest in the case. It would be more encouraging still if Mr. Sessions made his findings public and, where appropriate, made heads roll.●

"48 HOURS" WORTHLESS

● Mr. HECHT. Mr. President, it seems somewhat ironic that only 24 hours after Dan Rather was "only doing his job" on the Vice President, he did another job on a program ironically called "48 Hours." His latest target was Las Vegas, my hometown, and Mr. Rather neglected to tell the whole story.

Those who watched the CBS profile of Las Vegas might have thought they were watching the travel channel. There were neon lights, blackjack players, show girls, 24-hour wedding chapels, and therapy sessions with compulsive gamblers.

I can understand why a news organization would focus on the Las Vegas strip and downtown casinos, but there's so much the program missed.

In all fairness, CBS is not the first news organization to stress only one aspect of Las Vegas, which is very much like other cities of comparable size. Of course, there are bright lights and show girls. But there are churches, all types of recreational opportunities at nearby Hoover Dam and Mount Charleston, and a growing high-technology industry.

We have the free world's largest laboratory in the Nevada test site, and Nellis Air Force Base provides the finest training available for our pilots and those of our allies.

Mr. President, as a long-time resident of Las Vegas, I understand why my constituents feel the national news media seems to always take a superficial look at our fine community. I wonder if Dan Rather were to profile New York City, whether he would only focus his cameras on Times Square for an hour? Surely New Yorkers would wonder why CBS would not also include a look at Wall Street, Rockefeller Center, the Statue of Liberty, or Central Park.

"48 Hours" should spend a little more time to provide the entire picture. For Dan Rather it seems to be either hit or myth.

Mr. President, I ask that an article entitled "'48 Hours' Worthless" which appeared in today's Las Vegas Review Journal by John L. Smith be printed in the Record.

The article follows:

[From the Las Vegas Review, Jan. 28, 1988]

"48 Hours" Worthless

(By John L. Smith)

Television journalism smeared another pie in its face Tuesday night when CBS news aired "48 Hours in Las Vegas." Imagine collecting all those cliches in two days or less. It must have been difficult.

Why, rumor has it that next week "48 Hours" and Dan "Seven Minutes" Rather will go undercover at Disneyland to find out whether Mickey and Minnie Mouse are married or living in sin.

This so-called news program was filled with the stuff usually reserved for television detective shows. In "Vega$," for instance, Dan Tanna drove his convertible up Fremont Street, then turned left and suddenly was halfway up the Strip. The city was far more than the neon and craps tables portrayed in "Vega$," but it was fiction and such editing was understandable.

To interview a few teen-age ragamuffins in their rebel-without-a-cause mode was inaccurate and damaging to a city overrun by critics. Las Vegas isn't Mayberry, but every American city has its share of troubled youth.

The program missed a great opportunity to do something fresh. This city's many problems, peculiarities and positive qualities could have been illuminated. Instead, it was neon stereotypes and degenerate gamblers.

The biggest theme of all—old Las Vegas emerging into corporate Las Vegas—was glossed over with a sad superficiality. Even brief mention of a few news items would have made the picture clearer:

The recent trial of three Binion's Horseshoe security guards involved in the beating of two blackjack card counters. The Binion family is a Las Vegas institution, and only a few years ago such back-room brutality never would have come to trial.

The face of the gaming industry is changing rapidly, and Japanese investors are a big part of the story.

Las Vegas is an atomic boomtown that has grown far faster than even city planners of vision could have anticipated.

"48 Hours" could not use fictional license as an excuse. Its lack of perspective and reporting was shocking. Its credibility is questionable.

The hour-long puzzle included snippets on sports betting, professional gambling, compulsive gambling, troubled teens, wedding chapels and Leroy's book joint downtown. They even did the showgirl-is-really-a-good-mother-at-heart story.

Like many tourists, and the producers of "Vega$," the "48 Hours" crew didn't leave the bright lights. That's no sin.

But the program's flawed theme—have camera, will travel for two days—is no excuse for representing the youth of this city as a bunch of misguided party animals. Yes, some gamble, drink and—worst of all—violate curfew.

With the exception of the Gamblers Anonymous and sports betting segments, the program added little more than cliches.

The show not only failed to answer basic questions, it failed to ask them. It could have been produced by any tourist. It had all the journalistic rewards of Al Capone's safe.

Perhaps it should have been titled, "Two Nights on the Las Vegas Strip," or maybe "A 49-cent Breakfast in Las Vegas."

After watching "48 Hours in Las Vegas," one question remains:

What did you guys do with all that extra time?●

EXCISE TAXES FOR DIESEL FUEL THAT IS USED FOR FARMING PURPOSES

● Mr. DOMENICI. Mr. President, I rise today to add my name as a cosponsor of S. 2003, a bill introduced by my colleague, the Senator from Texas, Mr. Gramm. This bill reinstates tax-free treatment for diesel fuel that is used for farming purposes.

S. 2003 is a good bill. It is a needed bill. That is why I am cosponsoring the bill. In fact, if the distinguished Senator from Texas had not acted on this matter so quickly, I would have introduced the bill myself.

Mr. President, S. 2003 corrects a problem created by a provision in the budget reconciliation law, which was just enacted last month.

Under the old system, farmers were exempt from paying the 15-cent-per-gallon excise tax on diesel that was used for farming purposes. They were simply exempt from this tax. They did not owe the tax. And they did not have to pay excise taxes on any diesel fuel that was used for farming.

Under the new system, farmers are still entitled to keep tax-free treatment for off-highway use. But under the recent change, farmers will be forced to pay the tax at the time of purchase. Farmers and ranchers can then apply for a refund at yearend when they file their taxes.

The Federal Government will, in essence, have free use of farmers' hard-earned money for as much as a year, even though these farm families don't owe the tax in the first place. S. 2003 corrects this situation by removing the requirement that farmers pay the tax at the time of purchase.

In general, the new law repealed all provisions permitting exempt sales beyond the wholesale level, but provided four categories of up-front exempt sales, including fuel used for: First, diesel-powered trains; second, aircraft in commercial aviation; third, industrial use other than as a motor fuel; and fourth, State and local governments.

For some reason, farm use was not provided an up-front exemption. Admittedly, the four that were provided an up-front exemption are nontaxable uses. But so is diesel that is used to plow a field or run an irrigation pump. Farm use should also be exempt and that is why I support S. 2003.

The recently enacted tax change for diesel fuel was undoubtedly aimed at reducing fraud and abuse. But I don't think the change did anything to strengthen enforcement of the tax law.

As Senator Gramm told the Senate when he introduced the bill, this issue is very similar to the recordkeeping requirements imposed by the Internal Revenue Service [IRS] a few years ago where owners of private vehicles used for business were forced to keep logbooks. Those who abused the system before can continue to do so. All the change does is make life tougher for farmers by piling on more bureaucratic recordkeeping rules.

As far as most farmers and ranchers are concerned, this is just another Government-created hassle, just another instance where they are forced to keep records so the Government won't be inconvenienced while using their money.

Mr. President, I for one cannot accept the recent tax change for diesel fuel. Therefore, I hope the Senate will act promptly on this legislation since the new tax requirement becomes effective on April 1, 1988.

Farmers and ranchers in New Mexico and elsewhere should never have to feel the effects of this ill-conceived change in the tax laws. I urge all my colleagues to join me in supporting this bill.●

CATHOLIC WAR VETERANS OF NEW JERSEY

● Mr. LAUTENBURG. Mr. President, I rise to pay tribute to the Catholic War Veterans of New Jersey.

Forty-five years ago, on February 3, "The Four Chaplains" survived the near fatal journey on the SS *Dorchester* off the coast of Greenland.

Father John Washington, Rabbi Alexander Goode, Minister Clark Poling, and Minister George Fox, "The Four Chaplains," relinquished their life jackets to soldiers on the deck of the troopship which was struck by a torpedo. As heroic survivors of this bitter winter nights experience, they were honored with the Distinguished Service Cross.

On February 7, there will be a Catholic War Veterans Memorial Mass in Kearny, NJ, where we will again recognize these men in rememberance of their heroic and selfless acts.

Mr. President, I am pleased to be able to honor our war veterans who have given so much of themselves. The Nation should never forget the four chaplains, and the hundreds of thousands of other men and women who have dedicated themselves to protect our country and our way of life.●

MOZAMBIQUE

● Mr. SIMON. Mr. President, during consideration of the continuing resolu-

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tion, the Senate adopted two amendments by voice vote relating to Mozambique. One, offered by Senator **Helms**, extends existing conditions on military assistance to Mozambique. The other, offered by Senator **Kasten**, imposes conditions on the provision of both bilateral aid and funds through the Southern African Development Coordination Conference [SADCC].

I am opposed to both amendments. Of particular concern for current policy is the Kasten amendment, which jeopardizes United States assistance to Mozambique.

Mozambique has consistently been moving in the right direction and our current policy rightly recognizes that important fact. In an effort to gain regional peace and stability, Mozambique signed the Nkomati accord with the South African Government and, unlike the South Africans, has upheld its commitments. Mozambique has joined the International Monetary Fund and the World Bank. The Government has started to privatize landownership and state enterprises. In the face of growing pressure from RENAMO, Mozambique has resisted offers of increased Soviet military assistance and Cuban troop support.

Mozambique has clearly taken significant steps in the right direction. The United States should encourage that movement not punish it.●

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. ON MONDAY, FEBRUARY 1, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11:30 a.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CERTAIN ACTION ON MONDAY

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday, no motions or resolutions over under the rule come over and that the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS ON MONDAY

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday there be a period for routine morning business following the recognition of the two leaders, for not to exceed 20 minutes, and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, I have spoken to Mr. **Moynihan**. He will be ready to manage the two conventions at any point between 12 o'clock and 2 o'clock on Monday.

There will be rollcall votes on Monday.

Mr. President, I do not have anything else. I yield the floor.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader of the Senate, pursuant to Public Law 100–203, appoints the following individuals to the National Economic Council: Mr. Lee A. Iacocca, Mr. Lane Kirkland, and Senator **Daniel Patrick Moynihan**.

ORDER OF PROCEDURE

Mr. EXON. Mr. President, the leader has asked me to finish up the business of the Senate. Seeing no other Senator seeking recognition, I ask on behalf of the majority leader one final request by Senator **Quentin Burdick** of North Dakota.

CORRECTION IN THE ENGROSSMENT OF S. 1143

Mr. EXON. Mr. President, I ask unanimous consent that in the engrossment of S. 1143 the enrolling clerk be permitted to correct the date on page 3, lines 9 and 10 from December 31, 1987, to December 31, 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 11:30 A.M., MONDAY, FEBRUARY 1, 1988

Mr. EXON. Mr. President, I move that the Senate stand in adjournment until 11:30 a.m. on Monday in accordance with the previous order.

The motion was agreed to; and at 6:29 p.m., the Senate adjourned until Monday, February 1, 1988, at 11:30 a.m.

NOMINATIONS

Executive nomination received by the Senate January 28, 1988:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

WILLIAM F. BURNS, OF PENNSYLVANIA, TO BE DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY, VICE KENNETH L. ADELMAN, RESIGNED.

EXTENSIONS OF REMARKS

JUDGE SANDERS CALLS FOR A BALANCED BUDGET AMENDMENT

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. QUILLEN. Mr. Speaker, Hon. Clifford E. Sanders, presiding judge of the eastern section Tennessee Court of Appeals, a close personal friend and one of Tennessee's most outstanding jurists, recently spoke to the Rotary Club of Kingsport, TN and received a standing ovation. Judge Sanders presented a comprehensive and convincing case for the enactment of a balanced budget amendment to the U.S. Constitution. Because of the importance of Judge Sanders' speech, its scholarship and its persuasive force, I am inserting it in the Record at this point for the information and benefit of my colleagues. I wish others would follow Judge Sanders' lead in speaking out for a balanced budget constitutional amendment because the country's recent fiscal history shows we need it.

ADDRESS BY HON. CLIFFORD E. SANDERS

This year we celebrate the bicentennial of the birth of our great Constitution. In May, 1787, America sent its best and brightest to Philadelphia to a convention called to amend the articles of confederation, the charter under which the States had been governed since the end of the Revolutionary War. They were 55 in all, representing 12 of the 13 States.

When the Convention adjourned on September 17, the delegates had exceeded their mandate. They had written and signed a completely new document—the Constitution of the United States—to serve as the legal framework of a new nation.

Since its ratification by the several States the Constitution has been amended 26 times. All but one of these amendments resulted in a beneficial impact upon our personal freedom, our society, our economy, or our Government.

Today we are here to talk about the necessity of amending it again to require a balanced budget. Not since the adoption of the Bill of Rights has there been such an urgent need for an amendment. Why is it urgent, you may ask? Because an irresponsible Congress has been unwilling to use restraint even in times of peace and prosperity, and is spending us into bankruptcy.

I give you Thomas Jefferson as the father of a balanced-budget amendment. In 1798 he wrote, "I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our Government to the genuine principals of its Constitution; I mean an additional article taking from the Federal Government the power of borrowing."

Let us look at the record since those words were written. There has never been any restriction on the amount of money the Congress could spend or the amount of public debt it could create except by its own resolution, which it could change at will. However, the Members of Congress, during the 18th and 19th centuries and the first 30 years of this century, considered it to be an unwritten requirement of the Constitution to have a balanced budget except in time of war. They likewise considered it an unwritten law that Government should pay its public debt from surpluses accumulated in time of peace. Until shortly after the turn of the 20th century, Government financing came primarily from customs duties. Then came large public works projects, such as the building of the Panama Canal, and increased pension benefits, which required more revenue than could be generated from customs duties.

The Government needed a new source of revenue. The answer was the 16th amendment to the Constitution—that great money machine known as the income tax was adopted in 1911. This was a revolutionary change in our taxation system. We were now taxing human capital rather than physical capital. The fundamental source of money for the Federal coffers now was not limited to duties on what we imported, but included potentially all wages earned by our citizens. The rules of the game had changed significantly. Congress had gained a new power in its vastly expanded tax generating machine. But there was no countervailing check on this new power. At the time the 16th amendment was adopted, no need for such a check was apparent. Members of Congress at that time still believed a balanced budget was an unwritten part of our Constitution.

For the first two decades following the adoption of the income tax amendment there were no abuses by Congress of either our tax system or deficits. Even the enormous deficits resulting from the First World War were reduced more than 36% from the surpluses of the following 11 years of prosperity. But the Great Depression of the 1930's started a cycle of deficits followed by more deficits—a pattern which we have not broken in 52 years in spite of the many years of peace and prosperity.

Our public debt rose more than 170% in the 1930's and more than 370% during the Second World War. Such deficits are necessary in such emergencies, and had our Congress abided by the unwritten constitutional rule, as recognized by their predecessors, that deficits created in emergencies must be paid by surpluses created in time of peace and prosperity, the public debt would now be insignificant.

However, in the last 52 years there have been only seven times that we have had a surplus, and the total of those years was minimal. It was less than $30 billion dollars, and that would not pay six weeks' interest on our present public debt. During the last 52 years our Congress has demonstrated a total disregard for the consequences of deficit spending. As a result, our public debt stands at an unbelievable $2 trillion 352 billion dollars today.

Now, a trillion dollars is such an astronomical amount of money that it exceeds the imagination of the human mind on a comparative basis. But let me tell you how long the experts say it would take you to count to a trillion if you were counting dollar bills at the rate of one per second. It would take 17 minutes to count 1,000. It would take 12 days to count one million. But to count to a trillion would take 32,000 years—longer than civilization has been on this Earth! That deficit is increasing every day, but Congress still refuses to act.

The last time this country had a justifiable deficit was during the war years of 1943, '44, and '45. During those years we had an average deficit of approximately $50 billion per year. But during the last six years the average deficit each year has far exceeded the total deficit for those three war years. This exists in spite of the fact that during that same period of time the income to our Government has been from 12 to 15 times greater than the income during the war years. Let me give you an example in round figures. In 1944 the Government had an income of $44 billion dollars, and spent $91 billion—in 1986 income was $769 billion dollars, and $990 billion was spent. In 1944 we had a deficit of $47 billion dollars. In 1986 we had a deficit of $220 billion dollars.

The interest alone on our public debt in 1986 was $292.5 billion dollars. In 1987 it was $293.7 billion dollars—each year the cost of interest on our public debt is more than ⅔ of the total cost of World War II.

It is interesting to note that the first proposal for a constitutional amendment to require a balanced budget was introduced in 1936. This was no accident. Because of our response to the Great Depression, by that year we had incurred five consecutive years of budget deficits. The first time this had happened in the history of our country except in time of war.

Economist Henry Simons, writing in 1936, foresaw our post-1930 experience with deficits, saying that without a balanced budget rule "political control must degenerate into endless concessions to organized minorities."

How right he was. When those words were written, the Members of Congress were using public funds to buy the patronage of minority groups instead of using those funds to pay our public debt, and it has been an ongoing thing ever since.

You can't balance the budget and also support every pork barrel bill that is introduced just to gain political support. Some hard choices would have to be made and those in Congress who are opposed to a balanced budget amendment don't want to have to make choices. They want to be at liberty to vote for every appropriation, regardless of how wasteful it is, if it will gain patronage for them. They loathe to effect economics that may not be popular with some of their constituents. It matters not to them that it costs 58 times as much to repair a Navy vessel as the same repairs would cost on a merchant ship.

In 1983 the President appointed a blue ribbon commission to study waste in our Government. In just one year they discovered $137 billion dollars of waste and recommended its elimination. But not a single

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move has been made to eliminate such waste.

There are those with many years in Congress who have been the strongest advocates of deficit spending who would now have us believe this horrendous deficit is the result of lower taxes and increased defense spending within the past few years—but nothing could be further from the truth.

The truth is, it is simply the total accumulation of the deficits incurred during 45 of the last 52 years, plus ⅔ of the deficit carried over from World War I. However, it has been only during the past few years that our general citizenry have become concerned about deficit spending and our horrendous public debt.

The framers of our Constitution provided two methods of amending our Constitution. One is by a vote of ⅔ of both Houses of Congress proposing an amendment. The other is by application of the legislatures of ⅔ of the States to call a convention for the purpose of proposing amendments.

Such proposed amendments, whether made by Congress or by a convention called for by the State legislatures, must be ratified by the legislatures of ¾ of the States. Thirty-two of our States, including the State of Tennessee, have approved applications for a convention to be called to propose a balanced budget. If only two more States approve such applications, then Congress would have no choice but to call a convention.

A Constitutional Convention to propose amendments has never been called and those who are opposed to an amendment use all types of scare tactics to discourage such a convention. In the September issue of the "American Legion magazine" the pros and cons of such a convention were discussed by Senator Jesse Helms, Republican of North Carolina, who is in favor of a convention, and Senator Patrick Leahy, Democrat of Vermont, who is opposed to it. Let me read what Senator Leahy had to say: "No matter what proponents of such a convention say to allay our fears, once assembled, such a convention would be able to take on any issue it wants and consider any proposal. Every one of our liberties would be up for grabs. Nothing—not even our first amendment rights of freedom of speech and freedom of religion, nor our rights against search and seizure—none of the rights in our Constitution would be off limits. They would all be subject to revision, and I fear that rights we take for granted could be among the first to go."

Now that is a United States Senator speaking and you would expect him to know what he is talking about. Such a statement certainly would cause almost any State legislator, who believed that statement, to have misgivings about voting for a call of such a convention.

Now let me quote from an editorial which appeared in the Kingsport Times-News on September 17, which was the 200th birthday of our Constitution. In addressing the horrifying results which the editor visualized as coming out of such a convention, he said, "The potential consequences are horrifying and represent the most serious challenge our democratic government could face—the delegates themselves could set their own agenda. And if that happened, Americans could be witness to a 'runaway convention' that could change the Constitution as it saw fit and unravel American Government in the process."

Both the statement of Senator Leahy and the editorial of our local newspaper presuppose that once a constitutional convention is convened it could amend the Constitution, it could repeal any existing amendments, or it could completely rewrite the Constitution at its will and nobody but the delegates to the Convention would have any right to do anything about it.

But nothing could be further from the truth.

What a shame it is for a United States Senator, using the prestige of his office to author an article in a magazine of national circulation, and for a member of the news media, editorializing in its newspaper for the purpose of persuading public thinking, to be so intellectually dishonest.

A Constitutional Convention would have no more power to amend the Constitution than Congress has. It could only propose amendments, as the Congress can. Article 5 of the Constitution which provides for amendments, provides that Congress may propose amendments or, and I quote: "On the application of the legislatures of ⅔ of the several States, shall call a convention for proposing amendments, which in either case, shall be valid as to all intents and purposes, as part of the Constitution, when ratified by the legislatures of ¾ of the several States." Is there anyone within the sound of my voice who would have fears that ¾ (38) of the legislatures of the several States would ever ratify a constitutional amendment that would accomplish any of the things about which the Senator or the newspaper are so fearful?

Lobbying by special interest groups opposed to an amendment has been intense in the legislatures of the 18 States which have not asked for a convention, and misinformation such as I have just read to you, has been the main weapon of their battle.

If there are those who still have doubts about the propriety of calling a convention, you can take comfort in the fact that all the States which have made applications have limited them to the single purpose of a balanced budget. Congress could, accordingly, in calling the convention, limit it to that single purpose. If the convention exceeded its mandate, Congress could choose not to send other proposals to the States for ratification.

There have been a number of resolutions offered in the Congress to require a balanced budget. The one that has the most support is H.J. Res. 321. It has 235 co-sponsors. It requires both the Congress and the President to agree on a common projection of estimated receipts. Total outlays for the year must not exceed the level of estimated receipts unless ⅗ of the membership of both Houses agree by a recall vote. If actual revenues fall short of the estimate, Congress must provide by law for the repayment of the excess in the next fiscal year. The provisions of the article are waived for any fiscal year in which a declaration of war is in effect.

Congressman Quillen introduced House Joint Resolution 36 requiring a balanced budget which, in my view, is a more effective amendment than Resolution 321. It could be suspended only in the event of war or the threat of war. It would require a ¾ vote of both Houses and it requires the repayment of the national debt at the rate of at least 10% each 10 years. With 39 of the 50 States having adopted constitutional amendments to their own State constitutions, requiring balanced budgets, and with such amendments having been so effective in those States, and with public opinion being so strong in favor of a constitutional amendment to require a balanced Federal budget, it is difficult, indeed, to understand why Congress is so reluctant to act. The Gallop poll, CBS News poll, and New York Times poll all show that, since the middle 1970's, those in favor of a constitutional amendment range above 70%. The highest percentage, however, was 85% in the spring of this year.

Mr. Steven Roberts, in the "New York Times" on July 16, this year, speaking of President Reagan's call for an amendment, said, "even Mr. Reagan's most ardent supporters agree that there is no chance that such notions as a line-item veto or a constitutional amendment mandating a balanced budget will become a reality any time soon."

These prospects might improve if one or two more States were to call for a convention to propose an amendment. All of the applications made by the States provide for rescinding their application if Congress proposes an amendment. Also, several of the applications delay their effective date until 60 days after receipt of the application of the last required State. The purpose of this is to give Congress time to propose an amendment.

For the most part, Members of Congress who have made their positions known through floor debate or committee testimony, indicate they do not favor calling a Constitutional Convention. However, more than 135 Members of the House and Senate have joined an organization called CLUBB, which stands for "Congressional Leaders United for a Balanced Budget." This organization, in its statement of purpose, declares that CLUBB believes Congress will not propose a balanced budget amendment. Therefore, CLUBB supports the States' drive for a balanced budget Constitutional Convention.

The time has come when some restraints must be imposed on an extravagent and irresponsible Congress.

The time has come when we must realize that, with a deficit of $2 trillion 352 billion dollars, we are on the brink of economic disaster.

The time has come when we can no longer permit the snow-ball of public debt to continue to roll down hill.

The time has come when we must realize that we owe a duty to our posterity.

The time has come when we must realize that if we continue to travel down the road we are now traveling, the generations to come will inherit such a debt-ridden government, they will have a peasant's standard of living.

The time has come when we should listen to the observation of Adam Smith, who said, "What is prudence in the conduct of every private family, can scarce be folly in that of a great kingdom."

TRIBUTE TO ROBERT M. BISHOP

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I pay tribute to Mr. Robert M. Bishop of the 17th District of Ohio.

Mr. Bishop will soon be named "Veteran of the Year" by the United Veterans Council. He began his naval military career in September 1940 aboard the USS *Tennessee*. He saw his first action as a fire controlman during the Japanese attack on Pearl Harbor. Subsequently, he was assigned to 13 amphibious operations during major sea battles in the Philippines. He was discharged in 1946 only to be called back into battle during the Korean war.

Mr. Bishop served as president of the Mahoning Valley Chapter 5 Pearl Harbor Survivor's Association. He is also a lay leader at the First United Methodist Church in West Austintown.

It is with great pride and appreciation that I pay tribute Mr. Robert M. Bishop for his patriotic contribution to this great country and for his dedication to the people of Ohio. I am proud to represent such an outstanding citizen.

THE SACRAMENTO COMMUNITY OLDER AMERICAN VOLUNTEER PROGRAMS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the special people of the Sacramento community who are involved with the Older American Volunteer Programs. These programs have been important to the community in many ways. In 1974, the Foster Grandparent Program was established to aid disadvantaged children and youth with physical, mental, and emotional needs. These Foster Grandparents worked in schools, juvenile detention centers, hospitals, and residential treatment centers providing children with additional attention and support services. This program has proven to be remarkably successful; last year these Foster Grandparents contributed over 59,746 hours of service in 29 community host agencies throughout the United States.

The Senior Companion Program is another notable program that began in 1975 to provide services to adults with special needs. The Developmental Disabilities Component worked with disabled to achieve their optimum level of functioning. Subsequently, this has challenged many disabled individuals to become more self-reliant. The Skilled Nursing/Adult Day Health Care Components aided health care facilities by coordinating activities for their residents. In turn, these residents were able to experience life outside of the facility's boundaries. The Homebound Component provided assistance to homebound citizens in private residences. This support included light housekeeping, medical transportation, shopping, as well as personalized care. Last year over 51,727 hours were volunteered into this program nationwide.

The Retired Senior Volunteer Program also proved to be extremely beneficial to the community. This program helped unite the time and talents of retired and semiretired individuals by placing them in volunteer positions in public agencies and nonprofit organizations. Last year over 600 volunteers in Sacramento County contributed nearly 140,000 hours of community service. This program gave many the opportunity to learn, share, and provide support toward the community.

Mr. Speaker, on behalf of the people of Sacramento and the State of California, I want to congratulate the individuals of the Older American Volunteer Program for a job well done. Their dedication to the community is admirable, and I would like to take this time to offer my warmest wishes to these outstanding individuals and wish them the very best of luck in all of their future endeavors.

JEWS AND RIGHTEOUS GENTILES—HAROLD SCHULWEIS DISCUSSES CHRISTIANS WHO RISKED THEIR LIVES TO SAVE JEWS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. LANTOS. Mr. Speaker, just a few weeks ago we marked the 43d anniversary of the abduction of the Swedish humanitarian, Raoul Wallenberg. During the darkest hours of World War II, he put his life on the line countless times in order to save the lives of 100,000 people. Though he was a Swedish Christian from a wealthy family living in a country which was neutral in the war, he left the security and comfort of Stockholm to risk his life to save the lives of Hungarian Jews.

American Jews are beginning to acknowledge the lifesaving role toward Jews that many non-Jews played during World War II. Still, as Rabbi Harold Schulweis points out in an article in Moment magazine, there is still considerable resistance within the Jewish community toward acknowledging assistance given by gentiles to Jews. I feel that Rabbi Schulweis' arguments are worthy of our consideration. He is the rabbi of Temple Valley Beth Shalom in Encino, CA.

WHY JEWS SHOULD RECOGNIZE RIGHTEOUS GENTILES

(By Harold Schulweis)

My children were young then. Too young, I thought, to be watching that film on the Holocaust. The film depicted the skeletal figures of starving Jews in the camps, men and women, elongated embryos with sunken eyes rather than fully grown adults. My ambivalence tore at me. On the one hand, I wanted my children to mature, to know the depth of Jewish tragedy. My father called it oismenschlen zich—to mature, to overcome childlike fantasies, to face reality. On the other hand, I wondered whether the documentary would lay a stone upon their hearts, make them feel that to be Jewish is to be caught in a leprous circle.

I continued to teach the exalted Jewish view of human beings as created in God's image, in contrast to the Christian pessimism that introduces Adam's descendants as creatures born in transmitted sin. I continued to cite the Psalmist's praise of human beings as "but lower than God." But the overwhelming illustrations of human conduct sustained an image of human venality, corruption, betrayal, persecution.

The Holocaust was, after all, not simply an episode in Jewish history, but a paradigm of the broken human condition. And, as for its specific Jewish meaning, the Shoah had come to serve as the compelling metaphor of Jewish existence—past, present and future. That view has hard evidence on its side: the collusion against the Jews, the feigned deafness of onlookers, the studied ambiguity of the Church, the self-induced paralysis of the Allies.

Was there any empirical evidence to bolster the Jewish outlook? Aside from the desperate preaching of Jewish humanism, what evidence was there to support the claim of God's presence in human nature and the Jewish faith in Him and in the crown of His creation?

I was sifting the ashes of the Shoah to uncover an ember of hope. I was searching for another side to the Holocaust when I came across Philip Friedman's "Their Brothers' Keepers". It was a revelation for me. There were tears here, but out of a different well. For here were peasants, priests, farmers, teachers who refused to rationalize complicity with the predators.

Here were Christians from all walks of life and in every Nazi-controlled country who forged passports, hid Jewish families, fed the hungry, the hunted. Who were they? What kind of Poles, Germans, Dutch, Belgians, Bulgarians, Christians would risk their lives and those of their families to save people not of their own faith?

In the early 1960s I found myself increasingly drawn to this phenomenon, to the rescue of Jews by non-Jews. I spoke to rabbinic and lay audiences, appealed to national Jewish organizations and to secular, academic circles to engage in a serious empirical study and moral interpretation of these acts of altruism in the midst of the unspeakable atrocities of the Holocaust. I founded and chaired the Institute for Righteous Acts, some of whose archives are housed at the Judah Magnes Museum in Berkeley.

People listened, nodded assent, some coming forth to volunteer the information that they and others they knew had indeed been rescued by gentiles. But there persisted and persists to this day a near-palpable resistance to the suggestion that the rescuers ought to be studied, their motivations better understood, their lives celebrated. I still find a lack of enthusiasm about the phenomenon of Christian rescue of Jews, and I wonder about the reasons for this odd reserve.

I wonder, and I speculate:

Undeniably, there are people, pseudo-scholars, as well as a world superpower, who find it hard to admit the uniqueness and immensity of Jewish suffering. In the name of some perverse notion of universalism, they begrudge Jews the particularity of their anguish. They prefer to deracinate the Jewish victims, to bury them anonymously. They play a sickening numbers game—not six, but "merely" four or three or two million Jews died. They so twist history that they define the Holocaust as a self-serving manipulation of gullible people for the sake of eliciting favor for the kin of its "alleged" victims. There is no limit to their torture of history.

In such a hostile environment, it is understandable that Jews should guard jealously the treasures of Jewish suffering; and that they grow anxious lest focusing attention upon the behavior of gentile rescuers deflect attention from the suffering of those so brutally violated. The light must not be allowed to eclipse the darkness. Some suspect that the evidence of the acts of righteous gentiles may be used to whitewash the villainy.

Others measure the numbers of rescuers against the numbers of predators and find

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them so scandalously disproportionate as to mock the effort to study and publicize the good. For them, the stories of the righteous gentiles are minor footnotes that do not enter the text. Inadvertently but inevitably, the memory of the acts of righteous gentiles is thus erased. Ask my children or yours about the names and acts and fate of the heroic Christian collaborators who hid Anne Frank's family.

Social scientists have biases of their own. One major prejudice is the a priori conviction that humans are basically ignoble, exploitive, aggressive, hurtful. The bias is presented in the name of realism and objectivity. Tough-minded, hard-nosed scientists insist that the qualities of softness and benevolence are the surface masks people wear to hide their coarser motivations. Scratch a saint and discover a sinner. Beneath altruism lies a baser universal egoism.

That "scholarly" tradition is inherited from Thrasymachus, Machiavelli, Hobbes and Nietzsche, a secular version of original sin. It is presented in full meta-psychological dress in the pessimism-realism of Sigmund Freud, for whom altruism, at root, is a form of cultural hypocrisy. Who has the courage to dispute the evidence, Freud asked in his Civilization and Its Discontents, that man is to man a wolf—homo homini lupus.

Others, philosophers and psychologists, have sought to dismiss the reality of altruism by showing that since self-sacrifice offers egotistic gratification to the helper, it is not for the sake of another. According to this spurious logic, saint and sinner, rescuer and pursuer are reduced to a common egoistic denominator.

Such a sophisticated prejudice may help explain why there are so few studies on altruism in comparison with studies on authoritarianism, why the character and motivation of evil people are so much better researched than those of good people, why the term "altruism" is introduced so late (by August Comte in the 19th century) into the vocabulary of social science.

There is something else that keeps the study and celebration of altruism at arm's length. For all the paeans in praise of goodness, it presents its own threatening challenges. Evil men and women may be less of a threat to our sense of self than truly good persons.

An extreme case: Compared to Eichmann, we are saints. But measured against a Fritz Graebe, an Alexander Roslan an André Trocmé, our claim to virtue is shaken. Reading the coroborated stories of their rescue behavior we may wonder: Would you or I hide these hunted families in our homes, feed them, clothe them, offer them sanctuary, knowing that venal informers and sadistic predators roam about? Would you or I do this for men, women and children who are strangers to our faith? Despite the rhetorical adulation of the righteous rescuers, do we want to raise our children to emulate these moral heroes, so selflessly to taunt death?

The challenge in confronting goodness may be further complicated because the heroes are not Jews. That fact shakes the character of "split thinking." There is a lure to divide the world into two parts, a Manichean temptation to divide the world into children of dark and children of light.

The schismatic thinking that "blackwashes" outsiders and "whitewashes" insiders sanctions our angers, endorses the maledictions against the "others." Confronted by righteous gentiles, we are made to face a mottled reality. The outside is not all dark with treachery. The "split mind" is frustrated by exceptions, admixtures, the stuff that challenges generalizations.

Righteous gentiles—even Germans, Poles and Ukrainians—upset the certainties of "all" or "none," of "always" and "never." The "split mind" seeks to ignore the complexity of character that punctures the iron curtains of the mind. In our case, denial and avoidance of gentile altruism are strategies to preserve the barriers of split-thinking judgments.

But now, four decades later, some enter the cavern with a small lantern to examine the aftermath, to sift through the ashes of destruction, to find some residue of hope. Slowly a meager literature of scholarly research and popular acknowledgement of the acts of the righteous is emerging.

Nechama Tec has just published a pioneer study on Christian rescue of Jews in Nazi-occupied Poland, When Light Pierced the Darkness (Oxford University Press). Douglas K. Huneke's book, the Moses of Rovno (Dodd, Mead and Company), tells the stirring story of Fritz Graebe, a German Christian who risked his own life and the lives of his family to lead hundreds of Jews to safety during the Holocaust.

Professor Samuel Oliner is engaged in wide-ranging research on the altruistic personality, based on in-depth interviews of gentile rescuers. Pierre Sauvage's documentary of André Trocmé and the rescuers in the French village of Le Chambon is now available. A film based on Schindler's List is in production. These are hopeful signs that the passive resistance and converging biases against research and publicity of the righteous gentile may be changing.

On moral grounds alone, the neglect of the phenomenon must be overcome. Jews, who are witness to the capabilities of human beings to torture and destroy, are also witnesses to the human capacities to save and rebuild. That witness is vital for healing the traumatized conscience of humanity. The post-Holocaust generation, the children of those who survived, needs to be helped to trust again.

The precarious imbalance that places all weight of evidence on the depressive side of the scale must be corrected by the empirical evidence of human benevolence. The prejudice that distorts the character of human nature and confines it to the "nasty, brutish and short" must be countered by the testimony of those who in hellish times experienced long-term, self-sacrificing care and concern.

Research on altruistic behavior must be supported; greater attention must be paid this repeatedly neglected area of Holocaust studies. I do not fear that the evidence of rescue will trivialize the monstrosity of evil.

The inference is inescapable: There are no heroes without villains, no rescue of the hunted without pursuit by the hunters. To the contrary, those Jews and non-Jews who may fear entering the cave lest they be enveloped by the despair of no exit—there are many such—may be encouraged to overcome their fear if they know that even there they will behold sacred sparks. Light is needed to illumine the darkness. Moral heroes of flesh and blood are needed to resuscitate our exhausted morale.

We are presented with an ironic symmetry. The denial or denigration of the numbers of righteous gentiles who helped is the reverse side of the pernicious denial and minimizing of the numbers of victims who suffered. One cries that there were not so many victims, the other cries that there were not so many heroes.

There are always too few moral heroes, always too few of the righteous whose presence could have saved Sodom. Does that not make the memory of those there were all the more precious, all the more important? The memory of the righteous must not be swept away together with the wicked—surely not by heirs to a tradition that declared that for the sake of 36 righteous people the world is preserved. The 36 must be honored.

We must retrieve the meaning of their acts, discover their fate and sweeten the remainder of their lives. There are too many reports of rescuers who have fallen on hard times, who are unsung and uncared-for. Theology has dealt with reward and punishment as prerogatives of God both in this and in the next world. But we are not helpless in this arena. We correctly bring to task the murderers of innocent people, seek them out and seek justice. The world is not helpless.

The murder of millions has no statute of limitations. *But neither are we powerless to reward.* It is not too late for the world Jewish community to form a *Foundation to Sustain the Righteous Gentiles,* many of whom were tragically ostracized by anti-Semites in their native lands, many of whom are in poor, even desperate economic circumstances today. The good must be rewarded in this world, in this time and by our community.

Jewish remembering is a sacred task. As important as the mandate to remember what Amalek did is the moral imperative to recall what Shifrah and Puah did (Exodus 1:15-22).

Theologians, ethicists, educators—of all faiths—must be enlisted jointly to assimilate and interpret the largely ignored evidence. And we Jews own a testimony of goodness that deserves to be fully heard. "Ye are My witnesses," says the Lord. A celebrated midrash in *Pesikta d' Rav Kahana* goes on to explain the intent of God's words. "If ye are My witnesses, then I am God. And if not, then I, as it were, am not God."

There is godliness in the world—and we Jews have the great good fortune to be, if we permit ourselves to be, its witnesses, witnesses to God's presence in our midst. Not to testify to the spark of human decency in the darkness is to betray our oath. We owe witness to our God and to our grandchildren.

PERSPECTIVE ON THE PALESTINIANS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. FLORIO. Mr. Speaker, the events in the last 2 months in the West Bank, the Gaza Strip, and in Jerusalem in Israel have given many around the world fuel for concern.

The situation is not one easily resolved from the safe distance enjoyed by those who are not on the scene. But for those who are personally involved in the conflict, both the Arabs and the Israelis, the resolution of this conflict will not be achieved through simplifications of the conflict.

Most recently, one of those simplifications has been the comparison of the State of Israel to the repressive state mechanism of apartheid in South Africa.

Yet, the solutions suggested in the recent weeks sometimes overlook the complexity behind the events in the Middle East. It has often become all too simple to attach a label and the corresponding stigma to the players in this crisis.

What is ultimately required if peace in the Middle East is to have a chance at succeeding is a balanced perspective on all sides and a little caution before drawing inappropriate comparisons.

A recent editorial from the Philadelphia Inquirer by Donald Kimelman goes a long way toward addressing in a thoughtful and insightful fashion some of the issues at stake in the Middle East. I hope that this editorial will restore some of the objectivity that is required for the resolution of the crisis in the interests of Israel's national security and of the freedoms of all parties concerned in the areas of rioting.

The article follows:

THE ISRAELI CRISIS: ARE THE MEDIA TO BLAME?

(By Donald Kimelman)

The New Republic, which has a keen eye for the media's foibles, has an item in its current edition contrasting the play of two stories in the Washington Post:

On Jan. 4, the Post's front page carried the headline, "Israeli Soldier Kills Arab Woman." A day earlier, way back on Page 27, the Post ran a two-paragraph news brief about a massacre in Northern Brazil in which state troopers, their guns blazing, rushed a group of protesting gold miners and slaughtered perhaps 100 people.

The magazine headlined its pointed little comparison: "It's not what you do, it's where you do it."

Such examples of the selective way that the news media cover the world's overabundance of cruelty and misery are inevitably raised every time there is a new flare-up in the Arab-Israeli conflict.

Critics ask why Israelis killing Arabs is so much bigger news than Arabs killing Arabs, something that is happening all the time—though generally out of sight of the camera's eye.

Most Americans probably weren't even aware that Shiite militiamen has been conducting a three-year siege of Lebanon's battered Shatila refugee camp until the kindhearted Shiites recently called a halt to the killing in solidarity with the rebellious Palestinians in the West Bank and Gaza. The death toll in the longrunning "camps war" has been estimated to exceed 2,000; the death toll in the current uprising in the Israeli-occupied territories is 38.

There are some easy arguments to explain why what the Israelis are doing has gotten vastly more attention than what the Shiites were doing. Israel, as a westernized nation, is held to a higher standard; Israel receives huge amounts of American aid; continuing unrest in Israel's occupied territories could force some kind of historic change in the Middle East stalemate.

All that said, there is no question that what is happening in the occupied territories has gotten more coverage because the Israeli authorities allow journalists to witness the violence and to send back the vivid stories, photos and footage that then dominate the news.

Israel is thus paying a heavy price for its openness, which seems unfair. Is the daily violence in Afghanistan, for example, any less newsworthy because the Soviets and Afghans have never allowed journalists into any of the war zones?

I mention Afghanistan because, in my previous assignment as a Moscow-based correspondent, it used to gall me that the Soviets were able to maintain their worldwide peace offensive, in part, because they never let anyone get close to their dirty little war. It is easier to appear sincere about wanting to reduce bloodshed around the world, if the nightly news is not carrying footage of your armored regiments destroying Afghan villages.

Lately, however, I have begun to realize that the Soviet advantage was illusory. Muting the war didn't end it. Instead, it allowed the Soviets to continue pursuing a fruitless, destructive and self-destructive policy longer than simple common sense would have allowed.

At this writing, Mikhail S. Gorbachev, an eminently practical man, is trying to figure a way to get the troops home. And so, ironically, the Soviet news media have finally been allowed to convey a small sense of the human cost of that eight-year misadventure.

The situation in South Africa more closely parallels what's happening in the occupied territories, but with this important difference: In the spring of 1986, the South African authorities concluded that by severely restricting news coverage of black unrest—and by locking up thousands of potential troublemakers—it could actually stop the violence.

The tactic worked. With the exception of black-on-black violence—the kind the South Africans love to see publicized—the rebellion has subsided.

But South Africa has merely postponed its time of reckoning and, in choosing to tough it out, has become even more of a pariah among nations. Its sheltered white residents continue to have no real sense of the violence and rage that exists all around them. There, too, the gains of censorship are likely to prove illusory.

Which brings us back to the situation in Israel. The clashes between troops and demonstrators have dominated not just the Western news media, but the Israeli media as well. People there are keenly aware of what is happening in the occupied territories, which doesn't mean that they are all furious with their government. If anything, this new threat to Israel's security is moving the country to the right.

But that's how things work in an open society. The Israelis know what is happening. They also know that the world is watching and making harsh judgments based on what it sees. Come fall, they will again go to the polls to choose between a party that is willing to trade land for peace and one that argues for a continued hard line. Whatever the outcome, the choice will not be made out of ignorance.

It could be argued that the American news media are skewing the process by placing undue emphasis on Israel's repressive measures. But, if anything, the harsh publicity has served as a warning shot to the Israeli authorities, forcing them to curb their tactics before their Western allies felt compelled to take some kind of political action.

As a result, fewer Arabs are dying. And if that trend continues, the story will die, too.

CHILD SUPPORT ENFORCEMENT: AN IMPORTANT REFORM

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to close an important loophole in the child support enforcement statute.

The Child Support Enforcement Amendments of 1984 require the withholding of child support payments from wages when past due payments equal 1 month's support. Employers are required to comply with this wage withholding. However, a serious flaw in this system has recently come to my attention.

Under regulations set by the Department of Health and Human Services, an employer who withholds child support payments from an employee's wages has 10 days to turn that payment over to the appropriate State agency for distribution. The problem is that there is no penalty for an employer who waits longer than 10 days to turn over the support payment.

The law does give the State the power to take such an employer to court. However, if this is done, the employer can come to court with the check for the overdue payments and the case is dropped. Meanwhile, what happens to the family dependent on the support payments? As the payments sit with the employer, where they can be earning interest for that employer, the custodial parent is usually forced to turn to Federal welfare assistance.

The continuation of court ordered child support payments to custodial parents is essential to the well-being of their children. Many of these parents count on weekly support payments to provide for their children's basic needs. For this reason, I am introducing legislation to create a Federal penalty for employers who do not send wages withheld for child support to the appropriate agency within 10 days.

As we in Congress emphasize the need for efficient Federal welfare spending, I believe this legislation does just that. I urge my colleagues to support this needed reform.

THE INTRODUCTION OF THE CIVIL SERVICE DUE PROCESS AMENDMENTS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mrs. SCHROEDER. Mr. Speaker, today I, along with my colleagues Representative FRANK HORTON and Representative MERVYN DYMALLY, are introducing the Civil Service Due Process Amendments of 1988. This bill contains five substantive sections which were reported by the Committee on Post Office and Civil Service on August 5, 1987, as part of H.R. 25, the Whistleblower Protection Act. There is nothing in the bill which has not been subject to hearings, committee deliberations and approval.

Before describing the provisions of the bill, let me explain why we are breaking up the whistleblower bill. After the committee reported H.R. 25, Congressman FRANK HORTON persuaded the administration to develop a form of the legislation which they could support. In a series of negotiations, the administration representatives stated that the five sections contained in the bill I am introducing today were not appropriate for a whistleblower protection bill because they did not directly relate to whistleblower protection. Representative HORTON and I are still trying to find some compromise on H.R. 25 which deals with the issue and satisfies all the interested parties. Nevertheless, there is no reason not to move these other worthwhile sections separately.

Here, then, is what the Civil Service due process amendments do. Section 1 is a short title.

Section 2 is the text of H.R. 555, legislation introduced by Congressman DYMALLY to provide Merit Systems Protection Board appeal rights to certain employees in the excepted service. Similar legislation passed the House during the last Congress. Passage of this legislation has been made all the more urgent by the decision of the U.S. Supreme Court last Monday in United States versus Fausto. In this decision, the Supreme Court cut off an alternate channel of judicial review for excepted service employees, saying that Congress, in passing the Civil Service Reform Act of 1978, had intended to deprived excepted service employees, other than those with veterans preference, of the right to challenge adverse actions. This bill provides those appeal rights.

Section 3 provides for the reinstatement of employees after they win their MSPB cases at the regional office level. Now, they have to wait the extra 2 years until the agency exhausts its appeal to the full board.

Section 4 says that a Federal employee who the agency wants to fire and who is eligible for an annuity can take his annuity and still challenge the adverse action before the MSPB. Currently, an employee who elects an annuity is considered to have retired voluntarily and cannot challenge the adverse action.

Section 5 requires that MSPB hearings be held near the job site unless it is cheaper for the Government to hold it elsewhere. Now, MSPB hearings are held in certain designated regional cities.

Section 6 requires that the MSPB be named the respondent in appeals of its decisions. Currently, the agency is named the respondent and Justice litigates the case.

These provisions are effective for cases filed after the date of enactment.

A TRIBUTE TO PRESIDENT CHIANG CHING-KUO OF TAIWAN

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. ESPY. Mr. Speaker, I would like to share this tribute to a most honorable man, President Chiang Ching-kuo of the Republic of China, whose recent death on January 13, 1988, sent shock waves through his people. The people of that island nation lost their leader and they have sadly mourned his passing as if they had lost a part of their family. It was only last April I met and spoke to President Chiang while in Taipei wishing him a happy birthday.

President Chiang left behind an island country that enjoys unsurpassed economic prosperity and more importantly, he left behind a constituency that is now more comfortable saying what it thinks. I saw it so clearly when I visited Taipei last year, and became readily impressed with the openness and industriousness of the people.

Indeed, the President's true legacy was the institution of true political reforms during the last 12 months of his life. During this brief period; he lifted martial law, he allowed opposition political parties to exist; he relaxed controls of newspapers; and he permitted Taiwan residents to visit their relatives on the mainland.

Mr. Speaker, it seems that overnight President Chiang's political initiatives transformed how his people think and act. Despite open political demonstrations by the opposition political party which greatly irritated the conservative segments of society, President Chiang, as was his will only nine days before his death, noted his desires: "It is * * * my hope that you actively carry constitutional democratic development without interruption." And I believe, his will and his direction will be carried out.

We are all hopeful that the pace of democratization, in accordance with the late President's wishes, will continue in the Republic of China under the leadership of President Lee Teng-hui.

CLEAN LAKES FUNDING

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. STANGELAND. Mr. Speaker, for weeks now we've been learning about "special" or unwarranted provisions contained in the fiscal year 1988 continuing resolution, House Joint Resolution 395. Each day reveals a new surprise in the massive funding bill. Today, though, I want to bring to the House's attention a glaring omission in the appropriations bill. The HUD-independent agencies title does not provide a single penny for the Environmental Protection Agency's clean lakes program. Congress must act quickly to restore the funding for this relatively small but crucial environmental program.

Section 314 of the Clean Water Act establishes a national program to protect, restore, and improve the quality of publicly owned freshwater lakes. Since 1980, EPA has provided financial and technical assistance to States for classifying lakes, identifying techniques for restoring water quality, and implementing cleanup and control projects.

The Water Quality Act of 1987 strengthened the section 314 program by increasing and extending the authorizations, providing for lake restoration plans, and establishing a new national cleanup demonstration program. This was in direct response to testimony from State water officials and a ground swell of support from citizens and other lake users.

The House- and Senate-passed fiscal year 1988 appropriations bills each contained $15 million for the section 314 program. This represented a tripling of the funding level in the fiscal year 1987 appropriations law. Congress increased the appropriations because of the program's enormous past success, future importance, and continuing public support.

Unfortunately, the conferees on the fiscal year 1988 continuing resolution deleted all funding for section 314. I understand they faced difficult constraints and had to make some unpopular decisions. But I also understand that a reinvigorated and adequately funded clean lakes program will pay enormous dividends. As a Minnesotan and as the ranking Republican member of the House Public Works and Transportation Committee's Subcommittee on Water Resources, I know the value of clean lakes and the valuable contributions EPA can make to State and local programs.

Already, we are hearing of numerous problems and setbacks in State and local efforts because of the unexpected zero funding level in the continuing resolution. State applications for this year's grants are put on hold indefinitely and hundreds of watershed and conservation districts are scrambling to reassess their cleanup goals and schedules.

Therefore, Mr. Speaker, I intend to lend my full support to legislation in the coming months to restore the section 314 funding. I urge each Member to join me in this effort. We can't wait until another year-end continuing resolution. We need appropriations for this crucial program to be available during this fiscal year—we can't afford to put it off until next year. The program is simply too important and too successful to be put in jeopardy due to last-minute budgetary decisions.

THE AIR TRAVEL RIGHTS FOR BLIND INDIVIDUALS ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation that would prohibit airlines from discriminating against blind passengers. I have been involved in this issue for 2 years and I believe the time has come to force both the Department of Transportation and the airlines to directly address this serious problem.

My bill entitled the Air Travel Rights for Blind Individuals Act, would amend the Federal Aviation Act of 1958 by adding the following provision:

> A carrier shall not use visual acuity or a passenger's use of a white cane or dog guide as the basis for establishing any restriction on seating in aircraft.

On December 2, 1987, I, with Matthew Scocozza, Assistant Secretary for Policy and International Affairs at DOT to discuss this

issue. I asked for this meeting after the National Federation of the Blind walked out of negotiations with DOT over the promulgation of regulations to prohibit discrimination against handicapped individuals by the airlines. These regulations are required under the Air Carrier Access Act of 1986 (Public Law 99–435). DOT proposed that the regulations be drafted through a negotiated rulemaking process.

Although it was a constructive meeting, the regulations under the Air Carrier Access Act may not be implemented for at least another year. It is my hope that this legislation will focus attention on the blind community and the unique problems they have encountered. No clear cut evidence exists to indicate that a blind passenger sitting in an emergency row exit seat poses a safety threat to other passengers. Despite this, the airlines, with the apprent support of the Federal Aviation Administration, will not allow blind persons to sit in emergency exist row seats.

Mr. Speaker, I hope to continue working with both the blind community and DOT to settle this issue once and for all.

JAPANESE AMERICAN COMMUNITY TO HONOR BARNEY FRANK

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. MATSUI. Mr. Speaker, this Saturday, January 30, 1988, our colleague from Massachusetts, BARNEY FRANK, will be honored by the Japanese American community for his outstanding work on redress legislation. This honor comes as no surprise, for BARNEY'S tireless work as chairman of the Subcommittee on Administrative Law and Governmental Relations was crucial to the development and eventual passage of H.R. 442, the Civil Liberties Act of 1987.

BARNEY'S outstanding efforts on behalf of this legislation add to a lengthy list of his contributions to the cause of civil rights and human dignity. His involvement in the civil rights movement, his career in the Massachusetts House of Representatives, and his record in Congress distinguish BARNEY as a foremost advocate for justice and fairness. BARNEY FRANK has established himself as a passionate and articulate defender of the principles which have made the United States the great Nation it is today.

Mr. Speaker, by forcing Japanese Americans into internment camps, the United States Government strayed from its pursuit of liberty and justice. We are fortunate, however, to have a colleague like BARNEY FRANK to help this Nation straighten its course.

SAN FRANCISCO GIRLS CHORUS IS CHOSEN TO PERFORM IN HUNGARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. LANTOS. Mr. Speaker, it is my pleasure to announce today that when the Bela Bartok International Choir Competition is held in Hungary in July, the San Francisco Girls Chorus will be representing the United States—indeed it will be the only group from America at this most important event.

Hungary is the world center for choral music, especially for girls and young women. Competing there means that the San Francisco Girls Chorus has reached the top level of girls choirs in the United States. Founded in 1978 by Elizabeth Appling at the suggestion of Kurt Herbert Adler and Richard Bradshaw of the San Francisco Opera, the chorus is made up of girls from 7 to 16. Rehearsals are twice weekly, and the chorus members, in addition to choral performances, participate in dramatic productions and a summer camp. Advanced singers are selected to sing with the San Francisco Opera. The group has toured the Pacific Northwest, West Germany, England, and has performed at the White House.

Mr. Speaker, I wish to commend the San Francisco Girls Chorus and everyone associated with it as they look forward to competing on a world stage with the world's best choirs. They are a credit to San Francisco and to America.

DUMPING ON "OCEAN DUMPING"

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. FLORIO. Mr. Speaker, the waste management crisis facing the Nation has only increased the urgency to resolve the dilemma in disposal and treatment methods. With more wastes accumulating and overflowing from landfills, one of the more pressing environmental effects of the resultant dumping has been on the ocean.

The landfill crunch makes several things apparent. First, since only so much waste can fit into a limited amount of land, available space for waste disposal is increasingly going out of circulation. Better approaches to deal with the crisis are needed. Yet despite its mandate, the Environmental Protection Agency is not enforcing the already existing laws regulating disposal and ocean dumping.

Second, with the need to ensure that the Nation's wastes are not released into the ecosystem to damage any further the fragile environment, not enough has been done to emphasize the existence of available technologies in coping with the crisis.

In the economics of the garbage crisis, the demand for disposal space has been exceeding the supply. With nowhere to go, more and more municipal sludge is winding up in our Nation's water systems. And since much of those wastes carry the threat of pollution, there is a corresponding need to treat the wastes to a greater extent.

In the State of New Jersey, with the closing of many important landfills because of a lack of available capacity, the ocean has become the quick fix in getting rid of whatever unwanted material our Nation produces.

However, almost invariably included in the waste material discharged into the Atlantic and Pacific Oceans and into the Nation's estuaries and river systems are such hazardous pollutants as PCB's and substances such as plastic.

In New Jersey, half of the total sludge produced within the boundaries of the State is eventually discharged offshore into the Atlantic Ocean.

When the totals across the Nation are added up, the amount of waste spilling into the Nation's aquatic ecosystems tops more than 15 million tons, including 7 million metric tons of municipal sewage and 8 million metric tons of dredged material.

Recently, under the auspices of the Transportation, Tourism, and Hazardous Materials Subcommittee chaired by Congressman THOMAS LUKEN, a field hearing was held in Hoboken, NJ. At this hearing, industry and community leaders voiced not only their concerns about obstacles in the development of these technologies but also their demonstrated potential in reducing the toxicity and amount of wastes that are dumped in the ocean.

Concentrating on alternative technologies available currently or in the near future once testing of those technologies has been completed, the hearing focused on two concerns.

First of all, the technologies and the resources do exist for municipalities all over the Nation to reduce the amount of wastes that ultimately must be disposed of with the conventional methods and the toxicity of the wastes which end up in the ocean.

Second, it also demonstrated that the developers of these technologies are facing a stone wall in their efforts to make these technologies the cornerstone of an improved and more efficient disposal process.

Although the EPA is charged with the enforcement of statutes presently on the books, including the 1978 Marine Protection, Research, and Sanctuaries Act and the Clean Water Act's regulation of municipal discharges into the ocean, the EPA has yet to display the necessary enthusiasm in enforcing these laws.

What is needed now is not only to make the EPA live up to its congressional mandate of enforcing the laws but also to turn the spotlight on alternative technologies for waste disposal and treatment.

I am including below an article by Liv Osby, a reporter for the Daily Record of Morristown, NJ, detailing this hearing on the different approaches available to resolve this crisis. As she has done many times in the past while a reporter covering the state of affairs in New Jersey, in this article, Ms. Osby thoroughly examines the pressing needs created by the crisis. The article follows:

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CRITICS SAY EPA BLOCKS ALTERNATIVES TO SLUDGE DUMPING

(By Liv Osby)

HOBOKEN.—Industry leaders at the forefront of alternatives to dumping sludge in the ocean told a House subcommittee yesterday that government is the biggest obstacle to implementing new technologies.

The federal Environmental Protection Agency allows "regulatory confusion and delay" and is trapped in a "permitting straight jacket," said Barry A. Reiter, an engineer with Environmental Systems Co. in Little Rock, Ark.

Reiter and other representatives of firms from across the nation testified at a hearing of the House Subcommittee on Transportation, Tourism, and Hazardous Materials at Stevens Institute of Technology. The subcommittee met at the request of ranking subcommittee member Rep. James J. Florio, D-N.J., who said 7 million tons of sludge are dumped off the New Jersey coast each year.

"For too long, destructive ways of dealing with waste, (such as) ocean dumping, have been tolerated, even encouraged on the premise that there was no feasible alternative," the Democrat said. "That just isn't so."

Reiter said technological break-throughs, such as thermal treatment and other methods of rendering sludge harmless or even useful, are being developed with private funding, while EPA drags its feet behind, using public opinion as its reason.

Paul S. McGough, vice president of Resources Conservation Co., Bellevue, Wash., said that while millions of dollars go into engineering studies, firms on the technological frontier go out of business waiting to demonstrate their findings.

"It's not the public that's objecting," said McGough. "It's the EPA."

F. William Gilmore, chief executive officer of Colorado's Cleanup & Recovery Corp., said the EPA shows resistance to new treatment technologies.

"There are a number of new technologies," he said. "But I suspect they'll remain on the shelf. Congress and EPA should encourage the industrial community to employ novel and innovative treatment ideas . . . otherwise, the institutional bias will continue minimizing prospects for . . . promising technologies."

The EPA is conducting several research programs into alternate technologies, said John Skinner, director of office of environmental engineering and technology demonstration for the EPA.

After hearing the testimony, Rep. Frank Guarini, D-N.J., said EPA has "failed to meet its mission."

Florio said EPA also fails to enforce laws governing ocean sludge dumping. But Richard T. Dewling, commissioner of the state Department of Environmental Protection, said Congress must pass a law barring the practice.

"Legislation is the only way to stop dumping. We need changes in the law that don't allow loopholes . . . or it will continue," Dewling said, noting 50 percent of the state's sludge is dumped in the Atlantic.

Florio said the loopholes can be interpreted as EPA's "non-productive exercise of its discretion" because federal law empowers the agency to ban ocean dumping unless there's no economically feasible alternative.

"It's redundant for Congress to pass a law saying: Enforce the laws," he said. "EPA tomorrow must say: No waivers or permits."

TO REDUCE THE DEFICIT WE MUST REDUCE THE CAPITAL GAINS TAX

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. KONNYU. Mr. Speaker, 5 weeks ago this Congress passed the budget for fiscal year 1988. This bill was roughly 82 days past due which can largely be attributed to negotiations on an agreeable bipartisan deficit reduction package.

We in Congress must begin work now on a deficit reduction package for future years. This package should significantly cut spending and roll back the current, heavy taxation of saving and investment. In particular, one positive tax move would set the capital gains tax rate at 15 percent.

History has proven that we can actually raise revenue in order to meet deficit reduction targets by cutting the capital gains tax rate. By reducing the rate on capital gains in 1978, increased revenue from capital gains taxes rose from $8.1 billion in 1977 to $11.7 billion in 1979.

The Tax Reform Act of 1986 eliminated the preferential tax rate on capital gains, which are now taxed as ordinary income. This will have devastating effects on the formation of capital and will surely result in a capital gains tax revenue loss over the next few years.

The current capital gains tax rate will have an adverse impact on the ability of small businesses to raise equity capital since it reduces the willingness of venture capitalists to take the risks involved in funding innovation and technological research. History has proven this to be the case as higher capital gains taxes imposed in 1969 inhibited the efficient use of capital and virtually dried up funds available for risky new ventures and new technologies. It is said that America's revolution might never have been launched without the 1978 cut in capital gains taxes.

Higher capital gains taxes reduce the liquidity and efficiency of capital markets. Higher capital gains taxes reduce taxpayer's willingness to realize capital gains. Higher capital gains taxes reduce the amount of tax revenue that the Federal Government actually receives.

It is essential that we restore preferential capital gains tax treatment to a maximum rate of 15 percent. Enacting this legislation could add billions of dollars to the Federal Treasury and give a tremendous boost to high-technology and other industries and businesses seeking the venture capital to keep the United States ahead of its international competitors, most of whom impose no capital gains taxes at all.

TRIBUTE TO LARRY D. ANDERSON

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. HYDE. Mr. Speaker, it is an honor today for me to pay tribute to a constituent of mine, Mr. Larry D. Anderson of Elmhurst, IL, who recently was named by the Jaycees as one of the 10 outstanding young people in the State of Illinois.

Knowing what I know of Larry's commitment to the DuPage County community, I can think of no better recipient for this most prestigious award.

It was Larry's idea to initiate with others a privately financed flood relief fund following the August 1987 disaster which left thousands of people temporarily homeless in the metropolitan Chicago area. More than 180 families in the Elmhurst community, flooded from their homes, benefited from the estimated $85,000 contributed to the fund.

An attorney, Larry has given new dimension to the term pro bono. In the selfless service of others, he has nurtured a sense of community spirit by his work with the Cub Scouts, Little League baseball, community theater, the PTA, the United Way Campaign of Elmhurst, the YMCA, the Chicago Bar Association, and his church, St. Peter's United Church of Christ.

A member of the Elmhurst Jaycees since 1977, he has actively served his club in a variety of leadership positions, in addition to receiving numerous awards from the State and national organization, the latest award being yet another example of his commitment to excellence.

Thus, it is with great pleasure that I extend my very best wishes to Larry and his club colleagues who, I am sure, share a sense of accomplishment and pride for what Larry has contributed to Elmhurst and DuPage County.

TRIBUTE TO ALDA WILLIAMSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. RANGEL. Mr. Speaker, on January 29, 1988, one of my constituents, Ms. Alda Williamson, will retire after 33 years of valuable and trusted service with United Parcel Service.

Alda, as she is known to her colleagues and professional associates, has been the company librarian and archivist. She has been the regular official reader of the CONGRESSIONAL RECORD, and her deep understanding of the legislative process has been a great asset to the UPS Public Affairs Group.

Aldo was born in Hickory, NC, and attended the public schools there. She graduated from Lenoir Rhyne College with majors in history, English and biology. She received a fellowship at the University of Maryland, and simultaneously worked as a Library of Congress bibliographer for the Office of Strategic Services.

She instructed in history for the 3 years at Hood College, Frederick, MD, followed by 3 years as assistant professor of history at Baylor University, Waco, TX. For the next 4 years she supervised the circulation library of the University of Chicago.

She joined United Parcel Service, September 23, 1954. Alda has served well the company and the company's shipping public. Her research was instrumental in enabling UPS to expand from serving retail stores in a number of major cities to serving the entire population of the 50 United States and Puerto Rico.

Alda has doubled as a training materials writer and editor in the national communications department.

Her 33 years of diligence chart a model record of trustworthy and effective management.

I am delighted that Alda is planning to relocate to Austin, TX, where she will enjoy the intellectual and political climate of that capital city. Alda deserves all the finest security, rest and entertainment that Texas can offer because, through her work at UPS, she has so conscientiously devoted the last 33 years of service to others.

I salute Alda Williamson for the many contributions she has made to United Parcel Service.

PRESIDENT CHIANG CHING-KUO

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. MARTINEZ. Mr. Speaker, I rise today to join with my colleagues in both the House of Representatives and in the Senate in extending my sympathies to the Chinese people in the Republic of China for the passing of their leader, President Chiang Ching-kuo, on January 13, 1988.

I was deeply saddened upon learning of the death of President Chiang. I had the honor of meeting with President Chiang during past trips to the Republic of China. On a personal level, I found President Chiang to be a courageous leader who truly cared about the citizens of the Republic of China. President Chiang's accomplishments validate this perception. Through his leadership, the Republic of China has been transformed from an impoverished island country into an economic giant all within a 25-year period. Moreover, President Chiang must be credited with encouraging the evolution and operation of democracy in the Republic of China. In sum, the Republic of China has lost a valiant statesman.

On behalf of the people of the 30th Congressional District of California, I express my deepest sorrow to President Chiang's family and to the citizens of the Republic of China on the loss of President Chiang Ching-kuo. I share their sense of loss and I hope and trust that President Lee Teng-hui will lead his nation to even greater economic prosperity and political liberalization.

FARMERS' MARKET NUTRITION ENHANCEMENT PROGRAM

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. LELAND. Mr. Speaker, today I am introducing legislation to establish a 3-year national demonstration project which would permit States to provide participants in the Special Supplemental Food Program for Women, Infants and Children [WIC] with additional resources to purchase fresh produce and other nutritious foods from farmers' markets. This bill, which is also sponsored by my colleagues Representatives GEJDENSON and ATKINS will help increase income for farmers and supply low-income households with nutritious foods for consumption.

This legislation is based on a program that has been successfully demonstrated in the Commonwealth of Massachusetts for just 2 years. The Massachusetts Department of Food and Agriculture established a pilot program to provide nutritionally at risk inner city residents of Massachusetts with fresh, and nutritious fruits and vegetables through a network of farmers' markets in 1986. The program is also designed to provide farmers who are participating in the markets with new customers and increased sales.

The Massachusetts' program is very simple. Low income mothers and elderly people who have been determined eligible to participate in the program are given $10 worth of coupons. These coupons are used to purchase fresh produce at a participating farmers' market. Hence, both the low income consumer and the farmer benefit from the transaction.

The success of the program can be measured by the growth and the acceptance of the program in Massachusetts. In 1986, coupons valued at $18,000 were distributed to 2,000 families by the Department of Public Health's Special Supplemental Food Program for Women, Infants, and Children [WIC] office. According to the Department of Food and Agriculture in Massachusetts, these families purchased more than 60,000 pounds of fresh Massachusetts produce at four farmers' market sites. The 60 farmers who participated realized a 25-percent increase in gross sales.

The program has since been expanded to eight additional farmers' markets statewide. Participation has increased to 13,500 WIC families and nearly 200 farmers.

Massachusetts, the first State to implement a farmers market coupon system, is not the only State which can show success in bringing together low income families and farmers. Programs generally replicating the one in Massachusetts can be found in Connecticut and Iowa. Vermont is operating a similar project, where produce from farmers markets is made available to low-income individuals who use the emergency food shelves network.

The Connecticut and Iowa programs are targetting large communities with high concentrations of low-income families, Hartford and Waterloo respectively. Based on the success of these two selected sites, both States plan to expand their programs to reach more low income residents and farmers markets statewide. Vermont is also expanding its program based on the overwhelmingly positive reaction from beneficiaries.

This legislation offers a variety of benefits. It addresses the nutritional needs of women and children who come from low-income households—State health agencies set income criteria at 185 percent of the national poverty level or below—and must be certified by a health professional to be at nutritional risk. The food packages provided through WIC each month are designed for the dietary needs of the pregnant, postpartum, and lactating women, infants, and children up to the age of 5. They provide vitamins and nutrients which are most likely to be absent from their diets. The supplementary purchase of items such as fresh fruits and vegetables which many of these households lack clearly contributes to the well-being of people in danger of malnourishment.

The experience of the four programs in existence indicates that the low-income consumer becomes acquainted with markets where a greater amount of food per dollar can be obtained. In Massachusetts, the average participating family received nearly 40 pounds of food for $10 in coupons for the farmers' market season. The program improves marketing opportunities for local farmers and the additional income provides them with incentives to operate in low-income areas. Finally, the program establishes no new bureaucracy but works through existing systems.

We believe the programs already in operation display the capabilities State government and communities have in solving problems and improving the quality of life. Such programs can stimulate market opportunities for local farmers throughout the country and improve access to fresh products to low income, nutritionally at risk individuals. This bill provides for a modest investment which will have a great impact on vulnerable groups. I would like to now share with my colleagues a copy of the farmers' market pilot project legislation, which I urge you to cosponsor.

PUBLIC SERVICE RECOGNITION WEEK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. HOYER. Mr. Speaker, today I am introducing this resolution to recognize one of our Nation's most valuable national resources—our public employees. The quality of government's service to people in this country and around the globe reflects America's true leadership position in the world.

Public employees defend our borders, enforce our laws, and represent our interests in countries around the world. They fix our roads, vaccinate our children to prevent childhood diseases, deliver our mail, negotiate our treaties and trade agreements with other nations, and perform countless other public services that many of us have come to take for granted.

To commend public employees for their unceasing dedication to serve the American

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people. I introduce this resolution to designate the week of May 2 through May 8, 1988 "Public Service Recognition Week."

FARMERS' MARKET NUTRITION ENHANCEMENT ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. GEJDENSON. Mr. Speaker, I rise today to join with two of my colleagues, Representatives MICKEY LELAND and CHESTER ATKINS, in introducing the Farmers' Market Nutrition Enhancement Act. This legislation will help small family farmers by increasing the use of farmers markets and will also provide fresh food to nutritionally at-risk families.

Most of us would agree that some of the best new initiatives aimed at meeting the needs of low-income Americans do not come from Washington, but from the States. I am always encouraged when Congress takes notice of these grassroots initiatives and puts the weight of the Federal Government behind their development.

The WIC-farmers' markets programs in Connecticut, Massachusetts, Vermont, and Iowa fit into the mold of innovative and effective grassroots initiatives. The programs were born out of belief that more fresh produce in the homes of WIC families will improve the families' general health and result in healthier babies. They were initiated with State and private money, and have won accolades from farmers and low-income people alike.

In Connecticut, the Hartford food system distributed free bonus coupons to 6,200 WIC recipient households during the fresh produce growing season solely to be used at three farmers' markets in the Hartford area. Over 80,000 pounds of locally grown produce was purchased with the coupons and Hartford county farmers increased their sales by 25 percent. Similar results were registered in Massachusetts.

For most of the coupon users, this was their first time shopping at a farmers' market. Over one-third of the WIC recipients who received a coupon came back to the market again to use their own money. Farmers felt the coupons made it worthwhile for them to keep marketing their produce in the inner city.

The Farmers' Market Nutrition Enhancement Act authorizes seven demonstration programs over a 3-year period. We chose to authorize demonstration, not permanent programs as there are many aspects of WIC-farmers market programs that need to be fine tuned. We also hope that States will recognize the benefits of these programs and significantly increase State and local support for their continued development after the 3-year demonstration project has run its course.

Our legislation also realizes that we are in a period of budget austerity. The Farmers Market Nutrition Enhancement Act only appropriates $2 million per year for the 3-year life of the program, and requires a total of $1 million in matching State contributions.

The $2 million Federal appropriation, furthermore, will have no impact on the benefits currently available to WIC recipients. The standard WIC package of milk, cheese, infant formula, cereals, and fruit or vegetable juices will be supplemented, not supplanted, by the demonstration programs with fresh produce from farmers markets. Farmers redeem the coupons for cash from the State.

In introducing this legislation, Representatives LELAND and ATKINS and I are very realistic in our expectations for this program. We do not expect that this bill, in and of itself, will end hunger in America or bring an end to the farm crisis. The Federal Government, however, would be remiss if it did not act to support the development of a very positive movement which will increase business for small family farms and put more fresh produce in the homes of low-income families.

TRIBUTE TO SIX CONSTITUENTS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. KENNEDY. Mr. Speaker, I rise today to pay tribute to six of my constituents. These six—Timothy Holt, Milagros Espada, Barbara Hughes-Sullivan, Marianne Meyers, Melissa Menton, and Scott F. Toner—have distinguished themselves as students and as members of their community and have been awarded scholarships at the University of Massachusetts at Boston.

Timothy Holt, of Cambridge, earned an A average at the Maine Maritime Academy and is a computer science major. Milagros Espada finished in the top 5 percent of her class at Somerville High School and has chosen management as her major. Barbara Hughes-Sullivan, of Somerville, graduated from Bunker Hill Community College with an A average and has selected psychology as her major. Marianne Meyers, a graduate of the New England Conservatory, has selected English as her major. These four outstanding students have been awarded the Chancellor's Scholarship for Excellence.

Melissa Menton received her GED in July 1986. Since then she has worked as a receptionist in Boston and as a volunteer at Greenpeace. She plans to pursue a political science major. Scott Toner, of Cambridge, was very active at Matignon High School and also has been active with the Catholic Service Program. He also plans to pursue a major in political science. Both of these students have been awarded the Michael Ventrusca Scholarship.

We all agree that education is vital to our country's future. But we must not forget that quality education depends on more than good schools and colleges and more than excellent teachers and professors; quality education also relies on motivated students. Students like these make America's educational future bright.

I am very proud to bring these students to the attention of my colleagues. These six individuals have combined talent, hard work, a commitment to excellence, and a commitment to their community. The University of Massachusetts at Boston has always been an outstanding school. With students like these it will be even better.

LEGISLATION TO ADDRESS THE STUDENT LOAN DEFAULT PROBLEM

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. JONTZ. Mr. Speaker, today I am introducing legislation to address the student loan default problem.

Paying for students who are defaulting on their guaranteed student loans [GSL's] has become the third largest expenditure of the Department of Education. This cannot continue if the GSL Program is to survive. At the same time, any response to this problem should not penalize future students or schools for a situation beyond their control.

My legislation gives students, lenders, institutions, guaranty agencies, and the Department of Education additional responsibilities to prevent defaults and help obtain collections.

The bill:

First. Requires monthly information from guaranty agencies to be sent to the national student loan data bank at the Department of Education. The data will include student loan delinquencies, defaults, and the change in status of a borrower whose loan is delinquent or in default.

Second. Requires guaranty agencies to provide a monthly report to eligible institutions of borrowers who are delinquent of their obligations. The institution then has an affirmative responsibility to review and correct the information and report back.

Third. Establishes a consistent and equitable definition of "default rate" which takes into account collections made on defaulted loans as well as a credit for certain high risk students who graduate or successfully complete a program of study.

Fourth. Requires that limitation, suspension, or termination of participation in guaranty programs be based on default rates after 3 years of reliable and consistent data have been accumulated. Institutions with default rates below 25 percent may not be subject to limitation, suspension, or termination from guaranty programs. Other aspects of the institutions' default rate situation may also be considered prior to any limitation, suspension, or termination procedures.

Fifth. Requires additional information from borrowers, including an acknowledgment of the responsibilities associated with the loans. It allows schools to withhold transcripts and other records from borrowers who are in default. Further, the student is provided with a statement of consequences for default on a loan and the student is required to provide additional information during the entrance and exit interview which could be helpful in collection of loans.

Sixth. Requires schools to institute default prevention programs. In addition, the proceeds of the student loans can only be multiply dispersed on a quarterly basis, with no

funds available until 14 days of the program have been completed.

Seventh. Provides a congressional finding that the continuation of the IRS Offset Program has been successful and should be continued, and that other offset programs should be examined that would assist in the collection of defaulted loans.

Eighth. Requires the Department of Education to report annually to Congress on this issue.

I urge my colleagues to review the legislation and support this commonsense approach to addressing the default problem. It ensures the integrity of the GSL Program and continued student access to GSL's.

THE FARMERS' MARKET NUTRITION ENHANCEMENT ACT

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. ATKINS. Mr. Speaker, 2 years ago the Massachusetts Commissioner of Agriculture began an innovative, low-cost program that directly benefits two groups of people that have fared badly in our economy: young mothers and their children, and farmers. It does so in a way that would make Adam Smith proud: It brings supply to meet demand.

Farmers in the United States produce an overabundance of food. In order to sell their goods, farmers are forever looking for new markets and customers.

Mothers and young children in the Special Supplemental Food Program, commonly known as WIC, are provided with vouchers that list specific foods that they should eat to make their diet more nutritious. But they still need to fill in the rest of their diet. They need to know where they can get fresh and nutritious produce for themselves and their children.

Thus, we have a large supply and a large demand, both groups needing each other. The Massachusetts program brings them together by providing WIC mothers with $10 worth of coupons to buy fresh produce at farmers' markets in their area. The farmers then redeem the coupons for their full value.

This has the effect of introducing fresh produce into WIC recipients' diets. It also introduces new customers for the farmers that sell produce in these markets. In essence, these coupons have worked as a free marketing device for the farmers.

The program has been a great success. Redemption rates are high, often as high as 74 percent. And the cost has been extremely low: In 1987, the program served 32,500 people for only $248,000. Essentially, there is little cost over the value of the coupon.

Word has spread about the success of the Massachusetts program. Similar programs have been established in Connecticut, Vermont, and Iowa.

Today, I am joining MICKEY LELAND and SAM GEJDENSON in introducing the Farmers' Market Nutrition Enhancement Act, a Federal demonstration program to support existing farmers' market coupons programs and encourage the creation of new programs.

It is rare, indeed, that we find an idea with as much promise as farmers' market coupons. By bringing WIC recipients, a group looking for inexpensive ways to purchase nutritious foods, together with farmers, who are always looking for more buyers of their produce, we have made a perfect match.

I urge my colleagues to support this legislation.

TRIBUTE TO CHARLENE VEST

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. BUECHNER. Mr. Speaker, I rise today to honor a selfless and outstanding servant of our Nation's youth—a teacher and mentor, a woman respected and loved by her students—Charlene Vest.

In a time when we're really not certain whether "Johnny" can read after all, it is paramount for us as this Nation's elected Representatives to give overdue recognition to the dedicated, professional men and women who are the true heroes of our public education institutions.

From the Second Congressional District of Missouri, Charlene Vest was such a hero. As a teacher of third-graders at the Pattonville Traditional School, she established for her students under NASA charter a "Young Astronauts Club" after she herself witnessed a launch of the space shuttle.

Taking to heart the words of Plato, that "[t]he direction in which education starts a man will determine his future life," during her 23-year tenure, Charlene Vest directed an entire generation of elementary school students toward dwellings in the higher realms of knowledge and wisdom, and prepared those students to be 21st century American leaders.

The life of this hero of American education came to a tragic end in December, when she was killed in an automobile accident. In her memory, the Young Astronauts Club has been renamed, with the approval of NASA, to the "Charlene Vest Young Astronauts Club," and a 23-foot oak tree will be planted—1 foot for each year she so nobly served her school.

The memory of Charlene Vest will continue through the many young people whose lives she so deeply touched.

It is an honor for me as the elected representative from the Second Congressional District of Missouri to hereby immortalize the name of Charlene Vest in the House of Representatives this day, January 28, 1988.

THE CHILD PROTECTION AND OBSCENITY ENFORCEMENT ACT OF 1987

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. HEFLEY. Mr. Speaker, I rise to praise the recent actions of several national telecommunications firms in taking steps to limit so-called dial-a-porn telephone lines.

Last week, one of those companies, US West, covering 14 western States, announced it would move such dubious services to a new, pay prefix—960—while continuing to offer other dial services through the old 976 prefix. At customer request, US West will block calls to either prefix or both, free of charge. And US West will no longer provide billing services for the 960 services.

This last action is echoed by that of AT&T, which recently announced that it, too, would no longer provide free billing services to those providers of pornographic telephone services.

A spokesman for the Mountain Bell subsidiary of US West pointed out that phone companies are public utilities, not community censors. Yet their actions will give customers the tools they need to protect their children.

Plans such as these are indicative of the best traditions of the American system—of private companies and individuals taking the initiative in addressing a public problem. We should applaud them for their action and encourage other telephone carriers to adopt similar policies.

Yet, at the same time, we in this Chamber should not view the actions of these utilities as a way out of making hard decisions of our own on this matter. No doubt everyone here has received too many letters from constituents to forget the importance the public places upon this issue.

Two weeks ago, the Second Circuit Court of Appeals in New York approved the Federal Communications Commission's latest set of regulations governing these types of communications. At the same time, the court rejected the Supreme Court's distinctions between "obscene" and "indecent," a ruling which may send the issue back to the Supreme Court. Nonetheless, the FCC claims it now has workable regulations in place and may consider introducing further legislative curbs within this year.

Today, I signed on as a cosponsor to the Child Protection and Obscenity Enforcement Act of 1987. This comprehensive package, drafted by the Justice Department and reflecting the findings of the Attorney General's Commission on Pornography, appears to offer the best legislative avenue for addressing this issue in light of legal precedent and existing regulatory statutes.

The act seeks, first, to update Federal law to take into account new technologies employed by pornographers and, second, to remove loopholes and weaknesses in existing law. Its provisions address three basic areas—sexual exploitation of children through child pornography, obscenity, and child protection, the latter provision including dial-a-porn and cable pornography.

I believe that this law, combined with continued efforts by private citizens and the telecommunications industry and the enforcement of existing FCC regulations, will do much to halt the spread of this social problem.

The pornography issue has festered in the courts and before Congress for almost 2 years. A general consensus has formed among the public that something must be done and that public is asking this body to act, in order that debate on this issue might be brought to a conclusion. In light of that sentiment, I urge you to support passage of the Child Protection and Obscenity Enforcement Act of 1987.

JAPAN, ICELAND STILL KILLING ENDANGERED WHALES

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to voice my anger at learning that two nations—Iceland and Japan—will violate international agreements and continue the illegal killing of whales in 1988. I would like to share with Members an article from the New York Times which describes this situation:

[From the New York Times, Jan. 24, 1988]

JAPAN AND ICELAND WILL DEFY BAN ON THE KILLING OF WHALES

REYKJAVIK, ICELAND, Jan. 23 (Reuters).—Japan and Iceland will continue to hunt whales despite an international moratorium and have threatened to leave the International Whaling Commission if the organization objects, Icelandic radio and officials said today.

The radio quoted Kazuo Shima, counselor of the Japanese Ministry of Agriculture, Forestry and Fisheries, as saying in Reykjavik that if the commission formally opposed its research program Japan might withdraw from the commission.

Officials said Iceland's Fisheries Ministry, Halldor Asgrimsson, made a similar threat at a closed two-day conference in the Icelandic capital that was attended by officials of six whaling nations. He also called for changes in the International Whaling Commission.

Japan says it wants to hunt for 300 minke whales to calculate the size of the minke stock, and Mr. Asgrimsson said Iceland would proceed with its four-year program of hunting up to 120 whales per year for research purposes. Conservationists have argued that research programs are thinly disguised efforts at continuing commercial whaling.

DISPUTE ON COMMISSION TERMS

The whaling commission condemned Iceland's program last year as being in violation of an international moratorium on commercial whaling that is to last until 1990.

Icelandic officials say that the moratorium was enacted on the premise that the time would be used to increase research into whale populations but that the commission had shown little willingness to do so.

The United States threatened Japan on Friday with possible economic retaliation if it killed any whales on its current expedition in the Antarctic. Federal law requires sanctions against any nation certified as violating international efforts on whale conservation.

Iceland averted such certification last year by agreeing to lower its announced quota to 100 whales from 120.

In return, Washington promised to work with Iceland on changes in the International Whaling Commission

JAPAN ACCUSES U.S. OF PREJUDICE

The radio said that at the conference Mr. Shima blamed the harsher reaction to Japan's hunt for whales on American "racial prejudice."

Mr. Shima said Thursday that Japan was prepared to continue its whaling program, despite the American threats.

"If the United States places sanctions against Japan we are ready to accept such sanctions," he said.

Mr. Asgrimsson is to meet with officials in Washington next month to discuss possible changes in the whaling commission's scientific committee.

The news of plans by Japan and Iceland for the continued killing of endangered whales comes at an especially bad time. It is particularly disruptive to negotiations aimed at improving our economic relationship with one of the offending nations—Japan. The whaling issue is likely to complicate efforts to negotiate in good faith with this important foreign trading partner.

Furthermore, this news is disturbing as the Congress of the United States is in the process of reauthorizing and strengthening the landmark Endangered Species Act. This act has enjoyed broad public support since its enactment in 1973. It provides for the strongest species protection of any statute ever enacted by a nation, and it has served as a guide for other countries trying to protect and conserve their natural environment.

Clearly, U.S. law requires sanctions against any nation which violates international efforts to conserve whales. I urge my colleagues to seriously consider imposing economic sanctions on nations proceeding with plans to kill endangered whales.

Mr. Speaker, we must send a signal to the governments of Iceland and Japan that this nation will not tolerate the taking of whales and the abrogation of international agreements to which the United States is a party. The trade bill now under consideration in the Senate may be an appropriate place to start in this regard; perhaps some other vehicle is preferable. By whatever means, this Congress must go on record as supporting the conservation of the international marine environment and opposing the killing of endangered marine animals.

STRIVING TOWARD EXCELLENCE IN PERFORMANCE AN INNOVATIVE "STEP" FOR MINNESOTA STATE GOVERNMENT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1988

Mr. VENTO. Mr. Speaker, I wanted to share with my colleagues excerpts from an article written by Mr. Michael Barzelay and Mr. Robert A. Leone of the John F. Kennedy School of Government at Harvard University as it appeared in the July/August edition of The Journal of State Government. Their article extols glowing praise for an innovative approach to improve State government initiated by Minnesota's Governor Rudy Perpich known as striving toward excellence in performance [STEP].

STEP is an example of institutional self-improvement aimed at better serving its custommers at its best. By involving the State's civic and business leaders in a partnership to improve the management of State government, Minnesota commissioner of administration, Sandra J. Hale, was able to form a coalition whose very strength was its flexibility. It is no wonder that this successful project has become a model for a public policy course at the Kennedy School of Government.

CREATING AN INNOVATIVE MANAGERIAL CULTURE: THE MINNESOTA "STEP" STRATEGY

(By Michael Barzelay and Robert A. Leone)

Minnesota state government is experiencing quiet cultural change. Every year, public managers throughout the bureaucracy are invited to experiment with managerial innovations designed to enhance the quality, quantity or cost-effectiveness of their agencies. Many public servants are responding eagerly to the invitation to serve citizens better, to measurably improve their operating performance and to take greater responsibility for making their agencies more innovative and productive.

The belief that public managers should strive for excellence in performance by consciously experimenting with internally generated ideas is not widely accepted, even if the "good government" state of Minnesota. Yet this concept of public management is making some headway among the state's civil servants, political appointees, business executives and union leaders. Behind this cultural change lies a set of carefully designed political and managerial strategies. This paper explores how a coalition forged by Commissioner of Administration Sandra J. Hale is providing the political support for a nascent culture of innovation throughout Minnesota state government.

THE DEVELOPMENT OF HALE'S STRATEGY

Commissioner of Administration Sandra Hale was well positioned to experiment with new strategies to improve state government. Hale eventually premised her strategy upon beliefs which ran counter to previous productivity schemes.

Her first premise was that state employees are predominantly competent and dedicated to their work as well as capable of innovating if empowered to do so. Second, successful organizational change usually requires employees to retain substantial control over the process of change. The third was that employees are ordinarily more motivated by the goal of improving performance—increasing quality, quantity or cost-effectiveness—than by mandates to lower costs or raise productivity. Finally, the commissioner believed state employees might actively take advantage of private sector resources if a joint public-private performance initiative were designed according to these premises.

Hale desired to challenge common beliefs that state employees are unresponsive, follow routines and are not innovative. However, as commissioner of the Department of Administration (DOA) she possessed few direct institutional resources to promote good management across state government. Primarily an oversight agency, DOA manages the state's information and telecommunications services, procurement, motor pool and property holdings, as well as a prestigious group of internal consultants.

To create a climate for innovation, experimentation and performance improvement, Hale needed the commitment of, among others, the governor, fellow commissioners and civil servants. Unless Perpich visibly supported Hale's premises and programs, other agencies would likely be indifferent to her initiatives. Fortunately, Perpich was attracted to Hale's conception of innovation,

which he found similar to the management philosophy of Control Data Corporation, where he served as an executive between elections. Yet Hale could not expect the governor to dedicate much time to pursuing a theme so counter to traditional conceptions of "good government."

Hale also faced the skepticism of state employees. Her strategy of relying on civil servants to initiate producitivity improvements could be undermined by, among other things, strong popular beliefs that deprecate the competence of bureaucrats. The very state employees whose innovative ideas she sought had learned to follow rules and procedures closely to protect themselves from various external challenges.

Neither did Hale expect help from the state legislature. Legislators typically gain more political mileage by exposing the inadequacies of the bureaucracy, taking stands on issues, servicing constituent requests and seeking state aid for local needs than by seeking to improve the quality, quantity and cost-effectiveness of government. Hale had practically nowhere to turn.

BUILDING A COALITION

Perpich appointed Hale commissioner, in part, because she had worked closely with leaders in business, politics and the arts, and was adept at using these contacts to strengthen organizations with which she was associated. Most prominently, she chaired the board of the Guthrie Theater. Board members included many of the Twin Cities' foremost business executives. As commissioner of administration, Hale set out to correct business leaders' misperceptions of Minnesota government and thereby temper strident anti-government rehetoric of the prominent business associations.

In conversing with business leaders, Hale discovered that some executives might support her efforts to devise a statewide management improvement program. In particular, William Andres, who chaired the Dayton-Hudson Corporation and the productivity task force of the Minnesota Business Partnership (the association of big business), bolstered Hale's confidence in her concept to public management. Further, Andres encouraged the commissioner to emphasize the goal of improving service quality (in contrast to the historical goal of reducing costs).

Hale was persuaded that several prominent members of the business community might support a strategy of relying on state employees as sources of innovation and of using a public-private partnership to enhance these state employee innovative efforts. In 1984, Hale began to build a coalition of business and political leaders to support a state productivity program based on the premise that state employees are competent and eager to innovate.

* * * * *

INSTITUTIONALIZING THE COALITION

By the end of 1984, Hale began to form a steering committee for the productivity project. Perpich agreed to serve as co-chair, signaling his commitment to the effort, along with Andres. Andres consented to recruit other top business leaders as well. Leaders of the major public sector unions, together representing virtually all state employees, were invited to serve on the steering committee. With the governor as co-chair and with the unions involved, Hale set a tone that distinguished her project from prior productivity efforts.

Hale also sought to eliminate state agency staff fears that savings from productivity improvements would be offset by budget cuts as had happened in previous reform efforts. The fear that innovations would lead to budget and possibly staff cuts tended to discourage bureaucrats from seeking to innovate.

In Hale's vision of a productivity program, state employees would be assured that their budgets would remain intact even after their suggested innovation was successfully implemented. This vision could be made credible by the support of the steering committee. The steering committee's sole resource was its prestige, but that was indeed a significant resource.

While the mere existence of such a steering committee could lend support for excellent management and innovations, it could not quickly change long-established behavior patterns. The committee somehow had to provide legitimacy to particular innovations so that the proposed changes would be accepted within the state government and so that the legislature would not match improvements in cost-effectiveness with budget cuts.

The institutional procedure designed to provide such political cover was to let the steering committee sanction the innovations; state employees would submit innovative project proposals to the committee for approval or disapproval. Approval by the committee, in effect, creates an alliance between particular bureaucrats, the governor, the state business elite, several commissioners and the public sector unions against those who might oppose the proposed innovation.

The composition of the steering committee and the solicitation of initiatives from below signaled the clear rejection of the top-down methods used by previous private sector commissions. So too did the name given the program. Realizing that the bureaucracy initially feared another wave of prodding from business executives, Hale's team chose the acronym STEP, differentiating the new program sharply from the Loaned Executive Action Program (LEAP). Consistent with this strategy of program differentiation, the words represented by the STEP program were first "Strive Toward Efficiency and Productivity," but later were changed to the more positive "Strive Toward Excellence in Performance."

WHY BUSINESS PARTICIPATES IN STEP

Corporations participate in STEP in two ways: through six top executives who are members of the steering committee and through firms which are asked to become "private partners" for specific STEP projects. Complex motives explain the considerable degree of business participation.

The Minnesota business community is well known for its civic consciousness. Except through occasional participation in productivity programs such as LEAP, however, Minnesota business had not been particularly involved in improving the management of state government.

Recent attention to the issue of corporate social responsibility helped convince some business leaders to promote excellence in state government. In the 1970s, Control Data Chairman William Norris and other leading corporate executives argued for greater cooperation between business and government through "public-private partnerships." Perpich vocally supported such partnerships at the start of his administration in 1983. Hale thought it made sense to tie the governor's productivity initiative to the partnership concept.

Once STEP gained the support of leaders such as Andres and Perpich, corporations that prided themselves on being outstanding "citizens" could not easily abstain from participating in this new model of public-private cooperation. These institutional incentives sometimes blended with market-oriented ones. For example, Control Data's donation of "process flow analysis" software to the Division of State Claims (the agency responsible for the state's workers' compensation program) occurred as part of a strategy to tailor its products to the public sector market. At the same time, the donation was greatly facilitated by the idea of public-private partnerships as well as by the institutional structure of the STEP program.

* * * * *

COMPETING MODELS

Unifying the diverse elements of STEP is the vision that state employees rather than the private sector should be the source of innovative ideas and change. Within this unifying vision, there is room for diverse views. Initially, some people saw STEP simply as a vehicle to mobilize bureaucrats' good ideas and to help make these ideas an institutional reality. Others, such as Deputy Commissioner Babak Armajani, viewed STEP foremost as an instrument for changing the culture of the state bureaucracy.

These differing views of STEP have implications for project selection, design and follow-up. For example, Armajani's approach favored projects that would provide project managers with greater management discretion, increase opportunities for employee participation and team work, breed a concern among state employees for serving customers and provide a mechanism for measuring results. According to this view, STEP was a deliberate effort to transform project leaders and team members into carriers of the new culture of managerial excellence.

* * * * *

PRODUCING RESULTS

STEP has elicited a significant response from the bureaucracy in its beginning years. Interviews with STEP program participants revealed several motivations for participation in the program: (1) some employees believe that support for an innovative idea from outside their agency counterbalances their supervisors' indifference, (2) some supervisors feel compelled to generate STEP proposals to please the powers that be, (3) some participants wish to prove that the public sector can be managed as well as the private sector.

The following sample of STEP projects from these beginning years shows a remarkable range of STEP projects.

The Division of State Claims, as mentioned, used STEP to acquire sophisticated computer software to streamline the processing of worker's compensation claims.

The parks department now accepts credit cards in a STEP-sponsored initiative to make it more convenient for park patrons to pay for season permits.

A planning group integrated data bases to facilitate economic development.

The corrections department diversified the product lines in prison industries and developed a program to sentence prisoners to community service as an alternative to incarceration.

The state human rights agency uses its private partners to aid in the enforcement of equal housing and employment opportunities.

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A health agency revised the reimbursement formulas for services to handicapped children.

The treasurer improved cash management techniques by coordinating activities with the financial community.

The state weather service developed new channels of communication with major users of its services.

DOA now offers local government access to its centralized telecommunications service on a fee-for-service basis.

None of these innovations is spectacular in its own right. However, every item on this list is designed to make government work better, not just cheaper. These projects are designed to achieve excellence in public management through innovation, and, in so doing, to help reinforce a culture that encourages, nourishes and rewards innovations from within state service.

The politics of innovation are still being invented in Minnesota. The common meaning of good government, for instance, is beginning to include the notion of high-quality, cost-effective performance. In response to criticism from the Independence-Republican challenger during the 1986 gubernatorial campaign, for example, Perpich explicitly cited the STEP program as evidence of his dedication to improving government.

Although the long-term, bottom-up, "excellence in performance" approach has been institutionalized neither in the world of politics nor in the state legislature, the approach has made headway among some socio-economic and political elites as well as among some state employees. Through STEP's communications and other activities, a new discourse of public management is becoming meaningful to an increasing number of people in state government. The traditional culture of rigid hierarchy and exclusive accountability to process is being challenged by people holding an alternative vision of public administration.

The STEP vision is sustained, in part, by newly established networks of like-minded individuals, formed across departmental lines, across bureaucratic strata, and, to some extent, across the boundaries of the public and private sectors. At a minimum, these networks, deliberately fostered by STEP, help reorganize patterns of authority and communications in ways that breed innovation.

STEP is likely to succeed for three important reasons. First, innovation is an organizational process. Successful innovation is not merely a good idea successfully implemented; it is a carefully crafted process that percolates a succession of new ideas to the surface and effectively implements a portion of them. STEP is a remarkable project precisely because of its attention to the institutionalization of innovation from within Minnesota state government.

Second, the STEP program implicitly recognizes that inducing innovation requires political coalition-building, which, in turn, may require the kinds of creativity typically associated with "cultural entrepreneurship." Cultural entrepreneurship is the art of leading others to alter their core beliefs about social realities and possibilities. Political coalition-building is usually necessary to embed these reorganized beliefs in real-world social structures and institutions.

Third, a good deal of STEP's success lies in its reliance on decentralized initiative and its encouragement of clarification of purpose as essential to effective innovation (e.g., asking, Who is the customer? What measurable results do we seek?). Only in this way can the direction and pace of innovation match the strategic agenda of individual government agencies. The same approach to innovation is simply not appropriate for all state agencies and the STEP program is wise enough to recognize and accommodate this reality.

STEP's ultimate success rests on an appreciation of a simple reality—continued innovation is as much as a cultural phenomenon as an administrative one. Good ideas percolate to the top, are championed by public entrepreneurs, and are politically accepted only in a culture that values innovation for the good that it accomplishes, not merely the money it saves.

STEP consciously and systematically addresses this cultural question by empowering individuals and agencies in the bureaucracy to act on behalf of better government, while challenging those outside the bureaucracy to recognize that government can never be inexpensive if it is not done well.

HOUSE OF REPRESENTATIVES—*Monday, February 1, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As Your Word, O God, has given comfort through the ages to people in times of anguish, so we pray that Your Word will speak to every person who has any need. May Your spirit of healing and assurance, of hope and confidence, of forgiveness and reconciliation bless those whose lives suffer from any tension or illness or loneliness or meaninglessness. Inspire us, O God, to lift our eyes on high to see the hopes and promises that You freely offer to us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

WASHINGTON, DC,
January 29, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:32 p.m. on Friday, January 29, 1988 and said to contain a message from the President whereby he transmits the notice of his intent to remove Hong Kong, the Republic of Korea, Singapore, and Taiwan from their status as beneficiaries of the GSP program.

With great respect, I am

Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

REMOVING HONG KONG, THE REPUBLIC OF KOREA, SINGAPORE, AND TAIWAN AS BENEFICIARIES OF GSP PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-162)

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Ways and Means, and ordered to be printed.

(For message, see proceedings of the Senate of today, Monday, February 1, 1988.)

CONGRATULATIONS TO MICHAEL L. CURTIS, PAGE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, every year many bright and enthusiastic young men and women come to the U.S. Capitol to serve as pages while continuing their education in the House of Representatives Page School. This past semester, I had the pleasure of appointing a young man from my district of Louisville, Michael L. Curtis, as my page.

I am especially proud of Michael who, despite the rigors of classes at the crack of dawn and endless hours of working and walking, was not only able to maintain a high grade point average—a feat in itself—but also scored high enough on his PSAT examination to be placed in competition for a national merit scholarship.

In addition to his scholastic talents, Michael demonstrated leadership abilities and took on the responsibilities of a supervisory position in the page office while also contributing his energies to the publication of the school yearbook.

Michael has left to go back home to Louisville to finish his education. I know that he will engage his future endeavors with the same enthusiasm, dedication, and zeal, and my office staff and I send to him our best wishes for much success in the national merit scholarship competition and in his life ahead.

ESTABLISHING DEMONSTRATION PROJECT ON HOME HEALTH CARE PROGRAMS

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, today I am introducing a bill to establish demonstration projects on home health care programs. The bill would establish five projects and would have a duration period of 30 months. It would cover the home health care for the elderly and the chronically ill children who are presently covered under Medicaid.

I would hope that this would provide answers as to the cost of home health care, how it would be financed, the benefits that would accrue to those under the program, and the effectiveness for home health as opposed to institutional care.

I think it is essential that we know these facts before we embark on any costly new program of home health care.

I recognize that this will be an issue in this session. Therefore, I think it is vital that we have some pilot programs to determine how well these ideas will work and how much home health care will cost over the long term.

MARIETTA TO LAUNCH GE SATELLITES

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. LUJAN. Mr. Speaker, I would like to call your attention to an article that appeared in last week's Washington Post, entitled "Marietta To Launch GE Satellites."

When this administration announced last August that NASA would no longer be in the business of launching commerical satellites, the hue and cry could be heard around the world. We all heard the dire predictions. The communication satellite business would all go overseas because U.S. companies could not compete without subsidized shuttle launches. And the ELV industry, accustomed to no-risk contracts with the Government—and also not trusting the Government to stay out of the commerical launch business—claimed they could not compete in this kind of uncertain market. We would be dependent on Ariane—or worse yet the Soviet Proton—to launch our satellites.

Well I'm happy to see these reports of the industry's collapse were a little premature. Martin Marietta and GE have show us that U.S. industry, working together, can come up with innovative solutions, and they can survive. One success story doesn't mean a robust ELV industry, but it does mean that we've come a long way since those days when NASA effectively shut the private sector out of the launch market by offering shuttle launches far below cost. We now have three U.S. companies in the market—Martin Marietta, McDonnell Douglas, and General Dynamics—all competing with Ariane.

These companies are showing us that privatization can work. This is

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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not the time to pull the rug out from under them. Suggestions that the shuttle should be able to launch commercial satellites again send the wrong signal.

CONGRATULATIONS TO REDSKINS TIMMY SMITH

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, Washington, DC, is a city of transients, of people who are not from here, of bureaucrats, of Members of Congress and Senators who come during the week and leave on weekends. It is a city, however, that united in pride yesterday in the victory of the Washington Redskins.

Republicans, Democrats, the rich and poor, everyone under the Sun came together in unison in cheering for the Washington Redskins.

The Redskins have done the Nation's Capital pride. It is with great pride that the State of New Mexico honors Timmy Smith from Hobbs, NM, a rookie who came out of nowhere to establish a rushing record that even Larry Gzonka and Walter Payton and many others could not achieve.

The New Mexico Legislature in session declared yesterday as Timmy Smith Day in honor of this young man who ran away with the hearts of the country and provided victory for the Washington Redskins.

HAIL TO THE REDSKINS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, "Hail to the Redskins!" As the Congressman who represents northern Virginia, the home of Redskins Park, Coach Joe Gibbs, and so many of the Redskins coaches and players, I want to take this opportunity to congratulate the Washington Redskins—the players, coaches, and entire Redskins organization—on their magnificent record-breaking Super Bowl victory yesterday.

There were outstanding individual performances which stand out in the game, especially quarterback Doug Williams who was named the game's "Most Valuable Player." But the winning formula yesterday in San Diego for the Redskins over the Denver Broncos was teamwork. Every member of the Redskins team can take pride in their contributions to the Super Bowl XXII victory.

This team reflects just how far great coaching, hard work and dedication, and belief in one another as winners, no matter what the odds, can take a football team and the Washington metropolitan area is proud to share in their victorious season.

The Nation's Capital area is home to a divergence of people and viewpoints, but there is a common bond that draws us all together—from the District of Columbia to Virginia and Maryland. That unifying force is the Washington Redskins and to them we say, "Congratulations and thanks for a thrilling season."

Mr. Speaker, I would like to list at this point in the RECORD the Washington Redskins' players who today are the world champions of professional football:

Anthony Allen, Jeff Bostic, Todd Bowles, Reggie Branch, Kelvin Bryant, Dave Butz, Ravin Caldwell, Joe Caravello, Gary Clark, Monte Coleman, Steve Cox, Brian Davis, Vernon Dean, Clint Didier, Kurt Gouveia, Darryl Grant, Darrell Green, Keith Griffin, Russ Grimm, Ali Haji-Sheikh, Dean Hamel, Steve Hamilton, Joe Jacoby, Anthony Jones, David Jones, Mel Kaufman, Rick Kehr, Markus Koch, Dexter Manley, Charles Mann, Mark May, Raleigh McKenzie, Rich Milot, Art Monk, Tim Morrison, Neal Olkewicz, Terry Orr, George Rogers, Mark Rypien, Ricky Sanders, Jay Schroeder, Timmy Smith, R.C. Thielemann, Clarence Vaughn, Clarence Verdin, Alvin Walton, Don Warren, Barry Wilburn, Doug Williams, Dennis Woodberry, and Eric Yarber.

REDIRECT $8 MILLION FOR PAROCHIAL SCHOOLS IN FRANCE TO NEEDS OF OUR OWN CITIZENS

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, most of us are, by now, aware of the legislative legerdemain accomplished in the closing days of the last session when $8 million was appropriated for parochial schools in France.

We speak out daily on this floor and in our districts against the excess of Government spending and bemoan the huge deficit. And yet we appropriate $8 million toward religious, foreign schools. We cannot appropriate money for religious education in America—and yet we permit American taxpayer dollars to be used for that purpose abroad.

If we are determined to spend this $8 million, I would suggest we look to the needs of our own citizens. I have done just that—and I have found a need right in my own back yard. The city of Chester, PA, is on the verge of bankruptcy. The citizens of Chester need our help. And I want to help them. Today, I am introducing legislation which will redirect that $8 million to retire the debt of Chester, PA. I can be proud of this expenditure—I am ashamed of the other.

APPOINTMENT AS MEMBERS OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER. The Chair desires to announce that pursuant to rule XLVIII, the Chair appoints to fill existing vacancies on the Permanent Select Committee on Intelligence the gentleman from Massachusetts [Mr. MAVROULES] and the gentleman from New Mexico [Mr. RICHARDSON].

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THE FREEDOM OF INFORMATION PUBLIC IMPROVEMENTS ACT OF 1988

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, today, I am introducing the Freedom of Information Public Improvements Act of 1988.

The Freedom of Information Act [FOIA] was first enacted in 1966. The executive branch has given it a cold reception from the beginning. No department or agency representatives supported the legislation during committee hearings, and President Johnson reluctantly signed it into law.

In spite of agency fears, the act as adopted in 1966 lacked teeth to ensure agencies' compliance. It was ineffective until 1974 when strengthening amendments were passed over President Ford's veto. Since then, the act has proven its value countless times.

Most recently, FOIA has helped reveal favoritism in the award of Federal grants, the existence of FBI files on distinguished American writers, and FDA documentation of previously unknown health risks posed by certain chemicals and drugs.

Most important, the act serves to make the Federal Government accountable by guaranteeing the right of access to Government information. This right has been threatened by the current administration's efforts to withhold information, or make it more difficult to obtain, whenever possible.

A recently published report by the organization, People for the American Way, documents many attempts to control the American public's access to all types of information. The report, entitled "Government Secrecy: Decisions Without Democracy," describes how much executive authority has been exercised for this purpose since 1981.

Among the activities included are:

First, information classification and reclassification;

Second, unprecedented classification of defense and intelligence spending;

Third, requirements for some Government employees to sign secrecy contracts for lifetime censorship of writings;

Fourth, controls on the press;

Fifth, toughening of information access laws;

Sixth, restriction of access to nonGovernment data banks;

Seventh, reducing publication and dissemination of Government information; and

Eighth, restriction of scientific and academic freedom and ideological censorship of foreign visitors.

This administration is not the first to resort to secrecy. People in positions of power will always find it convenient to withhold information that could be embarrassing to themselves or that supports a view different than their own. It is also true that, in recent decades, we have seen a growing institutionalization of methods for withholding Government information from the public. The classification of information is a prime example of this. But by any measure, the extent to which this administration has sought to withhold information is unprecedented.

The origin of so much secrecy lies in a skewed set of priorities. National security interests have not been balanced with other considerations. They have taken precedence over the public interest, and sometimes over the law.

The Iran-Contra hearings provided us with the clearest indication of the views held by administration officials toward the public's right to know what its Government is doing. These events heighten the importance of the FOIA as the one law that protects the public's right of access to Government information.

My bill, the Freedom of Information Public Improvements Act of 1988, sets forth an agenda for strengthening the Freedom of Information Act [FOIA]. It does this by addressing specific problems encountered by its users.

The bill introduced today is similar to the Freedom of Information Public Improvements Act of 1985, H.R. 3319 which I introduced in the 99th Congress. This bill was developed with the guidance of the Society of Professional Journalists. Congressman ENGLISH, chairman of the Government Operations Subcommittee on Government Information, Justice and Agriculture, is again a cosponsor.

My proposed amendments to FOIA aim to resolve some of the most troublesome aspects of FOIA's implementation. Perhaps most troublesome is the practice of using vaguely worded exemptions in the law to shield data which deserves to be released. Another serious concern is agency delay in responding to FOIA requests. My bill addresses these and other problems in the following ways:

TIME DELAYS

The bill establishes a system of financial penalties against agencies failing to comply with legal deadlines, and broadens disciplinary sanctions against employees who deliberately obstruct requests. In addition, the bill would require expedited access procedures when circumstances demand urgent disclosures.

STANDARDIZATION AND OPENNESS IN THE FOIA PROCESS

The bill requires that agencies maintain logs of FOIA requests and responses, organize their recordkeeping systems to promote inexpensive and easy access, and make public any special queueing procedures in processing requests. Also, the bill vests FOIA oversight powers within the Archivist of the United States. This position is the one most likely to provide independent and impartial supervision.

EXEMPTIONS

The bill revises exemptions to FOIA for national security, internal personnel, and financial institution records. The national security exemption would be revised to express a balance between the security needs to protect the information and the public information needs to disclose it. The internal personnel exemption would be eliminated, except for law enforcement manuals that may allow criminals to avoid justice. The financial institution exemption would be sharply tightened to protect only the release of information that would cause immediate harm to a financial institution.

FEE WAIVERS

This bill differs from my 1985 bill in only one respect: The section on fees and waivers. This section is different because portions of this section were enacted into law as part of the 1986 omnibus antidrug bill. The bill introduced today clarifies the 1986 fee waiver language, making it easier for requesters to qualify for reduced fees. It also broadens the categories of those eligible for the reduced fees to include individuals and nonprofit organizations.

These changes will make a good law better. I am optimistic that the 100th Congress is likely to look favorably on strengthening amendments to the FOIA. I hope to see action on portions of my bill this year.

A synopsis of the bill follows:

THE FREEDOM OF INFORMATION PUBLIC IMPROVEMENTS ACT OF 1988 A SYNOPSIS

SEC. 2—FINDINGS

This section sets out the major historical and policy underpinnings of the proposed Amendments.

SEC. 101—RECORD KEEPING REQUIREMENTS

This section facilitates both oversight of agency compliance with requests and requesters' ability to determine if the information they seek already has been compiled. Each agency would be required to keep a log of requests received, a status list of pending requests and an index of all records disclosed under the FOIA. The section also includes a mandate that agencies improve the organization and maintenance of their records.

SEC. 102—FEES AND WAIVERS

This is the only section that differs from the Freedom of Information Public Improvements Act of 1985. Portions of this section from the 1985 bill were enacted into law as part fo the 1986 Omnibus Anti-drug Bill. Using language very similar to the 1985 bill, the anti-drug bill directed that the Office of Management and Budget promulgate a uniform fee schedule. It also provided for fee waivers or fee reductions when disclosure of the information at issue "is in the public interest. . . ." This bill clarifies the 1986 fee waiver language, making it easier for requesters to qualify for reduced fees. It also broadens the categories of those eligible for the reduced fees to include individuals and non-profit organizations.

SEC. 103—PENALTIES FOR AGENCY DELAY OR AGENCY FAILURE TO COMPLY

In order to enact meaningful sanctions against violations of the often ignored time limits in the FOIA, this section would allow a requester to be awarded expenses and attorney fees incurred in litigating an agency's failure to comply with the applicable time limits. This section also places the burden upon a non-complying agency to show the delay is warranted. A court would have the discretion to award a requester up to twenty-five dollars a day for each day that the agency exceeded the FOIA's time limits.

SEC. 104—SANCTIONS FOR AGENCY FAILURE TO COMPLY

The bill provides additional sanctions against agency employees who improperly handle FOIA requests. Should a court find "that circumstances raise questions about whether agency personnel acted arbitrarily or capriciously with respect to "a record or fee waiver request, the special counsel would have six months to investigate the agency's actions and issue a report. In order to expose agency employees who do not comply with the FOIA, copies of this report would be filed with the employee, the requester, the court and the appropriate Senate and House committees. The agency must then act on the Special Counsel's recommendation and report its actions to the congressional committees.

SEC. 105—EXPEDITED ACCESS

Since requesters, particularly members of the media, sometimes need information from the government very quickly, each agency would be required to establish regulations under which a requester demonstrating a compelling need could have expedited access to records. An agency failing to comply with a five-day limit for handling these expedited requests would be subject to reasonable attorney fees, litigation costs and, at the discretion of the court, a twenty-five dollar a day fine.

SEC. 106—SEPARATE QUEUES FOR PROCESSING REQUESTS

To better inform the public about agency procedures for handling FOIA requests, this section would require any agency with a separate queue or special procedure for handling a certain class of requests to describe that queue or procedure in its published regulations.

SEC. 107—REVISION OF EXEMPTIONS

This section revised the FOIA exemptions that have proven unreasonably restrictive.

The "b-1" national security exemption is modified to exempt only properly classified information the disclosure of which "could reasonably be expected to cause identifiable damage" to the nation's defense or foreign policy interests and only if "the need to protect the information outweighs the public interest in disclosure."

The "b-2" exemption for internal agency rules and practices would be revised to exempt only "law enforcement manuals that are predominantly internal in nature to the extent that disclosure significantly risks circumvention of an agency investigation, a regulation or a statute."

The "b-8" exemption for financial reports would be amended so that only those documents which, if disclosed, "would directly injure the financial stability of the institution" could be found exempt.

Agencies would be required to publish a complete list of all statutes authorizing exceptions to the disclosure requirements of the FOIA, and would be required to notify the relevant Congressional committees of the introduction of any legislation creating new exemptions to the FOIA.

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SEC. 108—PROHIBITION ON USE OF THE FOIA TO WITHHOLD INFORMATION TO CONCEAL VIOLATIONS OF LAW, INEFFICIENCY, OR ADMINISTRATIVE ERROR

In an attempt to state explicitly what the FOIA holds implicitly, the bill provides that documents cannot be withheld under the FOIA "in order to conceal violations of law, inefficiency, or administrative error by an agency."

SEC. 109—OVERSIGHT OF AGENCY COMPLIANCE

The bill would shift oversight responsibility for the FOIA to the Archivist of the United States, who would be granted power to issue binding interpretations and advisory opinions on the FOIA.

To further encourage agency compliance with the FOIA, the bill would require each agency to present an annual report to the Archivist, the Speaker of the House of Representatives and the President of the Senate detailing the agency's handling of document and fee waiver requests made under the FOIA.

SEC. 110—DEFINITIONS

To clarify which agencies actually are covered by the FOIA, the bill redefines the term "agency" to include any Executive department, military department, government corporation, government-controlled corporation, or other establishment in the Executive branch of government and any independent regulatory agency and includes the Smithsonian, the Council of Economic Advisors, and the Administrative Office of the United States Courts.

The definition of "records" would be clarified to include appointment calendars and telephone logs unless kept solely for the employee's personal use.

SEC. 201—PRIVATE CIVIL ACTIONS TO RECOVER AGENCY RECORDS REMOVED IN VIOLATION OF UNITED STATES CODE

Title 2 is an attempt to rectify the damage done by the 1980 Supreme Court case *Kissinger* v. *Reporters' Committee for Freedom of the Press.* In that case the Supreme Court declined to hold that notes of telephone conversations by Henry Kissinger were "agency records." Kissinger made the notes while National Security Advisor but transferred them to the State Department when he became Secretary of State. The court found that the "papers were not in control of the State Department's files and were not used by the Department for any purpose." Accordingly, the definition of "agency records" has been severely restricted by this case. Lower courts have used the Kissinger decision to prevent FOIA requesters from gaining access to "agency records." Kissinger has been interpreted to hold that an agency to whom the request is directed must have exclusive control of the document. If the agency to whom the request is directed does not have exclusive control over the document, the records are not obtainable under the FOIA, the courts have held.

The amendment would allow requesters to seek records improperly removed from an agency in violation of Title 44 of the United States Code of standards, procedures or guidelines promulgated pursuant to it. Similarly, suit may be brought against the United States or any other governmental agency that is in the possession of records removed from an agency in violation of Title 44.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Gray of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. Owens of New York, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Kleczka, for 5 minutes, today.

Mr. Owens of New York, for 5 minutes, on February 2.

Mr. Owens of New York, for 5 minutes, on February 3.

Mr. Owens of New York, for 5 minutes, on February 4.

Mr. Gaydos, for 60 minutes, on February 2.

Mr. Gaydos, for 60 minutes, on February 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Blaz) and to include extraneous matter:)

Mr. Fish.

Mr. Gingrich.

Mr. Courter in two instances.

(The following Members (at the request of Mr. Gray of Illinois) and to include extraneous matter:)

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mrs. Lloyd in five instances.

Mr. Hamilton in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. de la Garza in 10 instances.

Mr. Lantos in two instances.

Mr. Mazzoli.

Mr. Vento.

Mr. Atkins.

Mr. Montgomery.

Mr. Traficant in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 90. An act to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. GRAY of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 2, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2787. A letter from the Secretary of the Army, transmitting his determination and findings that it is in the public interest to use other than competitive procedures for a specific procurement, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

2788. A letter from the Chief, Office of Legislative Affairs, Department of the Navy, transmitting notification of the intent to sell certain naval vessels to the Government of the Arab Republic of Egypt, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on Armed Services.

2789. A letter from the Director, Federal Emergency Management Agency, transmitting a report on the operations of the National Defense Stockpile for the period April 1 through September 30, 1987, pursuant to 50 U.S.C. 98h-2(b); to the Committee on Armed Services.

2790. A letter from the Secretary of Housing and Urban Development, transmitting the Department's interim report on the Transitional Housing Demonstration Program, pursuant to 42 U.S.C. 11387; to the Committee on Banking, Finance and Urban Affairs.

2791. A letter from the Vice President, Chesapeake and Potomac Telephone Co., transmitting a copy of a Statement of Receipts and Expenditures, and a Comparative General Balance Sheet of the Chesapeake and Potomac Telephone Co. for the year 1987, pursuant to D.C. Code, section 43-513; to the Committee on the District of Columbia.

2792. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-132, "D.C. Certificate of Need Act of 1980 Amendment Act of 1987," and Report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2793. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-137, "Guardianship and Protective Proceedings Effective Date Amendment Temporary Act of 1987," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2794. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-136, "Conveyance of Real Property Act of 1987," and Report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2795. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-135, "Cable Television Communications Act of 1981 Amendment Act of 1987," and Report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2796. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-134, "D.C. Elections Code of 1955 Amendment Act of 1987," and Report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2797. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-133, "Unemployment Compensation Act Amendment Act of 1987," and Report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2798. A letter from the Auditor, District of Columbia, transmitting a copy of his report entitled, "Review of Boxing and Wrestling Commission Chairperson's Travel Expenditures for Fiscal Years 1982 through 1987," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

2799. A letter from the Vice Chairman and Chief Financial Officer, Potomac Electric Power Co., transmitting a copy of the Balance Sheet of the Potomac Electric Power Co. as of December 31, 1987, pursuant to D.C. Code, section 43-513; to the Committee on the District of Columbia.

2800. A letter from the Secretary of Education, transmitting a copy of the Final Regulations for Rehabilitation Research and Training Centers for Fiscal Year 1988 under the National Institute on Disability and Rehabilitation Research, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2801. A letter from the Secretary of State, transmitting the fiscal year 1988 report on foreign security assistance allocations, pursuant to 22 U.S.C. 2413(a); to the Committee on Foreign Affairs.

2802. A letter from the Chairman, Board for International Broadcasting, transmitting the Board's annual report on its activities as well as its review and evaluation of the operation and mission of Radio Free Europe/Radio Liberty covering the period October 1, 1986, through September 30, 1987, pursuant to 22 U.S.C. 2873(a)(9); to the Committee on Foreign Affairs.

2803. A letter from the Assistant Secretary for Administration, Department, of Transportation, transmitting notification of the proposed alteration of four Saint Lawrence Seaway Development Corporation systems of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2804. A letter from the Director, Office of Personnel Management, transmitting a report on the evaluation of its systems of internal accounting and administrative control in effect during fiscal year 1987, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2805. A letter from the Director, Office of Personnel Management, transmitting notification of the proposed altering of two existing Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2806. A letter from the President and Chairman, Export-Import Bank, transmitting a report on the evaluation of the internal accounting and administrative control systems in effect during the year ended December 31, 1987, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2807. A letter from the Privacy Officer, National Aeronautics and Space Administration, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2808. A letter from the Acting Assistant Secretary—Land and Minerals Management, Department of the Interior, transmitting the Department's report entitled "Report of Review and Revision of Royalty Payments for Fiscal Years 1985 and 1986 for Federal Onshore and Outer Continental Shelf Oil and Gas Leases," pursuant to 30 U.S.C. 237; to the Committee on Interior and Insular Affairs.

2809. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a copy of the decision granting defector status in the case of a certain alien who has been found admissible to the United States under law, pursuant to 8 U.S.C. 1182(a)(28)(1); to the Committee on the Judiciary.

2810. A letter from the Attorney General, Department of Justice, transmitting a report of litigation challenging the constitutionality of the Sentencing Reform Act of 1984, Public Law No. 98-473, *Federal Defenders of San Diego, Inc., et al.* v. *United States Sentencing Commission,* C.A. No. 87-2156 (D.D.C.); information on the Department's position in such cases; to the Committee on the Judiciary.

2811. A letter from the Chairman of the Board, Panama Canal Commission, transmitting the Commission's report, including unaudited financial statements, covering the operations of the Panama Canal during fiscal year 1987, pursuant to 22 U.S.C. 3722; to the Committee on Merchant Marine and Fisheries.

2812. A letter from the U.S. Trade Representative, transmitting the semiannual report for the period July-December 1987, describing new petitions filed, developments in, and the status of, cases pending under section 301 of the Trade Act, pursuant to 19 U.S.C. 2416, 2413; to the Committee on Ways and Means.

2813. A letter from the United States Trade Representative, transmitting a report identifying foreign export subsidies and opportunities where U.S. export subsidies can be used most effectively, pursuant to 7 U.S.C. 1736x(c)(3); jointly, to the Committees on Agriculture and Ways and Means.

2814. A letter from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting notification of the decision to convert the commissary resale warehouse function of Offutt Air Force Base, NE, to contractor performance as the most cost-effective method of accomplishment, pursuant to 10 U.S.C. 2304 nt; jointly, to the Committees on Appropriations and Armed Services.

2815. A letter from the Assistant to the President, Legislative Affairs, Executive Office of the President, transmitting notification that full answers to all of the questions contained in section 903 of Public Law 100-180 are not now available, pursuant to Public Law 100-180, section 903; jointly, to the Committees on Armed Services and Foreign Affairs.

2816. A letter from the Chairman, Architectural and Transportation Barriers Compliance Board, transmitting the Board's annual report of its activities during fiscal year 1987, pursuant to 29 U.S.C. 792(g); jointly, to the Committees on Education and Labor and Public Works and Transportation.

2817. A letter from the Secretary of Health and Human Services, transmitting a report entitled, "The Impact of State Hospital Payment Ratesetting Systems," pursuant to 42 U.S.C. 1395ww nt; jointly, to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. OBEY (for himself and Mr. Edwards of Oklahoma):

H.R. 3884. A bill to rescind certain budget authority recommended in Public Law 100-202; to the Committee on Appropriations.

By Mr. KLECZKA (for himself and Mr. English):

H.R. 3885. A bill to amend the Freedom of Information Act, and for other purposes; to the Committee on Government Operations.

By Mr. REGULA:

H.R. 3886. A bill to establish demonstration programs under the Department of Health and Human Services to provide for the coverage of home care services to the elderly, and certain chronically ill children, and to evaluate questions of cost-sharing, scope of benefits, and financing of the programs; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SCHULZE:

H.R. 3887. A bill to provide that the $8 million of foreign assistance funds earmarked for the construction of educational facilities for North African Jewish refugees in France be used instead to solve the fiscal crisis of Chester, PA; jointly, to the Committees on Appropriations and Foreign Affairs.

By Mr. STARK:

H.R. 3888. A bill to amend the Internal Revenue Code of 1986 to deny certain tax benefits in the case of buildings constructed with Japanese services; to the Committee on Ways and Means.

By Mr. FEIGHAN (for himself, Mr. Bonker, Mr. Hamilton, Mr. Atkins, Mr. Gejdenson, Mr. Ackerman, Mr. Clarke, Mr. Fuster, Mr. Berman, Mr. Kostmayer, Mr. Levine of California, and Mr. Weiss):

H. Con. Res. 240. A concurrent resolution in support of the Guatemala peace accord; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

264. The Speaker presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Social Security benefits disparity known as the "Notch" Act; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 920: Mr. Mineta.

H.R. 1115: Mr. Crane.

H.R. 1352: Mr. Murphy and Mr. Hertel.

H.R. 1411: Mr. Flake.

H.R. 1602: Mr. Porter and Mr. Dornan of California.

H.R. 1635: Mr. Fauntroy, Mr. Torricelli, and Mr. Bates.

H.R. 1782: Mr. Holloway.

H.R. 1869: Mr. Frenzel.

H.R. 1966: Mr. Murphy and Mr. Hertel.

H.R. 2537: Mr. Mfume.

H.R. 2832: Mrs. Meyers of Kansas.

H.R. 2943: Mr. Frank, Mr. Murtha, Mr. Brown of Colorado, Mr. McEwen, Mr. Fazio, Mr. Biaggi, Mr. Bonior of Michigan, Mr. Scheuer, Mr. Vento, Mr. Sikorski, and Mr. Cardin.

H.R. 2944: Mr. Kildee, Mr. Lent, Mr. Smith of New Jersey, Mr. Sunia, Mr.

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McDade, Mr. Blaz, Mr. Howard, Mr. Gejdenson, Mr. Murtha, Mr. Brown of California, Mr. McEwen, Mr. Fazio, Mr. Biaggi, Mr. Bonior of Michigan, Mr. Scheuer, Mr. Vento, Mr. Sikorski, Mr. Cardin, and Mr. McHugh.

H.R. 3010: Mr. Hertel, Mr. Dellums, and Mr. Weiss.

H.R. 3132: Mr. Dellums.

H.R. 3133: Mr. Thomas A. Luken and Mr. Boucher.

H.R. 3241: Mr. Traficant, Mr. Martinez, Mr. Conyers, and Mr. de Lugo.

H.R. 3511: Mr. Sunia.

H.R. 3658: Mr. Nielson of Utah, Mr. Hansen, Mr. Stratton, Mr. Martinez, Mr. Solarz, Mr. Traficant, Mr. Bosco, Mr. LaFalce, Mr. Levin of Michigan, Mr. Fauntroy, Mr. Owens of Utah, and Mr. Weiss.

H.R. 3679: Mr. Schuette.

H.R. 3711: Mr. Frank, Mr. Miller of California, and Mr. Bilirakis.

H.R. 3799: Mr. Dreier of California, Mr. Shumway, and Mr. Frank.

H.R. 3865: Mr. Stenholm, Mr. Brown of Colorado, and Mr. Stallings.

H.J. Res. 23: Mr. Ravenel.

H.J. Res. 152: Mr. Hawkins, Mrs. Johnson of Connecticut, Mr. Donnelly, Mr. Foley, Mr. Tauke, Mr. Applegate, Mr. Conte, and Mr. Porter.

H.J. Res. 386: Mr. Anderson, Mr. Hatcher, Mr. Levine of California, Mr. Thomas A. Luken, Mr. Madigan, Mr. Martinez, Mr. Moakley, Mr. Murphy, Mr. Panetta, Mr. Roybal, Mr. Sawyer, Mr. Shays, Mr. Spratt, and Mr. Walgren.

H.J. Res. 399: Mr. Rahall, Mr. Levine of California, Mr. Lantos, Mr. Kasich, Mr. Wise, Mr. Rodino, and Mr. Mineta.

H. Con. Res. 188: Mr. Mineta.

H. Con. Res. 238: Mr. Porter.

H. Res. 150: Mr. LaFalce.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

115. By the SPEAKER: Petition of Senator John R. Coulter, Parliament of Australia, relative to the United Nations Trusteeship of Palau; to the Committee on Foreign Affairs.

116. Also, petition of Randy Hunwardsen, relative to the U.S. Congress; to the Committee on the Judiciary.

117. Also, petition of Barry Dale Holland, Richmond, VA, relative to Government stocks and bonds; to the Committee on Ways and Means.

SENATE—*Monday, February 1, 1988*

The Senate met at 11:30 a.m. and was called to order by the Honorable Richard C. Shelby, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

And, behold, the Lord passed by, and a great and strong wind rent the mountains and brake in pieces the rocks before the Lord; but the Lord was not in the wind: and after the wind an earthquake; but the Lord was not in the earthquake: and after the earthquake a fire; but the Lord was not in the fire: and after the fire a still small voice.—I Kings 19:11-12.

Mighty God, Creator and Ruler of the Universe, may we learn from Elijah's experience—to listen for the "still small voice" by which You speak to us. In our culture it is important for us never to reveal vulnerability or weakness. We must be strong—appear strong even when we feel weak. It is when we are alone with ourselves that we need the comfort of God—when we think of what we ought not to have done but did—and what we ought to have done and did not. In our loneliness, we are sometimes overwhelmed by the failure which we are never free to acknowledge to anyone. So the pressure builds up within and the burden is compounded. Loving Father, on this fast track which is life in the Senate help those who labor here to find daily a quiet moment that they may discover that God is not in the wind nor the earthquake nor the fire but in the "still small voice." In His name who invited "come unto me all who labor and are heavy laden. I will give you rest." Matthew 11:28. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, February 1, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Richard C. Shelby, a Senator from the State of Alabama, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his good prayer and for the particular choice of the story of Elijah and the reference to the words of Jesus. It is a story that should give us all strength, and I thank him.

RESERVATION OF LEADERS' TIME

Mr. BYRD. Mr. President, I ask unanimous consent that my time be reserved, and I ask unanimous consent that the time of the Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 20 minutes, with Senators permitted to speak therein for not to exceed 5 minutes each.

NO CONTRA AID ON ANY TERMS

Mr. PROXMIRE. Mr. President, what is the sense of Congress voting that this debt-ridden Government of ours should borrow still another $36 million to provide a combination of so-called lethal and nonlethal aid to the Contras in Nicaragua? Sure $36 million is a small part of our more than $1 trillion Federal budget. But this $36 million is only the beginning. It means we are continuing aid to the Contras for a few months on a limited basis. If the Contras are to succeed it is clear that Contra appropriations will have to increase greatly in the future. On the other hand if the Congress denies the $36 million it may mean the end of this costly project.

The Arias peace plan Central America would stop the tragic Nicaraguan civil war. The international Nobel Peace Committee has awarded its coveted prize to President Arias for the contribution his proposal to stop the killing in Nicaragua has made to world peace and especially to peace in this hemisphere.

The Arias plan is not simply a ceasefire proposal. It would advance democratic institutions in Nicaragua. It would provide effective Central American guarantees against Nicaraguan aggression against its neighboring nations. The Central American nations that would be principally affected by Nicaraguan aggression unanimously favor the Arias plan. They oppose the continuation of U.S. aid to the Contras. Do they know what they're doing? Of course, they do. They are right.

Mr. President, what possible basis is there for the Congress to continue spending American taxpayer money year after year to fund a rebellion in Nicaragua? If ever Federal spending truly deserved a Golden Fleece Award, it is here. In the first place the Contras have not won a single military victory in Nicaragua in the years the United States has been funding them. They have, to be sure, killed some Nicaraguan Government soldiers. But they have killed far more Nicaraguan civilians. They have undoubtedly weakened the economy of their pathetically poor country by burning the homes of Nicaraguan families, by killing many of its able bodied people and by destroying the livestock that is critical for feeding Nicaraguans. That the United States has subsidized this cruel slaughter and impoverishment of thousands of Nicaraguans is a national shame.

It is an embarrassing international joke that the Reagan administration contends that Nicaragua represents a threat to our security. How ridiculous can the administration get? Nicaragua has a population that is less than 2 percent of the American population. It has a pathetically weak economy with a GNP that is a small fraction of 1 percent of ours. It has virtually no navy. It has no air force. It has a sad sack army equipped with a few old style Soviet tanks and personnel carriers. Its weapons would be a disgrace for any one of America's 50 State National Guard units. But what happens if Nicaragua should invade one of its neighbors? If that happens the United States would have not just the right but the duty to respond if called upon to do so under the Rio Treaty. The United States could swiftly establish air control, sea control, and land control.

So Nicaragua is a military pygmy. By contrast the United States has immense economic, peaceful power in Central America, infinitely greater than Cuba or the Soviets. Our country constitutes the prime market for export businesses in all central American countries including Nicaragua. Of course, both Cuba and the Soviet Union provide military weapons and military personnel to Nicaragua. Certainly Ortega follows a Cuban and Soviet Communist Party line in international relations. And yes, it would be highly desirable to secure a free, democratic, pro-American government in Nicaragua. But is support for the Contra and a bloody revolution overthrowing the Sandinistas the way to achieve it. Consider our bitter historical experience. Pro-American governments like the Somoza government have been one party dictatorships that suppressed dissent as ruthlessly as Ortega and the Sandinistas suppress it. Isn't it logical that in the long run we would have at least as good a chance to win a free, democratic government in Nicaragua by relying on a military and political hands-off policy that would encourage trade and tourism between the two countries. Why not try it?

Throughout this century the United States has treated Nicaragua as either our puppet or our enemy. In neither case have we succeeded in establishing the kind of democratic institutions in Nicaragua that now characterize most other central American countries. It is time we follow a hands-off policy in Nicaragua. From the standpoint of the freedom and democracy we espouse we can't do any worse. We have tried military domination. It has only succeeded in giving us a reputation as an international bully. Let's apply the good neighbor policy of Franklin Roosevelt and the Peace Corps policy of John Kennedy. We can't do any worse in Nicaragua, and we might do a great deal better.

SUPPORT FOR REPEAL OF THE GLASS-STEAGALL ACT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that editorials from Pennsylvania newspapers that support my bill to repeal the Glass-Steagall Act be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Press, June 30, 1987]

OBSOLETE BANKING LAWS

When a major law controlling an industry is more than 50 years old, you can be sure its outdated. In fact, outdated is too mild a term in the case of banking.

The Glass-Steagall Act of 1933 is a fossil that is seriously hampering the efficiency of the entire financial services sector—and, indirectly, the American economy.

In writing Glass-Steagall, experts sought to separate the commercial securities business from traditional banking in order to avoid a repeat of the Great Depression. Unfortuntely, their explanation of the Depression was almost certainly wrong. On that basis alone banks now deserve deregulation.

In fact, far more urgent reasons exist to favor an overhaul of the country's banking law. American banks are quickly losing their competitive edge. Only three U.S. banks remain among the world's largest 25, whereas seven ranked in the top 10 not too many years ago.

As a result they're finding it increasingly difficult to compete with well-capitalized banks from Japan and Europe.

Nor is size the only—or even the major—problem. American banks are hamstrung by restrictions that exist nowhere else in the world. They can't issue commercial paper, for example, even though many businesses increasingly use that form of short-term unsecured credit instead of relying on traditional bank loans.

Thus, banks have lost some of their most reliable customers. A law intended to protect banks from high-risk ventures ironically now serves to siphon off some of their safest business.

Banks would like to expand their activities beyond commercial paper, of course. They point out that brokerage firms and businesses such as Sears, Montgomery Ward and General Motors have surged into a number of financial-service areas that banks are now banned from entering.

Among the possibilities for banks: stock brokerage, the underwriting of insurance and municipal revenue bonds, the operation of mutual funds and even travel agencies.

The question is not whether the financial industry should be allowed to change. It has been changing for years and will continue its transformation in the future.

The real question is whether banks will be allowed a piece of the action. They deserve it—not just for their own health, as important as that is to the nation's economy, but also in the interest of consumers, who would benefit from the heightened competition.

[From the Pittsburgh Post-Gazette, July 7, 1987]

BANKING THAT WORKS

The U.S. Supreme Court's recent decision to allow the Bankers Trust Co., a commercial bank, to sell a specialized instrument of corporate borrowing known as commercial paper marked another milestone in the piecemeal deregulation of the nation's banking system. It also provided a new reminder that Congress, where resistance to deregulated banking is mounting in response to lobbying from Wall Street and the insurance industry, should be playing a more positive role in deciding the future of American banking.

The Bankers Trust case offers a quick drill in some key issues of banking deregulation, which can be most clearly defended as a way of allowing banks to respond to competition in their traditional markets from unregulated financial institutions. Commercial paper underwriting and resale, for instance, is probably one of the safest credit operations in the financial market place. But regulated banks have been kept out of it under the Banking Act of 1933, known as the Glass-Steagall Act, which prevents banks from engaging in any kind of underwriting.

Meanwhile, investment banks and other unregulated finance companies have been convincing corporations that commercial paper represents a less expensive method of raising capital than borrowing from a commercial bank at the prime rate. Similarly, other financial products have been devised to challenge the traditional role of banks as the primary source of credit in American society.

In this context, worries that deregulation will increase the risk of commercial banking are academic. The highly restricted participation of commercial banks in the revolution in financial services has already encouraged the migration of many of their most credit-worthy customers to other providers of service. Riskier lending in the Third World and the oil patch may be one result.

Unfortunately, Congress is listening more carefully to the aggressive opposition of those financial interests that have competed most effectively for the customers of commercial banks. A constructive way of dealing with the present drift of Congress' attention would be a proposed blue-ribbon commission of all interested parties to work out a legislative solution.

The most important issue—and the largest philosophical obstacle in the path of commercial banking deregulation—is how to maintain regulatory oversight of insured deposits while separating them from unregulated ventures. Critics of deregulated banking make an effective (if not totally persuasive) point when they argue that federal depository insurance provides banks with a safeguard against risk that other corporations do not enjoy.

The concern is that insured deposits will give bankers an exaggerated sense of safety when they expand into risky ventures. Or, conversely, that insured deposits will suddenly become a safety net for failing industrial ventures when major corporations enter commercial banking. However, as Federal Reserve Chairman nominee Alan Greenspan argues, deposit insurance insures depositors against risk, not the banks themselves. So bank managers will have no reason to believe that their unregulated ventures—or their own positions within their corporations—will be shielded against failure by deposit insurance.

Recognizing that there is no absolute guarantee against risk, even in a regulated industry, Congress should focus more positive attention on maintaning regulatory oversight of depositors' interests and allow commercial banks to meet the challenges of a radically changed environment.

[From the Pittsburgh Press, Nov. 21, 1987]

DEREGULATING BANKS

A customer can go to a general merchandiser, say a Sears Roebuck store, and deposit or withdraw money, buy or sell stocks and bonds and satisfy his need for life, auto, and casualty insurance.

The same customer can also deal with a stock brokerage firm, which not only can handle his security business but also offers an interest-paying checking account—a bank-like product.

But when the customer visits his commercial bank branch, he is limited to banking services: savings and checking accounts, certificates of deposit and loans. He cannot buy stocks, insurance or real estate, even if one-

stop financial service is convenient and makes sense.

The fact that other industries can compete with banks but banks are barred from the securities industry means their potential for growth and profitability is limited. Credit the situation to a 54-year old law.

In 1933, when many banks were failing because of the Depression, Congress passed the Glass-Steagall law, whose purpose was to make banks more secure by keeping them out of the more speculative securities field. The law was a sound response to conditions at the time but is outdated.

All federal banking regulatory bodies, the Federal Reserve Board, the Treasury Department and key senators agree that the banking industry should be able to underwrite corporate and government securities.

Chairman William Proxmire of the Senate Banking Committee and Sen. Jake Garn of Utah, the ranking Republican on the committee, have introduced a bill to repeal Glass-Steagall, and it deserves to become law.

Fed chairman Alan Greenspan says added competition by banks in the securities business would lower financing costs to corporations and state and local governments by between one-tenth and three-tenths of a percent.

That would add up to enormous savings that are worth going after.

Mr. PROXMIRE. Mr. President, I thank the majority leader for his forbearance and fine leadership. I yield the floor.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, how much time remains under morning business?

The ACTING PRESIDENT pro tempore. Fifteen minutes.

Mr. BYRD. Mr. President, I yield the time that I have—I believe 10 minutes under the standing order—to Mr. INOUYE. I understand he wishes to speak longer.

I ask unanimous consent that he may have such additional time within the overall time limit that has been set for morning business but without being limited to the 5-minute restriction.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Hawaii.

UNFOUNDED CRITICISM OF FRENCH REFUGEES' SCHOOL FUNDING

Mr. INOUYE. Mr. President, I have made an error in judgment and I intend to correct that error, for I fear that I have embarrassed my colleagues.

It is my intention to move as quickly as possible to bring before the Senate a proposal to rescind the $8 million earmarked in the continuing resolution for the construction of schools in France for Jewish refugees from north Africa.

Mr. President, in the 25 years that I have served in the Senate, and in my 3½ years in the House of Representatives, I have faced many controversies and endured much criticism.

My service on the Watergate Committee and my service as chairman of the Iran-Contra Committee have each brought their share of criticism and negative personal attack. I did not seek those positions, but accepted the will of the Senate that I be named to those committees. I sought only to serve our country and the institutions of our Government.

My role in the defense of Senator Harrison Williams also brought criticism and condemnation to me. I accepted that; I knew it would come, but I could not deny an old friend who was in trouble; I could not wipe away his long and honorable record of service because of one mistake. Criticism of me was insignificant in comparison to the pain my friend and colleague was suffering.

As chairman of the Appropriations Subcommittee on Foreign Operations I have become accustomed to criticism for my support of our Nation's foreign assistance programs. In what has become almost an annual ritual, abuse has been heaped upon those programs and their defenders, even though, privately, critics will admit to the national security interest in maintaining effective foreign aid programs. I have accepted that criticism and remained a supporter of foreign aid, because I believe that it is possible to combine humanitarian concern with the rational analysis of national security interests. I have sought to serve our country by supporting these important programs; I have taken the criticism.

Indeed, Mr. President, some may believe that I have become inured to criticism; that because I "have neither winced nor cried aloud," that I do not feel the sting of bitter accusation. That is not true, Mr. President. I do feel.

I have had my share of criticism—some of it just and some of it well deserved. But never before have I felt the lash of such unjust and unfounded accusation. Never before have I been accused of taking 30 pieces of silver. Newspapers which I had always regarded as responsible publications have ignored the facts and have charged that my efforts in support of refugee schools in France took place in "the secrecy of the closed-door House-Senate conference."

I have been accused of actions which are "shabby and self-serving." Some have even said that I sold my reputation and my honor for $1,000.

Mr. President, in view of these accusations, I hope that my colleagues will grant me a few moments to review what transpired during the months of November and December of last year. Let us see how I acted and let my colleagues and my constituents judge if I "sneaked pet causes through the back door at the last minute."

Mr. President, for some time—for several years—I had been aware of the plight of north Africans who, having fled persecution in their home countries as the French withdrew from their colonies in north Africa, found themselves subject to discrimination and prejudice in France because of race, religion, culture, and national origin. The most wretched among these were the Jews. I am not a sociologist, but I imagine that, when many Frenchmen look upon these unfortunate Jews from north Africa, they are reminded not only of the loss of their empire, but also of the shameful complicity of many of their countrymen in the Holocaust.

These unfortunates, these Jews from north Africa, have not been absorbed or assimilated. Though many have been in France for years, they remain refugees; subject to abuse and discrimination and fearful of a rising tide of right wing nationalism, they continue to seek refuge. Mr. President, they are refugees.

Last summer, I was called upon by a group of leaders of an organization known as Ozar Natora. It is a small group, headquartered in New York City, and it has a 40-year history of support for Jewish refugees, particularly those who are Sephardic or eastern Jews.

To date, this organization has established schools serving approximately 3,000 students in Paris, the suburbs of Paris, and in Toulouse and Marseille, which are the areas of the largest concentration of the north African Jewish refugees. The school system is being aided by voluntary contributions from Americans. Unfortunately, however, the organization does not have sufficient funds from these sources to compete the construction program.

Ozar Hatora came to me requesting support for the construction of several additional schools for these Jewish refugees from north Africa.

The proposal had the support of the French Government in the person of the Prime Minister, Jacques Chirac, who is also the mayor of Paris. Moreover, not only are the schools approved by the French Ministry of Education, the program of studies also meets the requirements set by the ministry. The French would provide the land and would provide assistance meeting about 50 percent of the operating budget of the schools. Under French law, however, the Government cannot provide funds for construction.

As I considered this proposal, I thought of many things. I thought of the extraordinary efforts our country has made to provide assistance to Indochinese refugees, many of whom—more than 10 years after the

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fall of Vietnam—remain in camps in Thailand and elsewhere.

I thought of the schools, cultural centers, and workshops generously provided by America to ease the plight of these Hmong tribesmen, Vietnamese, and Cambodian refugees. I thought of the many Catholic refugees who fled political and religious persecution in Eastern Europe and who were helped to emigrate to the United States through church-sponsored programs. And I thought of the assistance our Government now provides to those who are persecuted for their religious beliefs in Poland—assistance provided through the Polish Catholic Church.

Mr. President, it did not seem unusual, or extraordinary, to me to offer humanitarian assistance to those in need. Frankly, I did not consider questions of church and state. Persecution is persecution, whether it be against Baptists in the Soviet Union, Protestants in North Korea, or Catholics in Poland. My country believes in the separation of the church and the state, that is true; but it also believes in religious freedom. Persecution of anyone anywhere because of his religious belief was abhorrent to those who raised me and it is abhorrent to me today.

And so, I offered to support this proposal. I did not hide my support of it. I openly supported it. In June of last year, we began the laborious process of drafting legislation affecting fiscal year 1988 appropriations. This process lasted for a longer time than is normal because the Foreign Operations Subcommittee delayed its markup until after the President set forth the overall funding reductions which would be required to comply with his November sequestration order.

So, we did not begin our formal subcommittee markup until Tuesday, December 1, although some preliminary drafts had been prepared and circulated beforehand.

On November 4, Senator KASTEN and I met in the traditional advance meeting between the chairman and ranking minority member. Senator KASTEN reviewed the merits of the proposal and had no objection. I have been grateful for his support throughout this process.

On November 30, the staff of the subcommittee briefed the staffs of the subcommittee members and distributed documents which showed the funding levels that Senator KASTEN and I had agreed to recommend to the subcommittee.

Mr. President, on Tuesday, December 1, at 10 a.m. in the Appropriations Committee room in the Capitol Building, the Foreign Operations Subcommittee met to mark up S. 1924, a Senate-originated bill to provide fiscal year 1988 appropriations for foreign assistance and related programs. I wish to emphasize several aspects of this markup session:

The markup was held at 10 o'clock in the morning, not late at night.

The session, from gavel to gavel, was open to the press and to the public.

Representatives of the administration, and in particular the Department of State, were present throughout the markup.

The draft committee print of S. 1924, which was before each Member, contained the language earmarking the funds for construction of the schools for north African Jewish refugees.

I submit that I did not sneak this legislation into the law. The meeting was held during normal business hours and members of the press and public were in attendance, along with representatives of the Department of State. No one raised any objection to the earmarking!

Mr. President, on Wednesday, December 2, the following day, each of the 29 members of the Senate Committee on Appropriations received two copies of both S. 1924 and the draft of the committee report. Both documents noted the earmarking of the $8 million for construction.

On Thursday, December 3, the Committee on Appropriations met in plenary session to markup the defense appropriations bill and the foreign assistance appropriations bill. Again, the committee meeting was held during business hours and was, from start to finish, open to the press and the public. The bill before the committee, and the report on it, had been available to the members for the period of time required by the rules of the Senate. We had a lengthy markup session. Nothing was "sneaked through." There was no objection to the earmarking.

Mr. President, on December 8, the Committee on Appropriations met again, this time to consider the fiscal year 1988 continuing resolution, and the committee incorporated the full text of S. 1924 into the continuing resolution. This measure, containing the $8 million earmarking, was fully debated in open session. The press and the public were present, as were representatives of the Department of State. Again, there was no objection to the earmarking.

Finally, Mr. President, the legislation came before the full Senate on December 12. It will be recalled that the continuing resolution was on the floor for several days. There was prolonged consideration: many Members offered amendments to various chapters and sections of the committee reported bill. No amendments were offered to the section providing appropriations for refugee assistance.

The continuing resolution then went into the House-Senate conference. As is customary, we met in plenary session and then separated into subconferences of the relevant appropriations subcommittees. The Foreign Operations Subcommittees met in room S-126 in the Capitol Building. We did not, as has been reported, meet in secret. For the first time in my memory, we held an open conference session. Members of the press and the public—and representatives of the Department of State—were present.

The $8 million earmarking was openly discussed. It was not passed over quickly, nor in secret. In fact, Congressman DAVID OBEY, the chairman of the House subcommittee, asked that approval be delayed to allow him to confer with his colleagues. Twenty-four hours later, in the full light of day, and with the session still open to the press and public, the earmarking was adopted by the conference.

Mr. President, not once during the time that this matter was under consideration—not once from the time it first appeared in the Appropriations Committee print of S. 1924—not once during the 3-week period that the bill was under consideration did I hear of any opposition to the earmarking.

I was not aware of any opposition from unnamed State Deaprtment refugee officials. Only after the President signed the bill into law, did these officials—under a cloak of secrecy—begin to make their spurious charges.

Mr. President, I find it odd that these unnamed Department of State refugee officials charge that the $8 million earmarking reduces the amount available for refugee assistance. The Department of State, in the President's budget for the current fiscal year, proposed a cut of some $32 million from the amounts the Congress provided in the previous year for refugee assistance. My recommendation to the Senate, which was ultimately adopted and signed into law by the President, restored this funding to refugee programs.

Mr. President, throughout our consideration of fiscal year 1988 funding of foreign assistance and related programs, I consulted frequently with the Secretary of State. His words, upon final passage were expressions of gratitude for the work the subcommittee had done. In fact, shortly after the bill was passed, I received a telephone call from our former colleague, Howard Baker, the President's Chief of Staff, extending the gratitude of the President of the United States. I went home at the end of the session with the belief that I had done my work well.

I was tired then, like most of us, exhausted really, from the long days and sleepless nights. I spent the Christmas and New Year's Day holidays in bed, sick with the flu. My wife mentioned that there were some articles in the press, but she set them aside until I had recovered. When I began to read the press stories, I began to realize the depth of suspicion and resentment which clouded the actions of the Congress in the closing days of the last session and, in particular, my support for this refugee program.

I soon went to Hawaii, to speak with and to listen to those who know me best, my constituents. They understood my motives because they have known me and my work for many years. They knew that my actions were guided—as I have explained to the Senate today—by a humanitarian concern for those who have been persecuted.

Mr. President, let me be direct. I was disappointed, hurt, and angered by the accusation that I had supported the earmarking because of a $1,000 contribution to my reelection campaign.

I have been blessed by a supportive and knowledgeable constituency which has judged me on the basis of my record and not on the amount I have raised in campaign funding. As many of my colleagues are well aware, I have not found it necessary to raise large sums of money for my campaigns. I wish to assure my colleagues that I was not aware of this contribution and I did not solicit the funds.

Mr. President, I did not sneak a pet project of a campaign contributor into the continuing resolution. I do not behave that way.

Mr. President, I value my close and abiding relationship with my colleagues. The facts show that I did not do anything to mar the record of achievement—and honor—that I have tried to contribute during my life in public service. Nonetheless, I have concluded that, if this avalanche of criticism is allowed to continue, this institution—this Senate, which I honor and respect—could suffer. I continue to believe that what I have done is appropriate, but to fight the criticism and to prolong the controversy in order that I might win vindication would risk a further loss of public confidence in the Senate.

It is not easy for me to withdraw from this fight. But I recognize that to continue, to place my colleagues and the Senate at risk in order to win personal vindication, would be an act of prideful arrogance. I am not that kind of a person. I will never place my pride in front of my duty to my colleagues, my constituents, and the American people.

Mr. President, I have asked my friend and colleague, Congressman DAVID OBEY, to place before the House a bill to rescind the $8 million appropriated for the construction of schools for north African Jewish refugees in France.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, I rise today on the floor of the Senate sharing to a great degree the anguish that I am sure is in the heart of the Senator from Hawaii [Mr. INOUYE] as he has taken this very unusual step to simplify something that has become very, very complex as it has been reported in the press and so forth.

I regret this action that he has seen fit to take because I believe that the Senator's integrity is without challenge. I think that anyone who has known the Senator from Hawaii, as I have known him and served with him on the Appropriations Committee, realizes that he is a man of complete and total integrity. I regret very much that there are those groups and individuals, and other forces outside of the Congress that have taken this matter to such a degree as to even in any way impugn the integrity of the Senator from Hawaii.

First of all, I think the record ought to be very clear that the Senator from Hawaii had proposed this amendment to the appropriation bill on foreign assistance, and that report of that bill was in the hands of other Members, available for the public in the early part of December. And it was not until the 23d of December, or the 22d of December that the appropriations CR was completed. So there was no effort at all to "hide" or to "sneak" into the bill as has been implied by those making such unfounded charges.

Mr. President, I went on the Appropriations Committee at the last part of 1971 following the end of my first term, and I served with the Senator from Hawaii during the years since that time. And I have been privileged to be on the subcommittee that he has chaired, both now and prior to the time, the 6 years, the Republicans controlled the Senate. The Senator's wisdom, his judgment, has always been a very valued part of our committee discussions because he has dealt with some of those controversial parts of the Appropriations Committee; namely, foreign assistance.

And I have known throughout the years that I have served with the Senator his impartiality, his fairness, his even-handedness, and I admired him for it. I admire him today for it.

Mr. President, I have been identified with the refugee needs of the world, and I have made that a very high priority in my own legislative record.

As many of my colleagues know, we have fought battles here in the committee and on the floor on behalf of the Refugee Assistance Program, the Admissions Program. Even this year, we rewrote some of the program as it related to Southeast Asian refugees.

The fiscal year 1987 carried a figure of $350 million to make our contribution to help feed and house and process some of the world's 12 million refugees. This year, 1988, the administration came in with a $314-million request, which would have severely reduced the capacity to assist many of these refugees all over the world.

The House passed a bill of $319 million, to illustrate a higher level of compassion and concern. The Senate, in turn, increased the appropriations to $340.5 million, which is close to the fiscal year 1987 level.

Mr. President, that means we are able to help many thousand more refugees in the world, some politically involved by our own foreign polity or some who were created in part by our own foreign policy, particularly those in Southeast Asia.

None of this could have happened in the U.S. Senate without the leadership and the support, the enthusiastic support, of the Senator from Hawaii [Mr. INOUYE].

I think that any credit I may have received for giving this kind of support to a people without a constituency, a people without advocates, a people without representation, would have to be shared in a major part with the Senator from Hawaii.

I merely wanted to review the facts of the record, that in no way and under such circumstances that have occurred should there be any validity given to any challenge to the integrity of the Senator from Hawaii; and, second, that he should be given, in the context of the subject of refugees, the major credit in the Senate for the kind of compassion demonstrated and the kind of support exercised through the action of the Senate against, in effect, the lesser degreee of commitment that exists both in the administration and in the House of Representatives.

Mr. SASSER. Mr. President, I take this opportunity to commend our distinguished colleague from Hawaii, Senator INOUYE, for the very thoughtful and very statesmanlike approach he has taken this morning. I am sure I speak for many of our colleagues when I say that the senior Senator from Hawaii is one of the most respected Members of this body, and we view his actions this morning as a matter of conscience on his part. I respect and commend him for those actions.

DEFENSE BURDEN SHARING

Mr. SASSER. Mr. President, earlier this month, the Government of Spain and the Reagan administration reached an agreement which calls for the removal of the 401st Tactical Fighter Wing from Spain.

If, as a result of that agreement, our 79 F-16's are removed from the European theater of operations, deterrence in southern Europe will be weakened and weakened at a time when concerns are being raised that the INF Treaty will necessitate a buildup in our remaining conventional forces in Europe.

Since the agreement with Spain was concluded, one option the Pentagon has been reviewing is the disestablishment of the F-16 wing altogether—deactivating it and turning the aircraft over to the Air National Guard.

I certainly agree that the Guard could use some additional F-16's but not at the expense of terminating the F-16 mission in southern Europe entirely.

I cannot believe that our NATO allies will stand back and allow the defense of Southern Europe to be summarily weakened. Our southern defenses now are already second-rate compared to our defense structure in the central front of Europe. While NATO could forestall a breakthrough of Warsaw Pact before in central Europe—and I have very little doubt—our southern flank defense is not as formidable and should it come under very serious Soviet pressure, there is a possibility that it could crumble. The missions of the F-16's based in Spain would make that bleak scenario, I believe, less likely.

I have written to the Secretary of Defense, Mr. Carlucci, expressing my opinion that base rights should be viewed as a valid measure of equitable burden-sharing among allies. What occurred was NATO essentially standing aside taking no hand in the matter and watching while Spain, a NATO member, placed the F-16 mission in jeopardy.

I think it is incumbent upon our NATO allies to now assist in finding another country that will accept the F-16 mission in southern Europe.

Our European allies must also be called upon, in my view, to pay the entire cost, as much as $500 million, to move that wing of the United States fighter aircraft to another location.

I included in the continuing resolution an amendment which I sponsored which prevents the expenditure of United States funds to build new facilities to relocate that wing in Europe. Europe and NATO must bear the cost of relocating the wing, in my judgment. And most importantly, we must not allow the experience with Spain to lead to further erosion of United States base rights around the world.

Already we see other countries, having watched the relative ease with which Spain dictated its position during the negotiations preparing to seek similar reductions in the United States forces or, in the alternative, substantial increases in foreign aid from the United States. In other words, what is occurring, even with some of our NATO allies, is they hold these NATO bases that are for the common defense at ransom for increased U.S. aid.

The point should be made, I think, very strongly, that the U.S. forces deployed abroad are there for the defense of the NATO alliance. They are there for the defense of Europe. They provide a shield for freedom for all of the Western nations. And NATO has certain responsibilities to ensure that base right negotiations are not viewed merely in the context of bilateral negotiations or bilateral relationships between the United States and the NATO country in which the bases are located.

We are deployed abroad to defend Europe. And Europe must never forget that fact.

Mr. President, I do not disagree with those who say that our force structure in Europe can be reduced. Indeed, perhaps it should be reduced. But these reductions should be done in a deliberate manner, not in the face of blackmail or base negotiations, and in the context of balanced conventional force reductions with the forces of the Soviet Union and the Warsaw Pact. We cannot allow force structure decisions to be dictated by base rights negotiations particularly when those negotiations result in the wrong forces being eliminated in the wrong place.

It must have caused a real chuckle in the Kremlin when the results of the Spanish base negotiations were announced. I suggest that the NATO Alliance wipe the smile off the faces of those in the Soviet defense forces and find another location to base these formidable F-16 aircraft. As far as this Senator is concerned, what happens to those American F-16's is a litmus test, if you will, of the intention of our allies. It will tell us a great deal about whether they intend to be full partners in meeting the common defense needs in the Post-INF environment. Or are they going to continue to plug along as if it was 1949 and 1950 and 1951 all over again?

Mr. President, I ask unanimous consent that a copy of my letter to Secretary Carlucci be included in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Appropriations,
Washington, DC, January 15, 1988.

Hon. Frank Carlucci,
Secretary, Department of Defense, Washington, DC.

Dear Mr. Secretary: As the author of statutory language in the continuing resolution which prevents Department of Defense funds from being used to design or construct facilities to support the withdrawal of the 401st Tactical Fighter Wing from Spain, I wanted to share with you my concerns with reports which indicate that the United States has concluded an agreement with the Government of Spain to withdraw the F-16s.

Removal of the F-16 missions from Spain is a major mistake for a number of reasons. Defense of Europe's southern flank has always been a stepchild in NATO and U.S. military planning and preparations. Yet, defense of the central front would be substantially weakened if the Soviets successfully attacked Europe's vulnerable flanks.

Spain has been an ideal location for basing the F-16s which are critical to southern flank defenses. Removal of these aircraft, unless they are to be based directly in Italy or Turkey, will make southern flank defense even more difficult than it already is. Especially in the context of an INF agreement, removal of the F-16s out of the theater of operations could severely weaken deterrence in Southern Europe.

A most troublesome aspect of an agreement with Spain to remove the F-16s is the potential impact such an agreement may have on other base rights negotiations. Many of those negotiations are directly associated with southern flank bases in Turkey, Greece, and potentially Portugal. The capitulation of the United States to Spain on the F-16 issue will embolden our allies, strengthen their position and increase their demands at the bargaining table, while weakening the U.S. hand.

Further contraction of base rights along the southern flank is not in the interests of NATO. Yet, other members of the Alliance failed, as did the United States, in persuading Spain of the necessity to maintain adequate basing structures in Southern Europe. I am especially concerned about this aspect of base rights negotiations in the region.

U.S. forces are deployed in Europe for the defense of the NATO Alliance. Our NATO allies have a particular responsibility to work with their neighbors to assure that necessary base rights, a critical element in equitable burden sharing, are provided.

The language which I attached to the military construction portion of the continuing resolution was intended to provide U.S. negotiators with additional leverage during the discussions with Spain. The prohibition on spending U.S. military construction funds to move the F-16s out of Spain was intended to force NATO to finance any such cost. In the report accompanying the continuing resolution, the conferees state directly that this should be a responsibility of NATO. Earlier last year, the Congress approved a similar legislative provision on the Supplemental Appropriations Act.

My committee will strongly oppose providing any funding to pay for the removal of the F-16s to another country. That cost must be the responsibility of NATO. In this instance, I believe, our NATO allies have let us down in a very critical test of burden sharing. NATO should provide the $300 million it will cost to move the wing.

I hope you will inform the NATO defense ministers that the executive branch of the United States government must rely on the Congress to provide funds for the common defense. As you know, by almost every measure, our allies are failing to shoulder their fair share of the defense burden. Providing base rights is one tangible expression that our NATO allies are committed to being a full partner in sharing the future cost of defense.

In the negotiations with Spain, our allies have let us down, and potentially weakened the Alliance. They must not let us down in the remaining base rights negotiations.

Sincerely,

Jim Sasser,
Chairman, Subcommittee on Military Construction.

Mr. SASSER. I thank the Chair. Mr. President, I yield the floor.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. Wirth). The time for morning business has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 10 minutes and that Senators may speak therein for 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 12:30 p.m., recessed until 12:45 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. Wirth].

Mr. BYRD. Mr. President, has morning business been closed?

The PRESIDING OFFICER. Morning business is closed.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 12:45 p.m., recessed until 1:15 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. Shelby].

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be not to exceed 10 additional minutes for morning business and that Senators may speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Colorado.

Mr. WIRTH. Mr. President, I thank the majority leader for extending the time of morning business.

CONGRATULATIONS TO THE REDSKINS

Mr. WIRTH. Mr. President, I offer my congratulations to the Washington Redskins. Joe Gibbs obviously had a very well-prepared team. Anybody who can defense John Elway as well as they did deserves everybody's commendation. Obviously, the Redskins got an extraordinary performance from Doug Williams and Timmy Smith and their offensive line. It was a very impressive performance, and those of us in Denver wish the Redskins well in 1988. The Broncos, of course, were once again the AFC champions in 1987, and we hope that Jack Kent Cooke's group does as well and they meet the Broncos again in the Super Bowl a year from now.

CONVENTIONAL ARMS CONTROL IN EUROPE: PROSPECTS AND PERSPECTIVES

Mr. WIRTH. Mr. President, the treaty eliminating United States and Soviet intermediate range nuclear force [INF] missiles will create new challenges and opportunities for the United States and its NATO allies. On the one hand, the NATO alliance will be challenged to decide how the elimination of INF missiles will affect its military strategies and doctrines. This will neither be a simple nor an easy process, and will require substantial analytical and political effort on the part of all alliance nations. On the other hand, the agreement clearly opens up many potential opportunities for the United States and its allies in their relations with the Soviet Union. In particular, the accord may have broken new ground on which further arms control agreements can be built.

Both the process of assessing NATO's strategy after INF and of exploring future directions for arms control are intimately related to the question of conventional arms control and military stability in Europe. Much of the unease expressed in some quarters about the INF Treaty has focused on the concern that NATO is seriously outmanned and outgunned by the opposing Warsaw Pact conventional forces. This concern, combined with the favorable arms control climate created by the INF Treaty, has renewed interest in the issue of conventional arms control in Europe.

The problem of an imbalance in conventional forces in Europe is not a new one, nor is it one that arms control efforts have ignored. For 15 years now, representatives of NATO and Warsaw Pact nations have met in Vienna, Austria, under the auspices of what we in the West call Mutual and Balanced Force Reduction [MBFR] negotiations attempting to reduce military forces in central Europe. Those negotiations have, unfortunately, failed to produce an accord, in spite of the substantial analytical and diplomatic effort that the Western side has devoted to developing its approach in these talks. The main problem, historically, has been that Western estimates of Warsaw Pact troop strengths in the reduction area differed substantially from Warsaw Pact assertions concerning the number of forces they maintain in Central Europe. Even one Western attempt to bypass this problem with an imaginative proposal in 1985 failed to attract serious Warsaw Pact interest.

Now, a new opportunity appears on the horizon. For the last year, all the NATO and Warsaw Pact countries have been meeting to discuss a new framework for conventional arms control negotiations. This new framework will cover Europe from the Atlantic to the Urals, instead of the more limited MBFR focus on Central Europe. And, while the MBFR negotiations focused primarily on military manpower as its principal measure for reductions, the new negotiations will specifically cover armaments and military equipment as well. These new negotiations could provide a way out of the impasse that developed in the MBFR negotiations.

The advent of this new opportunity coincides with, and may in part be due to, the emergence of a regime in the Soviet Union under Mikhail Gorbachev that is taking many new approaches in both its domestic and foreign and defense policies. The fact that Mr. Gorbachev wants to modernize the Soviet economy appears to have influenced the Soviet Union's greater flexibility toward military relations with the West in general and toward arms control in particular.

The INF Treaty signed by the Soviet leader and President Reagan reflects a revolutionary Soviet attitude toward arms control inspection measures. When the treaty is implemented, the United States will have unprecedented opportunities to conduct inspections of certain military facilities in the Soviet Union. This innovation runs counter to centuries of Russian paranoia toward the outside world. It also flies in the face of the intense secrecy with which the Soviet Union, until now, has protected virtually all aspects of Soviet life, and most particularly those having to do with its national security, from outside scrutiny.

And yet, as these new talks approach, their promise of a way toward a more acceptable East-West military relationship in Europe is threatened by the potential for deadlock in these new negotiations as well. Already, because the Warsaw Pact argues that there is "rough parity" between NATO and Warsaw Pact military forces, while the West believes that substantial asymmetries favor the East, it appears that the talks could bog down shortly after NATO and Warsaw Pact diplomats take their places around the negotiating table.

This prospect and the importance of the conventional military balance in Europe suggests that we should make a special effort to analyze, assess, and understand the nature of that balance. We should question all our assumptions to ensure that they remain factually well grounded. We should also carefully assess the evolving East-West political context and ask whether new political circumstances warrant new approaches to assessing military relations in Europe.

This reassessment needs to combine reasoned political judgments with the data and factual information available from our own intelligence agencies and other Western governmental and private sources. Such factual information is at the base of our understanding of the military balance and must

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ultimately provide the foundation for any conventional arms control agreement. But simple bean counting, adding up the tanks, artillery, aircraft, and so forth on either side, is neither an accurate way of judging the nature of the East-West military balance nor of finding the way toward a more acceptable East-West military relationship in Europe. Our colleague, Senator CARL LEVIN, has made an important contribution to this analysis in his recent paper, "Beyond the Bean Count."

A static bean counting approach to the military balance excludes many factors that, in historical experience, have been central to the outcome of military conflicts. Such factors include political will, military doctrine, quality of weapons, leadership, training, morale, logistical support, mobilization capabilities, geography, terrain, weather conditions, and other considerations. In a NATO-Warsaw Pact confrontation, other factors, including alliance political solidarity, the reliability of allied forces, crisis decisionmaking, and the ability of allied forces to work in unison, all would play a special role.

Of course, analysts and officials within the United States and allied governments are aware of these considerations, and much analytical effort over the years has been devoted to understanding the interaction between statistical measures of military forces and other less quantifiable factors. Unfortunately, in public debate, the quantifiable factors tend to dominate because they are easier for officials to portray and also for the average nonexpert to understand. They are also easier to portray in the most important medium—television. It would be very difficult indeed to create a meaningful bar chart or table demonstrating political will or morale of forces, factors that could be crucial to the outcome of an armed conflict. But we find it quite easy to parade out illustrations of missile and tank forces, tables listing men under arms, or maps covered with symbols representing the imbalance of forces.

The question of conventional arms control is too important now to reduce discussions of the military balance to their lowest common denominator. Those of us in the Congress, as officials dealing regularly and directly with the public, responsible for sanctioning important U.S. defense commitments and appropriating the funds to support our national defense, have a special responsibility to try to see issues of military balance in all their complexities.

That is why I have decided to review in a series of presentations, the great variety of ways of looking at the military balance. For the next several weeks, I will present summaries of some of the more interesting analyses of the East-West military balance and conventional arms control issues. I will attempt to draw attention to factors that are all too often left out of generalizations made about the military balance and its consequences. I will also attempt to suggest some of the issues raised by these factors for the West's approach to the forthcoming conventional arms control talks.

For example, recent analyses of the East-West military balance published by the North Atlantic Treaty Organization have, in many ways, presented objective force comparisons between NATO and the Warsaw Pact. But these analyses, first published in 1982 and last updated in 1984, have been seriously deficient because they do not include the forces of NATO members France and Spain. Exclusion of French and Spanish forces, on the insistence of these allied governments, is based on the fact that they do not participate in NATO's integrated command structure. But even though French and Spanish forces are not in NATO's integrated command structure, both countries maintain that they would join the defensive efforts of other allies in the event of Soviet aggression. An objective consideration of the balance therefore must in some fashion take these forces into account. Otherwise, we seriously understate NATO's real ability to deter a Warsaw Pact attack and defend against one if it should come.

Mr. President, these and other analyses will be presented over the coming months. I want to note at this point my appreciation for the help in preparing these analyses and identifying the article of the Congressional Research Services and the Library of Congress, particularly Stanley Sloan, specialist in U.S. alliance relations, and many others who have contributed. The comments that I will make in no way suggest that this is the position taken by the Library of Congress or any other group. It is my attempt to lay out a variety of different ways of looking at the conventional balance in Europe, of understanding that and to make sure that our colleagues are aware of the extensive literature which exists out there and to give a flavor of that literature in the CONGRESSIONAL RECORD.

Some other assessments of the military balance fail to take into account important distinctions about the quality of various Warsaw Pact forces. For example, simply lumping together Soviet, East German, Polish, Czechoslovak, Hungarian, Bulgarian, and Romanian force totals misses a number of important differences. Does the Soviet Union count on the enthusiastic participation of Polish forces on any attack against the West? Should Bulgarian motor rifle divisions be judged as threatening as similar divisions fielded by the Soviet Union? Is the average less-well equipped and motivated East European Warsaw Pact conscript as threatening as the average Soviet soldier?

How are "category 3" Soviet units that are manned at substantially less than their intended wartime strength to be compared to their readily usable category 1 and 2 units. Soviet and Warsaw Pact category 3 units in Central Europe have only 10 to 25 percent of their manpower available at any one time and would take 30 to 90 days to prepare for combat. Should such units be lumped together with category 1 and 2 units on tables illustrating the balance?

A quick survey of balance assessments by Western governments and private institutions reveals immediately that there are many different ways of looking at the balance, depending on a number of subjective choices made by the authors. Objective analysis is complicated by the secrecy of the Soviet Union concerning its military forces. Western analysts often operate within fairly substantial margins for error because of this secrecy. The problem is even more severe with regard to estimates of military spending, where even our own intelligence agencies cannot agree on the proper methodologies.

Further complicating the problem is the fact that we also must look closely at the motivations that lie behind military forces and attempt to assess the intentions revealed by force deployments. Most West European and American analysts now agree that Moscow has no burning desire to attack Western Europe, given the potential consequences for the Soviet Union of such an attack. And yet it still appears that the pact maintains far in excess of the reasonable numbers of forces necessary to defend against an imaginary threat from the West. Part of the explanation for this phenomenon, of course, resides in the fact that some portion of Soviet forces stationed in Eastern Europe are there for the purpose of maintaining Warsaw Pact cohesion, rather than as insurance against external attack or as instruments of aggression. But even if we acknowledge this reality, we cannot quantify it. In negotiating conventional arms control, we certainly cannot "credit" the Soviet Union with a portion of forces for internal stability, but we can at least understand that this remains a factor conditioning Soviet behavior.

Perhaps because of these and other unquantifiable factors that affect the military equation in Europe, we should even resist using the military "balance" per se as the exclusive indicator driving our national positions. Rather, it is the overall military and political relationship between NATO and Warsaw Pact nations that we should assess when we are structuring our own military forces and designing our arms control proposals. Analyses of balances in various categories of forces and weapons systems can be an important contribution to such an assessment, but by no means tell the whole story. Given the inherent difficulties in dealing with gross asymmetries in the current relationship between NATO and Warsaw Pact forces, and the dissimilar roles played by those forces, the new conventional arms control negotiations should perhaps first seek to stabilize military relationships and build further cooperative measures into those relationships to help construct the foundation for substantial force reductions in the future.

In conclusion, how we look at the relationship between NATO and Warsaw Pact military forces will have a profound effect on the prospects for conventional arms control. If we are too optimistic about the future, we will be vulnerable to superficially-attractive agreements that could put Western interests at risk. If we are too pessimistic about our own capabilities, we will limit the opportunities to make progress toward increased military stability in Europe. We need a realistic approach, based both on sound assessments of the facts and pragmatic interpretations of the political environment. On a firm factual and analytical foundation we can develop a solid NATO defensive capability as well as imaginative arms control approaches designed to build down the military confrontation in Europe in the years to come.

Mr. President, I look forward to further discussion of this issue in the coming weeks and months.

AVIATION HISTORY

Mr. EVANS. Mr. President, on Monday of this week, aviation leaders gathered in Seattle for two important events: first, to celebrate the rollout of the two newest models of Boeing airliners, the 747-400 and the 737-400; and second, to recognize the remarkable career of T. Wilson on his retirement as chairman of the board of the Boeing Co.

In all fields of human endeavor, the most enduring legacy is achievement and the most honored tradition is trust. It is this legacy and this tradition that T.A. Wilson leaves to those who will follow him at the helm of the Boeing Co. as he moves into a new career of busy retirement.

"T," as he is known to his friends, was born in Missouri, the home, ironically, of one of Boeing's biggest competitors. During his brilliant career, he truly lived the motto of that great State as he showed everyone what first class management talent could accomplish.

The Boeing Co., throughout T's career, has been the world's preeminent producer and seller of commercial aircraft. Today, their market share for free world sales continues to exceed 50 percent despite major competitive challenges both at home and abroad. Sales backlogs continue at record-breaking levels.

Recently, the company was awarded a major contract to build America's space station. Thus, Boeing continues as a world leader in space, national security, and civilian air transport.

At a time when we are enthralled by a crisis of competitiveness, T's efforts at Boeing are a shining example of American industry at its best. Because he insisted on research, he ensured that Boeing would stay on the leading edge of technology. Because he insisted on quality, he ensured that Boeing stayed in the forefront of sales. We can compete as Americans. Just ask T.

In a career filled with awards, accolades, and successes, three accomplishments stand out. T should perhaps be proudest of his contributions to the security of our country through his work on two of the mainstays of our strategic arsenal, the B-52 bomber and the Minuteman ICBM. These two programs are still heralded by military procurement experts as models of public-private partnership.

For his second major achievement, I turn the clock back to the aerospace recession of 1969, a particularly painful time in the State of Washington. I know, I was Governor at the time. Through decisive and innovative management action, T preserved Boeing's manufacturing base and laid the groundwork for the immensely successful years which followed.

For his third major achievement, T and Boeing received the prestigious Collier Trophy. In the mid-1970's, as foreign government supported efforts to crack the commercial aviation market intensified throughout the world, Boeing, under T's leadership, boldly undertook to develop privately a new family of long-range, fuel efficient aircraft: the 757 and 767. The resounding commercial success of these aircraft is a testament to the courageous vision of T.A. Wilson.

Although T will be stepping out of the pilot's seat at Boeing, he will still be in a position to advise the new management from his chair at the board of director's table. He will still be in the front row as Boeing moves toward the 21st century as not only a commercial aviation giant, but as a major defense contractor and space technology innovator.

OZONE LAYER THREATENED

Mr. WIRTH. Mr. President, new scientific evidence has recently been released that further indicates that man's activities are threatening the Earth's delicate ozone layer. This latest data argues forcefully that the United States must excercise leadership to prevent the depletion of stratospheric ozone. I submit for the RECORD articles from the Washington Post and the New York Times and ask unanimous consent that they be printed at the conclusion of my remarks.

The ozone layer shields the Earth, and all living things, from exposure to the Sun's damaging ultraviolet radiation and plays a key role in regulating global temperature levels. For more than a decade, scientific research into the possibility and consequences of ozone depletion has been accelerating. We now know that the composition of the Earth's atmosphere is being changed by human activities. In particular, there is agreement in the scientific community that worldwide emissions of several chlorofluorocarbons [CFC's] threaten to break down the stratospheric ozone layer.

The impacts of continued ozone depletion could be enormous. Without purposeful multilateral action, the incidence of skin cancer and eye cataracts could increase dramatically. Scientific evidence also suggests that ozone depletion could trigger significant harmful changes in agricultural production and fish and wildlife populations.

Ozone depletion, and the related concern of the gradual warming of the Earth's atmosphere, are distinct threats to life on this planet as we know it. Unchecked, these developments could dramatically alter the delicate balance that exists between the Earth and its atmosphere, between the oceans and the continents, and most importantly, between man and the environment.

This issue is no longer simply a question of scientific inquiry, but rather, a question of what steps we can take to mitigate, and reverse, these adverse effects of human activity. This is, in large part, a man-made problem. And while we clearly need to do more research, all nations must immediately work together to dramatically and rapidly reduce emissions of harmful CFC's.

We can be proud of the fact that the United States has shown strong leadership in working with other nations to curb the production and use of these CFC's. In 1977, unilateral action by the United States banning the use of CFC's as aerosol propellants cut back CFC emissions significantly. However, in the last decade, the worldwide production and use of CFC's has steadily increased, as new uses for these chemicals were developed.

Recently, President Reagan transmitted to the Senate for ratification an international agreement that will significantly reduce CFC emissions. The Montreal Protocol on Substances

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that Deplete the Ozone Layer was signed last fall by 24 nations and the European Economic Community. Beginning in July of 1989, this agreement will freeze CFC production at 1986 levels. The agreement also calls for a 50-percent reduction in both production and use of ozone-depleting CFC's over the ensuing decade.

Mr. President, this agreement demonstrates the enormous advantages of international cooperation for protecting the global environment. Implementation of this agreement will lead to significant reductions in CFC emissions around the world. I recognize that we must carefully monitor ozone levels—and we must leave open the possibility that further reductions will be needed. The Montreal protocol is a positive step forward in this regard, however, and I urge my colleagues to join me in pledging support for swift hearings and ratification of this treaty.

I look forward to working with my colleagues to ensure that the United States leads the way in protecting the ozone layer. We can begin by ratifying the Montreal protocol.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 1, 1988]

OZONE LEVEL FELL 5 PERCENT FROM 1979 TO 1986

(By Boyce Rensberger)

The ozone content of Earth's atmosphere declined about 5 percent between 1979 and 1986, according to the first report from an effort to monitor ozone levels worldwide.

The decline was as high as 30 to 40 percent over the poles—where, during a seasonal Antarctic "ozone hole," more than 60 percent of the ozone was depleted—and as low as zero over the tropics. Over the United States ozone levels were down between 0.5 and 1 percent.

Ozone molecules in the stratosphere, six to 20 miles up, absorb much of the sun's ultraviolet light, preventing potentially harmful amounts from reaching the Earth's surface.

Although the findings suggest global ozone is declining faster than some had predicted it would because of continued release of chlorofluorocarbons (CFCs)—the ozone-destroying chemicals used as refrigerants and aerosol propellants-scientists said most of the decline so far may be the result of natural processes. There is evidence going back 30 years that ozone levels have fluctuated naturally by comparable amounts in cycles of 10 to 15 years.

It is believed that CFCs released on the ground eventually find their way into the stratosphere where ultraviolet light splits off the molecule's chlorine atom.

Chlorine then acts as a catalyst that turns ozone, a molecule made of three oxygen atoms, into ordinary oxygen gas, which has two oxygen atoms. The loss of the third atom renders oxygen unable to absorb ultraviolet light. Atmospheric chemists fear even a small chlorine buildup in the stratosphere because each chlorine atom can catalyze the same ozone-destroying reaction over and over indefinitely.

Ultraviolet light can cause skin cancer, cataracts and immune deficiency. As ozone is depleted, increasing doses are expected to raise the risk of all these diseases.

The findings were reported in today's Science magazine by Kenneth P. Bowman, an atmospheric chemist at the University of Illinois at Urbana-Champaign. They are based on data from Nimbus 7, a research satellite that since 1979 has been taking daily ozone readings all over the world, except when the poles were in darkness.

Although beneficial in the upper atmosphere, ozone at ground level is a potential pollutant. In high enough concentrations, which usually extend over a relatively small area, ozone can irritate eyes, nose and throat, damage plants and corrode various nonliving materials.

Forecasts of CFC effects have varied considerably. More conservative estimates have suggested depletions from 3 to 8 percent over the next 50 to 100 years. More extreme projections hold that the ozone layer could be destroyed in a hundred years.

Although satellite ozone monitoring did not begin until 1979, earlier spot measurements begun in 1957 indicate that ozone levels were declining until 1961 when they began rising to a peak in 1970. From that peak, ozone declined again until the mid-1970s, when it began rising again, peaking once more in 1979.

"It was kind of a coincidence that the satellite monitoring began in 1979, just when we had a peak," Bowman said. "So far there's no reason to think the decline we're seeing from the satellite is anything other than part of the up and down that we've known for 30 years."

Bowman said the 1986 ozone level, the latest that has been analyzed, appears to be about the same as the low recorded in the early 1960s. He said the 1986 data suggest the decline may have bottomed out and that the ozone "may be beginning to recover."

Bowman said, however, that this was no reason to discount the CFC concerns because effects of the chemical, now widely agreed to threaten stratospheric ozone, would be added to those of natural rises and falls.

The Nimbus 7 satellite measures ozone indirectly by comparing the amount of ultraviolet light directly from the sun that strikes a white panel on the satellite with the amount reflected up from Earth, which has been filtered twice by ozone, once on the way down from the sun and once on the way up.

Last Sept. 30, countries signed an agreement to cut production of CFCs by 20 percent by 1994 and to consider a further 30 percent reduction by 1999.

[From the New York Times, Dec. 19, 1987]

NEW FINDING ON OZONE "HOLE" RAISES CONCERN

(By Philip Shabecoff)

WASHINGTON, Dec. 19.—The winter mass of extremely cold air over Antarctica remained weeks longer than usual this year, along with the seasonal "hole" in the atmosphere's protective ozone layer, British and American scientists have reported.

The scientists said in interviews today and Thursday that they could give no definitive explanation for the events. It might simply be quirk in the weather, some of them said. But several said they were worried about the possible implications for both climate change and the earth's protective ozone shield.

Scientists have previously reported that atmospheric ozone over the Antarctic fell this year to the lowest levels recorded in the several years since measurements of the seasonal thinning began. Some speculated that the extremely low ozone level itself directly contributed to the extended cold weather because there was little ozone in the atmosphere to absorb the sun's warmth.

LATE BREAKUP OF COLD AIR

In the past the cold air mass over Antarctica in its winter has tended to break up by early to mid-November, in the Antarctic spring. At that point the ozone levels climb back toward normal too. But measurements taken by American scientists at the South Pole found that the breakup did not begin this year until Nov. 29 or 30. Scientists of the British Antarctic survey, who took measurements at Halley Bay, 1,000 miles from the pole, where ozone levels are often lowest, found the usual warming had only begun in move within the pass three or four days.

Scientists from both countries said the warming of the air mass had been delayed in the past, but that this year the breakup was at least two weeks later than in any Antarctic springtime since monitoring began in 1957.

Jonathan D. Shanklin, a scientist with the British Antarctic survey who was among the first to obeserve the "hole" of depleted ozone in the Antarctic atmosphere, said that on Dec. 3 the measured ozone level was about a third lower than the previous year. It was, he said, "by far the lowest" ozone readings ever made on that date.

ULTRAVIOLET RADIATION

Atmospheric ozone, a form of oxygen, protects the earth's surface from harmful ultraviolet radiation from the sun that can cause skin cancer and other health problems in humans and other life on earth. Recent evidence has indicated that the man-made chemicals have played an important role in creating the seasonal ozone hole over the South polar region.

Several of the scientists, including F. Sherwood Rowland, who first proposed in the early 1970's that atmospheric ozone could be destroyed by chlorine chemicals, suggested that the extended duration of the cold air mass was directly related to the low ozone levels. Because there was so much less ozone to absorb heat from the sun, the air over Antarctica was warming up more slowly, the scientists said.

Ralph J. Cicerone, director of the National Science Foundation's National Center for Atmospheric Research in Boulder, Colo., said the duration of the ozone-poor air mass could be dangerous for organisms in Antarctica. When the ozone first begins to disappear late in the polar winter, the sun is very low on the horizon and little ultraviolet radiation penetrates the earth. But with the ozone hole remaining until late in the Antarctic spring, the sun is higher and much more radiation can penetrate the thin atmospheric shield, Dr. Cicerone explained.

The Antarctic is rich in animal life, such as krill, a custracean on which other marine life feeds, that plays an important part in the global food chain.

CHANGES IN CLIMATE FEARED

Mr. Shanklin of the British Antarctic Survey, interviewed by telephone in Cambridge, England, said the temperature measured at Halley Bay was still at minus 60 degrees centigrade on Dec. 10, much colder than at that date in the past. He said the

long duration of the frigid air mass in the Antarctic was likely to produce variations in "short-term weather systems and long-term climate changes" in the Southern Hemisphere.

"The problem is that we really don't know enough about the atmosphere to predict what this is going to do," Mr. Shanklin said. He added, however, that from now on those who try to predict climate patterns "are going to have to put the ozone hole into their models."

Arlen J. Krueger, an atmospheric scientist for the National Aeronatics and Space Administration, cautioned that the extended duration of the ozone hole might simply be a variation from normal patterns and would not necessarily reoccur.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, at 1:32 p.m. the Senate recessed until 1:39 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 15 minutes to 2 p.m. today.

There being no objection, the Senate recessed at 1:39 p.m. until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

There being no objection, the Senate, at 1:46 p.m., recessed until 1:56 p.m., whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. SHELBY].

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 1:56 p.m., recessed until 2:01 p.m., whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. SHELBY].

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

There being no objection, the Senate, at 2:02 p.m., recessed until 2:12 p.m., whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. SHELBY].

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The majority leader.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, at the present time, 40 minutes remains in the morning hour. Am I correct?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. BYRD. Mr. President, under the rules, I could, at this time, move to proceed to a bill, and in this instance it would be my intention to move to proceed to the consideration of Calendar Order No. 128, the campaign finance reform bill.

Under the current circumstances, such a motion would not be debatable. Am I correct?

The PRESIDING OFFICER (Mr. GRAHAM). The majority leader is correct.

Mr. BYRD. Mr. President, I do not want to delay action on the conventions in connection with which agreements were entered last week. At the same time, I do not want to make a motion until the distinguished assistant Republican leader has had an opportunity to contact other Senators on his side.

That being the case, I shall propound the following unanimous-consent request so that the distinguished assistant Republican leader will have further opportunity to contact Senators on his side. The Senate can proceed with the conventions in executive session as was agreed to in the time agreement of last week. My rights will nonetheless be preserved so that following the action on the conventions and the return to legislative session, I would be in the same position that I am at this very moment, namely, with 40 minutes of the morning hour still to be utilized and with the right under the rule to move to take up a measure off the Legislative Calendar. That motion having been made during the morning hour, during the second hour of the morning hour, would be nondebatable.

So for those reasons, I shall make the following unanimous-consent request:

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the two conventions on which time agreements were entered last week; that the action in executive session be confined to those two conventions only and in accordance with the time agreements of last week; that upon the disposition of the two conventions and/or upon the return to legislative session, that I be recognized for the making of a motion to proceed to the consideration of Calendar Order No. 128; provided further, that the circumstances as they pertain to all parties as of this moment, to wit, the morning hour, the Senate is still in the morning hour and 40 mintues remain within the morning hour, that such circumstances as are the status quo at this moment be returned precisely as they are as of now with the rights of all parties reserved.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, reserving the right to object, and I shall not object, it is our desire on this side of the aisle to try and cooperate where we can. We want to do that and we started off doing that well last week. We intend to continue to do that. We want to proceed with these two conventions and the rollcall votes on these two conventions. Senators have been alerted to that. As we come to these new things, the quality of life is good and they know this is coming. We know we can accommodate them.

Mr. President, I will terminate my remarks in a moment. The 15-minute votes, for example, will be helpful as we go forward.

In this instance, and the majority leader portrayed it clearly, the leadership could make a nondebatable motion to proceed to S. 2 or any other legislation under the rules. But we do need this bit of time to inform our Members. There are logistical problems. No small number is interested in this particular matter.

In order to allow Senators MOYNIHAN and HATCH to proceed with these two important conventions and the votes on those, we will agree with this request to preserve the right in the majority leader that he has at this moment.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EXECUTIVE SESSION

ILO CONVENTION (NO. 144) CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOR STANDARDS

ILO CONVENTION (NO. 147) CONCERNING MINIMUM STANDARDS IN MERCHANT SHIPS

The PRESIDING OFFICER. The clerk will report the first convention.

The assistant legislative clerk read as follows:

> ILO Convention (No. 144) concerning tripartite consultations to promote the implementation of international labor standards.

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages up to and including the presentation of the

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resolution of ratification, which the clerk will state.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a Certified Copy of the Convention (No. 144) Concerning Tripartite Consultations to Promote the Implementation of International Labor Standards, adopted by the International Labor Conference at Geneva on June 21, 1976, subject to the following declaration:

There is agreement by the U.S. Government agencies concerned, the AFL-CIO, and the U.S. Council for International Business, that each ILO convention will be examined on its merits on a tripartite basis; that if there are any differences between the convention and Federal law and practice, these will be dealt with in the normal legislative process; and that there is no intention to change State law and practice by Federal action through ratification of ILO conventions, and the examination will include possible conflicts between Federal and State law that would be caused by such ratification.

Mr. MOYNIHAN. Mr. President, will the clerk report the second convention as well?

The PRESIDING OFFICER. The clerk will report the second convention.

The assistant legislative clerk read as follows:

ILO Convention (No. 147) concerning minimum standards in merchant ships.

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages up to and including the resolution of ratification, which the clerk will state.

The assistant legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a Certified Copy of the Convention (No. 147) Concerning Minimum Standards in Merchant Ships, adopted by the International Labor Conference at its 62d Session in Geneva on October 13, 1976, subject to the following understandings:

(1) It is the understanding of the United States that its obligations under Article 1 of this Convention do not extend to uninspected ships, including tugboats, of less than 300 tons;

(2) It is the understanding of the United States that Article 1, paragraph 4(b) of the Convention includes fish processing vessels of not more than 5000 tons and fish tender vessels of not more than 500 tons as ships engaged in fishing or in whaling or in similar pursuits;

(3) It is the understanding of the United States that the term "substantially equivalent" as it appears in Article 2(a) requires the ratifying state to take account of the general goal of the instruments in the Appendix, but does not require it to adhere to the precise terms of these instruments. This means that national laws and regulations may be different in detail, if the ratifying state has satisfied itself that the general goals of the instruments in the Appendix are respected;

(4) The United States Government understands and is satisfied, as required under Article 2(a) of the Convention, that the substantive provisions of United States statutes and regulations are substantially equivalent to the rights and responsibilities established in the instruments enumerated in the Appendix; and

(5) It is the understanding of the United States that the legal status of the terms of collective bargaining agreements relating to shipboard conditions of employment and living arrangements have no greater effect than that accorded such terms under United States labor statutes.

Mr. MOYNIHAN. Mr. President, this is a historic moment for the Senate, one which gives those of us on the Committee on Foreign Relations great satisfaction, which I think the Senate will share.

My distinguished colleague, Senator HATCH, and I will be explaining in fairly brief compass what we have in terms of the specifics of the two treaties. However, a general point is to be made at the outset. Here for the first time in 35 years, the Senate is about to consider a resolution of ratification of two International Labor Conventions drawn up under the auspices of the International Labor Organization.

Mr. President, our relationship with this organization and the ideals behind it is a primal one for the United States. The constitution of the International Labor Organization was drawn up by commission. The commission, which met in Paris in 1919, was headed by Samuel Gompers, then head of the American Federation of Labor. It was a matter of the greatest interest to President Wilson.

The three organizations of the League of Nations system were the league International Court of Justice and the ILO. It might have been thought that the ILO would have been the organization we were least likely to join. Yet it was the one we did join in 1934 under President Franklin Roosevelt, who felt he had a mandate from Woodrow Wilson himself. Scarcely the last words Woodrow Wilson spoke in Pueblo, CO, during his trip across the country in support of the Versailles Treaty, virtually his last words before he collapsed, never to be heard publicly again save once were words on the subject of the ILO.

It is particularly important, Mr. President, that we note we are dealing here with a nice combination. On the one hand we have in Convention No. 147 a specific treaty giving nations the power to inquire into and, if need be, remedy the conditions of safety and health aboard ships in harbor, in home ports, ships which traditionally have been under the jurisdiction of the flag country—we have now gotten beyond that tradition—but more importantly, the first of these treaties, 144, is a treaty that reaffirms the right of association and the central principles of the ILO. First, labor questions must be dealt with by organizations of workers, by business organizations, associations and by government. And second, business and labor will be separate from and independent of government, entitled to be heard in the ILO conference. The one organization of the league that survived World War II was the ILO. It comes down to us this day after a period of doubt. It was unclear whether the totalitarian nations would ever recognize that when they joined the ILO they committed themselves to democratic standards of representation of workers and business, and that if they could meet those standards so much the worse for them. In fact, they are committed to them in words of the preamble of the constitution. Samuel Gompers was certainly aware of the Preamble of the American Constitution and its words about the general welfare. The Preamble of the ILO constitution begins, "Whereas, universal and lasting peace can be established only if it is based on social justice." It goes on to speak of provisions of an adequate wage, of protection of workers against sickness, disease, and injury, protection of children, young persons and women, protection for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, and recognition of the principle of freedom of association. These are ideals, written in to that constitution, are, if not wholly, at least principally addressed to the democratic nations of the world. If those ideals are not fulfilled by democratic states, when will they ever be fulfilled? To make that distinction between democratic and undemocratic states, to insist on it, and to ask why, form the reasons for the creation of Convention No. 144. There are now 43 countries that have ratified this measure. You may be sure they are democratic countries. We will be the 44th. We will go into these debates in Geneva and around the world inquiring into the condition of organized labor in Poland. We will ask, "What happened to Solidarity?" We will speak as a nation which has ratified the same treaty that 43 other nations have ratified because these are our principles. It was an American who wrote this constitution and we are proud to be part of it.

Mr. President, today the Senate has a historic opportunity. The Foreign Relations Committee has favorably reported two conventions that were negotiated under the auspices of the International Labor Organization, generally known as the ILO. These could be the first ILO conventions ratified by the United States since February 17, 1953, very nearly 35 years ago. The Senate can set in motion a new chapter in the long and important history of the ILO.

Formed in 1919, the ILO was one of two semiautonomous bodies created along with the League of Nations. Samuel Gompers chaired the Commission which developed the first charter of the ILO. Although the United States did not join the league, we did join the ILO in 1934, and it became one of the specialized agencies of the United Nations in 1945. With 150 current members, the ILO represents a large majority of states in the world. The United States is one of 10 member nations of the governing body, the executive council of the organization.

Since its inception, two of the principal ILO functions have involved the setting of international labor standards and the supervision of their observance. These standards are codified in ILO conventions adopted by the International Labor Conference which meets annually in Geneva. Each member of the ILO sends to the conference a delegation composed of government, labor, and business representatives. This characteristic tripartite structure enhances the value of the standards. For the United States, representatives of the Departments of State and Labor fill the Government role. The labor representatives are selected from the AFL-CIO. The U.S. business representatives are selected from the U.S. Council for International Business. Both the U.S. Chamber of Commerce and the National Association of Manufacturers are members of the Council.

The first agreement under before the Senate today is ILO Convention No. 144. This convention sets forth a procedural standard for establishing administrative machinery to ensure effective tripartite consultations between Government, employers, and workers relating to ILO matters.

The second agreement, Convention No. 147, expands the ability of "port states" to protect the health and safety of seamen manning merchant vessels calling at their ports. The adoption of this convention within the ILO was the culmination of a long and arduous negotiating process in which the United States strove to achieve minimum health and safety standards for the world's merchant fleets.

By ratifying these conventions, the United States can support the ILO at a critical juncture in its history. The organization has successfully resisted efforts to force it to apply the moral double standard that disruptive nations have sought to impose on the entire United Nations system. I had a personal role in the ILO's rejection of that double standard.

In 1975, when I was permanent representative to the United Nations, it fell to me to draft the letter to the ILO which gave the required 2-year notification of our intention to withdraw. The ILO proceedings had become preoccupied with antidemocratic and anti-Israel polemic. In this, it had violated its own norms and become arbitrary in the extreme.

The letter noted four particular trends. The ILO had allowed the erosion of tripartism. It had demonstrated selective concern for human rights. It had lost regard for due process. And it had become increasingly politicized through the pursuit of extraneous issues unrelated to the purposes of the ILO. Our letter stated that we did not wish to leave the ILO and that we hoped that changes in the proceedings would allow us to remain, but that we would leave if we had to.

When the ILO failed to reverse these trends, President Carter withdrew the United States in November 1977, at the end of the notification period. It fell to me in the Senate to move our withdrawal from the ILO. Once again, however, we asserted our hope that we would return.

The United States had the desired result. In November 1978, the governing body censured Czechoslovakia for firing dissidents from their jobs in violation of ILO standards. Also in 1978, the conference defeated an Arab resolution against Israel which violated long established ILO procedures. In 1978 and 1979, ILO conferences adopted resolutions aimed at strengthening the tripartite system of decisionmaking. In 1979, the conference adopted a secret ballot procedure allowing worker and employer delegates to vote their consciences without fear of recrimination. Finally, there was a general decrease in the politicization of ILO meetings.

As a result of these improvements, President Carter resumed U.S. membership in the ILO in February 1980. I had the happy opportunity to move our return to the ILO in this Chamber.

Progress has continued. The ILO had cited the Soviet Union for failure to comply with the convention on freedom of association. It has rejected anti-Israeli resolutions. It has continued to criticize treatment of dissident Czech workers. And it has turned back efforts to politicize the conference.

Most notably, the ILO has established a commission to inquire into government interference with the right of workers in Poland to organize a free trade union. And last June, after a 4-year boycott, Poland finally participated in the commission's discussion of its cases.

These conventions have broad support. My esteemed friend Senator HATCH testified that "by ratifying conventions Nos. 144 and 147, we can strengthen and reinforce the position and credibility of our representatives at the ILO."

Lane Kirkand, president of the ALF-CIO, called Convention 144 "a major breakthrough after 30 years of frustration in seeking United States ratification of ILO conventions * * *." Abraham Katz, president of the U.S. Council for International Business, testified in support of the ratification of that convention. After thorough consideration, the National Association of Manufacturers has helped to clear the path for Convention 144.

Convention 147 has received full support from every quarter. It has no opposition.

Ratification of these coventions should signal increasing U.S. willingness to participate in a new era of ILO history. We go beyond contract to rights. Senate advice and consent is the necessary first step.

The action we take today could easily be underestimated. The substance of these two conventions—only the eighth and ninth the United States has ratified in a long relationship with the ILO that began under President Franklin D. Roosevelt—is not perhaps momentous. But that is not the point. The point is that after a third of a century of quiescence or distrust the United States is resuming an active role in the affairs of the ILO. And when we say the United States we mean just that: labor, business, and Government. That has been the secret of the ILO's endurance: the tripartite base which sustained it through the ups and downs of exclusively governmental politics.

I would note that during the 1920's and 1930's it was widely assumed that the United States, even if it did not join the League of Nations, would surely join the World Court. But in the event it was the ILO we did join. And we did because the labor movement and business groups such as the NAM and the U.S. Chamber of Commerce were committed to having us do so. Even, that is, when administrations in Washington would not hear of the thought.

The early advocates of international labor conventions saw them as a means to overcome the reluctance of national legislatures to adopt domestic labor standards that would jeopardize international competitiveness, as the term is used today. The early ILO conventions probably achieved something of this sort among the European states. But before long it was evident that the great opportunity of the ILO was to set standards and oversee practices in the area of governmental conduct that affects basic human rights. The rights referred to in general in the Preamble of the United Nations Charter were laid out in specific detail in the constitution of the ILO many years earlier, a constitution, I think the Senate should remind the world, which was drafted in Paris by a commission headed by the president of the

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American Federation of Labor. The constitution states:

> Whereas universal and lasting peace and justice can be established only if it is based on social justice;
>
> And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle or equal remuneration for work of equal value, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;
>
> Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;
>
> The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, and with a view to attaining the objectives set forth in this preamble, agree to the following Constitution • • •.

Over 150 nations have signed this Constitution and committed themselves to freedom of association. The Soviet Union has done so. South Africa has done so. Chile, the People's Republic of China, Cuba, Nicaragua, and Poland have done so. By giving our consent to the ratification of these treaties today the United States puts the world on notice that we intend to pursue the fulfillment of those rights of workers and of business in the ILO setting for generations to come. And beginning anew this very year.

I want to offer special thanks to Senator HATCH for his cooperation and support in moving these conventions forward. His bipartisan cooperation stands in the best tradition of this body.

I also offer thanks to Secretary of Labor Ann Dore McLaughlin and former Secretary of Labor William E. Brock for their support and initiative in bringing these conventions to the Senate. It should be noted that a Republican administration has brought these conventions before the Senate. The President is to be congratulated.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment my colleague for his energetic leadership on these two conventions and the ratification thereof. He probably more than any other person in Congress knows more about the importance of these conventions with regard to international labor relations. I personally appreciate his leadership in his area.

Mr. President, today marks an extremely important day in the history of American labor policy, because today we will vote on ratifying two important international labor conventions. By ratifying International Labor Organization Conventions 144 and 147, we can reaffirm our commitment to this important world organization and, at the same time, protect the role of Congress in formulating labor policy.

On September 11, 1985, I chaired a hearing of the Committee on Labor and Human Resources to consider first, whether there was a link between our failure to ratify conventions and our influence within the ILO; and, second, the feasibility of U.S. ratification of an ILO labor convention without a detrimental effect on U.S. labor law.

The hearing made it quite clear that our failure to ratify a single ILO convention during the last three decades has undermined the effectiveness of our representatives to this important international organization. While the ILO has suffered from several political problems that seem inherent in international organizations, it still serves several important functions. Based on the concept of tripartition, it provides a common forum for representatives of employers, employees, and governments to fashion labor standards. It also provides our country with a unique opportunity to demonstrate favorably its brand of labor-management relations and employee rights, especially compared to the labor force realities of Communist countries. This latter feature was perhaps best evidenced by our role in the condemnation by the ILO of the Polish Government's suppression of the Solidarity movement.

Unfortunately, when we have criticized Communist violations of ILO standards, our credibility has always been somewhat suspect given our own refusal to even consider ratifying ILO conventions. To be taken seriously in this organization, Congress must break away from the policy of abstention we have practiced for the last 30 years, the policy of not ratifying a convention regardless of its content.

Nonetheless, we must also take great pains to ensure that Senate ratification of ILO conventions does not usurp this country's traditional bicameral formulation of labor policy. An ILO convention should not be ratified if it would overturn existing Federal or State labor law. Similarly, ratification of one convention should not be considered sufficient precedent for ratifying others. Each convention must be considered on its own merits.

It is my understanding that, to address this latter concern, the President's committee on the ILO has agreed to certain ground rules governing the examination of ILO conventions. First, each ILO convention will be examined on its own merits on a tripartite basis. Second, if there are any differences between the convention and Federal law and practice, the differences will be dealt with in the normal legislative process. And, third, there is no intention to overturn State law and practice by Federal action through ratification of ILO conventions. The examination will include a review of possible conflicts between Federal and State law that could result from ratification. These procedures provide an excellent mechanism for allowing us to consider ILO conventions without jeopardizing existing Federal and State statutes.

When considered in light of these principles, convention 144, which concerns tripartite consultation with regard to ILO issues, and convention 147, which establishes certain minimum standards on merchant ships, should be ratified. They will not overturn existing labor law, and convention 144 really mirrors our current practice. More importantly, their ratification will send an important signal to the other members of the ILO.

Mr. President, there are many individuals who played a critical role in helping move these two conventions through this body. Lane Kirkland and Irving Brown have been extremely helpful, not only this year, but in the past, and much credit must go to them for their willingness to work with both sides of the aisle to ensure that the ratification process is truly bipartisan. Former Secretary of Labor Brock was tireless in his efforts to push these conventions forward and to establish a realistic consultation process for consideration of future conventions. Secretary of State Shultz has also been a longstanding supporter of these efforts. Also, Ambassador Katz and Ed Potter should be congratulated for their role in bringing the business community around to its current position.

Finally, Mr. President, I wish to commend the senior Senator from New York. He is a recognized scholar on the ILO and, of all of us in this body, perhaps knows best how important ratification of these conventions is to our role in the ILO. He has worked long and hard to have these conventions before the Senate and should be applauded for his courage and diligence. I hope our colleagues will join us today and vote in favor of ratification.

Mr. President, I ask unanimous consent that a letter of our present distinguished Secretary of Labor, Ann McLaughlin, be placed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LABOR,
Washington, DC, January 29, 1988.

HON. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR ORRIN: In the near future, the Senate will consider International Labor Organization (ILO) Conventions 144 and 147. The Senate Committee on Foreign Relations favorably reported these conventions on December 17, 1987, with the recommendations that the Senate give its advice and consent to their ratification. I am writing to urge your support during this important vote.

Your vote for ratification will represent a turning point in U.S. participation in the International Labor Organization. For the first time since 1953, the President and the Senate Foreign Relations Committee are seeking ratification of ILO standards. If successful, this precedent-breaking bipartisan effort will strengthen our leadership in the ILO. This is especially important now, when international labor standards are becoming an important domestic, as well as foreign policy, issue.

Convention 144 simply requires the government to consult with representatives of business and labor on ILO matters. Convention 147 sets minimum working and living standards for seafarers. Both conventions are consistent with current U.S. Federal and State laws. Their ratification will in no way change the U.S. domestic labor laws.

Our labor laws and standards generally meet—or even surpass—ILO standards. However, our failure to ratify ILO conventions since the 1950's has resulted in unwarranted questioning of our commitment to the fundamental human worker rights the ILO seeks to advance. Your vote will help quiet that criticism.

The ILO is the only international organization where representatives of government, workers and employers work together as equal partners. This organization was created in 1919 to improve working conditions, generate employment and promote human rights in the world at large. The rationale for its founding was not merely high minded internationalism, but also hard headed national self interest. As the ILO Constitution notes, "the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries."

U.S. leadership in the ILO is important, and I hope I can count on your support for ratification of Conventions 144 and 147.

Sincerely,

ANN MCLAUGHLIN,
Secretary of Labor.

Mr. HATCH. Mr. President, at this time I would like to have a colloquy with my distinguished colleague from New York and again I thank him for his leadership on this matter.

Mr. MOYNIHAN. I wonder, Mr. President, if my distinguished colleague will yield just for a moment.

Mr. HATCH. I am delighted to yield.

Mr. MOYNIHAN. May I thank him for his courtesies and say that the Senator from Utah, as former chairman of the Committee on Labor and Human Resources and now ranking as member has been absolutely tenacious in getting to the facts of our circumstances the manner in which we could advance the interests of American business, no less than labor. The National Association of Manufacturers and the U.S. Chamber of Commerce have been involved with the ILO matters for 70 years. They have interests in other nations of the world just as does our labor movement. The Senator from Utah has faithfully represented those interests and advanced them. I want to tell him personally I appreciate it.

Mr. HATCH. I thank the Senator so much.

Mr. President, there has been a valid concern raised about one possible ramification of Senate ratification of International Labor Organization Conventions; namely, that ratification of an ILO Convention which differs from Federal or State labor law would supersede that law. I would like to propound a question to Senator MOYNIHAN. What steps have been taken, in conjunction with Convention 144, to ensure that ILO conventions are not ratified if they would amend or overturn existing Federal or State labor law?

Mr. MOYNIHAN. I thank my learned friend from Utah. He addresses a question which is necessarily of immediate interest to the Committee on Labor and Human Resources which he has chaired with such distinction, and on which he is ranking member at this point. I believe that we do indeed have a very good answer to a very necessary question.

Mr. President, Convention No. 144 establishes the tripartite arrangement, involving labor, business and government, under which subsequent conventions will be reviewed for ratification.

Mr. President, the three points I am about to make in the colloquy with the distinguished Senator from Utah are in fact part of a declaration in the resolution of ratification. This resolution is a statute binding in the most explicit form. Beyond a colloquy, this will be a statute.

First, each subsequent convention will be examined on its merits on a tripartite basis. Representatives of labor, business and government will collectively review the treaty in question prior to its ratification.

Second, if there are any differences between the convention under consideration and existing Federal law and practice, these differences will be dealt with in the normal legislative process. That is to say, and perhaps I could get an affirmative answer from my friend, we will pass a bill——

Mr. HATCH. That is correct.

Mr. MOYNIHAN. Which will have to be signed by the President, and become a law. We will not use a treaty as a substitute for the law.

Finally, there is no intention to change State law and practice by Federal action through ratification of ILO conventions, and the examination of each convention will include possible conflicts between Federal and State law that would be caused by such ratification.

These ground rules were agreed upon by the United States Council for International Business, the AFL–CIO, and the U.S. Government agencies concerned in order to make clear that U.S. labor law is not intended to be changed merely by ratification of a treaty. Any required changes in domestic law will be handled through domestic legislation. Under current practice, any legislation necessary to make domestic law consistent with the provisions of a proposed treaty is submitted to the Congress at the time the treaty is submitted for ratification. At present, three ILO conventions already approved by the Senate have not been ratified because the necessary implementing legislation has not been passed.

Mr. HATCH. I want to thank, Mr. President, my colleague for his lucid explanation of my question. Again, I want to thank him for the leadership he had provided on these matters, and I hope that we can proceed from here to ratify other ILO conventions that will help us to have more influence in this very important management organization. It is I think probably one of the most important of all of our affiliated union organizations.

Before I sit down, we would like to vote in just a couple of minutes. I would like to pay a special thanks to Lane Kirkland, our leader in America for the AFL–CIO, and above all his cohort and colleague, Irving Brown. I think these two have done a terrific job of representing at least labor's interest but I think our country's interest in past ILO conventions; and in past ILO proceedings. In particular, Irving Brown has done more it seems to me to foster the dissemination of democracy all over the world than almost any other single living human being. There are very few people I have met since I have come to Washington that I have a greater respect for than Irving Brown. He is not only a hero in my eyes but he is also one of the most brilliant people in the world and certainly one who has throughout his lifetime dedicated himself to principles of democracy and free trade unionism. I have great admiration for him, and I would feel very remiss if I did not pay respect here on the Senate floor, especially as we hopefully ratify these conventions.

I would also like to express my appreciation to former Secretary of Labor, Bill Brock, to whom we brought the issue of ratifying further conventions. Secretary of State Shultz became a great supporter of what we are trying to do here today; Ambassador Katz, who has done an excellent

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job in Switzerland and, of course, has done an excellent job with regard to the ILO; and of course, Ed Potter who has represented business interests for so long. All of these people mean a great deal to me having gone back and forth to the ILO over a number of years and having worked with each of them in the best interests I think of the world, and certainly of our country.

So I would like to pay those particular respects to these particular people at this particular time, and again thank my distinguished colleague from New York for his wonderful leadership on this matter.

Mr. MOYNIHAN. Mr. President, the Senator from Utah is generous in his energies and his compliments, and also the respects I think he just gave are remarkably accurate. When the history of the 20th century is written there will be a place in it for Irving Brown.

Mr. HATCH. I would say.

Mr. MOYNIHAN. I do not know that that would be said of everyone who has passed through this Chamber. The American labor movement has been faithful to this enterprise. In the mid-1970's, when the ILO was going wrong, they asked us to leave and business agreed. We left saying we did not wish to leave but we gave notice we would. When we left, I had to move the matter on this floor. I said we want to come back, and then we did. Because of the strength of an organization that, while governments come and go, recognize that business, industry, and labor have continuity.

If you counted the number of Presidents of the United States in the period of only four presidents of the AFL-CIO, you would reach a multiple of eight or nine.

I think Secretary of Labor Brock is very much in our minds today, more in the minds of colleagues on the other side of the aisle than on this side as he has slogged his way through Iowa. We ought to pay him our respects. Secretary McLaughlin has been a faithful successor in this regard, and Secretary Shultz has been as well.

ILO CONVENTION (NO. 144) CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOR STANDARDS

Mr. PELL. Mr. President, in 1919, the International Labor Organization [ILO] was created to bring governments, employers and trade unions together for united action, to improve working conditions, generate employment, and promote human rights in the world at large. The rationale for this undertaking was not just high-minded internationalism, but also hardheaded national self-interest. As the ILO Constitution notes, "the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries."

The ILO's unique tripartite structure—its fundamental principle of tripartitism, of cooperation between government, labor and business—makes it a natural forum for promoting American concepts of democracy, pluralism, free trade unions and free enterprise.

The essential characteristic of the ILO is the fact that it is composed not only of government representatives, but also representatives of employers' and workers' organizations. Article 3 of the ILO's constitution provides that all the meetings of the general conference—held once a year—shall be composed of four representatives of each of the member nations, of whom two shall be government delegates and the other two shall be delegates representing respectively the employers and work people of each member nation.

Article 7 of the ILO Constitution provides that the governing body of the ILO shall consist of 56 persons, 28 representing governments, 14 representing the employers, and 14 representing the workers. Thus, employers' and workers' representatives make up half the membership of both the general conference and the governing body.

Beyond the general conference and the governing body, meetings in the ILO take many other forms: Special conferences on particular issues, committees, groups of experts or specialists, and ad hoc meetings. With rare exceptions, all these meetings are tripartite, so that all decisions reached in them represent the views of employers and workes as well as those of governments. Thus, tripartitism is the very essence of the ILO.

Mr. President, the purpose of Convention No. 144 concerning tripartite consultations to promote the implementation of international labor standards and recommendation No. 152 is to provide a procedural standard relating to the administrative machinery for participating in the ILO. It does not change U:S. domestic labor law. It simply provides that ILO member nations which ratify the convention must establish and maintain machinery to ensure effective tripartite consultations between governments, employers, and workers on matters relating to the ILO.

The United States has had since 1975 an elaborate tripartite consultative process which fully complies with the standards set forth in the convention. The ratification of this convention will not change this process.

During the consideration of this convention, the National Association of Manufacturers [NAM] expressed concern about the effect of article 5(c)(1) on the U.S. process. That subsection calls for consultations by member nations on the reexamination of unratified ILO conventions to consider what measures might be taken to promote their ratification. NAM fears that this provision might undermine the current agreement between the U.S. Government, the AFL-CIO and the U.S. Council for International Business. According to that agreement: First, each ILO Convention will be examined on its merits on a tripartite basis; second, any differences between such a convention and Federal law and practice will be dealt with in the normal legislative process; and third, there will be no attempt to change State law and practice by Federal action through the ratification of such a convention.

In response to this concern, Senator Moynihan, much to his credit, proposed within the Committee on Foreign Relations on amendment to the resolution of ratification which restated this agreement in the form of a declaration. The Moynihan declaration is a creative, intelligent response to a legitimate concern.

Mr. President, in conclusion I urge my colleagues to support this convention and the Moynihan declaration. The ratification of these instruments will help U.S. efforts to support the ILO's very substantial human rights activities, help us play a more effective leadership role in that organization, and thereby help us promote American democratic values and interests abroad.

Mr. HELMS. Mr. President, I would appreciate the response of the distinguished Senator from New York who has given so much time and effort to bring these conventions to the floor. I respect his commitment to the principles of the International Labor Organization, just as I respect and appreciate the views of the distinguished Senator from Utah. However, I still remain concerned over the possibility of the use of ILO conventions, specifically through the mechanisms provided by Convention No. 144, to change American domestic law.

In mid-November of last year on the op-ed page of the Los Angeles Times, a prolabor columnist claimed that "Congress may find that it will have to revise U.S. labor laws before this Nation can comply with some of the ILO standards." Then he went on to write: "Liberals want to make more use of the ILO to improve labor laws in all countries, particularly this one."

Therefore, I would like to ask my good friend, the distinguished Senator from New York, what guarantees exist that will prevent this kind of situation from occurring, where a treaty or convention will be used to remake or revise domestic U.S. labor law?

Mr. MOYNIHAN. I thank the Senator from North Carolina for his kind words. The resolution of approval for Convention No. 144 contains a declaration on the ground rules relating to

ratification of future conventions. These ground rules make clear that U.S. law will not be amended by treaty without Federal and State law meeting the requirements of a particular ILO convention prior to its ratification by the President. That is, any changes in domestic legislation that might be caused by ratification of an ILO convention must be passed by both Houses of Congress before the treaty is ratified. This has been the consistent practice of the Senate with respect to the ratification of other ILO conventions in order to avoid U.S. law being made by treaty.

Mr. HELMS. I am also concerned with article 5(c)(1) of Convention No. 144 which calls for consultations on the reexamination of unratified ILO conventions. I must say to my good friend from New York that it looks to me like this reexamination procedure will deal with measures which might be used to secure approval and ratification of conventions that the Senate had in the past refused to approve or to consider. What kind of protections can be provided with respect to the reintroduction of agreements which the Senate has already rejected pure and simple?

Mr. MOYNIHAN. I would say to the Senator from North Carolina that the ground rules address the legal examination of ILO conventions by the concerned government agencies, the U.S. Council for International Business and the AFL-CIO. Under the ground rules, only conventions that are in conformance with U.S. law and practice, or conventions for which implementing legislation has been introduced to reconcile the difference between U.S. law and practice and a convention's requirements, are appropriate for Senate action. In other words, consideration of other conventions that do not fit in these two categories would violate the ground rules and would be presumptively inappropriate for Senate action.

Mr. HELMS. I do appreciate the answer, though I am still concerned about the issue. Finally, I am also troubled by the declaration attached to Convention No. 144, as that declaration is currently phrased. It is not legally binding. It is merely recommendatory. It is not mandatory. Therefore, it affords no legal protections, since the declaration is a statement of intent only and not binding by operation of law. I must once again indicate my continuing concern over any possibility of changing domestic law by treaty or convention.

Mr. MOYNIHAN. Regarding the Senator's concern that the declaration is not binding, it can be unambiguously stated that Convention No. 144 will be implemented in accordance with the ground rules as agreed to by the parties. These ground rules are the exclusive means by which article 5(1)(c) is to be implemented. They mean that U.S. law will not be amended by treaty without both Houses of Congress acting first.

Mr. HELMS. I am going to support Convention No. 147, as it is a maritime convention within the tradition and scope of U.S. ILO participation during the last half century. My objections to No. 144 have already been noted, and I will add a further objection to a process which shuts out 85 percent of the American work force—those workers who have exercised their freedom of choice not to join a labor union. Nonunion labor has no voice in the process established by the so-called Tripartite Convention. I therefore will vote against Convention No. 144.

Mr. MOYNIHAN. Although I have great respect for my friend, the distinguished Senator from North Carolina, I am afraid that we must remain in disagreement. These two conventions serve not only the interests of all American workers, but the interests of business and Government as well. The broad support that labor, business, and Government have extended to these conventions speaks for itself.

Senator Helms has been very careful throughout this matter. He wanted to see these matters go forward. He supports the second of our treaties, No. 147, in the Maritime Committee, which has been traditionally the one we have had but he did not feel sufficiently comfortable with the provisions of Convention 144.

ILO CONVENTION (NO. 147) CONCERNING MINIMUM STANDARDS IN MERCHANT SHIPS

Mr. PELL. Mr. President, the International Labor Organization's Convention No. 147 Concerning Minimum Standards in Merchant Ships will improve employment conditions in merchant vessels and expand the ability of port States to take steps necessary to protect the health and safety of seamen manning merchant ships calling in those States. There is no dispute on the need for an international arrangement mandating minimum standards for merchant vessels. Worldwide cases of abuse by unscrupulous shipowners who engage seafarers from countries with subsistence economies at very low wage rates and few other social advantages are widespread.

Cost savings achieved by ignoring standards at sea is a formula for human misery, unreliable crews, and lost ships. Well-trained professionals will not accept such conditions of employment; that is the reason that most substandard vessels or vessels under fly-by-night registries are often manned by unskilled, poverty stricken nationals of developing countries, for whom a job at sea appears to represent a chance for betterment, but which in fact often represents further impoverishment.

The close relationship between safety at sea and conditions of employment cannot be underestimated. Vessels registered under traditional maritime flags have lower loss rates because of higher training standards and Government enforced operation regulations. The stark contrast between the limited losses among traditional maritime nations with high manning and safety standards and acceptable conditions of employment and the high loss record of convenience registries with no crew restrictions and little or no safety and training enforcement is perhaps the most compelling reasons for ratification of minimal international standards as found in ILO Convention 147.

In transmitting this convention to the Senate, the administration has proposed five understandings to clarify possible inconsistencies between the domestic laws of the United States and the convention. These understandings were overwhelmingly adopted by the Committee on Foreign Relations by a vote of 18 to 0.

Mr. President, in conclusion I urge my colleagues to vote in favor of Convention No. 147 along with the five understandings proposed by the administration. This convention will not only improve the working conditions of merchant seamen but will go a long way in enhancing the safety of life at sea.

Mr. HATCH. Mr. President, I think we are ready to vote.

Mr. MOYNIHAN. Mr. President, I see no other Senators have risen asking for the floor. I move the ratification of the two treaties in sequence, a separate vote to be held on each.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Would the Senator who controls time yield time back?

Mr. HATCH. I gladly yield my time.

Mr. MOYNIHAN. I yield all time back.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. MOYNIHAN. Mr. President, before the clerk speaks, I ask that the first vote be on Convention 144.

The PRESIDING OFFICER. The first vote will be on the resolution approval of Convention No. 144 to be followed immediately with a vote on resolution of approval of Convention 147.

VOTE ON ILO CONVENTION (NO. 144)

The question is on agreeing to the resolution of ratification of ILO Convention (No. 144) Concerning Tripartite Consultations To Promote the Implementation of International Labor Standards.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Montana [Mr. Baucus], the Senator from Oklahoma [Mr. Boren], the Senator from Florida [Mr. Chiles], the Senator from California [Mr. Cranston], the Senator from Arizona [Mr. DeConcini], the Senator from Illinois [Mr. Dixon], the Senator from Connecticut [Mr. Dodd], the Senator from Tennessee [Mr. Gore], the Senator from Georgia [Mr. Nunn], and the Senator from Illinois [Mr. Simon] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Mr. Dixon] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. Cochran], the Senator from Kansas [Mr. Dole], the Senator from Nebraska [Mr. Karnes], the Senator from Idaho [Mr. McClure], and the Senator from New Hampshire [Mr. Rudman] are necessarily absent.

I also announce that the Senator from New Mexico [Mr. Domenici] and the Senator from Wyoming [Mr. Wallop] are absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote.

The yeas and nays resulted—yeas 81, nays 2, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—81

Adams
Armstrong
Bentsen
Biden
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
D'Amato
Danforth
Daschle
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—2

Helms
Symms

NOT VOTING—17

Baucus
Boren
Chiles
Cochran
Cranston
DeConcini
Dixon
Dodd
Dole
Domenici
Gore
Karnes
McClure
Nunn
Rudman
Simon
Wallop

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution of ratification was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON ILO CONVENTION (NO. 147)

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the resolution of ratification on ILO Convention (No. 147) concerning minimum standards in merchant ships.

The yeas and nays have not been ordered.

Is there a request for the yeas and nays?

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Montana [Mr. Baucus], the Senator from Oklahoma [Mr. Boren], the Senator from Florida [Mr. Chiles], the Senator from California [Mr. Cranston], the Senator from Illinois [Mr. Dixon], the Senator from Connecticut [Mr. Dodd], the Senator from Tennessee [Mr. Gore], the Senator from Illinois [Mr. Simon], and the Senator from Arizona [Mr. DeConcini] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Mr. Dixon] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. Cochran], the Senator from Kansas [Mr. Dole], the Senator from Nebraska [Mr. Karnes], the Senator from Idaho [Mr. McClure], and the Senator from New Hampshire [Mr. Rudman] are necessarily absent.

I also announce that the Senator from New Mexico [Mr. Domenici] and the Senator from Wyoming [Mr. Wallop] are absent on official business.

The PRESIDING OFFICER (Mr. Sanford). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 0, as follows:

[Rollcall Vote No. 14 Ex.]

YEAS—84

Adams
Armstrong
Bentsen
Biden
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
D'Amato
Danforth
Daschle
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—0

NOT VOTING—16

Baucus
Boren
Chiles
Cochran
Cranston
DeConcini
Dixon
Dodd
Dole
Domenici
Gore
Karnes
McClure
Rudman
Simon
Wallop

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the resolution of ratification was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I first thank the Senate for its overwhelming vote of approval of these conventions, a unanimous vote with respect to 147 and an overwhelming vote, with two dissenting Senators in the case of the all-important convention 144.

This could not have been done without the cooperation of many persons. Not least, I think, ought to be recognized those persons who have associated themselves over the years both with the International Labor Office, Washington Brand, and the International Labor Office in Geneva. They have a long and honorable lineage, including, of course, David Morse, who was once Under Secretary of Labor. He went on to be the Director General of the ILO, and was there when the International Labor Organization, won the Nobel Peace Prize for a half-century of service with no equal in the history of world organizations.

For our part, Mr. President, Senator Hatch, the distinguished Senator from Utah, would wish to join me in thanking the staff of the Committee on Labor and Human Resources and the Committee on Foreign Relations.

With respect to the Committee on Foreign Relations, I would like to particularly thank Mr. Bob Friedlander, associate of the distinguished Senator

from North Carolina, Prof. Edwin Smith and Mr. Jon Alterman, who ably managed these affairs on this side of the aisle. For the Committee on Labor and Human Resources, the representative of Mr. Hatch, Kevin McGuiness, has been throughout this matter a source of great strength. I hope they feel this success is in part theirs, as it surely should be.

Mr. President, I yield the floor.

I see the distinguished majority leader is striding to his accustomed place at the helm, in the van, the charge about to take place.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session. I recognize the majority leader.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I thank the Chair and I thank the distinguished senior Senator from New York [Mr. Moynihan] for his usual skill and his usual eloquence. Both are appreciated. I commend him for them and also express appreciation on behalf of the Senate for the good work that was done.

Mr. MOYNIHAN. Thank you.

Mr. BYRD. I also thank the distinguished Senator on the other side of the aisle who helped to manage the treaties, who is the ranking member, Mr. Hatch.

Mr. President, for the moment I shall not make the motion to proceed to the bill. I am awaiting the arrival of a Senator. So I ask unanimous consent that my right to the floor be reserved and that at such time as I am recognized again, that the same rights that were preserved following the disposition of the two conventions, namely, the right to make a nondebatable motion to proceed with 40 minutes remaining in the morning hour, that that situation be preserved notwithstanding the fact that I will put in a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the distinguished assistant Republican leader and I have discussed the request which I shall make. We discussed it earlier. We propounded the unanimous-consent request to preserve the status quo of that moment while in executive session, while in the morning hour, in the second hour of the morning hour. And, incidentally, morning business has been completed, although that would not matter at this particular time.

SENATORIAL ELECTION CAMPAIGN ACT

Mr. BYRD. I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 128, S. 2.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Rules and Administration with an amendment to strike all after the enacting clause and insert in lieu thereof new language.

[Note: The correct text of the committee amendment, as modified by star print on August 7, 1987, is printed in the Record of February 17, 1988, at page S 786. Through inadvertence in the daily Record of today, February 1, 1988, the earlier committee amendment, as it appeared before the star print modification of August 7, 1987, was printed as follows:]

That this Act may be cited as the "Senatorial Election Campaign Act of 1987".

Sec. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC FINANCING FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"Sec. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'contribution' includes a payment described in section 301(8)(B)(x), made by a State or local committee of a political party, if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(8)(B)(x) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(5) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, such term shall begin on the first day following the date of the last general election and ending on the date of the next election;

"(6) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive payments under this title;

"(7) the term 'expenditure' includes a payment described in section 301(9)(B)(viii), by a State or local committee of a political party if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(9)(B)(viii) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(8) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(9) the term 'general election period' means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved and ending on the date of such election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(10) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister, of the candidate and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person;

"(11) the term 'major party' means 'major party' as defined in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided

that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(12) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(13) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(14) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(15) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(16) the term 'Senate Fund' means the Senate Election Campaign Fund maintained by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(17) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the date of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or at least equal to $150,000, whichever is greater, up to an amount that is not more than $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate by such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended and will not expend, for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b) or more than $2,750,000, whichever amount is less, unless such amount is increased pursuant to section 503(g);

"(4) certify to the Commission under penalty of perjury that such candidate has not expended and will not expend for runoff elections, if any, more than 20 percent of the maximum amount of the limitation applicable to such candidate as determined under section 503(b), unless such amount is increased pursuant to section 503(g);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the difference between the amount of the limitation on expenditures established in section 503(b) and the amount of payments provided for in paragraph (1)(A) or (2)(A) of section 504(a), as the case may be;

"(D) will deposit all payments received under this section at a national or State bank in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on such account;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission;

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(G) will not use any broadcast station, as such term is used in section 315 of the Communications Act of 1934, for the television broadcasting of a political announcement or advertisement during which reference is made to an opponent of such candidate unless such reference is made by such candidate personally and such candidate is identified or identifiable during at least 50 percent of the time of such announcement or advertisement, if such opponent has agreed to the requirements of this title or has received funds pursuant to the provisions of this title; and

"(8) apply to the Commission for a payment as provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election for the office of United States Senator no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who receives a payment for use in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $20,000, during the election cycle.

"(b) Except as otherwise provided in this Act, no candidate who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends, for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less, except as provided in subsection (g).

"(e) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b), except as provided in subsection (g).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) Notwithstanding the provisions of subsection (b), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(3) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) the Fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total of contributions to, and expenditures from, the Fund will not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers may be made from the Fund to any other accounts of the candidate's authorized committees, except that the Fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the Fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any funds left when the candidate terminates or dissolves the fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the two-year election cycle preceding the candidate's election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsection (d) and subsection (e), as they apply to such candidate, shall be increased in an amount equal to the amount of such expenditures.

"(h) If the provisions of section 506(c) apply and such candidate does not receive his full entitlement, such candidate may accept aggregate contributions in an amount which, when added to the aggregate expenditures made by such candidate do not exceed the limitation on expenditures applicable to such candidate pursuant to section 503.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) an eligible candidate who is a major party candidate shall be entitled to—

"(A) a payment under section 506 in an amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1); and

"(B) a payment under section 506 in an amount equal to the amount of the limitation determined under section 503(b) with regard to such candidate, if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election; or

"(2) an eligible candidate who is not a major party candidate shall be entitled to—

"(A) matching payments under section 506 in an amount equal to the amount of each contribution received by such candidate and such candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) the contributions required by section 502(a)(1) shall not be eligible for matching payments under this title; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1); and

"(B) matching payments under section 506, equal to the amount of each contribution received by such candidate and the candidate's authorized committees if any candidate in the same general election not eligible to receive payments under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions matched under subparagraph (A) of this paragraph or required to be raised under section 502(a)(1) shall not be eligible to be matched under this paragraph; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate; and

"(3) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(B) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved by any person in opposition to, or on behalf of an opponent of, such eligible candidate, as reported by such person or determined by the Commission under subsection (f) or (g) of section 304.

"(b) A candidate who receives payments under paragraph (1)(B), (2)(B), or (3)(B) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c) A candidate who receives payments under this section may receive contributions and make expenditures for the general election without regard to the provisions of subparagraphs (A) and (C) of section 502(a)(7) or subsections (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes aggregate expenditures for such election which exceed twice the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Payments received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such payments shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive payments under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate. The monies designated for such account shall remain available without fiscal year limitation.

"(b) Pursuant to the priorities provided in paragraph (3) of subsection (c), upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"(3) If the provisions of this subsection apply and the monies in the fund are not sufficient to satisfy the full entitlement of all candidates, in addition to the procedures provided in paragraph (2), the Secretary shall give priority to general election payments and pay such payments, or portions thereof, before other payments made pursuant to this title.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign account of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any payment made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such funds.

"(d) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure up to an amount not in excess of the payments received pursuant to section 504.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept payments under this title in excess of the aggregate payments to which such candidate is entitled or knowingly or willfully use such payments for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any payment under this title, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any payments received by any candidate who receives payments under this title, or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any payments received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or payment received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": Provided, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(8) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of such Act;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(8), each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for United States Senator who qualifies for the ballot for a general election, as such term is defined in section 501(8)—

"(A) who is not eligible to receive payments under section 502, and

"(B) who either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. If such total is less than two times the limit, such candidate thereafter shall file a report with the Commission within 24 hours after either raising aggregate contributions or making aggregate expenditures for such election which exceed twice the amount of the limitation determined under section 503(b), setting forth the candidate's total contributions and total expenditures for such election.

"(2) The Commission, within 24 hours after such report has been filed, shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504, about each such report, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(8), who is not eligible to receive payments under section 504, has raised aggregate contributions or made aggregate expenditures for such election.which exceed the amount of the limitation determined under section 503(b) for such election or exceed double such amount. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive payments under section 504 about each such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(8), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph made by the same person in the same election shall be reported, within 24 hours after, each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. If any such independent expenditures are made during the general election cycle, and if such candidate is eligible to receive payments pursuant to title V of this Act, the Commission shall, within 24 hours after such report is made, notify such candidate in the election involved about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(8), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive payments under section 504 about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

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"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or making of expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special

election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

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"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEVERABILITY

SEC. 13. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 14. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held more than one year after the date of enactment of this Act.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader for his cooperation.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business not to extend beyond 4:30 p.m. today and that Senators may speak therein for not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, there will be no more rollcall votes today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

The Senator from North Carolina is recognized for not to exceed 10 minutes.

Mr. SANFORD. Mr. President, I ask unanimous consent that I may be allowed to speak for as long as 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from North Carolina is recognized for not to exceed 20 minutes.

CONTRA AID

Mr. SANFORD. Mr. President, as we approach our vote on additional aid to the Contras, I have tried to provide for myself a careful, objective analysis of the dangers and opportunities of Central America. For a century and more its people have been the victims of exploitation, high-handed interference, and our well-intentioned but inadequate economic assistance. More recently and positively, those nations establishing democratically elected governments have had our encouragement and support in their successful efforts. We are, at this moment in Washington, observing, and influencing beyond what might be our intention or our privilege, a turning point in the arduous history of this still-promising region of the Western World.

THE PEACE PLAN

The situation requires wisdom and diplomacy. There is a proposed Central American solution, the Arias peace plan. All Central American countries have signed and are supporting it. It deserves our understanding and support. In all the five nations there are forces ready to champion a free society and defend the freedoms the people have already achieved. They need our encouragement.

The shaky danger is that there is an instability in the governments of perhaps three of these nations, making them vulnerable to a return to military or other forms of dictatorship. Our task is to help them stabilize. This peace plan will do just that. It commits the five nations to no armed aggression, to national reconciliation of opposing groups, to human rights, to open and democratic elections, and opens the way to broad economic and social development.

Our hesitancy, our dilemma, is that in one of the nations, Nicaragua, there is a government we consider unacceptable. Its leaders are avowedly Marxist, and they receive military and monetary support from the Soviet Union.

For 7 years our compelling national policy has been to support armed resistance committed to overthrowing the Nicaraguan Government. Now the Nicaraguan President has signed the Arias peace accord. What now should be our policy? What should we do? What have we to gain, and what have we at risk, and what do we have to lose? Should we continue Contra aid? Should we bring this phase of our Central American policy to a close?

U.S. NATIONAL SECURITY

Putting aside whether we have a right to insist on their conforming their government to our blueprint, we do have every right to base our policy on the dangers the Sandinista government presents to the national security of the United States.

I do not think there is any real danger to our national security, but here are the assumptions and assertions that raise those fears:

Nicaragua will become a Soviet base, from which an air, missile or land attack on the United States can be launched.

The Nicaraguan Government will invade its neighboring countries in its communistic compulsion to dominate and control the region. It has a plan to increase to 600,000 the number of troops in its military forces.

The Nicaraguan Government, if it doesn't invade, will promote and support insurgency in one or more neighboring countries to achieve the same results.

Communism is a blight on the hemisphere, Nicaragua is communistic, and therefore we should assist in the overthrow of the Nicaraguan Government. The Contras are willing to risk their lives to fight for freedom, and the least we can do is furnish the funds.

All of these assertions are sincere concerns for many American people. The President can easily remove the threat and fear, and without bloodshed.

Certainly we do not want a Soviet base in Central America. We do not want any nation in Central America to invade another. We do not want one country destabilized by another. All of those events would, in varying degrees, be a danger to the national security of our Nation. Everyone should expect us to protect our security interests.

The trouble now with our policy of providing Contra aid is that not only does it not achieve our national security aims, it actually retards their achievement. It does not enhance our national defense; it promotes an instability that continues to pose a risk in the Western Hemisphere.

If Contra aid is the wise course, why is the United States not pursuing the same course with regard to Cuba, which is clearly communistic, clearly an authoritarian dictatorship, clearly already allied to the Soviet Union, clearly possessing a greater capacity to destabilize other countries?

Reason, if not emotion, tells us that Cuba, without Soviet missiles or installations, is no more of a threat to us than a patch of fleas on a St. Bernard. It itches, but it doesn't hurt. The same is true of the Sandinistas. To believe otherwise is to disregard blindly the strength, power, and potential of the United States of America.

Instead of the destabilizing policy we have been following in Nicaragua, a policy that has contributed to the abuse and death of thousands, we simply need to be firm and do what finally we did, albeit in a stumbling manner, about the same kind of threat from Cuba.

We need the President, at a total cost of pen and paper, to declare fairly and simply:

First, we will not permit the installation of threatening Soviet military facilities in Nicaragua, or anywhere else in Central America, that we perceive to be the establishment of a Soviet military base. We will inform Chairman Gorbachev, the Government of Nicaragua, and the world generally, that we consider such to be an act of invasion of the Western Hemisphere, and we will remove or destroy such facilities or equipment.

Second, we will not tolerate an invasion by principal or proxy of a neighboring country by a Central American country. We will immediately respond with U.S. forces to a call from an invaded neighbor, and take appropriate military action against the aggressor nation.

If indeed the President thinks our security is jeopardized, we should not be sending the Contras to protect our security. He should deal directly with what he perceives the threat to be.

I am certainly not suggesting another Vietnam. We would be limiting our action directly to our continental national security. We are not talking about military interference with the governments of Central America. Having given fair warning, this in itself becomes an effective deterrent, and that is the best way to use military strength. Nicaragua and the Soviet Union will not likely defy such an assurance that we have a firm resolve about these two possible adventures.

Dealing with infiltration cannot be as precise, but infiltration requires a local force in insurgency, as in El Salvador. To calm and contain the insurgents, the best tools are the national reconciliation promoted by the Arias plan, and the promise of support of a long-range economic development plan now being designed by and for Central Americans. The latter should be the heart of our Central American policy.

ECONOMIC DEVELOPMENT

Economic opportunity, jobs, education, decent living conditions are what the people of Central America want to achieve, and those are the forces that will promote the freedoms we all aspire to see them achieve. We should be helping them help themselves, in long range programs aimed at lasting prosperity and peace.

Participation in the regional economic development plan, which the five nations are presently designing, can be conditioned on adherence to the peace agreement by each of the five countries, and this is the best weapon the four presidents can use to make certain the fifth adheres to the agreed terms. They can make it clear, and we can make it clear, that economic development assistance will be withheld from any country that supports a neighbor's insurgents. Our goal should be the political and economic stabilization of all Central American countries. That is the only long range solution. That is the only sensible and decent U.S. policy.

CAN SANDINISTAS BE TRUSTED?

The President and others contend that we must go on supporting the Contras because the Sandinistas cannot be trusted, and Communists generally cannot be trusted. They say that Communists always break their word. Putting aside for the moment that the President is trusting the word of Chairman Gorbachev in his INF Treaty, let's assume that we cannot trust the Sandinistas to keep their word. I am inclined to believe that this could be true. Even if President Ortega wanted to keep his word, the other Nicaraguan commandants have varying views. At least one or two, it appears, are hostile to their President's peace efforts. So let's assume that we cannot trust the Sandinistas to keep their word. Calm reason informs us it does not really make any difference to the security of the United States whether the Sandinistas keep their word on other matters, because they have been amply warned about our security policy.

OUR RIGHT TO INTERFERE

There is, however, a point beyond all of this. That is whether we have a right to interfere with the internal governments of sovereign nations. Of course we do not like, or that is to say, we do not trust, certain types of government. If you will sweep your mind around the world, you would have to say that a large number of the governments on Earth do not suit us. They are either one party, one strong man, some Communist or Facist, some simply dictatorship, but they do not suit our notion of how people ought to govern themselves. In our broader relations, we might want to come to the aid of a nation invaded, such as Afghanistan, but that does not argue for a minute that we ought to interfere with or support insurgency against all those governments not in our mold. Our legitimate rights in Nicaragua are absolutely limited to our national security interests, which is linked to the territorial integrity of the other Central American countries. Beyond that, we cannot justify using the resources of the United States of America to attempt to force our idea of government on the internal Government of Nicaragua. Not only do we not have any moral right to do this, but it is not a wise and workable foreign policy.

THE WISDOM OF INTERFERING

If it is internal change we want, our continuing Contra involvement has an absolutely opposite effect. It mobilizes the natural hemispheric opposition to the United States. Our additional aid actually strengthens the hands of the Sandinistas. It makes it virtually impossible for any local opposition parties to oppose the Sandinistas without appearing to be great friends of the United States. Nothing could be more fatal in seeking opposition votes or arousing resistance in Nicaragua than to be branded a friend of the United States. The Members of this Senate are all vote-getting politicians and they ought to recognize that bashing the United States is a winning issue in Nicaragua.

If we will examine Nicaraguan history, even superficially, we will find that the one underlying, overwhelming, uniform theme, is resentment and distrust of the United States. It goes back to the marines invading. It goes back to the U.S. support or tolerance of the Somoza regime. Written into the Nicaraguan Constitution, as a part of the preamble, is a statement of hostility toward the United States. Of course the Sandinista-controlled Assembly wrote this constitution, but no other constitution in the world refers adversely to the United States. The more we beat up on the Sandinistas, the more difficult we make it for an opposition party to win against the Sandinistas.

WEAK SANDINISTA ECONOMY

It stands to reason that the Sandinistas' weakness is their inability to handle the economy. This is true not only in Nicaragua, but as Gorbachev's perestroika is indicating, it is true throughout the Communist world. Not only do the regimes, by their bureaucratic incompetence, fail to manage the economy, but history has proven the Communist economic system does not lend itself to a strong and bustling economy. There are plenty of reasons to expect that in the future the Nicaraguan people can successfully resist the Sandinistas' incompetence and inadequacy. If we would relax a bit, if we would take a somewhat different approach, we would be holding out the only hope that the opposition parties to the Sandinistas have for this generation. There is no such thing as a winning pro-American political party in Nicaragua. Our basic premise has been just plain wrong.

DON'T ROCK THE BOAT

One can argue, and I will not dispute it, that the Contra action helped get the Sandinistas to the Arias peace table. But they are now at the table. The table is there, however, because of the Guatemala peace accords. We should be flexible enough to change our emphasis. Will continuation of Contra aid help or hurt the delicate chance of success of the accords? Getting the five presidents to support the plan was a historic achievement. It will not take much disruption to topple the negotiations. If we yell "sic 'em" to the Contras, we make it difficult to get the cease-fire and reconciliation that is at the heart of what the Central Americans are trying to achieve. The Catholic cardinal, the other four presidents, are alert to the rights of the Contra opposition. Failure of the Sandinistas to deal fairly with the Contras will defeat the peace plan. Failure of the Contras to deal fully and honestly in the negotiations will stalemate the peace plan. We need to steady the hands of all the parties. We don't need to throw meat to the lions.

CONTRAS ARE INEFFECTIVE

Not only do the lessons of history indicate that further Contra aid is counterproductive, but the evidence is that the Contras themselves are not an effective fighting force. If the President really thinks our national security is at stake, then we ought not to rely on such a weak reed.

The Contras have been at it a year full force, and a half dozen years before that, and they have done nothing of note. They have gained dominance in two or three remote mountain areas, where they can stay holed up forever. But they cannot muster the power and the strength to beat the Sandinista army. This is not the place for detailed military analysis, but the Members of the Senate have available confidential analyses that indicate clearly that the Contra forces cannot become a winning military movement, cannot overthrow the Sandinista government, cannot occupy Nicaragua.

General Bermudez of the Contras told me that their great weakness is that they have not been able to mobilize public opinion in their favor, and he does not think that it can be mobilized. It is obvious that public support cannot be mobilized, because the Contras are pro-American, by definition and by the source of their support. They are representative, rightly or wrongly, in the minds of the majority of the Nicaraguan people, of the old Somoza tyranny, of the distrusted United States, and they are not going to flock to the support of the Contras. The only way the Nicaraguan people are going to be mobilized is not by pro-American forces, but rather by the domestic anti-Sandinista opposition, the church groups, the independent business leaders, the other political parties, who all are pro-Nicaraguan, and who must be publicly anti-American, campaigning against the inadequacy of the Sandinistas in managing the country. The peace plan, if successful, will give them that chance.

I asked the three Contra leaders who live in Costa Rica, what could they hope to accomplish in the next 12 months if we gave them $250 million for military assistance. The unanimous answer was they could not hope to take Managua and environs, where almost half of the people live, that they could not hope to overthrow the Sandinista government, but they could pretty well occupy the rest of the countryside. Well, that is no military objective at all. That does not serve any lasting purpose, and it would take tremendous continuing resources to give them adequate military support to maintain that kind of a control in territory that is mostly hostile, and where the more they spread out in the open the more they are exposed to Sandinistan attack.

MONITORING THE SANDINISTAS

Assuming that the peace and freedom plan is worked out, what about monitoring the Sandinistas? How do we keep up and see that they are doing what they said they were going to do?

The Constitution of Nicaragua is an interesting document. I could argue, and it is probably true, that it doesn't make any difference what the Constitution says, that it can be violated. On the other hand, it is a written document, and they are pledging to observe the terms of it in the peace accord entered into with the other four countries. If they fail to observe it, the written proof is there for the other four Presidents to cite. If the accords are agreed to are violated by the Nicaraguans, it is up to the other countries to insist that Nicaragua is not in compliance. Whether they comply or not becomes a matter for the other four neighboring countries, who certainly are in a better position to monitor, verify, and insist on compliance than we are. The Nicaraguan Constitution provides for open elections and it lays out a written commitment to other fair practices, to a free press, to human rights. Violations by the Sandinistas can clearly be measured. So that members of Congress might know what they are dealing with, if finally the Sandinistas do not keep their word, I ask unanimous consent that the translation of the Nicaraguan Constitution be printed at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

In conclusion, if the Sandinistas fail to keep their word by building a stronger military establishment, then we do have a security concern. I have suggested how we deal with the use of such military forces. It appears from the evidence that a large buildup is not realistic. We turned somersaults when it was reported that Nicaragua had planned an armed force of 600,000 troops. We were so traumatized that we did not recognize the foolishness of that claim. The President raised its credibility by including a reference in his State of the Union message. There is no reason for the United States to exhibit such fear. Nicaragua has about 3 million citizens. Some of the males are old and some of them are infirm and some of them have already been injured in the battle. Over half of the citizens are youth. It would take most of the able-bodied men in the country to put an army of 600,000 together. Even if they did manage to form such a force, we will have warned them that they will not be allowed in the territory of any other nation.

"SURRENDER TO COMMUNISTS?"

It is quite possible that we have been carried away with emotionalism, with the feeling that we must stamp out communism wherever it is found. It is a tricky, plausible, appealing phrase to say that in guiding the Contras to the peace table we are surrendering to the Communists. That simply is not a logical assertion. We haven't surrendered to communism. We have been successful in getting the Sandinistas to cooperate with their neighbors. We have permitted Cuba to exist under the rule of Castro, but minus Soviet missiles or aggressive weapons. It is no more than an irritation we have absorbed. We are not going to invade Cuba. We are not going to attack the Soviet Union. We cannot undertake to use military force to stamp out communism wherever we find it. Nor do we need to do so. Democracy and free societies are on the upswing in the world. The appeal of communism is slipping because it has not worked as promised. The best way to defeat it in Central America is to support the efforts of the four neighbors of Nicaragua.

UNREASONED FEAR

We are far too strong, far too mighty, far too wealthy, far too large, for Nicaragua to be anything but an irritant. For us to go into contortions because a mosquito is buzzing around our head is not in keeping with the best of America's past bravery and its self-confidence. To say that failure to vote Contra aid will be a great victory for Russia or communism is ludicrous. A vote for Contra aid, in substance, is a manifestation of fear and lack of confidence on the part of citizens of the United States, and totally unworthy of our great American tradition. I do not intend to cast my vote for such unreasoned fear.

EXHIBIT NO. 1

POLITICAL CONSTITUTION, NATIONAL ASSEMBLY OF THE REPUBLIC OF NICARAGUA, MANAGUA, NICARAGUA, JANUARY 9, 1987

(As printed by the U.S. Department of State, from "Copy of the Sandinista Constitution Provided by the Embassy of Nicaragua")

The President of the the Republic hereby makes known to the people of Nicaragua that the Constituent National Assembly after consulting with the people, has discussed and approved the following Political Constitution:

PREAMBLE

We, The Representatives of the People of Nicaragua, united in the Constituent National Assembly, invoke the struggles of our Indian ancestors;

The spirit of Central American unity and the heroic tradition of our people who, inspired by the exemplary actions of General Jose Dolores Estrada, Andres Castro and Enmanuel Mongalo, destroyed the dominion of the filibusters and the United States intervention in the National War;

Benjamin Zeledon's anti-interventionist deeds;

Augusto C. Sandino, General of Free People and Father of the Popular and Anti-imperialist Revolution;

The heroic action of Rigoberto Lopez Perez, who initiated the beginning of the end of the dictatorship;

The example of Carlos Fonseca, the greatest perpetuator of Sandino's legacy, founder of the Sandinista National Liberation Front and Leader of the Revolution;

The generations of Heroes and Martyrs who forged and carried forward the liberation struggle for national independence.

In the name of The Nicaraguan people; the democratic, patriotic and revolutionary political parties and organizations of Nicaragua; the men and women; the workers and peasants; the glorious youth; the heroic mothers; those Christians who moved by their faith in God committed and dedicated themselves to the struggle for the liberation of the oppressed; the patriotic intellectuals; and all others who through their productive labor contribute to the defense of the Nation;

Those who guarantee the happiness of future generations by offering their lives in the struggle against imperialist aggression.

For the establishment of the legal framework to protect and preserve the achievements of the Revolution and the building of a new society dedicated to the elimination of all forms of exploitation and to the achievement of economic, political and social equality for all Nicaraguans and absolute respect for human rights.

For the homeland, for the revolution, for the unity of the nation and for peace.

We hereby proclaim the following political constitution of the Republic of Nicaragua:

TITLE I—FUNDAMENTAL PRINCIPLES

Chapter I

Art. 1 Independence, sovereignty and self-determination are inalienable rights of the Nicaraguan people and the foundation of the Nicaraguan nation. Any foreign interference in the internal affairs of Nicaragua or any attempt to undermine these rights is an attack upon the life of the people.

It is the right of the people and the duty of all citizens to preserve and defend, with arms if necessary, the independence of the Nation, its sovereignty and national self-determination.

Art. 2 National sovereignty rests with the people, the source of all power and forgers of their own destiny. The people exercise democracy by freely deciding upon and participating in the construction of the economic, political and social system which best serves their interests. The people exercise power both directly and through their representatives elected by universal suffrage; equal, free, and direct elections and secret ballot.

Art. 3 The struggle for peace and the establishment of a just world order are unrenounceable national commitments of the Nicaraguan nation. We therefore oppose all forms of colonialist and imperialist domination and exploitation. The Nicaraguan people are in solidarity with all those who struggle against oppression and discrimination.

Art. 4 The Nicaraguan people have created a new state to promote their interests and guarantee their social and political achievements. The state is the principal instrument through which the people eliminate all forms of exploitation and oppression, promote material and spiritual progress of the nation, and ensure that the interests and rights of the majority prevail.

Art. 5 The state guarantees the existence of political pluralism, a mixed economy and non-alignment.

Political pluralism assures the existence and participation of all political organizations in the economic, political and social affairs of the nation, without ideological restrictions, except for those who seek a return to the past or advocate the establishment of a political system similar to it.

A mixed economy assures the existence of different forms of property: public, private, associative, cooperative and communal; these forms of property must serve the best interests of the nation and contribute to the creation of wealth to satisfy the needs of the country and its inhabitants.

Nicaragua's international relations are based on the principle of non-alignment, the search for peace, and respect for the sovereignty of all nations; therefore, Nicaragua opposes all forms of discrimination and is anti-colonialist, anti-imperialist, and anti-racist. Nicaragua rejects the subordination of any state by another.

TITLE II—THE STATE

Chapter I

Art. 6 Nicaragua is an independent, free, sovereign, unitary and indivisible state.

Art. 7 Nicaragua is a participatory and representative democratic republic. It has four branches of government: Legislative, Executive, Judicial and Electoral.

Art. 8 The people of Nicaragua are multiethnic and are an integral part of the Central American nation.

Art. 9 Nicaragua is a firm defender of Central American unity. It supports and promotes all efforts to achieve political and economic integration and cooperation in Central America. It also supports the efforts to establish and preserve peace in the region.

Nicaragua, inspired by the ideals of Bolivar and Sandino, strives for the unity of the people of Latin America and the Caribbean.

Consequently, Nicaragua will participate with other Central and Latin American countries in the creation and election of the

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bodies necessary to achieve such goals. This principle shall be regulated by appropriate legislation and treaties.

Art. 10 The national territory is located between the Atlantic and Pacific Oceans and the republics of Honduras and Costa Rica. It includes the adjacent islands and keys, soil and subsoil, territorial waters, continental platform, continental rise, airspace and stratosphere.

The precise boundaries of the national territory are defined by laws and treaties.

Art. 11 Spanish is the official language of the state. The languages of the Communities of the Atlantic Coast shall also have official use in the cases established by law.

Art. 12 The city of Managua is the Capital of the Republic and the seat of government. In exceptional circumstances these can be established elsewhere in the nation.

Art. 13 The symbols of the nation are the National Anthem, the Flag and the Official Seal, as established by the law that defines their characteristics and use.

Art. 14 The state has no official religion.

TITLE III—NICARAGUAN NATIONALITY

Chapter I

Art. 15 Nicaraguans are either nationals or nationalized.

Art. 16 Nationals are:

1. Those born in Nicaraguan territory, excepting children of foreigners in diplomatic service, children of foreign officials serving international organizations or those sent by their government to work in Nicaragua, unless they choose to solicit Nicaraguan nationality.

2. Children of a Nicaraguan father or mother.

3. Children born abroad to fathers or mothers who originally were Nicaraguan, if and when they apply for citizenship after reaching legal age or independence.

4. Infants of unknown parents found in Nicaragua, subject to correction in accordance with the law should their filial identity become known.

5. Children born to foreign parents on board a Nicaraguan aircraft or vessel, if and when they solicit Nicaraguan nationality.

Art. 17 Native born Central Americans who reside in Nicaragua have the right to apply for Nicaraguan nationality from the competent authorities without renouncing their previous nationality.

Art. 18 The National Assembly may grant nationality to foreigners deserving this merit by virtue of extraordinary service rendered to Nicaragua.

Art. 19 Foreigners who have renounced their nationality may be nationalized by applying to the competent authorities when they have fulfilled the requirements and conditions established by law.

Art. 20 No national may be deprived of nationality except upon voluntary acquisition of another; nor shall a national be deprived of Nicaraguan nationality because of having acquired that of another Central American country or any country with which Nicaragua has an agreement of dual nationality.

Art. 21 The granting, loss and recuperation of nationality shall be regulated by law.

TITLE IV—RIGHTS, DUTIES AND GUARANTEES OF THE NICARAGUAN PEOPLE

Chapter I.—Individual Rights

Art. 23 The right to life is inviolable and inherent to all persons. There is no death penalty in Nicaragua.

Art. 24 All persons have duties to their families, the community, the Homeland and humanity. The rights of each person are limited by the rights of others, the collective security and the just requirements of the common good.

Art. 25 All persons have the right to:

1. personal freedom;
2. security;
3. seek legal redress.

Art. 26 All persons have the right to:

1. privacy and the privacy of their family;
2. the inviolability of their home, correspondence and communications;
3. respect for their honor and reputation.

A private home may be searched only with a warrant from a competent judge or expressly authorized official to prevent a crime from being committed or to avoid damage to persons or goods, in accordance with the procedures established by law.

The law shall determine the cases and the procedures for an examination of private documents, fiscal records and related documents, when such is indispensable for the investigation of matters before the Courts or for fiscal reasons.

Illegally seized letters, documents and other private papers shall be null and void in legal proceedings or elsewhere.

Art. 27 All persons are equal before the law and have the right to equal protection under the law. There shall be no discrimination for reasons of birth, nationality, political belief, race, gender, language, religion, opinion, national origin, economic position or social condition.

Foreigners have the same rights and duties as Nicaraguans, with the exception of political rights and other rights established by law; foreigners may not intervene in the political affairs of the country.

The state respects and guarantees the rights recognized in this Constitution to all persons who are in Nicaraguan territory and subject to its jurisdiction.

Art. 28 Nicaraguans who are temporarily out of the country have the right to enjoy amparo[1] and protection by the state through its diplomatic representatives.

Art. 29 All persons have the right to freedom of conscience and thought and to profess or not to profess a religion. No one shall be the object of coercive measures which diminish these rights, or be obligated to declare his or her creed, ideology or beliefs.

Art. 30 Nicaraguans have the right to freely express their beliefs in public or private, individually or collectively, in oral, written or any other form.

Art. 31 Nicaraguans have the right to travel and to establish their residence in any part of the nation and to freely enter and exit the country.

Art. 32 No one is obligated to do what is not required by law, or barred from doing what is not prohibited by law.

Art. 33 No one may be arbitrarily detained or imprisoned, or be deprived of liberty except in cases established by law and in accordance with legal procedures. Therefore:

1. An individual may be detained only by a warrant issued from a competent Judge or an official expressly authorized by law, except when apprehended in the act of committing a crime.

2. All detained persons have the right to be:

2.1. Informed in detail without delay of the reasons for their detention and the charges against them, in a language they understand; to have their family informed; and to be treated with respect in accordance with the dignity inherent in human beings.

2.2. Brought before a competent legal authority within 72 hours.

3. No one shall be detained after a release order has been granted by the appropriate authority or once the sentence imposed has been completed.

4. The responsible authority shall be liable for any illegal detention.

5. The appropriate authorities shall attempt to maintain those awaiting trial apart from those who have been sentenced.

Art. 34 All those awaiting trial have equal rights to the following minimum guarantees:

1. To be presumed innocent until proven guilty according to the law.

2. To be tried without undue delay by a competent court established by law.

3. Not to be removed from the jurisdiction of a competent judge except in cases provided for in this Constitution or by law.

4. To be guaranteed the right to a defense, to participate personally from the start of the proceedings and to adequate time and means to prepare their defense.

5. To be represented by a public defender when legal counsel has not been selected by the time of the first hearing, or in the event that no prior call was decreed. The accused shall have the right to communicate freely and in private with his or her legal counsel.

6. To have the assistance of an interpreter free of charge if they do not understand or speak the language used by the court.

7. Not to be obligated to testify against themselves or against a spouse or a partner in a stable de facto union, or a family member within the fourth level of consanguinity or the second of marital relations, or to admit their own guilt.

8. To be found guilty or not guilty within the legal time period, by each of the relevant courts.

9. To have the right to appeal to a superior court upon conviction of any crime and not to be retried for any crime for which a final judgment of conviction or acquittal has been issued.

10. Not to be brought to trial or sentenced for acts or omissions which at the time committed had not been unequivocally established by Law as a punishable crime, and not to be given a sentence which has not been previously established by law.

Criminal proceedings are open to the public, but in some cases the press and the general public may be excluded for moral considerations or for matters of the public order or national security.

Art. 35 Minor shall not be subjected to nor the object of judgment, nor shall they be submitted to any legal proceeding. Minors who violate the law cannot be taken to penal rehabilitation centers. They shall be attended in centers under the responsibility of a specialized institution, as provided by law.

Art. 36 All persons shall have the right to respect for their physical, psychological and moral integrity. No one shall be subjected to torture, nor inhumane, cruel or degrading treatment. Violation of this right constitutes a crime and shall be punishable by law.

Art. 37 The penalty shall not extend beyond the accused. No sentence may independently or consecutively total more than thirty years.

Art. 38 The law is not retroactive except in penal matters that favor the accused.

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[1] In Nicaragua, "amparo" is a legal procedure used to seek review of administrative acts, similar to the writs of prohibition, mandamus and habeas corpus in the United States judicial system. It is originally a Mexican constitutional concept.

Art. 39 In Nicaragua the Penitentiary System is humane, its fundamental objective is to transform the detainee into a person capable of reintegration into the society. In the progressive stages, the Penitentiary System shall promote family unity, health care, educational and cultural advancement and productive occupation with financial compensation. Detention has a reeducational character. Women and men serving prison sentences shall be held in separate penal centers. Women shall be provided guards of the same sex.

Art. 40 No one shall be subjected to involuntary servitude. Slavery and slave trade in any form are prohibited.

Art. 41 No one shall be detained for indebtedness. This principle does not limit the powers of competent legal authorities to issue warrants for the non-fulfillment of support or alimony orders. All national and foreign citizens have the duty to pay their debts.

Art. 42 Nicaragua guarantees asylum to those persecuted for their struggle for democracy, peace, justice and human rights. The granting of political asylum shall be determined by law in accordance with international agreements ratified by Nicaragua. If a political refugee or exile is expelled from Nicaragua, that person may not be sent back to the country in which he or she was persecuted.

Art. 43 Extradition from Nicaragua will not be permitted for political crimes or common crimes committed in conjunction with them, at Nicaragua's own discretion. Extradition for other common crimes is regulated by law and International Treaties. Nicaraguans shall not be extradited from Nicaragua.

Art. 44 Nicaraguans have the right to the personal property and necessary goods that are essential for the integral development of each person.

Art. 45 Persons whose constitutional rights have been violated or are in danger of violation have the right to present writs of habeas corpus or amparo,[2] according to the circumstances and the Law of Amparo.

Art. 46 All persons in Nicaragua shall enjoy protection and recognition by the state of the rights inherent to human beings, as well as unrestricted respect, promotion and protection of human rights, and the full benefit of the rights set forth in the Universal Declaration of Human Rights; the American Declaration of the Rights and Duties of Man; the International Pact of Economic, Social and Cultural Rights and the International Pact of Civil and Political Rights of the United Nations; and the American Convention of Human Rights of the Organization of American States.

CHAPTER II.—POLITICAL RIGHTS

Art. 47 All Nicaraguans who have reached 16 years of age are full citizens.

All citizens enjoy the political rights set forth in the Constitution and in other laws, without limitations other than those established for reasons of age.

A citizen's rights may be suspended when serious corporal or specific related punishments are applied and when a final judgment of civil injunction is decreed.

Art. 48 Unconditional equality among Nicaraguans in the enjoyment of political rights is established. In the exercise of these rights and in the fulfillment of these responsibilities and obligations, there exists absolute equality between men and women.

It is the obligation of the state to remove obstacles that impede effective participation of Nicaraguans in the political, economic and social life of the country.

Art. 49 In Nicaragua workers in the cities and countryside, women, youth, agricultural producers, artisans, professionals, technicians, intellectuals, artists, religious persons, the Communities of the Atlantic Coast and the population in general have the right to form organizations in order to realize their aspirations according to their own interests, without discrimination, and to participate in the construction of a new society.

Such organizations may be formed by the voluntary participation and free will of their members. They shall have a social function and may have a partisan character, according to their nature and objectives.

Art. 50 Citizens have the right to participate under equal condition in public affairs and in state management.

Effective participation by the people at local and national levels shall be guaranteed by law.

Art. 51 Citizens have the right to elect and be elected in periodic elections, and to vie for public office.

Art. 52 Citizens have the right, individually or collectively, to petition, to denounce irregularities and to make constructive criticisms to the branches of government or to any authority, and to obtain a quick resolution or response and to have the result made known within the time period established by law.

Art. 53 The right to peaceful assembly is recognized; the exercise of this right does not require prior permission.

Art. 54 The right to public assembly, demonstration and mobilization in conformity with the law is recognized.

Art. 55 Nicaraguan citizens have the right to organize or affiliate with political parties with the objective of participating in, exercising or vying for power.

CHAPTER III.—SOCIAL RIGHTS

Art. 56 The state shall grant special attention in all of its programs to those who defend the dignity, honor and sovereignty of the nation, and to their families, as well as to the families of those fallen in defense of the nation, in accordance with the laws.

Art. 57 Nicaraguans have the right to work in keeping with human nature.

Art. 58 Nicaraguans have the right to education and culture.

Art. 59 Every Nicaraguan has an equal right to health care. The state shall establish the basic conditions for the promotion, protection, recuperation and rehabilitation of the health of the people.

The organization and direction of health care programs, services and activities is the responsibility of the state, which shall also promote popular participation in support of health care.

Citizens are obliged to respect stipulated sanitary measures.

Art. 60 Nicaraguans have the right to live in a healthy environment and it is the obligation of the state to preserve, conserve and reclaim the environment and the natural resources of the country.

Art. 61 The state guarantees Nicaraguans the right to social security for protection against the social contingencies of life and work, in the manner and conditions determined by law.

Art. 62 The state shall strive to establish programs for the physical, psycho-social and professional rehabilitation of disabled people, and for their job placement.

Art. 63 It is the right of all Nicaraguans to be protected against hunger. The state shall promote programs which assure adequate availability and equitable distribution of food.

Art. 64 Nicaraguans have the right to decent, comfortable and safe housing that guarantees familial privacy. The state shall promote the fulfillment of this right.

Art. 65 Nicaraguans have the right to sports, physical education, relaxation and recreation. As part of their integral development, the state shall promote sports and physical education, through the organized and mass participation of the people and specific programs and projects.

Art. 66 Nicaraguans have the right to accurate information. This right includes the freedom to seek, receive and disseminate information and ideas, be they spoken or written, in graphic or any other form.

Art. 67 The right to provide information is a social responsibility and shall be exercised with strict respect for the principles established in the Constitution. This right cannot be subject to censorship, but may be subject to retroactive liability established by law.

Art. 68 The mass media is at the service of national interests. The state shall promote the access of the public and its organizations to the means of communication, and shall prevent the media from responding to foreign interests or to any economic power monopoly.

The existence and functioning of public, corporate or private means of communication shall not be the object of prior censorship. It shall be subject to the law.

Art. 69 All persons, either individually or collectively, have the right to practice their religion in public or private, through worship, practice and teaching.

No one may disobey the law or prevent others from exercising their rights and fulfilling their duties by invoking religious beliefs or inclination.

CHAPTER IV.—FAMILY RIGHTS

Art. 70 The family is the fundamental nucleus of society and has the right to protection by society and the state.

Art. 71 It is the right of Nicaraguans to form a family. The law shall regulate and protect this right.

Art. 72 Marriage and stable de facto unions are protected by the state; they rest on the voluntary agreement between a man and a woman, and may be dissolved by mutual consent or by the will of one of the parties, as provided by law.

Art. 73 Family relations rest on respect, solidarity and absolute equality of rights and responsibilities between the man and woman.

Parents must work together to maintain the home and provide for the integral development of their children, with equal rights and responsibilities. Furthermore, children are obligated to respect and assist their parents. These duties and rights shall be fulfilled in accordance with the pertinent legislation.

Art. 74 The state grants special protection to the process of human reproduction.

Women shall have special protection during pregnancy and shall be granted maternity leave with pay and appropriate social security benefits.

No one may deny employment to women for reasons of pregnancy nor dismiss them during pregnancy or the post-natal period, in conformity with the law.

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[2] See footnote to Article 28.

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Art. 75 All children have equal rights. There shall be no discrimination for reasons of filial relations. In ordinary legislation, dispositions or classifications that reduce or deny equality among children shall be null and void.

Art. 76 The state shall promote programs and develop special centers for the care of minors; minors have the right to protection and education from their family, the society and the state, according to their needs.

Art. 77 The elderly have the right to protective measures from their family, society and the state.

Art. 78 The state shall protect responsible paternity and maternity and establish the right to investigate paternity and maternity.

Art. 79 The right of adoption based on the best interest of the child is established, as regulated by law.

CHAPTER V.—LABOR RIGHTS

Art. 80 Work is a right and a social responsibility. The labor of Nicaraguans is the fundamental means to satisfy the needs of society and of the individual, and is the source of the wealth and prosperity of the nation. The state shall strive for full and productive employment under conditions that guarantee the fundamental rights of the individual.

Art. 81 Workers have the right to participate in the management of their enterprises through their organizations and in conformity with the law.

Art. 82 Workers have the right to working conditions that guarantee:

1. Equal pay for equal work under identical conditions, suitable to their social responsibility, without discrimination for political, religious, social, gender or other reasons, which assures a standard of living compatible with human dignity.
2. Payment of legal tender in their work place.
3. Minimum wage and social security payment shall not be legally attached except for support of the family and only by the terms established by law.
4. Work conditions that guarantee physical safety, health and hygiene and minimize work hazards to guarantee the worker's occupational health and safety.
5. An eight-hour work day, weekly rest, vacations, remuneration for national holidays and a thirteenth month bonus, in conformity with the law.
6. Work stability in conformity with the law and equal opportunity to be promoted, subject to length of service, capacity, efficiency and responsibility.
7. Social security for protection and subsistence in case of disability, old age, occupational hazards, illness or maternity; and for family members in case of death, according to the conditions established by law.

Art. 83 The right to strike is recognized.

Art. 84 Child labor that can affect normal childhood development or interfere with the obligatory school year is prohibited. Children and adolescents shall be protected against any form of economic or social exploitation.

Art. 85 Workers have the right to cultural, scientific and technical development; the state shall facilitate this through special programs.

Art. 86 All Nicaraguans have the right to choose and exercise freely their profession or trade and to choose their place of work with no requirements other than requisite schooling and that the work serve a social purpose.

Art. 87 Full labor union freedom exists in Nicaragua. Workers may organize voluntarily in unions, which shall be constituted in conformity with the law.

No workers are obligated to belong to a particular union, nor to resign from the one to which they belong. Full union autonomy is recognized and the legal rights of organized labor are respected.

Art. 88 In defense of their individual or organizational interests, workers are guaranteed the inalienable right to negotiate with their employers, in conformity with the law:

1. Individual contracts;
2. Collective bargaining agreements.

CHAPTER VI.—RIGHTS OF THE COMMUNITIES OF THE ATLANTIC COAST

Art. 89 The Communities of the Atlantic Coast are indivisible parts of the Nicaraguan people, enjoy the same rights and have the same obligations as all Nicaraguans.

The Communities of the Atlantic Coast have the right to preserve and develop their cultural identities within the framework of national unity, to be granted their own forms of social organization, and to administer their local affairs according to their traditions.

The state recognizes the communal forms of land ownership of the Communities of the Atlantic Coast and their enjoyment, use and benefit of the waters and forests of these communal lands.

Art. 90 The Communities of the Atlantic Coast have the right to the free expression and preservation of their languages, art and culture. The development of their culture and values enriches the national culture. The state shall create special programs to enhance the exercise of these rights.

Art. 91 The state is obligated to enact laws promoting and assuring that no Nicaraguan shall be the object of discrimination for reasons of language, culture or origin.

TITLE V.—NATIONAL DEFENSE

Chapter I

Art. 92 It is duty and right of Nicaraguans to struggle for the defense of life, Homeland, justice and peace for the full development of the nation.

Art. 93 The Nicaraguan people have the right to arm themselves in defense of their sovereignty, independence and revolutionary gains. It is the duty of the state to direct, organize and arm the people to guarantee this right.

Art. 94 The defense of the Homeland and the Revolution rests on the mobilization and organized participation of all the people in the struggle against their aggressors. The state shall promote mass incorporation of the people into the various structures and tasks of the country's defense.

Art. 95 The Sandinista Popular Army has a national character and must protect, respect and obey this Political Constitution.

The Sandinista Popular Army is the military arm of the people and direct descendant of the Army in Defense of National Sovereignty. The state prepares, organizes and directs popular participation in the armed defense of the Homeland through the Sandinista Popular Army.

No armed groups may exist in the national territory other than those established by the law, which shall regulate military organizational structure.

Art. 96 Nicaraguans have the duty to bear arms to defend the Homeland and the gains of the people against the threats and aggressions of a foreign country, or of forces directed or supported by any country. Patriotic Military Service is established in accordance with the terms of the law.

Art. 97 The struggle against externally promoted actions to undermine the revolutionary order established by the Nicaraguan people and the confrontation with criminal and anti-social actions are integral to the defense of the Revolution. The state creates the internal security forces, whose functions are determined by law.

TITLE VI.—NATIONAL ECONOMY, AGRARIAN REFORM AND PUBLIC FINANCES

Chapter I.—National Economy

Art. 98 The principal economic function of the state is to promote the country's material development, overcome the inherited backwardness and dependence of the economy, improve the country's standard of living and create a more just distribution of wealth.

Art. 99 The state directs and plans the national economy to guarantee the protection of the interests of the majority and the promotion of socio-economic progress.

The Central Bank, the National Financial System, Insurance and Foreign Commerce, instruments of the economic system, are irrevocable responsibilities of the state.

Art. 100 The state shall promulgate a Foreign Investment Law that contributes to the socio-economic development of the country, without damaging national sovereignty.

Art. 101 Workers and other productive sectors have the right to participate in the creation, execution and control of economic plans.

Art. 102 Natural resources are national patrimony. Preservation of the environment, and conservation, development and rational exploitation of natural resources are responsibilities of the state; the state may formalize contracts for the rational exploitation of these resources when required by the national interest.

Art. 103 The state guarantees the democratic coexistence of public, private, cooperative, associative and communal property; all these form parts of the mixed economy, are subject to the overriding interests of the nation and fulfill a social function.

Art. 104 Enterprises organized under any of the forms of ownership established in this Constitution enjoy equality before the law and the economic policies of the state. The economic plans of enterprises must be prepared with the participation of the workers. Free economic initiative exists.

Art. 105 The state is obligated to fairly and rationally regulate the supply and distribution of basic consumer goods, both in the countryside and in the cities. Speculation and hoarding are incompatible with the socio-economic system and constitute serious crimes against the people.

Chapter II.—Agrarian Reform

Art. 106 Agrarian reform is the fundamental instrument for achieving a just distribution of land and an effective means for revolutionary transformation, national development and the social progress of Nicaragua. The state guarantees the social progress of Nicaragua. The state guarantees the development of the agrarian reform program, to fulfill the historic demands of the peasants.

Art. 107 Agrarian reform shall abolish landed estates, rentism, inefficient production and the exploitation of peasants. It shall promote forms of ownership compatible with the economic and social objectives

of the nation, as established in this Constitution.

Art. 108 Land ownership is guaranteed to all those who productively and efficiently work their land. The law shall establish specific regulations and exceptions in conformity with the goals and objectives of agrarian reform.

Art. 109 The state shall promote the voluntary association of peasants in agricultural cooperatives, without sexual discrimination. Subject to resources, it shall provide the material means necessary to raise their technical and productive capacity in order to improve the standard of living of the peasants.

Art. 110 The state shall promote the voluntary incorporation of small and medium scale agricultural producers, both individually and in associations, into the economic and social development plans of the country.

Art. 111 The peasants and other productive sectors have the right to participate, through their own organizations, in establishing the policies of agrarian transformation.

Chapter III.—Public Finances

Art. 112 The annual General Budget of the Republic shall regulate public income and expenditure. The Budget must show the distinct sources and recipients of income and expenditure, which must balance, and shall determine the spending limits of the state institutions. Extraordinary spending may only be authorized by law and financed through the simultaneous creation and assignment of resources.

Art. 113 The Budget shall be prepared by the President of the Republic and approved by the National Assembly in the Annual Budget Law, in conformity with this Constitution and the law.

Art. 114 The taxation system must take into consideration the distribution of wealth and income, as well as the needs of the state.

Art. 115 Taxes must be created by laws that establishes their frequency and type and the rights of taxpayers. The state shall not require payment of taxes that have not been previously established by law.

TITLE VII.—EDUCATION AND CULTURE

Chapter I

Art. 116 Education seeks the full and integral development of Nicaraguans; to stimulate them with a critical, scientific and humanist way of thinking; to develop their personality and sense of dignity and to prepare them to assume the tasks of common interest necessary for the progress of the nation. Therefore, education is fundamental to the transformation and development of the individual and society.

Art. 117 Education is a single, democratic, creative and participatory process, which promotes scientific research and links theory with practice and manual with intellectual labor. It is based on our national values; on the knowledge of our history and reality and of national and universal culture; and on scientific and technological advances; it cultivates the values of the new Nicaragua in accord with the principles established in this Constitution, the study of which must be promoted.

Art. 118 The state promotes the participation of the family, community and individuals in education and guarantees the support of the public means of communication for this purpose.

Art. 119 Education is an unrenounceable responsibility of the state, including planning, direction and organization. The national educational system functions in an integrated fashion and in accordance with the national plans. Its organization and functioning are determined by law.

It is the duty of the state to develop and train the technical and professional personnel at all levels and disciplines necessary for the development and transformation of the country.

Art. 120 The creative application of educational plans and policies is a fundamental role of the national teaching profession. Teachers have the right to living and working conditions in accord with their dignity and with the important social function that they perform; they shall be promoted and given incentives in accord with the law.

Art. 121 All Nicaraguans have free and equal access to education. Basic education is free of charge and obligatory. The Communities of the Atlantic Coast have access in their region to education in their native language up to the levels set by national plans and programs.

Art. 122 Adults shall be offered educational opportunities and training programs. The state shall continue its programs to eradicate illiteracy.

Art. 123 Private education centers may function at all levels, subject to the terms established in this Constitution.

Art. 124 Education in Nicaragua is secular. The state recognizes the right of private educational centers with a religious orientation to teach religion as an extracurricular subject.

Art. 125 Higher education enjoys financial, organic and administrative autonomy in accordance with the law. Academic freedom is recognized. The state promotes free creation, research and dissemination of the sciences, arts and letters.

Art. 126 It is the duty of the state to promote the recovery, development and strengthening of national culture, sustained by creative popular participation.

The state shall support national culture in all its diversity, whether collective or individual.

Art. 127 Artistic and cultural creation is completely unrestricted. Cultural workers have full freedom to choose their forms and styles of expression. The state shall strive to provide them with the means necessary to create and present their works, and to protect their rights of authorship.

Art. 128 The state protects the archeological, historical, linguistic, cultural and artistic patrimony of the nation.

TITLE VIII.—ORGANIZATION OF THE STATE

Chapter I.—General Principles

Art. 129 The Legislative, Executive, Judicial and Electoral branches of government are independent of one another and coordinate harmoniously, subject only to the overriding national interest and to the provisions established in this Constitution.

Art. 130 No office holder may exercise functions other than those conferred upon the office by the Constitution and the laws.

All state officials must declare their financial status before assuming and upon leaving public office, as regulated by law.

Art. 131 Elected and appointed officials of the four branches of government are publicly accountable for the proper fulfillment of their duties and must inform the public of their work and official activities. They must be receptive to problems presented by the people and strive to resolve them. Official duties must be exercised in the public interest. All officials must efficiently and honestly carry out their duties; they shall be responsible for their acts and omissions. Civil service shall be regulated by law.

Chapter II.—Legislative Branch

Art. 132 The National Assembly exercises legislative power through representative popular mandate. The National Assembly is composed of ninety Representatives with their respective Alternates, elected by universal suffrage; equal, free and direct elections, and secret ballot in regional districts by means of a proportional representation system, as regulated by the Electoral Law. The number of Representatives may be increased in accord with the general census of the population in conformity with the law.

Art. 133 Unelected Presidential and Vice Presidential candidates who participated in the election also form part of the National Assembly as Representatives and Alternates respectively if they have received a number of votes equal or superior to the average number of votes necessary to win the election in each regional electoral district.

Art. 134 A Representative in the National Assembly must be:

1. A Nicaraguan national;
2. In full enjoyment of political and civil rights;
3. Over twenty-one years of age.

Art. 135 No Representative to the National Assembly may obtain any concessions from the state or be the proxy or agent of public, private or foreign enterprises which have contracts with the state. Violation of this provision annuls the concessions or advantages obtained and terminates the person's representative status.

Art. 136 Representatives to the National Assembly shall be elected for a period of six years, starting from the date of inauguration, which shall be the ninth of January of the year following the election.

Art. 137 Representatives and Alternates elected to the National Assembly shall be sworn in by the President of the Supreme Electoral Council.

The National Assembly shall be inaugurated by the Supreme Electoral Council.

Art. 138 The functions of the National Assembly are to:

1. Draft and approve laws and decrees, as well as amend or repeal existing ones;
2. Officially interpret the law;
3. Decree amnesty and pardons, as well as commute or reduce sentences.
4. Solicit reports through the President of the Republic from the Ministers or Vice Ministers of the state, and Presidents or Directors of autonomous and governmental institutions. Request by the same means their personal appearance and explanation or consultation.
5. Grant and cancel legal status to entities of a civil or religious nature.
6. Consider, discuss and approve the General Budget of the Republic in conformity with the procedures established in the Constitution and by law.
7. Elect Judges to the Supreme Court of Justice, and Members and their Alternates to the Supreme Electoral Council, from slates of three candidates proposed by the President of the Republic.
8. Elect the Controller General of the Republic from a slate of three candidates proposed by the President of the Republic.
9. Consider, acknowledge and decide on the resignations or permanent absences of Representatives to the National Assembly.
10. Consider and acknowledge the resignations or dismissals of Judges of the Supreme

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Court of Justice, of Members of the Supreme Electoral Council or the Controller General of the Republic.

11. Ratify or reject international treaties.

12. Regulate all matters related to symbols of the nation.

13. Create honorary orders and distinctions of national character.

14. Create and grant its own orders of national character.

15. Receive the President or the Vice President of the Republic in formal session to hear the annual report.

16. Delegate the legislative faculties to the President of the Republic when the National Assembly is in recess, in accord with the Annual Decree of Delegating Legislative Functions. Matters relating to the codes of the Republic are excepted.

17. Elect the National Assembly's Executive Board.

18. Create permanent, special and research committees.

19. Propose grace pensions and grant honors for distinguished service to the Homeland and to humanity.

20. Determine the political and administrative division of the country.

21. Consider the nation's economic and social development plans and policies.

22. Fill permanent vacancies of the Presidency or Vice Presidency of the Republic.

23. Authorize foreign visits of the President of the Republic which last longer than one month.

24. Review and resolve complaints presented against officials who enjoy immunity.

25. Decree the General Statute and Internal Rules of the National Assembly.

26. Fulfill other functions conferred by the Constititution and the laws.

Art. 139 Representatives shall bear no legal responsibility for their opinions and votes cast in the National Assembly and enjoy immunity in conformity with the law.

Art. 140 Representatives to the National Assembly and the President of the Republic may initiate bills, as may the Supreme Court of Justice and the Supreme Electoral Council in matters pertaining to their respective jurisdictions. This right of initiative shall be regulated by the General Statute and Internal Rules of the National Assembly.

Art. 141 Quorum for sessions of the National Assembly is half the number of its members plus one. To be approved, bills shall require a favorable vote by a simple majority of the Representatives present.

Once a bill is approved, it shall be sent to the President of the Republic for authorization, promulgation and publication.

Art. 142 The President of the Republic may partially or totally veto a bill within 15 days after receiving it. If the President does not veto the bill, and fails to authorize, promulgate and publish it, the President of the National Assembly shall order the law to be published.

Art. 143 A bill partially or totally vetoed by the President of the Republic must be returned to the National Assembly with the reasons for the veto specified. The National Assembly can reject the veto with a vote of half its Representatives plus one, in which case the President of the National Assembly shall order the law to be published.

Chapter III.—Executive Branch

Art. 144 The President of the Republic, who is the Head of State, Head of Government and Commander in Chief of the Defense and Security Forces of the Nation, exercises executive power.

Art. 145 The Vice President of the Republic carries out the functions delegated by the President and shall substitute in that position during the President's temporary or permanent absence.

Art. 146 The election of the President and Vice President of the Republic is by equal, direct, free universal suffrage in secret ballot. The Candidates who receive the largest number of votes will be elected.

Art. 147 The President and Vice President of the Republic must be:

1. Nicaraguan nationals;
2. In full enjoyment of civil and political rights.
3. Over twenty-five years of age.

Art. 148 The President and Vice President shall exercise their functions for a period of six years, starting from their inauguration on January 10 of the year following the election; they shall enjoy immunity during their term of office.

Art. 149 In case of the temporary absence of the President of the Republic, the Vice President shall assume the Presidential functions. When the absence is permanent, the Vice President shall assume the position of the President of the Republic for the remainder of the term and the National Assembly must elect a new Vice President.

In case of the temporary and simultaneous absence of the President and Vice President, the President of the National Assembly, or whoever is serving in that position in accord with the law, shall assume the functions of the President. In case of the permanent absence of the Vice President of the Republic, the National Assembly shall appoint a substitute.

If the President and Vice President of the Republic are permanently absent, the President of the National Assembly or whoever is next in order of succession under law shall assume the functions of the President. The National Assembly must appoint substitutes for the President and Vice President within seventy-two hours after their positions have become vacant. Those appointed shall exercise their functions for the remainder of the term.

Art. 150 The functions of the President of the Republic are to:

1. Comply with and enforce the Political Constitution and the laws.
2. Represent the nation.
3. Initiate legislation and exercise the right to veto, in accordance with this Constitution.
4. Enact executive decrees with the force of law in fiscal and administrative matters.
5. Prepare the General Budget of the Republic and promulgate it upon approval or review by the National Assembly, depending on the case.
6. Appoint and remove Ministers and Vice Ministers of State, Delegate Ministers of the Presidency, Presidents or Directors of autonomous and governmental institutions and other officials whose appointment or removal is not otherwise determined in the Constitution and the laws.
7. Assume the legislative faculties delegated by the National Assembly during its recess period.
8. Conduct the international relations of the Republic, formalize international treaties, agreements or accords and appoint the heads of diplomatic missions.
9. Decree and put into effect the State of Emergency in circumstances defined by this Political Constitution and forward the decree to the National Assembly for ratification within a period of no more than forty-five days.
10. Adopt regulations to give effect to the laws.
11. Grant honorary orders and decorations of a national character.
12. Organize and conduct the government and preside over Cabinet meetings.
13. Administer the economy of the country and determine socio-economic policies and programs.
14. Propose slates of three candidates to the National Assembly for the election of Judges to the Supreme Court of Justice, Members to the Supreme Electoral Council and the Controller General of the Republic.
15. Present the annual report and other reports and special messages to the National Assembly personally or via the Vice President.
16. Fulfill the other functions conferred by this Constitution and the laws.

Art. 151 The President of the Republic determines the number, organization and jurisdiction of the government ministries and autonomous and state institutions. The ministers, vice ministers and presidents or directors of autonomous and governmental institutions enjoy immunity.

Art. 152 Ministers, vice ministers or presidents of autonomous or governmental institutions must be:

1. A Nicaraguan national;
2. In full enjoyment of political and civil rights;
3. Over twenty-five years of age.

Art. 153 Ministers, vice ministers and presidents or directors of autonomous and governmental institutions are responsible for their acts in conformity with this Constitution and the laws.

Chapter IV.—Office of the Controller General of the Republic

Art. 154 The Office of the Controller General of the Republic is the governing body which controls public administration and the "Area of People's Property" (public property).

Art. 155 The Controller General of the Republic has the following responsibilities:

1. The establishment of a system which controls the proper use and prevents abuses of funds.
2. Ongoing supervision of the management of the General Budget of the Republic.
3. Control, examination and evaluation of the administrative and financial management of public institutions, those subsidized by the state and the public or private enterprises which receive investments of public capital.

Art. 156 The Office of the Controller General of the Republic shall enjoy functional and administrative autonomy and shall be directed by the Controller General of the Republic, who shall give annual reports to the National Assembly and enjoy immunity.

Art. 157 The law shall determine the organization and functioning of the Office of the Controller General of the Republic.

Chapter V.—Judicial Branch

Art. 158 Justice emanates from the people and shall be carried out in their name as their proxy by the Judicial Branch, composed of the Courts of Justice established by law.

Art. 159 The Courts of Justice form a single system, headed by the Supreme Court of Justice.

The exercise of judicial powers falls under the authority of the Judicial Branch. Military jurisdiction is established, and its exercise is regulated by law.

Art. 160 The administration of justice guarantees the principle of legality and protects and promotes human rights through the application of law in the matters within its jurisdiction.

Art. 161 A Judge of the Supreme Court of Justice must be:

1. A Nicaraguan national;
2. A lawyer;
3. In full enjoyment of political and civil rights;
4. Over twenty-five years of age.

Art. 162 Judges shall serve for a term of six years and may be dismissed from their position only for reasons determined by law.

Judges enjoy immunity.

Art. 163 The Supreme Court of Justice shall be composed of at least seven Judges, selected by the National Assembly, from slates of three candidates proposed by the Persident of the Republic.

The Judges shall take office after being sworn in before the National Assembly.

The President of the Supreme Court of Justice shall be appointed by the President of the Republic from among the Judges selected by the National Assembly.

Art. 164 The functions of the Supreme Court of Justice are to:

1. Organize and direct the administration of justice;
2. Review and decide ordinary and extraordinary appeals presented against the judgments of the Courts of Justice of the Republic, in accord with the proceedings established by law;
3. Review and decide on writs of amparo [3] claiming violations of rights established in the Constitution, according to the Law of Amparo.
4. Review and decide on writs challenging the constitutionality of a law, filed in conformity with the Constitution and the Law of Amparo.
5. Appoint the Judges of the Appeals Courts and the Courts of the Republic, in accord with the procedures established by law.
6. Draft its internal rules and appoint its personnel.
7. Fulfill other functions conferred on it by the Constitution and the laws.

Art. 165 In their judicial activity Supreme Court Judges and other Judges are independent and are subject only to the Constitution and the law; they shall be governed by, among others, the principles of equality, public proceedings and the right to a defense. In Nicaragua justice is free of charge.

Art. 166 The administration of justice shall be organized and shall function with popular participation as determined by the law. The members of the Courts of Justice, be they lawyers or not, have equal authority in the exercise of their legal functions.

Art. 167 State authorities, organizations and legal institutions and individuals must comply with the verdicts and resolutions of the Courts and Judges.

Chapter VI.—Electoral Branch

Art. 168 The organization, management and oversight of elections, plebiscites and referendums are the exclusive responsibility of the Electoral Branch.

Art. 169 The Electoral Branch is composed of the Supreme Electoral Council and other, subordinate electoral bodies.

Art. 170 The Supreme Electoral Council is composed of five Members with their respective Alternates, elected by the National Assembly from slates of three candidates for each position proposed by the President of the Republic. The National Assembly shall select the President of the Supreme Electoral Council from the elected Members.

Art. 171 The Judges of the Supreme Electoral Council must be:

1. Nicaraguan nationals;
2. In full enjoyment of political and civil rights;
3. Over twenty-five years of age.

Art. 172 The President and other Members of the Supreme Electoral Council shall exercise their functions for a term of six years starting from the date on which they take office; during this period they enjoy immunity.

Art. 173 The functions of the Supreme Electoral Council are to:

1. Organize and conduct the elections, plebiscites or referendums convoked in accordance with the Constitution and the law.
2. Appoint the members of the other electoral bodies, in accordance with the Electoral Law.
3. Establish the calendar for elections.
4. Apply the constitutional and legal provisions that refer to the electoral process.
5. Serve as the final arbiter of resolutions enacted by subordinate electoral bodies and of the claims and disputes presented by political parties.
6. Issue relevant measures in accordance with the law to ensure that the electoral process develops under conditions of full legal guarantees.
7. Ensure that the appropriate bodies provide security for the political parties participating in the elections.
8. Make the final check of the votes cast in the elections, plebiscites and referendums, and present the final declaration of the results.
9. Draft its own regulations.
10. Fulfill other functions conferred on it by the Constitution and the laws.

Art. 174 The Members and alternates of the Supreme Electoral Council shall take office after being sworn in by the President of the National Assembly.

TITLE IX.—POLITICAL ADMINISTRATIVE DIVISION

Chapter I.—Municipalities

Art. 175 The national territory shall be divided for administrative purposes into Regions, Departments and Municipalities. The laws regarding this matter shall determine the size, number, organization, structure and operation of the various districts.

Art. 176 The Municipality is the basic unit of political administration in the country. The law shall determine their number and size.

Art. 177 The government and administration of municipalities is the responsibility of the municipal authorities, who enjoy autonomy without abrogating the authority of the central government.

Municipal governments shall be elected by the people through equal, direct, free and universal suffrage in secret ballot, in conformity with the law.

Art. 178 Municipal authorities shall serve six-year terms, beginning from the day they are sworn in before the Supreme Electoral Council.

Art. 179 The state shall promote the integral and harmonious development of the diverse parts of the nation.

Chapter II.—Communities of the Atlantic Coast

Art. 180 The Communities of the Atlantic Coast have the right to live and develop under the forms of social organization that correspond to their historic and cultural traditions.

The state guarantees these communities the benefits of their natural resources, the legitimacy of their forms of communal property and the free election of their authorities and representatives.

Furthermore, it guarantees the preservation of their cultures and languages, religion and customs.

Art. 181 The state shall implement a law which establishes autonomous governments in the regions inhabited by the Communities of the Atlantic Coast to guarantee the exercise of their rights.

TITLE X.—SUPREMACY OF THE CONSTITUTION, ITS REFORM, AND CONSTITUTIONAL LAWS

Chapter I.—Political Constitution

Art. 182 The Political Constitution is the fundamental charter of the Republic; all other laws are subordinate to it. Any laws, treaties, orders or provisions that oppose it or alter its provisions shall be null and void.

Art. 183 No branch of government, governmental body or official shall have any authority, faculty or jurisdiction other than those conferred by the Political Constitution and the laws of the Republic.

Art. 184 Once written, the Electoral Law, Emergency Law and Law of Amparo will have constitutional status under the Political Constitution of Nicaragua.

Art. 185 The President of the Republic may suspend the rights and guarantees consecrated in this Constitution within part or all of the nation in case of war or when demanded by national security, economic conditions or a national catastrophe.

The President's decree shall put the State of Emergency into effect for a specified renewable time period. The Law of Emergency shall regulate its forms. During a State of Emergency, the President of the Republic is authorized to approve the General Budget of the Republic and forward it to the National Assembly for its review.

Art. 186 The President of the Republic can not suspend the rights and guarantees established in articles 23; 24; 25, no. 3; 26, no. 3; 27; 29; 33, nos. 2.1 (final part), 3 and 5; 34, except nos. 2 and 8; 35; 36; 37; 38; 39; 40; 41; 42; 43; 44; 46; 47; 48; 50; 51; 56; 57; 58; 59; 60; 61; 62; 63; 64; 65; 67, first paragraph; 68, first paragraph; 69; 70; 71; 72; 73; 74; 75; 76; 77; 78; 79; 80; 81; 82; 84; 85; 87; 89; 90 and 91.

Chapter II.—Constitutional Control

Art. 187 Any citizen has the right to seek judicial review of the constitutionality of any law, decree or regulation that is inconsistent with the Political Constitution.

Art. 188 The Writ of Amparo may be used to challenge any provision, act or resolution and any action or omission of any official or authority or his or her agent violating or attempting to violate the rights and guarantees affirmed in the Political Constitution.

Art. 189 The Writ of Habeas Corpus may be used by anyone whose freedom, physical integrity or security is violated or is in danger of being violated.

Art. 190 The Law of Amparo shall regulate the remedies established in this chapter.

Chapter III.—Constitutional Amendment

Art. 191 The National Assembly is empowered to partially amend this Political

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[3] See footnote to Article 28.

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Constitution and to review and approve its total revision.

The President of the Republic or one-third of the Representatives to the National Assembly can initiate a partial reform.

Half of the total number of Representatives to the National Assembly plus one are necessary to initiate a total reform.

Art. 192 A proposal for partial reform must specify the article or articles to be reformed with a statement of the reasons for the modification. The proposal must be sent to a special commission which shall render an opinion within no more than 60 days; the initiative shall then follow the same process as for the creation of a law.

A proposal for partial reform must be discussed in two sessions of the National Assembly.

Art. 193 A proposal for total reform shall follow the same process as in the previous article except that upon its approval, the National Assembly shall establish a time period for holding elections for a Constituent National Assembly. The National Assembly shall retain jurisdiction until the installation of the new Constituent National Assembly.

Until a new Constitution has been approved by the Constituent National Assembly, this Constitution shall remain in effect.

Art. 194 Approval of a partial reform shall require a favorable vote by sixty percent of the Representatives. Two-thirds of the total number of Representatives are required to approve a total revision. The President of the Republic must promulgate the partial amendment, which is not subject to veto.

Art. 195 The reform of constitutional laws shall follow the procedure established for partial reform of the Constitution, with the exception of the requirement of discussion in two legislative sessions.

TITLE XI.—FINAL AND TRANSITIONAL PROVISIONS

Art. 196 This Constitution shall govern from the time of its publication in La Gaceta, the official daily legal publication, and shall annul the Fundamental Statute of the Republic, the Statute of Rights and Guarantees of Nicaraguans and all other legal provisions inconsistent with it.

Art. 197 This Constitution shall be widely disseminated in the official language of the country. It shall also be disseminated in the languages of the Communities of the Atlantic Coast.

Art. 198 All aspects of the existing legal order that do not contradict this Constitution shall remain in effect, until such time as they may be modified.

Art. 199 The Special Courts shall continue to function until such time as they come under the jurisdiction of the Judicial Branch. The appointment of their members and their procedures shall be determined by the laws that established them.

Furthermore, the Common Courts shall continue to function in their present form, until a system with popular representation is established. This principle shall be implemented gradually in accord with the circumstances.

Art. 200 The current political administrative division shall be preserved until the law governing it is promulgated.

Art. 201 The President and Vice President of the Republic and the Representatives to the National Assembly, elected November 4, 1984, shall exercise their functions during the term that ends January 10 and 9, 1991, respectively.

The members of the Supreme Court of Justice and the Supreme Electoral Council and other authorities and officials of the diverse branches of government shall continue to exercise their functions until such time as their successors take office in accordance with the Constitution.

Art. 202 Four official copies of this Constitution shall be signed by the President and Representatives to the National Assembly and by the President of the Republic. These copies shall be kept in the offices of the Presidency of the National Assembly, the Presidency of the Republic, the Presidency of the Supreme Court of Justice and the Presidency of the Supreme Electoral Council. Each one shall have the force of the authentic text of the Political Constitution of Nicaragua. The President of the Republic shall cause it to be published in La Gaceta, the official daily publication.

Mr. SANFORD. Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JUDGE ANTHONY M. KENNEDY

Mr. REID. Mr. President, I rise today to speak in favor of the nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court. Judge Kennedy has distinguished himself throughout his educational and professional life. He excelled as an undergraduate student at Stanford University, and, in his senior year, attended the London School of Economics. Judge Kennedy went on to Harvard Law School and then into the private practice of law. In 1975, President Ford appointed Judge Kennedy to the Federal Appeals Court for the Ninth Circuit where he continues to serve with distinction. I take a special interest in the ninth circuity as its jurisdiction encompasses the great State of Nevada.

Throughout his life, Anthony Kennedy has demonstrated a consistent pattern of measured reason and devotion to scholarship. Indeed, the more I have learned about Anthony Kennedy, the more I have become convinced that he is a living example of what we call judicial temperament. I admire this quality, and I respect Judge Kennedy's flexible but cautious manner, his conservative approach to the law, his advocacy of judicial restraint, and his deference to well-founded legal precedent.

When the American Bar Association's judicial evaluations committee unanimously gave its top rating to Judge Kennedy, the committee stated that its "investigations reveal that Judge Kennedy's integrity is beyond reproach, [and] that he enjoys justifiably a reputation for sound intellect and diligence in his judicial work." Such high praise is impressive.

Mr. President, I have just spoken about some of Judge Kennedy's qualifications, but I want to take a few minutes this day to talk about one qualification in particular, and that is Judge Kennedy's role as a teacher.

Jim Hardesty, a prominent Reno attorney and a man I have known for many years, knew Judge Kennedy personally. For over 22 years, Judge Kennedy taught constitutional law at McGeorge Law School, University of the Pacific, and Hardesty had been a student of Judge Kennedy. Hardesty told me what an outstanding teacher Judge Kennedy was; and that in all the years he had been in school, he had never had a teacher as good as Anthony Kennedy.

Indeed, many former students of Judge Kennedy who are now members of the Nevada legal community contacted me to praise Judge Kennedy and his teaching abilities. His former students spoke in glowing terms of the great contribution he made to their education and of the profound impact he had on their development as attorneys.

Among the people who spoke highly of Judge Kennedy are such prominent members of the Nevada legal community as: U.S. Attorney Donald Calvin Hill, Nye County District Attorney Philip Dunleavy, U.S. Attorney William Maddox, and Clark County Deputy District Attorney Tom Moreo.

Mr. President, other than my wife and I, I think the people who have had the most influence upon the lives of my five children have been their teachers. So when I hear somebody tell me that a person is an excellent teacher, I think of my children and what an impact teachers have had on their lives. In fact, I can still look back at the teachers who have been important in my life.

I know that all the qualifications I outlined initially in my remarks today to this body are of primary importance. It is important that someone who is going to be a Justice of the U.S. Supreme Court is one who is qualified academically, and certainly Judge Kennedy is.

It is important that someone who will serve on the Supreme Court is a person of temperament, judicial temperament, and certainly Judge Kennedy is.

These are qualities that we need on the bench. But, in addition, I am extremely impressed by the fact that person after person told me that Judge Kennedy is an exemplary teacher. I think that says a lot for an individual.

After all, teaching is part of what the Supreme Court is about. Justices write opinions, in a collegial atmosphere, and those opinions are taken into the courtrooms and classrooms of this country for years to come. These opinions serve to teach all of us what the law is.

Mr. President, I look forward to next Wednesday: casting a vote for Judge Kennedy to be an Associate Justice of the U.S. Supreme Court will be a great pleasure.

Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BREAUX). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the 10-minute limitation not apply to me in this instance with the understanding that if another Senator wishes to speak I will yield the floor for that purpose in which case I ask unanimous consent also that there be no interruption of my speech in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES SENATE

RICHARD BREVARD RUSSELL
(1897–1971)

Mr. BYRD. Mr. President, in my continuing series of addresses on the history of the United States, I have focused from time to time on individual senators who have left their mark on this institution. One such senator is Richard Brevard Russell, Jr., of Georgia. In 1972, I initiated legislation that provided for naming the original Senate office building in his honor. Today, the thousands of people who work on Capitol Hill know his name, but only a few know his legacy.

In preparing these remarks, I have had the good fortune to be ably assisted by Dr. Gilbert Fite. Dr. Fite served from 1976 to 1986 as the first Richard B. Russell professor of American history at the University of Georgia. From 1945 to 1971, he was a member of the history faculty at the University of Oklahoma, and, from 1971 to 1976, he served as president of Eastern Illinois University. Dr. Fite's research interests are reflected in the professional associations of which he has been president. They include the Western History Association, the Southern Historical Association, and the Agricultural History Society. This distinguished scholar is currently completing a full scale biography of Senator Russell.

Richard B. Russell was one of the nation's leading statesmen in twentieth century America. A true son of the South, he served in the United States Senate from January 12, 1933, until his death on January 21, 1971, some thirty-eight years later. During that period, he worked with six presidents, and, from the 1940's when he emerged as a leader in the Senate, he played a major role in national policy-making. His career spanned epochal events, including the Great Depression, World War II, the introduction of nuclear power, the Korean and Vietnam wars, the battle for civil rights, expansion of federal powers and responsibilities and a host of other major developments. His mark can be found on most of the great questions that faced the country during his terms in Washington.

In 1963, a reporter for *Newsweek* magazine wrote that Senator Russell is "a courtly, soft-spoken, cultural patrician, whose aides and associates treat him with deferential awe. Modest, even shy, in manner, devastatingly skilled in debate, he has a brilliant mind, encyclopedic learning, unrivaled access to pressure points of senatorial power and a gift for using them. He is a senator's senator, the head of the Senate establishment, the most influential member of the United States Senate." Who was this man who had won such respect and power? What manner of man was he?

Russell was born in the small town of Winder, Georgia, some forty miles northeast of Atlanta, on November 2, 1897. He was the fourth child and first son of thirteen living children of Judge Richard B. Russell and Ina Dillard Russell. He was born into a distinguished and well educated family whose roots went back to colonial times. His Russell ancestors had lived in South Carolina and Georgia for several generations and were successful planters and businessmen. Russell's grandmother, Rebecca Harriette Brumby, had descended from the Brumbys and the Brevards, two prominent South Carolina and North Carolina families. On both sides, it was a family of modest wealth and prestige.

Richard Brevard Russell, the senator's father, was born at Marietta, Georgia in 1859. He attended the University of Georgia, receiving a law degree in 1880. He practiced law in Athens, was elected to the Georgia house of representatives in 1882 where he served for six years, and, in 1888, he was elected solicitor general of the western circuits of Georgia. He held that position until January 1, 1899, when he became judge of the superior court of the western judicial circuit.

Judge Russell was an intensely ambitious man. In 1904, he made an unsuccessful race for chief justice of the Georgia supreme court, and, two years later, he entered the campaign for governor against the prominent Hoke Smith, a contest in which he was decisively defeated. In 1911, Russell failed again in a race for the governorship, and had no better success when he ran for Congress in 1916. In 1922, however, he won a campaign for chief justice of the Georgia supreme court, a position that he held until his death in 1938.

Young Richard B. Russell, Jr., then, grew up in a large family that was prominent and widely known throughout the state. Also, it was a family that expected the children to achieve. Judge Russell believed deeply in at least three things—education, hard work, and personal ambition. Moreover, he had special ambitions for his first son and namesake. Both Judge and Mrs. Russell planned for, and expected, their eldest son to become a leader in some field, preferably public service.

To help achieve that goal, the Russells sent young Dick to Gordon Military Institute at Barnesville, Georgia. This was considered the best secondary school in the state, and one of the top such institutions in the South. It attracted the sons from many of Georgia's leading families, and Judge Russell believed that the contacts Dick made there among his fellow students would be helpful later in a political career. So, in September 1911, young Dick, at age thirteen, was off to Gordon.

Although he possessed high native intelligence, Dick did not take his school work very seriously. He was much more attracted to the social life, both on and off campus. Despite intense urgings from his father and mother to study hard, he so neglected his studies that he nearly flunked out of school. Judge Russell, hoping to stimulate his son by appealing to family pride, once wrote: "you carry my name, and I want you to carry it higher than I have done or can do in my few remaining years."[1] Such fatherly urgings, however, were largely in vain.

At the end of his sophomore year, Dick had passed all of his courses except Latin. Believing that a different environment might help his son, Judge Russell decided to send Dick to the Seventh District A&M School near Marietta. There, the curriculum was less rigorous and students had to work for part of their expenses. Dick's father believed that a work schedule might provide the discipline needed to do better academic work. During that year, Dick did improve in his studies, and, after making up his failed Latin course at a University of Georgia summer session, he returned to Gordon and graduated with his class in May 1915. It was a close call, howev-

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Footnotes at end of article.

er, whether he would meet the requirements for graduation. He declared years later that "more through grace and pity than through knowledge," his teacher had given him a passing mark in calculus.[2] Up to that time, Dick had clearly failed to meet his parents' expectations in his school work. However, just as his father had planned, he had made many friends who later were important in his rise to political power in Georgia.

In September 1915, Dick entered the University of Georgia Law School in Athens some twenty miles east of his home in Winder. While he continued to be active socially, courting several young ladies, joining the Sigma Alpha Epsilon fraternity, and going to many parties and dances, Dick finally began to take his studies seriously. He did well in his law courses. Even though he was seriously ill and out of school in part of 1916, he received his law degree in 1918. Shortly after graduation, and only months before the Armistice, he signed up for duty in the navy. He did not leave Georgia during his seventy-nine days of service. However, he was proud of his service and joined, and became an active member in, the American Legion.

One of Dick Russell's life-long interests was the reading and study of history. He was an avid reader in many fields, but history was his favorite subject. As early as age nine, he recorded in his boyhood diary that he liked to read American history as well as the history of other countries. Early in 1907, he wrote that he had just completed reading a book on the recent war between Japan and Russia. He also liked adventure stories. But his paramount interest was the history of the Civil War, and, over the years, he became an authority on all aspects of that bloody conflict. Moreover, Russell believed that history had lessons for those who would learn from it, and considered it useful in policy-making decisions. "Look to the past as a means of weighing the present and the future," he said in 1954.

After being discharged from military service in December 1918, Russell returned home to Winder, moved in with his parents, and joined his father in the practice of law. A small town law business, however, failed to satisfy the growing ambitions of this popular young man. In 1920, he decided to run for the Georgia house of representatives. Entering the campaign against a veteran legislator, Russell went from house to house seeking political support. He defeated his opponent nearly two to one.[3] When he took his seat in the general assembly in 1921, he was twenty-three years old and one of the youngest men ever to serve in the Georgia legislature.

In Atlanta, Russell quickly became aligned with a group of so-called "young turks" who were trying to reduce the control of special interests in state government, and advance a more progressive program. This group strongly favored improving the state's public education and building hard-surfaced highways. Education and good roads, Russell said, were the twin pathways to progesss and modernization. On most issues, Russell was moderately progressive.

Early in his political career, Russell developed the tactics and techniques that served him well throughout his half-century of leadership. He carefully cultivated key people who would support him, many of whom were his former classmates at Gordon Military Institute and the University of Georgia. Secondly, he made it a point to know all the rules, regulations, and traditions of the legislature, and, later, of the United States Senate. Knowledge, Russell rightly believed, was power, and he usually had more information than most other legislators. He also had a knack for political strategy, and he paid close attention to the interests of other legislators. Russell was also skillful in identifying the popular issues of the day and making them his own. Furthermore, he early developed the practice of working behind the scenes where he could arrange compromises that satisfied conflicting interests. Finally, he believed that a political leader must be absolutely honest, straightforward, and fair to all people and points of view.

Working on these principles, Russell, despite his youth, advanced rapidly in the Georgia house of representatives. In 1924, with the support of the younger and more progressive crowd, he was elected speaker pro tem. In 1927, he was unanimously elected speaker of the house, and he was reelected in 1929. During his ten years in the general assembly, four of them as speaker of the house, he worked hard to improve education and to build more and better highways. He insisted on a fiscally responsible, pay-as-you-go policy to fund these programs. Russell also became a strong backer of reorganizing the state government in order to achieve greater efficiency.

By 1930, at age thirty-two, Russell was emerging as one of Georgia's major political leaders. He was especially popular among legislators and ordinary people who believed that state government had been operated too much on behalf of the special interest. In April 1930, he announced that he would run for governor on a platform of putting state government on a "business basis" and promising that he would head "an honest and economical administration." Initially, veteran politicians did not think that this young upstart had any chance in a field of seasoned candidates. However, Russell canvassed the state from one end to the other, visiting thousands of voters in their homes and at village crossroads. In this grassroots campaign, Russell presented himself as the peoples' candidate and sharply attacked the special interests. Russell was an excellent speaker and debater. He devastated his opponents with superior knowledge, logic, common sense, and, when necessary, with ridicule and wit. Georgians responded to Russell's call for honesty, efficiency, and fairness in government, and elected him by the overwhelming vote of 99,505 to 47,157 for his opponent.

Russell took this oath as governor in June 1931, during the depth of the Great Depression. In his inaugural address, he promised to balance the state budget and to liquidate Georgia's debts. He emphasized that even the poorest students, especially rural youth, must be given the opportunity for an education, and that a state-funded highway system must be developed. He also stressed the need for governmental reorganization. During the eighteen months that Russell served as governor, his greatest achievement was reorganization of Georgia's government. Over one hundred boards, commissions, and departments were consolidated into eighteen new state agencies. One of the most successful examples of that reorganization was the establishment of the University System of Georgia for higher education which placed a single governing board over all of the state's colleges and universities.

While it was assumed that Russell would run for a second term and be easily reelected, the death of Senator William J. Harris in April 1932 opened up an opportunity for Russell to seek a senatorial post. On April 25, 1932, he announced that he would seek election to Senator Harris' unexpired term, which ran until 1937. At the same time he appointed John S. Cohen, publisher of *The Atlanta Journal*, to serve until the election of Harris' seccessor.

A short time later, the veteran Georgia congressman, Charles R. Crisp, announced that he would seek the Senate seat. The Russell-Crisp campaign turned out to be a long and bitter fight. Russell attacked Crisp's record in Washington and successfully identified him with the ruinous policies that had led to the Great Depression. He also accused Crisp of being aligned with the "power trust" and other representatives of "special privilege." In contrast, Russell presented himself as being "the champion of the masses."[4] He did have the support of most farmers and of organized labor. Russell spoke in every part of the state and aired his views in radio talks. His personal friends, once again, did yeoman service on his behalf. Despite most early predictions that he could not defeat Crisp, and opposition from many major newspapers, including *The Atlanta Constitution*, Russell decisively whipped Crisp by winning some 58 percent of the popular vote, and getting an higher percentage of the county unit votes.

During the summer, Russell has taken time off from campaigning to serve as a delegate to the National Democratic Convention. He was a strong supporter of Franklin D. Roosevelt. Russell had become acquainted with Roosevelt in the 1920's when the New Yorker spent time at Warm Springs, Georgia. They also had several meetings when they served as governors of their respective states. At the convention, Russell made one of the seconding speeches for Roosevelt, and urged the delegates to nominate him because he was free from the "predatory interests who have long fattened at the trough of special privilege."[5] Roosevelt, Russell declared, would be a great leader because he understood and sympathized with the problems of ordinary people. He saw himself and Roosevelt as favoring many of the same things. He viewed Roosevelt, too, as the man who could best lead the country out of the Depression. Roosevelt's election thrilled Russell, and he was excited about the prospect of working with the new president.

Dick Russell, just past thirty-five, was sworn in on January 12, 1933, as the youngest member of the United States Senate. With the arranged resignation of Senator Cohen, which permitted Russell to take office in January, he gained seniority over those newly elected senators who, in those days prior to the ratification of the Twentieth Amendment, would take their seats on March 4. A bachelor—some said one of Washington's most eligible young men—Russell moved into the Hamilton Hotel and began his long career in Washington.

Knowing that the Senate did its important work in committee, Russell actively sought an assignment to the Appropriations Committee. Senate Majority Leader Joseph T. Robinson of Arkansas tried to explain to Russell that appointment to Appropriations was customarily reserved for senators with more experience and seniority. Of course, Russell knew this, but he persisted. Finally, because of some unfounded rumors that Russell might join a coalition with Senator Huey P. Long of Louisiana, whom the leadership viewed as a troublemaker, his request for appointment to Appropriations was honored. He also secured a place on the Naval Affairs, Immigration, and Manufacturers committees. A short time later, Russell became chairman of the subcommittee on agricultural appropriations. This placed him in a key position to help farmers, a group for whose plight he had deep sympathy.

Russell enthusiastically supported most of the early New Deal legislation. He voted for the Argicultural Adjustment Act, the Tennessee Valley Authority, the National Recovery Act, and for other relief legislation. Moreover, as opposition developed to Roosevelt in 1935 and 1936, Russell became one of the president's strongest defenders. He sharply criticized those who accused Roosevelt of being a dictator, and insisted that the president was leading the country in a peaceful and constructive revolution. While Russell believed firmly in private initiative and a capitalistic economy, he argued that the system had been taken off course by special, predatory, economic interests. The federal government must now intervene, he argued, to right the wrongs and help the common people.

During his early years in Washington, Richard Russell made an intensive study of the Senate rules, traditions, and practices. By the end of the 1930's, there was no better informed senator on the procedures and operations of this body. His knowledge came from hours of reading and study. It was said that he read the entire *Congressional Record* every day. Since Russell never married, he had no family responsibilities, and this left him extra time for Senate work and for special study. Also, Russell continued his policy developed in the Georgia's legislature of working behind the scenes and building up personal relationships between himself and his colleagues. He actually made very few speeches on the Senate floor. He considered that most speeches were mainly for show; he believed in quiet, effective work in committee rooms, over lunch, or in his office. His only public fight on an economic issue was in support of his bill to restrict the imports of jute which, he claimed, competed unfairly with cotton bagging.

Just as Russell was getting well established in the Senate, he had to make a bid for reelection in 1936. His opponent was Governor Eugene Talmadge, one of Georgia's best known and most flamboyant politicians, and father of our former colleague, Herman Talmadge. Although Talmadge was a highly controversial figure who had even called out troops to enforce some of his decrees, Russell and his friends recognized the governor as a formidable candidate. "Old Gene" with his red suspenders and folksy manner was reputed to have the special admiration of the state's farmers. By 1934 and 1935, Talmadge had also become one of the New Deal's sharpest critics.

Russell, however, was not daunted nor intimidated by such opposition. He vigorously defended the New Deal and his support for it, and stressed what he had done in Washington to assist farmers and working people. Besides defending Roosevelt and the New Deal, and his own work in the Senate, Russell attacked Talmadge and his record as governor head on. He accused the governor of forsaking the common people and lining up with rich Republicans. It was a rough and tumble campaign characterized by large and unruly crowds, fist fights among candidates' supporters, and charges and counter charges. Talmadge finally tried to capitalize on the race issue by accusing Russell of not being strong in support of white supremacy and segregation. Russell denied that he had ever compromised on the principle of white supremacy and called Talmadge's charge "despicable." Russell regretted having to discuss racial matters, but handled the matter skillfully and successfully. Unlike many other southern politicians of that period, Russell opposed bringing the race question into election campaigns.

This was not the kind of campaign that Russell liked, but, when challenged and aroused, he was a master fighter on the campaign trail. When the results were in, Russell piled up a huge victory of 256,154 votes to 134,695 for Talmadge. The county unit vote was even more in his favor. Russell's victory in 1936 was so overwhelming and decisive that no other candidate ever again challenged him for his Senate seat. He won five additional elections without opposition. There was no better testimony to his popularity among the people of Georgia.

Former Senator Herman Talmadge, in his recently published memoir, asserts that his father was the state's most popular politician and "in a simple one-on-one contest" he could have beaten Russell.

> . . . the race was not Talmadge versus Russell, the son concluded, so much as Talmadge versus Roosevelt. In Georgia in 1936, it probably would have been easier to run against Jesus Christ than against Franklin D. Roosevelt. The same people who thought that papa was a pretty good governor didn't want him to go to Washington to vote against the New Deal.[6]

Although by the late 1930's Russell was having some doubts about aspects of Roosevelt's policies and programs, in the area of agriculture and farm policy he was making his mark as an avid New Dealer and true friend of the farmer. Russell was a dedicated and confirmed agrarian. Like Thomas Jefferson, he believed deeply in the political and economic importance of an independent farming class. The family farm was, in his view, one of the nation's most important and stabilizing influences. Thus, Russell was always concerned about the welfare of farmers, and he became a strong advocate of help for the small, family-type farmers. He supported all of the basic agricultural legislation enacted after 1933, including the AAA, farm credit, and soil conservation programs. But these programs did very little, if any-

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thing for the tens of thousands of poor tenants and sharecroppers. What could be done to help the poorest farmers, many of whom were located in the South?

Beginning in 1935, Russell pushed measures that would help poor tenants and sharecroppers to become landowners by lending them money to buy land and equipment. The most important law to help the poorer class of farmers was the Bankhead-Jones Farm Tenant Act of 1937, which Russell enthusiastically supported. The problem was to get funds to provide the necessary loans. It was here that Russell played a major role in his position of chairman of the subcommittee on agricultural appropriations. Not only in the subcommittee but also in conference committee, he often beat back attempts to reduce the meager appropriations for the Farm Security Administration. It was not a popular program with many senators, and Russell had to use all of his influence to get even modest appropriations. In the spring of 1942, when it appeared the Congress would drastically cut money for the FSA, President Roosevelt called personally on Russell to save the program. With the cooperation of several influential colleagues, Russell was able to retain most of the funds requested by the president. When the fight was over, Roosevelt wrote Russell thanking him for his "legislative leadership."[7] Throughout the late 1930's and early 1940's, farmers owed their direct parity payments, soil conservation payments, and loans from the FSA more to Russell than to any other single leader in Washington.

In the mid-1930's, Russell began supporting the idea of a federally funded school lunch program to help needy children and to reduce agricultural surpluses. After operating for several years without legislative authority, in 1946 Russell pushed through a bill that made school lunches a permanent program. He also backed the food stamp plan which began on an experimental basis in 1939. Russell was a compassionate man and believed strongly that government should assist those who were needy and could not held themselves.

While Russell considered himself among the loyal New Deal Democrats, he was a man of independent thought and judgment. He would not necessarily support an issue just because it enjoyed the support of the president or the Democratic party. By the late 1930's, he frequently found that he had to oppose the president. In 1937, when Roosevelt attempted to restructure the Supreme Court, Russell did not automatically fight the proposal as many of his colleagues did. It was Russell's nature and inclination to seek some kind of compromise between the president, who wanted some basic changes in the court, and those who found by change whatever abhorrent. When the president rejected as compromise plan advanced by Russell and a few other senators, the Georgian joined those who defeated the "court packing" bill. He also opposed the president's attempt, in the 1938 elections, to purge some senators, one of whom was his colleague, Walter George.

The emerging issue in the 1930's that caused Russell the gravest concern was embodied in proposed Federal legislation to guarantee civil rights for blacks. His views on race had been determined by the culture, traditions, and racial practices with which he had been raised. As a believer in the superiority of Anglo-Saxon culture and institutions, he maintained that blacks was basically inferior to whites. Russell did not dislike blacks and wished them well so long as their progress occurred within their own racial group. For example, he was a strong supporter of black colleges. However, he was vehement against what he called "race mixing," and insisted that both whites and blacks would be better off under strictly segregated conditions. He repeatedly argued that race mixing would lead to intermarriage and what he called "mongrelization" of the races. Above all, Russell believed that Congress had no right to intervene in race relations within a state. That, he argued, would violate States' rights—rights given to the States and protected by the Constitution. In other words, while Russell opposed racial integration, his basic arguments against civil rights legislation were usually based on constitutional grounds.

The problem, however, was that, throughout much of the country, there was a growing demand for Congress to enact legislation to protect black citizens' rights, which had been denied to them by both legal and extralegal methods. An early civil rights campaign focused on the passage of anti-lynching legislation. When an anti-lynching bill was introduced in 1935, Russell and other southern senators easily defeated the measure with a short filibuster. But, in 1938, another anti-lynching measure came before the Senate. By that time, a group of eighteen to twenty southern senators had organized into what became known as the "Southern Bloc" for the purpose of defeating anti-lynching and other legislation designed to protect and enhance the rights of blacks. Senator Tom Connally of Texas was the nominal leader of the group, but, by 1940, these senators looked to Russell for genuine leadership. Because of his knowledge of Senate rules, his parliamentary skill, and organizational ability, Russell emerged as the main spokesman and defender of the South's position on race.

No man in the United States Congress could speak more eloquently about the history, traditions, and virtues of the Old South than Dick Russell. He loved the South, as it had developed over generations, with an almost militant passion. Southern society may not be perfect, he once admitted, but it was nearly so. He believed that racial integration would destroy this ideal condition. Russell also believed that attacks on racial segregation were directed by what he called "South haters" who really did not know or understand the region or its people.

Russell spoke movingly and passionately against the 1938 anti-lynching bill in the Senate. He was no demagogue or race baiter as were some other southern political leaders. He presented serious arguments against the measure, but they were always based on his fundamental understanding of desirable race relations. Russell was as strongly against the heinous crime of lynching as was anyone else. What alarmed him in this instance was the belief that passage of an anti-lynching bill would set a pattern for additional Federal legislation. Next, he said, there would be Federal control of elections in the southern states; then legislation to ban segregation on public transportation and in public places; guarantees of equal employment opportunites; and, finally, laws to require social equality in schools, health facilities, and colleges. Such a legislative agenda, he argued, would violate States' rights and change the nature of his beloved South. Up to World War II, Russell and his colleagues were able to turn civil rights bills, but they were unable to kill the president's Fair Employment Practices Committee, which, in 1941, began to protect employment rights of blacks. During World War II, and into the postwar years, Russell did everything he could to handicap and reduce the effectiveness of the FEPC, but without much success.

As the war clouds rose in Asia and Europe in the 1930's, Russell, as a member of the Naval Affairs Committee, began devoting increasing attention to national defense and foreign affairs. Like most other Americans in the years after World War I, Russell held firm isolationist views. Speaking in opposition to joining the World Court in 1935, he warned his colleagues against getting drawn into European quarrels and conflicts. He believed that George Washington's admonition to be friends with all nations and allies of none was the correct course to follow. Surely, the United States should stay out of European entanglements. "My views are those of a nationalist," he said, and he was "for the United States of America first."[8] While Russell wanted to avoid using

American military power to settle other nations' problems, he was a vigorous advocate of keeping the United States militarily strong. He was especially interested in strengthening the navy. Russell strongly supported the two-ocean navy which his fellow Georgian, Representative Carl Vinson, was pushing. Russell had a special interest in developing aircraft carriers.

Although Russell did not become prominently involved in the debate over neutrality legislation of the 1930's, after World War II broke out in 1939, he supported the American military build-up and the president's plans to aid Britain. He told a 4-H group in 1940 that "our policy of aiding Great Britain and the democracies is now the first national policy of our government. It is too late now to debate; it is our duty to support the president . . ."[9] Besides supporting aid to Britain, this statement reflects Russell's acceptance of presidential leadership in foreign policy matters. Russell championed the Selective Service Act, but he took the progressive position that no person or corporation should profit unduly from defense or war. Men should not be drafted, he argued, unless industries were also forced to contribute to the war effort as the government needed and directed. He was able to enact some legislative requiring the cooperation of industry in the defense effort, but it was a much weaker law than he had hoped to enact.

During World War II, Russell headed a committee of five senators who visited the world's far-flung battlefields where American troops were engaged. The purpose of the trip was to help Congress determine if American supplies and equipment were adequate and if they were being used effectively. The group left Washington on July 25, 1943, and did not return until September 28. The senators went first to England, then to North Africa, the Persian Gulf region, India, China, and Australia before returning home. Russell was greatly impressed with the quality and performance of American troops, and, for the most part, he approved of the operations that he had an opportunity to observe. However, he was critical of how some military supplies were being used by American allies.

Upon returning home, Russell gave a detailed report to the full Senate on the committee's trip. He dealt with several major issues that became highly important in the post-war years. Russell insisted that the United States should retain some of the bases and land parcels that had been won with the blood of American fighting men. Such bases and facilities, he argued, would be needed to guarantee American security and to preserve the peace. While some commentators accused him of being imperialistic, Russell claimed that bases would be absolutely necessary for the United States to help maintain world stability after the war. He also warned against the United States' dispersing huge amounts of relief and aid to countries around the world following the war. He believed that leaders he had met in his extensive travels had unrealistic expectations of what the United States should or could do.

By the close of the war, Russell was beginning to view our wartime ally, the Soviet Union, as untrustworthy and expansionistic. Part of this view stemmed from an effort by Russell in the summer of 1945 to visit Russia after he and a Senate committee had investigated conditions in Western Europe. The Russians delayed issuing Russell an entry permit for so long that he became disgusted and returned home from France. He saw the Russians as unnecessarily suspicious and uncooperative. Russell also was frustrated with what he considered the kid-glove treatment given to defeated Japan. Even after the United States had dropped two atomic bombs on Japanese cities, Russell did not think that the average citizen of Japan realized the extent of that nation's defeat. Russell urged President Truman to oust the emperor and to march a large army down the streets of Tokyo as a means of impressing the Japanese with the American victory. He did not consider this vindictive; only proper punishment for attacking the United States at Pearl Harbor in 1941.

By the end of World War II, Dick Russell had become one of the United States Senate's leading members. Passage of the Legislative Reorganization Act of 1946 left him with especially strong committee assignments. While he lost his chairmanship of the Immigration Committee, which had been absorbed by the Judiciary Committee, Russell retained his position on Appropriations and got a seat on the newly formed and powerful Armed Services Committee. When the Democrats regained a majority in Congress in 1949, following their defeat in 1946, Russell ranked second and fourth respectively on those two most influential panels. In 1951, he became chairman of Armed Services, a position that he held until 1969 when he gave it up for the chairmanship of Appropriations, except for the two years, 1953-1954, when the Republicans were in control. Russell was also appointed to the first Joint Committee on Atomic Energy in 1946, and, after the Central Intelligence Agency was established in 1947, he became a member of the CIA's congressional oversight committee. Russell also served on the Senate Democratic Policy Committee, which was formed in 1947, and, a decade later, he became a member of the Democratic Steering Committee. He held strategic positions at many points of political and legislative power.

In the post-World War II years, Russell spent much of his time trying to help and protect farmers. He was one of the major participants in the Farm Bloc, an informal group of farm-state senators who were committed to getting fuller prosperity for farmers. Among the senators with whom Russell worked closely on agricultural matters was Republican Milton Young of North Dakota. Russell and Young developed a kind of cotton-wheat coalition that fought hard for legislation to guarantee prices of 90 percent of parity for most basic crops. Russell, Young, and their supporters were able to maintain the 90 percent principle well into the mid-1950's.

His interest in supporting Federal programs and agencies which assist farmers never lagged. The Farm Security Administration had been effectively killed in 1943, but a new agency, the Farmers Home Administration, was created by Congress in 1945. The FHA was supposed to make loans to poor farmers to help them buy land and equipment, but Congress failed to appropriate enough funds to assist many of them. Russell fought hard, as chairman of the subcommittee on agricultural appropriations, to increase appropriations for the agency, but he achieved only limited success. He had better luck fighting against cuts for soil conservation. As one of the leading conservationists in the country, Russell resisted efforts by the Republican Eightieth Congress to reduce the amount of money for soil conservation to what he called a "paltry" $150 million. After a hard fight in 1947, he was able to add nearly $100 million to that amount. He was also responsible for increasing the amount spent on the school lunch program in the postwar years, something that gave him great satisfaction. Senator Russell, however, was equally proud of the Research and Marketing Act which he pushed through the Senate in 1946.

Although Dick Russell supported much of President Truman's domestic program, he parted company with the chief executive over labor legislation. He voted for the Taft-Hartley bill in 1947, and he voted to override the president's veto of that measure so hateful to organized labor. Russell was not antilabor or anti-union. Organized labor had supported him enthusiastically in his races for governor and senator. But Russell had concluded by the mid-1940's that some labor leaders were becoming too powerful and were gaining excessive political influence. He viewed some segments of organized labor's leadership as greedy, selfish, and irresponsible. He was especially concerned with the political activities of the Congress of Industrial Organization's Political Action Committee.

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Special interests of this kind, Russell believed, were becoming too powerful, so powerful in fact that they were threatening the democratic process. Pressure groups were "becoming dangerous" to the independent thinking of House members and senators, he said. "We must retain the legislator's independence of thought," he argued. "It is not a good thing when pressure groups elect a man who is forever beholden to them." [10] Russell, however, had concerns that went beyond the question of general pressure groups. He was annoyed by the lobbying being done by some labor unions for civil rights laws.

By the 1940's, Russell foresaw a problem that was to become of national concern a generation later. That was the spending of huge amounts of money by political action groups on the campaigns of candidates who would support their special interests. Not only were the amounts of money corrupting, in Russell's view; but some representatives and Senators also came to use campaign money in ways that made it hardly distinguishable from their private funds. Such use of money was abhorrent to Russell who was a stickler for honesty and old fashioned morality. In his own campaigns, he had returned to contributors money that was not needed for actual campaign expenses. He once sent a check for $100 back to a contributor with a note advising his friend that the amount was too generous and that he really did not need the funds. Thus, Russell saw the growing use of money in political campaigns, raised by whatever pressure groups, as endangering the democratic political process and threatening the nation's welfare. Russell himself, of course, had little need for campaign money after 1936. Funds for his filing fee and a few advertisements every six years was the limit of his campaign expenses.

Another issue on which Russell felt deeply was immigration. He strongly supported the National Origins Act of 1924 which restricted total immigration to about 150,000 a year and favored northern European immigrants through a quota system. He opposed extending quotas to Asian and African countries, because he felt that immigrants from those nations would change the national racial complexion and reduce the Anglo-Saxon influences of which he was so proud. He once boasted that Georgia had only seven-tenths of one percent foreign born population. Russell was one of the leaders in fighting President Truman's plan in 1946 to admit some 400,000 refugees. Russell believed that the admission of thousands of European refugees would open the flood gates for refugees from all over the world. He wanted to tighten immigration laws, not loosen them. While Russell fought hard against the Truman policy, he could only delay and modify it.

Although Russell opposed some of Truman's domestic policies, he lent strong support to the president's policies to block Russian aggression. When the president called for economic and military aid for Greece and Turkey in 1947, Russell backed the plan. He also voted for the Marshall Plan which provided for spending billions over four years to help restore the economies of Western European countries. While initially supporting foreign aid as a means of helping countries regain economic and military strength to resist Communism, Russell soon became disillusioned over the foreign aid program. He favored humanitarian assistance and programs for self-help, but, by 1952, he had become one of the bitterest opponents of the unending flow of American funds to countries all around the world. He had several objections to the foreign aid program: its failure to win friends for the United States; waste; burdens to American taxpayers; and its open-endedness. To Russell, foreign aid became a bottomless pit into which hard-earned American taxpayer dollars were thrown year after year with little or no benefit to the United States. Consequently, he worked hard to defeat foreign aid bills in the 1950's and 1960's, but was only able to reduce the amounts appropriated. Even that limited achievement, he believed, was worthy of his efforts.

Russell considered the Soviet Union to be imperialistic and the source of most post-war problems throughout the world. There was no more ardent cold warrior in Congress than Dick Russell. He used his influence on the Armed Services Committee and the Appropriations Committee to strenghthen conventional military forces and to develop new weapons. He bitterly opposed sharing any atomic secrets with the Russians. He viewed the conflict between that nation and the United States as a worldwide battle between good and evil. When the North Koreans invaded South Korea in 1950, he saw that action as an extension of Soviet power through one of its satellites, an action that must be resisted.

Overall, however, Russell was reasonably well satisfied with the early Truman presidency. Civil rights, however, served as the issue that drew him into opposition to his old Senate colleague. Truman's legislative program included establishment of a permanent Fair Employment Practices Commission, abolition of segregation in the armed forces, passage of anti-poll tax legislation, and other measures to guarantee the rights and opportunities for blacks. Following the president's special message on civil rights in February 1948, Russell wrote a constituent that the president's proposals were the "most outrageous affront to the people of our section that we have had to face since Reconstruction days." [11] Russell not only opposed actions that might break down segregation and destroy white supremacy; he also believed that Truman's constant pressing for civil rights would split the Democratic party and lead to Republican victory in 1948. The Republicans had already won control of Congress as a result of the mid-term elections of 1946, and Russell and other prominent Democrats had lost their committee chairmanships.

Regardless of adverse consequences to the Democratic party, Russell believed that he must fight the Truman civil rights program with all his power. On March 6, 1948, twenty-one southern senators met in Senator Harry Byrd's office to plan their strategy to resist and defeat the president's program. These senators named Russell as their leader, a position he had held informally for several years, and worked out plans to keep close watch in the Senate to make sure no civil rights bills were enacted through some unexpected parliamentary maneuvering. This Southern Bloc saw Truman's effort to eliminate Jim Crow practices as the "opening wedge in the fight to stop all segregation" which, in practice, meant that blacks and whites would "attend the same schools, swim in the same pools, eat together, and eventually, inter-marry." [12]

So strong was the opposition to Truman's stand on civil rights, that many southerners opposed the president's renomination in 1948. But who could the anti-Truman Democrats put in the race for the nomination? Finally, the anti-civil rights southerners prevailed on Richard Russell to let his name be placed before the convention delegates. Russell knew that he had no chance for the nomination, and he wrote: "I was very reluctant to permit the use of my name, but decided that those who were opposed to Mr. Truman were entitled to have someone for whom they could vote." [13] Russell received 263 delegate votes, but Truman won easily. Loyal Democrat that he was, Russell refused to join the Dixiecrats. He quietly voted for Truman, but did nothing to help in the Democratic campaign.

It was not long before Russell had an opportunity to help the increasingly beleaguered president. Because of differences in basic policy and strategy in the Korean War between General Douglas MacArthur and the president, Truman removed MacArthur from command in the spring of 1951. The dismissal of a highly popular general by an unpopular president raised a storm of protest against Truman, whose administration was already

under attack for being soft on Communism and filled with corruption.

It was into this highly charged atmosphere that Russell entered the scene and calmed the political storm swirling around the president. Russell chaired a joint committee of inquiry that looked into the removal of MacArthur and the general foreign policies of the United States in the Far East. The hearings lasted from early May until late June. The committee heard MacArthur and scores of other witnesses. Russell skillfully guided the hearings in a fair, calm, and rational way, and, by summer's end, the issue had largely faded from public consciousness. Truman was deeply grateful to Russell for the manner in which he had handled the entire matter and quieted the controversy.

During the hearings, Russell had made one thing abundantly clear; he believed that some senators were too loose-lipped, and were more interested in making points with the press through leaks than in protecting the nation's security. As witnesses talked about military tactics and strategy in the executive sessions, Russell emphasized that such information must be kept absolutely confidential. He warned his colleagues about "a careless word, a slip of the tongue" that might help America's enemies. When some of General George C. Marshall's testimony was leaked to the press, Russell was furious and lectured his fellow senators on the importance of guarding against indiscreet statements. He added that, if such leaks endangered the lives of American soldiers in Korea, neither "our God nor our fellow citizens will ever forgive us nor would we deserve forgiveness." Russell believed that there was a common sense balance between providing the people with enough information on which to make proper policy decisions, and maintaining sufficient secrecy to protect the country's security.

Another crucial issue that came up in the MacArthur hearings was that of "executive privilege." When Republican Senator Alexander Wiley attempted to make General Omar Bradley reveal his personal conversations with the president on April 6, 1950, Bradley refused to tell the committee what Truman had said. When Wiley persisted, Russell ruled that a "private conversation between the president and the Chief of Staff as to detail can be protected by the witness if he so desires." This was a strong statement upholding executive privilege, and, moreover, reflected Russell's deep respect for the office of the presidency. Russell also had a strong commitment to the principle of separation of powers.[14]

The MacArthur hearings gave Dick Russell a great deal of national exposure. He did not normally seek publicity. Indeed, he did not have a press secretary in his office until 1959. But, whether or not he wanted publicity, he now was the subject of scores of articles in newspapers and magazines. These accounts reviewed his career and activities in a depth not previously known. Richard Strout wrote in the Christian Science Monitor that Russell was the "most powerful man in the Senate" and that body's *de facto* leader.

In late 1950 and early 1951, many of Russell's colleagues urged him to accept the position of Senate Majority Leader. However, Russell refused to seek or accept the formal leadership post because he disagreed with too much of the administration's legislative agenda, especially that dealing with civil rights. As Russell put it, he wanted to maintain "absolute independence of thought and action." [15] While Russell did not want to be Majority Leader himself, no Democrat could gain the position without his support. In 1951, he endorsed Ernest McFarland of Arizona, who was elected. At the same time, as I have described in previous addresses, he threw his support for majority whip to his young Texas friend, Lyndon B. Johnson. Johnson had no claim to the position, except that he had the backing of Dick Russell. That was what counted! This was the beginning of the rapid rise of Lyndon Johnson in the Senate's Democratic hierarchy. It was based on his close personal and political friendship with the Senate kingpin, Dick Russell. It was Russell, more than anyone else, who was responsible for making Lyndon Johnson Majority Leader in 1955.

The growing influence of northern liberals in the Democratic party during the Truman years caused Russell grave concern. From his perspective, the most troublesome issue was the continued demand for civil rights legislation. It was clear that the South's influence in national party affairs was declining. The uppermost question in Russell's mind was how to restore and increase the southern role in party councils. One possible avenue was to support a strong southern candidate for the presidential nomination in 1952. While a southerner probably would not be able to win the Democractic nomination, the strength flowing to a candidate from the South might influence the platform and the party's general philosophical direction. At least this was the hope of many southerners.

The most logical man in the South to make such a race was Dick Russell. As the 1952 nominating campigns approached, many southerners urged Russell to actively seek the nomination. But Russell was reluctant. Always the realist, he told supporters that no southerner who opposed civil rights law had any chance to win the Democractic nomination for president. Despite numerous denials that he would seek the nomination, he came under increasing pressure to enter the race. Governors James Byrnes of South Carolina and Herman Talmadge of Georgia, and Senators Burnet Maybank and Harry F. Byrd were the leading advocates of a Russell candidacy. Finally, he gave in to the desires of his friends and announced, on February 28, 1952, that he would be a candidate for president and would campaign for the nomination. Surrounded by Senators Russell Long, Maybank, and John Stennis, Russell told reporters that he would seek the position on a platform favoring states' rights, a strong defense, and economical and honest government. Most observers from all sections of the country admitted that Russell was well qualified for the presidency, but most writers discounted his chances because, as columnist Doris Fleeson declared, he was "saddled with the traditional southern attitude on civil rights."[16]

Despite this obvious handicap, Russell made a strong bid for the nomination. He defeated Estes Kefauver in the Florida primary, and then went on a nationwide tour in search of delegates. However hard he tried to present himself as a moderate Democrat who had supported most of the New Deal and much of the Fair Deal, he could not remove the image that he was only a regional candidate. When the Democrats met, he could only attract 268 delegate votes, mostly from the South, and the convention went on to nominate Adlai Stevenson. Russell had been right about his chances. As Harry Truman said, Russell might have been elected president if he had lived in Indiana, Missouri, or Kentucky, but the country was not ready to nominate a Georgian. Calvin W. Rawlings, Democratic national committeeman from Utah, wrote to Russell that, "if it were not for geography and by the grace of God," he could have been nominated instead of Stevenson.[17] Russell was offered the vice presidency, but that was an office in which he had no interest whatever.

Russell voted for Stevenson, but he refused to assist in the campaign. The Democratic platform, which had a pro-civil rights plank, was too distasteful to Russell. Despite his disagreement with the so-called liberal Democrats, Russell took no pleasure in Dwight D. Eisenhower's victory and the resulting control of both houses of Congress by the Republicans. Russell made it clear that he would fight to retain the New Deal and Fair Deal gains against any Republican onslaught.

During the Eisenhower presidency, Russell devoted most of his energies to three major issues—agriculture, defense, and civil rights. The farm problem was never very far from Dick Rus-

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sell's mind. After 1953, large surpluses built up, prices declined, and operating expenses rose, placing farmers in a tough cost-price squeeze. As a result of hard times on the farm, tens of thousands of farmers went out of business each year. To Russell, this was a national tragedy and dangerous to American strength and stability.

Secretary of Agriculture Ezra Taft Benson, with President Eisenhower's blessing, set out to reduce the level of Federal price supports on major farm commodities. Russell believed that this was a serious mistake, and he fought to preserve and extend price supports at 90 percent of parity. Some bitter battles ensued before Russell and his farm-state supporters lost the fight in a Congress that was becoming more and more consumer oriented. Beginning in 1955, flexible price supports were inaugurated which led to lower support prices for most major agricultural commodities. Russell complained and protested that Congress did not treat farmers fairly. He wrote one constituent that he could not understand the "policies of this/Eisenhower/administration which are threatening to destroy rural America." [18] He was more successful in getting funds for conservation, agricultural research, school lunches, and other purposes.

In all of the controversies over farm policy in which Russell engaged, one fact emerged that greatly disturbed him. That was the declining political power of agriculture. His correspondence in the 1950's is filled with references to this situation. Part of the reason rural America was losing its political clout, he believed, was the divisions among farm spokesmen themselves. Much more important, however, Russell considered that farmers were being sacrificed on the altar of a cheap food policy that catered to consumers in the growing urban centers. But, however hard he tried, Russell could not change policies that resulted from basic demographic shifts. Despite his concern for farmers and his criticism of the Eisenhower administration, Federal expenditures on agricultural programs rose sharply after 1953. Although it could hardly be said that the Federal Government was neglecting farmers, Russell believed that he could have developed better farm programs.

Other than national defense, the issue of greatest concern to Dick Russell in the fifteen years after 1948 was civil rights. The increasing demands for legislation that would end legal segregation required his constant attention. As leader of the Southern Bloc, he spent untold hours developing strategy and organizing the eighteen southern senators who made up the core of resistance to civil rights bills.

Up until 1953, Russell and his supporters had effectively used the filibuster to block civil rights legislation. Attempts of civil rights proponents to change Senate Rule XXII, so that a majority instead of two-thirds of the senators could shut off debate, had been defeated by southerners with some conservative Republican help. Russell, however, not only opposed restrictions on debate to keep civil rights bills from coming to a vote; he also sincerely believed in the principle of full and free discussion on every issue. To Russell, unlimited debate was one of the Senate's most cherished and sacred practices and traditions.

Russell was greatly concerned over the breakdown of segregation in Federal agencies, including government departments, hospitals, and military posts. This was of high concern to him because it had been accomplished by administrative action, and there was nothing that segregationists in Congress could do to stop the trend. He had even gone so far in 1948 as to introduce legislation that would give men entering the military services the right to choose a segregated or integrated unit. The next year, he introduced a bill which would have encouraged blacks in the South to relocate in other parts of the country by subsidizing a move by black families. Russell believed that civil rights advocates did not know the true problems of having large numbers of blacks living under integrated conditions. His bill, he said, would expose the hypocrisy of northern integrationists. According to Russell, these so-called liberals were more interested in the black vote than in any principle of human rights. In any event, neither of these bills gained any significant support in Congress, but they did express the depth of Russell's feeling on the race issue.

Russell also had a growing fear that segregation would be destroyed by the Federal courts, thereby bypassing. Congress. Nevertheless, he was hardly prepared for the Supreme Court decision in *Brown v. Topeka Board of Education* handed down in May 1954, and which held that segregation in public schools was unconstitutional. He called the decision a "flagrant abuse of the judicial power and a violation of states' rights." [19]

As a result of the Brown case and other civil rights developments, Russell and a number of other southern senators drew up the Declaration of Constitutional Principles, better known as the "Southern Manifesto." Russell prepared the final draft which criticized the Supreme Court, and promised that southerners would use all lawful means to reverse the Brown decision.

Meanwhile, civil rights bills were being considered in Congress. By 1957, it was clear even to Russell that some kind of civil rights legislation would be enacted regardless of southern opposition. Thus, he turned his energies and influence to weakening a bill that had already passed the House in June 1957, hoping to make the measure as ineffective as possible in—as he viewed it—disturbing race relations in the South. While one of the bill's main features was to guarantee blacks the right to vote, Russell believed that it gave the attorney general far too much power to "force intermingling of the races in the public schools and in all places of public entertainment." He was especially upset over the denial of a jury trial for any violators of civil rights legislation.

Although some southern senators wanted to stage another filibuster, Russell as leader of the Southern Bloc advised otherwise. Working with his friend, Majority Leader Lyndon Johnson, he skillfully removed the most distasteful features of the bill. From the southern viewpoint, when the law passed, its worst provisions had been eliminated. Critic Thomas L. Stokes wrote that the bill had been watered down by Johnson, "the errand boy for Senator Richard Russell, who put Lyndon Johnson in the post of leadership." [20] *Time* magazine carried Russell's picture on its cover on August 12, 1957, and, in an accompanying article, called his resistance to civil rights legislation, "one of the most notable performances in Senate history." Russell, himself, was proud of his efforts. He considered keeping the Federal Government "out of our schools and social order" the "sweetest victory of my twenty-five years as a senator." He was equally successful in defeating the tougher provisions of the 1960 Civil Rights Act. In this case, he organized his eighteen-member Southern Bloc into teams of three and so wore down the Senate that only minor gains were included in the bill, and then only with Russell's permission. After that fight, Senator Harry F. Byrd of Virginia declared that under the superb leadership of Russell, southerners had "demonstrated the effectiveness of courageous massive resistance."[21]

By the early 1960's, however, Russell recognized that effective and meaningful civil rights legislation would be passed. The national mood had changed, southern resistance had weakened, and an effective political leader, Lyndon Johnson, had become president. After Johnson moved into the White House, Russell frankly admitted that nothing he and other anti-civil rights forces could do would be sufficient to stop civil rights legislation. After all, Russell was a political realist. As the 1964 Civil Rights Act was about to be passed, Russell spoke movingly, and at length, against it. This, however, was to make a statement of principle with no thought of

defeating the measure. He knew the outcome had already been determined. After passage of the law, he urged all people to "comply with the law of the land," a statement that brought praise from President Johnson. When Congress passed further civil rights legislation in 1965, Russell was too ill to resist it actively.

Dick Russell never changed his mind on the issue of racial integration. He viewed civil rights laws as "force bills" designed to change race relations in the South. He believed, too, that much of the support for civil rights legislation came from what he called "South haters." On most issues, Russell was flexible and able to compromise, but, on the question of racial integration and white supremacy, he died holding the same views as those held by his southern ancestors. History, tradition, and social relations as they had developed in the South after slavery held an unbreakable hold on him. Indeed, he viewed federal legislation to guarantee equal rights for blacks as a repetition of intervention by national authorities in the South after 1865.

Senator Russell may never have adjusted to some of the country's social changes, but he was one of the strongest advocates of a powerful national defense in the post-World War II years. As chairman of the Armed Services Committee and a member of the Appropriations Committee, he was in a position to exert great influence on strengthening American military forces. He had little faith in the United Nations as a peace keeping agency, and believed that the United States could not rely on the NATO countries to preserve peace and stability. He once said that if Russia should attack Italy, all of the American arms provided to that NATO ally would soon be in Russian hands!

Even after the death of Joseph Stalin in 1953, and what appeared to be less aggressive attitudes by the Soviet Union, Russell's views toward Russia remained the same. He did not trust the Russians, and declared that the only hope for peace in the world was for the United States to strengthen its military forces. He believed that any negotiations with the Soviet Union must be done "from strength rather than from weakness." [22] Surely, Russell's highest national priority was to build and maintain a degree of military power that could not be successfully challenged by any nation in the world. Consequently, he favored universal military training; strengthening the conventional armed forces; maintaining a supply of nuclear weapons, with the planes and missiles to deliver them; and adequate appropriations for the development of ever more highly sophisticated and technical weapons.

Russell had little faith in the massive retaliation theories of John Foster Dulles, President Eisenhower's secretary of state. To Russell, such a policy relied too heavily on nuclear retaliation, which could lead to the destruction of both Russia and the United States. Under the Dulles policy, there would be greater reliance on nuclear power so that cuts could be made in conventional forces and money saved. Russell objected strenuously to President Eisenhower's recommendation to reduce appropriations for some of the regular military services, especially the Air Force. He believed that the Strategic Air Command had been the major deterrent to greater Soviet expansion. Russell wanted more bombers, fighter planes, and support services for the Air Force. When his critics talked about the need to cut defense costs, he replied that economy was important, but only after American defenses had been built up. "I want to see planes first and then consider the cost in dollars," he said.[23] He recommended spending more on national defense even if other government programs, such as foreign aid, had to be reduced. He declared that "the policy of increasing the appropriations for foreign aid and for many domestic activities while reducing our armed strength is completely incomprehensible to me." [24]

Russell became so unhappy over military cuts and large foreign aid expenditures in the 1950's that he once suggested, not entirely with tongue in cheek, that the entire foreign aid appropriation be transferred to the Air Force. He told Senator Kenneth McKellar of Tennessee that the State Department had no answer to a foreign problem except "to pump in a few more millions from the pockets of our taxpayers into the troubled area." [25] Russell and his backers were able to reduce foreign aid outlays some during the 1950's, but he was unable to get as much money for additional military equipment as he wished. He was distressed that more funds could not be appropriated for the most sophisticated weapons. By 1959, he believed that a serious missile gap existed between the United States and the Soviet Union. Criticizing the Eisenhower military budget for fiscal 1961, Russell declared that it was no time to "quibble over a couple of billion dollars." [26]

Russell found in President John F. Kennedy an ally for greater military spending. When Kennedy asked for an increase of $2 billion, mostly for bombers and missiles early in 1961, Russell gave the request his strongest support. He was able to obtain even more funds for the military budget than the President had requested.

One of Russell's reasons for wanting overwhelming military strength was to deal with problems such as the Cuban missile crisis of 1962. When Kennedy called Senate and House leaders to a conference on that crisis, Russell strongly urged that air power be used to wipe out the Soviet missiles in Cuba. But when Kennedy decided on a quarantine of Cuba instead, Russell announced that he would fully back the president. In such a situation, he said, "the only voice that can speak for the United States was the president." [27] However, Russell always regretted that military action was not taken against Castro when a good excuse presented itself as he believed had been the case in 1962. To have solved that problem with forceful action, he argued, would have had "a salutary effect all over the entire world" by discouraging other brush fire revolutions and wars encouraged by the Soviet Union.[28]

Russell's continued distrust of the Soviets was reflected in his vote against the Nuclear Test Ban Treaty in September 1963. This was an agonizing decision for him, but he told his colleagues that the treaty was flawed because it did not contain proper or verifiable inspection clauses to guarantee Russian compliance. He argued that the Soviets simply could not be trusted, and he sought to prove his point by listing the numerous treaties that the Russians had violated.

From the beginning, Dick Russell was an outspoken opponent of American military involvement in Vietnam. He had supported the Korean War because it was a response to direct invasion by the North Koreans, but he believed the situation was different in Vietnam. He almost had a phobia against getting American forces involved in a land campaign on the continent of Asia. Consequently, when President Eisenhower and Secretary Dulles asked congressional leaders about supplying American air power to help the collapsing French forces in Vietnam in April 1954, Russell spoke vigorously against such a move. He argued that sending air support to the French would be the first step toward greater involvement and the possible use of ground troops. "Once you've committed the flag," he declared, "you've committed the country. There's no turning back; if you involve the American Air Force, why, you've involved the nation."[29] That, Russell said, would be a fatal mistake.

As Presidents Eisenhower, Kennedy, and Johnson gradually extended American military power into Vietnam, Russell grew increasingly uneasy. It was bad policy, he believed, because the Vietnamese are not doing much to help themselves, and American allies refused to provide any meaningful help. It was wrong to try to go it alone, he said. However, believing deeply that only the president could be the spokesman for America's foreign policy, he supported the ends of American objectives in Vietnam, if not the means to achieve them. Russell insisted that, once the United States was

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in Vietnam, much more military power should be brought to bear on the North Vietnamese. By 1966, he was advocating the use of a battleship to bombard the coast of Vietnam, the bombing of military and industrial targets around Hanoi, blockading the port of Haiphong, and other measures that would either defeat the North Vietnamese or force the Communists into meaningful negotiations. But President Johnson ignored his old mentor's advice. Russell went to his grave still frustrated and critical of what he considered America's halfway military measures in Vietnam.

Senator Russell disagreed with most of America's major foreign policies after World War II. He placed most of his confidence in a strong national defense, both nuclear and non-nuclear. He believed in using military force only when American national interests were directly at stake. In the case of Cuba, he would have used force because he believed Soviet intrusion ninety miles from the Florida coast was a direct threat to the nation's vital interest. On the other hand, there was no overriding reason, in his view, to intervene in Vietnam. He raised the key question of how could Communism in far away Vietnam be worthy of American military resistance when the United States refused to dislodge a Communist state close to home. To Russell, this was not only mistaken policy, but it cast aside common sense as well. On foreign aid, he was one of the nation's sharpest and most persistent critics of a policy that he believed was wasteful, expensive, and largely ineffectual from the viewpoint of American national interest. Despite his disagreement with much of American foreign policy after 1945, he was a loyal, patriotic leader who fought hard for what he believed was in the country's best interest. He was a strong nationalist in every sense of that term. In 1969, he gave up the chairmanship of the Armed Services Committee and became chairman of the Appropriations Committee.

By early 1971, at the end of 38 years in the U.S. Senate, Dick Russell had left his indelible mark on national affairs. No major legislation bore his name, mainly because he had worked quietly behind the scenes and had not sought credit or courted publicity. But he had made numerous permanent contributions. These included agricultural legislation, the Food Stamp and School Lunch Programs, the conservation of natural resources, a strong national defense, research and scientific achievement, and many more.

Most of all, Russell understood, appreciated, and protected the institution of the U.S. Senate. As Jack Valenti wrote in The Washington Post on January 12, 1963, Senator Russell was the "embodiment of the Senate's constitutional tradition. The Senator understands the Senate; * * * he knows its moods and its dignity. He guards its honor. He nourishes its heritage." Russell, Valenti continued, "never swerves from the history of the Senate as a structure undiminished by time, undisturbed by the moment, unbudgeable in crisis and controversy."

Senator Russell's Senate colleagues were among his most ardent admirers. They respected him for his intellect, his integrity, his fairness, his courage, and his ability to cut to the heart of any problem. Special accolades from fellow Senators were common, but they were almost embarrassing to Senator Russell at the time of his 30th anniversary in the Senate in January 1963. Senator Mike Mansfield referred to his "calmness and kindness," his "reason and deliberation," and his "scrupulous fairness." Everett Dirksen emphasized Russell's "rare fidelity to the traditions and institutions of this country," while Frank Carlson believed that Russell was "the most influential and substantial leader in the U.S. Senate." [30]

Writer William S. White was one of the many observers outside the Senate who were impressed with Russell's character and ability. White called him one of the "greatest Senators of his era." While Russell suffered from being a southerner, White explained, "no politician in his time has more clearly and more repeatedly earned consideration for the highest office of them all." [31] Senator Sam Irvin agreed that, after viewing all national leaders, Russell was the best qualified man to be president of the United States.[32] When the publication, Pageant, asked Senators to rank the five top members of that body in 1964, Russell was listed by those of us who were his colleagues as No. 1.[33]

One trait or habit that Russell possessed, and which his colleagues greatly admired, was the consideration which he extended to new Senators. Freshmen Senators often achieved more than they expected because of Russell's help. On September 14, 1959, Senator Howard A. Cannon of Nevada wrote Russell expressing his appreciation "for your outstanding leadership * * * and for the help and consideration you have given to me as a junior Senator." I wrote to Senator Russell at about the same time saying that it had been a "glorious experience" to have served with him during my first year in the Senate. A few months later, I wrote again that Russell typified "the character, the poise, the brilliance that are associated with true greatness." I continued, "You shall never know the profundity of the impression you have made upon me as a new Senator." [34] I concluded that it was my greatest hope to "become a Senator with the stature of Richard B. Russell."

Dick Russell was a southern patrician of the old school. He was courteous, charming, polite, and considerate. He was generally tolerant and understanding, but he could be devastating in debate and comment, as many discovered who were the targets of his sharp tongue and quick wit. He once called Drew Pearson a skunk, and referred to Joseph Alsop's column as "allslop."

As Dick Russell never married, he lived in Washington hotels from 1933 until 1962 when he purchased an apartment at the Potomac Plaza. During his early years in Washington, he enjoyed an active social life, attending movies, sporting events, meeting friends in the late afternoon, or taking a lady friend to dinner. He disliked cocktail parties and receptions, so popular in Washington, and, after a few years, he turned down most of the many invitations he received. He preferred to spend the evenings in his room working on Senate business or reading history. He did greatly enjoy socializing with fellow Senators. He frequently had dinner with Lyndon and Lady Bird Johnson, and Senator Harry Byrd's Apple Blossom Festival was one of Russell's annual highlights. He sometimes went fishing with Senator Willis Robertson. His strong interest in sports never diminished, and he attended baseball and football games as long as his health permitted. Football Coach Vince Dooley at the University of Georgia said that he had never known anyone outside the coaching staff who knew so much about Georgia football players, their talents, and strengths as Russell did.

Russell started to have health problems in the mid-1950's. He had begun to smoke heavily as a teenager, and, by the 1950's, he suffered from the early stages of emphysema. He finally stopped smoking, but his respiratory problems continued to get worse in the 1960's. He was so ill in early 1965 that he had to be absent from the Senate for several months. He also had lung cancer which was treated successfully, but his lungs were so permanently damaged that he could never recover. Returning to Walter Reed Army Medical Center in January 1971, he struggled with his respiratory difficulties until his death on the afternoon of January 21. He was buried in the family cemetery behind the Russell home at the edge of Winder.

Richard B. Russell, Jr., served his State and Nation for 50 years, and spent more than half of his life in the U.S. Senate. At the time of his death, he held two positions of great prestige in this body—President pro tempore and chairman of the Appropriations Committee. He left a mark that will always be prominent in the history of the U.S. Senate, and one that will always be prominent in the memories

of those, like myself, who served with him for so long in the Senate of the United States.

Mr. President, I ask unanimous consent to include footnotes to "Richard Brevard Russell."

There being no objection, the footnotes were ordered to be printed in the RECORD, as follows:

FOOTNOTES TO RICHARD BREVARD RUSSELL, JR.

[1] For sources on Russell's early life see, Gilbert C. Fite, "The Education of a Senator: Richard B. Russell, Jr. in School," The Atlanta Historical Journal, 30 (Summer 1986), pp. 19-31; and Karen Kelly, "Richard B. Russell: Democrat from Georgia," Ph.D. dissertation, University of North Carolina, 1979, ch. I. See also John H. Willey, "A Study of the Political Mind of Richard B. Russell, Jr., 1930-36," M.A. thesis, Vanderbilt University, 1974.

[2] Speech given at Barnesville, GA, Nov. 11, 1928. Russell Collection, speech file. All subsequent references to Russell speeches and correspondence are found in the Russell Collection, University of Georgia Library, Athens, GA.

[3] Winder (GA) News, Sept. 9, 1920.

[4] Southern Cultivator, 90 (Sept. 1, 1932), p. 7.

[5] The Atlanta Journal, June 29 and July 1, 1932.

[6] Herman E. Talmadge, Talmadge: A Political Legacy, A Politician's Life (Atlanta, 1987), p. 36.

[7] Franklin D. Roosevelt to Richard B. Russell. Roosevelt papers, Hyde Park, PPF 3869.

[8] CONGRESSIONAL RECORD, 74th Congress, 1st sess., Jan. 29, 1935, pp. 1054 and 1147.

[9] Russell speech at Berry College, Georgia, 1940.

[10] The Atlanta Journal, Apr. 14, 1946.

[11] Richard B. Russell, Jr. to Mr. O'Hardy, Feb. 10, 1948.

[12] Undated clipping in Ina Russell's scrapbook, 1947-49.

[13] Richard B. Russell to Mrs. Elizabeth Caldwalder-Noyes, Aug. 31, 1948.

[14] Military Situation in the Far East. Hearings before the Committee on Armed Services and the Committee on Foreign Relations, U.S. Senate, 82d Congress, 1st sess. (Washington, 1951), 5 parts. Pt. II, pp. 681-83, 758, and 784-829.

[15] Richard B. Russell to Senator Pat McCarran, Nov. 13, 1950, and to Senator Dennis Chavez, Nov. 14, 1950.

[16] St. Louis Post-Dispatch, February 29, 1952.

[17] Calvin W. Rawlings to Richard B. Russell, July 31, 1952.

[18] Richard B. Russell to Irwin Sibley, May 6, 1957.

[19] CONGRESSIONAL RECORD, 83rd Congress, 2nd sess., May 18, 1954, p. 6748-50.

[20] The Washington Evening Star, Aug. 5, 1957. The best study of Russell and the civil rights issue is David D. Potenziani, "Look to the Past, Richard B. Russell and the Defense of Southern White Supremacy," PhD dissertation, University of Georgia, 1981.

[21] Congressional Record, 85th Congress, 1st sess., August 30, 1957, pp. 16659-61, 85th Congress, 2nd sess., April 8, 1960, p. 7814.

[22] The Atlanta Constitution, December 2, 1955.

[23] Congressional Record, 84th Congress, 1st aess., June 26, 1956, p. 10973.

[24] Richard B. Russell to Senator Josiah Sibley, March 2, 1956.

[25] Richard B. Russell to Senator Kenneth McKellar, February 18, 1957.

[26] See the New York Times, January 27 and May 19, 1960.

[27] Richard B. Russell's handwritten notes of the White House Conference on Cuban crisis, October 23, 1962.

[28] U.S. News and World Report, 59 (September 6, 1957), p. 57.

[29] Quoted by Senator William F. Knowland, June 22, 1967. Columbia University Oral History.

[30] Congressional Record, 88th Congress, 1st sess. January 10, 1963, pp. 137-39.

[31] The Washington Post, March 24, 1969.

[32] Dick Dabney, The Life of Sam Irvin (Boston: Houghton Mifflin, 1976), p. 168.

[33] Pageant, 20 (November, 1964), p. 6.

[34] Senator Howard W. Cannon to Richard B. Russell, September 14, 1959; and Senator Robert C. Byrd to Russell, September 9, 1959 and March 9, 1960.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, how much time for morning business remains?

The PRESIDING OFFICER. The Chair will say to the majority leader that the time for morning business has now expired.

Mr. BYRD. Mr. President, I ask unanimous consent that morning business continue until not later than 5:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak therein for not to exeed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 4:43 p.m., recessed until 5:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BYRD].

RECESS UNTIL 5:33 P.M.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess for 20 minutes.

There being no objection, the Senate, at 5:13 p.m., recessed until 5:33 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. LAUTENBERG].

The PRESIDING OFFICER. The Senate will come to order.

Mr. BYRD. Mr. President, has morning business expired?

The PRESIDING OFFICER. Yes, it has.

RESUMPTION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a resumption of morning business, that Senators may speak therein for not to exceed 10 minutes each, and that the period extend not beyond 6 o'clock p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

THE NICARAGUAN RESISTANCE

Mr. ARMSTRONG. Mr. President, this week President Reagan is asking Congress to provide some modest funding for the democratic resistance in Nicaragua. I am distressed by just about everything that is going on. First of all, I regret that the President has not called for a larger funding package, though I understand the reasons that have prompted him to request what seems to me to be only the bare minimum of funding that will keep the democratic resistance going. I regret the fact that there is every chance that the House of Representatives will defeat this request, even though it is far less than I would like to see. Most of all, I regret the fact that all over the country there is tremendous confusion about what is going on in Central America.

Fifteen years ago, in fact almost exactly to the day, not quite but I guess 15 years to the week, we signed the Paris peace accords which promptly resulted in the consolidation of the Communists' hold on Southeast Asia, with the death of a great many people and the subjugation of millions of others and much heartache and torture and disruption and millions of refugees. All of the things which the worst alarmists predicted might be the outcome in fact have come true.

I do not know how other Senators are viewing this matter, but it seems to me that what is shaping up in Central America is just a replay with slightly different circumstances, a different area, closer to home; different set of characters, different nations, different cultures involved, but pretty much the same thing.

A weary Congress, unwilling to continue the battle for freedom, is being offered some excuses, some rather thinly veiled excuses at that, which will permit us to, in effect, declare victory and say: Well, we have handled that problem. Peace is at hand. Let us move on.

Deep down in our hearts I think most Senators know, at least those who are willing to think seriously about what is about to transpire, know that if we do that, if we lose our nerve and if we say: Well, we have funded the Contras and we cannot go any further, that probable outcome is just about like what happened in Southeast Asia. Our reputation as a faithful ally will be tarnished again; the next time that somebody thinks that maybe they can count on us to provide the material support in defense of freedom that they will have a second thought; that the Sandinista Communist regime in Nicaragua will consolidate, perhaps for the rest of our lives and beyond, their governance of that tragic country of Nicaragua; that they undoubtedly will resume the active export of revolution and terror throughout Central America; that it will be much to the strategic disadvantage of the United States; that the Panama Canal zone will become, if not actually under the physical domination of the Communists, certainly under much closer surveillance.

With all of these circumstances it is most obvious to me and some other Senators, so I find it particularly tragic, that very few people in the United States, really, seem to know what is going on and even fewer seem to care.

Mr. President, the polls show that far less than a majority of people in this country can even say which side the United States is on in Central America. Of those who can accurately identify whether we are for the Contras or the Sandinistas, there is great and I guess continuing controversy over whether we are on the right side, whether or not the group that we are backing, the democratic resistance, the contras as they are sometimes called, whether or not they are the people who represent the ideals for which we have always stood; those on the side of freedom of occupation, freedom of worship, freedom of travel and free elections or whether or not we are backing the wrong side.

The record is so clear for those who are willing to study it that it is really distressing to me that after all these years people at home do not seem to have a very clear impression. In some ways that is even more tragic than when people in this Chamber either do not understand or are unwilling to pay close attention to the problem or deliberately ignore it—and I judge that that is exactly what has happened.

I do not know what the outcome will be when the House of Representatives votes later this week. They say that it will be a very, very close vote. It is my hope that at the last minute, as has happened on a number of other occasions, that enough of our colleagues will be willing to stand up and be counted that at least the $30-some million that the President has suggested will in fact be agreed to by the House and then the Senators will have a chance to vote on it. As I understand the schedule, Mr. President, the House vote is set for Wednesday and then the Senate to vote the next day.

It is not plain to me at this point whether the Senate will actually take this matter up if it is defeated in the House on Wednesday. I hope we do because, even if the House turns it down, I think it is important for Senators to address the subject and to record how they wish to vote. I do not think it is a very complicated issue.

Not to say that there are not a number of loose ends; not to say that there are not collateral issues that are deserving of our study; not to say that there are not human rights questions and not to say that there are not issues which in and of themselves are deserving. But, you know, Mr. President, over and over again the attention of the Senate has been diverted from what I believe to be the central question and that is this: Are we prepared to stand by while the people who are fighting for freedom in Nicaragua are gunned down or run out of the country and Communists simply are permitted to consolidate their hold on Nicaragua without anybody to prevent it from happening?

Well, what about the peace process, because, after all, that is the excuse that is being given, that peace is at hand? After all, the Sandinista government, Commandante Ortega, and others have made extensive promises that, if honored, would certainly result in a far better outcome than prolonged fighting between the democratic resistance and the Sandinistas.

I do not want to absolutely say that there is no possibility that the Sandinistas regime will honor the pledges that they have made. It may well be, it is possible, at least, that in the final analysis the Sandinistas will keep their promises and that the best hopes of the Presidents in the area and President Arias and others will be realized.

Forgive, me however, Mr. President, if I am somewhat skeptical, not because I am, by temperament, a skeptic, but because I have taken the trouble over the last few weeks to go back over the record of the promises which the Sandinistas have previously made, not one of which so far as I can tell they have ever bothered to keep.

For example, in 1979, when Somoza was still in power, a Sandinista-dominated Nicaraguan Government of national reconstruction was formed in San Jose, Costa Rica. Of the five members of that Government of national reconstruction, three of them, including Daniel Ortega, were members of the National Liberation Front, which, of course, is the governing power in Nicaragua today.

On June 18 of that year, a press conference was held in which this group pledged among other things a government which would be truly democratic with respect for fundamental liberties, specifically including free expression, freedom of religion, a mixed economy, union rights, an independent nonaligned foreign policy, a minimum permanent military establishment, and other principles which one associates with a democratic government and free society.

These pledges were instrumental in the action of the Organization of American States which, with the support of our own Government, adopted a resolution in June of 1979 calling for the replacement of the Somoza regime with a democratic government.

It is no secret that the OAS and the United States relied at least in part on these pledges, not one of which were ever kept.

What is startling, Mr. President, is not only that these promises were not kept, but the speed with which the Sandinista regime once in power went back on virtually every promise that they made. They violated one after another on every topic.

I would like, Mr. President, to insert in the Record a report prepared by the Republican Policy Committee, of which I am the chairman, that documents the promises that were made at that time and then which details exactly what has transpired. I hope that Senators and others who may read the Record will consider very seriously these promises and the way they have been violated on a wholesale basis because it is the very expectation of the fulfillment of promises that are being made now, this week, last week, this month, this year, in Nicaragua, which is undermining the resolve of Members of this body and of the House of Representatives as they are asked to support the democratic resistance in their military efforts, the military efforts which, in my opinion, are the only reason that there is any prospect of a negotiated ceasefire and a negotiated peace in Nicaragua.

I would also like to insert into the Record a detailed discussion of not only the promises that were made in the last half of 1979 and what the response was after the Sandinistas took power, but what happened all through the 1980's, because while the Sandinista government has been loath to keep promises, they have never been hesitant about making them. They have made promises about human rights, about education, about free elections, about a free or at least a mixed economy, about freedom of the press. If they had lived up even to a small fraction of their promises, the outlook would be far different, and if they had lived up to all of the promises which they have made, Nicaragua would surely be a model of democracy and human freedom. The reality is they have not done any of those things.

This week we are wondering how many Members of Congress will be taken in by the promises which are being made.

When anybody says what I am saying, there is always the risk of being misunderstood. There is always the risk that somebody is going to say, "Well, is there anything that could happen which would cause you to believe that the government in power is prepared to negotiate? Is there any way, short of continuing the battle, that would satisfy you?"

My answer to that, Mr. President, is yes. I do not think we have to rely on

promises. But that does not mean we have to turn our backs on the possibility of serious negotiations. If we based our actions not on promises but on performance, we would have, I think, a reasonable benchmark and standards. Perhaps my worst fears will not be realized, but I am hearing more and more that the vote in the House will be very close. I just hope that as Members of that body and this consider the responsibility that they have on behalf of the American people, they will at the last minute decide that they just do not want to take the responsibility for the tragedy that would occur. My own conviction is that if we cut off the money for the democratic resistance, for the Contras, that that force will dissolve very, very quickly. There will be some scattered elements that may stay on in the jungle and fight for a long time to come, but I think that would be fragmentary at best, a handful of people, not the well-organized and beginning to be successful Contra force that is in the field now.

What will happen to the rest? Well, some of them will perhaps make the best deal they can with the Communist Government and try to return to their homes. What the mercy of the Communists will be we do not know. I guess if I were in that sort of a fix I would not want to throw myself on the mercy of Daniel Ortega and his associates but some will do so. Many, probably most, will be refugees and some will apply for permission to come to this country and no doubt, as it was with refugees from Southeast Asia, it will be the role of the United States to be generous about granting political asylum, and correctly so.

The political asylum for those who have stood and fought for the cause of freedom in Central America, while it may be worthy and justified, is by no means a substitute for helping. As Mr. Reagan said in his State of the Union message, in exactly the same way that Lafayette helped win our country, our forefathers, our ancestors, were fighting for American freedom.

So, Mr. President, the purpose for which I have risen today is to put into the Record a detailed report of promises made and broken by the Sandinista regime, a report based not on secret sources, but on public sources. One of the things I have asked my staff on the Policy Committee to do in preparing this document and others which have preceded it is to not give me rumors, not give me things based so much on what the CIA or the State Department says because frankly official sources do not have the credibility with the general public that I think this issue deserves, but instead to give me reports based upon what the Washington Post says, the Washington Times, the Associated Press, Reuthers, and other publications about which I think there is no doubt as to the bias or whether or not we are getting a really fair report.

That is my request, Mr. President. I do send to the desk the report of the Republican Policy Committee on broken promises by the Sandinista regime and ask that it be printed in full at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

U.S. Senate Republican Policy Committee, William L. Armstrong, Chairman, February 1, 1988

Sandinista Promises

(There is hardly a promise on human rights and fundamental liberties that the Sandinistas have not made, and hardly one that they've kept.)

(This paper is a review of the extensive promises made by the Sandinistas from the days before they rode into Managua in 1979 up to the current round of promises they have made in 1987/1988.)

THE ORIGINAL PROMISES

On June 17, 1979, while Anastasio Somoza was still in power, a Sandinista-dominated Nicaraguan Government of National Reconstruction (GRN) was formed in San Jose, Costa Rica. Of the five GRN members, three of them, including Daniel Ortega, were members of the Sandinista National Liberation Front (FSLN). (The non-Sandinista members were Violeta Chamorro, now editor of the opposition newspaper *La Prensa*, and Alfonso Robelo, now a member of the seven-man Directorate of the Nicaraguan Resistance—the Contras.)

On June 18, the GRN held a press conference in which they pledged their government's program would be "truly democratic," with respect for "fundamental liberties," including:

Free expression;

Freedom of religion;

A mixed economy;

Union rights;

An independent non-aligned foreign policy;

A minimum permanent military establishment; and

Other generally accepted principles.

These pledges were instrumental in the action of the Organization of American States (OAS), which, with the support of the United States, adopted a resolution on June 23, 1979, calling for the replacement of the Somoza regime with a democratic government "which reflects the free will of the people of Nicaragua;" would guarantee the "human rights of all Nicaraguans without exception;" and, would hold "free elections as soon as possible," leading to "the establishment of a truly democratic government that guarantees peace, freedom, and justice."

On July 12, after active negotiation with representatives of the Carter Administration and the OAS, the GRN sent a letter to the OAS, citing the OAS June 23 resolution and promising free elections. Attached to the GRN letter were two other documents:

A "Plan to Achieve Peace," which detailed a step-by-step measure for the peaceful resignation of the Somoza government and the takeover by the GRN.

A formal "Program of the Nicaraguan National Reconstruction Junta," dated July 9, in which the GRN spelled out in specific detail its June 18 pledges.

Taken together, the documents submitted to the OAS on July 12—the letter, the peace plan, and the GRN program—constituted a comprehensive program of democratic guarantees. They included:

The structure of the new government, featuring a 33-member legislative Council of State representing "all the political, economic, and social sectors that helped overthrow the Somoza dictatorship;"

A guarantee of full human rights observance as set forth in the United Nations Universal Declaration of Human Rights and in the Charter on Human Rights of the OAS;

Freedom of press, religion, unions;

Private enterprise in a mixed economy;

A non-aligned foreign policy;

A new national army with only a "minimum" permanent military establishment;

A guarantee of the lives and rights of members of the National Guard; and

Many other guarantees of fundamental liberties.

On the basis of these comprehensive guarantees, on July 15 the Carter Administration and the OAS approved final transfer of power from Somoza to the GRN. Somoza submitted his resignation to the Nicaraguan Congress on July 16 and left the country the next day. On July 17 the Carter State Department noted the Somoza resignation and announced:

"From the beginning of the violence that has set Nicaraguans against each other, the Organization of American States and its member nations, including the United States, have worked to facilitate a peaceful and democratic solution to the civil strife in Nicaragua. . . .

"A caretaker government is in place to begin the process of national reconciliation. A Government of National Reconciliation, formed initially in exile, will assume power. . . . It has pledged to avoid reprisals, to provide sanctuary for those in fear, to begin immediately the immense task of national reconstruction, and to respect human rights and hold free elections."

On July 17 and 18 National Guard resistance ended. The Sandinista-led anti-Somoza forces entered Managua on July 19. On July 20 the GRN was installed and had the opportunity to act upon their previous promises and commitments. Particularly astonishing is the speed with which the Sandinistas moved to violate them.

Promise:

That the lives of National Guard officers and soldiers would be respected, that they would not be subject to revenge or indiscriminate reprisals. Those guilty of crimes will be dealt with within the legal framework, [From the July 12 GRN promises to the OAS]

Performance:

"After the 1979 revolutionary victory hundreds of prisoners, mostly members of the National Guard or supporters of the former regime, disappeared after capture and were later found dead. Of the dead, many were found in mass graves, as in the case of the prisoners in La Pólvora, . . . the former headquarters of the National Guard in the town of Granada. . . . [O]n October 3, 1979, José Estebán González of the CPDH [the independent Permanent Commission on Human Rights], traveled with several witnesses to the site and discovered human bones and remnants of clothing in a covered-over ditch.

"Similar reports led to the discovery of another site in La Arrocera, near Lake Nicaragua, where several more bodies were found. At the bottom of the crater of the

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Santiago volcano, near Managua, ten to fifteen bodies were sighted. Thirteen more were discovered in a mass grave in Catarine, a small town near Masaya. Approximately two hundred were found in a deep well near Leon.

"How many people were killed in this manner? Estimates based on names of prisoners who were captured and then declared missing or dead vary. The CPDH has documented the disappearance and most likely death of 785 persons who were captured by Sandinista authorities from July 1979 through September 1980. . . . [Humberto Belli Breaking Faith, The Puebla Institute, 1985, p. 120]

Promise:

After the replacement of the Somoza regime, remnants of the National Guard and of the Sandinista armed forces would be formed into a new, non-political national army. This army would maintain a "minimum" permanent establishment. [From the July 12 GRN promises to the OAS]

Performance:

The new national army was never formed. The Sandinista army continued to function as a Party armed force and in September 1979 was offically named the Popular Sandinista Army (EPS). In the so-called "72 Hour Document" of September 1979, a long-term program of the top FSLN leadership, the determination was made to create "an army politicized to an unprecedented degree." [from the document text, quoted in Shirley Christian Nicaragua, Revolution in the Family, p. 151.] Already in October 1979, Interior Minister Comandante Tomas Borge stated the Sandinistas' intention to arm a militia of 300,000 men (other descriptions of Sandinista intentions refer to 200,000). This compares to a July 1979 force of no more than 7,500; Somoza's National Guard had fewer than 15,000, including support troops. During this period there were no Contras, and the United States, under the Carter Administration, was the Sandinistas' biggest aid donor. By the end of 1987, regular Sandinista army forces numbered 80,000, plus some 40,000 militia. According to the revelations of Major Roger Miranda (confirmed by Defense Minister Comandante Humberto Ortega), the Sandinistas plan a total military and para-military force of 600,000 by the mid-1990s.

Promise:

"An independent, non-aligned foreign policy will be followed which will link our country with all nations that respect self-determination and fair, mutually-beneficial economic relations." [From the July GRN promises to the OAS]

Performance:

The first Cuban military and security advisers entered Managua within a week of July 19, the day Sandinista forces entered the capital, possibly as early as the first day; by November there were two hundred of them. Assistance from Panama, which had provided major help to the Sandinistas in overthrowing Somoza, was rejected.

On July 21, the day after the GRN was installed, representatives from two Salvadoran communist guerrilla factions were in Managua to discuss military cooperation and assistance; these two factions joined with three others in May 1980, under Cuban and Sandinista auspices, in what became the Farabundo Marti National Liberation Front (FMLN).

On July 25, prominent junta members traveled to Havana to help Fidel Castro celebrate the anniversary of the beginning of his revolutionary movement. On July 27, Nicaragua and Cuba reestablished diplomatic relations, and within weeks relations were established with other Soviet bloc countries.

In early August, *Comandante* Henry Ruiz travelled to the USSR, Bulgaria, Libya, and Algeria to conclude aid agreements.

By the end of August, hundreds of Nicaraguan children were being sent to Cuba for political indoctrination.

In September 1979, at a speech in Havana, *Comanante* Daniel Ortega gave a speech condemning United States "imperialism" and joining the Soviet Union in support for Vietnam, the Vietnamese puppet regime in Cambodia, other Marxist countries and political movements, and the Palestine Liberation Organization (PLO).

In early 1980, Nicaraguan abstained from a United Nations General Assembly vote condemning the Soviet invasion of Afghanistan, even though the vast majority of officially "nonaligned" nations voted for the resolution.

In March 1980, the Sandinistas established Party-to-Party ties with the Communist Party of the Soviet Union. In mid-1981, Defense Minister *Comanante* Humberto Ortega declared "Marxism-Leninism" the "scientific doctrine" that guides the Sandinista revolution; as of 1984, eight of the nine Sandinista *comanantes* had directly acknowledged their Marxist-Leninist convictions (the ninth, Henry Ruiz, was sent, on a Cuban passport, to Moscow's Patrice Lamumba University as a youth cadre of the Moscow-line Nicaragua Socialist Party in 1966 but was obliged to leave due to his excessive views in favor of guerrilla warfare in Latin America).

In late 1981, Sandinista-controlled media were told to take a line against the "counterrevolutionary" Solidarity movement in Poland and only to report "facts" confirmed by the Soviet and Cuban press agencies.

When Leonid Brezhnev died in 1982, Sandinista media praised him and the Soviet Union for their "peace" policies.

The Sandinista abstained from a U.N. vote in 1982 demanding Soviet withdrawal from Afghanistan and abstained from a 1983 vote condemning the shooting down of Korean Airlines 007 by the Soviets. By 1986, the Sandinistas' voting record in the United Nations was more anti-American than the voting records of Iran, the USSR, and all of the East European countries with the sole exception of Albania. Judged by U.N. voting record, the Warsaw Pact is more pro-American than Nicaragua is.

Promise:

The legislative Council of State established by the GRN would have 33 members representing the broad spectrum of Nicaraguan society, such as political parties (including the Sandinistas), labor unions, business groups, the national university, and the national clergymens' association. [From the July 12 promises to the OAS, Program of the GRN]

Performance:

In mid-April 1980, the Sandinistas issued a decree enlarging the Council of State from 33 to 47 members, with a structure guaranteeing the FSLN and FSLN-controlled organizations a majority. The two non-communist members of the GRN, Violeta Chamorro and Alfonso Robelo, resigned in protest.

Promise:

Guarantees of free expression, religion, association, unions, press, private enterprise, etc. [From July 12 GRN promises to the OAS]

Performance:

Within a week of taking power, the Sandinistas nationalized banking and foreign trade; this meant that producers of major export commodities like coffee, sugar, cotton, etc., would have to sell to the government, giving the Sandinistas great control over hard currency and reinvestment in Nicaragua. Insurance and mining were nationalized in October and November 1979.

Businesses labeled *"Somocista"* were widely confiscated in the first weeks after July 19 with loose regard to whether the former owners had been close to Somoza or not; these included about one-fourth of cultivated land, about 130 industries and business, houses, estates, and vehicles.

A new Sandinista-controlled labor federation was created, which also seized many businesses; the Sandinista labor federation also attacked the non-Marxist unions as "counterrevolutionaries, thieves, and imperialists" and attacked their organizers. Strikes were banned throughout the country on September 9, 1981.

In late July 1979 the Sandinistas confiscated one of the country's two daily newspapers (the other being *La Prensa*; a pro-Sandinista third newspaper began operation later) plus all television stations and most radio stations.

In December 1979 a private entrepreneur with a strong anti-Somoza record was refused permission to open a new, independent televisilon station by Daniel Ortega, who stated that television in Nicaragua would belong to the people, not to "millionaires of the bourgeoisie."

In April 1980, a radio newsman was sentenced to six months imprisonment for broadcasts "detrimental to the revolution," though no law making this a crime yet existed.

After anti-Cuban and anti-Sandinista demonstrations in the Atlantic Coast region in September 1980, *La Prensa* was ordered to not print any news from that region without government approval.

On September 10, 1980, the Sandinistas issued Decrees 511 and 512 making it a crime to publish any information that (in the opinion of *Comandante* Tomas Borge's Interior Ministry) "jeopardizes the internal security of the country," including information on shortages in staple products or which might bring about price speculation. Temporary closings of *La Prensa* began on July 8, 1981; full prior censorship was instituted in March 1982.

The Sandinistas promoted the Liberation Theology-oriented "Peoples Church," giving it a virtual monopoly of religious programming on the increasingly Sandinista-controlled media.

Overt repression began in July 1981, when the Sandinistas banned broadcast of the mass of the Archbishop of Managua. Restrictions were placed on broadcasting by the Church's *Radio Catolica* and on *La Prensa's* coverage of Church activities. Physical attacks on churchmen began in November 1981 with an attack on Bishop Pablo Vega by a Sandinista mob.

Concurrent with the suppression of independent social activity, the Sandinistas began to build their party-controlled social apparatus. In July and August 1979, the Sandinistas created the Sandinista Defense Committees (CDS's), modelled on Cuba's "Block Committees," as a means of social surveillance and control.

The CDS's work closely with the Interior Ministry's security police, which began to function in late 1979 with unofficial detention centers.

The FSLN also founded new women's, peasants, and youth organization, and even an organization for small children called the "Carlitos" (after FSLN founder Carlos Fonseca) patterned after the Soviet Union's "Young Pioneers;" other FSLN politicized associations were founded for artists and writers, teachers, newsmen, etc.

Finally, in February 1981, the first Sandinista controlled mobs (*turbas divinas*, "divine mobs"), used by the Interior Ministry to attack Sandinista opponents, made their appearance.

Promise:

The July 12 GRN promises to the OAS included a pledge to hold democratic elections. The OAS resolution of June 23, 1979, specifies that these be held "as soon as possible."

Performance:

For over a year the Sandinistas stalled democratic elements in the GRN with the excuse that elections were not a "priority" compared to the literacy campaign, housing, health care, etc. Finally, in August 1980 Defense Minister *Comandante* Humberto Ortega announced that elections would be held in 1985, with the electoral process not to begin before January 1984. In addition, Ortega pointed out that in the FSLN's view "elections shall be to strengthen revolutionary power, not to raffle it off, for power is in the hands of the people through its vanguard, the Sandinista National Liberation Front and its national directorate [i.e., the nine *comandantes*]."

"Elections" were finally held in November 1984 (earlier than the announced 1985 date), with most democratic parties boycotting rigged procedures and campaign restrictions. Fidel Castro was the only head of state to attend Daniel Ortega's inauguration in early 1985.

DENYING RIGHTS, BUT MAKING MORE PROMISES

Throughout this early period while the Sandinistas were busy abandoning their July 1979 promises, they were also making new ones, promising the same rights and freedoms.

On August 21, 1979, the Sandinistas formally enacted (Decree 52) their Statute on the Rights and Guarantees of Nicaraguans, a "Bill of Rights," covering the standard internationally-accepted individual, civil, political, economic, cultural, social, and other rights.

On September 25, 1979, the Sandinistas ratified the American Convention on Human Rights.

On March 12, 1980, they ratified the United Nations International Covenant on Civil and Political Rights, along with its Optional Protocol.

Aside from the unofficial violations of rights guarantees that started at the beginning of Sandinista rule, the FSLN has also officially suspended many of these guarantees:

The first major abridgement (Decree 812) was the "Law of State of Economic and Social Emergency," issued September 9, 1981, before any significant Contra activity. The effective period was to be one year.

Following the first major Contra action on March 14, 1982, the Sandinistas enacted (Decree 996) "The National Emergency Law" on March 15. This suspended virtually all rights specified in Decree 52 (the "Bill of Rights" of August 1979). The effective period was to have been one month but was repeatedly extended.

During the 1984 "elections," many of the restrictions under the 1982 State of Emergency were technically lifted (but key provisions, such as those relating to censorship, remained in force). But on October 15, 1985, Daniel Ortega ordered a new and expanded state of emergency, reimposing many of the 1982 rights suspensions.

THE MIDDLE YEARS—MORE PROMISES

All of the facts cited so far show that the Sandinistas made very extensive promises at the beginning of their rule as a means to achieve power and they set about abandoning each and every promise as quickly as possible.

But the Sandinistas did not stop there. Incredibly, in the years that followed, they continued to make many of the same promises over, and over again.

Three years after the 1979 promises for a mixed economy had been made and then broken, President Daniel Ortega was promising greater freedom for businessmen in Nicaragua. On February 15, 1982, Nicaraguan President Ortega promised his government would increase benefits available to businessmen who would work in the Sandinista drive to reinvigorate their recession ridden economy. President Ortega confirmed reports that the government released three businessmen, jailed the previous fall after signing a comunique by a business council charging the leftist Sandinista government with a "definite Marixt-Leninist tendency." The government commuted the sentence of Superior Business Council President Enrique Dreyfus, Gilberto Cuadra of the National Confederation of Professionals, and Benjamin Lanza, president of the Nicaraguan Construction Council. [UPI, 1/15/82]

Five years after the 1979 promises to respect freedom of expression, Daniel Ortega (on July 19, 1984) was again promising that political parties would be allowed to hold meetings and that freedom of expression would be guaranteed. However, speaking at a rally in Managua marking the revolution's fifth anniversary, Mr. Ortega reaffirmed that there will continue to be pre-censorship of any report "that affects our country's defenses against American military power." [The Economist, 7/28/84]

Five years after the 1979 promises of civil liberties, of press freedoms, and of free unions, Daniel Ortega was again promising (on August 7, 1984) to relax press censorship, restore the right to strike, and allow people to petition the courts for release from jail. The Sandinistas' announcement came the same day that the opposition newspaper La Prensa did not publish because government censors rejected stories about political violence and other events related to the pending presidential elections held November 4. [Christian Science Monitor, 8/8/84]

Five years after the 1979 promises of freedom of religion, a mixed economy, and free unions, Daniel Ortega was promising (in early November of 1984) to have a national dialogue with the regime's critics in the Roman Catholic church, the private sector, and the non-Sandinista trade unions. Such an exchange of views would allow all sides to help work out a constitution which the newly-elected assembly is to draft by 1987. [The Economist, 11/10/84]

Five years after the 1979 promises for religious freedom, in December 1984, Nicaraguan church spokesman Msgr. Bismarck Carballo said that President Ortega promised to exempt siminarians from the draft. However, at a meeting of church and government representatives last week, government officials argued that the students were not actually seminarians and would be eligible for military service. [Los Angeles Times]

Six years after the 1979 promises for a mixed economy and political freedoms, on January 27, 1985, Nicaraguan Ambassador Carlos Tunnermann said the perception by Democrats in the U.S. of a worsening situation in his country is not correct. Ambassador Tunnerman explained that President Daniel Ortega had promised a broad amnesty program, continued mixed economy and political pluralism in a recent speech. The ambassador added that reports of draft resistance and monetary speculation are isolated cases. [The Washington Post, 1/28/85]

Six years after the 1979 promises to follow an independent, nonaligned foreign policy—promises which were ignored from day one—on Feburary 28, 1985, the Sandinistas promised to send home 100 Cuban military advisers, and to refrain for an indefinite period from acquiring new weapons systems, including sophisticated inceptor aircraft. [The Washington Post, 3/1/85]

Six years after the 1979 promises of political pluralism and civil liberties, on April 20, 1985, Brooklyn Rivera, a leader of the Miskito Indian rebels, said that during six months of talks with Nicaraguan officials, President Ortega had expressed eagerness to end the conflict with the Miskitos; had promised to release 50 Indians jailed in Nicaragua; and, had pledged land and a broad degree of political autonomy for the Miskitos. [The New York Times. 4/21/85]

Eight years after the 1979 promises to respect fundamental liberties, on January 1987, the Sandinistas enacted a new constitution containing all of the usual rights and guarantees, including right to strike, to privacy, and so forth. Several hours later, Daniel Ortega issued a new state of emergency suspending almost all the rights guarantees in the new constitution. [Washington Post, 1/10/87, p. A13]

THE CURRENT ROUND—MORE PROMISES

On August 7, 1987, in Guatemala City, *Comandante* Daniel Ortega joined the presidents of the four Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) in signing the peace plan authored by Costa Rican President Oscar Arias. The peace plan committed each country to institute democratic reforms—and Nicaragua was the only signatory country that was not already a democracy. The peace plan commitments, to have been achieved by November 5, 1987, included these important elements:

Amnesty for political opponents and dialogue with unarmed political opposition;

A cease-fire with "irregular and insurgent groups" (in the Nicaraguan context, this meant a cease-fire between the Sandinistas and the Contras);

Democratization, including: (a) complete freedom for television, radio and the press; (b) rights of political parties to have access to media, to associate, and to proselytize; and (c) lifting states of emergency; and

Cessation of aid to irregular and insurgent forces in the other Central American countries and non-use of national territory by such forces (for the Sandinistas, this means primarily ceasing support for the communist FMLN guerrillas in El Salvador and not permitting them to continue to be headquartered in Nicaragua).

The Sandinistas had taken almost no action to comply with any of these provisions in time for the November 5 deadline (even though, for example, Guatemala and El Salvador instituted direct cease-fire nego-

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tiations with their guerrilla opponents in early October). As the November 5 deadline passed, *Comandante* Ortega issued new promises and measures represented as initial compliance with the peace plan terms. These gestures included:

The promise to begin indirect cease-fire talks with the Contras through an intermediary (Ortega had announced a unilateral cease-fire offer, essentially a demand for the Contras to surrender in three, later four, small zones, on September 30 [*Christian Science Monitor*, 10/2/87]);

The release of approximately 1,000 political prisoners (out of a total of about 8,000 to 10,000; the Sandinistas still insisted they would not declare a general amnesty, as had the other Central American signatory countries); and

The promise to lift the state of emergency and restore civil liberties—just as soon as the United States ceases support for the Contras. (The only measures take in this area prior to November 5 were the reopening, around October 1, of *La Prensa* and "Radio Catolica.")

Again the Sandinistas exhibited little willingness to meet the terms of the peace plan before the next milestone, the January 15-17 summit meeting originally intended as a final compliance review. Instead, *Comandante* Ortega began the review summit with a proposal to extend the peace plan deadline to permit the Sandinistas more time to begin implementation of the measures they failed to take by November 5 or even January 15. Instead, however, the democratic presidents refused to agree to an extension and demanded immediate Sandinista compliance. Only when faced with the prospect of the peace plan's total collapse (and renewed Contra aid) did *Comandante* Ortega announce, on January 17, 1988, new steps. [From *Washington Post* 1/18/88 p. A18]:

A formal lifting of the six-year-old state of emergency;

An agreement to begin direct cease-fire talks with the Contras; and

An amnesty of political prisoners (to take effect upon "the achievement of an effective cease-fire agreement . . . In addition, if no cease-fire agreement is reached, the government will set free all such persons if the government of the United States or any other non-Central American government decides to accept them in its territory. They can return to Nicaragua as soon as the war ends.")

WHAT THEY WERE DOING WHILE MAKING THESE PROMISES

The effect of these "compliance" steps is still uncertain. However, the record of Sandinista performance on peace plan requirements after the August 7, 1987, signing does not encourage optimism:

On August 15, one week after the peace plan signing, the director of the independent Nicaraguan Permanent Commission on Human Rights, Lino Hernandez, and president of Nicaraguan Bar Association, Alberto Saborio, were arrested and sentenced to 30 days imprisonment during a peaceful demonstration by the coalition of Nicaraguan opposition groups. Sandinista security forces used attack dogs, night sticks, electric cattle prods, and government-organized mobs to suppress the demonstrators. [*AP*, 1/17/88]

On September 12, two Catholic priests who had been expelled by the government were allowed to return. However, 18 other priests remained outside the country after having been expelled by the Sandinista regime. [*New York Times*, 9/14/87 p.A3]

On October 1 and 2, respectively, the Sandinistas allowed *La Prensa* and "Radio Catolica" to resume operations without censorship. However, censorship decrees were not revoked and licenses were refused for other radio programs and an independent television station. Newspapers, television and radio stations confiscated by the government continued to operate as government or pro-Sandinista organs. [*Associated Press* wire, 10/19,22/87]

On October 22, members of the January 22 Mothers of Political Prisoners-Movement were attacked by a Sandinista group during a peaceful vigil. Sandinista police did nothing to stop the attack. [*AP*, 10/22/87]

During October 1987, according to Sandinista defector Major Roger Miranda, the Sandinistas provided training to 15 Salvadoran communist FMLN guerrillas in the use of hand-carried surface-to-air missiles, such as the Soviet SA-7 and SA-15 and the U.S. REDEYE. This occurred two months after the Sandinistas had signed the peace plan requiring them to cease support for the FMLN. [Department of State]

On November 13, President Ortega announced an 11-point cease-fire proposal which called for the surrender of the Resistance—essentially a reworking of their September 30 unilateral cease-fire offer. The Sandinistas then refused to initiate an indirect dialogue with Resistance in Central America and refused to allow Resistance members to travel to Managua to deliver their cease-fire proposal personally. [*Los Angeles Times*, 11/13/87 Part I, p.1]

On November 17, 1987, the publisher of Nicaragua's sole opposition newspaper, *La Prensa*, strongly criticized Managua's Sandinista government and said the paper faced continual threat of closure. Violeta Chamorro, whose newspaper resumed publication in September after a 15-month government-imposed suspension, said President Ortega had broken promises to lift emergency powers that enable him to order the closing of the newspaper at any time. [*Reuter's*, 11/17/87]

On November 22, 985 political prisoners were released, leaving over 8,000 more in Nicaraguan jails. [*Los Angeles Times*, 12/23/87 Part I, p.1]

On December 3, and 4, the Sandinistas rejected a proposal for an interim truce put forward by Miguel Cardinal Obando y Bravo and rejected a Resistance cease-fire proposal. [*AP*, 12/5/87]

On December 13, in speech to a labor group, President Ortega said that while the Sandinistas might give up the government, they would never give up power. [*Reuter's*, 12/15/87; *New York Times*, 12/14/87 p.A12]

On December 14, the Sandinistas cancelled the second round of cease-fire talks, which were scheduled to begin that day. [*UPI*, 12/14/87]

On December 15, the director of the independent Permanent Commission for Human Rights charged that the Sandinistas were flouting the peace plan provisions by continuing to shell civilians using Soviet-built equipment, holding thousands of political prisoners whom the Sandinista exploit as slave labor, and stepping up mobs attacks on the opposition. [*Washington Times*, 12/16/87 p.A6]

In December 1987, according to defector Major Roger Miranda, the Sandinistas offered the Salvadoran FMLN guerrillas 10,000 automatic assault rifles (including U.S.-made M-16s, presumably from Vietnam) from Nicaraguan Interior Ministry stocks. [State Department]

On January 5, fourteen opposition parties issued a joint statement accusing the Sandinistas of intransigence and not entering into dialogue with the opposition, as required by the peace plan. Representatives of other opposition groups criticized the Sandinistas for failing to grant amnesty to political prisoners, not stopping aid to insurgents, and not instituting democratic reforms. [*Washington Times*, 1/7/88 p.A1]

On January 15-16, 1988, the Sandinista state security police arrested four civilian opposition leaders (representing the Nicaraguan Bar Association, the Conservative Party, the Democratic Coordinating Group of the opposition, and the Social Christian Party) for participating in a public meeting with Contra leaders in Guatemala City earlier that week. The arrests came as *Comandante* Daniel Ortega was in Guatemala City for the regional peace plan review summit. According to a Sandinista Interior Ministry spokeswoman, *Comandante* Ortega was aware of the arrests. [*Washington Post*, 1/17/88 p.A28]

On January 22 (after the latest promises for peace plan compliance made by Daniel Ortega on January 17), Sandinista mobs attacked the offices of the Democratic Coordinator (a broad umbrella organization of opposition groups) and attacked the January 22 Mothers of Political Prisoners Movement during a peaceful demonstration held as a memorial of a massacre of protesters by the National Guard in 1967. Sandinista police did nothing to stop the attack. [*New York Times*, 1/12/88 Sec. p.5]

CONCLUSION

The Sandinistas have issued many promises since before they took power in Managua in July 1979—promises to the Nicaraguan people, to the other countries in the Western Hemisphere, to their immediate neighbors in Central America, to the United States, to the international community of nations. In this eight-year period it is difficult to find one promise they have fully kept.

The most recent round of Sandinista promises, made in the face of the January 1988 near collapse of the Central American people plan, is no guarantee of freedom in Nicaragua or peace in the region. The Sandinistas have yet to weaken their hold over Nicaraguan society in any way that could not be immediately reversed as soon as the Contras were abandoned. Presently, there is no evidence that Nicaragua has ceased support to Salvadoran FMLN and other insurgent groups. There is no evidence that the Sandinista regime has altered its policy of implementing a Marxist, state-controlled economy while giving lip service to the goal of a mixed economy and pluralistic society. There is no reason to think that free expression will be respected or that all political prisoners will be released. There is no evidence that Sandinista dependency on Moscow, Havana, and the rest of the socialist bloc has lessened.

In short, there is no reason to think that, absent pressure from the Nicaraguan opposition, the Sandinistas will live up to these latest promises any better than the others they have made—and violated.

Sources: In addition to the specific news stories cited in this paper, the following additional sources were used:

Nicaragua, Revolution in the Family; Shirley Christian; Vintage Books; 1985.

Breaking Faith; Humberto Belli; The Puebla Institute; 1985.

Christians Under Fire; Humberto Belli; The Puebla Institute; 1984.

Human Rights in Nicaragua Under the Sandinistas; U.S. Dept. of State; 1986.

Broken Promises; State Department Memo; January 25, 1988.

Staff contact: Jim Jatras.

Mr. ARMSTRONG. Mr. President, I thank the Chair and my colleagues. Unless there is another Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN PRAISE OF THE SENIOR SENATOR FROM HAWAII

Mr. MATSUNAGA. Mr. President, I rise to commend my colleague, the senior Senator from Hawaii [Mr. INOUYE] for his forthright position, and action, in proposing to rescind the $8 million earmarked in the continuing resolution for fiscal year 1988 for the construction of schools in France for Jewish refugees from north Africa.

My longstanding faith in Senator INOUYE's judgment and integrity remains unshaken. His action last December was motivated by a sincere desire to help people in distress. His action today was motivated by a sincere desire to help people bring about an end to an unmerited attack upon him and the congressional legislative process.

Mr. President, I do not believe anyone can question the enormity of Senator INOUYE's contributions to the good of society in the course of his long and distinguished congressional career. Nor can there be any question of his dedication to the welfare of the people of his State and Nation. Indeed, he is being held to account in this instance for a concern which transcended our borders. As he has observed, such an action by Congress—and the American people—would not be without precedent in the case of overseas refugees. Whatever reforms may be in order for the budget process in Congress, this case illustrates not so much a glitch in the system as after-the-fact criticism and second guessing from those who had ample opportunity to make their views known at the appropriate time during the budget formulation process.

To have the courage of one's convictions is fairly commonplace in this body, Mr. President. What is rare is the courage to lay aside one's conviction in the interest of the welfare of one's colleagues and of the integrity of the institution we serve. This is what my senior colleague from Hawaii has displayed today and I for one am truly grateful that I have been granted the great privilege of serving with him in this august body

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' HOME LOAN PROGRAM EMERGENCY AMENDMENTS OF 1988

Mr. BYRD. Mr. President, I send to the desk a bill on behalf of Mr. CRANSTON, Mr. MURKOWSKI, Mr. BENTSEN, and Mr. GRAMM, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. MATSUNAGA). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2022) to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● **Mr. CRANSTON.** Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce, along with the ranking minority member of our committee, Senator MURKOWSKI, and Senators BENTSEN and GRAMM of Texas, S. 2022, the proposed Veterans Home Loan Program Emergency Amendments of 1988, for which we will be seeking immediate Senate passage and comparable action on the House side. We will also be introducing a second home-loan bill tomorrow.

Before commenting on the provisions of the bill, I would like to express my appreciation to Senator MURKOWSKI for his many contributions to this legislation and the fine cooperation he has shown in working to develop this measure on an expedited basis at the beginning of this session. I am delighted that this bill is a result of our continued united, bipartisan effort to improve the VA Home Loan Guaranty Program.

Mr. President, I also want to recognize the efforts of Senator BENTSEN on this legislation: He has always been a champion of veterans and has worked long and hard to help find solutions to the increasing foreclosure rates threatening the Home Loan Program, particularly in his home State of Texas, and to try to protect the veterans who feel the direct impact of defaulted loans. We are delighted to have Senator GRAMM join us as well.

VENDEE LOAN DOWNPAYMENTS

Mr. President, the first provision in our bill would allow the Administrator to reduce or waive the 5-percent downpayment requirement on vendee loans—just enacted as part of Public Law 100-198—made to purchase VA foreclosed properties to the extent the Administrator determines such a reduction is necessary in order to market competitively the property involved. The new requirement was legislated in order to reduce defaults on vendee-loan properties.

When the VA sells foreclosed properties it has acquired as the result of defaults on VA-guaranteed loans, it generally offers two types of financing. Buyers of such properties can pay cash, which they usually will obtain through a loan from a conventional lender, or, if they quality under the VA's credit-underwriting criteria, the VA may finance the transaction by extending the buyer a loan—known as a vendee loan. Vendee loans are not limited to veterans; in fact, it is estimated that the vast majority of buyers receiving vendee loans are not veterans.

Vendee loans currently are generally made at favorable interest rates in order to facilitate the sale of foreclosed properties held by the VA. The new 5-percent downpayment requirement compares very favorably with the usual 20-percent downpayment required in most areas in the conventional market. By offering vendee financing, the VA is able to sell properties at higher prices than it otherwise could. Unfortunately, the default rate on these low-interest-rate loans has been higher than that on guaranteed loans to veterans. In fiscal year 1986, 4,011 vendee loans were foreclosed upon—at a substantial loss to the home loan program.

The 5-percent downpayment requirement was derived from a provision Senator MURKOWSKI and I introduced in S. 1801 and was enacted in section 6(b) of Public Law 100-198. Our goal was to ensure that the buyer would have an equity interest in the property, which should reduce defaults on these loans. In general, 95-percent financing, combined with interest rates which generally are at the lower end of the prevailing market rates, and the

1-percent loan origination fee represent competitive financial terms sufficient to enhance the attractiveness of VA properties.

However, in economically depressed areas, tremendous increases in the foreclosure rate and depreciating property values have resulted in substantial VA inventories of unsold foreclosed properties. Although no objections were made regarding the 5-percent downpayment proposal from the time it was first made on October 16 in S. 1801 until the date of enactment of Public Law 100-198 on December 22, 1987, since that time serious concern has been raised that an absolute requirement such as now is in the law may stifle or substantially eliminate sales in certain areas of the country where economic conditions have resulted in a true buyers' market. In Houston—where the largest number of VA foreclosed properties is concentrated—the inventory of foreclosed properties from all sources has more than doubled to over 200,000 in the past 3 years. The VA's Houston area inventory alone now includes 5,796 properties—nearly 26 percent of its total nationwide inventory.

Sellers of foreclosed properties in economically depressed areas—which include Federal Government agencies such as the FHA as well as private lenders—are using attractive financing packages to sell properties. Many sellers are offering low- or no-downpayment loans. In such areas, where a VA-foreclosed property may be virtually identical to a conventional lender's property down the block, favorable financing terms may be the deciding factor for the buyer.

In order to compete with these other sellers, the VA must be able to offer similarly attractive financing. The 5-percent downpayment requirement thus may either substantially reduce sales in such areas or force the VA to sell properties at unwisely large reductions in prices.

Indeed, on January 28, 1987, the Houston VA Regional Office had its first public-bidding sale of VA foreclosed properties requiring the 5-percent downpayment. Although 202 properties were listed for sale, the VA received bids for only 48 properties in compliance with the 5-percent requirement. Prior to the enactment of the downpayment requirement, the VA typically received 300 to 350 offers on the approximately 100 properties it listed for sale each week in Houston. Clearly, modification of the 5-percent downpayment requirement is needed so that, in Houston and similar areas, the VA will be able to market its foreclosed properties competitively and reduce its substantial inventory of them.

Therefore, in order to give the VA the flexibility it needs, our bill would provide that the VA may modify or waive the downpayment requirement when that is necessary because of prevailing conditions in the local real estate market. Of course, when market conditions do not prohibit it—as will be the case in most areas of the country—the 5-percent downpayment would continue to be required to help reduce defaults on vendee loans.

AMOUNT OF GUARANTY ENTITLEMENT

Mr. President, the second provision of our bill would make certain technical amendments to provisions in title 38 pertaining to the Home Loan Program. First, it would clarify the way the amount of a veteran's guaranty entitlement is to be calculated for both conventional and manufactured home loans. Section 3 of Public Law 100-198 changed the amount of the maximum VA guaranty for both types of loans. As it was drafted, however, the provision is susceptible of an interpretation having the effect of reducing the amount of guaranty entitlement available to certain veterans who have already used part of their guaranty entitlement. In enacting that provision, it certainly was not intended that any veterans would be deprived of their home loan benefits in such fashion—and our bill would correct this drafting-related inequity.

The existing provision would lead to certain unjustifiable and inequitable results. These were described in a white paper provided today by the VA's Office of the General Counsel, from which the following excerpt is taken:

> Section 1810(c) of title 38 U.S.C. previously provided, in effect, a bank of entitlement for each veteran. Prior to enactment of P.L. 100-198 the amount of guaranty entitlement available to a veteran was $27,500. This was reduced if the veteran had prior use, which we would subtract from the $27,500 to arrive at the new maximum entitlement available to the veteran. Section 3 of P.L. 100-198 requires a new method for calculating the percentage and the guaranty amount for VA guaranteed loans. It also repealed section 1810(c) of title 28 U.S.C. The repeal of section 1810(c), for practical purposes, eliminates the use of remaining entitlement. As illustrated below, the main effect will be on veterans seeking lesser loan amounts with the use of remaining entitlement.
>
> In the past when the guaranty amount was increased (through a change to 1810(c)) it resulted in an addition to whatever amount of entitlement the veteran had available. This increased entitlement could then be applied to any new loan that the veteran obtained, subject only to the maximum applicable to that loan. Under the new law the maximum guaranty on the new loan will be computed, which can range up to $36,000, and then any unrestored used guaranty amounts would be subtracted.
>
> For example, under the new law a veteran who had used $24,000 in guaranty and was now applying for a loan of $40,000 would not be able to obtain such a loan. The $24,000 of used guaranty would have to be subtracted from the new maximum guaranty for that loan of $20,000 (50 percent of $40,000) leaving a negative of $4,000. Under the old system that same veteran would have had $12,000 in remaining entitlement ($36,000-$24,000, assuming 1910(c) was increased to $36,000), and would have been able to obtain a no downpayment loan of up to $48,000 since lenders require at least a 25 percent guaranty coverage. We further note that the new law will permit guaranteeing higher amount loans when guaranty is denied on smaller loans. In the above case, for example, VA would not guarantee a $40,000 loan for a veteran who previously used $24,000 of guaranty entitlement. But if the same veteran obtained a $90,000 loan, VA would guarantee $12,000 of such loan (40% of $90,000-$36,000 less $24,000 prior use=$12,000).

Second, our bill would clarify the provision, enacted in section 3(b) of Public Law 100-198, establishing a 5-percent downpayment requirement on manufactured home loans. This provision would not effect any substantive changes, but would merely improve the drafting of the downpayment provision.

CONCLUSION

Mr. President, the VA Home Loan Program has helped millions of veterans achieve home ownership. Recent incrases in the cost of the program have necessitated a careful examination of the program, which we began in the last session with the enactment of Public Law 100-198. As I noted earlier, along with Senators MURKOWSKI, BENTSEN, and GRAMM, I will be introducing tomorrow a bill which would allow for the continuance of that examination. Today's measure, however, is urgently needed to ensure that the improvements wrought by that law do not have the unintended effect of hindering VA property disposition efforts in certain areas and reducing the amount of guaranty entitlements which should be available to certain veterans.

Mr. President, I greatly appreciate the cooperation of the leadership and all Senators in agreeing to expedite condiseration of this emergency measure so rapidly today.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF VETERANS' HOME LOAN PROGRAM EMERGENCY AMENDMENTS OF 1988

This bill would make urgently-needed amendments to provisions enacted in Public Law 100-198 on December 21, 1987, and which took effect on January 20 and February 1, 1988. These amendments would—

(1) provide the VA with the authority to reduce (or waive) the 5-percent downpayment newly required (as a result of section 6 of Public Law 100-198) for loans made by the VA to finance its sales of properties it has acquired as the result of foreclosures (called "vendee loans") where the reduction (or waiver) is necessary for the VA competitively to market such properties; and

(2) correct a technical error (in section 3 of Public Law 100-198) which precludes certain veterans from using the maximum amount of their VA home loan guaranty entitlement.

Mr. MURKOWSKI. Mr. President, I am today joining with the distinguished chairman of the Committee on Veterans' Affairs, Senator CRANSTON, and the Senators from Texas, in introducing legislation which would give the Veterans' Administration authority to waive the recently imposed requirement for a 5-percent downpayment on the VA-financed sale of VA-owned homes.

When a VA-guaranteed home loan is foreclosed, the VA has the option of paying to the lender the unpaid loan amount as well as all accrued interest and foreclosure costs. The VA, in turn, acquires the property securing the loan and resells the property. In reselling the property the VA can act as lender and finance the sale itself. These so-called vendee loans are the subject of the legislation we are introducing today.

These vendee loans, which can be made to nonveterans, are big business. In fiscal year 1987, the VA made 22,563 vendee loans for a total of $973,999,000. However, the VA tells me that between 20 and 25 percent of these loans subsequently go into default. These defaults impose an enormous cost on the VA and the taxpayer because the VA must again pay the costs of foreclosure, acquiring, maintaining and reselling the home. The Congress, in enacting Public Law 100-198 in the closing days of 1987, attempted to respond to this situation by limiting, in most cases, VA financing to 95 percent of the value of the property. By requiring a purchaser to have some equity in the home we believed we would reduce the number of defaulted vendee loans by ensuring that the purchasers have a financial interest in keeping their homes. We also intended to reduce the VA's loss if a vendee loan does go into default. We believed that 95-percent financing, while not as attractive as 100-percent financing, is still very attractive financing for a prospective homebuyer.

In most cases, and in most areas of the country, the logic behind the requirement for a 5-percent downpayment is valid. But in some areas of the country, requiring a 5-percent downpayment simply makes the VA uncompetitive as a seller.

Members of my staff conducted oversight visits of VA home loan guaranty operations in the Southwest United States during the January recess. They saw areas of the country where the real estate market has been devastated. They saw subdivisions where most of the homes are empty and for sale. These homes have been foreclosed and are now owned by lenders or the agencies that back those lenders—VA, HUD, FNMA, FSLIC, et cetera. These homes are in a buyer's market and sellers have responded by offering very attractive terms in both price and financing. Terms so attractive that limiting the VA to 95-percent financing will sharply reduce, if not eliminate, the VA's ability to sell its inventory of homes.

Mr. President, the impact of a slowdown of VA sales on the VA loan guaranty revolving fund [LGRF], and hence upon the taxpayer, would be catastrophic. Over ⅓ of the VA inventory—8,000 of 24,000 homes—is in the Houston area. If the VA cannot sell these homes, the resulting drag on the LGRF would threaten to bring the VA Home Loan Guaranty Program to its knees. This simply cannot be allowed to happen. That is why Chairman CRANSTON and I are introducing this legislation which would allow the VA to waive the requirement for a 5-percent downpayment on vendee loans in those cases where the VA determines a waiver is necessary for the VA to compete in marketing its inventory of foreclosed homes. The bill also makes technical corrections in Public Law 100-198, which was signed by the President on December 21, 1987.

Mr. President, this legislation is not my final word on the subject. I continue to be very concerned about the program and my staff's findings in the Southwest have heightened my concern. I intend to closely follow this program and introduce additional legislation as appropriate. This legislation is, however, urgent. The requirement for a downpayment went into effect January 21, 1988. Every day without relief imposes a greater risk on the vitally important Veterans' Home Loan Guaranty Program. I am very pleased the Senators from Texas have joined with Senator CRANSTON and myself in agreeing upon, and bringing before the Senate, legislation to correct this situation. I urge my colleagues to join us in supporting this urgent measure.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Veterans' Home Loan Program Emergency Amendments of 1988".

SEC. 2. DOWNPAYMENT REQUIREMENTS FOR VENDEE LOANS.

Section 1816(d)(4)(B) of title 38, United States Code (as amended by section 6(b)(1) of Public Law 100-198), is amended—

(1) by inserting '(i)" after "(B)"; and

(2) by adding at the end the following new division:

"(ii) A loan described in subparagraph (A) of this paragraph may, to the extent the Administrator determines to be necessary in order to market competitively the property involved, exceed 95 percent of the purchase price.".

SEC. 3. AMOUNT OF GUARANTY ENTITLEMENT.

(a) CONVENTIONAL HOUSING.—Section 1803(a)(1) of title 38, United States Code (as amended by section 3(a)(1) of Public Law 100-198) is amended to read as follows:

"(a)(1)(A) Any loan to a veteran eligible for benefits under this chapter, if made for any of the purposes specified in section 1810 of this title and in compliance with the provisions of this chapter, is automatically guaranteed by the United States in an amount not to exceed the lesser of—

"(i)(I) in the case of any loan of not more than $45,000, 50 percent of the loan; or

"(II) in the case of any loan of more than $45,000, the lesser of $36,000 or 40 percent of the loan, except that the amount of such guaranty for any such loan shall not be less than $22,500; or

"(ii) the maximum amount of guaranty entitlement available to the veteran.

"(B) The maximum amount of guaranty entitlement available to a veteran under section 1810 of this chapter shall be $36,000 reduced by the amount of entitlement previously used by the veteran under this chapter and not restored as a result of the exclusion in section 1802(b) of this title.".

(b) MANUFACTURED HOUSING.—Section 1819(c) of such title (as amended by section 3(b) of Public Law 100-198) is amended—

(1) in paragraph (3), by amending the first sentence to read as follows: "The Administrator's guaranty may not exceed the lesser of (A) the lesser of $20,000 or 40 percent of the loan, or (B) the maximum amount of guaranty entitlement available to the veteran.";

(2) in paragraph (4), by amending the first sentence to read as follows: "The maximum amount of guaranty entitlement available to a veteran under this section shall be $20,000 reduced by the amount of any such entitlement previously used by the veteran."; and

(3) by adding at the end the following new paragraph:

"(5) the amount of any loan guaranteed under this section shall not exceed an amount equal to 95 percent of the purchase price of the property securing the loan.".

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to loans which are closed on or after February 1, 1988, except that they shall not apply to any loan for which a guaranty commitment is made on or before December 31, 1987.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SCHOOL COUNSELING WEEK

Mr. HATCH. Mr. President, I would like to call to my colleagues' attention on the ninth annual National School Counseling Week which occurs February 1 through 5. Our Nation's school counselors are important and active players in developing a strong America. The school counselor has a great responsibility in helping our children in their educational and career development.

School counseling is one of the building blocks of an educational system that can keep the United States competitive by helping students maximize their abilities and career potential.

In order that school counselors maintain high standards of excellence, the American School Counselor Association, a division of the American Association for Counseling and Development, has emerged as the leading professional organization for these individuals. For more than 30 years, ASCA has worked toward the continued improvement of school counseling through publications, professional development, and issuance of a code of ethics.

I am especially proud that this year's ASCA President hails from my home State of Utah. Ms. Nancy Hardy, a school counselor at Olympus Junior High School in Salt Lake City has served her profession with distinction. More importantly, she has served her students with true dedication. In addition, Ms. Hardy attended a White House ceremony last year when President Reagan and Department of Education Secretary William Bennett presented Olympus Junior High School with one of its Secondary School Recognition Awards.

Mr. President, I ask that my colleagues join me in recognizing National School Counseling Week and expressing our support for the ongoing efforts of our Nation's school counselors.

THE YOUTH EMPLOYMENT SERVICES ACT OF 1987

Mr. **HEINZ.** Mr. President, I want to ask my colleagues and our fellow Americans an important question: Are we doing enough to help young Americans stay in school and find a job when they leave school? I think not.

The Children's Defense Fund, the General Accounting Office, and the Office of Technology Assessment, among others, have found that our current youth employment programs are not reaching the most disadvantaged of our young. We are running the risk of creating a permanent underclass in our society. We must face this problem and face it today.

For disadvantaged youths, poor and most often residing in communities with inferior schools, the likelihood of leaving school without necessary basic skills is very strong. Eighteen-year-olds with the weakest reading and math skills are nine times more likely to drop out of school and five times more likely to be both unemployed and not in school. Indeed, the odds of getting and holding a job are against America's poor young people—in 1985, only 1 in 3 poor high school graduates and 1 in 5 poor dropouts had full-time jobs. Translated in terms of earning potential, staying in school, and acquiring basic skills while there, can at least double earning potential.

That is why I am a cosponsor of S. 1731, the Youth Employment Services Act of 1987, introduced by Senators METZENBAUM, SPECTER, and others. I rise today to urge my colleagues to support this measure, now before the Committee on Labor and Human Resources, and to press for its expeditious passage.

The Youth Employment Services Act of 1987, or "Yes Act," creates a 3-year national demonstration program under the Job Training Partnership Act to provide intensive training and support services to severely disadvantaged youths. Under the "yes" demonstration program, 75 to 100 public/private partnerships would receive grants from the Secretary of Labor for such services.

The "Yes Act" targets those severely disadvantaged youths currently not receiving adequate assistance from Federal programs. For example, many States are not even close to fulfilling the current JTPA requirement that 40 percent of program funds be spent on programs for youths, according to the Children's Defense Fund. CDF also notes that, with entry requirements of eighth or ninth grade reading levels, many current JTPA-funded projects essentially disqualify participation by most high school dropouts, whose reading levels are often lower. Mr. President, these are the youths our programs should be helping most.

Our "Yes Act" changes all that—its entry requirements ensure that America's most needy youths will be served. Covered by the "Yes Act" are 16- to 24-years-old economically disadvantaged dropouts or high school graduates, with less than eighth grade reading and math skills levels, who have neither participated in an education or training program nor had more than 150 hours work experience during the preceding 9 months.

Mr. President, we must do all that we can to help loosen the grip of poverty, crime, even possible family disintegration, from these youngsters by giving them the chance to say "yes" to a meaningful future. With $400 million in budget authority over 3 years, the "Yes Act" could reach far more young people than is presently the case, and draw a blueprint for our future. The level of funding is certainly not too much for such a serious situation.

Mr. President, an investment in our future always brings a tremendous return. I urge my colleagues to support the "Yes Act."

SECRETARY BENNETT'S "JAMES MADISON HIGH SCHOOL CURRICULUM"

Mr. PELL. Mr. President, as we begin this session of the 100th Congress, I would like to focus the attention of my colleagues on Secretary Bennett's recent push for school reform. His plan, the James Madison High School curriculum, outlines course work in seven subjects that all students should be required to take to fulfill graduation requirements.

I would like to resoundingly support the goals of the Secretary's proclamation. There is no question that our schools should push, and push hard, to meet these standards and provide this model curriculum. It is important, however, to remember that many schools have already undertaken steps to implement such a plan, if not already offer such a curriculum.

In my home State of Rhode Island, for example, graduation requirements are similar to those outlined in the James Madison curriculum. College bound students in grade 9 through 12 are required to take four units of English, three units of mathematics, two units of science, two units of foreign language instruction, two units of social studies, one-half unit of art and one-half unit of computer literacy as well as four elective courses. These vigorous course requirements have been implemented due in large part to the strong leadership of our commissioner of education, Troy Earhart, and demonstrate his solid commitment to educational excellence.

At the Federal level, we have also sought to address the need to upgrade instruction in subjects of national priority. These include mathematics, science, and foreign language instruction. This was the goal of legislation that Senator STAFFORD and I introduced in 1984, the Education for Economic Security Act, which has been law since 1985. This important program provides funds to school districts nationwide to upgrade instruction in mathematics and science, and in turn to encourage school districts to focus on the importance of math and science, and to increase course requirements in these areas.

The Education for a Competitive America Act, S. 406, again underscored our commitment to educational excellence. This legislation, which I introduced early last year, became the education component of the omnibus trade package. It called, among other initiatives, for full funding and reauthorization of the math and science program, and a new separate initiative for model foreign language programs in the elementary and secondary schools.

Rigorous school standards and tough course requirements are vital components of a comprehensive strategy to achieve our goal of strengthening the ability of our citizenry to address the economic challenges of coming decades. At the same time, however, it is important to reemphasize the strength of our commitment to educating students who may or may not be college bound. Our investment in their education is as vital to our economic interest as that of our effort to meet higher standards for the college bound.

The traditional Federal role in education is that of serving the educationally disadvantaged and underserved. The two most important Federal programs in elementary and secondary education, chapter 1 and vocational education, serve these populations. Chapter 1 provides more than 5 million students with compensatory educational services which seek to bring them into the educational mainstream. This program has been very successful in upgrading the achievement levels of these students. It has provided significant assistance in addressing the severe problem of illiteracy, and has given many students adequate tools to meet the full limits of their potential.

Vocational education annually serves over 8 million students, providing them with educational and vocational courses that better meet their career objectives. It is the Federal leadership in this area that encouraged State and local educational agencies to undertake this effort, and today the State and local match to the Federal investment is more than 8 to 1. Vocational education is an important component of our educational system, a vital one which cannot be separated from our other efforts in elementary and secondary education.

Secretary Bennett himself has indicated in his James Madison School report that his model curriculum is just that—a model. It is not a Federal mandate for a national curriculum, nor will it serve all students. Any such model, however, should accommodate vital national concerns. While such concerns may not be specifically mentioned, the curriculum should most certainly make room for their pursuit by interested students. I am thinking here not only of vocational education and training but also of the vital role that geography education can and must play in the schooling of our children. I would hope, therefore, that any discussion of his curriculum would emphasize points of this nature.

Further, while the Secretary's model curriculum challenges school systems nationwide to examine their graduation requirements and course offerings, it also serves to underscore the importance of the Federal role in education. For, while we want to strive for educational excellence, we cannot lose sight of the fact that the strength of our educational system, indeed the strength of the democratic principles which founded this Nation, rest solidly on the concept that the American educational system is one that provides a quality education for all its citizens. It is an educational system that challenges all students—the college bound and the noncollege bound—to the full limits of their ability.

CONSIDER THE INF TREATY IN CONTEXT

Mr. DOLE. Mr. President, I have just read Ambassador Jeane Kirkpatrick's insightful comments on the INF Treaty, shared with the Committee on Armed Services last Friday. On balance, she recommends we ratify the INF Treaty. I agree. But I also believe we should use this occasion to examine NATO's future in its fullest context.

The simple fact is that the Soviet Union will still enjoy overwhelming superiority in conventional and chemical forces in post-INF Europe. Ambassador Kirkpatrick reminds us that this "is not eliminated by hurried redefinitions." No, we had better get to work on it promptly—with theater force upgrades and negotiations for conventional force equality in Europe. But as we proceed, we should consider Ambassador Kirkpatrick's comments on how the road to INF has affected the perceptions of our NATO allies. She also warns us of the costs to our own security which a denuclearized Europe or a neutral Germany would mean.

Jeane Kirkpatrick prescribes true advance consultations with our allies on matters affecting their security and genuine support for strengthening the European component of NATO defense. Her insight will benefit us all, and I commend her statement to my colleagues.

The statement follows:

TESTIMONY OF AMBASSADOR JEANE J. KIRKPATRICK BEFORE THE SENATE ARMED SERVICES COMMITTEE, JANUARY 29, 1988

I thank the committee for its invitation to testify today. I have concerns which I welcome the opportunity to share with the committee. My concerns are of several kinds, but let me say at the outset that I am less worried about the terms of the treaty than I am about its consequences for the overall balance of forces in Europe, its impact on the alliance and on political trends in Western Europe.

My first point is simply the reminder that the terms of a treaty are one thing, and its consequences quite another. Weapon for weapon, the impending treaty looks like a good deal. It requires the Soviets to destroy more intermediate-range missiles than we do—because they have more. In the abstract, it seems to move Europe's strategic position back to where it was before the Soviet Union targeted SS–20's against Western European capitals, thus stimulating NATO's decision to deploy American Pershings and cruise missiles.

But weapons systems do not exist in the abstract. They exist in particular military, political and cultural circumstances. As Pasteur said once of a disease, "The germ is nothing, the environment is everything."

The military circumstances in which the INF Treaty exist are clear. The Soviet Union enjoys a widely acknowledged, generally understood advantage in conventional and chemical weapons. Unfortunately, this Soviet advantage is not eliminated by hurried redefinitions. It exists. And it is understood by all parties to exist. The potential effects of this advantage are magnified by the forward deployment of essential military components. The advantage is no longer offset by superior Western technology. We should also be clear about that.

While Americans have seen Pershings and cruise missiles principally as offsetting Soviet SS–20's, they have long since taken on broader significance for most pro-alliance Europeans.

It is widely felt in Europe that the removal of the Pershing and cruise missiles leaves Western Europeans more vulnerable to these Soviet forces. The point, made again and again in Europe, was stated clearly by a group of Europeans in a letter to Ronald Reagan. They argued that "intermediate range missiles make a general contribution to deterence through their ability to reach Soviet soil—a capability not matched by any other land-based missiles in Europe; they link the European pillar of NATO to the U.S. pillar; they provide a crucial element after the level of tactical nuclear weapons, thereby ensuring a continuum of escalation."

Europeans frequently emphasize that no other weapons, except the intermediate missiles that can be launched from Western Europe, have the capacity to reach the Soviet Union. For this reason alone intermediate range missiles make a crucial and unique contribution to deterring a Soviet attack.

They worry that removal of the missiles therefore may encourage Soviet military planners to believe that a conventional land battle can be successfully fought in Europe without risk of a nuclear response.

As you know, Richard Nixon and Henry Kissinger have made a similar point arguing that the Pershings and cruise missiles "closed a gap in deterrence caused by the apocalyptic nature of strategic nuclear war."

The intermediate range missiles are seen then as a major component in Allied capacity for flexible response and a "continuum of deterence" necessary to counter the Soviets arsenal of diverse weaponry.

A third major point made by many Europeans is that no other weapons have the capacity to threaten the Soviet Union without committing the U.S. to all out nuclear war.

The existence of intermediate range missiles is thus seen as constituting a more credible deterrent, because it does not require the U.S. to take the ultimate step to strategic war. Removal of the missiles seems to many to deprive Europe of a credible nuclear deterrent, because it is doubted the United States will risk total nuclear war to deter a conventional attack.

These doubts are deep enough that their potential impact on the Alliance should be taken very seriously. As Robert Tucker observed in the current National Interest: "Given the apocalpytic nature of nuclear war, the credibility required for allies is very different from the credibility required for adversaries. Adversaries may need only a threat of modest credibility to be deterred. But allies seem to need a form of assurance that approaches certainty."

The total impact of the treaty in Europe is also affected by the widespread belief that the Reagan Administration has rushed the process for personal and political reasons. True or not, fair or not, the perception affects the reception and impact of the Treaty.

A good many Americans find themselves more than a little exasperated by European anxieties in these matters. Ronald Reagan particularly must find it irksome to have gone from being accused of not wanting an agreement to wanting one too badly.

But where intermediate range missiles are concerned, Europe is the front line, and Americans cannot simultaneously insist on U.S. reliability and dismiss European concerns. At some point their concerns become our concerns. The United States has a great deal to lose—geotrategically—from a neutral Germany or a denuclearized, Finlandized, Western Europe.

"Finland is not so badly off" a Soviet official noted during the Gorbachev visit. It is also not capable of protecting its own independence, and lives, I fear, off the existence of an alliance of nations, who, collectively, are capable of self defense.

A French official wrote in Politique Etrangere: "Never have the Soviets advertised so openly the objectives the West has always attributed to them: denuclearization of Europe, de-linage of Europe and the United States, and creation of a new all-European "security system."

This official believes Gorbachev laid a "remarkable diplomatic trap" into which the United States willingly fell. The French weekly Express saw the "Gorbachev effect" at work on both sides of the Atlantic—sowing doubts about the reality of the Soviet threat and exacerbating the psychological distance between the United States and Europe, all the while raising hope and intensifying anxieties about the German role in Europe.

Fallout from these doubts and anxieties will in the long run strengthen anti-Alliance parties in Western Europe at the expense of pro-Alliance parties, and shift the balance of power within these latter parties from the most pro-Atlantic elements to the more neutralist tendencies. The process has already begun.

I believe the treaty on balance leaves Europe somewhat more vulnerable, the Soviet Union somewhat less vulnerable and the alliance somewhat weaker.

It does not follow however that the Senate should not ratify the treaty. There is deep concern abroad—and not only among Allies—about the divisions in the American government.

"Has the United States become ungovernable?" has become a familiar question. Now, European leaders, parties and governments have made accommodations and public commitments to support the treaty. It would be profoundly disconcerting to them if the Senate were to reject the treaty. Around the world it would be seen as more proof that the United States government is in serious disarray, incapable of pursuing a coherent policy.

Moreover, failure to ratify would permit anti-American forces in Europe to blame the United States for continuing vulnerabilities created by SS-20's and anti-American forces in the world to depict us as uninterested in achieving security at lower levels of risk and expenditures. Neither is true.

I therefore believe the Treaty should be ratified. But the Senate—and other Americans—should understand that the Treaty—though interesting—has not contributed to our security, or that of our allies, but has created some new problems that should be promptly and seriously addressed by our government.

Specifically, I believe the Administration should take great pains in current and future negotiations affecting Allied security, to truly consult with the Alliance in advance of the negotiation of agreements, and not merely inform them after the fact of our decisions.

The combination of Reykjavik and INF talks shook sober Europeans' confidence in the reliability of the United States as the leader of the Western alliance. They were stunned that basic elements of NATO strategy were put on the table of Reykjavik, regarded as negotiable and nearly negotiated away—all without consultation of European allies. And all feel that consultation came too late on INF to be very meaningful.

Advance and continuing consultation will ensure that essential elements of European security are neither ignored nor de-emphasized. It will ensure that account is taken of conventional forces and chemical weapons in future negotiations. It will ensure that reducing nuclear arms is not mistaken for reducing the risk of war or of conquest.

Second, these developments and their continuing consequences have illustrated for all the importance of strengthening the European component of the defense of Europe.

I believe the United States should encourage new European efforts including Franco-German military cooperation and should view such all-European arrangements as reinforcing rather than competing with NATO.

Third, like all other weapons agreements, its value depends entirely on mutual compliance with its terms. So far, the great difficulty about U.S-Soviet arms agreements has not been in negotiating their terms, nor even the terms of verification, but in securing compliance. From Yalta forward through Kennedy-Khrushchev, SALT's I and II, the ABM treaty and so forth, compliance has been the problem.

This and all future U.S. agreements with the Soviet Union should provide not only for monitoring compliance but also for automatically terminating the pact in the case of noncompliance. No such provision is included in the current treaty. Perhaps the Senate can take care of this oversight.

Finally, the benefits of the Treaty like the damage are largely political. Its completion constitutes a precedent for cooperation and creates a more constructive climate for U.S.-Soviet relations. This may be useful in the future, especially if we can learn from this experience.

ASSESSING THE MILITARY BALANCE IN EUROPE

Mr. DOLE. Mr. President, last week Senator Dan Quayle again shared his considerable insight into military affairs with us as we consider a post-INF world. He points out that a static count of the balance of ground forces in Europe is insufficient. We need to pay more attention to air forces; to understanding each side's war aims and plans; and to examining trends toward future weapon systems and force structures.

It is undeniable that the Soviet Union and its Warsaw Pact allies enjoy overhelming conventional superiority over NATO. We cannot—and do not need to—match them soldier-for-soldier or tank-for-tank. NATO can maintain and enhance deterrence, but that requires starting to do the right things now. I believe we can use the debate over the INF Treaty to set out on the right course, and thinking such as that of the Senator from Indiana will lead the way. I commend Senator Quayle's statement to my colleagues.

The statement follows:

How To Assess the Military Balance in Europe

(Statement of U.S. Senator Dan Quayle, January 27, 1988)

On order to "help the Committee, the Senate and public understand the full complexity of the conventional balance" in Europe (which is the stated objective of the Levin Report), we must understand:

1. What the Soviets' war objectives are compared to NATO's.

2. How each side intends to achieve these objectives with the military capabilities they have—what each side's war plans and or operational concepts are.

3. What military capabilities each side has at its disposal to execute its war plan.

4. What the future trends are likely to be for the growth of the relative ability of each side to achieve its war objectives.

Getting a fix on the relative military capabilities of each side is important and difficult to establish, as the Levin report makes clear, but it is hardly sufficient to get a full understanding of what the balance is. In fact, fixating only on the military capabilities of each side can be misleading.

Unless we know what the Soviets intend to do with their military hardware, unless we know what their war objectives are and how they intend to use their military capabilities to achieve them, we may misunderstand what the true military strengths and weaknesses are on both sides. For example:

In 1940, the French and their allies had nearly equal forces, superior prepared defenses, superior military equipment, superior equipment to the Nazis and months of strategic warning that an attack was likely. Yet, the Nazis defeated the French in less than eight weeks because they had a superior operational concept—blitzkreig, combined arms warfare—and were able to use it to penetrate the Ardennes and achieve localized force ratio superiorities of more than 4 to 1.

At Stalingrad, with only slight odds on their side—1.4:1 advantage in tanks and motorized artillery, 1.3:1 in field guns and mortars—the Soviets were able to encircle and annihilate a Nazi force of many hundreds of thousands of men given the Soviets' superior operational concepts.

Equally important, is identifying future trends in military technologies and operational concepts. When one side gets these wrong, they can suffer defeat at the hands of military forces equal or superior to their own.

The U.S., for instance, suffered defeats at the hands of the Japanese for nearly 2 years because we misunderstood their war aim—we thought they would only go south to gain Southeast Asia—and because we only caught on to their trend toward aircraft-carrier war after the Japanese had built their fleet around such ships.

These points are also relevant in assessing the NATO/Warsaw Pact balance. NATO's war aims are very different from those of the Pact, as is its operational concept or war plans:

Where NATO's forces are dedicated to deterring a Soviet attack and, if war breaks out, to restoring the status quo anti by simply pushing Warsaw Pact forces back over to their side of the Inter-German border, the Soviets' forces are dedicated to offensive war objectives. As Soviet Defense Minister Yazov has recently gone on record stating, the Pact must conduct "decisive, offensive operations" that will "secure the destruction" of the opposing forces.

NATO's operational concept or war plan, as a result, is very different from that of the Warsaw Pact. NATO's operational concept is to deter war with a minimal number of nuclear weapons and to restore the status quo anti (push Soviet forces back on their side of the Inter-German Border if a war should break out with shallowly deployed conventional divisions supported by tactical air forces located near the Inter-German border). These forces would be reinforced, if there was sufficient warning, from reserves in the U.S.

The Warsaw Pact, in contrast, intends to defeat and destroy the NATO's forces by launching a massive, fast-paced ground attack, concentrated along critical NATO axes. While holding NATO forces where NATO is strong, the Soviets will penetrate deep against NATO where it is weak and engage in encircling operations intended to cut off NATO's forward defenses from its rear support areas.

This ground operation will also be supported by a massive, deep air, missile and commando attacks directed against NATO's air fields and ground air defenses, command, communication and control centers, nuclear storage facilities, ports, and POMCUS sites. These attacks will be designed to prevent NATO from resorting to nuclear weapons of their own or reinforcing its conventional forward defenses before the Central Front is defeated. Finally, the ground war will be reinforced with second and third echelon forces once NATO's central front begins to collapse.

These very different operational concepts result in very different capabilities for weapons that otherwise would seem to be the same. For example:

Our air forces are designed to fly many sorties over a long period of time—long enough to push the Soviets back across the Inter-German Border. Instead of many deep-strike bombers, NATO has many attack and air defense interceptor fighters on a handful of bases, that are defended by only two major types of ground air defenses.

The Soviets' air forces are heavily dedicated to medium and heavy bombers that can strike deep. Rather than flying many sorties for many weeks on end, these forces are designed to deliver several major blows. Meanwhile, the Pact's superior number of air defense systems and interceptor aircraft will cope with NATO's large attack fighter fleet.

Finally, the Pact's air war will be supported by thousands of tactical ballistic missiles that will clear out corridors in NATO's air defense belts. NATO has no similar missile fleet.

Likewise, the difference in operational concepts and war aims between NATO and Warsaw Pact forces makes Soviet employment of armor and artillery forces very different from that of NATO. Pact armor has the logistical support to operate for weeks deep inside NATO territory. Just the opposite is the case for NATO armor.

Warsaw Pact artillery also differs from NATO's. There is not only much more of it; they have motorized artillery for support for deep offensive operations. Also, Soviet artillery has superior range. Finally, not only does the Pact have artillery in its divisions; it is also unique, dedicated artillery divisions—i.e., divisions with nothing but artillery in them dedicated to focusing additional artillery fire where it may be needed to break through NATO's forward defenses.

Finally, in assessing the conventional balance in Europe and trying to decide what NATO needs for its defense, it's critical to consider what each side will develop and deploy militarily in the future. If we do not understand or anticipate improvements in each side's existing force structure or new additions to that structure, we are certain to misread the meaning of the current balance and buy or fret about the wrong things. For example:

A larger percentage of Warsaw Pact tanks are older than NATO's but the Pact has more modern tanks than NATO. Furthermore, the older Pact tanks are being equipped with additional armor, improved range finders, and improved tank rounds.

As a result, many of NATO's anti-tank weapons can't defeat Soviet armor and only a handful of NATO tanks can even hope to do real damage to the modern Soviet fleet. NATO tanks, on the other hand, are vulnerable to a larger number of Soviet tanks and anti-tank weapons.

Soviet fighters now are nearly equal to NATO fighters due to their modern radars, increased range and payload, and modern munitions. NATO deployment of stealth technology may help us regain an edge in the air but that is still sometime in the future and we are not yet sure how effective those systems will be. In any case, it is doubtful that NATO air even with stealth will allow us to win an air campaign and at the same time use air power to compensate for insufficient ground forces.

The Soviets are developing accurate non-nuclear tactical ballistic missiles to help pin down and destroy NATO airplanes and ground air defenses. If NATO develops extended air defenses, this problem can be coped with. If not, all the tactical air additions in the world, including stealthy aircraft (which are not stealthy when they are parked on NATO airfields), will be of little value.

Assessing these four concerns—each side's war aims, war plans, war capabilities, and each side's future force structure changes, which are concerns beyond the static assessments of military capabilities contained in the Levin report—are critical to any full understanding of the complexity of the force balance.

As for the Levin Report itself, I think two additional components, beyond the 13 listed, might be added to get a better fix on the limited concern of what each side's military capabilities are:

The first might be called "Reinforcement". What does each side have to transport its forces, How effective, secure, and fast are these means? How vulnerable are the reinforcement nodes, the ports, airfields, etc. on each side? How many reserves does each side have and how well are they tailored to the missions they are assigned?

The second might be called "Employment". How well does each side employ its forces? How well does each side mix offensive capabilities with defensive capabilities? How sound are the tactics and plans to use each sides' forces? How sound are the command and control arrangements? Do communications networks support those arrangements? How integrated are naval air and ground forces?

Also, much greater attention needs to be focused on assessing each sides' air war capabilities. The Levin Report and many of the other analyses publicly available focus almost exclusively on the ground war largely because that war is two-dimensional and is, therefore, easier to analyze in terms of numbers and map traces over time. The air war is three-dimensional and much more fast-paced. It, therefore, is very difficult to assess. Yet its outcome is critical to the outcome of the war. If NATO wins it, it has some hope of prevailing against the Warsaw Pact. If it loses partially or in whole, there's little hope.

Finally, it should be noted, that all of the concerns I've discussed are addressed in the net assessment done by OSD's office of Net Assessment. Although the Conventional Forces Subcommittee received a briefing from the Office of Net Assessment last October, I understand that the full committee will get this hearing as well in the coming month as part of the INF hearings. I think it is worth seeing again and focusing on. Certainly, a full understanding of the complexity of net assessments of the balance is the minimum we need if we are to address they very real problems NATO faces.

BICENTENNIAL MINUTE

JANUARY 30, (1835): SENATOR ACCUSED IN PLOT TO ASSASSINATE PRESIDENT

Mr. DOLE. Mr. President, on January 30, 1835, 153 years ago this weekend, as President Andrew Jackson walked through the rotunda of the Capitol, two pistols snapped in quick succession. Neither gun discharged. Bystanders quickly grabbed the gunman, Richard Lawrence, who was subsequently judged to be insane. This incident was the first attempt upon the life of a President, and it highlights the venomous partisan and personal hatreds engendered by the political struggles of the late 1820's and 1830's.

President Jackson's detractors immediately labeled the incident a publicity ploy staged to win sympathy for "Old Hickory." His friends countered by circulating rumors of a conspiracy to kill the President. Jackson himself charged that a U.S. Senator was involved in the plot. Jackson and Senator George Poindexter of Mississippi, both veterans of the War of 1812, had once been good friends. By 1930, however, a dispute over political patronage destroyed that friendship. Failing to get his man appointed, the outraged Poindexter broke with Jackson, and his hatred of the President became palpable.

Once considered a genius, Poindexter had degenerated into a profligate. He denied paternity of his children and plunged into a life of reckless dissipation. Nevertheless, Poindexter was clearly innocent of plotting against the President. He asked the Senate to appoint a special committee to investigate the rumors linking him with the would-be assassin. After 3 days of hearings, the committee unanimously exonerated him of all suspicion. Every Senator on the floor voted for the report's acceptance, and thus ended a most regrettable incident in both Jackson's and Poindexter's lives.

COUNTRY BOY EDDY BURNS—CELEBRATING 30 YEARS ON THE AIR

Mr. HEFLIN. Mr. President, I am proud to rise, today, to pay tribute to Country Boy Eddy Burns, a great entertainer who has amused and delighted audiences in Alabama and throughout the South for many, many years. Country Boy Eddy appears with his band every morning on the "Country Boy Eddy Show," and recently celebrated the show's 30th anniversary. On behalf of his fans and all the people of Alabama, I would like to express by gratitude to Country Boy Eddy for taking the time and the effort to brighten and amuse our mornings.

Country Boy Eddy was born on the Burns family farm in Warrior, AL, where he still lives with his wife, Edwinna. I understand that he took an immediate interest in music, and now plays a wide variety of instruments including the fiddle, with which he is particularly talented, the guitar, the banjo, the french horn, the accordion, and others. He started in show business as a teenager, and played on the radio for several years with Happy Hal Burns. After a 2 year stint in the 101st Airborne Division of the Army, he returned to the "Happy Hal Show," and toured the countryside for several years.

Country Boy Eddy formed his own band after playing with Happy Hal, and was an immediate success. His breakthrough into television occurred when he appeared on the "Tom York Show" as a guest.

The audience response to his guest appearance was so great that the television station decided to give him a week to try out his own show. This was extended to four weeks, then further, and the rest is history. The "Country Boy Eddy Show" now airs on WBRC-TV, Channel 6 from 5 a.m. to 7 a.m. Monday through Friday. Country Boy Eddy still has his own band, and invites music celebrities, local talent, and other guests to appear live and entertain the early morning viewers.

Among the guests who have appeared on the show are Dolly Parton, Emmilou Harris, Tammy Wynette, and many others. In fact, I have enjoyed personal appearances. Additionally, the show has farm reports, news capsules, and weather reports that are of great interest to farmers and other early-risers.

I understand that the average viewing audience is 25,000 and the show is broadcast to many parts of Alabama. In addition to his regular television show, Country Boy Eddy tapes other shows in Nashville and Chattanooga, and is broadcast on 68 cable systems in Alabama. Country Boy Eddy also regularly appears at fairs, rodeos, shopping center openings, and many other events, and is always a tremendous crowd pleaser.

To commemorate the 30th anniversary of his television show, Country Boy Eddy recently had a cookbook printed that is comprised of recipes donated by his viewing audience. I received a copy of it for a Christmas present, and can now treat some of the people in Washington to some good Southern cooking from "Country Cookin' With Country Boy Eddy."

I might even lend the cookbook out to some of my colleagues from States north of the Mason-Dixon line, but am a little afraid that they might not return it—after they see all of the wonderful recipes.

I would like to close by wishing Country Boy Eddy and Edwinna every success and happinesss in the future. I know that the "Country Boy Eddy Show" will continue for another 30 years, and hope that I will someday be able to watch it every morning as I did for many years.

REMOVAL OF CERTAIN COUNTRIES FROM THE GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 105

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on January 29, 1988, during the adjournment of the Senate, received the following message from the President of the United States; which was referred to the Committee on Finance:

To the Congress of the United States:

I am writing concerning the generalized system of preferences [GSP] and Hong Kong, the Republic of Korea, Singapore, and Taiwan. The GSP Program is authorized by the Trade Act of 1974, as amended ("the Act").

I am hereby providing notice of my intent to remove Hong Kong, the Republic of Korea, Singapore, and Taiwan from their status as beneficiaries of the GSP Program as of January 2, 1989, under section 504(a)(1) of the act (19 U.S.C. 2464(a)(1)). All four have achieved an impressive level of economic development and competitiveness, which can be sustained without the preferences provided by the program. Graduating these economies may also enable other less developed countries to benefit more fully from the GSP program.

RONALD REAGAN.

THE WHITE HOUSE, *January 29, 1988.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 430. A bill to amend the Sherman Act regarding retail competition (Rept. No. 100-280).

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 370. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry (Rept. No. 100-281).

By Mr. BUMPERS, from the Committee on Small Business, without amendment:

S. Res. 366. An original resolution authorizing the expenditures by the Committee on Small Business.

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. Res. 367. An original resolution authorizing the expenditures by the Committee on Armed Services.

By Mr. MELCHER, from the Special Committee on Aging, without amendment:

S. Res. 368. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mr. STENNIS, from the Committee on Appropriations, without amendment:

S. Res. 369. An original resolution authorizing expenditures by the Committee on Appropriations.

By Mr. CHILES, from the Committee on the Budget, without amendment:

S. Res. 371. An original resolution authorizing expenditures by the Committee on the Budget.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Anthony M. Kennedy, of California, to be an Associate Justice of the Supreme Court of the United States (with additional and supplemental views) (Exec. Rept. No. 100-13).

By Mr. NUNN, from the Committee on Armed Services:

Grant S. Green, Jr., of Virginia, to be an Assistant Secretary of Defense; and

J. Daniel Howard, of Tennessee, to be an Assistant Secretary of Defense.

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered).

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of December 15 and December 17, 1987, at the end of the Senate proceedings.)

*Rear Admiral *Stanley R. Arthur*, U.S. Navy, to be vice admiral (Ref. 750)

**In the Air Force there are 2,852 promotions to the grade of major (list begins with Randy D. Abele) (Ref. 752)

**In the Marine Corps there are 10 appointments to the grade of second lieutenant (list begins with Robert F. Buxby, Jr.) (Ref. 756)

**In the Army there are 2 promotions to the grade of colonel and below (list begins with Joseph E. Stull) (Ref. 757)

**In the Army there are 3 promotions to the grade of lieutenant colonel and below (list begins with Jack L. Levens) (Ref. 758)

**In the Army there are 8 promotions to the grade of lieutenant colonel and below (list begins with Clifford J. Hixon) (Ref. 759)

**In the Army there are 9 promotions to the grade of major (list begins with Douglas R. Arndt) (Ref. 760)

**In the Army there are 2 promotions to the grade of major (list begins with Daniel F. Battafarano) (Ref. 761)

**Clifford L. Simmang, U.S. Army, to be major (Ref. 762)

**In the Army there are 3 promotions to the grade of major (list begins with James R. Brown) (Ref. 763)

**Milton L. Smith, U.S. Army, to be major (Ref. 764)

**In the Army there are 5 promotions to the grade of major (list begins with Jennifer L. Calagan) (Ref. 765)

**In the Army there are 257 promotions to the grade of colonel and below (list begins with Thomas J. Egan) (Ref. 766)

**In the Army there are 398 promotions to the grade of lieutenant colonel and below (list begins with Robert A. Stroud) (Ref. 767)

**In the Army there are 199 promotions to the grade of lieutenant colonel (list begins with Lewis W. Aaron, Jr.) (Ref. 768)

**In the Army Reserve there are 1,473 appointments to the grade of second lieutenant (list begins with John M. Adams, Jr.) (Ref. 769)

**In the Naval Reserve there are 11 promotions to the grade of rear admiral (lower half) (list begins with Alexander Scott Logan) (Ref. 772)

**In the Air Force Reserve there are 18 appointments to the grade of major general and below (list begins with Thomas R. Elliott, Jr.) (Ref. 780)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 2017. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of receivable-related securities and to make other improvements in the marketability of such securities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THURMOND:

S. 2018. A bill to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 2019. A bill to amend the Internal Revenue Code of 1954 to exempt from tax earnings on certain investment accounts for savers and investors; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. SPECTER, Mr. DURENBERGER, and Mr. MITCHELL):

S. 2020. A bill to regulate above ground storage tanks having the capacity to store at least one million gallons of petroleum, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 2021. A bill to protect children from sexual exploitation; to the Committee on the Judiciary.

By Mr. BYRD (for Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. BENTSEN, and Mr. GRAMM)):

S. 2022. A bill to amend title 38, United States Code, to authorize reduction under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments; considered and passed.

By Mr. BRADLEY (for himself, Mr. LAUTENBERG, Mr. WILSON, Mr. GARN, Mr. BUMPERS, Mr. BURDICK, Mr. DURENBERGER, Mr. STENNIS, Mr. STAFFORD, Mr. FOWLER, Mr. MCCLURE, Mr. WIRTH, Mr. MURKOWSKI, Mr. NUNN, Mr. DOMENICI, MR. GRAHAM, Mr. COCHRAN, Mr. SARBANES, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. CONRAD, Mr. EXON, Mr. MOYNIHAN, Mr. INOUYE, Mr. HEFLIN, Mr. HOLLINGS, Mr. DODD, Mr. KENNEDY, Mr. CRANSTON, Mr. SANFORD, Mr. GORE, and Mr. KERRY):

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. QUAYLE (for himself, Mr. HATCH, Mr. DURENBERGER, Mr. STAFFORD, Mr. DOMENICI, Mr. COCHRAN, Mr. GRASSLEY, Mr. PELL, Mr. MATSUNAGA, Mr. DODD, Mr. SIMON, Mr. DASCHLE, Mr. RIEGLE, and Mr. BRADLEY):

S.J. Res. 248. Joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BUMPERS, from the Committee on Small Business:

S. Res. 366. An original resolution authorizing the expenditures by the Committee on Small Business; to the Committee on Rules and Administration.

By Mr. NUNN, from the Committee on Armed Services:

S. Res. 367. An original resolution authorizing the expenditures by the committee on Armed Services; to the Committee on Rules and Administration.

By Mr. MELCHER, from the Special Committee on Aging:

S. Res. 368. An original resolution authorizing the expenditures by the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. STENNIS, from the Committee on Appropriations:

S. Res. 369. An original resolution authorizing expenditures by the Committee on Appropriations; to the Committee on Rules and Administration.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

S. Res. 370. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. CHILES, from the Committee on the Budget:

S. Res. 371. An original resolution authorizing the expenditures by the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. MCCONNELL:

S. Res. 372. A resolution expressing the sense of the Senate in support of B'nai B'rith's cooperation with the Union of the Soviet Socialist Republics; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 2017. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of receivable-related securities and to make other improvements in the marketability of such securities; to the Committee on Banking, Housing, and Urban Affairs.

RECEIVABLE-RELATED SECURITIES MARKET IMPROVEMENT ACT

● Mr. SHELBY. Mr. President, today I am introducing legislation to help eliminate impediments to the growth of a portion of the market for securities backed by assets, receivables, and loans, other than residential mortgage loans. Such assets, receivables or loans include, for purposes of this bill, agricultural loans, sovereign loans to lesser developed countries, small business loans, automobile loans, trade finance receivables and student loans.

This market for "asset-backed securities" is expected to expand dramatically, spurred by the compelling economic benefits of securitizing assets. In 1986 $10 billion of asset-backed securities were issued, as compared to $1.2 billion in 1985.

This market is still in its infancy. I believe its evolution can contribute to increasing our Nation's competitiveness. It can also help resolve the problems of our financial institutions in certain segments of the economy. Let me explain.

Typically, securitization works in this manner. An issuer selects a portion of its loans for placement in a pool. The face value of the loans in the pool is determined and documents evidencing the loans are placed in the hands of a trustee. Securities representing an interest in the pool are then sold to investors. These can be both debt securities and asset sales.

In the last decade many of our Nation's corporations have seen the quality of the assets on their balance sheet decline. As a result their ability to obtain credit at optimum prices and in sufficient amounts has decreased. Their competitiveness has accordingly been adversely affected.

Securitization of assets can increase the access of financial institutions on terms and conditions that would not otherwise be available.

Securitization enables firms to achieve the benefits of lower financing costs. Investors are willing to pay more for securities than they are for the assets themselves and are willing to require less of a yield on debt securities when they are collateralized by high quality assets or receivables.

Securitization also reduces the exposure of firms to interest rate risk. The assets held by the firms can more easily be sold if they are securitized. Exposure to increases in interest rates which revalue the assets can be reduced if they are securitized. Credit risk can be diminished through securitization where assets are sold to reduce a firm's total credit exposure to another firm which is able to undertake greater credit risk. Thus, the risks associated with typical balance sheet lending can be decreased.

Securitization provides liquidity or the ability to convert illiquid assets into cash more easily. Securitization is not a panacea. It cannot help firms convert deeply discounted assets into high-quality assets but it can increase the value of those assets slightly and facilitate their sale and resale to raise cash when necessary.

For example, Citicorp, has recently indicated interest in selling loans to lesser developed countries as a way of lessening balance sheet risk. Bank of America has sold off some of its assets through securities firms to bolster its balance sheet and increase liquidity.

One segment of our economy where I am convinced that this legislation will be helpful is in the agricultural segment of the economy. America's agricultural economy is in dire straits. Agricultural banks are failing at a high rate. Farmers are defaulting at an historical rate. Land values are dropping or are depressed. We are all aware of the problems facing the farm credit system. This legislation would provide agricultural lenders with new opportunities to borrow funds through securities backed by agricultural loans through securitization on terms and conditions that would otherwise not be available. This could scale down potential losses to agricultural lenders and investors on their agricultural loans, increase liquidity in the agricultural loan market and help develop a secondary market for agricultural loans. Indeed, it would facilitate efforts by some of my colleagues to create a congressionally chartered corporation to purchase agricultural loans, similar to the manner in which the Federal National Mortgage Association, purchases residential mortgage loans.

I am especially hopeful that this legislation will allow agricultural lenders to more easily sell or securitize all types of agricultural loans. It would be my intention that this legislation would allow them to more easily securitize any loan for an agricultural commodity or livestock, including aquaculture on a farm, secured by a fee simple or a leasehold mortgage on land in the United States that is in regular use for the production of agricultural commodities or secured by farm machinery.

Another segment of our Nation's economy where this legislation can help is in the automobile sector. The automobile industry has come under increasing pressure from foreign competition. While financial techniques can not directly increase the quality of our products it can help provide an additional source of funding for the automobile industry at the least possible cost and on the most flexible terms. Low-cost automobile financing has proved to be one way for the automobile companies to preserve their market share against foreign competition. Some of the largest users of asset-backed securities to date have been General Motors Acceptance Corp., Chrysler Financial Corp. and financial institution originators of motor vehicle loans.

It is also my belief that securitization can facilitate export or trade financing so as to help reverse our Nation's trade deficit. Indeed, some of the largest asset-backed securities deals to date have involved sales of commercial paper backed by trade receivables.

Much of the precedent for securitization of these other assets, receivables or loans evolved from the securitization of residential mortgage loans. Several factors, however, facilitated the growth of a securitized mortgage market, including an accommodating legal and regulatory environment. Asset-backed securitization, still in its infancy, would benefit greatly by a similar legal and regulatory environment. While a substantial private placement market is developing for asset-backed securities, the fostering of a larger public market would be most beneficial. The legislation I am proposing would help speed the expansion of such a market.

This legislation entitled, the "Receivable-Related Securities Market Improvement Act of 1988," would:

Waive certain registration requirements under the Securities Act of 1933 for sales of securities backed by receivables, loans, or other assets to sophisticated institutional investors;

Preempt State legal investment statutes to allow asset-backed securities to qualify as legal investments for State-chartered savings institutions, commercial banks, pension funds, and insurance companies;

Exempt asset-backed securities from Federal Reserve Board margin requirements that restrict the ability of broker dealers to extend credit to customers to purchase such securities;

Exempt asset-backed securities from State blue sky securities registration laws when an issuer has already listed securities of a comparable nature on a major securities exchange;

Allow asset-backed passthrough securities to qualify, as mortgage-backed passthrough securities now do, for shelf registration under the Securities and Exchange Commission's rule 415 whereby issuers can minimize redtape when they want to sell a series of securities offerings or sell them quickly when market conditions are favorable without having to undergo the lengthy registration process again and again; and

Allow commercial banks greater certainty as to when they can sell off loans with recourse back to the bank to cover potential losses on loans in such securities to institutional investors or securities firms for resale without having to incur excessive reserve requirements against such potential liabilities.

These changes to our Nation's securities and banking laws would help encourage American corporations to more fully use the array of financing techniques available to them to better serve their customers, stockholders, employees, and communities.

As a member of the Subcommittee on Securities of the Senate Committee on Banking, Housing, and Urban Affairs I will urge the chairman of the subcommittee to hold hearings on this legislation soon.

Mr. President, I ask unanimous consent to include in the RECORD the text of the bill and a technical explanation of its provisions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Receivable-Related Securities Market Improvement Act of 1988".

DEFINITION OF RECEIVABLE-RELATED SECURITY

SEC. 2. (a) Section 2 of the Securities Act of 1933 (15 U.S.C. 77b) is amended by adding at the end thereof the following new paragraph:

"(16) The term 'receivable-related security' means a security which—

"(A) is rated investment grade by one or more nationally recognized statistical rating organizations;

"(B) is secured by a lien or promissory note in connection with—

"(i) an automobile, truck, or other motor vehicle loan or lease,

"(ii) an export financing or trade receivable,

"(iii) a small business loan,

"(iv) a student or education loan,

"(v) an agricultural loan, or

"(vi) a sovereign loan to a lesser developed country; and

"(C)(i) represents ownership of one or more promissory notes or certificates of interest or participation in such notes (including any rights designed to assure servicing of, or the receipt or timeliness of receipt by the holders of such notes, certificates, or participations of amounts payable under such notes, certificates, or participations), which notes—

"(I) are directly secured by a lien, and

"(II) were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, finance company, or similar organization which is supervised or examined by a Federal or State examining authority; or

"(ii) is secured by one or more promissory notes or certificates of interest in such notes (with or without recourse to the issuer thereof) and, by its terms, provides for payments of principal in relation to payments or reasonable projections of such payments on notes meeting the requirements of clause (i) or certificates of interest or participations in promissory notes meeting such requirements.".

(b) Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding the following new paragraph at the end thereof:

"(47) The term 'receivable-related security' means a security which—

"(A) is rated investment grade by one or more nationally recognized statistical rating organizations;

"(B) is secured by a lien or promissory note in connection with—

"(i) an automobile, truck, or other motor vehicle loan or lease,

"(ii) an export financing or trade receivable,

"(iii) a small business loan,

"(iv) a student or education loan,

"(v) an agricultural loan, or

"(vi) a sovereign loan to a lesser developed country, and

"(C)(i) represents ownership of one or more promissory notes or certificates of interest or participation in such notes (including any rights designed to assure servicing of, or the receipt or timeliness of receipt by the holders of such notes, certificates, or participations of amounts payable under, such notes, certificates, or participations), which notes—

"(I) are directly secured by a lien, and

"(II) were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, finance company, or similar institution which is supervised and examined by a Federal or State authority; or

"(ii) is secured by one or more promissory notes or certificates of interest in such notes (with or without recourse to the issuer thereof) and, by its terms, provides for payments of principal in relation to payments, or reasonable projections of such payments on notes meeting the requirements of clause (i) or certificates of interest or participations in promissory notes meeting such requirements."

RECEIVABLE-RELATED SECURITY TRANSACTION EXEMPTION

SEC. 3. Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding the following new paragraph at the end thereof:

"(7) Transactions involving one or more receivable-related securities offered or sold if the terms of such sale require—

"(A) the minimum aggregate sales price per purchaser be not less than $250,000,

"(B) payment of the sales price by the purchaser be made with cash within 120 days of the date of sale, and

"(C) each purchaser buy for his own account.".

BORROWING IN THE COURSE OF BUSINESS

SEC. 4. Section 8(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78h(a)) is amended by adding "or a receivable-related security" in the last sentence after "a mortgage related security".

RECEIVABLE-RELATED SECURITIES AS COLLATERAL

SEC. 5. Section 11(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(d)(1)) is amended by inserting "or any receivable-related security" in clause (ii) after "any mortgage related security".

PREEMPTION OF STATE LAW

SEC. 6. (a)(1) Any person, trust, corporation, partnership, association, business trust or business entity created pursuant to or existing under the laws of the United States or any State shall be authorized to purchase, hold, and invest in securities that are—

(A) offered and sold pursuant to paragraph (7) of section 4 of the Securities Act of 1933, or

(B) receivable-related securities, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)),

to the same extent that such person, trust, corporation, partnership, association, business trust, or business entity is authorized under any applicable law to purchase, hold, or invest in obligations issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof.

(2) Where State law limits the purchase, holding, or investment in obligations issued by the United States by such person, trust, corporation, partnership, association, business trust, or business entity, such securities that are—

(A) offered and sold pursuant to section 4(7) of the Securities Act of 1933 (15 U.S.C. 77d(7)), or

(B) receivable-related securities, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)),

shall be considered an obligation issued by the United States for purposes of the limitation.

(b) The provisions of subsection (a) shall not apply with respect to a particular person, trust, corporation, partnership, association, business trust, or business entity or class thereof in any State that, prior to the expiration of 7 years after the date of enactment of this Act, enacts a statute that specifically refers to this section and either prohibits or provides for a more limited authority to purchase, hold, or invest in such securities by any person, trust, corporation, partnership, association, business trust, or business entity or class thereof than is provided in subsection (a). The enactment by any State of any statute of the type described in the preceding sentence shall not affect the validity of any contractual commitment to purchase, hold, or invest that was made prior thereto and shall not require the sale or other disposition of any securities acquired prior thereto.

(c) Any securities which are offered and sold pursuant to section 4(7) of the Securities Act of 1933 (15 U.S.C. 77d(7)) or which are receivable-related securities as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), shall be exempt from any law of any State with respect to or requiring registration or qualification of securities to the same extent as any obligation issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof. Any State may, prior to the expiration of 7 years after the date of enactment of this Act, enact a statute that specifically refers to this section and requires registration or qualification of any such security on terms that differ from those applicable to any obligation issued by the United States.

RECEIVABLE-RELATED SECURITIZATION BY COMMERCIAL BANKS

SEC. 7. Pursuant to its authority under section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) to impose reserve requirements on deposits held by depository institutions, the Board of Governors of the Federal Reserve System shall, by rule or regulation, provide an exception from the definition of deposition for obligations arising from the sales with recourse of pools of receivables where the recourse is limited to no more than 10 percent interest in the pool.

SHELF REGISTRATION

SEC. 8. The Securities and Exchange Commission shall by rule or regulation, provide for registration pursuant to section 6 of the Securities Act of 1933 (15 U.S.C. 17f) of receivable-related pass-through securities which are to be offered on a delayed or continuing basis in the future, and which meet all of the requirements of section 4(7) of the Securities Act of 1933.

EXPLANATION AND JUSTIFICATION FOR THE RECEIVABLE-RELATED MARKET IMPROVEMENT ACT OF 1988

The bill would address the following areas of concern:

I. TRANSACTION EXEMPTION

Under the Securities Act of 1933 (the "1933 Act") issuers of securities before they are offered or sold must file a registration statement concerning them which has become effective and deliver a prospectus to potential buyers. The 1933 Act has two types of exemptions from these requirements. The first applies to certain classes of securities, securities which are issued by certain issuers or have certain characteristics and the second applies to certain types of transactions. The first are called "class" exemptions and the second are called "transaction" exemptions. Transactionally exempt securities must achieve a registration exemption each time that they are sold.

In 1975 the Securities and Exchange Commission (the "SEC") supported and the Congress enacted language to provide a transaction exemption for mortgage-backed securities, now Section 4(5) pf the 1933 Act. At the time the SEC believed that the exemption would promote a strong secondary mortgage market without harming the general investing public because it is structured in such a way that it would not be available for sales to the general public. The premise underlying the exemption was that institutional and similar purchasers who could meet the conditions for buying securities under it do not need the protections afforded by the complete registration process. The general public, on the other hand, needs such protection, and the SEC believed that the exemption should not be available for transactions involving the general public. In 1984 the SEC advocated broadening the exemption to other mortgage market participants and other mortgage-related assets.

To the extent that registration is needed for distribution of receivable-related securities to the general public, there exists a registration procedure in some cases that facilitates the distribution process. Under the SEC's shelf registration rule, Rule 415, an issuer can register in one filing all of the receivable-related investment grade a debt securities it expects to sell over a two year period and then take those securities off the shelf and sell them whenever it chooses during the two-year period. Moreover, the Rule 415 registration process allows the issuer to sell freely tradeable receivable-related investment grade debt securities, an advantage that does not exist for sellers under the Section 4(5) exemption.

The bill would provide a transaction exemption along the lines of Section 4(5) for mortgage-backed securities for certain receivable-related securities as a means of fostering the development of an institutional secondary market for certain receivables without doing injury to the general public. The purchasers of receivable-related securities will be sophisticated institutional buyers who do not need the full benefit of the registration statement. While shelf registration has been an improvement over existing practices, this provision would take the improvements one step further for sophisticated institutional buyers. This would be especially beneficial to issuers that may not be able to issue securities on a continuing basis or otherwise qualify their receivable-related debt securities for the benefits of shelf registration. The legislation would provide that the antifraud provisions of the 1933 Act and the Securities Exchange Act of 1934 would continue to apply.

II. PREEMPTION OF STATE LAW LEGAL INVESTMENT STATUTES

Receivable-related securities receive less favorable treatment than corporate bonds and mortgage-backed securities under so-called state legal investment statutes which restrict the types of investments which state regulated or state chartered entities such as banks, savings and loan associations, trust funds, employee pension systems and insurance companies may make. As a result the market for receivable-related securities is limited.

State legal investment statutes usually authorize state regulated or chartered entities to invest in interest bearing obligations of corporations such as corporate bonds, provided certain conditions are met. While these conditions differ from state to state they typically require the obligor on the bonds to be a corporation chartered under the laws of the United States or one of the states and that either: (a) the obligator on the bonds meet certain financial standards such as an earnings test; or (b) the bonds be rated in one of the four highest investment grades by a nationally recognized rating organization such as Standard and Poors.

Such legal investment statutes with few exceptions do not specifically authorize investment in receivable-related securities. Receivable-related securities often do not qualify as corporate debt obligations because the obligors on the receivables are individuals (such as would be the case with automobile loan receivables) rather than corporations (such as with trade receivables) and because the real issuer of the securities is a trust which is neither an obligor nor a corporation and the nominal issuer of the securities is not an obligor thereon. In other cases special purpose financing corporations set up to issue the securities have no earnings history and, thus, do not meet the earnings test.

Authority to invest in receivable-related pass-through securities must be found if at all in provisions authorizing investment in receivables them selves.

As a result of this disparate treatment there are many instances where a state regulated or state chartered entity such as an insurance company may invest in corporate bonds or receivables themselves but may not invest in receivable-related securities having an equal or significantly better investment grade rating.

The bill would preempt state legal investment-laws so that certain receivable-related securities rated investment grade could be purchased by state regulated entities to the same extent as if they were federal government securities. Any state could enact a statute within seven years after enactment prohibiting or limiting this authority. This legislation would not allow a state regulated or chartered entity to invest through a receivable related security in a receivable not permitted under state law for the entity to invest in.

III. RECEIVABLE-RELATED SECURITIZATION BY COMMERCIAL BANKS

Section 19(b) of the Federal Reserve Act, 12 U.S.C. 461(B), provides the Federal Reserve Board with the authority to impose reserve requirements on deposits held by depository institutions. Pursuant to this authority the Board promulgated its current Regulation D. The regulation provides that the term "deposit" includes the liabilities of a depository institution that are issued or undertaken as a means of obtaining funds. The regulation excludes from the definition of "deposit" certain obligations that represent a conditional, contingent or endorser's liability.

Increasingly depository institutions are selling assets by means of transactions under which the institution guarantors may be required to repurchase or retain a reversionary interest in all or a portion of the assets sold. These transactions take various forms, and the guarantee or interest may be conditional, as in the case of a standby letter of credit, or partial by limiting liability to some percentage of assets sold. Under Regulation D these transactions give rise to deposits for reserve requirement purposes because they are the functional equivalent of conventional deposits; that is, they raise funds for the depository institution and the purchaser looks to the depository institution as a source of creditworthiness.

The Board has proposed regulations that would amend the definition of "deposit" specifically to include sales of assets or receivables where the depository institution issues or undertakes a liability supporting the assets sold or retains a reversionary interest in these assets regardless of whether the liability or interest is conditional, unconditional or contingent on whether the liability covers all or a portion of the assets sold. Transactions in which the depository institution's liability on any particular asset is shared with the purchaser as the loss is realized and is less than 75 percent of the loss would not give rise to a deposit. Where the depository institution's share of risk is 75 percent or more of losses realized, the transaction would give rise to a deposit. Generally, transactions in which the depository institution's only liability is to reimburse a third party guarantor of the assets sold would not give rise to a deposit under the proposal.

The bill would provide a broader statutory exception to the proposed definition of deposit for obligations arising from the sale of receivables with recourse of up to 10 percent of pools of receivables as defined under the proposed revisions to the 1933 Act. The Board has provided a similar exception for pools of one to four family mortgages, 12 C.F.R. 204.2(a)(2)(ix).

IV. EXEMPTION FROM APPLICABILITY OF MARGIN REQUIREMENTS

At the present time the Federal Reserve Board permits a broker dealer to extend credit to his customers to purchase or carry securities on certain corporate bonds and mortgage-backed securities but not receivable-related securities. The obvious effect of this disparate treatment is to discourage the purchase of most receivable-related securities.

Under Regulation T a broker dealer may extend credit to a customer on the collateral of a corporate bond if the bond qualifies as either: (1) a "registered security" on a national securities exchange or has unlisted trading privileges thereon; or (2) an "OTC margin bond." An OTC margin bond is defined as a debt security which is not traded on a national securities exchange but which meets all of the following requirements:

"(1) at the time of the extension of credit by the broker, a principal amount of not less than $25,000,000 of the issue is outstanding;

(2) the issue was registered under Section 5 of the Securities Act of 1933 and the issuer either files periodic reports pursuant to Section 13(a) or 15(d) of the Securities Exchange Act of 1934 or is an insurance company which meets all of the conditions specified in Section 12(g)(2)(g) of the Securities Exchange Act of 1934; and

(3) at the same time of the extension of credit, the creditor has a reasonable basis for believing that the issuer is not in default on interest or principal payments on the bond."

At present a broker may extend credit to a customer on an OTC margin bond in an amount equal to what the broker in good faith determines is the loan value of the bond.

Receivable-related securities do not qualify as registered securities because they are not registered or traded on a national securities exchange. They do not qualify in some cases as OTC margin bonds because they are not corporate debt securities (such as a receivable-related pass-through where the issuer of the securities is a servicer of the receivables and not an obligor on the securities). Hence a broker is not able in some cases to extend any credit to a customer to finance the purchase of receivable-related securities, notwithstanding the fact that from the standpoint of both investment quality, as evidenced by an investment rating, and marketability, as evidenced by the size of the issue, the receivable-related

security may constitute a better investment than corporate bonds which qualify as OTC margin bonds.

In addition, because many issuers of receivable-related securities, such as banks and savings and loans, are not reporting companies under the Securities Exchange Act of 1934, receivable-related securities issued by them would not qualify as OTC margin bonds because they would not meet the second requirement set forth in the definition. The purpose of the requirement that the issuer of the securities be a reporting company under the Securities Exchange Act of 1934 was to insure that there would be sufficient publicly available information about the issuer to make an informed decision on the investment quality of the security. While this consideration is significant where the issuer of the receivable is obligated to pay the principal of and interest on the Security, it is not material in the case of receivable-related securities which are not obligations of the issuer of the receivable and where the only responsibility of the issuer is as servicer of the receivables or other assets. It would be sufficient if the issuer of the receivable-related security were a regulated financial institution.

In order to remedy this disparate treatment the bill would amend the definition of an OTC margin bond to include certain receivable-related securities. The Congress took similar action in connection with mortgage-backed securities in the Secondary Mortgage Market Enhancement Act of 1984.

V. PREEMPTION OF STATE BLUE SKY LAWS

Most state securities laws exempt from registration requirements securities which are senior to or of substantially equal rank with securities of the same issuer which are listed or approved for listing on the New York Stock Exchange, the American Stock Exchange, or a specified regional exchange. For example, the Uniform Securities Act, which has been approved by almost every state, provides such an exemption from registration. The state securities regulators which have considered the question have taken the view that this exemption is not available to an issuer of receivable-related securities because the issuer is not the obligor on the securities. Hence, if a company has common stock listed on the New York Stock Exchange, it may issue corporate bonds without registration under the typical state blue sky law, but if the company issues receivable-related securities it must register them. This is unfair because in most cases the receivable-related securities have an investment quality equal to or higher than the issuer's own debt securities.

It is also expensive and time consuming. For example, additional time and numbers of employees are involved in the registration process; there is the possibility that some blue sky commissions will not clear the offering; and delay can occur when approved.

The bill would preempt state registration laws to provide that certain receivable-related securities, conditioned on meeting certain rating organization criterion and requirements of a new Section 4(6) of the 1933 Act as proposed herein, be exempt from registration. A state would have the ability to override the provision by legislation within a seven-year period.

VI. SHELF REGISTRATION

Under the SEC's shelf registration rule, Rule 415, securities can be initially registered once and subsequent issues can be offered or sold on a delayed or continuous basis in the future with only minor amendment. Shelf registration procedures would simplify filings for issuers who are interested in pooling receivables to back securities to be publicly sold where the pool characteristics do not change much from time to time. Shelf registration allows issuers to time the sale of securities to coincide with favorable market conditions without the delay of the full registration process by allowing sales "off the shelf" up to two years after the initial SEC approval.

Shelf registration offerings in the case of receivable-related securities can be made if they are registered under the 1933 Act on Form S-3 is not currently available for receivable-related pass-through securities.

While grantor trusts used in the sale of receivable-related pass-through securities would appear to qualify under the 1933 Act, its regulations and the Form S-3 instructions, the SEC has not seen fit to incorporate such offerings within Rule 415.

The legislation would require the SEC to allow-shelf registration for certain receivable-related pass-through securities under the 1933 Act, consistent with the otherwise applicable standards of Form S-3.●

By Mr. THURMOND:

S. 2018. A bill to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes; to the Committee on Energy and Natural Resources.

CONGAREE SWAMP NATIONAL MONUMENT EXPANSION AND WILDERNESS ACT

Mr. THURMOND. Mr. President, today I am introducing legislation to authorize the addition of certain lands to the Congaree Swamp National Monument and to implement portions of a proposed general management plan prepared in 1987 by the National Park Service.

In May 1976, it was my privilege to introduce legislation authorizing the establishment of the Congaree Swamp National Monument, one of the few remaining examples of an old-growth, southern bottomland forest. The Congaree Swamp lies primarily along the north bank of the Congaree River, approximately 20 miles southeast of Columbia, SC. It is a uniquely forested lowland area.

In October of that same year, former President Ford signed into law legislation to preserve and protect lands of the Congaree River floodplain for future generations. That legislation also directed the Secretary of the Interior to develop and transmit to Congress a general management plan for the use and development of the Congaree Swamp National Monument.

A draft version of the general management plan was submitted to Congress in 1987. The legislation I am introducing today would implement this plan with modifications.

Title I of this bill would designate substantially all of the acreage within the existing Congaree Swamp Monument as wilderness area. Moreover the acreage proposed to be added to the monument in title II of this bill, but not yet Federal property, would be designed potential wilderness area. This is necessary to protect the area until Federal acquisition.

Wilderness designation means just what it says—this area is wilderness. It will be preserved in its natural condition.

As a general rule, hiking, camping, canoeing and fishing are permissible in wilderness areas. However, pursuant to statute, there is a prohibition on commercial enterprises, structures and installations, permanent and temporary roads, motor vehicles, motorized equipment, motorboats and other forms of mechanical transportation in such area, all in keeping with the purpose of the National Wildness Preservation System.

Title II of the bill would increase the acreage of the monument to a level many familiar with the area believe is necessary to fully protect the monument. This legislation would add up to 7,000 acres, primarily along the northern, southern, and eastern borders of the swamp. The acreage to be added represents what is known as the Citizens Boundary Proposal, which was developed by a group of concerned citizens who have a keen interest in protecting the environment.

Finally, title III of the bill provides for the authorization of $2.7 million for construction of park visitor facilities, and the improvement of certain roads, parking areas, and boating ramps.

Mr. President, the forest which covers most of the monument represents the last major virgin growth of its type in the Southeast. Almost all other substantial virgin hardwood forests have been subjected to logging. Within the monument is found a southern river-bottom hardwood forest, consisting of sweetgum, blackgum, swamp white oak, southern red oak, willow oak, black oak, nutmeg hickory, water tupelo, bald cypress, and loblolly pine. Included among these are some 200- to 400-year-old giants consisting of 5 national and 12 South Carolina record trees. Previous studies by the National Park Service have found no other area in the Southeast of comparable geological and biological significance.

Furthermore, over 100 bird species are known to exist in the monument, including the Swainson's warbler, red-cockaded woodpecker, Louisiana heron, swallow-tailed kite, and the Mississippi kite. Other wildlife include the white-tailed deer, bobwhite quail, turkeys, raccoons, largemouth bass, bluegill, black crapple, yellow perch, and many others.

Mr. President, this enduring component of creation has provided hours of enjoyable outdoor recreational opportunities for residents of South Carolina and the Nation at large. Hiking, canoeing, camping, and fishing represent just a few of the available activities. Attendance has risen from 190 visitors in 1978 to 16,524 in 1986. Accordingly, upgrading the Congaree Swamp and including additional acreage represents sound stewardship of this national resource and will help ensure its preservation for future generations of Americans.

Mr. President, the legislation I am introducing today is supported by many individuals and groups in South Carolina. I ask unanimous consent that certain letters I have received in support of expanding this monument be included in the RECORD following my remarks, as well as a copy of the bill I have introduced.

Mr. President, this unique natural resource must be protected. Accordingly, I urge my colleagues to support his measure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congaree Swamp National Monument Expansion and Wilderness Act."

TITLE I—WILDERNESS DESIGNATION

SEC. 101. NATIONAL PARK WILDERNESS.

(a) DESIGNATION OF WILDERNESS.—The lands described in subsection (b) are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

(b) DESCRIPTION OF LANDS.—The lands designated as wilderness under subsection (a) consist of the area comprising 15,138 acres within the boundary as generally depicted on the map entitled "Wilderness Proposal, Congaree Swamp National Monument", dated September 1987, including existing monument areas on such map designated as potential wilderness.

SEC. 102. MAP AND DESCRIPTION.

A map and description of the boundaries of the areas in section 101 shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of the area designated. As soon as practicable after this title takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and description shall have the same force and effect as if included in this title: *Provided,* That correction of clerical and typographical errors in such maps and descriptions may be made.

SEC. 103. CESSATION OF CERTAIN USES.

Any lands described in section 101(b) which represent potential wilderness additions upon acquisition of non-federal interests in land and publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

SEC. 104. ADMINISTRATION.

The areas designated by section 101 as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

TITLE II—ADDITIONS TO THE CONGAREE SWAMP NATIONAL MONUMENT

SEC. 201. ADDITIONAL LANDS.

The first section of Public law 94.545, relating to the Congaree Swamp National Monument, is amended by—

(1) inserting "(a)" after "That"; and

(2) adding to the lands described in subsection (a), the monument shall consist of the additional area within the boundary as generally depicted on the map entitled 'Citizens Boundary Proposal for Congaree Swamp National Monument', dated November 1987, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The map may be revised as provided in subsection (a). The total acreage of the monument including lands described in subsection (a) and this subsection shall not exceed 22,200 acres."

SEC. 202. ADDITIONAL FUNDS FOR LAND ACQUISITION.

Section 5(a) of Public Law 94-545 is amended by adding at the end thereof the following: "The Secretary may expend such additional sums as are necessary from the Land and Water Conservation Fund for acquisition of land described in subsection (b) of the first section.".

TITLE III—AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL MONUMENTAL DEVELOPMENT

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 5 of Public Law 94-545 is amended by adding at the end thereof the following:

"(c) There are hereby authorized to be appropriated $2,697,750 for construction and development within the monument."

SIERRA CLUB SOUTH CAROLINA CHAPTER,
January 26, 1988.

Hon. STROM THURMOND,
United States Senate,
Washington, DC.

DEAR SENATOR THURMOND: Congaree Swamp is nationally and internationally significant because it contains the largest remnant of old-southern bottomland hardwood forest in the country. Congaree's significance is affirmed by its designations as a National Natural Landmark, a National Monument, and an International Biosphere Reserve. In addition, its nomination as a World Heritage Site is now being prepared. In the words of Dr. Charles Wharton, an expert on southern river swamps and bottomlands, "The Congaree thus stands as a national treasure, a relict of our environmental heritage that simply must endure."

As authorized by Congress in 1976, Congaree Swamp National Monument consists solely of the 15,135-acre Beidler tract. This tract is the heart of Congaree Swamp, but as recognized by the establishing legislation (Public Law 94-545), the Beidler tract does not provide a suitable monument boundary. Additional lands are needed. After considering expansion of more than 11,000 acres, the Park Service's recent draft management plan recommends only 2,464 acres for addition to the monument. Although these 2,464 acres are needed, the NPS proposal omits other significant lands which are also needed for resource protection, scenic integrity, management and administration of the monument.

Anticipating the Park Service's inadequate proposal, a Citizens' Boundary Proposal has been prepared for Congaree Swamp National Monument, utilizing information from many sources, including federal and state agencies. The Citizens' Proposal provides far better for the monument's needs in Richland County than does the NPS proposal, as we explain in detailed comments to the Park Service. During the recent public comment period on the draft management plan, the Park Service received 586 responses as of January 19. Of these 586 responses, 569 support the Citizens' Proposal. The Citizens' Proposal is supported by Richland County Council and by three state agencies: the S.C. Wildlife and Marine Resources Dept., the S.C. Water Resources Commission, and the S.C. Dept. of Parks, Recreation and Tourism.

Nearly 12 years have passed since Congress established Congaree Swamp National Monument. Congressional action is needed to expand the boundary of this world-class resource. Given the merits and extensive support for the Citizens' Boundary Proposal, Sierra Club advocates legislation to authorize the Citizens' Proposal. Thank you for supporting this proposal and for your attention to Congaree Swamp National Monument over many years.

Sincerely,

RICHARD WATKINS,
Conservation Chair.

STATE OF SOUTH CAROLINA,
WATER RESOURCES COMMISSION,
January 29, 1988.

Hon. J. STROM THURMOND,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR THURMOND: The South Carolina Water Resources Commission appreciates and fully supports your efforts to authorize expansion of the Congaree Swamp National Monument. As you are aware, this significant natural resource can be better protected by providing boundaries that encompass the natural ecosystem. The proposed expansion as referenced in the Citizen's Boundary Proposal will provide borders that are more closely aligned to the natural ecosystem, more identifiable to the users of the Monument.

We applaud your efforts in introducing legislation for the purpose of authorizing this expansion. Thank you for your continuing interest in this significant South Carolina natural resource.

Sincerely,

ALFRED H. VANG,
Executive Director.

SOUTH CAROLINA WILDLIFE &
MARINE RESOURCES DEPARTMENT,
January 29, 1988.

Hon., STROM THURMOND,
Senate Office Building, Washington, DC.

DEAR SENATOR THURMOND: The S.C. Wildlife and Marine Resources Department recognizes the tremendous ecological significance of the existing Congaree Swamp National Monument and strongly supports additional efforts to adjust property boundaries in order to better protect this old growth swamp system, facilitate management, and provide recreational and interpretation facilities.

As a landowner and manager, the Wildlife Department is well aware of the need for adequate buffer to protect ecologically significant natural systems. The addition of 2,464 acres recommended in the Draft General Management Plan we feel is a minimal addition. Most of the proposed additions, other than inholdings, are old-growth forest. However, lands that are functionally a part of the swamp system should be included, whether or not they are old growth. Although we realize that there are definite fiscal constraints, we would support efforts to acquire as much land within land within the Landmark boundary as possible.

In keeping with Department policy concerning all public lands, we would favor a policy of providing public hunting on the monument when it is consistent with other uses. We would also favor acquiring properties within the authorized boundary by purchasing them from willing sellers rather than by condemnation.

We appreciate the opportunity to comment on proposed legislation and applaud efforts to provide long-term protection to this unique ecosystem.

Sincerely,

JAMES A. TIMMERMAN, Jr.,
Executive Director.

[Telegram]

Senator STROM THURMOND,
Capitol One DC.
Subject: Congaree National Monument.

DEAR SENATOR THURMOND: You have our full support for your proposal to increase acreage, add facilities and make other needed improvements to the Congaree National Monument.

The additional acreage is of great importance to the protection of wild life and environmentally sensitive areas of the monument. Additional facilities are urgently needed to serve visitors and interpret features of the monument.

We support the acreage additions as recommended by the citizens group.

Thank you for your leadership in this great step forward in the preservation and public enjoyment of this National treasure.

Sincerely,

FRED T. BRINKMAN,
Executive Director,
S.C. Parks, Recreation, and Tourism.

COLUMBIA COLLEGE,
January 18, 1988.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: As a geologic and environmental educator, I have led scores of undergraduate geology field trips to Congaree Swamp since 1978. This park is ideal for instruction in the following areas: (a) landscape development through the work of rivers; (b) floodplain peat formation; (c) the value of high-diversity versus low-diversity forests; (d) sediment distribution on river floodplains; (e) floodplain hydrology; and (f) role of the wetlands as a natural "waste treatment plant." I am sure that scientists of other disciplines would value this park as a teaching laboratory for different, but equally important, concepts.

In addition to its vital role as a major biologic and geologic teaching station, Congaree Swamp National Monument offers its visitors a rare and priceless gift, that of experiencing the wild beauty of an undisturbed southern lowland forest. Any attempt to evaluate the benefits of Thoreau's "primal sanity of nature" is futile, but surely none would deny that modern man greatly benefits from immersion into such a setting.

Because of the unique aesthetic and scientific resources of the Congaree Swamp monument, I wish to state my strong support for the Citizens' Boundary Proposal. The addition of some 6,300 acres to the park boundary will enlarge the area to its natural boundaries and greatly enhance its educational value. Please contact me concerning further opportunities to state my opposition to the NPS boundary proposal.

Sincerely,

MARTHA M. GRIFFIN, Ph.D.,
Department of Physical Science.

RPI INTERNATIONAL, INC.,
Columbia, SC, January 8, 1988.

Re The "Citizens' Boundary Proposal" for the Congaree National Monument.

Senator STROM THURMOND,
Washington, DC.

DEAR SENATOR THURMOND: Please co-sponsor legislation to authorize the acquisition of the land in the Citizens' Boundary Proposal for the Congaree Swamp National Monument. This proposal establishes a more manageable and coherent natural boundary for the property than the one proposed by the Park Service by including:

All land to the bluff line on the north, which confines water flow.

The Southern Railroad to the east.

A straighter boundary on the west, including Cook's Lake.

My wife and I are residents in Calhoun County, on the Congaree Bluff directly across from the Monument. We visit the Monument frequently and consider it to be one of the treasures of the state.

Several times a year, I bring 20± visitors to the Monument from all over the United States and many foreign countries as part of a training seminar our company runs for major oil companies. These visitors are always favorably impressed by the natural phenomena in the Monument, as well as the excellent way the facility is managed by the Park Service personnel (Fran Rametta has been particuarly helpful). Every effort should be made to expand and enhance this outstanding natural site.

Thank you very much for your action on this request.

Sincerely,

MILES O. HAYES,
President.

THE WILDERNESS SOCIETY,
January 29, 1988.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: On behalf of The Wilderness Society's 210,000 members, I would like to thank you for expressing your intent to introduce legislation to expand the boundaries of Congaree Swamp National Monument and to designate as wilderness qualifying lands therein. The Congaree Swamp is an internationally recognized treasure deserving of protection in perpetuity.

During periodic field investigations of the Congaree Swamp National Monument over the last decade, our staff has concluded that the existing monument boundaries do not adequately protect the resource. There is substantial acreage outside the present boundary that is ecologically or visually linked to lands within, and is threatened with timber harvest and development. We would prefer an expansion of the monument to protect all of the lands that lie within the basin bounded by the north and south Congaree River bluffs. However, we are prepared to support the Citizen's Boundary Proposal, provided important lands on the south side of the Congaree River in Calhoun County will be promptly protected by other means.

We appreciate your long-standing commitment to protecting the Congaree Swamp, and we look forward to assisting the South Carolina congressional delegation to secure swift passage of this important legislation. Thank you.

Sincerely,

STEVEN C. WHITNEY,
Director, National Parks Program.

NATIONAL PARKS AND
CONSERVATION ASSOCIATION,
Washington, DC, January 29, 1988.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: The National Parks and Conservation Association strongly supports your efforts to expand the boundaries of Congaree Swamp National Monument and designate the lands therein as Wilderness. The national and international significance of the Congaree Swamp has been affirmed by its designation as a National Natural Landmark, National Monument and International Biosphere Reserve.

When Congress established the monument in 1976, it recognized that the 15,135 acre Beidler Tract would not provide an adequate boundary. Congress directed the National Park Service to identify "the lands and interests in lands adjacent or related to the monument which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area . . ." (Public Law 94-545).

After considering potential additions of more than 11,000 acres, including the Congaree bluffs in Calhoun County, the NPS Draft General Management Plan, Wilderness Suitability Study and Environmental Assessment for Congaree Swamp National Monument recommends an addition of only 2,464 acres. The NPS proposal is inadequate as it omits ecologically significant adjacent lands which should be added to the monument for protection of resources and scenic integrity, and to facilitate management and administration of the area.

NPCA supports enactment of legislation to expand the Congaree Swamp National Monument in Richland County by approximately 7,000 acres as described in the Citizens Boundary Proposal developed by the Sierra Club South Carolina Chapter. These additions will be a major step toward ultimate protection of the Congaree Swamp ecosystem which includes the Congaree River, its floodplain north and south of the river, and the bluffs which enclose the floodplain on both sides of the river. Ultimately, we believe that additional signifi-

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cant resources need to be protected and, thus, we remain committed to securing protection for the Calhoun County bluffs by the National Park Service, the South Carolina Heritage Trust or other means.

Thank you for your support and longstanding efforts to protect this world-class treasure. We look forward to working with the South Carolina delegation to secure adequate protection for the Congaree Swamp National Monument and Biosphere Reserve during the second session of the 100th Congress.

Sincerely,

T. DESTRY JARVIS,
Vice President for Conservation Policy.

By Mr. HEINZ (for himself, Mr. SPECTER, Mr. DURENBERGER, and Mr. MITCHELL);

S. 2020. A bill to regulate aboveground storage tanks having the capacity to store at least 1 million gallons of petroleum, and for other purposes; referred to the Committee on Environment and Public Works.

REGULATION OF ABOVE-GROUND STORAGE TANKS

Mr. HEINZ. Mr. President, we have all heard the old adage that "oil and water don't mix." On January 2, near Pittsburgh, PA, at the town of Floreffe in Allegheny County, we had dramatic evidence of this when an aboveground fully loaded, 4 million gallon storage tank owned by the Ashland Oil Co. burst and almost 1 million gallons of No. 2 diesel fuel gushed into the Monongahela River in a matter of something like 10 seconds.

This million gallons of spilled diesel fuel fouled the Monongahela and Ohio Rivers, which provide drinking water to numerous communities along both rivers. As the comet-like head of the oil spill made its way down the rivers, many Pennsylvania, West Virginia, and Ohio communities—Robinson, North Fayette, West View, Midland, Toronto, Wheeling, and Sistersville, to name a few—were forced to close or heavily restrict their water intake. All-in-all, the EPA estimates that 830,000 people, more than double the population in my hometown, the city of Pittsburgh, had their drinking water affected before this black tide of polluted water dissipated. It is too early to tell what the longer term environmental impact will be. Federal, State and local agencies have just begun to assess how bad the damage will be to the river and ground water, to the river beaches and the river wildlife.

But, Mr. President, it is not too early to take action to ensure that this never can happen again, and so today I rise to introduce legislation designed to prevent another environmental catastrophe like the one we have just witnessed in western Pennsylvania. Unfortunately, this environmental disaster made us aware of a gap in existing environmental regulation. The gap I speak of is lack of Federal and State requirements to monitor the use and operation of above ground storage tanks that contain large volumes of liquid petroleum products. As I understand the existing requirements, State and local law may require an owner or operator of an above ground storage tank to obtain a permit for construction of the tank and to get an inspection of the tank after construction is complete. However, these regulations vary widely from locale-to-locale, the regulations are often difficult to enforce, technical expertise to do so may be lacking especially at the local level, and there is not a regular means of monitoring these tanks after these permits have been issued. In addition, the Federal regulation applies only to containment plans and does not address tank integrity.

Experience has shown us that large capacity above ground storage tanks that have been operating for a long time or that have been altered through reconstruction or relocation need to be regulated to assure that the tanks retain their integrity.

Mr. President, the bill I am introducing today, the Above Ground Storage Tank Spill Prevention Act of 1988, will require EPA to promulgate national requirements concerning an identifiable class of above ground storage tanks, specifically those tanks that pose a risk of catastrophic failure, such as rupture or collapse. This class of tanks have the capacity to contain at least 1 million gallons of petroleum and are at least 30 years old, or have been relocated, or reconstructed.

This legislation requires EPA to develop regulations applicable to this class of above ground storage tanks. It would require either EPA, or an EPA-approved State program, to implement and enforce these regulations. It would require owners or operators of tanks that experience a failure and spill their petroleum contents into the environment to take corrective action. And it would require States to compile an inventory of above ground storage tanks.

These requirements will ensure that the tanks are being properly maintained and continue to be used for the purpose for which the tanks were designed. And our law is also intended to and will ensure that the party responsible for a spill follow EPA procedures and be financially responsible for a proper cleanup.

These new inspection and permitting requirements are aimed directly at preventing environmental contamination through improved safeguards. Inspections by trained experts will reduce the risk that a tank would fail. Periodic reinspections and permit renewals will significantly contribute to reducing the risk of catastrophic failures. Requirements to properly close a tank at the end of its useful life will prevent spills from a tank that is no longer required to be monitored and inspected.

Mr. President, our legislation also addresses cleanup requirements in the event that the regulatory safeguards fail to prevent a spill. Under our bill, a tank owner or operator must report a spill to the regulatory agency, either EPA or a State agency. Owners are also required to take corrective action in response to a spill. Such corrective action would include cleaning up the environment—surface and ground water, surface and subsurface soils, and the air, if necessary and, as in this recent tragedy, supplying alternative drinking water sources may also be required.

Owners and operators must also demonstrate beforehand that they have the financial ability to take all required corrective actions without delay. After the fact, if an owner or operator cannot or does not take corrective action as required, the EPA or EPA-approved State would be required under this bill to take corrective action and impose penalties.

In order to ensure that EPA or a State agency has access to sufficient funds to clean up a spill and to assist injured people where there is not a responsible party, this bill allows the leaking underground storage tank trust fund to be used. If, despite all the safeguards imposed by this legislation, a spill still takes place and there is no financially responsible party—an absolutely worst-case scenario—the so-called LUST trust fund, financed by a tax on gasoline, will be sufficient to pay for cleanup and compensation for spills and to do whatever is required to mitigate the catastrophic effects of a spill from a large, above ground storage tank.

Mr. President, as I said, oil and water do not mix. This legislation is designed to see to it that we do everything possible to keep them apart by correcting a gaping hole in inspections and environmental regulation and ensuring that, under any circumstances, that there is quick and orderly cleanup.

Mr. President, I urge my colleagues to support this legislation as a means to prevent another environmental tragedy like the Ashland spill from happening again.

Mr. President, I introduce this legislation on behalf of myself, Senator SPECTER, and Senator DURENBERGER. I anticipate there could be additional cosponsors during the course of the day.

I send the bill to the desk for its proper referral, and ask unanimous consent that the bill and a section-by-section summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Solid Waste Disposal Act is amended by adding the following new subtitle after subtitle I:

"SUBTITLE J—REGULATION OF ABOVE GROUND STORAGE TANKS

"DEFINITIONS AND EXEMPTIONS

"SEC. 9020. For purposes of this subtitle—

"(1) The term 'above ground storage tank' means any one or combination of tanks located above ground (including underground pipes connected thereto) which has or have the capacity to hold, and is or are used to contain an accumulation of, at least one million gallons of petroleum. Such term does not include any—

"(A) pipeline facility to the extent (including gathering lines) regulated under—

"(i) the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.),

"(ii) the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or

"(iii) which is an intrastate pipeline facility regulated under State laws comparable to the provisions of law referred to in clause (i) or (ii) of this subparagraph,

"(B) surface impoundment, pit, pond, or lagoon,

"(C) liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.

The term 'above ground storage tank' shall not include any pipes connected to any tank which is described in subparagraphs (A) through (C).

"(2) The term 'petroleum' means petroleum, including crude oil and refined products thereof (including fuel oil) or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 per square inch absolute).

"(3) The term 'regulated substance' means any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under subtitle (C)).

"(4) The term 'owner' means—

"(A) in the case of an above ground storage tank in use on the date of enactment of this section, or brought into use after that date, any person who owns an above ground storage tank used for the storage, use, or dispensing of petroleum, and

"(B) in the case of any above ground storage tank in use before the date of enactment of this section, but no longer in use after such date of enactment, any person who owned such tank immediately before the discontinuation of its use.

"(5) The term 'operator' means any person in control of, or having responsibility for, the daily operation of the above ground storage tank.

"(6) The term 'release' means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an above ground storage tank into ground water, surface water, surface or subsurface soils.

"(7) The term 'person' has the same meaning as provided in section 1004(15), except that such term includes a consortium, a joint venture, a commercial entity, and the United States Government.

"(8) The term 'nonoperational storage tank' means any above ground storage tank in which petroleum will not be deposited or from which petroleum will not be dispensed after the date of the enactment of this section.

"NOTIFICATION

"SEC. 9021. (a) REQUIREMENTS.—(1) Within 18 months after the date of enactment of this section, each owner of a storage tank located above ground, with a capacity of at least 25,000 gallons, shall notify the State or local agency or department designated pursuant to subsection (b)(1) of the existence of such tank, specifying the age, size, type, location, assembly history, and uses of such tank.

"(2) Any owner which brings into use a storage tank located above ground, with a capacity of at least 25,000 gallons, after the initial notification period specified under paragraph (1), shall notify the designated State or local agency or department within 30 days of the existence of such tank, specifying the age, size, type, location, assembly history, and uses of such tank.

"(3) Paragraphs (1) and (2) of this subsection shall not apply to tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or section 9002 of this Act.

"(4) Beginning 30 days after the Administrator prescribes the form of notice pursuant to subsection (b)(2) and for 18 months thereafter, any person who deposits petroleum in an above ground storage tank shall reasonably notify the owner or operator of such tank of the owner's notification requirements pursuant to this subsection.

"(b) AGENCY DESIGNATION.—(1) Within 180 days after the enactment of this section, the Governor of each State shall designate the appropriate State agency or department or local agencies or departments to receive the notifications under subsection (a) (1) or (2).

"(2) Within 12 months after the date of enactment of this section, the Administrator, in consultation with State and local officials designated pursuant to paragraph (1), and after notice and opportunity for public comment, shall prescribe the form of the notice and the information to be included in the notifications under subsection (a) (1) or (2).

"(c) STATE INVENTORIES.— Each State shall make an inventory of all above ground storage tanks in such State. In making such an inventory, the State shall utilize and aggregate the data in the notification forms submitted pursuant to subsection (a) of this section. Each State shall submit such aggregated data to the Administrator not later than 24 months after the date of enactment of this subsection.

"RELEASE PREVENTION, CORRECTION, AND FINANCIAL RESPONSIBILITY REGULATIONS

"SEC. 9022. (a) REGULATIONS.—The Administrator, after notice and opportunity for public comment, and at least 3 months before the effective dates specified in subsection (f), shall promulgate prevention, correction, and financial responsibility regulations applicable to owners and operators of above ground storage tanks, as may be necessary to protect human health and the environment.

"(b) APPLICABILITY.—The regulations issued under this section shall apply to above ground storage tanks that—

"(1) are 30 or more years old;

"(2) have been reassembled in whole or in part; or

"(3) have been relocated from their site of original placement.

"(c)(1) REQUIREMENTS.—The regulations promulgated pursuant to this section shall include, but need not be limited to, the following requirements respecting above ground storage tanks—

"(A) requirements for inspection of the structural integrity of regulated above ground storage tanks;

"(B) requirements for the granting of operating permits pursuant to an inspection by the regulatory authority to ensure the integrity of the tank structure in order to prevent a release of petroleum into the environment;

"(C) requirements for subsequent periodic inspections of the above ground storage tanks and renewal of the operating permit;

"(D) requirements for immediate reporting of any releases and corrective action taken in response to a release from an above ground storage tank;

"(E) requirements for taking corrective action in response to a release from an above ground storage tank;

"(F) requirements for closure of above ground storage tanks to prevent future release of petroleum into the environment; and

"(G) requirements for maintaining evidence of financial responsibility for the estimated costs of closure and for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden accidental releases arising from operating an above ground storage tank.

"(2) In promulgating regulations under this section, the Administrator may take into consideration factors, including, but not limited to: location of the tanks, proximity of the tanks to drinking water supplies; age of tanks; condition of the tanks; history of maintenance; sizes of the tanks; any reassembling or altering of the tanks; type of petroleum contained in the tanks; existence of secondary containment designed and constructed to contain any release, including a release caused by a sudden and complete rupture of the tank; existing State programs regulating above ground storage tanks; and current industry recommended practices.

"(d) FINANCIAL RESPONSIBILITY.—

"(1)(A) The Administrator, in promulgating financial responsibility regulations under this section, shall conduct a study to determine the appropriate amounts of coverage, both per occurrence and aggregate. The factors to be evaluated by the Administrator in conducting the study to determine the appropriate amounts of coverage shall include, but not be limited to: the estimated costs of cleaning up navigable waters, groundwater, and surface and subsurface soils; the costs of correcting any other environmental damage; the costs of mitigating harm to wildlife; the costs incurred by Federal, State, and local government entities resulting from actions to protect public health and the environment; the costs incurred by private third parties due to the release; the availability of insurance and other methods of financial responsibility; and the ability of owners or operators to self-insure and to establish risk retention groups.

"(B) On the basis of the results of the study conducted under this subsection, the Administrator shall require owners or operators to demonstrate financial responsibility for the costs of cleaning up a release and compensating third parties injured by a release.

"(C) The Administrator, in promulgating financial responsibility requirements under this section, shall require owners or operators to demonstrate financial responsibility in an amount adequate to cover the costs of closure.

"(2) Financial responsibility required by this subsection may be established in accordance with regulations promulgated by the Administrator by any one, or any combination of the following: insurance, guarantee, surety bond, letter of credit, qualification as a self-insurer, or any other method satisfactory to the Administrator. In promulgating requirements under this subsection, the Administrator is authorized to specify policy or other contractual terms, conditions, or defenses, which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this subtitle.

"(3) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement, pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in any State court of the Federal courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this subsection may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this paragraph such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(4) The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this section. Nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subsection shall be construed to diminish the liability of any person under section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or other applicable law.

"(5) For the purpose of this subsection, the term 'guarantor' means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this subsection.

"(6) The Administrator may waive the financial responsibility requirements under this section upon the determination that the owner or operator has demonstrated that secondary containment designed and constructed to be adequate to hold any release, including a release caused by a sudden and complete rupture of the above ground storage tank, exists at the tank site.

"(e) Effective Date.—Regulations issued pursuant to this section shall be effective not later than 30 months after the date of enactment of this section.

"(f) EPA Response Program for Petroleum.—

"(1) Before regulations.—Before the effective date of regulations under this section, the Administrator (or a State pursuant to paragraph (6) of this subsection) is authorized to—

"(A) require the owner or operator of an above ground storage tank to undertake corrective action with respect to any release of petroleum when the Administrator (or the State) determines that such corrective action will be done properly and promptly by the owner or operator of the above ground storage tank from which the release occurs; or

"(B) undertake corrective action with respect to any release of petroleum into the environment from an above ground storage tank if such action is necessary, in the judgment of the Administrator (or the State), to protect human health and the environment. The corrective action undertaken or required under this paragraph shall be such as may be necessary to protect human health and the environment.

"(2) After Regulations.—Following the effective date of regulations under subsection (c), all actions or orders of the Administrator (or a State pursuant to paragraph (6)) described in paragraph (1) of this subsection shall be in conformity with such regulations. Following such effective date, the Administrator (or the State) may undertake corrective action with respect to any release of petroleum into the environment from an above ground storage tank only if such action is necessary, in the judgment of the Administrator (or the State), to protect human health and the environment and one or more of the following situations exists:

"(A) A situation which requires prompt action by the Administrator (or the State) under this paragraph to protect human health and the environment.

"(B) The owner or operator of the tank has failed or refused to comply with an order of the Administrator under this subsection or section 9025 or with the order of a State under this subsection to comply with the corrective action regulations.

"(3) Corrective action orders.—The Administrator is authorized to issue orders to the owner or operator of an above ground storage tank to carry out subparagraph (A) of paragraph (1) or to carry out regulations issued under subsection (c)(1)(E). A State acting pursuant to paragraph (6) of this subsection is authorized to carry out subparagraph (A) of paragraph (1) only until the State's program is approved by the Administrator under section 9023 of this subtitle. Such orders shall be issued and enforced in the same manner and subject to the same requirements as orders under section 9025.

"(4) Allowable corrective actions.—The corrective actions undertaken by the Administrator (or a State pursuant to paragraph (6)) may include temporary or permanent relocation of residents and alternative household water supplies. In connection with the performance of any corrective action under paragraph (1) or (3), the Administrator may undertake an exposure assessment as defined in paragraph (9) of this subsection or provide for such an assessment in a cooperative agreement with a State pursuant to paragraph (6) of this subsection. The costs of any such assessment may be treated as corrective action for purposes of paragraph (5), relating to cost recovery.

"(5) Recovery of costs.—

"(A) In general.—Whenever costs have been incurred by the Administrator, or by a State pursuant to paragraph (6), for undertaking corrective action or enforcement action with respect to the release of petroleum from an above ground storage tank, the owner or operator of such tank shall be liable to the Administrator or the State for such costs. The liability under this paragraph shall be construed to be the standard of liability applicable under section 311 of the Federal Water Pollution Control Act.

"(B) Recovery.—In determining the equities for seeking the recovery of costs under subparagraph (A), the Administrator (or a State pursuant to paragraph (6) of this subsection) may consider the amount of financial responsibility required to be maintained under subsections (c) and (d) of this section and the factors considered in establishing such amount.

"(C) Effect on liability.—

"(i) No transfers of liability.—No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any above ground storage tank or from any person who may be liable for a release or threat of release under this subsection. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

"(ii) No bar to cause of action.—Nothing in this subsection, including the provisions of clause (i) of this subparagraph, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

"(D) Facility.—For purposes of this paragraph, the term 'facility' means, with respect to any owner or operator, all above ground storage tanks used for the storage of petroleum which are owned or operated by such owner or operator and located on a single parcel of property (or on any contiguous or adjacent property).

"(6) State authorities.—

"(A) General.—A State may exercise the authorities in paragraphs (1) and (2) of this subsection, subject to the terms and conditions of paragraphs (4), (8), (9), and (10), if—

"(i) the Administrator determines that the State has the capabilities to carry out effective corrective actions and enforcement activities; and

"(ii) the Administrator enters into a cooperative agreement with the State setting out the actions to be undertaken by the State.

"(B) Cost share.—Following the effective date of the regulations under this section, the State shall pay 10 per centum of the cost of corrective actions undertaken either by the Administrator or by the State under a cooperative agreement, except that the Administrator may take corrective action at a facility where immediate action is necessary to respond to an imminent and substantial endangerment to human health or the environment if the State fails to pay the cost share.

"(7) Emergency procurement powers.—Notwithstanding any other provision of law, the Administrator may authorize the use of such emergency procurement powers as he deems necessary.

"(8) Definition of owner.—As used in this subsection, the term 'owner' does not include any person who, without participating in the management of an above ground storage tank and otherwise not engaged in petroleum production, refining, and marketing, holds indicia of ownership primarily to protect the owner's security interest in the tank.

"(9) Definition of exposure assessment.—As used in this subsection, the term 'exposure assessment' means an assessment to determine the extent of exposure of, or potential for exposure of, individuals to petroleum from a release from an above ground storage tank based on such factors as the nature and extent of contamination and the existence of or potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size of the community within the likely pathways of exposure, and the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants. Such assessment shall not delay corrective action to abate immediate hazards or reduce exposure.

"(10) Facilities without financial responsibility.—At any facility where the owner or operator has failed to maintain evidence of financial responsibility in amounts at least equal to the amounts established by subsection (d)(1)(B) of this section for whatever reason, the Administrator shall use the authorities provided in subparagraph (A) of paragraph (1) and paragraph (3) of this subsection and section 9025 of this subtitle to order corrective action to clean up such releases. States acting pursuant to paragraph (6) of this subsection shall use the authorities provided in subparagraph (A) of paragraph (1) and paragraph (3) of this subsection to order corrective action to clean up such releases. Notwithstanding the provisions of this paragraph, the Administrator may take the corrective actions authorized by paragraph (4) of this subsection to protect human health at such facilities and shall seek full recovery of the costs of all such actions pursuant to the provisions of paragraph (5)(A) of this subsection and without consideration of the factors in paragraph (5)(B) of this subsection. Nothing in this paragraph shall prevent the Administrator (or a State pursuant to paragraph (6) of this subsection) from taking corrective action at a facility where there is no solvent owner or operator or where immediate action is necessary to respond to an imminent and substantial endangerment of human health or the environment.

"APPROVAL OF STATE PROGRAMS

"Sec. 9023. (a) Elements of State Program.—Beginning 30 months after the date of enactment of this section, any State may, submit an above ground storage tank release prevention, correction, and financial responsibility program for review and approval by the Administrator. A State program may be approved by the Administrator under this section only if the State demonstrates that the State program includes the following requirements and provides for adequate enforcement of compliance with such requirements—

"(1) requirements for inspection of the structural integrity of regulated above ground storage tanks;

"(2) requirements for the granting of operating permits pursuant to an inspection by the regular authority to ensure the integrity of the tank structure in order to prevent a release of petroleum into the environment;

"(3) requirements for subsequent periodic inspections of the above ground storage tanks and renewal of the operating permit;

"(4) requirements for immediate reporting of any releases and corrective action taken in response to a release from an above ground storage tank;

"(5) requirements for taking corrective action in response to a release from an above ground storage tank;

"(6) requirements for closure of above ground storage tanks to prevent future releases of petroleum into the environment;

"(7) requirements for maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden accidental releases arising from operating above ground storage tank; and

"(8) requirements—

"(A) for notifying the appropriate State agency or department (or local agency or department) designated according to section 9021(b)(1) of the existence of any operational or nonoperational storage tank; and

"(B) for providing the information required on the form issued pursuant to section 9021(b)(2).

"(b) Federal Standards.—(1) A State program submitted under this section may be approved only if the requirements under paragraphs (1) through (7) of subsection (a) are no less stringent that the corresponding requirements standards promulgated by the Administrator pursuant to section 9022(a).

"(c) EPA Determination.—(1) Within 180 days of the date of receipt of a proposed State program, the Administrator shall, after notice and opportunity for public comment, make a determination whether the State's program complies with the provisions of this section and provides for adequate enforcement of compliance with the requirements adopted pursuant to this section.

"(2) If the Administrator determines that a State program complies with the provisions of this section and provides for adequate enforcement of compliance with the requirements adopted pursuant to this section, he shall approve the State program in lieu of the Federal program and the State shall have primary enforcement responsibility with respect to requirements of its program.

"(d) Withdrawal of Authorization.—Whenever the Administrator determines after a public hearing that a State is not administering and enforcing a program authorized under this subtitle in accordance with the provisions of this section, he shall so notify the State. If appropriate action is not taken within a reasonable time, not to exceed 120 days after such notification, the Administrator shall withdraw approval of such program and reestablish the Federal program pursuant to this subtitle.

"INSPECTIONS, MONITORING, TESTING, AND CORRECTIVE ACTION

"Sec. 9024. (a) Furnishing Information.—For the purposes of issuing and renewing operating permits, developing or assisting in the development of any regulation, conducting any study, taking any corrective action, or enforcing the provisions of this subtitle, any owner or operator of an above ground storage tank shall, upon request of any officer, employee, or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of any duly designated officer, employee, or representative of a State, with an approved program, acting pursuant to subsection (f)(6) of section 9022, furnish information relating to such tanks, their associated equipment, their contents, conduct monitoring or testing, permit such officer at all reasonable times to have access to, and to copy, all records relating to such tanks, and to have access for corrective action. For the purposes of issuing and renewing operating permits, developing or assisting in the development of any regulation, conducting any study, taking corrective action, or enforcing the provisions of this subtitle, such officers, employees, or representatives are authorized—

"(1) to enter at reasonable times any establishment or other place where an above ground storage tank is located;

"(2) to inspect and obtain samples from any person of any substance contained in such tank;

"(3) to conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water or ground water; and

"(4) to take corrective action.

Each such inspection shall be commenced and completed with reasonable promptness.

"(b) Confidentiality.—(1) Any records, reports, or information obtained from any persons under this section shall be available to the public, except that upon a showing satisfactory to the Administrator (or the State, as the case may be) by any person that records, reports, or information, or a particular part thereof, to which the Administrator (or the State, as the case may be) or any officer, employee, or representative thereof has access under this section if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this subtitle, or when relevant in any proceeding under this subtitle.

"(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed 1 year, or both.

"(3) In submitting data under this subtitle, a person required to provide such data may—

"(A) designate the data which such person believes is entitled to protection under this subsection, and

"(B) submit such designated data separately from other data submitted under this subtitle.

A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

"(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained, by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee (including records, reports, or information obtained by representatives of the Environmental Protection Agency).

"FEDERAL ENFORCEMENT

"Sec. 9025. (a) Compliance Orders.—(1) Except as provided in paragraph (2), whenever on the basis of any information, the Administrator determines that any person is in violation of any requirement of this subtitle, the Administrator may issue an order requiring compliance within a reasonable specified time period or the Administrator may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) In the case of a violation of any requirement of this subtitle where such violation occurs in a State with a program approved under section 9023, the Administrator shall give notice to the State in which such violation has occurred prior to issuing an order or commencing a civil action under this section.

"(3) If a violator fails to comply with an order under this subsection within the time specified in the order, he shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance.

"(b) PROCEDURE.—Any order issued under this section shall become final unless, no later than 30 days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(c) CONTENTS OF ORDER.—Any order issued under this section shall state with reasonable specificity the nature of the violation, specify a reasonable time for compliance, and assess a penalty, if any, which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

"(d) CIVIL PENALTIES.—(1) Any owner who knowingly fails to notify or submits false information pursuant to section 9021(a) shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or false information is submitted.

"(2) Any owner or operator of an above ground storage tank who fails to comply with—

"(A) any requirement promulgated by the Administrator under section 9022; or

"(B) any requirement of a State program approved pursuant to section 9023;

shall be subject to a civil penalty not to exceed $10,000 for each tank for each day of violation.

"FEDERAL FACILITIES

"SEC. 9026. (a) APPLICATION OF SUBTITLE.—Each department, agency, and instrumentality of the Federal Government having jurisdiction over any above ground storage tank shall be subject to and comply with all Federal, State, interstate, and local requirements, applicable to such tank, both substantive and procedural, in the same manner, and to the same extent, as any other person is subject to such requirements, including payment of reasonable service charges. Neither the United States, nor any agent, employee, or officer thereof shall be immune or exempt from any process or sanction of any State or Federal court with respect to the enforcement of any such injunctive relief.

"(b) PRESIDENTIAL EXEMPTION.—The President may exempt any above ground storage tanks of any department, agency, or instrumentality in the Executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriations unless the President shall have specifically requested such appropriations as a part of the budgetary process and the Congress shall have failed to make available such requested appropriations. Any exemption shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods not to exceed 1 year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

"JUDICIAL REVIEW

"SEC. 9027. Section 7006(b) is amended by adding "and section 9022" after "section 3005" and adding "and section 9028" after "section 3006".

"STATE AUTHORITY

"SEC. 9028. Nothing in this subtitle shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation or requirement respecting above ground storage tanks that is more stringent than a regulation requirement in effect under this subtitle or to impose any additional liability with respect to the release of regulated substances within such State or political subdivision.

"STUDY OF ABOVE GROUND STORAGE TANKS

"SEC. 9029. (a)(1) DEADLINE.—Not later than 12 months after the date of enactment of this section, the Administrator shall complete a study of above ground storage tanks used for the storage of petroleum.

"(2) ELEMENTS OF STUDIES.—The studies under paragraph (1) shall include an assessment of the ages, sizes, types (including methods of manufacture, coatings, protection systems, the compatibility of the construction materials and the installation methods) and locations (including the climate of the locations and proximity to drinking water sources) of such tanks; soil conditions, water tables, and the hydrogeology of tank locations; the relationship between the foregoing factors and the likelihood of releases from above ground storage tanks; the effectiveness and costs of secondary containment; the effectiveness and costs of inventory systems and tank testing systems; and such other factors as the Administrator deems appropriate.

"(3) REPORTS.—Upon completion of the studies authorized by this section, the Administrator shall submit reports to the President and to the Congress containing the results of the studies and recommendations respecting whether or not such tanks should be subject to the preceding provisions of this subtitle and whether the capacity level of 1,000,000 gallons should be revised to a more appropriate level in order to protect human health and the environment.

"(b)(1) DEADLINE.—Not later than 12 months after the date of enactment of this section, the Administrator shall complete a study of above ground storage tanks used for the storage of regulated substances.

"(2) ELEMENTS OF STUDIES.—The studies under paragraph (1) shall include an assessment of the ages, sizes, types (including methods of manufacture, coatings, protection systems, the compatibility of the construction materials and the installation methods) and locations (including the climate of the locations and proximity to drinking water sources) of such tanks; soil conditions, water tables, and the hydrogeology of tank locations; the relationship between the foregoing factors and the likelihood of releases from above ground storage tanks; the effectiveness and costs of secondary containment; the effectiveness and costs of inventory systems and tank testing systems; and such other factors as the Administrator deems appropriate.

"(3) REPORTS.—Upon completion of the studies authorized by this section, the Administrator shall submit reports to the President and to the Congress containing the results of the studies and recommendations respecting whether above ground storage tanks containing regulated substances should be subject to the preceding provisions of this subtitle.

"(c) STUDY AND REPORT.—The Administrator shall conduct a study and submit a report to the Congress regarding the cause and environmental effects of the petroleum spill into the Monongahela River on January 2, 1988.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 9030. For fiscal year 1988, and each of the next following 4 fiscal years, there are authorized to be appropriated, out of the Leaking Underground Storage Tank Trust Fund established by Sec. 9508 of the Internal Revenue Code of 1986, such sums as may be necessary to carry out the provisions of this subtitle.".

SEC. 2. The table of contents of the Solid Waste Disposal Act is amended by inserting the following after the items relating to subtitle I:

"Subtitle J—Regulation of Above Ground Storage Tanks

"Sec. 9020. Definitions and exemptions.
"Sec. 9021. Notification.
"Sec. 9022. Release prevention, correction, and financial responsibility regulations.
"Sec. 9023. Approval of State programs.
"Sec. 9024. Inspections, monitoring, testing, and corrective action.
"Sec. 9025. Federal enforcement.
"Sec. 9026. Federal facilities.
"Sec. 9027. Judicial review.
"Sec. 9028. State authority.
"Sec. 9029. Study of above ground storage tanks.
"Sec. 9030. Authorization of appropriations.".

SECTION-BY-SECTION SUMMARY

The Solid Waste Disposal Act is amended by adding the following new Subtitle J, Regulation of Above Ground Storage Tanks.

Section 9020. Definitions and Exemptions: This section defines above ground storge tank, petroleum, regulated substance, owner, operator, release, person, and nonoperational storage tank. Included in the tanks exempt from the regulations are above ground storage tanks that are regulated by other safety laws.

Section 9021. Notification: This section requires owners of above ground storge tanks that can contain at least 25,000 gallons to notify a designated state or local agency of the existance of their tank. The tank owners must specify the age, size, type, location, assembly history, and uses of each tank. The information reported will be used for a a state inventory.

Section 9022. Release Prevention, Correction, and Financial Responsibility Regulations:

This section requires the Environmental Protection Agency (EPA) to develop regulations, as may be necessary to protect human health and the environment, applicable to above ground storage tanks that have the capacity to contain at least one million gallons of petroleum and that are at least 30 years old or have been relocated or reassembled.

The regulations must include requirements for: inspection of the structural integrity of the tanks (EPA may set procedures for certified self-inspections); permitting of tanks that pass inspection; periodic reinspections and permit renewals; reporting of releases and corrective actions taken in response to a release; proper corrective action; sound tank closure practices; and finanical responsibility for closure, corrective action, and compensable damages. These resolutions must be effective no later than 30 months after the enactment of this section.

EPA is required to conduct a study to determine the appropriate amount of per occurrence and aggregate coverage for the costs of cleanup and damage claims. Factors EPA may consider in establishing amounts of coverage include estimated costs cleaning up the spill and restoring all natural resources, both public and private parties' damages, and the availability of financial assurance mechanisms. The amount of financial assurance for closure costs are to be based on estimated costs.

This section also mandates EPA to establish a response program to ensure prompt and effective cleanup of a petroleum spill from an above storge tank. A state program that has been approved by EPA may also direct a response program to satisfy the requirements of this section. Under the response program, EPA must require an owner or operator of a tank that experienced a spill to cleanup the spill according to the corrective action requirements, which should address mitigating threats to human health (e.g., temporary or permanent relocation of residents and supply of alternative drinking water), restoring the environment, and compensating damaged parties. EPA is authorized under this section to issue orders to owners or operators to take corrective actions.

In the event that EPA determines that an owner or operator fails to take a corrective action, EPA (or approved state programs) is required to take the necessary corrective action and recover the costs from the owner or operator. The EPA and approved state programs are authorized to use the Leaking Underground Storage Tank (LUST) Trust Fund to finance corrective actions they must take.

Section 9023. Approval of State Programs: As previously noted, a state agency may implement the requirements of this bill. A state program is required under this section to submit to EPA an application demonstrating that the state has promulgated comprehensive requirements that are at least as stringent as the corresponding federal requirements. A state must also demonstrate that its enforcement procedures are adequate to bring about maximum compliance. EPA is encouraged to develop their regulations and approval requirements to enable states to operate their own programs.

Section 9024. Inspections, Monitoring, Testing, and Corrective Action: This section requires owners and operators to allow federal and state officials to have access, upon request and at reasonable times, to their tanks and records. Tank owners and operators may request that any information to which an EPA or state official may have access be considered confidential and not available to the public. Otherwise, all information is available to the public.

Section 9025. Federal Enforcement: This section empowers EPA to issue orders requiring compliance with any requirement of this subtitle. EPA is authorized to levy administrative penalities in the amount of $25,000 for each day of continued noncompliance. In addition, this section grants EPA the authority to seek civil penalties of $10,000 for each failure to submit proper notification and of $10,000 for each day of continued noncompliance with any of the requirements of this subtitle.

Section 9026. Federal Facilities: The federal government is subject to the requirements of this subtitle except where the President grants annual exemptions.

Section 9027. Judicial Review: This section amends section 7006 of the Solid Waste Disposal Act to provide that an owner or operator may appeal an EPA permit decision and a state may appeal an EPA authorization decision to the Circuit Court of Appeals for the federal district in which the person resides or transacts business.

Section 9028. State Authority: This section clarifies that nothing in this subtitle precludes a state or political subdivison of a state to adopt or enforce requirements stricter that those of this subtitle.

Section 9029. Study of Above Ground Storage Tanks:

This section requires EPA to conduct several studies and submit corresponding reports to the President and the Congress. The first study required is to assess various factors related to above ground storage tanks that contain petroleum. This study is intended to assist EPA in the development of the requirements of this subtitle. Upon completion of this study, EPA shall submit a report to the President and Congress presenting the study results and EPA recommendations regarding whether or not the above ground storage tanks covered by subtitle should be subject to the requirements of this subtitle and whether defining the tank population to be regulated by this subtitle as those with a capacity of at least one million gallons is appropriate.

The second study required by this section concerns above ground storage tanks that contain regulated substances. EPA must study and recommend whether or not chemical tanks should be subject to the same requirements as petroleum tanks.

The final study and report required under this section is required to analyze the cause and effects of the one million gallons diesel fuel spill into the Monogahela River on January 2, 1988.

Section 9030. Authorization of Appropriations: This section authorizes the appropriation from the Leaking Underground Storage Tank Trust Fund such sums as may be necessary to carry out the provisions of this subtitle.

Mr. SPECTER. Mr. President, today I join Senator HEINZ in introducing legislation for Federal regulation of above-ground oil storage tanks. The need for this legislation is obvious in light of the largest inland water oil spill in U.S. history, which occurred on January 2, when an above-ground storage tank ruptured in Floreffe, near Pittsburgh, PA.

On January 3, I toured the site of the Ashland Oil Co. spill and on January 25, I visited the representatives of Ashland Oil Co. to review the reimbursement and compensation process for those affected by the spill.

I am convinced that Congress must take steps to ensure that a spill of this type never happens again. The effects of an inland oil spill arguably are far more severe than from a spill occurring in open waters. Approximately 1 million Pennsylvanians were without fresh water for a significant period of time, factories were forced to curtail operations or shut down to help conserve water, and the water shortage may have reduced water pressure below the level necessary for fire fighting. The long-term effects on wildlife and the environment have yet to be assessed. The total cost of the spill has been estimated at more than $25 million.

The conditions which gave rise to the recent spill are not unique. Similar tanks farms are common along our Nation's navigable waters because of the need for access to transportation systems. Consequently, other accidents of this type may happen again, with equally disasterous effects, if we fail to act.

Pittsburgh's oil spill did not impact solely on Pennsylvania. Slowly, but relentlessly, the oil spread downstream some 147 miles, affecting both Ohio and West Virginia. New reports indicate that Louisville, KY, and Evansville, IN, also may be required to close water intakes when the spill reaches their area. Such inland oil spills frequently will have interstate proportions, and uniform Federal regulation therefore is appropriate.

This legislation will address a serious gap in national environmental policy and will provide such uniform national standards for above-ground oil storage tanks. These revisions will reduce the inconsistent and unclear safety and inspection requirements that seem to have contributed to the Pittsburgh spill.

The bill would place a special regulatory focus on older tanks, which are the tanks most susceptible to ruptures and leaks. The Environmental Protection Agency [EPA] would be required to promulgate regulations applicable to owners and operators of certain high-risk above-ground storage tanks for spill prevention, reconstruction, tank inspection and financial responsibility. Specifically, these regulations will apply to above-ground storage tanks that are 30 or more years old and have been reassembled in whole or in part, or that have been relocated from their site of original placement. Additionally, the legislation would require the creation of a national data base of information for all above-ground storage tanks. The States will be responsible for collecting this information and submitting it to the EPA.

This bill also includes provisions for the emergency relocation of endangered residents and the provision of alternative household water supplies. Federal agencies are not authorized to provide these much needed services under existing Federal laws. Additionally, States will be required to contribute 10 percent of the cost of corrective actions incurred as a result of an oil spill, and owners or operators of above-ground storage tanks will be liable for the costs of corrective actions by the EPA or the States. In requiring those responsible for a spill to pay the costs of cleanup, this requirement is consistent with other Federal environmental laws.

Further, owners or operators of above-ground storage tanks will be required to demonstrate financial responsibility in the form of a guarantor or other type of insurer, and civil penalties by the EPA will be authorized for violations of the regulations under this act.

I would note that, while comprehensive, this legislation would not preempt the States from implementing their own regulatory programs upon approval by the EPA.

Mr. President, this legislation offers a comprehensive approach to addressing the need for Federal regulation of above-ground storage tanks without interfering with the States' legitimate role in dealing with this problem. I urge my colleagues to join us in supporting this much needed legislation.

By Mr. GRASSLEY:

S. 2021. A bill to protect children from sexual exploitation; to the Committee on the Judiciary.

CHILD FREEDOM FROM SEXUAL EXPLOITATION ACT

Mr. GRASSLEY. Mr. President, today I am introducing legislation that continues the war against the sexual exploitation of our Nation's most precious resource—our children.

Mr. President, the elimination of child abuse, through the enforcement of child pornography statutes, has been a top priority of mine since I have been in the Congress.

Mr. President, the bill I am introducing today is a natural outgrowth of my 1986 legislation, S. 985—The Child Abuse Victims' Rights Act, that was enacted as a part of Public Law 99-591, the fiscal year 1987 continuing resolution. That law evolved from the 1982 case of Ferber versus New York, in which the Supreme Court distinguished child pornography from obscenity by focusing on the harm caused to the victim of pornography—the child—rather than the effect of such material on the audience.

As my colleagues will recall, among the provisions from S. 985 that are now law, is a new Federal civil remedy that for the first time gives the victims of child sexual exploitation—the children—the ability to sue their victimizers in Federal court for damages, court costs, and attorneys fees. In addition, criminal penalties for repeat offenders were increased.

Since the passage of S. 985, the Attorney General's Commission on Pornography has reported to the President on its findings regarding the effects of pornography on our society.

According to the Pornography Commission, "what is commonly referred to as child pornography is not so much a form of pornography as it is a form of sexual exploitation of children. Actual children are photographed while engaged in some form of sexual activity, either with adults or with other children."

Many experts agree that the psychological harm of this form of child abuse can be devastating to a youngster. Child pornography creates a "permanent record of sexual practices" that can "follow a child" through adulthood. The President's report stated that there is "substantial evidence that photographs of children engaged in sexual activity are used as tools for the further molestation of other children".

Today, almost all of the child pornography available in the United States is produced by child abusers. This despicable element of society then passes this material among themselves. There is also a commercial network for child pornography that flows virtually untouched through the U.S. mail from foreign sources.

Based upon its findings, the Pornography Commission made recommendations on how to control this degrading enterprise. The President has sent these on to the Congress in the form of proposed legislation.

I have studied this report very closely, especially with regard to its recommendations on the sexual exploitation of children. Based upon my reading of the Commission's report, I have concluded that legislation is needed.

My bill accomplishes several things:

It prohibits computers to be used for the purpose of setting up nationwide "networks", which otherwise enable child molesters, pedophiles, and collectors of child pornography to traffic in child pornography.

This is a recommendation of the President's Commission on Pornography.

It prohibits a parent or other adult with custody of a minor child, from selling that child for use in the production of pornography.

This is a recommendation of the President's Commission on Pornography.

It requires producers and certain distributors of sexually explicit materials to—prospectively—keep and maintain verifiable records with respect to the age and identity of each performer appearing in depictions of "actual sexually explicit conduct".

Pornographers and other sexual exploiters of children often use minors to produce sexually explicit material in order to meet the demand of those who are attracted to obscene depictions of children.

Because there has not been a recordkeeping requirement, it has been virtually impossible to prove the age of the performer in the sexually explicit material. This has allowed pornographers to evade Federal laws that are supposed to protect all persons under the age of 18 from exploitation.

This is also a recommendation of the President's Commission on Pornography. However, I have attempted to eliminate any ex post facto problem with this important enforcement tool, by applying it prospectively.

It amends the Racketeer Influenced and Corrupt Organizations [RICO] Act to include child pornography offenses.

Much of the growing commercial market for child pornography in our country is produced and distributed by networks of pedophiles and child molesters who are well organized.

As I am sure my colleagues are all aware, obscenity was included as a RICO offense in 1985.

I wanted to include child pornography as a RICO offense in my 1986 legislation, S. 985. However, the Department of Justice, among other organizations, opposed such an addition to the list of RICO offenses. The Department has now decided, in 1988 to include child pornography as a RICO offense in the President's anti-pornography bill. I am glad to have the Department's support, at last.

I include it in my bill and hope that the Department will still support it wholeheartedly.

Finally, my bill amends the civil remedy provision, section 2255 of title 18, chapter 110 of the United States Code, established in my 1986 legislation, the Child Abuse Victims' Rights Act.

A minor who is the victim of sexual exploitation under sections 2251 and 2252 of title 18, or juvenile prostitution under section 2243 of title 18, would now be able to sue in U.S. district court and recover treble damages, instead of actual damages plus costs, including reasonable attorney's fees.

Mr. President, I believe the sanctions provided for in my bill, such as the RICO section; the title providing for the seizure and sale of all assets used in, or obtained through, organized criminal activity in child pornography; and the amended civil remedy section, provide for much needed criminal enforcement tools against those who abuse our children through such sordid enterprises.

Mr. President, I would also like to remind the Department of Justice that S. 985, the Child Abuse Victims' Rights Act, as passed as a part of Public Law 99-591 in 1986, called for recommendations from the Attorney General on suggested courtroom procedures that would serve as a model

for measures designed to facilitate the testimony of child witnesses.

As we all know, there has been a good deal of State legislation passed in this area. However, there apparently has been some question as to the constitutionality of these statutes.

We expected this report in October 1987; and we hoped that it would provide needed guidance in developing effective legislation at the State and national level that would survive constitutional scrutiny.

I trust the extra time that the Department has taken on this report means that there has been an especially thorough study of this problem, and that consequently, the report will be worth the wait.

Mr. President, my legislation addresses the need to keep the pressure on the producers and distributors of child pornography. My bill recognizes that there are many harms that can befall children who are used in the production of pornography; and consequently, it recognizes the rights of these children not to be the victims of sexual exploitation.

I thank my colleagues for their consideration of this legislation and I ask them for their support.

By Mr. BRADLEY (for himself, Mr. Lautenberg, Mr. Wilson, Mr. Garn, Mr. Bumpers, Mr. Burdick, Mr. Durenberger, Mr. Stennis, Mr. Stafford, Mr. Fowler, Mr. McClure, Mr. Wirth, Mr. Murkowski, Mr. Nunn, Mr. Domenici, Mr. Graham, Mr. Cochran, Mr. Sarbanes, Mr. Dole, Mr. Pell, Mr. Lugar, Mr. Conrad, Mr. Exon, Mr. Moynihan, Mr. Inouye, Mr. Heflin, Mr. Hollings, Mr. Dodd, Mr. Kennedy, Mr. Cranston, Mr. Sanford, Mr. Gore, and Mr. Kerry):

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day"; to the Committee on the Judiciary.

NATIONAL ARBOR DAY

● Mr. BRADLEY. Mr. President, in 1970 and 1972, Congress legislated and the President proclaimed the last Friday in April as National Arbor Day. Last year, the Senate passed legislation commemorating National Arbor Day, and 51 Senators cosponsored the legislation. Today, I am introducing legislation which will once again recognize this important day. I'm pleased to announce that 32 of my colleagues have joined me in sponsoring this legislation.

Mr. President, trees are one of our Nation's most important natural resources. They not only provide the raw materials for some of our basic industries, but they also stabilize our environment and add natural grace and beauty to our surroundings. The establishment of a National Arbor Day acts as an important reminder to all our citizens of the vital presence of trees, whether they be in urban areas or distant wilderness.

We know now, however, that there is a special need for our concern and our attention. In large areas of Europe and the United States, scientists have observed the death and decline of a number of species of trees. Damage to forests has ranged from decline in growth of several species of pine in southern New Jersey to widespread damage to the ponderosa pine in southern California. And, in an 11-State region extending from Maine to Alabama, a wide variety of other coniferous species have been ravaged by pollutants and poor management.

Because we are concerned about damage to our forests and our trees and because we need to acknowledge the contribution that trees make to our health and well-being, I urge the Congress to designate National Arbor Day. I encourage others of my colleagues to join us in this effort. I ask unanimous consent to have the joint resolution printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 247

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1988 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.●

By Mr. QUAYLE (for himself, Mr. Hatch, Mr. Durenberger, Mr. Stafford, Mr. Domenici, Mr. Cochran, Mr. Grassley, Mr. Pell, Mr. Matsunaga, Mr. Dodd, Mr. Simon, Mr. Riegle, and Mr. Bradley):

S.J. Res. 248. Joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week"; referred to the Committee the Judiciary.

MENTAL ILLNESS AWARENESS WEEK

Mr. QUAYLE. Mr. President, on behalf of a number of my colleagues and myself, I am introducing a joint resolution to authorize the President to issue a proclamation designating the week of October 2-8, 1988, "Mental Illness Awareness Week."

The purpose of this joint resolution, introduced, passed and proclaimed for 6 successive years, is to focus public attention on concerns surrounding, and advances in treating mental illness.

In any given 6 months period, approximately 30 million adult Americans suffer from a diagnosable mental disorder. Approximately 2 million children have such severe mental disorders that they require immediate care, and another 8 to 10 million need help somewhat less urgently; 1.5 million Americans suffer from schizophrenia, with 300,000 new cases occurring each year; 9-16 million adult Americans today are diagnosed with manic-depression, depression, and other depressive disorders, of the elderly who are diagnosed as "senile," nearly one-fourth actually suffer from treatable mental illnesses. It is a little known fact, but nearly two-thirds of the AIDS patients in the United States will show symptoms of dementia before they die.

Mental illness occurs in all social levels and ethnic and national groups in equal proportion. Serious mental illness affects one family out of every five in our Nation. The Institute of Medicine of the National Academy of Sciences states that the personal and social costs of mental illnesses, alcoholism and substance abuse disorders are comparable to those for heart disease or cancer. Mental illness is an increasingly treatable disease. Appropriate treatment of mental illness has been demonstrated to be cost-effective in terms of restored productivity, reduced utilization of other health services and lessened social dependence.

Mental illness is an increasingly curable disability with excellent prospects for amelioration and recovery when properly recognized and treated. Recovery from mental illness is now a reality; 9 in 10 stricken with major depression or anxiety can recover; 7 in 10 suffering from manic depression can return to normal lives; 5 in 10 with schizophrenia can improve and 1 in 4 can recover. Much of the progress in the treatment of mental illness can be attributed to major advances in clinical research in psychiatry. In the past decade Alcohol, Drug Abuse and Mental Health Administration-supported research has led to advances such as:

Identification of markers for specific genes as a cause of mental illness.

Identification of sites to which the AIDS virus appears to attach in the brain.

Demonstration, using Positron Emission Tomography [PET], visualizing the specific neurotransmitter system affected by schizophrenia in living patients.

Delineation of brain sites which may contribute to the addictive actions of cocaine and heroin and identification of the existence of natural substances whose normal sites of action in the brain may provide the means of addictive drugs to act on the brain.

Identification of a protein that appears to be specific to the brains of patients with Alzheimers' disease.

The findings that alterations in a specific brain neurotransmitter—serotonin—may be an indicator of an aggressive impulsive temperament asso-

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ciated with suicide and other violent acts.

This joint resolution is inspired by groups such as the American Psychiatric Association whose members conduct research for the treatment of mental illness and treat those suffering from the disease and the National Alliance for the Mentally Ill formed in 1979 for families with a mentally ill member whose purpose is support, education, advocacy and research. Few diseases have such capacity to disrupt and devastate human life, for both individuals and families, and no other carries such a stigma. Because of the burdens felt by families and friends of those suffering from mental problems, this nationwide effort is under way to join together and draw attention to these needs.

The education and information disseminated through the week of its observance will help people understand that they don't have to suffer from debilitating anxiety, panic, phobias, depression or schizophrenia. Only through the understanding of the causes of mental illness and the knowledge of available treatment and successful cures will the fear and misunderstanding of this disease diminish with people then seeking timely and appropriate care.

Mental illness is worthy of our attention and concern. I urge support and passage of this important joint resolution.

ADDITIONAL COSPONSORS

S. 465

At the request of Mr. Metzenbaum, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 465, a bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale or possession of firearms, not detectable by metal detection and x-ray systems commonly used at airports in the United States.

S. 533

At the request of Mr. Thurmond, the names of the Senator from West Virginia [Mr. Byrd] and the Senator from West Virginia [Mr. Rockefeller] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 714

At the request of Mr. Specter, the name of the Senator from Louisiana [Mr. Johnston] was added as a cosponsor of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Inc.

S. 1673

At the request of Mr. Chafee, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 1817

At the request of Mr. Kennedy, the names of the Senator from Oklahoma [Mr. Boren] and the Senator from Wisconsin [Mr. Kasten] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1910

At the request of Mr. Chafee, the names of the Senator from Illinois [Mr. Simon], the Senator from Rhode Island [Mr. Pell], and the Senator from New Mexico [Mr. Bingaman] were added as cosponsors of S. 1910, a bill to provide financial assistance to local educational agencies to demonstrate the advantages of implementing plans to reduce class size.

S. 1942

At the request of Mr. Moynihan, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 1942, a bill to amend title 13, United States Code, to remedy the historic undercount of the poor and minorities in the decennial census of population and to otherwise improve the overall accuracy of the population data collected in the decennial census by directing the use of appropriate statistical adjustment procedures, and for other purposes.

S. 1975

At the request of Mr. DeConcini, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 1975, a bill to better enable Federal law enforcement officers to accomplish their missions, to assist Federal law enforcement agencies in attracting and retaining the most qualified personnel, and for other purposes.

SENATE JOINT RESOLUTION 199

At the request of Mr. Byrd, the names of the Senator from Texas [Mr. Bentsen], the Senator from Michigan [Mr. Riegle], the Senator from Iowa [Mr. Grassley], the Senator from Georgia [Mr. Nunn], the Senator from Alaska [Mr. Stevens], the Senator from New Hampshire [Mr. Humphrey], the Senator from New York [Mr. Moynihan], the Senator from Wyoming [Mr. Wallop], the Senator from Ohio [Mr. Metzenbaum], the Senator from Illinois [Mr. Dixon], the Senator from Illinois [Mr. Simon], the Senator from Tennessee [Mr. Gore], the Senator from California [Mr. Wilson], and the Senator from Minnesota [Mr. Boschwitz] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May, 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 214

At the request of Mr. Lautenberg, the names of the Senator from Georgia [Mr. Fowler], the Senator from Michigan [Mr. Levin], the Senator from Washington [Mr. Adams], the Senator from Alabama [Mr. Heflin], the Senator from Texas [Mr. Bentsen], the Senator from Kansas [Mr. Dole], the Senator from Rhode Island [Mr. Chafee], the Senator from Missouri [Mr. Bond], the Senator from Indiana [Mr. Quayle], the Senator from Oklahoma [Mr. Nickles], the Senator from South Carolina [Mr. Thurmond], the Senator from Alabama [Mr. Shelby], and the Senator from Vermont [Mr. Stafford] were added as cosponsors of Senate Joint Resolution 214, a joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

SENATE JOINT RESOLUTION 218

At the request of Mr. Lautenberg, the names of the Senator from South Carolina [Mr. Thurmond], the Senator from Indiana [Mr. Lugar], the Senator from Indiana [Mr. Quayle], the Senator from Alaska [Mr. Murkowski], the Senator from North Dakota [Mr. Burdick], the Senator from Arizona [Mr. DeConcini], the Senator from Connecticut [Mr. Dodd], the Senator from Arkansas [Mr. Bumpers], the Senator from Massachusetts [Mr. Kennedy], the Senator from Tennessee [Mr. Gore], the Senator from New York [Mr. D'Amato], the Senator from Virginia [Mr. Trible], the Senator from Minnesota [Mr. Durenberger], the Senator from Pennsylvania [Mr. Heinz], the Senator from Mississippi [Mr. Stennis], the Senator from Colorado [Mr. Wirth], the Senator from Arkansas [Mr. Pryor], and the Senator from Iowa [Mr. Grassley] were added as cosponsors of Senate Joint Resolution 218, a joint resolution to designate March 25, 1988, as "Greek Independence Day: A "National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 222

At the request of Mr. DeConcini, the names of the Senator from Washington [Mr. Adams], the Senator from Missouri [Mr. Bond], the Senator from Texas [Mr. Bentsen], the Senator from New Jersey [Mr. Bradley], the Senator from Louisiana [Mr. Breaux], the Senator from Arkansas [Mr. Bumpers], the Senator from North Dakota [Mr. Burdick], the Senator from Florida [Mr. Chiles], the Senator from Mississippi [Mr. Cochran], the Senator from California [Mr. Cranston], the Senator from South Dakota [Mr. Daschle], the Senator from New York [Mr. D'Amato], the Senator from Connecticut [Mr. Dodd],

the Senator from Kansas [Mr. Dole], the Senator from Minnesota [Mr. Durenberger], the Senator from Utah [Mr. Garn], the Senator from Tennessee [Mr. Gore], the Senator from Florida [Mr. Graham], the Senator from Iowa [Mr. Grassley], the Senator from Utah [Mr. Hatch], the Senator from Alabama [Mr. Heflin], the Senator from Pennsylvania [Mr. Heinz], the Senator from Hawaii [Mr. Inouye], the Senator from Louisiana [Mr. Johnston], the Senator from Nebraska [Mr. Karnes], the Senator from New Jersey [Mr. Lautenberg], the Senator from Indiana [Mr. Lugar], the Senator from Hawaii [Mr. Matsunaga], the Senator from Arizona [Mr. McCain], the Senator from Idaho [Mr. McClure], the Senator from Ohio [Mr. Metzenbaum], the Senator from Maryland [Ms. Mikulski], the Senator from Maine [Mr. Mitchell], the Senator from New York [Mr. Moynihan], the Senator from Alaska [Mr. Murkowski], the Senator from Oklahoma [Mr. Nickles], the Senator from South Dakota [Mr. Pressler], the Senator from Arkansas [Mr. Pryor], the Senator from Indiana [Mr. Quayle], the Senator from Nevada [Mr. Reid], the Senator from Michigan [Mr. Riegle], the Senator from West Virginia [Mr. Rockefeller], the Senator from North Carolina [Mr. Sanford], the Senator from Tennessee [Mr. Sasser], the Senator from Alabama [Mr. Shelby], the Senator from Illinois [Mr. Simon], the Senator from Mississippi [Mr. Stennis], the Senator from Alaska [Mr. Stevens], the Senator from South Carolina [Mr. Thurmond], the Senator from Virginia [Mr. Warner], the Senator from California [Mr. Wilson], and the Senator from Colorado [Mr. Wirth] were added as cosponsors of Senate Joint Resolution 222, a joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week."

SENATE JOINT RESOLUTION 223

At the request of Mr. Nunn, the names of the Senator from Texas [Mr. Bentsen], the Senator from Missouri [Mr. Bond], the Senator from New Jersey [Mr. Bradley], the Senator from Missouri [Mr. Danforth], the Senator from Connecticut [Mr. Dodd], the Senator from Minnesota [Mr. Durenberger], the Senator from Nebraska [Mr. Exon], the Senator from Iowa [Mr. Grassley], the Senator from Pennsylvania [Mr. Heinz], the Senator from Indiana [Mr. Lugar], the Senator from Delaware [Mr. Roth], the Senator from Idaho [Mr. Symms], and the Senator from Virginia [Mr. Trible] were added as cosponsors of Senate Joint Resolution 223, a joint resolution to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week."

SENATE JOINT RESOLUTION 229

At the request of Mr. Warner, the names of the Senator from Massachusetts [Mr. Kennedy], the Senator from West Virginia [Mr. Byrd], the Senator from Texas [Mr. Bentsen], the Senator from Georgia [Mr. Nunn], the Senator from Wisconsin [Mr. Proxmire], the Senator from Mississippi [Mr. Cochran], the Senator from Mississippi [Mr. Stennis], the Senator from Illinois [Mr. Simon], the Senator from Connecticut [Mr. Dodd], the Senator from Alabama [Mr. Heflin], the Senator from Missouri [Mr. Danforth], the Senator from Hawaii [Mr. Inouye], the Senator from Indiana [Mr. Quayle], the Senator from Nebraska [Mr. Exon], the Senator from South Carolina [Mr. Hollings], the Senator from North Carolina [Mr. Sanford], the Senator from Texas [Mr. Gramm], the Senator from Rhode Island [Mr. Chafee], the Senator from Arkansas [Mr. Pryor], the Senator from Arizona [Mr. DeConcini], the Senator from Kansas [Mr. Dole], the Senator from Minnesota [Mr. Durenberger], the Senator from South Dakota [Mr. Pressler], the Senator from North Carolina [Mr. Helms], the Senator from New Hampshire [Mr. Humphrey], the Senator from Tennessee [Mr. Sasser], the Senator from Maryland [Mr. Sarbanes], the Senator from Massachusetts [Mr. Kerry], the Senator from Hawaii [Mr. Matsunaga], the Senator from Illinois [Mr. Dixon], the Senator from Pennsylvania [Mr. Specter], and the Senator from North Dakota [Mr. Conrad] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day."

SENATE JOINT RESOLUTION 230

At the request of Mr. D'Amato, his name was added as a cosponsor of Senate Joint Resolution 230, a joint resolution to designate the third week of June of 1988 as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. Sarbanes, the names of the Senator from Illinois [Mr. Simon], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Washington [Mr. Evans] were added as cosponsors of Senate Joint Resolution 242, a joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. DeConcini, the names of the Senator from Delaware [Mr. Biden], the Senator from Oklahoma [Mr. Boren], the Senator from Missouri [Mr. Bond], the Senator from Minnesota [Mr. Boschwitz], the Senator from New Jersey [Mr. Bradley], the Senator from Louisiana [Mr. Breaux], the Senator from Rhode Island [Mr. Chafee], the Senator from Mississippi [Mr. Cochran], the Senator from North Dakota [Mr. Conrad], the Senator from California [Mr. Cranston], the Senator from South Dakota [Mr. Daschle], the Senator from New York [Mr. D'Amato], the Senator from Kansas [Mr. Dole], the Senator from New Mexico [Mr. Domenici], the Senator from Minnesota [Mr. Durenberger], the Senator from Florida [Mr. Graham], the Senator from Nevada [Mr. Hecht], the Senator from South Carolina [Mr. Hollings], the Senator from New Hampshire [Mr. Humphrey], the Senator from Hawaii [Mr. Inouye], the Senator from Louisiana [Mr. Johnston], the Senator from Nebraska [Mr. Karnes], the Senator from Massachusetts [Mr. Kerry], the Senator from New Jersey [Mr. Lautenberg], the Senator from Michigan [Mr. Levin], the Senator from Indiana [Mr. Lugar], the Senator from Hawaii [Mr. Matsunaga], the Senator from Arizona [Mr. McCain], the Senator from Ohio [Mr. Metzenbaum], the Senator from Idaho [Mr. McClure], the Senator from Kentucky [Mr. McConnell], the Senator from Maryland [Ms. Mikulski], the Senator from Maine [Mr. Mitchell], the Senator from New York [Mr. Moynihan], the Senator from Alaska [Mr. Murkowski], the Senator from Georgia [Mr. Nunn], the Senator from Rhode Island [Mr. Pell], the Senator from South Dakota [Mr. Pressler], the Senator from Arkansas [Mr. Pryor], the Senator from Indiana [Mr. Quayle], the Senator from Nevada [Mr. Reid], the Senator from Michigan [Mr. Riegle], the Senator from West Virginia [Mr. Rockefeller], the Senator from Delaware [Mr. Roth], the Senator from North Carolina [Mr. Sanford], the Senator from Alabama [Mr. Shelby], the Senator from Mississippi [Mr. Stennis], the Senator from South Carolina [Mr. Thurmond], the Senator from Virginia [Mr. Warner], and the Senator from California [Mr. Wilson] were added as cosponsors of Senate Joint Resolution 246, a joint resolution to designate the month of April 1988 as "National Child Abuse Prevention Month."

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. Humphrey, the names of the Senator from Minnesota [Mr. Durenberger], the Senator from Michigan [Mr. Levin], the Senator from Hawaii [Mr. Inouye], and the Senator from Kansas [Mr. Dole] were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. Adams, the name of the Senator from South Dakota [Mr. Daschle] was added as a

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cosponsor of Senate Concurrent Resolution 97, a concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the U.S. Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes.

SENATE RESOLUTION 314

At the request of Mr. Symms, the names of the Senator from Mississippi [Mr. Cochran], and the Senator from North Carolina [Mr. Helms] were added as cosponsors of Senate Resolution 314, a resolution expressing the sense of the Senate regarding the American Civil Defense program.

SENATE RESOLUTION 366—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS, from the Committee on Small Business, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 366

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committe on Small Business is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of any such department or agency.

Sec. 2. The expenses of the Committee under this resolution shall not exceed $983,[illegible]92, of which amount $1,500 may be expended for the training of professional staff of such Committee (under procedures specified by secton 202(j) of such act).

Sec. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 367—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. NUNN, from the Committee on Armed Services, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 367

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1988 through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $2,501,901, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988 through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 368—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. MELCHER, from the Special Committee on Aging, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 368

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 1988, through February 28, 1989, in its descretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $1,106,591, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 369—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

Mr. STENNIS, from the Committee on Appropriations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 369

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including hearings, reporting such hearings and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1988 through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the proper consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the Committee under this resolution shall not exceed $4,119,856, of which (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such Committee (under procedures specified by section 202 (j) of such Act).

Sec. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but no later than February 28, 1989.

Sec. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 370—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 370

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $1,719,586, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the committee under this resolution, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquires and Investigations."

SENATE RESOLUTION 371—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. CHILES, from the Committee on the Budget, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 371

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $3,027,546 of which amount not to exceed $22,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.)

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 372—EXPRESSING SUPPORT FOR THE EFFORTS OF B'NAI B'RITH TO ESTABLISH A DISTRICT OFFICE IN THE SOVIET UNION

Mr. McCONNELL submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 372

Whereas, the Soviet Union is the home of approximately two million members of the Jewish community;

Whereas, B'nai B'rith is one of the most widely recognized and highly regarded service organizations for the Jewish community;

Whereas, a B'nai B'rith District in the Soviet Union would represent a vital link between Soviet Jews and the international community interested in their plight;

Whereas, the establishment of a B'nai B'rith District office in the Soviet Union would be a welcome development under the policy of glasnost; it is

Resolved by the Senate, That the Senate—

(1) Supports the efforts of the B'nai B'rith Board of Governors in establishing a District in the Union of the Soviet Socialist Republics; and

(2) Encourages the Union of Soviet Socialist Republics to cooperate with B'nai B'rith is achieving this goal.

Mr. McCONNELL. Mr. President, as many of us know, B'nai B'rith is one of the world's largest service organizations for the Jewish community. In addition to being advocates for issues such as Soviet Jewry, B'nai B'rith is also concerned with matters of international appeal such as arms control and has tackled domestic issues like crime prevention and care for the homeless. Thus, B'nai B'rith provides a unique service function for all of us.

The B'nai B'rith International Board of Governors convened in Washington last week bringing together some of its most influential office holders. Last Tuesday, I met with several of the members who assembled for the meeting, including three Kentuckians—Mr. Richard D. Heideman, president of B'nai B'rith's district 2, which includes eight States; his wife, Mrs. Phyllis G. Heideman; and Mr. Irvin Friedman, a B'nai B'rith international vice president. I also met Ms. Pnina Bor, the president of B'nai B'rith in Israel and Mr. Zvi Gincbarg, an international vice president. They told me of a development that I would like to share with my colleagues. On January 25, the board of directors passed a resolution seeking to establish a B'nai B'rith district in Moscow.

I applaud this initiative and am hopeful that Soviet officials are receptive to this proposal. This will provide us with an opportunity to see how genuine Mr. Gorbachev's dedication to glasnost is. The success or failure of B'nai B'rith's effort will help us learn whether or not the Soviet leadership is sincerely interested in allowing its citizens the simple liberty of identifying with a common religious heritage.

I visited the Soviet Union in August and met with several refuseniks who are waiting for permission to emigrate. I have joined many of my colleagues in sending letters to Secretary Gorbachev on behalf of refuseniks seeking their freedom. I strongly hope that we will see a day soon when there is an open door policy for emigration from the Soviet Union.

In the meantime, I think the resolution that B'nai B'rith has passed is an important milestone. I would urge the Soviets to give full and fair consideration to the resolution, and that they recognize the need for their 2 million Jews to have this unifying organization established.

I would like to enter this resolution into the Record for my colleagues' consideration. I also urge my colleagues to join me in a Senate resolution of support for this undertaking. I think a B'nai B'rith organization in Moscow would serve as a vital link in the international community interest-

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ed in the issues of the treatment and emigration of Soviet Jews.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

B'NAI B'RITH BOARD OF GOVERNORS,
WASHINGTON, DC, JANUARY 23-26, 1988

Resolution No. 88-100C, Passed January 25, 1988.

In re: B'nai B'rith office in Moscow.

Proposed by: Billy Goldberg.

Whereas, there exists in the Soviet Union the third largest Jewish Community in the world estimated to number some 2,000,000 people;

Whereas, for almost a century and a half B'nai B'rith has been the preeminent Jewish "service" organization and today continues that same tradition throughout the world;

Whereas, it was B'nai B'rith, acting through its late President Label Katz, who—a quarter of a century ago—initiated the modern movement for free emigration of Soviet Jewry. This remains, as it must in the future, a high priority item on the B'nai B'rith agenda;

Whereas, we realize that—either by necessity or choice—for the foreseeable future there will remain in the Soviet Union the large majority of the Jewish Community which lives there today;

Whereas, there may be beginning in the Soviet Union a movement for greater freedom for its people: Now therefore be it

Resolved, That our International President appoint a Select Committee to work in conjunction with our European B'nai B'rith Districts and our International Council towards the goal of establishing B'nai B'rith in Moscow.

ADDITIONAL STATEMENTS

TRIBUTE TO TIMMY SMITH

● Mr. BINGAMAN. Mr. President, I wish to honor a tremendous New Mexican athlete, Timmy Smith, the star running back of the world champion Washington Redskins.

As everyone knows, the Washington Redskins became world champions last night after defeating the Denver Broncos 42 to 10 in Super Bowl XXII. Timmy Smith, a native of Hobbs, NM, was in his rookie season and had seen limited playing time during the regular season. He was not even the announced starting running back. He did start, however, and the rookie was far and away the leading rusher in the game, running for a record setting 204 yards. His two touchdowns, the first two of his NFL career, also tied a Super Bowl record for number of rushing touchdowns. After the game, Smith said he was so wrapped up in the game, he did not even realize he was close to a Super Bowl record until someone told him his yardage total at halftime. "I hadn't had a game like this since high school," Smith said.

Indeed, he had had quite a few games like last night's during his years at Hobbs High School. As a star of the Hobbs Eagles football team, Smith was voted "Most Valuable Player" of the team in his junior year of 1981. Despite missing three games that season, he still ran for 914 yards. The following year, in his senior season, Smith rewrote the record books at Hobbs High School. He rushed for an incredible 2,306 yards on 283 carries and scored 31 touchdowns. Smith averaged 200 yards a game, and had 12 consecutive 100-yard games including an astounding season high of 315 yards against Lubbock Monterey. Timmy graduated in 1982 and went on to play for Texas Tech University. Due to serious knee and ankle injuries, however, he was able to play a total of only two games his junior and senior years.

Timmy's mother and father, Ella and T. Harold Smith, have every reason to be proud of their star son and their four other children; Steve, Mike, Kenny, and Sharon; all who were outstanding athletes in their own right. Looking back on the long road to his record-setting day, Timmy praised his parents for helping him get through his injury-ridden years in college.

> My parents helped me a lot when I kept getting hurt in college * * * they gave me the courage to keep working because they knew I had a tendency to slack off sometimes.

All fans of the Washington Redskins and all who love to watch a great athlete, also owe Ella and T. Harold a great debt of gratitude.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Andrew Samet, a member of the staff of Senator MOYNIHAN, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, Inc., from February 7, 1988, through February 14, 1988.

The committee has determined that participation by Mr. Samet in the program in Japan, at the expense of the Japan Center for International Exchange, Inc., is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. John Walsh, a member of the staff of Senator PROXMIRE, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, Inc., from February 6, 1988, through February 14, 1988.

The committee has determined that participation by Mr. Walsh in the program in Japan, at the expense of the Japan Center for International Exchange, Inc., is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Cynthia Shade, a member of the staff of Senator BENNETT JOHNSTON, a participate in a program in the Taipei, Taiwan, and sponsored by the Soochow University, from November 27, 1987, to December 6, 1987.

The committee has determined that participation by Ms. Shade, in the program in the Taipei, Taiwan, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Barbara Larkin, a member of the staff of Senator TERRY SANFORD, to participate in a program in the People's Republic of China, organized by the United States-China Friendship Program, and sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, from January 4–19, 1988.

The committee has determined that participation by Ms. Larkin, in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Senator WILLIAM ROTH, to participate in a program in Taipei, Taiwan, sponsored by Soochow University in January 1987.

The committee has determined that participation by Senator ROTH in the program in Taipei, Taiwan, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, from Senator SARBANES for Ms. Ruth Kurtz, a member of the staff of the Joint Economic Committee, to participate in a program in the People's Republic of China, organized by the United States-China Friendship Program, and sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, from January 4–18, 1988.

The committee has determined that participation by Ms. Kurtz, in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-

Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Ann Goldman, a member of the staff of Senator ALAN CRANSTON, to participate in a program in the People's Republic of China, organized by the United States-China Friendship Program, and sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, from January 4–19, 1988.

The committee has determined that participation by Ms. Goldman, in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Laura Hudson, a member of the staff of Senator BENNETT JOHNSTON, to participate in a program in Iraq by the National Council on United States-Arab Relations, from January 11, 1987, to January 20, 1987.

The committee has determined that participation by Ms. Hudson in the program in Iraq, at the expense of the National Council on United States-Arab Realtions, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Carrie McMillan, a member of the staff of Senator MARK O. HATFIELD, to participate in a program in Iraq by the National Council on United States-Arab Relations, from January 12, 1987, to January 22, 1987.

The committee has determined that participation by Ms. McMillan in the program in Iraq, at the expense of the National Council on United States-Arab Relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Senator BOREN, to participate in a program in Paris, France, sponsored by the Center for Strategic and International Studies and the Centre for the Geopolitics of Energy and Raw Materials at the University of Paris, from January 21 through 22, 1988.

The committee has determined that participation by Senator BOREN in the program in Paris, France, at the expense of the Center for Strategic and International Studies and the Centre for the Geopolitics of Energy and Raw Materials, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Bill LaForge, a member of the staff of Senator THAD COCHRAN, to participate in a program in the People's Republic of China by the United States-Asia Institute, in January 1988.

The committee has determined that participation by Mr. LaForge in the program in the People's Republic of China, at the expense of the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Martin J. Gruenberg, a member of the staff of Senator WILLIAM PROXMIRE, to participate in a program in the People's Republic of China by the Chinese Peoples' Institute of Foreign Affairs in conjunction with the United States-Asia Institute, from January 4–18, 1988.

The committee has determined that participation by Mr. Gruenberg in the program in the People's Republic of China, at the expense of the Chinese Peoples' Institute of Foreign Affairs in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Thomas F. Heyerdahl, a member of the staff of Senator WILLIAM COHEN, to participate in a program in the People's Republic of China sponsored by the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, from January 4–20, 1988.

The committee has determined that participation by Mr. Heyerdahl in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Kent H. Hughes, a member of the staff of Senator ROBERT C. BYRD, to participate in a program in Japan funded by the Japan-United States Friendship Commission, from January 8–17, 1988.

The committee has determined that participation by Mr. Hughes in the program in Japan, at the expense of the Japan-United States Friendship Commission, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Edward Long, a member of the staff of Senator TOM HARKIN, to participate in a program in the Republic of China sponsored by the Tamkang University, from January 7–15.

The committee has determined that participation by Mr. Long in the program in the Republic of China, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Peter Flory, a member of the staff of Senator MCCLURE, to participate in a program in South Africa sponsored by the South Africa Foundation, from January 15–23, 1988.

The committee has determined that participation by Mr. Flory in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Dr. Thomas Duesterberg, a member of the staff of Senator DAN QUAYLE, to participate in a program in the Republic of China sponsored by the Tamkang University, from January 7–15, 1988

The committee has determined that participation by Dr. Duesterberg in the program in the Republic of China, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Cynthia Jurciukonis, a member of the staff of Senator DONALD W. RIEGLE, Jr. to participate in a program in Jordan sponsored by the World Affairs Council, from January 8–17, 1988.

The committee has determined that participation by Ms. Jurciukonis in the program in Jordan, at the expense of the World Affairs Council, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Sally Susman, a member of the staff of the Senate Committee on Commerce, Science, and Transportation, to participate in a program in Taiwan sponsored by Tamkang University in January 1988.

The committee has determined that participation by Ms. Susman in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Jim Morhard, a member of the staff of Senator KASTEN, to participate in a program in the People's Republic of China sponsored by the Chinese Institute of Foreign Affairs, from January 4–20, 1988.

The committee has determined that participation by Mr. Morhard in the program in the People's Republic of China, at the expense of the Chinese Institute of Foreign Affairs, is in the interest of the Senate of the United States.

The select committee has received a request for a determination under rule 35, for Mr. Andrew Jazwick, a member of the staff of Senator SYMMS, to participate in a program in South Africa sponsored by South Africa Foundation, from January 15–23.

The committee has determined that participation by Mr. Jazwick in the

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program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Linda Emery, a member of the staff of Senator NICKLES, to participate in a program in South Africa sponsored by South Africa Foundation, from January 15–23.

The committee has determined that participation by Ms. Emery in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Jonathan Chambers, a member of the staff of Senator DANFORTH, to participate in a program in South Africa sponsored by South Africa Foundation, from January 15–23.

The committee has determined that participation by Mr. Chambers in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Marjorie Chorlins, a member of the staff of Senator DANFORTH, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, from February 7–14, 1988.

The committee has determined that participation by Ms. Chorlins in the program in Japan, at the expense of the Japan Center for International Exchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Sam Routson, a member of the staff of Senator SYMMS, to participate in a program in South Africa, sponsored by the South Africa Foundation, from January 15–23.

The committee has determined that participation by Mr. Routson in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Paul Carothers, a member of the staff of Senator BREAUX, to participate in a program in Taiwan, sponsored by the Tamkang University, in January 1988.

The committee has determined that participation by Mr. Carothers in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. David Strauss, a member of the staff of Senator BURDICK, to participate in a program in South Africa, sponsored by the South Africa Foundation, from January 15–23.

The committee has determined that participation by Mr. Strauss in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. H. Edward Quick, Jr., a member of the staff of Senator PRYOR, to participate in a program in South Africa, sponsored by the South Africa Foundation, from January 15–23.

The committee has determined that participation by Mr. Quick in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.●

U.S. AID TO THE CONTRAS

● Mr. LEAHY. Mr. President, in the waning hours before the Christmas recess the conference committee on the continuing resolution appropriations bill voted to give another $8.1 million in aid to the Contras. Despite the obvious failures of the Contra policy, this aid, including the right to deliver military equipment beyond the original December 31 cutoff date, has kept the Contras alive in the field during the fragile Central American peace negotiations. Although Nicaragua has taken some significant steps toward fulfillment of the Guatemala peace agreement it has a long way to go, as do El Salvador and Honduras, before the Central Americans can live in peace. The administration, however, maintains that anything short of total compliance by Nicaragua is no compliance, and that the Contras deserve continued United States support.

Despite a supposed Christmas truce, the fighting has raged more furiously than ever in Nicaragua. The administration is bragging about Contra victories, even though there are reports that dozens of innocent civilians, including women and children, were killed and wounded in those attacks. There is abundant evidence that the Contras have shamelessly continued their terrorist tactics throughout the peace negotiations. They have done nothing to demonstrate that they are ready to comply with the terms of the Guatemala peace plan. To the contrary, they appear to be doing everything possible to sabotage it.

The administration would have us believe that the Contras have changed—that the old reports of Contra atrocities are just that—old and no longer relevant. Unfortunately, past experience has shown that neither the Contras nor United States officials can be trusted to tell the truth about events in Nicaragua. We are left to rely on from news reporters who have visited the war zones.

A recent four part series of articles in the Philadelphia Inquirer contains a grisly account of recent developments in the Contra war. Two reporters spent 4 months investigating how the Contras wage war. Another traveled with the Sandinista army. They witnessed dozens of Contra military actions, and inactions, and interviewed scores of eyewitnesses as well as Contra officials, and Sandinista and United States officials in Honduras, Costa Rica, Washington, and Miami. Their findings depict a very different situation from that portrayed by the administration officials who lobby for more Contra aid.

They report that the Contras are:

A rebel army that often doesn't want to fight and prefers to attack soft targets like powerlines, trucks, and lightly guarded farm cooperatives.

A band of guerrillas who have not blended into the populace and who are totally dependent on CIA air drops of food, weapons, and cash.

A military force that, when it does fight, often kills, shoots and kidnaps unarmed civilians, and ransacks and burns their homes.

A military force that, despite the millions of dollars in U.S. aid, is shrinking. Their are fewer Contras today than a year ago.

An army whose claimed successes do not hold up to scrutiny and whose atrocities go unmentioned in official reports.

The reporters went to locations recommended to them by the Contras as places where they had scored recent successes. The articles are the result of painstaking onsite investigations and interviews at those locations. They deserve serious attention by any Member of Congress who wants another perspective than the administration's version of what has happened in Nicaragua since the August 7 signing of the Guatemala peace plan.

I will ask the full text of the articles be printed in the RECORD.

The articles follow:

[From the Philadelphia Inquirer, Dec. 13, 1987]

AVOIDING FOES, SHOOTING CIVILIANS

(By Steve Stecklow and Andrew Maykuth)

For 31 days, a human train of contra rebels slogged through the muddy jungles of northern Nicaragua, each man lugging up to 75 pounds of food, clothing and weaponry courtesy of the United States. Their objective: Ambush Sandinista troops on the sole road that links Nicaragua's coasts.

The 150-mile trek passed through a wilderness so inhospitable no peasants have ever bothered to claim it; a hothouse in which the pummeling rains provide relief only from the mosquitos; a land where five-foot snakes are considered petite; a place where the few good trails are mined by the Sandinistas and the rest are rivers of knee-deep mud.

Then, an hour's hike from the target, the 100-man column came to a dead halt. Word had come from local peasants that every entrance to the dirt road was either mined or guarded. An attack on this October day would surely result in heavy contra casualties.

The entire company turned around and promptly began a five-day retreat. Better to attack some other time, some other place.

It was a minor setback. But typical.

After more than six years of fighting and more than $200 million in U.S. aid gone, many of the contras remain an aimless army, wandering across Nicaragua's landscape, deliberately avoiding direct contact with the Soviet-supplied Sandinista military.

To be sure, the contras' efforts have not been a complete failure. Resurrected by $100 million in U.S. aid this year, the rebels have moved thousands of soldiers deep inside Nicaragua and have spread their attacks to nearly half the countryside. They have ambushed scores of military vehicles, shot down helicopters with U.S. "Red Eye" surface-to-air missiles, disrupted electric and telephone service, and helped push Nicaragua's economy to the brink of bankruptcy. Even the Sandinistas acknowledge they have suffered mounting casualties.

Nevertheless, the contras have utterly failed to convert their occasional military success into a popular movement that can challenge the Sandinistas' rule in Nicaragua.

Two Inquirer reporters spent four months investigating how the contras wage war in Nicaragua. One reporter and an Inquirer photographer traveled and lived with the contras. Another reporter worked in Nicaragua and, together with a photographer, traveled with the Sandinista army. They documented dozens of contra military actions—and inactions—and interviewed scores of eyewitnesses, as well as contra officials, Sandinistas and U.S. officials in Nicaragua, Honduras, Costa Rica, Washington and Miami.

They found that the contras are:

A rebel army that often doesn't want to fight and prefers to concentrate on what a Western diplomat in Central America called "targets of opportunity"—such as power lines, trucks and lightly guarded farm cooperatives.

A band of "guerrillas" who have not blended into the populace, and who are all but totally dependent on CIA air drops of food, weaponry and even cash.

A military force that, when it does fight, often kills, shoots and kidnaps unarmed civilians, including children and pregnant women, and ransacks and burns peasant houses. This is despite a $3 million training program mandated by Congress to curb such atrocities—and despite the fact that such abuses alienate potential supporters in Nicaragua and abroad.

A military force that, for all the aid it has received, is shrinking. A Reagan administration official and a Western diplomat in Managua said the contras' troop strength had dropped from "10,000 to 12,000" in early 1987 to "between 8,000 and 10,000" last month. "I think they dried up their basic sources" of new recruits, the administration official said.

An army whose purported successes do not stand up to examination and whose atrocities go unmentioned in official reports.

A rebel force that is up against a Sandinista army that is better trained, better organized, more mobile, more aggressive and at least six times larger.

The bottom line is that the contras have no chance of winning the war without continued U.S. funding and training well into the next decade. And even with more military assistance, there is no assurance they could win over the war-weary Nicaraguan people, many of whom simply want the conflict to end now.

"So many people are dying," cried Christina Flores, 38, whose husband and four sons disappeared four years ago and are believed to have joined the contras. "All mothers suffer here. One suffers not only for our children, but for all of Nicaragua. We ask of God, for everybody, for all of humanity . . . we don't want more war."

The Reagan administration says it plans to ask Congress next month for an additional $270 million in contra aid. But the recent peace initiatives of Costa Rican President Oscar Arias, on the heels of disclosures by the Iran-contra committees that the National Security Council, CIA and Pentagon secretly helped the contras during a congressional ban on all military assistance, have made further military aid seem less likely.

Indeed, even a Reagan administration official recently acknowledged that a negotiated settlement with the Sandinistas is probably the only politically palatable way to end the war in Nicaragua.

At the moment, negotiations between the two sides are deadlocked.

Not every contra unit flees at the first threat of combat.

Nearly every day, newspapers in Managua are filled with reports of contra road ambushes, raids on farm cooperatives and minor skirmishes with Sandinista troops.

Mortars and rocket-propelled grenades pound the provinces of Jinotega and Matagalpe to the north and Chontales to the south. Convoys of olive-green army trucks rumble down dirt roads, ferrying battalions of teenage Sandinista soldiers to new areas of conflict. Peasants report more frequent sightings of large contra units passing along mountain trails.

The rebels and their U.S. backers boast that the heightened activity is the work of the "New Contras"—a more mature and professional guerrilla army that, thanks to a new U.S. training program, focuses on legitimate military targets and no longer engages in "a lot of violence and even banditry," as one State Department official put it.

But visits to the scene of some recent contra attacks indicate otherwise.

Contra officials in Miami and Honduras were asked to recommend places in Nicaragua where a reporter could observe evidence of recent military successes. They suggested La Patriota, a small rural village and military garrison in Matagalpa that was attacked in September, and Comalapa, a larger town and military outpost in Chontales that was overtaken in May.

A reporter also visited Rama Road, a major highway that the contras shut down during a coordinated series of raids in mid-October that U.S. officials have described as the rebels' most successful military action ever.

LA PATRIOTA

A contra news release said the rebels attacked a military garrison at La Patriota on Sept. 9 killing an estimated 13 Sandinista soldiers and wounding 10 others. It also said they destroyed eight utility poles and captured a small arsenal of Soviet-supplied military equipment.

A visit to La Patriota 11 days after the attack confirmed that the contras had killed at least seven armed Sandinista militia members, wounded at least six others, captured weapons and cut off power to the town.

But the news release failed to mention that during the 4 a.m. raid, the contras also killed two unarmed civilians, including a 20-month-old infant, wounded the baby's mother and kidnapped three men, according to eyewitnesses. In addition, after defeating the local militia, the contras looted and burned 10 houses, the village health center and a local store.

Aurora Martinez, 26, said she was shot while hiding in a gully with her children. The bullet killed her infant son, Marion Antonio, and then wounded her.

Later, after she returned to her house to wash her wound, four contras ejected her and then torched her home, Martinez said.

Other residents vividly described how the contras entered their houses and stores and argued—in one case while they made coffee—over whether they should steal belongings or simply burn them.

"Some were saying, "Take it out!" and others were saying, 'Set it on fire! Set it on fire!" said Maria Herrera, 24, who overheard the argument as she hid near her small general store.

In the end, she said, they burned the store to the ground, merchandise and all.

COMALAPA

Liberation Bulletin, a pro-contra newsletter distributed by the rebels' press office in Honduras, gave this account of a recent "impressive victory" by the contras: "The town of Comalapa, Chontales province, was taken for three hours on May 16. The villagers received the Nicaraguan Resistance fighters with enthusiasm, and wished them well."

Another report on the attack, issued by the contra press office in Miami, said the contras had killed 14 Sandinista soldiers, wounded 10 others and captured weapons, uniforms and ammunition.

A visit to Comalapa in September found that the contras had killed at least one Sandinista soldier, two militiamen and two civilians, according to residents and a local Sandinista official. One of the civilians was apparently armed. The other was a 20-year-old woman who was four months pregnant.

The contras also looted the community health center, the residents said.

The residents scoffed at the claim that the contras were welcomed during the attack. Most of the villagers were asleep when the contras attacked at 10 p.m. and hid under their beds during the three-hour battle in the town, they said.

Xionara Duarte Flores, 20, was shot through the head by a stray bullet while inside her house.

Her mother, Catalina Duarte Rios, 60, had been critical of the Sandinistas before the attack—the sort of person the rebels say they are trying to win over. But now she says she can never forgive the contras for what happened to her daughter.

RAMA ROAD

A State Department official called the contras' attack on Rama Road in mid-October "their best single operation to date."

The Sandinistas used the two-lane paved highway to transport armaments delivered to the river port of Rama from Cuba and the Soviet Union.

Between Oct. 14 and Oct. 16, the contras staged a series of coordinated strikes on a 60-mile stretch of the road. They shot down a Sandinista helicopter, destroyed two small bridges, ambushed two army trucks, damaged an army fuel depot, burned a fuel truck and overcame several small military posts.

The Sandinistas admitted to losing 44 soldiers, although interviews suggest that the casualties were greater. The contras said they killed as many as 200.

Even though the contras clearly took the Sandinistas by surprise, they failed to achieve what a State Department official called their major military objective—destroying a bridge near Muelle de los Bueyes that would have cut the highway.

A contra demolition team was killed trying to blow up the bridge. Two days later, the highway was reopened.

The Rama Road attack failed on another score as well—the contras managed to alienate some potential sympathizers.

The contras burned the municipal building in San Pedro de Lovago, which had contained a jail and offices for the local militia and the Sandinista party. But it had also housed the office of Mayor Augusto Vega Gonzales, 46, an opposition party leader. All of his records were lost in the fire, including those relating to his efforts to free 25 local political prisoners accused of aiding the contras.

Gonzales, standing beside the only item that survived the fire, his metal desk, said the attack made San Pedro's residents fearful, and probably did not help to win converts to the contras' cause.

"Although there are some here who accept the contras, at the hour of war nobody wants war," he said. "When the shots ring out, everybody tries to save their skins."

He said a "psychosis of war" has paralyzed the town residents, who have witnessed five contra attacks in recent years.

"Nobody wants it to get dark now because the attacks have been in the night," he said. "So when night falls, everybody gets nervous."

U.S. officials said the Rama Road attack showed that the rebels could pull off a major coordinated military action, without killing or injury many civilians.

But a subsequent attack on a small farm cooperative at El Juste, just off the Rama Road and about 10 miles west of San Pedro de Lovago, indicated that the contras' tactic of attacking civilians had not changed.

In a surprise raid before dawn on Nov. 3, about 50 contras overtook the co-op killed two militiamen, wounded five others and then began ransacking and burning every building, according to residents.

All of the co-op's 40 residents fled except for Rita Galeano, 44, and her daughter, Ellivette, 9. They were wounded while hiding in their house. The contras then entered and killed the mother, according to an account Elivette gave to her sister, Geraldina Martinez, 16.

After killing Galeano, the contras carried the little girl out of the house and told her to walk to town, Martinez said. Then they burned the house with her mother's body inside.

Later, when Martinez walked by another burning house, thinking that the contras had left, a rebel shot her in the back, she said. The bullet tore a hole through her body and entered the leg of her two-month-old baby, whom she was carrying.

[From the Philadelphia Inquirer, Dec. 14, 1987]

CONTRAS LEAVE A TRAIL OF TEARS

(By Steve Stecklow)

EL JUSTE, NICARAGUA.—Geraldina Martinez hid in a ditch, hugging her 2-month-old infant to her chest. All around her, the tiny farming settlement of El Juste was under attack by Nicaraguan contra rebels.

Finally, after more than an hour, the gunfire and explosions stopped. Only the crackling of flames consuming every house and building on the hillside could be heard. Martinez, 16, emerged with her baby from the ditch.

Two men dressed in olive uniforms called to her. They must be Sandinista soldiers who have come to help, she thought.

But when she came closer, they cursed at her. They were contras.

Martinez, who cooked for the local militia, turned and ran. But she could not outrun the machine-gun bullet that ripped through her back and intestines and into her baby's leg.

Martinez, who later recounted the Nov. 3 incident from her hospital bed, is expected to live. Her baby also survived, although his leg was amputated. But Martinez's mother was not so lucky. According to Martinez, a rebel shot Rita Galeano, 44, to death as she lay wounded under a bed—and as her daughter, Ellivette, 9, looked on in horror.

No one knows how many civilians have been killed, wounded, kidnapped or made homeless in Nicaragua's devastating six-year-old war between the U.S.-backed contras and the Soviet-supplied Sandinistas. The contras rarely mention civilian victims in their military reports. The Sandinistas, by contrast, exaggerate their figures for civilians killed by the contras. They do that by labeling anyone not in the active military a civilian—including armed members of volunteer militas. Independent human rights organizations place the number of civilian victims in the thousands.

Despite an outcry from human rights organizations at home and abroad that has continued for years, the contras continue to kill, shoot and kidnap unarmed civilians, including children and pregnant women, and to ransack and burn peasant houses. A $3 million human-rights training program mandated by the U.S. Congress last year designed to curb such abuses has not stopped them.

That's because killing civilians is built into the contras' very strategy of war. That strategy calls for destroying hundreds of Sandinista-organized farm cooperatives where many thousands of peasants live and work.

The contras maintain that the co-ops are legitimate military targets because they often are strategically located near army bases. They also contend that these peasants are forced to report rebel movements to the Sandinistas, making them in effect spies.

Calling the co-ops the Sandinistas' "first line of defense," contra spokeswoman Marta Sacasa said, "The Sandinistas have placed co-ops as military advance posts that serve the Sandinista army in terms of food, in terms of weaponry, in terms of defending. They're shielding their major military bases."0

But an Inquirer examination of contra attacks on co-ops found instances in which the contras had shot and kidnapped unarmed civilians, and burned houses after overcoming the local militia and their garrisons.

The Inquirer also found that the contras' claim that the co-ops are military targets is in part of self-fulfilling prophecy—many peasants said they took up arms in response to being attacked.

Consider Las Lajas, a coffee cooperative Jinotega province. Originally it was guarded by 10 Sandinista soliders. Then in April 1986, the contras attacked, killing two guards and an elderly man, blowing up a giant bean-processing mill and burning 21 peasant shacks and the plantation's only school.

Today, the security force has been increased to 18, the co-op is in constant communication with a nearby army battalion, and many of Las Lajas' 55 families have been issued Soviet-made AK-47 rifles.

"My husband has it and it makes me feel more secure," said Patrano Ruiz, 45, who lost her house and her family's possessions in the attack.

In interviews last month, some U.S. officials said they believed the contras should become more "discriminating" in their attacks on peasant cooperatives. But a high-ranking State Department official in Washington, who closely monitors the contras, said such attacks would continue.

"It isn't going to let up, because the resistance believes, with some validity, that these have to be taken on as part of their [military] strategy," he said.

"I don't mean to be cold. But these are not the first civilians to be killed in a war."

EL JUSTE—CHONTALES PROVINCE, NOV. 3

On a grassy slope overlooking cattle-grazing fields, the nine families that made up the year-old Reynaldo Martinez farm cooperative in El Juste had just harvested their first crop of corn.

The families were optimistic. Although their bean crop had wilted during a recent drought, they successfully grew corn, rice and root plants, and sold several hundred dollars' worth of milk.

"It was producing well," said Francisco Martinez, 61.

But the optimism has been replaced by mourning. About 4 a.m. on Nov. 3, an estimated 50 contras surrounded the small farm and opened fire. In less than an hour, they had overtaken the co-op, killing two militiamen and wounding five others, according to eyewitnesses.

The two slain militiamen were the brothers of Geraldina Martinez. They died in the same attack in which the contras killed their mother, Rita Galeano, shot Martinez and her baby, and ransacked and burned every building, including seven houses, a store and two grain storehouses, eyewitnesses said.

Family members said Galeano panicked when the shooting began and hid under her bed with her daughter Ellivette, 9. The other 40 members of the co-op fled.

In the cross-fire, Galeano was shot in the leg, they said, and the little girl was wounded in the face and shoulder.

After the shooting stopped, the contras entered the house. As Ellivette watched, the contras shot her mother to death, according to Martinez. The child, who was later taken to a hospital in nearby Juigalpa, declined to be interviewed. But Martinez said her sister had recounted the incident to her.

"She saw everything," Martinez said.

After killing Galeano, the contras carried the little girl out of the house and told her to walk to town, Martinez said. Then they burned the house with her mother's body inside.

Martinez herself had been hiding in a ditch with her two-month-old son, Alexis Antonio. Believing the attack was over, she walked toward the houses with her baby and was spotted by two men. She thought they were Sandinista soldiers.

But as she approached them carrying her baby, she said, they called her a *piriquaco*, an Indian word meaning "rabid dog" that the contras use to curse Sandinistas. Martinez, who cooked for the local militia, turned and ran.

"It was immediately after I turned around and started to run that they shot me," she said.

Five days after the attack, Martinez's brother Elyexzer, 12, who was not injured in the attack, recounted the conversation his younger sister, Ellivette, said she had with the contras as they carried her from the family's house:

"She said that they told her, 'Don't be afraid. We don't kill anybody, we're good people.'

"And the little girl replied, 'How could you be good people if you killed my mama?'

"And they said, 'It was the *piriquacos* who killed her.'

"That's what the contras said to my little sister."

In the wake of the attack, other residents of El Juste remained in shock.

"I feel sad because everything's finished," said Carmela Perez, 54, whose family now slept in pup tents made of black plastic sheets supported by a few charred sticks.

As she spoke, she slowly stirred a pot of green and yellow squash over a small campfire on what used to be the floor of her kitchen. She paused for a moment and gazed blankly at the ruins all around her.

"Everything was burned—the corn, the beans, the food," she said. "That's the greatest damage they do to one. They burn everything. They burn clothes, and then you have to flee without anything, alone, and see if your life is spared."

Added Carmen Requenez, 62, who has lost two homes in separate contra attacks, "More than anything else, the war is against the peasants. It's the peasants who lack every necessity."

EL CASTILLO—MATAGALPA PROVINCE, OCT. 7

The rainy season had not been kind this year to El Castillo, a small coffee-growing cooperative in the rural province of Matagalpa.

In July, a massive mudslide five miles to the west wiped out the only road to the plantation, limiting travel to foot and mule. Shortages of food and other goods ensured as deliveries from the nearest town, nearly three hours away, were restricted to essential items, such as rice and sugar. The co-op's nine militiamen, assigned to guard about 200 residents, had to make do with little ammunition.

Thus, El Castillo was not prepared on Oct. 7 when, shortly before dawn, an estimated 80 contras launched an assault with grenades, mortars and high-powered rifles, according to eyewitnesses.

Within an hour, the rebels had driven back the local militiamen, most of whom had been asleep when the attack began about 4 a.m. "When our munitions ran out, we had to make a run for it," said Bartolo Alvarado Perez, 36.

Added Luis Martinez, who fled from another guardpost, "We heard them say, 'Let's take these guys alive.' So we got out of there fast."

With the road wiped out, the first Sandinista reinforcements, who had heard the explosions from the village of La Dalia, about 12 miles away, did not arrive in El Castillo until 7 a.m. By that time, the contras had burned and destroyed three peasant dwellings, set fire to three others, blown up the co-op's coffee processing machinery and looted or burned nearly all of the residents' possessions, eyewitnesses said.

They had also shot and wounded Miriam Jesus Perez, 33, an unarmed pregnant woman, and two of her sons, Santos, 10, and Tomas, 7, while they were fleeing the attack, the eyewitnesses said.

In an interview in El Castillo six days later, Perez's mother, Maria, 70, said that when the shooting began she and another woman gathered up the children and ran out the back. There, she encountered Miriam, who had fled from her house with her eight children.

"We were right around here when it started to get worse," recalled the small, spry woman, standing above a large hole in the grass behind her house. "So I threw myself in. Miriam went on."

A barbed-wire fence separated a grassy knoll behind the house from a deep, broad gully. As Miriam Perez and her children scurried under the bottom strand, she was shot in the left buttock by a contra who apparently fired from a hillside, several hundred yards to the west, eyewitnesses said. Her son, Tomas, was shot in the chest and hand. Santos was also shot in the hand.

"I couldn't walk," said Miriam Perez from her hospital bed in Matagalpa city.

With the help of her mother, she and her children crawled down the gully and waited out the attack, she said.

In the meantime, the contras went from house to house, removing possessions and setting fires, eyewitnesses said.

"I lost all of the stuff I had," said Maria Perez. "All of my dishes, clothing. All of the linens. They robbed them from the houses and then they burned them."

She said family had moved to El Castillo in April from another farm in the mountains that had been attacked by the contras a year before. "This is the second time that we've escaped with our lives," she said.

Miriam Perez, who was seven months pregnant at the time of the interview, said doctors told her she was doing well. Her son, Santos, had already been released from the hospital. But the condition of Tomas was "delicate," hospital officials said.

A bullet had passed through his lung and an infection had developed in the wound, a doctor said. From his bed, the boy, a slight child with sad eyes, did not speak as a nurse inspected the thick bandages on his chest and upraised hand, and took his temperature.

His mother, who was standing by the boy's bed, was asked how she felt about the war in Nicaragua.

"There's nothing we can do," she replied. "Just put up with it."

LA PATRIOTA—MATAGALPA PROVINCE, SEPT. 9

Aurora Martinez was hiding in a gully behind her house, her three young daughters around her, her infant son in her arms. For nearly an hour they lay there in the darkness, tense and frightened and trying to be still, as more than 100 contras stormed the small rural village of La Patriota in the early morning hours of Sept. 9.

According to eyewitnesses, the contras first opened fire on the town's military garrison at 4 a.m. Normally, scores of soldiers and local militiamen were stationed in and around the barracks to protect La Patriota's 40 families. But not this day, the garrison was severly undermanned. One troop of soldiers had moved out and another was on its way in, leaving about 40 men on duty.

In the two-hour firefight that ensued, at least seven militiamen died.

Martinez 26, said she scooped up her children and ran from her house upon awakening to the first gunshots. Her husband, Pedro, had been with the family, too, but turned back when the realized he was barefoot, she said.

About 5 a.m., a contra fired at the gully where Martinez and her children were hiding, she said. The bullet struck Martinez's 20 month-old son, Marlon Antonio, in the ear, exited through his shoulder and then lodged in Martinez's chest, she said. The infant died instantly.

Martinez, blood streaming from her chest, led her three daughters back to the house, the dead baby still in her arms, she said. She found her husband inside and handed him the boy's body while she sought to stop her bleeding. The husband carried their dead son to the river that runs alongside the village.

The next thing Martinez said she knew, four contras were inside the house, two in the kitchen, two in the living room. "They said a piri lives here that we've been looking for," she recalled.

It was clear, Martinez said, that they meant her husband, an agricultural worker who she said was not a member of the local militia. She said she told the contras she did not know where he was.

The men then ordered her to leave the house with her children, Martinez said. She said she began to cry and begged them not to set the house on fire. "They said, 'Get out of the house. Get out of the house. We don't want to harm the civilians, just get out of the house," she said.

So she left, taking the children down to the river. There she met with her husband and the family hid beneath a tree.

"And then the contras started burning the houses," she said.

In all, 10 houses were destroyed, as well as the village health center and a local store, eyewitnesses said. Martinez and her husband said they lost nearly everything.

So did other residents. The contras first looted Isabel Jarquin's store—carrying off pots, ponchos, shoes, veterinary medicine, batteries and cigarettes—then set it on fire, she said. The fire caused only minor damage to the building, but Jarquin said she lost virtually all of her inventory, most of which she said had been recently purchased with loans from friends, local farmers and a bank.

Her son, Luis Felipe, expressed hope that the lenders would be compassionate. His mother, who was tending a frying pan full of rice, beans and eggs, stopped cooking for a moment and shrugged her shoulders dispairingly. "We don't know how we're going to do it," she said.

[From the Philadelphia Inquirer, Dec. 15, 1987]

CONTRAS WAGE WAR OF SYMBOLS

(By Andrew Maykuth)

NEAR THE UIL RIVER, NICARAGUA.—After 27 days of marching through withering jungle and scrambling across perilous mountains, the band on 100 contra rebels was at last ready to engage the enemy.

But first, the contras changed their wardrobe.

One by one, they replaced their old, faded uniforms with the crisp, new camouflage fa-

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tigues they had been issued before leaving their base camp on the Honduran border. Some discarded their old boots and laced up the new pair they had carried for nearly a month.

These contras were going to look good.

A rebel commander code-named Buitre, in an interview later, emphasized the importance of making a dapper appearance. He said it gave civilians confidence in the rebels.

There was another intended audience, as well.

"The enemy also sees we have good equipment that we march in American boots that are better than theirs, with ponchos and hammocks that are better than they have," said Buitre. "It drives them crazy with envy when they recover one of our backpacks." As it developed, these contras did not engage the Sandinistas at all. They hiked to within an hour of their target, then fled when they learned it was guarded.

But at the end, Buitre declared the mission a success.

In the three days that the task force hurried through populated areas, he said, the peasants could see that the rebels were alive—and well turned-out.

"The Sandinistas have a policy that they're going to exterminate us," he said. "So if we walk through an area and avoid contact with the enemy, the civilian can see that we're always present."

Not all the contras are as ineffective militarily. The same weekend that Buitre's squad avoided any combat, the Judge Salazar Regional Command was conducting a series of coordinated attacks along the Rama Road in southern Nicaragua.

But U.S. officials acknowledge that many contras are content to demonstrate little more than that they can survive, a survival that depends on their umbilical cord to Washington.

"It's not the way we are trying to train these guys," said a high-ranking State Department official who monitors the contras.

"This war is here today. It was here yesterday and it's going to be here tomorrow," he said. "That's the way a lot of these guys look at the war. They're not in any hurry."

The Coco River is swollen, and opaque in September, the peak of the rainy season along the Honduran border. A contra helicopter of Vietnam War vintage swoops in low over the towering palms and lands on the Honduran side of the river.

This is San Andres de Bocay, a series of camps that stretches for miles along the river. It is the place the contras call home when they are between missions inside Nicaragua.

"This is only a transit point," said one of the base commanders, Johnny, who like most of the contras has-adopted a pseudonym to protect his relatives who still live in Nicaragua.

On any day, about a thousand contra soldiers are stationed at San Andres. They live in huts built of bamboo and banana leaves, side-by-side with their families and civilian refugees. The contras say about 8,000 civilians live in the camps.

Almost every day, the contras' DC-3 plane rumbles over treetops, parachuting crates of U.S.-supplied provisions into the camp. Food, weapons, uniforms, even cash—all of it arrives by air.

In the last year, the $100 million in U.S. aid that Congress approved in late 1986 has kept the aerial supply line filled. This year, everyone agrees, dining has improved significantly in San Andres.

"Without Ronald Reagan, I wouldn't be so fat." said a rebel named Goliat.

Goliat said he left his family's farm near Managua in 1981 to join the contras after the Sandinistas jailed his younger brother, who had been a member of former Nicaraguan dictator Anastasio Somoza Debayle's feared National Guard. At 38, Goliat was more than twice as old as the teenage peasants who make up the bulk of the rebels' ranks. At 5 feet, 9 inches tall and 180 pounds, he was also considerably larger, hence, his nickname, Goliat—Goliath.

As personnel officer for the contras' San Jacinto Regional Command, Goliat was responsible for maintaining troop morale. To amuse the rebels, he performed derisive impersonations of the man he blamed most for the Sandinistas' 1979 triumph:

"Hello," he said in Spanish, flashing a wide smile and extending his hand. "I'm Jimmy Carter."

Now, on this September day, Goliat supervised as the contras divided up the provisions that had been flown into San Sandres for a task force of 150 rebels that was preparing to leave on a seven-month mission inside Nicaragua. Most of the rebels in his task force had been idle in the camp since they returned in April from their last mission.

The leader of the task force was a commander code-named Victor.

Victor explained that the task force initially would hike for several weeks to attack the highway leading to Puerto Cabezas. But Victor harbored a more glorious goal. He wanted to shoot down a Soviet-supplied Sandinista helicopter with one of the new U.S. "Red Eye" surface-to-air missiles that his troops carried. "That is our real objective," he said.

The two 32-pound missiles, worth $28,000 and good for one shot apiece, were wrapped in ponchos to protect them from the rain and stored in a hut in the camp. Outside the hut, the contras busily picked through the piles of gear for Victor's task force.

For each rebel, there were a new pair of camouflage trousers and a matching shirt, a pair of jungle boots, a hammock, a poncho and cartridge belts—all stamped "U.S." They also divvied up piles of medicine, toothpaste, toothbrushes, soap and cigarettes.

There were stacks of crated weapons and ammunition, most of them the same Soviet-bloc arms the Sandinistas carried so the contras could use captured ammunition. But a score of rebels received new Belgium FALs, a powerful gun the rebels covet as a status symbol because it is bigger—and louder—than the Soviet AK-47.

Each man received 700 bullets and three hand grenades. The task force would carry 60 mortar rounds, 60 rocket-propelled grenades, 40 remote-controlled Claymore mines and a dozen U.S. light-antitank weapons (LAWs).

And then there was food. Because the rebels were using San Andres as their point of departure, they had to carry enough food to sustain a march from the border to Nicaragua's populated areas. Victor's task force operates in the zone closest to San Andres, the gold mining region of northern Zelaya province where the coastal highway links the towns of Siuna, La Rosita and Bonanza.

They divided food for a 12-day hike: 500 pounds of sugar, 500 pounds of rice, 500 pounds of beans, 400 pounds of lard, 375 pounds of dried milk, 350 pounds of oatmeal, 300 pounds of salt for preserving meat, 63 pounds of coffee, 750 packets of chicken soup and 300 cans of sardines in picante sauce.

"When we run out of food, we go to the highway and fight for it," said one rebel, exhibiting the bravado that infected the contras as they prepared to depart San Andres.

There was another option for getting food, preferable to fighting for it—buy livestock from peasants. The purchases would require money, but the contras carried plenty of that—28 million Nicaraguan cordobas, worth about $3,000.

The bundles of cash filled two bushel bags.

A contra spokesman who was visiting the camp from Miami described Victor's unit as aggressive. "They pursue the Sandinistas, rather than being chased," he said.

From all appearances, Victor's task force meant business. But what they accomplished in their initial foray, which took 31 days, was next to nothing. Despite all their weaponry, the contas ended up turning tail at the first whiff of the Sandinista army.

Victor's mission began with the rebel column bogging down under their enormous loads and wallowing for weeks in the uninhabited jungle. Then Victor's back gave out, forcing him to return to Honduras. Buitre, his deputy, took command.

Under Buitre's charge, the rebels fared no better. They never fired at a helicopter. They did not even reach the highway they had targeted.

In six weeks, during which they were accompanied by an Inquirer photographer and reporter, they avoided any contact with the Sandinistas whatsoever.

Goliat, the rebel who thanked Ronald Reagan for his girth, was not the only contra who appeared well-fed.

Victor's belly hung over his belt, stretching his sleeveless t-shirt. He had not been inside Nicaragua on a mission for more than a year, and looked it.

A year before, Victor had been flown secretly to a military base in the United States—he was not told where—with other unit commanders to receive training, sponsored by the new U.S. aid program. When he returned, bad luck struck.

In February he injured his back in a jeep accident in Honduras. And then in May he suffered shrapnel wounds in his back when a mortar round fell near him during a Sandinista attack on San Andres.

But Victor declared himself recovered and fit for the mission. "After two weeks of marching, I'll be in good shape," he boasted.

Victor 29, had spent half of his life in the military. A former member of the National Guard, he fled to Honduras the day the Sandinistas overthrew Somoza in 1979. Two years later, he joined the contras.

As the years passed and the original members of the contras died or drifted away, Victor steadily rose in the ranks, finally becoming one of 54 task force commanders. As the contras' numbers grew, teenage peasants filled the ranks, but still many of the commanders are ex-Guardsmen, graduates of the notorious Somoza regime. The contras have been unable to shake the image.

Victor complained that the image was unfair, "I was 20 years old when I left Nicaragua," he said. "I am not struggling to return Nicaragua to Somocista rule. I learned that an army cannot survive without popular support."

"I don't really like this life, living in the mountains," he said. "It's uncomfortable. But we have to fight. In Honduras, we are foreigners. We are people without a country."

Victor appeared firmly in command on the cloudy afternoon of Sept. 15, when the 150 rebels of the Xolotalan Task Force gathered in formation at San Andres for their final instructions before departing on their mission.

The commander held court with his cadre of assistants, who were laughing. Victor was telling dirty jokes.

"I carry the same things the commandos carry," he said later in an interview. "I eat what they eat. I sleep in the same hammocks they sleep in. I play with them. I joke with them. But when I give an order, they obey it."

Nearby on the assembly grounds, a platoon commander tossed bags of hard candy to his troops, some of whom were no more than 14 years old. A few civilians from the camp came down to the assembly grounds to shake the hands with the rebels and wish them well. Reina Flores Moreno had come to see her son, a platoon commander nicknamed Leche Negra.

"I am worried, yes," she said. "But I am also very proud." Leche Negra said he left Nicaragua with his father to join the contras after Sandinistas killed his uncle. At 16, he is the youngest platoon commander in Victor's task force. He became a contra at age 9.

Many of the contras joined when they turned 15, the age of decision for peasants in Nicaragua: They either submit to the government's compulsory military service or they flee and become contras. Either way, they fight.

Many said they were predisposed to join the contras because the Sandinistas had harassed, jailed, killed or taken away the property of their families. Others were attracted by a seductive prospect: not salary—they receive none—but food, clothing and weapons.

Still others have been all but shanghaied into the rebel army. Consider Richard, a wide-eyed 15-year old who said he joined the contras in April after they stopped the bus in which he was traveling to Puerto Cabezas. Richard said the rebels kidnapped 16 men from the bus. Seven "voluntarily" joined the contras. The rest, he said, were released.

Richard is the son of a Sandinista agrarian reform official. He had little bad to say about the government, but he said that the contras presented a better life.

[From the Philadelphia Inquirer, Dec. 15, 1987]

Rebels' Jungle Trek a Mission of Fits and Starts

"There in Nicaragua, things are expensive and life is hard," he said. "Here, the [contras] help those who came."

While the contras milled on the assembly ground, Victor's second-in-command, Buitre, looked quietly over the scene.

Five years older than Victor, Buitre had a soft-spoken, gentle manner that contrasted with Victor's chumminess. He joined the contras in 1980 with his younger brother after the Sandinistas arrested their father, who had been a Somoza appointee to a local political position. Buitre has darker skin than most Nicaraguans. When Victor joked that Buitre was actually a Jamaican, Buitre smiled, but no more. He is not a joking man.

Buitre's attention was absorbed by his 20-month-old son, who frolicked naked before the amused troops. For several days, Buitre had been tenderly playing with his son in the camp whenever there was a break from work. Now, he walked over and picked the child up.

The 34-year-old commander wiped some dirt from the child's eyes, and then he hugged him.

Buitre would see his son in seven months, if the mission went as planned.

Sometimes the contras talked about old battles, striking heroic poses to illustrate the position they assumed when they responded to the gunfire from the *piriquacos*—a Miskito Indian word for "rabid dog" that the contras have adopted as a pejorative for Sandinistas.

There was a certain truth to the boasts. So many of the rebels had scars from gunshot wounds, they obviously had experienced some fighting.

Usually, the spot was marked by a pink dot the size of a dime where the bullet entered, and an ugly divot of tangled scar tissue where the bullet exited.

Some of the scars told miraculous tales.

Raton, a 15-year-old whose voice squeaked from the onset of puberty, had identical dimples on both cheeks, caused by a small-caliber bullet. He said he was talking to another rebel when he was shot, and his mouth must have been open because the bullet passed through without striking his teeth or his tongue.

Another rebel, Ardillo, 16, displayed four gunshot wounds he suffered when the Sandinistas ambushed his unit earlier in the year. One bullet had smashed through both sides of his rib cage, coming and going. Somehow it missed his internal organs, or he could have not survived the two weeks it took his friends to carry him back to Honduras.

Some survived the bullets. Others did not. A Reagan administration official and a Western diplomat in Managua said the contras' troop strength had dropped from "10,000 to 12,000" in early 1987 to "between 8,000 and 10,000" last month. Nobody can say for certain how much of that shrinkage is caused by casualties. The contras would rather change the subject.

"Yes, some of my friends have died," said Sompopo, 19. But the conversation fell off. Although the contras talked eagerly about blowing away *piris*, they became uncomfortable talking about their own fallen comrades.

To talk about the dead could conjure dangerous emotions, and to be sentimental was to be weak. The youthful soldiers rarely displayed any emotion other than firmness or amusement.

The sense of machismo was evident as Victor's troops left the border base and plodded through the mountainous rain forests, their physical condition deteriorating day by day.

"How do you feel?" they would ask each other when they stopped to take a break. Even when a rebel arrived blistered and soaked in sweat from the last, murderous climb, the answer was always the same. "I'm fine."

"Are you sick?" Victor would ask a rebel. "You look exhausted."

"I'm a little tired," the rebel might allow.

Victor's radio-operator, nicknamed Managua, had his own way of responding that soon became the standard response of others, too.

Managua had been a seminary student in Bluefields, he said, when the Sandinistas installed new priests who changed the curriculum to emphasize liberation theology. He objected and quit. Two years ago, he joined the contras. He was one of the few rebels who had even graduated from high school.

How do you feel, Managua was asked.

"Worldly," he said.

But the march was becoming otherworldly.

Some days, the rebels spent more time taking breaks on the trail than they did hiking. When they stopped, they refreshed on beverages made of oatmeal, sugar and dried milk. On two occasions, the entire column stopped to light a fire for coffee.

The two mules the contras used to carry the mortars and mines snagged repeatedly in the brambles that limited visibility on the trail to 20 feet. One mule slipped and cut its leg, further delaying the column as it limped along.

Each day the contras hiked about eight hours, stopping at 2 p.m. The rebels made camp hastily, expertly hacking brush and vines to form a green cave in the thick jungle. Each man strung a hammock between two trees, over the hammock, he suspended a poncho tent-like as a rain cover; he placed his backpack on the ground beneath the hammock to protect it from the inevitable rain. If they were attacked, the rebels could break camp in minutes.

By the second week, Victor's task force had left a winding trail of empty foil food wrappers deep into the mountains. But even with lighter backpacks, some rebels could no longer hide their weariness.

Managua felt "not so wordly." Goliat sought out the group's medic for injections of painkiller for pinched nerve.

"What for?" Goliat shouted one day as he dragged into camp a half-hour behind. "What are we doing this for?"

Victor, meanwhile, was trying to accustom the rebels to hikes of an hour's duration. "When we're in the zone of operation, that's how we march," he said. "Commandos do not take days off, even on Sundays. Sometimes we march at night without flashlights to surprise the piris."

One afternoon Victor announced that the group was going to hike the next 50 minutes without rest.

The group then walked nine minutes before Victor ordered another break.

A few days later, Victor said his back injuries were bothering him. He could go no farther. He had decided to head back to Honduras with a few rebels as escorts.

"I'm leaving Buitre in command," he said, smiling weakly from his hammock. "He's a good man. I have complete trust in him." It was the 12th day. The food they carried was nearly exhausted. And they were far from the target highway.

Under Buitre's command, only the rain picked up.

Half of the task force seemed to be suffering from colds. They blamed the diet, and with good reason: Everything but the powdered chicken soup was gone. The contras were reduced to boiling bland, green bananas for dinner.

Unconcerned about the Sandinistas, the rebels began firing their AK-47 rifles at anything that moved in the jungle—deer, wild turkey, macaws, geese, boars, woodchucks and even monkeys. Some of them even shot at fish in the Wasma River. There was a more efficient way to catch fish—by heaving a hand grenade into the water. The explosions stunned fish by the hundreds, and the rebels dove into the river to retrieve them.

"Pura vida!" the rebels exclaimed. Pure life. It was a peasant expression when one enjoyed the simple pursuits of life.

Despite the firepower, food remained in short supply. But in the next few days, they would burn little energy.

Several days after Victor limped back to Honduras, Buitre's column caught up with a task force of about 100 other contras. They were camped on an abandoned farm; the first sign of civilization the contras had seen since they left San Andres.

The task force of 100 had been operating in the area of Siuna for four months, during which they had attacked an electric plant outside of Siuna. These rebels were ragged and gaunt. They had been waiting eight days at the abandoned farm for a CIA airdrop of new supplies.

The commander had been instructed to return to Honduras, but he bequeathed his men to Buitre. He left the next day with a small escort.

Buitre's group later learned by radio that that commander and his escort needed only six days to return to San Andres, the same ground that had taken Buitre's men 15 days to cover.

Now, at the abandoned farm, Buitre commanded a combined force of 250 men. They settled in to await the airdrop.

Torpor ensued. The contras shined boots, bathed, shaved, waited. And waited.

Finally, after five days, the radio crackled with coded instructions from the commanders in Honduras. Buitre paced as the radio operator deciphered the numbers into words.

The contras were ordered to retrace their route for two days. Their leaders said the group was too close to Siuna to risk a flight by the DC-6, a four-engine plane that made wide turns.

"I know it seems ridiculous to go back," Buitre said, "but the commanders are worried that the piris would spot the plane." Why had the commanders taken so long to reach that conclusion? Some of the contras had waited 13 days at the abandoned farm.

"I don't know," said Buitre. "I just follow orders."

They returned on the same trail to the wilderness along the Wasma River.

Two days later, waiting in their new camp, the rebels tuned in to Radio Liberacion, the contras' clandestine AM station, to an excerpt of President Reagan's speech to the Organization of American States. Reagan said he would ask Congress for $270 million in contra aid for 1988 to keep the force alive.

He recognized the voice on the radio.

"That's Ronald Reagan," he declared, "mi abuelito"—my little grandfather. "Wouldn't you North Americans rather pay to stop communism with your dollars than your own blood?"

Soon, there was more reason to rejoice than the promise of future U.S. aid. Immediate U.S. aid was on its way that night. The CIA airdrop had been approved.

Spirits soared.

"At 9 o'clock, we'll be drinking coffee with milk," said Principe, who had assumed the role of Buitre's deputy since Victor's departure. "We'll be eating rice and beans."

"Maybe they'll send cigarettes," said another.

That night, the contras lit signal fires over a three-acre knoll where they had cleared the trees. At the predetermined hour, the silhouette of a DC-6 appeared over a mountain, swept in an arc over the camp and passed out of view, its baritone buzz drifted into silence.

The contras looked into the sky. Nothing fell. They looked at each other. The plane was supposed to make two passes to drop 20 parachutes.

Something was wrong.

The pilot radioed that his radar had picked up pursuing Sandinista aircraft and he had aborted the air drop to return to Honduras. The kickers on the plane managed to drop six parachutes. Unfortunately, he said they did it at the wrong time. The crates were off-target.

The pilot gave the coordinates of the parachutes in miles.

Buitre was puzzled. "How many meters are in a mile?"

He was told.

"Oh."

Two of the crates landed 10 miles from the camp—several mountains away. The contras would never find them.

But they had more immediate concerns—the Sandinista aircraft.

The contras quickly extinguished the signal fires to hide their position. Ten minutes later, the contras heard the planes passing overhead.

Fifteen minutes passed. Explosions rumbled in the distance. The contras' faces went white. They knew the sound.

The Sandinista planes had not been pursuing the CIA supply flight. Rather, their paths simply crossed. The Sandinistas were bombing San Andres, their border base camp.

For the next two nights, the Sandinistas' Antonov-26 planes dropped 500-pound bombs on the border camps. The contras, far away in the jungle, could hear the explosions and became glum. Sargento, 24, extracted a small photograph wrapped in tissue paper from his backpack.

"This is my son," he said. "He's two years old. "He lives in San Andres."

The next day, Oct. 8, Radio Liberation said that four people died and 17 were wounded in the bombing. Eyewitnesses in San Andres later confirmed the report that two of the dead were children. They were buried in small graves in the center of the camp, a few steps from a six-foot-deep bomb crater.

None of the casualties were related to the contras in Buitre's task force.

"The Sandinistas are assassins," Goliat fumed.

But the contras were helpless to do anything.

After the bombing ended, the contras rescheduled the air drop. The CIA plane finally returned on Oct. 11, nearly two weeks after Buitre's group had arrived at the abandoned farm.

Besides the crates of food, uniforms and weapons, the plane delivered one crate containing an unusual cargo: toys and used civilian clothing, intended as gifts when the contras visited peasants.

But once again, the timing was off.

Twelve hours earlier. Buitre had dispatched a squad of 100 men on a mission to penetrate the populated area outside of Siuna. While he and 150 men planned to stay behind at the wilderness camp to await the air drop, he instructed the assault squad to streak "like lighting" to the highway and set an ambush.

"Security is of extreme importance," Buitre said in addressing the group. He wanted the men to avoid fighting the Sandinistas in the mountains, where there were no civilian witnesses.

Buitre assigned Principe, 31, to command the assault squad.

In a matter of days, the rebels were cautiously moving out of the jungle and through a cooler, dryer terrain of gentle hills. They camped in the burned-out houses whose occupants had been relocated by the Sandinistas. Some of the veterans reminisced about the time four years earlier when the area had been populated with their supporters.

"In the houses around here, the women used to have baskets full of tortillas," said a company commander named Cayman."We could buy them cheap." Now there were only empty houses and overgrown citrus groves.

During the march, they heard on a transistor radio that Costa Rican President Oscar Arias had won the Nobel Peace Prize for his work on the Central American accord. The contras were unmoved, even though it seemed clear that renewed U.S. military aid for the rebels was even more unlikely.

"We will continue our struggle, as we did in 1984, when they cut off aid before," said Principe. Everybody else recited the same response.

The assault force forged closer to populated areas. Talk was confined to whispers and no one fired a weapon. The squad ran across the litter of Sandinista patrols—some of it, they judged, was only days old. They posted guards at night to watch for movement in the hills.

As the squad passed a ravine where the Sandinista army twice before had ambushed rebel patrols, they skittishly scanned the forest. A twig snapped, drawing a score of glares. It was only the wind.

They changed into the new uniforms they carried in their packs.

Now, near dusk on the fourth day after they left Buitre, the contra troupe was about to come on stage.

Descending a mountain, they passed a cane field and a plot of corn and then approached a house.

A 27-year-old woman welcomed them with cups of a gluey beverage made from warm cane juice and flour. Her brother, she said, was a contra, too. She sold the squad a pig, a bushel of corn, some cabbage and a few staples. They camped for the night in her front yard.

For three days they made about 20 house calls on peasants, most of whom had family or friends in the contras. The rebels bought food and gathered intelligence. The peasants recited grievances against the Sandinistas and complained about the sorry state of the economy. They were poor—often their skin peeked through the tattered threads of their clothing.

The contras nodded in agreement. But they delivered no speeches.

Many of the peasants were natural contra supporters. One complained that a Sandinista patrol had invited itself into his house four days earlier and the soldiers helped themselves to his wristwatch on the table. "It would be beautiful if they [the contras] could change the situation," he said. He shook the rebels' hands as they left.

The contras could only visit briefly, and they left the peasants with a sense of dread. Whenever the contras pass through, they said, the Sandinistas follow with reprisal against civilians who fail to report a rebel house call. "I have to go to town tomorrow," one man said as the contras departed. "What should I tell them?"

"Tell them there were only a few of us," he was told.

Every house they passed including the abandoned dwellings and the houses of their supporters—was posted with a Sandinista appeal to defect. "Your family awaits you," the posters said. "Return." The contras carried no leaflets of their own. Nor did

they bring cans of aerosol paint to spray messages as they went, a standard guerrilla practice.

Only once did the contras appear unwelcome. They stopped at the farm of a man named Marcelo, whose wife glowered from the door. Marcelo seemed uncomfortable with the contras on his land, but he agreed to sell them a bull.

"His son's a *piriquaco*," said Principe. "He's already told us that he's going to report us to the authorities the first thing in the morning. There's a lot of people like him, who play both sides." The contras posted four guards outside Marcelo's house for the night.

The next morning, wary that the Sandinistas were alerted, Principe ordered the column to advance hastily. The commanders discussed where they would position the troops for their ambush. Principe assigned a patrol to scout routes for their escape afterward. One rebel joked that the squad was going to eat lunch on an IFA, one of the East German trucks the Sandinistas use as troop transports.

But an hour short of the highway, the column came to a dead halt. There would be no lunch on a truck. Instead, Principe was buying two pigs for dinner.

"We've learned the highway is full," he said.

Full of traffic?

"No, full of Sandinistas," he said. An attack would surely result in heavy contra casualties.

The squad reversed course. For several hours they moved away from the highway, buying dozens of chickens and ducks that they tied squawking to their backpacks. Principe bought a young bull that the squad would eat three days later.

That night, they camped in the yard of a peasant, near a mountaintop. In the morning, the squad planned to scram to the safety of the jungle, retracing its route five days back to Buitre. Later, they hoped to find another, easier target.

After dinner, some of the rebels followed Principe up the mountain next to the camp. They sat on the bare summit under a ceiling of brilliant stars.

Ten kilometers away, the lights of Siuana blazed. Despite the attack three months before by the other contra force, the electric plant appeared to be functioning now.

In the darkness on the hill, the rebels reflected on potential targets—the electric plant, a military post, a gold mine, an airstrip. Someone noticed a pair of headlights moving across the horizon. They said it was a truck, moving down the highway.

The highway—there was always the highway.

"Those are all good objectives, good targets," Goliat said, without a hint of regret. "Some day."

But not this day.

[From the Philadelphia Inquirer, Dec. 15, 1987]

Political Fiction Says Contra Camp Does Not Exist

(By Andrew Maykuth)

San Andres de Bocay, Honduras.—This series of contra rebel camps, carved out of about 10 miles of steaming jungle along the muddy banks of the Coco River, does not exist, according to Honduran officials.

The thousand or so contras who live in San Andres at any one time, along with the contra clinic and the contra helicopter pad and the contra anti-aircraft guns pointed across the Coco River into Nicaragua—none of those are on Honduran territory, maintains the government of President Jose Azcona.

It also denies the existence of several other contra cases, offices, medical facilities and airfields scattered deeper inside Honduras.

Even after Azcona in August signed the Central American peace plan, which includes a provision that forbids the five signatory nations from harboring rebel groups, Honduran Foreign Minister Carlos Lopez Contreras remained firm.

"There are no contra camps in Honduras, he said. "Therefore, Honduras has no commitment to dismantle them."

Nobody believes this transparent fiction, least of all Nicaragua's ruling Sandinistas. They have sued their northern neighbor in the World Court, calling the Hondurans' conclusion with the contras a violation of international law.

Without their Honduran bases, the contras could not exist as a force inside Nicaragua.

The contras buy virtually all their food in Honduras. All of the contras' U.S.-supplied weapons and equipment are shipped through Honduras. The highest contra commanders direct their troops by radio from Honduran camps. The planes that resupply rebels inside Nicaragua fly from Honduran airfields.

San Andres is an eight-day walk through mountains from the nearest Honduran settlement, and is protected by dense jungle on the Nicaraguan side of the Coco River. Still, the Sandinistas managed to invade parts of the border base in May with five battalions, driving the contras downriver and holding it for a month. When they left they buried hundreds of one-pound Czechoslovakian mines that the contras are still removing. In October, Sandinista planes bombed San Andres for three nights, killing four and wounding 17, mostly civilians.

[From the Philadelphia Inquirer, Dec. 16, 1987]

Sandinistas Find Contras, Who Then Turn and Run

(By Steve Stecklow)

El Cedro, Nicaragua.—The peasant woman said the contra rebels had passed by the day before. A large group of them. Toward the hills.

The small unit of Sandinista soldiers hit the trail. Twenty minutes later, as the 10 men entered a brushy, bowl-shaped valley, they heard grenades exploding and machine-gun fire.

The contras had been found.

From a ridge ahead, another, larger Sandinista company was trading fire with the rebels.

The 10 soldiers scaled the nearest hill and hurriedly assembled a Soviet-made grenade-launcher—a three-legged, tube-shaped cannon known as "the Spider." They would provide back-up support for the other company, which was firing rifles and rocket-propelled grenades.

The soldiers manning "the Spider" fired their first round. There was a loud boom followed by a wisp of gray smoke that curled skyward from beyond the ridge to the right.

Then the gunfire grew louder, "How are you? How are you?" Antonio Zeledon, 22, the commander of the smaller unit, shouted into a walkie-talkie to the other company. Aim 50 meters to the right, they responded. "The Spider" unleashed another blast. Then eight more.

Thirty minutes later, the valley fell silent. Three Sandinistas were wounded by shrapnel. The contras' losses, if any, could not be determined. All that could be said was that they had turned and run.

U.S. military experts say that that Oct. 29 skirmish, which was witnessed by an Inquirer reporter who traveled six days and 45 miles with a Sandinista army company, was typical.

For the Sandinistas, this is literally a door-to-door war. They go from peasant house to peasant house, asking the occupants for the whereabouts of contra units. Then, they pursue those units. The contras, who try to avoid direct confrontations with the army, put up brief resistance if encountered. Then they retreat.

The rebels are then supposed to ambush any Sandinistas who pursue them, according to U.S. military advisers who train the contras in guerrilla tactics. But on Oct. 29, the rebels just kept moving.

"What you saw ain't unusual," said a State Department official in Washington, adding, "It isn't in the highest tradition of the military."

It is evident, after travels with each side, that the war in Nicaragua is not a contest between equals. Contra units sometimes wander aimlessly through the jungle; others exaggerate their successes and commit atrocities against civilians. The Sandinistas also are guilty of human rights abuses. But on the battlefield, they clearly outclass the contras.

With an army estimated at 80,000—the largest in Central America—the Sandinistas outnumber the contras by at least eight to one. Their soldiers are better trained, better organized, more mobile and more aggressive.

Wednesday afternoon, Oct. 28. The 62 soldiers in Company Two of the Rufo Marin BLI—a Spanish acronym for unconventional warfare battalion—stand at attention outside the military post at El Cedro in northern Nicaragua.

They are a young, healthy looking lot—many of them shaggy-haired teenagers from Managua—and they appear refreshed and relaxed after a half-day of resting, washing and resupplying. The day before they had fought briefly with the contras. Now, Company Two is ready to go out contra-hunting again.

Shells boom in the distance, fired from a howitzer at a Sandinista base to the north, as one by one the soldiers deftly traverse a log across the Bocay River.

"Mortars," says one of the soldiers, nonchalantly. "Ours."

The contras have been sighted in the mountains about six miles away, and the Sandinistas at the base are trying to keep them at bay while the BLI gives chase.

The BLIs are the Sandinista army's most effective weapon against the contras—highly mobile and versatile guerrilla-style battalions that can be deployed in any region in Nicaragua, including mountains, savanna and thick jungle.

"Building the BLIs was one of our army's smartest moves," said Defense Minister Gen. Humberto Ortega in a recent issue of the Sandinista army magazine. "They have more political cohesion than the enemy forces . . . and they give us great freedom of movement."

The first BLI was formed in 1983. Today, the Sandinista army has at least a dozen, each named after a Nicaraguan war hero and made up of between 800 and 1,000 men divided into smaller companies. Although the BLI concept was devised by the Cubans,

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a Western diplomat in Managua noted ironically that the units are "mirror-images" of the Salvadoran army's ready reaction battalions—counter-insurgency forces organized and trained by the United States.

The discipline instilled in the BLIs was apparent in Rufo Marin's Company Two. Each soldier hiked in single-file at all times, never less than three feet from the man ahead. The line moved swiftly but cautiously, frequently stopping for the radio man to receive instructions from other companies ahead. At times, the company split into smaller units to comb a wider swath of terrain.

Though the soldiers were well-armed—with Soviet AK-47 rifles, long tubular rocket launchers, hand grenades and "the Spider"—their rucksacks were not so heavy with weapons and food that their pace was slowed, even through deep streams and up steep mountain paths. The men carried no change of clothes, knowing that their heavy green camouflage uniforms would last until the next stop at a base, probably in a week or two.

"The job of the BLI is to chase the enemy," said Domingo Reyes Tremino, 33, who has fought with the Sandinistas since the war began six years ago. "When the enemy is far away, then the troops can withdraw. They can go back for resupply. They can be recycled, take a rest, recuperate and get ready to chase the enemy once again."

The chase can go on for days, even weeks. Members of the Rufo Marin BLI said they average only three or four combats a month, with most lasting 30 minutes to an hour. The 30-minute skirmish on Oct. 29, a Thursday, was typical, they said.

After the combat ended, Company Two regrouped and began pursuing the contras. At first the Sandinistas were on the right track. At a clearing, they found a green U.S.-made flashlight with Duracell batteries inside. An hour later, they reached a peasant's house where the ground was littered with discarded paper ammunition boxes, labeled in English. The peasant reported that the contras had passed by an hour before.

Like door-to-door salesmen, the Sandinistas continued stopping at each house along the way. They inquired in which direction the contras had gone, and when. Then they pressed on to the next farm, past fields of banana and guava trees and last season's corn. Peasants said the contras also stop at their houses, to ask about the Sandinistas. In effect, Nicaragua's peasants are used as an intelligence network by both sides.

The Sandinistas set up camp that night by a small house adorned on the outside with potted plants. The peasant family who lived there had converted the largest room into a small chapel, which they decorated with pink paper streamers, tiny candles and pictures of Jesus and Mary.

The contras passed by all the time, said the oldest woman in the family scaring her. They had walked by earlier in the day and appeared to be in a hurry. The family did not seem to mind that the front yard was now being used as a campground by the Sandinistas. They offered the men tortillas, cheese and water. The soldiers paid for the food.

The chase resumed the next morning just after dawn. Outside another house, the soldiers found a small tin of green paste. They eyed it curiously, smelling and dabbing their fingers in the can. A few were convinced it contained women's makeup. But another soldier disagreed. "If it was for a woman it would be red," he said. They finally decided it was camouflage paint, left behind by a contra.

By Friday night, the trail had grown cold. An occasional explosion could still be heard in the distance, but in another combat zone at least five miles away. Company Two rendezvoused with Company Five and awaited new instructions from the base back at El Cedro.

They were an eclectic group.

Ranging in age from 15 to 27, most of the members of Company Two came from a wide spectrum of Managua neighborhoods; middle-class developments where the homes, though deteriorating, have color TVs and stereo cassette players; poor sections where the streets are dirt and large families share their houses with pigs and chickens.

Some of the soldiers were volunteers who had spent all of their adult lives in the army. Others were draftees who planned to leave the day they completed their required two years of service. Only about half were members of the ruling Sandinista party.

Alex Amado, a tough-looking 21-year-old who carried around a pet parrot on his rifle butt, had deserted from the navy. He spent two years on the lam, but couldn't find work. Pressured by his parents, he turned himself in last May and was assigned to the BLI.

When the talk turned to politics, many of the soldiers criticized the United States for financing the contras. Yet it was the American-made equipment captured from the rebels—cartridge belts, rucksacks, walkie-talkies—that the Nicaraguans coveted most. Zeledon, the commander, proudly lifted off a camouflage cap that bore a "Made in U.S.A." label inside, "It is very good fabric," he said.

In some ways, the younger ones were no different from American youths. After dutifully listening to a news conference by President Daniel Ortega one night, Martin Espinosa Bone, 19, immediately turned the radio dial to another Managua station. Suddenly, he grew excited. "Michael! Michael!" he cried out.

It was Michael Jackson singing "Bad." That the soldiers didn't understand any of Jackson's lyrics or those of their other favorite rock stars—Lionel Ritchie, Prince, Queen and Bruce Springsteen—made no difference to them.

Finally, there were some soldiers who could have been fighting in any war, on any side.

During a brief rest stop one afternoon, one of the men walked down to a stream to fill his canteen. A young woman was standing knee-deep in the water, washing her hands.

"Are you married?" he asked.

"No," the woman replied, looking down sheepishly.

"Do you want to marry?"

"No."

"Why not?" the soldier asked, looking surprised.

"My father has someone in mind," she said.

The suitor persisted.

"Have you been to Jinotega?"

"Yes."

"Matagalpa?"

"No."

"Ever been to Managua?"

"No."

"Managua is very beautiful."

He lied.

Oscar Berrios, 18, was the company's political officer. Every company in every BLI has one and the job is to promote the party line of the Sandinista National Liberation Front.

"A political officer, most of all, has to be a supporter of the government," explained Berrios, a soft-spoken, determined youth who was drafted last February in the middle of his junior year in high school.

The job he held was the Sandinistas' equivalent of a local ward leader. His responsibilities included promoting and explaining party positions, recruiting new party members, organizing meetings and providing service to soldiers with problems. If a soldier needed a leave, Berrios was the man to see.

Though his speech often fell into rhetoric, it was clear that Berrios, who studied business administration in high school, strongly believed in the party line.

"All this destruction carried out by the contras and the expenditures that the government invests to maintain its army has led at certain points to economic destabilization," he said during a break one day. "That carries with it discontent among the population, shortages, prices being very high.

"We can see that this is one of the purposes of the U.S. government's low-intensity war—to try to strangle the government little by little. And in this way, if there were to be a direct invasion [by the United States], they would be able to justify the intervention by saying that this government has not solved people's problems."

Does he like being a soldier? he was asked.

"I like the life of the Army here in Nicaragua because it is an army that defends the interest of the country against an aggression from abroad, carried out by irregular forces. And I feel, most of all proud of being in the Sandinista People's Army, to be serving our country, our nation."

But isn't it dangerous?

"That's true what you say," said Berrios, who noted that a soldier in Company Two was killed in an ambush Oct. 12. "You risk your life here. But as you spend time in the war zones, you start to forget about death."

He paused, then continued. "Nobody here thinks about death," he said. "We are fighting for life here."

But Mario Sergio Miranda, at 15 the youngest member of Company Two, said he thought about death often.

"For me the army is very difficult," he said, lowering his voice. "I'm afraid to die."

Overhearing the remarks, Berrios asked a reporter not to interview the boy. Because he was under 17, under Ministry of Defense regulations he was not supposed to be in the BLI, the political officer explained. "It isn't permitted," he said.

Actually, Miranda had been assigned to the BLI at the age of 14. According to his sister-in-law, Blanca Azocena Pena, 21, Miranda had heard a rumor at school that the Sandinistas next year were going to raise the number of years of required military service from two to three. Because he wanted to spend as little time in the military as possible, she said, he enlisted in June, rather than wait until he turned 17, when he would have been eligible for the draft.

She described Miranda as a shy bookworm who had never shown any interest or ability in sports or outdoor activities, and his family never thought he would be sent to the mountains with a BLI. They assumed that because of his age, he would be assigned to non-combat duty near his home in the flat, west coast region of Rivas.

"He's just a young boy," said his sister-in-law. "An older boy is better developed and has got courage."

She noted, too, that Miranda had never even been to the mountains before. "No. Never. Not even as a tourist," she said.

Miranda was first assigned to a training barracks in Mulukuku in remote Zelaya province. On Aug. 23, he sent a disturbing letter to his sister-in-law.

"This Sunday I believe that we're going to the BLI," he wrote. "Blanca, it makes me very sad not to see you and my niece."

After receiving the letter, Azocena said, she traveled to a military headquarters in Granada to try to get Miranda transferred. A lieutenant there agreed that he was too young to be in a BLI, she said. But Azocena said the woman told her that the copy of the birth certificate she had showing Miranda was 14 was not adequate proof. She needed to get another document that was only available in Dario, the town where he was born.

"Since I didn't know where Dario is, I couldn't go there," Azocena said.

So she gave up her efforts and resorted to praying that her young brother-in-law would survive his stint in the mountains with the BLI.

Much of a Sandinista soldier's time is spent trudging through mountains and jungle, never certain whether the next curve might conceal a contra ambush. In the rainy season, the trails are knee-deep in mud. The rest of the year, the sun burns like a branding iron.

But it isn't all drudgery. When the contras aren't in the area, the soldiers can go food shopping.

Some of the more enterprising peasants in the war zone subsidize their meager incomes by selling food to soldiers—tortillas, ripe bananas, salted cheese and milk. One woman who was selling corn meal crackers freely acknowledged that her customers included both Sandinistas and contras.

Company Two's biggest purchase was a bull bought from a rancher. The soldiers paid 600,000 cordobas—about $63—for the animal. After trying unsuccessfully to strangle it—the bull broke away and charged at some soldiers—they shot it with a rifle. After gutting it, they sliced the meat into long, thin strips that they salted and hung in the sun on barbed wire fences to dry. For the next two days, the company enjoyed beef soup and shish kebab.

The soldiers also spent some of their freer moments trying to generate good will among the peasants. When the company stopped at the house of Petrona Blandon Palacios, she told them that her 10-month-old grandson had been sick for eight days with a high fever and pain in his arms.

"This one," she added excitedly, pointing to another child, "suffers from headaches."

A soldier called over the company medic. Normally, the medic spends his time treating soldiers—removing bits of shrapnel, dispensing anti-malaria pills, and fighting infections caused by coarse knapsacks chafing against the skin.

But this time, he removed from his satchel a bottle of antibiotics and counted out some pills for the children. He handed them to Blandon, carefully explaining how many to give the boys each day. Blandon, whose house was miles from the nearest clinic, was grateful. She thanked him and wished the other soldiers well.

A soldier pointed his rifle skyward and fired a shot to alert another company to turn on its radio.

Company commander Zeledon shouted into his walkie-talkie in code: "Nicaragua, Yankee, Lima, Nicaragua, Yankee, Lima."

The walkie-talkie cracked as the other commander gave the appropriate response.

"*Corr-ecto,*" said Zeledon, playfully rolling his r's.

Zeledon, a self-assured and jocular man who appears much older than his 22 years, had thought that his company might be ordered to hike to Pantasma, a lush valley about 10 miles to the west that had a large military base. But the new instructions were to head back through the mountain toward El Cedro.

He didn't mind. After six years in the army, and two years with the BLI, Zeledon knew that in the military, plans were always subject to change.

The only plan that was certain, he said, was his intention to stay in the army—as long as there was a war going on.

Displaying a row of front teeth that glistened with metal, he smiled at an American reporter.

"I'll stay till the end of the aggression," he said.

DR. MARY FULSTONE

● Mr. **HECHT**. Mr. President, it is with great honor that I rise today to pay homage to a fellow Nevadan whose dedication to the practice of medicine and the people of Nevada will not soon be forgotten. Dr. Mary Fulstone was born in Eureka, NV, in August 1892 and moved to Carson City, NV, with her family in 1896 where she graduated from Carson High School in 1911. Through the persistence of Mary's classmates, she was persuaded to seek a career in medicine. Mary received her M.D. from the University of California at Berkeley in 1918. In 1919, she married Fred Fulstone and later moved to Smith Valley, NV, and began her life at the Fulstone sheep ranch.

Women physicians, Mr. President, were indeed rare in the early 1920's whereby the community of ranchers, miners, and Indians were somewhat taken aback by her presence in this scarcely populated area. The community soon grew accustomed to their new physician and quickly came to love her as one of their own. Dr. Mary soon found herself examining more than 50 patients a day in Smith Valley and the Yerington area, often making housecalls by horse and buggy. Dr. Mary was best known for her proficiency in delivering babies. She delivered approximately 5,000 babies in her 65 years of service in medicine.

During these deliveries, Dr. Mary was well known for having fathers present during births, long before this practice was considered the norm. She would often ask the ranchers to aid her in the deliveries, thus furthering the role of the father during the birth process.

Mr. President, Dr. Mary, a mother of five, also held a teaching degree which was a tremendous tool in dealing with people on a personal level. She served 24 years on the Smith Valley School Board and 12 years on the Nevada Board of Education.

Through her great sense of charity, she was often known to pay for the medical expenses of the less fortunate as well as performing medical services free of charge for those without means.

Her awards have included Nevada Mother of the Year in 1961 and Nevada Doctor of the Year in 1963. As a member of the Soroptimist International, she received the organization's Women's Achievement Award in 1975. The Lyon Health Center in Yerington dedicated a new wing of their facility in 1963 to her, where she herself spent time after back surgery in 1975 and 1978. In the late 1970's, she was interviewed by all the national television networks including news programs such as CBS' "60 Minutes" and others.

A plaque at the entrance to the Lyon Health Center sums up the attitude of Lyon County residents toward Dr. Mary Fulstone,

> Dedicated to our Dr. Mary Fulstone, whose medical skill and helping hand have protected and guided us through many years: a faithful wife, loving mother, and philanthropist to all mankind.

Though this Senate Chamber could not begin to hold the number of individuals brought into this world by Dr. Mary, I am sure, that were they here, their applause would be deafening for this great lady, who for 65 years, unselfishly dedicated herself to the people of Nevada.●

NATIONAL VOCATIONAL EDUCATION WEEK

● Mr. **RIEGLE**. Mr. President, as many of my colleagues are aware, next week is National Vocational Education Week. I would like to rise today to express my continued support for this very important program.

This year's theme is "Vocational Education: the Competitive Edge," which I believe is highly appropriate. Strengthening and maintaining educational programs is essential for meeting important national goals, especially the goal of improving our ability to compete in the world economy. Vocational education programs can help us reach that goal by making sure that each individual can fully develop his or her God-given talents and capabilities. Developing highly skilled workers and retraining the existing work force to meet new needs is essential if we are to strengthen our national competitiveness.

Three fourths of today's jobs require vocational or technical skills. Vocational education is a fundamental part of this Nation's employment-related education and training programs. In my State of Michigan, there are over 300,000 students enrolled in vocation-

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al-technical education programs. These programs reach a large group of people, providing them with the skills they need to find jobs, and providing communities with trained workers.

The Federal Government has played an important role, in conjunction with State and local governments, in encouraging the development of strong vocational education programs. Federal funding assists States in improving their programs, and helps make sure that there is equal access to vocational education.

I urge my colleagues to join me, as we observe this important week, in pledging their support for this vital program.●

UKRAINIAN DISSIDENT FYODOR PARASENKOV

● Mr. WILSON. Mr. President, just a little over a month ago, President Reagan and General Secretary Gorbachev met in Washington to discuss a wide range of issues affecting United States-Soviet relations.

Of particular importance was the issue of human rights. Despite public declarations of glasnost from the current Soviet leadership, very little progress has been made in improving the treatment of those who publicly speak out against the Soviet Government.

Mr. Fyodor Parasenkov is a long suffering victim of this lack of progress. Mr. Parasenkov has been detained in a "special psychiatric hospital" for over 12 years for publicly advocating economic reforms. His continuing mistreatment clearly demonstrates the Soviet Union's lack of respect for human rights. Accordingly, I wish to take this opportunity to read a letter I sent in August of last year to the Soviet Ambassador on behalf of Mr. Parasenkov in the hope that it will lead to his release.

Mr. President, I ask that my letter to the Soviet Ambassador on behalf of Mr. Parasenkov be printed in the RECORD as if read.

The letter follows:

U.S. SENATE,
Washington, DC, August 19, 1987.

His Excellency MIKHAIL SERGEYEVICH GORBACHEV,
General Secretary of the Central Committee of the Communist Party of the Soviet Union, The Kremlin, Moscow, U.S.S.R.

DEAR MR. GENERAL SECRETARY: I am writing in search of information on the status of Ukranian dissident Fyodor Parasenkov.

Twelve years ago, Mr. Parasenkov was incarcerated in a "special psychiatric hospital" apparently for writing letters to government officials that advocated economic reforms. At the time of his imprisonment, he faced the charge of "anti-Soviet agitation and propaganda." Yet in light of the new industrial incentives which you recently announced, many of Mr. Parasenkov's ideas may now have become official policy.

Ever since 1975, Soviet authorities have rejected appeals from Amnesty International as well as thousands of American and Western European citizens for an official statement on Mr. Parasenkov's health and whereabouts. But in this age of "glasnost," Mr. General Secretary, I appeal to you to break your government's silence on Mr. Parasenkov's condition.

Thank you for your attention to this matter. I look forward to hearing from you soon.

Sincerely,

PETE WILSON.●

INFORMED CONSENT: NEW YORK

● Mr. HUMPHREY. Mr. President, in 1973, the Supreme Court legislated abortion on demand for the women of the United States. After 15 years and some 21 million abortions, we are repeating the consequences of that decision. Hundreds of women from all over the country have written to tell me of the tragic results of their abortion decisions. The rights of these women and their unborn children were abrogated by an abortion industry that does not provide essential information about the procedures, risks, or alternatives to abortion. S. 272 and S. 273 would restore those rights by requiring informed consent. I ask that two letters be printed into the CONGRESSIONAL RECORD.

The letters follow:

SCHENECTEDY, NY,
June 9, 1986.

To the Honorable Senator Gordon Humphrey:

In regards to the bill on requiring informed consent, I would like to express my total support. I truly believe that each woman should know the development stage of the baby she will abort, and also the physical and psychological side effects. It should be more publicized about the alternatives to abortion that each community offers.

I would also like to say that I had an abortion 7 years ago, and I wasn't informed of anything. They (Planned Parenthood) told me my baby was a "mass of cells, a blot of pregnancy tissue." They encouraged my abortion and didn't tell me if it would bother me for the rest of my life—the guilt, the sleepless nights, the tears and the hurt. Had I known the facts instead of hearing the "language of illusion," I would have 3 beautiful children instead of 2.

Please let my voice be heard to anyone willing to listen and know.

Sincerely,

LINDA M. NISSELBECK.

ALBANY, NY,
June 6, 1986.

DEAR SENATOR HUMPHREY: Regret is the word that comes to my mind when I'm reminded of the abortion that I had in 1975. Thanks to God, the guilt, sorrow, shame, and self-hatred have been healed. Even though I still cry sometimes when I think about the reality that it was my real live baby that was murdered.

I know that I can't change my past actions, but I do want to help make sure that someone else doesn't make the same horrible mistake that I made. If I had been informed, I truly believe that I would not have made the decision to abort. I was told there was nothing to it, just a very simple procedure and that it was not even a baby. Immediate grief came on me, even during the actual abortion.

I hate writing this down, but I hope it will help to ensure that the Informed Consent Law can be passed. Please let me know if there's something more that I can do. This holocaust must be stopped!

Thankful for you,

DIANNA SEGRETO.●

HUMAN RIGHTS IN THE SOVIET UNION

● Mr. D'AMATO. Mr. President, I rise today to call my colleagues' attention to certain developments in the human rights situation within the Soviet Union. Today, I sent a telegram to General Secretary Mikhail S. Gorbachev, on behalf of the aged and ill parents of Vladimir and Sophia Bravve.

I participated with Vladimir in a news conference on the grounds of the Capitol, at which he announced the beginning of a hunger strike. He has begun this hunger strike because Soviet authorities have again denied his parents, Grigory and Ninel Bravve, permission to leave the Soviet Union.

Soviet authorities claim that Grigory had access to classified information and that he cannot leave the Soviet Union. This is a false statement. Grigory did, in fact, work for an aeronautical institute—but he retired 10 years ago from his position as a civil engineer with the institute.

What did he do for the institute? He designed houses for persons who worked for the institute—and these houses were constructed outside the institute's grounds.

What is secret about Soviet methods for building houses?

Moreover, the Soviet Union's basic position—that it can deny emigration permission to persons who had access to state secrets—is not supported by international law. The Soviet Union is bound to allow its people to leave their country and freely to return.

Under the Soviet Union's freely assumed international commitments, it is irrelevant that Grigory was a civil engineer and not an aeronautical engineer. His access to state secrets is irrelevant.

Of course, we all know that this international obligation is ignored by the Soviet Government. Also, we know that tens of thousands of people suffer terribly because the Soviet Union will not keep its word on this issue.

The Bravves' case is particularly tragic. In December 1986, I traveled to Vienna, Austria, to the review meeting of the Conference on Security and Cooperation in Europe, to take up the case of Rimma Bravve. She and her husband Vladimir were finally allowed to leave the Soviet Union, but too late to arrest the spread of Rimma's cancer.

I shared her joy and her family's joy when she was released by the Soviet authorities. I flew back from Vienna with her and her husband and family. Then, last June, I attended Rimma's funeral in Rochester, NY, when medical treatment proved unable to deal with her advanced cancer.

Now, Vladimir's sister, Sophia, and his niece, have been allowed to come to Rochester. Sophia, like Rimma, is a cancer patient. Yet, when she needs her parents here by her side, to comfort and support her as she receives treatment for her illness, Soviet authorities have once again denied them permission to emigrate.

Almost 9 years of denial. Why? Why can the leaders of the land of Glasnost and Perestroika not understand the human suffering this causes? Why can they not let these people go?

Grigory is 70 years old and Ninel is 68. Ninel is not in good health. What purpose is served by keeping them in the Soviet Union against their will?

I hope the leaders of the Soviet Union respond to Vladimir's hunger strike and understand the humanitarian appeal he is making. They are obligated under the Helsinki Final Act to heed requests for family reunification, giving special consideration to the cases of those who are old and ill. Failure to do so in this case would illustrate how far short of their public image Soviet reality actually falls.

Vladimir Bravve issued a public statement at his press conference. He also sent a letter to Yuri Dubinin, the Soviet Ambassador, which he delivered to the Soviet Embassy in person after the press conference.

Mr. President, I will ask unanimous consent that Vladimir's statement and his letter to Ambassador Dubinin be printed in the RECORD at the end of my statement.

Mr. President, I also want to take a moment of the Senate's time to call to my colleagues' attention two articles which appeared in the Washington Post over the weekend. The first article, "Visiting Rights Monitors Call For More Soviet Progress," by Gary Lee, appeared in Saturday's edition on page A13. The second article, "Revolt of the Radiators; We didn't Get Glasnost Until the Plumbing Broke," by Adam Michnik, appeared in the Sunday edition on the front page of the "Outlook" section.

I will ask unanimous consent that these two articles be printed in the CONGRESSIONAL RECORD at the end of my remarks, following Vladimir Bravve's statement and letter.

Both of these articles are significant, in my view, because they cast considerable light on the current situation in the Soviet Union. Having served on the Helsinki Commission since coming to the Senate in 1981, and have had the privilege of chairing the Commission in the 99th Congress, I have come to know both Bob Bernstein and Jeri Laber very well. They have done tremendous work for human rights through Helsinki watch.

The comments attributed to them in the story of their visit to the Soviet Union are cautious and diplomatic. But the bottom line comes through very clearly—they are looking for tangible indications that there has been real change in the Soviet Union.

Gary Lee writes:

> Bernstein, Laber, and other members of the International Helsinki group stressed in meetings this week that Soviet officials should concentrate on giving a general amnesty to all prisoners held for anti—Soviet activities.

This is the key point. Only 200 such prisoners have been released under glasnost. The rest must be released and article 70 of the Soviet Criminal Code, under which they were convicted and imprisoned, repealed.

Adam Michnik's story is particularly important. It is written by one of the leaders of the Solidarity movement in Poland—by a man with life-long personal experience with Soviet oppression and the Soviet-imposed bureaucratic state.

We should pay close heed to his comments. In particular, he writes:

> When Gorbachev stubbornly repeats that the Soviet Union professes some idiosyncratic conception of human rights and of national sovereignty, incomparable to the conception of these rights in pluralist democratic countries, he repeats—consciously or not, I don't know—a classic Stalinist stereotype. According to that stereotype, the persecution of opponents, the suppression of democratic institutions and disregard for the law are contemptible under capitalism but permissible and useful in a country that is building communist socialism.

Michnik continues:

> This is the meaning of the new situation. When he raised the need for perestroika, Gorbachev finally rejected all the trashy Communist propaganda that could trace back all the economic crises and social conflicts to the operations of foreign intelligence services. The present crisis, which manifests itself as the revolt of the radiators and of the people, is a general crisis of communism.

He makes a key point in closing:

> That is why the world needs a fresh idea of détente—détente with a human face. And let that face belong to a gulag prisoner. People are more important than missiles, and before you eliminate missiles, you must eliminate the habit of persecuting people. Everything else is fraudulent.

Those, Mr. President, are words we would do very well to remember as we consider the INF Treaty. Peace turns not upon missiles, but upon the way governments interact with their people and with foreign states.

Before we become too enthusiastic about General Secretary Gorbachev and his slogans—glasnost and perestroika—we should remember people like Grigory and Ninel Bravve, and their son's hunger strike seeking Soviet permission for them to be reunited with their family.

Peace is about people. It is about reunited families, able to share their love and support each other in time of need. Will Sophia Bravve be able to see her parents, to count on their help as she undergroes her cancer therapy? This question—seen clearly by Bob Bernstein, Jeri Laber, and Adam Michnik—is at least as important as missiles, because it gauges the values and the temperament of the other regime.

As I have said before, we do not fear nuclear missles in the hands of the British and the French. We have confidence in their values and their temperament. Soviet values—so long as the gulag is full of prisoners, the special psychiatric hospitals are open and accepting new dissident patients committed against their will, and families like the Bravves are suffering and divided—threaten us and all other peace-loving peoples around the world.

I ask that the material to which I referred be printed in the RECORD.

The material follows:

HUNGER STRIKE STATEMENT FROM VLADIMIR BRAVVE, FEBRUARY 1, 1988

My name is Vladimir Bravve. I am fighting for reunification here in the United States with my parents, Gregory and Ninel Bravve.

For the past 9 years the Soviet Authorities have denied them the permission to emigrate from the Soviet Union. The reason for this denial is the access of my father to so-called "State Secrets". General Secretary Gorbachev stated that access to State Secrets would not be a barrier to emigration after 5 or at most 7 years, but my father has been already retired for almost 10 years.

During the last year my parents have suffered a lot: the death from cancer of my wife Rimma, the cancer of their daughter Sophia and separation from their children.

My parents are elderly people, in poor health and they are exhausted physically and emotionally. They are completely alone in Moscow with nobody to help them.

During our telephone conversation last week my parents told me that they had lost any hope and they are on a verge of nervous breakdown.

I am unable to stand their suffering any longer and I decided to begin a hunger strike today.

I'd like to appeal to American People: Please help reunite our family. Please ask Mr. Gorbachev to let my parents join us in the United States.

VLADIMIR BRAVVE.

ROCHESTER, NY.

IDENTIFYING INFORMATION

Father: Bravve Grigory Abramovich (70 years old).

Mother: Zetkovskaya Ninel Semenovna (64 years old).

Address: U.S.S.R. Moscow, 107553. Bolshaya Cherkizovskaya Street, 32-5-15.

Phone: 162-4626.

ROCHESTER, NY, *February 1, 1988.*

His Excellency YURI DUBININ,
Ambassador, Embassy of the U.S.S.R., Washington, DC.

DEAR AMBASSADOR: I am writing to you at a very difficult time for all of our family.

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Seven months ago my wife Rimma Bravve died from cancer. Rimma's dying wish was for all our family to be together in Rochester.

Unfortunately my parents Ninel and Grigory Bravve have been denied permission to emigrate for almost 9 years.

During the last year my parents have suffered a lot: the death from cancer of my wife Rimma, the cancer of their daughter Sophia and separation from their children.

My parents are elderly people, in poor health and they are exhausted physically and emotionally. They are completely alone in Moscow with nobody to help them.

During our telephone conversation last week my parents told me that they had lost any hope and they are on a verge of nervous breakdown.

I am unable to stand their suffering any longer and I decided to begin a hunger strike today.

I beg you to make a human gesture and let my parents leave the Soviet Union and reunite with their children. This decision will be welcome in the whole world as a humanitarian approach to the problem of devided families.

Thank you very much.

VLADIMIR BRAVVE.

IDENTIFYING INFORMATION

Father: Bravve Grigory Abramovich (70 years old).

Mother: Zetkovskaya Ninel Semenovna (64 years old).

Address: U.S.S.R. Moscow, 107553, Bolshaya Cherkizovskaya Street, 32-5-15

Phone: 162-4626.

[From the Washington Post, Jan. 30, 1988]

VISITING RIGHTS MONITORS CALL FOR MORE SOVIET PROGRESS

(By Gary Lee)

MOSCOW.—A leading American activist today identified four key areas in which the Soviet Union can improve its human rights record, including eliminating psychiatric abuses and allowing unofficial groups to monitor violations.

But Mikhail Gorbachev has achieved an overall improvement in Soviet adherence to international human rights standards, Robert L. Bernstein, chairman of the U.S. Helsinki Watch Committee, said today.

His comments came at the end of the first visit here by the Vienna-based International Helsinki Federation for Human Rights, which monitors compliance with the accords signed by 35 nations, including the Soviet Union, in Helsinki in 1975.

"The fact that we were allowed to come," Bernstein said of the group of human rights monitors from 13 countries, "is a good indication that things have changed for the better."

Bernstein and Jeri Laber, executive director of the U.S. Helsinki Watch group, said that increases in emigration of Jews and other minorities in recent months have added to the improved Soviet human rights image. But other incidents during the visit indicate that many violations are continuing, they said. While the group met with Soviet rights activist Lev Timofeyev in his apartment, for instance, security agents in a car outside listened in through a bugging device.

One of the most important human rights is the freedom to monitor human rights abuses, and the Soviet Union has "some ways to go" in this area, said Bernstein, who is chairman of Random House publishers.

Many independent or unofficial human rights groups have sprung up under Gorbachev's rule, but they have yet to be recognized or registered by Soviet authorities.

The burden of seeing that other groups are approved falls on the Soviet Human Rights Commission, Bernstein said, referring to a newly formed group of officials and academics chaired by commentator Fyodor Burlatsky.

"Since the Burlatsky commission is the only one that is government-approved," Bernstein said, "it is up to that commission to see that other groups are registered. If it doesn't do so, it will lose its credibility."

The abuse of psychiatry, which long has marred the Soviet human rights record, is still a potential problem, Bernstein said, even though the Soviet media have campaigned against committing political dissidents to psychiatric clinics and Soviet officials maintain that standards have been improved.

Many of the key Soviet officials who instigated the use of psychiatric clinics to punish dissidents are still in place under Gorbachev, including one institute director who met with the Helsinki federation.

"With people like that still around," Bernstein said, "it doesn't exactly inspire public confidence in the leadership's commitment to change. The burden of proof on this lies on the Soviet side."

A third unresolved issue is that of prisoners still in local jails, prisons or camps for political reasons, Laber said. Altogether, about 370 prisoners in this category are still jailed, she added, including 170 held for religious reasons.

Bernstein, Laber and other members of the international Helsinki group stressed in meetings this week that Soviet officials should concentrate on giving a general amnesty to all prisoners held for "anti-Soviet activities." More than 200 such prisoners already have been pardoned, they said.

The right of Soviet citizens to emigrate is the fourth problem yet to be fully resolved, Helsinki Federation members said.

While Soviet emigration rose in 1987, Moscow continues to deny visas to a few citizens it says have had access to state secrets, Bernstein said, even in cases where such access ended so long ago that the knowledge is no longer operative.

The group of Helsinki monitors is the first authoritative, independent human rights group to visit the Soviet Union since Gorbachev began his human rights reforms. The group met with Soviet officials and some dissidents and was given the chance to see Gorbachev's policy of *glasnost*, or openness, in practice.

While a group of Jews, refused the right to emigrate, demonstrated on a Moscow street yesterday, for instance, police stood by watching rather than making swift arrests, now customary for protests in the center of the city.

"The reasons for the change in policy is because the Helsinki monitors were in town," one of the demonstrators said.

REVOLT OF THE RADIATORS: WE DIDN'T GET GLASNOST UNTIL THE PLUMBING BROKE

(By Adam Michnik)

WARSAW.—The communist system has proven methods of dealing with popular revolt. A crowd of demonstrators is met in the streets by riot police armed with truncheons, tear gas and water cannons. When that is not enough, you send out army units to defend the dictatorship of the proletariat by firing at the marching workers. This was the method in Berlin and Poznan, in Novocherkask and Alma-Ata.

It is much worse for the authorities when the central heating goes on strike. I remember one such rebellion last winter in Warsaw. All Warsovians, from generals to workers, sat with their teeth chattering in unheated apartments. What can the Communist Party's general secretary do in such circumstances? He could convene a Central Committee plenum and push through a strongly worded resolution to the effect that the radiators' strike must be suppressed. But the radiators do not recognize the leading role of the Communist Party.

The general secretary could summon the minister of internal affairs and order him to "break the radiators' strike by force." And a police charge could be mounted. The radiators could be attacked with rubber truncheons, water cannon and tear gas. But the radiators fear none of these. Proud and self-confident, annoyingly composed, they would persevere in their resistance, revealing a weakness in the teachings of Marxism-Leninism.

At the root of the changes going on now in the Soviet Union is the rebellion of radiators. A rebellion of inanimate objects has forced the authorities to introduce changes for which the heroic Soviet dissidents have been fighting for years. And this is why we say that this is the deepest crisis of all: The society proved powerless when confronted with a totalitarian state, but this very state proved powerless in the face of the rebel radiators.

It is from this angle that I look at the two staple interpretations of Mikhail Gorbachev's policies. Those who perceive a prospect of democracy and human rights in them are wrong. But so are those who dismiss the changes as purely cosmetic and as a spectacle for the benefit of western audiences.

Perestroika is a reaction to a rebellion of inanimate objects. Glasnost is a sign of the awareness that the clash with inanimate objects can never be won unless you enlist the support of the people. Gorbachev surely wants a reform which would make the Soviet Union a more efficient and powerful state. And, just as surely, he is a child of the Soviet power apparatus. This apparatus does not have the slightest intention of giving up its monopoly status. Gorbachev is neither a comedian nor a liberal; he is a communist who wants to make his state a modern superpower. But that is precisely his dilemma: As a communist, he must defend the monopoly of the party. As an advocate of change, he must curtail that very monopoly.

Gorbachev's prospects are—let's put it bluntly—not terribly encouraging. Members of the nomenklatura, those millions of powerful officials whose habits and privileges are in jeopardy, is completely against him. Glasnost poses a permanent threat to their security. A call for "perestroika without glasnost" will be the natural rallying cry of the conservative apparatus.

Let us take a look at the controversy surrounding Stalin and Stalinism. This controversy, which is as divisive and fundamental as the German dispute concerning Hitler and Nazism, helps us to discover who stands where.

Stalin is defended by those who favor a totalitarian order, by those who prefer freedom from responsibility, and risk to freedom from censorship and police. There are many of them. To them, Stalin was the father and the symbol of might of the

Soviet state; if you attack Stalin you are attacking the state.

Such views are criticized by democratic and reform-minded people who demand the full truth about Stalinism. For them, overcoming the Stalinist heritage is a prerequisite of Russia's spiritual revival. Although they are far removed from naive optimism, they trust Gorbachev and support him because he started the process of change.

This liberal and humanistic tendency, however, has come under fire from representatives of the slavophilic current who regard the Bolshevik revolution as a child of foreign parents. The Marxist doctrine, concocted in western Europe, was carried out by people who were alien to Russia: Poles, Jews, Latvians, etc. It was not autocracy that was Stalinism's real crime—after all, Russia never wished to be a parliamentary democracy. It was his ideology: its atheism, its rejection of the tradition of great Russian statehood and the attacks against the church.

From this angle, the liberal-humanist orientation with its ideas of pluralist democracy is but another embodiment of the same European plague that Bolshevism was. The most extreme—indeed grotesque—embodiment of the slavophile view is the Pamyat Association, which ostensibly deals with the protection of historic monuments but in practice is preoccupied with spreading a xenophobic and conspiratorial theory of history. Pamyat's anti-Semitism is reminiscent of the times when the czar tried to neutralize social conflicts and delay its own demise by staging Jewish pogroms.

Where do Gorbachev's declaration fit into this context? His appraisal of Stalin and Stalinism is splendidly inconsistent and full of internal contradictions. It must be that way. Gorbachev is heir to the Stalinist legacy and also its cautious critic. Since Gorbachev must synthesize conflicting arguments and viewpoints, intellectual nullity is the inevitable product: The history of the Soviet Union is at once a succession of endless triumphs and a string of errors and distortions; collectivization is at once a success of socialist policies and a source of crisis in agriculture.

The fundamental question is whether there is room for independent opinion in the Soviet Union. It used to be said that there is lots of room—at Lubyanka [prison], that is. Will it be different today? Can the so-called "informal clubs" become seeds of pluralism in public life? This question does not concern Gorbachev's intentions but rather the vital forces of Russian society. We do not ask whether Gorbachev wants pluralism but whether he is likely to be forced to accept it by pressure from the people.

From the Polish perspective, this is the basic issue. After the referendum lost by Jaruzelski's government, the awareness of the need for structural reforms is universal. It is even obvious to secretaries and generals. But the question about the shape of reform has yet to be answered. Is this going to be a "paternalistic" reform or the outcome of a social compromise based on pluralism and on institutions that are autonomous from the state? What are the limits of reform going to be? What is Russia going to look like after the reforms? In this matter, the Soviet leader does not go beyond banal, stereotyped declarations.

When Gorbachev repeats that the era of nuclear weapons requires "new thinking," we are eager to agree. When he says that every nation must choose its own road and no superpower must allow itself to dictate its terms to any other state, we want to applaud him. But we are also tempted to ask whether he is just condemning the Monroe Doctrine or the Brezhnev Doctrine as well. Does the right to autonomous development apply to Nicaragua and Cuba or to Afghanistan and Poland as well? And what about Lithuania and the Ukraine?

When Gorbachev says that the Soviet Union does not intend to invade any country, does that mean he is prepared to deplore the Soviet interventions in Hungary and Czechoslovakia or is he merely saying that the Soviet Union will not invade any country matching it in strength, like the United States? Is the "new thinking" limited to Soviet-American relations or does it extend to Soviet-Polish relations as well?

When Gorbachev stubbornly repeats that the Soviet Union professes some idiosyncratic conception of human rights and of national sovereignty, incomparable to the conception of these rights in pluralist democratic countries, he repeats—consciously or not, I don't know—a classic Stalinist stereotype. According to that stereotype, the persecution of opponents, the suppression of democratic institutions and disregard for the law are contemptible under capitalism but permissible and useful in a country that is building the communist system.

This is the meaning of the new situation. When he raised the need for *perestroika*, Gorbachev finally rejected all the trashy communist propaganda that could trace back all the economic crises and social conflicts to the operations of foreign intelligence services. The present crisis, which manifests itself as the revolt of the radiators and of the people, is a general crisis of communism.

Lech Walesa tells fellow Poles, "We must avoid despair and hatred." I suppose this formula could be applied around the world. It should lead to the abandoning of simple formulas of preserving the Yalta order by means of detente or Cold War rhetoric. Something has changed. Unless democratic reforms take place, the system is doomed to progressive decline.

That is why the world needs a fresh idea of detente—detente with a human face. And let that face belong to a Gulag prisoner. People are more important than missiles, and before you eliminate missiles, you must eliminate the habit of persecuting people. Everything else is fraudulent.●

● Mr. D'AMATO. Mr. President, I rise today to give my wholehearted support to legislation, Senate Joint Resolution 246, that designates the month of April 1988 as "National Child Abuse Prevention Month." I commend my colleague, Senator DECONCINI, for stressing that child abuse in our Nation is indeed a problem and one with which we must deal strongly.

Every year, nearly four million youngsters are subject to some form of child abuse. Nearly 5,000 of these children die each year. Those who survive carry with them emotional, psychological, or physical scars for the rest of their lives. Tragically, many of those abused become abusers as adults. Something must be done to break this horrendous cycle.

The American people must be made aware of the outrage of child abuse. Through recognition of this problem, people will come to understand the magnitude and pervasiveness of child abuse. There are many private organizations and thousands of dedicated individuals committed to ending child abuse. Acknowledgment of their efforts will only enhance our goal of obliterating this destructive behavioral pattern.

In additon to my interest in raising public awareness of child abuse, I have sponsored S. 226, the National Child Protection Act. This bill would establish a national clearing house of information on convicted child molesters to prevent them from continuing to abuse our children in child care centers. Criminals must know that we do not condone, and will not tolerate, the molestation of our children in child care centers or anywhere else.

Mr. President, I must reiterate the severity of this problem. We must assist those who cannot help themselves. Our children are our greatest asset; we cannot afford to compromise their safety and welfare. I am pleased to join my good friend, Senator DECONCINI, in cosponsoring this resolution. I encourage my colleagues to join us in this effort, and I urge the immediate passage of Senate Joint Resolution 246.●

THE NEW YORK STATE ASSEMBLY RESOLUTION

● Mr. D'AMATO. Mr. President, we in the Congress occasionally need reminding that we are not the only sovereign, democratically elected legislature in the United States—that here in Washington sits what is, after all, a government of only delegated powers.

The Assembly of the State of New York has enacted a resolution specifically addressing this body on a matter much commented upon within this Chamber: The recent continuing resolution's prohibition on waivers of the FCC's cross-ownership rule. My colleagues certainly know where I stand on this question. They may even think that, after last week, I have had my say. I assure them I have not. They will hear more.

But for now, Mr. President, I would like to put the assembly's resolution into the RECORD so that my colleagues will not fail to receive the message. I can only add that it has my heartfelt agreement and support, as well as my commitment to continue this fight.

The resolution follows:

NEW YORK STATE ASSEMBLY RESOLUTION

Whereas Congress, in the Conference Report to House Joint Resolution 395, Report 100-598, has approved an amendment which denies the Federal Communications Commission the discretion to permit the New York Post and WNYW-TV to be owned by the same individual; and

Whereas the Narrow application of the amendment, its suspect motivation and its eleventh hour adoption belie the amend-

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ment's purported goal of media diversity; and

Whereas the cross-ownership rule is not the main issue in this instance, since the amendment only affects the Federal Communications Commission's flexibility in its application; and

Whereas a forced divestiture would likely jeopardize on-going efforts to save the New York Post from going out of business; and

Whereas such a loss would mean the loss of hundreds of jobs, and a major news source: Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to memorialize Congress to repeal recently enacted provisions which prohibit the Federal Communications Commission from exercising its expert discretion in waiving the cross-ownership rule where, as in the case of the New York Post and WNYW-TV, the merits currently warrant such action: And be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to each member of the New York State Congressional Delegation.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the conferees on the Medicare Catastrophic Protection Act, H.R. 2470, have not yet been appointed. I will ask consent on tomorrow that the Senate insist on its amendments and agree to the conference requested by the House on the disagreeing votes of the two Houses and the Chair appoint conferees on the part of the Senate.

If there is an objection I will move. That motion will be debatable. It is a privileged motion. Its adoption would not dislodge the then-unfinished business, S. 2; am I correct?

The PRESIDING OFFICER. The leader is correct.

Mr. BYRD. Very well.

ORDERS FOR TUESDAY

ADJOURNMENT UNTIL 11:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized on tomorrow there be morning business not to extend beyond the hour of 12 noon and Senators may speak therein for not to exceed 2 minutes each.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over under the rule come over tomorrow and that the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Without objection it is so ordered.

RECESS BETWEEN 12 NOON AND 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that at 12 noon tomorrow the Senate stand in recess until the hour of 2 p.m., to accommodate the regular conferences of the majority and minority parties in the Senate.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I would suggest that Senators daily might expect a rollcall vote on the motion to have the Sergeant at Arms request the attendance of absent Senators. I have not been scheduling that vote this week for good and sufficient reasons, but a little later on, when the Senate is a bit busier than it is now, Senators might expect us to return to that regimen and, as a normal approach, I would suggest that that vote will come very early on each day that the Senate is in session.

I shall like to have the RECORD show that because nothing may be said about such a vote the previous day, there is no indication that it will not be called for. I will say, however, that on days when the Senate is coming in reasonably early, 9 o'clock, 9:30 or earlier, or 10, if such a vote occurs, I would expect to make that a rollcall vote of 30 minutes duration, especially if it begins as early as 9:30, so as to give Senators the opportunity to deal with traffic problems. I would urge them always, however, to be alert to the fact that such a vote may occur.

Of course, if another vote is scheduled early, there is no point in having the kind of rollcalls to which I have referred.

THE DENVER BRONCOS

Mr. BYRD. Mr. President, if the distinguished Senator from Colorado, whom I assume was betting on the Redskins this past Sunday, has no further business—or have I just stimulated some?

Mr. ARMSTRONG. If the leader will yield, let me say I am going to resist the temptation to elaborate on the moment of heartbreak which occurred over the weekend and merely point out that once again the Denver Broncos are, for the second year in a row, the AFC champions, and have been accorded a warm welcome home to Denver today; and wait until next year.

Mr. President, while I have the attention of the leader, I do have one unanimous-consent request that I would like to put before the body if I may.

LEAVE OF ABSENCE

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that rule VI, paragraph 2, of the Standing Rules of the Senate be waived for Senator DOMENICI for official business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, the senior Senator from New Mexico [Mr. DOMENICI] is necessarily absent today. He is in Santa Fe, NM, meeting with Governor Carruthers, key New Mexico legislators and the Umbrella Association for the Chamber of Commerce and the Hispano Chamber of Commerce. He is attending an all-day series of meetings that the Governor set up to discuss the state of the economy in New Mexico and possible economic development.

Senator DOMENICI is meeting with the Governor's Business Advisory Council, the New Mexico Industrial Development Executives, and other interested groups as well. State and Federal legislation will be discussed in addition to a report on "Marketing New Mexico."

The day's activities include a joint session of the New Mexico Legislature's Business and Industrial Committee and the Commerce Committee, and a joint session of the State appropriations and finance committees.

As we can all appreciate, scheduling a group this large is very difficult especially when the New Mexico Legislature is only in session for 30 days this year. February 1 was the best day for the key parties involved.

Mr. BYRD. Mr. President, as I have done here before in the case of other Senators, I compliment Senator DOMENICI on pursuing the rules and following the rules in this respect, and I thank Senator ARMSTRONG for making the request.

ADJOURNMENT TO 11:30 A.M., TOMMOROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 11:30 tomorrow morning.

The motion was agreed to; and at 6:25 p.m., the Senate adjourned until Tuesday, February 2, 1988, at 11:30 a.m.

EXTENSIONS OF REMARKS

COMMISSION ON MERCHANT MARINE AND DEFENSE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. BENNETT. Mr. Speaker, on January 15 in Jacksonville, FL, Adm. J.L. Holloway III, U.S. Navy (retired), former Chief of Naval Operations, spoke to many of the maritime industry under the leadership of the Propeller Club. I include at this point in the RECORD excerpts from his speech which are important for us all and the future of our Nation. As a former Chief of Naval Operations and a man now in a leadership capacity in the maritime industry of our country, and as a member of the Commission on Merchant Marine and Defense, Admiral Holloway is particularly and eminently equipped to speak on these matters.

Excerpts from the speech follow:

ADDRESS BY ADMIRAL J.L. HOLLOWAY III, U.S. NAVY (RETIRED)

On the 19th of October, 1987 the Commission on Merchant Marine and Defense, better known as the Bennett Commission, met with President Reagan in the Oval office to present their first report—The Findings of Fact and Conclusions.

The sense of this report is probably best reflected in the very first conclusion, quote:

"The Commission has found clear and growing danger to the national security in the deteriorating condition of America's maritime industries. The United States cannot consider its own interest for freedom secure, much less retain a position of leadership in the free world, without reversing the decline of the maritime industries of this nation, which would depend so heavily in a protracted war upon adequate use of oceans for its military defense and for its economic survival."

I am sure that these words are not surprising to most of you here tonight. They describe a situation that many of us have been concerned about for some time. Their special significance however, is that they represent the carefully studied views of the Congressionally mandated and Presidentially appointed Commission on Merchant Marine and Defense.

In 1982, the Office of Management and Budget—OMB—prepared a staff review of Maritime Programs and Policy for the Cabinet Council on Commerce and Trade. One of its main conclusions was that national security arguments do not provide a strong justification for the provision of public assistance to the maritime industries.

This conclusion was based on several critically flawed assumptions concerning the national military policy—that the United States would escalate to a general nuclear exchange after thirty days of a general war with the Soviet Union, and that there would be plenty of commercial shipping available for the limited sealift needs of a short war. In spite of criticisms, the OMB staff review became estabiished as the philosophy of the Administration's position in matters concerning the maritime industry. However in 1984 this Commission was established by Congress to review the facts and support on what should be done.

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In a series of six public hearings, the Commissioners heard representatives from virtually every interest group in the maritime business, including the shippers. At the same time, officials from the Administration and the Services were meeting with the Commission in a series of give and take sessions in which all aspects of the issues were discussed.

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The national security strategy of the United States is a collective forward defense. This forward strategy uses the oceans as barriers for our defense and as avenues for extending influence abroad. It exploits the principle that in a general war, we intend to engage an enemy closer to his borders than to ours. This forward strategy depends upon overseas allies, forward deployed military forces and the strategic mobility to respond to crises around the world.

Sealift is absolutely essential to the success of this military strategy. There is no plan for any major overseas military operation, whether it be a general war involving the Soviet Union, or a contingency operation in some remote corner of the globe, that does not involve the use of the seas for projecting and sustaining American military forces.

Today the United States maintains four Army Divisions in West Germany, another in South Korea, and a Marine Division in Japan. Forty-two of our forty-four allies are overseas. In addition, there are fifteen active Army and Marine Divisions located in the Continental United States. If they are to join battle with an enemy, they must be transported overseas.

In time of war, these forward deployed forces and our allies must be reinforced and resupplied, and most of this logistic support will move by sea. Admiral Crowe, Chairman of the Joint Chiefs of Staff, has said that sealift will deliver about 95% of all dry cargo and 99% of all petroleum products. This overwhelming reliance on sealift is understandable when one considers the enormous quantities of war materiel demanded by the mobility and firepower of modern ground forces. For example, more than 100,000 tons of cargo are required to deploy a single mechanized Division. When overseas that Division will need more than 1,000 tons per day delivered to sustain it in operation.

Airlift is planned for the rapid movement of troops to join up with prepositioned equipment, and for the fast delivery of small amounts of critical supplies and materiel. But airlift is severly limited in terms of its ability to move outsized equipment, and in the total volume that can be lifted. A large part of the organic equipment of modern armies, such as helicopters and tank retrievers, will not fit in most aircraft. One modern containership can carry the equivalent cargo of 150 C-5 aircraft. Also, airlift is a notorious consumer of fuel. According to the JCS, during the 1973 Yom Kippur war, our airlift support for Israel required six tons of aviation fuel for every ton of military cargo delivered in Tel Aviv.

In recognition of the importance of sealift, the Secretary of the Navy announced in May of 1984 that the major functions of the U.S. Navy were being expanded to include strategic sealift as a third major function, joining sea control and power projection, which for years had been the two functional bases for naval force requirements.

In a general war with the Soviet Union, the United States can expect substantial sealift help from the merchant fleets of our allies: Japan, Korea, and the NATO countries.

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For the deployment of U.S. forces into Southwest Asia in a contingency operation, the United States must depend upon U.S.-flag shipping. History has consistently demonstrated that our allies are not going to participate in unilateral U.S. military operations, and current events in the Persian Gulf have again confirmed the lack of support we can expect from our allies in this theater, and the need for the United States to be able to go it alone. It has reemphasized the need for us to have enough American flag shipping to carry out specific military contingency operations such as a deployment of the U.S. Central Command to the Indian Ocean.

Only four years ago a new unified command, the Central Command, similar in organizational and regional responsibility to CINCEUR and CINCPAC, was created to cover the Indian Ocean littoral from Kenya to Pakistan, extending inward to embrace the Israeli-Arab confrontation states. Five Army and Marine Divisions are earmarked for this Command, but all are located in the United States. That is where CENTCOM differs from CINCPAC and CINCEUR. If the Central Command were to be deployed, all of its forces would have to be moved from the United States to the Indian Ocean area.

And that creates a massive problem, we don't have enough U.S. flag shipping. The Commission states in one of its most important conclusions: "There is today, insufficient strategic sealift, both ships and trained personnel, for the United States, using only its own resources as required by defense planning assumptions, to execute a major deployment in a contingency operation in a single distant theater such as Southwest Asia. Without decisive action, the situation will worsen substantially by the year 2000."

This shortfall in cargo ships is mainly the result of the decline in the American merchant fleet, which has decreased from 843 ships in 1970 to 369 today. The reduction in the size of the American merchant marine is considered to be especially critical by defense planners, because of a serious side effect. As the commerical fleet shrinks, the pool of mariners available to man the Ready Reserve Force is progressively eliminated.

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The Commission was equally concerned with the decline of our shipbuilding and repair industry. Since 1982, 76 American shipyards have closed and more than 52,000 members of the workforce have gone away. The impact on our mobilization planning is serious. In time of war, our shipyards must have the additional capacity to break-out the ready reserve fleet, to accelerate the overhaul and production of naval ships, to repair battle damage and provide replacements for combat losses.

The shipbuilding and repair industry simply cannot maintain a mobilization base adequate to these tasks depending upon naval construction work alone. There needs to be an augmentation of commerical work in our shipyards. The Commission concluded that:

"The base of shipyards and repair facilities, and their industrial suppliers is currently inadequate in that sense and is continuing to deteriorate at an alarmingly progressive rate. Maintaining the shipbuilding and repair segment of the industrial base required to sustain a protracted general war is essential to deterring or winning such a war."

The ability of the United States to sustain a protracted long term conventional conflict with the Soviets, although essentially ignored by the OMB staff review, is a matter of deep concern at the national level of defense policy planners. Secretary of Defense Casper Weinberger recently stated to the Congress,

"It goes without saying that should our policy to deter aggression fail and a conventional conflict be forced upon us, the United States would bend every effort to win the war as quickly as possible. The essential purpose of our readiness for conventional warfare is to prevent war by deterring aggression. Deterrence would be weakened if the enemy were misled to believe that he could easily outlast us in a conventional war if we were unprepared to sustain the conflict, the adversary might expect we would have to seek a truce by conceding vital territory to his control. The efforts that I have initiated to overcome the short war fallacy—improve sustained ability for U.S. forces, a strength and capability to expand defense production, and appropriate changes in the strategy and tactics—are essential to reduce the likelihood of war."

This first report of the Bennett Commission is only the initial step in what is hoped will be a successful program to correct major deficiencies in our national security posture.

Ultimately its Recommendations must be enacted into legislation and translated into new policies and directives. For this to happen, there must be support within key agencies and from responsible officials within our Government. I believe that support will be there. It was encouraging to hear the words of the Chairman of the Joint Chiefs of Staff, Admiral William J. Crowe, U.S. Navy, who said, quote:

"The decline in the size and capacity of the U.S. merchant marine has been a major concern of DOD national security planners. However, in its present diminished state, it remains an integral element of our preparedness for war and a critical pillar of deterrence. In this era of constrained resources, if there were no U.S.-flag merchant marine, it would have to be replaced by a government-owned and operated sealift fleet—at considerable additional expense to acquire and operate."

But it does seem ironic that during these past few years of the accelerated decline of the American maritime industries, our need for maritime forces has actually increased. A new U.S. military Command has been created in the Indian Ocean with no American combatant ground forces in the theater, as there are in the Atlantic, Pacific and European Commands. The operating forces of this new Central Command will have to be deployed into the area, along with their equipment and support, and more than 90% will have to go by sea. Even as these new responsibilities for U.S. presence in the most remote regions of the world are being created, the overseas base structure available to American forces are experiencing a sharp decline. Gone is our base structure in Southeast Asia, we are being asked to remove our land-based tactical air forces from Spain; access to other NATO bases for unilateral U.S. military operations is questionable; and there is deep concern for the future availability of our major bases in the Philippines.

In contrast, one cannot help but observe the continuing growth of the Soviet navy, which includes their merchant marine, in both numbers and quality. From a small fleet of absolescent cargo ships, Morflot, the Russian merchant marine, has grown into a modern, efficient, technologically advanced commercial fleet, specifically designed to support Soviet national objectives. This transformation, spanning less than two decades, was not left to the chance vagaries of international ocean trade. It was clearly a commitment by the USSR to create a commercial ocean-going fleet that would satisfy the Soviet's military, foreign policy, and trade objectives. This Soviet commitment is especially interesting when the geopolitical situation of Russia is considered: Historically a major Eurasian land power, with the People's Republic of China to the East, and its Warsaw Pack allies on its western border, the Soviets can defend themselves from the Chinese, support their Warsaw Pact allies, and invade NATO without ever crossing a major body of water.

The Russians clearly understand the importance of seapower.

However, I am convinced that as a result of the Bennett Commission, and with the constant efforts of the Seapower Subcommittee of the House Armed Services Committee, under this chairmanship of Congressman Charles Bennett, there will be a wider national awarness and a better understanding of the importance of our maritime industries and the need to solve the problems that beset them. This nation simply must continue to make progress in strengthening our traditional maritime posture.

FORMER AMBASSADOR JEANE KIRKPATRICK VIEWS TIBETANS AS "SECOND CLASS CITIZENS IN THEIR OWN HOMELAND"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. LANTOS. Mr. Speaker, I wish to place into the RECORD an article by former United Nations Ambassador Jeane Kirkpatrick about the plight of Tibetans under Chinese rule in their own country. The Tibetans suffer, she says, as a direct result of political violence used against unarmed people. I think it is a succinct explanation of the situation in Tibet. The article, which ran in the Washington Post on December 21, 1987, follows:

[From the Washington Post, Dec. 21, 1987]

"SECOND-CLASS CITIZENS IN THEIR OWN HOMELAND"

(By Jeane Kirkpatrick)

It is the season of the neediest cases. In cities all over America, attention is focused on those with especially terrible problems in the expectation that the rest of us will offer sympathy and help as we undertake our celebrations.

It is just as good a time to look at the world's neediest cases—places like Ethiopia, Afghanistan, Cambodia and Tibet—where millions suffer chronic hunger, exile, repression, separation from family and hardship beyond belief.

Unlike suffering rooted in the human condition (illness, old age, loss of loved ones) or in the failure of social policies (poverty, unemployment, homelessness), the misery of Ethiopians, Afghans, Cambodians, Tibetans is a direct result of political violence used by governments against unarmed people.

Ethiopian President Mengistu Haile Mariam employs violence against helpless hordes of Eritreans whom he is determined to conquer; Vietnam's government employs violence against the Cambodians who survived Pol Pot's murderous utopia (only to fall victim to invasion and occupation); Soviet armies employ violence against the fierce but battered Afghans; and the People's Republic of China employs violence against the long-suffering people of Tibet.

In each case a foreign government uses force to subdue an ethnically and culturally distinct people. In each case conquest and the denial of self-determination have served as preface to the denial of most of the rights protected by the International Declaration of Human Rights. In each case the effort to conquer a people has led to suppression, dispersion, relocation, massive disruption of the social structure—and mass murder.

Conquest is not a memory from history books. It is happening now as these modern (Communist) governments use force against unarmed populations.

What is called the "international community" does precious little for the victims of these violent policies. Food aid is provided to Ethiopians under an unspoken rule of silence about the causes of their man-made famine. Some governments (including the United States) provide assistance to "freedom fighters" who struggle against the occupations of Cambodia and Afghanistan, and each year the United Nations General Assembly passes discreet resolutions calling for the withdrawal of "foreign" troops from these lands.

Even less notice is taken of the quiet, nonviolent people of Tibet, whose land and culture are victims of a determined campaign of destruction and transformation. The "international community" remained silent even after this fall's executions and repressions laid bare the brute force on which China's policies for Tibet depend.

Though doggedly "Chinese" in its perspective on the region, even the Far East Bureau of the State Department has recently affirmed in testimony before Congress "the depredations and massive violations of basic human rights perpetrated against the Tibetan people since the entry of the People's Liberation Army into the area of Tibet in 1950."

Even the State Department does not deny China's determined efforts to eradicate Tibet's language, culture and religions. Department spokesmen understand the terrible Tibetan toll of forced collectivization and disastrous agricultural policies in the '60s. They know, too, that the Cultural Revolution made Buddhist Tibet a special target of its campaign. All religious institutions were attacked, religious monuments destroyed, monks murdered and 100,000 Tibetans driven into exile in Bhutan, Nepal and India.

It is estimated that more than a million Tibetans—nearly one-sixth of the total population—have died as a result of China's policies. Some 6,000 monasteries have been destroyed. Tibetan children have been removed from their families for "education" in China. Occupation armies have been permanently stationed in Tibet.

With the onset of liberalization in China, Hu Yao Bang made a public apology and announced new policies for Tibet. Tibetans were allowed to rebuild certain monasteries and to worship in them. But the practice and study of religion remain severely restricted by law, and now Yu Yao Bang himself has been purged.

Meanwhile, a deliberate massive resettlement program has attracted millions of Chinese into Tibet, where they enjoy unusually high wages and good living conditions. Today Chinese outnumber Tibetans in their own homeland (some 7.5 million to 6 million). Tibetans suffer systematic discrimination and segregation. The per-capita income of Tibetans is one-third that of the Chinese. Their life expectancy is 20 years below the Chinese average. The Tibetans literacy rate is far lower, their health poorer, their housing more primitive. As the Dalai Lama notes, the Chinese government has made Tibetans "second class citizens in their own homeland."

That government and its apologists explain the Tibetan suffering as the more or less normal consequence of modernization of a "semi-feudal theocracy," which is what they call Tibet. But it is not so. Tibet's miseries are a consequence of repression, not of modernization. Modernization builds on existing cultures. It does not destroy them.

This fall, when Tibetan demonstrations were harshly repressed and public executions held to intimidate Tibetans, the U.S. Congress understood better than the State Department the moral imperatives for American solidarity with Tibetans, who seek nothing more than the human rights our foreign policy affirms for all people.

By overwhelming votes, both houses of Congress expressed their concern over human rights violations in Tibet and affirmed the rights of Tibetans to democratic freedoms.

Now, in the season of Hanukkah and Christmas, the rest of us should find ways to express our solidarity with Tibet's struggle.

The campaign to let Poland be Poland and its accompanying sanctions have helped the Poles in their hour of greatest need. Surely now a determined American government can find ways to help the peaceful people of Tibet be Tibetan.

TRIBUTE TO MR. JACK REEL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. TRAFICANT. Mr. Speaker, I am honored to stand before you to pay tribute to Mr. Jack Reel of Ohio.

Mr. Reel is a reflection of what this great Nation is all about. He was born on a farm in 1940 and graduated from Austintown-Fitch High School in 1939. He later married Vada May and they now live on the farm where he was born.

Jack entered the Army on August 12, 1942, and attended Officer Candidate School at Fort Sill, OK. He served in the Philippines during World War II and was part of the occupation forces in Japan. He had reached the position of lieutenant when he left the Army.

Jack is a member of the Smith Corners Methodist Church and is a former Sunday school teacher and superintendent. He has not missed a Sunday worship for 25 years. For 26 years he has been a 4–H Club leader and advisory committee officer. He spent 11 years as a chairman to the county extension advisory committee and has been the deputy master of the Mahoning County Granges since 1969.

His list of accomplishments and volunteer work is more than impressive. I am proud to represent such a fine citizen. May his giving and generosity continue. All of us in the Mahoning Valley are proud of Jack Reel and I am honored to pay tribute to this hard working and compassionate man.

THE HERITAGE FOUNDATION REPORT ON KOREAN ELECTIONS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. COURTER. Mr. Speaker, the presidential election of December 16 marks a long stride forward for the people of the Republic of South Korea. Despite many expressions of fear—by foreigners and Koreans alike—that the election would be marred by violence or fraud, it proceeded calmly and soberly. It would seem that the Korean people are satisfied that the election was honest, as well.

Despite his repeated predictions that fraud would be systematic, and his spokesman's explicit warning that blood would flow as a result, one of the opposition candidates, Kim Dae-Jung, has since admitted that his failure to unite with other opposition forces permitted Democratic Justice Party candidate Roe Tae Woo a victory. The likelihood that the opposition would be doomed by their divisions was a subject much discussed by Koreans prior to the balloting.

Indeed, writing as early as August 26, 1985, in the Asian Wall Street Journal Weekly, Heritage Foundation analyst Daryl Plunk stressed the deep divisions between Kim Dae-Jung and Kim Young Sam and declared that "the political opposition in South Korea is at a crossroads." The two Kims failed to take the same path, and the opposition divided behind them.

What matters in 1988 is that President-elect Roh Tae Woo, victorious by a margin of nearly 2 million votes, continue to give evidence of the realism and magnanimity toward the opposition that he demonstrated during his brief candidacy. The movement toward democracy has been most impressive, and will most likely get another push from the upcoming elections for the national assembly.

The U.S. administration's policy has been to press the ROK on human rights questions and urge its government toward democracy while disdaining the occasional call from individual Members of Congress for sanctions. I judge that we have reason to be satisfied with the policy; it has had its small part in the progress of the South Koreans toward full political freedom. And, as Heritage analysts Richard D. Fisher, Jr., and Daryl M. Plunk conclude in their report on the elections, "A more democratic South Korea would enhance its already close ties with the United States and also contribute to Asian stability."

The Heritage Foundation "Executive Memo" follows:

AFTER SOUTH KOREA'S ELECTIONS, RECONCILIATION IS THE NEXT STEP TOWARD DEMOCRACY

(Updating Asian Study Center *Backgrounder* No. 64, "Confronting Political Change in South Korea," June 2, 1987.)

A new political era is dawning in the Republic of Korea. Last week's South Korean presidential election may be the country's most significant progress in political development since its formation in 1948. As the result of a fair and open electoral process, witnessed by many international observers including the authors of this paper, President-elect Roh Tae Woo, nominee of the ruling Democratic Justice Party, will be sworn in next February 26. This will mark the first peaceful transfer of executive power in South Korean history. Also inaugurated on that day will be a new and more democratic constitution drafted by all the major political parties.

Now that South Koreans have demonstrated that they can conduct honest elections, the next test for the country's fledgling democracy is for the defeated candidates—mainly Kim Young Sam of the Reunification Democratic Party and Kim Dae Jung of the Peace and Democracy Party—to show their readiness to concede peacefully. Both Kims have been charging, without producing proof, that the government rigged the election. Initially both Kims hinted that they might organize street demonstrations to show their opposition, but there have been increasing indications that both may soon accept the judgment of their countrymen.

DRAMATIC TURNAROUND

That the election proceeded peacefully was a change from the turbulent days of last June when hordes of often violent street demonstrators called for constitutional revision and a direct presidential election. They claimed that the existing indirect electoral college system was unfair. Roh Tae Woo, head of the ruling party, bowed to the pressure and on June 29 accepted virtually all the opposition demands. Within weeks the national legislature passed the new law

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that covered last week's election. It also approved the new constitution.

On election eve, December 15, most Korean and foreign observers believed that the race was too close to call. It turned out not to be close at all. Roh won 36 percent of the vote, with Kim Young Sam and Kim Dae Jung trailing with 27 and 26 percent respectively. Minor candidates accounted for the remaining votes. Roh's margin of victory was nearly two million of the 23 million votes cast. To be sure, there were isolated instances of voting irregularities ranging from allegations of vote buying to intimidation of official poll watchers. Charges have been leveled at both government and opposition camps. The Kims have not, however, offered firm evidence to substantiate their claims of "massive election fraud."

In keeping with the election law drafted by all major political parties, the election process was protected by an elaborate system of checks and balances. Observers from competing political parties were present at all stages of the election, from vote casting to ballot counting. An official of the U.S. embassy in Seoul commented on the day before the vote that "election procedures are very tight" and any "significant fraud would be highly vulnerable to exposure."

NO EVIDENCE OF FRAUD.

Reminiscent of international interest in last year's Filipino election, at least four U.S. observer teams traveled to South Korea. None of the American groups, including that sponsored by the pro-opposition Council for Democracy in Korea, reported any compelling proof of widespread election rigging. This was mirrored by comments to the Congress by Assistant Secretary of State Gaston Sigur that there is "no evidence of systematic fraud" and that the South Korean election "appears to have been conducted in an open and orderly manner." This position has received bipartisan congressional support, including that of the Chairman of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, Stephen Solarz, the New York Democrat.

The next step in building South Korean democracy must be reconciliation and compromise by the three main candidates. President-elect Roh already has said that he is ready to start reconciliation talks with opposition leaders. The ability of all sides to cooperate will be tested in early 1988 when a new election law must be written for upcoming National Assembly elections.

CHALLENGES AHEAD.

Future elections are just one of many challenges facing the new government. Others include resolving the growing trade friction with the U.S. and seeking to improve relations with North Korea, which continues to pose a real military threat. Possible North Korean involvement in the destruction near Thailand of Korean Air flight 858 on November 29 reminds all South Koreans of the potential danger from the North. Also of great national importance are the upcoming 1988 Seoul Summer Olympic Games.

Washington can help its Korean ally by continuing its hands-off policy toward South Korean domestic politics. Koreans themselves are meeting the challenge of democratization. The Reagan Administration was wise to ignore the handful of liberal members of Congress who earlier this year proposed drastic U.S. measures against Seoul, including economic sanctions, to force South Korean democratic reforms. What the U.S. must do is to continue urging both sides to reconcile their differences. This would ensure that South Koreans continue making progress in the political arena commensurate with their impressive economic success. A more democratic South Korea would enhance its already close ties with the U.S. and also contribute to Asian stability.

Richard D. Fisher, Jr.,
Policy Analyst.
Daryl M. Plunk,
Visiting Fellow.

TRIBUTE TO RICHARD W. MITCHELL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. FISH. Mr. Speaker, I rise today to pay tribute to an outstanding New Yorker from Poughkeepsie, Richard W. Mitchell. Dick is stepping down from his post as president of the Poughkeepsie Area Chamber of Commerce after nearly 18 years of service. Dick has been a catalyst for the entire community of Dutchess County in a period of unprecedented growth, and a valued friend to me.

For three decades, Dick has played an integral part in both the private and public sectors of the Hudson Valley. Serving as mayor of the city of Poughkeepsie from 1965–69, Dick supported Federal urban renewal for the area. He mastered its details and demonstrated skill and knowledge in negotiating with federal officials. That program initially drew criticism because much of the land that was cleared under the program was not developed for years. However, had there not been an urban renewal program in the sixties, the cost of revitalizing the innercity in subsequent years would have been astronomical. It was that type of foresight that distinguished Dick Mitchell's public career.

The summer of 1967 brought 3 days of racial disturbances to Poughkeepsie. A lesser man might have panicked, but Dick was able to help diffuse the situation and avoid the violence experienced by other cities. He had the right attributes to handle an explosive moment—patience, compassion and fairness.

Dick's second term saw needed development to Poughkeepsie's infrastructure, specifically an arterial system, though again he met with opposition. There was no easy way to improve the roads and meet the growing transportation needs of the community. Several houses had to be destroyed and the complexion of many neighborhoods changed. Such are the growing pains associated with any city revitalization. Tough decisions had to be made and Dick made them.

After leaving public office, Dick intended to return to the family business, the Mitchell Furniture Co. He had served as president of the company before taking on the job as mayor. Unfortunately, a fire devastated the business, and forced Dick to look for work elsewhere.

The Poughkeepsie Area Chamber of Commerce was fortunate to procure Dick's services, and he has served as its president for two decades. In that time, the membership has tripled and the chamber has gained widespread notoriety.

In his capacity as chamber president, Dick Mitchell has been a guiding hand in the development of the city of Poughkeepsie. The city in many ways is a monument to his foresight and tireless involvement.

Dick was also instrumental in organizing my annual Chamber of Commerce Day in Washington, which I have hosted with Congressman Ben Gilman for the last 12 years. Members from the various chambers in our districts travel to Washington for a day-long program of speakers and discussion on Federal programs and current affairs. Every year our program has become bigger and better. Again, thanks to Dick's help.

I wish Dick and his lovely wife Wanda, all the best in the future. His service to the Hudson Valley has guided us wisely through many turbulent years. I consider myself lucky to have worked with him, and I am proud he is my friend. Good luck Dick.

DAV RESPONDS TO SPATE OF EDITORIALS AGAINST UPGRADING THE VA

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. MONTGOMERY. Mr. Speaker, on Wednesday, January 27, I submitted for the record a statement by Mr. Butch Joeckel, executive director of the Washington office of the Disabled American Veterans, expressing his views on the media opposition to the effort to upgrade the Veterans' Administration to a Cabinet-level department.

Mr. Joeckel's letter to me of January 6, 1988, which was inadvertently omitted from my submission last Wednesday, follows:

Disabled American Veterans,
Washington, DC, January 6, 1988.

Hon. G.V. "Sonny" Montgomery,
U.S. House of Representatives, Washington, DC.

Dear Congressman Montgomery: The Washington Post printed four editorals in about one month against the pending legislation that would elevate the VA to Cabinet level. Yesterday, the Post printed an op-ed piece by former Agriculture Secretary John Block that also opposes Cabinet status for the VA.

Mr. Block touts himself as an active veteran. But after graduating from West Point in 1957, Mr. Block resigned from the Army in 1960 to pursue his private fortune. Apart from the fact that 3 years of military service hardly repays the Government for 4 expensive years of an Academy education, Mr. Block's minimal service occurred exclusively in time of peace.

Mr. Block's lack of wartime experience undermines his credibility on a fundamental aspect of the Cabinet proposal as a bridge between veterans of wars divided by a generation. The Post, too, seems insensitive to this issue, as pointed out in the enclosed manuscript that we submitted but which the Post refused to print.

We would appreciate your printing both this letter and the enclosed manuscript in the Congressional Record in an effort to

insure an audience for what we believe is an important pro-Cabinet idea.

Sincerely,
Charles E. Joeckel, Jr.,
Executive Director.

ELIMINATE TAX EXEMPT FINANCING AND DEPRECIATION FOR JAPANESE CONSTRUCTION IN THE UNITED STATES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. STARK. Mr. Speaker, today I would like to introduce legislation to deny depreciation for tax purposes and the use of tax exempt bonds to finance buildings constructed with Japanese engineering or architectural services.

Japan has consistantly refused to allow foreign firms to participate fully in Japanese construction projects. Although the United States has had open construction markets for years, allowing foreign nations to compete for construction jobs in the United States, Japan has had restrictions on construction bidding which kept foreign bidders out of the Japanese market.

Under the Japanese construction practices, contractors are chosen from a select group of bidders. To get on the list of bidders, a company must first be licensed, and the Japanese will only grant a license to companies with Japanese experience, a catch 22 situation if ever there was one! As a result, United States companies have not been able to break into Japan's $200 billion a year construction market.

Meanwhile, the Japanese construction firms have aggressively penetrated the United States construction market. While Japanese construction firms had less than $50 million of the United States construction market in 1981, Japanese market share for United States construction projects by 1987 was approximately $3 billion.

The closed Japanese market has contributed to our trade imbalance with Japan, now running about $4.9 billion a month. This trade imbalance costs American workers jobs: each billion dollars of trade deficit results in 10,000 lost American jobs.

Congress has begun to correct this situation. In the recently passed continuing appropriations bill, we approved a measure which prohibited the Federal Government from procurring construction services for United States public works projects from Japanese firms during fiscal year 1988. In 1987, Japan's share of the United States public works market was $100 million.

Now, it is appropriate to make similar restraints for Japanese construction firms bidding on private sector United States construction jobs. By eliminating tax exempt financing and depreciation for Japanese construction in the United States, we will at least reduce our trade imbalance while we resume negotiations with the Japanese.

The text of the bill is as follows:

H.R. 3888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF DEPRECIATION.

Section 167 of the Internal Revenue Code of 1986 (relating to depreciation) is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

"(r) Denial of Depreciation for Buildings Constructed With Japanese Services.—

"(1) In general.—Notwithstanding any other provision of this title, no deduction for depreciation or amortization shall be allowed for any building if 1 percent or more of the cost of such building (determined as of the completion of its construction) is attributable to services performed by Japanese persons.

"(2) Japanese person.—For purposes of this subsection, the term 'Japanese person' means—

"(A) any citizen or national of Japan,

"(B) any corporation, partnership, or other entity created or organized under the laws of Japan or any subdivision thereof,

"(C) any instrumentality of Japan or a subdivision thereof, and

"(D) any corporation, partnership, or other entity owned or controlled (directly or indirectly) by 1 or more persons or entities described in subparagraph (A), (B), or (C).".

SEC. 2. DENIAL OF USE OF TAX-EXEMPT BONDS.

Section 149 of the Internal Revenue code of 1986 is amended by adding at the end thereof the following new subsection:

"(f) Facilities Constructed With Japanese Services.—

"(1) In general.—Nothing in section 103(a) or any other provision of law shall be construed to provide an exemption from Federal income tax for interest on any bond issued as part of an issue 1 percent or more of the proceeds of which are to be used to provide Japanese constructed facilities.

"(2) Japanese constructed facility.—For purposes of this subsection, the term 'Japanese constructed facility' means any facility if 1 percent or more of the cost of such facility (determined as of the completion of its construction) is attributable to services performed by Japanese persons (as defined in section 167(r)(3)).".

SEC. 3. EFFECTIVE DATE.

The amendments made by sections 1 and 2 shall apply to property the construction of which begins after December 31, 1987.

MARCH OF FOLLY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. GARCIA. Mr. Speaker, I am submitting for the Record the following article by Wayne S. Smith from the January 29 New York Times so that Congress will not miss the opportunity to halt the "march of folly" led by the administration in its pursuit of further Contra aid. Despite Nicaragua's willingness to negotiate their differences with the United States, including the United States concern regarding a Soviet buildup, the administration continues to ask for support to the Contras. The Congress should consider in what way U.S. foreign policy objectives are best achieved in the Central American region. I think Dr. Smith is on the right track.

[From the New York Times, Jan. 29, 1988]

The "March of Folly" in Further Contra Aid

(By Wayne S. Smith)

Washington.—In her classic book, "The March of Folly," the historian Barbara Tuchman notes the compulsion of national leaders all through history to behave woodenheadedly—that is, to follow policies contrary to those indicated by good sense and enlightened self-interest. Calling Philip II of Spain "the surpassing woodenhead of all sovereigns," she observes, "No experience of the failure of his policy could shake his belief in its essential excellence."

Philip's title is now on the line. In seven year's time, our policy of aiding the contras has produced only Irangate, national humiliation and the condemnation of the United States by the World Court—to say nothing of the suffering it has caused in Nicaragua. The contras cannot defeat the Sandinistas; they can only harass them, and harassment advances no discernible objective of the United States.

And yet, still convinced of the essential excellence of his policy, President Reagan has now asked the Congress for $36 million in contra aid, including $3.6 million in delayed military aid.

How does the President justify this request? By warning, in his State of the Union Message, that while the Sandinistas talk of peace, they and the Soviet Union are planning a large-scale military buildup—which presumably only contra aid can stop.

In fact, it is quite the other way around. As President Daniel Ortega Saavedra made clear in an article on the Op-Ed page of The New York Times on Jan. 14, there will be no augmentation of Nicaraguan forces if the plan authored by President Oscar Arias Sánchez of Nicaragua works. Indeed, they could then be reduced.

True, as reported by the Nicaragua defector, Maj. Roger Miranda, Moscow and Managua have discussed both the possible creation of a militia of 600,000 members and Nicaragua's acquisition of more sophisticated weapons. But as Nicaraguan documents that he turned over to Washington indicated, the determinate in any such upgrading would be "a sustained escalation of America aggression via a mercenary war and the continuing threat of a large-scale military action on the part of the United States."

Both in his article and in a subsequent letter to President Reagan, President Ortega urged that rather than permitting things to come to such a pass, the United States and Nicaragua negotiate their differences, and he emphasized Nicaragua's willingness to address United States security concerns.

President Reagan, of course, did not mention any of this in his State of the Union Message. That would have been embarrassing, for it would have contradicted his assertion that the Sandinistas were saying one thing and doing another, and it would also have raised questions about why Mr. Reagan, in spite of his expressed concern over a Soviet buildup, so recklessly rejected overtures that addressed that concern.

Perhaps President Reagan considers negotiations with little Nicaragua to be beneath his dignity. But what of discussions with the Soviet Union? During the summit meeting, Mikhail S. Gorbachev suggested that both sides support the Arias plan—the United

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States by ending aid to the contras, the Soviet Union by severely limiting any military shipments to Nicaragua.

If the President was worried about a Soviet buildup, here was a golden opportunity to head it off. But did the President seize the opportunity? Of course not! He did not even bother to respond.

Rather, he waited until Mr. Gorbachev was out of town and then began ringing alarm bells over the Miranda allegations as part of his scare tactics to get more contra aid.

He continued ringing them during his State of Union Message. It is an all too familiar pattern: Negotiations that might achieve our objectives are eschewed in favor of continued aid to the contras, who haven't a chance of achieving any of them. Philip II would have been envious.

The President also continues to insist that only by continuing aid to the contras can we hope to return democracy to Nicaragua. In fact, such aid has as little chance of encouraging democracy in Nicaragua as the President's economic policies did of balancing the Federal budget.

Nicaragua has just taken a number of long steps toward democratization—but to comply with the Arias plan, not as a concession to the contras. President Reagan may flippantly say "phooey." But it is a certainty that those steps toward democratization will be rescinded and the Arias plan fatally undermined should Congress approve any contra aid beyond the aid for resettlement purposes permitted by the Arias plan.

In short, President Reagan's policy in Nicaragua not only defies common sense but actually works against our stated objectives. If our nation is not to be dragged along any further on this march of folly, we must depend on the Congress to prevent it by refusing further aid to the contras, except for what might be used in resettling them.

UKRAINE UNDER THE U.S.S.R.

HON. JAMES J. FLORIO,

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. FLORIO. Mr. Speaker, since the loss of Ukrainian sovereignty in the closing days of World War I, millions of individuals have been living under the unasked-for tutelage of the Union of Soviet Socialist Republics. These people, whose homeland is the Ukraine, have often found that their inalienable freedoms as human beings are not respected or that their rights as citizens of the Ukrainian homeland are not recognized.

On Wednesday, January 27, 1988, Ukrainians throughout the world along with the Ukrainian Congress Committee of America celebrated in spirit the 70th anniversary of the independence of the Ukrainian peoples. But the spirit that these individuals celebrate is that of the human spirit rather than of the political body.

January 27 is a time to remember that the Ukrainian peoples lead lives that are guarded over by the Soviet Government. The expression of national self-determination is completely circumscribed and the ability to profess religious beliefs is blocked at every turn and by every means available.

As a tribute to the spirit of the Ukrainian peoples, January 27 every year serves as a stark reminder that there is still much to be done to bring to light the plight of the Ukrainian peoples in the struggle for their civil rights.

In the 98th Congress, I introduced legislation establishing the Congressional Commission on the Ukrainian Famine to examine the historical facts behind this famine at the turn of the century. Currently at work on a comprehensive narrative of this period in the history of the Ukrainians' homeland, the Commission is investigating the causes and the consequences of the famine, seeking to understand the tragedy that befell the Ukrainians, the reasons for the famine, and the impact that this famine had on so many individuals.

Today, there is an opportunity through the expression of solidarity with the sentiments of these people to have an impact on their condition for the better.

In the Soviet Union, glasnost has given cautious pause for the possibilities that exist for the Ukrainian peoples and the many other peoples who share in the absence of personal and political freedoms.

In the years to come, perhaps there is hope that the spirit of the Ukraine will burn as brightly as it does with the celebration of this anniversary.

NAVY SECRETARY JAMES H. WEBB, JR., ADDRESSES THE NATIONAL PRESS CLUB

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. BENNETT. Mr. Speaker, I include at this point in the RECORD, excerpts from an excellent speech made by Secretary James Webb speaking before the National Press Club last month concerning the new times and new challenges we have in the field of national defense.

NAVY SECRETARY JAMES H. WEBB, JR., ADDRESSES THE NATIONAL PRESS CLUB

We are not as rich, compared to other nations with whom we are allied, as we were when we sketched out the basic framework of our international military presence just after World War Two. In the decade following that war, our country consistently produced more than 40 percent of the world's Gross Domestic Product. In recent years, that figure has been about 25 percent.

Nor is the Defense Department as well off as it was even a year ago, and the future looks equally difficult. As most of you know, last month the Department of Defense was required to reduce an existing fiscal 1989 budget by more than 33 billion dollars.

We are being told in no uncertain terms, and from many different fronts, that due to fiscal realities the U.S. military of the future must be smaller and more efficient.

We are also hearing, quite frequently and with equal fervor, that in the aftermath of the INF agreements that conventional threats in Europe will be larger, and that conventional force structure there should receive more emphasis.

We also know, and there is no question about this, that our future as a nation is very closely tied to Asia in economic and political terms, and that we must do a better job of attending to the economic, political and security issues here in our own hemisphere.

And the overriding reality is that it should be obvious that a smaller United States military, no matter how efficient, cannot attend to all of these matters by itself, at least not in the same way that it has over the past 42 years.

The key question for our national leadership as it struggles with these realities is not one program or another in the budget, as has so often been the case, but whether, and how, the United States can maintain its commitments throughout the world, while at the same time reducing the size and force structure of its military.

It is a little bit easier to point out what we cannot do. The first answer is that we cannot do it at all without a great deal of risk, in both diplomatic and military terms. The second, and I have been saying this for much longer than I have been Secretary of the Navy, is that it would be impossible to do it with any degree of effectiveness and at the same time reduce the size of our Navy. And the third answer is that we cannot do it without the increased cooperation and help of our allies.

Allow me to advance the following thoughts as an analytical beginning:

First, although a great deal of energy and money is dedicated to our NATO alliance, and although this alliance is one of the keystones of our military structure, we need to remind ourselves from time to time that we are more than a European nation. We are a global nation with largely European antecedents, continuing European interests, and national loyalties to Western Europe's fundamental objectives. We must remain strong in Europe, but we also have the obligation to view the Soviet military threat in global, rather than regional terms, and to address that threat worldwide.

Second, the United States is becoming more intertwined with Asia, and the issues involving Asia are moving to the forefront in the world community. In 1986 the United States did 219 billion dollars gross trade in Asia, 75 percent more than its gross trade with the Atlantic nations. In economic, cultural and political terms, we are becoming increasingly more tied to Asia, and it is imperative that we match those ties with the military capability to protect our interests and honor our obligations to friends and allies in the region.

The Soviets have achieved the historic Russian dream of owning a warm water port in the Pacific, and on any given day two dozen Soviet ships are in Cam Ranh Bay, Vietnam, as are fighter, bomber and long range reconnaissance aircraft. They have increased their Far East Command by ten divisions over the last ten years, and now have 530,000 ground troops in East Asia, in addition to another 200,000 spread through Mongolia, the Transbaikal, and Central Asia. The Far East military region has 85 Backfire bombers, and nearly 2,500 combat aircraft. The Soviet Pacific Fleet is now the largest of its four fleets, with 840 warships as opposed to 750 a decade ago. These ships include two Kiev class aircraft carriers, a Kirov class nuclear guided missile cruiser, 41 percent of the heavy surface ships in the entire Soviet navy, 37 percent of the combat aircraft in Soviet naval aviation, 40 percent of all their SSBNs, and extensive amphibious capabilities.

Japan clearly has the resources and the national interest to pick up more of the defense load in Asia. Japan is becoming the largest creditor nation in the world. More

than half of the oil that passes through the Straits of Hormuz goes to Japan. I personally recommended as early as 1973 that Japan include the defense of its sea lanes, even as far as the Indian Ocean, in its constitutional interpretation of "self-defense." Ocean-going activities of that sort would aid in our alliance without inciting the concern of other nations in the region that attended its land occupations of forty-five and fifty years ago.

Third, we must consider the Soviets themselves. No analysis of our own future defense priorities can leave them out. There has been considerable discussion of late regarding changes taking place within the Soviet Union. It would be inappropriate for me, and beyond the scope of this speech, to address these changes in any detail, but two observations seem inescapable. First, Soviet conventional force structure around the world has been growing, and if force structure cuts are to occur in our own military, we must be careful to signal to the Soviets that this is a refinement of our capabilites, rather than a reduction of them. And second, an improved situation in Europe, absent a stand-down of conventional forces taken out of that theater, may well increase rather than decrease Soviet pressure in other areas.

Fourth, we must pay greater attention to our own hemisphere, and to the Third World as a whole. I mentioned that we are becoming more intertwined with Asia, and the same is true with Latin America. This nation's principal movements, in economic, cultural and political terms, are west and south. The changing ethnic makeup of the country itself shows this.

In Latin America, the Soviets operate roughly 7600 military personnel in Cuba, and another 230 in Nicaragua and Peru. During 1986 alone the Soviets provided more than 600 million dollars of equipment to the Sandinista regime as well. The Cubans contribute another 2500 troops in Nicaragua.

The overriding guidepost for the future is that our conventional force structure must provide us the most utility and the most capability in the global arena. This requires versatility in terms of military mission. It means that forces dedicated to static defensive missions must be scrutinized and altered when possible in favor of units that can deploy and fight wherever they are needed.

Our place in the world has been guaranteed by our maritime power, particularly during this century. We are a maritime nation by virtue of our geographic position, economic necessity, and political commitment. American seapower maintains unimpeded access to world markets. It denies our adversaries the use of sea lanes for expansionist or imperialistic reasons. It maintains international security and stability, including protection of those nations whom we count as friends and allies during crisis. It enables us, when war comes, to reinforce allies, to multiply the effectiveness of their armies, to inject our own ground forces when appropriate, to become supreme on the land through control of the sea. It provides us the single greatest deterrent to nuclear war, with a nuclear submarine force that fields one-half of our nuclear capability at one-fourth of the overall cost for the strategic nuclear Triad.

At this moment, of our total fleet of 569 ships, which includes the naval reserve, 157 are at sea, 112 outside of their local operating areas, 91 them forward deployed at potential hot spots around the world. These numbers are actually a bit low, due to the respite of the holiday season.

We need not speculate on what would happen if we cut back naval force structure. Those who claim that the last seven years have shown the greatest peacetime buildup of the U.S. Navy forget that the decade that preceded this buildup gave us the greatest evisceration of the Navy in its history. When I was commissioned in 1968 there were 931 combatants in the U.S. Navy. By the time we inherited the Indian Ocean commitments in 1979, the greatest navy in the world had been cut in half, to a force of only 479 combatants. Operational commitments, so often driven by national command authority needs, did not decrease.

In an ever more complex world environment, and with a U.S. military force structure that we are told will be smaller, we can expect national command authority commitments, or what the budgeters euphemistically call "unprogrammed contingencies," to at least remain the same, and perhaps to increase. It would seem illogical to reduce the size of our sea services at the very moment in history when they should be assuming an even greater role in our international security posture, unless our leaders wish to consciously acknowledge that we will be unable to meet the contingencies of the future.

I would hope that a different decision will be made. I would hope that we will instead have the courage to fully debate the nature of our obligations, as well as the nature of our allies' obligations to us, and to sort out exactly what it is we are defending and how this defense can best be accomplished.

THE RAPPELLING WAYS OF COUNCILMAN BOB HOFFMAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. LANTOS. Mr. Speaker, an American flag and a copy of the U.S. Constitution now rest atop Mount Vinson 16,857 feet above sea level in Antarctica, thanks to the efforts of Bob Hoffman, a city councilman and two-term mayor of Belmont, a community in my district.

Hoffman led a team of six climbers to the top of the mountain, named after the late U.S. Congressman Carl Vinson, a strong proponent of research in Antarctica, in November. From a base camp at a 7,000-foot altitude in the Ellsworth Mountains, the team fought fierce storms and 30 below zero temperatures to reach the summit, the highest on the icy continent. At times, winds gusted to 70 miles per hour, forcing the climbers to build ice walls for protection.

The climb took 2 weeks; Hoffman and his crew spent Thanksgiving inside a tiny tent and ate spaghetti, soup, and tuna. Upon reaching the top, a flag and a copy of the U.S. Constitution presented by this office were left there, as symbols of freedom in a frozen wasteland. By international treaty, no nation lays claim to Antarctica, and all are free to explore its wonders and unlock its secrets.

Why does he climb mountains? Hoffman avoids the usual cliches about "because it is there" and gives an explanation that most climbers feel. As he told the San Mateo Times:

> All of your senses are alive—to be on the edge and flirt with that kind of danger, and be able to succeed—it's a wonderful feeling. Part of the lure is knowing that not a lot of people will ever do it.

Indeed, since Mount Vinson was discovered 30 years ago, only a few expeditions have succeeded in conquering it, the last in 1965. The climb itself is not that difficult by mountaineering standards. What makes Vinson a challenge is its hostile environment and the logistical planning required simply to get in place to climb the mountain.

Mr. Speaker, I wish to commend Bob Hoffman for his efforts, for his spirit and for his adventure, which took a small part of America to a hostile wilderness.

TRIBUTE TO MRS. VADA MAY REEL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I stand before you today to pay tribute to Mrs. Vada May Reel of Ohio.

Her list of community service is rather impressive. She graduated from Austintown-Fitch High School in 1940 and married Jack Reel 2 years later. She has not missed a Sunday service in 52 years and has played the organ for Sunday worship since she was 14. Mrs. Reel has been a Sunday school teacher, a youth director, a member of the district pastorate, and has been active in local women's societies at both district and conference levels.

Outside the church, Vada May has been a member of the Mahoning County Extension Homemakers Council for 20 years, and had been a member and chairman of the County Extension Advisory Committee. She has served as a Junior Summer Camp Advisor, and has been a Mahoning County Deputy since 1969.

Mrs. Vada May Reel gives a tremendous amount of herself on behalf of the people of Ohio. How honored I am to represent such a generous woman. I pay tribute to her for her endless faith in God and those around her.

KLUGMANN: WE ALREADY HAVE A NEGOTIATED SETTLEMENT IN CENTRAL AMERICA

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. COURTER. Mr. Speaker, so complex and intractable is the Central America problem that there has developed an insatiable appetite for negotiations and dialog of almost any kind. For the moment the Guatemala peace plan is the focus of all attention. But something very important is being left out of these conversations: there already is a negotiated

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peace settlement of the Nicaraguan matter. In one sense the real question is whether we intend to live by it.

Elaborate negotiations between the Sandinista front and the Organization of American States and its various members, including the United States, led in 1979 to a binding political agreement about the future of Nicaragua. That future, was to be a democratic one. And in 1985 the Congress passed a law—the International Security and Development Cooperation Act—which declares that U.S. policy will be guided by that agreement.

Mr. Speaker, I made these points in House Concurrent Resolution 41, introduced last February 5. They need to be made again, because in 1987 and 1988 we are debating a matter which we supposedly settled in 1979. I am extremely pleased to learn that Washington Times editorial writer Mark Klugmann has been doing a great deal of research into the background of the 1979 settlement, and has published a new article which draws upon that work. It makes most valuable reading, and I commend it to the attention of all my colleagues:

[From the Washington Times, Jan. 26, 1988]

CARTER'S UNFULFILLED DEAL

(By Mark Klugmann)

The crisis in Nicaragua has a forgotten history. It is the negotiated settlement by which the United States helped install Nicaragua's Sandinista government in 1979.

That this agreement has been virtually absent from the Nicaraguan debate is most unfortunate, but all too typical of America's failure to assert or enforce its past diplomatic solutions.

For example, U.S. officials rightly criticize Fidel Castro's on-going support for subversion in a dozen countries—but they rarely cite the stipulation of the Kennedy-Khrushchev agreement that bars Cuba from exporting revolution.

Similarly, Eastern Europe, Vietnam, human rights in the Soviet bloc, and other areas of concern are addressed by never-fulfilled, never-enforced negotiated agreements.

But in a key respect, the 1979 Nicaragua settlement is different. Some past agreements have faded from sight because they deal with bygone issues or because the United States has no appetite or instrument for enforcing them. But with the Nicaragua settlement, the issue is current and the enforcement policy—support for the freedom fighters—is already being carried out. Ironically, it is only the settlement which has been disremembered.

Back on July 20, 1979, the day after the Sandinistas took power, a standard news summary, Facts on File, would matter-of-factly write: "The U.S. negotiated an agreement with the leaders of the FSLN [the Sandinista party] while pressing Somoza to resign. When the FSLN had conceded a number of points that the U.S. felt were necessary to insure that the new government would not be dominated by communist sympathizers, Somoza was told that he could step down." The account would refer to "the plans for a peaceful transfer of power that had been painstakingly negotiated by [U.S. Amb.] Lawrence A. Pezzullo, the five-member rebel junta and Somoza."

But despite the record, diplomatic amnesia has set in. And as a result the Nicaragua issue is often misreported, as in a recent Associated Press story that termed the central policy question "whether the United States should be sponsoring a rebel force aimed at destabilizing a foreign government." Memories may fade, but facts don't.

The real question is whether the Sandinistas will be forced to comply with the negotiated settlement that legitimized them and enabled them to take power.

U.S. policy in Nicaragua is at a critical point. With the failure of the Arias plan to bring either peace or democracy to Nicaragua and with Congress scheduled to vote on new aid to the freedom fighters early next month, it is time to re-examine the still valid and binding 1979 negotiated settlement and restore the agreement to the primary role it deserves in public debate.

At minimum, it is essential to a truthful accounting of how we got where we are today. And it could hold the political key to renewing aid to the Nicaraguan resistance and removing the Sandinistas' brutal Marxist-Leninist regime.

Until recently, the Reagan administration made little mention of the 1979 settlement. Presidential speeches would briefly mention the Sandinistas' "broken promises," failing to explain that these commitments were part of a negotiated settlement that addressed political, security and human rights issues.

The Democrats in 1979 were not so modest about their accomplishment. In June of that year, Sen. Edward M. Kennedy and other senators pressing the Jimmy Carter administration on Nicaragua said plainly that their goal was ouster of President Anastasio Somoza and "a political settlement in Nicaragua."

President Carter's deputy secretary of State, Warren Christopher, candidly wrote to Mr. Kennedy three weeks before the Sandinistas were installed that "we are engaged in a wide-ranging diplomatic effort in Washington, in Managua and throughout the hemisphere. Our goal is a process which would remove Somoza peacefully and would lead to . . . the establishment of a new representative government."

The State Department, after Mr. Somoza's resignation and departure from Nicaragua, credited itself with having "worked to facilitate a peaceful and democratic solution." Mr. Carter, once Mr. Somoza was out and the Sandinista-dominated junta was in, boasted of having "[brought] about an orderly transition."

Mr. Carter later hosted Daniel Ortega at the White House and with the support of Congress provided $118 million in direct U.S. aid and led the world community in assembling a $1.6 billion financial package for Nicaragua's new government.

The Carter administration, with the support of liberal congressional Democrats, had cut off military, economic and political support from Mr. Somoza as he battled the Sandinista insurgency in order to force him to accept a settlement. As Nicaragua's civil war grew in intensity, the U.S. government conducted negotiations with the Somoza government, the communist Sandinistas, the genuinely democratic opposition to Mr. Somoza, and the Organization of American States.

The objectives of the Carter administration were codified on June 23, 1979, when the OAS passed a resolution calling for the "immediate and definitive replacement of the Somoza regime" and "the installation in Nicaraguan territory of a democratic government" that would honor "human rights," hold "free elections," and guarantee "peace, freedom and justice." This resolution was a request for a new government willing to meet certain political specifications. The Government of National Reconstruction junta—the Sandinista-dominated government-in-waiting—had positioned itself to fill that role by crafting a democratic facade and actively campaigning and negotiating with the United States and other OAS member states.

With Mr. Somoza still in power, Mr. Carter's envoys met repeatedly with the GNR junta to negotiate specific democratic requirements and, ultimately, finalize a plan for installing the five-member GNR junta. On July 12, 1979, a spokesman for the GNR junta said their talks with the United States had "reached the final stages." That same day, the GNR junta sent a cable to the OAS acknowledging the June 23 resolution and presenting their "Plan to Achieve Peace"—which they described as developed on the basis of the resolution—and the "Program of the Junta of the GNR."

The letter and attachments committed the junta to "free elections," "a broad-based democratic government," "full respect for human rights," "fundamental liberties," "freedom of religion," "union rights," "a mixed economy," "an independent foreign policy of non-alignment" and a "minimum" permanent military corps, among other specifics.

On July 15, 1979, the United States gave its approval to the GNR junta, based on the specific commitments received on July 12, and final plans were made for Mr. Somoza's resignation and the transfer of power.

The political settlement reached with the Sandinistas in 1979 is still unfulfilled, but the terms are good, guaranteeing real democracy and human rights for the people of Nicaragua—which, after all, was the objective of the American intervention against Mr. Somoza.

The settlement also fully protects the security of Central America and the United States by precluding Nicaragua from aiding communist guerrillas in Central America, basing thousands of Soviet bloc, Cuban, Palestine Liberation Organization, and Libyan military and intelligence personnel in Nicaragua or building a military capability greater than that of all its neighbors combined—which the Sandinistas have done.

The 1979 settlement must be enforced and complied with. Without the political settlement, the Sandinistas would not have gained power. And if the agreement is enforced, the United States' policy requirement of a genuinely democratic, peaceful Nicaragua will be satisfied and the yearning of the Nicaraguan people for democracy and freedom, expressed in their opposition to both the Somoza dictatorship and the Sandinista communists, will at long last be fulfilled.

But that is only part of what the settlement negotiated between the Carter administration and the Sandinistas does: It also recasts the American political debate over Nicaragua's communist regime, shifting the burden to the liberal wing of the Democratic Party, which helped bring the Sandinistas to power and which, most importantly, has opposed aiding the Nicaraguan resistance and enforcing the settlement.

Opponents of Contra aid have insisted that they are not defenders of the Sandinistas, they simply want a negotiated settlement.

The reality is that we already have a satisfactory negotiated settlement, and the Democratic Party is chiefly responsible for

it. The agreement provides everything we require. The Sandinistas are not honoring it. The Contras are fighting to fulfill it. Some members of Congress are working to erase it.

Congressional liberals have for too long hidden behind a false choice by saying they seek a diplomatic solution, not a military solution.

The reality is that the Contras' armed struggle is not instead of a negotiated settlement, it is in enforcement of the settlement President Carter reached.

For Congress to terminate the Contras before the Sandinistas comply is effectively to convert the United States' 1979 intervention and settlement from a pro-democratic undertaking into one that served only to advance Soviet communism to the mainland of North America.

The failure of the Arias plan to deliver what it promised has focused renewed attention on the 1979 agreement. President Reagan, speaking last October before the OAS, bluntly stated that "there already exists a negotiated settlement with the Sandinistas that pre-dates the Guatemala plan—the settlement of 1979 . . . each nation here is a party to that negotiated settlement."

When it was Daniel Ortega's turn to speak to the OAS last November, he spent half his speech trying to escape the grip of the 1979 agreement, arguing a defense reminiscent of the man accused of murder who claimed he was out of town when it happened and, besides, he had acted in self-defense.

Mr. Ortega began by denying "the supposed violation of an inexistent commitment," then switched to arguing that "even supposing that such a political pledge had had the force of a legal commitment, it could not have justified the United States insisting [on] the fulfillment of the commitment made not directly toward the United States."

(Of course, Commandante Ortega knows that the Sandinistas made their democratic commitments directly to the United States: He personally participated in the 1979 negotiating sessions. And both Daniel Ortega and Sergio Ramirez, his vice president, signed the July 12, 1979, written commitments.)

Both congressional liberals and the Sandinista Marxists have used the Arias plan in an effort to defund the resistance and prevent their enforcement of the 1979 settlement. The Arias plan's concept of disarming and evicting the resistance today in exchange for promises of "democratization" tomorrow is utterly flawed and unenforceable.

By contrast, in 1979, Costa Rica provided both weapons and sanctuary to Sandinista guerrillas while democracy for Nicaragua was negotiated in San Jose; meanwhile, it was the dictator in Managua whose arms supplies were cut off and not the rebels'. No Central American president—certainly not Daniel Ortega—has the authority to sign away the legitimate claim of every Nicaraguan to the fundamental democratic rights provided under the 1979 settlement.

But at this point the shortcomings of the Arias plan are largely beside the point: The Arias plan's stipulations on human rights and democratization have not been honored by the Sandinistas, and the 90- and 150-day deadlines have each passed and been ignored.

What remains is what we have always had: the 1979 settlement, a group of brave Nicaraguans struggling to fulfill it, and a Communist regime determined to hold and expand its power in Central America.

Indeed, the Burton Amendment to the 1985 Foreign Assistance Act requires that U.S. policy in Nicaragua must be governed by the terms of the 1979 settlement. And after two Arias deadlines, three years of Contradora deliberations, many rounds of bilateral negotiations and numerous visits of congressional delegations, it has become quite clear: There is no other sound basis for U.S. policy besides the 1979 settlement.

When the Reagan administration asks Congress to renew aid to the Nicaraguan demoscractic resistance the message should be this: We have a binding negotiated settlement with the Sandinistas that guarantees true liberal democracy for the people of Nicaragua and assures the security of Central America and the United States. Under the auspices of the OAS, the settlement was achieved by a Democratic president with a Democratic Congress. The United States is morally obligated to enforce it, and our national security requires that we do.

If the Democrats now want to repudiate their own settlement rather than enforce it against a brutal and expansionist pro-Soviet communist dictatorship on the mainland of North America, let them tell the American people why.

Come November, the electorate will have a clear choice.

EASTERN ORANGE COUNTY CHAMBER OF COMMERCE MAKES GREAT STRIDES IN 1987

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. FISH. Mr. Speaker, I rise on this occasion to pay tribute to the Eastern Orange County Chamber of Commerce, of Newburgh, NY, and its president, Dr. John D'Ambrosio, and its board chairman, Ian Van der Essen, for the outstanding gains the organization made in 1987, gains that benefit the entire community.

Having tripled in size since 1982, the chamber broke the 1,000-member mark during the past year and it now has the largest membership of any chamber of commerce between Albany and Westchester County.

Innovation is the mark of this organization. Economic development efforts by the Eastern Orange County Chamber created hundreds of new jobs in 1987. It is the only chamber in the mid-Hudson Valley with a full-time economic development staff to help existing business expand and new business relocate to the area.

The chamber's service corps of retired executives numbers 200 strong. Through this program, volunteer retired executives are available every Tuesday morning to consult with individuals thinking of starting their own business or those with a business running into trouble. This service is free and confidential.

Other services to members include the Eastern Orange County Chamber of Commerce health insurance program with over 1,000 participants from over 300 companies enrolled. Monthly membership breakfasts and mixers attract enthusiastic participation. The chamber publicizes the services of member organizations and eagerly participates in groundbreakings, grand openings and special community celebrations.

The four goals of the Eastern Orange Chamber of Commerce are economic development, increased tourism, improved public relations and membership development. The chamber has made great strides in the past year, and I have complete confidence that growth and expansion will continue through 1988.

THE LOSS OF PRESIDENT CHIANG CHING-KUO

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. KOSTMAYER. Mr. Speaker, the news of President Chiang's death on January 13, 1988, was a shock to the people on Taiwan, and they mourn his passing.

Chiang left behind an island country enjoying economic prosperity. Just as importantly he left behind a populace edging slowly but surely toward a fuller democracy.

Indeed, Chiang's greatest legacy may be the political reforms begun in the final 12 months of his life. He lifted martial law, he allowed opposition political parties to exist, he relaxed controls of newspapers, he permitted Taiwan residents to visit their relatives on the mainland, and he considered overhauling the legislature. Reform of this electoral system remains undone, leaving large numbers of people without equal representation. This should be an absolute priority of the new administration.

Chiang's political initiatives, though belated, have begun to transform how his people think and act. Despite open political demonstrations by the opposition political party which greatly irritated the conservative segments of society, Chiang, in his will, drafted 9 days before his death, expressed his wish:

> It is * * * my hope that you actively carry out constitutional democratic development without interruption.

We in this country hope that the pace of democratization will now quicken on Taiwan under the leadership of President Lee Teng-hui. There should be no excuses, and no turning back.

HAIL TO THE REDSKINS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. PARRIS. Mr. Speaker, yesterday our Washington Redskins scored a stunning upset of the Denver Broncos in Super Bowl XXII.

Not only did the Redskins surprise all of the so-called experts by winning, but in the course of that victory they broke five team records and nine individual ones.

These records include:

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Team: total yards, 602; most yards rushing, 280; touchdowns, 6; most touchdowns in a quarter, 5; most points quarter, 35.

Individual: yards rushing, Timmy Smith, 204; yards passing, Doug Williams, 340; yards receiving, Ricky Sanders, 193; most combined yards, Ricky Sanders, 235; longest completion, Williams to Sanders, 80 yards (tied record); touchdown passes, Doug Williams, 4 (tied record); touchdowns rushing, Timmy Smith, 2 (tied record); touchdowns receiving, Ricky Sanders, 2 (tied record); point-after-touchdowns, Ali Haji-Sheikh, 6.

Not only were all of these records set, but football fans were treated to the most outstanding quarter in all of professional football history. These records really serve to emphasize what a team effort the Redskins' victory was. Outstanding defense, including five sacks of the quarterback and three interceptions, and brilliant play by the offensive line made it possible for Doug Williams, Timmy Smith, and Ricky Sanders to enter the record books.

Who would have thought that a rookie running back who didn't even know he was starting would break all the records for Super Bowl rushing—rushing in fact for more yards than he did throughout the regular season? Who would have thought that the top quarterback from the AFC would only complete about a third of his passes and be intercepted and sacked continually? Who would have thought that Doug Williams, despite root canal surgery on Saturday and a knee injury in the first quarter, would break all of the Super Bowl records for a quarterback?

Well, the only ones who could have known were those of us here in Washington, DC, who have learned that the essence of the Redskins' success was not individual raw talent, or a set of competing egos, but the process of teamwork, where the sum of the individual players exceeded the expectations of almost everyone.

What I love most about the Redskins, however, goes beyond whether or not they win or lose—although winning is infinitely preferable. The Redskins do more to unite the people of the Washington metropolitan area than anything else. When the Redskins are playing, Republicans and Democrats, Virginians and Marylanders, even Walter Fauntroy and myself, all band together to cheer the burgundy and gold on to victory.

Why do the Redskins' unite this city? It is because the Redskins' success is based on the principles all of us admire. Unity in the face of a tough opponent, spirit in the face of predictions of defeat, and a confidence not built around reliance on only oneself, but reliance on each other.

Mr. Speaker, this city is floating on air today, and good feelings are running high. Just about everyone is in a good mood—besides a certain Western State delegation which shall remain nameless—thanks to the victory of a hard-working bunch of football players who showed us what teamwork can do. Let's take advantage of this wonderful time to show what a little teamwork could do around here in Congress. Maybe we might upset the economic experts and set a few deficit-busting records ourselves.

CONGRESSMAN TONY P. HALL NOTES CZECHOSLOVAKIAN CHARTER 77 GROUP'S CALL FOR HUMAN RIGHTS SOLIDARITY WITH THE ROMANIAN PEOPLE

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. HALL of Ohio. Mr. Speaker, many of my colleagues are familiar with the noted Czechoslovakian dissident group called charter 77. Indeed, many of us have joined together on various occasions to support them in their efforts on behalf of civil and political liberties for the people of Czechoslovakia.

Today, Mr. Speaker, I wish to join with Charter 77 to call attention to the human rights violations suffered by the people of Romania. Last month, Charter 77 called for a day of protest outside Romanian embassies throughout Europe today, February 1, in solidarity with the hardships suffered by Romanians under President Nicolae Ceausecu.

In their statement in support of the Romanian people, Charter 77 observed:

> Romania is a curious country: not only does its government deny its citizens elementary liberties to an extent which has no parallel in any other Soviet Bloc country, but it is not even capable of ensuring what the communist regimes call their "greatest achievement", the basic material and job security, which these regimes use as a means of self-legitimation.

The Charter 77 statement noted the lack of proper heating in Romanian apartments and offices during the harsh winter, and the fact that Romanians are allowed only two 40-watt light bulbs per apartment. In addition, basic foodstuffs, such as flour, sugar, and meat, are still rationed—43 years after World War II ended—or are not available at all.

Charter 77 also called attention to the sense of despair that has driven Romanian workers to riots and demonstrations. Last November, several thousand protesters demonstrated against the Ceausescu regime in Brasov. They ransacked the local Communist Party headquarters, destroyed portraits of Ceausescu, and painted antiregime slogans on buildings. The incidents sprang from protests against the management of the Red Flag tractor factory, where workers' pay had been reduced, dismissals had been scheduled, and day workers were told to work evenings to fulfill quotas. New accounts stated that some workers also were protesting food energy shortages.

It is estimated that 400 people were arrested in Brasov. Some of those arrested were reported to have been beaten. Reliable reports indicate that some 60 of the Brasov demonstrators still are being held in prison. As we recall the suffering of the Romanian people today in solidarity with Charter 77, it is appropriate to remember especially these prisoners and to call upon the Romanian Government to release them immediately without condition.

The Charter 77 statement points out that in well-heated and well-lit conference halls, people "tend to forget there is a country in Europe where people have neither heat nor light." Therefore, Charter 77 is calling for others in the world to try to live for a day in an unheated or badly lit apartment, and to try to deny themselves at least for a single day of "all those things that form our material living standard and that are permanently denied to the Romanians."

The plight of the people of Romania under the Ceausescu regime is well-known to Congress. Both the House and the Senate have passed amendments to the trade bill to lift "most-favored-nation" trade status to the Romanian Government for 6 months to protest that nation's human rights abuses. The amendments call special attention to the repression of religion by the Ceausescu government and the mistreatment of ethnic minorities, particularly the ethnic Hungarian minority. The Ceausescu government seems determined to stifle the activities of the Christian churches and to destroy the identity and cultural heritage of the Hungarians living in Romania.

I urge my colleagues to renew their support for human rights in Romania by asking the conferees on the trade bill to back the temporary suspension of MFN to Romania. In addition, I call upon my colleagues to ask President Reagan not to renew the annual extension of MFN to Romania this year.

In the meantime, let us join with Charter 77 this week to reflect on the suffering of the Romania people and to rededicate ourselves to initiatives to help bring to them liberty and respect for basic human rights.

ST. BARTHOLOMEW'S "GUEST SPEAKERS PROGRAM"

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to commend the St. Bartholomew School of Elmhurst, NY, for its commitment to a quality education for its students.

Last year, I had the pleasure of being the first public figure to participate in St. Bartholomew's "guest speakers program." This program introduces the students to interesting people from all walks of life.

This year, the school established a constitution and representative council for its first through eighth grade students. I was honored to help administer the oaths of office to the council at the inaugural ceremonies on January 29, 1988.

The principal of the school, Sister Margaret Schmit, and Mr. Thomas Straczynsky, who teaches social studies, have provided the guiding light of leadership in helping the students of St. Bartholomew's get an education beyond the classroom by challenging them to learn through participation.

This determination to expand the knowledge and interests of students is an example for other schools to emulate and deserves recognition.

I wish to congratulate Msgr. James Gottimer, the staff, and the students of "St. Bart's" on this achievement, and wish them many more years of success.

CENTRAL AMERICA'S PEACE ACCORD

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. FEIGHAN. Mr. Speaker, on January 15, the five Central American presidents met in San Jose, Costa Rica, to consider progress made to date under the Central American Peace Accord signed this past summer in Guatemala.

This important meeting marked a watershed in the recent history of the region and clearly demonstrated the Central American leader's firm desire and commitment to continuing the peace process. Today, I join a number of my colleagues on the Foreign Affairs Committee in introducing a resolution supporting these efforts, congratulating the Central American presidents, and most importantly, calling upon all parties to the Guatemala accord to meet fully all their obligations under the accord.

In their final communique, the Central American presidents realized that while progress toward peace had been made, much more needed to be done. They therefore committed their governments "unconditionally and unilaterally to total compliance, without excuses."

The Congress can support these leaders in their struggle to end the wars that plague the region. We can encourage their path to promote democracy and to build and strengthen democratic institutions in each country. The San Jose meeting marked another milestone in that struggle and should be recognized accordingly.

THIRTY-FOUR MAJOR LATIN AMERICAN DEMOCRATIC POLITICAL PARTIES CALL ON CONGRESS TO REJECT CONTRA AID

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1988

Mr. CROCKETT. Mr. Speaker, I wish to share with my colleagues the following documents: First, a memorandum from the Commission on United States-Latin American Relations transmitting a resolution of the Permanent Conference of Political Parties of Latin America and the Latin American Human Rights Association concerning the Guatemala peace process and Contra aid; second, a letter of transmittal from the executive secretary of the conference; and third, the text of the resolution itself.

The resolution implores this Congress in unmistakable terms to put an end to Contra aid. I hope we will heed their call. The material follows:

COMMISSION ON UNITED STATES-
LATIN AMERICAN RELATIONS,
Washington, DC, January 28, 1988.

Re: Major Latin American political parties oppose Contra aid in message to U.S. Congress.

To: Members of Congress, the National Republican Party, the National Democratic Party 1988 Presidential candidates, members of the press.

From: Robert E. White, president, International Center for Development Policy; and Melinda DeLashmutt, director, Commission on U.S.-Latin American Relations

At a joint conference in Lima, Peru on Jan. 22-23, the Permanent Conference of Political Parties of Latin America (COPPPAL) and the Latin American Human Rights Association (ALDHU) urged the Congress of the United States to reject all aid to the contras. The conference resolution described the request for aid to contra forces in Nicaragua as a violation of the most elemental norms of international law and a threat to the efforts made thus far towards peace in the region.

The COPPPAL represents 34 major democratic political parties, including nine ruling parties. They make up 7 of the 8 governments within the Contadora and Support Group countries.[1] The ALDHU is a leading non-governmental organization in Latin America focusing on defense of human rights.

The attached letter and resolution for the U.S. Congress were given to representatives of the Commission on U.S.-Latin American Relations, official observers at the Lima conference, by the Executive Secretary of COPPPAL. The letter states in part:

"Within their resolution, both organizations urge the Congress of the United States to reject the request (for aid to the contras), thereby demonstrating its support in the search for political solutions and peaceful coexistence in the hemisphere. * * * To heed the calls presented by both organizations will not only go in favor of a stable peace in Central America but will also contribute to an improved coexistence with other countries of the continent."

The COPPPAL resolution reminds us that the Reagan administration policy in Central America has no democratic allies in Latin America.

The time has come to acknowledge that Latin America has a legitimate voice in the future of democracy and regional security. It is past time that we hear that voice.

The Commission on U.S.-Latin American Relations asks members of Congress and others involved in the contra aid debate to take into account these documents which reflect the majority voice of our Latin American neighbors.

For more information, call the Commission office at 202/547-3800.

COPPPAL,
January 27, 1988.

On January 22nd and 23rd, 1988, the eighth meeting of the Permanent Conference of Political Parties of Latin America (COPPPAL) was held in Lima, Peru. This meeting was held jointly with the Latin America Human Rights Association to discuss common interests. The principal issues discussed were:

(a) The evaluation and development of the peace efforts that began in Esquipulas II (Guatemala).

(b) The evaluation and development of the democratization process in the southern cone of Latin America.

We have the pleasure of sending you the attached Resolution that was unanimously adopted by our organization after final deliberation of the efforts in search of negotiated political solutions for a reasonable, honorable and just peace plan to ensure the countries and people of Central America long lasting peace.

Given that within this painful regional drama that are institutions of the United States involved, this Resolution includes a decision to send a copy to the Congress and the Democratic and Republican parties. Through this letter we respectfully request the Commission on U.S.-Latin American Relations to present this Resolution to its destination in the United States.

For such purposes, I believe it is important to inform you that COPPPAL (the Permanent Conference of Political Parties of Latin America) is a forum that constitutes 34 significant political parties of 20 nations in Latin America and the Caribbean. Nine of these parties are in government in their countries and others have a possibility of becoming so within the next month. Seven are (in government) within the so-called "Group of Eight", which encompasses the nations of the Contadora Group and its Support Group. The large majority are parties that have significant representation in the congresses of their countries. Where there still exist dictatorships, these parties are among the main forces of the democratic opposition.

The Latin American Human Rights Association (ALDHU) is composed of well known personalities of the academic, artistic and political circles from the majority of the countries of the region, with a meritorious record of serving in the defense and development of Human Rights. We are therefore referring to two organizations with a wide representation.

During these years, COPPPAL and ALDHU have held several meetings in which they have analyzed the problems of Central America, expressing upon many occasions their support for a just and honorable, peaceful solution that guarantees a peaceful coexistence and the development of democracy in the region. Their knowledge of the realities of the region has led them to reiterate that such goals are possible within the framework of the Contadora initiatives and the spirit of Esquipulas II.

Today, as we examine how the situation has evolved in the last months, both organizations concur with the recent report of the International Commission of Verification and Follow-up (C.I.S.V.)—as mandated by Esquipulas II—that "the policy and practice of the Government of the United States of furnishing assistance, military in particular, to the irregular forces that operate against the Government of Nicaragua," constitutes a policy of intervention. Therefore COPPPAL and ALDHU express their profound disagreement with the request for aid for the "Contras" soon to be considered by the U.S. Congress as a violation of International Law and as a threat that can make the efforts undertaken for peace to date, fail.

As a consequence, as part of its Resolution, both organizations call upon the Congress of the United States to reject the request for aid and to demonstrate its support in the search of political solutions and

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[1] Mexico, Brazil, Uruguay, Peru, Panama, Venezuela and Colombia.

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peaceful coexistence in the Hemisphere. At the same time, this is an appeal to all the countries in the area to impede the traffic of arms through their territories and the use of it for aggression against other states. It is also a call for a withdrawal of foreign military forces and advisers from Central America and to cease all military aid to the Governments and forces in the region.

While this Resolution does not explicitly condemn acts of aggression which violate both international and inter-American law, it does call attention to the forebodings of Latin American and Caribbean nations removed from the immediate zone of conflict. In their view, intervention not only sets a bad precedent, it raises profound fears for the future. Therefore, to take into consideration the Resolution approved by COPPPAL and ALDHU would not only help to bring about peace in Central America but would also contribute to improved relations with the nations of the continent.

Thanking you for your valuable attention given to our request so that this Resolution may be taken into consideration by members of Congress and by the leadership of the two major parties of the United States, we reiterate to you and to the Commission on U.S.-Latin American Relations our sincere gratitude.

For the Board of COPPPAL,

Nils Castro,
Executive Secretary.

Resolution on the Progress of the Peace Effort Initiated With Esquipulas II

The Permanent Conference of Latin American Political Parties (COPPPAL), and the Latin American Human Rights Association (ALDHU), meeting in Lima, Peru, on January 22 and 23, 1988, Resolves:

To make clear our concern with regard to the obstacles and pressures confronting the peace efforts in Central America, which are still fragile; but also to express our conviction that an indispensable element in overcoming the present crisis is the continuity and compliance with all the commitments made by all the governments of the region;

To give unrestricted support to the agreements which emerged from the meeting of Central American Presidents, known as "Esquipulas II" and to recognize the important role played by the Contadora and the Support Groups whose mediation could prove vital for the establishment of peace in the area.

To express our profound disagreement with the request for aid to the "Contra" forces in Nicaragua, soon to be examined in the United States Congress, since it violates the most elemental norms of international law and threatens to abort the efforts made so far towards peace in the region. In this regard, COPPPAL urges the United States Congress not to approve this request, as a sign of its support in the search for political solutions to ensure peaceful coexistence in the Hemisphere.

To express our satisfaction with the work carried out by the International Commission of Verification and Follow-Up which has carried out the task it was set for, and to place on record our view that this commission should continue to contribute to the peace efforts through "In Situ" inspections to verify, control and follow up all commitments contained in the "Esquipulas II" Procedure.

To urge all the countries in the area to prevent arms traffic in their territories, in accordance with clause 6 of the above mentioned Procedure, as well as the use of their territory to attack other States.

To demand the withdrawal of foreign troops and military advisers from the Central American region and the suspensions of all military aid to governments and forces in the region;

To invite the Central American Governments to make every effort to achieve national reconciliation, democratization, cease fire and the fulfilment and supervision of their commitments.

To call on all parties involved to continue with the negotiations on all outstanding issues concerned with security, verification and control of the Contadora Act.

To call on all the parties involved, either directly or indirectly, to join their efforts in favour of peace and developement with renewed goodwill and in a spirit of cooperation.

To send a Note to the United States Congress and the Republican and Democratic Parties, which summarizes the contents of this Resolution as an annex to the Note.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 2, 1988, may be found in the Daily Digest of today's Record.

Meetings Scheduled

FEBRUARY 3

9:00 a.m.
Armed Services
To continue hearings on strategy and capabilities for NATO defense, focusing on NATO force deficiencies and improvements.
SR-325

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nomination of Wendy L. Gramm, of Texas, to be Chairman of the Commodity Futures Trading Commission.
SR-332

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Rules and Administration
To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.
SR-301

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

Foreign Relations
To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Labor and Human Resources
Business meeting, to consider S. 1904, Polygraph Protection Act of 1987, S. 1950, Adolescent Family Life Demonstration Projects Act of 1987, and the nomination of Thomas G. Pownall, of Maryland, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship & Excellence in Education Foundation, Esther K. Everett, of New York, and Helen J. Valerio, of Massachusetts, each to be a Member of the National Advisory Council on Women's Educational Programs, Carolynn Reid-Wallace, of the District of Columbia, to be a Member of the National Council on the Humanities, and Robert L. McElrath, of Tennessee, and J. Wade Gilley, of Virginia, each to be a Member of the National Advisory Council on Educational Research and Improvement.
SD-430

Select on Intelligence
Closed business meeting.
SH-219

10:30 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
Business meeting, to mark up S. 951, to establish the Federal Courts Study Commission on the future of the Federal Judiciary.
SD-226

2:00 p.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on S. 1934, to provide for the construction of a Federal office building adjacent to Union Station in Washington, D.C. to consolidate certain judicial branch offices.
SD-406

Foreign Relations
To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Select on Intelligence
To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 4

9:00 a.m.
Armed Services
To continue hearings on strategy and capabilities for NATO defense, focusing on the NATO-Warsaw Pact military balance, NATO military strategy, and NATO force improvements.
SR-325

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
To hold hearings on the nomination of Sydney J. Olson, of Virginia, to be an Assistant Secretary of Health and Human Services.
SD-215

Judiciary
Business meeting, to consider pending committee business.
SD-226

Rules and Administration
To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.
SR-301

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on the oil spill on the Monongahela and Ohio Rivers.
SD-406

Finance
To resume hearings on how to improve the existing welfare system and how to promote the well-being of families with children.
SD-215

Foreign Relations
To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

2:00 p.m.
Armed Services
To continue hearings in closed session on strategy and capabilities for NATO defense.
SR-222

3:00 p.m.
Budget
To hold hearings to review the Congressional Budget Office annual report.
SD-608

FEBRUARY 5

9:30 a.m.
Joint Economic
To hold hearings on employment-unemployment statistics for January.
SD-628

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

Foreign Relations
European Affairs Subcommittee
To hold hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Labor and Human Resources
Labor Subcommittee
To resume hearings to review practices and operations under the National Labor Relations Act.
SD-430

FEBRUARY 16

2:00 p.m.
Select on Intelligence
To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missions (Treaty Doc. 100-11).
SH-219

FEBRUARY 17

2:00 p.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 18

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
Superfund and Environmental Oversight Subcommittee
To hold joint hearings on the implementation of Title I of the Marine Protection, Research, and Sanctuaries Act, including issues related to ocean disposal.
SD-406

2:00 p.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 19

10:00 a.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 22

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.
SD-406

2:00 p.m.
Office of Technology Assessment
The Board, to meet to consider pending business items.
EF-100, Capitol

FEBRUARY 23

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.
SD-106

FEBRUARY 24

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.
SR-325

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

FEBRUARY 25

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

MARCH 2

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.
SD-406

MARCH 3

9:30 a.m.
Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.
SR-253

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

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MARCH 14

10:00 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service code penalties.
SD-215

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

MARCH 23

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

MARCH 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

APRIL 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

HOUSE OF REPRESENTATIVES—*Tuesday, February 2, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Encourage us, O God, not only to speak the words of truth, but to do the deeds of truth. Teach us, gracious God, not only to sing the songs of praise, but to live a life of praise. Remind us, loving God, not only to pray the message of hope, but to walk the paths of hope in our daily lives. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BOUCHER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BOUCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will inform absent Members.

The vote was taken by electronic device, and there were—yeas 265, nays 105, not voting 63, as follows:

[Roll No. 2]

YEAS—265

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Barnard
Bartlett
Bateman
Bates
Bennett
Bevill
Boggs
Boland
Bonior
Bonker
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clement
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coyne
Darden
Davis (MI)
DeFazio
Dellums
Derrick
Dicks
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Erdreich
Evans
Fascell
Feighan
Flake
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lancaster
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Lungren
MacKay
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Richardson
Ritter
Robinson
Roe
Rogers
Rostenkowski
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitten
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Miller (OH)
Molinari
Moorhead
Murphy
Parris
Pashayan
Penny
Regula
Rhodes
Roberts
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Shumway
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Sundquist
Tauke
Thomas (CA)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Whittaker
Young (AK)
Young (FL)

NAYS—105

Armey
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Coble
Coleman (MO)
Coughlin
Courter
Craig
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Gallegly
Gallo
Gekas
Gingrich
Goodling
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hunter
Hyde
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lukens, Donald
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McDade
McGrath
Meyers
Michel

NOT VOTING—63

AuCoin
Badham
Beilenson
Berman
Biaggi
Bilbray
Bliley
Borski
Bosco
Boulter
Broomfield
Brown (CA)
Clay
Clinger
Crane
Crockett
Dannemeyer
de la Garza
Dingell
Donnelly
Dornan (CA)
Dowdy
Early
English
Espy
Fazio
Fields
Fish
Foglietta
Frank
Gephardt
Gregg
Gunderson
Holloway
Inhofe
Jones (TN)
Kemp
Kleczka
Lantos
Leland
Lightfoot
Lott
Lowery (CA)
McCollum
McCurdy
Moody
Pickle
Porter
Ridge
Rinaldo
Rodino
Roemer
Rose
Roybal
Schuette
Smith (IA)
Sweeney
Swindall
Watkins
Williams
Wilson
Wise
Wolf

☐ 1215

Mr. HASTERT changed his vote from "yea" to "nay."

Mr. MARKEY and Mr. ANTHONY changed their votes from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

DISPENSING WITH CALL OF THE PRIVATE CALENDAR

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Virginia?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1143. An act to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky, and for other purposes.

The message also announced that pursuant to Public Law 100-203, the Chair on behalf of the President pro

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

OL 134 PT 1 JA 25 — FE 16 1988 UMI

tempore, and upon the recommendation of the majority leader, appoints Lee A. Iacocca from private life, Lane Kirkland from private life, and Daniel Patrick Moynihan to the National Economic Council.

IN SUPPORT OF CONTRA AID

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, I rise today to proclaim my full support for House Joint Resolution 444, the Contra aid bill which will be voted on tomorrow and, hopefully, will pass. Mr. Speaker, we have voted four times for aid to the Contra freedom fighters and I firmly believe that this aid has slowed the deterioration and downfall of democracy in Nicaragua and perhaps in Central America.

I am convinced that 5 additional months of aid will encourage the peace process and in fact is necessary to ensure Sandinista compliance. The small amount of progress thus far is because of approaching deadlines and therefore it gives me the impression that it is best to keep the pressure on and for at least a brief period.

On January 30 and 31 of this year I visited Nicaragua along with a bipartisan group consisting of four Members of the House. My visit to Nicaragua this past weekend was my third visit over 2 years and I have a number of short observations which I will be sharing with this body during special orders later this afternoon and in debate tomorrow. However, the overall message delivered to me and my colleagues by different groups, consisting of the bishop of the Catholic Church, the internal opposition parties, three large labor organizations, the mothers of political prisoners, human rights organizations, Mrs. Chamorro of La Prensa newspaper was quite plain. When we asked, "What should we do when we get back to the House on Wednesday?" their firm answer was, "Vote for Contra aid."

I encourage my colleagues to join me in supporting the Contra aid package.

MISSION TO PLANET EARTH

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, in recent months the Congress and the American people have become increasingly aware of the harmful impact of man's activities on the global environment. Reports of a dramatic depletion in Antartica's protective ozone shield and predictions of "greenhouse effect" global warming raise a distressing possibility that our continued existence, or at least the quality of life, on this planet may be threatened. Obviously we must respond to that problem, but we need more information about the nature of the global environment to respond correctly.

Significant progress has been made in the study of global climate change. Further progress, however, is being hampered by inaccurate and incomplete data.

Fortunately we are in a position to correct that data shortfall. In her report for NASA on America's further in space, former astronaut Dr. Sally Ride proposed a comprehensive Earth study program called "Mission to Planet Earth." This mission would be a multinational project, led by NASA, which would use both low orbit and geosynchronous satellites and to a lesser degree the space station to study the basic mechanisms of global climate change, including global cloud, vegetation, and ice cover.

Mission to Planet Earth is not a glamorous project. Visions of Moon bases and men on Mars are surely more exciting. But Mission to Planet Earth has a special immediacy that trips to other planets lack. It addresses a problem that threatens us all. It addresses a problem we do not have the luxury to ignore. We must strive to act responsibly toward our home planet before we commit ourselves to another.

□ 1230

EDP ENTERPRISES, INC.

(Mr. LaFALCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LaFALCE. Mr. Speaker, on January 11, 1988, I directed the Small Business Committee staff to conduct a preliminary investigation of EDP Enterprise, a Kansas corporation.

That review is now completed.

The facts indicate that criminal laws may have been violated.

Therefore, I have today referred the matter and our committee's investigative materials to the Department of Justice and the Federal Bureau of Investigation.

The committee file is replete with appearances of improper activities to direct the award of that contract to EDP.

I am especially concerned about the pattern of activities, influence and benefits involving David Owen, who seems to have personally benefited in an inordinate number of ways from the contract. The pattern of common associations and financial interests between EDP and Mr. Owen suggest that a "front company" affiliation may have been involved in this whole affair from the very beginning.

However, I have found nothing that suggests any U.S. Senator was personally involved in any questionable event or occurrence.

Mr. Speaker, I am making arrangements to have all of the committee's investigative materials inserted into the Record as soon as possible. In the meanwhile, the staff report is available through the committee's office.

THE REAL GROUNDHOG

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, it is obvious we are going to discuss some matters of a very serious nature here on the floor in the 1-minute speeches today. I have a matter, though, of the utmost importance that I would like to inform the membership of.

Mr. Speaker, the groundhog, the real groundhog, has spoken. The only true prognosticator of weather phenomena has given us his latest prediction. Early this morning, Octorara Orphie emerged from his subterranean resting place and saw his shadow. For those unfamiliar with the meaning of that momentous event, the meaning is clear—6 more weeks of winter.

My brethren at the Slumbering Groundhog Lodge in Quarryville, PA, noted Orphie's weather forecast.

Now, there is another pretender groundhog in all of this, a pretender groundhog known as Punxseetawney Phil, that I understand may have given another prediction; but let me tell this august body that in over 75 years of predicting, Orphie has never been wrong. One year there was a little bit of question, but the lodge brothers tell me that as it turned out that year, the weather was wrong.

So, Mr. Speaker, we have it on the highest authority that winter is going to be with us awhile longer. Do not get used to the mild temperature outside. Orphie says more cold weather is on the way.

THE TRAGEDY OF NICARAGUA

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, during the past 7 years there have been an estimated 40,000 deaths as a result of the war in Nicaragua. That is a country of about 3 million people.

Had we in the United States suffered casualties at the same rate—being 80 times more populated—it would have meant the death of about 3,200,000 Americans.

To put this in perspective, the loss of the lives of 58,000 of our finest young Americans in Vietnam nearly tore our Nation apart.

In Nicaragua, lives are being lost at more than 50 times the rate we suffered in Vietnam.

The dimensions of the tragedy in that very poor little country are truly devastating. The time has come to stop American sponsorship of that devastation.

As the Catholic bishops have said, we have no right to use Nicaragua as a pawn in the struggle between the East and the West at such a cost in human lives.

Finally, should Nicaragua initiate attacks against its neighbors, I stand firmly in support of the neighbors nations to check that aggression.

Mr. Speaker, I hope we vote against Contra aid.

THE DRUG WAR CONTINUES IN COLOMBIA

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, "the war continues." This was the sad and infuriating message delivered last week by Colombian drug thugs in claiming responsibility for the kidnaping and cold-blooded murder of Colombian Attorney General Hoyos Jimenez.

Once again, Mr. Speaker, it appears that the Medellin cartel, which is responsible for nearly all of the cocaine entering the United States, has raised its ugly head. In their first assault since declaring "total war" on law enforcement officials recently, guerrillas ambushed the Attorney General's car, killing two members of his traveling party and kidnaping the Attorney General. On a tip from his killers, he was later found savagely murdered just outside of Medellin.

Attorney General Hoyos had been at the forefront of the battle against the drug kingpins, including efforts to extradite wanted drug traffickers to the United States to face charges. According to his killers, Hoyos was murdered for betraying his country. In reality, nothing could be further from the truth—like so many others who have lost their lives in the fight against drug trafficking, he was a courageous man who should be commended for his loyal service to the people of Colombia.

Attorney General Hoyos cannot have died in vain. We have made some progress, but we must strengthen our resolve and commitment to dealing forcefully with the drug traffickers who threaten to undermine the foundation of our democratic societies.

Colombian and United States officials have already begun efforts to demonstrate to the drug kingpins that the fight against drug trafficking will indeed continue. The Colombian people need our firm support and assistance in standing up to these lawless murderers.

In answer to the drug lords, we must see that the war continues against them on all fronts—in demand reduction and in continued aggressive pursuance and prosecution of drug traffickers.

JUST SAY "NO" TO MORE CONTRA AID

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, tomorrow the House of Representatives will vote on whether to spend $60 million directly and millions more indirectly for the Contras and their proxy war in Nicaragua.

What has happened during the past 8 years, after we have spent hundreds of millions of dollars supporting the Contras' war effort, what happened? Nicaragua's Government has imposed a state of emergency, suspended civil and political rights, and became dependent upon the Soviet Union and Cuba for hundreds of millions of dollars in aid.

The World International Court has ruled U.S. actions in violation of treaties and the rule of law.

What has happened during the past 6 months since the leaders of Central America have pursued the Arias peace plan? Nicaragua has suspended its state of emergency, restored some political and civil rights, proposed direct talks with the Contras, and released some political prisoners with promises to release more.

Some progress, hopefully real steps toward peace, have been taken. The choice is clear: military stalemate or a political settlement.

Mr. Speaker, it is time for this Congress to just stand up and say "no" to a bad policy which does not have the support of the American people or the people of Central America. Just say "no" to killing the best peace proposal to come along after 8 long years. Just say "no" to more pain, suffering, and bloodshed for the people of Central America. Just say "no" to the idea that we alone, the United States, should decide what is best for the people of Central America. Just say "no" to the Contras, my colleagues, today, and vote "no" tomorrow.

PAY OF FEDERAL RETIREES HELD UP

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, our Federal retirees are facing an intolerable situation, it seems. It appears that many times they retire at a time certain on a date already planned, and then months later they still have not received their first retirement check.

Some of the people at OPM have been reputed to say to the Federal retirees who complain or ask, "Well, where is my first retirement check?", they say, "You should have planned for a late arrival of that first check. You should not have retired that early, or you should have put some money away before retiring to plan for the delay in receiving your retirement check."

I believe that is intolerable and that we should do something about it.

Our colleague, the gentleman from New Jersey [Mr. Saxton] has introduced a piece of legislation which will compel a study of that situation, hopefully with a view toward curtailing that practice and allowing our Federal retirees to plan for retirement and to know that the next month, their first full month out of their long incumbency with the Federal Government, that they should receive their first retirement check.

THE CONTRAS ARE THE PAST, THE PEACE PLAN IS THE FUTURE

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, tomorrow we have the long-awaited showdown vote on Contra aid. As we begin the end of the Reagan era, let us begin it on a note of peace.

The Contras are the past. The peace plan is the future.

Tonight President Reagan is cooking up an 11th-hour surprise; but no matter how he tries to spice it up, his Contra policy is just a warmed-up leftover from the past. They are the same old Contras. They are commanded by the same old Somoza officers. They are run by the same old Elliott Abrams. It is the same hole-in-the-wall gang that gave you the Iran-Contra fiasco, back for more.

Under it all, the President's camouflaged plan to aid the Contras is like a skunk wearing Right Guard. It still stinks to the high heavens.

Every week we are breaking new ground with the Central America peace plan. Let us not torpedo it with Contra aid.

President Reagan is going to offer an 11th-hour compromise, but history shows that the Reagan administration will ask for whatever it can get for the Contras, and it will say whatever it has to in order to get it.

It is the same old policy of "promise them anything, but give them Contra aid."

But Contra aid is a failure. The peace plan can be a success. The Guatemala peace plan has accomplished in 6 months what the Contras could not accomplish in 6 years. Congress is going to put its money on the peace plan, not on the Contra war.

ECONOMIC TERROR IN ROMANIA

(Mr. KONNYU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KONNYU. Mr. Speaker, today on page A-10 of the Washington Post we read the sad story of the economic terror that the Ceausescu regime is waging and continues to wage on its own people in Romania. Czechs, Hungarians, Polish and, yes, even Soviet human rights activists, such as Andrei Sakharov, have spoken out against the economic terror of President Ceausescu of Romania.

I mention this because there is in conference H.R. 3, the House trade bill, and part of that trade bill is the Wolf amendment. That is the amendment that requests the United States stop giving most-favored-nation treatment to Romania until they stop their economic terror on their own people.

Mr. Speaker, this is important to remember, because some say that even though the House and the Senate passing in somewhat different version the same amendment, that this will be given away in conference.

Let us remember those people suffering in Romania. Let us deny MFN treatment to Romania through the provisions of the Wolf amendment in H.R. 3.

LET US HELP AND REMEMBER THE AMERICAN PEOPLE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Congress has gotten tough, real tough on spending. We have cut housing and we have cut education. We have cut the Coast Guard and we have cut revenue sharing. That is right.

We have cut UDAG grants. We have cut Medicare. We have cut so many American programs; my God, we even have cut our own drug enforcement bill; but while we are cutting all these American programs, the other body gave $8 million to a Jewish refugee school in France; but now to really pour salt on an open wound, the other body even gave another $401 million for foreign aid. We could not forget our friends.

But it is not all bad. The other body put in $6.4 million for a ski lift in Idaho. That is still in America, I think.

Also, they provided some money for cranberry research, and that is fitting, because most American taxpayers must really think in their living rooms tonight that there are a bunch of turkeys down here in both bodies who do not know what they are doing spending American dollars, and maybe they should prioritize spending for America and American people. Maybe that would have gone over a little bit better.

THE HOUSE SMALL BUSINESS COMMITTEE PROBE

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, today the chairman of the House Small Business Committee released a preliminary report on a staff investigation into questions regarding one section 8(a) contract.

Over the past 11 years, I have repeatedly called for a complete and thorough review of the entire 8(a) program, but have been thwarted in my efforts. So I welcome the attention the chairman is now giving to the program. However, I have serious reservations about the manner in which we are proceeding.

The full committee was never notified about the investigation, nor did we meet in committee to discuss the report's contents or authorize its release. The timing of the issuance of this unprecedented report, whether valid or not, only serves to cast it in a political light.

This particular SBA contract involves former staff and associates of Senator Bob Dole. I want to commend Chairman LaFalce for stating categorically that Senator Dole had no personal involvement in any of the allegations raised in the report.

Mr. Speaker, in the future I look forward to working with the chairman and the rest of the committee in a truly bipartisan way to thoroughly examine the Small Business Administration's section 8(a) contract program. There are many worthwhile businesses that would not exist today if it were not for small business set-asides. But the committee should concentrate on ways to improve the program, and not engage in targeted probes.

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IN OPPOSITION TO CONTRA AID

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, let me make the following statements:

Mr. President, your promotion of a violent and destructive Central American policy is opposed by the majority of Americans, whose beliefs represent a strong adherence to values emphasizing peace, not advocating violence.

In your recent lobbying for Contra aid, you claim that the Sandinistas' concessions have been the direct result of your policy. Mr. President, you are wrong. Throughout years of your Contra aid policies, absolutely no progress was made in the peace process. The recent concessions are a direct result of the peace initiative made by the Central American Presidents. Your administration has consistently covertly and overtly tried to undermine this process.

The Contra aid request reflects your administration's adherence to policies which do not represent American values. The Iran-Contra scandal demonstrated the zealous nature of your administration's representatives, who placed pursuit of their goals above the Constitution. Your Central American policy is still being run by someone involved in the Iran-Contra affair, Elliot Abrams, a man who admitted that he lied to Congress. In lying to Congress, he lied to all Americans.

The very nature of your request, Mr. President, represents the underhanded manner in which your Central American policy has been run. You say your request is for $36 million. This amount is deceptive; totaling in all of the hidden costs, the truer amount of this request is $60 million—all of which is for only 4 months. Additional funds will then undoubtedly be requested to help the Contras for the rest of the year.

Mr. President, the city of San Francisco, which I represent, has received this year only $300,000 in Federal funding for emergency housing for the homeless. This kind of funding level disparity reflects your administration's misplaced priorities. Your policy of aiding the Contras is wrong for any number of reasons—it is morally devoid and reflects an adherence to violence not in line with the American value system. I strongly urge my colleagues to oppose your request.

CONTRA ATROCITIES

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, I have just come from a public hearing of the House Committee on Foreign Affairs, where Secretary of State Shultz in response to a direct question, would not or could not bring himself to acknowledge that President Arias opposes the Reagan administration's request for further military aid to the Contras. Neither Mr. Shultz nor President Reagan will allow reality to intrude on their obsession.

The Reagan administration insists that additional aid to the Nicaraguan Contras will act as an insurance policy. This is true only in the sense that it

will insure that the Contra terrorists can continue murdering and maiming innocent people.

The Contras routinely attack civilian populations and kidnap, torture, and murder health workers, teachers, and other government employees, according to a leading human rights organization. Among the innocent victims of the U.S.-sponsored Contra war are children. For instance, the Orozco brothers, ages 5 and 10, who inadvertently stepped on a land mine planted by the Contras, and may never be able to see again.

How many more innocent Nicaraguan children will be killed or mutilated before we realize that the Reagan administration's policy of aiding the Contras is a disaster? Bringing an end to the carnage of the Contra war is a goal which must transcend ideological differences. I urge my colleagues to vote tomorrow finally for an end to the misery that is American maintained civil war in Nicaragua. Let us vote "no" to any further Contra aid.

URGING A "NO" VOTE ON CONTRA AID

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. BOXER. Mr. Speaker, sometimes we have a way of using language to mask reality. When two planes almost collide, we call it a near miss. Not a near hit. The image of the word "hit" is too negative and frightening.

With Contra aid we do the same thing. We talk about pressure, we talk about insurance policies. What we do not talk about is war and death and maiming and orphans. That is what aid to the Contras is really about. How about the children? Listen to these words by a reporter for the Chronicle who spent the night in a Nicaraguan childrens' orphanage. He writes:

> Sleep would not come. There were about 16 children in the room—both boys and girls—and the sounds of their sadness made sleep impossible.
>
> Some wept in their sleep, or hummed their lonely tunes in a harmony of sorrow that I had never heard before. The little girl who kissed me when I arrived cried in the bunk below me.
>
> After a little while, I heard a soft sobbing behind me. I turned to find a little boy, three or four years old. He kissed me on the cheek, sat down beside me and pulled my arm around him.
>
> We sat that way for awhile. Then he put his head in my lap and we both cried.

Mr. Speaker, I urge my colleagues to vote no on Contra aid, if not for Central American Presidents or Oscar Arias or Jim Wright's work, vote no for the children.

Mr. Speaker, I include the entire article for the Record.

[From the San Francisco Chronicle, Apr. 24, 1985]

A Long Night in a Nicaraguan Orphanage

(By Tom Weber)

Yali, Nicaragua. Even before I walked into the barracks-like Orphanage for the Children of Heroes and Martyrs here, a 4-year-old girl tugged at my hand and pulled me down to her so she could kiss me on the cheek.

I returned the kiss with a playfully loud smack on the forehead, and for the rest of a long night tiny sad-eyed children followed me around, pursing their lips and throwing me kisses.

The 48 kids who live in this crude concrete structure are orphans of the awful civil war that has scourged the country and left some 7200 children without parents.

I was traveling through northwestern Nicaragua a couple of weeks ago on assignment for The Chronicle, writing about the war and photographing the ragged bands of refugees fleeing the Contras, the groups trying to overthrow the Sandinista government.

After dark, this is Contra country. Night was falling and my Nicaraguan driver refused to travel the jungle roads after the sun went down. He insisted we stay the night in Yali, the nearest government military outpost.

The local commandant advised me that, "if you travel at night, you'll be blown off the road before you get two kilometers. . . . We'll bury you in the morning."

He said I could sleep in the orphanage.

The children were all small, most of them were under 8 years old. They looked sorrowful and love-starved as they sat in the bare barracks. Some hummed to themselves; others stared at me, making those little kissing noises.

Ivonne Amador is one of the teachers at the orphanage. She is only 16, but says she was trained in child-care techniques in Cuba.

After she put the children to bed, we talked about the war.

"Usually the Contras murder the whole family," said Amador, who speaks with authority far beyond her years. "But sometimes the little ones get away and we find them lost and wandering in the jungle.

"They're the lucky ones. Many of them die before we can find them."

She said the orphanage housed only 48 children, but a larger facility was being constructed nearby where 200 will be able to live.

We talked late into the night until I was too tired to talk anymore. I went into the barracks, hopped into a top bunk and tried to fall asleep on the thin mattress.

Sleep would not come. There were about 16 children in the room—both boys and girls—and the sounds of their sadness made sleep impossible.

Some wept in their sleep, or hummed their lonely tunes in a harmony of sorrow that I had never heard before. The little girl who kissed me when I arrived cried in the bunk below me.

After lying awake listening for a couple of hours, I climbed out of the bunk and went out to the front stoop to smoke my pipe and think about this war and all the little kids who suffer from horrors they don't understand.

I picked up a handful of earth and let it sift through my fingers. The dirt was still warm from yesterday's sun. It was a clear, tropical night.

I sat there watching the red tracer bullets streaking across the black sky and listening to the rattle of automatic gunfire from a hill two kilometers to the north.

After a little while, I heard a soft sobbing behind me. I turned to find a little boy, three or four years old. He kissed me on the cheek, sat down beside me and pulled my arm around him.

We sat that way for awhile. Then he put his head in my lap and we both cried.

CALLING ON THE PRESIDENT TO WITHDRAW HIS REQUEST FOR CONTRA AID

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, the President should withdraw his request for military assistance to the Contras. It is clearly in violation of the Arias peace plan which we should be vigorously supporting.

Mr. President, we do not have the moral justification to pursue a military solution until we have exhausted our diplomatic remedies in Central America. Mr. President, you cannot convince the American people that we have exhausted our diplomatic remedies when you have refused to meet with the Nicaraguan Government for more than 3 years.

Mr. President, we can agree on a package of humanitarian aid for the Contras that could win broad bipartisan support in the Congress. Humanitarian aid is consistent with the Arias peace plan and would keep the Contras in the field pending the outcome of the peace process.

Mr. President, this could form the basis of the bipartisan support that you have lacked in the past few years in shaping a sensible policy toward Central America.

I urge the President to reconsider his request.

A $36 MILLION INVESTMENT IN LIFE

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. President, you have again asked Congress to dismiss the wishes of the American people and to send another $36 million-plus to continue the Contra guerrilla war in Central America. During the past 7 years, you have provided some $270 million—or $39 million a year in official aid to the Contras.

That quarter of a billion dollars, it has not increased U.S. security, it has not increased prospects for peace in central America, it has not improved the lot of the poorest people in the Western Hemisphere. What it has wrought is killing of innocent civilians the undermining of Central American peace plans, and the ruination of struggling economies.

There's a better way to invest $39 million a year. Right now, our total development program in health, population, and child survival for the entire Central American-Caribbean region amounts to only $39 million a year. Why not double that and save lives, while helping Central America move toward economic independence and, yes, toward peace with freedom.

That represents the best in the American tradition and it's the kind of effort that not only builds peace and human dignity, but also wins friends among our neighbors to the South. May I suggest that you give the Arias peace plan a chance to bear fruit and meanwhile make the kind of investment in Central America that will strengthen democracy and boost our own security.

Instead of firearms, mortars and boots, let's start sharing what Central America really needs: food, medicine, and books.

VOTE "NO" ON CONTRA AID

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, tomorrow this House has the opportunity to take a giant step forward to resolving our involvement in Central America by voting against any further aid to the Contras. Let me explain why.

There are two basic reasons why we should oppose further aid to the Contras. First, it is against the interests of this Nation, and second it is against the opportunity for peace for the people of Central America.

Our policy, the policy of this Nation, should be to support the Arias peace plan. Within the Arias peace plan are the goals that are important to the people of this Nation and the people of Central America. The key to the success of the Arias peace plan is support of the Governments of Central America. We should be listening to the leaders of the democratic nations of Central America when they tell us that it is contrary to the Arias peace plan for us to provide any further aid to the Contras.

Mr. Speaker, I urge my colleagues to oppose the request by the President.

A CURIOUS JUXTAPOSITION

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the President of the United States, our administration, made two major announcements last Friday and they were printed in the New York Times in adjacent columns. They had a very strange relationship with each other. The first announcement was that we were going to cut off special aid to four of the minidragons in Asia who had nearly made it out of poverty and into prosperity, Hong Kong, Singapore, Taiwan, and South Korea.

The second story in the adjacent column was an article indicating that the administration has issued regulations forbidding doctors, nurses, counselors, and other staff in federally financed family planning clinics from answering questions from patients, about the full array of health care options that are available.

Mr. Speaker, it is ironic that the President is denying to needful Americans the same information and services that we were so generous in affording these four minidragons in the 1960's and in the 1970's. The one simple common fact that undergirds the prosperity and the dynamism of the economies of those minidragon regions is the fact that starting in the early 1960's they made a determination to help their young people control their fertility. They decided to get a handle on their population explosion so that they would not have to spend all of their hard currency on imported food to feed their people and so that they would then have something left for education, for health, for job training and, above all, for jobs. These areas, using government-subsidized family planning programs, have reduced their fertility rates by 30 percent.

Mr. Speaker, we helped them generously in the 1960's and 1970's to move into prosperity out of poverty, and now the President is saying that we are going to deny the full array of health care options to women, young and old, to help them make responsible decisions about their future education success, job success, marital success and success in life.

What a painful and tragic irony this is, Mr. Speaker.

ADVANCING PEACE IN CENTRAL AMERICA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, tomorrow's vote on Contra aid is difficult for every one of us in the House.

Despite my respect for the President and acknowledgment of the burdens he bears as our Commander in Chief, I cannot support his proposal for aid to the Contras.

I believe that if we are ever able to isolate the Sandinistas and determine whether their intentions are pacific, as they insist, or sinister as many claim, then we have to deny them the one excuse they have claimed for failure to abide by the terms of the Arias peace plan.

It is also the excuse the Sandinistas have relied upon to deny human rights, free assembly, free press, and religious freedom to their own countrymen.

That excuse: U.S. support for the Contra forces.

If the United States takes pause in its support for the Contras, and if the Sandinistas then fail to adhere to the terms of the Central American accord, we can return to the fray at the invitation of the four democratic Central American presidents or the Organization of American States or, if necessary, unilaterally.

Defeating Contra aid will not jeopardize U.S. security. But, it may advance peace for this troubled region.

In order to put this aid request into terms we can more easily understand, Louisville Mayor Jerry Abramson has told me that $36 million equals:

The entire capital budget for the city of Lousiville;

All the funds the city would have received through revenue sharing for 4 years; and

All the services and programs the city provides through community development block grant funding for 4 years.

Also, Mr. Speaker, $36 million would allow the city of Louisville to:

Repair and modernize the city incinerator which was built in 1954 and last overhauled in 1973, $14 million;

Modernize its two-way radio system—now 30 years old—used by police, fire and emergency services personnel, $11 million;

Meet the capital needs of its entire park system, $8 million; and

Help 3,000 homeowners of moderate and low income rehabilitate their homes and bring them up to standard, $3 million.

In the same vein, I have been advised by Jefferson County Judge/Executive Harvey Sloane that for $36 million, Jefferson County could:

Bring 1,200 substantard homes and 2,500 substandard rental units up to standard, $24 million;

Create 2,500—3000 new jobs by selective loans to area small businesses, $6 million; and

Purchase 300 apartments and 300 beds for area homeless and suitable quarters for up to 200 homeles area children, $6 million.

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A SPECIAL BICENTENNIAL OBSERVANCE

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EMERSON. Mr. Speaker, last year we had many celebrations to commemorate the 200th anniversary of the signing of the Constitution. Mrs. Kathleen LaValle Deegan, originally of New Madrid, MO—in the Eight Congressional District—joined 38 other Americans in a

very special commemoration. As a member of a group of the decendents of each one of the 39 men who signed the document in Philadelphia 200 years ago, Kathy and her group joined in Philadelphia and celebrated the anniversary. Mr. Speaker. I am inserting the following for observation of the 200th anniversary of the signing of the Constitution and the great Americans who were a part of this historical event.

[From the Loudoun (VA) Times-Mirror, Oct. 8, 1987]

CONSTITUTION SIGNER'S DESCENDANT CELEBRATES DOCUMENT, HISTORY, LIFE

(By Jean Kelly)

On Thursday, Sept. 17, in the midst of rain, wind and cheers, Kathleen LaValle Deegan marched down Philadelphia streets in a parade commemorating the Sept. 17, 1787, signing of the Constitution of the United States.

Deegan was part of a unique group of 39 marchers—each representing one of the 39 men who signed the momentous document that hot, Philadelphia summer day 200 years ago.

Each marcher is a direct or collateral—belonging to the same ancestral stock, but not in a direct line of descent—descendant of the signer he or she represented in the parade.

"Individuals who are descendants sent their papers and information to officials of the Committee on the Bicentennial of the Constitution of the United States, a nearly all-volunteer group which is sponsoring these events. They verified the lineage and selected one descendant for each signer," Deegan explains.

Deegan is a collateral descendant of John Blair, Jr., a prominent lawyer from Williamsburg, who was one of seven Virginia delegates to the Constitutional Convention called in May 1787.

"Although seven men from Virginia originally went to Philadelphia, only three ended up actually signing the Constitution," Deegan points out.

"George Wythe left to take care of his sick wife, and when she died, he never came back," she says.

Wythe was an important lawyer and scholar of the time who had tutored both George Washington and Thomas Jefferson.

"James McClung," Deegan has learned, "went home to take care of some business and never came back either. Reports say he felt that his presence wouldn't make a difference one way or the other."

"George Mason stayed at the convention, but refused to sign because the document contained no Bill of Rights."

"Edmund Randolph, then governor of Virginia, was unhappy with the compromise between the upper and lower houses of government, and also refused to sign."

Only Blair, Washington, and James Madison signed the Constitution as representatives of Virginia.

As Deegan walked along the Philadelphia streets last month, many of her thoughts were of the people who trod some of those same streets two centuries ago.

"I thought about what their feelings might have been and their fears. Maybe they thought, 'What have I done? What have I put my name to?'

"They still had to fight battles in their own states to have it (the Constitution) ratified. It was just the beginning for them."

Throughout the two-hour, three-mile-long parade, the descendants carried 10-foot banners, reproductions of those carried by the signers in the 1788 Grand Federal Procession.

The banners, Deegan explains, have the last name of the delegate in gold letters above red, white and blue bunting mounted on a gilded pole.

"Often the wind caught the bunting on the banner, and you kind of wavered along the parade route," Deegan laughs.

The banners were heavy and awkward: Wind, rain, mud puddles and horse droppings got in the way, but the people who lined the streets and called out their support made the experience one Deegan will never forget, she says.

"The people thanks us for coming, for marching in their parade, for just being there. They were terrific."

All the descendants marched in authentic colonial dress rented (at their own expense) from a Philadelphia costume company.

Deegan's dress was a colonial evening gown of light blue and lime green.

"The bodice laced from the waist, and it was tight!" she says.

"The full skirt was trimmed with green lace and was cutaway, so the blue, green and ecru underskirt could show, and the dress had three-quarter-length puffed sleeves."

Completing the outfit was a pale-green colonial cap and a pair of Deegan's own "comfortable" shoes.

"The dress weighed about 30 pounds, but after the parade, when we were in the hotel room, I handed the rain-soaked dress to my husband and asked him how much he thought it weighed then," Deegan says.

"He said, at least 40 pounds."

After the informality and camaraderie of the parade, the 39 descendants, now dressed in 20th-century garb, walked together to Independence Hall for a more somber occasion.

"We lined up and walked into the assembly room where our ancestors had debated and eventually signed the Constitution—the actual room," Deegan says with awe.

Former Chief Justice Warren Burger met on his 80th birthday with the group, and pictures were taken of each descendant shaking Burger's hand.

"We each stood with Chief Justice Burger on the steps of the platform which holds George Washington's desk, ink well, and his rising-sun chair."

Carved into the wood on the back of the chair is a sun, Deegan relates.

"It's said that Ben Franklin remarked, 'I wasn't sure if it was a rising sun or a setting sun, but I've come to the conclusion that it is rising.' "

The statement, says Deegan, was Franklin's a way of predicting success for the Constitution and the young country.

"After the pictures were taken, we reassembled outside and sat in 39 reserved chairs for the ceremony and speech by Chief Justice Burger," Deegan says.

Precisely at 4 p.m., the time history says the last of the 39 signers of the United States Constitution put down his pen on Sept. 17, 1787, bells in Philadelphia and throughout the nation began to peal.

"When the bells started to ring, they released hundreds of red, white, and blue balloons. It was really an emotional high," Deegan says quietly.

Deegan came to all of this almost accidentally. Her older sister, a museum director in their native Missouri, has been interested in the family genealogy for some time, so Deegan was familiar with the names of her ancestors back several generations.

"I was reading a book on Martha Washington, the book which they made into the TV mini-series, and I came across the name Sally Cary."

Sally Cary was the wife of George W. Fairfax, and they were neighbors of the Washingtons (next-door, in fact) and, according to the mini-series, Washington and Sally were quite close.

"Well, the name Sally Cary just rang a bell with me, because I knew my great-grandmother's name was Sally Cary Newsum LaValle," says Deegan.

Deegan, a member of the Daughters of the American Revolution and the current regent of the Cameron Parish chapter, which includes portions of Loudoun and Fairfax counties, immediately started her search.

"I went to the DAR headquarters (in Washington, D.C.) and found what I needed in their library in one afternoon," she says.

Deegan discovered that John Blair Jr. was born in Williamsburg in 1732, graduated from William and Mary (which his great-uncle James Blair founded), studied law in England and returned to practice in Williamsburg.

He married and had four daughters, but only two survived infancy, Deegan says.

"The two living children did marry, and each had one child, but then there is no further mention of the line," Deegan reports.

John Blair Jr., died in 1800.

It is from Sarah Blair, one of John Blair Jr.'s nine siblings, that Deegan is descended.

Sarah, Blair's youngest sister, married Wilson Miles Cary, who was the brother of Sally Cary Fairfax, Washington's friend and the lady whose name peaked Deegan's interest in the first place.

"Their son, Wilson Cary married Thomas Jefferson's niece, Jean Barbara Carr, and their daughter Sally Cary married William Newsum," explains Deegan.

"On we go to their son Wilson Cary Newsum, who married Cornelia Littlefield, who was the granddaughter of Nathannael Greene," she reports.

Greene was a Revolutionary War general.

"Their daughter, Sally Cary Newsum, married my great-grandfather, Robert Lane LaValle."

Although a romantic tie between Washington and Sally Cary Fairfax has never been substantiated, Deegan says the reappearances of the name are "very interesting."

Deegan's great-grandfather begat her grandfather Jean Edward LaValle, who married Addie Congrove.

Addie and Jean Edward produced Charles Edward LaValle, who married Deegan's mother, Laura Allen Riley.

Deegan has four brothers in addition to her sister, and all were as eligible as Deegan to march in the parade, but none chose to submit the necessary documentation to prove their lineage.

"They all had invitations to the ceremonies, but since the family was busy preparing for my Dad's 80th birthday celebration, none of them could come to Philadelphia," Deegan says.

There are, according to Deegan, only 250 documented descendants of the signers of the Constitution, and the 39 who marched in the recent parade are already thinking about a reunion.

"We got very close," Deegan says simply.

Speaking about her experience, she says, "I don't want to exaggerate, but it brought a real sense of pride and love of country alive."

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"I kept thinking of all the blood and sweat and tears and sacrifice those people and their families went through, and what sincere hopes they must have had for the Constitution to end all the bickering and infighting they had experienced."

"It (the Philadelphia celebration) brought it all alive," Deegan concludes.

STOP FUELING THE FIRES OF WAR

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the history of the United States relationship in Central America is one of invasion, subjugation, and exploitation. In the past we have installed Fascist dictators and profited from their corruption, but today a new day is dawning in Central America. It is a day when Central American countries, led by our most loyal allies, are trying to control their own destiny. These allies of the United States have asked us to do one thing: Stop fueling the fires of war. Give them a chance at the peace table to work out their own destiny, to bring peace and stability which we all seek in that region.

It is very difficult for a parent to see a son or daughter leave home, to see them stand on their own feet, but we realize that in a process of maturing this necessarily must take place. Today the United States must view these steps taken by our allies in Central America as important first steps toward independence and a new relationship, a sound relationship based on trust and peace in this region of the world.

AID TO THE CONTRAS

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, in preparing for another vote on Contra aid I urge my colleagues to consider the words of Costa Rican President Oscar Arias Sanchez. He said:

> Major obstacles remain to full implementation of the peace plan. During the last summit meeting, the presidents recognized that some countries had not complied with the plan. Lengthy debates ensued in which one president reproached another, they argued that one could not comply while the other failed to do so.
>
> We must end this stalemate and Nicaraguan President Daniel Ortega should be the one to do so. With the release of all political prisoners and concrete steps towards democratization, there will be no justification for continuing aid to the contras. I respectfully told Ortega that if I were in his shoes, this is what I would do.
>
> To the U.S. public I would repeat the same words I delivered upon receiving the Nobel Peace Prize: "It is for the new generation that we must understand more than ever that peace can only be achieved through its own instruments; dialogue and understanding, tolerance and forgiveness, freedom and democracy.

Again, let us heed the words of Oscar Arias Sanchez, the Nobel Peace Prize winner, and show our support for the peace plan in Central America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOPER). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

CIVIL SERVICE DUE PROCESS AMENDMENTS

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3875) to amend title 5, United States Code, with respect to appeal rights for members of the excepted service affected by adverse personnel actions and with respect to the Merit Systems Protection Board, as amended.

The Clerk read as follows:

H.R. 3875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Service Due Process Amendments".

SEC. 2. EXPECTED SERVICE APPEAL RIGHTS.

(a) IN GENERAL.—Section 7511 of title 5, United States Code, is amended to read as follows:

"§ 7511. Definitions; application

"(a) For purposes of this subchapter—

"(1) 'employee' means—

"(A) an individual in the competitive service—

"(i) who is not serving a probationary or trial period under an initial appointment; or

"(ii) who has completed 1 year of current continous service under other than a temporary appointment limited to 1 year or less;

"(B) a preference eligible in the expected service who has completed 1 year of current continous service in the same or similar positions—

"(i) in an Executive agency; or

"(ii) in the United States Postal Service or the Postal Rate Commission; and

"(C) an individual in the excepted service (other than a preference eligible) who has completed 2 years of current continuous service in the same or similar positions in an Executive agency;

"(2) 'suspension' has the same meaning as set forth in section 7501(2) of this title;

"(3) 'grade' means a level of classification under a position classification system;

"(4) 'pay' means the rate of basic pay fixed by law or administrative action for the position held by an employee; and

"(5) 'furlough' means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

"(b) This subchapter does not apply to an employee—

"(1) whose appointment is made by and with the advice and consent of the Senate;

"(2) whose position has been determined to be of a confidential, policy-determining, policy-making or policy-advocating character by—

"(A) the President for a position that the President has excepted from the competitive service;

"(B) the Office of Personnel Management for a position that the Office has excepted from the competitive service; or

"(C) the President or the head of an agency for a position excepted from the competitive service by statute;

"(3) whose appointment is made by the President;

"(4) who is receiving an annuity from the Civil Service Retirement and Disability Fund, or the Foreign Service Retirement and Disability Fund, based on the service of such employee;

"(5) who is described in section 8337(h)(1), relating to technicians in the National Guard;

"(6) who is a member of the Foreign Service, as described in section 103 of the Foreign Service Act of 1980;

"(7) whose position is within the Central Intelligence Agency, the General Accounting Office, or the Department of Medicine and Surgery, Veterans' Administration;

"(8) whose position is within the United States Postal Service, the Postal Rate Commission, the Tennessee Valley Authority, the Federal Bureau of Investigation, or the National Security Agency, except as provided in subsection (a)(1)(B) of this section or section 1005(a)(4) of title 39; or

"(9) who is described in section 5102(c)(11) of this title.

"(c) The Office may provide for the application of this subchapter to any position or group of positions excepted from the competitive service by regulation of the Office.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to any personnel action taking effect on or after the effective date of this Act.

SEC. 3. INTERIM RELIEF.

Section 7701(b) of title 5, United States Code, is amended by adding at the end the following: "In the event that the employee or applicant for employment is the prevailing party in an appeal under this subsection, the employee or applicant shall be granted the relief provided in the decision pending the outcome of any petition for review under subsection (e), except that nothing in this sentence requires that any award of back pay or attorney fees be paid before the decision has become final.".

SEC. 4. ANNUITANT STATUS NOT A BAR TO APPEALING ONE'S REMOVAL.

Section 7701 of title 5, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

"(j) In determining the appealability under this section of any case involving a removal from the service (other than the removal of a reemployed annuitant), neither an individual's status under any retirement system established by or under Federal statute nor any election made by such individual under any such system may be taken into account.".

SEC. 5. LOCATION OF MSPB HEARINGS.

Section 1205(d)(1) of title 5, United States Code, is amended by inserting "A" after "(d)(1)" and adding at the end the following:

"(B) Whenever it considers alternative places for conducting a hearing or other proceeding brought by or on behalf of an employee, former employee, or applicant for employment, the Board shall, to the extent practicable, select the place closest to the location of the position held, formerly held, or sought by the individual involved, unless the total administrative costs to the Government in conducting such proceeding would be lesser elsewhere.".

SEC. 6. MSPB AS NAMED RESPONDENT.

Section 7703(a)(2) of title 5, United States Code, is amended to read as follows:

"(2) The Board shall be the named respondent in any proceeding brought pursuant to this subsection.".

SEC. 7. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on the date of enactment of this Act, and, except as provided in section 2(b), shall apply with respect to any appeal or other proceeding brought on or after such date.

The SPEAKER pro tempore. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes and the gentleman from New York [Mr. HORTON] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to salute the gentleman from New York [Mr. HORTON] for working so very hard on this legislation, and we are hoping to be successful.

Mr. Speaker, H.R. 3875 has five substantive provisions, all of which were contained in the Whistleblower Protection Act (H.R. 25), which the Committee on Post Office and Civil Service reported last summer. We decided to move these provisions separately for a couple of reasons.

First, Representative FRANK HORTON and I have been trying to craft a whistleblower bill which will gain the support of both the administration and the employee community. So far, we have not been able to do so, although we are continuing our effort. The provisions contained in H.R. 3875 are not directly related to whistleblowing and the administration objected to their inclusion in H.R. 25 for that reason. So, there was no reason to delay consideration of these provisions pending the resolution of the whistleblower bill.

Second, the most significant provision of H.R. 3875, which is to provide Merit Systems Protection Board [MSPB] appeal rights for certain excepted service employees, closes a major loophole in the law which led to the Supreme Court's decision in United States versus Fausto last week. After the Fausto decision, in which the Court pointed out this loophole, we felt we should delay no longer in closing it.

H.R. 3857 was introduced by me, along with my colleagues Representative FRANK HORTON and Representative MERVYN DYMALLY last week. Yet, the text of the bill has been subject to thorough hearings and committee review, and has been ready for House consideration since August 5, 1987, when H.R. 25 was reported by the Committee on Post Office and Civil Service. For a more complete legislative history of this legislation, I refer you to House Report 100-274, the report accompanying H.R. 25.

H.R. 3875 contains seven sections. Section 1 is the short title.

Section 2 deals with a special category of employees, those who hold excepted service positions. It is the text of H.R. 555, legislation introduced by my colleague Representative DYMALLY to provide notice and Merit Systems Protection Board appeal rights to Federal employees who do not now have these rights because they are in excepted service positions and are not preference eligible. H.R. 555 is similar to H.R. 917, legislation which passed the House during the 99th Congress.

A brief review of the issues may be useful. Most Federal employees are in the competitive service, and can only be hired after examination and ranking on an Office of Personnel Management register. Certain groups of employees, such as chaplains and scientists, are excepted from the competitive service because there is no practical way to create a central examination for these positions. Attorney positions are excepted from the competitive service because Congress has declared that it does not want lawyers subject to competitive examination. Under the Veterans Preference Act of 1944, attorneys, scientists, and chaplains who are veterans of periods of combat have the same rights as competitive service employees.

With competitive status come certain procedural rights. Before a competitive service employee—or a preference eligible in an excepted service position—can be removed or subject to serious disciplinary action an agency must provide advance notice of an adverse personnel action, an opportunity to respond, a written decision spelling out the agency's reasons for the action, and a right to appeal to the MSPB. Section 2 of this bill extends these rights to nonveterans in excepted service positions.

The bill does not extend to all persons in excepted service positions. Certain groups of employees are specifically excluded from coverage. Among these are:

Presidential appointees, including White House staff and Schedule C's;

Reemployed Civil Service or Foreign Service annuitants;

National Guard technicians;

Members of the Foreign Service, because they have their own grievance system which provides comparable rights;

Noncitizens of the United States who work for the Government outside the United States;

Central Intelligence Agency employees, because section 102(c) of the National Security Act of 1947 gives the Director clear authority to deal with CIA employees;

General Accounting Office employees, because the GAO Personnel Act of 1980 set up a GAS Personnel Appeals Board to provide due process rights to GAO employees;

Employees of the Department of Medicine and Surgery of the Veterans' Administration, because they have their own peer review system;

Employees other than preference eligibles of the Postal Rate Commission. H.R. 555 had originally excluded nonpreference eligibles in the U.S. Postal Service. However, Public Law 100-90, signed into law on August 18, 1987, extended due process notice and appeal rights to Postal supervisors who are not preference eligibles. H.R. 3875 inadvertently picked up the old language in H.R. 555 which excluded these employees. Since it is not our intention to overturn Public Law 100-90, our amendment will delete the reference in H.R. 3875 to Postal Service employees.

Employees other than preference eligibles of the Federal Bureau of Investigation and the National Security Agency, and the Tennessee Valley Authority. In the case of these agencies, we maintained the status quo and thereby avoided eroding the rights of veterans but did not expand the class of covered employees.

As noted above, Congress has already voted to extend due process rights to postal supervisors (Public Law 100-90).

And, last month's Supreme Court decision in United States versus Fausto made passage of this legislation all the more urgent. In its decision, the Supreme Court cut off an alternate method of judicial review for excepted service employees, saying that Congress, in passing the Civil Service Reform Act of 1978, had intended to deprive excepted service employees, other than those with veterans preference, of the right to challenge adverse actions. This bill explicitly provides those appeal rights.

Section 3 of the bill provides for the reinstatement of employees if they win their Merit System Protection Board cases at the regional office level. The employee would return to his or her position pending the outcome of the agency's petition for review of the decision. However, neither back pay nor attorney's fees would be payable until the decision became final.

Section 4 would allow an employee who is eligible to retire but who the agency wants to fire to take his annuity and still challenge the adverse action before the MSPB. Now, an employee who chooses an annuity is considered to have retired voluntarily and cannot challenge the adverse action.

Section 5 requires the Merit Systems Protection Board to hold hearings near the employee's job site, unless it would cost the government less to hold it elsewhere. MSPB hearings are now held in certain designated regional cities.

Section 6 would change certain procedures for judicial review of MSPB decisons. Currently, the agency is the named respondent and the Justice Department represents the agency. This amendment provides that the MSPB will be named respondent, and will be responsible for defending its own decisions in Federal court.

Section 7 contains the effective date.

I urge support for this legislation.

Mr. HORTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 3875, the civil service due process amendments, which will extend important right to excepted service employees of the Federal Government. The legislation will vastly improve the civil service system by allowing these employees the right to appeal adverse actions filed against them to the Merit System Protection Board.

I commend Chairwoman SCHROEDER for her leadership in bringing this legislation and this provision especially to the floor. Also a special word of appreciation for my good friend and colleague MERV DYMALLY. He has been the champion in extending legitimate adverse action appeal rights to appropriate postal and Federal employee sectors. This provision is legislation he originally authored and which I supported. It is a good provision and is not opposed by any member of our comittee on the Republican side.

There is good reason to extend these adverse action appeal rights to the excepted service. The major criticism of extending these rights to excepted service employees is that these employees did not go through a competitive hiring procedure—they are excepted from this practice. Therefore, the argument goes, these employees should not be given rights enjoyed by other employees. The argument sounds good, but it is misleading and doesn't reflect actual Federal hiring practices.

Today, there are somewhere between 300,000 and 500,000 excepted service employees who would be covered by this protection. The number is so large because the competitive civil service just isn't being used to the extent it has been, or should be. We haven't had a competitive civil service exam in years. Hiring through the excepted service has been the standard hiring procedure; it should not be used to deny legitimate employee grievance rights.

There are two important points to this provision that I would like my colleagues to consider. First, national security and security sensitive positions in our defense, intelligence and law enforcement agencies are not given the adverse action rights appeal rights policy. If an individual believes a wrong has been committed, he or she should have access to appeal an action. That right should not belong to veterans only or any group only.

Turning to the other provisions, these are essentially noncontroversial provisions originally contained in H.R. 25, the Whistleblower Protection Act. These provisions, however, were added to H.R. 25 just prior to its being unanimously reported from the House Post Office and Civil Service Committee. They do not pertain directly to whistleblower protection. Because we are working with the administration to develop H.R. 25 in a manner that will meet with the President's approval, we honored the administration request to remove these nonwhistleblower provisions from the bill.

I want to commend Chairwoman SCHROEDER for honoring the administration request. She and I both are working, and have worked, tirelessly with OMB in an effort to make H.R. 25 acceptable to OMB and the administration. We want a bill that both enhances whistleblower protections and meets legitimate concerns raised by OMB. We are making progress. Chairwoman SCHROEDER'S leadership and perseverance is one of the reasons why. She has shown a willingness to compromise; OMB and the administration has shown the same willingness.

H.R. 2875 is an example of compromise. The administration wanted these provisions of the bill removed and considered separately. This does not mean these provisions are unimportant, for they are important. If we are to effectively combat waste, fraud, and abuse at the Federal level, we need to have a system that does not punish employees who come forward and report such fraud. I can assure my colleagues that we will have in H.R. 25, when it comes to the floor, a bill that establishes a fair and effective whistleblower protection system.

Employees of the civil service generally are entitled to adequate protection when they suffer unjustified adverse actions that can result in their loss of employment. They should be allowed to appeal these adverse actions. Today, some are allowed to appeal, some are not. That isn't fair. All employees, except in the security sensitive positions mentioned earlier, should have these protections. That is essentially what we are doing with this bill and I urge its passage.

Mrs. SCHROEDER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DYMALLY], the author of this bill and one who has worked so hard on it.

Mr. DYMALLY. Mr. Speaker, I rise in support of H.R. 3875, the civil service due process amendments.

As a member of the Subcommittee on Civil Service, I want to commend the subcommittee Chair, Congresswoman PAT SCHROEDER, and the ranking minority member, Congressman FRANK HORTON, for their expeditious efforts to bring this legislation to the floor.

I have a special interest in H.R. 3875. Section 2 encompasses legislation I introduced at the beginning of the 100th Congress, granting adverse action appeal rights to most Federal employees in the excepted service. I should note that the House unanimously passed a similar measure in the 99th Congress.

Under title V, United States Code, competitive service employees and veterans preference eligibles in the excepted service may appeal a conduct-related adverse personnel action to the Merit Systems Protection Board, an independent Federal agency.

Section 2 of H.R. 3875 merely extends this same appeal right to nonveterans in excepted service positions.

There are approximately one-half million excepted service employees in executive branch agencies, excluding the Postal Service. They include attorneys, scientists, handicapped workers, and certain midlevel administrative positions.

Unlike competitive employees, nonveteran excepted personnel do not have the statutory right to receive advance written notice of an adverse action, the right to respond, or the right to appeal the action to an impartial body. Frankly, I see no reason why these employees, many of whom are long-term civil service employees, should not have the same rights.

I do not believe that Federal employees, except under special circumstances such as national security concerns, should be subject to the loss of their jobs, grade, or pay without any means of recourse or the ability to defend themselves properly.

Such a situation subjects many Federal workers to the whims of internal

and external politics—a situation in which civil servants should not be placed if they are to serve the Nation well.

Finally, let me note that the need for congressional action on this issue has become clear, in light of a Supreme Court decision last week which confirmed that the current law does not provide an avenue of appeal to nonveteran excepted service employees.

Mr. Speaker, I once again thank Chairwoman SCHROEDER and Congressman HORTON for their support of my efforts and I urge my colleagues to vote in favor of H.R. 3875.

I might add, Mr. Speaker, that this measure has the support of all the Federal service employee unions and associations and groups.

Mr. HORTON. Mr. Speaker, I yield 6 minutes to the gentleman from Pennsylvania [Mr. WALKER].

□ 1315

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, before this becomes too much of a love-in, I think it should be pointed out that the administration intends to veto this bill should it clear Congress and reach the President's desk. And it seems to me that it does raise some questions about bringing the bill up on Suspension Calendar to begin with, when we have a potential Presidential veto; but also it seems to me that there are some severe questions about the content of the bill.

If I understand section 2 of the bill, and I would be glad to yield to anybody who would tell me that my understanding is wrong, but if I understand section 2 of the bill, what we are doing there is overturning a very recent Supreme Court decision that said flatly that the Civil Service Reform Act of 1978 was in fact intended to deprive excepted service employees other than those with veterans preference with the right to challenge adverse action.

Mr. DYMALLY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. I thank the gentleman for yielding.

I do not think this bill is intended to overturn the decision. The fact is this bill perceived of the problem last year and this House unanimously passed legislation to correct the problem. Had the Senate moved expeditiously, we would not have had the necessity for the Supreme Court decision.

Mr. WALKER. The gentleman is indicating to me that the United States versus Foster, then, did not make the decision that in fact the Civil Rights Act of 1978 did in fact intend to deprive excepted service employees?

Mr. DYMALLY. That decision is correct. But this bill was not designed to subvert the Supreme Court decision.

Mr. WALKER. The gentleman has confirmed my point then, that in fact the Supreme Court has decided and that we are in fact attempting to overturn that particular decision with what we are doing here.

Second, I would suggest that those who argue that the reason why we should do this is because all of a sudden the civil service process does not work very well anymore and that very few people are getting into the Government through the competitive process, are making precisely the wrong argument.

In other words, because the practice that we now are following is not the good practice, we ought to put it into place more permanently by accommodating the worst possible practices in hiring. That does not seem to me to be a very rational choice either, and that is what we are doing here. We are locking in a process that basically tries to bypass the competitive service. And I think that that raises some serious questions.

Finally, I would suggest that there is a very serious question raised in section 6 of this bill which essentially is saying that the employing agency is no longer the respondent when we go through an appeals process, but rather is making the respondent in the case the Merit Systems Protection Board. The Merit Systems Protection Board is a quasi-judicial body. It has the power to make decisions about these particular individuals. Now what we are saying is that that quasi-judicial body is now all of a sudden going to be involved in the litigation of the case, is going to become a respondent and therefore participate in its own decision as a respondent. Now that really raises I think major questions.

Again, I do not know, and maybe I am wrong, but I am not aware of any other place in the Federal Government where we are saying that the quasi-judicial body that makes judicial decisions with regard to employees or whatever then becomes a respondent defending its own decision on appeal. This is a fairly unique little item that we stuck in this bill and I think it could cause long-term harm and I think it is a very dangerous precedent. So I would suggest that there are reasons to be questioning this bill and I think that we should know that because of some of those objections that the administration does intend to veto the bill should it reach the President's desk. And I thank the gentleman for yielding.

Mr. DYMALLY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. I thank the gentleman for yielding.

Mr. Speaker, would the gentleman deny this right to the veterans who now have that right?

Mr. WALKER. Well, the Congress has made a specific decision I would say to the gentleman, to include the veterans. And that is a decision that we have decided to make. But I would say to the gentleman I do not oppose that but we are taking a step beyond when we now are undermining the competitive process with this action and also undermining the quasi-judicial practice that determines legitimate rights under the case.

I think we make a very dangerous assumption and one that is more of a big government decision than a decision aimed at really protecting individual employees.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from New York [Mr. HORTON].

Mr. HORTON. I thank the gentleman for yielding.

Mr. Speaker, without regard to the decision there are a large number of people who are what we call excepted and they do not go through the competitive process. This legislation is designed to give them the same appeal rights that those who are now in the competitive system have and the point is we are not using the competitive system. A vast majority of the people that are in the Federal employ today have come in without the competitive system because they are not using the competitive system.

So the question is: Do you want to give excepted civil servants the same due process that you give to the others? My answer is "Yes." Apparently that of the gentleman is "No."

Mr. WALKER. I thank the gentleman for his explanation, but I would say to the gentleman that we made a specific decision on that in 1978 that we are now reversing.

Mr. HORTON. That is right.

Mr. WALKER. The Supreme Court indicated that was our specific decision. It seems to me we made that decision in 1978 in order to try to enforce and enhance the competitive system. The problem, as the gentleman defined it, is we have moved away from the competitive system.

Now you are going to lock in a process that says that the competitive system is no longer functional. I would say to the gentleman I think we are far better off in terms of getting Federal employees, we are far better off in terms of being able to weed out incompetent and unethical employees under the present system. I would far rather have the competitive system in place than the excepted system in place when it comes to hiring and I would

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far rather have agencies capable of weeding out unethical and incompetent employees than agencies that are locked into a big Government process.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to answer some of the things that were said.

First of all, let us talk about who these excepted employees are. They are the chaplains, they are the lawyers, they are the scientists, they are the interpreters, they are handicapped people; they are specific people that the Federal Government hires that Congress felt we probably did not test. Do we want Congress testing chaplains? We said it is very difficult to test lawyers, difficult to test scientists, and it is difficult to test interpreters and it is difficult to test people who are handicapped and doing special jobs.

What the Supreme Court said is that when Congress set up these excepted people from the competitive service they forgot to give them these rights, that they did not intend to give them these rights, did not think about giving them these rights.

What we are saying here today is well, we have looked at it, really looked at it and we feel it is important these people have the same right and same kind of protection that others do. The reason this competitive service was not extended in this way is it was felt that these people had competed in their own professions to reach a certain level and the Federal Government was hiring them at that professional level rather than the other kind of competitive test where you were testing people's typing skills and so on and so forth. However, they are not managers in that they are working for a very huge, huge bureaucracy as we know and we have some horror stories that come out of it.

So I think what the gentleman from New York was saying is absolutely accurate and on target, that that is what we did, that the Supreme Court pointed out we had not thought about this at the time we did it and we now have a different case and that is what we are trying to do.

Lastly, it was felt very important that the MSPB be able to defend their decisions, mainly because the Justice Department has not moved any of their decisions, that the Justice Department no matter who has been in charge has not proceeded on any of the employee rights decisions. So therefore we feel to make the MSPB work and to make things right, this is important.

So I think we want to set the record straight as to why members of the committee felt this was so critical, why it was passed before, why so many Members have backed it and why it is so important and why we think it should be brought up today.

GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. Cooper). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3875, the civil service due process amendments. This legislation would amend title V, United States Code, with respect to appeal rights for members of the excepted service affected by adverse personnel actions and with respect to the Merit Systems Protection Board.

This bill encompasses those parts of H.R. 25, the Whistleblowers Protection Act, which the administration believed should not be included in a whistleblowers protection bill. The House passed a similar measure under suspension in the 99th Congress which extended procedural due process rights to those employees in the excepted service. These employees deserve the same protection as those in the competitive service.

Accordingly, I urge my colleagues to support H.R. 3875.

Mr. HORTON. Mr. Speaker, I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. Schroeder] that the House suspend the rules and pass the bill, H.R. 3875, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

RESCINDING CERTAIN BUDGET AUTHORITY RECOMMENDED IN PUBLIC LAW 100-202

Mr. OBEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3884) to rescind certain budget authority recommended in Public Law 100-202.

The Clerk read as follows:

H.R. 3884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That of the funds made available in the fiscal year 1988 Foreign Operations, Export Financing and Related Programs Appropriations Act (Public Law 100-202), under the heading Migration and Refugee Assistance, $8,000,000 for the construction of educational facilities for north African Jewish refugees in France is rescinded.

The SPEAKER pro tempore. Is a second demanded?

Mr. LEWIS of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. Obey] will be recognized for 20 minutes and the gentleman from California [Mr. Lewis] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. Obey].

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill which we have before us today, H.R. 3884, would rescind and repeal authority for spending $8 million for displaced Jewish refugees from North Africa now living in France which has become an object of some controversy.

When the House passed its foreign aid bill in December, this item was not among those that we funded. Our bill as it left the House cut the administration's spending plans for foreign aid by $2.7 billion, not million. The Senate then produced its own bill which had some 250 differences with the House bill. This item was one of those differences.

As part of the normal give-and-take between the two Chambers, this is one of the items in the Senate bill which the House finally accepted.

Because of the controversy which surrounded it since the passage of the item, I told Senator Inouye last week that it was my judgment that the item ought to be eliminated because it was obscuring the fact that even with this item the Congress had saved the taxpayers 300 times the amount in this item by achieving a compromise which cut the administration's total foreign aid spending plan by $2.3 billion—the largest percentage cut made by any committee this year in the President's budget.

Mr. Speaker, I should add one other point: Much has been written in the press to the effect that Senator Inouye sneaked this item into the aid package. That is simply not the fact. As Senator Inouye pointed out yesterday, on November 4 he met with the ranking member of the Senate committee, Senator Kasten, who reviewed the merits of the proposal and had no objection. On December 1, the Senate subcommittee reviewed the markup recommendations made by the chairman and the ranking member and reported the bill to the full Senate Appropriations Committee in an open session with this item included and with no objection to it.

On December 2, a full 2 weeks before the conference, members of the Senate Appropriations Committee received copies of the committee report which had the item clearly listed on page 187.

□ 1330

The final report contained it on page 194. I have a copy of that report in my hand if anyone would like to examine it. The bill was later reported by the full Senate Appropriations Committee and reported without objection. Finally, the bill was reported by the full Senate as a chapter in the continuing resolution, and again it was approved without objection by any Member of the other body.

Following Senate action, the House and Senate conferees met in conference to iron out the 250 differences—250 differences—between us. This item was clearly listed in the conference notes on page 34. In fact, it was listed twice, as item No. 1 and as item No. 4 in the report, indicating that they were dealing with both the numbers involved, the dollars involved and with the report language on the item.

At no time was there an attempt by anyone in the Senate to hide this item from either the House, the press, or anybody else involved.

When I first saw the item in the conference notes, I raised questions about it, and I asked its approval be delayed to allow us to review it further. It was held over for 1 day. It was later approved in an open session of the conference—after public debate among the conferees, I might add. Administration representatives and representatives of the press were present during that debate.

In the end, our committee accepted the item because the Senate had passed it and because a number of House Members on both sides of the aisle had expressed their strong view that it ought to be funded. On that basis, as part of the compromise on more than 250 items, it was accepted by the House committee.

Very frankly, the committee did not spend a lot of time debating it, for 3 reasons: First of all, as I indicated, we had 250 items to settle, and more than 100 of them cost far more money than this item, including the overriding controversy on Contra aid, which was and still remains my primary concern.

Second, since the committee had already reached an understanding about how much would be cut from the President's overall aid request, it seemed better to use that money for a humanitarian gesture for people who had suffered prejudice and discrimination than to use it in a number of other ways that had far less justification and merit.

The third reason we finally accepted the Senate amendment is because anyone who knows him knows that the Senate chairman has a passionate concern for the welfare of Jews anywhere who have borne the burden of displacement, discrimination, and worse. One of the reasons we accepted it is because we recognized how strongly he felt about it, and if he made any mistake, it was simply the mistake of a good heart.

Frankly, I wish now obviously that the House had not accepted the Senate item. But I have made bigger mistakes than that before, and I certainly have lost bigger arguments than that before. And there were literally, as I said, more than 100 other items of greater financial impact that we were worried about, including the all-consuming issue of Contra aid. We were focused primarily on those items, and I make no apology for that focus.

Obviously, every dollar is important, but the end product of this and other compromises still enabled the House to bring back a bill which saved the American taxpayers almost 300 times the amount that this 1 item cost. We cut $2.3 billion out of the President's foreign aid budget, the largest percentage cut in the administration's budget made by any committee this year, and because of that action this Congress was able to move that money to education, to health, and to job programs here at home. I am proud of that fact.

Mr. Speaker, that is the whole story, and passage of this bill will eliminate the $8 million item which is obscuring that fact. I urge passage of the bill before us today.

Mr. LEWIS of California. Mr. Speaker, it is with no small amount of reluctance that I rise essentially to express the willingness of the Republican side of the aisle to agree to this rescission. To carry forth some of our concerns, I now yield 2 minutes to our colleague, the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I, too, rise in favor of the passage of this legislation. But I would say to the chairman of the subcommittee that I am not certain we got exactly the whole story because I think that the problem with this particular money rises out of the process that was used.

For example, this House never approved the foreign aid bill that the gentleman refers to. That bill was specifically held in the Appropriations Committee, and the negotiations took place within the Appropriations Committee. We never had a chance to focus on those savings in foreign aid on the House floor because the bill was never brought to the House floor. I think that is a mistake, and I think one of the reasons why we found ourselves in this kind of mess and muddle is because we never really considered the bill on the House floor, and by the time we finally got to look at the foreign aid request, we had it out here in a box piled on the table a couple of minutes before we began an hour's worth of debate. While the gentleman refers to printed reports and all that, the fact is that there was none of that on the House floor the night we considered these particular moneys and requests. I think it was a terrible process, and we must reform the process.

It is not good enough to simply come back after the fact and come up with $8 million here. The fact is that there are a number of other things that were in that bill that ought to be brought out here for rescission. For example, there was the half million dollars to bring people here from foreign countries to observe the Congress. I do not know whether that was included down in the body of this particular bill or not or whether it was somewhere else, but the fact is that that is also money the American people do not think needs to be spent at a time when we are trying to reduce deficits.

There is $25 million in that bill for an unneeded airport in Fort Worth, TX. We might want to have that brought out here on the floor and consider withdrawing the money for that particular item, too. And there was a bunch more—cranberry research, and I have forgotten what all else was in there. The President is supposed to be sending some of those rescissions up here. I think that is good. But I think it is high time that we focus on the fact that we have a process here that failed, and what we are doing is correcting one and only one part of that failure.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Pennsylvania [Mr. Schulze].

Mr. SCHULZE. Mr. Speaker, I will not oppose this measure but I wish to express my concern that such a measure is even necessary. Yesterday, I introduced legislation which would also rescind the special earmark of this $8 million. Additionally, those funds would be redirected toward helping the economically distressed city of Chester in my congressional district.

The original provision should be rescinded. It represents a type of expenditure which Congress should not condone and which is not in the best interests of the taxpayer. It is also not in the best interests of American foreign policy. U.S. foreign aid should not be used to dispense favors for special interest groups. It diverts limited financial resources from important domestic needs. Chester, PA, serves as one such example of need—$8 million would go a long way in helping revitalize Chester and bring countless jobs and prosperity to the area.

I recommend that, as we consider this measure, we think about how we can help our people and our towns. One way is to identify expenditures

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such as the one we are discussing today, and put that money to the best possible use. I can think of no better use than aiding backbone communities such as Chester.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I compliment Senator INOUYE for deciding to support the repeal of the $8 million for construction of religious schools in France. I rise in support of H.R. 3888.

On January 25, I introduced like legislation, H.R. 3846, which would stop funding for such religious schools. Some 42 cosponsors from both parties have signed on to H.R. 3846.

Since the $8 million expenditure came to light a month ago, there has been an outpouring of opposition to it. The opposition has been so strong, and so widespread, I felt compelled to sponsor legislation to do something about it.

My reasons for opposing Senator INOUYE's provision were summed up in a recent editorial in Washington Jewish Week:

> It is inappropriate for U.S. taxpayers to support such projects out of the public treasury. As the State Department pointed out, the North African Jews in question have lived in France for decades; they are not refugees. And it is certainly not the business of the United States to aid the citizeny of a prosperous, developed nation like France.

Accordingly to the State Department, U.S. refugee assistance does not go, and has not gone, to construct or support a private religious school. It is all the more disturbing that the $8 million would not only go for religious schools, but religious schools in the 10th wealthiest nation of the world, France.

Our Constitution does not allow Federal funding to construct religious schools in the United States. French law does not allow their Government to build religious schools in France.

Furthermore, the United Nations does not classify the north African Jewish refugees in France as refugees. Nor does France. Nor does the United States. They are French citizens. Most have lived there for years.

This expenditure would set a terrible precedent. We are talking about "refugee assistance" to build religious schools in developed nations. What would we say to the millions of refugees in the United States? How could we justify building religious schools for French citizens if we don't build them for Vietnamese refugees in the United States? What would we say to thousands of refugees from Central America?

This episode is perhaps the best example yet of why CR's are such a terrible way to legislate.

Senator INOUYE has admitted he made an "error in judgment." It is precisley this kind of error in judgment of one Member that our deliberative legislative process is supposed to weed out. This is why we have the committee system, to hold hearings and mull over these proposals before they become law.

Senator INOUYE is not the first Member to propose spending money for something that the vast majority in this body would not support. The breakdown here was that all of the safeguards of our legislative process were thrown aside.

In the end, this carelessness reflects badly on all of us. I hope we remember this lesson if and when a CR comes before us.

I would like to thank the 42 Members who cosponsored the original bill stopping the $8 million for French schools (H.R. 3846). These are the members who deserve a large part of the credit for bringing attention to this unjustifiable expenditure. The cosponsors are:

LIST OF COSPONSORS

Paul B. Henry, Dan Coats, Philip M. Crane, Ernest Konnyu, George Crockett, James Inhofe, Butler Derrick, John Porter, Joe Skeen, John Rhodes.

Steve Gunderson, French Slaughter, Raymond McGrath, Richard Armey, Beau Boulter, Norman Shumway, Bill Emerson, Doug Applegate, Brian Donnelly, Robert Lagomarsino.

Chalmers Wylie, Hal Daub, F. James Sensenbrenner, Jr., James Courter, Fred Upton, Claude Harris, Peter J. Visclosky, Thomas E. Petri, Richard H. Baker, Henry Hyde.

Timothy J. Penny, Lynn Martin, Jim Kolbe, Sam Gibbons, David Dreier, Howard Coble, Thomas Tauke, Virginia Smith.

Mr. LEWIS of California. Mr. Speaker, if the chairman of my subcommittee will bear with me, I will now yield myself such time as I may consume, and then I will reserve the balance of my time because I have no further requests for time.

Mr. Speaker, the gentleman from Illinois [Mr. FAWELL] expressed the concerns of many of our colleagues regarding the process, and I think it is very important to realize that at least this debate helps to highlight the changes that I believe most of us are committed to for the balance of this, the historic 100th Congress.

Our foreign assistance appropriations bill is a very, very difficult bill to deal with, for each of us who is elected to this body recognizes that one of the most important responsibilities of Members duly elected to the Congress is to help with the process of establishing a long-term and logical foreign policy, as well as foreign relations with other countries throughout the world. Nonetheless, most of our constituents who face economic difficulties at almost any time in our history at home wonder about our sending moneys overseas, and almost every item in a foreign aid appropriation bill, therefore, is somewhat controversial.

This item came up as a red hot item that the news media chose to focus upon, and in the middle of that focus was Senator INOUYE. I want to say to my colleagues that Senator INOUYE has been more than a gentleman as we worked out this very, very difficult bill, not just this year but over the years. He is a Senator who is very serious about his work, and in this matter he has suggested that a mistake was made. But indeed the mistake involved focusing upon North African Jewish refugees in France. This was an attempt to provide some very special assistance to the needs of that group, assistance that is not allowed by the government of France itself. This came about and it was not reviewed with the kind of care it might have justified, for the very reasons the gentleman from Illinois [Mr. Fawell] outlined. Having said that, really the Members of the subcommittee find themselves almost the victim of that which has become a ridiculous process, and the idiocy of that process presently is causing bruises all over the body of one, Senator INOUYE.

Mr. Speaker, if nothing else, I would hope that this debate would highlight the critical importance of our taking a new kind of leadership, a new direction around here, as it related to the appropriations process.

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The people of this country, the Members of the House, indeed, common sense would suggest it is time we return to a timely consideration of each of our 13 appropriation bills, fully debated in the subcommittee and fully debated here on the floor. If we go about that, we will have taken steps to rebuild the credibility of the Congress itself.

Now, $8 million, as has been suggested, is relatively small out of $1 trillion budget or out of a $2½ trillion deficit; but indeed, in this case, that amount of money has caused us to focus and pay attention to the reality that our system in the House is not just out of whack, it is indeed on a path that could undermine the future credibility of the House of Representatives, undermine our ability to provide the service that we were elected to as we represent our people here on the floor.

Mr. OBEY. Mr Speaker, I have just a couple remarks before I hopefully close debate and yield back the remainder of my time.

I would simply like in summary to again remind Members that one can characterize this item in any way that one desires, but the fact is that the bill in which it was contained wound up saving taxpayers $2.3 billion, which is the largest savings made on a percentage basis by any appropriations subcommittee this year, and I think the House can take pride in that and so can the committee.

Second, since the overall spending limit for the foreign aid bill had already been set before this item was considered, if the money had not been appropriated for this item it would not have been used for the gentleman's hometown, or the hometown of anybody else. It would have gone for some other foreign aid item. I would like to think it would have gone for a better one, but knowing tne way this place sometimes works, I have the suspicion that it would probably have gone into additional military aid for some foreign dictator somewhere, and I would submit that that would be an even worse expenditure of the money.

Third, I would point out that this item is not unique. I would point out, for instance, that we have also made a policy decision to provide assistance to the Solidarity Union in Poland. We normally do not provide aid directly to unions in this country.

We have provided consistently for a Catholic hospital, for instance, in Poland, which a number of Members on a bipartisan basis just dedicated several months ago. I did not see any objection being raised to that item.

So I would suggest that if we are going to discuss this item, it is important that we place it in a fair context and to be fair to its author in the process.

I would make one other suggestion, because I noted, for instance, today that another newspaper writing about another item in this bill suggested that somehow Senator INOUYE and Senator KASTEN had sneaked into the foreign aid bill a credit item which adjusted the way we deal with the way other countries repay loans to this country.

Now, I have to say this. I fought with the Senate on that item for 3 years. I differed strongly with both Senator INOUYE and Senator KASTEN on that item, but no one can ever allege that that item, either, was sneaked into the Senate bill.

What I think we have to avoid around here on the floor and in the press, I think we have to avoid this tendency to always take what is a natural disagreement on issues and somehow turn it into a debate on someone's character, or an attempt to assassinate someone's character, as I think happened in the case of Senator INOUYE.

The fact is we have had many strong debates on these issues, but no one can allege that they have been secret debates or secret discussions and disagreements, because we have had very long fundamental disagreements on some of these items. That is the nature of this business.

I would also suggest something else. If people are really interested in budget reform, as some Members have suggested today, I would ask you to take a look at the legislation which I introduced some 5 years ago and have been trying to push around here ever since. I would ask you to take a look at the budget reform legislation which I introduced, with the cosponsorship of the gentleman from Pennsylvania [Mr. MURTHA], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Georgia [Mr. GINGRICH], the gentleman from Wisconsin [Mr. PETRI], and the gentleman from Oklahoma [Mr. EDWARDS].

I would suggest that you take a look at that legislation and see whether or not you would be willing to cosponsor that approach, because I warn you, even though people will give us these pious pronouncements now about supporting 13 individual appropriations bills, so long as Gramm-Rudman is on the books there is an incentive for every committee around here not to bring their bill out to the floor, because even if they cut their own bill and meet the spending limitations required under a budget resolution, that does not guarantee that every other committee will perform, and so they can wind up having their bill cut twice.

So I would suggest if you want real budget reform, you will not adopt the naive idea that we are never going to have another continuing resolution around here, because we are, even though none of us like them. You will, instead, find ways to make the process more orderly and more effective.

I would strongly urge you to take a look at the bill which I am going to be introducing again in about 10 days, because if you are serious in budget reform or in your concern for budget reform, I think that would be a good vehicle to express that concern.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on the day that we were conferencing on the foreign operations section of the omnibus continuing resolution, we were also in conference on the same issue before the Labor, Health and Human Services and Education Subcommittee, and so I was in two conferences at the same time. I chose to go in the morning to the Labor, Health and Human Services Conference, and go to the Foreign Operations Conference in the evening.

When I arrived there, we had completed a good part of the bill. I raised the question because my staff had noted that this was in the bill. I raised the question of this expenditure for a school in France, was told that that section of the bill had already been closed and I could not raise the objection at this time.

The point I am making, however, is that if we did not have an omnibus continuing resolution, we probably would not have had two conferences going on with two of my subcommittees at the same time. We would have had a little more time to look at these issues individually, to deal with them and to allow through to the floor only those things that can really, truly, stand on their own.

I cheered when the President told us a week ago last Monday that he would not sign another omnibus continuing resolution. We do not need anymore of these devices, Mr. Speaker. I may be naive, as my chairman tells me, in expecting that we will not have any more, but I can tell you this, Mr. Speaker, that I am going to be there fighting to insure that we do not have any more. Everything that comes to the floor ought to come with the ability to stand before this Chamber on its own.

I think the remarks were very well-taken of my Illinois colleague, HARRIS FAWELL, when he said that this is the kind of mischief that results when we have an omnibus continuing resolution, lumping all our appropriation bills into one gigantic bill.

Yes, it is time, Mr. Speaker, if you will, for reform. Yes, there are good ideas out there. The beginning of it all, however, must be that we end any further continuing resolutions, pass our approrpiation bills on time, allow the President to work his will with them, work through the legislative process as our Constitution intended it to be.

Mr. LEWIS of California. Mr. Speaker, I would like to say to the Chair that it is very apparent by way of this early debate this early in the session that this is only the first of a series of indepth discussions of the way we have been handling the procedures of the House, a discussion, if you will, before the public, God, and everybody, my mother used to say. It will lead, I think, to some healthy changes long overdue.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. OBEY] that the House suspend the rules and pass the bill, H.R. 3884.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3875, by the yeas and nays; and

H.R. 3884, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CIVIL SERVICE DUE PROCESS AMENDMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3875, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 3875, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 365, nays 21, not voting 47, as follows:

[Roll No. 3]

YEAS—365

Ackerman
Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chappell
Clarke
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans
Fascell
Feighan
Fields
Flake
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—21

Archer
Armey
Barton
Burton
Cheney
Craig
Crane
DeLay
Fawell
Hansen
Hastert
Kyl
Marlenee
Michel
Miller (WA)
Nielson
Roth
Shumway
Smith, Denny (OR)
Stump
Walker

NOT VOTING—47

Alexander
Badham
Beilenson
Bereuter
Biaggi
Bliley
Bosco
Boulter
Broomfield
Brown (CA)
Chapman
Clay
Clement
Collins
Dannemeyer
de la Garza
Dornan (CA)
Dowdy
Early
Espy
Fazio
Fish
Foglietta
Frank
Gephardt
Grant
Gregg
Holloway
Jones (TN)
Kemp
Kleczka
Leland
Lightfoot
Lowery (CA)
Mack
McCollum
McCurdy
Moody
Pepper
Ridge
Roemer
Schuette
Smith (IA)
Swindall
Weber
Wilson
Wise

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The Clerk announced the following pair:

On this vote:

Mr. Leland and Mr. Moody for, with Mr. Boulter against.

Mr. CRAIG and Mr. DENNY SMITH changed their votes from "yea" to "nay."

Mr. RUSSO changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOPER). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minumum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

RESCINDING CERTAIN BUDGET AUTHORITY RECOMMENDED IN PUBLIC LAW 100-202

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3884.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. OBEY] that the House suspend the rules and pass the bill, H.R. 3884, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 384, nays 1, not voting 48, as follows:

[Roll No. 4]

YEAS—384

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Boggs

Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans
Fawell
Feighan
Fields
Flake
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
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Montgomery
Moorhead
Morella
Morrison (CT)
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Murphy
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Owens (UT)
Oxley
Packard
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Parris
Pashayan
Patterson
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Pelosi
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Price (IL)
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Pursell
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Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
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Rostenkowski
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Roybal
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Saiki
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Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
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Studds
Stump
Sundquist
Sweeney
Swift
Synar
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Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
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Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—1

Gonzalez

NOT VOTING—48

Badham
Beilenson
Bereuter
Biaggi
Bliley
Boehlert
Bosco
Boulter
Broomfield
Brown (CA)
Clay
Clement
Collins
Conyers
Dannemeyer
de la Garza
Dornan (CA)
Dowdy
Early
Espy
Fascell
Fazio
Fish
Foglietta
Frank
Gephardt
Gray (PA)
Holloway
Ireland
Jones (TN)
Kemp
Kleczka
Latta
Leland
Lightfoot
Lowery (CA)
McCollum
McCurdy
Moody
Ridge
Roemer
Schuette
Skelton
Smith (IA)
Swindall
Weber
Wilson
Wise

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON HOUSE RESOLUTION 339, RESOLUTION OF INQUIRY CONCERNING AMERICAN PRISONERS OF WAR/MISSING IN ACTION IN VIETNAM

Mr. STOKES, from the Permanent Select Committee on Intelligence, submitted a privileged report (Rept. No. 100-500) on the resolution (H. Res. 339) requesting that the President furnish the House of Representatives with documents relating to statements by a Vietnamese official about American prisoners of war/missing in action in Vietnam, which was referred to the House Calendar and ordered to be printed.

PRESERVING CERTAIN WETLANDS AND HISTORIC AND PREHISTORIC SITES IN ST. JOHNS RIVER VALLEY, FL

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1983) authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, FL, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 4, line 3, after "exchange." insert "On lands acquired for inclusion within the Preserve, the Secretary shall not impair any legal riparian right of access nor shall he preclude the continued use of any legal right of way.".

Page 4, strike out lines 4 to 6, and insert:

(c) ADMINISTRATION.—The Secretary shall administer those lands acquired for inclusion within the Preserve in such a manner as to protect the natural ecology of such land and water areas in accordance with this Act.

Page 4, after line 14, insert:

(d) Nothing in this Act shall affect development of a multiunit residential/resort project currently proposed for Fort George Island, nor shall any provision of this Act be construed to affect any Federal, State or local law applicable to such project.

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

□ 1430

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I yield to the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, H.R. 1983, a bill introduced by our colleague CHARLIE BENNETT, authorizes the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley in Florida. This bill amends the legislation that established Fort Caroline National Memorial by specifying that the historical park shall be the principal interpretive and administrative center for the ecological historic, and prehistoric resources under this legislation. It also establishes the Timucuan Ecological and Historic Preserve and authorizes the Secretary of the Interior to acquire lands and interests in lands within the boundaries of the preserve. In addition, H.R. 1983 authorizes the Secretary of the Interior to acquire by donation, or purchase with donated funds, several historic properties, including Spanish, English, and Confederate forts, a Spanish mission, a Revolutionary War battle site, a Spanish-American war fortification and the Kingsley Plantation. Any properties so acquired would be administered and interpreted by the staff of Fort Caroline National Memorial.

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The House passed H.R. 1983 on July 21, 1987. Subsequently, the Senate passed H.R. 1983 with three amendments. The first amendment provides for the continued use of any legal right of access. The second amendment directs the Secretary to administer only those lands acquired for inclusion within the preserve. The third amendment states that the act shall not affect development of a residential-resort project proposed for Fort George Island.

I accept these amendments, and believe that the House should pass this bill as amended.

Since the House first acted on this bill, Mr. Speaker, some questions have been raised by the owners of residential property on Fort George Island, one of the areas within the exterior boundaries of the preserve. Specifically, they have expressed concern that such developed residential property within the boundary might be subject to condemnation if included in the preserve.

H.R. 1983 allows the Secretary of the Interior to acquire by condemnation only wetlands, and the bill adopts the same definition of wetlands as used in the Wetlands Act of 1986. That definition uses the test of the presence of hydric soils and hydrophytic vegetation to determine if a particular area qualifies as wetlands. No other definition of wetlands applies to this legislation, and I believe it unlikely that tracts where residences have been built would qualify as wetlands under the applicable definition. But, regardless of definition, it is not the purpose of this bill to direct the Secretary to acquire residential sites.

I do not think it likely that any privately owned and occupied residential lands are apt to be determined necessary for any acquisition, and we certainly expect that even in such cases—should there be any—only the minimum necessary portions of such sites, excluding any family residences, should be acquired.

Mr. Speaker, I urge the House to concur in the Senate amendments and thus clear this very worthy bill for enactment into law.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, I rise in support of the amended version of H.R. 1983 before us today. This bill, which was originally passed by the House on July 21, authorizes the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley in northeastern Florida. Preservation would be accomplished through the establishment of the 35,000-acre Timucuan Ecological and Historic Preserve to be administered by the National Park Service. Condemnation of private lands, other than wetlands, is prohibited and hunting, fishing, and boating in the preserve will be allowed to continue.

When H.R. 1983 was considered by the House, it was amended to include Fort George Island within the preserve. Due to concerns expressed by me and other committee members, language was included in the committee report to insure that inclusion of the island in the preserve would not halt or in any way affect a proposed multiunit residential-resort project. During Senate consideration of H.R. 1983, similar concerns led to the adoption of an amendment to ensure that nothing in the act would affect development of the project or any Federal, State, or local law relating to the project. The Senate also amended H.R. 1983 to provide that on lands acquired for the preserve, no legal riparian right of access or right of way would be impaired or precluded.

Mr. Speaker, I believe these are good amendments which improve the bill. Therefore, I urge my colleagues to approve H.R. 1983 as amended.

Before closing, I want to commend my colleague from Florida, Representative CHARLIE BENNETT, for his leadership on this legislation and his foresight of the need to protect and preserve the numerous, unique resources of the St. Johns River Valley.

Again, I urge House passage of the amended H.R. 1983.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PENNY). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

NATIONAL PARKS AND RECREATION ACT OF 1978 AMENDMENTS

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2566) "to amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

That Title IX of the National Parks and Recreation Act of 1978, as amended (16 U.S.C. 230), is further amended as follows:

(a) In section 901 by adding the following new phrase and renumbering subsequent phrases accordingly:

"(4) folk life centers to be established in the Acadian region;";

(b) In section 902 by adding the following new subsection:

"(g) The Secretary is authorized to acquire lands or interests in lands by donation, purchase with donated or appropriated funds or exchange, not to exceed approximately 20 acres, in Acadian villages and towns. Any lands so acquired shall be developed, maintained and operated as part of the Jean Lafitte National Historical Park."; and

(c) In section 907(e) by striking out "ten years" and inserting in lieu thereof "twenty years".

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, H.R. 2566, introduced by our colleague LINDY BOGGS, amends the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission for 10 more years. This bill passed the House of Representatives on September 29, 1987. The Commission, created at the same time as Jean Lafitte National Historical Park in 1978, has assisted the park in its development and management in a commendable way.

The original mission for Jean Lafitte National Historical Park included the interpretation and preservation of the diverse cultures found in the Mississippi Delta. Specifically, the legislation establishing Jean Lafitte National Historical Park authorized the Secretary of the Interior to enter into cooperative agreements to establish Acadian folklife centers. Unfortunately, there is now a dispute generated by the Solicitor of the Department of the Interior who claims the original legislation did not provide sufficient authorization for the site acquisition and

construction needed to make such centers a reality. Rather than dispute that issue in the courts, the Senate amended H.R. 2566 to include amended authorization language which clarifies the Department's authority to acquire and develop the Acadian folklife centers.

Because I believe this amendment furthers the intent of the original legislation, and because I believe that we should recognize and encourage our Nation's cultural diversity, I endorse this amendment and recommend that the bill as amended be passed.

Mr. LAGOMARSINO. Further reserving the right to object, Mr. Speaker, I would like to advise my colleagues to support the reauthorization of the Delta Region Commission. As reported by the House, this bill simply reauthorizes the Commission but does not provide for increased authorization for funds. In fact, Mr. Speaker, at a hearing on this bill, the administration testified that the Commission cost the Federal Government less than $1,000 annually because the Commission members pay much of their own expenses. For instance one Commission member testified that none of the Commission members ask for or receive 1 cent for their services. About all the Park Service spends on this particular Commission is the furnishing of transportation when the Commission must travel long distances in pursuance of its duties. As my colleague has pointed out, the other body did amend the House version to provide additional authorization to allow construction of facilities in the Acadian region. This is merely clarifying legal authority which many believed the Park Service already had.

I urge my colleagues to support H.R. 2566.

Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Louisiana [Mrs. BOGGS].

Mrs. BOGGS. I thank the gentleman from California for yielding.

Mr. Speaker, I want to thank the gentleman from California [Mr. LAGOMARSINO] and the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO] for bringing this bill to the floor and for recognizing the magnificent services of the members of the Delta Region Commission and the very important work that they do in historic preservation and also in the preservation of a great little ecological resource that is very precious to the delta region of our country.

Mr. LAGOMARSINO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

SENIOR CENTER WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 196) to designate the week of May 10, 1987, through May 16, 1987, as "Senior Center Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to the legislation being considered.

Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from South Carolina [Mrs. PATTERSON] who is the chief sponsor of House Joint Resolution 196, designating the week of May 10, 1987, through May 16, 1987, as "Senior Center Week."

Mrs. PATTERSON. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I am pleased today that we are recognizing the valuable service provided by senior centers to communities across the Nation by designating the week of May 8–14 as "Senior Center Week."

The first senior center opened in New York in 1943. Today, over 8,000 senior centers help 5 million Americans nationwide to remain a vital part of our towns and communities. These centers provide a variety of services, from counseling to employment information, as well as social and recreational opportunities.

Older Americans are an invaluable segment of America's diverse population. They are the closest link to our immediate history because of the many memories and recollections they carry with them. But they are more than a storehouse of past information. They are vital, active members of society who deserve every opportunity to participate fully in the life of their communities. Having learned the lessons of a lifetime, they can contribute immensely to our Nation.

Under the Older Americans Act, Congress recognized the value of multipurpose senior centers as a place where older Americans could receive health and legal services. Through these and other services and facilities, senior centers play an important role in encouraging the use of the skills, experience, and knowledge of older Americans so that they may more fully realize their potential.

I am pleased that through this legislation and through the cooperation of the many Members who have sponsored this resolution, we can once again recognize Senior Center Week.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I would like to concur in the remarks of the gentlewoman from South Carolina on the value of senior centers.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The clerk read the joint resolution, as follows:

H. J. RES. 196

Whereas local communities support over eight thousand senior centers and there is hardly a city or town without one;

Whereas senior centers affirm the dignity, self-worth, and independence of older persons by facilitating their decisions and action, tapping their experiences, skills, and knowledge, and enabling their continued contribution to the community;

Whereas senior centers, encouraged and supported by the Older Americans Act, function as service delivery focal points, helping older persons to help themselves and each other, and offering service or access to community services as needed;

Whereas the national theme for Senior Center Week is "Plan on Living the Rest of Your Life", and senior centers nationwide are viewed as focal points to promote the well-being of older persons—emotionally and physically; and

Whereas the month of May has historically been proclaimed Older Americans Month, and communities across the country are giving special recognition to older persons and the role of senior centers in serving them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second week in May, May 10 through 16, 1987, is designated as "Senior Center Week" and the President is authorized and requested to include this designation of Senior Center Week as part of the proclamation for Older Americans Month, calling upon the people of the United States to honor older Americans and these local organizations that bring together activities and services for their benefit.

AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYMALLY: Page 2, line 3, strike "the second week in May, May 10 through 16, 1987," and insert "the week of May 8 through May 14, 1988,".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DYMALLY].

The amendment was agreed to.

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The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. Dymally: Amend the title to read as follows: "Joint resolution designating the week of May 8 through May 14, 1988, as 'Senior Center Week'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL VITA WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 292) designating the week beginning February 1, 1988, as "National VITA Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. Visclosky). Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California [Mr. Dellums] who is the prime sponsor of this resolution.

Mr. DELLUMS. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. Morella] for being kind enough to yield to me at this time.

I would first like to thank the gentleman from California [Mr. Dymally] and the gentlewoman from Maryland [Mrs. Morella] for their efforts in bringing this legislation to the floor of the House at this particular time.

I would like to make a few brief points in support of the resolution.

Mr. Speaker, the Volunteer Income Tax Assistance Program known as VITA helps all who seek assistance, primarily the elderly, poor, handicapped, and non-English-speaking persons.

Mr. Speaker, in 1986, 37,000 VITA volunteers assisted more than 800,000 taxpayers in completing and filing their returns.

The tax law changes caused by the Tax Reform Act which we just recently passed will increase the need for qualified tax assistance. Adoption of House Joint Resolution 292 will increase community awareness of this important voluntary resource.

Mr. Speaker, it is the opinion of this gentleman from California that the passage of House and Senate resolutions will also recognize the dedicated service of literally thousands of individuals and numerous organizations that make this program work. National VITA Week encourages, I believe, current volunteers to continue their community service and makes potential future volunteers aware of the program's existence.

Again, I would like to thank the distinguished gentleman from California [Mr. Dymally] and the distinguished gentlewoman from Maryland [Mrs. Morella] for bringing this resolution to the floor in the hope that it will pass the House by unanimous consent.

Mrs. MORELLA. Further reserving the right to object, Mr. Speaker, I would like to say that I have firsthand knowledge; I have seen the wonderful work in my congressional district that was done through the VITA Program, volunteers helping our seniors with their grueling income tax returns.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 292

Whereas the Volunteer Income Tax Assistance Program, also known as VITA, gives hundreds of thousands of low income, elderly, handicapped, and non-English speaking persons free assistance in preparing their income tax returns;

Whereas VITA volunteers are provided training and technical assistance by the Internal Revenue Service;

Whereas VITA volunteers represent a number of local and national organizations, including the American Bar Association, the American Institute of Certified Public Accountants, the National Association of Black Accountants, the Retired Senior Volunteer Program, and the United Way, and include government officials ranging from mayors and councilpersons to county commissioners and Governors;

Whereas the VITA Program has grown to over thirty-seven thousand volunteers across our great Nation, spreading from coast to coast throughout at least forty-eight States and the District of Columbia;

Whereas the VITA Program symbolizes the American spirit of volunteerism and our long and proud heritage of neighbors lending each other a helping hand: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning February 1, 1988, is designated as "National VITA Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL VISITING NURSE ASSOCIATIONS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 172) to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Associations Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Speaker, further reserving the right to object, I am pleased to support Senate Joint Resolution 172, designating February 21, 1988 through February 27, 1988, as "National Visiting Nurse Associations Week."

The Visiting Nurse Association [VNA] has provided cost-effective, personalized care to patients at home since 1885, over 100 years, regardless of the patient's ability to pay.

The visiting nurse has provided selfless service in a quiet, gentle, efficient manner assisting over 1 million people each year.

Home health care has been demonstrated as a better alternative to hospital care in many instances because the individual is in the security and comfort of their own home. These nurses care for people of all ages and ailments, whether it be heart condition, cancer, mental conditions, aids, or gerontology. They assist their patient with dedication, providing meals, reading to them or a myriad other functions so that the person in their care is made more comfortable.

The original Visiting Nurses Association started in Liverpool, England, founded in 1859 by Florence Nightingale and William Raithbone. The VNA has come a long way since then when their mission was to ensure that infants and children survived and that their mothers were well nourished; they also cleaned houses so that contagious diseases would not be spread.

The spirit of the original VNA carries on to the second century and I commend the Congressman from Colorado, Mr. Hefley, for introducing this legislation in the House. I also wish to commend the thousands of visiting nurses for their dedicated service to the public.

I urge my colleagues to support Senate Joint Resolution 172.

Mr. HEFLEY. Mr. Speaker, for more than 100 years, Americans have received health care in the comfort and convenience of their homes thanks to the dedication and capabilities of visiting nurse associations [VNA]. The registered nurses, nurses aides, therapists, homemaker specialists, and volunteers who comprise the visiting nurse associations could be considered unsung heroes of health care. They daily bring skilled medical and health care as well as tender loving care to men and women of all ages, children, and even infants. Visiting nurse associations serve inner cities, suburbs, and rural areas—anywhere that patients need help at home.

The average visiting nurse association cares for 500 patients annually and makes 1,225 visits per year. Nationwide, VNA's serve nearly 1 million adults and children every year.

Just as the old saying goes that the postmen could not be deterred from their rounds by rains, snow, or sleet, so it is true of those dedicated members of the visiting nurse associations.

The VNA's have a long and colorful history. The first VNA was established in Buffalo, NY, in 1885 by Elizabeth Coe Marshall, who collected money from her Sunday school class and other concerned citizens to provide health care to the indigent in the community. The early mission of the visiting nurse associations was twofold: to ensure the survival of infants and children by providing mothers and babies with milk, nutritional foods and advice, and health care, and to combat contagious diseases by cleaning homes.

Over the years, visiting nurse associations provided health care and disease prevention education to immigrants who did not understand English well enough to survive in their new homeland. VNA's battled plagues and contagious diseases in Western mining camps. And they taught cooking skills and first aid to Camp Fire Girls and Boy Scouts.

Today, the concept of the visiting nurse, developed by Florence Nightingale and William Raithbone in England, is embodied in the more than 500 visiting nurse associations operating in almost every State in the Union. The mission of the VNA's has changed over time, but the desire to make home health care available to anyone who needs it, regardless of ability to pay, continues to be fullfilled.

In recognition of the contributions of the visiting nurse associations to the health and vitality of the American public, I am pleased to join my colleagues in adopting the resolution proclaiming February 21 through February 27, 1988, as "Visiting Nurse Associations Week." This resolution was passed by the Senate in November, and I am delighted that today we will send it on to the President for his signature.

□ 1445

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. Visclosky). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 172

Whereas Visiting Nurse Associations have served homebound Americans since 1885;

Whereas such Associations annually provide home care and support services to nearly 1,000,000 men, women, children, and infants;

Whereas such Associations serve 504 urban and rural communities in 47 States;

Whereas such Associations adhere to high standards of quality and provide personalized and cost-effective home health care and support regardless of the individual's ability to pay;

Whereas such Associations are voluntary in nature, independently operated, and community-based;

Whereas such Associations ensure the quality of care through oversight provided by professional advisory committees composed of local physicians and nurses;

Whereas such Associations enable hundreds of thousands of Americans to recover from illness and injury in the comfort and security of their homes;

Whereas such Associations ensure that individuals who are chronically ill or who have physical and mental handicaps receive the therapeutic benefits of care and support services provided in the home;

Whereas in the absence of such Associations, thousands of patients with mental or physical handicaps or chronically disabling illnesses would have to be institutionalized;

Whereas such Associations provide a wide range of services, including (where appropriate) health care, hospice care, personal care, homemaking, occupational, physical, and speech therapy, "friendly visiting services", social services, nutritional counseling, specialized nursing services, and meals on wheels;

Whereas such Associations offer nursing care provided by registered nurses, homemaking, therapy, and social services by qualified specialists, and "friendly visiting services" by volunteers;

Whereas in each community served by such Associations, local volunteers support the Association by serving on the board of directors, raising funds, visiting patients in their homes, assisting patients and nurses at wellness clinics, delivering meals on wheels to patients, running errands for patients, working in the Association's office, and providing tender loving care;

Whereas the need for home health care for young and old alike continues to grow annually; and

Whereas on February 23, 1988 a national meeting of Visting Nurse Associations from throughout the United States will be held in Innisbrook, Florida: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing February 21, 1988, and ending February 27, 1988, is designated as "National Visiting Nurse Associations Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAIR HOUSING MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 143) to designate April 1988, as "Fair Housing Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this resolution.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. Gilman], who is a cosponsor of House Joint Resolution 201, designating April 1988 as "Fair Housing Month."

Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Joint Resolution 143 which is identical to House Joint Resolution 201, designating the month of April 1988 as "Fair Housing Month." I would also like to commend my good friend and colleague from New York, Mr. Fish, for his work on this fine resolution and again for his dedication to improving the efforts made in providing fair housing to all.

Since the enactment of title VIII of the Civil Rights Act of 1968, commonly referred to as the "Federal Fair Housing Act," the right of free choice in housing has grown tremendously. However, despite these advances, discriminatory housing policies still remain an unfortunate fact of life for many Americans today. The problem of discrimination in the sale, rental, or financing of housing on the basis of race, color, religion, national origin, or sex still persists. Much is still needed to be done to strengthen the enforcement of fair housing laws to assure that there are no victims of discriminatory housing practices and to make the ideal of fair housing a reality.

Fairness is the foundation of our way of life and reflects the best of our American values. Accordingly, I urge my colleagues to support this resolution.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I rise in support of Senate Joint Resolution 143 and its counterpart, House Joint Resolution 201, designating the month of April 1988 as "Fair Housing Month."

We all agree that shelter is a basic human need, but the right to that need must be constantly reaffirmed. An unenforceable right is no right at all and access to decent and affordable housing goes to the core of American values.

Without decent housing, quality family life is virtually impossible. A survey by the Housing and Urban Affairs Department found 25 pecent of rental housing was unavailable to families with children, and another 50 percent carried restrictions on ages and numbers. With so many families now headed by single, working women,

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equal access to housing is more important that ever.

Mr. Speaker, I hope that this resolution, which I urge the House to pass, will lead to better enforcement of our fair housing laws and improved access to decent housing for all Americans.

Mr. Speaker, I compliment the chief sponsor, the gentleman from New York [Mr. FISH], for introducing the House joint resolution. I commend the chairman of my subcommittee also for furthering the resolution and the gentleman from New York [Mr. GILMAN], who spoke so eloquently in support of it.

Mr. FISH. Mr. Speaker, at the outset I want to express my sincere appreciation and personal thanks to the subcommittee chairman, MERV DYMALLY, and the subcommittee's ranking Republican member, CONNIE MORELLA, for their assistance in bringing this commemorative measure to the floor.

This is the fifth consecutive year that I have been the principal House sponsor of legislation to designate April as "Fair Housing Month." The version we consider today was orginally introduced in March of last year and since that time has received the cosponsorship of 222 Members of this House. In fact, House Joint Resolution 201, designating April 1988 as "Fair Housing Month" was passed by the full House of Representatives back on May 4, 1987. However, subsequently, a Senate version with slightly different language was reported by the Senate Judiciary Committee and passed that body on June 5, 1987. We are here then, in fact, to reconcile these minor differences and to forward this symbolic, but important legislation to the President.

Mr. Speaker, April 1988 will mark the 20th anniversary of the enactment of a Federal fair housing law—title VIII of the Civil Rights Act of 1968. This landmark legislative action symbolized a legal and policy commitment on the part of the Federal Government to the goal of equal opportunity in housing for all Americans. It remains a cornerstone of our civil rights protection in this country.

Title VIII prohibits discrimination in the sale, rental, or financing of housing based upon race, color, religion, national origin, or sex. Since its enactment, the right of free choice in housing has undeniably expanded. However, despite these advances, discriminatory housing practices still remain an unfortunate fact of life for many Americans—racial and ethnic minorities, handicapped persons, and others. The fact is that the goal of equal opportunity in housing choice for all Americans has still yet to be fully realized.

Again in this Congress, Congressman DON EDWARDS and myself have introduced the Fair Housing Amendments Act (H.R. 1158). This legislation would greatly strengthen the enforcement mechanisms in this law by providing both enhanced administrative and judicial remedies. In addition, 36 million disabled Americans would for the first time receive fair housing protection. Families with children, particularly single parent families will also receive the assurance that they will be able to obtain decent and safe housing.

What all Americans deserve is a fair housing law that provides real, not illusory remedies. A law that inspires confidence and promises effective enforcement. A law that promises that housing discrimination—both sale and rental—will go the way of the poll tax and separate lunch counters.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 143

Whereas the year 1988 marks the twentieth anniversary of the passage of title VIII of the Civil Rights Act of 1968, commonly referred to as the "Federal Fair Housing Act", declaring a national policy to provide fair housing throughout the United States;

Whereas the Federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, or national origin;

Whereas fairness is the foundation of our way of life and reflects the best of our traditional American values;

Whereas invidious discriminatory housing practices undermine the strength and vitality of America and the American people; and

Whereas in this twentieth year since the passage of the Fair Housing Act, all Americans must work to continue to improve the Fair Housing Act by strengthening enforcement provisions, by extending the protections of the Act to all our citizens, by assuring there are no victims of discriminatory housing practices, and by making the ideal of fair housing a reality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April as "Fair Housing Month" and to invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe the month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LITHUANIAN INDEPENDENCE DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 39) to provide for the designation of the 70th anniversary of the renewal of Lithuanian independence, February 16, 1988, as "Lithuanian Independence Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this resolution.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN], who is a cosponsor of this measure commemorating the 70th anniversary of the renewal of Lithuanian independence.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I would like to take this opportunity to thank the gentleman from Illinois [Mr. RUSSO] and the gentleman from Pennsylvania [Mr. RITTER], who sponsored the House version of this legislation, House Joint Resolution 129, and my other colleagues who have cosponsored this legislation, for their efforts in seeing that it has reached this stage in the legislative process.

As a cosponsor and strong supporter of House Joint Resolution 129, which will designate February 16, 1988, as Lithuanian Independence Day, I believe that it is important that we recognize, for those who cannot, this special day in history. Our recognition of Lithuanian Independence Day symbolizes our identification with the strong desire for democracy and freedom shared by people all over the world, and especially the Lithuanian people and Americans of Lithuanian descent.

For more than a century, the Lithuanian people suffered under foreign domination, trying vainly to win their independence. On February 16, 1918, Lithuania was finally able to do just that.

This independence was soon followed by German occupation during World War I, but, thereafter, and for the next 20 years, until 1938, the Lithuanian people were free. That small nation then came under Soviet domination during the course of World War II, and in 1940, Lithuania was declared a constituent republic of the U.S.S.R. Thereafter, during World War II, Germany occupied this land once more, for another 4 years until the end of the war. Unlike other nations after the war, Lithuania was unable to return to independence, and was by 1945, firmly incorporated into the Soviet Union where it remains. While Lithuania lost its independence, as did many other Eastern European nations, the Lithuanian people lost neither their desire for freedom, nor their strong culture. It is for these reasons that we recognize Lithuanian Independence Day and celebrate it for those who cannot. With this celebration, we are reminding the Soviet Union that we have not forgotten their inadmissible policies with respect to Lithuania and confirm to them our nonrecognition of Lithuania's incorporation into the Soviet Union. We must continue to work and remember the millions of people who are denied their basic human rights behind the

Iron Curtain just as the Lithuanians are denied their independence.

Mr. Speaker, Lithuanian Independence Day is also a day for Americans of Lithuanian descent to celebrate their ethnic heritage and point with pride to their contribution to American society. We celebrate with them and at the same time share their concern over the plight of their loved ones living in Europe. While the plight of Lithuania and her people shows us how fortunate we, in the United States and other free nations are, it also serves to renew our obligation to all people who desire freedom and democracy.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for his statement, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 39

Whereas this year marks the 70th anniversary of the establishment of the Independent Democratic Republic of Lithuania by the Lithuanian National Council on February 16, 1918;

Whereas the Government of the Soviet Union recognized the sovereignty and independence of the Republic of Lithuania in the peace treaty of July 12, 1920;

Whereas the United States does not recognize the illegal incorporation of the free and independent Republic of Lithuania into the Union of Soviet Socialist Republics in 1940;

Whereas the United States continues to provide accreditation to the Charges d'Affaires of the Republic of Lithuania;

Whereas the United States remains firmly committed to the principle of self-determination as contained in the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act"), an agreement to which the Soviet Union is a party;

Whereas the people of the Republic of Lithuania struggle every day under Soviet domination;

Whereas the United States condemns the Soviet policy of forced Russification, ethnic dilution, and religious and political persecution; and

Whereas it is appropriate that the people of the United States, who so strongly cherish the principles of independence and self-determination denied the Lithuanian people by the Soviet Union, join with the people of the Republic of Lithuania to demonstrate our common desire to advance the cause of freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the 70th anniversary of the renewal of Lithuanian independence, February 16, 1988, is designated as "Lithuanian Independence Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL WOMEN IN SPORTS DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 196) to designate February 4, 1988, as "National Women in Sports Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Ms. SNOWE. Mr. Speaker, as the sponsor of House Joint Resolution 399, I rise in support of Senate Joint Resolution 196, which would designate February 4, 1988, as "National Women in Sports Day."

Over the last 15 years, the level of women's participation in sports and physical conditioning programs has dramatically increased. However, there has been little national recognition of the significance of women's athletic achievements. By drawing attention to women in sports, we can recognize women athletes who serve as examples of the avenues available through which women of America may develop physical fitness, self-discipline, initiative, confidence, and leadership skills.

National Women in Sports Day, while recognizing the outstanding accomplishments of women in sports, will also point to the fact that women students still have far fewer opportunities for athletic achievements than men at the same institutions. Today women represent 35 percent of all collegiate athletes. However, the athletic opportunities for male students at both the college and high school levels still far exceeds those for female students. Women comprise 52 percent of college enrollments, but only one dollar in five of financial aid based on athletic ability is awarded to women.

While I applaud the progress that has been made over the last 15 years, I believe we must also acknowledge the large inequities that still exist for women in the area of athletics.

National Women in Sports Day will be a step toward giving women in sports the recognition and attention they deserve. Hopefully, this day will encourage more women to experience the pleasure of sports activity that develops life-long habits of physical fitness.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 196

Whereas women's athletics is one of the most effective avenues available through which women of America may develop self-discipline, initiative, confidence, and leadership skills;

Whereas support and fitness activity contributes to emotional and physical well-being and women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of women's athletic achievements;

Whereas the number of women in leadership positions of coaches, officials, and administrators has declined drastically over the last decade and there is a need to restore women to these positions to ensure a fair representation of women's abilities and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the athlete's contributions at home, at work, and to society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and exhibited for all of us the true meaning of fairness, determination, and team play;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the athletic opportunities for male students at the collegiate and high school level remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 4, 1988, is hereby designated as "National Women in Sports Day", and the President is authorized and requested to issue a proclamation calling upon local and State jurisdictions, appropriate Federal agencies, and the people of the United States to observe the day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions considered and passed today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE VALUE OF COMMEMORATIVE RESOLUTIONS

(Mr. DYMALLY asked and was given permission to address the House for 1 minute.)

Mr. DYMALLY. Mr. Speaker, we have deliberated and passed six commemorative resolutions. From time to time critics have made comments about time-consuming efforts on the floor with reference to the passage of these resolutions.

Let me say, Mr. Speaker, that most of these resolutions come from the districts which the Members represent. They are not frivolous. They are very serious. They have strong constituencies across the country, and they represent the wishes of many people who want to see their pet projects recognized.

So, Mr. Speaker, I think it is very appropriate for Members of Congress to spend this time to at least fashion something which is relevant to their constituents, which they understand, and which they appreciate.

MUNICIPAL BANKRUPTCY PROVISIONS

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, on January 25, 1988, I introduced H.R. 3845, to amend the municipal bankruptcy provisions of chapter 9, title 11, of the Bankruptcy Code relating to municipal bonds and other aspects of municipal finance treated in bankruptcy.

Mr. Speaker, I include herewith the full text of H.R. 3845, as well as the full text of the report of the National Bankruptcy Conference on the proposal, as follows:

H.R. 3845

A bill to amend the municipal bankruptcy law to provide for special revenue bonds and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 109(c)(3) of title 11 of the United States Code is amended by striking the words "or unable to meet such entity's debts as such debts mature".

SEC. 2. Section 901(a) of title 11 of the United States Code is amended by inserting "1129(a)(8)," after "1129(a)(3),".

SEC. 3. Section 902 of title 11 of the United States Code is amended—

(1) by redesignating paragraphs (2), (3) and (4) as (4), (5) and (6) respectively; and

(2) by inserting new paragraphs (1) and (2) as follows:

"(1) 'insolvent', notwithstanding section 101(29) of this title, when used in a section that is made applicable in a case under this chapter by section 103(e) or 901 of this title, means financial condition such that the municipality is generally not paying its debts as they become due unless such debts are the subject of a bona fide dispute, or is unable to pay its debts as they become due;

"(2) 'special revenues' means (a) receipts derived from the ownership, operation or disposition of projects or systems of the debtor that are primarily used or intended to be used primarily to provide transportation, utility or other services, including the proceeds of borrowings to finance the projects or systems, (b) special excise taxes imposed on particular activities or transactions, (c) incremental tax receipts from the benefited area in the case of tax-increment financing, (d) other revenues or receipts derived from particular functions of the debtor, whether or not the debtor has other functions, and (e) taxes specifically levied to finance one or more projects or systems, but not including (except for tax-increment financing) receipts from general property, sales, or income taxes levied to finance the general purposes of the debtor.".

SEC. 4. (a) Section 922 of title 11 of the United States Code is amended by adding new subsection (d) as follows:

"(d) Notwithstanding section 362 of this title and subsection (a) of this section, a petition filed under this chapter does not operate as a stay of application of pledged special revenues in a manner consistent with section 927 of this title to payment of indebtedness secured by such revenues.".

(b) Section 922 of title 11 of the United States Code is amended by adding a new subsection (c) as follows:

"(c) If the debtor, under sections 362, 364 or 922 of this title, provides adequate protection of the interest of the holder of a claim secured by a lien on property of the debtor and if, notwithstanding such protection such creditor has a claim arising from the stay of action against such property under section 362 or 922 of this title or from the granting of a lien under section 364(d) of this title, then such claim shall be allowable as an administrative expense under section 503(b) of this title.".

SEC. 5. (a) Section 925 of title 11 of the United States Code is amended—

(1) by adding to the section heading the following: "and certain secured claims";

(2) by striking out "A" and inserting "(a) A" in lieu thereof; and

(3) by adding a new subsection (b) to read as follows:

"(b) The holder of a claim payable solely from special revenues of the debtor under applicable nonbankruptcy law shall not be treated as having recourse against the debtor on account of such claim pursuant to section 1111(b) of this title.".

(b) The item relating to section 925 of title 11 of the United States Code in the table of sections of chapter 9 of such title 11 is amended by adding immediately before the period" and certain secured claims".

SEC. 6. Section 926 of title 11 of the United States Code is amended—

(1) by striking out "(a)" before "If"; and

(2) by adding a new subsection (b) as follows:

"(b) A transfer of property of the debtor to or for the benefit of any holder of a bond or note, on account of such bond or note, may not be avoided under section 547 of this title.".

SEC. 7. Section 927 of title 11 of the United States Code is redesignated as section 929, and the item relating to section 927 in the table of sections of chapter 9 of such title is redesignated as section 929.

SEC. 8. Title 11 of the United States Code is amended by adding new sections 927 and 928 to read as follows:

"§ 927. Post petition effect of security interest

"(a) Notwithstanding section 552(a) of this title and subject to subsection (b) of this section, special revenues acquired by the debtor after the commencement of the case remain subject to any lien resulting from any security agreement entered into by the debtor before the commencement of the case.

"(b) Any such lien on special revenues, other than municipal betterment assessments, derived from a project or system is subject to the necessary operating expenses of such project or system, as the case may be.

"§ 928. Municipal leases

A lease to a municipality shall not be treated as an executory contract or unexpired lease for the purposes of section 365 or 502(b)(6) of this title solely by reason of its being subject to termination in the event the debtor fails to appropriate rent.".

SEC. 9. Section 943(b) of title 11 of the United States Code is amended by—

(1) by striking "and" at the end of paragraph (5);

(2) by renumbering paragraph (6) as paragraph (7); and

(3) by inserting a new paragraph (6) as follows:

"(6) any regulatory or electoral approval necessary under applicable nonbankruptcy law in order to carry out any provision of the plan has been obtained, or such provision is expressly conditioned on such approval; and".

SEC. 10. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) The amendments made by this Act shall not apply with respect to cases commenced under title 11 of the United States Code before the date of the enactment of this Act.

REPORT OF THE NATIONAL BANKRUPTCY CONFERENCE ON PROPOSED MUNICIPAL BANKRUPTCY AMENDMENTS

In 1978, Congress enacted sweeping revisions of all aspects of the bankruptcy law. One of the five major purposes of the revision, as stated in the Report of the House Judiciary Committee, was to conform bankruptcy law in many respects to the vast changes in commercial law that had taken place since the last prior revisions of the bankruptcy law 40 years before. In particular, the House Report noted the near universal adoption of the Uniform Commercial Code and the consequent change in lending practices. In addition, Congress modernized business reorganization procedures, authorizing more consensual plans of reorganization and providing additional protection to secured lenders in the wake of several decisions under the former Bankruptcy Act in the mid-1970s that seriously impaired their position in reorganization cases.

For the most part, these changes were carefully considered only after extensive hearings, debates, and discussions. They have generally been well received and have worked as intended. Although some significant amendments were made in 1984, the basic structure of the amendments made in 1978 has survived intact.

However, the case that was used in the drafting of the provisions relating to ordinary business bankruptcies and reorganizations was not carried over into the revisions of the municipal bankruptcy law, contained in chapter 9 of the Bankruptcy Code.

Chapter IX of the former Bankruptcy Act had been recently amended in 1976 as a result of New York City's financial crisis. The 1978 revision largely adopted the decisions made in 1976 and incorporated by reference most of the business bankruptcy amendments made in 1978 insofar as they related to general matters such as a treatment of secured claims, avoiding powers, and plans of reorganization. Because the worlds of commerical finance and municipal finance are so diverse, the simple incorporation by reference of the 1978 commerical finance concepts into the municipal bankruptcy arena simply did not work. Fortunately, no major municipal bankruptcy has tested the potential shortcomings of chapter 9 as it was enacted in 1978. However, more considered study in the past several years by municipal finance practitioners and members of the bankruptcy bar has led the National Bankruptcy Conference to conclude that chapter 9 of the Bankruptcy Code needs revision in specific areas.

HISTORY OF THE PROPOSED AMENDMENTS

The potential problems created by the incorporation of general commercial finance concepts into the municipal bankruptcy provisions first came to light as a result of the financial crisis confronting the City of Cleveland, Ohio, in 1979. Cleveland needed additional financing, but lenders were unwilling to lend for a variety of reasons, including the incorporation into chapter 9 of the general bankruptcy concept that a lien on after-acquired property will not attach to property acquired after bankruptcy by a reorganizing debtor, unless the property acquired after bankruptcy constitutes proceeds of property held at the time of bankruptcy. Hasty attempts were made during 1979 and 1980 in connection with then-pending legislation to correct technical errors in the 1978 Act. Corrective provisions were included in bills that passed both the House and the Senate in 1980, but the legislation foundered on other issues and was not enacted.

The 1979–80 attempt at corrective legislation was hasty and ill-considered. After the immediate crisis passed, cooler heads prevailed, and a more thorough study of the problems of municipal bankruptcy was undertaken by the National Association of Bond Lawyers ("NABL"). NABL identified several areas in which the general incorporation into chapter 9 of business reorganization concepts simply did not work. Members of NABL contacted members of the National Bankruptcy Conference ("NBC") to explore means of solving the problems for municipal finance presented by the 1978 Bankruptcy Code in a manner that was consistent with sound bankruptcy policy. Representatives of these two groups met during 1983 and 1984 to develop corrective legislation. The legislation proposed by this Report is the direct result of those efforts. It was approved by the Executive Committee of the NBC during its March 1985 meeting.

NEED FOR THE AMENDMENTS

The current deficiencies in chapter 9 of the Bankruptcy Code primarily affect "revenue bonds," that is, obligations of a municipality that are secured by a lien on specific revenue to be received by the municipality. These differ from "general obligation bonds", which constitute simply the promise by the municipality to use its taxing power to collect sufficient funds to pay the principal and interest on the bonds. Over the years, revenue bonds have occupied an increasing portion of the municipal bond market. As of 1983, they constituted about half of the bonds issued by State and local governmental units for publicly owned and operated facilities.

Chapter 9 as currently written could easily be read to terminate a lien on revenues upon the filing of a municipal bankruptcy by the bond issuer and could also be read to convert bonds payable solely from specific revenues into general obligations of the debtor municipality. These results are wholly inconsistent with municipal finance principles and many State and local constitutional and statutory provisions authorizing the issuance of bonds. If chapter 9 were interpreted in this way the burden of bonds designed to be paid only from special revenues could be imposed on the people generally through taxation, despite the fact that the bonds might thereby exceed the municipality's debt limit or would require a vote if originally issued as general obligation bonds.

Similarly, a municipality often has enterprises with separate funds, and, except to the extent specifically permitted, the funds derived from one source are often legally unavailable for other enterprises or for general governmental purposes, Thus, for example, water receipts may be legally unavailable under nonbankruptcy law for general governmental purposes except to the extent that provision is made by law for payments by the water department in lieu of local property taxes. Although the various enterprises are not separate entities, they are operated almost as if they were. In many cases they are managed by separate autonomous governing boards.

If a municipality is unable to meet its obligations for general governmental purposes and for that reason files a bankruptcy petition, the assets of its water department should not be reached to pay general creditors of the municipality unless they could be reached under applicable nonbankruptcy law. Conversely, if water revenues are insufficient to pay operating expenses and the debt service on water revenue bonds, other funds of the city should not be reachable to pay the bonds. In many cases it would violate state constitutional limitations to do so. Similarly, insolvency in the water department should not trigger preference treatment of payments made to general fund creditors, or vice versa.

State "joint action" agencies often finance electric generating units and transmission lines for the benefit of their municipal members on a project-by-project basis under documents which permit funds derived from each project to be used only for the purpose of that project. In such a case the funds of one project should not be reachable for the purposes of another project in the event the agency files a bankruptcy petition.

These conclusions are really truisms under State law, but it is not sufficiently clear that they would apply in municipal bankruptcy proceedings under federal law. There is no clear statement that the Bankruptcy Code cannot be applied so as to make obligations payable from a source from which they are not payable under applicable nonbankruptcy law. Nor is there any provision to the effect that administrative expenses attributable to any function or project of the municipality will not be charged against funds derived from other functions or projects except as permitted by nonbankruptcy law.

In one respect, by its express terms, the Bankruptcy Code creates an apparent risk that revenue bonds can be converted into general obligation bonds. Under section 1111(b), unless the property subject to the lien is "sold" under the plan, a partially secured bondholder (i.e., one whose lien on revenues is insufficient to pay his bonds), if he does not have "recourse" against the debtor for the remainder of his claim under nonbankruptcy law, will be treated as if he did have "recourse." Although the term "recourse" fits municipal revenue bonds only poorly, this could be read as converting revenue bonds into general obligations.

The same problems could be said to exist with respect to "conduit" financing where bonds are issued for an industrial or nonprofit user and are payable solely from payments to be made by the user. But in pure conduit financing, where the municipality has no financial interest in the enterprise and no direct or contingent obligation to pay the bonds from other funds, the payments by one conduit user are probably safe from being reached to pay the bonds issued for another user since, according to the legislative history, these transactions do not create either assets or debts of the municipal issuer for bankruptcy purposes. S. Rep. 95-989, 95th Cong., 2d Sess. 109–10 (1978).

While the fresh start policy of bankruptcy embodied in the termination after bankruptcy of liens on after-acquired property and the equality of distribution policy embodied in the nonrecognition (at least in business debtors) of separate though unencumbered funds for separate groups of creditors are important, the Bankruptcy Code also strongly embodies the policies of protecting the rights of secured creditors in their collateral and of protecting State control over its municipalities. *See* Bankruptcy Code § 903. On the one hand, if the municipality's revenues could be pledged in perpetuity, the rehabilitative prospects for a financially distressed municipality would be impaired or non-existent. The only asset that a municipality has to offer its creditors in a municipal reorganization is its future revenues. If some creditors have obtained a priority with respect to these revenues due to prior financing, then reorganization would be next to impossible unless other creditors are willing to give up their claims entirely. On the other hand, reorganization should not be at the expense of a legitimate expectation to rely on and receive specific collateral, nor should it redo established procedures for handling separate municipal funds. Clearly, a compromise is in order. It is needed to protect the integrity of the municipal finance process in the event of a significant municipal bankruptcy and to protect the fresh start and ability to reorganize offered to municipal debtors by the Municipal Bankruptcy Act.

GENERAL ANALYSIS OF THE PURPOSES AND EFFECTS OF THE AMENDMENTS

A. Revenue pledge protection and preferences

Revenue bonds are generally secured by revenue derived from a system, project, or facility, or by an interest in a specific tax levy. Mortgages or liens on the system, project, or facility itself are rare. They are usually forbidden by law and almost always considered to be against public policy. Under section 552 of the Bankruptcy Code, incorporated by section 901 into chapter 9, a lien on after-acquired revenues is only valid to the extent that the revenues constitute "proceeds" of other property that is subject to a lien. Uniform Commercial Code section 9-306(1) defines "proceeds" to include "whatever is received upon the "sale, exchange, collection or other disposition of collateral." Section 552 was written with the Uniform Commercial Code definition in mind. To the extent that section 552 is construed in harmony with the U.C.C., the lien on a municipality's revenues after bankruptcy would be defeated.

Similarly, section 547(e)(3) may have the effect of moving the lien termination back to the ninetieth day before bankruptcy. Section 547(e)(3) provides that for purposes of determining when a preferential transfer is "made", "the transfer is not made until the debtor has acquired rights in the property transferred". A debtor does not acquire rights in revenues until the tax or assessment is levied or the service from which the revenue is derived is provided. Thus, a lien on revenues received during the 90 days before bankruptcy (or possibly on rights to revenues which arise during that period) is deemed made within the preference period, even though the grant of the security interest was made long before bankruptcy.

This provision was designed to overrule cases such as *DuBay* v. *Williams*, 417 F.2d 1277 (9th Cir. 1969), and *Grain Merchants of Indiana, Inc.* v. *Union Bank & Sav. Co.*, 408 F.2d 209 (7th Cir.), *cert. denied*, 396 U.S. 827 (1969). H.R. Rep. No. 95-595, 95th Cong., 1st Sess. 374 (1977). In the commercial context, it works well, because it was matched with an exception to the preference section that preserves liens on after-acquired inventory and receivables to the extent that the secured creditor does not improve its position during the 90 days before bankruptcy. 11 U.S.C. § 547(c)(5). In the municipal context, however, no comparable savings provision is possible, because the revenue pledges are not related to inventory and receivable financing, as they are in the commercial context, and there is no collateral from which the revenues are derived.

The proposed legislation undoes the effect of these provisions in a chapter 9 case. It recognizes a postpetition security interest in revenue under certain specified circumstances, more fully described below. And it makes the preference section inapplicable to payments on bonds or notes of a municipality. The former change corrects the problem posed by section 552. It also makes it more difficult, if not impossible, for a municipal debtor to utilize the preference section (even without the latter change) to recover payments to bond holders made from pledged revenues within 90 days before bankruptcy, because it will be difficult to prove the "more than liquidation" test of section 547(b)(5). The latter change has the same effect and in addition protects ordinary "defeasance" transactions.

Bond indentures generally provide for "defeasance" by "irrevocably" depositing a sufficient sum (usually with earnings thereon) to retire the outstanding bonds. In view of the possibility that the municipality may file a bankruptcy petition within 90 days, the deposit may be a preference and therefore, might not be "irrevocable." Defeasance with revenues received within 90 days before a bankruptcy may be riskier. This applies equally to unpledged revenues and to revenues which are already subject to a lien to pay the bonds if that lien can be defeated by virtue of section 547(e)(3). It is especially troublesome if a defeasance can be "avoided" as a preference where another transaction (such as a new bond issue) has occurred in reliance on it.

A more difficult analysis applies to the use of refunding proceeds for defeasance. Generally speaking, it is not a preference to borrow from Peter to pay Paul if that use of the borrowing proceeds is required by the terms of the borrowing. *See, e.g., Virginia National Bank* v. *Woodson*, 329 F.2d 836 (4th Cir. 1964). But the application of this principle to a defeasance by "advance" refunding is disturbingly unclear, because interest rate differences on the two issues may mean that principal amounts differ, resulting in a possible preference. The proposed amendments remove this danger.

B. "Insolvent"

Chapter 9 uses the term "insolvent" in two important contexts. First, in order for a municipality to be eligible to file a chapter 9 petition, it must be "insolvent or unable to meet its debts as they mature." Section 109(c)(3). Second, certain prebankruptcy transfers are avoidable as preferences or fraudulent transfers only if the debtor was "insolvent" at the time of the transfer. Sections 547(b)(3); 548(a)(2)(B)(i). These are general bankruptcy sections that are incorporated by reference into chapter 9. In none of these instances does the use of the word "insolvent", as defined in Bankruptcy Code § 101(29), work.

"Insolvent" is defined as liabilities in excess of fair market value of nonexempt assets. By the nature of municipalities and generally by State law, most of the assets of a municipality are exempt from process to satisfy the claims of creditors. As such, virtually every municipality, by definition, is insolvent. But because a municipality's assets could not be seized or sold to pay debts, or are so tailored to a specific purpose that their value is uncertain at best, it should make little difference to creditors what the "value," for example, of City Hall is. A more reasonable test would be whether the municipality is paying or is able to pay its debts as they become due, which are the alternate standards for filing a municipal bankruptcy petition under section 109(c)(3) and the test for an involuntary bankruptcy against a nonmunicipal debtor contained in section 303(h)(1). This test is directly relevant to the financial health of the municipality. Thus, one of the proposed amendments provides that in a chapter 9 case, "insolvent" means only a nonpayment of debts or inability to pay debts as they come due. The assets versus liabilities test is made inapplicable.

C. *Nonrecourse debt*

In order to solve a specific problem arising in nonrecourse commercial lending, section 1111(b) of the Bankruptcy Code permits a nonrecourse claim to be treated as having recourse against the general assets of the debtor. This provision, being part of the general plan provisions of chapter 11, was incorporated into chapter 9. However, if applied to municipal revenue bonds, it could convert them into general obligations of the municipality in violation of State or local constitutional or statutory provisions. For example, in many States, State law requires a vote of the people for the issuance of general obligation debt by a municipality, but does not require a vote on bonds payable solely from pledged revenues. One proposed amendment prevents the application of section 1111(b) and thereby prevents the conversion of bonds backed only by specific revenues into general obligation bonds. The amendments do so in a manner that is consistent with the general scheme of the reorganization provisions of chapters 9 and 11 by preventing the bifurcation of partially secured claims.

D. Automatic stay

The automatic stay of Bankruptcy Code section 362 is extremely broad, preventing any postpetition collection activities against the debtor, including application of the debtor's funds held by a secured lender to secured indebtedness. This provision is overly broad in chapter 9, requiring the delay and expense attendant upon a request for relief from the automatic stay to accomplish what the statute contemplates—the application of pledged revenues (after payment of operating expenses) to the payment of secured bonds. One of the proposed amendments so provides by making the automatic stay inapplicable to application of such revenues. The bankruptcy court would retain the power to enjoin application of proceeds, however, upon a specific showing of need, for example, where a secured creditor was about to apply proceeds of a gross revenue pledge in a manner inconsistent with the policies of proposed section 927.

E. Financing leases

A "financing lease" is generally treated as debt in bankruptcy and not as a true "lease" subject to rejection under section 365 or to the claim limitation under section 502(b)(6). The 1984 amendment (Code § 365(m)), providing that "any rental agreement to use real property" will be treated as a "lease" under § 365 has generated a fear that a more expansive view will now be taken of "true leases" and a less expansive view of "financing leases". Because of State law restrictions, most municipal financing leases are subject to termination if the "rent" is not appropriated. Under a more restrictive conception of financing leases, these may now arguably be treated as "true leases" for bankruptcy purposes although they are treated as debt for tax purposes and sold as debt in the tax-exempt bond market. The amendments treat them the same way for bankruptcy purposes.

F. Rate regulation

In a corporate reorganization, a change in the debtor's rates is subject to applicable rate regulation. (Code § 1129(a)(6)). Municipal utilities are subject to rate regulation in a number of States, and the same provisions should apply to them as to private corporations. A proposed amendment makes this provision applicable to municipal bankruptcies.

Municipal systems are often also subject to other regulatory requirements and to political requirements, unique to governments, such as voter approval of additional debt. Another amendment makes a municipal plan of adjustment subject to these requirements. Some have expressed a concern that a failure to make a plan subject to requirements of this sort could override State and local financial and political controls and raise constitutional issues as to the scope of the bankruptcy power that need not be resolved to further sound municipal bankruptcy policy.

G. Adequate protection

Sections 362 and 364 require adequate protection to secured creditors in order to continue an automatic stay or to permit a priority borrowing by the bankruptcy trustee. These provisions apply to all bankruptcies. If the "adequate protection" in fact proves to be inadequate, the secured creditor has a "superiority" claim under section 507(b). But this applies only to individual and corporate bankruptcies and not to municipal bankruptcies.

In a municipal bankruptcy, since liquidation is not permissible and since all priority claims must be paid as a condition to plan confirmation, the ranking of various types of administrative expenses in a priority or super-priority order may not add anything to the statute. However, there should not be any doubt that a failure to adequate protection should give rise to an administrative expense claim. One amendment makes this explicit.

DETAILED ANALYSIS OF REVENUE PLEDGE AMENDMENTS

Under Bankruptcy Code § 552, except for "proceeds, product, offspring, rents, or profits" or other "property" already subject to a preexisting security interest, ". . . property acquired by the estate or by the debtor after the commencement of the case is not subject to any lien resulting from any security agreement entered into by the debtor before the commencement of the case."

As applied in the municipal context, in which a security interest in underlying assets is rare, section 552 appears to terminate a security interest in revenues received after the commencement of the bankruptcy case, regardless of the validity of the lien under State law. The problem is particularly acute with respect to project or system financing, such as bonds secured by municipal utility revenues or other nontax revenues. The problem also presents itself in certain instances in which tax revenues act as collateral for bonds.

There are exceptions to the rule that underlying assets are not given as collateral for revenue bonds. For example, in South Dakota, there may be a "statutory mortgage lien" on plant assets. *See, e.g.,* 9 S. Dak. Codified Laws sections 9-40-25 to 9-40-27. It would be highly artificial for the result under Bankruptcy Code section 552 to turn on the difference between the statutory mortgage and the more customary pledge of revenues without a lien on the plant. Even where foreclosure on the underlying assets is permitted, there appears to be little, if any, practical difference between the two situations. *See* Fordham, *Revenue Bonds Sanctions*, 42 Col.L.Rev. 395, 432-33 (1942).

Proposed section 927, along with the definition of "special revenues" in proposed section 902(2), protects the lien on revenues. It is closely modeled on section 552(a). It is intended to negate section 552(a) in the municipal context and to go no further. In other words, it is not intended to create new rights that otherwise would not exist. Section 552(a) limits preexisting rights. The proposed amendment only removes that limitation in the circumstances described in proposed section 927(a).

The proposed amendment applies only to "special revenues," as defined in proposed section 902(2). Examples of the kinds of revenues included within the definition are revenues from municipally-owned utility systems, betterment assessments, special excise taxes and fees, and in some instances local sales, income, or property taxes.

Utility revenues include revenues from the sale of water, power, natural gas or other energy sources. It also includes revenues from a toll highway or bridge or other projects or systems which imposed user fees.

Betterment assessments are typically imposed on landowners benefitted by particular improvements to finance the cost of those improvements. In most states, betterment assessments are constitutionally required to bear a reasonable relationship to the benefit conferred. Bonds (known as "special assessment bonds"), payable solely from these assessments, are sometimes issued to pay the cost of the improvement, but general obligation bonds are also issued for this purpose.

Hotel-motel taxes, meal taxes, and license fees are included in special excise taxes. They are often imposed for particular purposes. For example, a hotel-motel excise or a meal tax might be imposed in a particular area of a municipality or throughout a city to finance the construction and operation of a convention center. Bonds secured by the special excise tax are issued to finance construction.

Tax increment financing will also receive the benefit of the proposed amendment. A city may finance street, utility, and land assembly costs for a downtown renewal project on a tax increment basis. That is, the bonds issued to pay for the project are payable solely from and are secured by a lien on the additional tax resulting from the increased valuations in the project area.

Property, sales, and income taxes would generally not be considered special revenues. However, some exceptions may exist. For example, where a special property tax is levied and collected for the specific purposes of paying principal and interest coming due on bonds issued in conjunction with the levy of the property tax, the revenues may constitute special revenues. In these cases, there is generally a prohibition under State law on using the special tax revenue for any purpose other than payment of bonds. However, where the revenue may be used for other purposes, it should not constitute "special revenues." Similarly, a city may impose an additional one-half or one percent sales tax to finance a particular project, such as rapid transit. While general sales taxes would not constitute special revenues, with appropriate limitations on the use of the additional sales tax, it could constitute special revenues.

Project financing can also create special revenues. A municipality may attempt to finance separate projects by liens on the revenue of each project, issuing separate bonds for each project. Project revenues, whether based on sale of goods or services or based on cost-sharing among users, would constitute special revenues.

In all of these cases, communities have determined it to be financially or politically unsound to finance a major utility or other project or system with general obligation debt, *i.e.*, debt payable from the general funds of the municipality including tax receipts. Accordingly, they issue revenue bonds payable solely from the revenues of the project or system. To make sure that those revenues are not converted to other purposes, they pledge or assign revenues as security for the bonds, usually under State enabling legislation which provides expressly that they can do so.

Absent the mortgage, there is really no alternative for the municipality. The effect of the pledge of revenues is not unlike the result of a private utility's mortgage of its entire plant to a trustee for the benefit of bondholders. Nor is it unlike the lien on "proceeds" which is recognized in the Code. The proposed amendment amounts to a recognition of a hypothetical mortgage on the plant from which the revenues are derived where a "real" mortgage cannot be created either for legal reasons or because of compelling considerations of public policy.

Proposed section 927 does not distinguish between bonds backed solely by special revenues and so-called double-barrelled bonds. These latter bonds are backed not only by special revenues but also by the general credit of the municipality, including its power to levy property and other taxes. There is no security interest, however, in the general property tax receipts.

Nor does section 927 distinguish between projects or systems owned and operated by a municipality that also performs other functions or by a so-called special purpose municipality, such as a separate "body politic and corporate" established to finance, construct, and operate a utility system or other project or system.

These latter distinctions only go to the issue of whether the bondholders have a recourse against the general municipality on any shortfall of project or system revenues to pay amounts owed under the revenue bonds. This is an issue addressed by proposed section 925(b), which renders ineffective Bankruptcy Code § 1111(b) in the revenue bond context.

Subsection (b) of proposed section 927 provides for the payment from pledged special revenues of operating expenses of the project or system producing the revenues before use of those revenues to pay interest or principal on the bonds. In very general terms, a net revenue pledge would survive, and a gross revenue pledge would be treated as if it were a net revenue pledge. Pledged revenues received after the commencement of the bankruptcy case would be applied first to the operating expenses of the system, project or function producing the revenues (whether or not the bonds financed constructions or purchase of the system, project, or function producing the revenues) before application to the indebtedness for which the revenues were pledged and only then to other lawful purposes.

The general purpose of this approach is to permit the continued operation or functioning of the system, project, or function that was financed by the revenue bonds. Without such continued operation, there is not likely to be a continued source of funds from which to service the bonds. The pledged revenues would not be permitted to be used for any other governmental purpose, but would be used to pay operating expenses to facilitate a workout and successful confirmation of an adjustment plan.

This approach should work fairly easily in utility situations or in user fee situations such as toll bridge authorities, and the like. Other situations may require more explanation. One such situation is tax increment financing. In this type of financing, bonds issued for public improvements are secured by a pledge of the additional tax resulting from the increased valuations in the area affected by the project. In this context, the pledged revenues could be used for operating expenses of the improvements before being applied to the secured indebtedness. Another sitution might concern a project financed by a pledge, not of project revenue, but of revenue from some other special source. An example would be a convention center financed by a pledge of hotel-motel excise taxes or a rapid transit system financed by an increased sales tax. Here again, the pledged revenues could be used first for operating expenses of the project and second to pay the secured debt.

However, these revenues would not necessarily be subordinate to all of the operating expenses of the center or the improvements if they had their own source of revenues, such as from user fees. In each case, the court will be required to examine the need to protect the source of the pledged revenue and to determine whether maintaining operating expenses of the project, system or function contributes to the ability of the project, system, or function to continue to produce the revenues needed to operate and service the bonds.

In determining whether operating expenses are "necessary," as provided in subsection (b), the court should not step beyond the bounds of Bankruptcy Code sections 903 and 904. This provision, like all others in chapter 9, are subject to the limitations of those sections. The provision should not permit the court to become involved in possible control over political or governmental functions. At most, the court should use a "business judgment" test in applying the provision, examining only whether the business judgment of the debtor's management in incurring or proposing the expenditure (or proposed expenditure) is a reasonable one. The court should not substitute its own business judgment. *See Group of Institutional Investors* v. *Chicago M., St.P., & P.Ry.* Co., 318 U.S. 523 (1943). Moreover, the phrase "operating expenses" should not be construed to exclude capital expenses or expenditures, because they may be as necessary as ordinary operating expenses to maintain the source of revenue from which bonds are to be paid.

Finally, in developing and adopting a plan of adjustment, a gross revenue pledge would be treated in the same manner as during the case, under section 927. It will be analyzed and evaluated as it provided for the use of future revenues to pay operating expenses of the system, project, or function first and debt service on the secured indebtedness second.

SECTION-BY-SECTION ANALYSIS

Section 1

This amendment and the proposed § 902(1) (see section 3 below) go together. They make a general failure to pay debts the criterion for municipal insolvency and eligibility for filing. They replace the assets vs. liabilities test. The assets vs. liabilities test is not meaningful in the case of a municipality. See the Comment on proposed § 902(1) below.

Section 2

Section 1129(a)(6) should apply to municipalities, as it does to other debtors, since municipal utilities are subject to rate regulation in a number of states.

Section 3

Section 101(26) defines insolvency as debts exceeding the fair value of assets. Many municipal assets are special-purpose assets and have a highly uncertain market value, which is probably less than cost. Under these circumstances, many healthy municipalities would be treated as "insolvent". And many municipal assets cannot be reached to pay debts, rendering the assets vs. liabilities test somewhat irrelevant to creditors. This amendment uses a more realistic test to determine whether the municipality is insolvent. It is the same as that applicable to involuntary bankruptcy under section 303(h)(1) and the alternate eligibility test for a municipality under current law. The change in § 109(c)(3) (above) is correlative to this change.

If a department of a municipality is financed by indebtedness payable solely from revenues attributable to that department a general failure or inability to pay such indebtedness as it becomes due would, if it is substantial in amount, cause the municipality to be considered insolvent.

The present tense in the definition of "insolvent" refers to the time at which the definition is important, *i.e.*, at the petition date for purposes of § 109(c), at the transfer date for purposes of § 547, and the like.

A deliberate failure to pay indebtedness in order to create eligibility to file a petition under this chapter would be grounds for dismissal under section 921(c) as a failure to file in good faith.

The definition of special revenues is needed for the purposes of revised sections 922, 925 and 927. Examples of the special revenues mentioned in clause (a) include receipts from the operation of a municipal water or electric system.

An excise tax on hotel and motel rooms or the sale of alcoholic beverages would be a special excise tax under clause (b). A general sales tax would not.

In a typical tax-increment financing public improvements are financed by bonds payable solely from and secured by a lien on incremental tax receipts resulting from increased valuations in the benefited area. Although these receipts are part of the general tax levy, they are considered to be attributable to the improvements so financed and are not part of the pre-existing tax base of the community.

Examples of revenues from particular functions under clause (d) would include regulatory fees and stamp taxes imposed for the recording of deeds.

Under clause (e) an incremental sales or property tax specifically levied to pay indebtedness incurred for a capital improvement and not for the operating expenses or general purposes of the debtor would be considered special revenues. For this purpose a project or system may or may not be revenue-producing.

Section 4

Where a pledge of revenues survives under section 927, it would be needlessly disruptive to financial markets for the effectuation of the pledge to be frustrated by an automatic stay.

This super-priority granted by section 507(b) for a failure of adequate protection does not apply in chapter 9. Nevertheless, the creditor's loss from the automatic stay or from the granting of a priming borrowing lien should be entitled to administrative expense priority, because the creditor's loss came as a result of an attempt to benefit the postpetition debtor. This amendment makes explicit, therefore, what is implicit in section 507(b).

Section 5

Section 1111(b) provides that in some circumstances nonrecourse debt may be treated as recourse debt. Many municipal obligations are, by reason of constitutional, statutory or chapter provisions, payable solely from special revenues. This amendment leaves these legal and contractural limitations intact without otherwise altering the provisions with respect to nonrecourse financing.

Section 6

In the case of a municipality it is not considered necessary to legislate broadly against preferential treatment of bond and noteholders. There is not likely to be a high incidence of preferential treatment of these creditors and, where there is an actual intent to hinder, delay or defraud other creditors, section 548 would apply. The existing law, under which section 547 applies to municipal bonds and notes, creates unforeseen problems and uncertainties. For example, most municipal revenue bonds involve a pledge of special revenues but do not include a mortgage or other security interest on any revenue source. The application of section 547 to them could cause payments of such bonds in the normal course to be treated as preferences since the lien on revenues received during the preference period would be treated as coming into existence during the preference period and not before. In addition, the deposit of money or securities in escrow to "defease" the lien of a prior bond indenture, which is a common occurrence, could also be treated as a preference notwithstanding the absence of any preferential intent or actual damage to other creditors.

Section 7

This section simply redesignates section numbers to provide for the new sections added by section 8 of the bill.

Section 8

If deemed to apply, section 552(a) could terminate the security for municipal revenue bonds upon commencement of the case where (as is usually the case) there is no mortgage or security interest on any revenue source. Paragraph (a) makes it clear that such a result is not intended. It permits a lien on special revenues to continue under state law but, under paragraph (b), a lien on project or system revenues would be subordinate to necessary operating expenses of the project or system. Necessary operating expenses are operating expenses which are necessary to keep the project or system going. Prepetition operating expenses are included to the extent payment is deemed necessary by the court for this purpose.

In the case of a project financing the lien would be subordinate to the necessary operating expenses of the project. In the case of a system financing the lien would be subordinate to the necessary operating expenses of the system. An example of a project financing would be the financing of an electric generating plant by indebtedness secured by a lien on revenues from the sale of output of the particular facility. An example of system financing would be the financing of improvements to a local electric distribution system secured by a lien on revenues of the entire system.

Subsection (b) reflects the fact that betterment assessments are levied to finance the construction costs of sewers, streets, and the like and that the operating costs are financed separately out of current user charges or taxation. In the case of bonds secured by these assessments, subordinating the lien to operating expenses would materially change the bargain.

Subsection (b) sets forth a minimum standard for paying operating expenses ahead of debt service where revenues are pledged. It is not intended to displace any broader standard contained in the terms of the pledge or applicable nonbankruptcy law.

For reasons unique to municipalities, many financing leases are required to be subject to appropriation of the rent. These are generally marketed as debt obligations and treated as debt obligations for tax purposes. They should be treated in the same way for bankruptcy purposes. Section 9. Section 943(b) of title 11 of the United States Code is amended by:

Section 9

Many municipal actions require regulatory or electoral approval under constitutional, statutory or charter provisions. These approvals are not limited to rates but extend often to such other matters as the acquisition or disposition of property or the incurring of indebtedness. A plan of adjustment should not call for action to be taken without the requisite approval. Paragraph (6) does not require voter approval for the plan but only for actions to be taken under the plan which would require such approval if taken otherwise than under the plan

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IN SUPPORT OF CONTRA AID

The **SPEAKER** pro tempore. (Mr. VISCLOSKY). Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, I rise today in support of Contra aid, which will be voted on February 3.

Mr. Speaker, We have voted four times for aid to the Contra freedomfighters and I firmly believe that this aid has slowed the deterioration and downfall of democracy in Nicaragua and perhaps in the Central American region.

I rise today to proclaim my full support once again for House Joint Resolution 444, the Contra aid bill which will be voted on and hopefully will pass on February 3.

On January 30 and 31 of this year, I visited Nicaragua along with a bipartisan group consisting of four Members of the House. Two members of the party were uncommitted on their support for Contra aid.

Mr. Speaker, I have opposed and helped to defeat Contra aid on one occasion because of misunderstandings with the administration.

I have also been disenchanted with the administration's incorrect involvement with Iran, which resulted in the Contra funding scandal. And I lost my enthusiasm for any further support until 3 weeks ago.

I want the peace process to work between the countries of Nicaragua, Costa Rica, El Salvador, Honduras, and Guatemala.

I'm convinced that 5 additional months of aid will encourage the peace process and in fact are necessary to ensure Sandinista compliance.

But, Mr. Speaker, the history and facts which are clearly evident to everyone who has an open mind, cause me to be very skeptical that this fragile and to some degree imperfect package will be lived up to and respected by the Sandinistas.

The small amount of progress thus far is because of approaching deadlines and therefore it gives me the impression that it's best to keep the pressure on for at least a brief period.

In fact, the past actions of the Sandinistas, their alignment with the Soviet Union, and the Marxist-Leninist structure of their government convinces me that the Sandinistas will milk the peace process and cause further delays. I cannot believe that, without pressure, they will hold free and open democractic elections this year for the Central American parliament, or the constitutionally mandated municipal elections in 1989 and Presidential elections in 1990.

My visit to Nicaragua this past weekend was my third visit over 2 years, and I have a number of short observations which are worth noting.

First, the bipartisan delegation visit on January 30 and 31 involved nine meetings, each lasting from 1 to 3 hours. In a meeting with representatives of the Catholic Church, Bishop Bosco Vivas and his director of education, made two strong points: According to the bishop, Contra aid is responsible for the peace accord and progress today, and continued aid is necessary to keep the pressure on the Sandinistas until the peace plan begins to work. This came from one of the highest levels of the cardinal's office.

The priest in charge of education said:

> The Marxist-Leninist philosophy which has been enforced in the educational systems for 9 years is definitely having an effect on the education of the children. Some children have not known education without this philosophy and teaching.

These children are beginning to enter the political process.

Second, a visit with a prominent labor leader reports that the labor unions have the support of the U.S. AFL-CIO. They represent approximately 100,000 workers. He confirmed that serious problems with the work force exist. Direct threats against the lives of those who do not embrace the Sandinista doctrine have been made. The existence of block captains, who are forced to report on neighborhood activities and the drafting of large numbers of young workers into the army, along with dwindling salaries and benefits further eroded by inflation of 1,000 percent, are killing the work incentive. He said, "The Contra pressure has brought about the peace accords."

Third, we met with an organization of "mothers of political prisoners" identified as the January 22d group.

These poor women gave heart rending reports of torture, brutality, of imprisonment without proven charges, and of sons who are dying or have died in prison.

Under Somosa, there was one prison. Under Ortega, this group named more than 12 prisons now operating, and reported of others which are secret holding jails in military bases and other areas.

These women reported that they were roughed up and beaten at their last meeting by a mob, or the "Turbas," comparable to the Soviet red guard. These mothers reported their support for continuing aid to the Contras.

Reports of unmarked trucks and the police circling the block during our meetings were reported, and we took steps to have any harassment of the group reported to the Embassy.

Fourth, a meeting of representatives of the government brought forth a statement that Nicaragua has no political prisoners.

Fifth, the delegation met with Mrs. Violeta Chamorro, editor of the newspaper La Prensa and members of her family.

Mrs. Chamorro stated that if Contra aid was approved on Wednesday, February 3, she expected the government to close her newspaper.

She predicted that if Contra aid was not approved, the paper would be closed anyway within 12 months.

She emphatically stated that under no conditions would the newspaper operate under censorship.

The Chamorro family did not have any favorable comments to make about the Sandinista government and have the policy of printing the truth.

Sixth, the delegation met for 3 hours with the leaders of the internal opposition—14 groups who have combined—who complained bitterly about government restrictions, the recent imprisonment of several of their leaders who made public statements, and who firmly supported the pressure of the Contras.

Seventh, our final visit was with three members of the Permanent Commission on Human Rights, who gave horrifying reports of torture, cruelty, and atrocities, particularly in the prisons, and serious intimidation by the Turbas.

My question to them was "do we return to Washington with your best wishes for the passage of the Contra aid bill?"

Their answer was "yes."

A SALUTE TO CAPT. HARRY O'NEAL AND THE CREW OF THE NORTH CAROLINA FERRY "GOV. EDWARD HYDE"

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today I rise to commend the brave men of the North Carolina ferry *Gov. Edward Hyde* for their daring rescue of two survivors from a plane crash in Pamlico Sound.

On the evening of August 18, 1987, a small plane crashed into the waters of Pamlico Sound. The pilot of the plane became separated from the two passengers, Martha Prescott-Gaskill and Anna Gaskill, following the crash and was unfortunately drowned. The survivors, after spending 14 cold and trying hours in the waters of Pamlico Sound, were beginning to lose hope that they would be rescued. Just then, the North Carolina ferry *Gov. Edward Hyde* appeared on its midday run from Swan Quarter to Ocracoke. The crew of the *Governor Hyde* spotted the survivors in the water and the ferry began to make her way toward them. At the same time a string of severe thunderstorms passed through the area. The 47-knot winds generated by the thunderstorms whipped the previously calm waters into 4-foot waves, and rain fell so heavily that visibility was reduced to 100 yards.

Despite these terrible weather conditions, Capt. Harry O'Neal was able to determine that Ms. Prescott-Gaskill would not be able to survive long enough for the crew to lower a small boat. Seizing the initiative, Captain O'Neal displayed exceptional shiphandling ability and maneuvered the over 100-foot vessel through the shallow water to her rescue. After the crew had brought Ms. Prescott-Gaskill aboard, a small boat was lowered and Ms. Gaskill was rescued. It is without a doubt that the valiant actions of Captain O'Neal and his crew saved the lives of Ms. Prescott-Gaskill and her sister-in-law.

It is, therefore, with great pleasure that I rise today to pay tribute to Captain O'Neal and his crew: Grady Fulcher, Donald Piper, Charles L. Mason, James Gaskins, and William S. Sawyer. Their actions demonstrated a dedication to their fellow man and level of job expertise that we should all strive to achieve. The bravery of men such as these makes me proud to represent the First District of North Carolina.

NATIONAL JUKEBOX WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, I rise to introduce a joint resolution to designate October 30 through November 5, 1988, as "National Jukebox Week."

The jukebox holds a unique place in the annals of American music and popular culture. It has also brought entertainment to untold millions over the years.

It was in 1889 that a Mr. Louis Glass fitted a coin slot on a wax cylinder Edison machine and placed it in the Palais Royale Saloon in San Francisco. Called "Nickel in the Slot," it is widely considered the first jukebox.

From the turn of the century through today, the jukebox has been a viable, nostalgic, and intriguing part of popular American culture.

As a rich chronicler of music, culture, and technology, the jukebox is without peer. It has brought great joy and memories to generations of Americans. Its popularity is unequalled in the eyes of old and young alike.

Despite many new and sometimes competing music formats, the jukebox remains an integral part of our heritage. And with the advent of new technologies—many of which have already been incorporated into the jukebox—its future is bright.

As the jukebox nears its 100th anniversary, the time has come to recognize this unique and visual entertainment vehicle that stands tall in musical and cultural history. I urge cosponsorship of the joint resolution and recognition of "National Jukebox Week." Finally, Mr. Speaker, I submit the text to be printed in the RECORD as follows:

H.J. RES. 446

Joint resolution designating October 30 through November 5, 1988, as "National Jukebox Week"

Whereas the jukebox has played an important role in the musical and artistic heritage of America;

Whereas the jukebox holds a unique place in the annals of American music;

Whereas the jukebox has contributed to the development of the Nation's contemporary culture;

Whereas the jukebox has brought widespread entertainment to millions of Americans over many generations; and

Whereas the jukebox is about to celebrate its 100th anniversary: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 30 through November 5, 1988, is designated as "National Jukebox Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

DEDICATION OF THE TRUMAN LOUNGE BY THE NATIONAL PRESS CLUB SILVER OWLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 10 minutes.

Mr. UDALL. Mr. Speaker, every now and then we are reminded of the great President's that have served this country. At the recent dedication of the Truman Lounge at the National Press Club a fine tribute was paid to one of the most capable Presidents of this century, Harry S. Truman. Speaking to the Silver Owls of the club, Gen. Donald Dawson, a top aide to the President, provided valuable insight into Truman's White House years.

General Dawson recalled the leadership role that Truman displayed during his two Presidential terms. "Truman had a hands on management style that worked." His staff was continuously impresssed by his command of the facts and were aware that each briefing had to be accurate or else the President would correct them.

The general reported that Truman held frequent press conferences not in response to the clamor of the press or concern with public image, but due to his commitment to an informed American public. When asked questions, Truman would respond with specifics, not generalities. Harry Truman wanted the public to know what he is doing, he wanted his office to be open to criticism as well as praise. Dawson recalls the time that he tried to brief the President on ways he could decide an issue and derive the most political benefit. Characteristically, Truman replied "What is best for the country?"

Mr. Speaker, as we prepare to elect another man to fill the office of President, let us remember one who treated the Presidency as a full-time job. Who brought the characteristics that represent America into the Oval Office and adhered to those values as he made the important decisions that are required of a President.

Mr. Speaker, I include Donald Dawson's remarks for the CONGRESSIONAL RECORD.

DONALD S. DAWSON, ADMINISTRATIVE ASSISTANT 1947-58 TO HARRY S. TRUMAN, PRESIDENT OF THE UNITED STATES

I feel it is a very special privilege to be asked to say a few words at the dedication of the Truman Lounge in the National Press Club where the "Truman Piano" is the centerpiece. The same piano that he played as Vice President with Lauren Bacall provocatively perched on top of it.

The picture of that serenade perhaps did more to establish Truman's claim as a musician than anything else.

You have indeed confirmed your keen perception of history in preserving it as a symbol of his affection and respect for the National Press Club and the good times he had here.

I am happy to be here tonight. I am happy to be anywhere that President Truman is being honored.

Not too long after I was off the White House payroll in 1953 and trying to build a law practice, I was with President Truman and told him that now I had to associate with a lot of Republicans and that when they found that I had worked for him they most generally said "I am a Republican—but I sure did like Harry Truman."

I find that more and more are saying it today.

President Truman would enjoy being here for at least three good reasons—

One, he loved the piano and its music. He had played the piano all his life. He loved to hear it played.

I have a very strong suspicion that he liked that picture with Lauren Bacall and that there were times when he would get out the old scrapbook and look at it.

And when he did, a smile would come across his face—just as it will bring smiles to all who will come into the Truman Lounge.

Lyndon Johnson designated him to represent the United States at the funeral of the King of Greece.

Gen. Harry Vaughan accompanied him. You will recall that the Greek fraternity Ahepa commissioned Felix de Weldon the noted sculptor to create a 12 foot high statue of President Truman which was given to the people of Greece.

Harry Vaughan says that the President went to see the statue 11 times while they were in Athens—standing there admiring it.

And the people would come up and kiss his hand and say thank you papa Truman—thank you father Truman, for saving our country.

I think people will thank him for what he did for our country and the world when they see that picture. Always keep it there—and you might add a poker table.

The second reason is that he loved a little bourbon and branch water on occasion so he would be right at home here.

And third, he had great affection for the fourth estate. He liked being with you! He enjoyed the give and take. He trusted his friends in the press and insisted on having press conferences—sometimes against the judgment of his staff—because he knew the press had a job to do and because he wanted the people to know what he was doing.

I remember how he enjoyed walking down from his quarters in Key West after dinner to drop into the press room by surprise and shoot the breeze as he said until it was time for the regular poker game.

The bond was strong between President Truman and those who covered his White House.

I don't believe the President's staff in his day was very good copy. He was the only spokesman—with the help of Charlie Ross, Joe Short and Roger Tubby, his press secretaries. He was the unquestioned boss.

There were never any jealousies or public differences that hit the press among the members of his staff. In looking back, I marvel at the perfect relationship we enjoyed. I think it was because we each had such great mutual respect for each other.

There is always a great deal of discussion about the style of any President in the way he runs his office and thereby the country. Each one is entitled to do it the way he thinks best.

President Truman had direct control over his staff. There was no chief of staff. Each one of our little group reported directly to him and was accountable to him. There were essentially only eleven of us.

There were only 252 employees in the White House office budget for 1953 with an average salary of $5097—does that take you back?

And very few employees detailed from other agencies—on loan as so often can be the case. President Truman said he wanted an "honest budget" and he had one for his shop.

Each morning we would meet with the President at 9 and sit around his desk. We each made our report on what had been done, what was being done, and what was foreseen in our area. There was full discussion by the President and anyone else that wished to express himself.

It was all very informal with plenty of humor on all sides.

After we had left, then came Admiral Leahy the President's Military Chief of Staff, Sid Souers, the Executive Secretary of the National Security Council and generally Jimmy Lay who was later to be the Executive Secretary.

They briefed the President on worldwide intelligence and security matters.

By 10:30 the President knew all that was going on in the United States and abroad.

He had a phenomenal memory—never seemed to forget anything so that we knew if we slipped up he would catch us.

It was the custom to give out advance copies of the budget—to the press—which were as big as the New York City telephone directory—a week before the general release.

And on the following Saturday morning President Truman presided over a budget briefing for the press where questions could be asked, generally in the Department of Interior auditorium. The Director of the Budget and John Snyder were on the stage but President Truman answered all the questions.

I remember someone asking a question—and the President replied, "you'll find the answer to that on page 27-B—at the top."

He knew what was going on and we knew he did.

He was a wonderful person. He had all the experiences that make America the great country that it is—coming from a farm in the midwest to the most powerful office in the world.

And he never forgot those experiences. He capitalized on them.

Not long after I became a part of his staff I went to Charlie Ross to suggest that something ought to be done to improve the President's image and his speaking style, which—because we had all become so used to the Roosevelt image and style—was decidedly different. I was presumptuous in the extreme, but remember I was much younger then.

But getting back to Charlie Ross, Charlie who was in the same high school class with the President and knew him better than any man, said "No. Leave this man alone. Let him be himself."

By being himself he became the most effective political speaker in the world—remember the '48 election?

And being himself he became one of our finest Presidents.

Many of us have some particular memory of him close to our hearts. Mine is of one day when as his assistant, I was suggesting perhaps too vigorously various ways he could make a certain decision and get this advantage, or that credit for it, when he looked up at me from the paper before him and said, Don, "What is best for the country?" It was on that fundamental principle "What is best for the country?" that he made his decisions as President. Nothing could make him hedge or trim or deviate from that rule, "What is best for the country."

It is one of my greatest pleasures in life to say "I worked for President Truman."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LIGHTFOOT (at the request of Mr. MICHEL), for an indefinite period, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BUNNING) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. DORNAN of California, for 60 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

(The following Members (at the request of Mr. RAY) to revise and extend their remarks and include extraneous material:)

Mr. RAY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DORGAN of North Dakota, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. FOLEY, for 5 mintues, today.

Mr. UDALL, for 10 minutes, today.

Mr. GONZALEZ, for 60 minutes, on February 4.

Mr. SISISKY, for 60 minutes, on February 9.

Mr. OLIN, for 60 minutes, on February 17.

Mr. DYMALLY, for 60 minutes, each day on February 2 and 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDWARDS of California, and to include extraneous matter, notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,936.

(The following Members (at the request of Mr. BUNNING) and to include extraneous matter:)

Mr. GINGRICH in two instances.
Miss SCHNEIDER.
Mr. GEKAS.
Mr. IRELAND.
Mr. EMERSON.
Mr. OXLEY.
Mrs. BENTLEY in three instances.
Mr. ROTH.
Mr. FRENZEL.
Mr. DORNAN of California in two instances.

(The following Members (at the request of Mr. RAY) and to include extraneous matter:)

Mr. ATKINS.
Mr. LANTOS in three instances.
Mr. MONTGOMERY.
Mr. RODINO.
Mr. RANGEL.
Mr. COELHO.
Mr. JONES of North Carolina.
Mr. TRAFICANT.
Mr. LEHMAN of Florida.
Mr. HERTEL.
Mr. CROCKETT.
Mr. RICHARDSON in two instances.
Mr. DURBIN.
Mr. HOCHBRUECKNER.
Ms. KAPTUR.
Mr. ROE.
Mr. KANJORSKI.
Mr. GUARINI.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1143. An act to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky, and for other purposes; to the Committee on Merchant Marine and Fisheries.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 3, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2818. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of supplemental contract awards for the period January 1, 1988, to February 29, 1988, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

2819. A communication from the Adjutant General, the Veterans of Foreign Wars of the United States, transmitting the proceedings of the 88th National Convention of the Veterans of Foreign Wars of the United States, held in New Orleans, LA, August 17–21, 1987, pursuant to 36 U.S.C. 118; 44 U.S.C. 1332; to the Committee on Armed Services and ordered to be printed.

2820. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export to Thailand of 106 Commando Stingray Light Tanks with a 105 mm Gun Turret, along with training and technical support, spare parts, and special tools to support the program (transmittal No. MC-14-88), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2821. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a resolution and letter from the Honduran National Congress expressing support for the Esquipulas II accords and for democratization in Central America; to the Committee on Foreign Affairs.

2822. A letter from the Acting Comptroller General of the United States, transmitting a summary of the implementation of the Comptroller's recommendations by Federal agencies in connection with bid protests during fiscal year 1987; no reportable cases where the recommendations were not followed, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Operations.

2823. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2824. A letter from the Secretary, Railroad Retirement Board, transmitting the Board's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2825. A letter from the Secretary of Education, transmitting the Department's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2826. A letter from the Chief Immigration Judge, Executive, Office for Immigration Review, Department of Justice, transmitting a report on the grants of suspension of deportation of certain aliens, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

2827. A communication from the Adjutant General, the United Spanish War Veterans, transmitting the proceedings of the national encampment, held in Bangor, ME, on August 23–27, 1986, pursuant to 44 U.S.C. 1332; to the Committee on Veterans' Affairs and ordered to be printed.

2828. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's 52d quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STOKES: Permanent Select Committee on Intelligence. H. Res. 339. Resolution requesting the President to furnish a certain document to the House of Representatives. (Rept. No. 100-500). Referred to the House Calendar.

DISCHARGE OF COMMITTEES

H.J. Res. 444. Pursuant to section 111(j)(8) of Public Law 100-202, the Committees on Appropriations, Armed Services, Foreign Affairs, and the Permanent Select Committee on Intelligence discharged; House Joint Resolution 444 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES (for himself, Mr. McCollum, Mr. Mazzoli, Mr. Smith of Florida, Mr. Smith of Texas, Mr. Shaw, Mr. Gekas, Mr. Fish, Mr. Moorhead, Mr. Hyde, Mr. Swindall, Mr. Coble, Mr. Michel, Mr. Lott, Mr. Hutto, Mr. McMillan of North Carolina, Mr. Broomfield, Mr. Smith of New Hampshire, Mr. Dornan of California, Mr. Stallings, Mr. Skeen, Mr. Craig, Mr. Lewis of Florida, Mr. Henry, Mr. Wolf, Mr. Montgomery, Mr. Grandy, Mr. Price of Illinois, Mr. Courter, Mr. Fawell, Mr. Roth, Mr. Kemp, Mr. Marlenee, Mr. Ireland, Mr. Weldon, Mr. Hunter, Mr.. Lagomarsino, Mr. Oxley, Mr. DioGuardi, Mr. Inhofe, Mr. Barton of Texas, Mr. Wylie, Mr. Emerson, Mr. Schulze, Mr. Nielson of Utah, Mr. Ballenger, Mr. Daub, Mr. Erdreich, Mr. Hubbard, Mr. de Lugo, Mr. Fields, Mr. Hefley, Mr. Hiler, Mr. Gallegly, Mr. Schuette, Mr. Madigan, Mr. Clinger, Mr. Panetta, Mr. Hammerschmidt, Mr. Davis of Illinois, Mr. MacKay, Mr. Schaefer, Mr. Bennett, Mr. St Germain, Mrs. Bentley, Mr. Grant, Mr. Flippo, Mr. Dreier of California, Mr. Callahan, and Mr. Darden):

H.R. 3889. A bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes; jointly, to the Committees on the Judiciary, Ways and Means, and Energy and Commerce.

By Mr. JACOBS:

H.R. 3890. A bill to designate "America the Beautiful" as the national hymn of the United States of America; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY:

H.R. 3891. A bill to authorize the Secretary of Housing and Urban Development to carry out a cost-effective community-based program for housing rehabilitation and development to serve low- and moderate-income families; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. NEAL:

H.R. 3892. A bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax; to the Committee on Ways and Means.

By Mr. OXLEY (for himself, Mr. Lent, Mr. Whittaker, and Mr. Fields):

H.R. 3893. A bill to amend the provisions of the Toxic Substances Control Act relating to asbestos in the Nation's schools by providing adequate time for local educational agencies to submit asbestos management plans to State Governors and to begin implementation of those plans; to the Committee on Energy and Commerce.

By Mr. RAHALL:

H.R. 3894. A bill to authorize the U.S. Army Corps of Engineers to protect and enhance recreation at certain water resource projects, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. COELHO (for himself, Mr. Dymally, Mr. Udall, and Mr. Rahall):

H.J. Res. 445. A joint resolution to designate the week beginning April 24, 1988, as "Mining Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. KASTENMEIER:

H.J. Res. 446. A joint resolution designating October 30 through November 5, 1988, as "National Jukebox Week"; to the Committee on Post Office and Civil Service.

By Mr. STUDDS (for himself, Mr. Lowry of Washington, Mr. Sawyer, Ms. Oakar, Mr. Feighan, Mr. Howard, Mr. Ravenel, Mr. Moakley, Mr. Traxler, Mr. Frank, Mr. de Lugo, Mr. Hayes of Illinois, Mr. Wilson, Mr. Beilenson, Mrs. Saiki, Mrs. Meyers of Kansas, Mrs. Johnson of Connecticut, Mr. Smith of Florida, Mr. Hertel, Mr. Edwards of California, Mr. Jeffords, Mr. Applegate, Mr. Hochbrueckner, Mr. Fawell, Mr. Ford of Michigan, Mr. Konnyu, Mr. Owens of New York, Mr. Mrazek, Mr. Lantos, Mr. Green, Mr. Bates, Mr. Kildee, Mr. Lagomarsino, Mr. Brennan, Mr. Gejdenson, Mr. Neal, Mr. Evans, Mrs. Kennelly, Mr. Shays, Mr. Morrison of Connecticut, Mr. Rowland of Connecticut, Ms. Pelosi, Mr. Stark, Mr. Miller of Washington, Mr. Levin of Michigan, and Mr. Jones of North Carolina):

H. Con. Res. 241. A concurrent resolution to express the sense of the Congress that upon certain taking of whales by Japanese nationals, the Secretary of Commerce should issue a certification under the Magnuson Fishery Conservation and Management Act that such taking diminishes the effectiveness of the International Whaling Commission; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Mr. ANNUNZIO:

H. Res. 352. A resolution providing for expenses of activities of House Information Systems in the second session of the 100th Congress; to the Committee on House Administration.

H. Res. 353. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on House Administration in the second session of the 100th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 130: Mr. Frank.

H.R. 276: Mr. Conyers.

H.R. 481: Mr. LaFalce.

H.R. 593: Mr. Smith of New Hampshire.

H.R. 741: Mr. Bateman.

H.R. 903: Miss Schneider.

H.R. 1213: Mr. Brown of California.

H.R. 1583: Mr. Stangeland.

H.R. 1623: Mr. Bustamante.

H.R. 1742: Mr. Hoyer.

H.R. 1808: Mr. Murphy and Mr. Petri.

H.R. 1923: Mr. Bates.

H.R. 2134: Mr. Swift, Mr. McHugh, Mr. Moakley, and Mr. Hughes.

H.R. 2214: Mr. Upton.

H.R. 2640: Mr. Hall of Ohio, Mr. Fish, Mr. Kasich, Mrs. Schroeder, Mr. McMillen of Maryland, and Mr. Miller of Ohio.

H.R. 2724: Mr. Mineta.

H.R. 2793: Mr. Erdreich and Mr. Marlenee.

H.R. 2866: Mrs. Kennelly.

H.R. 2879: Mr. de Lugo, Mr. Traficant, Mr. Kastenmeier, and Mr. Sunia.

H.R. 2929: Mr. Craig.

H.R. 2997: Mr. Armey.

H.R. 2998: Mr. Armey.

H.R. 3250: Mr. Coughlin.

H.R. 3260: Mr. DeWine and Mr. Eckart.

H.R. 3265: Ms. Kaptur, Mr. Edwards of California, Mr. Crockett, Mr. Wilson, Mr. Weiss, and Mr. Neal.

H.R. 3440: Mr. Crockett and Mr. Hayes of Illinois.

H.R. 3485: Mr. Swindall.

H.R. 3504: Mr. Atkins.

H.R. 3543: Mr. Martinez.

H.R. 3553: Mr. Brown of Colorado.

H.R. 3562: Mr. Beilenson, Mr. Kennedy, Mr. de la Garza, Mr. Lowery of California, Mr. Richardson, Mr. Sundquist, Mr. Lantos, Mr. Buechner, and Mr. Stallings.

H.R. 3565: Mr. Daub, Mr. Morrison of Washington, Mr. Crockett, Mr. Morrison of Connecticut, and Mr. Chandler.

H.R. 3624: Mr. Broomfield.

H.R. 3628: Mr. Davis of Michigan.

H.R. 3696: Mr. de Lugo, Mr. Penny, Mr. Howard, Mr. McCollum, Mr. Frost, Mr. Ford of Tennessee, Mr. Conyers, and Mr. Campbell.

H.R. 3697: Mr. Baker, Mr. Fauntroy, Mr. Mfume, Mr. Clay, Ms. Pelosi, Mr. Bonior of Michigan, Mrs. Boxer, Mr. Morrison of Washington, Mr. Hayes of Illinois, Mr. de Lugo, Mr. Fazio, Mr. Smith of Florida, Mrs. Meyers of Kansas, Mr. Towns, Mrs. Collins, Mr. Ray, Mr. Owens of New York, Mr. Feighan, Mr. Crockett, Mr. Espy, Mr. Hawkins, Mr. Gray of Pennsylvania, Mr. Conyers, and Mr. Owens of Utah.

H.R. 3787: Mr. Brennan.

H.R. 3788: Mr. Nagle, Mr. Kanjorski, Mr. St Germain, Mr. Perkins, Mr. Leland, Mr. Mrazek, Mr. Jones of North Carolina, Mr. Hawkins, and Mr. Johnson of South Dakota.

H.R. 3806: Mr. Smith of Florida, Mr. Fauntroy, Mr. Garcia, Mr. Hughes, and Mr. Frost.

H.R. 3828: Mr. Fazio, Mr. Miller of California, Mr. Stark, Mr. Lagomarsino, Mr. Berman, Mr. Dixon, Mr. Hawkins, Mr. Campbell, Mr. Lipinski, Mr. Evans, Mr. Frank, Mr. Crockett, Mr. Solarz, Mr. Horton, Mr. Bustamante, Mr. Fuster, Mr. Sunia, Mr. Weiss, and Mr. Blaz.

H.R. 3844: Mr. Lightfoot, Mr. Lott, Mr. Madigan, Mr. Lagomarsino, Mr. Penny, and Mr. Stallings.

H.R. 3870: Mr. Stenholm, Mr. Jeffords, Mr. Stallings, Mr. Frank, and Mr. Bates.

H.R. 3883: Mr. Vento, Mr. Hawkins, Mr. Stokes, Mr. Staggers, Mr. Rangel, Mr. Derrick, Mr. Solarz, Mr. Sabo, Mr. Applegate, Mr. Hamilton, Mr. Jacobs, Mr. Leach of Iowa, Mr. Slaughter of Virginia, and Mr. Perkins.

H.J. Res. 55: Mr. Lightfoot, Mr. Fazio, Mr. Flippo, Mr. Hammerschmidt, Mr. Clinger, Mr. Dorgan of North Dakota, Mr. Levine of California, Mr. Erdreich, Mr. Rhodes, Mr. Owens of Utah, Ms. Pelosi, Mr. Smith of New Hampshire, Mr. Stark, Mr. Pashayan, and Mr. Miller of California.

H.J. Res. 315: Mr. Fish.

H.J. Res. 332: Mr. Bonior of Michigan, Mr. Cooper, Mr. Duncan, Mr. Ford of Tennessee, Mr. Hayes of Illinois, and Mr. Savage.

H.J. Res. 415: Mr. Lagomarsino, Mr. Horton, Mr. Howard, Mr. Matsui, Mrs. Collins, Mr. Hughes, Mr. Roberts, Mr. Thomas A. Luken, Mrs. Meyers of Kansas, Mr. Carper, Mr. Dicks, Mr. Lehman of Florida, Mr. Smith of Florida, Mr. de Lugo, Mr. Lowry of Washington, Mr. McDade, Mr. Mrazek, Mrs. Lloyd, Mr. Denny Smith, Mr. Foley, Mr. Fauntroy, Mr. DeWine, Mr. Mack, Mr. Jones of Tennessee, and Mr. Boland.

H.J. Res. 417: Mrs. Lloyd, Mr. Lagomarsino, Mr. Smith of Florida, Mr. Boland, Mr. Roe, Mr. Horton, Mr. Wyden, Mr. Fauntroy, Mr. Gonzalez, Ms. Pelosi, Mr. Owens of New York, Mrs. Boxer, Mrs. Collins, Mr. Bosco, Mr. Wortley, Mr. Cooper, Mr. Chapman, Mr. Hughes, Mr. Lipinski, Mr. Thomas A. Luken, Mr. Crockett, and Mr. Early.

H.J. Res. 418: Mr. Boulter, Mr. Coleman of Missouri, Mr. de Lugo, Mr. Dymally, Mr. Frank, Mr. Garcia, Mr. Gray of Illinois, Mr. Howard, Mr. Hughes, Mr. Mack, Mr. Montgomery, Mr. Owens of New York, Mr. Roe, and Mr. Weber.

H.J. Res. 428: Mr. Lungren, Mr. Frost, Mr. Smith of New Jersey, Mr. Gray of Pennsylvania, Mr. Pickle, Mrs. Meyers of Kansas, Mr. Torricelli, Mr. Lewis of Georgia, Mr. Lewis of Florida, Mr. Schuette, Mr. Richardson, Mr. Rowland of Connecticut, and Mr. Gilman.

H.J. Res. 429: Mr. Scheuer, Mr. Broomfield, Mr. Weiss, Mr. Swindall, Mr. Stratton, Mr. Carper, Mr. Wolf, Mr. Bonker, Mr. Owens of New York, Mr. Porter, Mr. Green, Mr. Burton of Indiana, Mr. AuCoin, Mr. Saxton, Mr. Erdreich, and Mr. Miller of Washington.

H. Con. Res. 83: Mr. Lott, Mr. McCollum, Mr. Ray, Mr. Tauke, Mr. Johnson of South Dakota, and Ms. Pelosi.

H. Con. Res. 211: Mr. Espy and Mr. Dornan of California.

H. Con. Res. 237: Mr. Lagomarsino, Mr. Feighan, Mr. Schuette, Mr. Bonker, Mr. Kasich, Mr. Bennett, Mr. Fawell, Mr. Boland, Mr. Kastenmeier, Mr. McMillen of Maryland, Mr. AuCoin, Mr. Rowland of Connecticut, Mr. Ford of Michigan, Mr. Dicks, Mr. Lowry of Washington, Mr. Bustamante, Mr. Ackerman, Mr. Glickman, Mr. Henry, Mr. Weiss, Mr. McHugh, Mr. Sikorski, Mr. Durbin, Mr. Moorhead, and Mr. Espy.

H. Con. Res. 238: Mr. Grandy, and Mr. Solomon.

H. Res. 300: Mr. Sunia, Mr. Dornan of California, Mr. Owens of New York, Mr. Bateman, Mr. Hochbrueckner, Mr. Lagomarsino, Mr. Hyde, Mr. Moorhead, Mr. Boulter, Mr. Porter, Mr. Weldon, Mr. Jeffords, and Mr. Weber.

H. Res. 338: Mr. Bilirakis.

H. Res. 350: Mr. Bates, Mr. Goodling, and Mr. Nielson of Utah.

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SENATE—*Tuesday, Feburary 2, 1988*

The Senate met at 11:30 a.m. and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Almighty God, Everlasting Father, Senators are tempting targets for relentless, voracious attacks on their integrity, performance, personal, and family lives. May Your servants find reassurance and encouragement in God's promise through the prophet, Isaiah: "No weapon that is formed against thee shall prosper; and every tongue that shall rise against thee in judgment thou shalt condemn. This is the heritage of the servants of the Lord, and their righteousness is of me, saith the Lord."—Isaiah 54:17. Thank You, Faithful Lord, for Your provision and Your unconditional love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 2, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF THE MAJORITY LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting Republican leader is recognized.

The acting Republican leader.

Mr. SIMPSON. Mr. President, I look forward to working with the majority leader if we get into substantive matters at the beginning of the session here. I think we can keep an active calendar and I will pledge to certainly try to do that. I believe I have nothing further to add. I thank the Chair. I reserve the remainder of my time, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12 noon with Senators permitted to speak therein for not to exceed 2 minutes each.

SCHEDULE

Mr. BYRD. Mr. President, if the distinguished Senator from Wisconsin will allow me to proceed just for a minute, there are a couple of measures, may I say to the distinguished assistant Republican leader, that we are attempting to get worked out for action.

One is Calendar Order No. 227, S. 237, by Messrs. THURMOND, METZENBAUM, and SPECTER.

There is also another bill that we are hoping to be able to proceed to and get a time agreement on and that is Calendar Order No. 301, by Mr. GLENN and others, a bill to amend the Inspector General Act.

Mr. President, I know our respective staffs have worked hard on both of these measures and I would encourage the Senate to proceed on these two measures today or between now and the close of business Thursday.

Mr. President, I should say at this point that we will have the Kennedy nomination up tomorrow. That is under a time limitation. I have no doubt that the Senate will unanimously, or at least overwhelmingly, vote to confirm Mr. Kennedy to fill the vacancy on the Supreme Court of the United States. I support that nomination.

Then on Thursday, depending on the outcome of the vote in the House on Contra aid, the Senate, if the House passes the Contra aid legislation, will take up that matter. There is a provision in the law for a limitation on debate. The matter would have to be acted on no later than 10 p.m. Thursday.

We have as the unfinished business now the campaign finance reform legislation. I do not intend to offer a cloture motion on that legislation, which would ripen this week. So I should say at this point if we can dispose of these other matters, such as the two items I have alluded to earlier, it would be my plan to go out this Thursday evening and not come in Friday.

Mr. President, I thought that might be a helpful premise for us at this point, if we could encourage time agreements on these two items as we go along. We may be able to do a good bit of work and at the same time be able to take up matters which may be a little more controversial after the recess, matters which would require a little more time.

The ACTING PRESIDENT pro tempore. The acting Republican leader is recognized.

Mr. SIMPSON. Mr. President, I thank the majority leader for giving us an overview of activities and what could occur if we were to do certain of our activities before the end of the week.

Mr. President, I think the staff has indeed worked very diligently to get a unanimous-consent agreement on the so-called lobbying bill sponsored by Senator METZENBAUM and Senator THURMOND.

The inspector general bill seems to be close to a unanimous-consent agreement. I do believe one of our colleagues is concerned about an amendment, but that amendment could come anyway, if we did not get a unanimous-consent agreement. So perhaps that can be worked out. I certainly hope so.

Now that we have in prospect confirming Judge Kennedy, I hope that we can now start processing the other nominations for judgeships within the Federal system. I know the chairman of the Judiciary Committee is also hopeful, and the majority leader and I

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

are both on the Judiciary Committee and actively interested in this.

The chairman has advised and has indicated that he would like to do that.

I was at two hearings of the Judiciary Committee on nominations this week, with excellent candidates presented by Democratic and Republican Members speaking on their behalf. There is a tremendous backlog there that we must get to. I know the chairman of the Judiciary Committee wishes to do that. Certainly the Bork hearings, the Ginsburg nomination, and the Kennedy hearings have slowed the process. I hope we will all get about our activities, our business, on that matter.

Mr. PROXMIRE. Mr. President, if the Senator will yield, I hope the Senate will also consider implementing the Genocide Convention. That convention, which we approved 2 years ago, will have no force or effect until we pass implementing legislation. So I hope the Judiciary Committee will act on that in this session.

Mr. SIMPSON. Mr. President, I supported the Senator from Wisconsin on that matter. I certainly pledge to do all I can to assist.

Mr. BYRD. Mr. President, if the Senator from Wisconsin will allow me to proceed for 30 seconds, I should mention the motion to proceed to the appointment of conferees on the catastrophic illness legislation will be made this afternoon, unless unanimous consent can be given. That may necessitate a rollcall vote. The motion will be debatable and filibusterable and all those things, which I hope will not occur.

I thank the distinguished assistant leader, and I thank the distinguished Senator from Wisconsin.

Mr. PROXMIRE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. I ask unanimous consent to proceed for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOW DO WE BRING DEMOCRACY TO NICARAGUA?

Mr. PROXMIRE. Mr. President, what is the prime argument of those who favor Contra aid? Is it that the overthrow of the Sandinista government of Nicaragua is necessary for the national security of the United States? Of course not. Compared to United States military power, Nicaragua's military forces do not have the force of a butterfly's hiccough. Is it to prevent Central America from falling under Communist domination through Nicaraguan aggression? No way. An invasion of any of its neighbors by Nicaragua would promptly trigger the Rio treaty, ringing the full and decisive force of United States military power to bear against Nicaragua. Is it to prevent the extension of Cuban or Soviet Russian power in Central America? No, indeed. Nicaragua is already governed by a Sandinista cabal supported by and working closely with Cuba and the Soviet Union.

So what is the basis of the argument that the United States should subsidize this group of renegade guerrillas who have no chance to win in Nicaragua but have been killing its people—especially its most vulnerable and isolated rural civilians, murdering their women and children, burning their homes, slaughtering their livestock and pushing this already poor country deeper and deeper into misery and poverty? The answer is simple. In fact, it is simple minded. The answer is that the Senate champions of subsidizing this killing by the Contras contend that this is the way to overthrow the Communist dictatorship of Daniel Ortega and bring in a Contra-lead democracy. Aid for the Contras has become in the mind of its supporters a crusade for democracy. How is this supposed to happen? Can anyone believe that if the Contras can be beefed up enough so they can kill several thousand more Nicaraguan civilians, burn their barns and homes, slaughter and carry off their livestock, and murder their women and children, the people of Nicaragua are going to be so grateful for this treatment that they will welcome them as saviours and elect them to run their country? Contra or Contra backed candidates for public office would have as much chance of winning a democratic election in Nicaragua as Castro would have of being elected mayor of Miami. So assume the impossible. Assume that with all-out U.S. support, certainly requiring the support of American troops, the Sandinistas are crushed and the Contras installed in office. Then what happens? Could the Contras hold office? Yes. How? The same way Somoza held office for so long in Nicaragua. They could hold office as American puppets, propped up and maintained by American military force. Would that bring democracy? No way. Consider what happened in the painful years. The United States-supported, Somoza-run Nicaragua. If we kick out Ortega with American force, we do not get democracy. Oh, of course, we do get a pro-American government, in place of the Sandinista pro-Cuban, pro-Soviet government. Why isn't that an improvement? Because the existence of such an American imposed government that can only stay in power by force is a constant reminder to Central American democracies and to the world that the great bully of the north is imposing its will. If we win with this policy in Nicaragua, we really stoke the fires of anti-Americanism and pro-communism, especially on our southern border.

So how do we win for democracy in Nicaragua? First and foremost, we recognize that the kind of government any sovereign country, big or small, in the Western Hemisphere or anywhere else in the world has should be for that country to determine. Second, we recognize that the Central American neighbors of Nicaragua—every one a democracy, each with a far greater stake in the kind of government Nicaragua has than we have—have agreed on a plan that certainly represents the best hope of American peace. This is the Arias plan that won President Arias the Nobel Peace Prize. The Arias plan offers a genuine alternative attempt to achieve peace. And those Central American democracies and the Nicaraguan bishop that leads the attempt to negotiate peace plead with us not to fund the Contras. The Arias plan may or may not succeed. We should certainly give it every chance, and that especially means no aid to the Contras. If the plan succeeds or fails, we should under no circumstances fund the Contras. We should patiently work year after year with trade and with Peace Corps-type aid to assist Nicaragua to overcome its poverty. In the long run, this kind of policy cannot lose. It will take something this Congress and this country is not good at: patience and time, perhaps a long time. After all, our country has been associated with violence against the people of Nicaragua for decades. But in the long run, and especially with the support of our friends in the Central American democracies, if we persist, we cannot lose.

WOMEN IN THE MILITARY—A TIME FOR CHANGES

Mr. PROXMIRE. Mr. President, events continue to demonstrate that it is time for Congress to examine the laws governing women's participation in the services and change these laws so they accurately reflect current circumstances and current needs.

Last February, along with Senator COHEN, I introduced a bill, S. 581, which would clarify the law governing women in the services and thus expand the number of combat-support positions open to women. This bill would not undermine the present combat-exclusion law, nor would it seek to place women in combat. Instead, it is an evolutionary step designed to clarify the existing laws so women can have more fulfilling careers.

Women can and should have greater and more rewarding career opportunities in the armed services. The integration of women into all three branches of the service has been a successful and mutually beneficial experience. As Adm. Dudley Carlson said at a recent Senate hearing, women "are every bit as capable as men across the complete spectrum."

A final issue focuses attention on this legislation: The declining pool of eligible males in the 1990's. In order to keep manpower high and our forces strong, both the services and Congress will have to find ways to encourage more people to enlist. The most obvious and easiest approach to this manpower shortage would be to open up more positions to women within the existing combat-exclusion framework. S. 581 would go a long way in correcting this situation.

The DACOWITS report of last August made it clear that major changes need to occur in the way women are treated in the services, most importantly by expanding career opportunities. The report examined the treatment of women in the Navy and the Marines stationed in the Pacific and cited problems of widespread discrimination, verbal and sexual harassment, and lack of career opportunities. DACOWITS President Jacquelyn K. Davis cited the narrowness of title 10 as being largely responsible for the problems found in the Pacific.

Unless women are provided with full and rewarding career opportunities, they will continue to be treated as second-class soldiers and problems like those reported from the Pacific will be the norm, not the exception.

The problems with the law governing women in the services were discussed in further detail by a General Accounting Office report provided last November to Senator COHEN and myself. The report draws two major conclusions. First, the Women's Armed Services Integration Act of 1948, which is the law governing women in the services, is outdated because combat and the role of women in society has changed vastly. Combat now has a greater emphasis on technology rather than physical strength. In addition, women are serving in many nontraditional and in some cases dangerous positions in our society.

The GAO report makes a second important conclusion. It states that there are inconsistencies in the interpretation and application of the combat-exclusion law among the three branches of the services which ultimately result in the inhibition of "the career progression of women in the military by excluding them from jobs they are capable of filling." This important report makes it clear that it is time for Congress to address the serious deficiencies which exist in laws governing women in the military.

A surprising event occurred last December with the Secretary of the Navy's announcement to open up more combat-support positions to women. While Secretary Webb deserves praise for this step, his decision won't mean very much unless Congress moves to correct the inconsistencies which the GAO report discussed.

Ample evidence exists to show that women are not receiving full opportunities in the services and that the laws which govern them are the major cause of this problem. It is appalling that women must serve under second-rate conditions. Only Congress can correct this situation, and I believe that it is time to act.

REPEAL OF GLASS-STEAGALL

Mr. PROXMIRE. Mr. President, I ask unanimous consent that three editorials from the New York Times and one each from the Wall Street Journal and the Journal of Commerce supporting legislation I have introduced to repeal the Glass-Steagall Act be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 5, 1987]

WHAT IS A BANK?

Big commercial banks have long had a big itch: to enter markets for financial services reserved for investment bankers, stockbrokers and insurance companies. Now the Federal Reserve Board appears ready to scratch. After a public hearing this week at which Wall Street's heaviest weights are making one last attempt to defend their turf, the Fed is likely to extend the banks' powers to underwrite a variety of securities.

Increased competition in underwriting should cut borrowing costs for business and local governments. But that's just a first, easy step toward rationalizing the financial services industry. Gerald Corrigan, president of the Federal Reserve Bank of New York, offers a bold outline for reform.

During the Depression it was widely believed that stock speculation was responsible for the collapse, of the banking system. To prevent a recurrence, Congress passed the Glass-Steagall Act barring banks from most securities business.

In fact, the system failed because the Federal Reserve did not act vigorously to check the fall in bank reserves, as worried depositors withdrew money. Today, the threat to the stability of the system plainly lies in activities untouched by Glass-Steagall: loans to foreign governments, real estate developers and the energy industry. Banks would now be better able to withstand losses in these activities if they had been able to diversify into the securities industries.

Congress would have modified Glass-Steagall by now were it not for opposition from protected investment bankers. Their loss would be the public's gain, as competition from commercial banks would push down the stiff fees charged for underwriting bonds and other securities.

The encouraging prospect is that the Fed is about to do through statutory interpretation what Congress has not done by law—permit bank subsidiaries to underwrite all municipal bonds, short-term corporate debts and securities backed by home mortgages and car loans.

This is only a beginning. Big financial corporations—Citibank, Merrill Lynch, Sears—believe they can remain globally competitive only by offering a full range of services. Their lawyers have been working overtime to exploit loopholes and state rivalries to establish beachheads in brokerage, insurance, underwriting and traditional banking. Many banks now sell insurance in their lobbies; many insurers offer checking services.

This new competition has proved generally beneficial. Why not let the big boys chew away at the barriers between their industries?

The pace of reform shouldn't be left to private initiative alone. Neither should the rewards be appropriated by firms with the cleverest lawyers. It isn't clear, moreover, that every market-broadening change would serve the public.

Gerald Corrigan wisely argues that the current legal distinctions between financial industries make little economic sense. But banks shouldn't be allowed to use their depositors' money to discriminate in favor of their own manufacturing subsidiaries—or against competitors of such subsidiaries. Nor should government insurance of bank deposits implicitly cover a bank's investments in, say, its own chain of fast food restaurants.

Mr. Corrigan proposes to eliminate barriers between financial services but to strengthen the wall between traditional banking and non-financial commerce. This would allow financial companies to expand to serve almost every need. But it would minimize the incentives for favoritism in investment decisions, as well as the risks to government-insured deposits.

The Corrigan proposal may not be faultless. At the very least, however, it offers a valuable framework for a much more sophisticated debate. It's an opportunity for Congress to welcome, and seize.

[From the New York Times, June 11, 1987]

THE BETTER WAY TO HELP U.S. BANKS

The financial supermarket chains are coming, if the Reagan Administration has its way. Big commercial banks have long pushed to expand across state lines and into related financial markets. Now the Treasury Under Secretary, George Gould, would go further to encourage mergers between banks and industrial corporations, creating megabanks with enough capital to compete with huge banking conglomerates in Japan and Europe.

It makes sense to let banks diversify into securities underwriting, insurance and other financial services. The potential gains in efficiency outweigh the risks to the competitiveness or stability of the banking system. But injecting capital through mergers is a solution to a problem that doesn't exist. American banks may be having difficulty competing with giant foreign rivals, but their difficulties have little to do with size or access to equity.

Present laws sharply restrict commercial banks' entry into new markets. But that hasn't prevented other enterprises from poaching on the bankers' turf. Ford, for example, finances home mortgages. G.E. is a major commercial lender.

The banks are fighting back, exploiting legal loopholes to breach barriers against interstate banking. They have also persuaded the Federal Reserve to broaden their securities underwriting powers. The public should benefit, as competition spurs innovation and lowers the prices of financial services. Diversification, moreover, is likely to reduce the chance of bank failures. But

some market barriers can't be crossed without Congressional action. That's why the Reagan Administration has been pressing for major reforms since 1983.

One way to rationalize the financial system is to let banks enter restricted markets but reinforce rules against anticompetitive practices. Banks, for example, would be barred from tying loans to the purchase of other services, like insurance or stock underwriting. A radical alternative, offered by the Brookings economist Robert Litan, addresses the worry that banks would plunge recklessly into new businesses, putting deposits at risk. Mr. Litan would allow banks to enter any financial market, but require diversified institutions to back all insured deposits with Government bonds.

Probably the best reform is a blend of the two—some combination of tough rules against tying services plus higher capital requirements for banks that choose to expand into new markets. But that could easily be accomplished apart from the Treasury's merger initiative, which follows from the dubious assumption that American banks need a huge infusion of capital to remain competitive in global markets.

Japan's biggest banks, like Dai Ichi Kango and Fuji, now have nearly twice the assets of Citicorp. But few analysts believe that giant size in itself offers advantages in serving customers. Japanese banks can offer loans at lower rates largely because their regulators tolerate very low capital reserves. Risk is contained only by implicit government guarantees against the failure of any large corporate enterprise.

America is not culturally suited to such intimacy between government and business. And in any case, it is not about to expose its financial system to greater risk by allowing its banks to pyramid assets on more fragile bases of capital. The most realistic hope for remaining competitive is to give bankers greater opportunity to do what they do best: provide innovative services in rapidly changing markets.

The time is ripe for banking reform. But the focus should be on straightening out the crazy quilt of regulations that distort competition, not on imitating the Japanese.

[From the New York Times, Nov. 23, 1987]

LET BANKS SELL SECURITIES

Does the stock market crash undermine the case for allowing commercial banks to compete in the securities business? No, say two financial heavyweights, William Proxmire, chairman of the Senate Banking Committee, and Alan Greenspan, chairman of the Federal Reserve. They conclude that the potential benefits of a careful liberalization far outweigh the risks to the stability of the banking system.

They're right—but it won't be easy to assemble a coalition strong enough to overcome opposition from the investment bankers.

The Glass-Steagall Act, passed in the wake of hundreds of bank failures in the 1930's, created a wall between banking and the securities business. Without the wall, it was argued, banks would be vulnerable to a stock market crash and the banking system would be dragged down with the securities dealers. Looking back, it's far from clear that Congress diagnosed the ailment correctly in 1933, or provided the right prescription.

No amount of regulation, short of requiring banks to get out of the business of lending money, could protect the solvency of banks in the sort of economic collapse experienced in the early 1930's. The system's real protection isn't Glass-Steagall, but the commitment of the Federal Reserve to act as a lender of last resort to banks.

Senator Proxmire, long skeptical about bank reform, has now concluded that competition from banks would drive down underwriting fees, often running to millions of dollars on large transactions, without significantly weakening the banking system. His bill would add another layer of protection for depositors by requiring banks to run their securities affiliates as separate businesses with separate capital. And it would prevent huge banks from monopolizing the securities business by limiting market concentration and by setting strict conflict-of-interest rules.

The Proxmire liberalization plan doesn't go far enough. It would not allow banks to sell insurance or to broker real estate. That political concession may mute opposition from insurance and real estate lobbies. But it offers nothing to diversified financial companies, like Merrill Lynch and American Express, that are interested in going into the banking business. And it leaves no goodies for smaller banks that would like to sell insurance, but could care less about underwriting securities.

In spite of support from the Fed, Congressional reformers face long odds in their quest to defeat entrenched investment banking interests. But as Robert Litan, an economist at the Brookings Institution, notes, the banks may not wait for Congress to act. State legislatures can leagally give state-chartered banks the right to enter related businesses. And with the tacit approval of the Federal regulators who oversee deposit insurance, some states have already expanded bank powers.

The real choice in the long run, then, is between piecemeal bank deregulation by the states and uniform national reforms buttressed by increased regulatory scrutiny. Sooner or later—preferably sooner—a majority in Congress will understand that this is no choice at all and pass something like the Proxmire plan.

[From the Wall Street Journal, Feb. 13, 1987]

BANKING ON DEREGULATION

A lot of high-priced banking talent hopped the shuttle from Wall Street to the Federal Reserve in Washington last week to argue over four words in a 1933 statute. The Glass-Steagall Act prohibits deposit-taking banks from being "principally engaged" in underwriting "ineligible securities," thus separating commercial banks and investment banks.

The idea behind this New Deal legislation was to protect depositors by restricting the kinds of investments banks could make with funds in demand accounts. Some bank regulation is necessary, but the notion that the Depression was caused by too little regulation is a myth. Brookings senior fellow Robert E. Litan wrote recently that "there was no evidence that the securities underwriting practices were a significant cause of the collapse of the banking system or that certain highly publicized abusive underwriting practices were widespread." In our view, the Depression was caused by protectionism, but showed up first in the financial markets because they correctly anticipated political actions and their economic effect.

Whatever the original value of the commercial/investment bank distinction, the markets have eroded it. For one thing, no industry is more international than banking. U.S. banks' foreign competitors are not hobbled by Glass-Steagall. Commercial banks discovered that the only way they could get into new financial services was to get passports for their employees. London and Tokyo have become beehives of American bank subsidiaries underwriting corporate debt and making other investments denied them in the U.S. On the other foot, when Goldman Sachs went looking for an infusion of capital, it found a commercial bank that wasn't bound by Glass-Steagall—Japan's Sumitomo.

The big irony is that restricting the investments that banks can make *increases* the risk to depositors. The very key to bank soundness is a diversified loan portfolio. Restricting thrift institutions to fixed-rate mortgages was a blunder only regulators could make. Ditto the farm credit system. Commercial banks haven't been able to diversify their portfolios into new instruments like mortgaged-backed securities; instead, they're stuck with Third World debt. Commercial banks are especially troubled by being frozen out of the commercial-paper market. This short-term corporate debt is now a $300 billion market, up from $15 billion only 20 years ago. By issuing this paper, the big investment banks have eaten away at the commercial banks' best, least risky clients.

Only about one-third of all assets held by financial institutions are now held by commercial banks, down from more than half in 1946. Thrifts, insurance companies, pension funds and investment banks now hold the bulk of financial assets. Bankers have responded to this loss of business in a healthy way. The don't want protection, they want freedom to compete.

Congress has been the stumbling block. Despite the slogan of "American competitiveness." Democratic Reps. Fernand St Germain and Charles Schumer have sandbagged all efforts to reconsider Glass-Steagall. Fed Chairman Paul Volcker has also begged Congress for years to take up the issue, even urging that commercial banks be allowed into all kinds of underwriting, including corporate. Wearying of congressional inaction, the banks have come knocking at Mr. Volcker's door.

Citicorp, J.P. Morgan and Bankers Trust have applied to the Fed for permission to have their holding companies begin underwriting commercial paper, mortgage-backed securities and municipal revenue bonds. Brokers at the big investment banks now perform the bulk of these activities. The three banks pledged in their applications that the new activities would not exceed 15 percent of the business of the holding companies. While Mr. Volcker doesn't think the Fed has the power to undo Glass-Steagall on its own, the 15 percent limitation puts the Fed on the spot since this seems within the "principally engaged" test.

The problem is that there are a handful of issues that have to be resolved before the barriers for commercial banks can be lowered. Chief among these is the role of explicit FDIC guarantees, and implicit Fed guarantees to prevent a string of bank failures. Commercial banks obviously get a benefit from federal insurance, which they shouldn't use for gambling with risky investments. Gerald Corrigan, president of the New York Federal Reserve Bank, has published a long paper trying to sort out what kind of regulation will have to remain.

While details have to be worked out, the markets have already made a big step toward deregulation almost inevitable. And as usual, the markets are right; more competition among financial institutions will cut costs and promote efficiency. The only question is how deregulation will come—through the Fed by inducing banks to exchange federal charters for state ones, or by exporting the banks to London. By far the best solution would be for Congress to get to work moving the laws into the modern age.

[From the Journal of Commerce, Mar. 12, 1987]

Take Off the Hobbles

The news—bare-bone events unadorned with editorial opinion—sometimes proves a more telling commentary than any embellishment an editorial writer may add. The report that American Express was entering the credit card business, we feel, was that kind of event. It provided moot commentary on the approval by the Senate Banking Committee of legislation freezing for more than a year the ability of banks to deal in securities, insurance or real estate.

American Express is not a bank, but in many ways it behaves like a bank. It was one of the earliest issuers of travelers' checks. It was also one of the first to enter the payments card field, although until now its card has been a cash card; there have been no extended payments for which it charted interest. At the same time, however, it owns Shearson Lehman Brothers, a major brokerage house, and remains an important shareholder in Fireman's Fund, the big West Coast insurer it once owned outright.

Now American Express is proposing to issue a true credit card in direct competition with Visa and MasterCard issued by banks. It hopes to lock in its place in the market by charging interest between 1.7 and 1.8 times the prime rate, currently no higher than 13.5% and well below the 18% or more most banks charge.

From our point of view, the added competition is a great thing. But, we wonder, why should it be one-way? Why shouldn't the banks be permitted to offer competition to brokerage house, real estate and insurance interests? Specifically, why should Bankers Trust, Citicorp and J.P. Morgan, which have applied to the Federal Reserve to underwrite municipal bonds, mortgage-backed securities and commercial paper, be barred from doing so even for only another year?

It's like putting two basketball teams on the court, one with their legs hobbled together, the other free to move. If competition is good for the banks, it ought to be equally good for the securities, insurance and real estate people.

Mr. PROXMIRE. I yield the floor.

ORDER OF PROCEDURE

Mr. HEINZ addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I do not believe the Senator needs that unanimous consent, does he? Are we in morning business?

The ACTING PRESIDENT pro tempore. We are in morning business under a 2-minute allocation.

Mr. BYRD. I ask unanimous consent that that restriction be changed to not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRADE ADJUSTMENT ASSISTANCE

Mr. HEINZ. Mr. President, as has been evident for the last week and a half each new session of Congress brings with it a new agenda, and new hopes for legislative action. But, before this year's new business overwhelms us, we should remind ourselves of the promises we made last year.

Last year's most important promise, in my mind, was that of passing a tough but fair trade bill. The fate of that legislation, frankly, right now is unknown, despite hours of negotiations. While we, somewhat like expectant parents, nervously wait to see what indeed comes out of all that work, there are those for whom its safe and final delivery is absolutely crucial.

For America's dislocated workers, the timely passage of the trade bill is not just a question of policy, it's a question of bread and butter. Literally. For those in need of our help, our getting that legislation out of conference and enacting it into law will determine whether they have the money to put food on the table, to clothe and care for their children, or to be able to get necessary schooling and retraining.

Mr. President, some 2 million American workers annually lose their jobs because of plant closings or layoffs. Half of those are displaced from manufacturing, the Department of Labor reports, and while many may have been sufficiently skilled for their previous jobs, most are not equipped for the intense competition of today's rapidly changing workplace. Indeed, the National Academy of Sciences estimates at least one-fifth of dislocated workers lack basic skills, skills now more than ever before necessary for getting and holding a job. With 15 percent of our Nation's total current work force estimated to be functionally illiterate, for some, even filling out a job application, is a challenge.

But, Mr. President, those who think our workers cannot meet the challenge are just plain wrong. Our displaced workers have been hard workers, and they are more than ready to retool themselves and their skills and help get America's economy back on its feet. The real question is whether we, as legislators, are ready to help them meet that challenge. Lipservice doesn't cut it—we must keep our promises, and I think every worker in America will be watching what we do with the trade bill. They know, just as we do, that the fate of that legislation is the real test of our commitment, of our ability to keep our promises.

Each year, thousands of American workers are displaced because of our trade policy—or lack of it. And we, whether we like it or not, are directly responsible. Most of these people put in long years at their plants. Suddenly, they find themselves unemployed for weeks, months, even years at a time. And so they turn to us for help. That help, as it turns out, often takes a disgracefully long and complicated time in coming. Sometimes it never arrives. But these workers know nothing comes without hard work. So, they fill out so many forms that it makes even April 15 look like a breeze. But tackling the paperwork isn't even half the problem, for, while they may do their share, we in Congress haven't been doing ours.

The Trade Adjustment Assistance Program is the primary job training and income assistance measure for trade-impacted workers. The program provides up to 2 years of training, and 52 weeks of income support, to workers who lose their jobs from import competition. Last year, on April Fool's Day, ironically enough, all funds for TAA training were exhausted. In July, therefore, after months of delay, a $20 million supplemental was enacted. Despite this additional funding, 750 workers in Pennsylvania, and nearly 300 in West Virginia, to name only two, have yet to receive any training whatsoever.

This year, exhaustion will probably come even sooner. In my State of Pennsylvania, we anticipate that 2,500 workers from the Volkswagen plant in New Stanton, and another 2,500 from the Babcock & Wilcox plant in Beaver Falls, will soon be eligible for program benefits. The cost to retrain these workers alone could reach $20 million. Well, Mr. President, there is only $48 million provided, nationwide, for the entire training program.

Now I'll admit that $48 million is a major increase from the $29 million appropriated in the 1986 continuing resolution, but it still is not enough. Workers are going to become backlogged, and we could lose thousands to permanent dislocation if Congress does not take action soon.

The trade bill provides essential improvements in the TAA Program. If enacted, the Senate version of H.R. 3 would make TAA training an entitlement, and fund the program from a dedicated trust fund. Thus, the annual appropriations shortfall would be eliminated, and workers would at last have a legally enforceable claim to their training.

Until the trust fund is established, however, we owe it to trade-impacted workers to provide training funds up front. We need to match our rhetoric

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with action. We must provide supplemental funding for TAA training.

Last year's promise of help to dislocated workers will be meaningless if those same workers must wait months or years to enter long-term retraining. We need the help that the trade bill provides, and we need supplemental training funds, now.

I urge my colleagues to work toward both goals.

Mr. BYRD. Mr. President, I commend the Senator from Pennsylvania [Mr. Heinz] on his timely and cogent remarks. I should say for the record that the Democratic leadership in the House and the Democratic leadership in the Senate met this morning and agreed that we should press on and develop this bill, which is in conference, and support it and, hopefully, put it on the President's desk in March.

The Senate sent to the conference a good trade bill. It is not a protectionist bill. It was a bill put together by nine committees in the Senate. It is a comprehensive piece of legislation. It deals with research, with education, and it is calculated to make this country a competing country in world markets again. It is legislation that is needed.

I recognize that there are those who would denominate any bill a "Protectionist" bill if it would deal with trade. The White House is pretty good at that. But this was not a protectionist bill that was sent to the conference by the Senate. It was supported by more than 70 Senators. So it was obvious that it had strong bipartisan support.

I say again, in closing, that the leadership on both sides of the Hill, the Democratic leadership, is committed to sending a bill to the President's desk in March.

I again compliment the Senator from Pennsylvania. He is striking the right note with a timely speech. We must get on with this legislation. The country expects it; the country deserves it; the American worker deserves it; American industry needs it. So I am committed, and I am going to do everything I can.

I talked with Senator Bentsen, the chairman of the Finance Committee. Senator Bentsen and Representative Rostenkowski, the chairman of the Finance Committee in the Senate and the chairman of the Ways and Means Committee in the House, respectively, were tied up in the negotiations last November dealing with a budget deficit reduction agreement. They were principal players in that action. They are principal players in the conference on the trade legislation. I have talked with Senator Bentsen, and a date has been set when they intend to start the conference.

In the meantime, the other eight committees in the Senate have carried on discussions with their counterparts in the House and have resolved several of the points that had to be resolved. So progress has been made on developing a bill in conference, and that progress will now be speeded up.

I feel that I can say without any hesitation that we are going to put a bill on the President's desk. We are making every effort to do it in March.

I yield the floor.

RECESS UNTIL 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12 noon having arrived, the Senate will now stand in recess until the hour of 2 p.m.

There being no objection, the Senate, at 12:01 p.m., recessed until 2 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. Harkin].

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business continue for 15 minutes. Senators may be permitted to speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTION AGAINST CATASTROPHIC ILLNESS

Mr. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 2470.

The PRESIDING OFFICER (Mr. Harkin) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 2470) titled "An Act to Amend Title XVIII of the Social Security Act to Provide Protection Against Catastrophic Medical Expenses Under the Medicare Program, and for Other Purposes" and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD. Mr. President, I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Bentsen, Mr. Baucus, Mr. Bradley, Mr. Mitchell, Mr. Pryor, Mr. Dole, Mr. Chafee, Mr. Heinz, and Mr. Durenberger conferees on the part of the Senate.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

(The remarks of Senator Melcher appear later in today's Record under Statements on Introduced Bills and Joint Resolutions.)

(Mr. MELCHER subsequently said:)

Mr. President, I am prepared to yield the floor.

May I inquire of the distinguished majority leader whether there is any need to ask for a quorum call?

Mr. BYRD. In response to the question of the distinguished Senator, I should say that discussions are going on with respect to certain bills on the calendar. I hope that we might be able to take up a bill this afternoon. In the meanwhile, it might be of benefit to all of us if the Senate will recess for a little while, unless the Senator wishes to speak further.

Mr. MELCHER. I thank the majority leader. I have no further requirement at this time.

RECESS UNTIL 3 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

There being no objection, the Senate, at 2:14 p.m., recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. Mikulski].

UNANIMOUS CONSENT AGREEMENT—S. 908

Mr. BYRD. Mr. President, I do not put the request at this time but for the information of the Senate, this request, when it is promulgated, will concern Calendar Order No. 301, S. 908.

Madam President, I ask unanimous consent that, at such time as Calendar Order 301, S. 908, is called up for business before the Senate it be considered under the following time limitation:

Two hours, equally divided, on the bill to be controlled by the chairman of the Governmental Affairs Committee [Mr. Glenn] and the ranking member [Mr. Roth] or their designees; that there be 30 minutes on a modification of the committee substitute to be offered by Mr. Glenn, which would strike the NRC Office of Investigations language from the committee substitute; provided further that the committee substitute, as modified, would be agreed to for the purposes of further amendment immediately following the modification by Mr. Glenn; ordered further that there be 30 minutes on an amendment by Mr. Glenn to add an inspector general at the IRS in addition to the one for the Treasury Department; ordered further that no additional amendments be in order; that no motions to recommit with or without instructions be in order; that on any debatable motions or appeals or points of order if submitted to the Senate by the Presiding Officer there be a limitation of 20 minutes to be equally divided in accordance with the usual form; and that the entire agreement be in the usual form, provided that no call for the regular order may displace this bill.

The PRESIDING OFFICER. Is there objection? Hearing none, the unanimous-consent request is agreed to.

Mr. BYRD. Madam President, the distinguished assistant Republican leader is to be thanked for his cooperation and assistance in reaching this agreement and he is on the floor.

INSPECTOR GENERAL ACT AMENDMENTS

Mr. BYRD. Mr. President, I now ask unanimous consent that the Senate proceed to consideration of Calendar Order No. 301, S. 908.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. No objection.

The PRESIDING OFFICER. It is so ordered.

The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 908) to amend the Inspector-General Act of 1978.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the bill.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Inspector General Act Amendments of 1987".

CONFORMATION OF AUTHORITIES OF EXISTING OFFICES OF INSPECTORS GENERAL

SEC. 2. (a) Section 2(1) of the Inspector General Act of 1978 is amended to read as follows:

"(1) to conduct and supervise audits and investigations relating to the programs and operations of the establishments listed in section 11(2);".

(b) Section 9(a)(1) of such Act is amended—

(1) by striking out subparagraph (I);

(2) by redesignating subparagraphs (M) and (N) as subparagraphs (O) and (P), respectively;

(3) by redesignating subparagraphs (J) through (L) as subparagraphs (K) through (M), respectively;

(4) by redesignating subparagraphs (E) through (H) as subparagraphs (G) through (J), respectively;

(5) by inserting after subparagraph (D) the following new subparagraphs:

"(E) of the Department of Energy, the Office of Inspector General (as established by section 208 of the Department of Energy Organization Act);

"(F) of the Department of Health and Human Services, the Office of Inspector General (as established by title II of Public Law 94-505);"; and

(6) by inserting after subparagraph (M) (as redesignated by paragraph (3) of this subsection) the following new subparagraph:

"(N) of the Railroad Retirement Board, the Office of Inspector General (as established by section 23 of the Railroad Retirement Act of 1974);".

(c) Section 11 of such Act is amended—

(1) by inserting "Energy, Health and Human Services," after "Education," each place it appears in paragraphs (1) and (2);

(2) by striking out "Community Services," in paragraph (1);

(3) by striking out "the Community Services Administration," in paragraph (2);

(4) by inserting "or the Chairman of the Railroad Retirement Board," before "as the case may be" in paragraph (1); and

(5) by inserting "the Railroad Retirement Board," after "National Aeronautics and Space Administration," in paragraph (2).

(d)(1)(A) Section 208 of the Department of Energy Organization Act is repealed.

(B) The table of contents in the first section of such Act is amended by striking out the item relating to section 208.

(2) Title II of Public Law 94-505 is repealed.

(3) Section 23 of the Railroad Retirement Act of 1974 is repealed.

(e) The transfer of functions under the amendments made by subsection (b) shall not affect any individual, who on the date of enactment of this Act, is serving as the Inspector General of the Department of Energy, the Department of Health and Human Services, or the Railroad Retirement Board. Any such individual shall continue to serve in such position until such individual dies, resigns, or is removed from office in accordance with the Inspector General Act of 1978.

UNIFORM SALARIES FOR INSPECTORS GENERAL

SEC. 3. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Agency for International Development.

"Inspector General, Environmental Protection Agency.

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Railroad Retirement Board.

"Inspector General, Small Business Administration.".

(b) Section 5316 of such title is amended by striking out the paragraphs relating to—

(1) the Inspector General of the Department of Commerce;

(2) the Inspector General of the Department of the Interior;

(3) the Inspector General of the Agency for International Development;

(4) the Inspector General of the Community Services Administration;

(5) the Inspector General of the Environmental Protection Agency;

(6) the Inspector General of the General Services Administration;

(7) the Inspector General of the National Aeronautics and Space Administration; and

(8) the Inspector General of the Small Business Administration.

ESTABLISHING AN OFFICE OF INSPECTOR GENERAL IN THE DEPARTMENT OF THE TREASURY, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE NUCLEAR REGULATORY COMMISSION, AND THE OFFICE OF PERSONNEL MANAGEMENT

SEC. 4. (a) Section 9(a)(1) of the Inspector General Act of 1978 (as amended by section 2(b) of this Act) is further amended—

(1) by redesignating subparagraphs (O) and (P) (as redesignated by paragraph (2) of section 2(b) of this Act) as subparagraphs (S) and (T), respectively;

(2) by redesignating subparagraph (N) (as added by paragraph (6) of section 2(b) of this Act) as subparagraph (R);

(3) by redesignating subparagraphs (K), (L), and (M) (as redesignated by paragraph (3) of section 2(b) of this Act) as subparagraphs (L), (N), and (O), respectively;

(4) by inserting after subparagraph (J) (as redesignated by paragraph (4) of section 2(b) of this Act) the following new subparagraph:

"(K) of the Department of the Treasury, the office of that department referred to as the 'Office of Inspector General', and, notwithstanding any other provision of law, that portion of each of the offices of that department referred to as the 'Office of Internal Affairs, Bureau of Alcohol, Tobacco, and Firearms', the 'Office of Internal Affairs, United States Customs Service', the 'Office of Inspections, Internal Revenue Service', and the 'Office of Inspections, United States Secret Service' which is engaged in internal audit activities;";

(5) by inserting after subparagraph (L) (as redesignated by paragraph (3) of this subsection) the following new subparagraph:

"(M) of the Federal Emergency Management Agency, the office of that agency referred to as the 'Office of Inspector General';"; and

(6) by inserting after subparagraph (O) (as redesignated by paragraph (3) of this subsection) the following new subparagraphs:

"(P) of the Nuclear Regulatory Commission, the offices of that commission referred to as the 'Office of Inspector and Auditor' and the 'Office of Investigations';

"(Q) of the Office of Personnel Management, the offices of that agency referred to as the 'Office of Inspector General', the 'Insurance Audits Division, Retirement and Insurance Group', and the 'Analysis and Evaluation Division, Administration Group';".

(b)(1) Section 11(1) of such Act (as amended by section 2(c) of this Act) is further amended—

(A) by striking out "or Transportation or" and inserting in lieu thereof "Transportation, or the Treasury;"

(B) by striking out ", or the Director of the United States Information Agency" and inserting in lieu thereof a semicolon and "the Director of the Federal Emergency Management Agency, the Office of Personnel Management, or the United States Information Agency;"; and

(C) by inserting "the Nuclear Regulatory Commission or" before "the Railroad Retirement Board" (as added by section 2(c)(4) of this Act).

(2) Section 11(2) of such Act (as amended by section 2(c) of this Act) is further amended—

(A) by striking out "or Transportation" and inserting in lieu thereof "Transportation, or the Treasury;";

(B) by inserting "the Federal Emergency Management Agency," after "the Environmental Protection Agency,"; and

(C) by inserting "the Nuclear Regulatory Commission, the Office of Personnel Management," after "the National Aeronautics and Space Administration,".

(c) The Inspector General Act of 1978 is amended by inserting after section 8A the following new sections:

"SPECIFIC PROVISION CONCERNING THE NUCLEAR REGULATORY COMMISSION

"SEC. 8B. The Chairman of the Commission may delegate the authority specified in the second sentence of section 3(a) to another member of the Nuclear Regulatory Commission, and shall not delegate such authority to any other officer or employee of the Commission.

"SPECIAL PROVISIONS REGARDING THE DEPARTMENT OF THE TREASURY

"SEC. 8C. (a) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of the Treasury shall have general oversight responsibility for the internal investigations performed by the Office of Internal Affairs of the Bureau of Alcohol, Tobacco and Firearms, the Office of Internal Affairs of the United States Customs Service, the Office of Inspections of the Internal Revenue Service, and the Office of Inspections of the United States Secret Service. The head of each such office shall periodically report to the Inspector General the significant investigative activities being carried out by such office.

"(b) Notwithstanding subsection (a), the Inspector General of the Department of the Treasury may conduct an investigation of any officer or employee of such Department if—

"(1) the Secretary of the Treasury or the Deputy Secretary of the Treasury requests the Inspector General to conduct an investigation;

"(2) the investigation concerns senior officers or employees of the Department of the Treasury, including officers appointed by the President, members of the Senior Executive Service, and individuals in positions classified at grade GS-15 of the General Schedule or above or classified at a grade equivalent to such grade or above such equivalent grade; or

"(3) the investigation involves alleged notorious conduct or any other matter which, in the opinion of the Inspector General, is especially sensitive or of departmental significance.

"(c) If the Inspector General of the Department of the Treasury initiates an investigation under subsection (b), and the officer or employee of the Department of the Treasury subject to investigation is employed by or attached to a bureau or service referred to in subsection (a), the Inspector General may provide the head of the office of such bureau or service referred to in subsection (a) with written notice that the Inspector General has initiated such an investigation. If the Inspector General issues a notice under the preceding sentence, no other investigation shall be initiated into the matter under investigation by the Inspector General and any other investigation of such matter shall cease.

"(d)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General of the Department of the Treasury shall be under the authority, direction, and control of the Secretary of the Treasury with respect to audits or investigations, or the issuance of subpenas, which require access to information concerning—

"(A) ongoing criminal investigations or proceedings;

"(B) sensitive undercover operations;

"(C) the identity of confidential sources, including protected witnesses;

"(D) deliberations and decisions on policy matters, including documented information used as a basis for making policy decisions, the disclosure of which could reasonably be expected to have a significant influence on the economy or market behavior; or

"(E) other matters the disclosure of which would constitute a serious threat to national security or to the protection of any person authorized protection by section 3056 of title 18, United States Code.

"(2) With respect to the information described in paragraph (1), the Secretary of the Treasury may prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena, after the Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpena, if the Secretary of the Treasury determines that such prohibition is necessary to preserve the confidentiality of or prevent the disclosure of any information described in paragraph (1).

"(3) If the Secretary of the Treasury exercises any power under paragraph (1) or (2), the Secretary of the Treasury shall notify the Inspector General of the Department of the Treasury in writing of such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of the Treasury shall transmit a copy of such notice to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives, and to other appropriate committees or subcommittees of Congress, together with any comments the Inspector General deems appropriate.".

(d) Section 5315 of title 5, United States Code (as amended by section 3(a) of this Act) is further amended by adding at the end thereof the following new items:

"Inspector General, Department of the Treasury.

"Inspector General, Federal Emergency Management Agency.

"Inspector General, Nuclear Regulatory Commission.

"Inspector General, Office of Personnel Management.".

REQUIREMENTS AND PROTECTIONS FOR AUDIT AND INVESTIGATION UNITS

SEC. 5. (a) The Inspector General Act of 1978 (as amended by section 4(c) of this Act) is further amended by inserting after section 8C the following new section:

"SPECIFIC REQUIREMENTS FOR FEDERAL ENTITIES

"SEC. 8D. (a) As used in this section—

"(1) the term 'Federal entity' means any Government corporation (within the meaning of section 103(1) of title 5, United States Code), any Government controlled corporation (within the meaning of section 103(2) of such title), or any other entity in the Executive branch of the Government, or any independent regulatory agency, but does not include—

"(A) an establishment (as defined in section 11(2) of this Act) or part of an establishment;

"(B) the Executive Office of the President;

"(C) the Central Intelligence Agency;

"(D) the General Accounting Office;

"(E) the Department of Justice; or

"(F) any entity in the judicial or legislative branches of the Government, including the Administrative Office of the United States Courts and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol;

"(2) the term 'designated Federal entity' means ACTION, Amtrak, the Appalachian Regional Commission, the Board of Governors of the Federal Reserve System, the Board for International Broadcasting, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Corporation for Public Broadcasting, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Federal Home Loan Bank Board, the Federal Labor Relations Authority, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Legal Services Corporation, the National Archives and Records Administration, the National Credit Union Administration, the National Endowment for the Arts, the National Endowment for the Humanities, the National Labor Relations Board, the National Science Foundation, the Panama Canal Commission, the Peace Corps, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, the Smithsonian Institution, the Tennessee Valley Authority, the United States International Trade Commission, and the United States Postal Service;

"(3) the term 'head of the Federal entity' means the director, administrator, president, chairman, or chief executive officer of a Federal entity, or any other body designated by statute as the head of a Federal entity;

"(4) the term 'head of the designated Federal entity' means the director, administrator, president, chairman, or chief executive officer of a designated Federal entity, or any other body designated by statute as the head of a designated Federal entity;

"(5) the term 'internal audit unit' means a component of a Federal entity which carries out audits or investigations, or both, of the programs and operations of such entity, but does not include a component that carries out audits or investigations as an integral part of the conduct of the programs and operations of such entity; and

"(6) the term 'internal audit unit director' means the head of an internal audit unit.

"(b) After the date which is 180 days after the date of enactment of this section, there shall be established in each designated Federal entity an internal audit unit. The head of the designated Federal entity shall transfer to the internal audit unit established in such entity the offices, units, or other components, and the functions, powers, or duties thereof, that such head determines are properly related to the functions of the internal audit unit and would, if so transferred, further the purposes of this section. There shall not be transferred to an internal audit unit any program operating responsibilities.

"(c) The internal audit unit director shall be appointed by the head of the designated Federal entity in accordance with the applicable laws and regulations governing appointments within the designated Federal entity.

"(d) Each internal audit unit director shall report to and be under the general supervision of the head of the designated Federal entity, but shall not report to, or be subject to supervision by, any other officer or employee of such designated Federal entity. The head of the designated Federal entity shall not prevent or prohibit the internal audit unit director from initiating, carrying out, or completing any audit or investiga-

tion, or from issuing any subpena during the course of any audit or investigation.

"(e) If an internal audit unit director is removed from office or is transferred to another position or location within a designated Federal entity, the head of the designated Federal entity shall promptly communicate the reasons for any such removal or transfer to both Houses of Congress.

"(f)(1) The Chief Postal Inspector of the United States Postal Service shall be the internal audit unit director of the United States Postal Service, and for purposes of this section, shall report to, and be under the general supervision of, the Postmaster General. The Chief Postal Inspector may be removed from office or transferred to another position or location within the United States Postal Service if the Postmaster General issues a written order stating the reason for such action and two-thirds of the Governors of the United States Postal Service vote to ratify such order. If the Chief Postal Inspector is removed or transferred in accordance with this subsection, the Postmaster General shall promptly notify both Houses of Congress of the reasons for such removal or transfer.

"(2) For purposes of paragraph (1), the term 'Governors' has the same meaning as in section 102(3) of title 39, United States Code.

"(g)(1) Sections 4, 5, 6, and 7 of this Act (other than sections 6(a)(7) and 6(a)(8)) shall be applied to each internal audit unit, internal audit unit director, designated Federal entity, and head of the designated Federal entity (as such terms are defined in subsection (a)) by substituting—

"(A) 'internal audit unit director' for 'Inspector General';

"(B) 'designated Federal entity' for 'establishment';

"(C) 'internal audit unit' for 'Office'; and

"(D) 'head of the designated Federal entity' for 'head of the establishment'.

"(2) In addition to the other authorities specified in this Act, an internal audit unit director is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the internal audit unit and to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the designated Federal entity.

"(3) The provisions of subsection (d) of section 8C (other than the provisions of subparagraphs (A), (B), (C), and (E) of subsection (d)(1)) shall apply to the internal audit unit director of the Board of Governors of the Federal Reserve System and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.

"(h) Within one year after the date of enactment of this section, and on October 31 of each calendar year thereafter, the head of each Federal entity which is not a designated Federal entity shall prepare and transmit to the Director of the Office of Management and Budget a report which—

"(1) states whether there has been established in the Federal entity an internal audit unit that meets the requirements of this section;

"(2) specifies the actions taken by the Federal entity to ensure that audits are conducted of its programs and operations in accordance with the standards for audit of governmental organizations, programs, activities, and functions issued by the Comptroller General of the United States, including a list of each audit report completed by a Federal or non-Federal auditor during the reporting period; and

"(3) summarizes any matters relating to the personnel, programs, and operations of the Federal entity referred to prosecutive authorities, including a summary description of any preliminary investigation conducted by or at the request of the Federal entity concerning these matters, and the prosecutions and convictions which have resulted.".

(b) Section 410(b) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon;

(3) by striking out "The" in paragraph (8) and inserting in lieu thereof "the";

(4) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and "and"; and

(5) by adding at the end thereof the following new paragraph:

"(9) the provisions of section 8D of the Inspector General Act of 1978.".

PROVISIONS TO ENSURE UNIFORMITY AND RELIABILITY OF INSPECTOR GENERAL REPORTS

Sec. 6. (a) Section 5(a) of the Inspector General Act of 1978 is amended—

(1) by striking out "and" at the end of paragraph (5); and

(2) by striking out paragraph (6) and inserting in lieu thereof the following:

"(6) a list, subdivided according to subject matter, of each audit report completed by the Office during the reporting period, together with a summary of the significant reports;

"(7) a detailed statistical analysis of audit reports, depicting in tables arranged by audit status information concerning—

"(A) the number of audit reports in each audit status;

"(B) the number of such reports for which an audit determination was not made within 6 months of the date of completion of such reports;

"(C) where applicable, the amounts of ineligible costs, ineligible costs that were disallowed, unsupported costs, and unsupported costs that were disallowed; and

"(D) where applicable, the amount of disallowed costs returned to, or offset by, the Government;

"(8) a summary of each significant audit report completed before the commencement of the reporting period and identified under paragraph (7)(B), together with an explanation of the reason the audit determination was not made during the period described in such paragraph;

"(9) a description of, and an explanation of the reasons for, any significant revised audit determinations made during the reporting period; and

"(10) information concerning any significant audit determination with which the Inspector General is in disagreement.".

(b) Section 5(b) of such Act is amended by inserting "(1)" after "containing" and by inserting before the period a comma and "(2) a list of each audit report made by the establishment's Office of Inspector General which was not resolved within one year after the date on which an audit determination was made on such report, (3) an explanation of the reason such audit was not resolved, and (4) for each such audit report, the amount of disallowed costs that are under administrative or judicial appeal and the amount of any disallowed costs returned to, or offset by, the Government".

(c) Section 5(c) of such Act is amended by adding at the end thereof the following new sentence: "The head of each establishment shall also make copies of the report of such head required under subsection (b) available to the public upon request and at a reasonable cost.".

(d) Section 5 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) As used in this section—

"(1) the term 'ineligible cost' means an incurred cost that is questioned by the Office of Inspector General because of an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds;

"(2) the term 'unsupported cost' means an incurred cost that is questioned by the Office of Inspector General because the Office found that, at the time of the audit, such cost was not supported by adequate documentation;

"(3) the term 'disallowed cost' means an ineligible cost or unsupported cost that the management of an establishment has concluded, in an audit determination, should not be charged to the Federal Government;

"(4) the term 'audit determination' means the evaluation by the management of an establishment of the findings and recommendations included in an audit report and the issuance of a written final decision by management concerning its response, including corrective actions concluded to be necessary, to such findings and recommendations;

"(5) the term 'audit resolution' means the completion of all corrective actions that the management of an establishment has concluded, in an audit determination, are necessary with respect to the findings and recommendations included in an audit report, and, in the event that the management of an establishment concludes no corrective action is necessary, 'audit resolution' occurs when an audit determination has been reached; and

"(6) the term 'audit status' includes the following six categories:

"(A) audits for which the audit report was completed before the commencement of the reporting period and for which—

"(i) the audit determination was not made by the end of such period;

"(ii) the audit determination was made during such period and for which audit resolution has not occurred; and

"(iii) the audit determination was made during such period and for which audit resolution has occurred; and

"(B) audits for which the audit report was completed during the reporting period and for which—

"(i) the audit determination was not made by the end of such period;

"(ii) the audit determination was made during such period and for which audit resolution has not occurred; and

"(iii) the audit determination was made during such period and for which audit resolution has occurred.".

(e) Section 3512(b)(2) of title 31, United States Code, is amended by adding at the end thereof the following: "Such standards shall include (A) a definition of audit resolution consistent with section 5(f)(5) of the Inspector General Act of 1978, and (B) a standard to ensure that an audit determination will be made on each audit report

within 6 months after the completion of such report, in the case of an audit performed by a Federal auditor, and within 6 months after receipt by the executive agency responsible for the program concerned, in the case of each audit performed by a non-Federal auditor. No order, circular, or directive prescribed by the Director of the Office of Management and Budget shall include an inconsistent definition or standard with respect to audit resolution.".

OATH ADMINISTRATION AUTHORITY

Sec. 7. Section 6(a) of the Inspector General Act of 1978 is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively, and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this Act, which oath, affirmation, or affidavit when administered or taken by or before an investigator or such other employee of an Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;".

APPROPRIATION ACCOUNTS

Sec. 8. Section 1105(a)(25) of title 31, United States Code, is amended to read as follows:

"(25) a separate appropriation account for appropriations for each Office of Inspector General established by the Inspector General Act of 1978.".

DISCLOSURE OF TAX RETURNS AND RETURN INFORMATION

Sec. 9. Section 5(e)(3) of the Inspector General Act of 1978 is amended by striking out "Nothing" in the first sentence and inserting in lieu thereof "Except to the extent provided in section 6103(f) of the Internal Revenue Code of 1986, nothing".

Mr. SIMPSON. Madam President, I should have been more timely. I just wish to remark I thank the majority leader and Senator GLENN, chairman of the Governmental Affairs Committee, and Senator ROTH as the ranking minority member, and also Senator JOHN BREAUX, chairman of the Nuclear Regulations Subcommittee of Environment and Public Works for their work along with the majority leader in reaching this agreement. This will give us timely work to do and I appreciate their support and help on behalf of the minority leader.

Madam. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

I ask unanimous consent that on any rollcall votes the standing order of 15 minutes be enforced by automatic call for the regular order at the expiration of the 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, so that all Senators will know that there will be a rollcall on final passage, the distinguished assistant Republican leader and I have agreed that it might be well that we get those yeas and nays now so all Senators will know. I understand the Senator who is the ranking manager has no problem with this and our distinguished manager has no problem.

I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. Madam President, S. 908, the Inspector General Act Amendments bill, is intended to improve the ability of the Federal Government to fight waste, fraud, and mismanagement in Federal programs and operations and to aid Congress' oversight function.

We all make speeches ad nauseum back home in our districts and our States, of how we are going to go to Washington and fight fat, fraud, waste, and abuse—all those things where we see taxpayers' money being wasted. It is all too seldom that we get to vote on something like that, or that we get to work on legislation that does exactly that. That is what this bill is specifically designed to do.

S. 908 would accomplish this by several means: First by creating a new statutory Office of Inspector General in the Treasury Department, in the Office of Personnel Management, in the Federal Emergency Management Agency and in the Nuclear Regulatory Commission.

Second, it would accomplish this by requiring 33 other Federal entities that are listed in the bill to establish and maintain internal units to audit and investigate their programs, operations, and personnel.

Third, we require the approximately 60 other Federal entities to report annually to OMB on their efforts to ensure audit and investigative coverage of their programs, operations, and personnel.

Fourth, we will standardize salaries of statutory IG's at the Executive level IV rate.

We will improve the IG semiannual reporting on actual savings attributable to their work by standardizing the format and the terms used to describe the audit resolution process.

We will provide separate appropriation accounts for Offices of inspector general. We will authorize investigators or other IG employees to administer to or take from any person an oath, affirmation or affidavit, whenever necessary to perform IG functions; and we will bring the existing Offices of Inspector General within the Departments of HHS and Energy and the Railroad Retirement Board under the coverage of the Inspector General Act of 1978.

In 1978, the Committee on Governmental Affairs secured the enactment of the Inspector General Act, which established Offices of Inspector General in 12 executive departments and some of the larger executive agencies. The concept behind the original legislation is to consolidate auditing and investigative responsibilities under a single high-level official reporting directly to the head of the establishment. The Inspector General would also report semiannually to Congress concerning significant abuses or deficiencies and makes recommendations for corrective action. At the time, we in Congress were not sure how well the IG concept would work.

Madam President, back in 1978, we frankly were not sure how this whole thing would work. It was an experiment, an experiment in good government, if you will, an experiment in ways to cut out the fat, fraud, waste, and abuse that we all talked about. Well, today I can say without much fear of any quarrel from anyone, it has worked exceptionally well.

Today, it is widely recognized that the statutory IG's—who now number 19—have had outstanding success in improving the economy, efficiency and effectiveness of Federal operations and programs and contributing to substantial savings of taxpayer dollars. That is what it is all about. According to the most recent report from the Council that coordinates IG activities, in the past 5 years more than $92 billion have been recovered or put to better use because of the IG efforts.

That comes out to about $18 billion per year. That is B for billion. That is a significant amount of money. It could be even greater than that, because it is difficult to evaluate and quantify some of these savings where you are making more efficient use of money. So I view this as a very conservative estimate, this $92 billion over the past 5 years that has been saved by the IG—an amount far, far exceeding any cost of IG programs of the Government put together. It is money well spent.

The President's Council on Integrity and Efficiency [PCIE] correctly stated that:

> These savings accrue in many ways, most notably through audits of Federal programs and entities doing business with the Federal Government, and through investigations into alleged wrongdoing. Some of the most vital work done by the Inspectors General results in their recommendations to correct systemic weaknesses and reduce the likelihood of future fraud, waste and mismanagement.

The success of these offices call for continued congressional support for the inspector general concept. To this end, S. 908 incorporates recommendations from the General Accounting Office to establish new statutory IG's in the Treasury Department, FEMA, OPM and the NRC.

These are agencies that were left out in the original bill back some 10 years ago. But they are agencies that are now major Federal establishments with important missions and programs

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that require strict controls against fraud, waste, and abuse.

S. 908 also responds to the concerns raised by GAO and the inspector general community about the need to strengthen internal audits and investigations in the numerous smaller agencies, regulatory boards, commissions, Government corporations, and other federally funded entities. S. 908 extends to 33 of these key entities the consolidation, reporting and other requirements found in the 1978 IG Act, without creating additional statutory IG positions. I note that in 1986 OMB Director James Miller endorsed Senator Roth's proposal to extend the IG concept to smaller agencies because, in his words, "inspectors general tend to * * * pay for themselves." That was a response to the proposal by Senator Roth.

Moreover, this inspector general legislation contains some long needed amendments to the Inspector General Act of 1978 by providing uniform definitions, standards, and authorities for the IG community. All of these are important and timely fine-tunings of the IG system, so that it will work even more successfully in the years to come.

Madam President, I have a modification to the bill as it was favorably reported from the committee last June, concerning the provision establishing a statutory IG at the NRC.

As reported by the committee, S. 908 proposed to transfer two existing NRC offices—the Office of Inspector and Auditor and the Office of Investigations—into the new statutory IG Office at the NRC.

The Office of Inspector and Auditor [OIA] performs the typical IG functions—that is, internal audit and investigations—and reports directly to the Commissioners. The committee found that at present, OIA lacks the permanent status afforded to a statutory Office of Inspector General. OIA could be disestablished by a majority vote of the five-member Commission. Moreover, the OIA Director is appointed by and serves at the pleasure of the Commission. Congress need not be notified in the event the Commission votes to remove the Director.

In contrast, a statutory inspector general for the NRC would be appointed by the President, with the advice and consent of the Senate, and could be removed only by Presidental action, with notice to Congress. With these protections, a statutory IG at the NRC would be able to thoroughly investigate allegations of employee misconduct or mismanagement without fear of removal by the Commission.

This is no trivial matter. The committee's review of NRC's audit and investigative functions uncovered that OIA has not performed all of the essential functions of a statutory Office of Inspector General. For example, it is clear that evidence of potential wrongdoing by a Commissioner or employees in his office was intentionally withheld from OIA in 1985. This episode demonstrates the NRC's need for a truly independent inspector general, with the authority and expertise to investigate potential wrongdoing wherever it occurs, even if it involves a Commissioner's office.

The committee's review also revealed that serious deficiencies in OIA's objectivity and investigative practices have compromised the credibility of that office as an internal watchdog. Moreover, this lack of credibility is not simply a problem with OIA's current management; rather, it dates back over several years.

For these reasons, the committee strongly believes that there should be no doubt that OIA should be transferred to the NRC's new Office of Inspector General.

The Office of Investigations [OI] was created in 1982 to perform investigations of persons in the commercial nuclear industry who intentionally violate Commission regulations and license conditions, falsify records, lie, or otherwise manifest serious deficiencies of character to handle hazardous nuclear materials or to operate nuclear plants.

At its April 1987 hearing, the committee heard disturbing testimony concerning proposals and attempts to undermine the ability of OI to achieve its mission. These problems included repeated proposals to move OI under the supervision of the Executive Director for Operations, thereby jeopardizing its independence from the technical staff and its direct reporting relationship to the Commissioners. In fact, one such proposal in 1985 was vehemently opposed by the Department of Justice on the ground that:

> Prior to and since the creation of OI there has been some opposition as well as resistance within the NRC to the detection and disclosure of deliberate wrongdoing by NRC licensees. . . . Senior personnel within the NRC who could affect or influence OI's ability to detect and report violations if it were realigned may have contributed to this problem.

Other measures actually taken compromised OI's ability to self-initiate investigations and refer the results of its investigations directly to the Department of Justice. These measures compromised OI's effectiveness and independence.

Subsequent to the committee's favorably reporting S. 908 to the Senate floor, Senators Breaux and Simpson, chairman and ranking member on the Subcommittee on Nuclear Regulation of the Environment and Public Works Committee, also held hearings on the Office of Investigations. As part of their oversight function, they have expressed their concern about the Commissioners losing the ability to direct investigations of licensee wrongdoing if the OI function was made part of the IG office.

Frankly, I am more concerned about the NRC's interference with the OI function, not its support for it. The safety of the commercial nuclear industry depends on licensee trustworthiness and integrity. The NRC cannot adequately carry out its mission if licensees intentionally undermine the process. Uncovering wrongdoing and taking strong civil enforcement action based on a well-developed OI report has a deterrent effect not only on the licensee in question but on other licensees as well. Moreover, since OI investigations involve wrongdoing, there is often the potential that a licensee's actions, if proven, might also be a violation of federal criminal statutes. While civil enforcement action for wrongdoing has a deterrent effect, the possibility of criminal enforcement action has an even greater deterrent effect.

Because Senators Breaux and Simpson have indicated their willingness to, through legislation, provide OI with a statutory underpinning and direct reporting relationship to the Commissioners, last December I agreed to drop OI from S. 908 in order to allow the Environment and Public Works Committee time to formulate a proposal concerning OI. Unfortunately, on January 21, 1988, the NRC announced that it would be moving OI under the NRC staff, and merging OI with other technical staff inspection and investigation functions. In light of this development, I believe it is doubly important that the Congress act responsibly to legislate a statutory underpinning for OI, and thereby move to reestablish its integrity and independence.

Madam President, Senator Roth and I have an amendment to the bill as favorably reported from the committee last June, relating to the Internal Revenue Service and the Treasury Department, which merits some description.

The Treasury Department is the third largest executive department, with a fiscal 1988 budget of over $6 billion. In April 1981, President Reagan publicly supported the creation of a statutory IG "who will have powers tailored to the specific needs of the Treasury Department". Currently, the nonstatutory IG at Treasury has audit and investigation authority over less than 20 percent of the Treasury budget, and has limited or no ability to audit the programs and operations of Treasury's four law enforcement bureaus—that is, the Internal Revenue Service, Customs Service, Secret Service, and Bureau of Alcohol, Tobacco and Firearms.

Few people realize Treasury has those law enforcement functions.

The Treasury Department, and its law enforcement components, share

the basic need for the leadership of an independent statutory IG and greater consolidation of and independence provided to the Department's audit functions. At the same time, there is a need to protect information about those law enforcement personnel or their operations from premature disclosure.

That has been a difficult task to work out. Obviously, we cannot have major internal findings of the law enforcement agencies or secret or classified information they are working with, leaked out. Obviously, everyone in the country who voluntarily submits statements to the IRS does not want to see those private matters brought out into the open. We have to protect against inadvertent disclosures of such information.

The Secret Service, Customs Service, Internal Revenue Service, Bureau of Alcohol, Tobacco and Firearms, legally, should have means to classify information to make certain it is not made public, but at the same time the administration of those units should be subject to an internal reporting or auditing system to make sure the taxpayers are getting every bit of their money's worth.

The bill, as favorably reported by the Governmental Affairs Committee, would have rectified this situation by consolidating all internal audit activity in a single 1G office for the entire Treasury Department, including its four law enforcement components. The internal investigative function would have remained the primary responsibility of the law enforcement bureau heads. However, the statutory 1G in certain circumstances could take over an internal investigation involving an employee of a law enforcement bureau. Finally, S. 908 as reported contained a provision crafted to provide special protections form 1G disclosure of information relating to sensitive policy or law enforcement operations, and to place the Treasury IG under the "authority, direction and control" of the Treasury Secretary when audits or investigations touch upon such sensitive areas.

In response to continuing objections from representatives of the Treasury Department and Internal Revenue Service to shifting the auditors under the supervision of the single Treasury IG, the committee determined that a separate statutory 1G for the IRS was necessary, and appropriate. The amendment offered by the committee at this time includes the following features, which have adequately addressed IRS and Treasury concerns, and they have signed off on these proposals:

First, the IRS will have its own statutory IG office, separate from the statutory IG office within the Treasury Department. The IRS IG office will include all of IRS' existing internal auditors and investigators. To ensure against any possible politicization of the IRS from the introduction of the statutory IG, and IRS IG will be appointed by the President from a select pool of senior career personnel at the IRS who have demonstrated ability in investigations or internal audit functions. This represents a change from IG nominations for other agencies, which are not limited to any particular pool of people. Additional language in the bill states that the IRS IG will not have the power to change taxpayer liability determinations.

Second, the legislation provides that the rest of the Treasury Department will have a separate statutory IG, who will have under his direction the consolidated internal auditors from BATF, Secret Service and Customs Service, However, the internal investigators within these law enforcement bureaus will continue to remain under the direction of their bureau heads. However, in special circumstances, the Treasury IG can take over an internal investigation involving an employee within those bureaus.

Third, the legislation provides that both the Treasury and IRS IG's shall be under the "authority, direction and control" of the Treasury Secretary and IRS Commissioner, respectively, with respect to IG reviews which require access to certain sensitive matters. With respect to this information, the Secretary or Commissioner is authorized to prohibit an audit or investigation when it is determined to be necessary to prevent its disclosure. If these authorities are exercised, Congress shall receive notice.

Fourth, "Intelligence and counterintelligence matters" have been added to the list of sensitive information to which the Treasury or IRS IG may seek access during an audit or investigation. If the Treasury Secretary or IRS Commissioner asserts control over or prohibits an IG review involving access to sensitive information, notice of that action must be provided to the IG and the IG shall forward that notice to the appropriate congressional committees.

Finally, the Treasury Secretary or IRS Commissioner will draft the congressional notice to be forwarded to Congress without any additional comments from the IG.

I ask unanimous consent to insert into the Record a November 20, 1987 letter from IRS Commisioner Gibbs to me stating that the IRS will not object to the enactment of S. 908 as revised.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of the Treasury,
Internal Revenue Service,
Washington, DC.

Hon. John Glenn,
Chairman, Committee on Governmental Affairs, Dirksen Senate Office Building, Washington, DC.

Dear Mr. Chairman: As you know, the Internal Revenue Service has opposed S. 908, providing for amendments to the Inspector General Act. This legislation would establish a presidentially appointed Inspector General within the Department of Treasury. Additionally, the legislation would transfer the Internal Revenue Service's internal audit staff to Treasury to be under the control of the Inspector General.

We have particularly serious concerns about the effects of S. 908 which would change the current organizational relationships between the existing Treasury Inspector General and the Internal Revenue Service. Our principal concerns relate to (1) the need of the Commissioner to maintain an effective Internal Audit staff within the Internal Revenue Service, and (2) the need to assure taxpayers that adequate controls exist to prevent the misuse of confidential tax information for political purposes.

I directed my staff to work with the majority and minority staffs of your committee and officials from the Treasury to attempt to develop proposed revisions that balance the respective interests of the IRS and the committee's interest in legislation largely consistent with the Inspector General Act. The result of this staff work is the enclosed revisions to S. 908 and accompanying colloquy language which would provide for a separate statutory Inspector General within the Internal Revenue Service.

While we continue to believe that it is unwise to extend the provisions of the Inspector General Act to the Internal Revenue Service, these revisions, when taken as a whole, are a responsible attempt to sufficiently address our concerns. Therefore, we will not object to the enactment of S. 908 as so revised and accompanied by the colloquy language.

Sincerely,

Laurence B. Gibbs.

Mr. ROTH. The Secretary of the Treasury has expressed concern over IG reviews of the development or formulation of policy prior to its execution. Could the Senator from Ohio clarify the role of the IG in the policymaking process?

Mr. GLENN. First, as a general matter, it is not within the mandate of the statutory Inspectors General at Treasury or the IRS to participate in, or review, the deliberations which constitute the policymaking process. Nothing in the IG Act of 1978 suggests that an IG does, or should, have this role. Rather, the IG Act requires the IG to promote economy and efficiency in the administration of, and prevent and detect fraud and abuse in, Treasury's programs and operations. The IG's are intended to act as independent factgatherers, with no vested interest in policy, or in particular programs or operations. However, the IG does have the authority to investigate allegations of misconduct in the development of policy.

Second, the IG's do, and should, have the authority to review the implementation of policy, as opposed to its formulation, to ensure that programs and operations are carried out with economy and efficiency.

Third, it would be appropriate for the IG's to review an underlying policy decision, if facts suggest that the policy decision, as opposed to its implementation, is affecting the economy or efficiency of the Department.

Finally, it is within the authority of the IG's to review how the general process by which policy is developed works, in order to ensure that Treasury and IRS decisionmakers are effectively supported.

Mr. ROTH. What is the role of the IG's when a Treasury or IRS employee is alleged to have engaged in misconduct in connection with such employee's participation in, or knowledge of, policy development?

Mr. GLENN. The Treasury and IRS IG's would have full authority to review or investigate any evidence or allegation of such misconduct. For example, the IG's would have full authority to investigate allegations of conflict of interest on the part of a Treasury policymaker who could personally benefit from a policy decision. The IG Act requires IG's to refer to the Attorney General any evidence of criminal wrongdoing.

Mr. ROTH. Of particular concern to the Treasury Department is the possibility that the mere disclosure to the public of certain IG investigations could seriously destabilize financial markets which are sensitive to Treasury policymaking. For example, if an IG investigation resulted in any disclosure that Treasury was continuing to implement a policy decision to support the dollar, this could seriously destabilize those markets affected by Treasury's intervention decision.

Mr. GLENN. The Treasury and IRS IG's are under the general supervision of the Secretary of the Treasury and the Commissioner and, like all other statutory IG's, will be appointed by the President and confirmed by the Senate without regard to political affiliation and solely on the basis of integrity and demonstrated ability. It would be highly inappropriate for the Treasury or IRS IG to disclose information about such policy decisions, the policymaking process, or the information used as a basis for making such decisions. In such circumstances, it would be appropriate for the Treasury Secretary or Commissioner, on a case by case basis, to exercise their statutory authority over the IG.

Mr. ROTH. S. 908 would amend the IG Act to include a special provision for the Treasury Department and IRS. Does this provision address the Department's and IRS' concerns about the IG's access to information concerning policymaking?

Mr. GLENN. Yes it does. S. 908 proposes a new section 8C(d)(1)(D) as part of the Inspector General Act of 1978. This provision would place the Treasury and IRS IG under the specific authority, direction, and control of the Treasury Secretary and Commissioner, respectively, with respect to audits or investigations which require access to information concerning:

> Deliberations and decisions on policy matters, including documented information used as a basis for making policy decisions, the disclosure of which could reasonably be expected to have a significant influence on the economy or market behavior.

With respect to this information, the Treasury Secretary and Commissioner are authorized to prohibit an audit or investigation which the IG has begun, if they determine it is necessary to preserve its confidentiality or prevent its disclosure. If the Treasury Secretary or IRS Commissioner exercises any of these authorities, Congress will receive notice.

Mr. ROTH. What is meant by the term "market behavior"?

Mr. GLENN. The term "market behavior" is to be accorded a broad interpretation. It encompasses the behavior of institutions such as the stock, bond or other financial markets due to the release of information which might significantly affect the performance of those institutions. It also encompasses the behavior of individuals similar to that resulting from the disclosure of insider information. For example, where the Treasury Department or the IRS has the authority to promulgate but has not yet published final regulations affecting abusive tax shelters, an individual with advance knowledge of the regulations could use that information for personal gain. Similarly, the disclosure of a planned review of a particular universe of currently transaction reports under the Bank Secrecy Act could result in individuals changing their behavior. In these cases, the IG's access to information, and authority to conduct an audit or investigation, are subject to the authority, direction, and control of the Secretary of the Treasury or the Commissioner.

Mr. ROTH. Are there examples of how new section 8c(d) would work?

Mr. GLENN. Yes.

Example: The Treasury IG is performing an audit of expenditures by personnel in the Office of the Secretary. The IG is seeking to determine whether there is excessive use of taxs, excessive reimbursement for meals, and so forth. It is doubtful that this type of inquiry could lead to the discovery of information that would reveal economic, fiscal, or monetary policymaking. However, if there was such sensitive information contained in the expense records, the Secretary could assert control over the IG's access to this information. In this case, the Secretary would discuss with the IG the terms of access to this information in order that the IG could carry out the audit. If necessary, the Secretary could stop the audit after the IG has decided to go ahead with the audit. In that instance, the Secretary would notify the IG in writing of his action, and a copy of that notice will be provided to Congress by the IG.

Example: the IRS IG is conducting an audit of the use of copy machines. While interviewing staff concerning the types of documents and number of copies made, the IG learns of a summary of a meeting between the Commissioner and the Treasury Assistant Secretary for Tax Policy. A couple of days later, the IG sees the Commissioner and asks him what was discussed in the meeting with the Assistant Secretary. The Commissioner determines that the IG is not conducting any audit or investigation that would require the IG to have access to this information. The Commissioner need not provide access to the information, and Congress need not be notified.

The Secretary's or Commissioner's decision to assert control over or prohibit an audit or investigation shall be made on a case by case basis. The Secretary or Commissioner may not declare in advance through regulations, guidelines, rules, memoranda, or any other method that the IG may not begin an audit or investigation involving certain matters or areas. On the other hand, the IG must be acutely aware of the nature of information discovered in the course of an audit or investigation. If there is any doubt about the sensitive nature of information, the IG should consult with the appropriate officials in the Department or IRS.

Mr. ROTH. A concern has been raised by the law enforcement bureaus at the Treasury Department regarding potential disclosure of sensitive information concerning their investigative methods and techniques, which are learned by the IG in the course of conducting audits and investigations. For example, disclosure of investigative thresholds for review of potential violations of bank secrecy laws could allow criminals to structure their transactions in a manner to avoid detection. What protections exist to prevent disclosure of such information?

Mr. GLENN. The IG will, of necessity, come in contact with investigative methods and techniques, inasmuch as these methods and techniques are the raison d'etre of the law enforcement bureaus. The IG is not, however, authorized or required to disclose such sensitive investigative methods and techniques, especially where these methods and techniques continue to be part of the strategies employed in ongong criminal investigations. The Treasury and IRS IG's should consult

the appropriate officials whenever there is any doubt as to whether information is sensitive. This is true with respect to all the different types of information for which IG access may be limited by section 8c(d)(1). Section 5(e) of the Inspector General Act itself already protects such information from disclosure by prohibiting disclosure of sensitive information through the reports required to be made by the inspector general.

In addition this legislation provides significant additional protection for the law enforcement functions. Specifically, in S. 908, section 8c(d)(1) provides that the IG's are subject to the authority, direction, and control of the Secretary of the Treasury or IRS Commissioner when an audit or investigation requires access to information concerning first, ongoing criminal investigation or proceedings; second, sensitive undercover operations; third, the identity of confidential sources, including protected witnesses; fourth, intelligence or counterintelligence matters; fifth, the protection of persons or places authorized protection by the Secret Service; and, sixth, other matters the disclosure of which would constitute a serious threat to national security. The Secretary of the Treasury and the Commissioner are permitted, on a case by case basis, to prohibit the inspector general from initiating, carrying out, or completing an audit or investigation which would require access to any of these types of information.

Mr. ROTH. S. 908 establishes a separate IG for the Internal Revenue Service. Procedures already exist, including court review, for adjudicating and determining the liability of taxpayers.

Mr. GLENN. S. 908 contains a specific provision precluding the IRS IG from undertaking such reviews. It is intended that the IG would not superimpose his judgment upon that of the responsible official in specific tax cases.

Mr. ROTH. The IRS Office of the Assistant Commissioner—Inspection—is to be transferred to the new IRS IG. Treasury and IRS have expressed concern that the Assistant Commissioner now exercises certain authority and responsibilities consistent with the role of a statutory IG but that are not contained in the IG Act. Does the bill address this concern?

Mr. GLENN. Yes. The bill provides that the IRS IG shall exercise such additional duties and powers that may be delegated by the Commissioner. It is intended that the Commissioner delegate only those duties and powers that are consistent with the role of a statutory IG and those currently delegated to the Assistant Commissioner—Inspection. For example, the Internal Revenue Code (26 U.S.C. 7608(b)) authorizes personnel in the Office of Inspection to make arrests and perform other enforcement functions. It is not intended that there shall be delegated any additional responsibility that is inconsistent with the statutory duties and responsibilities of the IRS IG. This provision also will enable the Commissioner to delegate to the IRS IG the necessary authority to deal with matters that arise in the future and that properly should be within the jurisdiction of the IG.

Mr. ROTH. In addition to the standards for IG's contained in the 1978 act, the bill includes special standards for the IRS IG. Can the Senator from Ohio explain why these are necessary?

Mr. GLENN. The bill provides that the IRS IG be appointed by the President from among the ranks of career reserve positions in the senior executive service with the IRS. While this is a departure from the 1978 act, it is both necessary and desirable from the perspective of the American taxpayer and the IRS.

The IRS IG will have access to vast amounts of information about the financial and personal affairs of American citizens from the tax returns and other information that Americans voluntarily submit each year. In response to allegations of misuse of such information many decades ago, the IRS was reorganized both to limit the number of political appointees within the IRS and to ensure that an individual in the IRS career civil service directed the IRS inspection function. These principles have well served the interests of the American taxpayer and the IRS for over 30 years.

The responsibilities and duties of the IRS IG necessarily require an intimate and current knowledge of, and extensive experience with, internal IRS functions. The sensitive nature of the information maintained by the IRS requires that the integrity of the inspection function within the IRS be sustained both in fact and in appearance.

Finally, in addition to the duties of an IG, the new IG for the Internal Revenue Service will take the place of the existing Assistant Commissioner—Inspection. The duties of the IRS IG would include the independent review and appraisal of all IRS activities and the conduct of programs to assist in maintaining the highest standards of honesty and integrity among IRS employees. The IRS IG will be responsible for planning and carrying out the inspection functions of the IRS pursuant to guidelines provided by the Inspector General Act of 1978.

Madam President, I have one modification to the bill the committee reported and one committee amendment. I send them to the desk and ask that the modification be made at this time.

The PRESIDING OFFICER. Is this the modification contemplated?

Mr. GLENN. Yes, Madam President.

The PRESIDING OFFICER. The question is on agreeing to the modification.

The modification is agreed to.

Mr. GLENN. Thank you, Madam President.

Madam President, before I yield the floor to my distinguished colleague, the ranking minority member of the committee, Senator ROTH, I want to pay tribute to him for his leadership in this area in particular. He has been a tireless worker for more efficient Government. He has been on this issue in his efforts on the Governmental Affairs Committee for I guess more than a decade.

When I first came on the committee some 13 years ago he was pushing for some of these measures to deal with fat, fraud, waste, and abuse in Government at that time. He has been a tireless worker for more efficient Government during all that time. His cooperation and contributions in moving this bill forward were such that it never would have probably been brought out had it not been for his extremely cooperative efforts in this regard. He has been a key component in our success to bringing it to the Senate floor today.

At the same time I want to pay tribute, too, to a person who has worked much on this legislation with him, the minority staff member on the Republican side, John Parisi, who has done an outstanding job and spent long hours working on this as has the staff on the majority side, Dr. Weiss, our staff director, Len Weiss, Steve Ryan, and Lorraine Lewis. They have done an outstanding job in bringing this to the floor.

With those comments, Madam President, I yield the floor for whatever comments Senator ROTH may have.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, first, let me say that I am pleased to be here today to help present what I consider to be a most important piece of legislation, and it is true, I would say to my distinguished chairman, Senator GLENN, that this has been a bipartisan effort. It has been the result of numerous hearings, much debate and controversy, many meetings with members of the executive branch. But I feel we have come up with a compromise that pushes forward the concept of independent auditors, and as my distinguished chairman has properly pointed out, the record of performance of these independent auditors in other agencies have well proved their worth.

So I am very pleased, Madam President, to present it today to my colleagues for their consideration.

I believe that its enactment will result in real dollar savings and better management in Federal Government.

S. 908 carries on our efforts, begun with the enactment of the Inspector General Act of 1978, to expand and improve the inspector general concept throughout the Government. S. 908 is based in large part on provisions from bills passed in the last Congress by the House, H.R. 3077, and the Senate, S. 2005. S. 908 was cosponsored by all of the members of the Committee on Governmental Affairs on both sides of the political aisle, and was ordered reported unanimously by the committee on June 30, 1987. The committee's report, No. 150, was filed on August 7.

S. 908 creates new statutory offices of inspector general at the Treasury Department, the Internal Revenue Service, the Nuclear Regulatory Commission, the Federal Emergency Management Agency, and the Office of Personnel Management. S. 908 also applies the inspector general concept to 33 smaller agencies of the Government. In 1986, when in our hearings I asked OMB Director James Miller if this approach would be costly, he replied, "I don't think so. Our finding is that inspectors general tend to, by far, pay for themselves."

Indeed, inspectors general have clearly proven their worth, since the first Office of Inspector General [OIG] was created at the Department of Health and Human Services in 1976. The President's Council on Integrity and Efficiency [PCIE] recently reported that, just in the first 6 months of fiscal 1987, our inspectors general were able to recover approximately $1 billion into the Treasury. Their work included 2,176 successful prosecutions; 901 debarments and suspensions of persons or firms doing business with the Government; and, 445 administrative sanctions against Federal and contractor employees.

I am especially pleased that S. 908 addresses the audit and investigative needs of the smaller agencies of Government.

Following on the establishment of 12 OIG's in the Inspector General Act of 1978, I am pleased to say that during my tenure as chairman of the Committee on Governmental Affairs, an OIG was established in 1982 at the Defense Department. But, several large and many small agencies do not have the elements which have enabled our existing inspectors general to be successful in rooting out fraud and abuse in Federal programs. Those elements are:

Consolidation into one office all of the internal audit and investigative functions of the agency.

Protection of the integrity of the audit and investigative functions through independence from program functions and program supervisors, with the audit chief reporting directly to the agency head; and

The audit and investigative authorities of the Inspector General Act of 1978.

The need to bring the concepts embodied in the Inspector General Act of 1978 to smaller agencies of Government has been thoroughly documented. In May 1984, the General Accounting Office [GAO] issued a report, AFMD 84-45, on the audit capability of agencies not subject to the Inspector General Act. GAO found that some agencies were not complying with Office of Management and Budget [OMB] circulars on Federal program audits and audit followup or with GAO's audit standards; some agencies had no audit coverage; in some agencies, the internal auditor did not report to the agency head or deputy, instead reporting in some instances to the program people whose programs they were to audit; and, at several agencies that had more than one audit or investigative unit, there were no procedures for coordination.

A followup study issued by GAO in 1986—AFMD 86-11—found that, at 41 agencies without statutory IG's, problems similar to those reported in 1984 continued to exist. Demonstrating the importance of this issue is the fact that these 41 agencies had a combined total budget authority of over $100 billion and employed more than a quarter of a million people.

I asked the PCIE to conduct a study of the extent and effectiveness of internal audit and investigative activities at Federal entities, particularly those which would not have internal audit units in Conformity with the provisions of my bill, S. 2005. The findings of that study were provided to our committee, and they were similar to those of GAO. Its recommendations have in large part been incorporated into S. 908.

Given the success of the Inspector General Act in consolidating and strengthening the audit and investigative units in Cabinet departments and other executive agencies, its provisions should be extended to other smaller Federal agencies. In hearings before our committee in 1986, OMB Director James C. Miller expressed the administration's support for the efforts of the committee to extend the IG concept to smaller agencies.

Under section 5 of S. 908, 33 designated Federal entities are required to conform their internal audit functions to the inspector general model. The internal audit units in these entities are granted the powers of an inspector general, but the head of the unit would not be appointed by the President and confirmed by the Senate. These 33 entities include the independent regulatory agencies and other Federal entities with annual budget authority of over $100 million.

There are 60-some other, even smaller entities in the Federal Government which, combined, spend significant amounts of money and, in some cases, have escaped audit notice. Section 5 of S. 908 requires these entities to report annually to OMB as to what actions they have taken to obtain audit and investigative coverage. This could include contractual arrangements with an inspector general or a private certified public accountant firm.

CPA's can and do provide solid audit services to many Federal agencies. I understand that a few CPA's were unhappy with a passage in our committee report which said that they lacked independence. The committee certainly did not mean to impugn the integrity of the many CPA's who perform good service for many Federal agencies and will continue to do so in the future.

With respect to creating statutory OIG's at Treasury, FEMA, NRC, and OPM, careful consideration has gone into the decision to recommend the creation of OIG's at these agencies.

Creation of a statutory OIG at the Treasury Department was recommended by GAO in 1986 in response to my request for its assessment of the need for a statutory IG at Treasury, AFMD 86-3. I believe that we have adequately responded to the concerns of Treasury Department officials who, like their colleagues in other agencies prior to creation of OIG's in those agencies, feel that the Department's functions militate against the creation of a statutory IG.

The same devotion exists on the committee with respect to the creation of OIG's at FEMA, NRC, and OPM. The committee gave particular attention to both the internal and external investigative functions of the Nuclear Regulatory Commission. In 1981, GAO issued a report, EMD 81-72, in which it concluded that the independence of the Office of Inspector and Auditor—which would become the OIG under the terms of this bill—needed to be strengthened. GAO suggested that Congress consider establishing a statutory Inspector General office at the NRC stating that:

> Such an office could help ensure that the Congress and the Commissioners receive objective information on problems within the Commission and enhance public trust in the regulation of commerical nuclear power.

Evidence developed by the committee suggested that, while the Office of Inspector and Auditor has been conforming its procedures to those of the statutory IG's, it lacks the insurance that only statutory independence can provide.

Since reporting S. 908, the committee has worked closely with the Treasury Department and the Committee on Environment and Public Works to deal with concerns that those two institutions had about certain provisions in the bill. The committee amendments to S. 908 to be offered today by the Government Affairs Committee address those concerns.

Let me speak for a moment to those concerns and their resolution, as incorporated in the legislation we offer today. First, with respect to the Treasury Department, there was justifiable concern about the impact that the bill as reported would have had on the work of the Internal Revenue Service, particularly access to tax returns and return information. I had expressed some of those concerns in my additional views to the committee report.

Accordingly, we will offer a committee amendment to establish a statutory office of inspector general in the IRS and stipulate that its inspector general would be selected by the President from the ranks of career reserved senior executive service positions within the IRS. Then, with respect to both the inspectors general for the Treasury Department and the IRS, we agreed to expand and clarify some of the limitations on the inspectors general which are based upon similar provisions applicable to the Defense Department IG. These limitations make it clear that the IG does not have a role in the policymaking process at Treasury or IRS. Senator GLENN and I will engage in a colloquy for the RECORD which further explains these provisions when the committee amendment is offered.

Then, with respect to the Nuclear Regulatory Commission, we have decided to delete a provision from S. 908, as reported. That provision would have transferred the NRC's Office of Investigations into the newly created Office of Inspector General. Members of the Environment and Public Works Committee expressed concern about this provision and its Subcommittee on Nuclear Regulation held a series of hearings on the organization and functioning of the NRC. As a result of those hearings and further correspondence and discussions, I hope that the Environment and Public Works Committee will develop a good charter for the Office of Investigations and will do so in the context of legislation regarding the overall organization of the NRC. In anticipation of that legislation, we have acceded to the committee's wishes and will delete that provision from S. 908, as reported, by way of a committee amendment to be offered shortly.

The committee proposes no other changes from the bill as reported by the Committee on Governmental Affairs. I believe that it is a good bill, deserving of enactment and I commend it to my colleagues.

Again I want to express my appreciation to our chairman, Senator GLENN, to Dr. Wise, and the other members of the majority staff, as well as the minority staff, for the singular role they have played in bringing this legislation to the floor today.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the committee substitute, as modified, is agreed to, and the bill is considered original text for the purpose of further amendment.

AMENDMENT NO. 1398

(Purpose: To provide for an Inspector General of the Internal Revenue Service under the Inspector General Act of 1978, and for other purposes)

The PRESIDING OFFICER. The clerk will now report the amendment of the Senator from Ohio.

The legislative clerk read as follows:

The Senator from Ohio (Mr. Glenn), for himself and Mr. ROTH, proposes an amendment numbered 1398.

Mr. GLENN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 8, strike out "1987" and insert in lieu thereof "1988".

On page 27, line 6, insert after the comma "THE INTERNAL REVENUE SERVICE,".

On page 27, line 15, strike out "(S) and (T)" and insert in lieu thereof "(T) and (U)".

On page 27, line 18, strike out "(R)" and insert in lieu thereof "(S)".

On page 27, line 21, strike out "(L), (N), and (O)" and insert in lieu thereof "(M), (O), and (P)".

On page 27, line 25, strike out "subparagraph" and insert in lieu thereof "subparagraphs".

On page 28, lines 8 and 9, strike out "the 'Office of Inspection, Internal Revenue Service',".

On page 28, line 12, strike out the quotation marks and semicolon at the end thereof.

On page 28, insert between lines 12 and 13 the following:

"(L) of the Department of the Treasury, in the Internal Revenue Service of such department, the office of that service referred to as the 'Office of Assistant Commissioner (Inspection), Internal Revenue Service';";

On page 28, line 13, strike out "(L)" and insert in lieu thereof "(M)".

On page 28, line 16, strike out "(M)" and insert in lieu thereof "(N)".

On page 28, line 19, strike out "(O)" and insert in lieu thereof "(P)".

On page 28, line 22, strike out "(P)" and insert in lieu thereof "(Q)".

On page 29, line 1, strike out "(Q)" and insert in lieu thereof "(R)".

On page 29, line 17, strike out "and".

On page 29, line 20, strike out the period and insert in lieu thereof a semicolon and "and".

On page 29, insert between lines 20 and 21 the following:

(D) by inserting "or the Commissioner of Internal Revenue" before "as the case may be".

On page 30, line 3, strike out "and".

On page 30, line 7, strike out the quotation marks and the period and insert in lieu thereof a semicolon and "and".

On page 30, insert between lines 7 and 8 the following:

(D) by inserting "Internal Revenue Service" before "as the case may be".

On page 30, line 21, strike out "general".

On page 30, lines 25 and 26, strike out "the Office of Inspections of the Internal Revenue Service,".

On page 31, line 2, strike out "periodically".

On page 31, line 6, insert "(other than the Internal Revenue Service)" after "Department".

On page 32, line 11, insert "and the Inspector General of the Internal Revenue Service".

On page 32, line 12, insert "and the Commissioner of Internal Revenue, respectively," after "Treasury".

On page 32, line 24, strike out "or".

On page 33, insert before line 1 the following:

"(E) intelligence or counterintelligence matters; or

On page 33, line 1, strike out "(E)" and insert in lieu thereof "(F)".

On page 33, line 3, insert "or property" after "person".

On page 33, line 4, insert before the period a comma and "section 202 of title 3, United States Code, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note; Public Law 94-524)".

On page 33, line 6, insert "or the Commissioner of Internal Revenue" after "Treasury".

On page 33, line 7, insert "of the Department of the Treasury or the Inspector General of the Internal Revenue Service, respectively," after "General".

On page 33, line 9, strike out "the" and insert in lieu thereof "such".

On page 33, line 11, strike out "of the Treasury" and insert in lieu thereof "or the Commissioner".

On page 33, line 15, insert "(A)" after "(3)".

On page 33, line 24, strike out all beginning with the comma through line 25 and insert in lieu thereof a period.

On page 34, insert before line 1 the following:

"(B) If the Commissioner of Internal Revenue exercises any power under paragraph (1) or (2), the Commissioner shall notify the Inspector General of the Internal Revenue Service in writing of such exercise. Within 30 days after receipt of such notice, the Inspector General shall transmit a copy of such notice to the Committee on Governmental Affairs and the Committee on Finance of the Senate and to the Committee on Government Operations and the Committee on Ways and Means of the House of Representatives.".

On page 34, insert between lines 4 and 5 the following:

"Inspector General, Internal Revenue Service".

On page 34, insert between lines 8 and 9 the following:

(e) In addition to the standards prescribed by the first sentence of section 3(a), the Inspector General of the Internal Revenue Service shall at the time of appointment be in a career reserved position in the Senior Executive Service in the Internal Revenue Service as defined under section 3132(a)(8) of title 5, United States Code, with demonstrated ability in investigative techniques or internal audit functions with respect to the programs and operations of the Internal Revenue Service.

(f)(1) In addition to the duties and responsibilities specified in this Act, the Inspector General of the Internal Revenue Service shall perform such duties and exercise such powers as may be prescribed by the Commissioner of Internal Revenue, to the extent such duties and powers are not inconsistent with the purposes of this Act.

(2) No audit or investigation conducted by the Inspector General of the Department of the Treasury or the Inspector General of the Internal Revenue Service shall affect a final decision of the Secretary of the Treasury or his designee described in section 6406 of the Internal Revenue Code of 1986.

Mr. GLENN. Madam President, I think that I have already explained the amendment earlier, and at this point there is no need to repeat it. I think we are prepared to have a vote on this, if it is all right with my distinguished colleague.

The PRESIDING OFFICER. Do Senators yield back their time on the amendment?

Mr. GLENN. I yield back the time on the amendment.

Mr. ROTH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1398) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BREAUX. Madam President, it is my understanding that as part of the arrangement to bring this bill to the floor at this time, the leadership of the Committee on Governmental Affairs, Senators Glenn and Roth, have agreed to accomodate the interests of the leadership of the Environment Committee's Subcommittee on Nuclear Regulation, Alan Simpson and myself, on two specific concerns that we had about this legislation.

First, the unanimous-consent agreement provides that the provisions in this bill having to do with the Nuclear Regulatory Commission's Office of Investigations will be deleted from the bill. The only provision that would therefore remain in this bill affecting the NRC would be a provision to establish a Statutory Office of Inspector General at the NRC, including the transfer of the Office of Inspector and Auditor into that office.

Second, at such time as the Environment Committee reports legislation addressing the issue of the organization and structure of the Nuclear Regulatory Commission—legislation that we are tentatively planning on including as a part of the NRC's fiscal year 1988–89 authorization bill and that could well include provisions establishing a single Administrator for the NRC, a Nuclear Safety Board to investigate certain incidents, a Statutory Office of Inspector General for the NRC including only the Office of Inspector and Auditor, and provisions related to the Commission's Office of Investigations—the Committee on Governmental Affairs will not seek a sequential referral of all or any part of this legislation. In addition, in exchange for an understanding that the Environment Committee will not seek to move this legislation on the Senate floor for a period of 30 calendar days after the bill is reported from our committee, the Committee on Governmental Affairs will not seek to prevent us from moving forward with consideration of this bill on the Senate floor after that time.

I wonder, Madam President, if I could ask the leadership of the Committee on Governmental Affairs if this arrangement, as I have described it, is acceptable?

Mr. GLENN. The arrangement that the Senator from Louisiana [Mr. Breaux] has just outlined is fully acceptable to me, Madam President, and I think is a sensible approach to addressing the respective interests of the two committees.

Mr. ROTH. I agree with that, Madam President, and think that the approach that Senator Breaux has outlined is quite satisfactory.

Mr. BREAUX. I appreciate those assurances, Madam President, and think this represents a most sensible way to proceed in view of the interests of the two committees.

Mr. SASSER. Mr. President, I rise along with my colleague, Senator Garn, to clarify the application of S. 908 to the Smithsonian Institution. Am I correct in stating that section 5 of this bill creates an internal audit unit at the Smithsonian Institution?

Mr. GLENN. That is correct.

Mr. SASSER. It is my further understanding that the Director of this Internal Audit Unit would report directly to the Secretary of the Smithsonian Institution under the terms of this measure and that the Secretary, under the definition of this bill is the head of the "designated Federal entity," in this case, the Smithsonian Institution.

Mr. GLENN. Yes, that is correct.

Mr. SASSER. Now the Smithsonian, as I am sure Senator Glenn is aware, is not, in fact, a Federal agency. But for the strict terms of S. 908, the Secretary is the official to whom the Internal Audit Unit Director of the Smithsonian reports. Is it your understanding that nothing in S. 908 contravenes the fact that the Secretary, who is appointed by the Board of Regents of the Smithsonian, is ultimately responsible to the Board of Regents and not the Congress in his administration of the Smithsonian.

Mr. GLENN. Yes. To a great extent, S. 908 simply codifies in statutory form the current responsibilities of the Director of the Office of Audits and Investigations Unit in the Smithsonian. Nothing in S. 908 is intended to contravene that basic governing structure of the Smithsonian Institution nor the duty of the Secretary to manage and administer Smithsonian activities in accordance with the dictates of the Board of Regents, six of whom are Members of Congress.

Mr. GARN. I would say to my distinguished colleague from Ohio that the Smithsonian regularly communicates with the Congress with regard to all sorts of audits being conducted at the Institution.

Its seven-member Audit and Review Committee meets at least three times a year. Five of the members of the Audit and Review Committee are sitting Members of Congress and two are former Members of the U.S. Senate, Mr. Mathias and Mr. Morgan.

The Director of the Office of Audits and Investigations provides all final audit reports directly to the Secretary and to the Audit and Review Committee. These reports are thoroughly reviewed by the Secretary and the Audit Committee. These reports are also routinely made available to congressional committees with jurisdiction over federally funded Smithsonian activities.

I have always been very impressed with the audit and review function at the Smithsonian, and it is my further understanding that in the formulation of S. 908, the hearing record did not indicate any deficiencies with current investigation and audit activities at the Smithsonian.

Mr. GLENN. Yes; that is correct. The intent of S. 908 is to legally codify the operations of the current Office of Audits and Investigations. The hearing record does not indicate any basic deficiencies in the audit and investigative activities conducted by the Smithsonian Director of Office of Audits and Investigations.

Mr. THURMOND. Mr. President, like a number of my colleagues, I was detained and unable to reach the Senate floor for the vote on S. 908, which amends the Inspector General Act of 1978. Had I been present, I would have voted in favor of this bill.

S. 908 creates new statutory offices of Inspector General in four Federal agencies: the Department of the Treasury, the Federal Emergency Management Agency, the Nuclear Regulatory Commission [NRC], and the Office of Personnel Management [OPM]. The bill also establishes internal audit units in 33 Federal entities that are currently not covered by the Inspector General Act of 1978.

Mr. President, this bill represents an effort to bring further financial accountability to the Federal Government, and I commend the Governmental Affairs Committee for their work on this bill.

Mr. BENTSEN. Mr. President, I strongly support the Inspector General Act amendments legislation we are considering today. The bill provides for Inspectors General to be established in four major Federal agencies and departments: Treasury Department, Nuclear Regulatory Commission, Federal Emergency Management Agency, and Office of Personnel Management. In addition, it strengthens the internal audit and investigative capability in thirty three other Federal agencies.

The committee record is clear and comprehensive on the value of Inspectors General in Federal agencies. They help to prevent fraud, waste and abuse in Government. They are needed in a Federal bureaucracy that has grown as large as the one in the United States. Further, the responsibilities of these agencies and departments have expanded to such an extent that proper internal audit and investigative procedures cannot be performed adequately by program personnel.

I am particularly encouraged by the committee's action in proposing that an Inspector General be established for the Nuclear Regulatory Commission. That is an independent Federal agency much in need of an Inspector General. In my State, that agency is near the center of controversy surrounding the South Texas Nuclear Power Plant. I believe that had we an Inspector General in place there, some of the controversy and allegations by workers regarding mismanagement and defects in construction at the plant could have been dealt with seriously and swiftly.

The public has a right to expect that its Government act responsibly. When allegations are hurled by responsible persons, they should be investigated thoroughly to determine whether there is any basis of truth or cause for concern. That is the reason this legislation is so important and necessary. I support it. I congratulate my distinguished colleagues, Senators Glenn and Roth, the respective chairman and ranking member of the Committee on Governmental Affairs, for producing this vital legislation.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. GLENN. Madam President, I suggest the absence of a quorum. There will be two colloquies, and I will check on those. It should be a few moments, but I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, I am prepared to enter into a colloquy with Mr. Humphrey, who is on the floor.

Mr. HUMPHREY. Madam President, I commend the chairman of the Governmental Affairs Committee for his efforts to create new statutory inspectors general for several key Federal agencies. I believe the establishment of an independent office devoted to fighting waste, fraud and mismanagement within Federal programs provides a crucial oversight function. I understand that, during the course of the hearings on S. 908, the Office of Management and Budget suggested that the Governmental Affairs Committee consider also including a statutory inspector general for the Tennessee Valley Authority [TVA].

Mr. GLENN. The Senator from New Hampshire is correct. However, the Office of Management and Budget statement constituted only a single sentence in otherwise detailed testimony concerning a number of agencies. S. 908, as reported, does include a statutory requirement that 33 agencies, including TVA, consolidate all audit and internal investigative resources into a single office.

Inasmuch as TVA already has consolidated these functions into a nonstatutory Inspector General Office under a single individual who reports to the agency head, S. 908 creates a statutory mandate requiring a continuation of TVA's current operations, but vests that office with the powers and reporting requirements of a statutory inspector general. based on the limited record available, this treatment seemed appropriate.

The TVA board has no objection to this treatment under S. 908.

Mr. HUMPHREY as chairman of the Environment and Public Works Subcommittee on Regional and Community Development during the 98th and 99th Congresses, I spent many hours conducting hearings concerning the TVA, a government-owned utility with well over 27,000 employees and over $1 billion in budget authority.

In 1985, the senior Senator from Tennessee [Mr. Sasser] successfully pursuaded the TVA board of directors to establish an Office of Inspector General at TVA. Clearly, this was a step in the right direction.

My analysis of TVA and the problems which plague the agency has led me to conclude that TVA would benefit most from the independent oversight authority vested in a Presidentially-appointed inspector general. The Governmental Affairs Committee report for the Inspector General Act of 1978 stated that the law "insures the independence of the inspector and auditor general by making him a Presidential appointee, subject to Senate confirmation, and by taking the unusual step of requiring the President to report to Congress explaining his reasons for removing an incumbent of the office."

Under the current system, and the provisions of S. 908, the TVA board has the right to remove the inspector general from office prior to the expiration of the established term of office. In order to insure the absolute independence of the inspector general in examining all the phases of the agency, I believe it essential that the authority to remove the inspector general reside with the President rather than the TVA board.

Madam President, I appreciate the commitment from the Senator from Ohio to look into this matter. I understand that he has agreed to request that the General Accounting Office study the existing Office of Inspector General at the Tennessee Valley Authority and evaluate the adequacy of the current arrangements. It is important that the chairman of the Governmental Affairs Committee has taken this step and, in deference to his efforts, I have agreed not to offer my amendment to establish a Presidentially-appointed inspector general at TVA.

Mr. GLENN. Madam President, I understand fully the concerns of the Senator from New Hampshire concerning TVA. I share them. It is a matter that he has certainly studied extensively. I am very confident that the GAO will provide the Governmental Affairs Committee with objective data concerning the adequacy of the Office of Inspector General at TVA. Further, GAO will provide an assessment as to whether a presidentially appointed Inspector General would better fulfill the objectives of the Inspector General Act than the arrangement contained in this legislation, in S. 908.

Madam President, as chairman of the Committee on Governmental Affairs, I fully assure the Senator that upon receipt of the GAO report the committee will review it thoroughly. I further assure the Senator from New Hampshire, if warranted, the committee will conduct a hearing on the matter.

Mr. HUMPHREY. Madam President, once again, I appreciate the chairman's good faith efforts in working an agreement on this issue. I hope that this agreement will facilitate the expeditious consideration of his very important bill.

I hope, likewise, that this agreement will lead to some definitive answer on whether we need to make a change at TVA with respect to the TVA Inspector General who is now removable at the will of those whom in a certain sense he oversees. That is not ordinarily a healthy arrangement, and I believe it needs to be changed. But, in

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any event, the Senator has made a good faith commitment to come to a conclusion on that, and I appreciate it.

Mr. GLENN. I thank the distinguished Senator.

Mr. SASSER. Madam President, I rise today to urge my colleagues to join with me and support S. 908, the Inspector General Act Amendments of 1987.

I am pleased to have been an original cosponsor of this important piece of legislation. I believe that this bill provides watchdogs for the American people against waste and fraud in the Federal Government.

For many years I have been a staunch supporter of inspectors general and I have made the fight against waste and fraud in the Federal Government a priority during my service in the Senate.

Through my work on the Committee on Governmental Affairs I have seen that inspectors general do indeed work. They invariably result in savings to the American people.

The hearing record on S. 908 is replete with testimony supporting the value of inspectors general.

In many ways, the creation of an inspector general is central to the efficiency and effectiveness of a Federal agency.

The intent of this bill, as the chairman has so ably indicated, is to give some real teeth to the audit and investigative capabilities of a Federal agency. As the committee report on S. 908 indicates, all too often audits and investigations are not conducted in an effective manner. Or, they may be conducted—but not followed up on—by agency heads. In that case, the audit function is under-utilized.

But with S. 908, inspectors general, heads of internal audit units, and agency heads have a responsibility to see audits and investigations through to their logical conclusion—promoting more efficient and economical agency operations.

This bill very wisely creates five new statutory inspectors general and requires centralized internal audit units in more than 30 smaller agencies. Another set of very small Federal agencies is required to follow more uniform audit and review procedures.

S. 908 was reported favorably by a unanimous vote from the Senate Governmental Affairs Committee. That vote indicates the strong bipartisan support for this legislation.

Given the overwhelming support for this measure, I would urge all of my colleagues to vote for this bill—thereby expressing a strong vote of confidence for the inspector general concept.

With such a strong vote for the Inspector General Act Amendments of 1987, I have every confidence that the House of Representatives will take expeditious action on this legislation—insuring early enactment of the many progressive features of this bill.

Mr. GLENN. Madam President, I know of no one else wishing to speak on the bill.

Does the distinguished Senator from Delaware wish to speak?

Mr. ROTH. I have no other requests.

Mr. GLENN. We have no other requests on this side and if we are prepared to move to a vote, the yeas and nays I believe have been ordered; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. I would be prepared to yield back all my time.

Mr. ROTH. I yield back my remaining time.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota [Mr. DASCHLE], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Montana [Mr. MELCHER], the Senator from Nevada [Mr. REID] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting the Senator from Tennessee [Mr. GORE] would vote "yea."

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. KARNES], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Alaska [Mr. STEVENS] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 0, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—85

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
Danforth
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heinz
Helms
Hollings
Humphrey
Inouye
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Symms
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NOT VOTING—15

Biden
D'Amato
Daschle
Dole
Gore
Heflin
Johnston
Karnes
Matsunaga
Melcher
Reid
Rudman
Simon
Stevens
Thurmond

So the bill (S. 908) was passed, as follows:

S. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That this Act may be cited as the "Inspector General Act Amendments of 1988".

CONFORMATION OF AUTHORITIES OF EXISTING OFFICES OF INSPECTORS GENERAL

SEC. 2. (a) Section 2(1) of the Inspector General Act of 1978 is amended to read as follows:

"(1) to conduct and supervise audits and investigations relating to the programs and operations of the establishments listed in section 11(2);".

(b) Section 9(a)(1) of such Act is amended—

(1) by striking out subparagraph (I);

(2) by redesignating subparagraphs (M) and (N) as subparagraphs (O) and (P), respectively;

(3) by redesignating subparagraphs (J) through (L) as subparagraphs (K) through (M), respectively;

(4) by redesignating subparagraphs (E) through (H) as subparagraphs (G) through (J), respectively;

(5) by inserting after subparagraph (D) the following new subparagraphs:

"(E) of the Department of Energy, the Office of Inspector General (as established by section 208 of the Department of Energy Organization Act);

"(F) of the Department of Health and Human Services, the Office of Inspector General (as established by title II of Public Law 94-505);"; and

(6) by inserting after subparagraph (M) (as redesignated by paragraph (3) of this subsection) the following new subparagraph:

"(N) of the Railroad Retirement Board, the Office of Inspector General (as established by section 23 of the Railroad Retirement Act of 1974);".

(c) Section 11 of such Act is amended—

(1) by inserting "Energy, Health and Human Services," after "Education," each place it appears in paragraphs (1) and (2);

(2) by striking out "Community Services," in paragraph (1);

(3) by striking out "the Community Services Administration," in paragraph (2);

(4) by inserting "or the Chairman of the Railroad Retirement Board," before "as the case may be" in paragraph (1); and

(5) by inserting "the Railroad Retirement Board," after "National Aeronautics and Space Administration," in paragraph (2).

(d)(1)(A) Section 208 of the Department of Energy Organization Act is repealed.

(B) The table of contents in the first section of such Act is amended by striking out the item relating to section 208.

(2) Title II of Public Law 94-505 is repealed.

(3) Section 23 of the Railroad Retirement Act of 1974 is repealed.

(e) The transfer of functions under the amendments made by subsection (b) shall not affect any individual, who on the date of enactment of this Act, is serving as the Inspector General of the Department of Energy, the Department of Health and Human Services, or the Railroad Retirement Board. Any such individual shall continue to serve in such position until such individual dies, resigns, or is removed from office in accordance with the Inspector General Act of 1978.

UNIFORM SALARIES FOR INSPECTORS GENERAL

SEC. 3. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Agency for International Development.

"Inspector General, Environmental Protection Agency.

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Railroad Retirement Board.

"Inspector General, Small Business Administration.".

(b) Section 5316 of such title is amended by striking out the paragraphs relating to—

(1) the Inspector General of the Department of Commerce;

(2) the Inspector General of the Department of the Interior;

(3) the Inspector General of the Agency for International Development;

(4) the Inspector General of the Community Services Administration;

(5) the Inspector General of the Environmental Protection Agency;

(6) the Inspector General of the General Services Administration;

(7) the Inspector General of the National Aeronautics and Space Administration; and

(8) the Inspector General of the Small Business Administration.

ESTABLISHING AN OFFICE OF INSPECTOR GENERAL IN THE DEPARTMENT OF THE TREASURY, THE INTERNAL REVENUE SERVICE, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE NUCLEAR REGULATORY COMMISSION, AND THE OFFICE OF PERSONNEL MANAGEMENT

SEC. 4. (a) Section 9(a)(1) of the Inspector General Act of 1978 (as amended by section 2(b) of this Act) is further amended—

(1) by redesignating subparagraphs (O) and (P) (as redesignated by paragraph (2) of section 2(b) of this Act) as subparagraphs (T) and (U), respectively;

(2) by redesignating subparagraph (N) (as added by paragraph (6) of section 2(b) of this Act) as subparagraph (S);

(3) by redesignating subparagraphs (K), (L), and (M) (as redesignated by paragraph (3) of section 2(b) of this Act) as subparagraphs (M), (O), and (P), respectively;

(4) by inserting after subparagraph (J) (as redesignated by paragraph (4) of section 2(b) of this Act) the following new subparagraphs:

"(K) of the Department of the Treasury, the office of that department referred to as the 'Office of Inspector General', and, notwithstanding any other provision of law, that portion of each of the offices of that department referred to as the 'Office of Internal Affairs, Bureau of Alcohol, Tobacco, and Firearms', the 'Office of Internal Affairs, United States Customs Service', and the 'Office of Inspections, United States Secret Service' which is engaged in internal audit activities;

"(L) of the Department of the Treasury, in the Internal Revenue Service of such department, the office of that service referred to as the 'Office of Assistant Commissioner (Inspection), Internal Revenue Service';";

(5) by inserting after subparagraph (M) (as redesignated by paragraph (3) of this subsection) the following new subparagraph:

"(N) of the Federal Emergency Management Agency, the office of that agency referred to as the 'Office of Inspector General';"; and

(6) by inserting after subparagraph (P) (as redesignated by paragraph (3) of this subsection) the following new subparagraphs:

"(Q) of the Nuclear Regulatory Commission, the offices of that commission referred to as the 'Office of Inspector and Auditor';

"(R) of the Office of Personnel Management, the offices of that agency referred to as the 'Office of Inspector General', the 'Insurance Audits Division, Retirement and Insurance Group', and the 'Analysis and Evaluation Division, Administration Group';".

(b)(1) Section 11(1) of such Act (as amended by section 2(c) of this Act) is further amended—

(A) by striking out "or Transportation or" and inserting in lieu thereof "Transportation, or the Treasury;"

(B) by striking out ", or the Director of the United States Information Agency" and inserting in lieu thereof a semicolon and "the Director of the Federal Emergency Management Agency, the Office of Personnel Management, or the United States Information Agency;";

(C) by inserting "the Nuclear Regulatory Commission or" before "the Railroad Retirement Board" (as added by section 2(c)(4) of this Act); and

(D) by inserting "or the Commissioner of Internal Revenue" before "as the case may be".

(2) Section 11(2) of such Act (as amended by section 2(c) of this Act) is further amended—

(A) by striking out "or Transportation" and inserting in lieu thereof "Transportation, or the Treasury;";

(B) by inserting "the Federal Emergency Management Agency," after "the Environmental Protection Agency,";

(C) by inserting "the Nuclear Regulatory Commission, the Office of Personnel Management," after "the National Aeronautics and Space Administration,", and

(D) by inserting "Internal Revenue Service" before "as the case may be".

(c) The Inspector General Act of 1978 is amended by inserting after section 8A the following new sections:

"SPECIFIC PROVISION CONCERNING THE NUCLEAR REGULATORY COMMISSION

"SEC. 8B. The Chairman of the Commission may delegate the authority specified in the second sentence of section 3(a) to another member of the Nuclear Regulatory Commission, and shall not delegate such authority to any other officer or employee of the Commission.

"SPECIAL PROVISIONS REGARDING THE DEPARTMENT OF THE TREASURY

"SEC. 8C. (a) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of the Treasury shall have oversight responsibility for the internal investigations performed by the Office of Internal Affairs of the Bureau of Alcohol, Tobacco and Firearms, the Office of Internal Affairs of the United States Customs Service, and the Office of Inspections of the United States Secret Service. The head of each such office shall report to the Inspector General the significant investigative activities being carried out by such office.

"(b) Notwithstanding subsection (a), the Inspector General of the Department of the Treasury may conduct an investigation of any officer or employee of such Department (other than the Internal Revenue Service) if—

"(1) the Secretary of the Treasury or the Deputy Secretary of the Treasury requests the Inspector General to conduct an investigation;

"(2) the investigation concerns senior officers or employees of the Department of the Treasury, including officers appointed by the President, members of the Senior Executive Service, and individuals in positions classified at grade GS-15 of the General Schedule or above or classified at a grade equivalent to such grade or above such equivalent grade; or

"(3) the investigation involves alleged notorious conduct or any other matter which, in the opinion of the Inspector General, is especially sensitive or of departmental significance.

"(c) If the Inspector General of the Department of the Treasury initiates an investigation under subsection (b), and the officer or employee of the Department of the Treasury subject to investigation is employed by or attached to a bureau or service referred to in subsection (a), the Inspector General may provide the head of the office of such bureau or service referred to in subsection (a) with written notice that the Inspector General has initiated such an investigation. If the Inspector General issues a notice under the preceding sentence, no other investigation shall be initiated into the matter under investigation by the Inspector General and any other investigation of such matter shall cease.

"(d)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General of the Department of the Treasury and the Inspector General of the Internal Revenue Service shall be under the authority, direction, and control of the Secretary of the Treasury and the Commissioner of Internal Revenue, respectively, with respect to audits or investigations, or the issuance of subpenas, which require access to information concerning—

"(A) ongoing criminal investigations or proceedings;

"(B) sensitive undercover operations;

"(C) the identity of confidential sources, including protected witnesses;

"(D) deliberations and decisions on policy matters, including documented information used as a basis for making policy decisions, the disclosure of which could reasonably be expected to have a significant influence on the economy or market behavior;

"(E) intelligence or counterintelligence matters;

"(F) other matters the disclosure of which would constitute a serious threat to national security or to the protection of any person or property authorized protection by section 3056 of title 18, United States Code, section 202 of title 3, United States Code, or any provision of the Presidential Protection Assistance Act of 1978 (18 U.S.C. 3056 note; Public Law 94-524).

"(2) With respect to the information described in paragraph (1), the Secretary of the Treasury or the Commissioner of Internal Revenue may prohibit the Inspector General of the Department of the Treasury or the Inspector General of the Internal Revenue Service, respectively, from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpena, if the Secretary or the Commissioner determines that such prohibition is necessary to preserve the confidentiality of or prevent the disclosure of any information described in paragraph (1).

"(3)(A) If the Secretary of the Treasury exercises any power under paragraph (1) or (2), the Secretary of the Treasury shall notify the Inspector General of the Department of the Treasury in writing of such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of the Treasury shall transmit a copy of such notice to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives, and to other appropriate committees or subcommittees of Congress.

(e) In addition to the standards prescribed by the first sentence of section 3(a), the Inspector General of the Internal Revenue Service shall at the time of appointment be in a career reserved position in the Senior Executive Service in the Internal Revenue Service as defined under section 3132(a)(8) of title 5, United States Code, with demonstrated ability in investigative techniques or internal audit functions with respect to the programs and operations of the Internal Revenue Service.

(f)(1) In addition to the duties and responsibilities specified in this Act, the Inspector General of the Internal Revenue Service shall perform such duties and exercise such powers as may be prescribed by the Commissioner of Internal Revenue, to the extent such duties and powers are not inconsistent with the purposes of this Act.

(2) No audit or investigation conducted by the Inspector General of the Department of the Treasury or the Inspector General of the Internal Revenue Service shall affect a final decision of the Secretary of the Treasury or his designee described in section 6406 of the Internal Revenue Code of 1986.

"(B) If the Commissioner of Internal Revenue exercises any power under paragraph (1) or (2), the Commissioner shall notify the Inspector General of the Internal Revenue Service in writing of such exercise. Within 30 days after receipt of such notice, the Inspector General shall transmit a copy of such notice to the Committee on Governmental Affairs and the Committee on Finance of the Senate and to the Committee on Government Operations and the Committee on Ways and Means of the House of Representatives.".

(d) Section 5315 of title 5, United States Code (as amended by section 3(a) of this Act) is further amended by adding at the end thereof the following new items:

"Inspector General, Department of the Treasury.

"Inspector General, Internal Revenue Service.

"Inspector General, Federal Emergency Management Agency.

"Inspector General, Nuclear Regulatory Commission.

"Inspector General, Office of Personnel Management.".

REQUIREMENTS AND PROTECTIONS FOR AUDIT AND INVESTIGATION UNITS

SEC. 5. (a) The Inspector General Act of 1978 (as amended by section 4(c) of this Act) is further amended by inserting after section 8C the following new section:

"SPECIFIC REQUIREMENTS FOR FEDERAL ENTITIES

"SEC. 8D. (a) As used in this section—

"(1) the term 'Federal entity' means any Government corporation (within the meaning of section 103(1) of title 5, United States Code), any Government controlled corporation (within the meaning of section 103(2) of such title), or any other entity in the Executive branch of the Government, or any independent regulatory agency, but does not include—

"(A) an establishment (as defined in section 11(2) of this Act) or part of an establishment;

"(B) the Executive Office of the President;

"(C) the Central Intelligence Agency;

"(D) the General Accounting Office;

"(E) the Department of Justice; or

"(F) any entity in the judicial or legislative branches of the Government, including the Administrative Office of the United States Courts and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol;

"(2) the term 'designated Federal entity' means ACTION, Amtrak, the Appalachian Regional Commission, the Board of Governors of the Federal Reserve System, the Board for International Broadcasting, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Corporation for Public Broadcasting, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Federal Home Loan Bank Board, the Federal Labor Relations Authority, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Legal Services Corporation, the National Archives and Records Administration, the National Credit Union Administration, the National Endowment for the Arts, the National Endowment for the Humanities, the National Labor Relations Board, the National Science Foundation, the Panama Canal Commission, the Peace Corps, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, the Smithsonian Institution, the Tennessee Valley Authority, the United States International Trade Commission, and the United States Postal Service;

"(3) the term 'head of the Federal entity' means the director, administrator, president, chairman, or chief executive officer of a Federal entity, or any other body designated by statute as the head of a Federal entity;

"(4) the term 'head of the designated Federal entity' means the director, administrator, president, chairman, or chief executive officer of a designated Federal entity, or any other body designated by statute as the head of a designated Federal entity;

"(5) the term 'internal audit unit' means a component of a Federal entity which carries out audits or investigations, or both, of the programs and operations of such entity, but does not include a component that carries out audits or investigations as an integral part of the conduct of the programs and operations of such entity; and

"(6) the term 'internal audit unit director' means the head of an internal audit unit.

"(b) After the date which is 180 days after the date of enactment of this section, there shall be established in each designated Federal entity an internal audit unit. The head of the designated Federal entity shall transfer to the internal audit unit established in such entity the offices, units, or other components, and the functions, powers, or duties thereof, that such head determines are properly related to the functions of the internal audit unit and would, if so transferred, further the purposes of this section. There shall not be transferred to an internal audit unit any program operating responsibilities.

"(c) The internal audit unit director shall be appointed by the head of the designated Federal entity in accordance with the applicable laws and regulations governing appointments within the designated Federal entity.

"(d) Each internal audit unit director shall report to and be under the general supervision of the head of the designated Federal entity, but shall not report to, or be subject to supervision by, any other officer or employee of such designated Federal entity. The head of the designated Federal entity shall not prevent or prohibit the internal audit unit director from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena during the course of any audit or investigation.

"(e) If an internal audit unit director is removed from office or is transferred to another position or location within a designated Federal entity, the head of the designated Federal entity shall promptly communicate the reasons for any such removal or transfer to both Houses of Congress.

"(f)(1) The Chief Postal Inspector of the United States Postal Service shall be the internal audit unit director of the United States Postal Service, and for purposes of this section, shall report to, and be under the general supervision of, the Postmaster General. The Chief Postal Inspector may be removed from office or transferred to another position or location within the United States Postal Service if the Postmaster General issues a written order stating the reason for such action and two-thirds of the Governors of the United States Postal Service vote to ratify such order. If the Chief Postal Inspector is removed or transferred in accordance with this subsection, the Postmaster General shall promptly notify both Houses of Congress of the reasons for such removal or transfer.

"(2) For purposes of paragraph (1), the term 'Governors' has the same meaning as in section 102(3) of title 39, United States Code.

"(g)(1) Sections 4, 5, 6, and 7 of this Act (other than sections 6(a)(7) and 6(a)(8)) shall be applied to each internal audit unit, internal audit unit director, designated Federal entity, and head of the designated Federal entity (as such terms are defined in subsection (a)) by substituting—

"(A) 'internal audit unit director' for 'Inspector General';

"(B) 'designated Federal entity' for 'establishment';

"(C) 'internal audit unit' for 'Office'; and

"(D) 'head of the designated Federal entity' for 'head of the establishment'.

"(2) In addition to the other authorities specified in this Act, an internal audit unit

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director is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the internal audit unit and to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the designated Federal entity.

"(3) The provisions of subsection (d) of section 8C (other than the provisions of subparagraphs (A), (B), (C), and (E) of subsection (d)(1)) shall apply to the internal audit unit director of the Board of Governors of the Federal Reserve System and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.

"(h) Within one year after the date of enactment of this section, and on October 31 of each calendar year thereafter, the head of each Federal entity which is not a designated Federal entity shall prepare and transmit to the Director of the Office of Management and Budget a report which—

"(1) states whether there has been established in the Federal entity an internal audit unit that meets the requirements of this section;

"(2) specifies the actions taken by the Federal entity to ensure that audits are conducted of its programs and operations in accordance with the standards for audit of governmental organizations, programs, activities, and functions issued by the Comptroller General of the United States, including a list of each audit report completed by a Federal or non-Federal auditor during the reporting period; and

"(3) summarizes any matters relating to the personnel, programs, and operations of the Federal entity referred to prosecutive authorities, including a summary description of any preliminary investigation conducted by or at the request of the Federal entity concerning these matters, and the prosecutions and convictions which have resulted.".

(b) Section 410(b) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon;

(3) by striking out "The" in paragraph (8) and inserting in lieu thereof "the";

(4) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and "and"; and

(5) by adding at the end thereof the following new paragraph:

"(9) the provisions of section 8D of the Inspector General Act of 1978.".

PROVISIONS TO ENSURE UNIFORMITY AND RELIABILITY OF INSPECTOR GENERAL REPORTS

SEC. 6. (a) Section 5(a) of the Inspector General Act of 1978 is amended—

(1) by striking out "and" at the end of paragraph (5); and

(2) by striking out paragraph (6) and inserting in lieu thereof the following:

"(6) a list, subdivided according to subject matter, of each audit report completed by the Office during the reporting period, together with a summary of the significant reports;

"(7) a detailed statistical analysis of audit reports, depicting in tables arranged by audit status information concerning—

"(A) the number of audit reports in each audit status;

"(B) the number of such reports for which an audit determination was not made within 6 months of the date of completion of such reports;

"(C) where applicable, the amounts of ineligible costs, ineligible costs that were disallowed, unsupported costs, and unsupported costs that were disallowed; and

"(D) where applicable, the amount of disallowed costs returned to, or offset by, the Government;

"(8) a summary of each significant audit report completed before the commencement of the reporting period and identified under paragraph (7)(B), together with an explanation of the reason the audit determination was not made during the period described in such paragraph;

"(9) a description of, and an explanation of the reasons for, any significant revised audit determinations made during the reporting period; and

"(10) information concerning any significant audit determination with which the Inspector General is in disagreement.".

(b) Section 5(b) of such Act is amended by inserting "(1)" after "containing" and by inserting before the period a comma and "(2) a list of each audit report made by the establishment's Office of Inspector General which was not resolved within one year after the date on which an audit determination was made on such report, (3) an explanation of the reason such audit was not resolved, and (4) for each such audit report, the amount of disallowed costs that are under administrative or judicial appeal and the amount of any disallowed costs returned to, or offset by, the Government".

(c) Section 5(c) of such Act is amended by adding at the end thereof the following new sentence: "The head of each establishment shall also make copies of the report of such head required under subsection (b) available to the public upon request and at a reasonable cost.".

(d) Section 5 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) As used in this section—

"(1) the term 'ineligible cost' means an incurred cost that is questioned by the Office of Inspector General because of an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds;

"(2) the term 'unsupported cost' means an incurred cost that is questioned by the Office of Inspector General because the Office found that, at the time of the audit, such cost was not supported by adequate documentation;

"(3) the term 'disallowed cost' means an ineligible cost or unsupported cost that the management of an establishment has concluded, in an audit determination, should not be charged to the Federal Government;

"(4) the term 'audit determination' means the evaluation by the management of an establishment of the findings and recommendations included in an audit report and the issuance of a written final decision by management concerning its response, including corrective actions concluded to be necessary, to such findings and recommendations;

"(5) the term 'audit resolution' means the completion of all corrective actions that the management of an establishment has concluded, in an audit determination, are necessary with respect to the findings and recommendations included in an audit report, and, in the event that the management of an establishment concludes no corrective action is necessary, 'audit resolution' occurs when an audit determination has been reached; and

"(6) the term 'audit status' includes the following six categories:

"(A) audits for which the audit report was completed before the commencement of the reporting period and for which—

"(i) the audit determination was not made by the end of such period;

"(ii) the audit determination was made during such period and for which audit resolution has not occurred; and

"(iii) the audit determination was made during such period and for which audit resolution has occurred; and

"(B) audits for which the audit report was completed during the reporting period and for which—

"(i) the audit determination was not made by the end of such period;

"(ii) the audit determination was made during such period and for which audit resolution has not occurred; and

"(iii) the audit determination was made during such period and for which audit resolution has occurred.".

(e) Section 3512(b)(2) of title 31, United States Code, is amended by adding at the end thereof the following: "Such standards shall include (A) a definition of audit resolution consistent with section 5(f)(5) of the Inspector General Act of 1978, and (B) a standard to ensure that an audit determination will be made on each audit report within 6 months after the completion of such report, in the case of an audit performed by a Federal auditor, and within 6 months after receipt by the executive agency responsible for the program concerned, in the case of each audit performed by a non-Federal auditor. No order, circular, or directive prescribed by the Director of the Office of Management and Budget shall include an inconsistent definition or standard with respect to audit resolution.".

OATH ADMINISTRATION AUTHORITY

SEC. 7. Section 6(a) of the Inspector General Act of 1978 is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively, and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this Act, which oath, affirmation, or affidavit when administered or taken by or before an investigator or such other employee of an Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;".

APPROPRIATION ACCOUNTS

SEC. 8. Section 1105(a)(25) of title 31, United States Code, is amended to read as follows:

"(25) a separate appropriation account for appropriations for each Office of Inspector General established by the Inspector General Act of 1978.".

DISCLOSURE OF TAX RETURNS AND RETURN INFORMATION

SEC. 9. Section 5(e)(3) of the Inspector General Act of 1978 is amended by striking out "Nothing" in the first sentence and inserting in lieu thereof "Except to the extent

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provided in section 6103(f) of the Internal Revenue Code of 1986, nothing".

Mr. GLENN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I congratulate Mr. GLENN and Mr. ROTH for their management of this measure. I also want to thank and compliment the staffs on the inspector general bill, S. 908. It will improve the Government's ability to fight waste, fraud, and mismanagement, and it will assist Congress in its oversight duties. Their efforts in working out the last few problems enabled the Senate to complete the bill with but one rollcall vote on passage.

Mr. President, there will be no more rollcall votes today.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business, not to extend beyond 30 minutes, and Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

SENATOR DANIEL K. INOUYE, OF HAWAII

Mr. METZENBAUM. Mr. President, I rise to address myself to the very favorable conduct of one of our colleagues in recent days. I do not think there is any Member of this body who is more respected than is the distinguished senior Senator from Hawaii, Senator INOUYE.

Mr. President, the Senator about whom I speak, Senator INOUYE, was successful in offering a proposal to provide $8 million earmarked in the continuing resolution for the construction of schools in France for Jewish refugees from North Africa. His intention was excellent. He had a concern about these refugees and their opportunity to obtain adequate education.

But in retrospect, I and others arrived at the conclusion that providing funds for a parochial institution in France, no matter how meritorious, had other implications to it.

So he came to the floor of the U.S. Senate and said:

> I have made an error in judgment. I fear that I have embarrassed my colleagues. I intend to correct that error.

Mr. President, I must say to you that that takes courage. It takes courage to come out on the floor of the Senate and say, "I made a mistake. It was an error in judgment."

But this Senator, for whom all of us have such great respect, and who served on the Irangate inquiry and previously served on the inquiry concerning President Nixon, who distinguished himself as the chairman of the earlier hearing on a prominent Senator in this body, I am sure tortured himself before he came to the conclusion that he would come to the floor on this issue and admit an error.

I think that bespeaks so much about the kind of person that he is. I think it indicates the integrity that he has. I think it indicates the quality of the Senator and the human being that he is.

I just wanted to stand on this floor and say that I am very proud to serve in the U.S. Senate with Senator DANNY INOUYE. His act was a courageous one. His original intention was well-motivated, well-intentioned. I think in retrospect, he agreed, I agreed and others concluded, that perhaps that well-intentioned action should not have occurred. So he had the courage to come forward and indicate he will propose to undo the original error. I will support him in that effort. I commend him for the courage of his conviction and for the leadership he has shown in this Senate over a period of so many years. He makes us all stand just a little bit taller by reason of his willingness to admit an error and come forth and say so to this body. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

SENATOR DANIEL K. INOUYE

Mr. EXON. Mr. President, I wish to associate myself with the excellent remarks just presented by my colleague from Ohio. He said it so well that I will not attempt to add thereto, except to congratulate him. I want it shown in the RECORD very clearly that everything he said has been said better than this Senator could have said it, and which should be said about our distinguished colleague from Hawaii.

Mr. METZENBAUM. I thank the Senator from Nebraska.

THE NOMINATION OF JUDGE ANTHONY KENNEDY

Mr. EXON. Mr. President, I rise to announce my intention to vote for the confirmation of Judge Anthony Kennedy to the U.S. Supreme Court.

After reviewing the record, I am impressed with Judge Kennedy's conservative legal philosophy and commitment to judicial restraint. Judge Kennedy's calm temperament, careful explanation of the law, and soft-spoken nature seem especially becoming of a member of the highest court of the land. He has served on the circuit courts of appeals for years and, refreshingly, is a nominee from well outside the Washington, DC, area and its political circles. Judge Kennedy's opinions are carefully crafted and well reasoned. He brings to the Court a keen intellect and a willingness to consider each case which comes before him on its own merits and not through the prism of a predetermined or promised legal agenda.

I expect Judge Kennedy to receive overwhelming support in the U.S. Senate. He received the highest recommendation of the American Bar Association and the unanimous endorsement of the Senate Judiciary Committee. His professional career is impeccable and he has shown a continuing commitment to the law. Certainly, a unanimous endorsement is even possible. In the steps leading up to this point, the U.S. Senate and the Nation endured a divisive and bitterly fought battle. I submit, Mr. President, the Nation is well served when there is a high degree of consensus around a nomination of this magnitude. Justices O'Connor and Scalia both enjoyed the unanimous support of this body, and their decisions have enjoyed the confidence of the American people. To those who may wish to open old wounds and refight old battles, I urge them to not neglect the fact that in spite of this long and difficult road, the President has finally nominated an individual who has won the broad support of the Nation and this body. This unity and confidence makes our democratic institutions strong.

A lifetime appointment to the U.S. Supreme Court is a rare and distinct honor. It carries with it an awsome responsibility. I expect to Judge Kennedy's appointment to be a watershed in American jurisprudence. He assumes the position of the Justice Powell, a Justice who held the balance of power on a number of key cases. In this regard, the fact that he is regarded as a conservative jurist is a strong factor in his favor. Justice Kennedy is a thoughtful jurist who will not take his responsibilities lightly.

Mr. President, I look forward to joining with my colleagues to vote to confirm Judge Kennedy, the President's nominee to the U.S. Supreme Court.

THEIR LITTLE TOWN

Mr. EXON. Mr. President, I rise on one further matter. There was an excellent article in the National Journal magazine, the last issue, with regard to the calamity that is facing rural America today. I talk about rural America, and we think about agriculture, but there is also a great number of truly independent entrepreneurs out there who are suffering right

along, and primarily because of the agricultural depression in America.

Mr. President, I ask unanimous consent that the full text of the article from the National Journal Magazine, entitled "Their Little Town," be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Journal, Jan. 30, 1988]

THEIR LITTLE TOWN

(By Robert Guskind and Neal R. Peirce)

EUSTIS, NEB.—In the dead of winter, in the rolling fields surrounding this isolated little town, cattle forage on the golden-brown stubble of corn left over from the previous harvest. Patches of winter wheat, lush and green, add a touch of color to the drab landscape.

Eustis—1,227 miles from Capitol Hill and the Agriculture Department, 176 from the state capitol in Lincoln—is a picture postcard of small-town America. Dignified homes with manicured lawns line the residential streets. A steady flow of cars and pickup trucks passes the grain elevators along Railroad Street. Ethnic history? The Schnapps Haus (liquor) and the Shooten Haus (guns) tell the story.

Despite the appearance of normalcy, the trauma of the 1980s, which has gripped communities across the Great Plains, is close at hand—even in granite. "Like the early settlers, we, the 460 inhabitants of 1986, are survivors," reads the inscription etched on a simple monument erected two years ago to commemorate the town's centennial, "a hearty and ambitious lot. Pioneers in our own right in these changing and trying times."

And on the ground, a few yards away, sits a mute reminder of Eustis's curse; one of the small mountains of surplus grain that freckle the Nebraska countryside.

"It's been a tough four or five years," said David McClatchey, executive vice president of Farmers State Bank in Eustis. "The fear just gradually chokes you. You can put your arms around people, but it's only temporary relief. The thing that's difficult is that a guy can be making money, and his neighbor across the road is losing his farm. That splits a neighborhood, a town, real fast."

Still, Eustis is coming back. With agriculture slightly on the mend, federal farm payments still pouring in and some local merchants reporting plans to expand, residents are cautiously upbeat about the future. "We've been in a very depressed situation," said Gib Kiesel, who farms 1,800 acres south of Eustis. "Why tough it out? Because we're interested in each other. We're a close-knit neighborhood. If I see a guy going down the tubes, that hurts me."

"The outlook wasn't real rosy, but everybody kept their head in the air and sucked in their belt and proceeded on," said Eustis Mayor Roger Bryant. Livestock prices have been rising, and some commodity prices have inched up. "People are slowly getting even or above ground," Bryant said.

The times have not been so kind to Farnam, a town of 260 just 10 miles west of here. There, both the present and future appear far grimmer. At midday, there are no cars on the main street; there are few businesses left to attract them. A half-dozen storefronts are vacant and shuttered. A law office sits padlocked, its windows broken. Weeds grow from the sidewalk. Many houses are in desperate need of paint; others are abandoned. Junked farm equipment sits rusting in backyards. A church, its congregation dispersed, is boarded up.

Eustis and Farnam are at opposite ends of a shakeup that is reshaping the region. Some small towns, having weathered the worst, are poised to survive and even expand if the economy picks up. Among them is Eustis, reemerging through a combination of luck, perseverance and community leadership. Even more palpable is the comeback of slightly larger towns—Broken Bow, a community of 3,900 some 55 miles north of Eustis, for example. They are rapidly consolidating their position as regional trade and service centers, often at the expense of the smallest towns.

Other Plains towns, stripped of farmers, business people and other residents, continue to decay. They are the rural ghettos of the future. "Most of the little towns are not doing very well," said Milan Wall, president of the Lincoln-based Heartland Center for Leadership Development. They've suffered, he said, an unremitting "decline in retail sales, population loss, a lot of bank closings and more and more school consolidations. It may take a long time for these towns to go out of business. But they are headed for obscurity."

While smaller places sort themselves out between scenarios of recovery and eventual extinction, Nebraska's chief cities—Lincoln and Omaha—have fared much better. "The rural depression has hit Lincoln and Omaha but not to the degree it's hit the other two-thirds of the state," said Nebraska Legislature Speaker William E. Barrett, a Republican who represents a rural district north of Eustis. "It's been devastating in many communities. The urban centers have no conception how hard-hit we were."

"There isn't an appreciation in the urban centers that the viability of the rural economy has anything to do with them," Wall said. "It's almost as if people believe you can unhook the state 100 miles from Lincoln and let go of the rest and they'd never feel it. That's naive."

"I don't think urban Nebraskans really care about what's happening or fully understand the small community," said Eustis Mayor Bryant. "We feel like we're left out here and nobody really cares. That makes me angry."

WAVES OF TROUBLE

Rural decline is nothing new to Nebraska and other Plains states; many counties' populations peaked in the 1880s or 1890s. During the 1930s, drought and remorseless winds created darkness at midday, grasshoppers stripped fields, hundreds of Nebraska banks failed and nearly 100,000 Nebraskans were on relief. But all that was before government programs were presumed to protect Americans from assorted disasters.

The 1980s have brought record-high federal farm payments; they accounted for upwards of 60 percent of Nebraska net farm income last year. But nothing government has done has protected rural areas from a cascading loss of banks and businesses, doctors and schools and, above all, youth, fleeing in ever-greater numbers to big cities and other states.

Statewide, nearly 14 percent of Nebraskans are over age 65, half again the national average. And while a thriving class of young business people are sticking it out and working against the odds—people such as Doug Keller, a 29-year-old who opened his auto body shop in Eustis at 21 and is now thinking of expanding to other towns—the vast majority of talented youth continue to leave.

"Many young people tell me they have hopes of returning to the town," said Robert W. Rogers, school superintendent of Wausa, about 125 miles north of Lincoln. "But I'd say that no, they are not. The farm just will not support two or more families any more, so they are going on. That just bleeds a town." In 1970, Wausa's graduating class had 50 students; this year, 21.

The silent fallen of the decade are the thousands of cafes, barbershops, clothing shops and grocery stores, hardware stores, feed and fertilizer stores, auto and tractor dealers whose customer base evaporated beneath them. Rarely do they receive the commiseration and notice from the news media and politicians that are accorded failing farmers. "When a business closed on Main Street," said Charley Najacht, publisher of the *Custer County Chief* in Broken Bow, "nobody really noticed, not the press, not anybody." In a six-month period three years ago, Broken Bow lost 26 of its 130 retailers.

"It gets to be a burr under the saddle," said a Nebraska community leader. "Everybody's been too busy putting farmers up on a pedestal. The businessmen just feel like nobody gives a damn about them. We don't need farm aid here; we need aid up and down Main Street."

Medical care has suffered, too. Hospitals have closed, and many small towns, even when they've been willing to provide equipment and office space, have found themselves bereft of doctors. "The problem is getting the young doctors to look at the community at all," said Richard L. Tollefson, a Wausa physician. "They want culture, whatever that is. Or they think a school system of 300 or 400 kids is no good. Or they get back to the mecca of medicine in Omaha, and somebody says, 'You don't want to practice in a dump like that. If you practice in the city," they say, 'you can buy three Mercedes.'"

"The lack of a good medical facility is just one more nail in the coffin for some small towns," said Michael J. Steckler, administrator of the Melham Memorial Medical Center in Broken Bow.

Rural health care problems have been exacerbated by federal rules governing medicare reimbursement for care of the elderly. Tollefson attacks "Mickey Mouse" federal regulations that discourage physician participation in the program. Rural hospitals have run into problems because medicare reimburses them at rates lower than it pays urban hospitals, on the theory that rural costs are lower.

FEDERAL HAND

Medicine is just one facet of the federal government's critical but apparently quite uncoordinated role in rural areas today. Easily the most essential element is federal farm spending. Nebraska farmers alone took in more than $1 billion in direct federal payments in 1987. "If you had taken federal supports out of the farm cash flows last winter, every one of our farmers would have been in the red." Eustis banker McClatchey said.

Kiesel, whose family has been farming for more than a century, said: "There is simply no way to do it on your own. In my operation, I don't owe a dime to anybody, and I'm just making a living." Kiesel's farm includes part of an abandoned World War II air base, and he supplements his income by

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using two old hangars to store surplus federal grain.

With the increasing number of elderly and retirees, social security has become a hidden form of assistance from Washington. "The steady income of social security and the spending retirees do on health care and other services is becoming more and more important as a steady source of well-being." said Vicki Luther of the Heartland Center.

Federal banking regulations play a role, too, in towns fraught with bank failures and farm and business bankruptcies. "Stable financial institutions are very important," said Jerry W. Brown, senior vice president of Nebraska State Bank in Broken Bow. "If a small town has financial institutions that are in trouble, they have to report every move to the regulatory agencies, and their boards don't have the freedom to take the risks that make community improvements possible."

For many rural bankers, it is a quandary. "The bank has busted its tail to keep businesses open even if they were in the red because the community needs them," McClatchey said. "But then the FDIC [Federal Deposit Insurance Corp.] comes down and says that it's poor management. From a community point of view, what are you supposed to do? Close the whole town up? You just can't do that."

With federal development money as scarce as harvests in February and in a state with virtually no rural development policy, where can small Nebraska towns turn?

"The myth is that there's some great knight out there who is going to come in to save you," said Corrinne L. Pedersen, manager of the Chamber of Commerce in Broken Bow.

REEDS OF HOPE

While luring new businesses and jobs from outside is still a popular pursuit, the accent today is on supporting homegrown enterprises that may generate jobs and extra income for farmers. "The phenomenon of second wage earners in farm families became very pronounced in the last five years when the farm economy hit bottom," Brown said. "There are people out here, especially farm people, that wouldn't take charity if their lives depended on it. They'll do anything they can to continue and try to save the farm if they can."

At-home "cottage industries" are particularly popular. Businesses such as telemarketing operations that can locate anywhere are a target. Some towns try to promote themselves as tourism centers or retirement havens.

In Wausa, local economic developers are trying to raise $100,000 to bring in a telemarketing firm and to beef up services for retirees. "One of the main things we're trying to do is provide employment outside of agriculture," said Doug Johnson, vice president of the Commercial State Bank in Wausa and president of the town's economic development corporation.

But the lack of outside aid for small-town development is a big obstacle. Speaker Barrett describes his state's rural policy as "little if anything of real consequence." Others concur. "There's no state rural development policy," said Luther. "And the state Department of Economic Development has been troubled by poor management and staff turnover for years. It has a reputation for being callous, incompetent and indifferent."

That leaves community leaders frustrated and angry. There is no little bitterness about a massive tax break that Nebraska last year offered to ConAgra Inc., the Omaha-based agribusiness giant, to stop it from carrying out its threat to leave the state. ConAgra is staying. "It's easier to get ConAgra to add 1,000 jobs in Omaha or Lincoln than for us to get 10 new jobs," Tollefson said. "The sad thing is that the 10 jobs here would make a big difference."

ON THE MEND AGAIN IN BROKEN BOW

BROKEN BOW, NEB.—Many Americans know Broken Bow, a town of 3,900 that sits dead center in Nebraska, from another era. It was here in Custer County that Solomon Butcher, the photographer who chronicled the homesteaders of the Plains and whose work has been seen by generations of schoolchildren, did much of his work.

Today part of the handbook for small-town survival is being written in Broken Bow.

The town starts with advantages that others may not have: It has long been a regional center for other small towns and has a manufacturing plant employing nearly 400 persons. Custer County, with only a fourth of its labor force in agriculture, is more diversified than other counties are—if only because its farms have been in decline for nearly a century. Its population, in fact, was larger in the late 1800s than it is today. And because two-thirds of its agriculture is tied to cattle ranching, which has held up better than other farm sectors, the area hasn't been as battered as those dependent on grain.

Nonetheless, Broken Bow has suffered the usual outflow of farmers, businesses, banks and people. Empty storefronts around its town square multiplied. A local bank went under. The J.C. Penney store left town. "There was a lot of desperation," said Corrinne L. Pedersen, manager of the local Chamber of Commerce. "We had businessmen coming in and saying, 'We're going to close our doors,' and they'd be crying. That's tough."

That was two years ago. Around the town square today, most storefronts are full again. The Arrow Hotel, built in the heyday of the county's ranching industry, has undergone a $1 million renovation. Next door sits a "mini-mall" full of small businesses.

A new telemarketing operation recently opened; it employs about 30 residents and will put about $750,000 a year into the local economy. The local hospital has expanded and now has a yearly payroll of $1.5 million and buys $80,000 worth of supplies locally each month. Home-based "cottage industries" are flourishing.

Local residents and leaders are optimistic. "Even though Broken Bow has strong ties to agriculture, we haven't sat around wringing our hands and said, 'The sky is falling,'" said Jerry W. Brown, senior vice president of Nebraska State Bank. "People here have really put out the efforts."

Key to Broken Bow's renewal is a recently formed economic development group, the Nestbuilders, with 250 contributors. To open the telemarketing facility, Nestbuilders raised $30,000 in private loans and donations that attracted an additional $170,000 in bank loans.

"In a town like this, if you don't do something for yourself, nobody will do it for you and nothing will happen," said Raymond Brown, whose father worked at a junkyard here. Today, Brown is president of Brown and Denesia, which he says is the nation's largest nursing home development firm. He made the investments to renovate the hotel and open the mini-mall. "Some people told me I was nuts for making the hotel renovations," Brown snorted, "but, hell, it's a risk walking across the street."

Broken Bow is also home to a half-dozen new cottage industries. A sheep-raising and wool business was started, even though this is cattle territory. Char Hirsch, who owns the Corner Style Shoppe in the town square, figured there could be a good market in wool from local sheep. Out of her own pocket, she financed the purchase of the sheep by a local farmer's wife. Today, Victoria Creek Woolens has 250 sheep and four employees and sells sweaters and other products around the state. Negotiations are under way to form a co-op to build a $3.5 million wool-processing plant. There are other successful ventures: "Country Chuckles," a calendar that sells 10,000 copies a year; a pottery-making business; a propane tank gauge manufacturer.

Some business forays have bombed. And raising money for new business is still problematic, Hirsch said. "The money is called Uncle Joe and Aunt Em. It's called friendly neighbors. It's called working three jobs at once."

Broken Bow's latest venture, winning a facility for trauma victims that would provide about 100 new jobs and millions of dollars for its economy, faces long odds. The center would provide desperately needed medical care for rural Nebraskans, but Omaha and Lincoln would like it, too, and site selection is up to an appointed state board.

Residents spent days preparing for a state hearing in December, even though many doubted the decision would go their way. On the day of the hearing, the town loaded two school buses with residents, students and officials and carted them off to the capitol in Lincoln.

The town won a backhanded victory: The board decided it needed another 120 days to decide. Its decision is now due in the spring.

What would a rejection mean to Broken Bow? "It'll make people damned mad," said school superintendent Donald L. Vanderheiden. "It's not going to discourage our people, but it will mean the state is going to have its hands full."

"If we lose the trauma center," said Charley Najacht, publisher of the *Custer County Chief*, "it's just politics. That's all."

Mr. EXON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

SENATOR DANIEL K. INOUYE

Mr. FORD. Mr. President, I want to associate myself with my colleagues who have stood and said the things that I would like to say as relates to my distinguished friend from Hawaii, Senator INOUYE.

In reading the news accounts of the accusations against my distinguished friend, you would think it was in the dead of night, clandestinely inserting into the continuing resolution this particular item.

I think, as Senator INOUYE said in defense of his position, that the bill before the committee and the report on it had been available to the Members for the period of time required by the Rules of the Senate. They had a lengthy markup session. Nothing was

sneaked through. There was no objection to the earmarking.

After the bill was passed, some unnamed State Department individual started criticizing his position and left the inference that something clandestine had occurred.

Mr. President, as Senator INOUYE said, he felt sure that he could vindicate himself, and that he could prove that it was in the open, that the Senators voted on it, that they had an opportunity to review it and make a decision. But it created some problems for his colleagues. He loves this institution and respects his colleagues more than to create a problem for them.

Mr. President, it took character. It indicated leadership. As Senator METZENBAUM said, it caused the Senate to stand a little bit taller than it had the day before.

I want to add my remarks and compliment my friend from Hawaii for what he did and to say that I applaud him and I hope that those who have been unkind to him would see the error of their ways and at least he could be vindicated through reconsideration of the comments against this fine American who almost gave his life in the defense of freedom, who has seen the trials and tribulations of the military, of the wounded, the injured, and who is here now as a great American defending this institution as no other could defend it.

The PRESIDING OFFICER. The Senator from Kentucky has yielded the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator form Alabama.

Mr. HEFLIN. Mr. President, I rise to concur with the remarks that have been made about my colleague and friend, DANNY INOUYE. I think Senator METZENBAUM, Senator FORD, and others have clearly and appropriately addressed remarks in that regard, and I agree with them fully.

THE SENATE SUBWAY

Mr. HEFLIN. Mr. President, I missed the last vote, and I do not blame the cutting off of the time; I think that we have to have a time limit on votes. If I had been present, I would have voted for the bill. I do feel there is an inherent problem which exists in getting to the floor from the Hart Building. There are 14 Senators in the Dirksen Building and it is served by one subway car. There are 50 Senators in the Hart Building and it is served by one subway car. There are tracks that go to the Dirksen and to the Hart Buildings. I left my office with 8 minutes to go. I must have just missed it because I waited a long time.

In my judgment, the solution to this problem is to get the subway car that goes to the Dirksen Building during votes to also go to the Hart Building and pick up Senators. There were unusual circumstances; there were blind people on the subway car, and it took some time to get them off, and there are other problems like this.

But I have now missed two votes this year, and I do not blame the time. I think it is up to me to get here in the 15 minutes, but just from an engineering, mathematical, mileage, measurement basis, the car that goes to the Hart Building can only make two trips in the 15 minutes, and in this instance that second trip in coming back, because of extraneous circumstances, caused a delay.

It seems to me that this problem can be solved by the appropriate authority working on this to see that the subway car that goes to the Dirksen Building also goes to the Hart Building.

I was not alone in missing this vote. We must have had on this car seven or eight Senators who arrived late, but I do think it can be solved and we can have the 15-minute rollcall. I am not critical of that. It is just the fact that if you are in the Hart Building, it is further and it takes longer and the cars do not move that fast.

I think it can be worked out, and I hope that my remarks can somehow or another bring it to a head.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. HEFLIN. Yes.

Mr. BYRD. Mr. President, I am very sorry that those Senators missed the vote. There were seven or eight, nine of them, and they were Senators from both sides of the aisle. The Chair announced the vote 16 minutes after it began. About 3 minutes or 3½ minutes elapsed then following the announcement of the vote, I am told—I have checked at the bar here—and then the group arrived.

Now, I was told by all the members of this group that there were some blind people on the car, and I can understand Senators waiting until another car came.

Mr. HEFLIN. That is incorrect. It took additional time for them to get off. So we were not waiting for another car.

Mr. BYRD. All right. I had understood that rather than ask the blind people off and let Senators come to the floor on that car, the Senators waited on another car. But, in any event, I regret that that happened. I think the thing to do here is, as the Senator suggested, ask the Architect of the Capitol to see that the car which serves the Dirksen Building serve the Hart Building as well when there are rollcalls in progress. As I understand it, there are 50 or more Senators in the Hart Building, and the remaining Senators are scattered in the Dirksen Building and in the Russell Building. So there is an extra heavy load on the car that travels to the Hart Building, which is the farthest building from the floor. It seems to me that that would be a reasonable solution to this problem. It is a problem that has to be resolved. I want to assure the Senator that I am going to inquire of the Architect what the situation is and why it cannot be done and insist that it be done. As a matter of fact, the Sergeant at Arms is right now contacting the Architect of the Capitol.

I was asked by a Senator if the Senators could still be allowed to vote, and I stated that cannot be done. And I would object to that. Even if it were I who missed the vote, I would object. And here is the rule so that for the RECORD Senators in the future will know that the majority leader cannot, and in this case would not, prevail in seeing that Senators have a chance to vote once that vote is announced by the Chair. It is rule XII, "Voting procedure."

> When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote.

And here is the kicker:

> No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

So it cannot be done and I think these circumstances, which in this instance were unavoidable, are most unfortunate. I would hope that all the Senators who missed the vote by virtue of that situation would state to the floor staff their names so that we can put it in the RECORD along with the explanation that is now being made.

(The names of the Senators who missed the preceding vote due to the circumstances involving the subway herein described have been submitted for the RECORD, as follows: Mr. D'AMATO, Mr. DASCHLE, Mr. HEFLIN, Mr. JOHNSTON, Mr. MATSUNAGA, Mr. MELCHER, Mr. REID, and Mr. STEVENS.)

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. FORD. Will the Senator from Alabama yield to me for a moment without losing his right to the floor?

Mr. HEFLIN. Yes, just for a moment because I want to make a few remarks.

Mr. FORD. Fine. Two points.

The Sergeant at Arms and I just talked with the Architect and the engineering people about the subway. We will make an effort as of tomorrow to see if the Dirksen car can proceed on to the Hart Building. If that happens, then we have to set some kind of rule because only when the votes are on are we going to have to use some procedure in the Dirksen Building. If that car goes all the way to the Hart Building, it is filled up and comes back to the Dirksen Building, and there is no way for the Senators to get on, we have another problem. If we run two cars to the Hart Building, and both are full when they come back by the Dirksen Building, nobody can get on. Then the Dirksen Building gets left.

I am not sure what kind of procedure we can work out tomorrow, but I assure the Senator that we will make that effort to try. It is not going to be easy, whichever way we go.

We think under the circumstances the way it is operated, trying all angles, that this is the best. But when you get 50 Senators all trying to get on at one time, you may have 30 Senators in the Dirksen Building because that is where most of the hearings are conducted. The majority of the hearings are in the Dirksen Building. So we could very well have more Senators getting on at the Dirksen Building than at the Hart Building under certain circumstances.

So it creates a dilemma for those of us who try to accommodate all of our colleagues.

If I may go ahead with just one other point, we are in the process now of looking at the cost of putting in a new subway on that side which will be a continuous car route that will be going to the Hart Building and back with four cars with one right behind the other. Maybe that will eliminate the problems but when we built the Hart Building a lot of things were not taken into consideration at the time. Then we got into a fiasco that we are spending too much money. So we began to cut back and not spend the money to go ahead and eliminate the problems that we are now facing.

I am not crying over spilled milk as the chairman of the Rules Committee. But I am trying to make some explanation. We will make an effort to see if it works. If it works, why, fine. If it does not, we will have to go back to the way we are doing it now. But it is very difficult to work it out. I say the worst part of it is we could have more Senators in the Dirksen Building than we have in the Hart Building at any given time because of the Senators with the Energy, with Appropriations, and all the other committees that are meeting there. And I am sure the Senator understands what I am trying to say. I apologize to him indirectly for what happened to him, not directly.

Mr. HEFLIN. As I understand it, it may be the Architect rather than the chairman of the Rules Committee in which this problem has its origin. But I believe that there is a solution and knowing the great ability of the distinguished Senator from Kentucky to solve these problems, as I am sure he will, with the help of our distinguished Sergeant at Arms he will come up with a solution to this problem that I believe can be solved.

Mr. FORD. Flattery may not get the Senator a new subway.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may proceed for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I just heard the discussion between the very distinguished Senator from Alabama, Senator HEFLIN; Senator BYRD; and the chairman of the Rules Committee, Senator FORD, relative to some of the problems we are having in implementing some of the processes now being used by the U.S. Senate.

Mr. President, first I want to say I deeply sympathize with Senator HEFLIN and those individual Senators who, not because of their own negligence, missed the vote that preceded that discussion. I hope, and certainly believe, that the chairman of the Rules Committee and the other, let us say, powers that be will make those necessary changes to allow us to comply with the new procedures that we have adopted in the second session of the 100th Congress.

Mr. President, having said that, I would like to take this opportunity to praise the majority leader of the Senate for two changes that have recently been adopted that he proposed. In proposing these procedural changes, the majority leader has also accommodated, I would say, most of the Members of the Senate in their requests.

The first change is as some say, "3 weeks on, 1 week off." I prefer to say, Mr. President, "3 weeks on, and 1 week out." When I say that I am implying that when we are out that week, I am not going to be goofing around and lying on the beach somewhere. I am not going to be taking a junket. When I say "1 week out," I talk about being out in Arkansas, listening to my constituents. I think that this experiment is going to be constructive; I think it will be beneficial. Once again, I would applaud our majority leader for making this recommendation and following through on its implementation.

The second procedural change is the 15-minute rollcall. All of us know what the 15-minute rollcall has been in the past: waiting for a Senator's plane to land, sometimes for an additional 20 minutes, sometimes for an additional hour, sometimes an additional 2 hours, while the rest of the Members of this body sat, and sat, and sat.

I applaud the majority leader for last week asking unanimous consent that the rollcall votes be a strict 15 minutes. I have already sensed in my own schedule a change of habits in getting to the Senate floor.

For example, on the preceding vote, I was with a constituent from my State. When the first bell rang, I got up and said, "I'm very sorry, but I have a vote and if I miss it, I'm going to be counted absent," and I left. I think that gentleman understood. I hope he did.

All of us are going to have to break some old habits that I know this Senator has been guilty of in the past.

I know there are going to be problems, Mr. President, with the implementation of some of these changes. I think that with a little patience and with a little understanding, these changes will be readily accepted, we can adhere to them, and they will be constructive.

The ultimate outcome of these changes, I think, will be a better work product, not necessarily improving the quality of life for individual Senators, but improving the quality of the work product for the U.S. Senate, something that had to happen. I am proud of our majority leader for seeing these changes through.

Finally, Mr. President, I hope we will not stop with these two changes. I hope that we will persevere and continue this process of evaluation and reexamination of this body. I believe that we should seek other improvements in the procedure. The American people would be proud if they knew that we were trying to make the U.S. Senate what it can become and what it must become in the future.

Some ask what is the real problem. There is no real problem. We have fallen into some bad habits. It is just a matter of years of developing these habits, matter of getting used to those habits, a matter of our engaging in some form of comity and protection of each other, all of us protecting the rights of each individual as we want our rights protected.

Once again, I think these two improvements are going to be constructive. I thank the majority leader publicly for proposing these changes and I hope these changes will hold up in the coming days and weeks as we go through the 2d session of the 100th Congress.

THE CONTRAS MUST NOT BE ABANDONED

Mr. HEFLIN. Mr. President, on February 3 and 4, 1988, the Congress is scheduled to vote on the President's request to provide the freedom fighters of Nicaragua with $36.25 million in further aid, including $3.6 million in military aid that is to be held in escrow until it is determined whether the Nicaraguan Sandinista Government complies with the Arias peace proposal. All agree that this is a vote which could determine the future of Nicaragua and Central America for years to come.

Thus, the important debate over whether the United States should arm

or even aid the Contras will soon rage through both the Senate and the House of Representatives. While the outcome of this debate is still unknown, I am hopeful the Congress will provide this support—military and otherwise—to the freedom fighters in Nicaragua. I believe the Contras are a tremendous help in our fight for freedom in Central America, our fight against dictatorship, against communism, and against an increased Soviet presence in our own backyard. Frankly, I do not believe the President has requested enough assistance for the Contras, but I realize that he must be pragmatic and his request must be within the range of being obtainable.

Contra aid opponents have described the upcoming vote as a choice between continued war and killing in Nicaragua and Central America, on one hand, and the hope for diplomatic efforts for peace in Central America, on the other. They argue that continued aid to the Contras would dash any hopes for peace through diplomacy, for the simple reason that, as soon as such assistance is provided, the Sandinistas will back away from the bargaining table, and use United States aid to the Contras as an excuse to strip away whatever limited democratic reforms the Government has begrudgingly instituted in the last few weeks as a condition of President Oscar Arias' peace proposal.

In my judgment, however, this vote offers the Senate and the House of Representatives the choice between peace with freedom in Central America, or temporary peace at the cost of freedom. In my mind, the conflict in Nicaragua between the Sandinistas and the Contras extends beyond the realm of a civil war. The conflict is a clash between the United States and the Soviet Union; it is a battle between democracy and communism; it is a fight between freedom and dictatorship.

Therefore, I believe that it would be disastrous to suspend aid to the Contras. Indeed, I contend that the only hope for peace with freedom in Nicaragua and in Central America is to continue to provide both military and humanitarian aid to the Contras. We must not sacrifice freedom for short-term, short-lived peace in Central America.

Now is not the time for the diplomatic peace process. Historically, diplomatic efforts have been pursued either from a position of strength, or because there was no hope for success. For slightly over a year, the Contras have benefited from uninterrupted aid. Therefore, in light of the recent peace proposal, I must ask this question: Are the Contras in a position of strength or capitulation?

It is doubtful that they are in either position.

Rather, it appears that, while the Contras could not immediately pose a serious threat to Daniel Ortega and the Sandinista regime, they are not likely to disband either. Indeed, the Contras are gaining support, are growing stronger, and offer opposition that is troublesome to the totalitarian Marxist government the Sandinistas have established in Nicaragua. Therefore, the Sandinistas have sought to relieve some of this pressure by agreeing to the Arias peace plan, agreeing to limited reforms, and taking some steps, for show at least, designed to convince sympathizers that the Sandinistas are committed to democratization. But let us not fool ourselves into thinking that the ultimate goals of the Sandinistas are nothing less than a Communist dictatorship and a "hatchery of revolution" for surrounding countries.

Yet, as long as the Sandinistas are opposed in some manner, they will not be able to consolidate power and turn Nicaragua into another Cuba. And eventually they will be forced to make some reforms. As the freedom-fighters gain in strength, the Sandinistas will be forced to grant more liberties and expand reforms, or face the political consequences. Therefore, for peace, for freedom, and for our own national security, we must provide United States assistance to the freedom-fighters of Nicaragua.

As the upcoming debate takes shape, many voices will urge this Congress to give the Central American peace proposal a fair chance by withholding additional aid to the Contras until such time as the diplomatic efforts are exhausted. Members of Congress will be urged to wait and see what happens * * * wait and see if the Sandinistas hold up their part of the bargain * * * wait and see if they implement democratic reforms * * * wait and see if the Sandinistas, themselves, suspend aid to guerrillas in El Salvador, Honduras, Guatemala, Costa Rica, and Ecuador. A "wait and see" period without aid will weaken the Contras, reversing all advances they have made. A prolonged "wait and see" period will destroy the resistance movement, and will doom with it all hopes for democratic reform and freedom in Nicaragua.

Furthermore, no evidence has been offered which indicates to me that the Sandinistas are devoted to the Arias peace plan or to the democratization it mandates. In 1 week, the Sandinistas announced plans to increase their army to a force of over 600,000 troops. The very next week, they announced a commitment to democratization. Days later, opposition leaders were arrested for holding a meeting. Is this a commitment to peace and democratization? Hardly. I say let us judge Nicaragua's commitment to peace and to democratization with the yardstick of past actions, and with the measuring cup of future plans—not with the empty protestations and false assurances of a dictator.

In 1938, with hopes for peace, the leader of a Western democracy took at face value the assurances of a dictator bent on dominating the world. He returned home proclaiming victory. "I believe it is peace in our time," he announced. That peace led to the bloodiest world war in the history of the world. Let us learn from the mistakes of the past. Let us learn to put our trust in deeds, not words. Let us learn to read the writing on the wall * * * and let us not confuse our hopes with what is written in plain sight.

The United States cannot abandon the Contras for the flimsy words and shallow promises of Daniel Ortega. When the Sandinistas assumed power, they made promises of democratic reforms. For these false promises, the Sandinistas actually received approximately $100 million in financial assistance from the United States—from the taxpayers of America—assistance I strongly objected to and voted against. Yet, today, more than 9 years after the Sandinistas came to power, these promises remain unfulfilled. The citizens of Nicaragua are not allowed to choose their own representatives in Government. Citizens who have dared to stand against Daniel Ortega have been imprisoned and murdered. Oppression was even evident immediately following Ortega's announcement that democratic reforms had been instituted and that the state of emergency had been lifted.

The Sandinistas have had their chance to show a commitment to democracy and to peace in Central America. If we examine their actions through the years, I believe that their commitment to peace in Central America, their commitment to democracy, and to the Arias peace proposal is plain for all to see. While receiving United States assistance, the Sandinistas began to aid the leftist guerrillas in El Salvador. While receiving United States taxpayer dollars, the Sandinistas announced that national elections would not be held until 1985. During the assessment period of Nicaraguan compliance with the Arias peace plan, Daniel Ortega announced Nicaragua's plans for a 600,000-man army, to be equipped with Soviet assistance. During this same assessment period, the Sandinistas continued to aid the leftist guerrillas of El Salvador. And during the assessment period, citizens who met to oppose the Sandinistas were arrested, beaten, and disbanded.

What kind of commitment to peace and democracy have the Sandinistas demonstrated? Despite repeated opportunities, the Sandinistas have shown only a blatant disregard for peace and for democracy. Despite re-

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peated chances, the Sandinistas have time and time again exhibited their goals to dominate and to subvert freedom-oriented nations and democracies in Central America. Despite their propaganda, the Sandinistas have demonstrated only their eagerness to become a Soviet satellite nation bent upon exporting the Marxist-Leninist doctrine in the same mold as Cuba. And finally, despite their many promises and protestations offered through the last 9 years, the Sandinistas have shown nothing but an utter disregard for the individual rights and liberties of the Nicaraguan citizens who resist their totalitarian Government.

The Sandinistas have had their chances to show a commitment to democracy and to peace. These opportunities have been rejected again and again. No last minute maneuvers shrewdly designed by Nicaraguan President Daniel Ortega to sway the upcoming votes in Congress can refute the hard evidence of the past. The Sandinistas are not concerned with achieving peace or democracy. From the record of the past years and months—not weeks—the Sandinistas have demonstrated an utter disdain for peace proposals, for democracy, and for the sovereignty of democratic nations in Central America. I believe that the Sandinistas have come to the bargaining table only because of the strength of the Contras. And I believe that, short of outright military intervention in Nicaragua, the only action Congress can take to ensure continued efforts for peace with democracy in this country is to provide further assistance to the Contras, strengthen opposition to the Sandinistas, and demand from them additional democratic concessions. I hope and pray we will never have to intervene militarily, but I hope we as a country have the resolve to take all necessary and appropriate action.

While I feel that current diplomatic efforts which would attempt to resolve the conflicts and establish freedom in Central America should be encouraged, we must not abandon the Contras for unsubstantiated promises and mere hopes of progress. The needs, aims, and goals of the United States and the citizens of America should be tantamount in the minds of all Members of Congress. In my opinion, any compromise or effort would not achieve our national goals unless it contained three criteria, which, in my judgment, must be integral parts of any peace plan for it to be acceptable to the United States.

First, the freedom of the Nicaraguan people must not be sacrificed for short-term peace. The cost for such a peace would be too high.

Second, any peace must contain provisions which will end all Soviet and Cuban influence in Nicaragua, and in Central America.

Finally, any Central American peace plan must provide for democracy, free elections, and freedom of the press and freedom of speech in Nicaragua. In my judgment, the opening of token opposition newspapers and radio stations does not constitute freedom of the press.

If any peace were to be implemented without accomplishing each of these aims, the national goals of the United States, and of our freedom-loving allies both in the Western Hemisphere and throughout the world, would be severely compromised. Therefore, I believe that the United States must take all action to ensure that these goals are met. Providing additional assistance to the Contras carries the hopes of achieving these goals. Therefore, assistance should be approved.

During the last 25 years, the Soviet Union has become increasingly involved in the politics of Central and South America and the Caribbean. In 1960, the Soviets had diplomatic relations with only 5 countries in the Western Hemisphere. Today, the Soviets enjoy full diplomatic relations with 16 countries, and Cuba is regarded by the Soviets as a major asset in their military strategy.

Cuba is only 90 miles from the Florida Coast and the Soviets have armed Cuba to the teeth. It is the location of the most sophisticated intelligence gathering facility outside the territory of the Soviet Union. The Soviets have equipped the Cubans with almost 1,000 tanks, hundreds of advanced jet fighters and armed helicopters, bombers, various frigates, submarines, torpedo-equipped patrol boats and, more recently, amphibious landing ships, various sophisticated surface to air missiles, and anti-aircraft weapons. Thus, the armed forces of Cuba are the largest in Latin America—larger even than Brazil's, which has a population that is 12 times greater than Cuba.

There is no doubt that Cuba has been active in spreading revolution throughout our neighboring countries in Central and South America. The Soviet Union uses Cuba to do its dirty work—spreading the seeds of dissent, and distributing arms to guerrillas so that the Kremlin is not viewed as a participant in these terrorist activities. Cuba was instrumental in providing Marucie Bishop, the Prime Minister of Granada, with weapons. Cuba was also instrumental in helping the Sandinistas overthrow the Somoza regime in Nicaragua. Cuba has provided aid to the guerrillas seeking to overthrow the Government in El Salvador and elsewhere. The United States cannot afford to allow the Soviets to have another foothold like Cuba in the Western Hemisphere.

However, this has already begun in Nicaragua. After the Sandinistas seized power, both the Kremlin and Castro began to provide Daniel Ortega with arms and with military advisers. Today, there are reportedly about 4,500 Cuban personnel in Nicaragua. These include military/security advisers, troops, civilian intelligence gatherers, other civilian advisers, and teachers who are constantly spreading the propaganda of communism through the schools of Nicaragua. Additionally, there are approximately 200 Soviet and Eastern bloc advisers, roughly 50 of whom are from Russia, and the remainder from countries such as East Germany, Czechoslavakia, Bulgaria, and elsewhere.

The weapons that have been provided by the Soviets to the Sandinistas are formidable—especially in comparison to the Contras. Nicaragua has approximately 150 tanks, and about 250 other armored vehicles. They have roughly 50 military helicopters, 12 of which are the advanced MI 24/25 HIND type, and many of the others are the Soviet HIP type, which are comparable to our own Huey helicopters. The Nicaraguan Air Force has recently been growing in size. In addition to the Mig's they have requested and I understand plan to receive in the next few years, they have already received several of the Soviet An-26 transport planes, some of which have been equipped with bomb racks, as well as various other planes. Additionally, their air bases have been upgraded and they have completed three runways which are capable of accommodating jet aircraft of any size. The Nicaraguan Navy has also been greatly improved with Soviet help. They have a total of about 30 ships, not counting their fishing boats which are, in effect, armed trawlers. Of the fleet of 30 naval ships, approximately 20 are patrol boats, 6 are mine sweepers, and they have other antisubmarine warfare [ASW] ships. I might add that Nicaragua is the only nation in Central America that has these ASW ships and mine sweepers. The Sandinistas also have about 400 SA-7, SA-14, and SA-16 surface-to-air missile launchers, and about 300 mobile radar equipped antiaircraft guns. With regard to field artillery, the Nicaraguans have about 120 guns of over 100 millimeters, almost 300 AT-2 and AT-3 Swagger antitank missiles, more than 35 of the Soviet BM-21 rocket launchers, and various other missiles which can be infantry held or helicopter-mounted. This is by far the largest arsenal of field artillery held by any Central American country. Furthermore, according to DOD estimates, the Sandinistas have an army of approximately 80,000 regular troops, plus about 120,000 militia. This, Mr. President, is a formidable and well-armed force in Central America.

In contrast, the Contras have mustered an army of about 17,000 troops.

Their weapons are scant. They have planes, but these are old and often undependable.

Many of my colleagues may argue that the Sandinista military buildup is certainly within their rights as a nation. However, I cannot stress too strongly that, in my judgment, this is not a Nicaraguan military buildup. Rather, this is a Soviet military buildup in the Western Hemisphere. Since 1979, the Soviets and Warsaw Pact nations have provided the Sandinistas with an alarming $2.3 billion in military supplies and over $4 billion in total aid. In contrast, the United States has provided the Contras with only approximately $244 million from 1981 to 1987.

Opponents of Contra aid may argue that the Sandinistas have been forced to receive Soviet assistance because of the U.S. assistance to the Contras, and the threat the Contras offer. However, from approximately November 8, 1984, until September 30, 1985, Congress appropriated no aid to the Contras while the Sandinistas received a total of $730 million in military and economic assistance from the Soviet Union and Eastern European nations. If Congress votes to suspend aid to the Contras this week, I have no doubt but that the Soviets will continue to provide military and economic assistance.

Finally, assuming that the economic assistance provided by the Soviets to the Sandinistas was $500 million in 1987, the Contras have received United States aid totaling only 5 percent of the total assistance the Sandinistas have been given since 1979. Soviet assistance is clearly not provided to the Sandinistas in response to the threat of the Contras but is, in my judgment, a part of the Kremlin's plan in achieving worldwide domination.

Many of my colleagues question the wisdom of providing aid to the Contras. This is certainly their prerogative. Yet, Mr. President, I believe that we must continue to provide aid to the Contras—military and otherwise. We must confront the Soviet buildup in South and Central America. I believe that we have a choice of either aiding the Contras now, or being faced with the prospect of sending American troops into that region at some point in the future. And nobody wishes to see that happen.

Supplying the Contras with arms and other assistance accomplishes many goals.

First, it challenges the Soviet and Cuban military buildup in Central America, in our own backyard. The United States must send a strong message to the Soviets, and to the world, that revolutionary tactics which attempt to undermine the security and peace of free nations in the Western Hemisphere will not be tolerated, and will be challenged. I believe that we sent this message when the United States, at the request of various Caribbean nations, expelled the Soviet controlled Communist element from Granada. And I believe that we must send this message again by providing aid for the Contras, who are fighting against communism and dictatorship in Nicaragua.

A second, and equally important reason for supplying aid to the Contras, is that, if we allow it, Nicaragua would be an ideal stronghold for Soviet expansion. Unlike Cuba, which is isolated by water, Nicaragua is of enormous strategic importance. The Panama Canal is within striking distance, and Nicaragua is well suited for transporting revolution throughout Latin America. Indeed, evidence has demonstrated that Nicaragua has already provided aid to guerrillas in El Salvador, in Honduras, in Guatemala, in Ecuador, and in Costa Rica. Despite the provisions of the Arias Peace Plan, Nicaragua continued to provide aid to leftist guerrillas.

Are we to sit idly by as the Sandinistas, the Cubans and the Soviets work to undermine the Governments of Panama and Mexico, as well? I voice a resounding "No!" as long as we bolster the Contras and help them to fight against communism, for freedom and democracy, the Soviets and Cubans cannot complete their revolution in Nicaragua. They cannot complete the process of turning Nicaragua into a Soviet "Hatchery for revolution," an incubator of dissent and training ground for guerrillas to overthrow freedom-loving and democratic-minded countries in Central America and throughout South America.

A third reason I consider aid to the Contras as essential is that the pressure the Contras place on the Ortega administration in Nicaragua demands concessions, and will, hopefully, ultimately result in freedom for the Nicaraguan people. The Sandinistas seek to eliminate all opposition. They have attempted to accomplish this goal at all costs, murdering and imprisoning hundreds and thousands of dissenters. If they are allowed to eradicate their opponents, there will never be any prospect for freedom in Nicaragua—only tyranny and dictatorship. By aiding the Contras, we further the hope of freedom loving people for democracy in Nicaragua.

Mr. President, I was a member of the committee investigating the sale of arms to Iran, and the diversions of funds to the Contras which completed its hearings last year. Although the hearings were criticized by many as an attempt to subvert the President's foreign policy in Central America, I must disagree.

I have no doubt but that the hearings helped to educate the American people of the important concerns and issues our Nation faces in Central America. More people understand the struggle the Contras have made, and they realize the dedication and determination with which the Contras oppose dictatorship and communism in Nicaragua. They realize the dire threat posed by an increased Soviet influence in Central America. Furthermore, the American people were afforded a glimpse of those who fight for freedom in Nicaragua that they, otherwise, would not have seen. Adolpho Calero, who was the leader of the Contras, testified before the committee, and provided his first-hand assessment of the situation in Nicaragua.

And I must emphasize that the hearings were not an effort to subvert the administration's policy in Nicaragua. As I have already indicated, I am personally supportive of the Contras and believe that we must provide aid to the Contras, military and otherwise. My record will show that I have voted with the President every time this issue has been brought before Congress. I believe, and among the members of the committee, I was not alone in this view, that the aid the administration has requested through the years is but a small price to pay to keep the dangerous threat of communism and the Soviet and Cuban influence at bay in the Western Hemisphere.

Mr. President, many decades ago, Nicaragua was the subject of a heated debate which occurred in the U.S. Senate. The central focus of the debate was whether the United States should approve funding of a canal that would be built through Nicaragua. There are many similarities between that debate and the discussions we now face relative to aiding the Contras. Then, as now, the influence of a foreign country was a major concern. Then, as now, opponents of the plan claimed that the expense was too high—the cost would not justify the results. Then, as now, there were allegations of fraud, bribery, and profiteering. Yet, in February 1891, the Senator from my home State of Alabama, a man named John Tyler Morgan, who served in this body for 30 years, and whose portrait now hangs on the third floor of the Capitol, just outside the Senate Library, spoke these words which are, ironically, as accurate today as they were nearly 100 years ago.

> We believe, sir, he said, that the time has now arrived for action on the part of the Senate and the Congress of the United States, and that unless we act this matter will drift out of our control; that we shall no longer have an opportunity to gain power or control over it hereafter. . .

Mr. President, unless we provide adequate funding for the Contras, the Soviets will surely establish another stronghold in the Western Hemisphere. Unless we act now, this matter will surely drift from our control. The consequences we risk are frightening, indeed. We risk the threat to the national security of the United States of America, and the threat to the freedom of peoples throughout the Western Hemisphere. I believe that we must aid the Contras. We must renew our fight against dictatorship and communism throughout the world. I hope that my colleagues will join me in this battle and will support further aid to the Contras.

I would like to again point out a little bit of the comparative aid that has come from Cuba, Russia, Eastern bloc countries as compared to the aid that has come from the United States. And I mean by aid from Russia, Cuba, Eastern bloc nations going to the Sandinistas as compared to the aid that has gone to the Contras from the United States.

We have gone back and calculated the various aid for each of the years, and the total aid that has come from the Marxist countries, Russia and others, to the Sandinistas exceeds well over $4 billion. In comparison to that, total aid from the U.S. Government that has gone to the Contras from the years 1981 through 1987 amounts to $245 million, $245 million as opposed to over $4 billion.

If we stop and try to analyze the foreign aid that the United States has given to other countries, you would see that we have had a policy because we believed in democracy, or we had allies. It is obvious to me that the aid that has gone from the Soviet bloc nations to the Sandinistas was not to teach them how to play tiddlywinks, and there is no question in my mind that the ultimate goal of the Soviet bloc countries is to create a hatchery of revolution in the Western Hemisphere by allowing the Nicaraguan Government under the control of the Sandinistas to stir up trouble, to train dissidents, to train people on how to overthrow governments, and to act as a base for supplies overland.

So to me the little aid that is now proposed is essential to keep the Contras alive but more importantly to keep the Sandinistas occupied and away from the primary purpose for which the Soviet bloc aid has gone; that is, to create an incubator for revolution and dissent.

EXTENSION OF MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that morning business be extended until 5 p.m., that Senators be allowed to speak for not to exceed 5 minutes each during the period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I see no other Senators on the floor asking for time at this time; therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that morning business be extended until 5:30 p.m. this afternoon with Senators being allowed to speak not to exceed 10 minutes each.

Mr. STEVENS. Mr. President, does that include those who have already spoken? Is it just a blanket 10 minutes?

Mr. PRYOR. Yes. That is the request.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I thank the Chair.

COMMENDING THE WASHINGTON REDSKINS ON WINNING SUPER BOWL XXII

Mr. KENNEDY. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 376) commending the Washington Redskins on winning Super Bowl XXII.

S. Res. 376

Whereas, on January 31, 1988, the Washington Redskins defeated the Denver Broncos by a score of 42-10 in Super Bowl XXII thereby becoming the world champions of professional football for the 1987 season;

Whereas for one brief shining moment all differences were laid aside as friend and foe, stranger and neighbor, host and guest joined in a nationwide chorus of praise for the sensational and spectacular way whereby the Washington Redskins became the Super Bowl champions;

Whereas the Denver Broncos also enjoyed an outstanding season, and deserve credit for their success as champions of the American Football Conference;

Whereas, in the Super Bowl, the Washington Redskins overcame an unprecedented ten point first-quarter lead by the Denver Broncos;

Whereas Quarterback Doug Williams, ignoring injury and throwing brilliant passes, led the Redskins to a record five touchdowns in the second quarter that sealed the Super Bowl victory and shattered one of the worst racial barriers in sports;

Whereas, rookie reserve running back Tim Smith and wide receiver Ricky Sanders set Super Bowl records for rushing and receiving;

Whereas, Owner Jack Kent Cooke, General Manager Bobby Beathard, and Head Coach Joe Gibbs deserve credit for their extraordinary roles in creating the outstanding Redskins organization and developing the full potential of the team.

Whereas, all forty-five players on the Redskins roster deserve praise for their roles in achieving an oustanding season and an outstanding Super Bowl performance:

6 Ali Haji-Sheikh
10 Jay Schroeder
12 Steve Cox
17 Doug Williams
23 Todd Bowles
24 Kelvin Bryant
28 Darrell Green
29 Reggie Branch
31 Clarence Vaughn
32 Vernon Dean
34 Brian Davis
35 Keith Griffin
36 Timmy Smith
38 George Rogers
40 Alvin Walton
45 Barry Wilburn
46 Dennis Woodberry
50 Ravin Caldwell
51 Monte Coleman
52 Neal Olkewicz
53 Jeff Bostic
54 Kurt Gouveia
55 Mel Kaufman
57 Rich Milot
61 Rick Kehr
63 Raleigh McKenzie
64 Steve Hamilton
65 Dave Butz
66 Joe Jacoby
68 Russ Grimm
69 R.C. Thieleman
71 Charles Mann
72 Dexter Manley
73 Mark May
74 Markus Koch
77 Darrly Grant
78 Dean Hamel
80 Eric Yarber
81 Art Monk
82 Anthony Jones
83 Ricky Sanders
84 Gary Clark
85 Don Warren
86 Clint Didier
87 Terry Orr

Resolved, That the Senate of the United States of America joins with football fans in Washington, D.C. and across the nation in honoring and congratulating the World Champion Washington Redskins for their impressive victory in Super Bowl XXII.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, I join in sending a resolution to the desk commending the world champions of professional football, the Washington Redskins.

We commiserate with our colleagues from Colorado. But Washington is Redskin City, and the vast majority of us who serve in Congress are Redskin fans—except when the Skins are playing the Patriots or other home-State teams.

In fact, there is a strong historical tie between Boston and the Redskins. The team began in Boston as the Boston Braves, playing in the old Braves Field. In 1933, they moved to

Fenway Park, home of the Red Sox, and the name was changed to the Boston Redskins. In 1937, the franchise moved to Washington, and the rest is history.

So, the only regret I have in offering this resolution now is that it cannot be offered by a Senator from the District of Columbia.

The people of the Nation's Capital are first-class fans, and they do not deserve to be second-class citizens when it comes to representation in the Senate and the House of Representatives.

But that debate is for another day. Today, we honor the Redskins. Over the years, we have witnessed great Redskin teams with great coaches and great players. But the 1988 Super Bowl Champion Redskins may rank as the best in Redskin history and perhaps even the best in Super Bowl history. Certainly, their 35-point second quarter was the most awesome display of football that most of us have ever seen.

Only an outstanding team could have defeated the Denver Broncos in the Super Bowl. The Broncos deserve credit for their own successful season, and they have extraordinary promise for the future.

But this was the Redskins' year. They have proved themselves as convincing champions. They have earned America's respect. And quarterback Doug Williams, with his incredible grace under pressure, has shattered one of the worst barriers of prejudice in the world of sports.

Now, with justification, every football fan across America can stand with the U.S. Senate in commending the Redskins players, owner, general manager, coaches, and organization for their outstanding season and their brilliant victory in the Super Bowl. With one voice, the Senate joins America in saying, "Hail to the Redskins."

The PRESIDING OFFICER. Is there further debate? There being no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

Mr. PRYOR. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. PRYOR. Mr. President, I ask the distinguished acting minority leader if the following nominations are cleared on his side, Calendar Nos. 493, 494, 495, 496, and 497?

Mr. STEVENS. Mr. President, I am pleased to respond to my good friend that those nominations have been cleared on this side and we are prepared to act on them.

Mr. PRYOR. And, in addition, all of the nominations presently at the Secretary's desk. Are those cleared, I ask?

Mr. STEVENS. That is correct. All of the items beginning 493 on page 2 through pages 3, 4, 5, and those at the Secretary's desk from the Department of Defense.

EXECUTIVE SESSION

Mr. PRYOR. Mr. President, that being the case and under those circumstances, I ask that the Senate go into executive session to consider those nominations enumerated.

The PRESIDING OFFICER. There being no objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc, with one motion to reconsider, one motion to table, that the President be immediately notified of the confirmation of the nominees, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follow:

Department of Defense

Grant S. Green, Jr., of Virginia, to be an Assistant Secretary of Defense.

J. Daniel Howard, of Tennessee, to be an Assistant Secretary of Defense.

In the Air Force

The following-named officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of Sections 593, 8218, 8373, and 8374, Title 10, United States Code:

To be major general

Brig. Gen. Thomas R. Elliott, Jr., 416-46-1499FG, Air National Guard of the United States.

Brig. Gen. Timothy T. Flaherty, 399-28-6737FG, Air National Guard of the United States.

Brig. Gen. John R. Layman, 408-50-0211FG, Air National Guard of the United States.

To be brigadier general

Col. Paul L. Carroll, Jr., 452-54-1708FG, Air National Guard of the United States.

Col. Edward R. Clark, 115-24-7447FG, Air National Guard of the United States.

Col. Joe H. Engle, 509-32-1098FG, Air National Guard of the United States.

Col. Michael S. Hall, 082-38-9456FG, Air National Guard of the United States.

Col. Wallace D. Hegg, 501-36-9848FG, Air National Guard of the United States.

Col. Richard J. Idzkowski, 313-30-5404FG, Air National Guard of the United States.

Col. Philip G. Killey, 360-30-6901FG, Air National Guard of the United States.

Col. Stephen M. Korcheck, 345-28-8360FG, Air National Guard of the United States.

Col. Charles R. Linz, 429-46-1530FG, Air National Guard of the United States.

Col. Ralph J. Melancon, 439-44-1149FG, Air National Guard of the United States.

Col. William D. Neville, 517-36-4261FG, Air National Guard of the United States.

Col. Donald J. Ryan, 403-44-6974FG, Air National Guard.

Col. James H. Tuten, 248-46-2059FG, Air National Guard.

Col. Thomas R. Webb, 443-32-5483FG, Air National Guard.

Col. James T. Whitehead, Jr., 149-24-2108FG, Air National Guard.

In the Navy

The following named officer, under the provisions of Title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Stanley R. Arthur, 278-30-9765/1310, U.S. Navy

The following named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral (lower half) in the line and staff corps, as indicated, pursuant to the provisions of Title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICERS

Alexander Scott Logan.
James Joseph Carey.
Stanley David Griggs.
Robert Smith, III.

UNRESTRICTED LINE OFFICER (TAR)

Maurice Joseph Bresnahan, Jr.

SPECIAL DUTY OFFICER (CRYPTOLOGY)

Thomas Edward Courneya.

MEDICAL CORPS OFFICER

Donald Eugene Roy.

DENTAL CORPS OFFICER

John Rowley Hubbard.

JUDGE ADVOCATE GENERAL'S CORPS OFFICER

Gerald Ernest Gilbert.

SUPPLY CORPS OFFICER

Francis William Keane.

CIVIL ENGINEER CORPS OFFICER

Melvin Hiroaki Chiogioji.

Nominations Placed on the Secretary's Desk in the Air Force, Army, Marine Corps

Air Force nominations beginning Randy D. Abele, and ending Alan L. Zohner, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 1987.

Army nominations beginning Joseph E. Stull, and ending Forrest R. Newton, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Jack L. Levens, and ending Joseph S. Jablecki, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Clifford J. Hixon, and ending Stephen C. Scott, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Douglas R. Arndt, and ending Mary B. Witt, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Daniel F. Battafarano, and ending Robert T. Garbacz, which nominations were received by the

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Senate and appeared in the Congressional Record of December 17, 1987.

Army nomination of Clifford L. Simmang, which was received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning James R. Brown, and ending Raymond K. Hines, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nomination of Milton L. Smith, which was received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Jennifer L. Calagin, and ending Charles R. Souiere, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Thomas J. Egan, and ending Brent D. Murphy, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Robert A. Stroud, and ending Antonio R. White, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning Lewis W. Aaron, Jr., and ending Jerel M. Zoltick, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Army nominations beginning John Adams, Jr., and ending Ward E. Zischke, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

Marine Corps nominations beginning Robert F. Buzby, Jr., and ending Thomas C. Utz, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 1987.

LEGISLATIVE SESSION

REPRESENTATIVE DAN DANIEL, DECEASED

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to submit a resolution on behalf of the Senators from Virginia, Senators WARNER and TRIBLE, and I send this resolution to the desk and ask for its immediate consideration.

Mr. PRYOR. Mr. President, the resolution is supported on this side of the aisle and we, too, extend our very sincere sympathy to the Daniel family. As a personal note, Mr. President, I had the pleasure of serving in the other body for 6 years with the late Congressman Daniel. He was a splendid friend. He was a splendid spokesman for his congressional district and a credit to this institution in which we serve.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 375) relative to the death of Representative Dan Daniel, of Virginia.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The resolution (S. Res. 375) was considered and agreed to as follows:

S. RES. 375

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Dan Daniel, late a Representative from the Commonwealth of Virginia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

Mr. PRYOR. Mr. President, I move to reconsider one vote by which one resolution was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESCIND CERTAIN BUDGET AUTHORITY RECOMMENDED IN PUBLIC LAW 100-202

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 3884, a bill to rescind certain budget authority recommended in Public Law 100-202 for the construction of educational facilities in France, just received from the House.

Mr. STEVENS. There is no objection on this side. The matter has been cleared and we have all received the correspondence from the distinguished senior Senator from Hawaii and are in agreement that it should proceed immediately.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3884) to rescind certain budget authority recommended in Public Law 100-202.

The PRESIDING OFFICER. The bill will be considered as having been read the second time by title and the Senate will proceed to the immediate consideration of H.R. 3884.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 3884) was read the third time and passed.

Mr. PRYOR. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. PRYOR. Now, Mr. President, we are seeking information from the distinguished acting Republican leader with respect to Calendar Nos. 522, 523, and 524. It is our understanding that these calendar items have been cleared for passage at this time.

Mr. STEVENS. Mr. President, the distinguished acting majority leader is correct. These three items, being relief measures, have been cleared on this side of the aisle. I am informed we are prepared to act on them at this time.

Mr. PRYOR. Mr. President, I ask that these three items, 522, 523, 524, be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF PANDELIS PERDIKIS

The bill (S. 343) for the relief of Pandelis Perdikis, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraphs (2), (3), and (4) of section 212(a) of the Immigration and Nationality Act, for purposes of such act, Pandelis Perdikis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

RELIEF OF HYONG CHA KIM KAY

The bill (S. 391) for the relief of Hyong Cha Kim Kay, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(23) of the Immigration and Nationality Act, Hyong Cha Kim Kay may be issued a visa and admitted to the United States for permanment residence if she is found to be otherwise admissible under the provisions of that Act.

SEC. 2. This exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the date of the enactment of this Act.

RELIEF OF ROSWITHA STARINS

The bill (S. 1329) for the relief of Roswitha Starins, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Roswitha Starins shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

Mr. PRYOR. Mr. President, I move to reconsider the vote by which the various measures were passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. 1542 PLACED IN "SUBJECTS ON THE TABLE" ON CALENDAR

Mr. PRYOR. Mr. President, I now ask unanimous consent that Calendar No. 257, S. 1542, a bill providing for a program of comprehensive child development centers, be placed in the "Subjects on the Table" portion of the calendar.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON S.J. RES. 243

Mr. PRYOR. Mr. President, I ask unanimous consent at this time that the Foreign Relations Committee may have until 6 p.m. today to file its report on Senate Joint Resolution 243.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am not going to raise an objection. I do not think this is required by law, but if that is desired by the leadership, I see no reason to make this a contentious issue and I will not object.

The PRESIDING OFFICER. It is so ordered.

Mr. PRYOR. Mr. President, seeing no other Senators on the floor requesting time, I suggest the absense of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. Mr. President, what is the parliamentary situation with regard to my speaking to the Redskin victory?

The PRESIDING OFFICER. We are now in morning business and the Senator may speak for 10 minutes.

Mr. WIRTH. Mr. President, will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. WIRTH. For those reveling in the victory of the Redskins, is it appropriate for some of us to object at this time, or is it something that can be done by unanimous consent?

The PRESIDING OFFICER. Objection would not be in order. [Laughter.]

Mr. WIRTH. I wanted to make sure that the Senator from New Mexico understood that some of us were watching very, very closely.

Mr. DOMENICI. Mr. President, I say to my good friend from Colorado, it is a little late for you to be watching and being concerned about the Redskins, but I do not really want to talk about all of the Redskins. I want to talk for just a few minutes about one of them. I think when I have finished, you will be very pleased that I had this opportunity to share a wonderful experience that New Mexico had over the weekend.

TIMMY SMITH, REDSKIN NO. 36

Mr. DOMENICI. Mr. President, I was in the city of Hobbs, NM, about 12 or 14 days ago. The wonderful people in Hobbs, NM, were very excited about one of their own who just might get to play in the Super Bowl, the now famous No. 36, Timmy Smith, one of their own, who had been a football and basketball star at Hobbs High.

This city of Hobbs is in the middle of an oil patch and one should know that in an oil patch, in particular in Hobbs, NM, time are very tough. That Sunday afternoon after Timmy Smith, No. 36, this spectacular rookie running back did so well against the Vikings in the NFC Championship, one of the political leaders in the town was asking the crowd a question. It had to do with who is better off today in Hobbs after the disaster they have had in oil and gas and the precipitous drop in their economy—who is better off today than 4 years ago?

Obviously, the answer was there is only one, and it is Timmy Smith. But while I was there, I just want to say to the Senate and to this marvelous young man who is now a new hero to young Americans who want to participate in athletics, I was asked, "Who is going to win the Super Bowl?" Mr. President, I hope that everyone will believe my clairvoyance and my ability to see the future so I do not have to produce the radio tapes, but my prediction was, "The Redskins will win, and Tim Smith will be the hero."

Frankly, one might say, "Obviously, Senator, that was the right thing to say in Hobbs, NM."

Well, it surely was. I was also asked by one of the large papers in my State who I was for, and I said, "I'm leaning toward the Redskins because they have a young New Mexican named Tim Smith and I believe he is going to make a difference in that game."

Little did I know that what I was saying about this young man would be so acccurate. He has made not only everyone in Lee County and Hobbs, NM proud, but obviously everyone in my home State of New Mexico. I imagine today there are also millions across this country who are very proud of him. I extend congratulations to him and to his mother, who stood behind him so long when things did not seem to be going right for this athlete, who had every success in—he once rushed for 312 yards and scored 5 touchdowns in one game in his senior year in high school—high school, an absolute superstar in football and, believe it or not, a very good basketball player. Hobbs was State champs in basketball all the time, and you will find on the roster of the State champs a few years ago as a starter in basketball none other than Tim Smith. There are those who stood by him, when he had less than such good fortune in college. We all know about that. He did not get to play football as much as he should and as much as his great qualities would have permitted because of injuries, but thanks to a lot of faith from his family, confidence in himself, and some very good judgment on the part of those who select players for the Redskins, he was drafted. We all know that he was a starter Sunday in the Super Bowl, and they did not want to tell him that because they were afraid of the pressure. I am sure they will not have to be fearful of that again. But the story of this young man in this community of New Mexico as an athlete, as a student, and as one who never gave up is one that I thought I should share with the Senate.

Timmy Smith was born on January 24, 1964, in Hobbs, NM. His mother, Ella Smith, watched her son grow up in that town. He was an ordinary young man with an intense love for football and basketball. He attended Hobbs High School, where he played football and was selected "All American" in his senior year, when he rushed for 2,306 yards, scored 31 touchdowns, and rushed for 100 yards or more in 12 games.

After his graduation in 1981, Timmy went on to Texas Tech to continue his studies and, of course, play college ball. During his freshman and sophomore years, Timmy appeared to have a promising future in football. He prided himself on being a "speed back." But as fate would have it, Timmy played in just five games during his last two seasons at Texas Tech. He tore ligaments in his knee during his junior year, and during his senior year he broke his ankle. At this point Timmy wondered if he would ever play football again. All the while his family kept reminding him to "keep the faith."

The ups and downs of his college career resulted in Timmy being the 117th player selected in last year's NFL draft; while most pro teams shied away from him, the Redskins chose to take a gamble on him.

This past season, his first in the NFL, Timmy saw little action. He only managed 129 yards in 29 carries. He was, however, beginning to impress his coaches with his slashing style of running. He was finally able to convince the coaching staff that he was ready to play the game when he rushed for 72 yards in the NFC Championship against the Minnesota Vikings.

When the day of the Super Bowl arrived, this young man from New Mexico was not expected to be in the starting line-up. The team worried about Timmy's ability to handle the pressure, as well as the ball. When it became apparent that George Rogers would not be able to play, Timmy became a surprise starter.

In the second quarter, Timmy experienced his first run for glory as he helped break the game open for the Redskins. On a 58-yard touchdown run, the rookie running back managed to keep his balance along the right sideline as he made a tightrope sprint for the end zone. From that point on this rookie put on an explosive display of his talent. He made two touchdowns—the first of his NFL career. Timmy Smith, who had only 129 yards during the regular season, ran for 122 yards in just one quarter of the Super Bowl. His record setting performance consisted of 204 yards on 22 carries. No runner in any Super Bowl had ever rushed for 200 yards before. What makes this story even better is that the Denver Broncos hadn't allowed 100 yards to a runner all season. And here was Timmy Smith, starting his first game, and getting over 200 yards.

And so I ask my colleagues to join me in recognizing the accomplishments of Timmy Smith. We are proud of his fire, his zealousness, his persistence, his faith. I commend him for his great achievements and look forward to continuing to watch his career.

I am absolutely confident that Timmy Smith is going to be a star of the future, and I am hopeful that he will be an example to many other young people in this country who want to go from high school athletics on to college and an education, and then to reach as far as they can wherever their talents will lead them.

Mr. WIRTH. Mr. President, I point out that yesterday I did commend Timmy Smith and I join my colleague from New Mexico in those very fine comments.

A HISTORICAL PERSPECTIVE

Mr. WIRTH. Mr. President, this afternoon I would like to continue my review of analyses of the conventional balance in Europe by sharing with my colleagues a piece by Mr. David Schwartz called "A Historic Perspective" on the alliance security. This is a brief overview of the history of the Atlantic alliance in which David Schwartz charts the strategic developments and changes in NATO since its founding in 1949.

While in the 1950's NATO leaders paid lipservice to the notion of building a strong conventional deterrent, the demands of post-war reconstruction and the availability of the much cheaper nuclear alternative kept the West from meeting its stated conventional goals. This was the era of "massive retaliation," when the threat of nuclear retaliation was counted upon to deter virtually any kind of Soviet aggression.

In the late 1950's and early 1960's, recognition grew that this almost exclusive reliance on nuclear weapons for defending the West did not lend the flexibility required in potential hostilities of different levels. Thus was planted the seeds of flexible response, which, after much disagreement in NATO over a Kennedy administration finding that the West's conventional forces were much stronger than had been previously assumed, and prolonged debate over the utility of tactical nuclear weapons in the Western arsenal, in 1967 became formal doctrine. The strategy, which was seen as a compromise between the disagreeing perspectives, placed much greater emphasis on the need for a robust conventional defense, and also introduced the idea of "deliberate escalation," in which NATO would retain the option of escalating the fighting to the nuclear level if efforts to make the enemy cease hostilities at a lower level of fighting were unsuccessful.

The 1970's brought more calls to reduce the alliance's dependence on nuclear forces by strengthening its conventional strength. However, while the latter was pursued to a limited extent, the former was not, as the basic role of nuclear weapons in NATO's force structure remained the same.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ALLIANCE SECURITY: NATO AND THE NO-FIRST-USE QUESTION

A HISTORICAL PERSPECTIVE

(David N. Schwartz)

The call for NATO to adopt a nuclear no-first-use policy evokes issues that have arisen periodically during the Alliance's thirty-year history.[1] What is the proper relationship between the conventional and nuclear components of NATO's deterrent? How effective would nuclear weapons be in reversing an impending conventional defeat? Is a reliable conventional defense feasible against the threat posed by the Warsaw Pact? Is the threat to use nuclear weapons first if need be to prevent conventional defeat a necessary or desirable element of NATO's flexible response strategy?

The convoluted history of NATO's handling of these issues is difficult for the outside observer to interpret. Yet an understanding of how NATO arrived at its current posture is essential to an appreciation of the options for, and constraints upon, future change.

THE 1950'S: MASSIVE RETALIATION

The founders of the North Atlantic Alliance had no coherent vision of the form it would eventually take when the North Atlantic Treaty was ratified in 1949.[2] All could agree that in an increasingly hostile postwar world, a credible U.S. commitment to the defense of Western Europe was probably necessary to forestall a recurrence of the violence that had devastated Europe in the earlier half of the decade. There was less agreement on how to effect this commitment: would the solemn pledge contained in the North Atlantic Treaty be sufficient, or would a more formal military organization, involving U.S. and Western European troops integrated into a formal NATO command structure, be required to give teeth to the political commitment of the Treaty? With the onset of the Korean conflict in 1950, the transatlantic consensus on this issue favored the latter course, and plans began to be drawn up for a NATO military organization.

In those early years, U.S. nuclear supremacy over the Soviet Union was widely thought to be the most important element of NATO's deterrent posture. To some at least, President Harry S. Truman's winning of congressional approval for the stationing of U.S. troops in Europe in peacetime was important only insofar as it guaranteed that American soldiers would be killed in any Soviet aggression against the West, thus involving the United States directly and invoking the U.S. threat to use its nuclear arsenal against the Soviet Union if its allies were attacked.

For the Truman administration, however, the troops were more than hostages. The Berlin blockade of 1948 had demonstrated the willingness of Soviet leaders to confront the West over vital interests in Europe despite the American nuclear monopoly. President Truman and his foreign policy advisers, particularly Secretary of State Dean Acheson, were persuaded that NATO required a more balanced military capability,

including a robust nonnuclear component, to deter the broad spectrum of politico-military pressures the Soviet bloc might bring to bear against the West. They made this argument in their testimony before Congress on the troop issue; indeed, they envisioned the deployment of troops to Europe in peacetime as part of a broader Western European program to develop strong conventional forces capable of repelling a Soviet invasion.

American officials shared the view of many Europeans that the requirements for effective conventional defense were formidable. Working with fragmentary intelligence of uncertain reliability, Western analysts estimated that the Soviet Union had 175 divisions against which NATO would have to plan its defense. Western military planners concluded that NATO would require some 96 active and reserve divisions to meet this threat. Thus were born the so-called Lisbon force goals, agreed to by the NATO ministers at their February 1952 meeting. It was the first but by no means the last time that the threat was overstated, or that the resulting NATO goals remained unmet.

These goals seem imposing even today, after three decades of relative peace and prosperity. For the Western European nations at that time, struggling to recover from a war that had destroyed a significant part of their capital and labor, the goals seemed too high to be worth attempting. Conventional forces were improved, to be sure, but failure to meet the goals set in 1952 led NATO to rely increasingly on the threat of nuclear retaliation to deter virtually any kind of aggression, whatever the level. This was the era of "massive retaliation."

The shift in emphasis came to be reflected in the military forces NATO deployed in Europe and in the policy pronouncements of NATO leaders. The United States began gradually to introduce so-called tactical nuclear weapons into its troop deployments in Europe. Designed for use on the battlefield or in direct support of battlefield operations, these weapons made their first appearance in Europe in 1954, with the introduction of the 280mm nuclear cannon into the European theater. Soon added to them were nuclear gravity bombs, nuclear mortar and artillery shells, nuclear land mines, nuclear air defense missiles, and even a jeep-mounted nuclear recoilless gun, whimsically named the Davy Crockett. At first these weapons were deployed only with American troops, but as the decade passed arrangements were made by which other NATO armies could share tactical nuclear weapons with the United States. A typical arrangement called for the allied military force to operate the delivery system—for example, a fighter-bomber—while the United States retained custody of the nuclear weapon until the president authorized its release to the allied contingent. Arrangements such as these came to be known as "dual key."

It is significant that these weapons were introduced into forces-in-being, with no serious attempt made to separate nuclear units from conventional units. For example, artillery units were expected to perform both nuclear and conventional missions as the occasion required. The same was true for tactical air forces. While this duality resulted from a complex set of factors—among them the difficulty of radically revising force structures and the theory that nuclear weapons could be used to supplement conventional firepower—it had the consequence of tying nuclear and conventional forces together in ways that could impair conventional defense.

Introduction of these weapons into Europe was encouraged in part by the technical feasibility of the weapons themselves, in part by overly optimistic assumptions that they could be used without disastrous consequences for NATO, in part by arguments that they could be used to compensate for deficiencies in NATO's conventional forces. Budgetary considerations were also a key factor in virtually every NATO capital, including Washington. The "New Look" policies of President Dwight D. Eisenhower and Secretary of State John Foster Dulles made explicit the budgetary rationale for increased reliance on nuclear weapons for Alliance deterrence and defense. Dulles's own articulation of the doctrine of massive retaliation in January 1954 was entirely clear;

> The total cost of our security efforts [in the recent past] at home and abroad, was over $50 billion per annum, and involved, for 1953, a projected budgetary deficit of $9 billion, and $11 billion for 1954. This was on top of taxes comparable to wartime taxes; and the dollar was depreciating in effective value. Our allies were similarly weighed down. This could not be continued for long without grave budgetary, economic, and social consequences.
>
> But before military planning could be changed, the President and his advisers, as represented by the National Security Council, had to take some basic policy decisions. This has been done. The basic decision was to depend primarily upon a great capacity to retaliate, instantly, by means and at places of our own choosing. . . . As a result, it is now possible to get, and share, more basic security at less cost.[3]

NATO's planners were quick to follow the American lead. If budgetary constraints undermined U.S. determination to meet the Lisbon force goals while heightening reliance on the early use of relatively cheap tactical nuclear weapons, those constraints were even more compelling to the European members of NATO, still struggling to regain prosperity in the postwar world. Deputy Supreme Allied Commander, Europe (SACEUR) Bernard L. Montgomery spoke candidly in support of the massive retaliation policy when he addressed the Royal United Services Institute in London in late 1954:

> I want to make it absolutely clear that we at SHAPE are basing all our planning on using atomic and thermonuclear weapons in our own defense. With us it is no longer: "They may possibly be used." It is very definitely: "They will be used, if we are attacked." In fact, we have reached the point of no return as regards the use of atomic and thermonuclear weapons in a hot war.[4]

By 1957, then, the Lisbon force goals had been revised downward through the adoption of a plan called MC-70, which projected a five-year program to build up to thirty active divisions for the central front. Even the revised plan, modest as it was compared to the Lisbon goals, seemed unattainable despite sustained American efforts and the growing German rearmament program. During the same period, as if to undercut the conventional effort, NATO adopted a strategic concept called MC-14/2 that envisioned the early and massive use of tactical and strategic nuclear weapons in response to Warsaw Pact aggression.

Ample evidence suggests that the American policy makers responsible for this shift toward placing greater reliance on nuclear deterrence were aware of its potential shortcomings.[5] That they did not disclose their misgivings probably reflected a political judgment that persuading the public on both sides of the Atlantic of the efficacy of the New Look must take precedence over a more nuanced official articulation of the policy. This judgment was not shared by a growing number of nongovernmental observers of U.S. an NATO defense plans, who viewed the shift toward reliance on the early use of nuclear weapons with increasing concern. The debate stimulated by these observers was at times passionate and inarticulate, at times coldly rational. It is possible here only to summarize the major lines of criticism:

Credibility. Most critics of the New Look argued that while the threat of nuclear retaliation might be credible—and hence a strong deterrent—against a limited but important range of devastating, all-out conventional attacks, the nuclear deterrent possessed only limited credibility against a wide range of more likely, less intense conventional threats. They observed that a U.S. nuclear monopoly had not prevented the Soviet Union from exerting strong pressure against West Berlin in 1948; had not forestalled the aggressive consolidation of Soviet power in Eastern Europe; had not deterred war in Korea; and had not deterred probing by communist governments throughout the world. They noted that when Western interests were directly threatened by conventional aggression, the United States had shown great reluctance to use the nuclear threat even in the face of imminent military failure (for example, when Chinese forces almost succeeded in pushing the UN forces out of the Korean peninsula). While such reluctance was prudent, it undercut the future utility of the nuclear threat as a deterrent. The growing nuclear power of the Soviet Union and the inevitable vulnerability of the U.S. homeland to Soviet nuclear attack, would only hasten the erosion of credibility over time.

The utility of tactical nuclear defense. Proponents of NATO's tactical nuclear posture argued that these weapons would favor the defense in actual military operations. Critics challenged this assumption. Numerous war games and analyses suggested that the massive increase in firepower inherent in these weapons would, if matched by the Soviets, chew up NATO's manpower much faster than would conventional operations. The massive destruction and confusion their use would cause on the battlefield would impose unprecedented strains on orderly command, control, and communications, making the achievement of military objectives doubtful. Once the agonizingly difficult decision to use tactical nuclear weapons had been made, the size and scope of the requirements for their use to make a military difference would engender strong pressures toward escalation to greater levels of violence, quite possibly leading to an all-out intercontinental nuclear exchange. Hence this use of nuclear weapons in NATO's defense would not only fail to offset conventional deficiencies, it could also lead to a global nuclear conflict. Meanwhile the territory being defended would probably be reduced to rubble. In the densely populated regions of central Europe in which a tactical nuclear engagement would take place, the number of civilian casualties would certainly erase any meaningful distinction between a "tactical" war and a "strategic" war.

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[1] Footnotes at end of article.

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Implications of the U.S. nuclear monopoly within NATO. Finally, some analysts observed that the virtual U.S. monopoly of nuclear weapons within NATO imposed an inherent strain on any NATO policy that relied on the threat of nuclear retaliation in all circumstances. The credibility of NATO's deterrent depended on the perception that the United States would have the political will to authorize the use of those weapons when U.S. territory was not under direct attack. That perception would become increasingly open to doubt as the Soviet Union developed the ability to hold U.S. territory a nuclear hostage while prosecuting a war in Europe. If the Soviets could assume that the United States would remain paralyzed, the risk of aggression against Western Europe would increase dramatically. This line of argument was to become a rationale—though not the only one and perhaps not even the decisive one—for the pursuit of independent nuclear deterrents by the United Kindom and France. But if one accepted the argument, then the British and French forces would become equally unable to extend a deterrent umbrella over the nonnuclear European allies. The logical consequence of this dilemma—a proliferation of national nuclear arsenals among other NATO countries, particularly the Federal Republic of Germany—was too dangerous to ignore.

It would be a mistake to conclude that these critiques—argued within governments and in public, through confidential memoranda, journal articles, and books—fell upon deaf ears. Certain officials were receptive. At least one high-ranking NATO official, SACEUR General Lauris Norstad, made an explicit attempt to reorient them by then heavily nuclear NATO posture toward a closer balance between conventional and nuclear resources. In his vigorous pursuit of the MC-70 force goals and his articulation of a more demanding role for conventional forces—to force a "pause" upon an aggressor before he committed further aggression that would inevitably engage NATO's nuclear "sword"—Norstad demonstrated some sensitivity to critics of the New Look. Yet he and others, U.S. Army Chief of Staff General Maxwell Taylor among them, met with stiff opposition from military planners, particularly in the Strategic Air Command, who argued that the Soviet conventional threat required planning for an early nuclear response, and from politicians throughout the Alliance who contended that to deemphasize the nuclear threat would erode the deterrent or be politically and financilly unacceptable to Western societies.

THE 1960S: FLEXIBLE RESPONSE

The last years of the Eisenhower presidency saw the debate take shape in private and in public. Eisenhower's last secretary of defense, Thomas Gates, was apparently sensitive to concerns about the New Look and massive retaliation, for he took several important steps to introduce a degree of flexibility and centralized control into U.S. military planning, particularly at the strategic nuclear level. Dulles was also moving in this direction, and reportedly instructed the Joint Chiefs of Staff to take the requirements of conventional defense more seriously. But it fell to the Kennedy administration to begin a serious effort to move NATO away from its nuclear addiction.[6] President Kennedy himself was sympathetic to the views of the critics; indeed, he had made a thoughtful critique of Eisenhower's defense policies a central part of his campaign platform. The men he brought to power with him, such as Robert McNamara, Paul Nitze, Maxwell Taylor, and McGeorge Bundy, shared many of his concerns.

Within weeks of taking office, Secretary of Defense McNamara prodded the Pentagon bureaucracy into making a thorough review of U.S. and Alliance defense policies and programs. Over the next two years, the findings resulted in a number of major changes in U.S. defense policies and programs. The strategic force buildup that had begun in the last years of the Eisenhower administration was given renewed momentum, with a particular eye toward increasing the flexibility, redundancy, and survivability of strategic systems. A major investment was made in U.S. conventional forces, found dangerously inadequate for contingencies such as the 1961 Berlin crisis. Indeed, there is some evidence that the administration abandoned plans for adopting a no-first-use policy in the wake of that crisis.[7] At the same time, the buildup of tactical nuclear weapons in Europe begun in the mid-1950s continued until the stockpile exceeded 7,000 warheads.

The relationship between strategy, doctrine, and military programs is never a clear one, and it would be an oversimplification to assert that all this activity was guided by a single comprehensive strategy. But McNamara and his staff were convinced of a few basic postulates that shaped defense decisionmaking. Taken together, they came to be known as the strategy of flexible response. Central to that strategy was the need to build a military posture that would give decisionmakers considerable flexibility in responding to aggression at all levels. The "search for options" was held to be essential for the credibility and effectiveness of a deterrent that would have to operate against a wide spectrum of possible contingencies, ranging from minor border incidents to major politico-military crises, from actions to block the Berlin corridor to an all-out nonnuclear offensive against Western Europe to a full-scale intercontinental nuclear war.

At the strategic nuclear level, a flexible response called for options other than a massive strike against all Soviet military and industrial targets. To the extent possible, the United States would introduce flexibility into its strategic planning, tying target packages to politico-military objectives. In particular the United States would retain the option to avoid striking Soviet population centers, giving the Soviets a marginal but important incentive to do the same—the "no cities" doctrine. Aside from giving the president alternatives other than surrender or nuclear suicide—in fact, by virtue of giving the president such options—it was hoped that doubts about America's willingness to use its nuclear arsenal in defense of its allies could be managed, if not laid to rest, thus reducing the pressures for proliferation inherent in NATO's New Look.[8]

At the conventional level, flexibility required a force capable of mounting a serious nonnuclear defense in Europe without necessarily resorting to nuclear weapons. While such use would never be explicitly ruled out, an effective conventional capability would put the onus of nuclear escalation squarely on the aggressor.

For those who remained skeptical, McNamara had some surprising answers. One product of the thorough review he had ordered was a revised assessment of the Soviet conventional threat. Proceeding from a review of basic aggregate data, Pentagon analysts found that NATO's manpower and gross national product were comparable to, if not greater than, those of the Warsaw Pact. If a gap existed in conventional forces, the problem lay not in the amount of basic resources but in their allocation. The analysts then took a detailed look at actual Soviet capabilities and found that of the 175 so-called divisions in the Soviet order of battle, many were at extremely low levels of readiness in both manpower and matériel. More precise analyses conducted over the next several years all pointed in the same direction: assessments of the magnitude of the Warsaw Pact's conventional superiority, for more than a decade the basis of the contention that NATO had no choice but to rely on early use of nuclear weapons against a conventional attack, had been vastly exaggerated. As two of the key analysts later wrote,

> Eliminating paper divisions, using cost and firepower indexes, counts of combat personnel in available divisions, and numbers of artillery pieces, trucks, tanks, and the like, we ended up wth the same conclusion: NATO and the Warsaw Pact had approximate equality on the ground. Where four years earlier it had appeared that a conventional option was impossible, it now began to appear that perhaps NATO could have had one all along.[9]

It was one thing for the U.S. government to convince itself that greater flexibility was needed in strategic nuclear planning and that renewed emphasis on the conventional option was both desirable and feasible. It was another thing entirely to gain a consensus for this approach in European capitals, where the U.S. strategic nuclear planning process was a mystery, where the assumption of Warsaw Pact conventional superiority had become the conventional wisdom, and where a domestic political price would be exacted for any change in NATO strategy.

In bits and pieces, the strategy of flexible response had leaked to European audiences through McNamara's congressional testimony and through speeches by administration officials such as Paul Nitze and Roswell Gilpatric. European governments were understandably nervous. Major decisions were being made in Washington that had a direct bearing on Alliance security. Yet the full rationale for these decisions had never been clearly articulated, much less debated within an Alliance forum. Kept in the dark, many European governments began to suspect that the United States was underestimating the sacrifices that a strong conventional defense would impose on the allies; that Washington was changing the basis of Alliance security without adequate consultation; and, perhaps most distressing, that the United States had decided to withdraw the strategic nuclear umbrella that had made deterrence possible.

Recognizing that such suspicions, if unchecked, would have damaging political consequences and compound the difficulty of persuading European governments that the conventional option was feasible if appropriate steps were taken, McNamara laid out the new American strategy in some detail at a meeting of NATO ministers in Athens in May 1962.[10] He presented the main lines of the new approach, stressing the credibility of the U.S. strategic nuclear guarantee, given the global nature of any nuclear conflict between NATO and the Warsaw Pact; the requirement for flexible options and centralized command and control at the strategic nuclear level; the strategic damage

that could be done to Alliance objectives by the proliferation of independent national nuclear deterrents; the escalatory dangers inherent in the use of tactical nuclear weapons; the substantial contribution to deterrence that could be made by a strong nonnuclear posture; and the feasibility of achieving such a posture.

That McNamara chose to stress the inherent dangers of using tactical nuclear weapons, particularly as a substitute for conventional response, reflected his strong belief that the burden of escalation to the nuclear level should be placed where it belonged—on the aggressor. In this sense, flexible response was conceived as a no-first-use strategy. That McNamara did not deny the utility of tactical nuclear weapons for deterrent purposes is not inconsistent with this interpretation. He was arguing, rather, that NATO's excessive reliance on those weapons would be particularly irresponsible in time of crisis or war, especially when safer alternatives were available. In his own words,

> I would be less than candid if I pretended to you that the United States . . . believes that the Alliance should depend solely on our nuclear power to deter the Soviet Union from actions not involving a massive commitment of Soviet force. Surely an Alliance with the wealth, talent, and experience that we possess can find a better way than this to meet our common threat.[11]

There was, of course, a certain irony in this position. Under McNamara and his successor, Clark Clifford, the authorized number of U.S. tactical nuclear weapons in Europe increased from about 2,500 to about 7,200.[12] Yet it is clear that McNamara's policy preferences lay in the direction of deemphasizing reliance on nuclear weapons.

The strategy McNamara articulated and pressed on the allies in numerous ways over the next five years met with stiff resistance. The French rejected his arguments against independent nuclear forces and moved ahead with plans to develop their own, outside the control of NATO. Others also saw in McNamara's presentation an ill-disguised attempt to remove the U.S. nuclear guarantee from Europe, but argued that only an explicit U.S. commitment to a nuclear strategy for NATO would enable the West to mount an effective deterrent. Some contended that reemphasis of the conventional option made war more thinkable, hence more likely, and thus undermined the deterrent.

A smaller group rejected McNamara's assertion that the escalatory pressures arising from the use of tactical nuclear weapons would hasten NATO's defeat, arguing instead that the weapons could be used effectively in limited ways as a force multiplier for conventional operations. This position found favor in the United States, where academic debate had produced a limited nuclear war strategy incorporating the weapons as a central element of the force posture. Others, still accepting past threat assessments, remained convinced that conventional defense, while desirable in principle, was infeasible in fact, and that flexible response meant "flexible backwardness" in that the doctrine would enable the United States to trade European space for U.S. decision time, thus conceding NATO territory to Warsaw Pact aggression. Rarely expressed but never far from the surface was a belief that the escalatory potential inherent in the tactical nuclear arsenal was beneficial to Europe, in that its use would quickly lead to an intercontinental nuclear exchange involving the territory of the United States.

The debate engendered by these positions was intense and in fact persists in various forms to this day. Nevertheless, a historic compromise was reached through a long and difficult process that culminated in 1967 in the Alliance's adoption of a new strategic concept that embodied flexible response.

In a document known as MC-14/3, successor to MC-14/2, the Alliance formally acknowledged the importance of having the ability to respond directly to aggression at whatever level it is initiated. Termed "direct defense," this concept implied a degree of seriousness regarding conventional requirements that had been lacking in the earlier strategic concept. Also envisioned in the new strategy was the notion of "deliberate escalation"—that NATO would retain the option of deliberately escalating the conflict, to the nuclear level if necessary, if efforts at direct defense failed to make the enemy cease hostilities and withdraw. The Alliance would still rely on the threat of general nuclear war, carried on by the American and British strategic forces, if all else failed.

In exchange for the allies' acceptance of McNamara's demand that conventional requirements be taken seriously, the United States accepted a certain ambiguity in the relationship between direct defense and deliberate escalation. The circumstances in which NATO would resort to escalation, in particular in which the Alliance would deliberately bring the conflict to the nuclear level, were not spelled out. Ambiguity allowed those to whom early first use of nuclear weapons seemed essential to argue that NATO strategy agreed with them, and that the retention of a large tactical nuclear arsenal was justified. It also permitted critics of a tactical nuclear defense to argue that NATO strategy and the requirements of direct defense implied a greater commitment to strengthening conventional forces. Yet, by accepting the notion of deliberate escalation without clarifying the circumstances in which it would take place, the Alliance implicitly shelved the suggestion inherent in McNamara's 1962 Athens speech that the burden of escalation should be placed on the aggressor. The compromise thus rejected the implicit no-first-use strategy broached by the U.S. secretary of defense in his advocacy of flexible response. By the same token, the fight within NATO over requirements and force levels would persist.

THE 1970'S: FORCE POSTURE ADJUSTMENTS

Throughout the 1970s adjustments in the force posture, both conventional and nuclear, increasingly reflected the new strategy of flexible response and its inherent ambiguities.

The tactical nuclear forces came under close scrutiny early in the decade, largely as the result of U.S. congressional concern about the aging, obsolescent, and increasingly vulnerable arsenal in Western Europe. Responding to congressional pressure, Secretary of Defense James R. Schlesinger initiated a series of modifications in these forces within the authorized ceiling of 7,000 weapons. For example, old surface-to-surface missiles such as the Sergeant were replaced by the modern 70-km-range Lance missile. Schlesinger also authorized increased research on ways to "clean up" the stockpile by redesigning weapons so as to minimize their fallout and other unintentional damage to civilian populations. Not until some years later, in 1977, did these efforts attract much attention, when U.S. plans to produce "clean" weapons (the so-called neutron bomb) were made public. In the controversy that followed, most thoughtful proponents of qualitative modernization admitted that such changes would have only a marginal effect on the "usability" of the weapons for relatively limited objectives. Opponents contended that just this additional usability would erode deterrence and make a nuclear war more likely, though no appreciably less destructive.[13] As it happened, in 1978 the United States unilaterally abandoned its plans to produce these weapons—after successfully bringing pressure to bear on its allies to accept them—prompting a minor political crisis within the Alliance.

In broad terms, then, the 1970s brought marginal improvements in the reliability, accuracy, and peacetime security of U.S. tactical nuclear weapons in Europe. However, while recognizing their limited military value and even after making these qualitative improvements, the Alliance never made a basic change in the role of these weapons in Alliance planning. Their function was taken largely as a given, both by those who believed that flexible response required the ability to conduct flexible nuclear operations in Europe, and by those who believed that their use would rapidly escalate out of control and lead the superpowers into a strategic confrontation that would somehow be settled over Europe's head.

Skeptics of the importance of these systems, particularly as compared to conventional forces, remained vocal during the decade. If they failed to bring about a substantial reduction in NATO's tactical nuclear forces, they were more successful in making the case for conventional force improvements.[14] By the mid-1970s, several congressional attempts to cut the number of U.S. troops in Europe have been defeated, the United States turned to improvements in its own conventional forces. Between 1975 and 1982.

—Three divisions and two brigades were added to the U.S. Army force structure, and the brigades deployed in Europe. Support units were reallocated to combat roles, thereby increasing the combat-to-support manpower ratio. Some have argued that this shift enables NATO better to withstand a Soviet conventional attack; others have questioned whether the reallocation was wise, noting the importance of support units in sustaining operations.

—Active army units were "heavied up" through the introduction of mechanized units and the conversion of infantry units into mechanized units.

—Sets of equipment for four additional reinforcement divisions were pre-positioned in West Germany.[15]

Concurrently the United States sought to assure that the conventional improvements required by the evolving Soviet threat would be adopted throughout the Alliance. To this end, Washington initiated a long-term defense plan (LTDP) "to address selected deficiencies in forces, equipment and procedures." The LTDP, which NATO formally adopted in 1978, calls for several kinds of improvement in conventional forces:

Enhanced readiness
Rapid reinforcement
Strengthened European reserve forces
Improvements in maritime capabilities
Integrated air defenses
More effective command, control, and communications (C^3)

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Rationalized procedures for joint development and procurement of weapons.

Measures to promote logistics coordination and to increase war reserves.[16]

By 1981, work on this rather lengthy "laundry list" was far from complete. In his final annual report, Secretary of Defense Harold Brown pointed to readiness, maritime posture, logistics, and C³ as areas in which NATO had made real progress. In other key areas—electronic warfare, reserve training and equipment, war reserve stocks of ammunition and fuel, provision of additional European reserve brigades, and the like—the Alliance would have to "renew its efforts."[17] Faced with such requirements and buttressed by its substantial though dwindling advantage in tactical nuclear weapons, NATO ended the 1970s with much left to do on the conventional side, and amid heated bickering over the ability of individual members to achieve the 3 percent growth in real defense spending that was agreed to when the LTDP was adopted.

CONCLUSION

This glance at NATO's past suggests several insights of relevance to today's debate.

NATO's reliance on nuclear weapons for the purpose of deterrence, or to compensate for conventional weaknesses, has deep historical and political roots. The fact that MC-14/3 embodies a political compromise reached only after critical struggles within the Alliance endows this document with a political weight far greater than most such planning guidance has had in the past. It represents not only a military strategy but also a bulwark against reopening divisive issues of nuclear strategy that many believed—and still believe—have the potential to fragment the Alliance.

Meeting stiff resistance over the past twenty years, efforts to reduce NATO's nuclear dependence and bolster the conventional option have been succeeded by efforts to do the latter without doing the former. Nevertheless, attempts have been made. In one important sense, McNamara's argument in the early 1960s had an implicit no-first-use theme. In the final compromise over flexible response, that theme was rejected. The compromise did, however, legitimize and pave the way for recognition that the conventional option had been too long neglected and needed to be revitalized if NATO's overall deterrent posture was to be credible. This has led to significant improvements in conventional forces, although they have fallen short of what NATO could do to build a fully reliable conventional defense.

Because NATO has been unable to reduce significantly its reliance on tactical nuclear weapons, the size of the force has remained relatively constant. (One thousand warheads were withdrawn in 1980 pursuant to the December 1979 decision on intermediate-range nuclear forces, leaving about 6,000 warheads in place.) Some qualitative changes have been made in the existing stockpile, but in broad posture and function it remains configured much as it was from the late 1950s to the early 1960s—a force designed to deter, in part by compensating for conventional inadequacies.

By the same token, the strategy adopted in 1967 has not changed the way nuclear forces have been integrated into conventional forces for planning purposes. Indeed, flexible response and the requirements of deliberate escalation have given renewed emphasis to integration in the name of multiplying the commander's options.

It is these considerations, shaped by events and decisions over a thirty-year period, with which today's leaders will have to contend. While NATO's past need not be construed as a straitjacket into which all future actions must fit, it can and should serve as a valuable reminder of why certain choices were not made. It should also stimulate constructive consideration of the alternatives before us.

FOOTNOTES

[1] Indeed, it is difficult to identify a subject related to NATO about which more has been written. Perhaps, the best general bibliography remains Morton H. Halperin, *Limited War in the Nuclear Age* (John Wiley and Sons, 1963), pp. 133-84. In the 1950s two excellent edited volumes covered much of the debate: William W. Kaufmann, ed., *Military Policy and National Security* (Princeton University Press, 1956); and Klaus Knorr, ed., *NATO and American Security* (Princeton University Press, 1959). Halperin also made a special study of the no-first-use issue: M.H. Halperin, "A Proposal for a Ban on the Use of Nuclear Weapons," Institute for Defense Analyses, Special Studies Group, Study Memorandum no. 4 (Washington, DC.: IDA, 1961). See also Richard H. Ullman, "No First Use of Nuclear Weapons," *Foreign Affairs*, vol. 50 (July 1972), pp. 669-83; Fred Charles Iklé, "NATO's 'First Nuclear Use': A Deepening Trap?" *Strategic Review*, vol. 8 (Winter 1980), pp. 18–23); and Laurence D. Weiler, "No First Use: A History," *Bulletin of the Atomic Scientists*, vol. 39 (February 1983), pp. 28–34, which contains interesting material on Soviet attitudes toward the issue.

[2] The themes in this section are treated in detail in Robert Endicott Osgood, *NATO: The Entangling Alliance* (University of Chicago Press, 1962). A more detailed account of NATO's first year can be found in Lawrence S. Kaplan, *A Community of Interests: NATO and the Military Assistance Program, 1948–1951* (Government Printing Office, 1980).

[3] John Foster Dulles, "The Evolution of Foreign Policy," *Department of State Bulletin*, vol. 30 (January 25, 1954), p. 108.

[4] Cited in Osgood, *NATO: The Entangling Alliance*, p. 110.

[5] See the major planning document of the New Look, NSC 162/2, now declassified and available in *The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam*, vol. 1, Senator Gravel edition (Boston: Beacon Press, 1971), pp. 412–29.

[6] This account is based on William W. Kaufmann, *The McNamara Strategy* (Harper and Row, 1964); Desmond Ball, *Politics and Force Levels: The Strategic Missile Program of the Kennedy Administration* (University of California Press, 1980); and Alain C. Enthoven and K. Wayne Smith, *How Much is Enough? Shaping the Defense Program, 1961-1969* (Harper and Row, 1971).

[7] See Lawrence Freedman, *The Evolution of Nuclear Strategy*, Studies in International Security, 20 (Macmillan Press, 1981), p. 242.

[8] The introduction of flexibility into U.S. targeting strategy in the early 1960s is well documented. However, the public record makes clear that the degree of flexibility introduced was not as great as some at the time would have liked. See Henry S. Rowen, "Formulating Strategic Doctrine," *Commission on the Organization of the Government for the Conduct of Foreign Policy* (Murphy Commission), pt. 3 of vol. 4 appendixes (GPO, 1976), pp. 219–34.

[9] Enthoven and Smith, *How Much Is Enough?* pp. 140–41.

[10] David N. Schwartz, *NATO's Nuclear Dilemmas* (Brookings Institution, 1983), pp. 156-65.

[11] Ibid., pp. 160–61.

[12] Stockholm International Peace Research Institute (SIPRI), *Tactical Nuclear Weapons: European Perspectives* (New York: Crane, Russak, 1978), p. 16.

[13] By increasing radiation and minimizing blast at very low yields, it was argued, "clean" weapons would be ideal for stopping armored assaults without producing the high levels of collateral damage associated with earlier weaponry. This characteristic would, according to proponents, enhance deterrence. This argument struck opponents as displaying excessive enthusiasm for nuclear "war-fighting," thus undermining deterrence.

[14] See, for example, William P. Mako, *U.S. Ground Forces and the Defense of Central Europe* (Brookings Institution, 1983), pp. 27–30.

[15] Ibid., pp. 23–27.

[16] *Department of Defense Annual Report, Fiscal Year 1982*, p. 207.

[17] Ibid., p. 78.

Mr. WIRTH. I yield the floor.

CONTRA AID

Mr. LUGAR. Mr. President, this afternoon the Committee on Foreign Relations met to discuss Senate Joint Resolution 243 pursuant to the continuing resolution to provide additional authority and assistance for Nicaraguan resistance. Mr. President, the committee did hold a meeting. The distinguished chairman of the committee is here with me presently. It is my understanding that a majority of the committee members were not present in the room during the course of that meeting. Rule IV of the Senate Foreign Relations Committee rules insists that "A majority of the membership of the committee shall constitute a quorum for reporting any measure or recommendation to the Senate." Stated another way, the committee rules say no measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present.

Mr. President, rule XXVI of the Senate—I cite page 971 of the Senate procedures—it provides that:

> The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present.

On that same page, 971, in the next paragraph, it says:

> The Chair has ruled that a report not authorized by the concurrence of more than one-half of a majority of the entire membership of the committee, exclusive of proxies, cannot be received by the Senate upon objection.

Therefore, Mr. President, I ask a point of parliamentary inquiry. I would like to ask the Chair if the Chair is prepared to discharge the committee inasmuch as the committee report was filed without a quorum.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I quite understand the concern of the Senator from Indiana on this matter. The broad powers that were given to the consideration of the basic underlying resolution by House Joint Resolution 395, including expedited procedure and the waiving of all points of order seem to open up a pretty wide door. I carefully checked this with the Parliamentarian. Because of the provisions established for consideration of this resolution I believed that I was free to go ahead and convene the committee to discharge its duties and to report out the resolution. The majority of the members concurred in that view. That is what the language the concurrent resolution governing consideration of this matter permits, and I had the assurance through my staff from the Parliamentarian that the committee was in full conformity with the provisions of House Joint Resolution 395.

So, I ask the point of order not be upheld as raised by the Senator from Indiana.

Senator LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, is debate or discussion in order or further comment on the question?

The PRESIDING OFFICER. The Senate is now conducting morning business and Senators are allowed to speak for a period of time not to exceed 10 minutes during morning business.

Mr. LUGAR. Mr. President, let me comment for the sake of the record that the distinguished chairman of the Foreign Relations Committee has stated the predicament I think very well. If, in fact, a ruling could come from the Chair that would make it possible for the distinguished chairman to take action to report legislation, report on something as important as the Nicaraguan aid situation, it appears at least to this Senator that precedents of the Senate, general procedures, would be violated very substantially. The distinguished chairman would never do such a thing but if, in fact, a majority of the committee were not present today. And my question I suppose to the Chair, and as to the resolution of this question, comes down to terminology.

It seems to me rule 26 is clearly dealing with a committee report. The distinguished chairman of the Foreign Relations Committee cited points of order raised against a resolution. As I understand the resolution will come before this body on Thursday unless by unanimous consent the order for that is waived and surely the committee action today has no consequence aside from an advisory opinion to the Nation or to Senators as to how the Foreign Relations Committee might feel about it. But, clearly, it was a report from that committee which lies I gather at the desk now, and this is the reason that I raise this issue today in the same session so it may be cleared away and that an egregiously bad precedent might not be set.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, it should be noted that members of the Foreign Relations Committee were informed in advance that the committee would proceed to discharge its duties and consider Senate Joint Resolution 243. The minority members of the committee chose not to attend that meeting. That was most unfortunate, but their choice. The majority of the members of the committee did cast their vote reporting this matter. The committee has recommended that the Senate reject the administration's request for a continuation of assistance to the Contras.

The PRESIDING OFFICER. In response to the inquiries presented by the Senator from Indiana, the Chair reports to the Senator from Indiana that the appropriate time to raise an objection on the question, the proceedings, as indicated by the Senator, is at the time the matter is brought before the Senate for consideration, and in the instant case, the statute waives all points of order regarding consideration of the resolution, and even the resolution itself.

Mr. LUGAR. Mr. President, a further point of inquiry.

Mr. PELL. Excuse me. I did not hear the last phrase. What were the words of the Chair?

The PRESIDING OFFICER. That all points of order against the resolution were waived and even against consideration, is the last statement I made.

Mr. PELL. I thank the Chair.

Mr. LUGAR. Mr. President, further point of inquiry. This Senator's question really pertains to the procedures of a specific standing Senate committee as opposed to the body as a whole.

The report is of no consequence I gather with regard to the consideration of this legislation, and therefore to raise a point of order against the legislation is clearly not the intent of this Senator. It is rather to clarify a very important precedent with regard to activity of a single committee dealing with a report of its own activities. And I ask the Chair's further indulgence to consider the precedent if a single Senator sitting by himself were able to report in behalf of a committee.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I would like to comment that the Senator from Indiana's objection rests with the original language adopted by the full House and Senate. It was the will of the majority of House and Senate Members that special procedures be provided for consideration of Contra aid. That decision was made in December, namely to waive any point of order, that is it. As far as precedent goes, for the future, maybe it will be the will of the Senate not to adopt special procedures in its continuing resolutions.

The PRESIDING OFFICER. The Senator from Indiana is informed by the Chair that ordinarily the Senator's point of order would be well taken, but in light of the statute before the Senate that is not the case and the Chair so ordered.

Mr. LUGAR. I thank the Chair.

Mr. PELL. I thank the Chair very much indeed. Has the Senate formally accepted the filing of the committee report on Senate Joint Resolution 243?

The PRESIDING OFFICER. The report has already been filed.

Mr. PELL. Thank you very much. I thank the Chair very much for the ruling. It is a very complicated matter.

Mr. LUGAR. May I ask one further inquiry of the Chair, if he would so indulge me?

The PRESIDING OFFICER. The Senator from Indiana?

Mr. LUGAR. Is the Chair ruling essentially that the statute covers both the resolution and the activities of the committee, both resolution and the report; in other words, all sequential steps that have anything to do with the resolution?

The PRESIDING OFFICER. That is in effect what the statute says, and that is how the Chair has ruled.

Mr. LUGAR. I thank the Chair.

Mr. EVANS. Mr. President, I am sorry that I did not arrive here at the beginning of this exchange. I listened to a portion of it, and I understand at least what the ruling of the Chair is. I do not think that is the real issue.

Frankly, Mr. President, this is more an issue of Senate comity and appropriateness than it is of Senate rules. I cannot think of anything more unnecessary than for the Committee on Foreign Relations to act on and to vote upon and to pass out of committee this particular proposal when there was no opportunity to amend it, no opportunity to affect it in any way.

The action has absolutely no influence whatsoever on the actions of the Senate.

Committees are designed to be able to look at legislation, to analyze legislation, to amend legislation, none of which we could do under the rules as they have been interpreted and the rules as they were set forth in the continuing resolution last December.

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All of the arguments, all of the debate will occur on the floor of the Senate, and I think that is totally appropriate.

There are some who chose, after the meeting this afternoon, to suggest that it was irresponsible not to be there. I think that is going far, far afield, for any Member of the Senate to say that. But, be that as it may, I do not choose to engage in that kind of admonition. I just believe that it was unnecessary.

The only conceivable reason for attempting to bring this to a vote in the committee was, perhaps, to influence—if there was to be any influence at all from a Senate vote in the committee—the House of Representatives in the vote they will take tomorrow. I do not think that is appropriate, either.

It seems to me that we would have been far better off to let the action take place on the Senate floor, where it will take place the day after tomorrow; let the debate be enthusiastic and complete; and it may even be a debate in which Senators come here and, in a live way, debate each other instead of an empty floor.

I do not look upon this so much as an aberration in the rules as really an unnecessary action of the committee and one which, frankly, disappoints me very much.

Mr. **PELL**. Mr. President, I appreciate the words of the Senator from Washington. I know that he has expressed unhappiness at times in the past with my chairmanship of the committee. But in this case, I believe that if there was any absence of comity, it was the choice of minority Members not to attend the meeting. Members knew full well the procedures set forth in House Joint Resolution 395 for consideration of Senate Joint Resolution 243, I was perfectly within the normal customs of the Senate in following the rules.

The Senator may not concur in my view. I think I am as conscious of comity as any Members of the Senate having served for the past 27 years, as a U.S. Senator.

TRIBUTE TO JUDGE ROBERT P. BRADLEY

Mr. **HEFLIN**. Mr. President, I am honored to rise, today, to pay tribute to Judge Robert P. Bradley, the presiding judge of the Court of Civic Appeals of Alabama. In December of last year, Judge Bradley announced that he will step down from the court at the end of his term in 1989. I am, indeed, sorry to see him relinquish his seat after what will be almost 20 years of outstanding service on the bench. Robert P. Bradley is a fine judge who has served Alabama and the law in an outstanding capacity throughout his lifetime. He should be proud of his record of achievement and his many, many successes.

Judge Bradley is one of those rare individuals whose life history repeatedly indicates the selfless service of others. He was born in Belleville, AL, and his father was a charter member of the Alabama Highway Patrol. Judge Bradley attended the University of Alabama where he earned both a B.S. degree in business administration, and an LLB degree from the law school.

Throughout his life, Judge Bradley has always recognized his duty, and has never hesitated in doing what he knew to be the path he should follow. When World War II broke out, he volunteered for the U.S. Navy as an enlisted man. After he attended law school, he served as the Assistant Attorney General of Alabama for many years, as the legal advisor to Governor John Patterson, interim prison commissioner for several months, and in December 1969, was appointed by Gov. Albert Brewer to the Court of Civil Appeals of Alabama.

During his tenure on the bench, Judge Bradley has earned the overwhelming respect, admiration, and dedication of the people of Alabama. He is a man of impeccable integrity who, in each case and in every matter that comes before him, endeavors to seek the truth and pronounce justice according to the laws of the State of Alabama and America, and according to his own conscience. Based on the fact that he has been reelected without opposition to three consecutive 6 year terms in office, I think it is clear the extent to which Judge Bradley has won the overwhelming trust and confidence of the people of Alabama.

In addition to his service on the Court of Civil Appeals, Judge Bradley has performed a vital service for my State as a member for 9 years and as chairman for 5 years of the Alabama Judicial Inquiry Commission. The commission was created by a Constitutional amendment in December of 1973, and its purpose is to investigate allegations of judicial misconduct in office, violations of canons of judicial ethics or disability, and is comprised of two lay people, three attorneys, and three judges. Judge Bradley served on the commission from its foundation in 1973 until 1981, and helped to guide it through various court challenges, and through its beginning years, thus ensuring its effectiveness as a forum for judicial accountability. For his service on the commission, Judge Bradley was given the Award of Merit by the Alabama State Bar.

Finally, one would think that the service to law and to justice as an attorney and as a judge would be enough for any one individual, but Judge Bradley has gone beyond this, and has taught at the Alabama State Trooper Academy in Selma for a number of years. I believe that the mark Judge Bradley has made on the law in Alabama and in America is profound, and is apparent to all. He is a remarkable individual—one of the old school who believes that true service to society is required of each individual, and is defined by the extent to which one uses the opportunities and talents that one possesses to the advantage of the community and society as a whole.

In closing, I would like to express my personal admiration for and gratitude to Judge Robert P. Bradley. He is a remarkable person who has well-served Alabama and America. His example of public service is one that people will long remember and will hold as a standard. I personally know of his contributions to the improvement of the judicial system. I want to personally thank him for his great contributions to improving Alabama's justice system.

Mr. President, I ask unanimous consent that the attached editorial which describes the outstanding service Judge Bradley has rendered to my State and to our Nation be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Montgomery Advertiser, Dec. 10, 1987]

JUDGE BRADLEY

Judge Robert P. Bradley of Brewton has not made many headlines over the years he's served as a public official.

He was legal adviser to former Gov. John Patterson, and acting prison commissioner for his friend, former Gov. Albert Brewer, before Brewer appointed him to the Court of Civil Appeals in 1969.

Bradley has announced his retirement effective in January, when he will turn 65.

But Bradley has played a crucial role in making Alabama's judicial system one of the most progressive in the country.

Bradley served for nine years on the Judicial Inquiry Commission, beginning with its birth in 1972, and spent the last five of those years as chairman of that disciplinary body. He stepped down as chairman in 1981 after leading it past criticism and legal challenges to its right to discipline judges.

The commission, consisting of an appellate judge, two circuit judges, two attorneys and two non-attorney citizens, can initiate, receive and investigate complaints concerning any judge of a court in the judicial system of the state.

If it finds evidence of violation of a canon of judicial ethics, misconduct in office or disabling physical or mental problems, the commission can file a complaint with the Court of the Judiciary, and can prosecute the complaint.

Bradley was honored by the Alabama State Bar with its highest award when he stepped down as chairman of the commission in 1981.

Last year, the U.S. Senate found itself snarled procedurally when a federal judge who had been convicted of tax evasion refused to relinquish either his seat on the bench or his salary until impeached by the Senate at considerable expense and time. U.S. Sen. Howell Heflin, former chief justice

of the Alabama Supreme Court, suggested in proposed legislation that the federal government adopt a judicial disciplinary system based on Alabama's.

When Bradley retires from the bench next month as presiding judge of the Court of Civil Appeals, after more than 19 years of judicial service, he can take justifiable pride in knowing that his work helped make Alabama's judicial system a model for the nation.

For that, Alabamians are in his debt.

SENATOR INOUYE'S PROPOSAL TO RESCIND FUNDS FOR JEWISH REFUGEE SCHOOLS

Mr. **KASTEN**. Mr. President, yesterday the distinguished senior Senator from Hawaii, Mr. INOUYE, announced his intention to move legislation in the Senate which would rescind the $8 million appropriation earmarked in the continuing resolution for the construction of schools in France for Jewish refugees from North Africa.

I support Senator INOUYE's proposal to rescind these funds.

Mr. President, there is absolutely no question in my mind, nor should there be in anyone else's mind, that Senator INOUYE's motives in supporting this proposal were anything but honorable. Any suggestion to the contrary flies in the face of a three-decade public career characterized by integrity, honor, and dedication to the service of his country.

As the Senator indicated in his statement yesterday, the proposal followed the normal appropriations process, and was, at all times, in the open.

Mr. President, I support my chairman and will support his action to rescind the $8 million earmarked in the continuing resolution for the construction of schools in France for Jewish refugees from North Africa.

MICHAEL CLYDE CAROZZA

Mr. **DOMENICI**. Mr. President, during my 15 years in the U.S. Senate, I have had the good fortune to have had the assistance of a dedicated and very professional staff. One of those valued staff for about half that time has been Michael Carozza.

Michael has been with me on the Budget Committee since 1982. He has been absolutely excellent in dealing with human resource issues during this time. Whether it was staffing the Social Security Commission in 1983 or more recently the Senate-passed catastrophic health bill, Michael has performed his responsibilities in a manner both professional and always with an understanding of the delicate political environment in which these critical programs must operate.

Thank you Michael for a job will done.

I will miss Michael, as I know other members of the Senate Budget Committee will also. I know his fellow staffers on the Budget Committees, both House and Senate, and his many friends and colleagues on the Finance and Ways and Means Committees also will express their gratitude for his counsel and assistance over the years.

We all join in wishing him continued success in his new position as Deputy Commissioner of Social Security for Policy and External Affairs. His work will continue there, I know, to reflect the high principles and dedication he has to public service, to which he has given so much these past years.

SUCCESSION IN TAIWAN

Mr. **ROCKEFELLER**. Mr. President, I arrived in Taiwan on January 13, less than 5 hours after the death of President Chiang Ching-kuo and only minutes after Vice President Lee Teng-hui was sworn in as the new President. Thirty-six hours later I was the first foreigner to meet with now-President Lee.

I would like to mention a few of my firsthand impressions of this succession process. First, it was very smooth and untroubled. President Lee was sworn in barely 5 hours after the death of Chiang Ching-kuo. The streets were quiet; the city was calm. Except for the declaration of a mourning period and lines of people waiting to pay their respects to the memory of President Chiang, there was nothing visibly out of the ordinary. Business went on as usual. The smooth nature and rapidity of the succession demonstrates the successful institutionalization and stability of the political process in Taiwan.

Second, this succession represents the end of an era which began 40 years ago with Chiang Kai-shek. It continued with his son, Chiang Ching-kuo, who recently began a series of dramatic changes to modernize Taiwan—both economically and politically. We are all aware of the fantastic economic developments on Taiwan—such incredible growth that we now have some serious trade issues between us. What many Americans do not realize is the increased movement toward democratic values in Taiwan over the last few years with the end of martial law, the growth of a legitimate political opposition, and the removal of restrictions on the press. A next step in this development is likely to be legislative reform.

Third, this represents the beginning of a new era in which many of those changes instituted under Chiang Ching-kuo will be deepened and expanded. Newly installed President Lee Teng-hui is a native Taiwanese and a most impressive individual, holding a Ph.D. from Cornell University in economics and having served as mayor of Taipei and Governor of Taiwan in addition to his experience as a university professor. He has a profound understanding of the current trade problems between the United States and Taiwan and is committed to getting this relationship back into a proper balance.

The United States has important economic, financial, strategic, and political interests in Taiwan, and a strong and healthy relationship is critical to both of us.

PRESIDENT REAGAN DEDICATES REBUILT ARMY AND NAVY CLUB

Mr. **WARNER**. Mr. President, at this time I would like to invite the attention of the Senate to a recent event of historic significance for this city of Washington, DC.

On Tuesday, January 12, 1988, the President of the United States, Ronald W. Reagan, personally participated in the dedication of the rebuilt Army and Navy Club on Farragut Square.

Together with other Members of the Senate and House, I have the privilege of being a Member of this renowned club. It was founded in 1885, and its first clubhouse at the corner of I and 17th Streets, was dedicated by President Benjamin Harrison. The second clubhouse, which was on the present site on Farragut Square, was dedicated by President William Howard Taft in 1912.

That clubhouse was demolished except for the landmark walls to make way for the construction of the new clubhouse. Thus, President Reagan was continuing a longstanding tradition when he participated, as the Third President to do so, in the dedication of a new Army and Navy Clubhouse.

The entire program was in keeping with quiet elegance of the clubhouse and the club's illustrious history. On arrival, the President was met and escorted by Brig. Gen. James D. Hittle, USMC (retired) club president, and Maj. Gen. Donald S. Dawson, USAF (retired) and Mr. Charles J. Graham, the club's vice president and general manager, respectively, on a tour of the club's second floor with its main ballroom, meeting rooms, memorabilia, rare military portraits, and de Welden sculptures. Proceeding down the grand staircase to the lobby, President Reagan symbolically reopened the new clubhouse by cutting the ribbon at the steps from the magnificent marble foyer.

The dedication ceremony took place in the club's chestnut-paneled main dining room before the press, network TV camera, and an audience of 150. As the Marine Corps Band, under the direction of Col. John R. Bourgeois, USMC, struck up "Hail to the Chief," President Reagan, accompanied by General Hittle, entered the room and proceeded to the dais.

At this point I include the introductory comments of the club president,

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General Hittle, and the dedicatory remarks by President Reagan:

INTRODUCTORY REMARKS BY BRIG. GEN. JAMES D. HITTLE, USMC (RETIRED), PRESIDENT THE ARMY AND NAVY CLUB

Mr. President, the clergy, members and friends. Mr. President, we regret the inconvenience that Friday's snowstorm caused you, and we deeply appreciate your generous consideration in rescheduling your presence with us. Since Friday we have conducted a very cursory research which discloses the fact that this is the only instance in recent times that a President of the United States has twice consented in five days to dedicate the same new clubhouse.

This is indeed an historic occasion. For the third time in a century, Army and Navy Club members are gathered with the President of the United States to dedicate a new clubhouse.

And as you know well, this third time is a very special one. For too long the issue was in doubt as we faced the dreaded call at home base of "three times and out".

But, of course, as this dedication and open house proves, we made it, and we made it because of the support and loyalty of our members; because of the endless and able efforts of our Vice President, Major General Donald S. Dawson, and the devotion of your General Manager, Mr. Charles J. Graham. Special tribute, also, goes to the members of the Board of Governors who throughout the rebuilding so ably supported the project. Our gratitude also goes to my predecessor, Lieutenant General John A. Kjellstrom, whose realism and determination was so vital to the project. Also, we recognize Mr. John Divett and Mr. Stephan Wingatae of London, who had the vision and courage to make this pace-setting project a reality.

I'm glad to report to you that this Army and Navy Club is not only surviving; it is thriving.

But it is more than a new building we are dedicating. In reality we are solemnly, in the presence of our Commander-in-Chief, re-affirming this Club's traditional adherence to the triad of virtues on which our nation was founded and depends: reverence, patriotism, and service.

These attributes may be fading in some places, but they are not fading in this "tepee on Farragut Square".

For more than a century, generations of Army and Navy Club members have answered their nation's call, shouldered arms and marched toward the sound of enemy guns.

Between such times, Club members gathered here, retold stories and refought battles; all of which were undoubtedly the better and the more exciting as a result of the retelling.

Yes, this great Club has been figuratively, and most certainly literally, a refreshing oasis where generations of warriors have rested on their long trek to their Valhalla.

It is for these reasons, Mr. President, we are so deeply honored by your presence here today.

In being with us you are continuing a treasured tradition of this Club. We could not have had a real reopening and dedication without you. However, the role of our nation's President in the affairs of The Army and Navy Club is not limited to a few occasions in a century. It is a tradition of this Club that all our official dinners are opened with a standing toast to the President of the United States.

As you may suspect, Mr. President, you are among friends. Through the years of your Presidency, Army and Navy Club members have applauded and supported your leadership. We have seen and appreciated your determined and successful efforts to restore our nation's military might, and with it a renewed respect for our Nation throughout the world. You have reinvigorated the spirit of patriotism and our citizens everywhere again exclaim with pride—I Am An American!

As those who have served, we know, too, that the indispensable ingredient of military strength is people. And, we know too, how much you have done to restore the prestige of the military uniform, and how much you have done to better the lives of those who wear it.

This morning we thank you for honoring The Army and Navy Club with your presence, and we salute you in a spirit of sincere admiration and respect:

Ladies and Gentlemen, the service man's friend, our Commander-in-Chief, the President of the United States.

PRESIDENTIAL REMARKS: DEDICATION OF THE REBUILT ARMY AND NAVY CLUB

General Hittle, General Dawson, Mr. Graham, ladies and gentlemen, in the old days, I'm told, The Army and Navy Club used to invite their neighbor, the President, to all their parties, and that Benjamin Harrison and Grover Cleveland even walked over for a toddy or two. Oh, for the good old days! But, if I had known that the Club was this beautiful, Nancy and I would have stopped by long ago. We would even walk, if the Secret Service would let us.

Well, the work for today is "congratulations." You've put together a beautiful building and a historic treasure. I'm amazed at your outstanding collection of art, especially the collection of sculptings by Felix de Welden. I always wondered where old generals and admirals went when they "just faded away." Now I know.

But nothing is more important than keeping alive the gallant tradition of our Armed Services—a tradition that adds up to a word, not just for today, but for all time—patriotism. As you know, I've visited our men and women in the Armed Services and their families all around the world—from Camp Liberty Bell and the D.M.Z. in Korea to Tempelhof in West Germany—and the one thing that's always struck me the most about them is their dedication to country.

They take a little bit of America with them every place they go, no matter how far, to make it more like home. We all know there's no place like home. But these men and women are willing to be away from this home that they love so that other countries remain free.

And so, I've got a report to bring you from the front: I've talked to admirals and generals alike on bases from Iceland to Guam and they've told me stories about how their troops—U.S. troops—are best trained, best equipped, and best-educated troops around. To sum it up, what we have right here and now is the best darn group of young men and women in uniform that this Nation has ever seen—and we're proud of them.

I was honored when you invited me to dedicate your new clubhouse as the Army and Navy Club begins its second century. General Hittle assures me that I am among friends. But, then I knew that already. No group of men and women has given more steadfast support to the Commander-in-Chief, no matter what his name was, no matter what party he represented. And, in particular, I will never forget that you've supported me during some of my toughest hours as President. You weren't drafted. You volunteered. And when others broke ranks and fled, you stood your ground. So I salute you, not only for the help you have given me over the past 7 years, but for the help your Club has given my predecessors, and will give my successors for generations to come.

Upstairs I couldn't help noticing the busts of President Eisenhower and President Truman, but when I saw that picture of General "Hap" Arnold standing in front of a B-17, I had to resist my instinctive urge to come to attention. You know General Arnold was my boss some 40 years ago. And he ran a tough Air Force. Just ask the fellows on the other side.

General Hittle told me, too, that Gary Cooper filmed many of the scenes of "The Billy Mitchell Court Martial" right here at the Club. But he says that the members wouldn't let the cameras in until after midnight, after the members had gone to bed. Well, I'm grateful that you didn't impose that kind of schedule on me. And I know Nancy would feel the same way.

In December of 1985, according to your records, after the founders signed the papers of incorporation, they retired to a warm room to drink a toast: "To the Club." I'd like to repeat that salute to you today. For a century, The Army and Navy Club has played an important role in the life of the Republic. May the second century eclipse the first. And so, ladies and gentlemen, "To the Club."

The invocation was pronounced by Father Joseph Sheehan, of St. Stephen's the Martyr Catholic Church, and Maj. Gen. Gerald Marsh, USAF (Chaplain) pronounced the benediction.

COAST GUARD'S CLOSING OF THE GLENVIEW AIR RESCUE STATION

Mr. DIXON. Mr. President, the Coast Guard has announced, due to budgetary reasons, that it will close the Glenview Air Rescue Station. The Glenview Station is a source of pride for all of Chicago. On the average, this Coast Guard station saves over 20 people each year from drowning in Lake Michigan. Since 1981, more than 150 lives have been saved by Glenview Station personnel. No dollar amount can truly reflect the value of this service.

However, according to the Coast Guard, its worth does not warrant keeping the Glenview Station open.

The Coast Guard is facing a $105-million shortfall for fiscal year 1988. This shortfall, according to the Coast Guard, forces them to permanently close some of their more unproductive stations.

Mr. President, I want to make it clear that the Coast Guard does not have to close the Glenview Station. As a matter of fact, they have enough money this year to keep it open. They are closing it specifically because they expect further cuts next year. They

are closing Glenview today for shortcomings in the future.

According to the Coast Guard, the Glenview Air Rescue Station is the least productive air rescue station, and therefore must be closed down. More than 150 lives saved in 6 years is not enough. Twenty lives saved a year does not meet the Coast Guard's annual quota.

There are a total of 28 Coast Guard air rescue stations. The Glenview Station is the only one out of 28 marked for closing. Why is it necessary to close the Glenview Station, and none of the others? Why can't the Coast Guard make cutbacks on all stations rather than totally depriving the Chicago area of the essential and proven service of the Glenview Air Rescue Station?

A Chicago Tribune editorial sums up the problem with this sort of decision-making. As it points out:

> There's an old saying that covers situations like this: If it saves even one life, it's worth it. Sometimes that's too broadly stretched to make a case, but what is the value if it saves 20 times over.

The Coast Guard says Chicago will be fine. According to them, the area can be adequately served by the air rescue station in Traverse City. But, as the Chicago Sun Times points out, a helicopter from Traverse City, "takes an hour and 40 minutes to get to the southern portion of Lake Michigan. That response time is unacceptable." Who can tread water for an hour and 40 minutes. People will drown while the helicopter is still in the air.

Mr. President, last year the Coast Guard tried to close Glenview down, and the Illinois delegation fought that decision and saved the station. Chicago cannot afford to have the Glenview Air Rescue Station closed down. Every year, the future of 20 lives depends on the ability of the helicopters to arrive in time.

I ask unanimous consent that the January 27, 1988, Chicago Tribune editorial and the January 28, 1988, Chicago Sun Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Jan. 27, 1988]

SAVING LIVES SECOND TO SAVING MONEY

Lake Michigan is not some little pond. It is a huge inland sea, as dangerous and capricious as any in the world. It will be even more dangerous if the U.S. Coast Guard insists on retreating from its mission of helping protect the people who use it.

That is exactly what the Coast Guard intends to do by closing its helicopter rescue operation at the Glenview Naval Air Station. The official explanation given U.S. Rep. John Porter, who helped save the unit once before, is that the Coast Guard has to cut $100 million from its budget. Because the helicopter station is among its least-active facilities, it will have to go.

That thinking is as shortsighted as it is callously bureaucratic. No one will argue against slicing the fat from military spending, or that the cuts shouldn't start with eliminating or consolidating superfluous operations. But the operations at Glenview doesn't fit either case.

Established in 1969, the two-chopper, 43-person contingent has been saving an average of more than 20 lives a year. That may not be enough to satisfy a military accountant's cost/benefit analysis, but it has made a critical difference to the people plucked from Lake Michigan, and until now it has been a historic responsibility of the Coast Guard.

Air search and rescue in the future will have to come from the Coast Guard's station at Traverse City, Mich., or the Chicago Fire Department's aging, two-helicopter unit. But Traverse City is about two hours away by air and the Fire Department—which had 201 emergency calls of its own last year—doesn't have the resources to expand its operation.

Rep. Porter, now joined by Sen. Alan Dixon, said he'll fight to keep the Glenview operation open, by legislation if necessary. The Coast Guard should spare everyone the flight by reversing its decision.

There's an old saying that covers situations like this: If it saves even one life, it's worth it. Sometimes that's too broadly stretched to make a case, but what is the value if it saves 20 times that?

[From the Chicago Sun Times, Jan. 28, 1988]

RESCUE COAST GUARD UNIT

What's the reasoning behind proposed budget cuts that would close the only Coast Guard air rescue unit serving the southern portion of Lake Michigan?

Granted, a huge budget deficit requires cutting unnecessary programs, but the Coast Guard unit deals in saving lives, and we reject a price tag on that.

The Coast Guard commandant, Adm. Paul A. Yost, explains that the Glenview-based unit didn't see a lot of action. Does that justify bypassing the long coastline of the nation's third largest city, where squalls on the lake have been historically notorious for boaters?

In the last six years, the Glenview unit has rescued 143 people from the lake, at an annual cost of $2.78 million (an amount that pales in contrast with many of Congress's pork barrel handouts).

Without the Glenview unit, the Chicago area will be dependent on an air rescue operation based at Traverse City, Mich. A helicopter from there takes an hour and 40 minutes to get to the southern portion of Lake Michigan. That response time is unacceptable.

We appreciate that the Coast Guard would maintain its local surface craft, and that the Chicago Fire Department is studying the use of its own helicopter in lake rescues.

But these should be backups to the primary rescue unit, the Coast Guard helicopters. Sen Alan J. Dixon (D-Ill.) and Rep. John E. Porter (R-Ill.) are fighting to save them. Illinois other congressmen should join their effort.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:26 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 39. Joint resolution to provide for the designation of the 70th anniversary of the renewal of Lithuanian independence, February 16, 1988, as "Lithuanian Independence Day";

S.J. Res. 143. Joint resolution to designate April 1988, as "Fair Housing Month";

S.J. Res. 172. Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Associations Week"; and

S.J. Res. 196. Joint resolution to designate February 4, 1988, as "National Women in Sports Day".

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2566) to amend the National Parks and Recreation Act of 1987, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 1983) authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, FL and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3884. An act to rescind certain budget authority recommended in Public Law 100-202.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, unfavorably without amendment:

S.J. Res. 243. Joint resolution relating to Central America pursuant to H.J. Res. 395 of the 100th Congress (Rept. No. 100-282).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. Res. 373. An original resolution authorizing expenditures by the Committee on Labor and Human Resources.

By Mr. INOUYE, from the Select Committee on Indian Affairs, without amendment:

S. Res. 374. An original resolution authorizing expenditures by the Select Committee on Indian Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself, Mr. Moynihan, Mr. DeConcini, Ms. Mikulski, Mr. Cranston, Mr. Armstrong, Mr. Weicker, Mr. Dodd, Mr. Wilson, and Mr. Sarbanes):

S. 2023. A bill to amend the Internal Revenue Code of 1986 to provide that employer subsidies for mass transit and van pooling be treated as working condition fringe benefits which are not included in gross income to the extent such subsidies do not exceed $60 per month and to increase the gas guzzlers tax; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. Bentsen, and Mr. Burdick):

S. 2024. A bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines; to the Committee on Environment and Public Works.

By Mr. MELCHER (for himself and Mr. Burdick):

S. 2025. A bill to amend title II of the Toxic Substances Control Act; to the Committee on Environment and Public Works.

By Mr. CRANSTON (for himself, Mr. Murkowski, Mr. Pell, Mr. Helms, Mr. Glenn, Mr. Proxmire, Mr. Kerry, Mr. Adams, Mr. Sanford, Mr. Moynihan, Mr. Simon, Mr. Biden, Mr. Sarbanes, Mr. Levin, and Mr. Leahy):

S. 2026. A bill entitled the "Atomic Energy Law Enforcement Act of 1988"; to the Committee on Foreign Relations.

By Mr. QUAYLE:

S. 2027. A bill to amend the Public Health Services Act to improve health benefits for workers in the United States; to the Committee on Labor and Human Resources.

By Mr. BREAUX:

S. 2028. A bill to reform the regulation of oil pipelines; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 2029. A bill to amend Public Law 96-586, relating to the disposal of certain Federal lands in Nevada, to require the Secretary of the Interior to purchase necessary lands at 1980 prices; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mr. Bradley, Mr. Chafee, Mr. Biden, and Mr. Roth):

S. 2030. A bill to amend the Marine Protection, Research, and Sanctuaries Act; to the Committee on Environment and Public Works.

By Mr. RIEGLE (for himself and Mr. Dole):

S.J. Res. 249. Joint resolution designating June 14, 1988 "Baltic Freedom Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY from the Committee on Labor and Human Resources:

S. Res. 373. An original resolution authorizing expenditures by the Committee on Labor and Human Resources; to the Committee on Rules and Administration.

By Mr. INOUYE from the Select Committee on Indian Affairs:

S. Res. 374. An original resolution authorizing expenditures by the Select Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. STEVENS (for Mr. Warner (for himself, and Mr. Trible)):

S. Res. 375. A resolution relative to the death of Representative Dan Daniel, of Virginia; considered and agreed to.

By Mr. KENNEDY:

S. Res. 376. A resolution commending the Washington Redskins on winning Super Bowl XX11; considered and agreed to.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. Moynihan, Mr. DeConcini, Ms. Mikulski, Mr. Cranston, Mr. Armstrong, Mr. Weicker, Mr. Dodd, Mr. Wilson, and Mr. Sarbanes):

S. 2023. A bill to amend the Internal Revenue Code of 1986 to provide that employer subsidies for mass transit and van pooling be treated as working condition fringe benefits which are not included in gross income to the extent such subsidies do not exceed $60 per month and to increase the gas guzzlers tax; to the Committee on Finance.

EXCLUSION OF EMPLOYER SUBSIDIES FOR TRANSPORTATION FROM GROSS INCOME

Mr. D'AMATO. Mr. President, I rise today to introduce legislation increasing the limit on employer-provided mass transit fringe benefits from the allowable of $15 a month to $60 a month.

Mr. President, the idea of raising the mass transit fringe benefit originated with Mayor Koch of New York City.

The bill would also double the so-called gas guzzler tax to assure revenue neutrality. Under current law, an employer can provide only $15 a month of tax-free mass transit subsidies to his employee. If the fringe benefit exceeds $15 a month, then the entire subsidy becomes taxable income to the employee. This not only raises the employee's taxes, but also triggers immense reporting requirements and withholding taxes to be incurred by the employer.

In my home State, workers shoulder an extraordinary burden commuting into New York City. For instance, the 276,000 commuters who use the Long Island Railroad each workday pay an average of $140 a month, and this does not even count the bus and subway cost.

The $15 monthly limit on mass transit subsidies is an insult to hard-working men and women. This is especially true in comparison to the fringe benefits available to people who drive to work. We have a discrimination. Let me go along and explain this.

The Tax Code allows an employer to subsidize 100 percent of an employee's parking costs tax free. So that the American taxpayer is paying for the big limousine that is parked in the most expensive parking spots in America. And that is the case whether it be in New York, Chicago, or Dallas. We have a Tax Code that says if you drive to work and if you park there that parking cost can be absorbed as a legitimate business deduction, a fringe benefit to the employee, and in most of those cases those employees are not the secretaries, the typists, the people in the steno pool, or the daily worker. They are the senior management.

Let me tell you what the average cost for parking in New York is. It is $192 per month. The city estimates that 43 percent of the drivers receive tax-free employer-provided parking subsidies. We talk about having an environmental crisis with these automobiles coming into the major centers and yet we are subsidizing them to do that.

Mr. President, the Tax Code clearly discourages the use of mass transit. The partner in a law firm who takes a limousine to work can recover his entire parking cost tax free. We, the American taxpayers, are paying for it, but the secretary who takes the train, bus, or subway to work gets no subsidy.

My bill establishes a tax-free $60 per month employer-provided fringe benefit.

Let us understand what we are saying by tax free. We are saying that the employer can pay up to $60 for the person who uses the bus, mass transit, the commuter system, and that person does not have to pay income tax on it.

The bill would also force employers to comply with nondiscrimination rules so the fringe benefit is offered to all of the employees, not just the bosses up at the top.

Interestingly, these nondiscrimination rules do not currently apply to employer-provided parking subsidies. It would be hard to think of again the subordinate who would get that. This is really held out as a plum for top management people, and we, the American taxpayers, are paying for that.

Mr. President, the Joint Committee on Taxation has estimated that this proposal would cost the Treasury some $400 million over 5 years. How do we pay for this? I do not think we should go to the American taxpayers and say, "You are going to have another burden."

We intend to offset this by doubling the gas guzzler tax which is paid on the purchase of certain new low mileage cars. This tax is currently based on a sliding scale ranging from $500 to

$3800 for cars that get less than 22½ miles per gallon. So, really, that is why we call it the gas guzzler tax. If you get less than 22½ miles per gallon, you pay an additional tax. That is the present law now.

According to the Environmental Protection Agency, in model year 1988 only the most expensive imported cars triggered this tax. There are absolutely no domestic-made cars that are impacted by this tax.

Off road and emergency vehicles are exempted by statute and at the conclusion of my remarks I will attach a chart listing the cars that trigger this tax, their mileage and purchase price.

Mr. President, it is just plain common sense that commuters who use mass transit be offered similar benefits as those who drive to work. The tax code currently discriminates against mass transit. The legislation being introduced today will reduce that inequity.

Mr. President, I ask unanimous consent that the table outlining the impact of the gas-guzzlers' tax in 1988 be printed in the Record at the conclusion of my remarks.

There being no objection, the table was ordered to be printed in the Record, as follows:

CARS SUBJECT TO THE GAS GUZZLERS TAX IN 1988 (IRC SEC. 4064)

[Sources: Makes and models—EPA prices—Washington, DC dealers]

Make	Model	Miles per gallon	Price	Current tax	Current tax as percent	Doubled tax	Doubled tax as percent
Aston Martin	Saloon/Vantage/Volante	11.0	$110,000	$3,850	3.5	$7,700	7.0
Do	Lagonda	11.0	167,000	3,850	2.3	7,700	4.6
BMW	528	21.7	33,000	500	1.5	1,000	3.0
Do	535	20.1	39,000	850	2.2	1,700	4.4
Do	735	19.0	55,500	1,050	2.1	2,100	4.2
Do	750	16.4	70,000	1,500	2.1	3,000	4.2
Mercedes Benz	300 TE	21.3	46,980	650	1.4	1,300	2.8
Do	300 SEL	20.8	52,650	650	1.2	1,300	2.4
Do	420 SEL	18.9	58,150	1,050	1.8	2,100	3.6
Do	560 SEL	17.1	68,660	1,500	2.2	3,000	4.4
Do	560 SEC	17.1	75,850	1,500	1.9	3,000	3.8
Do	560 SL	17.6	61,130	1,300	2.1	3,600	4.2
Ferrari	328 GTS/GTB	17.3	74,961	1,500	2.0	3,000	4.0
Do	3.2 Mondial/Cabriolet	17.3	79,400	1,500	1.9	3,000	3.8
Do	Testarossa	13.5	121,500	2,700	2.2	5,400	4.4
Jaguar	XJ–S	16.7	44,950	1,500	3.3	3,000	6.6
Do	XJ–SC	16.7	58,865	1,500	2.5	3,000	5.0
Porsche	911 Turbo	21.7	64,000	500	0.7	1,000	1.4
Do	928 S4	20.8	65,400	650	0.9	1,300	1.8
Volvo	740	21.2	23,000	650	2.8	1,300	5.6
Do	760	21.2	32,000	650	2.0	1,300	4.0
Do	780	21.2	38,000	650	1.7	1,300	3.4
Lamborghini	Countach	8.8	138,850	3,850	2.8	7,700	5.6

Mr. D'AMATO. Mr. President, over a period of years my senior colleague from New York, Senator Moynihan, has fought long and hard to increase mass transit fringe benefits.

Mr. MOYNIHAN. Mr. President, today I join my distinguished colleague from New York in introducing a bill to restore rational environmental and transportation policy in the tax code. Current tax law produces a significant bias against the use of mass transit, which conflicts with sensible environmental and transportation policy. Under current law, an employer can provide free parking to employees without tax consequences to them, but if the same employer wants to provide discounted bus or subway passes, any amount over $15 per month produces a tax liability for the employee. In short, you get a better deal under the Tax Code if you drive to work.

This does not make sense, and the bill I cosponsor today restores some sense by reducing the current tax bias against the use of mass transit. The bill raises from $15 to $60 per month the current cap on the amount of transit benefits that can be provided to an employee without being taxed as compensation. Raising the limitation puts transit benefits on a closer par with free parking, so that the Tax Code does not encourage driving over the use of mass transit.

How did the Tax Code come to discourage mass transit? The answer goes back to the Deficit Reduction Act of 1984, in which Congress attempted for the first time to deal comprehensively with the tax treatment of employee fringe benefits. Employer-provided free parking was pretty much a fact of life throughout the country, and many thought it should not be treated as taxable compensation. So employer-provided parking fringe benefits were exempted from taxation.

Once parking fringe benefits got exempted, something had to be done to provide a measure of equal treatment for other modes of transportation. Over in the House, Representative Rangel secured a provision, which I persuaded my fellow Finance Committee members to accept in conference, that allowed tax-free treatment of mass transit fringe benefits, capped at $15 per month. That was the best we could get at the time, given strong opposition by the Treasury, but we got the principle established.

The legislation I cosponsor today will make further progress in eliminating the Tax Code bias against the use of mass transit. In comparison to unlimited tax-free treatment for parking, a $15 cap on mass transit benefits is heavily discriminatory. The current law benefit parking dwarfs the provision for mass transit. The value of off-street parking in New York City's central business district is now about $250 per month; in Boston, $245; in Los Angeles, $120. These entire amounts can be received tax free. By contrast, only $15 per month of mass transit benefits can be received tax free, and if that amount is exceeded, the entire amount becomes taxable. The legislation I cosponsor today raises the $15 cap to $60 per month, and eliminates the cliff effect when the $60 allowance is exceeded. The goal is to improve the equity—and common sense—of the Tax Code.

A higher cap cannot be provided without some cost. It is estimated that raising the cap to $60 per month will lose some $400 million in revenue over 5 years. The legislation includes a proposal for offsetting this cost: a doubling of the gas guzzler tax on new cars sold domestically whose average gas mileage does not exceed 22½ miles per gallon. There may be other ways to raise the necessary revenue, and my colleagues and I on the Senate Finance Committee will have to weigh a number of options. The important thing is to do something about the cap on mass transit fringe benefits.

As long as the Federal Tax Code discriminates against mass transit, a key goal of the Federal Government—cleaner air for our cities—will be frustrated; 90 percent of the carbon monoxide and 50 percent of the ozone fouling New York City's air can be traced to automotive exhaust. Pollution from cars and trucks remains a major reason that many urban areas are unable to meet the requirements of

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the Clean Air Act. New York City officials estimate that up to one-quarter of those who now drive into Manhattan would likely switch to mass transit, if the cap on employer-provided mass transit benefits were removed and their employers provided the benefit.

An issue of tax fairness is involved as well. Those who drive to work tend to be more affluent taxpayers. Should they receive unlimited parking fringe benefits while those using mass transit are restricted to $15 per month? I think not, and today's legislation changes that.

In the name of rational environmental and transportation policy, and tax fairness, I urge my colleagues to support equal tax treatment for mass transit benefits.

Mr. **WEICKER**. Mr. President, I am pleased to join again with Senators D'Amato, Dodd, Moynihan, and others in introducing legislation to encourage more citizens to make their daily commutes on mass transit. During the first session of this Congress, I cosponsored S. 1757 which would have provided that an employer's subsidy for mass transit and van pooling be treated as working condition fringe benefits. Such benefits are not included in an employee's gross income. That bill would have allowed for an unlimited subsidy. The legislation we offer today would raise the limit from $15 per month to $60 per month.

Currently, the Tax Code allows an unlimited subsidy for parking costs of people who drive to work whose parking costs are paid by their employers; yet, if an employer reimburses a worker more than $15 per month for using mass transportation or van pools the entire amount of the payment would be taxable income to the employee. This policy discourages employers from giving more than $15 per month, encourages workers to drive to work rather than use mass transit. Furthermore, it only exacerbates our problems in fighting air pollution.

Mr. President, automobile pollution is one of the main reasons many of our major metropolitan areas and cities were not able to meet December 31, 1987, Clean Air Act standards for carbon monoxide and ozone. In my own State of Connecticut, the State in general and two of its urban areas in particular have been found to be in violation of Federal law. Connecticut fails to meet the ozone standard and the cities of Hartford and Stamford have not met reduced levels of carbon monoxide. In order to be able to meet those air quality standards automobile traffic in these areas must be reduced, and our tax laws should reinforce our environmental policy by encouraging greater use of mass transit.

In addition to the benefit to the environment, encouraging mass transit commuting would not only help reduce traffic congestion it would also promote energy conservation. During the energy crisis of the 1970's, van pooling programs emerged as a means to save energy. Since then, with supplies up and prices down we have become less concerned about our use of energy.

Transportation in this country consumes over 60 percent of the oil used every year. Our use of imported oil is rising at an unprecedented rate while our domestic reserves are declining. I am concerned that if this pattern continues we will once again find ourselves more heavily dependent on Mideast oil supplies and another possible energy crisis. In my view, it is important that we reestablish a gas conservation ethic. That is why I have proposed separate legislation to increase the gas tax at the pump; the legislation that we introduce today would also move us in a direction to restore that conservation ethic.

In central business districts around the country the average cost of parking ranges from $150 to as much as $400 per month. This could amount to an annual tax-free subsidy of $1,800 to $4,800 for driving to work; this compares to a maximum $180 annual tax-free subsidy to an employee for mass transit. The Joint Committee on Taxation estimates that the revenue costs of the employer-provided parking is $1.5 billion per year. By comparison, elimination of the $15 per month cap for employer-provided transit fares and vanpool programs as proposed by S. 1757 would cost $35 million.

The legislation we are introducing today, however, would raise the cap for the mass transit fringe benefit to $60 per month. The Joint Tax Committee estimates the cost would be $400 million over 5 years. To offset the cost we propose to double the gas guzzler tax. Thus the proposal would be revenue neutral.

Mr. President, this legislation would address an inequity which currently exists in our Tax Code and it would help encourage workers to get out of their cars and use mass transportation. It is a small step, but it is a step in the right direction. It also would be consistent with other important national policy objectives. I urge my colleagues to support the bill.

By Mr. **BAUCUS** (for himself, Mr. Bentsen, and Mr. Burdick):

S. 2024. A bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99–519, to Extend Certain Deadlines; referred to the Committee on Environment and Public Works.

LEGISLATION TO AMEND THE ASBESTOS HAZARDOUS EMERGENCY RESPONSE ACT

● Mr. **BAUCUS**. Mr. President, today Senator Bentsen and I are introducing legislation to extend the statutory deadline for local educational agencies to submit asbestos in schools management plans to State Governors from October 12, 1988, to October 22, 1989. The legislation further extends the statutory deadline for implementation of management plans by 1 year.

Congress took an important step in passing the Asbestos Hazard Emergency Response Act. This act, which became law in October 1986, required the Environmental Protection Agency to set standards for asbestos identification and abatement in school buildings. This legislation provided an important action to help protect this Nation's children from exposure to hazardous asbestos fibers.

We must continue to move toward the achievement of this important objective. It is not the intention of this proposed legislation to signal a lack of commitment to protecting the health of the school children of this Nation.

Rather, the purpose of this legislation is to continue to move forward in achieving the health protection goal while providing adequate time for local school boards to incorporate public health protection objectives into local budgetary cycles. A 1-year extension of the statutory deadlines will allow both objectives to be achieved.

Asbestos is a generic term for a group of naturally occurring fibrous minerals. For a period of approximately 30 years, beginning in the 1940's asbestos containing materials were used extensively in construction and renovation of schools. Asbestos can be found throughout schools were it was used to fireproof, insulate, and soundproof.

Asbestos is a known human carcinogen. Medical studies beginning in the 1930's demonstrated a correlation between exposure and a debilitating lung disease known as asbestosis. Asbestos has also been linked to two types of cancer: mesothelioma (cancer of the membranes that line the chest and abdomen); and lung cancer.

The use of asbestos containing materials in schools does not pose a direct threat to the Nation's school children. The direct threat is posed when these materials are damaged and hazardous fibers are released to the air. As long as the materials were maintained in good condition and were not disturbed, school children are relatively safe from exposure. The problem occurs when building maintenance, repair or other activities disturb or damage the materials. When this type of damage occurs, asbestos fibers can be released posing threats to public health and the environment.

It was to guard again this treat that Congress enacted the Asbestos Hazard Emergency Response Act. We must continue to move to achievement of this objective. The proposed amendment to this act does not signal a retreat from the goal to protect the school children of this Nation from hazardous asbestos emissions, rather, the legislation is meant to ensure that local school districts have a short 1-year extension of the time to achieve the important objectives of protecting this Nation's children from hazardous exposure to asbestos fibers.●

● Mr. **BENTSON**. Mr. President, Senator Baucus and I are today introducing legislation to extend for 1 year the statutory deadline for local educational agencies to submit asbestos management plans to their Governors and State coordinating agency. The present deadline is October 12, 1988. The new deadline will be October 22, 1989. The period of time for implementation of management plans is also extended by 1 year.

When Congress enacted the Asbestos Hazard Emergency Response Act in 1986, we were responding to an acute problem in public and private schools around the United States. At that time the best estimates of the Environmental Protection Agency [EPA] were that some 31,000 schools in the United States incorporate building materials that contain asbestos. That situation had to be remedied, and it was the sense of the Congress that the remedy come sooner than later. I supported that goal. I still do.

Under AHERA, EPA was mandated to promulgate regulations within a year: First, regarding the identification and inspection of all public and private buildings for asbestos-containing materials; and second, directing local educational agencies to take appropriate action to control the release of asbestos fibers. These activities were to be described in management plans to be submitted to State Governors and approved by them. EPA promulgated its final rule October 17, 1987.

What we have learned in the interim, however, is that the problem is of such great proportion that the deadlines we set were unrealistic. In order for local school districts to do the job efficiently and comprehensively, more time had to be provided. Several States have made this clear to the Congress. In my own State, for example, there are some 1,065 public school districts. These school districts own more than 25,000 buildings, containing more than 400 million square feet. The Texas Health Department estimates that a minimum of 175,000 samples are required to inspect properly and fully all of this space. But that is just the beginning of the problem.

According to Texas school boards, at this time our State does not have sample processing and laboratory capacity to do the job right. This is not the kind of job that can be done in haste, and not a few school boards in the State are concerned that hastily analyzed samples will result in faulty sample readings. According to the Texas Department of Health, a laboratory employee can perform no more than 12 samples per day without incurring eye strain. Even if it is possible to increase this productivity rate per lab employee, the job still cannot be done within the current statutory timeframe. Add this to the number of work days it will take in inspect the thousands of buildings in Texas—some 8,000 work days, I understand—and the problem comes more clearly into focus. Texas also needs more time to get more asbestos training schools accredited by the EPA. It now has only two such schools that meet Federal standards.

The school districts also need more time to get their personnel trained to do some of the inspections. That would be cost effective. Finally, Texas estimates compliance costs will be approximately $60 million. This is a price that must be paid, but some consideration must be given to the ability to pay. The Federal Government is not footing this bill. Texas is. Many school districts in our State are independent units of local governments with their own taxing authority. Many of them had set their rates and passed their budgets before EPA ever finalized and published its AHERA regulations.

The plain facts point to the need to extend the deadline. That is the best way to avoid long term exposure to our children of asbestos containing materials. As Senator Baucus has pointed out, asbestos containing materials in schools do not pose a direct threat to school children and school personnel so long as they are undisturbed. The primary danger occurs when these materials are damaged in some way and the asbestos fibers circulate in the air. Texas school districts are working to make sure that no disturbances occur. They, as much as we do here, have the safety of our children in mind. I fully intend to work with parent teacher associations in my State and the various teacher organizations to make sure that we solve this problem once and for all.

I want to make certain that we do it right, not proceed in some slipshod way, claiming that we have improved the safety of our schools when all we have done is completed only part of the job. This bill will help to make sure that we do it right. That is all the public ever asks of us.●

By Mr. **CRANSTON** (for himself, Mr. Murkowski, Mr. Pell, Mr. Helms, Mr. Glenn, Mr. Proxmire, Mr. Kerry, Mr. Adams, Mr. Sanford, Mr. Moynihan, Mr. Simon, Mr. Biden, Mr. Sarbanes, Mr. Levin, and Mr. Leahy):

S. 2026. An Act entitled the "Atomic Energy Law Enforcement Act of 1988"; to the Committee on Foreign Relations.

ATOMIC ENERGY LAW ENFORCEMENT ACT OF 1988

Mr. **CRANSTON**. Mr. President, I am today joining with a bipartisan group of key Senators—including the chairman and the ranking member of the Senate Foreign Relations Committee—to introduce a small but important bill, the Atomic Energy Law Enforcement Act.

A similar measure is being advanced in the House by Representative Mel Levine, Representative Howard Wolpe, and others.

This bill will do just one thing.

It will uphold the rule of law by making clear in binding statutory language that Congress must approve the controversial new agreement for tons of commercial plutonium shipments to Japan before this agreement enters into force.

I and others will make certain that this bill enjoys the force of law, if necessary, by attaching it to such must legislation as the debt ceiling, a supplemental appropriation, or other vehicles not easily vetoed.

I am dismayed that these steps have proved necessary. But the administration is ignoring the law. And they are ignoring the legally binding, forcefully expressed objections of 15 of 19 members of the Senate Foreign Relations Committee.

The issue is complex. But the facts are quite straightforward.

Late last year a deeply divided Reagan administration asked the Senate to approve a new agreement to govern United States nuclear cooperation with Japan.

This proposed new agreement, which would supplant an existing accord that runs through the year 2003, would give away completely the United States right to approve commercial use of several metric tons c nuclear bomb-grade plutonium each year by Japan.

The agreement anticipates two to three shipments over and through the United States of hundreds of pounds of plutonium each month for at least the next 30 years.

The agreement proposes to abandon the bipartisan policy of our Government, first enunicated by President Gerald Ford, which discourages widespread commercial use of plutonium.

It therefore came as no surprise that the proposal to depart radically from past U.S. policy was opposed by the Secretary of Defense on urgent national security grounds.

The Department of Defense opposed this agreement in writing.

So did the independent Nuclear Regulatory Commission.

And so have majorities of both the Senate Foreign Relations Committee

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and the House Foreign Affairs Committee.

In fact, opposition to this accord in its present form unites critics in the executive and legislative branches, progressives and conservatives, Democrats and Republicans, nuclear enthusiasts and skeptics.

At issue is not nuclear power per se. The issue here is the national security interests of the United States, which are inadequately protected by the draft accord.

The Senate Foreign Relations Committee took extensive testimony on this question in two December sessions. We found that the State Department negotiators propose to give away completely the United States right to approve commercial plutonium shipments, shipments which will move through the United States each month in casks that have not been created and tested, to be used in Japanese facilities that have not yet been designed, to be protected by safeguards that have not yet been invented.

The proposal, the committee concluded, is an extreme environmental hazard, a proliferation peril and a would-be terrorist's dream come true.

The senior Senator from North Carolina, Jesse Helms, and I do not often agree on international security issues. But we both agree that the proposed new United States-Japan agreement is flawed. We both raised a number of questions about this scheme, as did Senator Adams, who termed the scheme "outrageous," as did Senator Murkowski, who has deep concern about it in his home State, as did Senator Glenn in detailed, painstakingly researched, and devasting testimony.

The Foreign Relations Committee voted 15 to 3 that the draft agreement was not in compliance with the key provisions of the Atomic Energy Act, and must therefore be returned to the President for renegotiation, or resubmission with a waiver of these key provisions. The committee asked for prompt consultations with senior administration officials, with a reply requested by January 11.

But we have received no substantive response whatsoever—though there have been press leaks about an aggressive lobbying strategy to mislead Senators and to try to pull off a procedural end run on the Congress of the United States, rumors about shipping the plutonium via French Guyana and Polynesia, or ruses about shipping it by boats—as if the specter of a string of merchant ships spread out across the high seas with dozens of bombs worth of toxic plutonium would mollify Senators just because it wouldn't be flying through their home States.

Mr. President, I am eager to work with this administration to resolve this issue. There are men and women of good will downtown who understand—indeed, who share the legitimate concerns the Congress has expressed about widespread commercial use of plutonium.

But I want to make clear here and now that there are many of us in Congress who will not allow this agreement to move forward until its defects are remedied.

We will not tolerate procedural games and parlimentary end runs by the State Department negotiators.

And while we look forward to the beginning of a serious dialog with administration officials, we will do all in our power to block the entry into force of this new accord.

We have a number of options which we will advance in the days ahead—including pressing the Atomic Energy Law Enforcement Act into law.

And we do not rule out a court fight.

We will seek to ensure that the law is upheld. We will seek to protect the rights and the responsibilities of Congress to approve any new nuclear agreement which does not satisfy basic national security safeguards contained in the Atomic Energy Act. Our purpose is simply to uphold the position of the Senate as expressed in our December 19 letter to the President.

I hope we do not have to engage in a parliamentary confrontation. I hope we do not have to contest this draft new agreement with Japan, and all licenses and contracts pursuant to it, in courts of law. I hope we can work with the executive branch in the same spirit of cooperation which marks our present dialog on the INF Treaty to address concerns about blanket approvals for commercial plutonium use.

If not, we're going to have a prolonged fight on our hands, a fight which can help protect our national security interests, but which can do little to improve United States-Japan relations, not to mention relations between Congress and the executive branch.

Mr. President, I ask unanimous consent that the full text of the Atomic Energy Law Enforcement Act of 1988 be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Atomic Energy Law Enforcement Act of 1988".

SEC. 2. REQUIREMENT FOR RESUBMISSION OF PROPOSED AGREEMENT.

The proposed Agreement for Cooperation between the Government of the United States and the Government of Japan Concerning Peaceful Uses of Nuclear Energy which was submitted to the Congress by the President on November 9, 1987, shall not become effective unless—

(1) in accordance with the Export Administration Amendments Act of 1985 and the recommendation of the Committee on Foreign Relations of the Senate, the President resubmits that Agreement to the Congress pursuant to section 123d. of the Atomic Energy Act of 1954 with an exemption from requirements of section 123a. of that Act; and

(2) as provided in the second proviso of section 123d. of that Act, the Congress enacts a joint resolution stating that Congress does favor that Agreement.

Mr. ADAMS. Mr. President, I am pleased to join my colleagues in introducing this legislation today. I want to compliment Senator Cranston, in particular, for his leadership on this issue. I am proud to stand up here with him to make a pledge to do everything possible to stop this dangerous nuclear agreement between the United States and Japan from ever being implemented.

Japan is a valued ally of the United States. I do not relish the fact that we must confront the Japanese on this issue—but confront them we must in order to stop the dangerous spread of nuclear weapons grade material around the globe. A debate over this issue has been inevitable since 1977 when the United States made a decision to abandon commercial nuclear reprocessing and the commercialization of nuclear breeder reactors for energy purposes. We made those decisions because of our deep concern over the fact that bombs as well as energy are readily produced by the plutonium which is the product of the reprocessing cycle and the fuel for the breeder reactor. We came to the conclusion that for the security of the world we had to find other ways to meet our energy needs.

This agreement proposes that we globalize the plutonium producing nuclear cycle and agree to provide and ship plutonium freely in international commerce in order to help Japan meet its energy needs. Those who participated in that debate in the late seventies must look at this agreement and wonder if we have taken leave of our senses.

I know about nuclear weapons production. A great deal of the Nation's nuclear materials have been produced in my home State at Hanford, WA. And I can tell you that there is a very small step from what is being sanctioned in this agreement to the production of nuclear explosives. But don't take my word for it. Listen instead to the Department of Defense and the Nuclear Regulatory Commission, both of which opposed this agreement.

I want to quote two paragraphs from a letter to the President from Adm. Lando Zech, Chairman of the Nuclear Regulatory Commission setting forth the opinions of the Nuclear Regulatory Commission on this agreement because I think they illustrate why we must reject this agreement.

> The Commission recognizes the importance attached to the relationship between the United States and Japan and has no reason to question Japan's non-proliferation credentials. Japan is an important ally and a country with which we have had long standing nuclear cooperation with for many years. We are also aware of the need to establish and maintain the United States as a reliable trading partner. However, without modification, the Commission cannot recommend that you approve the new Agreement. In reaching this recommendation the Commission takes note of the fact that the existing Agreement will not expire until the year 2003.
>
> The Commission cannot support the provisions for advance approval for plutonium use in future Japanese plutonium facilities. The proposed safeguard measures for these facilities have not been fully developed or routinely utilized and may not provide an effective level of safeguards when implemented. At the large plutonium plants that Japan plans to operate, this could result in material accounting uncertainties of hundreds of kilograms of plutonium.

I ask you. With the Toshiba incident so fresh in our memories should we be proceeding with such an open-ended blanket approval of large amounts of plutonium shipments to Japan?

I have many other concerns with this agreement. The agreement assumes air transport of these large plutonium shipments, even though a satisfactory cask for their shipment does not exist. Do we want such shipments flying over U.S. airspace under these circumstances?

In conclusion, the legislation we are introducing today is important because it ensures that this agreement will not go into effect until the American people, represented by their Congressmen and Senators, agree that it should. Right now any plutonium which is shipped abroad must be approved on a case-by-case basis. The existing nuclear agreement the United States has with Japan does not expire until 2003. We have time to go back to the negotiating table and work with the Japanese to find a more acceptable way of helping them meet their energy needs without endangering the security of the world in the process. This is what this bill directs the President to do and it is what must be done.

● **Mr. GLENN.** Mr. President, on December 15, 1987, I testified before the Foreign Relations Committee against the proposed agreement for cooperation between the United States and Japan concerning peaceful uses of nuclear energy. I did not then, nor do I now, in any way question Japan's exemplary record in opposing the spread of nuclear weapons. Nonetheless, I am deeply concerned about the legality and wisdom of this agreement.

My objections to the agreement fall into four broad categories: safeguards, physical security, economics, and the environment.

"Safeguards," Mr. President, is a misleading term. They do no ensure safety from the dangers of nuclear proliferation, nor do they effectively guard against the diversion of weapon-grade nuclear materials. They are, instead, a complicated set of accounting measures that at best provide warning of a diversion in time for effective countermeasures. Without such warning, the distinction between civilian and military nuclear programs becomes meaningless from the vantage point of national security.

Mr. President, let me give you an idea of the safeguards problems posed by the draft agreement before the Senate. The Nuclear Regulatory Commission [NRC] estimates that "based on current international safeguards as applied to an 800-ton-per-year reprocessing facility, 200–300 kilograms of plutonium could remain unaccounted for each year." With such an enormous annual accounting uncertainty—enough for perhaps two dozen nuclear bombs—the diversion of significant quantities of plutonium could easily go unnoticed. Yet the proposed agreement would relinquish United States consent rights over Japanese nuclear activities for the next 30 years, during which time the Japanese are planning to build large-scale reprocessing and plutonium-use facilities. In short, the approach taken in this draft agreement is one of disdain for the statutory standard of "timely warning." Mr. President, I ask that the full text of the NRC's views be printed in the Record at the end of my remarks.

Physical security, in contrast to safeguards, refers to the actual protection of weapon-usable nuclear material. This protection is vital, given the warning of the Department of Defense [DOD] last November:

> Opportunities for terrorist acts, including attempts to steal civil plutonium, will increase substantially as a result of the increased commercial use of plutonium.

The proposed agreement, however, would replace case-by-case reviews of physical security with a 30-year programmatic consent for the transfer and use of plutonium. This consent would be given for shipping routes not yet specified and facilities not yet constructed, and without any reliable estimate of the terrorist threat in the decades to come.

Mr. President, the economics of the proposed agreement are troubling as well. Japan's decision to embark on an ambitious and expensive plutonium-use policy, at a time when there is a world glut in uranium and enrichment services, would seem economically unsound. Given the costs of reprocessing, waste disposal, shipment and fuel fabrication, according to a recent article in Science magazine, "there do not appear to be any clear economic motives" for recycling plutonium. I ask that the full text of this article be printed in the Record at the end of my remarks.

But that's their business. Our business is the effect the agreement will have on the U.S. nuclear industry; the NRC has warned that the agreement would result in "complicated and expensive regulatory burdens on the U.S. and on the private sector." These burdens stem from a provision that would allow Japan, in the event the agreement is suspended, to require the return of nuclear materials—including bomb-usable plutonium—produced in the United States using Japanese components.

More importantly, our business is to make sure that, as President Ford put it, "all nations recognize that the U.S. believes that nonproliferation objectives must take precedence over economic and energy benefits." The agreement before us would send just the opposite signal to the world. Under the agreement, the United States would be required to "make every effort" to ensure that safeguards concerns do not disrupt the operation of nuclear facilities. Even in the unlikely event Japan is caught diverting nuclear-weapon material, the United States would have to "carefully consider the economic effects" before suspending the agreement. I share the NRC's stated concern that this provision would be "an unwarranted precedent with a non-nuclear-weapons state."

Finally, the environmental threat posed by the draft agreement is both serious and far-reaching. The agreement mandates the air transport of plutonium "via the polar route or another route selected to avoid areas of natural disaster or civil disorder," even though crashworthy casks are still in the early stages of development. The danger of a plutonium release would not be confined to any open area or State or nation, it would be a catastrophe of global proportions. In the absence of reliable casks, no rerouting of plutonium flights will suffice to eliminate this danger to America's environment.

Mr. President, when I testified to the Foreign Relations Committee in December, I concluded by recommending that the proposed agreement be returned to the President for "renegotiation or resubmission with a waiver" of the Atomic Energy Act. The committee followed this recommendation in a letter to the President that was cosigned by 15 members, including the chairman and ranking minority member of both the full committee and the East Asian and Pacific Affairs Subcommittee.

The report accompanying the Export Administration Act of 1985, the law governing the consideration of agreements for nuclear cooperation, is quite explicit:

> The Congress fully expects * * * that the President will resubmit any agreement for

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which he has not submitted an exemption if either committee during the prior consultation period recommends that an exemption is required.

Instead, the President has disregarded the Committees' recommendation and, in January 29 letter to Chairman PELL, reiterated his belief that "the proposed agreement meets all statutory requirements."

Mr. President, Senator CRANSTON'S Atomic Energy Law Enforcement Act is just that—an unfortunate but necessary measure to enforce existing law. I urge my colleagues to join me in supporting this bill.

U.S. NUCLEAR REGULATORY COMMISSION,
Washington, DC, July 27, 1987.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Nuclear Regulatory Commission (NRC) has reviewed the proposed Agreement for Cooperation Between the United States and Japan Concerning the Peaceful Uses of Nuclear Energy and provides the following comments.

The Commission recognizes the importance attached to the relationship between the United States and Japan and has no reason to question Japan's non-proliferation credentials. Japan is an important ally and a country with which we have had long standing nuclear cooperation with for many years. We are also aware of the need to establish and maintain the United States as a reliable trading partner. However, without modification, the Commission cannot recommend that you approve the new Agreement. In reaching this recommendation the Commission takes note of the fact that the existing Agreement will not expire until the year 2003.

The Commission cannot support the provisions for advance approval for plutonium use in future Japanese plutonium facilities. The proposed safeguards measures for these facilities have not been fully developed or routinely utilized and may not provide an effective level of safeguards when implemented. At the large plutonium plants that Japan plans to operate, this could result in safeguards material accounting uncertainties of hundreds of kilograms of plutonium. As a result, the Commission recommends the inclusion of advance consent provisions similar to those now in the existing Agreement with Japan.

The Commission cannot support the provision which would give Japan the right to require the United States to return any plutonium produced in United States facilities that use Japanese equipment or components. Under the terms of the new Agreement, if the Government of Japan perceives that the United States has failed to implement the terms of agreement in good faith, determination of such failure may be left to an arbitral tribunal. The Commission does not believe it is in the United States national security interest to agree to such a provision. In addition, the suspension rights in the proposed Agreement appear to require more consultation between both parties to the Agreement on matters such as economic impact of suspension than is generally required in similar agreements with other countries, thus creating an unwarranted precedent with a non-nuclear weapons state.

The proposed Agreement provides for the tracking and reporting of Japanese origin components and the plutonium produced using these components. The Commission believes the non-proliferation benefits to be gained from such tracking and reporting may not be sufficient to justify the requirement being placed on the United States nuclear industry and the United States Government, particularly in light of the fact that such component tracking and reporting provisions are not required by the Nuclear Non-Proliferation Act of 1978. In addition, until the Administrative Arrangements for the recordkeeping, tagging and reporting requirements associated with control of component imports into the United States are specified and justified, the Commission will be unable to establish the necessary regulations.

The Commission is concerned over the process that resulted in this Agreement and has sent a letter to the Department of State to express our concerns.

I hope our comments will be helpful in your consideration of the final proposed Agreement.

Sincerely,

LANDO W. ZECH, Jr.

JOINT STATE/ENERGY/ACDA COMMENTS ON NRC VIEWS

1. The NRC objects that the safeguards measures for future Japanese plutonium facilities are not fully developed. This was intentional to allow, as stated in the introductory paragraphs of the Safeguards Concepts paper, flexibility in adapting the principles and measures to the plant-specific features that are not now known. For the same reason, allowance is made for measures not now routinely utilized by the IAEA. The relevant requirement is that the safeguards be applied, as required in the Safeguards Concepts paper, in a manner enabling attainment of IAEA safeguards objectives and inspection goals. The undertaking by Japan to take the measures necessary to enable the IAEA to attain its inspection goals is repeated in the Japanese Non-Proliferation Policy Statement, which also specifies a number of important steps Japan will take to enable the IAEA to apply safeguards effectively and efficiently at future as well as existing Japanese facilities.

2. The statement in the NRC letter that "The proposed safeguards measures . . . may not provide an effective level of safeguards when implemented" is not supported and ignores all of the provisions in the proposed agreement package that enable attainment of inspection goals. The fact that measurement uncertainties at large plants will lead to proportionally large material accounting uncertainties has been recognized from the beginning of IAEA safeguards and has been taken into account by the IAEA in formulating its inspection goals. Future developments may reduce measurement uncertainties somewhat, but as facilities get bigger these goal values will increase proportionally. Waiting until the facilities have been built and the detailed procedures for implementing safeguards have been worked out will not significantly alter the achievable material accountancy uncertainties.

3. In highlighting the fact that the existing U.S.-Japan agreement for peaceful nuclear cooperation will not expire until the year 2003, the NRC letter seems to suggest that there is no real need for a new agreement now. It should be recognized, however, that the Nuclear Non-Proliferation Act of 1978 established more stringent non-proliferation conditions for inclusion in new agreements for cooperation and required the President (section 404(a)) to initiate a program to seek to update all existing agreements to include the stricter standards. The proposed new agreement satisfies all current U.S. statutory requirements, including the requirements of the NNPA. It is therefore responsive to the NNPA's requirement regarding renegotiation of existing agreements. It is unrealistic to expect that Japan would enter into a new agreement with the United States on terms different from those painstakingly negotiated in the proposed new agreement. While cooperation can continue under the existing agreement until 2003, the result would be that the President would not have carried out, with respect to Japan, the objectives of the NNPA regarding the renegotiation of existing agreements. Failure to achieve a new agreement with Japan at this time would also damage on-going efforts to renegotiate other existing agreements, notably with EURATOM where the U.S. currently lacks a reprocessing consent right. Further, it would weaken Administration efforts to re-establish the U.S. as a reliable nuclear supplier and could result in a loss of confidence in the United States as a nuclear cooperating partner.

4. The NRC states that it cannot support the provision in the proposed agreement that would give Japan the right to require the United States to return any plutonium produced in U.S. facilities that use Japanese equipment or components. U.S. law requires that the U.S. secure a right of return for its own exports in new agreements for cooperation and such a right has been included in all post-NNPA agreements for cooperation. Inclusion of such a right of return in the agreement strengthens, at least in the abstract, the agreement's non-proliferation conditions. To secure this right it was necessary to agree that it be reciprocal. The right of return to which the Commission objects would apply only in a situation arising from an extremely unlikely combination of circumstances: (1) import into the U.S. of Japanese components; (2) accepted by the U.S. subject to the Agreement; (3) an action by the U.S. regarded as triggering a right of return; (4) the failure of the parties to take sufficient steps to rectify the situation satisfactorily; (5) a request by Japan for the return of the produced plutonium.

5. The NRC states that it is not in the U.S. national security interest to agree to a provision in the proposed agreement that would leave it to an arbitral tribunal to determine, if so requested by Japan, whether the U.S. has failed to implement the terms of the agreement in good faith. It should be noted that the provision for arbitration (Article 14) is not mandatory. It reads, "If any dispute arising out of the interpretation or application of this Agreement is not settled by negotiation, mediation, conciliation or other similar procedure, the parties may agree to submit such dispute to an arbitral tribunal . . . [emphasis added]." Since any move to arbitration would require U.S. consent, there can be no question of such a procedure jeopardizing U.S. national security interests. For example, the applicability of the right of return provision could not be submitted to a third party without the agreement of the United States.

6. The NRC states that "the suspension rights in the proposed Agreement appear to require more consultation between both parties to the Agreement on matters such as economic impact of suspension than is generally required in similar agreements with other countries, thus creating an unwarranted precedent with a non-nuclear weapon state." The requirement (Article 12 (4)) for consultation prior to either party's taking steps to cease cooperation, terminate the agreement, or require the return of items subject to the agreement is nothing more than an explicit provision for what would take place as a practical matter in any case. It is simply not credible that either party would take such far-reaching actions without some prior consultation with the other. It should be noted that the requirement for consultations in no way derogates from the right of either party unilaterally to cease cooperation, terminate the agreement, and require the return of items subject to it for the causes specified in the agreement. Furthermore, the right of either party to suspend the implementing agreement (containing the advance consent arrangements) to prevent a significant increase in the risk of nuclear proliferation or in the threat to its national security is similarly unilateral. The requirement that consideration be given to the economic effects of termination or suspension merely takes account of the reality that both parties have a very large economic investment in their civil nuclear power programs. No precedent is thereby set for cooperating partners whose investment may be less substantial. Most importantly, the requirement that economic effects be given consideration by no means elevates them to a position where they can be regarded as overriding the unilateral right to terminate or suspend.

7. The NRC objects to the agreement's provisions for the tracking and reporting of Japanese-origin components and plutonium produced using such components on the grounds that the non-proliferation benefits do not justify the burden that would be placed on the U.S. nuclear industry and the U.S. Government. These provisions for tracking and reporting permit effective implementation of the Atomic Energy Act of 1954, as amended, and apply equally to Japan, enabling the U.S. to know both the location and quantity of nuclear material in Japan that is subject to U.S. consent rights and allowing the U.S. to verify compliance with the terms of the agreement. In this respect they have important non-proliferation benefits to the U.S. It should also be recognized that the proposed agreement does not require (but merely permits) components to be transferred pursuant to the agreement. Including potential coverage of components assures flexibility concerning the level of controls the U.S. may require as a condition of export without foreclosing the option of cooperation outside the agreement. In this respect the proposed agreement is just like all other post-NNPA agreements or amended agreements, including those with Australia, Canada, China, Norway and Sweden. Transfer of components to the U.S. outside the agreement remains our clear preference and we will continue to express this preference to the Japanese. However, there has been a growing interest by U.S. cooperating partners to export components under their agreements with the U.S. or at least subject to various conditions such as peaceful non-explosive use guarantees, safeguards, and physical protection and retransfer consent rights. To the extent that they insist on coverage, it will be necessary for the U.S. either to refuse such imports or to establish a regulatory framework to ensure that we are able to abide by our international obligations.

NRC REBUTTAL TO STATE/DOE/ACDA COMMENTS ON NRC VIEWS

The Commission appreciates the extensive comments provided by State, DOE, and ACDA on the concerns raised in our July 27, 1987 letter to the President. Many of these comments provide new information regarding our stated concerns. Our rebuttal to the State, DOE, and ACDA comments on our views are as follows:

COMMENTS NOS. 1 AND 2: SAFEGUARDS FOR FUTURE JAPANESE PLUTONIUM FACILITIES

State, DOE, and ACDA views support the NRC position that safeguards approaches for future Japanese plutonium facilities are not yet developed, tested or ready for implementation. As such, it is difficult to assure the effective performance of such new approaches. The Commission is not insisting that the safeguards measures for new facilities be fully developed as a condition for granting long term, programmatic approval for use of U.S. controlled plutonium in Japan. NRC's basic objection is that at the present time not enough is known about future IAEA safeguarding capabilities in the large plutonium facilities envisioned by Japan.

We recognize that the IAEA will do its best to safeguard these facilities. However, we have concerns that based on current international safeguards as applied to an 800 ton per year reprocessing facility, 200-300 kilograms of plutonium could remain unaccounted for each year. Also we question whether an exchange of notes prior to operation (not construction) of such a facility is all that is needed to give the U.S. confidence that all material under its control remains in peaceful safeguarded use. The Commission does not presume that a U.S. approval decision should be delayed until after future plants are constructed. Rather, the Commission is suggesting that such decisions should be made on a case-by-case basis, based on the design of the facility and taking into account more timely information on available safeguards technology.

In summary, technical constraints may make it impossible for the IAEA to achieve its current degree of safeguards effectiveness in Japan's proposed new large bulk-handling plutonium facilities. This does not necessarily mean that the new safeguards measures yet to be developed for these new facilities will be inadequate. However, the Commission believes that the U.S. Government should not commit itself, as the proposed Agreement does, to giving programmatic approval for these facilities when extensive effort is still required to develop acceptable safeguards measures.

COMMENT NO. 3: FURTHER RENEGOTIATION OF THE AGREEMENT

The Commission agrees with the Department of State that entering into a new agreement for cooperation with Japan at an early date is important. Nonetheless, because the current agreement does not expire until 2003, there is time to negotiate an agreement that would satisfy NRC's concerns.

COMMENT NO. 4: RETURN OF PLUTONIUM TO JAPAN

On another matter, the Atomic Energy Act requires that the United States retain the right to require that foreign countries return plutonium produced through the use of U.S. transferred nuclear material or complete nuclear facilities. The proposed agreement appears to go beyond legal requirements contained in the Atomic Energy Act in that it makes this requirement reciprocal and refers not only to nuclear material and complete nuclear facilities, but also to components. The Commission does not support the provision in the agreement giving Japan the right to require the U.S. to return any plutonium produced in U.S. facilities that use Japanese components.

The Commission questions the nonproliferation policy rationale of a provision whereby a nuclear weapons state would return plutonium to a non-nuclear weapons state. The Commission believes that this could be unwise, even if the particular circumstances under which this might take place are extremely unlikely. Accordingly, this proposed agreement, in extending reciprocal return rights to Japan, goes beyond legal requirements and might not be prudent.

COMMENTS NOS. 5 AND 6: SUSPENSION RIGHTS IN AGREEMENT

The Commission welcomes the Executive Branch's additional assurances in their comments that the provision for arbitration is not mandatory and that U.S. suspension rights will continue to be subject to a unilateral U.S. determination. This resolves our concerns.

However, when considering bases for suspension of an agreement, the Commission believes consideration of Japan's economic issues or impacts should be subordinate to consideration of U.S. national security and nonproliferation issues. We do not know if this is the intent of the Executive Branch. Additionally, with regard to the possible precedent set by this agreement in tying suspensions to economic considerations, the U.S. may have difficulty arguing that one non-nuclear weapon state's economic interests are appropriate in an agreement, but a second non-nuclear weapon state's are not.

COMMENT NO. 7: TRACKING COMPONENTS

The Executive Branch comments still do not rule out the possibility of placing Japanese component exports to the U.S. under the terms of the proposed Agreement, thereby imposing complicated and expensive regulatory burdens on the U.S. and on the private sector. There is no statutory (NNPA) requirement to place component exports under the terms of an Agreement for Cooperation. The Executive Branch emphasizes in its comments the importance of the nonproliferation benefits with respect to U.S. component exports to Japan, and implies that this justifies the imposition of the reciprocal regulatory burden on the U.S.

The Commission questions these judgments, particularly in the absence of any statutory requirement for the imposition of any tracking or reporting burdens with respect to U.S. component exports to Japan. More generally, the Commission is concerned that the Executive Branch appears to have lost sight of the basic commitment the U.S. made several years ago to forego bilateral "safeguards" inspection and reporting rights in favor of multilateral IAEA safeguards arrangements.

Instead, we now have before us an extremely complicated agreement with one of our closest allies which imposes significant and expensive bilateral tracking and reporting requirements vis-a-vis the U.S. and Japan in addition to maintaining the existing IAEA safeguards regime. The Commission questions whether this is a proper allocation of our limited nonproliferation resources.

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U.S. NUCLEAR
REGULATORY COMMISSION,
Washington, DC, July 27, 1987.

Hon. RICHARD T. KENNEDY,
Ambassador at Large, Department of State, Washington, DC.

DEAR AMBASSADOR KENNEDY: Enclosed for transmittal to the President are the comments of the Nuclear Regulatory Commission (NRC) on the proposed Agreement for Nuclear Cooperation Between the United States and Japan Concerning Peaceful Uses of Nuclear Energy.

There is one matter which we would like to draw to your attention. The Commission is concerned about its exclusion from essentially all aspects of the negotiations on this Agreement. Our concern arises particularly in this case where the implementation of key provisions of the proposed Agreement is the direct responsibility of the NRC. We believe that many of the concerns expressed in our letter to the President could have been addressed during the Agreement negotiations.

In order to assure that the consultation requirements of Section 123 of the Atomic Energy Act are meaningfully satisfied, NRC must be fully informed during the course of future negotiations with other countries and be consulted prior to formally proposing draft Agreements to other countries.

I look forward to establishing mutually agreeable arrangements for fuller NRC consultation on such proposed Agreements.

Sincerely,

LANDO W. ZECH, Jr.

WHY RECYCLE PLUTONIUM?

(By David Albright and Harold Feiveson)

In 1984, 250 kilograms of plutonium oxide, separated in France from spent fuel from Japanese reactors, was returned to Japan by cargo ship. This ship carried only the plutonium; it made no intermediate stops; it was escorted partway by French and U.S. warships; and it was continuously tracked by satellite by officials in Japan (1).

If the nuclear industries of Europe and Japan continue with their plans to use plutonium in commercial reactors, they will, by the end of the century, have separated and placed into commerce more than 300,000 kilograms of plutonium (2). (For comparison, the Nagasaki bomb contained 6 kilograms of plutonium.) The extraordinary security measures applied to the French-Japanese shipment to protect the plutonium from theft and sabotage would need to be made routine on a vast scale.

This prospect derives from the decisions of several major countries, including France, Great Britian, the Federal Republic of Germany, Japan, Belgium, Switzerland, and Italy, to separate chemically the plutonium and uranium from the highly radioactive fission products contained in the spent fuel from their commercial reactors (a procedure called "reprocessing") and to recycle this plutonium and uranium into reactor fuel for breeder reactors and light water reactors. Such recycling differs from the "once-through" fuel cycle in use today in that material usable in weapons is not isolated in the latter process.

Barring a sharp turnaround in current programs, by the year 2000 or even earlier, more than 25,000 kilograms of separated plutonium may be placed in route commerce annually. Four countries—France, Great Britain, Germany, and Japan—will together separate most of this plutonium. Much will be separated from domestic fuel, but France and Britian also plan to reprocess fuel from West Germany, Japan, Belgium, Italy, the Netherlands, Spain, and Switzerland. Most of this plutonium, along with the nuclear waste, will eventually be returned to the country of origin.

After reprocessing, separated plutonium oxide will travel by truck, or a combination of truck and ship or plane in shipments across water, to fuel fabrication facilities in France, Great Britain, West Germany, Belgium, and Japan. If, on average, each shipment contains 100 kilograms of plutonium, more than 250 shipments of plutonium oxide annually will be required to transport the plutonium to these facilities. Slightly more than half of these shipments will be transported intracountry; the rest will travel from French and British reprocessing plants to other European countries and Japan.

At the fuel fabrication facilities, approximately two-thirds of the plutonium oxide will be blended with uranium oxide and fabricated into mixed-oxide (MOX) fuel elements and assemblies for light water reactors. Several hundred shipments of MOX fuel will be required each year to supply reactors in France, Germany, Japan and elsewhere. The remaining separated plutonium will be fabricated into fuel elements for prototype breeder reactors in Britain, France, Germany, Japan, and Italy, and two Japanese heavy water reactors. The delivery of these fuel elements to the reactors will require an additional 100 shipments per year.

Neither the isotopic composition of the reactor grade plutonium nor its chemical form affords significant protection. Nuclear weapons designers have stated repeatedly that, despite its relatively high content of plutonium-240, reactor grade plutonium can be used directly in nuclear explosives. Similarly, plutonium oxide, the most common form of plutonium that leaves civilian reprocessing plants or that could be retrieved from unirradiated MOX fuels, could be used in nuclear explosives without reduction of the oxide to the metal. To guard against diversion of the material to weapons by terrorists, separated plutonium and fresh MOX fuel will have to be treated as virtually equivalent to weapon-grade plutonium (3). Given the scope of the commerce in separated plutonium, it is clear that stringent protection systems will be required.

Virtually any country engaged in plutonium recycling would have available large quantities of readily accessible fissile material. If a country had produced all the components of nuclear weapons other than the fissile material cores, it could reduce the time between a decision to build nuclear weapons and the achievement, on a potentially large scale, from years to weeks. Such "latent proliferation" would make it easy for governments to hide a nuclear weapons program within an ambitious civilian program.

Reprocessing and recycling are concentrated in countries that have nuclear weapons or support the Non-Proliferation Treaty. However, the emergence of a commercial market in MOX fuels, even if initially restricted to Europe and Japan, would allow other countries, some with dubious commitment to nonproliferation, to gain access to weapons-usable material. The emergence of a plutonium market would also make it extremely awkward for nuclear suppliers in the United States, Europe, and Japan to deny reprocessing and fabrication facilities able to produce such material relatively quickly to other countries.

One source of interest in reprocessing has been the view that reprocessing could improve the efficiency of radioactive waste disposal. This, combined with the willingness of France and Great Britain to reprocess foreign fuel, offered a politically attractive way for some countries to postpone dealing with their own waste disposal problems. However, the fission product contents of spent fuel and high-level waste from reprocessing are essentially identical, and the heat outputs per metric ton of original uranium are similar. Although reprocessing would separate much of the plutonium and perhaps some of the actinides from the spent fuel, significant amounts of plutonium and actinides would still end up in the reprocessing wastes. As a result, final disposal of unreprocessed spent fuel does not appear to represent a significantly greater environmental hazard than disposal of high-level wastes from reprocessing. Three countries with major nuclear programs—the United States Canada, and Sweden—have decided to place their spent fuel in long-term storage without reprocessing (4, 5).

Although the waste disposal rationale for reprocessing appears to have weakened, a second motivation remains strong—that the energy content of the plutonium contained in the spent fuel must be captured. Until recently, the nuclear industries in the industrialized countries expected that this recycled plutonium would be used for the initial loading of prototype and commercial plutonium breeder reactors. However, because of greatly reduced demand for electricity, the higher costs of breeder reactors compared to light water reactors, and larger than expected uranium resources, breeder reactor programs worldwide have slowed dramatically.

Breeder programs can thus absorb only a small portion of the plutonium scheduled or planned to be separated in this century. Unless current reprocessing programs are curtailed, there will be a surplus of separated plutonium of at least 100 metric tons by 1995 and 200 metric tons by the year 2000.

As the commercial viability of the breeder recedes and stockpiles of separated plutonium grow, the nuclear industries in Europe and Japan have initiated programs to use plutonium fuels in current light water reactors. Recycling would in practice reduce uranium feed and enrichment requirements by about one-quarter—the savings depending on the price of uranium and enrichment. At current uranium and enrichment prices, fuel cycles that use recycled uranium and plutonium would cost about 1 mil/kWh more than the normal once-through cycle. The price of uranium would have to more than triple from its present value of less than $83 per kilogram before the savings in uranium costs made up for the extra costs of reprocessing, of plutonium storage, and of MOX fabrication (6). Even if the costs of reprocessing are disregarded, the economic benefits of plutonium and uranium recycle are marginal or nonexistent.

Despite the poor economics, the nuclear industries in Europe and Japan often cite national energy independence as a reason to push ahead with reprocessing and thermal recycle. This goal draws mainly upon the persistent vulnerability of these areas to oil import disruptions. However, the uranium savings that could be gained by the recycling in light water reactors of all the plutonium and uranium planned for separation in this century would be only about 100,000 metric tons. For most countries, thermal recycling would lessen their dependence on foreign uranium only at the price of an increased dependence on a steady and assured

flow of plutonium separated in foreign reprocessing plants. It would also make them dependent on the integrity of international safeguards and physical security arrangements to prevent the theft or diversion of the separated plutonium.

Countries concerned about the security of their uranium supply may, instead, find it cost-effective to reduce the consumption of uranium by higher burnup of reactor fuel or more complete recovery of uranium-235 from natural uranium at enrichment plants. In addition, uranium costs so little per unit energy-equivalent that it can be readily and economically stockpiled to provide a buffer against a supply disruption.

Reprocessing and recycling on the sale now envisioned would create a challenge of nightmarish proportions for those seeking to prevent diversion of plutonium to weapons. The reasons for European and Japanese interest in recycling are complex—for example, interest in Germany and Japan in postponing domestic debates on waste disposal and the drive in France to stay at the forefront of nuclear technology. But there do not appear to be any clear economic motives. Indeed, with the price of uranium low, and expected to remain so for several years at least, recycling appears to be an economically poor proposition.

It may not be too late for the international community to persuade the countries embarking on these critical activities to abandon plans for plutonium recycling and to defer indefinitely commercial reprocessing not devoted directly to research and development on breeder reactors.

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2. D. Albright and H. Feiveson, "Plutonium recycle and the problem of nuclear proliferation" (Research Report 206, Center for Energy and Environmental Studies, Princeton University, April 1986).
3. J. Mary, T. Taylor, E. Eyster, W. Maraman, J. Wechsler, "Can terrorists build nuclear weapons?" (paper prepared for the International Task Force on Prevention of Nuclear Terrorism, Nuclear Control Institute, Washington, DC, 24 May 1986).
4. Nuclear Energy Agency, *The Economics of the Nuclear Fuel Cycle* (Organization for European Cooperation and Development, Paris, 1985), appendixes 2, 3, and 10.
5. "Final report of the project group on alternative entsorgung" (KWA 2190/1, Karlsruhe Nuclear Research Center, Karlsruhe, Federal Republic of Germany, 1984).
6. The critical assumptions are: enrichment costs, $130 per kilogram separative work unit; uranium-oxide fabrication costs, $190 per kilogram of uranium (kg-U); MOX fabrication costs, $760 per kilogram of heavy metal (kg-HM); reprocessing costs including vitrification, $750/kg-HM; disposal costs of reprocessing wastes, $150/kg-HM; and spent fuel disposal costs, $350/kg-HM. the fuel cycle costs of a light water reactor on a once-through fuel cycle can be approximated by $4.3 + 0.03x$ mill/kWh, where x is the price of uranium in dollars per kilogram. the fuel cycle costs for a recycling reactor would be $5.6 + 0.0224x$ mill/kWh. At a uranium price of $83/kg-U, recycling would cost about 1 mill/kWh more than a once-through system (4, pp. 15 and 60).
7. We wish to acknowledge the contributions of R. Socolow, F. von Hippel, and R. Williams.●

By Mr. QUAYLE:

S. 2027. A bill to amend the Public Health Services Act to improve health benefits for workers in the United States; to the Committee on Labor and Human Resources.

WORKERS' HEALTH INSURANCE DEMONSTRATION ACT

● Mr. QUAYLE. Mr. President, I rise today to introduce the Workers' Health Insurance Demonstration Act of 1988. The purpose of this bill is to lay a foundation for dealing with the growing population of American workers who either do not have health insurance or who are underinsured.

As we all know, the chairman of the Senate Labor and Human Resources Committee has proposed his own initiative to address this issue. His approach would establish a nationwide solution to the problem of the uninsured or under insured worker by mandating that all employers provide their employees with a minimum health insurance package. I have strong philosophical and substantive objections to this approach. However, I believe the Senator should be commended for bringing national attention to this problem and for proposing a solution to it.

Clearly, we are all well aware of the growing numbers of American workers who either do not have health insurance or are inadequately insured. Two-thirds of the 37 million Americans who have no health insurance are employed adults or their dependents. More than half of these workers are either self-employed or employed in companies with less than 25 employees. The hearings that have been held on Senator KENNEDY's bill have served to emphasize the very difficult policy issues that are raised by efforts to provide affordable health insurance to this population. A study by the Small Business Administration's Office of Advocacy found that 48 percent of all uninsured workers are employed in firms of under 25 employees. Among the factors discouraging such firms from providing health insurance are: a transient work force; narrow profit margins; and high insurance costs.

Despite my many very serious reservations about Senator KENNEDY's proposal, I do not believe we can ignore this problem and decide to simply do nothing. I do agree with him that the time has arrived where the Congress must address this problem. However, I am convinced that it would be irresponsible to implement a nationwide program with our current lack of practical knowledge about what approaches will and will not work. There are too many unknowns in large-scale social programs for us to embark on them on a purely theoretical basis.

It is also important to note a significant number of States have embarked on a variety of initiatives on their own and the Robert Wood Johnson Foundation has funded 15 projects. These efforts are based on the theory that alternative strategies for the uninsured need to be tried. These parallel efforts clearly indicate the lack of any clear consensus on the most appropriate approach to deal with the complex problem of the uninsured. Therefore, today I am introducing legislation that would authorize a series of pilot projects designed to deal with the problem of the uninsured worker. Hopefully, rigorous evaluation of the results of these pilots, and in combination with the efforts by the States and the Robert Wood Johnson Foundation, will make it possible for us to figure out what does and does not work and why.

I realize that many will denounce my proposal on the grounds that the problem demands an immediate solution. However, I would suggest to these critics that a look at some recent history illustrates the soundness of this type of an approach. For example, the prospective payment system for hospital payments under the Medicare Program was only enacted after it had been tried as a statewide pilot project.

There are also instructive analogies in our history of welfare reform efforts. In the early 1970's, Senator Long and others argued that prior to implementing whole-scale welfare reform, the Federal Government should initiate a series of State pilot projects. I think that we all know too well that the Congress did not take his advice. We did not adopt the pilot project approach until the early 1980's. And it is these activities that have furnished the basis for our current efforts to reform welfare.

A look at our past efforts to deal with the uninsured population is also instructive. The subject has been on the table since the early 1970's when Senator KENNEDY proposed a national health insurance program. It was followed by a series of other proposals put forth by the Nixon and Carter administrations. None of these attempts at a single national solution have ever come close to enactment. In addition to the many substantive problems these proposals raised, probably the main reason for their failure is the lack of confidence we have had with the potential outcome of these proposals. There has not been any substantive experience with any of them.

If we continue to discuss enacting sweeping and untested proposals, I have no doubt that Congress will once again adjourn without making any constructive action that will ultimately lead to a solution for the underinsured population. Therefore, I urge my fellow colleagues to work seriously on the pilot project approach so we can move forward on this issue and find workable solutions. We lost at least 10 years on welfare reform by going for the all-or-nothing approach.

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Let us not make the same mistake with the uninsured.

My proposal would authorize the Secretary to approve applications for pilot projects submitted by a State or States, political subdivisions of States, and private entities, including employers, coalitions of employers, and insurance companies. These pilots could be funded by a very small set-aside of program funds currently used to provide services to the uninsured population. Thus, my proposal is budget neutral.

The following pilot projects would be authorized:

SMALL BUSINESS DEVELOPMENT AND MARKETING

The Secretary would be given the authority to approve pilot projects for the development and marketing of low cost, managed care, health insurance plans for small businesses. Such pilots may include a variety of different types of plans including case managed catastrophic, income-related plans, and primary care and prevention plans. These projects would be exempted from compliance with State mandated benefit laws.

The rationale behind this project is twofold: First, small businesses have long argued that cost is the chief reason they are unable to offer health insurance to their employees; and second, insurance companies have argued that the chief borrier to providing low-cost insurance packages to these companies is the proliferation of State mandated benefit laws.

These laws require insurers to cover their policyholders for certain benefits as a condition of doing business in the State. By the end of 1986, there were 645 such laws on the books and some States have as many as 30. In just the past 6 years, more than 350 mandated coverage bills have been enacted by the States. Many have made the point that while the immediate impact on premium rates is usually small, the long-term consequences are usually increased utilization and higher prices.

While I am sure that the merits of each mandated benefit are considerable, the combination of them may constitute a major reason behind the inability of some small businesses to offer health insurance. I believe that it is a hypothesis that merits testing.

STUDY OF HAWAII PREPAID HEALTH PLAN

While I have very deep philosophical and substantive objections to the mandated employer approach Senator Kennedy has proposed, I think it is appropriate to conduct a thorough evaluation of the one State—Hawaii—that has had such a plan in existence for more than a decade. While the Department of Health and Human Services conducted a study of this program in 1978, it was conducted very shortly after the program went into effect. Moreover, it did not address many of the economic questions that we have learned are very important nor did it address the transferability of this mandate to other States. I was also quite surprised to learn that, despite this program, a 1986 survey conducted by the Employee Benefit Research Institute indicates that 11.8 percent of Hawaii's population is uninsured. Thus, I believe a thorough evaluation would be both timely and useful.

My proposal would mandate that the Secretary contract with an appropriate entity to determine the impact the Hawaii plan has had on health care costs and utilization, the health status of Hawaii residents, access to health care, indigent care, and employment opportunities within low-income and minority groups and in small businesses. Most importantly, my proposal would require an analysis of the impact and feasibility of extending such a mandate to all employers in all States.

MEDICAID BUY-IN

The Secretary would be authorized to approve up to three demonstration projects to test the concept of permitting certain employers to buy into the Medicaid Program for certain employees. These projects would be designed to permit employer and employee participation into Medicaid for low-wage workers employed by small business based on ability to pay.

Small businesses which employ less than 25 employees would be eligible to purchase Medicaid coverage, excluding long term care coverage if they are able to demonstrate to the satisfaction of the Secretary that they are unable to obtain health insurance at a reasonable cost. Participating employers would be required to pay for at least 50 percent of the premium costs. In addition, the State may also require participating employees to pay premiums up to 3 percent of their wages. This will insure that highly paid employees do not become eligible for Medicaid.

In addition to providing these workers with insurance protection, this pilot would have the added advantage of reducing the disincentives whereby workers earning too much lose all Medicaid support.

HEALTH INFORMATION BROKERING SERVICE

The Secretary would be authorized to approve applications for projects to study the feasibility of and need for a health insurance information for small businesses. If the Secretary determines, based on the results of such study, that such a service is feasible, then funding to develop and operate this service will be provided.

Many have made the point that a number of small businesses do not offer health insurance to their employees because they do not have the administrative capability to investigate what plans are available to them and to analyze which plans would best suit their employee population. This pilot is designed to test this hypothesis.

STUDIES ON MECHANISMS TO ADDRESS THE NEEDS OF THE UNINSURABLE POPULATION

Fifteen States currently have enacted laws to form statewide risk pools to provide health insurance to the uninsurable population. While many States deem them to be a success, others have experienced significant financial losses. Therefore, I believe it would be useful to begin to look at other mechanisms to address this small but very important subgroup of the uninsured population. Under this pilot project, the Secretary would be authorized to fund studies of mechanisms, other than risk pools, to provide health insurance to this segment of the uninsured population.

GRANT TO TEST TAX INCENTIVES FOR THE SELF-EMPLOYED

Under current law, the self-employed, owners of unincorporated businesses are permitted to deduct 25 percent of the cost of their premiums for their own health insurance plans; their corporate counterparts receive a 100-percent tax deduction. Many have argued that this disparity is a major reason why 16 percent of all uninsured workers are self-employed. While I know legislation has been introduced to accomplish this, I do not believe that enactment of such a revenue depleting proposal is realistic without a sound base of supporting evidence that it will make a difference. Therefore, my proposal would permit the Secretary to test this theory in up to three counties with diverse economic conditions by providing a subsidy to such individuals that would be equivalent to the benefit they would get from the full deduction.

INCENTIVES TO DEVELOP MULTIPLE EMPLOYER HEALTH PLANS

A means of encouraging small employers to provide health insurance to their employees involves the formation of employer pooling arrangements such as multiple employer trusts [MET's] and voluntary employer beneficiary associations [VEBA's]. Such arrangements are designed to lower costs by standardizing health insurance policies and centralizing administration. They are established on an industry or geographic basis.

A recent study by the House Committee on Small Business entitled, "The Health Insurance Problem: Alternative Strategies to Expand Coverage Among Small Businesses," pointed out a number of Government regulations which have acted as a disincentive to the formation of such arrangements. For example, the study pointed out the difficulties experienced because of the requirements that for MET's:

All participating businesses must have a commonality of business interests and must comply with State mandated benefit laws.

Membership is geographically restricted to a statewide basis.

Thus, my proposal would authorize pilot projects to test the impact of eliminating these and other barriers on the development of such pooling arrangements.

EVALUATIONS

In addition, my proposal would require the Secretary to undertake evaluations of these projects as well as other selected projects that have been undertaken by the States and private entities and foundations. The purpose of such evaluations would be to examine some of the practical effects of the pilots and to assess the feasibility of expanding these efforts to broader populations and geographic areas. I am hopeful that these evaluations will provide us with the information we need to address the complex problem of the uninsured.

Let me emphasize that I am open to other ideas for pilot projects and I am willing to modify my bill accordingly. I have introduced this bill in its current form in the hopes that my colleagues will begin to discuss this issue realistically and look toward constructive solutions.

In conclusion let me add that this bill could not have been developed without the able staff work of Mary McGrane. Her work, not only on this bill, but also on other health matters was always first class. I shall miss her and I wish her well in her new job as minority health counsel of the House Energy and Commerce Committee.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workers' Health Insurance Demonstration Act of 1988".

SEC. 2. EMPLOYEE HEALTH INSURANCE PILOT PROGRAMS.

After title XIV of the Public Health Service Act (42 U.S.C. 300f et seq.) insert the following new title:

"TITLE XV—EMPLOYEE HEALTH INSURANCE PILOT PROGRAMS

"SEC. 1501. PURPOSE.

"It is the purpose of this title to authorize pilot projects to test and evaluate the efficacy of a variety of approaches designed to—

"(1) increase employee access to health care;

"(2) reduce the burden that uncompensated health care costs place on health care providers;

"(3) provide affordable health insurance plans to small employers to cover the employees of such employers;

"(4) develop mechanisms to provide affordable health insurance plans to high risk workers; and

"(5) reduce the burden on employers that currently provide health insurance.

"SEC. 1502. PILOT PROJECTS.

"The Secretary is authorized to approve applications for pilot projects authorized under sections 1503 through 1508 submitted by a State or States, political subdivisions of States, or private entities (including businesses, insurance companies, and non-profit associations) to demonstrate the feasibility of programs designed to improve access to health care for uninsured employees.

"SEC. 1503. SMALL BUSINESS DEVELOPMENT AND MARKETING PROJECTS.

"(a) In General.—The Secretary may approve one or more pilot projects under this title for the development and marketing of low-cost small business health insurance plans. Priority shall be given to those projects that—

"(1) include a viable marketing strategy;

"(2) will significantly increase employee access to health care;

"(3) will reduce the amount of uncompensated health care provided by health care providers;

"(4) will significantly increase the number of small business employees who will be provided with health insurance;

"(5) will significantly increase the number of small businesses (those employing no more than 100 employees) that offer health insurance benefits to their employees;

"(6) address the problem of adverse selection;

"(7) will meet the health care needs of such employees; and

"(8) demonstrate that under subsection (c), the project will result in decreased insurance costs.

"(b) Type of Plan.—The Secretary may approve a variety of plans under this section that may include but are not limited to—

"(1) catastrophic, income-related plans; and

"(2) primary care and prevention plans.

"(c) State Law.—Plans submitted under this section, if approved by the Secretary, shall not be subject to any State law requiring the provision of any specific health benefit or the use of any specified providers or any State law precluding selective contracting or preferred provider organizations.

"SEC. 1504. HEALTH INFORMATION BROKERING SERVICE PROJECTS.

"The Secretary may approve applications under this title for projects to study the feasibility of a health information brokering service to address the needs of small employers (those employing no more than 100 employees) in obtaining health insurance benefits for their employees by providing technical assistance to such employers concerning the purchase of the most appropriate health benefits for their worker population. If the Secretary determines, based on the results of such study, that such a service is feasible, funding as authorized under section 1512 to develop and operate this service shall be provided.

"SEC. 1505. MEDICAID BUY-IN PROJECTS.

"The Secretary may approve applications submitted by States for up to three demonstration projects to extend coverage for medical assistance (other than for services described in section 1905(a)(15) of the Social Security Act (42 U.S.C. 1396d(a)(15)) under title XIX of such Act (42 U.S.C. 1396 et seq.) to employees (other than those individuals qualifying for assistance under section 1902(a)(10) of such Act) of small employers (those employing no more than 25 employees) under the following conditions:

"(1) Participating employers must demonstrate to the satisfaction of the Secretary that they are unable to obtain insurance at no more than the average premium cost in their State or locality.

"(2) Participating employers must pay a premium equaling at least 50 percent of the average per capita cost of the Medicaid Program.

"(3) The State may require participating employees to pay premiums up to 3 percent of wages.

"(4) Premium costs will be off-set equally against the required Federal and States matching shares. The remainder of the Federal share will be funded under section 1512.

Such projects will be conducted among small employers in a rural area, an urban area, and among small employers in an industry that has a high number of uninsured workers.

"SEC. 1506. PROJECTS TO DEVELOP ALTERNATIVE INSURANCE SYSTEMS FOR HIGH RISK WORKERS.

"The Secretary may approve one or more pilot projects under this title to study, develop, and market mechanisms, not including State risk pools for high risk individuals, that address the problems of providing affordable health insurance to targeted elements of the employed, high risk population.

"SEC. 1507. TAX INCENTIVES FOR THE SELF-EMPLOYED.

"(a) In General.—The Secretary shall develop and implement up to three projects in counties with diverse economic conditions under this title to test and evaluate the effectiveness of providing a subsidy to self-employed individuals (as defined under paragraph (1) of section 162(m) of the Internal Revenue Code of 1986 as an incentive to purchase health insurance.

"(b) Amount of Subsidy.—The amount of such subsidy shall be equivalent to the value of the deduction such an individual would have received had the 25 percent rule, as provided under section 162(m) of the Internal Revenue Code of 1986, been changed to 100 percent.

"(c) Consultation.—In developing such projects, the Secretary shall consult with the Commissioner of the Internal Revenue Service.

"SEC. 1508. STUDY OF HAWAII PREPAID HEALTH CARE ACT.

"The Secretary shall contract with an appropriate entity to conduct a study of the impact of the Hawaii Prepaid Health Care Act on the characteristics, size, and health status of the insured population, indigent care, health care costs and utilization, employment among specific population groups, access to health care, economic dislocation among employers, wages, and small businesses. Such study must also assess the impact of extending the requirements of the Hawaii Prepaid Health Care Act to all employers in all of the States.

"SEC. 1509. MULTIPLE EMPLOYER HEALTH PLAN PROJECTS.

"(a) Survey and Development of Small Business Insurance Plans.—

"(1) Initial survey.—The Secretary may approve a proposal to develop and conduct a survey limited to small businesses (those employing no more than 100 employees) for the purpose of identifying—

"(A) specific reasons why some small businesses do not offer health insurance to their employees while other similarly situated small businesses do offer health insurance to their employees;

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"(B) administrative services that would be the most significant in encouraging such small businesses to provide insurance to their employees;

"(C) the conditions under which such businesses not currently offering health insurance would offer such; and

"(D) the types of plans, benefits, and costs that would be of interest to such employers.

"(2) Marketing and delivery system.—The Secretary may approve an application for a pilot project to develop health insurance plans and develop and establish a marketing and delivery system to provide health insurance to small businesses based on the results of the survey conducted under paragraph (1).

"(3) Waivers.—For the purposes of the pilot project authorized under this section, the Secretary, after consultation with appropriate officials, may waive compliance with any Federal regulation, including the commonality of employment interest restriction required under section 1.501(c)(9)-2(a)(1) of title 26, Code of Federal Regulations, if there are adequate safeguards for the payment of benefits.

"(4) State law.—Such project, if approved by the Secretary, shall not be subject to any State law requiring the provision of any specific health benefit or the use of any specified providers or any State law precluding selective contracting or preferred provider organizations.

"(b) Regional Voluntary Employee Beneficiary Associations.—

"(1) In general.—The Secretary may approve an application for a pilot project to develop and establish a regional voluntary employee beneficiary association (as defined in section 501(c)(9) of the Internal Revenue Code of 1986) to provide health insurance in an industry in which the average employer size is less than 25 employees.

"(2) Waivers.—For the purposes of the pilot project authorized under this section, the Secretary, after consultation with appropriate officials, may waive compliance with any Federal regulation, including the geographic area restriction required under section 1.501(c)(9)-2(a)(2) of title 26, Code of Federal Regulations, if there are adequate safeguards for the payment of benefits.

"(3) State law.—Such project, if approved by the Secretary, shall not be subject to any State law requiring the provision of any specific health benefit or the use of any specified providers or any State law precluding selective contracting or preferred provider organizations.

"SEC. 1510. APPLICATION.

"(a) In General.—No application may be approved under this title unless the State, political subdivision of the State, or private entity submits an application to the Secretary, in accordance with subsection (b), in such form and at such time as the Secretary shall prescribe.

"(b) Requirements.—Each application submitted under this section shall contain—

"(1) an assurance that appropriate small business representatives and employers have been consulted in the development of the application;

"(2) an assurance that appropriate State officials with responsibility over employer insurance plans have been consulted in the development of the application;

"(3) a description of the manner in which the applicant will evaluate the activities carried out with funds or authority provided under this title;

"(4) a description of how much such project will increase employee access to health insurance coverage; and

"(5) such other information as the Secretary shall require.

"(c) Matching Fund.—The Secretary shall not approve an application under section 1503, 1504, or 1506, unless such application contains written assurances that such applicant will expend from non-Federal sources, an amount equal to at least one-third of the amount of the grant applied for. Such funds may be used for both the development and implementation of such projects.

"SEC. 1511. EVALUATIONS.

"(a) Approved Projects.—The Secretary shall require that any approved applicant under this title shall, on the date that is 1 year, and every year thereafter, after the date of enactment of this title, submit a report that contains an evaluation of projects conducted under this title including an assessment of—

"(1) the impact of the project on employment labor costs, consumer prices, and employee turnover;

"(2) the success the project has experienced in increasing the number of insured individuals; and

"(3) in the case of projects carried out under section 1503, the impact that waiving State laws, as authorized under such section, has on insurance costs.

"(b) Other Activities.—Not later than the date that is 2 years after the date of enactment of this title, the Secretary shall prepare and submit to Congress a report that evaluates the success of any type of project designed to increase the number of employees of small employers who have health insurance that is conducted by an entity that has received no Federal funds under this title.

"SEC. 1512. TRANSFER OF FUNDS.

"Of the amounts appropriated to the Department of Health and Human Services, and any agency thereof, for each of the fiscal years 1988 through 1990 for programs that provide medical services for the uninsured, the Secretary shall make available such sums as are necessary in each such fiscal year for the purpose of carrying out this title.".●

By Mr. BREAUX:

S. 2028. A bill to reform the regulation of oil pipelines; to the Committee on Commerce, Science, and Transportation.

OIL PIPELINE REGULATORY REFORM ACT

● Mr. **BREAUX**. Mr. President, today I rise to introduce the Oil Pipeline Regulatory Reform Act of 1988. This bill proposes to eliminate oil pipeline rates and assures that shippers are provided common carrier pipeline service. I would like to point out, however, that this legislation proposes to deregulate oil pipeline transportation rates, not the oil pipelines themselves.

Today's oil pipeline industry is regulated by congressional amendments to the Interstate Commerce Act which were made over 80 years ago. It is time for Congress to thoroughly review the guidelines which regulate the oil pipeline industry and discern which regulations should be modified, which should be retained and which should be eliminated. Very simply, this legislation proposes a more balanced approach to Government regulation and allows healthy competition to exist within the marketplace.

Mr. President for many years I have come before my colleagues, previously in the House, and today in the Senate, to introduce what I consider to be legislation critical to our strategic and economic interests. It is legislation that is long overdue and should be acted upon expeditiously. This bill would not only deregulate oil pipeline transportation rates, but would also provide a forum for shipper complaints to remedy potential discriminatory practices. It would remove the regulatory burden from the Government and place it where it belongs—within the marketplace. It would also remove what some consider to be inefficient Federal ratemaking.

The bill which I am introducing today provides FERC with the power to investigate shipper complaints related to discriminatory rates, charges, practices or regulations. It also gives FERC the power to enforce necessary disciplinary action.

One of the concerns which has triggered interest in the deregulation of oil pipeline rates is the perception that the Federal Government has become incapable of the timely resolution of shipper complaints. This bill grants FERC, and only FERC, the authority to handle these complaints quickly and efficiently. This legislation also observes the antitrust laws which have governed this area for some time.

At one time there was a question whether or not the market could handle the issue of competitiveness on its own. So to avoid the risk of being perceived as irresponsible, Congress called for further study to ensure that deregulation would be a safe step in the right direction.

Now after a thorough investigation, backed by a Department of Justice study, we are faced with addressing this issue once more. It has been proven time and time again that the marketplace is competitive and that, as I have believed for some time, it is safe to deregulate the oil pipeline transportation industry.

Mr. President, it is unnecessary to prolong Government regulation for regulation's sake, which is what I feel is the case today with oil pipeline rate regulation by our Federal Government. In conclusion, I would like to stress that this legislation would change only what needs to be changed to make the marketplace a more conducive environment for competition while providing necessary Government safeguards.

I ask that my colleagues give the bill their full consideration and join in its support.●

By Mr. MELCHER (for himself and Mr. BURDICK):

S. 2025. A bill to amend title II of the Toxic Substances Control Act; to the Committee on Environment and Public Works.

TOXIC SUBSTANCES CONTROL ACT AMENDMENTS

Mr. **MELCHER**. Mr. President, there has been a rather serious matter brought to the attention of a number of us concerning schools and their efforts to make certain that they abide by the law and remove any asbestos threats that are in school buildings.

As it is set now, title II of the Toxic Substances Control Act requires that by this coming October all the school districts with all the schools in those districts throughout the country meet a deadline that is procedural in the terms of EPA enforcing the law on removal of any asbestos threat within schools. I am advised that although the regulations are out from EPA, that many schools will have a great difficulty in meeting that deadline and so for that reason, on behalf of myself and Senator BURDICK, I am introducing a bill today that would extend those deadlines for the schools. The amendments in the bill provide more time for the schools to inspect for asbestos-containing material and draft and submit asbestos management plans to Governors in each State and begin implementation of the management plan. The 9-month period, between the time when the schools must submit the plans and when they are to begin implementing them, is to give the Governor's office adequate time to review and approve the plans.

Mr. **BENTSEN**. Would the Senator yield?

Mr. **MELCHER**. Yes, I would be delighted to yield to my friend from Texas.

Mr. **BENTSEN**. Let me congratulate the Senator on it. When we passed that bill in 1986, it was hoped that by the end of this year, that the schools would have been able to promulgate their plans and put them into effect and much progress has been made. Unfortunately, as I understand it, the regulations out of EPA were very late in being put together and arriving so late the school boards have really not had a chance for implementation.

As late as this morning I was discussing with some of the school board members from Texas, some who said in their instances their school districts had moved forthwith, even though they did not know the ultimate regulations, trying to anticipate what they would be, and made substantial progress in corrections, but then later finding that the regulations were changed again from what they had anticipated them to be and having to go back and redo some of that work.

So there has been good-faith effort on the part of many of these school districts, but it has just been absolutely impossible for them to complete them in the timespan with the delay in the issuance of the regulations. So I am supporting legislation. I have not had a chance to examine yours, but want very much to see that extension of time; not because we are not deeply concerned about taking care of the asbestos problem, but wanting to be sure that it is taken care of and done properly and within the regulations and that the time be afforded to accomplish it.

So I congratulate the Senator.

Mr. **MELCHER**. I thank the senior Senator from Texas, my friend. He stated the circumstances very well and that is exactly the need of this legislation.

My proposal will also include increases in the authorization for assistance. As it stands now, the authorization is $100 million for each year. I propose in this legislation to increase that authorization to $150 million, and that is an increase of $50 million over the $100 million now authorized per year, and that $150 million would be authorized for each of the next 5 fiscal years.

Now, Mr. President, I want to speak a word on why increasing the authorization, I believe, is necessary. Some of the school districts, after they reviewed these beginnings, preliminary to trying to devise a plan to comply with the law, are finding out that yes, indeed, they are going to want to have some opportunity either for a grant or for some credit. That is what this authorization covers. It covers either grants or extending credit to school districts through the States to accomplish the needed goal of removing any asbestos hazard.

But I want to say this: In particular in our own State of Montana, we have found that over the past several years, as we have attempted here in Congress to curtail some of the Federal programs, including some educational programs that are funded through Congress, that States themselves were faced with pressures to also curtail the expenditures out of the State treasuries for necessary school programs.

So this is a program that is a new program, and new funds are going to have to be found. They will be found through the school districts, the States, and the Federal Government. Looking at the overall cost, the school districts are going to have to come up with a lot of money. The States are going to have to assist with probably almost an equal amount. The Federal Government, under the authorization as the statute now stands, is way down there. They are not putting up very much. So I believe it is only appropriate, as we view the extensive costs that are going to be involved in implementing these asbestos management plans in schools, that we just face the fact that it all comes out of the same taxpayers' pockets. The school district taxpayers will have to reach deeper, the State taxpayers will have to reach deeper, and I suggest we do a little bit here in Congress to increase our contributions a little bit more to face realities in the schools right now.

These funds, I repeat, are for the purposes of loans and grants to the schools through the States. They are distributed through the States. The authorization and appropriation addresses what we call the Asbestos Abatement Assistance Program. That is the term for this program. Those are the two salient points in the proposed bill, to extend the deadline, to extend it for 1½ years. That seems to be reasonable. We have consulted with school board associations and we have consulted with a number of Senators. We believe that extending the deadline about 1½ years is appropriate. That is what the bill would accomplish.

The second thing the bill would accomplish would be to increase the authorization from $100 million per year to $150 million.

Mr. President, I believe the bill is necessary and I hope we can have consideration of it in a matter of weeks or at least within 2 or 3 months.

By Mr. REID:

S. 2029. A bill to amend Public Law 96-586, relating to the disposal of certain Federal lands in Nevada, to require the Secretary of the Interior to purchase necessary lands at 1980 prices; referred to the Committee on Environment and Public Works.

TAHOE LAND BUYOUT

Mr. **REID**. Mr. President, 7 years ago Public Law 96-586 was signed into law by President Carter. This law set up a program by which highly sensitive and erodible lands would be purchased by the Forest Service, thereby preventing development of this land and further degradation of this magnificent national scenic treasure.

The Secretary of Agriculture through the Forest Service was directed in the legislation to purchase this land at current fair market value. Unfortunately, many who bought the prime real estate around Lake Tahoe paid a price 60 to 75 percent higher than today's current market value.

The Tahoe land buyout is a program with which I wholeheartedly support. However, I believe the unintended consequences of this program is that real estate values have been significantly reduced.

In order to rectify that problem, I am introducing legislation today that would amend Public Law 96-586 so that lands acquired under the Tahoe Buyout Program will not be purchased for less than than 1980 appraised value of the land as determined by the Secretary of Agriculture.

The introduction of this bill should not adversely effect the Buyout Pro-

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gram or stall current negotiations on parcels of land because the bill requires that 1980 prices will be retroactive to the date of introduction of this legislation, not retroactive to the date of enactment.

Mr. President, I yield the floor.

By Mr. LAUTENBERG (for himself, Mr. Bradley, Mr. Chafee, Mr. Biden, and Mr. Roth):

S. 2030. A bill to amend the Marine Protection, Research, and Sanctuaries Act; to the Committee on Environment and Public Works.

OCEAN DUMPING REFORM ACT

● Mr. LAUTENBERG. Mr. President, I rise to introduce the Ocean Dumping Reform Act of 1988. I am pleased to be joined by my senior colleague from New Jersey, Senator Bradley, my colleague from Rhode Island, the ranking Republican member of the Environmental Protection Subcommittee, Senator Chafee, and my collegue from Delaware, Senator Biden. The bill is quite simple. It would stop the ocean dumping of sludge off the New Jersey coast by the end of 1991.

In New Jersey, this past summer, it was as if the ocean had its fill of environmental abuse, and began throwing back onto the beaches the pollution that had been cast into the sea. New Jersey beaches were plagued by tides of garbage that had been disposed of illegally. Dying dolphins, plagued by mysterious maladies of the sea, washed ashore. The continued incidence of high bacterial counts also remained a problem in maintaining the quality of our beaches and ocean water.

By 1990, some 70 percent of our Nation's population will live within 50 miles of the coastline. This adds to the stress placed on our coastal environment. But, it also highlights the need to protect it. In my State, the quality of the coastal environment is critical not just to the quality of life, but to the health of our citizens and to the economy as well. Tourism businesses and fisheries depend upon the quality of the environment.

I can remember what the Jersey shore was like as a boy. Mr. President, the years of pollution and degradation have taken a toll. We need to redouble our efforts to clean up our ocean.

The battle to protect our ocean environment has been a long one. It has been marked by a number of victories over the last 5 years. We passed a Water Resources Act in 1986, that called for moving the so-called mud dump—a dumping ground for dredged spoils—from a site just 6 miles off the New Jersey shore to a site 20 miles off. We passed a new Clean Water Act, to toughen clean water regulation and to provide millions of dollars in Federal assistance, to upgrade municipal sewage treatment facilities. Included in that act were provisions forcing New York City to comply with the law and stop the dumping of raw sewage in the waters off New Jersey.

We also secured legislation to stop the dumping of municipal sludge just 12 miles off New Jersey. We moved the dumping of sludge to 106 miles out, and closed the site to new entrants.

Mr. President, this past year, we made even more progress. We saw the enactment of comprehensive legislation to combat garbage at sea. My plastic pollution bill was signed into law. The bill will stop the dumping of plastic and other forms of garbage at sea.

The bill also includes my bight restoration bill, which will develop a comprehensive plan for restoring the environment of the waters off New Jersey and Long Island. The plan must include a study of alternatives to continued use of the ocean as a dumping ground. With my efforts in the Appropriations Committee, we provided $500,000 to begin the plan. We also provided close to $1 million to monitor sea-going vessels now involved in ocean dumping, to ensure that current law is enforced.

Despite these victories, Mr. President, one battle remains to be won: the battle to stop the dumping of municipal sewage sludge in the ocean, once and for all. Communities continue to use our coastal waters as an open sewer. The ocean dumping of sludge continues to be the chosen disposal method for more than 929,000 pounds of sewage sludge each and every day from New Jersey alone. And all of that sludge goes directly into the ocean 106 miles off New Jersey's shore.

Congress gave the Environmental Protection Agency the mandate to end ocean dumping with the passage of the Marine Protection, Research and Sanctuaries Act in 1972. The law was strengthened in 1977.

Unfortunately, the ocean dumping continues. The degradation of our environment continues. Instead of working for compliance, sludge dumpers sought court-ordered reprieves.

That is why the Ocean Dumping Reform Act of 1988 is so important. Congress needs to set a deadline—free of any loopholes that sewage sludge dumpers or the courts can exploit—to stop the dumping. The bill would mandate an end to the dumping by the end of 1991. It would also establish a process to ensure that we achieve that goal.

Congress already made its intent to end ocean dumping clear but we allowed too much latitude in the decisionmaking process. No more. The language of this bill is clear and simple. After Dec. 31, 1991 we will no longer tolerate the ocean dumping of sewage sludge.

And we will not wait until the 11th hour to ensure that adequate action is being taken. The State with permittees progress in meeting the 1991 deadline. EPA, in turn, is required to report to Congress on whether adequate progress to meet the deadline is being made.

There is no question that this will be a tough process for the communities involved; it does not come without costs. I certainly sympathize with those difficulties and I am prepared to help where I can. The people of New Jersey have said in opinion polls that they are willing to pay for a cleaner environment.

The oceans are a resource that belongs to all of us. It belongs to those who reside at or visit our shoreline. It belongs to the businesses whose livelihood depends upon a healthy tourism industry. It belongs to the fishermen, whose resource is injured. It belongs, most of all, to future generations, who will inherit the environment we leave them.

I ask unanimous consent that the full text of the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ocean Dumping Reform Act of 1988."

Sec. 2. The Marine Protection, Research, and Sanctuaries Act, Public Law 92-532 (33 U.S.C. 1401 et seq.) is amended by adding at the end thereof the following new section:

"SEC. . SLUDGE DUMPING BAN.

"(a) Notwithstanding any other provision of law, it shall be unlawful to dispose of sewage sludge into ocean waters designated as the 106 mile disposal site after December 31, 1991.

"(b) For the purposes of this section, the term "sewage sludge" means a solid, semi-solid, or liquid waste generated by a municipal wastewater treatment plant.

"(c) Each State in which a municipal sewage treatment authority permitted to dump sewage sludge at the 106 mile site is located shall submit to the Administrator within one year after the date of enactment and annually thereafter for the following two years a report which shall, at a minimum—

"(1) identify and schedule the specific steps to be taken by municipal sewage treatment authorities and related State agencies to identify and develop alternatives to sewage sludge dumping at the 106 mile site;

"(2) identify the steps being taken by municipal sewage treatment authorities and related State agencies to implement programs, including pretreatment programs, to facilitate the beneficial uses of sewage sludge; and

"(3) describe the financial assessments and plans needed to assure the implementation of alternative sewage sludge disposal options prior to December 31, 1991.

"(d) In the event that any State required to submit a report under this section fails to submit a report which the Administrator determines to be consistent with the requirements of this section, the Administrator

shall withhold funds reserved for such State under section 205(g) of the Federal Water Pollution Control Act, as amended. Funds withhold pursuant to this section may, at the discretion of the Administrator, be restored to a State upon compliance with this section.

"(e) The Administrator shall, within three months of receipt of reports submitted pursuant to this section, submit to the Congress a report reviewing progress made toward development of alternatives to dumping of sewage sludge at the 106 mile site, potential obstacles to meeting the deadline established in this section, and a specific assessment of additional actions needed to develop alternative sewage sludge disposal options prior to such deadline.

"(f) The Administrator, in consultation with the Secretary of Transportation, shall submit a report to Congress wihin six months after the date of enactment of this act, outlining progress in using electronic monitoring equipment, and/or other means, to monitor and prevent the dumping of municipal sludge by vessels in transit to the 106 mile Deepwater Municipal Sludge Dumpsite in areas outside of the 106 mile dumpsite."●

● Mr. BRADLEY. Mr. President, Senator Lautenberg and I are submitting legislation today to stop the disposal of sewage sludge in the ocean by the end of 1991. Only two States—New York and New Jersey—still dump their sludge in the ocean. I believe this practice should end. In fact, most of us thought that Congress had ordered that to happen when it adopted the Marine Protection, Research and Sanctuaries Act in 1976. That law told all States and communities to cease dumping sewage waste in the ocean by 1981. Subsequent court battles and bureaucratic wrangling pushed that date back to 1991. We thought that States and local sewerage authorities would develop and implement alternate means of disposing of their sludge.

It appears, however, that the 1976 mandate was not explicit enough. There are loopholes in that law which make it possible to continue dumping at sea unless the Congress specifically forbids it.

In 1986 EPA ordered New York and New Jersey to cease dumping sludge at a site 12 miles off shore and to move to a site 106 miles from shore. That order was finally implemented last year. It was a correct interim measure. But if States and localities are to take the 1976 mandate seriously and develop alternatives to ocean dumping, we must make clear that our intent is to end this practice completely—and soon.

Finding alternatives will not be easy, and there is little time left to meet the deadline for compliance. But we won't make progress unless it is clear that our intent is to stop the dumping. Alternatives simply must be found.

Unless Congress makes that mandate clear, there will be no incentive for either State to find acceptable alternatives. And without alternatives, local sewage authorities will follow the more convenient route, as they have in the past, of pleading with the courts for additional time because no acceptable alternatives are available. There must be no ambiguity in our message: Ocean dumping of our sewage must end.●

ADDITIONAL COSPONSORS

S. 450

At the request of Mr. Armstrong, the names of the Senator from Kansas [Mr. Dole] and the Senator from Montana [Mr. Baucus] were added as cosponsors of S. 450, a bill to recognize the organization known as the National Mining Hall of Fame and Museum.

S. 479

At the request of Mr. Thurmond, the name of the Senator from Arizona [Mr. McCain] was added as a cosponsor of S. 479, a bill to amend title 73 of title 10, United States Code, to provide a minimum monthly annuity under such chapter.

S. 840

At the request of Mr. Thurmond, the name of the Senator from Vermont [Mr. Stafford] was added as a cosponsor of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 849

At the request of Mr. Chafee, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 849, a bill to establish guidelines for timely compensation for temporary injury incurred by seamen on fishing industry vessels and to require additional safety regulations for fishing industry vessels.

S. 1629

At the request of Mr. Mitchell, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1629, a bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

S. 1776

At the request of Mr. Armstrong, the names of the Senator from Connecticut [Mr. Dodd], the Senator from Alabama [Mr. Shelby], the Senator from Indiana [Mr. Quayle], the Senator from Nevada [Mr. Reid], the Senator from Louisiana [Mr. Johnston], and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of S. 1776, a bill to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution.

S. 1911

At the request of Mr. Hatfield, the names of the Senator from California [Mr. Cranston], the Senator from California [Mr. Wilson], the Senator from Oregon [Mr. Packwood], the Senator from Alaska [Mr. Stevens], the Senator from Montana [Mr. Baucus], the Senator from Arizona [Mr. DeConcini], the Senator from Nevada [Mr. Hecht], the Senator from New Mexico [Mr. Bingaman], and the Senator from Wyoming [Mr. Wallop] were added as cosponsors of S. 1911, a bill to amend title 5, United States Code, to allow all forest fire fighting employees to be paid overtime without limitation while serving on forest fire emergencies.

S. 1998

At the request of Mr. Breaux, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of S. 1998, a bill to regulate interstate natural gas pipelines providing transportation service which bypasses local distribution companies and to encourage open access transportation by local distribution companies at cost-based rates.

S. 2013

At the request of Mr. Shelby, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of S. 2013, a bill to prevent distortions in the reapportionment of the House of Representatives caused by the use of census population figures which include illegal aliens.

S. 2015

At the request of Mr. Kennedy, the name of the Senator from Montana [Mr. Melcher] was added as a cosponsor of S. 2015, a bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program.

S. 2018

At the request of Mr. Thurmond, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 2018, a bill to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes.

SENATE JOINT RESOLUTION 59

At the request of Mr. Thurmond, the names of the Senator from Delaware [Mr. Roth], the Senator from Georgia [Mr. Nunn], the Senator from Alabama [Mr. Shelby], and the Senator from Arizona [Mr. McCain] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 199

At the request of Mr. Byrd, the names of the Senator from Indiana [Mr. Lugar], the Senator from Alabama [Mr. Heflin], the Senator from Virginia [Mr. Trible], the Senator from Mississippi [Mr. Stennis], and the Senator from Idaho [Mr. McClure] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May, 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 206

At the request of Mr. Domenici, the names of the Senator from Ohio [Mr. Glenn], the Senator from Rhode Island [Mr. Chafee], the Senator from Minnesota [Mr. Boschwitz], the Senator from Kentucky [Mr. McConnell], the Senator from Wisconsin [Mr. Proxmire], and the Senator from Connecticut [Mr. Dodd], were added as cosponsors of Senate Joint Resolution 206, a joint resolution to declare Dennis Chavez Day.

SENATE JOINT RESOLUTION 214

At the request of Mr. Lautenberg, the name of the Senator from Hawaii [Mr. Inouye], was added as a cosponsor of Senate Joint Resolution 214, a joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

SENATE JOINT RESOLUTION 227

At the request of Mr. Hollings, the names of the Senator from Tennessee [Mr. Gore], the Senator from New Jersey [Mr. Bradley], the Senator from Massachusetts [Mr. Kennedy], the Senator from Ohio [Mr. Glenn], the Senator from Utah [Mr. Garn], the Senator from New Mexico [Mr. Domenici], the Senator from Virginia [Mr. Warner], the Senator from Alaska [Mr. Stevens], the Senator from Florida [Mr. Graham], the Senator from Oklahoma [Mr. Boren], the Senator from California [Mr. Wilson], and the Senator from Iowa [Mr. Grassley] were added as cosponsors of Senate Joint Resolution 227, a joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 234

At the request of Mr. Thurmond, the names of the Senator from Alabama [Mr. Heflin] and the Senator from Iowa [Mr. Grassley] were added as cosponsors of Senate Joint Resolution 234, a joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

SENATE JOINT RESOLUTION 237

At the request of Mr. Dole, the names of the Senator from Iowa [Mr. Grassley], the Senator from Alabama [Mr. Heflin], and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of Senate Joint Resolution 237, a joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 245

At the request of Mr. Cranston, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of Senate Joint Resolution 245, a joint resolution to designate April 21, 1988, as "John Muir Day."

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. Adams, the names of the Senator from Massachusetts [Mr. Kennedy], and the Senator from Florida [Mr. Graham] were added as cosponsors of Senate Concurrent Resolution 97, a concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the U.S. Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes.

SENATE RESOLUTION 373—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KENNEDY, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 373

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $4,581,000, of which amount (1) not to exceed $43,200 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 374—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE, from the Select Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 374

Resolved, That, in carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Commmittee on Indian Affairs (hereafter in this resolution referred to as the "select committee") is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the select committee under this resolution shall not exceed $1,802,055, of which (1) an amount not to exceed $205,000 may be expended for the Procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) an amount not to exceed $1,600 may be expended for the training of the professional staff of the select committee (under procedures specified by section 202(j) of such act).

Sec. 3. (a) The Special Committee on Investigations (hereafter in this resolution referred to as the "special committee"), a duly authorized subcommittee on the select committee, is authorized from February 1, 1988, through February 28, 1989, to study or investigate any and all matters pertaining to problems and opportunities of Indians and the federal administration of mineral resources, including but not limited to resource management and trust responsibilities of the United States Government, Indian education, health, special services, and other federal programs and related matters.

(b) For the purpose of this section the special committee is authorized from February 1, 1988, through February 28, 1989, in its discretion (1) to adopt rules (not inconsistent with this resolution and the Standing Rules of the Senate) governing its procedure, to be published in the Congressional Record, (2) to make investigations into any matter within its jurisdiction, (3) to make expenditures from the contingent fund of the Senate, (4) to employ personnel, (5) to sit and act at any time or place during the sessions, recess, and adjourned periods of the Senate, (6) to hold hearings and to take staff depositions and other testimony, (7) to require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, and documents at hearings or at staff depositions, (8) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (9) with the prior consent of

the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(c) The chairman of the special committee or any member thereof may administer oaths to witnesses, and, at staff depositions authorized by the special committee, oaths may be administered by an individual authorized by local law to administer oaths.

(d) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman or the member signing the subpoena.

Sec. 4. The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate through the select committee at the earliest practicable date, but not later than February 28, 1989.

SENATE RESOLUTION 375—RELATIVE TO THE DEATH OF REPRESENTATIVE DAN DANIEL, OF VIRGINIA

Mr. STEVENS (for Mr. Warner, for himself and Mr. Trible) submitted the following resolution; which was considered and agreed to:

S. Res. 375

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Dan Daniel, late a Representative from the Commonwealth of Virginia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

SENATE RESOLUTION 376—COMMENDING THE WASHINGTON REDSKINS ON WINNING SUPER BOWL XXII

Mr. KENNEDY submitted the following resolution; which was considered and agreed to:

S. Res. 376

Whereas, on January 31, 1988, the Washington Redskins defeated the Denver Broncos by a score of 42-10 in Super Bowl XXII thereby becoming the World Champions of professional football for the 1987 season;

Whereas for one brief shining moment all differences were laid aside as friend and foe, stranger and neighbor, host and guest joined in a nationwide chorus of praise for the sensational and spectacular way whereby the Washington Redskins became the Super Bowl Champions;

Whereas the Denver Broncos also enjoyed an outstanding season, and deserve credit for their success as champions of the American Football Conference;

Whereas, in the Super Bowl, the Washington Redskins overcame an unprecedented ten point first-quarter lead by the Denver Broncos;

Whereas Quarterback Doug Williams, ignoring injury and throwing brilliant passes, led the Redskins to a record five touchdowns in the second quarter that sealed the Super Bowl victory and shattered one of the worst racial barriers in sports;

Whereas, rookie reserve running back Tim Smith and wide receiver Ricky Sanders set Super Bowl records for rushing and receiving;

Whereas, Owner Jack Kent Cooke, General Manager Bobby Beathard, and Head Coach Joe Gibbs deserve credit for their extraordinary roles in creating the outstanding Redskins organization and developing the full potential of the team.

Whereas, all forty-five players on the Redskins roster deserve praise for their roles in achieving an outstanding season and an outstanding Super Bowl performance:

6 Ali Haji-Sheikh
10 Jay Schroeder
12 Steve Cox
17 Doug Williams
23 Todd Bowles
24 Kelvin Bryant
28 Darrell Green
29 Reggie Branch
31 Clarence Vaughn
32 Vernon Dean
34 Brian Davis
35 Keith Griffin
36 Timmy Smith
38 George Rogers
40 Alvin Walton
45 Barry Wilburn
46 Dennis Woodberry
50 Ravin Caldwell
51 Monte Coleman
52 Neal Olkewicz
53 Jeff Bostic
54 Kurt Gouveia
55 Mel Kaufman
57 Rich Milot
61 Rick Kehr
63 Raleigh McKenzie
64 Steve Hamilton
65 Dave Butz
66 Joe Jacoby
68 Russ Grimm
69 R.C. Thielemann
71 Charles Mann
72 Dexter Manley
73 Mark May
74 Markus Koch
77 Darryl Grant
78 Dean Hamel
80 Eric Yarber
81 Art Monk
82 Anthony Jones
83 Ricky Sanders
84 Gary Clark
85 Don Warren
86 Clint Didier
87 Terry Orr

Resolved, That the Senate of the United States of America joins with football fans in Washington, D.C. and across the nation in honoring and congratulating the World Champion Washington Redskins for their impressive victory in Super Bowl XXII.

AMENDMENTS SUBMITTED

TOXIC SUBSTANCES CONTROL ACT—AMENDMENTS ACT

BAUCUS AMENDMENT NO. 1397

(Ordered referred to the Committee on Environment and Public Works.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill (S. 1809) to require the Environmental Protection Agency to set standards for identification and abatement of hazardous asbestos in certain buildings, and for other purposes; as follows:

Sec. . The Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519 is amended as follows:

(a) Section 203(i) is amended by striking the phrase "within 990 days after the date of the enactment of this title," and inserting, "no later than July 9, 1990," in the first sentence.

(a) Section 205(i) is amended by striking "Within 720 days after the date of the enactment of this title (or within 810 days if there are no regulations under section 203(i))," and inserting, "no later than October 12, 1989,".

INSPECTOR GENERAL ACT AMENDMENTS

GLENN (AND ROTH) AMENDMENT NO. 1398

Mr. GLENN (for himself and Mr. Roth) proposed an amendment to the bill (S. 908) to amend the Inspector General Act of 1978; as follows:

On page 23, line 8, strike out "1987" and insert in lieu thereof "1988".

On page 27, line 6, insert after the comma "THE INTERNAL REVENUE SERVICE,".

On page 27, line 15, strike out "(S) and (T)" and insert in lieu thereof "(T) and (U)".

On page 27, line 18, strike out "(R)" and insert in lieu thereof "(S)".

On page 27, line 21, strike out "(L), (N), and (O)" and insert in lieu thereof "(M), (O), and (P)".

On page 27, line 25, strike out "subparagraph" and insert in lieu thereof "subparagraphs".

On page 28, lines 8 and 9, strike out "the 'Office of Inspection, Internal Revenue Service',".

On page 28, line 12, strike out the quotation marks and semicolon at the end thereof.

On page 28, insert between lines 12 and 13 the following:

"(L) of the Department of the Treasury, in the Internal Revenue Service of such department, the office of that service referred to as the 'Office of Assistant Commissioner (Inspection), Internal Revenue Service';";

On page 28, line 13, strike out "(L)" and insert in lieu thereof "(M)".

On page 28, line 16, strike out "(M)" and insert in lieu thereof "(N)".

On page 28, line 19, strike out "(O)" and insert in lieu thereof "(P)".

On page 28, line 22, strike out "(P)" and insert in lieu thereof "(Q)".

On page 29, line 1, strike out "(Q)" and insert in lieu thereof "(R)".

On page 29, line 17, strike out "and".

On page 29, line 20, strike out the period and insert in lieu thereof a semicolon and "and".

On page 29, insert between lines 20 and 21 the following:

(D) by inserting "or the Commissioner of Internal Revenue" before "as the case may be".

On page 30, line 3, strike out "and".

On page 30, line 7, strike out the quotation marks and the period and insert in lieu thereof a semicolon and "and".

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On page 30, insert between lines 7 and 8 the following:

(D) by inserting "Internal Revenue Service" before "as the case may be".

On page 30, line 21, strike out "general".

On page 30, lines 25 and 26, strike out "the Office of Inspections of the Internal Revenue Service,".

On page 31, line 2, strike out "periodically".

On page 31, line 6, insert "(other than the Internal Revenue Service)" after "Department".

On page 32, line 11, insert "and the Inspector General of the Internal Revenue Service".

On page 32, line 12, insert "and the Commissioner of Internal Revenue, respectively," after "Treasury".

On page 32, line 24, strike out "or".

On page 33, insert before line 1 the following:

"(E) intelligence or counterintelligence matters; or

On page 33, line 1, strike out "(E)" and insert in lieu thereof "(F)".

On page 33, line 3, insert "or property" after "person".

On page 33, line 4, insert before the period a comma and "section 202 of title 3, United States Code, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note; Public Law 94-524)".

On page 33, line 6, insert "or the Commissioner of Internal Revenue" after "Treasury".

On page 33, line 7, insert "of the Department of the Treasury or the Inspector General of the Internal Revenue Service, respectively," after "General".

On page 33, line 9, strike out "the" and insert in lieu thereof "such".

On page 33, line 11, strike out "of the Treasury" and insert in lieu thereof "or the Commissioner".

On page 33, line 15, insert "(A)" after "(3)".

On page 33, line 24, strike out all beginning with the comma through line 25 and insert in lieu thereof a period.

On page 34, insert before line 1 the following:

"(B) If the Commissioner of Internal Revenue exercises any power under paragraph (1) or (2), the Commissioner shall notify the Inspector General of the Internal Revenue Service in writing of such exercise. Within 30 days after receipt of such notice, the Inspector General shall transmit a copy of such notice to the Committee on Governmental Affairs and the Committee on Finance of the Senate and to the Committee on Government Operations and the Committee on Ways and Means of the House of Representatives.".

On page 34, insert between lines 4 and 5 the following:

"Inspector General, Internal Revenue Service".

On page 34, insert between lines 8 and 9 the following:

(e) In addition to the standards prescribed by the first sentence of section 3(a), the Inspector General of the Internal Revenue Service shall at the time of appointment be in a career reserved position in the Senior Executive Service in the Internal Revenue Service as defined under section 3132(a)(8) of title 5, United States Code, with demonstrated ability in investigative techniques or internal audit functions with respect to the programs and operations of the Internal Revenue Service.

(f)(1) In addition to the duties and responsibilities specified in this Act, the Inspector General of the Internal Revenue Service shall perform such duties and exercise such powers as may be prescribed by the Commissioner of Internal Revenue, to the extent such duties and powers are not inconsistent with the purposes of this Act.

(2) No audit or investigation conducted by the Inspector General of the Department of the Treasury or the Inspector General of the Internal Revenue Service shall affect a final decision of the Secretary of the Treasury or his designee described in section 6406 of the Internal Revenue Code of 1986.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, February 2, 1988, at 10 a.m. and resuming to conduct oversight hearings on the events surrounding the stock market crash of October 19, 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 2, 1988, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meeting during the session of the Senate on Tuesday, February 2, 1988, to receive testimony concerning proposals before the Federal Energy Regulatory Commission to: First, clarify certain requirements of the Public Utility Regulatory Policies Act of 1978 [PURPA]; second, provide guidelines for the use of competitive bidding systems to acquire nonutility power under PURPA; and third, create a new category of Independent Power Producers [IPP's] who would be subject to reduced regulation under the Federal Power Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JUDGE HAROLD H. GREENE APPLAUDED

● Mr. METZENBAUM. Mr. President, the forced breakup of AT&T and imposition of competitive restrictions on the local telephone monopolies represented perhaps the most important antitrust action of our time. Since AT&T was required to give up its monopoly power over the local telephone networks in 1984, competition in the telecommunications industry has flourished. This welcomed trend has been aided by competitive safeguards which prevent the regional telephone companies from becoming "mini-AT&T's" and wielding the same monopoly power in long distance and other telecommunications markets that AT&T did when it controlled the local telephone lines.

The judicial decree ordering the breakup of the Bell System has been ably and fairly administered for the past 3 years by Judge Harold H. Greene of the U.S. district court in Washington, DC. Judge Greene, in my estimation and that of many other observers, has performed this exceedingly difficult task with fairness, extraordinary skill, and devotion to the ideal of free competition embodied in the antitrust laws.

Because the public interest in the decree is so great and the economic stakes surrounding it are so high, Judge Greene's performance, no matter how exemplary, was bound to engender controversy. And it has. Those who oppose the decree's restrictions on the regional telephone companies have engaged in a concerted attack on the judge. They do not challenge—indeed, cannot fairly challenge—his honesty, competency, and commitment to the antitrust laws. Rather, they attack his performance and seek to undermine his authority simply because they disagree with his vigorous enforcement of the restrictions.

Other industry observers recognize Judge Greene's tremendous contribution to the rule of law and to the procompetitive development of this Nation's telecommunications industry. One is Leonard Heymann, an experienced trade reporter in the communications industry. In a recent article in Communications Week, Mr. Heymann criticized the telecommunications industry for treating Judge Greene "shabbily" and described him in glowing terms as an:

> American hero * * * [who] has served his country for more than 30 years, and has made a profound and positive impact on the way we live. This is true not only for telecommunications but for the fabric of American society itself.

As Heymann says, Judge Greene "needs to Boswell." But at this juncture of the public debate surrounding this historic decree, I want to applaud Judge Greene for a job well done.

I ask that a copy of Mr. Heymann's article be printed in the RECORD.

The article follows:

A FINAL WORD: JUDGE GREENE DESERVES INDUSTRY'S RESPECT

(By Leonard Heymann)

U.S. District Judge Harold H. Greene needs no Boswell.

Yet as a reporter ending more than two years as a certified court watcher I feel compelled to come to the judge's defense as the regional Bell companies and the Reagan administration gear up for a new attempt to strip him of his authority over the Bells.

Friends and family can attest, I would be the last person to be taken for a sentimentalist. But I believe the telecommunications industry has failed to give to Greene the respect he deserves. In fact, we've treated him shabbily.

Here is the man who helped break up the AT&T monopoly to create a competitive industry. Many of our businesses—even this newspaper—are here today because of Greene's dedication to his job, to the antitrust laws and to competition. Yet he has gained a reputation as a power-hungry judge bent on retaining control of telecommunications. He's the judge the industry loves to hate.

After two years of watching his work, I believe Greene is an American hero. He has served his country for more than 30 years, and has made a profound and positive impact on the way we live. This is true not only for telecommunications but for the fabric of American society itself. Greene, while a Department of Justice lawyer in the Kennedy administration, wrote the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Yet despite his achievements Greene is treated like some ill-tempered troll intent on blocking the way of the regional Bell firms.

Last month, for example, an executive of a top U.S. publishing company, when asked what could be done to convince Greene to free the regionals from the constraints of the AT&T agreement, told a large audience, "Well, they don't allow lynching."

Even as a joke, that remark was inappropriate—and in bad taste.

I see two fundamental problems about the way Greene is perceived.

The first is the simple one: We fail to separate our feelings for him from the decisions he makes. There is room to disagree, but critics should confine their attacks to his rulings. Particularly disturbing are questions about his motives. Greene, in a recent Communications Week interview, said repeatedly his goal is simply to enforce the law.

That leads to the second problem. Through a tireless Bell campaign and failure of the Justice Department to enforce the AT&T rules, the industry has lapsed into a pervasive amnesia that causes it to forget the antitrust issues that led to the Bell System breakup.

The Bell companies and the department would like us to disregard all that happened before 1984. Somehow, they want us to believe that regional company control of the local bottleneck today is less dangerous than when AT&T managed local facilities. In Justice's view, the world has changed, and therefore the old rules don't apply. Many industry watchers don't buy that in the least; neither does Greene.

The clearest example of the danger of living in a fictional world came after Greene's recent ruling on the definition of manufacturing.

The judge is now being accused of *enlarging* the meaning of the manufacturing restriction to include research and development, not just fabrication. But in his Dec. 3 opinion, he pointed out that in "virtually every" manufacturing activity cited by the government in its case against the Bell System, "it was the design and development manipulation that was the focus or the sole subject."

As Greene sees things, there has never been any question that R&D was off limits. But the Bell companies ignored the court transcripts and went to the dictionary to find definitions of manufacturing that were more to their liking.

Greene is clearly disgusted with this game, and in his manufacturing opinion he defended his efforts to enforce the AT&T rules.

His bottom line was clear: The AT&T agreeement is the law, and until it is changed, Greene will enforce it.

So as the industry prepares for the Reagan administration's latest crack at freeing the regionals—word is that various legislative proposals are kicking around the Cabinet—let's be sure we have the facts straight. Greene is doing his job and doing it responsibly.

We should respect him for his effort rather than calling him names and accusing him of wanting to be a telecom czar.

He deserves our thanks.●

BICENTENNIAL MINUTE

FEBRUARY 2, 1860: JEFFERSON DAVIS AND PRESIDENTIAL POLITICS

● Mr. DOLE. Mr. President, 128 years ago today, on February 2, 1860, Senator Jefferson Davis of Mississippi introduced six politically explosive resolutions in this Chamber. Together, they constituted what one historian termed "a grim sectional manifesto * * * a platform of theories built to sustain the drama of secession."

In these measures, Senator Davis confronted the Federal Government's role in protecting slavery in the Nation's territories, with the intention of placing the national Democratic Party on record in support of slaveholders there. As one of 10 Senate Democrats who aspired for their party's 1860 Presidential nomination, Davis believed his action would increase chances that a southerner would obtain that nomination at the party convention, less 3 months away.

In 1860 the southern Democrats, who followed Davis, dominated their party's congressional wing. Supporters of Illinois Senator Stephen Douglas, leader of the northern bloc and himself a contender for the Democratic Presidential nomination, found their strength in the party's State organizations. Douglas and other moderates sought to sidetrack the Davis resolutions, fearing that if the feuding northern and southern wings of the party could not mainain some semblance of unity during the 1860 campaigns, the Presidency would certainly fall into the hands of the newly established Republican Party.

In introducing his resolutions, Davis hoped to force the Senate Democatic caucus to support slavery in the territories as party doctrine. He argued that the party's northern wing should have no influence because its members represented States that were certain to vote Republican. Subsequently Senate Democrats adopted the Davis resolutions. The resulting uproar within the party contributed to a crippling deadlock at the April convention and became another major step on the road to the Civil War.●

NATIONAL DAIRY GOAT AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of Senate Joint Resolution 230, which designates the third week of June as "National Dairy Goat Awareness Week."

When most people think about dairy products, the first producer that comes to mind is the dairy cow. While cows produce a great portion of all milk and dairy products consumed, little mention is made of the contribution of the dairy goat.

Dairy goat products include: fresh milk, both canned and powdered, yogurt, butter, and ice cream. Lately the dairy goat product gaining the most popularity and acceptance is dairy goat cheese or chevre. For many people suffering lactose deficiency, dairy goat products have proven easier to digest than dairy products from cows.

In my own State of New York, the dairy goat is a welcome addition to many farms. With the milking capacity of an average dairy goat 14 times her body weight in a 305-day lactation, you can see the productive capability they represent.

It is, therefore, with pleasure that I cosponsor this bill in the hopes of educating the public as to the significant contribution that dairy goats are making to all Americans. ●

INFORMED CONSENT: NEVADA

● Mr. HUMPHREY. Mr. President, I ask that a letter from a woman in Nevada be entered into the CONGRESSIONAL RECORD. This woman tells just one of the many horror stories that I have heard from women exploited by the abortion industry. Because of their courage to tell these stories, I maintain my determination to pass informed consent legislation. I ask my colleagues to support S. 272 and S. 273. The letter follows:

OCTOBER 1987.

DEAR SENATOR HUMPHREY: I got pregnant at the age of 18. As soon as I learned that I was pregnant from the nurse, she referred me to the abortionist. I received no counseling, no questions were asked over the phone. I was in emotional shock. I had just found out that I was pregnant and I was given the number to have an abortion all in the same breath.

I made an appointment and my girlfriend came with me. I was given a Valium. In the middle of my abortion I felt such heartache I couldn't stop crying and didn't know why. The doctor told me I had control over my body and I could do whatever I wanted. He said I would have a better life. I really didn't know what was right or wrong.

It wasn't until I was pregnant with my daughter and going through the book, A Child Is Born, that I realized what my baby had looked like and how it had reacted to the abortion, It was a little person, all perfect, that just needed to grow. It was only 7½ weeks, but it was a tiny little person.

The major thing I've had to deal with besides the sadness of knowing that I will never hold that baby, is the anger and hatred I feel toward the doctor. He knew exactly what he was doing because he could see the little body being ripped apart. But the money he was earning was more important than the woman he was robbing and the baby he was killing.

Even though I cannot forget, the Lord had helped me to forgive him. Also, Jesus has my little guy all safe with Him although I wish he were here with me.

Thank you.

ANONYMOUS IN CARSON CITY, NV.●

FRAUD OF THE DAY—PART 24

● Mr. HEINZ. Mr. President, recently a customs fraud case has surfaced which has grave implications for the safety of American children. Today's fraud involves the deliberate misclassification of flammable children's sleepwear, made of cotton but dubbed "playwear," which has been purposely redesigned to circumvent U.S. Customs regulations and Consumer Product Safety Commission [CPSC] codes. The magnitude of the danger is difficult to quantify due to the fact that infant wear is categorized with women's and girl's clothing when entered. However, as the details involved with this fraud clearly indicate, tragedy for American children may soon emerge unless we take immediate action on this matter.

The consumer movement in this country was galvanized in the late 1960's by the growing number of severely burned children due to flammable clothing. A mother's horror of watching her child, clad in cotton playwear, suddenly burst into flames after the child's arm passes over a burning candle or after contact from a spark jumping from a fireplace cannot be described. Concerned Americans acted. The result was a CPSC regulation established in 1971 which required chemical treatment for all children's sleepwear. After this nonflammable treatment agent, Tris, was found to be carcinogenic, the CPSC determined that only 100 percent polyester materials would meet the stringent CPSC standards for nonflammability of children's sleepwear.

Children's clothing manufacturers in the United States have complied with the 100 percent polyester regulation since 1971, and the number of children's deaths caused from burning dropped from an average of 60 per year in 1970 to an average of 2 per year in 1982. More recently this protective measure for American children has been threatened by 100 percent cotton "playwear" imported from GATT signatories and others hoping to cash in on the projected rise in American birth rates.

The CPSC Enforcement Policy on Children's Sleepwear, published in May 1986, is currently being used by foreign children's clothing manufacturers as an industrial blueprint to circumvent CPSC regulations. Some designers have successfully imported 100 percent cotton children's sleepwear after originally receiving a restraining order on their garments simply by altering their designs to avoid application of CPSC restrictions. Others blatantly advertise this playwear with promotional receiving blankets which match the clothing. These Japanese and French exporters are clearly violating article XX of the GATT which states that signatories must comply with national measures designed to protect human health.

Mr. President, this fraud is a classic example of misrepresentation to Customs officials at U.S. borders made all the worse by the concomitant violation of CPSC regulations and the obvious danger to children's lives. This is a case where foreign manufacturers deliberately produce what Americans consider dangerous and have banned, then export these products to the United States by fraudulently—for example—misnaming sleepwear as playwear. A private right of action for customs fraud, as included in the Senate version of the trade bill, would help us combat these dangerous and pernicious practices.●

A DESPERATE WINTER FOR ROMANIANS

● Mr. ARMSTRONG. Mr. President, today, Washington, DC, is experiencing something of a mid-winter heat wave. However, the people of Romania have no such luxury. In fact, due to a government decree that went into effect nationwide on November 10, the use of electricity and gas has been reduced by 30 percent. This means that most Romanians are living in flats where the temperature rarely rises above 50 degrees Fahrenheit. It is important to remember that during a similar shortage last year, there were widespread reports of many babies and senior citizens dying due to the cold.

Energy is not the only item in short supply. In mid-December, West German Foreign Minister Hans-Dietrich Genscher met with Romanian President Nicolae Ceausescu about the hardships being suffered by the 230,000 ethnic Germans living in Romania. At the time, he offered to provide food aid to Romania to alleviate some of the most severe food shortages since World War II. According to a Radio Free Europe/Radio Liberty report, "Bread is being rationed at 300 grams a day and few staples are available or affordable." The difficulties are being compounded by the impact of wage cuts.

Instead of accepting the generous West German offer of assistance, Ceausescu refused assistance and has even cut off delivery of packages mailed from outside the country. According to an Associated Press wire story dated December 31, 1987, citing the Essen, West Germany newspaper, the New Ruhr, "Two [West German] trucks loaded with food supplies were turned back at the Romanian border in recent days. The newspaper said it was the first time such a private shipment has been refused entry into the shortage-struck Communist Balkan country. Romanian Communist party officials have rejected West German Government offers of emergency shipments of food and other supplies."

The ethnic Germans are not the only people in Romania being denied assistance. According to Laszlo Hamos of the Hungarian Human Rights Foundation, many here in the United States who ship packages to their relatives in Romania have had them returned in recent months. He points out, that the people of Romania will be very cold and hungry this winter.

As sad and as terrible as it is to hear about the plight of the Romanian people, there is something that we in the United States can do. First, an amendment has been attached to both the House and Senate trade bills that would suspend most-favored-nation trade status to the Romanian Government for 6 months. The purpose of the suspension is to show the Romanian regime of Nicolae Ceausescu that the American people expect Romania to live up to its human rights obligations that have permitted it to receive MFN status in the past. I encourage the trade conferees to push forward on this amendment to make certain that it is included in the final trade bill package.

In addition, we can all do something today to indicate our support of the Romanian people during this particularly difficult time.

Earlier this month, the Czech human rights organization, Charter 77, called on all Europeans to stand in solidarity with their brothers in Romania. It is a very unusual statement for Charter 77 to make since it goes beyond the borders of Czechoslovakia. However, its members felt that the Romanian people were suffering to such an extreme degree that they merited the attention of the world.

Charter 77 has asked that others join with the Romanians in turning down their thermostats to 10 degrees Celsius, or 50 degrees Fahrenheit, and light their homes with no more than two 40-watt light bulbs. By doing so, word will get through to the Romanians that they are not alone, but

rather that the world is watching and is willing to stand with them.

The brutal regime in Romania must come to understand that it cannot continue to mistreat its people without consequence. But in the meantime, I encourage each of my colleagues and every American who may be listening today to stand in solidarity with the people of Romania.

I ask that the Charter 77 document and other related press reports be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHARTER 77, DOCUMENT NO. 2/88: A CALL FOR SOLIDARITY WITH ROMANIA

These days, the government of Europe, various organizations as well as many ordinary citizens, are contemplating the future of our continent, the prospects for peace in Europe, ways of overcoming the division of Europe into political blocs, and the extent and type of human rights enjoyed by the populations of various European countries. Conferences are frequently held on these topics.

All this is to the good, and very important.

What is less good is that the delegates at these conferences, sitting in well-heated and well-lit conference halls tend to forget there is a country in Europe where people have neither heat nor light.

In Romanian flats and offices, the temperature in winter rarely rises above ten degrees Celsius. Each flat is allowed a maximum of two forty-watt bulbs to be burning at any given time. In Romania, basic foodstuffs, such as flour, sugar and meat are—forty-three years after the war—either being rationed or not available at all.

After twenty-two years of rule, the Romanian leader offers the people of his country only one thing: the ostentatious cult of his personality.

It is a sense of total despair that has driven Romanian workers to demonstrations.

Romania is a curious country: not only does its government deny its citizens elementary liberties to an extent which has no parallel in any other Soviet Bloc country, but it is not even capable of ensuring what the communist regimes call their 'greatest achievement', the basic material and job security, which these regimes use as a means of self-legitimation.

We wish to hold to their word all those Europeans who feel enthusiastic about Gorbachev's statement that we all live in one European house. We call on them to realize that in this rich house there exists a nation which is forced to live in fear of cold and hunger.

This is not only a Romanian affair. Just as the peace and the freedom of Europe are common and indivisible issues of concern to all Europeans, the situation in Romania is equally of common concern. And just as the freedom of those who are indifferent to the enslavement of their neighbours becomes uncertain, the certainty of being able to rely on heat and light also becomes doubtful, if it is connected with indifference to the plight of those who are forced to live in the cold and in the dark.

We therefore call on the European public to remember Romania. We appeal to you to show publicly your solidarity with the plight of the citizens of that country. We suggest to all Europeans that on 1st February 1988 they should express their solidarity with the Romanian people by any means available to them. Let us attempt, at least for a single day, to live in an unheated and badly lit flat. Let us try to deny ourselves at least for a single day, all those things that form our material living standard and that are permanently denied to the Romanians. Wherever this may be possible, let us stage peaceful protest demonstrations in front of the Romanian Embassies. Let us appeal to our governments to help the Romanian people. Let us look for ways in which each of us could personally help.

We call on the Europeans to join Charter 77 in expressing publicly, on 1st February 1988, their solidarity with suffering Romanian society and their revulsion against the despotic ruler responsible for this suffering.

We are aware that one day of solidarity will not solve the Romanian crisis. But we are convinced that it can contribute toward its solution.

STANISLAV DAVATY,
MILOS HAJEK,
BOHUMIR JANAT,
Spokespersons for Charter 77.

(The Associated Press)

ROMANIA REPORTEDLY REJECTS PRIVATE WEST GERMAN SHIPMENT OF FOOD AND SUPPLIES TO ETHNIC GERMANS SUFFERING FROM SEVERE SHORTAGES (295)

ESSEN, WEST GERMANY.—Romania has turned back private West German shipments of food and other supplies to ethnic Germans suffering from severe shortages in their Balkan country, a newspaper reported Thursday. The Essen-based New Ruhr newspaper, citing foreign ministry sources, said two trucks loaded with food supplies were turned back at the Romanian border in recent days.

The newspaper said it was the first time such a private shipment has been refused entry into the shortage-struck Communist Balkan country. In recent months, private West German groups have been organizing aid packages for the 230,000 ethnic Germans who live in Romania and are facing mounting food and energy shortages.

Most of the groups comprise relatives of those living in Romania, or ethnic Germans who emigrated to West Germany.

Romanian Communist party officials have rejected West German government offers of emergency shipments of food and other supplies. Hans-Dietrich Genscher, the West German foreign minister, visited Romania Dec. 17.

During the visit, Romanian officials denied their nation was facing crippling food shortages, and said foreign offers of aid were both unwanted and unnecessary.

The New Ruhr newspaper said the West German foreign ministry sent a letter of protest to the Romanian ambassador to Bonn after the two trucks were refused entry into Romania.

Foreign ministry officials could not be reached for comment Thursday, a government holiday in West Germany.

Food has been rationed since the early 1980s in Romania, but this year many basic food items have become virtually impossible for the average family to find, including quality meats, sugar, butter, and coffee.

BONN PROTESTS REFUSAL OF AID TO ROMANIA

BONN, DEC. 31 (AFP).—West Germany has protested to Romania after two trucks containing aid parcels sent by West German citizens and humanitarian groups were turned back at the Romanian border by customs officials, the foreign ministry here said Thursday.

A ministry spokesman said that the West German embassy in Bucharest had asked the Romanian authorities to lift the refusal, and an official from the Romanian embassy in Bonn had been called to the foreign ministry here to hear a similar appeal.

The West German Foreign Minister, Hans-Dietrich Genscher, in a visit to Romania earlier this month, asked the Bucharest government to help the distribution of West German aid to the Romanian population.

Romanians are facing a winter of bitter hardship caused by cutbacks in energy consumption and rationing of essential foodstuffs.

[From Radio Free Europe/Radio Liberty]

ROMANIAN WORKERS DEMONSTRATE AGAINST WAGE CUTS AND CHRONIC FOOD SHORTAGES

On Nov. 15 up to 20,000 Romanians in the industrial city of Brasov demonstrated against the Romanian government. While differing over some details, almost all of the accounts agree on the essentials of what took place in Romania's second largest industrial center.

Protesting new wage cuts and chronic food shortages, the workers from the Red Flag truck plant marched out at about 9 A.M., heading for the Party and administrative headquarters downtown instead of going to vote in the nationwide local elections. During the one-hour march, they sang a Romanian hymn from the revolution of 1848 and chanted "We want bread" and "Down with dictatorship." They were joined by the workers from the Brasov Tractor Plant, where work stoppages had taken place in some sections during the preceding week. As they marched, the workers were joined by thousands of townspeople. Some eyewitnesses reported that workers were handing out leaflets (Israeli tourists interviewed by Maariv, Nov. 24).

Some demonstrators forced their way inside the Party headquarters, which they ransacked—throwing furniture, telephones, and files out the windows. In the square below, the debris was ignited along with Party banners, placards, and Romanian leader Nicolae Ceausescu's portrait, which had been torn down from the walls of buildings. Inside the building the workers discovered ample food supplies—including such items as flour, cheese, oranges, and chocolates, all of which had been virtually impossible for ordinary citizens to obtain. According to reports, non-Party property was not attacked. After some apparent hesitation, army troops with armored personnel carriers cleared the downtown area without engaging in any clashes with demonstrators.

The workers were protesting against both wage cuts that had been imposed for the second consecutive month and increasingly severe food shortages. Bread is rationed at 300 grams a day and few staples are available or affordable. Compounding the impact of the wage cuts, a government decree that went into effect nationwide on Nov. 10 reduced the use of electricity and heating gas by 30 percent. The government imposed draconian penalties for exceeding the new level, which is the fifth cut in a series of cuts that began in 1979.

The 22,000 workers at the Red Flag Truck Plant and the 25,000 workers at the Brasov Tractor Plant are regarded as the elite of Romania's working class, and Romanian officials have often pointed out that close to half the work force at these plants belongs

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to the Communist Youth League (Agerpres in English, Jan. 16 and April 17, 1986). That the protest should have broken out in Brasov indicates the depth of discontent among Romania's working class.

For seventeen days the Romanian media maintained total silence about the demonstration and the subsequent reprisals. There were arrests on Nov. 15, and police investigations are known to have started on Nov. 16 at both truck and tractor plants. (Foreign journalists have reported that Brasov is being patrolled by soldiers with submachine guns and guard dogs.) In the first semiofficial acknowledgment of the demonstration, two Brasov officials told the Western press on Nov. 27 that "an investigation is under way into violations of the law" committed at Brasov. They also announced that [illegible]4 of those arrested were still being held (AFP, Nov. 27). On Dec. 2, an "extraordinary meeting of workers' representatives" at the Red Flag plant "unanimously" endorsed measures to dismiss and subject to judicial investigation both the plant management and "certain elements" among the workers.

On Nov. 27 Silviu Brucan, a former high-ranking Party official and ex-Romanian Ambassador to the U.S., issued a statement to Western correspondents saying that the Romanian worker's "cup of privations is now full." He warned against repression, which would antagonize "world public opinion" and result in "total isolation, this time not only from the West but also from the East." Urging the leadership to make "a sincere effort to come to terms with [the public's] legitimate grievances," Brucan said that he was voicing the position of an "overwhelming majority" within the Party (UPI, Reuters, and BBC World Service News, Nov. 27). Since making that statement, Brucan has been under house arrest.—(Based on RAD BR/231 by Vladimir Socor.)——

Supply Crisis, Resistance Reportedly Mounting

[Exclusive report: "Supplies Crisis and Resistance in Romania are Mounting"]

The food supply of Romania's population has further deteriorated. Even onions and salt have recently been rationed. At the same time, resistance against the "blood and tears" policy of the Ceausescu regime is mounting and there are calls for the return of former King Mihai.

Romania's state and party leader Nicolae Ceausescu has promised the population 70 kg of meat and 15 kg of potatoes per person for 1988. But nobody believes his statements, since the 1988 plan contains the target to export 6 percent more agricultural products than this year.

The current supply situation is catastrophic. In general, foodstuffs can only be procured on the basis of ration cards. There is a so-called "collective card" (consisting of six columns for six months) and the actual cards for meat, flour, oil, etc. But very often food cannot be obtained in the shops in spite of the cards.

Recently onions, salt, and even matches have been rationed.

In the black market, some of the things can be bought at exorbitant prices. One kilo of coffee, for example, costs between 900 and 1,000 lei in clandestine trade, corresponding to one third of an average salary. Since the six eggs allowed per month for every person (it used to be eight) cannot be obtained in the shops, people are forced to buy them in the black market. There an egg costs between 40 and 60 lei. The supply situation and the energy shortage are beginning to fan resistance among the otherwise rather passive Romanian population. The "Romanian Democratic Action" called for nationwide protests on Sunday [27 December] but the appeal was not supported on a large scale. In the Bucharest subway, in front of a few schools in the capital, and in the Buzau County fliers carrying the slogan "Down with Ceausescu" were distributed.

On house walls, apart from the usual defamatory slogans against Ceausescu, the following questions have recently been noticed: "Mihai, unde esti?" (Mihai, where are you?) and "De ce asteptam?" (Why are we waiting?) [Slogans appear in Romanian with German translation in parentheses].

This refers to Romania's last king, who now, at the age of 66 is exiled in Switzerland. In 1944, when he was barely 23 years old, the monarch had dissolved the disastrous alliance with the Axis powers Italy and Hitler's Germany.

In view of the annoyance and despair prevailing in the country, the Ceausescu regime has decided to apply a bit of mercy: 26 persons who participated in Brasov unrest on 15 November have received suspended sentences of 6 to 16 months. Twelve directors of the truck works in Brasov where the unrest originated, will now be brought before the court on charges of "illegal wage reductions."

Rigorous actions are still being taken against opponents to the regime. The representative of the "Peasants Party" outlawed in 1974, Ion Puiu, for example, a lecturer of French language, has been put under house arrest.●

INF RATIFICATION: A MATTER OF INTERPRETATION

● Mr. QUAYLE. Mr. President, after nearly 2 weeks of Senate hearings on the INF Treaty, most people are saying that debate over the INF Treaty is over because there no longer is much reason to fear that the Senate won't ratify the treaty.

Mr. President, most people in Washington are saying this but they're wrong. In fact, the real debate over the treaty—over what its provisions may or may not require and what ambiguities need to be clarified—has not yet even begun.

I, for one, have more than a few questions that need answering. They concern three areas:

First. Can the treaty be interpreted to ban future systems the United States wants and yet allow future Soviet systems the United States assumes are banned?

Second. Can the treaty be interpreted to allow the Soviets to maintain a breakout capability in INF systems?

Third. Can the treaty be interpreted to allow modifications to our treaty obligations without Senate review?

Unfortunately, I believe the answer to each of these questions is yes unless certain treaty provisions are clarified. Certainly, if we don't seek clarification, we are banking for trouble.

We all know how time-consuming and costly the debate over agreed statement D in the ABM Treaty has been. The ambiguities contained in the INF Treaty are every bit as real. Given these ambiguities, the Soviets may cheat as they have in the past. More important, they may push as they always have to the very edge of noncompliance using the vague language of the agreement against us.

With INF the Soviets have every reason to do this. Under a START Agreement, covert INF systems or an INF breakout capability that was legal under the INF Treaty could afford the Soviets a major military advantage in targeting China and Europe. Similarly, the Soviets are eager to perfect their own deep-strike nonnuclear short and shorter-range missile capabilities so they can defeat and destroy NATO forces without necessarily having to resort to nuclear weapons. This gives them every incentive to devise missiles in excess of 500 kilometers range with accuracies sufficient to attack NATO and our friends in the Far East.

Clarifying the INF Treaty's ambiguities on these matters, then, is necessary to prevent the treaty and the arms control process it is promoting from being killed. We need clear answers from the administration. More important, we need clear answers from the Soviets. If these are lacking, the treaty may require amendments, reservations or letters of exchange.

None of this should be condemned as killer activity. Certainly, if it is and the real issues raised are not dealt with by the treaty's boosters, support for the treaty will wane.

The issues are considered below. Each of the three major interpretation questions are raised looking at the pertinent treaty provision and asking specific questions. Each of these questions deserve Senate and administration attention. Each must be answered before ratification.

I. What Future Systems Are Banned?

ARTICLE 14—NONCIRCUMVENTION

The Parties shall comply with this Treaty and shall not assume any international obligations or undertakings which would conflict with its provisions.

1. Under international law if a question arises regarding the interpretation of a treaty provision, isn't it presumed that a reading that establishes an additional obligation is the correct one rather than one that renders the provision redundant? Hasn't this been the Administration's position concerning the interpretation of Agreed Statement D in the ABM Treaty?

2. This language appears to be taken from Article 8 of the SALT II Agreement, which reads "Each Party undertakes not to assume any international obligations which would conflict with this Treaty." Why didn't we simply repeat this article in the INF Treaty? Why did we add the word "undertakings" and substitute "provisions" for "treaty"? What is the meaning of the word "undertakings" as distinguished from obligations?

3. As Article 14 is currently drafted, the word "international" could be read as modifying the word "undertaking". On the other hand, the article could also be read so that "undertaking" stands by itself unmodified by the word "international." First, what might the difference be between an international obligation and an international undertaking? Second, what assurance, if any, do we have that the Soviets might not interpret Article 14 in such a way that "undertaking" might be read as not being modified by the word "international" and, thus, refer to undertakings that the U.S. might execute unilaterally as well?

4. When Article 14 refers to undertakings that might conflict with the Treaty's provisions, is this to be read to include the treaty's expansive and vague preamble as well? If not, why not?

5. Did the Soviets first propose the specific language contained in Article 14 or did they first propose other language for this article? If they proposed other language, what was it? Also, during the negotiations did the Soviets mention any specific weapons systems or international undertakings that they believed would "conflict with" the treaty's provisions? If so, what were these?

6. In the Administration article-by-article analysis of the Treaty distributed 28 January 1988, Article 14 is described as "refer(ing) only to the assumption of future obligations." What future obligations might these be? Did the Soviets suggest or refer to any future obligations they thought might be covered by article 14?

7. The U.S. currently is cooperating with NATO on the Modular Stand Off Weapon, a cruise missile with a range under 500 kilometers. If we share guidance technology with NATO on this project and NATO then uses this guidance technology to perfect a ground-launched conventional cruise missile that had range in excess of 500 kilometers, would this constitute an "international obligation or undertaking" that conflicts with the treaty's provisions?

8. Is article 14 intended to apply to U.S.-British cooperation on the Trident SLBM project? Would it apply in any fashion to this cooperative effort?

9. If the U.S. were to deploy additional long-range ALCMs or SLCMs (nuclear or nonnuclear) in Europe to defend NATO would this constitute an "undertaking" that would conflict with the treaty's provisions?

10. If the U.S. were to develop weapons such as hypersonic boost glide or hypervelocity weapons that are neither simply ballistic or cruise missile systems but rather a hybrid, might their deployment be interpreted to "conflict" with the treaty's provisions?

ARTICLE 2, PARAGRAPHS 1 AND 2—MISSILE DEFINITIONS

1. The term "ballistic missile" means a missile that has a ballistic trajectory over most of its flight path. The term "ground-launched ballistic missile (GLBM)" means a ground-launched ballistic missile that is a weapon-delivery vehicle.

2. The term "cruise missile" means an unmanned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path. The term "ground-launched cruise missile (GLCM)" means a ground-launched cruise missile that is a weapon-delivery vehicle.

11. These definitions were taken almost verbatim from SALT II. When SALT II was drafted, though, these definitions were not intended to apply to futuristic offensive weapons such as hypersonic boost glide vehicles or other hypervelocity weapons, whose definitions are hybrids of ballistic and cruise missiles. Are these futuristics, which are critical to our security and which we have a lead in, now covered under the INF Treaty? If so, why? What other futuristic offensive weapons are captured by these SALT II definitions. What futuristic offensive weapons will be allowed?

12. Was DARPA consulted when these definitions were adopted?

13. Did the JCS, OSD, or State ever attempt or consider other definitions that would cover future systems in a more detailed way? Were these ever discussed with the Soviets? If so, what were they? Did the Soviets ever table alternative definitions to the ones finally agreed to? If so, what were they?

ARTICLE 7, PARAGRAPHS 1-3—MISSILE TYPE COUNTING RULES

1. If a ballistic missile or a cruise missile has been flight-tested or deployed for weapons delivery, all missiles of that type shall be considered to be weapon delivery vehicles.

2. If a GLCM or GLBM is an intermediate-range missile, all GLBMs or GLCMs of that type shall be considered to be intermediate-range missiles. If a GLBM or GLCM is a shorter-range missile, all GLBMs or GLCMs of that type shall be considered to be shorter-range missiles.

3. If a GLBM is of a type developed and tested solely to intercept and counter objects not located on the surface of the earth, it shall not be considered to be a missile to which the limitations of this Treaty apply.

14. The treaty does not define the word "type". Did OSD, JCS, or STATE ever attempt to define the word? If so, what definitions did they consider? Were these ever discussed with the Soviets? Did the Soviets ever offer a definition of type? If so, what did they offer?

15. Without a definition of type, couldn't the Soviets take an existing, banned shorter or intermediate-range weapons delivery missile banned by the treaty and modify it only slightly and claim it was a new non-weapons delivery missiles type; an air defense, ASAT, or ABM missile; or a new weapons delivery type that had a range above 5,500 kilometers or below 500 kilometers?

16. How can we know if a missile is armed or unarmed, i.e., if it is a "weapons delivery" missile or not?

17. In the Administration's Article-by-Article Analysis of Article 7, is explained that the first paragraph of the article "relieve a Party from having to prove that every missile of a particular type has been tested or deployed as a weapon-delivery vehicle; rather, it is sufficient to demonstrate that merely one missile of that type has been flight-tested or deployed as a weapon-delivery vehicle." How is this demonstrated and by whom; are we simply counting on National Technical Means assisted by whatever other national intelligence we might have? Also, must it be "demonstrated" that a missile is not a weapons delivery system or is outside of the range limits of the treaty? How must this be proved and by whom?

18. The Congressional Research Service report, "Ballistic Missile Proliferation Potential of Non-Major Military Powers" of August 6, 1987 describes a South Korean SSM, which is a "modified" Nike-Hercules air defense missile. Elsewhere, there have been reports of efforts to modify the Soviets' SA-5 air defense missile into a surface-to-surface missile. How can we know if Soviet missiles claimed to be dedicated for air defense are, in fact, not surface-to-surface missiles?

ARTICLE 7, PARAGRAPH 4—MISSILE RANGE COUNTING RULES

The range capability of a GLBM not listed in Article III of this Treaty shall be considered to be the maximum range to which it has been tested. The range capability of a GLCM not listed in Article III of this Treaty shall be considered to be the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path onto the earth's sphere from the point of launch to the point of impact. GLBMS or GLCMs that have a range capability equal to or in excess of 500 kilometers but not in excess of 1000 kilometers shall be considered to be shorter-range missiles. GLBMs or GLCMs that have a range capability in excess of 5500 kilometers shall be considered to be intermediate-range missiles.

19. The range counting rule for GLCMs in Article 7 is taken from the rule in SALT II (Article II.8, 2nd Agreed Statement). Secretary Vance, however, states in his published analysis of SALT II (Document 12 B, p. 19) that the U.S. was unable to get the Soviets to confirm our interpretation of what this rule meant. Did the U.S. reach a confirmed agreement about what a "missile in its standard design mode flying until fuel exhaustion" means in the INF negotiations?

20. Has the U.S. or the Soviets ever had to test fly any of its long-range cruise missiles to their furtherest possible range? Also, what of ballistic missiles: Might they be tested in non-minimum-energy trajectories and, thus, have greater operational ranges when used in war?

2. Could the Soviets maintain a breakout INF capability?

ARTICLE 4, PARAGRAPH 1—ELIMINATION SCHEDULE

Each Party shall eliminate all its intermediate-range missiles and launchers of such missiles, and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than three years after entry into force of this Treaty and thereafter no such missiles, launchers, support structures or support equipment shall be possessed by either Party.

21. Although this article says that all INF missiles, launchers, support structures and equipment will be eliminated, is it not the case that what is meant by "eliminated" is simply to follow certain "procedures of elimination", some of which amount only to altering the equipment or structures in question?

22. Doesn't the Treaty allow SS-20-related multiple-bay garages and support structures for shorter-range missiles?

23. Doesn't the Treaty allow SS-20-related launchers to modified so they might carry pipes?

24. Doesn't the Treaty under Article 6, Paragraph 2 allow the Soviets to continue to produce missile first stages that are "outwardly similar but not interchangeable" with SS-20 first stages?

ARTICLE 7, PARAGRAPH 7-8—MISSILE LAUNCHER COUNTING RULES

7. If a launcher has been tested for launching a GLBM or a GLCM, all launchers of that type shall be considered to have been tested for launching GLBMs or GLCMs.

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8. If a launcher has contained or launched a particular type of GLBM or GLCM, all launchers of that type shall be considered to be launchers of that type of GLBM or GLCM.

25. Do we know of any reason why a SS–25 launcher, which is allowed under the Treaty, could not be used to launch SS–20 missiles that might be hidden from our inspectors? Couldn't the Soviets train with SS–25 launchers to gain the training they might need to launch SS–20s that they would not be able to train with without risking violating the Treaty?

26. Can the U.S. inspect inside of SS–25 canisters? Could SS–25 canisters carry SS–20 missiles? Also, if a SS–25 launcher could carry a SS–20 canister, which would violate the treaty, could our intelligence community have much confidence of catching this sort of violation?

ARTICLE 7, PARAGRAPH 10—MISSILE COUNTING RULES

Except in the case of elimination in accordance with the procedures set forth in the Protocol on Elimination, the following shall apply:

(a) for GLBMs which are stored or moved in separate stages, the longest stage of an intermediate-range or shorter-range GLBM shall be counted as a complete missile;

(b) for GLBMs which are not stored or moved in separate stages, a canister of the type used in the launch of an intermediate-range GLCM, unless a Party proves to the satisfaction of the other Party that it does not contain such a missile, or an assembled intermediate-range or shorter-range GLBM, shall be counted as a complete missile; and

(c) for GLCMs, the airframe of an intermediate range or shorter-range GLCM shall be counted as a complete missile.

27. Doesn't this paragraph count P II first stages as full-up missiles that must be destroyed but allow production of the first stage of a SS–25, which is indistinguishable from a first stage of a SS–20 first stage?

28. Does the U.S. have the same rights the Soviets do to conduct continuous monitoring of our missile production facilities or do we only have the right to monitor their missile assembly plants where completed missile stages are joined to make a complete missile system?

ARTICLE 8, PARAGRAPH 9—TRAINING MISSILES

Training missiles and training launchers for intermediate-range or shorter-range missiles shall be subject to the same locational restrictions as are set forth for intermediate-range and shorter range missiles and launchers of such missiles in paragraphs 1 and 3 of this Article.

29. Where is "training missile" defined in the Treaty? Could it be identical to a banned missile or would it have to lack propellant?

30. How could we tell the difference between training missiles and real ones?

31. Are training missiles to be handled as if they were deployed missiles or as undeployed?

ARTICLE 9, PARAGRAPH 3—MISSILE DATA MOU UPDATE

No later than 30 days after entry into force of this Treaty, each Party shall provide the other Party with updated data, as of the date of entry into force of this Treaty, for all categories of date contained in the Memorandum of Understanding.

It is not this data MOU, and not the one exchanged November 1, 1987 that will be final and be used to verify the elimination of banned weapons systems under the Treaty?

ARTICLE 10, PARAGRAPH 8 AND ARTICLE 11, PARAGRAPH 5, SUBPARAGRAPH B—INSPECTING ELIMINATION PRIOR TO ENTRY INTO FORCE.

Art. 10, Par 8:

Such deployment areas, missile operating bases and missile support facilities shall be considered to be eliminated either when they have been inspected pursuant to paragraph 4 of Article XI of this Treaty or when 60 days have elapsed since the date of the scheduled elimination which was notified pursuant to paragraph 5(a) of Article IX of this Treaty. A deployment area, missile operating base or missile support facility listed in the Memorandum of Understanding that met the above conditions prior to entry into force of this Treaty, and is not included in the initial data exchange pursuant to paragraph 3 of Article IX of this Treaty, shall be considered to be eliminated. . . .

Art. 11, Par 5(b):

Each Party shall have the right to conduct . . . (b) inspections of former missile operating bases and former missile support facilities eliminated pursuant to paragraph 8 of article X of this Treaty other than former missile production facilities.

33. Under Article 10, paragraph 8, the Soviets are allowed to delete missile support facilities and operating bases from this data base if they claim they were "eliminated" under the Treaty's provisions before the Treaty's date of entry into force. Under Article 11, paragraph 5, subparagraph b, the U.S. has the right to inspect bases and facilities "eliminated pursuant to paragraph 8 of Article X. . . " If a site has been eliminated as provided for under Article 10, paragraph 8, though, has it been eliminated "pursuant to" that paragraph? Couldn't the Soviets remove missiles and launchers from the updated, final MOU and claim that they were eliminated prior to the Treaty's entry into force but not pusuant to Article 10, paragraph 8? In this case, wouldn't the U.S. be deprived of its rights to inspect these "eliminated" systems and facilities as provided for under Article 11?

34. What assurance do we have that the Soviets understand that what we mean by these two provisions is that any site considered to be eliminated under Article 10, Paragraph 8 must be deemed eliminated pursuant to Article 10, Paragraph 8; that the U.S. must retain its right to inspect such "eliminated" sites as provided for under Article 11, Paragraph 5?

3. Can the treaty be interpreted to allow major changes in our obligations without the consent of the Senate?

ARTICLE 13, PARAGRAPH 1—SPECIAL VERIFICATION COMMISSION

To promote the objectives and implementation of the provisions of this Treaty, the Parties hereby establish the Special Verification Commission. The Parties agree that, if either Party so requests, they shall meet within the framework of the Special Verficiation Commission to:

(a) resolve questions relating to compliance with the obligations assumed and

(b) agree upon such measures as may be necessary to improve the viability and effectiveness of this Treaty.

35. Could Article 13, Paragraph 1 be used to devise obligations under the Treaty that would not have to undergo the amendment process described in Article 15 of the Treaty?●

THE RETIREMENT OF ARDIS FINAMORE

● **Mr. HEINZ.** Mr. President, I rise today to say goodbye to a long-time member of my staff, Mrs. Ardis Finamore. Ardis began working for me in 1977, my first year in the Senate. For Ardis, this was a return to Capitol Hill after many years at the State Department.

When Ardis first moved to Washington in 1936, she began her career as an assistant to Congressman Usher Burdick, father of our distinguished colleague, QUENTIN BURDICK. Ardis then went to work for a number of agencies ending with the State Department. Though Ardis was away from the Hill for years, she never lost her love for these hallowed halls as she calls them. For the last 11 years, she has proofread my letters, checked my mailing lists, sorted postcards, and perhaps most important, supplied the office with cookies almost every Monday and Wednesday.

Mr. President, I will miss Ardis, my staff will miss Ardis, and I think Ardis will miss us. She has been an irreplaceable friend and help to my staff, my constituents, and me. ●

PERFORMING ARTS LABOR RELATIONS AMENDMENTS

● **Mr. D'AMATO.** Mr. President, I rise today to cosponsor S. 1346, the performing arts labor relations amendments, introduced in the first session of the 100th Congress by my distinguished colleague from Hawaii, Senator MATSUNAGA. This legislation amends the National Labor Relations Act of 1935 [NLRA] to allow musicians and other performing artists to be represented by union representatives of their own choosing, and gives those representatives the power to negotiate and bargain collectively with their employers.

When the NLRA was passed in 1935, Congress established the basic principle that American workers could organize into labor unions and be represented by their unions at the collective bargaining table. The law largely related to industrial unions. It was based on the then predominant model of the manufacturing worksetting: Long-term employment and a single employer. Clearly, the authors had nothing like the entertainment industry in mind.

Performing artists are an anomaly under the labor laws. Management, hotel and club owners, and entrepreneurs purchase the services of a musician or group of musicians who perform the contracted musical service. This constant hopping from one club to another and traveling from one city to another to play short engagements has in effect classified musicians and other performing artists as independent contractors, not employees, by the

National Labor Relations Board and, therefore, not entitled to union representation. As independent contractors, they cannot bargain collectively for the terms and conditions of their employment and are thus denied the fundamental labor protections other workers enjoy under the NLRA.

Mr. President, S. 1346 recognizes the unique character of the entertainment industry. Under this legislation, musicians, singers, and other performing artists would be considered as employees under Federal labor laws, represented by a union of their own choosing, and allowed to negotiate and collectively bargain for their employment contract. This change in the NLRA does not alter the employment status of these individuals for tax purposes; it maintains their independent-contractor status, with the expense deductions allowable to independent contractors, under the Internal Revenue Code.

Mr. President, the amendments in S. 1346 simply accord performing artists the right to negotiate collectively the terms of their employment. That right that has been denied for too long. I urge my colleagues to support this important legislation.●

TRIBUTE TO NEW JERSEY ASSEMBLYMAN WILLIE BROWN

● **Mr. LAUTENBERG.** Mr. President, I rise to recognize the leadership of New Jersey Assemblyman Willie Brown. Assemblyman Brown is one of New Jersey's most respected community and political figures. A dedicated public servant for over 14 years, he was recently reelected to the New Jersey State Legislature with the support of 92 percent of his constituents. But, more significantly, he was recently elected the Democratic assembly minority leader of the New Jersey State Assembly, the first black to hold the position in the history of that institution.

Presently in his eighth term, Assemblyman Brown has already served as assistant majority leader, deputy speaker, and deputy minority leader in the State assembly. He was the campaign manager for Newark Mayor Sharpe James in his last election. Over the years Brown has become known for his talents as a consensus builder within his party, and as a politician who places primary importance on concrete accomplishments rather than media image.

A successful businessman in Newark, Mr. Brown is originally from Anderson, SC. A graduate of South Carolina State College, he moved to New Jersey in the early sixties. Moved by the turbulence and racial tensions which arose during that decade, Mr. Brown initially set out to improve his community and foster better race relations through the creation of neighborhood associations. His entry into State politics was an extension of this community activism. Since his first election to the State assembly in 1973, Mr. Brown has diligently worked to serve the public, giving special attention to the underprivileged.

Mr. Brown has been instrumental in initiating community programs such as summer youth employment, a State commission on childrens services and a missing persons bureau. As the senior member of the assembly appropriations committee for the past 8 years, Mr. Brown has also responded to New Jersey's economic needs by helping small businesses and organizations headed by women and minorities.

One of Assemblyman Brown's most successful legislative accomplishments was his leadership in the successful effort to force New Jersey's pension funds to divest holdings linked to South Africa.

But Mr. Brown's activities go beyond his work in the legislature. He serves on the Executive Board of the National Conference of State Legislators and is the national parliamentarian of the National Black Caucus of State Legislators. He was elected by the caucus as its "legislator of the year" in 1983. He is a life-long member of the NAACP and a long time member of the Metropolitan Baptist Church in Newark.

Mr. President, Willie Brown's dedication to public service and personal commitment to justice and to those who have least in our society make him an invaluable member of New Jersey State government. With his election as minority leader, he gains even more stature as a leader, not only in our State, but in the Nation. I wish him well in his new post.●

FEDERAL-STATE TAX ON CAPITAL GAINS

● **Mr. BOSCHWITZ.** Mr. President, in 1986 Congress enacted historic tax reform legislation. The driving force behind the Tax Reform Act of 1986 was a reduction in individual tax rates. For individuals, the maximum tax rate was reduced from 50 to 28 percent effective in 1988—some individuals will have to pay a 5-percent surcharge raising their maximum tax rate to 33 percent. The new maximum rate compares to the top rate on unearned income of 70 percent in 1980, when President Reagan was elected. Quite a remarkable turnabout.

The recent decision by the President proposing a reduction in the capital gains tax is right on track. It is particularly significant for people who live in States with high State income tax rates.

Unlike income tax withholding that every American cannot escape paying, the capital gains tax is entirely voluntary. The taxpayer decides whether to sell the asset which triggers the tax. It's like going to the store to make a purchase of a nonnecessity. Low prices result in more sales and greater volume of business. Similarly, low capital gains rates result in more sales and a greater volume of tax collections.

During the debate in 1978 to enact a capital gains exclusion, the Treasury Department opposed the bill because it claimed reduced rates would result in a loss of tax revenues. Did tax revenues from capital gains transactions fall after the exclusion was adopted? Quite the contrary. They increased substantially.

In 1978, with a top tax rate on capital gains of 49.1 percent, capital gains collections were $9.3 billion. The following years—1979 and 1980—when the maximum rate was lowered to 28 percent, collections jumped to $11.7 and $12.5 billion respectively.

These figures are not surprising. More recent data concerning the elimination of the capital gains exclusion demonstrate that a change in the capital gains tax rate has a profound effect on investor behavior. In January 1987 tax estimators projected additional receipts of $7.9 billion in 1986 because of tax reform. Much to their surprise, tax receipts soared by $20 billion because capital gains and other tax provisions were being eliminated.

It's truly an anomaly that the same bill that created remarkably lower income tax rates simultaneously raised the top marginal tax rate on long-term captial gains. Rates that were 20 percent in 1986 now go as high as 33 percent. When the State tax is added, taxes on capital gains now can exceed 40 percent. These huge increases, coupled with the disincentive they create for savings and investment, are the most disappointing and damaging aspect of the 1986 tax bill.

Look at the chart of the maximum combined State and Federal tax on long-term capital gains. Compare your own State before and after the new law. As you can see, the top State/Federal tax rate under the old law was $235 per $1,000 of gain—Arkansas and North Carolina. Under the new law, the top rate is $417 per $1,000 of gain—West Virginia. In my State Minnesota, the combined State/Federal tax on $1,000 of gain under the old law was $215. Under the new law the State/Federal tax is increased to $390 for a taxpayer in the 33-percent bracket; that's a dramatic increase. In no State will the maximum combined rate under the new law be less than $330 per $1,000 of gain.

Such a substantial increase surely is unwise. If past experience is a guide, it will meaningfully reduce investment and the availability of venture capital. It would hit especially hard at middle-income earners whose largest capital gain is often the result of the sale of a

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single large asset, like a farm or business representing a lifetime of work—or a set-aside for retirement years. Much of that long-term gain represents inflationary gain, as opposed to real economic gain.

When tax reform was being considered in 1986, Senator CRANSTON of California and I led the fight in the Senate to retain the capital gains exclusion. When we were unable to preserve the exclusion, I introduced legislation last February to provide a two-tiered capital gains exclusion for individuals. For assets held at least 1 year but less than 3 years, 40 percent of the gain would be excluded from tax—a maximum tax rate of 19.8 percent. For assets held 3 years or more, the exclusion would be increased to 60 percent—maximum tax rate of 13.2 percent. My bill encourages long-term investment in exchange for a reduction in the capital gains tax.

Now look at the chart to see what the maximum combined long-term capital gains rate would be in your State under this proposal. In my State the combined tax would be reduced from $390 to $234 for assets held 1 year and $156 for assets held 3 years. The net effect of the exclusion would be very attractive to investors, particularly long-term investors.

My bill is not the only one seeking to restore equity to the treatment of capital gains. My friend and colleague, Senator KASTEN, has offered his own approach to this issue. In addition, at least seven other Senators and Representatives have introduced legislation seeking to reinstate reduced capital gains tax rates. Although our approaches differ, the effect of our effort is to focus attention on the issue. As you know, most recently the President has announced his support for reduced capital gains tax rates. Given his decision to work for capital gains reform, together with the unanimous support for capital gains reform among the Republican Presidential candidates, it now is time for all of us to pool our efforts in behalf of a consensus approach to this issue.

My office has already begun to organize a capital gains coalition in the Senate and will be enlisting the support of Senators who have sponsored or supported capital gains legislation in the past.

An example of the support on this issue was demonstrated when 16 Senators joined me in writing to the President last year urging his support for reduced capital gains tax rates as part of the solution to the budget deficit.

Recent efforts to balance the budget have prompted some, such as JIM WRIGHT, the Speaker of the House of Representatives, to suggest that the maximum income tax rate on individuals should be increased. Proposals to raise revenue by increasing tax rates go in the wrong direction.

History consistently shows—in fact, has never shown otherwise—that if you want to collect more, particularly from the wealthiest taxpayers, you need to lower tax rates. It's really not that difficult to figure out. If you tell someone that you are going to tax 70 percent of every dollar they earn—and that's only at the Federal level, you have to throw in State taxes on top of that—you really create an incentive to avoid taxes. But as rates are decreased, the incentive to shield income from taxation is reduced and collections for the Treasury are increased.

Since 1982, we have enjoyed a remarkable period of sustained economic growth in this country. More people are working, inflation continues to be low, unemployment rates are down, and thousands of new jobs have been created. Much of the growth is attributable to tax rate reductions. Quite understandably, Americans are willing to work harder and produce more when more of what they earn is theirs to keep.

There is no reason to believe that the 1986 tax changes won't continue this trend. Indeed, from the nature of the deductions eliminated and the resulting reduction in tax rates, the trend toward fewer tax shelters and the wealthiest taxpayers bearing a larger share of the tax burden should continue. The time is right to complete the legacy of economic and tax reform begun by President Reagan in 1981, with the support of Congress, by adopting a capital gains exclusion. The economic benefit of doing so is clear and the revenue consequence of reducing capital gains taxes is overwhelming. Indeed, the numbers don't lie.

The chart follows:

COMBINED FEDERAL AND STATE TAX ON $1,000 FOR LONG-TERM CAPITAL GAIN

State	Old law	New law	Boschwitz plan—assets held—	
			1 year	3 years
Alabama	213	353	221	155
Alaska	200	330	198	132
Arizona	209	367	220	147
Arkansas	235	377	245	179
California	228	367	235	169
Colorado	209	364	218	145
Connecticut	214	377	226	151
Delaware	222	389	233	156
District of Columbia	222	394	236	157
Florida	200	330	198	132
Georgia	212	370	222	148
Hawaii	222	397	238	159
Idaho	215	385	231	154
Illinois	213	347	215	149
Indiana	206	350	210	140
Iowa	214	391	235	156
Kansas	210	372	223	149
Kentucky	206	357	214	143
Louisiana	206	357	214	143
Maine	220	397	238	159
Maryland	210	364	218	145
Massachusetts	225	364	232	166
Michigan	209	361	216	144
Minnesota	215	390	234	156
Mississippi	225	364	232	166
Missouri	206	357	214	143
Montana	212	387	232	155
Nebraska	218	370	222	148
Nevada	200	330	198	132
New Hampshire	200	330	198	132
New Jersey	218	353	221	155
New Mexico	216	387	232	155
New York	228	389	233	155
North Carolina	235	377	245	179
North Dakota	210	392	235	157
Ohio	218	387	232	155
Oklahoma	206	357	214	143
Oregon	220	380	228	152
Pennsylvania	211	344	212	146
Rhode Island	220	376	225	150
South Carolina	214	377	226	151
South Dakota	200	330	198	132
Tennessee	200	330	198	132
Texas	200	330	198	132
Utah	208	382	229	153
Vermont	224	383	230	153
Virginia	212	369	221	147
Washington	200	330	198	132
West Virginia	226	417	250	167
Wisconsin	220	376	226	151
Wyoming	200	330	198	132

Data current as of April 1987.
Furnished by Deloitte, Haskins and Sells.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. PELL). Without objection, it is so ordered.

LIMITATION OF LEADER TIME ON TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, the time of the two leaders be limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that following the two leaders on tomorrow, there be a period for morning business, not to extend beyond the hour of 9:30 a.m., and that Senators may speak for not to exceed 5 minutes each during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, the Senate will convene tomorrow at 9 o'clock a.m.

After the two leaders have been recognized for not to exceed 5 minutes each under the standing order, the time having been reduced, there will be a period for the transaction of routine morning business, not to extend beyond the hour of 9:30 a.m. Senators will be permitted to speak therein for not to exceed 5 minutes each.

At the hour of 9:30 a.m., the Senate will go into executive session to consider the nomination of Judge Anthony Kennedy to be a Justice of the Supreme Court of the United States. There is a 1-hour debate limitation on that nomination. After the disposition of the nomination, the Senate will return to legislative session.

Has that been ordered?

The PRESIDING OFFICER. That has already been ordered.

Mr. BYRD. The Senate will resume legislative session, at which time there will be by unanimous consent a continuation of morning business for not to exceed 30 minutes with Senators to be limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, has it also been ordered that on the rollcall vote on the nomination tomorrow, which is by previous order limited to 15 minutes, the call for the regular order will be automatic at the conclusion of the 15 minutes?

The PRESIDING OFFICER. It has not yet been ordered.

Mr. BYRD. I ask unanimous consent that the call for the regular order be automatic upon the expiration of the 15 minutes on the rollcall vote on the nomination of Judge Kennedy.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 9 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move now, in accordance with the previous order and pursuant to the provisions of Senate Resolution 375 as a further mark of respect to the memory of our late departed colleague, Mr. Dan Daniel, late a Representative from the State of Virginia, that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and at 5:50 p.m., the Senate recessed until Wednesday, February 3, 1988, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate February 2, 1988:

THE JUDICIARY

GEORGE M. MAROVICH, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS VICE SUSAN C. GETZENDANNER, RESIGNED.

BERNARD A. FRIEDMAN, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN VICE ROBERT E. DEMASCIO, RETIRED.

EMILIO M. GARZA, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS VICE WILLIAM S. SESSIONS, RESIGNED.

NATIONAL COUNCIL ON THE HANDICAPPED

NANETTE FABRAY MACDOUGALL, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HANDICAPPED FOR A TERM EXPIRING SEPTEMBER 17, 1990. (REAPPOINTMENT)

RAILROAD RETIREMENT BOARD

THOMAS J. SIMON, OF VIRGINIA, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR THE TERM OF 5 YEARS FROM AUGUST 29, 1987, VICE ROBERT A. GILEOW, TERM EXPIRED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be commander

GERRY C. MCKIM
MICHAEL A. MCCALLISTER

To be lieutenant

STEVEN M. NOKUTIS

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, AND 8373, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. RONALD C. ALLEN, JR., 026-24-7537FV, AIR FORCE RESERVE.

BRIG. GEN. NORMAN J. DEBACK, JR., 561-46-1635FV, AIR FORCE RESERVE.

BRIG. GEN. GEORGE D. EGGERT, 156-24-4199FV, AIR FORCE RESERVE.

BRIG. GEN. RALPH D. ERWIN, 510-28-1249FV, AIR FORCE RESERVE.

BRIG. GEN. JACK L. LIVELY, 315-26-0886FV, AIR FORCE RESERVE.

BRIG. GEN. HARVEY J. MCCARTER, 513-20-9705FV, AIR FORCE RESERVE.

BRIG. GEN. DAVID S. TRUMP, 260-28-1933FV, AIR FORCE RESERVE.

To be brigadier general

COL. NORA A. ASTAFAN, 417-48-4540FV, AIR FORCE RESERVE.

COL. JAMES B. COBB, 434-48-8991FV, AIR FORCE RESERVE.

COL. ESKER K. DAVIS, 234-54-4514FV, AIR FORCE RESERVE.

COL. GARY L. EICHHORN, 380-32-9838FV, AIR FORCE RESERVE.

COL. DUANE L. FOSTER, 304-40-0131FV, AIR FORCE RESERVE.

COL. JOHN A. HURLEY, 141-26-3328FV, AIR FORCE RESERVE.

COL. ROBERT H. JONES, 456-56-7226FV, AIR FORCE RESERVE.

COL. RODNEY L. LINKOUS, 535-28-9260FV, AIR FORCE RESERVE.

COL. ROBERT A. MCINTOSH, 271-40-7741FV, AIR FORCE RESERVE.

COL. JAMES E. SHERRARD, III, 426-88-6641FV, AIR FORCE RESERVE.

COL. RICHARD K. VOGEL, 271-34-7820FV, AIR FORCE RESERVE.

COL. CHARLES R. WHITE, 310-32-9817FV, AIR FORCE RESERVE.

COL. JERRY E. WHITE, 539-32-7631FV, AIR FORCE RESERVE.

COL. FORREST S. WINEBARGER, 414-60-5590FV, AIR FORCE RESERVE.

IN THE MARINE CORPS

THE FOLLOWING NAMED BRIGADIER GENERAL OF THE MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

JEROME G. COOPER

THE FOLLOWING NAMED COLONEL OF THE MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

JOE W. WILSON

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THE FOLLOWING NAMED COLONELS OF THE MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

JOHN C. ARICK
HAROLD W. BLOT
MARTIN L. BRANDTNER
GEORGE R. CHRISTMAS
NORMAN E. EHLERT
RICHARD D. HEARNEY
JAMES E. LIVINGSTON
GERALD L. MCKAY
JAMES M. MYATT
JOHN J. SHEEHAN
ROBERT A. TIEBOUT

THE FOLLOWING NAMED OFFICER OF THE MARINE CORPS FOR APPOINTMENT TO THE GRADE OF BRIGADIER GENERAL, UNDER TITLE 10, UNITED STATES CODE, SECTION 5046:

MICHAEL E. RICH

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

ROBERT C. HUGHES, 036-26-9094

JUDGE ADVOCATE

To be major

ROBERT L. LOWRY, 496-64-1313

MEDICAL SERVICE CORPS

To be major

GARY S. MELVIN, 221-36-5418

NURSE CORPS

To be Major

GLENN A. HARDESTY, 227-68-2029

THE FOLLOWING PERSONS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

JOHN D. KENNEY, 299-28-7153

To be lieutenant colonel

WILLIAM H. CLARK, 558-04-5957
HOWARD W. JUNGMAN, 465-54-4656

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MICHAEL E. BROOKS, 569-74-5292
RONALD A. CATHEY, 400-58-2860
JOSEPH M. JEWEL, 231-62-5367
JOHN W. LIERMAN, III, 306-44-6339
ROBERT D. RECKNER, 506-64-4980

To be major

NEIL M. HILTON, 267-88-8822
ALAN A. KIRCHHOFF, 484-54-8298
JOHN W. LIERMAN, III, 306-44-6339
E EDWARD MCCREARY, 441-74-3492
KATHRYN F. NANCE, 301-52-4261
RICHARD C. OURAND, JR., 429-04-0476
STEPHEN PINDZOLA, 221-30-2823
BOBBY E. ROBERTS, 244-70-9297
CHARLES R. TURNER, 587-10-0069

THE FOLLOWING PERSONS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

DONALD J. COPENHAVER, 432-90-1800
JAMES L. HERRICK, 525-54-8413
LESLIE D. RIVERS, 507-34-0605

THE FOLLOWING PERSON FOR RESERVE OF THE AIR FORCE APPOINTMENT IN GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE.

LINE

To be lieutenant colonel

DAVID R. AUDLEY, 062-38-0800

THE FOLLOWING OFFICER FOR RESERVE OF THE AIR FORCE (NON-EAD) PROMOTION IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 8371, TITLE 10, UNITED STATES CODE.

LINE

To be colonel

JOHN R. DOCKENDORFF, 483-34-3503

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL ANY OF THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN MAJOR.

MEDICAL SERVICE CORPS

GARY S. MELVIN, 221-36-5418

NURSE CORPS

GLENN A. HARDESTY, 227-68-2029

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

LINE OF THE AIR FORCE

SAMUEL B. MARTIN, 316-72-4929
EMMETT G. NEAL, JR., 413-82-1589
SCOTT D. STEFFENSON, 519-64-2976
GARY G. WILSON, 400-68-4749

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR PERMANENT POSITION IN THE UNITED STATES ARMY IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 634 AND 628:

ARMY

To be colonel

ERNEST H. DINKEL, JR., 155-34-5762

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. ARMY IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 634 AND 628:

ARMY

To be colonel

STEVEN M. BUTLER, 416-58-1322

To be major

JAMES E. BAGLEY, 355-76-9359
THEODORE B. BARILA, 577-64-9855
JORGE A. DELUCCA, 584-70-2380
ROBERT W. EASTER, 482-56-8640
LORENZO A. GOINS, 565-80-1311
ROGER F. LUECKENOTTE, 493-50-0949
PATRICK C. MAHAFFEY, 289-56-3201
CARL T. ROSE, 228-62-8169

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S ARMY IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 634 AND 628:

ARMY

To be lieutenant colonel

GARY L. AUS, 569-74-3006
JAMES M. DONNELLS, JR., 123-36-4335
JOHN A. GOEBELER, 076-40-9703
GEORGE T. MCNAMARA, 301-42-4119
LEONARD M. TOBIN, 048-44-7569

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. ARMY IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

ARMY

To be lieutenant colonel

MICHAEL J. CONNOLLY, 565-64-0477
GEORGE M. DUQUE, 046-46-2668

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE AND STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER AS INDICATED, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE

To be lieutenant commander

FREDERICK ELIOT, JR.
PETER J. RUCCI

MEDICAL CORPS

To be lieutenant commander

BARBARA L. CATON

MEDICAL SERVICE CORPS

To be lieutenant commander

JAMES B. PARKER

IN THE NAVY

THE FOLLOWING NAMED CANDIDATES IN THE NAVY ENLISTED COMMISSIONING PROGRAM TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVY ENLISTED COMMISSIONING PROGRAM, USN

To be ensign; permanent

JOHN M. ADRIAN
CHARLES N. ALBRECHT
DAVID W. ALLDRIDGE
LEONARD C. ANDERSON
MILTON D. ANDERSON
CAL D. ASTRIN
MARK R. ATWOOD
WILLIAM M. BAKER
ALLAN J. BALLARD
HERBERT C. BARKER
JAMES E. BARROWS
FREDDIE L. BAZEN
ANDREW L. BEEBE
STEVEN M. BENKE
STEVEN R. BIBLE
RANDY B. BLACKMON
JUDY T. BOLDUC
RICHARD F. BOWEN, JR.
MARK D. BOWMAN
MICHAEL D. BRANUM
DEVAN M. BREEDLOVE
WILLIAM J. BREITFELDER
VOLTAIRE H. BRION
DANIEL A. BRITTON
EDWARD C. BRUMBAUGH
CHARLES R. BRYANT
ROBERT L. CAPPS
JOHN P. CARDANY
ROBERT E. CARLSON
JAMES B. CARNAHAN
SIMEON R. CARPENTER
PHILIP S. CHAPMAN
BRYAN L. CLARK
REGINALD E. COLES
FREDERICK J. COLLINS
KIM G. COLLINS
CHARLES L. CONDIT
STEPHEN R. COOK
ROBERT F. COOKE
JOHN R. COOPER
TOM L. COTHERN
PAUL F. COTTER
BRETT A. COVINGTON
JAMES H. COVINGTON
DAVID M. COX
JOSEPH L. COX
JOHN R. CRAIG
FLOYD R. CRISP
DONOVAN M. DALEY
JOSEPH DAVIS
RICKY D. DAVIS
DON E. DAWKINS
BRYAN W. DELP
KEVIN J. DERROW
FABRICE W. DERULLIEUX
KENNETH F. DIANOVICH
JAMES H. DICKERSON
MATTHEW DIXON
BRADLEY J. DOUGLASS
BRIAN A. DULONG
GARY F. DUSSEAULT
JEROME C. EATON
MARK R. ETTESVOLD
MARK K. FAGAN
TAMI R. FISHER
RAYMOND J. FITZGIBBON
JOSEPH D. FLYNN
BARBARA L. FRANKLIN
BRUCE H. GILLEY
BYRON A. GINTER II
DAVID R. GONGRE
MICHAEL J. GOUGH
PIERRE J. GRANGER
MICHAEL F. GUYER
KELLEY M. HALL
FRANK A. HAMNER
MICHAEL S. HARRINGTON
ROGER G. HEATER
JOSE L. HERRADOR
NORIS R. HERRINGTON
BRIAN W. HICKS
JEFFREY D. HICKS
NATHAN D. HILLSTROM
DAVID A. HONABACH
ROBERT S. HOUSE
ROBERT E. HUDSON
JEFFREY W. HULSKAMP
ROBERT J. HUNTLEY
SYLVESTER IRVING
THOMAS A. JAMES
GREGORY P. JANCZAK
SCOTT A. JOHNSON
JOHN R. JONES
KEVIN D. JONES
JOHN P. JOURNELL
JOEL D. KENNEDY
ANTHONY B. KENNEMUR
JOHN L. KING
MARK R. KIPPS
DONALD E. KLEIN
ROBERT A. KUBO
PAUL M. KWIATKOWSKI
JAMES F. LEDOGAR
KEVIN D. LEE
RONALD R. LEITNER
RONALD K. LEWIS
NICHOLAS G. LOGHIDES
JAMES K. LOGUE
JOHN K. LONGENECKER
WALLACE G. LOVELY
RHONBDA K. MADDEN
TIMOTHY F. MAKER
SCOTT A. MAPLE
THOMAS J. MARSHALL
MICHAEL W. MARTIN
THOMAS J. MARTIN
SCOTT G. MCCANNELL
CHRISTOPHER A. MCCOY
ROBERT F. MCKINNEY
STEVEN R. MILES
RICKY L. MILLER
VANCE A. MOODY
WILLIAM C. MOORE
MICHAEL A. MORRIS
KEVIN S. MUHS
JOHN C. MURRAY
JOHN J. NEUMAYER
ROY L. NIXON
JOHN S. NORTON
GARY J. NOWICKI
JUDY F. OCASIO
CHARLES D. ODEN
DAVID E. ODONNELL
RICHARD W. OLSEN
MARTIN E. PACE
BOBBY J. PANNELL
CHESTER T. PARKER, JR.
THOMAS M. PERRON
JON E. PETERMAN
STEVEN P. POLILLO
LAWRENCE R. POTTS
LARRY J. PRUITT
JEFFREY PUCKETT
ROBERT A. REIFENBERGER
PETER J. REINAGEL
WILLIAM A. REISHUS
HARRY M. RIDDLE
WILBUR L. ROBERTS
KIMBERLY A. RODDY
EDGARDO RODRIGUEZ
STEVE J. ROERIG
JEAN M. ROGERS
DAVID A. ROSENBLUM
JEFFREY T. RUNNER
TERESA M. RUNYAN
CRAIG R. RUTHERFORD
MICHAEL R. RYAN
JEFFREY L. SCHAFER
DENNIS L. SCHLACHTER
JEFFREY A. SCHMIDT
ROBERT T. SCREPTOCK
KEVIN M. SEARLS
JOSEPH F. SHELTRY
FRANK M. SIDES
MARK D. SIMMS
EDWIN L. SIMS
EDWARD W. SKELLY
CHARLES R. SMITH II
TERRANCE A. SMITH
DENNIS G. SMYTHE
TOMMY S. SOUTHARD
PAUL D. SPEAR
BRAIN D. STECKLER
JAMES R. STOGDILL
TERRY W. STOLZ
MICHAEL A. STONE
CLYDE R. TATUM
TARL W. TAYLOR
RICHARD L. TEETER
JOSEPH M. THOMPSON
JAMES K. TRENTON
ARTHUR R. TUCKER
RUSSELL S. TURNER
ROBERT J. VANDERKRABBEN
GENE T. WALLIS
DAVID M. WEGMAN
DAVID M. WHITE
RONALD W. WHITTINGHAM
MARK T. WILLIAMS
KATHRYN K. WOODALL
JEFFREY R. WOODEN
JAMES R. WYATT
STEVEN E. YOUNG
MIGUEL A. ZAYAS

CONFIRMATIONS

Executive nominations confirmed by the Senate February 2, 1988:

DEPARTMENT OF DEFENSE

GRANT S. GREEN, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

J. DANIEL HOWARD, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10. UNITED STATES CODE:

To be major general

BRIG. GEN. THOMAS R. ELLIOTT, JR., 416-46-1499FG, AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. TIMOTHY T. FLAHERTY, 399-28-6737FG, AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. JOHN R. LAYMAN, 408-50-0311FG, AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. PAUL L. CARROLL, JR., 452-54-1708FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. EDWARD R. CLARK, 115-24-7447FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOE H. ENGLE, 509-33-1098FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. MICHAEL S. HALL, 083-38-9456FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. WALLACE D. HEGG, 501-36-9848FG, AIR NATIONAL GUARD OF THE UNITED STATES.

RICHARD J. IDZKOWSKI, 313-30-5404FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. PHILIP G. KILLEY, 360-30-6901FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. STEPHEN M. KORCHECK, 345-28-8360FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. CHARLES R. LINZ, 429-46-1530FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. RALPH J. MELANCON, SR., 436-44-1149FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. WILLIAM D. NEVILLE, 517-36-4361FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. DONALD J. RYAN, 403-44-6974FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES H. TUTEN, 346-46-2059FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. THOMAS R. WEBB, 443-32-5483FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES T. WHITEHEAD, JR., 149-24-3106FG, AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE NAVY

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. STANLEY R. ARTHUR, 278-30-9765/1310, U.S. NAVY.

THE FOLLOWING NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

ALEXANDER SCOTT LOGAN.
JAMES JOSEPH CAREY.
STANLEY DAVID GRIGGS.
ROBERT SMITH, III.

UNRESTRICTED LINE OFFICER (TAR)

MAURICE JOSEPH BRESNAHAN, JR.,

SPECIAL DUTY OFFICER (CRYPTOLOGY)

THOMAS EDWARD COURNEYA.

MEDICAL CORPS OFFICER

DONALD EUGENE ROY.

DENTAL CORPS OFFICER

JOHN ROWLEY HUBBARD.

JUDGE ADVOCATE GENERAL'S CORPS OFFICER

GERALD ERNEST GILBERT.

SUPPLY CORPS OFFICER

FRANCIS WILLIAM KEANE.

CIVIL ENGINEER CORPS OFFICER

MELVIN HIROAKI CHIOGIOJI.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING RANDY D. ABELE, AND ENDING ALAN L. ZOHNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 15, 1987.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JOSEPH E. STULL, AND ENDING FORREST R. NEWTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING JACK L. LEVENS, AND ENDING JOSEPH S. JABLECKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING CLIFFORD J. HIXON, AND ENDING STEPHEN C. SCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING DOUGLAS R. ARNDT, AND ENDING MARY B. WITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING DANIEL F. BATTAFARANO, AND ENDING ROBERT T. GARBACZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATION OF CLIFFORD L. SIMMANG, WHICH WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING JAMES R. BROWN, AND ENDING RAYMOND K. HINES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS OF MILTON L. SMITH, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING JENNIFER L. CALAGAN, AND ENDING CHARLES R. SOULIERE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING THOMAS J. EGAN, AND ENDING BRENT D. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING ROBERT A. STROUD, AND ENDING ANTONIO R. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING LEWIS W. * AARON, JR, AND ENDING JEREL M. * ZOLTICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE RECORD OF DECEMBER 17, 1987.

ARMY NOMINATIONS BEGINNING JOHN ADAMS, JR, AND ENDING WARD E. ZISCHKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING ROBERT F. BUZBY, JR, AND ENDING THOMAS C. UTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF DECEMBER 17, 1987.

WITHDRAWAL

Executive message received by the Senate February 2, 1988, withdrawing the following nomination from further Senate consideration:

THE JUDICIARY

Robert N. Miller, of Colorado, to be U.S. district judge for the district of Colorado, vice a new position created by Public Law 98-353, approved July 10, 1984, which was sent to the Senate on February 5, 1987.

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EXTENSIONS OF REMARKS

IKLE REPORT'S VISION OF THE FUTURE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. GINGRICH. Mr. Speaker, the recent report of the Ikle Commission on integrated long-term strategy confronts the realities of where we are heading as a world power. On occasion, the Government startles the public by boldly addressing the problems we face in the future. This report is one of those rare instances.

The Ikle report, "Discriminate Deterrence," challenges widely held beliefs of our leading decisionmakers in Washington. It should be used as the focal point of debate by the respective foreign policy and defense committees in Congress. Irving Kristol, one of the most influential intellectuals of our time, feels that too few decisionmakers are "paying serious attention to this crucial document." I hope you will read his recent column on the subject and a summary of the Ikle Commission's main points:

[From the Wall Street Journal, Jan. 21, 1988]

U.S. Foreign Policy Has Outlived Its Time

(By Irving Kristol)

A specter is haunting the foreign policy of the United States—the specter of the status quo. Our statesmen are desperately clinging to past policies that they feel have served us well even as they confront a future that subverts the raisons d'etre of those policies. The post-war era is coming to an end and uncertainty is beginning to infiltrate what seemed only yesterday to be solid principles.

One of the most critical challenges to leadership is to read the signs that announce the status quo has outlived its time. Established habits of thought always tend to prevail over the candid recognition of emerging realities. What is involved is not a failure of intelligence—or even a weakness of will—but a deficiency of imagination, that rarest of faculties in any leadership. It is rare because it is not usually very important. But it becomes crucial at precisely those moments when its absence is most critical—moments that represent turning points in the evolution of policy. At such moments innovation, not coping, is the order of the day.

CHANGING AND NOT CHANGING

Its absence is most evident today in the case of our relations with West Germany, the linchpin of NATO. The INF agreement has removed from German soil a major deterrent against Soviet aggression—nuclear missiles capable of reaching the Soviet Union itself. True, those missiles had been put in place only a few years ago, in an effort to persuade the Soviets to dismantle their medium-range missiles targeted at Western Europe—an effort at persuasion which, to everyone's astonishment and the dismay of some, has been successful. So, in a sense, nothing has changed. After all, the probability of a German government permitting those missiles to be launched, therewith ensuring the nuclear annihilation of the German nation, was always closer to zero than NATO's generals would admit.

Yet, in a sense, everything has changed. For the Soviet Union now seems to have come to the conclusion that nuclear intimidation will not work against Western Europe, and that a radical restructuring of the nuclear threshold is to its advantage. As a result, the INF agreement opens the door to negotiations over the short-range battlefield nuclear weapons now dotted around Germany.

The German government finds itself in a quandary on this issue. There is no doubt that the German people are very uneasy about these weapons, especially if they are to be used, as NATO doctrine prescribes, in case of a successful conventional attack by the Soviets. This would turn Germany into a devastated nuclear battlefield—and to what end? To protect France and Britain and Holland from Soviet occupation? To spare the U.S. the prospect of a Soviet-dominated Western Europe? This is too much to ask.

It is to reduce the likelihood of a successful Soviet conventional attack that the German government now is insisting that future negotiations be unequivocally linked to a unilateral reduction in Soviet conventional forces. But this is a non-starter. Why on earth should the Soviets surrender their superiority at the conventional level while getting nothing in return? They won't.

What can Germany offer them in return? A Germany incorporated into NATO can offer nothing; its allies would not permit it to do so. But a non-NATO Germany might have quite a lot to offer: perhaps, for instance, the withdrawal of American troops and all nuclear weapons from West Germany in return for a united, non-nuclear and neutral (but not disarmed) Germany. Or an independent, nationalist West Germany rearming on a massive scale while having its own nuclear deterrent located in a few submarines at sea. The Soviets would give a lot to avoid that.

What is clear is that Germany has reached a point where it needs a German foreign policy, and can no longer subordinate its national interests to NATO.

This is unknown territory for any German government, which is why the current government dithers and procrastinates. Way back in the German mind is still the hope—unspoken but powerful—that any Soviet aggression would quickly escalate into a Soviet-American nuclear exchange, with the Germans watching the missiles pass overhead in both directions. The presence of those 300,000 American troops and civilians is supposed to guarantee that.

But no one any longer believes in any such scenario. The U.S. is not going to commit national suicide for the sake of Germany any more than Germany can be expected to commit national suicide for the sake of the U.S. Indeed, once the Soviet Union achieved nuclear parity with the U.S., it was utterly predictable that NATO would find itself in this dead end.

Just how a German government will cope with this new agenda in the years ahead remains to be seen. But it is a new agenda, a frightening one in many respects, an unfamiliar one in all respects. The German government will try to deny its existence, as will our State Department and our other West European allies. But one can be sure that the Soviets will insist on its reality, and that this is the reality that will confront the U.S.

It is not only in regard to NATO that the State Department (and the Pentagon, too) is busy trying to deny the new reality. The entire international position of the U.S. has been changing, even while the State Department keeps repeating the same old mantras.

Take the matter of U.S. military bases abroad, a subject that the media dutifully report on but in a very low-keyed way, as if it were one of those transient difficulties that come and go. This one will not go. What is at stake is the kind of world power the U.S. will be in the future, assuming it will wish to remain a world power.

In friendly nation after friendly nation—Spain, Portugal, Greece, Turkey, the Philippines, even South Korea—an American military presence is being called into question. It is important to realize that these "American" bases are not American at all. In each case, the U.S. can make use of them only with the permission of the host country. The assumption behind this arrangement is that their most likely use will be in response to Soviet aggression that posed a clear threat to the host country or its interests. Under those circumstances, permission obviously would be automatic.

But those are not the circumstances that now prevail. These military bases turn out to be needed against smaller client states of the Soviet Union, or simply against anti-American governments that are behaving in an obnoxious way (Libya, for instance). The national security of the host nations is not involved—or they perceive it not to be involved. In any case, their fear of direct Soviet aggression has receded, as they see the Soviets trying to disentangle themselves from Afghanistan while concentrating on an economic reformation. What they do fear is getting entangled in a conflict that serves American interests but not their own. In short, what was once defined as an identity or at least mutuality of interests has ceased to be so. Those "American" bases are rapidly becoming an anachronism.

And what is our response? We offer to pay blackmail—in the form of rent or economic assistance—to those governments in order to protect them against a supposed Soviet threat that they are indifferent to! Even this, however, will not work for much longer, since we never are willing to pay enough. It is a ridiculous and demeaning situation for the U.S.

But how will the U.S. remain a world power, and what kind of world power will it be, without those bases? Obviously, we shall have to redesign our armed forces, redefine our global commitments, rethink our contingency plans. It will be a different world for the U.S.—perhaps better, perhaps worse. The recent report of the Ikle-Wohlstetter Commission confronts the issue of a world in which we are far more likely to be relying on non-nuclear weapons to confront enemies other than the Soviet Union and recommends major reforms of our military preparedness. But there is precious little evidence that anyone is paying serious attention to this crucial document.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONFLICT WILL CONTINUE

The world conflict between the Soviet Union and the U.S.—a conflict with roots in the antithetical ideologies of the two nations—is going to continue, of course. One can assume that the Soviets will continue to make mischief for the U.S. where it is relatively costless to do so. One can hope—with far less assurance—that we will retaliate in kind.

But the major mischiefs we both shall encounter probably will come from a variety of other sources: the collapsing economies and societies of Eastern Europe and Latin America, for instance. So the rules of engagement are changing because the status quo is dissolving. The world is becoming a more problematic place for both superpowers. Ronald Reagan and Mikhail Gorbachev seem aware of this, however dimly. But it will take bolder, more imaginative leadership than either can now provide to navigate the risky, uncharted waters ahead.

The Commission's Main Points

Our strategy must be designed for the long term, to guide force development, weapons procurement, and arms negotiations. Armaments the Pentagon chooses today will serve our forces well into the next century. Arms agreements take years to negotiate and remain in force for decades.

Our strategy must also be integrated. We should not decide in isolation questions about new technology, force structure, mobility and bases, conventional and nuclear arms, extreme threats and Third World conflicts. We need to fit together our plans and forces for a wide range of conflicts, from the lowest intensity and highest probability to the most apocalyptic and least likely.

THE NEXT 20 YEARS

The decades ahead are likely to bring drastic changes: China, perhaps Japan and other countries, will become major military powers. Lesser powers will acquire advanced weaponry, diminishing the relative advantages of both U.S. and Soviet forces. Arms agreements may have a sizable impact on nuclear and conventional forces.

Major U.S. interests will continue to be threatened at fronts much closer to our adversaries than to the United States. Our ability to deter aggression at these distant places will be impaired by uncertainty about allies and friends granting us access to bases and overflight rights, or joining us in defense preparations to respond to ambiguous warning signals. Our difficulties of access may worsen as a result of Third World conflicts that jeopardize U.S. bases or lead to Soviet expansion in areas previously free of Soviet forces.

Military technology will change substantially in the next 20 years. We have depended on nuclear and other advanced weapons to deter attacks on our allies, even as the Soviets have eliminated our nuclear advantage. If Soviet military research continues to exceed our own, it will erode the qualitative edge on which we have long relied.

AN INTEGRATED STRATEGY FOR THE LONG HAUL

The strategy is built on a number of principles, some calling for radical adjustments, some reaffirming key elements in the current defense effort.

We should emphasize a wider range of contingencies than the two extreme threats that have long dominated our alliance policy and force planning: the massive Warsaw Pact attack on Central Europe and an all-out Soviet nuclear attack. By concentrating on these extreme cases, our planners tend to neglect attacks that call for discriminating military responses and the risk that in these situations some allies might opt out.

To help defend our allies and to defend our interest abroad, we cannot rely on threats expected to provoke our own annihilation if carried out. In peacetime, a strategy based on such threats would undermine support for national defense. In a crisis, reliance on such threats could fail catastrophically for lack of public support. We must have militarily effective responses that can limit destruction if we are not to invite destruction of what we are defending.

We must diversify and strengthen our ability to bring discriminating, nonnuclear force to bear where needed in time to defeat aggression. To this end, we and our allies need to exploit emerging technologies of precision, control, and intelligence that can provide our conventional forces with more selective and more effective capabilities for destroying military targets.

Both our conventional and nuclear posture should be based on a mix of offensive and defensive systems. To help deter nuclear attack and to make it safer to reduce offensive arms we need strategic defense. To deter or respond to conventional aggression we need a capability for conventional counteroffensive operations deep into enemy territory.

Control of space in wartime is becoming increasingly important. In a conventional war, our space capabilities—critical for communications, intelligence, and control of our forces—must be made survivable or replaceable. The enemy must be prevented from using space freely to support his targeting of our forces.

We will need capabilities for discriminate nuclear strikes to deter a limited nuclear attack on allied or U.S. forces, and if necessary to stop a massive invasion. Improvements in British and French nuclear forces can contribute to the common defense.

To help protect U.S. interests and allies in the Third World, we will need more of a national consensus on both means and ends. Our means should include:

Security assistance at a higher level and with fewer legislative restrictions that inhibit its effectiveness.

Versatile, mobile forces, minimally dependent on overseas bases, that can deliver precisely controlled strikes against distant military targets.

Allies that help us defend common interests beyond alliance boundaries.

In special cases, U.S. assistance to anti-Communist insurgents who are resisting a hostile regime imposed from the outside or a regime that threatens its neighbors. The free World will not remain free if its options are only to stand still or retreat.

Our arms control policy should give increasing emphasis to conventional reductions. Carefully designed reductions in nuclear arms could lead to a safer balance of offensive and defensive forces. Elimination of the large Soviet advantage in tanks, artillery, and other heavy equipment would help both NATO's security and the Soviet economy, and hence be in the interest of both sides. In order to deter violations, compliance with an arms agreement must be verifiable and backed by an industrial mobilization capacity and the political will to respond effectively in the event the agreement breaks down.

Given the perils and uncertainties facing our nation and our allies in the future, the defense and security assistance budgets should grow at a steady rate commensurate with our growing economy. U.S. defense budgeting in the years ahead should be guided by the strategic priorities outlined, permitting economies in some areas and providing needed enhancement in others. In periods when the U.S. defense budget does not increase, we must support continued growth in the equipment that makes our ships, aircraft and other "platforms" more effective—such as advanced non-nuclear munitions, conventionally armed tactical missiles, sensors and communications systems.

The principles above imply change. But our strategy also includes many things that will not change:

We must maintain a mix of survivable strategic offensive arms and command and control capabilities that can, in all circumstances, respond to and thus deter a massive nuclear attack intended to eliminate our nuclear forces and other targets.

In the future, even more than in the last forty years, the United States will need its allies to share the risks and burdens of the common defense.

We will seek to contain Soviet expansion in any region of the world.

We will need forward deployed forces in some critical, threatened areas.

We will maintain as a reinforcement capability mobile active and reserve components in the United States.

With forces much smaller than those of the Soviets, we must not only continue to field better equipment, but we must also maintain the high quality, superior training and excellence in leadership of the men and women who serve in our armed forces.

THE ORANGE COUNTY ACADEMIC DECATHLON

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. DORNAN of California. Mr. Speaker, last week, in his seventh State of the Union Address since being elected President in 1980, Ronald Reagan told the American people that the "the most important thing we can do is to reaffirm that control of our schools belongs to the States, local communities and, most of all, parents and teachers."

President Reagan's views on improving the quality of education in America is based on the belief that parents and educators are more qualified than Federal bureaucrats to recognize and respond to the educational needs of our children. Although this view of education places a tremendous burden of responsibility on the shoulders of local communities, we have seen the American people rise

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to the challenge, take the responsibility, and achieve excellence in education.

Twenty years ago, Dr. Robert Peterson, superintendent of the Department of Education in Orange County, CA, rose to the challenge. In an attempt to give scholastic achievement some of the recognition and social status that is usually reserved for sports, Dr. Peterson created the Orange County Academic Decathlon—a decathlon of the mind. The academic decathlon is a program in which high school students, from various academic levels, compete as they test their knowledge of English composition, mathematics, economics, fine arts, interview techniques, language and literature, science, social science, speech, and a special super quiz on the history of flight.

Under the leadership of Dr. Peterson, and with the help of educators, parents, and community volunteers, the academic decathlon has grown into a nationwide program that includes more than 75,000 students from 45 States.

On February 18, at an awards banquet in Anaheim, CA, more than 110 awards will be presented to individual students and school teams from Orange County. The overall winning team will receive a trophy and plaque, and advance to represent Orange County at the California Academic Decathlon.

As we in the U.S. Congress grapple to find solutions to our Nation's education problems, I hope that the academic decathlon, and programs like it that have enriched the educational experience of our youth, will serve as a reminder that more Federal intervention is not always the solution. As demonstrated by Dr. Peterson, and the students and volunteers who have made the academic decathlon a success, the solutions lie in a dedication to quality and excellence that can only be found in our local communities.

On behalf of my colleagues in the U.S. House of Representatives, I would like to congratulate the Orange County Academic Decathlon and the Academic Decathlon Association, which raises the private funds to finance the program, on 20 years of a job well done.

ROBERT COSTER MUST NEVER BE FORGOTTEN

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mrs. BENTLEY. Mr. Speaker, America is a land of hero worshippers. When we are young these heroes originate in the pages of comic books, movies, or TV shows. When we are older, however, these heroes are people just like us. They are ordinary people who eat, work, love, hurt, and act out everyday dramas similar to those performed by the next guy. What makes them heroes, however, is the fact that opportunities have arisen in which they had the chance to perform some deed or act which can be classified as brave, noble, or—most of all—self sacrificing.

When one of those heroes makes the supreme sacrifice, the way in which we honor his or her memory is almost ritualistic. Ceremonies are held, flags are presented, speeches are read, and articles appear in all the papers. However, after a while all the attention dies down, and the public tends to forget. The family never forgets, though. The loss of a loved one is still a loss, despite the fact that the loved one died heroically.

This month marks the sixth anniversary of the death of a Maryland hero, and I would like to pay homage to his memory. Though much time has passed since Robert Coster, Jr., lost his life saving others, the pure heroism of his act—and the sense of loss felt by his family and friends—is still just as strong today as it was 6 years ago.

It was a snowy New Year's Day, and Robert Coster was staying with a group of friends at a chalet in western Maryland. They had all turned in early, anxious for a day of skiing to help ring in the New Year.

Suddenly a fire started on the first floor. Robert Coster dashed wildly from room to room, trying to awaken his sleeping friends. As the chalet erupted into a blazing inferno around him, Coster—without any regard for his own safety—lept through smoke and flames to save his friends.

As people emerged from the deathtrap, Coster's voice pierced the cold night air with cries of, "My God . . . I have got to get that little girl out." He charged directly into the flames and managed to bring several children to safety.

Robert eventually emerged from the house and collapsed into the snow. His skin was so burned that it singed his girlfriend's hand to touch it. Third degree burns covered 66 percent of his body, and he was put on a respirator once he reached the hospital.

He died 2 weeks later, leaving behind three children.

The legacy of his actions still lives today. There are a group of people alive today because of his selflessness and heroism. There is also a family without one of its members.

People like Robert Coster must never be forgotten, because their memory is all that is left of them. They gave everything; we at least owe them the courtesy of keeping their memory alive. While it is true that America is a Nation of hero worshippers, it must be remembered that we will forget exactly what a hero is if we don't keep in mind the individual heroes themselves.

It's an honor to sing their songs of praise.

LET'S HONOR OUR NATION'S CONSTITUTION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. RICHARDSON. Mr. Speaker, I would like to share the following resolution from Dr. John Stapp of Alamogordo, NM, with my colleagues for their consideration. Dr. Stapp is a distinguished retired colonel currently living in Alamogordo, NM. He has received many awards including an award for outstanding research by an Air Force officer, an award for outstanding service in space and aviation, and the John Jeffries award for medical research to name just a few of this accomplishments. He has also been elected to the International Space Hall of Fame.

His proposed resolution, which was drafted last year and only recently brought to my attention, suggests that we honor our Nation's Constitution by including a pledge to it in the Pledge of Allegiance. I think that this idea is worth serious consideration because it will remind us of the debt we owe our Founding Fathers and the benefits we derive from our Constitution. I am inserting it in the CONGRESSIONAL RECORD for the review of my colleagues:

A RESOLUTION TO AMEND THE PLEDGE OF ALLEGIANCE TO INCLUDE A PLEDGE TO THE U.S. CONSTITUTION

Whereas, on this 12th of October, 1987 we celebrate the discovery of America 495 years ago by Christopher Columbus;

And Whereas, on this date in 1892, the school children of America first uttered the Pledge of Allegiance to the flag of the United States; let it be

Resolved, that the words "and Constitution" be added following the word "flag", and the word "they" replace the word "it" in the Pledge of Allegiance, so that the altered version reads:

"I pledge allegiance to the flag and Constitution of the United States of America, and to the Republic for which they stand, one nation under God, indivisible, with liberty and justice for all."

On this, the 95th anniversary of the pledge, these changes are a lasting and appropriate memorial for the 200th year of our Constitution.

Thereby, we the people not only declare our patriotic loyalty to our flag, but proclaim our support of the Government and our commitment to the rule of law established by our Constitution. Thus, we the people take an oath of office as citizens whenever we pledge allegiance to our flag and our Constitution.

APPLAUD TURKEY AND GREECE MEETING AT DAVOS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. LEHMAN of Florida. Mr. Speaker, I recently returned from Turkey where I met with reelected Prime Minister Turgut Ozal and other Turkish leaders and parliamentarians. The Prime Minister told me that he would do everything to meet with Greek Prime Minister Papandreou at Davos, Switzerland at the end of January. I am very gratified to learn that this meeting has indeed taken place and that these leaders of our NATO allies have formally agreed to work toward the improvement of bilateral relations. The confidence-building measures agreed to will foster the cooperative spirit and good will so essential to resolving issues of mutual concern.

I would like to share with my colleagues the text of the New York Times report on this historic meeting. The hope that we all have for a peaceful resolution of regional differences between Greece and Turkey may now begin to be fulfilled.

[The article follows:]

[From the New York Times, Feb. 1, 1988]

CHIEFS REACH A GREEK-TURKISH ACCORD

(By Steven Greenhouse)

DAVOS, SWITZERLAND, Jan. 31.—After meeting in this Alpine ski resort, the Prime Ministers of Greece and Turkey announced what they said was an important agreement today to help bring peace and cooperation to their traditionally hostile countries.

Prime Minister Andreas G. Papandreou of Greece and Prime Minister Turgut Ozal of Turkey agreed to meet at least once a year and said they would set up committees to foster economic cooperation and discuss mutual problems.

In addition, the two leaders said a crisis like the one last spring over mineral and terroritorial rights in the Aegean "should never be repeated and both sides must concentrate their efforts for the establishment of lasting peaceful relations."

A GREAT EVENT

"It is a great event for the two nations." Mr. Papandreou said for the agreement. "Differences may be differences but they should not interfere with relations between the two countries." The two men were in this Swiss resort for the weeklong World Economic Forum, an annual conference of government officials and business executives.

Several Greek and Turkish Government officials said the agreement did not resolve such longstanding disputes as those over Aegean territorial claims and Cyprus, but it did set up a mechanism to begin to resolve them. Privately, the officials said the agreement did not guarantee peace and friendship but was an important step in that direction.

In a joint communiqué issued this afternoon after 3½ hours of talks today and 90 minutes of talks Saturday, the two leaders said that "the creation of improved relations and confidence would require resolve, time and hard work."

Mr. Ozal, who called the agreement achieved today a "breakthrough," said the Cyprus dispute would take years to resolve. The two nations have feuded heatedly over Cyprus since Turkey invaded in 1974, and tensions were aggravated in 1983 when Turkey gave its backing to a secession effort by one part of the island. "It will take time, three to five years, to begin addressing and solving some of these substantial problems," the Turkish leader said.

POLITICS AND TRADE

According to Government officials and diplomats here, Mr. Papandreou was eager for such an agreement because it would help him present himself as a man of peace during elections that are expected during the next year in Greece. As for Prime Minister Ozal, such an accord is expected to give some impetus to Turkey's efforts to be accepted into the European community. By spurring trade, the rapproachment between the two nations is also expected to spur their economies.

The Prime Minister said the two nations would set up a committee to "define the problem areas" between them and "explore the possibilities of closing the gap and move toward lasting solutions." The communiqué said the Prime Ministers would review the committee's progress.

They also agreed to establish a committee to explore cooperation in joint ventures, trade, tourism, communications and cultural exchanges. In addition, the leaders said they would establish a joint chamber of commerce and industry and would seek to increase contacts among business executives and civilian and military officials.

The Prime Ministers said they would meet at least once a year in reciprocal visits. Mr. Papandreou said the first visit would be by Mr. Ozal to Athens. The two officials also agreed to set up a direct telephone line.

CALL FOR MORE CONTACTS

In addition, they called on their ambassadors to international organizations to increase contacts, with the aim of improving cooperation.

In their communiqué, the two leaders said that at their meetings they "gave their views of Turco-Greek relations, starting from a historical perspective and their deterioration in time." They added that they "reiterated their respective positions on issues of bilateral and regional interest."

The communiqué said: "The Prime Ministers agreed that rigid frames of mind have been created in various segments of their societies in relation to existing issues. They noted that this is the case even in textbooks."

ONEIDA BERLENE BRANCH, A FOUNDING SPIRIT OF EAST PALO ALTO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. LANTOS. Mr. Speaker, as we enter the second year of the 200th anniversary celebration of the U.S. Constitution, that peerless blueprint for self-governance, it is most appropriate that we also celebrate the great work done by the people who set the standards of hard work and dedication for all of us. I mean, of course, the founding families of the peninsula.

The 11th Congressional District, which I have the privilege to represent, has benefited greatly from the largely unrecognized efforts of our first families, all men and women of vision, strength, and perseverance.

This description is particularly fitting for the person we honor here today, Oneida Berlene Branch, whose personal motto is:

"You are not really living until you live for others."

Born in Louisiana, Mrs. Branch, who was the youngest of three children, was orphaned at 3 months of age, but was adopted by a wonderful family who loved and cared for her. She became a Christian at age 6. She is a graduate of Leland College after having grown up in the Chicago area.

She is the mother of five sons—Israel, Erwin, Whitney, Gerald and Nathaniel. Her first husband, Israel Dabney, died when she was 30 years old, and she was remarried 2 years later to the Reverend James Branch. The Reverend Branch adopted her youngest, Nathaniel. The other four sons had reached adulthood.

The Reverend Branch moved the family—all except Israel, who remained in Chicago—to San Francisco, where he became cominister of St. John's Baptist Church. Many members of the church were moving from the city to East Palo Alto during this period. The Reverend Branch was asked to form a mission church in East Palo Alto to serve these parishioners and save them a long trip each Sunday to San Francisco.

In November 1955, the family moved to East Palo Alto, a community in transition. As black families moved into the community, whites moved out, creating severe economic dislocations. Despite financial hardships, a church was started, meetings held in garages and living rooms until use of the Carpenters' Union Hall was gained for 18 months. After many false starts and disappointments, a home for a new St. John's Baptist Church was finally settled in 1958 in a building formerly used by St. Paul's Church.

Mrs. Branch continued her community outreach work during this period, setting up the first food bank, writing a newsletter that obtained donations of food and clothing for the town that had severe economic problems. Students from Stanford University and people from St. Albert the Great Church were enlisted for work in the food bank and regular holiday meals Mrs. Branch cooked and served.

Meantime, Nathaniel—most called him by this time—was enrolled in elementary school and later went on to Ravenswood High, where he first gained attention as an athlete, particularly in basketball, and then went on to the University of Nebraska and then to the Harlem Globetrotters, where he gained still more fame.

Mrs. Branch's other sons also became successful; one works for the FBI, another in insurance and another in another branch of law enforcement.

Mrs. Branch, who now has 17 grandchildren and great-grandchildren, has always kept a busy schedule of public service. She was the first black president of Church Women United, Menlo Park-Palo Alto Council, served on the Ravenswood School District Board, the Drew Health Center Board, the Redwood City Planning Commission, Mothers for Equal Education, Beautification Committee chairperson, and on United Flame that had child care centers, food banks and summer camp programs.

Mrs. Branch also played a key role in forming the East Palo Alto community service program in which Frank Crist donated legal services and Louis Rapp provided office space.

Her most famous effort at cleaning up her town's image was on Willow Road, where the community service office was located. Dismayed at conditions there and unable to persuade anyone to help clean up the street, Mrs. Branch set out one morning armed only with a Bible and a rake. Within an hour of her attack on the litter and trash along the street, others came to her aid. Individuals came out with their own tools and the L.C. Smith Construction Co. sent a truck with a crew to help clean up. They also eliminated an old tree that drug dealers and other unsavory characters had used as shade for their illicit traffic.

Mrs. Branch, we take great pride in recognizing your continuing work by example and deed to create and maintain a wholesome community all can enjoy and love.

To Oneida Berlene Branch, we bestow this award as a Founding Family of East Palo Alto.

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AFGHANISTAN'S TERRIBLE HOUR OF NEED

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. HUNTER. Mr. Speaker, if one searches for the greatest need for health care in the world today, the conclusion would be that it is found in Afghanistan. When the Russians invaded that country in December 1979, they immediately imprisoned Western-trained doctors, executed many, and drove others out of the country. Since then, the Russians have killed more than 1 million Afghan men, women, and children, and driven more than 4 million into U.N. refugee camps outside that country.

Along with this, the Russians have destroyed entire villages, polluted water supplies, burned grain fields and orchards, and in their genocide of the Afghan people, made them the target for disease and malnutrition unknown before the Russian invasion. Today, the death rate for Afghan children is the highest in the world.

At the same time the Russians are bombing, strafing, and mining Afghanistan, they are also denying the Red Cross, the United Nations, and other international groups the right of entry into that country. Medical units in the unoccupied part of the country have been regularly attacked and destroyed, and Western newsmen imprisoned or killed.

In that desperate country, the International Medical Corps provides medical help for the Afghan Mujahedin and some 40 clinics, most of them located in caves to escape detection and destruction by the Russians. To man these clinics and to provide future health care in Afghanistan, the IMC has a training school in Peshawar, Pakistan, where it trains young Afghans to become medics, in an 8-month course, with American volunteer doctors and nurses as instructors. At this IMC school, as part of their training, teams of Afghan students, interpreters, and doctors, examine and treat daily, hundreds of Afghan men, women, and children from the nearby refugee camps.

I wish to publicly thank several volunteers from my area of California who have recently returned from Peshawar. Dr. Don Sharp, and Cathy Fleming, a nurse practitioner, left their jobs at the Kaiser Permanente Center in San Diego to teach at the IMC school in Peshawar. While living in Afghanistan, their pay, as is true of all IMC instructing physicians and nurses, was $48 per month. They lived as all other instructors do, in a compound guarded 24 hours a day. This was necessitated by KGB-incited attacks against those helping the Afghans in resisting genocide by the Russians in Afghanistan.

Ralph Hodges and his wife Diane recently spent 2 weeks of their vacation making training films for IMC in Peshawar. Ralph is client services director for KFMB–TV in San Diego. He has long been a leader in his industry, serving as chairman of the national issues committee of the national Academy of Television Arts and Sciences, of which he is a former vice president, and currently a trustee. His association with the film industry began when he was 7 years old and a star in the "Our Gang" comedy series. He created and directed several network series and has received two regional "Emmy" awards for documentaries.

In Peshawar, Ralph did the filming and Diane operated the sound and video units. They lived in the same guarded compound as the medical volunteers from the United States. The IMC is indeed fortunate to have this San Diego team making their training film. It will have the highest professional quality and the lowest possible cost because of the Hodges' contribution of their time and considerable talent.

Bob Fryer, of my area, is another who was in Peshawar recently, helping solve some of the IMC computer problems. Bob was also in Peshawar 2 years ago contributing his technical expertise for IMC.

Larry Dickson first went to Peshawar in 1984 and is the originator of the Afghan Help Organization, which staged the meeting in San Diego that resulted in introducing the IMC to the local community. Larry is currently treasurer of the San Diego chapter of the IMC. Not long ago, when the treasury needed replenishing, Larry Dickson made the largest single contribution in the chapter's history.

Hassan Nouri, vice chairman of the Los Angeles IMC, is an Afghan who has a successful engineering business in this country and has relatives still living in Afghanistan. He gives unselfishly of his time here and is the bulwark for the school in Peshawar. Sayed Nair, vice president of the San Diego IMC chapter, organized the community support of housing, transportation, and other needs for Mohammed Aseel, a 16-year-old freedom fighter recently in San Diego's Sharp Hospital for special treatment of his war wounds. His treatment was a part of the McCullon program.

These American volunteers and others, who have come forward in this terrible hour of need by the Afghans, deserve the highest praise and thanks from all of us who value freedom and condemn the genocide now being waged against the Afghan people.

DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S WEEKLY RADIO BROADCAST

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. FOLEY. Mr. Speaker, I commend to the House the excellent remarks of the gentleman from Missouri, in response to the President last Saturday.

REMARKS OF HON. RICHARD A. GEPHARDT, DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S WEEKLY RADIO BROADCAST, JANUARY 30, 1988

Since 1981, this country has committed more than $200 million to overthrowing the government of a nation of less than four million people. The Contra war is wrong—it is clear that it cannot be won—and the Administration's only answer to this failure is more of the same.

We now hear from the authors of the war that additional bombs and bullets will be the path to peace.

The truth is—the Administration did not seek the present negotiations; the peace process was not created by the President of the United States, but by the President of Costa Rica. And in accepting the Nobel Peace Prize, President Arias told the world that President Reagan "knows very well that the Contras are the problem and not the solution."

Contra aid has become a policy in search of a reason.

The way to greater freedom in Nicaragua is not greater firepower for the Contras. The Arias Plan has brought in six months something the Contras could not achieve in six years—a reversal in the trend toward repression inside Nicaragua. Contra aid now would only strengthen the case and the hand of those among the Sandinistas who resist concessions and compromise.

President Arias has also warned that if such aid continues, the conflict will widen into the rest of the region. And we know that as the region militarizes, the first casualties will be the fragile democracies there which the Administration professes to be protecting. The leaders of all five Central American Republics have called for an end to Contra aid. So have our allies in all of Latin America.

On this issue, this Administration is not only at odds with our own people, but with the entire hemisphere. And the President's so-called humanitarian aid includes aircraft that will also carry the military supplies to kill human beings.

Who will die if the Administration prevails on Contra aid? Not primarily soldiers in the Nicaraguan Army. One of this country's leading newspapers describes the Contras as "a military force that, when it does fight, often kills, shoots, and kidnaps unarmed civilians, including children and pregnant women, and ransacks, and burns peasant houses." Are these the freedom fighters of whom the President speaks?

Why does the Administration cling so senselessly to the Contras? Perhaps it regards the policy as proof of American power. But at a time when our trade deficit is widening and our economic influence is waning across the world, this war against a small nation is not an assertion of strength, but a confession of weakness. Assaulting the Sandinistas is no substitute for solving America's mounting problems—at home and overseas. We need to meet the challenge of exporting more products, not exporting more war.

I have opposed Contra aid from the beginning—and so have most of the Democrats in the House and the Senate, and a number of courageous Republicans who have broken Party ranks. I believe that this year, we will prevail—and that our vote for peace will mark not only an end, but a beginning.

We are committed to a different and better involvement in Central America. We believe that our country has something more to offer than guns. We can and should work with the nations of the region not as subordinates, but as equal partners, in a second alliance for progress—an alliance for social change, for economic opportunity and justice. The most dangerous enemies we face in this hemisphere, and in so many places elsewhere, are poverty, hunger, and despair.

We came to the present situation—and the Sandinistas came to power—in large part because for so long we supported the Somoza dictatorship in Nicaragua. The same betrayal of our national ideals has given aid and comfort to the Pinochet

regime in Chile and the apartheid regime in South Africa.

It is time for America to be America again—to redeploy the force of our ideals—which are the most important weapons in the arsenal of freedom.

The President's policy will not bring pressure for peace, but the escalation of war. The Administration wants to capture Nicaragua. Instead let us recapture the true place and power of this country as a source of hope and human rights.

Let us insist that a strong defense does not mean a war that weakens the nation.

Let us resist the call to shoot our way to peace in Central America.

Let us resolve to make our America equal once again to the words which his brother spoke of Robert Kennedy. "Let it be said of us, this Congress and this country, at this time, that we saw wrong and tried to right it, that we saw suffering and tried to heal it, that we saw war and tried to stop it."

THE ASBESTOS HAZARD EMERGENCY RESPONSE ACT OF 1986

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. FIELDS. Mr. Speaker, today I am joining my colleague from Ohio [Mr. OXLEY], in introducing legislation to ensure the safe and complete inspection and response actions regarding asbestos-containing material in our Nation's schools by extending certain statutory deadlines in the 1986 Asbestos Hazard Emergency Response Act (AHERA).

The extension of the deadlines is necessary to ensure that the goal of AHERA is met. The goal of AHERA is to ensure—finally—that school buildings have been appropriately and adequately inspected for asbestos and that the plans for the management of asbestos hopefully will eliminate—not increase—the hazard presented by asbestos. The act stressed that this be accomplished in a safe and complete manner.

The Asbestos Hazard Emergency Response Act (AHERA), which I fully supported, was signed into law on October 22, 1986 (Public Law 99–519). The law requires the Environmental Protection Agency to issue rules requiring inspection and periodic reinspection of schools for asbestos-containing material, development of school management plans, and response actions for hazardous materials in schools.

Specifically, the law contains four major requirements: (1) all schools must be inspected by accredited inspectors to identify and inventory the location of all asbestos-containing materials; (2) plans for repair, encapsulation, enclosure or removal of all asbestos-containing materials must be submitted to the Governors by October 1988 and implemented by July 1989; (3) all asbestos-containing materials not removed must be reinspected every 6 months; and (4) States must establish accreditation programs for persons involved with the inspections.

AHERA's statutory timetable is causing problems in school districts around the country, and particularly in my State of Texas, which has 1,065 public school districts and more than 900 private schools that are subject to the requirements of the act. School officials are seriously concerned that the too tight timeframe will cause inspections and response action to be performed in an unsafe and incomplete manner—directly contrary to the act's goal.

Let me use Texas as an example. The regulations issued by the EPA in October 1987 correctly assume that many school districts will want to self-manage at least part of the assessment and management plan process. Pursuant to this assumption, EPA has designated approved training programs to accredit asbestos inspector and management planning personnel. However, only two such training schools have been approved in Texas—far too few to train personnel from 1,065 public districts and 900 private schools.

Although additional classes have been scheduled, the two programs can handle no more than one-third of those personnel who may require accredited asbestos inspector training. Therefore, it is not possible for the majority of public schools districts in Texas to self-manage the process within the timeframe set by AHERA.

This then presents further problems. School districts whose budgets were set for 1988 prior to the issuance of final regulations, find themselves in the no-win situation of accepting inflated contracting costs—due to the high demand caused by law—or facing fines and penalties under AHERA. For example, I heard of one situation in Texas where a small district containing five buildings requiring inspection received a bid from a contractor for $125,000. When the school district official checked with others knowledgeable, he was told that the cost would probably be about $5,000 if the district could self-manage the process. Obviously, this is not a small difference. On the other hand, failure to comply with the deadlines or other aspects of the regulations can result in fines of up to $5,000 per day. Criminal charges also may be filed against school district officials.

AHERA requires that asbestos samples obtained during inspection be analyzed by EPA-approved laboratories. Texas school districts own more than 25,000 buildings, containing more than 400 million square feet of space. The Texas Department of Health has estimated that analysis would have to be performed on about 90,000 samples. One survey has shown that Texas currently has a sample processing capacity of about 10,000 samples per month. Due to the statutory timetable, there may be only about 4 months during which sampling will occur. Due to processing limitations, there could be a sampling backlog of 50,000 unprocessed samples by August 1, 1988. It would then be extremely difficult for school districts to develop final management plans by October 12, 1988.

Additionally, this backlog would not be evenly distributed among laboratories. Laboratory fees range from $16 to $45 per sample for the same type of analysis. The lowest fee is charged by the Texas Department of Health [TDH]. The next lowest fee charged by a private lab is $18 per sample. Certainly school districts must minimize cost wherever possible. TDH believes it could keep its fee low if there were time to increase its capacity. This also would stimulate competition, resulting in less discrepancy in fees.

Mr. Speaker, according to TDH, a laboratory technician cannot analyze more than 12 samples per day without possibly incurring eye strain. However, in the survey mentioned earlier, some laboratories said they could deliver 80 sample analyses per day per person. Certainly such a dramatic increase in the number of analyses performed is not in the best interests of the lab technicians. Nor is it in the best interest of the districts whose samples would be analyzed by these labs, for more asbestos could go undetected as volume increases beyond reasonable levels.

Finally, Mr. Speaker, in Texas the Department of Health is designated as the reviewer of management plans. Under the law, the TDH will have 90 days to disapprove a plan. If TDH misses that 90-day cut-off, the plan is automatically approved. With 1,065 plans to approve, it is highly likely that some plans will not be reviewed within the 90 days, therefore allowing inadequate plans to be approved.

Mr. Speaker, the situations I have outlined are contrary to the purpose of the Asbestos Hazard Emergency Response Act—the establishment of Federal regulations which require inspection for asbestos-containing material and implementation of appropriate response actions with respect to asbestos-containing material in the Nation's schools in a safe and complete manner.

Mr. Speaker, I invite you and all of my colleagues in the House to join Mr. OXLEY and me in support of ensuring that asbestos hazards in schools are managed in a safe and complete manner. I urge you to cosponsor the legislation which has been introduced today to extend the relevant statutory deadlines in the Asbestos Hazard Emergency Response Act.

CONGRESSIONAL SALUTE TO PATERSON KENNEDY FOOTBALL TEAM ON WINNING NEW JERSEY STATE CHAMPIONSHIP

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. ROE. Mr. Speaker, it is with great pride that I rise today to salute the football team at John F. Kennedy High School in Paterson, NJ, which is in the heart of my Eighth District of New Jersey. During the 1987 scholastic football season, the Knights of Paterson Kennedy turned in one of the most outstanding performances in New Jersey high school football.

This excellent team, coached by Frank Bonadies, compiled an undefeated record, 10–0–1, playing against some of the toughest competition in the State. Paterson Kennedy High School capped this great season by winning the North Jersey, section 1, group 4 State championship with a 13 to 6 victory over Bayonne in the title game.

Paterson Kennedy High School's record included six shutouts. Overall, the team surrendered a total of only 50 points in 1987, meaning their opponents scored, on the average, less than 5 points per game.

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Friends, family, and members of the Paterson community will honor the outstanding accomplishments of this fine team with a dinner this Sunday, February 7, 1988, at the Brownstone House in Paterson. More than 500 people are expected to attend, and all of the honors that are being bestowed upon the Paterson Kennedy High School team, its coaches, and supporters, are most certainly well deserved.

For the record, I would like to list the coaches and players of Paterson Kennedy. During the season, Frank Bonadies was capably assisted by Mr. Steve Simonetti, Mr. William Pursley, Mr. Kevin Bashaw, Mr. John Rotella, Mr. Josiah Donovan, Mr. Ron Bligh and Mr. Gerard Hill, as well as by equipment manager Peter Festa.

Squad members included Dante Noble, Jerome Harris, Michael Patterson, Antoine Barrett, Cameron Bogen, Michael Jackson, Vincent Freemen, Daryll Tyson, Keith Bocote, Marcus Banks, Ronald Jackson, Charles Hill, Andrew "Tex" Johnson, Ken Moultrie, Brian Morgan, Dietrich Fields, Teshon Hayes, DeVon McDonald, Gerard Crowe, Frank Jacobsen, Shawn Belton, Ronald Brand, Dedrick Williams, Robert Clark, Eddie Williams, Howard Baldwin, Jay Joyner, Ali McDaniel, Akram Hamad, Ellis Graham, Chris Villaplana, Rinado Thomas, Kevin Jackson, and Marvin Whitaker.

Mr. Speaker, I invite you and all of my colleagues to join me in extending heartiest congratulations to the Paterson Kennedy football team for its remarkable accomplishments during the 1987 season.

CANADIAN FREE TRADE AGREEMENT MAY OPEN NEW DOORS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. GINGRICH. Mr. Speaker, the recent United States-Canada Free Trade Agreement signed this month may provide a unique opportunity for us to break down more international trade barriers. Washington Post columnist Hobart Rowen recently pointed out that this agreement may help us negotiate further reductions in trade barriers in the ongoing GATT talks in Uruguay.

I hope this agreement with Canada will be the wave of the future in our trade relations with other nations. Hopefully, the Senate will ratify the treaty and then the administration can negotiate along the lines of the Kemp-Gramm bill to create a North American free trade zone. I highly recommend Mr. Rowen's fine column on the opportunities created by our new agreement with the Canadians.

[From the Washington Post, Jan. 10, 1988]

CANADIAN PACT OPENS WAY FOR OTHER ACCORDS

(By Hobart Rowen)

When President Reagan and Prime Minister Brian Mulroney signed the United States-Canada Free Trade Agreement on Jan. 2, they did more than start a process that could phase out practically all tariff barriers between the two nations over the decade beginning in 1989.

Their deal will give an impetus to other bilateral trade negotiations and offer a challenge to the GATT-multilateral system, which as University of Maryland trade expert Paul Wonnacott said, "served the world well for the past 30 years, but may now have run out of steam."

To be sure, as Wonnacott pointed out in an interview, the circumstances and long history of the U.S.-Canadian relationship are unique, and therefore it may be easy to exaggerate the ease with which the two countries' trade pact may be duplicated. But for Canada and the United States, as Treasury Secretary James A. Baker III claims in the current issue of the magazine International Economy, it is "a win-win enterprise.".

Outside of North America, in Japan and Europe especially, the U.S.-Canadian pact may be challenged as antithetical to the principle of multilateral trade, and to the concept of the most-favored-nation (MFN) principle that has underpinned U.S. trade policy and the General Agreement on Tariffs and Trade (GATT), the international compact that regulates global commerce.

Asian auto producers could have a special problem with the pact: to qualify for zero tariffs across either border, manufacturers in either country will have to make sure that the products from any new investment have as much as 50 percent North American content. Autos made in existing facilities that presently qualify for duty-free treatment under performance tests set up by a 1965 auto pact will continue to do so. The idea, of course, is to prevent a country such as South Korea from setting up an assembly-line auto operation with low North American content and enjoying the duty-free privilege.

GATT recognizes and accepts free trade agreements and custom unions. Moreover, in the real world of the 1970s and 1980s, GATT has turned the other cheek to quotas and other nontariff barriers that effectively scuttled the interest of third nations, who were supposed to be protected by the MFN principle.

The new pact gives Canadian and U.S. manufacturers a bigger potential common market and the consequent advantages of larger production runs. And the enlarged North American free trade area should allow manufacturers to boost their export sales into an increasingly competitive world market and to meet the competition here and in Canada from Japan and Europe.

Baker openly is seeking to use the U.S.-Canadian deal as a lever to get a better response from recalcitrant partners in the GATT system. The United States already has a two-year-old free trade agreement with Israel, and some trade experts wonder whether a U.S.-Japan agreement, or a U.S.-Taiwan pact, and so on, may now be feasible.

In fact, U.S. trade negotiators, long impatient with the slow-moving international trade bureaucracy represented by GATT, have warned for the past few years that if global trading rules can't be liberalized—and expanded to the increasingly important area of services—the United States will pursue trade agreements on bilateral lines.

William E. Brock first tossed out that idea three years ago at a Paris conference when he was the frustrated U.S. trade representative, fighting the protectionist tendencies of the European Community. At an Organization for Economic Cooperation and Development meeting, he told some of his European counterparts that if they refused to free up their rules on agriculture and trade in services, the United States would go its own way. His successor, Clayton Yeutter, has taken up the cry.

Now Baker has made the Brock-Yeutter warnings explicit. Baker wrote in International Economy that if the new Uruguay Round for liberalization with GATT doesn't pan out, "we might be willing to explore a 'market liberalization club' approach, through minilateral arrangements or a series of bilateral agreements."

The U.S.-Canadian agreement, Baker said, is "a lever to achieve more open trade. Other nations are forced to recognize that the United States will devise ways to expand trade—with or without them." That's playing hardball, and it can be assumed that other nations are paying attention.

For Canada and the United States, the outlook should be nothing but bright. The United States already is Canada's largest export customer, and Canada takes 20 percent of this country's exports. The bilateral merchandise trade (export plus imports) totaled $125 billion (in U.S. dollars) in 1985 compared with only $88 billion between the United States and Japan, and $108 billion between the United States and all 10 members of the European Community.

The prospect now is that the free trade agreement will pull Canada and the United States ever closer together. For Japan to participate more fully in the combined U.S.-Canadian market, it will have to liberalize its trade barriers in exchange for North American concessions, as Edwin L. Hudgins of the Heritage Foundation pointed out.

U.S Ambassador to Japan Mike Mansfield has suggested that the United States and Japan might work out a free trade agreement of their own. But a Japan-U.S. agreement is a far-away dream. Even the U.S.-Canadian deal, we should remember, is not yet home free, because protectionists in the United States and Canada will continue to fight it.

AMERICAN COALITION FOR
TRADE EXPANSION WITH CANADA,
Washington, DC, January 25, 1988.

Hon. NEWT GINGRICH,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE GINGRICH: The U.S.-Canada Free Trade Agreement signed by President Reagan and Prime Minister Mulroney on January 2 is a major accomplishment. While neither side got everything it wanted, the agreement is quite comprehensive, and sets the stage for further trade liberalization both bilaterally and multilaterally. The agreement:

Eliminates all tariffs.

Establishes a North American free market for energy.

Improves access for U.S. investors in Canada.

Provides for freer trade in services, including financial services.

The economic benefits of this agreement will be shared by consumers and business, both large and small, throughout the United States. It will stimulate new economic activity in both countries, make us more competitive in world markets, and strengthen the overall U.S.-Canada bilateral relationship, which is critical.

Attached is a backgrounder and a summary of the agreement prepared for the American Coalition for Trade Expansion with Canada (ACTE-CAN), a group of more than 500 businesses and trade associations from around the country who support the U.S.-Canada agreement. I am sending this material with the hope that it will be useful to you when the agreement comes up for Congressional consideration. I also hope it will merit your support.

Please let me know if we can provide any further information or assistance, or contact our Executive Director, Gail Harrison, at (202) 638-2121.

Sincerely,
JAMES D. ROBINSON III,
Chairman—ACTE-CAN,
Chairman & Chief Executive Officer,
American Express Company.

THANKS AMERICAN SERVICEMEN

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. DORNAN of California. Mr. Speaker, I recently received an exceptional answer to an essay on a service academy application from Han Nguyen of my district in Santa Ana, CA. The essay explains why this young man desires to become a cadet.

I believe that Han Nguyen's answers are beautifully unique and speak volumes of moving dedication and patriotism. Being a young boy in Vietnam during the time of American involvement gave him incredible perspective on the situation. This short essay is something that every American soldier who served in Vietnam should read. For every soldier who remains uncertain about the morality of his participation in the Vietnam war, let him read the words that spring with such openness from Han's heart and mind. Let every soldier who courageously fought for freedom with a clear conscience to aid his fellow man against Communist oppression read the thoughts of this aspiring cadet to be reassured that his efforts were not in vain. Han Nguyen, and those like him, is what that war was all about. He is grateful to the United States, and who represented our country during that war? Certainly not Jane Fonda. It was the American serviceman, and to him, Han offers the following thanks:

> My people will never be the same. My country will never be the same. I can never go back to a culture and a land that I once loved. However, I am capable of serving a nation that gave me refuge and saved me from the jaws of communism. I can combat the forces that war against the nation I now love and respect. I watched American soldiers feed my friends and relatives during the savage evacuation and subsequent turmoil years following 1975. I witnessed the commitment of the United States servicemen as they protected a lost and dying land. I made a vow as a small child to one day repay a country that has given me a new life! That's why I want to be a cadet or midshipman and for no other reason. Thank you.

TRAGIC AND UNTIMELY DEATH OF JERRY TURNER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mrs. BENTLEY. Mr. Speaker, 1988 promises to be a year of many new events and happenings both around the United States and in my home State of Maryland. However, the new year will indeed prove to be "different" in a way Marylanders hoped would never come to pass. For on December 31, 1987, we lost Jerry Turner to cancer, and his passing has left a void in the hearts of hundreds of thousands of Marylanders which cannot ever be completely filled.

I am sure that most of you don't know who Jerry Turner was. He wasn't a politician or a sports hero as many of you might suspect. He was a news anchor with WJZ channel 13, and during his 25 years with that station he became a veritable institution. The Baltimore Sun described him as one of the most popular figures in the history of Maryland, and the good will and excellence in television journalism which he projected makes this a qualified statement.

I would like to introduce you to this very special man, a person who was to Maryland what Walter Cronkite has been to the United States. There were two different sides to this magical man, and I hope that discussing each of them to some degree will acquaint you with the intense sense of loss that all Marylanders feel over his tragic and untimely death.

Jerry Turner was, first and foremost, a journalist. During his many years on television he informed his audience about the deaths of leaders, the victories of the Baltimore Orioles, the departure of Baltimore's Colts, as well as all other diverse happenings which could be deemed newsworthy. People wanted to hear the day's events from Jerry Turner, and that is why so many thousands turned their dials to channel 13 every night at 6 and 11.

He was, however, so much more than a man who skillfully read prepared copy from a teleprompter. He wrote virtually all of his own copy, and he insisted that everyone else do the same. He often worked on holidays and late into the night to prepare his newscasts in just the way he wanted. His journalistic integrity was supported by a genuine love of the city and State that took him so easily into their hearts. He received offer after offer to work at other stations around the Nation, yet he refused. He was too happy where he was, something which his many viewers were able to sense.

Yet Jerry Turner was also a very special, humane man in addition to being a superb journalist. He never got too big for his britches or let his powerful position go to his head. He was always more a friend and less a superior to those who worked with him on the "Eyewitness News." This kindness extended out into the community as well.

For example, a group of girls at Villa Julia College in my district were once making a documentary of their school, and one of them came up with the almost unrealistic idea of having Jerry Turner serve as narrator. Eventually they got the nerve to call him, and—much to their surprise—he gladly agreed to assist them. When they asked him what his fee would be, Mr. Turner explained to them that his fee would be very simple and reasonable: nothing. At the debut of the film, Jerry Turner was greeted with wild applause and the genuine thanks of the entire student body. For him, Mr. Speaker, this was payment enough.

I suppose that the feelings that we in Maryland have for this man can never be fully understood. Yet I guess it might help to say that he was a man who knew thousands and was called a friend by hundreds of thousands. Jerry Turner epitomized grace on and off camera, and the love he felt for his people and his State will live always in our hearts.

Farewell, Jerry Turner, and congratulations for a job well done.

SUPPORT POLITICAL ACTION REFORM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. RICHARDSON. Mr. Speaker, I am proud to cosponsor H.R. 2717—a bill designed to reform political campaign fundraising. It is important that the American people have confidence in our electoral and legislative processes. Many people have become alarmed at the growing influence political action committees are playing in elections. With money becoming ever more important in seeking election and reelection, political action committees have gained powers that threaten our democratic process.

This legislation establishes a campaign spending limit of $400,000 for each election cycle, establishes election cycle limits on aggregate PAC contributions to candidates at $100,000, and strengthens and clarifies current law with regard to independent expenditures, bundling, and party expenditure allocations.

I must point out that I disagree with provisions in the bill concerning public financing of elections. In a recent survey taken in my congressional district, 59 percent of the respondents disapproved of public campaign financing. However, I think it is important to move forward on campaign reform. I will be working with Congressman Coelho to improve the bill as it is considered at the subcommittee and full committee level. I urge my colleagues to support campaign reform.

MAYER FINKEL: SO MUCH FOR SO MANY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. LEHMAN of Florida. Mr. Speaker, last December, North Dade lost a valuable citizen.

Mayer Finkel was not a typical leader. The secret of his effectiveness was kindness, unselfishness and the example of his own actions. His enthusiasm was infectious, and his presence brought comfort.

Mayer Finkel was dedicated to his family, his friends and his community. He will be greatly missed.

I would like to share with my colleagues an article from the Miami Herald which provides some additional information about this remarkable man.

MAYER FINKEL, WORKED FOR RETARDED CHILDREN

(By Belinda Brockman)

Mayer Finkel, who shared his great caring and love for his own retarded son with the community at large, died Tuesday at 72.

Though he was still working Monday to build his dream of a Jewish group home for the retarded. Mr. Finkel had a long history of heart problems, said his wife, Sydney.

"He always thought of the other man, of the other child, of the children who don't have parents," she said. "He was the guardian angel of them all."

When Mr. Finkel's son, Ronald, was born 40 years ago, the baby was the only newborn not on display in the nursery. The nurse told the father only to call the doctor. The doctor wouldn't talk about it over the phone. Mr. Finkel's son was a Down's syndrome child.

Little was known about medical care for Down's syndrome children at the time. Even less was known or done about their emotional and educational needs. Mr. Finkel did know one thing, though: His son would not be institutionalized and he would find a way to provide the proper care for Ronald and others like him.

One of 10 children growing up in New York's Lower East Side. Mayer Finkel was experienced at overcoming obstacles. He started as a clothes presser and rose to head New York's International Ladies Garment Workers Union's 40,000-member coat and suit department. Later, he was named an ILGWU director in Florida.

When the family moved to Lakewood, N.J., from New York, Mr. Finkel helped build the city's community center for the retarded because none had existed before. Then he worked to establish Lakewood's first sheltered workshop, so Ronald would have a job.

"Everything we did was a pilot project," said Sydney. "He had such great ideas. But once you start a pilot project, then the others will fall in line."

In Dade County, Mr. Finkel joined the Association for Retarded Citizens and served the organization as president and executive director. He started the Guardians for Exceptional Citizens in Dade and the Orientation to the World of Work program in Broward, to aid disadvantaged youngsters in applying for jobs.

"He knew he had to help," said his wife. At the age of 62, Mr. Finkel enrolled in the master's program in exceptional education at St. Thomas University. He wanted to help not only Ronald, but other children as well. "They were all his children," his wife said simply.

This holiday season, as was his practice, Mr. Finkel attended Goodwill Industries' Christmas party. He fussed over all the clients, attending to their every need, never sitting still, Sydney said.

"You should have seen him whenever he was with them," she said. "He has done so much for so many."

In addition to his wife and son, survivors include one daughter, Francine Friedman; three brothers, Harry, Maxwell and Murray; two sisters, Dorothy Singer and Shirley Glick; and one granddaughter.

Services will be at 2 p.m. today, at the Levitt-Weinstein North Miami Beach Chapel.

THE MOZZETTI FAMILY, A FOUNDING FAMILY OF BRISBANE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. LANTOS. Mr. Speaker, as we enter the second year of the 200th anniversary celebration of the U.S. Constitution, a blueprint for self-governance no one has been able to match, it is very fitting that we also recognize the great work done by the founding families of the Peninsula.

The 11th Congressional District, which I have the privilege to represent, has benefited immeasurably from the largely unrecognized efforts of our first families, all men and women of vision, strength, and perserverence. This certainly discribes the family we have chosen to honor today, the families of the Mozzetti brothers, among the most hard working of the founding families of Brisbane.

For the beginning of the Mozzetti saga, we must go back to 1900 when Ben Mozzetti moved to the United States from his native Switzerland and established a dairy in what was then called the City of Visitacion. A city that existed only on promoters' maps at that time. The only real activity here then was a rock quarry employing 100 men, tucked away in a canyon on a corner of the Crocker Visitacion Ranch.

Mozzetti bought land in the shadow of San Bruno Mountain and began putting together a dairy herd to furnish milk to nearby San Franciscans. Not until the 1906 earthquake did the push toward the peninsula begin with $300 lots offered for sale in the "sunshine suburb" to really attract attention for the first time.

By then, Ben Mozzetti's nephew, Carlo, age 18, arrived from Lucarno, Switzerland, to work on the dairy, with his brothers, Joseph, Enrico, and Pietro following soon after.

While working at Uncle Ben's dairy, Carlo Mozzetti met and married Rosa Passalaqua of San Francisco. They had three sons, Charles, Clifford, and William.

By this time, the late 1920's, the Mozzetti brothers were well established. Enrico opened the Brisbane Inn, Carlo and Joseph took over Uncle Ben's dairy in 1923. Eucalyptus and willow trees were planted on the edge of the property as windbreaks and to help break up the bleak, barren stretches of the countryside. In a meadow on one side of the dairy property, the brothers built an auto court, gas station, and trailer park that was to become a peninsula landmark location for the community. The town had grown from a cluster of just 5 houses to 15 houses and finally, as lots dipped in price to $100 each, it grew to a thriving small village of some 400 homes. Times were difficult. There was a depression. And the town had to overcome its early image as a haven for illegal bootleg stills hidden away on San Bruno Mountain. The story goes that some San Franciscans drove to Brisbane just to collect the waters that came down from San Bruno Mountain because they were so well-flavored by the mash tossed aside by the bootleg whiskey still operators.

Yet many of the patrons of the auto park liked the town and came back with their families to settle. The auto park site is now to be the location of the new Brisbane City Hall complex.

The Mozzetti family's community spirit was personified by Joseph Mozzetti, who let the basement of his house be used as the local school for 2 years until a full-fledged school could be built in 1930. The family also allowed the Fraternal Order of Eagles to use its large storage building for lodge meetings free of charge until the lodge could buy its own hall. The Brisbane Improvement Club, forerunner of the Voter's League, also met in the Mozzetti's basement. Organizers of Brisbane's annual Fourth of July parade always counted on the Mozzetti brothers to contribute supplies and assistance for the event. Carlo's son, Charles, was active as a star player on Brisbane's uniformed baseball team, busy in school work and the frequent Mozzetti family gatherings.

Charles still remembers some of his early jobs at the dairy, washing down the willow and eucalyputus trees and scrubbing down the utensils. He remembers how his mother, ever the immaculate housekeeper, was so meticulous that she not only washed and dried the cleaning rags, she ironed them, too.

I am honored today to be able to recognize the contributions of this industrious, hard-working family. I want to make a special salute to Erminia Mozzetti, 85 years young, the widow of Joseph Mozzetti, who is present. Accepting this award for the entire family is Charles G. Mozzetti, son of Carlo Mozzetti. To the Mozzettis, the community salutes a key founding family of Brisbane.

HONORING CITIZEN OF THE YEAR, RAY LOPE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. HERTEL. Mr. Speaker, on February 5, 1988, the Chamber of Commerce of Sterling Heights, MI, will be honoring Mr. Ray Lope, its citizen of the year.

They could not have chosen a better example of community pride and dedication, as he has contributed to the community since his arrival in the area 16 years ago.

His position as coowner of the Sullivan Funeral Home in Utica requires a lot of compassion, which seems to come naturally to Ray Lope. This is shown in the contributions of time and energy Mr. Lope has given to the community. Professionally, Mr. Lope is past president of the Michigan Funeral Director's Association, District 6, and chairman of the association's ethics committee.

Over the years, Ray has served the community as: President of the Gerald C. Friend, Memorial Fund, which provides scholarships to area students; member of the Knights of Columbus Council No. 2950; member of the advisory board for St. Joseph's Hospital; member of the board of the Macomb County Crippled Children's Clinic In Mount Clemens; member and president of the Utica Rotary Club; director of the Utica Community Schools' Foundation For Excellence, and part-time lecturer for grades 6 through 12.

Ray Lope also has an active family life. He and his wife Meg are raising three fine children, Christy, Michael, and Matthew.

In addition, Mr. Lope has been a supporter of the West Macomb YMCA basketball program, Boy and Girl Scout activities, and coaches for the Michigan Youth Soccer League.

His religious commitment is important to him as well. Ray belongs to the parish of St. Lawrence Catholic Church, where he serves as Eucharistic minister. In addition, Ray is a Catechist at St. Ephrem Catholic Church and is a visiting teacher at Trinity Lutheran School.

Ray Lope's gifts of time and talent are gifts from the heart. His friends and coworkers describe him as a wonderful person, very giving of himself, dedicated and hard working. He has touched the lives of so many in our community—we all need more friends like Ray, who give because they honestly care.

I ask my colleagues to join me in honoring Mr. Ray Lope, a true "Citizen of the Year." We should add our voice to what Sandy Bender said after reading of Ray's award, "I'm so happy to see that we were given this opportunity to say publicly, 'thanks, Ray, for everything.' "

A TRIBUTE TO ARMAND LEMAY

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. ATKINS. Mr. Speaker, I rise today to pay tribute to Armand LeMay of Lowell, MA, who is retiring from a long and distinguished career in public office.

The city of Lowell is currently in the midst of a widely heralded, and truly amazing economic and cultural rebirth. Buoyed by the creation of a National Historical Park to commemorate the American Industrial Revolution, this once-depressed mill town has become a sprawling picture of economic success. Boarded-up storefronts have been replaced by thriving shops and businesses, once vacant mills have become first-class offices and housing, and dilapidated walkways and parks have given way to brick sidewalks, iron streetlights and quaint park benches. It is quite possible that none of this would have happened without Armand LeMay.

Throughout his career in public office, Armand always took on the toughest assignments. He chaired council subcommittees that enacted sweeping zoning reforms, and that tackled the city's trash disposal problem; he gained passage of ordinances necessary for well-planned and careful development; and he brought business, government and political leaders together in his quest to rebuild the city he loved. In sports they talk of the need for role players, who will do the little things so necessary for victory, but so lacking in reward. Well, Armand LeMay was the role player in Lowell's revitalization. And how he can bask in the victory for which he fought so hard.

Armand entered politics in the fall of 1967, when he was elected to the Lowell City Council. He served on the council for 19 of the next 20 years, including a 2-year stint as mayor in 1974 and 1975. Politics is not his only career, however. He started in the construction industry in 1950, worked his way up through the ranks, and now owns his own business, which he will continue to run after leaving public service. It is fitting that Armand LeMay will continue to construct, for it is this very act of building and creating for which he will always be known.

Mr. Speaker, I join Armand LeMay's wife Constance, his five children, and his many friends and colleagues in congratulating him on his well earned retirement from public office, and in thanking him for 20 years of service. One need only to visit the beautiful Lowell National Historical Park and the revitalized downtown section to learn what he has meant to his city. Though he is leaving elected office, his legacy will live on.

BLOATED BUDGET BILL PRODUCES NO WINNERS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. FRENZEL. Mr. Speaker, Congress gave the American taxpayer a lump of coal for Christmas. It was in the form of the continuing resolution [CR] which will fund the Government for fiscal year 1988. This awful piece of legislation shows how far the Congress has strayed from its most fundamental responsibility: the annual Federal budget. The CR can be summed up as the following: too late, too expensive, and full of extraneous items that bypassed the normal legislative process. This was all tied up in a package of more than 1,000 pages which could not be amended or separated into its individual parts.

The following editorial which appeared in the St. Paul Dispatch and Pioneer Press, on December 29, 1987, further outlines the many problems with the use of the CR. I salute the paper and its editors for their clear vision.

BLOATED BUDGET BILL PRODUCES NO WINNERS

There has got to be a better way to do it. Adopting the annual federal budget, that is.

It's a relief to know that Congress finally approved the 1988 spending and tax bills Tuesday and President Reagan has signed them. The government should be able to operate for the next 12 months without further emergency appropriations, and the bills do make some attempts to cut spending and increase taxes so that the annual deficit will not grow too much next year.

But the legislation contains little else that would justify praise like that of Sen. Lawton Chiles, D-Fla., who said, "This is a major victory for the American people and the economy."

This is no victory. To the contrary, the legislation actually demonstrates how far Congress has strayed from the proper way to deal with appropriations and taxes in recent years.

This is the second year in a row and the third in history that Congress has combined in one "continuing resolution" and 13 bills covering various federal funding programs. The normal procedure is to consider each of the 13 spending bills, pass them and send them to the president for signature. The only time Congress varied that process and went to omnibus continuing resolutions was when it could not pass the bills by Oct. 1, the start of the fiscal year.

Last year was the first time since 1950 that Congress decided to continue all spending bills in one package for the entire year. This year was the second.

The final $600 billion catch-all appropriations bill is 1,000 pages long. By its very length it prevents senators, representatives or the White House from making an adequate review of all of its provisions.

The bill contains about $8.1 million in non-military aid to the contras; some $7.6 billion in spending cuts—$5 billion from defense and the rest from other programs, $425 million for work on a space station. And it puts about $905 million into the fight against AIDS.

It also contains provisions prohibiting lawmakers from receiving their third pay raise this year, allows airlines to prohibit all smoking on flights of less than two hours and postpones penalties against 60 communities for violations of federal air pollution standards.

There is absolutely no justification for having those kinds of extraneous items in a major appropriations bill. Those subjects should be dealt with in separate legislation.

Fortunately, lawmakers finally did remove the fairness doctrine provision for broadcasters from the measure, but not without some serious internal haggling that delayed passage of the omnibus bill until the wee hours of Tuesday morning.

The separate 1,000-page tax bill, along with the appropriations measure, may reduce the 1988 deficit by about $33 billion in fiscal year 1988 and $46 billion in 1989. That includes some $9 billion more in taxes and users fees, sale of some federal assets and cuts in Medicare, postal service and some farm programs.

A reduction in the deficit is a good, solid step in the right direction. But it is too bad it was taken as part of a process that has been distorted to allow congressmen to stuff their favorite projects, which might not be approved as stand-alone requests, into the appropriations bill, knowing the president probably will not veto the entire measure just to eliminate one objectionable item.

This approach is similar to the garbage bill technique used in Minnesota in recent years. The tactic is just as reprehensible at the national level as it was in Minnesota and should not be tolerated.

The public should demand that Congress abandon the omnibus appropriations bill approach and return to consideration of major appropriations in separate bills.

That would be a true victory for the American people.

EXTEND DEADLINES—IMPROVE THE QUALITY OF ASBESTOS CONTROL

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. OXLEY. Mr. Speaker, today I have been joined by a number of my colleagues from the Energy and Commerce Committee in introducing legislation to provide a short-term extension of certain statutory deadlines prescribed under the Asbestos Hazard Emergency Response Act of 1986 [AHERA].

I am sure that many congressional offices have received numerous inquiries and/or complaints from local school districts over the past several months regarding EPA regulations issued last October, implementing a congressional mandate under AHERA that requires schools to inspect for asbestos and issue management plans by October 12, 1988. Another deadline in the law requires school districts to begin implementation of these management plans by July 9, 1989. My office has been swamped with calls and letters from superintendents who state that they cannot meet the statutory deadlines for a variety of reasons, all of which point to the need to provide for a reasonable extension of the deadlines:

Accreditation programs for asbestos inspectors are behind schedule and therefore cannot meet the needs of school districts who want to have their own personnel trained to do the inspections. This unfortunately could lead to shoddy inspections that will do nothing to detect and control the asbestos that still exists in many school buildings.

Estimates from private contractors are not only costly but vary greatly, most likely because the short deadlines are helping to fuel price gouging by these contractors. For example, a contractor will call a school district with a quote, saying, "Take it, or pay the penalties," which amount to civil penalties of $5,000 per day per violation and criminal penalties of up to $25,000 per day per violation.

A reasonable extension of the deadlines will increase the pressure for competitive bidding for inspection and management plan contracts, potentially saving school districts thousands of dollars on these activities that then could be used to remove or otherwise mitigate asbestos in the schools.

In addition, many school districts' budgets for 1988 were set prior to the issuance of final regulations. These districts, which have complied fully with previous EPA asbestos regulations, could not have known the extent of the financial requirements necessary to comply with the new regulations.

When Congress passed AHERA in 1986, we strongly supported its intent of increasing the effectiveness of the asbestos inspection, monitoring, and abatement program for our Nation's schools, thereby reducing exposure to hazardous asbestos fibers. However, these problems that have been encountered by school districts nationwide have lead us to believe that the law's effectiveness would actually be increased by providing a short-term extension of the statutory deadlines for inspection and management plan development and implementation. An extension is supported by the National School Boards Association and school board members and districts nationwide.

Mr. Speaker, for these reasons I have been joined by the ranking member of the Energy and Commerce Committee, Mr. LENT, the ranking member of the Hazardous Materials Subcommittee, Mr. WHITTAKER, and Mr. FIELDS in introducing this important legislation to provide a short-term extension of these deadlines. Our legislation would extend the first deadline for management plan submission until November 1, 1989, and the second deadline for beginning implementation of the management plan until February 1, 1990. In addition, we are asking for expedited hearings before the Hazardous Materials Subcommittee of the Energy and Commerce Committee. We hope that our colleagues will join us in addressing the need for more effective asbestos control by supporting this needed legislation.

MEL COLE WILL BE MISSED

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mrs. BENTLEY. Mr. Speaker, indeed one of the greatest compliments that a person may receive is that he or she "made a difference" for the better. There are few statements more flattering than "congratulations for a job well done."

Last December my district lost a man who epitomized both these statements. Mel Cole, a man who was administrative officer for Baltimore County—the most powerful appointed position in Baltimore County government—died at the age of 72. He leaves behind a grieving family, many mournful friends, and a legacy of public service and leadership that extended over a half a century. Mel was a very special man, and it would mean a great deal to all who loved him if his story could be told here.

Mel's career in Baltimore County government began as a schoolteacher at Lansdowne Elementary School in 1936. Two years later he was principal, a post he would hold at three other elementary schools. In 1953 he was appointed the director of elementary education, a position which soon led to jobs as county assistant superintendent and associate superintendent as well as the Governor's program executive for education.

In 1979 he was asked to serve as chief of staff to the Baltimore County Executive, a post which soared him to the job of administrative officer of the county. It was a tough job, and it involved overseeing 18 county departments and more than 18,000 county employees. He performed his duties with great grace and ability, and the praise he received from his colleagues was endless. He was the man who "opened up the county in the morning and closed up shop in the night," as present Baltimore County Councilman Norman Lauenstein stated. He had just been appointed to his third term in this post by Baltimore County Executive Dennis Rasmussen when he died unexpectedly just before Christmas.

Mel Cole will definitely be missed, yet the fact that he knew he had the love and respect of all those around him makes his story not one of sadness, but of celebration. He was a man who did whatever job was given to him, did it well, and was moved along the ladder of success as a result of his perserverance. His devotion to his work—coupled with the intense love of those around him—made his a full life indeed.

Thank you, Mel, for all the hard work you did as well as for the example you were to all of us. Most of all, however, congratulations for a job well done.

CONTROLLING CARIBBEAN POLLUTION

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. DE LUGO. Mr. Speaker, judging by the actions of our State Department, you might now know that the Caribbean Sea borders on the United States and that our country directly shares in its beauty and economic bounty. Its warm currents, its fishing resources and, unfortunately, its pollution, touch our southern coastal States. And, of course, the U.S. Virgin Islands and Puerto Rico are in the midst of it and rely upon it for their well-being.

The United States, for all practical purposes, is standing aloof as the Caribbean Islands and Central American nations begin to work together to monitor and control pollution in the region. The United States is giving only token support to two programs administered by the United Nations—the Caribbean Action Plan and Cartagena Convention—intended to achieve these goals through regional cooperation. For there is no way to control pollution in this region unless the United States works together with the Caribbean Islands and Central American nations.

The United States has the expertise and the resources, not to mention the self-interest, to lead in this effort to protect the Caribbean. But it is standing by. It is letting France, Venezuela, Mexico, and even islands like Jamaica and Barbados take the lead because they are willing to work through the United Nations.

In a letter attached to this statement, I have urged Secretary of State George Shultz to reconsider our reluctance to support these programs and to treat these Caribbean programs with greater priority. I also urge my colleagues here to support these efforts at regional cooperation in the Caribbean so that this sea remains beautiful, clean and a source of economic well-being for us all.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 1988.

Hon. GEORGE P. SHULTZ,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR MR. SECRETARY: I want to let you know my concerns about environmental protection in the Caribbean Sea, an issue that is important to the United States as well as to my own district, the U.S. Virgin Islands.

I have recently learned of two Caribbean environmental programs, administered by the United Nations, which the United States practically ignores. These are the Caribbean Action Plan, which is one of 10 regional seas programs managed by the United Nations, and the Cartagena Convention, which is developing guidelines to control oil spills and other potential problems that affect the entire region. These programs have gained support from many small Caribbean islands. The Bahamas, British Virgin Islands, St. Lucia and other small islands manage to give $5,000 or more a year to support the regional effort. A distant, former colonial power like France has funded the Caribbean Action Plan with more than $912,000 over the last five years, and Venezuela has given $559,000.

The United States, by virtue of its size, geography and expertise, should be taking the lead in these efforts. Instead, our country barely participates in this effort to develop a regional international framework to protect the Caribbean environment. Even though the United States signed the Cartagena Convention in 1983, it neglected to provide $50,000 to support the group. The United States refuses to pledge any funds to the United Nations Trust Fund that supports the Caribbean Action Plan. That puts us in the peculiar situation of being outspent by Jamaica, St. Kitts and a host of other islands, even though our country directly borders on the region and has vital interests in protecting the seas that wash up on our own Gulf Coast.

The United States, I am told, is reluctant to fund United Nations programs and is skeptical that the money is used effectively. Instead, we are trying to support these Caribbean programs indirectly, through a variety of staff contacts and funds for selective research projects. The Agency for International Development and National Oceanic and Atmospheric Commission, within the Commerce Department, support a number of individual projects. In addition, in February the National Park Service and U.S. Virgin Islands will host a conference of Caribbean scientists developing a protocol on specially protected areas and wildlife.

I wholeheartedly support these efforts, but they are fragmented and insufficient. The United States gives the impression that the Caribbean Region is just an afterthought in its planning and priorities. I want to encourage the State Department to actively work with the countries of this region to protect an environment that we all share. Despite its reluctance to directly fund United Nations programs, I urge the State Department to be more vigorous in finding effective ways to cooperate with the Caribbean islands on the Caribbean Action Plan and Cartagena Convention. This would directly benefit the U.S. Virgin Islands and our neighbors in Puerto Rico. It also would help protect the United States' own coastal region and enhance our country's image in the region.

Thank you for your attention to this matter.

Sincerely,

RON DE LUGO,
Member of Congress.

THE DREAM LIVES—HONORING DR. MARTIN LUTHER KING, JR.

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. RODINO. Mr. Speaker, on January 18, millions of Americans joined in tribute to Dr. Martin Luther King, Jr. This year would have been the 59th birthday of the slain civil rights leader and Nobel laureate.

As one of the original sponsors of the legislation creating this national holiday, I believe that Martin Luther King, Jr. Day is a time for our Nation to renew its commitment to realizing the goals of equality and justice that Dr. King worked toward throughout his lifetime.

This national celebration which honors Martin Luther King, Jr., as a man, as a leader, and as the conscience of America, serves to remind us that we must rededicate our efforts to secure Dr. King's aspirations for a better world. He challenged America to achieve its greatness as a nation and his words continue to echo for future generations.

But almost 20 years after Dr. King's tragic death, we continue to strive for the complete fulfillment of his dream. The preservation of civil rights is threatened, poverty and hunger are glaring examples of economic inequality, the violation of human rights remains an international concern, and apartheid in South Africa continues to foster brutality and humiliation.

Dr. King's most fervent hope, which he often expressed, was that all Americans—black and white, rich and poor, young and old—would join together to carry on his torch for freedom and equality.

Our responsibility today is to ensure that Dr. King's dream lives on and that his message of hope is loudly proclaimed. We must remain vigilant in protecting our civil rights laws, in providing decent housing for the less advantaged and the homeless, and in offering education and employment opportunities to all Americans. The United States must also continue to lead the attack against the citadel of apartheid in South Africa and remain vigilant in protesting the denial of freedom throughout the world.

By dedicating our efforts to the ongoing task of building a fairer and more just society, we truly honor the memory and the spirit of Dr. Martin Luther King, Jr., and we will ensure that his dream lives.

A TRIBUTE TO RICHARD POPE, SR.

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. IRELAND. Mr. Speaker, last Thursday, the State of Florida, and in particular, my hometown of Winter Haven, lost one of its most beloved citizens. Dick Pope, Sr., founder of Cypress Gardens, established our State as the tourism center of the United States and was often referred to as "Mr. Florida." His dynamism and genius will be remembered for many years to come.

I was honored to give the eulogy at Dick's funeral held last Saturday, January 31, 1988. Nancy Gurnett Hardy composed this tribute to Dick Pope which I would like to share with my colleagues in the House of Representatives by including it in today's CONGRESSIONAL RECORD.

RICHARD DOWNING "DICK" POPE

"The kiss of the sun for pardon, the song of the birds for mirth; One is nearer God's heart in a garden than anywhere else on Earth."

Those beautiful words from a poem by Dorothy Frances Gurney, engraved on a wooden plaque, stood at the entrance to Cypress Gardens for many years. They epitomize Dick Pope's gift to millions of people during a half century of his long life—a beautiful garden to refresh their souls.

But more than that, Dick Pope gave of himself—his great zest for life and living, his love of laughter, his single-minded devotion to the principles he believed in.

Dick Pope took very seriously his role in man's partnership with God. Together, they created a place of great natural beauty. No detail was too small for his notice, no task too great, if it meant an improvement in his beloved Gardens.

But, just as he loved the Gardens, his life shone for other reasons, his devotion to his family, his dear wife Julie, his son Dick and daughter Adrienne, his grandchildren and his great granddaughter—and to his friends, and the people who worked for and with him. He never referred to them as "employees", but as his "children"—the skiers, the Southern belles, the office workers, the gardeners, the maintenance men and photographers—they were "family" too.

To everyone who joined him in his quest after beauty and perfection, Dick Pope was very special. We are here today because we shared a great blessing; we knew and loved Dick Pope.

This was a man who was at home with kings and Presidents. Yet, he remained a simple man, who wasn't afraid to get his hands dirty planting a tree. This was a man who roamed the world, seeking talent and beauty for the gardens, but loved nothing better than getting back home.

This was a man who would take time to comfort or encourage the least of his employees; a man who would stop in his daily rounds of the gardens to pick up a stray scrap of paper; or take a picture for a visiting couple. This was a man who spent his working life bringing pleasure to other people; a gentle man who loved catchy tunes and bright colors, parties and celebrations; occasions of all kinds.

Yes, thousands and thousands of words have been written about Dick Pope; about his achievements, about his honors and about his impact on the State he lived in—and loved.

But, there is no way to calculate the depth and breadth of his influence—the impact on the lives of those he touched in so many ways.

Every one of us has a favorite story or anecdote about Dick Pope—an example of his kindness, his humor, his joyful approach to each day. Every one of us hold in our hearts the memory of a man who had no malice in him; whose energy and ideas sparked like Fourth of July fireworks—and lit up his world.

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When Dick and Julie celebrated their 50th wedding anniversary with a gala reception in the Gardens, his gold jacket shone no brighter than his eyes as he greeted his many friends.

We have lost Dick Pope, but he lives on in the Garden he created, in the hearts of those who loved him and in the memories of thousands.

We can take comfort in the sure knowledge that the Gardens of Heaven are blooming anew in joyous welcome.

A CONGRESSIONAL SALUTE TO THE RANCHO LOS AMIGOS MEDICAL CENTER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to the Rancho Los Amigos Medical Center, which will be celebrating its 100th year of continuous service to the community at a celebration to be held on the grounds of the medical center on February 4, 1988. I wish to acknowledge the following article by Richard Daggett, reprinted from the Polio Survivors Newsletter, which outlines the long and distinguished history of this remarkable facility.

[The article follows:]

[From the Polio Survivors Newsletter, January 1987]

RANCHO CENTENNIAL

(By Richard Daggett)

In 1988, Rancho Los Amigos Medical Center will celebrate its one hundredth year of continuous service. Work is underway, gathering photographs that date from early in this century, interviewing former staff and patients, and checking old records about this remarkable facility that has undergone so many changes.

Rancho Los Amigos (literally, the friends ranch) was started in 1888 as the Los Angeles County "Poor" Farm, a resident institution for old and indigent individuals who could no longer care for themselves in the community. On Rancho's 200 plus acres there were shops for furniture repair, weaving, laundry, etc. But, in a very real sense, Rancho was an actual farm. Rancho raised much of its own food and supplied food for other County facilities. Rancho began to make news in the early years of this century when its herd of Holstein cows was setting world records for milk and butterfat production. Belgian draft horses served as additional power, and sheep helped keep the weeds under control.

By 1919 Rancho's character began to change. Many patients with chronic medical conditions were living on the grounds, and appropriate physicians and nursing staff were hired. New buildings were being added and by 1929 the hospital maintained its own pharmacy, laboratory, dental unit, x-ray department, and various therapy rooms.

Following the passage of the Social Security Act the size of the County's indigent population was gradually reduced. This was occurring about the time that the major polio epidemics of the late 1940s brought a pressing need to house hundreds of patients, many in "iron lung" respirators. Rancho seemed to be the ideal solution. Wards 40, 50, 60, and 70 quickly filled with patients.

Rancho became one of 13 regional respiratory centers for the care and treatment of polio patients. More than half of the money raised for patient care by the National Foundation for Infantile Paralysis (March of Dimes) was channeled through Rancho. Special programs were developed and more effective methods of rehabilitation were found. New and more modern facilities were built to meet the needs of those with severe disability. The 500 Units were occupied in February and March of 1954.

With the discovery of the Salk vaccine new cases of polio were virtually eliminated in the United States. But the expertise that had been developed in treating Rancho's polio population was put to use on other types of severe disability. Rancho began admitting those with spinal cord injury, head trauma, birth defects, neurological disorders, and a host of other conditions that can respond to this unique center's team approach to health care. Rancho was a pioneer in home care for even the most severely disabled and has continued to treat hundreds of polio survivors on an out-patient basis.

Today, situated on 210 acres with some 200 buildings, Rancho Los Amigos Medical Center enjoys a world-wide reputation for innovative techniques in the management of major disabling injuries and illnesses. Rancho is in the forefront in the development of assistive devices and equipment to improve the independence of people with paralyzing conditions.

Rancho is also a leader in the education of physicians, nurses, and other professionals in allied health fields. It is a branch campus of the University of Southern California School of Medicine. The USC Departments of Occupational Therapy and Physical Therapy are located on the grounds. A dozen institutions nationwide send their orthopedic residents to Rancho to learn rehabilitation techniques. Visitors from around the world come to Rancho to observe and to learn.

The "Farm" is now only a memory captured in photographs and memorabilia, but the work that Rancho does so well continues. A beautifully illustrated Centennial Book will be published this Spring reaffirming the need for a rehabilitation facility that stresses abilities, not disabilities. This will be a very special celebrative occasion throughout 1988 as Rancho continues in its tradition of excellence for a second century.

Mr. Speaker, I ask my colleagues to join my wife, Lee, and I in saluting the history and accomplishments of the Rancho Los Amigos Medical Center during its first 100 years. We would also like to recognize the hundreds of talented staff members and their efforts to help people inflicted with disabling injuries and illnesses. Clearly, the Rancho Los Amigos Medical Center's numerous accomplishments highlight the truly remarkable contribution it has made toward the betterment of our community.

HEALTH CARE FOR NEW YORK'S HOMELESS CHILDREN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. RANGEL. Mr. Speaker, I would like to call the attention of the House to the lack of accessible health care for homeless children in our cities, particularly New York. There are currently 11,000 homeless children in New York City who are deprived of a permanent home and find themselves living in squalor in "temporary" welfare hotels. The deplorable conditions within these hotels are ripe not only for drug abuse and violence but disease as well.

Many of the children that live under these conditions are malnourished, underdeveloped and suffer from chronic respiratory problems. These children do not have access to basic care required to prevent serious disease and to ensure proper growth and development. For many, the only sources of health care are distant hospital emergency rooms, where children do not receive the personalized care needed to detect and prevent illnesses, and public health nurses, who cannot treat patients but can only make referrals.

The plight of these children once again illustrates the exceedingly pressing need to address the problems of the homeless, who by virtue of their living conditions are denied basic necessities such as health care.

There is, however, good news to report. This week, the New York Times reported a story, telling of a medical van which visits children living in welfare hotels and provides them with personalized medical care. This new project, known as the New York children's health project, in conjunction with New York Hospital-Cornell Medical Center, has brought health care to the doorsteps of these children. Since, November 1987, over 500 children living in the welfare hotels have been treated.

I wish to express my support for this program and commend Dr. Irwin Redlener—who has been the physician treating many of these children—and Mr. Paul Simon, who has supported the project since its inception. I commend these gentlemen for their compassion and for their efforts to improve the lives of these homeless children.

HEALING ON WHEELS: VAN FOR WELFARE CHILDREN

(By Jane Gross)

Dr. Irwin Redlener whispered first in one ear and then in the other: "What's your name? Where do you live?"

The doctor's suspicions were confirmed. Quentin Thompson, unresponsive and nonverbal for a 3-year-old, seemed to have a hearing problem.

Quentin is among the 500 children living in New York City welfare hotels whom Dr. Redlener has cared for since November, when a new medical van took to the streets to offer these deprived youngsters health care not provided by the city.

Each day the van parks outside a different welfare hotel whose occupants rarely receive treatment anywhere except in emergency rooms, where routine, preventive health care is considered a luxury.

LESS DISRUPTION

"One of the things we're here for is to screen for these problems," Dr. Redlener said, "because they'll never get picked up in an emergency room."

The van is the linchpin of the New York Children's Health Project, which was conceived and financed by Paul Simon, the singer and songwriter.

Until the van program started, a visit to a doctor for these youngsters meant a subway trip and a long wait. It meant bringing siblings for the lack of a babysitter. It meant seeing a different doctor each time a child took sick. With so much to dissuade them, most mothers sought medical attention only in emergencies, not taking full advantage of a municipal hospital system that city officials say stands ready to serve them.

"They aren't getting health care even though it's available because it's very difficult for them to access those services," said Gretchen Buchenholtz, president of the Association to Benefit Children, which provides services and advocacy to help children of homeless families in New York. "Lugging three kids, waiting six hours . . . those logistics are time-consuming and paralyzing. This brings the services on-site.

Mr. Simon said he focused on this area of the homeless problem because it offered a prospect of success. "I wasn't setting out to accomplish something impossible," he said. "You've got children—they've got colds, they need inoculations, they need glasses—you can solve it. People are so overwhelmed by these problems, they don't think they can do anything. The need for a victory was as important as anything else."

There were a few small victories one recent day when the van parked outside the Madison and Prince George Hotels, both on East 27th Street in Manhattan and separated by a sex club, its doorway a gathering place for crack smokers.

A 4-year-old girl, recently hospitalized with an intestinal infection, stepped on the scale and there was applause all around when she registered 40 pounds, up from 38. A 7-month-old boy with a lung infection showed improvement, and left with an unexpected gift—a hand-me-down sleeper suit from Lisa Dow, a nurse, whose 10-month-old son had outgrown it.

But good news is the exception for the homeless children of New York City, who now number 11,000, half of them in the 12 hotels visited by the van. Except for a handful of hotels with weekly visits by pediatricians who are provided by private foundations or voluntary hospitals, medical care had been limited to public health nurses, who do not treat patients but rather make referrals.

SOMETHING TERRIBLY WRONG

Dr. Redlener, a bear of a man with a bushy black mustache, is no stranger to such deprivation. He has plied his pediatric trade in the poorest county of East Arkansas and in the dusty refugee camps of Ethiopia. And the so-called hotel children, he said, remind him of the youngsters in those camps.

"They are out of the mainstream of American life, isolated by the system we've created to deal with them," he said. "Something has gone terribly wrong here. And, we'll pay for it down the line in more ways than one."

Dr. Redlener and his staff have not seen catastrophic illnesses, rather they have seen a stream of common complaints, aggravated by neglect.

There are children who have not been immunized, despite city regulations that a family must show proof of inoculation before entering the shelter system. There are children who are malnourished, anemic or suffering from lead poisoning or lice. Many have chronic respiratory problems like asthma and pneumonia, or untreated ear infections, which sometimes lead to hearing loss and delayed speech.

LETHARGIC CHILDREN

Dr. Redlener said he worried that the hotels could become breeding grounds for diseases like measles and whooping cough that immunization has otherwise made obsolete. He is also concerned that the children will suffer serious psychological and developmental problems.

Even the healthiest of the children suffer from their barren lives, Dr. Redlener said, pointing to Monique, Chakeeta and Anthony Capers.

Monique, the oldest at 5, silently sucked her thumb. Chakeeta, who is 4, accepted a handful of animal crackers, then stared longingly at the bag when it was taken away. Anthony, who is 3, sat mesmerized in front of a television watching a cartoon about a snowman, something he said he had never seen.

Anthony needed an iron supplement, but otherwise all three were healthy. But Dr. Redlener was concerned nonetheless. They were too well-behaved, he said, too quiet.

"This amount of compliance is not acceptable," he said. "It is never normal behavior in a preschool child."

While the van is the most visible part of the health project, its affiliation with New York Hospital-Cornell Medical Center is what makes the program work when the children require additional treatment or hospitalization.

BUILDING A HEALTH SYSTEM

"They are connected to a powerful medical institution," Dr. Redlener said. "We treat them like private patients. They come in like VIPs."

One such VIP is Quentin Thompson, the 3-year-old with the hearing problem. Dr. Redlener told his mother, Valicia, that he needed a more sophisticated test. Immediately, the registrar called the hospital's audiology department. Quentin was given an appointment. A car service was arranged, paid for by the project.

Such follow-up will be easier with the purchase of a jitney, one of the planned extensions of the program. There will also be a second van. Mr. Simon and Dr. Redlener plan a computerized link between the hospitals caring for homeless children, so their records will not be lost when they move. They also hope to offer psychiatric and drug prevention counseling.

"It may sound inappropriately optimistic, but I think we can do this," Dr. Redlener said. "We can put together a quality child health-care system."

The project began to take shape a little more than a year ago when Mr. Simon was recording has "Graceland" album in a Manhattan studio and met a homeless woman in the neighborhood. Moved by her plight, Mr. Simon cast about for a way to help and joined forces with Dr. Redlener. The two men sought advice from advocates for the homeless, including Ms. Buchenholtz, who suggested the van.

SEED MONEY

Mr. Simon put up the seed money—$80,000 of his own and another $80,000 from his Graceland tour. In December, he held a concert at Madison Square Garden, featuring an array of rock stars, and turned over gross proceeds of $475,000. The project also received $20,000 from the Manhattan Borough President's budget, $20,000 from the hospital and $30,000 from a real-estate agent. In addition, a judge passed along $135,000 that the Bryant Hotel, at Broadway 54th Street in Manhattan, had been fined for health code violations. The project is to receive $250,000 from the Federal Government, the first installment of a two-year grant, for a total of more than $1 million.

Inside, the 30-foot van is a state-of-the-art laboratory for blood tests, two examining rooms, a waiting area with a video cassette recorder, wood-paneled walls and a clever array of built-in storage units.

Elias Davila, 4, was properly impressed. "Ma, look at the little TV!" he exclaimed, while exploring every vent and knob on the dashboard.

Elias' mother tried to modulate his noisy enthusiasm as she told Dr. Redlener of being burned out of her Brooklyn apartment.

"There are a lot of heroines among these mothers," the doctor said.

Dr. Redlener spends a lot of time talking to these women, asking questions about their lives.

"Where do the children play?" he asks.

"In the halls," a mother tells him.

"Do you get any privacy?"

"Sometimes I sit in the bathroom."

"What do you dream of?"

"I would love a house, a nice house with chandeliers."

At every opportunity, he praises them for surviving under such terrible conditions. "I want you to know," he says, "that I think you're doing a fantastic job."

So far, Dr. Redlener has seen the most motivated mothers, the ones who seek him out. Later, he said, he will bang on doors, trying to roust the others, some of them drug addicts fearful the city will take away their children.

"We'll go door-to-door if necessary, no questions asked," Dr. Redlener said. "We're not going to stop until we really get access to everyone."

THE NONALIGNED MOVEMENT ON ASSISTANCE TO THE CONTRAS

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. CROCKETT. Mr. Speaker, I would like to share with my colleagues the text of a communique issued by the Coordinating Bureau of the Movement of Nonaligned Countries on January 29, 1988, regarding developments relating to the situation in Central America, and the letter transmitting the document from His Excellency N.M. Shamuyarira, Minister of Foreign Affairs of the Republic of Zimbabwe.

The communique "reiterates the total support for the peace process undertaken by the Central American countries" and urges "the international community to endorse and support that effort." The statement also calls "upon the United States administration to cooperate in the implementation of the Guatemala peace accords by stopping its support for the mercenary Contra forces that are destabilizing Nicaragua."

Mr. Speaker, the United States stands alone against our friends and allies around the world regarding the issue of assistance to the Contras. I hope that tomorrow this Congress will heed the call of the international community and terminate all aid to the Contra forces.

The entire text of Foreign Minister Shamuyarira's letter and the communique of the Coordinating Bureau of the Movement of the Nonaligned Countries follows:

MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF ZIMBABWE,
January 29, 1988.

Mr. G. CROCKETT,
Chairman of the Subcommittee on the Western Hemisphere Affairs, Washington, DC.

I have the honour to forward to you, under cover of this note the communique issued by the Co-ordinating Bureau of the Movement of Non-Aligned countries in New York on January 28, 1988 on the situation in Central America.

For the Movement of Non-Aligned countries, the crisis in Central America is a cause for grave concern. It has serious implications for international peace and security. Non-Aligned countries have therefore consistently encouraged urgent and peaceful resolution of the crisis. This was amply demonstrated by their early and unanimous support for both the Contadora process since its launching in 1984, and the Arias plan since its launching in August 1987. Both approaches address the concerns vital for the re-establishing of regional understanding, mutual confidence and peace.

The Guatemala plan is the only realistic initiative in existence today and hence needs the support of all men of goodwill if it is to succeed. The entire international community owes it to the Central Americans to do all in its power to help secure the re-establishment of peace. However, this responsibility is even greater for those great powers whose actions and/or inactions have such a large impact on the politics of the region.

The United States Government has a profound effect on the politics of the region. It can determine the success or failure of the peace process started by the Guatemala Accord. The plan itself has called upon outsiders not to fuel conflict in the region and to withdraw support for insurgent forces. Ever since, the authors of the plan, in particular its chief architect President Arias of Costa Rica, have repeatedly urged the withdrawal of support for irregular forces. We therefore view with considerable alarm moves under way in the United States administration aimed at appropriating additional funds for the Contra forces in Nicaragua. We are convinced that the cause of peace will not be served by such a development.

We note however, that the United States Congress has, on several occasions, stood up for giving peace a chance in Central America. For the success of the Central America peace effort, we believe that there has never been a time when such a course has been as crucial as now. Your efforts then as now were for decency and humanity. We would like to express our appreciation for those efforts and exhort you to continue in this endeavour which can only result in a better world for all of us.

Accept, Sir, the assurances of my highest consideration.

N.M. SHAMUYARIRA.

COMMUNIQUE ISSUED BY THE COORDINATING BUREAU OF THE MOVEMENT OF NON-ALIGNED COUNTRIES REGARDING DEVELOPMENTS RELATING TO THE SITUATION IN CENTRAL AMERICA

The Coordinating Bureau of the Movement of Non-Aligned Countries held an urgent meeting in New York on January 29, 1988 to review the situation in Central America and the serious threat posed to the peace process in the region as a result of the decision of the United States Administration to seek the renewal of aid to the mercenary contra forces trying to overthrow the Government of Nicaragua.

The Coordinating Bureau reiterated its total support for the Peace Process undertaken by the Central American countries and once again urged the international community to endorse and support that effort. In this context, the Bureau recalled the vital role played by the Contadora and Support Group in the search for peace in the region, and particularly the role played by the International Commission on Verification and Follow Up. It expressed its satisfaction with the support for the report submitted by the Commission to the Central American Presidents during their recent Summit.

The Bureau commended the Governments of Central America for continuing unwaveringly to demonstrate their political will in favour of peace. It welcomed with satisfaction the decision made by the Central American Presidents to comply immediately and in a public and evident way with all the commitments undertaken in August 1987 during the Esquipulas II Summit and expressed its hope that this decision would be accompanied by the appropriate mechanism of control and on the spot verification.

The Bureau was deeply concerned that the United States Administration has refused to heed the appeal made by the Central American Presidents at the San Jose Summit by proceeding to seek the renewal of funding for the mercenary contra forces for the purpose of overthrowing the legitimate government of Nicaragua. The Bureau deplored the continuation of this policy of the United States Administration, which seriously jeopardizes the peace efforts in the region and impedes the implementation of the Guatemala Procedure as a whole.

The Bureau once again called upon the United States Administration to cooperate in the implementation of the Guatemala Peace Accords by stopping its support for the mercenary contra forces that are destabilizing Nicaragua. In this regard, the Bureau recalled that the Eighth Non-Aligned Summit had already urged the United States to comply with the rulings of the International Court of Justice of May 10, 1984 and June 26, 1986, which require that country to cease its hostile acts against Nicaragua and to make reparations to Nicaragua for damage caused.

The Bureau welcomed the important steps taken by the Government of Nicaragua recently in the framework of the implementation of Esquipulas II. The Bureau regarded such steps as a clear expression of that country's support for the cause of peace in Central America and, in this context, urged the United States Administration to accept the offer to resume immediately, direct talks with Nicaragua in order to normalize relations between the two countries and contribute to the search for a peaceful solution to the problems of Central America.

The Bureau reaffirmed its solidarity with Nicaragua and other countries of Central America in their struggle to find a just, peaceful, and lasting solution to the problems of their region, without any foreign interference or intervention.

A TRIBUTE TO EDWARD A. TOKASZ

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. NOWAK. Mr. Speaker, I would like to take this opportunity to recognize the accomplishments of Edward A. Tokasz of the Doyle Volunteer Hose Co. No. 2, Inc., in Cheektowaga, NY, a community that is part of the 33d Congressional District I am privileged to represent. Mr. Tokasz is the first member of this fire company to achieve the distinction of 50 continuous years of service to the community.

Mr. Tokasz began his service with the Doyle Volunteer Hose Co. on February 2, 1938. Over the years he had served in a variety of positions, second assistant chief in 1940, vice president in 1947, and president in 1958. He has served 14 years on the board of directors and currently serves as the sergeant-at-arms and fire district treasurer.

Next week, the members of the Doyle Volunteer Hose Co. will honor Mr. Tokasz for reaching this plateau of service. I know his wife Lucy and two sons, James and Paul, are proud of this achievement. I would like to add my name to the long list of others in commending Mr. Tokasz for his longstanding contributions to the community.

LIBBEY GLASS HONORED

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Ms. KAPTUR. Mr. Speaker, this year marks an important event in the history of our Nation's glass capital as Libbey Glass celebrates its 100th year in Toledo, OH.

In 1888, Edward Drummond Libbey moved his New England glass factory "west" to northwest Ohio. Several Ohio towns had been considered for the site but Toledo won the battle for the firm by being a pioneer in economic development incentives. By providing a 4-acre building site, ample land for employee housing, excellent rail and steamboat transportation facilities, and inexpensive natural gas, Toledo had attracted an employer who would make an indelible mark on the history of our community.

The original plant consisted of 1,500,000 square feet of space and consisted of a state of the art furnace area, engine house, boiler shed and kiln. Today, the facility spans 69 acres of land in North Toledo and employs approximately 1,200 workers. The skilled hands of flint glass workers, machinists and glass, pottery, plastics, and allied workers assist in the production of glass for over 90 countries around the world.

Back on August 17, 1888, the Toledo Daily Blade headline predicted that Toledo was to be "The Future Glass Capital of The World." Now, 100 years later I am proud to represent

this community which has lived up to such a bold prediction.

In its history, Toledo's Libbey facility has achieved many firsts in the glass industry. These achievements include: The first automatic glassmaking machine in 1901; the automatically produced light bulb in 1902; machine-blown glass tumblers in 1907; machine made glass tubing in 1917; the first mass-produced colored glassware in 1934; and hand-blown radio and radar bulbs for the war effort during World War II

Today, Libbey Glass has developed into the leading manufacturer of tabletop glassware with products in millions of homes, restaurants, and retail stores all over the world. I know my colleagues in the House of Representatives join me today as I congratulate Libbey Glass for 100 years in Toledo, OH, the home of "America's Glassmaker."

TRIBUTE TO THE KNIGHTS OF COLUMBUS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. TRAFICANT. Mr. Speaker, I am pleased to stand before you today to pay tribute to the Knights of Columbus of the Youngstown-Warren area.

Having once been a brother of the organization I can attest to the value and worth of the Knights of Columbus. The group is committed to serving the surrounding communities of Youngstown and Warren. I am filled with a deep sense of pride and admiration as they celebrate their 10th year of annual gatherings. The celebration on February 18 will be held at P.J.'s Restaurant with a reception in the basement of St. Mary's Church. All are welcome to share in this most memorable occasion.

I am rather proud to be both an alumni and to be their Representative in Congress. It is with great pleasure that I pay tribute to the Knights of Columbus of Ohio.

HON. ECKHART A. THOMPSON RETIRES

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. COELHO. Mr. Speaker, I would like to rise today in honor of one of our Nation's most dedicated and respected judges, the Honorable Eckhart A. Thompson, who is retiring from the U.S. Bankruptcy Court this month after 15 years of outstanding service on the bench.

Eckhart Thompson studied law at Stanford University. He was awarded his juris doctorate in 1938, and admitted to the California Bar that same year. In 1939, he became deputy district attorney in Fresno County. In 1972, he was appointed to the U.S. Bankruptcy Court for the Eastern District of California at Fresno, and he was reappointed to this seat in 1980. Although Judge Thompson could have retired several years ago, he nonetheless stayed on the bench with one of the heaviest caseloads in the Nation until a successor could be appointed.

Mr. Speaker, Judge Eckhart A. Thompson has been a model public servant. Hard working, dedicated, compassionate, and fair, Judge Thompson has set the standard that we as public officials should all strive to achieve. I would like to take this opportunity to extend my deepest appreciation to Judge Thompson for all that he has accomplished on the bench, and to wish him all the best in his retirement. His absence from the court will be sorely felt, but his legacy of service will remain for many years to come.

HONORING THE LIFE OF SEAN MACBRIDE

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, on January 15, 1988, the world lost one of its most respected statesmen, Mr. Sean MacBride. As a member of the Friends of Ireland and the Ad Hoc Congressional Committee on Irish Affairs, I wish to share with my colleagues the history of this great man. In addition, I would like to take this opportunity to offer my condolences to his family, to the Republic of Ireland, and to all Irish-Americans on the passing of Sean MacBride.

Mr. MacBride's fascinating career spanned nearly 70 years and included such honors as the Nobel Peace Prize and the Lenin Prize for Peace Among Nations. He is only the second person in history to have received both of these awards. His life's work embraced the fields of law, politics, journalism, and diplomacy. When Mr. MacBride spoke out on the issues of Irish nationalism, a united Europe, nuclear disarmament, and human rights, people throughout the world listened with interest.

A lifelong human rights advocate, he was a founder of Amnesty International and served as its chairman until 1975. A brilliant jurist, he was one of Ireland's most noted constitutional and criminal lawyers. He was elected to the Irish Parliament in 1947 and served there until 1958. In 1948, Mr. MacBride became Ireland's Foreign Minister and was named a Vice President of the newly formed Organization for European Economic Cooperation, a forerunner of the European Economic Community. He served as the President of the Council of Foreign Ministers of the Council of Europe. In his sixties, Mr. MacBride served as Secretary General of the International Commission of Jurists between the years 1963 and 1970. A peace activist and nuclear disarmament advocate, he headed the International Peace Bureau in Geneva from 1972 to 1985.

As an Assistant Secretary General to the United Nations and United Nations Commissioner for Namibia between 1973 and 1976, Mr. MacBride campaigned to make the cause of Namibian independence from South Africa an international issue. It was his experience in South Africa that enabled Mr. MacBride at the age of 80 to author the antidiscrimination code known as the MacBride Principles. The MacBride bill, based upon the Sullivan Principles of South Africa, establishes a corporate code of conduct to promote equal access to regional employment in Northern Ireland.

I am delighted to be a cosponsor of the bill embodying Mr. MacBride's principles in the House of Representatives. This bill, H.R. 722, the Northern Ireland Fair Employment Practices Act, more commonly known as the MacBride bill, is an attempt to make the 25 American-owned companies operating in Northern Ireland—which provide 11 percent of Northern Ireland's employment—more responsive to the needs of the minority work force. It is my hope that the MacBride bill will bring about greater consciousness regarding anti-Catholic discrimination in Northern Ireland. I urge Members to honor the life of Mr. Sean MacBride by supporting this bill.

U.S. COMPETITIVE IN AGRICULTURE EXPORTS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. ROTH. Mr. Speaker, after several lean years in the mid-1980's, agriculture exports are on the rebound. Agricultural officials predict that farm exports for 1988 will be a full 15 percent over 1987 levels.

The U.S. Department of Agriculture recently released statistics that show a significant increase in 1987 agriculture exports and predict continued strong gains for 1988. While this increase can be traced to several factors, perhaps the most important have been the export enhancement provisions contained in the 1985 farm bill.

While the declining dollar and crop shortages in certain areas of the world had a positive impact on U.S. farm exports in 1987, the 1985 farm bill commodity and export programs played an essential role in promoting the competitiveness of U.S. farm products abroad. The Export Enhancement Program, Targeted Export Assistance Program, and Public Law 480 food aid have helped to expand agricultural exports to new markets and also recapture some markets previously lost. The most dramatic gains have been made in the exporting of coarse grains, oilseeds, and cotton.

Last year, farm export value jumped to a level of $27.9 billion and export volume increased by nearly 20 million tons to 129.2 million metric tons. For 1988, the USDA forecasts a continued strong recovery and estimates that farm exports will rise to $32 billion and export volume will reach 141 million metric tons.

The turnaround in farm exports is an encouraging development. U.S. agriculture exports peaked in 1981 at $43.8 billion; however, by 1986 farm exports had declined by 40 percent in dollar terms to a low of $26.3 billion. At the same time, agriculture imports rose to an all-time high of $20.9 billion. In fact, in May and July 1986, monthly imports actual-

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ly exceeded exports for the first time since 1969.

A renewed emphasis on agricultural exports in the 1985 farm bill has helped make U.S. farm products competitive once again in world markets. But, the crisis of the mid-1980's has not fully passed. If the United States is to regain its prominence in agricultural exports, we must remain vigilant in promoting open access to world markets and an end to unfair trade practices.

A January 1987 USDA study of worldwide agriculture programs provided data on the staggering subsidies that many of our trading partners provide to their farmers. The report concluded that Japanese farmers derive more than 70 percent of their income from government programs and European Common Market farmers received almost 50 percent of their income from subsidies. Meanwhile the average U.S. farmer received only 22 percent in direct income from the Government.

The Uruguay round of trade negotiations in the General Agreement on Tariffs and Trade [GATT] has been underway since September 1986. It is within this forum that the U.S. negotiators must stand firm in calling for the elimination of export subsidies, the elimination of nontariff trade barriers and uniform health and inspection standards.

The administration has advanced the proposal that all GATT member nations eliminate agricultural subsidies and nontariff barriers by the year 2000. While I applaud this worthy goal, the United States must not unilaterally acquiesce on longstanding Government policies, such as section 22 of the Agricultural Adjustment Act of 1933, without first securing genuine reductions in trade barriers.

In the GATT negotiations, the United States can no longer afford to play "innocents abroad." Many of our trading partners have erected barriers to U.S. farm products. The Japanese have stringent quotas on beef, rice, dairy, and other farm products. And the European Community is threatening to implement a ban on U.S. meat which doesn't conform to new antigrowth hormone standards.

The United States enjoys a comparative advantage over other countries for many agricultural products. This is a result of a abundance of fertile land, a favorable climate and modern farming technologies. Our Nation's hard-working farmers have used this advantage to ensure that the American people have abundant food and clothing. Our farmers can be justifiably proud of the job they do and there is no doubt that they can compete in world markets if given the chance.

Mr. Speaker, we have everything to gain by vigorously pursuing the elimination of trade barriers to U.S. agricultural products. And by using existing programs to further encourage farm exports, we cannot only reduce the trade deficit, but help the American farmer and those less fortunate in the developing countries.

TRIBUTE TO THE FORMER MAYOR OF PITTSFIELD, CHARLES L. SMITH

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. CONTE. Mr. Speaker, 8 years ago, the people of Pittsfield, MA, elected Charles L. Smith as their mayor. He has served with distinction for four consecutive terms through a period of profound growth and change in his beloved hometown. During his tenure, Mayor Smith brought to fruition such major projects as: the Vicon resource recovery plant, the Krofta water-filtration system, Taconic Business Park, Westwood Business Center and the final development of parcel 3. Completing any one of these projects would be outstanding legacy for any mayor, but Charlie did them all and Pittsfield is a better place because of him.

But Charlie wasn't just a big projects mayor. He knows that a good mayor must run and maintain a compassionate and efficient administration and that he must make time to personally deal with constituent problems. He must also plow the roads, pick up the garbage and fill the potholes, services you never hear about until something goes wrong. But with Charlie, very little went wrong.

Those that know Charlie best know that he is a dedicated public servant, family man and above all else, his own person. As a public servant, he has served long and well as a city counselor and city council president. As family man he and his lovely wife Pat raised 7 beautiful children of their own as well as an astonishing 60 foster children. As his own man, Charlie never created a political machine because he wanted to do all the work himself, in the hands on style that is his outstanding characteristic.

For all his productive life Charlie has cared and worked for others. He is a man of infinite patience, dedication, and compassion—he is a fine public servant. But Mr. Speaker, last year Charlie decided not to seek reelection but rather to seek new goals in the private sector. I know it was not an easy decision for Charlie, but if he pursues his new career in the same manner in which he has lived his life he will find only happiness, friendship and satisfaction. I know I speak for all the people of Pittsfield when I say congratulations for a job well done and good luck in your new career.

NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. MONTGOMERY. Mr. Speaker, the/men and women who served in military uniform will receive a tribute from grateful American citizens the week of February 8–14. Individuals and groups from communities across the Nation will visit hospitalized veterans' and their families at Veterans' Administration medical centers to let them know that we appreciate them, that we have not forgotten them, and that we care.

An official program of the Veterans' Administration Voluntary Service since 1978, National Salute to Hospitalized Veterans is linked to Valentine's Day. It presents a perfect time to show our love for the veterans who sacrificed so much to safeguard the freedom we enjoy.

National Salute to Hospitalized Veterans takes place in the VA's 172 medical centers where, on any given day, the VA provides medical treatment to an average of nearly 60,000 inpatients. Approximately 85,000 regularly scheduled VA volunteers, over half of whom are members of veterans' organizations and their auxiliaries, participate in the activities for National Salute. The volunteers will plan programs, take visitors on tours, and arrange for guests to visit with veteran patients. These volunteers give generously of their time and hearts year-round to make hospitalization as comfortable as possible for the veterans.

The theme for National Salute 1988 is "We Salute Those Who Served." First Lady Nancy Reagan is honorary patron of the event this year; screen star and karate expert Chuck Norris is chairman.

I urge each citizen to participate in National Salute to Hospitalized Veterans by visiting a hospitalized veteran at a VA medical center in your home community the week of February 8–14. By participating in National Salute, we can also show our support for the outstanding VA volunteers who faithfully serve these veterans throughout the year. It is also an opportunity to witness the efficiency and quality of some of the world's finest hospitals and medical staffs.

Organizations and individuals who would like to participate in the Salute are asked to contact the nearest VA medical facility for assistance and information.

GOVERNMENT TERRORISM IN EL SALVADOR

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. DELLUMS. Mr. Speaker, the continuing controversy over Contra aid has obscured the tragic reality that this administration has also been undermining the implementation of the Arias peace plan in El Salvador.

Last year United States military and economic aid to the current Government of El Salvador exceeded that nation's entire annual budget. This military aid has resulted in pervasive killing and destruction, and a resurgence in death-squad and other terrorist activities, with the tacit approval of the army and certain elements in the Government.

What follows below is an English translation of a sworn deposition given by an eye-witness to recent Government terrorism in the refugee camp at Calle Real, just north of the capital city of San Salvador. Mr. Francisco Herrera, a graduate of Holy Names College in Oakland—my congressional district—went to El Salvador as a volunteer church worker for Catholic Charities and the Jesuit Refugees Service.

Some of what he saw and experienced there is recounted below.

We must never forget the assassination of Archbishop Oscar Romero, the brutal murders of the four American religious workers—Maura Clarke, Ita Ford, Jean Donovan, and Dorthy Kazel—nor the thousands of innocent El Salvadorans—all victims of death-squad rapaciousness. Mr. Herrera's sworn statement is a grim reminder that the lives of American citizens trying to do God's work here on Earth are still in daily jeopardy, as are the lives of countless thousands of El Salvadoran men, women, and children.

I urge my colleagues to read Mr. Herrera's chilling account, and to reaffirm our unyielding commitment to full implementation of the Arias peace plan for all of Central America.

ARCHDIOCESAN OFFICE ON HUMAN RIGHTS, EL SALVADOR, CENTRAL AMERICA

[Document No. 02076]

In San Salvador, in the Human Rights Office of the Archdiocese of San Salvador, at 8:50 a.m. on Monday, January 25, 1988, Francisco Javier Herrera appeared. He stated that he is 25 years old, single, a pastoral worker in the San Jose Calle Real Refugee Camp under the direction of the Archdiocese of San Salvador, a native of Calexico, California, U.S.A., currently living in the San Jose Calle Real Refugee Camp in Delgado City section of San Salvador; that he carries U.S. passport number 050960555, issued September 22, 1985 in San Francisco, California, U.S.A., and who swears to tell the truth and no more than the truth about the following occurrences:

Yesterday, Sunday, January 24, 1988 at 9:30 a.m., I left the San Jose Calle Real Refugee Camp accompanied by 10 inhabitants of the camp who were planning to attend to personal matters. One woman was intending to visit a family member in Mariona Prison; another woman was going to visit her child in the Benjamin Bloom Hospital. I was accompanied by 4 women, two young girls and 4 children (one under one year old and the oldest about 2 or 3). We left the Refugee Camp in a red Toyota king cab pickup truck with a welded bar structure in the truck bed for standing passengers. We went first to San Luis Mariona Canton; I was driving. We arrived at the Troncal del Norte Road and turned left to get on the road which leads to Quezaltepeque, La Libertad. Before El Angel Canton in the Apopa section of San Salvador, we saw a group of soldiers signaling a truck which was traveling in front of us. In our vehicle, three of the women and girls were in the back of the truck while the other three females and the children were in the cab with me driving.

We continued on our way, turned left and took the road which leads to San Luis Mariona. About two kilometers from where we turned off the road to Quezaltepeque, on the street which leads to the San Luis Mariona Canton, Ayutuxtepeque, San Salvador, a white, 1973 or 1975 model Ford pick-up passed us. There were four men in the rear and two in the cab. All were young and dressed in civilian clothing. No weapons were visible. Upon passing us, several of them kept looking at us. About a half kilometer further on, the truck stopped and turned broadside in the road. All the occupants got out of the truck except the driver and all were carrying M-16's. They indicated by hand signals that we were to pull over to the side and they pointed their guns at us. They allowed the vehicle behind us to pass. They began to shout at us to get out of the pick-up, they shouted "sons of whores" and told us to get out immediately. As they came closer to our pick-up and surrounded it, they told us that if we didn't get out at once, they would blow the vehicle up with a mine.

One of them told me that if I didn't get out, he was going to get me down with his rifle. Then he directed his attention to those in the back of the pick-up and ordered the three women to get down. He told them he was going to take them in the truck with him but one of the women held onto the bar structure of our pick-up so that she would not have to go in their truck. One of the men then grabbed her by the arm and hit her with his rifle. I told them to let the women go, that we had done nothing and that we were from the church, unarmed, that the vehicle belonged to the Archdiocese and that I was an American. "That doesn't mean an animal's penis to me", one of them responded. Before they could get the women out of our vehicle, I began to ask them what the problem was and to tell them we were going to the hospital, that we were going to Mejicanos. They accused us of intending to make contact with the guerillas; that we were lying. I replied that we were from the Archdiocese; from the church, for which one of them came up to me and hit me in the forehead with his rifle. It was right after this that I saw them hit the girl who was clinging to the bar structure of our pick-up. Then they let her go and the three women got back into the truck. All of the men then got together for a few seconds a little way away from us and then they returned to threaten us, telling us to get out of the vehicle.

I insisted to them that we were from the Archdiocese and that the people accompanying me were refugees. They met together again and this time the driver, from his vehicle, raised his right arm with an automatic pistol in his hand as if to intimidate us. When he turned to look at us, I realized he was wearing an olive green handkerchief which covered his face from just below his eyes. He held the pistol outside the vehicle for a moment while the rest of them came up to us again and told us that the vehicle we were using was known. Another noted down the plate number of our vehicle. Then the one who said our vehicle was known, told us that the next time they saw this vehicle with this type of people in it, they were not going to ask any questions as if to say they were just going to machine gun us. Their license plate was bent over from the top so it was impossible to see it but it was a Salvadoran plate.

"Well," I said to them, "you have already scared us, let us go; these people are innocent, refugees." They laughed at us and then got back into their truck, put their guns in the truck, underneath some bags and other things, and they took off at a high speed. We continued on a little bit and, after they were out of sight, we turned around. When we had gone about one kilometer toward the Quezaltepeque road, we encountered a small army tank armed with a 50 caliber machine gun which was headed toward where the men in civilian clothes had detained us. After this we returned to the San Jose Calle Real Refugee Camp where we arrived at about 10:15 a.m. having done none of the things we had set out to do. I must not omit mentioning that, once we were back in the Camp, one of the young women, the one who had been beaten by one of the men, told me that she had recognized the man who had beaten her and that he was one of the soliders from the First Infantry Brigade who arrived at the Refugee Camp on Saturday, January 16 of this year and wanted to take away several men who live in this camp.

This is all I have to declare and it is the whole truth and nothing more than the truth and consists of what I have seen and heard. I confirm the foregoing and sign.

FRANCISCO HERRERA.

PRESIDENT CHIANG CHING-KUO

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. EMERSON. Mr. Speaker, to Ambassador Fred Chien of the Coordination Council in Washington, I send my personal condolences on the passing of President Chiang Ching-kuo. I know Dr. Chien had been close to President Chiang for a number of years and that he had visited with the President twice during his home visit last December.

I am sure Ambassador Chien felt his loss most personally; millions of Taiwanese people shared Dr. Chien's grief over the passing of their much beloved leader.

It's most fortunate that, due to President Chiang's foresight, Mr. Lee Teng-hui is now the President of the Republic of China on Taiwan. I trust Mr. Lee will carry out his mentor's policies of continuing economic development that will eventually eradicate communism and institute a democratic form of government on the Chinese mainland.

Mr. Speaker, Mr. Lee is a good man who deserves our understanding in the days ahead. I wish to assure President Lee that the United States friendship for Taiwan is strong and that his representative, Ambassador Fred Chien, has the respect of us here in the United States Congress as we continue to address problems of mutual concern to our two nations.

Last Friday I attended the memorial service for President Chiang Ching-kuo at the National Presbyterian Church, an experience shared by many.

THE MARCHING MILLIONAIRES HONORED

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. GEKAS. Mr. Speaker, I am proud to pay tribute today to the Williamsport Area High School Marching Millionaires who won the Atlantic Coast Championship, the top title for high school marching bands in the region, on November 15, 1987. The Marching Millionaires won the title over 22 other large high school bands in a 7 State area, all champions from their respective geographical area. The score of 96.75 was the highest score ever achieved by a Williamsport area school band. In fact, the band also received trophies for the highest music score and the highest marching score.

But Mr. Speaker, winning is not new to the Marching Millionaires. During the past 7 years, the band has won the Atlantic Coast Championship four times—1981, 1982, 1984, and 1987. During the years when the Millionaires weren't winning championships they were placing second—1983, 1985, and 1986.

That is quite an accomplishment and one that has made their families, friends, community, and Congressman very proud. The school plans to honor the 200 members of the Marching Millionaires Band on Thursday, February 4, 1988. I would like to extend my congratulations for a job well done.

THE 40TH ANNIVERSARY OF THE WYOMING VALLEY CATHOLIC YOUTH CENTER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. KANJORSKI. Mr. Speaker, it is my great privilege to recognize the 40th anniversary of the Wyoming Valley Catholic Youth Center of Wilkes-Barre, PA. For 40 years the Catholic Youth Center has made immeasurable contributions to this community, by providing our youth with both recreation and guidance.

The Catholic Youth Center was first envisioned by the late Bishop William J. Hafey, in 1948, as a place where the children of the diocese could laugh together. Father Donald Deuel, then the assistant pastor of the Church of St. Mary of the Immaculate Conception, became the first moderator and Robert Golden, a graduate of Notre Dame in the field of recreation, was named director. A board of 21 directors, with Thomas Collins as president, volunteered their services to the cause.

Under their direction, the center began to take young people off of the streets and give them a place to meet, socialize, and have fun. Thanks to a generous contribution of $312,000 made by Bishop Jerome D. Hannan in 1959, a greatly needed annex was built housing a new gymnasium and swimming pool. This greatly improved the sports program and also provided space for a variety of social events. Since Hannan Hall was built, the Center has encouraged the creation of various city sports teams and has sponsored numerous athletic events. Classes in lifesaving are also offered as a regular part of the organization's swim program. Instruction in crafts, ceramics, archery, and weight-lifting has been provided and Saturday night dances have become a tradition.

The center has also taught our youth the valuable lessons of responsibility, cooperation and leadership. It has encouraged the creation of a wide range of clubs that meet the needs of specific groups of young people, which have been responsible for organizing many social functions. Student council members, elected from area schools, have actively participated in raising funds for victims of debilitating diseases such as cerebral palsy.

In addition, the center has demonstrated its commitment to the future of our youth by creating a job clinic. The center has worked with business people, educators, and clergy to help young people select a career and learn what they must do to achieve their goals and aspirations.

A grant from the Department of Interior enabled hundreds of the area's underprivileged children to enjoy the center's facilities. A van was purchased to provide these children with transportation to and from neighboring communities. Anthony D. English, Jr., executive director of the center, would like to further expand the program to provide services to the handicapped and senior citizens. The new motto for the center is: "For the Young, and the Young at Heart."

In its 40 years the Wyoming Valley Catholic Youth Center has worked to ensure that the members of its community have had productive youths and promising futures. In light of the increasing problems facing young people today, the services provided by the Wyoming Valley Catholic Youth Center are perhaps more vital now than ever before. I would like to offer my strong support and sincere thanks for all of its invaluable efforts.

PRESIDENT CHIANG CHING-KUO

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. PASHAYAN. Mr. Speaker, President Chiang Ching-kuo of the Republic of China on Taiwan died January 13, 1988. His death was a loss to the people on Taiwan and a loss to the free world.

According to an editorial in the Washington Post, during Chiang's tenure as president,

> He strengthened Taiwan's economic sinews and trading connections, giving his country power in a usable dimension and providing a stake in national success to the island's citizens. He kept Taiwan's political liberalization moving ahead of the popular agitation. His style is suggested by his quick and constitutional succession by Vice President Lee Teng-hui.

Indeed, Chiang was a leader of foresight and vision, which made it possible for Mr. Lee to succeed him as President. As we mourn the passing of President Chiang Ching-kuo, we wish President Lee the best of luck as he guides Taiwan to continuing prosperity and growth.

THE PERSECUTION OF THE BAHA'IS IN IRAN

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Mr. DURBIN. Mr. Speaker, for several years, we have urged the Government of Iran to end its persecution of the Baha'is, a religious sect comprising 1 percent of Iran's population. Sadly, though the abuses have decreased slightly since 1983, they continue at too high a rate.

The abuses are rampant. Despite the Ayatollah Khomeini's 1982 statement promising the cessation of entry into private homes without a search warrant, many Baha'i homes are still pillaged by authorities. Their homes are confiscated, children are homeless or denied schooling and relatives disappear. Those executed are often tortured and buried without any notification of family members. More than 200 Baha'is linger in Iranian prisons.

The Iranian Baha'is are deprived of basic human rights because of their religious beliefs. They believe in oneness of mankind and religion, equality of men and women and the elimination of prejudice. As members of such a tolerant religion, they are subject to intense persecution.

The Baha'is, with 1 percent of the population, are the largest religious minority in Iran. Unfortunately, they are also singled out for abuse and death. The intolerance of the Iranian authorities, which in the past has been focused on the group's leaders, has led to the execution of 188 Baha'is and the disappearance of 15 more, who are presumed dead. Five Baha'is were executed in 1987. The only sure way to escape persecution is conversion, a discriminatory path few choose to follow.

Today, eleven members of the Baha'i community face imminent danger of death. The National Spiritual Assembly of the Baha'is of the United States reported that 11 men, Ehsanullah Ayadi, Farajullah Saadati, Sohrab Dustdar, Ramezan-Ali Amui, Behnam Pashai, Muhammad Dehqani, Ezzatullah Khorram, Mehran Tashakkor, Farid Zkiri, Vahid Qodrat, and Shahroukh Hoveydai, have been tortured and are now threatened with execution. The Iranian Government has not formally tried these Baha'is for a criminal act, yet it threatens to take their lives.

The September 1987, execution of two Baha'is in Iran and the reported imminent death of 11 more gives us cause to renew our efforts to forge an international alliance against the Iranian Government. There is great fear among the Baha'is community in Iran and the United States that any slowdown in American pressure against these glaring human rights violations will increase the persecution. They believe that Iranian officials are conscious of their reputation, and thus are sensitive to international pressure. This pressure has helped decrease some abuses in the past in a nation which has one of the world's worst human rights records.

I urge our continued efforts to call attention to an abusive, intolerant Iranian Government.

THE NATIONAL SCIENCE FOUNDATION AND INTERNATIONAL COMPETITIVENESS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1988

Miss SCHNEIDER. Mr. Speaker, increased funding for the National Science Foundation is an essential element in our Nation's fight to regain its industrial competitiveness. Roughly half of the increase in U.S. productivity can be attributed to technological innovation. Basic

research conducted at our Nation's universities and supported by the National Science Foundation is critical to increasing productivity in the United States and improving our competitive position in international markets. NSF funds also are critical for training our next generation of scientists, engineers and teachers.

I want to share with my colleagues a recent article from Government Executive Magazine which discusses the role of the NSF in our competitiveness effort.

OUT OF THE LABORATORY, INTO THE WORLD MARKET

POLITICAL LEADERS TARGET THE NATIONAL SCIENCE FOUNDATION AS IMPORTANT TO U.S. COMPETITIVENESS

(By Claude Barfield)

As many agencies languish with stagnant budgets in this era of huge federal deficits, the National Science Foundation is headed in quite a different direction: toward a doubling of its resources over the next five years.

The agency is the beneficiary of politicians' concern about the nation's other deficit—in its international trade accounts—and about the ability of American companies to compete in world trade.

Improved science, technology and innovation in commercial products and processes are the keys to improved competitiveness, in the view of the White House and Congress, and they are looking to NSF to lead the way. A year ago, in his State of the Union message, President Reagan directed that the agency emphasize "fundamental science that has the potential to contribute to our nation's economic competitiveness."

Competitiveness in trade, of course, implies developing and improving saleable products. But the NSF has long been a leader in funding basic research, which is not product-driven. Making the transition from ivory-tower science to more practically oriented research is one key challenge now before the agency's managers.

A second is the problem of deciding how to spend its new money and establish new programs with no appreciable increase in staff or administrative funds.

The agency's first big budget increase is due in the current fiscal year. The Administration's proposal, to boost spending by $270 million over last year's $1.62 billion, survived nearly intact in early rounds in Congress. Though some cuts are likely as the government deficits are reduced, Rep. George Brown, D-Calif., a longtime science policy leader, says "support for basic research is one area that both conservatives and liberals can agree on."

In addition to funding more research and better facilities for scientists in the various disciplines, Reagan charged NSF with using some of its new money to:

Establish 80 to 100 interdisciplinary science and technology centers based at universities, and

Expand the nation's "talent base" in science and technology through enhanced science and engineering programs at all levels of the educational system.

The core of NSF's activities—two-thirds of its budget—consists of grants to individual researchers or small teams in various scientific and engineering disciplines, usually in academic settings, and the vast majority of the agency's budget will continue to go for these kinds of grants. NSF funds 25 percent of all federally supported basic research—more than the Pentagon, the Energy Department and NASA—and that percentage will increase. Only the National Institute of Health funds more basic scientific research, to the tune of $3.6 billion in fiscal 1987.

NSF does its job with a staff of just 1,244. About 20 percent of the staff members are temporaries—science and engineering professionals who rotate into the agency for a few years and then back to the classroom or laboratory. Assisting the staff with the large task of reviewing grant proposals is a network of peer review boards and committees drawn largely from universities.

NSF has always been a household word in the scientific community. But managers think the agency's new mandate will raise its profile among business, industry and the general public as well. In the future, says NSF Deputy Director John H. Moore, the agency will be a whole lot more visible to Congress, within the Administration and to the media and scientific constituencies outside of government.

PLANNING UNDER BLOCH

Even before receiving any new money, NSF's focus and operating style had changed significantly under Erich Bloch, the hard-charging, blunt-spoken former IBM executive who took over as its director in 1984. From the outset, Bloch moved to make NSF "more responsive to major changes that have occurred in the scientific enterprise itself and to challenges that have been presented to us by the new realities of international competition," he says.

Internal discussion regarding the implications of a huge budget increase over a short time span began during the summer of 1986. After the President's former endorsement in January 1987, however, planning went into high gear. Last spring, NSF drafted, and its governing board endorsed, "Long Range Plan: FY 1988–92."

Although expansion of NSF received early support from both the executive and legislatives branches, Moore says NSF was unwilling to take that support for granted. He says Bloch insisted that the agency develop and be able to demonstrate to the outside world "a set of carefully though out strategies for expenditures that would benefit both science and U.S. competitiveness."

In February, under Moore's direction, NSF created four task forces. Three groups focused on creation and expansion of NSF programs, reflecting priorities set by Reagan in his speech and by NSF in strategic planning sessions. The fourth, chaired by NSF Controller Sandra D. Toye, addressed the management, personnel and budgeting changes that are necessitated by the agency's massive expansion.

Of the four committees, Toye's organizational planning task force may have had the lowest profile outside of NSF, but its mission was the trickiest. "The difficulty," Toye says, "is that the increase in budget, the new political accountability, and launching of complex programs will not be accompanied by a commensurate increase in personnel and administrative resources; doubling the budget will not mean doubling the staff."

The three programmatic task forces, chaired by NSF assistant directors, were:

Disciplinary Research and Facilities, which planned for strengthening of the individual scientific disciplines and improving the science and engineering facilities under NSF's authority.

Education and Human Resources, which studied how to enhance the quality of science and engineering education and human resources development and broaden participation in science and engineering to include more women and minorities.

Science and Technology Centers and Groups, which outlined plans for developing the new science and technology centers and augmenting existing collaborative research activities.

Throughout the planning process, drafts of task-group reports were widely circulated both withn NSF and outside of it. "What we aimed for was a kind of top-down, bottom-up process simultaneously," says Moore, "We wanted to make sure that all of the staff and all of the scientific viewpoints felt involved and a part of the process, so that at the end we would have built a broad consensus."

DISCIPLINARY RESEARCH

Although grants to individual researchers have always been NSF's *raison d'etre*, the agency's budget windfall will entail some change in this area of agency operations.

William J. Merrell, who chaired the group as assistant director of geosciences at NSF, says his panel found NSF's system for providing basic disciplinary research grants to be sound—but underfunded. Tight budgets during the past decade have left NSF "caught in a double bind,' says Merrell, who left his NSF post last summer to become president of Texas A&M. "A tremendous backlog of truly exciting proposals has developed in many areas. And we have grossly underfunded the proposals we have accepted because research costs have been going up dramatically."

With its additional funding, NSF will be able to increase both the size and the number of its grants. But Merrill's task force recommended that three-quarters of the new grant money be devoted to boosting the size of grants. Specifically, the long-range plan recommends:

Increasing the size of individual grants by about 80 percent, from an average of $74,000 in 1988 to $135,000 in 1992.

Increasing the number of disciplinary grants 25 percent between 1988 and 1992, from about 10,200 to 13,000 grants.

Merrell's task force was also concerned that research facilities and equipment have deteriorated or become obsolete, leaving the nation with an inadequate science infrastructure. Biologists need vast quantities of equipment and instrumentation, Merrell noted, and mathemticians are increasingly dependent on supercomputers. So the long-range plan contemplates a sizable increase in resources devoted to facilities and commits NSF to increased funding of instrumentation and other support equipment within individual grants. Merrell's task force recommended that NSF spend about $1.6 billion for facilities during the next five years.

EDUCATION AND TRAINING

Of three major thrusts in the strategic plan for NSF's additional resources, the education and recruitment of scientists has been assigned top priority; educational and human resources programs will receive 50 percent more of the new money than the other two areas do.

The education initiatives represent a major turnaround for the Reagan Administration, which in 1981 proposed drastic cutbacks in existing NSF education and social sciences programs. Education task force chairman David T. Kingsbury, assistant director for the biological, behavioral and social sciences, credits Bloch and George A. Keyworth II, White House science adviser from 1981–85, with turning the administra-

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tion around on this question. Both argued, he says, "that the U.S. competitiveness was directly tied to the size and quality of our scientific and technological work force."

The NSF strategic plan envisions a broad attack on the problem across the entire education spectrum. Program priorities include:

Pre-college: support of curriculum development projects; support of teacher and institutional networks; establishment of federal funded resource centers for science education.

Undergraduate level: curriculum development support; projects to improve laboratory instruction and teaching of science to non-science students; involvement of undergraduate science majors in higher level scientific research.

Graduate level: expansion of existing graduate fellowship programs; additional support for graduate students in NSF disciplinary grants; additional foreign travel for graduate students.

Post-doctoral level and young scientists: major expansion in interdisciplinary and international post-doctoral program funding; continued support for 1,000 Presidential Young Investigator Awards that provide promising young scientists with federal grants for five years.

Senior scientists and engineers: a large expansion of sabbatical and summer leave programs; establishment of a series of cross-disciplinary training institutions.

A further priority will be to increase participation of women and minorities in the science and engineering work force.

SCIENCE/TECHNOLOGY CENTERS

Though relatively small in comparison with the other two elements of NSF's strategic plan, the proposed science and technology centers constitute the most important symbol of the new directions and priorities at the science agency. They combine two themes stressed by Reagan and Bloch: enlisting federal science in direct support of U.S. competitiveness and the necessity for increased interdisciplinary collaboration.

U.S. scientists can, of course, boast some interdisciplinary successes already. For example, biologists who understand the structure and properties of materials like enzymes, collagen, mollusk shells and bone have worked with chemists and materials scientists to create membranes and structural composite materials to substitute for such materials as steel in automobiles.

The task group on the science and technology centers spent a good deal of time puzzling over means of fostering increased interdisciplinary research, according to committee chair Richard S. Nicholson, assistant director for mathematical and physical sciences. "The truth is we haven't done all that well in the universities or at NSF in creating incentives and career signals to young investigators that would induce them to look at the interesting science that lies at the frontiers, between disciplines," says Nicholson.

Nicholson's task force recommended that by 1992, NSF be spending about $340 million, or just over 10 percent of its budget, on the centers. (For group or collaborative research outside the centers, the task group recommended a target of $480 million per year, or 15 percent of the agency's 1992 budget.) NSF expects that annual awards for the centers will range from $500,000 to $5 million, and that between 80 and 100 centers will have been created before 1993.

The deadline to submit proposals for the first annual awards created under the new program is Jan. 15. Under the terms of the first program solicitation, the centers must be based at universities, although linkages with both industry and state and local governments are strongly encouraged. They must have a unifying theme or area of investigation and be led by faculty who are integrated into the existing academic programs. The centers will be funded for up to 11 years after the initial grant. Criteria for selection include strength of management plans; education and training benefits to students; and linkages to other sectors and groups for technology transfer.

To launch the new technology centers, NSF has created a temporary Office of Science and Technology Centers Development headed by Alan I. Leshner, formerly executive officer of the biology, behavioral and social sciences directorate. Leshner hopes that his office will be abolished within five years and the program run through individual departments at NSF.

To screen the several hundred proposals for centers that agency officials expect, NSF will depend heavily on its outside peer review apparatus, as well as a group of science and technology center coordinators within NSF offices. The agency decided not to indicate substantive program priorities relating to scientific disciplines because, says Leshner, "We really wanted to see what's out there, and while we have some ideas about the most fruitful and interesting opportunities, we didn't want to close off any possibilities."

SKEPTICS

Bloch and his top staff are aware that the focus on the centers has produced uneasiness and skepticism among NSF's scientific constituency and in Congress. The fear is that the centers represent a shift away from NSF's traditional mission of giving grants to individual investigators.

For that reason, NSF enlisted the advice of the National Academy of Sciences (NAS). A panel of scientists formed by NAS reviewed the program during the spring and then endorsed it, with some important cautions. Among them: The centers should not be allowed to divert funds from the individual-grant program; the centers, like other organizations, could become resistant to new ideas; interdisciplinary research, while necessary in some areas, should not be undertaken simply because it is fashionable; the centers should not focus on near-term commercial applications just because they are perceived as contributing to competitiveness.

Bloch says he is certain that the NAS and university scientists will find great merit in the centers once the program is under way. But notes that "scientists, though they live in the realm of new ideas, are—like any constituency—very conservative when it comes to their own institutions. They get very nervous when someone proposes a new way of doing things."

From outside NSF, former assistant director Merrell is more blunt: "When you're asking for the kind of increase we want, you've got to be able to show Congress and the American people that there will be an economic payoff somewhere down the line," he says. "The basic research 'targeted' toward competitiveness which the centers will sponsor is a necessary supplement to NSF's more traditional support of the individual researcher."

AGENCY MANAGEMENT

Bloch has ordered that, as NSF expands, administrative overhead must not rise above 5 percent of the budget. One key to meeting that goal, says Toye, will be fuller use of automation and information technology. Among programs planned or under way are electronic submission of proposals, extension of electronic mail and advanced office automation, teleconferencing, and a state-of-the-art management information system.

Continuing recruitment of top-quality staff will also be crucial to increased productivity and to the ability of the agency to evaluate research proposals in both the old and new program areas. Toye points out, though, that to supplement its permanent staff, NSF—unlike most other federal agencies—is very much dependent on university scientists who rotate in and out of the agency. "These scientists are indispensable to us. They allow the agency to keep up with the latest trends in each field and provide a continuing stream of fresh ideas and perspectives," says Toye. But the agency is finding it increasingly difficult to recruit such scientists because of ever-greater disparities between federal salaries and those of top nongovernment scientists. The foundation is currently exploring a number of propoals for relief from civil service pay restrictions with the Office of Personnel Management and may ask for legislative authority to pay more competitive salaries, as the Public Health Service is allowed to do.

Toye noted finally that the new science centers program would present more complex management challenges for NSF. "With individual grant proposals, much of the work is up front in the selection process. The grants do not call for close monitoring thereafter. But with the centers there will have to be a great deal more post-award contact and supervision. They are likely to end up more like traditional agency contracts and thus demand more staff time here."

Toye's tenure at NSF spans that of six directors and goes back to 1972. Despite the many changes she has seen in that time, she says, "There is also a basic continuity: Our mission remains to provide the institutional framework to support the best science in the country. What may seem to outsiders a decentralized, even disorderly system, has in reality produced a resilient strength over the years."

SENATE—*Wednesday, February 3, 1988*

(Legislative day of Tuesday, February 2, 1988)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14:34. *Blessed is the nation whose God is the Lord* * * *.—Psalm 33:12. *I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made* * * * *for all that are in authority; that we may lead a quiet and peaceful life in all godliness and honesty.*—I Timothy 2:1-2.

Eternal God, Father of the nations, as people gather in Washington from every State and 130 countries for the National Prayer Breakfast tomorrow, we ask Your blessing upon each one. As a microcosm of the world's people gather in the Grand Ballroom of the Washington Hilton, may Your Holy Spirit move upon them with power and love. Bless President and Mrs. Reagan, all the National, State, local, and international leaders who will be present. Grant that this annual occasion shall be a demonstration of the peace of God that passes understanding and the love of God which is unconditional, universal, and eternal. In the name of the One who incarnates that love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 3, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized for not to exceed 5 minutes.

Mr. BYRD. Mr. President, I thank the Chaplain for the Scriptures quoted and for his prayer.

EXTENSION OF VOTING TIME

Mr. BYRD. Mr. President, the vote will occur today at 10:30 a.m. on the Kennedy nomination. There is going to be a parade in town today and traffic will be congested. I came in early to avoid that congestion and found that I was wise to do so because the movements are already beginning. I hope that Members will leave their homes in ample time to reach the Senate for that vote. It is a 15-minute rollcall vote.

I am constrained to ask unanimous consent that that be a 30-minute rollcall vote, inasmuch as it is early in the day and particularly because some Senators may be caught off guard by virtue of this buildup of several thousand or scores of thousands of people who will be in town for this parade.

It is an important nomination, and if there is no objection, I ask unanimous consent that that be a 30-minute rollcall vote to begin at 10:30 a.m. and with the call for the regular order to be automatic at the conclusion of the 30 minutes.

Mr. SIMPSON. Mr. President, reserving the right to object, I certainly will not object. I do appreciate the majority leader's accommodation there. It matches what he expressed to us, that in times of extremity or weather, and I understand that has become a little bit worse, that we would accommodate the Members and I thank him for that.

I will not be involved in the parade. It would be a parade of tears for we poor Bronco fans. I do not think I could stand it out there, but I certainly commend the Washington Redskins. They did a remarkable job of destruction of a fine football team on the other side, which was quite extraordinary. Having played the game in college, which I did, watching it was an awesome exercise. They should be richly commended for a superb performance.

I know tomorrow we will have the prayer breakfast. Let me just say in response to the Chaplain, I have seen some remarkable ones: Bishop Sheen, Billy Graham, the President always, any President always is there and it is a very moving ceremony.

So, with that, Mr. Majority Leader, I certainly do not object and I appreciate that accommodation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I will not be involved in the parade either. I am merely seeking to help our Senators to avoid missing a vote, the circumstances having arisen not too long ago that will create this congestion. So I am very pleased that the distinguished assistant leader agrees with me and that there is no objection.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I yield the floor. I ask unanimous consent that I may reserve the balance of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I, too, reserve the remainder of the time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin is recognized.

THE COST OF YOUR HOUSE AND THE COST OF STAR WARS

Mr. PROXMIRE. Mr. President, arguing with an SDI supporter about the cost of star wars is like arguing with a teenage son about the cost of a house. You ask the teenager how much he thinks it costs to buy a house. He tells you, "Sure, it costs $6,000." You ask, "Where in the world did you get the nutty idea you can buy a house these days for $6,000?" He replies, "Isn't that what you pay the bank every year for the mortgage?" You explain that $6,000 is just the interest for 1 year on the mortgage. You point out that the mortgage is for $60,000. A month later you ask him

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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how much a house costs. He says, it costs a lot. It costs $60,000. You tell him, "No, Jimmy, $60,000 is just the cost of the mortgage on the house. We also have to pay another $40,000 to pay the previous owner $100,000 for the house." "So," asks Jimmy, "You mean the house costs $100,000? Is that it? Is that the total cost?" Your reply, "Not by a long shot. To buy this house we paid the previous owner $100,000. Over 30 years we will pay about $165,000 in interest to finance the mortgage. That goes to the bank. But that is not all either. As long as we live in this house we will have to pay property taxes of $3,000 per year to the city. In the next 30 years alone we will pay at least $90,000 in property taxes and probably a lot more. Property taxes always go up. They never come down. Then there are repairs and maintenance to the house and the lot. There is fire insurance, theft insurance, liability insurance. All together those repair and insurance charges came to $5,000 last year. That was about an average year. Over 30 years that adds up to at least $150,000 for repairs and insurance and probably much more. So even if we forget about anything extra we do to improve the house what does it cost? You add the $100,000 purchase price, the $165,000 in interest on the mortgage, the $90,000 in property taxes and the $150,000 in repairs and insurance. We will pay more than $500,000 to live in this house for the next 30 years.

"So it is not $6,000 that this house costs. It is more than half a million." And that is the way it is with SDI. In 1988, we will spend $3.9 billion on SDI research. That research cost will grow enormously as the years go on. Development costs will be even greater. Then comes the immense production costs. These costs will depend on what the research finds is feasible. Based on virtually all experience with new technology the cost will almost certainly exceed even the high estimates. How many times have weapon systems that require technology breakthroughs come in anywhere near initial estimates? Answer: Virtually never. Has the cost ever been less than initial estimates? Never. It is always more, usually a lot more.

Antisatellite weapon—air-based. The uncertain technology is in its homing device.

The B-1 strategic bomber. It had many technology related problems.

The MX nuclear missile. In particular its guidance system.

The real trouble with the cost of weapons goes beyond technology. Any weapon is sure to provoke a counterweapon. This is especially true of defensive weapons. And it is absolutely predictable in the case of a defensive weapon like SDI which, if it succeeded, would destroy the credibility of the opponent's deterrent.

One example: The present push is for the employment of space-based kinetic kill vehicles [SBKK's]. The vehicles would orbit the Earth at several hundred miles. There would have to be several thousands of them. With the present technology they would be as vulnerable to Soviet attack as a 3-year-old child wandering in a crime-infested section of a great American city carrying $10,000 in $20 bills in plain sight. The Soviets could pick the time and place to knock out every American SBKKV at will. Talk about sitting ducks. The American SDI battle stations would have a fixed orbit. They would pass through a specific section of the sky many times every day at an absolutely predictable time. At any time it wished the U.S.S.R. could fire antisatellite weapons to destroy the battle stations. Any effort to provide armor plating or "shoot-back" capacity to the battle stations would add enormously to the cost of lifting the battle stations into orbit and keeping them there. Would the attack on the American battle station constitute an act of war? It might. But if there is one clear U.S.S.R. doctrine it is that the sovereignty of nations, especially the Soviet Union, extends to an infinite altitude into space above each sovereign country. So therefore would we not expect the Soviets to consider the thousands of American battle stations deliberately designed to destroy this ICBM deterrent and orbiting directly over their country many times a day an invasion of their sovereignty? Just ask yourself what would be our American reaction if the Soviets were filling our skies with space-based kinetic kill vehicles? Would we take them out, which we easily could? You betcha! we easily could? You betcha!

What does all this mean in the cost and feasibility of SDI? It means that to have any chance of deploying battle stations that could survive in orbit over the U.S.S.R. we have to design space-based kinetic kill vehicles that have heavy armor plating and can intercept and destroy antisatellite type fire. Have we made any progress in researching the kind of armor plating? Have they developed weapons that can intercept and destroy antisatellite fire? The answer is we have not. What would be the cost of researching, developing, producing, and especially lifting and deploying battle stations with this kind of capability? No one knows. Would it add to the cost of SDI? Of course, it would add greatly to the cost of SDI. Cnuld we be reasonably confident that it would work when the Soviets offense could pick the time, the place, and the intensity of the attack? Would they make such an attack on an armada of battle stations orbiting over their country several times a day on regular schedule? What do you think?

This illustrates the wisdom of the answer that former Defense Secretary Harold Brown gave to a question I asked him when he testified before the Defense Appropriations Subcommittee in 1986. I asked Dr. Brown how much he would estimate it would cost annually to maintain, operate, and especially modernize an SDI system to make it effective against U.S.S.R. countermeasures. His answer was that the cost would be between $100 and $200 billion per year every year in 1986 dollars in perpetuity. And, of course, we could never be sure or nearly sure that such modernization would be enough to defeat a Soviet attack on vehicles such as the SBKKV's. And keep in mind that Dr. Brown not only brought the wisdom of a former Secretary of Defense. He also brought the know-how of a world-class physicist and a former head of the Livermore Lab in California where so much of the technical work on SDI has been done.

Estimating the cost of SDI is much harder than estimating the cost of a house. It is like estimating the cost of building, maintaining, and constantly rebuilding a house located in Beirut. This is a house which is conspicuously lavish, obviously undefended, and occupied by rich Americans who revel in teasing terrorists.

Mr. HOLLINGS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

CONTRA AID

Mr. HOLLINGS. Mr. President, it is unfortunate that concern for American security in the Western Hemisphere has been so trivialized that, on the eve of a decisive and historic vote, the three main national television networks concluded that the President had nothing to say and therefore his speech did not warrant being televised.

Perhaps, Mr. President, the President of the United States will think twice next time before vetoing the fairness doctrine requiring the networks to give balanced exposure to all important issues and points of view. When a President of the United States plans a major address on an issue of major national import, as he did last evening, then, under the fairness doctrine, the networks would carry it and give equal time to the other point of view. But for the networks to determine independently that a crucial Presidential address has no news value demonstrates the final demise of the letter and spirit of the fairness doctrine.

Now, Mr. President, on this momentous issue of aid to the Nicaraguan freedom fighters, we are faced today with a political showdown between the

House of Representatives and the President of the United States.

I have watched this fight evolve over the last several years. It had its origin in the clash between our distinguished colleague, the former Speaker, Mr. O'Neill, and the President, over the Boland amendment. Speaker O'Neill viewed the Boland amendment as a matter of House honor, as a matter of House principle.

I have been in conferences in the Defense Appropriations Committee where those Boland amendments were prepared. On his part, the President gave short shrift to those Boland amendments because his administration was getting aid, little as it was, hither, thither, and yon, to the Contras anyway.

So there has been a terrific ambivalence and rivalry with respect to the Contra program down in Latin America and the assistance that we as the United States of America are willing to give those who are willing to fight for freedom.

This is a sad context now because no one is listening to what is really at issue in Central America.

We know what is at issue in Afghanistan, Mr. President. The public figures as reported by the media shows that we have given Afghanistan, $500 million in 1986 and $690 million in 1987 including $30 million for humanitarian aid and $60 million for refugee aid. Thus, the total of our aid in the last 2 years to Afghanistan is $1.2 billion.

We have similarly been generous with the Philippines. Our aid there has totaled $379.9 million in 1987 and $305 million in 1988—plus $50 million for land reform—a combined level of $735 million in 2 years.

The entire aid to the Contras over the 9-year period that the Sandinistas have been in power has been $231.8 million. A paltry sum in comparison to what we have given to the Philippines and Afghanistan—a very meager amount when compared to Soviet aid to the Sandinistas. We have only given the Contras $14.8 million since the Arias plan was conceived while Soviet aid to Nicaragua has been $300 million.

The big doubt of those Democrats opposing Contra aid is toward lethal aid and they say that they will present a package of humanitarian aid. They are quibbling over $3.6 million.

That is not enough for a good skirmish in any battle. That is not the cost of a turnpike or section of a highway in the United States.

It is outrageous when you consider the ramifications of ceding Central America to the Marxists.

The President has reduced his request to an offer made by the Mafia—an offer that cannot be refused. But in refusing it, many Democrats are determined to win the inside-the-beltway political struggle between House Democrats and the White House. But in having its way, Mr. President, the House will turn its back on a struggle, a real struggle, for freedom that has developed in Nicaragua. The Contras have been successful in recent assaults and they are winning over the Nicaraguan people.

I take issue with my distinguished colleague from Connecticut and his views stated in the Washington Post about the success of the Arias plan. He credits the Arias plan with opening the newspaper La Prensa. In fairness, it was the Contras and their successes that did that.

You understand, Mr. President, that when the Arias plan was submitted, the one thing that the Sandinista and Contra opponents in the Congress jumped on was to use it as a pretext to end any additional aid to the Contras. In other words, let us surrender, but please continue with the Soviet aid.

Incidentally, that raises another point; the amount of Soviet aid. I have cited the figures of the U.S. aid to the Contras—$231 million. I wonder how many people realize that Soviet aid to the Sandinistas since 1979 has been $4.7 billion. It makes you wonder how there are any Contras left. Imagine $4.7 billion in Soviet aid to one side and $231 million in U.S. aid to the other—and Reagan is called the warmonger by many Democrats in Congress.

In any event, the one thing jumped upon under the Arias plan was stop funding to the Contras—extinguish them. But the Contras have continued to march forward.

The key to the Arias plan, as the Sandinistas see it, is for the Contras to disband, to surrender, to quit. We know that with any sign of resistance, once they grant amnesty and lift the emergency, as they say to satisfy peace needs, they will immediately arrest the leaders, who speak out. Well, I contend the peace plan itself has gone awry.

The plan was signed on August 7, and allowed for a 90-day compliance period—or a date of November 7. That date was put off until January 7. On January 7, the Presidents of the five countries who were supposed to verify compliance—and, of course, the Sandinistas did not comply—had the date extended to January 15. On January 15, they found there was no compliance.

If you want to proclaim what the Arias plan has brought to Central America—let's be clear and straightforward. It has given us a mechanism that brings into clear focus what is at issue and we can see very clearly the game being played by Daniel Ortega.

As the distinguished Senator from Connecticut concludes, "The President's aid request does not give the plan a chance. It dooms it."

How could $3.6 million in escrowed aid doom it? That miniscule measure of aid cannot possibly doom the peace. If anything, it belies the pretense that the Arias plan has been responsible for so-called progress by Ortega and his group.

Mr. President, the truth of the matter is that we have been acknowledging the Communist threat to the world but not to our own hemisphere. I want to disassociate myself from the constant headlines proclaiming that Democrats oppose Contra aid. This is one Democrat who favors it, who has been favoring it, and will continue to favor it until the tyranny of the Sandinistas is broken.

I had the occasion to meet with Daniel Ortega in 1979 when the Sandinistas first came to power. I opposed aid to them. Our late colleague, Senator Zorinsky, arranged for Senators Stone, KENNEDY, and several of us to meet with Ortega at that time.

Mr. Ortega said he wanted the same democracy in Nicaragua that we wanted in the United States: free elections, freedom of the press, freedom of religion.

I told him I did not want to offend him or hurt his feelings, I just did not believe him. Nonetheless, I told Ortega I wanted him to prove me wrong. I chose to support early aid to the new Nicaraguan regime. I came down to this floor and supported a generous total of $117 million in direct aid to the Sandinistas. We gave peace a chance. And now they have a Marxist, top-to-bottom totalitarian Communist system down there with countless political prisoners. Some 500,000 Nicaraguans have voted with their feet by fleeing across the border, and another 15,000 to 17,000 anti-Communists are in the field under arms, succeeding in controlling a substantial part of the country after 9 years. So, we know the yearning for freedom. I say to my Democratic colleagues, today, let us give hope a chance. If they vote down this measly $3 million today in the House or tomorrow in the Senate, then we will have extinguished hope. So, do not come running around talking about humanitarian aid. Thank heavens, when the United States got its freedom, France did not limit us to humanitarian aid at the time of our revolution. The freedom fighters are not humanitarians. They are fighting for freedom. They do not have the luxury of being humanitarians in the current atmosphere. It is an atmosphere of violence and repression created by Sandinista Marxists and their Soviet bloc henchmen.

The Cubans are in the driver's seat in Managua, and if we Democrats cannot recognize who the real enemy is in this struggle, then, as a party, we are truly lost.

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I will be glad to join in the full-scale debate when the Senate considers Contra aid tomorrow. However, I seek today, to counter the notion that all Democrats oppose Contra aid, because there are many of us who are deeply concerned. I well remember back in 1959, when many said, "Oh, don't worry about that little Caribbean island." Thirty years later, the Cuban mercenaries are in Yemen, they are in Ethiopia, they are in Angola, they are in Nicaragua. They are deployed the world around. And the Soviet Union is dedicated, the Soviet Union is committed, communism is dedicated, communism is committed, yet we in the democratic camp are afraid to commit. We are not dedicated. We are not willing to fight for our beliefs. Freedom is not free. It must be strived for. Let us at least give the Contras, who are willing to fight their own fight, a chance to succeed. We fought for a decade and lost 58,000 boys in Vietnam in a futile search for South Vietnamese who would fight their own fight in Vietnam. In Nicaragua, we are blessed with patriots who are willing to carry the combat burden entirely on their own. All they ask from the United States of America, the great bastion of democracy, is minimal financial assistance. Indeed, today, we are talking about a puny $3.6 million in escrowed lethal aid, yet leaders of this debate say, "If you give them the $3.6 million, peace is doomed." This argument is 180 degrees wrong. The simple fact is that without continued support of the Contras, peace is doomed. Unless, of course, you seek the phony peace of totalitarian control, the deathly silence of a nation and people without freedom or hope.

The ACTING PRESIDENT pro tempore. The additional 5 minutes has expired.

Mr. HOLLINGS. I thank the distinguished leader and the Chair. I ask unanimous consent that two tables be inserted in the RECORD. One illustrating United States aid to the Philippines and Afghanistan and a comparison of Soviet aid to Nicaragua with United States aid to the Contras. The other providing a list of Soviet military hardware delivered to date to Nicaragua and the Sandinista request for equipment for the next several years. If any one believes this equipment is purely for defensive purposes against the Costa Rican police force, then truly all hope is lost.

There being no objection, the tables were ordered to be printed in the RECORD, as follow:

1. U.S. Aid to Philippines

Fiscal year:	*Millions*
Fiscal year 1987	$379.9
Fiscal year 1988	305 [1]50

[1] Plus additional $50 million for land reform (conditional).

2. U.S. Aid to Afghanistan

(Open source—press estimated)

Fiscal year:	*Millions*
Fiscal year 1986	$500
Fiscal year 1987	600

[1] Plus $30 million (humanitarian) and $60 million (refuge).

3. Soviet Bloc Aid to Nicaragua

[In millions of dollars]

	Military	Economic
Fiscal year:		
1986	$590	$580
1987	505	500
Average	[1]45	[1]45

[1] Per month.

4. U.S. Aid to Contras

	Millions
Fiscal year 1987	$100
October 1 to November 10	3.5
November 11 to December 16	3.2
December 16 to February 29 (1988)	8.1
Average	[1]8

[1] Million per month in fiscal year 1987 and $3 million per month in fiscal year 1988.

Cumulative Soviet Bloc Military and Economic Aid to Nicaragua—1979 to 1987 $4.730 billion

Cumulative U.S. Aid to Contras:	*Millions*
(a) Through end of fiscal year 1985	$117.0
(b) Fiscal year 1986 to fiscal year 1987	100.0
(c) Fiscal year 1988 to date	14.8
Total	231.8
U.S. Aid to Sandinistas	117

Soviet bloc equipment delivered to Nicaragua

Equipment	*Defector figures*
Air Force:	
MI-25/HIND [1]	12
MI-8/HIP	14
MI-17/HIP [2]	24
MI-2/HOPLITE	5
AN-2TP	17
AN-26	6
Anti-aircraft artillery:	
23mm (ZU-23-2) gun	252
37mm (9M430 M-1939) gun	66
57mm (S-60) gun	18
100mm (KS-19) gun	18
14.5mm ZGU-1 machinegun	264
14.5mm ZPU-2 machinegun	100
14.5mm ZPU-4 machinegun	55-56
SA-7 (C-2M 9P58M) Grail Sam launcher	325
SA-14 (C-3M 9P58M) Gremlin Sam launcher	166
SA-16 (IGLA-1M 9P519-2) Sam launcher	54
Armor:	
T-55 Medium tank	87
T-54 Medium tank [3]	43
PT-76 Light tank	22
BTR-50PU armored personnel carrier	1
BTR-60PB armored personnel carrier	24
BTR-152 armored personnel carrier	90
BRDM-2 armored reconnaissance vehicle [4]	72
Ground artillery:	
122mm (D-30) howitzer	36
152mm (D-20) howitzer	60
B-10 antitank gun (S/R)	9
57mm (M43 ZIS-2-57) antitank gun	354
76mm (M42 ZIS-3) antitank gun	84
100mm (BS-3 M1944) antitank gun	24
82mm (M1937) mortar	625
106.7mm mortar	6
120mm (M1943) mortar	42
107mm rocket launcher	16
122mm GRAD 1P rocket launcher	216
122mm BM-21 rocket launcher	36
Infantry weapons:	
Rifles (AK)	257,595
RPK, RPD, RP-46, PKM, PRT machineguns	6,010
SVD (7.62mm) rifle	460-520
SVDN-1 (7.62mm) rifle	50
M9130 (7.62mm) rifle	200
MAKAROV pistols	20,150
RPG-7 (V&D) grenade launcher	4,132
AGS-17 grenade launcher	254
RPG-70 grenade launcher	200

[1] Of 12 received, 6 were new and 6 had undergone major repairs that degraded engine performance.

[2] Includes six recently received but not yet operational.

[3] One document mentions a total inventory of 133 tanks.

[4] Includes 12 identified by the documents as "chemical reconnaissance vehicles."

MAJOR SANDINISTA REQUESTS FOR SOVIET HARDWARE, 1986–95

Equipment	"Diarangen I" (1986–90) request [1]	"Diarangen II" (1991–95) request	Total inventory if delivered
AIR FORCE			
MIG-21		12	12
MI-25/HIND	3	12	[2]24
MI-17/HIP	8	12	[2]48–52
MI-8/HIP	7 AD	[2]14	
AN-26		8	14
AN-12	N/A	N/A	N/A
ANTIAIRCRAFT ARTILLERY			
23mm (ZU-23-2) gun	126	414	792
100mm gun[3]	24	42	84
57mm (S-60) gun		18	36
14.5mm ZGU-1 machinegun	82		346
14.5mm ZPU-2 machinegun	6		106
SA-7 (C-2M 9P58) Grail SAM	17		346
SA-14 (C-3M 9P58M) Gremlin SAM	471	276[4]	775
SA-16 (IGLA-1M 9P519-2) SAM	219	276[4]	411
SA-13 (C-10) SAM		36	36
SA-3 (C-125) SAM	48		48
SA-6 (C-125) SAM		36	36
SA-9 SAM		N/A	N/A
ARMOR			
T-55 medium tank	4	74	[5]208
BTR-70PB Armored personnel carrier	44	174	218
BTR-60PB armored personnel carrier	3		27
GROUND ARTILLERY			
122mm howitzer		108[6]	144
130mm field gun		36	36
82mm mortar	342	80	1,047
160mm mortar	N/A	N/A	N/A
76mm (M42 ZIS-3) antitank gun[7]		156	240
100mm T-12A antitank gun		114	[8]138
AT-3 Maliutka antitank missile		90	90
122mm GRAD 1P rocket launcher	148	80	444
122mm BM-21 rocket launcher		24	60
INFANTRY WEAPONS			
Makarov pistols	21,481		41,631
Rifles (AK)	118,851	125,000	501,446
RPK and other light machineguns	5,052		+12,000
RPG-7 (V and D) grenade launcher	3,635		+8,000
AGS-17 grenade launcher	272		+600

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[1] Figures in this column represent supplementary request for the last 3 years of the 5-year plan.

[2] These figures take into account Sandinista losses through October 1987.

[3] Documents identify current holdings as KS-19 but leave requested guns unidentified. May be substituted with 85mm guns, according to documents.

[4] This figure includes both SA-14 and SA-16 SAM's. Final inventory assumes receipt of half of requested amount of each SAM.

[5] Includes 43 T-54 tanks.

[6] Includes 84 towed (D-30) and 24 self-propelled 122mm howitzers.

[7] May be substituted with 85mm D48 anti-tank gun, according to documents.

[8] Includes 24 identified in documents as 100mm BS-3 antitank gun.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THURMOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. May I take 1 minute?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes.

CONTRA AID

Mr. THURMOND. Mr. President, we are getting ready to go to the nomination of Judge Kennedy to the Supreme Court, and I just had the opportunity of listening to my able and distinguished colleague, from South Carolina Senator HOLLINGS, on the question of aid to the Contras.

I take this opportunity to congratulate Senator HOLLINGS for the courageous position he has taken in this matter. I realize that so many in his party have taken a different view. It has taken vision, it has taken courage, and it has taken experience like he has had to understand this problem and to come to the right conclusion. I commend him for the position he has taken and the sound reasons he has given in arriving at that conclusion.

Mr. HOLLINGS. I thank my distinguished colleague.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the order provides for 1 hour of debate in executive session on the nomination of Judge Kennedy to fill the vacancy on the Supreme Court. Am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct. Under the previous order the hour of 9:30 was set that the Senate would go into executive session.

Mr. BYRD. Mr. President, I have a further parliamentary inquiry. Does the vote occur precisely at 10:30 under the order?

The ACTING PRESIDENT pro tempore. The Senator is correct. Under the previous order, the hour of 9:30 was set that the Senate would go into executive session.

Mr. BYRD. Mr. President, I have a further parliamentary inquiry. Does the vote occur precisely at 10:30 under the order?

The ACTING PRESIDENT pro tempore. Under the order there is exactly 1 hour of debate, so the vote would occur at 10:30.

Mr. BYRD. Mr. President, I would not want the yielding back of time, if such would occur, to cause the vote to come earlier than 10:30 today. Therefore, I ask unanimous consent that the vote on the nomination occur at 10:30 a.m., regardless of whether or not time is yielded back.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BYRD. I make this request, Mr. President, because Senators have been told that the vote would begin at 10:30. I hope that we would not have the vote start earlier today in particular because it might cause some of those Senators to miss that vote.

Mr. THURMOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. We are in hearty accord with the statement just made by the able majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

SUPREME COURT OF THE UNITED STATES

ANTHONY M. KENNEDY, OF CALIFORNIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:30 a.m. having arrived, the Senate will now go into executive session to consider the nomination of Anthony M. Kennedy, to be an Associate Justice of the Supreme Court of the United States.

Time for debate on this nomination shall be limited to 1 hour to be equally divided and controlled by the Senator from Delaware, Mr. BIDEN, and the Senator from South Carolina, Mr. THURMOND.

The clerk will report the nomination.

The legislative clerk read the nomination of Anthony M. Kennedy, of California, to be an Associate Justice of the Supreme Court of the United States.

The Senate proceeded to consider the nomination.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. I ask unanimous consent that I be the designee of the time until the chairman of the Judiciary Committee arrives, the Senator from Delaware.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. I yield such time as I might use.

Mr. President, I will support the nomination of Judge Anthony Kennedy to the U.S. Supreme Court. During his confirmation hearings, and throughout his distinguished tenure on the court of appeals, Judge Kennedy has demonstrated integrity, intelligence, courage and craftsmanship—and a judicial philosophy that places him within the mainstream of constitutional interpretation.

Judge Kennedy believes that the Constitution is not a fossil frozen in the past, but a living document, shaped by experience in our Nation's 200-year history, and capable of responding to contemporary threats to fundamental rights and liberties. In his confirmation hearings, he agreed that the Constitution protects rights beyond those specifically enumerated in its text, including the fundamental right to privacy.

On occasion, he has been a brilliant pioneer, as in his landmark interpretation of the separation of powers doctrine in the Chadha case, which correctly anticipated the direction the Supreme Court would take on this controversial issue.

I was also impressed with Judge Kennedy's commitment to vigorous enforcement of the first amendment's guarantee of freedom of speech. That commitment has been reflected in opinions striking down prior restraints and protecting offensive speech in political debate; and it was evident in the confirmation hearings, when Judge Kennedy indicated his view that the first amendment protects all forms of expression.

Although I support Judge Kennedy's nomination, I am troubled by some of his decisions on the rights of minorities, women, and the handicapped. The Supreme Court rejected restrictive positions taken by Judge Kennedy in three civil rights cases. And his past membership in three discriminatory clubs raises questions about his sensitivity to the subtle forms that discrimination can take in contemporary America.

In the confirmation hearings, I questioned Judge Kennedy about these matters. He made it clear that he now recognizes that the civil rights laws must be interpreted generously—not grudgingly—in order to achieve fundamental purpose of ending discrimination. And he indicated that over the years, he has tried to become more sensitive to the barriers of bias that block women and minorities in our society.

Every day he goes to work—once he becomes Justice Kennedy—he will pass under the four simple eloquent words inscribed in marble above the entrance to the Supreme Court: "Equal Justice Under Law." In a sense, those words define the rule of law in America; and I believe that Justice Kennedy will reflect on them and heed them in all his deliberations.

Obviously, no one can predict with certainty how Judge Kennedy will vote in specific cases as a member of the Supreme Court. That, or course, is as it should be. A justice should be openminded, without an ideological agenda.

Judge Kennedy was not President Reagan's first choice to fill this vacancy. But his nomination demonstrates the genius of our system of constitutional checks and balances. After two false starts, the President heeded the advice of the Senate, and nominated a distinguished judge with mainstream views.

Judge Kennedy is capable of becoming an outstanding Justice of the Supreme Court, and he deserves to be confirmed. I am pleased to support his nomination.

Mr. President, the Senator from Delaware, the chairman of the Judiciary Committee, Senator BIDEN, is ill today. Regrettably, he cannot be here either for the debate or the vote. He has asked me to include his complete statement in the RECORD, and I ask unanimous consent that it be printed in the RECORD after my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

● Mr. BIDEN. Mr. President, as I said when the Judiciary Committee met last Wednesday, I believe that the Senate should confirm Judge Anthony M. Kennedy to be Associate Justice of the Supreme Court. The process of filling the seat vacated by Justice Lewis Powell has been long and sometimes difficult, but I am confident that the Senate, the Supreme Court, and the Nation as a whole have emerged the stronger for it.

Judge Kennedy's record, as expressed through his more than 400 opinions on the Court of Appeals for the Ninth Circuit, his 20 speeches and his 2 days of testimony, is analyzed in the committee's report. I shall briefly summarize here my evaluation of that record and the reasons I support his nomination.

JUDGE KENNEDY'S JUDICIAL PHILOSOPHY AND APPROACH TO CONSTITUTIONAL INTERPRETATION

Judge Kennedy's judicial philosophy and approach to constitutional interpretation are balanced and are likely to contribute to our evolving understanding of the Constitution. The picture that emerges from Judge Kennedy's record is quite clear: In his words, he is searching for the "correct balance in constitutional interpretation." (Tr., 12/15/87, at 17.) He carefully avoids reliance on a narrow, fixed, or unitary theory of interpretation, testifying that he does not have "a complete cosmology of the Constitution." (Id.)

In Judge Kennedy's view, judges can use the benefit of 200 years of history and the accumulated wisdom of the great justices who have sat on the Court to resolve the difficult questions of constitutional interpretation. He testified:

> * * * [T]he Court can use history in order to make the meaning of the Constitution more clear. As the Court has the advantage of a perspective of 200 years, the Constitution becomes clearer to it, not more murky. The Court is in a superior advantage to the position held by Mr. Chief Justice Marshall when he was beginning to stake out the meanings of the Constitution in the great decisions that he wrote.
>
> And this doesn't mean the Constitution changes. It just means that we have a better perspective of it. * * * To say that new generations yield new insights and new perspectives, that doesn't mean the Constitution changes. It just means that our understanding of it changes.
>
> * * * [T]he idea that the Framers made a covenant with the future is what our people respect, * * * and I am committed to that principle. (ID. at 199-200.)

Judge Kennedy seems to recognize, therefore, that, in the words of Chief Justice John Marshall, "the Constitution was intended to endure for ages to come, and consequently to be adopted to the various crises of human affairs." (See untitled speech, Sacramento chapter of the Rotary Club, February 1984, at 6.)

Judge Kennedy has a balanced and thoughtful approach to "original intent." In his words, "original intent is best conceived of as an objective rather than a methodology." (Untitled speech, Ninth Circuit Judicial Conference, August 21, 1987, at 5.) This means that for Judge Kennedy, original intent has a role in constitutional interpretation, but it "does not tell* * * [a judge] how to decide a case." (Tr., 12/14/87, at 223-24.) Accordingly, Judge Kennedy relies on a number of sources in resolving constitutional questions, including "the precedents of the law and the shared traditions and historic values of our people." (1984 Rotary Club speech, at 7.)

In my view, the nominee's opinions on the Ninth Circuit, as well as his testimony before the committee, demonstrate that he is a genuine advocate of judicial restraint. He decides cases based on the facts and the law before him, and he does not reach out for other issues. My review of his opinions indicates that his nominee has no clear ideology or agenda.

A fundamentally important area probed by the committee during the hearings was Judge Kennedy's views on stare decisis—the value of precedent. Judge Kennedy testified about his approach generally to the doctrine of stare decisis and about its role in our system of law. He also discussed the factors upon which he would rely in determining whether a case should be overruled. I have concluded from this testimony that Judge Kennedy has a deep respect for precedent. While he may from time to time seek further movement in the law, there is no evidence of a desire for abrupt departures from carefully developed doctrines or established lines of decisions.

JUDGE KENNEDY'S APPROACH TO LIBERTY AND FUNDAMENTAL RIGHTS

My review of Judge Kennedy's overall record indicates that his approach to liberty and fundamental rights is within the 200-year tradition of Supreme Court jurisprudence exemplified by such Justices as Harlan, Frankfurter, Cardozo, and Powell. Indeed, every one of the past or present Justices on the Supreme Court has refused to read "liberty" as if it were exhausted by the rights specifically enumerated in the Bill of Rights. That tradition establishes, in my view, that the due process clauses of the 5th and 14th amendments protect against governmental invasion of a person's liberty and privacy.

Illustrating Judge Kennedy's view is his statement to Senator HEFLIN that the Constitution provides a means of preventing government from denying individuals their fundamental rights. (Tr., 12/14/87, at 209-10.) Judge Kennedy's record also makes clear that he rejects the view that the people have no liberties except those specifically granted to them by their government. As he said in a recent speech, "[a]s the Framers progressed with their studies, [republican government] came to mean * * * government that emanates from the people, rather than being a concession to the people from some overarching sovereign." ("Federalism: The Theory and the Reality," Historical Society for the U.S. District Court for the Northern District of California, October 26, 1987, at 3.)

Judge Kennedy's testimony suggested that he embraces a view that I share about the creation of our Nation: that the essence of the purpose underlying the Constitution was

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the preservation and advancement of individual liberty. In his words:

> The Framers had an idea which is central to Western thought. * * * It is central to the idea of the rule of law. That is that there is a zone of liberty, a zone of protection, a line that is drawn where the individual can tell the government: Beyond this line you may not go. (TR., 12/14/87, at 93.)

Importantly, Judge Kennedy's understanding of the due process clause protects the values of privacy. He testified that "the concept of liberty in the due process clause is quite expansive, quite sufficient, to protect the values of privacy that Americans legitimately think are part of their constitutional heritage." (Tr., 12/15/87, at 42) He also specifically indicated that there is a marital right to privacy protected by the Constitution. (Id. at 42-43.) And Judge Kennedy added that "the value of privacy is a very important part of * * * [the] substantive component" of the due process clause. (Id. at 43-44.)

Judge Kennedy's reasoned and balanced approach to the ninth amendment—which provides that "[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"— is consistent with his understanding of "liberty" in the due process clause. Judge Kennedy testified that the ninth amendment is a "reserve clause, to be held in the event that the phrase 'liberty' and the other specious phrases in the Constitution appear to be inadequate for the Court's decision." (Tr., 12/14/87, at 97.)

Finally, Judge Kennedy accepts a clear role for the courts in the fundamental rights area. In his words, "the enforcement power of the judiciary is to ensure that the word liberty in the Constitution is given its full and necessary meaning, consistent[] with the purposes of the document as we understand it." (Id. at 178.) He added that "[t]he Framers had * * * a very important idea when they used the word 'person' and when they used the word 'liberty.' And these words have content in the history of Western thought and in the history of our law and in the history of the Constitution, and I think judges can give that content." (Tr., 12/15/87, at 204.)

The committee did not ask for, of course, nor did it receive, any guarantees as to how a "Justice" Kennedy would resolve future cases involving liberty and privacy issues. Nevertheless, I was encouraged by Judge Kennedy's testimony and believe that it suggested that, if confirmed as the 106th Justice, he would be within the 200-year tradition of Supreme Court jurisprudence.

JUDGE KENNEDY'S CIVIL RIGHTS RECORD

While I will vote in favor of Judge Kennedy's nomination, I am concerned about some of his opinions on the rights of women and minorities. Those opinions, in my view, display an undue deference to established institutions and an insensitivity to systemic forms of discrimination.

Three opinions in particular raise concern for me. First, *Aranda* v. *J. B. Van Sickle,* 600 F.2d 1267 (9th Cir. 1979), cert. denied, 446 U.S. 951 (1980), in which Judge Kennedy filed an opinion concurring in the dismissal of the claims by members of the Hispanic community in the San Fernando Valley that their voting rights had been diluted. Second, *TOPIC* v. *Circle Realty,* 532 F.2d 1273 (9th Cir.), cert. denied, 429 U.S. 859 (1976), disapproved, *Gladstone Realtors* v. *Village of Bellwood,* 441 U.S. 91 (1979), in which Judge Kennedy's majority opinion held that only direct victims of housing discrimination had standing to sue. Third, *Gerdom* v. *Continental Airlines, Inc.,* 692 F.2d 602 (9th Cir. 1979) (en banc), cert. dismissed, 460 U.S. 1074 (1983), in which Judge Kennedy joined a dissent that accepted customer preferences for "attractive" flight attendants as a basis for the airlines' imposition of weight requirements on women but not on men.

Each of these caused me concern because they show a reluctance on Judge Kennedy's part to deal positively with systemic discrimination. In light of this record, I looked carefully at Judge Kennedy's testimony to determine what his views are today on important civil rights issues.

In the end, Judge Kennedy's testimony led me to conclude that he fosters no hostility or antipathy toward the civil rights of all Americans. His testimony also showed that over the years he has come to have a greater sensitivity to all forms of discrimination.

He said, for example, that "indifference to the civil rights of Hispanics, women, and other minorities is unacceptable." (Answer to written question No. 4 from Senator BIDEN.) Judge Kennedy added that civil rights statutes "should not be interpreted in a grudging, timorous, or unrealistic way to defeat congressional intent or to delay remedies necessary to afford full protection of the law to persons deprived of their rights." (Answer to written question No. 8 from Senator SIMON.) And with respect to gender discussion claims under the 14th amendment, he seemed to embrace the Supreme Court's decisions establishing that such claims require some form of rigorous review. Judge Kennedy said, in fact, that it is necessary to "ascertain whether or not the heightened scrutiny standard is sufficient to protect the rights of women, or whether or not the strict [scrutiny] standard should be adopted." (Tr., 12/14/87, at 169.)

I agree, therefore, with long-time civil rights activist Nathaniel Colley, who said that Judge Kennedy "is a grown man, but he is a growing man." (Tr., 12/16/87, at 322.) He is growing, in my view, in sensitivity to the plight and the rights of minorities and other groups facing discrimination in our society.

I reached a similar conclusion with respect to Judge Kennedy's former membership in private clubs with restrictive membership policies. While I would have preferred that Judge Kennedy's reflections with respect to private clubs had evolved more rapidly and with an appreciation that restrictive membership policies are discriminatory, his actions and testimony demonstrate an increased understanding of the issue and its societal importance.

JUDGE KENNEDY'S RECORD IN OTHER SIGNIFICANT AREAS OF THE LAW

Judge Kennedy's record in other significant areas of the law is balanced and devoid of any ideological bias or agenda.

In the criminal law area, for example, his record is moderate and well-balanced. He takes a practical, commonsense approach to criminal cases, and he respects the rights of both victims and defendants.

His opinions and testimony also show that he respects established first amendment values. Judge Kennedy testified that the first amendment "applies * * * to all ways in which we express ourselves as persons. It applies to dance and to art and to music, and these features of our freedom are to many people as important or more important than political discussions. * * * The first amendment covers all of these forms." (Tr., 12/14/87, at 152.) Judge Kennedy also said that he knows "of no substantial, responsible argument which would require the overruling" of the clear and present danger test as formulated by the Supreme Court in *Brandenburg* v. *Ohio,* 395 U.S. 444 (1969).

In the area of separation of powers, Judge Kennedy generally takes a cautious and measured approach. Importantly, he accepts a clear role for the courts in resolving disputes between the branches in appropriate circumstances. He testified, for example, that "it is quite appropriate for the Court to act as an umpire between the political branches of the government." (Tr., 12/15/87, at 197.)

THE QUESTION OF COMMITMENTS

I questioned Judge Kennedy extensively about whether he made any commitments to the administration or to any other party in connection with his nomination or confirmation. Judge Kennedy indicated, in clear and unambiguous terms, that he made no such commitments.

CONCLUSION

In sum, I believe that we have firm grounds to conclude that Judge Anthony Kennedy's views reflect the core values of constitutional interpretation. His record warrants confirmation by the Senate.●

Mr. KENNEDY. Mr. President, I wish to pay tribute to the chairman of the Judiciary Committee—who, as I mentioned, is necessarily absent because of illness—for the way that the whole series of hearings has been held to date and for bringing us to this stage in the nomination of Judge Kennedy.

I think I speak for all the members of the Judiciary Committee in commending Senator BIDEN for the fairness and the thoroughness of the series of hearings that have been held, and for the judicious way in which the committee conducted itself. As a result of his work, the Senate and the American people have a greater understanding about our constitutional rights and liberties.

I know that he wanted very much to be here today, and it is only because of illness that he is not. I know that I speak for all when I wish him a speedy recovery and take special note of his extraordinary leadership as the chairman of the Judiciary Committee in bringing us to this point.

Mr. THURMOND. Mr. President, I join in the statement just made by the distinguished Senator from Massachusetts. Senator BIDEN presided over the committee in these hearings in a fair and impartial manner and did a fine job. I regret he is not here today.

Mr. KENNEDY. I withhold the balance of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield myself 3 minutes, if I take that much. I want to reserve what is not used at this time.

Mr. President, I rise today in support of President Reagan's nomination of Judge Anthony M. Kennedy to be an Associate Justice for the U.S. Supreme Court.

Mr. President, the duty we undertake today, to vote on a nominee to the highest court in the land, was granted to us over 200 years ago by the Constitution of the United States. The Constitution, one of the most magnificent documents ever written, is one that continues to reflect the wisdom and foresight of our forefathers.

Mr. President, I think it appropriate that we take a moment to reflect on the tremendous responsibility this document confers on the U.S. Senate. The Constitution assigns the Senate and the House equal responsibility for declaring war, maintaining the Armed Forces, assessing taxes, borrowing money, minting currency, regulating commerce, and making all laws necessary for the operation of the Government. However, the Senate alone holds exclusive authority to advice and consent on nominations, and this, without doubt, is one of the most important responsibilities undertaken by this body. It is one that takes on an even greater significance when a nomination is made to the Supreme Court.

Mr. President, a member of this Court must be an individual who possesses outstanding qualifications. In the past, I have reflected upon these prerequisites and I will only briefly reiterate, that I feel it essential that a nominee possess: integrity, courage, wisdom, professional competence, judicial temperament, and compassion. An individual with these attributes cannot fail the cause of justice and I believe that Judge Kennedy is such a person.

Judge Kennedy is one of the most eminently qualified individuals to be nominated to this high and extremely important position. He attended Stanford University from 1954 to 1957 and was awarded the degree of bachelor of arts with great distinction in 1958. From 1957-1958, after he had already fulfilled the principal requirements for graduation from Stanford, he attended the London School of Economics and Political Science at the University of London. During this time he studied political science and English legal history, and also lectured in American Government. Judge Kennedy graduated cum laude, from Harvard Law School in 1961 and practiced law for several years before his appointment to the Ninth Circuit. Since 1965 he has been a professor of constitutional law at the McGeorge School of Law, University of the Pacific. In his almost 13 years of service on the U.S. Court of Appeals for the Ninth Circuit, he has displayed the fine qualities that one looks for in a judge and more significantly in a Supreme Court Justice.

Judge Kennedy has vast judicial experience, participating in over 1,400 decisions and authoring over 400 published opinions. A review of his 400 written opinions indicates that he is among the leaders of thoughtful jurisprudence. His published opinions have earned him the reputation reserved for our most distinguished jurists, and furthermore Mr. President, his opinions clearly show that he is an advocate of judicial restraint. An attribute I consider essential for an Associate Justice of the highest court in the land.

He is a judge who examines viewpoints and arguments from all sides. As his opinions and testimony before the Judiciary Committee show, he is a man of intellect, open-mindedness, fairness, and one who demonstrates a keen sense of justice and scholarly approach to the law. Judge Kennedy does not, before hearing the facts and reviewing the appropriate law, develop preconceived ideas about what the ultimate results in a case should be. I have also noted that Judge Kennedy is a man of compassion. While he has upheld tough sentences, he has shown the fortitude to reverse a criminal conviction if an individual has been treated fundamentally unfair or his constitutional rights have been violated.

Mr. President, the Judiciary Committee held 3 days of hearings on the Kennedy nomination. During that time Judge Kennedy responded to questioning from Senators in an honest and forthright manner. The committee also heard from approximately 30 witnesses. Representatives of the American Bar Association's Standing Committee on the Federal Judiciary testified that Judge Kennedy was found to be among the best available for appointment to the Supreme Court and, therefore, the ABA gave him their highest evaluation, that of "well-qualified." The ABA committee's evaluation of the nominee covered his integrity, judicial temperament, and professional competence.

In summary Mr. President, a complete and thorough review of Judge Kennedy's background and experience indicates that he is competent, open-minded, fair and just, and furthermore that he is exceptionally well qualified to serve as an Associate Justice of the U.S. Supreme Court. His vast experience as a practicing attorney, professor of constitutional law, and nearly 13 years of service on the circuit court provide the ideal qualifications for the position to which he has been nominated.

I am confident that Judge Kennedy will have a most successful tenure as an Associate Justice. I congratulate President Reagan for making such a outstanding appointment and I wholeheartedly support it. I urge my colleagues to vote in favor of the confirmation of Judge Anthony Kennedy to be an Associate Justice of the U.S. Supreme Court.

Mr. President, let me repeat that I rise in support of the nomination of Judge Anthony M. Kennedy for the Supreme court of the United States. From every standpoint, Judge Kennedy is well qualified. He graduated from Stanford University in 1958 and received a bachelor of arts degree with great distinction. He attended London School of Economics and Political Science from 1957 to 1958. He graduated from Harvard Law School cum laude in 1961. So he has a very fine foundation, a splendid education to qualify him to begin with.

Then he has had tremendous professional experience. He was in the private practice of law. He has tried cases. He practiced law in San Francisco and also in Sacramento, CA, from 1962 to 1975, a period of 13 years. He has been a professor of constitutional law at the McGeorge School of Law, University of the Pacific, since 1965, a period of 23 years. He has been on the

Circuit Court of Appeals for the Ninth Circuit since 1975, almost 13 years.

Mr. President, I cannot imagine any finer experience of anyone to be on the Supreme Court of the United States than just what I have said about him and his experience, professional experience.

I want to say further that as a circuit judge, he has participated in over 1,400 decisions. Very few judges participate in that many decisions and he has authored himself over 400 published opinions. It shows that he has been very active since he has been on the court. He has had tremendous experience there and in all of this time no one can really raise serious objection to him. One might object to some point he has made at one time or another, in maybe one decision, but taken overall, on balance, I doubt if you will find a man in the United States who would meet more general approval than Judge Kennedy.

Judge Kennedy received the ABA's highest evaluation, a well qualified. That is the highest term rating the ABA gives—the American Bar Association—"well qualified." This is based on three points. One is integrity, another is professional competence, and the third is judicial temperament. On all of these counts Judge Kennedy qualified and received that rating of well qualified.

In closing, Judge Kennedy has demonstrated he is a man of intellect, openmindedness, fairness, and one who displays a keen sense of judgment and scholarly approach to the law. He is an advocate of judicial restraint, which is greatly needed in the courts of this country today.

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Alabama requires.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise today to again vote my support for the nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court.

Over the past several months President Reagan has nominated three individuals for a lifetime position on the Supreme Court.

Judge Kennedy has practiced law, taught law, and since 1975 has been a judge on the Ninth Circuit Court of Appeals. While on the bench, Judge Kennedy has written over 400 opinions which show him to be a conservative jurist in the mold of Justices Powell, Harlan, and Frankfurter. Many of Judge Kennedy's opinions have dealt with criminal law. Indeed, Judge Kennedy has become somewhat of an expert on criminal law. Importantly, Judge Kennedy has been tough, but fair, with criminals, and, as a judge, has been willing to consider the rights of victims.

In a recent speech in New Zealand to the Sixth South Pacific Judicial Conference, Judge Kennedy spoke of the need to be concerned about victim's rights. Judge Kennedy said that "the victim of crime, the only person who suffered harm in any immediate physical sense, has been left out of the criminal justice equation." I am in full agreement with his statement in that speech. I believe that the rights of victims should have equal consideration with the rights of the accused.

During Judge Kennedy's nomination hearing, he exhibited a remarkable understanding of our Nation's Constitution and our system of government. His written decisions and speeches reveal a man who is an able and intelligent jurist. He is a man who understands the critical role the Supreme Court plays in our democracy in preserving the rights of all, also understands the need for restraint in the exercise of judicial power.

Judge Kennedy's career on the ninth circuit has been characterized by this sense of restraint. It is evident from his desire to ensure that there is an actual case or controversy before hearing a case, his care in examining whether the parties have standing, and his practice of only deciding those issues necessary to reach a decision, that Judge Kennedy is truly one who believes in the concept of judicial restraint. Furthermore, in his questionaire, Judge Kennedy wrote that, "the courts must insist upon adherence to a set of principled restraints that will confine their judgments to the judicial sphere. Judges must strive to discover and to define neutral juridical categories for decision, categories neither cast in political terms nor laden with subjective overtones. Life tenure is in part a constitutional mandate to the Federal judiciary to proceed with caution, to avoid reaching issues not necessary to the resolution of the suit at hand, and to defer to the political process."

I am in full agreement with and strongly support Judge Kennedy's traditional view of judicial restraint.

While some individuals and groups have opposed Judge Kennedy, I do not believe that their opposition is warranted in light of Judge Kennedy's overall record. While I do not agree with all of his opinions, this disagreement in no way lessens my belief that Judge Kennedy will make an excellent Justice. A most fitting description of Judge Kennedy came from Mr. Nathaniel S. Colley, Sr., who described Judge Kennedy as a grown man but also a growing man.

During the Judiciary hearings on his nomination, Judge Kennedy was questioned about his views on a broad spectrum of constitutional issues. His answers were cautious, but forthright. He showed himself to be a judge who is sensitive to minorities and to the less fortunate. Importantly, Judge Kennedy demonstrated that he had no rigid constitutional theory or formula for deciding all cases.

While Judge Kennedy has no rigid constitutional theory for deciding all cases, his decisions do show the mark of a conservative jurist. He is a man who understands both the good and the evil for which judicial power has been utilized throughout our history and therein lies his philosophy of moving cautiously in this sphere. His conservatism, while pronounced, is not so severe as to prevent him from listening to other points of view or from keeping an open mind while he hears the arguments in a case.

I believe that the Supreme Court and our Nation will benefit from the presence of Judge Kennedy. I believe that he will leave his mark on the Supreme Court and on law in America.

Finally, I should like to take this opportunity to wish Judge Kennedy well in his new position, for I firmly believe that he will be confirmed.

Mr. THURMOND. Mr. President, I now yield 3 minutes to the distinguished Senator from Iowa [Mr. GRASSLEY].

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I thank the distinguished ranking minority member for yielding 3 minutes to me so that I can tell this body that I am very pleased to support President Reagan's choice of Judge Anthony Kennedy to the Supreme Court.

One week ago in the Judiciary Committee, I announced my reasons for supporting Judge Kennedy's nomination. I will not repeat that rationale here. Instead, I should like to focus on a related and important issue, one that is particularly relevant in the wake of the Bork, Ginsburg, and Kennedy nominations.

That issue is the role the Senate Judiciary Committee has permitted the American Bar Association to play in the Supreme Court nomination process.

As my colleagues know, I am not a lawyer. Those of my many colleagues who are lawyers know the ABA as an association representing about half of the country's practicing attorneys.

But the Judiciary Committee—with the executive branch as its accomplice—has permitted the ABA a role that far exceeds its rightful influence.

The ABA's standing committee on the Federal Judiciary currently conducts an evaluation process which purports to be an objective assessment of professional competence—but, in practice, has become quite vulnerable to partisan politics.

Everything that we stand for in this body and in this Nation—open, not secret, meetings; public deliberation and debate; the opportunity to con-

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front one's accusers, and government accountability—all are absent from the ABA process.

The events of recent years have severely undermined the ABA's once unquestioned objectivity on judicial nominees. As one of my colleagues on the committee once concluded allowing the ABA to rate judges is like having "Jack the Ripper determine the qualifications of surgeons in 18th century England."

Mr. President, the time has come to dethrone the ABA. Increasingly, others are coming to the view that this element of the prevailing legal establishment has no special competence to sit in judgment of those nominated to the Federal bench. The January 28 editorial of the Wall Street Journal persuasively argues for an end to the status quo.

During the nomination hearings on Judge Kennedy, Judiciary Committee Chairman BIDEN suggested that perhaps the time had come to take a fresh look at the ABA's role. I am willing and anxious to participate in that reevaluation. As we reconsider the relationship between the ABA, the executive branch and the Senate, let us remember that it is the President's constitutional responsibility to nominate and the Senate's function to "advise and consent." Nowhere in our constitutional structure is there room for the role currently played by the ABA.

Currently, the ABA's Standing Committee on the Federal Judiciary conducts an investigation of the President's nominee and reports its "findings" to the public as: "well qualified," "not opposed," or "not qualified." The committee transacts its business in complete secrecy and offers no substantive legal analysis in support of its conclusions.

The ABA president selects 15 lawyers to serve on the committee, with no apparent requirement that they have any recognized expertise in constitutional law. Committee conclusions are, however, accorded great weight by the news media, which breathlessly awaits and reports the ABA "verdict."

Some on the Senate Judiciary Committee also believe the ABA is indispensable. Last year, our committee delayed hearings on Judge Robert Bork's nomination to the Supreme Court and seemed prepared to delay hearings on the nomination of Judge Douglas Ginsburg, pending completion of the committee's secret evaluation process. It is interesting to note that the committee increased the time taken for its evaluation of Supreme Court nominees from an average of 2 weeks to 2 months, with the coming of the Reagan administration.

Through its unofficial—but powerful—role, the ABA attempts to influence the ideology of the Federal courts. This contravenes the committee's avowed purpose and the ABA model code of professional responsibility, which encourages "lawyers to endeavor to prevent political considerations from outweighing judicial fitness in the selection of judges."

Until 1983, the committee specifically excluded consideration of "political or ideological matter with respect to the nominee." But in response to President Reagan's efforts to appoint qualified conservative lawyers to the courts, the ABA now states:

> The committee does not investigate the prospective nominee's political or ideological philosophy except to the extent that extreme views on such matters might bear upon judicial temperament or integrity.

Recent events illustrate that the exception swallows the rule and that despite its protestations to the contrary, the ABA closely scrutinizes the political views of judicial nominees and bases its evaluation on its perceptions of those views.

For example, when Judge Robert Bork was nominated for the District of Columbia Court of Appeals in 1982, the committee unanimously gave him its highest rating. He served with distinction on the appeals court; not a single one of his more than 100 opinions was overturned by the Supreme Court. His nomination to the Supreme Court in 1987 following this brilliant 5-year record as one of our leading jurists resulted in the most protracted investigation in the committee's history. Incredibly, the ABA's conclusion was divided, with four committee members voting Judge Bork "not qualified" on the basis of his "extreme views respecting constitutional principles."

During the ABA's investigation of Judge Douglas Ginsburg, a committee member disclosed to the press that he, or she—the ABA never revealed who breached its confidential process, had concerns that Judge Ginsburg shared Judge Bork's ideological beliefs. The committee member stated we might be getting little more than "a Borklet," further demonstrating the prejudice and politics of the ABA evaluation, not to mention that the "secrecy" of its process is honored only when the committee finds it convenient.

The ABA must be dethroned. I agree we need a check on the Executive and Senate to ensure that political cronies and favorites are not appointed to the Federal bench. This is as true today as when Alexander Hamilton warned of it in 1787 in Federalist 76. But the ABA has demonstrated a cronyism of its own; they are partial to, as Joseph Goulden in his study, The Benchwarmers, has put it, "men dedicated to the preservation of a milieu in which they have prospered." Traditional establishment lawyers are "in." Legal scholars and intellectuals—particularly conservatives—are "out." Consider the ABA's ratings of three other eminent conservative legal scholars Frank Easterbrook, Richard Posner, and Ralph K. Winter, all of whom now serve with distinction on our appellate courts. As conservative academics, their ABA ranking of "qualified" was the minimal level of acceptability. Clearly, the ABA, at least since 1983 when it expanded the scope of its evaluation to include ideology and philosophy, plays politics.

The ABA must account for its ratings. The unique role it plays requires it be honest with the Judiciary Committee and American public. As Senator Hugh Scott once noted:

> I doubt whether or not any private body should be privileged to exercise a veto over a function to be exercised by Congress; namely, the selection of judges. [For example,] I would not think the American Medical Association should pass on the Public Health Service. * * *

The Judiciary Committee has two choices to resolve this dilemma. First, we can simply discontinue the ABA's preeminent role in Supreme Court nominations. After all, the Judiciary Committee already conducts the same investigation undertaken by the ABA: The nominee's colleagues are interviewed; articles, speeches, and opinions are analyzed; and other legal experts are consulted about the nominee. If we choose this route, the ABA will still be welcome to present its views, as any interested group is, on a particular nominee, but its testimony will be recognized as that of the constituency it represents—lawyers in traditional law firm, corporate or other business setting.

Alternatively, we can continue to utilize the ABA to assess nominees' "competence, integrity, and judicial temperament," as the ABA currently defines its role, so long as the ABA adheres to the provisions of the Federal Advisory Committee Act. This 1972 law requires that, among other things, advisory committee meetings be open to the public. The act, passed to limit the "potential dominance," as Judge Charles G. Richey once phrased it, of advisory groups, clearly applies to the committee. In fact, the ABA views its role as that of an advisor in the nomination process. Lawrence Walsh, a former chairman of the committee, once told the Judiciary Committee:

> We are an advisory group. We do our best to present the facts openly and frankly and fairly to the President and his agents and to the Senate through [the Judiciary] Committee.

At the present time, the deference accorded the ABA gives it the power to undo a person's entire career, as a result of its clandestine and vague process. We must either discontinue the role of the ABA in its present capacity or recognize its advisory status and require it comply with the Federal Advisory Committee Act.

Mr. President, I ask unanimous consent that the Wall Street Journal article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 28, 1988]

Lest Ye Be Judged

As Judge Anthony Kennedy rolls on toward confirmation, the Bork fallout continues, not least in raising the issue of whether the organized bar has any special role to play in judicial selection. For the net result of its split decision on Robert Bork was to give a patina of professional and intellectual respectability to the scurrilous campaign being run against him.

At one time everyone officially recognized Judge Bork's true pre-eminence. When he was appointed to the Court of Appeals for the D.C. Circuit, the ABA rating committee unanimously rated him "exceptionally well qualified." Subsequently he participated in 400 decisions and wrote 100 opinions as a member of the nation's second most important court. Not a single one was reversed, while several of his dissents were upheld on appeal.

After which, the ABA committee approved him by only a 10-4 vote. His nomination drew outright opposition from the Association of the Bar of the City of New York. It is ludicrous to suppose that Judge Bork's professional qualifications in 1987 were less impressive than they were before his five years of service on the bench. What changed was the political context; the political stakes were higher and the Reagan administration was weaker. The Bork-Reagan foes launched a political-advertising campaign against the nomination—at a cost of $10 million to $15 million according to the estimate of Suzanne Garment in her superb article in the current commentary. Suddenly Judge Bork's professional capabilities became a matter of debate within the bar.

What then is the meaning of the bar's supposedly technical and professional judgment? We do not need this judgment when, as in the Anthony Kennedy nomination, there is no controversy. But if at the first smell of blood the bar is going to play politics like everyone else, why should its opinions have any special status? Indeed, is it wise for the bar to lend its name to such an exercise? If a professional assessment becomes mere politics, will not this discredit the notion that there is something more regal to the law itself?

Some in the bar are asking these questions. Indeed, a group of dissenting New York lawyers has sued the City Bar Association seeking an injunction against further ratings of Supreme Court nominees, noting that the group's carefully drafted charter authorizes only the assessment of local judges and federal judges who sit in New York City. Judge Edward Greenfield denied a temporary restraining order, but asked the executive committee to wait until he ruled on the suit's merits before announcing its conclusion on Judge Kennedy.

The association responded by rushing out its recommendation of Judge Kennedy in direct defiance of the judge's request. Such is the respect for the judicial process displayed by the same lawyers who objected to Judge Bork on the grounds of "judicial philosophy." The dissidents will continue their suit, but nothing in the episode suggests that the bar enjoys any status that commands deference from the rest of us.

Several senators expressed similar doubts during the Kennedy hearings, questioning Harold Tyler, head of the ABA federal judiciary committee. They wanted to know, for example, why the committee votes in secret. Why don't the four anti-Bork members go before the public to defend their views, as senators do every day of the week? Indeed, there is a law, called the Federal Advisory Committee Act, which requires that advisory groups reach their recommendations in the full light of day. Mr. Tyler asserted his committee was exempt from the act, and needs confidentiality so that it can interview numerous sources, including sitting judges who would not be able to express themselves in public.

Senators also were testy about an anonymous quote from a member of the ABA committee in the Washington Post, calling Judge Douglas Ginsburg a "Borklet" even before the rating process. The Washington Post's leaker said something interesting: "There are concerns that Ginsburg shares many of the conservative ideological beliefs that doomed the Bork nomination." We certainly would like to know what member of the committee said Judge Bork was defeated over ideology, not professionalism.

On the broader question, Mr. Tyler's explanation was recorded back during the Bork hearings. "We cannot be unrealistic about what we are," he said. "I have admitted to this committee, my committee—they all knew it anyhow—my prejudices or biases as best I can. Others have done the same. But we cannot divorce ourselves and be 15 people who live a neutral, sheltered, irrational, nonworldly life." In other words, the members' assessments can't be counted on to be purely technical and professional after all.

The ABA committee had been shrouded in controversy even before the Bork nomination. The question of its status under the Federal Advisory Committee Act is at issue in two lawsuits pending in Washington. They started back in September 1985, when a Congressional quarterly article reported that the ABA committee gave names of people "under consideration" to Susan Liss, head of the Judicial Selection Project, so that "Member groups such as the NAACP Legal Defense Fund then may conduct their own investigations and send information to the ABA." The Washington Legal Foundation, a conservative legal group that didn't get such supposedly confidential names in advance, asked the ABA why.

The ABA committee said it would stop the practice, but the Washington Legal Foundation filed suit for the group's minutes under the FACA. WLF, joined by Public Citizen Litigation Group, a Ralph Nader affiliate, also has sued the Justice Department for asking a group for its views without enforcing FACA.

We referred to this controversy during the Bork battle, in a 107-word item concerning John D. Lane, a Washington lawyer who served on the ABA committee when the WLF suit was filed, was not reappointed when his term expired, and has again been appointed after a new position was created. This elicited from Mr. Lane a letter full of such words as "false and malicious" and other litigous language we wouldn't have expected from someone who presumes to vet judicial nominees for "judicial temperament." This was followed up by a letter from Mr. Tyler to the chairman of Dow Jones assuring us among other things that Mr. Lane "certainly does not have any desires to sue the Journal or anyone else."

The burden of Mr. Lane's complaint is that we suggested he had been accused of "leaking" the names and had been removed from the committee as a result. Both Mr. Tyler and Mr. Lane assure us he was not "removed" from the committee, and certainly we ought to make clear we hold Mr. Lane no more responsible than other members of the committee for the revelations to Ms. Liss. Our complaint is not with an individual, but with a process that invites politicization, then masks its results under the guise of objective, professional judgments.

The process invites the politicization not only of the bar, but, we are increasingly coming to suspect, also of the bench itself. The ABA committee sought opinions on Judge Bork from 77 Federal Court of Appeals judges and five Supreme Court justices, as well as other lower-court judges. A minority of these sitting judges opposed Judge Bork in these private hearings, no doubt encouraging the minority on the ABA panel, again lending a professional patina to the opposition.

What was the basis for these clandestine judgments? The judges making them offer no opinion that must withstand the scrutiny of either their peers or the public. Is it a good idea even to invite sitting judges to participate in such a process?

The back rooms of the D.C. Circuit Court are still buzzing with an anecdote. Just after Ronald Reagan went on television to announce his surprise Ginsburg nomination, Pat Wald, the liberal chief judge, ushered visitors out of her chambers to take a call from Senator Teddy Kennedy. Judge Wald told us that she took the call "out of courtesy's sake," that it lasted less than a minute and that she told Senator Kennedy that in Judge Ginsburg's "relatively few opinions, his positions were in most cases in conformity with those of the more recent Reagan appointments."

Then Senator Kennedy headed for the floor of the Senate to dismiss Judge Ginsburg as "an ideological clone of Judge Bork—a Bork without a paper trail—instead of a real conservative." This was a very different view than Senator Kennedy took of Douglas Ginsburg in 1986 when he introduced the former Cambridge, Mass., resident to the Judiciary Committee for unanimous approval as a circuit judge.

Several decades of activist judges already have diminished the law in the eyes of many people, who see it as essentially a political exercise in which the legal spoils go to the most effective special interest. The status of the law will be restored by restraint on the bench and by an ABA that restrains itself from claiming special competence to judge nominees. Certainly the executive branch ought not accord the ABA that status. Presidents don't let the American Bankers Association pick Fed chairmen, the Seven Sisters pick energy secretaries or the AFL-CIO pick labor secretaries. Why should lawyers have a quasi-constitutional role in picking judges?

Mr. THURMOND. Mr. President, I now yield 3 minutes to the distinguished Senator from Utah, [Mr. HATCH].

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I thank my distinguished colleague and thank my friend from Ohio for allowing me to go out of turn so that I can get over to the Rules Committee.

Mr. President, today we take the final step in filling this Supreme Court seat which has remained vacant, as far as I am concerned, for far too long. The nominee before us today has demonstrated that he possesses the qualities that are necessary and important in this most taxing of public callings.

I have been very impressed with Judge Kennedy. I think a lot of him. I think everybody does here. And this vote here will make that point, I think, in very, very strong terms.

I might say that the explanations of the majority report failed to reflect, it seems to me, a sound historical or jurisprudential picture of the reasons that Judge Kennedy will be and should be confirmed as an Associate Justice of the Supreme Court. Rather than dwell on the distortions and inaccuracies of this report, however, I prefer to focus on the merits of the individual chosen to succeed Justice Powell on our Nation's Highest Court.

Accordingly, I am honored to express my approval for an individual who is eminently qualified to serve in the highest judicial office of our land. Fourteen years as a practicing attorney, 20 years as a professor of constitutional law, and more than 12 years on the circuit court that defines Federal law for nine States and 37 million people have prepared Judge Anthony Kennedy well for the trust placed in him by President Ronald Reagan. I have no doubt that in coming decades this nomination may be counted as among the most significant actions taken by President Reagan in his two terms at our Nation's helm.

I express this confidence because Judge Kennedy has exhibited the kind of courage that is the hallmark of a great Supreme Court Justice. While on the ninth circuit, Judge Kennedy had the courage to refuse to enforce Federal statutes which failed to comply with the terms of the Constitution. For example, he invalidated legislative veto provisions in the Chadha decision.

This kind of courage will again be required of Judge Kennedy. Even while his nomination was pending, a circuit court in the District of Columbia invalidated the independent counsel law because it violated the separation of powers in the Constitution. I do not presume to know how Judge Kennedy might vote or even if he will be called upon to review that particular law, but I am confident that he possesses the ability and courage to decide whether Federal laws overstep the bounds of the Constitution.

Even more important than the courage to undertake that task, however, is a judge's wisdom and restraint. Judge Kennedy will no doubt become a respected Justice because he will base his decisions on the Constitution and the laws of the Nation. He does not have any political agenda and will not attempt to write his own preferences into law.

Some legal scholars and even some Senators have contended that judges need not base their decisions on the words of the Constitution. Instead they contend that judges are not worthy of service on the supreme Court unless they are willing to reach outside the Constitution to protect human dignity or some other vague and undefined principle. The problem with this notion is that it permits unelected judges to override the democratic laws created by the people without constitutional justification. For example, judges have overturned the capital punishment laws of 34 States even though the Constitution itself mentions the death penalty. This is known generally as judicial activism. In my mind, judges who take upon themselves to overrule the people's laws without clear warrant from the Constitution overstep their authority. Judge Kennedy's years of service on the ninth circuit and his testimony before this committee indicate clearly that he is not this kind of judge.

As he stated, he will practice judicial restraint, which is another way of saying he will refrain from using extraconstitutional principles to decide cases. This is the task of judges—to read the Constitution and to apply it to the facts of specific cases. A judge who reads things into the Constitution is not really acting as a judge, but as a politician in robes.

I recall what Judge Kennedy stated in a speech a year before his nomination: "The imperatives of judicial restraint spring from the Constitution itself, not from a particular judicial theory. * * * The constitutional text and its immediate implications, traceable by some historical link to the ideas of the framers, must govern judges." Judge Kennedy's profound respect for the Constitution is his best qualification to serve on the Supreme Court.

To those who classify judges who practice judicial restraint as conservative, he has the best response. As he states, judicial restraint is neither conservative nor liberal, but a requirement of the Constitution and a natural predicate for the doctrine of judicial review.

Judge Kennedy will be a champion of judicial restraint, like Justices Harlan, Frankfurter, Burger, Stewart, Powell, and many others before him. It is easy to understand why he has won President Reagan's trust. And it is easy to understand why he will win the trust of the American people as well. After all, he will let the people govern themselves, rather than presuming that he knows better than the people what rights and values deserve judicial enforcement.

Let me spend a few moments with my colleagues and examine some of the issues raised during the hearings that reinforce my belief that Judge Kennedy is well qualified for this most important governmental position.

CRIMINAL LAW

Few people realize that no category of case is more often litigated in the Supreme Court than criminal cases. From my point of view, this is entirely appropriate because life and liberty, not to mention the order and safety of our society, are no where more at stake than in criminal trials. Accordingly, I would like to review a portion of Judge Kennedy's record on criminal issues.

Studies have shown that the poor, women, the aged, and minority groups are disproportionately victimized by crime. When our criminal justice system fails, these groups are the first to suffer. Judge Kennedy has indicated that the plight of victims of crime ought to play an important role in the criminal justice process.

In October 1987, the Bureau of Justice Statistics reported that the rate of violent crime dropped 6.3 percent in 1986. Of course, this is no consolation to the victims of crime, but it is important to realize that since 1981, the rate of violent crime has dropped nearly 20 percent. Seven million fewer crimes occurred in 1986 than in the peak year of 1981. This does not mean the battle is being won. I am sure we can find statistics to show that drug abuse and its link to crime is on the rise. Nonetheless we are gaining ground on crime to some degree. Judge Kennedy feels that the courts have a role to play in ensuring that this hard-won progress continues.

In this regard, I would like to discuss one of Judge Kennedy's death penalty cases; namely, Neuschafer versus Whitley. In which an inmate had murdered another inmate. When Judge Kennedy first received the case, he sent it back to the lower court to make sure the evidence—a statement by the accused—was proper. When this was established, the case returned to the circuit court. Although several arguments were made against the State's decision to order the death penalty, Judge Kennedy found them to be insufficient. He found that there were aggravated circumstances that warranted capital punishment and that the penalty was not disproportionate to the crime.

Another capital case was Adamson versus Rickets. This involved the murder of an Arizona newspaper reporter with a car bomb. The defendant had confessed to the murder but escaped the death penalty in his first trial because of plea bargain. In a second trial, after the defendant had breached the plea bargain agreement, the Ninth Circuit Court of Appeals,

with Judge Kennedy dissenting, held that the double jeopardy clause barred a second trial on the issue. The Supreme Court overturned the majority of your court and followed your dissent in finding that the plea bargain should not figure into the double jeopardy clause in this instance. This resulted in the reinstatement of the death penalty for the cold-blooded car bombing.

We should also review a few other aspects of criminal law. For example, some court rulings might deprive the police of tools they need to investigate crime and apprehend criminals. Some courts have applied doctrines which result in convicting evidence being thrown out of court. This could allow a criminal to go free on a technicality. Few things undermine the integrity of the justice system in the mind of the American people any more. In any event, Judge Kennedy has decided several cases affecting the ability of police to fight crime. For instance, he decided in U.S. versus Allen in 1981 that helicopter overflights could be used for the purpose of gathering information of drug dealing.

Few doctrines have been more controversial than the exclusionary rule. This rule excludes any evidence from a trial that the police might have acquired in a flawed manner. In some ways, this emphasizes scrutiny of every minor aspect of police conduct to the exclusion of the search for truth in our courts. Justice Cardozo described this rule as allowing the "guilty to go free becaue the constable blundered." Judge Kennedy has had several opportunities to rule on the exclusionary rule. For instance, in the case of U.S. versus Peterson, he applied the good faith exception to the exclusionary rule to a drug arrest that occurred in the Philippines. He held that the introduction of evidence was permissible where U.S. officers reasonably relied on the assertions of Philippine officers that they had abided by the law, even though the Philippine officers had not. We can ask no more of our police than that they make every good faith effort to comply with the law. One other exclusionary rule case is perhaps worth examination. In U.S. versus Harvey, Judge Kennedy dissented from a ruling that overturned an involuntary manslaughter conviction because the results of a blood alcohol test were admitted into evidence. In that case, the defendant's blood had to be drawn at once or the alcohol content would have diminished. As he said in his opinion, "in this case, the exclusionary rule seems to have acquired such independent force that it operates without reference to any improper conduct by the police."

On the other hand, he seems to be clearly attuned to constitutional protections for defendants as well. For instance, in the case of U.S. versus Jewell in 1976, he dissented because a conviction occurred without ample instruction to the jury about the nature of intent required for a conviction. He was joined in that dissent by conservatives like Judge Wallace and liberals like Shirley Hufstedler. In any event, his record on criminal law issues is, in my mind, exemplary. He balances carefully the rights of law abiding citizens to a safe community and the rights of suspects to a fair trial.

U.S. VERSUS LEON

The press gave wide coverage to Judge Kennedy's dissent in the U.S. versus Leon case involving the exclusionary rule. The majority in that case contended that evidence in a drug case had to be thrown out of court because it was obtained on a warrant that was not supported by probable cause. The majority refused to create a "good faith" exception to the exclusionary rule in the absence of Supreme Court guidance.

In his dissent, Judge Kennedy contended that the warrant was in fact supported by probable cause and that the evidence of the drug transactions was therefore admissible. He, therefore, found it unnecessary to address the "good faith" issue. The Government appealed the case to the Supreme Court and argued for a good faith exception, rather than basing their appeal on the validity of the warrant, which was Judge Kennedy's argument. It would be wrong, therefore, to suggest that he acted without Supreme Court guidance in creating a "good faith" exception to the exclusionary rule.

Judge Kennedy's Leon dissent is noteworthy in its own right, however. In the first place, it seems to me that it demonstrates his judicial restraint. He dissented on the narrowest possible grounds—the validity of the warrant—instead of reaching out into uncharted territory, like the "good faith" exception reasoning. This shows also his commitment to law enforcement and his understanding of the realities of criminal law. As he noted in his dissent, the exclusionary rule becomes too rigid when courts "presume innocent conduct when the only common sense explanation for it is ongoing criminal activity." This case is one further instance of his commitment to an ordered society with ample tools to fight lawlessness.

COMPARABLE WORTH

Mr. President, we heard concerns expressed in the Judiciary Committee hearings from groups such as the National Organization of Women. This group and others had reservations about the legal and jurisprudential merits of Judge Kennedy's ninth circuit comparable worth case, AFSCME versus Washington, 1985. The comments on this particular group, without a clarification, might leave the false impression that Judge Kennedy is not fully supportive of women's rights. I would like to help clarify these issues. In the first place, that 1985 opinion expressed support for the Equal Pay Act, which requires equal pay for equal work.

My reading of Judge Kennedy's cases indicates that he is among the first to vindicate the rights of women who do not receive equal pay for equal work. He has expressed his willingness to enforce the Equal Pay Act.

Next, I would like to turn directly to the issues raised by the AFSCME case. That case presented a vary narrow issue, namely whether title VII of the Civil Rights Act was violated by the State of Washington in light of a study showing a wage disparity between several jobs held mostly by women and comparable jobs held mostly by men. In other words, this was a case requiring a determination of whether title VII defined wage disparities in comparable jobs as sex discrimination.

Because his opinion was based on the language of the statute, nothing in that decision, as I read it, prevents the State of Washington from changing its laws to adopt a compensation system based on comparable worth.

Morever, nothing in that opinion would prevent Congress from making wage disparities in comparable jobs evidence of sex discrimination. In my opinion, this would be a very questionable thing for Congress to do because, as Judge Kennedy stated:

> Neither law nor logic deems the free market system a suspect enterprise.

Nonetheless, Congress has done foolish things before and nothing in the AFSCME opinion would prevent Congress from expanding title VII to include wage disparities in comparable jobs.

I would like to make one further point before we look more closely at the specific reasoning of that opinion. Two circuit courts—the eighth circuit in the 1977 case of Christensen versus Iowa and the 10th circuit in the 1980 case of Lemons versus Denver—had rejected comparable worth arguments even before Judge Kennedy's 1985 opinion. Moreover, another circuit, the seventh, has since decided a comparable worth case and cited his opinion as authority for once again rejecting a comparable worth claim. This was the 1986 case of American Nurses versus State of Illinois.

I would just like to quote from one of those other opinions, the 1977 opinion out of the eighth circuit. This court stated several years in advance of Judge Kennedy's opinion that:

> We do not interpret Title VII as requiring an employer to ignore the market in setting wage rates for genuinely different work classifications.

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This language sounds remarkably similar to Judge Kennedy's conclusion that:

> The State did not create the market disparity and has not been shown to have been motivated by impermissible sex-based considerations in setting salaries.

I would like to examine to some degree the methods of analysis Judge Kennedy employed in deciding this case because I think this case is an excellent example of the kind of careful legal analysis we should seek in our Supreme Court Justices. The Supreme Court has acknowledged two theories of employment discrimination under title VII. The first is the disparate impact theory which means that a neutral employment practice may nonetheless be illegal if it has a disproportionate impact on women. The second is the disparate treatment theory which means an employment practice is only illegal if undertaken with a discriminatory intent. Judge Kennedy's opinion analyzed the facts of the case under both theories.

Under the first test or the disparate impact test, Judge Kennedy found that allowing market forces to set salaries was not the kind of specific, clearly defined employment practice to which disparate impact analysis may be applied. To make this clear, he would be likely to apply a disparate impact analysis to a specific employment practice that excluded individuals below a certain weight or height because this would have the effect of excluding women. In fact, this is the situation presented by the Dothard case where the Supreme Court applied the disparate impact test. On the other hand, several courts have acknowledged that broad ranging compensation policies are not well suited to the disparate impact model.

As the Senate knows from considering civil rights legislation in the past, discriminatory intent may be inferred from circumstantial evidence. In Judge Kennedy's analysis of this case, there was not sufficient circumstantial evidence to support a finding of discrimination based on the second test, which requires some showing of discriminatory intent.

The Willis study, which identified the salary disparities in various comparable jobs in the State of Washington, and was offered as evidence in this case, was not evidence of this intent. The study identifies some disparities but it does not show evidence of discriminatory motive in setting those different salary levels. In fact, just the opposite, it shows that the market was relied upon by the State and the market system created some differences. I would just observe that Judge Kennedy's treatment of this very sensitive issue is itself very sensitive. He examined every possible legal theory; he gave every possible advantage to the evidence presented by the plaintiffs; and he finally reached a result.

In addition, this was a unanimous opinion, which was not reheard en banc by the ninth circuit. These facts speak even more persuasively for the efficiency and accuracy of Judge Kennedy's legal reasoning. We have heard that some legal commentators have criticized this opinion in law reviews and other publications. According to my quick search, this case has been the subject of 13 law review articles. It is not correct to say that all of these have been critical. In fact, several have been very complimentary. For example, the Washington Law Review in 1986 contained the following observations:

> Judge Kennedy was correct in holding that AFSCME failed to establish a prima facie case of sex-based wage discrimination, because the use of market wage rates, alone, is not sufficient evidence of discriminatory intent.

Another observer noted that Judge Kennedy's opinion was an "admirable exercise of judicial restraint;" 9 Harvard Journal of Law and Public Policy 253 (1986). Although not noted for legal commentary, the Washington Post editorial of November 22, 1987 seemed a fine summary of this entire subject:

> Judge Kennedy was right. The law requires equal pay for equal work, not comparable work.

I would simply note that Judge Kennedy was not only correct, but he was sensitive and careful in his legal analysis. The care with which he reached his conclusion is just as important as the conclusion itself. I commend the judge for his work on this difficult issue.

CIVIL RIGHTS CASES

Based on a few isolated cases, the impression has been created that Judge Kennedy is not fully sensitive to the rights of minorities and women. I would respectfully suggest that a full reading of his civil rights cases and record clearly yields a very different conclusion. Let me just review with my colleagues a few of his cases that will present a more complete picture of his record on civil rights.

In the 1980 case of Flores versus Pierce, Judge Kennedy heard a suit brought by several Mexican-American restaurant owners who alleged that city officials were racially motivated in protesting their applications for liquor licenses. In his holding, Judge Kennedy found that the protests which were frustrating efforts of these Mexican-Americans to do business were indeed racially motivated. Using both the disparate impact and disparate treatment theories, he found clear evidence of discriminatory intent and upheld the damage award of $48,500 against the prominent city officials who were the defendants. In my mind, this is a classic example of a courageous judge standing up, when the evidence warranted it, for the rights of minorities against the powers of city hall.

In a similar vein, I would like to review the 1984 Jones versus Taber case involving a prisoner who had been mistreated but had foregone any legal claims for a mere $500. This prisoner had been stripped, gagged, chained to a wall, and hosed with cold water, yet without the advice of counsel had accepted $500 in exchange for an agreement not to seek legal redress. Judge Kennedy found that the acceptance of the $500 was not completely voluntary and informed, thus not binding. This had the effect of restoring the prisoner's rights to sue the offending officials. Once again, this must be viewed as an instance of judicial protection of valuable civil rights.

Another 1984 case, McKenzie versus Lamb, raises the same point. In that instance, several turquoise jewelry salesmen were arrested without probable cause. The plain clothes police had no evidence that the defendants were selling stolen property, yet they arrested them anyway. Accordingly, Judge Kennedy permitted a lawsuit against the defendants.

Although many other cases might show a similar disposition to protect individual and minority rights, I will just call attention to one more example—the 1984 case of Bates versus Pacific Maritime. This involved an employer who had certain firm obligations to correct racial discrimination under title VII. The employer sold his business and his successor claimed that he did not need to abide by the obligations to hire minorities. In his opinion, Judge Kennedy held the successor—who had assumed the same operations and kept the same personnel as the offending employer—was bound to meet all the obligations of the remedial consent decree. This vindicated the civil rights of those who had been, or might have been, discriminated against by this firm. Undoubtedly there are many other examples of Judge Kennedy's sensitivity to civil rights, but I selected these few to highlight his larger record.

Moreover, I would suggest that several cases which might be cited for evidence of reluctance to uphold civil rights in fact stand for a much different proposition when viewed carefully. Take, for example, the case of Topic versus Circle Realty dealing with jurisdiction under the Fair Housing Act. The real effect of this 1976 holding did not deny the minority plaintiffs any civil right, but only suggested that the best remedy for the violation might be the administrative conciliation process. In the event the conciliation failed, the plaintiffs could still have returned to court. In other words, this holding denied no rights,

but only sought the best way of vindicating those rights.

In that case, the individuals seeking relief were teams of investigators trying to find out if steering were taking place, although they were not personally seeking housing. Judge Kennedy found that these individuals were entitled to pursue relief under section 3610 of the act which leads to administrative conciliation remedies. He found that these housing testers were not entitled to access immediately into the Federal court system under section 3612 because this latter section was much more narrowly worded and appeared to exclude individuals who had not actually been the victims of discrimination. Direct access to Federal courts was limited to actual victims of discrimination, while any person could get access to the administrative remedy which Judge Kennedy and his colleagues noted might be "not only * * * an adequate, but a superior, remedy." This was a unanimous case that was not reviewed by the Supreme Court.

It is true that the Supreme Court found that section 3610 and section 3612 offer parallel remedies to the same plaintiffs, but this occurred 3 years later in the Gladstone Realtors case. Even this Supreme Court case was split with two Justices dissenting. In any event, this was a complex statutory interpretation case, but Judge Kennedy's holding did not deny anyone the right to fair housing. In fact, his holding specifically stated that anyone who was actually steered away from housing opportunities due to race would get immediate access to court. This is hardly a holding adverse to civil rights.

One final point on Judge Kennedy's reasoning. He reasoned that if everyone could get immediate access to Federal courts, the administrative remedies under section 3610 would become mere surplusage because everyone would circumvent the administrative procedures and go directly to court. His reasoning gave meaning to both sections 3610 and 3612. This, in my mind, was very strong reasoning and probably a significant reason that his ruling was unanimous.

I would next like to turn to the case of Spangler versus Pasadena City which arose in 1977. Judge Kennedy actually decided two cases dealing with the issues involved with court-ordered desegregation in Pasadena schools. The first was a procedural matter concerning whether certain parents could challenge the creation of magnet schools. The second and more important case dealt with whether the district court should relinquish its jurisdiction after more than 10 years of court-ordered busing.

His conclusion that the district court should relinquish its jurisdiction was based on the clear finding that the school board was in full compliance with integration efforts and had committed to maintain the policy.

> The remedy ordered by a federal court to correct racial segregation in a school system may not be more extensive than is necessary to eliminate the effects of the constitutional violation that was the predicate or the court's intervention.

Again, this was a unanimous opinion which was not reviewed en banc or reversed by the Supreme Court. As Judge Godwin stated about this request to declare the desegregation order a success by ending it:

> "If not now, and on this showing, when, and on what showing" will the governance of the school system be restored to the elected officials who are charged with that governance under state law?

In other words, this opinion was little more than a declaration of victory for desegregation and a determination to terminate the burdens of busing in light of the success. Once again, this is hardly a case of insensitivity to civil rights. Judge Kennedy's record on civil rights is one of which he can be justifiably proud.

CLUBS

Mr. President, I would like to revisit for a moment the question of club memberships, and answer a few questions that may still linger. First, let's examine Judge Kennedy's Olympic Club membership. He joined this club in 1962. Despite the club's virtues of public service and charitable activities it also had flaws. At the time he joined, the club was restricted to white males.

We all agree that this racial policy was reprehensible, but we must recall that this was 2 years before the Civil Rights Act of 1964 which outlawed discrimination in public accommodations. In 1962, it is sad to say that many clubs had such policies. That was why Congress enacted the 1964 act. It took a few years for individuals and clubs to learn the full implications of the 1964 enactment, but the Olympic Club removed its racial ban in the late 1960's.

The next important event in this entire saga deals with the events of last summer. Evidently the Olympic Club was the site of the U.S. Open, a great honor for the club. When the press learned that the club, according to its bylaws, was only open to "gentlemen," the reaction was one of tremendous controversy.

It seems to me that this reaction might have been somewhat unexpected. As I understand it, over 1,000 women have privileges at the club and regularly use its facilities. The problem is that they are not members in their own right, but based on their husband's membership. Still, with women at the club regularly, the bylaws were probably not a burning question. I mention this only because some might question why Judge Kennedy did not start to act sooner to remedy the situation. Apparently this heightened scrutiny called the matter to the judge's attention, because it was at this time that he began to discuss with the club leadership his concerns about the club policy. These discussions also included a letter dated August 7, 1987, in which the judge asked to be notified of the results of a poll of the membership. That letter is a clear indication that he intended to take action based on the outcome of the poll. I would like to quote just a sentence from the letter: "The fact is that constitutional and public morality make race or sex distinctions unacceptable for membership in a club that occupies the position the Olympic Club does." Judge Kennedy was strongly urging the club to end discrimination.

One other point is worth repeating. This occurred in the first week of August. At that point, Judge Bork was President Reagan's nominee, hearings had not yet begun for Judge Bork, and most commentators were predicting that it would be a difficult fight, but Judge Bork would be confirmed. Moreover Judge Kennedy's name had not surfaced as one of the leading candidates for a Supreme Court nomination in the way that Cliff Wallace had. I only mention this because we ought to be completely clear that he was acting out of a sense of "constitutional and public morality" as he said, not on the basis of any hint that there might be a higher calling in his future.

Frankly, Judge Kennedy's actions seem to be above reproach. He is no longer a member of the Olympic Club and the most he could be faulted for is not recognizing the problem earlier, but then no one else had either. It was the U.S. Open which brought attention to the issue. Many clubs may have similar policies that have gone unnoticed. I am aware of popular clubs in Washington, DC, for instance, with this kind of policy. In any event, I can not see how his conduct can bring anything more than praise.

The same can be said for Judge Kennedy's involvement with the Del Paso Country Club, the Sutter Club, and the Elk's Lodge. The Del Paso Club also conducts several worthwhile activities and supported worthy community ventures and its membership is open to all persons. In fact, the club has women and minority members according to my understanding. It has had women members since the 1940's according to my records. This might be viewed in some respects as a very commendable record. The concern in this case involved technical language of the bylaws which appeared to favor males. In the late 1970's, at a time when the Supreme Court was an institution Judge Kennedy probably never expected to join, he expressed concern

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over the perception problem of the club.

Judge Kennedy's concern prompted changes in the bylaws, however, the perception problem continued to some degree, which prompted the judge to resign. Once again, I can only say that his actions demonstrate nothing but acute sensitivity to any perception of bias. Even when the bylaws might have technically complied with the law, he urged effort to remove any residual sense of difficulty.

Judge Kennedy's attention to his judicial and ethical duties is particularly underscored by his activities with respect to the Sutter Club. He joined this club in 1963, well in advance of the enactment of the 1964 Civil Rights Act. In this case, however, the club's bylaws did not bar women, but the club's practice appeared to exclude females.

His sensitivity to this concern in 1980 is once again a compliment to his moral sense of balance. Even before Reagan was elected President, let alone before he appointed Judge Kennedy in his second term, the judge was aware of the problems in this club's practice and acted to remove himself. He removed himself from this club in 1980, because the practice of the Sutter Club was much more open and clearly in conflict with his judicial duties.

The propriety of his actions with respect to club memberships is bolstered by his actions with respect to the Elks lodge, well known for its charitable and service activities. Again, this organization does not provide membership to women, and in 1978, years before President Reagan was elected, Judge Kennedy responded to the perception problem and resigned. His actions as a whole are very commendable with respect to upholding his ethical duties.

VOTING RIGHTS

Voting rights may well be the central rights of a system of self-governance. By voting, Americans directly shape the laws and rules to which they will be subject. Judge Kennedy has decided one voting rights case—the 1980 James versus Ball case. In that case, he considered an Arizona voting plan that limited votes for a water development project to landowners. The question was whether this particular voting plan fit within an exception to the one-man, one-vote rule which permits a disproportionately affected group to have a larger role in governing a water district.

In his review of the case, Judge Kennedy found that this water district produced power that would go to landowners and nonlandowners alike. Therefore, the Supreme Court disagreed. The Supreme Court holding was 6 to 3 and was essentially just a finding that this particular water district was sufficiently specialized and narrow to fit within the exception.

The Supreme Court did not question Judge Kennedy's reading of the law, only the facts. The higher Court read the facts differently and concluded that this water district was specialized enough to fit within the exception to the one-man, one-vote rule. In any event, no one can question that Judge Kennedy was seeking the broadest possible protection for voting rights.

FIRST AMENDMENT

Few provisions of the Constitution are more important to Americans and our way of life than the free speech guarantees of the first amendment. Judge Kennedy has expressed his view of the importance of the speech clause and its role in our society.

American jurisprudence is a model for the rest of the world because it forbids any prior censureship or restraints on speech except under the most extenuating circumstances. One of Judge Kennedy's cases dealt with an attempt to place a restraint on the broadcast of a TV program. This was the 1979 case of Goldblum versus NBC, where he held that the privacy and fair trial interests of the petitioner, an executive officer implicated in an equity funding scandal, were not sufficient to block broadcast of the TV program.

In my mind, it is significant that the courts, too, can sometimes forget to protect the Constitution's prior restraint doctrine. Fortunately, other courts are available to correct those errors. Although access to government records is not a first amendment speech issue, it is nonetheless related to the access which our citizens have to their government. In that sense it is related to the very principles by which citizens participate in a government run by the people. In this regard, Judge Kennedy, in his 1985 CBS versus District Court case, rejected the Government's effort to suppress the media's access to certain sentencing documents in a case related to the DeLorean trial. His decision was based on "the presumption that the public and the press have a right of access to criminal proceedings in documents filed therein. * * * The right of access is grounded in the first amendment and in common law * * *."

One further first amendment issue arose in his past cases. This involved the operations of the Federal Election Commission. In the 1980 California Medical Association case, he decided that contributions to political action committees are not eligible for the full protections of the free speech clause and may be limited. He held that when people contribute to a PAC, they choose that committee in order to express themselves on political issues and they make the contribution to advocate their views. These donations are analogous to contributions to candidates.

In reaching his decision, Judge Kennedy referred to the Buckley versus Valeo to support his holding. This was a case in which the Supreme Court split 5 to 4 on these issues. They are difficult ones. No doubt the Supreme Court will continue to make important decisions relative to the bounds of the free speech clause and the people's access to information about their government. In light of Judge Kennedy's record, I have full faith that he will weigh the appropriate factors and be guided by the appropriate doctrines.

PRIVACY DOCTRINE

As Judge Kennedy correctly noted in a speech to the Canadian Institute for Advanced Legal Studies last year, "Neither the right [of privacy], nor the word [privacy], is mentioned in the text of the United States Constitution." However this does not mean that the Constitution affords no protection to privacy.

I certainly share Judge Kennedy's view that vital privacy values are protected by the first amendment speech and religion clauses, the fourth amendment search clause, the fifth amendment and so forth. If, however, a court accepts a general notion of privacy protection in the due process clause or elsewhere, how does a court find a principled basis for limiting that protection to marriage and family concerns? How would a court find authority to devise a principle that excludes other privacy concerns, like homosexuality, drug use, and the like?

Few of Judge Kennedy's cases have received more attention than the homosexual rights case, Beller versus Middendorf. As we all know, the Supreme Court has decided a similar issue in the Bowers case where it was asked to determine if the general privacy right embraced homosexual conduct. In his determination of the issue, Judge Kennedy stated: ". . . where the government seriously intrudes into matters which lie at the core of interests which deserve due process protection, then the compelling state interest test * * * may be used."

As we well know, no general right of privacy was recognized for the first 175 years of our Constitution's history, which may cause some to question whether it is indeed fundamental. In that same speech to the Canadian Institute, Judge Kennedy noted that "the Due process clause in not a guarantee of every right that should inhere in an ideal system" and that "* * * judicial independence and its legitimacy is a necessary part of the equation when one debates the legitimacy of a source or method of constitutional interpretation. If we overreach, it is fair to call our commissions in question."

I would only note that in this area one respected legal scholar, Larry Tribe of Harvard, has predicted that

the "eventual unfolding of doctrine in this area" will someday encompass "homosexuality, polygamy, adultery, bestiality, as well as variations such as group sex which are generally dealt with under sodomy and fornication laws." American Constitutional Law at 944-946. I would hope that legal predictions and writing of this nature will not influence the directions of Supreme Court decisions.

ORIGINAL INTENT

During the Judiciary Committee hearings with Judge Kennedy there was much discussion about original intent. In his characterization of what he means when he refers to original intent, Judge Kennedy stated that the term is best viewed "in the sense of what were the legal consequences" of the actions of the legislators. Referring to Congress, he noted: "Your actions have an institutional meaning. One of you may vote for a statute for one reason, and another for another reason, but the courts find an institutional meaning there and give it effect."

Thus our fundamental law is the text of the Constitution as written, not the subjective intents of individuals long dead. Specifically he was asked if statements by the Members of the 39th Congress acknowledging segregated schools meant that the 14th amendment permitted a "separate but equal" reading. Judge Kennedy stated, and I believe he was correct, that the text of the 14th amendment outlaws separate but equal regardless of the statements or subjective intents of some of its authors. Often the framers write into the Constitution a rule which they themselves cannot live. This happened with the 14th amendment. The 39th Congress never completely lived up to the aspirations they included in the Constitution, but we should live by the words of the Constitution, not by the subjective intent or practices of its authors.

In a similar vein, the framers could not anticipate the age of electronics, but they stated in the fourth amendment that Americans should not be subject to unreasonable searches. The words and principles of the fourth amendment govern situations beyond the subjective imaginings of its authors in 1789. Judge Kennedy noted that judges inquire into original intent "to determine the objective, the institutional intent. It is the public acts of the framers—what they said, the legal consequences of what they did, and * * * not their subjective motivations."

The statements of single individuals may be important, but courts should seek for the general consensus of the ratifying society at large. Individual statements are only valuable if they represent that consensus. All historical evidence of original meaning is relevant to the meaning of the text, but none should be given undue weight or taken out of context.

Some have argued that original meaning requires courts to decide cases based on what the framers would have said had today's problems been put to them as an original matter. It seems to me that this overlooks that our modern society is vastly different from the past. We should ask what principle the framers put into the Constitution. Once that is ascertained, it is our job to apply it to modern problems. Trying to guess what the framers might have done places undue emphasis on intent again. The question is what does the Constitution say about modern problems, not what framers might have said if they could have foreseen those problems. We must be true to decisions they did make, not decisions they might have made.

Judge Cooley, a 19th century jurist, stated: "What the Court is to do, therefore, is to declare the law as written, leaving it to the people themselves to make such changes as new circumstances may require. The meaning of the Constitution is fixed when it is adopted, and it is not different at any subsequent time when a court has occasion to pass upon it." Judge Kennedy's statements on this issue indicate that it is his view that courts are indeed called upon to apply the Constitution's set principles to new circumstances. This will develop new doctrines and new applications. But the meaning of the Constitution does not change, only its applications.

STARE DECISIS

Respect for precedent, also known as the doctrine of stare decisis, is an important ingredient of American law. Justice Brandeis expressed the purpose of the doctrine with great power: "Stare decisis is usually the wise policy, because in most matters it is more important that the applicable rule of law be settled than that it be settled right. This is commonly true * * * provided correction can be had by legislation. But in cases involving the Federal Constitution, where correction through legislative action is practically impossible, this Court has often overruled its earlier decisions." Burnet versus Coronado Oil (1932). This is a formulation of stare decisis with which Judge Kennedy agrees.

The merits of following past precedent, particularly in statutory interpretation where Congress can make corrections by statute, are predictability and confidence that the law does not change with the personnel of the court. On the other hand, it is wise to overrule an erroneous statutory interpretation when disruption to institutions and the intent of Congress outweigh the need for stability.

The Supreme Court is sworn to uphold the Constitution, not its own case law. We are all grateful that past Courts have taken this view because they upheld the Constitution in overruling Plessy versus Ferguson and the Court's Lochner substantive due process era. Therefore, the occasion may arise when the Court would consider overruling its own constitutional precedent. At the same time, many great jurists have reached the conclusion that some past Supreme Court decisions should not be overruled even if they appear to have been incorrectly decided years ago. The reason given for refusing to revisit settled cases is that they have now become so engrained into our jurisprudence and so many expectations and institutions have been built up around those settled cases that it is no longer prudent to consider a reversal. Judge Kennedy has indicated that he will carefully weigh both of these values as he confronts the issue of stare decisis.

SEPARATION OF POWERS

Our Constitution envisions a National Government of separated powers. Each of the three branches is supreme within its own areas of governance and each is subordinate to others in areas not allocated to it by the Constitution. The judiciary and particularly the Supreme Court has the responsibility to police the bounds which separate the coordinate branches. These points are hallmarks of Judge Kennedy's legal philosophy, as evidenced in his Chadha decision which protected the prerogatives of the executive and judicial branches against Congress' efforts to impose an unconstitutional legislative veto.

The Chadha decision, in a fashion that seems to be characteristic of his thorough approach to cases, considers each of the justifications for a one-house veto and shows how none of them satisfies the Constitution. I would like to go through those briefly to better illustrate how he breaks a case down into smaller issues and resolves those questions.

Immigrants are either deported or not depending on an executive determination by the Justice Department. That executive decision can be appealed to a circuit court. The first argument for a one-house veto was that it was necessary to correct errors made by the executive or judicial branches. Judge Kennedy found this veto to be insufficient as a corrective device because it usurped certain functions central to the executive and judicial branches and disrupted the operations of those other branches. The judiciary, for instance, is responsible to adjudicate cases and controversies, yet this veto rendered the judicial adjudications null and void. Similarly the executive branch's execution of the laws was voided by the congressional interference.

The next justification for the veto was just that Congress was entitled to share in the administration of a statutory program. The flaw here was that Congress was not attempting to change the course of future administation of a program, which it is entitled to do by changing the law. Instead Congress was meddling in specific facts of past cases without changing the law. This was a congressional attempt to execute the current law, rather than to change it.

Finally it was argued that Congress was just using the veto as a quasi-legislative act, much as it might pass a private bill to affect the outcome of a particular matter. This argument was also found to be insufficient. A one-house veto would not suffice as a legislative act because it did not go through the second house, nor did it gain Presidential approval. This Chadha decision was a courageous judicial act. It is not easy for a judge to risk disagreeing with Congress, yet it is essential to our constitutional system. The best statement of why this kind of courage is essential is found in Judge Kennedy's writings. He states: "The * * * first purpose [of the separation of powers principle] is to prevent an unnecessary and therefore dangerous concentration of power in one branch."

According to my analysis, Judge Kennedy also decided one other important separation of powers case—namely Pacemaker versus Instromedix which dealt with the validity of trials conducted by magistrates with the consent of the parties. This process was upheld. Individuals could allege no harm in trials conducted by magistrates because the parties agree in advance to submit to that jurisdiction. Moreover there is no harm to the constitutional structure because article III judges appoint and can remove magistrates thus assuring that full control of the judicial process remains with life-tenured judges. Several other circuits have considered this issue and have generally agreed with Judge Kennedy's analysis.

The question of the proper balance to be struck in separation of powers issues will be important to the Supreme Court in future years. It seems to me that Judge Kennedy has demonstrated a marvelous grasp of these issues and has indeed been a magnificent defender of constitutional principles in this area.

SUPREME COURT INSTITUTION

There is much value in a unanimous Court. When the Court is unanimous, it tends to put an end to any further debate about the merits of a decision. Supreme Court historians have recounted how Chief Justice Burger labored diligently to get a unanimous Court in the United States versus Nixon case concerning Executive privilege during the Watergate era. Similarly, historians report that Chief Justice Warren worked to get a unanimous Court on Brown versus Board. A Supreme Court Justice is sworn to uphold the Constitution and we should expect Judge Kennedy to do nothing else, but there might be times when unanimity on a ruling is more important than a dissenting view. In his analysis of this particular issue, Judge Kennedy indicated that he has grappled with this issue and has at times "concurred in an opinion simply because [he] didn't think the majority had it right * * * and * * * there is much * * * to commend judges to try to concur in other judges' opinions."

There is another side of this coin—the need to stand courageously alone for principle. Plessy versus Ferguson was the infamous separate but equal case of 1896. As you well know, a single Justice—Justice Harlan—issued a remarkable dissent reminding the Nation that the Constitution ought to be colorblind. Judge Kennedy indicated that if a matter of principle has been ignored, or if a matter of principle affects constitutional rule, or there is a principle that affects the judgment in a case, then a judge "must state that principle regardless of how embarrassing or awkward it may be."

The Supreme Court is an institution which must gauge and protect its own credibility and standing as the leading voice of one of the coordinate branches of government. In recent years, the Court's opinions have become far more complex. Plurality opinions have multiplied. Hardly any opinion is issued without an accompanying flurry of concurrences and dissents. On one hand, this is an important part of the process because arguments are preserved for the future and the law tends to develop more deliberately as the legal and political communities respond to an unresolved mosaic of opinions on a single issue. On the other hand, when the Court issues an opinion which nods to both sides of an issue or which includes a five-prong analysis of complex factors, what the Court has actually done is abdicate. Instead of giving clear guidance, it has left to lower courts to give various kinds of emphasis to various parts of the mosaic.

In order to get shorter, more succinct, and clearer guidance in these opinions, Judge Kennedy indicated that "Justices must be conscious of the duties that they have to the public, the duties they have to the lower courts, the duties they have to the bar—to give opinions that are clear, workable, pragmatic, understanding, and well-founded in the Constitution. * * * [J]udges must be also careful about distinguishing between a matter of principle and a matter that really is dear to their own ego."

SCHENLEY INDUSTRIES ALLEGATIONS

Questions were raised about Judge Kennedy's conduct as a representative for Schenley Industries which is one of the larger liquor distillers in the United States. In fact, the L.A. Times reported on November 12 that he was a lobbyist for the company at a time that it was paying illegal kickbacks to liquor distributors and restaurants in New York. The facts show that this allegation is totally false.

Judge Kennedy stopped representing Schenley when he took a seat on the ninth circuit in 1975. It was not until 1977 that Schenley pled guilty to paying some illegal kickbacks in New York in 1973 and 1975. Judge Kennedy has stated that he never had any involvement with Schenley's business dealings outside of California. Moreover, officials of the intelligence unit of the New York Liquor Authority confirm that there is no record of any involvement of Judge Kennedy in the violations by Schenley.

Upon closer examination, even the L.A. Times article is careful to state that "records give no indication that Judge Kennedy * * * played any role in the illicit schemes, for which Schenley later agreed to pay $79,000 in fines." I only wish this had been the headline. One further point, the California Department of Alcohol Beverage Control affirms that Judge Kennedy's name never arises in connection with any investigatory matters. I hope these facts put any lingering questions about this point to rest.

CONCLUSION

Judge Kennedy has had a distinguished legal career. A review of his decisions on the Ninth Circuit Court of Appeals and his testimony before the Judiciary Committee reveal a man who understands the law and the role of the Supreme Court in upholding the law. He is a man of compassion who will use the Constitution to protect the rights of all citizens. The President has made an excellent decision in submitting the name of Judge Kennedy to this body for its advice and consent, and I would urge all of my colleagues to support this nomination.

I express my remarks for Judge Kennedy and my total support for him and I believe the American people are going to be very pleased and very happy to have this man on the Court.

Mr. KENNEDY. I yield the Senator from Ohio 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I am pleased to stand in support of the nomination of Judge Kennedy to be an Associate Justice of the U.S. Supreme Court. Judge Kennedy is eminently qualified by reason of character, temperament and judicial philosophy to serve on the Nation's Highest Court.

Judge Kennedy impressed the entire Judiciary Committee with his intel-

lect, judiciousness, openmindedness, respect for precedent, and capacity for growth. These are the quintessential qualities of judging, qualities which Judge Kennedy possesses in abundance. He is a judge's judge.

While the nominee is well-qualified for a seat on the Court, I am troubled by what appears to be an insufficient sensitivity on his part in the area of civil rights. Though his personal commitment to racial and sexual equality is beyond question, he is not one who, by temperament or outlook, has reacted aggressively and boldly against discrimination, in whatever form it raises its ugly head. In too many cases—the Aranda, AFSCME, and Topic decisions, to name a few—he has tolerated subtle, systemic forms of racial and sexual discrimination. Too often he has upheld discriminatory conduct simply because there was no clear evidence or discriminatory motive or intent. The law, however, is not this narrow; it condemns both intentional and unintentional discrimination. I would hope that Judge Kennedy, when he is Justice Kennedy, will be more receptive to claims of subtle yet very real discrimination, than he has been in the past.

But even if Judge Kennedy has not been quite as sensitive to claims of systemic discrimination as I would have liked him to be, that alone is not a sufficient basis for opposing his confirmation. For as the Judiciary Committee report states, the Senate must not dictate its particular choice to the President. Rather, its constitutional task, before granting its consent to the appointment, is to certify that the nominee's judicial philosophy is sound and poses no threat to constitutionally protected rights enjoyed by all Americans.

I have weighed Judge Kennedy's constitutional and judicial philosophy and found that it is that of a classical mainstream conservative, in the tradition of Justices Powell, Harlan, Black, and Frankfurter. It is a philosophy that recognizes that the right of privacy is an inherent element of individual liberty, that the words of the 14th amendment, "No person shall be denied the equal protection of the law," admits of no exception.

It is a philosophy that recognizes that the Constitution is a living thing, that its meaning changes as, in Judge Kennedy's words, "our understanding of it changes"—an understanding anchored to the fundamental values of the framers, but shaped and reshaped by the history and experience of each succeeding generation.

It is a philosophy that exhibits an abiding and passionate respect for precedent, for a stable, reasoned, evolutionary change in the law and meaning of the Constitution.

It is a philosophy that respects the will of the people, as expressed through their elected representatives, and that is reluctant to thwart their wishes. But it is also a philosophy that will not hesitate to override the popular mood when it threatens to trample upon the constitutional rights and liberties of the minority, the poor, and the powerless.

It is a philosophy that approaches and decides each case one at a time, without any overarching, absolutist view of constitutional interpretation. It is a philosophy that rejects, as an end in itself, the rigid and unworkable doctrine of "original intent" espoused by the previous nominee and repudiated by this body in its rejection of that nominee.

It is a philosophy that recognizes that compassion, pragmatism, and commonsense notions of justice and fairness are valid components of judicial decisionmaking, that recognizes that the great words and clauses of the Constitution—liberty, due process, equal protection—are, in Judge Kennedy's words, "spacious phrases," to be understood and applied flexibly, humanely, from the heart as well as the head.

In short, it is the philosophy of cautious and compassionate judging that has always been the bulwark and genius of our system of jurisprudence, that has built slowly, steadily, inexorably, upon the constitutional foundation laid by our forefathers.

On the great questions of equality and liberty that will come before him, I am satisfied that Justice Kennedy will respond with a devotion to justice and to law, with a humble appreciation of the immense power of the Court, and with the courage and determination to defend the ideals of the Constitution whenever the law and his conscience require him to do so.

The confirmation of Judge Kennedy will be a triumph not only of justice but of process. The Judiciary Committee, guided so ably and fairly by Chairman BIDEN, has done its job well. Senators have conducted themselves honorably and courageously, guided by their concept of the Constitution, their consciences, and their sense of duty.

At a time of increasing public concern about the Senate as a working, functioning institution, we can be proud that in these nominations—matters of great current and historic significance—we rose to the occasion and did our duty.

But we must not rest on our success. For this experience to have lasting value, it must become a precedent for the future. Never again must we return to the lazy practice of the past, of rubberstamping nominees to the Supreme Court, of permitting them to evade legitimate substantive inquiry.

While it is not appropriate for the Senate to inquire into how a nominee will vote in a particular case, it is essential that it conduct a searching examination of the nominee's general judicial philosophy, in order to satisfy itself that he or she respects certain inviolate principles and values of our constitutional system of government. That is the standard we have applied in our consideration of the present and previous nominee—a standard fully consistent with the dictates of the Senate's constitutional power of advice and consent. And it is the standard which we should apply to all future Supreme Court nominations.

Judge Kennedy meets this standard, and I join with all of my colleagues today in wishing him a long and distinguished career on the Court.

I yield the floor.

Mr. THURMOND. Mr. President, I now yield 3 minutes to the able Senator from Wyoming [Mr. SIMPSON].

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I lend my support to the nomination of Anthony Kennedy to be the next Associate Justice of the Supreme Court.

I think we are very fortunate to have this man and to be able to confirm such an outstanding nominee.

I want to also add that the skill and fairness of the Judiciary Committee chairman, the junior Senator from Delaware, was very evident. We held our hearings in a timely fashion and reported to the Senate the nomination with unanimous approval.

I thank the chairman and the ranking member, Senator THURMOND, for his fine work and superb job. This nominee is going to do a superb job, too. He has a history of unanimous approval. For his current post in the ninth circuit, he received unanimous confirmation. It was the unanimous opinion from the ABA that he is "well qualified" for this position, and the Judiciary Committee unanimously recommended him.

When we started this we stated that our inquiry should have been simply whether Judge Kennedy possessed the integrity, temperament, and ability to be on the Supreme Court and whether his judicial philosophy, without consideration of his political philosophy, was worthy of representation on the Court. Through 3 days of hearings, on which I sat, of consideration by the Judiciary Committee, we heard nothing at all that changed our opinion that Judge Kennedy met every one of those tests. He passed every single test.

So as we perform our fulfillment, of our duty of advice and consent, the only troublesome thing we see is we do not really have an objective or uniform standard to which each Senator may look in making his or her decision on such a critically important matter, and indeed that is so troublesome because the tenure of these Justices will likely far exceed the tenure of those of us who provide the advice and consent.

It is a troublesome thing, not in this situation, but in previous activity in my time on the Judiciary Committee. Senators are free to consider whatever criteria they wish, and that may and certainly has unfortunately included the political litmus test or reaction to an individual or at least the reaction of the most vocal interest groups.

Perhaps we need to review that. We will in the future I know.

So the Court needs the addition of Judge Kennedy for this February term. It requires his addition, and he will assure faithfulness to the Constitution.

A final irony of the proceedings to me was that we were cautioned not to speak about the Bork nomination during the Kennedy nomination, and yet during the hearings in Judiciary, that seemed to be about all I heard.

So hopefully, we put all that aside and will come now to this.

It is good to be able to cast this vote for this remarkable man, and I hope we can do things with our procedures in the future that will avoid things that happened in the previous nomination.

Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. I yield such time to the majority leader as he may require.

The PRESIDING OFFICER (Mr. Reid). The majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts, [Mr. Kennedy].

Mr. President, today is a proud moment in the history of the Senate. Under the simple but remarkable provisions of article II, section 2 of the Constitution, the Senate is completing its advice and consent function in the appointment of a Justice of the Supreme Court. I commend the Judiciary Committee, and its chairman, Senator Biden, in particular, for the fair and thorough consideration of the President's nominations for the vacancy created by the resignation of Mr. Justice Powell.

This has not been an easy time for the Senate. It has not been easy to say no to a popular President, to say no to a well-known judge and scholar, and to insist upon a different nominee. But I believe that history will record this as one of this body's great moments. For the Senate has done nothing less than to seek to protect the Constitution itself, by placing the document in the trust of one who views it as protecting, rather than limiting, the liberty of our people, including the right of privacy.

The Senate has sought and hopes to obtain—at least a good many of us have sought and hope to attain—in Anthony Kennedy an Associate Justice who is a conservative devoted to genuine judicial restraint. Judge Kennedy claims no grand ideological scheme of constitutional interpretation, and, as a judge, his practice has been to limit the effects of his decisions to the particulars of each case. He is a man of intelligence and humility. He understands the need for a commonsense approach to criminal law, by considering the rights of society and victims as well as those of the accused. He respects the great institutions of our Government, by showing equal regard for each of its three branches, and acknowledging the occasional need for Congress to appeal to the courts to determine its rights vis-a-vis the Executive.

Judge Kennedy appears to be a true conservative, and the Senate can be proud for its part in achieving his appointment.

Mr. THURMOND. Mr. President, I now yield 2 minutes to the able Senator from Virginia, Senator Warner.

Mr. WARNER. Mr. President, today the Senate considers the nomination of Judge Anthony M. Kennedy to the position of Associate Justice of the Supreme Court of the United States.

As we proceed to this historic vote, we have very much in mind Judge Bork as well as Judge Kennedy. Speaking for this Senator, while I disagreed with Judge Bork and eventually on the day of the vote cast a vote against him, today I rise to say that nothing in my deliberations with respect to him was intended to be personal or to reflect in any way adversely upon his professional attainments, his character, or that of his family. In fact, I open my remarks today by wishing him well as he steps down from the bench. He fought a courageous battle professionally and personally, and now he and his family have a new venture before them which we all hope will be successful.

The Senate's advise and consent responsibility for Presidential nominees to the judicial branch, most particularly to the Supreme Court, is one of the most important duties given to this body by the Constitution. It requires the collaborative efforts of the Senate as a whole. As do others in this Chamber, I take this responsibility very seriously.

I have had the privilege of meeting with Judge Kennedy, selectively read from his opinions and examined the record of the Judiciary Committee, which, although late, we have had an opportunity to look at. Further, I have had extensive conversations on this nomination with my Senate colleagues, many Virginians, and others whose judgment I value. The extraordinary qualifications of this nominee have brought forth many statements of commendation, but have provoked little debate. This reflects great credibility upon Judge Kennedy.

Judge Kennedy will fill the position on the Court left vacant by the retirement last June of Justice Lewis F. Powell, Jr. Justice Powell, a fellow Virginian, served with great distinction on the Supreme Court. I have been honored to know him, and we all are greatful for his service to the Nation. Over the years his decisions consistently revealed an understanding and sensitivity to the rights and freedoms guaranteed by the Constitution and the traditional role of the Supreme Court in interpreting and protecting those rights. It is a tribute to Justice Powell to appoint as his successor one who the President and the Senate have confidence will continue his traditional approach to service on our Highest Court.

Mr. President, I believe that Judge Kennedy will be such a jurist, and I rise today in support of his confirmation as Associate Justice of the Supreme Court.

Judge Kennedy received a unanimous endorsement of "well qualified" from the American Bar Association. This endorsement is reserved for those who meet the highest standards of professional competence, judicial temperament and integrity.

There is no question of Judge Kennedy's professional competence. An honors graduate of Stanford University and a graduate cum laude of Harvard Law School, he practiced law in his home State of California, and he has taught constitutional law at the University of the Pacific since 1965. He is a 12-year veteran of the Ninth U.S. Circuit Court of Appeals where he participated in over 1,400 decisions and authored over 400 opinions.

Just as important, however, Judge Kennedy exhibits those qualities of judicial temperament and integrity that are so essential for one occupying any judicial position, especially that of Justice on the Supreme Court.

I was privileged to serve as a law clerk for Judge Barrett Prettyman who left an indelible mark on my own concept of judicial temperament. The compassion, sensitivity, and understanding of the pleas of the people shown by that distinguished jurist form the benchmark against which I measure any judicial nominee. These are the standards I adhere to in my consideration of judicial nominations.

It is clear to me that Judge Kennedy accepts those fundamental constitutional values long recognized by the Supreme Court, and he is sensitive to those rights that underlie the great issues that come before the Court. When questioned about any right to privacy inherent in the Constitution, Judge Kennedy replied:

> * * * there is a "zone of liberty" * * * where the individual can tell the government, "Beyond this line you may not go."

Judge Kennedy's numerous criminal law opinions reveal the mind of a fair jurist—fair to the rights of the accused and fair to the rights of society. His decisions concerning the separation of powers indicate an appreciation for the delicate system of checks and balances inherent in our Constitution.

Judge Kennedy's decisions reveal a respect for Supreme Court precedent and a belief in judicial restraint—but not judicial rigidity. At the hearings, Judge Kennedy spoke of a Constitution with a built in capability for growth. In speeches and writings he has stated that no one can plumb all the Constitution's ambiguities to provide definitive answers to the hardest questions it poses—questions as to how far the Supreme Court should go in restraining majority rule, and how powers over foreign affairs should be allocated between the President and Congress. His decisions show a cautious case-by-case analysis of the complexities of law and fact presented rather than an overarching "unitary theory" engraved in stone. Authored decisions show a mind willing to search for the appropriate balance between the rights of individuals and the power of government in a diverse and pluralistic society.

Judge Kennedy has an open, constantly probing mind. The public record of his service to our Nation clearly documents a strong adherence to the fundamental principles of mainstream conservatism. I am hopeful he will carry forward these characteristics and principles in rendering judgment on the important issues he will face in the future.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, of the thousands of votes I will cast as a Senator, a vote on the confirmation of a nominee for the Supreme Court is among the most important and far reaching. As I see it, the paramount responsibility of the Supreme Court is to protect and preserve the equality and liberty of which the Constitution speaks. It is the Supreme Court that breathes life into the promise of the words in our Constitution.

There are three key criteria I use in evaluating a nominee for the U.S. Supreme Court.

First, is the nominee competent?

Second, does the nominee possess the highest personal and professional integrity?

Third, will the nominee protect and preserve the core constitutional values and guarantees that are central to our system of government, such as freedom of speech and religion, the right to privacy and to equal protection of the law?

I have considered the nomination of Judge Anthony Kennedy using these criteria. There is no question that Judge Kennedy is an able, experienced and very competent jurist. Accordingly, the American Bar Association gave Judge Kennedy its highest rating.

However, there is one aspect of Judge Kennedy's record that I find troubling and I would like the Record to show and for Judge Kennedy to keep in mind.

Judge Kennedy has for many years belonged to clubs that discriminate against women and minorities. He maintained membership in such clubs even after the California Code of Judicial Conduct was amended to provide that such membership was inappropriate for a judge. It was only when he was under serious consideration for this nomination that he resigned his membership in the Olympic Club, a club that discriminates against women.

The obvious question such membership raises is whether a judge who belongs to clubs that have discriminatory membership policies—be they based on race, gender, religion, or some other invidious factor—is truly committed to equal justice under law? As regards Judge Kennedy, the record is very unsettled on this critical point.

Judge Kennedy's longstanding membership in discriminatory clubs, at a minimum, gives rise to the perception by minorities, women and others that the judge's impartiality is impaired. A review of the judge's decisions in cases involving the civil rights of minorities and women, where he overwhelmingly has rejected their claims, supports such perception. In 1982, Judge Kennedy dissented from a ninth circuit decision which found that an airline's policy requiring women, but not men, flight attendants to meet certain weight restrictions discriminated against women. Judge Kennedy thought that the company ought to be able to justify its policy based on what it called customer preference for attractive women. Certainly chubby male airline flight attendants were just as offensive as chubby female airline flight attendants. He failed to recognize that both the policy and the supposed business justification were discriminatory. Male flight attendants had as much customer contact as the female attendants.

Equal justice under the law is not just some bumper sticker slogan. It is the central promise of the Constitution. It is the cornerstone of our democracy. The Supreme Court is the guarantor of constitutional rights in the ongoing struggle for equal justice under the law. A Supreme Court Justice's commitment to equal justice must be absolute and unequivocal. And to be meaningful, that commitment must be based on an understanding or discrimination and of the impact of the barriers minorities and women face in their struggle for equality.

Before the Judiciary Committee, Judge Kennedy discussed his club membership and his understanding of the statutory and constitutional protections against discrimination. Eventually, he said the right things. He acknowledged that the "highest duty of a judge is to use the full extent of his or her power where a minority group or even a single person is being denied the rights and protections of the Constitution." He agreed that "civil rights statutes should not be interpreted in a grudging, timorous or unrealistic way to defeat congressional intent or to delay remedies necessary to afford full protection of the law to persons deprived of their rights."

I am going to take Judge Kennedy at his word because I believe he is an honorable man.

Judge Kennedy has promised this Senate, and the American people, that he will vigorously and aggressively enforce our rights under the Constitution. I submit that the American people, in all our diversity, are entitled to nothing less. Based on Judge Kennedy's testimony, the entire record developed by the Judiciary Committee, and on the premise that this nominee is a man of honor who can be taken at his word, I have decided to vote to confirm Judge Kennedy, and hope that he would learn from the process of discussion with the committee that our Constitution and our country is broader than he might have once thought.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator has yielded back the remainder of her 5 minutes.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I now yield 3 minutes to the able Senator from Pennsylvania, Mr. Specter.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. SPECTER. I thank the Chair and I thank my distinguished colleague, the ranking member of the Judiciary Committee on the Republican side, the former chairman, Senator Thurmond.

Mr. President, I support the nomination of Judge Kennedy for the Supreme Court because he is well qualified by way of academic experience, a practicing lawyer, and his work as a court of appeals judge. While I do not agree with all of his decisions and have made some comments during the course of the hearings about reservations on minorities' rights and women's rights, I think that his response was very pointed and appropriate on the issue of sensitivity to Hispanic concerns.

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I believe that Judge Kennedy is a man who has the capacity to grow and will be an outstanding U.S. Supreme Court Justice.

Mr. President, I believe that the nominating process of Judge Kennedy has been a growing experience for the Senate and for the country as it follows on the heels of the nominating process for Judge Bork and Judge Ginsburg. We have established, I believe, in the 100th Congress a very important precedent that judicial philosophy is relevant and appropriate for Senate consideration. There was a dispute on this issue, significantly, during the confirmation proceedings for Chief Justice Rehnquist and Justice Scalia, but I think that the precedent is now established. In a speech recently, Chief Justice Rehnquist agreed that judicial philosophy was appropriate for consideration. And it is important to note that Judge Bork agreed with that as a matter of principle. And now, with the Judge Bork proceedings and with Judge Kennedy's proceedings, I think that is firmly established.

There is another important consequence, Mr. President, of these nominating proceedings, in my judgment; that is, the impact of the U.S. Senate and of the public concern about the administration of justice as it has an effect on the nominees who come before the Senate. When I had a session with Judge Kennedy in my office, he asked me—and I repeated this on the record during the hearings—he asked me whether I thought the advice and consent function of the Senate included advice to those who were nominated. I said that it would really be up to the nominees as to whether they would take that advice and suggestions from the Senators.

During the course of our proceedings with Judge Kennedy, and as with Judge Bork and other matters, Senators make as many speeches as they ask questions and give their own views as we believe them from our own experience and from our sense of representation of our constituency. I had made the comment to Judge Kennedy that I thought the process was a very useful one, as we heard the judicial philosophy.

I am supporting the nomination of Judge Anthony Kennedy to be an Associate Justice on the U.S. Supreme Court. I think Judge Kennedy is well qualified on the basis of his excellent academic record, his distinguished work as a practicing lawyer, and his balanced record as a judge on the U.S. Court of Appeals for the Ninth Circuit.

Judge Kennedy's record, including his testimony before the Judiciary Committee, demonstrates that he does not wear an ideological straightjacket and that he is devoted to genuine judicial restraint. I do not necessarily agree with all of Judge Kennedy's decisions. In my view, however, the appropriate issue for the U.S. Senate is not whether individual Senators agree with all of a nominee's decisions, but whether the nominee is within the tradition of U.S. Supreme Court jurisprudence. I am convinced that Judge Kennedy is within that tradition.

I was particularly pleased by a response made to a written followup question based upon the testimony of one of the witnesses who appeared before the committee after Judge Kennedy's appearance. Ms. Antonia Hernandez, president and general counsel of the Mexican American Legal Defense and Education Fund, made a very important point when she indicated that she and her group, while not opposing Judge Kennedy's nomination, were genuinely concerned about his sensitivity to issues of importance to Hispanic Americans, and were hopeful that Judge Kennedy would clarify his views and beliefs in a way that could reassure her.

Ms. Hernandez raised concerns about the AFSCME case, the Spangler case, the TOPIC case, and the Aranda case. During the hearings, I had questioned Judge Kennedy about those cases. I believe that Judge Kennedy's response to Ms. Hernandez's testimony shows an appropriate sensitivity and capacity for growth as a judge.

I also am particularly impressed by Judge Kennedy's characterization of the 14th amendment's liberty clause as a spacious one, which can enable a "people [to] rise above its own injustice" to correct "the inequities that prevail at a particular time."

One witness, Mr. Nathaniel S. Colley, Sr., a black civil rights leader from California provided key insights into the nominee's approach to constitutional rights. Mr. Colley had known Judge Kennedy's family for almost 40 years and had known Judge Kennedy himself for 20 years. He testified about Judge Kennedy's solid record on civil rights and minorities' rights, notwithstanding that Mr. Colley disagreed with some of the nominee's specific decisions. And Mr. Colley well summarized Judge Kennedy's record when he characterized Judge Kennedy as a grown man who would grow more.

The Judiciary Committee's and Senate's confirmation procedures over the last 7 months, with three different nominees to the Supreme Court, have been a growing experience for our country.

While today we will end the process of filling the current Court vacancy, I do not think the debate about the nomination process is over. I do think, however, that we have firmly established that judicial philosophy is a relevant and proper issue for the committee and full Senate to consider. Each nominee agreed with this position, and Chief Justice Rehnquist, who was not willing to answer all such questions during his own confirmation hearings 18 months ago, recently said in a speech that he now thinks that questions about judicial philosophy are appropriate.

In closing, I would like to mention an interesting remark that Judge Kennedy made during one of our private meetings which I referred to in the hearings. Judge Kennedy asked me whether I thought the advice and consent clause of the Constitution provided for Senators to give advice to a nominee. My response was the clause does not mandate such advice but that it would be useful, if a nominee was willing to take such advice I believe the Senate can have a significant impact on the thinking of nominees. In our private meetings with nominees, and through our questions—which sometimes resemble speeches—we convey our own views to a nominee. I believe that nominees may emerge from this with a different perspective. This process of interaction and growth is ongoing. In my view Judge Kennedy has grown, the Judiciary Committee and the Senate have grown, and our country has grown—all for the better.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield, on behalf of the Judiciary Committee, 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. LEAHY. Mr. President, I thank the Senator from Maryland.

Mr. President, I will vote to confirm the nomination of Judge Anthony Kennedy to be an Associate Justice of the U.S. Supreme Court. I also wish to cast a vote of support for the confirmation process that the Judiciary Committee began and that the Senate completes today. I am proud to be able to cast both votes. I believe that we have fairly established the record by which this body can judge Judge Kennedy, just as we have firmly established the process by which the Senate will scrutinize all future nominees for the Supreme Court.

I think we are at a turning point in Senate history. All nominees for the Supreme Court can expect and should expect rigorous examination of their views and their record of their philosophy before they go on the Supreme Court.

The Senate's duty of advice and consent is, without question, a tremendous responsibility. It is a constitutional responsibility which, by its nature, affects all three branches of our Government. It is a responsibility that we fulfill only by a rigorous confirmation process.

The process we have now established in the Senate is a rigorous one. In three important ways, it follows the

high standards we set several months ago when we considered the nomination of Judge Robert H. Bork.

Our review of Judge Kennedy's nomination, like our review of Judge Bork, has been thorough and extensive. The Judiciary Committee reviewed all of Judge Kennedy's 438 published opinions. We read his public speeches. We examined his private law practice and his extrajudicial activities. Then, in 2 days of hearings, we questioned Judge Kennedy for over 12 hours on a wide range of subjects.

Second, as with Judge Bork, our review of Judge Kennedy's nomination focused on his judicial philosophy: his approach to the Constitution, and to the role of the courts in discerning and enforcing its commands. By rejecting the argument that a nominee's philosophy is irrelevant or inappropriate for Senate consideration, we reaffirm the best traditions of the Senate. As Senator George Norris told this body more than half a century ago:

> When we are passing on a judge . . . we ought not only to know whether he is a good lawyer, not only whether he is honest . . . but we ought to know how he approaches these great questions of human liberty.

No issue is more central to a decision on the nomination of a Justice to the Supreme Court—the Court which is the ultimate arbiter of our constitutional rights—than the nominee's judicial philosophy.

The Judiciary Committee questioned Judge Kennedy at length about his approach to the Constitution, and especially to the critical issues of individual rights—the right to privacy, the right to freedom of speech, the right to equal protection of the laws, the rights of criminal defendants. "The result," as the New York Times later observed, "was an absorbing real-life course in constitutional law in which the nominee and the [committee] learned from each other."

Third, the committee's review of Judge Kennedy's nomination, like our review of Judge Bork, was fair and open. Judge Kennedy himself was given a chance to respond to every question, to address every concern, to put his record into context. Thereafter, the committee heard testimony from 28 public witnesses, both for and against the nomination. And Judge Kennedy was given an opportunity to respond in writing to issues these witnesses raised.

The result is a record on which the Senate may soundly judge the nomination, and a confirmation process that fulfills our duty to the Constitution and to the American people. It is a process of which I think we can all be proud.

What did this rigorous confirmation process tell us about Judge Kennedy, and about whether his nomination should be confirmed?

For one thing, we learned that Judge Kennedy is a man for whom ethics is not a recent discovery. As one of his boyhood friends recounted, "It always seemed to me that when we did something naughty, Tony went home."

We also learned that Judge Kennedy is an excellent professor of constitutional law, whose students often applaud when he completes a lecture. We learned that he is a judge who comes to court prepared and with an open mind, ready to listen to the arguments of both sides in the case before him. He takes each case as it is presented and carefully crafts an opinion that tries to resolve the dispute between the parties.

But most of all, we learned about Judge Kennedy's judicial philosophy—his approach to some of the fundamental issues on which a Supreme Court Justice must rule.

As we probed his thinking, we learned that Judge Kennedy is a case-by-case judge. To use his words, he does not offer "a complete cosmology of the Constitution." He has no "unitary theory of interpretation."

Nor, it appears, does he have an agenda to reverse scores of important Supreme Court decisions. Unlike Judge Bork, he does not promise to "sweep the elegant, erudite, pretentious and toxic detritus of non-originalism out to sea."

Rather, Judge Kennedy has respect for many of the major rulings that the Court has handed down in the last three decades—rulings that go to the heart of the Supreme Court's role a guardian of constitutional rights. As Congresswoman Barbara Jordan so eloquently put it in her testimony to the Judiciary Committee several months ago:

> Many people, particularly weak people, underprivileged, unrepresented, minority people, particularly the outs, have looked to the Supreme Court as the rescuer. The Supreme Court [has] throw[n] out a lifeline when the legislators and the governors and everybody else [has] refuse[d] to do so.

I questioned Judge Kennedy about some of these lifelines—about some of the important cases decided by the Court under the fourth, fifth, and sixth amendments to the Constitution. I found his answers thoughtful and reasonable.

What, I asked, did he think of the Supreme Court's decision in Miranda versus Arizona, the ruling that required police to warn suspects of their rights to remain silent and to be represented by counsel? "It was a sweeping, sweeping rule," he replied. "It went to the verge of the law. * * * But since it is established, it is entitled to great respect. I know of no strong argument to overturn it."

What, I asked, did he think of Mapp versus Ohio, the decision requiring courts to exclude illegally seized evidence? Judge Kennedy answered, "Now that it is in place, I think we have had experience with it, and I think it is a workable part of the criminal system."

What about Gideon versus Wainwright—the decision establishing the right to have counsel appointed in all felony cases—did he have a problem with that? "No," he answered, adding "I know of no really substantial advocacy for its change."

In each of these instances, Judge Kennedy indicated his respect for a landmark decision in constitutional law, and thus his recognition of an important constitutional right. He also indicated an openness to consider arguments that each of these decisions should be overturned, but not without compelling and "substantial" advocacy—a thoroughly fitting view for a member of our Highest Court.

I was also reassured by Judge Kennedy's testimony on the subject of unenumerated rights—fundamental rights not spelled out in the text of the Constitution—and especially the unenumerated right of privacy.

Judge Kennedy testified that "There is a zone of liberty, a zone of protection, a line that's drawn where the individual can tell the Government, 'Beyond this line you may not go.'" That zone of liberty, he later said in response to one of my questions, is "quite expansive, quite sufficient to protect the values of privacy that Americans legitimately think are part of their constitutional heritage."

Judge Kennedy also recognized that it is the role of the Supreme Court to draw the line that protects the zone of liberty, but he declined to specify where exactly the line should be drawn. He would not specify which unenumerated rights the courts may enforce under the Constitution and which rights must be protected by the other branches of Government. He did say, however, that he recognizes a marital right of privacy.

I also appreciated Judge Kennedy's explanation of some of the factors he would look to in deciding whether an unenumerated right is a constitutional right that may be enforced by the courts. "There is a whole list of things," he said, but among them were:

> We look to see the concept of individuality and liberty and dignity that those who drafted the Constitution understood. We see what the hurt and the injury is to the particular claimant who is asserting the right. We see whether or not the right has been accepted as part of the rights of a free people in the historical interpretation of our own Constitution and the intentions of the Framers.

This testimony impressed me favorably. It reflects a philosophy of the Constitution as a living document that is fully capable of responding to the

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challenges to our liberties that the future may present.

By contrast, I remain somewhat troubled by Judge Kennedy's record on civil rights and discrimination issues. This record was highlighted by a number of impressive witnesses who testified before the committee. One of the witnesses, Prof. Susan Deller Ross, pointed out that Judge Kennedy has repeatedly rejected discrimination claims by requiring a higher showing of intent to discriminate that the Supreme Court has ever required. She also noted that Judge Kennedy has never ruled for a woman on a substantive sex discrimination issue.

Another witness, Antonia Hernandez of the Mexican-American Legal Defense Fund, eloquently articulated the serious concerns of the Hispanic community about some of Judge Kennedy's decisions. In her view, Judge Kennedy's rulings in several important discrimination cases brought by Mexican-Americans improperly threw the claimants out of court.

There is also the troubling issue of Judge Kennedy's membership in several private clubs that do not accept women and that may discriminate against members of minority groups. It is true that Judge Kennedy made efforts to change the membership policies of two of these clubs, but these efforts did not begin for some time after the American Bar Association passed a rule discouraging judges from membership in discriminatory clubs. Judge Kennedy was a member of these clubs for many years, but he resigned from two of them only on the eve of his nomination. He told the committee he resigned "to prevent my membership from becoming an issue" in the confirmation process.

In his testimony before our committee, Judge Kennedy tried to lay to rest some of these concerns by a frank and simple statement about his commitment to equal rights. He said, "We simply do not have any real freedom if we have discrimination based on race, sex, religion or national origin, and I share that commitment."

I was also reassured by another statement Judge Kennedy made in connection with his membership in the private clubs. He said,

> Over the years, I have tried to become more sensitive to the existence of subtle barriers to the advancement of women and minorities. This [is] an issue on which I [am] continuing to educate myself.

I sincerely hope that Judge Kennedy continues to seek an understanding of the many forms that discrimination can take. In particular, I think he needs to continue what he has described as a process of self-education about the many forms in which the courts may encounter unfair discrimination against women and members of minority groups. But I must say honestly, Mr. President, there is probably not a single Member of this body who could not also undergo that continuing education.

From the measure I have of the man, I believe that he will continue to do so, just as I believe he will strive to perform fairly the duties of a Justice of the Supreme Court.

If Judge Kennedy's nomination to the High Court is confirmed, I am sure that I will not agree with every one of his decisions. But I believe that Judge Kennedy is a man of integrity, intelligence, and balance. He has a sense of history and a sense of the proper role of the Supreme Court. He has, I believe, the capacity to become a distinguished Supreme Court Justice.

This is a nomination to which the Senate should give its consent. I will vote to confirm Judge Kennedy as a Justice of the U.S. Supreme Court.

Mr. President, I wish also to take this opportunity to commend the distinguished chairman of the Judiciary Committee [Senator BIDEN] and the distinguished senior ranking member [Senator THURMOND] for their handling of this nomination and the prior nomination. Everybody had a chance to be heard fairly. Members on both sides of the aisle were heard fairly and then the Senate was able to work its will, as it will today. I think that is because of the cooperation between Senator BIDEN and Senator THURMOND. It is a joy to serve on that committee, knowing that these hearings will be held and have been held as fairly, openly, and honestly as they have.

I yield back whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KARNES. Mr. President, like many of my colleagues, I am relieved that the Senate now moves toward a vote on Judge Anthony M. Kennedy to be an Associate Justice of the Supreme Court. Judge Kennedy is a highly respected individual, lawyer, and jurist. He is worthy to fill that position. But, the fact remains that a previous nominee of the President whom I supported failed to survive the confirmation process because of strident attacks on his judicial philosophy. With that experience in mind, I believe all of us have taken even more seriously our constitutional role in confirming an individual to serve on the High Court.

It is with great interest as an attorney that I have engaged in the Supreme Court hearing process and arrived at a set of standards by which I evaluate judicial nominations. I have set out six principles that I will use to evaluate judicial candidates. These being character, integrity, intellect, and the judicial qualities of temperament, legal experience, and philosophy.

I have pursued the same analytical procedure with regard to Judge Kennedy's nomination that I have followed previously. I have evaluated this nomination, as I have other Presidential nominees: with an open mind and without any preconceptions. Only fairness and objectivity have dictated my final decision.

With regard to Judge Kennedy, no evidence has been produced which in my opinion constitutes grounds to oppose his confirmation. The unanimous vote for Judge Kennedy from my colleagues on the Senate Judiciary Committee further attests to his fitness to be a member of the Supreme Court. In the six areas I have used to test judicial nominees, Judge Kennedy has exhibited outstanding qualifications and qualities. He is a man of intellect, with sound values, an excellent academic record, extensive experience as a practicing lawyer, and balanced, well-reasoned opinions and positions as a Federal court of appeals judge on the Ninth Circuit Court of Appeals.

Judge Kennedy does not wear ideological blinders, but has demonstrated judicial restraint in limiting his opinions to the narrow issues of the cases before him without a tendency toward "judicial legislating." He is not a judicial activist. His opinions, speeches, and answers to questions, while showing a capacity for growth, also reveal an appreciation of the fact that our Constitution is a dynamic document which many times must be interpreted to respond to social issues born of changing times. Judge Kennedy has shown that he is capable of interpreting the Constitution to meet those changes without sacrificing the basic principles laid down by the Founding Fathers.

During Judge Kennedy's 2 days of testimony before the Senate Judiciary Committee, he proved himself to be a conservative, but not an extremist nor an activist. He is clearly within the mainstream of American judicial thought. During the hearings he was very open in expressing his judicial philosophy and I was pleased to hear that he has no single, simple constitutional theory for interpreting all cases.

Mr. President, much has been said about the seat Judge Kennedy has been nominated to fill—that of Justice Powell. The concern of some stems from the number of 5-to-4 decisions of the Court during Justice Powell's tenure, where he was in the majority. However, I believe that Judge Kennedy, if confirmed, will approach his service with the same sense of restraint, respect, and humility that Justice Powell exhibited during his tenure on the bench.

The American Bar Association was unanimous in giving Judge Kennedy its highest rating for a Supreme Court nominee—well-qualified. The ABA representative who testified during the hearings commented that he had questioned almost all of the 27 judges on the Ninth Circuit Court of Appeals that served with Judge Kennedy and that all of them had a deep and abiding respect for Judge Kennedy's sense of justice, for his ability to give everyone a fair hearing, and to make a decision on the facts before him. The ABA spokesman went on to testify that this accolade came from judges who carried a reputation of being liberal and judges who had a reputation of being conservative. Thus, among Judge Kennedy's peers, regardless of ideology, he has received high marks as a lawyer and jurist.

As with any judicial nomination, especially one to the Supreme Court, there may be those who will oppose this nomination just as in the case of Judge Bork. However, the arguments of those opposed to Judge Kennedy while deeply felt, are in my opinion, not supported by the nominee's judicial record or the weight of the testimony in his favor.

Judge Kennedy wrote more than 400 opinions while on the court of appeals. Many of these decisions demonstrate his commitment and sensitivity to civil rights. They also indicate that Judge Kennedy clearly understands the problems faced by law enforcement officials and that he is sensitive to the rights of the victims, as well as those of the accused. I am in complete agreement with the recent speech given by Judge Kennedy where he noted that, all too often in our criminal justice system, the rights of the victims are overlooked.

It is true that Judge Kennedy was noncommittal on some difficult issues like the Roe versus Wade decision, the Miranda decision, affirmative action and the death penalty, but he has given a good defense of his own opinions which were later reversed by the Supreme Court, such as the Washington State case where he rejected the claim for equal pay for jobs of comparable worth.

Mr. President, when I met with Judge Kennedy prior to the hearings, he addressed the issue of original intent, the 9th amendment, the equal protection clause of the 14th amendment, the right to privacy, and criminal law, all issues which have been the focus of great public interest during hearings on previous Supreme Court nominees. I am comfortable with his responses in each of these areas.

Judge Kennedy has a sound understanding of our Constitution and of its history, as well as its applicability in the current era. More importantly, I believe he is committed to safeguarding the U.S. Constitution, that great and most precious possession of American democracy. I believe that Judge Kennedy will work to achieve justice and equality under its provisions and the law. Therefore, I am proud to vote for his confirmation to the U.S. Supreme Court.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, amid the wide support for Judge Kennedy's confirmation it is important to keep a critical issue in perspective.

Many Senators who opposed Judge Bork are supporting Judge Kennedy. And some of us who viewed Judge Bork as the ideal nominee are somewhat less enthusiastic about Judge Kennedy, even though we believe he will be a good Justice.

These "cross-currents" should not obscure a fundamental fact. While certain portions of Judge Kennedy's testimony raised concerns for some of us, his overall record demonstrates a strong commitment to judicial restraint and a healthy disdain for judicial activism.

Those of us who greatly admire Judge Bork may take some comfort in the fact that these statements bear a striking similarity to Judge Bork's statements on this same issue—judicial usurpation of the democratic, legislative process. As Judge Bork framed the issue:

> * * * Only by limiting themselves to the historic intentions underlying each clause of the Constitution can judges avoid becoming legislatures, avoid enforcing their own moral predilections, and ensure that the Constitution is law.

And as Judge Bork has further stated:

> When a court becomes that active or that imperialistic, then I think that it engages in judicial legislation, and that seems to me inconsistent with the democratic form of Government we have.

It is this Senator's hope that the similarities between the foregoing observations of Judges Kennedy and Bork on the critical issue of judicial restraint will be reflected in Judge Kennedy's decisionmaking on the Supreme Court.

It is instructive to consider several of Judge Kennedy's statements on the judicial role made before his nomination. These statements provide a more valuable insight into his philosophy than the testimony given under the glare of the television lights.

In discussing the controversial issue of unenumerated constitutional rights developed by judges, Judge Kennedy made the following key points:

> One cannot talk of unenumerated constitutional rights under the U.S. Constitution without addressing the question whether the judiciary has the authority to announce them * * *.
>
> I submit it is imprudent as well to say that there are broadly defined categories of unenumerated rights, and to say so apart from the factual premises of decided cases. This follows from the dictates of judicial restraint * * *.
>
> The imperatives of judicial restraint spring from the Constitution itself, not from a particular judicial theory * * *.

Judge Kennedy summed up these views by pointing out the dangers to our entire democratic process created by improper judicial activism. As he eloquently stated:

> If the judiciary by its own initiative or by silent complicity with the political branches announced unenumerated rights without adequate authority, the political branches may deem themselves excused from addressing constitutional imperatives in the course of the legislative process. This would be a grave misallocation of power * * *. The unrestrained exercise of judicial authority ought to be recognized for what it is: The raw exercise of political power.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, if there is another Senator on the other side of the aisle who wishes to proceed, he may. We do not have another speaker waiting at the moment.

Mr. THURMOND. Mr. President, I yield 3 minutes to the able Senator from California, Senator WILSON.

The PRESIDING OFFICER. The Senator from California, Senator WILSON, is recognized for 3 minutes.

Mr. WILSON. Mr. President, I have the advantage over my colleagues in that in casting this vote I will not only have paid attention to the record, but will have the benefit of 20 years of personal knowledge of Judge Anthony Kennedy.

Mr. President, I have known Tony Kennedy since he was a young lawyer. Of all of the votes that I will cast, the hundreds on the floor of this Senate, few will give me greater pleasure. I will cast few with greater confidence. And I think few will be cast by this body with greater confidence than that which we have today in Tony Kennedy.

He is a man whose entire life and certainly his career in law has inspired confidence by those who have watched him: by adversaries, by jurors, by judges.

Mr. President, I am proud to have been one of the many who brought his name to the attention of the President and recommended that he be appointed to fill this crucial vacancy on the Supreme Court.

Mr. President, I know that personally he is possessed of the intellect, the character, the integrity, the judicial temperament, and the compassion required for a great jurist. He has been a great judge and will be a great Justice.

Mr. President, he has been a student, a practitioner, and a distinguished teacher of the law as well as a discerning judge. When I speak of compassion, I would lay emphasis on the fact that he has been concerned not solely for the rights of the accused as, of course, he must be under our system of justice, but also, he has taken into account and enunciated, as few judges have, the necessity that there be in the law a clear recognition for the rights of the victims of crimes. In particular, he has made clear that in order for justice to be served and for our system of justice to inspire the confidence required for a people who will take pride in and actually believe in the rule of law, it is necessary that that system of judges be seen as working. It must work. It must be seen to work. To be seen to work, it must adequately look to and compensate the victims of crimes.

He has made that clear not only in speeches and in articles, but in his own decisions. He has never lost sight of the need for the criminal justice system to seek justice for all those affected by crime.

In an eloquent speech in New Zealand last year, he stated forthrightly:

> A decent and compassionate society must recognize the plight of its victims.

It is little wonder that victims often fail to report crimes, Judge Kennedy notes.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **WILSON.** Mr. President, I will conclude and say only that we can and should expect great things of this judge. He will be a leader, not simply serving the law but also serving this Nation.

The **PRESIDING OFFICER.** The Senator from Vermont.

Mr. **LEAHY.** Mr. President, I yield myself 1 minute.

Mr. President, it is an interesting situation in the Senate that after months and months of wrangling over who is going to be the next Supreme Court Justice, we find 1 hour of debate, with everybody in complete unanimity, a foregone conclusion that Judge Kennedy will be confirmed.

I think that many lessons were learned from that, not the least of which is that all Presidents must have a sense of history when they appoint a Supreme Court Justice, realizing they are appointed for life, that they extend beyond any President, that they are there to represent all people in this country, not one isolated judicial philosophy.

Also, we have demonstrated, I believe, for all time, that the Senate will not longer be a rubberstamp, but will very carefully look to each nominee and then, when satisfied, reflect really the feelings of the people of this country who also, I believe, are satisfied and happy with his nomination.

The **PRESIDING OFFICER.** The Senator's time has expired. Who seeks recognition?

If no one yields time, time will be charged equally to both sides.

Mr. **LEAHY.** Mr. President, I yield 1 minute to the Senator from Colorado.

The **PRESIDING OFFICER.** The Senator from Colorado is recognized for 1 minute.

Mr. **WIRTH.** Mr. President, since Supreme Court Justice Lewis Powell, Jr., announced his intention to resign his seat on the Nation's highest court last summer, this Nation has been embroiled in a far-reaching debate over the fundamental principles upon which our democracy was founded. While the difficult and emotional issues raised in this process have regrettably caused some polarization among many of our citizens, in general, I believe that the vigorous debate of the meaning of our constitutional guarantees has served us well.

This national debate has provided Americans with a firsthand look at how the checks and balances, built into the Constitution by our forefathers, work to ensure that no single branch of Government—however popular or currently acclaimed—may wield power without due measure of constraint and scrutiny. In the hearings and the subsequent vote on Robert Bork's nomination, the Senate fulfilled its advise and consent role prescribed by the Constitution in the selection of Supreme Court justices. In so doing, this body pursued its responsibility to examine the judicial temperament, philosophy and experience of nominees with the grave seriousness the democratic process commands.

In considering the qualifications of Judge Anthony M. Kennedy to assume the position of Associate Justice of the Supreme Court, I reviewed the criteria I developed last summer prior to the Judiciary Committee's hearings on Justice Powell's successor. I submit those criteria and ask that they appear in the RECORD at the end of my statement.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. **WIRTH.** The evidence presented by Judge Kennedy and by the witnesses indicate that he is a balanced jurist who decides cases based on a strict, but nonideological, interpretation of the laws involved. Judge Kennedy appears to understand both the meaning and the power of our traditions of individual liberty and social equality. He exhibits a willingness to view the Constitution as a tool for correcting injustice and ensuring equity.

In reviewing the records of Federal judges in the 1980's, I think we have to examine issues related to the right of citizens to challenge governmental action. In the course of cleaning our air and water and protecting citizens from exposure to toxic chemicals, the right to have disputes settled in the Nation's courts of law is a precious one—particularly for citizens in my own State of Colorado. Judge Kennedy's record reveals a heartening perspective on the doctrine of standing. His view of the judicial process appears to support the extension of prudent access to the Federal courts as a vital instrument for the protection of environmental values as well as for economic well-being.

Further, Judge Kennedy has exhibited a respect for the continuity of critical Supreme Court decisions and of fundamental American values. Throughout his career, his opinions impress upon the reader a deeply rooted sense of balance, understanding and maturity. This sense of proportion and perspective makes Judge Kennedy's qualifications for the position of Associate Justice that much more compelling.

The placement of a Justice on the Supreme Court is of such consequence that I believe we should only agree to do so when the weight of evidence clearly suggests that the individual is fully cognizant and respectful of the rights and liberties of citizenship which set this Nation apart. Supreme Court Justices sit for life in final judgment on matters of the utmost importance to the American way of life. They are often the last bastion of protection that citizens have against the tyranny and power of organized government and other forces which would curb the rights of individual Americans. No Senator may lightly confirm a Supreme Court Justice.

The distinguished record of Judge Anthony Kennedy, I believe, comports with the fundamental rights and values of the American people and with our system of jurisprudence. His view of the Constitution, judicial philosophy and role of the Supreme Court conforms with that of many of the most distinguished jurists our Nation has known. As a result, I intend to vote for his confirmation as an Associate Justice for the U.S. Supreme Court.

Mr. President, I do concur in the judgments that have been made by my colleagues here today on the fitness of Judge Kennedy for this very important appointment and hope that we confirm him very rapidly, fill out the Court, and get on with our business.

EXHIBIT 1

CRITERIA FOR EVALUATION OF SUPREME COURT NOMINEES

(1) Does the nominee have the intellectual capacity, competence and temperament to be a Supreme Court justice?

(2) Is the nominee of good moral character and free of conflicts of interest?

(3) Will the nominee faithfully uphold the Constitution of the United States?

(4) What is the nominee's vision of what the Constitution means?

(5) Are the nominee's substantive views of what the law should be acceptable with regard to the fundamental rights of the American people?

(6) What are the nominee's views of the role of the Supreme Court and of Supreme Court justices?

(7) Would the confirmation of the nominee alter the balance of the Court philosophically and if so, is that balance in the best interests of the American people?

(8) Are the nominee's views well within the accepted, time-honored and respected views of legal tradition?

Mr. **DOMENICI.** Mr. President, I rise to support the nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court. Judge Kennedy's distinguished legal career, which includes over 12 years of service as a Federal appellate judge, demonstrates that he possesses the intellect, character, and temperament to serve on our Nation's Highest Court.

Judge Kennedy earned his undergraduate degree from Stanford University and was awarded a law degree cum laude from Harvard University.

From 1961 to 1975, Judge Kennedy practiced law in California. Since 1965, Judge Kennedy has taught law part-time at the McGeorge School of Law at the University of the Pacific.

In 1975, President Ford appointed Judge Kennedy to serve on the U.S. Court of Appeals for the Ninth Circuit, which covers the far Western part of the country.

In his 12 years on the bench, Judge Kennedy has authored over 400 opinions and has participated in over 1,400 cases.

Judge Kennedy has played a major role in a number of significant decisions. He authored the appeals court decision in the Chada case, which held the legislative veto to be unconstitutional. He also argued for a "good faith" exception to the exclusionary rule when he dissented from the ninth circuit's opinion in the Leon case. The exclusionary rule has been used by criminal defendants to prevent evidence from being used against them in court because of technical defects in search warrants, even though the police were acting reasonably. In both the Chada and the Leon cases the Supreme Court subsequently agreed with Judge Kennedy.

Judge Kennedy's opinions demonstrate that he is a firm advocate of law and order, yet is sensitive to the constitutional rights of criminal defendants. He respects civil rights and is committed to eliminating discrimination. He also understands the doctrine of separation of powers, that is, the Congress is to make laws, and the courts are to interpret them, and the need for judicial restraint.

The Judiciary Committee, which conducted an exhaustive examination of his background, unanimously recommended that the nomination of Judge Kennedy be approved, and the American Bar Association unanimously gave Judge Kennedy its highest rating of "well qualified." Judge Kennedy has a well-deserved reputation for fairness, open-mindedness, and scholarship. It is obvious to all who have examined his credentials that Judge Kennedy will make an excellent addition to the Supreme Court, and will likely carry on the distinguished tradition of the man he will replace, former Justice Lewis Powell.

Justice Powell's seat has been vacant for 7 months. Because of the vacancy, the Supreme Court has been unable to reach a decision on several important cases that have come before it. Every Member of this body is aware why the vacancy has taken so long to fill, and I shall not recount the details, except to say that it is time to put the episode behind us and return the Supreme Court to its full strength. The parties who bring their cases to the Court deserve a hearing before a full Court, and the people of the United States are entitled to have their laws interpreted by nine members of the Supreme Court.

Judge Kennedy is an excellent choice to fill the vacancy and bring the Supreme Court back to full strength. I encourage all Senators to unite behind this nomination and give Judge Kennedy their full support.

Mr. **BUMPERS.** Mr. President, I take seriously our responsibility as U.S. Senators to advise and consent to nominations to the Supreme Court of the United States. It is one of our most important functions, and I believe we must discharge our responsibility with vigor and with respect for our great Constitution. It is clear that our Founders intended for the Senate to play a coequal role in the confirmation process.

It is with these thoughts in mind that I come before the Senate this morning to state my support for the nomination of Judge Anthony Kennedy for Associate Justice of the Supreme Court of the United States. I have reviewed his judicial record and testimony before the Senate Judiciary Committee, and am convinced that he is within the mainstream of constitutional jurisprudence in this country. Although I will not agree with him on every issue, just as I frequently find myself in disagreement with current Justices, I believe he is a man of considerable intellect and sound judgment. He will be a consistent adherent to the sound doctrine of judicial restraint, and I commend him for that, but I do not believe he will give the majestic language of our great Constitution a narrow or crabbed interpretation.

Mr. President, I wish soon-to-become Justice Kennedy well as the Supreme Court faces the many contentious issues it must deal with in the months and years ahead.

Mr. **KASTEN.** Mr. President, I rise today to express my support for President Reagan's nomination of Judge Anthony Kennedy to fill the vacancy on our Nation's Supreme Court.

We've already gone 8 months without a full complement of Justices. Our Nation's judicial needs will not be met until the vacancy created by the retirement of Justice Powell is filled. And I agree with President Reagan that Judge Kennedy would fill this Supreme Court vacancy—and meet those needs—with intellectual vigor and distinction.

Anthony Kennedy has been a distinguished member of the Federal bench since 1975, when President Ford appointed him to the Ninth Circuit Court of Appeals. The record of his 12 years of appellate decisionmaking shows him to be a man of judicial temperament and intellectual clarity.

In the more than 400 decisions in which he has taken part, Judge Kennedy has remembered that it is the role of the judiciary to interpret the laws, not to make the laws. I think the addition of his voice to the Court would help preserve this principle of the separation of powers, so vital to the maintenance of our systems of Government.

The many decisions Judge Kennedy has authored, most notably Chadha versus Immigration and Naturalization Service, make clear his powers of reasoning and his place in the mainstream of American judicial thought. I do not expect to agree with Judge Kennedy on every case; I do have confidence that his judicial opinions on the Court will be founded securely on the rock of the Constitution and legal precedent.

Judge Kennedy also recognizes the primary purpose of our system of criminal law: the preservation of social order through a regime of liberty under law. In numerous criminal-law decisions, Judge Kennedy has sided with America's first line of defense against random thuggery and violence—our local police forces.

In short, Judge Kennedy is an enthusiastic defender of civil rights and civil liberties, and of the measures necessary for their defense.

I urge all my colleagues to join me in seating this man right where we need him—on the U.S. Supreme Court.

Mr. **CONRAD.** Mr. President, I rise in support of the nomination of Judge Anthony M. Kennedy to be Associate Justice of the Supreme Court.

The task of a Justice of the Supreme Court demands not mere strength of intellect, but a sensitivity to the core values and aspirations of the Constitution. I find in Anthony Kennedy these qualities and more: he is a first-rate constitutional scholar.

His background clearly commends him for the job. A practicing lawyer with a small firm and a teacher of constitutional law, he has been a judge on the Ninth U.S. Court of Appeals for 12 years. The American Bar Association has given him its highest recommendation and the Judiciary Committee has unanimously voted to recomend his confirmation to the Supreme Court.

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During his confirmation hearings before the Judiciary Committee, Judge Kennedy was praised for his temperament and character. The committee's review of his decisions showed him to be open-minded; a judge committed to the fair-minded resolution of particular cases, rather than being driven by an overarching, predictable ideology. His decisions while a member of the appeals court are not boldly extreme, but carefully drawn interpretations of the fundamental law. His philosophy, like that of the distinguished Justice Powell, resists easy categorization. Judge Kennedy's measured, case-by-case approach to judicial decision-making gives me much greater reassurance than the rigid ideological views of earlier nominees.

To be certain, Judge Kennedy might not have been my first choice for the Supreme Court. But he is the President's choice, and I hope that he will be sufficiently devoted to the judicial protection of liberty and equality.

I will vote to confirm Judge Kennedy, and I applaud the President for the selection of a nominee who brings consensus, and not divisiveness to the nomination process.

Judge Anthony Kennedy is a conservative in the best of our constitutional traditions—he wishes to preserve that which is best, while recognizing that the Constitution is not a static and bloodless document. It will survive and serve our Nation only if it is interpreted with wisdom and common sense.

Mr. MOYNIHAN. Mr. President, when the Senate last debated a vacancy on the U.S. Supreme Court I stated that:

> The right of privacy is a fundamental protection for the individual and the family against unwarranted state intrusion. Its importance is such that I cannot support anyone for a Supreme Court appointment who would not recognize it.

The recently completed Judiciary Committee hearings regarding Judge Kennedy were greatly welcome to me in this regard. Judge Kennedy affirms the existence of a general right to privacy in the Constitution. During the confirmation hearings Judge Kennedy, asked whether he believed there was such a right, responded that:

> I think that the concept of liberty in the due process clause is quite expansive, quite sufficient, to protect the values of privacy that Americans legitimately think are part of their constitutional heritage. * * * It is very clear that privacy is a most helpful noun, in that it seems to sum up rather quickly values that we hold very deeply.

In particular, Judge Kennedy endorsed the Supreme Court's ruling in Griswold versus Connecticut. When asked his views on Griswold Judge Kennedy said:

> I would say that if you were going to propose a statute or a hypothetical that infringed upon the core values of privacy that the Constitution protects, you would be hard put to find a stronger case than Griswold.

Plainly, Judge Kennedy's views on privacy were not fashioned merely to accommodate the confirmation process. For example, in United States versus Penn, Judge Kennedy, in a dissenting opinion, argued against a police practice of offering $5 to a 5-year old child to get her to inform on her mother. He wrote:

> If we can, and do, protect the relation between a dentist and his clients from a disruptive search, certainly we have the authority, and the duty, to protect the relation between a mother and child from such manipulation. * * * Indifference to personal liberty is but the precursor of the State's hostility to it.

Without privacy there can be no liberty, no freedom. Judge Kennedy seems to realize this fundamental notion, one that dates back all the way to English common law. This was surely a concern of the 18th century. It may fairly be said to be the central concern of the 20th. For ours is the century of totalitarianism, and wherever it has come to power, whatever its particular doctrines, the central act of totalitarian Government is to annihilate individual privacy. Thus did Orwell's 1984 become the great political statement of this age. Thus equally are democratic societies put on their guard.

I am sure that Judge Kennedy's views on privacy have reassured many of my fellow New Yorkers. Indeed, the Association of the Bar of the city of New York, headed by Robert M. Kaufman, has recommended that Judge Kennedy be confirmed as a member of the Supreme Court. I concur with the bar association. Though I would not agree with Judge Kennedy on every point, his basic judicial philosophy recognizes that fundamental rights and liberties are protected by the Constitition. For this reason, I support the confirmation of Anthony M. Kennedy as an Associate Justice of the Supreme Court.

Mr. LEVIN. Mr. President, in exercising its advice and consent responsibility with respect to a Supreme Court nominee, the Senate should make a thorough assessment of the nominee's competence character and individual temperament. There are also a few instances where it is appropriate for the Senate to consider a nominee's policy values. For instance, a nominee's policy values are relevent if those values are inconsistent with a fundamental principle or principles of American law. The second instance occurs when the nominee is so controlled by ideology that such ideology distorts their judgment and brings into question a nominee's fairness and openmindedness.

Judge Kennedy's performance during 13 years on the Federal bench leaves no doubt about his competence or his integrity. And his policy values appear to be neither inconsistent with settled constitutional law, nor a controlling factor in his judicial decisions.

Mr. President, Judge Kennedy does not appear to be a zealot, or a jurist who allows an ideology to dominate his approach toward a particular decision. Rather, he appears to be an open-minded judge who will fairly construe the law in each case that comes before him.

I see nothing in Judge Kennedy's record or testimony to indicate rigidity or inflexibility. One remark Judge Kennedy made during the Judiciary Committee hearings in response to a question by Senator SPECTER is, I hope, indicative of what his approach will be on the Supreme Court.

> It is difficult for me to offer myself as someone with a complete cosmology of the Constitution. I do not have an over-arching theory, a unitary theory of interpretation. I am searching, as I think many judges are, for the correct balance in constitutional interpretation. (Hearing transcript, December 15, 1987, p. 17.)

Although it appears that Judge Kennedy will be fair and open-minded as a Supreme Court Justice, I did have some concerns about his responses to questions about his previous membership in clubs that discriminate against women and minorities.

In a Senate Judiciary Committee questionnaire filled out by Judge Kennedy before his confirmation hearings began, he responded to several questions concerning his membership in business and social clubs. The questions refer to the American Bar Association [ABA] Code of Judicial Conduct, which was amended in 1984 to state that:

> It is inappropriate for a judge to hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin.

The ABA Code does not define what is meant by "invidious discrimination," although it adds that "whether an organization practices invidious discrimination is often a complex question to which judges should be sensitive."

Judge Kennedy made an effort in his answer to the committee questionnaire to define invidious discrimination, explaining that it—

> suggests that the exclusion of particular individuals on the basis of their sex, race, religion or national origin is intended to impose a stigma on such persons. (questionnaire, p. 50).

Responding to Senator KENNEDY during the hearings, he further stated that:

> Discrimination comes from several sources. Sometimes it's active hostility, and sometimes it's just insensitivity and indifference. (transcript, December 14, 1987, p. 137).

He went on to suggest that the discrimination practiced by the clubs he had belonged to was not invidious because it arose from insensitivity, not from active hostility.

Because I was not sure of Judge Kennedy's basis for determining what was or was not invidious discrimination, I asked him about it, as one of several questions I submitted in writing. I asked him to give some real life examples of when discrimination against women and blacks would not be invidious, and whether he thought that the discrimination against women and blacks practiced by clubs he had belonged to was invidious.

I found his response reassuring in one respect: he said that he did not mean to imply that legalistic interpretations of the phrase "invidious discrimination" could "provide an appropriate basis for individuals or organizations to justify their conduct." He went on to say that "discrimination against women, blacks, or other minorities imposes real injury and is wrong whether it arises from intentional, active bias or from indifferrence and insensitivity." On the other hand, Judge Kennedy also reiterated his belief that the membership practices of the clubs he belonged to "were not invidious in the sense intended by the ABA Code because they were not animated by ill-will."

Judge Kennedy cannot be held responsible for the ambiguity of the ABA Code as to the meaning of "invidious discrimination," and I have written to the ABA seeking clarification on this point. However, I was somewhat troubled by the judge's justification of his previous club memberships based on an interpretation of the ABA Code for which I find no supporting evidence.

My lingering doubts about that matter are outweighed by my overall impression of Judge Kennedy. He appears to be a fair and open-minded jurist who will decide cases based on the specific facts and arguments before the Court, not on the basis of a precast, preformulated, preordained ideological agenda. Therefore, I will vote in favor of his nomination to the Supreme Court.

Mr. CHAFEE Mr. President, it is with pleasure that I vote today to confirm the President's nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court.

It is clear to me, as it was to all 14 members of the Judiciary Committee, that Judge Kennedy is the right person to replace Justice Lewis Powell. In casting my vote today in favor of Judge Kennedy I note that the committee report states, "Judge Kennedy seems to possess the truly judicious qualities that Justice Lewis Powell embodied."

Judge Kennedy's background and career history make him eminently qualified to serve on the Supreme Court. He received his bachelor's degree from Stanford and his law degree from Harvard.

He practiced law in San Francisco and Sacramento for 14 years before President Ford appointed him to the U.S. Court of Appeals for the Ninth Circuit.

Throughout his career, Judge Kennedy has demonstrated his excellent understanding of the law and the role of the courts in the American legal system. In addition, he has shown himself to possess the qualities and character that one associates with the leading names in our judicial tradition. The American Bar Association has given him its top rating, "well qualified," and reports, as noted by the Judiciary Committee, that his "integrity is beyond reproach, that he enjoys justifiably a reputation for sound intellect and diligence in his judicial work and that he is uniformly praised for his judicial temperament."

Mr. President, I would like to underline at this point that Judge Kennedy demonstrated in the hearings on his nomination his firm belief in the tradition of judicial restraint, but also his refusal to turn that approach into an inflexible philosophy or ideology. This is just the point of view that I have been looking for in the individual who would replace Justice Powell.

As the Judiciary Committee's report states, "Judge Kennedy has no single immutable or overarching theory for interpreting the Constitution and thus he pursues a cautious and measured approach."

I agree with Judge Kennedy and with the committee report that rigid ideologies have no place on the Supreme Court. The genius of the Constitution has been, in my mind, its ability to serve our country so well over the last two centuries, years of incredible change. Its protection of freedom of speech, of the right to privacy, of equal protection under the law, and of a great array of individual rights, is owed to the wondrous elasticity of its language.

Our Supreme Court justices have recognized the Constitution as a document meant to be interpreted, not according to a strict literal reading of its words, but according to the broader and wiser intent of the Framers. That intent was to create a document that would serve the Nation as it grew and matured over the years. Judge Kennedy clearly understands this tradition and places himself firmly within it. He has the right combination of intellectual ability and judicial temperament to continue the great tradition.

Mr. HATFIELD. Mr. President, I am pleased to cast my vote in favor of Judge Anthony M. Kennedy to serve as an Associate Justice of the U.S. Supreme Court.

Having reviewed his background, I am convinced that Judge Kennedy possesses those qualities of intellect, scholarship, humility, and a sense of fundamental fairness that will make him one of the great Justices of the Supreme Court.

Born in Sacramento, CA and schooled at Stanford University, the London School of Economics, and Harvard Law School, Judge Kennedy has had a distinguished career as a private lawyer, a professor of constitutional law, and as a Federal judge on the U.S. Court of Appeals for the Ninth Circuit.

Having served on the Federal bench for 13 years, Judge Kennedy has authored over 400 opinions and participated in over 1,400 decisions. His decisions have spanned many areas of law, including criminal law, constitutional law, civil rights, and criminal procedure. The tone of his opinions demonstrates that he is a conservative jurist in the best sense of the word, and in the best tradition of some of the great Justices of the Supreme Court.

Judge Kennedy believes that a judge must base his or her decision on neutral principles, applicable to all parties. Although an advocate of basic tenets of constitutional interpretation such as judicial restraint and the separation of the powers of government, Judge Kennedy has no rigid theory of judicial interpretation. Rather, as he testified before the Judiciary Committee, he is "* * * searching, as I think many judges are, for the correct balance in constitutional interpretation." As his testimony indicates, the judge is a thoughtful man, capable of continued growth and evolution in his thinking.

In my private meeting with Judge Kennedy, I was struck not only by his intellectual ability, but by his genuine reverence for the law and the Supreme Court. Judge Kennedy also possesses those intangible, but important, qualities of humility, empathy, and compassion that have displayed themselves in the quality of his legal reasoning and in the fairness of his judicial opinions.

Clearly, Judge Kennedy will make an excellent addition to the Supreme Court and I welcome the opportunity to declare my support.

● Mr. GORE. Mr. President, I would like to take this opportunity to announce my support for the nomination of Judge Anthony Kennedy to the Supreme Court.

The Judiciary Committee conducted careful hearings on Judge Kennedy's nomination—as it must do on all nominations to the Federal judiciary, especially appointments to the Supreme Court. My review of Judge Kennedy's testimony during those hearings satisfies me that he is a careful, conscientious, and openminded judge.

Judge Kennedy is an advocate of judicial restraint—limiting his holdings to those facts before him. Yet he does not feel that the Constitution is an im-

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mutable document that yields yes and no answers to all legal disputes. He understands that the meaning of the Constitution today can be ascertained only by careful construction of its text, accurate reading of the historical intentions of the framers, and sensitive application of its principles to the vastly changed society in which we now live. And just as he sees the Constitution as a dynamic document, Judge Kennedy has shown a capacity for growth himself.

I believe Judge Kennedy has demonstrated a growing sensitivity to the plight of the disadvantaged in our society, to minorities, and to women. Along with my vote for Judge Kennedy I make a plea that when he takes his place on the Supreme Court of our Nation, that he be vigilant in his protection of those whose rights are all too often ignored, and that he remember that the Supreme Court is often truly their court of last resort.

Judge Kennedy has shown himself to be conscientious, thoughtful, and openminded. These are the qualities most crucial for a Supreme Court Justice. The ABA committee unanimously found Judge Kennedy to be "well-qualified." The Judiciary Committee was unanimous as well in its endorsement. To this I am happy to add my support.●

Mr. HECHT. Mr. President, I rise today in support of the nomination of Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court. I would like to say, at the outset, that I am pleased with the manner in which this confirmation process has been handled this time around. It should be obvious to everyone who has watched the Kennedy nomination proceed through the Senate, that we have before us an extremely qualified, well-respected, and outstanding nominee, and I feel very confident in saying that in my estimation, Judge Kennedy will serve our country admirably as a member of the U.S. Supreme Court.

Judge Kennedy has served with distinction as a member of the Federal judiciary on the Ninth Circuit Court of. Appeals in San Francisco, and through his opinions and writings, he has certainly proved himself to be qualified and consistent. In addition to his service on the bench, Judge Kennedy has been an outstanding law school professor at McGeorge Law School in Sacramento, CA. It did not come as a surprise to me, then, when I received favorable and supportive letters from a number of my constituents who, coincidentally, had been taught by Judge Kennedy. Among these former students, praise of his ability was universal. In fact, to quote Mr. James Jacques, a Reno, NV attorney:

> I found him (Kennedy) to be an absolutely outstanding professor. He is the kind of person that I firmly believe we strongly need on our U.S. Supreme Court.

I couldn't agree more!

Mr. President, we all know by now that Judge Kennedy was given the top rating of "well qualified" by the American Bar Association Standing Committee on the Federal Judiciary, which suggests that the praise of Judge Kennedy's ability is not limited to his former students, but also the praise appears to be consistent from within the legal profession. In this day and age, as my colleagues well know, this type of overwhelming support is indeed very rare, and should be taken as another example of the fact that Judge Kennedy is an exemplary nominee, and should be confirmed unanimously. If the American Bar Association can give him a unanimous recommendation, the U.S. Senate can likewise give him a unanimous confirmation vote.

Mr. President, I would be remiss in my responsibility as a representative of the citizens of the great State of Nevada, however, if I did not make reference, at this point, to the entire process which has taken place in the efforts by our President to fill the vacancy of Justice Lewis Powell's seat on the Court. Specifically, I would like to reiterate my comments of last October regarding the President's first nominee to fill this vacancy, Judge Robert Bork.

Although I would in no way wish to diminish the favorable response given to Judge Kennedy's nomination today, I feel that it is extremely important for my colleagues to remember the absurdity of the confirmation process which proceeded Judge Kennedy. All of us who are privileged enough to serve in this body know that when our constituents feel strongly about an issue they certainly do not hesitate to call or write us. During the hearings and votes on Judge Bork, I can honestly say that I received more calls and letters than on any other single issue since I have been a U.S. Senator.

Mr. President, I was proud to stand here last October and vote in support of Judge Bork because that is how my constituents felt about the issue, and that is, overwhelmingly, the way in which my constituents wanted me to vote. I only wish that there were a few other Senators on that day who had listened to their constituents instead of listening to the overwhelming thunder by those special interest groups who took it upon themselves to determine what was in the public's best interest. As I said back then, the intense and inappropriate political debate surrounding Judge Bork was extremely unethical, and it was certainly an unfortunate blemish upon the legislative record of this historic body.

I am pleased by the fact that Judge Kennedy's nomination has not been surrounded by the whir of inappropriate political debate, but we must never forget the manner in which the previous nomination was handled and make every possible attempt to avoid future situations which lower the quality and the demeanor of the U.S. Senate. Again, I ask my colleagues to join my support of Judge Kennedy and to give him a unanimous confirmation vote.

Thank you, Mr. President.

Mr. BAUCUS. Mr. President, I rise in support of the President's nomination of Judge Anthony Kennedy to become an Associate Justice of the Supreme Court.

I have reviewed Judge Kennedy's testimony before the Judiciary Committee very carefully. I have also reviewed many of the decisions Judge Kennedy wrote during his long and distinguished tenure on the Ninth Circuit Court of Appeals.

While I do not agree with everything Judge Kennedy has said and written, I find Judge Kennedy to be, on balance, an extremely thoughtful and articulate jurist. I believe he is eminently qualified to take a seat on the Supreme Court.

Mr. President, under our constitutional form of government judicial appointments are a responsibility shared by the President and the Senate. The President nominates Supreme Court Justices and the Senate advises and consents on those nominations.

Our responsibility is to insure that the individual nominated by the President is qualified to serve on the Court. In addition, we must assure ourselves that a nominee's view of the role of the Supreme Court is consistent with the best interests of all the American people.

That is the responsibility given to us by the Founding Fathers in article III of the Constitution. It is a judgment not to be made lightly.

These are exactly the same standards I applied to Judge Bork: competence and judicial philosophy. While I had grave misgivings over whether Judge Bork would defend the basic constitutional liberties of the American people, I have no such qualms with Judge Kennedy.

After carefully reviewing Judge Kennedy's record, I believe he easily passes both these tests.

It is clear that Judge Kennedy is qualified to sit on the Supreme Court. He has had a distinguished career on the Ninth Circuit Court of Appeals, which includes my own State of Montana. In addition, the American Bar Association unanimously gave him its highest rating.

It is equally clear to me that Judge Kennedy is committed to the protection of the basic constitutional rights of the American people. In this he stands in marked contrast to Judge Bork.

I am confident Judge Kennedy will decide each case that comes before him individually, on its own merits. He

will not bring to the Court his own pet theory of constitutional interpretation.

Judge Kennedy told the committee that he is still searching for the correct balance in constitutional interpretation. I think that is exactly right.

Whenever a judge stops searching for that precious balance, justice suffers. In my view, a judge who believes he or she has found all the answers should start thinking about a different career.

Judge Kennedy also believes that the American people have a right to be left alone. He finds that right in an expansive interpretation of the word "liberty" in the 5th and 14th amendments. Again, I think that is exactly right.

He said that there is a line beyond which an individual can tell the Government not to go. Certainly that line is not clearly drawn. But, it is a relief to this Senator to know that Justice Kennedy will search for its contours.

Finally, Mr. President, I am convinced that Judge Kennedy is a true judicial conservative in the best sense of the word. He recognizes that the role of the courts is limited. He appreciates the differences between the legislative and judicial functions.

He knows that the Congress is charged with making the laws, while the Court is directed to interpret them. His will be a voice of restraint on the Court.

Mr. President, I sincerely hope my colleagues will join with me in voting to confirm the nomination of Judge Anthony Kennedy to become an Associate Justice of the Supreme Court.

Mr. MITCHELL. Mr. President, I rise in support of the nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court.

The Senate Judiciary Committee moved expeditiously in completing its hearings and favorably reporting the nomination to the Senate. I am pleased that the Senate vote was scheduled promptly as well.

The year-end report on the state of the judiciary by Chief Justice Rehnquist last year reflected the fact that caseloads throughout the Federal judiciary are at record or near-record levels. The Supreme Court alone acted on 4,340 cases.

Because the rulings handed down by the Supreme Court are essential for the guidance of the lower courts, it is important that the vacancy left by Justice Powell's resignation be filled as soon as possible.

In this regard, I am pleased that the President nominated Judge Kennedy.

Judge Kennedy has 12 years of experience on the appeals court. He has written and taken part in several hundreds of cases, including some which have been of seminal importance to the Nation.

His ruling in Chadha versus INS, for instance, struck down an enormous range of statutes in which Congress had granted itself the right, by one-house votes, to override the decisions of the executive branch in carrying out statutory law. The Supreme Court upheld Judge Kennedy's ruling that this was an impermissible intrusion of the legislative into the proper sphere of activity of the executive branch.

Judge Kennedy's view as reflected in his record do not mirror mine in every particular, but I do not expect them to do so.

Such disagreements do not, however, constitute a sound reason to reject an otherwise very well-qualified nominee.

In a broader sense, Judge Kennedy's responses to the committee on questions such as respect for precedent, unenumerated rights and constitutional philosophy reflect the measured and thoughtful judgments for which he is known on the bench.

Judge Kennedy has stated he has no overarching philosophy of the Constitution. Instead, he says the role of the court is to reach conclusions of law and fact in each particular case before it. He believes this is the soundest means of developing a body of precedent and law to guide the Nation.

The roles of the President and the Senate in appointing men and women to the courts have been highlighted over the past year. Individuals and groups with different philosophies have sought to persuade all of us of the legitimacy of their claims.

Some say the President's choice must be respected and therefore supported by the Senate.

Others claim that because no truly objective form of judicial reasoning can be demonstrated beyond argument, the Senate has a right to reject nominees on result-oriented grounds.

Neither view is grounded in the Constitution.

There is no single right of appointment to the Supreme Court. The Constitution gives the President the right to nominate. But it explicitly gives the Senate the right to "advise and consent," not merely to rubberstamp.

The sharing of this responsibility arises because the founders recognized that no President should have a free hand in shaping the third branch of Government and that no Senate's partisan tendencies should govern it either. Instead, the two branches—executive and legislative—both have an important role to play.

The Constitution is wiser than many of those who have lived under it. It does not contain criteria for judges any more than for Presidents or Members of Congress. Instead, those criteria are left to the wisdom of the voters in the latter two cases and to the judgment of their elected representatives in the former.

The founders knew what too many of today's political leaders tend to forget—that their wisdom and insights were limited to their own times, just as ours are to our time. So they wove no straitjacket for our political future. Instead, they left us a set of rules by which the political differences of our times must be adjudicated.

We have heard judges labeled "conservative" or "liberal." There are probably as many definitions as there are people making them. But catchall labels are no way to reach a consensus of what we expect in a Supreme Court Justice.

Intellectual brilliance alone is not enough. Neither is long experience. Both are valuable. Neither, taken alone, is sufficient.

The role of our courts is not to dispense moral advice or to correct the moral lapses of the larger society. The role of our courts is to dispense justice according to the law and the Constitution.

That means the Constitution as amended. The courts are not the guardians of the 19th century, or the vanguard of the 21st. They reflect the society in which their presiding judges live, and they dispense justice in accordance with the laws of that society, enacted by the voters' representatives.

The courts occupy a special place in our democratic system. They are the one element of our government which is not democratically selected because they are the element of our government whose function it is to protect the unpopular, the minority against the majority.

When the courts reach too far or fail to reach far enough, redress is the role of the legislative branch or the people themselves through the amendment process. But for the numerically insignificant, or the temporarily controversial, justice not dispensed promptly is justice denied.

That, too, is a particular responsibility of the courts in our system. The judges who sit on those courts must be aware that the unique, the particular—in common terms, the oddball—deserve the full protection of the laws, just as the mainstream does.

Judge Kennedy's emphasis on the goal of seeking justice in the particular facts and the particular case before him reflects a sensitivity to that element of our system which makes him a valuable addition to the Supreme Court.

In choosing Judge Kennedy, the President has selected a nominee of broad and deep experience in the judicial system, with a demonstrated record of careful and judicious reasoning, and personal and public probity.

I am pleased to give this nomination my full support.

Mr. CRANSTON. Mr. President, I will vote to confirm Anthony M. Ken-

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nedy to serve as an Associate Justice of the U.S. Supreme Court.

The vote on the confirmation of an individual to serve on our highest court is one of the most important and far-reaching decisions which a Member of the Senate will face in the course of service in this body.

A seat on the Supreme Court is a lifetime position. A Justice can be removed from office only upon impeachment and conviction of the severest of high crimes. It is not uncommon for a Supreme Court Justice to serve for two and sometimes three decades, long after the expiration of the terms of office of the President who made the nomination and the Senators who voted on it.

The framers of the Constitution recognized the great importance of the selection of individuals to serve on the Supreme Court. They deliberately refused to entrust this heavy responsibility to any one branch of government. Instead, they determined that this should be a matter of shared power and shared responsibility.

Senator Robert Griffin, then-Republican Senate whip, aptly described this shared responsibility during the debate on the Haynsworth nomination in 1969:

> Under the Constitution, the President is vested with only half the appointing power. He nominates and the Senate confirms. Accordingly, the Senate's advise and consent responsibility is at least equal to the President's responsibility in nominating. If the judiciary is to be an independent branch * * * it is essential that its members owe no greater indebtedness for an appointment to one particular branch of our government.

In the past year, both the Nation and the Senate have come to understand more deeply the full meaning of that shared responsibility. In its decisive rejection of President Reagan's third nominee to the Court, Judge Robert H. Bork, by a vote of 58-to-42 on October 23, 1987, the Senate assumed and reaffirmed its constitutionally mandated obligation to exercise independent judgment as to whether confirmation of a judicial nomination would be in the best interest of the nation.

In rejecting the Bork nomination, the Senate refused to place upon the Supreme Court a judicial radical with an avowed ideological agenda.

The Senate rejected a nominee who, over the course of several decades, had repudiated, disparaged, and derided a body of law and principles which form the framework for much of the individual liberties and freedoms which Americans enjoy.

The Senate refused to entrust the awesome responsibilities of an Associate Justice of the Supreme Court to a nominee who had given repeated warnings that he was prepared to rewrite settled principles of constitutional law.

In rejecting the Bork nomination, the Senate discharged its responsibilities well and in the best interest of our Nation.

The pending nomination of Anthony M. Kennedy presents a sharp contrast to the failed nomination of Robert H. Bork.

CONTRAST TO JUDGE BORK

Unlike Judge Bork, there is no indication that Judge Kennedy has an ideological agenda he is committed to carrying out once confirmed. On the contrary, the evidence seems clear that Judge Kennedy is predisposed to approach each issue on a case-by-case basis. That pattern appears throughout his decisions during his 12 years on the Ninth Circuit Court of Appeals. As the American Bar Association noted in its report to the Senate Judiciary Committee, practicing lawyers familiar with Judge Kennedy's record and demeanor on the Federal bench uniformly characterize him as utilizing a case-by-case approach without any particular preordained agenda or set philosophical perspective on relevant areas of the law. Judge Kennedy repeatedly affirmed this approach during his confirmation hearings. Testimonials from the numerous students in his constitutional law classes at McGeorge Law School over the past two decades reiterated this perception of Judge Kennedy's analysis of legal issues.

Judge Kennedy's legal and judicial philosophy appears to be well within the mainstream of legal thought. Judge Kennedy's legal philosophy, as illustrated in his opinions on the bench and in his speeches, can best be characterized as moderate, cautious, and restrained, albeit conservative.

Judge Kennedy has indicated his support for the notion of an evolving concept of liberty drawn from both the enumerated and unenumerated rights in the Constitution. Professor Laurence Tribe succinctly observed in his testimony before the Judiciary Committee supporting the nomination:

> Judge Kennedy's opinions reveal a belief in the fundamental constitutional principles that have been of concern to this committee. In particular, they demonstrate the absence of any categorical opposition to a view of the Constitution as an organic, evolving document; dedication to the fundamental role of the courts in our constitutional system as protectors of individuals and minorities from oppressive government; and a commitment to the special place of courts in elaborating and enforcing principles implicit in the Constitution's structure, even when those principles may not be explicitly stated within the four corners of the document.

CONCERNS ABOUT MEMBERSHIP IN DISCRIMINATORY PRIVATE CLUBS AND RESTRICTIVE CIVIL RIGHTS DECISIONS

Mr. President, although the weight of the record on Judge Kennedy indicates that he is a fair-minded and even-handed jurist, there are several issues which have been of concern to me and a number of civil rights organizations.

First is the matter of Judge Kennedy's membership in private clubs which have practiced discrimination in admissions. Judge Kennedy tendered his resignation from two of those clubs when his nomination to the Supreme Court became imminent. A third he resigned from several years ago when, as he described to me in a private meeting, he realized that it was inapropraite for a Federal judge to walk from the courthouse to have lunch in a facility that excluded women and minorities. Judge Kennedy expressed to me his recognition of the impropriety of his continuing membership in that club. Unfortunately, he did not take the same action with respect to his membership in two other private clubs which similarly excluded women or minorities, by policy or practice.

The problem in my view is compounded by the fact that Judge Kennedy sat on the Federal judicial conference committee which worked on the canon of judicial ethics dealing with the problem of membership by members of the judiciary in discriminatory private clubs. The 1984 commentary to that canon states:

> It is inappropriate for a judge to hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin. Membership of a judge in an organization that practices invidious discrimination may give rise to perceptions by minorities, women, and others, that the judge's impartiality is impaired.

In our discussion of this matter, Judge Kennedy candidly acknowledged his need to be more sensitive on this type of issue in the future.

Mr. President, I hope that the problems that continued membership in discriminatory private clubs pose for individuals like Judge Kennedy who aspire to positions of public confidence will help bring additional pressure upon these organizations to abandon such discrimination. The subtle and not-so-subtle adverse impact that these discriminatory membership policies have upon women and minorities, particularly in their professional relationships with colleagues and business associates, needs to be ended. Judge Kennedy's resignations, although belated, underscores the unacceptability of continuation of this type of discriminatory policy.

There has also been justifiable concern expressed by a number of civil rights organizations, including several leading Hispanic groups in California, about a pattern of decisions rejecting the claims of civil rights litigants, often on procedural or technical grounds. Particularly disturbing is Judge Kennedy's decision in the TOPIC versus Circle Realty case, denying standing to individuals in a

housing discrimination case. That decision, rejected by the Supreme Court in a 7-to-2 opinion authored by Justice Powell, suggests a failure to recognize the importance of rectifying racial discrimination by aggressive enforcement techniques. Similarly, his concurrence in affirming a summary judgment in a key voting rights case, Aranda versus Van Sickle, suggests a failure to afford the plaintiffs the full opportunity to establish their claims of discrimination. The summary disposition of many of the factual issues—found in favor of the plaintiffs by the trial court—in the case involving wage discrimination, AFSCME versus State of Washington, is also of concern. In other discrimination cases, Judge Kennedy has authored opinions barring litigants from pursuing their cases because of procedural problems, for example, EEOC versus Alioto Fish Co.

Nevertheless, balanced against these cases are several civil rights decisions by Judge Kennedy protecting the interests of minority litigants. In particular, Flores versus Pierce, a case involving discrimination by local elected officials against Hispanic restaurant owners, can be cited as an example of Judge Kennedy affirmatively upholding a civil rights complaint.

Mr. President, I am disturbed that Judge Kennedy's application of narrow procedural rules has served in so many cases to bar civil rights litigants from establishing their claims. Yet, as Professor Tribe testified, in none of these decisions is there any "evidence of antipathy to fundamental constitutional principles."

It is my belief that Judge Kennedy needs to become more sensitive to the more sophisticated aspects of discrimination in our society and to become more receptive to the need to implement vigorous enforcement techniques designed to root out and bring an end to the invidious discrimination which continues to plague our Nation. Broad antidiscrimination policies will have little impact if procedural obstacles bar implementation of those policies.

I do, nevertheless, see in Judge Kennedy the capacity to grow and become more acutely aware of these problems and the role that the courts must play in protecting civil rights.

Finally, Mr. President, it should be noted that Judge Kennedy received a unanimous well qualified rating by the American Bar Association—its highest rating.

CONCLUSION

Mr. President, a Senator's task in voting upon a nomination to the Supreme Court is not to determine whether that nominee might be one selected by the particular Senator or whether the nominee is sufficiently "liberal" or "conservative." Nor, indeed, should the vote rest upon an assessment of how the nominee will vote upon any single given issue.

The task is to determine, first, whether the nominee possesses the basic qualities of intellect, objectivity, and temperament required for the High Court, and, then, to ascertain whether the nominee understands and is committed to fundamental constitutional values and principles and appreciates the important role of the judiciary in defending constitutional rights and liberties.

I believe that Judge Kennedy meets each of these tests.

When President Reagan first announced his selection of Anthony Kennedy, I noted that the last Californian to sit on the Supreme Court was Chief Justice Earl Warren, who wrote the unanimous decision in Brown versus Board of Education. The Brown decision brought an end to racial segregation in this Nation and helped set a course for civil rights and individual liberty leading to a better and more just society for all Americans. I said that I hoped that Judge Kennedy's commitment to individual rights and equal justice measures up to the standards set by his predecessor from our great State.

I think Judge Kennedy has the intellect, the compassion, and the courage needed to help move our Nation forward as we confront the great issues ahead. I hope that he will fulfill that role and that history will mark his confirmation as part of a continuing march toward a better and more just society.

Mr. DOLE. Mr. President, it has now been more than 7 months since Justice Lewis F. Powell, Jr., announced his retirement from the Supreme Court. In that period of time, we in the Senate have gone through some amazing maneuvers in attempting to carry out our constitutional obligation of "advice and consent." Some experts say that, for better or for worse, we may have altered forever the way we choose the members of our Highest Court.

It is tempting, at this time, to talk about a nomination that is no longer before us; to question the fairness of a process that rejected an extraordinary scholar and jurist. I, for one, will resist that temptation, because raising those questions again will only detract from the extraordinary accomplishments of the man whose nomination is before us.

When Judge Anthony Kennedy was nominated to fill the vacancy on the Supreme Court, he faced a frightening array of obstacles. Some people openly speculated that no nominee could pass muster under the standards that had been applied to the two previous nominees. Others speculated that even a safe nomination could become hopelessly entangled in election-year politics.

Judge Kennedy, who by that time had compiled an impressive record as a lawyer, a teacher, and a judge, quickly put those doubts to rest. His appearance before the Judiciary Committee was masterful, silencing his early critics with keen thinking, and a clear sense of balance. The Judiciary Committee rewarded him with its unanimous "favorable recommendation," a result that had seemed almost unattainable at the outset of the process.

In my opinion, we cannot confirm Judge Kennedy too quickly. Since it opened its term in October, the Supreme Court has divided evenly on two important cases. More such confusing results may already be in the works. This country certainly deserves better than that.

More particularly, however, Judge Kennedy deserves to sit on that Court. He has proven his qualifications under the most difficult circumstances, and should receive the support and gratitude of every Member of this body.

I urge his unanimous confirmation.

Mr. KERRY. Mr. President, I support the nomination of Judge Anthony M. Kennedy to the Supreme Court of the United States. I do so not because I agree with Judge Kennedy on every issue, but because I believe that he is a thoughtful, moderate jurist who is within the mainstream of American judicial thought. I believe that Judge Kennedy will bring a reasoned, careful, case-by-case approach to the Supreme Court, much like that of his predecessor on the Court, Justice Lewis Powell.

I opposed the nomination of Judge Robert Bork to the Supreme Court because I felt that his writings as a law professor and a judge showed him to be outside the mainstream of American thought on issues of civil rights and civil liberties. His views did not reflect the consensus of the American people on these issues. For these reasons, Judge Bork's nomination was rejected by the Senate by a large margin.

Judge Kennedy, however, is much different in his approach from Judge Bork. One example is the right to privacy. Although not enumerated specifically in the Constitution, the Supreme Court has found an implicit right to privacy in the Constitution. Judge Bork rejected that concept and that precedent. Judge Kennedy respects it. He does recognize a right to privacy as implicit in the Constitution, and he so stated during his confirmation hearings in December. This is a major and important difference between Judge Kennedy and Judge Bork.

I do have some concerns about Judge Kennedy, particularly some of his past decisions in the area of civil rights and civil liberties.

For example, I have questions about his decision in Beller versus Middendorf, where Judge Kennedy authored an opinion upholding the constitution-

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ality of Navy regulations providing for the discharge of those who engage in homosexual activities. While I agree with Judge Kennedy that there must be a "reasonable effort to accommodate the needs of the government with the interests of the individual," I am not convinced that this case strikes such a balance.

Also, in U.S. versus Leon, Judge Kennedy dissented from the majority's holding which affirmed the suppression of evidence in a drug case and refused to recognize a so-called "good faith" exception to the exclusionary rule. In U.S. versus Cavanaugh, Judge Kennedy upheld the legality of electronic surveillance by the FBI of an engineer who was suspected of espionage. And in AFSCME versus State of Washington, Judge Kennedy authored an opinion reversing a district court judge who found discrimination by Washington State against its female employees on the basis of "comparable worth."

I might have decided these cases differently than Judge Kennedy. But I believe that, on balance, his decisions were reasonable ones, based on his perception of the merits of each case, and not on some overeaching ideological theory or doctrine. Judge Kennedy's approach is one that I believe is appropriate for a Supreme Court Justice.

Judge Kennedy has been on the Federal bench for 12 years, and has authored over 400 opinions. He enjoys the respect of his colleagues. The American Bar Association has given Judge Kennedy its highest rating. His nomination has been reported out favorably, and unanimously, by the Senate Judiciary Committee. While I am concerned by the fact that respected groups such as Americans for Democratic Action and the National Organization of Women have decided to oppose his nomination, I believe that his nomination is as good as we are likely to get from this administration, and is better than most.

In a 1980 speech on presidential powers, Judge Kennedy said, "My position has always been that as to some fundamental constitutional questions, it is best not to insist on definitive answers. The constitutional system works best if there remain twilight zoners of uncertainty and tension between the component parts of the Government. The surest protection of constitutional rule lies not in definitive announcements of power boundaries, but in a mutual respect and deference among all the component parts."

That is a reasonable and thoughful view of our system of government, one which I can support. Unlike Judge Bork, Anthony Kennedy is not a judicial activist. He does not have a radical agenda. From all that his record permit us to determine, he is a judicial moderate, well within the mainstream of the judiciary. For these reasons, I will vote to confirm Judge Kennedy as an Associate Justice of the Supreme Court.

I ask unanimous consent that an article from the December 1, 1987, New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 1, 1987]

SPEECHES OFFERING INSIGHT INTO JUDGE KENNEDY

(By Stuart Taylor, Jr.)

WASHINGTON, Nov. 30.—Speeches written over the years by Judge Anthony M. Kennedy show that he has expressed cautious skepticism about whether the Constitution protects sexual privacy and other rights not actually spelled out in the text.

Judge Kennedy, President Reagan's Supreme Court nominee, has also questioned some decisions of the Supreme Court headed by Chief Justice Earl Warren expanding procedural protections for criminal defendants and aspects of the Court's handling of the 1974 Nixon tapes case.

But in none of the 20 speech texts obtained by The New York Times has Judge Kennedy stated flatly that the Court's privacy decisions have been wrong, or argued for overruling any of the decisions. His overall tone in the addresses to groups such as fellow judges, graduating law students and Rotary clubs has been one of moderation, subtlety and respect for tradition and precedent.

MOST PREVIOUSLY UNPUBLISHED

The speech texts, which span the period from 1975 to last month and served as guidelines for the judge's remarks, were provided by the Reagan Administration to the Senate Judiciary Committee late today. Most of them have not previously been published. They will provide grist for questioning when hearings on his nomination begin Dec. 14.

Judge Kennedy's speech texts provide the most detailed insights so far into his overall judicial philosophy, and shed new light on his views about issues ranging from judicial enforcement of "unenumerated" constitutional rights to the rights of crime victims and criminal defendants, Presidential powers, federalism, the Bernhard Goetz case and other issues.

In a 1986 speech discussing "unenumerated rights," including the right to sexual privacy, Judge Kennedy said undue judicial activism in this area undermined representative government and the court's claim to be a neutral arbiter.

The speech texts are generally consistent with the image of the 51-year-old Sacramento jurist as a thoughtful, moderate man who is considered likely to win overwhelming Senate confirmation next year.

Judge Kennedy, like President Reagan and Attorney General Edwin Meese 3d, has repeatedly called in his speeches for "judicial restraint" and fidelity to the Constitution's language and history, and has warned against "the raw exercise of political power by courts."

In a 1984 speech, he said: "My own judicial philosophy has been described by others as conservative, and therefore unlikely to accept doctrines which substantially expand the role of the courts. None of us like a simple label to explain our thought, but the description is probably apt as a general rule."

But none of his speech texts mount the kind of broad attack on the modern Supreme Court, or sound the kind of clarion call for a return to the "original intent" of the framers of the Constitution, that marked the writings and speeches of Judge Robert H. Bork, and that contributed to the 58 to 42 Senate rejection of his nomination.

And some of Judge Kennedy's statements contrast with those of Judge Bork, both on particular issues and on broader philosophical approaches to constitutional law.

Judge Bork had worked out an overarching constitutional philosophy that led him to condemn much of modern constitutional law with an air of certitude that some critics called arrogance.

Judge Kennedy's speeches, on the other hand, repeatedly sound the theme that neither he nor, perhaps, anyone else can plumb all the Constitution's ambiguities or provide definitive answers to the hardest questions it poses—such questions as how far the Supreme Court should go in restraining majority rule, and how powers over foreign affairs should be allocated between the President and Congress.

"TWILIGHT ZONES OF UNCERTAINTY"

"My position has always been that as to some fundamental constitutional questions, it is best not to insist on definitive answers," he said in the text of a 1980 speech on Presidential powers.

"The constitutional system works best if there remain twilight zones of uncertainty and tension between the component parts of the government. The surest protection of constitutional rule lies not in definitive announcements of power boundaries but in a mutual respect and deferrence among all the component parts."

In an August 1987 speech to a Federal judicial conference in Hawaii, he observed that "it's necessary to develop a theory of constitutional interpretation" that respects the intentions of the framers of the Constitution and confines judges, but that "it's far easier to point out the defects in someone else's theory than to defend the merits of your own."

Judge Kennedy is said by acquaintances to be widely read in American constitutional history, and there is much evidence of this in his speech texts. They are studded with references to little-known but telling historical details and with apt quotations from the writings of political and judicial figures including James Madison, Alexander Hamilton, George Mason, Oliver Wendell Holmes and others, as well as from literary figures ranging from John Keats to Sigmund Freud to Jeremy Bentham.

According to one former law clerk, Judge Kennedy has typically prepared his speech texts himself, rather than having them drafted by law clerks. He has used them as rough outlines rather than reading them aloud verbatim. And he has declined to publish them in law reviews because he had not polished them to his satisfaction.

STANFORD SPEECH CITED

Judge Kennedy's most detailed discussion of the Supreme Court's decisions enforcing a right to sexual and family privacy came in a 1986 paper prepared in connection with lectures at Stanford University Law School.

Judge Kennedy's Stanford lecture suggests the Court should not "announce in a categorical way that there can be no unenumerated rights" in the Constitution that judges can enforce, and in this and other

contexts he has made seemingly approving references to some of the Court's decisions protecting family privacy.

But in contrast to some liberal jurists, Judge Kennedy stressed "the difficulties encountered in defining fundamental protections that do not have a readily discernible basis in the constitutional text," including sexual privacy, the right to travel and certain voting rights the Court has recognized.

Among those difficulties, he said, are the problem of judicial interference with the responsibilities of elected officials to "determine the attributes of a just society" and the imperative that "the constitutional text and its immediate implications, traceable by some historical link to the ideas of the framers, must govern the judges."

NO SPECIFIC VIEW ON ABORTION

Judge Kennedy's speech texts contain no specific discussion of the Court's decisions protecting rights to abortion and contraception.

One of his recurring themes is, as he put it in his 1986 Stanford lecture: "One can conclude that certain essential, or fundamental, rights should exist in any just society. It does not follow that each of those essential rights is one that we as judges can enforce under the written Constitution. The Due Process Clause is not a guarantee of every right that should inhere in an ideal system."

In other speeches, Judge Kennedy has made these points:

He said in his 1980 speech on presidential powers that "the noble but general phrases of the Constitution do not by themselves provide the answers to the questions whether the Chief Executive has exceeded the bounds of his constitutional authority." He added that the course of history and the necessities of modern life have dictated that "great powers flow to the President in foreign affairs," subject to "the authority of Congress to issue corrective instructions in appropriate cases."

In the same speech, Judge Kennedy said "there is room for argument about the wisdom" of the extraordinary procedure by which the Supreme Court expedited a case pending in a lower court in order to require President Nixon to surrender the Watergate tapes to a special prosecutor in 1974. He suggested it might have been better to wait and let Congress solve "its own problem with the Executive" over Watergate, which was the subject of impeachment proceedings. But he did not say the Court should have upheld Mr. Nixon's refusal to surrender the tapes.

In a March 1987 speech in New Zealand, Judge Kennedy denounced the callousness of the criminal justice system towards the victims of crimes and suggested that while expanding defendants rights in the 1960's the Supreme Court had slighted the problems of victims.

In the same speech, noting the "disturbing" public sympathy for Bernard Goetz, who shot four youths in the subway in fear they might assault him, the nominee said "the public acclaim with which Goetz' actions were received in some quarters indicates that the present criminal justice system breeds disrespect for the rule of law."

In a 1981 law school commencement speech, Judge Kennedy said "some of the refinements we have invented for criminal cases are carned almost to the point of an obsession." He did not specfy which refinements he meant.

EXCERPTS FROM 2 KENNEDY SPEECHES

The imperatives of judicial restrain spring from the Constitution itself, not from a particular judicial theory. The Constitution was written with care and deliberation, not by accident. . . . The constitutional text and its immediate implications, traceable by some historical link to the ideas of the Framers, must govern the judges. . . . If these principles do not provide fixed boundaries for judicial interpretation in constitutional cases, at least two systemic failures become manifest in the operation of checks and balances.

First, the political branches of the government will misperceive their own constitutional role, or neglect to exercise it. If the judiciary by its own initiative or by silent complicity with the political branches announces unenumerated rights without adequate authority, the political branches may deem themselves excused from addressing constitutional imperatives in the course of the legislative process. This would be a grave misallocation of power. . . . The courts must never be an accomplice to a regrime that erodes the initiative or the power of the political elements in the constitutional system.

The second injury to the constitutional order is done to the judiciary itself.

* * * * *

It is a great irony of contemporary history that those who argue most passionately for creative judicial intervention in effect advocate abolition of an independent, nonelected judiciary. The unrestrained exercise of judicial authority ought to be recognized for what it is: the raw exercise of political power. If in fact that is the basis of our decisions, then there is no principled justification for our insulation from the political process.

Finally, I am unconcerned that there is a zone of ambiguity, even one of tension, between the courts and the political branches over the appropriate bounds of government power. Uncertainty is itself a restraint on the political branch, causing it to act with deliberation and with conscious reference to constitutional principles. I recognize, too, that saying the constitutional text must be our principal reference is in a sense simply to restate the question what that text means. But uncertainty over precise standards of interpretation does not justify failing in the attempt to construct them, and still less does it justify flagrant departures.

"Unenumerated Rights and The Dictates of Judicial Restraint," Stanford University, July 1986.

An essential purpose of the criminal justice system is to provide a catharsis by which a community expresses its collective outrage at the transgression of the criminal. It does not do to deny that same catharsis to the member of the community most affected by the crime. A victim's dissatisfaction with the criminal justice system, therefore, represents a failure of the system to achieve one of the goals it sets for itself.

The victim's dissatisfaction with the system is more than a symptom of failure; it is a threat to the system itself. We must rely on victims to report crimes and to testify against criminals. This participation is essential if we are committed to the presumption of innocence. Citizen participation is a necessary counterweight to a pervasive police presence. Yet the fact is that victims often fail to report crimes because they do not expect the authorities to be responsive.

Another, disturbing outgrowth of a system's lack of concern or protection for victims is the temptation of the victim to take the law into his own hands. Perhaps you are familiar with the celebrated case of Bernard Goetz, the subway vigilante in New York City. He had responded with gunfire when four would-be attackers accosted him and requested five dollars. . . . Lost in the nationwide publicity over the event was the fact that Goetz had been mugged three years earlier in another subway incident, and his only communication from the law enforcement authorities was an offer to mediate his dispute with the mugger. Was this the treatment that in Goetz' eyes justified distrust of the criminal justice system to protect his interests? Equally disturbing is that Goetz emerged from the subway incident as a hero in the eyes of a large portion of the citizenry, the victim who finally fought back. If the rule of law means that citizens must forgo the use of private violence in return for the state's promise of protection, then the public acclaim with which Goetz' actions were received in some quarters indicates that the present criminal justice system breeds disrespect for the rule of law.

The focus on the public aspect of criminal justice system was also manifested in the criminal law and criminal procedure revolution of the 1960's. The significant criminal law decisions of the Warren Court focused on the relation of the accused to the state, and the police as an instrument of the state. Little or no thought was given to the position of the victims.

Mr. DIXON. Mr. President, I rise to support the nomination of Anthony Kennedy to be a Justice on the Supreme Court of the United States.

I do not object to the nomination of judicial conservatives to the Supreme Court. I tend to believe that the President is entitled to nominate those that share his philosophy, and I have voted for judicial conservatives in the past. When I voted against the nomination of Judge Robert Bork, I opposed him not because he was a judicial conservative, but because I had serious questions about his views on fundamental constitutional issues: The interaction between the powers of Government and individual liberties and the role he sees for the Court in protecting individual rights guaranteed by our Constitution. I concluded that his view of the Constitution leads to a much more cramped and narrow view in many important areas including civil rights and the right to privacy. These views had no place on the Highest Court of the land responsible for the interpretation of the Constitution.

In contrast, I feel very comfortable with Judge Kennedy's fundamental views on the Constitution and the role it plays in our society. During his confirmation hearing, he stated:

> I do not have an overarching theory, or a unitary theory of interpretation. I am searching * * * for the correct balance in Constitutional interpretation.

When commenting directly on the Constitution and the role of the Supreme Court in applying its provisions, he said:

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> The Court can use history in order to make the meaning of the Constitution more clear. As the Court has the advantage of a perspective of 200 years, the Constitution becomes clearer to it, not more murky * * *. This does not mean the Constitution changes. It just means that we have a better perspective of it * * *. To say that new generations yield new insights and new perspectives, that doesn't mean that our Constitution changes. It just means that our understanding of it changes.

I commend Judge Kennedy for his clearly developed understanding of constitutional interpretation that is consistent with the history and tradition of the Supreme Court and this Nation.

His intellectual and judicial credentials are also impressive. He graduated with distinction from Stanford University in 1958. In 1961, he graduated cum laude from Harvard Law School. Kennedy then practiced law in California until 1975, when President Ford appointed him to the U.S. Court of Appeals for the Ninth Circuit, a position he has held since that time. Over the last 12 years on the court he has participated in more than 1,400 decisions and authored over 400 published opinions.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously gave Judge Kennedy their highest rating of "well qualified." Based on its investigation, the committee stated that his—

> Integrity is beyond reproach, that he enjoys justifiably a reputation for sound intellect and diligence in his judicial work and that he is uniformly praised for his judicial temperament.

The committee went on to conclude that Judge Kennedy—

> Is among the best available for appointment to the Supreme Court of the United States from the standpoint of professional competence, integrity and judicial temperament.

These are very strong words of praise.

On January 27, 1988, after careful scrutiny of his credentials, the Senate Judiciary Committee voted unanimously to report Judge Kennedy's nomination with a favorable recommendation. This recommendation is a particularly strong testimony of Judge Kennedy's qualifications, given the broad range of political philosophy represented by the committee members.

Mr. President, I firmly believe that Judge Kennedy's record and views warrant his confirmation by the Senate. I believe he will be a very favorable addition to the Supreme Court.

Mr. MURKOWSKI. Mr. President, today this body shall vote on whether to confirm Judge Anthony M. Kennedy as a U.S. Supreme Court Justice in order to fill the seat vacated by Justice Lewis F. Powell, Jr. I ask that my colleagues join me in supporting Judge Kennedy's confirmation.

At 51 years of age, Judge Kennedy has a broad background rich in judicial experience, legal practice, constitutional law, and academic scholarship.

He has attended some of our country's finest schools, earning degrees at Stanford University and Harvard Law School. For 12 years he has been a Federal appeals court judge for the Ninth U.S. Circuit Court of Appeals, having written some 450 legal opinions. Before that time he practiced law for some 14 years in northern California. He has also been a professor of constitutional law since 1965 at McGeorge School of Law in Sacramento, CA.

The American Bar Association has unanimously endorsed Judge Kennedy, giving him its highest rating.

During his tenure as a Federal appeals court judge he has dealt with a myriad of complex legal issues involving fundamental clashes between legitimate Government interests and inherent personal freedoms. Experts who have analyzed these cases have found his decisions balanced, well-reasoned, temperate, and fair. They also have found him difficult to lable or predict. This makes him a fitting choice for what many believe may be a key "swing vote."

Judge Kennedy does not adhere to, or profess to hold any overriding constitutional philosophy. In his own words he is still searching for a "correct balance" of interpretation over the principles of order and liberty. Because he is not so predisposed, those who will come before him can be assured that he will let the facts shape his decisions.

He prefers narrow judicial rulings and seeks to address only the issues necessary to resolve a case. He is also inclined to defer to the political process, if possible. This practice of restraint is consistent with his distain for judges who use cases to make policy or let personal views influence court ruling. It also helps preserve such cherished American principles of separation of powers and checks and balances.

Although Judge Kennedy's views on the first and 14th amendments, and privacy guarantees, do not fall into predictable patterns they are nevertheless in keeping with acceptable traditional notions of proper constitutional interpretation.

He sees the Court's role as paramount in safeguarding personal individual freedoms. He believes privacy is an integral part of liberty protected under the due process clause. He is particulary sensitive to discrimination problems, recognizing that subtle barriers in the form of indifference and insensitivity can often inhibit equality of advancement.

Political speech is viewed by judge Kennedy as central to the democratic process, and that protected speech can take on many forms of expression.

While Judge Kennedy holds no fixed views per se, he places a high premium on the importance of judges adhering to precedent for with it comes stability, an understanding of what is expected, and a respect for law.

Mr. President, I am confident that our country will be well-served by Judge Kennedy as a U.S. Supreme Court Justice. His record, background, and character make ready to take on the challenges of maintaining the delicate balance between order and liberty.

Mr. DODD. Mr. President, I rise to express my support for the nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court.

Like all of my colleagues, I approach the question of the confirmation of Judge Kennedy with enormous seriousness and solemnity. As Senators, we all bear a tremendous responsibility to fulfill our constitutional duty to provide advice and consent to the President of the United States—and to the American people—on judicial nominations.

As I stated some months ago during the debate on the nomination of Judge Bork, a Supreme Court Justice has an unparalleled opportunity to influence the most critical issues facing this and future generations of Americans. Moreover, I believe that the Court now may be at a pivotal point in which the future direction of our law is at stake.

Therefore, the vote on Judge Kennedy's nomination clearly is one of the most important and far-reaching votes that any Member of this body will ever make.

The crucial question for me in considering a Supreme Court nomination always has been whether the nominee is capable of and committed to upholding the Constitution of the United States, and protecting the individual rights and liberties guaranteed therein.

I voted against the confirmation of Judge Bork. I did so not because Judge Bork is a conservative jurist, but because I concluded that his views are totally out of step with many of our fundamental constitutional values and that his confirmation was not in the best interest of the United States.

Judge Kennedy also is conservative. I do not agree with everything Judge Kennedy has said or written, and I fully expect to disagree with some of the opinions he likely would write and votes he likely would cast as a Supreme Court Justice.

However, while he is conservative and possesses views with which I disagree, I believe that Judge Kennedy's considerable intellectual strengths are coupled with a deep and abiding commitment to fundamental constitutional values and principles.

Although I disagree with Judge Kennedy's judicial philosophy in certain areas, such as civil rights protection for women and minorities, I find that his approach to liberty and fundamental rights generally is within the tradition of Supreme Court jurisprudence.

Judge Kennedy has no single, immutable, or overarching theory for interpreting the Constitution but instead, is devoted to a principled search for the correct balance in constitutional interpretation. Throughout his career on the Federal bench, Judge Kennedy has demonstrated that he is open-minded and intellectually flexible.

The picture of Judge Kennedy that emerges as a result of the Judiciary Committee's investigation and hearings is that of a judge who issues well reasoned opinions premised on scrupulously careful analysis of Supreme Court precedents and close attention to factual variations and competing interests. Moreover, his testimony before the committee established that he respects a continuous evolution of constitutional doctrine.

On balance, the evidence I have reviewed indicates that Judge Kennedy would serve with distinction and would work to preserve and protect our fundamental constitutional values, if confirmed as a Justice of the Supreme Court. There is no indication that his approach to the Constitution, or to the Court's role in enforcing it, would unravel the settled fabric of constitutional law.

Thus, despite my differences with some of his views, I urge the Senate to confirm the nomination of Judge Kennedy to be an Associate Justice of the Supreme Court.

Mr. WALLOP. Mr. President, I rise today to express my strong support for the confirmation of Anthony Kennedy to be an Associate Justice of the Supreme Court. This vote today marks the end of a long, often contentious and vindictive struggle to fill this vacancy. We rejected one eminently, superbly qualified man. Another stepped aside.

Now, some 7 months after Justice Powell announced his retirement, we are ready to confirm Judge Kennedy. It is worth noting that by the time the new Justice takes his place on the High Court, nearly half of the cases set for argument this term will have been heard.

Clearly, the time for confirmation of a new Justice has not only come, it is long overdue. I am, however, pleased that the Judiciary Committee and the Senate have heeded President Reagan's call in his State of the Union Message to act quickly on the backlog of judicial nominations by bringing Judge Kennedy's nomination to the floor in a timely manner.

The venom and rancor that characterized the Bork nomination have been mercifully absent from the Kennedy nomination process. Miraculously, the Senate seems to have regained its equilibrium and its common sense since October and is again willing to evaluate a judicial nominee on the basis of a consistent standard of competence for the job, rather than whether he passes the political litmus test of a certain set of interest groups.

I continue to be distressed by the double standard so blatantly adhered to by the Senate in its consideration of that nomination. I am thankful that the Senate has seen fit to exercise its advise and consent role in the Kennedy nomination in a more reasoned manner. I hope that will continue to be the case with future nominations that come before this body.

Judge Kennedy brings to the High Court an impeccable set of credentials, and his relative youth, at age 51, will ensure that he will serve the Court and the Nation for many years to come. He has practiced as a private attorney, has taught at the McGeorge School of Law at the University of the Pacific since 1965 and has served on the Ninth Circuit Court of Appeals for 12 years. He has built a reputation with his colleagues from all walks of life as fair, scholarly, and of unquestioned integrity. He has participated in over 1,400 cases during his tenure on the bench and has authored some 400 opinions.

During the Senate Judiciary hearings, Anthony Kennedy forcefully demonstrated his respect for judicial restraint and his conviction that the law should be interpreted, rather than legislated, by the courts. He clearly has the temperament and the wisdom to serve the Supreme Court with tremendous distinction. I am honored to support this impressive nominee and I urge all of my colleagues to vote in favor of his confirmation.

Mr. SASSER. Mr. President, I rise today to support the nomination of Judge Anthony M. Kennedy for a seat on the Supreme Court.

It is critical that this seat be filled. It is true that the Court can, and has, functioned for fairly long periods of time with less than a full complement of Justices. However, it is always an undesirable situation. A decision by a less than full Court often leaves a gray cloud of uncertainty in important areas of the law.

Plaintiffs and defendants alike are left with doubts as to what the outcome of a case would have been if it had been argued before a full Court. Potential litigants with similar cases are tempted to bring additional cases in the hope that a new Justice will bring a different chemistry to the Court and that they will achieve a different result.

This is particularly true when, as now, the Court is sharply divided on many issues. We have seen numerous cases in the past few years resolved by a one-vote margin. And cases this term which raise important constitutional issues have been decided—if that is the right word—on a tie vote.

So, I am pleased that the President has finally sent us a nominee who can achieve broad support in the Senate.

In keeping with my practice on judicial nominations, I have waited until after the hearings have been completed before announcing my decision. I have carefully reviewed the hearing record and Judge Kennedy's record on the Ninth Circuit Court of Appeals.

I find that his opinions are well-reasoned and firmly grounded in established constitutional doctrine. They show an appreciation for the intent of the Founding Fathers as well as a awareness of 200 years of the American constitutional experience. That does not mean that I agree with every opinion that Judge Kennedy has handed down. However, I do believe that he has shown a commitment to the fundamental rights and liberties that Americans believe are guaranteed by the Constitution—the right to privacy, civil rights, and equal justice under the law.

Judge Kennedy comes to the Senate for confirmation after a long and distinguished record on the bench. He is a graduate of Stanford University and Harvard Law School. He also studies at the London School of Economics. In 1976, he was appointed to the Ninth Circuit Court of Appeals.

During his time on that court, he has authored numerous opinions. The reasoning in some of them was later adopted by the Supreme Court. This shows two things, I believe. First, it indicates that he is firmly in the mainstream of constitutional interpretation and constitutional doctrine. Second, it offers the hope that he will be a Justice that can mold a consensus on the Court.

This latter point is more important than appears at first glance. It is often a critical role on the Court—especially a Court as divided as the present Court has been in recent years. As I said earlier, a sharply divided Court speaks with a divided voice. It leaves Americans unsure of exactly where their constitutional liberties begin and end.

The Supreme Court is a crucial element in our democratic fabric. It is living proof that the bar of justice is open to all. That every citizen may have his or her day in court and the opportunity for the protection of his or her individual rights. For many of our citizens, who may well have exhausted all other means of redress, it is indeed the Court of last resort.

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So, with that, Mr. President, I congratulate Judge Kennedy on his confirmation and I wish him well in the important though difficult work on which he is about to embark.

Mr. KERRY. Mr. President, I support the nomination of Judge Anthony M. Kennedy to the Supreme Court of the United States. I do so not because I agree with Judge Kennedy on every issue, but because I believe that he is a thoughtful, moderate jurist who is within the mainstream of American judicial thought. I believe that Judge Kennedy will bring a reasoned, careful, case-by-case approach to the Supreme Court, much like that of his predecessor on the Court, Justice Lewis Powell.

I opposed the nomination of Judge Robert Bork to the Supreme Court because I felt that his writings as a law professor and a judge showed him to be outside the mainstream of American thought on issues of civil rights and civil liberties. His views did not reflect the consensus of the American people on these issues. For these reasons, Judge Bork's nomination was rejected by the Senate by a large margin.

Judge Kennedy, however, is much different in his approach from Judge Bork. One example is the right to privacy. Although not enumerated specifically in the Constitution, the Supreme Court has found an implicit right to privacy in the Constitution. Judge Bork rejected that concept and that precedent. Judge Kennedy respects it. He does recognize a right to privacy as implicit in the Constitution, and he so stated during his confirmation hearings in December. This is a major and important difference between Judge Kennedy and Judge Bork.

I do have some concerns about Judge Kennedy, most particularly about some of his past decisions in the area of civil rights and civil liberties.

For example, I have questions about his decision in Beller versus Middendorf, where Judge Kennedy authored an opinion upholding the constitutionality of Navy regulations providing for the discharge of those who engage in homosexual activities. While I agree with Judge Kennedy that there must be "a reasonable effort to accommodate the needs of the government with the interests of the individual," I am not convinced that this case strikes such a balance.

Also, in U.S. versus Leon, Judge Kennedy dissented from the majority's holding which affirmed the suppression of evidence in a drug case and refused to recognize a so-called good faith exception to the exclusionary rule. In U.S. versus Cavanaugh, Judge Kennedy upheld the legality of electronic surveillance by the FBI of an engineer who was suspected of espionage. And in AFSCME versus State of Washington, Judge Kennedy authored an opinion reversing a district court judge who found discrimination by Washington State against its female employees on the basis of "comparable worth."

I might have decided these cases differently than Judge Kennedy. But I believe that, on balance, his decisions were reasonable ones, based on his perception of the merits of each case, and not on some overarching ideological theory or doctrine. Judge Kennedy's approach is one that I believe is appropriate for a Supreme Court Justice.

Judge Kennedy has been on the Federal bench for 12 years, and has authored over 400 opinions. He enjoys the respect of his colleagues. The American Bar Association has given Judge Kennedy its highest rating. His nomination has been reported out favorably, and unanimously, by the Senate Judiciary Committee. While I am concerned by the fact that respected groups such as Americans for Democratic Action and the National Organization of Women have decided to oppose his nomination, I believe that his nomination is as good as we are likely to get from this administration, and is better than most.

In a 1980 speech on Presidential powers, Judge Kennedy said, "My position has always been that as to some fundamental Constitutional questions, it is best not to insist on definitive answers. The Constitutional system works best if there remain twilight zones of uncertainty and tension between the component parts of the government. The surest protection of constitutional rule lies not in definitive announcements of power boundaries, but in a mutual respect and deference among all the component parts."

That is a reasonable and thoughtful view of our system of government, one which I can support. Unlike Judge Bork, Anthony Kennedy is not a judicial activist. He does not have a radical agenda. He is a judicial moderate, well within the mainstream of the judiciary. For these reasons, I will vote to confirm Judge Kennedy as an Associate Justice of the Supreme Court.

Mr. ADAMS. On January 27, the Judiciary Committee voted to recommend the confirmation of Judge Anthony Kennedy to fill the vacancy on the Supreme Court. While Judge Kennedy would not have been the individual I would have chosen to replace Justice Lewis Powell, I believe he has the requisite integrity, intelligence and fair mindedness to be a Justice of the Supreme Court.

During the Judiciary Committee hearings, Judge Kennedy was forthright and articulate in expressing his views and describing his judicial philosophy. I do not agree with him on every issue. For example, I believe that his decision in the Washington State comparable worth case, AFSCME versus State of Washington, was wrong. Despite these differences, however, Judge Kennedy has displayed sensitivity to the rights of individuals in our society and the role of the courts in protecting our cherished liberties. For these reasons, I will vote to confirm Judge Kennedy to the Supreme Court.

The advice and consent responsibility of the U.S. Senate requires each Senator to make a searching inquiry into each nominee's qualifications and come to an independent judgment on his or her fitness for the Federal judiciary. I made this inquiry with Judge Bork, who I felt was not qualified to become a Supreme Court Justice, and now with Judge Kennedy. I will continue to exercise my judgment in scrutinizing future Reagan nominations.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I believe we have 3 minutes left. I yield that time to Senator WILSON from the home State of the nominee.

Mr. WILSON. Mr. President, it is little wonder that victims of crimes often fail to report crimes, as Judge Kennedy has noted, because the criminal justice system's failure to care about victims has become widely perceived, if not in fact, at least in belief. Too often that belief has inspired public doubt that true justice will be done.

The concern that Judge Kennedy has expressed so eloquently is appropriate not only for those of us entrusted with making the law but clearly for judges who apply it, and certainly appropriate for those whose duty it is to test the law against the Constitution.

I said a moment ago that he would provide leadership. He has done so already. In the Chadha decision, Mr. President, he corrected congressional overreaching and said that the legislative veto that we had enacted intruded upon the province of the other two branches.

In the United States versus Leon, Judge Kennedy's dissent in the ninth circuit in fact became the basis for the majority opinion by the Supreme Court overturning the ninth circuit and establishing as a principle that good-faith errors on the part of law enforcement when they do not invalidate the evidence will not cause it to be excluded. Time and again, he has demonstrated a concern for victims as well as those who in good faith seek to protect society against criminals, set forth in an eloquent style and upheld by an even more important philosophy.

It is not enough, Mr. President, that the Supreme Court have those who will simply serve. It must have people, certainly every now and again, of the caliber of Anthony Kennedy. People

who can, in fact, provide the kind of leadership that is essential to the rule of law in America.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. Mr. President, we are going to vote soon.

I would note that the chairman of the Senate Judiciary Committee is not here because of an illness. I know how personally disappointing that must be to him. We would not be here at this time without the leadership of Senator BIDEN, who has carefully brought these hearings to fruition, moved them through expeditiously, in a way so that all sides could be heard. I think the fact that this nomination is here in such good shape is a tribute to Senator BIDEN.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

The hour of 10:30 having arrived, the question is will the Senate advise and consent to the nomination of Anthony M. Kennedy, of California, to be an Associate Justice of the Supreme Court.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] and the Senator from Tennessee [Mr. GORE] would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 16 Ex.]

YEAS—97

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NOT VOTING—3

Biden
Gore
Simon

So the nomination was confirmed.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 30 minutes.

The majority leader.

RECESS UNTIL 11:45 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 45 minutes.

There being no objection, the Senate, at 11 a.m., recessed until 11:45 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SHELBY].

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, what is the pending business before the Senate, if any, at the moment?

The PRESIDING OFFICER. Morning business has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for an additional 30 minutes and that Senators may speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOVIET ARMAMENTS TO ORTEGA—UNITED STATES ARMS TO CONTRAS DOES NOT BRING PEACE

Mr. MELCHER. Mr. President, my continued and consistent opposition to U.S. money for the Contras is based on my strong feeling that throwing money at 15,000 or 20,000 armed troops will not bring peace. I have continuously evaluated President Reagan's Nicaraguan policy, and I have always concluded this policy simply is wrong. As long as we continue to send the Contras money, they will find ways to gobble it up.

Sending more money to solve the mess in Nicaragua ignores the basic problem: as long as Nicaragua receives outside shipments of armaments, the Nicaraguans, with their war, will keep plodding on.

Is there anything wrong with President Reagan telling Gorbachev that the Soviets must stop supplying war materials to the Nicaraguan Government? That government is sick, and the continuous supply of Soviet armaments is the root of their sickness. To match that with U.S. supplies for the Contras does not treat the illness but only spread it.

My prescription is to have President Reagan notify Gorbachev that arms shipments to Nicaragua are unacceptable. That is the best U.S. contribution to the Arias peace plan. If the peace proposal is to succeed, it will be worked out gradually, without outside interference.

We have enough problems at home with a shaky economy that reflects the serious budget and trade deficits. The attention to Ortega and the Contras continually distracts attention from our major economic problems.

Nicaragua has been a continuous drain, both in dollars and time for the President and Congress. Meanwhile, America sinks deeper into its own economic swamp.

To make our position clear, the President should promptly notify the Soviets to halt Nicaraguan arms shipments and then permit the focus of our efforts to be turned to our own problems.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the two requests I am about to make have been cleared with the distinguished Republican leader.

TRADITIONAL READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. BYRD. Mr. President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, on Monday, February 15, 1988, immediately following the prayer and the disposition of the Journal, the traditional reading of Washington's Farewell Address take place, and that the chair be authorized to appoint a Senator to perform its reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

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The Chair appoints the distinguished Senator from North Carolina, Senator SANFORD, for the reading.

AUTHORIZATION FOR SENATOR SHELBY TO SIGN BILLS

Mr. BYRD. Mr. President, I ask unanimous consent that Senator SHELBY, the very distinguished junior Senator from the State of Alabama, who now presides over this august body with the skill and the dignity and fairness that are so rare as a day in June, be authorized to sign the following enrolled bills: Senate Joint Resolution 39 and Senate Joint Resolution 196.

The PRESIDING OFFICER. Without objection, it is so orderd.

MR. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:30 P.M.

Mr. BYRD. Mr. President, an attempt is being made to work out a time agreement on a bill. I ask unanimous consent, so that those discussions may proceed in an uninterrupted mode, that the Senate stand in recess until 12:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 11:59 a.m., the Senate recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SHELBY].

SCHEDULE

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, there is a possibility that certain bills may be potential, and they are potential, candidates for unanimous consent agreements. Some of those discussions have been under way and will continue. I think the Senate would be well advised at this point not to be in a quorum for a couple of hours but that it stand in recess so as to facilitate further meetings. So I ask unanimous consent that there now be a period for morning business for not to exceed 10 minutes, that Senator HEFLIN be recognized to speak, and that upon the conclusion of his remarks the Senate stand in recess until the hour of 2:30 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alabama.

Mr. HEFLIN. Thank you, Mr. President. I thank the majority leader for allowing me to go ahead at this time and make a few remarks as if in morning business.

THE SPACE STATION

Mr. President, today, I am sending a letter to the President of the United States asking him to send to Congress a fiscal year 1988 supplemental appropriations request for the space station.

The United States will not be ready to meet the needs and requirements of the future without a strong and viable space program. The age of space is no longer simply coming. The age of space is before us and staring our Nation directly in the eyes offering a challenge like we have never seen before.

I am concerned that neither the administration, nor some in Congress are taking the challenge of space seriously. In my judgment, space is the greatest adventure of our time and any nation that sees itself as a world leader cannot, and must not, ignore it. Other nations have recognized the treasures space has to offer and are rapidly moving forward with their own space activities while this administration has not shown its devotion and zeal that it once did for America's program.

Mr. President, in my judgment, the cornerstone to any viable space program should be a permanently manned space station. As my colleagues are well aware, our Nation is on the verge of developing such a facility. However, in the final months of the fiscal year 1988 appropriations process and deficit reduction debates, the space station found itself in an unusual and unfortunate situation.

When the budget summit agreements were reached, the Appropriations Committee had to allocate outlay cuts to its subcommittees. Since NASA is funded in the HUD-Independent Agencies appropriations bill which is mostly entitlements, the space research and development programs were forced to take a disproportionate share of the cuts. In that regard, the space station was funded at a level of $425 million—$225 million of that will not be available until June 1. If it had not been for the outstanding efforts of the members and their staffs of the subcommittee on both the House and Senate sides, the space station would not have been funded as high as it was. This funding, along with a small amount left over from last year, will allow the program to continue. However, it will only allow it to slowly move forward and will most assuredly cause program delays as much as a year or more which will add significantly to the total cost of the program.

In my judgment, we cannot allow such significant delays and cutbacks in this program. In that regard, I am sending this letter to the President asking him to request of Congress a supplemental appropriations for the space station. I do not believe this is an unreasonable thing to do since every dollar we have put into the space station is an investment in the future of our Nation. The space station, and the space program in general, is too important to America's future and to the future of science and technology research to stand idly by and let this program become severely crippled or killed. I, therefore, ask unanimous consent that a copy of my letter to the President on the space station be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY
Washington, DC, February 1, 1988.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Due to the less than adequate funding level for the American/International Space Station for Fiscal Year 1988, I strongly urge that you send to Congress a supplemental appropriations request for this program.

As you know, I share your dream of a permanently manned space station. I believe the Space Station will be a cornerstone of our nation's civilian space program and is critical for promoting the development of space for the benefit of all mankind. This program will mark a turning point in American space exploration, and will open almost limitless opportunities for technological research and discovery.

In recent months, however, I have become alarmed by the increasing attacks which have been lodged against this program that is so important to our future. Thus, I am convinced that, without your personal assistance, the Space Station faces crippling and possibly fatal budget cuts both in the immediate future and for years to come. In 1984, you allowed the dream of the Space Station to become a reality. In that regard, this program could be a part of the legacy of your presidency. If the Space Station is fully under way by the end of your presidency, historians will undoubtedly record it as a great accomplishment in your chapter of history.

Many in Congress greatly support the Space Station and have worked for several years to make it a reality. However, those same supporters have been disappointed and discouraged because you do not appear to support this program like you formerly did. Particularly, in the last year, you and your Administration apparently have not been as vocal in supporting this vital program as you were at one time. But, we have now reached a critical point in which your personal intervention and show of support is necessary in order to allow our nation to reap the benefits of a permanently manned space station in the mid-1990's.

While increases and reallocations were made to boost congressional appropriations, additional funds are needed, nevertheless, in Fiscal Year 1988 to get the Space Station off to a good start. The present funding

level will most assuredly cause serious program delays and will significantly increase the long range total program cost.

I know you will agree that this program is far too important to allow it to become crippled or cancelled by severe budget cuts. In that regard, once again, I strongly urge you to send to Congress a Fiscal Year 1988 supplemental appropriations request for the Space Station program. Furthermore, I urge you to personally intervene in the process in order to ensure its approval.

Thank you for this consideration.

With kindest regards, I am
Sincerely,
HOWELL HEFLIN.

Mr. HEFLIN. Mr. President, I hope that President Reagan will recognize the seriousness of this matter and send to the Congress a supplemental appropriations request for the space station.

RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess.

There being no objection, the Senate, at 12:35 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GRAHAM].

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, our discussions over the past 2 or 3 hours have been productive and more so than if the Senate had been in session, I think, under the circumstances.

THE CALENDAR

Mr. BYRD. Mr. President, I ask the distinguished assistant Republican leader if the following calendar orders are cleared: Calendar Order Nos. 325 and 499.

Mr. SIMPSON. Mr. President, those two items have been cleared on this side of the aisle.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to those two items seriatim.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION AND EXTENSION OF CERTAIN BLOCK GRANT PROGRAMS

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1579) to amend the Public Health Service Act to revise and extend the Block Grant Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended—

(1) by striking out "and"; and

(2) by inserting before the period at the end thereof the following: ", $128,500,000 for the fiscal year ending September 30, 1988, $133,600,000 for the fiscal year ending September 30, 1989, and $138,900,000 for the fiscal year ending September 30, 1990".

SEC. 2. USE OF ALLOTMENTS.

Section 1904(a)(1)(C) of the Public Health Service Act (42 U.S.C. 300w-3(a)(1)(C)) is amended by inserting before the period at the end thereof the following: ", including programs designed to reduce the incidence of chronic diseases".

SEC. 3. STATE PLANS.

Section 1905 of the Public Health Service Act (42 U.S.C. 300w-4) is amended—

(1) in subsection (c)—

(A) by striking out "and" at the end of parapragh (5);

(B) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(7) agrees to provide a description of the manner in which the State will—

"(A) evaluate the progress made in achieving the objectives set forth by the State under subsection (d);

"(B) evaluate the programs, activities, and services conducted with payments made to the State under subsection (a); and

"(C) provide assurances that the State will report periodically to the Secretary on the results of evaluations conducted under subparagraphs (A) and (B)."; and

(2) in subsection (d), by inserting after the first sentence the following new sentence: "The description shall specify the objectives to be attained, the programs and activities to be supported, the activities to be provided, and the numbers and populations of persons to whom the programs, activities, and services will be directed in order to meet the objectives set forth by the State.".

SEC. 4. ESTABLISHMENT OF NATIONAL AND REGIONAL CENTERS.

(a) CENTERS FOR PEDIATRIC EMERGENCY MEDICAL SERVICES.—Section 1910 of the Public Health Service Act (42 U.S.C. 300w-9) is amended to read as follows:

"SEC. 1910. NATIONAL AND REGIONAL CENTERS FOR PEDIATRIC EMERGENCY MEDICAL SERVICES.

"(a) GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants to States, public and nonprofit private entities, and academic institutions for the development, establishment, and operation of regional centers for pediatric emergency medical services.

"(2) DUTIES OF CENTERS.—Each regional center supported with a grant under this subsection shall—

"(A) train health professionals to provide pediatric emergency medical services, including minority health professionals;

"(B) provide for the appropriate use of bilingual personnel (in the case of centers serving substantial numbers of individuals who are not fluent in English);

"(C) conduct research on the prevention and treatment of pediatric medical emergencies; and

"(D) conduct activities relating to the prevention of pediatric medical emergencies, including activities to disseminate information and provide education to the public through the use of the print and broadcast media.

"(2) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to—

"(A) States and schools of medicine which received grants under section 1910 of this Act (as in effect on September 30, 1987);

"(B) applicants that will provide pediatric emergency medical services in rural areas; and

"(C) States that have only one designated trauma center.

"(3) AMOUNT OF GRANT.—No grant under this subsection for any fiscal year shall be less than $500,000.

"(4) PERIODS OF GRANTS.—A grant under this subsection shall be made for a 1-year period, and may be renewed for two additional 1-year periods.

"(5) APPLICATIONS.—No grant may be made under this subsection unless an application is submitted to the Secretary in such form, at such time, and containing such information as the Secretary shall prescribe. An application under this subsection by a public or nonprofit private health care institution shall contain information demonstrating that the applicant has experience in the delivery of, and the ability to deliver, pediatric medical services.

"(b) FEASIBILITY STUDY.—

"(1) GRANT.—The Secretary shall make a grant for fiscal year 1988 for the conduct of a study to determine the feasibility and advisability of establishing and operating a National Center for Pediatric Emergency Medical Services which meets the requirements of subsection (d) (hereafter in this subsection referred to as the 'National Center').

"(2) APPLICATION.—

"(A) SUBMISSION.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to submit an application for a grant under paragraph (1).

"(B) ACCEPTABLE APPLICATION.—If the Institute submits an acceptable application for a grant, the Secretary shall make such grant to the Institute.

"(C) NONACCEPTABLE APPLICATION.—If the Institute does not submit an acceptable application for a grant, the Secretary shall request one or more appropriate nonprofit private entities to submit an application for such grant and shall make the grant to the entity which submits the best acceptable application.

"(3) REPORT.—Within 12 months after the date of enactment of this section, the recipient of a grant under paragraph (1) shall prepare and transmit to the Secretary a report describing the results of the study conducted under such paragraph and containing recommendations concerning the feasibility and advisability of establishing a National Center and such other recommendations as the recipient considers appropriate.

"(c) ESTABLISHMENT OF NATIONAL CENTER.—

"(1) IN GENERAL.—If, after reviewing the report required by subsection (b)(3) and after consulting with the American Academy of Pediatrics and the American College of

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Emergency Physicians, the Secretary determines it is feasible and advisable to establish a National Center, the Secretary shall make grants for fiscal year 1989 and each succeeding fiscal year to an appropriate public or nonprofit private entity for the establishment and operation of a National Center.

"(2) Application.—No grant may be made under this subsection unless an application for such grant is submitted to the Secretary in such form, at such time, and containing such information as the Secretary may prescribe.

"(d) Duties of National Center.—The National Center referred to in subsections (b) and (c) shall—

"(1) develop and disseminate appropriate standards for the provision of pediatric emergency medical care and for appropriate mechanisms to assure the quality of such care;

"(2) conduct activities to facilitate the training of health professionals to provide pediatric emergency medical services, including minority health professionals; and

"(3) develop and disseminate, through the print and broadcast media, information for the public on the prevention of, and appropriate responses to, pediatric medical emergencies, including information on available national, State, and local pediatric emergency medical services.

"(e) Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated $5,000,000 for fiscal year 1988, and such sums as necessary for fiscal year 1989 and for fiscal year 1990. Of the amounts appropriated under this subsection for fiscal year 1988 up to $1,000,000 shall be available for the study required under subsection (b).".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1987.

Mr. KENNEDY. Mr. President, I appreciate the action of the leader and the minority leader in bringing these issues to the Senate this afternoon. These are important programs dealing with vital public health issues. The authorizations expired last September. The legislation reflects, really, the best balanced judgment of members of the committee. We have been able to take a number of different suggestions about how to strengthen this program. I think it reflects the solid contributions that the members of the Human Resources Committee have made.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

EMPLOYEE HEALTH PROMOTION AND DISEASE PREVENTION ACT

The PRESIDING OFFICER. The clerk will report the second measure.

The assistant legislative clerk read as follows:

A bill (S. 1726) to amend the Public Health Service Act to promote employee health and disease prevention, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Is there debate?

Mr. KENNEDY. Mr. President, again, I welcome the opportunity to recommend this legislation to the Senate. This legislation is extremely important to the Public Health Service function and operation. It is basically, as our previous legislation, a result of strong bipartisan support. It is very much necessary to carry forward the Public Health Service function which is a vital function that reaches a wide range of different health issues from immunization to other types of important health services. I urge the Senate to accept this legislation and pass it this afternoon.

Mr. HATCH. Mr. President, I am pleased to join the Senator from Massachusetts [Senator KENNEDY] in supporting the Employee Health Promotion and Disease Prevention Act and Preventive Health Services Block Grant reauthorization. S. 1726 and S. 1579, respectively, these two pieces of legislation will allow us to continue our efforts to prevent disease before it occurs.

Two of every three deaths in this country are premature and most of these deaths could be prevented through appropriate use of preventive services and behavior changes. Heart disease, cancer, and stroke—our No. 1, 2, and 3 causes of death—still take an incredible toll in our society, annually costing an estimated 1.6 million lives and more than $130 billion in medical care and lost productivity. Alcohol abuse cost approximately $140 billion, cigarette use approximately $65 billion, and other substance abuses approximately $40 billion per year. And in 1983, the approximately 1 million teenage pregnancies cost society more than $16.5 billion.

For those who have been keeping count, each year these few preventable diseases I have mentioned cost more than $350 billion. And there are others. This legislation will help us continue existing prevention efforts and will increase Federal efforts to assist employers in setting up health promotion and disease prevention activities for their employees.

I urge my colleagues to join with the Senator from Massachusetts and myself in supporting these bills and I look forward to their rapid passage by the House.

The PRESIDING OFFICER. Is there further debate? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Health Promotion and Disease Prevention Act of 1987".

SEC. 2. FINDINGS.

Congress finds that—

(1) there is a developing body of scientific evidence that participation in organized health promotion programs administered in worksite settings improves productivity and reduces health care costs to individuals and employers;

(2) in excess of 50 percent of the work force of the United States is employed by small businesses and over 30 percent is employed in the public sector;

(3) worksite health promotion programs are not generally available to public sector employees or to employees of small businesses; and

(4) employees of small businesses are less likely to have adequate employer-based health and life insurance coverage and are thus more vulnerable to hardships resulting from medical and other costs associated with "preventable" diseases and conditions.

SEC. 3. EMPLOYEE HEALTH PROMOTION AND DISEASE PREVENTION PROGRAM.

(a) In General.—Section 1701(a) of the Public Health Service Act (42 U.S.C. 300u(a)) is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (10) the following new paragraphs;

"(11) undertake and support research and demonstration programs designed to—

"(A) establish worksite based programs for public sector employees to promote healthy behavior and to decrease participation in unhealthy and high risk behavior; and

"(B) develop a better understanding of the special circumstances and problems encountered in providing health promotion and disease prevention programs to employees of small businesses (as defined in section 3 of the Small Business Act (15 U.S.C. 632)); and

"(12) in carrying out the programs referred to in paragraph (11)—

"(A) support at least six 3-year programs;

"(B) perform the programs under the auspices of State and local organizations capable of encouraging the participation of schools, school systems, colleges, universities, community business associations and coalitions, civic groups, insurance companies, and other appropriate organizations;

"(C) make every effort to assure that the programs reflect a variety of regions, States, and community settings (including urban, rural, and minority populations); and

"(D) evaluate the impact of the programs on—

"(i) the health status measurements;

"(ii) the use of primary and acute care health services;

"(iii) absenteeism from work; and

"(iv) reduced health and life insurance costs.".

(b) Authorization of Appropriations.—Section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended by striking out "and $10,000,000 for the fiscal year ending September 30, 1987" and inserting in lieu thereof ", $10,000,000 for the fiscal year ending September 30, 1987, $10,500,000 for the fiscal year ending September 30, 1988, $11,000,000 for the fiscal year ending September 30, 1989, and $11,500,000 for the fiscal year ending September 30, 1990".

SEC. 4. CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION AND DISEASE PREVENTION.

Section 1706 of the Public Health Service Act (42 U.S.C. 300u-5) is amended—

(1) in subsection (c)(1) to read as follows:

"(c)(1) During fiscal year 1988, the Secretary shall make grants and enter into contracts for the establishment of five centers under this section and the maintenance and operation of three of the centers established under this section in fiscal year 1987. During fiscal year 1989, the Secretary shall make grants and enter into contracts for the establishment of three centers under this section and the maintenance and operation of the eight centers established under this section in fiscal years 1987 and 1988. During fiscal year 1990, the Secretary shall make grants and enter into contracts for the establishment of three centers under this section and the maintenance and operation of the eleven centers established in fiscal years 1987, 1988, and 1989."; and

(2) in subsection (e) to read as follows:

"(e) To carry out this section, there are authorized to be appropriated $8,000,000 for the fiscal year ending September 30, 1988, $10,000,000 for the fiscal year ending September 30, 1989, and $12,000,000 for the fiscal year ending September 30, 1990.".

Mr. BYRD. Mr. President, I ask unanimous consent that both measures be reconsidered en bloc and that the motion to table the motion to reconsider en bloc be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I also ask unanimous consent that any Senators who wish to make statements on either of these measures may be permitted to do so up until 5 o'clock p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I compliment Mr. KENNEDY, Mr. HATCH, and others who have been instrumental in bringing these two measures through the committee and to the floor. I thank Mr. SIMPSON, the assistant Republican leader, for his cooperation in reaching these agreements today. I also thank Mr. HELMS, Mr. KENNEDY, and others who participated in these efforts. I thank the staffs very much, because they have certainly expended a great deal of time and labor, not only today but heretofore, on having both of these bills brought up.

I think the Senate has done good work today in disposing of these two measures.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar under the Department of Justice. There are two nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc, that the motion to reconsider en bloc be laid on the table, and that the President be immediately notified of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

Department of Justice

Robert H. Edmunds, Jr., of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of 4 years.

Jesse R. Jenkins, of North Carolina, to be United States Marshal for the Western District of North Carolina for the term of 4 years.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SIMPSON. Mr. President, I, too, want to pay my respects to the majority leader for calling together interested parties in this interim during this recess, at which time we had a very productive time on several issues with several Senators on both sides of the aisle. I particularly appreciate that. That is an important way to do our business. And, as I say, we are dealing with things other than these bills we have just handled, but it was a very productive session with Senator KENNEDY, Senator LEAHY, and the majority leader. As I say, it was an excellent and productive time.

Mr. BYRD. Mr. President, I want to thank the assistant Republican leader. I have had the occasion, many times over the years, to sit down with the Senator from Wyoming and to work out approaches whereby measures could be called up and time agreements thereon, and I have yet to make the effort in which he did not do his very best to expedite the progress thereon. And in practically all the instances that I can remember, he has been successful in helping to bring all sides together and to move legislation along. I am very grateful for that because it is that kind of cooperation that makes this body function and function effectively.

Mr. President, I want to make sure that the Senate did what I asked that it do.

I ask the Chair, as in executive session, did the Senate confirm the nominations of Robert H. Edmunds, Jr., to be U.S. attorney for the middle district of North Carolina, and Jesse R. Jenkins, of North Carolina, to be U.S. marshal for the western district of North Carolina and was the motion to reconsider made on each and was the motion to reconsider laid on the table, and was the President immediately notified in both instances?

The PRESIDING OFFICER. The majority leader is correct on each of those statements.

Mr. BYRD. I thank the Chair for his diligence and fairness and the ability with which he is presiding.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond 30 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Again, Mr. President, I thank the leader for the expeditious way that we have handled these two important health bills this afternoon.

THE ADMINISTRATION'S REQUEST FOR AID TO THE CONTRAS

Mr. KENNEDY. Mr. President, with its latest request for Contra aid, the administration has once again displayed its obsession with military victory in Central America and its disdain for the only real hope for peace in the region—the Arias peace plan.

That plan—signed by five Central American Presidents—has brought the first significant progress toward peace in many years—not just in Nicaragua but throughout Central America. Certainly, the path to peace is fraught with difficulty and nobody trusts the Sandinistas. But the administration's alternative to Arias is unacceptable—it would condemn the people of Central America to wider war, worse repression, greater poverty.

If Congress approves the Contra aid, the responsibility for killing the peace process will be ours, not the Sandinistas. We will be saying "no" to peace not only in Nicaragua—but also in El Salvador, Honduras, and Guatemala, and innocent civilians will continue to pay the heavy price of continued war. The recent assassinations of human rights workers in El Salvador and of witnesses in human rights trials in Honduras are stark reminders of the grave cost of failure of the Arias plan.

The policy of Contra aid has failed, and it is long past time for Congress to end it. Nicaragua today is farther from democracy than it was 7 years ago—despite the $280 million in United States aid for the Contras throughout those

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years. Repression of civil and human rights has escalated; the rights and activities of the church, press, and labor unions are all curtailed. Nicaragua is more of a threat to the security of the region than ever before. And as the Miranda report revealed, the Sandinistas have no intention of surrendering to the Contras.

Yet, now for the first time since the Sandinistas came to power, they have suddenly begun a series of reforms. Is that because of pressure from the Contras? No. Is it because of pressure from the Arias plan? Yes. The suspension of the state of emergency, release of political prisoners, and greater freedom of the press are the first substantive steps by the Sandinistas toward democracy in many years.

They have a long way to go—but the progress so far is a direct result of the Arias plan. It is arrogant and preposterous for the administration to claim that Contra aid is responsible for a single reform that is taking place in Nicaragua.

For 7 years of Contra aid—overt and covert, legal and illegal—the Sandinistas' repressive policies escalated continuously. Then, a historic peace accord is signed, and for the first time there is movement in the country toward reform, peace, and democracy. The Sandinistas have responded to pressure from their Central American neighbors—not from Ronald Reagan's paid mercenaries and Somoza rejects.

The correlation between Contra aid and Sandinista repression is undeniable. The Contras began their attacks inside Nicaragua from Honduras in 1981. The Sandinistas began their large-scale relocation of the Miskito Indians from the Rio Coco in January 1982.

CIA support in 1982 for the Contras and the Contras' bombing of bridges preceded the first state of emergency imposed by the Sandinistas on March 15, 198.

The $27 million in "humanitarian" assistance approved by Congress in 1985 was followed by a crackdown in October 1985—the Sandinistas renewed the state of emergency and arrested several hundred dissidents.

In the spring of 1986, the Congress approved $100 million in aid to the Contras. And in June 1986 the Sandinistas responded by closing down La Prensa, expelling Bishop Pablo Antonio Vega, and blocking the return to Nicaragua of the director of the Catholic radio station, Rev. Bismarck Carballo.

Yet the administration persists in its threadbare claim that 7 years of Contra aid have forced the Sandinistas to the bargaining table. Any progress toward democracy by the Sandinistas is directly linked to pressure from the Contadora nations, the Contadora support group, and their Central American neighbors.

The Latin and Central Americans have urged the administration repeatedly—publicly and privately—to stop Contra aid and start negotiations. President Arias has called for an end to Contra aid. The other Central American nations have called for an end to Contra aid. The 15-member International Verification Commission has called for an end to Contra aid. In its January 15 report to the five Central American Presidents, the Commission criticized the United States support for the Contras in "spite of the exhortations of the Central American Presidents." It urged an end to this policy, saying, "The definitive cessation of this assistance continues to be an indispensable requirement for the success of the peace efforts and of this procedure as a whole."

The Commission concluded that the goals of the Arias peace plan have not been achieved, but progress has been made, and the Arias peace plan remains a valid avenue to peace.

The administration is well aware of the stakes in this request. They know full well that Contra aid is inconsistent with the Arias peace plan and may well kill it. The administration's strategy is all too clear—it is the last gasp of their failed 7-year hardline strategy to achieve the violent overthrow of the Government of Nicaragua, and Congress should have no part of it.

This request is the modest compromise the administration is trying to make. They say they want a little more nonlethal aid to tide the Contras over while we give the peace process a chance. Yet the $36 million in this package works out to an annual rate of over $100 million a year—higher than any previous level of Contra aid, and over three times the current level.

If we include the $14 million already appropriated for this year in the continuing resolution, the "incidental" costs such as $20 million in insurance for plane crashes, and the estimated $3.5 million in electronic countermeasures, the overall request begins to look very much like the administration's initial figure of $270 million. In effect, the administration is asking Congress for a Gulf of Tonkin resolution against the Sandinistas—and the peace process—and Congress should deny it.

President Reagan has made much of his offer to put $3.6 million in military aid in escrow. But in essence, the entire $36 million package is military aid to a military force engaged for military action. The so-called nonlethal portion includes trucks, helicopters, uniforms, airplanes, transportation, supplies, and a variety of logistical assistance.

If the administration had put as much effort into negotiating with the Sandinistas instead of negotiating with Congress, perhaps we would be closer to peace with that country. Yet when Ambassador Philip Habib tried to do just that, the administration gagged him and he resigned in protest. Instead, Reagan sent his new National Security Adviser Colin Powell and Assistant Secretary Elliot Abrams to threaten the other countries of Central America with a cutoff in aid if they did not join in its effort to lobby Congress. And last week, he announced that he would send Secretary of State George Shultz to Central America to accelerate the peace process—but only if Congress approves Contra aid. Such tactics are demeaning to Congress and to the countries of Central America. They demonstrate just how desperate the administration is to scuttle the Arias plan and maintain U.S. military aid.

This week may well be a historic turning point for peace in Central America. I urge the Senate and the House to reject the path of wider war and make the turn toward peace, by denying Contra aid.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that there be a period for morning business until 4 p.m. today and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EVANS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it so ordered.

SENATOR INOUYE'S REQUEST FOR APPROPRIATIONS FOR SEPHARDIC JEWISH REFUGEES

Mr. EVANS. Madam President, I recently received, along with my colleagues, a letter from Senator DAN INOUYE, of Hawaii. That letter, I believe, was an act of extraordinary candor.

Madam President, I have served, during the time I have been in the Senate, with Senator INOUYE and during the last year as his vice chairman of the Special Committee on Indian Affairs.

The senior Senator from Hawaii, DANIEL K. INOUYE, has, throughout his long and distinguished career, fought tirelessly and courageously for those who do not have a voice in this Chamber. As the vice chairman of the Select Committee on Indian Affairs, I have seen him work, and worked with him, for hundreds of hours on end on behalf of native Americans. As a Senate colleague, I have seen him time and time again support the interests of the downtrodden and desperate.

That is why I am particularly distressed at the criticism he has encountered when he sought to help another group with little influence in this Chamber: Sephardic Jewish refugees.

He may have been right; he may have been wrong in what he did. But I am disappointed with the way critics have distorted the issue. As Senator INOUYE himself pointed out to the Senate earlier this week, the assistance for North African refugees did not come in the dark of night. The amendment was offered in subcommittee; it was approved by the full Appropriations Committee. What is more, the House also agreed to it. At no point during the process was there a single objection. Senator INOUYE should not be singled out and blamed for the collective judgment of the entire U.S. Congress.

Madam President, I do not believe for one instant that he has now or ever pandered to special interest groups. And I believe that it is more than a little disingenuous to assert that he is aiding special interests when the beneficiaries of his aid have no vote. There is not a single Member of Congress, this Senate included, who has not advocated appropriations for special interest projects. Most Members have advocated only those projects which provide special benefits for their constituencies and their own voters. Senator INOUYE, because of his chairmanship of the Foreign Operations Subcommittee of the Committee on Appropriations and Indian Affairs panels, has worked to benefit those whose voice is not counted by him, or, in the case of refugees, by anyone, who is elected to Congress.

In spite of the fact that his recent committee assignments have benefited the people of this Nation and of the world over just the parochial interests of his constituents, he has been reelected by overwhelming margins. Senator INOUYE is the only person who has held major statewide office throughout the three decades since Hawaiian statehood, and he is unquestionably the most popular politician in Hawaii's history.

Over the past year, I have served as vice chairman of the Indian Affairs Committee. This assignment has given me the opportunity to observe DAN INOUYE's selfless demeanor and his dedication to the plight of others less fortunate than himself.

His energy and enthusiasm have transformed the committee into one of the most active in the Senate. In the past year, the committee held almost 30 hearings, every one of which has been attended by the chairman and the testimony of every witness has received his full and complete attention.

The chairman has not advanced a single measure through the Indian Affairs Committee without giving complete and fair attention to the views of every member of the committee. He has approached every issue presented to the committee with prolonged and serious deliberation. And yet, with that extraordinary patience, coupled with persistence, the committee acted on over 25 bills in the first session of the 100th Congress and is prepared to act on nearly 50 more in the second session.

By his own estimate, and probably not to his own political benefit, Senator INOUYE has spent more time consulting with Indian leaders and learning first hand of the plight of Indian people than he has attending to the concerns of his constituents.

In a similar manner, his chairmanship of the Foreign Operations Appropriations Subcommittee has meant that the beneficiaries of his efforts, those in other countries with a need for foreign aid and the help of this country, have not been in a position to repay his generosity, certainly not through their votes.

There are not very many high rollers among Indian people and Third World refugees. There are few rewards for efforts, no matter how heroic, on their behalf. Those who are motivated to pursue their cause are motivated by something other than their own self-interest.

Madam President, I am confident that his unusual kindness and concern for these people is unmatched in this Congress and I, for one, am proud to call him my friend.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EVANS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTRA AID

Mr. EVANS. Madam President, 150 years ago a fragile confederation grew in Central America. For the first time, the citizens of that part of the world broke away from their Spanish rulers, forming a new confederation devoted to their freedom and their independence. It was a confederation which began in hope, but soon faltered. That part of the world now is split asunder. The five nations which once began together are bleeding, each from a different wound. I fear, Madam President, that today in the House and tomorrow we in the Senate will reveal to citizens of this country and to the world not our unity, our confederation, but rather our divisions.

We must vote on the President's request—today in the House and tomorrow in the Senate—without amendment, without new thinking, without considering new ideas. The vote clearly will be closely fought. But in this Senator's view, we will lose regardless of which way the vote comes out. We will lose because we will have shown to the world, once again, that we are neither unified nor constant in our policies toward Central America.

One side or the other may claim a temporary victory, but is that the best way? Is that the way we are most likely to bring peace to Central America?

Madam President, I have consistently opposed aid to the Contras all the time I have been in Congress. I have done so not because I was enamored of the Sandinista leadership as it has evolved in Nicaragua, but because I felt the policy simply would not do the job.

In a speech on this floor more than 2 years ago, I suggested that there was a multifaceted policy which might work better. That policy was to first recognize the fact that the direction toward peace in Central America has to be a direction devised and led by Central Americans themselves.

I believe that in that statement, I said the path to peace ought to be crafted by those for whom Spanish is a primary language, not by Americans and not by others.

In addition to crafting that kind of peace plan, I felt that we should also fully live up to the responsibility we assumed under the report of the Kissinger Commission.

We were, over an extended period of time, to provide ample economic aid to the democracies of Central America to build their economic strength and to enhance their move toward democracy.

We fulfilled the requirements of the Kissinger Commission Report for 1 year. Then we began to falter, gradually reducing and then even more rapidly reducing, the amount of economic aid we were providing to those nations.

I felt at that time that ideas crossed borders a lot faster than rebels. If we were somehow to build strong and vibrant democracies in Honduras and Guatemala and El Salvador, to couple with the longstanding democracy in Costa Rica; if we were to ensure that their economies were strong and

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robust and the people treated justly, then internal rebellion in those nations would certainly diminish.

Moreover, the people inside Nicaragua would see around them the freedom, the economic opportunities, the better government enjoyed by their neighbors, they might then take these things for themselves.

Madam President, things have changed since I presented those remarks a little over 2 years ago—some for the better, some for the worse. The war continues, a war which rages back and forth across peasant villages, disrupting those who probably have no real sense of either Marxism or democracy, but whose major interests are how to feed their families the next day and how to exist in a poverty-stricken land.

There have been some good things which have happened. The Presidents of Central America have gotten together.

President Arias, with his consistent leadership, provided his colleagues with an opportunity to join in a collective effort for peace.

In the intervening years each of us has heard from thousands of citizens—I know I have—in probably the most thoughtful outpouring of their feelings as on virtually any other issue in front of us. I suspect I am just about average in the Senate. I represent a State which is about average in population, and yet the number of letters I receive in a good month will run 15,000 to 16,000. I have to add them up at the end of the month and have my staff tell me which are the top 10 issues so we can get a good idea of what people are writing about and how many are on one side or the other side of the issue. It is fascinating. Usually those top 10 issues appear once in a month and then disappear in the next month. Or there will be 1,000 or 1,500 letters in favor of a certain subject and no one who writes against. All of the 1,000 or 1,500 letters being generated by some organization, some group aimed at a particular interest.

There is one issue which month after month is in the top 10 the letters I receive. These letters are generally not generated by any group. They are individual letters, for the most part handwritten. They are thoughtful, poignant, and an extraordinary number of them are from people of my State who have visited one or several countries of Central America, sometimes for extended periods. They are on both sides or perhaps on several sides of this issue, for they have many ideas as to how we might help bring peace to Central America.

A month and a half ago, I had the opportunity, along with the Senator from Connecticut [Mr. Dodd] and the Senator from Kansas [Mrs. Kassebaum], to go to Central America on a short trip. We visited four of the nations, talked to four of the Presidents, and visited with the rebels or opposition leaders in several of the countries. We had an opportunity to talk with Cardinal Obando y Bravo, the negotiator between the Contras and the Sandinistas and we talked with a remarkable woman, Violeta Chamorro, who is the publisher of La Prensa in Nicaragua.

Perhaps the highlight—and for me the most interesting part—of that trip was to spend 2½ hours over lunch with President Ortega of Nicaragua. I do not believe President Ortega is any different from anyone else in a position of leadership, particularly in those countries where leadership has come not through popular election but through armed conflict. Survival comes first.

It was apparent, at least to this Senator, that he had no intention of calmly stepping aside for a democratically elected Government in Nicaragua. He was going to do as much as was necessary to follow the peace plan. But he would always have some reason for delay, hoping that in the meantime the one thing he feared, the Contras, would be voted out of existence by the Congress. He would then have much greater freedom of action.

Some say that the peace plan, which is now struggling through its early stages, came into being because the Central American Presidents decided upon it. Through the leadership of President Arias they were able to get together. But to go beyond this and to say that the Contras played no role or no part in the Nicaraguans' willingness to sign the peace plan, which if carried out to its fullest would almost certainly lead to the Sandinistas being removed from office, is just plain nonsense. Of course, the Contras played a role.

It is just as some would suggest and, I think with equal validity, that the continued military strength of the United States and an insistence on maintaining that strength coupled with an insistence on moving ahead on an SDI program were the two elements which ultimately led the Soviets to come back to the bargaining table.

Of course, these things make a difference. Of course, they play a role and, of course, they are the elements that have helped bring us to the point we are now at. And it is a critical point.

It is a different time than 2 years ago or even 1 year ago. The peace plan is now in existence. There are other new facts and it is time to review our policy.

Some suggest that the current difficulties are purely Central American and that America should play no role. I do not, and I think most of my colleagues do not believe that.

America does have an interest in this hemisphere and in this hemisphere's stability. America has an interest most certainly in its own national security as it is affected by events in Central America.

If we are to believe President Ortega and the Sandinistas' promises and if we are confident that the peace plan will be carried out fully, then, of course, we should reject this request for additional assistance for the Contras.

Those Members who reject the kind of leadership the Sandinistas have brought to Nicaragua, who believe that they are simply never going to live up to any peace accord they sign voluntarily, should support continued aid to the Contras.

But there is a third group, and I would put this Senator in that group. A group who are skeptical, maybe even very skeptical, but willing to see a successful peace process through, willing to spend the time and the effort to see if just possibly, maybe even miraculously, this fragile movement toward peace can be successful.

Let us go back to those three categories in which all of us at one time or another must fall. Will those in the first category, who believe that the peace process can go through, that the Sandinistas will live up to it wholeheartedly, and that they can then get rid of the Contras will they vote to send American troops when President Arias calls for help as aggressors come across his border?

I presume all of those who would today vote against Contra aid would feel an obligation to vote to send American troops in such an event.

But if we continue to aid the Contras, who among us will take responsibility for the excesses, occasional, maybe even frequent atrocities and the deaths of innocent Nicaraguan peasants? I suppose that responsibility must fall on those who would vote to continue to support the Contras.

These two assertions may seem harsh but they illustrate devisiveness and the increasing bitterness in America which this issue has spawned. If maybe that they are not very far away from the two alternatives which could occur.

There simply must be a better way, Madam President, a better way which can bring together people of good will.

The Presidents of the four democracies in Central America have spoken forcefully for adherence to their peace plan now. They made a remarkable declaration in San Jose. They want democracy now, in all nations of Central America. They want democracy now in Nicaragua, not at some future undetermined time.

This is not the United States talking. These are the Presidents of Central American republics.

They took back responsibility for verification of that peace plan not wanting others less intimately involved to make the decisions as to whether the plan was being carried out or not. They refused to extend the time for compliance with this plan.

They also declared in a statement, which I think has been missed by many of my colleagues, that the Contra uprising was in response to Sandinista pressures and excesses.

Now these are remarkable statements. I think we ought to listen to them very carefully and attempt to respond to them as well as we can through American policy.

Let us neither reject aid to the Contras outright nor give them additional unfettered funds. Instead, we should set aside a large amount of money, far larger than the $36 million now proposed, put it in escrow, keep it there for a limited period of time, allow the peace process to mature, and then at an appropriate time, let Congress and the President decide whether the peace plan has been adhered to.

The criteria for this measurement are clearly stated. They are set forth in the peace plan and they are reiterated quite clearly in a proposal adopted by the House of Representatives by an overwhelming vote a short time ago.

If there is adherence, it would be time to release these funds and to give economic aid not just to the four nations of Central America, the democracies with whom we have worked, but to the five nations of Central America.

If all have lived up to the peace plan, they all should share in the benefits of economic revival—the people in Nicaragua, as well as the people in the other four nations.

If it becomes apparent that the Nicaraguans simply cannot and will not respond to the peace plan then it is time to release further aid to the Contras to continue the pressure. I suspect that at that time we would have a substantial majority in favor of that course in both Houses.

Madam President, our policy in Central America cannot succeed using only the President's package. We cannot succeed with a Democratic package. We cannot succeed with a Republican package and we cannot succeed with a Senate package.

Somehow, some way, we must find an American package, one that can gain substantial bipartisan support, and one that passes these important tests: first, that it supports the continued movement toward the fulfillment of the peace plan of the Central American Presidents; second, that it recognizes and protects America's legitimate security interests in the Western Hemisphere; third, that it advances democratic governments in all of Central America; and, fourth, that it helps build economic stability and security and democracy in all of those nations.

Madam President, it may be the 11th hour, but we simply must find a more intelligent way out of this morass.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Madam President, I believe morning business expires at this moment. I ask the time be extended for 10 minutes, Senators to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

COMMENDING SENATOR DAN INOUYE

Mr. LEAHY. Madam President, I will be brief. I have served in the Senate, beginning now my 14th year here. During that time I have had the privilege, and I might say the pleasure, of serving with the distinguished senior Senator from Hawaii [Mr. Inouye]. In fact, 12 of those 14 years we have served on the Appropriations Committee together, we served a number of years together on the Intelligence Committee, and we have been on various special commissions here.

Like everybody else in the Senate, you know and you like Dan Inouye. I have dealt with him on occasion after occasion. In the Appropriations Committee we have many, many times agreed on issues. Sometimes we have disagreed. I have always known exactly where he stood. We have voted issues up or voted issues down.

I feel some concern about the way a particular matter that Senator Inouye asked the appropriations conference to include has been treated in the press. Senator Inouye said that he assumed that had been cleared through the administration. Apparently concerns were expressed afterward about it. Senator Inouye had stated exactly why he wanted some money for a particular school in France. But, also because there was controversy, not so much on the merits of the issue but a suggestion that it was a matter that was brought up and passed solely because it was during the conference committee time, Senator Inouye asked for special legislation to remove the appropriation.

I commend Senator Inouye for that. He knows full well that, the way things work here, if he had not taken that step, that money would have stayed in there; that the matter that he wanted, for the reasons he stated, would have stayed in there—reasons which would have carried the day, I suspect, on a vote in the committee. But I think Senator Inouye, as he is wont to do, did the forthright and honest thing, something that I am sure that many others might have hesitated to do. He asked a Member of the other body where appropriations bills begin to put in legislation, which he would support in this body, to remove the project that he had supported.

I commend Dan Inouye for that. I think it is characteristic of the man. I applaud him for it and I am delighted to see his action.

Madam President, I yield to the Senator from West Virginia.

THE GEORGE WASHINGTON FREEDOM AWARD FOR 1988

Mr. BYRD. Madam President, each year since 1983, the Adjutants General Association of the United States has presented the George Washington Freedom Award to an American who, in its judgment, has made noteworthy contributions to our national defense and security.

To be more specific, the George Washington Freedom Award "recognizes those individuals who have made singularly outstanding contributions on the national level to the freedom of the people of the United States of America * * * through a sustained commitment to our country's defense and security." Such an honoree should have demonstrated leadership ability, character, and persistence in the pursuit of freedom. The award is so named because George Washington represents to the Adjutants General Association the model American citizen-soldier.

Past recipients of the George Washington Freedom Award have been President Ronald Reagan, Congressman G.V. "Sonny" Montgomery from Mississippi, Senator Barry Goldwater from Arizona, and Senator Jake Garn from Utah.

I am pleased to have been informed that this year's winner of this award is Senator Sam Nunn from Georgia.

I congratulate Senator Nunn on receiving this deserved recognition, and I commend the Adjutants General Association for making a wise choice.

At every level of government and across the country, Senator Nunn is acknowledged to be one of this era's leading experts on military and defense matters. His voice and opinion on matters of national security are respected throughout the Pentagon and

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throughout Congress. Few men in the history of the Senate have set before themselves so prodigious a task in mastering the defense area as Senator Nunn has, or so thoroughly succeeded in accomplishing that goal.

Importantly, too, Senator Nunn is an advocate of spending our defense dollars to obtain the most effective, efficient, and workable defense systems and programs possible, and of getting the most defense for the dollars spent.

I congratulate again our distinguished colleague from Georgia on earning this latest recognition for his contributions to our national defense, and I thank him for the devotion that he has shown in helping us all to understand better how to maintain our security and freedom.

Mr. President, I would like to ensure that Members of this body as well as the House of Representatives have an opportunity to read Senator Nunn's acceptance speech as it brings to light the realities that we as citizens of the United States, and as elected representatives of the citizens of the United States, will be faced with this coming year in the area of arms control and foreign policy.

I ask unanimous consent that the remarks of Senator Nunn to which I have referred be printed in the Record at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

ARMS CONTROL IN THE LAST YEAR OF THE REAGAN ADMINISTRATION

(Senator Sam Nunn)

Thank you Ambassador Smith. Ladies and gentlemen, I am greatly honored to receive the "William C. Foster Award" from your prestigious association.

You are very kind to recognize my activities last year related to the interpretation of the ABM Treaty and the role of the Senate in the ratification process. There are, however, several other individuals whose tireless efforts were essential to our success in this undertaking. Ambassador Smith, you would be at the top of the list, accompanied by senior members of your SALT I Delegation, including Ray Garthoff, John Rhinelander, Sid Graybeal, Royal Allison, and Harold Brown. I also believe that several of my colleagues in the Congress deserve a large portion of this award. In particular, I want to pay tribute to Carl Levin, Bill Cohen, Les Aspin and Joe Biden, whose roles were crucial in the final outcome of this arms control and constitutional debate.

As the Reagan Administration begins its last year in office, the United States stands at a crossroads. Rarely in the post-war era has the dividing line between historic breakthrough and missed opportunity been so finely drawn. Rarely has such a window of opportunity been presented for accomplishing historic improvements in the superpower relationship. Accomplishments that seemed beyond reach during the Administration's first term no longer seem so far-fetched.

Indeed, it is conceivable that during 1988, the Senate could have five major arms control agreements placed on its calendar. In addition to the INF Treaty, the Senate could, prior to adjournment next fall, be presented with a START treaty, a new accord on strategic defenses, and new protocols on verification of nuclear testing which could clear the way for ratification of the long-pending Threshold Test Ban and Peaceful Nuclear Explosions Treaties.

Should these extraordinary events come to pass, you might well find yourself—much to your own amazement—presenting the next "William C. Foster Award" to Ronald Reagan. I hasten to add, however, that the odds that such a new dawn could break during the last year of the Reagan Administration are no more than 50/50.

Whether 1988 is the occasion for such dramatic arms control agreements will depend, of course, on unprecedented Soviet cooperation. Under Gorbachev, the Soviets have voiced an apparent willingness to embrace arms control concepts which just a few years ago would have seemed unattainable. These include disproportionate Soviet reductions, on-site inspection, cooperative measures for enhancing national technical means of verification, detailed data exchanges, high-level military meetings, discussions on doctrine and force postures, and important nuclear risk reduction measures. A word of caution is in order:

It is too soon to determine how many of these concepts can be translated into reality. The West must predicate its position on Soviet deeds, not words. In areas such as conventional arms control, we must put Soviet rhetoric to the test with bold and innovative proposals of our own. The Soviet Union's disregard of fundamental human rights and unresolved violations of existing arms control agreements, especially the Krasnoyarsk radar, will continue as large impediments. There is no greater obstacle to improved U.S./Soviet relations than the Soviet Union's continued occupation of Afghanistan.

Nevertheless, the advent of Gorbachev, glasnost and perestroika have undeniably improved the overall climate for the conduct of superpower relations. Whether this opportunity will be realized will in large measure depend on whether the Reagan Administration takes what I call this evening a "cold shower of reality." I believe the Administration must recognize, and act decisively upon, several realities that define the parameters of the current strategic environment.

Reality One: Congress is Not Persuaded by the Administration's ABM Reinterpretation

Reflecting on the acrimonious journey of the Levin-Nunn provision from a committee amendment to enacted law, it is clear that the Administration has failed to make a persuasive case for reinterpreting the ABM Treaty. The ABM battle of 1987, in which your association played such an important role, demonstrated that at this time the Administration does not enjoy majority support in either the House or the Senate for the United States to breach the ABM Treaty as it was approved by the Senate.

Last year's vote on Levin-Nunn was not, however, an explicit referendum on the "broad vs. narrow" interpretation that settled this question for all time. What last year's Levin-Nunn battle does suggest is that the Administration reluctantly recognized that the Congress does have the Constitutional power of the purse and that its explicit approval must be secured before funds could be spent inconsistent with the ABM Treaty as presented to the Senate in 1972.

To me, this debate went far beyond the arcane world of Article V, Agreed Statement "D", and such phrases as other physical principles and tested in an ABM mode. We must never forget that the ABM Treaty, like all treaties, is the supreme law of the land under our Constitution.

If we decide the ABM Treaty jeopardizes our national interest, then the honorable course is to serve notice under the terms of the Treaty and withdraw. When we are confronted with Soviet violations of the Treaty, we are entitled to take proportionate responses if the Soviets fail to correct their non-compliance.

Let me emphasize, however, that manipulating and distorting the law of the land is simply not acceptable. If we are going to have a safer and saner world, the United States must stand for the rule of law. It is not out-moded for America to keep our word of honor—even in dealing with the Soviet Union.

Reality Two: Our Geneva Arms Control Posture and Our ICBM Modernization Policies Are Not In Synch

Clearly, our goal should be a START agreement with sub-limits which, when combined with sensible U.S. strategic force developments, would significantly reduce Soviet first strike incentives. Such an agreement would be in the mutual interests of both sides, since both nations are under growing pressure to allocate less of their GNP to defense and each is nervous about the growing counterforce capability of the other side.

If, however, our ICBM's are to be based only in vulnerable, fixed silos—or deployed in basing modes that require strategic warning—then I believe the degree of stability afforded under our own START proposal would be in serious question. I was pleased to note that on the eve of the Washington summit, Secretary Shultz emphasized the importance of mobile missiles to survivability. He declared that we are prepared to allow mobile ICBM's under START if the Soviets will help us draw up effective verification provisions.

It would be a supreme irony, however, if the United States and the Soviet Union resolved their differences over START, worked out an effective mobile ICBM verification regime, and produced an historic and potentially stabilizing treaty—only to discover that both the Midgetman and the Rail Mobile MX had been killed in an act of domestic political fratricide. If the Administration terminates the Midgetman program, then I think there is a good chance that the House of Representatives will kill the Rail Mobile MX program. If we have no survivable mobile ICBM's to deploy under the START ceilings, then our options for taking advantage of the opportunities for stability afforded by this prospective treaty are greatly reduced. A more stabilizing nuclear environment requires not only a sound arms control regime, it requires our Nation to make sensible strategic deployments.

Reality Three: START Cannot Be Considered In Isolation

The Reagan Administration must recognize that START and SDI are in completely different time frames. The opportunity to achieve historic reductions in offensive forces is now. Realistic deployment options for SDI systems which could satisfy the Nitze criteria—or even scientifically necessary testing that would require breaching the ABM Treaty—remain years in the future. In addition, the number of Soviet warheads which would remain after all the START reductions were accomplished would still be more than double the number

it had deployed at the time the ABM Treaty was signed.

For these reasons, we logically should be able to implement deep cuts in each side's strategic offensive forces while relying on the ABM Treaty to provide predictability as to defensive developments. Unfortunately, the logic of the Administration's approach to SDI is in question.

The current political reality is that some in this Administration have been ardently searching for near-term SDI tests in space that could only be conducted under the broad interpretation and which, if conducted, could trigger a Soviet reaction which could destroy the ABM Treaty. In my view, the motivation for such tests has been driven by ideology, not by scientific judgments.

As long as this attitude prevails then it is impossible to be relaxed about the possibility of a START agreement which is tied to an ABM Treaty whose application to advanced defensive technologies has not been clarified.

In some respects, this could represent the worst case for the United States. The Soviet Union would be relatively free by the Administration's definition to pursue its defensive testing program while in the United States each proposed test would become subject to a raging controversy as to whether it violated the ABM Treaty and whether it would result in termination by the Soviet Union of offensive reductions under START.

I could not be comfortable with an outcome that resulted in the United States eliminating half its strategic deterrent while deep concerns remain as to whether the Administration's policy on SDI may lead to the removal of all restraints on Soviet strategic defenses, an area in which they have current operational experience and near-term technical advantages. I was encouraged by Secretary Shultz's statement during a November TV interview:

"Predictability and stability . . . is just as important for us as it is for them, because probably right at the moment their ability to field what we think of as an inferior form of strategic defense is greater than ours. So we don't want to reduce our offensive system unless we have some notions of stability, just as they don't."

Reality Four: A Sound SDI Policy Cannot Be Based on Simplistic and Misleading Slogans

In the five years since SDI was launched, the Reagan Administration has consistently substituted slogans for objective and technically sound explanations. Too often, SDI has been treated as a theology rather than a scientific research program. Reasonable questions have been met by the political and strategic equivalent of the locker room battle cry, you gotta believe.

President Reagan's latest applause line on SDI—"we will research it, we will test it, and when it's ready, we will deploy it"—raises several SDI questions. First question: what is the "IT" we will research, test and deploy? Is "IT" the President's vision of "a shield that could protect us from nuclear missiles just as a roof protects a family from rain"? Or is "IT" the Joint Chief's goal of a defensive system designed to destroy 50 percent of the Soviet SS-18 force should they launch an all-out first-strike on our land-based systems. Is "IT" intended to replace deterrence, or enhance it?

Second question: assuming the Administration could agree on what "IT" is, when can we reasonably expect to arrive at the point at which we could make a well-informed decision to deploy "IT"? A year ago, some SDI advocates were insisting that we already knew enough to commit to deployment. This prompted the Chairman of the Joint Chiefs, Admiral Crowe, to complain at a January, 1987 hearing that, "I hear so much said and written about it, as if it is out there in the parking lot, and we just do not know where to put it." Admiral Crowe went on to say, "we have not answered all the research questions yet, as a technical proposition, what the cost of them will be, or whether they can be translated into a weapons system."

Third question: how much would "IT" realistically cost? Is the cost in the range of $40-60 billion as estimated by General Abrahamson last spring? Or is it the $100 billion estimated by the Marshall Institute and now supported by General Abrahamson? Or is this projection too low by 300-400 percent, as estimated by highly reputable research organizations?

The wide gap in these cost projections reflects radically different assessments of the Soviet Union's capacity and willingness to respond to a U.S. SDI deployment by proliferating decoy, switching to faster-burn boosters, and improving its ASAT weapons. Ironically, many of those who have traditionally faulted the U.S. Government for underestimating the pace and scope of Soviet strategic nuclear developments are now implicitly arguing that the Soviet response to SDI deployments would be modest and limited. Some fervent SDI cheerleaders, in their effort to sell early deployment, are trying to convince us that we are in a contest with the Little Sisters of Mercy, rather than the Evil Empire.

Fourth SDI question: what are the implications for U.S. military capabilities across the board if, as part of its effort to sell SDI, the Administration grossly underestimates its true costs? Are we prepared to pursue SDI deployments even if it means we have to seriously erode our present conventional defense capability in a post-INF NATO environment?

Fifth SDI question: how do you decide whether "IT" warrants deployment? The so-called Nitze criteria of technical feasibility, survivability and cost-effectiveness at the margin have been endorsed by the President and written into law by the Congress. Most objective and independent analysts agree that a phase-one system based primarily on space-based kinetic-kill vehicles could not satisfy the Nitze criteria. Is the Administration willing to confront the reality that SDI will likely have to go through another generation of development, focusing on directed energy systems, before highly effective defense deployment options become technically feasible?

Final SDI questions: if and when credible SDI deployment options are available, how do we conduct a mutual transition toward a defense-dominant regime in a manner that increases crisis stability? What are the implications for NATO's flexible response strategy if both superpowers are capable of highly effective ballistic missile defenses? How vulnerable would such defenses be to technological breakthroughs by the other side? Would high-performance defenses on both sides give each side an incentive to use their limited penetration capability for the most lucrative targets? Ironically, some analysts have concluded that if both sides have highly-effective defenses it could move us in circular fashion back to explicitly targeting population centers.

Suffice it to say, these are serious questions about SDI which will have to be answered by serious thinkers.

Despite the record of the last five years, I believe it is still possible to bring a coherent national policy out of the stew of politics, physics and metaphysics in which SDI is now deeply immersed. There is still time to make SDI stand for "Sensible Defense Initiative". This will not be easy. Above all, we need to agree that neither offensive nor defensive weapons are inherently more moral than the other. What is moral is that which works to preserve peace and human freedom.

Reality Five: SDI Must Be Placed In A Broader Context Of National Priorities And National Vulnerabilities

As we continue research and development on longer-term comprehensive defense options, we must bear in mind that this goal is not a Holy Grail in and of itself. It is fundamentally wrong to believe that only SDI is designed to protect the U.S. population. Every dollar of our military expenditures must be weighed as to its contribution to protection of our population and that of our allies.

If one looks to our inadequate conventional forces, our vulnerable command and control facilities, our virtually non-existent strategic air defenses, and the fragile infrastructure of our civilian society, one can find a number of vulnerabilities far easier and safer for the Soviets to exploit than an attack by Soviet ICBM's. The Soviets are able chess players, and good chess players rarely gamble their queen when they can wreak havoc with a pawn.

We are increasingly a society of networks—electricity grids, water systems, oil and gas pipelines, telecommunications links—with highly vulnerable nodes to which we have given virtually no thought of protection, even against the simplest efforts to knock them out. One need look no further than Chernobyl, Bhopal and the recent oil spill in Pittsburgh to appreciate the reality of modern society's vulnerability to catastrophic disruption.

If we have a finite amount of money to spend and want to spend it in the wisest ways to protect ourselves, our children and our grandchildren, we must seriously assess whether devoting a very large share of it to deploy comprehensive defenses against ballistic missile attack is the most rational way to proceed.

As one witness before the Armed Services Committee noted wryly, "The Soviets could just put nuclear weapons inside bales of marijuana, since they know we can't prevent that from entering the country."

Or, as a top Soviet official said during the Washington Summit:

"We won't copy you anymore, making planes to catch up with your planes, missiles to catch up with your missiles. We'll take asymmetrical means with new scientific principles available to us. Genetic engineering could be a hypothetical example. Things can be done for which neither side could find defenses or countermeasures, with very dangerous results. If you develop something in space, we could develop something on earth. These are not just words. I know what I'm saying."

My point is this: there is no rule of science that says ballistic missiles will remain the most severe threat to population destruction. There is no reason why our adversaries could not shift the rules of the game from physics to biology. There is no reason Third World countries and terrorist groups cannot

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participate in the biological warfare arena. The superpowers have a mutual interest in preventing this development. Our challenge is to identify areas of clear mutual interest between the superpowers to limit potential new threats of the 1990's.

The reality of our society's vulnerability to such threats does not, however, mean that there are no valid goals for defenses. An effective U.S. research program in strategic defense technologies is necessary both to assess their practical potential (including conventional applications) and as a hedge against a Soviet decision to break out of the ABM Treaty.

In addition, I can envision certain defensive deployments which could be in the interest of both our Nation and the Soviet Union. If carefully redirected, our research efforts could produce options for limited deployments to deal with the frightening possibility of an accidental or unauthorized missile launch. Such defensive deployments might be possible within the terms of the ABM Treaty or, at most, require a modest amendment. If properly designed, such a system would not combine with offensive forces, either with or without a START treaty, to pose a first-strike threat. It could be designed so that it would not be destabilizing or prompt the Soviets to avoid or abrogate START.

In Washington, you cannot begin discussing an idea until it has been given an acronym. I might, therefore, suggest that we call this defensive system the "Accidental Launch Protection System"—or "ALPS". Such a limited defense would of course have to be proved both technically feasible and affordable. We would also have to carefully consider the extent to which the other elements of the Nitze criteria would apply.

I believe both superpowers might find common interest in taking out such an "insurance policy." This concept is a logical follow-on to the recent U.S./Soviet agreement on Nuclear Risk Reduction Centers and could be coupled with other imaginative steps to help reduce the risk of accidental or inadvertent nuclear war. For example, President Reagan and General Secretary Gorbachev could agree to make a simple but potentially very important pledge to conduct unilateral comprehensive reviews of each nation's fail-safe mechanisms guarding against accidental or unauthorized launches. This is an area in which I believe far too little attention has been devoted over the last several administrations.

RECOMMENDATIONS

If the Executive Branch is prepared to recognize and act upon these realities, then I believe certain policy prescriptions logically follow.

First, even under the best arms control regime we can now envision, stability will require both continued strategic force modernization and effective investments in research on defensive systems.

Second, we should continue development of both the Midgetman and the Rail Mobile MX ICBM systems until a rational choice can be made based on survivability, stability and cost effectiveness.

Third, we should withdraw our proposal in Geneva for a ban on all mobile ICBM's contingent on agreement on an effective verification regime.

Fourth, we should settle the dispute with the Soviets both over the duration of the ABM non-withdrawal period and on how advanced technologies will be treated during this period for purposes of complying with the Treaty. I believe the Administration should heed Ambassador Nitze's counsel and negotiate with the Soviets on a specific enumeration of what types of SDI devices can and cannot be tested in space during the non-withdrawal period.

Fifth, while maintaining an effective research program, we should set two separate but compatible goals for a redirected strategic defensive effort:

For the near term, we should seriously explore the development of a limited system for protecting against accidental and unauthorized launches. This should be coupled with a rigorous unilateral review by both sides of their respective fail-safe procedures and safeguards.

For the longer-term, our goal should be to pursue research on advanced defensive technologies, principally in the directed energy area, that offer the best prospects for a possible comprehensive defense. This should include much greater emphasis on battle management and system-wide command and control.

However, the United States should not commit any deployment of comprehensive ballistic missile defenses unless:

a. technical feasibility issues are settled;

b. cost/effectiveness at the margin appears attractive;

c. we have a reasonable assurance that highly effective deployments could be maintained in the face of plausible Soviet countermeasures;

d. the transition to such defenses would not undermine stability; and

e. economic and political support for the long haul is assured.

General Omar Bradley once said: "Ours is a world of nuclear giants and ethical infants. We know more about war than we know about peace, more about killing than we know about living. If we continue to develop our technology without wisdom or prudence our servant may prove to be our executioner." In my introduction, I made reference to General George Marshall. General Marshall said: "If man does find a solution to world peace, it will be the most revolutionary reversal of his record we have ever known." Our task remains clear but awesome. We must reverse the record of history.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Leahy). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR 15 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 4:14 p.m., recessed until 4:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Kerry).

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended 15 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

SENATOR DANIEL K. INOUYE

Mrs. KASSEBAUM. Mr. President, yesterday the Senate approved legislation rescinding the $8 million provided in the continuing appropriations bill for the construction of schools for North African Jewish refugees in France. This legislation was initiated at the request of Senator Daniel Inouye, sponsor of the funding provision. I commend Senator Inouye for his courage in admitting a mistake and for his decisiveness in acting to correct it. His handling of this matter underscores the qualities which have made him a highly respected Member of this body.

The unfortunate thing about all this is that Senator Inouye is bearing the brunt of public dissatisfaction with all of us. The furor over the Inouye amendment is but the tip of the iceberg of a much deeper public concern about the way in which Congress conducts its business. Certainly, adding a special line-item for a favored project is nothing new around here, and there are undoubtedly numerous other provisions of the continuing appropriations bill which should be rescinded.

More importantly, however, public dissatisfaction lies with the process itself. It is intolerable that we permit a year's worth of work to be crammed into two volumes which no one can possibly examine before casting a vote. Such a process is tailor-made for the enactment of policies which lack both consensus and proper consideration.

The real challenge confronting us has not been addressed by wiping out one provision of one mega-bill. The true test will be whether we can bring some semblance of order and serious deliberation to the work at hand.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Fowler). Without objection, it is so ordered.

BICENTENNIAL MINUTE

FEBRUARY 28, 1902: SENATE CENSURES MEMBERS FOR FIST FIGHT

Mr. DOLE. Mr. President, under the Constitution the Senate retains the exclusive right to set standards for the conduct of its Members. On seven occasions in its 200-year history, the Senate has found it necessary to censure Members for inappropriate behavior. One of those occasions occurred 86 years ago this month, on February 28, 1902.

On February 22, the Senate had debated a bill providing funding for the recently acquired Philippine Islands. At that time a dispute arose between the two Senators from South Carolina. Senator Benjamin Tillman charged that "improper influences" had been used to change the vote of his colleague John McLaurin on the Philippine Treaty.

Word of Tillman's charges reached McLaurin at a committee session. He raced back to the Senate Chamber and, pale with anger, branded the allegations "a willful, malicious, and deliberate lie." Upon hearing this, the 54-year-old Tillman jumped forward and struck the 41-year-old McLaurin above the left eye. McLaurin returned a punch to his adversary's nose. Both men traded blows until separated by a doorkeeper and several Senators. The Presiding Officer immediately ordered the doors closed and the galleries cleared. The Senate, by unanimous vote, found both Members in contempt and referred the matter to a committee. On February 22, the Senate, after debating the relative guilt of the two, and its authority to suspend Members, censured both men "for disorderly conduct and flagrant violation" of its rules. Each combatant was suspended for 6 days from the time of the fight.

As a consequence of this event, the Senate adopted the regulation we know today as Rule 19. That rule provides that: "No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator."

PRESIDENT GOES EXTRA MILE ON CONTRA AID

Mr. DOLE. Mr. President, later this evening, the House will vote on the President's proposal for continued assistance to the democratic resistance in Nicaragua—the so-called Contras.

As I indicated when I introduced the resolution of approval required to authorize this assistance, this will be a watershed vote. The House tonight, the Senate tomorrow—we will be voting on whether we believe the path to real democracy and peace in Central America lies in keeping the pressure on the Sandinistas, until they comply with the Arias plan; or in just trusting the Sandinistas to live up to their word, before they have taken the steps necessary to comply.

Let me be absolutely clear about my own view. I've met Ortega. He is a Communist. I don't trust him, and I don't trust the Sandinistas. I don't think they will ever comply, if we give them what they want before they do.

The President has done everything possible to craft this package to meet the legitimate concerns of the Congress. The aid requested is at the absolutely minimum level. The military aid component is miniscule—and even then will remain in escrow, pending one last chance for the Sandinistas to comply with the Arias plan.

And now the President has gone yet another mile. In a letter sent today to me and to other congressional leaders, the President has followed through on a pledge he made in his address to the Nation last evening. He has indicated that he will give Congress the opportunity, through a sense of the Congress resolution, to declare whether or not the Sandinistas have complied with the Arias plan—before he certifies the need for release of the military aid. And if Congress through a concurrent resolution declares the Sandinistas in compliance, the President "will refrain voluntarily from making the certification, and the suspension of lethal aid deliveries will continue."

Mr. President, President Reagan has done everything that can reasonably be asked of him. He has virtually turned the votes we take tonight and tomorrow into votes on the nonlethal aid only; giving us the opportunity for a separate vote on lethal aid, before it is released.

President Reagan has indicated his willingness to take every reasonable step he can. He has indicated, and demonstrated, that everything is negotiable but one thing: our basic commitment to the freedom fighters.

He will never abandon them. I will never abandon them. I only pray that the majority of the House and the Senate won't either.

Mr. President, I would like to place in the Record the text of the President's letter to me, as well as the text of his speech to the Nation last evening.

There being no objection, the material was ordered to be published in the Record, as follows:

The White House,
Washington, DC, February 3, 1988.

Hon. Bob Dole,
Republican Leader, U.S. Senate,
Washington, DC.

Dear Bob: On January 27, I transmitted to the Congress a request for $36.25 million in further assistance for the Nicaraguan democratic resistance. Our goal in Nicaragua is simple—peace and democracy. Our policy has consistently supported the efforts of those who seek democracy throughout Central America and who recognize that the freedom fighters are essential to that process.

Ninety percent of my request is for nonlethal aid, including food, clothing, medicine and transportation. The other ten percent is for ammunition and air defense missiles that would not be available for delivery until after March 31, 1988 pending my certification that:

At the time of the certification, no ceasefire is in place that was agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance;

The failure to achieve such a ceasefire results from the lack of good faith efforts by the Government of Nicaragua to comply with the requirements of the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988; and

The Nicaraguan democratic resistance has engaged in good faith efforts to achieve such a ceasefire.

As I have already stated, I would make that certification only after consulting personally with the Congress and the Presidents of the four Central American democracies, and I would give considerable weight to their views on the question of whether Nicaragua has complied with the San Jose Declaration.

Furthermore, in the event that I find it necessary to make such a certification, I will notify the Speaker of the House of Representatives and the President of the Senate of my intention to do so ten days in advance. If the Congress adopts during that ten-day period a concurrent resolution stating that the Government of Nicaragua is in compliance with the San Jose Declaration, then I will refrain voluntarily from making the certification, and the suspension of lethal aid deliveries will continue.

I believe that this arrangement will afford Congress and the Executive branch the opportunity to address jointly the central question of Sandinista compliance with the commitments made at the San Jose Summit. Accordingly, I strongly urge that the Congress give its approval to my request of January 27, which in my judgment will serve to enhance the national security interests of the United States by strengthening the prospects for democracy in Central America.

Sincerely,

Ronald Reagan.

Address by the President to the Nation on Central America

The President. My fellow Americans, I want to begin tonight by telling a story, a true story of courage and hope. It concerns a small nation to our south, El Salvador, and the struggle of its people to throw off years of violence and oppression and live in freedom.

Nearly four years ago, I addressed you as I do tonight and asked for your help in our efforts to support those brave people against a Communist insurgency. That was one of the hardest-fought political battles of this administration. The people of El Salvador, we heard, weren't ready for democracy; the only choice was between the left-wing guerrillas and the violent right—and many insisted that it was

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the guerrillas that truly had the backing of the people.

But with your support, we were able to send help in time. Our package of military aid for El Salvador passed Congress by only four votes—but it passed. Some of you may remember those stirring scenes as the people of El Salvador braved Communist gunfire to turn out in record numbers at the polls and vote emphatically for democracy.

Observers told of one woman, wounded in a Communist attack, who refused to leave the line at the polls to have her wounds treated until after she had voted. They told of another woman who defiantly answered Communist death threats saying, "You can kill me, you can kill my family, you can kill my neighbors, but you can't kill us all." Well, that's the voice of a people determined to be free. That is the voice of the people of Central America.

In these last several years, there have been many such times when your support for assistance saved the day for democracy. The story of what has happened in that region is one of the most inspiring in the history of freedom. Today, El Salvador, Honduras, Guatemala, as well as Costa Rica choose their governments in free and open democratic elections. Independent courts protect their human rights, and their people can hope for a better life for themselves and their children.

It is a record of success that should make us proud. But the record is as yet incomplete. Now this is a map of Central America. As I said, Guatemala, Honduras, El Salvador, and Costa Rica are all friendly and democratic.

In their midst, however, lies a threat that could reverse the democratic tide and plunge the region into a cycle of chaos and subversion. That is the Communist regime in Nicaragua called the Sandinistas—a regime whose allies range from Communist dictator Fidel Castro of Cuba to terrorist-supporter, Qadhafi, of Libya. But their most important ally is the Soviet Union.

With Cuban and Soviet-bloc aid, Nicaragua is being transformed into a beachhead for aggression against the United States—it is the first step in a strategy to dominate the entire region of Central America and threaten Mexico and the Panama Canal. That's why the cause of freedom in Central America is united with our national security. That is why the safety of democracy to our south so directly affects the safety of our own Nation.

But the people of Nicaragua love freedom just as much as those in El Salvador. You see, when it became clear the direction the Sandinistas were taking, many who had fought against the old dictatorship literally took to the hills, and, like the French Resistance that fought the Nazis in World War II, they have been fighting the Communist Sandinistas ever since.

These are the forces of the democratic resistance—the Communist government named them Contras, but the truth is, they're freedom fighters. Their tenacious struggle has helped buy the surrounding democracies precious time and, with their heroic efforts, they are helping give freedom a chance in Nicaragua. A year-and-a-half ago, Congress first approved significant military aid for the freedom fighters. Since then they've been winning major victories in the field and doing what many at first thought impossible—bringing the Communist Sandinistas to the negotiating table and forcing them to negotiate seriously.

From the beginning, the United States has made every effort to negotiate a peace settlement—bilaterally, multilaterally, in other diplomatic settings. My envoys have traveled to the region on at least 40 different occasions. But until this last year, these negotiations dragged on fruitlessly because the Sandinistas had no incentive to change. Last August, however, with mounting pressure from the freedom fighters, the Sandinistas signed the Guatemala Peace Plan.

This time, the leaders of the four Central American democracies refused to let the peace negotiations become an empty exercise. When Nicaragua missed the second deadline for compliance, the democratic leaders courageously stood as one to insist that the Sandinistas live up to their signed commitments to democratic reform. Their failure to do so, said the democratic leaders, was the biggest obstacle to peace in the region.

The Sandinistas are clearly feeling the pressure and are beginning to take limited steps. Yet at this crucial moment, there are those who want to cut off assistance to the freedom fighters and take the pressure off. Tomorrow, the House of Representatives will be voting on a $36-million bill—a support package to the freedom fighters. Ninety percent is for nonlethal support such as food, clothing, and medicine and the means to deliver it. Ten percent is for ammunition. That amount will be suspended until March 31st to determine whether the Sandinistas are taking irreversible steps toward democracy. I'm hopeful this will occur. However, if there is no progress toward a negotiated cease-fire, I will make a decision to release these additional supplies—but only after weighing carefully and thoroughly the advice from Congress and the democratic presidents of Central America.

Now, over the past several days, I've met with many members of Congress, Republicans and Democrats, concerning my proposal. In the spirit of bipartisanship, I will, tomorrow, send a letter to the congressional leadership taking a further step. At the appropriate time, I will invite Congress to act by what is called a sense of Congress resolution on the question of whether the Government of Nicaragua is in compliance with the San Jose Declaration. If Congress adopts such a resolution within 10 days containing this finding, then I will honor this action and withhold deliveries of ammunition in this package.

One thing is clear. Those brave freedom fighters cannot be left unarmed against Communist tyranny.

Now, some say that miltiary supplies aren't necessary, that humanitarian aid is enough. But there's nothing humanitarian about asking people to go up against Soviet helicopter gunships with nothing more than boots and bandages. There's no vote scheduled tomorrow in the Soviet Union on continued assistance to the Sandinistas—that assistance will continue, and it won't be just humanitarian.

Our policy of negotiations, backed by the freedom fighters, is working. Like the brave freedom fighters in Afghanistan who have faced down the Soviet army and convinced the Soviet Union that it must negotiate its withdrawal from their country, the freedom fighters in Nicaragua can win the day for democracy in Central America. But our support is needed now—tomorrow will be too late. If we cut them off, the freedom fighters will soon begin to wither as an effective force. Then with the pressure lifted, the Sandinistas will be free to continue the consolidation of their totalitarian regime, the military buildup inside Nicaragua, and communist subversion of their neighbors.

Even today, with the spotlight of world opinion focused on the peace process, the Sandinistas openly boast that they are arming and training Salvadoran guerrillas.

We know that the Sandinistas, who talk of a revolution without borders reaching to Mexico, have already infiltrated guerrillas into neighboring countries. Imagine what they'll do if the pressure is lifted. What will be our response as the ranks of the guerrillas in El Salvador, Guatemala, even Honduras and unarmed Costa Rica, begin to swell and those fragile democracies are ripped apart by the strain? By then the freedom fighters will be disbanded, refugees, or worse—they won't be able to come back.

Let me explain why this should be and would be such a tragedy, such a danger to our national security. If we return to the map for a moment, we can see the strategic location of Nicaragua. Close to our southern border, within striking distance of the Panama Canal, domination of Central America would be an unprecedented strategic victory for the Soviet Union

and its allies. And they're willing to pay for it. Cubans are now in Nicaragua constructing military facilities, flying combat missions, and helping run the secret police. The Soviet Union and Soviet-bloc countries have sent over $4 billion in arms and military aid and economic aid—20 times the amount that the United States has provided the democratic freedom fighters. If Congress votes tomorrow against aid, our assistance will very quickly come to an end—but Soviet deliveries won't.

We must ask ourselves why the Soviet Union, beset by an economic crisis at home, is spending billions of dollars to subsidize the military buildup in Nicaragua. Backed by some 2,000 Cuban and Soviet-bloc advisors, the Sandinista military is the largest Central America has ever seen. Warsaw Pact engineers are completing a deep-water port on the Caribbean coast—similar to the naval base in Cuba for Soviet submarines—and the recently-expanded airfields outside Managua can handle any aircraft in the Soviet arsenal, including the Bear Bomber, whose 5,200-mile range covers most of the continental United States.

But this is only the beginning. Last October, a high-ranking Sandinista officer, Roger Miranda, defected to this country, bringing with him a series of five-year plans—drawn up among the Sandinistas, Soviets, and Cubans—for a massive military buildup in Nicaragua extending through 1995. These plans, which Major Miranda makes clear are to be put into effect whether the freedom fighters receive aid or not, call for quadrupling the Sandinista Armed Forces—to 600,000 or one out of every five men, women, and children in the country.

As I speak to you tonight, several thousand Nicaraguans are taking courses in the Soviet Union and Cuba to learn to operate new high-tech missiles, artillery, and other advanced weapons systems. Of grave concern is the fact that the Soviets have scheduled delivery of Soviet MIG aircraft to Nicaragua. Now if these were just the claims of one defector, no matter how highly placed and credible, some might still find reason to doubt. But even before Major Miranda's revelations were made public, his old boss, Defense Minister Humberto Ortega, confirmed them in a public speech—adding that if Nicaragua chose to acquire MIGs, it was none of our business.

The introduction of MIGs into Nicaragua would be so serious an escalation that members of both parties in the Congress have said the United States simply cannot tolerate it.

The Miranda revelations can't help but make us skeptical of the recent Sandinista promises to abide by the Guatemala Peace Accord. The argument is made that the freedom fighters are unnecessary, that we can trust the Sandinistas to keep their word. Can we? It's important to remember that we already have a negotiated settlement with the Sandinistas—the settlement of 1979 that helped bring them to power, in which they promised—in writing—democracy, human rights, and a nonaligned foreign policy.

Of course, they haven't kept a single one of those promises, and we now know that they never intended to. Barely 2 months after assuming power, the Sandinista leadership drafted a secret report, called the "72-hour document," outlining their plans to establish a communist dictatorship in Nicaragua and spread subversion throughout Central America. This is the document in which they detailed their deception. It is now part of the public record, available for all to see.

One day after that 72-hour meeting, President Carter, unaware of their secret plans, received Daniel Ortega here in the White House and offered his new government our friendship and help, sending over $100 million in aid, more than any other country at the time, and arranging for millions more in loans. The Sandinistas say it was U.S. belligerence that drove them into the hands of the Soviets. Some belligerence.

A short while later, the Sandinista commandantes made their first official trip to Moscow and signed a communique expressing support for the foreign policy goals of the Soviet Union. But that, one might say, was only the paperwork. Already, Soviet military planners were in Nicaragua, and the Sandinista subversion of El Salvador had begun—all while our hand was extended in friendship.

This is not a record that gives one much faith in Sandinista promises. Recently, Daniel Ortega was up in Washington again, this time talking to Members of Congress, giving them assurances of his commitment to the Guatemala peace process. But we now know that at the same time, back in Managua, the Sandinistas were drawing up plans for a massive military escalation in Nicaragua and aggression against their neighbors.

Now, as the Sandinistas see the vote on aid to the freedom fighters nearing, they are making more promises. Well, forgive my skepticism, but I kind of feel that every time they start making promises, like that fellow in the Isuzu commercial, there should be subtitles under them telling the real story.

One may hope they're sincere this time, but it hardly seems wise to stake the future of Central America and the national security of the United States on it. The freedom fighters are our insurance policy in case the Sandinistas once again go back on their word. The Sandinistas themselves admit that the limited steps they have taken to comply with the peace accords here promised in order to influence the vote in Congress. Was there ever a better argument for aid?

Even now, with the entire world watching, the Sandinistas have harassed and beaten human rights activists and arrested several leaders of the peaceful democratic opposition, including the editor of La Prensa. Before being interrogated, some were sealed for over an hour in metal lockers, three feet square on the floor and seven feet high. Said one comandante of the opposition, they are, quote, "scorpions. They should return to their holes or we will crush them."

Just a short while ago, the Sandinistas made their true intentions clear. Even if they were forced to hold elections and lost, they said they would never give up power. Responding to the estimate that the Sandinistas have no more than 15 percent popular support, another comandante responded by saying, "That's all right. We can hold on to power with only five percent." Now these are not the words, these are not the actions of democratic reformers.

Those who want to cut off the freedom fighters must explain why we should believe the promises the Sandinista communists make trying to influence Congress, but not the threats they make at home. They must explain why we should listen to them when they promise peace and not when they talk of turning all Central America into one, quote, "revolutionary fire" and boast of carrying their fight to Latin America and Mexico.

If we cut off aid to the freedom fighters, then the Sandinistas can go back to their old ways. Then the negotiations can become, once again, what they were before—high-blown words and promises and convenient cover while the Sandinista communists continue the consolidation of their dictatorial regime and the subversion of Central America.

During the last vote in Congress, many who voted for aid to the freedom fighters set conditions on further assistance. They said the freedom fighters must broaden their leadership. They have. They said the freedom fighters must show that they are a viable fighting force and win support from the people. Well, the latest victory in the Las Minas area proved tnat. For several weeks, nearly 7,000 freedom fighters maneuvered in secret throughout the country—something they could only have done with support of the population. In one of the largest military operations in Nicaraguan history, they overran enemy headquarters, routed army barracks, blew up ammunition dumps, petroleum tanks, and other military targets. At one point they captured a warehouse where grain was being hoarded

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for the army. The freedom fighters opened the doors and invited the hungry people of the area to take what they needed.

The freedom fighters are inside Nicaragua today because we made a commitment to them. They have done what Congress asked; they have proven their effectiveness. Can we, as a moral people, a moral nation, withdraw that commitment now and leave them at the mercy of the Sandinista regime? Or turn them forever into refugees—refugees from the country for which they are making such a heroic sacrifice?

What message will that send to the world, to our allies and friends in freedom? What message will it send to our adversaries—that America is a fair-weather friend, an unreliable ally? Don't count on us, because we may not be there to back you up when the going gets a little rough.

By fighting to win back their country, the freedom fighters are preventing the permanent consolidation of a Soviet military presence on the American mainland; by fighting for their freedom, they're helping to protect our national security. We owe them our thanks, not abandonment.

Some talk of "containment," but we must not repeat the mistake we made in Cuba. If "containment" didn't work for that island nation, how much less effective will it be for an expansionist Soviet ally on the American mainland. I will tell you truthfully tonight, there will be no second chances tomorrow. If Congress votes down aid, the freedom fighters may soon be gone and, with them, all effective pressure on the Sandinistas.

Our goal in Nicaragua is simple—peace and democracy. Our policy has consistently supported the efforts of those who seek democracy throughout Central America and who recognize that the freedom fighters are essential to that process.

So, my fellow Americans, there can be no mistake about this vote—it is up or down for Central America. It is win or lose for peace and freedom. It is yes or no to America's national security.

My friends, I've often expressed my belief that the Almighty had a reason for placing this great and good land, the "new world," here between two vast oceans. Protected by the seas, we have enjoyed the blessings of peace—free for almost two centuries now from the tragedy of foreign aggression on our mainland.

Help us to keep that precious gift secure. Help us to win support for those who struggle for the same freedoms we hold dear. In doing so, we will not just be helping them, we will be helping ourselves, our children, and all the peoples of the world. We'll be demonstrating that America is still a beacon of hope, still a light unto the nations.

Yes, a great opportunity awaits us, an opportunity to show that hope still burns bright in this land and over our continent, casting a glow across the centuries, still guiding millions—to a future of peace and freedom.

Thank you, and God bless you.

A GREAT LOSS TO MICHIGAN

Mr. RIEGLE. Mr. President, today I join with the people of Michigan in mourning the loss of a man we all knew and loved—former Governor G. Mennen "Soapy" Williams. He was a man who really made our State, made the Michigan Democratic Party, and made himself an example for those of us in public office to follow.

The death of Soapy Williams is a tremendous loss to Michigan and to the Nation. Soapy had a distinguished career in public service that spanned several decades. He won an unprecedented six gubernatorial races in Michigan. He served as an Ambassador during the Kennedy administration. He later served as the Chief Justice of the Michigan Supreme Court. Thus, Soapy Williams is the only man to head two of the three branches of Michigan State government.

It is significant, I think, that most of the comments on Soapy's long career contain one similar point—that Soapy Williams was a true friend of the people. His drive and determination and that of his wife, Nancy, are legendary in Michigan—they were our leader and his first lady.

Many of us who began our political and public service careers after Soapy had been our Governor have tried to follow his example. We have all been directly influenced by him—I know I have. Soapy Williams was the modern leader of the Democratic party in Michigan and set the tone I hope will last for several more decades.

In Michigan, we talk about the beautiful Mackinac Bridge as "Soapy's bridge." The bridge will always be a monument to Soapy because it provided an important symbolic link between the people of the upper and lower peninsulas. But the real legacy of Soapy Williams stands in the programs and the policies he shaped as Governor of Michigan and as Chief Justice of the Michigan Supreme Court. It is a legacy that is characterized by compassion and a commitment to assuring equal access for all people to the benefits of our system.

Though Soapy Williams life has ended, we in Michigan will proudly carry on his legend and legacy.

U.S. AID TO THE CONTRAS

Mr. LEAHY. Mr. President, I can't think of anything over the past 7 years more harmful to the American peoples' attitude toward their Government than President Reagan's obsession with destroying the Sandinistas.

Nicaragua has been like a corrosive acid eating away at the faith of the American people in the basic decency of their Government.

The Iran-Contra scandal, breaking and evading the law and the Constitution, condemnation of the United States by the World Court, the mining of Nicaragua's harbors, the assassination manual, the "private" supply flights organized by Oliver North, the terrible toll the Contras have taken in civilian lives, the appeals of Central American leaders to be allowed to settle their own disputes—none of this appears to affect the administration.

The White House marches blindly on, ignoring the lessons of the past and the will of the American people, aided by a Congress too weak to stand up and say no.

The President, still convinced that he knows best how to solve the Central Americans' problems, now asks for another $36 million for military aid. He turns a deaf ear to the pleas of President Arias and other Central American leaders that by doing so he will doom the fragile peace process.

How does he justify this latest request?

First, he insists that the Sandinistas would never have lifted the state of emergency, allowed La Prensa to resume publishing, or agreed to negotiate a cease-fire without pressure from the Contras.

That explanation has appeal since it is the only way to justify the huge waste in U.S. tax dollars—more than a quarter of a billion dollars so far—and the human suffering this war has caused.

Second, he warns that while the Sandinistas talk of peace, they and the Soviet Union are really planning a large-scale military buildup—which presumably only the Contras can stop through military victory.

The President has apparently not paid much attention to what has been going on in Central America.

What have 6 years of war achieved?

The Sandinistas have solidified their hold on power.

Soviet and Cuban influence in Central America has grown.

Tensions in a dangerously unstable region have intensified.

Congress and the American people became deeply divided over our policy.

This is leadership?

No, Mr. President, this is failure, a failure even worse than the abject collapse of United States policy in the Middle East after the tragic intervention in Lebanon.

Instead of more aid for a failed war, we should be debating where American policy in Central America goes from here. Our interest is in peace, democracy, and the prevention of a Soviet or Cuban threat in this region.

What really brought the Sandinistas to the negotiating table?

Not a few thousand Contras waging a hopeless insurgency, but the courageous efforts of President Arias and other Central American leaders.

The Central Americans saw that not only were the Contras not going to win, but that the war was becoming a deadly threat to stability in their own countries.

I am convinced that it was the common interest of all Central American political leaders in stopping these destabilizing conflicts that brought the Sandinistas to the negotiating table. For the first time, it was not the great superpower to the north that was talking about peace while waging war. It was the Central Americans themselves, sharing one of the poorest and most backward regions of the world, who wanted to find a way out of the mess before it dragged them all down.

The Sandinistas have problems far more pressing than the Contras. They are isolated politically and economically. They have almost no access to foreign exchange. The economy is a shambles. Agricultural production is a fraction of what it was in 1979. Food and other commodities are rationed. Half of their budget is spent on the military. Their international support is drying up.

For several years the Sandinistas have wanted to change course. Ever since they accepted the draft Contadora agreement, they have offered to negotiate an end to the war. It was the United States, not Nicaragua, that broke off the bilateral talks aimed at a political solution.

The Sandinistas know a regional peace settlement is in their interests. As long as they remain isolated, preoccupied with the insurgency and their fear of U.S. invasion, they cannot rebuild their country and improve relations with their Latin neighbors and the United States. Their problems will only get worse.

The Sandinistas have great incentive to permit internal reforms and wider participation in the political process. They are confident that they can maintain their position under a peace settlement even if they must open up the system to the political opposition.

That is why ideologues and hard-liners in the White House, the Pentagon, and in the Congress have tried to torpedo the Guatemala agreement. They will fight any agreement that does not automatically oust the Sandinistas from power.

Presidents Arias, Cerezo, Duarte and Azcona know that they, too, desperately need an end to the decades of violence that has kept their countries from developing economically and politically. The majority of their people still live in the 19th century. Despite hundreds of millions of dollars in U.S. aid, their economies are declining. They told me a year ago that a political settlement is absolutely vital if they are to have a chance to build lasting democracies.

They have seen how 6 months of negotiations have already achieved more than 6 years of the United States-financed Contra war.

The President has denounced every step the Sandinistas have taken to comply with the Guatemala agreement. First he dismisses them as "cosmetic." Then he says they are proof that the Contra policy works. Now he wants a major increase in military aid to keep up the pressure. This so-called non-lethal aid can include helicopters, jeeps, fuel and any other military hardware except guns and bullets the Contras need to expand the war.

Today the Congress faces the ultimate test. Do we stand aside and let this administration go on with its failed policy for 1 more year?

Even though by doing so we may be destroying all hope for a peaceful end to the conflict?

Or do we for once listen to the Central Americans and stop trying to solve their problems by killing them?

We should reject this aid not just for the Central Americans, but for the United States.

We hurt ourselves by prolonging this war. We hurt our reputation as a nation committed to resolving conflicts peacefully. We hurt ourselves by terrorizing a tiny country of impoverished farmers who know more about the St. Louis Cardinals than about communism.

The United States has legitimate security interests in Central America. We know, as Secretary Shultz has said, that the Nicaraguan people want freedom and dignity. We want to see Nicaragua become a more open, democratic society.

We can fulfill both those interests without supporting a war to oust the Sandinistas. As long as that remains the focus of our policy toward Nicaragua we are inviting failure.

We cannot let the Soviet Union or any hostile nation establish a military presence in Central America from which to threaten the security of this hemisphere. Preventing that possibility should be the cornerstone of our policy toward Nicaragua.

If we can negotiate a verifiable INF Treaty with the Soviets, we, and the Sandinistas, can negotiate a verifiable agreement that the Soviets and Cubans will not pose a military threat in Nicaragua. The Sandinistas have offered to sign such an agreement.

Our other principal security concern is that Nicaragua not support rebel insurgencies in its neighbors. The Guatemala agreement says that an end to aid to insurgencies is "indispensable" to peace. We should support the Central Americans in devising a comprehensive, verifiable agreement on this point. We could help the Central Americans verify Sandinista compliance.

If the United States and Nicaragua can resolve these concerns, we should be able to begin to improve relations on a wide range of issues. That is in the interest of both countries. Without our help, Nicaragua will never get its economy back on track. Its economic isolation and siege conditions leave it little choice but to seek aid from a Soviet Union preoccupied with its own internal problems and not disposed to generosity to a faraway country.

The time for rhetorical denunciations is past. We cannot dictate the outcome of events in Nicaragua, but can influence events in that country in positive ways.

We can do that by treating Nicaragua the same as we do other small countries with governments we do not like. Not by trying to overthrow them, but by offering the people opportunities to travel and study in the United States and learn about our democratic system. And we can do that by offering the kind of help they so desperately need.

By improving trade. By sending doctors, teachers, engineers, and other professionals to improve the standard of living of the majority of Nicaraguans who live in poverty.

By keeping a dialog going, recognizing that like every other country in Central and South America and no matter what we do, Nicaragua's political system will never be just like ours.

Nor can we expect to erase overnight a half century of resentment for our support of Somoza and the Contras. Secretary Shultz has said that successful diplomacy takes time and patience. Patient diplomacy reversed decades of hostility and mistrust between the United States and China. It can do so with a Nicaragua that has plenty of reason to fear and mistrust the United States.

We are at a historic crossroads. We can continue a senseless war and shatter the first glimmer of hope for peace in Central America. Or we can stop the hypocrisy and start talking and acting like we truly want peace. I am convinced that only then will freedom and prosperity finally come to Nicaragua.

A BRAVE SKIER, JEFF PAGELS

Mr. KASTEN. Mr. President, having recently participated in the 1988 Senator's Cup skiing event in Park City, UT, I would like to share with my colleagues the story of a truly brave skier, Jeff Pagels of Ashwaubenon, WI.

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Jeff Pagels recently came in third in a downhill ski race in Dubuque, IA. He then went to Vermont to run the Ski for Light Program for disabled skiers. He'll soon be on his way to Minnesota to compete in a 21-mile cross-country race.

He's a pretty impressive skier. And he's disabled. You see, Jeff Pagels uses a wheelchair to get around.

Jeff hasn't let his disability slow him down. While he claims he's not doing this "to be an inspiration to anybody," I think all my colleagues will agree we can learn a lot from his example.

Jeff's story is told in an article in the Milwaukee Journal. I ask unanimous consent that it be entered in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Jan. 25, 1988]

BACK ON THE SLOPES: DISABILITY DOESN'T STOP SKIER

WAUSAU, WI.—Jeff Pagels, 39, is a burly man with wide shoulders, strong arms and a deep, resonant voice to go with his classic, outdoorsman good looks.

The man from Ashwaubenon, in Brown County, acts the part, too: confident, almost to the point of being egotistical.

Pagels also is athletic and has been most of his life. "Very competitive," he says.

The employee of the Wisconsin Department of Natural Resources uses a wheelchair, but he doesn't let that stop him from doing much.

Three weeks ago, Pagels placed third in a downhill ski race in Dubuque, Iowa. At the end of this month, he'll be in Vermont running the Ski for Light program, a clinic for disabled skiers.

Later this winter he'll be in Mora, Minn., competing in the 21-mile Vasaloppet cross country ski race as one of the few disabled skiers in the country who compete in such races.

Pagels and his wife, Jane, and children, Corey, 12, and Chad, 11, ski nearly every winter weekend.

"Skiing is just a great sport," he said during an interivew in the chalet at the Rib Mountain Ski Area here. "It sure beats sitting around."

Pagels was cutting down a tree on a fall day 3½ years ago when the tree fell on him and broke his back. The spinal cord injury robbed him of the use of his legs.

He uses a wheelchair to get around most of the time. At other times, he uses a specially designed sled, which he poles along cross country ski trails, and a mono-ski, a hybrid piece of machinery that allows him to swoosh down the slopes.

"I'm not a hill bomber," he said. "I try to ski reasonably, but I can tear if I want to."

The $1,500 mono-ski is designed for use on regular chairlifts, which is an advantage, he said, because many ski bills are not set up to handle disabled skiers.

"But at least ski hill owners are becoming more tolerant of the disabled skier," Pagels said.

Only Brule in the Upper Peninsula and Devil's head in Merrimac, in Sauk County, have ski rental equipment designed for people in wheelchairs, he said.

But he might soon be able to add Rib Mountain to that list. The Rib Mountain Ski Area in Wausau will be host to downhill ski races as part of the Governor's Cup Series Thursday and Friday. A portion of the proceeds will go to start a program for disabled skiers that will cater to those who are blind, in whcelchairs or mentally retarded.

Pagels is not on a crusade to get more hills involved with programs for disabled skiers, he said, nor is he trying to motivate other people in wheelchairs.

"I don't do this to be an inspiration to anybody," he said. "I'm not out here to impress these people or to try to get people in wheelchairs in Wausau to ski. I'm out here because I like to ski. That's all."

INF TREATY AND SOVIET SPYING

Mr. PRESSLER. Mr. President, now that the Senate has begun its constitutional duty to consider the INF Treaty, we must remind ourselves of the enormous differences between our own open society and the closed Soviet political, economic, and social system.

Much of the enthusiasm that has accompanied the signing of this treaty is centered on its provision for onsite inspections. The INF Treaty is the first agreement between the United States and Russia to provide for such a high level of onsite inspection. Effective verification is an essential component to ensure treaty compliance, and the INF Treaty is a step forward in this area. The Soviet Union strongly resisted the suggestion of foreign technicians roaming freely within their boundaries.

The INF Treaty provides for United States inspection of a limited number of specific facilities in the Soviet Union. Americans will not have broad freedom to move around in the Soviet Union. Thus, we will continue to be compelled to rely on national technical means, or satellite technology, and traditional intelligence measures to determine whether the Soviets are living up to their commitments under the treaty. On the other hand, Soviet citizens and those who live in Eastern European Communist nations enjoy much more freedom to travel around the United States and the other free nations. They have vastly greater opportunities to gather information about us than we have to see what is happening behind the Iron Curtain.

For example, an electronically equipped truck can be a tremendous information-gathering device. In 1984, the Soviets simply parked a specially equipped truck near a military complex in Switzerland. Authorities there say the Soviet truck intercepted NATO coded transmissions. An electronically equipped truck has capabilities that reach far beyond those of satellites or other distance-restricted listening devices. By exploiting the freedom of movement that is accessible to all who live in a democratic society, properly trained and equipped personnel are able to take advantage of us by gathering intelligence that may be crucial to our security.

I spotted another example in a disturbing article in the December 26, 1987, edition of the New York Times. It describes a frightening example of the Warsaw Pact's ability to exploit the freedom of movement in America. From July to December 1987, five Czechoslovakian men—three technicians and two Communist party officials—brought a specially equipped truck and an ultralight collapsible airplane into our country while traveling extensively on United States tourist visas. They were tracked by the FBI as they discreetly examined 17 of our sensitive military installations, between Niagara Falls and Arizona where they crossed into Mexico. Their electronically equipped truck parked for several days outside a sensitive U.S. communications facility near San Diego, CA. The movements of these Czechoslovaks were possible because of the extensive freedom we extend to all in our society. U.S. Customs agents searched the truck for spy equipment at the border in Arizona, but found nothing that would hold up in court. However, American security may have been compromised. Mr. President, I ask unanimous consent that an Associated Press story regarding this incident from the New York Times of December 26, 1987, be printed in the RECORD.

The INF Treaty marks a major step forward in our ability to verify arms reduction treaty compliance. However, we should not be blinded from the fact that the verification it provides is not complete. The millenium of peace is not a reality. As the Czechoslovak agents' bizarre trek across the United States demonstrates, the Warsaw Pact dictatorships continue to spy on us with relative ease. Their countries are still tightly controlled and extensively off limits to foreigners. If genuine freedom and democracy are ever achieved behind the Iron Curtain, the world will become a safer place for all humanity. Meanwhile, let us keep the INF Treaty achievement in perspective.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CZECHS IN UNITED STATES TOUR SIGHTED IN 17 STATES NEAR MILITARY BASES

Five Czechoslovaks in a truck equipped with an ultralight airplane and electronic gear have reportedly made a mysterious three-month-long tour of the United States in which they were seen near military bases in 17 states.

The Federal Bureau of Investigation declined Thursday to give substantive comment on the report, which was broadcast Wednesday night by NBC News. Sue Schnitzer, a spokeswoman for the bureau, would say only that the Czechoslovaks had been issued tourist visas and that "the F.B.I. was fully aware of the presence of these visitors."

According to NBC News, the Czechoslovaks, including a military pilot and a nuclear physicist, entered the United States at Niagara Falls, NY, last summer after sailing to Nova Scotia aboard a Soviet freighter. Scores of United States counterintelligence agents followed them on their tour, the network reported, but were apparently unable to uncover their purpose. At one stop the visitors reportedly flew their small, collapsible plane over a Midwestern base that the network did not identify.

The Czechoslovaks told local reporters in Tucson, Ariz., that they were on a goodwill trip on behalf of their Government and a state-operated trucking company. In an interview at a truck stop in Arizona, they told an NBC News crew that they were tourists, not spies. The ultralight plane was packed away under the truck.

NBC News said the Czechoslovaks were allowed to drive into Mexico from Nogales, Ariz., on Dec. 1 after a border search of their vehicle failed to turn up firm evidence of spying.

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 10:34 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 39. Joint resolution to provide for the designation of the 70th anniversary of the renewal of Lithuanian Independence, February 16, 1988, as "Lithuanian Independence Day"; and

S.J. Res. 196. Joint resolution designating February 4, 1988, as "National Women in Sports Day."

Pursuant to the order of the Senate of today, February 3, 1988, the enrolled joint resolutions were signed by Mr. SHELBY.

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 3875. An act to amend title 5, United States Code, with respect to appeal rights for members of the excepted service affected by adverse personnel actions and with respect to the Merit Systems Protection Board;

H.J. Res. 196. Joint resolution designating the week of May 8 through May 14, 1988, as "Senior Center Week"; and

H.J. Res. 292. Joint resolution designating the week beginning February 1, 1988, as "National VITA Week."

MEASURES REFERRED

The following bill and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3875. An act to amend title 5, United States Code, with respect to appeal rights for members of the excepted service affected by adverse personnel actions and with respect to the Merit Systems Protection Board; to the Committee on Governmental Affairs.

H.J. Res. 196. Joint resolution designating the week of May 8 through May 14, 1988, as "Senior Center Week"; to the Committee on the Judiciary.

H.J. Res. 292. Joint resolution designating the week beginning February 1, 1988, as "National VITA Weeka"; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, February 3, 1988, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 39. Joint resolution to provide for the designation of the 70th anniversary of the renewal of Lithuanian independence, February 16, 1988, as "Lithuanian Independence Day"; and

S.J. Res. 196. Joint resolution to designate February 4, 1988, as "National Women in Sports Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2454. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Deficit Reductions for Fiscal Year 1988—Compliance With the Balanced Budget and Emergency Deficit Control Act of 1985"; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-2455. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, an explanation of the circumstances that make it impossible to transmit the President's budget by the date specified in statute; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-2456. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting, pursuant to law, a report on support of NATO strategy in the 1990's; to the Committee on Armed Services.

EC-2457. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the annual report on the operations of the Panama Canal during fiscal year 1987; to the Committee on Armed Services.

EC-2458. A communication from the Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter July 1, through September 30, 1987; to the Committee on Armed Services.

EC-2459. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of the retail warehouse function at Andrews Air Force Base, Maryland, to performance by contract; to the Committee on Armed Services.

EC-2460. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of the computer operations and Telecommunications Center function at Peterson Air Force Base, Colorado, to performance by contract; to the Committee on Armed Services.

EC-2461. A communication from the Chairman of the Commission on Merchant Marine and Defense, transmitting, pursuant to law, the second report containing the recommendations made by the Commissioners; to the Committee on Armed Services.

EC-2462. A communication from the President of the United States, transmitting, pursuant to law, the second annual report on the National Security Strategy of the United States, 1988; to the Committee on Armed Services.

EC-2463. A communication from the Secretary of Commerce, transmitting, pursuant to law, notice of the extension of certain export controls maintained for foreign policy purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-2464. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on all the National Transportation Safety Board's recommendations regarding transportation safety; to the Committee on Commerce, Science, and Transportation.

EC-2465. A communication from the Secretary of the Interior, transmitting, pursuant to law, a copy of an application from the State of Montana under the Small Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC-2466. A communication from the Assistant Secretary of the Interior (Water and Science), transmitting, pursuant to law, notice of the approval of a deferment of the 1986 construction repayment installment from Almena Irrigation District No. 5, Pick-Sloan Missouri Basin Program, Kansas; to the Committee on Energy and Natural Resources.

EC-2467. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of certain oil and gas lease revenues; to the Committee on Energy and Natural Resources.

EC-2468. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of certain oil and gas lease revenues; to the Committee on Energy and Natural Resources.

EC-2469. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of certain oil and gas lease revenues; to the Committee on Energy and Natural Resources.

EC-2470. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report regarding the accessibility standards issued, revised, amended, or repealed under the Architectural Barriers Act; to the Committee on Environment and Public Works.

EC-2471. A communication from the Acting Assistant Secretary of Energy (Environment, Safety, and Health), transmitting, pursuant to law, the annual report on progress in implementing the requirements of the Superfund Amendments and Reauthorization Act; to the Committee on Environment and Public Works.

EC-2472. A communication from the Chairman of the Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1987; to the Committee on Environment and Public Works.

EC-2473. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Superfund—Insuring Underground Petroleum Tanks"; to the Committee on Environment and Public Works.

EC-2474. A communication from the Federal Highway Administrator, transmitting, pursuant to law, a report entitled "Recommended Improvements to Reduce Traffic Congestion for Charlotte Amalie, U.S. Virgin Islands"; to the Committee on Environment and Public Works.

EC-2475. A communication from the United States Trade Representative, transmitting, pursuant to law, a report on the effectiveness of trade remedies under the Trade Act of 1974 in eliminating or reducing unfair foreign trade practices; to the Committee on Finance.

EC-2476. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report on the Private Sector Revolving Fund for 1987; to the Committee on Foreign Relations.

EC-2477. A communication from the President of the United States, transmitting, pursuant to law, a determination and certification relative to efforts to achieve a cease-fire agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance; to the Committee on Foreign Relations.

EC-2478. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to January 22, 1988; to the Committee on Foreign Relations.

EC-2479. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, the Compensation Report for 1985; to the Committee on Governmental Affairs.

EC-2480. A communication from the Director of the National Science Foundation transmitting, pursuant to law, a report on the system of internal accounting and administrative control of the NSF, 1987; to the Committee on Governmental Affairs.

EC-2481. A communication from the Acting Assistant Secretary of State transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2482. A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a report on Bid Protest Activity under the Competition in Contracting Act; to the Committee on Governmental Affairs.

EC-2483. A communication from the Administrator of the Panama Canal Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2484. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, a report on an altered Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2485. A communication from the Administrator of AID transmitting, pursuant to law, a report on the statute of internal controls at AID; to the Committee on Governmental Affairs.

EC-2486. A communication from the Director of the Peace Corps transmitting, pursuant to law, a report on the Corps internal controls; to the Committee on Governmental Affairs.

EC-2487. A communication from the NASA Privacy Officer transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2488. A communication from the Director of the Office of Personnal Management transmitting, pursuant to law, a report on two altered Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2489. A communication from the Secretary of Labor transmitting, pursuant to law, a report on Competition in Contracting; to the Committee on Governmental Affairs.

EC-2490. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, a report on systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2491. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on the NRC's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2492. A communication from the Assistant Secretary of the Air Force transmitting, pursuant to law, a report on a decision to convert the technical training equipment maintenance function at Chanute AFB, Ill. to performance under contract; to the Committee on Governmental Affairs.

EC-2493. A communication from the Director of the USIA transmitting, pursuant to law, the Agency's annual report on Competition Advocacy; to the Committee on Governmental Affairs.

EC-2494. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the Department's systems of accounting and internal controls; to the Committee on Governmental Affairs.

EC-2495. A communication from the Assistant Attorney General of the United States, transmitting, pursuant to law, a report on four modified Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2496. A communication from the D.C. Auditor transmitting, pursuant to law, a report entitled "Alleged Pay Raises for University of the District of Columbia Departmental Chairperson, Assistant and Associate Deans"; to the Committee on Governmental Affairs.

EC-2497. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, the a copy of D.C. ACT 7-123; to the Committee on Governmental Affairs.

EC-2498. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. ACT 7-131; to the Committee on Governmental Affairs.

EC-2499. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. ACT 7-125; to the Committee on Governmental Affairs.

EC-2500. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. ACT 7-126; to the Committee on Governmental Affairs.

EC-2501. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. ACT 7-124; to the Committee on Governmental Affairs.

EC-2502. A communication from the Chairman of the National Advisory Council on Indian Education transmitting, pursuant to law, the Council's 13th annual report to the Congress; to the Select Committee on Indian Affairs.

EC-2503. A communication from the Chairman of the Administrative Conference of the United States transmitting, pursuant to law, the Conference's 1986 Annual Report; to the Committee on the Judiciary.

EC-2504. A communication from the Chief Immigration Judge, Department of Justice, transmitting, pursuant to law, a list of individuals erroneously sent to Congress under sec. 244(c)(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2505. A communication from the Attorny General of the U.S. transmitting, pursuant to law, a certification of a region to the Seventh Circuit Court; to the Committee on the Judiciary.

EC-2506. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Drug Law Enforcement: Military Assistance for Anti-Drug Agencies; to the Committee on the Judiciary.

EC-2507. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the Department of Defense's compliance with certain provisions of the Anti-Drug Abuse Act of 1986; to the Committee on the Judiciary.

EC-2508. A communication from the Director, Institute of Museum Services, transmitting, pursuant to law, a report concerning the Freedom of Information report for 1987 of the Institute of Museum Services; to the Committee on the Judiciary.

EC-2509. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the U.S.-Mexico opium poppy and marijuana aerial eradication program; to the Committee on the Judiciary.

EC-2510. A communication from the Chairman, U.S. Sentencing Commission, transmitting, pursuant to law, a report regarding certain amendments to the sentencing guidelines and commentary which the Commission recently adopted pursuant to its emergency guidelines promulgation authority; to the Committee on the Judiciary.

EC-2511. A communication from the Executive Vice President, National Music Council, transmitting, pursuant to law, a report on the National Music Council's most recent audited financial report; to the Committee on the Judiciary.

EC-2512. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, 1987 Annual Report on the Status of Organ Donation and Coordination Services; to the Committee on Labor and Human Resources.

EC-2513. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the Biennial Report of the U.S. Institute of Peace; to the Committee on Labor and Human Resources.

EC-2514. A communication from the Executive Secretary, Office of the Secretary of

Defense, transmitting, pursuant to law, a report on the Department of Defense Procurement from Small and Other Business Firms for October 1987; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-396. A resolution adopted by the Council of the County of Hawaii, State of Hawaii, urging passage of the Rural Economy Act; to the Committee on Agriculture, Nutrition, and Forestry.

POM-397. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Finance.

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO CORRECT THE SOCIAL SECURITY BENEFITS DISPARITY KNOWN AS THE 'NOTCH' ACT

"Whereas, the nineteen hundred and seventy-seven change in the Social Security retirement benefit formula has affected all eligible persons born in the 'notch' years: the years nineteen hundred and seventeen through nineteen hundred and twenty-one, whose work records are otherwise similar to work records of those born in nineteen hundred and sixteen or after nineteen hundred and twenty-one, but are penalized by receiving lower Social Security benefits; and

"Whereas, this disparity in benefit amounts is unjust and unfair and has caused great hardship: therefore be it

"*Resolved*, That the Massachusetts House of Representatives urges the Congress of the United States to enact legislation to correct this unfair disparity in Social Security benefits; and be it further

"*Resolved*, That copies of these resolutions be transmitted by the clerk of the House of Representatives to the President of the United States, the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth."

POM-398. A resolution adopted by the Westchester County, New York Board of Legislators relating to AFDC special funding needs; to the Committee on Finance.

POM-399. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Finance.

"RESOLUTION

"Whereas, There are currently 22 states which have established lottery programs to augment state government funds for a variety of worthwhile programs; and

"Whereas, The Pennsylvania Lottery is the nation's leading lottery in terms of ticket sales and cumulative profits over the past three years; and

"Whereas, The Pennsylvania Lottery was established to benefit senior citizens living in this Commonwealth by providing funds for the operation of the Department of Aging, the Property Tax and Rent Rebate Program, the Pharmaceutical Assistance Contract for the Elderly (PACE) Program, the Shared Ride and Free Mass Transit Programs, County Aging Programs, the Older Persons Income Needs (OPIN) Program and reimbursements for nursing homes and medical assistance; and

"Whereas, Various proposals on the Federal level to institute a national lottery would have an extremely adverse effect on the success and profitability of the Pennsylvania Lottery; and

"Whereas, The establishment of a national lottery would impact on the State's liability to fund existing senior citizen programs at their current levels; therefore be it

"Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to reject any proposal for the establishment of a national lottery, which would compete with and be counterproductive to the continued operation of existing State lotteries, including the Pennsylvania Lottery; and be further

"Resolved, That copies of this resolution be transmitted to the presiding offices of each House of Congress and to each member of Congress from Pennsylvania."

POM-400. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Foreign Relations:

"HOUSE JOINT RESOLUTION No. 1010

"Whereas, The preservation of freedom throughout the world is part of the hallowed tradition of the American people; and

"Whereas, The nation of Afghanistan was invaded by the Soviet Union in 1979; and

"Whereas, The Afghan people have waged a valiant seven-year struggle to oust the Soviet invaders; and

"Whereas, The Soviet invasion and consequent war have resulted in the death of over one and one-half million Afghanis, and in injuries to three million others; and

"Whereas, These deaths and injuries involve over twenty-five percent of the prewar population of Afghanistan; and

"Whereas, Of the three million Afghan people who have been injured, over sixty percent are innocent women and children; and

"Whereas, This terrible toll of lives indicates that the Soviet Union is committing genocide in Afghanistan; and

"Whereas, Afghanistan is strategically located near to Iran and other oil-producing countries of the Persian Gulf; and

"Whereas, The free flow of oil through the Persian Gulf is vital to the interests of the United States and the free world; now, therefore,

"Be It Resolved by the House of Representatives of the Fifty-sixth General Assembly of the State of Colorado, the Senate concurring herein:

"That we, the members of the General Assembly, hereby request the United States Congress to:

"(1) Supply humanitarian assistance to the people of Afghanistan living in refugee camps;

"(2) Supply military assistance to the Afghan freedom fighters contesting the Soviet invasion.

"Be It Further Resolved, That copies of this Resolution be transmitted to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to each member of Congress from the State of Colorado."

POM-401. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on the Judiciary.

"RESOLUTIONS ACKNOWLEDGING THE SEVENTIETH ANNIVERSARY OF THE ESTABLISHMENT OF THE REPUBLIC OF LITHUANIA

"Whereas, the future peace and prosperity of the world depends upon a just and equitable final settlement of the legacy of World War II, whereby each nation and people be granted the freedom to determine its own destiny and future; and

"Whereas, the Government of the United States of America is recognized as an ardent exponent and defender of the national and human rights of small nations; and

"Whereas, the people of Lithuania, by the determined act of national self-determination, on February 16, 1918, in Vilnius, Lithuania, reestablished an independent state—the Republic of Lithuania, which was recognized by the international community of states, including the United States of America in 1922; and

"Whereas, during its twenty-two years of independence, the said republic of Lithuania demonstrated the maturity and progressive spirit of the Lithuanian people in various fields of endeavor, that Lithuania could exist as a viable and progressive sovereign entity; and

"Whereas, this advancement of the Lithuanian people was thwarted by Soviet aggression and forced incorporation into the U.S.S.R. on August 3, 1940; and

"Whereas, on this seventieth anniversary of the establishment of the Republic of Lithuania, the occupied Republic of Lithuania ought to be free and independent, and that as a matter of fundamental international justice express provisions should be made at all future U.S.-Soviet summit conferences for the purpose of granting and guarantying the restoration of independence to the people of Lithuania: Therefore be it

"Resolved, That the Massachusetts House of Representatives acknowledges the seventieth anniversary of the establishment of the Republic of Lithuania; and be it further

"Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, to the negotiators of the United States at disarmament conferences with the Soviet Union and to the Presiding Officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-402. A petition from a citizen of Houston, Texas, praying for a redress of grievances relative to the Federal food and drug laws; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Thomas G. Pownall, of Maryland, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term of two years;

The following-named persons to be Members of the National Advisory Council on Women's Educational Programs for terms expiring May 8, 1990:

Esther Kratzer Everett, of New York. (Reappointment.)

Helen J. Valerio, of Massachusetts. (Reappointment.)

Carolyn Reid-Wallace, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 1992;

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Robert Lee McElrath, of Tennessee, to be a Member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1990; and

J. Wade Gilley, of Virginia, to be a Member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1990.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. KENNEDY. Mr. President, for the Committee on Labor and Human Resources, I also report favorably two Foreign Service lists which have previously appeared in their entirety in the Congressional Record of January 26, 1988, and, to save the expense of reprinting them on the Executive Calendar, ask that they lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. PELL, from the Committee on Foreign Relations:

Richard Salisbury Williamson, of Illinois, to be an Assistant Secretary of State;

John R. Davis, Jr., of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: John R. Davis, Jr.

Post: Ambassador to Poland.

Contributions, amount, date, donee.

1. Self, none.
2. Spouse Helen C. Davis, none.
3. Children and spouses names: Thorp (s), Katherine (dau), and Anne (dau), none.
4. Parents names: John R. Davis and Petronilla Davis (both deceased), none.
5. Grandparents names: (All four deceased), none.
6. Brothers and spouses names: None.
7. Sisters and spouses names: Sister Petronilla, O.P., none.

Leonard H.O. Spearman, Sr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Leonard H.O. Spearman, Sr.

Post: Ambassador to Rwanda.

Contributions, amount, date, donee.

1. Contributions of self and spouse:

$2[illegible]0.00 (check No. 177)—9-30-84—Harris County Council of Organizations.

$1[illegible]0.00 (check No. 302)—1-07-85—Donohoe for State Office.

$3[illegible].00 ( )—10-24-85—Elizabeth Spates for Houston Independent School Board.

$7[illegible].00 (check No. 1035)—8-16-86—Jack Fields for Congress.

$1[illegible]0.00 (check No. 1101)—10-07-86—Bill Clements Hqtrs. in Black Community.

$7[illegible]0.00 (check No. 1117)—10-29-86—Republican Party of Harris County, Texas.

$370.00 (check No. 1201)—1-05-87—Texas Inaugural Committee.

$50.00 (check No. 1285)—3-02-87—The Texas Committee of 300.

$50.00 (check No. 1286)—3-02-87—Circle R Republican Club.

2. Spouse: Valeria B. Spearman, none.
3. Children and spouses names: Lynn Spearman McKenzie—Michael McKenzie, (none); Charles M. Spearman—Jacinthe D. Spearman (none); Leonard H.O. Spearman, Jr. (none).
4. Parents names: Elvis W. and Tryphenia Spearman (none).
5. Grandparents names: Rosa Lawrence (deceased), Rawn Mitchell (deceased), Adell Spearman (deceased), Rose Spearman (deceased).
6. Brothers and spouses names: Elvis Ohara Spearman—Frankie Spearman (none), Rawn W. Spearman (none), Daisy L. Spearman (deceased).
7. Sisters and spouses names: Viva T. Spearman Coleman and Hyron Coleman (none), Olivia S. Parker and Harrison Parker (none), Agenoria S. Paschal and Alonjo Paschal (none).

Chester E. Norris, Jr., of Maine, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Chester E. Norris, Jr.

Post: Ambassador, Equatorial Guinea.

Contributions, amount, date, donee.

1. Self, none.
2. Spouse: Ulla Norris, none.
3. Children and spouses names: None.
4. Parents names: Pauline and Norris, none.
5. Grandparents names: Deceased.
6. Brothers and spouses names: John and Nancy Norris, $300.00—Nov. 86—Joseph Brennan, U.S. Congressman.
7. Sisters and spouses names: Herbert and Betsy Holmes, $100.00—annually—Republican National Committee.

John and Bertha Holmes, $100.00—annually—Republican National Committee.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MIKULSKI:

S. 2031. A bill to amend title 5, United States Code, to include inspectors of the Immigration and Naturalization Service, inspectors of the United States Customs Service, and revenue officers of the Internal Revenue Service with the immediate retirement provisions applicable to certain employees engaged in hazardous occupations; to the Committee on Governmental Affairs.

By Mr. BREAUX (for himself and Mr. Wallop):

S. 2032. A bill to authorize expenditures for boating safety programs, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. Dole, Mr. Shelby, Mr. Bond, Mr. Matsunaga, Mr. Chafee, Mr. Chiles, Mr. Symms, Mr. Burdick, Mr. Heinz, Mr. Metzenbaum, Mr. Gramm, Mr. Glenn, Mr. Durenberger, Mr. Kerry, Mr. Garn, Mr. Pryor, Mr. Weicker, Mr. Sanford, Mr. McCain, Mr. Moynihan, Mr. Warner, Mr. Conrad, Mr. Lugar, Mr. Stennis, Mr. Quayle, Mr. Wirth, Mr. Stafford, Mr. Exon, Mr. McClure, Mr. Sarbanes, Mr. Thurmond, Mr. Levin, Mr. Pressler, Mr. DeConcini, Mr. Cochran, Mr. Nunn, Mr. Wilson, Mr. Bradley, Mr. D'Amato, Mr. Gore, Mr. Danforth, Mr. Lautenberg, Mr. Specter, Mr. Kennedy, Mr. Stevens, Mr. Cranston, Mr. Boschwitz, Mr. Inouye, Mr. Heflin, Mr. Dodd, Mr. Simon, Mr. Hollings, Mr. Roth, and Mr. Hatch):

S.J. Res. 250. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI:

S. 2031. A bill to amend title 5, United States Code, to include inspectors of the Immigration and Naturalization Service, inspectors of the United States Customs Service, and revenue officers of the Internal Revenue Service within the immediate retirement provisions applicable to certain employees engaged in hazardous occupations; referred to the Committee on Governmental Affairs.

EARLY OUT LEGISLATION FOR FEDERAL EMPLOYEES IN CERTAIN HAZARDOUS POSITIONS

● Ms. MIKULSKI. Mr. President, today I am introducing legislation that would extend the early retirement option for Federal employees in hazardous occupations to inspectors of the Customs Service and the Immigration Service, as well as revenue officers in the Internal Revenue Service.

Under current law, Federal employees who work 20 years in a "hazardous" occupation are eligible for retirement at age 50. Currently this classification includes, among others, Federal firefighters and law enforcement officers.

The bill I am sponsoring would expand the job categories designated as "hazardous" to include Customs inspectors, IRS revenue officers and INS inspectors. The dedicated men and women in these three categories of Federal employment are faced daily with extremely stressful and sometimes dangerous situations in service of their country. This stress leads to a high turnover rate in these Federal occupations, that in turn lowers the Federal Government's productivity.

Offering an "early out" retirement option for Customs and INS inspectors, as well as for IRS revenue officers, will help provide positions for longer periods of time. Therefore, the net result of providing such an early out option is a more productive Federal Government, as well as a lower Federal deficit.

For example, a July 1985 study by the IRS' Assistant Commissioner for Collections, estimated that an early out option for IRS revenue officers would reduce annual training costs by over $2 million and result in increased annual revenue collections by nearly $100 million.

Mr. President, this early out legislation for hazardous occupations should be carefully distinguished from other early out bills that have been introduced to shrink the size of the Federal work force. My legislation is designed solely to reward those whose civil service positions entail significant hazards. Unlike other early out bills, it has no provision which prevents an agency from filling a vacated position for 3 years.

In this era of continued high Federal deficits, the Congress should be taking all steps necessary to improve both our Government's productivity and efficiency. The legislation I am introducing today makes a limited, but serious attempt to meet that goal.●

By Mr. BREAUX (for himself and Mr. Wallop):

S. 2032. A bill to authorize expenditures for boating safety programs, and for other purposes; to the Committee on Finance.

EXPENDITURES FOR BOATING SAFETY PROGRAMS

● Mr. BREAUX. Mr. President, today Senator Wallop and I are joining to introduce legislation to reauthorize and improve certain boating safety and sport fishing enhancement programs which are funded through the Aquatic Resources Trust Fund, popularly known as the Wallop-Breaux Fund. This fund, established in 1984, is supported entirely by user fees paid by the millions of recreational boaters and sport fishing enthusiasts in the United States. The Wallop-Breaux Fund has been a significant success story, bringing millions of badly needed dollars to every State in the Union to improve State boating safety programs, provide vital support for the U.S. Coast Guard, and enhance sport fishing and boating opportunities.

The legislation we are introducing would extend for 10 years the authorization for appropriations for boating safety and Coast Guard support functions funded through the Wallop-Breaux Fund. The boating safety account within the fund consists of receipts from taxes levied on motorboat fuels. Like taxes paid into the highway trust fund by motorists, these taxes are user fees paid by the boating public. Unlike gasoline taxes paid by motorists, however, boaters had been paying these user fees since 1956 but were not previously receiving the benefits of these fees. In 1984, Congress wisely corrected this inequity and assured that Federal motorboat fuel taxes would be used to enhance boating safety and improve recreational programs that would benefit those who were paying the tax burden. In addition to extending this worthwhile program, our legislation would also codify an agreement among the boating and fishing user groups regarding the allocation of funding for boating safety programs.

Mr. President, the support within the boating and fishing public for the Wallop-Breaux Fund is extremely strong. The millions of people who enjoy these waterborne forms of recreation have willingly and actively supported the use of these funds in constructive ways that improve the safety of our waters and enhance the recreational opportunities that so many enjoy. I know that many of my colleagues have heard firsthand of the successes made possible within their State since the inception of the program, and I hope these colleagues will join us in cosponsoring this important legislation and expediting reauthorization of this valuable program.●

● Mr. WALLOP. Mr. President, today I join with my colleague from Louisiana, Mr. Breaux in introducing legislation to revise and extend the Aquatic Resources Trust Fund, which is commonly known as the Wallop-Breaux Fund. The trust fund evolved from legislation enacted almost 40 years ago to aid in research and management programs for fisheries. The original program, the so-called Dingell-Johnson Fund, imposed an excise tax on fishing tackle and dedicated the revenues to sport fish restoration projects managed by State fish and wildlife agencies.

The program was funded by fishermen, and the revenues were dedicated to the specific goal of improving the fish populations in our lakes and streams. A successful and popular program, the Dingell-Johnson Fund was subject to demands which exceeded its revenues. So, efforts were begun about 10 years ago to expand the fund. In addition to increasing the tax on fishing tackle, a new excise tax on fishing boats was also considered. After some controversy, a proposal was developed by John Breaux, as a member of the House Merchant Marine and Fisheries Committee, to utilize a portion of the motorboat fuel tax for an expanded sport fish program. As a member of the Senate Finance Committee, I sponsored this proposal in the Senate.

The new program, the Aquatic Resources Trust Fund, or Wallop-Breaux Fund, was enacted into law in 1984. The new fund included two specific accounts, the sport fish restoration account and the boating safety account. The accounts are true user funded accounts, and involve no general revenues. The sport fish restoration account is funded by the fish tackle excise tax, and as I mentioned earlier, is dedicated to projects undertaken by State fish and wildlife agencies. The boating safety account is funded by the motor-fuel excise tax, and is used for boat safety programs run by the States and the U.S. Coast Guard.

When Congress enacted the Wallop-Breaux Fund in 1984, the proposal contained a specific set-aside from the fuel tax for the Boat Safety Program. The first $45 million in fuel tax revenues was reserved for the Boat Safety Program. Any collected funds above that amount would go to the Sport Fish Restoration Program.

Two years ago, after extended discussion among the user groups, it was suggested that the funding allocation for boat safety programs be increased. Congress responded favorably to the request, and revised the $45 million set-aside to $60 million as an amendment to the Coast Guard authorization bill. Last year, approval was again given to the funding increase. The legislation we are introducing today would make permanent the higher allocation. We would thus avoid having to amend the program every year to provide an allocation agreed to by everyone.

Our bill would also reauthorize the program for 10 years. Last, the bill would revise the list of in-kind contributions the States can make to meet their matching funding requirements under the act.

The Aquatic Resources Trust Fund is an example of a user funded program which serendipitously has a public benefit. The changes we are proposing today will only make a good program better. I would urge my colleague to join in supporting this legislation.●

By Mr. GRASSLEY (for himself, Mr. Dole, Mr. Shelby, Mr. Bond, Mr. Matsunaga, Mr. Chafee, Mr. Chiles, Mr. Symms, Mr. Burdick, Mr. Heinz, Mr. Metzenbaum, Mr. Gramm, Mr. Glenn, Mr. Durenberger, Mr. Kerry, Mr. Garn, Mr. Pryor, Mr. Weicker, Mr. Sanford, Mr. McCain, Mr. Moynihan, Mr. Warner, Mr. Conrad, Mr. Lugar, Mr. Stennis, Mr. Quayle, Mr. Wirth, Mr. Stafford, Mr. Exon, Mr. McClure, Mr. Sarbanes, Mr. Thurmond, Mr. Levin, Mr. Pressler, Mr. DeConcini, Mr. Cochran, Mr. Nunn, Mr. Wilson, Mr. Bradley, Mr. D'Amato, Mr. Gore, Mr. Danforth, Mr. Lautenberg, Mr. Specter, Mr. Kenne-

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dy, Mr. Stevens, Mr. Cranston, Mr. Boschwitz, Mr. Inouye, Mr. Heflin, Mr. Dodd, Mr. Simon, Mr. Hollings, Mr. Roth, and Mr. Hatch):

S.J. Res. 250. A joint resolution designating the week of May 8, 1988, as "National Osteoporosis Prevention Week of 1988"; referred to the Committee on the Judiciary.

NATIONAL OSTEOPOROSIS AWARENESS WEEK

● Mr. GRASSLEY. Mr. President, I am introducing today legislation which would designate the week of May 8-14, 1988, as National Osteoporosis Prevention Week. I am joined in this by Senators Dole, Shelby, Bond, Matsunaga, Chafee, Chiles, Symms, Burdick, Heinz, Metzenbaum, Gramm, Glenn, Durenberger, Kerry, Garn, Pryor, Weicker, Sanford, McCain, Moynihan, Warner, Conrad, Lugar, Stennis, Quayle, Wirth, Stafford, Exon, McClure, Sarbanes, Thurmond, Levin, Pressler, DeConcini, Cochran, Nunn, Wilson, Bradley, D'Amato, Gore, Danforth, Lautenberg, Specter, Kennedy, Stevens, Cranston, Boschwitz, Inouye, Heflin, Dodd, Simon, Hollings, Roth, and Hatch.

This is the fourth year in which I have had the honor of introducing legislation to call attention to the problem of osteoporosis, one of our major public health problems.

Osteoporosis is a condition in which bone tissue becomes progressively thinner as a consequence of calcium loss. This bone degeneration is associated with aging, low calcium levels, and loss of estrogen. It is a condition which affects primarily older women after menopause, although it can affect older men. Most commonly affected by it are thin, caucasian women, who tend to lose bone mass at a rate twice that of older men.

Osteoporosis is a fairly widespread condition. It affects some 24 million Americans, mainly post-menopausal women and older people.

This condition is a major contributing cause of bone fractures suffered by the elderly. Data provided to me by an Iowa researcher for a hearing of the Subcommittee on Aging during the 99th Congress showed that, at age 68, about half of Iowa's women have a bone mass level that places them at risk of fracture. Needless to say, therefore, this condition is expensive. Bone fractures in the elderly, particularly hip fractures, can lead to institutionalization. Fractures are also associated with higher levels of mortality among those who suffer them—it is estimated that more than 50,000 older women die each year from complications of hip fracture—a number higher than the number who die annually from breast cancer. In 1986, the national expenditures for osteoporosis totaled from $7 to $10 billion.

Many scientists argue that osteoporosis can be prevented. Some studies have shown that as many as 80 percent of bone fractures resulting from thinning of the bones could be avoided with increased intake of calcium and estrogen—and 50 percent with increased intake of calcium alone.

In one sense, osteoporosis is not just an older person's disease. That is because the time in the life cycle to begin to deal with this condition is not old age. Insofar as a certain amount of calcium loss is inevitable with aging, the more bone mass a person has when that loss commences, the more secure a person is from eventual bone deformity or breakage. Thus, the osteoporosis prevention effort should be directed especially at younger women, both in their own right as young women and in their capacity as parents who, with their husbands, can have a decisive influence on the diet and lifestyle of their children, and at children and adolescents. It is therefore entirely appropriate that the theme of this year's prevention week is "build a stronger future".

I must emphasize that, because osteoporosis probably can be prevented, educational efforts, such as this resolution designating a National Osteoporosis Prevention Week, can be particularly helpful in reducing the eventual incidence of this condition. Education and media campaigns during the week designated by this resolution will be conducted in all 50 States. The leaders of last year's educational efforts estimate that over 10 million Americans received information about osteoporosis as a consequence of the educational efforts of the event's many cosponsors around the country. This year, the campaign's goal is to reach at least 50 million Americans.

I ask unanimous consent that the groups and organizations joining the National Osteoporosis Foundation in this effort be listed after my statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

Partners in Prevention

Abbott Laboratories.
American Home Products Corporation.
Coca-Cola Foods.
The Dannon Company, Inc.
Kraft, Inc.
Lederle Laboratories, Division of American Cyanamid Company.
Lunar Radiation Corporation.
Marion Laboratories, Inc.
Mead Johnson Laboratories.
The Merck Company Foundation.
Norwich Eaton Pharmaceuticals, Inc.
Parke-Davis.
The Procter & Gamble Company.
Rorer Pharmaceuticals.
Sandoz Pharmaceuticals Corporation.
Serono Synmposia, USA.
The Upjohn Company.
Warner-Lambert Company.

Prevention Week Cosponsors

American Academy of Physical Medicine and Rehabilitation.
American Association of Retired Persons.
American College of Obstetricians and Gynecologists.
American Dietetic Association.
American Home Economics Association.
American Hospital Association.
American Medical Association.
American Medical Association Auxiliary, Inc.
American Medical Women's Association, Inc.
American Physical Therapy Association.
American Red Cross.
American School Food Service Association.
American Society for Bone and Mineral Research.
Association for the Advancement of Health Education.
B'nai B'rith Women.
Camp Fire, Inc.
Food Marketing Institute.
Future Homemakers of America, Inc.
Girls Clubs of America, Inc.
Girls Scouts of the U.S.A.
National Association of Area Agencies on Aging.
National Association of State Units on Aging.
National Consumers League.
National Council on the Aging, Inc.
National Council of Catholic Women.
National Council of Jewish Women.
National Council on Patient Information and Education.
National Dairy Council.
National Extension Homemakers Council, Inc.
National Rural Health Network.
Nurses Association of the American College of Obstetricians and Gynecologists.
President's Council on Physical Fitness and Sports.
Society for Nutrition Education.
U.S. Department of Agriculture, Extension Service.
U.S. Department of Health and Human Services.
Administration on Aging.
Bureau of Maternal and Child Health and Resources Development.
Food and Drug Administration.
National Institute on Aging.
National Institute of Arthritis and Musculoskeletal and Skin Diseases and the National Arthritis and Musculoskeletal and Skin Disease Clearinghouse.
National Institute of Diabetes and Digestive and Kidney Diseases.
Office of Disease Prevention and Health Promotion YMCA of the USA.

Friends of Prevention Week

Alleghany Regional Hospital (Low Moor, VA).
Amarillo Hospital District (Amarillo, TX).
Borgess Medical Center (Kalamazoo, MI).
Bradley Memorial Hospital (Cleveland, TN).
Cape Fear Memorial Hospital, Inc. (Wilmington, NC).
Chelsea Community Hospital (Chelsea, MI).
Corning Hospital (Corning, NY).
Cottonwood Hospital Medical Center (Murray, UT).
Elmwood Medical Center (Jefferson, LA).
Hospital for Special Surgery (New York, NY).

Humana Women's Hospital—South Texas (San Antonio, TX).
Lafayette General Medical Center (Lafayette, LA).
LDS Hospital (Salt Lake City, UT).
Lenox Hill Hospital (New York, NY).
Martha Jefferson Hospital (Charlottesville, VA).
Meadville Medical Center (Meadville, PA).
Mesa Lutheran Medical Center (Mesa, AZ).
Metropolitan Medical Center Foundation (Minneapolis, MN).
Mother Frances Hospital (Tyler, TX).
New England Baptist Hospital (Boston, MA).
North Colorado Medical Center (Greeley, CO).
Our Lady of Mercy Hospital (Dyer, IN).
Riverside Hospital (Newport News, VA).
Sacred Heart Hospital and Rehabilitation Center (Norristown, PA).
Saint Joseph's Medical Center (South Bend, IN).
Shadyside Hospital (Pittsburgh, PA).
Southwest General Hospital (Middleburg Heights, OH).
The South Side Hospital (Pittsburgh, PA).
The Staten Island Hospital (Staten Island, NY).
Western Reserve Care System (Youngstown, OH).
Woman's Hospital (Baton Rouge, LA).
Zurbrugg Memorial Hospital (Willingboro, NJ).●

ADDITIONAL COSPONSORS

S. 58

At the request of Mr. Danforth, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 794

At the request of Mr. Metzenbaum, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 794, a bill to amend chapter 13 of title 18, United States Code, to impose criminal penalties and provide a civil action for damage to religious property and for injury to persons in the free exercise of religious beliefs.

S. 1370

At the request of Mr. Bumpers, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 1370, a bill to provide special rules for health insurance costs of self-employed individuals.

S. 1395

At the request of Mr. Hecht, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of S. 1395, a bill entitled "The Nuclear Waste Transportation Act of 1987."

S. 1586

At the request of Mr. Kerry, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of S. 1586, a bill to provide financial assistance under the Education of the Handicapped Act to assist severely handicapped infants, children, and youth to improve their educational opportunities through the use of assistive device resource centers, and for other purposes.

S. 1670

At the request of Mr. D'Amato, the name of the Senator from Nevada [Mr. Hecht] was added as a cosponsor of S. 1670, a bill to identify, commemorate, and preserve the legacy of historic publicly owned parks of Frederick Law Olmsted, and for other purposes.

S. 1993

At the request of Mr. D'Amato, his name was added as a cosponsor of S. 1993, a bill to amend the Small Business Act to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and for other purposes.

S. 2003

At the request of Mr. Gramm, the names of the Senator from North Carolina [Mr. Helms], the Senator from Nevada [Mr. Hecht], the Senator from South Carolina [Mr. Thurmond], the Senator from Georgia [Mr. Fowler], the Senator from Indiana [Mr. Quayle], and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of S. 2003, a bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes.

S. 2024

At the request of Mr. Baucus, the name of the Senator from Virginia [Mr. Warner] was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2025

At the request of Mr. Melcher, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of S. 2025, a bill to amend title II of the Toxic Substances Control Act.

SENATE JOINT RESOLUTION 181

At the request of Mr. Wilson, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of Senate Joint Resolution 181, joint resolution designating the week beginning February 1, 1988, as "National VITA Week."

SENATE JOINT RESOLUTION 206

At the request of Mr. Domenici, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of Senate Joint Resolution 206, joint resolution to declare Dennis Chavez Day.

SENATE JOINT RESOLUTION 210

At the request of Mr. Wilson, the names of the Senator from Ohio [Mr. Glenn], the Senator from Idaho [Mr. Symms], the Senator from Minnesota [Mr. Boschwitz], the Senator from Florida [Mr. Chiles], the Senator from Missouri [Mr. Danforth], the Senator from Connecticut [Mr. Dodd], the Senator from New Mexico [Mr. Domenici], the Senator from Florida [Mr. Graham], the Senator from South Carolina [Mr. Hollings], the Senator from Massachusetts [Mr. Kennedy], the Senator from Massachusetts [Mr. Kerry], the Senator from Michigan [Mr. Levin], the Senator from South Dakota [Mr. Pressler], the Senator from Michigan [Mr. Riegle], the Senator from North Carolina [Mr. Sanford], the Senator from Alabama [Mr. Shelby], the Senator from Illinois [Mr. Simon], the Senator from Vermont [Mr. Stafford], the Senator from South Dakota [Mr. Daschle], and the Senator from South Carolina [Mr. Thurmond] were added as cosponsors of Senate Joint Resolution 210, joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DeConcini, the name of the Senator from Arizona [Mr. McCain] was added as a cosponsor of Senate Joint Resolution 235, joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 237

At the request of Mr. Dole, the names of the Senator from Georgia [Mr. Nunn], the Senator from Missouri [Mr. Bond], the Senator from Ohio [Mr. Glenn], the Senator from Illinois [Mr. Dixon], the Senator from Virginia [Mr. Warner], the Senator from Arizona [Mr. McCain], the Senator from West Virginia [Mr. Rockefeller], the Senator from South Carolina [Mr. Thurmond], the Senator from Michigan [Mr. Levin], the Senator from Alabama [Mr. Shelby], the Senator from Rhode Island [Mr. Chafee], the Senator from North Carolina [Mr. Sanford], the Senator from Ohio [Mr. Metzenbaum], the Senator from Rhode Island [Mr. Pell], and the Senator from Utah [Mr. Hatch] were added as cosponsors of Senate Joint Resolution 237, joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 247

At the request of Mr. Bradley, the names of the Senator from Maryland [Ms. Mikulski], the Senator from Michigan [Mr. Levin], the Senator from Illinois [Mr. Dixon], and the Senator from Alaska [Mr. Stevens] were added as cosponsors of Senate Joint Resolution 247, joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

SENATE RESOLUTION 260

At the request of Mrs. Kassebaum, the name of the Senator from Arizona

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[Mr. McCain] was added as a cosponsor of Senate Resolution 260, resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes.

AMENDMENTS SUBMITTED

INDIAN SELF-DETERMINATION ACT AMENDMENTS

EVANS (AND INOUYE) AMENDMENT NO. 1399

(Ordered to lie on the table.)

Mr. EVANS (for himself and Mr. Inouye) submitted an amendment intended to be proposed by them to the bill (S. 1703) to amend the Indian Self-Determination and Education Assistance Act, and for other purposes:

Mr. EVANS. Mr. President, I am pleased today to file an amendment which I intend to offer to S. 1703, the Indian Self-Determination Act amendments. The Indian Self-Determination Act authorizes tribes to contract with the Secretary of the Department of the Interior and the Secretary of the Department of Health and Human Services to administer previously authorized programs otherwise administered directly by those departments. The amendments already contained in S. 1703 increase tribal participation in the management of Federal Indian programs and to help ensure long-term financial stability for tribally run programs.

The amendments contained in S. 1703 are intended to remove many of the administrative and practical barriers that seem to persist under the Indian Self-Determination Act. The bill represents a profound and thorough reexamination of one of the most important and successful laws affecting Indian people in our Nation's history.

S. 1703 was reported by the Select Committee on Indian Affairs on December 22, 1987. One provision in the bill as reported, section 209, provides a mechanism for consolidated funding to participating Indian tribes. This provision, which was first recommended to the committee by the Department of the Interior, is intended to allow tribes maximum flexibility to use Federal funds to fashion programs for their members.

Mr. President, I am aware that section 209 has been the subject of some concern. I have discussed this provision at great length with tribal leaders from Washington State and from other tribes throughout the country. As I indicated in my additional views in the committee's report on S. 1703, there was room for improvement in section 209. I continue to believe, however, that consolidated funding is a sound policy, and may represent the logical culmination of the self-determination policy which many of us strongly support.

I was pleased to work with tribal leaders and members of the committee to develop improvements to this provision. The amendment I am introducing today builds upon the consolidated funding concept. The amendment, however, is a very different program than the one proposed by the Department of the Interior. The amendment has been developed with the active participation of tribes who have expressed interest in pursuing consolidated funding, and I intend to offer it at their request.

The amendment which I intend to offer deletes section 209 in its entirety and establishes instead a new title III, the tribal self-governance research and demonstration project. This project, which is authorized for 5 years, is divided into three phases. The first phase provides the interested tribes with planning grants for a period not to exceed 2 years. These grants allow the tribes to analyze, design and prepare for consolidated funding. At the same time, the Secretary is directed to compile and analyze pertinent financial and program data available to the tribes. The second phase of the project involves the negotiation of an agreement between the tribes and the Secretary of the Interior to specify the functions and responsibilities of the tribes and the Secretary. This agreement should allow tribes to determine and manage their own budgets and priorities. Nothing in the demonstration project or the written agreement may abrogate or reduce the trust responsibility of the United States to Indian tribes. The third and final phase of the demonstration project is the funding of the tribes to carry out their negotiated agreements.

Ten tribes responded to the Department of the Interior's original inquiry on consolidated funding and they have been specified in the continuing resolution for fiscal 1988 as eligible for self-determination planning grants. These tribes, the Central Council of the Tlingit-Haida Indian Tribes of Alaska, the Rosebud Sioux Tribe, the Jamestown Band of Klallam Indians, the Red Lake Band of Chippewa Indians, the Hoopa Valley Indian Tribe, the Lummi Tribe, the Quinault Indian Nation, the Mescalero Apache Tribe, the Salish-Kootenai Tribes of the Flathead Reservation, the Mille Lacs Band of Chippewa Indians, are the tribes who will begin this experiment.

Mr. President, I believe that tribes, like other units of government, are accountable to their citizens and are fully capable of managing their own affairs to the benefit of the Indian citizenry. Under this amendment, Indian tribes will not be bound to provide the same exact services that the Bureau of Indian Affairs would have provided. The Secretary and tribes are to report to Congress periodically on the progress of this project and to determine the relative costs and benefits, if any, of such consolidated funding. Services and funding to tribes not participating in the demonstration project are held harmless from any project costs or programs.

Mr. President, S. 1703 is a unique piece of legislation in that it was developed with the active participation of Indian tribes throughout the country. The Select Committee on Indian Affairs will schedule a hearing on this amendment in the near future. At that hearing, I look forward to learning from the tribes who participated in the development of this legislation on their views regarding this amendment.

Mr. President, I ask unanimous consent that a copy of the amendment be printed in the Congressional Record at the conclusion of my remarks and those of my esteemed colleague and cosponsor of the amendment Senator Inouye.

There being no objection, the amendment was ordered to be printed in the Record, following the remarks of Mr. Inouye.

Mr. INOUYE. Mr. President, I am pleased to join as a cosponsor of this amendment to S. 1703, the "Indian Self-Determination and Education Assistance Act Amendments of 1987."

One of the perennial shortcomings of Federal policies toward Indian tribes is that those policies are often developed by people who have little knowledge of the actual conditions on Indian reservations and the needs of tribal governments. I am pleased to report that this bill is an outstanding exception to that practice. These amendments were developed with the active participation of Indian tribal leaders from all parts of the country. For the past year, Indian tribal elected officials, finance officers, program planners, and program managers worked diligently with the Committee on Indian Affairs to develop positive and practical amendments to strengthen the Indian Self-Determination Act.

These amendments would: Ensure that tribal contract funds are not diverted to pay for such things as Federal contract monitoring, computers and Federal employee pay costs (section 205).

Ensure that tribal indirect costs associated with self-determination contracts are fully funded (section 205).

Provide that lack of indirect cost funding from agencies other than the BIA or IHS will not result in adverse actions against tribes, including theoretical overrecoveries (section 205).

Forgive tribal indebtedness resulting from theoretical overrecoveries incurred prior to fiscal year 1988 (section 205).

Prevent the BIA and the IHS from reducing tribal contract funds except in direct proportion to congressional reductions in appropriations (section 205).

Reduce contract reporting requirements for "mature" contracts (section 104).

Allow tribes to operate permanent mature contracts, instead of having to reapply for contracts each year (section 204).

Provide that Federal procurement laws and Federal acquisition regulations do not apply to Public Law 93-638 contracts (section 204).

Prevent the BIA and IHS from imposing contracting requirements on tribes except through procedures consistent with the Administrative Procedures Act (section 104 and section 207).

Prevent the BIA and IHS from unilaterally modifying Public Law 93-638 contracts (section 206).

Provide that the Contract Disputes Act and the Equal Access to Justice Act apply to Public Law 93-638 contract disputes (section 206).

Clarify that tribes have the right to contract for trust-related functions (section 201).

Strengthen the rights of tribes to design and operate programs appropriate to the needs and conditions of the tribes and their citizens (section 201 and section 202).

Address problems of Federal personnel displaced as a result of tribal contracting (section 203).

Simplify the regulations applicable to Public Law 93-638 contracts by requiring the BIA and IHS to publish one single set of regulations, developed with the participation of tribes, in title 25 of the Code of Federal Regulations (section 207).

Provide for Federal Tort Claims Act coverage for Public Law 93-638 contractors (section 201).

Authorize tribes to obtain grants for the purpose of planning, designing, monitoring, and evaluating Federal programs serving tribes, including Federal and administrative functions (section 202).

Mr. President, I support the efforts of my colleague Senator Evans to respond to the recommendations and comments of a broad section of Indian leaders by offering an amendment to delete section 209, the "consolidated contract funding" provision from S. 1703, and in lieu thereof to include a new section 301, the "tribal self-governance research and demonstration project" provision. Section 301 is very different from section 209. Before we proceed to enact legislation to permanently authorize consolidated funding, I prefer to allow those tribes that have expressed interest in the consolidated funding concept to complete a planning process and then to experiment on a temporary basis by actually operating programs with consolidated funding. The new section 301 would authorize that planning and experimental operation. If those tribes subsequently request specific legislative action to permanently authorize consolidated funding, I am certain that the Senate will be willing to consider such legislation.

The Committee on Indian Affairs originally agreed to include section 209 in the bill at the request of Assistant Secretary for Indian Affairs Ross Swimmer for discussion purposes. In its markup meeting on December 9, the committee moved to accept a package of amendments, including an amendment to section 209, with the understanding that the questions that have been raised regarding this section would be resolved before the bill is acted upon by the full Senate.

Subsequent to the December 9 markup, funding was set aside in the fiscal year 1988 Interior appropriation for 10 tribes who volunteered to participate in a planning process to perform necessary legal and budgetary research, and internal tribal government planning and organizational preparation for the purpose of negotiating consolidated funding agreements with the Secretary of the Interior. The Appropriations Committees directed each of the tribes to document obstacles and propose remedies identified with this planning process, to be consolidated into a comprehensive report to the Appropriations Committees by September 1, 1988.

Mr. President, to enact the permanent authorizing legislation contained in section 209 at this time would be premature, given the objectives of the planning process. However, it is clear that the planning process begun with the fiscal year 1988 funding involves many challenging issues regarding the trust responsibility of the Federal Government to the tribes, the financial and programmatic impacts on other tribes, particularly in multitribal agencies, and the methods which could be used by the Bureau eventually to transfer more comprehensive programmatic responsibility along with the necessary financial resources to the tribes. That process should be bolstered by authorizing legislation pursuant to which this committee will work closely with the tribes involved, especially to ensure that there is full cooperation by the Federal agencies.

Therefore, section 301 would propose to continue and build upon the planning process already begun by authorizing a 5-year research and development project. Under this project, upon completion of the planning phase tribes would actually experiment with operating programs in accordance with tribally determined, not Federal, priorities. Consolidated funding would be provided to each of the 10 tribes pursuant to agreements negotiated with the Secretary during the planning process.

Both Senator Evans and I joined with our other colleagues in the Senate to introduce Senate Concurrent Resolution 76 on September 16, 1987. It reaffirms the continuing government-to-government relationship between Indian tribes and the United States. This resolution was developed in close cooperation with representatives of some of those tribes who now seek to participate in experimental planning and program operation. It is an important step in our mutual efforts to clarify the relationship between tribes and the United States so that it may conform more nearly to the quality of the relationship that existed at the time of the signing of the U.S. Constitution and the treaties with Indian tribes. As tribal governments did then, they should today like other governments, determine for themselves how best to provide for their citizens.

It is important to explore practical ways of implementing the concepts contained in Senate Concurrent Resolution 76 and if section 301, which was developed by a number of tribal experts and officials could further their goal of self-determination, it will have been worth the effort. The research and development project is a next logical step in the important process of self-determination furthered by S. 1703. Perhaps it will take Public Law 93-638 to the next evolutionary stage.

I am willing to honor the tribes' request that I cosponsor an amendment to include the research and development project. I point out, however, that section 301 expressly provides that it shall not reduce the trust responsibility of the United States to Indian tribes nor limit or reduce the services, contracts or funds of any of the nonparticipating tribes.

The committee will closely monitor the research and development project, working both with the tribes and the Bureau of Indian Affairs. It is important to include within the research being undertaken an analysis of all Bureau of Indian Affairs functions with the idea of determining minimum levels below which funding for services should not fall. Particularly in the national resources area, funding levels should be based on a reservation-by-reservation analysis of what is needed. Such funding is a key element in the government-to-government relationship which the United States is pledged to continue and it should not go the way of other well-intentioned efforts such as revenue sharing.

Mr. President, the Select Committee on Indian Affairs will be holding a hearing on this new amendment in the near future to give all interested parties an opportunity to comment. Shortly after this hearing I will be asking the leadership to schedule Senate action on S. 1703 (S. Rept. 100-274). I urge the Congress to expedite final action on S. 1703. Many tribes are in great need of the remedies and protections offered by S. 1703. The Congress can best respond to the needs of those tribes who have volunteered to experiment with consolidated funding by supporting the study process and postponing action on permanent authorizing legislation until that process is completed. At that time we can evaluate how best to move forward. These tribes have committed themselves to work with the Congress for the speedy passage of S. 1703 and I do not intend, and will not permit, the amendment offered today to delay the enactment of S. 1703.

The amendment is as follows:

AMENDMENT No. 1399

Section 209 of S. 1703, as reported, is amended by deleting section 209 in its entirety and inserting the following is substituted in lieu thereof:

"SECTION 301. TRIBAL SELF GOVERNANCE RESEARCH AND DEMONSTRATION PROJECT.

The Indian Self-Determination and Education Assistance Act (Public Law 93-638, Act of January 4, 1975, 88 Stat. 2203, as amended) is further amended by adding a new Title III, to the end for the purpose of establishing, for five years from the date of enactment, a research and development project as follows:

(a) Subject to the provisions of this Act, the Secretary of the Interior shall establish a research and demonstration project, the Tribal Self-Governance Project, for the purpose of enabling tribes to determine their own budgets to address tribally determined priorities.

(b) The Secretary is authorized and directed to make research and development planning grants under section 202(e)(2) of this Act to the Indian Tribes who have volunteered to participate in this Project, as evidenced by their eligibility to receive Fiscal Year 1988 Tribal Self-Governance Planning Grants pursuant to the Continuing Resolution for Fiscal year 1988 and the Conference Report thereto.

(1) Such planning grants shall be for a period not to exceed two (2) years from date of appropriation of funds.

(2) Such planning grants shall be used to conduct such research as may be appropriate including internal tribal planning, and planning and preparation for the negotiation of a written agreement between each Tribe identified in subsection (b) and the Secretary pursuant to the requirements of subsection (c) to undertake the demonstration project authorized in subsection (d).

(3) For the period of Fiscal year 1985 through Fiscal year 1987, the Secretary is directed to compile all financial and program data including direct and indirect program accounts relating to the provision of services and benefits to each Tribe identified in this section, at the agency, area, and central office levels of the Bureau of Indian Affairs, and to analyze such data along with all budgets and functions at all levels of the Bureau of Indian Affairs in order to identify budgets and functions in any way related to the provision or administration of services and benefits to such Tribes, and in order to undertake the demonstration projects authorized in subsection (d).

(4) Notwithstanding any other provision of law, the Secretary shall, within 90 days of enactment of this section, make available to each Tribe receiving planning grants, all financial and program data, including the data and analysis compiled pursuant to paragraph (3) of this subsection, and including direct and indirect program accounts, relating to the provision of services and benefits to such Tribe at the Bureau of Indian Affairs agency, area, and central office levels.

(c) Pursuant to subsection (d) the Secretary is authorized and directed to negotiate and enter into separate written agreements with each Tribe identified in subsection (b) for the purpose of the Tribal Self-Governance Demonstration Project for the programs, or portions thereof, for which a Tribe could contract under section 102 of P.L. 93-638, as amended by this Act.

(1) Nothing in the written agreement, the Demonstration Project authorized under subsection (d), or any other provision of this section shall abrogate or reduce the trust responsibility of the United States to Indian tribes.

(2) The functions and responsibilities of both the Tribes and the Secretary relative to the Demonstration Project, including Tribal authority to reallocate funds or modify budget allocations within any project year, shall be specified in agreements entered into pursuant to this subsection.

(3) Agreements shall provide for retrocession of programs or portions thereof pursuant to section 204(d) of this Act; provided that such retrocession shall become effective in no more than one year from the request of the Indian Tribe party to the agreement.

(d) TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT.—After a Tribe has completed its planning process under subsection (b), at the request of the tribal governing body of such Tribe, and pursuant to the agreement negotiated in subsection (c), the Secretary shall provide funding for a period not to exceed the authorization of this section, which will pay such Tribe an amount equal to at least the amount that such Tribe would have been eligible to receive under a contract or contracts with the Secretary for the programs, portions thereof, or functions enumerated in the agreement pursuant to subsection (c) for direct program costs and indirect costs, and will pay in addition any and all funds relating to such programs, parts thereof, or functions, at the Bureau of Indian Affairs agency, area, and central office levels.

(1) Recipients of such Demonstration Project funding shall not be entitled to contract for such funds under section 102 of Public Law 83-638, as amended by this Act, for the duration of their Demonstration Project under this subsection.

(2) Recipients of such Demonstration Project funding shall be responsible for the provision of services and benefits as determined by tribal planning and priorities pursuant to agreements under subsection (c); Tribes are not bound to provide the same programs, portions thereof, functions, services or benefits as the Secretary would have provided.

(3) Statutory provisions or regulations pursuant thereto in conflict with this subsection or the agreement under subsection (c) are waived for purposes of the Demonstration Project.

(4) Notwithstanding section 206(d) of this Act, unless the Secretary and the Tribe provide for a distinct dispute resolution mechanism in the agreement under subsection (c) of this section, disputes arising under this subsection between the Secretary and the Tribe shall by written notice of either the Secretary or the Tribe trigger a ten-day period during which the parties in good faith attempt to informally resolve the dispute. At the expiration of the ten-day period, if no resolution is obtained, the Tribe may by written notice require the dispute to be submitted to binding arbitration. Such arbitration award may be enforced pursuant to subsection (a) of section 206 of this Act.

(e) The Secretary shall report semi-annually to the Congress on the relative costs and benefits of programs authorized by this section; such report shall be based on mutually determined baseline measurements jointly developed by the Secretary and the participating Tribes, and such report shall separately include the views of such Tribes.

(f) Nothing in this section shall limit or reduce in any way any services, contract or funds that any other Indian Tribe or Organization is eligible to receive under section 102 of this Act or other applicable Federal law.".

INTEGRITY IN POST EMPLOYMENT ACT

THURMOND (AND OTHERS) AMENDMENT NO. 1400

(Ordered to lie on the table.)

Mr. THURMOND (for himself, Mr. METZENBAUM, Mr. LEVIN, and Mr. SPECTER) submitted an amendment intended to be proposed by them to the bill (S. 237) to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the U.S. Government from attempting to influence the U.S. Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

That this Act may be cited as the "Integrity in Post Employment Act of 1988".

SEC. 2. STRENGTHENING AND CLARIFYING THE CURRENT PROVISIONS OF SECTION 207 OF TITLE 18.

(a) OFFENSE.—Section 207 of title 18, United States Code, is amended to read as follows:

"§ 207. Disqualification of former executive and legislative branch employees

"(a) LIFETIME PROHIBITION ON EXECUTIVE BRANCH EMPLOYEES.—It shall be unlawful for any former officer or employee of the executive branch of the United States, including any independent agency, or of the District of Columbia, including a special Government employee, knowingly to represent any other person other than the United States—

"(1) by oral or written communication to, or by physical presence in a formal or informal appearance before, any department, agency, court, or commission of the United States or the District of Columbia;

"(2) in connection with a particular matter involving specific parties—

"(A) in which the United States or the District of Columbia is a party or has a direct and substantial interest; and

"(B) in which the former officer or employee participated personally and substantially while so employed.

"(b) TWO-YEAR PROHIBITION ON EXECUTIVE BRANCH EMPLOYEES.—It shall be unlawful for any former officer or employee described in subsection (a), within 2 years after that former officer's or former employee's employment has ceased, knowingly to represent any other person other than the United States—

"(1) by oral or written communication to, or by physical presence in a formal or informal appearance before, any department, agency, court, or commission of the United States or the District of Columbia;

"(2) in connection with a particular matter involving specific parties—

"(A) in which the United States or the District of Columbia is a party or has a direct and substantial interest; and

"(B) which was actually pending under the former officer's or former employee's official responsibility within 1 year prior to the date that former officer or employee ceased employment.

"(c) PROHIBITIONS ON EXECUTIVE AND LEGISLATIVE BRANCH EMPLOYEES.—It shall be unlawful for any person, other than a special Government employee who serves for less than 60 days in the last 365 consecutive days—

"(1) having been employed as a senior official, within 1 year after such employment has ceased, knowingly to represent any other person other than the United States, by oral or written communication to, or by physical presence in a formal or informal appearance before—

"(A) any department, agency, or other entity in which the person served during the 1 year prior to the termination of such employment as an officer or employee, if that person was employed in the executive branch, including any independent agency, or legislative branch of the United States;

"(B) the Senate, if that person was employed by the Senate; or

"(C) the House of Representatives, if that person was employed by the House of Representatives;

"(2) having been employed as a high level official, within 1 year after such employment has ceased, knowingly to represent any other person other than the United States by oral or written communication to, or by physical presence in a formal or informal appearance before, any department, agency, or other entity of the executive branch, including any independent agency of the United States;

"(3) having been employed as a top level official, within 1 year after such employment has ceased, knowingly to represent any other person other than the United States by oral or written communication to, or by physical presence in a formal or informal appearance before, any department, agency, or other entity of the United States; or

"(4) having been employed as a senior, high level, or top level official, within 18 months after such employment has ceased, to be employed by, represent, or advise a foreign entity for compensation, financial gain, or other remuneration.

"(d) AGENTS COMMUNICATING ON BEHALF OF A FORMER OFFICER OR EMPLOYEE.—It shall be unlawful for any person knowingly, in the course of representing any other person other than the United States, by oral or written communication to any department, agency, or other entity of the executive or legislative branch to communicate to such department, agency, or entity of the executive or legislative branch that such communication is on behalf of a former officer or employee covered under subsection (a), (b), or (c) of this section if such a communication by the former officer or employee is prohibited by subsection (a), (b) or (c).

"(e) COVERAGE.—

"(1) INDIVIDUALS COVERED.—For purposes of the coverage of subsections (a), (b), (c), and (d) of this section—

"(A) the term 'senior official' means any officer or employee of the United States other than those of the judicial branch who is not a high level or top level official (including officers and employees of the legislative branch and officers and employees, including special Government employees, of the executive branch, including any independent agency, commissions, Government corporations, independent establishments as defined in section 104 of title 5, the Postal Service, the Postal Rate Commission, and the District of Columbia), who is—

"(i) compensated at a rate of pay equal to or greater than the basic rate of pay for GS-16 of the General Schedule as prescribed in section 5332 of title 5, or employed in a position listed under sections 105(a)(2)(C) and (D) and 106(a)(1)(C) and (D) of title 3; or

"(ii) on active duty as a commissioned officer of a uniformed service and assigned to a pay grade of O-7 or above as prescribed in section 201 of title 37;

"(B) the term 'high level official' means any officer or employee of the executive branch of the United States, including any independent agency, who is not a senior or top level official and who holds a position listed in section 5314 of title 5 or under sections 105(a)(2)(B) and 106(a)(1)(B) of title 3, or who is paid at an equivalent rate of pay;

"(C) the term 'top level official' means—

"(i) any officer or employee of the executive branch of the United States, including any independent agency, who holds a position listed in section 5312 or 5313 of title 5 or under sections 105(a)(2)(A) and 106(a)(1)(A) of title 3, or is paid at an equivalent rate of pay; or

"(ii) any Member of Congress, including Delegates and Resident Commissioners.

"(2) EXCEPTIONS.—(A) The prohibitions of subsections (a), (b), and (c) shall not apply to any person—

"(i) who is an elected official of a State or local government;

"(ii) who is engaging solely in—

"(I) the solicitation or collection of funds and contributions within the United States to be used only for medical assistance, food or clothing to relieve human suffering, in accordance with subchapter II of chapter 9 of title 22, and any rules and regulations prescribed thereunder; or

"(II) activities furthering the purposes of an international organization of which the United States is a member;

"(iii) whose actions are solely for the purpose of furnishing scientific or technological information if the head of the agency or legislative entity concerned with the particular matter certifies that the person has outstanding qualifications in a technical discipline regarding the particular matter and that the national interest is served by the participation of such person, and publishes such certification in the Federal Register or, in the case of a legislative entity, in the Congressional Record;

"(iv) whose actions concern matters of a personal and individual nature, such as personal income taxes or pension benefits; or

"(v) who is providing a statement which is based on that person's special knowledge, provided that no compensation is received for such statement other than that regularly provided by law or regulation for witnesses.

"(B) The prohibitions of subsection (c) shall not apply to any person—

"(i) who is employed by—

"(I) an agency or instrumentality of a State or local government;

"(II) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965; or

"(III) a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1954; or

"(ii) who is appearing as an attorney in a judicial proceeding before a court of the United States.

"(3) SPECIAL RULES FOR DETAILEES.—For purposes of this section, a person covered by this section who is detailed from one department, agency, or other entity to another department, agency or other entity shall, during the period such person is detailed, be deemed to be an officer or employee of both departments, agencies or such entities.

"(f) PENALTIES AND REMEDIES FOR VIOLATIONS.—

"(1) CRIMINAL SANCTION.—Any person who engages in conduct prohibited by subsection (a), (b), or (c) shall be fined not more than $10,000 or imprisoned for not more than 2 years, or both. Any person who willfully engages in such prohibited conduct shall be fined not more than $250,000 or imprisoned for not more than 5 years, or both.

"(2) CIVIL RECOVERY.—The United States may bring in addition to or in lieu of subsection (f)(1) above, a civil action in any United States district court against any person who engages in conduct prohibited by subsection (a), (b), (c), or (d) and may recover twice the amount of any proceeds obtained by that person due to such conduct. Such civil action shall be barred unless the action is commenced within 6 years of the later of (A) the date on which the prohibited conduct occurred, and (B) the date on which the United States became or reasonably should have become aware that the prohibited conduct had occurred.

"(3) ADMINISTRATIVE ACTION.—Upon finding, after notice and opportunity for a hearing, that a person has engaged in conduct prohibited by subsection (a), (b), (c), or (d) the head of the employing department or agency of the executive branch, including any independent agency, may prohibit that person from representing anyone other than the United States before such department or agency, for a period not to exceed 5 years, or may take other appropriate disciplinary action. Any such disciplinary action shall be subject to review in a United States district court. Employing departments or agencies may, in consultation with the Director of the Office of Government Ethics, establish procedures and issue regulations to carry out this subsection.

"(4) INJUNCTIVE RELIEF.—Upon a showing that a person has engaged or will engage in conduct prohibited by subsections (a), (b), (c), or (d) of this section, the United States may obtain an injunction to stop or prevent such conduct.

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"(g) **Partners of an Officer or Employee.**—Whoever, being a partner of an officer or employee of the executive branch of the United States Government, including any independent agency, or of the District of Columbia, including a special Government employee, knowingly represents any other person other than the United States by oral or written communication to, or by physical presence in a formal or informal appearance before, any department, agency, court, or commission of the United States or the District of Columbia in connection with a particular matter in which the United States or the District of Columbia is a party or has a direct and substantial interest and in which such officer or employee or special Government employee participates or has participated personally and substantially as an officer or employee or which is the subject of his official responsibility, shall be fined in accordance with this title, or imprisoned for not more than one year, or both.

"(h) **Testimony.**—Nothing in this section shall prevent a person from giving testimony under oath, or from making statements required to be made under penalty of perjury.

"(i) **Definitions.**—For purposes of this section—

"(1) The term 'foreign entity' includes—

"(A) the government of a foreign country as defined in section 611(e) of title 22;

"(B) a foreign political party as defined in section 611(f) of title 22; and

"(C) a foreign organization substantially controlled by a foreign country or foreign political party.

"(2) The term 'particular matter' means any investigation, application, request for a ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, judicial or other proceeding.

"(3) The term 'participated personally and substantially' means an action taken as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other such action.".

(b) **Technical Amendment.**—The table of sections for chapter 11 of title 18, United States Code, is amended by striking out the item relating to section 207 and inserting in lieu thereof the following:

"207. Disqualification of former executive and legislative branch employees.".

SEC. 3. INCLUSION OF ACTIVITIES IN THE FOREIGN AGENTS REGISTRATION ACT.

Section 2 of the Foreign Agents Registration Act of 1938, is amended by inserting at the end thereof the following:

"(g)(1) In addition to the registration requirements of subsections (a) through (e) of this section, any high level official or top level official of the United States as identified in subsection (e) of section 207 of title 18, United States Code, shall be required in any statement filed under this section to—

"(A) disclose the identity of any foreign principal for which such officer or employee acts as an agent or representative;

"(B) disclose the actions taken or intended to be undertaken to influence Members of Congress, including Delegates and Resident Commissioners, or officers or employees of the legislative and executive branch of the United States on behalf of such foreign principal; and

"(C) include a declaration that the registrant has not disclosed Government information in violation of any law or regulation.

"(2) Whoever knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device, any information required by this subsection to be included in a registration statement, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall—

(1) be effective six months after the date of enactment of this Act; and

(2) apply to any Member or employee of Congress or employee or officer of the Federal Government, other than those of the judicial branch, employed by any agency, department, or entity of the Federal Government on or after six months after the date of enactment of this Act.

Mr. THURMOND. Mr. President, shortly, the Senate will consider the Integrity in Post-Employment Act of 1987. This legislation strengthens the current law on postemployment activity by former Federal officials.

Regarding the history of this bill, I originally introduced the Integrity in Post Employment Act in the 99th Congress. The distinguished Senator from Ohio, Senator **Metzenbaum**, immediately joined in this effort. His commitment to this legislation has been substantial from the start. After some revision, the legislation was voice voted out of the Judiciary Committee in June 1986. As no floor action occurred before adjournment, the bill was reintroduced in the 100th Congress. In May 1987, the legislation was again voice voted out of committee without opposition. Recently, the distinguished Senator from Michigan, Senator **Levin**, made several recommendations regarding this legislation. Senator **Metzenbaum** and I have agreed to some of Senator **Levin**'s proposals and we intend to offer a substitute for S. 237 when it is considered for Senate action.

Major provisions of this substitute will:

Provide for an 18-month moratorium on all Government employees with a Civil Service rating of GS-16 or greater, commissioned officers of a uniform service assigned to a pay grade of O-7 or above, and the Government's highest ranking officials—which includes Cabinet members and most of their principal deputies, Members of Congress, and top White House aides—from lobbying or working for a foreign entity after leaving Government service.

Create a three-tiered prohibition on domestic lobbying by former Government employees. Under this provision, those designated high-ranking officials, which include Cabinet members and most of their principal deputies, Members of Congress, and top White House aides, could not lobby any branch of the Federal Government for 1 year after leaving office. Executive level 3 officials could not lobby the executive branch for 1 year after leaving Government service. Individuals holding jobs with a Civil Service rating of GS-16 and above or commissioned officers of a uniform service assigned to a pay grade of O-7 or above, could not lobby their former agency or department for 1 year on behalf of a domestic entity.

I look forward to prompt consideration of this legislation.

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce for the public that a hearing by the Special Committee on Aging has been scheduled.

The hearing will take place Monday, February 22, 1988, at 10 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the Social Security "Notch" issue, and possible solutions thereto.

For further information, please contact Max Richtman, staff director, at (202) 224-5364.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Wednesday, February 24, 1988 at 2 p.m. The purpose of the hearing is to examine S. 1929, a bill to create the Corporation for Small Business Investment [COSBI]. The hearing will be held in room 428A of the Russell Senate Office Building. For further information, please call Patty Barker, counsel for the committee at (202) 224-5175.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, February 3, 1988, to continue oversight hearings on the events surrounding the stock market crash of October 19, 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, February 3, 1988, to receive testimony from the chairmen and ranking minority members of the Committees on Foreign Relations, Labor, Budget, Small Business, Appropriations, and Environment on their committee funding resolutions for 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the U.S. Energy and Natural Resources Committee be authorized to meet during the full committee session of the Senate on Wednesday, February 3, 1988 to conduct business meeting pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, February 3, 1988 to receive testimony on the nomination of Wendy Gramm to be Chairman of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 3, 1988, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 3, 1988, at 2 p.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION AND INFRASTRUCTURE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, February 3, beginning at 2 p.m., to conduct a hearing on S. 1934, a bill to authorize the construction of a building adjacent to Union Station to provide additional office space for the Administrative Office of the U.S. Courts and the Supreme Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on February 3, 1988, to hold a markup on S. 951, Federal Courts Study Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VIOLENCE AGAINST REFUGEES IN EL SALVADOR

● Mr. BINGAMAN. Mr. President, I rise today on the eve of debate on the administration's request for aid to the Contras in Nicaragua to comment on disturbing news from El Salvador.

Just 1 month ago I inserted into the **Record** a letter from Erica Dahl-Bredine, a young woman from New Mexico who is working as a lay volunteer in El Salvador. Her letter described the difficulties facing the displaced victims of the war in that country. I have recently received another letter from Erica's parents who just returned from a 2-week visit there.

Their letter describes two recent incidents of violence at a refugee camp outside of San Salvador.

On January 16, while the Dahl-Bredines were in El Salvador, 200 Salvadoran soldiers reportedly forced their way into the San Jose de Calle Real refugee camp near San Salvador and attempted to remove 15 persons. The camp is run by the Archdiocese of San Salvador and Erica is a volunteer there. Only the arrival of Bishop Orieste from the Archdiocese averted a more serious incident.

Then, on January 21 or 22 government troops once again surrounded the Calle Real refugee camp and opened fire with machineguns and possibly mortars or grenades, seriously injuring at least one person and endangering the lives of the inhabitants and workers in the camp.

These recent incidents heighten my concern about the overall safety of individuals in El Salvador, particularly refugees. It is clear that the lives and safety of the refugees, and those who work with them, including American citizens, are in danger.

We simply cannot turn a blind eye to these incidents and other acts of violence against the innocent in that country. I have written to the Salvadoran Ambassador to express my deep concern over the situation and the ongoing abuse of power by the military in El Salvador. It is vital to the future of U.S. policy there that President Duarte and the civilian government maintain control over the military. If the military remains free to continue to commit such transgressions, I mourn the future of democracy in El Salvador.

I have also written to Secretary of State Shultz calling for a full investigation of these incidents.

I urge my colleagues to join me in protesting these incidents. It is sadly ironic that each transgression committed by the Nicaraguan Government receives immediate and full-blown attention at the highest level of our government while blatant violations of human and civil rights in El Salvador go virtually unnoticed.

These recent reports of violence strengthen my support for Senator **DeConcini**'s efforts to grant extended voluntary departure status to Salvadoran refugees in the United States. The intolerable conditions in El Salvador contradict the administration's claims that there is no danger to individuals deported to El Salvador. I am a cosponsor of Senator **DeConcini**'s bill, S. 332, which was reported favorably by committee last fall. In light of the continued evidence of danger to civilians, including refugees, in El Salvador, I urge consideration of this bill by the full Senate at the earliest possible juncture.

I ask that the texts of the Dahl-Bredines' letter and my letter to Secretary Shultz be inserted in the **Record**.

The letters follow:

Silver City, NM,
January 25, 1988.

Senator Jeff Bingaman,
U.S. Court House, Suite 201B,
Las Cruces, NM.

Dear Senator Bingaman: My wife and I just returned from a two week trip to El Salvador to visit our daughter who is working as a lay volunteer with the Sisters of the Assumption there. We are extremely concerned for the lives of some American volunteers and Salvadoran citizens because of a situation that developed while we were there.

On Friday, January 15, we received permission from the Catholic Archdiocese of San Salvador to visit the refugee camp run by the Archdiocese outside of the city. It is called "San Jose de Calle Real", and is home for approximately 600 men, women and children, including many recovering amputees, who are victims of war and are recuperating in the camp's clinic. We spent the afternoon talking with these people, learning of their suffering and of their wish to return to their homes in the countryside. Very few have received permission from the government to do so.

We also talked with an American nurse, a friend of our daughter, and with American volunteers from the Jesuit Refugee Service, all of whom work there in the camp.

The following day 200 Salvadoran government soldiers forced their way into the camp and attempted to take 15 people whom they said were on their lists as being sympathizers with the guerillas. The people joined together and would not let them take the 15, saying that the soldiers would have to kill them all if they wanted to take the 15. Their experience told them that if taken, the 15 would likely not be seen alive again. At that moment Bishop Orieste from the Archdiocese arrived also and the troops gave in and left after searching the camp for arms.

We left El Salvador on Thursday, January 21, but received a call on Sunday, January 24, from our daughter recounting the following: On Thursday or Friday, January 21st or 22nd, the Salvadoran government troops surrounded the Refugee camp at "Calle Real" and opened fire with machine guns and some sort of mortars or grenades. The terrified residents tried to hide together on the floor of some of the barracks. One man was shot in the stomach. The American nurse made her way through the gunfire and brought him to safety. Evidently he is still alive.

When our daughter arrived at the camp the next day, the American volunteers recounted how close they had come to being hit, and the people, all unarmed civilians, women, and children, communicated their terror to her. Bullet holes were evident throughout the compound and there was a large hole in the clinic roof caused by mortar or grenades.

We are convinced that the lives of these Salvadoran civilians and of American citizens are in immediate danger. The only thing that might control the Salvadoran military is adverse U.S. public opinion. Yet nothing about this appears in the U.S. press although the Salvadoran press is full of it. Our representatives and officials must communicate quickly with the Salvadoran officials to assure that American and Salvadoran civilians' lives are not lost.

We urge you to take responsibility to see that something is done before it is too late for those involved. We hope and expect your timely cooperation in this urgent matter. More direct information can be gained by communicating directly with the Archdiocese of San Salvador, or by communicating with our daughter, Erica Dahl-Bredine, at 011-503-41-23-68 in Santa Ana El Salvador, or 011-503-22-20-69 in San Salvador.

We look forward to hearing from you promptly.

Sincerely yours,

PHIL and KATHY DAHL-BREDINE.

U.S. SENATE,
Washington, DC, January 28, 1988.

Hon. GEORGE C. SHULTZ,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I am deeply concerned about the events described in the enclosed letter from two constituents, Phil and Kathy Dahl-Bredine. They recently returned from El Salvador where their daughter, Erica, is working as a lay volunteer with the Sisters of the Assumption. I feel strongly that their letter warrants your immediate attention.

On January 16, while the Dahl-Bredines were in El Salvador, 200 Salvadoran soldiers reportedly forced their way into the "San Jose de Calle Real" refugee camp near San Salvador and attempted to remove 15 persons. The camp is run by the Archdiocese of San Salvador and Erica is a volunteer there. Only the arrival of Bishop Orieste from the Archdiocese averted a more serious incident.

On January 21 or 22 government troops once again surrounded the "Calle Real" refugee camp and opened fire with machine guns and possibly mortars or grenades, seriously injuring at least one person and endangering the lives of the inhabitants and workers in the camp. These recent incidents heighten my concern about the overall safety of individuals in El Salvador, particularly refugees and those, including American citizens, who provide humanitarian support for the refugees. Furthermore, these incidents have only strengthened my support for Senator DeConcini's efforts to provide extended voluntary departure status for Salvadorans in this country.

I request a full investigation of the incidents detailed in the Dahl-Bredines' letter. I urge you to make it clear to Salvadoran officials that such abuse of power by the military is intolerable, and that the U.S. will not turn a blind eye to continued violence against unarmed civilians and refugees. I expect your prompt attention to this matter.

Sincerely,

JEFF BINGAMAN,
U.S. Senator.●

THE MINORITY BUSINESS DEVELOPMENT PROGRAM REFORM ACT OF 1987

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of S. 1993, the Minority Business Development Program Reform Act of 1987. This legislation is an important step in reforming the section 8(a) program which has come under considerable scrutiny over recent years.

Last May, the Senate Small Business Committee held a hearing to examine the results of the survey of the graduates of the 8(a) program. The results of the survey brought to light some of the highlights as well as some of the lowlights of the 8(a) program. Some of the suggestions offered by graduated firms have been incorporated into this legislation.

I am disturbed over the alarmingly high failure rate of the firms that have graduated from the 8(a) program. According to the survey, the out of business rate for these firms was 30 percent. This figure tells us something. It tells us that the section 8(a) program is not effective as it should be and that it is not graduating firms that can survive in the intensely competitive open market.

The purpose of S. 1993 is to restructure the 8(a) program in order to assure that it achieves its congressionally mandated objectives. The bill proposes to meet these objectives by injecting competition into the veins of the program and thus better ensuring a higher success rate of graduated businesses. The administrative reforms outlined in this legislation are aimed at cleaning up SBA oversight and at preventing future abuses within the program itself.

Competition is the basis of our economy. It is what has made this country the world's foremost industrial and economic leader. The authors of this legislation have incorporated measures to boost competition in the 8(a) program. Examples include: Requiring program participants to attain specified percentages of non-8(a) business at various milestones after their initial 3 years in the program; and requiring that a contract be put out for open competition within the 8(a) program if the anticipated award contract exceeds $2 million for supply, service and for leasing of real property contracts, or $1 million for all other types of contracts.

Critics of the 8(a) program argue that the Small Business Administration has become too political. In an effort to depoliticize the SBA, this bill proposes to install a career civil servant as the associate administrator of the program in lieu of a political appointee. The bill also prescribes the activities and transactions of SBA employees—and former employees for 1 year—that would jeopardize the integrity of the program and makes them subject to stiff monetary and harsh prison sanctions if convicted of any wrongdoing.

It is important that we do not lose sight of the original intent of the 8(a) program: to foster the development of minority firms and increase the likelihood of their success in the Nation's economic mainstream. We must not let ourselves get caught up in the complicated politics of this issue. Abuses in the program should be identified and corrected. But while doing so, we must be sure to adhere to the original intent of this beneficial and much needed program.

Overall, S. 1993 is a good bill. It is not without its problems, however. I believe that there exist viable solutions to these problems. I urge my colleagues in the Senate to give their full attention to this important reform bill and to work toward its swift passage.●

GIVING THANKS TO BOB WHITE

● Mr. DOMENICI. Mr. President, this past Friday, January 29, marked the retirement of Mr. Bob White, director of the New Mexico Aviation Division.

A native of Roswell, NM, Bob has served as the director of aviation for the New Mexico Department of Highways and Transportation since 1963. He is the only person who has served in this position.

It is a great credit to Bob's integrity, his leadership, and his vast expertise that he served for a quarter century in this important post.

New Mexico's constitution does not allow a Governor to succeed himself. Yet, Bob has been retained by each new Governor, Republican or Democrat, during that span.

During this period, Bob has been the point man for New Mexico's aviation needs. Our State is the fifth largest in the Nation, by land mass, and aviation is a critical link in the State's transportation network.

Bob has the ability to balance the needs of the State's airports, within the limits of available resources, in a fair manner. When a city contacted Bob in need of funds, whether it be for minor improvements or for a new facility, Bob was as reliable as anybody anywhere at getting positive results.

Let me cite just one example. State and local officials recently accomplished a long-awaited priority—the opening of a new facility near Ruidoso, NM.

Because of its poor location, the airport had been the site of a number of

accidents. The U.S. Department of Transportation had identified the old Ruidoso Airport as one of the Nation's most dangerous. Despite this, selecting a site for the new facility was not an easy task, since so much of the land around Ruidoso is federally owned.

Bob never let this difficulty get in his way. Long before I was elected as a U.S. Senator, Bob was already hard at work trying to get a replacement facility. Federal officials were finally able to agree on a site. This simply would never have occurred without the dedicated efforts of Bob White.

Bob White can look back on a proud career of public service, knowing that he consistently gave a 100-percent effort to our State. His expertise and his professionalism will be sorely missed by everybody.●

FRAUD OF THE DAY—PART 25

● Mr. HEINZ. Mr. President, today's fraud demonstrates that customs fraud does not occur solely in import-impacted manufacturing sectors. Indeed, fraud is growing rapidly in this country and is appearing in virtually all sectors of the economy, including agriculture, as this case illustrates.

The importance of milk and dairy products to the economy and public health of many countries in terms of production, trade, and consumption is easy to recognize. Those who devise schemes to take advantage of the extensive multilateral efforts to regulate the international dairy markets not only abuse the international trading system as embodied in the General Agreement on Tariffs and Trade but also create unwarranted mistrust among trading partners. Moreover, the production of cheese is often a matter of national and regional pride, so when a customs fraud case involves cheese with deliberately mismarked origin labels the issue takes on a personal flavor, as it were.

Recently, a U.S. customs investigation confirmed an international conspiracy to evade and defraud both U.S. Customs and European Economic Community [EEC] laws. Westland Cheese of Bedford, NY, apparently falsely declared cheese it had imported from Australia as originating from the Netherlands in order to evade clearly established United States cheese quotas. Complicating matters further, Westland Cheese attempted to illegally obtain cash rebates from the EEC for the cheese, a scheme that certainly smelled like limburger. Customs, however, saw the holes in the plan and in New York seized shipments of cheese valued at $293,853 because of these illegal activities.

Including a private right of action provision in the omnibus trade bill would not only permit domestic cheese producers to protect themselves against the ravages of fraud, but it would also provide a disincentive to those rats and mice considering ways to evade U.S. customs laws.●

MORIARTY: A MIGHTY FINE TOWN

● Mr. DOMENICI. Mr. President, I should like to tell my colleagues about a cold spell, a bad storm, and a small town's good neighbor policy.

Moriarty, NM is a small city in the Estancia Valley, located about 40 miles east of the city of Albuquerque. While Albuquerque is protected from most severe weather by the Sandia and Manzano mountain ranges, the Estancia Valley commonly receives more than 3 feet of snow during the winter months.

As with many areas of the West, such severe weather comes suddenly, and often comes as a big surprise to those who are traveling through the valley on I-40 toward Albuquerque. Just last month, one of the city's worst storms produced snowdrifts of up to 4 feet to the Valley of Estancia. I-40 was closed by the Albuquerque police, leaving hundreds of motorists stranded.

During December's storm, several residents helped the State police department and the New Mexico National Guard dig out trapped homeowners and plow roads. Owners of four wheel drive vehicles took it upon themselves to help the community get around. Additionally, they cooked meals for those traveling through the city and took them into their homes until they could continue on their way. Community centers, churches, truckstops, and motels were used to provide housing also. Many restaurant owners worked through the night, donating their time and food to the weary travelers. Moriarty's doors were open to the temporary homeless.

To the residents of Moriarty and Estancia, these travelers become guests. Moriarty's fire chief, Carlos Anaya, explained in a recent newspaper interview, "We have no contingency plans for what to do in case of a storm. We just do what has to be done." "Our biggest asset is the people."

These New Mexicans truly benefit from their hard work. The bad weather draws them closer together, which makes this community special. The Moriarty city clerk, Karen Armijo, explained, "We're all friends and everything already, but we've become families with this kind of thing happening."

We here in Washington could learn a lot from Moriarty's good natured acceptance of this occasional burden. Each time a delayed group of travelers scatter back to their homes they are left with good feelings about New Mexico and its people. Their kindness is unique in the sense that they don't expect anything in return for their actions. They give only what they would expect to receive.●

ALAN PAGE

● Mr. BOSCHWITZ. Mr. President, I rise today to pay tribute to one of the most accomplished athletes in Minnesota history, a man who not only excelled on the playing field, but has excelled as well in other parts of life.

Yesterday Alan Page was elected to the Professional Football Hall of Fame, and it is one of life's ironies that a man who refrained from seeking admiration for his football skills should receive the highest honor bestowed on professional football players.

Alan Page's story is a remarkable one that we would all do well to study. Again, there is irony in the fact that a man who insisted football players should not be role models has himself become an outstanding role model for all of us.

As a football player, Alan Page was a tremendous force. He was part of a group of talented players who led the Minnesota Vikings to four super bowls. The quality of his play was such that he still holds the distinction of being the only defensive player ever awarded the NFL's Most Valuable Player Award.

During his time in the football spotlight, however, Alan Page was taking care of the rest of his life as well. Too often we read and hear stories of athletes who have no vision of life beyond the playing field. Athletes who have their entire lives wrapped up in their athletic endeavors. Athletes who fall prey to the hero worship and bright lights that often accompany athletic success.

That was not the path that Alan Page walked. While he had his moments in the spotlight, he was also busy preparing for the time when the spotlight would fade. Between football seasons, he continued his studies and obtained a law degree. After his football career ended, he went to work as a lawyer.

Today Alan Page is an assistant to the Attorney General of Minnesota, a position he has risen to through diligence and hard work. The same skills that made him strong on the football field have made him strong in life as well.

Yesterday, Alan Page's accomplishments as a football player were honored. Today, I want to take notice of his other accomplishments as well and extend my congratulations to Alan and his wife Diane on this well-deserved honor. Just as Alan Page contributed to many successes on Minnesota's football fields, so too is he contributing to many successes in all of Minnesota today.●

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TO AMEND THE OCEAN DUMPING ACT

● Mr. CHAFEE. Mr. President, yesterday, my distinguished colleagues from New Jersey, Senators LAUTENBERG and BRADLEY, introduced legislation which will, by 1991, put a halt to the dumping of municipal sludge at the 106-mile dumpsite. I join with my colleagues as an original sponsor of this necessary legislation.

The bill requires New York and New Jersey, States currently utilizing the 106-mile dumpsite, to identify and develop alternatives to sewage sludge dumping. These States will be required to identify the steps being taken by municipalities to implement programs, including sludge pretreatment programs, to facilitate the beneficial use of sewage sludge. Pretreatment removes many of the most harmful toxins in sludge, and renders it useful for landfilling and fertilization.

Congress made its intent regarding ocean dumping very clear when, in 1972, it passed the Ocean Dumping Act, which stated:

> The Congress declares that it is the policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material which would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

Despite this declaration, we are still permitting the dumping of sewage sludge, which contains high levels of heavy metals and is known to be toxic, in our near-coastal waters. I am concerned, and the fishermen of my State and of New England are concerned, that this sludge is already having an adverse effect on the fisheries. One lobsterman stopped by my office to tell me that his take of lobster from an area affected by this sludge is down 80 percent.

Dumping at the 106-mile site has not been going on long enough for the Environmental Protection Agency to assess what impact it will have on the environment. We do know a great deal, however, about the effect of sludge dumping at the 12-mile site which has just been closed. Out of concern for human health, shellfishing in the area around this site has been curtailed. The Food and Drug Administration closed a 150-mile area around the dumpsite to shellfishing due to concern about elevated levels of bacteria from municipal sludge dumping. Fish that are found in this area are usually diseased, and show bioaccumulation of toxins and heavy metals, including mercury and cadmium.

We know that pollution at the 12-mile dumpsite has harmed, perhaps irreparably, a large ocean area. The same fate awaits the 106-mile dumpsite area. However, at the 106-mile dumpsite, the potential for seriously damaging the fisheries of the east coast is much greater. A report by the National Oceanic and Atmospheric Administration characterizes the site as a "highly dispersive environment where waste contaminants will be mixed effectively and transported in unpredictable ways from points of input." In a separate report NOAA estimated the potential area of influence of dumped wastes to encompass 116,000-square kilometers.

The fish and shellfish that inhabit this potential area of influence constitute a significant segment of the commercial and recreational fisheries of the east coast. These fisheries contribute over $1 billion annually to the economies of coastal States from Maine to North Carolina.

Nothing could sink the fishing industry of the United States faster than to have fresh fish associated with contamination.

If dumping municipal sludge in the ocean were the only, or the best alternative, then fine. But EPA has said unequivocally that the States utilizing the 106-mile dumpsite have not fully explored other options. Philadelphia has found innovative methods for dealing with its sludge, and, through pretreatment, is able to utilize sludge products for land reclamation. Cities in the Midwest do not have ocean dumping of sludge as an option, and have found other, more environmentally sound methods for processing sludge.

Yet, for coastal States, the temptation to use the ocean as a dumping site is hard to resist. In the case of municipal sludge, this temptation must be resisted. The legislation we are introducing today sends a clear message that we are serious about protecting our marine habitat. Municipalities utilizing the 106-mile dumpsite must apply themselves in earnest to the development of viable alternatives to the ocean dumping of sludge. We cannot continue to jeopardize the well-being of our fisheries, and the health of our ocean.

It is worth noting that this legislation will require EPA to report to Congress on progress to detect and prevent alleged "short dumping" of sewage sludge. If haulers are intentionally dumping sludge before they reach the 106-mile site, then this practice must be stopped.

I look forward to working with my distinguished colleagues from New Jersey in moving this legislation through the Senate.●

THE CONTRA AID RESOLUTION

Mr. BYRD. Mr. President, the House today will at some point vote on the resolution to provide Contra aid, and the outcome of that vote of course remains to be seen. If the House approves the resolution, that resolution will be over at the desk tomorrow morning and the Senate then would vote at some point during the day to proceed to take up the House-passed resolution. If the House rejects the Contra aid legislation, today, then a vote in the Senate up or down tomorrow would not have any impact one way or the other, the House having previously rejected the President's request.

Nevertheless, it is my intention on tomorrow, to move to take up the resolution dealing with Contra aid. That motion is a nondebatable motion and a yea and nay vote is required on it, whether it is a motion to proceed to the Senate resolution or whether it is a motion to proceed to the House-passed resolution in the event the House does adopt it. That motion would be nondebatable. The yeas and nays are required. A maximum of 10 hours is provided for debate on the resolution if the Senate votes to take it up.

The final vote on the resolution under the law is required to occur at no later than 10 o'clock p.m. tomorrow. A motion to further reduce the time on the resolution is nondebatable and is in order.

No motion to recommit the resolution is in order. No motion to postpone action beyond February 4 is in order. No motion to reconsider the vote on the motion to proceed or to reconsider the vote on the resolution is in order. No motion to table the motion to proceed is in order, because the law requires a yea and nay vote on the motion to proceed.

It is my plan, therefore—and I have discussed this with the assistant Republican leader—to go over today until tomorrow at 2 o'clock p.m., and I will ask for morning business to occur to the hour of 2:30 p.m. At 2:30 p.m., then, I will make the motion to proceed to the Senate resolution or, if, in the meantime, the House has passed the resolution, to proceed to the House-passed resolution.

Any Senator can make the motion to proceed, so it is not a question of whether or not it will be made; there are some Senators who want the motion made. Any Senator can make it. Therefore, I shall make it, and in order that Senators may know when it will be made, so that they will know to be here to vote on the motion to proceed, it being a nondebatable motion, I intend to make that motion at 2:30 p.m. tomorrow. So, Senators have ample time to be notified concerning the vote and to be here.

Mr. President, before I make the request, then, to go over until tomorrow and set the hour by unanimous consent, does the distinguished assistant Republican leader have any observations or questions concerning this proposed schedule?

The PRESIDING OFFICER. The assistant Republican leader is recognized.

Mr. SIMPSON. I appreciate the thoroughness in which the majority leader has expressed this. It is, indeed, true that the motion to proceed can be made by any Member and there are Members on both sides of the aisle who, I think, would make such a motion. There are several on your side and certainly more than several on ours. So that would come, there is no question about that coming. By doing this you are protecting the persons, I think, on both sides of the aisle who wish to be here for that very important vote because, in one sense, that might be the only vote on that issue, being a motion to proceed. I certainly do not mean it is my hope, but that could be.

But, if we were to proceed to the 2 o'clock hour, the 2:30 vote, and if the motion did not carry, that would be the end of our business activity, I would think.

Mr. BYRD. Yes.

Mr. SIMPSON. And if it did carry, then we would go forward and try to, I believe, work diligently on this side of the aisle to see if we could not capsule that time, compress that time, so that we would be aware that during the dinner hour we might get to a final vote.

Is that the understanding of the majority leader, too, I might ask?

Mr. BYRD. Yes, yes. I would hope that the debate would not continue, in any event, to the hour that is provided in the law; namely 10 o'clock p.m.

Mr. SIMPSON. Yes. Mr. President, then if that were the case, then we dispose of our business with an urging to do so within the compressed time, there would be, then, no session on Friday?

Mr. BYRD. There would be no session on Friday.

Mr. SIMPSON. Would that be regardless of the fact as to whether we have reached a time agreement on the so-called lobbying bill, which is the bill of Senators METZENBAUM, THURMOND, and LEVIN? Because at one time that was discussed as being a condition toward no Friday session, but I have that as an inquiry.

Mr. BYRD. Mr. President, I will not make that as a condition. All Members, including the distinguished assistant Republican leader, are trying to work out an agreement on that measure.

Mr. SIMPSON. Indeed.

Mr. BYRD. Our efforts will go forward. I have confidence that we will be able to get an agreement, but that will not be a condition.

I do not think that continued debate after 6 o'clock tomorrow would change any minds around here; therefore, I would hope that we could restrain our debating instincts and bridle them and get out at 6 o'clock, or before 6 o'clock p.m. tomorrow. And then the Senate would not be in on Friday.

Mr. SIMPSON. Mr. President, I think this is a good concept. I know the majority leader will soon propound it formally and I might just add to the leader that a Senate resolution, even though perhaps to some might be quite feckless if the House defeated its measure, could well be the vehicle for the alternative proposal that the House has indicated they would present in the event of defeat of the motion this evening.

So it might be that that would be a reason to press forward on this even though that might have been defeated. I do not have this as an indication of why perhaps we should go forward with this—win, lose, or draw over there.

Mr. BYRD. I am not sure I understand.

Mr. SIMPSON. That this resolution which we would deal with in the Senate would be a vehicle for the alternative package that the House indicated they would send over if they were to defeat this measure tonight. It would mean if we were to be successful here on the vote.

Mr. BYRD. I am not positive of that. I have not pursued the matter. There is nothing to keep the Congress from coming along later and acting on legislation to provide further Contra aid. But if this request of the President is rejected, then there are no expedited procedures on future legislation to deal with the subject matter of Contra aid.

Mr. President, I forgot to say a moment ago that the resolution is also not amendable. I would add that to the litany of actions that I indicated earlier would be precluded.

ORDERS FOR TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 2 o'clock tomorrow afternoon; provided further, that after the two leaders or their designees are recognized under the standing order tomorrow, there be a period for morning business not to extend beyond the hour of 2:30 p.m., that Senators may speak therein for not to exceed 5 minutes each; and that at the hour of 2:30 p.m. tomorrow I be recognized for the purpose of making a motion to proceed to the Senate resolution or the House resolution, whichever may be the case.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, reserving the right to object, and I shall not object, for the purpose of my own information, and not in any attempt to try to dazzle anybody with footwork—and I would not do that with the majority leader anyway because I have great respect for him—what I am inquiring about for my own mind is if this House does this and we go ahead and we pass it, that is what I am inquiring about. It seems to me that when the Senate has performed a function, we have passed our portion of it, then I would think that that could become a vehicle for alternative Contra aid activity. That is what I am inquiring about. Would that not be correct?

Mr. BYRD. I would like to pursue this.

Mr. SIMPSON. But without any privilege.

Mr. BYRD. There would be no expedited procedures available.

Mr. SIMPSON. That is right. It is nothing to slow the progress of agreement.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have a delegation of Turkish legislators waiting in my office, so unless the distinguished assistant Republican leader has anything further, I think I will recess under the order.

Mr. SIMPSON. Mr. President, I think that is quite appropriate. We will deal with these other matters tomorrow.

Mr. BYRD. Very well.

ROLLCALL VOTE AT 2:30 P.M.

Mr. President, there will be a rollcall vote at 2:30 p.m. tomorrow. I urge all Senators to be here at the beginning of the vote. Then there is no possibility that they will not be here when the vote ends. If the subway car is broken down, just start walking, or, when the bell rings, start walking. At age 70-plus, I am able to walk from here to the Hart Building where the subway car stops there in something like 4 minutes. I probably could not make it to my office in the Hart Building in 4 minutes, but certainly when the bells ring, I would make it a point, if I were in the Hart Building, to get on my way over here. If the subway car breaks down, I can walk.

Mr. SIMPSON. And if the weather is inclement, ski.

Mr. BYRD. If the weather is inclement, I will stay inside but I will be here in plenty of time.

The PRESIDING OFFICER. May the Chair inquire, in his capacity as a Senator from Georgia—I may have missed it—will the 2:30 vote be a 15-minute vote or a 30-minute vote?

Mr. BYRD. I look at it this way——

The PRESIDING OFFICER. The Chair is not arguing. The Chair is only inquiring.

Mr. BYRD. That is a good question. I was hoping to avoid it. That is the reason I did not say anything about it. I hesitate to start having 30-minute

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votes in the Senate at 2:30 in the afternoon, and so I was going to let it go without comment, now that we are completing rollcalls within 15 minutes. On the other hand, this may be a very critical vote tomorrow and I wanted to be in a position, at the end of 15 minutes, if there is a Senator who has gotten his leg caught in the door, to ask the clerk not to hand the Chair that rollcall tally sheet until the Senator can free himself.

The PRESIDING OFFICER. The leader has cleared it up.

Mr. BYRD. Mr. President, I am going to leave it open. I will not ask for an automatic closure in this instance because of the reasons stated. I may call for the regular order at the close of 15 minutes or I may not.

I simply urge Senators not to take any chances. When the rollcall starts, do not wait until the second bells are sounded, because the elevator may break down in the meantime.

I will not ask uanimous consent that the order be automatic this time. I have a feeling that the vote will not be prolonged.

RECESS UNTIL 2 P.M. THURSDAY

Mr. BYRD. Mr. President, if there is no further business and my friend does not have anything further——

Mr. SIMPSON. I have no further business, Mr. President. I thank the majority leader very much.

Mr. BYRD. I move in accordance with the order previously entered that the Senate stand in recess until 2 o'clock tomorrow afternoon.

The motion was agreed to; and the Senate, at 5:21 p.m., recessed until Thursday, February 4, 1988, at 2 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 3, 1988:

SUPREME COURT OF THE UNITED STATES

ANTHONY M. KENNEDY, OF CALIFORNIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.

DEPARTMENT OF JUSTICE

ROBERT H. EDMUNDS, JR., OF NORTH CAROLINA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS.

JESSE R. JENKINS, OF NORTH CAROLINA, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS.

HOUSE OF REPRESENTATIVES—*Wednesday, February 3, 1988*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that we will be the people we ought to be and do those good things that bring peace to every person. Give us the wisdom to do justice, love, mercy, and walk humbly with You. Free every person from any selfish spirit that causes suspicion or undue pride and open our eyes to the spirit of light and truth so that Your will is done on Earth as it is in heaven. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BERMAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BERMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 275, nays 118, answered "present" 2, not voting 38, as follows:

[Roll No. 5]

YEAS—275

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior

Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coelho
Coleman (TX)
Collins
Combest
Conte

Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Derrick
Dicks
Dingell
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich

Evans
Fascell
Fazio
Feighan
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Garcia
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (IL)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland

Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
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McCurdy
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Mineta
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Burton

Callahan
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DeLay

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Oxley
Packard

Pepper
Porter
Roemer
Sundquist
Swindall
Towns
Walgren
Weber
Williams
Wilson
Young (AK)
Young (FL)

□ 1015

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement that the business in order today is the consideration of House Joint Resolution 444, and the Chair will not recognize Members for 1-minute speeches until the end of business today. We have a 10-hour timeframe and will seek to devote our energies and attentions to the consideration of House Joint Resolution 444.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3884. An act to rescind certain budget authority recommended in Public Law 100-202.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2470) "An act to amend title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under the Medicare Program, and for other purposes," disagreed to by the House, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Bentsen, Mr. Baucus, Mr. Bradley, Mr. Mitchell, Mr. Pryor, Mr. Dole, Mr. Chafee, Mr. Heinz, and Mr. Durenberger to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 20[illegible]2. An act to amend title 38, United States Code, to authorize reductions under certain circumstances in the down-payments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

□ 1030

PERSONAL EXPLANATION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute.)

Mr. BEREUTER. Mr. Speaker, I was unaware that the JEC committee room in the Longworth Building had no light and buzzer system. I was meeting with constituents in that room, was unaware of votes being called at that time, and accordingly I missed two votes on the floor.

Had I been present I would have voted "aye" on both H.R. 2875 and H.R. 3[illegible]84.

PERMISSION FOR MEMBERS TO INCLUDE EXTRANEOUS MATTER DURING DEBATE ON HOUSE JOINT RESOLUTION 444, APPROVING PRESIDENT'S REQUEST FOR CONTRA AID

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may include extraneous matter in the course of debate today on House Joint Resolution 444.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

APPROVING THE PRESIDENT'S REQUEST FOR CONTRA AID

Mr. FOLEY. Mr. Speaker, pursuant to section 111(j)(10) of Public Law 100–202, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Joint Resolution 444, joint resolution relating to Central America pursuant to House Joint Resolution 395 of the 100th Congress.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. Foley].

The motion was agreed to.

□ 1033

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, H.J. Res. 444, with Mr. Kildee in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to section 111(k)(2) of Public Law 100–202, the gentleman from Washington [Mr. Foley] will be recognized for 5 hours and the gentleman from Oklahoma [Mr. Edwards] will be recognized for 5 hours.

The Chair recognizes the gentleman from Washington [Mr. Foley].

Mr. FOLEY. Mr. Chairman, I think it is appropriate for those supporting the proposal to open debate.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. Edwards].

PARLIAMENTARY INQUIRY

Mr. EDWARDS of Oklahoma. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. EDWARDS OF Oklahoma. Mr. Chairman, may I ask whether my understanding is correct that I will also have the opportunity to close the debate?

The CHAIRMAN. The gentleman is correct.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 6 minutes to the gentleman from Wyoming [Mr. Cheney].

Mr. CHENEY. Mr. Chairman, this begins a long day of some 10 hours of debate on a subject that many of us in this Chamber have addressed before, and that is the question of what our policy should be in Central America. I cannot think of a more important issue for us to discuss at this time or of a more important vote that we will be faced with in this session of the Congress.

Mr. Chairman, the proposal that is before us has been crafted after a great deal of consultation with many Members of this body, and it is in fact truly a bipartisan package. Not only is it sponsored and supported by many of us in the minority who are supporters of the President, but it is also supported by many distinguished Members on the majority side of the aisle, including such notables as the gentleman from Texas [Mr. Stenholm], the gentleman from Pennsylvania [Mr. Murtha], and one of the deans of the House, the gentleman from Florida [Mr. Pepper], chairman of the Rules Committee.

The package the President has put together does in fact support the peace process, and I would like to begin the debate today by reviewing the specifics of what is in the proposal. I would remind my colleagues that specifically the total aid authorization in the package is some $36,250,000, and 90 percent of that is nonlethal consisting of food, medicine, clothing, transportation, and so forth. Only 10 percent of it, $3.6 million, constitutes so-called lethal assistance, and the lethal assistance specifically consists of ammunition and some surface-to-air missiles.

It does not constitute an escalation of the level of effort in Central America and in Nicaragua and specifically it is designed to maintain the current level of effort. It is indeed a barebones package.

More important perhaps, Mr. Chairman, than the specific details of what is included in the package are the terms and conditions under which the President proposes to provide this assistance to the Nicaraguan democratic resistance. Specifically, none of the assistance in the package, either the humanitarian, nonmilitary or the military assistance would be available until March 1. On that date the President would be authorized to move foward with the provision of nonlethal assistance.

The lethal portion of the package would not be available under any circumstances prior to March 31. In other words, the President proposes that we provide at least a month's moratorium, the entire month of March, to let the peace process work in Central America before we would release any additional military assistance.

Furthermore, the President indicates, and it is a part of the resolution that is before us today, that no military assistance would go forward unless he is able to certify to the Congress three specific things. First of all, that a cease-fire has not been agreed to. Second, that the Sandinistas, the Nicaraguan Government, have not bargained in good faith, and third, that the democratic resistance, the so-called Contras, have bargained in good faith.

Beyond that, in a speech last night to the Nation and in a letter to be sent to the leadership this morning, the President has provided for two additional conditions prior to the release of any military assistance from this package to the Contras. The letter provides as follows, that before he certifies for the release of military assistance he will personally consult with the Presidents of the Central American democracies, and second, before

he releases any military assistance he will notify the Congress of the United States 10 days in advance in order to allow the Congress to express its will on that subject. If Congress during that 10-day period of time by a simple concurrent resolution, that is a simple sense of the Congress resolution, determines that the Nicaraguan Government, the Sandinistas, are in fact in compliance with the peace accords, then he will abide by that decision of the Congress and he will not release additional military assistance.

Think about that. I think that is an extremely generous proposition that goes a long way toward addressing the concerns of many of my colleagues on both sides of the aisle who wanted to be certain that there would be an opportunity for a second vote on the question of whether or not the President would provide military assistance to the Contras. Frankly, I cannot imagine why anyone would vote no on this proposal, because it specifically ties the question of military assistance directly to the proposition of whether or not the Government of Nicaragua is in compliance with the peace process. If they are in compliance with the peace process there will be no military assistance provided out of this package to the Contras in Nicaragua.

Secondly, the determination of whether or not they are in compliance with the peace process is up to those of us in this body. We will have the opportunity for 10 days to consider the question, the proposition of whether or not that aid and assistance should go forward.

I think it is indeed a very generous proposition. During the course of the debate today we will hark back many times I am sure and hear a lot of emotion and a lot of rhetoric about the proposition before us, but it strikes me that there are really only two reasons to vote against this proposal. One is if my colleagues do not want to insist that the Sandinistas comply with the peace process, and second if the proposition before us is not really at the heart of the debate today but rather what we have is simply an effort to embarrass the President and try to score another political victory. I hope that is not the case.

I think the package itself is wise policy, that it is based on sound principles, that it supports the peace process, that it does allow a second vote before the President releases any military assistance. It gives the Congress the opportunity to share in that decision on a bipartisan basis, and I believe it merits support.

Mr. FOLEY. Mr. Chairman, I yield 1 hour to the gentleman from Wisconsin [Mr. Obey].

The CHAIRMAN. The gentleman from Wisconsin [Mr. Obey] is recognized for 1 hour, and without objection, the gentleman from Wisconsin shall be allowed to yield time.

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from Michigan [Mr. Bonior], the leader of our task force on this subject.

Mr. BONIOR of Michigan. Mr. Chairman, for nearly 6 years Members of this body have come to the well and warned of the folly of the Contra war. The case against Contra aid has been overwhelming. The Contras' horrendous record on human rights, the squandering of our Nation's prestige on a policy that is a flagrant violation of international law, the deceit, the corruption, the contempt for Congress and the American people of the Iran-Contra scandal, these issues remain as compelling today as in the past. But today is different, for never before have the prospects for peace been so promising. Never before have we had the opportunity to contribute so much to democratic openings within Nicaragua.

For over 6 years this administration has funded the Contras by hook and by crook. And all this policy has produced is more suffering for the innocent victims of Contra attacks and a greater assault on democratic values by the Sandinistas.

But today can be different. The determined and courageous efforts of the five Central American Presidents have offered us an opportunity that is quite rare in a lifetime, an opportunity to contribute to a firm and a lasting peace, an opportunity to see true progress toward democracy in Nicaragua.

At their meeting in San Jose, the Central American Presidents called for an end to all insurgent groups such as the Contras saying that this was an indispensable part of the peace process and indispensable to peace itself. At the same time, they extracted new concessions from Nicaragua. They lifted the state of emergency. They put an end to special tribunals. They made a commitment to do something the Sandinistas had held out and firmly resisted—they agreed to talk directly with the Contras. This, on top of the concessions they made earlier on in August by lifting press censorship for La Prensa, by opening up Radio Catolica, by issuing 14 additional permits for additional radio stations, by allowing the opposition parties to congregate, to hold rallies, by agreeing to municipal elections, and on top of that what they agreed to 2 weeks ago in San Jose.

□ 1045

And now they have agreed to talk directly with the Contras. They have begun that process and will continue it next week.

Those talks have begun and the Catholic bishops have expressed optimism about the possibilities for a cease-fire. Yet what has this administration's response been? They have requested military and logistical aid to the Contras that will kill this peace process and wipe out all the gains we have made in 6 short months.

The President had said in his request that he will provide an insurance policy for peace. In reality, it is a death warrant, not an insurance policy.

The President has told us this is a moderate request of only $36 million. But in reality this request contains an additional $20 million for indemnification of aircraft and an unspecified amount for electronic countermeasures. This request provides a minimum, a minimum of $60 million for a 4-month period. On a monthly rate, this is the largest aid request the President has ever made, the largest aid request the President has ever made on a monthly basis.

The President has said military aid will be limited to $3.6 million. But in fact this request would unleash the delivery of vast quantities of stockpiled weapons to the Contras. The President has told us that the request is only 10 percent military aid. But in fact the vast majority of the so-called nonlethal aid requested in this package will be spent for logistical aid such as leasing, operation and maintenance of aircraft, command and control, military training, passive air defense, and propaganda. Listen to this, only $7.3 million is designated for true humanitarian items such as food, clothing, and medicine, out of a package of over $60 million.

The President and his supporters have told Members of this body that the Presidents of the Central American peace process secretly support his package. Well, nothing could be further from the truth. President Arias, upon receiving the Nobel Peace Prize, stated that Contra aid is the problem, not the solution. President Cerezo of Guatemala recently said that he did not support, and I quote, "any aid to the Nicaraguan Contras" because this approach "pushes Central America toward war."

The Guatemalan Ambassador in a letter to the Washington Times has been critical of efforts to misrepresent his country's position.

Last night in an 11th-hour effort to try to win votes, President Reagan offered Congress a nonbinding procedural gimmick as a substitute for a concrete role in fashioning policy. I hope my colleagues will see this offer for what it is, a cynical ploy to win additional votes.

You know, we have heard such last minute promises before. We were promised progress toward negotiations; but when the vote was won the promise was forgotten. We were promised progress on human rights by the Contras; but when the vote was won, the killing of innocent civilians continued.

We were promised full accounting of the funds; but we ended up having to search Swiss bank accounts and the arms caches of the Ayatollahs to try to find where our tax dollars were spent.

Ladies and gentlemen, today we have an opportunity to put this policy behind us. We have a chance to vote not just to end a war, but to help make a lasting peace.

When we say "no" to this package today we will not turn our backs to the region. Instead we will inaugurate a new era, an era when we will work, not in isolation, but in a true partnership with the countries of the region; an era in which we can build a true consensus at home and true commitment to democracy abroad.

The Presidents of Central America have issued us a challenge, Mr. Chairman, and despite their great differences and the tremendous pressures placed on them by this administration, they have dared to speak up for peace. How can we in this body refuse, how can we refuse to hear their call and to meet that challenge?

Mr. Chairman, keep the process alive, vote "no" on this package and let us get together as Democrats and Republicans, as moderates, conservatives, and liberals, and fashion a package that is compatible with the Central American peace process and that moves this process forward with dignity, which will bring democracy to the region and a lasting peace for the people of that very torn and beleaguered area.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 6 minutes to the gentlewoman from Maryland [Mrs. Byron].

Mrs. BYRON. Mr. Chairman, I rise in support of the Skelton-Edwards resolution.

This is an extremely difficult vote and I think that both sides, whether pro or con, have very good arguments to back their respective positions. I hope that both sides take the high ground in the course of this debate—that we stick to the facts—and the issues, rather than pointing fingers or questioning the motives of other Members. The American people are not only watching what will be the final outcome of this debate, they are watching how we, as representatives of the "people's House" conduct ourselves during the course of this debate.

I know that many of you have made up your minds on how you will vote today. Therefore, I would like to address myself to the dozen or so of you who remain undecided.

First, let me put this debate into what I think is a proper perspective because I think that is extremely important. This debate is not—I repeat, it is not, a debate on whether you are for or against the Central American peace initiative. There is no one that is not for peace in Central America. We are all for a political rather than military settlement to end the turmoil that afflicts that region. The debate today is, rather, a question of whether we trust the Sandinistas in ensuring that democracy moves forward in Nicaragua. That's the crux of the debate—because without democracy in Nicaragua, there will be no peace in Central America.

I went to Nicaragua this past weekend. I met with auxiliary Bishop Bosco Vivas who is a member of the mediation team monitoring the direct negotiations between the Sandinistas and the Contras. He was at the head table in Costa Rica. Representatives from the Government, members of the independent labor unions, members of the internal opposition, members of the Permanent Commission on Human Rights, Violetta Chamorro of La Prensa, an independent paper just back on the newsstands, and finally the January 22 Mothers of Political Prisoners. There is genuine hope in Nicaragua from all sectors that peace will come, yes all sectors, but there is also a healthy degree of skepticism about why the Sandinistas are at this particular time making concessions and whether these concessions will be permanent. There should not be any doubt why the Sandinistas are at the peace table and the reason is simply the presence of the Contras.

If we fail to continue to support the Contras today, the Nicaragua of tomorrow will have very little hope of achieving democracy. Perhaps the Sandinistas will not pull back on the concessions they have made so far for the next month or two—but what about 6 months from now or next year? Are those of you who intend to vote against this package today saying that you trust the Nicaraguan Government to comply with the accord? I don't believe that I need to remind you that you have been burned by the Nicaraguan Government before. It was said by some of those who we met this weekend that if we vote this package down that there will be no hope for the people of Nicaragua or for the peace process.

Let me give you an example of why I remain somewhat skeptical of the Nicaraguan Government. When our delegation met with officials of the Government this Saturday, we were told that there were no political prisoners in Nicaragua—I repeat—no political prisoners in Nicaragua. After we met with the Government officials, we met with the January 22 mothers of the political prisoners. Well, Mr. Chairman, there are political prisoners in Nicaragua because the sons of these mothers, the husbands, the brothers, languish in Nicaraguan jails for months and years. These mothers continue to speak out for their children, despite intimidation by the Government, despite the threats of the Turbas, who incidentally, taunt the mothers on a regular basis. The mothers will continue to speak out because they have no other choice. But if we vote down this resolution, we leave those mothers and their children without any hope. We leave thousands of Nicaraguans without any hope. I find it interesting to note that although the Government said that there were no political prisoners, the mothers we met with named the 14 prisons where their loved ones are held. All of them full. When the Sandinistas went to power 9 years ago, there were only two prisons.

Finally, let me specifically address the issue of another vote on an alternative package. How many of you believe that voting on this issue a month from now is going to be any less difficult than it is today? I can answer that—it won't be. If a consensus package could have been achieved between all the various factions in Congress, along with the consent of the administration, don't you think that would have already been done? I don't like voting on this issue time after time and I doubt that many of you do either, but that is exactly what those who are pushing for an alternative package are asking us to do. This is a very controversial issue and there is no comfort zone in which we can make a stand. We must make the hard choice now. All of us are concerned about the degree of cynicism by which the American public views Congress. If the rationale used to defeat this resolution is to defer the tough decisions for another day, then the American public has a right to be cynical about this institution as do our allies and friends throughout the world.

I intend to support this package; it is by no means perfect, but it is the best chance we have in applying pressure to the Sandinistas. I cannot look into the eyes of those mothers, the young children we saw at Eastey Market and the men and women who have been held in prison, the 14 leaders of the 14 opposition parties and say we failed to keep the pressure on just when we have been seeing some modest results. This package is the best chance by which we can eventually bring democracy and peace to a troubled region, and that is something that we all want. I hope that those of you who are still undecided will support the Skelton-Edwards resolution and give democracy and peace a fighting chance in Nicaragua.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the distinguished chairman of the Permanent Select Committee on Intelligence, the gentleman from Ohio [Mr. Stokes].

Mr. STOKES. Mr. Chairman, I rise in opposition to the resolution. Others will lay out the pros and cons of U.S. policy. I feel I can best contribute to the debate by providing some comments and judgments on the nature of the President's request. My remarks are founded in the Intelligence Committee's close monitoring and regular auditing of Contra aid, and particularly on information derived from the latest of frequent committee trips to Central America. The committee also carefully reviews intelligence reporting on Central American issues. Finally, our committee has thoroughly analyzed the details underlying the President's request.

The administration says that $36.2 million would support the Contra forces for 4½ months at what is described as an "austere/minimum essential" level.

However, an in-depth examination of the President's request reveals that this level of funding would both enhance and increase the Contras' capabilities. The administration plans to provide:

More intelligence collection;

More communications and better command and control capability;

More aircraft with substantially greater airlift capacity;

Better logistics support facilities;

More U.S. advisers; and

More propaganda activities.

In addition, it should be made clear that the Contra forces have increased during the period of non-lethal funding. Further, not counting what may have already been cached inside Nicaragua, arms purchased in fiscal year 1987 armed those forces and could substantially continue to arm them for several months after the February 29 cutoff. That is why the lethal portion of the Contra package is only $3.6 million. All that the administration needs to do is fill in its arms inventory here and there to ensure a high level of military operations inside Nicaragua. That is why the President's newest offer—to defer the $3.6 million in lethal purchases—won't mean an end to military deliveries or military activity.

In fact, $36.2 million will pay for an even higher level of military activity than before. This is doubly striking when it is noted that combat levels during October, November, and December were higher than at any time in fiscal year 1987. That is because the Contras fielded more troops inside Nicaragua during that period and because the administration dropped more arms to them than it ever had before. Now, the plan is to surge to even higher levels of combat—all on the basis of this so-called austere request.

Now, what about the 1-month hiatus in lethal deliveries promised by the administration? There will be no hiatus in lethal activity, only in lethal delivery. And that lethal activity—combat—could also increase above previous high levels because the delivery of arms to the Contras in February will be beyond even the high delivery rates of the past. The hiatus will be no hiatus at all. Lethal purchases and stockpiling will continue. Armed conflict will continue. And even if there were to be a down turn in combat activity, this simply ensures a stretch-out in the Contra war, since the authority to deliver arms and other supplies to the Contras will continue until the last penny is spent.

A last comment on the administration request—will it work? The administration says the Sandinistas are on the ropes economically. They say the Contras have seized the military initiative and are conducting ever more effective operations in the field. They say, politically, the Sandinistas are increasingly unpopular.

The unspoken message here is that a Contra military victory is nearly within reach. It once again unmasks the administration's constant and singleminded desire to force a military solution to the problems in Central America. The President does believe what he says when he calls the Sandinistas Communists and reminds us that Communists never negotiate away power. Therefore, negotiations inevitably will fail. And the Contras don't have to defeat the Sandinistas' tanks and helicopters. All they have to do is bleed the Sandinistas until they collapse. On its merits, this says two things about the policy that underlies Contra aid:

The Central American peace negotiations can frustrate a Contra victory but can never ensure democracy; and

Unless the administration is right and a Sandinista collapse is imminent, Contra aid will have to continue for the many years it will take to successfully conclude a long, bloody guerrilla war.

Mr. Chairman, I urge the defeat of the resolution.

□ 1100

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. Cheney].

Mr. CHENEY. Mr. Chairman, I thank the gentleman for yielding this time.

I am sure, as a colleague of my distinguished friend, the gentleman from Ohio [Mr. Stokes] on the Intelligence Committee, he would not want to leave a misimpression with respect to what is at stake here. This Congress authorized in continuing resolutions and previously in the package in 1987 over $100 million in assistance to the Contras, part of that military assistance. That is what currently is being delivered. That is what will be delivered through the end of February.

I am certain the gentleman would not want to leave the impression that the $36.2 million that is before us includes any lethal assistance, specifically ammunition and weapons, other than the $3.6 million which is what we have talked about previously and is what the President has promised not to deliver until there is a follow-on vote by the Congress based on the proposition of whether or not the Sandinistas are in compliance.

The bottom line is that what is before us today in this package does not involve any lethal assistance, weapons or ammunition, that would go forward until Congress has a separate vote. The only question at that point will be whether or not Congress believes the Sandinistas have come into compliance.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. Levine].

Mr. LEVINE of California. Mr. Chairman, I rise in opposition to the resolution.

We are voting today on nothing less than the future of Central America. We are voting on whether the United States will allow the Arias peace plan to succeed, or risk killing it once and for all and consigning Central America to more war, more poverty, and more human misery.

Mr. Chairman, this issue is shrouded in misperceptions and misunderstandings. Let us examine a few of the misperceptions before we vote on this request.

Misperception No. 1: This aid represents a scaling back of the Contra war. False. The administration's request triples the amount of aid going to the Contras on a monthly basis, from $2.6 to $8 million. If this request is approved, the administration can come back with a new request in 4 months, making this by extrapolation the first segment of a $108 million appropriation, a larger yearly figure than has ever before been approved for the Contras. In other words, this aid package represents a massive escalation of the war, at a time when the region is moving fitfully toward a negotiated peace.

Misperception No. 2: This aid is needed to ensure Nicaragua's compliance with the Arias plan. False. In the past 6 months the Arias plan has done more to bring democracy to Nicaragua than 6 years of the administration's Contra war. The Central American Presidents have called for full compliance with the Arias plan immediately.

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Aid to the Contras will undermine the plan, not support it.

Misperception No. 3: This aid does not violate the peace plan because it is all nonlethal, humanitarian aid with the exception of $3.6 million to be held in escrow until March 31. This is perhaps the biggest misperception of all. There is no such thing as humanitarian aid to the Contras, or to any other fighting force. By definition, Mr. Chairman, humanitarian aid may only be given to noncombatants. And as for nonlethal, is a helicopter nonlethal? A jeep? A plane used for CIA airdrops inside Nicaragua? All of these items are included as nonlethal aid in this package. The term, nonlethal, is designed to deceive us in this Chamber into thinking that we are not really involved in a war in Nicaragua. We are in a war, and every dollar we send to the Contras drags us in farther, toward the day when American soldiers will be sent in to fight and die to avoid the Contras' inevitable defeat.

Misperception No. 4: This plan is designed to achieve peace in Nicaragua. Sadly, this is false, too. This administration has dedicated itself since 1981 to the military overthrow of the Government of Nicaragua. No amount of hedging from the White House can obscure that fact. This administration has gone so far as to threaten the leaders of the democratic nations in the region with reductions in economic aid if they should dare to express their opposition to administration policy. So obsessed has the administration become with ousting the Sandinistas that Contra aid is no longer a means to an end, but an end in itself, before which all other considerations are cast aside.

One reading of the Iran-Contra report is all it takes to see the administration's Contra policy for what is truly is—an obsession with military solutions to problems which emanate primarily from political repression and economic exploitation. This obsession has led the administration to mislead Congress, threaten its democratic allies in Central America, incur the international condemnation of our policy and defy the will of the American people.

The Central American Presidents and people await our judgment. Will we give them the chance to achieve peace in their region? Or will we go down in history as the Congress which ended the period of hope brought about by President Arias and his colleagues?

I urge my colleagues on both sides of the aisle to join me in supporting the Arias peace plan and opposing this aid.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 7 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, I yield to my colleague, the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I appreciate the gentleman yielding.

I think it is important starting from the beginning that we make it clear what the record really is.

In regard to the last speaker, I think it is important to point out that President Arias himself endorsed the nonlethal plan that we had in at least one of the last two CR's. In fact, President Cerezo just came out in favor of Contra aid. To come out and to say that the Presidents of Central America do not support this is simply a distortion of reality. It is not proper as we are going to debate this today to not be fully accurate in what we say.

Furthermore, the first speaker pointed out that the Sandinistas had somehow complied with this agreement. I want to quote Oscar Arias on January 15 who said:

> They have not complied with the amnesty, democratization, free elections, lifting of the state of emergency and all the rest, without even excuses that would serve as a pretext for not complying with the peace plan.

That is Oscar Arias who says the Sandinistas have not complied. People should recognize that fact.

I appreciate the gentleman yielding. I think it is important that we correct these arguments early on in the debate. We can debate as to what further action we should take, but there should be no debate as to what the record of compliance by the Sandinistas has been since we started this process.

Mr. CHANDLER. Mr. Chairman, I rise in strong support of this resolution. We must not destroy the first real hope for peace and democracy in Central America by ending the one source of pressure that has helped bring concessions from the Sandinista government.

If we vote down this request, President Ortega will know that in spite of all his statements against democracy, in spite of all of his actions to minimize the effects of the concessions he has made to date, he does not have to comply with the Guatemala accord. But most important, if we vote down this request, we virtually wipe out the Contras.

The theme of the opposition is "take a risk for peace." Well, that should be our theme, too—because there has never been a better time to take a risk for peace, by supporting this aid. Without it, peace doesn't have a chance in Nicaragaua.

Nicaragua's ruling Sandinistas have proved that should the Contra threat be eliminated, they will consolidate their power, and crush the internal opposition. They have also pledged to build an army six times larger than the combined forces of their Central American neighbors.

The eventual result of this development of "a second Cuba," as Costa Rican President Oscar Arias calls it, is the further destabilization of the region, possibly requiring direct intervention of U.S. troops. This would be a devestating mistake and a terrible tragedy, but likely if the Communist Sandinista regime consolidates its power.

Funding the Contras has brought the Sandinistas to the negotiating table and forced them to make some concessions. As the Washington Post said today.

> The record of the last six months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease fire talks scheduled to resume next week, this is no time to demobilize the forces on one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan.

Last December, the gentlewoman from Maryland [Mrs. BYRON] and I authored an amendment to the foreign aid authorization bill for fiscal year 1988. It establishes 33 important standards for evaluating democracy in Nicaragua under the Guatemala peace accord. Among them are the rights of opposition parties to meet and organize, and full freedom of the press. Our overwhelming victory of 346 to 58 sent a clear message that the House of Representatives would not accept a facade of democracy to cover the infrastructure of dictatorship. We need to keep the message clear.

Since then, the Sandinistas have made no significant progress in any of the 33 areas. In fact, they have made only marginal progress on 14 points.

For example, the suspension of the state of emergency, was followed by the arrest of more than a dozen major opposition leaders under the maintenance of public order and security law, which makes it a crime to speak against the revolution.

A few days later, a presidential decree was issued that allows nonlawyers to be appointed to judgeships. This act opens the door to the appointment of state security magistrates who ruled the state of emergency tribunals.

The net result is that almost nothing has changed in the Sandinista legal system, although the appearance of reform is maintained.

About 1,000 prisoners were released in November by the Sandinistas. But according to Alejandro Bendana, Secretary General of the Sandinista Exterior Ministry, "there are no political prisoners. Just about 2,000 Guardia and 1,800 captured Contras."

This differs considerably from the claim of the independent Permanent Commission on Human Rights [CPDH] in Nicaragua, which claims about 8,200 political prisoners remain

in prison. Most of the 1,000 already released by the Sandinistas were either common criminals or political prisoners whose sentences were completed, but were held anyway.

President Daniel Ortega's most recent amnesty plan, tragically calls for the exile of 3,000 political prisoners to the United States. This is reminiscent of the Cuban boat lift, where political prisoners were expelled from their country. The dignity of the Nicaraguan people makes this offer completely unacceptable.

A member of my staff was in Central America last week and met with dozens of opposition leaders and government officials. The message of the democratic opposition was clear: Don't end Contra aid, it is the only factor forcing Ortega to negotiate.

One journalist at La Prensa said that if the aid was passed, his paper would probably be shut down, but still have hope of opening again. If it wasn't, he said, they would stay open for a while and then be "crushed forever."

Even international aid officials are beginning to speak out in private. One high ranking official requested anonymity because his own views are against those of the organization he represents. He applauded the Sandinistas for the progress they have made. "I never believed they could come so far," he said. But he added that "If you do not fund the Contras, they will take it all back." He went on: "I know Borges, I know the Ortegas. Without the pressure that only the Contras bring, the peace process is doomed."

Don't doom the peace process. Support this reasonable package. Then, we will have nearly 2 months to observe the effect of its threat, without one dime of lethal aid being given to the Contras. Don't betray the peace process. Vote for this package and "take a risk for peace."

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Mr. Chairman, I think that we stand a very real possibility today of dooming the peace process. Support for this reasonable package is essential.

I have heard Members tell me that there will be an alternative package. I want to ask those Members some important questions.

When will that alternative package pass, and will there be any Contras left in the field when it does?

Who will support that package? Will it be the gentleman from Michigan? Will it be the gentleman from Wisconsin? Will it be the Massachusetts delegation?

Mr. Chairman, this is it. Failure today is failure forever.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond to something that was said by the gentleman from Wyoming [Mr. CHENEY].

The gentleman from Wyoming had indicated that he wanted to make sure that the gentleman from Ohio [Mr. STOKES] was not suggesting that the administration was doing anything illegal in terms of the delivery rates for military equipment that are occurring at this point.

That certainly was not the intention of the gentleman from Ohio [Mr. STOKES] to convey that they were doing anything illegal. The point of the remarks of the gentleman from Ohio was simply that the delivery rates for military equipment during the period before the so-called suspension, because of the so-called escrow decision of the President delivery rates for military equipment during that time period before the so-called suspension will be well above delivery rates of either last year or the previous 3 months.

The point that the gentleman from Ohio was trying to make is simply that the administration made the decision on delivery rates consciously after they had decided to tell the world that they were going to be providing for a 1-month pause in delivery, but that in fact that gap will be bridged by heavy deliveries before that so-called suspension actually begins. In essence there may be an escrow in delivery, but there will be no escrow in terms of actual material at hand.

Mr. CHENEY. Mr. Chairman, will the gentleman yield on that point since he used my name?

Mr. OBEY. Mr. Chairman, I prefer to yield on the time of the gentleman from Oklahoma [Mr. EDWARDS].

Mr. CHENEY. Mr. Chairman, the gentleman talked specifically about me and I would ask him to yield.

Mr. OBEY. Very briefly.

Mr. CHENEY. Mr. Chairman, I think it is very important here to understand that the delivery capability that the Government will have between now and the end of February is fixed. There is nothing in this package that affects that. There is no new money in here for delivery during that period of time prior to March 1.

Mr. OBEY. Mr. Chairman, I am not suggesting that there is.

Mr. CHENEY. And the current delivery capability has been reduced by the loss of the DC–6 aircraft on January 22. The notion that there will be this massive injection of new weapons flowing into Nicaragua for the Contras before March 1 simply is not a valid one.

Mr. OBEY. Mr. Chairman, if I might take back my time, I would simply suggest that no one has suggested that the military fleet of airplanes has been increased during this time, but what the Congress has been told by the administration is very clear. And it is very clear that the amount of those deliveries that will constitute military equipment will be much larger than it was in the previous period.

We are not suggesting there is anything illegal about it, but people do need to know about it if they are going to assess whether or not there really is going to be any danger of the Contras running out of military equipment.

There is about as much danger of the Contras running out of military equipment as there is of the House Chamber running out of talk.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, the final point that ought to be made as to whether we will flood the Contras with a supply of military equipment. This is a guerrilla force, very mobile, and they do not have transportation other than what they can carry on their backs and on a few mules. They do not have the capacity to carry with them while operating inside Nicaragua large quantities of military supplies and military equipment. We are dealing within a fairly finite spectrum here.

Frankly, Mr. Chairman, I resent the proposition that somehow the administration is trying to pull a sneaky move here and that they are saying one thing and doing something else. The President made a very generous offer and the Congress ought to accept it.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds to again assert very clearly that no one is suggesting that the administration is doing anything sneaky. What we are suggesting, however, in this instance is that the administration very clearly is increasing the rate of military delivery and that fact is unquestionable.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, this is a very complicated question. We are very closely split on it. I respect my colleagues who feel that the presence of the Contras helps to concentrate some minds among the Sandinistas. I wish to assure my colleague from the State of Washington, Mr. CHANDLER, that no one in this House wants to accept the facade of democracy masking the infrastructure of dictatorship. On that there is total agreement. I do not think there is a Member of this House on either side of the aisle who supports that nasty dictatorship in Nicaragua.

I have been there, I have seen those prisoners, and I have talked to the mothers. I have met with Cardinal Obando y Bravo before he was offered his present eminent and critical leadership role. I met with Violetta Chamorro before she got her newspaper

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back. Everything that the Sandinista government stands for is an affront to every tenet of democracy, of decency, and of human rights.

Mr. Chairman, the question is not whether we support the Sandinistas but whether we support peace instead of war, and how we can best reach the state of peace and civilized democracy in that pitiful, beleaguered country that has been ripped apart and ravaged by war, suffering, and death.

That is the question.

My colleagues can make a good case, I believe, for keeping the Contra presence going. I respect my colleagues who believe that.

What decides this for me is the fact that the author of the peace plan, President Arias, who stands head and shoulders above the herd down there and is providing enormous leadershsip in the movement toward peace, feels very strongly that at this time it would be destructive of the peace effort to aid the Contras. I feel that the time has long since come whereby we ought to let Central Americans and Latin Americans decide their own destiny. We ought to empower them to make the decisions affecting their own future.

We have had enough of the image of the colossus of the North imposing answers, imposing solutions, and imposing programs on Latin America.

We have had enough of illegally bombing harbors, we have had enough of walking away from the tenets and precepts and the judgments of the International Court of Justice, and we have had enough of our country having the status of an international outlaw that is utterly unseemly and an unfit role for us to play. Rather, I think the time has come where on a closely divided question like this we ought to look to the leaders of the process down there and I suggest that we ought to respect President Arias and let us give that process a chance.

If we find in the future that there is no response or very little response from the Sandinistas, there is always an opportunity then, after consultation with Central America's four democratically elected presidents, to begin to think about fortifying the Contra posture.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. Mr. Chairman, I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, if we do not give humanitarian aid to the Contras, and if they die on the vine, who are we going to support in the future? Who are we going to give aid to make the Sandinistas live up to their commitments if they do not now?

Mr. SCHEUER. Mr. Chairman, that is a very good question. I do not think the Contras are going to die on the vine. As we heard from our colleague, the gentleman from Wyoming [Mr. CHENEY], they are a guerrilla force. They travel light. To some extent they live on the land and they swim to some extent with the fishes around them, although not enough, frankly, to indicate that they have real support from the people. But they will survive and they will be a presence there so that in 3, 4, or 6 months, if the peace process that President Arias is heading up seems to be faltering or is fatally flawed, there is always time to rebuild the Contra presence. But it seems to me that since there is a clear signal from President Arias that funding the Contras now would be destructive of the peace process and would substitute peace for more war, for more destruction, for more starvation, and for more misery, we ought to give President Arias and the peace process a further chance.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, freedom has never been free. There is a price to be paid for liberty. More than 1 million Americans have paid the ultimate price to protect the liberty of our Nation and its allies and millions more have risked their lives because freedom is worth defending. We must not pretend that other people do not share the aspirations for liberty which we so dearly cherish.

I quote from Will and Ariel Durant's book "The Lessons of History":

> War is one of the constants of history, and has not diminished with civilization or democracy. In the last 3,441 years of recorded history only 268 have seen no war.
>
> Peace is an unstable equilibrium, which can be preserved only by acknowledged supremacy or equal power.

The real issue before our Congress and our country today is not the Contras, it is communism in Central America. I sincerely believe that peace in the world can only be preserved by a strong America, freely and willingly, accepting the responsibility of leadership in the protection of Western civilization from external danger, namely communism. America's ability to support and defend democracy and freedom throughout the world has largely been the product of a lack of external threats on our own borders. The Monroe Doctrine for over 160 years has clearly articulated our Nation's fundamental security interest in keeping hostile powers out of our hemisphere.

It appears that some in this body might want to reassess that traditional strategy, reminding me of Winston Churchill's comments that Neville Chamberlain "had an all-pervading hope to go down in history as the Great Peacemaker; and for this he was prepared to strive continually in the face of facts, and face great risks for himself and his country. Unhappily, he ran into tides the force of which he could not measure, and met hurricanes from which he did not flinch, but with which he could not cope." I earnestly hope that the 100th Congress does not reject Contra aid and earn a similar place in history.

I truly believe the issue of Contra aid is a matter of strategy. It certainly is more than a battle for partisan political advantage. Many of you in this House unfortunately are prepared to accept almost any internal political result in Nicaragua if we only stop arming the Contras. I sincerely hope you do not win this vote today, but if you do—I hope you are prepared to accept the responsibility that goes with your vote. Because if you win, you will effectively pull the plug on the democratic Nicaraguan resistance. Pulling the plug on the Contras today can be likened to opening the floodgates of an old dam to release a small quantity of water. Sometimes the pressure can be overwhelming and it cannot be shut, thus draining the lake. Do you really want to pull the plug on those who are willing to fight their battle against communism and for liberty? If you win this vote, how will you avoid draining the lake? Some hold out for the possibility of a second vote on the issue. With 165 Members of the House strongly opposed to Contra aid, I would contend it is unlikely that such a vote will ever occur and the possibility of peace and success for the Arias plan will go completely down the drain.

If Lafayette, whom we honor in this Chamber, would have been of your mind he would never have bought his own ship to sail to America to fight for liberty against England. Wounded in battle, he later returned to France to persuade his government to aid the American colonists. Victory at Yorktown, the decisive battle in our fight for freedom, would have been very difficult—if not impossible—without the French fleet blockading Cornwallis and the 7,800 French troops fighting alongside 8,800 American troops.

The fundamental issue of today's vote on Contra aid is how best to stop the communists from consolidating their military might in Nicaragua. President John F. Kennedy said—January 20, 1961—that, "Communist domination in this hemisphere can never be negotiated." This Congress must today reenforce President Kennedy's commitment in a clear and strong way. We cannot deceive ourselves and think that it is possible to deliver humanitarian aid without providing the military means to receive it. The Contra aid package before us today is reasonable. Its short-term nature, limited nonescalatory quantity, commitment to consultations with the Central American Presidents and the Congress, and the President's willingness to abide by a sense of Congress resolution insure that this aid package will reinforce and support the other factors contributing to the success of the peace plan.

Just as Lafayette convinced the French Government to help us help ourselves, so we should also help Nicaraguan freedom fighters to help themselves. There is much agreement today, even by those who have previously opposed Contra aid, that the Sandinistas are more likely to respond positively if they conclude that they are not assured of a free ride and must meet high standards of compliance to get the Contras off their backs.

If you vote no on Contra aid you are ignoring all the lessons of history and all the nature of man that history records. Some conflicts are too fundamental to be resolved by negotiations alone because if history is our guide, during prolonged negotiations, subversion will go on. Revelations by the Nicaraguan defector, Roger Miranda, as confirmed by the Sandinistas, make it clear that subversion was and is going on as negotiations continue. Peace through strength is the only hope for lasting peace. In the true spirit of Lafayette, whom we honor in this Chamber as a true hero, vote yes to help those Nicaraguans who want to help themselves and secure liberty for themselves and their posterity.

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Mr. FOLEY. Mr. Chairman I yield 1 additional hour to the gentleman from Wisconsin [Mr. OBEY].

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 1 additional hour and, without objection, the gentleman from Wisconsin will be permitted to yield time.

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think it is fortuitous that I have the opportunity to follow the presentation by my good friend, the gentleman from Texas [Mr. STENHOLM]. I listened very carefully to what he had to say. And I will certainly agree with much that he had to say. I would observe from the gentleman's presentation that people see the issue of what to do about the Sandinistas differently. Like two artists that paint the same object, what they portray on canvas will appear differently to those who observe their work.

Just before Christmas I had the opportunity to travel to Costa Rica with several of my colleagues, the Speaker included. During the visit I met privately with the President of Costa Rica, President Oscar Arias. Costa Rica is about the size of the State of Arkansas with a few less people. Costa Rica has no army. I asked President Arias if the Sandinistas are a threat to the security of Costa Rica. The President observed that the Sandinistas are not a threat to the security of Costa Rica. Seeing the issue differently, our President and others see it differently. They see the Sandinistas as a threat to the security of the United States.

The United States maintains the most powerful army on Earth. Our borders are about a thousand miles away from Nicaragua, yet our President and many in this Chamber see the Sandinistas as a threat to national security. On the other hand a tiny nation, one of the smallest on Earth, without any army, does not perceive a threat to its national security. I want to make the point that the United States has the option, virtually at will, to destroy Nicaragua. We can launch air strikes from my home district in Arkansas, from Texas, and Florida, and Louisiana, and Mississippi, and Arizona, and New Mexico, and California, not to mention the number of air bases in the Midwest and the Northeast.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I am glad to yield to the gentleman from Texas. I referred to the gentleman from Texas, so I feel obligated to yield to him.

Mr. STENHOLM. Mr. Chairman, I will make one quick observation. The gentleman is totally correct in his observations about our power. The only difference is that requires our young men and women. The proposal before us today requires Nicaraguans to do the work for themselves as they wish to do.

Mr. ALEXANDER. But underlying President Reagan's policy which is supported by the gentleman from Texas and the gentleman from Indiana is the assumption that the Sandinistas are a threat to the national security of the United States. That is simply not so. It is a false assumption.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, the gentleman quoted the President of Costa Rica saying the Sandinistas pose no danger to his country. On January 29, in an editorial from La Nacion, Costa Rica's most prestigious newspaper, they said, and let me just read this:

> * * * what is at stake is the fate of the nations that border on Nicaragua. Because if the Resistance is weakened or disappears the Sandinista regime will direct all its energy, with ample Soviet aid, to its confessed objective of exporting its revolution.

So the leading newspaper in Costa Rica disagrees with President Arias on that point.

Mr. ALEXANDER. The gentleman's statement supports my point. We have a difference of opinion. The security of the United States is not threatened by Nicaragua, or its Communist regime.

The President of Costa Rica has a difference of opinion with the President of the United States. My point is that a tiny nation in Central America, without an army, is not threatened by the Sandinistas, is not threatened by the Communists in Nicaragua.

I first went to Nicaragua in 1971. I observed the widespread discontent with the political, economic and social conditions that finally resulted in a political upheaval. And I traveled back to Nicaragua in 1979 following the revolution.

I am convinced that a military strategy in Central America is not the solution. I believe Oscar Arias, the President of Costa Rica, when he told me, that United States support of the Contras provides an excuse to the Sandinistas for the failure of communism, and that so long as we send money and guns and we support the Somocistas, who in the eyes of many people in Central America is just a continuation of the dictatorship in Nicaragua, then it is going to furnish the Marxists with an excuse for the failure of their revolution.

What is needed is political, economic and social reform to be accompanied by a political solution that is outlined in the peace process, that is led by the great leader, President Arias, in Central America.

Mr. Reagan's policy of intimidation has failed to produce one concession from the Sandinistas. Today, the Reagan policy will likely be disapproved by the House of Representatives. If not today, it will be rejected in the near future as ill-conceived and counterproductive. Then, alternatives will be considered.

I append to my remarks a copy of a speech I delivered to the Latin American Studies School at Stanford University in April 1985 which presents some ideas for political and economic reform as an alternative to war in Central America. I submit this for the purpose of discussing a prospective policy as an alternative to the Reagan policy.

Finally, the gentleman from Texas referenced to history arguing that we should look to history for a lesson. I will turn from the portrait Lafayette pointed to by the gentleman from Texas, and refer instead to George Washington, whose portrait hangs on the other side of the Chamber, because he was the guiding light of a great Latin leader, Simon Bolivar, a disciple of democracy. And Simon Bolivar said of U.S. policy in Latin Amer-

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ica during his era in the 19th century to U.S. policy today:

The United States appears to be destined to plague the Americas, with misery in the name of liberty.

Yes, it is time to learn from history and to address the causes of problems in Central America, instead of dooming the region to a policy of repetition of the past.

Address at Stanford University: alternative to war in Central America.

U.S. POLICY IN CENTRAL AMERICA: AN ALTERNATIVE TO WAR

(Address by Hon. William Alexander)

Dr. Wirth, Ladies and Gentlemen, before the end of the month, Congress will vote on a request by President Reagan for $14 million in aid for the guerrilla army fighting to overthrow the government of Nicaragua. While the amount of the aid request may seem relatively insignificant, this vote is in reality a vote on the overall direction of American foreign policy in Latin America for well into the next decade.

During a recent trip to Central America, I had dinner with one of Mr. Reagan's most ideological ambassadors. At one point I asked him what Latin America would look like if the Reagan Administration were 100 percent successful in pursuing its foreign policy objectives. What kind of society . . . what kind of economy . . . what kind of government would we see in that part of the world if Mr. Reagan's vision became a reality.

The Ambassador through for a moment—almost as if he had never even considered the question—and he said, "Congressman, it would be like things were down here in the 1950's—commerce was flourishing, the people loved and respected Americans, and there was a general sense of contentment with things."

After spending most of my daily life in or around politics, I am not astounded at anything very often. But this response was astounding.

To me it seems that it was the social and economic condition in Latin America in the 1950's that gave rise to the political upheaval of the 1960's and 1970's. The vestiges of that period are still having their impact today. The 50's were years marked by extraordinary repression and deprivation for most Latin peoples. There was rampant poverty and disease for most, while economic prosperity and political power resided in the hands of a relative handful of fortunate families.

The governments of these nations could be described variously as "tin horn dictatorships" and "banana republics . . ." most bought and paid for through outside forces—mostly in the United States.

For many years, we in this country enjoyed a comfortable, paternalistic relationship with these nations. However, slowly we began to see a threat to that relationship spawned by a growing restlessness. We Americans saw a threat to our security in Latin America—and we focused our fears on the appearance of Marxism.

It would be easy to let the story end there. It would be far more simple to adopt the view—as has been adopted by the Reagan Administration—that Marxism is the cause of all evil in Central and South America . . . and if we could just contain that movement all would be right again.

That is a convenient view but not one firmly rooted in reality.

Latin America—and especially those nations in Central America—is a series of unique nations undergoing an inevitable transition. In every one of those countries there is a process underway in which an old order is failing, and a new order is coming to power.

In Central America the symbol of this process of transition is Nicaragua. Somoza and his loyalists stayed well beyond their time, lost touch with the public, undercut the moderate opposition, allowed the center to be destroyed, and created conditions that permitted revolution by extremists to dominate the opposition. When Somoza ultimately fled, there was no popular-based moderate force to fill the void.

Other nations in Central America are undergoing a similar process of change. The traditional alliances between the landed oligarchy, political elites and military commanders are encountering greater and greater difficulty in controlling events.

The questions are what new alliances and systems will take over, whether they will be consistent with the interests and values of the United States, and what policies will best serve those interests and values under these conditions of change.

Basically, the nations of Central America are members of the Western rather than the Eastern world, and should be more open to Western than Eastern models. There is no reason that the United States cannot successfully help these nations along this course.

The challenge faced by the United States is to develop policies which carefully define and effectively protect U.S. national interests in the long term, and work comprehensively to support pluralistic and stable new structures in Central America.

Given the strategic and psychological importance of Central America to the United States, we must clearly define these goals and objectives.

The essential institutional requirements will differ somewhat from one nation to another, but will include:

1. Development of respect for the rule of law and human rights.

2. Creation of political institutions that allow and encourage citizen participation.

3. Emphasis on building up human resources through education, training and other means.

4. Development of region-wide cooperation.

The most practical way to achieve U.S. objectives is to help Central American nations deal with one another, and to help them solve internal problems through negotiations rather than militarism and violence. We should support change through democratization and peace through diplomacy, seeking a region-wide system of economic cooperation and open trading markets.

Progressive policy-makers in this country must realize that monolithic communism in Latin America has failed. Cuba is a virtual economic client state of the Eastern bloc countries.

The real enemies of the United States' interests in Latin America are disease, hunger and poverty. These are the forces that could well defeat our most well-intentioned initiative.

Last Thursday afternoon, President Reagan was doing what he does best as he stood before a national television audience and attempted to sell a peace plan. The President argued his case for increasing aid to the guerrillas in Nicaragua by conjuring up a world view completely at odds with reality. He recast the situation in Central America in such a way as to argue that—in Orwell's words—"war is peace."

Mr. Reagan reiterated his support for peace and democracy in Central America. He repeated his opposition to the spread of communism . . . and I speak for all in my party when I applaud these goals.

Unfortunately, we cannot support the means by which the President hopes to achieve these goals. His thinking is rooted deep in the world of the 1950's. Instead of providing an incentive for peace, his proposal is an invitation to greater violence and a further step away from the processes of change taking place in Latin America today.

There is nothing new in what the President said last week. The essential realities remain the same. The President wants Congress to give its approval to his war against the Nicaraguan government. It is a new face on an old horror.

This new proposal for negotiations is a very sophisticated subterfuge. Do not be fooled . . . it is a ploy . . . a ploy designed to give Mr. Reagan what he wants, and that is official sanction from Congress to fight a war in Nicaragua.

Mr. Reagan wants Congress to approve $14 million for the "Reaganistas," which he says will only be used initially for "humanitarian support." The leadership of the House has been advised that the Administration defines "humanitarian" as inclusive of trucks, uniforms and other logistical support short of actual guns and bullets.

Mr. Reagan says that only if the negotiations break down will he convert the so-called "humanitarian aid" to military assistance.

This proposal insults the intelligence of Members of Congress and the American people—under the Reagan plan, the Reaganistas are guaranteed $14 million if they walk away from the negotiating table! They have no incentive to try to achieve some sort of settlement. Clearly, Mr. Reagan developed this plan as a round-about way of getting his aid request through Congress—a request he was told by leaders of his own party on Wednesday ". . . was dead in the water."

Mr. Reagan would have Americans take their eyes off the ball. He would divert our attention away from the real issues. Mr. Reagan does not want a peaceful solution in Nicaragua. He will not tolerate the presence of the Sandinistas in a government there. He is using a suggestion of peace to induce support for a policy of war.

The real question here is "Why is the United States involved militarily in Nicaragua in the first place?" Mr. Reagan has given us the answer time and time again—we are there to overthrow the Sandinista Government. Mr. Reagan has repeatedly said that he will not tolerate "another Cuba" in Latin America. On several occasions, including his speech last Thursday, he referred to the Sandinistas as thugs or murderers. Are we to believe that he has changed his position? That he is now willing to tolerate their continued presence there?

Mr. Reagan—in that speech last week—tried to pass himself off as the compassionate peacemaker in a war which he has helped create. The Reaganistas army exists largely because Mr. Reagan has provided it with the means to fight a war of bedevilment against the Sandinista government. The Reaganistas are essentially an American mercenary army—and Mr. Reagan is asking the Congress and the American

people to give their official support to that cause.

Mr. Reagan and his supporters suggest that gunboat diplomacy will bring democracy to Latin America. However, history does not support that conclusion. Instead, history demonstrates that democracy in Latin America has taken hold only when democratic structures offered real hope for coming to terms with poverty, disease and despair that plagues Latin societies. Mr. Reagan should understand that no amount of military aid, that no increase in arms will be big enough to make democracy work in Latin America. Our foreign policy in Latin America will only succeed when we align our objectives with those of the people of the region. Then there can be hope. Then there can be true progress.

Contrary to the claims of the President, U.S. policy in Central America is out of control—lacking in direction and substance. We are wasting millions upon millions of dollars, while needlessly placing at risk the lives of brave American soldiers along with countless other Latin civilians.

Mr. Reagan is tranfixed by an antiquated view of Latin America, wholly inconsistent with modern realities. His policies make it more likely that we Americans will repeat the mistakes of the past than to learn from them. Gunboat diplomacy did not work in the 1950's—it is not likely to succeed today.

Is the United States going to fulfill the fear of Simon Bolivar, the George Washington of Latin America, who worried that:

"Los Estados Unidos paracen destinados . . . plagar a las Americas de miseriea e nombre de la libertad.

"The United States appears destined . . . to plague the Americas with misery in the name of freedom."

Or, are we going to provide the leadership which is the mark of a great nation?

I urge those in my party to look at the constructive, positive alternatives available to our nation. Mr. Reagan would have us resort to a policy which substitutes military action for diplomacy. I cannot endorse that. The opportunities for a comprehensive diplomatic settlement in Central America are real and available. Let us offer words of hope rather than threats of war.

To achieve a long term settlement in this region, I suggest the following:

1. The full force and power of the United States should be placed in support of the Contradora negotiations. There should remain no doubt in the minds of the leaders of the Contradora nations, and others throughout Latin America that the United States is taking every possible step and using all possible leverage in support of an end to the bloodshed through the use of diplomacy.

The example of President Bellisario Bettancur of Colombia is important. Through diplomatic leadership, personal courage and good faith, President Bettancur has begun to bring peace to Colombia by negotiating with his opponents. The United States should fully support his efforts and other similar efforts, to negotiate an end to the region-wide violence.

2. The Administration should work with Congress in a bi-partisan effort to devise a significant foreign assistance program, directed toward the following objectives:

a. To support the creation or improvement of institutions designed to strengthen the administration of justice and the democratic process.

b. To improve education and training programs including projects within Central American nations and student exchange programs between those nations and the United States.

c. To improve local infrastructure (e.g., transportation) as an aid to economic development.

d. To improve local health care.

e. To support economic cooperation projects, movements toward inter-American economic integration, and a more open regional trading system.

f. To support local agricultural projects, and to promote export of American agricultural products.

g. To improve training of armed forces, respect for human rights by military personnel, and defensive military capabilities.

3. The Administration might approach friends and allies in Latin America and Europe to propose that the above program involve joint funding as part of an international "democratic initiative."

The policy stated above could be implemented by taking the following steps:

1. The United States should put its full force and power behind the Contradora initiative undertaken by Mexico, Panama, Colombia, and Venezuela.

2. The United States should offer to support, promote, or organize a general hemispheric peace conference, which would focus on the major disputed questions of the Americas, should the Contadora heads of state conclude that such a conference would contribute to the search for peace.

3. The United States should express a willingness to work with any nation, through Contadora, a hemispheric peace conference, or any other appropriate forum that professes an interest in pursuing non-violent solutions to the crises in Central America. The United States, working with and through the Contadora nations, should test the sincerity of claims by Cuban President Fidel Castro that he will take strong action in support of the Contadora process. U.S. policy towards Cuba should avoid the mistaken extremes of naive optimism or blind paranoia and instead should offer a willingness to pursue careful, realistic and tough-minded diplomacy in search of gradual lessening of U.S.-Cuban tensions.

In 1945 the Soviet Union emerged from World War II as a superpower in sole competition with the United States for influence among the developing nations. The Soviets were eager to demonstrate the merits of communism as an economic system. During the forty years that have elapsed, Marxism is failing and has succeeded only as a process of distribution, unable to compete with capitalism in production. Committed Marxists continue to flirt with the U.S. and the Western World.

The Peoples Republic of China (PRC) turned to the West in 1978, adapting capitalistic methods in order to increase productivity;

Cuba's Fidel Castro, a disciple of Marxism, describes the "China Model" as a goal for future Cuban-U.S. relations;

North Korea hints a coming to terms with South Korea in exchange for economic ties with the U.S. and Japan;

Vietnam increases its cooperation with the U.S. to discover and return MIA's lost in the conflict;

Ethiopia turns to the U.S. and Europe for food to relieve famine;

And, Mozambique and Angola look to the U.S. to broker deals with South Africa.

Indeed, the United States has a unique opportunity to lure Third World States away from the influence of the Soviet Union to the capitalist orbit. But, we must seize the initiative to take advantage of the opportunity that exists at this time of generational change within the Kremlin.

Democratic captialism can compete ideologically in the Third World with Marxist Communism. Militaristic competition between the U.S. and U.S.S.R. appears inevitable; however, armed conflict need not be a solution when dealing with Soviet client states. The success of capitalism as a superior system of productivity demonstrates that the Marxist ideology of the Soviet Union is not, per se, a threat to the United States.

The triumph of capitalism continues simultaneously with the tragic lessons learned by the failure of militarism. This week marks the tenth year of the defeat of militarism as a policy in Vietnam. We must develop a policy that is not rooted in the brute force of militarism but instead builds upon the success of capitalism.

"To live bravely by convictions in which the free peoples of this word can take heart, the American people must put their faith in stable, long range policies—political, economic, and military—programs that will not be heated and cooled with the brightening and waning of tension.

"The United States has matured to world leadership; it is time we steered by the stars, not by the lights of each passing ship." (General Omar Bradley, 1945)

President Reagan's position on Central America is not a policy—it is a tactic. Moreover, it is outmoded because of the heavy reliance upon militarism.

Most knowledgeable observers agree that militarism is not a solution in Central American inasmuch as it does not address the problems of poverty, disease, malnutrition, social injustice and political corruption.

A long-term solution requires a long-term policy that addresses the aspirations of the people of the Central American region. A return to the military dicatorships of the past ignores the problems and prolongs the conflict. And, a U.S. policy is bound to fail which violates American traditions and values.

"In the great struggle against Communism, we must find our strength by developing and applying our own principles, not in abandoning them." (Walter Lippmann, 1962)

It is time to stop squandering billions of dollars; needlessly wasting lives, and alienating our allies; and to gain control of U.S. foreign policy in a positive and meaningful way that serves America's best interest—peace through Democracy.

Thank you.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of a 3-part peace process for lasting peace in Central America, support for the Arias peace plan, support for dialog between our country and the Nicaraguan Government and support for aid for the resistance.

Over the next several hours, Mr. Chairman, this body and the American people will hear a lot of rhetoric, a lot of individuals who purport to have all of the answers and who will outline

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their formula for peace in Central America. With this in mind, I would ask my colleagues and the American people to keep several things in mind. First of all, no one has the inside track on information from Nicaragua.

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None of us are residents. All the information provided that we are using is thirdhand or based upon our own observations.

Second, individual cases will be presented as examples; each and every one of those cases that criticizes the Contras can be equally countered with individual cases of ravage and abuse by the Sandinistas.

Third, emotional appeals will be made to elicit compassion in all of us as Americans. Shallow slogans like "Stop the killing," "Give peace a chance" and "Save the children and mothers" will be uttered time and time again by our colleagues.

Let us set the record straight from the outset. No one in this body wants to promote killing and to subvert the peace process.

As a compassionate father of five young children I see peace as my top priority. Therefore, let us get beyond the rhetoric and let us debate the facts. Let us not kid ourselves into thinking that any one of us has the magic solution to the situation.

As a freshman I have kept by mind open. I have listened to all sides. I have had over 100 meetings in my first year in office on this issue. I have met with all groups including the government.

My views are based upon what I have heard, what I have seen, and what I have read.

This past weekend I traveled in Nicaragua and had 13 meetings in 2 days with a broad cross-section of Nicaraguan citizens.

We asked every one of these people "what about the package that we are voting on today" and these are the responses in quotes from those people.

Bishop Bosco Vivas, No. 2 in the Catholic Church, in speaking about the Sandinistas, "In the mouth of a liar, the truth becomes very doubtful. Without outside and internal pressure the government, through its own, will not change." Jaime Chamorro, one of the founders of the revolution, "The Sandinistas signed the treaty with only one purpose in mind, get rid of the Contras. Miranda was totally correct. The temporary improvements are for appearance sake only. Ortega will return to his original plan of expansionism and totalitarianism."

Violetta Chamorro, husband of slain leader Pedro Chamorro, "La Prensa will be finished with the aid. But without the aid La Prensa will not have hope of staying open for the long-haul. Democracy is the only thing that can end the war and in this country they don't want democracy."

Alvin Guthrie, a labor leader who for 5 years was in the Sandinista legislature, "If the Contras disappear the labor unions will be the next target of the Sandinistas."

A mother of a political prisoner, "If the Contras did not exist we would all be dead today."

Luis Hernandez, chairman of the Independent Nicaraguan Human Rights Commission: "There has been no fundamental change within the government up until this point in time."

Even American church leaders whom we met, five of them led by Rev. Bill Ritchie from Washington State, working in the highlands, say that we need to support this process and this effort today.

The feeling was unanimous, Mr. Chairman, church, La Prensa, labor, political, and citizens.

We cannot trust the Sandinistas. We need the insurance policy.

And remember the Sandinista leadership is not made up of poor, backward politicians. They have learned well from the Soviets and Cubans as exemplified by the $500,000 public relations package to promote the effort from a New York City public relations firm.

They have learned well as evidenced by their recent release of Mr. Dendy this past weekend. The Sandinistas could have released him to five U.S. Congressmen representing both political parties, but instead chose to release him to a candidate for the U.S. Senate in the upcoming November election.

But even so, the peace offers hope. We need to support it, but we need insurance. This is not a Reagan package, this is not a partisan package; it has bipartisan support and it is acknowledgment that we must hold the Sandinistas accountable.

We have Members of both parties supporting this effort in both bodies.

Former Gov. Chuck Robb of Virginia supports this process; the Miami Herald and the Washington Post have both supported it by changing their positions.

Today we vote on humanitarian aid alone; yes or no, until a Sandinista commitment is found to be real.

It is unfortunate the Soviet people cannot vote today on continuing $4 billion of aid, most of it military, to that same area of the world.

The easy vote politically today, Mr. Chairman, is to vote "no," but it is not the right vote.

As a freshman Republican who has oftentimes not supported the President—52 percent rating in my first year of office—I am going to take the tough choice today because I know that what is the right vote. The right vote is to vote "yes" and I will be there with my vote and I ask my colleagues to join with me.

I yield back the remainder of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. Markey].

Mr. MARKEY. I thank the gentleman.

Mr. Chairman, last night the White House was shocked that the television networks did not want to carry the President's appeal for Contra aid.

Well, Mr. President, the fairness doctrine was designed to protect the public interest and give fair access to the media for ethnic and political minorities, like the small political minority that supports Contra aid.

Last night the White House criticized the networks' "incredibly narrow interpretation of their public service responsibilities."

But that is the same White House that last week repeated its support for the elimination of the fairness doctrine, protection for those who truly need aid in gaining access to our Nation's media.

You cannot have your cake and eat it too, Mr. President. You cannot say there is no public responsibility one week and lament the lack of it the next week. And you cannot have it both ways on Contra aid. Mr. President, you cannot say you support the Arias peace plan and then turn around and ask for Contra aid.

Why do you not listen to President Arias who opposes this Contra aid? The Contras are not the solution in Central America; the Contras are the problem. Funding the Contras and supporting the peace accord is like taking a six-pack to an Alcoholics Anonymous meeting.

We have to make a choice: The policy of Contra aid which is a failure, or the policy of the peace plan which is a success.

Today we vote. The choice has never been clearer: The Contra war or the Guatemalan peace accord. A policy of success or a policy of failure?

We can stay mired in the mistakes of the past or we can move forward into the future. There is only one choice. Let us defeat Contra aid and move forward for peace and for reform in Central America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Mississippi [Mr. Montgomery].

Mr. MONTGOMERY. Mr. Chairman, I rise in support of Contra aid. There is no question in my mind that our Government's support for the freedom fighters has brought the Sandinistas to the peace table.

The President's plan seems very reasonable to me. The military aid will be held in escrow until March 31 and the President said last night he will not release the funds until we have passed a sense of the Congress resolution to give him the authority to do so.

You have received letters from the national commanders of the VFW and the American Legion—whose combined membership is more than 5 million veterans. The leaders of these veterans groups have been to Central America and to Nicaragua a number of times. They both point out that no Communist government has ever negotiated itself out of power—so why do we think today that Daniel Ortega is going to permit a democracy in Nicaragua?

I think we had better be careful here. If we defeat Contra aid and then Nicaragua doesn't live up to the Costa Rican Peace Plan, the Congress is going to be embarrassed and this President can say, "I told you so."

I am not sure things will work even if Congress approves Contra aid, but this small amount is not going to torpedo the peace process if the Sandinistas are really serious.

I don't trust Daniel Ortega. He is a Marxist who lived in the jungle for years waiting for his time. He is in charge now. Why in the world would he want to give up his power?

I urge a "yes" vote for Contra aid. Let us keep the pressure on the Sandinistas.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. Jacobs].

Mr. JACOBS. Mr. Chairman, last night our friend, Howard Baker chastised the networks. He said for substituting their judgment for the President's judgment about which of the President's speeches was news.

Now I am very fond of Mr. Baker. I just hope he has not been hanging around with the leader of Russia, Gorbachev too much, because certainly in the Soviet Union the politicians decide whether their speeches are news or not. The news people follow suit.

Nonetheless, I must say the President has convinced me. First of all, the President says he wants no new Federal spending. Consequently I must cast my district's vote against this new Federal spending.

Second, the President describes the Contras as the freedom fighters. Now when you consider the fact that the supreme military commander of the Contras is one Enrique Bermudez, a top military officer of the Somoza dictatorship, you might think the President misses the mark, slightly, by calling his organization freedom fighters. But you just do not understand the term.

In fact, the Somoza national guard has been fighting freedom for decades. Therefore, I do not fault the President for calling them freedom fighters.

I hear it said that the Washington Post favors this legislation. I hear it said that the Miami Herald favors this legislation. Whoopee. Now let us see who is against this legislation. The American public by more than a 2-to-1 margin. And why? Because they know that the history of the U.S. intervention in other people's countries and other people's civil wars is all about the same, it follows suit also. First the guns and then the sons.

And always the pledge, when the fuse is lighted that it will not reach the dynamite, that young men will not have to go.

Why do the young men go in every case? And then we decide later what a blunder the Spanish-American War was, what a blunder Vietnam was; the very notion that the tip of the Asian tail could wag the world. What foolishness. Or as Barbara Tuchman has put it so eloquently in the title of her great volume, "What Folly".

The answer is rather subtle to the American public I think. It is because the officials in Washington, particularly those enshrined in the White House, acquire an egoistic interest in the position, the erroneous position they had taken before.

The French learned their lesson and Mr. Johnson did not learn their lesson. Mr. Johnson learned his lesson and Mr. Nixon did not learn Mr. Johnson's lesson.

The ego "pride goeth before the fall," not of the President but of 18-year-old kids dying an unspeakable horror in jungles and in marshes.

Will Rogers said it about the very country we are talking about now. He said of Nicaragua "The United States will send in the Marines to any country where we can get 10 people to invite us."

Finally, the President has made a concession in his speech last night. He has proposed that the Congress can share the complete power the Constitution gives the Congress in the first place to decide about military action in other countries, to declare war, which we have in effect, if actions speak louder than words, done in the case of Nicaragua.

He says that later the Congress can vote on whether the Sandinistas are good guys, whether the Sandinistas have achieved at least the level of a democracy where a White House aide threatens the news people of this country if they will not do what the politicians say in terms of interpreting what the news is.

Now how many people in this House are going to want to cast a vote to say the Sandinistas are good guys? How many people in this House think the Sandinistas are good guys? How many think they are not Marxists? That is one of the slickest things a Hollywood writer ever thought of yet.

Nobody will vote that way, nobody thinks the Sandinistas are good guys. Nobody thinks Castro is a good guy. Nobody thinks Gorbachev and his outfit are good guys. And there are a couple of us or more in the House, including my friend Mr. Burton from Indiana and myself who do not think Communist Chinese are good guys, not at least good enough to violate a United States statute and receive from this country nuclear technology without agreeing at least to what would happen to the plutonium waste which can be made into military weapons. The President wanted to do that; Mr. Burton did not want to do that, I did not want to do that and I am happy to say others voted against that.

So the question is, Are we going to repeat the same folly of the past? The answer I hope will be "no."

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. Lewis].

Mr. LEWIS of Florida. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of House Resolution 444 to approve the President's request for aid to the Nicaraguan Contras.

I firmly believe that if there ever was a time to vote "yes", a "yes" vote on the Contra aid, then the time is now; here today in this place, in this hallowed Chamber, a symbol of a free people.

My colleagues, in the 10 hours that are allocated to debate this measure, I am sure that every aspect of this issue will be thoroughly and exhaustively debated.

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However, I do not want us to be so consumed in the details of this important subject as to miss the overall picture. So allow me to offer a broader perspective.

When discussing United States aid to the Nicaraguan Contras, we often hear opponents of this assistance use this phrase: "Give peace a chance." Well, we here in Congress need to fully understand that peace is not merely the absense of war; true peace can only be enjoyed in a land where freedom and liberty abound.

Our Founding Fathers clearly understood this and were willing to risk all that they had in pursuit of freedom from tyranny. Having just celebrated the bicentennial of our Constitution last year, I am amazed at how many Members here today seem to have forgotten this inescapable fact. What we should be pursuing in Central America is freedom, for where there is freedom, peace will also be present. Therefore, I say, give freedom a chance and vote to support aid to the Contras.

Let me say to my colleagues that over 210 years ago in a little country called the United States there was a cry from the halls in Philadelphia saying, "Give me liberty or give me death."

I do not want us, a country of free people, to forsake the Contras. I want them to have the ability to become a free people and let liberty abound in Central America. What we are doing when we are doing this, we are providing ourselves the protection of the freedoms that you and I take for granted each and every day.

Mr. Chairman, I say again and again, give freedom a chance. Do not forsake the Contras. They need our help, just like we needed help in 1776.

Ms. PELOSI. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, it is getting deep down here again. After all the array of tricks, sometimes you just do not know what to believe.

Last year the Contra armys' own soldiers compared their leaders to the Three Stooges. Now, this year President Reagan said that has all changed, those days are over, and the Three Stooges have evolved into the "Magnificent Seven." I say it is just my little opinion that I believe that Larry, Moe, and Curly are still operating and doing business as "the Contras" in Central America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. No. I do not have much time, and I will yield when I am finished.

One thing that is for sure, this is the same old program. It is funding time for the Contras, and it is story time for the Congress. Here is how that works. The President every so often cries "wolf," and the Congress, like a bunch of lambs, they put their tails between their legs and they ship more money to Central America. In fact, the new American password is "Contra," and I literally believe here is how it is going to work: One of these moments in this 10-hour debate we are spending again on the Contras, while we spend very little time on the budget and other matters, I firmly believe somebody is going to say, "Contra," and Groucho's duck is going to fall from that giant eagle in the ceiling and maybe resolve this whole issue and dilemma.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I will yield when I am through. I will be glad to yield then.

But here is the way it is. You can smirk about it, but it usually ends up that the Contras get the money, they ride the elevator, and the American taxpayer gets the shaft. It is just another day at the office down here.

Let us look at some facts here. The Philadelphia Inquirer sent a crew for 6 weeks to Nicaragua so they could report to their readers what really was happening. Here is what they said: While they were there, "the Contras did not engage the Sandinistas at all." They said, "They hiked to within an hour of their expected target, but when they found out there were Sandinistas in the area, they put their tails between their legs and got out." That is one case.

What they said is that all these big accomplishments they have been writing about recently, they said their initial foray, which took 31 days, was really next to nothing. Despite all their weapons, the Contras ended up "running again at the first whiff of the Sandinista army."

They do not stop there. They conclude by saying that the "Contra units sometimes wander aimlessly in the jungle; they exaggerate their successes," because, I say, what they want is money; they are not looking for victory.

But it does not stop there. We have to look at both sides. Everybody would agree that Robert Owen, the assistant to Oliver North—remember Ollie?—is the strongest supporter for Reagan's Contra policy. Here is what he said: "They are not first-rate people," these Contras. "In fact, they are liars. They are not the people to rebuild a new Nicaragua."

That was written in a memorandum to Oliver North, supposedly confidential and secret.

Let me go on. He said, "I have never been more discouraged" with this group. He said that they are an "army in name only." He said, "There is more and more fluff being added, but there is no substance."

But he does not stop there. He said to Oliver North, in his own writing, "This war has become a business" in Central America. He said, "If more money is approved, it will be like pouring money down a sink hole."

Let me get on with this. Let me make my own little statement here. There is no question that we have a problem in Central America. We are not afraid about Ortega. We are not afraid about that creep, and we know it. We are concerned about the Soviet Union establishing a military presence, and I think if we are going to get serious, it is time to steal a page out of the chapter on John Kennedy. It is time to tell the Soviets, "Stay out of Nicaragua. If you continue to send over goods and military equipment, we will attack those shipments."

Do we want to get serious? Then let us support President Arias, and instead of trying to do everything for everybody, let the Central American nations do something for themselves. Let us let somebody help themselves instead of doing it for them, because our taxpayers are going broke. What really bothers me is, we should be talking about soybeans and jobs today, not these Sandinistas again.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I am not ready to yield yet.

Mr. Chairman, I have lost 55,000 manufacturing related jobs in last 10 years. I say our economic policies down here suck, and I think we had better start discussing the issues of this country before we find that we do not have a free country. Let's take care of America first.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. TRAFICANT] has expired.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from Ohio is very good at using humor, and he is very good at calling people the "Three Stooges," people who are fighting and risking their lives, people who were imprisoned under Somoza.

I will say to the gentleman that there is a time for humor and there is a time for seriousness.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I will not yield.

I do not know whether the Philadelphia Inquirer said they turned and ran but read the Washington Post, read the New York Times, the stories about the Contras involved in combat and then you tell the young men and women who are dying and fighting for freedom that they are the "Three Stooges."

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield now?

Mr. EDWARDS of Oklahoma. I will not yield.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The CHAIRMAN. The Chair will remind all persons in the gallery that they are here as guests of the House, and any manifestation of approval or disapproval is contrary to the rules of the House.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, let me say to the Members of the House, place your bets. Those who will vote "no" against Contra aid are gambling that the peace plan is really to be executed properly by Ortega and the Sandinistas. Those of us who want to vote in favor of Contra aid are gambling that the Contra political and military force will be able to apply such pressure as necessary on the Sandinistas as to make the peace plan work.

Either way it is a gamble, but there is an element of this gamble down the line which should decide for us constructively one way or another what position to take. It is the very symptom that the last speaker on the floor of the House was describing, that is, a possible attack by the United States, which he foresees on Nicaragua to stop that Sandinista spread of Marxism and communism. That is the gamble that we must take.

How do we prevent that from occurring? If we do not support Contra aid, then we are hoping and praying that Ortega under his good will, will be able to democratize Nicaragua, and then if that does not occur, then the gentleman's prediction is going to come true and the President of the United States, whoever he may be in the future, may have to order an attack.

Those who vote for Contra aid are placing their bet that to keep that force viable politically and militarily prevents the possibility or forestalls the possibility of a future President having to order an attack on Nicaragua.

How shall we gamble? We cannot be certain of the outcome, but for me and for many of us who want to prevent that attack on Nicaragua, who want the Nicaraguans to determine peace for Nicaragua, we would support aid for the Contras to keep that pressure on.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, decisions that are made by us as public officials should be made with our heads and our hearts, and I think we saw a little bit of the hearts before on both sides of the aisle.

On this Contra issue, it is clear to me that my head and my heart come to the same conclusion, and that conclusion is no on Contra aid. My head tells me that since peace is the goal of the President and the Congress, we should follow the explicit advice of the one who got the peace process started, President Oscar Arias of Costa Rica, who states that we should not vote for Contra aid today.

How can we seriously tell anyone that we are for peace while going against the recommendation of Oscar Arias and at the same time telling him that we are doing what we are doing because we really have the answer for peace and he does not? That is a little bit like seeing an elderly lady on the corner and grabbing her and making her go across the street when all the while she is saying to you, "I don't want to go." How patronizing that is and how wrong that is.

Now, my head also tells me that in 6 years of a very bloody Contra war we have seen no Democratic process in Nicaragua. The stated purpose of the Contra war is to bring democracy to Nicaragua. Yet nothing happened until the peace process began to move. So when the President says we need pressure to change the Sandinistas, I say the very best pressure is the pressure from the region, from the Latin American countries, and they say this is the wrong time for Contra aid.

Those countries will put the pressure on the Sandinistas through the peace process, and if it does not work—and there is no guarantee that it will work—if it does not work and the Sandinistas do not follow through, there will not be any inhibition on their part to isolate the Sandinistas and develop a policy that we can play a true role in shaping.

My head also tells me that we have far better ways to spend this money. It is interesting, I say to my colleagues, that today in the Armed Services Committee we received a reprogramming from the administration. In other words, in order to pay for this Contra aid, we are cutting certain military programs from missiles to ships. I find this rather incredible. After 7 years of telling us there was not one way we could save 1 dollar from the military, the Reagan administration had no trouble at all in finding $56 million worth of cuts to pay for the Contra aid package.

We may ask, why $56 million when the package is for $36 million?

Well, just as anything else in this area, this is not clear either. It turns out that we need an additional $20 million for insurance, for the planes that will be delivering the supplies.

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So $56 million must be set aside for this program, not $36 million.

May I propose that we can do some other things with this $50 million. First, we could cut the deficit. Now, a lot of you out there who support these dollars today wish to do that. We could do that.

Then we could house a lot of homeless, if we did not want to cut the deficit, or maybe what we want to do is give 10,000 college scholarships to needy American students with the understanding that upon their graduation they would join a Latin American peace corps for a year and do what Americans do best, help out our fellow human beings on this planet with health care and literacy and economic development. That is the way to make America a leader and to have other nations throughout the world following our lead, rather than turning to other powers.

So my head tells me that contra aid has not worked, that the peace process does, that we should listen to the Latin American democracies, and there are better ways to spend these dollars here at home.

Now, my last argument has to do with issues of the heart. My heart tells me that this is an immoral request to continue the killing and the maiming and the bruising of innocent people.

My heart tells me that we have no right to sit in the comfort of our homes enjoying our children while other little children become orphans every hour on the hour and are deprived of their mothers and their fathers.

If it is true, as the President says, that the Sandinistas only have 15-percent support within the country, if that is true, why have they not embraced the Contras? Why have they not risen up the way they did in the Philippines? If it is true, my friends, that is what should have happened.

What we are doing is we are funding a war, make no mistake about it, at no sacrifice to our own children and our own people. I find that very immoral.

In my heart I say this insurance policy has too high a premium. The peace process is a far better insurance policy and those preeminent means are moral and they are ethical and they are correct.

Central America is our neighbor. To end aid to the Contras is not to end our involvement there. We must be involved. We must help our neighbors get to the roots of their problem, the poverty and the misery. We must expect that they will respect their own people. Vote no on this package and start a new policy.

Mr. CHANDLER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Let me make two short points in rebuttal to what the gentlewoman just said.

No. 1, her statement that we can rely on other nations to pressure the Sandinistas is not realistic. Mr. Duarte used some heavy rhetoric against the Sandinistas. His daughter was kidnaped.

Colombia just had their attorney general assassinated because——

Mrs. BOXER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am not going to yield.

The CHAIRMAN. The gentleman from California has the floor. The gentleman may proceed.

Mr. HUNTER. The attorney general of Colombia was assassinated by the drug people. Colombia cannot even control the drug problem.

The Central American nations are scared of the Sandinistas and unable to control them.

The gentlewoman said that Contra aid is not working and cannot bring peace. Miguel D'Escoto, the Foreign Minister of Nicaragua, when asked, "Are you complying with the peace accords in order to cut off Contra aid?" He said very clearly, "Yes, that is why we are complying."

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Mr. WOLF. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I have been in Nicaragua twice, and to those people who applauded in the gallery, I just want them to know that I have been in the Contra camps whereby we saw young Contras, freedom fighters, aged 14, 15, and 16, without arms, without legs, with burns on their bodies and things like that. I welcome anybody in the gallery or the gentleman from Ohio, who I consider a good friend to join me——

The CHAIRMAN. The Chair would ask Members not to address the gentlemen and the ladies in the gallery, but address the Chair only. That is the rule of the House.

Mr. WOLF. Mr. Chairman, I would welcome anyone to join me and go back down and go into a Contra camp or hospital ward and talk to some of those young people.

I did want to read the Washington Post today in its editorial entitled "Contra Aid."

It says:

> Much has changed since Central American diplomacy became a factor last summer. The record of the last six months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan, and on that basis we support the president's request.

In the Miami Herald it went on to say:

> To cripple the Contras—or, worse, to disband them—would be to forfeit Nicaragua to Marxism.

And in the Baltimore Sun it says:

> The United States should not throw away its key bargaining chip—the Contras.

The last comment I wanted to make, I wanted to say something during this debate hopefully to change, to move one person. I think the real key is how will we feel, not tomorrow when this vote is over, but how will we feel 10 years from now or 20 years from now when most of us will no longer be in Congress and we will be sitting in a rocking chair somewhere listening to the world news; were we there when it really mattered?

I think a "no" vote, Mr. Chairman, is a vote that says we trust Daniel Ortega.

I think a "yes" vote, Mr. Chairman, is a vote that will do more to ensure and bring about peace and freedom, so I would urge those on both sides, because this is a bipartisan issue or a nonpartisan issue, to really think very, very carefully, and hopefully when the time comes will vote "yes," whereby we can support this package and bring about peace and freedom in Nicaragua.

Mr. Chairman, I include the full editorials in the Washington Post, Miami Herald, and Baltimore Sun as follows:

[From the Washington Post, Feb. 3, 1987]

Contra Aid

The Contra aid votes today and tomorrow in Congress can help advance Nicaragua toward peace and democracy. The Sandinistas, their economy devastated and their people divided, have already offered to let the resistance stay constituted and armed in a cease-fire and to continue (direct) cease-fire talks even if aid is approved. The contras have stopped demanding that the Sandinistas pay in heavy political concessions just for a cease-fire. President Reagan has reduced his aid request to dimensions that make conservatives fear he is undercutting the great strategic stakes he insists are in the balance.

Sen. Chris Dodd makes the case against aid on the opposite page today. He does not make the claim some others do that the contras are CIA stooges, mercenaries, terrorists and Somocistas—labels that have become increasingly inapplicable as the contras have sought to clean up their act and earn support in the countryside. His main argument is the widely heard plea to "give peace a chance."

Some part of this plea arises from a legitimate concern that contra aid and the impetus it gives to continued battle could sink Central America's plan for peace and democracy. Another part appears to arise out of the current, furious debate over whether the Sandinistas' partial steps toward a political opening result exclusively from Central American diplomacy or from the peace plan and contra pressure. Mr. Dodd and like-minded Democrats say contra aid has not helped, it's hurt, and it will keep hurting. This is an arguable claim, but we think the evidence finally goes the other way. Much has changed since Central American diplomacy became a factor last summer. The record of the last six months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan, and on that basis we support the president's request.

It remains a gamble whether a Marxist party can move back toward democracy—in a country and region with pitifully little democratic experience. But it is a gamble worth taking: the Sandinistas have yet to consolidate their power, and their neighbors have a paramount interest in urging democracy upon them.

The Arias plan has two inseparable and equally vital parts: democratization and the establishment of peace. In tandem with Nicaragua, but not on its own, this country should be moving to fulfill its part of the obligation.

[From the Miami Herald, Jan. 19, 1987]

Sandinistas' Sham

Just whom do the Sandinistas think they're kidding? For five months now, they've hemmed and hawed and made a sham of complying with the Arias Peace Plan. Their purported moves toward compliance over the weekend were more of the same: stall, stall, stall.

Nicaraguan President Daniel Ortega promised the other four Central American presidents at their meeting in San Jose, Costa Rica, that his regime immediately would institute an amnesty and free its political prisoners. Catch: They'll be freed if President Reagan will give them asylum in the United States.

Mr. Ortega also promised to begin direct talks with the contra rebels. Catch: The Sandinista delegation will include one Nicaraguan official and two foreign advisers. They'll discuss only a cease-fire, not other substantive matters. This is calculated sham.

It becomes clearer by the day that the Sandinistas have no intention of complying with the Arias Plan. Rather, they hope merely to prevent a renewal of U.S. military aid to the contras and to wait out the final year of the Reagan Administration. If they succeed, they may achieve their ambition of using Soviet help to turn Nicaragua into a Marxist fortress with a 600,000-man army and the capacity to sow revolutionary chaos in Central America.

That must not be permitted to happen. The stakes are too great—for Central America, for the hemisphere, for the United States' vital interests. On the global stage, the United States should take this escalation of arms to the peace preacher in Moscow, from whose wells it springs. More immediately, the Administration and Congress, in a bipartisan rejection of Mr. Ortega's insult to President Arias's Nobel Prize-winning effort, should rebuff the latest stall from Managua. Washington should react instead to the reality that President Ortega has not matched Salvadoran President Duarte's courageous compliance with the peace-plan deadlines. If President Ortega is bluffing, his bluff should be called. And if he's not, then the peace plan's demise is on his hands.

Absent U.S. willingness to commit American forces to thwart the Sandinistas, only one force exists that can do so in the short term—and is, in fact, doing so right now. That force is the contras.

Until today, the Herald has opposed military aid to the contras for several reasons. Their past leadership's commitment to democracy was less than clear. The presence of former Somocistas in the contras' military high command was—and remains—of deep concern. The misappropriation of previous U.S. aid fostered concerns that future aid, in greater amounts, might be squandered too. And the illegal activities of Lt. Col. Oliver North and his cabal further beclouded the contras' legitimacy.

Granted, the contras are an imperfect instrument for achieving democracy in Nicaragua and preserving it elsewhere in Central America. Nevertheless, there is no other instrument at hand.

To cripple the contras—or, worse, to disband them—would be to forfeit Nicaragua to Marxism. In time it would imperil the region's democracies via Sandinista subversion. Continued U.S. military aid, in installments and tightly monitored by Washington, is essential to permit the contras to sever the Sandinistas' Marxist tentacles one by one.

[From the Baltimore Sun, Jan. 20, 1988]

Ortega's Concessions

President Daniel Ortega has finally promised to make political concessions that could bring Nicaragua into compliance with the Central American plan for peace and democracy. His pledge to end the six-year-old state of emergency in his war-torn country and open direct talks with contra rebels has breathed new life into the plan, devised and

pushed forward by Costa Rica President Oscar Arias. But Mr. Ortega's concessions were slow in coming, his motives are suspect in the current circumstances and there is reason to question his commitment to keeping his word.

The Arias plan was signed five months ago by Mr. Ortega and four other Central American leaders. Yet the Nicaraguan president waited until his back was against the wall last weekend to take action. His pledge to end the state of siege, release political prisoners and negotiate with the contras came on the final day of a tough session with the other Central American leaders, who had charged his Sandinista government with acting in bad faith. Mr. Ortega was facing hostility from his neighbors, rising discontent at home, economic ruin and a growing civil war.

He also was facing a vote in Congress in early February on millions of dollars in new military aid to the contras. His promise last weekend was surely made with the hope of influencing that vote. Indeed, the Nicaraguan leader has apparently been advised by sympathetic congressmen that concessions were necessary to defeat the Reagan administration's request for contra aid. After the concessions were announced, the official Sandinista newspaper said, "There is no longer any pretext for the approval of more funds."

There is reason enough to suspect Mr. Ortega's promise was a maneuver aimed at crippling the contras. There is also reason to wonder what the Sandinistas' next move would be if the contras were weakened to the point where they could no longer apply the kind of pressure that contributed to Mr. Ortega's decision to comply with the Arias plan. Repressive measures can be reinstated as quickly as they can be stopped in an atmosphere where the commitment to democracy is not genuine; the Sandinista commitment remains questionable at best.

The United States should not throw away its key bargaining chip—the contras—before it is clear whether Mr. Ortega is merely playing for votes on Capitol Hill. Congress should support continued contra aid as the best way to keep the heat on Mr. Ortega. At the same time, U.S. policymakers have an obligation to give the peace plan a chance. Since the Central American leaders have accomplished the unexpected feat of reviving the plan, President Reagan should encourage these leaders to try to make it work.

Mr. OBEY. Mr. Chairman, I am going to yield to the gentleman from Illinois, but before I do that, I would like to take one moment to make a comment on some of the last speeches before the House.

I have to say that I, too, am bothered, and I share some of the concerns of the gentleman from Virginia. I am bothered by the degree to which our strong feelings on this issue have on some occasions almost degenerated into hatred. I just have to say that it is difficult for me to hate either the Sandinistas or the Contras, because frankly, I know too many of them on both sides. I have met at one time or another almost all the people at the top levels in the Nicaraguan Government, and I have certainly met, at one time or another, almost all the Contra leaders.

I think we have to keep something in perspective. The Contras and the Sandinistas, I think, share one quality. You have all kinds of people in the Contra movement, just as you have all kinds of people in the Sandinista movement. Some of them are brutal, some of them are murderers, some of them are haters, and some of them are just regular people trying to do what they think is best for their country.

I have seen, as the gentleman from Virginia has seen, I have seen stories in the New York Times of 11- and 12-year-old kids in Nicaragua suffering through agonizing pain because they have no access to medicine, which is what this war is giving them, the wonderous gift of this war to the kids in the Nicaraguan hospitals, and I have seen 17- and 18-year-old young men in the Contra camps with their guts blown out and their faces blown away; so I would say there is plenty of misery on both sides.

I think that there are decent people on both sides, just as there are devils on both sides.

The question is not whether we like the Sandinistas or whether we like the Contras or whether we dislike the Sandinistas or dislike the Contras. What all of us ought to keep in mind during this debate is what is in the overall best interests of the region and what is in the overall best interests of the United States? I think if we keep that in mind as we go through this debate, we can get through this day without disliking each other, and also we can do a credit to the House by remembering that from time to time there is a little bit of truth on both sides of the issue.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise in opposition to House Joint Resolution 444. Logic tells me that the thing to do would be to make a motion or a unanimous consent request to close debate and vote on this issue, but I know that cannot happen. We have to have some time to orchestrate our positions, particularly in light of the fact that we have television to play before.

The lines are already tightly drawn and the vote is close, there is no question about it.

We are talking about 3 million-plus people on an island in Central America. If we would have spent some of the bucks that we have been spending now for the past 6 years beforehand, we might not have been in the position we are in there now. Much of the money, and I would like to know in total bucks how much has been sent down to Nicaragua over the past 6 years under the guise of fighting against the current regime that is in power.

None of us are willing to get up here and say that the Somoza regime was a citadel of democracy, and Lord knows what those people need down there—and I do not consider myself to be an expert, either. I have been there once, spent 3 days. I did not stay in the town. I went out in the countryside where a lot of the poor people live. I saw a desire on the part of people to move up into the 20th century. I saw people washing clothes in a community wash basin where running water was available. I also had an opportunity to witness people trying to cook on a community basis on cement stoves that were made and donated by other countries. These people are desirous of a change in this way of living. If we really are going to spend our bucks, then we ought to think about it in that direction.

Reality tells me that some people in this country did not learn too much from the Poindexter-North deal, who make an awful lot of money off the sale of arms, and they do not really care who they sell them to.

We need to think about humanitarian aid to people here in America. We have got kids who are suffering from malnutrition here in this country. Our educational system needs reform. It needs revision and it needs help, but we do not have the money. We ofttimes pit this money against helping our own people.

When we talk about freedom fighters, we ought to stop kidding ourselves. The real freedom fighters in this world today are the black people in South Africa. We would not think, not in the least part, of sending them arms to overthrow the Botha regime. We would not do that, but this is what we need to think in the direction of.

I do not agree with the approach of sending arms anywhere in the world as a means of trying to achieve peace. If we use arms, use them as a matter of self-defense, not to destroy human beings, as is happening today in Israel and in South Africa. We do not seem to concern ourselves with it, but we need to. We cannot differentiate between terrorism sometimes and communism. If we really want to combat communism, we have to hit it at its source, and poverty is one of the main bastions that create a desire in people to change a system. This is what we need to do and we need to think in this direction.

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Mr. DORNAN of California. Mr. Chairman, would the gentleman yield?

Mr. HAYES of Illinois. Mr. Chairman, I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, I thank the gentleman from Illinois for yielding, because his empassioned words describe accurately the horror in Latin America. But it is not just politicians' problems to do that. The ABC television network filmed the Miss Universe contest in the Sheraton Hotel in San Salvador in 1975 instead of going off into the barrios looking for poverty. The gentleman from Illinois [Mr. Hayes] was an eye witness to my 4-hour conversation with Daniel Ortega where he lied to us and said that he had 2,800 prisoners when in fact he had 10,000. How are we going to liberate those people suffering torture?

Mr. **HAYES** of Illinois. Mr. Chairman, I thank the gentleman from California for his remarks.

Mr. **EDWARDS** of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. Vucanovich].

Mrs. **VUCANOVICH**. Mr. Chairman, I rise in strong support of the Contra aid package we are considering here today. Simply stated, without pressure from the Contras, Mr. Ortega and the Sandinistas will take no more steps to implement the Guatemala peace accord and will make no effort to democratize Nicaragua. I as my colleagues here today, without continued aid to the Contras, what assurances do we have that the Sandinistas will adhere to the peace plan? Are we to rely on the word of Mr. Ortega?

The plan President Reagan has proposed takes into account the concerns of the Congress. He has reduced his aid request to $36 million, just enough to keep the Contras alive into the summer. The $3.6 million in lethal aid will be held in escrow account, pending certification by the President that a negotiated cease-fire is not in place. In addition, the President has said he would abide by a sense-of-the-Congress resolution on whether this lethal aid should be released.

As many have mentioned today, the Miami Herald, the Washington Post, and the Baltimore Sun all support the package. These are publications which have opposed Contra aid in the past but who now realize that the most recent round of Sandinista promises, made in the face of the near collapse of the Central American peace plan last month, is no guarantee of freedom in Nicaragua or peace in the region. They realize that the Sandinistas hope to prevent a renewal of U.S. aid to the Contras and to wait out the final year of the Reagan administration. There is simply no reason to think that, absent pressure from the Contras, the Sandinistas will live up to these latest promises any better than the others they have made and violated.

Mr. Chairman, without some continued aid to the Contras, the negotiation process will come to a screeching halt and the Sandinistas will regroup with their Cuban and Soviet friends to continue the destabilization of the region. If the Sandinistas agree to reforms leading to real democracy and regional peace, then no further military aid will be necessary. Until we see proof of genuine movement in this area, we must keep up the pressure on Mr. Ortega and approve this package.

I urge my colleagues to vote in support of the Contra aid package.

Mr. **OBEY**. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. Frank].

Mr. **FRANK**. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, the administration's case for continuing to pay people to kill other people in Nicaragua has two aspects; One, the argument that we should be preventing armed interference by one country into the affairs of another, and that is fairly universally agreed to in this Congress. In the case of Afghanistan where we have aggression by the Soviet Union against that nation, a much larger amount of funds than has ever been contemplated for Nicaragua on a virtually unanimous basis has gone into effect year after year, and may be producing results. Where we have the clear-cut case of aggression there is no disagreement or partisanship here in the Congress.

In addition, in Central America there was a consensus at one point until the administration broke it. The first of the many Boland amendments offered by the gentleman from Massachusetts [Mr. Boland] was one which said that we may use American money to prevent Nicaragua from sending arms and men to cause revolution elsewhere, and a policy which says that the United States will cooperate in the region to prevent the armed attacks directly or indirectly by any one nation against another would continue to enjoy a broad consensus, but the administration chose to break that.

It chose instead, for ideological reasons, to go to a new goal, that of overthrowing the Nicaraguan regime. Their argument was that we have a right to do that not simply because of international aggression, and there would be, I want to repeat, as there is in the case of Afghanistan virtual unanimity in this Chamber, I think in the whole building, to prevent by armed support and other means aggression of that sort.

It is ironic that we make that point when we have helped turn Nicaragua's neighbors into bases for armed attack on them. We have invalidated our ability to make that argument.

I would like to get back to that.

Mr. **BURTON** of Indiana. Mr. Chairman, will the gentleman yield?

Mr. **FRANK**. Mr. Chairman, I yield to the gentleman from Indiana.

Mr. **BURTON** of Indiana. Mr. Chairman, I would inquire, is the gentleman from Massachusetts [Mr. Frank] aware that Major Miranda, after he defected, made it crystal clear that the Communist Sandinista government had been exporting revolution and revolutionary supplies into El Salvador and Honduras and Costa Rica?

Mr. **FRANK**. Mr. Chairman, I would take back my time, as I said, it was a policy which was aimed at preventing that that would have been a virtually unanimous one. We had that at one time.

The problem is that the administration compromises that and we have an administration that has pressured Nicaragua's neighbors into being bases for attacks on Nicaragua which is not the best possible situation to be in to object to reciprocal activity. We should be in a position of being opposed to that.

I want to address the other part of the argument, and the one that the President makes most often, that somehow he is the international 911 number for the Civil Liberties Union because Nicaragua does not conform to democratic principles, and it does not and I regret that and we should be critical of that, but that then he says we have the right to armed attack. Ronald Reagan is not in a position, nor this Congress, nor this Government, to claim that we are consistently going to be sending Armed Forces because of lack of internal democracy. A lack of internal democracy should be criticized, and ought to be the subject of international attention whether it is in South Africa, Chile, or elsewhere, but the fact is that this President claimed with great enthusiasm as one of his accomplishments legitimately so the closer ties with the People's Republic of China. Mr. Chairman, I would not want to run the opposition newspaper in Managua, but I would rather run it there than in Peking. This administration had to be dragged from the bedside of the regime of Ferdinand Marcos, and it is not remotely possible for them to argue that they are so appalled by the lack of democracy in Nicaragua that they are going to send people to shoot other people to enforce that doctrine.

Mr. Chairman, a policy of using American money to encourage resistance to armed aggression was the policy of this Congress without much disagreement. The administration broke it because with total inconsistency the administration that had been very reluctant to react in any way to the situation in Africa, but befriended dictatorships elsewhere becomes now in the case of Nicaragua a burning zealot for free speech. It will not wash.

Mr. **DORNAN** of California. Mr. Chairman, will the gentleman yield?

Mr. **FRANK**. I am happy to yield to the gentleman from California if he promises not to talk about the beauty pageant in El Salvador because I did not understand that one.

Mr. **DORNAN** of California. Mr. Chairman, ABC did not point out the poverty in El Salvador.

Mr. **FRANK**. But that is off the subject here.

Mr. **DORNAN** of California. Mr. Chairman, the gentleman from Massachusetts [Mr. Frank] is a scholar of the Brezhnev doctrine, which is what is Communist remains Communist forever, and the rest of the world is up for grabs.

I would ask the gentleman from Massachusetts, does he not feel that if there were a secret vote on giving this massive classified figure of money to the Mujahideen in Afghanistan, the seven different freedom fighter groups in Afghanistan, that there would be at least 100 Members on his side of the aisle, if we had a secret ballot, who would vote against it? One was just in the well.

Mr. **FRANK**. Mr. Chairman, I will take my time back, and I will say absolutely not. I reject the suggestion of the gentleman from California [Mr. Dornan] that there are secret sympathizers here with the Russian aggression in Afghanistan.

As far as the Brezhnev doctrine is concerned, I am prepared to say to the extent it is still there, Brezhnev is dead. Ronald Reagan has met with Brezhnev's successor, and Ronald Reagan has told us he does not see any success or subscribe to that doctrine.

Mr. Chairman, a policy of America opposing aggression by Nicaragua or against it would get a lot of support. But pretending to be the force of democracy makes no sense.

Mr. **EDWARDS** of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. Fawell].

Mr. **FAWELL**. Mr. Chairman, we all want peace in Nicaragua. But peace, to be enduring, must be based on liberty and democracy. Peace alone is not enough if there is no liberty. Even people in jail have peace.

When I first met President Oscar Arias last Febuary, he admitted that he was "not optimistic" that the Sandinistas would ever accept "free elections or democratization." And this was only 1 day after the four Central American democracies first accepted the Arias plan. At that meeting, President Arias also said that if the Sandinistas did sign the agreement but did not fulfill it:

> The whole world will know that they are not sincere. * * * If I can do that, fine, at least I shall have done something.

Should I now believe that the Sandinistas will be sincere about living up to the provisions of the Arias peace plan when the author himself had, at best, grave doubts that the Sandinistas would ever fulfill its provisions?

Since signing the peace plan on August 7 Daniel Ortega and his brother Humberto, the Minister of Defense, covertly approved a new military plan to expand and modernize their military to 600,000 men, and equip it with a squadron of Soviet Mig-21's, self-propelled artillery, 6 more tank battalions, 400-ton warships, and other offensive armaments.

This is the same Daniel Ortega who talks of peace while the Sandinistas continue to train Salvadoran and Honduran guerrillas, who have their headquarters in Managua.

This is the same Daniel Ortega who thinks "amnesty" is the equivalent of foreign exile for the thousands of political prisoners still languishing in the jails of Managua, prisoners whom not even the International Red Cross has been able to reach. The same Daniel Ortega who, until this vote in Congress drew near, defined freedom of the press to be the restricted right of one newspaper—La Prensa—to print and one radio station—Radio Catolica—to guardedly use the air waves.

He is the same Daniel Ortega who, along with other members of the Sandinista directorate, is stealing the meager resources of Nicaragua and sending them abroad to personal bank accounts.

These are the same Sandinistas who have failed to keep any of their promises to the Organization of American States for pluralism and democracy and nonalignment with either East or West. The same Sandinistas who have said that "what we gained through the force of arms we will never give up except through the force of arms."

Even their recent lifting of the state of emergency is, in the words of Maj. Roger Miranda, "a farce, because Nicaragua's political system is so repressive that when a person's human rights are violated there is no course of action. * * * The Sandinistas control the judiciary, the law apparatus, all * * * the organizations for controlling the mass population. * * * Citizens have no protection * * * although they say they have lifted the state of emergency, it still exists."

Mr. Chairman, there is a legitimate counterrevolution going on in Nicaragua. In the frantic search for peace in Nicaragua—at almost any price—we forget the lesson that history constantly teaches us—that liberty is the quid pro quo for enduring peace. Even our own revered Constitution's failure to grant liberty to blacks led eventually to a devastating Civil War. It is not only peace we seek in Central America so much as it is the foundations for peace—individual liberty and democracy—as rare as those commodities are in that land.

I am not saying that the Contras are necessarily a guarantee of ultimate democracy in Nicaragua. I am saying I do not trust the Sandinistas to unilaterally live up to their promises of democracy now any more than before.

If Congress cuts off aid to the armed resistance, we shall succeed in proving to the world what President Arias saw as a probable outcome of his peace plan 1 year ago—that "the Sandinistas are not sincere."

But, regrettably, we shall have done much more. We shall have eliminated the armed resistance as a viable force in Nicaragua. All this in return for modest and easily retrievable concessions from the Sandinistas. It is naive to place this peace plan in the hands of the Sandinistas. We shall prove that the Sandinistas are not sincere about democracy. But who will defend Central America from the Sandinistas?

Mr. **McHUGH**. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Weiss].

Mr. **WEISS**. Mr. Chairman, for 7 long years we have watched—sometimes in shock, sometimes in disbelief—as the Reagan administration waged cruel and incessant war on the people of Nicaragua. In pursuit of an ideological obsession, spurred on by radical right wing fanatics, the President, his top Cabinet-level officers and their underlings, have engaged in every immoral, unethical, and illegal activity imaginable. They lied to Congress, to the American people, and to the world. They created, trained, advised, funded, and directed an insurgent armed force which behaved as terrorists against the defenseless men, women, and children of Nicaragua.

In furtherance of its determined effort to militarily overthrow the Government of Nicaragua—a country with which to this very day we have full diplomatic relations—the Reagan administration bought or bullied other nations in the region to allow use of their territories from which the Contras could wage war and be resupplied. And whenever a proposal or possibility for peace emerged, the administration willfully and deliberately sabotaged its prospects.

All of this has been done in the name of the people of the United States, but in the face of their clearly stated opposition from the very outset.

The American people know that the United States does not have the right to overthrow other sovereign governments simply because we disagree with their form of government or with their ideology.

Now, finally, is the time to end it. Today we can stop funding the killing and the carnage. Today we can begin to repair the damage to America's honor.

The Reagan administration's new request for Contra aid will ensure only one thing—an end to a historic opportunity for peace in Central America.

Let us not be deceived by administration claims that the request has been "scaled down." The $32 million in

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nonlethal aid alone is three times the current monthly rate. If one adds in the $20 million to ensure helicopters and the $4 million for electronic equipment, the total is almost $60 million for just 4 months. At that rate, the request is as large as the $270 million for 18 months originally proposed by President Reagan.

The administration claims that the request is primarily for nonlethal aid. But the administration defines nonlethal aid as anything but "weapons, weapons systems and ammunition." This would include the leasing and operation of aircraft and helicopters, and the purchase of spare parts. Nonlethal aid simply means more money for more war.

Sending money for more war now would derail the Central American peace process at its most critical moment.

Since the signing of the Guatemala accord last August, the Sandinistas have taken encouraging steps toward compliance. La Prensa and Radio Catolica have been allowed to reopen. The state of emergency has been lifted. The Sandinistas are engaged in direct negotiations with the armed Contras. In a recent letter to President Reagan, Ortega offered to reduce the size of the Nicaraguan Army, prohibit the establishment of any foreign military bases, expel all Soviet and Cuban military advisors and relinquish power if the Sandinistas lose in an election.

There is no guarantee that the Sandinistas will not renege on their promises. But they have repeatedly insisted that they will no longer abide by the accord if Contra aid continues. It is only in the context of a regional peace agreement that the Sandinistas have ever agreed to make democratic reforms. Seven years of Contra war could not get them to make such commitments.

The five Central American leaders want Contra aid to end. They explicitly prohibited outside aid to insurgent groups in the Guatemala accord. On January 15, the International Verification and Followup Commission reaffirmed that desire. They declared:

> In spite of the exhortation of the Central American presidents, the Government of the United States of America maintains its policy and practice of providing assistance, military in particular, to the irregular forces operating against the Government of Nicaragua. The definitive cessation of this assistance continues to be an indispensable requirement for the success of the peace efforts and of this procedure as a whole.

Mr. Chairman, the Central American people want peace, not more war. And the American people want an end to United States support of the Contras. It is time for the Congress and the administration to listen to the people. No matter how temporary the achievements of the peace process, the United States cannot continue a policy which not only violates international law but runs counter to our most fundamental principles as a nation and as a people.

This may be the last opportunity to support peace in Central America. Let us break the cycle of violence in that troubled region. I urge my colleagues to vote for an end to the war in Nicaragua now, while there still is a chance for peace. Vote "no" on the President's request.

□ 1245

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I want to take time today to address my comments not only to those people on the Republican side who have consistently voted for Contra aid, and certainly not to those on the Democrat side who have on every occasion opposed Contra aid, but rather I would like to talk to those people who have been undecided, the people on both sides of the aisle who have been spending weeks agonizing over what to do on this vote. And I understand that. I think everybody in the Congress understands what it's like when you face an issue and just want to reach deep down inside and try to figure out what to do. There are a number on both sides of the aisle who are undecided, and believe me, Mr. Chairman, if just a few of these people vote for this package today it will pass. It is just that close.

For those who are undecided and for those who have been agonizing, you are all agonizing because you seek the facts the way most of us who support this package seek the facts. And what are those facts?

The Sandinistas came in in 1979. We gave them aid. Jimmy Carter cut it off. We have watched them since Ronald Reagan has been in the White House, and everybody, everybody on both sides are almost to the point of total disillusionment with these Sandinistas.

We heard about freedom of the press. Come on, everybody knows that is a joke. There are only two areas in Nicaragua where there is any freedom, and Mrs. Chamorro is scared all of the time about whether they are going to march in and shut her presses down. Radio Catolica is another, but nothing else has been sanctioned, nothing else has been sanctioned in Nicaragua. There is no free speech. We have divine mobs. If somebody wants to come in and protest against the government, we have divine mobs in there threatening these people, putting signs in their front yards, calling them enemies of the people.

I want to talk about the political prisoners in Nicaragua, I visited a camp in Honduras where Nicaraguans themselves had gone to escape from Nicaragua because, No. 1, they were either being tortured or their 13-, 14-year-old kids were being forced into the military.

It is a disaster as to what is going on in Nicaragua, and the Sandinistas are responsible for it. So many of my friends on the Democrat side sat in that bone-chilling testimony by Major Miranda who talked about the fact that the Sandinistas were not only threatening individual liberties and individual rights within Nicaragua, but they in fact posed a definite threat to their neighbors, including the Government of Costa Rica. It was bone-chilling testimony.

If you still sit on the fence and you are still nervous, what do you do? What have we been doing for the last couple of years? This Government, this President, this Congress has been providing aid in the most constructive way as possible.

The fact is that the President and JIM WRIGHT have sat down, they have tried to put some constructive things together. We have had a policy that has been constructive in nature.

The Central American Presidents met in January. What did they say? They said the Sandinistas are not complying, but let us give them a little bit more time. We cannot walk away from the process.

The one thing we have learned since 1981 is peace through strength works. This package is not controversial. This package stresses humanitarian aid, nonlethal aid, something even Arias said he favored. The military aid is released after we jump through 50 hoops.

For those who are undecided, please do not walk away from this. There will not be another package. In my opinion, we are not going to have a consensus of opinion, this is probably the last chance for those who are on the fence and undecided to pursue the reasonable United States policy in Central America. The reasonable policy in Central America is to support this package and to encourage the peace process at the same time.

Let us remember that Ronald Reagan's philosophy of peace through strength works, with the best intentions by this country to bring peace, a lasting peace, in Central America.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, many speakers on the other side of the aisle have focused on the failings of the Sandinista government, and I agree. The Sandinistas have failed in many ways. The freedoms that the gentlemen speak about are not there as they should be. Mr. Ortega has declared he is a Marxist-Leninist. That is abhorrent to me.

But I would say to you ladies and gentlemen of this House that is not

the issue. The issue is: Are the Contras the preferable way to change Nicaragua from a land of dictatorship into a land of democracy, and I would argue no.

It is a tenet, a well known tenet, that this country has learned in bloody war after bloody war that we have either participated in or watched that guerrilla warfare cannot win unless it has the support of the people. And despite what we might want to call the Contras, most of the military wing of the Contras are holdovers from the old Somoza regime. They still are. And, that is the emblem that they are to the Nicaraguan people.

It is a hard fact to face, ladies and gentlemen, but my guess is that, if an election, a free and fair election, were held tomorrow and the Nicaraguan people were given a choice between the Sandinistas and the Contras, they would reluctantly choose the Sandinistas.

Mr. President, it is not that we like the Sandinistas any more than you do. It is that we like the Contras less than you do. In fact, Mr. President, I cringe, I literally cringe, when you call the Contras freedom fighters and compare them to the patriots of the American Revolution. Was George Washington accused of embezzling funds from the Revolutionary Army? Was John Adams an alleged drug dealer? The Contras are not some valiant force of freedom fighters. In fact, in the words of our own administration, the battlefield memos Rob Owen wrote to Ollie North, he said, "Calero is the strong man and the only one who counts in the FDN. He is the creation of the U.S. Government, and so he is the horse we choose to ride." Or how about this, again written by Mr. Owen to Ollie North on the Contras: "These are not first-rate people; in fact they are liars and greed and power motivated. They are not the people to rebuild a new Nicaragua."

We do not have many good choices in this area. The policies of the past, of previous Presidents who supported Somoza, has condemned us to series of choices that are not very good and are not very palatable. But I would argue to you, gentleman and ladies, on purely pragmatic terms because one person's morality may be another person's immorality, that if you want to change the Sandinista government, if you want to bring democracy to Nicaragua, that the Contras are the last way to do it, and the peace process is the greatest hope of doing it.

Contra aid is contra-diplomacy, contra-peace and contra-America.

Mr. Chairman, 30,000 people have died. A billion dollars has been spent, and as a result a nation lies in ruin, and we are no closer to our goal of achieving democracy today than we were 6 years ago.

Ronald Reagan wants to add $36 million and another generation of misery to the victims of this equation. I say no more.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, in response to the previous speaker I would just like to point out that in November 1987 half of the 147 senior staff and field commanders of the Nicaraguan resistance forces were civilian professionals or urban employees, farmers or peasants. One-third had served in the Sandinista army or militias before joining the resistance. Only 25 men had served previously as officers or soldiers in the national guard.

I have been there. I have seen them. This is a peasant army fighting for its freedom.

Mr. OBEY. Mr. Chairman, I yield 8 minutes to the gentleman from New York [Mr. McHUGH].

Mr. McHUGH. Mr. Chairman, I rise in opposition to this resolution providing additional aid to the Nicaraguan Contras and I urge its defeat.

There is no escaping the deep and fundamental differences that exist here and around the country over the utility of aid to the Contras. But they are differences of strategy, not of goals. On the question of American interests in Central America, I believe there is rather broad agreement.

We all agree that our goal in this region is peace and stability, and that the attainment of that goal requires reconciliation, economic development, and the growth of democracy for the people who live there. The legitimate aspirations of our Central American neighbors are no different than our own for the region. Our real disagreement is over the best means to advance those aspirations, and specifically whether further aid to the Contras will promote our common goals.

In debating this issue, we should begin by acknowledging the good intentions on both sides. That's not easy given what has gone before, but it's important that we try. Those of us who question the utility of Contra aid should accept the President's assertion that his purpose is to make the peace plan work, and not to impose a permanent state of war on the region. By the same token, the advocates of aid should accept the fact that those of us in opposition are not seeking to defend a Marxist regime or ignoring the potential threat to American interests in the region. Only by rejecting these red herrings can we make an objective assessment of what will truly serve our interests at this critical juncture.

I believe that an objective assessment must begin with the Central American peace agreement, an agreement we all claim to support. If fully implemented, that agreement will achieve our common goals: An end to the conflict in the region, amnesty for all combatants, and concrete steps to secure pluralism and democrary for the people of Central America. It is an agreement signed by all five Presidents, each of whom has publicly pledged to themselves, to their constituents, and to the world to fulfill its express terms. The agreement is still alive and still represents the best hope for peace and democracy in the region. If the leaders of Central America have confidence in that agreement, surely we should give it our support by our actions as well as our words.

The President has said he supports the agreement, but, given his profound distrust of Sandinista intentions, he argues that Contra aid is a necessary insurance policy, the only real pressure that will guarantee compliance by the Sandinistas with the peace agreement. This argument has a certain appeal, for there are times when military pressure is useful in advancing a peaceful settlement. But this is not one of those times. In these circumstances, it is much more likely that military pressure will prolong the conflict and torpedo the best chance for peace. Why is this so?

First, the peace agreement itself expressly calls for a termination of Contra aid. We cannot credibly say we support the agreement and then act in direct contradiction to its terms. How can we expect the Sandinistas to take the myriad steps required of them when we refuse to do the one thing asked of us? Rather than serve as an insurance policy for compliance, additional aid will almost certainly guarantee noncompliance.

The Sandinistas have made clear that they cannot proceed with internal reforms in the face of Contra attacks. Are they bluffing? One need only examine the record. The Contras have been engaged since 1981. Have the Sandinistas liberalized their rule in response to that pressure? To the contrary—they have tightened up, citing the escalating war as their justification. Only the collective political initiative of the Central American Presidents brought some concrete steps toward democratization, and only the moral and political pressure of that agreement has a chance of persuading the Sandinistas to complete the job.

Despite the President's best intentions, Contra aid will mean more war, not peace and democracy. And what are the implications of more war? Can the Contras overthrow the Sandinistas? Not according to our own military experts and our friends in the region. As President Arias has said, for every dollar the United States gives the Contras the Sandinistas will get five from the Soviets for their defense.

Even if the Contras succeed in overthrowing the Sandinistas, isn't it likely that the Sandinistas would then take to the hills and conduct their own guerrilla war? Is that what we want? How much longer do we think the American people will tolerate support for the Contras? A clear majority of our people have been opposed to this policy for some time. In a democracy like ours, government cannot long sustain a policy without public support.

And what about the suffering and death associated with this war? Forty thousand Nicaraguans have already died. It's relatively easy for us to fund a continuing conflict. Our wives and children aren't being maimed and killed. I don't question anyone's motives, but unfortunately the probable result of more Contra aid is more war, and the people of Central America are paying the price.

Finally, we have to consider the effect of an escalating war on the fragile democracies of the region. In El Salvador, Guatemala, and Honduras courageous leaders are struggling to enhance civilian control over the military. But we all know that the military establishments in those countries are still a dominant influence. War in the region will only enhance the power of the military to the detriment of civilian rule, a result none of us wants to see. Undoubtedly, this was one of the strongest motivations of the five Presidents in taking their political initiative and in signing the peace agreement.

I urge my colleagues to give that peace agreement a fighting chance. It's virtually certain that the peace initiative will fail if Contra aid is approved. It's true that the Sandinistas might renege on that agreement if aid is terminated, but it's far from certain. They would run some significant risks if they did so. Deprived of the Contras as an excuse for noncompliance, they would be faced with universal opposition in this country and abroad. Their isolation in the region would severely handicap any real chance for economic recovery and stability. To have any prospect for survival in the mid-to-long term, the Sandinistas must address the pressing needs of their people and for that they need the cooperation of their neighbors and the United States. Their economic salvation does not rest with the Soviet Union or Cuba, which have serious problems of their own. Therefore, while the Sandinistas might prefer to walk away from the peace agreement and go their own way, there would be substantial costs in their doing so. We should not assume that ending Contra aid will necessarily have that result.

For all of these reasons, I urge my colleagues to terminate Contra aid and give our wholehearted support to the Central American peace agreement.

□ 1300

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. I thank the gentleman for yielding.

Mr. Chairman, today we in this body are faced with what I think is a very fundamental decision and I think it is a sad commentary on this body that this issue has become highly emotional and politicized. Last night on "Nightline" it was reported that the Sandinistas felt that their future was in our hands, that their destiny would be affected by the vote that we are going to cast later tonight.

Well, I think we should remove politics and emotion and view the Contras' future and our ability to influence that future as contrasted with their past and their present.

So I think we have to look at some facts and I think we have to begin by just admitting that the Sandinistas are not Boy Scouts. They closed the radio station, they closed and later censored the newspaper, there have not been free elections. And if you go to the direct statement by Daniel Ortega, he publicly stated that in the event the Sandinistas lost the election, they would never concede power.

Sandinista Interior Minister Tomas Borge said, "We are not going to lose at the polls what we have won through arms."

So to me this indicates they will never relinquish power through any democratic means.

Commandante Ortega also indicated that the Sandinistas give weapons, ammunition and training to Communist guerrillas and terrorist organizations in El Salvador, Honduras, Guatemala, and Costa Rica. And the point that I am driving to, Mr. Chairman, is what Mr. Ortega has said, that theirs is a revolution without borders.

And for my constituents in Houston, TX, I think this whole debate should be framed and focused around the concept of refugees.

One hundred million people live in Central America and Mexico. History shows that when a Marxist-Leninist regime comes to power, 10 percent to 20 percent of that population will attempt to leave.

Thus if there are revolutionary regimes in that region, 10 million to 20 million people as refugees, as free people, will come to the United States.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. I would be glad to yield to the gentleman from California, Mr. DORNAN.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, we are trying to stay factually accurate today. When misstatements are made, with all due respect to the other side, we are trying to correct them.

The preceding speaker, preceding the gentleman presently in the well, knows that I admire and consider him a friend; but he said was it not likely that the Sandinistas would take to the hills if their roles were reversed? He must study this conflict to realize that the Sandinistas are city boys. Those nine Communist commandantes are upper middle class. The hills are denied to them forever. That is where the campesinos are, who hate them.

Mr. OBEY. Mr. Chairman, this country boy yields 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in opposition to the resolution.

Last night, I heard this Contra aid package being called an insurance policy for Central America. Mr. Chairman, I was born and raised in Hartford, CT—the insurance capitol of the world. I know insurance when I see it. I must respectfully correct the President. This is not an insurance policy but an insurgence policy.

However, in all seriousness, we've debated this issue many times and yet the question never becomes less serious. And so I join today's debate, addressing the new caveat—the Arias peace plan.

While it's obvious that the ongoing debate on this question has polarized us, the outcome of this vote will prove neither side totally correct. If Contra aid is turned down and the war stops, Nicaragua will not become a benign Costa Rica in 6 months. In the same vein, if Contra aid is continued by this vote, the Sandinistas will not be overthrown with immediate democratization bursting forth in all its glory.

But we must look at the Arias peace plan; while progress on and adherence to the peace agreement has not been achieved as quickly as some had originally hoped, some progress is being made. To jeopardize the peace process by providing additional aid at this time would not only be foolhardy, it could be tragic. Passage of this request would undermine the peace process, contribute to the increasing militarization of the region, and further jeopardize our relations with the people and nations of Central America. Let's not even mention world opinion.

Progress on compliance with the peace agreement, however slow, is the most encouraging development in Central America in this decade. The legitimate long-term interests of the United States are best served by addressing the long-term social and economic needs of the region—problems which additional Contra aid does nothing to alleviate.

This is a difficult and complicated situation. Both sides have tarnished track records. But February 3 is a day marking the opportunity for the United States to step aside for a

moment and let the Central American countries work together at giving peace a chance. We, as a nation, have a new opportunity to be a stabilizing force in Central America at this pivotal time. We should seize this opportunity and vote "no."

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, when I first joined the committee charged with the duty of overseeing issues in Central America, the Western Hemisphere Subcommittee of the Committee on Foreign Affairs, in 1981 I made my first trip down there to five troubled countries. I was denied entrance into Nicaragua, at the airport, on Good Friday 1981, but I visited the other four countries and found them in chaos except for Costa Rica. They were all very nervous. For the first time in the history of this Nation, a direct attack with a bomb had been made on our U.S. Marine guards. A time bomb in Costa Rica blew nails into a Marine van as it was traveling from the Marine house to the Embassy. That was in San Jose, the capital of Costa Rica. In all these intervening years I have been down in Central America 15 times, more times than any other Member of either of these distinguished bodies.

When it comes down to just 2 minutes, after 7 years of effort and work, as hard work as I have put in on any district issue or any other foreign issue, as an arms control adviser, or an observer, anything, I have never worked as hard as I have on this issue of freedom in Central America.

□ 1315

What do you say in 2 minutes to turn the minds and the hearts of that small group of moderates who are still undecided? I guess I have to focus in on what one of the prior speakers said, the gentleman from New York [Mr. SCHUMER], that between these two choices, he finds the Contras worse.

I was in two small beat-up old farms in Honduras a couple of weeks ago looking at the young men and women who had lost arms and legs fighting with the democratic resistance, the so-called Contras. They were learning to read and write and type. They all said they would gladly give their limbs again to get rid of communism in Managua.

Now, the reason those of us on this side quote Roger Miranda, the field officer, the highest rallyer we have ever had from the other side—I hate to use the word, "defector," because you do not defect from alcoholism or adultery; you rally to freedom. Well, Major Miranda wants to know what is the Democrats' alternative in the event that the peace plan fails. Invasion, air strikes or a naval blockade? Opponents of Contra aid must be specific about what their alternate proposal entails. It appears that Democrats are the ones most likely to spill American blood in Nicaragua.

I urge a "yes" vote on this aid package to support the Contras and to support the peace plan.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. DORNAN of California. Mr. Chairman, let me ask the gentleman if I may have an additional 30 seconds.

Mr. EDWARDS of Oklahoma. I am sorry, but I must say to the gentleman that I do not have the time.

Mr. DORNAN of California. Mr. Chairman, I will take a 1-hour special order tonight. A postmortem will be in order, win or lose, on this vote. Please listen to that 1-hour special order tonight. And I apologize to the staff in advance for keeping them an extra hour tonight.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I thank the gentleman for giving me the opportunity to speak on this matter.

Mr. Chairman, just this last weekend I was in Managua, Nicaragua, and met with a number of groups. The archbishop of the Catholic Church, the internal opposition, the labor unions, the human rights groups, and others. I have just been handed a paper here that says that one of the people I met with has been arrested because of being outspoken last weekend.

I cannot understand, Mr. Chairman, why the message of those people representing hundreds of thousands of people is not getting out to us, and it makes me believe that perhaps the article in the Wall Street Journal, which recently reported that the Sandinista government has employed the public relations firm in New York City of Rykler, Applebaum & Whitman at a cost of $1 billion cordobas a month ($20,000 in American money) is true. If so, perhaps this is the reason that the information that gets to some of our well-intentioned Members is rather slanted, from the reports given by the people last week to me.

Mr. Chairman, we are all after the peace process. We hope it will work. We want this vote to give us a 5-month window where the people of Nicaragua can stand up and be heard; perhaps they can have free elections which will come about as promised if the peace process is complied with. However, we do not have much confidence, Mr. Chairman, that the Sandinista government is doing to let this happen.

As we get into this debate today, I believe it might be helpful and in my opinion is necessary to remind our colleagues on both sides of this debate just who the Sandinista inner circle of government is. Therefore, I will insert into the RECORD today the biographical backgrounds of 60 of the members of the Sandinista government's inner circle for everyone to read. That will give everyone who takes the time to read these backgrounds clue as to the philosophies, beliefs, and intents of this inner circle.

Mr. Chairman, I want to read the Sandinista creed also imprinted in the information which they are all bound by is the oath they have to take before they can be a part of that government. It goes as follows:

> I believe in the doctrines and struggles of Marx, Engels, Lenin, and Che Guevera, the great teachers and guides of the working class, which is the protective force and driving force of the class struggle. I believe in the building of the Marxist-Leninist society.

Mr. Chairman, I want to help the Central American countries to make this peace process work. I believe the vote today will give them 5 months of additional leverage, which will encourage the Sandinista government to meet all of its promises which are in the agreement.

Mr. Chairman, I include the biographies to which I referred, as follows:

THE INNER CIRCLE

Arce Castano, Bayardo, FSLN National Directorate member. Vice Coordinator of the FSLN Executive Commission. Commander of the Revolution. Born in Managua in 1950. Joined the FSLN as a student and *La Prensa* reporter in 1969. Active in the FSLN's student front, the FER. Responsible for the rural logistical network in the northern highlands, 1974–76. Named in Havana to represent Borge's GPP faction on the unified FSLN National Directorate in March 1979. Key link between the FSLN and the Salvadoran FMLN guerrillas, for whom he coordinated negotiations for military training and arms deliveries in 1980. In May 1980, became president of the Council of State after the Sandinistas packed it with their supporters. In September 1980, became coordinator of the FSLN's Political Committee and its National Secretariat. Played a lead role in managing the November 1984 elections. A leading party theorist and an ideological hardliner. Arce is widely known for his then-secret May 1984 speech before the Moscow-line communist PSN in which he made clear the FSLN's goal of creating a one-party state. His brother, Gerardo Arce Castano, is a Sandinista Army captain against whom numerous human rights complaints have been documented. Directorate, the FSLN Executive Commission, and the FSLN Defense and Security Commission. Commander of the Revolution. Born in Managua on August 13, 1930. Enrolled in law school at the UNAN in Leon in 1954. Joined Moscow-line communist PSN with Fonseca and Silvio Mayorga in 1955. Jailed after the assassination of Somoza Garcia in September 1956. Escaped from house arrest in 1959 and traveled to Costa Rica for military training. Traveled to Cuba in 1960 to seek additional training and support from Fidel Castro. Founded the FSLN with Fonseca and Mayorga in Tegucigalpa, Honduras, in July 1961. Received extensive military training in Cuba with Fonseca and other early Sandinistas before returning as

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a leader of the Rio Coco guerrilla campaign of 1963. Director of the Republican Mobilization's newspaper in the joint PSN/FSLN 1965-66 attempt at above-ground organizing. Returned to armed tactics at Pancasan in 1967, fleeing subsequently to Costa Rica where he was arrested in January 1969. Lived in Cuba and Peru and may have visited the PLO in Lebanon. Accused of rape while in Cuba. Reentered Nicaragua from Mexico as a simple militant. Directed the training of FSLN recruits during the mid-1970s, but never again led forces in combat. Captured in Managua in February 1976 and severely tortured in prison. Freed by the Pastora-led National Palace takeover of August 1978, he flew to Panama and then Cuba. Leader and spokesman for the Prolonged Popular War faction. Named to the reunified National Directorate announced in March 1979 in Havana. His first wife Yelba was killed in June 1979 by the National Guard. In July 1979, became Minister of Interior. Succeeded Luis Carrion Cruz as the FSLN National Directorate member in charge of the Atlantic Coast. Has traveled to the Soviet Union, Bulgaria, and Libya as well as Cuba.

Cabezas Lacayo, Omar. MINT Brigade Commander. Vice Minister of Interior and Chief of its office responsible for political indoctrination and enforcement. Member of the FSLN Assembly and the FSLN Defense and Security Commission. Born in Leon in 1950. Joined the FSLN through the FER in 1968 while a student at UNAN in Leon with Bayardo Arce and Doris Tijerino. Never finished law school, becoming a combatant with Borge's GPP faction in 1974. On the general staff of the FSLN's Northern Front during the final offensive. An FSLN representative on the Council of State after Somoza's fall. Instrumental in establishing the new Sandinista education system and literacy campaigns along Marxist lines. Since coming to the Interior Ministry, has served as Chief of the Political Directorate and was involved in early Atlantic Coast autonomy talks. Author of successful book, *Fire from the Mountain*, portraying guerrilla activity in and around Leon.

Carrion Cruz, Luis F. Member of the FSLN National Directorate and of the FSLN Defense and Security Commission. First Vice Minister of Interior since April 1980. Commander of the Revolution. Born in 1952 in Managua into one of Nicaragua's wealthiest families. His father, Luis Carrion Montoya, a banker, was one of the largest stockholders and owners of BANIC, a financial group which dominated much of the Nicaraguan economy before 1979. Primary education at Catholic schools in Nicaragua. High school at the Jesuit-run Centro America in Granada, the most prestigious prep school in the nation. Transferred to the Phillips Exeter Academy in New Hampshire for his senior year, graduating in June 1970. Attended Rensselaer Polytechnic Institute for 1 year before dropping out. An early friend of Jaime Wheelock. One of the original members of Father Uriel Molina's MCR that worked to politically organize the Managua *barrios* in 1972. Formed the first FSLN Christian cell with Joaquin Cuadra and Alvaro Baltodano in 1974. Purged from the FSLN with Wheelock and the urban "Marxist-Leninist Proletariat Tendency" (faction) for "sectarianism and insubordination" in October 1975. (Wheelock and Carrion advocated a "traditional" Marxist approach to power through the urban proletariat, and had therefore come into conflict with the rural guerrilla warfare strategy influenced by the Chinese and Vietnamese then being pushed by the GPP.) Named to the reunified FSLN National Directorate announced in Havana in March 1979. Led the Carlos Roberto Huembes Eastern Front in Chontales during the final offensive. Vice Minister of Defense from December 1979 until April 1980. Attended the Sixth Congress of the Communist Party of Vietnam in Hanoi in December 1986 with Olga Aviles. Upon his return he noted, "the solidarity between our peoples [the Nicaraguan and the Vietnamese] fundamentally expresses itself on the political plane, in respect to the causes which we defend and in the interchange of the revolutionary experiences of our two countries." His brother Carlos is Political Secretary of the FSLN and headed the Sandinista Youth (JS-J19) from 1979 until 1985; his sister Gloria was General Secretary of AMNLAE, the Sandinista Women's Association. A nephew of Arturo Cruz, he is also a cousin of Javier Carrion McDonough.

Cerna Juarez, Lenin. MINT Brigade Commander. Director of State Security in the Interior Ministry. Member of the FSLN Defense and Security Commission and the FSLN Assembly. Born on September 29, 1946, in Leon. Son of a Moscow-line communist PSN activist. Joined an FSLN military squad in 1963 and brought his neighborhood friends, the Ortega brothers, into the FSLN. Participated in guerrilla training, sabotage, and bank robberies. Imprisoned from December 1968 until freed and flown to Cuba after the 1974 Christmas party hostage-taking. Received military training in Cuba. Briefly led the Rigoberto Lopez Perez Western Front inside Nicaragua but left the country again after being wounded. After the fall of Somoza, he was assigned to the Nicaraguan Embassy in Honduras, where he directed assassinations of regime opponents in exile, among them former National Guard Capt. Pablo Emilio Salazar ("Comandante Bravo," the effective and professional leader of the Guard's efforts against Eden Pastora's Southern Front), murdered in October 1979 in Tegucigalpa. As chief of the Secret Police, Cerna has been instrumental in the coordination of Cuban, East German, and Soviet training of members of the state security apparatus. Widely believed to have personally tortured civil opposition activists, including Sofonias Cisneros, President of the Union of Christian School Parents, in May 1985. Brother of Engels Cerna.

Cuadra Lacayo, Joaquin. Army Major General. Vice Minister of Defense and EPS Chief of Staff. Member of the FSLN Assembly and of the FSLN Defense and Security Commission. Guerrilla commander. Born about 1952. While studying law at UCA in the early 1970s, became involved in the FER's political prisoner protests and the MCR's *barrio* organizing. Received military training under Oscar Turcios on the Carrion family estate. Squad leader in the FSLN's December 1974 Christmas party hostage-taking. Returned from exile in Cuba and elsewhere to participate in the Tercerista's Northern Front campaign of October 1977. Served on the Internal Front Command with Carols Nunez and Moises Hassan during the June 1979 battle of Managua. With the Sandinistas' rise to power, became Army Chief of Staff and Commander of Operations in Managua. Appointed Vice Minister of Defense in 1980. Since 1979, has traveled to the United States as well as to the Soviet Union, Poland, and Bulgaria. With his long-time friend, Col. Alvaro Baltodano, he is said to have been involved in the 1980 assassination of Jorge Salazar. Also involved with directing the FSLN's assistance to the FMLN rebels in El Salvador and to other Marxist guerrilla groups in Latin America. Son of Joaquin Cuadra Chamorro. His cousin and brother-in-law, Oswaldo Lacayo, is his deputy. His two sisters are divorced from FSLN National Directorate member Carlos Nunez and Hugo Torres, Chief of the Political Section of the EPS General Staff.

Montero Corrales, Renan. Former Cuban intelligence case officer for the FSLN when he was with the Americas Department of the Central Committee of the Cuban Communist Party; now MINT Lt. Col. and member of the FSLN Defense and Security Commission. Chief of Directorate V (Foreign Intelligence and Clandestine Activities Abroad), Ministry of Interior since June 1983. Member of the FSLN Assembly. Born Andres Barahona Lopez in Cuba in the late 1930s, he reportedly fought with Che Guevara in Cuba and Bolivia, and may have been among the Cubans sent back to Cuba after El Chaparral in 1959. While a member of Cuban intelligence, he joined the FSLN in the 1960s, specializing in weapons smuggling; his job was to "keep the FSLN in line in the cities." After the FSLN came to power, he was given Nicaraguan citizenship at the request of Fidel Castro. Helped Borge set up the security services, serving as first chief of the DGSE in 1979. Today, Montero is reponsible for external intelligence, operations, propaganda, and support for other Latin American revolutionary groups. Travels regularly to Cuba, Panama, and Costa Rica.

Murillo Zambrana de Ortega, Rosario Maria. Wife of Daniel Ortega, President of Nicaragua. Member of the FSLN Assembly. Secretary General of the Sandinista Association of Cultural Workers, an FSLN mass organization. Born on June 22, 1951, in Managua. Educated in Switzerland. A secret member of the FSLN during her years as the personal secretary of Pedro Joaquin Chamorro at La Prensa from 1971 until his death in 1978. Murillo's first husband, also an FSLN militant, was killed in the war against Somoza.

Nunez Tellez, Carlos. FSLN National Directorate member. President of the National Assembly. Commander of the Revolution. Coordinator of the FSLN mass organizations. Born on July 26, 1951, in Leon. Son of a Leon artisan and a street vendor. Through the FER and Olga Aviles, he joined the FSLN in 1969 with his brother Rene. Involved in political organizing in Leon and in Managua after he moved there in 1974. Came under the direction of Eduardo Contreras in Managua. After Contreras led the December 1974 Christmas party hostage-taking, Nunez came under the direction of Carlos Roberto Huembes. Helped Huembes, Jaime Wheelock, and Luis Carrion secretly reenter Nicaragua. Became a member of the FSLN Political Commission after the death of Huembes in November 1976. Director of the FER and the Christian Revolutionary Movement (MCR) in 1977. Went abroad for foreign military and guerrilla training. Chief of Staff of Wheelock's Marxist-Leninist Proletarian Tendency. Joined the reunified FSLN National Directorate announced in Havana in March 1979. Coordinator of the Internal Front along with Joaquin Cuadra and William Ramirez. Led the Internal Front during the Battle of Managua and the retreat to Masaya in June 1979. Replaced Bayardo Arce as president of the Council of State until 1984, when it was replaced by the National Assembly, of which

he became President. At one point National Directorate member responsible for the FSLN's Department of Propaganda and Political Education. Since the Sandinista rise to power, has traveled to the United States, Western Europe as well as numerous times to the Soviet Union, Cuba, and Eastern Europe. Divorced from Berta Cuadra, daughter of Joaquin Cuadra Chamorro and sister of Army Chief of Staff Joaquin Cuadra Lacayo. Brother of Rene Nunez Tellez.

Ortega Saavedra, Daniel Jose. FSLN National Directorate member. President of Nicaragua. Coordinator of the FSLN Executive Commission and Chairman of the FSLN National Planning Council. Commander of the Revolution. Born on November 11, 1945, in La Libertad, Chontales. His father was an accountant for a mining concern. Moved to Juigalpa and later to Managua where his father ran a small import-export business. Studied at private and church schools, including the Christian Brothers' Pedagogic Institute of Managua, where Jaime Wheelock Roman was also a student. Briefly studied for the priesthood in a Salesian seminary in El Salvador where one of his teachers was Miguel Obando y Bravo. Joined JPN in 1960. Arrested after JPN youths tried to seize a National Guard barracks. Under the direction of Adolfo Jose Evertsz Velez (then head of the communist PSN's paramilitary operations), entered his first terrorist cell in mid-1960, with Edmundo Avilez and Francisco Moreno, both of whom later followed Ortega into the FSLN and were killed at Pancasan in 1967. The cell placed small bombs at the *Cine Tropical* movie house and the homes of pro-Somoza politicans. Arrested in 1961 for fire-bombing vehicles at the U.S. Embassy. Recruited into the FSLN in 1963 by Lenin Cerna and became active in the student protest movement. Briefly attended law school at UCA before becoming a leader of the Managua undergound. Arrested in Guatemala in 1964, turned over to Nicaraguan authorities. His torture on that occasion is said to have led him to participate in a four-man FSLN squad that in October 1967 shot to death Sgt. Gonzalo Lacayo of the National Guard's Office of National Security (OSN), notorious for his ruthlessness against the Sandinistas and reputation as a torturer. Imprisoned a month later on bank robbery charges, convicted, and sentenced to 8 years in jail. Acted as an enforcer of ideological discipline in the Sandinista cell block in Carcel Modelo prison. Freed from prison after 7 years by the Christmas party hostage-taking in 1974 and flew to Cuba. Joined the FSLN National Directorate and collaborated with his brother Humberto in the formation of the Tercerista insurrectional strategy. Returned from Cuba in 1976. One of the leaders of the Northern Front during the October 1977 and February 1978 offensives. Served as liaison between the Southern Front and the FSLN National Directorate in 1978–79. Joined the reunified National Directorate in March 1979. After the war, emerged as a member of the governing Junta (and hence implicitly Borge's superior) and its chief international respresentative. Junta Coordinator, 1979–84. Traveled to Hanoi, Vietnam, where he was received by Premier Pham Van Dong on March 10, 1981. In Phnom Penh, Cambodia, on March 19, 1981, he declared, "If you permit us, we are ready to struggle by your side, with weapons in hands, against the Beijing expansionists. In the political and military fields the Nicaraguan revolution is always by the side of the Kampuchean [Cambodian] Revolution and wholeheartedly supports it." Between 1981 and 1986, Ortega made at least six public visits to the U.S.S.R.—including three for the funerals of Brezhnev, Andropov, and Chernenko. Elected president for a 6-year term in November 1984; took office January 10, 1985.

Ortego Saavedra, Humberto. FSLN National Directorate member. Member of the FSLN Executive Commission and FSLN Defense and Security Commission. Minister of Defense and EPS Commander in Chief. General of the Army (the only "four star" in the Army; Borge has three). Commander of the Revolution. Brother of President Daniel Ortega. Born circa 1947. Taught Catholic catechism classes in Managua as a youth before his repudiation of Christianity. After leading the Nicaraguan Patriotic Youth (JPN) in 1962 he founded the "Sandinista Brigades." Formally joined the FSLN in 1965. He and Brigade members were suspended from the FSLN for 8 months for "ultra-leftest tendencies," among them unauthorized military actions. During the government crackdown after Pancasan (1967), fled to Cuba, where he received military training. Lost the use of his right arm from wounds received in an unsuccessful attempt to free Carlos Fonseca from a Costa Rican jail in December 1969. Released from jail with Fonseca in October 1970 as a result of the hijacking of an airliner by an FSLN squad under the command of Carlos Aguero. Fonseca and Ortega flew to Havana for a hero's welcome. From Havana, Ortega went to the Soviet Union for a year, where he worked on rehabilitating his arm and developing his contacts with the Soviets. He then returned to Cuba. Received General Staff military training in North Korea in 1971 as a member of an FSLN delegation which also included Carlos Fonseca, Rufo Marin, and Carlos Aguero. Reportedly trained in PLO military camps in the mid-East in the mid-1970s. Returned and joined the FSLN National Directorate. In a major FSLN split over strategy, he was expelled from the FSLN along with his brother Daniel and Victor Tirado in 1977. Under the guiding hand of Fidel Castro, the three were named to the reorganized National Directorate as leaders of the Tercerista faction in March 1979. The major theorist behind the Tercerista's "insurrectional" strategy, which advocated immediate violence in the framework of a broad tactical alliance with all anti-Somoza sectors of Nicaraguan society. Directed the 1977–79 war from Costa Rica. Named Commander-in-Chief of the EPS in October 1979. Minister of Defense since January 1980. The EPS, the Sandinista Navy, the Sandinista Air Force and Air Defense, and the Sandinista Militia all fall under his command. Since the Sandinistas' rise to power, has traveled regularly to Cuba, the Soviet Union, East Germany, Bulgaria, Czechoslovakia, Algeria, Vietnam, Laos, North Korea, Cambodia, and Panama. Advocate of hard-line security policies, including closer ties to the Soviet Union. Married to Carlos Aguero's widow.

Ramirez Mercado, Sergio. Vice President of Nicaragua since November 1984. Member of the FSLN Assembly and of the FSLN National Planning Council. Novelist and author. Appointed in August 1987 to the Government's National Commission on Reconciliation. Born on August 5, 1942, in Masatepe, Masaya. His father was a small-scale coffee planter who belonged to Somoza's Liberal Party and was Mayor of Masaya; his mother was the director of the Escuela Normal, the "Instituto General Anastasio Somoza Garcia." In his youth, Sergio Ramirez directed the magazine *Poliedro*, a publication that fervently defended the Somoza regime. As a reward for his propaganda services to the dictatorship, Somoza financed his education, including studies in West Germany. Studied at the University of Kansas at Lawrence. Studied law at UNAN from 1959 to 1964. Participated in the July 1959 student protests. Helped found the FER with Carlos Fonseca in 1961. Became established as a major Nicaraguan literary figure and leftist intellectual as editor of *Ventana*. Raised a family in Costa Rica while serving as secretary-general of the Central American Superior Council of Universities. Lived in Berlin in 1973–75. Formally joined the FSLN in 1975. Helped recruit the Group of 12 in 1977 as part of the Tercerista broad front alliance strategy. Served as spokesman for the Group of 12 and negotiator in October 1978 mediation. Served on the Junta from June 1979 until 1984. Visited Iran, noting on August 26, 1987, that the Sandinistas' strategic ties with Iran were "very deep, sincere and brotherly." His brother, Rogelio, is an FSLN delegate to the National Assembly, director of its Foreign Relations Committee, and member of the FSLN Assembly. His sister, Marcia, is the Chief of Administration for the Social Security Institute (INSSBI).

Ramos Arguello, Julio Cesar, Army Colonel. Member of FSLN Defense and Security Commission. Commander, EPS Military Region III (Managua and environs) since 1985. Member of the FSLN Regional Directorate for Region III. Member of the FSLN Assembly. Born about 1951, he studied medicine at UNAN in Leon in the early 1970s. Joined the FSLN while in school in 1973, participating in a series of bank robberies. Joined Borge's GPP guerrilla faction in the northern mountains in 1977. Became Army Intelligence and Communications Chief in 1979. Replaced by Ricardo Wheelock Roman as head of the Military Intelligence Directorate, a central point of contact for foreign revolutionaries seeking military training (and sometimes action) in Nicaragua. Said to be heavily assisted in his duties by a large contingent of Cuban military advisers.

Ruiz Hernandez, Henry Il-defonso. Member of the FSLN National Directorate. Member of FSLN National Planning Council. Minister of Foreign Cooperation. Commander of the Revolution. Born in 1940. From a modest Jinotepe family. As a child, won the national elementary school award for best student, awarded by Luis Somoza Debayle. A Moscow-line communist PSN youth cadre, he attended Moscow's Patrice Lumumba University on a Cuban passport in 1966 but did not complete his studies (he opposed the official Soviet line against guerrilla warfare as the appropriate path to power in Latin America). Went to Cuba for guerrilla training, then joined the FSLN after the Pancasan disaster of 1967. Participated in the 1968 meetings in Costa Rica that laid the groundwork for the Prolonged Peoples' War doctrine adopted as official FSLN strategy after 1969. Deported from Nicaragua, he received military training with the PLO and traveled to North Vietnam. He returned to Nicaragua in 1971, devoting himself to organizaing guerrillas in rural areas. After the deaths of Fonseca and Carlos Aguero, he became the foremost guerrilla commander in the GPP, remaining in the mountains with the "Pablo Ubeda" Column until 1978. Named to the reunified

National Directorate announced in Havana in March 1979. Three weeks after the victory over Somoza, he went to Moscow, Bulgaria, Libya, and Algeria "to conclude technical agreements." Minister of Planning from 1979 until stepping down in 1985 to become Minister of Foreign Cooperation. In charge of the Miskito Indian resettlement program in the early 1980s. Half-brother of fellow Directorate member Jaime Wheelock. A leading advocate of Soviet positions on the FSLN National Directorate.

Tirado Lopez, Victor Manuel. FSLN National Directorate member. Commander of the Revolution. Born July 19, 1940, in El Rosario, Mexico. First came into contact with Sandinistas in Mexico in 1961, where he was a member of the Communist Party of Mexico during the early and mid-1960s. Joined the FSLN and fought on the Rio Coco in Nicaragua in 1963. Fled to Cuba in 1967 after the Sandinistas defeat at Pancasan. Returned to Nicaragua in 1971 to become a leader of the GPP mountain guerrillas. A leader of the Northern Front column in the October 1977 offensive. Joined the FSLN National Directorate in March 1979. Became a Nicaraguan citizen in September 1979. Served as a member of the FSLN National Directorate's Executive Commission and as chairman of the State Committee of the FSLN National Secretariat until 1980, when he took over labor activities within the FSLN's Department of Mass Organization. Has traveled extensively, visiting Algeria, Cuba, Czechoslovakia, Syria, Poland, East Germany, Vietnam, and the United States.

Torres Jimenez, Hugo. Army Colonel. Chief of the Political Directorate of the Sandinistas Army (EPS). Member of the FSLN Defense and Security Commission. Member of the FSLN Assembly. Guerrilla commander. Born on April 25, 1948. Son of a National Guard lieutenant from Leon. Joined the FSLN in 1971. Worked in barrio mobilization in the early 1970s. A squad leader under Eduardo Contreras in the 1974 Christman party hostage-taking. "Commandante Uno" (Pastora's second-in-command) during the August 1978 assault on the National Palace. Worked in logistics in Honduras for the FSLN's Northern Front. After 1979, he served as Vice Minister of Interior and Chief of State Security under Tomas Borge, before being moved to the Defense Ministry, where he was the EPS delegate to the Council of State. Has traveled to the Soviet Union to visit Nicaraguan students attending the Frunze Military Academy. Divorced from Cristina Cuadra (sister of Joaquin Cuadra Lacayo, Army Chief of Staff, who then married Oswaldo Lacayo, a longtime FSLN militant serving as Army Deputy Chief of Staff).

Vivas Lugo, Rene. Vice Minister of Ministry of the Interior since April 1981. Member of the FSLN Defense and Security Commission. Brigade Commander. Member of the FSLN Assembly. Born in 1949 into a wealthy family aligned with the Conservative Party. Joined the FSLN in Europe in 197[illegible]. Received military training in East Germany and guerrilla training with the PLO in Lebanon and Jordan. Acted as Henry Ruiz's second in command. Led the GPP's "Pablo Ubeda" Column after Ruiz left the mountains in 1978. Led the seizure of the mining areas (e.g., Siuna, Bonanza) of Zelaya Department in June 1979. Later served as National Director of the Sandinista Police. By the end of 1979, the training of police recruits by Panama (which had provided material, money, safehaven, and even a 300-man internationalist brigade to the struggle against Somoza) stopped, and the Panamanians were replaced with Cubans and East Europeans. Vivas also has served on the Sandinista government's official human rights commission.

Wheelock Roman, Jaime Stanley. FSLN National Directorate member. Minister of Agriculture, Livestock Development, and Land Reform. Member of both the FSLN Executive Commission and the FSLN National Planning Council. Commander of the Revolution. Born on May 30, 1947, in Managua. Son of wealthy landed family from Jinotepe, Carazo. Joined the FSLN in 1969 and briefly worked in the Leon organization. Accused of killing a National Guard officer in 1970, he fled to Chile, where he studied politics, sociology, and agricultural law. Studied in Germany from 1972 to 1973. Wrote several books of Marxist historical analysis. Returned to Nicaragua in 1975. Advanced a theoretical critique of the Maoist-oriented GPP strategy from an orthodox Marxist (i.e., urban proletariat-centered) perspective. Tomas Borge and the GPP-dominated FSLN National Directorate purged Wheelock and his "Marxist-Leninist Proletarian Tendency" (TP) for "sectarianism and insubordination" in October 1975. According to Shirley Christian, "The antagonism toward Wheelock was so great among some Sandinistas that they sent a squad to kill him, but a priest gave Wheelock a hiding place." Led the TP's labor organizing efforts until it reunited with the FSLN in March 1979. Best theoretically trained Marxist of the FSLN National Directorate. His wife, Vanessa Castro Cardenal, is now Chief of the FSLN's Political Education Department and a member of the FSLN Assembly.

SANDINISTA CADRE

Aguirre Solis, Danilo. FSLN militant who, as Deputy Director, enforces the Sandinista party line at the ostensibly independent newspaper *El Nuevo Diario*. FSLN Representative in the National Assembly; member of the Commission for Legal Parliamentary Affairs and Human Rights. Educated as a lawyer.

Astorga Gadea, Nora Josefina. Ambassador to the United Nations since March 1986. Member of the FSLN Assembly. Born in Managua in 1949. Daughter of a landowner. Went to Catholic schools and became involved in church-sponsored social work. Attended private schools in Washington, D.C., and Rome, then returned to Managua in 1969 to enter the UCA law school and become an FSLN collaborator. Visited Cuba in the early 1970s. Employed as a lawyer and head of personnel for the Somoza-controlled SOVIPE construction company. In March 1978, lured National Guard G-2 Gen. Reynaldo "Perro" Perez Vega to her apartment, where three FSLN militants assassinated him. Fled to Costa Rica where she announced her FSLN membership and was assigned to the Southern Front as a political officer. From October 1979 until February 1981, she was chief prosecutor in the special political tribunals which tried (often summarily) National Guardsmen and other political opponents. Subsequently became one of three Vice Ministers of Foreign Affairs.

Atha Rodriguez, Paul Stanley. MINT Captain. Assistant for "Special Projects" to Minister of Interior, Tomas Borge. Son of a Nicaraguan mother and a U.S. Marine who remained when the marines withdrew in 1932. Minister of Domestic Commerce from December 1979 until April 1980. Serving since 1980 as Borge's black-market business agent and confidant, Atha has set up a number of holding companies and front companies in Panama and elsewhere in the region. The largest of these is the "Holding Management and Investment Corporation" (or "H&M"), sometimes referred to as "Heroes and Martyrs of the Revolution, S.A." (or HYMSA). H&M was created as a Ministry of the Interior Department in 1984, replacing the Department of Business. Under Atha it has turned the management of confiscated properties into a series of trading companies and domestic businesses—including factories, restaurants, bakeries, laundries, motels, and hotels—providing money for the FSLN party leadership. H&M operating capital comes from outside the official budget; profits are not reported to tax authorities. Subsidiaries are provided hard currency at favorable exchange rates and can obtain scarce commodities abroad for use by high-ranking Sandinista officials.

Aviles Lopez, Olga. Ambassador to Vietnam, Laos, and Cambodia. Member of the FSLN Assembly. Born November 1, 1941, in Managua. Joined the FSLN in the 1960s. Underwent guerrilla warfare and special explosives training in Cuba. Participated in a number of FSLN armed actions. After the Sandinista rise to power, worked briefly in the International Relations Directorate of the FSLN before moving to the international relations division of the FSLN's trade union federation. In March of 1980, named "Guerrilla Commander," in Tomas Borge's Interior Ministry for her role as a member of the FSLN squad which conducted the December 1974 Christmas party hostage-taking. Traveled to Bulgaria in October 1980 as the head of an FSLN trade union delegation which met with the official communist-controlled unions. Traveled to Hungary in April 1981 as the head of a similar delegation. In February 1983 she replaced Doris Tijerino (now head of the Sandinista Police) as president of the FSLN's Nicaraguan Peace Commission (CONIPAZ). (CONIPAZ, a member organization of the Easter bloc's World Peace Council, is the Sandinista counterpart to the Communist Party of the Soviet Union's Society of Friendship With the Peoples). In October 1985, she attended the Fifth Congress of the Kampuchean [Cambodian] Peoples' Revolutionary Party (KPRP) in Phnom Penh at the invitation of Premier Heng Samrin. With FSLN Directorate member Luis Carrion, she attended the Sixth Congress of the Communist Party of Vietnam in Hanoi in December 1986. Has traveled numerous times to the Soviet Union, Cuba, and North Korea.

Baez, Gladys. Member, FSLN Assembly. Directorate Member, FSLN Region II. Born in 1941 in Juigalpa, Chontales. Left school after the third grade. Became a Moscow-line communist PSN militant in 1956. Represented the party at the 1960 Moscow Women's Congress and helped organize its women's organization. Left the PSN in the mid-1960s. Joined the FSLN. One of the few survivors of Silvio Mayorga's column at Pancasan in 1967. Said to be the first woman fighter to join the FSLN combatants in the mountains. Arrested in November 1967. After years of inactivity and illness, she joined the FSLN's Western Front in Leon and Chinandega. Later became manager of an agricultural cooperative in Leon.

Baldizon Aviles, Alvaro. Former FSLN militant and sublieutenant in the Interior Ministry who defected in June 1985. Born about 1959. Served as clandestine courier for the FSLN while working as a truck driver during the war against Somoza. Joined Sandinista police in April 1980.

Became Chief of Police at Station 15 in the Managua suburb of Ciudad Sandino. In September 1980, Baldizon was sent to the Soviet Union, where he attended a 10-month course in criminology in Volgograd. Upon his return to Nicaragua in July 1981, he joined the Ministry of Interior. In December 1982, Tomas Borge appointed him to the ministry's new Special Investigations Commission. His job was to investigate reports of Sandinista human rights abuses and develop plausible cover stories for international propaganda purposes. During his investigations, Baldizon learned about abuses and coverups involving such high-ranking government figures as Interior Minister Tomas Borge and Vice Minister Luis Carrion Cruz. He also discovered that murder and torture were regularly employed and approved methods to control the internal opposition. After 5 years as an official of the internal security apparatus, he fled to Honduras. His account of what the Sandinistas called "the standardization of the application of special measures against elements of the enemy potential and criminal potential throughout the national territory" was published in "Inside the Sandinista Regime: A Special Investigator's Perspective," Department of State, February 1986.

Baltodano Cantarero, Alvaro. Army Lieutenant Colonel. Combat Readiness Chief, Army General Staff. Member of the FSLN Assembly. Joined the FSLN in 1973 with Luis Carrion, Oswaldo Lacayo, and Joaquin Cuadra through the influence of Father Uriel Molina and the MCR. Military training under Oscar Turcios. Took part in the unsuccessful October 1977 FSLN Tercerista attack on Masaya. Fled to Mexico, but returned to fight in the final stages of the war. Since 1979, Baltodano has served as regional commander for several military regions and as chief of EPS Irregular Warfare and Training. Key figure (with EPS Captain Alejandro Guevara) in the entrapment and murder of charismatic COSEP leader Jorge Salazar in November 1980. In the court trial against eight Salazar associates who survived, Baltodano testified to being a DGSE plant who used past friendship to lure Salazar into the fatal plot. Baltodano was the one military officer to travel with Humberto Ortega to Cambodia in March 1981, where he praised "the heroic Kampuchean [Cambodian] Army." Traveled to East Germany in 1986 in pursuit of increased military scholarships and assistance. Brother of Emilio Baltodano Cantarero.

Baltodano Cantarero, Emilio, Member of the FSLN National Planning Council. Minister of Industry. Member of the FSLN Assembly. Born September 7, 1950, in Managua. Served as secretary to the Junta before assuming his present position. Son of wealthy businessman Emilio Baltodano Pallais, who serves as Comptroller General of the Republic. Brother of Alvaro Baltodano Cantarero.

Baltodano Marcenaro, Monica Salvadora. Vice Minister in the Ministry of the Presidency. Member of the FSLN Assembly. Holds the rank of Guerrilla Commander. Born August 14, 1954, in Leon. Went to Catholic schools where she became active in the campaign to free FSLN prisoners in 1970. Adopted Marxism at the University of Managua and joined the FSLN in 1973 via the MCR and FER. Captured and imprisoned from July 1977 to April 1978. One of the field commanders for the Managua Internal Front during the final offensive, she later served as a coordinator in the FSLN Secretariat of Mass Organizations. Married to Julio Lopez Campos, Director of the FSLN's International Relations Department. Her mother Zulema was appointed head of the Sandinista mass organization "Mothers of the Heroes and Martyrs" and to the Sandinista Human Rights Commission.

Bendana Rodriguez, Alejandro. Secretary General of Ministry of Foreign Affairs. Born August 22, 1950, in Managua, BA and MA in history from Louisiana State University. PhD in history from Harvard University. Deputy Chief of Nicaragua's UN Mission, 1979-82. Returned to Nicaragua in 1982. Controls the CNPPDH, ensuring that its reports on human rights follow the FSLN line. Often serves as the translator for Daniel Ortega or as a spokesman for the Sandinistas on American television.

Blandon, Nelba Cecilia. MINT Captain. Chief of the Censorship Department of the Ministry of Interior, as well as its Chief of Public and International Department. The principal implementor of censorship of media, political parties, religious organizations, and other civic groups. In 1984, Blandon attempted to justify censorship of the independent newspaper La Prensa, arguing that "They accused us of suppressing freedom of expression. This was a lie and we could not let them publish it."

Blandon, Ubeda, Jesus Miguel. Director of Radio Sandino, the official radio station of the FSLN. Director of Segovia, the official political-military magazine of the FSLN, published by the Sandinista Army's Political Directorate. Born December 13, 1940, in Matagalpa. Radio Sandino is one of the main news outlets in a society that relies heavily on radio for its news and information. "Chuno" Blandon is also a comedian and author of several books, including Entre Sandino y Fonesca Amador. Has traveled extensively to Cuba, Eastern Europe, and the Soviet Union.

Bolanos Hunter, Miguel. Former FSLN militant and urban guerilla commander. Member of the DSGE General Directorate who defected in May 1983. A Sandinista since 1978, Bolanos worked for 4 years in the F-7 (Mass Organizations) and F-2 (Foreign Diplomats) sections of the DGSE. Balanos described Sandinista logistics support for the Salvadoran FMLN guerrillas, who maintain their primary command and control headquarters in the Managua suburbs. According to Bolanos, members of the FSLN Directorate, the Directorate's Department of International Relations, the Fifth Directorate, the Ministry of the Interior, and the Sandinista armed forces all participate in channeling weapons and other Cuban and Soviet support to the Salvadoran guerrillas. Later convicted and jailed in the United States on drug-related charges.

Brenes Sanchez, Carlos. Army Lieutenant Colonel. Commander, EPS Military Region II. Member of the FSLN Assembly. Born in the Indian barrio of Monimbo, Masaya, in 1956. An FSLN supporter in Masaya from 1973, he received extensive military training in Cuba. Worked in the Southern Front smuggling arms and men from 1976-78. Participated in the September 13, 1978, Sandinista attack on Sapoa. In an attempt to exploit his Indian heritage, the Sandinistas assigned him as Military Chief of Military Region V (Northern Zelaya) after the fall of Samoza. However, in an early turning point that cemented Atlantic Coast communities' opposition to Sandinista policies, Brenes led the violent suppression of the February 1980 Puerto Cabezas protests and riots. Replaced in June 1980 by Manuel Calderon, he traveled abroad again for additional training. Traveled to North Korea in April 1984. Has also served as Chief of the Armored tank Brigade, and as second in command in Military Region III (Managua).

Calderon, Manuel. Guerrilla Commander. Chief of the Political Directorate of the Ministry of the Interior. Member of the FSLN Assembly. FLSN Commander in Puerto Cabezas immediately after the fall of Somoza. After 6 months of training in Cuba, Calderon replaced Carlos Brenes as EPS and Interior Ministry Security Chief of northern Zelaya in June 1980. In February 1981 Calderon was responsible for the arrest of Marcos Bello Misurasata labor leader at the La Rosita mines, on charges of "agitation." Responsible for directing many Sandinista military actions against the Indian populations in 1981 and 1982, Calderon was later replaced by William Ramirez and sent abroad for additional military training. He later returned to take over again from Ramirez, controlling the Indian populations with less brute force and more subtle means. A former Deputy Chief on the Political Directorate of the Interior Ministry, he replaced Omar Cabezas as Chief in October 1985.

Calderon Meza, Roberto. Army Lieutenant Colonel. Commander of EPS Military Region V (Chontales, Rio San Juan). Member of the FSLN Assembly and of the FSLN Regional Directorate for Region V. Born September 14, 1950, in Managua. Was imprisoned for his participation in FSLN actions under Somoza.

Campbell Hooker, Lumberto. Army Captain. Minister of the Atlantic Coast Institute. Minister-Delegate of the president and member of the FSLN Regional Directorate for Special Zone II (Bluefields and the Southern Atlantic Coast). Born February 3, 1949, in Bluefields. Known as "El Negro," he is the only Creole to hold the FSLN honorary title of "Guerrilla Commander." He was a military commander on the Atlantic Coast after the fall of Somoza, then Vice Minister of the Atlantic Coast Institute before becoming Minister.

Cardenal Martinez, Ernesto. Minister of Culture. Jesuit priest barred from performing sacraments for refusing to obey Roman Catholic canon law and leave his government post. Member of the FSLN Assembly. Born January 20, 1925, in Granada. Son of a wealthy Conservative family from Granada. Studied literature at Columbia University from 1947 to 1949. Participated in the abortive 1954 Conservative coup. Established his reputation as a poet with "*Hora Cero*" [Zero Hour], an epic poem about Sandino. Underwent a religious conversion in 1956. Entered Thomas Merton's Trappist monastery at Gethsemane, Kentucky, in 1957, but soon left for health reasons. Studied for the priesthood in Cernavaca, Mexico, under the liberation theologian Archbishop Sergio Mendez Arceo, and in Colombia. Ordained in Managua in 1965, and established a lay contemplative community on the Solentiname islands in Lake Nicaragua. Returned from a visit to Cuba in 1970 committed to revolutionary activism as a means of fulfilling the Gospel. Joined the FSLN in 1973, working first with Eduardo Contreras and later with Tomas Borge, Daniel Ortega, and Bayardo Arce. Solentiname became a clandestine training site for FSLN guerrillas, especially those of the Benjamin Zeledon Southern Front. After the October 1977 FSLN attack on San Carlos by combatants trained at Solentiname, Cardenal traveled to San Jose, Costa Rica, and proclaimed himself an FSLN militant. The National Guard destroyed Solentiname in retaliation, stripping its armaments supplies. Then served as a foreign representative for the FSLN until Somoza's fall. The most prestigious member of the Sandinista government, Cardenal is a key figure in the ideological convergence of Sandinismo and revolutionary Christianity. Cardenal has said that "in order to be authentically Christian, one must become a Marxist." Has gained an international reputation for his efforts to cause liberation theology to unify mystic Christianity and revolutionary Marxism. Brother of Fernando (next entry) and Rodrigo Cardenal, FSLN Ambassador to East Germany.

Cardenal Martinez, Fernando. Minister of Education. Member of the FSLN Assembly. Born January 28, 1934, in Granada. Ordained as a priest in the Jesuit order. Taught at the Colegio Centroamerica and the University of Central America in Managua. Took his first pastoral assignment in 1967 as spiritual director of church youth movements in Managua—Jornadas de Vida Cristiana and the *cursillos* movement. Participated in the student occupation of the National Cathedral on December 22, 1972, and other protests against the holding of political prisoners. Involved in the international publicity campaign against the Somoza regime in the mid-1970s. Member of the Group of 12. Vice Minister of Education and National Coordinator of the 1980 Literacy Crusade before becoming a leader of the Sandinista Youth (JS-19J). Sanctioned by the Vatican and removed from Jesuit order in 1985 for refusing to remove himself from political office. Brother of Ernesto and Rodrigo Cardenal.

Carrion McDonough, Javier Alfonso. Army Lieutenant Colonel. Army Deputy Chief of Staff since August 1985. Member of the FSLN Assembly. Guerrilla Commander. Born November 21, 1954, in Managua. Completed secondary school in 1972. Joined the FSLN through the Christian left in 1973 while a medical student at UNAN in Leon. He was a driver for Pedro Arauz Palacios and a member of an FSLN clandestine intelligence group in Leon. Went completely underground in September 1974, collecting weapons in Managua and Granada. Became a member of the "Juan Jose Quezada" Command which undertook the 1974 Christmas party hostage-taking. In 1975, received military and ideological training in Cuba. From there, Carrion went to Europe, Mexico, and Honduras, assisting in the establishment of solidarity committees and arms pipelines. Returned secretly to Leon where he recruited students through the FER and prepared combatants for the Pablo Ubeda Column. Captured by the National Guard on March 8, 1976. He spent 2½ years in prison, until freed by the August 1978 National Palace takeover operation led by Eden Pastora. In the final stages of the revolution, he served as second in command to German Pomares in the Oscar Turcios Column of the Northern Front, assuming command after Pomares died in May 1979. Led the column during the battles for Jinotega, Boaco, and Matagalpa, before leading the troops into Managua, June-July 1979. After the fall of Somoza, served the newly constituted EPS as a member of the General Staff and then as Commander of Military Region VI. He has also served as Chief of Military Region III and Chief of the Artillery. Was Commander of the Operations Group of the EPS General Staff (since dismantled as a failure) in charge of conducting all EPS operations against the Resistance. One of his trips to the Soviet Union was to the 27th Congress of the Communist Party of the Soviet Union in 1986. He also has traveled to Eastern Europe and North Korea. A member of the Sandinista military elite, he attended a special command and staff course taught by the Cubans in Managua. Awarded the Carlos Fonseca Order on November 11, 1986, for "distinguished militancy." Son of a U.S. citizen mother and a successful Nicaraguan lawyer, he is a cousin of the Carrion Cruz family.

Castillo Bellido, Marisol. Army Captain. Chief of Personnel for the EPS. Joined the FSLN after it killed her father, Jose Maria "Chema" Castillo Quant, the host of the December 1974 Christmas party raided by the FSLN. Married FSLN militant, Edgard Lang, brother of Emmett Lang. After 2 years as a GPP guerrilla, Edgard was arrested in November 1977, freed by the National Palace attack of August 1978, then killed in a National Guard attack on his Leon safehouse in April 1979. The rest of her family has fled into exile.

Castillo Martinez, Ernesto. Ambassador of Nicaragua to the Soviet Union and the Republic of Mongolia; former Minister of Justice. Member of the FSLN Assembly. Born June 12, 1939, in Granada. Former law professor at UNAN. Secret FSLN member while a member of the Group of 12. Intellectual leader of the radicalization of the Christian youth movement since 1967. Friend and protege of Felipe Mantica Abaunza, the wealthy businessman active in church and charitable causes who joined the Group of 12 but broke with the FSLN before the July 1979 victory over Somoza.

Castro Cardenal, Vanessa. Chief of the FSLN's Political Education Department. Member of the FSLN Assembly. Wife of FSLN National Directorate member (and Minister of Agrarian Reform and Agricultural and Cattle Development) Jaime Wheellock. Also related to Minister of Culture Ernesto Cardenal.

Chamorro Barrios, Carlos Fernando. Director of Barricada, the FSLN party newspaper which took over the physical plant of the Somoza's propaganda organ, Novedades. Member of the FSLN Assembly. Chief of the FSLN's Agitation and Propaganda Department, in charge of publicity and information for the FSLN. Handled publicity for Daniel Ortega's presidential campaign in 1984. Son of Violeta and Pedro Joaquin Chamorro, his sister Claudia is Nicaraguan Ambassador to Costa Rica, while his brother Pedro Joaquin is a director of the Resistance, and his sister Cristiana is Deputy Editor of La Prensa.

Chamorro Teffel, Adolfo. Army Major. Deputy Chief of the Political Directorate of the Ministry of Defense. An ex-National Guard captain, he attended Mexican military medical school on a National Guard scholarship. The many positions he has held since 1979 include Army Chief of Staff for Military Region III and Chief of Communications. Also served as Chief of Staff of the EPS Operations Group in Matagalpa (since disbanded), and EPS effort to deal more effectively with the growing insurgency.

Cranshaw, Guerra, Marta Isabel. Minister-Delegate of the president and member of FSLN Regional Directorate for Region II (Leon/Chinandega). Member of the FSLN Assembly. Came to the FSLN through Father Uriel Molina's Christian base community in Barrio Riguero. Traveled to Cambodia with Humberto Ortega in March 1981, where they were welcomed by Premier Heng Samrin.

D'Escoto Brockman, Miguel Jeronimo. Minister of Foreign Affairs. Catholic priest. Member of the FSLN Assembly. Born February 5, 1933, in Hollywood California. A godson of Somoza Garcia, who helped pay for his early education (his father was a Somoza diplomat and his mother a U.S. citizen). Joined the Maryknoll Order in 1956, and was ordained in 1961. Earned a BA and an MA under the auspices of the Maryknoll Seminary. He also received an MA in journalism from Columbia University. Missionary in Chile during part of the 1960s. Social communications director for the Maryknoll Order in the 1970s. Became and FSLN activist in 1975. Joined the Group of 12 in October 1977 and was a principal foreign representative for the FSLN during the war. Spoke at the Organization of American States (OAS) in June 1979 as a member of the Panamanian delegation. Forbidden by Vatican to exercise priestly duties because he refuses to obey canon law and rejects a papal directive for priests to leave political office.

Farach, Antonio. Former FSLN Militant who defected in 1984 after more than 10 years with the FSLN. After the revolution, worked for the Ministry of Foreign Affairs as a diplomat in both Honduras and Venezuela. Became totally disenchanted with Cuban domination of the Nicaraguan Government. Explained his decision to go into exile by saying: "I felt that we had sold our sovereignty to a foreign nation."

Ferreti Fonseca, Walter. Chief, Special Operations Directorate of the Ministry of Interior. Member of the FSLN Assembly. Guerrilla Commander. Born September 8, 1950, in Managua. A military leader of the FSLN's Managua Internal Front under Joaquin Caudra Lacayo in 1978–79. Now commands the 2,000-strong battalion of elite *Tropas Pablo Ubeda*, the Ministry of Interior's Special Forces Troops and the only military troops not under the direct control of Minister of Defense Humberto Ortega. Minister of Interior Tomas Borge has used these troops against his enemies in both cities and rural areas. Until April 1985, Ferreti was Chief of the Sandinista Police.

Garcia Cortes, Ivan. FSLN Militant and Director of Sandinista Television System (SSTV). SSTV, the only domestic television network (with two channels), is technically attached to the FSLN party, not to the Government of Nicaragua. Applications for independent TV channels have been regularly denied.

Guadamuz Portillo, Carlos Jose. Director of Voice of Nicaragua Radio since the Sandinistas' rise to power. Member of the FSLN Assembly. Joined the FSLN in the mid-1960s. Jailed in the late 1960s for hijacking a Lanica (national airlines) passsenger plane to Cuba. Captured when the plane landed in the Cayman Islands, where a large sign announcing (in Spanish) "Welcome to Cuba" had been hastily erected. Spent several years in prison, where he developed close ties to Daniel Ortega. Freed from jail by the 1974 Christmas party hostage-taking.

Guido Lopez, Lea. Founder in 1977 of AMPRONAC, the women's and human rights organization which survives today as AMNLAE (the Luisa Amanda Espinoza Association of Nicaraguan Women), the FSLN's women's mass organization. Member of the FSLN Assembly. Former Sandinista Minister of Health. Daughter of Armando Guido, Somocista party (PLN) deputy in the National Congress. As godfather at her lavish 1972 wedding to Julio Lopez Campos, Somoza gave the newlyweds a brand new four-door Daihatsu Ranchero automobile as a wedding present.

Guzman Cuadra, Alvaro, Senior MINT officer. Chief of the Penitentiary System in the Ministry of Interior; in charge of the public prison system only, not the detention centers and prisons of the DGSE, such as Managua's EL Chipote, that are closed to international human rights observers. Appointed Vice Minister of Foreign Commerce in 1979, then Vice Minister of the Institute of Mines and Hydro-Carbons in August 1981, then Chief of the Interior Ministry's General Staff. Has traveled extensively in the Soviet bloc: East Germany, North Korea, Bulgaria, Cuba, Hungary, Soviet Union, and Poland. The Guzman Cuadra family is from Granada's famous Atavezaba Street, home to many of the nation's wealthiest members of the aristocracy. Nephew of Central Bank president Joaquin Cuadra Chamorro. Brother Fernando is Ambassador to Argentina.

Hassan Morales, Moises. Mayor of Managua. Member of the FSLN Regional Directorate for Region III (Managua). Born on May 4, 1942, in Managua. Son of Palestinian immigrants from the Gaza Strip. Graduated in chemical engineering from UNAN and nuclear physics from the University of North Carolina at Chapel Hill. As a physics professor at UNAN he became associated with the GPP-aligned FER. Served as director of the United Peoples' Movement (composed of 20 pro-FSLN organizations plus the 2 other Moscow-line political parties, the PSN and the PCdeN) after July 1978. Headed the leftwing National Patriotic Front formed in January 1979 to support the FSLN against the FAO. As president of the Association of Professors at UNAN in 1979, he headed the political commission of the Internal Front during the June 1979 battle of Managua. Member of the first five-person post-Somoza junta from June 1979 until March 1981. With FSLN comandantes Tomas Borge, Henry Ruiz, and Humberto Ortega, Hassan attended the March 1980 signing of the party-to-party agreement between the FSLN and the Communist Party of the Soviet Union in Moscow. Signed less than 3 months after the Soviet invasion of Afghanistan, the joint public statement read in part: "The Soviet Union and Nicaragua resolutely condemn the campaign that the imperialist and reactionary forces have launched of building up international tension in connection with the events of Afghanistan, a campaign aimed at subverting the inalienable right of the people of the Democratic Republic of Afghanistan and other peoples of the world to follow the path of progressive transformation." Minister of Construction until becoming a Vice Minister of Interior in May 1983. Brother of Rosario Murillo's first husband.

Herrera Sanchez, Leticia. Army Lieutenant Colonel. Guerrilla Commander. First Vice President of the National Assembly. National Director of the Sandinista Defense Committees since late 1980. Member of the FSLN Assembly. One of the leaders of the *turbas divinas* [divine mobs]. Born in 1950. Daughter of an exiled anti-Somoza activist with ties to the FSLN and a Costa Rican mother. Joined the FER through the student protest movement in high school. Bore a child by Daniel Ortega. Went to Moscow on a scholarship in 1968 where she met members of the FSLN and received training. Returned to Nicaragua in 1970 to join the FSLN military underground. Participated in the 1974 Christmas party hostage-taking. A field commander for the Rigorberto Lopez Perez Western Front in Leon during the 1979 final offensive. Replaced Doris Tellez as Council of State First Vice President in May 1983.

Hurtado Vega, Pedro. General Coordinator, Sandinista Youth-July 19 Movement (JS-19J), the teenage-youth recruiting arm of the FSLN. Born December 26, 1957, in Granada. Among his trips to the Eastern bloc, he headed the FSLN youth delegation to Czechoslovakia in July 1986. (JS-19J is not to be confused with the Sandinista Children's Association, which is responsible for political education and indoctrination beginning at the age of 6.)

Jimenez Guzman, Lucio. Secretary General of the Sandinista Worker's Union, Jose Benito Escobar since 1981. Member of the FSLN Assembly. Addressed the 18th Congress of Soviet Trade Unions in February 1987.

Lacayo Gabuardi, Oswaldo. Army Lieutenant Colonel. Army Deputy Chief of Staff since May 1980. Member of the FSLN Assembly. A leading architect of the government's counterinsurgency policy. Educated as a civil engineer, he joined Father Molina's Christian Revolutionary Movement in 1971–72 along with several other current leaders of the EPS (such as Joaquin Cuadra Lacayo, Javier Carrion McDonough, and Alvaro Baltodano). Joined the FSLN in 1973. Married the sister of his boss, Army Chief of Staff Joaquin Cuadra Lacayo, after she divorced long-time FSLN leader Hugo Torres. His sister is married to FLSN National Directorate member Luis Carrion. His brother Roberto is Vice Minister of Housing and Human Services.

Lang Salmeron, Emmett. FSLN militant. Army Lieutenant Colonel. Chief of EPS High Command Reserve Units since March 1987. Member of the FSLN Assembly. Born about 1948. Son of Federico Lang, owner of the largest hardware store chain in Nicaragua. Joined the FSLN in 1969. Jailed for his role as a member of Leonel Rugama's urban commando and bank robbery squad (his brother-in-law, EPS Col. Leopoldo Rivas Alfaro, was also a member of Rugama's bank robbery team). A leader in May 1979 of the failed "Jacinto Hernandez Column" in Nueva Segovia, Zelaya. Became an EPS subcommander and militia organizer after Somoza's ouster. Served from 1985 until February 1987 as Chief of the Sandinista Air Force and Air Defense. His brother, Edgard, also an FSLN militant, was killed in a National Guard attack on a Leon safehouse in April 1979.

Lopez Arguello, Federico. Minister-Delegate of the president and member of the FSLN Regional Directorate for Region IV. Member of the FLSN Assembly. Former head of FSLN Agitation and Propaganda Department and Chief of Prisons, where he was involved in the executions of a number of prisoners.

Lopez Campos, Julio. Chief of the FSLN's Department of International Relations since September 1980. As such he is responsible for FSLN external relations and propaganda, affiliations with foreign solidarity groups and Communist parties. Member of the FSLN Assembly. Born about 1946. Joined the FSLN in 1967, when he was known as a bit of a hoodlum, along with Lenin Cerna. Studied political science in Lausanne, Switzerland, where he became the head of the Latin American Division of the (Trotskyite) Fourth International, a position he held form 1968–73. Former chief of FSLN propaganda and political education and UNAN professor. Member of Borge and Arce's hardline GPP faction. His family (evangelical Christians) has fled Nicaragua since the revolution. He is divorced from Lea Guido, former Minister of Health.

Loza, Oscar, MINT Captain. DGSE Chief of Operations since August 1983. Trained as a lawyer. Directed the October 15, 1985, raid closing the Office of Pastoral Social Services of the Archdiocese of Managua. Said to have personally murdered regime opponents and to have participated in the 1980 plot against Jorge Salazar.

Marenco Gutierrez, Dionisio. Head of the Planning Secretariat (within the Ministry of the Presidency) since July 1985. Member of the FSLN Assembly. One of the few senior Sandinista leaders with any technical training or background. President of the UCA student body, 1966–67, he was also an FER supporter and active in a number of student strikes and protests. Received MBA from Harvard-affiliated INCAE. Contacted Tomas Borge in 1974 and started an FSLN cell among business professionals at the Chinandega sugar mill where he worked as an engineer. Moved to just outside Managua during 1975. Became a member of Leonel Poveda's military cell of professionals. Pastora used his isolated home as the launching point for the August 1978 takeover of the National Palace. Marenco and his wife Daisy Zamora (who later became a Vice Minister of Culture) fought with a Tercerista FSLN faction squadron during the September 1978 insurrection in Managua. Escaping via the Honduran Embassy, he later worked with the Benjamin Zeledon Southern Front operating out of Costa Rica. After the Sandinistas came to power, he headed the Ministries of Domestic Commerce and Transportation.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Chairman, in 1941, Winston Churchill's message to the United States was "give us the tools, and we will finish the job."

In the 1980's, the Nicaraguan democratic resistance is sending the same message: "Give us the tools, and we will apply the pressure necessary to force the Sandinistas to accept the fundamental changes required for a truly free and democratic Nicaraguan society."

We know the Resistance has succeeded in pressuring the Sandinistas to make some movement toward fulfilling their commitment to democratize. But continued pressure is necessary.

The Communist Sandinistas are trying to do just enough to make it appear that they are participating in the peace process. They say they will grant amnesty to political prisoners. But their so-called amnesty applies to only 3,300 of the estimated 9,000 political prisoners, and they will be released only if another country will take them. That's deportation, not amnesty.

The state of emergency has been lifted, but officially legal peaceful demonstrations have been broken up

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by Sandinista mobs. The Sandinistas' police just stand by and watch.

Despite the lifting of the state of emergency, prominent opposition members have been arrested, held in 3- by 3-foot cells, and interrogated. All during the peace process.

After signing the Arias peace plan and during the peace process, the Sandinistas signed two military accords with the Soviets and Cubans. They provide for a continued military buildup into the 1990's that includes a 600,000-man military force and a squadron of MIG's. This is in addition to the $2.6 billion in military equipment that the Soviet bloc has already poured into Nicaragua.

The Sandinistas have said that they would relinquish the government if Nicaraguans were crazy enough to vote them out, but they would never relinquish the power. That is directly contradictory to any concept of a democratic process.

It's incredible that this Congress has approved over $650 million for the Afghan freedom fighters who don't even advocate democracy and who are half way around the world, with little or no opposition. Yet efforts to provide $36.2 million to freedom fighters on our own continent causes a great outcry. It just doesn't make sense.

Some of our colleagues suggest that aid should be denied to the Nicaraguan Resistance because of human rights abuses. There have been abuses by some individuals, but the Resistance has organized efforts to educate its fighters and punish offenders. The Sandinistas, on the other hand, have shown a systemized pattern of abuse and torture. Lino Hernandez, executive director of the Nicaraguan Permanent Commission on Human Rights, personally told me that the Commission received 18 complaints against the Contras in 1986, and 1,400 against the Sandinistas.

The Sandinistas have made limited reforms that can be easily reversed if they succeed in influencing this Congress to vote against helping the democratic resistance. These reforms have only been made in the face of increased effectiveness of the resistance and with the aim of defeating continued U.S. aid.

Without the continued pressure of the Resistance, the Sandinistas will be free to continue its military buildup and pursue subversive, destabilizing activities in neighboring democracies. This is a serious threat to our national security and the security of the Panama Canal. Only last week, a Colombian stressed to me his conviction that what is at stake in Nicaragua is the future peace and security of Central America and of his own country.

Many of us in this chamber have been to Nicaragua. We have our stories to tell. I don't believe there's one person in Congress who has been to the hospital tent in the major Contra camp who will vote against this modest aid package.

In that tent, there were about 40 hospital beds surrounding the operating table. I talked to the young freedom warriors in their own tongue and heard their stories.

One was a 19-year-old girl who was there for the third time. She has been fighting for freedom since she was 13 years old. I asked her why she kept going back. Now keep in mind that this young girl has no preconceived prejudices. She probably doesn't know what the word "Communist" means. She has no affiliation with any foreign influence. Just a 19-year-old campesino who has lost her freedom. She looked up from her hospital bed and answered my question:

> We fight because the Sandinistas have taken our homes, our human rights and our country. They have taken everything we have.

This young girl will not be returning to the battlefield again. They had to ampute her leg this time.

The next day, I talked to a young Tulsan whom I met in Honduras, Capt. Ted Westhausen. Ted asked me to take a message back to Congress and to his hometown. He said, tell them if it's not the Nicaraguan Resistance fighting now, it'll be me fighting later. His hometown agrees. A majority want the United States to support the Nicaraguan Resistance now rather than have to send troops in later.

And this is not the exclusive belief of Capt. Ted Westhausen. The leaders of the other Central American countries believe it, too. In El Salvador, President Napoleon Duarte told me that if the democratic resistance fails, "los Estados Unidos mandará los Marinos." The United States will have to send in the marines.

The vote today is not just to stop the spread of communism on our continent. It is a message to free people around the world. We cannot abandon them now.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, during my last trip to Nicaragua I met with mothers and wives of political prisoners, and one of the wives of the 8,000-plus political prisoners came up to me and said she had been promised that her husband was going to be released. Instead, he had been tortured and punished in the prisons beyond anything imaginable.

She told me she demonstrated along with other wives and mothers of political prisoners, and the "divine mobs" beat up on them, and they tore her top off her and left her exposed from the waist up before all the people who were watching. They beat her and tore her clothes off of her.

Mr. Chairman, I met with President Azcona of Honduras who said if not full compliance by Nicaragua of the peace plan or if the Contras are destroyed or not fully funded, 50,000 American troops and $250 million in U.S. military aid will be needed to support fledging democracies in Central America.

Sandinista Interior Minister Tomas Borge was asked the following question, "Will you respond to the remark that Nicaragua is the first domino in Latin America, that since the revolution triumphed in Nicaragua, it will be exported to El Salvador, then Guatemala, then Honduras, then Mexico? Borge responded, "that is one historical prophecy of Ronald Reagan's that is absolutely true!"

Daniel Ortega was quoted this past November as saying "What I would really like to be doing is what Che [Guevara] did—going onto other lands to struggle."

We in Congress must be honest with ourselves—would the Soviets be discussing the terms of their withdrawal from Afghanistan without pressure from the Afghan freedom fighters? Would Communist Angola be talking about the removal of 40,000 Cuban troops without the pressure from the UNITA freedom fighters?

If we do not aid the freedom fighters in Nicaragua, yes, there will be peace. But not a peace as the American people know it, but rather a peace that the people of Poland know, the people of Czechoslovakia, East Germany, Romania, Bulgaria, Ethiopia, Vietnam, North Korea, Cuba, and others know as well.

There are those who say give peace a chance. Well Communist style peace was given a chance in the countries I just mentioned. Ask the people who live there how they like the peace they have in their countries. Soviet style peace means a loss of freedom and complete government control. Give peace a chance? How about giving freedom a chance?

I would like to close with a quote from a freedom fighter broadcasting from a radio station in Budapest, Hungary, on November 4, 1956, when he cried out to the conscience of the world:

> Their tanks and guns are roaring over Hungarian soil * * * people of the world, listen to our call. Help us—not with advice, not with words, but with action. * * * Please do not forget this wild attack of Bolshevism will not stop. You may be the next victim. Save us—S.O.S.—civilized people of the world, in the name of liberty and solidarity, we are asking you to help. The shadows grow darker from hour to hour. Listen to our cry. Start moving. Extend to us brotherly hands * * * people of the world save us—S.O.S. Help, help, help * * * God be with you and with us * * *.

After that there was only silence. Is this what we want for Central America?

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield briefly to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding.

This vote is for humanitarian aid. If we must insure that the negotiating process continues. If we are to achieve a peaceful solution to the problem, a solution that benefits "the people" of Nicaragua, then the peace process must continue.

The Sandinistas must have an incentive to continue in the peace process. Without that incentive the process will break down.

There is another issue that we in the House must consider. It's the issue of immigration. Without freedom, without opposition parties, without amnesty, the United States will relocate the freedom fighters and their families. Translated that means that additional thousands will end up in Florida, Texas, California, and all the other States.

We are told that the next vote will be a vote for refugee assistance.

This House cannot advocate thousands upon thousands more into the United States and the situation will become more severe. Why? No one ever flees to communism, they all flee from it.

Do we have the will to do the job as it must be done? Our vote today will tell.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, how many times are we going to debate whether it is truly in the best interest of the United States to stand up for democracy and freedom?

The answer, of course, is: As many times as it takes to prevail. Some Members in this Chamber might wish otherwise, but this issue is not going to go away, no matter what the outcome of this debate is.

Many of you can turn your backs, you can close your eyes, and you can close your minds and your hearts to the pleas of decent, valiant, Nicaraguan citizens for freedom and democracy, just as a few short years ago many of you, many of the same people here today, fought to withhold aid from El Salvador as it struggled to emerge as a fledgling democracy after hundreds of years of military rule. But just as you would have consigned the people of El Salvador to the tyranny and oppression of the Communist fascists seeking to take over that country by force, so do you now try to pull the wool over the eyes of the American people and prevent our Nation from helping those few valiant people who are fighting for freedom in Nicaragua.

I hope you are not successful. I hope that enough of our Members will realize the importance of what we do here today. I hope that a majority of the House today and of the Senate tomorrow will express their anger and frustration at the broken promises of freedom, the repression of speech, of assembly, of trade unionism, and of religion worship, and the lack of respect for human dignity that so callously and blatantly is demonstrated on a daily basis by the Sandinista government in Nicaragua.

I hope that you will realize that this paltry $35 million is only a small step toward containing the $450 million annual inflow of Soviet arms and the $350 million in Soviet economic aid, as well as the technical assistance from Russians, Cubans, North Vietnamese, Iranians, Bulgarians, East Germans, the PLO, and other sources from the Iron Curtain.

I hope you will reject the terror tactics, the mob rule, the unjustified imprisonment, the torture, and the state-sanctioned murder at the hands of the Sandinistas, and I hope you will cast a vote in favor of aid to the Nicaraguan freedom fighters.

But if you do not, if you pretend that Nicaragua is not of this planet, if you pretend that communism is a benevolent force with which we can live in harmony and peace, then do not be surprised if within a year or two, we have this identical debate about the survival of El Salvador, Honduras, Costa Rica, or Guatemala.

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Do not be surprised by the refugees who flee to your districts by the tens of thousands to escape Communist oppression in Central America, just as they have fled from Vietnam or Cambodia.

Do not be surprised when we begin debating the withdrawal of thousands of United States troops from Western Europe and Korea so that they can be stationed in some unforeseen desolate front in Central America or Mexico; and do not be surprised when the draft is reinstated and when some of your sons and your grandsons or those of your friends and constituents are called to defend a last ditch stand for freedom and security of United States citizens; and do not be surprised when you are looking for someone to blame, the American people say to you, "Why didn't you support the Nicaraguan freedom fighters when you had a chance?"

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Chairman, I speak as one of those who has been somewhat ambivalent on this issue of aid to the Contras. I was one of those who voted to support the Sandinista government when it came to power back in 1979 because they were throwing out a corrupt dictator.

Then I voted for aid to the Contras in the first instance because I though Mr. Ortega had gone back on his word to us.

Then I did not think we were getting a very good accounting of what was happening to the money and whether it was being used wisely. I was invited to the White House before the second vote on aid to the Contras. Even after that visit I still thought there needed to be a better accounting as to where the money was going. So, I voted against that $100 million aid package, and it failed.

Right after the vote, Mr. Ortega flew to Moscow and threw his arms around Mr. Gorbachev for a photo opportunity in a display of victory, not a very good public relations stunt on his part.

But on the third time around, the President called me and said, "I remember that you didn't think that we had a very good accounting merchanism in place," and I did not think we did, either. "We have a lot better one now." The President described it in rather vivid detail.

The next package had aid in it for our allies, the governments of Costa Rica, El Salvador, Guatemala, and Honduras, and so I voted for it. It was a different package.

But it has been a very difficult issue for me, and that is reflected by polls which are taken in my district. It comes out about 50 percent for and 50 percent against.

This time I thought I might want to err on the side of caution. The President feels very strongly about this issue and he may just be right. He has come a long way toward a compromise. Ninety percent of the $36 million is for humanitarian aid, for food and clothing; $3.6 million is for lethal aid which would not be usable until March 31, and then only after it was decided by Congress in a sense-of-Congress resolution that the peace process was not moving forward adequately.

There seems to be some indication that maybe the Sandinistas are willing to come to the peace table now and to try to make some effort to comply with the Arias peace plan. What we are looking for is a democracy in Nicaragua. I think the people of Nicaragua would vote for democracy if they were given the opportunity to vote.

I think that right now if we do not vote aid, we are indicating another vacillation on our part. We should support our commitment for aid to the Contras. This is a bad time to withdraw our support when it seems we are so very close to peace.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the

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gentleman from Florida [Mr. McCollum].

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding this time.

It seems to me the essence and the crux of this debate came down to the contrast between what the President said last night to the American people and what the gentleman from Indiana made as his conclusions and his points when he was speaking in response.

The President said very clearly to the American people what I believe, and that is that we would not see a peace plan working or anybody at the table in Nicaragua today if it were not for the Contras.

He also said what I also deeply believe, and that is that unless the Contras stay alive, that peace plan has no chance of success. There has to be a hammer over the head of the Communists or they are going to go ahead and do what they want.

Now, in the response, the gentleman from Indiana said that he believed that the Sandinistas were not good guys, that they were Communists and so on, but in his view if we did not stop this aid to the Contras, there would be no signing of any agreements on the part of the Sandinistas and that stopping the aid, at least the military part of it, was absolutely essential in order to get them to sign, and it was a risk worth taking.

He went on to say that if indeed they do not live up to their commitments in this case, and we know they have not in the past, then in that case the American people would be unified and we would deal with that problem. We would be facing them unified, and it was a risk, I point out, a risk, he said, worth taking.

The bottom line is, what is that risk? The risk is very simply and subtly stated. If we do not have the Contras around and they have been disbanded, there is only one choice in how we deal with them at that point, and that is with American troops and the loss of American lives.

The bottom line is that we need the Contras. They have to stay in existence if we are going to be able to successfully bring peace to that region, and peace means freedom for the people of Nicaragua and it means the security of those nations around them in El Salvador, Guatemala, Honduras, and Costa Rica, and it means our own national security interests.

So I urge my colleagues, think about this vote. It is too critical to miss the point. It is us, the lives of our American boys some day, or it is keeping the Contras alive to hopefully force the hand of the Sandinistas and make them live up to any agreements they make, which they otherwise simply will not do.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. Hunter].

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from New Mexico [Mr. Richardson].

Mr. RICHARDSON. Mr. Chairman, Contra aid votes bring some positive and negative repercussions. First, in my opinion these continuous votes that we have had in the Congress have actually been good for the peace process, because it has brought pressure on all sides to make concessions and adjustments on behalf of peace. But these are tortuous and conscience votes nonetheless.

The negative side of all these votes is that we still do not have a bipartisan approach. The Congress and the administration still remain at odds as to how to resolve this issue.

A third observation: Many people have talked about gloom and doom, the success of the peace process, the failure of it riding on this vote. That is exaggeration—there are going to be many votes ahead. The next one probably will be in the spring or summer, so I think we have to look at this vote in perspective and not consider this vote the final and definitive congressional action on this subject.

This is not a vote that says that we trust Daniel Ortega more than President Reagan. If there was such a contest, Ronald Reagan would win hands down. Let us make that point that this vote should not be framed in this context.

Daniel Ortega and the Sandinistas have made promises and some concessions, such as lifting the state of emergency, a limited amnesty, and direct negotiations with the Contras. Let us face the facts; however, the Sandinistas have made their initiative because the economy is shattered and the Soviets have refused to pay all the bills. Ortega has taken a few steps, but none of them irreversible and significant, such as separating the military from the civilian sector, such as freeing all political prisoners, such as having a complete freedom of the press, assembly, and religion.

Likewise, there are some problems with the President's policy, nonetheless, there have recently been some improvements and some movement toward supporting the peace process.

First of all, this is a modest proposal that is scaled down from $270 million in miltary aid—the majority of this new package is for nonlethal aid.

The President has a better team, especially at the National Security Council. I was impressed with their briefings and their sincerity, and this administration needs substantial credibility on this issue, especially with the bias and deception and Iran-Contra schemes, in the past. I was particularly impressed with Alison Fortier, Jose Zorzano, and Ambassador Negroponte, and the NSC. I was also impressed by the CIA representatives who presented their arguments. They all had their act together.

But the motives, once again, and the objectives of the Reagan policy are suspect. Last night, in a last minute switch the President said that the Congress will have a voice in the disposition of the escrow account on the military aid, the $3 million for lethal equipment. Was this gesture to support the peace process, or was it just to get a handful of more votes in Congress to achieve a margin of victory.

We have all agreed that this is the time to keep the pressure on, especially on the Sandinistas to further negotiate. The issue is, how can we keep the pressure on most effectively? How can we keep the Arias peace plan alive? How can we get the Soviets and Cubans out of Nicaragua? How can we support the Central American Presidents like Arias, Azcona, Duarte, and Cerezo, all of whom have put their necks on the line.

Each one of us have our own reasons for voting the way we do. I stood here 2 years ago voting for humanitarian aid because the administration reassured me they were for the Contadora negotiations, and I got burned. They sabotaged that peace process. I can't forget that. But that doesn't mean I am not open, and trying to be fair, because it involves my country, and it is important that we rally behind the President on foreign policy.

I will be voting no today because I think it will help the peace process. I am not sure if it will. That answer will come in the months ahead—the Arias plan will be tested in the months ahead.

So my message and signals each one of us sends by our votes can be described in their own way. Here is mine.

To the President: It is not a rejection of your objective to democratize the Sandinistas through pressure. My vote is simply to give you an incentive to embrace the Arias peace process 100 percent, not 50 percent, and not when you need the votes in a close contest.

To the Sandinistas: It is not that you are being rewarded, because you have failed to comply with the peace process and I do not trust you. We need to see some irreversible steps ahead where real democratic freedoms and demilitarization. We need you to take some significant steps toward democracy. We are watching you, Sandinistas. If you continue to play games, this vote will turn around next time, and perhaps so will mine and other moderate Democrats who retain the margin of victory on this issue, as will President Arias and others interested in peace are giving you another chance, and so am I. But it could be the last time unless you clean up your act. I did it once before, and I will do it again.

To the Central American Presidents: The message is to keep trying and plugging away. We admire what you are doing, but please narrow your differences, but most importantly, do not give up.

To the Contras: The message is that you are not being abandoned. We know you can be militarily operational and adequately supplied till mid-July; in the meantime, you might consider developing a political agenda—like what do you stand for? What are your political programs for Nicaragua? The Sandinistas may not be loved in Nicaragua—but you have little support there too.

Yes; we have noticed the improvement in your leadership. But still, you have quite a ways to go.

Perhaps, most importantly, to my fellow Democrats: The message is that we need to develop an alternative. We cannot just keep on trashing Contra aid. The Speaker of the House and the Democratic leadership have pledged to seek such an alternative, such a path, I look forward to working with them to develop this alternative. Let us come up with something that supports the Arias plan that involves pressure on all sides, especially the Sandinistas. Let us come up with something that keeps the Contras with food and medicine. Let us develop a plan for economic development for the region. Poverty and starvation are also the causes for unrest—not just the East-West rivalry. Democrats, let us stand for a viable plan for a change.

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Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. Smith].

Mr. SMITH of New Jersey. Mr. Chairman, a couple of years ago a liberal Member of this House from my part of the country told me just a few feet from this podium as the clock was ticking away on yet another vote on Contra aid, that notwithstanding his recorded vote against Reagan's proposal, he said wouldn't be upset at all if the money was approved.

Since the cruelty of the Communists in Managua was becoming increasingly apparent to all, I suggested that he consider changing his vote but his simple answer was that he was locked in to his anti-Contra position. I walked away deeply disappointed by that response.

I fear, Mr. Chairman, that there are at least some Members of this House who may be planning to vote against Contra and who believe in their hearts that support for this aid request is prudent, at this particular time, and represents the most effective tangible means of bringing pressure on the Sandinistas to live up to their obligations and promises for democratization and respect for human rights made in 1979 to the OAS and more recently, in signing the Arias peace plan. But they feel locked in.

Of course, there are Members like the gentleman from Michigan [Mr. Bonior], for whom I have a great deal of respect because I believe he is convinced he is pursuing the best course for peace in Central America. I disagree with him on this matter but I respect him.

But I am concerned and bothered by those who feel locked in to opposing Contra aid not necessarily by their previous opposition to Contra aid and the notion once an anti always an anti, but by a network of activist constituent groups and a perception that this is a matter of party loyalty.

I ask only that these Members who may feel locked in or feel pressured to vote in a way contrary to their true beliefs to consider the consequences of that subservience, both in personal terms and its impact on our hopes for peace and freedom in Central America.

I ask you to consider the new compelling information concerning Communist designs, aspirations, and intentions not only for Nicaragua but also for Central America. I ask you to consider the new information concerning near exponential military buildups in Nicaragua including plans for a 600,000-man fighting force bristling with Soviet armaments.

I ask you to consider pervasive use by Tomas Borge's, Minister of Interior of gestapo-type tactics to harass, intimidate, and torture the people of Nicaragua.

I ask you to listen carefully when Daniel Ortega himself says that even if the Communists lose and election at some future time, the Sandinistas would still retain power by means of military force.

I ask you to read this morning's Washington Post editorial exhorting Members to approve the aid package noting that "the record of the last 6 months demonstrates that a carrot and stick combination has moved the Sandinistas * * * [and] that with cease fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone."

I hope all Members today will fully heed their conscience—pro or con—and not act out of any fear or trepidation concerning political retribution or the possibility of bad press.

Too much is at stake today for Members of Congress to act in any other way but as statesmen. The lives, the hopes, the aspirations of millions will be positively or negatively affected by what we do.

I urge support for the President's request.

Mr. OBEY. Mr. Chairman, I yield myself 14 minutes.

Mr. Chairman, after almost 3 hours I think it would be useful to put this debate so far in a little perspective.

Before I get into the policy implications of the request of the President, I would like to dispel some of the fiction surrounding this request. It has been suggested first of all that it is a scaled-back request and that 90 percent of it is nonlethal aid. Both of those statements are simply inaccurate.

The request before us equates to $8 million per month for both lethal and nonlethal aid. In addition to the $36 million requested there is $20 million in indemnification authority and authority to provide passive air defense equipment which is worth about $3 million.

The value of this package is about $60 million if we include the indemnification authority and the value of that passive defense equipment, and it is for 4½ months. The request over a full-year period is not only a significant increase in overall dollars, it is an increase on the lethal side of the ledger of almost 400 percent! That is, we would be spending four times as much per month on ammunition, missiles, and mines as we did last year.

On the humanitarian side of the ledger this request is actually a decrease of about 33 percent on a monthly basis from last year. The administration says that 90 percent of the request is for nonlethal aid implying that it is humanitarian and not war related.

The fact is that the fiscal year 1988 continuing resolution strictly defined humanitarian assistance as only food, clothing, shelter, medical supplies, and payment for such items.

The request of the President opens up the definition of nonlethal assistance to include everything but weapons, weapons systems and ammunition. This allows for expenses such as air operations, communications, logistical support, civic action, intelligence operations, all to be counted as nonlethal assistance. In fact $26 million or 80 percent of the administration's $32 million in so-called nonlethal aid falls into the category of logistical assistance, activities which could directly support the war effort.

That is why this represents an escalation of the war, not a scaling back of the war.

Mr. Chairman, beyond those disturbing facts we have a much more important policy choice before us today. Do we want to take a risk for peace or do we want to continue a war?

Mr. Chairman, there is nothing new about this debate. It has been said by many that we have been supporting war for 6 years and have been observing negotiations for 3 months. Mr. Chairman, that is true only if we are talking about the most recent chapter in our relations with Nicaragua but

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this is really a fight which has been going on for more than 65 years.

Mr. Chairman, last week I was looking over a book put out to commemorate the 50th anniversary of the Rural Electrification Administration. Among the many features in that book was a biography of Senator George Norris who was one of the founders of the REA, and that personal profile gave a year-by-year chronology of his service in the U.S. Senate.

The entry for 1927 reads as follows, "Leads effort to bring back our troops from Nicaragua."

Mr. Chairman, after I saw that, I asked my staff to get me copies of some of the news stories surrounding that debate in 1927 when this country for the second time decided to follow a policy of trying to use military force to get the kind of government we wanted in Nicaragua. I invite my colleagues to read these stories because if my colleagues read them, they will see that nothing has changed except the names. The arguments are the same, the rationalization is the same, the hedging on the truth is the same. Only the names have changed.

In the 60 years since then, the arguments, as I say, have not changed. Our history has been that when Nicaragua had a government we liked, we propped it up with money or with the marines; when they had a government we did not like, we appropriated money to send in our own troops or somebody else's troops. The result of that after more than 60 years of following that policy, we still have no stability, we still have no effective policy in that region, and we find much anti-American sentiment in Central America because of our habitual reliance upon force.

In fact, Mr. Chairman, in some ways over those 60 years we have gone backward because the governments we were opposing 60 years ago may not have been to our liking but they at least were not the followers of an ideology which is foreign to our own interests. But 60 years of relying primarily upon military action or upon military servants to "keep Nicaragua tame" has simply produced the kind of hatred which has made it possible for Marxists to exploit.

So today there is still war and bloodshed in Central America. Our own country is still divided because our ideals are not being matched by our actions. We still have not learned that we can intensely dislike a country without making war against it.

American newspapers continue to tell the sad tale of young Nicaraguan kids being maimed and killed. The New York Times just last week told a terrible story, to which I referred earlier, of two young kids less than 10 years old in a Nicaraguan hospital with severe injuries, but with no access to pain-killing drugs. These are kids being blown up by land mines left by both sides, by the Contras and the Sandinistas.

So human misery has grown. We have poured about $5 billion in the last 8 years into Central America. This is just the latest 8 years of futility.

Now we have a different option. For the first time in history Central America has produced a combination of leaders who are saying to us to try something different.

"Use us," they say, "to put pressure on the Sandinistas to stabilize the area regionally rather than trying to impose your own will through techniques that are not working."

I say to my colleagues, it is easy for the Sandinistas to explain why the "gringos" are against them. All they have to do is cite history. What would be much harder for them to explain is why their own Central American neighbors are against them.

The Arias peace plan puts Mr. Ortega and the Sandinistas in a position where, for the first time, if they do not negotiate in good faith, they will have to answer that question to their own society, and I do not think that that answer will be very convincing.

The Arias peace plan requires much of the Sandinistas, it requires much of their neighbors, and it requires much of us. It asks us to cut off military aid to the Contras. It asks us to cut off military aid to the Contras.

The administration says that we cannot do that because the Sandinistas will lie to us and we cannot trust them.

Mr. Chairman, I have been lied to by the Sandinistas and, frankly, I expect to be lied to again by the Sandinistas. It does not surprise me.

But history has sadly shown that the Sandinistas are not the only ones who have been lying to Congress these days. Our own administration has lied and then spied on Americans who disagreed with their policy. Now the administration says they want bipartisanship and they want to cooperate with the Congress, but that cooperation is often, as many people know, a one-way street.

Let me give my colleagues a recent example. I participated in the negotiations with the administration which established the new timetable for this vote which is occurring today. I met in those meetings nose to nose with General Powell and a number of others to hammer out a procedural compromise in the appropriations bill under the jurisdiction of the Subcommittee on Foreign Operations, the subcommittee which I chair. The money which is now being expended between now and February 29 is under the jurisdiction of my subcommittee, but when the staff director of that same subcommittee charged with the responsibility of knowing how the people's money is being spent, visited Central America in his oversight capacity and tried to visit the very facilities where these operations are occurring, his access to those facilities was denied.

How can this Congress as an institution trust any administration to work in a cooperative way when the committee charged with the responsibility to oversee the expenditure of the people's money is not allowed to fulfill its responsibilities, not allowed to do that by the Director of the CIA, the same man who headed up the FBI when it engaged in its outrageous surveillance of many Americans whose only offense was to disagree with the administration's policy?

Once again we have American agencies behaving in an un-American way. We cannot afford that.

We ought to look at this vote today. Those who urge a "no" vote on the administration request say the Arias peace plan is a new hope and we are asking to give it life. We believe that it is the unified determination of the Central American Presidents which is the new element which has brought the Sandinistas to the bargaining table.

The administration says no, aid to the Contras has brought them to the bargaining table.

I would suggest to my colleagues that they forget which side of that debate they are on and simply say that whether it was the Contras or whether it was President Arias who created the conditions that made those negotiations possible, those conditions do now exist, nonetheless, and they should be responded to.

Let us by our vote today make it clear that this administration's habit of relying upon the military option while giving short shrift to their other options is a dead end. And let us substitute in these coming months a policy of hemispheric pressure to try to bring both sides to the table in search of arrangements which would assure the security of other countries in the region.

Some of my colleagues are saying, "I don't want to vote for this because we put the Contras out there in the first place and we simply cannot leave them in the jungle to rot."

As chairman of the Subcommittee on Foreign Operations, let me simply say this: there are many kinds of Contras just as there are many kinds of Sandinistas. Some of them are mercenary, brutal, and corrupt, while others are simply as I indicated before, 17- and 18-year-old kids who, like those kids in the Nicaraguan hospital that I also referred to, are having their guts blown out and their faces blown away. I know because I have seen it firsthand in those Contra hospitals.

The fact is that today, regardless of how many colleagues wish to describe it, further aid at this point kills the peace process; rejecting military escalation as this request does would keep it alive.

I never favored, and I do not now favor, continued aid to the Contras as a personal view.

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But, as chairman of a committee trying to work through my obligations to respect all of the interests and views in this House, I do recognize as a rational human being that the Contras, regardless of our view of them, have been operating based on commitments from this administration. We may have disagreed with those commitments; they may have been debated over our opposition; but they were made nonetheless. We recognize that we cannot morally simply walk away and leave them abandoned in the jungle.

If we win this vote today we will be prepared to offer food, medicine, clothing, and other necessities of life to allow them to survive so long as they cooperate in the peace process and do not scuttle it.

I urge my colleagues to support the peace process in Central America and to vote "no" on the administration's request for Contra aid now before us, so that we can begin, after 60 years, a new chapter based on a bipartisan coalition that will utilize the strength of our allies in the region to pressure Nicaragua for peace, that will assure the security of Nicaragua's neighbors, which will attack the root problem that led people to get sucked in by ideologies such as Marxism; namely, poverty, disease, concentration of land, education, and opportunity in the hands of an elite few, and through an intelligent application of our resources, try to bring about a policy that can be sustained—not just through this administration but through a succession of administrations. We need continuity of policy. No policy is good, no matter how good it is regarded to be by policy planners here in Washington, if it cannot be sustained by the American people for a long period of time. The President's policy cannot; the other policy can, and I urge my colleagues to vote that way today.

Mr. CHANDLER. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Kentucky [Mr. BUNNING].

Mr. HYDE. Mr. Chairman, will the gentleman yield to me for a brief comment?

Mr. BUNNING. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the last speaker was highly critical of the administration for denying access to Contra camps and where equipment is stored. I would like to point out the House Permanent Select Committee on Intelligence has had its staff all over the place making all the audits possible, and the CIA and the administration have been most cooperative. Perhaps those in charge they will get a more objective examination from the Permanent Select Committee on Intelligence than from the gentleman's subcommittee.

Mr. BUNNING. Mr. Chairman, I realize it is a bit presumptuous of me to say anything in this debate. I am a freshman Member of the House and it is hard to imagine what I could say that has not already been said better than I could say it.

However, I do rise to say a few words simply because I do feel so strongly about the issue.

The situation in Nicaragua is a complex one. No one can deny that. And because it is so complex, I have made three trips to Central America this year because I wanted to know as much about it as I could so that I would be able to make the proper decisions at a time like this—when freedom and peace throughout our hemisphere stand in the balance.

And yes, when I was in Nicaragua, I saw very clearly how desperately they need peace in that country.

The economy is a shambles. The people are suffering. It is a grey and dismal place.

It is impossible to escape the fact that a good bit of those economic and social hardships are caused by the ongoing conflict there. They need peace and they need it desperately.

But it also became very clear to me that they need freedom just as desperately and that the Sandinistas are not going to negotiate away their hold on the country without the threat of military pressure.

But I realize that everyone in this body has also made up their mind on what the right path to peace is.

So, rather than to try to convince any one that I'm right and they're wrong, I would just ask each Member to stop and think for a minute what would happen if they are wrong.

If I am wrong—if it turns out that military pressure is not a positive force in the peace process—and we vote today to continue support for the Contras, we can correct that mistake in 3 months or 4 months or 6 months. If we are wrong, we can turn back.

However, what happens if those of you who want to stop aid to the Contras win today, and it turns out that you are wrong? Sure that may be peace for a time while the Contras are mopped up and the Sandinistas reestablish full control. It takes a while to build all those prisons. But once they have consolidated their power—what happens if Mr. Ortega's promises prove to be as empty as the promises he has made the past 8 years? What happens if the promises of freedom prove false?

What happens if you are wrong and the Sandinistas do turn out to be exporters of communism and use their superior military forces to destabilize Costa Rica and Honduras and El Salvador and Panama? What happens if the only alternative we eventually face is communism throughout Central America or direct intervention with United States troops instead of Contra freedom fighters?

When you look at the possible consequences of your votes today you have to recognize that if you are considering a vote against this aid package, you are considering a vote against this aid package, you are taking a very, very big gamble. Because if this aid package is rejected today, we can never turn back. We have to live with the consequences forever.

I just hope that you will all think about that. I have a son in the Air Force, so I have to think about it.

[From the Washington Post, Feb. 3, 1988]

Contra Aid

The Contra aid votes today and tommorrow in Congress can help advance Nicaragua toward peace and democracy. The Sandinistas, their economy devastated and their people divided, have already offered to let the resistance stay constituted and armed in a cease-fire and to continue (direct) cease-fire talks even if aid is approved. The contras have stopped demanding that the Sandinistas pay in heavy political concessions just for a cease-fire. President Reagan has reduced his aid request to dimensions that make conservatives fear he is undercutting the great strategic stakes he insists are in the balance.

Sen. Chris Dodd makes the case against aid on the opposite page today. He does not make the claim some others do that the contras are CIA stooges, mercenaries, terrorists and Somocistas—labels that have become increasingly inapplicable as the contras have sought to clean up their act and earn support in the countryside. His main argument is the widely heard plea to "give peace a chance."

Some part of the plea arises from a legitimate concern that contra aid and the impetus it gives to continued battle could sink Central America's plan for peace and democracy. Another part appears to arise out of the current, furious debate over whether the Sandinistas' partial steps toward a political opening result exclusively from Central American diplomacy or from the peace plan *and* conta pressure. Mr. Dodd and likeminded Democrats say contra aid has not helped, it's hurt, and it will keep hurting. This is an arguable claim, but we think the evidence finally goes the other way. Much has changed since Central American diplomacy became a factor last summer. The record of the last six months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan, and on that basis we support the president's request.

It remains a gamble whether a Marxist party can move back toward democracy—in a country and region with pitifully little democratic experience. But it is a gamble

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worth taking: the Sandinistas have yet to consolidate the power, and their neighbors have a paramount interest in urging democracy upon them.

The Arias plan has two inseparable and equally vital parts: democratization and the establishment of peace. In tandem with Nicaragua, but not on its own, this country should be moving to fulfill its part of the obligation.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I look forward to the vote later today to end a failed policy in Nicaragua and enable us to set a different course—one that is true to our values, true to the views of the American people, and true to the realities of Central American politics.

Any number of arguments can be raised. Let me state a few.

First, a basic American value is honesty, and it should apply to our foreign policy. But what we've had from the President has been a steady stream of dissembling and deception. The objective of this administration has always been the overthrow of the Nicaraguan Government. Reagan officials admit they will never countenance a regime in which the Sandinistas are the dominant power. So let's be honest. The policy the President submits for approval is one intended to change the Government of another nation.

We are told that 90 percent of this request is for so-called humanitarian assistance. Well, let's be honest. Even taken at face value, the $32.6 million that's requested for 4 months works out to about $6,500 per Contra soldier per year. That's a lot of beans and rice in a country where per capita annual income is $868. Who are we fooling?

Second, we should be true to what the people of this country want. The vast majority believe we should stop supporting the Contras. The people are 2 to 1 against it. A majority of Democrats oppose it; a majority of Independents; a majority of Republicans.

One thing this administration has not yet grasped is that in a democracy like ours it's tough to carry out a major foreign policy effort that runs counter to the views of most of the people. Consensus at home is critical to our credibility and staying power abroad. Instead of trying to work with Congress to develop that consensus, the President has insisted on having it his way, with or without legal authority from Congress, much less the popular support of the people.

What we need now is a policy toward Central America that the American people can get behind. One that reflects our basic values. One that first bets on the ability of this country to work with our friends and neighbors in the region to address their crying need for economic stability and social justice. One that understands that the use of force should be a last resort, not a first choice. In that spirit, we should be talking about an "escrow for peace" to provide peaceful assistance to nations that comply with the Guatemala accords, not about the President's escrow for war.

Finally, we can't go it alone and expect to succeed in the political environment of Central America. One reason it's been so hard for the administration to sustain its policy is that we've been isolated, with no explicit backing and precious little tacit support from the countries in the region in whose security interests we presume to act.

Let's learn the lesson from this experience, and do what we can to encourage—not undermine—the international efforts underway since the Guatemala accords. We've got to demonstrate a clear commitment ourselves to truly regional security arrangements.

Last week the President proclaimed that he hadn't come to Washington to preside over the communization of Central America. Of course not; neither did I. The President of the United States isn't elected to preside over Central America. It's that fundamental misconception of the proper use of American power that has led this President to such fundamental error.

This country has real and legitimate interests in Central America. One of those interests is to further the cause of free institutions and democratic government. That certainly means deterring the spread of totalitarian governments—whether of the right or the left. That's the right thing for us to do; and it's in our own security interest.

In the process, however, we have to keep in touch with the old-fashioned principle that the ends don't justify the means. Too often, we've found quite the opposite: that ignoble means subvert the best of intentions. That's what the vote tonight is all about.

Mr. CHANDLER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, it is incomprehensible that any American, specifically Members of this body, would want to reward evil. That is what we will be doing by allowing the Sandinista regime in Nicaragua to go unchallenged. Let them have their way. We don't care.

By any standard, the Sandinistas are guilty of oppression on a massive scale. They have also had the unique ability to deceive a great share of world opinion through sheer audacity: if you're going to tell a lie, tell a whopper—some people will believe it. If anyone in this Chamber believes that there will be peace and harmony in Nicaragua were we to cut off aid to the Contras, he has been duped by a master in the art. Facts—if we are interested in learning them—reveal a wide chasm between President Ortega's rhetoric and stark reality.

How do the Sandinistas manage the Nicaraguan economy? On April 1, 1987, they offered a 56-percent wage hike. Of course, only loyal Sandinistas could receive this increase. But apparently April Fool's Day is celebrated in Managua, because 2 days later, prices went up 150 percent on basic foods, including beef and dairy products. The inflation rate for 1987 was 800 percent. The proletariat has been well served indeed.

How do the Sandinistas preserve religious freedom? The most common method is to conduct surveillance of church leaders, accompanied by detention, beatings, military inductions, and comparable elements of democracy. Religious instruction is banned as a scholastic course. The Government demands veto power over the appointment of bishops. In July 1981, the televised Sunday mass broadcasts of Cardinal Obando y Bravo were banned. And, most sinisterly, a strategic alliance has been forged with pro-Sandinista religious leaders, especially here in the United States, who are sympathetic to Marxist solutions to world problems. Their assignment: influence public opinion here and abroad. The Holy Trinity in Nicaragua has become Marx, Engels, and Lenin.

How do the Sandinistas ensure civil rights? Largely through suppression. Over 100,000 Nicaraguans have been forcibly relocated from their homes, a hallmark achievement of all communist regimes. Over one-half of the Miskito Indian communities have been destroyed. Non-Sandinista trade unionists have suffered indignities and physical assaults. Middle class businesses have largely been destroyed. Books considered "unsuitable" have been burned. There are over 11,000 political prisoners, as opposed to 600 under the feared Anastasio Somoza. And the entire Jewish population has been forced to flee following the confiscation of Managua's only synagogue.

How do the Sandinistas promote freedom of the press? Strict censorship is the usual means by which the Government silences opponents. La Marcha, the Conservative paper, has been closed since 1985. La Prensa, the most widely recognized newspaper, was closed in June 1986. It reopened in October 1987 but is severely restricted in what it can publish. The Sandinistas tolerate no criticism.

How do the Sandinistas treat their neighbors? They promote terrorism. Ortega publicly admitted—June 25, 1987—that he has been supplying guerrillas in neighboring states, especially in El Salvador. The Sandinistas have also supplied terrorist training schools for the world's radicals, including the Red Brigade, the Baader-Meinhof gang, and the PLO. Small wonder that two-thirds of the populations of Guatemala, El Salvador, Costa Rica, and Honduras approve of aid to the Contras.

How do the Sandinistas promote peace? They intend to make Nicaragua another Cuba, a Soviet satellite in Central America, from where continued violence and subversion can spread across the Western Hemisphere. Key defectors claim that the Soviet bloc has been building the Nicaraguan Armed Forces with the eventual goal of sustaining a 500,000 to 600,000 man army, 80,000 of which would be regular troops, the remainder reserve and militia.

How do the Sandinistas acquire a better human rights record than the Contras? They don't. Alleged atrocities committed by the Contras are legion in the world press and foes of Contra aid are always quick to make those charges. The independent Nicaraguan Association for Human Rights, established to monitor Contra atrocities, released a report February 1 which underscores the duplicity of this canard. About 43—to possibly 93—alleged human rights violations committed by the Contras are being investigated, including kidnaping and murder. But, lo and behold, this group found a far greater number committed by the Sandinistas; 1,143 cases are under investigation. In any war, there are inhumanities committed by all sides, partly caused by accident, emotion, or revenge. Among civilized nations, however, there are seldom instances where such acts are deliberately perpetrated. We killed hundreds of thousands of civilians when we firebombed Dresden in February of 1945, more than in the atomic destruction of Hiroshima and Nagasaki. Were these events indicative of a basic American evilness? No, they were viewed as means—albeit drastic means—to end the war quickly and save as many American lives as possible. Indisputably, we should monitor and investigate all human rights violations on both sides. But it is clear from the evidence that the Sandinistas are far worse in this regard. Disregarding this fact is tantamount to accusing the United States of heinous actions at Mylai while overlooking the Communist murder of 2 to 3 million inhabitants of Vietnam and Cambodia. There is no comparison.

The United States has given $182 million in direct aid to the Contras since 1981. From 1980 to 1986, United States aid to all of Central America totalled $1.4 billion. By contrast, Soviet bloc aid to the Sandinistas amounts to $1.6 billion over that same period. We are now discussing a pitiful $36 million; the Sandinistas will receive more than that in 1 month from Moscow.

The regime in Managua will discuss peace; they will talk up a storm in order to convince gullible Americans that human rights will be preserved in Nicaragua, that democracy will prevail. We have heard this rhetoric before. On April 10, 1975, Congress denied President Ford's request for $722 million in emergency military aid and $250 million in humanitarian aid for South Vietnam. We wanted peace. The Communists in Southeast Asia promised peace. They promised respect for human rights and freedom for their own people. What they delivered were several million dead Cambodians, Laotians, and Vietnamese. We are about to embark on this course again. Do we have the right to tell the freedom fighters that they have no right to live?

The Sandinistas, like Communists everywhere, are many things. But they are not fools. They know they can wrap a large segment of liberal public opinion around their bloody fingers by regurgitating volumes of verbal assurances. After all, we have fallen for this line before. Is it not terribly ironic that so much of our own news media and so many of our own people, especially some in this institution, are more likely to question the motives and integrity of our own Government and its leaders than they are those of enemy tyrants and murderers? Sure, we must be vigilant at home, and see to it that our freedoms are not abused. We should judge the Sandinistas by their real motives, not their duplicitous propaganda.

Nicaraguan Interior Minister Tomas Borge, an acknowledged murderer of 61 peasants in 1977, once declared:

> We have Nicaragua, soon we will have El Salvador, Guatemala, Honduras, Costa Rica, and Mexico. One day, tomorrow or five years or fifteen years from now, we're going to take 5 to 10 million Mexicans and they're going to have one thing on their mind—cross the border, go into Dallas, go into El Paso, go into Houston, go into New Mexico, go into San Diego, and each one has imbedded in his mind the killing of 10 Americans.

Borge knows what the stakes are. It is not for control of Nicaragua alone, nor even for Central America. It is part of a world empire which will not stop until we muster the resolve to stop it. Borge stated the real motive in 1981:

> This revolution goes beyond our borders. our revolution was always internationalist from the moment Sandino fought (his first battle).

Mr. Chairman, the Sandinistas know what the stakes are. It is time that we do.

Mr. CHANDLER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, Pope John Paul II and Costa Rican President Oscar Arias, the Nobel Peace Prize winner, both said it best when they said that "peace cannot exist in Central America without democracy."

Now a great many of our colleagues on the Democratic side of the aisle have said that 6 years of war have not brought about this peace process. They say that it has been the Arias plan which launched the negotiations.

We have to look closely at the facts though, Mr. Chairman. The fact of the matter is that we would not have had an intermediate nuclear force agreement had the United States not deployed the Pershing II missiles to Western Europe. The Soviet Union would not today be discussing the prospect of withdrawing their 120,000 troops that have been perpetuating genocide in Afghanistan were it not for the fact that we have supported the Mujaheddin; and, as we know, the Mujaheddin are consistently victorious. We need to recognize that fact as we address the Central American peace process.

While many people have said that the pressure which the Contras have applied is not bringing the Sandinistas to the negotiation table, it is wrong. That is exactly what is doing that. We have to realize very clearly that it is in our interest to ensure that the United States of America never has to send a single U.S. combat troop to the region. Remember the four other Central American Presidents do not have that same interest that we do. We want to ensure that we never have to send a single combat troop, and the only chance to ensure that we won't is to provide support for the democratic resistance.

Many people have said, and one of my colleagues on the other side has often said, that there is not always an American solution to every world problem. He has quoted President Kennedy as saying that. We have got to realize that we are not imposing the American solution. We are Americans backing the Nicaraguan solution.

I urge support of this resolution.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, we all share the same basic goal for Nicaragua and Central America, and that goal is peace. I happen to believe that peace can only be achieved by the adoption of this resolution today. It is a reasonable proposal to keep the pressure on the Sandinistas to continue to implement the kinds of democratic reforms which offer the only genuine guarantee for peace in that troubled country.

Each of us is vividly aware of the Sandinista regime. And if we as a Congress are willing to believe the promises that they have made, why shouldn't we also be willing to believe the threats that they have made? For

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example, the Sandinistas have threatened to expand their army to 600,000 troops, to export their revolution to neighboring countries, and to base Soviet Mig fighter bombers in Nicaragua, putting American cities at risk.

The Sandinistas have admitted that the concessions they have made were intended only to persuade the Congress to vote down this resolution. That's an admission that Contra aid has helped to move the peace process forward.

We are not voting today on sending lethal aid. We can make the decision in 2 months. Until then, our escrow account can, as today's Washington Post editorial so correctly notes, keep the pressure on the Marxist Communist Sandinistas to dismantle their dictatorship and to really give peace in the region a genuine chance.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, yesterday, I sent a letter to the President asking him to consider offering a compromise proposal for aid to the Nicaraguan Contras. I specifically suggested that the $3.6 million of military aid flow only after another vote by Congress in April.

My reasons were, as I said in the letter: First, I believed a vote by Congress for lethal aid at this time would give Ortega a reason to reverse the freedoms won thus far, and an excuse to walk away entirely from the peace process; and second, because of the deep division in this country on this issue, I believed that further lethal aid should represent a consensus, and be activated by a bipartisan vote.

I was pleased that in his speech last night, the President did modify his request, and grant a second vote to Congress on military aid, and consequently I will support this proposal.

Voting for aid to the Contras has been a difficult vote for all of us. None of us likes to support a war, or intervene in another country's revolution.

But I firmly believe that if it had not been for Contra aid in the past, that Nicaragua would not have participated in the Arias peace plan. I also believe that the Sandinistas, without pressure from within, would have been a threat to the other Central American countries, particularly El Salvador.

This vote today allows us to keep the pressure on the Sandinistas until April 1. And it allows Congress to make a consensus, bipartisan decision at that time.

□ 1415

Mr. EDWARDS of Oklahoma. Mr. Chairman, how are we running on time? Are we about even?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 11 minutes remaining and the gentleman from Oklahoma [Mr. EDWARDS] has 27 minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. I thank the gentleman for yielding me this time.

Certainly in my judgment this is not the time to abandon the Contras and take the pressures off the Sandinista Government in Nicaragua. We are where we are today in Central America with democratic forces in control of most of the governments and even the Sandinistas are beginning to make some concessions toward democracy.

This has been a result, Mr. Chairman, of our steady support for democratic governments and the Nicaraguan freedom fighters. Let us not deceive ourselves, democracy needs to be supported in Nicaragua. It is true, however, the Sandinistas have made some concessions under the Central American peace plan. But their concessions are more cosmetic than real. They continue to repress the political opposition.

If the Contras lose our support it is possible that they would be forced to disband and that the only real pressure on the Sandinista government could be lost forever.

My fear is that to prevent another Cuba on the United States' southern flank, our only option might be, and I hope it never has to be, the use of direct military force.

The termination of United States support for the Contras could also threaten democracy elsewhere in Central America by sending the wrong signal. The military establishments in many Central American countries have withdrawn from government in response to strong U.S. support for democracy and security programs. If we cease to confront a Marxist-Leninist threat the militaries in other Central American countries could well decide to reenter the politics of those areas.

There can be little denying that under the Sandinistas, Nicaragua is increasingly becoming a Marxist-Leninist state with strong ties to the Soviet Union. While we debate over a small amount of assistance to sustain the freedom fighters, the Soviets and their allies continue to pour large sums of military equipment into Nicaragua. The Nicaraguan defector Roger Miranda has alerted us to the Sandinista plan to build the largest army in Central America, over half a million men in arms.

According to information provided by Miranda, the Soviet bloc has already supplied massive amounts of armaments to the Sandinistas, Miranda has also disclosed that the Sandinistas plan substantial additional acquisitions in the next 2 years. And I believe that President Reagan's overall request is certainly modest and is designed only to maintain the Contras as a viable force within Nicaragua.

As we all know, and it has been said many times today, the military assistance would become available only after March 31 if the President certified that the Sandinistas were not living up to their commitments under the peace plan, that there was no cease-fire in effect in Nicaragua and that the Contras had negotiated in good faith. President Reagan has delivered his personal assurance of continued consultation with the Central American Presidents and Congress. And I say, Mr. Chairman, what more can you ask of the President? He has demonstrated he is willing to go the extra mile for peace in that area. This is the moment of truth, not only for the democratic freedom fighters and forces in Nicaragua but also for the progress, the democratization in Nicaragua and indeed all of Central America. It is only as a result of the unrelenting pressure applied by the freedom fighters that the Sandinistas were forced to the negotiating table with their neighbors and the resistance forces in the political opposition. I say it is hypocritical for Congress to say that now is not a time to request assistance for the Contras. Under the continuing resolution, as everyone knows, which was passed last fall, the President requested renewed assistance to be considered by Congress only if it was submitted by January 27. It was therefore essential for the President not only to request renewed assistance now but to include the military component. The Congress forced the President to submit his request now. I say it rings hollow to suggest a delay. I hope my colleagues will vote to give President Reagan the support which he needs to respond to the developments in Nicaragua while the Central American peace plan is in progress.

Renewed assistance to the Nicaraguan resistance is essential to keeping the Sandinistas at the bargaining table and preventing the consolidation of a Marxist state in Central America.

Finally, Mr. Chairman, let us support our country's national security interests by supporting President Reagan today.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. I thank the gentleman.

All day we have heard "give peace a chance." Peace has no chance without liberty. Peace without freedom will never last. Have we forgotten what motivated this country toward independence when Patrick Henry said, "Is peace so sweet and life so precious and dear as to be purchased with chains and slavery? God forbid it."

If lasting peace is ever to be in Central America it must be accompanied by liberty. There is no other peace.

Vote for the resolution.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. I thank the gentleman for yielding.

We have heard several times in the debate today and before today from those who oppose continued funding for the Contras in Nicaragua that we should vote for peace and therefore vote to end United States support for the Contras freedom fighters in that country. I suggest to you what we really need to vote for is peace and democracy. I think a vote for these twin goals would fulfill the United States policy as we have had it for the past several years.

We should make no mistake about the fact that the Sandinistas have created an expansionistic Communist regime in Nicaragua which is a threat to its neighbors.

I recall a couple of years ago when we were visited by President Duarte of El Salvador, hearing him say very clearly that as long as there is a Communist-Marxist nation in Central America he felt that there would never be peace in that part of the world. It is no secret that Nicaragua has a massive army which is well-equipped by the Soviet Union. In fact, last year the Soviets spent for military aid to the Sandinistas some $450 million. Here today we are debating an escrowed account of only $3.6 million in military aid.

We have heard from Major Miranda, who recently defected, that the Soviet Union will continue its buildup and massive military assistance to the Sandinistas.

The policy we pursued thus far has worked. It has brought the Sandinistas to the bargaining table. They have made concessions. They promise to make more reforms to see us stop our aid to the Contras in that country.

Now is not the time to change that policy, it is in fact time to continue it, to keep their feet to the fire, to continue to push not just for peace in Central America, but peace and democracy.

I hope that my colleagues will join me in not sending the Contras to the bargaining table empty handed.

I urge the Members to vote "yes" for peace and democracy.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Chairman, I want to say just a few words to those of you who are southern—you Virginians, Carolinians, Georgians, Floridians, Alabamians, Mississippians, Louisianans, Texans, Arkansans, and Tennesseeans—you sons and daughters of Patrick Henry, Washington, Jefferson, Andrew Jackson, Calhoun, Sam Houston, George Patton, and all the others of our dear southland who fought the good fight for freedom. You see them on canvas or in stone daily in this place, a temple of our liberties. What must their ghostly presence think as they hear the naysayers here today who would encourage the cause of international communism as it seeks to consolidate and spread its cancer around the very waist of our hemisphere. Robert E. Lee, certainly one of our finest, once said, "duty is the sublimest word in the English language." Today, as patriotic Americans from the Old South, our duty is to vote continued assistance for those young Nicaraguans who fight and die for freedom, not only in their country, but everywhere.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, I ask what is this vote on Contra aid all about? Well I think it is about respect for the rule of law;

It is about respect for the sovereignity of even small countries;

It is about respect for a regional peace plan;

It is concern for stopping the killing in Nicaragua;

It is about respect for the dignity of people in a country that our Government has treated shabbily for more than a century;

It is about us stopping the making of war in a country that has done nothing to my country.

Last January, I visited a refugee camp in Nicaragua and spoke with a campesino who had been displaced from his home by the Contras. He told me what President Reagan could do with his millions of dollars to fight a war in his country. That poor peasant said he hoped President Reagan would spend the Contra aid money on the poor in the United States. The Nicaragua peasant went on to say very poignantly—

We campesinos are not animals.

Essentially, what that Nicaraguan peasant was saying, I want respect for my human dignity. Let's give that peasant and thousands like him his dignity—and stop making war in his country where too many have already died.

Reflecting on the 7-year war in Nicaragua:

When American taxpayers ask how past Contra aid funds have been spent, the respected General Accounting Office reported that the State Department could not account for over half the money granted in 1986.

When I ask our Nation's military leaders if the Contras can defeat the Sandinistas, they respond in the negative.

When I ask what the Contras' plans for governing would be should they overthrow the Sandinistas, they have none.

When I ask if the neighboring nations of Nicaragua are threatened by Nicaraguan aggression, as claimed by President Reagan and proponents of additional Contra aid, Costa Rican, Honduran, Salvadoran, and Guatemalan leaders voice support for the regional peace plan which calls for a stopping of further Contra aid.

When I ask if our allies support our actions with regard to Nicaragua, they do not.

The time has come to end America's sponsorship of war in Central America. Vote no on more Contra aid. And let's get on with addressing some other problems of this Nation: Housing, day care, plus the deficit.

□ 1430

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, does the gentleman suggest that the neighboring countries of Nicaragua are not threatened? If the gentleman would check the press, he would find that just last week the President of Nicaragua, Mr. Ortega, told the President of El Salvador, Mr. Duarte, when Mr. Duarte complained that Nicaragua was training guerrillas in his country, that if Mr. Duarte did not like that, the Nicaraguans would put missiles in the hands of the guerrillas in El Salvador. I, personally, called President Duarte and asked him if it was true, and he said it was.

Mr. BRENNAN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. No; I will not yield.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. EDWARDS] has expired.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Chairman, I believe all of us, Republicans, Democrats, Contra aid supporters and Contra aid opponents want to see a basically similar outcome in Nicaragua. We want to see the 2.8 million people of Nicaragua able to live in peace. We want to see them able to live respectable and decent lives where they have the freedoms that we enjoy in the United States. We want to see the people of Nicaragua lift themselves out of the poverty that so many of them are subjected to. In sum, we want to see them able to lead the kinds of lives that so many of us in the United States take for granted. Lives that are full of happiness not terror, freedom rather than oppression, and prosperity instead of poverty.

Our debate today then centers around how we in the United States can foster and promote these goals in

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Nicaragua. During the last 7 years, the Reagan administration has tried to achieve these goals by attempting to subvert the Government of Nicaragua which they concluded long ago is incapable of providing decent and respectable lives for the Nicaraguan people. They started by funding a CIA secret war in Nicaragua. They mined the harbors of Nicaragua and secretly funneled arms into the country. Next, President Reagan with congressional approval began the Contra war which to date has cost U.S. taxpayers over $200 million. As well as spending millions of dollars, the policy has damaged our image in many parts of the world, especially in Latin America. A World Court decision condemned us and the Iran-Contra debacle embarrassed us.

Most importantly, the Contra policy has cost lives. Thousands have died during the past 6 years of the Contra war. Civil war always brings out the worst in people. Human rights have been abused. People have been tortured. After 6 years of war Nicaraguans are not better off than they were before. The Contra war has produced death and little more.

In contrast to the 6 years of the Contra war, the 6 months of the Arias Peace Plan have begun to produce positive changes in Nicaragua. Although much still needs to be accomplished, during the past 6 months the Sandinistas have finally shown a willingness to implement much needed reforms as well as negotiate with the Contras.

The International Verification Commission in its report on compliance to the January 15 meeting of the Central American presidents concluded: "In the case of Nicaragua, the International Commission has been able to confirm that in spite of the wartime suffering it has made concrete steps toward initiating a democratic process." Specifically, the independent newspaper and the Catholic radio station have been allowed to reopen. They have released 985 political prisoners and have lifted the state of emergency that had been in effect since March of 1982. Most recently, the Sandinistas have finally shown a willingness to meet and negotiate with members of the Contra movement.

While many have been critical of this record of compliance, I believe it is a step in the right direction and must be supported by the United States through a policy of negotiation and nonintervention. We should accede to the wishes of President Arias—the architect of the peace plan and the winner of the 1987 Nobel Peace Prize—and halt the aid to the Contras. To do otherwise would be to violate the letter and spirit of the Guatemala peace accords. Surely, we do not want to be the body responsible for killing the peace plan. By approving Contras aid we run the high risk of doing just that.

Enough lives have been lost. The Nicaraguan people cannot afford to lose any more. By approving further aid we will assure further loss of life. Costa Rican President Arias says if we approve more aid today, 20,000 to 30,000 Nicaraguans would die in the next year. Let's prevent that from happening. Let's reassess our posture. Let's give peace a chance and in doing so put our stamp of endorsement on the Central American initiative. We gave President Reagan's approach over 6 years to produce results. So now at the request of our Central American neighbors let's at least give their new approach more than the 6 short months it has had thus far.

Let us also reject the myopic vision and self-serving view of world geography and history. In a world with 50,000 nuclear weapons, offered by the President last night, a tiny, mostly illiterate, economically depressed nation of 3 million people 1,000 miles from our shores poses little threat to our survival.

Further it is a self-evident double standard to suggest that political repression and authoritarian government are reprehensible and worthy of military intervention in Nicaragua but not in Chile or South Africa. This contradiction, this hypocrisy, may not be apparent to the President or the State Department, but everyone else on is fully aware of it.

In fact our present policy is not really guided by a desire to make life better in Nicaragua, we've had decades to do that, and have not. Our policy is governed by a misguided appraisal of our self-interest. Surely, there are other more beneficial causes in which we can invest our constituents hard-earned money.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. Kyl].

Mr. KYL. Mr. Chairman, I would like to focus just for a moment on what unites us here today. I think all of us in this body, as my colleague just said, favor peace and democracy in Central America. The question is how to achieve it.

Some say that a combined carrot-and-stick approach is needed, that is to say both diplomatic pressure and military pressure by the democratic resistance. Others believe that only the carrot is needed.

I would like to draw upon an analogy. We all favor peace in the world and a secure United States. Throughout our history there has been a national consensus that only by providing for the defense of this country will we never be put in the position of having to defend against an attack—in other words, peace through strength. We engage in diplomacy, to be sure, but we also recognize the need for the stick as well; that is, a strong military defense of America.

We wish this were not so, but reality shows us that it is. The same thing is true in Nicaragua. We wish for peace and freedom. We wish for it to be attained without further fighting, through diplomacy only. But the fact is and the reality is that we need both the carrot and the stick. The moment democracy has been irreversibly established, our aid to the democratic resistance can be withdrawn, the stick withdrawn. Until then, like the dollars for our own defense, this aid for the democratic resistance represents the best hope for the establishment of peace and freedom.

This is not just the opinion of a Republican. It is the growing consensus of considered opinion in the United States, including editorial writers.

It is not often that we find a Republican quoting from the Washington Post, but I do want to quote from today's edition. The lead editorial stated this:

> Mr. Dodd and like-minded Democrats say contra aid has not helped, it's hurt, and it will keep hurting. This is an arguable claim, but we think the evidence finally goes the other way.

The Washington Post editorial goes on to say:

> Much has changed since Central American diplomacy became a factor last summer. The record of the last 6 months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan, and on that basis we support the President's request.

Mr. Chairman, Democrats and Republicans can agree on this, and I urge my colleagues to vote yes.

The CHAIRMAN. The Chair wishes to state that the gentleman from Wisconsin [Mr. Obey] has 4 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield my remaining 4 minutes to the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. Fascell], with whom I almost always agree.

Mr. FASCELL. Mr. Chairman, I thank the distinguished gentleman for yielding this time to me, since I am rising in strong support of the request that is now pending before the Congress and the American people.

I want to say that my purpose up here is simply to put my opinion on the record. My position is taken as a result of what I consider to be common sense. Like the gentleman, I have watched this process from the very beginning, when the United States first put out its hand to the Sandinista government and tried to establish a new basis for friendly relationship with that government.

We did not do that on our own. We worked with a lot of people in the hemisphere, and with a lot of people within Nicaragua who were part of the revolution and have a legitimate right to express their opinion and to have in participation in what that government is going to do. I do not believe, based on my opinion and knowledge and experience, that it is just the Directorate of that country that has the right to say what will happen just because they are in power. There were other legitimate elements of the revolution against Somoza that have something to say about the future of the people of Nicaragua. Those people have a right, an absolute right, for participating in the determination of their future—in processes that include political participation and freedom of the press and of religion, all of which are promised under the Arias peace plan, which is the first major change since the Contras came in as a force in the political process. So the Arias peace plan has been useful. It put political pressure on everyone in the hemisphere, including the Sandinistas and the United States Government.

But I can assure the Members that we would not have even had that if it had not been for the fact that there was a legitimate difference of opinion existing in Nicaragua, backed up by the force of arms and supported by the political, economic, and military commitment of the United States.

We terminated our program of assistance to the Sandinista government because they failed to live up to their promises—the promises that clearly were made as to the future that the people of Nicaragua would enjoy.

Now, you may fool me once and it may be because you are smart, but if you fool me twice, it is because I am stupid. I do not want to go down that road. It is not a question of who you believe or who you disbelieve; it is a question of human nature, common sense, and history. What we have here is pure and simple political power. It is that people in power want to stay in power. They will do the minimal that is required under existing pressure, whether it comes from us, or internally, or from the surrounding countries. They will get away with whatever it is they can get away with.

We talk about whether the United States can just fold up and roll over and not be in this process; whether we should get out and stop the Contras. Well, the Sandinistas have had it in their power from the day they signed the agreement, from the day they signed this last agreement, the Arias peace plan, to simply implement what they agreed to under that plan. And we know that if they had done that, we would not be here discussing this matter today.

Therefore, Mr. Chairman, I urge my colleagues to join in supporting this reasonable and modest request which is more political than military.

The CHAIRMAN. The time of the gentleman from Florida [Mr. Fascell] has expired.

The time of the gentleman from Wisconsin [Mr. Obey] has expired. The gentleman from Washington [Mr. Foley] has 3 hours remaining, and the gentleman from Oklahoma [Mr. Edwards] has 3 hours and 15 minutes remaining.

The Chair recognizes the gentleman from Washington [Mr. Foley].

Mr. FOLEY. Mr. Chairman, I yield 1 hour to the distinguished gentleman from Missouri [Mr. Gephardt].

The CHAIRMAN. Without objection, the gentleman from Missouri [Mr. Gephardt] may be allowed to yield time.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. Gephardt].

Mr. GEPHARDT. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. Mavroules].

Mr. MAVROULES. Mr. Chairman, as this debate on Contra aid continues, I have a strange sense of deja vu. We have been here before, but I am possessed by an eerie awareness. That it is a place where we should not be.

It is administration's untenable Central American initiative that thrusts Congress into the awkward position of trying to achieve through legislation what the administration does not seek through negotiation.

The administration argues that, without the Contras, the Sandinistas would never be moving toward democracy. I cannot agree.

It is the Arias peace plan that has achieved what both illegal and approved aid to the Contras have not: the easing of social and political restrictions in Nicaragua.

This administration's actions continue to contravene the Guatemala accord.

The President's additional aid requests are an affront to the American people and an insult to Mr. Arias, the other Central American presidents, and their collective efforts to bring peace to their home region.

If the democratic leaders of Central America can live with a Nicaragua abiding by the peace accords, why can't President Reagan? I hope his presumption is not that he possesses a greater sensitivity to the dynamics of the region.

Rather than this debate occurring through the unimpeded vision of historical awareness, it is obstructed by an ideological blindspot. This is the same dogmatic approach that has so frequently guided this administration's decisionmaking.

I say decisionmaking—and I emphasize that it not be confused with policymaking.

What is occurring in Central America is not policy. It is a series of visceral responses. Flawed, rigid, and underscored by our past actions.

What we must provide is not military aid but moral leadership in Central America.

Since 1981, Congress has approved almost $200 million in Contra funding. At the same time we have witnessed the death and suffering of 40,000 people.

The Reagan administration's Contra obsession has produced the outrage of the Iran-Contra scandal—and our humiliation worldwide.

Just today a new embarrassment is materializing: the FBI surveillance of American citizens opposed to the administration's Central American policy. Nuns, college students, church groups, and the Knights of Columbus involved in subversive activities? A new "enemies list"?

While this administration remains transfixed by the conflict's theoretical geopolitical machinations, it ignores the human elements of the situation.

Through supporting the peace process, we can rebuild our Nation's moral authority to promote democratic reform. We must spread democracy by example not imposition.

This administration does not trust Daniel Ortega. And they may be right on that count. But why does this administration so fear giving Mr. Ortega a chance to prove them right?

Let us call Mr. Ortega's bluff.

If he proves the administration right, then we act accordingly; the President can request additional aid from Congress at any time. If Mr. Ortega proves them wrong, then the administration should be willing to sacrifice their pride for peace. A small price to pay in my estimation.

Six years of military aid have only brought more war, yet only 6 months of negotiations are beginning to bring peace.

The reopening of La Prensa, the lifting of the state of seige, and the beginning of direct communication between the Sandinistas and the Contras should bring hope—not more guns to Central America.

This administration cites the disclosures of Nicaraguan military exile Major Miranda to substantiate its position. Major Miranda has tried to convince us that Nicaragua plans to threaten the security of the region with a 500,000-man army. However, like most of the arguments made on the behalf of Contra funding, it is laden with half-truths and incomplete information.

A careful examination of the Miranda disclosures reveals that such a buildup, should it occur, would guard against a feared U.S. invasion. Additionally, such an army would consist largely of a poorly trained and ill-equipped citizens militia, inadequate for offensive operations. This is a country that fears a U.S. invasion not plans one.

Speaking of half-truths, let's define terms for the American people. The President is requesting the bulk of his funds for nonlethal aid. Mr. Reagan, tell the American people that less than 5 percent of the $36 million request would be used for humanitarian purposes.

Amid today's rhetoric, I challenge my colleagues to heed the echoes of Teddy Roosevelt's call "to dare greatly." Today we must dare greatly on the side of peace rather than on the side of war.

It has been said that violence is, essentially, a confession of ultimate inarticulateness, let our message today be clear and simple: "Just say no" to more Contra aid.

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Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. Nielson].

Mr. NIELSON of Utah. Mr. Chairman, the lessons of the Korean and the Vietnam wars have hit me hard in the last few months and I think we should take a look at the lessons we have learned in those two wars and apply them to the Nicaraguan situation.

In Korea, we made a commitment, we had an agreement, we made a commitment to stay and defend that area. We have done that. Korea has become very aggressive, has become a very fine democracy and has done very well, economic miracles have occurred in that area.

In Vietnam, we had a situation also where we had an agreement. In fact, former Secretary of State Henry Kissinger received a Nobel Prize for that agreement in Vietnam, but we walked away. Congress pulled out the rug and we walked away. Now Vietnam, both North and South, plus Laos and Cambodia, are communistic.

Nicaragua is similar. We have a situation there where we are trying to establish peace, but if we withdraw on our side, if we walk away, Nicaragua will fall to the Communists, as will Costa Rica, El Salvador, possibly Honduras and Guatemala as well.

The key word to me is commitment. In South Korea we remained and continue to remain committed to democracy, whereas in Vietnam we abandoned our commitment. That proves to me that if we want to insure a democratic Central America, we must maintain our commitment to the Contras. If the Sandinistas know the United States has no intention of living up to its commitments, they have no reason to live up to the promise of the peace accords. If we pull out now, I have no doubt that other countries will be overrun, as I have stated.

We have already seen how a show of commitment in Central America is working to pressure the Sandinistas to make good on their promises. By the November 7 deadline of the Guatemala peace accords, the Sandinistas had only begun to make superficial compliance. Then at the January summit in Costa Rica, which was meant as a final review, they asked for an extension of the deadline to begin to implement changes. It was only the refusal by other Central American nations to allow such an extension and the threat of continued U.S. aid that forced the Sandinistas to make some immediate changes.

Mr. Chairman, I urge support for the resolution.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. Boulter].

Mr. BOULTER. Mr. Chairman, I rise in support of the President's request for aid to the Nicaraguan freedom fighters.

My colleagues, I've heard many of you saying today, "Let's give the Arias peace plan a chance." But I want to ask, what does it mean to give the Arias peace plan a chance? I was in San Jose, Costa Rica, in early September and talked to President Arias, and we've all heard President Arias, and here's what he himself says, and I'm quoting:

> We must call things by their name. If there is no pluralism; if there are no free elections; if there are no individual rights in all the countries; if there is no freedom of the press, as there is here in Costa Rica—then you can call it what you like, but it cannot be termed a democratic regime. I think that without democracy, which, as I have said many times, is the heart of the peace plan, a lasting peace cannot be achieved in the region.

Mr. Chairman, the peace plan was signed on August 7. It laid out several steps for all of the Central American countries to take within 90 days. But when the 90 days expired November 5, no action had been taken.

The Sandinistas have been promising democracy since 1979, and they've broken all their promises. The Sandinista Communists are liars. While they talk about peace, they are announcing their plans to build up their troop strength to 600,000 personnel. After Gorbachev left Washington for the INF talks, they admitted that they had made a deal with the Soviets to receive hundreds of millions of dollars of military hardware and sophisticated Mig jets.

Freedom in this hemisphere and our own national security interests are threatened. And the real issue is whether the Soviet Union is going to be allowed to set up a second forward military base in our hemisphere. The resistance are the freedom fighters, the Contras, coupled with the moral commitment of the United States to stand up for freedom and democracy. And if we do not reaffirm that commitment today, then it may well be that the Contras will perish. And many of my colleagues will be glad, but militant communism will again be on the march in our hemisphere.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Lagomarsino].

Mr. LAGOMARSINO. Mr. Chairman, in all the hours of debate on Contra aid over the years, and today the critics always seem to rely on the same arguments. Opponents of aid to the democratic resistance in Nicaragua always claim: The Contras are the obstacle to peace and democracy in Nicaragua. They also tend to portray the Contras as a band of paid mercenaries who are the creation of the United States.

There must be no doubt about one very specific reality in Nicaragua. The United States didn't create the Contras; the Communist Sandinistas created the Contras.

Since it came to power in July 1979, the Sandinista regime in Nicaragua has deliberately and systematically oppressed the people of Nicaragua. It has created a military regime unmatched in Central America, and it has continued to support armed efforts to overthrow the democratic governments of its neighbors.

Opponents of Contra aid seem fond of saying United States support for the democratic resistance in Nicaragua is immoral and contrary to international law. Yet, since July 1979, when they took power, the Sandinistas have been engaged in an armed attack on their neighboring countries and primarily targeting El Salvador. The Sandinista's support for armed guerrillas in neighboring countries forced President Carter to cut off aid to the Sandinista regime. In both the NATO Treaty and the Rio Treaty it is provided that an armed attack on one member is an armed attack on all, and the allied countries have a duty to respond that translates: send in the marines. The continued Sandinista support for armed attack against its neighbors prompted a response from the United States, a response that was appropriate under our treaty obligations under international law and a response that is morally right. That response was to help Nicaraguans betrayed by the Marxist-Leninist comandantes leading the Sandinista regime.

Many of the Nicaraguans who now form the leadership of the Nicaraguan resistance were once prominent members of the Sandinista government. They expected the Sandinistas to fulfill the commitments they made to the OAS in 1979 for democracy, human

rights and nonalignment. They were betrayed. They expected the Sandinistas to fulfill those same commitments when they signed the Arias peace plan in Guatemala in August 1987. But the Sandinistas stalled. And finally, 2 weeks ago, the Sandinistas announced their willingness to start keeping their promises.

And what was the argument used by Contra aid opponents to convince the Sandinistas to make an effort to comply with their promises? The threat of more aid to the Contras. It worked. Doesn't that say it all?

After 8 years of promises and betrayal, can we really expect the Sandinistas to fulfill their obligations if we stop giving aid to the Nicaraguan resistance? Do we force unilateral disarmament in Central America? Do we cut off the element that has been the single most effective counter to the Sandinistas' intention to establish a totalitarian Communist state on the North American Continent? Without the Contras, where are the checks and balances in the Nicaraguan system to ensure democracy? Without the Contras, where are the checks and balances in Central America to confront the overwhelming Sandinista military machine?

If the past year has taught us anything, it is the effect of the Nicaraguan resistance on bringing the Sandinistas to the negotiating table. If we want to give peace and democracy a chance in Central America, the Contras are not the obstacle, they are the insurance policy.

And, Mr. Chairman, today is not a vote to provide lethal assistance to the democratic resistance. That vote, if it occurs, will be sometime in April and then only if the President, after consultation with the four Central American Democratic Presidents and the Congress, finds a cease-fire is not in effect due to the Sandinistas. Even then no military assistance will go forward if Congress adopts a resolution.

For Members of Congress, there are few issues of greater concern than how we should view the Central American peace initiative put forward by Costa Rican President Oscar Arias and signed in Guatemala City on August 7. The results of the January meeting in Costa Rica of the five Central American leaders demonstrate the problems we face in trying to figure out how to achieve peace in the region. Only after severe pressure was exerted on him, including a warning by congressional Democrats that Contra aid would be approved if he didn't, did Daniel Ortega offer hope for compliance with the peace process and for democratic steps in Nicaragua.

After the Guatemala peace accord was signed, I said I was cautiously optimistic that the agreement, if it were to be fully implemented, would lead to peace in the region. Now, after the startling revelations last December of the Sandinistas' intentions to build a 600,000-man army and Mig jets with the Soviet Union and Cuba sponsoring a major military buildup in Nicaragua, I do not believe the Arias peace initiative—by itself—can produce peace and democracy in the region. Those December revelations came from Major Miranda, a close aide to Defense Minister Humberto Ortega. Ortega himself confirmed that what Miranda said was true. What I find particularly dismaying about the Sandinista plans for their massive military expansion is the fact they concluded their agreement with the Soviet Union and Cuba in September after signing the Arias peace plan in August.

I talked with Miranda and I was shocked, but not surprised, by his account of the extent of the Soviet commitment to building up the Sandinista army complete with missiles and Mig aircraft. I am also concerned about the sincerity of the Sandinistas in complying with the Arias peace plan based on a statement made by Daniel Ortega on December 13, 1987. He said, "In the hypothetical case that the Sandinista front lost an election, the Sandinista front would hand over Government not power."

As you know, President Arias was named this year's recipient of the Nobel Peace Prize for his efforts to negotiate a peace agreement in Central America, and rightly so. I cosponsored and managed for the Republicans a House resolution commending him. It is important to emphasize that his initiative is as much a democracy initiative as it is a peace initiative but not that much attention has been given to this by the national news media.

As President Arias said, "Without democracy, there can be no peace in Central America—and, there is no democracy in Nicaragua." For this reason, all eyes have been on Nicaragua to see if the Sandinistas would sincerely and fully comply with the commitments contained in the Guatemala accord to which they agreed and on which Ortega shook the hand of my friend Salvadoran President Napoleon Duarte, not once but three times.

The Guatemala peace accord placed as much emphasis on the requirements for democratic institutions and the protection of personal liberties as it does on ending the actual fighting between sides.

The Arias plan made clear that all elements are equal and indivisible. Quoting from the peace agreement, signed by all the Central American leaders, including Daniel Ortega: "The points included in this document form part of a harmonious and indivisible whole. The signing—of the document—incurs an obligation, accepted in good faith, to simultaneously comply with the agreement in the establishment of periods."

It was said of this Arias peace plan that it is not a menu from which to choose those courses each President liked. It was a total document obligating each Government to adhere to all the principles to which they committed themselves by agreeing to sign the peace accord.

The unfortunate fact is that the Sandinistas signed the Guatemala plan in August, and then unilaterally issued a second proposal in November which completely contradicted their commitments to the Arias peace plan. And then in January, Daniel Ortega announced new measures, once again, appearing to conform with the peace plan while, at the same time, the Sandinistas were making it clear their objective was to influence the vote on Contra aid. Based on their proposals in November and January, it is clear the Sandinistas no longer agree to the elements of simultaneity of the Arias plan, but now require the surrender of the opposition before they agree to carry out democratization.

President Reagan supported the Guatemala accord even though it lacked the verification and enforcement procedures he believed necessary to make it successful. I, too, believed it was vital that the United States not appear to be an obstacle to the peace process, that we must at least give it a chance, and that if it were going to fail that it not fail because of any perceived interference from the United States.

I believe the United States gave the peace process in Central America an honest chance, and in return the Sandinistas cynically concluded an agreement with the Soviet Union and Cuba to double the size of the Nicaraguan Army and to import Mig jets from Russia. Since the signing of the Arias peace plan, other information has come to light as well. Salvadoran President Duarte disclosed that the location of the headquarters of Marxist guerrillas fighting his government is in Managua, as well as the clandestine radio transmitters and propaganda publishing house. President Duarte knows well the Sandinista connection with the Salvadoran guerrillas. It was those guerrillas who kidnaped his daughter. The negotiations to free her required a great deal of contact through Managua.

Critics of the President's policies in Central America have never accepted the principle that United States support for the democratic resistance in Nicaragua—the Contras—has been for the purpose of forcing the Sandinistas to honor their commitments made to the OAS in 1979 for democracy, economic pluralism, respect for human rights and nonalignment. Supporting the Contras has been necessary as a means of getting the Sandinistas to negotiate in good faith; it has not been

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for the specific purpose of overthrowing by military force the Sandinista government.

As the Contras began fulfilling their objective and became successful in putting pressure on the Sandinistas, Nicaraguan Leader Daniel Ortega signed the Arias peace initiative. That would have put Nicaragua on the road to democracy if the Sandinistas would comply with all the requirements of the Arias plan. Critics of the President would never admit that is the reason the Sandinistas signed the peace proposal, but there can be no question that it is the very success of the Contras that caused the Sandinistas to sign an agreement that would have forced them to make real reforms in their government—if they would live up to the provisions of the agreement they've signed.

That's the point of debate for Members of Congress now. How do we ensure that the Sandinistas comply with the obligations of allowing a free press, radio and television, unions to organize, opposition parties to function, disaffected citizens to demonstrate, political prisoners to be set free? They have never lived up to their promises before, who should believe they will now? To be perfectly frank, while I would hope I am mistaken, I do not believe them now. And a colleague of mine who recently had a very frank discussion with Cardinal Obando y Bravo told me that the cardinal said, "The Sandinistas are Marxist-Leninists who cannot be trusted." The cardinal is right.

On December 16, the Wall Street Journal published an editorial entitled "The Ortega Doctrine." As the editorial states,

> The real nature of the Sandinista regime has been perfectly obvious for years.

No one should have been surprised at the revelations of Sandinista intentions to build a 600,000-man army and to import Soviet missiles and Mig fighters. The editorial speaks of the Ortega doctrine, which if allowed to go unchallenged will make a mockery of the Monroe Doctrine. I don't doubt there are some who would be pleased to see that happen, but I know the majority of the American people will not accept the expansion of Communist power in this hemisphere.

How do we keep that from happening and how do we ensure that pressure is kept on the Sandinistas to continue the peace process and carry out the democratic reforms required by the Arias peace plan? I believe the answer remains U.S. assistance for the Contras. When military aid for the Contras expired on September 30, I believe the Congress was correct in not approving new military assistance in order to give the peace process a chance. I asked the President to wait. Now that we have seen the hypocritical nature of the Sandinistas, I believe we must approve military aid for the Contras to provide the only pressure they seem to respond to—military force.

I also believe that the Sandinistas have gravely miscalculated the strength of the Contras. All along the Sandinistas have characterized the Contras as simply a mercenary band of ex-Somoza followers who are being paid by the United States to fight. The truth is the Contras are a true democratic resistance force of dedicated Nicaraguans who feel the Sandinistas betrayed their revolution when Somoza was thrown out in 1979. Their strength doesn't come from aid given by the United States, it comes from the belief in their cause that democracy must be brought to Nicaragua and repression and misery imposed by the Communist Sandinista regime must be removed.

On October 21, the House Subcommittee on Western Hemisphere Affairs—on which I serve as vice chairman—held a hearing on the peace process. At that hearing, we heard testimony from Ms. Leslie Hunter, a representative of Central American Peace and Democracy Watch, a bipartisan group which includes both those who support and those who oppose aid to the Nicaraguan resistance. Ex-Governor Robb of Virginia, L.B.J.'s son-in-law, is a member of that group, for example. Ms. Hunter had just returned from a 3-week mission in Nicaragua where she interviewed more than 80 people, including members of the Sandinista government, the civic opposition, the press, labor and professional organizations plus representatives from the church and human rights groups.

I would like to share with you some of the things she told our subcommittee. She said:

> The Sandinista government has lost all credibility in the eyes of the Nicaraguan people.
>
> I found that the Nicaraguan people blame the government, not the Contras, for the economic disaster, the shortages, the ubiquitous long lines * * *.
>
> On amnesty: The government's concept of amnesty is surrender of the armed resistance.
>
> When asked whether the human rights climate had improved since the signing of the [Guatemala peace] accords, many people told me it had actually gotten worse.

Perhaps, most importantly of all, Ms. Hunter said:

> The consensus of the civic opposition and others in Nicaragua is that the Sandinista main goals are to disarm the resistance, to remain in power with their state structures intact, and to comply in a minimal way with the peace accords while deriving the maximum propaganda benefit from it.

Ms. Hunter, in her testimony before our subcommittee, emphasized:

> The only way that the FSLN [the Sandinistas] will comply with the accords is if the United States, Latin America and other Western democracies insist that they will not be party to a fraud.

I do not believe the American people are ready to let the Sandinista regime in Nicaragua pursue its goal of expanding its military power. We're not going to sit back and make our backyard safe for communism.

I believe military pressure by the Contras remains essential to force the Sandinistas to seek peace in Central America. The time has come to recognize that before Americans need to fight to protect American interests in Central America, there are Nicaraguans who are already giving their lives to protect their interests and ours.

Let us help them.

Mr. GEPHARDT. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, today I rise in strong opposition to the resolution before the Congress. I hope that we resoundingly do vote no on this particular measure or resolution.

Mr. Chairman, this reminds me of a debate in which advocates of Contra arms aid say that "words have the meaning that we say they have." That is what the debate is about today on this floor.

Here in my hand I hold a copy of the Arias peace plan, and what does it call for? It calls for national reconciliation, a recognition of unarmed, internal political opposition groups, in Nicaragua. Do we have that today? Has that particular condition been satisfied by the Contra forces in terms of the peace plan? Let there be no doubt—this condition hasn't been met by the Contras.

The National Reconciliation Commission, has the goals of amnesty, cease-fire, democratization and free elections.

Look at the provisions of this particular peace plan and you will find, I am sorry to say, that there has not been a good faith effort in terms of compliance with this.

Of course, on the side of Honduras, on the side of the United States, the provisions that deal with the nonuse of territory to invade other states, has that particular condition been complied with?

The five countries which signed this document reaffirm their commitment, and I quote:

> The five countries which signed this document reaffirm their commitment to prevent the use of their own territory and to neither render or permit military or logistical support to persons, organizations, or groups attempting to de-stabilize the governments of the other Central American countries.

The provision or clause dealing with the cessation of assistance to irregular forces or insurrectionist movements, once again, and I read from this document:

> The governments of the five Central American states shall request the governments of the region and the extra-regional governments which openly or covertly provide military, logistical, financial, propagandistic aid in manpower, armaments, munitions and equipment to irregular forces or insurrectionist movements to cease this aid as an indispensable—

Indispensable, and I repeat—

> element for achieving a stable and lasting peace in this region.

This is what the document says, and yet today we have Members rising on this floor asking us to vote on a $60 million, 4-month package of funding, for both lethal and nonlethal aid to assist the Contras.

In other words, are we willing to cease and permit the peace plan to have a chance to work?

Have we as Americans pursued a policy that would permit this plan to work? I think the answer is pretty clear, that we have not.

Immediately upon the agreement to this Arias peace plan with those five Central American governments, I submit not only that we did not cooperate, but in many instances I think functioned in bad faith. That is why one of the chief negotiators that we had in that region, Mr. Philip Habib, withdrew from that particular role, because I believe, and I do not know that he said that, but I believe that he withdrew because he perceived, I think properly, that there was not a role for a negotiator in terms of our present U.S. policy and administration intentions. Our role has been not to negotiate directly with the Nicaraguan Government. We maintain an embassy there, but I guess we are not going to talk to them about this particular problem. Maybe that is as it should be, I do not know, but it certainly is not the role of someone, a country that is trying to pursue a peaceful policy.

We can negotiate. This country can negotiate. We have demonstrated that, I think reluctantly and maybe belatedly in terms of the INF agreement dealing with Gorbachev, dealing with the Soviet Union. We can deal with the People's Republic of China to establish trade ties, and that is good, and that is as it should be; but yet when it comes to Central America in dealing with the Sandinista government in Nicaragua, somehow we do not seek or explore a political settlement in that tiny Central American nation. Surely that is what the United States needs is a political settlement. We have had 8 years of military stalemate in Central America. The leading military experts that have been appointed to top military posts in Central America, General Gorman and General Galvin, and have in congressional testimony pointed out the impracticality of the military situation and that the Contras cannot win a military solution; so I think it is time that we say no to this aid today and give peace a chance to work.

Today the U.S. House of Representatives will cast the first clear vote of the 100th Congress on whether to provide funding for more than $60 million in direct aid to the Nicaraguan Contra rebels. Rehashed arguments are being made for further aid. Conspicuously lacking is a cohesive U.S. policy plan that would help Central American countries transcend and escape the morass of bloody revolution.

We all understand that Communist nations and communism leaders evoke strong feelings in this United States. But if we can negotiate an Intermediate-Range Nuclear Forces Treaty with the Soviet Union and open trade with the Communist People's Republic of China, why not support a truce in Central America where communism has competed with democracy for decades.

President Reagan has set the Central American policy agenda by repeatedly requesting the Congress to finance the proxy war against Nicaragua. It has now become a routine. The President cries that "We must support the Contras" or else the sky will fall. Then the congressional leadership and majorities in both parties rush to make some sort of accommodation with the President and the obsession with Nicaragua.

Look at the script we have been following. Delay voting on any new aid. Send aid. Suspend aid. Create an escrow account for lethal Contra aid to be released on some future contingency. Ultimately, we end up right back where we started—obsessed with Nicaragua and the Contras while ignoring the future of all of Central America.

What happened during these past 6 years as we spent hundreds of millions of dollars directly and indirectly to prop up the Contras? Nicaragua's Government imposed a state of emergency, suspended civil and political rights, and became dependent upon the Soviet Union and Cuba for hundreds of millions of dollars a year in aid. What has happened during the past 6 months since the leaders of Central America pursued the Arias peace plan? Nicaragua has lifted its state of emergency, proposed direct talks with the Contras, restored some civil and political rights, and released some of its political prisoners with promises to release more.

This United States obsession with Nicaragua has meant that we have not dealt properly with the causes of unrest in the region: poverty, injustice, and huge foreign debts. Mexico has 80 million people or more than 23 times the population of Nicaragua, a tiny country with fewer people than the State of Minnesota. Mexico is much closer and more vital to our country. Yet no workable, comprehensive Reagan administration policy for addressing Mexico's debt and development problems exists. The policy pursued by the administration is first to send bombs rather than books and military helicopters rather than health care workers to the developing countries of Central America.

What happens if Congress goes along with Contra aid once more?

First, Nicaragua will most likely abandon further democratic reforms. Second, the Soviet Union will continue its support for the Sandinistas. Third, a bloody conflict which almost no one believes the Contras can win will be prolonged indefinitely. Fourth, we will deal a death blow to the best peace plan on the table in 8 long years. Finally, we will signal the leaders and people of Central America yet again that we have no confidence in their ability to control their own destiny. Such a message would have profound implications throughout all of Central America.

The approval of more Contra aid at this time would be a green light for more spending. The United States has already made major investments to build military bases and send equipment to Honduras, El Salvador, Guatemala, and other countries for support of the Contras' war effort against the Government of Nicaragua. More Contra aid to Nicaragua would undoubtedly mean more helicopters for Honduras and more guns for Guatemala. The options seem clear. The United States can pursue a political settlement or a military stalemate.

Supporting democracy means accepting the reality that the future of Nicaragua and Central America will not be determined by the Reagan administration or the U.S. Congress, but by the people of Central America. It is, after all, their future that is at stake. It's time for Congress once and for all to just say "no" to Contra aid. It's time to develop a sound bipartisan policy which addresses the urgent humanitarian needs of all of the people of Central America.

The actual peace plan procedure agreed to by the five Central American governments in the region should be part of this debate.

The peace plan procedure follows:

PROCEDURE FOR THE ESTABLISHMENT OF A STRONG AND LASTING PEACE IN CENTRAL AMERICA

The Governments of the Republic of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, determined to achieve the objectives and to develop the principles established in the United Nations Charter and the Charter of the Organization of the American States, the Document of Objectives, the Caraballeda Message for Peace, Security and Democracy in Central American, the Guatemala Declaration, the Punta del Este Communique, the Declaration of Panama, the Esquipulas Declaration, and the Contadora Treaty Proposal for Peace and Cooperation in Central America of July 6, 1986, have agreed on the following procedure for establishing a firm and lasting peace in Central America.

NATIONAL RECONCILIATION

DIALOGUE

To urgently carry out, in those cases where deep divisions have resulted within society, steps for national reconciliation which would allow for popular participation with full guarantees in authentic political processes of a democratic nature based on justice, freedom and democracy. Towards this end to create those mechanisms which, in accordance with the law, would allow for dialogue with opposition groups. For this purpose, the corresponding Governments will initiate a dialogue with all unarmed internal political opposition groups and with those who have availed themselves of amnesty.

AMNESTY

In each Central American country, except those where the International Commission

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of Verification and Follow-Up determines that such a measure is not necessary, an Amnesty decree will be issued containing all the provisions for the guarantee of the inviolability of life, as well as freedom in all its forms, property and the security of the persons to whom these decrees apply. Simultaneous with the issuing of the amnesty decree by the Government the irregular forces of the respective country will place in freedom all persons in their power.

NATIONAL RECONCILIATION COMMISSION

In order to verify the compliance with the commitments that the five Central American Governments subscribed to by the signing of this document concerning amnesty, cease-fire, democratization, and free elections a National Reconciliation Commission will be established whose duties will be to verify the actual carrying out in practice of the national reconciliation process, as well as the full exercise of all civil and political rights of Central American citizens guaranteed in this document. The National Reconciliation Commission will be comprised of a delegate and an alternate delegate from the executive branch, a bishop delegate and an alternate bishop delegate recommended by the Episcopal Conference, and chosen by the Government from a list of three candidates which should be presented by the conference within a period of 15 days upon receipt of a formal invitation. This invitation will be made by the Governments within five working days from the signing of this document.

The same procedure will be used to select a delegate and alternate delegate from the legally registered political opposition parties. The said list of three (candidates) should be presented within the same above mentioned period.

In addition, each Central American Government will choose an outstanding citizen, outside of public office and not pertaining to the party in power, and his respective alternate, to be part of this commission.

The decree, which puts into effect the agreements for the nomination of the members of the respective national commissions, shall be communicated immediately to the other Central American Governments.

EXHORTATION FOR THE CESSATION OF HOSTILITIES

The Governments make a vehement appeal so that in the States of the area, currently suffering from the activity of irregular or insurgent groups, a cessation of hostilities be arranged. The Governments of these states commit themselves to undertake all the necessary steps for achieving an effective cease-fire within the constitutional framework.

NEGOTIATIONS ON MATTERS RELATING TO SECURITY, VERIFICATION, CONTROL AND LIMITATION OF ARMAMENTS

The Governments of the five Central American states, with the participation of the Contadora group in exercise of its role as mediator, will continue negotiations on the points still pending in the Contadora: Treaty Proposal for Peace and Cooperation in Central America concerning security, verification and control.

In addition, these negotiations will entail measures for the disarmament of the irregular forces who are willing to accept the amnesty decrees.

REFUGEES AND DISPLACED PERSONS

The Governments of Central America commit themselves to give urgent attention to the groups of refugees and displaced persons brought about by the regional crisis through protection and assistance, particularly in areas of education, health, work and security, and whenever voluntary and individually expressed, to facilitate in the repatriation, resettlement and relocation [of these persons]. They also commit themselves to request assistance for Central American refugees and displaced persons from the international community, both directly through bilateral or multilateral agreements, as well as through the United Nations High Commissioner for Refugees and other organizations and agencies.

COOPERATION, DEMOCRACY AND FREEDOM FOR PEACE AND DEVELOPMENT

In the climate of freedom guaranteed by democracy, the Central American countries will adopt agreements permitting for the intensification of development in order to achieve more egalitarian and poverty-free societies. Consolidation of democracy presupposes the creation of a system of economic and social justice and well-being. To achieve these objectives the Governments will jointly seek special economic support from the international community.

FREE ELECTIONS

Once the conditions inherent to every democracy are established, free, pluralist and honest elections shall be held as a joint expression of the Central American states to seek reconciliation and lasting peace for its peoples. Elections will be held for a Central American parliament, whose founding was proposed in the Esquipulas Declaration of May 25, 1986. In pursuit of the above mentioned objectives, the leaders expressed their will to progress in the formation of this parliament and agreed that the Preparatory Commission of the Central American Parliament shall conclude its deliberations and submit to the Central American Presidents the respective treaty proposal within 150 days.

These elections will take place simultaneously in all the countries throughout Central America in the first half of 1988 on a date mutually agreed to by the Presidents of the Central American states. These elections will be subject to vigilance by the appropriate electoral bodies. The respective governments commit themselves to extend an invitation to the Organization of American States and to the United Nations as well as to governments of third states to send observers who shall bear witness that the electoral processes have been held in accordance with the strictest norms of equality, of access of all political parties to the media, as well as full guarantees for public demonstrations and other kinds of proselytizing propaganda.

The appropriate founding treaty shall be submitted for approval or ratification in the five countries so that the elections for the Central American parliament can be held within the period indicated in this paragraph. After the elections for the Central American parliament have been held equally free and democratic elections shall be held with international observers and the same guarantees in each country to name popular representatives to municipalities, congresses and legislative assemblies and the presidencies of the republics. These elections will be held according to the proposed calendars and within the periods established in the current political Constitutions.

CESSATION OF ASSISTANCE TO IRREGULAR FORCES OR INSURRECTIONIST MOVEMENTS

The Governments of the five Central American states shall request the Governments of the region and the extra-regional governments which openly or covertly provide military, logistical, financial, propagandistic aid in manpower, armaments, munitions and equipment to irregular forces or insurrectionist movements to cease this aid, as an indispensable element for achieving a stable and lasting peace in the region.

The above does not include assistance for repatriation or in lieu thereof the reassigning of the assistance necessary for those persons having belonged to these groups or forces to become reintegrated into normal life. Likewise the irregular forces or insurgent groups who operate in Central America will be asked to abstain, in yearnings for a true Latin American spirit from receiving such assistance.

These petitions will be made in accordance with the provisions of the Document of Objectives regarding the elimination of arms traffic, whether it be inter-regional or extra-regional, intended for persons, organizations or groups attempting to destabilize the governments of the Central American countries.

THE NON-USE OF TERRITORY TO INVADE OTHER STATES

The five countries which signed this document reaffirm their commitment to prevent the use of their own territory and to neither render or permit military or logistical support to persons, organizations, or groups attempting to destabilize the governments of the Central American countries.

DEMOCRATIZATION

The Governments commit themselves to promote an authentic democratic pluralist and participatory process that includes the promotion of social justice respect for human rights, [state] sovereignty the territorial integrity of states and the right of all nations to freely determine without outside interference of any kind its economic, political, and social model and to carry out in a verifiable manner those measures leading to the establishment or in their instances, the improvement of representative and pluralist democratic systems which would provide guarantees for the organization of political parties effective popular participation in the decision making process and to ensure free access to different currents of opinion to honest electoral processes and newspapers based on the full exercise of citizens rights.

For the purpose of verifying the good faith in the development of this democratization process, it will be understood that there shall exist complete freedom of press, television and radio. This complete freedom will include the opening and maintaining in operations of communications media for all ideological groups, and the operation of this media without prior censorship.

Complete political pluralism should be manifest. In this regard, political groupings shall have broad access to communications media, full exercise of the right of association and the right to manifest publicly the exercise of their right to free speech, be it oral, written or televised, as well as freedom of movement by members of political parties in order to proselytize.

Likewise those Governments of Central America, which have in effect a state of exception siege, or emergency [law] shall ter-

minate that state and re-establish the full exercise of all constitutional guarantees.

INTERNATIONAL VERIFICATION AND FOLLOW-UP COMMISSION

An international verification and follow up commission will be established comprised of the Secretary Generals of the Organization of American States and the United Nations or their representatives, as well as the Foreign Ministers of Central America, of the Contadora Group and the Support Group. This commission will have the duties of verifying and following up the compliance with the commitments undertaken in this document, as well as the support and facilities given to the mechanisms for reconciliation and verification and follow up. In order to strengthen the efforts of the International Commission of Verification and Follow-Up, the Governments of the five Central American states shall issue declarations of support for [the commission's] work. All nations interested in promoting the cause of freedom, democracy, and peace in Central America can adhere to these declarations.

The five Governments shall offer all the necessary facilities for full compliance with the duties of verification and follow-up of the National Reconciliation Commission of each country and of the International Commission of Verification and Follow-Up.

CALENDAR FOR THE IMPLEMENTATION OF AGREEMENTS

Within a period of 15 days from the signing of this document, the Foreign Ministers of Central America will meet as the Executive Committee to regulate, promote and make feasible compliance with the agreements contained herein and to organize the working commissions so that, henceforth, the processes leading to compliance with the contracted commitments may be initiated within the stipulated periods by means of consultations, undertakings and other mechanisms deemed necessary. Ninety days from the signing of this document the commitments pertaining to Amnesty, Cease-Fire, Democratization, Cessation of Assistance to Irregular Forces or Insurrectionist Movements, and the Non-Use of Territory to Invade Other States, will enter into force simultaneously and publicly as defined herein.

One-hundred-twenty days from the signing of this document, the International Commission for Verification and Follow-Up will analyze the progress [made] in the compliance with the agreements provided for herein.

After 150 days, the five Central American Presidents will meet and receive a report from the International Commission of Verification and Follow-Up and they will make the pertinent decisions.

FINAL PROVISIONS

The points included in this document form part of a harmonious and indivisible whole. The signing of [the document] incurs an obligation accepted in good faith, to simultaneously comply with the agreement in the established periods.

We the Presidents of the five States of Central America, with the political will to respond to the longings for peace of our peoples sign [this document] in the City of Guatemala, on the seventh day of August of 1987.

Oscar Arias Sanchez.
Jose Napoleon Duarte.
Vinicio Cerezo Arevalo.
Jose Azcona Hoyo.
Daniel Ortega Saavedra.

Indeed, words have specific meaning, we as the U.S. House of Representatives can help fulfill one key element of this process by voting no today and stopping the outside armed assistance from the United States that is destroying the ability of these small nations to achieve their goal of peace.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. Bilirakis].

Mr. BILIRAKIS. Mr. Chairman, in the past few weeks we have been hearing that we should give Daniel Ortega a chance to prove himself, and that we should do all we can to further the peace process in Central America.

I believe that Daniel Ortega has proven himself, and I desire nothing less for Central America than a strong and lasting peace with freedom. That is why I will support authorizing additional aid to the Contras today.

I believe that we should trust more in the many promises Daniel Ortega has broken rather than those yet unproven that he has made in the last few weeks.

Before there was U.S. aid to the Contras—before the Contras existed—Daniel Ortega promised the Organization of American States to hold free and open elections, and to promote a pluralistic political system.

The opposition in Nicaragua developed because of what really happened: The Sandinistas seized total power and the only election to date was a sham that saw opposition parties excluded from the process.

Daniel Ortega then promised the Nicaraguan people a better life. However, he has given them massive food shortages and an 1,800 percent inflation rate while he ruthlessly finances his destabilizing military forces with Soviet money.

In 1983, Daniel Ortega's government signed the Contadora objectives document, signifying acceptance of all 21 objectives, and 6 weeks later he broke it.

Last summer, Daniel Ortega promised to abide by the Arias peace plan which calls for both, I repeat both, peace and democracy, and already he has broken that promise. All these and many other promises have been broken by the Sandinistas.

The question we face here today is whether to put our trust in the proof of history or in Daniel Ortega. I believe that to abandon the Contras now is to abandon our shared hope for peace and liberty in Central America even as we are in sight of achieving it.

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Mr. GEPHARDT. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut [Mr. Gejdenson].

Mr. GEJDENSON. Mr. Chairman, this is about the 37th vote we are going to be having on the issue of Contra aid and the whole issue concerning Central America. It seems that one thing has been clear from the very beginning: the President may have been able to get a majority of this House and the Senate from time to time, but he has never been able to sustain a majority of the American people. What that has led to is a bifurcated policy that is one that has been on again and off again.

Several months ago the President came to the Speaker and he wanted the Reagan-Wright peace plan for Central America.

When, to the administration's shock, a version of that in the Arias peace plan was accepted, the administration started to do everything within its power to undo that peace process. For that reason I think more than any other the President comes to this Congress today without a majority. In the House and the Senate, I believe the President's proposal will be rejected later this evening. What does that do for America's policy? America's policy from here, and starting tomorrow, has to be one of trying the peace process. We can sit here and try to review the history of the failure of the United States and particularly this government in the last 7 years to establish a policy to adequately represent our interests in Central America, 6 years of losing a war is not a good policy for the United States, 6 years of financing the death of Nicaraguan civilians, children, and women is not a policy that makes the United States proud. What we need to do is to take the United States and put it back in the kind of leadership position in the peace process with economic reform and support for democratic governments in the region that the democratic governments in Central America have asked us to do.

We look today to the democratic governments in Central America and they say to us, "Test the peace process. Do not pass more money for war today."

Mr. Chairman, let us look at what the President has done. The President has come to us with the legislative equivalent of gerrymandering. He has created a law that if passed will be repassed at a later date by the Congress if certain provisions have or have not been met.

What do we need a gerrymandering version of legislation here for when this Congress is in session from now until at least October 1? If the President finds a time where he thinks he can pass this legislation without all the sweeteners and directly address the issue, let him bring it to the U.S. Congress then. If he thinks he can convince a majority of the American people and the Congress of the United States that the peace process has failed and that military assistance is

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necessary, let him come then with that proposal to the Congress.

Today we ought to be supporting the Arias peace plan and the democratic governments of Central America, and to put Daniel Ortega and the Sandinistas on the spot. Negotiations are now in progress, they are face to face, the democratic governments want them to succeed and we ought not to be the nation that undoes the peace process.

I asked Secretary Shultz the other day before the Committee on Foreign Affairs for concrete examples of what we have done other than apply military pressure. Mr. Chairman, when we talk about pushing people or trying to cajole people to your position we talk about pressure, we talk about the carrot, we talk about the stick. Where is the carrot in this process? If we have them at the peace table, if we have gotten face-to-face negotiations, do we not believe that for just one moment we can stop the military assistance and give the peace process a chance, I believe my colleagues will do that tonight, and I hope that the governments of Central America read it as the message it is intended to be, that we want the peace process to succeed. We want to see an end to the violence throughout Central America. We want to see democratic reforms for all the countries in Central America and not dealing just with the political process, but with the economic rights of the people of that region.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Washington [Mr. Miller].

Mr. MILLER of Washington. Mr. Chairman, we have been told that there may be great personal political risks in the votes we cast here today. But these risks pale beside those faced by President Arias, by the other Central American Presidents and by the Nicaraguan people.

President Arias has staked his nation's future on the proposition that peace and democracy can be the norm in Central America, and not just a brief pause between Communist or Fascist dictatorships. The Nicaraguan people have staked their lives on the proposition that democracy is not just an elitist theory, but that a free society is their birthright.

Mr. Chairman, the Nicaraguan people are closer to peace and democracy now than they were 1 or 2 years ago. What accounts for this progress? A combination of factors: President Arias' brilliant diplomatic initiative, the Soviet's war-weariness, insistent pressure from the political opposition and yes, the effective military opposition of the democratic resistance.

Because of all these factors, President Ortega is spending this winter at the negotiating table instead of in Moscow.

These are all crucial factors in the complex effort to bring democratic reform to Nicaragua and peace to Central America. Without the support of the Nicaraguan people, the peasant resistance army I saw last year could turn into just another mercenary force. Without the Arias plan, there could be just another seemingly endless guerrilla war in Central America. And remember this, without the military pressure from the democratic resistance, the Arias plan could become yet another empty diplomatic gesture.

This vital balance could mean a democratic Nicaragua and peace in Central America. President Arias recognized this when he made simultaneity the crucial factor in his peace plan. What does simultaniety mean? It means when the Sandinistas promise democratic reforms, the rèsistance promises to lay down their arms and we promise to end our assistance. And when the Sandinistas actually take steps toward democracy, the resistance takes steps toward deescalation and we take steps to reduce our military assistance.

So far, so good. Promises have been made and steps taken by both sides. The Sandinistas have taken small steps toward democracy and the administration has reduced its proposed aid package from $270 million in military assistance to $36 million of almost all nonlethal aid. The very delicate multitrack peace process has begun.

But we are still at the beginning of this process, not the end. The end of our assistance should only come when irrevocable democratic reform comes into Nicaragua. The end—the goal—is free political activity in Nicaragua. Certainly this goal serves our own strategic interests. A democratic Nicaragua will not accept billions of dollars in Soviet military aid, nor will it seek to destabilize its neighbors. But a democratic Nicaragua will also signal the beginning of a lasting peace in Central America and that serves everyone's interests.

We cannot abandon this effort at the very moment it signals success.

Instead, we should use the recent INF negotiations as a guide. The Soviets signed this historic agreement because we were steadfast in our resolve, we negotiated from a position of strength, and we did not make unilateral concessions. Mr. Chairman, this strategy works with the Soviet Union and it will work with a Soviet client state. This client state has accepted $1 billion in Soviet aid, that's $1 billion versus $36 million. Think about it.

One final note. I am disturbed to hear the comments of some that if the resistance falters, and the Sandinistas renege on their promises, we can always use American troops to get back on the right track. This is wrong. I strongly oppose such a fall back option. The choice before us is not credulous withdrawal or send in the Marines. This is a simplistic, dangerous and wrong choice.

The only choice today is support both the Nicaraguan farmers and laborers who fight for their freedom in the resistance and President Arias who understands that Central America peace cannot be without Central America democracy. The only choice is support the opposition political leaders who pleaded with this Congressman last February in Managua "do not forget us." Mr. Chairman, our only choice is to support the Nicaraguan people in their quest for peace and freedom.

The largest daily newspaper in my State, the Seattle Times recently editorialized in favor of this choice. I'd like to insert that editorial into the Record at this time.

U.S. Should Support Peace Plan and Contras

With a crucial vote in Congress on aid to the Nicaraguan contras coming up next week, the Reagan administration and the Sandinista regime have been doing some fast footwork to influence the outcome.

As a result, both sides are moving in the right direction: toward a middle ground on this unfortunately polarized issue.

To his credit, Nicaraguan President Daniel Ortega has continued to make concessions toward greater compliance with the Central American peace plan. The latest encouraging example; The Sandinistas announced this week that seven radio programs could go back on the air and six publications could resume printing. All had been censored since 1982 under the national-emergency law that Ortega lifted last week.

Meanwhile, the administration has wisely scaled down its request to Congress for contra aid, from the $270 million figure floated last fall to the $36.25 million package that Reagan offered this week.

Only 10 percent, or $3.6 million, is for military hardware. That would be held in escrow and released only if the contras and Sandinistas failed to reach a cease-fire agreement during talks that began today in Costa Rica.

Before releasing any lethal aid, however, the administration pledged to meet with the four other Central American presidents and seek their counsel, which is absolutely essential. Congress also should have a stronger role in that decision, perhaps through a congressional-resolution process.

Furthermore, if Congress approves the contra-aid request, Secretary of State George Shultz will go to Central America for the first direct U.S.-Nicaraguan talks in three years. That's exactly the diplomatic approach that many administration critics long have recommended.

Ideally, the United States should give strong bipartisan support both to the peace plan and the contra resistance, while Ortega's recent (but easily reversed) concessions are put to the test of time.

As Fernando Volio, president of Costa Rica's Legislative Assembly, said recently: "Without military pressure, the Sandinistas will never change . . . Reagan is right. Without the contras, the Sandinistas will grow stronger."

Clearly a combination of regional diplomacy and pressure from the contras has brought progress toward democracy in Nicaragua. There's no reason to abandon that effective approach now that it's finally working.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama [Mr. Callahan].

The CHAIRMAN. The gentleman will suspend.

The Sergeant at Arms and Doorkeepers will do their duty and restore order in the Gallery. Demonstrators will be removed from the Gallery.

The Chair reminds all guests in the Gallery that they are guests of the House. We welcome their presence here, but any manifestation of approval or disapproval is a violation of the rules of the House.

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. Foley].

Mr. FOLEY. The Chairman has just admonished those of the guests of the House in the Gallery about the rules of the House, and I would just like to say that those rules are designed to permit the orderly debate and discussion of issues by Members of the House without the interference of approval or disapproval signs, but it is also true, I think, that demonstrations of the kind we have just seen do no good in support of the cause that, unfortunately, some people believe they will help by such demonstrations, and they have a contrary effect to that intended by those who demonstrate.

I hope we will have seen the last such example during the course of debate today.

The CHAIRMAN. The Chair would ask the gentleman from Oklahoma [Mr. Edwards] the amount of time that has been yielded to the gentleman from Alabama [Mr. Callahan]?

Mr. EDWARDS of Oklahoma. Mr. Chairman, I have yielded 1½ minutes to the gentleman for Alabama.

The CHAIRMAN. The gentleman from Alabama is recognized for 1½ minutes.

Mr. EDWARDS of Oklahoma. Mr. Chairman, would the gentleman from Alabama yield?

Mr. CALLAHAN. Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I would only like to point out to my colleagues in the Chamber that the people we are talking about, the citizens of Nicaragua, would love to live in a country where they have the opportunity to demonstrate like this, to live in a country where they had an opportunity to speak and be heard.

Mr. CALLAHAN. Mr. Chairman, I rise in strong support of this effort today to provide the Nicaraguan freedom fighters with a $36.2 million aid package as requested by the President.

This resolution upholds America's support of the freedom fighters' efforts to establish peace, freedom, and democratic institutions for the people of their own land. At the same time, it most assuredly provides an incentive for the Sandinistas to abide by the important peace accords reached by the five central American countries last August.

Many arguments are made in opposition to this aid request. Some contend that adoption of the package will hinder the Central American peace plan; some simply do not like the Contras. But we cannot discount the irrefutable evidence of a Soviet presence in Nicaragua. That is the issue: The Soviet Union, through the Sandinista Government, is seeking expanded influence in North America. It is our obligation to block that expansionism.

As a representative of a gulf coast community, my congressional district has a keen sense of its closeness to Central America. Because the Port of Mobile regularly receives cargo from Central America, the interrelationship of our countries can be visualized and the ramifications for the United States of Communist control of that region are very frightening.

I honestly believe that failure to approve this resolution will have disastrous consequences for the cause of democracy and our national security. Once again, I urge my colleagues to support this resolution for what it really is. Recognize that it is United States support for the peace process in Central America and democracy in Nicaragua. Vote "aye" on the resolution.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. Crockett].

Mr. CROCKETT. Mr. Chairman, I rise in opposition to any assistance to the Nicaraguan Contras.

After 7 years and close to $300 million United States dollars in assistance, Nicaragua is no closer to peace and democracy today than it was in 1981 when the CIA created the Contras. In fact, the Contras have served as the justification for the very behavior of the Nicaraguan Government that the peace process is now changing.

Mr. Chairman, the Guatemala agreement, signed by the five Central American Presidents on August 7, 1987, started a process for peace. While the United States is not a signatory, the agreement leaves no room for doubt as to what our Central American allies expect of us. Article V of the agreement calls upon "governments outside the region"—a clear reference to the United States—"which are providing * * * military, logistical, financial, and * * * humanitarian aid * * * to insurgent movements"—a clear reference to the Contras—"to stop such aid as an indispensable element to achieving a lasting and stable peace in the region."

Last week, Costa Rican President Oscar Arias, the author of the Guatemala agreement, called on the United States administration to stop all aid to the Contras, including so-called humanitarian and nonlethal assistance. Indeed, he took the unusual step of suggesting that the Congress should defy the administration and refuse to approve any such request.

Mr. Chairman, our Central American allies have set up their own verification commission to investigate compliance with the Guatemala peace accord. The commission's determinations were reported to the five Central American Presidents on January 15. The commission's assessment was that:

> In the case of Nicaragua, * * * in spite of wartime suffering, it has made concrete steps toward initiating a democratic process.
>
> * * * * *
>
> The Guatemala procedure sets forth a broad scheme for democratization, difficult to achieve in scarcely 5 months in a region characterized by a turbulent history.
>
> * * * * *
>
> The goals * * * have not been completely achieved as of this date. The fact that peace has not been attained does not detract from the validity of the Guatemala procedure. It makes a lasting political will for overcoming these obstacles even more imperative.
>
> In evaluating the progress * * * it is important to understand, that, just as its name implies, this procedure is a continuing process of on-going actions. For this reason, 150 days after the signing of the accord it would be as untrue to deny progress as it would be to claim success.

Moreover, the verification commission's report takes the Reagan administration—and this Congress—to task for ignoring the agreement when it states:

> In spite of the exhortation of the Central American Presidents, the Government of the United States of America maintains its policy and practice of providing assistance, military in particular, to the irregular forces operating against the Government of Nicaragua. The definitive cessation of this assistance continues to be an indispensable requirement for the success of the peace efforts and of this procedure as a whole.

A vote by this Congress for further aid to the Contras, at a time when we are being called upon by the governments of Central America to do exactly the opposite, would be a direct slap in the face to the peace process and to our allies in Central America who are struggling to implement this agreement.

Mr. Chairman, the countries throughout the Western Hemisphere—and most of our friends and allies outside the region—are actively lending their support to the Guatemala peace process. The administration

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and its supporters in the Congress are the only governmental group still talking about Contra aid.

Yesterday, a copy of the communique adopted by the Coordinating Bureau of the Movement of Non-Aligned Countries on January 29, 1988, was hand delivered to our Subcommittee on Western Hemisphere Affairs. The nonaligned movement is composed of 100 nations. Their communique reads in part as follows:

> The Coordinating Bureau of the Movement of Non-Aligned Countries held an urgent meeting in New York on January 29, 1988 to review the situation in Central America and the serious threat posed to the peace process in the region as a result of the decision of the U.S. administration to seek the renewal of aid to the mercenary Contra forces trying to overthrow the Government of Nicaragua.
>
> * * * * *
>
> The Bureau was deeply concerned that the U.S. administration had refused to heed the appeal made by the Central American Presidents at the San Jose summit by proceeding to seek the renewal of funding for the mercenary Contra forces for the purpose of overthrowing the legitimate Government of Nicaragua. The Bureau deplored the continuation of this policy of the U.S. administration, which seriously jeopardizes the peace efforts in the region and impedes the implementation of the Guatemala procedure as a whole.
>
> The Bureau once again called up the U.S. administration to cooperate in the implementation of the Guatemala peace accords by stopping its support for the mercenary Contra forces that are destabilizaing Nicaragua.

In 1928, following the occupation of Nicaragua by the U.S. Marines, Franklin D. Roosevelt said:

> The net result of our policy in Nicaragua is that never before have we had less friends in the Western Hemisphere.

Those words are just as true today. In fact, with regard to our poiicy toward Nicaragua, I would argue that we don't have a friend in the world today.

Mr. Chairman, the United States stands alone against our friends and allies around the world regarding the issue of assistance to the Contras. I hope that today this Congress will heed the call of the international community and terminate all aid to the Contra forces.

☐ 1515

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute and 40 seconds to the gentleman from Missouri [Mr. Emerson].

Mr. EMERSON. Mr. Chairman, 40 years ago another Missourian confronted the same problem we are facing today. A small country was threatened by Communists, and many Americans were asking why we should care.

Harry Truman told us that the issue was not just the future of Greece, though that was important. The real question was whether or not the United States would accept its obligations as the leader of the free world in opposing Soviet expansion.

Back then some said that we should leave everything to the United Nations, just as their descendents now ask us to abdicate our foreign policy to the opinions of other countries. Harry Truman said the United Nations was important, but it was not a substitute for our own judgment.

In 1948 the left wing of Harry Truman's own party said the Soviet Union was not a threat to the West. Henry Wallace claimed that Stalin could be trusted, just as his heirs ask that we trust Daniel Ortega one more time. Harry Truman knew better, and so should we.

When the people of Greece appealed to the United States for help, they did not want or need American troops to fight their war for them. They only asked that they be given the opportunity and the means to defend themselves. The Nicaraguan people are asking for nothing more.

The verdict of history is that the Truman doctrine saved the West from Soviet expansion. Our vote today could have the same importance for our own hemisphere. I urge all my colleagues to vote for the resolution.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. Wortley].

Mr. WORTLEY. Mr. Chairman, what is going to happen if we turn our backs on the Nicaraguan resistance? The small amount of aid we are debating today is of tremendous importance as we look to the future. The security of this hemisphere and the material and spiritual well-being of Nicaraguans is hanging in the balance. If we do not stand four-square in support of peace with freedom and justice, Central America's political problems will only multiply down the line.

We cannot isolate this debate from the fact that the Sandinistas have already established an army that is larger than any Central American army in history; a Russian-Cuban sponsored military force that is unprecedented and unjustified. Nicaraguan Armed Forces already exceed 75,000 troops, and they have promised to follow through on their intention to expand this to 600,000. This is one promise I think we can count on the Sandinistas to keep.

Even as we have been talking about peace, Eastern bloc aid has been steadily fueling the Sandinista's effort to consolidate their Marxist-Leninist revolution. We should not let Daniel Ortega and his allies dictate to us whether we will keep the opposition to this totalitarian attempt alive and in the field.

We must not turn our backs on the Contras. They are opposing a power which threatens the freedom and stability of the rest of Cental America. We must support the cause of freedom in Nicaragua because the freedom of all of Central America depends on it. We need to use every option available to us so that we never are faced with the prospect of sending American troops to fight widespread Communist aggression and oppression in Central America.

The Contras are willing to fight for the right to live in a free Nicaragua. These are individuals who have left everything they have to fight for the freedom of their homeland. Many of these same individuals took part in the revolution against Somoza and now have had their revolution stolen from them. It is our moral duty to support them as they seek to bring freedom to their homeland.

Even though the Sandinistas have officially lifted the state of emergency, they still are using their power to keep the opposition oppressed. As a leader of the Social Christian Party recently said, "we've gone from a state of emergency to a state of terror."

The opposition leaders who were briefly jailed at the same time the Sandinistas were making "concessions" are a clear example to the rest of Nicaragua not to take their "freedom" too seriously. If you take Ortega at his word, you could end up in jail. The opposition parties do not have the freedom to organize and campaign because at any time they may be attacked by Government-sponsored terror.

These are the Sandinistas on their best behavior as they try to court United States opinion to undermine Contra aid. What can we expect from them once the Contras have been disarmed? We must continue to aid the Contras until we have guarantees that actions such as this will not be used to ensure the endurance of a Sandinista one-party state.

The Contras have demonstrated that they are the engine that is running the peace process. Without the Contras the Sandinistas will never negotiate away their power. We must keep this chance for a negotiated solution alive with continued aid to the freedom fighters. In this case, a vote against aid is a vote against freedom, and against the peace process.

It has been suggested that we should just "give peace a chance" in Nicaragua. Well, the peace that is being proposed by some is easy to achieve because all it takes is for one side to lay down their arms and give up. This is the option that is being proposed by ending aid to the Contras. By denying them the aid which would allow them to remain a viable force, we are telling them to give up and go home to face the Sandinistas unarmed.

We want to see a true peace established in Central America. A ceasefire

and negotiated settlement will yield good results only if we do not leave the Contras dependent on the good will of the Sandinistas.

If we cut off aid to the Contras, we would weaken them just at the point when they are engaged in face-to-face talks with the Sandinistas. These talks may establish democracy in Nicaragua, but they will not succeed if the Contras are hung out to dry. This is no time to run up the white flag of unconditional surrender. We should send the Sandinistas a clear message: give democracy a chance.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. Coats].

Mr. COATS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, those who oppose Contra aid say peace can be achieved by ending aid to the Contras and thus removing them as a threat to the Sandinista Government. They claim that reliance on the Arias peace accords will bring peace and democracy to Central America. Those in support of aid to the Contras, of which I am one, say that only the presence and pressure of the Contras have brought the Sandinistas to the negotiating table, and it is that pressure that is accountable for the recent concessions made by the Sandinistas. I believe there is enough evidence before each Member of this body of Congress today for us to conclude that once the Contra pressure has been eliminated, the Sandinistas will resume their consolidation of totalitarian power, continue their buildup in Nicaragua, and resume their efforts to spread revolution throughout Central America.

I hope and I pray that my assessment is wrong. I hope and pray that your assessment is correct. But I think the question we have to ask ourselves is what do we do if the Arias peace plan fails and we have effectively by this vote today removed the Contras as a viable option to deal with what is happening in Central America. We then face a regime dedicated to spreading revolution throughout Central America, with grave future consequences for the United States.

I asked President Arias this directly when I visited him in Costa Rica.

> Mr. President, what do we do if the Contras are no longer there and the Sandinistas do not live up to the peace accords?

He said,

> Then you have no option but to send in the U.S. Marines.

Is that the option we want to be left with in this country? Do we by removing the Contras move the United States not away from but rather ever closer to direct U.S. involvement? I ask my colleagues to consider not only the immediate consequences of this vote, but consider the long-term implications of what we do this evening.

Mr. GEPHARDT. Mr. Chairman, I yield 5½ minutes to the gentlewoman from Ohio [Ms. Oakar].

Ms. OAKAR. Mr. Chairman, in the last few weeks, we have all heard the political arguments for and against further Contra aid. In the press of these articulate arguments, I would like to focus on a more personal and telling truth.

American aid to continue the Nicaraguan war has a crippling human cost.

The clergy of Central America who work with the poorest and most forgotten in this terrible war, know the cost of our aid. They speak eloquently of the toll in lost lives and limbs that the men, women, and children of Central America pay for each additional day of war.

Let me share their testimony with you.

Nancy Sylvester, of the Sisters Servants of the Immaculate Heart, visited Nicaragua in 1986:

> It was right after the U.S. Congress had voted $100 million in aid to the Contras. During that visit one question was asked of me repeatedly—"Why don't you stop your government from supporting the war?" It was a question asked not by Sandinista supporters, but by women—older women, women who have lost husbands, sons, daughters in the war. * * *

Patricia Johnson of the Dominican Sisters continues:

> On December 23, two days before Christmas, I received a telephone call from our sisters in Managua. The elder son of another woman in the cooperative had been killed the day before. At the time of his death, Mauricio was building houses in a resettlement area in the north. In this attack by the Contras, numerous unarmed civilians were killed, including a baby and a small child. This young man was buried on Christmas Eve.

Sandra Price, Sister of Notre Dame, has seen the agricultural cooperatives after Contra attacks. She has seen the destruction of homes, the burned, the maimed, and the dead; she saw the destruction of the December 20 attack on Siuna that left 16 civilians dead and 53 wounded. And she has herself been kidnaped by the Contras.

Sister Mary Brendan Conlon, an Ursuline of Louisville, tells us how American money is being spent to keep the sights and smells of death before the people of Nicaragua:

> Even with this little taste of death and dying, I've seen enough, and these people have seen far too much. Padre Enrique says he has buried 70 or 80 victims of violent deaths from Condega in his few years here.

Sister Louise Aherns of the Maryknolls concludes:

> The Maryknoll Sisters have been in Nicaragua since 1944—we are neither neophytes nor naive. * * * While members of Congress sat here-debating the issue of Contra aid on the Sunday before Christmas, the people of Rosita prepared for the traditional day of celebration for the sick and elderly—gifts, a church liturgy, and provisions to take home. * * * But according to one of our Sisters who was there, the Contras arrived at dawn. (In outlying areas,) once again young men were kidnapped and forced to join the ranks of the Contras, babies were killed and maimed. * * * The hospitals was filled with wounded and dying. The Christmas feast became a memorial for the dead.

Those of us who have battled against every request for Contra aid know that the political maneuvering can be intense. On the seven direct votes we have had on Contra aid, I voted against the funding every time. Since 1985, when we first publicly began providing any kind of support for the Contras, I have voted against supporting the Contras 12 times. In the 7 years back to 1981, when the President set us on his policy toward war, I fought repeatedly to end covert aid to the Contras.

As always, I oppose this request for Contra aid. And I urge all my colleagues to vote "no" as well. More aid will destroy the prospects for peace.

Now we must give peace a chance. Now America must stop this deadly aid to signal our support for peace.

It has been a long fight.

Almost exactly 7 years ago, just before Christmas, four American churchwomen in El Salvador were raped and killed. Two of them were from Cleveland. Their deaths brought home to me, in a very personal way, just what the war in Central America means.

These churchwomen were shot and strangled and raped because they tried to bring human rights to Central America. Their deaths were perhaps the most visible sacrifice in the long, quiet fight that clergymen and clergywomen have waged for peace and human rights throughout the region.

The deaths and maimings in Nicaragua do not receive the daily coverage that atrocities against Americans can bring. But the suffering is just as real. And in a terrible way, our responsibility—as Americans—is greater for the deaths and maimings of civilians at the hands of the Contras.

My friends, peace is coming to Central America. The voices of the victims of our war must now be heard. With this vote, we must reaffirm our commitment to ending the suffering. We know from personal experience that we must focus on what it really means to deliver more guns and bombs. Then we can stop the killing. Defeat the plan and give peace a chance.

☐ 1530

Mr. CHANDLER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. Mack].

Mr. MACK. Mr. Chairman, 25 years ago John F. Kennedy was faced with a decision during the Cuban missile crisis, a decision of peace or freedom.

I was struck as I listened to the two speeches last night that things really have not changed, that during the

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President's speech he used the term "freedom" 10 times and it was not heard once in the Democratic response.

Mr. Chairman, 90 miles off the coast of Florida sits the tiny island of Cuba. The Cuban people live under the harsh and absolute domination of a Communist tyrant. There are many who say that because there is no open hostility or no armed hostility in Cuba today that the Cuban people are at peace. But certainly they are not free.

My generation of Americans, like all generations of Americans before, understand how precious freedom is, that in fact freedom is the core of all human progress. There were those who argued today that if we were to continue to aid those fighting for freedom in Nicaragua that we would bring an end to the peace process. Well, that argument does not hold up under scrutiny.

If that were the case, Daniel Ortega never would have agreed to direct negotiation on a cease-fire with the Contras. He never would have lifted the state of emergency after we passed additional military aid in the continuing resolution in December.

To renege today on aiding those who are fighting for freedom will, in fact, impose on the people of Nicaragua the peace of Cuba and not give them the opportunity to experience the freedom of Grenada.

Mr. CHANDLER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. Coleman].

Mr. COLEMAN of Missouri. Mr. Chairman, I assume we are going through this exercise today because we are trying to convince a handful of our colleagues who are supposedly undecided to decide in favor of the way we speak.

Let me give two reasons why an undecided Member of Congress ought to vote for aid to the Contras this evening. First, aid to the Contras is working. We see that it has brought to the bargaining table something they said they would never do, negotiate directly with the Contras.

The Sandinistas have also made some modest, albeit modest attempts to make some changes in their society.

Why are they doing that? Not out of the goodness of their heart, but because the pressure that the Contra forces are putting on them is forcing them to do that.

The second reason is without aid to the Contras there is absolutely no reason for them to continue to negotiate. There is no reason for the Sandinistas to try to deliver on the promises that they for 8 years now have failed to perform and live up to, since 1979, to the people of Nicaragua.

I say we must negotiate from a position of strength. And the only way that we can negotiate from a position of strength is to continue to have an escrow account there available for lethal aid.

How can anybody who has heard Major Miranda, who was a very high assistant to Ortega, the Defense Minister, who has defected to this country and has stated that he knows that these people do not want democracy, he knows what the Sandinista leadership stands for and he knows the reasons that all of this window dressing and so-called democratization is going on is for the purpose of cutting off aid to the Contras, that their audience is the 435 Members of the House of Representatives.

This is a person who was in a high command. Why will we not listen to him? Why will we not heed his warnings?

We had a bipartisan hearing the other day regarding this issue and Mr. Miranda spelled out all the reasons why Members of this House ought to be voting for aid to the Contras this afternoon.

We hear a lot about giving peace a chance. My colleague from Florida just said give peace a chance. You know, the same kind of peace that they have today in Cuba; they are not at war, they are at peace.

I say give democracy a chance. The only way to give democracy a chance is to go ahead and support aid to the Contras with an escrow account as the President has offered us to do today.

Mr. CHANDLER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would like to point out something that occurred last night that I think may surprise you.

Between the hours of 5 and 11 on KOMO-TV in Seattle, Seattle the sister city of Managua, I might point out, there was a telepoll on that ABC affiliate. The question was: "How do you want your elected representative to vote on Contra aid?" Thirty-four thousand one hundred twenty-nine people responded. Fifty-four point two percent said vote for the aid.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. Torres].

Mr. TORRES. Mr. Chairman, I rise today to join with my colleagues who oppose the President's request for additional Contra aid.

I have been to the region. I have met with the leaders of the Central American countries, the leaders of the opposition groups, the leaders of the church and the trade unions. As many of you have, I have seen firsthand the conditions under which the people must live in these countries. And you know that a vote for Contra aid will only bring more misery, more poverty, more war to the people of Central America.

The American people have expressed their sentiments for the initiative taken by the peoples of Central America and their leaders. Under the leadership efforts of Costa Rican President Oscar Arias, they have set their own peace agenda. It is not the administration's plan. It is not the Soviet Union's plan. It is a plan written and signed by the leaders of the region who are working to set their own destiny. The Central American Presidents are taking a major risk for peace, and we must support them.

That is a point that the administration just doesn't seem to understand: That Central Americans are capable of taking charge of Central America. Instead, the administration seeks to prolong the war and frustrate the peace process. The military focus of the administration only makes more difficult the task of the Central American Presidents. Providing additional Contra aid now will destroy their efforts.

President Arias talks about the need for measures to promote democracy and peace through dialog and negotiation. "Democracy," he says, "cannot be achieved by bullets but only by ballots." His peace plan reflects this position.

And what does the administration offer as an alternative to the Arias peace plan? There is no evidence that the administration even has a sustained and coherent policy for Central America. Many slogans have been used—peace, freedom fighters, U.S. security interests—but none of these catchwords appear as an integrated element of an overall strategy.

The President's policy response is to throw more money at the problem. He is now asking Congress to approve a $36.2 million Contra aid package, a package that is touted as being relatively modest. But let's take a closer look at the numbers. His request is for $3.6 million in lethal military aid and $32.6 million for so-called nonlethal assistance. The President tells us that this amounts to 90 percent nonlethal and 10 percent lethal aid. However, the measure that we are voting on today also includes $20 million for an aircraft replacement fund, and an estimated $12 million for electronic and radar equipment for surveillance. Furthermore, the amount of true humanitarian aid in his package, that is aid for food, shelter, clothing, and medicine, only amounts to $7.2 million. This brings the total cost of the package to $68.2 million for a 4-month period. That is an annual total of $204.6 million, more than the Contras have ever gotten before.

The administration wants all this money, but they have not presented any plan for achieving specific objectives in Central America. We have heard about peace, freedom, and democracy for Nicaragua. We have heard feverish statements about threats to our national security. Peace and freedom for Nicaragua and protection of

United States security interests are not incompatible goals. But to achieve them, there must be a clear, coherent definition of objectives and carefully designed plans of action tailored to each specific objective.

The Central American leaders have legitimate fears for the integrity of their borders and the safety of their citizenry. All five leaders in Central America are willing to make commitments on these fundamental matters of national security. These issues have been addressed in both the Contadora process and the Esquipulas peace plan. The leaders are willing to draft terms for the withdrawal of foreign troops and advisers. They are willing to establish limits on arms and troops, reducing their numbers if necessary. They are willing to abstain from any action that may constitute a threat or use of force against any state. Any state. That means countries beyond the Central American borders, including the United States. Furthermore, the Central American leaders are willing to declare these obligations legally binding.

I believe that these are all things the administration wants. Yet, they continue to oppose a regional accord that addresses these issues. Their only call is for continued Contra aid, because, as U.S. officials tell us, we cannot trust the Communists—they lie. We have also heard arguments about verification problems with the peace plan. Yet we have recently witnessed the signing of a historic arms control agreement with the Soviet Union. The administration would have us believe that it is the Latin Communists who are the ones who lie; that while we trust our capability for verification in the vast Soviet Union, we are helpless with respect to tiny Nicaragua.

Nobel Peace Prize recipient President Arias has said, "While one man can start a war, peace is a slow process and the product of the effort of many." I would like to add, if we have given the Contra effort 7 years, the peace plan certainly deserves more than 6 months. I am confident that the House will make the right decision today, to cut off Contra aid and join the Central American leaders in giving both peace and democracy a chance in Central America.

Mr. CHANDLER. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. Cheney].

Mr. CHENEY. Mr. Chairman, I think it is important we not have misinformation in the House as we debate this issue. It is emotional enough already without having comments made that frankly do not reflect the structure of the package that is before us. The package, I will reiterate again, is $36,250,000 that will ultimately go to the Contras, $3.6 million in ammunition, the rest of it in food, logistical support, transportation, et cetera, but only $3.6 million military.

The $20 million that the gentleman referred to is money that is set aside in escrow by the Department of Defense in the event of loss of aircraft, to indemnify the aircraft. If no aircraft are lost, the money goes back into the account from which it was taken in the Defense Department.

The ECM material to be provided by the Defense Department is a concept that was approved by this very House just a few weeks ago when we passed the continuing resolution for fiscal year 1988. We embodied that exact same concept that passed this House by a majority vote at that time.

□ 1545

That is the arrangement that is currently in force. So I come back again to the basic proposition. The President has said there will be no lethal assistance, no ammunition, until Congress has the opportunity to vote. It is a good package, and it ought to be accepted.

Mr. CHANDLER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. Coughlin].

Mr. COUGHLIN. Mr. Chairman, most Americans believe that "preventing a Soviet and Cuban military presence in Nicaragua is sufficiently important to the United States to warrant continued financial assistance to the resistance there." A poll of my constituents that I undertook supported this view by a 60-to-40 margin.

The United States has sought—through two administrations, one Democrat and one Republican—to accomplish by regional negotiation the goal of a free, pluralistic, and nonaligned Nicaragua.

Instead, the regime of Daniel Ortega, his brother Humberto Ortega, hardline, repressive Interior Minister Tomas Borge and top Sandinista idealogue Bayardo Arce has over the years imposed continuously antidemocractic measures. Indeed, Defense Minister Humberto Ortega recently outlined Nicaragua's plan to expand its military and realize hegemony throughout Central America.

Meanwhile, many of the original Sandinistas and their allies have fled and are now part of the resistance to the Sandinista quadrumvirate. The United States has supported this resistance as a means of pressing for the goals of a free, pluralistic, and nonaligned Nicaragua.

The Arias peace plan signed by the five Central American Presidents, including Ortega, calls for both an end to foreign military assistance and true democracy in Nicaragua. Pope John Paul recently told President Ortega that peace in Nicaragua must include true democracy.

Yet the encompassing control that Daniel Ortega exercises over life in Nicaragua makes it hard to envision any semblance of power-sharing absent the continued pressure of the resistance. From the indoctrinating education of children, to the ubiquitous secret police, block committees, and Sandinista "turbas," to the preferred treatment of party members, to the overblown Army, Ortega's government is a classic Leninist regime, rooted in anti-Americanism from the start.

Absent the pressure of the United States-supported resistance, there is precious little to suggest it will reform.

Let's be clear just exactly what the vote today is about. The President's package would provide $36.2 million in direct aid to the resistance. Of this total, only $3.6 million would be for weapons and ammunition, releasable only with the Congress' consent. And in fact, none of the funds in the package necessarily have to be expended, so long as the Sandinistas come into compliance with the Arias plan.

Opponents of aid to the resistance say, "let the Sandinistas go, and if they become a threat we will intervene militarily." But in a dictatorship of the kind the Sandinistas have sought to impose—unlike the situation in a democracy—covert operations are easily concealed. And it is hard to envision the same opponents of aid to the resistance today ever supporting American military intervention, under any circumstances, tomorrow.

Are we such innocents that we do not realize we are in a struggle between freedom and dictatorship in Nicaragua and the world?

Are we so gullible as to believe at this point that Daniel Ortega is not a child of Moscow and Havana and an instrument of instability in Central America?

Are we such shrinking violets that we are unable to stand up for freedom and support resistance even at our own borders?

Are we such gutless wonders that we will abandon those we have supported when they are on the verge of accomplishing the objectives of both the Arias plan and the United States?

Are we such bleeding hearts that we believe goodness and justice and compassion are all on the other side—that we must always blame America first?

If we are all of these, then God help us, because we are unwilling to help ourselves.

Mr. GEPHARDT. Mr. Chairman, I yield 6 minutes to the gentleman from Delaware [Mr. Carper].

Mr. CARPER. Mr. Chairman, I do not judge the administration's proposal before us today as harshly as some of our colleagues do. It is a more constructive plan than the trial balloon floated last fall by Secretary Shultz. The President's 11th-hour decision to seek a sense of the Congress resolution before releasing this package's lethal aid is another positive step. I believe

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that we have witnessed a narrowing of our differences in recent weeks. Not a total elimination of them, but a discernible narrowing nonetheless. I, for one, welcome that movement.

Having said that, there are several legitimate concerns still being voiced with regard to this Contra aid package. I won't dwell on them, but I want to mention them. The package is both bigger and less humanitarian than it appears to be. Neither we, nor the Central American governments, have a satisfactory way of ensuring that lethal aid is not somehow mixed in with the nonlethal aid. We are asked, instead, to trust the CIA, Elliot Abrams, and others. Multilateral talks between the United States and all five Central American nations on important security issues are not part of the package. And, finally, it appears to me that a sense of Congress resolution affirming a month or two from now that Nicaragua actually has complied with the Arias peace plan could be filibustered in the U.S. Senate, eventually enabling the President to release lethal aid even if a majority of us, in truth, were opposed at that time.

Last month, I was afforded a rare opportunity. I went to Costa Rica with a five-member delegation to observe the summit held by the five Central American Presidents. I went not so much to observe or monitor the talks, but to gain firsthand the knowledge and insight that would enable me to cast an informed vote today.

Those talks opened on January 15 with low expectations. To most observers, the peace plan of Oscar Arias appeared to be dead in the water. All that was left to do was perform the last rites and to pull the plug. To my surprise—to almost everyone's surprise—Lazarus figuratively rose from the dead. When the summit concluded on January 16, Daniel Ortega agreed to a number of concessions that I personally did not believe he would ever make.

He promised to lift the 6-year-old state of emergency throughout Nicaragua upon his return to that country. He promised to continue broadening the tenuous freedoms of speech, assembly, dissent, and press that began to emerge last August. He promised to immediately release a dozen Nicaraguan opposition leaders who had been arrested following their meeting with the Contras in Guatemala earlier in the week. He promised to close the so-called people's tribunals in his country. And, he promised to name a team of Sandinista officials to begin meeting at once with Contra leaders to negotiate a cease-fire and amnesty.

In return, I told Mr. Ortega that if he kept his word, I would not support a Contra aid package of this nature. On the other hand, if he failed to keep his word, Contra aid would likely continue with my support.

Since returning to this country from Costa Rica, I have followed developments in Nicaragua and Central America on a daily basis. To date, President Ortega has kept faith with the commitments he made to us last month. Now, I intend to keep the commitment I made to him.

Most of us gathered here today have made up our minds on how we intend to vote on this particular proposal. Some of our colleagues have not. If you are one of those undecided members, I'd like for you to consider the following points. First, What is our Government's policy in Nicaragua? Is it what we say it is—to compel the Sandinistas to comply with the Arias peace plan and with the original promise of their revolution—namely a more democratic society and a mixed or pluralist economy? Or is the objective really to bring down the Sandinista Government, largely through military means?

For those who would embrace the latter, let me remind you that a military victory by the Contras, even if it were possible, would cause the Sandinistas and their tens of thousands of supporters to essentially change places with the Contras. The Sandinistas would again become the guerrilla insurgents, armed with 300,000 AK-47's, and wreak havoc on a successor government in Nicaragua, much as the leftist guerrillas are doing in neighboring EL Salavador to the government of Napoleon Duarte.

I, personally, believe that our policy is to bring a combination of economic, military and diplomatic pressure on the Sandinistas until they start living up to the original promise of their revolution.

For several years, the Sandinistas have said they would lift their state of emergency and restore the basic freedoms guaranteed by the Nicaraguan constitution after we halted aid to the Contras. The United States, in turn, has said we will halt Contra aid only after the Sandinistas have acted first. Part of the beauty of President Arias' peace plan is that it doesn't require either the United States or the Sandinistas to go through the door first. We basically go through it together, at the same time.

In his speech last night, President Reagan suggested that after the United States and the Sandinistas had gone through that door together, it somehow closes and locks on us, freezing the U.S. position in place. Daniel Ortega, on the other hand, could renege on his promises and walk right back out that same door leaving us on the other side.

The President's implication is just plain wrong. The door remains open for either of us to turn around and retrace our steps. If Ortega reimposes the state of emergency next week or next month, after we have acted in good faith, Congress could and very likely would, restore Contra aid faster than you can say "Managua." Any such duplicity by Ortega would effectively compel the other Latin nations, along with Canada and many western European nations, to join us in isolating Nicaragua economically, thus tightening our own economic embargo of that country. The Nicaraguan economy is a basket case. Already suffering from staggering runaway inflation, a decimated infrastructure, and shortages of gasoline, water, and electricity, it verges today on the brink of collapse.

Obviously, these are ample and compelling reasons for the Sandinistas to continue on the course they have begun. The threat of reimposed Contra aid is but one of those reasons.

Let us be clear, however, on what a "no" vote on this package does or does not mean. It does not mean that we are about to hang the Contras out to dry. We have a moral obligation to ensure that they are fed and clothed and remain a viable fighting force if the Sandinistas do not act in good faith, or until a cease-fire is in place and amnesty has been granted to the Contras.

If this administration proposal is defeated tonight, we will have an opportunity later this month to vote on the following kind of alternative plan: purely humanitarian aid—roughly $10 million over a 3-month period—triggered by a commitment from this administration to participate in multilateral discussions with all the Central American nations, including Nicaragua. This assistance must be monitored to effectively ensure that the aid is truly humanitarian. In other words, we must ensure that no grenades get mixed in with the cupcakes.

Most of us in this Chamber have already decided how we are going to vote this evening. Several have not. They are still faced with the question: What should we, the representatives of the citizens of the United States, do?

I say we should not undermine with our votes today the real progress toward peace and democracy that began on August 7 with the signing the Arias peace plan. We should promptly fashion and enact an alternative package that effectively holds the feet of both the Sandinistas and the Contras to the fire as they continue their dialog. The United States should begin participating now with all five Central American nations on a broad range of security issues to remove foreign military advisors from Nicaragua, ban the establishment of foreign bases there, and reduce the size of the armies in the region.

In short, we should respond to good faith steps with similar steps of our own. And finally, we should turn down

this particular proposal before us tonight and walk through an open door with the people of Central America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield on that point?

Mr. CARPER. Let me just conclude this, if I may.

What should we do? I would suggest that today we should not undermine the progress that has been made. I would suggest today that we hold the feet of both the Sandinistas and the Contras to the fire to continue the progress that has begun. I suggest that we should broaden the dialog in the weeks ahead to include the United States for the first time in the discussions with the Central American countries, that we should respond in good faith to the Nicaraguan Government, and that, finally, we should walk through that door that has been opened for us today.

The CHAIRMAN. The time of the gentleman from Delaware [Mr. Carper] has expired.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 30 seconds.

First, do I understand the gentleman to be saying that his side now has a plan put together and he has the details of it? If so, let me say that I know that everybody in this Chamber was very distressed when Mr. Nixon said he had a secret plan and nobody could see the secret plan. I wonder if perhaps the Members of the House could see this secret plan.

Mr. CARPER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. Certainly, I yield to the gentleman from Delaware [Mr. Carper].

Mr. CARPER. Mr. Chairman, the outlines of the plan that I have just described have been suggested to leadership, and my hope is that if this plan is defeated today, the gentleman and his colleagues will join with a majority of us in implementing the plan.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. Kasich].

Mr. KASICH. Mr. Chairman, I think it is very important to point out to the gentleman from Delaware that the day the Washington Post ran headlines that the Sandinistas were lifting the state of emergency, they arrested five people who dared to enter Nicaragua and have a protest against the government. The Sandinista newspaper printed, and I quote from that paper: "The recent restoration of civil rights should not be misinterpreted as a blank check for irresponsibility and subversion."

So again I say to the gentleman from Delaware that he should remember that Ortega lied to him the very day he made a promise.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. DeWine].

Mr. DeWINE. Mr. Chairman, the Contras are literally the grease that allows the wheels of the peace process to turn. It is not a question of being either in favor of the peace process or aid to the Contras. Rather, we are in favor of aid to the Contras because that will help the peace process.

The whole question boils down to this: What do we perceive the Sandinista regime to be? Do we think they are going to be affected by world opinion? Do we think that when we take away the military pressure, when we take away that small amount of money that is going to be placed in escrow, that they are going to automatically come to the bargaining table and negotiate away the things they say they have won in their revolution? Of course they are not. They are hard-core Marxist-Leninist Communists. They are not going to give up anything. If we take away that pressure, what we are going to see is that they are going to act in their own perceived self-interest. Every regime does that, and we have to understand the nature of this regime.

Mr. Chairman, I ask the Members to vote for the peace process and vote to put this money in escrow.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Guam [Mr. Blaz].

Mr. BLAZ. Mr. Chairman, I thank the gentleman for yielding this time to me.

Let me say to my colleagues, as they know, I am one of those few Americans in this body who is not given the privilege of voting today. The temptation not to be here, the temptation not to speak was almost overwhelming, but not to come down here and speak would put me in that category of people who are not accounted for, and I could not live with that, because these are only fleeting moments in our service here when we are faced with such a momentous occasion and momentous time to cast our vote, and so not to do so would be unforgivable.

As they say in Spanish, este es momento de verdad—it is the moment of truth.

What you do today is going to affect generations of Americans. We have enjoyed 100 years of tranquillity and prosperity in our land because we have fought all of our wars across the seas, from the shores of Asia and the shores of Europe. In the last quarter of a century, however, something has happened. There is now fighting in our territory, on our shores, on our continent.

If there is one thing that bothers a soldier, it is not the enemy before him but the possibility that he would be abandoned by the main body behind him. There is no despair greater than can descend on a soldier than to know that he has been deserted. Let me say to my friends, I am telling them that if the cancer down in the southern part of this hemisphere is not stopped, it is going to go north, and the sword will be cut by a Red machete, and the only thing that is going to stop it is not an ocean but a river—the river Rio Grande. And if that river is ever crossed, you would have to change its name and call it the River of No Return.

Mr. Chairman, I am asking the Members to support the Contras. I am asking the Members to support the President. If I had a vote, I would vote for it strongly. To those of you who are undecided, I ask them to help me. I fought in three wars for this country. I ask that they vote for me for a change.

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The CHAIRMAN. The time of the gentleman from Guam has expired.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 additional minutes to the gentleman from Guam.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BLAZ. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the gentleman said something very interesting, I say to General Blaz. The general has talked about a soldier and how it feels when the people backing him are not there.

Does the gentleman recall April 17, 1961, at the Bay of Pigs when we had some brave people that we trained and we armed and we said, "Hit the beach. We're behind you, get in there and recapture your country from the communist Castro."

Then when the moment of truth came and they were in there fighting, the air cover was not there because our Government decided to pull it back and they were left to be cut to ribbons and those who survived are still in jail in Havana. Does the gentleman remember that?

Mr. BLAZ. Of course I do.

Mr. HYDE. Does the gentleman remember April 25, 1975, when the last helicopter took off from the roof of the embassy in Saigon with thousands of people left behind who trusted us, believed in us, fought with us, worked with us, and now we were leaving them behind to "give peace a chance?"

Does the gentleman remember when our helicopters took off, and those people we left behind are now either at the bottom of the South China Sea or they are in refugee camps or they are dead.

Is that not so, I ask the general?

Mr. BLAZ. Yes, it is.

Mr. HYDE. So here we are again, there are freedom fighters in Nicaragua, we have trained them, we have given them some weapons, some beans, some bandages, and now we are going to turn and cut and run out on them

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again, are we not? That is called "playing with people's lives." Those are not my words. Those are the words of Governor Robb of Virginia.

Mr. BLAZ. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I have kept silent until now, because free and open debate is healthful for the democratic process, but now I rise to strongly support the administration's request for renewed assistance to the Contras.

It is well known that the Sandinistas have made important promises regarding the Central American peace plan such as agreeing to negotiate directly with the Contras, lifting the emergency decree, and announcing they would permit an international commission to monitor their guarantee of full political rights for the Contras should they lay down their arms; but these cannot be taken at face value—not just yet.

It is no secret that the Sandinistas have agreed to these concessions in order to influence the decision to be made here today. The test comes if they can follow through on these early gains when they know that the United States is serious in seeing the peace plan succeed. The President's proposal by its very nature is meant to allow for the peace process to unfold. It delays the implementation of the lethal aid component by placing the funds in escrow for 31 days, funds that will not be released unless the Sandinistas do not live up to their previous commitments, there is no cease-fire in effect, and finally that the Contras all the while have been negotiating in good faith. The Sandinistas will have time to act; to prove their sincerity with actions; to back up in substance what they have to say. As a soldier I know it is the epitome of foolishness and irresponsibility to show up for a battle unarmed. So in negotiation, it is foolhardy and naive to think we can come to the bargaining table and wrest concessions by merely pleading and making arguments based on what is morally right. We would like that to be so, but we are smart enough to know otherwise. Just as our resolve to maintain SDI brought the Soviets to the table and produced an INF treaty, so too our resolve to support those who fight for freedom and democracy will compel the peace process in Central America. Perception of strength is important in negotiations. But perceptions must be based on substance in order to be effective. That substance is our continued support of the Contras. The Sandinistas and the rest of the world must know that we will not falter in our resolve for peace and democracy in Central America.

As you know, Mr. Chairman, during World War II, Guam was occupied by the enemy. I knew what it was like to be deprived of my liberty, my freedom, my dignity. I know what it felt like to be deprived of my right to make my own decisions, to have my life controlled by the barrel of a gun. But even during those difficult days, those of us held captive knew for certain that the leader of the free world, the United States, would not forget us. And one of the reasons I am speaking before you today on the floor of the House of Representatives is because the United States stayed the course.

A few years later in Korea, I fought as a United States soldier in defense of liberty. Then, the United States and the free world resolved that the Korean people had just as much a right to freedom and liberty that I and they enjoyed. We followed through and backed our words and principles with action and stopped the aggressions of a totalitarian regime.

But then came Vietnam. As an officer there I discovered how it felt to be abandoned by my own country. I felt the frustration, the humiliation, and the pain of America losing its resolve to defend freedom and liberty. But I had a country to return to. Unfortunately, the Vietnamese who fought for these ideals did not. We watched as Saigon fell due not to a lack of Vietnamese resolve but a lack of American resolve.

Can we again abandon those who truly thirst for freedom? I think not. We must not ever again abandon the cause of freedom and liberty anywhere in the world. You may vote today to strengthen the Sandinistas' cause, but history will record that vote with timidity and chagrin.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. Wolpe].

Mr. WOLPE. Mr. Chairman, I rise today to oppose the President's most recent request for additional Contra aid.

In judging the last 7 years of United States involvement in Nicaragua there is only one word that comes to mind: failure.

Our policy has failed to bring peace and stability to a troubled region. Instead we have subsidized a tremendous amount of human suffering and death.

Our policy has failed to promote democracy in Nicaragua. Indeed, Contra aid has provided the Sandinistas with an ideal excuse to suppress civil liberties.

Our policy has failed to limit the expansion of Communist influence in Central America. If anything, we have driven the Nicaraguans closer to the Soviet Union by driving them away from the United States. And now our Central American friends are warning us that a continuation of the war in Nicaragua could well lead to greater instability throughout the region and to new opportunities for Communist penetration in their own countries.

Our policy has failed to create a credible opposition force in the Contras. Let's face the truth squarely. The Contras are an American invention: created, financed, and trained by the Central Intelligence Agency. And they have often behaved more like repressive somocistas than like democratic freedom fighters. They continue to kidnap, maim, and kill unarmed Nicaraguan civilians. And we wonder why they have failed to win over the Nicaraguan people and remain totally dependent on the CIA for air drops of food, weaponry, and even cash.

Finally, our policy has failed to attract the support of the American people. On no issue has the administration invested more time and energy and resources than on their Contra Aid Program. Yet Americans remain steadfastly opposed to it. Poll after poll has revealed that two-thirds of the American people want Contra aid to end. Indeed, a January 1988 New York Times/CBS poll indicates that even those who consider themselves Republicans or conservatives oppose Contra aid by more than a 10-percent margin.

The Reagan administration has ignored the failure of its policy for too long. When it failed to convince the American people and the Congress to endorse it, the administration simply chose to ignore the rule of law, to take its support for the Contras underground and to develop covert operations.

Indeed, this past week we have learned that in pursuit of their policy administration ideologues have gone so far as to infringe on the constitutional rights of innocent American citizens. In an extraordinary reversion to an earlier era, the FBI appears to have conducted a wholesale spy operation on members of Central American peace groups.

The lesson of the recent past is clear: Now is the time to return to legality in our foreign policy and civility in our domestic affairs. The corruption of the Contra policy extends not only to the upheaval in Central America but to the perversion of our own institutions of government.

Statutes of Congress were unilaterally set aside in the blind pursuit of support for the Contras. Secrecy replaced public policy. Lies replaced truth. The Presidency itself was shaken, crippling the trust of our people, our allies in the American Government.

Also at stake is the viability of the efforts of the Central American democracies themselves. They are on the front lines of freedom. They are determined to wage peace with Nicaragua—and we have to help them.

Now is the time to demonstrate support for the peace plan forged by Nobel Prize winner Oscar Arias and the four other Central American leaders. The Guatemala plan has created the promise of lasting peace. It has opened the doors of La Prensa. It has pressured Ortega to free 1,000 political prisoners. And it has provided an opportunity for more open political debate inside Nicaragua. The peace plan has done more in 7 months than U.S. military aid to the Contras has done in 7 years.

Now is the time to demonstrate respect for our neighbors to the south, to show that we have finally learned from our mistakes and are ready to try to make the peace process work.

Now is the time to work with the Central American nations, and the

other leading democracies of Latin America and the world. Now is the time to use the combined diplomatic and economic means at our disposal to keep the pressure on Nicaragua to support democracy, to respect human rights and to be a responsible neighbor to us all.

In the words of President Arias, "the hour of peace has arrived." It presents the United States with a dramatic choice: we can follow down our current path of military involvement, which portends eventual military intervention, or we can take the more promising route of compliance with the Guatemala plan.

Let anyone who is still undecided in this matter consider the words of Mexican writer Carlos Fuentes: "the great weakness of the Soviet Union is that it is surrounded by satellites and not by friends." Let this never be said of the United States. Let us use our tremendous influence and power to foster not war, but peace and democracy in Central America.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. If I have time, I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I appreciate my friend yielding.

The gentleman talked about prisoners and that they released 1,000. I am informed by very reliable sources, Father Callahan of the Quixote Center, that there are 9,000 political prisoners in Nicaragua. I know as a fact that the International Red Cross and Amnesty International, is not permitted to even visit them. Does the gentleman not think they ought to let them visit the prisoners?

Mr. GEPHARDT. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. Edwards].

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I compliment the gentleman from Missouri [Mr. Gephardt] for the magnificent contribution the gentleman has made to this important issue.

I rise in opposition to the present proposals.

Mr. Chairman, once again today we are being asked to vote on a resolution to provide aid to the Nicaraguan Contras. For 7 years we have been considering these requests from the Reagan administration to fund an army whose sole purpose is to overthrow the government of a sovereign nation.

I am voting against Contra aid today, as I have in the past, because I do not believe that the United States can impose democracy on Nicaragua through support for a military force which has little popular support among the Nicaraguan people.

The issue we are debating today is not whether we approve of the Sandinista regime in Nicaragua. Clearly, we do not. Rather, the issue is whether the United States should be adding to the instability of the Central American region by funding a civil war in Nicaragua.

The answer to this question is "no." There are more constructive ways of encouraging Nicaragua to democratize than through military force, and it is time for us to begin pursuing them.

How do we do that? First and most important, we support the Arias peace plan, the regional peace process that is being conducted under the leadership of five Central American Presidents. As a result of the Arias agreement, these nations are beginning to implement democratic reforms.

In Nicaragua, President Ortega has agreed to lift the nationwide state of emergency, grant amnesty to approximately 3,300 political prisoners, and permit the opening of newspapers and radio stations.

Also, the Sandinistas have begun to hold cease-fire talks with the Contras. So already a process of negotiation among Central American leaders begun in August 1987 has accomplished more to bring about democratic reforms than 7 years of U.S. funding for the Contras.

With results like that one would think that the United States would want to do all it can to ensure the success of this peace process. However, even though the Central American Presidents have asked the United States to stop funding the Contras, the Reagan administration is going ahead with a request which is a major escalation of the Contra war effort.

Thus, the Reagan administration is trying to persuade us that it knows better than five Central American Presidents what is best for Central America. This is both arrogant and wrong.

Another effective way of encouraging the Sandinista government to implement democratic reforms is through a combination of economic sanctions and economic assistance. If democratic reforms are not forthcoming in Nicaragua, then we should continue with our economic sanctions.

This policy will continue to have an impact on the Sandinista government which is already trying to deal with a very unstable economy. After all, this is our traditional way of putting pressure on nations which consistently ignore basic human rights.

However, when there is movement toward democratic reforms, we should use economic assistance to positively recognize this progress. The United States has a long history of helping other democratic nations develop economically because we understand that a sound economy is necessary for a stable democracy. The promise of economic assistance is certainly a more positive incentive for democratic reform than continued military intervention, and it is a policy we should pursue with Nicaragua.

Finally, the United States can and should use diplomatic pressure and public condemnation on the Sandinista regime. Contrary to what many foreign leaders may state publicly, governments are always concerned about how they are perceived in the world community. However, any diplomatic entreaties we make toward the Nicaraguans are undercut by the fact that we are funding a civil war in their country. Only when we abandon our militaristic approach to the problems in Central America can we expect the Nicaraguan people to take our call for diplomatic solutions seriously.

Thus, the Reagan administration has had many opportunities through the regional peace plan, economic sanctions, and diplomatic pressure to play a positive role in encouraging the Sandinista government to implement democratic reforms. Instead, the United States currently finds itself supporting a rebel force which has little popular support in Nicaragua and cannot hold any territory within the country's borders.

And now, the Reagan administration is asking us to approve more aid for the Contras even though administration officials have failed to deal honestly with Congress in the past. After all, we cannot forget that Assistant Secretary of State Elliot Abrams admitted giving misleading testimony before Congress during the Iran-Contra hearings.

And now, we are considering a request from the Reagan administration which contains disturbing hidden costs: an additional $20 million to replace damaged aircraft; between $4 million and $12 million for electronic equipment; a definition of nonlethal aid that includes anything which is not lethal and would include such things as aircraft, helicopters, and portable bridges. This does not sound like true humanitarian aid to me.

A key provision of this legislation calls for the $3.6 million in lethal aid to be released by the President after March 31, 1988 if he certifies that there is no cease-fire in place, Nicaragua has not met its obligation under the peace plan, and the Contras have negotiated in good faith. Congress would play no role at all in determining the release of this aid.

On January 19, the President certified that no progress had been made toward a cease-fire in Nicaragua despite the fact that the Sandinistas had already stated their commitment to negotiate with the Contras. If the President was willing on January 19 to make a finding in favor of Contra aid, despite evidence to the contrary, is there any doubt what his finding will be on March 31?

We are faced today not with a choice between supporting or not supporting democracy in Nicaragua. Rather, the choice is whether we will begin to support the Central Americans in their quest for democracy through peaceful, constructive cooperation with their leaders, or whether we will continue to fund a war that the Central Americans do not want.

Today we can end the failed military policy of the past 7 years by voting against this measure. This vote can mark the beginning of a more peaceful and realistic U.S. policy aimed at encouraging the establishment of democracy in Central America. I am voting for that new policy.

Mr. GEPHARDT. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. Hayes].

Mr. HAYES of Illinois. Mr. Chairman, I rise in opposition to House Joint Resolution 444.

Mr. Chairman, back in 1857, President James Buchanan declared that the United States would eventually take over Nicaragua through the natural expansion of the white race. In 1984, Ronald Reagan declared that he only wanted aid to the Contras until the Sandinistas "cry uncle." Sometimes, the more things change, the more things stay the same.

Ignorance of century-old American history is not unusual, but President Reagan's ignorance of recent American history is remarkable. The President claims that it is the Contras who have brought the Nicaraguan Government to the bargaining table. The reality is that the combined political and regional pressure of the Central American Presidents who signed the Arias peace plan has brought more positive change in Nicaragua in the last 6 months than in 6 years of Contra war. During the President's State of the Union Address, he once again referred to the terrorist Contras as "freedom fighters." Yet in his entire speech, while he outlined his view of freedom fighters all over the world, he ignored the cause of the millions of freedom fighters in racist South Africa. And in light of the arms-for hostages scandal, we would be wise to question whether the President can even tell the difference between a freedom fighter and a terrorist.

The Central American peace process is at a very fragile stage and the United States Congress has a chance to place our Nation on the same side as the other democratic nations in our hemisphere. By rejecting the President's call for military and material supplies for the Contras we can give the Central American peace process an opportunity to succeed. Peace is possible, and no one wants peace any more than the people of Central America. If, in 1988, we miss this chance, it will not only be history who will be our judge. It will be our friends.

Mr. GEPHARDT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to this aid request.

Mr. Chairman, the notion that we should fund a war to achieve peace in Central America, is absurd. Yet, that is the twisted logic the White House is using to obtain additional funding for the Contras. The administration argues that the triumph of peace is won through the efforts of the Contras, who are notorious for killing peasants, burning hospitals, and laying waste to farmlands. President Reagan really believes that it is the death and destruction in Nicaragua that will secure a democratic regime in Managua. However, nothing could be further from the truth. The fact remains that the only result of more arms to the Contras, is more war. I know that, Members of this body know that, the American people know that and even the White House knows that. The time has come for us to end this charade of supporting an immoral war, and instead pursue the call for peace.

Last August, the five Central American Presidents came together to build a new future for the region. They did this by drafting a peace plan, which among other things, requires the cessation of all outside aid to rebel forces. The five Presidents stood firm on this issue, and have reiterated their opposition to any such aid. Yet, despite their ardent pleas, the Reagan administration has turned a deaf ear. By submitting this Contra aid request, President Reagan has demonstrated that he will accept nothing short of a military solution in Nicaragua. This is not only foolhardy but, it goes against the strong sentiment in Latin America, for a political settlement in the region.

Never before have we faced such a clear-cut choice between peace and war in Central America. The Arias peace plan offers the best hope to end the hostilities which have plagued the area for over a decade. This opportunity must not be squandered away. Congress must take the first step and vote down Contra aid to stem the violence which has disrupted the life of all Nicaraguan citizens. The denial of assistance will also signal confidence in our Central American colleagues' efforts to deal with the conflict.

Mr. Chairman, I urge my colleagues to support a new direction for Central America and cease all aid to the Contra rebels.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, it has been said that there are liars, darn liars, and statisticians. One might as you listen to this debate today suggest that often around here we have liars, darn liars, and historians.

I have heard a lot about a failed policy on the floor today, a policy that is designed in terms of historical reflection that is convenient for whoever is speaking.

The fact is that Central America has been a place of great desperation for a long, long time. The Somozas dominated Nicaragua for 40 years. America conveniently extended support at times when indeed we should have been pressuring for change. That did not come through Democratic and Republican administrations over too many years.

In my first session in 1979, that debate was raging and America had made a decision to push the Somozas out in order to provide hope, freedom and opportunity, economic growth and change, and suddenly after that crisis we began to give money in sizable form to a new government and that new government suddenly we found was not the one we expected. The business people of Nicaragua had gone back to work. Others forgot about the crisis and the Communists of Nicaragua took over and the very people who came to this floor and pled to give freedom a chance, peace a chance, suddenly found the Sandinista Communists to be OK. Suddenly they are saying those people who are continuing their fight for freedom somehow are antipeace, somehow antifreedom, opportunity and hope.

I cannot imagine how one has made that emotional as well as intellectual transition.

The fact is finally because of the pressure, the Sandinistas are back at the bargaining table and that pressure is the only chance today for peace and freedom.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, these Sandinistas are hardcore Communists and to talk of putting them to the test if really embarrassingly naive. These Sandino-Communists are not just Marxists. They are Leninists, the engines of history, and they hate the Yankee imperialists. Their revolution is for real, and what has been won by the gun can only be taken away by the gun. That is what they say and that is their theology.

Now, we have head from the opposition to this proposition that more aid drives the Sandinistas into the arms of the Soviets. I heard it this morning on National Public Radio from the gentleman who is now managing the bill. We give them aid, we drive them into the Soviets' arms.

Well, when Foreign Minister and Father Miguel D'Escoto accepted his Lenin prize in Moscow on June 10, he said, and I quote:

> This prize brings us even closer to Lenin, that passionate champion of peace.

Then we have Thomas Borge, who in Playboy, something I do not read very often, but I read this in September 1983.

□ 1615

Thomas Borge in the September 1983 issue of Playboy magazine said:

> I have always been a Communist. I told my mother that her gentility would not dissuade me. I am a Communist.

It reminds me of Fidel Castro's interview with Barbara Walters in May 1977 when he said:

> I was a Communist in law school in the 1940's.

There is a strange arrogance, a hubris about people who say we make people become Communists, as though these people do not become Communists on their own, that they need us to energize them and motivate them into that belief.

If my colleagues would read the writings, and read the speeches, from out of Sandinista-land, they would know that they are hard-line, hardcore Marxist-Leninist Communists.

Put them to the test? If we disperse the Contras what are we going to do if the Sandino-Communists flunk the test? Do we give them an F on their report card?

No, I recall what earlier speakers said we are going to do, we are going to "mobilize world opinion." Boy, that sure freed the Captive Nations, did it not? That is wonderful. Mobilize world opinion, that will bring them to their knees.

We may even have a resolution here condemning what they do.

That is utter nonsense.

In 1975 we cut off all aid to Angola's freedom fighters. I was here, and I have saved the copy of the debate. People were saying, "We are going to drive these Angolans into the arms of the Soviets if we help UNITA, and this guy Savimbi."

We cut him off for 10 years.

What happened? The Soviets shoveled it in, $2 billion in military aid, including tanks, trucks, and the rest. Finally we wised up and we started to give aid to UNITA.

What happened? Yesterday Angola announced that they are going to send the Cubans home.

Pressure pays. That is Newton's first law of motion.

Mr. Chairman, I cannot understand, I confess, some of the strange arguments that I have heard, but I think of a quote that fits them beautifully. It is by Saul Bellow.

He said, "A great deal of intelligence can be invested in ignorance where the need for illusion is great."

That is just what we have here, a need for illusion.

Another hummer that we get from the other side is to "take some risks for peace." I can just hear some compesino in the mountains if Nicaragua saying, "No, you take the risk of betting on Ortega for peace, I am risking enough already."

We heard that slogan before, "give peace a chance," and so have a lot of people now at the bottom of the South China Sea.

I also will announce to the pacifist clergy that I believe there are some things worth fighting for. Those people who shy away from the use of force I suggest look at this Frenchman Lafayette whose portrait is over here, who came to this country to help us win our freedom. Nobody handed it to us. We had to fight for it. There are some things worth fighting for, and among them are freedom. We should be grateful our forefathers believed so passionately in freedom.

Another argument is that Contra aid will kill the peace process. If my colleagues will remember that we deployed Pershing II missiles and ground-launched cruise missiles in Europe, and the Soviets said, "We are walking out. You do that, and that is the end of the peace process."

And the President did flaunt the nuclear freeze, urged by some of these same voices of reason and moderation. If we had swallowed that, we would have never deployed the Pershing II's or the ground-launched cruise missiles, and we would not have an INF Treaty today.

Mr. Chairman, they came back. They came back.

Mr. Chairman, I will just tell my colleagues this much, if negotiation was the way out of this struggle, I do not know why Contadora failed. They had years to work on that. It just never worked because the military pressure was not there. The peace process depends on pressure. It depends on economic, political, and military pressure.

The use of pressure is so fundamental that it seems to me the only people who deny it, have a "need for illusion."

This proposal is so anemic that it is a very small insurance policy, and term insurance at that. The military is fenced off, Congress has the final say, and there is no logical reason for turning it down except, and I hate to pronounce the word, politics, the prospect of a Reagan defeat.

Henry Jackson said that in matters of national security the best politics is no politics. How odd that sounds in this Chamber today.

It is a tragic time to cut off aid. The patient is sitting up, color is returning to his cheeks, and there are those who can't wait to cut the oxygen hose. The Sandino Communist treaty compliance is a scam. Managua has been described as a city without the energy of desperation—but with the Contra successes, they are beginning to have hope. Don't strangle that fragile hope—support the Contras.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I appreciate the opportunity to speak after my distinguished colleague from Illinois [Mr. HYDE], who I think has made the ultimate argument in support of aid to the Contras, and that is because of this enormous fear of a group of people that we refer to as Marxist-Leninist Communists.

Query: Who are the most powerful Communists on the face of the Earth?

The Soviet Union. But I do not hear any of my colleagues, at least my rational colleagues, who want to advocate going to war or aiding Contras to overthrow the Soviet Union, because rational minds in this body know that the ultimate result of that would bring a level of human destruction on this planet that would not allow us to emerge as a civilized group of people throughout eons of time.

Who are the second most powerful group of these Marxist-Leninist Communists?

The Chinese. But I find it fascinating that at this point we are interested in selling them Calvin Klein jeans and Cadillacs because we have a trade deficit. Ideological differences that exist between us and China are no longer a big deal when our economic interests are involved. So we are not talking about aiding Contras to overthrow the Chinese. We are busy trying to sell them these things.

Who are the third most powerful group of these Marxist-Leninist Communists?

They are in East Germany. But I hear no one saying that we should aid Contras to overthrow East Germany, Czechoslovakia, Poland, et cetera. No rational mind in this body would advocate that.

So where do we choose to attack these dangerous Marxist-Leninist Communists, Mr. Chairman?

It is fascinating. It is in countries where the black and the brown and the red and the yellow, where they are dying from the work of death squads, from oligarchies, and military juntas, and dying from poverty and hunger and disease. So where are the dangerous Communists, Mr. Chairman?

Not in the Soviet Union. Not in China. Not in East Germany. Not in Czechoslovakia. But they seem to be in Third World countries. So when we choose to become brave and powerful and macho and talk about war, we say, "where is Daniel Ortega? That is a Communist that I can challenge."

Where are the Communists in Africa and Asia and Central America?

So being a simple human being, I have come to the conclusion, Mr. Chairman, that there must be two kinds of Communists on the face of the Earth, because we sure have different attitudes. There must be good Communists and bad Communists. The good Communists must be the ones that have a big enough bomb to bomb us back. Maybe the bad Communists are where we strap on the holster, Mr. Chairman, where we aid Contras. That is where the countries are where people are dying of starvation and malnutrition and hunger, where instead of being anticommunist we ought to be antipoverty, antihunger, antidisease, and antideath squads, and antiviolation of human rights.

Mr. Chairman, therein lies the fundamental contradiction and, I would assert, the hypocrisy of that argument.

If it was purely anticommunism, then why are we not bombing the Soviet Union?

Most of us here are not fools. We understand. So when we want to get tough, we want to get tough with Ortega.

Mr. Chairman, we are about to lose a generation of our children. I live every day on the principle that this generation has a responsibility to turn over to our children a better world than the one we inherited. Our responsibility, Mr. Chairman, is not to give our children another generation of the insanity of war, and myopic perspectives, but to guarantee our children a

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generation of peace, and I say let it start in Central America. Peace is not simply the absence of war, Mr. Chairman. Peace is the alternative to war.

In Central America we have an alternative to war. We can sit down peacefully and democratically and bring in all parties together to begin to negotiate beyond the insanity of war. If the human spirit could get beyond the notion that we could sell other human beings as chattel, if the human spirit could get beyond the notion of the divine right of kings, then the human spirit can get beyond the notion of the insanity of war. Mr. Chairman, in Central America we have a responsibility to engage in a generation of peace. Peace is more than the absence of war, peace is the absence of conditions that give rise to war.

Mr. Chairman, the only way we are going to remove the conditions of war is by sitting down and beginning to negotiate. We are not waging war on the Government of Nicaragua, we are destroying the people of Nicaragua with our economic insanity and our aid to the Contras to maim, kill, torture and harm human beings in the countryside of Nicaragua.

Mr. Chairman, this is not the kind of world that we should turn over to our children. We have to begin to deal with peace and that is what ought to drive us to not only challenge this proposal but every proposal that comes before us in the name of war.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. Hyde].

Mr. HYDE. Mr. Chairman, I thank the gentleman from Oklahoma for yielding me this time.

I would like to say by way of commentary on the always interesting rhetoric of the gentleman from California [Mr. Dellums], the place to start fighting for peace is Afghanistan, Afghanistan where 115,000 Soviet troops are fighting and killing poor people in Afghanistan, and our country is helping the resistance. I do not know if the gentleman from California supports that effort but I would suggest that this country is helping fight the Soviet Union in Afghanistan.

This country is helping to fight the Soviet-supported Vietnamese in Kampuchea, and if the gentleman from California does not think this country has not made more billions of dollars available to those brown people and those red people and those Third World people, the gentleman from California has not been paying attention.

Mr. Chairman, communism is the sworn enemy of the human spirit. We have one Communist base in this hemisphere, and that is Cuba. We do not need another Cuba on the land bridge between Texas and the Panama Canal. We have a country down there, Colombia, that is almost in a state of anarchy. We have Panama, and the Panama Canal being run by a corrupt unstable government. It does not seem to bother the gentleman that the Soviets would have another base in our hemisphere.

Mr. Chairman, I say to my colleagues, Nicaragua is an occupied country. What are Bulgarians doing there? What are the PLO doing there? What are East Germans doing there? What are North Koreans doing there? What are the Soviets doing there?

Is it the water? Is it the beaches?

I suggest to the gentleman that he has a vastly different view of what is right and what is wrong in the world than I do, but so be it.

Mr. GEPHARDT. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. Dellums].

Mr. DELLUMS. Mr. Chairman, my distinguished colleague, the gentleman from Illinois [Mr. Hyde], knows that I am willing to debate him anytime, any place, anywhere in any circumstances on the issue of war and peace, and he knows I am prepared to do that.

Finally, Mr. Chairman, peace does not come through the barrel of a gun or through the bombay doors. Peace becomes reality when one is committed to democratic principles and committed to alleviate the conditions that give rise to war. The world is crying out for peace. Yes, it is crying out for peace in Afghanistan, it is crying out for peace in Central America, it is crying out for peace in southern Africa, and it cries out for peace in the ghettos and the barrios of America. We have to begin to deal with that. Let the national security policies include those conditions, and we will have turned over to the children a much better world than the one we inherited.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from California [Mr. Dellums] would have us believe that it is because the people of Nicaragua are dark skinned that we have raised this issue.

I say to the gentleman from California [Mr. Dellums] that I hope he will not leave the floor.

Mr. DELLUMS. I am listening to the gentleman.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I just came back from Managua and I met with a lot of people down there who are dark skinned, and who want the right to vote, who want the right to have a free press, who want the right to live without fear of being imprisoned and tortured by their government, and I will say to the gentleman from California [Mr. Dellums] that while I was down there with two people from your side of the aisle and another one from my side of the aisle, a very fine young dark-skinned lady, fighting for freedom against the Sandinista government, told us she was frightened and I want to tell my colleagues that since we left, she has been arrested.

I say to the gentleman from California [Mr. Dellums] that if he believes in freedom, freedom knows no color and the people of Nicaragua are as entitled to freedom as the people of the United States.

□ 1630

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. Gingrich].

Mr. GINGRICH. Mr. Chairman, a "yes" vote today is not a happy vote, a pleasant vote or an easy vote, but a "yes" vote today is a necessary vote.

Why have good Democrats like Chuck Robb of Virginia, Senator Boren of Oklahoma, and Senator Bentsen of Texas advocated a "yes" vote? Not because Robb, Boren, and Bentsen are warmongers, not because Robb, Boren, and Bentsen are simple-minded anti-Communists. These three distinguished Democrats have looked at the facts and they have reluctantly concluded that a "yes" vote is the only reasonable factually based vote.

Why has the Miami Herald announced it was wrong in opposing aid to the Contras and urge a "yes" vote? Because it looked at the facts. Why has the Washington Post as late as this morning advocated a "yes" vote? Because it looked at the facts.

What do those who are going to vote no offer us? Like Richard Nixon in 1968 they have a secret plan. They will soon propose what vote they would bring to the floor. We now have a secret plan peace vote. But what is that secret plan?

If you are going to send humanitarian aid to the freedom fighters without a cease-fire, how are you going to protect it? Who is going to lead the first convoy, or are you saying we will set up a gulag in Central America, we will let the freedom fighters and their families hide in one refugee camp, but we will at least give them food in their misery? Is that your solution?

Before any partisan person in this House votes no they should ask themselves two questions. First, why if there is a secret plan there is no one in the leadership offering it? Why are there no people willing to stand forward? Why are we faced with a Nixon-like secret proposal but no clear-cut, specific plan to be voted on today? And second, if there is a massacre, if the morale collapses, if there are thousands of refugees, if freedom fails, what then is your plan? The U.S. Marines? What then do you propose if your way fails? What then do you offer?

Mr EDWARDS of Oklahoma. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. By segments, the gentleman from Oklahoma [Mr. Edwards] has 31 minutes remaining in this segment and 2 hours and 31 minutes at the end of this segment and the gentleman from Missouri [Mr. Gephardt] has 9½ minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. Gallo].

Mr. GALLO. Mr. Chairman, I don't often say this, but I agree with the Washington Post's editorial stand on this critical question of aid to the freedom fighters in Nicaragua. Aid to the Contras must continue.

As the Post editorial states:

> The record of the last 6 months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan, and on the basis we support the President's request.

The Arias plan—signed on August 7, 1987—called for free and fair elections, not political persecution.

It called for freedom of speech and association, not broadcast restrictions and the arrest of political opponents.

It called for a good faith effort to restore peace and democracy, not a secret agreement with the Soviets to build a 600,000-man army.

It called for full compliance by a certain date—the first date was November 7—then it was pushed back to January 15, now who knows when Ortega will comply.

Mr. Chairman, I am not optimistic. As Mr. Ortega has said—he has no plans to give up power.

I am also tired of promises. I believe that actions speak louder than words.

In 1979, the Sandinistas made a promise to the OAS that their government would be "truly democratic" with respect for "fundamental liberties."

Almost 10 years later, the Nicaraguan people are still waiting for democracy.

Mr. Chairman, this is no time to weaken the freedom fighters.

As indicated by the Post, a vote against aid removes the carrot and stick approach that has brought Ortega to the negotiating table.

We must not take the pressure off the Sandinistas just as the negotiations are getting serious.

Support democracy—support the freedom fighters.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. Rinaldo].

Mr. RINALDO. Mr. Chairman, this is a tough vote. It requires a lot of soul searching. No one wants to harm the prospects for peace in Nicaragua.

I believe the peace proposal put forth by Costa Rican President Arias can bring peace to Central America, but only if all of the participants are sincere in their desire to implement the democratic reforms that were agreed to in Guatemala last summer.

I have been encouraged by the recent steps which have been taken by the Sandinistas. The lifting of the national emergency, the release of some political prisoners, and the reopening of the independent newspaper and radio station are all positive signs.

The correlation between recent concessions made by the Sandinistas and this vote on additional Contra aid is obvious. The Sandinistas were slow to comply with the peace plan until after the date for this vote was set by Congress shortly before Christmas. The purpose of this additional aid is clear—to continue to apply pressure on the Sandinistas to implement and maintain democratic reforms.

It is a request that, while applying pressure, does not alter the balance of power in Nicaragua. All but 10 percent of this aid will be nonlethal or humanitarian aid. The remaining $3.6 million will be military assistance that will be held in escrow until the end of March. At that time, the Congress will determine whether the Sandinistas have complied with the peace process. If they have complied, as I hope they will, no military aid will be released.

Pressure, or leverage if you will, can produce positive results. The recently signed INF Treaty is an example of this. A few years ago millions of Americans were strongly opposed to the introduction of Pershing missiles into Western Europe for fear that it would escalate the arms race. However, the Soviets already had similar missiles in place. How many of us believe that the Soviets would have unilaterally agreed to dismantle all of their intermediate range missiles? They did so because it was in their own best interest once similar weapons were targeted against them.

A major concern of mine is the mixed signals we are receiving from Managua. The Sandinistas tell us that they are no threat to the other nations in the region, and that they have no interest in spreading revolution. But the record indicates otherwise. Soviet military aid continues to arrive in Nicaragua at the same high level it has in recent years. In addition, Nicaraguan Defense Minister Humberto Ortega has publicly stated that he plans to increase the size of the Nicaraguan Army to 600,000 within the next 10 years, regardless of the outcome of the peace negotiations. This would be a force far larger than is needed for defensive purposes.

He also indicated that Nicaragua plans to acquire additional Soviet weapons, such as Mig jet fighters, which would be of little use in the Nicaraguan jungle. Obtaining an offensive military capability is totally inconsistent with the Arias peace plan and would be a threat to the democracies of Central America.

The largest city in my district, Elizabeth, is the home of thousands of individuals who have firsthand knowledge of what the people of Nicaragua are experiencing. These refugees from Castro's Communist Cuba are adamantly opposed to trusting the Sandinistas. They are opposed because it is all too familiar to them: The restrictions on human rights; the buildup of the armed forces; and a heavy reliance on the Soviet Union are things that they too have experienced. Cutting off aid to the Contras now, in their judgment, would amount to another Bay of Pigs when we left the Cuban freedom fighters stranded on the beaches. These Cuban-Americans claim that we should continue aiding the Contras until Fidel Castro and the Soviets stop sending weapons and withdraw their military advisers from Nicaragua. Mr. Chairman, I share this belief, and I am going to vote in favor of the additional aid.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. Lipinski].

Mr. LIPINSKI. Mr. Chairman, I rise in support of this aid package because I believe that if we are going to have peace, freedom, democracy, and justice in Nicaragua and all of Central America, we must keep the pressure on the Marxist-Leninist Sandinista regime. The Contras are not the freedom fighters we would like them to be, but I believe they are a great deal better for the people of Nicaragua, Central America, and the United States than the Communists who now rule Nicaragua. The best way to bring democracy to Nicaragua is the full and complete implementation of the Arias peace plan, and I believe the only way that will be accomplished is by the military pressure of the Contras.

If the Sandinistas were sincere about peace in Central America, they would stop the military buildup that will put, according to the Nicaraguan Defense Minister himself, 600,000 Nicaraguans under arms by 1995. They would stop aiding Communist insurgent groups in El Salvador and end the vast flow of military hardware received in recent years from the Soviet Union, Cuba, Libya and other Communist/terrorist regimes. In addition, they would allow total freedom of assembly, speech, and the opportunity to hold free and fair elections.

The Contras are the main obstacle standing in the Sandinistas' way of complete control. There are now between 12,000 and 16,000 Contras fighting against them. They are now operating in two-thirds of Nicaragua's ter-

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ritory and their improved military performance indicates they are receiving significant support from various segments of the population.

It makes no sense to withdraw support from the Nicaraguan resistance just as they have entered into direct negotiations with the Sandinistas. Every important concession that the Sandinistas have made is reversible. The Contras need continued United States support if they are to negotiate a successful cease-fire which will fully allow them to take part in the democratic process in Nicaragua.

Continued aid to the Contras is, therefore, necessary to extract further democratic concessions from the Sandinistas. Aid is necessary to implement the provisions for democracy so that the armed resistance can exchange bullets for ballots in a truly democratic Nicaragua. Without military aid, the Contras will be forced to choose between surrender on terms dictated by the Sandinistas or permanent exile.

The Central American peace plan is worthy of continued United States support. Its strong emphasis on democratization reflects our values and addresses our security interests. Continued Contra aid is not only compatible with the peace plan, it is also absolutely necessary to achieve its goals. Because the Sandinistas do not advocate the principles of democracy, pressure from the Contras is necessary to oblige them to implement the provisions of the peace plan.

If the United States abandons the Contras, it will be an open invitation for the Soviets, who have already supplied the Ortega regime with massive amounts of military aid, to have a free hand in Nicaragua. Failure on our part to assist in the democratic resistance will allow the Soviet-backed Sandinistas to build a second beachhead on the North American Continent.

Congress must decide now whether it will combat communism in Central America or let it spread like a cancer through the fragile democracies of Latin America. Unfortunately, there can be no self-determination in Nicaragua today so long as the Soviet Union retains paramount influence there. If we choose to deny these friends of democracy a real chance at self-determination, we will be condemning the Nicaraguan people and very possibly our Latin American neighbors to a turbulent period of Communist aggression that someday may reach our shores.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, in spite of 8 years of repression, torture and murder by the Communists in Nicaragua, in spite of the fact that the last 8 years have been littered with the bones of promises broken by these Communist dictators, here in this house of freedom, in literally this last bastion of world democracy, today some are saying that we should trust these charlatans once again. It is said that, in the name of peace, this modest amount of aid must be prevented from reaching the Nicaraguan freedom fighters. Of course, it isn't peace, but peace with freedom that is truly at risk here today. There is no one here who does not want peace. I want it. You want it. The Nicaraguan people want it.

But the Nicaraguan people want—and are entitled to—more than just peace. They want the right to live in liberty. They want their children not just to live in peace, but to have the right to free speech, to free assembly, to freedom of worship, to freedom of travel, to freedom of enterprise—all of the simple and yet tremendous freedoms that have made this Nation of ours great. And, just as important, they want the freedom not to be harnessed to the ever-growing Communist military machine in Nicaragua—a killing machine that will inevitably destroy the lives of their children through indoctrination and militarism, and sooner or later, the conquest of their democratic neighbors in Central America.

And so, once again, let us be frank, it is not the question of peace that lies before us today here in this great House. It is the freedom of the Nicaraguan people that is in our hands, and the future of their children.

Before we cast our votes, before we decide the fate of the Nicaraguan people, before we sacrifice their freedom on the altar of Communist promises, I ask my colleagues to listen to the words of Father Peter D'Abele, an American Roman Catholic priest who has lived and preached in Santo Tomas, Nicaragua, for more than 5 years—a priest who is still there today and who knows both the Nicaraguan people's desire for freedom and the ways that their Communist rulers continue to deny it.

Father D'Abele says that in the town of Santo Tomas in the heart of Nicaragua, only 10 percent of the residents support the Communist regime—only 10 percent. Ten percent of the residents are actively working to help the freedom fighters overthrow that regime. And what does he say about the remaining 80 percent? They are fighting the Communists by not cooperating with their regime.

Here is how Father D'Abele expressed the feelings of the people of Santo Tomas—not the feelings of international sympathizers who have made pilgrimages to Managua—but the feelings of real, average Nicaraguans in the middle of a civil war:

> If you have spoken to the people, they say they would rather not be in the army . . . they would rather be out milking their cows. When they're not left alone . . . when they are forced into one way or another, they would rather go with the Contras, because the Sandinistas have attacked family life and they've attacked the church.

Father D'Abele says that the Sandinistas are so bad that the freedom fighters are the only option left to the Nicaraguan people. He also indicates that the aid we gave the resistance last year had provided hope to the people of Santo Tomas that something could be done to win their freedom. Listen to what he says about the attack the freedom fighters carried out on Santo Tomas last October and what the town's residents really thought about it:

> I think, by and large, apart from being scared—everyone was—I think it impressed them. Because no one really believed that Santo Tomas would ever be attacked by the Contras. It was too large. It has always been a military base. There's a fuel depot down below. There's a helicopter pad up above. It's always been kind of a center of operations, and the fact that they had the audacity to attack it and to get as far as they did, I think, impressed a lot of people.

In speaking about the question of more American aid for the resistance, Father D'Abele said that the residents of Santo Tomas weigh the risk of a longer civil war with the risk that their hopes of democracy are going to be snuffed out by one shot—a vote against that aid by the House today. He says:

> If they don't vote this aid, then you have to accept that Nicaragua is going to become a Cuban satellite.

Once again, let me stress that this American priest has been in Nicaragua for over 5 years and is still there today. He has not gone on a 2-week tour of farm cooperatives sponsored by the regime. He's had the guts to speak out on this issue and we ought to listen.

By the way, let's end this delusion that the Communists have suddenly become Democrats under the peace plan. According to the "MacNeil-Lehrer News Hour" reporter who interviewed Father D'Abele, he was not only followed and harassed by the Communist secret police while he was in Santo Tomas, but he was sent back to Managua once they realized what Father D'Abele and others were telling him. This reporter noted that, despite the regime's talk of restored freedoms, the army and police in Santo Tomas had yet to hear of it.

Mr. Chairman, I thank God that we here in America can still hear the voices of freedom. That we can still hear the voices of Santo Tomas. But where is our conviction to freedom? Why has our support for the freedom fighters been so grudging and miserly? Why was the President of this great democracy prevented from addressing the American people directly on this issue of freedom last night? Why do Members of this great body insist that we disarm the freedom fighters and trust the Nicaraguan Communists yet again? The Sandinistas have never kept their promises and they probably never will!

Mr. Chairman, we're trying to get Daniel Ortega to do something he doesn't want to do, and that's honor the promises he made in 1979. How in God's name are we going to do that unless we hold the Contras over his head?

A lot of American boys died because when Adolf Hitler announced his plans to dominate the world, we weren't listening. So now, when the Ortegas announce their plans to spread Marxist tyranny all over Central America, I, for one, plan to take them seriously.

A denial of aid at this time will say that just when democracy started to bloom all over Central America, it was stomped out by the United States refusal to help the Contras. It will say that just when the Contras became a viable fighting force and increasingly popular in Nicaragua, we disarmed them.

What will happen? We will give the Ortegas and their Soviet masters a blank check to spread subversion right in our front yard. And we'll have to get ready for Soviet bases on both the Atlantic and Pacific coasts of this hemisphere.

Mr. Chairman, to point out the difference between communism and democracy and to point out the difference between hopelessness and hope, let me describe an event that took place not long ago when I had an opportunity to visit a city called Hanoi in a place called Vietnam, and there I had to negotiate with a Communist regime for the release of live POW's and the remains of fallen soldiers. That is the only philosophy in the history of the political world that has ever withheld prisoners of war and even the remains of dead soldiers and that is the same political philosophy that exists in Nicaragua today.

While I was there I had a chance to observe the faces of people shackled with international expansionist communism. Ladies and gentleman, there was no hope on the faces of those people, no jobs, no economy, no anything. Yes, that was communism at work, just like in Nicaragua.

I left there and I went to a place called Thailand. I had an opportunity to visit 125,000 refugees displaced by that expansionist communism. Those poor people, as I began to fly in there and then ride over a 50-mile stretch of dirt road, those people began to gather by the side of the road, little people, 5 years old, 20 years old, 80 years old, and they carried signs that said, "U.S.A., you are No. 1. America, we love you."

□ 1645

But there was one great big sign, the sign that said "America, please take us home." Mr. Chairman, they did not mean "Take us home to America," they meant "Make it possible for us to go back to their home, to be free, to live under democracy the way we do." There was hope on their faces and we Americans were their only hope. Mr. Chairman, we are the only hope of freedom loving Nicaraguans.

Mr. Chairman, communism has never been unshackled from the backs of people without outside help, never in the history of world politics. That is, until we did it in Grenada and are doing it in Afghanistan right now.

For God's sake, let us not abandon the people of Nicaragua, let us give them a chance at what we have here in this country, because in doing so you may just be insuring your own freedom in this world.

For God's sake, please support this legislation.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman.

Mr. Chairman, much has changed since the last vote a number of months ago. During the first half of last year, about 14,000 armed Nicaraguan resistance fighters have penetrated their country. In the first half of 1987 alone, the resistance has engaged the Sandinista army over 1,800 times. That has changed. A lot of people in this body were saying the resistance had no military sustainability. Towns and villages have been occupied briefly, critical roads have been shut off, Soviet helicopter gunships have been downed.

I remember, as you all do, during the Iran hearings that the witnesses articulated well that in Central America the Communist Sandinistas have helicopter gunships, the best in the Americas.

Right now the Communists in Central America have helicopter gunships that are better than our own, that are better than those, in fact, we have in the United States of America. The central and eastern provinces particularly of Nicaragua are hospitable to the democratic resistance, indeed much has changed.

All this has been done, of course, with very modest outlays of American expenses.

The Soviet Union, the Warsaw Pact countries, Cuba, Bulgaria, the PLO, if you add up the type of funding, the type of money that they have sent to the Americas it totals to $2.6 billion. And yet we are tripping all over ourselves in this debate to determine whether we should send $3.6 million of weapons to the Democrats in Central America; all the while the Soviet Union and her allies are funding the Communists in our own hemisphere by the sum of $2.6 billion. There are some that will say that if we withhold assistance to the resistance then Daniel Ortega will not ask assistance from Moscow. But I remind this body that in April 1985, and again in January 1986 when this body rejected giving the Democrats their assistance, Daniel Ortega took that opportunity, went to Moscow for additional equipment, additional gunships, and additional supplies.

He right now is negotiating as to whether he is going to get Mig fighter planes, aircraft, in Central America. Managua's friends say they are not serious. Daniel Ortega says he is serious.

If we do nothing, if we do not apply the pressure then Central America will be receiving Communist Mig airplanes. Their pilots, the Sandinista pilots are being trained such that they can fly them today.

The Sandinistas started out with about 12,000 troops. Then it built up to 20,000, then 30,000, then 50,000, then 60,000, and now there are 80,000 troops in Central America, in Nicaragua.

Daniel Ortega, the Communists are saying that even if we establish good relations with the United States they want to build that up to 600,000. Mr. Chairman, give real peace a chance, make sure that the Declaration of Independence stands for true democracy in Central America, not only North America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Chairman, not very often do I rise to speak on this floor unless it is something that is very, very, very important to me. I guess you would try to wonder how you say something different that has not already been said. But maybe we look at it from the regions of the country, the South, the Southeast, the Southwest, the people that really have the refugees that flow into their part of the country, the people that are fleeing communism to come to America. And you look at it and you talk with them and you see the need.

Maybe we will be the first part of the country affected, but our plea is to the rest of the country that you support us, that you see we are closest to the problem, that we understand what is going on in Central America, that we are worried about Communists coming through Mexico, that we are worried about refugees flowing into the bayous of south Louisiana or the refugees going into Florida or Arizona or California.

Maybe we do not believe what our forefathers believed and that is that freedom is something that we have to give a lot to accomplish, but I still believe that.

I hope that a majority of the people on this floor believe that we must obtain freedom and support freedom at whatever the cost may be, whether it be in Asia, Africa, but particularly in our own hemisphere where the Monroe Doctrine was designed to try to protect us and the Americas.

I ask you today to please support the South, support the Southwest, where we feel the greatest fear and where the people understand where the problem comes from and vote for the aid to the Contras today.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, the Contras that we are dealing with here are real people, men and women who want freedom, who thought they were getting it under the Sandinistas but not under Ortega. These are the people that the President calls freedom fighters. They are outnumbered with the military strength of the Sandinistas but they are still fighting for freedom. I wonder why we have become so sophisticated that we cannot recognize it, that it was freedom fighters who made our own United States possible. Have we gone so far from our roots that we have forgotten the men and women who created this great country of ours? What about these Americans who dumped tea into Boston Harbor in defiance of the British rulers? What of those who fought and died at Saratoga and at Valley Forge? These were no fancy military experts, but they knew if they could get their freedom, they had to fight for it and that is what the Contras are doing, the individuals that we are proposing to cut off with this legislation.

What a travesty that so many Members of this body should be opposing the men and women who seek freedom and who hate a cruel and ruthless dictatorship. Have we forgotten how our country was built? The brave men and women who crossed the River Delaware with General Washington to put to rout the British enemy whom they had opposed? They were also Contras; they were contra England.

How can we justify a vote in opposition to these Nicaraguan freedom fighters? How can we turn our backs to those who seek freedom, who are even willing to give their lives in freedom? Let us remember that Nicaragua is in desperate straits. Its inflation rate is at an astounding 13,000 percent. And as the eloquent columnist of the Washington Post, Mr. Krauthammer said, if the United States stops helping the Contras, she will have managed the most extraordinary self-inflicted, strategic surrender in memory. "Our decline will be well earned."

Certainly, no red-blooded American would want to be present at that consummation.

This afternoon we are debating the future of the Contras. But the basic issue in this debate is what America itself is all about: The opportunity of freedom. Over the years America has stood for freedom, and thousands of people from other lands have come to America because they hated oppression.

One of the very first actions of the new United States of America was a proposal sponsored by our fourth President, James Monroe—the Monroe Doctrine—and its impact was sweeping: That we would not permit any foreign government to establish itself in our hemisphere. We wanted only governments that were free, as we in America.

The issue before this free American Congress today is freedom itself.

The Nicaraguan Government, as everybody knows, has violated that Monroe Doctrine. A native, leftwing group—the Sandinistas—forcefully took over the Somoza government. But they only did so by promising the Organization of American States that they would establish a free democratic government that would include other parties, that free elections would be held, and that would include persons representing all groups in the nation.

But those promises were quickly shoved aside, and the government of the Ortega boys promptly forgot their promises to the Nicaraguan people—about freedom. Within a short time Nicaragua has become a totalitarian, Communist regime—a total violation of the Monroe Doctrine.

In a continent reserved especially for freedom the leader of Nicaragua forced a Soviet, Communist, Marxist government within 2 driving days of the United States of America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. Donald E. Lukens].

Mr. DONALD E. LUKENS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it is a very difficult decision for everybody in the House today. I want it known that although I really do hate communism, I do not hate Communists.

I am saddened by the fact that we in this body probably were split philosophically to begin with, but, after nine trips in 14 months to Central America, I am more convinced than ever that the regime in Nicaragua is a Communist dictatorship, and they intend to stay Communist and will never give up their power over the army.

It is the only country in the world, that I know of, where a political party has an army. The army does not belong to the people of Nicaragua, it does not belong to the Government of Nicaragua, it belongs to the Sandinista political party.

That is rather unusual that a party would want an army, but that is the power that Ortega says, graphically, he will not give up.

We met three times now with the Permanent Commission on Human Rights in Nicaragua and all the executive committee of that permanent commission now says that they have documentary evidence of 12,400 prisoners, some of whom have not been allowed to see anybody for 7 years.

I think a country whose government has such a sad record in human rights, on that basis alone, should be subject to some kind of pressure.

Thousands of people that eight of us marched with in Leon 6 weeks ago—and I revisited just this last weekend, 3 days ago—literally hundreds of them, came to me on their own and said that we would not be marching today if it were not for the Contras; we would not have any freedom to assemble; there would be no freedom of religion, certainly no freedom of press or speech if it were not for the military pressure in addition to the economic and political pressure.

I would hope that this House today would see fit, in its wisdom and vision for America, to vote for peace and freedom.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. Smith].

Mr. SMITH of Texas. Mr. Chairman, like the cartoon says, the Sandinistas want peace in Central America—and then a piece of Costa Rica, a piece of El Salvador and a piece of Honduras.

We hear the slick phrase, "Give peace a chance." But let's remember to give freedom a chance.

Does anyone really believe the Sandinistas were giving freedom a chance when they accepted $450 million in military aid from the Soviets last year?

If America does not stand up for freedom in our own hemisphere, 2 hours by air from our border, then when will we support freedom?

Last summer our family visited the Statue of Liberty. On its base is etched a quote by José Marti, the father of Cuban independence. It says, "Liberty costs a great price, and one must either resign himself to live without it or decide to pay its price."

Freedom is never free, Mr. Chairman, and I urge my colleagues to recognize that and then vote in favor of the President's request.

Mr. GEPHARDT. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in opposition to this request for aid to the Contras. I think that it is useful in reviewing this proposal to put it to two tests.

The first test is: Does the policy work on the ground in Nicaragua? And is it likely to succeed? This is a military action by soldiers that we are supporting and I think that as we think about whether or not they could militarily succeed, putting aside the CIA reports and even our own defense reports that say they are unlikely to overthrow the Sandinistas, it is important to review a little history of our involvement in Nicaragua.

The United States has invaded Nicaragua 12 times in history. If you go back to the Congressional Records of the 1920's and 1930's it sounds an awful lot like the Congressional Record of today, and if you look at the old newspapers from those periods you will see that the headlines remind you of the headlines of today. So to the people of Nicaragua, the people that were involved in those times, this is nothing new.

□ 1700

I think a second fact we must recognize is that in the late 1970's, when this country underwent a revolution,

50,000 Nicaraguans lost their lives. This is a country of about 3.3 million, and if we remember, in the Vietnam conflict we lost about 50,000 people. On almost any day you can drive by the Vietnam Memorial here and get a sense of what that conflict and that loss of life meant in this country. So we can imagine what that meant in Nicaragua when we begin thinking about whether or not a military solution to the problem is something that can work on the ground in Nicaragua.

So I simply submit, on the basis of that anecdotal evidence and the evidence we see from our own military and our own Central Intelligence Agency, that having a military policy and a military solution to our problems is not likely to succeed.

I think the next thing we should look at is this: Does the policy reach the goals and the vital interests of the United States. On this point I think there has been some confusion, because we have many different goals that are enunciated by the administration. I think we should try to better articulate what our goals are. I think there are two. I think we have two vital interests in Nicaragua. The first is to reduce the foreign military influences in that country, certainly Soviet, Cuban, Libyan, whatever foreign military influence is in this country, and the second is to keep the Sandinistas from interfering with their neighbors, with many of whom we have treaties and obligations. If we put this policy against that test—what are our goals, and are we reaching them?—I think Members would agree with me that we are not.

Previous speakers on the other side have said that we just cannot negotiate with Communists. Certainly there are people in our country who have that view. I do not think the President has that view. If he did have that view, he would not be negotiating with Mikhail Gorbachev and the Soviet Union. If he did have that view, he would not be negotiating with the Chinese on a variety of subjects. And I believe that the President has even said that the Contras are in the field in order to put pressure on the Sandinistas so that we can get to negotiations to resolve and reconcile our vital interests.

Mr. Chairman, if that is our goal, then what are the people in the region who are leading the effort and working to make this effort come about saying about Contra aid? President Arias, who is the author of the live and viable plan of the moment, said, when he received his Nobel Peace Prize, that President Reagan knows very well—and I quote—"that the Contras are the problem and not the solution." And yesterday the people who have been active in the Contadora process said this:

> We urgently call upon the countries with ties or interests in the region to halt unconditionally, unilaterally, and immediately any actions aimed at destabilization or any type of aid to irregular forces, as is established in the San Jose Declaration for the Attainment of Peace and Democracy in Central America.

In conclusion, I would say, let us give peace a chance. Let us give the people in the region a chance. We have been trying the military solution for 6 years now. Let us give the other way a chance. Let us give life to the words of a great American uttered about his brother when he said, "We see wrong and try to right it, we see suffering and try to heal it, and we see war and try to stop it."

Mr. Chairman, we have tried the military solution. Let us try something else. Let us give peace a chance. Let us not give this aid to the Contras.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. Ritter].

Mr. RITTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in regard to the gentleman from Missouri's point about negotiating with the Communist Sandinistas, I would like to ask the gentleman, when in the history of the 20th century have we negotiated with Communists—whether they be Soviet Communists or Chinese Communists—from a position of weakness?

We are in a position of weakness if we pull the rug out from the precise force that has brought us to the present state in Nicaragua today.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I will yield in a moment.

I think it is highly unrealistic for a candidate for the Presidency of the United States to talk about negotiating with a known Communist regime in Nicaragua from a position of weakness. I yield now to the gentleman on this question.

Mr. GEPHARDT. Mr. Chairman, reluctantly, I yield myself 1 additional minute.

Mr. Chairman, let me say to the gentleman that I think it is ridiculous to say that we do not negotiate with the Sandinistas from a position of strength. It is a country of 3 million people, close to the American border. It has very few troops. Its economy is in a shambles. It is in absolute disorder and disarray from every viewpoint we can look at, and to say that the United States does not negotiate with this country from a position of strength is to misunderstand every fact of modern life.

We negotiated with the Soviets and we did it from a position of strength, and we negotiate with the Sandinistas from a position of strength. To say otherwise is simply not to be in touch with reality.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania [Mr. Ritter].

Mr. RITTER. Mr. Chairman, I thank the gentleman for yielding.

I would like to point out that Cuba was a very small country, and that we certainly were in a position of strength 60 miles from Cuba. However, Cuba had built the largest military force in this hemisphere, with Soviet assistance. And, Cuba continues to conduct surveillance up and down the east coast of the United States.

Nicaragua would do the same. We were never able to deal with Cuba. When the Soviets brought in a brigade and President Carter had some objection, we simply dropped the issue. We have not been able to deal with the Cubans at all.

Mr. CHANDLER. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Washington [Mr. Chandler].

Mr. CHANDLER. Mr. Chairman, I appreciate the gentleman's yielding.

I think the point here is that if the Contras are gone, it is our troops that will create that strength. I think our friends on the other side of the aisle ought to clarify that. Is that what they are saying that that ought to be the final strength here?

Mr. RITTER. Mr. Chairman, I would say to the gentleman that I believe that is exactly what the gentleman from Missouri is saying.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. Huckaby].

Mr. HUCKABY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I must respectfully disagree with my friend and colleague, the gentleman from Missouri, on this issue. He spoke about the history and what has happened in the world. I would like to review some of the lessons of history.

If we go back to the Bolshevik revolution, the Communists did not immediately seize power then. There was a struggle for a number of years between the Red army and the White army, the Red army eventually winning out. If we look at the years since then, not a single country that has gone Communist chose to do so in free elections. The choice has always been by force. If we look at the success of these Communist countries, we cannot point to one that has been an economic success. They are all economic failures, and these economic failures are scattered here and there throughout the world.

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The choice today is not between peace and war. We all want peace regardless of what side of this issue we are on. We all want peace. The choice is what we want in Nicaragua, what the people in Nicaragua want, and what that country will look like in the year 2000 and beyond.

As has been pointed out, the Sandinistas are making concessions today, but why are they making concessions? They are making concessions out of necessity. They are making concessions as a result of the Contras and as a result of our aid in the past few years. We need to see this process through. Now is not the time to abandon the Contras. We need to evolve to a situation where the people in Nicaragua have a true choice. There have been no suggestions made by Ortega yet that he is willing to have free elections throughout the country for a parliament or a congress supervised by the United Nations or that he is willing to have free elections throughout the country for a President chosen by the people.

Today we are engaged in discussions with the Soviets regarding Afghanistan, about them pulling their troops and their military support out of that country in return for us giving up our support to the Afghan rebels. Can we not expect that we can see at least that much here in our own hemisphere?

Mr. Chairman, I think we should vote yes on this issue. We should demand that.

Mr. GEPHARDT. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Chairman, I rise today to again address the issue of continued aid to the Nicaraguan Contras.

In the past few days alone, my office has been swamped with letters, telegrams, petitions, and phone calls from constituents and other citizens from all over the country who want to give the peace process a chance. People who feel as strongly as I do that our policies in Central America have been wrong. Every congressional office has received a copy of a letter, which I have asked to be included in the Extensions of Remarks from today's debate, signed by over 381 members of the clergy who represent every major denomination in the country. The message of the spiritual leaders of our Nation is clear: Support the peace process; vote no on continued aid to the Contras.

Not since Vietnam has an issue sparked such an outpouring from the American people.

The President's zeal to aid the Contras has led the United States to pursue illegal activities in violation of our own laws and in violation of international laws.

How can we purport to be advancing the cause of democracy when our own administration's policies have shown such disrespect for the democratic process. We should be setting a better example.

For years we have meddled in the affairs of Central America. Isn't it time to allow the people of the region the freedom to determine their own future? The peace plan developed by President Oscar Arias, for which he received the Nobel Peace Prize, calls for an end to all outside interference—from the United States, from the Soviet Union, from Cuba. It represents the wishes of the Central American people and we should abide by it.

The people of the United States have made their views clear. The people of Central America have made their views clear. In the true spirit of democracy, it is time for us to listen.

Mr. Chairman, I wish to submit for inclusion in the RECORD from today's debate the following letter which has been signed by members of the clergy from every major denomination in the United States.

FEBRUARY 1, 1988.

A STATEMENT ON CONTRA AID

We, the undersigned religious leaders, urge Congress to defeat any proposed new aid to the armed Nicaraguan opposition known as the Contras.

As men and women of faith who have leadership responsibilities within our religious bodies, we seek United States policies in Central America that are consistent with a deep sense of morality and justice, policies that rely upon diplomacy rather than the force of arms. We support the Guatemala peace accords and the ongoing peace process in the region. Sending additional aid to the Contras in any form or any amount would violate the Central American peace plan and contravene the expressed wishes of President Oscar Arias of Costa Rica. The immoral Contra war policy must finally be ended.

We ask all Senators and Representatives to vote against the request for new aid to the Contras on February 3 and 4.

AMERICAN BAPTIST CHURCHES, USA

Dr. Chester J. Jump, Jr., Interim General Secretary, American Baptist Churches, USA.

Dr. William K. Cober, Executive Director, National Ministries.

Dr. Donald G. Taylor, Executive Director, International Ministries.

Dr. Daniel E. Weiss, Executive Director, Educational Ministries.

Dr. Dean R. Wright, Executive Director, Ministers & Missionaries Benefit Board.

Rev. Kathryn W. Baker, Executive Minister, American Baptist Churches of the Niagara Frontier.

Dr. J. Ralph Beaty, Executive Minister, American Baptist Churches of the Great Rivers Region.

Rev. Helen Louise Bowser, Minister of Church and Ministry, American Baptist Churches of Rhode Island.

Rev. Donald H. Crosby, Executive Minister, American Baptist Churches of Rhode Island.

Dr. Telfer L. Epp, Executive Minister, Mid-American Baptist Churches (Iowa & Minnesota).

Rev. Robert A. Fisher, Executive Minister, Ohio Baptist Convention.

Rev. Carl E. Flemister, Executive Minister, American Baptist Churches of Metropolitan New York.

Dr. Heinz H. Grabia, Executive Minister, American Baptist Churches of Nebraska.

Rev. Sumner M. Grant, Executive Minister, American Baptist Churches of New York State.

Dr. Carlton B. Goodwin, Executive Minister, The Pittsburgh Baptist Association.

Rev. Pedro Hernandez, Executive Minister, Baptist Churches of Puerto Rico.

Dr. Paul T. Losh, Executive Minister, Vermont Baptist State Convention.

Dr. Calvin L. Moon, Executive Minister, American Baptist Churches of Maine.

Dr. Walter Parrish, Executive Minister, American Baptist Churches of the South.

Dr. Robert D. Rasmussen, Executive Minister, American Baptist Churches of the West.

Dr. Robert H. Roberts, Executive Minister, American Baptist Churches of Connecticut.

Rev. Carrol A. Turner, Executive Minister, American Baptist Churches of Monroe Association.

Rev. Larry K. Waltz, Executive Minister, Philadelphia Baptist Association.

Rev. George D. Younger, Executive Minister, American Baptist Churches of New Jersey.

CHURCH OF THE BRETHREN

William A. Hayes, Moderator.

Donald E. Miller, General Secretary.

Elaine Sollenberger, Moderator Elect.

Ronald D. Beachley, Executive, District of Western Pennsylvania.

Donald R. Booz, Executive, District of Florida and Puerto Rico.

Gordon W. Bucher, Executive, District of Northern Ohio.

Helen Constable, Associate Executive, District of Western Pennsylvania.

Janice M. Eller, Executive, District of Oregon and Washington.

Warren M. Eshbach, Executive District of Southern Pennsylvania.

Pamela T. Farrell, Associate Executive Mid-Atlantic District.

Ronald D. Finney, Associate Executive District of Northern Indiana.

Sylvus D. Flora, Executive, District of West Marva.

Martin A. Gauby, Executive, District of Idaho.

Larry W. Glick, Associate Executive, District of Shenandoah.

Terry Hatfield, Associate Executive, District of Northern Indiana.

Robert D. Kettering, Associate Executive, Atlanta Northeast District.

James L. Kinsey, Executive, District of Michigan.

Joseph M. Mason, Executive, District of Southern Ohio.

James E. Miller, Executive, District of Northern Plains.

Carl E. Myers, Executive, District of Illinois and Wisconsin.

Carroll M. Petry, Executive, District of South/Central Indiana.

Ronald D. Petry, Executive, Mid-Atlantic District.

Doris M. Quarles, Associate Executive, District of Virginia.

Merlin G. Shull, Executive, District of Shenandoah.

Ronald and Shirley Spire, Co-Executives, Southeastern District.

Irven and Pattie Stern, Co-Executives, District of Pacific Southwest.

Owen G. Stultz, Executive, District of Virginia.

James E. Tomlonson, Executive, District of Southern Missouri and Arkansas.

John D. Tomlonson, Executive, District of Western Plains.

Randall L. Yoder, Executive, District of Middle Pennsylvania.

Herbert D. Zeiler, Executive, District of Southern Plains.

Earl K. Ziegler, Executive, Atlantic Northeast District.

EVANGELICAL LUTHERAN CHURCH IN AMERICA

Bishop Herbert Chilstrom, Evangelical Lutheran Church in America.

Bishop John Adam, Slovak Zion Synod.

Bishop Harry S. Anderson, Northern Wisconsin-Upper Michigan Synod.

Bishop Dennis A. Anderson, Nebraska Synod.

Bishop J. Roger Anderson, Southern California.

Bishop James S. Aull, South Carolina Synod.

Bishop Darold H. Beekman, Southwestern Minnesota Synod.

Bishop L. David Brown, Northeastern Iowa Synod.

Bishop Guy S. Edmiston, Jr., Lower Susquehanna Synod.

Bishop Lowell O. Erdahl, East Metropolitan Minnesota Synod.

Bishop Lavern G. Franzen, Florida Synod.

Bishop Stefan T. Guttormsson, Southwestern Wisconsin Synod.

Bishop Lawrence L. Hand, Southeastern Pennsylvania Synod.

Bishop Wesley N. Haugen, Eastern North Dakota Synod.

Bishop Mark B. Herbener, Northern Texas-Northern Louisiana Synod.

Bishop Reginald H. Holle, Western Michigan Synod.

Bishop Robert L. Isaksen, New England Synod.

Bishop E. Harold Jansen, Metropolitan Washington Synod.

Bishop Herluf M. Jensen, New Jersey Synod.

Bishop John P. Kaitschuk, Central/Southern Illinois Synod.

Bishop Robert W. Kelly, Northeastern Ohio Synod.

Bishop Ralph A. Kempski, Indiana-Kentucky Synod.

Bishop Gerhard I. Knutson, West-Central Wisconsin Synod.

Bishop Charles H. Maahs, Missouri-Kansas Synod.

Bishop A. Donald Main, Upper Susquehanna Synod.

Bishop Rafael Malpica-Padilla, Caribbean Synod.

Bishop Lowell H. Mays, South Central Wisconsin Synod.

Bishop Curtis H. Miller, Western Iowa Synod.

Bishop Milton R. Reisen, Eastern Michigan Synod.

Bishop Peter Rogness, Southeastern Wisconsin Synod.

Bishop Robert H. Studtmann, Arkansas-Oklahoma Synod.

Bishop Paul R. Swanson, Oregon Synod.

Bishop Sherman Hicks, Metropolitan Chicago Synod.

Bishop Harold S. Weiss, Northeastern Pennsylvania Synod.

Bishop Wayne E. Weissenbuehler, Rocky Mountain Synod.

Bishop Paul M. Werger, Southeastern Iowa Synod.

Bishop David C. Wold, Southeastern Washington Synod.

Bishop Morris Zumbrun, Maryland Synod.

PRESBYTERIAN CHURCH (U.S.A.)

The Rev. James E. Andrews, Stated Clerk of the General Assembly.

The Rev. Frederick J. Beebe, Synod Executive, Synod of Southern California and Hawaii.

The Rev. Robert L. Brashear, Chair, 1987-88 Presbyterian Task Force on Central America.

The Rev. Linda B. Brebner, Associate Executive, Synod of Lincoln Trails.

Mildred M. Brown, Associate, Women's Unit.

The Rev. Vernon S. Broyles III, Director, Church and Public Issues.

The Rev. Tom Castlen, Executive, Presbytery of the Cascades.

The Rev. Clarence L. Cave, Associate for Racial Justice and Black Mission Development.

The Rev. George A. Chauncey, Deputy Director, Washington Office.

The Rev. Robert E. Coleman, Associate Executive, Synod of the Trinity.

The Rev. Robert T. Cuthill, Synod Executive, Synod of Lakes and Prairies.

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Ollie Gannaway, Associate, Presbyterian Peacemaking Program.

Carole Goodspeed, Staff Executive, Committee on Women's Concerns.

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The Rev. Dieter T. Hessel, Director, Committee on Social Witness Policy.

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Rabbi Joseph Glaser, Executive Vice President, Central Conference of American Rabbis.

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J. Alfred Smith, Sr., President, Progressive National Baptist Convention.

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Theodore Wilde, Executive Director, Board of World Mission, Moravian Church in North America.

William Gramley, Executive Director, Board of Christian Education, Southern Province, Moravian Church in North America.

John Hurst Adams, Presiding Bishop, Second Episcopal District, African Methodist Episcopal Church.

Clinton R. Coleman, Presiding Bishop, Fifth Episcopal District, African Methodist Episcopal Zion Church.

Earl R. Johnson, General Secretary, African Methodist Episcopal Zion Church.

Mr. FOLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Chairman, I rise before my distinguished colleagues to speak in opposition to additional funding for the Nicaraguan resistance known as the Contras. I was one of those that supported the hundred million back in 1985. Before I go on, let me visit some of those figures as far as the enemy is concerned.

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The enemy is supposed to be Nicaragua, a country of less than 3 million people, with 50 percent of that population under 15 years of age. The average per capita income in that country is $500. That is the so-called enemy. Those are the people who we are supposedly fighting against. That is why we are helping the Contras.

The reason I bring you those figures is simply to tell you that for 6 years we have been fighting this country of less than 3 million people—6 years. I grant you that I have been one of those who has supported that effort.

We have given the Contras money and moral support and every opportunity to bring peace and democracy to Nicaragua.

By the way, those of you who talk about democracy, when you talk about free elections, do you want them like we have in Paraguay, or do you want them like we have in Chile, or do you want them like we have in Mexico where we know two years before the elections are held who the winner is going to be? Is that the type of election reform that we want in Central America, in Nicaragua?

Now, let us really give peace a chance. Let us support the Arias peace plan. Let us get behind the five Central American Presidents who have worked out a plan to bring order and peace to their own countries.

We must no longer act as a patron toward the leadership of these countries. Would we treat our European or Asian allies with such a domineering and paternalistic attitude? I believe we would not.

Let us no longer treat our friends and allies in Central America as banana republics. Let us end once and for all our patron attitude toward Central America. Let us give the leadership in these countries the dignity that they deserve and recognize their efforts to achieve peace. They have been good friends to the United States and if we allow them to determine the course of action in their own countries, they will continue to be strong and loyal supporters of this Nation.

I have been to these countries. I have talked with the leadership and the people. I have seen the misery in Nicaragua and that misery is shared by all of Central and South American countries. The people of these nations want the same things that people everywhere want. They want peace, prosperity, and the opportunity to arrive at their own solutions to their problems.

To continue the patron system is wrong. Let us no longer impose this way of life on our neighbors to the south. We must allow them the opportunity to determine their own destiny.

Let the peace process continue to move forward. Let us try a new respectful approach in our dealings with the leadership of Central America. Let us no longer support the strong-arm militaristic tactics that have embodied our relationship with Central America. Banana republics no longer exist. Latin American countries deserve the same respect we accord Europe and other nations around the world. It is time to allow the leadership of Central America to come to a peaceful solution, and to give them the respect they deserve by supporting their efforts to bring peace and democracy to Central America.

Vote no on the Contra package.

The CHAIRMAN. The Chair will announce that there remains 3 hours and 59 minutes of debate, divided in this fashion:

The gentleman from Washington [Mr. Foley] has 1 hour and 56 minutes remaining.

The gentleman from Oklahoma [Mr. Edwards] has 2 hours and 3 minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding this time.

Mr. Chairman, something very disturbing has crept into this debate in the last few minutes, and that is we have heard talk all day about the Arias peace plan, which all of us feel is an important part of what is happening in Central America, but a lot of us know from conversations with President Arias that the implementation of the Rio Pact is a part of what he talks about when he talks about the possibility of failure of the situation in Central America under that peace plan. All of know that the implementation of the Rio Pact means the introduction of American troops.

A few moments ago we heard one of the Presidential candidates of the Democratic Party come to this floor and talk about negotiating from strength based upon the use of our troops.

Now, I fear that we are now beginning to hear very distinctly what is being said in this Chamber by the opponents of this Contra aid package, that once the Contras are gone, if this whole thing does not work out the way they say it is going to work and if Ortega breaks the trust that they are now putting in him, American forces are the alternative in Central America. That is the unacceptable alternative.

Mr. FOLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa [Mr. Leach].

Mr. LEACH of Iowa. Mr. Chairman, this is an elpochal moment, a difficult day for all of us. The administration has made a good faith effort to reach a bipartisan accommodation with Congress yet this Member feels compelled to vote against further aid to the Contras because the policies put in place neither conform to contemporary law nor historical American values.

From a legal perspective, the United States is not justified under any reasonable interpretation of international law to conduct a proxy war against a duly recognized government on the principle of tit-for-tatism. Terrorist acts against Nicaragua cannot be justified simply because the Sandinistas sponsor analogous acts against El Salvador.

The policy of symmetry of reciprocal anarchy—has the effect not only of lowering us into the policy gutter with our enemies but of driving a stake into the heart of international law.

History has shown time and again in Latin America that rightist intervention is neither a legal nor effective antidote to leftist radicalism. Simply put, it is counterproductive. The most profound base of popular support the Sandinistas currently maintain is their opposition to foreign intervention and their will to defend the sovereignty of the state against the anarchistic tactics of the Contras. The inescapable and ugly reality is that the hearts and minds of a repressed people will not be won by priest killers and crop burners. People power, as Cory Aquino has found, is more effectively advanced from within, not without; by citizens rubbed raw with personal grievances, not by armchair Rambos concerned more with the politics of their own society, than the social concerns of the developing world.

In 18th-century Europe it was taken for granted that kings were empowered not only to declare war but to grant Letters of Marque to privateers to harass enemies of the state. Believing such authority was too powerful to concentrate exclusively in the executive branch, our Founding Fathers stipulated in article 1 of the Constitution that the power to declare war is reserved to the people's body, Congress. And, in the only parallel to the modern day usage of proxy forces, they also determined that the power to "grant Letters of Marque and Reprisal" belonged exclusively to the Congress, not the executive.

Under our constitutional form of government the power to make war and its derivatives such as the power of reprisal were defined to be public rather than private functions. Statutory recognition of this phenomenon was reflected in the Neutrality Act, which dates back to 1794. Over the centuries, a large body of international law has been built up, to which the United States formally ascribes, prohibiting the initiation of hostile expeditions not only by governmental forces but by private persons within its territory against other nations.

Administration spokespeople have defended our policy in Central America by noting nothing in statutes like the Boland amendment curtailed the President's constitutional authorities as Commander in Chief. This is true, but it is also true that the amendment did not transfer to the White House powers reserved by the Constitution to the Congress. Designed as a constraint on executive authority, the Boland amendment stands as a kind of Gulf of Tonkin resolution in reverse, a congressional refusal to give the executive a blank check on policy in Central America.

There would be no congressional-executive confrontation today if there had been no stretching of the law yesterday.

Our republic was designed as a constitutional form of government, where even the chief executive can not authorize private citizens to break the law.

In the Contra situation, counterfeit "Letters of Marque" have been granted private citizens who in some cases appear to have spent more time and effort profiteering from friends than pillaging enemies. It's time for Congress to exercise its pursestring authority and cease supporting these modern day Hessians.

For decades there has been debate about whether the United States should play the role of policeman for the world, with some arguing that it is a chore for which we lack either a moral imprimatur or adequate resources to undertake. But a new dimension to this debate has been provided in Central America.

By its policies, the administration is suggesting that not only are we entitled to play the role of world policeman, but rather than enforcing the law, the interventionist cops American taxpayers are encouraged to support are themselves above the law.

So embarrassingly illegal have our policies become that our Government has been coerced into withdrawing from the jurisdiction of the World Court on this and similar political disputes, thus backtracking on an almost century-old U.S. commitment to utilization of an international tribunal for dispute resolution.

Liberals may have erred by believing the Sandinistas wouldn't opt in the direction of police state controls. Nevertheless, our country has an obligation to stand by the side of law and a constitutionalist foreign policy, with the understanding that not only do procedual concerns matter but that adherence to proper rules in the long run is more likely to produce proper results.

As the premier lawmaking assembly of our time, Congress has a particular obligation not to undercut the worth of law itself. It is the rule of law and the constitutional process, not a particular policy, which is on trial today.

The only conservative, the only constitutionalist option the House has today is to cease providing illegal assistance to illegal groups advancing an illegal foreign policy.

The time has come to just say no to the drug war—not out of naively misplaced respect for the Sandinistas, but out of a realpolitick understanding of our own history and values.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. Rhodes].

Mr. RHODES. Mr. Chairman, we hear many themes recounted and recalled during the course of the debate on this aid, and one of them is, "Remember the lessons of Vietnam." This is a lesson which I sincerely agree that we should remember.

Unfortunately, those who continually recall Vietnam are those who would vote against this aid package and guarantee another Vietnam.

I approach the fear of repeating Vietnam from a different perspective than that of most Members, since I am one of the very few Members of this House who served in that war, in the country, on the ground, as an adviser to the South Vietnamese Army.

To me, the Vietnamese were real people, with names and jobs and families. They were friends.

In 1974, the 93d Congress cut off military assistance to South Vietnam. In 1975, peace came to South Vietnam. It was the peace of repression, of poverty, of imprisonment, of death, of slavery. Yes, peace came to Vietnam, and the 93d Congress paid a large and vital role in establishing that peace.

You do not remember Huynh Ngoc Son or Vo Dinh Loi, but I do. One of them was my interpreter, the other my military counterpart, and both were my friends. They worked for me, they worked for Americans, and they are either slaves or dead.

The lesson of Vietnam is that we can bring peace to Nicaragua and Central America, just as we did to Vietnam and Southeast Asia. All we have to do is cut off aid to the resistance, and the peace of Vietnam will settle over the region.

Do not let the 100th Congress repeat the mistakes of the 93d. Learn and remember the lesson of Vietnam. Let us not deliver to the people of Central America the peace of Southeast Asia.

Vote "yes" on the aid package.

Mr. FOLEY. Mr. Chairman, I yield 4½ minutes to the gentleman from New Jersey [Mr. Hughes].

Mr. HUGHES. Mr. Chairman, this House must once again take a stand on a matter of vital importance, not just for our Nation. But for the millions of people of this hemisphere whose lives will be affected by our actions. I believe the decision we make today on providing more arms for the Contras could very well, for good or ill, mark a historic turning point in our relations with our Central American neighbors.

The proponents of military aid to the Contras seek to cast the issue as a referendum on good against evil—either you vote for Ronald Reagan and freedom or you vote for Daniel Ortega and communism. But it is obvious to most of us, as it is obvious to the majority of the American people, that that is not the real choice facing us here. The real choice is whether to fully support a process at the negotiating table that, although imperfect, has brought Central America closer to peace, or to continue a course whose central theme relies on a military solution that is only likely to bring more war, grief, and misery to that beleaguered region.

The fact is that the Arias peace plan has brought the goal of peace within reach, something that seemed impossible just 6 months ago. Let's not kid ourselves—Nicaragua is not on anyone's list of pluralist democracies, and it has a long way to go to before it can be considered in full compliance with the Arias peace plan, as do Honduras, Guatemala, and El Salvador. But the steps taken by the Government of Nicaragua have been substantial. The state of emergency and the ban on political demonstrations have been lifted; the opposition press has reopened; and the Sandinistas recently have dropped their adamant opposition and agreed to direct negotiations with the armed Contras.

Proponents of arms for the Contras argued for additional weaponry as an "insurance policy" for continued democratization by the Sandinistas. This proposal is not an insurance policy—but it could be a death warrant for the Arias peace plan. And the last-ditch offer by the administration to withhold the money for ammunition and weapons, if Congress passes a resolution finding Nicaragua in full compliance with the peace agreement, changes nothing; the so-called nonlethal aid in this resolution would still provide the Contras with over 25 million in aircraft, training, and communications. Together with money already in the pipeline, this would allow the Contras to continue waging war, and would be in direct violation of the terms agreed upon by the five Central American presidents, which we purport to encourage.

The contrast between 6 months under the Arias plan and 6 years of administration policies in Central America could not be clearer. The administration's policies have squandered a quarter of a billion dollars, and have produced 6 years of death and casualties, mostly for innocent Nicaraguan civilians. At home, their pursuit has produced a legacy of secret policies, shifting public rationales, and gross distortions and falsehoods. During the brief time since the signing of the Arias agreement last August, we have

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witnessed an unprecedented and encouraging movement toward cooperation and amity in that region. Undoubtedly the flame of peace that has been kindled is still flickering, but we risk extinguishing that flame completely if we ignore the wishes of the Central American people and authorize military aid to the Contras today.

The sooner the administration recognizes that the Contras cannot single handedly bring peace to Central America, the sooner this country can begin addressing its legitimate security concerns in a realistic manner. If the main threat posed by Nicaragua to the United States is its potential use by the Soviets as a military base, then we should be confronting the Soviets directly with our concerns. Obviously, it is they, not the Sandinistas, who will decide whether or not to attempt so provocative an action. If the Soviets are really convinced that such a foolhardy course is in their national interest, who is prepared to argue that this package of aid for the Contras would persuade them to reconsider?

To approve further military aid to the Contras at this time would only give Daniel Ortega a reason to abandon the Arias plan, crack down on political dissent, and further militarize Nicaraguan society. To approve this proposal could also encourage the Contra leadership to obstruct the cease-fire negotiations now underway, in order to trigger the future release of additional aid. I say, let's hold the negotiator's feet to the fire and continue on the path that has been endorsed by President Arias and the governments of the Central American nations.

Mr. Chairman, I intend to vote against this resolution, and I hope that my colleagues will have the wisdom to do likewise. But if we reject this proposal, it will be our responsibility to make sure that the Contras are not simply abandoned. Like it or not, the Contras are largely the creation of the U.S. Government, are almost fully funded by the U.S. Government, and are under the ultimate control of the U.S. Government. To simply discard them without proper provision for their future integration into civilian life would be an unconscionable dereliction of our duty. I am frankly disappointed that we will not be allowed the opportunity to vote today on a package of short-term, humanitarian aid to the Contras. I believe that we in the Congress can do no less than to authorize true humanitarian aid, consisting of food, clothing, shelter, and medicine, and channeled through reputable international organizations.

And so, looking forward to the date in the near future when we can provide that humanitarian aid, I will cast my vote against the policies of protracted war, and in favor of sending a clear message to the world that we want to give the Arias plan every opportunity to succeed. I urge this House to follow its conscience, and I remind my colleagues that a vote against arms for the Contras is not the end of freedom in Central America. It is, rather, the beginning of a new era based on cooperation and mutual respect for the legitimate interests of all the nations of the hemisphere.

□ 1730

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. RITTER], and I ask the gentleman first to yield briefly to me.

Mr. RITTER. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I would just say in response to the previous speaker that that is the whole point. We do not have another package here. We have one package and some sort of wistful idea that if we just hold off maybe something else will come to the floor.

Mr. RITTER. Mr. Chairman, I am pleased to address my colleagues on the issue of support for the Nicaraguan democratic resistance.

I get the sense that Democratic opponents of aid to the resistance demand absolute certainty, if not outright verbal declarations by the Sandinistas, of ill will. Somehow, if the Sandinistas say they are working for the betterment of the Nicaraguan people, almost anything they do is excusable. We keep waiting for promises to be fulfilled, but we've been waiting since 1979. Their rhetoric mirrors the rhetoric of totalitarian people's republics everywhere. They've had good teachers in Soviet, Cuban, and other East bloc backers.

Mr. Chairman, sometimes Members of Congress are accused of not listening when people are speaking. I think we have a case of that here today.

Why do we not listen to Daniel Ortega when he says "* * * in the hypothetical case that Sandinista Front lost an election, the Sandinista Front would hand over government, not power." (New York Times, Dec. 13, 1987.) Isn't he really saying that there is no such thing as a peace process, as some in this body invision it?

Why do we not listen when Tomas Borge—Nicaragua's Minister of Interior and member of the FSLN National Directorate, the Commander of the Revolution—when he says "This revolution goes beyond our borders. Our revolution was always internationalist from the moment Sandino fought [his first battle]" (July 19, 1981 [at a military ceremony broadcast on Managua domestic service, as reported by FBIS, on July 21, 1981].)

Why do we not listen when Maj. Roger Miranda Begeochea—Chief of the Secretariat of the Nicaraguan Ministry of Defense and member of the Sandinista Assembly—Central Committee—comes to the United States, a member of the Sandinista inner circle, an avowed Marxist-Leninist, the highest ranking official ever to defect from the Sandinistas, and tells us that he became disillusioned with what was happening to his country. The revolutionary dream had for him become a totalitarian nightmare.

From Miranda's eyes we have had a chance to look straight into the heart of the Sandinista government, and we have seen darkness.

Why can't we believe Major Miranda when he tells us that during the time the Arias peace plan was in effect, secret protocols were being signed between the Soviet Union and the Sandinista military? Why can't we believe him when he says:

"The Nicaraguan resistance (forces) are the legitimate representatives of the interests and hopes of the Nicaraguan people."

The Sandinistas intend to build an army and militia totaling 500,000 men.

The Soviet Union has promised to give the Sandinistas high-performance fighter aircraft, Mig-21's and additional Mi-25 HIND-D helicopter gunships.

The Sandinistas are expecting delivery of or may have already received many more armored personnel carriers, self-propelled howitzers, antitank weapons, surface-to-air missiles, and antiaircraft guns.

That the Sandinistas have no intention of complying with the Guatemala peace accords.

And the list goes on and on. Miranda offers a view of Sandinista actions and intentions that radically differs from their rhetoric.

Although the opposition has sought to discredit him because his case against them is devastating, the intelligence community, after checking and rechecking, has verified that his information is indeed genuine. He is the real article. He is speaking the truth.

If only all U.S. policymakers could react to Roger Miranda's information with the speed and certainty with which Humberto Ortega acted. Ortega knew what Miranda had seen, and he, in a move that could only be called self-destructive, felt compelled to admit to a massive Soviet-backed Sandinista military buildup, the size of which was heretofore considered fantasy.

Why do we not listen to our Costa Rican friends who in an editorial have said, "* * * what is at stake is the fate of the nations that border Nicaragua. Because if the resistance is weakened or disappears the Sandinista regime will direct all its energy, with ample Soviet aid, to its confessed objective of exporting its revolution" (Editorial, Jan. 29, 1988, La Nacion).

If the Communists in Nicaragua democratize, if they send home the Soviets, there is no need for aid to those who oppose them. The insurance policy for peace in the region and security for our Nation lies in democracy. Without free expression and dissent, freedom of assembly, freedom of the press, freedom of religion, freedom of mobility, free trade unions, and the list goes on, there's no real peace, only the "peace" of submission.

War by the Sandinistas against their people will continue even if things appear quiet. That's the nature of communism. The tortured in the Sandinista political prisons, where record numbers are held, don't get to hold press conferences with the New York Times. Without such democratization, we are threatened by a Soviet base in Nicaragua, like Cuba—but connected to fledgling democracies with porous borders—and vast numbers of refugees who can only vote with their feet.

The facts are before us, I urge my colleagues to consider the degree to which they are ignoring Sandinista wrongs and take a new look at their position in regards to support for the Nicaraguan democratic resistance.

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, tonight as we debate this issue the men will be coming out of the hills, and out of the mountains in Central America, to blow up things. They will be blowing up electrification facilities, they will be blowing up schools, they will be blowing up hospitals. They will be doing it in El Salvador, and some will call them terrorists for doing it. They will be doing it in Nicaragua tonight and some people will call them freedom fighters for doing it there.

Mr. Chairman, I ask some of my colleagues to imagine for a moment that through an accident of birth they were not blessed with the opportunity to be born in the United States of America and grew up to be Members of the U.S. Congress. But, instead through an accident of birth they were born campesinos, living in either El Salvador or Nicaragua. Imagine for a moment what they might have in the library inside their hut. It might come as a surprise to some of my colleagues on the other side of the aisle, but they do not have Marx in their library, Karl Marx or Groucho Marx. They do not have "Conscience of a Conservative" by Barry Goldwater. The reason they do not have a library is because they cannot read or write. Their parents could not read or write, and their grandparents could not read or write. This is because they were kept from those basic hopes by a succession of military dictatorships in Central America who knew that they could keep their people docile if they were not allowed to be educated.

How can we bring hope? How can we bring an end to the cycle of poverty and violence that has made this region a killing ground for decades?

I submit to my colleagues that when we watch the Contra leaders strutting around the halls of Congress with their Rolex watches and their silk suits talking about restoring democracy to Nicaragua, they are not talking about democracy that will provide hope for those campesinos in their huts, because they never have in the past. It will be democracy—Somoza style—all over again.

Mr. Chairman, I think it is time for us to recognize that our neighbors to the south have come of age. They do not need us to impose some superior moral insight on their lives.

Mr. Chairman, the five Central American Presidents came together and reached an agreement. It is an agreement that was accepted by all five governments.

We have listened today invariably to discussion about Nicaragua. We have not listened to any discussion about El Salvador or Guatemala where revolutions continue to take place and where there has not been a great deal of progress. Some might say the progress has not been as great in El Salvador as it has been in Nicaragua, but hopefully the peace we bring about through efforts that we make will alleviate that situation.

Mr. Chairman, let us hope that the peace that we can bring about through men and women of good will in this body is a peace that is going to strengthen the emerging democracies in that region. It is going to be a peace in which if one is a Roman Catholic archbishop of El Salvador, you will be murdered while offering mass simply because you had the courage to speak out against a military junta.

It will be a peace in the future which will mean that another 60,000 people will not be taken out and left in the killing fields of El Plajon in El Salvador, tortured and murdered by El Salvadoran death squads. It will be a peace in which children can grow up with the hope that they will have a chance for an education and it will not be an introdoctrinated education in any one of those countries, a chance for them to learn freely the principles of democracy as we understand them.

It is hard for them to learn about democracy before they have a chance to learn to read or write.

Yes; those nations are coming of age and the five Central American Presidents have come to a conclusion that it is time to end the killing in that region. They think they have a plan to do that. The support that I think we should be providing to them is support that will help them through economic development, the kind of support and assistance that will help to build stable democracies, the kind of support that is worthy of us as the great democracy that we aspire to be.

It is all too easy for us to sit here in Washington and talk about things like leverage.

It is a lot harder for those kids who live in the huts by the roadside, as every one of us has seen who have driven into cities like Managua or San Salvador to understand leverage.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I point out to the gentleman from New York [Mr. MRAZEK] that it is really easy for us to stay here in Washington and surrender other people's freedoms for them, too.

Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I had sought to ask the preceding speaker a question, but as his time did not allow it, I want to comment on his remarks. I agree with him that the nations of Central America are coming of age and I agree that we want the solution to their problems to come from them. The strength of the Arias plan is that it is the first plan that they have developed without the influence of the nations outside the region.

However, what happened 2 weeks ago in Central America is very instructive and demonstrates that the gentleman's colleagues intervened decisively to affect the course of events.

When the five Presidents got together to look at the issue of compliance with the Arias plan, Mr. Ortega arrived representing a nation under tremendous economic pressure and consequently in desperate need of resolution of their problem with the Contras and within the region.

The Central American Presidents put tremendous diplomatic pressure on Ortega to take some further action to demonstrate his willingness to comply with the Arias peace accords, but it was only, frankly, when my colleagues, the Democrats from the House, went down there and intervened and sat with him eyeball to eyeball and said, "Listen, Daniel, if you don't sit down and negotiate to make political space for your opposition parties, you are going to face military opposition."

It was your intervention that added the pressure of possible military aid to the economic and diplomatic pressure Mr. Ortega felt to force him into negotiations. So we must foster adherence to the Arias peace plan and recognize our responsibility to be part of the solution by not defeating this plan and abandoning the Contras and the negotiating process.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, when the five Central American Presidents

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signed the Arias peace plan, there was hope we would finally move toward democracy and peace. The Nicaraguan Government pledged it would release political prisoners, restore fundamental human rights, and negotiate with its internal opposition.

As with past promises, the pledges made by the Nicaraguan junta have not been honored. Over 9,000 political prisoners remain incarcerated. Radio Catolica is still prohibited from reporting economic and military news. The recent testimony of Sandinista Maj. Roger Miranda demonstrates that Nicaraguan dictator Danial Ortega continues to secure his Marxist-Leninist regime from the barrel of a gun.

As the former chief of the Nicaraguan Defense Ministry's Secretariat, Miranda provided irrefutable evidence that the Sandinistas plan an enormous military buildup over the next 8 years. They already command forces larger than all of the other Central American armies combined. The new plan demonstrates that the Sandinista dictatorship does not believe that their current overwhelming military superiority is enough.

With the help of their allies in Havana and Moscow, the Sandinista army will grow to become almost as large as the United States Army. The Nicaraguan Armed Forces will be equipped with the most advanced armaments in the region, including Mig-21's, self-propelled artillery, and additional tank battalions.

We should entertain no delusions that this massive body of armed force will remain at rest. During the last 9 years, Nicaraguan leaders have repeatedly stated that their revolution is one "without borders." The Nicaraguan Government's continued training of leftist guerrillas in El Salvador and Honduras confirms this belief.

I have consistently supported the President's program to aid the Nicaraguan Democratic Resistance. They have provided the pressure which has finally produced a string of Nicaraguan consessions. The Sandinistas said that they would not lift the emergency decree giving them dictatorial powers until the Contras were defeated. They have lifted that decree. They said they would have to close down the independent newspaper, La Prensa, indefinitely. It is now open. They said they would never negotiate with the Contras. Last month, they began negotiations.

Anyone who thinks that these concessions would have been forthcoming had we allowed the Contras to fade away is just plain wrong.

The lesson of strength must be repeated over and over. Only a few years ago, the Soviets said that if we deployed Pershing and cruise missiles in Europe, no arms control was possible. We deployed. Then they said that no deal was possible without the end to our SDI program. We moved forward with SDI. After showing strength and resolve, the Soviets finally realized we meant business and negotiated an equitable solution to the nuclear buildup in Europe. In a few months, the Soviets will remove thousands of nuclear warheads from Europe in a deal that would never have happened if we had not hung tough.

The Soviets and their allies are also retreating from Afghanistan and Angola. Against the steadfast resistance of the Afghan Freedom Fighters and UNITA, the Soviets and their surrogates are attempting to find ways to save face and withdraw their battered armies.

Mr. Chairman, the ignorance of appeasement is not acceptable. As the leader of the free world, it is our duty to aid those who are struggling for freedom. The President's request can provide the necessary pressure on the Sandinistas to restore Central American peace and freedom.

By allowing the President to place 10 percent of the requested amount in escrow, the pressure on the Sandinistas will continue. At the end of March, the administration, in consultation with the Central American Presidents and Congress, can decide the disposition of these funds based on the acts, not words, of the Sandinistas.

The pressures on the Sandinistas provided by the Contras are not only military. The Nicaraguan economy is in a shambles, with inflation last year at 1800 percent, expected to reach 13,000 percent this year. Twenty-Cordoba notes which had been warehoused because they were essentially worthless, have been reissued, but only after the bank added three zeros to make a 20 read 20,000.

Cutting off Contra aid will snatch defeat from the jaws of victory. Continued support for the Contras will send a signal to Communist countries around the world that the United States is determined to support the struggle for democracy. I urge my colleagues to support the President's request.

□ 1745

Mr. FOLEY. Mr. Chairman, I yield 30 minutes to the gentleman from Wisconsin [Mr. OBEY].

The CHAIRMAN. The gentleman from Wisconsin will be recognized for 30 minutes, and, without objection, the gentleman from Wisconsin will be permitted to yield time to others.

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman—

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth.

Mr. Chairman, this is not the first time that this Congress and this Nation have reached a crossroads on this issue. In 1984 we had the Contadora plan, a plan to bring peace to the region, a plan that was endorsed one day by our State Department and the next after the Nicaraguans surprisingly agreed to the provisions in that plan which would have brought peace to the region we pressured our allies in that area and we ourselves found it on the next day to be totally objectionable.

Now hundreds of millions of taxpayer dollars later, thousands of deaths later, we are not one whit closer to peace in that area. We are once again at a crossroads with the Arias plan. We have the well-worn path of this administration. They want to dump more money down the Contra rathole, $36 million in direct aid, $20 million to $30 million in insurance and electronic support, replacement policies for the Contra planes that will be flown into a war zone. Our airlines would like to have such a subsidy from the taxpayers of the United States, $36.2 million which presumably will be carefully spent and accounted for.

Remember the humanitarian aid 2 years ago? Remember the missing $13.1 million that has never been accounted for? The Contras are either bad accountants or they are clever embezzlers with secret bank accounts.

Face it, the Contras are not nice, and they are not going to use the money for humanitarian purposes. Let us hear from some real humanitarians.

Two doctors from my State of Oregon, Susan Cooksan and Tim Takaro have been living in Nicaragua, working to provide genuine humanitarian assistance. They state, and I quote:

JINOTEGA, NICARAGUA,
January 21, 1988.

Greetings from the mountains of northern Nicaragua. We hope that the winter snows have been at least a little enjoyable for you. For us it remains warm in temperature but hotter than usual with respect to the war.

As described in our Dec. 7 and Jan. 10 newsletters, difficulties with life in general and health work in particular have dramatically increased over the past months. As you know, Congress will soon make a critical decision regarding the future of this impoverished but proud country. When we spoke with you in D.C. last fall, we described from our own experiences war crimes of the contras including violations of medical neutrality and atrocities against civilians. We also related how the terror perpetrated by the contras disrupts nearly all aspects of normal life in the north and how it is slowly strangling the society, retarding recent advances in health and other social services.

It is clear since our time in the States that the contras have not changed in their behavior. We will briefly cite several newly reported incidents in our region which we have confirmed with Witness for Peace and the Catholic Church. Two more health

posts have been attacked. On Oct. 9, the health center in Mancotal was robbed during a contra attack, it had been completely burned in the May attack. On Jan. 5, the health clinic near Pancasan was ransacked, riddled with bullets and partially burned. a 14 year old girl was kidnapped during that attack. This brings to ten the number of health centers subject to deliberate attacks in the last 12 months in our health region. A 23 year old nurse from Yali died this winter after being in a coma for more than a month from injuries received in one of several random mortar attacks on northern municipalities. Since November 1st, 3 ambulances have been attacked, 2 in our region. In the Dec. 20 attack, both the patient and attending physician, Dr. Eric Pineda, died. Though the administration may want the contras to change, they remain the brutal terrorists that they have always been, with wanton disregard for medical and civilian neutrality. We hope this information will be helpful, please relate it to Rep. DeFazio. As medical personnel working to promote life, this policy of death is abhorrent. Its criminal manifestations violate the ideals of America.

Thank you for your concern.

Sincerely,

SUSAN COOKSAN, M.D.
TIM TAKARO, M.D., M.P.H.
JINOTEGA, NICARAGUA

Mr. Chairman, we have a choice here again today. We can choose the road well trod by this administration, the road to more bombs and bullets, the road to more money wasted, the road to more death and destruction, or we can demonstrate our commitment to peace and to human dignity. We have it in our power to stop this war and give the Central American presidents a chance to work out their own destiny.

Deny the President his war. Vote "no" on this request.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SLAUGHTER].

Mr. SLAUGHTER of Virginia. Mr. Chairman today we are called upon to make a momentous decision.

What is at stake is whether or not the United States will tolerate a second Communist base in the Americas—a base from which the leadership of the Nicaraguan Sandinistas say they will export their revolution—a Communist revolution. The question is, what do we do about it?

If we fail in our support of the Contras, they will fail, and the Communist-dominated Sandinista Government will have its bases in Central America. It will use them to attack their neighbors—as the Sandinista leaders have told the world.

That is a serious threat to the security interests of the United States.

And what will happen to the people of Nicaragua?

If a free and fair election, free of intimidation by any faction, were held in Nicaragua, the people would reject the Sandinistas and choose to stay with the West. They would not choose to become a part of the Soviet bloc.

We should support the Contras by passing this legislation.

Let us use our influence to allow the people of Nicaragua to have the opportunity to make their decision.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, we are not usually asked to decide questions of war and peace as directly as we are today. It is often an indirect decision that we leave to the President or his agents, but not today. Today we have the choice to decide whether the war will continue or we will have peace.

I pray for peace.

Two hundred years ago the authors of the Constitution debated who should ultimately commit our people to war. They invested this solemn responsibility in the hands of the people's branch. They felt, as many of us do today, that the executive branch was too quick to fight, to call a nation to arms when other more reasonable paths to resolve disputes existed. Sadly, the Congress has allowed, for 7 years, this responsibility to lapse. Our indecision has allowed an administration quick to fight with weapons to keep an illegal and immoral war alive in Nicaragua.

The President has had one goal these 7 years: the forced removal of the present government of Nicaragua. While this first principle has never changed, like a con artist, it has worn many disguises. The Presidential instrument of violent removal, the Contras, is a sorry and unfortunate collection of men and boys whose personal histories and motivations are as varied and sordid as the tactics they have used to fulfill their master's will. Financed by United States tax dollars their initial role was that of a side show; to interdict the flow of arms to rebels in El Salvador. This poor excuse for a justification worked successfully in Congress for months until Contra brutality against women and children in the countryside of Nicaragua became unsupportable to even the most avid administration apologist. We are now asked to believe that the Contras' new role is only to pressure the Sandinistas to move toward a more democratic form of government.

There is an aphorism that is appropriate here: "Fool me once, shame on you. Fool me twice, shame on me." There is much shame attendant with a policy that has seen our Government illegally mine Nicaraguan harbors, produce a death manual for the Contras on how to murder innocent people, and then unlawfully divert money from an "arms-for-hostages" deal to keep this war going. The incredible deceit of this policy must stop. The President has forfeited his credibility in pursuit of this policy.

The issue is not whether we countenance communism in our hemisphere. Surely there is no better way for it to spread than for us to continue to finance the Contras and drive the Sandinistas into the reluctant embrace of the U.S.S.R. The issue is not about U.S. influence in the rest of the world. The richest, freest, most powerful Nation to inhabit this planet has more important problems than this mindless Presidential preoccupation with Nicaragua. Only by ignoring the smoking fires in the Middle East and enormous suffering in Africa will our influence suffer.

Americans believe in the rule of law. We celebrate and cherish it at home. We must have the courage to follow it abroad. The rule of law, the sanctity of contracts are the instruments of peace. These principles are being acted on in Central America as we debate continuing an illegal war in Washington. We can stop the war today and end this sorry chapter in American history. We have no other choice.

Mr. DORGAN of North Dakota. Mr. Chairman, it is easy to stand here wearing suits and having lunch today, talking about guns and war. It is a different matter for the victims of war in Nicaragua. They include the victims of the Sandinistas, and there are plenty of victims of the Sandinistas, and the victims of the Contras. While we cannot prevent Sandinista violence, the victims of the Contras are victims of bullets we buy for the Contra soldiers, bullets that I would like to stop sending to the Contra soldiers.

Hear the voices of just two Contra victims. Marlin Antonio Martinez, a victim, a 20-month-old baby who is not alive today. His mother, Aurora, was hiding in a ditch behind their village when 100 Contra soldiers stormed that village. For an hour they lay in that ditch, quiet, tense, frightened.

The Contra soldiers shot a bullet into that ditch. It went through Marlin Antonio's head, killed him instantly and wounded his mother. With blood dripping from her chest, she carried her dead child back to the village.

It is not just Marlin Antonio Martinez. It is Aurora Heralda Martinez in El Justi, Nicaragua, hiding in a ditch with a Contra soldier regiment attacking. She hid for about 2 hours, and finally when the shooting stopped from the Contras' attack she got out and started walking back toward the village and she saw two Contra soldiers walking toward her, and they cursed at her, and she turned and ran. But she could not run as fast as a machine-gun bullet. It ripped through her back, through her intestines and through her 3-month-old baby's leg. She lived. Of course her baby's leg is now amputated, and a 3-month-old is now without a leg in Nicaragua.

I know there are horror stories on both sides. I have been there, and many of my colleagues have been there, and heard firsthand from the villagers about the victims of this war. I abhor violence and abuses perpetrated by both sides.

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But I am saying we can do something about the victims of Contra soldiers because the Contra soldiers are the soldiers we have funded in Central America. I think it is wrong. This country has a responsibility to work for peace, not promote more war.

There is a peace plan underway in Central America today that we have a responsibility to support with every fiber of our body. That ought to be our mission today. I support the Arias peace plan because it has brought us closer to peace and democracy in 6 months than 6 years of Contra aid have done.

I know some people want to divide this Chamber into warhawks and peaceniks. It is not that simple. What we are talking about is a value system and a morality of who we are and what we do to help our neighbors. Our neighbors want peace, not more war. We can help them achieve that peace if we support the Arias peace plan and use every opportunity we can to make that peace plan work for the victims of that region.

I urge my colleagues to oppose more Contra aid.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. BUECHNER].

Mr. BUECHNER. Mr. Chairman, I thank the gentleman from Oklahoma for yielding me this time.

I have heard so many stories told about individuals, people who have died, people who have been wounded on both sides, and this is war, it is a civil war. In war people are injured and economies are stilted, and people from the outside sometimes come in and help. The Russians have helped the Sandinistas, the United States has helped the Contras.

I do not know the individuals who have been injured. I do not know the individuals who are fighting, but I do know this person, this Members visited Nicaragua, went down and went into Matagalpa and into Managua, and as I was visiting I took a picture of a building. There was a sign in front of the Ministry of the Interior that said, "We are the sentinals of the people's happiness." I thought it was kind of Orwellian and I wanted a picture of it, and as I took the picture I saw people moving toward me. There were four Sandinista soldiers that were going to take me in for taking a picture.

Maybe that is not as eloquent a testimony as the depiction of someone with blood, someone missing a limb, but it says more about the Sandinista government than any portrayals of people who are injured, because the Sandinistas are not nice people. They are Fascists. They are holding power by rule of force, and they do not want dissension. The argument that someone taking a picture of the Ministry of the Interior is jeopardizing their security is to say their security is to deny freedom.

If that freedom is acquired only by force, then we have to take a look at the overall picture

It is interesting to me that in this debate that the denial of liberty seems to be low on priority.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I rise in vigorous opposition to the resolution before us and to the policy which we have unsuccessfully and tragically pursued in Nicaragua over the past 6 years. The policy is wrong not only because it is not successful, although it is unquestionably a failure.

That policy is wrong, not only because it is predicated on terrorism—although it has resulted in the deaths of tens of thousands of Nicaraguans—the equivalent of 6 million deaths in the United States—100 times our losses in Vietnam.

That policy is wrong, not only because it is ruining the chances through the Arias plan for the democratization of Central America, but also because it undermines our democracy here at home as well.

This policy is wrong predominantly because it is premised on an archaic and simplistic view of our diplomatic relations and military responsibilities in this hemisphere.

It perpetuates the notion that we alone have the ultimate authority to determine what is right and wrong, what is in the best interests of foreign people, and what government best serves them.

It is wrong because it betrays our own history and demeans the political principles of self-determination by which we live, and for which hundreds of thousands of young Americans have given their lives in defense of this country.

President Reagan, in the Newspeak by which he defines political issues, likes to call the Contras freedom fighters, and the equivalent of our Founding Fathers, a blasphemy for which the Organization of American Historians already has chastised him.

Would Jefferson have abducted and murdered Javier Antonio Salina Rocha, an unarmed farmer? The Contras did.

Would Washington have ambushed and murdered five people, including a nurse? The Contras did.

Would Madison have killed children, burned peasants' houses, assassinated a farm cooperative president, kidnapped and raped women, and ambushed unarmed civilian vehicles? Of course not.

But the Contras do commit all of these horrors because they are not like our Founding Fathers, they are terrorists, bought and paid for with the tax dollars of hardworking American men and women—most of whom have little idea of the tragedies our money and Government are financing in Nicaragua.

As one who has been deeply involved in this debate for 6 years and who has visited the leaders who have signed the Arias accord, I also know that this policy does great harm to our relations with our Central American neighbors.

Despite threats from admitted liars like Elliott Abrams, despite warnings of aid cutoffs from U.S. Cabinet officers, the signatories are now saying publicly what they have told us for years: Aid to the Contras strengthens the hand of the Sandinistas and provides the rationale for domestic repression and militarization which worries Nicaragua's neighbors.

The continuation of the United States boycott increases the dependence of the Sandinistas on the Soviet Union, although it should also be noted that many of our strongest allies in Europe are major trading partners with Managua.

The military acts of the United States—from mining Nicaragua's harbors to funding the Contras—violate international law, undermine the Arias peace process, and undermine respect for our Nation throughout the developing world.

Now, there are those in this chamber who say, "It's only $36-million," and, It's only $3.6-million for military aid." But we know that's not true.

In fact, the supporting documents which accompanied this presidential request show that the true cost is at least $43 million, and perhaps as high as $63 million, because hidden in that request is authorization for "passive air defense equipment," and other unspecified costs related to military supplies.

Whenever I hear someone say, "It's only $36 million" I think, maybe they've been around here too long. Because $36 million is not a small amount of money. And funding terrorism in Central America is unquestionably not the highest use of that money for the taxpayers of the United States.

In a nation like ours, where one in four children is poor, where one in six has no health insurance, one in seven is at risk of dropping out of school, and one in four will spend part of his childhood on welfare—I think there are far better investments we can make with our money:

For the $36 million the President wants to give the Contras, we could provide 66,000 pregnant women and infants with nutrition assistance through the WIC program, which today only reaches 35 percent of the eligible population. And that would mean fewer low birthweight babies, less medical care, and fewer disabilities.

For the same $36 million, we could fully immunize a million children against preventable childhood diseases, saving 10 times that amount in long-term health care costs.

Or we could provide nearly 70,000 children with compensatory education; only about half the eligible children receive chapter I services today.

Or we could enroll an additional 15,000 children in the Head Start Program, which today reaches only 16 percent of the eligible children.

I certainly know that few regard this vote today as a test of our commitment to children and families. But we in this chamber love to talk about how tough it is to choose priorities, to decide where to spend our limited money. And I say that in a choice between the children of America and the Contra terrorists in Nicaragua, I vote for our children.

To those who argue that our military support for the Contras is all that has brought the Sandinistas to the negotiating table, let me make two observations.

First, suppose that is true. Should it be the policy of this Nation to encourage negotiations between foreign governments through the funding of terror, or through use of our diplomatic capabilities?

And second, why is it that for the 6 years we funded the Contras, the Sandinistas did not come to the bargaining table, but once the Congress pared down military support, the Arias plan gained momentum?

Of course, as is apparent to President Arias and other knowledgeable observers, our policy of arming the Contras is not what has brought the Sandinistas to the table.

Rather, the salient factor in promoting the negotiations is the decision of the Central American leaders themselves to end the war which is devastating their region—not just the insurrection in Nicaragua, but the United States military buildup in Honduras, the guerrilla war in Guatemala, and the continuing bloodbath in El Salvador.

And perhaps there is no more tragic aspect of the administration's policy than the fact that it ignores this democratic coming-of-age in Central America and presumes that Uncle Sam knows best how to resolve internal political divisions throughout this hemisphere.

There are some in this Chamber who, with the best of intentions, are troubled by the continuation of a mindless policy which stains each of our hands with the blood of Nicaraguan men, women, and children. But, they ask, how can we back down without appearing defeated, and without giving the impression of weakness and a lack of resolve?

My colleagues, those rationalizations have been used to justify the perpetuation of unwise and self-defeating policies since long before the birth of Christ.

Are we stronger, are we safer, are we better respected or even more feared because, against the advice of our allies and even those whom we claim to assist, we pursue a policy of failure, of hypocrisy, and of death?

This is a foreign policy wholly consistent with the "March of Folly" described by Barbara Tuchman, a misguided policy pursued notwithstanding adequate warnings and explanations that it is a failure.

Whether the case of the Trojan Horse or the Renaissance Popes, the American Revolution or Vietnam, well-intentioned, highly educated, and politically skillful leaders over the centuries have demonstrated the capacity—even the tendency—to remain obstinately tied to a policy which is not only doomed, but which is widely perceived as irrational even while it is being defended.

Aren't we sinking into the second great military folly of our generation?

No one in the world community believes the Contra policy will succeed in bringing down the Sandinistas.

No one in Central America prefers a continuation of the war to a commitment to the Peace Process.

No one who signed the Arias accord believes aid to the Contras is consistent with that agreement—not even those countries allegedly threatened by the Sandinistas; not even President Duarte, whose country is entirely dependent on U.S. military and economic aid, is willing to endorse Contra aid.

Indeed, it is painfully evident that the Contra aid package before us today is really designed not to rescue the Contras from the Sandinistas, but rather to rescue the Reagan administration from its own folly.

Can we seriously believe that if the President thought that funding the Contras was as urgent as he pretends, he would seek only $3.5 million and deposit it in an escrow account for 2 months?

Of course not.

He'd forcefully come before this House, as he had frequently done in the past on so many issues, and lay out a compelling case and demand adequate funding immediately. But he cannot make that case, because the facts are against him and against his foolish policy.

Three months ago, President Arias of Costa Rica came to this Chamber and asked us to "give peace a chance." Do we, in the House of Representatives, really intend to respond to that historic challenge by perpetuating a pointless, unwinnable, unjust, and undemocratic war—simply to save the face of the authors of folly?

Is this Reagan policy so right, so unassailable, so urgent that we must dismiss the entreaties of those whom we presume to assist—the fledgling democracies of Central and South America—and instead perpetuate this war?

Let us use this opportunity not only to stop this senseless war, but to do something constructive as well—to write not the last chapter in two centuries of big brotherism and intervention in Central America, but the first chapter in an era of cooperation, economic development, political pluralism, and democracy which will provide our hemisphere with far greater security and hope than the Contras and the war they perpetuate.

Let those in this Chamber who are concerned that they are voting against the President or against our military role find comfort instead in voting for the integrity of the Arias plan, for allowing the promising negotiations to continue, and for a hope for genuine peace through unity rather than rancor through war.

That is the opportunity that faces us today—not an abandonment of our proper hemispheric role, but a recognition of it; not a continuation of a paternal relationship with our neighbors, but the beginning of one which respects their political integrity and the wisdom of their own leadership.

Let us have the courage to believe that democracy and negotiations can achieve peace.

And then, today's vote will be historic, not for what we have ended, but for what we have begun.

Mr. VOLKMER. Mr. Chairman, the leaders and the people of Central American countries of Costa Rica, El Salvador, Nicaragua, Honduras, and Guatemala are presently engaged in a process that holds out the only hope for peace in Central America. Last month I, along with other members of this House, visited El Salvador and met with President Duarte, who in answer to a direct question from a member of the delegation stated that he was opposed to further military aid to the Contras. President Arias has said the same thing. Why is it that our leaders do not listen to the leaders of the countries involved? Is it because our leaders are superior or know more than those directly involved? Isn't it time that we started listening to the leaders of Central America and yes, "Give peace a chance" and defeat this ill-conceived proposal today?

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I will vote against the President's plan to provide military aid to the Contras. In fairness, I do believe that a combination of facts, including the vision and leadership the Central American Presidents as well as economic and military pressure faced by the Sandanista regime, have led to the current peace process. But I oppose the aid because our commitment in Central America is not to the Contras, but to peace, democracy and freedom in Central America. If that commitment is going to suceed, we must keep faith with those presidents who have asked us not to provide the military aid. We always reserve other options if the Sandinista regime is not cooperative, thus causing the peace process to fail. But continuing Contra aid right now would snatch the defeat of a continuing war from the jaws of a successful peace arrangement.

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Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama, [Mr. NICHOLS].

Mr. NICHOLS. I thank the gentleman for yielding time to me.

Mr. Chairman, I have listened to the debate on both sides of this issue and I am persuaded that every Member in this body is genuinely seeking an answer to the controversial Contra aid question which would result in a peaceful settlement in this war ravaged Central America country. Where we differ, Mr. Chairman, is in the matter of how to achieve that peace, and after considerable soul searching and having personally visited with groups in countries who supported the Sandinista government and others who support the Contra group, and having several years ago visited, along with other members of the delegation from the House Armed Services Committee, with Mr. Ortega, I am persuad-

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ed that the best course to reach that peace is in support of the proposal which would provide some $36 million, 90 percent of which is programmed for humanitarian aid.

Mr. Chairman, I genuinely want to believe that the Sandinista government is committed to the provisions of the Arias peace plan supported by Honduras, Costa Rica, Salvador, and Guatemala. I want to think that they are ready to seek a compromise of a sort with the Contra group which would lead to a more Democratic government and the provisions in this legislation are abundantly clear—if passed by both Houses of Congress, it would hold in abeyance that portion of moneys—$3.6 million—earmarked for ammunition until the end of March when this administration would consult with the four Central America countries and if the consensus at that time was the Sandinistas were indeed complying with the peace plan, then the moneys would not be necessary and would not be released.

I think this makes good sense. We must insist that President Daniel Ortega of Nicaragua keeps his promises. The United States has important security concerns in this region, and his promises to limit his army, to withdraw foreign military advisers and to prohibit foreign bases are extremely important both to the peace effort in country as well as in the long-term defense posture of this important region in Central America. It is to our interest and I would emphatically add to the interest of peace that until the four Central America countries involved agree that there is a clear unmistakable cease-fire and that Mr. Ortega is living up to his promises, we should hold these moneys and I am hopeful that such will be the case, and they will never have to be released.

The big issue as I see it, Mr. Chairman, and in which history may well record as an extremely important vote in our relationship with Central America is, whether we, as a Congress, are willing to stand by and see Nicaragua become a Communist country or whether we support democracy in the Americas.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I rise today to express my opposition to additional United States military and nonlethal aid to the Nicaraguan Contras. I strongly urge my colleagues to vote against the President's aid request.

Money is a fungible resource, a resource which can be expended to free other forms of financial assistance and other resources. Assistance to the Contras can be compared to a personal budget. Bills must be paid. If a person is given money for his rent, he is then able to use his funds to purchase other goods. In the case of the Contras, what will these additional funds accomplish? They will free up other funds and resources for the purchase of weapons. Furthering aid at this time will only serve to extend a bloody war and place the resolution of this conflict further away from the eager grasp of the Nicaraguan people.

During my years as a minister, I have worked hard to rebuild my community, to take a piece of land and to raise a building out of rubble, to restore commerce to areas where businesses were afraid to locate and to instill faith in people to believe in themselves, their community, and their country. Coming from that environment, it is difficult for me, as a member of Congress, to understand an administration that favors a policy which destroys the communities of a nation, destabilizes its economy, and murders its people.

During the time the United States has aided the Contras there have been over 50,000 casualties. This is what we as a nation have to show for the $276 million in assistance that we have given to the Contras. Money is a finite resource, especially in these times of budgetary restraint, a resource which we have squandered on a bloody and misguided policy. For $276 million, in my community and across the Nation, we could have built low-income housing, helped families to receive health care, and helped to educate our children. Having said this, I must ask, which is a better allocation of our resources? In which example has our country been better served? We must question the intensity and focus placed by the administration on a failing Central American policy, when that same administration's economic policies are in a shambles.

The issue of funding to the Contras brings to mind several fundamental issues. Are we really a "peaceful" nation, devoted to self-determination and the rule of law or are we a nation that seeks to oust governments that we disagree with instead of encouraging democratization. If our goal is to establish democracy, why do we then not make the same efforts in Chile, Paraguay, South Africa, or in Haiti that we have made in Central America.

If our goal is to block a Soviet base in Central America, why doesn't President Reagan negotiate directly with the Soviets, as Gorbachev recently indicated he is prepared to do, or open a dialog with the Cubans or the Sandinistas?

For the past 7 years our country has been sponsoring an insurgent force which has limited popular support. What government would willingly negotiate away its power or authority to a small violent minority? I do not believe that the Contras are interested in participating with the Sandinistas in the political process.

The greatest threat to our democracy does not come from Communist nations to the south but from within our own borders. The greatest danger our country faces comes not from an economically ravished, war torn Central American country, but from cities and towns across this Nation where a generation is coming to see drug trafficking as their only hope for economic enfranchisement, a country where the poor go hungry and have no shelter, people are inadequately educated, and businesses cannot prosper. These are the forces that will tear this country apart, not the Sandinistas in Nicaragua.

This most recent administration aid request helps to provide a framework for the destruction of the Central American peace plan. By granting additional military aid to the Contras we are fueling opportunities and reasons for the Sandinistas to reject the Central American peace plan with which they are earnestly trying to comply. Any aid that helps to keep an army in the field is ultimately lethal, regardless of administration claims to the contrary. The use of any United States-supplied goods ultimately assists in killing Nicaraguans.

I believe that the administration's goal is to help the Contras to achieve an unreasonable solution to an internal conflict. The Congress will ensure the continuation of the war and the slaughter if we approve additional aid for the Contras today.

Let us today set upon a road toward stopping the violence and death the Contra war brings to Nicaragua. Let us work toward honoring the agreements made by the Central American peace accords. Let us respect our allies in Central America as equals. Vote "no" on the President's aid request.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, the genius of the Arias peace plan is that it requires that simultaneously nations open up their political process and guarantee the right of political opposition and, simultaneously, close off the opportunity or the right for military opposition.

The negotiations now going on between the Sandinistas and the Contras are all about opening up and guaranteeing the right of political opposition to the Nicaraguan opposition parties and, by extension, to the Contras when they return to their native land. The policy that we adopt here today should be the policy that best supports these negotiations. To determine what that policy ought to be, we should look very concretely at the

facts that resulted in the birth of those negotiations.

What is it that caused those negotiations to be amended? We will recall that 2 weeks ago the five Presidents of the Central American nations met to determine the level of compliance of each of those nations. President Ortega came to those talks under enormous economic pressure. When he got there he was put under tremendous diplomatic pressure by his colleagues because there was broad dissatisfaction with Nicaragua's efforts to comply with the Arias peace plan.

Though he was under tremendous diplomatic pressure, though he was under tremendous economic pressure, he did not agree to take new steps toward compliance.

So what happened? A very important event took place. Democrats from this body flew in and eyeball to eyeball said to Mr. Ortega, "Look, you don't open up the political option, you will be faced with the military option; you don't allow political opposition, you are going to face military opposition." So given that stark choice, Daniel Ortega, the President of Nicaragua, chose to negotiate to open up his system of government to political opposition. And that is what he is doing today. Since that time about 2 weeks ago he has taken new steps and I congratulate him for that. But in fact he could have taken any one of those steps any time in the preceding 4 or 5 months. He chose not to. He chose not to until economic pressure, diplomatic pressure, and military pressure all converged to force him to make a clear specific choice between allowing real practical opposition and falling continued military opposition.

The policy we adopt here today must keep in place those three pressures on that negotiating team and the package we consider here today does not. By keeping the military aid in escrow we keep the possibility of the military option open and so keep that constellation of forces in place.

If, on the other hand, we choose abandonment rather than this package of humanitarian aid and military aid in escrow, then we have to face the consequences of this new policy of abandonment for there will be no new package. Promises of that are empty, because if they were serious, that package would be known today and part of this debate.

Abandonment will have serious emergencies. It will strengthen the rightists, the militarists, in all of the other nations of the region and some of these nations over the next year or so will very likely revert to military dictatorships as they are today very fragile democracies. Second, it will abandon the Contras and by stretching out the negotiations while the Contras are forced to disperse for lack of supplies, the Nicaraguans will avoid having to negotiate an agreement to guarantee political rights of their people and thereby a check on their policy of funding the subversion of other governments.

Let us support the peace process by keeping the three forces in place that birthed these recent hopeful negotiations. Without new success, the Arias peace plan is doomed. With their success, democracy and so peace can be possible for all of Central America.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Chairman, I rise in adamant opposition to further funding of the war in Nicaragua which for too many years with the support of the Government here in Washington has visited death and destruction on poor people in the Nicaraguan countryside without doing one single thing to bring us to the goals that the President has said underly this policy.

We as a nation are not more secure than we were before this war policy was enacted.

We, in fact, have brought more and more Soviet and Cuban involvement into Nicaragua as a result of our policy. We are no nearer to peace as a result of this war policy, no nearer to the respect for human rights, and no nearer to democratic government in Central America as a result of making war on the people of Nicaragua.

This is a failed policy. This is a policy that does not lead in the direction that the interests of the United States go. But we have a great opportunity before us now and it is because of the initiative of the Central American countries themselves and the formulation of the Arias peace plan. That chance is not a perfect chance; it could fail. But it has a chance to bring about peace and economic development and the nurturing of democracy over a period of time in Central America.

It is our last best hope for a resolution of the problems in Central America using the initiatives of the Central Americans themselves. It is the last best hope for an end to a failed policy of making war instead of peace.

The Congress faces a momentous decision tonight. This House has the opportunity to close the book on a failed policy before any more lives are wasted in support of that policy.

Then together, after that decision, Democrat and Republican Senators and Members of the House together can come together in support of actions by this Government which support the peace process, which support economic development, which really support democracy, because democracy will not be achieved by a Contra victory even if that could be achieved. The Contras are not democrats; they never were and they never will be. They merely want to impose a different totalitarian rule on the people of Nicaragua. The people of Nicaragua have suffered without a choice long enough. We can give them a democratic choice if we will support the peace process.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman and Members, I am one of those who struggle on this very difficult question of what our policy ought to be in Central America, Nicaragua in particular. It was not until 1986 that I first voted for military aid to the Contras. But I have to deal with the question before us today and suggest to many of my colleagues that the question is not give peace a chance; the question before us is are we willing to give peace, freedom and democracy a chance in Central America today? There are those who suggest that if we vote for this resolution we will somehow end the peace process. I would suggest to you that is not the case at all. First of all, look at the resolution in front of us. Ninety percent of that aid is humanitarian, the other 10 percent which is military cannot be released until this Congress votes to say whether or not Nicaragua has complied with the Arias peace plan.

Second, I would call upon my colleagues who still have not yet resolved this issue to take a look not at what President Reagan has said but rather what Mr. Ortega himself said recently in Oslo, Norway, on January 31 of this year when he said we must continue the peace process even if Congress approves the aid.

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In Rome, on February 2 of this year, Mr. Ortega said:

> The talks will proceed because we intend to carry out what is envisioned under the peace accords with or without the funds.

Let us not suggest that a vote for this resolution somehow ends the peace process because even Mr. Ortega has said that is not the case. Then the vote today is really this: Do we believe we ought to maintain the existence of a political opposition within Nicaragua, and do we believe that we ought to have just the goal of unilateral peace at any price, or do we believe our goal ought to be peace, freedom, and democracy? If Members do believe that, they will vote yes on the resolution before us.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman from Wisconsin for yielding time to me.

Mr. Chairman, I suppose almost everything has been said that can be said in this debate. In that respect, it

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is a little bit like that war down there. Almost everything has been done now that can be done, and we now know the results. We know the results of our military action: failure.

The President has won vote after vote in this Chamber to continue to send dollar after American taxpayer dollar of military aid down to Nicaragua—$277 million. To what end? Well, the President's goal was to change governments down there. I remember that he said, "We want to make them say uncle."

It has not worked. It is not going to work. This amount of $277 million is not the total of what we have spent in Central America in military assistance. We have spent $1 billion in Central America. Lest we think that is for other countries and has nothing to do with the Contras, I ask the Members to recall that in the 30 years before Ronald Reagan took office. this country spent a total of $170 million in military aid for Central America, and just since Ronald Reagan has taken office we have spent $1 billion in aid for Central America.

The goal was to change the government in Nicaragua. The goal, according to the President, again was to make them say uncle.

I kept this old yellow newspaper, this addition of the Washington Post dated August 9, 1986, and on the front page of this newspaper appeared this headline: Contras See Aid Bringing Victory This Year." The year was 1986. Let me read this to the Members:

> Nicaraguan rebel leaders say the $100 million in aid that the United States will send down will cripple the leftist Sandinista Government within a year.

And Aldolfo Calero was quoted as saying there is light at the end of the tunnel.

Mr. Chairman, it did not work. It is time to stop.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3½ minutes to the gentleman from Pennsylvania [Mr. Weldon].

Mr. WELDON. Mr. Chairman, the issue at hand today is one of trust. The issue is whether we can trust the Sandinistas.

Let me give the Members one case in point that we just learned about less than 2 hours ago.

I traveled to Nicaragua this past weekend with 2 of my colleagues from this side of the aisle and one colleague from my side of the aisle, the gentleman from Oklahoma [Mr. Edwards]. While we were there, we met with the mothers of political prisoners whose photographs which I took are here blown up for all the Members of this body to see.

While in this meeting we met a very dynamic young lady, young Yvette Ruiz, a 20-year-old individual whose father has been imprisoned, a man who was an ordinary gardener who was taken into custody by the Sandinistas and deprived of all his rights. We met with Yvette on Saturday. While we were there a group of turbas, the local thugs, came by in a bus that was preceded by the local polic and followed by the local police. If you look closely here, you can see the obscene gestures they are making to us as Americans and Nicaraguans on the sidewalk. They are making these gestures as they pass, and they are yelling obscenities to us for meeting with these mothers of political prisoners.

We asked these mothers whether or not they felt intimidated. They said they had in fact been beaten on January 22, their first anniversary of the January 22 movement. We were told by them that they were not afraid of being beaten, and that perhaps they would be beaten when we left.

We drove around the block. The next day we saw them again at the local rally in Managua, and once again Yvette was speaking out. We were just handed a communique 2 hours ago of which I have a copy saying that Yvette Ruiz was arrested on Monday. She was deprived of her civil rights for no reason except for a charge that she was speaking against the government when she was really attempting to deliver a letter to the five Central American Vice Presidents asking them to release her father.

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. WELDON. Certainly, I yield to the gentlewoman from Maryland.

Mrs. BYRON. Mr. Chairman, am I to understand that since we were there on Saturday and met with this group and some of you saw them again on Sunday, she was arrested on Monday?

Mr. WELDON. She was arrested on Monday and taken in. And I have some of the comments that were made to her that I would be happy to read for the Record.

Mrs. BYRON. The young girl in the photographs, the one that was a very dynamic spokesman for the mothers who were protesting the political prisoners, was arrested on Monday?

Mr. WELDON. Yes. That was Yvette Ruiz.

Mrs. BYRON. And that is the democratic peace process that is currently underway?

Mr. WELDON. Yes. And my colleague was the leader of that delegation.

The agents told Ruiz that "She should not dream that the political prisoners would be freed: They will never be released." They asserted that the Nicaraguan Sandinista Government liked to see the January 22 movement march because it was useful in terms of convincing the outside world that political pluralism exists in Nicaragua. Nonetheless, such activities would never result in freedom for the prisoners.

Focusing on Ruiz personally, the men told her that she could have anything she wanted except for her father's freedom, if she ended her involvement in the movement. They said she could receive money, medicine, and a place in the university. The men went on to point out that in prison she would be alone, that Dr. Lino Hernandez could not help her. They said that they knew everything about the movement, and they realized that she was an activist. The agents asserted, "You know what we are going to do with you, but we can protect you from the turbas if you will cooperate with us."

This is the freedom that we are going to trust the Sandinistas with, without a positive vote on the resolution that is before us today. Mr. Chairman, I do not think that we can take that risk.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Illinois.

Mr. EVANS. Mr. Chairman, since Congress began funding the Contras in 1981, approximately $490 million has been given by this country to the Contras in Nicaragua. Seven years and millions of dollars later, the American people are asking: "What good has it done?"

The Contras still hold no territory within Nicaragua, they have developed no significant base inside their nation's borders, and almost everyone agrees that they have absolutely no chance of achieving a military victory over the Sandinistas. Despite what many in this body would like to believe, the President's request will not change any of this.

Just as important, the President's proposal will quite possibly destroy the peace process, effectively undoing the encouraging advancements made by the Central American countries toward a peaceful resolution of the conflict in the region. The Guatemala peace agreement has produced more internal change in Nicaragua in the past 6 months than the United States-financed war has in 7 years. Let's give that process a chance. Let's put an end to Contra aid.

Mr. AuCOIN. Mr. Chairman, my constituents have heard a lot of talk over the years from Contra supporters about bringing "representative democracy" to Nicaragua. My question tonight is: What is wrong with a little representative democracy here in the United States?

Poll after poll through the years has shown that the American public opposes Contra aid. Today it is opposed by a margin of 2 to 1.

How can the supporters of Contra aid talk about the virtues of representative democracy in Nicaragua and fail to hear and heed the voice of the

American people and let that voice prevail in this Chamber tonight?

The fact is that the American people do not support this war.

They do not want to send more foreign aid to the Contras.

They do not believe that the Contras are latter-day Thomas Jeffersons.

So I ask the supporters of Contra aid, how can you talk about "representative democracy" in Nicaragua when you are unable to represent the voice of the American people here on the floor of this House?

Moreover, my constituents would like to know why an administration which seeks bullets for the Contras in the name of bringing "freedom of speech" to Nicaragua has permitted the FBI to spy on Americans who were exercising their own freedom of speech when they demonstrated their opposition to the Reagan policy in Central America.

And at some point in this discussion, I would like to ask someone in the White House to explain how they can dare to talk about using the Contras to fight for the "rule of law" when this same administration put itself above the law by supporting the Contras when the Boland amendment said that in law they could not do so.

Mr. Chairman, I urge my colleagues to let freedom ring in Central America tonight by giving the Arias peace plan a chance and to let freedom ring here in this Chamber by letting the voice of the American people be heard. And that voice says: No more aid to the Contras! No more aid to the Contras! No more aid to the Contras!

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. Hall].

Mr. HALL of Texas. Mr. Chairman, I rise in strong support of the resolution to provide assistance for the democratic resistance in Nicaragua. Some of my colleagues have voiced their opposition to this request on the grounds that it may adversely effect the current peace process in Central America. I believe it can only help the peace process by ensuring that the Sandinistas stay at the bargaining table and live up to the commitments they agreed to 6 months ago.

Mr. Chairman, I'm concerned about the direction in which President Ortega and the Sandinistas are leading Nicaragua. Nicaragua is currently engaged in a military buildup which is unparalleled in the history of Central America. Last December, Daniel Ortega announced his intention to build an army which would, including reserves, total 600,000 troops. This from a country that has a population of only 3 million people. The Sandinistas have also acquired a substantial amount of modern Soviet military hardware, including 150 tanks, 250 armored vehicles, 500 surface-to-air missiles, and a number of military aircraft and sophisticated helicopter gunships. In fact, since 1979 the Sandinistas have received over $2.5 billion in military assistance from the Soviet bloc. Yet today we're asking for only $36 million to aid the freedom fighters, and only 10 percent of that can be used to purchase weapons.

Throughout his military buildup, President Ortega has explained that all he wants is peace. Mr. Chairman, his past actions, and present military strength, lead me to believe that what he really wants is piece—a piece of Honduras, a piece of El Salvador, and a piece of Costa Rica. When Ortega turns toward Costa Rica, I hope Nobel Peace Prize winner President Oscar Arias will remember coming before this Congress and bragging about his country not having a defense department—and telling the United States, "We feel free to tell you exactly what we think, even though it might not be what you want to hear." He doesn't want our advice—just our money. Perhaps he can ward off the Communist hordes by hitting them with his Nobel Peace Prize plaque.

We cannot afford an island of communism on the land of Central America. Fidel Castro's Cuba is bordered and limited by water—he cannot physically enlarge his borders. If Dictator Ortega obtains a viable foothold on the land of our hemisphere, he and communism will expand. They won't go south to South America—they will head north toward our fragile neighbor, for whom we do not do enough—Mexico. Then my sons—your children and grandchildren—will be firing the guns. They will become the freedom fighters.

Let's not fool ourselves. We aren't going to achieve freedom and democracy in Central America by closing our eyes and wishing the Sandinistas away. We need to keep the pressure on Ortega to bring about the political reforms all of us in this Chamber want to see. Let's not wait until Ortega and his Soviet friends are camped at Mount Vernon before we decide to do something about it. Let's take some action today, and continue support for the democratic resistance in Nicaragua.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. Young].

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Mr. YOUNG of Florida. Mr. Chairman, throughout this debate I have heard the suggestion that we should give peace a chance, and I am for that. God knows I am for that and I think all of us are for that. When I think of giving peace a chance, I think of the peace that I enjoy as an American, the freedoms that I enjoy as an American, the liberties that I enjoy as an American; but I think, what does peace mean to someone in Latvia, Lithuania, Estonia, who have lost their nations' identities because of the force of communism?

What does peace mean to someone in Poland, Hungary, or Czechoslovakia?

What do the people of Cuba think peace means under the Communist regime of Fidel Castro? Their peace is so great that hundreds of thousands of them have fled Cuba to come to the United States and take up residency here.

I could give a lot of other examples, but peace means a lot of different things to a lot of different people.

Now, peace in the mind of Daniel Ortega is a nation controlled by the Sandinista junta, because he has said and his junta colleagues have said that while they might have free elections and they might in fact let the people be involved, but they will never turn over the power of the Government of Nicaragua.

Now, what kind of peace is that? If we do not keep the pressure on, we will continue to have another Cuba-type establishment, a Soviet outpost in Central America. You have got to keep the pressure on.

You know, many people who oppose keeping that pressure on in Nicaragua oppose, for example, the deploying of the Pershing II missile in NATO in Europe, but do you know something, most of us applaud today the INF treaty that we are going to get rid of nuclear missiles in NATO in Europe, in the Soviet Union, intermediate range and short range.

How did we do that? We did it by keeping on the pressure by deploying the Pershing missile so the Soviets had to negotiate with us to get something done, and it is the same story in Nicaragua.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. Martinez].

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to Contra aid. Mr. Chairman, sometime tonight, hopefully, we will vote to aid or not to aid the Contras, and forget the word humanitarian, because if it were humanitarian aid it would be for both sides because in a war there are two sides and both sides are being killed, maimed, and starved. Both sides have their dying and dead. So lets just call it aid.

The question is to aid or not to aid. The arguments we have heard today are basically the same things we've been hearing for the last 6 years. The only new equation is the Arias peace plan. However, that is not enough to deter the mind set of those that see this as a struggle between two ideologies—democracy and communism. And no one with that mind set is going to admit that what this really is, is a proposition, of a small, poor Latin American country struggling with some very Latin American problems—primarily one of self-determination.

If my colleagues will indulge me, I will offer my own perspective to this debate. What we are really talking about is a policy for Nicaragua and all the dramatic and elaborate staging being demonstrated here today will not assist us in making the proper decision. A trip to Nicaragua will not help us either for those who visit Nicaragua either see and believe what they want to believe or what someone else wants them to see and believe. So I discount the stories my colleagues bring back from their so-called fact-finding missions.

What I do not discount are the lessons of history. The last humanitarian aid we sent to the Contras caused nothing but pain, suffering and orphaned children. I received a letter—maybe staged, maybe factual—but it does describe the situation in Nicaragua of the people who must face it on a day-to-day basis. This letter sent to me, but addressed to all Members of Congress said, and I quote:

> We mothers do not want more tragedy. Our hearts are broken and our eyes are full of tears because of this foul and evil war.
>
> You call it humanitarian aid and it would be if the dollars were invested to improve developing countries, to protect children the world over from dying of starvation or if it was used to build hospitals.
>
> We, who write you, suffer the consequences of this war in our own flesh. Our sons have been victims of this so-called humanitarian aid.
>
> Our hearts are filled with sorrow. We only ask that you to be compassionate with our people and grant that this aid be invested elsewhere; not in our killing.

Mr. Chairman, let me say that over the last 6 years thousands of people have died in Nicaragua—more than twice the number of United States combat deaths than in World War II. After 6 years of fighting with funds provided by United States taxpayers and private citizens the Contras do not hold a single town in Nicaragua. What have they accomplished and what have we gained? All I can see is that we created a permanent type of employment in Central America—"the mercenary".

And such employment is not limited to mercenaries, but also extends to well paid Contra leaders and public relations professionals. And, instead of a reduced Communist presence—the desired effect of our assistance to the Contras—we have increased Communist presence in Nicaragua. Indeed, if we had a profit and loss statement on our past policies it would definitely show us in the "red". In total, we have a net loss. Maybe, just maybe, supporting the Arias peace plan might just put us in the profit column.

In the past we have used poor judgment by supporting Somosa, Batista, and other right-wing dictators. Despite the fact that these tyrants were abusive to their own citizens, we backed them because they waved the American flag. We ignored the popular will in those countries, as well as the beginnings of revolutionary fervor. As a result, many developing countries have gone from the frying pan into the fire.

We must put an end to these situations where people like the Sandinistas provide the fire and people like the Contras provide the frying pan.

I urge my colleagues to give peace a chance in Nicaragua by ending aid to the Contras.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, all of us realize the importance of this vote. We also realize the fact that no matter how this vote goes, whether it is for or against aid to the Contras, that this is an issue that is not going to go away. We will face additional votes. We will face additional challenges and we will face the whole question of what we do about peace in Central America; but perhaps what can happen from this vote is that we can get the opportunity to perhaps develop a foreign policy in Central America that has a chance of success, that we can begin a new era of not simply fighting over Contra aid, but where both parties joining with all the nations of Central and Latin America can develop an approach together.

No policy of this Nation can succeed in a whirlwind of dissent. No policy can succeed where a majority of Americans are opposed. No policy can succeed when there is a majority of Latin and Central American nations opposed to it, where a majority of our allies are opposed to it, and where there is constant friction and distrust between the branches.

Such a policy is doomed to failure, and we either change it or we watch it become irrelevant in this hemisphere. First, the key to our policy must be an honest effort to reflect the basic principles that we stand for throughout the world. One of those principles is clearly that we advocate diplomatic, rather than military solutions, to the problems of the world. With regard to the Soviet Union, despite our great differences, we have negotiated an INF treaty. We are not saying that we ought to continue to deploy Pershing missiles because somehow we do not trust the Russians on the INF treaty.

We are negotiating today in an effort to develop a peace plan between Israel and Jordan with regard to the West Bank, and yet when it comes to Central America, diplomacy becomes the last option.

We have not implemented an effective diplomatic effort when it came to the Contadora effort and when it has come to the Guatemala peace process. Indeed, Secretary Shultz says:

> If you just vote for aid, I will go there and try to negotiate with regard to peace in Central America.

The fact is Secretary Shultz should have gone a long time ago. The consequence is that our only current policy is Contra policy, and Contra policy by its very nature is military policy and it will not succeed.

Second, we are a nation committed to improving the human condition for people throughout the world. John F. Kennedy remains one of the most popular Presidents in Latin America because he said that in this hemisphere we have to have a situation "where all men can hope for a suitable standard of living, and all can live out their lives in dignity and freedom."

Nothing can happen in a nation to improve human rights when it is torn by civil strife, regardless of what that government looks like.

The purpose of Contra aid is to promote civil strife, no more and no less, and for that reason it will not succeed.

Last, we stand by the principle that we will work together with the other nations of Central and Latin America in a common effort to prevent intervention, to promote social justice and to provide for peace and security.

The Guatemala Accord gives us that opportunity. The five Central American Presidents in the statement in San Jose on January 14, 1988, stated that the "definitive cessation of United States' assistance continues to be an indispensable requirement for the success of peace efforts in this procedure."

President Arias says no more U.S. aid, and yet in the face of these requests we somehow say, "We know what is right. We don't have to pay attention to you. Let's do what we think is right."

My view is that we must stand by the principles that we have said we stand for throughout the world. Our Nation's effort now must be to get back to diplomacy, human rights, and multilateral solutions for peace.

Will we lose any of our options in Central America if we vote against Contra aid? No; not at all. But it does give us the chance to implement a new and perhaps more effective policy approach for peace throughout Central America.

Mr. Chairman, when the House votes on the administration's request for $36.2 million of additional aid to Contras, the choice before us is clear: A vote for additional Contra aid is an endorsement of the administration's argument that the continued fighting of the Contra is the key to peace in Central America, and a vote against Contra aid rejects this policy in favor of the Guatemala peace accord.

Which is right? Both argue for peace—one by war, the other by negotiation.

The key to dealing with this issue rests with an analysis of what approach best implements the goals we should have for our policy in Central America.

These goals are clear: One, that it is better to find a diplomatic rather than a military solution to the problems of Central America;

Two, that all outside military intervention in the nations of this hemisphere must be stopped;

Three, that the underlying problems of Central America are best resolved with economic assistance, social justice reforms and human rights improvements; and

Four, any aid to insurgent groups should be limited to genuine humanitarian assistance controlled and approved by credible international and regional organizations and designed primarily to assist these forces in the transition from soldiers to citizens—from fire to cease-fire.

The basic question therefore is: Does the administration's request for $36.2 million in lethal and nonlethal aid assist our Nation in achieving these goals?

The thrust of the administration's policy has been to support the Contras as a fighting force: first to interdict arms shipments, then to overthrow the Sandinistas, and now to pressure the Nicaraguan Government.

Since President Reagan took office, the United States has provided over $1 billion in legal military aid to Central America along with hundreds of U.S. military advisers. This does not even include the millions of dollars in illegal arms diversions, private contributions and third-country donations.

This policy has largely developed by default—the failure of the administration to pursue any aggressive diplomatic effort. Their support for efforts to settle the region's conflicts have been halfhearted at best. Last August, after the signing of the peace agreement, Secretary of State Shultz said that the United States' intention was to talk to the five nations that signed the agreement.

Last fall, President Reagan spoke of his intentions to get together with Daniel Ortega and participate in multilateral negotiations to discuss our role in the peace process. Neither pursued their stated intentions. And today, the promise is to initiate a diplomatic effort by Secretary Shultz if Congress approves additional aid. This is the equivalent of diplomacy by blackmail and further undermines the administration's credibility on seeking a negotiated peace.

Our approach to protecting U.S. interests in Central America must be multilateral, favoring negotiations over an expanded war, and strengthing our democratic friends throughout Central and Latin America. Nicaragua needs peace and economic development and the Soviets and the Cubans cannot provide either one.

Nicaragua knows that Latin America, Western Europe and the United States hold those keys—and that only a viable and lasting peace can lead them to open the door. After 7 years, it is clear that there can be no effective U.S. policy toward Central America without the support of Central and Latin America.

The continuation of the Contra aid policy represents clear outside interference; just the same as we have been accusing the Soviets of doing around the globe. The administration should be pursuing Soviet leader Gorbachev's recent summit offer to simultaneously curtail outside military interference in Central America. His offer represents an excellent window of opportunity to seize such promises and move toward a diplomatic solution in Central America.

The basic problem with Contra aid is that it does not implement the common goals we all share. The peace process is the answer, not supplying the Contras with weapons and electronic radar.

For 7 years, the administration has claimed that support for the Contras is necessary to pressure the Sandinistas. And yet, the result has been to give the Nicaraguan Government every reason to continue to fight, to arm, to control and limit rights and freedoms. By contrast, the signing of the Guatamala peace plan has brought regional pressure on the countries of Central America to find common solutions and take steps toward promoting peace and human rights. We have tested the Sandinistas with arms—the time has come to test them with peace.

U.S. policy toward Central America must be centered on diplomacy and the search for negotiated political solutions to the region's conflicts, rather than on the current use of force or the quest for military victory. Our policy must include a commitment to economic development, social justice, and democracy in the region.

The lesson we have learned over the past 7 years is clear: the basis of United States policy in Central America must be to work with the other nations of Central America to obtain a diplomatic solution through the Guatemala peace process. If we want to establish in other countries in our hemisphere the democratic values we cherish, we must learn to adopt these values in our diplomacy.

When the administration speaks of humanitarian aid to the Contras, it can no longer pull the leg of the Congress and the American people when the CIA is chosen to administer a humanitarian aid package. In 1986 alone, the GAO reported that over half of the so-called humanitarian aid spent could not be accounted for. The Iran-Contra hearings sadly illustrated countless spending violations of millions of taxpayer dollars. It is high time the administration leveled with the American people and actually provided genuine humanitarian aid administered through a neutral international agency like the Red Cross to provide the Contras with food, medicine, and clothing.

It is time that the United States showed our neighbors in Central America a helping hand instead of a fist. What we need in Central America is not additional Contra aid but a partnership to restore economic development and economic opportunity; promote democracy and human rights; and ensure peace and security. A partnership to fulfill the vision of President John F. Kennedy 27 years ago of "a hemisphere where all men can hope for a suitable standard of living, and all can live out their lives in dignity and freedom."

Perhaps the greatest danger we face in Central America is turning our backs on the desire of our neighbors to improve their standard of living. It is time our Nation put forth a great effort to assist our neighbors who are poor, jobless, landless or malnourished to lead a better life.

In nations torn by civil strife, the United States should promote peace through national reconciliation, development of democratic political institutions and efforts to redress social and economic inequality. We must allow a major provision of the Guatemala peace accord to be given a chance: the five Central American countries agreed to address, with a sense of urgency, the problems of health, education, employment, security, economic and social democracy.

By agreeing to negotiate with the Contras last week, the Sandinistas have all but recognized the legitimacy of the Contras. The Sandinistas have also requested direct talks with the United States to discuss reductions in troop levels, foreign advisers, and the military force level. The administration still refuses to even sit down at the negotiating table with Nicaragua.

Neither the Sandinista government nor the administration-supported Contras can be defended as a model of democracy and human rights. What can and must be defended is an honest effort for peace in Central America. Today we are at the crossroads. We, as a nation, have two choices. We can support the fragile and workable regional peace agreement or we can remain uninvolved in peace and continue our present course of supporting the Contras.

Let us approach a new era of dealing with Central America with a renewed commitment to peace, economic assistance, social justice and human rights. The choice is clear: the United States owes its neighbors in the south the opportunity to give peace a chance. American negotiators did not bring about the Guatemala peace accord; the five Central American Presidents accomplished the agreement not imposed on them from the outside.

When the Nicaraguan chapter of our history is written, no matter what the eventual outcome of the conflict in Central America, I want future generations to say that we explored every avenue of peace, that we left no stone unturned in the quest for Central America peace. In the final analysis, is that not what this Nation stands for?

I urge my colleagues to make the sensible choice by defeating this Contra aid request and beginning a new era in Central America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, I rise in support of the Contra package. The vote we cast today on Contra aid will determine whether or not the spark of democracy in Nicaragua will be extinguished or fanned into a flame. This vote will also determine whether the United States will succumb to being a pawn of Daniel Ortega's or a leader in bringing democracy and freedom to that troubled region. Today the Washington Post editorialized in favor of Contra aid. The editorial refers to the phrase, "give peace a chance" and points out it has been widely misused lately to support the effort to defeat Contra aid. Translated, this plea could read, "give the Communist Sandinistas a chance to consolidate their power and end any prospect for democracy in Nicaragua".

Tangible progress has been made in recent months toward securing peace in Nicaragua. However, we must not be deluded into believing that this progress has been the result of the Communist Sandinistas goodwill and cooperation. It has not. The effectiveness of the Contras, both politically and militarily, has been largely responsible for this success. A former top aide to Nicaraguan Defense Minister Humberto Ortega put it succinctly when he said, "as long as pressure is not exerted on

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(the Sandinistas) they will never reestablish democracy in Nicaragua".

But enough of statements and speeches—after all, as we all are aware—"actions speak louder than words." Let us look then at the actions. April 23, 1985, the House turns down $14 million in Contra aid only to watch red faced as Daniel Ortega goes to Moscow a few days later. March 20, 1986, the House defeats a Contra aid package and Mr. Ortega's army invades Honduras 3 days later. Fortunately, in both cases, the House reversed itself and voted to support the Nicaraguan resistance. It is this recognition of the need for United States support that has enabled progress to be made toward peace and freedom in Nicaragua.

Make no mistake about it, a Communist Nicaragua poses a very real threat to the security of the United States and to the stability of the region. If the dangers posed to this country by a Soviet satellite only 1,900 miles away, situated on the land bridge between Texas and the Panama Canal, doesn't concern you, then please consider the recent reports of human rights violations and repression which the Sandinistas have committed against leaders of the peaceful, democratic opposition. I urge my colleagues to cast their vote for continued progress toward peace and freedom in Nicaragua and to support the Contra aid package.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. Mr. Chairman, when I met with Sandinista leaders nearly 6 years ago, there were signals then that Nicaragua wanted to start private discussions with the United States about a regional peace. Similar signs had been given to other American Government officials. But even now, in 1988, we are still waiting for Nicaraguan President Daniel Ortega—this time to fulfill his hollow promises of compliance with the Arias peace plan.

Opponents of aid to the freedom fighters tell us that the Sandinistas want to talk about peace—but in light of their continued resistance to negotiation, can the American people truly believe they are sincere?

It is true that in past decades, the United States did not conduct an enlightened foreign policy with regard to Nicaragua—we supported the government of Somoza. When the Nicaraguan revolution succeeded we tried to establish relations with the Sandinistas. Instead, they threw dirt in our faces.

We tried to build a new relationship with Nicaragua in 1979. For 2 years America was the major source of food aid and a most important financial source. We sent millions of dollars of assistance, including thousands of tons of food to feed their people. But the Sandinista government refused to participate in a dialog with us.

I continue to believe that the United States should pursue a foreign policy of encouraging a regional peace. If the Sandinistas would stop exporting their revolutionary communism, we could encourage mutual peace among the nations of Central America. Then, Central America could be economically revised.

But now Ortega is blatantly stalling the peace negotiations—a manipulative strategy, cloaked in the name of peace, to delay further U.S. aid to the Contras.

The United States has high stakes in the area because of our national security interests and the potential mass migration of Central Americans to America if those countries come under Communist rule.

The United States, acting in its own best interest, must keep the pressure on Nicaragua—as we can with this aid to the counterrevolutionaries—to genuinely negotiate a regional peace.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Chairman, I thank my colleague, the gentleman from Oklahoma, for yielding me this 5 minutes, and congratulate him on the effort he has made on behalf of this cause.

I want to say to my colleagues, having served on the Kissinger Commission in Central America and having spent some time on this issue myself, I think it is absolutely imperative that we inform the American people to as great an extent as possible, of the stakes which have arisen with regard to the issue of aid to the democratic resistance in Central America.

An editorial in the earlier part of this year on January 29, 1988, La Nacion, the Costa Rican prestigious daily newspaper, said:

> What is at stake is the fate of nations that border Nicaragua.

It went on to say:

> Because the resistance, i.e., the Contras, are weakened, or God forbid they disappear, the Sandinista communist regime of Nicaragua, according to La Nacion, would direct all its energy with ample Soviet aid to its confessed objective of exporting revolution.

You see, what is at stake is not just giving peace a chance. If that is all that were at stake today, there is not a man or woman in these Chambers who would not say let us give peace a chance.

But the question is, How do you get peace with freedom? How do we get peace with democracy? How do we prevent Ortega from using peace in the Clausewitzian theory of the absence of war, engaging in war by other means?

Does anybody doubt in these Chambers that the purpose of the Sandinista Communist government is to destabilize their neighbors?

Stop and think for a moment who those neighbors are. It is not necessarily Texas or California. The neighbors are Guatemala, Honduras, El Salvador, Costa Rica, and the Panama Canal.

Can you imagine what type of hemisphere this would be if there were a Communist exported revolution that threatened the Panama Canal, that gave the Soviets a Soviet base, as they have in Camranh Bay today?

Do you know the Straits of Malacca today to a .certain degree are controlled by the Soviet Union? What would happen to the Straits of Malacca, the Strait of Hormuz, the Straits of the Philippines, the Straits of Taiwan, what if they were under the control of the Soviet blue water navy?

But here we are in our own hemisphere today debating whether or not we are going to give some assistance to the men and women in Central America who want to stop the export of revolution to neighboring countries.

Now, let me ask my colleagues this. If we are spending $300 billion a year to defend America and our allies in Europe and Asia against the threat of Soviet colonial empire expansionism, how is it possible that we could not spend one-hundredth, maybe it is one-thousandth. I have not quite figured out what $36 million is of $36 billion. Excuse the arithmetic, but can you imagine that we would not be willing to spend just an ounce, a modicum, just a tiny, tiny fraction of that $300 billion?

If we do not care about our own hemisphere, how would anybody in Europe or anyone in Asia trust us?

The President last night talked about Maj. Roger Miranda. How about Humberto Ortega, Daniel Ortega's brother, and commandante, who said they were going to send the leaders of the 600,000 man army in Nicaragua to Bulgaria, Czechoslovakia, and East Germany for training.

Does anybody want a Warsaw Pact country on the Isthmus of Central America?

My friends, do you really believe that a Warsaw Pact base in Central America is going to be hospitable to the cause of democracy in this hemisphere?

As Henry "Scoop" Jackson said in 1982 or 1983 when the Kissinger Commission was set up, and I supported that, imagine the pressure on Mexico. Imagine the pressure on the country of Mexico.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield very briefly to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, is the gentleman aware that the Sandinistas continue to say that they would guarantee against any Soviet base if we would sign an agreement with them?

Mr. KEMP. Well, all right, I thank the gentleman for bringing that up, because that reminds me that in 1979 in August or June, Ortega said they were going to democratize, allow La Prensa, the Catholic Church, the labor unions and free elections to be held. He violated those promises. The United States Congress gave, thanks to Jimmy Carter, $100 million to the Sandinista Communists, and the gentleman's side of the aisle is telling us that we refuse to negotiate? We gave $100 million. I was here in the Congress, voted against it, and now the gentleman is telling us to negotiate?

They will not keep their pledges unless we keep aid to the Contras. We must fight for freedom in Central America. Give aid to the freedom fighters.

In a few hours the U.S. House of Representatives will vote on President Reagan's aid request for the Nicaraguan Democratic Resistance. This vote is not about *x* million dollars in aid. It is a referendum on whether or not the United States sticks by its commitment to freedom and democracy and is willing to help reverse the spread of communism in our own hemisphere.

We have a choice. What we do today will help determine the outcome of democracy and freedom in Central America and eventually peace. If the democratic majority in Congress votes down aid to the Democratic Resistance forces, the Communist Sandinistas will be completely unopposed in consolidating their totalitarian dictatorship. The internal political resistance within Nicaragua is dependent on the military pressure of the anti-Communist Contra freedom fighters. We must not abandon the thousands of people who have stood up to Ortegas' beatings and persecution. If we abandon the cause of brave men and women in the field, we abandon all hope of stopping Soviet directed Communist subversion in Central America and eventually Mexico. To declare neutrality in Central America is the moral equivalent of selling out the anti-Communist Cuban resistance in 1961 and the anti-Communist South Vietnamese in 1975.

There should be no doubt that if we abandon our military assistance to the Democratic Resistance, the Sandinistas will solidify their tyrannical hold on the Nicaraguan people and will step up their support of militant guerilla forces against democracies in the region. If the aid request fails, the flame of freedom will be greatly endangered, there will be no peace, and we will face an expanded Soviet base for aggression.

Many of my liberal colleagues say that by rejecting the President's request we will be giving "peace a chance," but history tells us the opposite is true. Their logic does not hold because Daniel Ortega has broken every promise he has ever made. If you take a good look at Daniel Ortega's 9-year history of duplicity you see a trail of broken commitments. He promised democracy to the Organization of American States in 1979. Again on August 7, 1987. He promised fulfillment of the Arias Plan. But he has not kept these promises; instead his brother Humberto talks of sending Sandinista officers for training in Bulgaria, Czechoslovakia, East Germany. We do not want another Soviet bloc state in our hemisphere.

Those who believe that a cutoff of aid to the freedom fighters will bring peace to Nicaragua ignore the history of communism, the teachings of Marxist-Leninism and the record of Daniel Ortega. Marxist-Leninist theory teaches us that you use any means, cut any deal and make any deception to assure complete victory for Marxist-Leninism.

Daniel Ortega has no intention of fulfilling any of his commitments. Maj. Roger Miranda, the former Sandinista officer, has told us that the Sandinistas view any peace plan as essentially a means to eliminate aid to the Democratic Resistance and nothing more. If Congress abandons the Contras, they will be playing into the hands of the Communist Daniel Ortega.

How many times must Daniel Ortega break his promises while he talks of "democracy"? How many times must opposition leaders be thrown in jail or beaten in the streets of Managua? How many times must one of the Ortega brothers declare that they will never give up power? How much more Soviet military aid—currently $2 to $3 million a day—must go to the Sandinistas before the U.S. Congress realizes that it is being used as a puppet by Ortega to crush the only hope for freedom and democracy in Nicaragua, the Nicaraguan Democratic Resistance.

How can we spend nearly $300 billion a year for our defense and yet refuse to spend one one-hundredth of that in support of democracy and in defense of a political region in our own hemisphere. As the President said last night, "The Soviet Union and Soviet-bloc countries have sent over $4 billion in arms and military and economic aid—20 times the amount that the United States has provided the democratic freedom fighters. If Congress votes tomorrow against aid, our assistance will very quickly come to an end—but Soviet deliveries won't."

As the distinguished author Charles Krauthammer wrote in the February 8, 1988, issue of Time, "Americans still have to ask themselves the basic questions. Questions of national interest: Can the United States risk the domination of Central America by a Soviet client state."

I ask my colleagues to vote today to save the one hope for democracy, peace and fredom. To vote today, for this tiny bit of aid to those who fight to obtain what we prize so highly.

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Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. BONKER].

Mr. BONKER. Mr. Chairman, Congress has arrived at the crossroads in our Central American policy. Down one path lies more aid to the Contras, deeper United States military involvement, and more bloodshed in Central America. Down the other path lies our best hope for peace—a process we have already begun under the Arias plan, a blueprint with very specific steps and deadlines to achieve peace in Central America.

Today the House must choose.

It is important that we see the President's request for what it is, and for what it is not. It is not humanitarian aid, as several of my colleagues have noted earlier today, because more than three-quarters of the so-called nonlethal aid would be spent on military items like trucks and jeeps and aircraft.

It is not a scaled-back request. This package would more than triple the level of support our Government has been providing the Contras over recent months.

It is not even a $36 million aid package. The real figure is closer to $60 or $70 million. When you read the fine print of the President's request, you find millions of additional dollars for radar and air defense systems and up to $20 million to replace Contra supply aircraft that may be shot down.

Beyond all these arguments, however, the time has come for Congress to draw the line on Contra aid. No matter how much money the President requests, no matter how many paper restrictions they place on it, the House should not approve a penny more in Contra aid.

If this aid is approved, it will cripple the peace process and it will lead to only more killing and bloodshed in the region. This is not the path to peace in Central America. It is an ongoing journey to more destruction.

Mr. Chairman, I urge all my colleagues to vote against more Contra aid.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from ohio [Mr. McEWEN].

Mr. McEWEN. Mr. Chairman, it is appropriate to ask ourselves what has happened in Central America in the last 60 months. We have seen Guatemala become a democracy. We have seen Honduras become a democracy. We have seen El Salvador become a democracy. We have seen Nicaragua end this decade as a Communist beachhead receiving hundreds of millions of dollars from the PLO, from the East Germans, from the Bulgarians, from the Soviet Union, from the Cubans, and yet today as we stand here we know that that system is about to collapse.

Why is it that the Sandinistas are negotiating? Why is it that they are releasing political prisoners? Why is it that La Prensa is allowed to print today? Why is it that the peace process is underway?

It is because the United States of America and even this very Congress stood strongly behind democracy and behind freedom. There was a time when the President of the United States stood on the steps outside this Chamber and said let the world go forth that the torch has been passed to a new generation of Americans that is willing to bear any burden and to pay any price for the cause of democracy and for freedom.

The question before us tonight is will we not bear any burden, or pay any price, but will we give an eyedropper of aid to those who are willing to fight for their own freedom?

There are those of us who can on occasions like this hear the mugging going on in the street, hear the violation of the victims being drug into the alleyway and we can turn up the television and we can pull the drapes and we can pretend as though we do not hear and yet tonight there are those who are crying for our help. They do not ask blood, they do not ask troops, they just ask help, and we need to give it to them.

Mr. Chairman, Winston Churchill once compared our adversaries to a crocodile; when it opens its mouth you cannot tell whether it is trying to smile or preparing to eat you up.

Unfortunately, Daniel Ortega is doing both. He has put on his best smile by promising democratic reforms to convince this body and the American public, that the Sandinistas can be trusted to abide by the Arias peace plan. That is the bottom line. The question this body must answer is: Can Daniel Ortega be trusted?

The question is not do we want the Arias peace plan to succeed. I think we all want that. The real question is how do we go about ensuring that the Sandinistas conform to the plan that Daniel Ortega signed.

If we look to history as a guide to our decision, we will find ample examples of misplaced trust in tyrants and totalitarian governments.

In 1938, Neville Chamberlain went to Munich to appease Adolf Hitler so that he might leave other European nations alone. The British Prime Minister came back to England believing he had "secured peace in our time." Instead, by taking the word of a fascist dictator, he gave the green light to a Nazi invasion of Czechoslovakia. Mr. Chamberlain failed to understand that there is no honor among tyrants.

Things have not changed much since 1938. Daniel Ortega, in signing the Guatemalan accords, has promised to stop being a Communist and democratize Nicaragua. If we cut off aid to the Contras, we are saying to Mr. Ortega, we trust you to come through on your promises. In my opinion, that's too risky. It's wrong.

Just 2 weeks ago Maj. Roger Miranda, in referring to the Sandinistas, stated that, and I quote:

> For them, democracy consists of perpetuating themselves in power. They have closed off any possibility of a democratic outcome to the civil war in Nicaragua. I know the way they think. Unless pressure is put on them, they will never re-establish democracy in Nicaragua.

Mr. Chairman, it is time this Congress stand up and say to the Sandinistas, we are not going to let you off the hook. We don't trust you Comandante Ortega. You must abide by the peace plan and we are going to make sure you do by funding the democratic resistance.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I listened carefully to President Reagan last night, wondering what new arguments he might make to justify interfering in the peace process in Central America, in derogation of the Guatemala accords.

I heard nothing which would reverse my long held opposition to the funding of the Contra forces.

When the President spoke so warmly of the Nicaraguan freedom fighters and compared them with the French resistance of World War II, I remembered that he had earlier compared them with the American revolutionary Founding Fathers. I recalled how, in fact, the Contra commander, and a large majority of the Contra military high command, are former Somozan national guardsmen, a fact the State Department has admitted. I recalled the $18 million-plus of funds given to Contras in recent years which are still unaccounted for. The confirmed reports of individuals killed and maimed by the Contras are fresh in my mind. I recalled the numerous Contra bombings of hospitals, schools and roads, using maps and plans provided by the American CIA and I recalled the insider's description of the corrupt leadership and questionable objectives of the Contras rendered by Oliver North's former assistant, Robert Owen.

I wondered how many of the Nicaraguan peasants sympathize with these so-called freedom fighters whose brutal tactics they regularly observe. It seems clear why so few volunteer for the Contra forces and why, after 7 years of struggling, the Contras control no major area of Nicaragua and have to organize and direct forces from across the border in Honduras.

At the same time, I pondered the President's litany of agreements he thinks were broken by Ortega, and added to that my own understanding of the abuses—physical and social—visited upon these same Nicaraguan peasants by the Sandinista government; these Sandinistas who are certainly no less brutal in tactics than are the Contras. I read daily about the disastrous economy in Nicaragua, the result of inept governance by President Ortega and his commandantes. With all that, I can understand the ambivalence and confusion of the Nicaraguan citizens, who wonder who it is they can trust. I frankly don't trust either the Contras or Mr. Ortega and his Sandinista government.

The peace process is moving forward, though, and we should be working with that process—not against it. President Ortega is weak, now; his economy is in shambles. This is the time to work with President Arias, and the other Central American Presidents, to push Ortega for further concessions; this is the time to press to democratize the Nicaraguan Government; this is the time to pressure Nicaragua to hold free elections; if, instead, we help the Contras, we give Ortega an excuse to slow down his political concessions and a reason to move back toward more repression; let us test Ortega's sincerity.

The Guatemala agreement calls for a halt to outside funding to revolutionary forces, and it is my hope that we will not risk destroying the Central American peace process by providing these funds. And, it is my hope that this Chamber today will, instead, destroy the idea of further American assistance to the Nicaraguan Contras.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, I never cease to be amazed by the profound lack of recall, perhaps purposely, by those who would throw the Monroe Doctrine out the window. This same group of apologists refuses to remember that Castro was hailed as the great reformer that American sympathizers picked coffee and harvested cane in Cuba to help the Marxists. The liberals gave Cuba to the Communists and now sadly we see Cuba as a training ground for destabilization throughout the world.

I ask my colleagues to read the periodicals of that time, the CONGRESSIONAL RECORD of that time. Today's debate echoes of the capitulation, the lack of courage, and the lack of leadership that was evidenced which they gave Cuba to the Communists.

This same group of liberals refuse to remember that we built the Panama Canal, that we were the stabilizing factor, that it was built at the cost of our blood, sweat, tears, and lives. In the distorted and perverted rationale that we could contribute to the stabilization, the liberals under Jimmy Carter gave the Panama Canal away.

Does it not make you uneasy and ill that those who oppose aid refuse to re-

member the pictures of Ortega and the terrorist conclave of the Qadhafi types, established in Nicaragua? Now they want to give Central America to the Communists. They want to give Central America to the Communists because the Wright Central American death squad those who oppose freedom and the Contras, want to capitulate in the perverted sense that we are going to add to the stabilization.

The American people will not forget and I will not forget when my granddaughter asks why our troops have to be mobilized on our border.

Mr. EDWARDS of Oklahoma. Mr. Chairman, may I inquire how much time is left on each side?

The CHAIRMAN. The Chair will announce that the gentleman from Oklahoma [Mr. EDWARDS] has 1 hour and 20½ minutes remaining and the gentleman from Washington [Mr. FOLEY] has 1 hour 15½ minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I rise in favor of this aid package and in doing so I rise in favor of the implementation and the full implementation of the Central American peace plan.

Mr. Chairman, today I have like many of my colleagues listened carefully to the debate, and one of the key but highly inaccurate points that has been made by the opponents of this aid program is that if it is enacted it allegedly will undermine the Central American peace accords.

Those of us who support the proposal are cast erroneously as opponents of the Arias peace plan. I say to my colleagues that is exactly the reverse of the truth.

Mr. Chairman, I regret that in the debate today that those of us who favor a vote for the military aid in escrow have been too defensive on this point. I think that our approach in fact will strengthen the diplomatic efforts of Central America's democratic leaders while that of our opponents will weaken it.

To make my point I will quote from one of my colleagues, an opponent of aid to the Contras, who yesterday said:

> Escrow accounts and deadlines for democracy will not work. What is more important is the trend toward reconciliation and peace. We must be realistic, Nicaragua has never known democracy. It will take years, not weeks, to achieve.

I submit, Mr. Chairman, that the fact of the matter is that it is the Central American leaders who signed the peace agreement last August 7 and it was those Central American leaders that set the deadlines in a matter of months and weeks for the democracy of Nicaragua, not this Congress.

The Central American leaders themselves said that it could be done and it should be done in a finite period of time. It was they, the other Central American leaders, who set out the specific criteria which defined what democracy should include, not we.

So opponents of this proposal can of course describe it if they choose, as unrealistic, but in doing so they tell President Arias and the other Presidents of Central America that it is realistic. It is a realistic plan, the plan has been adopted and supported by the Central America Presidents.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I rise to speak in favor of the Contra aid request. I believe that if we cut all aid to the freedom fighters and the Communist-Sandinista government is then able to fully consolidate its position, our Nation will eventually be faced with something close to an economic and strategic nightmare.

Economically, our Nation could ultimately be faced with a tidal wave of refugees streaming across the Rio Grande into the United States. The administration has said, rightfully so, I believe, that the Sandinistas are not merely Stalinists, suggesting a totalitarian attitude, but they are also Leninists, meaning that they have an expansionist goal. If we allow the Communist-Sandinista government to establish a Cuban-style regime in our Western Hemisphere, all of Central America including Mexico, could very well fall to the Communists.

According to an estimate attributed to H. Eugene Douglas, the former U.S. Coordinator for Refugee Affairs, resettlement costs for these refugees would exceed $40 billion a year. Additionally, an expansionist Communist influence just south of our U.S. borders would require of the American taxpayer an unacceptable financial and economic burden to fortify and garrison our southern borders.

In strategic terms, the expansion of the growing military might of Communist Nicaragua, and the ongoing threat of Cuba would pose a serious land, sea, and air danger to the vital Caribbean region. We would need to be very much concerned over the 52-mile-long Panama Canal, which handles some 11,000 ships a year, including U.S. naval vessels, that can be shut down by destroying any one of its numerous locks or sinking any large vessel in the canal.

Nearly three-fourths of America's imported oil passes through the Caribbean along with 90 percent of our strategic materials, such as titanium, chromium, and manganese used by industrial aircraft companies and other contractors for the U.S. Armed Forces. Should the Soviets be able to close the other narrow trade routes in the Caribbean, which account for nearly two-thirds of all U.S. seaborne trade, the United States would be faced with an economic disaster.

It would seem to me that the President's request falls quite a bit short of what the feeedom fighters need, but it is enough to keep the Communist Sandinistas honest. Furthermore, it is vital that we provide continued aid for the Contras in order to continue putting pressures on the Communist-Sandinista government to negotiate an acceptable peace arrangement with the democratic forces in the area. The Nicaraguan people, who thought they were getting something better than Somoza, are suffering under the oppression of the Sandanistas. They want relief and they want freedom. Let's keep the pressure on the Sandanistas to bring this about by voting for this proposal.

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Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Chairman, on two different occasions over the past 3 years I have voted against aid to the Contras. As a matter of fact, I joined a rather small number of Republicans on those two occasions to vote no on aid to the Contras.

At that time, many of us argued that we need to give Mr. Ortega time to negotiate, we needed to try out the process, Mr. Habib had just begun the negotiation process.

It was just 3 years ago, Mr. Chairman, that one of our colleagues from Massachusetts returned from a trip to Nicaragua and he proudly raced back to the United States and bounced into Washington, DC, and announced to the press, the American people and to the U.S. Congress that he had an important message to deliver from Mr. Ortega. He said that Mr. Ortega has made a number of commitments. He said to us at that time, which happened to be about 1½ weeks before the vote, that if we did not aid the Contras that Mr. Ortega would negotiate and work with the Contras, he would bring about Democratic reforms.

He even went a step further. He said he would reach out and work with the American Government. And if that were not enough, Mr. Ortega also agreed, if we did not aid the Contras at that time, he would get rid of Soviet and Cuban military advisers.

I had a number of arguments with my colleagues on both sides of the aisle and the administration. I was convinced that we should give Mr. Ortega an opportunity to show his good will. I did not take Mr. Ortega very long to show his true colors. Not only did he renege on his promise to meet with the Contras, not only did he renege on his promise to work with the people and the American Govern-

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ment, not only did he renege on his promise to get rid of Soviet and Cuban military advisers, it only took several days before he went back to the Soviet Union for yet another shipment of supplies. It did not take too long for Mr. Ortega to repeat the same action. A few weeks before the vote, a year after that he made overtures and talked about democratic reforms and negotiations. Again we did not supply aid to the Contras. Again, it only took a few days for the Sandinista army to move into Honduras.

Mr. Chairman, I do not know how many more times we have to be duped by Mr. Ortega. He has shown us one important thing however. He does respond to pressure from our Government, he does respond to pressure from the American people, and he does respond to pressure from the Contras.

Before we vote today I hope that each and every one of us will ask ourselves a very important question, and I hope all of our friends and the American people will ask themselves one very, very important question. What is the interest of the Soviet Union in Nicaragua? What is the interest of the Soviet Union in a small country in our hemisphere? I ask my colleagues to consider that most important question before the vote.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. Price].

Mr. PRICE of North Carolina. Mr. Chairman, I rise today in opposition to renewed aid to the Contras in Nicaragua. In listening to this debate today, we can discern wide agreement as to the United States legitimate goals in Central America—the realization of democracy, respect for human rights, economic development, political stabilization, the containment of efforts to export revolution, an end to Soviet influence in the region. Where we disagree is on the means to achieve these ends. I have never felt that pumping American tax dollars into Nicaragua's civil war was a promising way of achieving these objectives, and I especially believe that today's request for renewed aid is ill-timed and counterproductive.

The most promising way of realizing our legitimate objectives is through a mutually enforced agreement among the nations in that region—an agreement toward which the peace process, despite its imperfections, seems to be moving. There has been change in Nicaragua—perhaps not as much, or as fast, as we would like—but there are concrete examples of progress— the release of thousands of political prisoner, the reopening of La Prensa, and perhaps most important, the Sandinista government's willingness to negotiate directly for a cease-fire with the Contra forces.

We should not view these changes lightly. Over the last 6 years, the Congress has appropriated over $276 million to support the Contra forces in Nicaragua and yet it is only since the signing of the Arias peace plan that real progress toward a negotiated settlement has occurred.

I think it vitally important that the fragile Central American peace process be allowed to work. To put more money into Nicaragua's civil war at this juncture wouid encourage continued fighting and allow the Sandinistas a perfect excuse to turn their backs on the peace process. A vote for the President's package today would undermine, perhaps fatally, the prospects for an enduring settlement, and for that reason, I plan to vote against it.

I believe, however, that we should see this vote not as an end, but as a new beginning. Serious talk has already begun in the Congress concerning the kinds of constructive alternative steps the United States might take to move the peace process forward, to lock in the Sandinistas' concessions, and to facilitate the Contras' entry into the political life of the country. That is the direction this Congress should be taking and I urge my colleagues to join me in this endeavor and to vote "no" to the President's Contra aid package.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. Pursell].

Mr. PURSELL. Mr. Chairman, the thrust of American policy toward Central America should not be determined solely on the basis of a yes or no vote on aid to the Nicaraguan Contras.

Engaging in such a narrowly focused debate demonstrates a serious lack of foresight. At best, it is continued crisis management.

We must, in a bipartisan fashion, pledge ourselves to the long-term goals of the Arias peace plan adopted in Guatemala and ultimately strive for a full-fledged partnership with our Central American neighbors.

The best example is the bipartisan foreign policy adopted following World War II, when the Truman administration and the Congress—led by Republican Senator Arthur Vandenberg of Michigan—worked together to rebuild Europe, physically, economically, and politically. The success of that policy, including the Marshall plan, and the North Atlantic Treaty Organization, remains evident today.

Likewise, political and economic stability is desperately needed in Central America and can be achieved only once a middle class is established. Yet military initiatives alone cannot create a middle class. Diplomatic and economic development initiatives are the tools needed to build this stabilizing force in Central America.

What are the vital components of an effective bipartisan foreign policy in Central America? First, we should reestablish a commission modeled after the Kissinger Commission to develop a long-term economic, political, and cultural partnership with our Central American neighbors.

Secondly, we need to expand educational opportunities that permit Central American students to study in the United States. College scholarships will provide a badly needed pool of well trained teachers, doctors, and other professionals to meet the social, economic, and education needs of the region. Such programs also effectively counter the massive soviet effort to saturate the region with graduates of Marxist institutions.

Finally, we need to improve and expand the Caribbean Basin Initiative which would go a long way toward restoring the badly damaged economies of Central American countries. CBI offers the region A program for trade, economic assistance, and tax measures to generate economic growth. It is time to resurrect CBI and make it work.

These are the building blocks for an effective bipartisan foreign policy leading to lasting peace, economic stability and democratization in Central America. I challenge the administration and the leadership on both sides to begin implementing a bipartisan foreign policy.

Mr. FOLEY. Mr. Chairman, I yield all remaining time on this side to the gentleman from Wisconsin [Mr. Obey].

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. Kostmayer].

Mr. KOSTMAYER. Mr. Chairman, everyone in this Chamber shares the same broad objectives: peace and democracy in Central America. We all want to promote the interests of the region, and the interests of the United States.

We have all participated in a national debate about whether or not the Contras are the best means for achieving our goals.

But Mr. Chairman, in its zealous effort to win congressional support for the Contras, the administration has been neither completely honest nor open. On the contrary, deception and misinformation have been the pillars of the administration's arguments on behalf of Contra aid.

Consider the Contra aid proposal now before us. The President's latest request was created to seem reasonable. Just $36 million, just 10 percent military aid, just a little escrow account as an insurance policy against Sandinista backsliding they say. The administration has portrayed the package as modest, logical, and essential to the success of the Arias peace plan.

In reality it is none of these things.

The President says his request totals $36.2 million, $32.6 million in humanitarian aid and $3.6 million in military aid, to be held in escrow. But that's only part of the story.

There's also $20 million in additional assistance in case any delivery planes are shot down and need to be replaced. There's also money for an air defense system for the Contras, which the administration says will total about $7 million over 4 months.

Add all this up, and suddenly you've got a $63 million request, not a $36 million request. And there's more.

The $32.6 million in the so-called humanitarian aid portion has only $6 million worth of what most of us consider humanitarian aid: food, clothing, and medicine. Only 20 percent of the so-called humanitarian aid package would go for truly humanitarian purposes. The remaining 80 percent—$26.6 million—is going for trucks and helicopters and communications equipment and other devices that facilitate Contra warmaking, not humanitarian assistance.

Remember too that this request is for only 4 months; $63 million for 4 months. That's about $16 million per month, or more than twice what the Contras received per month in 1987. Under the President's proposal, three times more humanitarian aid would flow to the Contras per month than in 1987.

So, Mr. Chairman, this is not such a modest request. It is a request that we support the Contras' war effort, and that we do so generously.

Nor is this request as reasonable as it may seem at first.

It is not reasonable to show support for the peace plan by violating it.

It is not reasonable to ensure peace by perpetuating war.

It is not reasonable to apply the same pressure in response to good behavior and bad.

It is not reasonable to expect that the Contras will willingly negotiate a cease-fire when they are receiving more aid than ever from the United States.

And frankly, Mr. Chairman, it is not reasonable to commit $60 million American dollars to rebels that even Oliver North's right hand man, Robert Owen, called "liars . . . greed and power motivated."

This request is old wine in a new bottle. It is as misleading as the administration's whole campaign on behalf of Contra aid has been.

In its effort to sell this failed policy, the administration has misled the Congress and the American people time and time again with exaggerated rhetoric based on more conjecture than fact.

In his effort to sway opinion on the Contras in 1985, President Reagan went so far as to say that Pope John Paul II had sent a message asking the President to continue aiding the rebels. The Pope quickly assured the President and public that he was not a Contra supporter, but the President's campaign of selective editing continued.

Take the widely touted Miranda revelations. The White House had plenty to say about Major Miranda's exclusive on the Sandinista's military plans.

What the administration does not say about Mr. Miranda's 600,000-man army, is that it is essentially a home guard. Five-sixths of the proposed army would be rural militia—peasants with 2 weeks of marksmanship training, carrying a gun over their shoulder while they plow their fields.

What the administration does not say is that Mr. Miranda outlined a plan that would actually reduce the active army in Nicaragua by 10,000 to 20,000 men.

Or take the administration's age old claim that the Nicaraguans are sending arms to the rebels in El Salvador.

What the administration does not say is that Salvador's own military intelligence officers say that support has all but dried up.

What the administration doesn't say is that their own defense attaché in Managua told a visiting Republican Senator that Nicaragua's support for Salvador's rebels was passive, not active.

The administration doesn't talk much about David McMichael, the CIA analyst who was in charge of monitoring the arms flow until he resigned to protest the administration's continual falsification of arms flow reports.

Mr. Chairman, these are but a few examples drawn from more than 6 years of administration lies about Nicaragua. The White House has nearly perfected the art of taking a kernal of truth and turning it into acres of misleading justifications. Their suggestion that this latest request is moderate, constructive, and reasonable is but the latest deception.

In reality, this request is the latest tactic in the administration's strategy to overthrow the Nicaraguan Government while feigning an interest in a negotiated settlement.

There is an alternative, and it is not cut and run. The first step is to defeat the President's request for more Contra aid. To close the chapter of deceit and lawlessness, and to begin a constructive policy toward the region.

Mr. Chairman, I urge my colleagues to reject the President's request.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DeLay].

Mr. DeLAY. Mr. Chairman, let me just say the gentleman from Pennsylvania is absolutely wrong, the peace plan has nothing to do with and does not even speak to prohibiting aid from the Soviet Union or prohibiting the aid from the United States. What it speaks to is aid from Nicaragua to the guerrillas of El Salvador and exportation of revolution by countries that signed the pact.

But let me just say a little bit about some of the misstatements and the double speaking on this floor today by our opponents. History, Mr. Chairman, has a tough time on this floor. Our opposition tends to see history as they wish it was. They see the future as they wish it to be. If the Sandinistas were really trustworthy as their supporters claim, then Nicaragua never would have needed the peace plan in the first place.

Let us look back at history, the contadora process, the promises in 1979 for democracy and now the Arias peace plan that should have been complied with on November 7, and here we are with the Sandinistas still out of compliance.

Ladies and gentlemen, a basic tenet of Lenin's expansionist policy is that, "if you strike steel, pull back; if you strike mush, keep going." In Cuba they struck mush and kept going, and now we have a Communist Soviet military and intelligence base 90 miles off our borders. In Grenada, they struck steel and pulled back and now Grenada is working toward democracy.

We are about to pull the steel right out from under them and throw them a handful of mush and say go get it.

Mr. Chairman, we cannot do that. We must put up that steel so that the Communists and the Sandinistas will strike that steel and pull back.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. Studds].

Mr. STUDDS. Mr. Chairman, this debate is not about democracy; and the concern of the President of the United States in Nicaragua is not democracy. Ronald Reagan never worried himself for 1 minute about Nicaragua prior to the current government, and we would be very busy indeed in this Chamber if we were to finance invasions against every nondemocratic government in the world. We might have requests if that were the President's concern, for example, for financing invasions against maybe Saudi Arabia, or how about Brunei, governments which never had a democratic thought in all of their lives.

The gentleman who preceded me in the well said the peace accords have nothing to do with the United States. Let me read something from the Guatemala accords which this President says he wants us to support. I quote:

> The five Central American governments shall request governments of the region and

governments outside the region which are providing openly or covertly military, logistical, financial, rhetorical, or other assistance in the form of humanitarian aid to irregular forces or insurgent movements to stop such aid as an indispensable element to achieving a lasting peace in the region.

Mr. Chairman, those are the words of the peace accords, and our President, unfortunately, is asking us explicitly and overtly to undo and to contradict the heart and soul of that.

The challenge of this House tonight is whether we can live up to our name, the House of Representatives. The court of world opinion has rejected this policy. The Central American countries have rejected this policy. The American people have never supported the Reagan policy in Central America, and the question now is whether the House of Representatives for once and finally on this issue can summon the courage, if not to lead the people of this country, at the very least to represent them and to say to the policy of the President of the United States, Mr. President, with all due respect, you are wrong, you are counter to the very peace process in whose name you submit this policy, and you are counter to what this Nation is supposed to stand for in the world.

Mr. Chairman, I rise in opposition to the President's request for over $50 million to support the Nicaraguan Contras.

President Reagan's policy in Nicaragua began in 1981 as a covert operation in support of Argentinian trainers building an anti-Sandinista insurgent force. Then the CIA became more ambitious, moving to organize and train the Contras themselves in Honduras, Costa Rica, and Panama.

At first the Intelligence Committees let the covert plan through, having accepted the President's claim that its sole purpose was the interdiction of arms being sent from Nicaragua to rebels in El Salvador.

When plans to divide Nicaragua in half were revealed—plans that could only be directed at the military overthrow of the Sandinista government, the Congress moved quickly to limit the President's operation.

My colleague from Massachusetts, Mr. BOLAND, introduced the first of his amendments, which stated that none of the money Congress was appropriating could be used "for the purpose of overthrowing the Government of Nicaragua." In 1982, this body supported that measure unanimously, 411 to 0.

Despite this unambiguous mandate, the President persisted. After a skeptical Congress and public succeeded in tearing away the fig leaf of arms interdiction, the administration fell back on the proposition that any Communist regime is inherently hellbent on taking over its neighbors. This argument came replete with maps showing the color red gradually spreading up and down the Central American isthmus.

The references to Communist expansionism have not become more reasoned or substantiated, nor have arguments that the Soviet Union intends to set up a military base in Nicaragua. Rather, the Reagan administration recently shifted the terms of debate again to focus on political life within Nicaragua. And with the extraordinary joining together of the leaders of the five Central American republics to sign the Guatemala accords, the Contras have become a rather bloody insurance policy for democracy in Nicaragua. Today, we are asked to give humanitarian aid to freedom fighters who prosecute a brutal war in order to, as Secretary Shultz said yesterday, "give peace a chance."

Unfortunately for the Nicaraguan people the battle here in Washington is now less ideological than theological. The Reagan administration has devoted a full 7 years to its freedom fighters. Even if Daniel Ortega kissed the American flag and decided that Nicaragua should adopt our Constitution, you can be sure that our President would not abandon the Contras.

Nonetheless, we in the House of Representatives have an important job to do: to decide whether the President's policy is sound policy.

So let me consider briefly the President's central argument—that support for the Contras is the only way to push the Sandinista government toward democracy, to make them comply with the Guatemala accords.

The logic here is charmingly simple: give money to Contras; Contras pressure Sandinistas; Sandinistas become democratic. Take money away from the Contras and you might as well paint Central America red.

However, many of my colleagues have argued that the Contra war only pushes the Sandinista government toward greater reliance on the Soviet Union, toward repressive laws justified by the need for domestic discipline in wartime. The last time the Congress gave the Contras military aid, La Prensa was closed on the following day.

And the administration's commitment to democracy must seem a bit tenuous in light of its half-hearted attempts to encourage free elections in neighboring Haiti. After President Reagan made not one public statement or significant diplomatic initiative to press the Haitian junta to allow a fair plebescite, Secretary Shultz yesterday complained of the "difficulty of moving from military to democratic rule."

Mr. Chairman, consider for a moment the array of alternative means of pressing for democracy in Nicaragua. There are the pressures generated by the commitment of the Central American leaders, and their peoples, to follow through with the Guatemala peace plan. There is our own ability to negotiate, as yet untried in Central America but rather impressive when directed at arms control with the Soviet Union. There are economic incentives—real humanitarian aid and the lifting of a stifling trade embargo—for a country already subject to energy rationing and expected to experience 18,000 percent inflation during this calendar year. If the State Department spent half as much time trying to work for real democracy and human rights in Central America as it does putting out propaganda pamphlets about the Sandinista leadership we might now be seeing some real progress toward peace and democracy in the region.

Further, why have we not pursued the real opportunity presented by Secretary Gorbachev's informal proposal to President Reagan to end Soviet military aid to the Sandinistas in exchange for a cut-off of U.S. aid to the Contras?

Mr. Chairman, yesterday a constituent of mine came to my office to tell me of her recent trip to Nicaragua. She visited a family living off on their own in an isolated valley in Chontales Province. In November the Contras descended from the hills and kidnapped their teenage son. He managed to escape, but the Contras came back and captured him again. The Contras do not like it when their recruits desert, so they decided to peel the skin off this young man's face before putting him to death.

My constituent also informed me of a recent attack by the freedom fighters on a family homestead, an attack thoroughly documented in the Philadephia Inquirer in December, in which a pregnant young woman was raped at bayonet-point and then murdered, and her sister-in law was shot in the back as she ran away clutching her baby. The sister-in-law survived, as the bullet passed right through her and took off her baby's leg.

Mr. Chairman, there is a better way. This House of Representatives has an obligation to be representative, and to end the hypocrisy of this bloody war. Then we can go to work, together, to heal the wounds of Central America.

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Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. MARTIN] who I think thinks like me that the purpose of the United States is to stand for democracy.

Mrs. MARTIN of Illinois. Mr. Chairman, I have always envied those on both sides who are so sure of their own positions, who from the beginning knew, for instance, regardless of party, that they could support no aid, that any remark against the Sandinistas was cruel and that indeed that served peace. I believe them.

I have envied those on another side who could know we should be in there, who know we should have even more aid, who felt strongly that without freedom there could be no peace.

But some of us have been more in the middle. We come from districts that do not necessarily support any foreign aid.

I come from a district that looks at foreign aid as aid to Chicago, not aid to Nicaragua. Yet at times we have to go beyond our own districts.

This time I relistened. It would be easy to support my President without thinking. There is nothing wrong with that. But it would be wrong if I just automatically agreed, if it affected the peace process. I can only tell you my conclusion.

If this is the President who is able to achieve an INF treaty by being strong, does he not deserve the courtesy of formulating a foreign policy that will again, yes, use American strength? And if the dollars we are talking about

in lethal aid are half of what we were willing to give to non-American children in a suburb of Paris, it is hardly the dollars. What it is if one side is wrong and there is no aid, and democracy dies, and freedom has no chance, however do we face any constituent we represent? I can only tell you this, it deserves the chance, give freedom a chance.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR] my colleague across the bay.

Mr. OBERSTAR. Mr. Chairman, this evening we are poised on the threshold of a momentous decision for the Americas. There are few choices we make in this Chamber where peace and war hang in the balance. This 27th vote that we will cast tonight on Contra aid is that kind of vote.

The Reagan administration's policy has evolved from one of covert assistance to the Contras to overt, multimillion dollar assistance for the single purpose of overthrowing the Sandinista government, one that we diplomatically recognize, by military force.

And now they claim that aid to the Contras is needed to keep the pressure on for negotiations. But that policy ignores the new reality in Central America, that the Central American governments themselves have taken extraordinary steps toward regional self-determination by backing the Arias plan, the Guatemala peace accords, and supporting that plan for peace.

The prestige of the Nobel Prize for Peace is the driving force for peace in the region, not arms to the Contras; yet, peace and the Arias plan will never have a chance, never have a prayer unless we cut off the military aid and stop the fighting. We need to create a climate for real negotiations to take hold, negotiations by those in the region who are most affected by their outcome.

We will not achieve peace using the Contras as our agents; we will become peacemakers by supporting the one clear steady vision, the regional vision for peace: the Arias plan.

Cutting off military aid may not guarantee the success of negotiations, but continuing the military aid will assure their failure.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, the debate all day today has centered on the theme of where we have been in regard to aid to the Contras. Those who oppose aid have talked about the alleged inadequacies of the Contras as a fighting force in Nicaragua. Those who support aid have taken much solace from the fact the headlines no longer talk about the battles in El Salvador, of the imminent fall of the democratic government in El Salvador to an insurgency sponsored from Nicaragua. Instead, the headlines talk about battles now on the home turf of that aggressive force in Nicaragua. Those who support aid to the Contras indeed take much solace from the fact that the fighting in El Salvador has given way to fighting now where that aggression emanated from in Nicaragua. The debate is not really about where we have been in regard to aid to the Contras, the debate is where we are going from here.

Where are we now and where do we go? I have heard a strange argument tonight. The argument is that we ought to let the Central Americans settle their own business, let us stay out of it. If they cannot settle it properly, if they cannot contain Daniel Ortega and the Communist Sandinistas, well then we will send the Marines in, they will mop it up and clean it up.

It is a strange argument, folks, because it ignores the fact that it is Central Americans who are dying in Nicaragua, fighting for freedom there, not Americans; it is Central Americans who are containing Daniel Ortega's aggressive tendencies in the region; it is Central Americans dying in the Contra fighting forces to keep Daniel Ortega and his alleged plan to build a 600,000 man fighting force from overtaking that region. It is Americans who have to die in place of those Central Americans if we do not support them in their efforts.

So tonight when we ask ourselves where do we go from here, we ought eminently to ask ourselves what is this Nation's best self-interest? I submit to you we ought to ask ourselves a tough question: Is it better for us, is it in our self-interest indeed to continue support for those Central Americans who are fighting for their own freedoms, who are containing that Communist force in Nicaragua, is it better for us to continue our support for them and to ensure that peace indeed can come to El Salvador and the democracies that are peaceful in the region like Honduras and Costa Rica have a chance to grow and flourish; or is it instead in our Nation's best self-interest to abandon those forces in the field and to trust Daniel Ortega to do the right thing in the peace process?

I suggest to you that if we dare make that second choice, if we abandon those forces in the field, that one day the alternative discussed in this Chamber, sending the American boys and girls in, sending our Marines in, will be the awful fateful choice that will face this Nation.

I have four young boys, two of whom are talking about military careers. I am proud of them for it. I hope one day that they pursue those careers. But I would hate today to have on my conscience that we made a decision to send those boys to their death in defense of liberty when today we can count on the Central Americans fighting for their own liberty.

Support aid to the Contras.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Mr. FAZIO. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentlewoman for yielding.

Mr. Chairman, I rise in opposition to aid to the Contras.

Mr. Chairman, the Sandinistas have made more progress toward democratization in the last 6 months under the Arias peace plan, than during 6 years of aid to the Contras.

If our goal is to overthrow the Sandinista regime then we should continue to fund the Contras. If our goal is to encourage peace, reduce repression and promote democracy in Nicaragua then we should support the Guatemalan accords in every way possible, including putting an end to aid that will keep the Contras fighting in the countryside.

The Sandinistas have made some important concessions in the last 6 months. It's irrelevant why they have made these concessions; what's important is how can we help sustain these concessions and encourage the Sandinistas to take further steps to protect the rights of all the citizens of Nicaragua.

It is true the Sandinistas may renege on their commitments to openness and democracy if Contra aid is stopped. But the Sandinistas will definitely renege on their commitments if Contra aid is approved.

The Reagan administration also is ignoring several valuable opportunities to address the legitimate security concerns which the United States has in the region.

Secretary Gorbachev told President Reagan during the recent summit that he was prepared to cut off Soviet military aid to Nicaragua if the United States cut off aid to the Contras. Ortega also has said that if he receives security guarantees from Washington, he would limit his army, withdraw foreign military advisers, prohibit foreign bases and prevent subversion from Nicaraguan soil.

We should seize this opportunity to test Ortega's sincerity rather than continuing to refuse to even sit down at the negotiating table with the Government of Nicaragua.

We should seize this opportunity to support the bold peace initiative of President Arias. We should seize this opportunity to reduce conflict rather than escalate it, to construct incentives for meaningful peace rather than continue to fund Mr. Reagan's military adventures in Central America.

Ms. PELOSI. Mr. Chairman, today the Members of the House have the opportunity to stop the President's policy of violence in Central America.

The question which we must answer, as individuals and as a nation, is are we going to support peace or are we going to support war?

The majority of Americans have already answered this question—they oppose the administration's violent and destructive policy.

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The decision once again rests in our hands. For the 38th time in the 6 years of this policy, the business of the Congress is being tied up by the administration's pursuit of war in Central America.

In his recent lobbying for Contra aid, the President claimed that the Sandinistas' concessions have been the direct result of his policy of aiding the Contras.

He is wrong. In the 6 years that the administration has pursued this bloody policy, no progress was made in the peace process.

The progress made in the peace process so far, and it is significant, is a direct result of the peace initiative made by the Central American Presidents.

This peace process calls for a halt to the very kind of requests which this administration insists on pursuing. The administration has consistently, both covertly and overtly, tried to undermine this process.

In his speech last night, the President stated that he has sent envoys to Central America some 40 times in pursuit of peace.

Pursuing diplomacy, however, requires a single-minded devotedness to peaceful solutions to problems—the administration has not demonstrated any such devotion. Every time the President has talked about Central America, he has talked about the use of force.

During the most recent meeting of the Central American Presidents, administration representatives tried to strong-arm the Central Americans into supporting the President's policy. The message was given, loudly and clearly, that aid from the United States was dependent on their cooperation. Is this any way to promote regional self-determination and peace?

Today we, as Members of the House, can take a strong step to reorder this Nation's priorities which, over the past 7 years, have not reflected our values.

In his State of the Union address, the President spoke at some length about his Central American policy. He did not mention the serious problems facing us in health, in agriculture, or in housing or in our economy as a result of the October stock market crash.

I must ask, are we going to continue spending time and money for the sole purpose of perpetuating the killing in Central America or are we going to use our limited resources to promote peace, prosperity and democracy around the world?

The strength of our country should be measured by our adherence to values, not by our advocacy of violence. I urge my colleagues to use their vote to reaffirm the best in American values. I urge my colleagues to oppose the administration's request and vote for peace, not war. Thank you.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. Miller].

Mr. MILLER of Washington. I thank the gentleman for yielding.

Mr. Chairman, the gentlewoman from California talked about how progress in the peace process was only due to the diplomatic initiative. There were diplomatic initiatives for years and years under Contadora that did not bear fruit. Today the Arias plan is bearing some fruit in part because of the effective military resistance of the democratic opposition in Nicaragua. Let us remember that and let us remember as we pursue the peace process, where they make promises, we made promises; they take some steps to democracy, we take some steps, as the administration has, to reduce the aid package. But let us not jump and make big unilateral concessions.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. Gallegly].

Mr. GALLEGLY. Mr. Chairman, I rise in strong support of House Joint Resolution 444.

Mr. Chairman, I rise today to pledge my support for continued aid to the Nicaraguan freedom fighters, the Contras. Without this gesture of United States support and allegiance to the cause of democracy, the Contras greatly risk losing their fight for the basic right of freedom. Actions by the Nicaraguan Government have clearly illustrated that consistent United States diplomatic pressure and forms of aid are the only means of achieving concessions from the Sandinistas. In spite of the concessions which Nicaraguan President Daniel Ortega insists were made toward instilling democracy, his government has repeatedly stated that they will never concede power to the opposition. Additionally, any promises which were made, beginning in 1979 and up to this point, have been broken without respect for fundamental human liberties.

We must evaluate not only the question of Contra aid, but more broadly, our very obligation to democracy and freedom. When the normal democratic methods of gaining basic freedoms have been exhausted and institutional processes are no longer effective, pressure applied through forms of aid becomes the only alternative to an otherwise closed political system. The Sandinistas have closed their system by disallowing opposition opinions to be published in La Prensa, imprisoning political opponents and repressing most forms of political and religious expression. The Sandinistas now must be urged to open their system to the democratic process. This can be done, not by trusting the promises of President Ortega, as President Carter did a decade ago, but by making them see that our objective is a government of, by, and for the people. We will not accept anything short of this goal.

We are not alone in our belief that democracy is the only acceptable solution to years of Soviet-backed directives and Sandinista-led repression. Leaders of four of the five Central American countries agree that a democratic government in Nicaragua is essential to ensure peace, stability, and security throughout Central America. Members of Congress such as myself, who refuse to accept anything less are only asking that the people of Nicaragua be allowed to decide for themselves, through the ballot box, upon a form of government.

After participating in a bipartisan visit to four Central American countries in 1987 and meeting with leaders from both the opposition and the parties in power, I am convinced that our continued support for the Contras is needed. My conversations with many insightful persons, including Costa Rican President and author of the Arias peace plan, Oscar Arias, were influential factors in that decision. Had I not been fully convinced, by visiting with this region's leaders, that continued aid to the Contras was successfully prodding the Sandinistas to comply with the Arias peace plan, I would not have the solid commitment to aid which I share with you today.

Therefore, today I ask that we keep the broader goal of freedom in mind as we vote for Contra aid.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia [Mr. Bateman].

Mr. BATEMAN. I thank the gentleman from Oklahoma for yielding.

Mr. Chairman, much of what I would have wanted to have said was said very well by the gentleman from Louisiana [Mr. Tauzin] just moments ago.

I commend him for his remarks and for the very astute way that he has put this issue in perspective.

Let me say to you that I do very strongly support this measure. I do so because it is my view that it presents me with an opportunity to do two things which should be of paramount importance to all of us.

First, it gives me the opportunity to support and to see a reality, a foreign policy position consistent with the national security interests of the United States which are involved in this proposition in an enormously significant manner. Not only does it allow me to do that, it allows me to do it in a cause that is so inherently a part of America's way of thinking, dealing and reacting in a troubled world; it permits me to support people who are there committed to the principles of freedom and democracy which we espouse and seek to promote because they are willing to do so and will not suffer their nation to become a part of a Marxist-Leninist tyrannical state without fighting for their freedom, if fight they must.

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Mr. Chairman, I commend this resolution to the Members. I would suggest that the United States, by the act and cooperation of this Congress, if the Members support this resolution by their votes, will have a consistent and a rational policy toward Central America. But if they defeat it, we face the consequences that the United States of America will have been deprived of any cogent, intelligible foreign policy with reference to this very vital, significant part of the world here in our Western Hemisphere.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. Torricelli].

Mr. TORRICELLI. Mr. Chairman, what we write today may be the final chapter in a sad story in which there are no heroes and little of which to be proud. Through 6 years of conflict and confusion, we have learned much about the constitutional vulnerabilities of our system, the instability of our neighbors, and the search by our adversaries for opportunity. There has been disappointment for all.

The Sandinistas were said to be liberators who shared a commitment to pluralism and a belief in human dignity. If that were ever true, there is no trace of it now. The Contras were said to be freedom fighters in the image of our own forefathers. The Swiss bank account, drug allegations, and sordid past of these new allies instruct us that this was never so.

Even among us, there have been surprises. Those with whom some of us differed, but still respected because of their strength of conviction, were found to have paid more attention to constitutional forms of government in Central America than constitutional law in America. Through it all, we find ourselves potentially writing the last words about a war, and perhaps the first about a new peace.

It's difficult to know how we got here..The Contra war almost certainly helped to compromise the very liberties in Nicaragua that some argue we must now fight to restore. The economic isolation and sabotage undoubtedly assisted in creating the Soviet and Cuban dependency that we all fear.

That brings us to today's choice: an opportunity to end a sorrowful national experience, a chance to end our policy isolation in the region and the difference that it has caused with our allies.

This isn't a final statement. It certainly holds no guarantees. All that is proposed is to end military assistance as a test of the peace process. Humanitarian aid to keep the Contras viable could continue. It would be not an end to war, but a postponement, so that the conflicts, divisions, and national contradictions in our Contra policy might be brought to a close.

It is a difficult vote. Taking a chance for peace entails an element of risk, but it is also a risk worth taking. Vote no. Put the burden on the Sandinistas. Make it clear to the world that America will go the extra distance to build a peace just as certainly as we would to wage war. The burden will then fall on Managua to follow.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. Burton].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would just like to set the record straight. The previous speaker indicated that the United States was responsible for the dependency of the Communist Sandinistas on the Soviet Union and on Cuba. The fact of the matter is that in 1979, when they took power, Jimmy Carter offered them an olive branch. He offered them over $100 million in economic support, but they threw it back in that Democrat President's face and they turned to the Soviet Union for military support and economic aid.

Mr. Chairman, the fact of the matter is that they may be dependent on the Soviet Union and Cuba, but it is of their own volition, not because of the United States of America.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. Dornan].

Mr. DORNAN of California. Mr. Chairman, I also wanted to comment on the tone of the last speaker, that it is a tragedy, another failed policy, another ending.

Is it not really an ending like encouraging the Hungarians to revolt for freedom and turning our backs on them because we had no choice under a Republican President? Is it not the Bay of Pigs again? Is it not again Laos, Vietnam and Cambodia? Is this one little island of Grenada going to be the only success where we bring people into democracy, other than the other little countries in that area which are successfully moving toward democracy? But with this cancer next door, what other successes can we talk about in our lifetime?

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. Moody].

Mr. MOODY. Mr. Chairman, today we have come to a crossroads in the administration's failed policy in Central America. We can either seize, or we can reject, an historic opportunity to promote peace in Central America.

On the table is whether to send an additional $36 million to the Nicaraguan Contras. A "no" vote will give the Central American peace process a chance to succeed. A "yes" vote will promote more bloodshed and instability in a region already ravaged by conflict.

For 6 years, we have fueled war in Nicaragua under the guise of promoting peace. We have tried to win the hearts and minds of the Nicaraguan people—yet our United States-backed Contras have burned health clinics, attacked farm cooperatives, and destroyed schools. The administration calls for democracy in Nicaragua—but trampled it at home with the Iran-Contra affair.

So far, $275 million has been legally spent on the Contras. What are the fruits of this policy? A trail of senseless killings.

Compare this legacy with the recent accomplishments of the Guatemala accord. The state of emergency in Nicaragua has been lifted, amnesty to some 3,000 political prisoners has been granted, municipal and local elections are promised and special courts have been abolished. The Sandinistas have entered into direct talks with the Contras, reopened La Prensa, reopened Radio Catolica, and issued 13 licenses for new radio stations. El Salvador and Guatemala have also taken important steps.

Because of these tangible real actions and the future promise of the Guatemala accord, we have reached an impasse over aid to the Contras. The United States cannot talk peace and fund war. We cannot support both the Guatemala accord and the Nicaraguan Contras.

The proposal we are considering today is not a modest request to keep food in the mouths of Contras. It is a package to keep the Contras waging war in the countryside. If we are really on the side of peace in Central America, we must reject this request.

Let me make three simple points about the President's request.

First, according to the administration, 90 percent of this aid would be for nonlethal purposes. But this nonlethal funding can be used for helicopters, military training, aircraft, spare parts, portable bridges, and intelligence operations. Not one penny of this package would have to go for food. medicine, and clothing.

Second, this aid would represent not only a continuation, but an escalation, of the war in Nicaragua. This package is worth $300,000 a day—roughly three times the rate we recently passed—unfortunately—under the continuing resolution.

This is not the time to escalate the war. This is the time to end it.

Third, under the President's proposal, $3.6 million in lethal aid would be held in escrow and released on March 31 if no cease-fire is in place. This would mean that if the Contras could stall cease-fire talks until March 31, they would be awarded with $3.6 million in guns and ammunition. What possible incentive would they have to negotiate?

For 6 years the American people and the Congress were told that Contra aid would bring the Sandinistas to the bargaining table. Thanks to the cour-

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age of President Arias and the other Central American Presidents, Nicaragua is at the bargaining table—and yet we're here considering a new aid request from the President.

It is now clear what the President's policy recently is. His policy is to aid the Contras because the Sandinistas are Communists—nothing more, nothing less.

That is a bankrupt, hollow and simplistic policy. A policy driven by ideology rather than pragmatism.

Led by former Somocistas, the Contras have not, and will not, win the support of the Nicaraguan people. They cannot win a significant military victory. They have been corrupt, and guilty of numerous human rights abuses. As yet, they have no program for Nicaragua and no future vision for Nicaragua except to remove the Sandinistas.

Finally, Mr. Speaker, let me say that for 6 years the administration has been telling us that its Contra policy will promote democracy and freedom in Central America. But after 6 years, all we have to show for it are thousands of dead civilians, a region torn apart by bloodshed and strife, and a deepening distrust of Americans in Central America.

True to the meaning of the word "contra," the administration's policy is contra the rule of law at home and abroad—contra the Central American peace process—contra the request of Nobel Peace Prize recipient President Arias—contra the will of the American people—and contra the real needs of a region suffering in unspeakable poverty. Mr. Speaker, this policy is contra our fundamental American respect for human rights.

Today, we can close this unfortunate chapter of American policy. We can help end the war in Nicaragua and begin a new chapter that leads us toward peace.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, we have heard the argument continuously that by voting "no" we would now create a better chance for peace. It is never explained how removing all the incentives and the pressures for the Sandinista government to move toward peace and democracy will help the pursuit of peace.

Let us give this package a chance. Let us create some pressures and incentives. Let us not just hope that peace comes through diplomacy in a vacuum. Diplomacy can work if there are some incentives and pressure with it.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. TALLON].

Mr. TALLON. Mr. Chairman, one of the key points made by opponents of this aid program is that if it is enacted, it allegedly will undermine the Central American peace accords. Those of us who support the proposal are cast as opponents of the Arias plan, while those who oppose it cast themselves as champions of the Arias plan.

I regret that in our debate today those of us who favor a vote of military aid-in-escrow have been too defensive on this point. I believe that our approach in fact will strengthen the diplomatic efforts of Central America's democratic leaders.

To make my point briefly, it has been said that "escrow accounts and deadlines for democracy will not work. What is more important is the trend toward reconciliation and peace."

Nicaragua has never known democracy. It will take years, not weeks, to achieve.

Mr. Chairman, I submit that my colleagues should address these remarks to the Central American leaders who signed the peace ageement last August 7. It was they who set deadlines for the democratization of Nicaragua—not we. It was they who said it should be done in a brief and finite period of time—not we. It was they who set out specific criteria which defined what democratization should include, not we.

Opponents of our proposal have a right to describe it as unrealistic. But they must then also tell President Arias that he was unrealistic. Opponents of our proposal have a right to reject clear deadlines and standards. But then they must acknowledge that they in fact reject the fundamental premises of the Arias peace plan.

I have heard opponents of our proposal say over and over in past months that United States policy in Central America lacks clear objectives. Now the Central America Presidents have given us what we like to call clear goals and timetables. Our proposal puts teeth into their approach.

I have to confess my concern that some who speak against our proposal may in fact be uncertain in their commitment to democracy in all of Central America.

They may be willing to accept something less. They may be willing to seek a deal with the Sandinistas and their patrons: We will pull the plug on the Contras and turn the future of Nicaragua over to you, if you will give us some soothing paper promises about security matters, ending your aid to insurgent groups in neighboring countries, and the like.

If my concern is right, then this is not just a debate about how best to achieve democracy in Nicaragua, or how best to support the Arias plan. There is an underlying issue: Whether or not the essential concept of the Arias plan is sound, and whether the United States should use its influence to make it work.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the United States prides itself on being a country of law, but it's hard to think of any other foreign policy that has run so counter to that principle. When we consider the events of the last year, it is amazing to me that this vote could be so close.

Let's have a minute to look at just how far this administration has gone outside the law in pursuit of the Contra war policy:

In support of the Contras, the administration mined Nicaraguan harbors and violated our international treaty obligations to the United Nations and the OAS.

To keep its war going, the administration ignored the Boland prohibitions on Contra aid passed by Congress.

Then the administration proceeded to violate the Arms Export Control Act and divert its ill-gotten gain to the Contras.

All illegal acts taken to advance an already illegal and immoral foreign policy.

But it doesn't stop there. Just last week we learned of new allegations of FBI spying on those people who have opposed administration policy in the region. This latest turn makes me think that it is time to look not at what Contra aid is doing to Nicaragua, but what Contra aid is doing to the United States.

Over the years, the administration has advanced an a la carte approach to finding a rationale for aiding the Contras. Back in 1982, it was a policy designed to interdict arms. From there it grew into designs to overthrow the Sandinistas. Then, President Reagan said he'd settle for making them "cry uncle." And now the administration argues that we need to preserve the Contras to keep the Sandinistas honest. This ever-shifting approach has never succeeded in convincing the majority of the American people and it should not pursuade Congress today.

Beyond the issues of illegality and the ever-shifting rationale, the administration's failure can be traced to a simpler root. The policy simply doesn't make sense. The internal logic is as slippery as the external justifications:

The administration says that the Contras have a groundswell of popular support, yet if we cut off aid, they will disappear tomorrow.

The administration says that we should support the Central American democracies, but at the same time, we

should ignore their united call for an end to Contra aid.

And when the peace plan's author says that Contra aid is the greatest obstacle to peace in the region, the administration asks for more aid. In bizarre fashion, we are asked to vote for more war to ensure peace.

The Arias peace plan represents an alternative. It has succeeded in opening a political space in Nicaragua and has wrung concessions from the Sandinistas. More aid to the Contras will be the death knell for the plan and a continuation of a proxy war that the Nicaraguan and American people simply do not want. Let's resolve today to join our allies in the region and give them the ability to build peace in the region.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, today we are talking not so much about money, but pressure, and we found in our most recent history that pressure means something. It meant something when we put the Pershing II's in Germany and finally got the attention of the Soviets about taking out the missiles in the INF treaty.

We found out how much pressure meant when we supported the freedom fighters in Afghanistan and forced the Soviets to announce a withdrawal in Afghanistan. We have shown in the Middle East that pressure can bring about peace when we acted as we did in the 1978 Camp David accords.

So it is obvious that pressure does in fact work in foreign policy, and that kind of pressure that we can exert through the Contras is the kind of pressure that has led the Sandinistas to make some major reforms and some major concessions, but they can take them back unless we keep the pressure on.

It is going to be up to the Congress to determine whether in fact lethal aid can ultimately be released, and it seems to me a reasonable argument to make. It seems to me the Congress does have a role to play. The President has recognized that and has gone the extra mile in making that concession.

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I say we should support that reasonable position. The Sandinistas have repeatedly offered cosmetic changes, only to turn around and take them away. They may reimpose the kind of Stalinist measures they claim to be foregoing to fill their "historic imperative," in their words, by undermining the freedom of their neighbors.

This Congress must reaffirm its commitment to freedom. We can do that very easily by approving this request and maintaining the Contras.

Mr. Chairman, there were some allegations made about FBI investigations of certain groups. Let me point out that those were only allegations that appeared in the newspaper. The FBI has the responsibility to determine whether those kinds of activities are illegal, and they were only doing their job.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. McCURDY. Mr. Chairman, last month, I was joined by 19 Democrat colleagues in urging the President to delay his request for additional aid to the Nicaraguan resistance.

I, along with many of my colleagues are convinced that Nicaraguan President Daniel Ortega is, for the first time in 9 years, being forced to recognize and pay more observance to the democratic principles. It is at this most critical period in the brief history of the Sandinistas that we must recognize the sensitive nature of ongoing negotiations between Ortega and rebel leaders as well as talks among the five Central American Presidents. The United States must exercise extreme care not to upset the delicate balance of these talks by providing the Nicaraguan President with the very escape hatch that he is seeking—newly approved United States aid to the Contras.

As we have all observed in recent weeks, the Sandinistas have come under intense pressure to comply with the Central American peace plan signed by the five Presidents in Guatamala City last August. The so-called Arias plan set the framework under which the other four Presidents have skillfully forced Ortega to observe critical points of the plan, such as, lifting a state of emergency and committing Nicaragua to direct negotiations with the Contras for a cease-fire and upon the cease-fire's achievement, a broad amnesty.

Additionally, Ortega faces increasing pressure internally from a deteriorating economy and the Contras.

In light of these developments, I view President Ortega's options as extremely limited. He can either obstruct the peace process and face political and military isolation or continue on the path to peace and democracy in Nicaragua. During the critical days ahead, the United States should support the process that has brought Ortega to his current dilemma. However, a congressional vote on the question of new Contra aid has the potential of allowing Ortega out of his box regardless of the outcome of the vote.

The administration was right to challenge its Democratic opposition in the Congress in 1985 with having no alternative policy to the Contras. I agreed and voted with the President. Now in 1988, there are alternatives. The Arias plan is already in place and the Democratic leadership of this House has promised its every effort to bring forward a humanitarian assistance proposal later this month. These alternatives offer the best hope of forcing Sandinista compliance with the regional peace agreement.

The administration's credibility and moral authority to lead United States policy in Central America was seriously eroded by the Iran-Contra affair. This development actually provided the Central Americans the political space to determine their own destiny if they chose. The Arias plan resulted.

Unfortunately, we are not a party to the treaty, which may be its greatest weakness. The Central American accord does not take into account security concerns of the United States and our Central American allies. These include the limitation or elimination of Soviet and Soviet Bloc military and security advisers, a substantial reduction in the size of Nicaragua's armed forces and guarantees against Soviet or Cuban military bases and the introduction of new weapon systems. These issues should be addressed in direct bilateral negotiations between Nicaragua and the United States in consultation with our Central American allies.

I urge my colleagues not to "overplay our hand" by granting President Ortega an excuse to avoid compliance with the peace plan. The United States must not be the obstacle to peace in Central America.

This is not the last vote on Contra aid. Now is not the time, when substantial progress is being made toward peace and democracy in Central America, to send—or even promise to send—more military aid to the Contras. Rather than offer Daniel Ortega a convenient escape clause, let's strengthen the U.S. favorable position by challenging the Sandinistas to further concessions.

The modest amount of U.S. humanitarian aid to the Contras being contemplated by the leadership does not tilt the balance in the region or give Ortega an excuse to refuse to comply with the treaty. It sends a clear message to Nicaraguan leaders that tactics aimed at stalling the Central American peace process could be met by continued support of the Contras.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I feel compelled to speak again, because this is about the fifth time today that we have heard this secret plan that is going to be coming out within the next 2 or 3 weeks that is going to do 95 percent or maybe 99 percent of what we are doing tonight. Since many of my colleagues who have been on the fence and are very close to going either way are counting on this secret plan, I felt compelled to point out that on all the key votes for Contras within this

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House since we have been voting on this issue, there have only been 57 Members on my side of the aisle who have consistently voted for any kind of aid.

I must say to those who are using this as a reason and a rationale for not voting for the package tonight because of this hope that somehow, someway, those 220 Members who have never ever voted for any kind of assistance are somehow going to see the light and be persuaded to do what many of my colleagues, particularly the gentleman from Oklahoma who just spoke, hope they will do and that is vote for a Contra aid package for the first time in their congressional lives. I believe that the plan that we are voting on tonight is 99 percent of what the gentleman has advocated and worked for in the last 2 years, but that last 1 percent keeps him from being there tonight.

I am disappointed when not only the gentleman from Oklahoma, but also others of my colleagues, hold out this hope that somehow there is going to be a secret plan and that something is going to be better and we are going to pass it.

Now, you have to look at what is in that proposal that is going to be coming: additional Contra aid be limited to food, clothing, and shelter, that such aid be provided only if a ceasefire is in place, that aid provided on the latter basis not exceed 60 days. Micromanagement of foreign policy at its best.

There are so many strings attached to this, real problems associated with it, that I ask my friend and others to seriously consider whether or not tonight is not the night, whether or not there will in fact be another chance. That is the basic question that we have to answer.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Chairman, I agree with the gentleman from Oklahoma. He is emphasizing not a secret plan, but a question of open military assistance at this point.

The tumble toward continued war and carnage in Central America has been broken, not by broken bones, but by the Arias peace initiative. A peace process is underway for the first time.

Does new military aid to the Contras contribute to the peace process in Central America? It does not. It would not be viewed that way by the Central Americans as they have made clear. You do not throw fuel on the fire, in this case more lethal aid to the Contras, when the leaders of the Central America governments are trying, with some measurable results today, to put the fire out.

There has been movement by both sides in this conflict. Our Government has made itself a party to the peace process by backing the Arias initiative. Contra and Sandinista delegations met recently, as we know, and they plan to meet again. Nicaragua has taken several tentative steps toward compliance with the Arias plan.

The Sandinistas have not suddenly changed all their stripes. The internal opposition remains justifiably cautious, but the improvements should not be dismissed. The Arias initiative has created pressure on the Sandinistas, it has created pressure on the Sandinistas to open up their society even further.

At this crucial moment, a vote against the Reagan Contra aid policy is a vote for the peace process. Approving the Reagan policy of military aid to the Contras would in the name of pressure be more likely to poison the chances for a just peace settlement.

Mr. Chairman, I strongly urge its defeat.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I know that we are all after the same thing, peace and democracy in all of Central America. We are just going after it in different directions.

This last weekend I went to Managua, Nicaragua, and spent 2 days visiting with more than nine different individual groups and organizations. This was the first time that I had heard some of the stories from the people of Nicaragua. I have not heard them explained to me from this side, my side of the aisle, I did not know that some of these problems existed.

Our first meeting was with Archbishop Bosco Vivas of the Cardinal's office, and his educational director, who had the ungodly name of Ortega. We met with him. We came away with the commitment that the church supported this vote here today. They told us a lot of sad stories. The cardinal of the Catholic Church since the earthquake several years ago has been trying to get a permit to restore the main cathedral which they cannot occupy because of the earthquake damage, but the Nicaraguan Government, the Sandinista government, says that church would be too large and allow too large of a public gathering, so the cardinal has to hold his church meetings in a smaller church.

We met with representatives of labor unions, and it was interesting to note that the AFL-CIO supports over 100,000 Members of labor groups who met with us down in Nicaragua. These 3 labor organizations support this vote today for Contra aid and said there would not be an on-going peace conference today if it were not for Contra aid, and the pressure of today's vote.

The labor leader reported that he had been ordered to become a neighborhood block captain and to attend two weekly meetings at night. When he refused and pleaded that he was too busy the Sandinistas told him, "We didn't ask you to consider it—We told you to do it." When he refused again, they put a sign in his yard that said, "This is an enemy of the people," and marked him for death.

We met with the January 22 Group of Mothers of Political Prisoners. Eighteen poor women who have sons dying in political prisons, who told us when Somoza, who they did not like, or support, was deposed from office, there was just one prison. Today, there are 14 prisons which they knew by name and numerous secret holding cells on military bases. The secretary of that organization, a mother of about 65 years old, said her son, a doctor, had his clinic confiscated and was put in jail simply for being rebellious and objecting to repressive policy—and was dying in prison. She was told that if she did not watch herself—she herself would be put in prison.

This group, Mr. Chairman, was beat up at their last meeting prior to this meeting by the Divine Mob of the Turbers, the equivalent to the young Red Guard of the Soviet Union. When we left this meeting on Saturday afternoon, January 30, one of those women was apprehended and put in jail for speaking out and protesting the imprisonment of political prisoners.

We met with Mrs. Violeta Charmorro, the editor of the La Prensa newspaper, and her brother-in-law, Hiemie Charmorro, who told us that their paper was open and free and could print as long as they did not print an editorial of any kind which criticized the Government. She predicted that the paper would be shut down completely, in the event of such an editorial. She told us that she supported the Contras, and Contra aid, that there would be no peace accord if there was not a threat of Contra aid.

We met with the internal opposition of 14 political parties who had come together under 1 group to field candidates for local and national elections if there ever are free elections in the country, which some found doubtful. They told us that 10 of their members had been in Costa Rica during recent conferences and testified at a press conference against the Sandinista 600. When they returned to Nicaragua, nine of them were jailed, and one prominent individual was sent to the front to fight because of speaking out against the Government.

The Permanent Commission on Human Rights, whose credibility, in my opinion, cannot be disputed. These people complained that now that they could have so-called free and open meetings, the Turbers, or the mob harassed and pressured the meetings and demonstrations of complaints to the Government resulted in a reply that

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the people were objecting and there was nothing they could do.

The CHAIRMAN. The time of the gentleman from Georgiá has expired.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield another 30 seconds to the gentleman from Georgia.

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Mr. RAY. So, the Permanent Commission on Human Rights reported that the Government tells people, sure, you can have an open meeting, you can demonstrate in the streets, but when you do we cannot protect you from the people—meaning the divine mobs, or the turbers.

My colleagues, we attended a demonstration of several hundreds of citizens which included members of the internal opposition who shouted slogans, "Sandinistas leave."

These reports are from the citizens of Managua, Nicaragua of about 1 million people.

I was somewhat surprised to hear this strong opposition to the Sandinista government, because their voices are seldom heard in this Congress or this country.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, this debate has gone on for hours and hours, and one point to me is particularly striking right now and that is that the real democrats in Central America say that military aid to the Contras is the problem not the solution.

I think at this point as we move to a vote, we ought to listen to the leadership of Costa Rica and Guatemala and other democratic nations, and those are countries that are telling us that the military route, providing military aid to the Contras is the wrong way to go and not a step forward.

Mr. Chairman, if we go that route, the route of aiding the Contras, it is a go-it-alone strategy for the United States in Central America. Our allies are not with it. It is clear they do not support that route, and in fact many of them have spoken out against it.

Mr. Chairman, I think tonight we ought to do as the citizens of Oregon have suggested for days and days, to step back away from a military solution to the civil war being fought in Nicaragua. It is a loser and we ought to reject it.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I say to my colleagues for years now we have struggled to aid the Contras knowing full well they were our best hope to restore democracy in Nicaragua.

Either support the Contras or send our own men in, somewhere, sometime, someplace. Who in his right mind wants to do that?

I confess that in supporting the Contras all these years and keeping them barely alive our goal was not just peace but rather was freedom in Nicaragua, regional peace in Central America and fundamental democratic prosperity in our hemisphere. Before the Contras, our chances to achieve any of these goals was zero. Now as minimal as our aid has been, the chances for real peace and freedom in Nicaragua are much improved over the past 7 years. This progress is the result of many factors, the economic collapse within Nicaragua, the cooperation of regional presidents in a series of peace initiatives, the situation existent between the Soviet Union and the United States, the courageous showing of Jose Napoleon Duarte in El Salvador, and the Contras, and more than anything else the Contras. The Contras have forced the Sandinistas to the negotiating table. The Contras have forced the Sandinistas to bend their dictatorship, however temporarily. The Contras have forced the Sandinistas to turn inward rather than outward in their revolutionary salesmanship. The Contras have forced Daniel Ortega and the Sandinistas to stop visiting Moscow and start visiting the Vatican.

As the Contras have grown in strength the Sandinistas have grown in negotiating fervor. Thus, it works in the real world. We need the Contras. If our objective is real peace with real freedom in the region, we need the Contras.

Some have opposed this critical premise from day one, and they will do so again tonight. Logic and history show very clearly that they are wrong, in my opinion, but it is not to them that I seek an alliance on this issue. It is with those of my colleagues in the middle that I seek the strength of partnership, those of my colleagues who felt strongly both ways, those of my colleagues who see some truth in that we do not need guns to negotiate strategy and yet those of my colleagues who read history and believe there are no negotiations at all without strength.

I am asking those of my colleagues to give peace and freedom a real chance in a real tough world. Let us keep the Contras prepared to fight for freedom in case the Sandinistas are prepared to lie again. There are no guarantees. All options have risks. Let us join the President and keep the fight for freedom alive.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. LOWRY].

Mr. LOWRY of Washington. Mr. Chairman, I compliment the gentleman from Wisconsin [Mr. OBEY] for his continued leadership for peace in Central America.

Mr. Chairman, I have spoken many times on this floor on this particular issue and I apologize for again speaking.

We are not negotiating from a position of strength today as the United States on this issue. We are negotiating from a position of weakness because we have given away with the support of the Contras what makes America great. We have given away those things that make this country great, and I find it very disturbing that people have continually all day long on this floor equated strength with military power and then tried to lay history on to that, because anybody that looks at history at all knows the nations that relied upon the military for their main strength always failed. The strength of America is not the Maginot Line of supporting a military approach to foreign policy. The strength of America is the principles upon what this country was born and lives on, the strength of America is the support of other countries' right to self-determination.

The thing that is wrong and that has put us in a negotiating position of weakness in Central America is the support of a Contra policy based on overthrowing another government and its right to self-determination.

How in the world can we stand on this floor and say the strength of America is based on supporting the Contra military overthrow of another government?

That is exactly against the strength of America. The strength of America is leading for democracy by example. Leading for peace by example.

Mr. Chairman, I urge my colleagues to defeat the Contra aid package and return America to strength.

Mr. Chairman, I hear four main arguments for Contra aid today and they are all flawed.

First. The first is that Contra aid will help the people of Nicaragua, either by making the Sandinistas negotiate faster or by replacing them with a new regime, the Contras.

In reality, Contra aid will get more of the people of Nicaragua killed. International diplomatic pressure, such as that which has been so expertly exerted by President Arias of Costa Rica, will speed the negotiations. From what we know of the Contra leadership, they would be no clear bargain as a new government for Nicaragua.

Second. The second argument is that Contra aid will help the United States by making us more secure. I have not seen evidence that the Soviets are establishing a military beachhead in Nicaragua—and even the administration's Nicaraguan defector, Roger Miranda, says that has not been discussed. As former CIA Chief William Colby pointed out in the Atlanta Con-

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stitution, if the Soviets were doing so, it would be talks between the United States and the Soviet Union that would put a stop to it, not pressure from the Contras.

Third. The third argument is that Contra aid will help the other Central American countries by stopping Sandinista aggression or support for guerrilla movements in other countries. I know that a lot of Members haven't been in Congress long enough to remember that the Reagan administration once came up and told us that there was evidence that the Sandinistas were arming the Salvadoran rebels and they had found some people who were interested in being hired by the United States to interdict those arms and keep them out of El Salvador.

The people they hired to do that job are now, of course, the Contras. Since then, the Sandinistas have found plenty of Americans smuggling arms to guerrillas in their country, but the Contras were never able to turn up a boat load, plane load, or mule load of arms leaving Nicaragua for any other country. Instead, the Contras have used our aid and pursued the armed overthrow of the Government of Nicaragua, specializing in hitting civilian and economic targets.

The administration's policy of helping the Contras establish bases and supply lines in Honduras has created a justification for Nicaragua to be an aggressor. But Nicaragua has not taken out these bases. And Nicaragua's neighbors, its frontline states, do not want us to fund the Contras. I think they know what they're talking about.

Fourth. And, finally, a fourth argument is that Contra aid will help the Contras, that it will provide them with food and blankets, that it will help them keep body and soul together while the peace talks finish up so they can go home or, presumably, choose to return to the fight if the talks dcn't go well.

That is not what this money will do. This is not money to wind down the war and repatriate the Contras. This money—the humanitarian part of it—is for radios, for military training, for aircraft leasing, for command and control, for communications equipment, for air defense, for propaganda. It is not for beans and penicillin and it is not to help the Contra troops and their families. It is to help the war effort.

Mr. Chairman, the administration policy in Nicaragua has been riddled with lies from start to finish. The Contras weren't there to interdict arms. Walkie-talkies and jeeps are not humanitarian aid. The Sandinistas are not the devil incarnate and the Contras are not the equivalent of our Founding Fathers.

Today we end the Reagan policy. Today we stop acting as though recruiting a band of armed men to kill thousands of Nicaraguans is the best way to stop press censorship in Managua. Today we stop acting like a country which has so few diplomatic and economic tools at its disposal that it has to hire an irregular army in order to have any influence on a tiny, impoverished country.

Tomorrow, I hope that my colleagues on both sides of the aisle will join in working out a proposal that supports the Arias plan. We are not isolationists. We do not believe that Central America's problems will all be solved by stopping United States funding of the war in Nicaragua. There is much to be done.

The CHAIRMAN. The Chair will remind all persons in the Gallery that they are here as guests of the House, and any sign or manifestation of approval or disapproval is contrary to the rules of the House.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. Badham].

Mr. BADHAM. Mr. Chairman, I rise in strong support of aid to the freedom fighters.

Mr. Chairman, the opponents of U.S. aid to the Nicaraguan freedom fighters say they oppose it because they want to give the peace process a chance. I rise in support of this aid for the same reason. Clearly, the only reason the peace process has come as far as it has is because of the little stick—it's certainly not a big stick when compared with the huge amount of aid the Soviets have pumped into Nicaragua—the little stick that we have provided to the freedom fighters during the past few years.

The opposition said that we could not give President Reagan the authority to certify whether a cease fire has been accomplished and release the very small amount of military aid that he has requested. Despite the fact that he was elected by the American people twice to make exactly that kind of determination, he has agreed to let us vote on that question. This is a dramatic concession and it shows us the strength of the feelings within the administration that the humanitarian aid is necessary.

Many of my colleagues are under intense pressure from both sides on this issue, but I would advise them to look to history for guidance. Recent history shows we have a poor record of defending democracy. We were duped by Castro, and by the time we realized the atrocities of his regime, it was too late to do anything about it. If you have read any of the recent literature on life and death for political prisoners in Cuban prisons, you realize what a tragic mistake we made there, just 90 miles from our coast.

We betrayed democracy in Vietnam. Historians will debate forever how we could have saved the Vietnamese from the terrible conditions they now suffer, but the fact remains that if we had possessed the political will, we could have saved that nation.

Mr. Speaker, fellow colleagues, don't let this happen a third time. Right now, the Communists in Nicaragua are trying to convert their military opposition into political opposition. The problem with this is that in Communist societies, political opposition almost always disappears unless it has the backing of military force. In an economically backward nation such as Nicaragua, this is inevitable.

Finally, if you won't support the freedom fighters for the sake of the Nicaraguan people, support them for our own interests. You all know the arguments against another Soviet base in this hemisphere. If the Contras fail to bring democracy, that's what we'll have. And that responsibility will rest on the shoulders of each member of this body who votes against helping the freedom fighters.

The people of Nicaragua are being oppressed. Aid to the Contras provides the only incentive to the Sandinistas to stop the oppression. Aid to the freedom fighters is in the interests of the Nicaraguan people. Aid to the freedom fighters is in the interests of the United States. Aid to the freedom fighters is in the interests of peace and democracy.

Mr. Chairman, I have two brief articles here that I would recommend to any of my colleagues who are still having questions about this issue and I will insert them into the Record and I would also like to invite any member wanting to see them before the vote to see me as soon as possible.

The Subtle Undermining of a Nation—Part I

(By William O'Neil, Chairman)

(I realize this subject is very controversial and there are many different views and opinions on the issue. However, the following facts should be carefully considered since they might affect the future of this country.)

In October 1987, Major Roger Miranda, top aide to Defense Minister Umberto Ortega and chief of the Secretariat of the Ministry of Defense since 1982, defected from Nicaragua's Sandinista government. Major Miranda testified before Congress and reporters in December and gave Congress detailed first-hand evidence of the Sandinista communist government's plans for a massive military buildup in Nicaragua.

Most of the enormous arms expansion is scheduled to occur after Washington stops funding the Contras or after the Contras are otherwise eliminated in the next two years.

Major Miranda brought with him a 45-page preliminary contract between the Sandinistas and the Soviet Union listing all the weapons the Soviets are to supply Nicaragua between 1988 and 1995. An absolutely crucial point is that the agreement was secretly negotiated with the Russians one month after Daniel Ortega, leader of the Sandinistas, signed the Central American peace accord promising his government's peaceful intentions.

SOVIET WEAPONS BUILDUP

Among the Soviet items to be provided the Sandinistas are: A squadron of MiG-21 fighters, ground-to-air missiles, more MI 24 attack-helicopters, weapons to build a 600,000-man army (20% of Nicaragua's population), four 400-ton naval ships, gas warfare equipment, flame throwers, upgrading to heavier artillery and a new air defense system. All weapons damaged or lost in battle are to be "instantly re-supplied by the Soviet Union" to maintain maximum fighting strength.

The Sandinista Marxist-government further agreed to continue operating its terrorist training base inside Nicaragua for "exporting revolution" into neighboring countries of El Salvador, Honduras, Guatemala and Costa Rica. In the event of future American intervention, the Soviet- and Cuban-backed Sandinistas also have contingency plans to send terrorists into neighboring countries to take American citizens hostage and to bomb unarmed Costa Rica.

The Sandinista government has not fulfilled any of its numerous promises for democratic freedoms made since 1979. Its latest deception in professing peace and then secretly negotiating a gigantic arms increase indicates it definitely cannot be trusted. They are in reality preparing for serious war; not sincere peace.

There is no match for any of these powerful, advanced Soviet weapons anywhere in Central America. Unbelievably, this immense military escalation was openly acknowledged and confirmed in a press release from the number two leader of Nicaragua's government, Defense Minister Umberto Ortega, Daniel Ortega's brother. An original translated copy of the contract was sent to me by a deeply concerned member of Congress. If you want a copy, I will send it to you.

Congress will vote Feb. 3 on the question of continued aid for the Contra rebels who are trying to halt the spread of communism in Central America. The presidents of El Salvador and Honduras have told the United States that the only thing that drove the Nicaraguan Sandinista government to the negotiating table was the presence of the Contra resistance.

President Reagan and Secretary of State George Shultz, plus other key members of the administration, strongly feel Congress must keep constant pressure on the Sandinistas as it is our "only guarantee" or insurance policy that they will have any incentive to fulfill their promises of freedom and democracy in Nicaragua.

If our Congress does not continue Contra aid, what is the alternative? All Americans will have to accept the fact of a consolidated Soviet- and Cuban-style military base permanently established on our mainland.

If this happens, the question will then be asked: "Who allowed it to happen?" The press has handled the Nicaraguan subject very poorly. The national media has not given the facts to the American people. The combined power of a Democratic-controlled Congress and a heavily Democratic national news media (more than 9 out of 10 journalists are Democrats, based on several surveys) have jointly contributed to the unwitting, unintended and subtle undermining of future U.S. national defense and security. Some CBS reporters stationed in Managua apparently seem to maintain close relations with top members of the Communist government. This results in the communist government's point of view being continually presented and given equal or sometimes better news coverage.

While presenting the Sandinistas' side, the national media never refers to the Sandinistas as a communist government, which is what they are, but refers to them only as the government, or the leftist government (a more polite and forgiving term). This confuses the issue for the public. No coverage has been given whatsoever on the subject of why a permanent Soviet and Cuban communist military base in Nicaragua might post a possible risk to America's future national defense or security.

The Subtle Undermining of a Nation—Part II

(By William O'Neil, Chairman)

How could a permanent Soviet-Cuban military base (a second Cuba) in Nicaragua pose a potential risk to America's future national defense or security?

1. The Panama Canal could be easily sabotaged and rendered useless in the event of hostilities.

2. Mexico and other countries are prime targets for future subversion.

3. Russian submarines operating out of El Bluff port on the Caribbean coast and Pacific Ocean ports such as Corinto, together with their base in Cuba, could enable the Soviet Union in the future to surround the United States with nuclear submarines operating along the East and West Coasts and the Gulf of Mexico. Since the Soviets recently acquired technology to operate quiet, undetected submarines off our shores, this would create a serious strategic threat.

4. Russian reconnaissance planes and Bear Bombers operating out of Punta Huete's new 10,000-foot-long airstrip could fly surveillance off our entire West Coast and listen to West Coast phone calls.

5. Fifty percent of our oil imports pass through gulf waters between Cuba and Nicaragua.

6. Soviet advisers are now present in Nicaragua and have flown their reconnaissance planes. Six thousand, five hundred Cubans are in every position of the Sandinista government as well as in the Nicaraguan military. Cubans also fly some of the Russian attack helicopters, have helped build 11 airfields and 40 new military bases since 1980, and serve as prison guards and torturers in Sandinista prisons. The Sandinistas now have more tanks and armored vehicles than Mexico.

But what about the interests of the Nicaraguan people? After eight years of communist Sandinista rule:

1. The economy is in shambles. The currency has virtually no value, with inflation at 1,500% a year. There are shortages of everything, particularly food, as commonly occurs in communist societies.

2. Gary Moore, a free-lance reporter who just returned from Nicaragua, said he found most of the people in southern Nicaragua constantly fearing and fleeing from Sandinista government troops. Land reform he indicated, was widely perceived as fake reform. People had their farms confiscated and converted to government-owned communal farms.

3. The Contras now have a base of good support in the countryside. The Nicaraguan people in large cities, however, are tightly controlled by the communist bloc system. They are issued ration cards that are taken from them, and jobs are withheld if they don't do what they are told or don't vote as suggested. The previous election was controlled through this mechanism as well as by attacks on the opposition by Sandinista government mobs.

4. P.J. O'Rourke just returned from Nicaragua and wrote his observations in an article on "Sandinistaland" in the December 3, 1987, issue of Rolling Stone, a very liberal publication. If you want a copy, I'll send it to you.

Why wasn't our President able to get his message out about Nicaragua, when he gave speeches on the subject and our State Department provided dozens of printed documents such as "The Sandinista Military Buildup" and "Inside the Sandinista Regime: A Special Investigator's Perspective" (devastating testimony from Alvaro Baldizon, an earlier top Sandinista defector)?

1. Our national news media never used the material, never told the American people about it. They concentrated on questioning and running down the Contras. Vital facts were unwittingly suppressed and withheld from the American public. At times, our national media has quoted U.S.-based, pro-Soviet, pro-Cuban, and pro-Sandinista human rights or think-tank studies as valid documentation in news articles.

2. Fierce opposition from the liberal wing of the Democratic party in Congress.

If Congress lacks the courage to continue supporting people fighting the spread of communism in their own country and on our continent, it is possible many voters might begin to view Congress as one of the more incompetent bodies in the United States. The Democratic party could also be making a serious mistake adopting as part of their platform the support of a communist government's positions and agenda, and failing to support those willing to fight for their own freedom and democracy. This could even be construed by some voters that the party might not be competent to manage either the government or foreign policy at the national level. It could even mean possible defeat at the national elections in 1988. The party should not be placed in the position of appearing to be either soft on communism or naive and weak in the foreign policy area.

The Arias Peace Plan is good, but Daniel Ortega's proven record is bad. The answer is: Vote for continued Contra aid to keep the Sandinistas' "feet to the fire," but hold back half of the military items for 30 days, and the other half of lethal assistance for another 30 days pending later review by the President and Secretary Shultz's State Department on the Sandinistas' complete compliance with their professed, but suspicious, promises.

The Afghan rebels did not fall for the phony peace offered by the Soviets, and now the Soviets are trying to find a graceful way to leave Afghanistan. If Congress and Central Americans let themselves be duped with cosmetic subterfuge, they could become the Neville Chamberlains of today.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. Shaw].

Mr. SHAW. Mr. Chairman, we are at this late hour looking to a couple of more hours of debate and I think that the debate has been handled very well but there are some things yet to be said.

The gentleman from Washington [Mr. Lowry] just spoke about dealing from the high ground, dealing from principle instead of through strength. The democracy of this great country has been kept because we have been willing to put our money where our mouth is, we have been willing to keep this country armed and strong through the process. In looking at what we are facing in Central America, if my colleagues truly believe that democracy is a companion of communism, then vote "no."

If my colleagues truly believe that the peace accord is to the best interest of Ortega's Communist government, vote no.

If my colleagues truly believe that without the threat of overthrow of his government that Mr. Ortega is going to abide by the peace accord, vote no, but if my colleagues believe, as I do, that it is to the strategic interest of this country not to have a Soviet base at our back yard in Central America, vote "yes."

If my colleagues believe for the democratic process to go forward in Nicaragua, that we have an alternative, an armed alternative that is there and ready to move forward in the event that the peace process breaks down, vote yes.

If my colleagues believe as I do in the future of this hemisphere and how we can work together through the peace process, vote "yes."

I have two young sons who are presently of college age. I do not want to see them in Nicaragua. We have an opportunity of supplying the young freedom fighters in Central America and solving this problem hopefully through the peace process. All of us want the peace process to work, but we cannot trust Mr. Ortega. Please vote "yes."

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Chairman, this is a faceless and nameless war to most Americans. We are told this war is being waged against the Sandinistas but we know the Sandinistas are not the people being killed. The victims are civilians, old men and women, farmers, laborers, and children. A recent study by the Harvard School of Public Health shows the effects of this war on one town. Acoyapa is a town of about 8,500 people in the war zone. In Acoyapa almost one in five households had a member leave their jobs on farms because they are not safe from Contra attacks. Nearly half of the children now suffer from chronic malnutrition. Over half of the people have experienced the death of a close friend or relative from the war, and one in five had lost a member of their household.

These are not soldiers killed in battle. These are civilians killed in and around their homes.

In Acoyapa, an economically devastated community in an economically devastated Third World nation, the leading cause of death for children over 6 years of age is firearms. Those children are not Communists or Sandinistas or terrorists, nor are they people exporting revolution into Costa Rica and El Salvador. They are being killed, however, by our surrogates with bullets we pay for and the President is asking us to cut another check to pay for more killing.

This policy is wrong. This policy has been wrong for 7 years. Our money is being used to finance a checkbook war that kills the people we are trying to save.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Chairman, today we are faced with yet another request for Contra aid. Let's look at the past 6 years and our policy. It has been a success if our goal is to inflict misery and pain on the poverty-stricken people of Nicaragua. But if our goal is to achieve peace and to create an atmosphere for democratic reforms then, clearly, the policy of providing aid to the Contras has failed.

Now it is time for the United States to listen to our allies in the region, whose fate is in much greater peril than our own, and reject aid to the Contras.

The Central American peace accord is the answer and it is supported by 13 Latin American nations. It represents the best hope to achieve peace and bring about political freedom for the people of Nicaragua.

The steps toward democratic reform already taken by the Sandinistas have been substantial and are a result of the peace plan—not of action by the Contras. Major concessions, such as the reopening of the opposition press and agreeing to direct negotiations with the Contras, have been made by the Nicaraguan Government. The peace plan is working. If we continue aid to the Contras then we will be giving the Sandinistas the perfect excuse they are looking for; the excuse to justify any repressive actions they would inflict on the people of Nicaragua. The Sandinistas have no good answers to offer the Nicaraguan people for their current desperate situation, so they use the Contras as a justification. Let's not continue to provide Ortega with the perfect excuse.

It is time for us to stop sending aid to the Contras and begin sending aid to Americans. Lets trade Contra military training for education and training for the unemployed American worker. Lets trade Contra transportation funds for improving America's infrastructure. Lets trade a failed policy of killing for a promising policy of peace.

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Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. CHAPPELL].

Mr. CHAPPELL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I ask if $36 million is too much to ask of this great and magnificent Nation in the cause of peace in Central America. I firmly believe that the only way we can assist the peace process in Central America at this time is to keep the pressure on Nicaragua to negotiate and to keep its promises in an effort for peace. It is just $36 million, 90 percent of which is for humanitarian aid and only 10 percent for military aid, and that 10 percent, which is $3.6 million to be placed in an escrow account not to be used if the Sandinistas keep their word, if they do the things they promise to do.

I suggest to my colleagues very strongly that this House tonight ought to do no less than make this very small effort in the cause of peace in Central America. Our intelligence reports show us that the Sandinistas are in difficult problems in their economic processes in their country, that the people, the workers there, have lost their earning capacity, 90 percent of it since 1980, that inflation is in the several hundreds of percent per year.

Now is not the time to take the pressure off. Now is the time to keep the pressure on, and just think what is going to happen if they keep their word. That escrow money, that military aid, will never be used, but I believe this House, this Congress, in the name of the people of this country who have stood for freedom throughout the world down through the years ought to be more than willing to make this small effort in the cause of peace in Central America.

I hope that as we vote tonight we will not pull the rug from under the people who have been willing to risk their lives in the cause of peace, the cause of democracy, and the cause of freedom in the world, and I hope we will not blot from their hearts and their minds the determination to be a part of a peace process.

I hope we will pass and adopt this resolution for the Contras tonight.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I rise today in strong opposition to the administration's request for additional aid to the Contras in Nicaragua. In my view, this represents one of the most important votes we will cast during this session of Congress. After 7 years of spirited and often acrimonious debate, we have arrived at a point where the options presenting themselves are crystal clear in their implications for the future of Central America, and indeed, for the United States as well. It seems no exaggeration to conclude that the decision we make today will, to a large

degree, determine the fate of Central America for years to come.

While I respect the President's desire for freedom and democracy in Nicaragua, I feel his tactics have quite plainly failed. The Contras have been fighting in Nicaragua for 7 years now, and have brought less freedom, less democracy, and certainly less peace. Each time the United States has continued to fund or escalate the Contra war, the Nicaraguan Government has responded with a narrowing of political freedoms and civil liberties.

In stark contrast, however, the Arias peace plan, begun scarcely 6 months ago, has already made tangible progress toward peace, as well as freedom and democracy in Nicaragua. The Sandinistas have lifted the state of emergency, disbanded the special military tribunals used to try Contra supporters, held direct talks with Contra leaders, allowed the opening of opposition newspapers and radio stations, released nearly 1,000 political prisoners and agreed to release the remainder if a cease-fire agreement is reached, and permitted numerous public demonstrations and meetings.

In its compliance report to the January 15 meeting of the Central American Presidents, the International Verification Commission concluded:

> In the case of Nicaragua, the International Commission has been able to confirm that in spite of the wartime suffering, it has made concrete steps toward initiating a democratic process.

In short, the peace plan has accomplished more in 6 months than the Contras have in 7 years.

The success of the Arias plan stems from its fusion of the inseparable objectives of peace, and freedom and democracy. The process initiated by the Arias peace plan is imperfect, and much remains to be accomplished. However, while it is possible that the Sandinistas will not sustain their compliance with the peace process, it is certain that they would not continue compliance if the United States continues funding the Contras.

Much of the debate today will center on the contention that the Contras have been, and will continue to be, a viable means of protecting U.S. security concerns in Central America. This question centers on the Sandinista's compliance with the Arias peace plan, and the degree to which their future intentions represent a threat to U.S. interests. While there is an urgent need for reform within Nicaragua, I am not convinced that the Sandinistas represent a threat to either the United States or our allies in Central America.

I am convinced, however, that regardless of how one views the Sandinista government in Nicaragua, the Contras simply cannot be an effective tool of United States foreign policy. While we have legitimate concerns over the Sandinista's behavior, it should not be assumed that aiding the Contras is the best means of addressing these concerns. Upon receiving the Nobel Peace Prize, Costa Rican President Oscar Arias himself stated that "the Contras, from my point of view, are the problem and not the solution."

Aside from exacerbating the violence and economic decline in Nicaragua, the Contras have accomplished very little. After fighting for 7 years, they have been unable to seize and hold territory or garner the support of the people of Nicaragua. In 1983 the political director of the FDN promised that "1983 is the year of victory. We will defeat the FSLN in 6 months." By the Reagan administration's own accounting, however, Contra forces have diminished by 25 percent since 1986.

We must also never forget the origin and composition of the Contra forces. In a 1986 memo to his boss Oliver North, Robert Owen stated that the United Nicaraguan Opposition:

> Is a creation of the USG (United States Government) to garner support from Congress. When it was founded a year ago, the hope was it would become a viable organization. In fact almost anything it has accomplished is because the hand of the USG has been directing and manipulating.

Commenting on FDN leader Adolfo Calero and his colleagues, Owen stated bluntly that "they are not the people to rebuild a new Nicaragua." Former head of the Contras Edgar Chamorro has stated that:

> We were an army controlled by the CIA. We were a proxy army, directed, funded, receiving all intelligence and suggestions, from the CIA. We had no plan for Nicaragua, we were working for American goals.

Finally after conducting on-site research on Contra human rights abuses during much of 1987, Americas Watch concluded that "their attacks on civilians have made them an outlaw force operating beyond the pale of civilized conduct." Contrary to President Reagan's claims, the Contras are clearly not the moral equivalent of our Founding Fathers.

The idea of sacrificing the Arias peace plan in favor of the Contras is even more disturbing—and irrational—in light of the widely accepted belief that the Contras can never defeat the Sandinista Army. Appearing before the Senate Armed Services Committee only 1 year ago, Gen. Paul Gorman, former head of the U.S. Southern Command, testified:

> You're not going to knock off the Sandinistas with a conventional armed force * * * throwing money at the problem at this point in time isn't going to produce, in my view, the kind of results that are required.

Recent CIA reports agree, evaluating the Contras as posing no strategic threat to the Nicaraguan Government. Commenting on President Reagan's $100 million Contra aid request in 1986, Robert Owen stated that:

> If the $100 million is approved and things go on as they have these last 5 years, it will be like pouring money down a sinkhole.

Scuttling the Arias peace plan to satiate the crusading ideology of America's new Republican fundamentalists would be gravest crime this body could commit.

The concerns I have outlined above do not imply a lack of awareness over America's legitimate security interests in Central America. President Reagan and House Speaker JIM WRIGHT have outlined three primary security objectives with which I concur: that no Soviet or Cuban military bases be established in Nicaragua; that Nicaragua not threaten the security of its regional allies through invasion or subversion; and, that Nicaragua respect the basic human rights of its people.

Addressing these security concerns is a valid and important goal of U.S. foreign policy in Central America. Meeting this goal, however, can, and must, be done through unqualified support for the Arias peace plan, and not through continued Contra aid. Nicaraguan President Ortega has agreed to meet these concerns if provided with sufficient security guarantees from the United States. Mikhail Gorbachev has also agreed to cut off aid to Nicaragua if the United States halts aid to the Contras. President Reagan is clearly in a position to make major strides in Central America as long as he is willing to halt aid to the Contras. The International Verification Commission established under the Arias peace plan stated explicitly that ending Contra aid "continues to be an indispensable requirement for the success of the peace efforts."

United States policy in Central America is in a position to make important progress if we are prepared to take advantage of the opportunities presented to us. The Arias peace plan represents a significant move toward regional autonomy and cooperation. Our allies have stated clearly that whatever insurance is needed to moderate Nicaraguan behavior can be provided by their collective moral, political, and economic pressure. The United States can and should play a part in this process. Our role must be constructive and not destructive, however. We would be foolish to reject the counsel of our allies in Central America and continue with the misguided Contra policy which has accomplished so little.

Years from now, historians may view our decision today as one which cast the die for Central America. If we pursue our interests, and those of our friends in Central America, in a rational and humane manner, history will record a steady process of economic and political growth. If we continue with counterproductive and immoral policy being pursued by this adminis-

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tration, history will record only continued decline into war and repression, the effects of which will eventually come to bear on the United States. We have made this mistake before, and I implore my colleagues here today not to tread this path again. It is time to opt for freedom and democracy, and peace in Central America. It is time to halt Contra aid once and for all, and pursue our interest through the Central American peace plan.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I believe I took the floor for the first time in 1983 to speak out against aid for the Contras. I do so again today for many of the same reasons.

Events in Central America only serve to reinforce those reasons. I said then that I believed that the only true solution to the region's problems must come from the nations of Central America.

I have consistently maintained that we cannot impose ourselves either through the Contras or otherwise on the nations of the region and their search for peace. That does not mean that we cannot and should not be players. We must remain involved in the search for peace, but that means listening to what Central American leaders want, not simply barging ahead with the administration's concept of how peace can be achieved: through the Contras.

I also mentioned back in 1983 that we should not ignore the human element to this debate. I mean that both in terms of the suffering of the people in the region as a result of our support for the Contras, and in terms of what it could mean if this conflict escalates to the point that the administration feels compelled to involve U.S. military personnel, even as advisors. I need not remind anyone in this Chamber what a slippery slope that can become.

I suppose in some ways the prospect of the so-called Contra war escalating has a very personal side to it for me that others may not share. That is because I am Hispanic, as are all the people of Central America. And if there is, God forbid, a direct involvement of U.S. troops in the region, then I can assure you that many of the U.S. soldiers involved in such a conflict would be Hispanic. They would be forced to fight against those with whom they share a common heritage, and in some cases, but for the grace of God, a common fate.

This is not to say that everyone in this Chamber is not concerned about an escalation of the Central American conflict. It is only to say that there are those who mistakenly wish to wage peace through a proxy war, rather than through a process endorsed by the region's leaders, including a Nobel Peace Prize winner.

Cardinal Obando y Bravo of Nicaragua, a man who is above reproach, is willing to stake his reputation in the name of peace by acting as a mediator between the Contras and the Sandinistas. We should share his courage and conviction that the peace process must be allowed to unfold without the gullotine of Contra aid decapitating it.

I would only like to add one more point for those who believe that if we do not support the Contras that communism will overtake the entire region. Our biggest enemy on that front is not the Sandinistas, but the chronic poverty that created the atmosphere under which the Sandinistas were able to assume power. It is corruption, poverty, and hopelessness that is the breeding ground for revolution. Revolution, even if it is lead by middle class Marxists, cannot take hold if the people are not suffering.

You won't find much support for revolution in Sutton Place, Scarsdale, or Shaker Heights. Let's get on with the business of winning the war against communism by fighting poverty and creating opportunity. Let's not forget that even the poorest of the poor only aspire to the same goals and ideals that we do: a decent life for themselves and their families.

Let's give peace a chance by voting no on Contra aid, and beginning the job of helping the people of Central America rebuilding their lives.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 8 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, after so many hours of debate all that can be said, all the known arguments that have been stated, and some with eloquence, have been referred to.

Mr. Chairman, this is not a matter of eloquence. It is not a mere vote for or against the Nicaraguan Contras. What we are voting for today is the future of Central America, and some do not really realize that. It is far more important an issue than winning or losing the vote this evening. The issue is: What will the consequences be of the vote tonight?

In deciding on this issue we look for a standard, we look for a measure by which to judge what we do and how we cast our votes this evening.

What shall be that measure? What shall be that standard? What shall be that polestar by which we guide our decision this evening?

Mr. Chairman, in looking for the guide, the standard, we find the words from John F. Kennedy's 1961 inaugural address where he said, "Communist domination in this hemisphere can never be negotiated."

Mr. Chairman, that is our standard. Mr. Chairman, that is our measure. President Kennedy spoke then as an advocate of freedom, of liberty, and of peace. President Kennedy knew the nature of communism and knew its goals and the ever restless tentacles and how they engulfed neighbors and along with that the loss of freedom and liberty. He knew the nature of communism. Communism does not change its goals any more than leopards change their spots.

Mr. Chairman, there are many historic votes that have been cast in this Chamber. Many of them send a signal around the world. Some are known, and some are not known until later.

This is an historic moment this evening, and let me refer to a vote that is little remembered, that back in 1939 this body voted against a $5 million appropriation for the harbor of Guam. The Empire of Japan saw that vote and received it as signal that the United States of America would not defend its interests in the Pacific. Of course that was a wrong vote and a wrong signal. We all know what came 2 years later, and that of course was the attack on Pearl Harbor.

Mr. Chairman, it is important that we realize the historic moment that we have before us tonight. We have heard from our friends to give peace a chance. It is a good slogan. It sounds good, peace, peace.

What kind of peace are we speaking of? Are we speaking of the peace of Castro's Cuba? Ask those who fled Castro's Cuba about the freedom and peace that remain there. Ask about the freedom and peace that cause them to leave. Yes, Mr. Chairman, that is one kind of peace.

The kind of peace that is in Nicaragua today is of a similar kind. The peace that is there is a peace that has press and radio censorship, a peace that has no labor strikes allowed, a peace that has political prisoners, a peace that has the fear of arbitrary police arrest and political arrest under a 1982 code, a peace where the police have the powers to try and sentence people under the codes that existed under Somoza, a peace where there is confiscation of all of the independent television stations and a peace that has the fear of the turbas, the Sandinista equivalent of the Nazi brown shirts of yesteryear.

Two years ago at this time the Contras were rather divided and they were a dispirited force politically and militarily. Their political leadership was divided into three different factions, and most of their fighters were located in refugee camps along the Honduran/Nicaraguan border. On the diplomatic front, the Contadora negotiations were stalled. Today the Nicaraguan resistance includes a political leadership that has broadened its representation and military force that is anywhere from 13,000 to 20,000 guerrillas fighting for freedom throughout Nicaragua. Its leadership includes many who at one time or another served with the Sandinistas. Alfredo Cesar, for instance, served in a succession of posts with the Sandinista Government and he is now a leader against it.

As for its military leadership, the resistance has a number of regional commanders who earlier were Sandinista fighters. Two of them were actually trained in Moscow and Havana. The guerrilla force of which they form a part has regained the tactical initiative and has brought the war in Nicaragua to a stalemate.

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This is a tough peasant army with popular support in the countryside that has helped bring the Sandinista government to the negotiating table. We should understand that. They have come a long way as a result of what we did here in 1986.

In addition to the military pressure, there has also been the political pressure put on the Sandinistas by the four Central American Presidents.

Last summer the five Presidents of the Central American countries signed an accord in Guatemala City that promised to bring to an end the three civil wars in the region by promoting reconciliation and strengthening democracy in each of the five countries. At their last meeting in Costa Rica 3 weeks ago, the four Presidents of the democratic countries criticized Nicaragua for failing to live up to the August accords. They called for immediate implementation of the agreements. Daniel Ortega, the President of Nicaragua, responded in a calculated fashion. He announced three major concessions: suspension of the nationwide state of emergency, direct negotiations with the Nicaraguan resistance and amnesty for 3,300 political prisoners. His declaration was greeted by some with hope and by others with great skepticism. President Duarte placed himself among the skeptics. "It is not sufficient for me, it is a small step," he said.

Cardinal Obando y Bravo noted, "There is much further to go."

In evaluating the peace process that has been in effect since last August when the five Presidents met in Guatemala one has to compare words with deeds. As a great Democrat of yesteryear, Al Smith, used to say, "Let's look at the record."

La Prensa was allowed to publish, but other newspapers closed down due to government pressure have not yet hit the streets. Yes, Radio Catolica is once again on the air and yet 20 other radio stations still remain silent.

Yes, 900 political prisoners were released in November, but this is only one-tenth of Nicaragua's unverified number of political prisoners.

While Daniel Ortega was announcing the end of the state of emergency in Costa Rica at the conclusion of the Presidents' meeting, the government was in the process of arresting 11 members of the internal opposition after their return from a meeting in Guatemala with leaders of the Nicaraguan Resistance. Even more ominous has been the reemergence of the "Turbas"—The Sandinista equivalent of the Nazi brownshirts of the 1930s—after a dormancy of 2 years. Since the beginning of the peace process they have attacked two human rights groups, a meeting of the opposition alliance, and a La Prensa journalist.

What we see is a rather sophisticated pattern by the Sandinistas of giving with one hand, while taking back with the other.

Both military and diplomatic pressure have taken a toll on the stubbornness of the Sandinistas. What is necessary at this point is to be consistent; to help promote the opening up of Nicaragua. What we want to do is open up the political process in such a fashion so that it can't be shut down. The analogy I would use is trying to open up a clam. A knife is needed for the job, a pickax is too blunt an instrument and a plastic fork simply won't do.

Only one-tenth the package, $3.6 million, will go for ammunition and air defense supplies; and that will be held back until the end of March. More important, Congress will have the final say on whether the lethal assistance gets delivered. If we pass such a resolution, then the President will not be able to deliver the ammunition and air defense weapons.

Military pressure must continue to help the diplomatic process. Such a strategy paid off in two milestone arms control agreements—the ABM treaty of 1972 and the INF treaty of 1987.

Good and positive agreements come as a result of strength and not of weakness. We should not have to relearn and relearn this, we should know this.

There are a number who would ask us to give peace a chance, being consistent is the right way to do it. Two newspapers that have consistently opposed aid to the Contras have changed their positions and support the package we have put together. Today, the Washington Post noted that while some say "Contra aid has not helped * * * we think the evidence finally goes the other way. Much has changed since Central American diplomacy became a factor last summer * * * a carrot and stick approach has moved the Sandinistas." On January 19 the Miami Herald said, "Until today the Herald has opposed military aid to the Contras * * *." To cripple the Contras—or, worse, to disband them—would be to forfeit Nicaragua to Marxism.

One final note. For those of you who think that this package will doom the peace process think again. Daniel Ortega, while visiting Norway said that negotiations for peace in Central America would continue even if the U.S. Congress approved extra funds for the Contras. He said "We must continue the peace process even if Congress approved the aid."

Thus, let us vote "yes" and by doing so let us not forfeit Central America to the Marxists.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, I come to the well of the House today to express my personal opposition to the notion that democracy and the peace process will be served by the granting of further American aid to the Contras. I come with great pride as the chairman of the Congressional Black Caucus to announce that my colleagues in that body shall speak today with a single voice and a unanimous vote in saying no to this measure.

It is seldom that a question is posed which establishes so clear an opportunity to place America on the right side of history. Not only are our foreign policy interests imperiled by the folly of continued aid, the domestic impact is irrefutable. Fiscal responsibility has been thrown to the wind. Since the President has embarked on his campaign to rid Nicaragua of the Sandinistas, American taxpayers have spent one-quarter of a million dollars—half of which has not been accounted for. Simultaneously, we have seen a dramatic increase in domestic crises—borne of massive budget cuts. How does a Member of this body explain a yes vote to our homeless, to the millions of our children mired in poverty, to the family farmer, to our ailing senior population. There is no defense.

If there was ever a time when the actions of this House must be moral, thoughful, and deliberate—that moment is now. Let us give peace a chance and vote no.

Mr. CONYERS. Mr. Chairman would the gentleman yield to me?

Mr. DYMALLY. I am most happy to yield to my friend the gentleman from Detroit.

Mr. CONYERS. I thank the gentleman for yielding. I want to thank him for his courtesy in view of the shortage of time.

Mr. Chairman, behind this 37th vote on Contra aid lies a consideration far more important than the $36.2 million: Whether Congress has the will to withdraw its approval of this brutal. low-intensity war prosecuted by the President with a vengeance that makes clear to all Third World countries the fate that awaits them if they dare to proceed to govern their nations as if they were their own.

All of the continuous misrepresentations, large and small, made to our own citizens and to the world cannot mask the violations of international rules of law, treaties, and Federal statutes in this maniacal attempt to overthrow the Sandinista government by inflicting death, terror, and suffering upon its people. I am ashamed of what has been done in our name because it was not only unjust, it was unnecessary. We undermined the Contradora process. But by denying further Contra aid we indicate support for peace plan of President Arias. We may also salvage some of our honor and will surely have some of their lives.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Illinois [Mr. Savage].

Mr. SAVAGE. Mr. Chairman, I rise in opposition to this "Rambo" proposal of President Reagan, to give another $36 million to the counterrevolutionaries of Nicaragua.

I have voted against such ill-advised aid everytime it has been proposed during the past 4 years, for two reasons:

First of all, I believe that the main argument for it is specious. The proponents in this body argue that this $36 million more for the Contras, this violent interference in the internal affairs of Nicaragua, is justified by the essentiality of advancing democracy and turning back Communist dictatorships in Central America.

Now, every anti-Communist thrust is not prodemocracy. For instance, the anti-Communist third reich of Adolf Hilter was an anti-Communist dictatorship, and many of us risked our lives in World War II fighting that Fascist regime.

At present, the Fascist/racist regime in South Africa is one of the most anti-Communist in the world—but it is also one of the most antidemocratic.

So, you see, a foreign policy which supports whatever is anti-Communist, often ends up also supporting what is antidemocratic-and that is part of our problem in Nicaragua. The U.S. Government has backed the most brutal totalitarian rulers there for the past 100 years, financially and militarily. Moreover, the Contras are related to the last barbaric dictatorship there, the anti-Communist Somoza regime which, of course, our Government supported.

When we find ourselves supporting antidemocratic movements merely because they are anti-Communist, we are on the wrong side of history. Some other Central America and Caribbean current examples are Haiti, Guatemala, Panama, and the Dominican Republic.

In other words, the Reagan administration's policy regarding Nicaragua does not promote democracy in that region.

Now, the second reason I oppose the bill before us, to give another $36 million to the Contras, is because our Government has already given them about $200 million of the hard-earned tax dollars of American citizens. More than $200 million—that is more than $10,000 per Contra; $10,000 per Contra to kill his fellow citizens; men, women, and children, $10,000 per Contra.

That is more than we pay the average senior citizen in the United States, per year; $10,000 per Contra for killing, more than we give for healing our own indigent citizens.

And hear this. The strongest debaters for this $10,000 per Contra are among the strongest debaters to reduce our Federal deficit. What hypocrisy.

They argue today to give the Contras more millions, but yesterday they argued that the Government was going bankrupt. They would rather give $10,000 per Contra, rather than give it to a deserving, would-be American college student, $10,000 per Contra, but reduced cost-of-living adjustments for American retirees, $10,000 per Contra, taken out of American Medicare needs, $10,000 per Contra, but not $10,000 per unemployed American, $10,000 per Contra, but nothing to keep an American family on its hard-earned farm or home, foreclosed by FHA.

I tell you, Mr. Chairman, charity begins at home. Take the Contras off welfare before reforming welfare at home. Let us heal our sick before we kill their healthy. First, reduce our budget deficit, our trade deficit, the stock market deficit, and our human deficit, in the United States of America.

Never will I vote for aid to the Contras of Nicaragua, when I need aid for my own district in these United States. I urge you to check your districts before you vote tonight.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. Akaka].

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. AKAKA. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I rise in opposition to House Joint Resolution 444.

Mr. Chairman, we should concentrate in this debate on what we agree on. We would all acknowledge that we could not tolerate a military buildup in Nicaragua that threatens our security. We could not tolerate efforts to promote guerrilla activity with Nicaragua's democratic neighbors. But this request, unlike the many which have preceded it from this administration, comes at a time when a peace process is underway.

When it suits the purposes of this administration, proponents of Contra aid routinely invoke respect for our democratic allies in Central America. Then, when those allies painstakingly set forth on a path toward a negotiated settlement, we tell them that they have vastly underestimated the threat posed by the Sandinistas and the effectiveness of the Contras. Those who say that "Communists never negotiate" overlook President Reagan's recent negotiation of the INF Treaty and the fact that we can do business with our adversaries, whether in Moscow, Havana, or Managua, when it is in our interest and the interest of democratic nations to do so.

There is a risk in voting to disapprove this request. The risk is that the Sandinistas may renege on the concessions they made two weeks ago in San José. They may reimpose the state of emergency they so recently lifted; they may unilaterally violate the terms of any eventual cease fire. They may resort to the widespread imprisonment of the civilian opposition.

But the risk of ignoring the peace process is greater. We know for certain that the provision of aid—no matter how it is packaged—will cause the process to fail. What will our policy be then?

For the 6 years that the Contra war has been fought, this administration has continually declared that our goal is a democratic Nicaragua. But the prospect of real reform by the Sandinista directorate has invariably led to efforts to undermine or subvert any progress toward regional discussions of the shape of elections and the restoration of civil liberties.

We should be skeptical about the Sandinistas' concessions. They have shown every willingness to bankrupt the population of Nicaragua and to deplete the treasury with the threat of an invasion of United States troops. But we have also given our neighbors in Central America so many reasons to be skeptical about our own motives. Whatever became of the Kissinger Commission recommendations in the area of economic development? Whatever happened to the initial welcoming of initiatives in the areas of education, health, housing, and literacy for the other Central American countries? Those should be the focus of our policy, not the single-minded effort to destroy the Sandinistas militarily.

The policy of aiding the Contras intermittently may have contributed to the Sandinistas' decision to make temporary concessions. Whatever the motivation, they are there. That is the important fact. But the argument that we need to "keep up the pressure" makes little sense. The "pressure," the fighting, is not an end in itself. The goal is to foster the development of a Nicaragua that we and our Central American allies can live with. This vote comes amid a new set of circumstances, which we cannot afford to ignore. I urge my colleagues to oppose this request and to work to further this opportunity for peace.

Mr. AKAKA. Mr. Chairman, I rise in opposition to passage of this joint resolution.

Mr. Chairman, House Joint Resolution 444, providing $36 million in continued assistance to the Nicaraguan resistance, would provide funds to continue the war and extinguish the Central American peace process.

Since 1981, the administration policy of Contra aid has yielded only bitter fruit, failing to bring about the intended peace, or democratic reforms in Nicaragua. Instead, the outlook for peace and democracy in Nicaragua deteriorated over the course of the civil war, and the Contra presence in Honduras and Costa Rica threatened to destabilize the entire region.

It was not until the signing of the Guatemala accords last August that steps toward peace and democratization began in Nicaragua, indeed, throughout Central America. In 6 months, the Central American presidents with their accord have brought about the possibility for peace and reconciliation. The promise of a return to the rule of constitutional law, and the hope for democracy—achievements that over $277 million in American assistance to the Nicaraguan resistance have failed to realize.

What has American assistance to the Contras wrought? A long litany of failure: a dwindling, outmanned army that avoids direct engagement with the Sandinista forces; an army force that kills, shoots, and kidnaps innocent civilians while destroying peasant villages and farms; a resistance that cannot sustain itself, that cannot account for its expenditures, and that cannot capture and hold any strategic territory inside Nicaragua. Are these the forces we wish to entrust with the responsibility for bringing freedom and democracy to Nicaragua, and security to Central America? I think not.

The best hope for peace in Central America and the protection of the security concerns of the United States and our neighbors in this hemisphere rests with the Arias peace plan. We should resolve to encourage and seek participation in the process, and refrain from intimidating the four Central American democracies in an attempt to smother a regional, negotiated settlement.

Yesterday, while speaking in support of the administration proposal, the Secretary of State quoted a popular anthem in stating that we must give peace a chance. I agree, Mr. Secretary, but you can't get there from here, not with the President's proposal to continue the war. I urge my colleagues to defeat this resolution.

Mr. KASICH. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Oklahoma [Mr. Edwards].

Mr. EDWARDS of Oklahoma. Mr. Chairman, the decision we make today will determine the fate of 5 million people and maybe the fate of all of Central America.

It will determine whether those 5 million people will be free to choose their own leaders, it will determine whether they will have a free press and political parties and trade unions and all of those freedoms which God gave, as a matter of right, not just to those of us who are white and speak English and live in North America, but to all people, including the people of Nicaragua.

This debate is partly about peace. About an end to the war in Nicaragua. About an end to the bombings and shootings. Every man and woman in this Chamber wants an end to the war in Nicaragua. On that, there is no disagreement.

But on two matters there is disagreement. Serious disagreement. Crucial, bottom line disagreement. And it is on those issues that the Members of this Congress must take their stand and choose their side.

First, to what extent are we talking not just about peace, but about freedom. Not just about peace, but about democracy. Peace, my friends, is an easily attainable goal. If the dictators of this world were not resisted, there would be no war. There would have been no war here 200 years ago, no war in Europe in World War II, no war in Cuba against Batista and no war in Nicaragua against Somoza. It is only when people resist oppression, when they demand the right to be free, that there is war. Submit to a dictator, whether he is in your own country or crossing your borders, and you can have peace.

The agreement that was signed by the Presidents of Central America is not a peace agreement. It is a peace and democracy agreement. It calls for a cease fire and democracy—free elections, free press, the right to political expression.

The Sandinista Government of Nicaragua has not complied with those agreements. The Presidents of every democratic country in Central America have condemned Nicaragua for its failure to comply. The Catholic Church, which is serving as the mediator between the Nicaragua Government and the resistance, has stated plainly that the willingness of Nicaragua to release its political prisoners—if another country will accept them—does not comply with the agreement. As Lino Hernandez, the head of the Permanent Commission on Human Rights in Nicaragua has said, that is merely changing the punishment—from imprisonment to exile.

The second area of disagreement is over whether or not United States assistance to the Contras is helpful to the process of bringing peace and democracy to Nicaragua.

What are the facts? Not opinion, but facts.

The agreement was signed on August 7. Between that date and January 15, there was virtually no progress at all in terms of compliance by the Sandinista government. The Presidents of the Central American democracies sharply criticized the Sandinistas for failure to comply with the agreements. Their moral persuasion did no good whatsoever. Their condemnation and their criticism did no good whatsoever. It was only when opponents of aid to the Contras told President Ortega that the Congress would vote for more aid unless he did something, that he did something.

Admittedly, what the Sandinistas have done is not much. Asked to allow democracy, they have permitted some demonstrations and prohibited others. Asked to allow a free press, they have allowed some press to operate and have denied licenses for others. Asked to release political prisoners, they have denied they have political prisoners but offered to release them into exile.

But whatever they have done they have done partly out of fear of the Contras and in response to the pressure from the Contras.

The Catholic mediators have described the Sandinistas as liars and have said they did not believe the Sandinistas would negotiate sincerely if the Contra threat was removed.

The leaders of the opposition political parties have said they would be allowed to operate if it were not for the Contras and if the Contras were removed as a threat, their parties would no longer be able to function.

The editor of La Prensa had said that if more aid to the Contras is approved, her newspaper will be closed by the Government—but if more aid to the Contras is not approved, the paper will be closed later—and then for good, and with no hope.

The mothers of the political prisoners look at you with tears in their eyes and say that if aid to the Contras is discontinued their sons will die in prison. And they say that as the Turbas, the Sandinista "brown shirts," the young hoods unleashed by the Government, taunt them and threaten them, and attack them.

Ask the Permanent Commission on Human Rights what it is like in Nicaragua today, after the peace accords, after the meeting of the Central America Presidents, and they will tell you that the Government still arrests those who are innocent, that the arrested are tortured in prison, and sometimes disappear. That the Government bombs small villages of peasants and forces them into relocation camps and that the government unleashes the Turbas to prey on innocent citizens with threats and beatings. This is the independent Human Rights Commission speaking. the people who led the fight against Somoza.

Ladies and gentlemen, every one of these people—the mothers of the prisoners, the priests, the human rights commission, the labor union leaders, the political opposition, the editors—every one of them tells us that if there are no Contras, there will be no freedom. And I tell you, if there is no freedom, there will be no peace. If there is no democracy, there will be no peace.

We cannot abandon these people. You cannot look into the tired and frightened and lost eyes of the mothers whose sons have been hauled off to prison for no reason, and abandon them without hope.

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The dimensions of this resolution, which I have introduced for a bipartisan coalition of Republicans and Democrats, is not the issue. Ninety percent of this package is nonmilitary aid. There are no new weapons—just a resupply of ammunition for the weapons that are already there.

There are those who say "why is the vote today?" "Why can't we vote in 2 weeks or 3?" But they know, we all know, that the vote is today because the opponents of this package insisted that the vote be today and that was written into the law. And I will tell you that there is no guarantee that there will be another chance to vote on this. The real issues are simply two: first, do we get peace simply by allowing the Sandinistas to continue their military buildup, to continue their work for the Soviets and the Cubans, to continue the arrests and disappearances and tortures and beatings we protested against so strongly in El Salvador, but seem blind to in Nicaragua? Do we allow all of that to continue, or do we insist that we want both peace and freedom, both peace and democracy, as the Central Americans themselves demand?

And the second question is simply whether the Contras help that process along or hurt it? Speaker after speaker here today has said that to support the Contras is to destroy the peace process. But that is not what the Nicaraguans say. That is not what the Catholic Church, which is overseeing the negotiations, says. That is not what the labor union leaders say. That is not what the Commission on Human Rights says. That is not what the shopkeepers say. That is not what the political opposition says. That is not what the mothers of the tortured political prisoners say. That is not what the editors say.

No, the Nicaraguans, who have seen their Government walk out of the Contadora talks, who have seen their Government promise amnesty and deliver exile, who have seen their Government promise freedom and then unleash the young Turbas to threaten them and beat them, who have seen the Sandinistas smile for the United States, and then fly to Moscow, no, these people, the church, the press, the unions, the human rights monitors, they do not understand how we can fall for the same trick over and over and over again.

Once more, the Sandinistas promise they will not jerk away the football just before we kick it and leave us to fall flat on our faces. No my friends, the first two or three or five times this happened, you could plead trust. There is no excuse if we fall for it again—and the lives and freedoms of 5 million people are at stake. This is not a time for wishful thinking or for taking polls. This is a time to live up to your responsibilities as a Member of the Congress of the Government which is the protector of democracy and liberty.

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Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Chairman, this is the deliberative body of the greatest Nation in the world, the strongest Nation in the world, a nation that has stood for democracy and for freedom for over 200 years. But I must say to the Members tonight that I think we are not acting as if we were the greatest Nation in the world, the strongest Nation in the world, that nation that has been the purveyor of democracy around the world for 200 years. We have been that nation that other people, oppressed people throughout the world, have always known that if we existed, if the United States of America existed, there was always a light, a hope for freedom. I would suggest to those who support this additional aid for the Contras that the greatest Nation in the world can afford a few months, a little time to see if peace can be brought about in the Western Hemisphere.

I cannot tell the Members as I stand here tonight that the Arias peace process is going to work. I think it is going to work. I will tell the Members that I think we are a great enough nation to try to make it work, and I ask the Members to do so. What I can say to the Members is that we are not going to bring peace to the Western Hemisphere by supporting a bunch of mercenaries in this small country of Nicaragua.

If we want to handle the affairs of Nicaragua, we are the most powerful Nation in the world, and it is within our ability to do so and do so in short order. Yet we as a nation seem to have failed to have learned over the last 40-odd years, since the Second World War, some very definite things, things about which there is no question. Guerrilla warfare cannot be won without the support of the people.

We do not have that support through our mercenaries in Nicaragua. Even our generals, the two generals of the Southern Hemisphere, tell us that regardless of how much money we send to the mercenaries in Nicaragua, they cannot effectively hold any part of it for any length of time.

Have we not seen that ourselves since probably almost $1 billion has been transferred down to the mercenaries in Nicaragua? And what has been accomplished by it? Six years ago Nicaragua could not have beat itself out of a wet paper bag. Now that is not the case because every dollar we send down there is matched twofold.

So I say to the Members that even though $1 billion has gone to these mercenaries, they have not brought about peace. They are not going to bring about peace.

Are we not a great enough nation to let peace exist for a few months to try to see if our Western Hemisphere can be returned to democracy? I think we are that great. I think we do represent democracy, and I ask that as many Members as possible can vote against these additional funds for the mercenaries in Nicaragua.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the President's proposal, House Joint Resolution 444.

Mr. Chairman, Simon Bolivar, the great South American leader of the 19th century, dreamed of making the Americas the greatest region in the world. "Greatest," he said, "not so much by virtue of her area and her wealth as by her freedom.* * *"

Today, freedom is on the rise in Central America. Fragile democracies are trying to grow with a new generation of heroic leaders.

The peace plan of President Oscar Arias, of Costa Rica, offers the best hope for security and peace in the region. I believe the request of the administration for military aid at this critical time undermines this initiative and the diplomatic progress that has been made between the nations of Central America.

The administration has made the Contras the primary instrument of its policies; I believe this narrow approach is unwise. Only the broadest possible program has a chance. This program must have several parts.

First, we must support the Arias peace plan. The peace plan is not solely a means to bring peace to Central America. It is also a means to bring democracy to Nicaragua. If the Sandinistas do not give Nicaraguans basic, democratic freedoms then the peace plan has failed. Censorship of the press, repression of political opposition, and suspension of legal rights must end for the Sandinistas to be in compliance with Arias peace plan.

Second, President Reagan has offered to send the Secretary of State to negotiate directly with Nicaragua. He should follow through with this proposal. Philip Habib, who was the President's Special Envoy for Central America, unexpectedly resigned in frustration reportedly because he was unable to negotiate directly with the Sandinistas. The Secretary of State should go to Central America to encourage the peace process. He should talk directly with top Sandinista officials to prevent a Cuban or Soviet military threat from developing.

Third, we must more clearly define to Cuba and the Soviet Union our vital security interests in Central America. We must be prepared to enforce these limits with American strength. Our responses must be specific and unequivocal—not undefined strategies such as the random mining of Nicaraguan harbors.

Fourth, we need to commit ourselves to a long range partnership with the fragile democratic governments of Central America. The Kissinger Commission report, all but forgotten by this administration, should be revived and implemented. We need a kind of Marshall plan for the economic development of Central America. Not since the Alliance for Progress in the early 1960's has any administration set clearly defined social and economic goals for the region and then aggressively worked to achieve those goals. A revitalized Peace Corps, an expanded program of surplus food distribution, and attention to the needs of Central America in health and education, all should be considered if we truly want democracy to prosper.

Fifth, we should immediately begin discussion with Mexico about trade relations and debt problems. A stable government and vital economy in Mexico is critical to our security and the development of democracy in Central America. Just as we have negotiated a comprehensive trade agreement with Canada, we need to strengthen our economic ties with Mexico with a free trade treaty. The consequences for not devoting more attention to Mexico are severe for Texas and the Southwest.

Sixth, we should give more support and credence to the opposition parties within Nicaragua. The political oppostion must be strengthened to challenge the Sandinistas in elections for the popular support of Nicaraguans. They will be the vehicle for true democracy in Nicaragua.

Finally, we cannot ignore the realities of the Contras. They may well have a place in a future Nicaragua. They have had an important role in the peace process. Peace is not possible without the Contras and the Sandinistas sitting down at the negotiating table. This process has begun; we should make sure the Contras can complete it.

I support a package of humanitarian aid that will keep them at the negotiating table without disrupting the peace process—to support them while they remain in the field. This aid must be strictly humanitarian: food, clothing, and medical supplies.

But the real question that we face today is not wherther we support the Contras in Nicaragua. The question is whether we support peace and democracy in Central America.

As John Foster Dulles once said: "You have to take chances for peace, just as you must take chances in war. * * *" I believe that the Arias peace plan deserves this chance.

Mr. GREEN. Mr. Chairman, I plead with my colleagues to vote against Contra aid and to give the Arias peace plan the chance it deserves, for that is what this vote is about today. I have often said that, although I have voted time and again against aid to the Contras, I am no fan of the Sandinistas. But then this vote is not about popularity contests.

This vote is about whether or not we are going to comply with the terms of the Arias peace plan, which says that no foreign nations will give assistance to the insurgents in the region. I hope that no one has to sell this Congress on the value of the Arias peace plan. It has in 6 months accomplished what 6 years of Contra aid has not—it has gotten the Sandinistas to agree to such democratic reforms as a lifting of the state of emergency, a general amnesty for political prisoners, face to face talks with the opposition, the opening of radio stations and newspapers, and the promise of free elections.

Proponents of Contra aid argue that the Sandinistas' motivation for these reforms comes from the Contra aid itself and that if we lift the Contra aid the Sandinistas will drop those reforms. To this argument I say that the stick in our foreign policy need not always be a gun. We have many incentives that I believe would be more effective than Contra aid and far more conscionable. It is after all, the economic disaster wrought by the civil war which has brought the Sandinistas to comply with the Arias plan, not any military victory achieved by the Contras. And we have many economic sticks at our disposal should the Sandinistas turn their back at any time on the Arias peace plan.

I ask those proponents of Contra aid, "What will we buy with some $60 million in Contra aid if we pass this package today?" In the short term, we shall probably buy the anger of the Central American presidents who have cosigned the Arias peace plan, for the peace plan specifically bans such aid. Second, we shall probably be buying an easy exit for the Sandinistas who can then vacate the democratic reforms they have been forced to accept.

But even more omnious is the long-term prospect of Contra aid. What could we buy with a full fledged program of U.S. aid to the Contras? The best, most honest consensus is that what we would buy is a protracted guerrilla war in Nicaragua with no victors and many victims. It is a prospect that our constituencies would not accept and our consciences must not condone. It is a prospect that would bankrupt whatever is left of the United States image in Central America.

The American public—as represented by the massive outpouring of mail and phone calls we have all received—views this vote today as pivotal to the future of the region and to our place in it. If we are to come down on the side of democracy, we must vote "no" to Contra aid. If we kill the Arias peace plan, the blood will be on our hands.

Mr. FRENZEL. Mr. Chairman, the question before the House today is relatively simple, but the overall policy of which it is a part is very complicated.

Despite the focus of national attention on funding of the Contras, it is a good idea to review the entire policy regularly, as well as the single element that we confront today.

For me the problem is especially difficult. When the Contras were presented as the whole policy. I have voted negatively. When they were integrated into a larger regional plan including economic assistance, I have voted positively.

Both proponents and opponents of Contra funding say that their vote will promote the achievement of the Arias peace plan. The administration believes that the Contras have been a vital factor in bringing the Ortega government into negotiations with the neighboring governments. And it believes that only the threat of the Contras caused Daniel Ortega to take recent steps to improve compliance with the Arias plan. Opponents believe that Contra funding will ruin the peace process, drive Nicaragua into the arms of the U.S.S.R., and continue to violate "the rule of law."

It is not hard for most of us to support freedom fighters in Afghanistan and Laos. Nicaragua is a more difficult choice. Many of us squirm at the thought of financing a Nicaraguan insurgency. At least I do.

In the days prior to this note, I have had more than the usual opportunities to discuss our Central American policies with administration officials. One recent positive development coming out of such discussions was the President's decision to involve Congress in the decision whether or not to go forward with the 10 percent of funding which is ammunition. Essentially the President is willing to give up his veto power if Congress disagrees that ammunition deliveries should go forward.

This modest change should not be interpreted as a wholesale revision, but it is an act of outreach which the opponents have not matched.

The opponents have talked about voting to resume humanitarian aid next month, but no proposals have been made, nor procedures guaranteed, nor dates set. Such a proposal has not been drawn, has no consensus support among anti-Contra forces, and cannot be relied upon when costing a vote today. So far the secret plan is still a figment of someone's imagination.

That makes today vote even tougher. There is no reliable backup. Those who would like the Contras preserved in a different, perhaps gentler, way are denied that alternative. At least they are denied an assured alternative.

And, even if such a proposal should come to this body, it would be, as described by a number of anti-Contra speakers today, similar to what is before us now. A pure humanitarian aid package for the Contras is not much different than the pending proposal as modified to provide congressional disapproval of lethal aid.

For those contemplating an affirmative vote, the larger policy is very important. Many anti-Contras do not believe that this administration really supports the Arias plan. Much of my recent questioning has dealt with administration goals for the region, and plans to achieve those goals. I have been persuaded that administration expects the Contras to be a factor in the achievement of the Arias plan.

The region needs our help in other ways, too. Without it, there will be difficulties in the area no matter what else happens. We need to provide more market access for all Central American countries, either through an improved CBI, or through another special market facility. Despite budget woes, we have to provide development aid as well. And, we have to stimulate U.S. investment. On all of these critical matters, the administration has had a better record than the Congress.

My own experiences have persuaded me of the intensity of anti-Contra feeling. Those feelings are genuine and must be considered carefully. American don't want to finance warfare or violence. Opponents of this bill fervently want the peace plan to work, and believe the Contras hinder that plan.

However, the Ortega government is, by most accounts, repressive, and not much given to living up to promises. It was drawn into the Arias plan discussions with difficulty, agreed to the plan reluctantly, and did not live up to its agreements. Recently it has begun to meet the obligations it accepted, but the most recent changes were undertaken only a few days before this vote. In an effort to defeat Contra funding. It is clear that the presence of the Contras has been the major influence on improvements in Nicaragua.

The deportment of the Ortega government has been regularly and roundly criticized in this House. The neighbors in the emerging Central American democracies are pretty critical, too, of the recent Gallop poll, sponsored by USIA, of attitudes in Costa Rica, Honduras, and El Salvador is to be believed. Overall, there is little on the record that would inspire confidence in the Ortega-Sandinista government.

I would be much happier if there were another option. A cheaper, exclusively humanitarian, package, as hinted at by the Speaker, has more appeal to me than the pending bill. But there is no other option. We must make a choice now.

Assuming that our goal is the full achievement of the Arias plan, and based on the performance of the Ortega government, I have reluctantly concluded that a vote for Contra funding is a better vote than one against.

The existence of the Contras, and our funding of them, has not impeded the process of peace. It seems to me that the greater risk, that of disruption and instability in the region, would be incurred if Contra funding was stopped, and, as a consequence, the Ortega-Sandinista government was relieved of pressures to meet it Arias plan obligations.

If Congress objects to the deliveries of ammunition, if and when they are requested by the President, it has only to muster a bare majority. If there is a cease-fire, and if the Ortega government is living up to is obligations, there should be no difficulty in making that majority.

If, as has been hinted by a number of speakers today, there is to be another bill coming later, I hope that its secrets can be shared on a bipartisan basis. It is long past time that this body attempts either to recreate a bipartisan foreign policy, or to at least seek consensus in these matters.

Mr. MOAKLEY. Mr. Chairman, I rise in strong opposition to the President's Contra aid package.

If we are truly interested in peace and if we are truly interested in a more democratic Nicaragua—then Members will reject this package. History has shown that every time the United States increases aid to the Contras—the Sandinista government has responded with restricting civil liberties.

Mr. Chairman, more has been accomplished with respect to democratic reform in Nicaragua during the last 6 months as a result of the Guatemala peace accord—then in the entire 6 years of the administration's war in Nicaragua. Whether the administration likes it or not—the peace process is achieving progress in the right direction. Let's build on this progress—not destroy it.

Mr. Chairman, I want to also urge my colleagues to refrain from calling aid to the Contras—no matter what the form—humanitarian aid.

As stipulated in the Geneva Conventions of 1949, true humanitarian aid must be made available solely on the basis of human need and not for any political purpose; it must be offered impartially to all sides in a conflict; it must go to civilians and noncombatants; and it should be provided through independent agencies that have not taken sides.

Mr. Chairman, what we are talking about today and what we have talked about in the past regarding Contra aid simply does not pass the test of what real humanitarian aid constitutes. The bulk of what has been provided to the Contras thusfar finances daily living needs of a combatant force and does not constitute what, by law, is humanitarian aid.

This is an important point. The fact is that our careless and sloppy misuse of the term humanitarian erodes the integrity of genuine humanitarian aid and puts at jeopardy the future of those in need whose lives depend upon the delivery of such assistance.

Further, providers of genuine humanitarian aid operate in conflict situations at the sufferance of warring parties. Our careless use of the term "humanitarian" here in Washington—puts these dedicated people and groups such as the International Committee of the Red Cross in danger. I hope my colleagues will respect the internationally recognized definition of the term "humanitarian" and use that word carefully.

Mr. Chairman, there are people in Central America who urgently need true humanitarian aid to relieve their suffering. Our efforts today should be aimed at helping alleviate the pain of the sick, poor, and disadvantaged—and not aimed at increasing the turmoil.

Any aid to a combat force—except emergency medical aid that is provided directly to sick and wounded on both sides of the conflict—is not humanitarian aid. The package we are discussing today is in no way humanitarian aid—it is yet another attempt to sustain the war.

I urge my colleagues to defeat the Contra aid package today.

Mr. Chairman, I would like to submit to the RECORD an excellent letter written to Members of Congress by a distinguished group of leaders involved in various humanitarian relief efforts around the world. I urge my colleagues to read this letter carefully.

JANUARY 29, 1988.

DEAR MEMBER OF CONGRESS:

We are writing to urge congressional support for efforts to meet the urgent need for humanitarian assistance in Central America—that is, assistance to relieve human suffering of civilians and non-combatants—including repatriation and resettlement of those displaced or exiled by the war. In so doing, we wish to clarify the use of the term "humanitarian" to characterize various kinds of foreign assistance. As executives of private and voluntary organizations that have provided humanitarian relief in conflict situations for many years we are concerned that repeated misuse of the term undermines the principles that safeguard the rights of war victims and threatens the safety of humanitarian aid providers.

The right to humanitarian relief aid, in international law and custom, is recognized only for civilians and non-combatants. The aid is to be provided solely on the basis of human need, free of extraneous political objectives, and is to be offered impartially to all sides in a conflict.

Aid to the Nicaraguan armed opposition often is mistakenly characterized as "humanitarian." In recent days, the terms "humanitarian" and "non-lethal" have been used interchangeably in news reports on the president's request for additional aid. In addition, in the FY 1988 Continuing Resolution "humanitarian" assistance to the armed opposition is defined as "food, clothing, shelter, medical services, medical supplies, and payments for such items." Assistance to any combat force, even if restricted to food, clothing, shelter and medicine does not meet the criteria of humanitarian aid and should not be labelled as such.

We know that other proposals for assistance to the region are likely to be made in the near future. We urge that proposals for humanitarian aid follow the internationally agreed upon principles described above. We urge also that any assistance offered to parties to the conflict during the period of a ceasefire be channelled through reputable international humanitarian organizations.

Our work in the region indicates that repatriation and resettlement of nearly 2 million Central American refugees is a growing concern that deserves from the international community the same urgent attention to which the Central American presidents committed themselves in the Guatemalan peace agreement. We urge your strongest support for humanitarian assistance for this purpose.

Thank you for your consideration of our views on this matter.

Sincerely,

Norman E. Barth, Executive Director, Lutheran World Relief; J. Richard Butler, Executive Director, Church World Service; John A. Lapp, Executive Secretary, Mennonite Central Committee; Richard S. Scoble, Executive Director, Unitarian Universalist Service Committee; Asia Bennett, Executive Secretary, American Friends Service Committee; John Hammock, Executive Director, Oxfam America; Robert J. McCloskey, Acting Executive Director, Catholic Relief Services.

Mr. COYNE. Mr. Chairman, I rise in opposition to the President's request that Congress today approve $36.2 million more in aid to the Nicaraguan Contras. The President's request provides that $32.6 million would be for nonlethal purposes—$3.6 million of the package, however, is for lethal aid, and would be held in escrow until March 31. At this time the President could release the lethal aid unless Congress were to pass a resolution finding Nicaragua in compliance with the Arias accord. Further, the President is requesting an additional $24 to $32 million for replacing lost supply planes and for defensive radar and electronic equipment. If this request is approved, it will mean that the Contras will have received more than $89 million in U.S. aid since the peace process began.

The key question under debate here is: whether the threat of further aid to the Contras will pressure the Sandinistas to move closer to democracy, or whether further U.S. aid will destroy the budding peace process?

Mr. Chairman, it is my opinion that approval of the President's Contra aid request will have adverse consequences both for the Central American peace plan and for U.S. security interests.

First, consider that the President's request comes at a time when the Sandinistas have been making reasonable concessions toward democratization. On the other hand, the Contras have become increasingly rigid in their

demands in an attempt to delay the peace process. The U.S. administration, in its effort to destabilize the Sandinista government, is supporting a small guerrilla force which has little support among the Nicaraguan people. The Sandinistas, in their recent concessions, and in a personal letter to President Reagan by President Ortega, have shown that they want to end the strife in Central America. The Sandinistas want to end the war, but not if this means relinquishing power to the Contras. Further U.S. aid to the Contras, then, guarantees that the Sandinistas will continue the war.

Second, in evaluating the effect of the President's request on the peace process, consider that the Arias peace plan, while not perfect, has so far been the only effective vehicle for peace in the region. The Sandinistas have not responded to U.S. military pressure exerted via the Contras; however, they have responded to diplomatic pressure exerted by the Central American Presidents through the Arias peace plan.

Third, consider the components of the administration's request. The supposedly nonlethal aid, amounting to $32.6 million and available through June, could be used to transport troops and supplies, as well as lease helicopters. The President is also requesting additional funds for defensive radar systems. Is this truly nonlethal aid? Analysis shows that more than 75 percent of the supposedly humanitarian component of the request would in reality be used for military purposes. The President's request directly violates the Arias peace plan, the very plan the President has said he supports. The Sandinistas have stated emphatically that if further Contra aid is approved in violation of the peace plan, then they will not consider themselves bound by the agreement. Rather than ensuring compliance, as the administration argues, we can see that the new aid will clearly lead to an escalation in the war.

I urge my colleagues to consider the options carefully. True, the Sandinistas could renege on the peace plan if aid is cut off. On the other hand, the Sandinistas will certainly renege if aid continues. In short, we must give peace a chance. Worldwide diplomatic and economic pressure on the Sandinistas not to renege is strong. The Sandinistas have recently made overtures to Western European nations for economic assistance. With the Nicaraguan economy in dire straits, the Sandinistas cannot afford an embargo on economic assistance.

Finally, we come to the Soviet question. I am very aware of the threat to United States security posed by Soviet influence in Central America. I believe, however, that further aid to the Contras will simply pressure the Sandinistas into seeking more Soviet aid, both military and economic. This would lead to a no-win situation, as further United States military assistance to the Contras will rule out any diplomatic solutions, such as an agreement with Nicaragua to ban foreign military bases. Both Soviet General Secretary Gorbachev and Sandinista President Ortega have offered to halt Soviet military aid if the United States agrees to stop further Contra aid. Only the United States, through diplomatic pressures, can contain the Soviet military presence in Central America. This administration, however, refuses to consider diplomatic solutions, and instead relies solely on military pressure.

I firmly believe that the manner by which peace can best be achieved is through a regional negotiated solution such as the Arias accord, and I do not support military aid which undermines diplomacy. I urge my colleagues to join with me in voting against the President's proposal for continued military aid to the Nicaraguan Contras. I urge you instead to support alternative measures which will address the problems of economic and social development in Central America.

Mr. Chairman, I close with the words of one who successfully sought to change the world through the ways of peace and not violence. Martin Luther King, in speaking against United States involvement in Vietnam, a situation that bears frightening parallels to the present Central American conflict, once stated that:

> We must find new ways to speak for peace [in Vietnam] and justice throughout the developing world—a world that borders on our doors. If we do not act we shall surely be dragged down the long dark and shameful corridors of time reserved for those who possess power without compassion, might without morality, and strength without sight.

Mr. UDALL. Mr. Chairman, I continue to oppose additional aid for the Contras and support the Central American peace plan.

Clearly, the peace plan offers the best hope for the restoration of peace in the region and the eventual democratization of all the countries concerned. It has the support of the five nations of the region and deserves American support also.

Additional aid, even so-called nonlethal aid, for the Contras would simply undermine this peace plan, perhaps destroy it altogether. It would prolong the killing and destruction which is afflicting the Nicaraguan people and risk spreading this war to the countries neighboring Nicaragua. Any assistance will remove all motives the Contras might have for negotiating sincerely for a crease-fire. They would know that stubbornness would mean additional aid for ammunition in the near term and the possibility of even more funding in the future.

The President's last-minute appeal for his program merely recycled old arguments. His request for additional aid would continue a failed program which is itself contributing greatly to the problems of Central America. Even giving Congress the decision over lethal aid would hold the peace process hostage.

It will take a long time to restore peace and stability and to create truly democratic systems throughout Central America. This area has longstanding economic and social problems in addition to the problems which years of war have produced. But, a necessary first step is ending the war and restoring peace.

Mr. ANNUNZIO. Mr. Chairman, last December, the House of Representatives voted on a continuing appropriations bill of over $600 billion, which also included aid for the Contras. Under the rules which this legislation came to the House floor for action, no separate vote on the Contra assistance provisions were permitted.

Because no separate vote was taken, the will of the House of Representatives and the people of this Nation was frustrated. Today, we have the opportunity to reaffirm the position of the House by rejecting aid to the Contras, and instead, endorsing and supporting the peace process currently underway in Central America.

The Arias peace plan has produced several positive steps by the Nicaraguan Government. President Ortega has released about 1,000 political prisoners, and the newspaper La Prensa has begun publishing, without prior censorship, for the first time since 1972. Direct talks between the leadership of the Contras and the Nicaraguan Government also have been scheduled. It has been this peace process, not assistance to the Contras, which has produced these conciliatory actions by the Sandinistas.

Yet administration officials still refuse to sit down at the negotiating table for direct talks with Nicaraguan leaders. Most recently, Secretary Gorbachev during the summit in Washington, DC, offered to end Soviet military aid to Nicaragua, if the United States stopped its aid to the Contras. Still, the administration's response is a military one.

We in Congress should adhere to the wishes of the five Central American Presidents, who in a joint statement after their meeting in San Jose, Costa Rica, on January 15 and 16, renewed their call for an end to all military assistance to the insurgent forces in Central America. We must continue to give the Central American peace process a chance to work, instead of undermining it by seeking a military solution. Therefore, I urge my colleagues in the House of Representatives to vote against any assistance to the Contras.

Mr. DE LA GARZA. Mr. Chairman, if there be any alternative to force of arms, we—as a nation and as a people—have a moral responsibility to explore such an alternative in cooperation with all people of good faith who have the same commitment.

Peace and its derivative liberties must be sought by all peaceful means possible before resorting to the raw force of arms.

For if peace is achieved by force of arms, we have started on an irreversible road of using arms as the sole arbiter of freedom. And this is neither good nor healthy for a world power, or a weak people.

Our intervention in the manner proposed today only enables the civil strife to continue—and it divides families, putting brother against brother, father against son, and only encourages a nation to be at war with itself.

My vote for now must be to abide by our responsibility to explore all peaceful means.

Mr. HALL of Ohio. Mr. Chairman, I rise in opposition to House Joint Resolution 444, the resolution to approve the administration's latest request for Contra aid.

Today, we are voting on yet another installment of funding for the Contras. This specific request would provide $36.2 million in Contra aid through June, of which $3.6 million would be clearly lethal military aid in escrow which the President could release after March 31, 1988.

My colleagues should keep in mind that the request before us today would also allow for the expenditure of between $24 and $32 million in additional funds for the replacement of lost supply planes and for electronic and radar equipment. Moreover, although the core amount of $36.2 million is called nonlethal, the administration interprets this term to permit the purchase of trucks, the lease of helicopters, and the transportation of troops and supplies.

The total amount of this funding—a minimum of $60 million for 4 months—is almost identical, on an installment basis, to the administration's originally projected 18-month request of $270 million. The $32.6 million in so-called nonlethal assistance for a 4-month period also represents a tripling in the monthly rate of $2.65 million for nonlethal assistance approved last year.

If this request is approved by the House and Senate, the amount of direct and indirect Contra aid since the peace process began 6 months ago would total more than $89 million. And this would come on top of the more than $200 million of U.S. aid provided over 6 years to the Contras.

After all these expenditures, what do we have to show for our investment? The Contras have failed to rally the Nicaraguan people to their side, and they have failed to bring any significant territory under their control.

The policy of funding the Contras has yet to bring peace and democracy to Nicaragua. Instead, it has only brought killing, suffering, and hardship to the Nicaraguan people. Indeed, since 1981, over 25,000 Nicaraguans have been killed in the Contra war.

A coalition of organizations fighting Contra aid wrote in a letter to Members of Congress this week: "You cannot support both the peace process and the Contras." This certainly is true. Not only does Contra aid kill Nicaraguans, it also kills the prospects for peace.

Numerous Central American leaders have indicated that additional Contra aid would destroy the peace process. This would be a tragedy, since it is this peace process which has brought the Sandinista government to the conference table. Six years of Contra aid have not advanced the goals of peace and democracy for the Nicaraguan people; rather, it has been 6 months of the Guatemala peace accords that have done the most to advance these goals.

Last summer, at the height of the Iran-Contra hearings, Newsday made the following frank observation:

> A small detail is being lost in all the telegenic revelations coming out of the Congressional Iran-Contra hearings: The Reagan administration's policy of sending aid to the Contras makes no sense. The lying, deceit and ideological blindness that permeated the procedural disasters of the Iran-Contra affair are also at the heart of the substantive policy.

I agree that this policy makes no sense, and it is time for a clear vote from Congress against it. Let's not get so caught up in the details of this complicated aid package that we lose the basic issue.

A vote for the administration's money for the Contras not only is a misuse of the American taxpayers' dollars, it is a vote against the peace process. Support for more Contra aid at this time will undercut—if not destroy—all the work for peace of our neighbors in this region.

These nations have taken a risk for peace and, as frontline nations near Sandinista Nicaragua, they have the most to lose if the peace initiative fails. After funding an unsuccessful 6-year-old war effort, the least the United States should do is not to scuttle our allies' 6-month-old peace effort.

Instead, let us work with them to promote democracy aac7 smith, c 2-3-88 J. 19-060 F. 957/7 A03FE7.339

Mr. FAUNTROY. Mr. Chairman, I rise in strong opposition to the Reagan administration's request for $36.25 million in Contra aid, House Joint Resolution 444.

This request for lethal and nonlethal assistance for Contra aid amounts to at least $60 million.

I oppose this request because it will not promote peace but derail the process set in motion in Guatemala City with the Esquipulas II accord. The provision of sucn aid, rather than promoting democratization in the region, particularly in Nicaragua, would serve to strengthen the hand of hard-line Marxist-Leninist forces in the Sandinista leadership.

The vast majority of people in Central America want peace. We must give the Arias peace plan a chance. Let's vote against this ill-advised proposal, which would escalate the projection of the East-West conflict in the Western Hemisphere.

Finally, Mr. Chairman, I must comment on the hypocrisy of the administration's claim that it is concerned with the promotion of democracy in the Western Hemisphere. I believe the administration is anti-Communist, but it is not prodemocracy.

In Haiti, where democratic forces are in life-threatening peril, the Reagan administration tells us it has limited leverage and is prepared to recognize a regime installed through the brutal murder of voters and systematic state terror. The Reagan administration says it can do nothing to help; it will send the U.S. Ambassador to the inauguration of an illegitimate President of that republic on February 7, 1988. It is against economic sanctions. It has failed to utter a word of support for the courageous democratic Presidential candidates who boycotted an electoral farce on January 17, 1988. Its silence and inaction equals functional complicity in the hijacking of the Haitian people, a people which has demonstrated over and over again in the face of murderous violence, that it wants democracy. The Reagan administration's lame response is that for it to act or even speak out it needs a signal from the Haitian people. They have signaled repeatedly and courageously but the administration has been blind to that signal. Why? Well, there is no significant Marxist-Leninist presence in Haiti. Therefore, since there is no East-West dimension, Haiti is of no meaningful interest to the foreign policy decisionmakers in this administration.

Let us be clear, this is not a vote that the administration wants to promote democracy. It wants approval of this Contra package only to continue its anti-Communist crusade through military methods. It is a sterile, self-defeating approach and it will defeat the peace process.

Let's vote this package down.

Mr. DICKINSON. Mr. Chairman, once again, we are faced with the question of what role the United States will play in the democratization of Central America.

Do we continue to support the Nicaraguan freedom fighters to keep the Sandinistas at the negotiating table; or do we half-heartedly go along with the Arias peace plan by, once again, abandoning our support for freedom and democracy in Central America.

It seems to me that lately, our reputation for consistency in our foreign policy objectives leaves much to be desired. From wavering on arms sales to our Saudi Arabian friends, to a lukewarm commitment in the Persian Gulf.

This policy of inconsistency has been prevalent in Central America. Congress has undermined the administration's support of the democratic freedom fighters by defeating aid requests on two separate occasions. Only to turn around and support additional aid packages after Daniel Ortega accepted Soviet funding to promote the Communist agenda, and to continue the Sandinista's disregard for basic human rights in Nicaragua.

Since the Arias peace plan has been in place, the Sandinista regime has made no attempt to negotiate with the Contras, but has responded with plans to escalate the size of their military force to 600,000 soldiers.

Only recently, with the threat of a new U.S. aid package, have the Sandinistas agreed to talk directly with the Contras. It's very obvious that the Sandinistas respond to one thing, and one thing only: Pressure; the threat of a continued and consistent U.S. policy that espouses democracy and freedom.

Without this pressure, the Sandinistas have no incentive to honor the Arias peace plan, and have no intention of honoring basic human rights in Nicaragua.

Mr. Chairman, freedom costs. Without the continued pressure from the United States, the Sandinistas will ignore the Arias plan, and will continue to disregard the Nicaraguan pleas for democracy and freedom.

Let's make the Arias plan work, support peace and democracy by keeping the pressure on the Sandinistas. Support President Reagan's aid package.

Mr. HOUGHTON. Mr. Chairman, today I am voting against legislation extending further American military aid to the Nicaraguan Contras. But I do not want Managua to misunderstand this vote.

I have voted for Contra aid in the past. This time I vote "no" for a particular reason. That reason is the Arias peace plan. I visited Nicaragua in January. I have heard and read what President Ortega has recently said. Despite reasonable evidence to the contrary, I want to believe Sandinista statements about such things as allowing La Presna and Radio Catolica to remain open, halting aid to guerrillas in other countries, giving amnesty to those who have opposed them, and permitting open, honest elections to take place. This is what I want to believe.

I also would like to do my part in preventing the United States from being party to anything which might damage the chance for a political solution to a horrible war. Conditions are different than they were even a few months ago. There now is a plan if there is a will, and quite frankly, the will now must be the Sandinistas. No matter how my colleagues vote every one in his or her heart wants peace for Nicaragua, Central America, and the United States. As a veteran of World War II, I am well aware of the costs of war. What we search for is not

just peace at any cost, but a fair, decent, and a democratic peace. This is not one shoved down the throats of citizens by a single party.

So as Mr. Ortega moves ahead in implementing his part of the Arias plan, there are more than a few of us who will be watching. If I, for one, find my trust to be misplaced, then I will feel no hesitation in reassessing my position.

I am going to hope during these next critical months that the Nicaraguan Government will somehow justify the trust which more than a few of us have placed in it.

Mr. GRADISON. Mr. Chairman, the House again has before it a request from the President to provide further assistance to the democratic resistance struggling against the government of Nicaragua. No other issue on the foreign policy agenda of the United States in this decade has so deeply divided American public opinion and the Members of this body as the question of Nicaragua and the best method to foster democracy, peace, and stability in Central America.

After carefully weighing the issues involved, I have decided to support the President's request for $36 million in assistance to the Nicaraguan resistance, including the provision of $3.6 million in military aid held in escrow. I urge my colleagues to join me in supporting the resolution.

Progress toward democracy and regional stability has admittedly been halting and uncertain. In a region where the roots of the democratic tradition generally do not run deep perhaps that is to be expected. Yet, there has been progress. El Salvador, Guatemala, and Honduras have joined Costa Rica in the democratic experiment. These advances must be strengthened.

In their midst, however, lies a regime in Nicaragua that, by all available evidence, continues to support insurgent forces in the region and whose commitment to fulfill the democratic promise of the 1979 revolution can be legitimately called into serious question. Additionally, recent revelations by a high ranking Sandinista military officer, Maj. Roger Miranda, that Nicaragua plans an expansion of its armed forces far in excess of what would realistically be required for defense calls into serious question that government's sincerity. It is difficult, under these circumstances to ascertain the intentions of the Nicaraguan Government.

Pressure from the armed democratic resistance, the opposition inside Nicaragua, the states of the region, international public opinion, and American policy have all had a role to play in moving Managua toward concession and compromise. The question is, how real and viable are these concessions?

Following a disturbing pattern, recent moves by the Sandinista regime, including the lifting of the state of emergency and the release of some political prisoners, have come as a vote in Congress on further Contra aid was imminent. Some Nicaraguan officials, including Foreign Minister Miguel D'Escoto, have been extraordinarily candid in their contempt for the Guatemala Accord signed by the presidents of the five Central American nations on August 7, 1987.

It appears to me, Mr. Chairman, that a vote by the House to deny the President's request would remove an important element in the pressure facing the Sandinistas and in our ability to move them toward democracy. Continuing to provide nonlethal assistance will maintain the structure of the military resistance. In my view, placing funds for lethal assistance in escrow will further the peace process by giving Managua continued incentive to agree to a cease-fire and take further and irreversible steps toward a more open political system.

In 1979, Nicaragua pledged to the Organization of American States and the Nicaraguan people that the promise of the revolution was the promise of democracy. The United States extended its hand in friendship and provided over $100 million in direct assistance and helped to secure millions more from multilateral lending institutions. Then there were no Contras and many now in the Nicaraguan opposition were a part of the government. The democratic promise went cynically unfulfilled and the authoritarian, Marxist, and revolutionary regime which emerged genuinely threatens the stability of the region.

Pressure, in all of its forms, has compelled the Sandinista regime to begin to move toward democratic reform. Now is not the time to remove any of the incentives for the regime to change. I urge my colleagues to support House Joint Resolution 444.

Mr. TOWNS. Mr. Chairman, I rise today to reaffirm my strong opposition to our government providing any aid—military or humanitarian—to the Nicaraguan Contras.

The Reagan administration has demonstrated time and time again that it believes that the goals of peace and freedom in Nicaragua are best supported through subsidies to armed resistance factions.

How ironic it is that, in this day and age, when we are all being asked to make do with less or without, our President is asking us to send millions of dollars in aid to a group of people who are working to overthrow a legitimate government.

How can we in America justify spending millions of dollars in aid to the Contras when our children cannot read or write because of an inadequate educational system; when our young people cannot go to college because of cuts in Federal financial aid programs. When we know that thousands of people go to bed hungry and homeless every night. When our neighborhoods and communities are being destroyed by the plague of drugs that are allowed to enter our country with impunity, because Federal funding for drug interdiction is being cut.

Where are our priorities?

I firmly believe that the road to peace in Central America is best paved by the people of Central America. The signers of the Guatemala accord have taken a major step toward resolving the problems which exist in their countries. The Arias peace plan has made me very hopeful about the prospect that peace and freedom will be soon in coming, not only to the people of Nicaragua, but to all the people of Central America.

I believe that aid to the Contras will kill prospects for peace. Central American leaders agree that an end to Contra aid is an "indispensable requirement for the success of the peace efforts." Costa Rican President Oscar Arias himself has said that more Contra aid will result in the deaths of 20,000 to 30,000 Nicaraguans in fighting.

Some argue that aid to the Contras is necessary to ensure cooperation from the Sandinista government. However, 7 years of funding the Contras has done little or nothing to bring peace to Nicaragua. It has only been through the recent signing of the Guatemala accord that substantial moves toward peace have been made.

I continue to believe that the role of the United States in Nicaragua should be one of facilitator, helping to bring all of the people of Nicaragua together so that they, themselves, may determine a mutually agreeable and acceptable solution to their conflict.

In closing, as I reaffirm my opposition to any aid to the Contras, I also pledge my continued support for the peace process which has already begun in Central America.

Mr. McGRATH. Mr. Chairman, after a great deal of thought, I have decided to vote in favor of continued assistance to the Nicaraguan resistance forces. Over the past several months, I have received thousands of letters and calls, which show tremendous divisiveness among my constituents. This issue is not one that can be considered solely on the basis of its popularity or lack thereof.

To the opponents of assistance, I will acknowledge that the Reagan administration has been equivocal to say the least over the last 6 years. The lack of direction does not, however, justify abandonment of the Contras. We appear to have muddled our way to a position where a combination of diplomacy and the threat of continued military aid will bring Nicaragua toward democracy and respect for its smaller and less powerful neighbors. I find it hard to believe we would have reached this stage without pressure exerted by the resistance.

President Reagan's plan is a significant departure from prior aid requests and a sincere effort to bring about a bipartisan compromise on American policy in Central America. He has included Congress in the decisionmaking process, and the majority leadership has offered no alternative to the administration plan. Those who complain that it was too late have short memories of the pace at which this body has worked on the Federal budget and other pressing matters within the last 3 months. Under the Reagan plan, the so-called lethal assistance may never be released if the Sandinistas follow through on their promises.

Daniel Ortega's slothful response to the requirements of the Arias peace plan has been a major influence in my decision to vote for the President's package. I think that recent concessions by the Sandinistas have been little more than thinly veiled public relations ploys timed to coincide with congressional action on aid to the Nicaraguan resistance.

The often repeated statement that no Marxist government has ever voluntarily relinquished power is dismissed by many as harsh rhetoric, yet no one can challenge its veracity. The Sandinistas' promise to allow opposition political activity rang hollow last week in Managua when Sandinista gangs harassed an opposition party meeting and roughed up political opponents. Several protesters were also arrested at a demonstration.

Others have been victims of this tactic over the last three decades. Solidarity members in Warsaw, Soviet Jews in Moscow and Leningrad and Hungarian students in the streets of Budapest are but a few of the unfortunate groups which have tried to exercise political power in a totalitarian state. My concept of democracy simply does not include officially sponsored intimidation and violence directed at political opponents.

Another well-known tactic the Sandinistas have adopted from their mentors is the gift of human beings. Yes; they have released political prisoners, but the number released is only 10 percent of the total held. Nearly every member of this body has accosted the Soviets, the South Africans, Vietnam, and others for imprisonment of political opponents. Like the others, Nicaragua offers us a token of sincerity, but with 9,000 people still in jail, an opposition figure would need a great deal of courage and fortitude to speak out against the government.

We will spend over $290 billion this year for national defense, which is primarily defense against Soviet forces. I find it inconceivable that we would simply permit the Soviets to repeat their success in Cuba. While I do not see the Sandinistas as an immediate military threat to the United States they are certainly capable of destabilizing areas south of our border where significant American interests are present. Those interests include the Panama Canal, Mexican oil reserves, and other resources vital to our national economy and the economies of every other nation in the region.

The Defense Intelligence Agency estimates that the Soviets provided $1.81 billion in military aid to the Sandinistas since 1980, with $600 million of that total sent in 1986. Economic aid over the last 8 years has been estimated to be approximately $1.83 billion. Nicaragua has standing armed forces numbering approximately 140,000 with support from an estimated 3,000 Cuban and 200 Soviet advisers. Smaller contingents from Eastern European nations, Libya, and the Palestinian Liberation Organization also are present.

Soviet deliveries of weapons to the Sandinistas include the following: 12 HIND helicopter gunships, 35 troop transport helicopters, 110 medium weight T-55 tanks, 30 light amphibious PT tanks, and 200 other armored vehicles. They also have a large stock of SA-14 missiles, which are the most modern surface-to-air weapons in the Soviet arsenal. To paraphrase President Reagan, I doubt that the Politburo anguished over sending these lethal supplies.

The Contras are the only internal force in Nicaragua capable of responding to future violations of the Arias plan. No one on either side of the aisle wants continued violence and bloodshed in Central America, and everyone seems to agree that we have geopolitical concerns in the region. If the peace process moves forward, as I hope it does, I am willing to support substantial economic assistance and a new trade relationship with Nicaragua. Without the resistance forces, we have no assurance whatsoever that we can reach that point. To renege on our support for the Contras at this time would have serious ramifications for the struggle toward democracy in Nicaragua and throughout the world.

Mrs. COLLINS. Mr. Chairman, on Tuesday, January 26, the Reagan administration placed its latest bid to scuttle the Central American peace process. By requesting over $36 million in aid for the Nicaraguan Contras, President Reagan once again demonstrated his unwillingness to allow the Central American nations to determine their own destinies.

On the surface, the interests of the signatories to the Central American peace treaty would seem to be diametrically opposed. Nicaragua is a Marxist state where civil liberties are at best tenuous, and has the largest land army in the region. Costa Rica, on the other hand, maintains a small police force and a longstanding policy of neutrality, while El Salvador and Honduras are American allies, the former in the midst of a civil war against the left-leaning FMLN and the latter the primary base of operations for American forces and the Nicaraguan Contras. Barring outside interference, how can a peace plan succeed among such diverse interests?

Throughout recent history Central America has been dependent on outside forces for the determination of its own destiny. During the 17th and 18th centuries, the Central American republics depended on Spain for material support and, more recently, the United States has dominated the region. It is not surprising that the Central American leaders have decided to work for peace and determine their own destinies.

The Reagan administration opposes these efforts on the premise that the Arias plan does not do enough to ensure peace. The true source of contention, however, lies not in the perceived effectiveness of the plan. Rather, self-proclaimed and deliberate efforts by White House officials to slow the peace process at the recent Central American summit stems from the realization that an independent Central America would translate into failure for the administration's hegemonic policy.

Mr. Chairman, it is time for the Reagan administration to understand that if dependency translates into war, then we must foster peace. We must always realize, as it says in the Charter of the Organization of American States, that our ultimate goal must be "to provide for the betterment of all, in independence, in equality and under law," the final objective being peace throughout the Americas. Only then can democracy and prosperity be finally achieved.

I urge my colleagues to oppose the administration's request, and to oppose any other proposals for aid for the Nicaraguan insurgency.

Mr. KENNEDY. Mr. Chairman, I rise in opposition to aid to the Nicaraguan Contras. The people of the United States are opposed to Contra aid because they don't want to see our country as the world's policeman. The American people know there is no threat to the United States from Central America. They know that the Mig's and missiles the President talked about last night just aren't there. Our Nation deals with Communist superpowers daily on a global scale. We sell grain to the Soviet Communists and weapons to the Chinese Communists. Yet the Reagan administration remains scared of a Marxist minipower in Central America. By financing more violence, we ignore the poverty, disease, and illness that are the basis of the conflict in Nicaragua. What we need is a policy that uses our technology, our capital, and most importantly, our compassion, to fight the illness and destitution that are the real enemies of democracy in the developing world.

Oscar Arias, after accepting the Nobel Peace Prize, said "the Contras are not the solution, they are the problem." I urge my colleagues to support the Arias plan, not the Abrams plan. Vote "no" on Contra aid.

Mr. BATES. Mr. Chairman, our administration's policy of support for the Contras in Nicaragua has brought the international stature of the United States to an embarrassingly low level.

In 1962, our Government voted in favor of U.N. Resolution 1815, which stated that all nations have "the duty not to intervene in matters within the domestic jurisdiction of any state."

This resolution was amended in 1970 by a declaration concerning friendly relations and cooperation among states. It was supported by our Government, and stated that:

> Every state has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another state.

Mr. Chairman, the Reagan administration has clearly violated these principles of international law through its assistance to the Contras. Our commitment to international peace and security has been ridiculed by the actions of administration officials. These officials have violated our laws, and have shamed our Government in the eyes of the international community.

In order to renew the commitment of our country to the principles of international law, I urge my colleagues to join me in opposition to any further assistance to the Contras. We must demonstrate our country's leadership as a defender of the international principles which we have helped to develop. A "no" vote today will show that our Government can stand behind its words not only domestically, but internationally.

Mr. LOWERY of California, Mr. Chairman, I want to express my strong support for approval of the President's request for aid to the Nicaraguan resistance. This aid is the only real tool available to ensure the Sandinista government fully complies with the Central American peace agreement. United States support for regional negotiations backed by military pressure by the resistance has won concessions from the Sandinistas. This policy is working and should continue until true democracy is established in Nicaragua.

No Marxist-Leninist dictatorship has ever voluntarily shared power or created a true democracy. The Soviet Union has only begun to consider withdrawal from Afghanistan because of the increasing strength of the Afghan resistance. Communist governments only respond to diplomacy when that diplomacy is backed by military strength.

Mr. Chairman, war is a terrible and tragic event. No American willingly supports war as a solution to any international problem. Yet, if we do not support the Nicaraguans willing to fight and die to save the original ideals of their 1979 revolution, war will eventually spread to all of Central America. The Sandinistas will be free to support Communist guerrillas anywhere in the region, and if this occurs, our own young people may soon be forced to fight to defend American freedom and security.

The desire for peace and the willingness to negotiate are noble and vital principles, but alone they have not and can not bring peace to Central America. Military pressure on the Sandinistas is essential. The carrot-and-stick approach is working. However, the carrot of the Central American peace plan will be ignored by the Sandinistas if the stick of the Nicaraguan resistance is removed. I urge approval of this resolution.

Mr. STARK. Mr. Chairman, the Reagan administration is floating trial balloons on how to keep the Nicaraguan Contras alive after funding is cut off by the Congress. In recent news reports, Secretary of State Shultz has not ruled out seeking funding from third country sources.

We must put a stop to these efforts immediately. The will of the Congress should not be thwarted with these backdoor efforts by an administration who apparently will stop at nothing to see its policy implemented in Central America. The Congress has said enough, the people say enough, yet the administration seems willing to turn to questionable methods of keeping a lost cause moving.

I am prepared to introduce legislation which would deny most-favored-nation trade status to countries which provide any kind of assistance to the Nicaraguan Contras. Assistance is defined simply as any kind of help. The help could be money or goods. The assistance can be lethal or nonlethal. The Congress just will not tolerate the continuing circumvention of its clearly stated goals of no war in Nicaragua.

This administration has demonstrated the need for the Congress to take this type of action. They have gone to third parties before when Congress cut off aid. They have been willing to circumvent the law and have lied about it.

It is no good if the Congress cuts off aid to the Contras only to find the war continuing. This legislation is being proposed to make sure that if the Congress says no to war in Nicaragua, that is what happens. Let's give the peace process a chance.

Mr. SMITH of New Jersey. Mr. Chairman, I rise again today to urge support for the aid package before the House. The President's request grants the Sandinistas further opportunity to make constructive change in the period before March 31, and such reform would deflect additional aid for the Contras. The Sandinistas are granted still another opportunity to comply with the promises made when they signed the Esquipulas II peace accords. Civilian opposition and the military and political successes of the armed resistance—the freedom fighters—have expanded and have brought effective pressure on the Communists. For this reason, the Sandinistas have realized they must come to the peace table.

Mr. Chairman, I again encourage my colleagues to read this morning's Washington Post editorial urging Members to approve the aid package noting that—

> The record of the last 6 months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone.

Indeed, Mr. Chairman, unless the Contras are supported, we have no other viable alternative as an effective pressure on the Sandinista regime.

Many of those opposing this military aid, which will be placed in escrow until March 31, seem to lack the confidence that the Sandinistas will comply with a cease-fire. Today's vote comes 6 months after the Guatemala meeting of the Central American countries—after two extensions on the date for implementation. Why should we trust the words of the Sandinistas now?

The promises made to the OAS in 1979 have so often and repeatedly been violated that we would sound like broken records if we focus on that. Nonetheless, let's look at the more recent promises made at the Guatemala meeting in August 1987. We have received fresh, first-hand intelligence information from recent Nicaraguan defector, Maj. Roger Miranda, regarding the real intentions of the Sandinistas.

As Major Miranda stated in a meeting with House Members, "At the same time as they were talking about peace under the Esquipulas II agreement, in Nicaragua training of Salvadoran guerrillas, training of Guatemalan guerrillas went on." As early as 1980, the Sandinistas had created an agency simply called the Bureau, which coordinates logistics for the various guerrilla movements in Central America. Major Miranda confirmed that as late as October 1987 when he defected, the guerrilla groups, with headquarters in Managua, were still being granted facilities and military training by the Sandinistas.

In addition, Major Miranda has confirmed and provided critical data to substantiate our fear that the Sandinistas have every intention of establishing a strong, pro-Soviet military presence in Central America. As Miranda verified:

> The worst part is that in the second week of October [1987] the Sandinista Directorate approved a plan which had been drawn up in September [that was after the signing of the Peace Accords] with the Soviets and Cubans in Managua regarding the development of the Sandinista army over the next 8 years.

The Sandinistas have planned near exponential military buildups in Nicaragua including a 600,000 man fighting force bristling with Soviet armaments. Even at this time, the Sandinista military, at 75,000 strong, is the largest armed force in Central America.

What are Mr. Ortega's motives in his most recent promises? Mr. Ortega opened the January 15-17 regional peace plan review meeting with the five Central American Presidents with a request for an additional extension on the deadline for compliance. When his request was denied by the four democratic leaders, and the peace plan seemed doomed, Mr. Ortega announced his own "concessions." The most current Sandinista promises include an end to the 6 year state of emergency, direct talks with the armed resistance, and amnesty for more political prisoners.

We mustn't overlook the process which was set in motion on August 7, 1987—almost 6 months ago to the day. The date set for implementation of the tenets of the accords was November 7—90 days after the signing. In September, 16 non-Nicaraguan prisoners were pardoned; 985 political prisoners—out of the 8,000 to 10,000 estimated by the independent Nicaraguan Permanent Commission on Human Rights—were finally released on November 22. Among the mid-January list of concessions made by Mr. Ortega, his new promise for amnesty is conditional to a cease-fire, or should the United States or any non-Central American country accept the prisoners. Any conditions placed on the general amnesty is in contradiction to the peace accords.

Not until the Sandinista regime was backed up against a wall did Mr. Ortega agree to meet with the Contras in "limited" direct talks—the meeting has been set for next week. When the Sandinistas agreed to President Arias' suggestion that Cardinal Obando y Bravo—a very respectable religious leader gentleman whom I have had the honor to meet—be appointed as mediator in the negotiations, a glimmer of hope for a cease-fire was set aflame. Repeatedly the Sandinistas refused direct talks with the resistance, and insisted that the Contras lay down their arms prior to any talks.

The concessions ignore several tenets of the peace accords and are not enough to ensure the Sandinista commitment to genuine change—the steps toward democratization must be "irreversible steps." Although the peace accords committed the Central American countries to "an authentic democratic process * * * pluralistic and participatory," only 1 week after the signing, the peaceful demonstrations of the Nicaraguan Democratic Coordinator and the January 22 movement of Mothers of Political Prisoners were abruptly put down. The state security used electric cattle prods, sticks, and dogs to disperse the crowds and a number of individuals were arrested, including two well-known opposition leaders. Again, as recently as January 22 of this year, the offices of the internal opposition coalition, the Nicaraguan Democratic Coordinator, and a peaceful demonstration of the January 22 Mothers of Political Prisoners Movement were attacked by Sandinista mobs and yet the police did not attempt to halt the attacks. At this time the state of emergency has been lifted but arrests and attacks of opposition leaders and groups have continued.

The Sandinistas have permitted one opposition newspaper, the La Presa, to be published and one radio station, Radio Catolica, to be broadcast. This is a step in the right direction. And yet, all newspapers should be permitted to operate freely. Radio Catolica was initially prohibited from broadcasting news, and in fact, about 20 radio stations have still not been granted permission to broadcast news. As Interior Minister Tomas Borge directed the news directors, "every news medium [must] respect the desire of the revolution." In other

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words, the Sandinista's activities must not be criticized.

The National Reconciliation Committee which was called for in the peace accords has been ineffective. While the committee was designed to "verify the fulfillment of the commitments undertaken by the Central American governments," and to "initiate dialog with all domestic political opposition groups," the Sandinistas have refused to discuss with internal opposition groups lasting constitutional reform and new elections. How should we be expected to believe that true democratization—with free and open elections—will be granted when Mr. Ortega makes statements such as, if the "Sandinista Front lost an election, the Sandinista Front would hand over government, not power."

Mr. Chairman, the aid to the Contras must be supported. If we fail to approve this aid based on Ortega's most recent promises and concessions, we fail to provide a safety net for ourselves, and more importantly for those forces truly committed to democracy. Let's give Mr. Ortega one more chance—until March 31—to comply, but let's have this mechanism in place should the Sandinistas fail to live up to their word. I urge my colleagues to support this aid for the freedom fighters in Nicaragua.

Mr. DIXON. Mr. Chairman, I rise in opposition to the President's Contra aid package and urge my colleagues to vote against House Joint Resolution 444. Again, we are faced with a difficult choice—a choice between support for the five Central American leaders in their quest for peace and democracy in the region or support for the Contras who are determined to bring down the Nicaraguan Government. There should be no mistake—any additional assistance, whether military or under the guise of "humanitarian," is not only in direct violation to the Arias peace agreement endorsed by the five Central American leaders, but risks placing our country in the center of an undeclared war in Nicaragua.

The administration says aid to the Contras is our only insurance policy for peace, and that it is only because of pressure by the Contras that the Sandinista government has made modest changes toward democracy. Can more Contra aid insure greater democracy?

I have examined the administration's Contra aid package, and cannot agree with those who are calling it an insurance policy for peace. Of the $36.2 million, $32 million will be used for humanitarian assistance, which would include the purchase of helicopters, logistical equipment, and spare parts; another $20 million would be available to replace leased aircraft; and the remaining $3.6 million for military equipment would be placed in an escrow account until the President determines a cease-fire is not likely. Are these the tools of peace? Should our country triple our aid to the Contras at a time when diplomacy is working? Should United States taxpayers' dollars be used to buy guns and bullets for the Contras and, at the same time, put at-risk the gains made inside Nicaragua over the last 6 months?

While the response of the Sandinista regime has certainly fallen short of the goals set by the peace agreement signed in August, we have seen more positive changes. The Sandinistas have lifted the nationwide state of emergency, granted amnesty to political prisoners, agreed to hold municipal and local elections, allowed the opening of opposition radio stations, newspapers, and magazines, and more importantly, entered into a new round of direct talks with the Contra leaders.

While sharing the administration's concern for lasting peace and democracy in Nicaragua, I disagree with the steps the President has chosen to achieve that goal. We now have a chance to cast our vote in support of lasting peace and regional stability. It is the Arias process that has brought Nicaragua closer to democracy and allowed the first steps toward reconciliation in El Salvador and Guatemala.

Should our country that was founded on the principles of freedom and democracy, strike the final blow to peace in the region by further aiding the Contras? I urge my colleagues to just say no by voting against House Joint Resolution 444 and supporting the promise of peace.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the administration's request for further aid for the Contras.

There has been a lot of discussion about the particulars of this aid request, but that seems to me beside the point. We had no business funding the Contras in the first place, and we should not believe any claims this administration makes about its lofty motives in the region. Instead, we should demonstrate a real commitment to achieving peace in the region by respecting the agreement negotiated by those parties most affected—the Central American Presidents themselves.

From the beginning, there was ample evidence that the bulk of the Contra forces were former supporters of repressive dictator Anastasio Somoza, and that they enjoyed little popular support within Nicaragua. When concerns were expressed about the wisdom of funding these renegades, we were assured that there was no intent to destabilize or overthrow the Nicaraguan Government, only to stop the Sandinistas from providing weapons to guerrilla groups in El Salvador. In reality, weapons interdiction proved to be very low on the agenda. When Congress discovered the kinds of activities for which it was providing funds—the mining of Nicaraguan harbors and the publication of CIA assassination manuals, for instance—and passed the Boland amendment, other ways were found to fund the war.

Now I am receiving some very pious communications from the executive branch, trying to convince me that its main interest is in ensuring self-determination for the people of Nicaragua. This is even less believable than the weapons-interdiction claims. We have never stopped meddling in the internal affairs of Central American nations, particularly Nicaragua. Self-determination to some officials is only valid if the final result is in an image consistent with their philosophies and prejudices.

What more proof is needed than the actions of the administration with regard to a Central American peace plan? From the beginning, it has tried to belittle the peace process, and when that was unsuccessful, to derail it. There are claims that Ortega cannot be trusted. Where was the suspicion, the righteous indignation, when millions of dollars in Contra aid could not be accounted for, or when officials lied about their activities in Central America, or when funds were diverted to secret bank accounts? Sandinista suppression of liberties is highlighted, and a parade of "victims" of the Nicaraguan Government is brought forth, but evidence of gross human rights abuses by the Contras is played down, and the death of Americans at rebel hands is ignored. Nicaragua is portrayed as a deadly threat to American security and regional stability, while its small size, its extreme poverty, its preoccupation with internal problems, and its paranoia about the possibility of invasion by American forces are all ignored. The administration claims to be promoting true democracy in Nicaragua. Why is it not promoting democracy so enthusiastically in other nations in the region?

The administration's stated goals regarding Nicaragua are not so different from my own. I do want self-determination for the Nicaraguan people. I do not want Soviet bases in Nicaragua. I do not want any country in the region to promote instability within its neighbors' borders. However, it is abundantly clear that we have not been acting in a way to achieve these goals. U.S. security interests can be protected without sponsoring the overthrow of a legitimate government. Soviet bases can be kept out of Nicaragua through negotiation, rather than military campaigns which only serve to more closely ally the Sandinistas with the U.S.S.R. As to the first goal, I have seen no evidence that self-determination for Nicaragua is anywhere on our agenda.

Instead of relying exclusively on the use of threat of military force, we should be doing everything we can to ensure success of the Arias peace agreement, and to address the conditions of poverty and injustice that cause Central America to be plagued with instability and revolution. In that way, the United States could play a tremendous role in bringing about vital reforms, true democracy, and lasting peace to the region. I urge my colleagues to vote against further funding for the Contras, and I urge careful monitoring to ensure that such aid is, in fact, terminated.

Mr. BOSCO. Mr. Chairman, today marks the first opportunity that Congress has had since June 1986 to vote on the singular issue of continued American assistance to the Nicaraguan Contras, and I encourage my colleagues to join me in opposing House Joint Resolution 444, President Reagan's request for $36.2 million in Contra aid.

Every Contra aid vote we have had in the past year-and-a-half has been camouflaged either by multibillion-dollar appropriations measures or by procedural gimmickry. Cloaking these votes on Contra aid with parliamentary ambiguity may have been politically expedient for some, but it unfortunately did great harm to the constituency which looks most urgently to us today. I am not referring to the Reagan administration, but to the millions of Central Americans for whom the Arias peace plan represents a last, desperate hope.

Mr. Chairman, the quest for peace, human rights, and democracy in Central America poses many dilemmas for American diplomancy. Yet our debate today boils down to this central issue—should the guerrilla army known as the Contras continue to be the main

instrument of American policy in Central America? Can we in Congress continue to fund a Contra army which is so unpopular that Americans oppose it by a 58- to 30-percent margin? Can this Nation's diplomacy really do no better than this?

Since the early years of this decade the Reagan administration has delivered $276.9 million in aid to the Contras. As America learned last summer, about $40 million of this total was collected by zealots in the National Security Council through solicitations to American citizens and third countries, and through a diversion of funds from arms sales to the Ayatollah. Also during this period the Contra war claimed the lives of over 40,000 Nicaraguans, out of a total population of 3 million. A comparable loss in the United States would amount to 3.2 million deaths.

Yet after 7 years of the bloody Contra war, the administration explains that additional Contra aid is needed to insure the "success" of its Central American policies. Reagan administration officials have revised their ultimate goals in Central America almost monthly over these past 7 years, and now they assure us that their aim is not the overthrow of the Sandinista government but rather to insure Sandinista compliance with the Arias peace plan.

Mr. Chairman, I could not disagree more strongly with the administration's characterization of its Central American policy goals and of the ramifications of our vote today. If we reject the President's request, and if the Contra war subsequently comes to an end, we will have provided the final, sad proof that our Government has spent 7 years pursuing a fatally flawed policy in the region. After 7 years of attempting to overthrow the Sandinistas through support for the Contra guerrillas, the Sandinista government will remain. Mr. Chairman, this is not a referendum on an American foreign policy success, as the administration would have it. It is a referendum on one of the most foolish foreign policy ventures in our history.

The Reagan administration has requested a package of $36.2 million in direct aid to the Contras and almost $25 million in additional indirect aid and insurance, all of which will be coordinated by the CIA. One of the sweeteners offered is the guarantee that $32 million will go toward humanitarian assistance, a canard with which we in Congress are all-too-familiar. Humanitarian aid includes trucks, the leasing of helicopters, the transportation of troops and supplies, and various logistical assistance to the forces in the field.

Under the administration's proposal, $3.2 million in lethal assistance will be placed temporarily in a so-called escrow account, to be released only after a Presidential certification that the Sandinistas have been responsible for the failure of a cease-fire. The administration argues that this escrow account gives the Sandinistas an incentive to comply with the terms of the Arias peace plan. In fact, such an arrangement will only compel the Sandinistas to acquire additional military and economic assistance from the Soviet Union, and it will encourage the Contras themselves to contribute to the breaking of the cease-fire. What the administration has actually created is a built-in incentive for Contra noncompliance with the Arias peace plan.

Still, Mr. Chairman, I confess that I find this escrow account concept intriguing—perhaps the United States could demonstrate its bona fide commitment to the Arias peace process by placing the administration's rhetoric of "Communist expansionism in Latin America," the CIA's network of contacts with the Contras, and Assistant Secretary of State Elliott Abrams' entire "diplomatic" operation at Foggy Bottom into an escrow account. After all, these efforts to inflame the situation in Central America have delayed the peace process as much as our financial contributions.

President Reagan's Contra aid policy has ravaged Central America for too long. The countries of that region have agreed amongst themselves to a plan whereby each respects the others' borders and each takes distinct and verifiable steps toward peace. While no one can foretell whether this bold initiative will be successful, we can predict with certainty that further incentives toward bloodshed provided by the United States through Contra aid will only prolong human suffering and result in failure. If the countries most affected by this war have the courage to end it, we would be arrogant, contemptuous, and morally wrong to stand in their way.

Mrs. MORELLA. Mr. Chairman, our policy in Central America must oppose the export of Marxist revolution and oppose any more delays in progress for democracy. We must protect the United States' national security interests in Central America and do what we can to bring peace and freedom to the beleaguered people of Nicaragua, Guatemala, El Salvador, Honduras, and Costa Rica.

Since the signing of the Arias peace plan last August 7, we have seen significant progress toward the achievement of these goals. During these 6 months, the Nicaraguan and other governments in the region have implemented major reforms. In Nicaragua, the focus of today's debate, we have seen the reopening of the antigovernment La Prensa newspaper and the creation of a forum for national reconciliation, headed by a key Sandinista opponent, Cardinal Miguel Obando y Bravo. During this time, Nicaragua's Government has also released a thousand political prisoners, lifted the state of emergency, and initiated direct cease-fire negotiations. The progress during this 6 months is in sharp contrast with the previous 6 years of Contra war, during which time Sandinista rule grew ever more restrictive.

As part of the peace process, the five Central American Presidents agreed to work for an end to outside aid to rebel groups. This means an end to Communist aid to the Salvadoran rebels and an end to United States aid to the Nicaraguan Contras. The five Presidents reiterated their opposition to such aid in a joint communique issued at the end of their meetings in mid-January. The same sentiment was echoed at that time by the International Verification Commission, composed of the Secretaries General of the U.N. and the Organization of American States, the foreign ministers of the five Central American nations, and the foreign ministers of eight Latin American nations. The Commission, set up to evaluate compliance with the peace plan, declared that an end to U.S. Contra aid was "an indispensable requirement for the success of the peace efforts."

Despite the progress in Nicaragua, despite the Central American Presidents' communique, despite the Verification Commission declaration, we have before us a bill that represents not just a continuation, but, in fact, an increase in Contra aid.

The package includes $36.25 million in direct aid to the Contras plus an additional $23.5 million in indirect financing, including insurance to reduce the cost of leasing aircraft, and loans of air defense equipment. This aid is intended to fund the Contras for 4 months. Using only the direct aid total—the lowest estimates—the package is worth roughly $9 million a month or $300,000 a day—about three times the current rate of Contra aid under the continuing resolution.

Not only the amount but also the nature of this aid package represents an escalation in the Contra war, an escalation in the face of progress toward peace. The continuing resolution provided funding for humanitarian aid to the Contras. The direct aid in the package before us today includes $3.6 million in lethal aid—guns, missiles, and ammunition, to be placed in escrow—and some $32.6 million in so-called nonlethal aid. This so-called nonlethal aid is mostly money to press the war effort, including funds for jeeps, trucks, and troop transports. Only $7.2 million of the package before us today is for true humanitarian aid such as food, clothing, medicine, and shelter.

The question before us tonight is how to respond to the progress toward peace and freedom, brought about by the Arias plan, that we have seen so far. Do we ignore the progress, do we ignore the five president's communique, do we ignore the International Verification Commission, and vote for this package which represents not just a continuation but in fact an increase in Contra aid? Or do we give peace a chance?

Mr. STANGELAND. Mr. Chairman, it is clear that the Congress is deeply divided on the issue of further assistance to the Nicaraguan democratic resistance, known as the Contras. But, while many of my colleagues find the President's policy to bring peace and freedom to Nicaragua controversial, my support of the freedom fighters has never wavered.

During this debate one point must be remembered: That the vast majority of the American people do not believe a Communist country on the mainland of America is in the best interests of the United States, especially if that country's government is aligned with the Soviet Union and Cuba, and is intent on "sharing" its revolution with their neighbors.

So, before we cast our votes on the President's $36 million aid request, I ask that you listen to some revealing statements. Now, these are not statements from President Reagan, the Contras, Sandinista defector Major Roger Miranda, or even ARLAN STANGELAND. No, these are statements from the Sandinistas themselves.

> You cannot be a true revolutionary in Latin America without being Marxist-Lenin-

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ist. (Thomas Borge, Sandinista Minister of Interior, Newsweek, December 1984.)

This Revolution goes beyond our borders. Our revolution was always internationalist * * *. (Thomas Borge, Playboy, June 1984.)

Marxism-Leninism is the scientific doctrine that guides our revolution, the instrument of analysis of our vanguard to understand the historical process and to create the revolution; * * * Marxism-Leninism and Sandinismo are indissolubly united and because of that our moral strength is Sandinismo and our doctrine is that of Marxism-Leninism. (Humberto Ortega, Sandinista Minister of Defense and brother of Commandante Daniel Ortega, August 1981.)

Sandinismo embodies the Marxism of Lenin, Fidel [Castro], el Che [Che Guevara], Ho Chi Minh * * *. (Carlos Fonseca, founder of the Sandinistas.)

The principles of Marxism-Leninism, wisely applied to the reality of our society, guided the revolutionary actions of the Sandinistas over the dictatorship * * *. (Hugo Torres, Sandinista Popular Army, April 1982.)

In order to be authentically Christian, one must become a Marxist. (Ernesto Cardenal, Sandinista Minister of Culture, also a Priest until defrocked by the Vatican in 1984 for refusing to obey Roman Catholic canon law.)

You boys have to understand that God does not exist, that Jesus Christ does not exist either, that God is the revolution, and Jesus Christ are you, are all the Sandinistas * * *. (Part of a Christmas Mass to Sandinista troops by Ernesto Cardenal, December 1978.)

Our relations with Cuba are friendly, fraternal, and respectful. They are relations that are unalterable and non-negotiable. They are relations sealed with the blood of Cuban internationalists who have fallen on Nicaraguan soil * * *." (Speech by President Daniel Ortega to the Third Cuban Communist Party Congress, Havana, February 1986.)

In the hypothetical case that the Sandinista National Liberation Front [FSLN] lost an election, the FSLN would hand over government, not power. (Daniel Ortega, the New York Times, December 13, 1987.)

The reason for outlining these statements is to show that the Sandinistas are firmly committed to communism. No Communist government in the history of the world has ever agreed to convert to a democratic form of government, yet that is what the Sandinistas are asking us to believe they will do now.

We should be extremely skeptical of the Sandinistas' intentions in order to protect our own national security interests, to help keep other Central American governments from being subverted by communism, and to help the people of Nicaragua who do not want to live under a Communist regime.

If the Contras are defunded and killed-off, the United States and her allies will depend upon Soviet, Cuban, and Nicaraguan goodwill. Our insurance and deterrence of further Communist expansion will no longer be the Nicaraguan resistance, but the military of the United States of America. I do not think this is wise, especially when Nicaraguans are now willing to fight their own battles.

Can the Sandinista Communists be trusted to democratize Nicaragua? Perhaps another question should be asked instead. Why did they not democratize Nicaragua when they came to power 9 years ago when President Carter delivered economic aid to what was then billed as a free and democratic movement? The reason is that the Sandinistas deceived the world about their intentions then, and they are deceiving the world now by playing games with the Central America peace process in order to get Congress to kill aid to the freedom fighters.

Let us not play any more games with the Communists. If we want a Nicaraguan Government that offers freedom and democracy, we must pass aid to the resistance.

Mr. COOPER. Mr. Chairman, the debate today is not about whether we want to fight communism. We all want to do that, and I have voted to do that many, many times. The debate today is about the most effective way to fight communism. I believe that there is a better, more effective way to fight communism than the President's latest plan.

First, it is important to look at exactly what is in the President's plan. It has changed tremendously since the first press accounts of it were written, and it has even changed in the last few hours. The nature of the plan is particularly important since, following the President's wishes, he did not want to allow Congress the chance to amend or modify his plan. He wanted a simple, yes or no, up or down, vote on the measure, and Congress agreed. The President surely knew that he was taking a very risky position when he requested this because he could win everything, or lose everything.

This is not to say that this will be the last vote on the issue. Far from it. I have already voted on Contra aid over 16 times in my 6 years in Congress. We will have another vote on it before the end of this month, and probably two or three more before the end of the Reagan administration.

When the President's plan was rumored to be a $270 million appropriation covering a period of 18 months, it looked as if the vote was going to be one of the most important foreign policy votes of the decade. Its importance diminished, however, when the President scaled back his package to $36 million over a period of only 4 months. It is still a key vote, but it does not set Government policy toward Central America through the end of the President's term. In fact, we'll vote again in February, June, and probably September.

It is also important to realize that nothing in the President's proposal affects the amount of aid to be delivered this month. That means that the next congressional vote on the subject will be in time to continue the aid in an uninterrupted fashion.

Looking at the President's specific package, it would almost triple the amount of aid that the Contras have been receiving every month. The past level has been between $3 and $4 million every month. The new level would be between $10 and $12 million. There is a significant dispute as to how much of this aid would be lethal, nonlethal, or strictly humanitarian but there is little doubt that a tripling of funding per month would be seen on the ground in Nicaragua as a significant escalation of the war.

I have appreciated the advice of my constituents in making up my mind about the President's package. I have met with the American Legion—I was the only Tennessee Congressman to attend their briefing—as well as with church groups. I raised the issue in 14 recent meetings in 14 different counties. I have communicated with constituents by phone, as well as in writing. This has not been an easy decison, but I have appreciated their guidance. I wish that they had been privy to the President's most recent versions of his proposal, because I would like to have had their specific thoughts on it. I have carefully listened to the President as well, and I thought it was a terrible decision on the part of the television networks not to carry his latest speech to the Nation on the subject.

My conclusion, after all this careful thought and consultation, is that the President's package is not the most effective way to counter the Sandinista threat in Central America. The events of recent months in the region—the President Reagan/Speaker Wright peace plan, the Arias plan, the signing of a peace agreement, the pressure of the four democratic Central American Presidents against Daniel Ortega, the awarding of the Nobel Peace Prize to President Arias—the most forceful, and prodemocratic regional leader—and the making of significant Sandinistas concessions—have altered the political landscape in the region. Now, for the first time, the Sandinistas have lifted the state of emergency, they are negotiating a ceasefire face-to-face with the Contras, and they promised an extensive amnesty. President Reagan should take pride in the fact that his bipartisan peace plan started this process.

Of course, I still don't trust Ortega any farther than I can throw him. We will need to watch him like a hawk to make sure that he keeps his promises. We will need to verify everything that he does, and to count his mistakes as well as his successes. He has already made some mistakes. We also need to preserve all of our options, the Contras included, in case that Ortega changes his mind or fails to live up to his promises.

I have supported humanitarian aid for the Contras in the past. I support it now. The House leadership has promised a vote on aid to the Contras by the end of this month that would keep them intact as a military force. We need to preserve this policy option.

But the President's plan limits our policy options. It risks escalating the war, in violation of the peace agreement that has been signed by the Central American nations. It would probably, in my view, ruin any future hope that a peaceful solution to the conflict could be found. While there is a real chance for a peaceful solution, I feel that most Americans want to know that all peaceful means have been exhausted before major military force is used.

Another consideration that is easy to overlook is that Ortega would love to use increased Contra aid as an excuse to stop keeping his promises, and to reimpose the state of emergency in Nicaragua. Why give Ortega this out? Right now the eyes of the world are on whether he keeps his promises. Why allow him to blame us for escalating what he alleges is an invasion into his country? For the first time in years, world attention is focused not on the abuses of the Contras,

but on the abuses of the Sandinistas, and their promises to reform.

The peace talks are doing a better job right now of unmasking the Sandinistas for what they are than anything we have done in the last several years. If he keeps all of his promises, fine. If he does not, then world opinion will be on our side for the first time, and we will still have all of our military options. In the meantime, we should enjoy watching Daniel Ortega squirm.

To sum up, I do not feel that the President's plan is the best way to battle communism in the region because, first, there is a chance for a peaceful solution, and second, whether the peace talks are successful or not, they are currently winning us more allies in our fight. In a sense, we are giving Ortega a little rope, and for that it is easy to criticize us. But he may hang himself with that rope if he fails to keep his commitments.

While we wait for the outcome of the talks, it is important to keep the Contras intact as a fighting force in case we need them. The vote at the end of February should do that. The result of such a policy is not to reduce any of our options, but to increase them, by using the peace talks to our advantage. I feel that this is the best way to oppose the Communist threat in Central America.

Mr. MOLLOHAN. Mr. Chairman, I am going to vote for the President's requested aid package for the Contras.

My vote for aid today can be understood only in its proper context. This debate, unfortunately, has not reflected that context. We have reduced a tremendously complex topic—United States policy toward Nicaragua—to a false simplicity. With my vote this evening, I will be labeled "pro-Contra." My colleagues who vote against the President's package will be labeled "anti-Contra." Under the terms of this debate—across the country and in this Chamber today—those are the only options available to us. We are one or the other; we are up or down; we are yes or no; we are pro-Contra or pro-Arias peace plan. Both sides of the debate have cooperated to establish this false dichotomy, with even President Reagan last night describing today's vote as an "up-or-down" one.

Yet all of us know, or should know at any rate, that those terms are not real. This vote isn't a referendum on whether we approve of the Contras, or whether we dislike war, or how strongly we disapprove of communism. This vote answers none of those questions. This vote today is more subtle than that. It is a judgment call. All it says about us is whether we think the specific plan sent to us by the President will advance our respective goals in Nicaragua. Each of us, or course, is free to use this vote to proclaim himself "pro-Contra," but I prefer to avoid using easy labels and will discuss briefly why I think this package today serves our best interests.

Since the fall of Somoza in 1978 and the amost immediate repudiation of United States overtures to the Sandinista regime, the United States has had roughly four policy options toward Nicaragua. We could give the Sandinistas very wide latitude, permitting them any domestic and foreign policy activities short of direct military attacks on the United States or our allies. The other extreme would be an uncompromising effort to topple the Sandinista regime. The third option allows the Sandinistas to retain internal political control but forbids them from engaging in activities that threaten the stability of the Central American democracies. The fourth option allows the Sandinistas to retain immediate control over the government apparatus, but requires them to move down the road to democracy.

I reject the first option as a fairly obvious and substantial threat to the security interests of the United States as well as our moral and ideological interests in furthering the cause of democratic government. While I wouldn't be upset to see the Sandinistas fall, I reject a policy of forcing their departure on practical grounds: I don't think the Sandinistas can be ousted without direct military intervention by the United States, and our interests in Nicaragua are not sufficient to justify direct intervention. The third option is not really an option in the long-term sense. Communist dictatorships are inherently didactic and repressive and a stable peace cannot come to a repressive Nicaragua. That leaves the fourth option, which I endorse: Allowing the Sandinistas to retain immediate control over the government so long as they do not threaten the improving structure of democracy in Central America and continue to take steps toward democracy.

The package sent to us by the President advances this goal. If you do not support that goal, you are free to criticize the package: It is an antagonistic gesture against unlimited Sandinista independence on the one hand, and it is grossly insufficient to pose a serious threat to the very existence of the Sandinistas on the other hand. If, however, you support a containment policy against the Sandinistas, you will have a difficult time explaining a vote against this package.

In considering this vote, I start with two basic premises: First I believe that an unchallenged and unfettered Sandinista regime would disrupt democracies in Central America and generally cause mischief in our hemisphere. Second, and even more obvious, the Contras don't like the Sandinistas and would prefer to expel them. The goal, then, of containing the Sandinistas can be achieved only by carefully negotiating the implicit tension between my two premises: If we give nothing to the Contras they disappear as an effective opposition to the Sandinistas, who, I believe, would immediately lose their sudden interest in democratization and peace talks. If we give too much to the Contras, they, in turn, lose interest in peace talks and decide that perhaps they should go for broke, as it were.

The terms of the aid package maintain that tension. The amount is sufficient to keep the Contras together as an organized opposition, but it is not enough to give them illusions of a purely military victory or to give the Sandinistas immediate fear of a purely military defeat. The placing of the $3.6 million in lethal aid in an escrow account is a deliberately nonprovocative act. Only with extreme disingenuousness could the Sandinistas cite $3.6 million in escrowed military aid as a reason to pull out of the peace process.

Mr. Chairman, I am on a short list of representatives labeled "swing votes" on Contra aid. I don't much care for that appellation, but for the reasons I discussed earlier, it's better than being called pro-Contra or anti-Contra. I am not pro-Contra and I am not anti-Contra: I simply judge each vote on its likely effects in advancing the peace process. By that standard, I must vote yea today.

Mr. MARKEY. Mr. Chairman, today we vote on the future of Central America.

The choice has never been clearer.

We can support the Guatemala peace plan, or we can support the Contras.

We can support a policy of peace, or a policy of war.

We can wallow in the failures of the past, or move ahead with hope for the future.

While Congress is looking to the future, the administration is dredging up failures from the past.

ADMINISTRATION DOUBLE-TALK

The administration has not given us much success in Nicaragua. They have given us a lot of double-talk.

The President says that the Contras have a strong support in Nicaragua. And then he says that they will disappear unless they get American money.

The President says that Nicaragua is a totalitarian dungeon, whose people yearn to throw out the Sandinistas. And then he charges that the Sandinistas are going to give guns to 600,000 people. That's a fifth of their population. That's every Nicaraguan male from 18 to 35.

So it's a totalitarian dungeon that is going to arm its inmates.

The Reagan administration says the Sandinistas are Communists. Then they say the Contras are really Sandinistas.

Remember when President Reagan solemnly assured us that the Contras were not aiming to overthrow the Nicaraguan Government—they were really kind of border patrol?

After 6 years of film-flam, Congress is getting a little skeptical.

CONTRA AID REQUEST

The administration is claiming credit for a democratic tide in Latin America. But the Reagan administration is 0 for 2 on democracy in our hemisphere.

Under Elliot Abrams, the Reagan administration has dropped the ball on democracy in Haiti. They dropped the ball on democracy in Panama. And they were in the process of losing the game in Nicaragua, until the peace plan sent them to the sidelines.

And now they're trying to tell us that they are concerned about democracy in Nicaragua, and that's what they want funding for the Contras.

To follow Henry Kissinger's criticism of this policy, where is the policy?

Is this Contra aid request part of an achievable policy, or is the administration simply asking for whatever the traffic will bear?

The lessons of the history of Central America policy are: The administration will ask for whatever it can get, and they will say whatever they have to to get it.

And if we defeat this request, history does not assure us that the Reagan administration is a good loser.

When Congress defeated Contra aid in 1985, the administration declared a national emergency and imposed an embargo on Nicaragua. When Congress defeated Contra aid in

1986, the administration declared a national emergency and sent $20 million to Honduras, after Elliot Abrams bullied the Honduran Government into requesting it.

The Nicaraguan Government recently lifted its state of emergency. I think President Reagan ought to be big enough to do the same.

CONTRAS

Let's look at the Contras. Their bloodlines are not very good. The Contras were organized in 1981, by agents of the Argentine military dictatorship, from the leftovers of Somoza's National Guard.

The Argentine military and Somoza's National Guard were distinguished for two things: killing civilians and lining their own pockets. The marriage of the two produced the Contras.

The Contras have behaved as guerrillas just like they behaved when they ruled Nicaragua. They are better at killing civilians than at attacking military targets. They are better at lining their pockets than at getting support from the people.

The Contra front leadership has undergone ten major reforms. Arturo Cruz was in. Then he resigned. The front men come and go. But their real boss, the Contra commander in chief, has always been the same man—the old National Guard Colonel, Enrique Bermudez—the old dictator Somoza's right hand man.

The Contras change their name more often than the route sign on a bus. But Somoza's man Bermudez remains in the driver's seat.

Today, the Contras call themselves the Nicaraguan Democratic Resistance. And East Germany calls itself the German Democratic Republic. Neither has democratic credentials.

Last week, Contra aid supporters held a mock hearing. The administration produced Mr. Miranda out of their hat once again, then whisked him away before he could answer any difficult questions. For some reason, they have refused to allow him to talk to any Contra aid opponents. Not until after the vote.

At this mock hearing Alfredo Cesar, one of the supposed civilian leaders of the Contras, was asked if they had control over the military. No, he said, "we do not have 100 percent control. But we hope to strengthen civilian control."

The Contras are not credible. And they are certainly not successful. They have been a disaster for Nicaragua. They have been an embarrassment to the United States.

NONLETHAL AID

The administration argues that this request is mostly nonlethal aid.

If Napoleon were in the Reagan administration, he might say that an army travels on its nonlethal aid.

When you're funding an army in the field, bullets are not the major expense.

The Contras have plenty of ammunition, and plenty of other money to buy bullets with.

What this request says is, you give us the iceberg, and we'll wait 30 days for the tip.

When the effect is to sink the peace process, it doesn't make much difference.

President Reagan last night offered to allow Congress more involvement in lethal aid. What he said was, you give me the money, then try to keep me from spending it.

NICARAGUAN REFORMS

While the Contras have failed, the Esquipulas peace plan is working in Nicaragua.

What has the peace plan achieved?

Lifting of the state of emergency.

An end to the anti-Contra tribunals.

Amnesty for thousands of prisoners.

The lifting of censorship.

Direct talks between Sandinistas and Contras.

Negotiations for a cease-fire.

The Guatemala peace plan has been achieving everything the Contras have failed to accomplish.

But the peace plan has enemies inside Nicaragua as well as outside. Ortega has his own Richard Perles and Jesse Helmses, like hardliner Tomas Borge at the Interior Ministry. Every time Ortega makes a concession for democratic reforms, Borge send out his Interior Ministry bully-boys to arrest some opposition leaders.

If we vote lethal aid to the Contras, it's curtains for the delicate reform process starting in Nicaragua.

WHITE HOUSE AND THE PEACE PROCESS

The White House has been trying to torpedo the peace process since it started. Now they claim that the Contras will support the peace plan. What we have now is a bunch of arsonists posing as architects.

Calling the Contras an insurance policy for peace is like calling gasoline an insurance policy against house fire.

Funding the Contras to support the peace process would be like bringing a six-pack to an alcoholics anonymous meeting.

PEACE PLAN VERSUS CONTRA AID

The Guatemala peace plan has succeeded where the Contras have failed. Everything the Contras were supposed to achieve, they have failed and the peace plan has succeeded.

It's time to move from a policy of failure to a policy of success., It's time to stop bankrolling repression and corruption in the name of anticommunism.

The Guatemala peace accords will be America's future policy for progress in Central America. I wish President Reagan would join us. If not, it's a long ride into the sunset on a broken-down old warhorse.

But we must look forward, even if President Reagan looks backward.

The Contras have failed. The peace plan has succeeded.

The Contras are the past. The peace plan is the future.

As the curtain falls on a failed policy, let's move forward together for peace and reform in our hemisphere. I urge my colleagues to join me in defeating this request and moving ahead on a constructive policy for our Nation. Let's vote against the failures of the past and for hope for the future.

Mr. RAHALL. Mr. Chairman, I rise in strong opposition to this latest of President Reagan's requests for aid to the Nicaraguan Contras; aid which, no matter how he sugar-coats it, would translate into lethal aid to be used to perpetrate war in Nicaragua. My opposition is based upon a myriad of reasons, but I would like to focus on two points that I feel are of particular importance to our debate today.

Frankly, it seems unbelievable to me that we are even having this debate, in view of the fact that the Guatemala peace agreement, which most of us have wholeheartedly supported, specifically states that aid to the Contras would be a violation of the accord. How can we expect other countries to honor the terms of this historic agreement when we in fact will not do the same? I can only believe that additional aid to the Contras at this point would severely cripple, if not destroy the peace process and lead to escalation of the war which the Nicaraguan people so desperately want to stop. Aid at this time would give the Sandinistas a perfect excuse to back out of the agreement, and should the peace process fail now, it is hard to imagine that the Sandinistas would agree again to such sweeping reforms.

In regard to this resolution before us, I must question the President's use and understanding of the term nonlethal. He is playing a deadly word game with the Congress and the people of the United States with his latest definitions. The purpose of the majority of the aid in this resolution is in fact a lethal one—it would give the Contras the means with which to continue and even escalate the war. Beyond that however, the President has defined nonlethal aid to be "anything but weapons, weapons systems, and ammunition." Clearly, under these parameters, money could be used for military purposes such as training, and equipment such as trucks and helicopters.

Further, the administration has managed to include in this request an additional $20 million for replacing up to 10 leased aircraft, and unlimited funds for electronic surveillance equipment and radar, all needed, of course, for the continuation of the war, not to further the peace process. In fact, only a fraction of the President's request would be spent on true nonlethal aid such as food, medicine, shelter, and clothing.

Like many of my colleagues, I have traveled to Central America to get a firsthand view of the region. I came away from Nicaragua with the strong conviction that the Nicaraguan people want a peaceful settlement of the deep conflicts facing them. They are tired of living in fear and poverty, and are filled with grief over the loss of friends and family members, no matter which side of this struggle they have taken. It is far past time to seek a peaceful solution. For our part, it is imperative for the United States to advance the ongoing peace process; we must not hinder it by continuing to funnel funding to the Contras. I urge my colleagues to do their part in the peace process by opposing this aid request.

Mr. BOEHLERT. Mr. Chairman, this vote should not come today. Our timing couldn't be worse.

At the very moment when there is progress toward peace in Central America, when diplomacy is working, when the people of the region are demonstrating leadership in resolving the major differences and bloody conflict within the region, we in Congress are at it again.

If there is ever a period for patience in dealing with an issue that has divided and impatient, it is now. The old admonition, "don't just stand there, do something" does not apply.

Here, I feel, is an example of where doing nothing is better than doing something.

Why? Simply put, the Arias peace plan is moving in the right direction.

From the beginning, I have felt that the diplomatic route was the one to follow in our attempt to achieve peace, stability and, most of all, freedom and democracy in Nicaragua and El Salvador. To my way of thinking, the military option should be the last, rather than the first one exercised in pursuit of our objectives. And I have always shared the view that the initiative for a peace plan as well as the leadership for its implementation should come from the nations and people with the most at stake, the Central Americans themselves.

But our policy has taken a different path. Diplomacy was repeatedly shunted aside. Bluntly stated, we have said there's no room for reason, negotiating could not be productive. Instead, we have gone with a policy of persistently trying to forcefully overthrow the Sandinista government in Managua. That's been our game plan, a plan which has not been supported in the region or the world community. We stand alone.

Finally, bold leadership came from Central America in the form of the peace initiative advanced by President Arias of Costa Rica. And finally there were positive developments to report.

The Guatemala accord, signed by the Presidents of Costa Rica, Honduras, Guatemala, El Salvador, and Nicaragua was hailed because of the bright prospects it offered.

Is it perfect? By no means. But it is a substantive document, one that gives new direction and one whose provisions should be heeded. Are they? Not completely. There is plenty of room for improvement, but after years of seemingly endless conflict which has cost thousands of lives and hundreds of millions of dollars, there is progress. Not as fast or as much as we would like, but progress.

Should we pull the rug out from under the peace plan progress by refueling the Contra military machine at this critical juncture, almost assuredly guaranteeing more of the same—bloody battles, lives lost, treasury spent, and without positive result? To me the answer is no.

From my vantage point, passage of this measure forces the Sandinista government to do just the opposite of what we want it to do, to walk away from rather than to further embrace the critical provisions of the Arias plan. To expand not contract its war effort.

The need now is to restate our support of the Arias plan. To demonstrate our conviction that diplomacy is preferable to military action in pursuit of worthy objectives in this war-torn region. To make it work. But we have to do more. The imperative now is the fashioning of a truly bipartisan redevelopment plan for Central America so that a fragile peace, once it is attained, is followed by a determined international cooperative effort to help the people help themselves so that life and liberty will not be hanging by a thread, continually threatened from within and challenged from beyond the borders.

Mr. OWENS of New York. Mr. Chairman, I rise in strong opposition to President Reagan's request for funding to continue his war in Nicaragua.

So long as Members of Congress are able to declare wars but are not required to actually fight them, during debates over war and peace in this Chamber there likely will always be some cloud of unreality hanging in the air, fogging judgments and obscuring from view the true, terrible costs of violent solutions to our problems. During debates over proxy wars like the one today, that cloud of unreality inevitably grows so large and so dense that it becomes all but blinding. In proxy wars, fought by other people and other people's children in far-off places, we can safely cry out for blood, confident that we will neither never see nor be splashed and stained by it when it is shed. In proxy wars, war is not war but a game to its patrons.

Ronald Reagan's war against the people of Nicaragua is the most unreal of unreal wars. With military commanders plotting strategy while sipping martinis around swimming pools in Miami, with bilious lies like freedom fighter dripping from the lips of administration officials, with gifts of key-shaped cakes and arms sales to "moderate" terrorists in Iran, with Ollie "Bellybutton" North buying Danskin tights with the proceeds, with Elliot Abrams hustling handouts from foreign dictators, Ronald Reagan's Nicaraguan war has been played out like a bad, somewhat stupid comic book adventure.

For the people of Nicaragua, however, the costs of Ronald Reagan's unreal war have been only too real. Over the last 7 years, the lives of 35,000 Nicaraguans have been snuffed out—10 times, proportionately, the losses our own Nation suffered in Vietnam. Unarmed civilians—women, children, even infants—have been maimed, mutilated, and murdered in countless numbers by the bandits we bankroll and embrace in the name of freedom. And after 7 years of bloodshed, 7 years of Contra atrocities each one more barbaric, more unspeakable than the one before, all we have to show for our comic book war is a stack of corpses a mile high.

The Arias peace plan, finally, represents a way out, a way through peace, not war, to reconcile international differences and provide for regional security. In its first 6 months, the Arias plan has already produced greater results than 7 years of Ronald Reagan's murder and mayhem. But still, the President insists, this horrible war must rage on, the killing must persist, the stack of corpses must grow. In the paradoxical thinking typical of unreal wars, Ronald Reagan says war not negotiation continues to be the only path to peace in Central America.

It is a time-honored, but bankrupt argument, a plea that can only be made by those for whom great distance obscures the horrors of war, by those who do not and never will suffer under the sound and fury of mortar fire or fear daily for the lives and safety of their families. It is an argument for men who wage war as a game.

Almost 20 years ago, a wise man, Dr. Martin Luther King, once counseled against following those who would seek peace through war, not only because it is the immoral way, but because it cannot and will not succeed:

> The past is prophetic in that it asserts loudly that wars are poor chisels for carving out peaceful tomorrows. One day we must come to see that peace is not merely a distant goal that we seek, but a means by which we arrive at that goal. We must pursue peaceful ends through peaceful means. How much longer must we play at deadly war games before we heed the plaintive pleas of the unnumbered dead and maimed of past wars?

Pursue peaceful ends through peaceful means in Central America; use this $36 million to preserve life, not to destroy it. Stop the unreal war; pull the plug on Contra aid now.

Mr. STALLINGS. Mr. Chairman, it is unfortunate that Congress must vote today on Contra aid. It is not the right time. But pursuant to House Joint Resolution 395, the President is granted expedited floor consideration of his latest Contra aid proposal. Consequently, the choice is up-or-down, without amendment, on a package that contains lethal and nonlethal aid and would cost $36.25 million, at a minimum, and closer to $60 million if counted properly. Although I would rather delay the vote, a vote for the President's package today would be even worse.

On January 21, 1988, I joined 19 of my colleagues in sending a letter to the President asking him to delay his request on Contra aid. In my view, a vote today on Contra aid is unnecessary, arbitrary, and premature.

On December 21, 1987, Congress passed House Joint Resolution 395, the Continuing Appropriations for Fiscal Year 1988. Included in this omnibus spending bill was an agreement between the administration and Congress on Contra aid. Under the terms of the agreement, the President was required to submit a Contra aid package on January 25–27 and the House would be required to vote on that package today, February 3. That agreement was made exactly 45 days ago.

Since that time, there have been dramatic developments in Nicaragua and Central America:

The Sandinistas have lifted the state of emergency in Nicaragua and thereby disbanded the special military tribunals.

The Sandinistas and the Contras have begun direct peace negotiations.

The Sandinistas have promised to release 3,300 political prisoners.

The Sandinistas have promised the Contras freedom to participate in internal political affairs and offered to create an international commission, that could include representatives of U.S. political parties, to monitor adherence to this promise.

The Sandinistas have lifted restrictions on 13 opposition radio and print news organizations within Nicaragua.

The Sandinistas have written to the President stating that the party would turn over "the reins of government to the opposition if that is what the people wish."

In sum, in the past weeks, the Sandinistas have taken important steps to implement the Arias peace plan, which was signed last August. Believe me, I am not convinced that the Sandinistas will adhere to the promises and concessions they have recently made. They have not changed their stripes. But I am not entirely pessimistic either. And that is the problem. Nobody can possibly know today whether the Sandinistas are sincere. We need more time before that decision can be made.

It seems utterly foolish for the United States to decide an issue so important to our national security based on a formula agreed to 45 days ago, in a highly uncertain environment, that set an arbitrary date for final resolution. The Arias peace process is still evolving and results are now beginning to show. But it is premature to gauge its ultimate success.

Unfortunately, the vote, by itself and because it will occur, will upset the peace process. Regardless of the outcome, the Sandinistas will receive a signal, and that signal has the potential of upsetting the pressures that have yielded the current, ongoing progress. In short, the vote is unnecessary and based on an arbitrary timetable that ignores the delicate state of affairs. For these reasons, I asked the President to delay the vote.

Obviously, however, the President disagreed and sent up his package on January 27. Since then, I have been working to persuade the House leadership to guarantee a second vote within the month on an humanitarian aid package for the Contras—in contrast to nonlethal aid in the President's request. It appears that the leadership has acquiesced, although the details remain to be worked out. Consequently, the choice before us is the President's proposal and, should it fail, a later vote on humanitarian aid. Given this choice, I intend to vote against the administration package.

The vote today is fraught with risk. The President is gambling that a vote for his package will not destroy the peace process. In contrast, the House leadership is gambling that the Sandinistas will keep their promises and continue the progress toward democracy in Nicaragua despite the cutoff of military aid to the Contras. At this point, I am willing to bet on the latter.

Before explaining why, let me say that the debate here is only about means. Despite the rhetoric, we do not disagree about the goals. Earlier this week, I met with the President and asked him directly whether he seeks to overthrow the Sandinista government. He said that he does not. We agreed that our goal is to bring democracy to Nicaragua so that the people of Nicaragua, in free and fair elections, can decide who should run their government. The debate here, then, is only about the best way to achieve that goal.

The President's proposal runs a great risk of destroying the peace process. In point of fact, it violates a central element of the plan to halt assistance to irregular forces, such as the Contras, in the region.

But more importantly, without the peace process, the Contras are not likely to bring democracy to Nicaragua. The Contras have been in the field since 1981. Up until August of this year when the Arias accord was signed, the Contras failed to wring a single concession from the Sandinistas. Ironically, after each vote by Congress to provide aid, the Sandinistas tightened their grip on the country. The state of emergency was imposed. The press was shut down and other liberties curtailed.

It has only been in the last 6 months, since the peace plan was agreed to, have the Sandinistas begun to make propitious concessions. This fact is not to deny that the Contras have had an effect on the government. Surely, they have, although by no means the only effect. Nonetheless, it is critical to recognize that the Contras, without the peace plan, provide no hope of returning democracy to Nicaragua. Not even the administration believes that the Contras can win the war. The Contras alone merely ensure a long-term conflict that continues the death, suffering, and poverty of those people caught in the middle of the conflict.

In contrast, a vote against the President's plan is more likely to bring democracy to Nicaragua. First, a "no" vote is consistent with the Arias accord, which as I said is essential to our ultimate success. In fact, on January 14, the International Verification Commission, set up to monitor implementation of the peace plan, stated explicitly that a "definitive cessation" of Contra aid is an "indispensable requirement for the success of the peace efforts and of this procedure as a whole."

Second, a "no" vote does not abandon the Contras. I recognize that the Contras have played a role in bringing the Sandinistas to the table. But other factors are more important, particularly the peace plan itself. Another factor is the Nicaraguan economy, which is in a shambles.

In any event, I would like to keep the Contras in their bases as additional leverage. I am aware that the Contras have weeks of supplies on hand and, in fact, will continue to receive deliveries through February 29, 1988. In addition, as I said, I am willing to provide additional humanitarian assistance, such as food, clothing, and other items that must be provided by someone whether or not the Contras are in the field. These items can be distinguished from the nonlethal aid in the President's package, which by definition includes humanitarian assistance and such items as helicopters, jeeps, and radios—instruments of war. It is estimated that the President's package includes only $7 million in humanitarian aid. In sum, the Contras are not likely to fold up their tents based on the vote today.

I should say, however, that should the Contras do so, it would confirm suspicion that they represent simply a front for the United States. I could not imagine the mujaheddin in Afghanistan or UNITA in Angola giving up their fights for freedom because United States aid was reduced. Unlike the Contras, both of these groups have significant internal support. In short, the Contras may have to overcome their own Valley Forge, just as our forces did during the Revolutionary War.

Third, a "no" vote recognizes the concessions the Sandinistas have made so far and encourages further progress. Despite the seemingly low price tag of $36.2 million, the President's package actually escalates the war. In addition to the direct aid, the President would also provide $20 million in indemnification, which would be used to ensure the planes and helicopters the Contras would lease with the direct aid. Thus, if leased aircraft is shot down, the indemnity funds would be used to pay off the owners. Moreover, then the President's package includes funds for passive defense systems on the leased aircraft, such as radar, that would cost another $5 to $10 million. In sum, then, the President's package amounts to about $60 million over 4 months. Extended over 1 year, the President's package equals approximately $240 million.

In conclusion, although I would rather have delayed the vote, given the choice, I must oppose the President's package. For a long time now, I have supported a negotiated, peaceful settlement to the conflict in Nicaragua. Finally, we are starting to make progress. I would strongly urge the President to supplement the Arias peace process by initiating direct, bilateral talks with the Sandinistas. In this effort, we can ensure that the Soviets are kept out of the region. This is a must.

In any event, a vote for military aid would short circuit the progress and destroy the peace process. In that event, the Sandinistas would surely renege on the concessions offered thus far. The risk we take by opposing the President is that they will renege anyway. But I am willing to take that risk because I think that it is more promising than the violent path the President would take us down.

This is not likely to be the final vote on this issue. The Sandinistas know that. They should know we are giving them a chance. If they blow it, they will learn that there is an iron fist inside this velvet glove. At least this member promises them that.

Mr. McEWEN. Mr. Chairman, I rise today in strong support of the President's Contra aid request. I will not reiterate all of the valid arguments which my colleagues have made in support of this effort. However, I want my colleagues to know that history is riding on our shoulders.

What we do here today is being watched in every capital of the free world and in the Communist aligned governments. It is important that we rise to the occasion and demonstrate our commitment and support those peoples who seek peace and freedom.

Mr. Chairman, I want to share with my colleagues two important historical revelations from two of America's renowned military leaders and strategic thinkers, Adm. Thomas Moorer and Gen. Douglas MacArthur.

Adm. Thomas Moorer, who fought for freedom and democracy in World War II, and later served as Chairman of the Joint Chiefs of Staff, was giving his assessment regarding the subject of perception and the impact of perception has had upon the decisions of our past adversaries. Let me share with you his insights from a 1982 speech before the American Enterprise Institute.

This idea of perception was brought very forcefully home to me at the end of World War II when I had an opportunity to question the Japanese leaders about why they had attacked Pearl Harbor. The answer was the same for all.

They pointed out that we had passed the draft law by only one vote, that we had failed to fortify Wake and Guam Islands, and that we had our army in Louisiana training with wooden guns.

In the general perception of the United States built up in the minds of the Japanese, we did not have the will to defend ourselves, so they made the decision to attack our sovereign territory. Never mind that this was a major mistake; it did result in a major war.

Gen. Douglas MacArthur's insights are parallel to those of Admiral Moorer. I urge my colleagues who oppose Contra aid to listen to the words and experience of this professional soldier and statesman:

> The history of failure in war can be summed up in two words: too late.
>
> Too late in comprehending the deadly purpose of a potential enemy; too late in realizing the mortal danger; too late in preparedness; too late in uniting all possible forces for resistance; too late in standing with one's friends.

Mr. Chairman, we do not have to repeat the mistakes of the past today. The President has proposed an insurance policy to protect the viability of the Contras and the peace process. It is diplomacy with pressure. It is working; let's give it a chance to continue to work.

Mr. JEFFORDS. Mr. Chairman, 6 months ago, the five Central American Presidents signed the Guatemala peace agreement. Since then, the five nations gradually, if haltingly, have taken steps toward national reconciliation and compliance with the accords. Substantial progress has been made, but much remains to be done.

In August, the five Presidents felt that January 15 would be an appropriate deadline for compliance with the agreement, and scheduled a meeting and review for that date.

Congress, however, was operating on its own schedule. In the course of negotiations on Federal spending legislation, an agreement was reached to provide $8 million in nonlethal assistance and then take a thorough look at a Presidential request on February 3. It was assumed that members would have the benefit of a conclusive January 15 Central American meeting and would be in a better position to decide upon a new aid request.

As each of the Central American nations struggled with the difficult realities of implementing change, the leaders realized that the January 15 date was an overly optimistic target for total compliance, and should instead be seen as a period of review and reaffirmation. The joint communique signed by the five Presidents strongly reiterated their support for the principles of the August accord, and pledged themselves to continue to work toward greater compliance and national reconciliation.

Yet, due to the constraints of the December agreement, we are forced to decide today whether to provide lethal and nonlethal assistance to the Contras. This puts Congress in a very uncomfortable and inappropriate position. The Sandinistas and the Contras have just concluded their first fact-to-face negotiating session on a note of optimism. Observers of the talks praised both parties for scaling down the verbal war and engaging in meaningful discussion. A second meeting has been scheduled for the near future. Yet today members are being asked by the administration to assume that these negotiations will not be successful.

The current discussion of formulating a House alternative to military aid to the Contras is encouraging. However, we should not repeat December's mistakes and set an arbitrary date that has no relation to the peace process. It is rather unrealistic to expect that the Sandinistas and Contras will have ironed out their differences and solidified a cease fire agreement in the next couple weeks. I would strongly urge that another vote in the House be carefully coordinated with the peace process in an effort not only to allow Members to better evaluate its progress, but also to strengthen the peace process itself.

As we work to craft an alternative, I would hope that Members will take advantage of this opportunity to arrive at a truly bipartisan alternative. We need a resolution of the current impasse that will outline how we should proceed in our relations with Nicaragua and the Contras in the crucial months ahead.

We should begin by voting down this aid request today, and then by carefully considering an alternative—but only at a time when it will have a positive effect upon the process.

Mr. KOSTMAYER. Mr. Chairman, the Central American Presidents met in Costa Rica to evaluate compliance with the regional peace plan signed in Guatemala on August 7. Their conclusion was not startling: compliance has been less than perfect. Nor was their resolution unexpected; they pledged to continue to seek full compliance "without delay or excuses."

Nicaraguan President Daniel Ortega, who nearly brought the whole process to the brink of disaster by implementing only partial reforms, used the President's meeting to announce further steps toward compliance. On Saturday he announced an end to the 6-year-old state of emergency in Nicaragua, and pledged direct talks with the United States backed Contras. Those talks began last week.

Of course, the peace plan is not just about Nicaragua. Honduras' performance has been less than exemplary. Frightfully slow in even setting up the required National Reconciliation Commission, President Azcona still refuses to live up to the terms of the agreement and expel the Contras from his country.

In El Salvador, President Duarte has pursued a policy of technical compliance that has won kudos from the administration but which has failed to really get at the root of his country's 7-year civil war. In declaring a national amnesty, for instance, Duarte extended the decree not only to political prisoners, but to suspected right-wing death squad killers as well. In Guatemala, some progress has been made, but a ceasefire has not been achieved.

And finally, the United States, as Costa Rican President Arias told the President's National Security Adviser, Lt. Gen. Colin Powell, has done little to enhance the peace process. Although President Arias, the architect of the peace plan, said upon the receipt of his Nobel Peace Prize, that "the Contras are the problem, not the solution," the administration, in its unique view, continues to believe just the opposite.

Thus the White House has requested another package of Contra aid. The package includes $32.6 million in so-called humanitarian aid and $3.6 million in lethal aid to be held in escrow until March 31, at which point it could be released if the President certifies that a Nicaraguan cease-fire has not be achieved. In addition, Secretary of State Shultz will be sent to negotiate with regional leaders—including the Sandinistas—if the aid request is approved.

Mr. Chairman, the administration argues that the Contras constitute necessary pressure on the Sandinistas—pressure to ensure that they keep negotiating and continue to move toward democratization. According to administration officials, the Contras are an "insurance policy" that will keep the peace plan from falling apart. Congress should reject the request; the administration's arguments don't holdup to scrutiny.

It's important to remember what the President's policies have accomplished so far. The record shows beyond a shadow of a doubt that the Contras in and of themselves have been counterproductive. The United States wants to see democratization in Nicaragua, and a reduction in Soviet and Cuban ties to the Sandinistas. Yet every time the Congress has provided additional Conta aid, greater repression and more Soviet and Cuban aid has followed. Before the administration took up the Contra cause Soviet aid to Nicaragua was roughly $5 million per year. Today, after 7 years of the Contra war, the State Department estimates that Soviet assistance to Nicaragua is nearly $500 million. It is against this backdrop that the latest request must be viewed.

The flaws in the administration's argument for more aid now are numerous. First, the administration's calculus totally ignores the negative effects further Contra aid will have. No matter how the White House tries to sell it, Contra aid violates the Arias plan. As such, continual U.S. funding for the rebels undermines the plan—just as noncompliance on the part of any of the Central American countries does. Pressure that violates the peace plan is destructive, not constructive.

Second, military pressure is only an effective tactic if there are clear conditions which, if met, will result in the lifting of the pressure. This has not been the case with the United States and Nicaragua, and there is little to suggest that anything has changed. The administration has responded to both good and bad behavior with more pressure.

In January 1981, for example, the administration informed the Sandinistas that United States economic aid was being cut off, pending a cutoff of Sandinista aid to Salvadoran guerrillas. Although the State Department's own study revealed that spring that they could no longer find evidence of such an arms flow, the limited economic aid to Nicaragua was cut off permanently. Even before waiting for the report, President Reagan has authorized $19 million in covert aid for the Contras.

Then the administration argued that U.S. support was needed to bring the Sandinistas to the bargaining table. They came. More Contra aid was requested; according to the administration, it was needed to extract concessions. Concessions were offered. Now the President argues, Contra aid is needed to insure that the Sandinistas keep their word and concede more.

All this demonstrates that if Congress approves more Contra aid now it won't be the last package—it will only be the latest installment. And it will allow the administration to pay lip service to negotiations while pursuing its real objective, the military ouster of the Sandinistas.

This is the third flaw in the administration's claim that more Contra aid will pressure the Sandinistas into negotiating: it assumes the administration supports a negotiated settlement.

There is ample reason to doubt the administration's trust and support for negotiations. Consider, for example, the statements of Assistant Secretary of State Elliot Abrams. "It is preposterous to think we can sign a deal with the Sandinistas to meet our foreign policy concerns and expect it to be kept," he said last fall. And yet, also last fall, Secretary of State Shultz told those of us on the House Foreign Affairs Committee that Mr. Abrams had been charged with "laying the groundwork for the next stage in our diplomatic effort" on the Arias accord.

The administration resistance to negotiations is not new. In late 1984 the Contadora group completed its second draft treaty and circulated it to interested parties. Although initially Secretary Shultz told the Europeans that it was an important step forward, by October a National Security Council memorandum boasted that, "We have effectively blocked the Contadora group efforts. * * *"

There is nothing to suggest anyone in the administration has belatedly found the religion of dialog. And absent a real American commitment to negotiations, pressure on the Sandinistas has no constructive outlet.

Even the administration's offer to send Secretary Shultz to participate in regional talks that include the Sandinistas must be viewed with a healthy dose of skepticism. The administration told congressional leaders last fall that the United States would negotiate directly with the Sandinistas if the Sandinistas would agree to direct talks with the Contras. Now the Sandinistas are face to face with the Contras, but the White House seems to have forgotten its earlier promise.

Finally, the administration's claim that Contra aid now will have a positive effect on the peace talks ignores the calculus of the Contras themselves. So long as they can reasonably expect to win aid from the U.S. Congress, the Contras have no incentive to negotiate a cease-fire. Further aid holds open the hope, however, unrealistic, that the Contras might one day achieve a military victory in all or part of Nicaragua, thus guaranteeing themselves a share of power in the country. Through negotiations, the Contras can at best help to create a democratic opening that allows them to participate freely in elections—elections they might win or lose.

Mr. Chairman, the administration's latest arguments for Contra aid distort the past, the present, and the future. The theory that more Contra aid will serve U.S. interests is, at best, wishful thinking based on false assumptions. Sustaining the failed policy of Contra aid as an insuance policy against the possible failure of the Arias plan is an equally bankrupt idea. If the administration truly wants to insure that the Arias plan succeeds, they might try complying with it.

Mr. COURTER. Mr. Chairman, I don't believe that I have ever before asked the permission of the Chair, and the indulgence of the House, to read a letter from a constituent. But I wish to do so now.

MORRISTOWN, NJ, *January 22, 1988.*

DEAR CONGRESSMAN: As a resident of the State of New Jersey I urge you, most emphatically, to support President Reagan's upcoming request for more military and humanitarian aid to the Nicaraguan Contra Rebels.

I urge this despite my own solid liberal background: I marched against Vietnam, I volunteered for McGovern in Massachusetts, and I voted for Jimmy Carter. But over the last six years I have been studying history and have become disturbed by what happens to a country when dominated by a Marxist-Leninist minority.

As a product of the Sixties and Seventies, the idea of having my own life controlled by an authoritarian, Leninist state is absolutely horrifying, and I think most Americans—regardless of their political affiliation—share that view. I think it nothing less than creeping racism to assume that the people of Nicaragua find this prospect in their own future any less frightening.

The only change the future generations of Nicaragua have for lives of individual freedom is if they physically resist now the control being forced upon them by Soviet-, Cuban-, and East European-trained cadres. But in an age of helicopter gunships and automatic weaponry it is naive to think that farmers and shopkeepers have any chance to resist sophisticated efforts to control them without help from outside. Please help the people of Nicaragua to help themselves, and please use my tax dollars to do it.

Sincerely,

DREW GIBSON.

Mr. Chairman, this letter from Mr. Gibson speaks to the struggle of the Nicaraguan resistance clearly, soberly, and sympathetically. When it came in the mail a few days ago, I was prompted to recall how the authors of our Federalist papers set for themselves this task: "to refine and enlarge the public view." Surely elected officials should strive to do the same. And yet, as this letter shows, the perennial challenge to those of us sent here to Washington is to be as refined and as broad in our views as are the people we represent.

Mr. MATSUI. Mr. Chairman, today we are considering a request from the Reagan administration which would betray founding principles of our country, violate international law, and endorse a mercenary campaign of terrorism and economic sabotage against the people of Nicaragua.

Described as a request for $36.2 million of mainly humanitarian aid to the Contras, the proposal before us would set in motion an aid package totaling up to $68.2 million. As for how these funds would be spent, we saw all too clearly last summer that the Reagan administration's oversight of Contra aid has been woefully inadequate.

In considering this request, we must recognize that President Reagan has lost all credibility when it comes to Central America. Under his misguided leadership we have seen the illegal mining of Nicaraguan waters, the distribution of a booklet advising his so-called freedom fighters to use terrorist tactics, the sabotaging of the Contadora process, and the direct violation of the spirit—if not the letter—of the Boland amendment: all to pursue a policy which is adamantly opposed by 58 percent of the American public. What, I must ask, has this policy got to do with democracy?

The situation is rather clear. The American people do not support the Contras, and neither do the Nicaraguan people. President Reagan claims that continued funding of the Contras will support the current Central American peace process when, in fact, such funding would be in direct conflict with the plan that is the very basis of that process. The administration claims that Contra aid is necessary to protect Nicaragua's neighbors, but all five Central American presidents signed a plan that demands that Contra aid be stopped. The administration even suggests that the Contra war has brought the Sandinistas to the bargaining table, while in reality every transfer of funds to the Contras has forced Managua closer to Moscow.

Four years ago, Reagan administration policies seriously undermined the Contadora peace process and led to its eventual breakdown. But now we have another promising peace agreement, an agreement of the people of Central America, by the people of Central America, and for the people of Central America. President Reagan states that funding the Contras will help this process, but only last night Costa Rican Ambassador Guido Fernandez stated in response to this view that "the Contras are not the solution—they are the problem."

Mr. MATSUI, today we must choose either the Reagan plan for continued senseless killing or the Arias plan for peace. I urge my colleagues to choose peace.

Mr. KASTENMEIER. Mr. Chairman, the House of Representatives is now facing a moment of truth regarding Contra aid.

The key issue which we must confront today is not the amount of money that the President seeks for the Contras or whether it is in the form of military or so-called nonlethal aid or both.

The main point we, in this Chamber, must decide is the policy that the United States Government should adopt toward Nicaragua and the Arias peace plan. Our debate should really be a debate over what political and moral principles shall inspire our relations with Nicaragua and whose visions will be allowed to prevail.

The President, still clinging to the vain hope of overthrowing the Sandinista regime, is, regrettably, obsessed with the need to continue funding his rebels. But, the United States does not have the right to wage a dirty war against Nicaragua and its people simply because Mr. Reagan dislikes the Sandinistas. Mr. Reagan must learn that he cannot export the American dream by war and violence.

The Central American peace plan is slowly moving forward. If there are those who are dissatisfied with the Sandinista compliance with the terms of the peace accord, it should also be admitted that Nicaragua, engaged in a civil war, has made significant concessions to keep the peace process alive. Furthermore, it must be noted that the Reagan administration has failed to comply with the Central American peace accords by continuing to supply the Contra forces—a clear violation of the peace accord requirement that outside support for insurgencies be ended.

Mr. Chairman, one of my constituents, who is presently residing in Managua, recently wrote,

It is a dirty, dangerous business and all very well and good and easy for those who vote for continuing and escalating a war which already has this country in a stranglehold. But, there are three million people here who will have to live and die with the consequences of the vote. Tell me what they are supposed to do?

The choice we face today is clear. We can support the Contras and continue the war and the killing of innocent people in Nicaragua by voting more funds or, by cutting off all aid, we can support the Arias peace plan.

I will vote to stop all funding for the rebels and give peace a chance. Let us stop the death and destruction in Nicaragua. Let us also bring an end to the economic misery we have brought to the poor people of that country by lifting the embargo imposed by the Reagan administration.

This is the only choice open to us which is consistent with the interests of our Nation and consistent with the will of the vast majority of the American people.

It is time to begin a new era of peace and reconciliation with the people of Nicaragua.

Mr. Chairman, I urge a "no" vote on aid to the Contras.

Mr. MINETA. Mr. Chairman, for the last 7 years, our Government, led by the Reagan administration, has financed and directed a guerrilla war against the Government of Nicaragua.

The purpose of that war, we have been told by the President, has been to promote freedom, democracy, and human rights for the people of Central America.

Yet, what has the last 7 years of the President's Contra war actually given us? Instead of peace, we have seen increasing violence and bloodshed; instead of democracy, we have seen increasing tyranny; instead of freedom, we have seen increasing oppression; instead of security, we have seen increasing instability.

At the same time, this policy has done grievous harm to our own country and people. In carrying out this surrogate war, the Reagan administration has broken the laws of our Nation, has lied to the American people, has brought us the embarrassment of the Iran-Contra scandal, and has made a mockery of our Constitution.

Now, finally, there seems to be a way out of this morass of war and violence and hatred. The leaders of Central America have come together and agreed to implement a regional peace plan, a plan that offers the first real hope of peace and security for the people of Central America.

Right now, with the Guatemala peace accords, there is a chance for peace in Central America. This is a chance that has eluded us for the last 7 years of President Reagan's policy of war and escalation. And in only 6 months, this peace process has resulted in more positive movement toward dialog, reconciliation, democracy, and human rights for the people of Central America, than has all the years of the President's Contra war.

But rather than heeding the wishes of the Central American leaders who are seeking peace, President Reagan has chosen to sabotage their hopes and their independence. The President has demanded more money for the Contras, so he can send in the CIA with more weapons, to continue the bloodshed and escalate an armed conflict in which everyone loses.

President Reagan calls this request an insurance policy. But let there be no doubt: if we send more money to the Contras now we will be harpooning the peace process and only prolonging the bloodshed in Central America. More Contra aid is no insurance policy in Central America: it is a death wish for the peace process.

If we truly want peace, and freedom, and human rights in Central America, then we have no choice but once and for all to reject the Reagan administration's policy of military escalation. If we truly want democracy, then we have no choice but to reject this latest request for more Contra aid.

It's time to put an end to this administration's senseless challenge to reason and responsibility.

It's time to get to work on a policy that will lead to more peace, not more bloodshed.

It's time to get serious about supporting President Arias and the Central American peace plan.

Most importantly, it's time to send our diplomats, and not the CIA, to Central America.

Mr. JONTZ. Mr. Chairman, I rise today to express my concern about the vote we are about to cast on $36.2 million in additional aid to the Contras in Nicaragua.

Approving the President's request would bring the 6-month total of U.S. aid to the Contras to more than $89 million. And approval of the $36 million today also means that the stage will be set for even larger Contra aid requests to come to the floor this summer.

A question I have, which I share with many of my colleagues is what have the Contras done with all of the direct and indirect aid that our taxpayers have given them? After a good amount of investigation by our Government, we have not been able to account for tens of millions of dollars of that aid. Are we now getting ready to hand over even more money from our treasury which may or may not end up where it supposed to?

Whether you are for Contra-aid or against it, agreeing to approve this $36 million request before we can account for the previous millions we have given the Contras in aid is a grave disservice to the taxpayers of this country who deserve to know how and where their money is being spent.

Mr. ACKERMAN. Mr. Chairman, I rise in strong and vigorous opposition to House Joint Resolution 444, the President's request for $36.2 million in lethal and nonlethal aid to the Contras. In an attempt not to repeat what everyone else has said today, I will try to focus on what I believe is the hidden meaning of our 10-hour debate.

I agree with many of my colleagues that continued Contra aid will disrupt the fragile Central America peace process, tht we must give the signers of the Arais accord a chance to attain peace on their own terms, and that if, indeed, the Sandinistas do not fulfill their promises of democracy, the Congress can always vote in the future to once more fund the Contras. The Washington Post reported today that Congress has given approximately $209 million to the Nicaraguan resistance since 1981. We have already made a very significant contribution to the Contra cause; we must now decide whether to continue this effort.

But I am struck by what my colleagues seem to be saying between the lines. Are we really spending 10 hours discussing $36 million when we allocate equal amounts of money on other programs without hesitation? Are we really debating for 10 hours about donating funds to a military force of several thousand men, when we give more money in military assistance to nations with much larger armies? I think not. I think we are really talking about something much deeper and more profound. We are discussing the future of U.S. foreign policy after the Reagan administration. We are examining the effectiveness of American foreign policy since 1981, as exemplified by our support of the rebels in Nicaragua.

This is a crucially important topic that easily justifies at least 10 times 10 hours of debate. I hope that with this vote we will see the end of a foreign policy era—the end of the Reagan administration's covert actions, the end of our support for rebels who seek to overthrow selected governments with which our own Government happens to disagree. I am confident our vote tonight will mark the final day we turn our backs on human-rights violators, even if they are "friendly" dictators; the final day we sell arms to nations we publically denounce as terrorists; and the final day we pompously insist that we have a better plan for peace in Central America than the very Presidents of that region. I hope this vote represents a new day in foreign policy when we can examine conflicts not just as East versus West, as freedom fighters versus Communist thugs, as us versus them, but as world citizens who will stand up for peace with self-determination in every nation versus enemies of democracy, whatever their political stripe.

Our discussion of Contra aid is crucial today and vitally important for the future of peace in Central America. But just as importnt is what we say about the future course of American international relations. I urge my colleagues to vote no on Contra aid and yes to a more just and democratic U.S. foreign policy.

Mr. RODINO. Mr. Chairman, I was deeply disappointed that President Reagan has chosen this critical juncture in the implementation of the Arias peace plan to submit another funding request for aid to the Contras. The Arias peace plan presents the most concrete opportunity to achieve a stable and lasting peace in Central America. But, the President seems to be unwilling to give this attempt at peace a chance. In fact, the President has maintained his belligerent posture toward the Sandinistas. He still calls for continued funding of the Contras so that the Sandinistas will cry "uncle." Mr. Speaker, this kind of rhetoric is not the way to achieve a diplomatic breakthrough. At this time when President Arias and the other Central American leaders are working toward a solution to that region's problems, any indication that there is an intention to subvert this process will prove counterproductive.

The Arias peace plan represents a departure from the traditional ways of solving differences in Central America. It seeks to substitute dialog for violence, and cooperation for conflict. However, for the plan to work, all those who have a stake in Central America must support it without reservation in the hope that it will work. The Arias plan is not a momentary flirtation with diplomacy. It is a new and different way of dealing with the chronic problems of Central America. However, unless the United States commits its vast influence and prestige to the success of this approach, its chance of success is slim. For it to work it must be given a chance.

The administration's most recent Contra aid request demonstrates its lack of commitment to the new course. Any military aid to the Contras flies in the face of the letter and spirit of the Arias peace plan. Our funding of the Contras would demonstrate to our citizens and the people of Central America that the United States was never serious about pursuing peace.

Contrary to the arguments made by the supporters of further aid, the Arias plan has already produced solid successes with regard to Nicaragua. The Sandinistas have released almost 1,000 political prisoners; they have allowed La Prensa, the main opposition newspaper, to open and publish without censorship; and they have created a reconciliation commission which includes Cardinal Bravo, the main figure in the legitimate Nicaraguan opposition movement.

Any further aid to the Contras at this time would provide Daniel Ortega with reason to question the United States' commitment to full support of the Arias peace plan. Instead, any such aid would only send another signal to Daniel Ortega that we, the United States, are not interested in seeing the Arias peace plan work and that the only solution to the Central American problem must be through continued armed conflict.

Let us respect and support the genuine and sincere efforts of the Central American leaders who are trying to bring peace and democracy to their region, by working through the Arias peace plan without placing obstacles and hurdles in their path. Let's give peace in Central America a chance.

Mr. McGRATH. Mr. Chairman, after a great deal of thought, I have decided to vote in favor of continued assistance to the Nicaraguan resistance forces. Over the past several months, I have received thousands of letters and calls, which show tremendous divisiveness among my constituents. This issue is not one that can be considered solely on the basis of its popularity or lack thereof.

To the opponents of assistance, I will acknowledge that the Reagan administration has been equivocal to say the least over the last 6 years. The lack of direction does not, however, justify abandonment of the Contras. We appear to have muddled our way to a position where a combination of diplomacy and the threat of a continued military aid will bring Nicaragua toward democracy and respect for its smaller and less powerful neighbors. I find it hard to believe we would have reached this stage without pressure exerted by the resistance.

President Reagan's plan is a significant departure from prior aid requests and a sincere effort to bring about a bipartisan compromise on American policy in Central America. He has included Congress in the decisionmaking process, and the majority leadership has offered no alternative to the administration plan. Those who complain that it was too late have short memories of the peace at which this body has worked on the Federal budget and other pressing matters within the last 3 months. Under the Reagan plan, the so-called "lethal assistance" may never be released if the Sandinistas follow through on their promises.

Daniel Ortega's slothful response to the requirements of the Arias peace plan has been a major influence in my decision to vote for the President's package. I think that recent concessions by the Sandinistas have been little more than thinly veiled public relations ploys timed to coincide with congressional action on aid to the Nicaraguan resistance.

The often repeated statement that no Marxist government has ever voluntarily relinquished power is dismissed by many as harsh rhetoric, yet no one can challenge its veracity. The Sandinista's promise to allow opposition political activity rang hollow last week in Managua when Sandinista gangs harassed an opposition party meeting and roughed up political opponents. Several protesters were also arrested at a demonstration.

Others have been victims of this tactic over the last three decades. Solidarity members in Warsaw, Soviet Jews in Moscow, and Leningrad, and Hungarian students in the streets of Budapest are but a few of the unfortunate groups which have tried to exercise political power in a totalitarian state. My concept of democracy simply does not include officially sponsored intimidation and violence directed at political opponents.

Another well-known tactic the Sandinistas have adopted from their mentors is the gift of human beings. Yes, they have released political prisoners, but the number released is only 10 percent of the total held. Nearly every Member of this body has accosted the Soviets, the South Africans, Vietnam, and others for imprisonment of political opponents. Like the others, Nicaragua offers us a token of sincerity, but with 9,000 people still in jail, an opposition figure would need a great deal of courage and fortitude to speak out against the government.

We will spend over $290 billion this year for national defense, which is primarily defense against Soviet forces. I find it inconceivable that we would simply permit the Soviets to repeat their success in Cuba. While I do not see the Sandinistas as an immediate military threat to the United States they are certainly capable of destabilizing areas south of our border where significant American interests are present. Those interests include the Panama Canal, Mexican oil reserves, and other resources vital to our national economy and the economies of every other nation in the region.

The Defense Intelligence Agency estimates that the Soviets provided $1.81 billion in military aid to the Sandinistas since 1980, with $600 million of that total sent in 1986. Economic aid over the last 8 years has been estimated to be approximately $1.83 billion. Nicaragua has standing armed forces numbering approximately 140,000 with support from an estimated 3,000 Cuban and 200 Soviet "advisers." Smaller contingents from Eastern European nations, Libya, and the Palestinian Liberation Organization also are present.

Soviet deliveries of weapons to the Sandinistas include the following: 12 HIND helicopter gunships, 35 troop transport helicopters, 110 medium weight T-55 tanks, 30 light amphibious PT tanks, and 200 other armored vehicles. They also have a large stock of SA-14 missiles, which are the most modern surface-to-air weapons in the Soviet arsenal. To paraphrase President Reagan, I doubt that the Politburo anguished over sending these lethal supplies.

The Contras are the only internal force in Nicaragua capable of responding to future violations of the Arias plan. No one on either side of the aisle wants continued violence and bloodshed in Central America, and everyone seems to agree that we have geopolitical concerns in the region. If the peace process moves forward, as I hope it does, I am willing to support substantial economic assistance and a new trade relationship with Nicaragua. Without the resistance forces, we have no assurance whatsoever that we can reach that point. To renege on our support for the Contras at this time would have serious ramifications for the struggle toward democracy in Nicaragua and throughout the world.

Mr. McMILLEN of Maryland. Mr. Chairman, last month, I signed a letter with 19 of my colleagues urging the President to delay his request for additional aid to the Nicaraguan resistance.

The President should not have asked for military assistance to the Contras at this time. But he did, and I urge my colleagues to vote against it.

It is at this critical time during these most sensitive of negotiations that utmost caution in U.S. policy must be exercised. Any new United States military aid to the resistance at this time is extremely risky and a threat to lasting peace in Central America.

Military assistance to the Contras directly violates the Arias peace plan. Costa Rican President Oscar Arias opposes military aid precisely because it subverts the peace plan. By providing aid to the Contras, we give the Nicaraguan Government a perfect escape hatch. By stopping aid, we can at least test the Nicaraguan Government's commitment to the negotiations.

The administration needs to clarify its objectives in Central America. If our goal is to get the Sandinistas to negotiate, the administration should declare victory. For the first time in 9 years, President Ortega is paying more than just lipservice to democratic principles. The Nicaraguan Government has observed critical points of the Arias plan, such as lifting the state of emergency and committing Nicaragua to direct negotiations with the Contras for a cease-fire and upon the cease-fire's achievement, a broad amnesty.

If the administration's goal, however, is to overthrow the Sandinista government, the Contras have not proven to be the viable means.

In working for peace in Central America, the United States must exhaust diplomatic solutions before continuing to pursue military avenues.

The United States, after almost 7 years of supporting war, must now concentrate its efforts on working to build a plan for peace and democracy. A vote to reject the President's package does not constitute an abandonment of the Contras nor does it signify complete trust of the Sandinista government. But at this delicate time in the peace process, the United States must not be the obstacle to peace in that region.

We must instead work together to develop a true humanitarian aid package and long-term economic aid to the region. Then and only then will we be able to promote democracy and self-determination for the people of Central America, while protecting our national security interests.

Mr. OBEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members recorded their presence:

[Roll No. 6]

ANSWERED "PRESENT"—409

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Armey
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bellenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Carper
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frenzel
Gallegly
Gallo
Garcia
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
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Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
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Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

□ 2100

The CHAIRMAN. Four hundred nine Members have answered to their names, a quorum is present, and the Committee will resume its business.

The Chair announces that 56 minutes of debate remain.

□ 2115

Mr. OBEY. Mr. Chairman, may I inquire how much time is remaining on both sides?

The CHAIRMAN. The Chair announces that the gentleman from Wisconsin [Mr. OBEY] has 31 minutes remaining; and the gentleman from Oklahoma [Mr. EDWARDS] has 25 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I rise in strong opposition to the funding resolution under consideration.

Mr. Chairman, I rise in opposition to House Joint Resolution 444 and the continuance of United States aid to the Nicaraguan Contras. The policies of the Reagan administration toward this impoverished and war-torn country are misguided, and it is time for us to establish a Central American foreign policy that promotes peace instead of bloodshed.

Last summer, the five Central American Presidents signed the Arias peace plan which was designed to gradually reduce hostilities in the region. Complete implementation would include the democratization of the existing governments, simultaneous cease-fires, the suspension of outside military aid to insurgents, the prevention of neighboring countries from being used for military or logistical support of insurgents, and the reduction of armaments by the five nations of Central America.

While the application of the Arias plan has not always gone as smoothly as we would like, substantial progress has been made toward achieving its goals. Most recently, the Sandinistas have agreed to lift the 6-year-old nationwide state of emergency, grant amnesty to thousands of political prisoners, hold municipal and local elections, permit the opening of several radio stations and newspapers, and enter into direct cease-fire talks with the Contra rebels.

I suffer no illusions about Nicaraguan President Daniel Ortega. His record shows that he cannot always be trusted. But we need not embrace nor violently overthrow the Sandinista government to meet our legitimate national goals. Our security interests and those of our allies in the region would be best served by full compliance with the Arias peace agreement.

Costa Rican President Oscar Arias has repeatedly pleaded that Contra aid be halted because it will lead to more war and less democracy. Explaining the devastation that additional U.S. military assistance would cause to the peace process, President Arias is quoted as saying that he "would have to go back to Oslo and return the Nobel Peace Prize."

By voting against House Joint Resolution 444, we can prevent President Arias from having to make that trip. At the same time, we would be sending the important message that we have confidence in the abilities of the Central American leaders to work through the details of the plan that they—not the people of the United States—will have to live with.

The Contra aid request which we will be voting on today is unacceptable. It represents a deliberate attempt to thwart peace while escalating the Nicaraguan civil war.

Taking great liberties with semantics, President Reagan's nonlethal aid could include helicopters, jeeps, and other war-related equipment. In addition, the allocation of so-called humanitarian aid by the United States would enable the Contras to use their other available resources to continue the slaughter of civilians that is characteristic of this and all wars.

This week marks the 20th anniversary of the Tet offensive in Vietnam. Not forgetting the lessons and slogans of that era, I challenge President Reagan to give peace a chance. In offering the same olive branch to my colleagues, I urge them to cast their votes against House Joint Resolution 444.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. Mazzoli].

Mr. MAZZOLI. Mr. Chairman, it is late at night and we have had a long debate, since 10 o'clock this morning. Very little new can be added. Let me just say this is a very difficult vote. We have friends on both sides of the issue. At times righteousness and truth appear to be on both sides of the issue, but we do have to make a decision and adding to the confusion of this decision is our respect for the President and the Presidency, and I desire not to hurt him or to in any way weaken the office, but we do have to vote and I have made a decision and my decision is to oppose the package and to urge that we move ahead with the peace process in Central America.

Mr. Chairman, I believe that if we are ever able to isolate the Sandinistas, and determine whether their intentions are pacific as they insist, or sinister as many have observed, we must reject Contra aid at this time. If there is any time that we will ever be able to isolate the Sandinistas and determine ourselves and have the world determine whether or not their intentions are pacific or sinister then we have to remove from them the one excuse which they have consistently used to delay implementation of the Arias peace plan and the excuse that they have used to deny their own countrymen the human rights and the civil rights and rights of free expression, the rights of assembly, and that excuse is that the United States is supporting the Contras, and the U.S. presence in that area.

I urge that the House defeat the bill tonight, take pause in its support for the aid to the Contras, and if then the Sandinistas fail to adhere to the peace plan, then we may if we have to, return to the fray and return to the side of the Contras, but at that time it will be at the behest of the four democratic Presidents, or at the behest of the Organization of American States, or were the worst to occur, at our own instance unilaterally.

Defeating Contra aid tonight will not injure U.S. status nor will it injure U.S. security. It may very well advance the peace process. Tonight I would urge the House and the Congress to give peace a chance. Let us vote down this bill and give peace a chance.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. Pickle].

Mr. PICKLE. Mr. Chairman, I support humanitarian aid to the Contras, but I am in opposition to the President's Contra aid request because it contains funds for lethal weapons.

We all know we are at a critical juncture in the Central American peace process. Concessions are being made by all parties in an effort to end the fighting. Our dedication to peace should not be measured in terms of numbers of weapons but rather in the degree of our commitment to long-term regional stability.

The regional governments are currently engaged in negotiations to implement a cease-fire. They have not asked us to rearm the Contras.

In fact, to ship arms to the Contras at this stage could sweep away incentives to seek a negotiated settlement: If the Contras are given reason to believe they can refrain from reaching any agreement for the next 30 days, then they would be in a much better position to receive additional materiel support from the United States. By the same token, if the Contras choose to negotiate with the Sandinistas then they lose their capability to wage war.

We clearly have a national interest in the Central American issue. Limited support of the Contras is justified, because they have proven to be effective in exerting pressure on the current Ortega regime and making cease-fire talks a reality. I think humanitarian assistance to these people can be justified, and I have supported nonmilitary aid in the past.

But, Mr. Chairman, more weapons will not immediately encourage a cease-fire, nor will more military aid encourage peace. We are obligated to protect the democracies of Central America from a Nicaragua which could become a Soviet outpost. The United States can and should support regional efforts against foreign intervention in the Western Hemisphere.

Our best hope right now is to have the full support of the five countries sponsoring the Arias plan. They could have as much leverage as the United States and no doubt have interests as strong as those of the United States to bring peace to Central America.

However, the United States cannot impose upon the Nicaraguan people what type of government they should have. Should the President later show a finding of fact that the Sandinistas are inhibiting progress toward peace, then the President would be expected to return to Congress for more aid to the Contras, as he sees fit. I would be willing to consider such a vote if it is found later that the Sandinistas are scuttling the prospects for peace. At this time, however, when all parties are working hard, we hope, to end the conflict, I strongly believe that we should further the peace process and not promote further violence and bloodshed.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Kansas [Mr. Slattery].

Mr. SLATTERY. Mr. Chairman, we are once again in the throes of another divisive debate on Central America. We are once again focused on the things that divide us while neglecting alternatives that would unite the American people. We should do as Truman and Vandenberg, Eisenhower and Rayburn did before us, develop a bipartisan policy that would bring freedom and peace to Central America.

The President should not have asked for military assistance at this time but he did so, and we should defeat it for several reasons.

First, it is in clear violation of the Arias peace plan which we should be strongly supporting. There is no doubt where President Arias stands on the question of military assistance to the Contras. He is against it.

Second, the United States lacks the moral justification to pursue a military solution until we have exhausted our diplomatic remedies. How can the administration convince the American people it has exhausted diplomatic remedies when it has refused for 3 long years to meet at the high levels with the Nicaraguan Government?

I do not believe it can.

The Nicaraguans want to talk to us about our national security concerns including the size of their military, and including the presence of foreign military advisers, but this administration has refused.

I do not know whether these talks would be successful, and no one in this room tonight knows whether they would succeed, but, ladies and gentleman, one thing is absolutely certain: We have a fundamental moral obligation to find out. It is not enough for us to merely oppose the President's request for military assistance.

As President Truman was fond of saying, "Any jackass can kick down a barn but it takes a carpenter to build one." Our challenge is to be carpenters building a plan for peace and democracy in all of Central America. Any suggestion that this is the final vote on the Contras is absolutely dead wrong. This issue is not going to go away regardless of what we do here this evening. A no vote on this resolution does not mean that we are abandoning the Contras. It does not mean we trust the Sandinistas either. It only means we are saying no to military assistance during this delicate time in the peace

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process when such aid would clearly violate the peace process.

If the President wants to he can go to work tomorrow morning on an alternative package of humanitarian assistance that could gain and should gain broad bipartisan support.

We can and must agree on an aid package of food, shelter, clothing, and medical supplies to be delivered to the Contras within cease-fire zones in Nicaragua. Under such a plan the Contras would remain in the field pending the outcome of the peace process. So we are not abandoning the Contras with this vote, and I do not believe we should.

If we care about the future of Central America and Mexico, as we must, we better do what we can to make sure that their people have a future of hope and opportunity. The best way to do this is to support the Arias peace plan.

Let us defeat military assistance and support a bipartisan package of humanitarian aid and long-term economic assistance for the region.

Then and only then will our neighbors in Central America have a future of hope and opportunity, and then, ladies and gentlemen, will we contain the spread of communism and preserve our Nation's security.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. Ackerman].

Mr. ACKERMAN. Mr. Chairman, I rise in strong opposition to the resolution.

☐ 2130

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it will be alleged in the closing moments of this debate that if you vote against the President's request we will be abandoning the Contras, they will be running out of bullets, they will not be able to defend themselves. Let me repeat what I said earlier today. The chance that the Contras have of running out of bullets is a whole lot smaller than our chance of running out of hot air on the House floor.

The administration has been piling in amounts of military equipment far in excess of monthly rates that they have been providing in the past 3 months, and that means that between now and the end of February they will be pouring in military equipment at such higher levels that even though the President has announced that there would be a hiatus in military aid, the fact is that so much will be delivered before that hiatus that it will make no difference whatsoever on the ground. The Contras will have plenty of ammunition and plenty of equipment.

It also will be alleged that the administration's plan scales back their previous plans. My colleagues need to understand that this request is not only a significant increase, not a decrease, an increase in overall dollars, but it is an increase on the lethal side of some 400 percent. We would be spending four times as much on ammunition, missiles and mines as we did last year on the humanitarian side. The request is actually a decrease of about 33 percent.

The administration says that 90 percent of the request is for nonlethal aid. The facts are that the fiscal 1988 continuing resolution strictly defines humanitarian assistance as being only food, clothing, shelter, medical supplies and payments for such items. The President's request opens up the definition of nonlethal assistance to include everything but weapons, weapons systems and ammunition. That means it allows air operations, communications, logistic support, civic action, intelligence operations and all of the rest. That means that $26 million or 80 percent of the $32 million in so-called nonlethal assistance actually falls into the category of logistic assistance which will directly support a war effort. That will mean an escalation of the war, not a scaling back.

Let me make one final point. Whether my colleagues believe that the Contras' pressure or negotiations have brought the Sandinistas to the table, the fact is that there is now a chance for peace after 6 years of war and 3 months of negotiations.

People say leadership comes from military strength. You bet it does. But leadership also comes from the wisdom of knowing when to use it and when not to use it, and this is the time to test them by not using it and putting together a bipartisan policy that can be sustained through this administration and administrations for the next 10 years.

We need continuity. The President's recommendations will not give it to us. The alternative that will be produced in the next month will.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. Barton].

Mr. BARTON of Texas. Mr. Chairman, I rise in support of the President's request for aid to the freedom fighters in Nicaragua.

I believe we, as the leaders of the free world, must demonstrate to Daniel Ortega and the Soviet Union that America is serious about democracy, free elections, free speech, and free press in Central America. Pressure exerted by the freedom fighters has brought the Communist Sandinistas to the bargaining table and has forced concessions. Only continued pressure will keep them from reversing this trend.

Once the Communist Sandinistas understood that the Central American Presidents were not going to keep the peace process alive, they made convenient concessions to influence continued aid to the freedom fighters. Daniel Ortega lifted the state of emergency, disbanded the revolutionary tribunals, and agreed to discuss a cease-fire. He waited to make these concessions until U.S. congressional approval for continued aid was apparent. Now, the Communist Sandinistas merely hope to prevent continued aid and wait out Reagan's final year.

The Guatemala peace proposal called for specific compliance provisions, but compliance overwhelmingly meant democratization. Does anyone actually believe that the Communist Sandinista regime, their recent concessions notwithstanding, really want democracy? I don't. The Communist Sandinistas have disregarded and abused almost every provision of the peace plan. Daniel Ortega must be judged on his actions—not his promises. The stakes are too great to risk another strategic Soviet beachhead in our hemisphere.

On August 7, 1987, Daniel Ortega and four Central American Presidents signed a peace accord committing their countries to democracy, amnesty, a cease-fire, and an end to the aid of insurgent movements in neighboring countries. Despite the 2-month extension of the 90-day deadline, the Communist Sandinistas are still blatantly in noncompliance.

The revelations of recent defector Major Miranda should not be forgotten. His intimate association with the Communist Sandinistan leadership allowed him to inform our intelligence officials of detailed military plans and valuable intelligence information. Major Miranda's testimony should leave no question in our mind that Daniel Ortega is fiercely committed to Marxism. The plan to build an army comparable to the size of the United States Army is extremely alarming; with an army of 600,000 men, one of every five Nicaraguans will be in the military.

As President Reagan said back in December "making sure the freedom fighters remain a viable force in Nicaragua is the only way to make the peace process go forward—to give peace and democracy a chance * * * ." If Daniel Ortega signed the peace plan in good faith and with serious intent, then he has nothing to fear. Please vote "yes" on the aid package. It is a vote for peace, and for freedom.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. Fish].

Mr. FISH. Mr. Chairman, I rise in strong support of this resolution as the best way to proceed with peace in this part of the world.

Mr. Chairman. I have received numerous calls and letters from constituents expressing a range of views concerning the President's aid request to the Nicaraguan resistance fighters, or Contras. Despite the diversity of views expressed, everyone shares certain basic hopes and goals. We all want peace and democracy for Central America, and we support the peace plan principally authored by Costa Rican President Oscar Arias and agreed to by the five Central American Presidents, including Nicaragua's Daniel Ortega. Differences among my constituents, and throughout the Nation, center on the best way the United States can help this process toward peace and democracy.

I believe that a reduced level of aid to the Contras is the best way to foster that process. This aid, combined with the Guatemala plan, represents an effective two-track strategy.

As the Washington Post astutely observed on February 3, the day of the congressional vote on the President's aid request, "The record of the last 6 months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further, without capsizing the peace plan, and on that basis we support the President's request."

The New York Times, in a January 31 editorial urging a delay in the Contra vote, noted: "As President Arias says, the future of aid to the Contras is in the hands of the Sandinista government of Nicaragua. That being so, the threat to continue aid, at this precise moment, could put constructive pressure on the Sandinista government to keep up its grudging movement toward peace. Congressmen who truly support the Arias plan will see that and avoid a final decision to end aid now."

Indeed, it has been Contra pressure—in the context of a deteriorating economy, hyperinflation and the war's drain on Nicaragua—that spurred Ortega to agree on August 7 to the Guatemala plan, which calls for cease-fires, national reconciliation and democratization.

It was the same pressure that spurred Ortega in mid-January to make further concessions, by agreeing that the Sandinistas would lift the state of emergency and engage in direct negotiations with Contra leaders on a cease-fire. In making these concessions, Ortega clearly was seeking to persuade the U.S. Congress to vote no on further Contra aid.

If the Sandinistas had a good track record on past promises kept, perhaps these latest promises would be enough to sway U.S. policy. But the hard fact is that the Sandinistas have been making and breaking promises since they came into power. Ortega was one of three Sandinistas on the Nicaraguan Government of National Reconstruction [GRN], which on July 12, 1979, promised the Organization of American States that the GRN would replace the Somoza regime with a new government that would guarantee:

A pluralistic government;

Full observance of human rights;

Freedom of press, religion and unions;

Private enterprise in a mixed economy; and

A nonaligned foreign policy.

Since then, the Sandinistas have consolidated political control, arrested political opponents, accepted Cuban military advisers, assisted leftist guerrillas in El Salvador and joined the Soviet camp. Under a state of emergency, they closed newspapers and radio and TV stations, and censored those that continued to operate. Under the same state of emergency, they enacted regulations that straitjacketed the private sector. Now that the state of emergency has been lifted, let us closely monitor the level of freedom of expression and private enterprise allowed in Nicaragua.

Both opponents and proponents of the Contras recognize the real danger of Nicaragua becoming a Soviet beachhead in Central America and of Nicaragua exporting revolution and subversion in the region. Today the Contras are fighting to keep the Sandinistas in check. But what will we do if the Sandinistas' threats become reality, and we have abandoned the Contras? We will then be left with but one response: sending U.S. Armed Forces into combat in the region. That is a possibility I want with all my heart to avoid. And it is for this reason that my conscience tells me to vote to continue support for the Contras.

We are all following developments in Nicaragua with great interest. So far, the Sandinistas have sent some disturbing signals. In August, after Ortega signed the peace accord, the Sandinistas arrested two prominent opposition figures—one was Alberto Saborio, the head of the bar association—and held them for 3 weeks. And when Ortega announced his latest concessions in mid-January, the police in Nicaragua were rounding up 11 opposition leaders, including an editor of La Prensa. Their crime: having talked to Contra leaders in a meeting outside Nicaragua.

The Nicaraguan Minister of Defense, Humberto Ortega, announced that the Sandinistas plan to seek sophisticated Soviet weapons and to put 600,000 men under arms by 1995.

Given this record, it would be irresponsible simply to take the Sandinistas at their word. Their words must be translated into deeds—not gestures that can be reversed overnight.

At the same time, the United States has an obligation to encourage the emerging peace process. The best way to do so is to keep the Contras alive, but to reduce the level and kind of funding. Fortunately, the President's request does just that. The total aid request of $36.2 million represents a substantially scaled back figure. Only 10 percent, or $3.6 million, is for lethal aid, and it is to be held, unspent, in a separate account through March. The aid can only be released if the President certifies to Congress that: First, no cease-fire is in place; second, the Sandinistas had failed to comply with their promises for democratization; and third, the Contras had acted in good faith. Moreover, the President has promised to consult with the four Central American democracies on whether to release the military aid, and he has promised to inform Congress of their recommendations. He has also stated that he will withhold the lethal aid if Congress adopts a sense of Congress resolution that the Nicaraguan Government has complied with the peace accords.

It is worth noting that the Guatemala peace accord called for cessation of aid to guerrillas to take place simultaneously with a cease-fire and democratization. Let us hope and pray that our reserve fund for lethal aid will never be released, that the Sandinistas and the Contras agree on a cease-fire. Then we will be on the road to true peace and democracy, and our assistance can go toward healing this war-torn region.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. Ray].

Mr. RAY. Mr. Chairman, I rise in support of House Joint Resolution 444.

Mr. Chairman, earlier today I spoke on the floor and submitted for the Record 60 members of Daniel Ortega's inner circle of government including Daniel Ortega.

These biographical backgrounds gave the specific training, educational backgrounds, and history of each individual.

Tomorrow, every one who reads this Record will see that many of these people were trained or educated in such countries as Cuba, the Soviet Union, East Germany, and other Communist countries.

Mr. Chairman, I also read into the Record the Sandinista creed which Daniel Ortega and its inner circle took an oath to.

Mr. Chairman, since making this statement, today my telephones have been inundated with calls and I've been asked again to refer to this creed which I will do now.

THE SANDINISTA CREED

I believe in the doctrines and struggles of Marx, Engles, Lenin, and Che Guevara—the great teachers, and guides of the working class which is the productive force and true driving force of the class struggle.

I believe in the building of the Marxist-Leninist Socialist Society.

Mr. Chairman, I refer to this simply to bring out the fact that when you are depending on the Communist government to set up free elections which could be a duplication of what happened in El Salvador—the establishment of a democracy—its going to be an uphill battle. Ladies and gentlemen, we need these remaining 5 months and a positive vote tonight will provide it.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 7 minutes to the gentleman from Illinois [Mr. Michel] the Republican leader.

Mr. MICHEL. Mr. Chairman, I suspect there will be several distinguished speakers on the Democratic side who will rise after me, and I know that the House will accord them the courtesy of attention. I would hope that you might accord the same privilege to those of us on this side of the aisle. It has been a long day, and I simply want to first congratulate the gentleman from Oklahoma [Mr. Edwards] and thank him profusely for the manner in which he has conducted and managed the debate on our side of the aisle, to all of his cohorts who have acquitted themselves so well during the course of this debate. And let me turn over here to my Democratic side, too, and thank those of you who feel as we do and have talked in support of our resolution today and, yes, helped us work hard to garner votes. I am most appreciative of that effort.

I am reminded of a couple of years ago on that rostrum when I was there for only a few moments as we began a session saying there might be times when the issue would cross the aisle here, and this is one of those occassions. It is a foreign policy debate that we have been discussing today, and it

is on foreign policy, and it ought to be a bipartisan decision when finally the vote is cast.

I was here in the House when President John Kennedy spoke all those marvelous words about an Alliance for Progesss in Latin America. They were very beautiful words that he uttered, but there was no followup or progress made, and his legacy left the Cuban people with a Communist state headed by Fidel Castro.

Contrast that record, if you will, with President Reagan's Central American initiative. Seven years ago there were four dictatorships and one democracy in Central America. Today, after consistent support from the United States, there is only one dictatorship in Nicaragua and four democratically elected governments surrounding it.

The record of progress cannot be disputed, and it was accomplished with both military and economic assistance for which we had to pull out all the stops to get approval over the past several years.

Now even after these successes there are those in the House who would alter the balance of power and change the dual formula that has gotten us this far in the peace process. We are told today that humanitarian aid is all that is required to support the democratic resistance in Nicaragua.

Mr. Chairman, I want these advocates of humanitarian assistance only to tell me is the Soviet Union on the verge of pulling out of Afghanistan because of our humanitarian assistance to the Afghan freedom fighters or because of the unmentionable military assistance component?

When we came to the aid of postwar Europe we did it not only with the Marshall plan of economic assistance, but with NATO as well for security and stability.

The gentleman from Texas [Mr. Stenholm] and the gentleman from Illinois [Mr. Hyde] before me turned to the left over here to the portrait of Lafayette. Of course, being the in-house Frenchman I guess I am free to make the comment that if during our Revolution the French had sent us only humanitarian aid, we would all be singing, "God Save the Queen" tonight.

The Communists in Nicaragua are saying that if we stop sending aid to the Contras at this time they really, honestly, truly, cross their hearts and hope to die promise us that democracy is going to come to Nicaragua.

I tell my colleagues that Jimmy Carter trusted the Sandinista Communists in 1979, and it actually helped to bring them to power. Congress was urged to trust them likewise and gave them $118 million of American taxpayer dollars. Most people have forgotten that bit of history.

Now about that catchy phrase used so often in today's debate, "Let us give peace a chance," I have to ask the question: What kind of a peace are we talking about? The people in the Soviet Union and Eastern Europe would undoubtedly say they are at peace, but that is not the kind of peace that I envision for truly freedom-loving people. I tell you, my friends, we give peace a chance only when we give freedom a hand.

Sometimes I wish I was not as old as I am, but I will tell you there are several advantages in recalling personal experiences of history, and I can still see that black and white Movie Tone news clip of British Prime Minister Neville Chamberlain stepping off that old trimotored plane at Heathrowe Airport in London. He had just returned from that famed mission in Munich with Hitler with an unbrella in one hand and waving that piece of paper in the other hand saying, "Peace in our time."

What a farce. What peace. It was not worth the paper it was written on, and millions of us were called into service to straighten it all out soon thereafter.

A lasting peace grows from secure freedom, my friends. It is not the other way around.

Finally, my colleagues, this has been a contentious issue for the past 8 years now for me I guess. I could say that I am getting a bit weary of dealing with it time after time after time. I think there are some other issues out there I would like to get to, but then I have to remind myself of the typical Communist tactic of stringing us along with false hopes and promises wearing us down in the hope that in a fit of frustration we will throw in the towel.

My colleagues, we are at a very critical juncture tonight. I plead with you to vote for this well crafted, balanced package one more time. The President has reaily shown his flexibility to accommodate Members of the Congress on both sides of the aisle and offered us the opportunity in March to make another assessment.

The President has been very accommodating in trying to cater to both sides of the aisle, and Members who come to him in good grace and ask him for an opportunity to be heard have been heard, and the President offered us in March another assessment of whether there has been progress or not.

I guess one thing is for sure, the issue of Nicaragua and Central America is not simply going to fade away. But it seems to me if my colleagues vote this package down they had better be prepared to bear the consequences. And you folks particularly who are on the margin and I may have to say on this side of the aisle, ought not to be deluded into thinking you can make it all right by voting for some unknown proposal several weeks down the pike as you have been apparently promised by your leadership.

There is no way you can save the democratic resistance as a meaningful force if you vote this package down. Look what you do to their morale. How do you suppose you can sustain them in the field? What recourse do they have out there on their own?

And bear in mind, those of us who are privy to some of the things that really go on and how this operation has taken place, beginning tomorrow that operation will have to begin to be phased down and closed down if this is a negative vote tonight.

As the gentleman from Texas [Mr. Stenholm] said earlier, do not expect those of us who feel so strongly about this package, who have worked so hard for it, to simply embrace some ineffective, watered down palative to satisfy our conscience.

I would pose one final question to those of my colleagues who have so much confidence in the Sandinistas. Who among you is smart enough to predict the path Daniel Ortega will take you on?

Believe me, as for me I am taking no chance tonight. I am sticking with our President, who really does know where he wants to go, and his plan, without question, is in the best interests of the United States. I would ask for your support of our resolution.

☐ 2145

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. Crane].

Mr. CRANE. Mr. Chairman, I rise in support of the resolution.

Mr. Chairman, by all accounts, the success of President Reagan's aid request will be decided by a relatively small group of conservative Democrats and moderate Republicans, and given the high stakes of this vote, they could well determine the future of Central America. As these legislators finalize their positions, they must decide whether Nicaragua represents a security threat to its neighbors, and determine whether the Sandinista's can be trusted to abide by the Arias peace plan. Finally, they must decide whether the Contras are the best hope we have of ever seeing Nicaragua develop into a democracy.

Nicaragua is clearly becoming the single greatest threat to the security of Central America. A former senior official in the Nicaraguan Army, Roger Miranda, who recently defected to the United States, revealed that Nicaragua plans to develop an army of 600,000. Under this mobilization, which has been confirmed by dictator Ortega, one in every five Nicaraguans would be placed under arms. If a similar mobilization were to take place in the United States, our army would be 50 million strong. During the 1980s, the Soviet bloc has sent 8 times more military aid to Cuba and Nicaragua than the United States has sent to Central America. It has sent 10 times more economic aid than the United

States. The Soviet bloc has provided Nicaragua with $4 billion in assistance while the United States has provided the freedom fighters with less than $250 million.

The Sandinistas cannot be trusted to abide by the Arias peace plan. In 1979, when the Sandinistas needed the support of the Organization of American States to legitimize their regime, they promised to allow political pluralism, maintain a truly mixed economy, respect human rights, and conduct a nonaligned foreign policy. As the Communists broke these promises, purged their opponents, and started building a Marxist/Leninist state dependent on Soviet and Cuban military assistance, President Carter ceased giving them aid. In the years that followed, the Sandinistas consolidated their control over the country with a Marxist government.

Today the Sandinistas appear to be complying with some aspects of the Arias peace plan. In the last few weeks, just before the Contra vote, the Ortega regime reopened Radio Catolica, lifted its state of emergency, offered a limited amnesty to the Contras, and allowed a few opposition parties to demonstrate in public. But these "concessions" have not met all the requirements of the Arias plan. The Communists have failed to meet all of the commitments outlined in the peace accords by the November 5 deadline.

Given the unwillingness of the Sandinistas to keep their earlier promises, what assurances do we have that they will not simply abolish the few freedoms that they have granted in the future? It is only prudent for Members to question the integrity of a government which consistenty breaks its promises, violates human rights, depends on Soviet and Cuban arms for control, and works to destabilize its neighbors. Members must conclude that trust must be earned and that the Sandinistas have done nothing to earn our trust.

The democratic resistance is our best hope of moving the Nicaraguan Communists toward maintaining the few freedoms they have recently granted and eventually forcing them to allow a truly pluralistic society to develop. Opponents of Contra aid would lead us to believe that we should give peace a chance and that any further aid to the freedom fighters would doom the peace process. For some strange reason, they believe that negotiation is sufficient to force the Sandinistas to see the light and change their ways. These well meaning individuals demonstrate only their keen misunderstanding about how the world works.

History teaches us that the proper response to disputes with our adversaries depends on the nature of our disagreement and the intentions of our opponents. We have always been willing to negotiate with those who respect the rule of law and the borders of their neighbors. In recent history, for example, we have consistently been able to work out our differences with Mexico and Canada over the negotiating table. But unfortunately, we have also been confronted by states that threaten the national security interests and the political integrity of our allies. These states, such as North Korea and North Vietnam, did not respect the rule of law and were intent on invading their neighbors. Hence, we were forced to use both force and negotiation in an effort to settle our disputes with them. Although we failed in Vietnam owing to domestic political constraints, we were successful in South Korea. Most recently, our friends in Angola and Afghanistan have been confronted with brutal, Communist regimes intent on their extermination. Our conscience required us to provide military and humanitarian assistance to these freedom fighters and they have been directly responsible for bringing their adversaries to the bargaining table.

Given the growing military might of Nicaragua, and their willingness to keep their promises and negotiate in good faith, we must support both the use of force and the power of persuasion to force the Sandinistas to moderate their policies. It is only now, after the Sandinistas have been threatened by the ravages of a war-torn economy and the might of a credible military opponent, that they have been brought to the negotiating table. Since September of 1986 when American military assistance began to flow again, 15,000 freedom fighters have reinfiltrated into Nicaragua. During 1987, both sides agreed that clashes averaged 300 per month. Future progress toward peace and freedom in Central America requires that the Contras continue to exert similar pressure on the Communists. We have a moral obligation to continue supporting the freedom fighters and thus we must pass the President's request for Contra aid. I urge my colleagues to support the resolution of the gentleman from Oklahoma [Mr. Edwards].

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. Boland], the former chairman of the Permanent Select Committee on Intelligence.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the President's request for additional lethal and nonlethal military assistance for the Nicaraguan Contras.

We begin this session as we ended the last—debating Contra aid.

Unlike 6 weeks ago, today, we debate the issue squarely on its merits, without the presence of other important concerns that properly commanded our attention, during the deliberations on the continuing resolution.

For me, the Contra aid issue reduces itself to this question: at this critical juncture in the history of Central America, does the furtherance of the peace process require, as President Reagan maintains, furnishing the Contras with more military supplies?

I cannot conclude that it does.

In fact, I believe that the opposite is true.

If we approve this request, in my judgment the odds, against the eventual success of the Arias peace plan grow longer, rather than shorter.

There have been some helpful signs in Central America in the past 6 weeks since we last debated this issue.

The Central American presidents have met to assess the status of their peace plan.

Not surprisingly, the have found that in 6 months, it has not achieved all of its goals.

But they have also found that, some discernable progress, has been made.

The Sandinistas and the Contras have met for the first time in direct negotiations.

Cease-fire proposals have been exchanged.

Clearly, much work remains, and the road ahead is both long and uncertain.

But I believe, that more has been done to advance the cause of peace during the 6 months of the Arias peace plan, than in the 6 years of war, which preceded it.

The issue now, is how to best nurture the fragile process of negotiation, so recently begun.

President Reagan argues that Contra military pressure drove the Sandinistas to the negotiating table, and that only a continuation of such pressure will keep them there.

That, it seems to me, is a view of the current, and likely future military stature of the Contras, that, is dangerously at odds, with reality.

Let us be candid about the limitations of the Contras.

I have seen no evidence which would support a conclusion, that the Contras are the vanguard, of a popular revolution likely to topple the Sandinista government.

While Contra forces range widely across sparsely populated areas of Nicaragua, they hold no terrority.

They do not have the ability to prevent the Sandinistas from acquiring Soviet bloc military equipment, in fact, they provide a continued pretense for doing so.

Neither can they establish a barrier around Nicaragua to prevent the export of Sandinista assistance to leftist guerrilla forces in Central America.

I should think, that more than 5 years of debating Contra aid, and measuring its results, we would be honest enough to acknowledge that, if the military and paramilitary activities of the Sandinistas pose a true threat, to the security of the United States, and our neighbors in this hemisphere, than we and our allies directly, not through the use of surrogates, will have to do something about it.

The Contras most certainly are, and can remain, an irritant to the Sandinistas.

They can exacerbate, an already bad economic situation in Nicaragua.

They can ensure that more Nicaraguans—combatants and noncombatants alike—will die in the weeks ahead.

I would hope, however, that the goal of our policy would be, to produce a result better than that, for the people of Nicaragua.

The peace plan, crafted by the leaders of the nations with the biggest stake, in the settlement of the conflicts in Nicaragua and the rest of Central America, offers a more hopeful alternative.

I believe, that it was that plan, that brought the Sandinistas and the Contras to the bargaining table and that it will be diplomatic pressure, exerted through the framework of that plan, that will keep them there.

To those who, discomforted by the lack of certitude that the Arias plan will live up to the expectations of its creators, would like to hedge their bets by providing just a little more aid to the Contras, while loudly proclaiming their support for negotiations, I say that it is time for a different approach.

Let us give the peace process a full, and fair chance to succeed.

I am prepared to do that by rejecting President Reagan's aid request.

I urge my colleagues to do the same.

Mr. EDWARDS of Oklahoma. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Oklahoma has 18 minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania [Mr. Murtha].

Mr. MURTHA. Mr. Chairman, I have been listening all day to these debates and somebody just said to me, "Now, Murtha, I know you don't ever get involved in any deals, but I hear they are giving bridges out. I don't have any river, but I will take a bridge any time."

Now I have not heard a lot of new words in the debate, but I can remember in listening to some of the critics today, that some of the same people got up on the policy we were trying to follow in El Salvador. And I remember going down to El Salvador as an observer for the election and they had it fixed up so that I was supposed to go out into an area that very few Americans have been out to. They had a helicopter to fly me out there. It was kind of a dangerous type thing.

Father Hesburgh was along on that trip. He said, "Jack, if you are going out there I would like to go out there with you." I said, "Oh, this is very dangerous, Father, I don't think you would like to go." He said, "If you get killed I want to be able to give you the last rites." He got his beads out.

Now I know some people here would like to see that happen.

But we went out and they predicted, many Members of Congress predicted and many people in El Salvador predicted that the guerrillas would keep them from voting. Now this was on the constitution itself.

Eighty percent of the people in El Salvador voted even though the guerrillas said, "We are going to cut off your fingers."

I remember tears coming to our eyes as we flew over the countryside seeing these people lined up to vote in El Salvador.

Finally, after a lot of argument, and there is no question about the opposition on the floor having a lot to do with the way the final government was fashioned, but it worked out a policy and it has been very successful.

Here you have a President and El Salvador who at one time had been elected and the military threw him into jail and they were going to kill him. They broke his face. You will notice how prominent his jaws are. They broke his jaws and his face bones. The only reason he was saved is because Father Hesburgh intervened and saved his life.

But the point is the United States was involved and we have got a viable democracy, being criticized from both sides in many cases, but a viable democracy that is working in El Salvador because of the policy that was helped in the United States.

Now I remember going down to Nicaragua. This was when Ortega first took over. I was one of the people that they called a Communist when I voted for the aid that President Carter offered to Ortega. I remember people getting up on the floor and they said, "You are giving aid to Communists and this is wrong." But President Carter said, "Let me tell you, we want to help you out."

Well, you remember what happened. President Carter had to withdraw that aid because he was so concerned about some of the things that were happening, some of the violations of human rights. But we offered that type of assistance.

But I went down and I met with Comandante Ortega. I remember how vigorous he was—and I used the word "vigorous" loosely—about some of the things that I asked him. I said, for instance, "How come you are expanding that runway to 10,000 feet?" He said, "We are going to bring Mig's in there." Of course, I got a little bit hot and I jumped up and I said, "You bring the Mig's in, we are going to take them out." He jumped up and we had a big argument there in his Presidential chamber. I was kind of embarrassed that we were shouting back and forth.

But Kirk O'Donnell reminded me after the Grenada invasion, he said, "You remember what you told Ortega about taking those Mig's out." And I said, "Yes. I had forgotten all about it." But the point is in this long dissertation I am convinced if they are doing their own fighting we will avoid that type of a thing if we keep them straight. I certainly do not know which one of our positions is right. I believe, though, that you have to keep military pressure on the Sandinistas in order to keep them honest.

I am convinced we are close to peace. I admire the Speaker of the House for the chance he took with the President of the United States in order to propose a peace proposal. And I know we disagreed on how we come about that peace. But I am convinced peace is at hand in Nicaragua and the thing that worries me, those guerrillas are out there in the mountains and jungles and there is no way they can get out of there without having some resupply of food.

Now food is the problem, the biggest problem they have in taking the 30 days when they have to start moving out of there. And if we do not resupply them in some way they are going to be caught in a crossfire and they are going to have to live off the country and that is a real mistake.

So I would ask the Members to think very carefully in their vote today and I would ask you to supply this aditional aid that we need to keep the military pressure on the Sandinistas, to keep them honest so that we can have peace in Central America. Thank you very much.

Mr. OBEY. Mr. Chairman, I yield 7 minutes to the distinguished Speaker of the House, the gentleman from Texas [Mr. Wright].

Mr. WRIGHT. Mr. Chairman, I think this debate has been characterized by an extraordinarily high level of sincerity. I believe it applies to both sides.

I want to congratulate those who have conducted the debate—the gentleman from Oklahoma on this side and those who have worked with the gentleman from Wisconsin on this side. I accord sincerity to both and to all. There is no one in this Chamber who wants to support a Communist society. There is no one in this Chamber who wants to encourage or support a Fascist dictatorship. None of us attributes unworthy motives to any among us.

As a matter of fact, it gives me no joy to be in opposition to the President of the United States on a foreign policy debate. I am much happier when it is possible for me to stand here and be in a supportive role in matters of international affairs. That is the ideal situation.

It has been with great pleasure that I have stood in this very place, at this very microphone in active support of the President's Caribbean Basin Initiative, in support of the recommendations of the Kissinger report, in support of the government's recommendations for support of El Salvador and that very electoral process to which my friend from Pennsylvania just referred. He and I both were present at those elections and were greatly impressed by them.

I have risen in numerous other instances involving bipartisan foreign policy objectives.

Last August I took great pleasure and some small political risk, perhaps, in standing beside the President of the United States and joining with him in

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appealing to the Presidents of the Central American republics to launch an initiative for peace and democracy in the hemisphere and in their region.

They heeded our plea and within days they launched the historic Central American peace initiative which they still are actively pursuing and under which progress still is being made—too slowly, but progress nevertheless.

Having encouraged them in that effort, I think we have the responsibility to support them and to support the peace process.

One of the principles of the Esquipulas accords calls for the cessation of outside military aid to insurgent forces in Central America. Now we have the right to call upon other governments, other countries to abide by those accords. And just as we call on others to abide by them, do we not have the responsibility to comply ourselves?

□ 2200

It seems to me that we do. We tried going it alone. That did not work. For 6 long years, this Government recruited, operated, maintained, and equipped an army.

With all of that effort aimed at the overthrow of the Government in Nicaragua, we did not get anywhere. There were no concessions made on the part of the Government of Nicaragua as a result of 6 years of Contra attack. Yet in 6 months, their neighbors—pursuing the process of peace—have elicited from the Nicaraguan Government some significant concessions—not enough yet, but still significant. As a result of the pressures of the peace process, the Nicaraguan Government has permitted the opening of newspapers and radio stations; it has created a reconciliation commission and appointed as it head one of the government's most severe critics, Cardinal Obando y Bravo; and it has repealed the emergency act which had done away with some political rights and which actually created a system of military law. It has agreed to negotiate directly with the Contra forces, and it has indicated its willingness to release political prisoners, to establish limits on the size of its army and armaments, to dispense with all foreign military advisors, to prohibit any foreign military bases on Nicaraguan soil, and to prevent the use of its territory for the subversion of any other state in the region.

These are things that the Nicaraguan leaders say they are willing to negotiate to our satisfaction if we sit down and talk with them. They have made those commitments to the President's of the Central American republics and, in writing, to the President of the United States.

Under the urging of this peace process, the Nicaraguans also have agreed to conduct free and fair elections and to abide by the results of those elections.

Let me quote from a statement written by President Ortega for publication in the New York Times. He said,

> If the opposition wins the election, we will turn over the government to them. There should be no doubt or equivocation about our intentions here,

He writes,

> We are prepared to become the loyal opposition if that is what the Nicaraguan people decide."

I do not know whether you can trust that or not. I am not telling you that you can, but I think you have to test it. And surely the way to test it is by sitting down at the negotiating table and following the process of peace.

Other people, too, just as we do, have pride and dignity. They must be allowed to keep their pride, and they must be permitted to negotiate in good faith as equals. Obviously, it does not do any good for us to take the position—and it is childish and ridiculous for us to take the position—that we are above talking with the Nicaraguan leaders because they are Marxists. We talk with the leaders of the Soviet Union. They are Marxist. We talk with the leaders of the People's Republic of China. For us to take the position that we are on a lofty perch and can just look down with disdain on these people in Central America sometimes leaves the unfortunate impression that we consider them to be our inferiors. I am afraid that is the difficulty we have had for so very many years throughout Latin America.

We do not object to humanitarian aid for those people whom we have recruited into battle. Surely we owe them that. If this resolution is rejected today, we shall present to the House in a very timely fashion the opportunity to continue truly humanitarian aid, as the gentleman from Pennsylvania [Mr. Murtha] mentioned—clothing, shelter, medicines, and the means of their effective delivery to the Contra forces during the time when the peace agreement is being worked out.

President Reagan said something a few days ago which I think is important. In paraphrasing a statement of World War II vintage by Winston Churchill, he said, "I did not come to Washington to preside over the communization of Central America." Well, of course he did not. He does not want that result. None of us wants that result. None of us came to Washington for that result.

But there is an important point to make, and that is that neither Mr. Reagan nor any of us came to Washington to preside over Central America in any sense. We came to Washington to preside over the United States.

I think the point I am trying to make is that the people of Central America elect their own leaders to speak for their own countries. The five Central American Presidents have joined together and have asked us not to send any more destructive weapons into their region. There have been enough deaths. Forty-five thousand people have died in one of their countries, and 35,000 people have died in another of their countries. They have asked us to desist from sending aid to irregular forces trying to topple and overthrow governments in their region.

Let us heed their plea. Let us accord them the respect that is due them. Let us accord them the right of local, nonviolent self-determination, on which right we would insist for our country. Perhaps the people they may choose to elect to run their country may not be people of our choosing; but after all, it is not our country. Maybe the people we elect would not be people they would choose. But let us respect one another. Let us join with them—not against them—in seeking an avenue to peace and democracy and justice with dignity. Let us show by our vote that we are prepared to reembrace the good neighbor policy, and that we are prepared to give peace a chance.

The CHAIRMAN. The Chair wishes to state that the gentleman from Oklahoma [Mr. Edwards] has 11 minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 30 seconds just to make two quick points. One is that it is true that the Sandinista government did ask Obando y Bravo to fill an important role, and just last weekend Cardinal Obando y Bravo's principal deputy said to us, a bipartisan group that was meeting with him, that in fact they did not believe that the Sandinistas would negotiate in sincerity if aid to the Contras was removed.

I would also say to the Chair that the head of the human rights commission in Nicaragua said that the release of political prisoners if another country will take them—in other words, exile—is not compliance with the peace accords.

Mr. Chairman, I yield all my remaining time, to conclude the debate, to the senior statesman of the House, the gentleman from Florida [Mr. Pepper].

The CHAIRMAN. The gentleman from Florida [Mr. Pepper] is recognized for 10 and one half minutes.

Mr. PEPPER. Mr. Chairman, let me say to my colleagues in the House that I join my colleague, the gentleman from Pennsylvania, in paying our highest tribute to our revered and distinguished Speaker, for whom we all have such great affection for the courage and wisdom he has shown throughout in trying to find a peaceful solution to this tragic situation in Nicaragua.

Mr. Chairman, today I am reminded of the second inaugural address of Abraham Lincoln when, in speaking of the War Between the States, he said, "Each side, thinking it supported a just cause, prayed to the same God for victory."

Today I do not see Democrats and Republicans debating an issue; I see Americans trying to determine what is the best way to achieve peace and democracy in Nicaragua, Central America, and in the Western Hemisphere. It is no different than the issues that we constantly debate here on this floor. This is not a Republican proposal; it is not a Democratic proposal; it is an American question. How can we best do it?

May I say that some of us, of course, feel a little more sensitive to this subject than others due to our location. We who live particularly in south Florida live as neighbors to at least 75,000 Nicaraguans who have been forced to flee from their country to find sanctuary and to find the freedom of America, and this House last year passed a resolution permitting them to stay in America until conditions in that country permitted their safe return. So we are concerned because we are most proximate in miles to Nicaragua and we have more association with the people.

Furthermore, we have a large part of our population who have known what persecution means in the Cuba from which they fled with our help. They had to leave their homes, their furniture, and their businesses. Most of them escaped with their lives but they lost everything else. So we are close to the problem, and we are very much concerned about how we can solve that problem.

What are the objectives? Is there any difference in our opinions on that subject? We all want peace, and we all want democracy. All we are talking about is this: What is the best way to get it?

I submit to my friends of the opposition that I believe there is a policy in that position. They are going on the assumption that if we kill the Contra aid, we will let the world know tonight when we leave this Chamber that there is at least not going to be any military aid and maybe no more humanitarian aid to the Contras, and that somehow or other will advance the peace process with which we are all concerned.

I agree with the position of the New York Times stated on January 31. It says that Congress seems "eager to support the peace plan of President Arias of Costa Rica," and that Congress "seems ready to pull the plug on the Contras.

"That risks creating a perverse result."

As President Arias says, "The future of aid to the Contras is in the hands of the Sandinista government of Nicaragua. That being so, the threat to continue aid, at this precise moment, could put constructive pressure on the Sandinista government to keep up its grudging toward peace. Congressmen who truly support the Arias plan will see that and avoid a final decision to end aid now."

In this morning's Washington Post, I think the matter was properly stated, and this is a very brief summary of their view:

> The record of the last 6 months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas. With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further without capsizing the peace plan, and on the basis we support the President's request.

Why do we have to hurt the peace plan if we adopt this resolution? The President in his letter of February 3 to Robert Michel has said that he first defers the release of the $3,600,000 worth of military aid until the end of March to see how the peace program is progressing. Then he says:

> If even at that time in my opinion it is not progressing satisfactorily, I will consult with the leaders of the Congress, and then if in Congress within 10 days there is the passage of a concurrent resolution stating that the peace program is proceeding satisfactorily and I should not release the military aid, I will not do so.

□ 2215

What endangers the peace plan with a proposal like that?

On the other hand, what is going to be the effect of our decision tonight if it is against this resolution upon the Contras?

Is it not really the intention of this opposition, my beloved friends and colleagues, to let the world know we are not going to give ever any more military aid to the Contras? Is that not really what we are seeing?

Now, what is going to be the effect of that? Suppose the Contras are not able to continue their pressure. Suppose the peace plan fails with a weak Contra opposition facing the Sandinista government. Who is going to save the peace, those four weak small Central American countries? Can they do it? Do you think they would undertake it? Would they be a match for the Soviet Union helping the Sandinistas to have a 600,000-man army? Would they be able to stand against the power of Castro? Would they survive another Contra organization? What strength would there be behind the peace movement then? Would they go back and try to pick up the pieces and reconstruct the Contras, put them in the field again, let them make another contribution to another era?

I say to you, my fellow Congressmen, my dear colleagues, it is a mistake for us to defeat this resolution. It does not endanger the peace process. It strengthens it.

The Washington Post is right. It is a stick and a carrot. The peace plan has not done all this by itself. It had the aid of the Contras who have been winning battles lately.

Why do we want to dispense with the stick if we are willing to be careful about its use and use it only when it is consistent with the progress of the peace plan?

So, my colleagues, I beg of you, I hope and pray that the decision we make tonight will be a wise one. I hope that we will be governed, not by petty considerations or selfish interests, but by what is good for America, what is good for our beloved hemisphere and what is good for this blessed part of the globe.

I ask you, let us continue the course that has brought us to the satisfactory conclusion that we enjoy today and let us hope and pray that that decision in its wisdom will be such that down the long lane of future years will contribute to achieving those goals for which we all hope and work and pray, peace and democracy for all the nations and all the people of our beloved hemisphere.

The CHAIRMAN. The gentleman from Oklahoma [Mr. Edwards] has the right to close debate and has 1 minute remaining.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The text of House Joint Resolution 444 is as follows:

H.J. Res. 444

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to H.J. Res. 395 of the One Hundredth Congress, the Act making continuing appropriations for fiscal year 1988.

The CHAIRMAN. Pursuant to section 111(k)(3) of Public Law 100-202, no amendments are in order; and pursuant to section 111(k)(4) of said law, the Committee does now rise.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. Kildee, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 444) relating to Central America pursuant to House Joint Resolution 395 of the 100th Congress, pursuant to section 111(k)(4) of Public Law 100-202, he reported the bill back to the House.

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UMI

The SPEAKER. Pursuant to section 111(k)(4) Public Law 100-202, the previous question is ordered.

The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. EDWARDS of Oklahoma. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 219, not voting 3, as follows:

[Roll No. 7]

AYES—211

Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Chapman
Chappell
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dowdy
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fawell
Fields
Fish
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gibbons
Gilman
Gingrich
Goodling
Gradison
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Herger
Hiler
Holloway
Hopkins
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nichols
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Patterson
Pepper
Petri
Pickett
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Upton
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wilson
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOES—219

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin

Bates
Bellenson
Berman
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante

Campbell
Cardin
Carper
Carr
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett

de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson

Early
Eckart
Edwards (CA)
Espy
Evans

Fazio
Feighan
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini

Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hefner
Henry
Hertel
Hochbrueckner
Horton
Houghton
Howard
Hoyer
Hughes

Jacobs
Jeffords
Johnson (SD)
Jones (NC)
Jontz

Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer

LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas

MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Nagle
Natcher
Neal
Nowak

Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)

Panetta
Pease
Pelosi
Penny
Perkins
Pickle
Price (IL)
Price (NC)

Rahall
Rangel
Richardson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo

Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar

Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Udall

Valentine
Vento
Visclosky
Volkmer

Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden

Yates
Yatron

NOT VOTING—3

Biaggi
Jones (TN)
Lightfoot

□ 2230

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF S. 1539, RAILROAD SAFETY ACT OF 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1539) to amend the Federal Railroad Safety Act of 1970 and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mrs. MARTIN of Illinois. Reserving the right to object, Mr. Speaker, would the gentleman from Ohio comment on whether this has been cleared through either the ranking Member or the Republican leadership?

Mr. THOMAS A. LUKEN. Mr. Speaker, will the gentlewoman yield?

Mrs. MARTIN of Illinois. I yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. Mr. Speaker, we understood that it was cleared with the minority. We understood it was cleared through the chairman of the Committee on Energy and Commerce with the gentleman from Illinois [Mr. MICHEL].

Mrs. MARTIN of Illinois. Mr. Speaker, further reserving the right to object, under your rule none of this is supposed to be brought up without clearance from the leadership and we are trying to run that check now. We have indication that it has not been cleared, so I will have to continue my reservation of objection until we find out if it has been cleared.

The SPEAKER. The gentlewoman is within her right.

Mrs. MARTIN of Illinois. Could the gentleman from Ohio withdraw his unanimous consent request until we are able to find out if this has been cleared? I understand the ranking member of the subcommittee knows nothing of this.

Mr. THOMAS A. LUKEN. Mr. Speaker, I withdraw my unanimous-consent request for the present time.

The SPEAKER. The gentleman from Ohio withdraws his unanimous-consent request for the time being.

Mrs. MARTIN of Illinois. Mr. Speaker, we thank the gentleman from Ohio for his consideration.

The SPEAKER. The gentlewoman from Illinois will be notified when the unanimous-consent request of the gentleman from Ohio is brought up again.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 444 the joint resolution just considered.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM TUESDAY, FEBRUARY 9, 1988, UNTIL 12 O'CLOCK MERIDIAN, TUESDAY, FEBRUARY 16, 1988, AND ADJOURNMENT OF THE SENATE FROM THURSDAY, FEBRUARY 4, 1988, OR FRIDAY, FEBRUARY 5, 1988, TO 12 O'CLOCK MERIDIAN, MONDAY, FEBRUARY 15, 1988

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 242), and I ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 242

Resolved, That when the House adjourns on Tuesday, February 9, 1988, it stand adjourned until 12 o'clock meridian on Tuesday, February 16, 1988, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 4, 1988 or Friday, February 5, 1988, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Monday, February 15, 1988, or until 12 o'clock meridian on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

□ 2245

The SPEAKER. Without objection, the resolution is agreed to.

Mr. WALKER. Mr. Speaker, reserving the right to object, and I will not object, but if I understand it, what we are doing is extending the recess for an extra day or two, is that correct?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Washington.

Mr. FOLEY. In effect, the extension is 1 day. We would ask unanimous consent subsequent to this approval being given that when the House adjourns tomorrow it adjourn to meet at noon on Monday. We would anticipate a pro forma session Monday, a legislative session on Tuesday. We will announce a schedule subsequently.

Then, in accordance with this resolution, when the House would adjourn on Tuesday, February 9, it would adjourn to February 16. By the way, we would intend to have business on February 16 with votes, so Members should be advised that that day would be a day not only of return but a day of legislative business.

Mr. WALKER. Further reserving the right to object, I would just ask the gentleman a question. Did the gentleman from Washington indicate there would be business on Tuesday, February 9?

Mr. FOLEY. Yes, we intend to have business on Tuesday, February 9. We will probably announce that tomorrow.

Mr. WALKER. I thank the gentleman. Is there any indication as to whether or not there would be votes that day?

Mr. FOLEY. Yes, we expect the possibility of votes that day. It will not be a heavy day, but there may be some votes on that day.

Mr. WALKER. Mr. Speaker, I thank the gentleman and I withdraw my reservation of objection.

The SPEAKER. Without objection, the resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, FEBRUARY 8, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 4, 1988, it adjourn to meet at 12 noon on Monday, February 8, 1988.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

RAILROAD SAFETY ACT OF 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1539) to amend the Federal Railroad Safety Act of 1970 and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mrs. MARTIN of Illinois. Mr. Speaker, reserving the right to object, this legislation has been cleared, and we thank the gentleman from Ohio for both his courtesy and for making sure that all was well. We appreciate that on this side.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Safety Act of 1987".

AUTHORIZATION FOR APPROPRIATIONS

SEC. 2. Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting immediately after subsection (c) the following:

"(d) There are authorized to be appropriated to carry out the provisions of this Act not to exceed $40,649,000 for the fiscal year ending Septembcr 30, 1988, and not to exceed $41,868,470 for the fiscal year ending September 30, 1989.".

INCREASED PENALTIES; LIABILITY OF INDIVIDUALS

SEC. 3. (a) Section 209(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(a)) is amended by striking "railroad" and inserting in lieu thereof the following: "person (including a railroad or an individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.) as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary)".

(b) Section 209(b) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(b)) is amended by striking all after "thereof" and inserting in lieu thereof the following: "in such amount, not less than $250 nor more than $10,000, as the Secretary considers reasonable.".

(c)(1) The first sentence of section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended to read as follows: "Any person violating any rule, regulation, order or standard referred to in subsection (b) of this section may be assessed by the Secretary the civil penalty applicable to the rule, regulation, order or standard violated, except that any penalty may be assessed against an individual only for willful violations.".

(2) The third sentence of section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended by striking "occurred" and inserting in lieu thereof the following: "occurred, in which the individual resides,".

(3) Section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

(d) Section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438) is amended by adding at the end the following:

"(f) Where, after notice and opportunity for a hearing, violation by an individual of any rule, regulation, order, or standard prescribed by the Secretary under this title indicates that such individual is unfit for performance of any safety-sensitive task, the Secretary may issue an order directing that such individual be prohibited from serving in a safety-sensitive capacity in the rail industry for such period of time as the Secretary considers necessary. This subsection shall not be construed to affect the Secretary's authority under section 203 of this title to take such action on an emergency basis.".

QUALIFICATIONS OF OPERATORS OF TRAINS

SEC. 4. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following:

"(i)(1) The Secretary shall, within 18 months after the date of enactment of this subsection, issue rules, regulations, standards and orders concerning the minimum qualifications of the operators of trains. In issuing such rules, regulations, standards and orders, the Secretary shall consider the establishment of an engineer licensing program, uniform minimum qualification standards, and a program of review and approval of each railroad's own qualification standards.

"(2) Not later than twelve months after the date of enactment of this subsection, the Secretary shall transmit to the Congress a report on the activities of the Secretary under this subsection, together with an evaluation of the rules, regulations, standards and orders the Secretary anticipates will be issued under this subsection.".

ACCESS TO THE NATIONAL DRIVER REGISTER

SEC. 5. (a) Section 206(b) of the National Driver Register Act of 1982 (23 U.S.C. 401, note) is amended by adding at the end the following:

"(5) Any individual who is employed by a railroad or who seeks employment with a railroad and who performs or would perform services covered by the Hours of Service Act (45 U.S.C. 61 et seq.) or other safety-sensitive functions, as determined by the Secretary, may request the chief driving licensing official of a State to transmit information regarding the individual under subsection (a) of this section to his or her employer, prospective employer, or to the Administrator of the Federal Railroad Administration. The Administrator, employer or prospective employer shall make that information available to the individual, who will be given an opportunity to comment on it in writing. There shall be no access to information in the Register under this paragraph which was entered in the Register more than three years before the date of such request, unless such information relates to revocations or suspensions that are still in effect on the date of the request. Information submitted to the Register by the States under Public Law 86-660 (74 Stat. 526) or under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.".

(b) Paragraphs (1) and (2) of subsection (b) of section 206 of the National Driver Register Act of 1982 (23 U.S.C. 401, note) are each amended by adding at the end the following: "Information submitted to the Register by States under Public Law 86-660 (74 Stat. 526) or under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.".

PROTECTION OF EMPLOYEES AGAINST DISCRIMINATION

SEC. 6. Section 212(c)(2) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(2)) is amended to read as follows:

"(2) In any proceeding with respect to which a dispute, grievance or claim is brought for resolution before the Adjustment Board (or any division or delegate thereof) or any other Board of Adjustment created under section 3 of the Railway Labor Act (45 U.S.C. 153), such dispute, grievance or claim shall be expedited by any such Board and be resolved within 180 days after its filing. If the violation of subsection (a) or (b) is a form of discrimination other than discharge, suspension, or any other discrimination with respect to pay, and no other remedy is available under this subsection, the Adjustment Board (or any division or delegate thereof) or any other Board of Adjustment created under section 3 of the Railway Labor Act, may award the aggrieved employee reasonable damages, including punitive damages, not to exceed $10,000.".

NORTHEAST CORRIDOR IMPROVEMENT PROJECT

SEC. 7. Section 704(a)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(a)(1)) is amended by adding at the end the following: "improvements to the communication and signal systems at locations between Wilmington, Delaware, and Boston, Massachusetts, on the Northeast Corridor main line and between Philadelphia, Pennsylvania, and Harrisburg, Pennsylvania, on the Harrisburg Line; improvement to the electric traction systems between Wilmington, Delaware, and Newark, New Jersey; installation of baggage rack restraints, seat back guards and seat lock devices on three hundred forty-eight passenger cars operating within the Northeast Corridor; installation of forty-four event recorders and ten electronic warning devices on locomotives operating within the Northeast Corridor; and acquisition of cab signal test boxes and installation of nine wayside loop code transmitters for use on the Northeast Corridor;".

JURISDICTION OVER HIGH SPEED RAIL SYSTEMS

SEC. 8. (a) Section 202(e) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(e)) is amended to read as follows:

"(e) The term railroad as used in this title includes all forms of non-highway ground transportation that run on rails or electromagnetic guideways, except for rapid transit operations within an urban area that are not connected to the general railroad system of transportation. The term railroad specifically refers, but is not limited, to (1) commuter or other short-haul rail passenger service in a metropolitan or suburban area, including any commuter rail service which was operated by the Consolidated Rail Corporation as of January 1, 1979, and (2) high speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads.".

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by striking subsections (i), (j), and (k).

ENFORCEMENT OF SUBPOENAS AND ORDERS

SEC. 9. Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by striking all from the semicolon and inserting in lieu thereof the following: ". In case of contumacy or refusal to obey a subpoena, order, or directive of the Secretary issued under this subsection or under section 203 of this title by any individual, partnership, or corporation that resides, is found, or conducts business within the jurisdiction of any district court of the United States, such district court shall have jurisdiction, upon petition by the Attorney General, to issue to such individual, partnership, or corporation an order requiring immediate compliance with the Secretary's subpoena, order, or directive. Failure to obey such court order may be punished by the court as a contempt of court.".

STUDY

SEC. 10. Not later than six months after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the need and feasibility of imposing user fees as a source of funding the costs of administering the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) and all other Federal laws relating to railroad safety and railroad noise control. In preparing such report, the Secretary shall specifically consider various methodologies and means for establishing a schedule of fees to be assessed to railroads or others involved in providing rail transportation; procedures for the collection of such fees; the projected revenues that could be generated by user fees; a projected schedule for the implementation of such fees; and the impact of user fees on railroads or others who might be subject to such fees and on the Federal railroad safety and railroad noise control programs.

CONFORMING AMENDMENTS

SEC. 11. Section 202(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(a)) is amended by inserting immediately after the first sentence the following: "This authority specifically includes the authority to regulate all aspects of railroad employees' safety-related behavior, as well as the safety-related behavior of the railroads themselves.".

RULES, REGULATIONS, STANDARDS AND ORDERS

SEC. 12. The Federal Railroad Safety Act of 1970 is amended by inserting immediately after section 202 the following new section:

"SEC. 202A. (a) Within 180 days after the date of enactment of this section, the Secretary shall issue rules, regulations, standards, and orders requiring that whoever performs the required test of automatic train stop, train control, or cab signal apparatus prior to entering territory where such apparatus will be used shall certify in writing that such test was properly performed, and that such certification shall be kept and maintained in the same manner and place as the daily inspection report for that locomotive.

"(b) Within 30 days of the date of enactment of this section, the Secretary shall issue rules, regulations, standards, and orders requiring the use of automatic train control on all trains operating in the Northeast Corridor by not later than December 31, 1990. The Secretary shall submit a report to the Congress by January 1, 1989, on the progress of this effort, and detail in that report any proposals to modify the requirements in this subsection, and the reasons for such modification.

"(c) The Secretary shall require the installation and use of event recorders on freight trains no later than one year after the date of enactment of this section.

"(d)(1) Within 30 days after the date of enactment of this section, the Secretary shall establish a Northeast Corridor Safety Committee and appoint members to the Committee consisting of representatives of—

"(A) the Secretary;

"(B) the National Railroad Passenger Corporation;

"(C) freight carriers;

"(D) commuter agencies;

"(E) railroad passengers; and

"(F) any other persons or organizations interested in rail safety.

"(2) The Secretary shall consult with the Northeast Corridor Safety Committee on safety improvements in the Northeast Corridor.

"(3) Within 90 days following the date of enactment of this section, the Secretary shall, in accordance with section 333 of title 49, United States Code, convene a meeting of Northeast Corridor rail carriers for the purpose of reducing through freight traffic on Northeast Corridor passenger lines.

"(4) Within one year after the date of enactment of this section, and annually thereafter, the Secretary shall submit a report, including any recommendations for legislation, to the Congress on the status of efforts to improve safety in the Northeast Corridor pursuant to the provisions of this section.".

MISCELLANEOUS

SEC. 13. Section 211(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440(c)) is repealed.

AMENDMENTS TO SAFETY APPLIANCE ACTS

SEC. 14. The Act of March 2, 1893 (45 U.S.C. 1-7), the Act of March 2, 1903 (45 U.S.C. 8-10), and the Act of April 14, 1910 (45 U.S.C. 11-16), commonly referred to as the Safety Appliance Acts are amended as follows:

(a) The Act of March 2, 1893, is amended—

(1) in the first section (45 U.S.C. 1)—

(A) by striking "common carrier engaged in interstate commerce by";

(B) by striking "in moving interstate traffic"; and

(C) by striking "in such traffic";

(2) in section 2 (45 U.S.C. 2)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "used in moving interstate traffic";

(3) in section 3 (45 U.S.C. 3), by striking "person, firm, company, or corporation engaged in interstate commerce by";

(4) in section 4 (45 U.S.C. 4), by striking "in interstate commerce";

(5) in section 5 (45 U.S.C. 5), by striking "in interstate traffic";

(6) in section 6 (45 U.S.C. 6)—

(A) by striking all before the first semicolon and inserting in lieu thereof the following: "Any such person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this Act, shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office"; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor."; and

(7) in section 8 (45 U.S.C. 7)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "such carrier" and inserting in lieu thereof "such railroad".

(b) The Act of March 2, 1903, is amended—

(1) in the first section (45 U.S.C. 8), by striking "common carriers by" and by striking "engaged in interstate commerce" the second time it appears;

(2) in section 2 (45 U.S.C. 9)—

(A) by striking "common carriers engaged in interstate commerce by railroad" and inserting in lieu thereof "railroads"; and

(B) by striking "engaged in interstate commerce"; and

(3) in section 3 (45 U.S.C. 10), by striking "common carrier" and inserting in lieu thereof "railroad".

(c) The Act of April 14, 1910, is amended—

(1) in section 2 (45 U.S.C. 11), by striking "common carrier" and inserting in lieu thereof "railroad";

(2) in section 3 (45 U.S.C. 12)—

(A) by striking "in interstate or foreign traffic" wherever it appears;

(B) by striking "common carriers" and inserting in lieu thereof "railroads"; and

(C) by striking "common carrier" and inserting in lieu thereof "railroad";

(3) in section 4 (45 U.S.C. 13)—

(A) by striking "common carrier" and inserting in lieu thereof "person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation)";

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "person";

(C) by striking "of not less than $250 and not more than $2,500 for each and every such violation," and inserting in lieu thereof the following: "in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty";

(D) by striking "and recovered" and inserting in lieu thereof the following: "and, where compromise is not reached by the Secretary, recovered"; and

(E) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.";

(4) in section 5 (45 U.S.C. 14), by striking "common carrier" and inserting in lieu thereof "railroad"; and

(5) by amending the first section (45 U.S.C. 16) to read as follows: "That used in this Act, the Act of March 2, 1893 (45 U.S.C. 1-7), and the Act of March 2, 1903 (45 U.S.C. 8-10), commonly known as the Safety Appliance Acts, the term 'railroad' shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).".

AMENDMENTS TO LOCOMOTIVE INSPECTION ACT

SEC. 15. The Act entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto", approved February 17, 1911 (45 U.S.C. 22 et seq.), is amended—

(1) by amending the first section (45 U.S.C. 22) to read as follows: "That the term 'railroad', when used in this Act, shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in section 2 (45 U.S.C. 23), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(3) in section 5 (45 U.S.C. 28)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(4) in section 6 (45 U.S.C. 29), by striking "carrier" and "carriers" wherever they appear and inserting in lieu thereof "railroad" and "railroads", respectively;

(5) in section 8 (45 U.S.C. 32), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad"; and

(6) in section 9 (45 U.S.C. 34)—

(A) by striking all before the first semicolon and inserting in lieu thereof the following: "Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) violating this Act, or any rule or regulation made under its provisions or any lawful order of any inspector shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office"; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

AMENDMENTS TO ACCIDENT REPORTS ACT

SEC. 16. The Act entitled "An Act requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said commission", approved May 6, 1910 (45 U.S.C. 38 et seq.) is amended—

(1) in the first section (45 U.S.C. 38)—

(A) by striking "common carrier engaged in interstate or foreign commerce by";

(B) by striking "carriers" and by inserting in lieu thereof "railroads"; and

(C) by adding at the end the following: "The term 'railroad', when used in this Act shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in section 2 (45 U.S.C. 39)—

(A) by striking from "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking the last sentence;

(3) in section 3 (45 U.S.C. 40)—

(A) by striking "common carrier engaged in interstate or foreign commerce by"; and

(B) by striking "carriers" and inserting in lieu thereof "railroads";

(4) by amending section 7 (45 U.S.C. 43) to read as follows:

"Sec. 7. Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) who violates this Act or any rule, regulation, order, or standard issued under this Act or the Federal Railroad Safety Act of 1970 pertaining to accident reporting or investigations shall be liable for a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office. For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

AMENDMENTS TO HOURS OF SERVICE ACT

Sec. 17. The Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), is amended—

(1) in the first section (45 U.S.C. 61)—

(A) in subsection (a), by striking "common carrier engaged in interstate or foreign commerce by";

(B) in subsection (b)(1), by striking all after "term" and inserting in lieu thereof "'railroad' shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.)."; and

(C) in subsection (b)(4), by striking "carrier" and inserting in lieu thereof "railroad";

(2) in section 2 (45 U.S.C. 62), by striking "common carrier" wherever it appears and inserting in lieu thereof "railroad";

(3) in section 3 (45 U.S.C. 63), by striking "common carrier" and inserting in lieu thereof "railroad";

(4) in section 3A (45 U.S.C. 63a), by striking "common carrier" and "carrier" wherever they appear and inserting in lieu thereof "railroad";

(5) in section 4 (45 U.S.C. 64), by striking "common carrier" and inserting in lieu thereof "railroad";

(6) in section 5 (45 U.S.C. 64a)—

(A) by amending subsection (a)(1) to read as follows:

"(a)(1) Any person (including a railroad or any officer or agent thereof, or any individual who performs service covered by this Act, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) that requires or permits any employee to go, be, or remain on duty in violation of section 2, section 3, or section 3A of this Act, or that violates any other provision of this Act, shall be liable for a penalty of up to $1,000 per violation, as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office. It shall be the duty of the United States Attorney to bring such an action upon satisfactory information being lodged with him. In the case of a violation of section 2 (a)(3) or (a)(4) of this Act, each day a facility is in noncompliance shall constitute a separate offense. For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.";

(B) in subsection (a)(2), by striking "the common carrier" and inserting in lieu thereof "such person";

(C) in subsection (c), by striking "common carrier" and inserting in lieu thereof "railroad"; and

(D) in subsection (d), by striking "carrier" and inserting in lieu thereof "railroad".

AMENDMENTS TO SIGNAL INSPECTION ACT

Sec. 18. Section 26 of the Act of February 4, 1887 (49 App. U.S.C. 26) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The term 'railroad' as used in this section shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in subsection (b), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad", and by striking "carriers" and inserting in lieu thereof "railroads";

(3) in subsection (c)—

(A) by striking "carrier by"; and

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(4) in subsection (d), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(5) in subsection (e), by striking "carrier" and inserting in lieu thereof "railroad";

(6) in subsection (f), by striking "carrier" and inserting in lieu thereof "railroad";

(7) in subsection (h)—

(A) by amending the first sentence to read as follows: "Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1970, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) which violates any provision of this section, or which fails to comply with any of the orders, rules, regulations, standards, or instructions made, prescribed, or approved hereunder shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office."; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

(8) by striking "Commission" wherever it appears and inserting in lieu thereof "Secretary of Transportation".

MAXIMUM TRAIN SPEEDS

Sec. 19. The Secretary of Transportation, in consultation with the Federal Railroad Administration, shall, within six months of the enactment of this legislation, institute a rulemaking, as may be necessary, to provide for the safety of highway travelers and pedestrians who use railroad grade crossings at points where trains operate through any densely populated college campus. As determined by the Secretary to be necessary such rulemaking shall require, maximum speed limits for trains, guardrails, and warning lights at railgrade crossings located on any such campus, and intensified presentation of Operation Lifesaver educational programs on such campuses to familiarize students and other persons with the inherent dangers of such crossings.

RAIL PASSENGER SERVICE ACT AMENDMENTS

Sec. 20. (a) Section 301 of the Rail Passenger Service Act (45 U.S.C. 541) is amended by striking "agency" and inserting in lieu thereof "agency, instrumentality,".

(b) Section 303(a)(1)(E) of the Rail Passenger Service Act (45 U.S.C. 543(a)(1)(E)) is amended to read as follows:

"(E) Two members selected by the preferred stockholders of the Corporation, who each shall serve for a term of one year or until their successors have been appointed.".

(c) Section 303(d) of the Rail Passenger Service Act (45 U.S.C. 543(d)) is amended by striking the third sentence and inserting in lieu thereof the following: "The president and other officers of the Corporation shall receive compensation at a level no higher than the general level of compensation paid officers of railroads in positions of comparable responsibility.".

(d) Section 308(a) of the Rail Passenger Service Act (45 U.S.C. 548(a)) is amended by inserting immediately after "also" in the last sentence the following: "provide all relevant information concerning any decision to pay to any officer of the Corporation compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code, and".

(e) Section 602(l) of the Rail Passenger Service Act (45 U.S.C. 602(i)) is repealed.

(f) Subsection (b) of the first section of the Act entitled "An Act to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes", approved June 22, 1972 (Public Law 92-316; 86 Stat. 227), is repealed.

PROTECTION FOR CERTAIN WORKERS

Sec. 21. (a) No employee shall be disciplined or sanctioned as a result of information discovered through access authorized by this Act to the National Driver Register, where such employee has successfully completed a rehabilitation program subsequent to the cancellation, revocation, or suspension of the motor vehicle operator's license of such person.

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following:

"(j) The Secretary shall, within one year after the date of enactment of the Railroad Safety Act of 1987, issue such rules, regulations, orders, and standards as may be necessary for the protection of maintenance-of-way employees, including standards for bridge safety equipment, such as nets, walkways, handrails, and safety lines, and requirements relating to instances when boats shall be used.".

(c) Section 2 of the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 62), is amended by adding at the end the following:

"(e) As used in section 2(a)(3) of this Act, the term 'employee' shall be deemed to include an individual employed for the purpose of maintaining the right-of-way of any railroad.".

(d) The Secretary of Transportation shall, within one year after the date of enactment of this Act, amend part 218 of title 49, Code of Federal Regulations, to apply blue signal protection to on-track vehicles where rest is provided.

MOTION OFFERED BY MR. THOMAS A. LUKEN

Mr. THOMAS A. LUKEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Thomas A. Luken moves to strike out all after the enacting clause of the Senate bill, S. 1539, and to insert in lieu thereof the provisions of H.R. 3743 as passed by the House as follows:

H.R. 3743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rail Safety Improvement Act of 1987".

SEC. 2. AUTHORIZATION FOR APPROPRIATIONS.

Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended to read as follows:

"SEC. 214. AUTHORIZATION FOR APPROPRIATIONS.

"(a) There is authorized to be appropriated to carry out this Act not to exceed $40,649,000 for the fiscal year ending September 30, 1988, not to exceed $41,868,470 for the fiscal year ending September 30, 1989, and not to exceed $44,381,000 for the fiscal year ending September 30, 1990.

"(b) Sums appropriated under this section for research and development, automated track inspection, and the State safety grant program are authorized to remain available until expended.".

SEC. 3. GRADE CROSSING DEMONSTRATION PROJECTS.

The Federal Railroad Safety Act of 1970 is amended by adding at the end the following new section:

"SEC. 215. GRADE CROSSING DEMONSTRATION PROJECTS.

"(a) The Federal Railroad Administration shall establish demonstration projects for the purpose of evaluating—

"(1) whether reflective markers installed on the road surface or on a signal post at grade crossings would reduce accidents involving trains;

"(2) whether a stop sign or yield sign installed at grade crossings would reduce such accidents; and

"(3) whether speed bumps or rumble strips installed on the road surface at the approach to grade crossings would reduce such accidents.

"(b) The Federal Railroad Administration shall, within two years after the date of the enactment of the Rail Safety Improvement Act of 1987, report to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate on the results of the demonstration projects established under subsection (a).

"(c) From sums authorized under section 214, there is authorized to be appropriated to the Secretary of Transportation for improvements in grade crossing safety, $1,000,000, to remain available until expended.".

SEC. 4. LICENSING OF ENGINEERS.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(l)(1) The Secretary shall, within 180 days after the date of the enactment of this subsection, issue such rules, regulations, orders, and standards as may be necessary to establish a program requiring the licensing of any individual operating a train, including train engineers, after the expiration of 2 years following the establishment of such program. This requirement shall be implemented through a program of review and approval of each railroad's operator qualification standards.

"(2) The program established by the Secretary under paragraph (1) shall—

"(A) include minimum training requirements,

"(B) require comprehensive knowledge of railroad operating practices and operating rules;

"(C) prohibit from holding a license any individual who, within the previous 5 years, has been denied a motor vehicle operator's license by a State for cause or whose motor vehicle operator's license has been cancelled, revoked, or suspended by a State for cause; and

"(D) prohibit from holding a license any individual who has been reported to the National Driver Register because of a conviction described under section 205(a)(3) of the National Driver Register Act of 1982 within the past 5 years.

"(3) The Secretary shall, for purposes of implementing paragraph (2)(C) and (D), have access to information contained in the National Driver Register.

"(4) An individual denied a license on the basis of the inclusion of such individual's name on the National Driver Register shall be entitled to an administrative hearing to determine whether such license has been properly denied.

"(5) No individual shall be prohibited from holding a license because of a conviction for operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance, if such individual subsequent to such conviction has successfully completed a rehabilitation program established by a rail carrier or approved by the Secretary.".

SEC. 5. AUTOMATIC TRAIN CONTROL SYSTEMS.

(a) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(m)(1) All trains operating after April 1, 1990, on the main line of the Northeast Corridor between Washington, D.C., and Boston, Massachusetts, or on the feeder line referred to in section 704(a)(1)(B) of the Railroad Revitalization and Regulatory Reform Act of 1976, shall be equipped with automatic train control systems designed to slow or stop a train in response to external signals.

"(2) If the Secretary finds that it is impracticable to equip all trains as required under paragraph (1) before April 1, 1990, the Secretary may extend the deadline for compliance with such requirement, but in no event shall such deadline be extended past July 1, 1990.".

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), is further amended by adding at the end the following new subsection:

"(n) The Secretary, in consultation with the National Railroad Passenger Corporation, freight carriers, commuter agencies, employee representatives, railroad passengers, and rail equipment manufacturers, shall undertake a study of the advisability and feasibility of requiring automatic train control systems, including systems using advanced technology, such as transponder and satellite relay systems, on each rail corridor on which passengers or hazardous materials are carried. Such study shall include—

"(1) a specific assessment of the dangers of not requiring automatic train control systems on each such corridor, based on analysis of the number of passenger trains, persons, and freight trains traveling on such corridor daily, the frequency of train movements, mileage traveled, and the incident and accident history on such corridor;

"(2) an analysis of the cost of requiring such systems to be installed on each specific corridor; and

"(3) an investigation of alternative means of accomplishing the same safety objectives as would be achieved by requiring automatic train control systems to be installed.".

SEC. 6. INCREASED PENALTIES; LIABILITY OF INDIVIDUALS.

Section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438) is amended—

(1) in subsection (a) by striking "railroad" and inserting in lieu thereof "person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad)";

(2) in subsection (b) by striking all after "(45 U.S.C. 39)" and inserting in lieu thereof "in an amount of not less than $250 nor more than $10,000, except that where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty of not to exceed $25,000 may be assessed.";

(3) in subsection (c)—

(A) by striking the first sentence and inserting in lieu thereof "Any person violating any rule, regulation, order, or standard referred to in subsection (b) shall be assessed by the Secretary the civil penalty applicable to the standard violated. Penalties may be assessed against individuals under this subsection only for willful violations."; and

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(B) by inserting ", in which the individual resides," after "such violation occurred"; and

(4) by adding at the end the following new subsection:

"(f) Where an individual's violation of any rule, regulation, order, or standard prescribed by the Secretary under this title is shown to make that individual unfit for the performance of safety-sensitive functions, the Secretary, after notice and opportunity for a hearing, may issue an order prohibiting such individual from performing safety-sensitive functions in the rail industry for a specified period of time or until specified conditions are met. This subsection shall not be construed to affect the Secretary's authority under section 203 to take such action on an emergency basis.".

SEC. 7. TAMPERING WITH SAFETY DEVICES.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(o)(1) The Secretary shall, within 90 days after the date of the enactment of this subsection, issue such rules, regulations, orders, and standards as may be necessary to prohibit the willful tampering with, or disabling of, specified railroad safety or operational monitoring devices.

"(2)(A) Any railroad company operating a train on which safety or operational monitoring devices are tampered with or disabled in violation of rules, regulations, orders, or standards issued by the Secretary under paragraph (1) shall be liable for a civil penalty under section 209.

"(B) Any individual tampering with or disabling safety or operational monitoring devices in violation of rules, regulations, orders, or standards issued by the Secretary under paragraph (1), or who knowingly operates or permits to be operated a train on which such devices have been tampered with or disabled by another person, shall be liable for such penalties as may be established by the Secretary, which may include fines under section 209, suspension from work, or suspension or loss of a license issued under subsection (1).".

SEC. 8. DISPATCHER TRAINING.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(p)(1) The Secretary shall, within 180 days after the date of the enactment of the Rail Safety Improvement Act of 1987, conduct and complete an inquiry into whether training standards are necessary for those involved in dispatching trains.

"(2) Upon the completion of such inquiry, the Secretary shall report the results of such inquiry to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate along with the Secretary's recommendations, and if the Secretary recommends that rules, regulations, orders, or standards are necessary, the Secretary shall promptly initiate appropriate rulemaking proceedings.".

SEC. 9. GRADE CROSSING SIGNAL SYSTEM SAFETY.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(q) The Secretary shall, within 180 days after the date of the enactment of the Rail Safety Improvement Act of 1987, issue such rules, regulations, orders, and standards as may be necessary to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings.".

SEC. 10. EVENT RECORDERS.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(r)(1) The Secretary shall, within 180 days after the date of the enactment of the Rail Safety Improvement Act of 1987, conduct and complete an inquiry into whether to require that all trains be equipped with event recorders to enhance safety.

"(2) Upon the completion of such inquiry, the Secretary shall report the results of such inquiry to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate along with the Secretary's recommendations, and if the Secretary recommends that event recorders should be required, the Secretary shall promptly initiate appropriate rulemaking proceedings.

"(3) For the purposes of this subsection, the term 'event recorders' means devices that—

"(A) record train speed, hot box detection, throttle position, brake application, brake operation, and any other function the Secretary considers necessary to record to assist in monitoring the safety of train operation; and

"(B) are designed to resist tampering.".

SEC. 11. PROTECTION OF EMPLOYEES AGAINST DISCRIMINATION.

(a) EXPEDITED PROCEDURES.—Section 212(c)(1) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(1)) is amended by inserting ", and any proceeding with respect to such dispute, grievance, or claim shall be expedited by the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act so that such dispute, grievance, or claim is resolved within 180 days after its filing with such Adjustment Board or other board of adjustment" before the period.

(b) COMPENSATION.—Section 212(c)(2) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(2)) is amended by adding at the end the following new sentence: "If the violation of subsection (a) or (b) is a form of discrimination other than discharge, suspension, or any other discrimination with respect to pay, and no other remedy is available under this subsection, the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act may award the aggrieved employee appropriate compensation up to the equivalent of 1 year's pay for such employee.".

(c) DISCLOSURE OF NAMES.—Section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended by adding at the end the following new subsection:

"(f)(1) Except as provided in paragraph (2), or with the written consent of the employee, the Secretary shall not disclose the name of any employee of a railroad who has provided information with respect to an alleged violation of this title, any other Federal railroad safety law, or any rule, regulation, order, or standard issued under this title or any other Federal railroad safety law.

"(2) The Secretary shall disclose to the Attorney General the name of any employee described in paragraph (1) who has provided information with respect to a matter being referred to the Attorney General for enforcement under this title, any other Federal railroad safety law, or any rule, regulation, order, or standard issued under this title or any other Federal railroad safety law.".

SEC. 12. ACCIDENT REPORTS.

If a railroad, in reporting an accident or incident under the Accident Reports Act (15 U.S.C. 38-43), assigns human error as a cause of the accident or incident, such report shall include, at the option of each employee whose error is alleged, a statement by such employee explaining any factors the employee alleges contributed to the accident or incident.

SEC. 13. AMTRAK SAFETY PROVISIONS.

(a) The Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) is further amended by adding at the end the following new section:

"SEC. 216. UNSAFE FACILITIES.

"(a) The National Railroad Passenger Corporation (hereafter in this section referred to as 'Amtrak'), or the owner of any facility which presents a danger to the employees, passengers, or property of Amtrak, may petition the Secretary for assistance to the owner of such facility for relocation or other remedial measures to minimize or eliminate such danger under this section.

"(b) If the Secretary determines that—

"(1) a facility which is the subject of a petition under subsection (a) presents a danger of death or serious injury to any employee or passenger of Amtrak or serious damage to any property of Amtrak; and

"(2) the owner of such facility should not be expected to bear the cost of relocating or other remedial measures necessary to minimize or eliminate such danger, the Secretary shall recommend to the Congress that the Congress, as a part of its periodic reauthorizations of this Act, authorize funding, by reimbursement or otherwise, for such relocation or other remedial measures.

"(c) Petitions may be submitted under subsection (a) of this section with respect to any relocation or remedial measures undertaken on or after January 1, 1978.".

(b)(1) From sums authorized under section 214 of the Federal Railroad Safety Act of 1970, there is authorized to be appropriated to the Secretary of Transportation for the purposes of this subsection, $1,000,000, to remain available until expended.

(2) The National Railroad Passenger Corporation, or any owner or operator of a rail station used for the operations of such Corporation, may apply to the Secretary of Transportation for funds appropriated under this subsection for payment or reimbursement of expenses, incurred after October 1, 1987, in connection with enabling such station to comply with the requirements of any official notice received before October 1, 1987, from State or local authorities asserting that a violation of building, construction, fire, electric, sanitation, mechanical, or plumbing codes exists or is alleged to exist with respect to such station.

(c) Section 402 of the Rail Passenger Service Act (45 U.S.C 562) is amended by adding at the end the following new subsection:

"(h)(1) If a rail carrier or owner of a rail line which has a contractual obligation—

"(A) to permit the Corporation to operate rail service on its line; and

"(B) to maintain such line in a condition suitable for such operation,

breaches such obligation, the Corporation may take the actions provided for in paragraph (2).

"(2) In the event of a breach under paragraph (1) the Corporation may take one or both of the following actions:

"(A) The Corporation may withhold from any payments due to such rail carrier or owner under the contract such sums as may be necessary to repair and maintain such line to the standards specified in the contract.

"(B) The Corporation may apply to the Commission for an order under subsection (d) establishing the need of the Corporation for the property at issue and requiring the conveyance thereof.

"(3) If the Corporation elects to withhold any sums under paragraph (2)(A), the Corporation shall apply such sums to the cost of performing the repair and maintenance work necessary to bring the condition of the line into conformity with the standards specified in the contract.

"(4) In ordering a conveyance under paragraph (2)(B), the Commission shall reduce the compensation due to the rail carrier or owner by the amount required to bring the condition of the line into conformity with the standards specified in the contract. The amount of such reduction shall be determined under the dispute resolution provisions of the contract, if any.

"(5) If a line to which a contractual obligation described in paragraph (1) applies is sold to a party other than the Corporation, such sale shall be made subject to the requirement that the acquiring part—

"(A) permit the corporation to operate rail service on such line; and

"(B) maintain such line in a condition suitable for such operation,

in accordance with the terms of the contract between the Corporation and the original rail carrier or owner, unless the Corporation and the acquiring party otherwise agree.

"(6) The rights and remedies available to the Corporation under this subsection are in addition to any rights and remedies conferred by any other law or by contract.".

SEC. 14. ENFORCEMENT OF THE SECRETARY'S ACTIONS.

Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by striking "enforce such orders" and inserting in lieu thereof "enforce any subpoena, order, or directive of the Secretary issued under this title".

SEC. 15. MAINTENANCE-OF-WAY OPERATIONS.

(a) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(s) The Secretary shall, within one year after the date of the enactment of this subsection, issue such rules, regulations, orders, and standards as may be necessary for the safety of maintenance-of-way employees, including—

"(1) standards for bridge safety equipment, such as nets, walkways, handrails, and safety lines, and requirements relating to instances when boats shall be used; and

"(2) standards for motor vehicles used by such employees which provide that the employees shall ride in a separate compartment from tools and hazardous materials carried in the vehicle.".

(b) Section 2 of the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 62), is amended by adding at the end the following:

"(e) As used in section 2(a)(3) of this Act, the term 'employee' shall include an individual employed for the purpose of maintaining the right-of-way of any railroad.".

(c) The Secretary of Transportation shall, within one year after the date of the enactment of this Act, amend part 218 of title 49, Code of Federal Regulations, to apply blue signal protection to on-track vehicles where rest is provided.

SEC. 16. FENCING OF RAIL YARDS.

The Secretary of Transportation shall, within one year after the date of the enactment of this Act, issue such rules, regulations, orders, and standards as may be necessary to require the fencing of rail yards in heavily populated areas so as to prevent or deter injury of persons not employed by the rail carrier. In carrying out this section, the Secretary shall take into consideration such factors as the number of tracks, the frequency of trains, the proximity of residential areas, the direction and purpose of pedestrian traffic movement, and the local injury and fatality experience.

SEC. 17. LOCAL ENFORCEMENT OF SPEED REGULATIONS.

Section 206 of the Federal Railroad Safety Act of 1970 is amended by adding at the end the following new sub- section:

"(h) The Secretary may enforce regulations with respect to any carrier issued under this Act in regard to the speed of trains on the basis of information supplied by duly authorized agents of local government as if such information were supplied by Federal agents.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to improve the safety of rail transportation, and for other purposes."

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1539, RAIL SAFETY IMPROVEMENT ACT OF 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill (S. 1539) to amend the Federal Rail Safety Act of 1970, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? The Chair hears none, and appoints the following conferees: Messrs. DINGELL, THOMAS A. LUKEN, SLATTERY, LENT, and WHITTAKER.

NATIONAL CHILD PASSENGER SAFETY AWARENESS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office And Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 402) to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to the legislation.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New Jersey [Mr. HOWARD] who is the chief sponsor of House Joint Resolution 402.

Mr. HOWARD. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I just take this time to express my gratitude and that of over 200 other cosponsors of this legislation for the fine and considerate work of the gentleman from California [Mr. DYMALLY] and the gentlewoman from Maryland [Mrs. MORELLA] on this issue. I thank them both.

Mr. HAMMERSCHMIDT. Mr. Speaker, the real tragedy of those thousands of children under the age of 5 years who have died in traffic accidents is that they might well have been saved.

Research shows us that the correct use of child passenger protection devices is as high as 90-percent effective in preventing fatalities and 67-percent effective in preventing injury.

Yet, only 48 percent of children under five are protected with the correct usage of these devices. That is why House Joint Resolution 402, designating February 7–13, 1988, as "National Child Passenger Safety Awareness Week," is so important and so timely.

I am pleased to be a cosponsor of this measure, which authorizes President Reagan to issue a proclamation asking Americans to spotlight the week with programs and activities that promote the correct usage of child safety belts.

It probably would surprise many people to know that motor vehicle crashes are the leading cause of death of children over the age of 6 months in this country. They are also the Nation's number one trauma-related cause of epilepsy, spinal cord injury, and mental retardation.

Even though all States have enacted laws requiring the use of child passenger protection systems, Americans obviously still need to be more aware of both the dangers involved and the demonstrated advantages of child safety belts. Having laws on the books serves little purpose, if compliance is inadequate.

I urge my colleagues to join in supporting this resolution, which encourages a measure of protection for this and future generations of our youngest Americans.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 402

Whereas motor vehicle crashes are the number one cause of death of children over the age of 6 months in the United States;

Whereas motor vehicle crashes are the number one cause of the crippling of children in the United States;

Whereas more children under the age of 5 years are killed or crippled as passengers involved in motor vehicle crashes than the total number of children killed or crippled

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by the 7 most common childhood diseases: pertussis (whooping cough), tetanus, diphtheria, measles, mumps, rubella (German measels), and polio;

Whereas motor vehicle crashes are the leading trauma related cause of spinal cord injuries, epilepsy, and mental retardation in the United States;

Whereas, during the years 1978 through 1986, nearly 9,300 children under the age of 5 years were killed in traffic crashes and more than 450,000 children were injured in the United States;

Whereas an unrestrained child is less protected by padding and energy-absorbing materials than an adult in a motor vehicle crash as a result of protective devices being placed in areas more likely to benefit adults;

Whereas unrestrained children are subject to a significantly higher risk of serious head, spine, chest, and abdominal injury in motor vehicle crashes than adult passengers because the bodies of children are less developed and provide less protection;

Whereas an unrestrained child in a motor vehicle crash faces an increased danger of fatal or serious injury from ejection as well as injuries resulting from contact with the vehicle interior;

Whereas an unrestrained child in a motor vehicle not involved in a collision may be killed or injured as a result of sudden stops, turns, swerves, or falling from a moving vehicle;

Whereas all 50 States and the District of Columbia have enacted laws mandating the use of child passenger protection systems;

Whereas the latest national surveys show that 72 percent of children under the age of 5 are placed in child safety seats in the United States and that one-third of such seats are used incorrectly;

Whereas current nationwide studies estimate that only 48 percent of children under the age of 5 are fully protected in cars in the United States through the correct usage of child safety seats;

Whereas numerous government and private sector organizations have agreed to work in concert to achieve a minimum 70 percent correct usage of child passenger protection devices and adult safety belts by the year 1990;

Whereas research shows that the correct use of child passenger protection devices is 90 percent effective in preventing death and 67 percent effective in preventing injury; and

Whereas death and injuries may be reduced significantly through greater public awareness, information, education, and enforcement: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of February 7-13, 1988, is designated as "National Child Passenger Safety Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities to maximize correct usage of child safety seats.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 402, the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

A TRIBUTE TO JAMES WELDON JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, during the month of February, our Nation pays tribute to the contribution of black Americans to the history of our Nation.

I would like to add my voice to the residents of Nashville who, yesterday, joined the U.S. Postal Service in issuing a new postage stamp commemorating the accomplishments of James Weldon Johnson, an educator, diplomat, lawyer, author, and lyricist.

From 1930 until his tragic death in 1939, Johnson was a professor of creative literature at Fisk University in Nashville. Before he came to Nashville, Johnson had already distinguished himself in both the creative and political worlds.

Born in 1871, Johnson graduated with a bachelor of arts and master of arts degree from Atlanta University. He began his career teaching at the Colored High School in Jacksonville, FL, his birthplace. At the same time, he studied law and became the first black attorney to be admitted to the Florida bar. He also received doctor of literature degrees from Talladega College and Howard University.

A man of immense talent, from 1901 to 1906, he collaborated with his brother on 200 songs for musical comedies and light opera. The musical team was split when Johnson went into Government service when he was appointed as U.S. Consul to Venezuela in 1906. He later served as U.S. Consul to Nicaragua. For nearly 15 years, he was secretary for the National Association for the Advancement of Colored People.

Johnson worked to promote social, economic, and political equality. His writings, too, reflected the racial climate of the period. While known primarily for poetry, his best known book, The Autobiography of an Ex-Colored Man, has been praised for its analysis of race problems. The book has been described as one of the most extensive studies of the early 20th century.

Mr. Speaker, James Weldon Johnson is just one of the many individuals we pay tribute to during Black History Month. I am proud to join my colleagues in singling out some of these individuals for their contributions in making our society richer, fairer, and more equitable for all citizens.

DUELING GROUNDHOGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes.

Mr. CLINGER. Mr. Speaker, I was unable to be present yesterday because of an injured back. Had I been present, I would have informed my colleagues that Punxsutawney Phil, my most famous constituent, failed to see his shadow yesterday, signifying that spring is just around the corner. Phil is the world's original and only accurate weather-forecasting groundhog. That is why I am particularly appalled and disappointed that my colleague from Pennsylvania, Mr. WALKER, would take advantage of my unavoidable absence yesterday to try to palm off a fake groundhog on you. The fact that Mr. WALKER's spurious pretender to Phil's throne claimed to have seen a shadow when Pennsylvania was blanketed with rainstorms yesterday, speaks volumes about his groundhog's forecasting skills. Phil, however, has never made a bad prediction. It was Phil who predicted the October 19 stock market crash. And in an amazing feat of prophesy, Phil predicted that Congress would not be able to put a budget together when it was supposed to. Now Phil has confided in me who the winner of this year's Presidential race will be. I know all of my colleagues will be interested in reading Phil's latest bit of political clairvoyance which is included in the following statement I am inserting into the CONGRESSIONAL RECORD.

GROUNDHOG'S DAY PREDICTION—1988

(With apologies to Clement Clarke Moore)

'Twas the night before Groundhog's Day, when all through the land
Not a candidate was stirring, they were quiet to a man;
The polls had been conducted in Iowa with care,
In hopes that caucus voters soon would be there;
The vote-getters were nestled all snug in their beds,
While visions of the White House danced in their heads;
And mamma in her 'kerchief, and I in my cap,
Had just settled our brains for a break from their rap.
When from the screen of the t.v. there arose such a clatter,
I sprang from my bed to see what was the matter.
On every channel, the news was the same,
Of a groundhog named Phil, of Punxsutawney fame.
For it seems that the world's most accurate weather-forecasting seer,
Would be making a little more than his usual prediction this year.
The news reports had it that by dawn's early light
Phil would pronounce the end of winter, and the candidate he most liked.
Well, I went back to my sleep, my head filled with perplexion,
If Phil annointed one, would this be tantamount to election?
And what of the others, would they be filled with contention?
Would they draft a dark horse or broker the convention?

The following morning came early and quick,
And I turned on my t.v. set lickety-split.
And down to Phil's burrow, the mini-cams they flew;
There was Rather, and Jennings, and Tom Brokaw too.
And amid all the pushing and shoving and noise,
The struggle for sound bites, the complete lack of poise;
There stood tall and proud, as he has every year,
A groundhog named Phil—forecaster without peer.
(Unless one includes his mentor, Willard Scott, this year.)
He was dressed all in fur, from his head to his foot,
Had he wore clothes, they would be covered with soot.
His eyes—how they twinkled, his nose, how merry,
But his teeth, large and white, I admit looked somewhat scary.
His droll little mouth was drawn up in a smile,
Would his prediction make the trip by so many, worthwhile?
A wink of his eye and a twist of his head,
Soon gave me to know I had nothing to dread;
He spoke not a word, but went straight to his work,
Looked hard for his shadow, then turned with a jerk,
And laying a paw aside of his nose,
And giving a nod, on his legs he arose.
Electronic media, please give me your ear,
Let me tell you something you may all want to hear.
It's a hard enough job I think you'll agree,
To predict when the winter will set us all free.
The hours are great, and I like what I do,
And it sure beats sitting around in some zoo.
My specialty is winter, beyond a shadow of a doubt.
I have never pretended to have political clout.
But a prediction was expected, many folks say,
On my pick of a winner on Election Day.
So I'll make a prediction, and leave on this note,
One of the following may win, but you'll all have to vote!
And he whistled, and shouted, and called them by name;
Now, Babbitt! now, Gephardt! now, Simon and Hart!
Now Jackson! now Gore and Pierre S. duPont!
On, Michael Dukakis! On, supply-sider Kemp!
On, Haig, Dole and Robertson,
And the Vice President!
And I heard him exclaim, ere he burrowed out of sight
"Happy campaigning to all, and to all, a fair fight."

A PROCLAMATION

Hear Ye, Hear Ye, to all true believers here on Gobbler's Knob and around the World. I, James H. Means, President of the Punxsutawney Groundhog Club, proclaim that the only true weather forecaster, Punxsutawney Phil, has just come out from his official home, at precisely 7:32 a.m., to start his second century of accurate predictions. His majesty stood tall and proud, however, he has failed to see his shadow. The King of all Groundhogs has returned to his burrow to celebrate. There will be an early Spring! That's the good news from Punxsutawney, Pa., the Weather Capital of the World.

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, I want to join the gentleman from Punxsutawney. Having represented Punxsutawney Phil for so many years, there is no finer prognosticator of weather than Punxsutawney Phil, and I think the gentleman is absolutely right that his colleague from Pennsylvania would try to take advantage of the gentleman's absence, and if I had known it I would certainly have been glad to take the gentleman's place. But I join him in the outrage against the gentleman from the center part of Pennsylvania trying to steal the thunder of Punxsutawney Phil.

Mr. CLINGER. I thank the gentleman from Pennsylvania very sincerely. I know that he had the honor of representing Punxsutawney Phil for many years, and in fact was present on many occasions when Punxsutawney Phil delivered his predictions.

Mr. MURTHA. I used to get up at 5 o'clock in the morning and drive to Punxsutawney. I know there is nothing the gentleman enjoys more than that.

Mr. CLINGER. It is one of the great pleasures of representing Punxsutawney, and the gentleman will agree with me.

But I would just want to again vent my spleen on our colleague from Pennsylvania, and yield back the balance of my time.

□ 2300

A POSTMORTEM ON THE CONTRA AID VOTE

The SPEAKER pro tempore (Mr. GARCIA). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, when there is a death, the coroners of the world conduct a postmortem if there is suspicion of murder. And this Congressman believes liberty in our hemisphere has been temporarily murdered by a close vote in this House this evening.

Now I am not going to spend much time castigating anybody by name on the majority side of the aisle. They gerrymandered themselves in my State into a majority so that one man, long dead, can laugh about the results of this vote because in 1982 when I was gerrymandered out of my seat on my first 6-year go-around, the Congressman, long dead, who did it to me, said that he would change seven seats in California; and he did. We were 22-to-21 when that lame duck session ended in December 1982 and when we reconvened a few weeks later, less than 3 weeks later, the California delegation was not 22-to-21. We picked up two new seats and they went to liberals. The new count was 28 to 17, an 11-vote spread. And what did we lose this vote by tonight? Five votes. If they shifted from "no" to "yes" it would have been 216 to 214. And you, Mr. Speaker, could not have voted to break a tie. Five votes.

When my good friend from California, Mr. BERMAN, told me this morning, they were hoping deliciously that the margin of defeat would be buried in Republican votes, and it is. Twelve Republicans voted against their President. One of them ate up a half hour in the Oval Office in the last few days and then had a former President, Gerald Ford, spend another 30 minutes on the phone with him wasting his time, wasting Ford's time. And this is this gentleman's first vote against Contra aid.

Now when the President had tailored a package that sounded for all the world to me like the McCurdy plan named after DAVE McCURDY, of Oklahoma a year ago, and when the President finally moves to the McCurdy plan, McCURDY moves away from it. Here are five Republicans that I think could win by 70 percent in their district if they change their vote because their district loves them and they would not care. Mr. BOEHLERT, who got Dan Mitchell's seat in upper New York State, Mr. AMO HOUGHTON, who just for the first time voted against the President on Contra aid, Mrs. CLAUDINE SCHNEIDER, of Rhode Island, beloved, wins with 70 percent and could do whatever she wants; Mr. TAUKE, a BUSH cochairman of Iowa. I am a cochairman of BUSH in California so this kind of stings a little bit. The fifth one is PAUL HENRY who holds Gerald Ford's seat in Michigan that Ford held for 25 years.

Now there is hope, and I hope the Ortega brothers are not laughing in their designer glasses tonight, because at least 9 of these 12 Republicans have told me—I polled them on the floor before the vote—they told me that they will switch their vote in an instant if Ortega screws around with this peace process and does not start releasing these political prisoners. And I know at least 30 people on the other side of the aisle, because their careers are at stake, that would switch in a minute if Ortega tries to screw up this peace process.

Now let me tell you a little story that the great lady, who was once one of the shining lights of this deliberative body, the incomparable Claire Booth Luce told me a few years ago at the International Hotel off of Scott Circle. I said, "Is it true, Claire, that you told young President-elect John F.

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Kennedy during the interregnum between Eisenhower's 8 years and Kennedy's brilliant moving and powerful inaugural address," the best I have ever heard in my lifetime, because I did not get to hear Abe Lincoln's two addresses; I said, "Did you tell Kennedy that the measure of his Presidency would be whether or not Castro's communism survived in the Caribbean?" She said, "Yes I did. And let me tell you something, Mr. DORNAN, I intend to tell President Reagan," who was then himself a President-elect, "that the measure of his Presidency will be determined on whether or not communism maintains its foothold in Central America and begins to spread."

Now Claire Booth Luce has gone to her eternal reward so I have no way of knowing whether she ever got to President Reagan and said to him the same thing about Nicaragua that she said to young President Kennedy at 43 years of age before he was sworn in. But I have a suspicion that she did and that is why President Reagan said the other night that he did not become the President to preside over the communization of Central America.

The irony is that you, Mr. Speaker, stood in this well and said of course he did not do that, he is here to preside over the United States.

Oh, I see; you are rewriting history, right, Jimbo? He is not the leader of the free world? He is not the Commander in Chief of our military forces that has national security obligations that go beyond our borders?

I do not fault Mr. Arias with only 10,000 police officers and security forces and no navy or army or marine corps or air force as such. I do not fault him for operating in his country's best interests. But the United States of America has a right to operate in its best interest. As the Presidents have told me to my face, as Azcona told a distinguished colleague of mine on the floor, DAN BURTON and myself on September 6 to our face, he told us that we must exercise our role of leadership as a superpower and not pay attention totally to what small little weak powers do to cover their own bets as to whether or not the Ortega brothers survive in Central America.

Now I think the best essay I came across—it violates the law of Aristotle that nobody should sit down and dare to write philosophy until they are past their 50th birthday. I do not know what his ideology is. I think one of the most fascinating philosopher essayists in our country is Charles Krauthammer. I think he started out as a liberal. But he writes this editorial in the current issue of Time on the back page, titled "Whose Foreign Policy Is It Anyway?" And he says that, quoting JIM WRIGHT, "If we are willing to abide by the determination of those Central Americans themselves rather than allowing someone in the State Department simply on his whim to say who is complying, and he is not," he says, "That statement of the House Speaker about putting the Contra aid in escrow to be released depending on future Sandinista behavior, to attack that is to say that we do not have a foreign policy. And that is what, Mr. Speaker, you said here on the floor just a few minutes ago, actually.

Krauthammer says that the U.S. Congress with its vote this week, now down by a shift of five, has by default been designated to be the final judgment on Sandinista compliance, as though they had been complying. Mr. Speaker, on this floor tonight you said they have opened up papers. That is not true. One paper, the press, La Prensa. You said they have opened up radio stations. There are 22 licenses pending. There were 49 radio stations down there when Somoza fell. There is one radio station, Radio Catolica. And I did an interview on it just a couple of weeks ago and talked about the hidden bank accounts of the Sandinista-Ortega brothers in Switzerland. And I pointed out on that radio show that a good, idealistic Marxist-Leninist, following Frederick Engel's dialectical materialism, following in the path of that puritan Leninist, no good Communist has a secret Swiss bank account. And if they do, they had better not get caught. Well, they are caught. Roger Miranda has given us the number of the account and to the dollar value that is in Humberto Ortega's account.

And when I sponsored a 2-hour meeting with him here last Wednesday, one of the Congressmen said, "How come you know so much about the secret bank account?" And you know what Major Miranda said? He said, "Congressman, I administered the secret account of the Defense Minister Humberto Ortega." So I said to Obando y Bravo—I spent 1 hour with him just about 10 days ago all alone. His next meeting was with Ortega. As I left, he got in his car to drive—no, Ortega was coming to his house. We passed like ships in the night. The Cardinal said to me, "Yes, we will run your interview." I said, "Will it get you in trouble? I talked about their secret bank accounts, trying to put wedges between these nine Communist Sandinistas." And he said, "Probably it will get us in trouble." And I guess it ran this week. I had someone call me and tell me—the nicest compliment I have had in my life—that I am public enemy No. 1 to the Sandinistas down there. Well that is fine, because I cannot get out of my head, during this whole debate, those visits that I made with my 28-year-old son to two of the farms in Honduras where those amputeed victims, young men and young women who are fighting for freedom, fellow North Americans fighting for our freedom right here on the mainland of this continent of ours, as CLAUDE PEPPER says, our beloved part of the world. I cannot get over the fact that they said they would give up their limbs again.

My son asked them, "What do you think when Democrats get up on the House floor and say that you bayonet pregnant women?" They just shook their heads and one man said, "May I answer?" And he rolled his wheelchair forward. He had all his limbs but they were all twisted and crippled. And he said, "We are of the people. We are campesinos. The people call us los muchachos, the boys, the commandos." That is why it is so ironic that one of the Members from New Jersey gets up and says if we drive the Sandinistas to it they will go up in the hills. The Sandinista Communists cannot go back into the hills, because, first of all, they were city people. It was a city movement. The campesinos, the peasants that run the hills hate the guts of these Communists, these fair-skinned city boys that have betrayed their revolution.

How many interviews have we heard where the Indians along the coast, the Suma, the Rama, the Miskitos said that Somoza was a bum, "but he left us alone. He only corrupted the city of Managua and maybe Leon." How many times have we heard the Mestizo, the mixed bloods, what we gringos refer to as Indians from Mexico all the way down to Patagonia, how many times have we heard them say, "We are the people fighting this war?"

Let me tell you something about Roger Miranda. Some of my own colleagues did not realize what I was getting at when we had him over here in the Ollie North memorial briefing room No. 227. And I said, "What was the straw that broke your back, Major? What made you come over?" He told us he was a dedicated Communist. This is a privileged kid from Managua. He went and got his degree in economics at the University of Santiago in Chile. That is when he told me he became a Communist. Then he was privileged to go get a master's degree up at the autonomous public university in Mexico City. I said, "What turned you around more than anything else?" He said, "I went out on the battlefield along the Rama Road, the road that runs to the east near El Bluff on the coast. He said, "I looked on the faces of the dead Contras on the battlefield and I realized that all my idealism from my Communist youth was a lie. I was not saving my people as I thought from Somoza; I was slaughtering my people." I said, "Is it a fact that you can easily tell the campesinos, the hard working peasants with their sun darkened skins, the hard working people who work in the fields, like Cardinal Obando y Bravo, by the way." And he said, "Yes, it is easy to tell."

Well that conclusion I had drawn before Miranda said this to me. That is why I asked this question, because when I was talking to the mothers and the young sisters and the wives down in these little beat-up storefronts that they are allowed to keep on one of the side streets in Managua a month ago, I remember September 6 or 7 when I was there with Mr. BURTON. I said, "DAN, did you notice that these people are peasants?" And then I asked the Embassy people, "What percentage of the 10,000 political prisoners are darker skinned peasants, not citified young Communists acting out their adolescent Marxist fantasies on their people, destroying the economy and clinging to their power with the rule of the gun and terror in these prison camps?" They said, "Oh, the political prisoners are 90 percent campesino peasants.

Then I flashed back on all of the visits that we made to the Contra camps up in Honduras, which, by the way, are gone. They are all inside Nicaragua, 14,000 of them. And I said, "My gosh, the whole force of the fighting people are dark skinned peasants." These are not the fair skinned Guardia or the fair skinned Sandinista city guys fighting to dump Somoza and betray their revolution.

Then it hit me that this was truly a peasant war, a civil war.

I had some befuddled Jesuit priest sitting in front of me over in my committee and I can talk in those terms because I may not want to characterize myself as devout—I leave that to Geraldine Ferraro—but I am loyal, and a loyal practicing Catholic. And when some Jebby sits in front of me and I have got 7 years of Jesuit education and tells me that if we had the equivalent number of people in our country in the hills, 14,000, we would have an army in the hills of 1.5 million Americans fighting against our government. I said, "Did it ever occur to you, Father, if we had one and a half million American fighting commandos in the Rocky Mountains people would call it a civil war?" And he had nothing to say.

When you have 14,000 people fighting in those hills, and it is not jungle the way it is commonly misreported by the press, by the fourth estate up there; it is more like the savanna or the Serengeti Plain in Africa. It is easy for helicopter gunships to hunt down these Contras who try to move in the daytime.

Now to tell you the truth, this vote is so frustrating tonight that I know there are thousands upon thousands of people taking advantage of what we call, in arms control talks, national technical means. I am trying to not violate House rules here about referring to that great expanded audience that is beyond these empty chairs here.

□ 2315

There are hundreds of thousands of frustrated Americans that want a postmortem on this vote, that want to know why all the Members on our side only got 2 minutes and the Members on their side seemed to have 6, 8, or 9 minutes. I will explain that. We had almost twice as many speakers on our side out of 175 Republicans. Two of our Members are sick. One of them just had a heart bypass. Out of their 267 Members, one of theirs is sick and another one just passed away; he was a pro-freedom-lover vote—Dan Daniel of Virginia. Although they had almost 90 more Members than we had, we had twice as many speakers. Do you know why? A lot of these Members in the majority do not want to match their vote with rhetoric and words that will come back to haunt them.

With the Republicans on this side, I am proud of my party and those who did vote with the President, because almost every one of them, with polls against them in their districts, are being called for a profile in courage, voting against a misguided public in their districts. They are willing to put their words together with their votes, and they will stand by their words in the future.

The reason they are so nervous is this: I wish the camera could have played across the faces of everybody on this side as CLAUDE PEPPER brought me to one of the dazzling moments of oratory in this House. In his mid-eighties he was speaking without a note, extemporaneously, about freedom. Red, white, and blue is this distinguished gentleman, our senior Member in years in this House. And the look on their faces was one of—"Oh, my gosh, is he going to turn votes? Is he going to turn this with his inspirational speech because he is inspired by the Cuban Americans and his southern Florida?" And they have risen as no initial first generation ever has in this country.

Do you know that the Cuban Americans in south Florida had seven Members of the Florida Assembly in Tallahassee? No group of immigrants has ever done that.

We have two great Hungarian Americans here, one Republican and one Democrat. They were sitting together watching this debate. This is pretty unusual for two people born in Hungary to make it. But we have all the great ethnic groups that make up this melting pot—my Irish, Jews, Poles, Germans, French, and they all slaved in workshops and educated the next generation, and that is where the politicians came from. The Cubans are doing it in their first generation.

When I was down in south Florida campaigning for Bush a week before last, they said to me, "Why is our country's freedom not on the agenda any longer?" They said, "We admire BUSH's courage."

Ninety-eight percent of them are foreign-born, and he said, "I will not lie to you. We are not discussing Cuba's freedom, and it is not on the agenda as far as we can see."

They said, "We love him, but we want you to go to him, Congressman DORNAN, and change that. Why shouldn't we be on the agenda?"

And it is a darned good question. And who shot them down? The same CIA that trained them under President Kennedy, that confiscated over 400 of their boats and locked them up in a bayou that I flew over once in south Florida, one of those back waterways cut out of the swamp.

They took their means of fighting for their freedom away from them and shut them down, and they said, "OK, we will make it in America, but we are never going to give up. We are praying for and waiting for that moment to drive that dictator, Castro, out of Cuba."

Let me read from Krauthammer's editorial. It is just absolutely dazzling, what this man says. This is entitled "Whose Foreign Policy Is It Anyway?" Here is the line I love:

> What then gives a Costa Rican more moral authority to decide the fate of Nicaragua than 14,000 Nicaraguans fighting to liberate their own country and asking only for the materials with which to do it?

I want to yield to my colleague, the gentleman from Indiana [Mr. BURTON], but before I do, I want to tell something about this Maj. Roger Miranda. I said, "Roger, how many fighters did you have in Masaya?"

On CBS News last night, Dan Rather said, "Masaya, the birthplace of the revolution that toppled Somoza." It is a suburb just to the east of Managua—well, not a suburb but a separate city.

I said, "I know you were a combat hero in Masaya. Were you the commander?"

"No, I was the deputy."

"How many Sandinistas were there fighting?"

I meant in all of Nicaragua. He misunderstood me. He said, "12."

I said, "12?"

He said, "12 in Masaya, 12 of us in 1978."

By 1979, after Eden Pastora, who hates the Communists, who was their No. 1 combatant fighter, Commandante Zero—he was the only name known to the people of all the fighters. Most of the guttiest ones were killed in combat. The Ortega brothers were bankrobbers who were either in jail or in exile during the whole struggle.

But there was Roger Miranda, the deputy Commandante in Masaya with 12 men. He said, "By 1979 we had 98."

I said, "Only 98?"

He said, "But this was happening in the cities. It was in the cities, not the hills over Nicaragua."

I said, "What was your Sandinista fighting force at the end?"

He said, "2,500."

The news media usually says 3,500, and so does your CIA. He said that there were 2,500 people.

How did they do it against Somoza? Well, for one thing, Jimmy Carter turned back two Israeli small freighters loaded with bullets. That is what the President was asking for tonight, just small arms to keep them as a viable fighting force, and he was going to seal it up for 2 months until March 31, depending on whether the Ortegas are going to keep the democratization process and open up more than one paper or more than one radio station and let out more than a handful of the 10,500 prisoners.

By the way, I asked Obando y Bravo, "Have you met one prisoner released of the so-called 1,000 that he released?"

And he said, "No; but, honestly, I had 4 or 5 calls, and I am so busy shuttling back and forth to San José and Santo Domingo and going to Europe to brief Ortega on what to expect from this tough anti-Communist Pope that I have not had a chance to return those calls."

I said, "Monsignor," which is the term you use in Latin countries, or "Your Excellency" or "Your Eminence" for a Cardinal, "Your Eminence, have you a list of 1,000 prisoners?" I said, "The American media is accepting Ortega's release of 1,000 prisoners."

He said, "No, no, we are still below 100."

Now, the networks say that Ortega is going to release thousands more, and we do not have a list of over 100 of the so-called 1,000 that he has released. When the Israelis released 1,100 Arabs on the northern border into Lebanon, the news cameras were there to record every single person released by name, and we do not have any 1,000 people released.

Then what I love is when he said they ended the state of emergency. Do you know what all your Embassy people tell me down there? When you have a police state as far gone as the rule of terror in Managua, what difference does it make if you end the state of emergency? Nothing changes. The peasants down there told me, "Nothing changes if he ends the state of emergency. It doesn't change any of the terror in this state."

I know the Soviets at this very moment are telegraphing to the Kremlin the results of this vote. Gorbachev has been emboldened by this vote tonight. I hate to report that, but it is a fact. He will see that we do not have a resolve. He wonders where our resolve comes from in Afghanistan. That is another hypocritical irony of the voting patterns in this House. But this Lourdes—as they say in French, Lourdes—in Cuba is this major listening facility, the biggest in the Western Hemisphere, where they are reporting on this vote to the Kremlin tonight. I had a briefing from the new National Security Adviser yesterday; the whole Foreign Affairs Committee did, and about 10 of us showed up out of 40, and they told us there is not 11 prison camps or 12 in Nicaragua, their only growth industry, their only building program; it is now up to 16, 16 major prisons. Under the hated oligarchs of Somoza, there was one and a quarter—Tipitapa, which is now expanded to five times its size, and one little torture operation that he had behind the International Hotel that had 12 cells in it. But now they have 16 prisons, and 9 of them are devoted totally to locking up the campesinos off the coffee and cotton farms, locking up thousands of people because the commandos, the los muchachos, swim in the sea of the people.

Miranda told us the Ortega brothers have already cut a deal with the Soviet Union for asylum in the Soviet Union if all goes bad. The turning point when they realized they were in trouble was a year ago when Humberto Ortega, the defense minister—just as Raoul Castro is Fidel's brother, Humberto Ortega controls the guns and the party's army, as it was pointed out here, and the party owns the military. That is not a blue and white rondel on the side of these helicopters. That is the Sandinista party emblem. It would have been like Richard Nixon trying to take over the whole Pentagon and painting every Air Force airplane with that little dumb looking Republican elephant with its trunk down. I prefer the one with trunk in the air for victory. And then suddenly he would say, "Well, I was thinking about resigning." I wonder if the Pentagon would agree to that since the Pentagon is controlled by the national chairman of the Republican party. Imagine if Paul Kirk had say over the Commander in Chief and the Joint Chiefs of Staff. That is the situation in Nicaragua, the only country in the world to my knowledge that is in this situation. In all of the other countries, even in the Soviet Union, the army is the army of the Soviet Union, controlled in its ultimate decisions by the party which runs the Politburo, 12 men under Gorbachev but dictating to him more than he would ever let on. But you could read the diplomatic traffic if you have the top secret clearance of a Congressman and see how much they do control them at this stage.

So now let us take a look at these prison camps. Here are 9 out of the 16. Here was Somoza's only prison—Tipitapa. They like to call it modelo, the modern prison. Part of it is where they keep the women. This black area here is the old Somoza prison. It is expanded three times by physical plant and five times by real estate.

This is Esteli. This is the area where they first used Soviet helicopter gunships, flying tanks. The MI-25, the export version with a few avionics off of the MI-24 that is used in Afghanistan, was first used here on August 2, 1985. That was the first time Soviet equipment was directly killing our fellow first cousins right here, our Norte Americanos.

The mayor of Esteli was just killed in combat and they tried to act like he was a political death. He was in uniform doing his weekend warrior duty as a reserve officer.

This is La Palmera Prison. This is near the third largest city, Grenada. It is a brand new prison.

This is Zona Franco, right near the airport. Every American Senator and Congressman who has gone down there flies right over this prison.

In these prisons tonight they are getting the word, because the grapevine is an amazing thing, it is like jungle drums. The word is already reaching these God-forsaken—well, God has not forsaken them—these liberty-forsaken people rotting in these prisons. They are getting the word that by a lousy shift of five votes, this Congress has destroyed their hope.

I wish I had all 16 pictures here. This is Puerto Cabezas on the coast. I got a top-secret briefing down there. I have to be careful what I say now. The Soviet Union and the Cubans have been jerry-rigging Soviet-made transports to try to shoot down these freedom fighter airlift airplanes with 57-millimeter cannons, with rockets, 3-inch rockets. They have actually fired at some of these planes coming in at night, and they are on the "cheap" down there. They do not get the high tech that we give through so-called covert programs to Afghanistan that Dan Rather loves to keep showing on the evening news. It seems like everybody around here loves the Afghanistan effort. I want to comment on that in a second. But right out of here they are building surface-to-air missile sites. They lucked out and got this DC-6, with people dying and with Colombian pilots dying for us in the cause of freedom. But Puerto Cabezas, the SAM site there, would probably have gotten one sooner or later.

This is Ascuncion Prison near Juigalpa. Look at the size of that thing. As I said, even the military installations, which are the only other building projects, are not as big as these prisons.

This is Club Hipico. Guess what? That is a former motel. When I first looked at that, I said, "Is that a Club Med?"

Somebody said, "Oh, yes." So finally I went up to Matagalpa about 5 weeks ago and met with some of the people up there. I met with the mothers in the main cathedral in the middle of Matagalpa, which again was one of the fighting places that got rid of Somoza only to have their revolution betrayed. We drove by Club Hipico, which was an old motel rebuilt and turned into another one of these vicious political prisons. This is Palo Alto, near Managua. This is not an extension of Stanford University. Look at these places. This is Chimandega, up along the coast near Corinto, where Soviet freighters are unloading. During this entire debate Soviet freighters are unloading weapons of killing. This is $2 billion worth, as was pointed out here. When Ortega was down conning everybody at San Jose, he had just left his deputies to sign a $294 million contract with the Soviets, with Gorbachev, just 2 weeks ago. That was while we had a congressional team down in San Jose, Costa Rica, they were advising the Communists, as it came out in the debate here.

This is Waswali Prison. Look at the size of that place. All the building materials down there are going to these Gulag-type Fascist-type concentration camps. It is unbelievable the torture stories that are now coming out from the human rights groups.

It sickens me that some of the Contras we are supporting in their fight revert to the brutality that Somoza engendered. That creates human rights violations. Many of them have been court-martialed, some of them have been executed in the field, and, yes, some of them are not serving their sentences. I have griped about that. But all the people down there that are worthy of the word "truth" tell me that the violations on the Sandinista side are 10 to 1. But we would not get that out of some of the befuddled bishops, networking nuns, and trendy ministers and vicars, to quote Henry Hyde on this House floor. And that is exactly what they are, trendy.

And listen to this, with all these misstatements of facts here. Before I proceed, Mr. Speaker, let me ask the gentleman from Indiana if he wants to jump in at this point. If so, I will yield to the gentleman.

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Mr. BURTON of Indiana. Yes, I would like to make a couple of comments, but you are doing so well, and I can sit here and listen to you all night.

Mr. DORNAN of California. I am getting wound up for round 2.

Mr. BURTON of Indiana. You are getting warmed up for round 2; all right.

The thing I would like to address is some of the arguments that have been made by the speakers and the others in the debate tonight when they said that the President of the United States should be presiding over the United States and not over Central America, and the implication was that we should be an isolationist nation. We should not be concerned about what is going on in our hemisphere.

I do not know whether they recalled the Monroe Doctrine or not, but the Monroe Doctrine is something that I revere, and many of my colleagues do, in that we do not think a foreign power from another part of the world should come in and establish a beachhead, Communist or otherwise, in our hemisphere.

Mr. DORNAN of California. You picked up on that the minute the President said that President Reagan is only to preside over the United States.

Mr. BURTON of Indiana. Yes, and that isolationist policy is one that will work to the detriment of this Nation.

The fact of the matter is that the Communist Sandinistas have been exporting revolution, and even though President Arias may have a different view, some of the newspapers in his own country have stated very clearly that they are exporting revolution, they have been sending supplies and they are concerned about it. In fact in an editorial of January 29 of this year, January 1988, La Nacion, Costa Rica's most prestigious daily, stated, "What does it state is the fate of the nations that border on Nicaragua?" Because if the resistance, the Contras, is weakened or disappears, the Sandinista regime will direct all its energy with ample Soviet aid to its confessed objective, that of exporting revolution. So they know in Costa Rica, they know in Honduras, they know in Guatemala, they know in El Salvador that there is going to be revolution exported rapidly once the Communists consolidate power, and the vote tonight that took place will lead to that kind of consolidation.

But the thing that concerns me the most—it is kind of a selfish thing with me, and I really would like to get this off my chest. This is not a speech. This is a feeling I have. I heard a number of my colleagues go to the floor, and I know you have a son who is what; about 20 or 25?

Mr. DORNAN of California. One 30 and one 28.

Mr. BURTON of Indiana. Well, I have a son who is going to be 13 this week, Danny Lee Burton II, and the vote we took tonight which is going to appease the Communists, and I am certain they are celebrating it tonight in Havana, and Managua and Moscow, that will ultimately lead to the consolidation of power and the rapid exportation of revolution throughout Central America and up into Mexico because the Soviets want to put us in an untenable situation on our southern flank, and that is their objective.

Mr. DORNAN of California. It diverts attention from the Warsaw Pact countries.

Mr. BURTON of Indiana. That is right, and they hope we will have to withdraw support from our NATO allies and bring troops like President Azcona wants us to do if this gets out of hand. He said he was going to request 50,000 United States troops be stationed in Honduras if this peace process fails and if the Contras are no longer a viable force, so where are these troops going to come from?

So the bottom line is the Soviets would like to put us in a difficult position on the soft underbelly of America, the Mexican-American border, and the thing that concerns me the most is that 13-year-old son of mine and the sons of other Americans who are going to have to go down there and defend our southern flank, the Mexican-American border, at some point in the future. That does not mention all the millions of refugees we are going to have coming across that border.

Just think about the young American boys in 4 or 5 years that are going to have to go down there and fight to do the job we are not doing now by supporting the Contras. The only problem then is that we would not be talking about 60,000 active military personnel in Nicaragua. We will be talking about 400,000 or 500,000, and they will have allies from the Cubans and other countries if they take them over, from El Salvador, the Communist guerrillas that will expand their support base down there, and so our kids are going to have to face a viable military force down there in 5 or 6 years if this continues, if we do not reverse ourselves, and I am very concerned about that.

I hope and pray that my colleagues on the other side of the aisle and those on our side of the aisle that voted incorrectly, I believe, tonight will see the light and wake up before it is too late so we can reverse ourselves because once those Contras die on the vine, and some of them were here watching the vote, and those 4,000 people lose their military supplies and their humanitarian aid, the food and logistical equipment they need to exist, then they are going to flee. They are going to come north to Miami, they are going to go to Texas, to California, your State, and there is not going to be anybody that we can turn to down there to help fight this Communist expansionist policy.

And we are going to have to send our boys down there to do it, and I think one of our colleagues, Mr. Boland, tonight alluded to that fact. He said that if it gets that bad we are going to have to do something about it, but why should we have to send our American boys in to fight what is acknowledged to be a civil war between Communists and people who want freedom when it is not necessary? But that is what we are heading for.

Mr. DORNAN of California. At the risk of sounding like Rev. Jesse Jackson I am going to read a statement here in a minute by retired Col. Larry Tracy, who did the best work in the State Department or the Defense Department in putting our books like this silver one that became our bible for 3 or 4 years. It was he who constructed the Ollie North slide show, and he now has a new one that has 60 slides, all new modern graphics, even improved. He wrote something here that I want to read. I want to "Biden-ize" and pretend it is mine now. I want to attribute it to Tracy, but at the close of it he says something to you about your sons. He said that we used to be the arsenal of democracy when I was a little kid in New York at the beginning of World War II and proud of it. Pushing all the neutrality laws, Roosevelt was to help poor England which was standing alone under the great leader, Churchill. Larry Tracy says that if we send them the guns, we would not have to send our sons, and it is that simple.

Ten years from now, 8 years from now, this may come back to bite us.

Do you have a special order following mine?

Mr. BURTON of Indiana. The gentleman is correct.

Mr. DORNAN of California. Can you stay for it?

Mr. BURTON of Indiana. I am not sure whether I can or not.

Mr. DORNAN of California. Yield to me if you have to go.

Mr. BURTON of Indiana. OK; if I have to, I will.

Let me just say this. Congressman—who was this letter to earlier? One of my colleagues. Congressman COURTER of New Jersey received this letter, and I think it is so important that the people in the offices here and anyone who might be watching hears this. It is so important. This letter goes right to the heart of the problem, and it says it better than probably anybody except maybe CLAUDE PEPPER of Florida stated the problem tonight. He said:

> DEAR CONGRESSMAN: As a resident of the State of New Jersey I urge you, most emphatically, to support President Reagan's upcoming request for more military and humanitarian aid to the Nicaraguan Contra Rebels.
>
> I urge this despite my own solid liberal background: I marched against Vietnam, I volunteered for McGovern in Massachusetts, and I voted for Jimmy Carter. But over the last six years I have been studying history and have become disturbed by what happens to a country when dominated by a Marxist-Leninist minority.
>
> As a product of the Sixties and Seventies, the idea of having my own life controlled by an authoritarian, Leninist state is absolutely horrifying, and I think most Americans—regardless of their political affiliation—share that view. I think it is nothing less than creeping racism to assume that the people of Nicaragua find this prospect in their own future any less frightening.
>
> The only chance the future generations of Nicaragua have for lives of individual freedom is if they physically resist now the control being forced upon them by Soviet-, Cuban-, and East European-trained cadres. But in an age of helicopter gunships and automatic weaponry it is naive to think that farmers and shopkeepers have any chance to resist sophisticated efforts to control them without help from outside. Please help the people of Nicaragua to help themselves, and please use my tax dollars to do it.

This is from a fellow who was a liberal, a McGovern supporter who marched against Vietnam but who has studied history, and he knows what the Communists are up to not only in Nicaragua but elsewhere where they tyrannize the people. I hope that everybody in this country will listen and take to heart what that gentleman from Congressman COURTER's district had to say.

Mr. DORNAN of California. The sad thing is that a lot of Members of this body who also voted for McGovern, chanted, "Hey, hey, LBJ, how many babies did you kill today," became enamored with Ho Chi Minh, cried that date in September 1969 when he died and to this day will defend that brutal Communist regime in Hanoi. There is a small coterie of them in this House who are in love with the Sandinistas.

But when my good friend, JIM SCHEUER, got up and said that nobody in this House on either side of the aisle is for the Sandinistas; that is factually incorrect. Maybe he does not know that. There are four groups in this House. There are conservatives, there are liberals, and we have this. As CLAUDE PEPPER said, we are all Americans, and we have got this fundamental difference on how you surgically apply force and power and, yes, sometimes violence like George Washington gets the job done. And there are the moderates, and from my viewpoint they shift back and forth so much I do not know where there is any pride in that position.

That is what Ollie North was talking about when he said a vacillating, unpredictable, on-again, off-again Congress. He was not talking about EDDIE BOLAND, he was not talking about DANNY BURTON. He was talking about 12 people in our party and about 30 in the other party that have gone back and forth, back and forth on this issue, but there is a fourth group. I do not know any of them on our side. If there are, they keep it hidden, but there is a small group and two Democratic chairmen, one who is for Contra aid and one who is against it, and I respect them both. Two of them admitted to me there is this small group that have given their hearts and their loyalty to the Sandinista Communists. They traveled down there and met with Ortega privately. One U.S. Senator from the other body did it in front of you and me, refused to take you and me in to meet Ortega, in to meet with him, after we had just taken him in to meet Azcona 2 days before.

Mr. BURTON of Indiana. Not only that, but he would not let anyone go in with him except his personal adviser, who was a pro-Sandinista individual.

Mr. DORNAN of California. An Army colonel who was kicked out of the Army for refusing to go to Vietnam.

Mr. BURTON of Indiana. And he would not even allow anybody in the State Department to send in somebody just to be in attendance at the meeting which is in accordance with protocol. You are absolutely correct. We have people who are more than sympathetic to the Sandinistas in Nicaragua, and I think that is appalling, and I do not believe any of their constituents or the people across this country realize how closely tied they are.

Mr. DORNAN of California. Well, there are about 65,000 people that have cycled through groups like Witness for Peace down there in Nicaragua that have also fallen in love with that Communist regime so much so that they will stand there and tell you they are not Communists, and one thing the leadership around here is admitting on both sides of the aisle, and I think America should know this because I do not think the point can be made enough:

Roger Miranda told us last week that Miguel D'Escoto, the suspended priest that lives like a fat cat in a former banker's house with four or five Mercedes in his driveway and all the confiscated art treasures that he says he is just borrowing for a while, and he keeps gaining all this weight when he went on a so-called fast that lasted about 7 days, and he did not lose 5 pounds of that blubber, and his doctors had to take him off his so-called dedicated fast. He is not a Communist. Miranda said suspended priest D'Escoto is a frontpiece.

Sergio Ramirez, the Vice President who went to the University of Kansas at Lawrence, they said he is not a Communist. I said, "How about Victor Hugo Tinoco; hard-core Communist?"

You asked him; remember? The Deputy Foreign Minister?

You said, "Mr. Tinoco, are you a Communist?"

I will give you his answer verbatim. Tell me if I got it right.

By the way, did you see him speaking fluent English on television from San Jose? And he had an interpreter there with us. He pretended not to speak English so he says.

He said, "I studied to be a Catholic priest once. Now I don't know if I'm a Catholic or Communist."

Don't know.

"All I know is I'm a Nicaraguan."

Remember what I said to him?

"Get off it, Vic; you know, giving us that crap."

He has got all his English-speaking American citizens, some of them with dual citizenship, down there guiding his Communist government.

Then he said to Miranda, "You were a young Marxist."

He changed the word to Communist.

"* * * the one that went to school in Santiago, Chile, and Mexico City saying he is no longer a Communist."

You know that one Communist knows another when they sit around discussing ideology and how they are pulling the wool over the eyes of Congress. Remember what they said? They hate all the Congressmen. They hate us on both sides of the aisle except for their little group of friends, four or five of them.

But they said that the Democrats are more easily manipulated.

And this airplane pilot Denby that they held 8 weeks incommunicado, a lot of it in solitary confinement, and they admitted they had no case against him. He said they feel they are at war against the Republican Party, and, if they look at this vote, well, they should be, because we are for freedom. The only people on the majority side of the aisle that mentioned freedom along with peace were the Democrats who voted for the President's very reasonable plan on what to do.

So I said to Major Miranda, "How many of the Sandinistas are acknowledged hard-core Communists; six?"

He said, "Oh, no, no, no." He said, "All nine, all nine are Communists."

Now RON DELLUMS can come down to the floor and very eloquently say that how come we only beat up on people who do not have the atomic bomb, China or the Soviet Union? No. That is an interesting point. If Ortega had two nuclear weapons, two, I believe that both sides of this aisle would meet in secret and decide to take him out before he lobbed another one of those bombs, this erratic young Communist, at Florida, or Texas or southern California.

No, it is true that we have to do something to stem the tide of Communism where we can, Grenada, Angola, Afghanistan, right here on North American soil in Nicaragua, and, yes, we have to deal with Gorbachev and the main "Mother Wart of Communism" because they have got nuclear warheads by the thousands.

China is an inward-looking people. They have taken down every single picture of Mao in that country, and his widow is still in prison. They do not know what to do, and they are reaching out. Their motto now is, "Whatever works," so they are a hard-to-define group of Communists with 1 billion, 200 million people in China, but the Soviet Union is still one of the major exporters of terrorism around the world, and while we cut off our freedom fighters, 14,000 of them living off the land and off the air drops in Nicaragua the Soviets continue to flood supplies into those ports.

Mr. BURTON of Indiana. If the gentleman will yield?

One of the things struck me in the debate tonight. I heard very infrequently, if at all, anyone talking about the continued military support that the Soviets are giving to the Nicaraguan Communists. There was a lot of talk about us cutting off aid to the freedom fighters, the $30-some million we were talking about.

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But the Soviets this past year sent 33,000 tons of war materials into Nicaragua, not guns and bullets, but helicopters, amphibious armored personnel carriers, sophisticated weaponry that these poor campesinos do not have, so they can crush them and control the countryside and export that revolution. We did not talk about that much tonight, but they have spent over a billion and a half dollars over the last 5 to 6 years into Nicaragua for not only controlling that country and subjugating those people down there, but also for the exportation of revolution, and here we are fighting over $30-some million in humanitarian aid and $3 million if they do not comply with the peace agreement that they signed.

Mr. DORNAN of California. Three million dollars.

Mr. BURTON of Indiana. Three million dollars, opposed to a billion and a half.

Mr. DORNAN of California. It is phenomenal. You know, out there in the popular culture, one of last year's big movies was "Top Gun." The star naval fighter aircraft in that film was an F-14 Tomcat.

Does the gentleman remember what they said that plane was worth in the film? $30 million.

Mr. BURTON of Indiana. That is right.

Mr. DORNAN of California. Actually, one crashed near Tonopah, NV, a couple weeks ago, the paper said it was $32 million.

Mr. BURTON of Indiana. So we are talking about one airplane.

Mr. DORNAN of California. One airplane. Now, out in California north of Los Angeles over Independence, CA, two F-18's out of the El Toro Marine Base in BOB BADHAM's district, two F-15's, probably engaged in what I used to do in peacetime, called air combat maneuvers, training to stay combat ready, you go in opposite directions and come back at one another. It is called bumping heads. You train for that horrible eventuality where you might have to do it for real, as a couple F-14's had to do over the Gulf of Sidra in August of 1981. These two F-18's hit one another. One pilot gave his life in peacetime, one of the 12,000 who have died since Vietnam in peacetime combat training accidents. The other, fortunately, bailed out. Both of them young fathers with lots of little kids.

These two airplanes, F-18 Hornets, were worth about $26 million each. For one midair collision in California last week was $52 million plus, and we quibble over $3 million to the democratic resistance in Cambodia and $3.25 million today.

Mr. BURTON of Indiana. That brings to mind something that was made a very salient point today by Congresman DUNCAN HUNTER of California. He brought out the point that at Punta Huete the airfield that is being built by the Communist Sandinistas which will accommodate Mig-21's through Mig-29 fighter bombers——

Mr. DORNAN of California. The Lucian 76's and 86's, the biggest airplanes in the Soviet arsenal.

Mr. BURTON of Indiana. This is the Blackjack Bomber, the biggest airplane they have.

He said that the Soviets ultimately plan to bring this aircraft in there. He said that would be equivalent to an $18 billion naval task force with an aircraft carrier. So if they bring in that aircraft, they are going to have a land-based aircraft carrier in effect and we are going to have to deploy a naval task force with aircraft carriers on it which would be worth $18 billion to take care of or to watch over this one airfield at Punta Huete. That airfield, they can use those aircraft for surveillance and intelligence gathering purposes for the entire west coast of the United States and the southern part of the United States. So not only will they have Cuba for the east coast, they will have Nicaragua for the west coast, and in addition to that it is going to cost us billions of dollars even if we did not have to go to war down there to keep an eye on the aircraft that will be stationed at that base.

Mr. DORNAN of California. Listen to this statement by one of the scholars on this issue, Larry Tracy. He said that some day historians in the not too distant future are going to look back at February 3, 1988, and see it as an historic date, a date when the Congress of the United States became the guarantor of the Brezhnev doctrine, a doctrine that says once a Communist country, always a Communist country.

We became the guarantor by only a shift of 5 votes tonight.

He says that a recurring theme of the Democrats has been, "Let's give peace a chance."

Now, how many times are we going to hear this? I guess that was Neville Chamberlain's song, "Peace in our Time."

Mr. BURTON of Indiana. They should have asked, how about giving freedom a chance?

Mr. DORNAN of California. I repeat, the only ones on this side who mentioned freedom were those voting with the President. The rest just talked peace.

He said, "Do these Majority Members realize that the Sandinistas and their Cuban and Soviet patrons do not see peace as the absence of war? They see it in terms of "Mir." That is the Russian word for peace. It has a much shaded meaning over our word.

Mr. BURTON of Indiana. After the war.

Mr. DORNAN of California. The Russian word "Mir" does not mean the absence of war. In the Communist lexicon it means, it has come to mean a condition that can only exist in a socialist state.

Mr. BURTON of Indiana. After the goals of the revolution have been achieved.

Mr. DORNAN of California. That is what their space shuttle is called, 'Mir." It is something that only exists in a socialist state.

My colleagues from the other side of the aisle may be aware—are not aware of that fact when they say they are for peace. What they are really saying in the Ortega context is that they are for "Mir."

Then we hear, "Lets take a chance for peace." How many times did we hear that today?

But who is taking the chance? Nobody in this Chamber, but many boys, your sons, I say to the gentleman from Indiana [Mr. Burton], they are the ones in their teens who may pay with their lives. They are the ones who are taking the chance through the votes of these people who are so shortsighted.

He says, "How many in this Chamber want to take a chance for peace?"

Perhaps when the body bags start coming back to their districts will they realize the magnitude of their folly with this vote tonight: however, Dave McCurdy of Illinois says, "Don't worry. We will be voting again in 3 weeks."

I wonder who is listening, the Ortega brothers, the other seven Communist commandantes in the fascist junta down there? I hope all those networking nuns down there, and everybody down there, I hope they are all listening, because Dave McCurdy told them that we are going to vote on it four more times this year. That is the shift of the so-called moderates, the vascillating, unpredictable, on-again, off-again group, that tells us we are going to face this debate four more times this year.

Now, Congressman Dellums, my colleague from California, spoke of United States actions in Grenada, implying that it was war on people of color. He did not imply it. He came right out and said it, but he said nothing of the fact that it was a black gentleman who requested President Reagan to send in troops, Governor General Paul Scoon. I met him down there. In fact, I went by his house. I got the whole briefing that first week in November 1983.

Mr. BURTON of Indiana. The gentleman might mention at this point that when we went out and looked at the weapons that were stored in those two storehouses——

Mr. DORNAN of California. Whoof.

Mr. BURTON of Indiana. There were over 5 million rounds of ammunition in Soviet boxes marked "food and economic aid," and right next door in the other building were thousands of AK-47 weapons and others for this little island, which is half the size of most small cities.

Mr. DORNAN of California. Lies and advertising.

What the gentleman from California [Mr. Dellums] also overlooks is that it was a black man, Tom Adams of Barbados, we met him, who relayed Scoon's request to all the other former British Dominion members there. He said nothing of that elegant black lady, the black lady, the Prime Minister, Eugenia Charles of Dominica, who stood with Ronald Reagan side by side in anouncing the liberation of Grenada.

And finally the gentleman from California [Mr. Dellums] said nothing of a CBS poll a week after the liberation in which 91 percent of the people, almost every one of them black, English-speaking blacks, agreed with President Reagan and only 9 percent agreed with Ron Dellums. Only 9 percent wished that they had Fidel Castro's rule back.

Mr. BURTON of Indiana. The thing that is so interesting, if the gentleman will yield further, when the gentleman and I went down there 2 or 3 days after the invasion and then Speaker Tip O'Neill had sent his delegation down there, we were kind of a truth squad, the gentleman and I, and Mark Siljander.

Mr. DORNAN of California. That delegation was led by Tom Foley who brought back a fair and truthful report.

Mr. BURTON of Indiana. Yes, but when we went down there, and the gentleman from California was with the other codel, I remember we were in jeeps going through the area and people were running up and throwing flowers at the jeeps saying, "God bless Ronald Reagan and God bless America," and they were writing on the walls, "God bless America," because they had been liberated from the totalitarian communism and Mr. Bishop down there and his New Pearl or New Jewel movement down there. Those things the gentleman from California [Mr. Dellums] should remember, because I am sure he experienced them as well when he was down there.

Mr. DORNAN of California. You know, what is amazing, the largest cruise ship ever built sailed with Jimmy Carter on it, Rosalynn Carter swung a big huge bottle of champagne against it just a week or so ago down in Miami, it is called the *Sovereign of the Seas*. It is just a magnificent, gorgeous ship, not my cup of tea, but just terrific for people who want to stay on a ship and island hop. One of the main stops on every voyage will be Grenada, to meet those people who speak English, no language problems, and tell all these retiring or honeymooning young Americans, "God bless America. Thank you for liberating us and bringing us back into the free world."

Here are Larry Tracy's last thoughts. Through the wonder of video tape, we will all have a record of the speeches made here today. There is no permanent record for people's private libraries of any of the speeches made during the Bay of Pigs in this Chamber. That is Frank Horton's hang-up, our friend. He voted for the Tonkin Gulf resolution. That is why this fine conservative Republican votes against everything to do with any military aid to certain parts of the world. I bet if we had a vote on Afghanistan, this fine American would probably even vote against Afghanistan.

So we have got this videotape. Larry Tracy says, "I can imagine the tragic-comic aspect of watching a video of our Democratic colleagues saying that cutting aid for the Contras will be the route to peace, and then they will have to watch the news develop that U.S. troops are fighting in Central America."

I remember when Senator Dodd said on Nightline in early 1976—this is somebody else's quote, Mr. Speaker—he said that if diplomacy failed, perhaps we would have to use a military option, but when there are no Contras, what military option exists other than U.S. soldiers?

Then he closes with, "Let us send our guns to the Nicaraguan freedom fighters, so we do not have to send our sons to Nicaragua."

Mr. BURTON of Indiana. If the gentleman will yield further, Bob Michel, our Republican leader, in his eloquent address to the House tonight when we were summing up, made reference to August 1938 when Lord Chamberlain flew to Munich to cut a deal with Hitler on Czechoslovakia, so there could be peace in our time, he said, and flew back and waived that document. His popularity, if there had been a Gallup Poll, would have been 99 percent and Winston Churchill would have been a nonentity, because nobody believed that war was imminent because of that piece of paper, and the seeds of war had just been sown.

The thing that bothers me, in addition to my son and these other young men that I am scared to death perhaps have to fight an unnecessary war down there, the thing that impressed me tonight is that we may have done the same thing that Lord Chamberlain did. We may have appeased the Communist dictators in Nicaragua and Cuba and the Soviet Union to such a degree that ultimately war is imminent.

Mr. DORNAN of California. Right.

Mr. BURTON of Indiana. And we are going to have to get involved in it. I hope that if there is a record of this and at some future time, maybe 20 years from now somebody looks back, I hope they have the gentleman from California and me talking and they can see that we did talk about that.

Mr. DORNAN of California. You bet.

Mr. BURTON of Indiana. But we did have a message that came across tonight from this whole body and that was a message of appeasement to the Communists, to those who would take away people's freedom, not unlike what happened prior to World War II.

Mr. DORNAN of California. Something just flashed through my head about getting on the record so that you can leave a legacy to your children and grandchildren.

Something just struck me about the gentleman from Indiana. There is another massive catastrophe brewing in this country and the gentleman and I and the gentleman from California, Bill Dannemeyer, are on tape, on the official record in sight, sound, color and motion, on AIDS. In a year and 5 months, more people will have died of AIDS than died in combat in Vietnam, figures of 58,139, like on the Wall is 47,000 in combat. We are going to pass that in a year and 5 months. I am on the record on that and I want to be on record that my sons, like me, look like they are going to be caught between the bloodshed that people have to go through for liberty, but it will be my grandkids now following the kids of the gentleman from Indiana and their kids and jeopardizing their lives, becoming combat ready, dying in peacetime or dying in a hot war, that may give my grandchildren that breather to grow up between wars. Some families have been that lucky in this country and those families are the very families that should respect the families that get caught in the cycle, like those that did not wait to be married at 37 years of age, like my father. If my father had married at 22, like I did, I would have been fighting in World War II. There were families where some of those young veterans came home and survived the horror of 53,000 combat deaths in World War I to have their sons die in the same Flanders Fields and in the same fields of France, against the same enemy, because we did not understand between those two great wars of this century that appeasement breeds more destruction.

I want to ask the Speaker for permission to put the whole Charles Krauthammer article in, but let me read this last paragraph.

He says:

The Arias plan—

This is Charles Krauthammer writing in this week's Time—

The Arias plan has become the great totem of the current Nicaragua debate, but it is no substitute for an American foreign policy. Americans still have to ask themselves the basic questions, questions of national interest. Can the U.S. risk the domination of Central America by a Soviet client state, and questions of national purpose. Is it right for the U.S. to support a guerrilla force fighting a Leninist dictatorship? Central American answers to these questions are conflicting and cacophonous. They contradict one another regularly. In deciding its own answers, America might want to listen to various of these voices, but it is not obliged to be commanded by them.

Mr. Speaker, the full text of the article is as follows:

WHOSE FOREIGN POLICY IS IT ANYWAY?

(By Charles Krauthammer)

The Arias peace plan signed in Guatemala by five Central American Presidents has made one certain contribution to the endless debate about contra aid: a new vocabulary. All sides must now make their case in the ritual languages of the Guatemala accord. Opponents of contra aid say they are simply fulfilling the part that calls for an end to outside aid to insurgents. (Cutting off Nicaraguan aid to the Salvadoran insurgents is left to the appropriate Nicaraguan parliamentary committees.) The Administration, for its part, portrays contra aid as a mere "insurance policy" to save the peace plan in case the Sandinistas renege on their promises.

Neither side is impolite enough to note that the Guatemala accord has already expired. It was always more a hope than a plan. It had no enforcement mechanism. It has formally abolished its international verification commission. And three weeks ago it, in effect, abolished itself: the plan, said the communique of the five Central American Presidents gathered to assess its progress, had not been implemented, but no deadlines were extended. The U.S. Congress, with its vote this week on contra aid, has by default been designated to make the final judgment on Sandinista compliance.

But even if the Arias plan were still a going concern, a question remains: Why should the U.S. allow its interests and policies in Central America to be determined by others? House Speaker Jim Wright was asked about putting contra aid in escrow, to be released depending on future Sandinista behavior. Perhaps, said Wright, but only "if we're willing to abide by the determination of those Central Americans themselves . . . rather than allowing someone in the State Department simply on his whim to say who is complying and who isn't."

Wright disdains the idea of leaving determinations critical to American foreign policy to "someone in the State Department"—say, the Secretary of State. The Speaker, who has of late been playing the plenipotentiary, perhaps fancies himself better suited to the role. But it is truly odd to prefer leaving such determinations to foreigners. Most countries devote enormous resources to maintaining independence of judgment in foreign policy. Only in America does the majority leader offer a foreign policy for export.

The target of Democratic affections, the man to whom Wright would most like to assign the conduct of U.S. policy in Central America, is Costa Rican President Arias. He has become the authority for what is right and what is not. With his Nobel aura, Arias has taken on the aspect of a man who has transcended mere politics and national interest.

But President Arias, no less than President Ortega, is necessarily a creature of his time and place. His northern neighbor is run by committed Leninists with announced plans for a 600,000-man military. As the President of an unarmed country whose ultimate protector, the United States, has proved itself utterly vacillating in dealing with these Leninists, Arias is hardly a free agent, let alone a philosopher king. He is less the detached Central American pondering the fate of his continent than he is "President of a defenseless principality looking to secure its future."

Given Congress's performance over the past seven years, any Central American must anticipate that the future will include a Nicaragua run by Sandinistas. To be the architect of a plan that saves the Sandinistas from the contra threat (and en passant, softens some of the rougher edges of Sandinista rule) will serve Arias and Costa Rica well in a Central America destined to be dominated by Nicaragua.

There is nothing wrong with such a calculation. "Appeasement from lack of will is a disgrace. But appeasement from lack of power is mere prudence." It is no slur on the President of Costa Rica to suggest that he is pursuing his nation's interest. What is curious is the idea widespread in Congress that it is illegitimate, a breach of good neighborliness, for the U.S. to do the same.

For the Democrats, the Arias plan came just in time. It is the new anchor for the anti-contra case, a case that is running out of the usual arguments. It was variously said that the contras could not win, had no support and even less legitimacy. Yet after one year of full U.S. funding, they have had considerable success in the field. The Sandinistas find themselves stretched and on the defensive. Most ominously, the internal opposition is taking to the contras about what the Sandinistas fear will be a "united front" of the kind they used to topple Somoza. That, for what until recently was derided as a rump Somocista army, is legitimacy. Legitimacy has come from yet another source. "By agreeing to negotiate with the contras," says Representative Lee Hamilton, a leading opponent of contra aid, "the Sandinistas have in effect recognized the legitimacy of the contras."

From which development (and other concessions wrung out of the Sandinistas by the contras) Hamilton concludes that the contras should now be cut off. Such a leap of illogic can only be achieved by appeal to the sacred text of the Arias plan. The contras have gathered support, established their legitimacy and forced open some political space. Why then destroy them? Because the "Central Americans" wish it.

Now it is doubtful whether, before Nicaragua is fully democratized and thus demilitarized, this is indeed the wish of Nicaragua's neighbors. But assume that it is. Assume further that proximity gives Central Americans greater moral cachet than North Americans to decide Nicaragua's future. What then gives a Costa Rican more moral authority to decide the fate of Nicaragua than 1[illegible],000 to 14,000, 15,000 Nicaraguans fighting to liberate their own country and asking only for the materials with which to do it?

The Arias plan has become the great totem of the current Nicaragua debate. But it is no substitute for an American foreign policy. Americans still have to ask themselves the basic question. Questions of national interest: Can the U.S. risk the domination of Central America by a Soviet client state? And questions of national purpose: Is it right for the U.S. to support a guerrilla force fighting a Leninist dictatorship? "Central American" answers to these questions are conflicting and cacophonous. In deciding its own answers, America might want to listen to various of these voices. It is not obliged to be commanded by them.

I believe, and some Democratic friends agree with me who voted against the President, that Arias commands 40 votes in this Chamber minimum.

If he would have had a press conference from Costa Rica this morning in San Jose and said, "I think that they are liars and they are hopeless, these darn Communists," 40 Members would have shifted their votes in this House.

Why should we leave our votes beholden, as nice a man as he is with his Nobel Peace Prize, but I wish every American could get from the Washington Times or other paper of record in this city, his interview, long interview on the record, that was on the front page of the Washington Times this morning.

Do you know what he says in that article? It is bizarre. He says that he learned in school how to treat Communists and evil people. Like Dracula, you hold up a cross. Can you believe that?

□ 2400

I have to ask Oscar about that myself because the first thing that struck me was one of those umpteen remade Dracula films, where he holds the cross, the vampire says, "Sorry, I am Muslim," which is a little ethnically harsh against one of the world's great religions, what he should have said is, "I am sorry, I am an atheist," and that would be factual because we are dealing with communism, and Communists who say that lying is OK. It is OK because Lenin said all countries are pie crust, made to crumble.

Why are we putting any faith in these nine Communists?

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. The thing that puzzles me about President Arias, and I think he is well intentioned, is what he thinks is going to occur if there is no viable opposition and if the Communists do solidify their position in Nicaragua and rapidly start to export revolution and they have been exporting military supplies and trained guerrillas into Costa Rica already. That is a fact.

I wonder what he thinks will happen? It sticks in my mind that he is counting on his proximity to the Panama Canal, and that the United States would never ever let Costa Rica fall to the Communists and that we would send in the Marines and troops to stop the Communists from taking Costa Rica. That may be in the back of his mind, and he might want to speed up the process now and get it over with if the Communists do not live up to the commitment that they have made.

Unfortunately I do not like that idea because that involves American boys like my son.

Mr. DORNAN of California. Larry Tracy did me a favor, he sent for the transcript of John McLaughlin's One on One program of 2 years ago, the second anniversary, and it would be the 17th of this month. This is when Arias had just been elected on February 2 and he was not going to be sworn in until May 8. I went down with Vice President Bush and the gentleman from the other body, the then Chairman of the Foreign Relations Committee. Here is what he said just 2 weeks after his election, and that was 15 days later 2 years ago. John McLaughlin in his inimitable energetic style says, "Do you feel that they have failed in their promises, the Sandinistas?"

And Arias says in that thoughtful professional way of his, "They promised a new Nicaragua, not a second Cuba, and Costa Ricans feel they have built a second Cuba."

In the close of that interview, John McLaughlin 2 years ago says, "All right, now I have a final question on this. Isn't it true that Costa Rica has it all ways, namely this, we have the Rio Pact and we have the Organization of American States Pact, so let's say there is an armed invasion from Nicaragua down into your country, Costa Rica. You pick up the telephone and call Ronald Reagan and you say, 'I am being invaded, Mr. President', and all these countries, Panama sends 10 soldiers, Colombia sends 10 soldiers, Venezuela sends 10 soldiers, and the United States sends the 82d Airborne Division, and that is the end of the problem, the end of the invasion problem. You really have it all ways, don't you? You don't have a defense budget, you can call us, you can call on us anytime and therefore you feel comfortable."

President-elect Arias answers, "We think it is correct that we have enough friends who will come to defend Costa Rica in case of an attack by Sandinistas or by whatever force. It is true."

The gentleman from Indiana [Mr. Burton] and I witnessed Mr. Azcona saying the same thing to us when I asked him, does Arias rely on the 82d Airborne?

He said, "I cannot speak for Arias but as for me you and I have a bilateral agreement that you will rescue us."

THE SITUATION IN CENTRAL AMERICA FOLLOWING THE VOTE ON CONTRA AID

The SPEAKER pro tempore (Mr. Garcia). Under a previous order of the House, the gentleman from Indiana [Mr. Burton] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I would first yield to the gentleman from California [Mr. Dornan].

Mr. DORNAN of California. Mr. Speaker, I was saying that the gentleman from Indiana [Mr. Burton] and I were eye witnesses to this Member of the other body who would not take us in to visit Ortega a day later, but came in to meet with the President in his home where the gentleman from Indiana [Mr. Burton] tried to give him a run for his money in ping-pong, but the President of Honduras beat you badly.

Mr. BURTON of Indiana. We will forget about that ping-pong.

Mr. DORNAN of California. But just the point that he said to us, "I do not care about Arias, let him speak for himself, but you have a bilateral agreement with Honduras that if we get invaded you will come to rescue us."

Mr. BURTON of Indiana. And he went further than that because I asked him specifically about a Member of the other body talking with him a couple of weeks prior about American troop commitment, and he said that if the peace process failed and if the Communists solidified their positions and there was no viable opposition in the form of Contras he was going to request 50,000 American troops to be stationed there.

Mr. DORNAN of California. Exactly.

Mr. BURTON of Indiana. That does not include troops for El Salvador, for example.

Mr. DORNAN of California. And the gentleman from Indiana [Mr. Burton] asked him to repeat it for Mr. Harkin's benefit.

Mr. BURTON of Indiana. That is correct. That did not include by the way, El Salvador, Guatemala, or Costa Rica, and that does not even have a military force except for their police department.

Mr. DORNAN of California. And that is 10,000.

Mr. BURTON of Indiana. So I think the fact is that if we read between the lines, that Mr. Arias is counting on, as are the other Central American Presidents, the United States to come and stop the Communists if the peace process fails and there is no viable opposition. That is a great concern of mine because we now have in the field down there people who have been effective in dealing with the Communist government. The Communists have had reversals, and that is why they have come to negotiate. Now we have jerked the rug out from under the Contras and that leaves only one viable alternative to deal with the Communists down the road, and that is with American boys.

Mr. DORNAN of California. Exactly.

Mr. BURTON of Indiana. It is so unnecessary. I just do not understand it.

Mr. DORNAN of California. One interesting facet of the debate today was that we each had on each side of the aisle a presidential candidate show up. We have a clean division on this issue in our 13 Presidential candidates. All seven of the majority party in this Chamber, from Mr. Hart down to the gentleman from Missouri [Mr. Gephardt] who came back and spoke today, all seven say they would instantly cut off all aid to the Contras. They do not even talk about humanitarian aid. They say let the freedom fighters straggle out of the country like the Bataan Death March as they did in 1984 when all aid was precipitously cut off.

Then we have the gentleman from New York [Mr. Kemp] who spoke on our side and all six of our candidates are for helping this effort of young men and women willing to give their lives for freedom in South America.

Here is something that the gentleman from Missouri [Mr. Gephardt] said that I think deserves correction. He said that United States forces have invaded Nicaragua 12 times. "Invaded," I say to my colleagues, is a very strong word even if it is an invasion of liberation like the Normandy beaches or Grenada. Here is Shirley Christian's book, "Nicaragua, Revolution and the Family" and on page 10 she writes on at least two occasions that Sandino, and that is after whom the Sandinistas are named, Augusto Sandino, who was a compesino peasant, who came down from the hills to fight the oligarchy in Managua. She says on at least two occasions that Sandino said that he would lay down his arms if the United States military would take over the Nicaraguan Government and run it until the next election.

I have talked with liberal Democrats in this Chamber who say out of frustration to send the United States Marines to Haiti, which I visited recently, and send our Marines to Haiti to stop the Tons-Tons Macoutes from hacking people to death with machetes who are trying to exercise their franchise to vote now that they are rid of the oligarchy of Duvalier and his son.

Mr. BURTON of Indiana. But they will not do anything about Central America.

Mr. DORNAN of California. No, and this is the final point that I have, if the gentleman will yield.

Mr. BURTON of Indiana. I have one thing that we neglected to mention today which was an amendment which I had sponsored back in 1985, the Burton amendment which dealt specifically with Nicaragua and that amendment said that we would never recognize the legitimacy of the Sandinista Government until they lived up to the commitments they made to the Organization of American States in 1979.

They have never lived up to those commitments and yet we are recognizing that government and the legitimacy of it by the action we took today and other actions we have taken in this Chamber.

Yet the law we have passed, and it is on the books now, and my amendment prohibits that. We should not recognize the legitimacy of the Communist government of Nicaragua until they live up to every single commitment that they made in writing to the Organization of American States in 1979. They have never lived up to them. They have not lived up to the commitments they made in Esquipulas in August last year, and I do not believe they will without the pressure of the Contras being placed upon them.

Mr. DORNAN of California. If the gentleman will yield, here is an exercise that I went through today all over this Chamber with various Members including some on our side of the aisle out of that 12, and on the other side, on another part of the world, and I will close on this.

I mentioned the irony and hypocrisy about Afghanistan.

Afghanistan is 12 time zones away. There are 24 time zones in the world and when one gets around to 12 time zones, you are precisely at the exact opposite point on the Earth. Afghanistan and Pakistan are 12 time zones away from the Rocky Mountains, Denver, Salt Lake City; 11 times zones away from Chicago, Chicago is the same time zone as Managua, Nicaragua. On the other side of the world, to quote our leader Bob Michel, we are supporting with an X figure, and we are not allowed to talk about it although CBS Television does it all the time, but more than a half a billion dollars, we send more than a half billion dollars to the other side of the world to seven competing groups of Mujahideen freedom fighters who are not of our shared Judeo-Christian heritage. They are not North American cousins, fellow norteamericanos, and they will not necessarily establish a democracy. We have no assurance which one of these seven groups of the Mujahideen courageous freedom fighters will prevail and whether they will have an open western-style democracy, but we know in Nicaragua that none of these Contra political directorate leaders could ever turn back to some Somoza form of oligarchy with the four thriving democracies right next door once we get rid of the cancer of communism and the seedy fascists that are destroying the country down there. But on the other side of the world we give them low tech, although the Russians know all about this and tear them up with Hind helicopters, I guess I have to say it is an animal transportation program, all the way from low tech to high-tech Stingers. I can talk about that because Gunga Dan Rather keeps showing that Stinger kill, that one young man 25 years of age who has shot down nine, by now he probably has 10 Soviet aircraft shot out of the sky. That is a double jet ace from the ground helicopter and jet ace. We give them low tech, high tech, a half billion dollars, and although there are people, contrary to what the gentleman from Massachusetts [Mr. Frank] says, on this side of the aisle against it, three or four mentioned they do not want to send money anywhere, not to Angola or Afghanistan, but he says everybody is for it. Nobody has the guts to stand up and speak against the Afghanistan aid. I asked several people all over the Chamber, the gentleman from Ohio [Mr. Traficant], for example, when I asked him about there being 58,000 people unemployed in his district in Ohio, what about the Afghanistan program? Millions of dollars are going to the other side of the world with no guarantee of democracy, going to competing groups of people who it seems are described by the networks and the popular press as ferocious people loving to fight. Is it not too bad these poor kids have to be trained to fight? They do not have gun villages all up and down the border where they can recreate any gun known to man with their own turret lathes and equipment, and stoking the fire they can create any gun. They have this heritage for hundreds of years from swords to guns. My good friend and colleague, the gentleman from Ohio [Mr. Traficant], said to me, "I have to study that issue, Bob, I do not know the facts there."

But he will argue about the price of one airplane going to our fellow cous-

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ins right here in Central America, and we give millions of dollars to the other side of the world which I deeply am committed to the support of, and of course Angola is caught in the middle because they are taking money from the devil himself. As Winston Churchill said, "I will make a pact with the devil—that is Stalin—to get rid of Herr Hitler."

So Savimbi, a freedom fighter and hero in this world, says that he will make a temporary pact with South Africa to get communism out of his country and then he will handle South Africa.

The Soviets hire Cubans to fly their helicopters there.

I rescued my friend, the gentleman from California [Mr. ANDERSON], when he could not come up with a reason. I said, "Let me give you an example. The Soviet kids fly their own helicopters in Afghanistan, so that makes it easy for them. They hire Cuban mercenaries to fly in Angola although the Soviet commanders command the ground troops at the company and battalion level, and they fly the gun ships on the field and show how to make adjustments with cannons to shoot down our freedom fighter air drop carriers, but there the Cuban pilots fly." That first mission of Estelle 2 years ago, that was flown to rescue a Cuban surrounded by Contras. They killed over 100 Contras, Cuban pilots flying on North American soil with Soviet gunships, and they trained a lot of Mig pilots. When they could not get the Migs in, and they came out with this in the intelligence reports, they retrained the Nicaraguan Mig pilots to fly helicopters. So the helicopters are flown by both Nicaraguans and Cubans here, Cubans in Angola and Russians in Afghanistan, and that frees their conscience to send a half a million dollars plus to the other side of the world in a so-called covert program that Dan Rather keeps talking about, and they have no compunction that not one person, even those against it, has the guts to get up in the well and say that is wrong when they say over and over, "The duly elected government of Nicaragua," as I pointed out. The government of Afghanistan that we recognize, that has a seat in the United Nations, is another puppet government just like this government that is beholden, lock, stock and barrel, to the Soviet Union's largesse which is running out on Mr. Gorbachev, because he is facing an economic disaster.

□ 0015

There is no difference between the phony government in Managua or the phony government in Cabal in Afghanistan. Both are propped up by the Soviet Union in dollars and their armaments. So the hypocrisy of supporting Afghanistan, at least by omission, not speaking out and crushing with a pitiful price of one F-14 Tomcat, these young, courageous peasant boys and girls in this peasant army of 14,000, this disaster.

A final, final, final thought. The gentlewoman from California [Mrs. BOXER] got up, my dear colleague, and said why do not the people rise up in the streets? I could not get more time from MICKEY EDWARDS to answer, but I wanted to say I will tell my colleague why not. Do you not remember the people's uprising in the streets of Budapest, Hungary, and the 50,000 killed? Do you not remember the uprising in Czechoslovakia? They learned faster. They only lost 13,000 in the streets. Kids do not fare very well against tanks.

I remember when Somoza was getting his legs cut off by Jimmy Carter, and I turned to my dear friend here, Larry McDonald, who said let us go down and save Somoza, and I said no, let him die, let this go down because he is a jerk, a thief, and the same thing with Marcos. But what was the price? Out of the frying pan, into the fire. So when Carter cut off his legs and when the OAS derecognized them and Somoza saw himself going down, he got his bulldozers out at night, and he took his father's remains out of the ground, a sergeant from the peasant class, a Camposino himself whose son denied the revolution, and they fly out of the country.

Why do not 14,000 Contras do what 2,500 Sandinistas do? Because the Sandinistas were not up against Soviet flying tanks, heavy 155-millimeter artillery and an army of 75,000 people. They were up against a sleazy, debauched, diminishing Guardia Nacionale, and all of the Guardia sergeants and others who did not get to Miami. The gentleman was in the room when I told Tinico could he bring the planes out from the Guardia, and that he had gotten hold of every man that he could by taking any woman who would say that he had slapped her face, and then all you are left with are young men, 17, 18, 19, no uniform, and he has them rotting for 8 years in prison, and he wants to keep them for 30.

President Reagan should tell Ortega, "Give me everybody." Get them out of prison, just as I made an offer to the Prime Minister of Vietnam in 1979 to give us our friends, our 14,000 political prisoners and we will take them off your hands. God knows what happened to them. I am for taking all of the political prisoners even if it means exile and reuniting them with their families.

Mr. BURTON of Indiana. I want to thank the gentleman from California for his very eloquent statement in this postmortem we are conducting tonight on one of the most unfortunately historic days that we have ever had in this Chamber.

I just would like to end myself by saying that there is peace in Budapest and there is peace in Czechoslovakia and there is peace in Vietnam, and there is peace in a lot of other Communist countries around the world, but there is no freedom.

I hope that we have not committed the people of not only Nicaragua but the other countries in Central America to a peace without freedom.

I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. LUNGREN, for 60 minutes, on February 4.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. HUNTER, for 60 minutes, today.

Mr. CLINGER, for 5 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. CLEMENT, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. HUTTO, for 15 minutes, today.

Mr. KLECZKA, for 60 minutes, on February 9.

Mr. KLECZKA, for 60 minutes, on February 10

Mr. SISISKY, for 60 minutes, on February 16.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 60 minutes, February 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STOKES, and to include extraneous material notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $2,662.

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mr. LENT.
Mr. GINGRICH.
Mr. SKEEN.
Mr. LIVINGSTON in two instances.
Mr. HEFLEY.
Mr. GUNDERSON.
Mr. LOWERY of California.
Mr. CLINGER.
Mr. RIDGE.
Mr. SHAW in two instances.

Mr. SOLOMON.
Mr. SHAYS.
Mr. SHUMWAY.
Mr. EMERSON.
Mr. DAUB.
Mr. FIELDS.
Mr. MCCANDLESS.
Mr. DONALD E. LUKENS.
Mr. GEKAS in two instances.
Mr. SCHUETTE.
Mr. HASTERT.
Mr. MCEWEN.
Mr. LAGOMARSINO.
Mr. BARTON of Texas.
Mr. SMITH of New Jersey.
Mr. SUNDQUIST.
Mr. GILMAN.
Mr. COURTER.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. GARCIA.
Mr. RODINO in two instances.
Mr. FROST in three instances.
Mr. NOWAK.
Mr. COLEMAN of Texas in two instances.
Mr. DYMALLY.
Mr. HAMILTON in two instances.
Mr. HALL of Ohio in two instances.
Mr. BERMAN.
Mr. AUCOIN.
Mr. SYNAR.
Mr. VISCLOSKY.
Mr. CLAY.
Mr. SMITH of Florida in three instances.
Mr. MARKEY.
Mr. BORSKI.
Mr. FORD of Tennessee.
Ms. PELOSI.
Mr. DORGAN of North Dakota.
Mr. GORDON.
Mr. BARNARD.
Mr. BONKER in two instances.
Mr. ATKINS.
Mr. VENTO.
Mr. WILLIAMS.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 39. Joint resolution to provide for the designation of the 70th anniversary of the renewal of Lithuanian Independence, February 16, 1988, as "Lithuanian Independence Day."

S.J. Res. 143. Joint resolution to designate April 1988, as "Fair Housing Month."

S.J. Res. 172. Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurses Association Week."

S.J. Res. 196. Joint resolution to designate February 4, 1988, as "National Women in Sports Day."

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 20 minutes a.m.) the house adjourned until 11 a.m. today, Thursday, February 4, 1988.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2829. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's 18th report concerning the impact of competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out the provisions of the International Energy Program, pursuant to 42 U.S.C. 6272(i); to the Committee on Energy and Commerce.

2830. A letter from the Secretary of Transportation, transmitting the fiscal year 1987 annual report on railroad financial assistance; to the Committee on Energy and Commerce.

2831. A letter from the Administrator, Agency for International Development, transmitting a report of the funds appropriated by the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988, as enacted in Public Law 100-202, for development assistance and international organizations and programs, pursuant to 22 U.S.C. 2413(a); to the Committee on Foreign Affairs.

2832. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of the Price and Availability Report for the quarter ending 31 December 1987, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

2833. A letter from the Secretary of Commerce, transmitting the monthly report on imports during July, August, and September 1987, of strategic and critical materials from countries of the Council for Mutual Economic Assistance, pursuant to 22 U.S.C. 5092(b)(2); to the Committees on Foreign Affairs and Ways and Means.

2834. A letter from the Secretary of Energy, transmitting the Department's 11th report entitled, "Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities", pursuant to 42 U.S.C. 7373(2); jointly, to the Committees on Energy and Commerce and Science, Space and Technology.

2835. A letter from the Secretary of Commerce, transmitting the monthly report on imports during June 1987 of strategic and critical materials from countries of the Council for Mutual Economic Assistance, pursuant to 22 U.S.C. 5092(b)(2); jointly, to the Committees on Foreign Affairs and Ways and Means.

2836. A letter from the Director, Federal Bureau of Investigation, U.S. Department of Justice, transmitting notification that the Bureau's portion of a study titled, "Report on the Effect of the High Cost of Living on the New York Office of the FBI and a Plan for Remedies" would be forthcoming following its review by OPM, pursuant to Public Law 100-178, section 502(b) (101 Stat. 1015); jointly, to the Committees on the Permanent Select Committee on Intelligence and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1803. A bill to amend the Merchant Marine Act, 1920; with an amendment (Rept. 100-501). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELAY (for himself and Mr. ARCHER):

H.R. 3895. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to waive a maximum financed amount limitation with respect to vendee home loans made for homes located in economically distressed areas; to the Committee on Veterans' Affairs.

By Mr. DYMALLY:

H.R. 3896. A bill to amend title 5, United States Code, to change the position of the Director of the Census Bureau to level IV from level V in the executive schedule; to the Committee on Post Office and Civil Service.

By Mr. FRANK (for himself, Mr. SHAW, Mr. GLICKMAN, Mr. MORRISON of Connecticut, Mr. BERMAN, Mr. CARDIN, and Mr. COBLE):

H.R. 3897. A bill to authorize the Attorney General to grant, oversee, and terminate Federal charters; to the Committee on the Judiciary.

By Mr. KASICH:

H.R. 3898. A bill to amend title 10, United States Code, to clarify and strengthen the authority of the Under Secretary of Defense for Acquisition, and for other purposes; to the Committee on Armed Services.

By Ms. OAKAR:

H.R. 3899. A bill to provide financial assistance for programs for the prevention, identification, and treatment of elder abuse, neglect, and exploitation, to establish a National Center on Elder Abuse, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. DAUB (for himself and Mr. DONNELLY):

H.R. 3900. A bill to amend title XVIII of the Social Security Act to provide long-term care benefits under the Medicare Program and to amend the Internal Revenue Code of 1986 to provide for incentives for individuals and employers to purchase long-term care insurance; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. OAKAR:

H.R. 3901. A bill to amend title XVIII of the Social Security Act to provide an optional part C insurance program to provide coverage of certain vision, hearing, and dental services and prescription drugs; jointly, to the Committees on Ways and Means and Energy and Commerce.

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By Mr. ROBINSON:

H.R. 3902. A bill to specify the burden of proof in certain Federal civil suits relating to conditions in State penal facilities; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. Gunderson, and Mr. Petri):

H.R. 3903. A bill to amend the Internal Revenue Code of 1986 to exempt farmers from the requirement to capitalize preproductive costs, and to require farmers with large farming operations to use an accrual method of accounting; to the Committee on Ways and Means.

By Mrs. SAIKI:

H.R. 3904. A bill relating to the treatment of certain ground rents for purposes of the mortgage bond rules of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. WOLPE (for himself, Mr. Levine of California, Mr. Bonker, Mr. Smith of New Jersey, Mr. Miller of Washington, Mr. Dornan of California, and Mr. Berman):

H.R. 3905. A bill to require that the proposed agreement for cooperation between the United States and Japan concerning peaceful uses of nuclear energy be resubmitted to the Congress; to the Committee on Foreign Affairs.

By Mr. BARNARD (for himself and Mr. Parris):

H.R. 3906. A bill to enhance the value of the charters of thrift institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DORGAN of North Dakota (for himself, Mr. Daub, Mr. Moody, Mr. Jontz, Mr. Penny, Mr. Durbin, Mr. Glickman, Mr. Johnson of South Dakota, Mr. Jeffords, Mr. Obey, Mrs. Smith of Nebraska, Mr. Kastenmeier, Mr. Solomon, Mr. Stallings, Mr. Weber, Mr. Marlenee, Mr. Williams, Mr. Rowland of Georgia, Mr. Stenholm, Mr. Olin, Mr. Gunderson, Mr. Nagle, Mr. English, Mr. Campbell, Mr. Thomas of Georgia, Ms. Slaughter of New York, Mr. Watkins, Mr. Craig, Mr. Robert F. Smith, Mr. Petri, Mr. Tauke, Mr. Evans, Mr. McCurdy, Mr. Henry, and Mr. Skeen):

H.R. 3907. A bill to amend the Internal Revenue Code of 1986 to repeal the application of the uniform capitalization rules with respect to animals produced in a farming business; to the Committee on Ways and Means.

By Mr. FOLEY (for himself and Mr. Michel):

H.J. Res. 447. Joint resolution designating March 4, 1988, as "Department of Commerce Day"; to the Committee on Post Office and Civil Service.

By Mr. RUSSO:

H.J. Res. 448. Joint resolution designating February 16, 1989, as "Lithuanian Independence Day"; to the Committee on Post Office and Civil Service.

By Mr. LOWERY of California (for himself and Mr. Derrick):

H.J. Res. 449. Joint resolution designating the month of November 1988 as "National Alzheimer's Disease Month"; to the Committee on Post Office and Civil Service.

By Mr. MacKAY:

H.J. Res. 450. Joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week"; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H. Con. Res. 242. Concurrent resolution providing for a conditional adjournment of the House from February 9 to February 16, 1988, and a conditional adjournment of the Senate from February 4 or 5, to February 15, 1988; considered and agreed to.

By Mr. FAUNTROY:

H. Res. 354. Resolution commending the Washington Redskins on winning Super Bowl XXII; to the Committee on Post Office and Civil Service.

By Mr. de la GARZA (for himself and Mr. Madigan):

H. Res. 355. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Agriculture in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. DIXON:

H. Res. 356. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Standards of Official Conduct in the second session of the 100th Congress, to the Committee on House Administration.

By Mr. FORD of Michigan (for himself and Mr. Taylor):

H. Res. 357. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Post Office and Civil Service in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. ROSTENKOWSKI (for himself and Mr. Duncan):

H. Res. 358. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Ways and Means in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. UDALL:

H. Res. 359. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Interior and Insular Affairs in the second session of the 100th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAWELL:

H.R. 3908. A bill for the relief of Keun Sun Lee; to the Committee on the Judiciary.

By Mr. WYLIE:

H.R. 3909. A bill for the relief of Douglas Frederick Smith and Bonnie Smith; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. McMillen of Maryland.

H.R. 112: Mr. Duncan.

H.R. 190: Mr. Martinez and Mr. Fish.

H.R. 245: Mr. Gibbons.

H.R. 813: Mr. Bonker.

H.R. 958: Mr. Chapman, Mr. Frost, Mr. Inhofe, Mr. Owens of New York, Mr. Skeen, Mr. Sawyer, Mr. Dellums, Mr. Wolf, Mrs. Martin of Illinois, Mr. Whittaker, and Mrs. Johnson of Connecticut.

H.R. 1002: Mr. Markey.

H.R. 1016: Mr. Campbell, Mr. Flake, and Mr. Ford of Michigan.

H.R. 1115: Mr. Holloway.

H.R. 1119: Mr. Torricelli.

H.R. 1398: Mr. Moody.

H.R. 1481: Mr. Dowdy of Mississippi, Mr. Wolpe, Mr. Carper, Mr. Upton, Mrs. Meyers of Kansas, and Mr. Shays.

H.R. 1531: Mr. Panetta and Mr. Brown of Colorado.

H.R. 1583: Mr. Gingrich.

H.R. 1597: Mr. Moakley and Mr. Mavroules.

H.R. 1699: Mr. Nielson of Utah and Mr. Torricelli.

H.R. 1782: Mr. Inhofe and Mr. Miller of Ohio.

H.R. 1786: Mr. Bilbray, Mr. Ridge, Mr. Nichols, Mr. Inhofe, Mr. Konnyu, Mr. Nelson of Florida, Mr. Baker, Mr. Penny, Mr. Chapman, Mr. Archer, Mr. Applegate, Mr. Hatcher, Mr. Stangeland, Mr. Combest, Mr. Hastert, Mr. McGrath, Mr. Duncan, Mr. Mfume, and Mr. Ortiz.

H.R. 1885: Mr. Espy.

H.R. 1917: Mr. Leland.

H.R. 1957: Mr. McHugh, Mr. Jeffords, Ms. Pelosi, Mr. Hopkins, Mr. Richardson, Mr. de la Garza, Mr. Spratt, Mrs. Patterson, Mr. McEwen, Mr. Sundquist, Mr. Derrick, Mr. Skelton, Mr. Hastert, Mr. Dicks, Mr. Jones of North Carolina, Mr. Spence, Mr. Schaefer, Mr. Shays, Mr. Gallegly, and Mr. Penny.

H.R. 2051: Mr. Inhofe, Mr. Gallegly, and Mrs. Saiki.

H.R. 2260: Mr. Sikorski.

H.R. 2383: Mr. Moorhead, Mr. Stark, Mr. Frank, and Mr. Gonzalez.

H.R. 2384: Mr. MacKay.

H.R. 2464: Mr. LaFalce.

H.R. 2489: Mr. Jeffords.

H.R. 2724: Mr. Pepper.

H.R. 2725: Ms. Snowe.

H.R. 2848: Mr. Staggers, Mr. Tauke, Mr. Price of Illinois, Mr. Skelton, Mr. Gunderson, Mr. Hyde, Mr. Sundquist, Mr. Barnard, Mr. Fauntroy, and Mr. Campbell.

H.R. 2925: Mr. Hughes.

H.R. 2934: Mr. Staggers, Mr. Inhofe, and Mr. Johnson of South Dakota.

H.R. 3009: Mr. Lowry of Washington and Mr. Bartlett.

H.R. 3107: Mr. Lewis of Georgia.

H.R. 3174: Mr. Markey and Mr. Borski.

H.R. 3193: Mr. Brown of California and Mr. Dwyer of New Jersey.

H.R. 3286: Mr. Coleman of Texas, Mr. Bruce, Mr. Feighan, Mr. Wortley, Mr. Morrison of Washington, Mr. Mineta, Mr. Sunia, and Mr. Kolter.

H.R. 3321: Mr. Morrison of Washington and Mrs. Boxer.

H.R. 3336: Mr. Robinson, Mr. Owens of Utah, Mr. Kasich, and Mr. Evans.

H.R. 3359: Mr. Feighan and Mr. Weiss.

H.R. 3440: Mr. Lehman of Florida and Mr. Evans.

H.R. 3523: Mrs. Meyers of Kansas and Mr. Bryant.

H.R. 3524. Mr. Gonzalez.

H.R. 3602: Mr. Murphy, Mr. Weiss, Mr. Neal, Mr. Fazio, Mr. Miller of California, and Mr. Lowry of Washington.

H.R. 3614: Mr. Chandler.

H.R. 3619: Mr. Lipinski, Mr. Lantos, and Mrs. Roukema.

H.R. 3627: Mr. Gregg, Mr. Solomon, and Mr. Gallegly.

H.R. 3635: Mr. Buechner and Mr. DeFazio.

H.R. 3639: Mr. Carr, Mr. Roberts, Mr. Bevill, Mr. Ballenger, Mr. Skelton, and Mr. Edwards of Oklahoma.

H.R. 3651: Mr. Fuster, Mr. Levine of California, Mr. Miller of California, Mr. Gray of Illinois, Mr. Bustamante, Mr. Gray of Pennsylvania, Mr. Jeffords, Mr. Applegate, Mr. Clay, Mr. Coleman of Texas, Mr. Lehman of Florida, Mr. Kleczka, Mr. Wortley, Mr. Davis of Illinois, Mr. Coyne, Mr. Roe, Mr. Ackerman, Mr. Morrison of Connecticut, Mr. Brown of California, Mr. Sikorski, Mr. Frank, Mr. Lantos, Mr. Torres, Mr. Clarke, Mr. Fauntroy, Mr. Mavroules, Mr. Boland, Mr. Penny, Mr. Badham, Mr. Smith of Florida, Mr. Neal, Mr. Torricelli, Mr. Howard, Mr. Vento, Mr. Hughes, Mr. Glickman, Mr. Dwyer of New Jersey, Mrs. Patterson, Mr. Wolpe, and Mr. Fish.

H.R. 3654: Mr. de Lugo, Mr. Shumway, Mrs. Roukema, Mr. Neal, Mr. Madigan, Mr. Fauntroy, and Mr. Edwards of Oklahoma.

H.R. 3699: Mr. Fawell, Mr. Kleczka, and Mr. Obey.

H.R. 3715: Mr. Crockett, Mr. Madigan, and Mr. Panetta.

H.R. 3721: Mr. Oberstar, Mr. Martinez, and Mr. Buechner.

H.R. 3755: Mr. Vander Jagt, Mr. Kildee, Mr. Wilson, and Mr. Bonior of Michigan.

H.R. 3764: Mr. Feighan.

H.R. 3765: Mr. Sensenbrenner, Mr. Konnyu, Mr. Buechner, Mr. Hefley, and Mr. McMillen of Maryland.

H.R. 3830: Mr. Rowland of Connecticut and Mr. Shumway.

H.R. 3844: Mr. Duncan and Mr. Tauke.

H.R. 3850: Mr. Jones of Tennessee, Mr. Olin, Mr. Emerson, Mr. Weber, Mr. Jeffords, Mr. Lagomarsino, Mr. Espy, Mr. Richardson, Mr. Regula, Mr. Petri, Mr. Bevill, Mr. Durbin, Mr. Wyden, and Mr. Kolter.

H.R. 3856: Mr. Hutto.

H.R. 3865: Mr. DeFazio, Mr. Hunter, Mr. Chapman, Mr. Clinger, and Mr. Smith of New Hampshire.

H.R. 3870: Mr. Coelho.

H.R. 3878: Mr. Perkins and Mr. Traficant.

H.R. 3893: Mr. Marlenee, Mr. Barton of Texas, and Mr. Dorgan of North Dakota.

H.J. Res. 50: Mr. Gejdenson, Mrs. Kennelly, and Mr. Hall of Texas.

H.J. Res. 359: Mr. de Lugo.

H.J. Res. 377: Mr. Thomas A. Luken, Mr. Wolpe, Mr. Conte, Mrs. Lloyd, Mr. Fish, Mr. Pepper, and Mr. Kildee.

H.J. Res. 380: Mr. Bateman, Mr. Burton of Indiana, Mr. Carper, Mr. Hamilton, Mr. Hiler, Mr. Vento, Mr. Fawell, Mr. Hastert, Mr. Jacobs, Mr. Udall, Mr. Livingston, Mr. Bosco, Mr. Lungren, Mr. Hutto, Mr. Hefner, Mr. Ritter, Mrs. Vucanovich, Mr. Henry, Mr. Young of Alaska, Mr. Rahall, Mr. Bliley, Mr. Boland, Mr. Roe, Mr. Dorgan of North Dakota, Mr. Kostmayer, Mr. Hochbrueckner, Mr. Regula, Mr. de Lugo, Mr. Kasich, Mr. Garcia, Mr. Biaggi, Mr. Levin of Michigan, Mr. Clay, and Mr. Schuette.

H.J. Res. 386: Mr. Bosco, Mr. Dreier of California, Mr. Gekas, Mr. Hiler, Mr. Ortiz, Mr. Stokes, Mr. Weiss, and Mr. Wilson.

H.J. Res. 398: Mr. Roemer, Mr. Hayes of Louisiana, and Mr. Schaefer.

H.J. Res. 402: Mr. Ackerman, Mr. Akaka, Mr. Annunzio, Mr. Applegate, Mr. Derrick, Mr. Badham, Mr. Barnard, Mr. Beilenson, Mrs. Bentley, Mr. Bevill, Mr. Boehlert, Mr. Bosco, Mr. Bryant, Mr. Cardin, Mr. Chapman, Mr. Clinger, Mr. Coelho, Mrs. Collins, Mr. Conte, Mr. Courter, Mr. Crockett, Mr. de Lugo, Mr. Dingell, Mr. Dwyer of New Jersey, Mr. Dyson, Mr. Erdreich, Mr. Fauntroy, Mr. Florio, Mr. Foley, Mr. Gallo, Mr. Garcia, Mr. Gingrich, Mr. Gonzalez, Mr. Grant, Mr. Gray of Illinois, Mr. Guarini, Mr. Hastert, Mr. Hayes of Louisiana, Mr. Horton, Mr. Hughes, Mr. Towns, Mr. Traficant, Mr. Upton, Mr. Valentine, Mr. Visclosky, Mr. Weiss, Mr. Whittaker, Mr. Wortley, Mr. DeWine, Mr. Dickinson, Mr. Dicks, Mr. DioGuardi, Mr. Donnelly, Mr. Daub, Mr. Berman, Mr. Bateman, Mr. Biaggi, Mr. Blaz, Mr. Mfume, Mr. Boulter, Mr. Brooks, Mr. Espy, Mr. Flippo, Mr. Bustamante, Mr. Livingston, Mr. Lewis of California, Mr. Lewis of Florida, Mr. McCloskey, Mr. McDade, Mr. MacKay, Mr. Manton, Mr. Martin of New York, Mr. Matsui, Mr. Mazzoli, Mr. Miller of Ohio, Ms. Oakar, Mrs. Martin of Illinois, Mr. Moakley, Mr. Murphy, Mr. Neal, Mr. Kolter, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lancaster, Mr. Lehman of California, Mr. Lehman of Florida, Mr. Leland, Mr. Lewis of Georgia, Mr. Lightfoot, Mr. Lipinski, Mr. Thomas A. Luken, Mr. McEwen, Mr. McGrath, Mr. Martinez, Mr. Mineta, Mr. Molinari, Mr. Nagle, Mr. Nowak, Mr. Owens of New York, Mr. Packard, Mr. Perkins, Mr. Petri, Mr. Pickett, Ms. Pelosi, Mr. Rahall, Mr. Rinaldo, Mr. Robinson, Mr. Rodino, Mr. Roe, Mrs. Roukema, Mr. Rowland of Georgia, Mr. Sabo, Mr. Skaggs, Mr. Skeen, Mr. Smith of Florida, Mr. Stangeland, Mr. Sundquist, Mr. Sunia, Mr. Torricelli, Mr. Markey, Mr. Nielson of Utah, Mr. Miller of Washington, Mr. Miller of California, Mr. Henry, Mr. Dorgan of North Dakota, Mr. Jacobs, Mr. Fawell, Mr. Fazio, Mr. Foglietta, Mr. Gunderson, Mr. Hansen, Mr. Hefner, Mr. Hyde, Mr. Kanjorski, Ms. Kaptur, Mr. Oberstar, Mr. Rose, Mr. Mrazek, Mr. Moody, Mr. Pickle, Mr. Price of Illinois, Mr. Rangel, Mr. Price of North Carolina, Mr. Mack, Mr. McMillan of North Carolina, Mr. Levine of California, Mr. Ravenel, Mr. Gray of Pennsylvania, Mr. Levin of Michigan, Mr. Hoyer, Mr. Hubbard, Mr. Kennedy, Mrs. Kennelly, Mr. Gilman, Mr. Russo, Mr. Dellums, Mr. Regula, Mr. Stratton, Mr. Lent, Mr. Yatron, Mr. Bliley, Mr. Carper, Mr. Clarke, Mr. Coats, Mr. Coble, Mr. Dixon, Mr. Frenzel, Mr. Frost, Mr. Fuster, Mr. Gregg, Mr. Hertel, Mr. Kastenmeier, Mrs. Lloyd, Mr. Lowry of Washington, Mr. Lungren, Mr. McCandless, Mr. Quillen, Mr. Tallon, Mr. Rhodes, Mr. Parris, Mr. Torres, Mr. Spence, Mr. Stallings, Mrs. Vucanovich, Mr. Roberts, Mr. Savage, Mr. Sawyer, Mr. Schuette, Mr. Young of Alaska, Mr. Traxler, Mr. Slaughter of Virginia, Mr. Mollohan, Mr. Moorhead, Mr. Ford of Tennessee, Mr. Fish, Mr. Wilson, Mr. Weldon, Mr. Waxman, Mr. Shays, Mr. Yates, Mr. Skelton, Mr. Wise, and Mr. Coleman of Texas.

H.J. Res. 409: Mr. Wheat.

H.J. Res. 413: Mr. DioGuardi.

H.J. Res. 438: Mr. Thomas of Georgia, Mr. Anderson, Mr. Wise, Mr. Swindall, Mr. Bosco, Mr. Owens of New York, Mr. Tallon, Mr. Wolf, Mr. de Lugo, Mr. Hefner, Mr. Huckaby, Mr. Fawell, Mr. Boland, Mr. Blaz, Mr. Olin, Mr. Smith of Florida, Mr. Montgomery, Mr. Miller of Washington, Mr. Kastenmeier, Mr. Hammerschmidt, Mr. Schumer, Mr. Ravenel, Mr. Coleman of Texas, Mr. Regula, Mr. Fazio, Mr. Leland, and Mr. Brooks.

H. Con. Res. 126: Mr. Smith of New Hampshire, Mrs. Collins, Mr. Thomas of California, Mr. Vento, Mr. Gray of Pennsylvania, Mr. Badham, Mr. Hammerschmidt, Mr. Owens of New York, Mr. Montgomery, Mr. Oberstar, and Ms. Kaptur.

H. Con. Res. 230: Mr. Edwards of California, Mr. Studds, Mr. Berman, and Mr. Bustamante.

H. Con. Res. 232: Mr. Schuette, Mr. Wortley, Mr. Mfume, Mr. Lagomarsino, and Mr. Mack.

H. Con. Res. 238: Mr. Dannemeyer.

H. Con. Res. 241: Mr. Levine of California, Mr. Thomas of Georgia, and Mr. Carper.

H. Res. 300: Mr. Cardin, Mr. Durbin, Mr. Biaggi, Mr. Donnelly, Mr. Feighan, Mr. Frost, and Mr. Konnyu.

EXTENSIONS OF REMARKS

CONGRESSIONAL DEMOCRATS' POLICY TOWARD NICARAGUA

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that two very interesting op-ed essays relevant to the congressional Democrats' policy toward Nicaragua be placed in the CONGRESSIONAL RECORD.

Each of these articles was written by a highly-respected Washington DC lobbyist, geo-political writer and foreign policy consultant, Mr. Jim Guirard, who I am pleased to count as a personal friend.

Most interestingly, the author of these articles—who is quite literally at war with the congressional Democrats' opposition to aid to the Nicaraguan Democratic Resistance—is himself a prominent Democrat.

And, even more remarkable than that, he served for almost 20 years as administrative assistant to three distinguished Democratic committee chairmen—Chairman Ed Willis of the House Committee on Internal Security, Chairman Allen Ellender of the Senate Appropriations Committee and Chairman Russell Long's staff in 1981.

I point this out to make it plain that the messages propounded by Mr. Guirard's articles do not come from some "right-wing, narrow-gauge, reactionary, Reaganite, warmongering, anti-peace, pro-war, troglodite" (as almost all of us Republicans are at times labeled by pseudo-liberal elements of the media) but from a good, solid, centrist, classical-liberal Democrat. He calls himself a "Harry Truman/Scoop Jackson/Russell Long/Chuck Robb Democrat" to be exact.

Mr. Guirard, who spends a great deal of time and effort in the field of geo-political language and labeling—what we call the "war of words"—is deeply concerned that his fellow-Democrats' policy of appeasement and accommodation toward Soviet and Cuban colonialism in Central America has no name—no name at all.

He points out that this misguided policy is, therefore, able to hide its true identity behind such disinformational good-guy labels as "peace" and "negotiations" and Contadora" and "Arias No. 3," and so forth. He calls these "semantic masks."

Frustrated by all of this false labeling, Jim Guirard wants to apply "a bit of truth-in-labeling," as he describes it, and call the congressional Democrats' policy toward Nicaragua "The Write-off Doctrine." In the first of his articles, he explains the rationale for this name as follows:

The "Write-off" label achieves its appropriateness and semantic accuracy in the fact that the doctrine's clear result would, indeed, be to *write off* Nicaragua (and by implication, the rest of Cental America) to Cuba and to the Soviet Union. It would do so by effectively terminating all further funding to the revolutionary "Contras" (the Nicaraguan counter-communists).

Then, in his second essay, Mr. Guirard suggests an alternative spelling—that of "The Wright-off Doctrine"—in deference to the untiring efforts in behalf of this doctrine by House Speaker Jim Wright. He explains:

Some thought was given to naming this isolationist-pacifist policy after House Speaker Jim Wright: "The Wright-Off Doctrine." But there was still hope that the Texas Democrat might desert the pseudo-liberal "left" wing of his party and join those seeking to liberate Nicaragua from Soviet and Cuban colonialism.

For a fleeting instant, Wright did seem to tilt away from his "write-off" colleagues. He even proposed—jointly with President Reagan, no less!—a plan which, while seriously defective, placed at least some real pressure for reform on Nicaragua's "Stalinista" dictatorship.

But, almost immediately, the Speaker ruled his own plan out of order, in favor of the far weaker "Arias Plan no. 3." The designation "no. 3" for this proposal by Costa Rican President Oscar Arias is, incidentally, the result of its having been twice rewritten to satisfy Nicaraguan and Cuban objections.

Mr. Speaker, without repeating all of the fascinating observations and cogent arguments of Mr. Guirard's essays, I offer them for printing in the RECORD at this point of my remarks.

I urge my colleagues to study them carefully—particularly the stark contrast in mentality and in foreign policy outlook which exists between this new "Write-off Doctrine" and the major foreign policy doctrines toward Latin America (and toward communism) which have preceded it—namely, the Monroe Doctrine, the Roosevelt doctrine, the Truman doctrine, the Kennedy doctrine and the Reagan doctrine.

All of these earlier doctrines (three of them bearing the names of Democrats, plus the hallowed name of James Monroe) say basically the same thing. All of them are, therefore, in equally sharp conflict with the "Write-off/Wright-off" approach to dealing with rampant Soviet and Cuban colonialism in this hemisphere and throughout the world.

[From the Washington Times, July 15, 1987]

CALL IT THE WRITE-OFF DOCTRINE

(Jim Guirard Jr.)

As we thumb through the lexicon of geopolitics, a major new label seems desperately needed with respect to what is going on in Congress relative to Nicaragua.

At present, there is the well-known "Reagan Doctrine," which proposes that we must somehow liberate Nicaragua from Soviet and Cuban colonialism and repression. But, to date, there is no proper label for the opposing doctrine—the anti-liberation doctrine—of those who disagree with the president and with those in Congress who support him.

For lack of any name at all, these isolationist/pacifist policies of the majority of congressional Democrats (and a handful of Republicans) have been able to travel the country and the world under such sweet-smelling labels as "peace" and "negotiations" and "dialogue" and "Contadora."

Now, however, a highly appropriate name is finally being affixed to such policies by the pro-liberation forces in Congress. The chosen name is "the Write-Off Doctrine." An alternative spelling of "Wright-Off" (a back-handed reference to House Speaker Jim Wright, Texas Democrat) was not selected because of a feeling of some that Mr. Wright will finally reject the doctrine and should not, at least now, be burdened with its nasty image of isolationism and appeasement.

The "Write-Off" label achieves its appropriateness and semantic accuracy in the fact that the doctrine's clear result would, indeed, be to *write off* Nicaragua (and, by implication, the rest of Central America) to Cuba and to the Soviet Union. It would do so by effectively terminating all further funding to the revolutionary "Contras" (the Nicaraguan counter-communists).

First legislated in several versions of the infamous "Boland amendment," the doctrine's most recent incarnation took the form of House Joint Resolution 175, which some weeks ago passed the House of Representatives 230-196. (The similar provisions of S.J. Res. 81 were narrowly defeated in the Senate, 52-48.)

Only upon fulfillment of the absolutely unachievable accounting requirements of H.J. Res. 175 might the Write-Off Doctrine's proposed funding moratorium be lifted. Under its provisions, all 1985 and subsequent monies (public, private, and foreign) appropriated, sought after or even "encouraged" by any government official must be "fully and adequately" accounted for—short of which the Write-off moratorium would remain forever in effect.

Another cynical element of H.J. Res. 175 was that it would not matter whether the funds in question were "actually received by the democratic resistance." In effect, a series of impossible conditions-precedent were sought, in order that the proposed moratorium might continue indefinitely. Clever?

"Maybe not so clever," say those congressmen and senators who are now drawing invidious comparisons between the Write-off Doctrine and various earlier doctrines by which a long succession of American presidents have attempted to keep European colonialism—and, in recent decades, Soviet colonialism—out of the Western Hemisphere.

Notice how the earlier presidential statements (based on concepts of individual liberty and of national independence) contrast like night and day with the Write-off Doctrine's total reliance on punctilious accounting procedures as its standard for deciding the fate of Central America:

Monroe Doctrine: ". . . the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers."

Roosevelt Corollary to the Monroe Doctrine: ". . . the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of wrongdoing or impotence, to the exercise of an international police power."

Truman Doctrine: ". . . I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures."

Kennedy Doctrine: ". . . Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

Reagan Doctrine: ". . . We must not break faith with those who are risking their lives—on every continent from Afghanistan to Nicaragua—to defy Soviet-supported aggression and secure rights which have been ours from birth."

Write-off Doctrine: H.J. Res. 175 would impose a never-ending ". . . moratorium on additional assistance for the Nicaraguan democratic resistance until . . . the Congress has determined, by enacting of a joint resolution . . . that the president has fully and adequately accounted for

(1) any proceeds from the sales to Iran of military equipment provided by the United States . . . regardless of whether the assistance was received by the resistance;

(2) the $27 million that was appropriated (in 1985) for 'humanitarian assistance' . . . and

(3) any assistance . . . regardless of whether the assistance was received by the resistance . . . that was encouraged by . . . the government or any officer or employee of the government."

At this juncture, no one is certain what the next incarnation of the Write-off-Doctrine will look like. One can only be certain that its newest mutation will once again be clucking pseudo-liberal sounds of withdrawal, abandonment, appeasement and surrender.

Completely absent from its vocabulary will be the principled sounds of such classical-liberals as Monroe, Roosevelt, Truman and Kennedy—men who understood well the threat of "colonization by European powers," who recognized the periodic need of "an international police power," who believed that America must "support free peoples who are resisting subjugation," and who were prepared to "pay any price, bear any burden . . . to assure the survival and success of liberty."

The question now is whether centrist and classical-liberal Democrats in Congress will continue collaborating with their "left" and pseudo-liberal colleagues who propose to write off Nicaragua to the Stalinistas. Or will they begin coming to their democratic good senses and vote to write off the Write-off Doctrine, instead?

[From the Wanderer, Sept. 10, 1987]

BEWARE THE SOVIET "PEACE" PLAN FOR NICARAGUA

(By Jim Guirard, Jr.)

Recently, this writer proposed that the then-nameless policy of most congressional Democrats toward Nicaragua be labeled "The Write-Off Doctrine" (The Wanderer, July 23rd, 1987, p. 5)—since it would inevitably write-off that country to the Soviet Empire. The name is gradually catching on, simply because it is true.

Some thought was given to naming this isolationist-pacifist policy after House Speaker Jim Wright: "The Wright-Off Doctrine." But there was still hope that the Texas Democrat might desert the pseudo-liberal "left" wing of this party and join those seeking to liberate Nicaragua from Soviet and Cuban colonialism.

For a fleeting instant, Wright did seem to tilt away from his "write-off" colleagues. He even proposed—jointly with President Reagan, no less!—a plan which, while seriously defective, placed at least some real presure for reform on Nicaragua's "Stalinista" dictatorship.

But, almost immediately, the Speaker ruled his own plan out of order, in favor of the far weaker "Arias Plan no. 3." The designation "no. 3" for this proposal by Costa Rican President Oscar Arias is, incidentally, the result of its having been twice rewritten to satisfy Nicaraguan and Cuban objections.

So where does this leave President Reagan, who set aside his own liberation doctrine to accommodate Speaker Wright? In limbo, halfway between the now defunct Wright-Reagan plan and the retrograde Arias-Wright plan—endorsed now by none other than Fidel Castro!

Bluntly speaking, it leaves the President's "keester" fully exposed to those in Congress and in the media whose wishful thinking and whose appetite for surrender do, indeed, promise to abandon Nicaragua to Castroite tyranny.

But there is a way out. Now that the Speaker and his band of "Wright-wingers" (Congressmen Bonior, Coelho, Alexander, et al.) have unilaterally abandoned Wright-Reagan, the President should do the same. Certainly, he should not feel bound by any associated "agreements and understandings" —such as not to lambaste congressional Democrats, not to vilify the Stalinistas, and not to seek more freedom-fighter aid before Sept. 30th—when those to whom he made such commitments have long ago jumped ship.

Instead, the President must clear the cobwebs of appeasement and retreat from his mind and reactivate those powerful "doctrines" through which a long succession of American Presidents—and Congresses—have fought to keep European colonialism, and particularly Communist colonialism, out of the Western Hemisphere:

Monroe Doctrine: ". . . The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers."

Roosevelt Doctrine: ". . . The adherence of the United States to the Monroe Doctrine may force the United States, however, reluctantly, in flagrant cases of wrongdoing or impotence, to the exercise of an international police power."

Truman Doctrine: ". . . I believe that it must be the policy of the United States to support free people who are resisting attempted subjugation by armed minorities or by outside pressures."

Kennedy Doctrine: ". . . Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

The Reagan version of these policies (all authored by "classical-liberal" Democrats, as contrasted to today's patently pseudo-liberal ones) was at one time very clearly stated:

Reagan Doctrine: "We must not break faith with those who are risking their lives—on every continent, from Afghanistan to Nicaragua—to defy Soviet-supported aggression and secure rights which have been ours from birth."

That highly principled statement, however, was made when "Reagan was Reagan"—before certain "pragmatist" advisers led him away from himself and into the camp of those who speak incessantly of "peace" but who become highly uncooperative when they hear someone insisting on freedom and liberty as well.

Before his presidential terms are too far gone to permit him to help liberate Nicaragua, Ronald Reagan must recognize what normally results from the "peace plans" he is currently embracing and "welcoming." Almost without exception they produce something more correctly spelled p-i-e-c-e—the tragic write-off of yet another piece of the planet and another piece of humanity to the Soviet Empire.

THE WITHERING OF THE UNITED STATES AT THE U.N.?

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SMITH of Florida. Mr. Speaker, I'd like to bring to the attention of my colleagues a disturbing phenomenon taking place at the U.N. Or to be more accurate, to the United States presence at the U.N. In the article that I ask to be printed below, former Assistant Secretary of State for International Organizations, Alan Keyes, makes a convincing case that many of the gains the United States made in the U.N. in the early eighties are now on the fast track toward disaster. I agree with Mr. Keyes' assessment, however, I disagree that Vice-President Bush is the solution.

It is easy to remember the days when the U.N. was little more than an open forum for Third World countries to bash the United States and its allies. Not coincidentally, at that time, Congress was never more skeptical about United States involvement in that institution.

There is sad irony in the scenario created by Mr. Keyes. The State Department, the U.S. agency with the greatest interest in maintaining a strong American presence at the U.N., may end up being responsible for the demise of that presence and for engendering ill will toward the U.N. on Capitol Hill.

[From the Washington Post, Jan. 21, 1988]

AMERICA'S U.N. POLICY: LAPSE OR COLLAPSE?

(By Alan L. Keyes)

On Jan. 5 the U.S. representative at the United States Security Council joined in a polemical assault on Israel at a vulnerable moment. He voted for an unbalanced resolution, which in effect condemned Israel's deportation of nine Palestinians suspected of masterminding many of the demonstrations on the West Bank. Some may see this as an isolated lapse in America's stance at the U.N., but in fact it is part of a pattern.

Principled opposition to the use of the Security Council as an anti-Israeli bludgeon

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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has lapsed. Insistence on permanent, institutional reform of the U.N.'s management and decision-making processes has lapsed. Discriminating use of U.S. funds to support international organizations favorable to U.S. interests has lapsed. The hard-won capacity to push successfully for important U.S. initiatives has lapsed.

Do all these lapses add up to a collapse? Has the administration abandoned the principled, effective U.S. stance developed at the U.N. during the early Reagan years?

There is reason to be concerned that such a collapse is in progress. Officials at the State Department are eager to prove that the United States has relented from its past hard-line opposition to abuses and anti-American bias in the United Nations. Even before Congress completed work on the FY '88 spending bills, Deputy Secretary of State John Whitehead had decided to reopen the funding spigots for the U.N. in New York. He did so without regard for the effect it would have on organizations more critical to, and favorable toward, U.S. interests. These moves send a clear signal to the officials and delegates in New York: they can safely continue with business as usual. They will.

According to the authorization language recently passed by Congress, before turning over the $44 million balance of the U.S. contribution to the U.N. for 1987, the administration must certify that the organization has implemented the decision-making and administrative reforms adopted at the General Assembly in 1986 and made progress toward limiting abuses, particularly by the Soviet Union, of the U.N. system's personnel procedures. Third World delegates at the latest General Assembly session adamantly resisted implementation of the critical component of the reforms, which gave the United States and other major donors more say in decisions affecting the use of the U.N.'s resources. Instead, the assembly voted to enlarge the membership of the key program-budget committee, making it too unwieldy to be effective. Though the United States voted against the move, neither the State Department nor the U.S. mission at the U.N. did anything effective to oppose it.

Now a plan is being considered to issue the required certification based on the easily reversible personnel shuffling the U.N. has been doing for the past year. Officials at the U.S. mission joined in a post-General Assembly media boomlet characterizing these administrative moves as part of an era of resurgence for the U.N. They did so despite the fact that, according to preliminary tallies, the United States took its worst beating in years in the voting at the 42nd General Assembly. Even though the U.S. delegation took weaker stands (fewer U.S. "no" votes, more abstentions), even though it did not push hard for any potentially difficult U.S. proposals, even though it gave the U.N. $100 million before any results were in, the outcome indicates a significant decline in the number of states voting with the United States.

At this year's General Assembly not a single U.S.-initiated resolution met with any success. We seem to be returning to the days when U.S. leadership on a resolution meant automatic failure. Congress asked for effective action against the abuse of "secondment," a procedure that allows member states to place their nationals in U.N. positions on a temporary basis. (Some states abuse the procedure to guarantee continued control over their nationals. Roughly 90 percent of Soviet nationals at the U.N. serve on such terms.) This year the United States introduced a relatively mild resolution on the secondment issue. It alluded to the recommendation of the High Level Experts Group (the G-18) that secondment be limited to no more than 50 percent of any state's nationals in the U.N. Secretariat.

Even in this weak form, the initiative died in "informal consultations," without reaching the floor of the General Assembly's budget and management (fifth) committee. U.S. initiatives in the second and third committees (on capital formation and free elections respectively) met with similar fates. The only success registered at the assembly was the virtual absence of anti-U.S. name-calling in resolutions—the effect of several years of firm insistence on a principled position.

The White House has announced that Ambassador Richard Williamson, formerly the U.S. representative to the U.N. Organizations in Vienna, is the president's choice to take over the international organizations bureau. With the right backing, Williamson has the ability and experience to preserve at least some part of the achievements of the early Reagan years. But high-level policy officials at the State Department, working with the U.S. mission in New York, are pushing for premature certification on U.N. reform. If they succeed, they will preempt Williamson's authority and further damage the administration's faded credibility on U.N. issues. Williamson may not be confirmed until well into February, by which time the damage could be irreversible.

Many who worked hard to restore America's influence in the U.N. are appalled by the abandonment of the firm, principled, energetic approach that made it possible to do so. One hope remains. U.N. experience features prominently on the resumé of Vice President George Bush. The U.S. resurgence at the U.N. did not take place during his tenure there, but he has an opportunity to step in and prevent complete surrender of the gains made in recent years. Whether as a sitting administration official or as a presidential candidate, Bush should make clear now that he is not prepared to abandon the fight to restore America's influence in international forums.

MEDIA DISTORTIONS OF ISRAEL AND NEW HOPES FOR PEACE IN THE MIDDLE EAST

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. BONKER. Mr. Speaker, the violence that has taken place in the Israeli-occupied West Bank and Gaza Strip over the past 2 months has been deeply disturbing to all Americans. Equally disturbing, however, has been the way in which the media has distorted the tragedy of these events. Although the Israeli Government responded quickly and positively to international concern about an "iron fist" policy, some in the media persisted in highlighting incendiary events. Such lopsided presentations only serve to fan the flames of emotion and obfuscate thoughtful approaches to resolving the problems there. Especially objectionable to me was the parallel ABC News attempted to draw between the situation in the Middle East and Israel's activities and the situation in South Africa. As Mort Zuckerman argues in the article I wish to submit for the RECORD from the February 1, 1988, U.S. News & World Report, not only are such comparisons unjust and unfair, but they ignore present realities and the history of this strife-torn region.

At a Foreign Affairs Committee breakfast I attended with Secretary Shultz just yesterday, the Secretary offered us some instructive words about the stalled peace process in the Middle East. He observed that the key players have been preoccupied with procedure more than substance, and that the United States and its partners in the peace process must refocus their attention on dealing with the concrete problems, such as that posed by the Palestinians.

In his testimony to the committee following the breakfast, Secretary Shultz outlined the new emphasis on short shuttle diplomacy that the administration hopes will avoid the impasse between the insistence Jordan's King Hussein places on an international conference and Israel's preference for bilateral talks with Jordan.

It is my sincere hope that the administration's renewed emphasis on the peace process and its new plan for shuttle diplomacy will enable all the parties to move on to issues of substance and help bring an end now to the needless bloodshed and agony of the people of Israel and the Palestinians.

[From U.S. News and World Report, Feb. 1, 1988]

TV's INCOMPLETE PICTURE

(By Mortimer B. Zuckerman)

Television loves action. It is focusing often these days on the action in Gaza and the West Bank. When Israeli soldiers swing clubs among rioters, TV news gets a lot of what it likes best—great moments. They shock the viewer; they compel attention. When action is the essence of the story, as it is most simply in something like a sports event or an earthquake, the moments can add up to a truth. In the West Bank and Gaza riots, the moments have added up to a lie.

Television has polluted the public debate because it is inherently difficult for pictures to give context, history and meaning to events. It is asking too much for pictures in a half-hour news program to summarize 40 years of the history of Israel, or the history since 1967 or since the Yom Kippur War, or even the history that forced Israel to occupy the West Bank and Gaza. Words are necessary. The disturbing feature of the TV reporting of the West Bank and Gaza is not only that the words have been inadequate; some of them have been inflammatory. They have compounded the lie.

I refer in particular to the reporting by ABC television last month and its comparison of the Gaza uprising to riots in South Africa, suggesting an odious moral equivalancy between the two. There is a superficial resemblance in Israeli soldiers swinging clubs and South African police swinging clubs, between disenfranchised blacks and West Bank Arabs without full political rights in their own land. But these are facile comparisons. It is the job of journalism to take such comparisons as a starting point, not a conclusion. And the conclusions in comparing Israel and South Africa are dramatically different in substance from those that have been suggested by the TV images.

Israel is an open democracy, the only one in the Middle East, and it is being made to suffer for that. Even though the TV pictures are doing it damage in world public opinion, it has not closed its borders, deported journalists and imposed the kind of censorship South Africa has imposed.

For ABC to compare the Arabs of Gaza and the West Bank to blacks in South Africa is not only unfair but ignores history and reality. The blacks in South Africa are an overwhelming majority whose rights are denied. By contrast, the Arabs within Israel have full political and civil rights. (The exception: They cannot serve in the Israeli military.) It is only the Arabs in Gaza and the West Bank who lack these rights, because they are subjects of a military occupation as the result of a war in which the Arabs tried to destroy the very state of Israel. It is because of this threat to Israel that Israel must curtail their political rights. By contrast, the blacks want to be full partners in South Africa. In South Africa, the white government refuses to negotiate with the blacks; in the West Bank, it's the Arabs who refuse to negotiate directly with Israel. The blacks are oppressed because of the color of their skin; Zionism rejects racial superiority and indeed was founded in response to discrimination in the West. The blacks in South Africa have not stated their intention to drive the whites into the sea; the PLO leadership has proposed such an end for the Jews. Unlike the South African blacks, the Arabs of Gaza and the West Bank have an alternative. They suffer—and no one denies that they suffer—because they and their leaders have made a choice. This is the crux of the matter, and it requires spelling out a little.

The choice they have made is not to live in peace with Israel. They want the Jewish state to disappear, whatever its boundaries. A recent poll of the Palestinians in the West Bank by *Al Fajr* found 17 percent of the inhabitants favored the establishment of a Palestinian state in the West Bank and Gaza Strip—but 78 percent wanted a Palestinian state in what is now Israel. In their more conciliatory public statements, the PLO leaders now reject the idea of driving the Jews into the sea and would permit the Jews some kind of role in a future "secular and democratic Palestine." But in their charter, in their writings and in their speeches, their demands are not only for the areas Israel conquered in the war of 1967 but for the end—and often the violent end—of Israel as a political entity.

Both the PLO and its more extremist wings have taken or threatened to take the lives of Palestinians who want to negotiate. Today's TV images do not recall the 1983 assassination of Issam Sartawi, a PLO member and leading advocate of reconciliation with Israel, whose murder by extremist Palestinians became symbolic of the systematic assassination of conciliatory Palestinians.

So what the Palestinians have is a political leadership in the PLO that has consistently blocked any attempts at peace with Israel since 1948, when the Arab states refused to accept the United Nations plan for the partitioning of Palestine. Intransigence continued up to 1967, when Israel pleaded with Jordan's Hussein not to enter the fighting. After the 1967 War, Israel was prepared to give back the West Bank and Gaza for peace. The war was in June; in September, the Arab states met in Khartoum and issued the famous three "Noes": "No peace, no recognition and no negotiation" with Israel. To this day, the Arab leadership continues to be unwilling to talk directly with Israel or to risk the realistic political compromise that would relieve the lot of the Palestinian people. Israel is forced to rule over the Arabs largely because these Arabs have left no other choice.

It is easy enough to say there is a simple choice: That Israel should walk away from the occupied territories in the hope that this gesture would produce enough Arab good will for peace. History and geography counsel against such a gamble. There is a greater likelihood that Arab extremists would use these territories as a terrorist base that would utimately constitute a threat to Israel's very existence. Look at the map, as the Israeli soldiers say. To drive from the Jordan River of the West Bank to Tel Aviv on the Mediterranean takes about 90 minutes. If Israel abandoned the West Bank, a Jordanian or Palestinian Army would be about 10 miles from Tel Aviv—as close as Bethesda, MD., is to the White House. Even if the West Bank were demilitarized like the Sinai, an Arab army could cross the river in the afternoon and control the ridges overlooking Tel Aviv by the same evening, well before Israel's citizen Army would have time to mobilize. The unacceptable risk is that this territory could be a source of destabilization not only for Israel but even for Jordan itself. Jordan, being 60 percent Palestinian, would be threatened by a militantly Palestinian West Bank—a threat King Hussein is known to recognize.

No wonder Israel argues against the simple idea of exchanging territory for peace. The reality is that Israel will stay on the West Bank for a long time even though its presence there will continue to be challenged. Many Israelis and others view that prospect with grave misgivings. Violence will continue at some level, though probably not the kind of unrelenting civil war some predict. But whatever the problems and tensions, they can be endured because the real alternatives are worse.

It is necessary for statesmen, and especially the Arabs, to focus less on the future of the occupied territories and more on the future of the Arab inhabitants. During the years when Moshe Dayan was Minister of Defense in Israel, there was a policy of minimal Israeli intervention in Arab domestic matters that included the avoidance of provocation and the attempt to improve the standard of living. On balance, life measured in health, incomes, and education has improved for the Arabs in the West Bank and Gaza compared with that of their fathers and grandfathers. Teddy Kollek, as mayor of Jerusalem, has demonstrated how a potentially hostile Arab population can be treated with respect and political skill, making it possible for this city to work for both Arabs and Jews—in ways utterly inconceivable in South Africa.

Israel should not be discouraged or panicked by reaction to the Gaza riots. Israel should continue quiet, confidential relations with Jordan in what has been called an "adversarial partnership," wherein both parties encourage the West Bank's residents to accept their status as Jordanian subjects in all civil matters, leaving the security issues of the territory under Israel's military control. Only in this way can Israel, Jordan and the West Bank Palestinians be assured that PLO extremists will not make the West Bank their home base and turn the West Bank into another Beirut. Until there is a fundamental transformation of the political and ethnic hatreds in this area, this is the best hope among many lesser alternatives.

The question is not one of instant solution. There is none. To talk of one is to encourage expectations that can only be dashed by the historic enmities of that tragic region. The tragedy of glib comparisons to South Africa is that they incite the resentments of the viewers and stimulate the false hopes that there are simple solutions.

UPGRADE THE VETERANS' ADMINISTRATION TO A CABINET LEVEL DEPARTMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SOLOMON. Mr. Speaker, on January 14, 1988, the Wall Street Journal printed a letter by Congressman BEILENSON expressing his opposition to upgrading the Veterans' Administration to a Cabinet-level department. I take strong exception to the letter.

Congressman BEILENSON believes the Cabinet should be reserved for policy formulation that really needs the President's attention. On this one point we agree, and I am very pleased President Reagan has determined that the head of our Nation's veterans' programs should be in the Cabinet to help set national policy.

Today, I am submitting into the RECORD a statement by Charles Joeckel, executive director of the Disabled American Veterans, which was printed in the February issue of the DAV Magazine.

VETERANS: CAN WE DO LESS?

(By Charles E. Joeckel, Jr.)

Some people in Washington are capable of writing eloquent, seemingly rational arguments for throwing infants from the tops of buildings. After working in this city for many years, I'm no longer surprised to see high-flown rhetoric placed at the disposal of the most wretched, conscience-cutting propositions.

I've seen several "modest proposals" for America's veterans among those propositions since a land mine explosion took both my legs in Vietnam. The latest was "Veterans: More Than Their Due," written by Congressman Anthony C. Beilenson (D-Calif.) for the Jan. 14 Wall Street Journal. It is printed in its entirety beginning on the facing page.

Mr. Beilenson danced a beautiful rhetorical waltz, including many phrases of empty sympathy for disabled veterans, in his vicious attack on just about every veterans' program that exists.

But then, could we look for more understanding of the hardships of military life from a man who's never worn a uniform?

Could we hope for a less elitist attitude from someone with two degrees from Harvard?

Could we expect more empathy for a largely working class group of people from a Congressman whose district includes Beverly Hills and West Hollywood?

I don't ask these questions to launch a personal attack. I do so to point out the gulf

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that yawns between Mr. Beilenson's life and the lives of most veterans.

Very few disabled veterans go into the job market holding the golden key of a Harvard education. Most went into the Armed Forces with a public high school education; for many, through no fault of their own, that was the end of the line.

Very few have homes in an area like Beverly Hills or West Hollywood, possibly the swankest neighborhoods in America. Most veterans feel fortunate to use their VA-insured mortgage to buy a modest house in an ordinary working class neighborhood.

And, having never served in the Armed Forces, Mr. Beilenson seems to believe a tour of military duty is much like any other job. Obviously, getting shot at in a war isn't like any other job in the civilian economy, not a legal one anyway. And Mr. Beilenson should spend a week on the deck of a destroyer in the Persian Gulf if he thinks "peacetime" duty is such a treat.

Compared to just about any disabled veteran I've ever met, Mr. Beilenson has led a charmed life. He's wrong to judge the needs of America's veterans against the opportunities and outright gifts that life has bestowed upon him. He should recognize this fact if he wishes to speak with authority on veterans' programs.

He should also recognize that the advantages he's enjoyed in his life—blessings granted to a select few—come at a cost that's been paid by others. The economic and political systems that create those advantages would not exist if it weren't for America's veterans, and it seems to me that Mr. Beilenson's attitude lacks gratitude.

I'd like to discuss the points Mr. Beilenson's *Wall Street Journal* piece brought up in his argument against Cabinet-level status for the VA. But really there's only one. "A position in the president's cabinet," he says, "should be reserved for heads of departments who formulate policy in areas that really do need the president's attention."

Perhaps, if Mr. Beilenson felt veterans' programs were an area that really does need a U.S. Congressman's attention, he wouldn't have had so many uninformed things to say in his wholesale attack on VA benefits and services. And that's what his *Wall Street Journal* piece really was.

He brings up that old saw about separating combat and noncombat vets when paying out service-connected disability compensation. How is a leg lost in war worth more than a leg lost in peacetime? Further, anyone who watches the news knows the line between war and peace has become rather blurry in recent history.

Finally, what the VA pays in compensation for just about any disability is peanuts compared to what the courts are awarding for comparable disabilities in civilian liability cases. Whenever anyone shoots his mouth off about the high rates of VA compensation, I want to know why a soldier's sight is worth less than a civilian's sight.

Next, Mr. Beilenson brings up VA payment of compensation for such disabilities as "arthritis, diabetes and epilepsy." Such disabilities make up a tiny portion of the VA's compensation cases. And how does he know these disabilities "would have developed whether or not they were in the military."

Finally, any civilian working for a company with decent disability insurance gets benefits if catastrophic illness strikes. Why should members of the U.S. Army, Navy, Air Force and Marines be entitled to anything less?

Attacking the tax-free status of VA compensation, he says, "The assumption underlying this program is that a disabled veteran is not going to be able to work, or will earn less than he would otherwise." That may be Mr. Beilenson's assumption, but it was never the assumption of those who framed the compensation system.

In arguing that compensation simply isn't necessary for many now on the roles, Mr. Beilenson assumes that most disabled veterans have jobs. He sees no reason why a disabled vet can't find work in today's high-tech economy, and maybe there are few reasons other than a horrendous propensity on the part of employers to discriminate against disabled people.

At any rate, Department of Labor (DoL) statistics on veterans of the Vietnam War period paint a very different picture than Mr. Beilenson's account. According to DoL, disabled vets are nearly twice as likely to be unemployed as nondisabled vets. Among the unemployed, DoL counts two-thirds of those Vietnam vets whose service-connected conditions are rated at 60 percent or more.

The American people don't want these disabled vets out on street corners selling apples and pencils. A Congressman should be honest about the consequences of his proposals before he blandly starts talking about throwing vets off the compensation roles.

Mr. Beilenson also describes the VA pension program as "a separate government welfare system for veterans." Honestly, describing any veterans' program as "welfare" is an insult to every man and woman who has ever served in this country. Veterans' benefits are *earned* benefits.

Mr. Beilenson devotes a substantial portion of his *Wall Street Journal* piece to his argument for shutting down the VA health care system. In this, he cites a National Academy of Sciences (NAS) report that, *he* says, found the VA "wasteful, unnecessary and inefficient."

That judgment, in my opinion, grossly exaggerates what the NAS report really had to say. At any rate, everyone in veterans' affairs believes that report to be biased.

They believe it was heavily influenced by management personnel from the private sector of the medical economy—people whose employers stand to pick up at least $11 billion in new business if the VA ever shuts down.

These are the people who told Mr. Beilenson that medical care costs more in the VA than it does in the private sector. It's hard to compare apples and oranges, but every study to date indicates the VA is less expensive and more efficient than the private sector in health care delivery. There are virtually *no* studies that show the VA to be more expensive.

There's also no research that substantiates Mr. Beilenson's charge that the VA medical system "is generally acknowledged to be less than first rate." Nor is there any justification for saying, "Veterans probably would receive better health care if the VA hospital system were abolished."

Whether he knows it or not—and I suspect he won't like hearing me say this—Mr. Beilenson is in the pocket of the private medical industry on this one. Abolition of the VA would pump a great deal of trade in the direction of private health care providers, and that's what motivates everything they say about the VA.

The VA's patient load is made up of veterans who are service-connected or medically indigent. These veterans would gain virtually nothing from closure of VA hospitals and clinics.

Those with service-connected conditions would lose a system that specializes in war-related disabilities, and thousands of poor veterans would be left without any source of treatment.

Not just veterans but American society as a whole would lose a great deal as well. Let's look at some facts that Mr. Beilenson chooses to ignore—contributions VA health care system makes to the practice of medicine by:

Training one third of America's physicians and countless other medical professionals,

Standing as an example of efficiency in health care delivery at a time when the cost of care in the private sector is going straight through the roof,

Conducting a medical research program that has produced Nobel laureates and counts the CAT-Scan as one of its achievements,

Gathering an immense amount of expertise on treatment and rehabilitation of persons with traumatic injuries,

Backing up a military medical system that's in shambles, and

Offering a potential gold mine in the area of gerontological research with a population who will hit the health crisis years a decade ahead of the general population.

That's just the VA's medical system. But shouldn't a U.S. Congressman also know more about the impact of the G.I. Bill on the educational level of America's work force? Shouldn't he check out how that program has touched virtually every institution of higher learning in America?

Shouldn't he be interested in the effect of VA home loan guaranteed programs on the development of private home ownership in our country? Shouldn't he look closely at its impact on our nation's construction and mortgage banking industries?

In the absence of answers to questions like those, it might be possible to buy Mr. Beilenson's assertion that the VA doesn't have the kind of public policy clout that deserves a slot in the President's Cabinet. But, with the answers to those questions, one can see how pervasive an influence the VA really wields in a broad specturm of public policy concerns.

Finally, why shouldn't the head of the VA be present when the Cabinet discusses issues of war and peace? At those times, someone ought to remind the President and his key advisors that war's cost extends far beyond missiles, tanks, ships and fighter jets.

Someone ought to remind them that the human cost of war goes on for decades after the guns stop firing—that people lose arms, legs, eyes and life itself—that America's taxpayers will ultimately be required to pick up the monetary portion of those costs.

Mr. Beilenson describes America's veterans as a "special-interest group." I have to take exception to that. With their families, those veterans make up one third of the American population.

Those men and women, their spouses and their kids could hardly be described as a special-interest group at odds with average America. They are average America.

The only thing that sets them off is what they've done for our country and every one of its citizens, including Harvard educated lawyers who hale from the chic suburbs of LA. In talking about issues that affect veterans lives, let's remember what they've done.

America's businesses, its workers, its teachers, its farmers, and many others are represented on the President's Cabinet. We don't have a quarrel with that. But who decided veterans deserve government administration of a lesser order than other Americans?

MONO LAKE'S DEFENDER

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SHUMWAY. Mr. Speaker, California and the Nation have lost a dedicated, articulate, and effective defender of our precious natural resources with the passing of David Gaines. The Sacramento Bee recently carried an editorial in tribute to David Gaines' contributions which details his successful effort to save Mono Lake. Prior to reapportionment, I had the honor of representing that unique saline lake, and to introduce legislation to protect it. With great sadness that David Gaines has gone, but with great pride in his achievements, I commend the following editorial to my colleagues' attention. I know that they will all join with me in extending condolences to those Mr. Gaines has left behind.

MONO LAKE'S DEFENDER

The name may not be familiar, but David Gaines was one Californian who really made a difference. When he founded the Mono Lake Committee 10 years ago, few people had ever heard of that remote, saline body of water in the Eastern Sierra, and practically no one seemed to care that it had long since been slated to be drained off to serve the growing thirst of Los Angeles.

But Gaines cared and cared deeply, campaigning tirelessly, first to overcome the indifference of local residents and then to draw the attention of the national media to the strange beauty of the lake and its vital importance to the tens of thousands of birds that nest there every year. In the process he managed to turn the preservation of Mono Lake into an environmental cause celebre and the lake itself into a most improbable tourist attraction.

Layer by layer, through court decisions, state statutes and acts of Congress that have variously declared the barren shoreline of Mono Lake a national forest scenic area, a state reserve and a federally protected preserve of critical environmental concern, he managed consistently to frustrate Los Angeles' efforts to export its water southward. And though the city has now come to the negotiating table to work out a long-term solution for Mono's future, the impact of Gaines' success is likely to reverberate far beyond the lake itself, working fundamental changes in the law of water rights in California and establishing new principles for the ways in which our dams and water conduits can be run.

Inevitably Gaines' death this week in an automobile accident recalls the passing more than 40 years ago of that other energetic advocate of the natural attractions of the Eastern Sierra, Father John Crowley, who likewise perished on its treacherous roads late one night just as his own efforts on behalf of the water resources of the region were about to reach fruition. Los Angeles, in respect, named a lake for Crowley. Gaines, in contrast, made a name for Mono, and the fact that its survival now seems secure is probably the most fitting tribute to his memory.

DELIBERATION ON H.R. 3

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. AuCOIN. Mr. Speaker, as the House and Senate conferees continue their deliberations on H.R. 3, the omnibus trade bill, I'd like to share with my colleagues an excellent article on the perils of protectionism. It was written by Mr. Steve Newman, a customs broker in Portland, OR, with Newman, Wilson & Co. He is also president of the Pacific Northwest International Trade Association.

The article follows:

PROTECTIONIST MEASURES HURT, NOT HELP, U.S. BUSINESSES

(By Steve Newman)

The debate over international trade policy has intensified during the past year and will certainly be a focal point of the 1988 election season. No one suggests that our current trade deficit is either healthy or sustainable. Campaign debate should center on remedies to the current situation.

Should we reduce the deficits by restricting imports through increase quotas, tariffs and "voluntary" restraints? Or should we become more competitive in the international marketplace and expand our exports? Increasingly, observers of international trade believe that protectionism will not provide long-term answers to the U.S. balance-of-trade deficit.

Those who demand limits on imports insist that domestic industries are damaged by the flood of foreign products. They cry out for protections against textile, steel and automobile imports, claiming this approach is the sensible way to reverse the balance of trade and keep our economy healthy.

However, the facts suggest a different story. Trade restrictions may raise costs for American consumers while creating disincentives to American companies to increase efficiency.

Quotas and tariffs on clothing and textiles cost the American consumer $20 billion a year in increased prices. Yet textile and clothing manufacturers have not been suffering—they just completed a record year for both production and profits. Furthermore, the average wage for domestic textile workers is less than $7 an hour, $2 below the average private-sector wage.

American steel producers have been protected by law. However, our steel industry, rather than reinvest profits in new production facilities to employ more Amercians, has chosen to diversify into oil and gas production.

Detroit asked for and received the voluntary restraints on small-car imports. Foreign automakers simply sent us their higher-priced models and maintained their strong market share. Japanese automakers actually sent us fewer units but earned higher profits.

U.S. automakers performed well last year, but Americans paid about an extra $5 billion as a result of voluntary restraints, pushing up prices on all automobiles sold here. It is the U.S. consumer who bears the cost of protectionist legislation. You will pay higher prices and have less to choose from.

If we restrict imports, we must consider the price we will pay. Last year, Congress passed another Textile Quota Bill. Taiwanese buyers of Oregon wheat made it clear that if Congress refused to sustain the president's veto, the buyers would defer any purchases of Oregon white wheat.

The cost to Americans of protecting one job in the textile industry is estimated at $86,000, based on the additional prices we pay for clothing. Is it worth it? Can we afford this approach?

Indeed, our trading partners maintain all types of trade barriers against American goods and services. We are told that Japan won't let particular products in and restricts imports of many items. The protectionists demand that we retaliate in kind.

In fact, the United States already protects an array of products, including peanuts, sugar and ice cream. We raise the duty on cucumbers from 1.5 cents to 3 cents between Sept. 1 and Nov. 30. We have absolute quotas on Parmesan and Gouda cheeses. Are we willing to do away with these barriers? We can hardly demand open markets and free access when we limit our own markets.

Oregon's economy—and the nation's—has become increasingly dependent on international trade. The world has become too small and its economies too interdependent to revert to the mercantilist, Smoot-Hawley Tariff days in the '30s. International trade services alone account for more than 2,500 jobs in Oregon, with an annual payroll of more than $100 million.

If you add the agricultural and industrial jobs dependent on international trade, it becomes evident how vital trade is to our continued growth. We must expand our exports. We must learn to be competitive in the international market place. We must insist that our trading partners remove their barriers to trade and agree that we will do the same. Those who doubt our ability to compete do all of us a disservice.

VIET HISTORY REPEATING ITSELF IN NICARAGUA

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. LIVINGSTON. Mr. Speaker, it is always important to learn from experience—especially when it comes from someone who has lived through the cruel, cold history of the conquest of South Vietnam.

Since we are on the eve of our yearly battle over the question of aid to the freedom fighters in Nicaragua, I urge my colleagues to read the following letter, which recently appeared in the New Orleans Times-Picayune. The author, Mr. Trang Thanh Le, draws a parallel between our experience in negotiating with the North Vietnamese Communists 15 years ago, and our current peace talks with the Communist regime in Nicaragua.

Mr. Speaker, no one wants to repeat the mistakes that we made in Vietnam and I urge my colleagues to heed Mr. Le's warning. Otherwise, years from now refugees from Nicaragua may be writing the same type of letters that Mr. Le is writing today.

[From the Times-Picayune, Dec. 8, 1987]

VIET HISTORY REPEATING ITSELF IN NICARAGUA

(By Trang Thanh Le)

NEW ORLEANS.—After having seen the communists cheat so many times in the past, I am seeing another scheme by the communists to rid themselves of the Contras in Nicaragua. What happened in Vietnam 15 years ago is happening now in Nicaragua.

In 1970, the Vietnamese communists tricked the United States and the whole world by saying they wanted to talk "peace." The whole world was excited by the idea.

Even though the conflict was between the Republic of Vietnam (South Vietnam) and Communist Vietnam (North Vietnam), the Vietnamese communists just wanted to talk to the government of the United States without the representation of South Vietnamese.

It was just like the Sandinistas now want to talk "peace" in Nicaragua without the Contras.

The reason for such a demand was simple—they knew they couldn't trick the South Vietnamese (and now the Contras). The South Vietnamese knew them too long and too well to be fooled by the "sweet peace talk."

To believe in the communists' accepting political opposition in a communist system is naive. Can anyone show a single communist country with political opposition?

When a communist government—in Vietnam, Nicaragua or anywhere else—wants to talk "peace," what it really means is how to get the opposition to surrender.

What the communists want is to seize power. They make all kinds of promises for reforms, but once they get the power, they never want to share power with anyone because the Communist Party is the only one that may exist in the communist system—otherwise it is not communist.

What the Sandinistas now want is not to negotiate seriously with the U.S. government. They will call for negotiation for years, waiting to prepare public opinion in the United States by their sympathizers, to create events to blame the U.S. government for not coming up with any solution to the conflict and to wait for a new U.S. government to give in to their demands.

I wish the American people understood more about the communists and their tactics. I am sure the U.S. government is wise enough not to fall into the same communist trap of 15 years ago.

CONGRESS MUST NOT SUCCUMB TO NRA PROPAGANDA

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SMITH of Florida. Mr. Speaker, I understand that the NRA is trying to find somebody in Congress to file a bill that would legalize the sale of new machineguns. As the author of the amendment that the House passed to end the sale of new machineguns, I am not surprised. It reminds me of that motion picture promo "They're back!"

I urge my colleagues not to be dazzled by fanciful ads that support unrestricted gun ownership. Today the subject is plastic handguns. Tomorrow it may well be machineguns. At some point this lunacy must stop.

I trust that you will read carefully the op-ed piece by Ms. Kathleen Krog, a member of the Miami Herald editorial board, in the February 1, 1988, edition of that newspaper.

THE NRA SHOOTS OFF ITS MOUTH AS INNOCENTS DIE

(By Kathleen Krog)

On Jan. 26, Mattie Middleton, age 24, was walking down the street around 8:20 in the evening. She caught a bullet that gun owner Patrick Bernard Ferguson meant for a man in a car who had "made some negative comments" to him, according to the Herald's Jan. 28 In Brief column. Mattie Middleton died.

The day that Ferguson decided to shoot at a mouthy motorist, the National Rifle Association published full-page ads in two newspapers that I read: The Herald and The New York Times. The Herald ad features a woman's cast-off shoe with the words: "He's followed you for two weeks. He'll rape you in two minutes. Who cares?"

The Times ad shows a broken locket and says: "Your mother just surprised two burglars who don't like surprises. Who cares?"

The ads outline victims' terror. "A sudden spray of shattered glass. Brutal blows from a shadow. Then terror and torture eternity can't heal." You get the idea.

Then the ads list the people who care more about the criminal's rights than yours; "certain politicians," "most media," "four or five headline-seeking police chiefs," and "not enough judges."

The ads disclaim the NRA's intent to persuade everyone to own a firearm. The NRA just wants you to be sure that no one ever denies your Constitutional choice to own a gun.

The ads disturb. First off, they're hysterical. Second, those "four or five headline-seeking police chiefs" in actuality are the voting majorities of the International Association of Chiefs of Police and the Fraternal Order of Police, which both oppose "plastic guns." These weapons contain so little metal that they could elude detectors at airports, courthouses, and other public buildings where officials had detectors installed because so many Americans exercise their Constitutional choice.

The NRA opposes proposed Federal legislation that would ban the manufacture of plastic guns. It was a preventive measure, since the guns aren't on the market yet. The Secret Service—those stalwart guardians of the President—backed the legislation offered by Sen. Strom Thurmond, R-S.C., about as conservative as a legislator can be.

But the NRA leaned on its Senate pal, Sen. James McClure, R-Idaho, and other conservatives who believe in some Constitutional choices but not others, and the measure was defeated 47-42. The close vote heartened gun-control supporters and scared the NRA.

Defections in the gun-toters' ranks! Why, if enough senators find the temerity to keep undetectable weapons away from would-be terrorists, what's next? Before you know it, they'll be snatching .357 Magnums right out of a man's home. Give those noncaring, bleeding-heart liberal wimps one little piece of the shooting gallery, and next thing they'll want all the guns in America melted down and made into modern art.

CRIME PREVENTION FIRST

Hence the NRA's hysteria. The warm-and-fuzzy "I'm the NRA" ads just weren't getting the message across as well as a gut-level appeal to the fear of crime in all of us. My teen-age son was robbed at gunpoint. What if he had been carrying a gun too? A shootout over a bicycle. Shootings over nothing happen all the time now. More people are dying because more people—noncriminals—own guns.

Crime is a terrible problem. But if members forced the NRA to spend half its annual lobbying budget on pushing for honest-to-God crime-prevention measures, the crime rate certainly would fall. Just as certainly, the rate of accidental gun deaths will climb as steadily as the crime level does now as long as gun controls are kept off the books.

The NRA tells me I've got a Constitutional choice to own weapons, and that I should protect it. Right. Tell it to Mattie Middleton's family.

REPEAL OF THE PREPRODUCTIVE EXPENSE RULES

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. DAUB. Mr. Speaker, today I am introducing, together with my colleague on the Ways and Means Committee, BYRON DORGAN, a bill to repeal a complex and burdensome accounting requirement for farmers under the Internal Revenue Code. I am proud to say that we have accumulated over 30 original cosponsors before introducing this bill.

The 1986 Tax Reform Act imposed a complicated set of accounting rules, known as the uniform capitalization rules, on many taxpayers including farmers and ranchers. Now farmers and ranchers do not have much use for complicated redtape imposed upon them by the bureaucrats in Washington, and that's the major reason why Congress allowed farmers to continue to use the cash method of accounting after the Tax Reform Act. The complexities required to account for growing crops and livestock under other methods of accounting are greater in farming than they are in other businesses.

But by imposing the uniform capitalization rules on farmers the law is requiring the farmer-taxpayer to accumulate the costs of producing an animal and bringing it to production over a period of years. In fact, the period during which these costs must be accumulated runs from the time of conception—yes, that's right, conception—to the date when the animal has its first yield, that is, when it drops its first calf. Imagine what the complexities of this rule are when a farmer has hundreds of head of cattle in their operation. Under this law, a farmer has the virtually impossible task of assigning the specific costs to each animal in his herd.

One of the justifications for this provision in the Tax Reform Act was that tax shelter farmers were making use of deductions from breeding and feeding operations to decrease their tax liabilities. It was felt that this provision would help to prevent business investors from farming the Tax Code, and help resolve the problems created by overproduction. But, the passive loss rules which were ultimately included in the Tax Reform Act have effectively eliminated those investors who were not actually engaged in farming. The result is that these rules now only serve to cause additional bureaucratic nightmares for farmers. The reason for the rule no longer exists and it should be repealed.

Our legislation would repeal the preproductive period expense rules and allow farmers who utilize the simpler and more practical cash method of accounting to deduct costs as they are incurred. These rules would be repealed retroactively to January 1, 1987, when they originally came into law. This legislation has the support of many farm organizations, including the American Farm Bureau, National Milk Producers Federation, National Cattlemen's Association, American Horse Council, and the National Grange and I urge my colleagues to cosponsor our bill.

TRIBUTE TO LEE TENG-HUI

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SHAW. Mr. Speaker, I rise to express my admiration and respect for the new President of Taiwan, Lee Teng-Hui. President Lee Teng-Hui succeeded President Chiang Ching-Kuo following Chiang's death on January 13.

Lee Teng-Hui was educated at Cornell University where he earned his doctoral degree. He was recruited into government service in 1972 by former President Chiang Ching-Kuo. Lee served in a number of government posts including mayor of Taipei and Governor of Taiwan Province. Lee's preformance in each of these positions demonstrated his dedication to public service as well as his energy, wisdom, and leadership abilities.

President Lee's new job will be his most difficult. I am confident that he will continue to guide Taiwan toward even greater economic prosperity and political liberalization. Taiwan's continuing economic and political stability is extremely important to the interests of the United States and serves as an example for other nations in eastern Asia and the Pacific Rim. Lee's administration will, I am sure, honor his mentor Chiang Ching-Kuo and set a standard for future administrations to emulate.

A TRIBUTE TO CLARK BOWER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GEKAS. Mr. Speaker, each year since 1981 Pennsylvania Farmer magazine and the cooperative extension services of the five States serviced by the magazine—Pennsylvania, West Virginia, Maryland, Delaware, and New Jersey, have cosponsored the "Master Farmer" award. This award is based on a farmer's financial progress, farm management and marketing skills and personal growth during their careers.

This year Perry County farmer Clark Bower of Blain, PA, received the coveted Master Farmer Award during ceremonies at the Pennsylvania State Farm Show in Harrisburg. He was also honored last week at the annual banquet of the Perry County Cooperative Extension Service at the Perry Valley Grange.

Mr. Speaker, Clark Bower represents the very best in farming. He and his wife Donna, along with son Logan, brother Ben, and neighbor and longtime employee Bob Hostteter, work long hours on the farm milking holstein cows and growing corn, wheat, oats, alfalfa and mixed hay. His strong belief in staying out of debt and promoting farm safety is one which most reflects that of a master farmer.

I would like to ask my colleagues in the U.S. Congress to join me in extending congratulations to Clark Bower, his family and employees for earning this prestigious award.

THE FAILURE OF SWAPO

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. DONALD E. LUKENS. Mr. Speaker, over the past few decades, thousands of innocent Namibians have died in SWAPO's "war of liberation" in Namibia, as time goes on, as more civilians die needlessly, one thing becomes increasingly clear: SWAPO is the least successful liberation movement of all time. Twenty-one years after the start of its "armed struggle" SWAPO controls not 1 inch of Namibian territory.

As a Namibian Government cabinet minister recently put it, "SWAPO has discovered that * * * calls for the implementation of U.N. Resolution 435—on Namibian independence—and communiques claiming incredible military triumphs are no substitute for an effective administration addressing the needs of the people." "SWAPO has not provided effective administration. It has done nothing but provide a barrier to meaningful independence for Namibia.

The members and supporters of the Namibian Transitional Government of National Unity [TGNU] know Namibia has no alternative to peace. Prosperous and stable independence, so rare in the world today, depends on peace and national reconciliation. All Namibians are entitled to a peaceful, stable unified nation.

SWAPO does not seem to agree, SWAPO remains committed to an "armed struggle" as their only means of achieving independence. The parties represented in the TGNU have chosen a different road, the road of national reconciliation within the framework of a bill of fundamental rights.

When the TGNU took office, on June 17, 1985, the first chairman of the cabinet, Dawid Bezuidenhout, spoke eloquently of their goals:

> The struggle to which we have committed ourselves is a struggle for peace, for national reconciliation, for political stability and economic and social progress for all in this, our beloved land * * *.
>
> Unity in diversity has become our watchword. Peace and national reconciliation our battle cry * * *.
>
> Our commitment to justice, decency and respect for the rights of all, is evident from the inclusion of the rights enumerated in the * * *. Bill of Fundemental Rights and Objectives * * * the National assembly shall not be competent to pass laws abolishing, diminishing or derogating from any fundamental right * * *.
>
> The hour is late, too much blood has already been spilled. The chance to achieve our goal is within our grasp. Let us seize it now.

In legally abolishing apartheid and other forms of discrimination, in developing a democratic constitution, in reaching out peacefully to SWAPO, in working hard to improve life in Namibia for the benefit of all Namibians, the TGNU has shown that it meant what it said.

It deserves our support.

TRIBUTE TO ANNA DATO

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute to Anna Dato who is retiring from the Goleta Chamber after 13 years as executive director of the Goleta Valley Chamber of Commerce.

During her time with the chamber, Anna Dato initiated a monthly chamber newsletter, started chamber mixers, was one of the founders of Goleta Valley Days and the coordinator each year since its inception. She also instituted the annual program of work for the chamber and quarterly board planning meetings. She participated in the initial fundraiser for a Lancaster scholarship at UCSB.

Anna did not limit herself to the chamber, but held several additional community positions. She served as a director of Goleta Beautiful, a member of the Los Carneros Park Advisory Committee, and a director of the Coalition for Cityhood. She has been one of the leading fundraisers for the Goleta Depot's annual fundraiser each year.

Through her efforts, Anna obtained advertising funding each year for the Goleta Chamber and other county chambers and initiated a policy of providing yearly funding for capital improvements to the Goleta Valley Historical Society and the Goleta Depot.

Anna's contributions in the area of management and community service were recognized in 1981 by the Santa Barbara County Women's Achievement Awards. In 1985, Anna was named the "Goleta Woman of the Year."

Anna's service to the chamber was recognized at the Goleta Chamber's annual dinner on January 15 where she was presented with an honorary lifetime membership in the Goleta Valley Chamber of Commerce.

I join with the community of Goleta Valley in saluting Anna's efforts and expressing our sincere appreciation for her many years of service.

A NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SCHUETTE. Mr. Speaker, today, I would like to take the opportunity to pay tribute to hospitalized veterans across the Nation and to let my colleagues know that the week of February 8–14 has been designated as "National Salute to Hospitalized Veterans."

Special activities are being planned at each of our Veterans' Administration medical facilities and this national salute, especially since it has been chosen to be observed during the week of Valentine's Day, represents an ideal annual opportunity for all Americans to express their compassion and gratitude to those who served our Nation to protect our freedom by visiting those who are hospitalized.

In celebrating the National Salute to Hospitalized Veterans, we are paying tribute to the thousands of veterans who are hospitalized each year to help establish and promote a continuing awareness of the patriotism of these Americans. In addition, through open house activities in VA hospitals, it will increase community awareness of the role of VA activities, and will most importantly, encourage Americans of all ages to join the faithful volunteers whose concern for hospitalized veterans brings them to VA medical facilities throughout the year by serving as hospital volunteers.

Mr. Speaker, I hope my colleagues will join with me in celebrating the week of February 8–14 as a special tribute to hospitalized veterans. As we all know, America's veterans are the backbone of our freedom. Although it is easy to forget the important contributions and sacrifices our veterans have made, especially when we are not faced with threats to peace and our way of life; this week serves to help remind us of the debt we owe to all veterans. It is they who have given their resolution, their courage, their love for this country, and sometimes their blood, in order to protect peace and freedom for all peoples throughout the world.

Therefore, I invite you, Mr. Speaker, and my colleagues in the U.S. House of Representatives, to join me in participating in this salute to our hosptialized veterans by taking time out of your busy schedules to visit your nearest Veterans' Administration Medical Center to say thanks to a veteran for the patriotic service that has preserved our Nation's precious freedom.

HUNGRY CHILDREN CANNOT WAIT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SHAYS. Mr. Speaker, today I would like to address an issue of utmost importance—the famine threatening the African Continent. Another year of drought has placed an estimated 5 to 8 million people on the brink of starvation. It is imperative that the United States generously respond to this impending tragedy. Our assistance will be critical in saving the lives of millions of Africans.

I am pleased to submit for the RECORD an article written by Willet Weeks, director of African Programs for Save the Children Federation in Westport, CT. Mr. Weeks highlights the urgency of the situation and applauds the generosity of the United States during the last famine relief efforts.

I urge my colleagues to support all efforts to assist the drought-stricken African nations. There is enough food in the world to feed over 7 billion people. When the current world population stands at approximately 5 billion, we must ask ourselves why hunger continues to be one of the most devastating problems facing the world. Now is the time to act. "Hungry children cannot wait."

HUNGRY CHILDREN CANNOT WAIT

(By Willet Weeks)

WESTPORT, CT.—Last month, I was in Ethiopia's Shoa province, at the end of what should have been the "rainy" season. Normally, the fields would have been filled with sorghum eight feet high, bent under the weight of seed-filled heads. Instead, I saw fields of straw, fit only to be plowed under or used as animal fodder.

In good times, 10-foot towers in every field would be occupied by boys armed with slingshots, mounting a never-ending vigil against birds that threaten the harvest. This year, they stood empty as a flock picked unmolested over the meager remains of a field that should have fed a village for a year.

Terrible drought has returned with unprecedented suddenness. The centuries-old pattern—drought once a decade—has been cruelly disrupted. Five million people are again at risk of starvation.

The playful youngsters who grabbed at my hands and danced around were unaware that death again stalks them. Those children are alive because of a worldwide effort—perhaps one of the largest logistics operations mounted outside of war. Most of the food was from the USA; most of the money that financed its delivery came from the U.S. people. And the overwhelming bulk of aid reached those for whom it was intended. Save the Children has records covering every bag of food it was responsible for, from the moment it reached the port of Assab to its delivery to a family in Shoa. The loss rate was less than 1 percent, a truly remarkable figure.

Steps must be taken to increase Ethiopia's food security by helping small farmers increase productivity and by establishing strategic reserves. But even with a multibillion-dollar effort in place, it would be well into the next century before Ethiopia could rely upon its own resources.

But the children can't wait.

For them, we must act now.

The U.S. government has pledged 115,000 metric tons of grain; others have followed its lead; all available reserves in Ethiopia are being marshaled. Another great relief effort is in motion. And it must extend beyond Ethiopia. In the Sudan, areas are in crisis already; in Angola and Mozambique, civil war isolates families from aid needed for survival.

A tall order for a relief-weary USA. But the stakes are too high not to respond.

WHO GOVERNS COLOMBIA?

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SMITH of Florida. Mr. Speaker, the Miami Herald recently asked, "Who governs Colombia?" For anybody concerned about the increasing flood of cocaine into the United States, that is a crucial question in 1988.

The Medellin cartel has declared war on public officials who oppose drug trafficking. The recent murder of Attorney General Carlos Mauro Hoyos is only the latest example of the depths to which the cocaine barons will go to protect their illicit operations.

President Virgilio Barco has assured the Colombian people that he will not cave in to the threats of the cartel. As chairman of the House Foreign Affairs Committee's Task Force on International Narcotics Control, I encourage and applaud this decision. The murders and trafficking occur in Colombia, and Colombia must take whatever steps are necessary to purge this cancer. If their response is too little, it may constitute a signal to the cartel that the Government is not willing to fight them.

To further complicate an already difficult situation, the New York Times reported on February 1, that "many influential Colombians" are becoming weary of the war against the drug traffickers. I trust this is hyperbole. Democratic governments cannot endure when the rule of law is undermined by interests that recognize no law except that dispensed from the barrel of a gun. And make no mistake about it, the Medellin cartel sees itself as above every law in Colombia and elsewhere.

The United States remains willing to provide sufficient legitimate assistance to Colombia in our mutual war against the poison of the Medellin cartel. The sooner Colombia realizes that its future is at stake here, the sooner our two countries could work together and defeat the cartel.

For the benefit of my colleagues, I urge them to read the January 27, 1988, editorial of the Miami Herald.

COLOMBIA: "TOTAL WAR"

Who governs Colombia? The Medellin Cartel? Or the democratically elected government headed by President Virgilio Barco?

The question arises anew after the latest casualty in what drug traffickers have branded a "total war." Colombian Attorney General Carlos Mauro Hoyos, one of the nation's toughest officials in that war, was kidnapped and later assassinated on Monday. A group calling itself "the Extraditables" claimed responsibility. The group reportedly was formed by Colombian drug traffickers indicted by the U.S. Government, which seeks their extradition.

Mr. Hoyos had just finished a week in Medellin investigating the release from prison last month of cartel boss Jorge Luis Ochoa. Recently Mr. Hoyos told Colombia's senate that murders of public officials were never solved because, "Fear has us in a state of siege, and the proponents [of killing] have as accomplices the terror-stricken citizens."

Indeed, traffickers practice the worst kind of terrorism. They fight their war with two

powerful weapons: ruthless willingness to murder whoever gets in their way, and unlimited money to bribe whoever can serve their evil cause. Their strategic objectives are also two-fold: to continue flooding the United States with their poisonous substance, and to avoid being extradited at all costs. "Better to be in a Colombian grave than an American jail," they say.

In a nationwide television address on Monday night, President Barco said that his government would not "cave in to vile blackmail and infamous threats" from Colombia's cocaine barons. His courageous stance deserves the fullest U.S. support. If a "total war" is required to end the cartel's ruthless threat to Colombian society's very foundations, then Colombia must fight. Its very survival is at stake.

The Reagan Administration should offer to provide whatever assistance—such as helicopters, arms, and other materiel—Mr. Barco's government might need. Most of all, the Colombian government must summon all its resolve and end this anarchic menace no matter what it involves or how long it takes.

INTRODUCTION OF LONG-TERM HEALTH CARE BILL

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. DAUB. Mr. Speaker, today, I and my colleague from Massachusetts, BRIAN DONNELLY, are pleased to introduce H.R. 3900, the long-term health care amendments of 1988. Ours is a long overdue bill which addresses the most pressing concern of America's elderly population: Long-term care and nursing home costs.

Through a combination of Government support and private sector stimulation, our initiative provides for Medicare coverage of long-term care expenses and establishes private sector incentives for the purchase of long-term care insurance.

And while our bill extends many new benefits to those eligible for Medicare, it demands no premiums or surcharges from beneficiaries. The program is entirely self-financing.

Further, the tax incentives included in our legislation are directed toward both individuals and employers. As a result, our bill motivates all phases of the private sector to take the initiative and plan for a secure future.

Above all, Mr. Speaker, we have stressed balance and fairness in this legislation: Balance between the Government and the private sector, and fairness to an ever-growing older population. I urge my colleagues to join me and Mr. DONNELLY in sponsoring H.R. 3900, this needed long-term health care bill.

FAREWELL TO A FINE NEWSMAN

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SHAW. Mr. Speaker, I would like to take this opportunity to note the retirement of a member of the Washington press corps whom many of us have known during his years here.

Hal Cessna was the Washington correspondent for Cox Broadcasting for the past 18 years and covered Capitol Hill, the White House and many Government agencies. He did a fine job and was always gracious and thorough no matter how tough his deadline.

Hal was the sole Cox correspondent responsible for regular reports to six major radio stations around the country, including WIOD in Miami, as well as a half-hour television program in three cities. His background on the issues was impressive, his reports were fair and objective, and his interviewing style was always pleasant and personal.

Mr. Speaker, in a world in which representatives of the media are often considered antagonistic, it has been a pleasure to work with Hal Cessna. Hal did his job—news reporting—with a minimum of fanfare and a maximum of competence. Hal has been a reporter since 1946 and his experience showed.

I understand that Hal plans to pursue writing during his retirement and hopes to build a home with his wife, Char, on the eastern shore of Maryland. I wish him the best of success in the years ahead.

A TRIBUTE TO DEREK JAMES WARNER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GEKAS. Mr. Speaker, Sunday, February 7, 1988, will be remembered as a very special day in the life of one young man from my district, Derek James Warner of Harrisburg, PA. Derek Warner, son of Mr. and Mrs. G.N. Warner, has earned Boy Scouts' top honor—the Eagle Award—which he will receive before family, friends, and his Congressman during a ceremony at Mount Laurel Church of God in Harrisburg.

Derek, a member of Boy Scout Troop 368, has displayed exceptional service and leadership in his work with Scouting. I would like to extend my congratulations to Derek and would ask my colleagues in the U.S. Congress to join me in paying tribute to him on this very special occasion.

HST EXAMPLE IS ONE TO FOLLOW ON AID TO CONTRAS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. EMERSON. Mr. Speaker, as we prepare to debate aid to the Contras today, we face a critical test of our commitment toward the future of democracy. I commend to the attention of the House the following piece which appeared on January 28 in the Southeast Missourian, the largest daily newspaper in my district. As the editorial vividly points out, a great many lessons can be learned from the example of a great defender of democracy in another generation, President Harry Truman.

HST EXAMPLE IS ONE TO FOLLOW ON AID TO CONTRAS

(By Peter Kinder)

"Communist domination in this hemisphere can never be negotiated."—President John F. Kennedy, Inaugural address.

Congress will have a decisive vote next week on President Reagan's request to aid the Nicaraguan democratic resistance, the contras. The presidency of the only Missourian ever to occupy the office provides an instructive lesson.

Consider this arresting passage from Harry Truman and the Crisis Presidency, by Bert Cochran, in a chapter relating how the Truman Doctrine containing Communist expansion came into being. A climactic moment in the White House early in 1947 for Truman, his top advisers, and Senate leaders is described:

"The meeting was turning sour. Acheson (Assistant Secretary of State Dean Acheson), the real guiding spirit of the enterprise at State agitatedly asked permission to intervene, and when the President called upon him to speak, he let out all the stops. In the past eighteen months, he declared, Soviet pressure on the Straits, on Iran, and on northern Greece had brought the Balkans to the point where a highly possible Soviet breakthrough might open the continents to Soviet penetration.

"'Like apples in a barrel infected by one rotten one, the corruption of Greece would affect Iran and all to the east. It would also carry infection to Africa through Asia Minor and Egypt, and to Europe through Italy and France, already threatened by the strongest domestic Communist parties in Western Europe.

"'The Soviet Union was playing one of the great gambles in history at minimal cost. It did not need to win all the possibilities. Even one or two offered immense gains. We and we alone are in a position to break up the play,' Acheson concluded.

"A long silence followed. No further 'irrelevant' questions were asked. Who would dare? Vandenburg (Michigan Republican and Senate Majority Leader Arthur Vandenburg), greatly impressed, promised his support. . . ."

The hero of the piece, in my view, is a clear-eyed Democratic President from Missouri named Harry S Truman, who acted decisively and with firm resolve at a critical moment in history. He asked for and received from Congress $400 million in economic and military aid for Greece and Turkey to fend off Communist threats. Greece and Turkey later joined the NATO alliance and are free nations today because of Truman's bold response.

In so acting, Truman fulfilled Winston Churchill's characterization of him that he "did more to contain Communism than any man who ever lived."

The man from Independence acted squarely within the grand tradition of the Democratic Party of my grandfathers, the party that fought World War II, invented the doctrine of Containment, and led the West against the Soviet empire.

What a tragedy it is for America that the congressional wing of today's Democratic Party is thoroughly dominated, not by lineal descendants of Harry Truman in this foreign policy sense, but by a bunch of blame-America first, 'San Francisco Democrats' (in Ambassador Jean Kirkpatrick's phrase) who refuse to face the stark reality of what is happending in Central America.

Is that too strong? Consider this characterization of House Speaker Jim Wright's handling of the issue by a moderate commentator, Paul Greenberg, who is Editor of the Pine Bluff (Ark.) Commercial and a nationally syndicated columnist:

"Speaking of the ridiculous, intemperate, and irrational, that's a fair description of the Democratic leadership's policy toward Central America: Ignore the threat from Nicaragua, or rather from the Soviet Union and Cuba via Nicaragua. Undermine aid to the one force eager to curb this threat—the contras. Hogtie the President with constitutionally dubious tactics like the Boland Amendment. And generally pretend that these Stalinistas are a bunch of innocuous agrarian reformers—rather than Communists bent on turning Central America into the next Vietnam."

Missourians can be proud, however, that at least one Democratic Member of Congress from our state takes a Trumanesque leadership position by standing for aid to the contras. He is Ike Skelton, who represents the Sixth District in western Missouri (including Truman's birthplace, Lamar), and who longs for a restoration in the Democratic Party of Truman's vision in national security and foreigh policy.

Eighteen months ago, when Congress narrowly approved $100 million in military and economic aid to the contras, the resolution was introduced in the House by this courageous Missouri Democrat. It passed only because Skelton was joined by 52 members of his party, or 20% of House Democrats, in bucking their party's left wing.

Democrats who think they can prosper in the long run by making Central America safe for the Brezhnev Doctrine should reflect on the Truman example and its living embodiment today, Congressman Ike Skelton.

They might also reflect on the fact that as liberal ideologues have taken over the Democratic Party in the five elections since 1968:

The Democrats have won just one contest for the White House (and that by a hair's breadth over an unelected caretaker), losing three times by historic landslides;

In those five elections, the Democrats, for so long the nation's majority party, have won a puny 21 percent of the electoral votes;

Their two most recent thrashings have been at the hands of a previously unemployed movie actor who won 44 states (1980) and 49 states (1984), and who forty years ago was a labor union president and a proud, Harry Truman Democrat.

Forty years ago this year, Harry Truman kicked the leftists out of his party and, facing challenges from both Strom Thurmond and his "Dixiecrats" on the right and from Henry Wallace on his left, held the great, anti-Communist center in a lonely battle that won him the greatest upset in American political history.

I think we know how the man from Independence would handle this one, were he alive today.

FARMER TAX REFORM LEGISLATION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing a bill for myself and 34 of our colleagues designed to repeal a complex and burdensome accounting requirement for farmers under the Internal Revenue Code.

The Tax Reform Act of 1986 applies the uniform capitalization rules to taxpayers engaged in the trade or business of farming where the preproductive period of the farm product is more than 2 years. As a result, livestock farmers must maintain records on the costs attributable to each animal and cannot deduct those costs until that animal goes into production. While the farmer may elect not to follow these rules and deduct costs as they are incurred, they would then be required to use straight-line depreciation schedules on all farm assets. The administrative benefit the farmer would receive from electing out of the uniform capitalization rules would be more than offset by the financial loss in depreciation schedules.

This provision was originally included in the House version of the Tax Reform Act and was designed to help prevent business investors from farming the Tax Code. But, the passive loss rules which were ultimately included in the Tax Reform Act have effectively eliminated those investors who were not actually engaged in farming. The uniform capitalization rules for preproductive period expenses now only serve as an additional bureaucratic nightmare for farmers. Under this law, a farmer has the virtually impossible task of assigning the specific costs to each animal in his herd.

Our legislation would repeal the preproductive period expense rules and allow farmers who utilize the cash method of accounting to deduct costs as they are incurred. These rules would be repealed retroactively to January 1, 1987, when they originally came into law. This legislation has the support of many farm organizations including the American Farm Bureau, National Milk Producers Federation, National Cattlemen Association, American Horse Council, and the National Grange.

THE $32 BILLION DEFENSE DEPARTMENT SET-ASIDE: IMPLICATIONS FOR MINORITY ENTERPRISE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. VISCLOSKY. Mr. Speaker, on January 28, 1988, I had the honor of participating in a hearing in Chicago, IL, sponsored by Representative GUS SAVAGE entitled "The $32 Billion Defense Department Set-Aside: Implications for Minority Enterprise." Because of the importance of this issue, I would like to share with my colleagues my opening remarks.

TESTIMONY OF REPRESENTATIVE PETER J. VISCLOSKY ON THE SECTION 1207 MINORITY 5 PERCENT DOD SET-ASIDE JANUARY 29, 1988

Good morning, Mr. Chairman. I am pleased to be here today as the House Defense Procurement Policy Panel and the speaker's task force on minority enterprise examine the implementation of the section 1207 minority business set-aside. This 5 percent set-aside is the largest one in U.S. History, and offers us an unprecedented opportunity to increase contracting prospects for small disadvantaged businesses. This panel is convened here today not to castigate the Department of Defense for failure to meet the set-aside, but to discover a constructive manner in which to meet this 5 percent goal.

Across the State line in northwest Indiana, we have seen small disadvantaged businesses shoulder a disproportionate burden during the economically devastating times which have swept the Midwest. The recession of the early 1980's exacerbated the problems facing the minority men and women who struggle to be entrepreneurs and small business owners. Mandating a set-aside is one way of ensuring that these business enterprises will receive an equitable share of Federal business opportunities.

In spite of P.L. 99-661's directive, DOD has only negligibly increased the percentage of small disadvantaged businesses receiving contracts. It is clear that further efforts to attract and assist minority businesses with the process must be undertaken. More substantial technical advice, involvement of local, and State Government, and additional mandates and incentives for contracting officers and prime contractors may be advisable. Perhaps the size of the businesses which may qualify for the set-aside should be increased. Finally, it may be necessary to establish rules to ensure that minority participants receive access to the full range of types of projects, from supplying services and goods to technologically advanced activities.

The Department of Defense is responsible for almost 80 percent of all Government purchases. As the title of this conference states, the 5 percent set-aside has the potential to direct $32 billion to minority businesses and the communities in which they are situated. This translates into 250,000 jobs. The legislative intent is clear; the implications for economic development are obvious. Why then has the DOD been unable to reach the 5 percent goal? What steps can be taken to realize the $32 billion set-aside? I hope that the distinguished businesswomen and businessmen who are here today will lend their expertise to the resolution of these questions. We must ensure that the benefits of our system of free enterprise are available to everyone, not just a selected few.

BEWARE OF THE NOISE

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SMITH of Texas. Mr. Speaker, allow me to read a letter to the editor by M.L. Gilliam that appeared in the San Antonio Light yesterday and was headlined, "Don't worry about that little noise:"

It first became apparent about 3 months ago—the little noise under my car that I didn't want to hear.

"It's not too bad," I thought. "It'll go away." It didn't, but I still didn't want to hear it. It got worse. Finally, I took it to a mechanic.

"It's a filter in your transmission," he said. "Didn't you hear that noise?" I didn't want to hear it. I had just shelled out $300 to a plumber. Daughter's college tuition was coming up again. We were making long-delayed vacation plans.

"I'll be back," I said. A month later, the noise was even worse. I finally drove back to see the mechanic. The filter and the transmission, itself, were in bad shape. The repair estimate: $2,500. "Like I've always said," the mechanic intoned, shaking his head, "you can pay me now or you can pay me later. If you'da brought it in when you first heard that noise, you'da been out of here for a lot less."

Do you hear that little noise down in Central America? What's that, you say? You don't want to hear it? Does anybody remember the little noises coming out of Germany and Japan in the 1930's? We didn't want to hear them, either, did we?

INTRODUCTION OF THRIFT CHARTER ENHANCEMENT ACT

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. BARNARD. Mr. Speaker, today, on behalf of Mr. PARRIS and myself, I am pleased to introduce the Thrift Charter Enhancement Act of 1988. This bill is intended to increase the attractiveness of thrift institutions, particularly troubled thrifts, to a wide range of potential investors and thus enhance the value of thrift charters. Its central thrust would be to remove certain onerous features of thrift regulation that are now reducing the desirability of thrift ownership and preventing new acquisitions of failing and healthy thrifts alike. The resulting private investment that could be expected from enactment of the bill would inject much needed capital into the thrift industry and significantly help the FSLIC to find buyers for troubled institutions. The following are some of the reasons such a result is especially important at this time:

The amount of capital raised by last year's Competitive Equality Banking Act is likely to be insufficient to meet FSLIC's needs in dealing with the industry's failures.

The healthy portion of the thrift industry will not be able to bear any additional insurance burden without creating a substantial additional incentive to leave FSLIC.

A bailout of the FSLIC by the U.S. Treasury would be extraordinarily unpopular, if not impossible, politically.

A merger of the FSLIC with the FDIC would be politically unpopular—neither the thrift nor the banking industry supports such an action—and would produce a single fund that might well be insufficient to protect against potential losses of the two industries combined.

The investment of additional private capital would reduce the costs to FSLIC associated with the disposal of failed thrifts, reduce the number of new failures, and sustain the growth necessary to increase FSLIC premium receipts. The Thrift Charter Enhancement Act of 1988 proposes only modest changes in thrift status, but they are designed specifically to attract new investors and to keep current investors interested in thrift ownership. The following are some examples of the bill's provisions.

Debt issuance and affiliate transaction restrictions would be relaxed for thrifts and thrift holding companies so they more closely resemble those governing banks and bank holding companies.

New, or "de novo," institutions, which now have stricter regulatory requirements applied to them than do other institutions, would be granted equal regulatory treatment following 3 years of compliance with the stricter requirements.

Prohibitions against serving on the boards of different financial institutions would be limited to anti-competitive circumstances.

"Net worth maintenance agreements," which now require companies acquiring a thrift to guarantee the thrift's net worth indefinitely, would be limited as to time.

HOW NOT TO RUN THE RAILROADS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. LENT. Mr. Speaker, as a proponent of the public stock offering for the sale of Conrail, I would like to call Members' attention to an article in the February 8, 1988, issue of Forbes magazine. Entitled "How not to run a railroad," the article chronicles the Conrail success story and the effective leadership of its chairman, L. Stanley Crane. It also focuses on the need for Congress to take care in its deliberations on proposed amendments to the 1989 Staggers Act. I recommend this article to each and every Member.

HOW NOT TO RUN THE RAILROADS

(By James Cook)

Less than a year after Consolidated Rail Corp. went public in the largest initial public stock offering in U.S. history, its feisty boss, L. Stanley Crane, is worried that Congress is about to legislate Conrail and the rest of the railroad industry back into bankruptcy.

Crane's labor in transforming an amalgam of bankrupt railroads that had been taken over by the federal government into a viable independent property ranks as one of the great managerial triumphs of the postwar era. But now a group of shippers, primarily in the utility and coal industries, complains that they're the helpless captive of the railroad octopus, and are trying to persuade Congress to reregulate the industry. Crane reckons their proposal could cost Conrail $400 million in revenues and wipe out the $270 million or so Conrail earned last year. "You take away $400 million in revenues," he says, "and there's no way I could take $400 million of expenses out of the company unless I abandon a hell of a lot of track out there."

Crane, now 72, is understandably proud of what he has accomplished at Conrail in the nearly eight years since he retired as head of Southern Railway, now Norfolk Southern. From his headquarters in Philadelphia, he not only got the company back on its feet but he made it one of the most efficient and aggressively managed railroads in the U.S. today. Conrail's operating ratio—expenses as a percentage of revenue—went from 106% in 1980 to 87.2% in 1986.

Thus did Conrail move out of the red and solidly into the black, from a 1980 operating loss of $188 million to a 1986 operating profit of $403 million—$359 million if you eliminate various temporary employee benefit and tax concessions. Conrail did so despite a $224 million drop in revenues, to $3.1 billion. In the process, Conrail's share of the eastern railroad freight market gradually expanded.

Special dispensations from most of the parties involved were crucial to Conrail's turnaround—$3.28 billion in government money, state and federal tax concessions, authority to cease passenger operations, scrap 9,300 miles of track and let go 35,000 freight employees. Most important of all, Crane wrung major wage concessions from the labor unions, all of which ended as Conrail prepared to go public.

With those things going for it, what made Conrail so imposing a player in the current transportation game was the Staggers Act of 1980. Staggers effectively deregulated railroad pricing for the first time since the turn of the century. The act was the government's long overdue recognition that the railroads' once-vaunted transportation monopoly was no more. Costs and competition would henceforward determine the industry's price structure. The impact of that act turned the industry upside down.

For one thing, the Staggers Act permitted a railroad to cancel the joint rates it had with connecting railroads if it couldn't make money on them. That's a matter of no small importance, considering that half of a railroad's business may be interchanged with somebody else's.

In the old days, as Crane explains, if you carried a shipment half the total distance, you got half the revenues—no matter whether you incurred half the costs. Conrail and its predecessors had complained for decades that, with its high terminal costs, it got the short end of the stick in dividing the revenues with other railroads. Staggers enabled Conrail to cancel joint rates right and left and reprice its service to cover costs. As former head of Southern, one of the offending connections, Crane knew where all the bodies were buried. "It wasn't rates that mattered, it was the divisions," Crane chortles. "That's where the money came from."

Regulations had also forced the railroads to equalize rates over all available routes between the same points regardless of cost. Staggers put an end to that as well. Conrail began setting its rates to reflect the cost of handling the business. If that meant some of its rates seemed prohibitively high, why, better not to carry something at all than to carry it at a loss.

Equally important, the railroads were for the first time free to offer contract rates, which now cover roughly 40% of Conrail's total traffic. Such rates were generally lower than regular rates, and they went to shippers who could guarantee certain volumes of traffic under certain conditions. This enabled both shippers and the railroads to plan—to spend money on things like equipment and terminals because the revenues to justify them were assured.

In going after the now booming stack-train business, for instance, Conrail could offer shippers like American President Cos. fixed rates for the service under long-term contracts. This, in turn, enabled American President to buy its own equipment for the double-stack service and Conrail to spend the money to increase railroad tunnel clearance to accommodate the double-stack cars.

Because contract rates are confidential, the railroads could also offer one rate to one customer and a different rate to another. "Such secrecy has allowed us to offer an individual shipper something we could never offer if we had to make it available everywhere." Here's an example of this new freedom in action.

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One midwestern utility threatened that if Conrail didn't cut rates to one of its power plants, the utility would use the plant for peaking rather than for base load purposes. Such a move would have cut its coal needs sharply, but now Conrail had room to maneuver. Sooner than lose the traffic, Conrail cut its rates sharply in November—"more than I like to admit," Crane concedes—enabling it to keep the business.

For Conrail and the industry, deregulation hasn't meant an opportunity to raise rates at the customers' expense. Quite the contrary. Truck competition has been so fierce that on a 9.4% drop in revenue ton miles between 1981 and 1986, Conrail's total revenues dropped a disproportionate 11.6%. But Conrail's costs per revenue ton mile fell even faster, so that the traffic Conrail did carry was increasingly profitable. Without the ability to tailor prices and service and so undercut the competition, Crane says, the industry would never have survived the 1982 recession.

Deregulation, then, played a critical role in reestablishing Conrail's (and the industry's) competitiveness, enabling Conrail to emerge from government ownership last spring. The market quickly recognized what Crane had accomplished. Offered initially at 28, Conrail shares rose to a high of 40⅞ before settling back after the October crash to around 29.

But now Congress threatens to undo all Crane has accomplished. Last fall a House subcommittee reported out a bill, the Consumer Rail Equity Act (HR 1393), that would effectively repeal Staggers. How? Let us count the ways. It would:

Force the railroads to establish joint rates;

Grant access to terminals and reciprocal switching arrangements at the request of any shipper or competing railroad;

Shift the burden of proof for the reasonableness of rates from the shipper to the railroads;

Pass through to shippers the cost savings resulting from improvements.

In short, HR 1393 would remove the very marketing tools that have been so effective in putting the industry back on its feet. "If you do away with Staggers, trucks will take all the business," Crane says. "There won't be revenues to support the railroads, and the industry will go bankrupt—not over the short term but the long term—and that's no exaggeration."

Does Crane seriously believe reregulation is a possibility? He does, and he's been stumping the country for months now trying to alert everyone involved to the danger.

Apocalypse aside, Crane sees plenty of reason for optimism. Last year, he says, turned out to be much better than anybody hoped. And he hopes to do about as well in 1988, especially since he's expected to retire at year end. True, the auto and coal industries look softer than last year, but traffic otherwise looks promising, and truck competition seems likely to moderate a bit.

Conrail's a pure transportation operation, without any diversification at all, and its broadly balanced traffic base is rooted in the Northeast's traditional manufacturing economy. "The rust belt is coming back," Crane says. "No question about it. The steel industry has come back. USX is even reactivating their foreign sales organization, and they're going to start to export steel again. If we price ourselves properly and they don't reregulate us, we ought to be able to get our share of the business."

JUSTICE FOR MERCHANT SEAMEN

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. FIELDS. Mr. Speaker, I am pleased to submit for the RECORD today an outstanding editorial written by the highly distinguished columnist Mr. James J. Kilpatrick.

In his editorial, Mr. Kilpatrick applauds the recent decision of the Secretary of the Air Force to grant veterans status to our merchant mariners who served this Nation so courageously during World War II.

As someone who has long championed the cause of these forgotten men and who has cosponsored legislation to grant them veterans status, I an extremely pleased by this decision. In fact, my only regret is that it took more than 40 years to recognize the invaluable contributions of these brave Americans. Regrettably, because of this delay, many thousands of merchant mariners who served this nation with such distinction during World War II are no longer alive to receive the benefits and recognition they have so long deserved.

Mr. Speaker, these merchant mariners are the forgotten patriots of World War II and this Nation still owes them a great debt of gratitude. I am glad that even at this late hour our Government has finally made the right decision in granting them veterans status.

In addition, to the editorial by Mr. Kilpatrick, I am also submitting for the RECORD some of my previous remarks on this most important issue. I urge my colleagues to review this material and to join with me in complimenting the man who was instrumental in making this decision by the Secretary of the Air Force a reality—U.S. District Judge Louis F. Oberdorfer.

The text of these articles follows:

JUSTICE FOR MERCHANT SEAMEN

(By James J. Kilpatrick)

More than 40 years after the end of World War II, the merchant seamen who served so bravely in that conflict finally are to get the recognition that injustice so long has denied them. At last they are to be counted as veterans.

The decision has been a long time coming, but two weeks ago the Defense Department caved in. It will not appeal an order from U.S. District Judge Louis Oberdorfer granting surviving seamen the same rights and privileges that have been extended to other wartime civilian groups.

The court's order will have only limited effect, however. More than 250,000 merchant seamen served their country. It is thought that perhaps 70,000 to 80,000 of them are still alive, but they are beyond the age for such GI benefits as college tuition. A government witness conceded that the benefits now available to them will be mostly symbolic, "really minimal." Most of them will get "only a flag and a headstone" in a military cemetery.

The merchant seamen wrote a valiant chapter in the history of warfare at sea. More than a year before Pearl Harbor, the Coast Guard began training merchant seamen in gunnery and other military subjects. In October 1941, President Roosevelt lifted the ban on arming merchant ships: they would be sailing "on missions connected with the defense of the United States."

With the outbreak of war, merchant seamen received additional military training. Shipping articles were changed so that seamen could be ordered "to such ports and places in any part of the world as may be ordered by the U.S. government." A War Shipping Administration took over the merchant ships for service consistent with "strategic military requirements."

The merchantmen then set about the dangerous business of transporting Army and Navy cargoes. The great majority of 7 million soldiers went overseas on merchant ships. "With this support," said Adm. William King, "the Navy could not have accomplished its mission."

For all practical purposes, the merchant steamers were under the Navy's control. Military authorities assigned their places in convoys, regulated shore leave for seamen and supervised discipline for misconduct. A seaman who attempted to resign was subject to court-martial.

Tantamount to military service, theirs was a harsh service indeed. In the first three months of the war, German U-boats sank 145 merchant ships in American coastal waters, killing 600 seamen. Over the entire war, Judge Oberdorfer noted, 5,662 merchant seamen lost their lives or were declared missing in action. More than 600 seamen became prisoners of war.

Other civilian groups also served in the war effort. Not until 1977 did Congress move tangibly to recognize their service. Sen. Barry Goldwater added an amendment to the GI Improvement Act making benefits available to the WASPs (Women's Air Forces Service Pilots), and it was expanded to include other groups that had received military training and were susceptible to assignment for duty in combat zones.

Veterans' benefits were extended to 14 groups, including female telephone operators in Europe, engineer field clerks, female stenographers with the American Expeditionary Force and "reconstruction aides and dietitians." The merchant seamen were repeatedly turned down, largely because of the dog-in-the-manger opposition of the regular Navy and such organizations as the American Legion. They complained that the civilian merchant seamen were paid better than enlisted sailors. In fact, as Judge Oberdorfer noted, studies found that their total remuneration "was approximately comparable."

President Roosevelt linked "the beleaguered men of the merchant marine" with our soldiers, sailors and pilots. They carried out "a vital part in this global war." So they did, and if it should cost the taxpayers a few million dollars for their medical care, gravestones and flags, the money will be well spent.

MERCHANT MARINE SEAMEN DESERVE VETERANS BENEFITS

(By Congressman Jack Fields)

It's been more than 40 years since World War II ended. But some men who served in that war—men who helped free Europe, liberate the Philippines and defend the liberties which we Americans hold dear—still have not received the honors, benefits or rights they deserve. They are the merchant seamen who transported troops and war material from point to point during World War II. Regrettably, these brave men have become the forgotten patriots of World War II.

Unlike their brothers in uniform, America's merchant seamen came home to no ticker-tape parades, no celebrations. Little, if anything, was said about the contributions they made to defeating the Axis powers, to keeping Europe free, and to preserving the freedoms and liberties we Americans cherish. Worse, these merchant seamen came home to none of the veterans benefits enjoyed by the men and women who served America in uniform.

Legislation now has been proposed in Congress (H.R. 4709) which would grant veterans status to the merchant seamen of World War II. As an original cosponsor of this much-needed legislation, I hope the House Veterans Affairs Committee, the House Merchant Marine and Fisheries Committee and the full House will act favorably on this important proposal this year.

Indeed, the men who served in America's merchant marine during World War II have every reason to feel neglected by the country they helped defend.

We know that 168,000 merchant seamen helped to deliver troops and war material to every Allied invasion site from Guadalcanal to Omaha Beach. General Douglas MacArthur said that "the merchant seamen participating in the liberation of the Philippines shared the heaviest enemy fire. They . . . contributed tremendously to our success." The price they paid to keep us free was heavy: 569 U.S. merchant ships were destroyed; 6,632 seamen were killed; and 609 merchant mariners were taken as prisoners of war.

Indeed, the casualty rate for merchant seamen was second only to that of the U.S. Marine Corps during World War II.

In recognition of their efforts, President Roosevelt noted that they were men who "returned to their jobs at sea again and again, because they realized that the lifelines to our battlefronts would be broken if they did not carry out their vital part in this global war." But despite President Eisenhower's stated hope that America's merchant mariners' efforts in the war would long be remembered, the contributions made to winning the war by these brave men was all too readily forgotten.

Whether by bureaucratic incompetence or petty jealousy, our government's treatment of these brave merchant mariners has been regrettable. While the Department of Defense's Civilian Military Service Review Board made a small step in the right direction by granting veterans status to a group of merchant seamen who participated in the Normandy Invasion of 1944 (Operation Mulberry), the Board failed to adequately justify why two other groups of merchant seamen were not entitled to receive veterans status.

The Review Board arbitrarily chose to ignore two critical factors in their cases:

First, the Director of the Selective Service, General Lewis Hershey, instructed all draft boards throughout the country that "Service in the merchant marine . . . is so closely allied to service in the armed forces that men found by the local board to be actively engaged at sea may well be considered as engaged in active defense of the country. Such service may properly be considered as tantamount to military service."

And second, all merchant marine ships were painted wartime gray and all identifying marks were removed. In short, there was simply no way to distinguish between a merchant ship and an armed naval vessel. Because the merchant ships operated under military control, they were considered by the enemy to be military targets. The civilians on board, therefore, lost their immunity from deliberate and direct attack.

I believe that the men of the oceangoing U.S. mechant marine of World War II earned the veterans status and veterans benefits which the Congress only now is considering granting them. The elimination of this injustice will not be complete until all the merchant seamen of World War II, not just those who participated in Operation Mulberry, receive veterans status.

We must end the distinction of being the only nation in the world that does not recognize its merchant marine on an equal basis with its military service personnel during time of war. It is time that we finally enacted legislation, first proposed by President Roosevelt, to extend veterans benefits to these highly deserving an incredibly patient merchant mariners. Even at this late hour, we can and we must right this wrong which has existed for too long.

Gene DeFries, president of the Marine Engineers Beneficial Association recently addressed the need to accord veteran status to the merchant seamen of World War II. In his National Maritime Day speech, Mr. DeFries noted that "these merchant seamen are men who passed the test, a greater test than most have ever been called upon to face. These are men who went to sea. They are not arm-chair warriors. They are not "Rambo's" who have never seen the face of war. These are men of true courage. These are men who deserve our thanks, deserve our support and above all, deserve our honor."

They also are men who deserve veterans status and veterans benefits. I intend to continue to work to ensure that that goal becomes a reality as soon as possible.

MEESE OUGHT TO QUIT

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. FORD of Tennessee. Mr. Speaker, I rose on December 17, 1987, to speak about the responsibility of Edwin Meese to resign from his position as Attorney General. I rise again today to share with my colleagues an editorial which appeared in the largest daily newspaper in the Memphis area, The Commercial Appeal, on December 26, 1987. This editorial, merely one among many that have called for Meese to resign, asks the question, "What will it take for Attorney Edwin Meese to resign and stop embarrassing his President and his country?" As his web of dishonesty and improper conduct further entangles him, it remains a cogent question.

The article follows:

[From The Commercial Appeal, Dec. 26, 1987]

MEESE OUGHT TO QUIT

What will it take for Attorney General Edwin Meese to resign and stop embarrassing his President and his country?

He has been under various clouds since he was nominated to be the nation's top legal officer. He has been investigated by two special prosecutors, with the latest probe still in progress.

The other day, two of Meese's friends and associates were indicted in the burgeoning scandal involving the Wedtech Corp., a New York defense contractor. The pair—E. Robert Wallach and W. Franklyn Chinn—were accused, along with a third man, of extracting payoffs from Wedtech for influencing Meese and other federal officials.

Special prosecutor James McKay said there was "insufficient evidence as of this date" to charge Meese with criminal involvement in the Wedtech case. But he said he will continue to investigate the attorney general in connection with Wedtech and other unspecified matters. Meese has acknowledged interceding for Wedtech in 1982, when he was still a White House conselor and the company was trying to win an Army contract.

Recently some apparent irregularities were disclosed in a blind trust established by Meese. The trust has earned him considerable money. According to his financial disclosure forms, the trust's investment manager—Chinn—had bought and sold stock worth far more than the $55,000 Meese had in trust accounts. Meese said he didn't know where the extra funds came from, and Chinn had declined to shed any light on the matter because of his Wedtech legal problems.

Meese was severely criticized last month by the Senate-House committee that investigated the Iran-contra affair. Its majority report accused him of being less than diligent in pursuing the matter in its initial phases and of giving President Reagan bad advice about how to respond to it. The panel said the President was "poorly served" by the attorney general.

Meese also has been criticized for giving Reagan poor advice on the nomination of Douglas Ginsburg to the Supreme Court. Ginsburg withdrew his name after it was revealed that he had used marijuana while a law professor.

The Wedtech probe and trials will drag on for months, and Meese's name no doubt will be associated with it at every step. The Reagan administration hardly needs such publicity during its last year. Meese ought to do the right thing and bow out.

A SUCCESSFUL FORUM ON DRUG ABUSE

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. HASTERT. Mr. Speaker, last week, I invited two students from each junior high and senior high school in my district to join me for a Youth Forum on Drugs.

More than 250 students attended the event and we had a very productive discussion of why there is a drug and alcohol abuse problem among our teenagers and heard some very valuable recommendations on what we, as adults, can take to find solutions.

I was fortunate to have my colleague, Congressman FRED GRANDY, of Iowa, join me in moderating this debate. I also assembled a panel of experts from my district who joined in our discussions.

Shortly after taking office last year, I established a special task force on drug and alcohol abuse to advise me on steps we could take in Washington and Illinois to deal with this pervasive problem. One of their first projects was to compile a directory of social agencies and other groups who can assist in dealing with these problems. The second project was to sponsor this forum.

Centel Cable Television, which serves a large portion of my district, taped the event and will show it on their system. In addition, copies of the tape will be available to schools and social service agencies to use in their drug programs.

One of the surprises of this event, I'll admit, is the willingness of our young people to talk about this problem and to offer solutions. I am considering making this forum an annual event and I would highly recommend it to my colleagues.

Mr. Speaker I would like to share with you the news report of the forum from the Naperville Sun. It captures well the focus of the event:

[From the Naperville Sun, Jan. 27, 1988]

A Successful Forum on Drug Abuse

(By Pat Raab)

Teenagers had a lot to say Monday about drug and alcohol abuse among their peers.

They talked about the effect of television programs that seem to glamorize drinking.

They asked why funding had been cut for such successful programs as In-Touch.

And questioned the mixed messages adults give on drinking and drugs.

They also told adults that the "push, push and cure you" approach to treating drug and alcohol abuse isn't successful because it doesn't deal with the reasons why kids turn to alcohol and drugs in the first place.

The more than 250 high school and middle school representatives who attended the Congressional Forum on Drugs and Alcohol Abuse, represented 54 schools in the 14th Congressional District. The forum was sponsored by Congressman Dennis Hastert (R-14). Assisting him was Congressman Fred Grandy of Iowa. Both serve on the House Select Committee on Children, Youth and Families.

The forum was held at the Illinois Math and Science Academy in Aurora.

Grandy, who played Gopher on the popular television series Love Boat, said he had a personal interest in drug abuse programs. Recalling his friend Lauren Tewes, who played Julie, the cruise director on the show, Grandy said, "she lost everything," because of her cocaine addiction.

Grandy urged the students to reach out and help each other get off drugs. "Without friends, you don't get anywhere," he said, "and you don't get off drugs. I wish I'd done that earlier to a friend," he said.

Besides Grandy, students also heard from a panel that included a district attorney, police department youth aid officer, a student leader, parent group leader, addiction counselor and a professional soccer player.

Hastert said government could make it tough on drug suppliers, but as long as there is still a demand, the problem won't go away.

"How big is the problem?" he asked.

Citing national statistics that drug use is on the decline, he also cited reports that showed alcohol use continues to be the drug of choice for students.

Bill Johnson, an addiction counselor in LaSalle County, said solving the problem of alcohol abuse means you have to admit alcohol is a problem.

Anne Meyer, president-elect of the National Federation of Parents for a Drug Free Youth, said marijuana use has apparently leveled off; cocaine use is down, but alcohol use is increasing, starting at even younger age levels.

Johnson said alcohol is an across-the-board problem with abusers. Most started with alcohol, he said, and although they may turn to other drugs, they usually continue to use alcohol.

Dave Hilderbrand of the Naparville Police Department Youth Bureau said teens "long to belong." He challenged the students to turn to their friends and classmates to "give them guidance. It will make a difference," he promised.

Juan Thomas, an Aurora West High School senior and president of the Illinois Assn. of Student Councils, added a teenager's perspective to the panel. He said a lot of his classmates probably would not be into drugs if they were involved in something.

Thomas said he was headed for trouble in elementary and middle school. But when he got to high school, someone asked him to run for Student Council. That involvement "gets me high, but won't get me killed," he said frankly.

"Every kid wants to belong to something," he said. If they find something to challenge their talents, they usually won't get sidetracked into drugs, he said. Those who choose drugs just haven't found a niche, he said. "It's that type of loneliness and insecurity that makes them go use drugs," he said.

Teddy Kraft, who was born in Poland and is now a West German citizen, is a forward/midfielder with the Chicago Sting professional soccer team. An active member of STOP, Sports Teams Organized for the Prevention of Drug Abuse, he said he couldn't get anywhere professionally if he used drugs.

But it was the 250 students in the audience who had the loudest messages.

One student, from LaSalle-Peru, wondered why some parents supply alcohol for their children's parties.

In response, Mrs. Meyer challenged the students to turn the tables and organize programs to educate parents on alcohol and drug abuse.

A DeKalb County student athlete observed that substance abuse among professional athletes was "disturbing" to young athletes, but, he added, "there are always Walter Paytons to look up to."

A student from LaSalle-Peru, complained that funding for the In-Touch program had been cut.

Problems often become crazes, Grandy said. When people move on to the next craze, the funding often moves too. He told the students they were not too young to lobby for programs they considered important.

A student from Dundee asked how anti-alcohol and drug programs could be effective when drinking is portrayed on national television as glamorous.

Mrs. Meyer recalled that cigarette advertisers had been challenged to present one health ad for every five cigarette ads aired. Cigarette ads were not banned from TV, she said, but within 30 days for the five-for-one rule, cigarette advertisers dropped their ads.

"We can do the same thing with alcohol, and I think we should," she said.

Juan Thomas said students needed to recognize that TV programs are not real life. "We have to be able to watch TV and know that they's not the way it is,"he said.

Those messages can be countered at the local level, Grandy said. Short of regulating all programming which would tread on freedom of speech, Grandy suggested that local programs could counter those less desirable messages.

"Counter a message with a better message," he said.

An East Aurora student was worried about the "slap their hands and let them go," approach in the courts that gives kids the idea they can do what they want and they'll get off.

She also said students don't want to go for help because "people want to push, push and cure you right now. But it still doesn't stop the reasons why kids started" abusing drugs in the first place, she observed.

An Addison High School student questioned the contracts student athletes sign promising not to use drugs or alcohol. Athletes ignore those contracts, she said, but the school doesn't invoke the penalties.

Juan Thomas recalled a downstate Illinois school where the varsity team was suspended for drinking and the sophomores played the next game. That changed a lot of minds in a hurry, he said. They decided they'd better "cool it," and they did, he said.

"We need tougher enforcement by school administrators," Thomas said.

Mrs. Meyer suggested that students who are concerned about possible double standard for athletes should voice their concerns to school administrators and the athletic director. "It can be done," she said about getting tougher adherence to school rules. "It takes a lot of courage (to go to the principal)" she said, "and don't go alone."

A Marmion Military Academy student said kids put too much pressure on themselves to succeed. When they fall short, they tend to blame adults. Then, in rebellion, they turn to drugs and alcohol, he said.

When adults are critical of kids, it makes them want to get back at adults.

Kids need to have goals and ambitions, he said.

Being involved, winning a game, acting in a play are all "natural highs," Grandy and others said. But the higher you push yourself, the greater the fall, cautioned Grandy. Playing a good game and giving a good performance should be enough, he said.

Let a natural high of achievement be enough, Grandy said.

And, "don't underestimate your ability to lead," he told the students.

A TRIBUTE TO SALA BURTON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Ms. PELOSI. Mr. Speaker, it was just a year ago this week that we lost our dear friend, former Congresswoman Sala Burton.

Sala's interest in politics was born out of her early years in Poland and I heard her say many times, "I saw and felt what was happening in Western Europe when the Nazis were moving in. You learn that politics is everybody's business." No one understood that more clearly or felt that more strongly than our friend Sala.

After Phillip's death, Sala continued the Burton legacy in Congress and, as many of you will recall, she was very persuasive and effective in this role. It was a bittersweet experience for me to join you following Sala's death and on the occasion of my swearing in, I stated that I would change the circumstances under which I came to Congress if I could. I wish Phillip were here; I wish Sala were here. But they are not and it is my duty to the people of the Fifth District of California to continue their history of excellence, commitment and of making government work for people.

Phil and Sala Burton may have differed in style, but their political beliefs were uniquely wedded in a tradition of caring for people and understanding human concerns outside their own set of experiences. They were a magnificent team.

We will never forget that Sala once graced these Halls and that she added something very special to our lives.

THE 1988 AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 3, 1988, into the CONGRESSIONAL RECORD:

The 1988 Agenda

In his State of the Union address last Monday, President Reagan set out his agenda for his final year in the White House. There is always a thrill to a State of the Union address. It is impressive to see the President, the Vice President, Supreme Court justices, members of the Senate and the House, the President's cabinet, the military leadership of the nation, and the diplomatic corps all assembled in a single room. The news media and other spectators fill the galleries to standing room only. The entire atmosphere is charged, even though State of the Union addresses are largely predictable.

The central message of the President's address was that his domestic agenda is largely completed. His ability to control the domestic agenda has diminished as the nation turns toward a presidential election. He still has considerable power in blocking those things he does not want the Congress to pass, such as a protectionist trade bill or an increase in the minimum wage. He retains enormous influence in foreign affairs, and the things he emphasized in his State of the Union address—ratification of the Intermediate-range Nuclear Forces (INF) Treaty and support of the Contras in Nicaragua—involve foreign affairs.

There was little in his State of the Union address to suggest that the President will be pushing hard on defense, tax, or other items on the domestic agenda. The speech did not contain any new domestic initiatives or surprises. The President recited a familiar list of bills he wanted: the line-item veto, the balanced budget amendment, school prayer, and a ban on abortions. There was no sense of urgency or challenge in the President's presentation, and I do not think he dispelled the general impression in the Congress that he is largely marking time in his final year.

President Reagan correctly criticized the Congress for its reliance on omnibus bills—lumping together most of the government's fiscal agenda into a few massive catchall bills. This was a procedure developed by David Stockman and the President early in his administration to get controversial items passed by putting them into enormous "must-pass" bills. My sense is that the Congress will make a serious effort this year to pass the major appropriations bills individually, aided by last year's budget summit which settled many disputes in advance.

Administration officials readily admit that most of the opportunities for the President this year are in foreign policy, where his powers are broad. Members of Congress have also noted that the White House is emphasizing foreign affairs in the President's own schedule. The President is scheduled to make at least four foreign trips by the middle of this year, to Mexico, Belgium, Canada, and the Soviet Union.

The major issues before the Congress this year may not include several of those mentioned in the President's State of the Union address, but rather legislation already in the pipeline. The looming federal budget deficit—some $46 billion over the $136 billion Gramm-Rudman deficit target—will color all of the Congress' efforts this year. Major items on the agenda include:

Health.—The question of cost containment and effectiveness will be especially noticeable in health care issues. The Congress will consider long-term and nursing home care as well as the problem of financing health care for those inadequately protected. It will try to complete action on an expansion of Medicare to provide catastrophic health insurance. At the same time, the Congress will have to enact further cost containment measures to restrain federal outlays for Medicare and Medicaid.

Defense.—Defense policy will also be guided by deficit reduction guidelines, with the Congress and the President agreeing to a fiscal year 1989 defense spending limit of $299.5 billion. For the fourth straight year, this would keep defense spending increases below the inflation rate. Funding for the President's Strategic Defense Initiative will be a prominent concern, as will be efforts to guide the Pentagon's adjustment to new fiscal realities. The Congress is also likely to continue efforts to strengthen defense readiness and conventional forces.

Welfare.—Last year's major push to reform the welfare system was not completed in the first session. Welfare reform has concentrated on requiring work, training, and education programs to get families off welfare and into jobs. The Senate may consider a more moderate version of the $5 billion, five-year plan passed by the House.

Trade.—The prospects for controversial trade and competitiveness bills passed by the House and the Senate are unclear at present. A slight easing of the trade deficit in recent months, due to the plummeting of the dollar in international markets, may reduce pressure to legislate changes. The Congress may still act to force foreign countries to end unfair trade practices against US products. Congressional ratification of the US-Canadian Free Trade Agreement is expected.

Environment.—Efforts to strengthen the Clean Air Act will continue in 1988. At issue are what to do about the nearly 100 areas which fail to meet the August 1988 air pollution deadline and how to address the problem of acid rain control. Other environmental issues include groundwater protection and municipal waste disposal.

Foreign policy.—A critical vote on continued aid for the Nicaraguan Contras will occur in early February. Close evaluation of progress in the Central American peace process will be of equal concern to congressional observers. Perhaps the key foreign policy question will be how to respond to the new Soviet initiatives and arms control proposals. Senate ratification of the INF Treaty is expected. With little action by the President to spur the peace process in the Middle East, the Congress will assess the mounting tensions and hostilities in the region.

It is always hard to predict what the Congress will accomplish during the year, but my guess is that 1988 will be largely devoted to completing unfinished legislation from last year. The Congress this session will again be dominated by the tough question of how to pay for what it wants to do.

DOUG WILLIAMS' TRIUMPH

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. CLAY. Mr. Speaker, this past week, the political issues which ordinarily dominate the news in and about Washington were overshadowed by the excitement surrounding the Washington Redskins. The Redskins Super Bowl victory created a rare spirit of Washington nationalism among a citizenry more customarily divided by hometown allegiance.

But as all the temporary, transplanted and native Washingtonians join to celebrate the Redskins victory, I remind all football fans to take time out to acknowledge the special contribution of Doug Williams, the first black quarterback to play in a Super Bowl contest.

Black American athletes have fought a long, uphill struggle to participate in professional sports. Williams' triumphant performance at the 1988 Super Bowl is an important achievement in sports history, and will be recorded as another turning point in the history of professional black athletes. In this spirit, I am happy to share an outstanding article from the Washington Post, February 2, 1988, in which Juan Williams highlights the struggles and the achievements of black athletes on football fields across our Nation.

Doug Williams' Triumph

(By Juan Williams)

Doug Williams' Super Bowl performance goes in the record book under his name alone. But when he played hurt, when he proved himself a leader after his team was down by 10 points and when he threw for four touchdowns, Doug Williams was also playing and proving something for generations of black American men who dreamed and tried, but were denied the chance to play quarterback in the NFL.

We should be clear about this; being black did not get Williams to the Super Bowl. It did not give him the ability or the smarts to bring a championship to Washington. And it was not comfort to him during the ups and downs of his career and even this soap opera of a football season. In that sense, Williams' blackness has nothing to do with his success and the Redskins' magnificent victory.

But being black has been enough to keep players away from the quarterback position for most of pro football's history. Blacks could play linebacker, defensive back or running back—but not quarterback. They could go to Canada to play quarterback. They could quit in frustration if they insisted on being a quarterback and heard that they really weren't very good, which is what some sportswriters were saying about Doug Williams until Sunday's performance.

That's why Williams' triumph goes beyond Doug Williams and beyond the Redskins' burgundy and gold. His victory is not in being the first black football player. It did not come from his being the first black quarterback or the first black to be a good quarterback. Other black men used up their careers and dreams knocking down those walls—they were Doug Williams' lead blockers. And when Doug Williams played in the Super Bowl they played with him.

They include such men as the aptly named Willie Thrower, who was signed by the Chicago Bears 35 years ago as the first black quarterback. He threw only eight passes before having his contract canceled, and he went to the Canadian leagues to play. And there was also Marlin Briscoe. In his rookie season, 1968, Briscoe was the starting quarterback, ironically, for the Denver Broncos. He had a good year—14 touchdown passes in 11 games. But he was inexplicably waived off the team. He then signed with the Buffalo Bills, for whom he was not allowed to play quarterback but did become an all-pro receiver.

Also in the backfield with Doug Williams was Eddie Robinson, the legendary football coach, who once trained a black player specifically for the NFL's drop-back quarterback style. Robinson wanted to force the league's general managers to draft a black quarterback and *play* him at quarterback. But when draft day came several general managers asked Robinson and the player, James Harris, if he would agree to play another position. Harris said no. As a result, a man with four years of experience as a quarterback in the NFL's system was not drafted until the eighth round; he was so despondent that Coach Robinson had to persuade him to report to the Buffalo Bilis.

Harris had some success as he played sporadically with three teams over 12 years. His achievement was staying in the big leagues as a quarterback. He persevered in a segregated system: only nine black players have thrown 25 or more passes in the NFL since the mid-'60s, and one of them is a running back—Walter Payton.

Against that backdrop of history, Doug Williams' victory Sunday is like the winning play on a 99-yard drive put together by many people—most of whom are nowhere near the field when the points finally go up on the scoreboard. Doug Williams provided that winning play by routing out the Broncos and also routing the last of the lies and blasphemies that gave support to the belief that black quarterbacks can't win in the big time. He won the biggest of the big games.

His performance is the ultimate answer to a Tampa Bay team that currently pays a rookie quarterback several million dollars to sit on the bench and learn how to be an NFL leader. Only a few years back, Tampa gave a black rookie quarterback named Doug Williams a small contract and insisted that he prove immediately that he could play in the NFL. Breaking through these negative assumptions about blacks—that they aren't smart enough to quarterback or can't inspire other players and must prove themselves at once—is all part of Williams' Super Bowl victory.

At some level, maybe not a conscious level, white owners and coaches for decades did not want black players to have the leading role on the great American stage called the football field. Football is an enormous part of American culture and arguably the main cultural sanctuary of American males. The quarterback is *the* glamorous figure in that culture—he is the field general and every cheerleader's dream date. Coaches have found quarterback-leadership potential in wild guys such as Billy Kilmer and even not-so-smart guys such as Terry Bradshaw. But somehow they never found that leadership potential in black players.

Joe Gibbs—to his credit—had no trouble seeing Doug Williams as a leader and a talent. Gibbs' trust in Williams for the big game is radical and new. It flies in the face of all the backroom stereotypes about blacks not being brainy enough or tough enough to quarterback the big games. Gibbs ignored such talk.

That is where Gibbs and Williams have created a modern race-relations breakthrough by going where football and another male culture—American corporate life—have never been before. Gibbs entrusted Williams with the company's greatest aspiration—to win the Super Bowl—despite all the years of negative stereotypes about any black who sought to lead his team. Doug Williams went into the game as a black player who is no role player and no token player. He is simply the best quarterback the Redskins have, and they gave him the chance to lead, which he did with class. And he won.

That's why his victory is a breakthrough—a dream come true for so many more than Redskins' fans.

TRIBUTE TO MARVIN BARRISH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to Mr. Marvin Barrish, a resident of Northeast Philadelphia known as the dancing newsboy.

Though Marvin Barrish has been confined to a wheelchair since 1980, he continues to dance to inspire the handicapped and raise funds for charitable organizations.

Marvin was known as one of the best dancers of the 1950's. His dancing career began at age 3 when he would dance at his mother's newsstand at 19th and Walnut Streets in Philadelphia. It progressed through appearances at the Steel Pier in Atlantic City, on local television shows and even in the movie "Rocky II." When he lost the use of his legs, it looked like Marvin's dancing career was over.

Now, however, Marvin is again a celebrity as a dancer. He has done his wheelchair dance at the Spectrum at halftime of a Villanova basketball game and at the Special Olympics at Franklin Field and J.F.K. Stadium. Marvin has helped raise funds for the Variety Club, Children's Hospital, Shriner's Hospital, Spina Bifida Foundation, the Vietnam Memorial Fund and many other worthy causes.

Marvin Barrish has been commended by the Philadelphia City Council, the Pennsylvania State House and Senate. I join those who have already honored Marvin, and I pay tribute to his courage, effort, and inspiration.

SALUTE TO INTERNATIONAL UNDERSTANDING

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. COLEMAN of Texas. Mr. Speaker, Fort Bliss, TX, is the home of the air defense training school for the Air Force of the Federal Republic of Germany. Col. Karl E. Wallrath, commandant of the German Air Force Air Defense School, will return soon to Germany after 4 years at this command. I would like my colleagues to join me in recognizing his outstanding service to his country to promote friendship with the city of El Paso and the people of the United States.

Colonel Wallrath has held various posts in the United States as an officer of the German Armed Forces beginning in 1959. Approximately 9 years of his military career has been spent at Fort Bliss. He is the recipient of the U.S. Army Commendation Medal, the German Armed Forces Commendation Cross, and the German Sports Medal.

As commandant, Colonel Wallrath has served as a liaison to Fort Bliss and the city of El Paso. He has hosted numerous Government officials and business leaders through exchange programs between our two countries. He was instrumental in organizing a host family program for German officers stationed in El Paso, and promoted many German cultural events that contributed to the international flavor of El Paso. He was active in numerous civic organizations in El Paso.

Colonel Wallrath is married to Anna-Helene Wallrath, and they have one son. Mrs. Wallrath was also active in civic affairs, including participation in the El Paso Chamber of Commerce; Hospice of El Paso, the El Paso Foster Parent Association, and the Lighthouse for the Blind. In addition, she worked closely with several orphanages in Ciudad Juarez, Chihuahua, Mexico.

Colonel and Mrs. Wallrath have contributed to international understanding and good will during their stay in El Paso and the United States. I am honored to have had the opportunity to work with them, and I wish them well in all their future endeavors.

IN MEMORY OF PAUL MARION FIRICA

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. PICKLE. Mr. Speaker, the saga of Paul Firica is a miracle of our times. Like a meteor which flashed across the skies of central Texas—and the Nation—his brief time has illuminated our hearts.

Paul Firica was different. Unlike a lot of people who accept their lot in life, Paul Firica decided to do something about it. In 1985, he walked off his Romanian ship and sought the asylum and the waiting protection of a free people in the United States. Unfortunately,

Paul Firica died of lung cancer at the age of 46 on January 1, 1988.

I don't think Paul Firica wanted to be, or tried to be, a hero. He sought no headlines, he contacted no newspapers or television networks. But he knew what he did want: He wanted to be free, to live in a completely free society. And this same desire is perhaps the strongest urge of all people for thousands of years. It is the same desire that has toppled empires, destroyed kings and kingdoms, and brought down dictators whenever those governments forgot the rights of people. For Paul Firica, it was his desire to come to this new land and see if this country could give him help and hope. The community of Austin, TX—and particularly the Central Assembly of God Church—has done that. The congregation, the caring leadership of Rev. Tom Wilson, opened its heart to Paul and his family.

We must not forget this readjustment is a typical American tradition. The United States, for our 215 years, has been the one open society for all the nations of the world. Remember, we are a diverse people. We, or our ancestors, came to America. Few of our families are native in the true sense. Our ancestors came here, like Paul, propelled by the same desire that propelled Paul off his ship at great risk.

Perhaps for no other reason than to remind us of our heritage, Paul Firica's life has special meaning. To all of us, he has given assurance that men and women can change their lives and, with God's help, can rekindle the flame of independence that burns deep inside each of us. Though his life's duration with us was short, we know he has aroused the pride and spirit of hundreds of people in central Texas. He has been our special friend. Austin has been proud to have him as a resident. The church loved him like a brother. He was different, and he made a difference. We do not know why Paul was taken from our midst anymore than we did not know why he was sent to us in the first place. Right how, it is simply the time to pay our respects to this brave soul.

Government plays a key rule in the destiny of men. Government should be both the protector and guardian of the rights of individuals, so that each person has the opportunity and right to pursue his goals as a person created by God and endowed with certain rights. When any government violates or neglects to guarantee those rights, then that government will be held accountable by the people who have bestowed that right in the first place.

This is the message our Founding Fathers proclaimed. We, the people, must prevail. A violation of these rights—by any nation, no matter what its ideology, will eventually bring about its own destruction. And when those rights are abused, people will rebel—or flee.

That is what Paul Firica believed. That is what caused him to choose to live his life in America. That is why his church chose to adopt him and his family. His life with us has renewed our faith in the goodness of people everywhere.

DEMOCRACY, DEBT, AND ECONOMIC GROWTH: ISSUES FOR THE UNITED STATES IN LATIN AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for February 1988 into the CONGRESSIONAL RECORD:

DEMOCRACY, DEBT, AND ECONOMIC GROWTH: ISSUES FOR THE UNITED STATES IN LATIN AMERICA

There is trouble in Latin America and the U.S. is not paying enough attention to it. Many democracies have emerged in Latin America over the past decade, but they are fragile. They face serious social and political problems because of the prolonged economic crisis that has gripped the region since 1982. Nearly all face large and growing external debts. These and other problems—including the drug trade in Colombia, military revolt in Argentina, guerrilla war in Peru, political paralysis and 900% inflation in Brazil—increase the appeal of extremism and the dangers of instability. Many Latin Americans are dissatisfied and apprehensive.

I am impressed with the contrasting views of U.S. and Latin American leaders. The Administration speaks of the "resurgence of democracy" in Latin America. It believes debt problems are being overcome and that market-oriented economies in the region are getting stronger. It assesses the U.S. relationship with Latin America with satisfaction, even complacency. Latin American leaders, however, are worried and disillusioned. They think the U.S. is obsessed with communism in Central America, has not provided effective economic leadership, especially on debt matters, and has set a poor example by running huge budget deficits which contribute to higher interest rates. They worry about debt, poverty, unemployment and income inequality, and do not share our fixation with Nicaragua, which comprises less than 1% of the population of Latin America. These different views leave the impression that U.S. and Latin American leaders are looking at different continents. My sense is that Latin American leaders are disappointed in U.S. leadership, especially on economic issues, and that U.S. influence in the Americas is eroding.

We simply must be more attentive to Latin America. Several urgent international problems—drugs, immigration, terrorism, and protection of the environment—cannot be solved without help from Latin America. Our central concern is whether democracy in the region will endure. If elected governments fail to address economic and social ills, opportunists will push for radical policies and armed forces may intervene.

Latin Americans themselves must consolidate democracy, but the U.S. and the international community can help. The U.S. should continue to assist the development of judicial, police and electoral systems, and to speak out in favor of a free press, fair elections and human rights. Fighting economic injustice and the drug trade through our aid programs can also help democracy.

Perhaps the biggest contribution to democracy in Latin America would be progress on the debt issue. The region's external debt is staggering. The biggest debtors—Brazil ($110 billion), Mexico ($100 billion) and Argentina ($52 billion)—are in the throes of economic crisis and repayment difficulties. Weakened by years of austerity, high inflation and unemployment, these governments fear political suicide if they make painful economic reforms or pay all their creditors. Eight countries in Latin America have declared a moratorium on interest payments, and most voluntary lending to the region has ceased. Starved for new investment, Latin American economies have been unable to resume growth.

Latin America has a strong influence on the U.S. economy. We need healthy economic partners in the region, both as a market for our exports and as a source of resources and products. But debt places a sharp constraint on their ability to import. U.S. exports to the region peaked in 1981 at $42.1 billion, and have since declined by over 25%. This may have cost the U.S. 400,000 jobs.

Increasingly, Latin America has turned to the more open U.S. market to earn the income it needs to service debt. Since 1981 the U.S. share of Latin American exports to the industrial world has increased, and the U.S. trade balance with Latin America, a $1.3 billion surplus in 1981, is now a large deficit. Nonetheless, total Latin American exports are stagnating, and the level of Latin debt has increased since 1982 from $325 billion to $400 billion. New approaches must be found:

Industrial countries must work to reduce interest rates and expand trade. Europe and Japan especially must open their markets to more Latin American goods;

Some negotiated agreement between debtors and creditors is required. As the U.S. now acknowledges, full debt service is unlikely. New approaches, including Mexico's plan to guarantee payment of written-down loans, should be explored;

The U.S., Europe and Japan must work to provide new resources to the region through international financial institutions and foreign investment; and

Latin American economic reform is the most important step to spur new growth. Latin governments need to reduce public sector deficits, sell inefficient state enterprises, strengthen private sectors, attract foreign capital, expand savings and investment, and promote exports.

More effective U.S. policies on debt, trade, and economic growth can strengthen Latin America's democratic leaders. My impression is that they understand their problems, and recognize the burden of leadership to solve them. But they also need our understanding, respect and cooperation. Washington must respond to their problems positively, making Latin America a priority for U.S. foreign policy, and with a recognition that Latin American countries are prepared to be active partners in solving shared problems.

My feeling is that the U.S. is missing opportunities for inter-American cooperation because of our focus on Nicaragua. Washington cannot make Latin America safe for democracy, and it may not be able to provide billions of dollars in aid. It may no longer dominate Latin America, but it remains an important actor in the region. Through cooperative measures Washington can help the region confront its pressing problems.

TRIBUTE TO SAM GREENBERG

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a truly outstanding member of my community, Mr. Sam Greenberg. Sam has been an active member of the San Fernando Valley Association for the Retarded for more than 30 years. On February 6, the association will honor him for his work and dedication to its worthy cause.

Sam Greenberg has been an integral part of the San Fernando Valley community for more than 50 years. Having grown up in Van Nuys, he returned there after graduating from the University of California, Berkeley. As the owner of Sam's U Drive, he was known throughout his community as a tough businessman. Sam also served as a commissioner for the city of Los Angeles Department of Airports and has been an active member of the National Rental Association.

Although Sam has been involved with many philanthropic organizations, he considers the San Fernando Valley Association for the Retarded his "pet charity." His generosity toward this organization stems from a sincere desire to help those who were born retarded. In fact, Sam's concern for these individuals has been a key factor in the survival of the association. Over the years, he has provided the organization with contributions, memorial grants and equipment necessary for its operation. In 1974, Sam's generosity enabled the association to build a new rehabilitation facility more than three times larger than its previous one. Two years ago, Sam established a $450,000 matching fund to help build the Continuing Action for Food Service Education Building [CAFE]. The association is determined to meet this challenge and is now in the last stages of raising the necessary funds. Once completed, this new building will offer the retarded citizens of our community a place to lead more productive and fulfilling lives.

Sam, together with his late beloved wife Helen, unselfishly devoted their time and energy to improve the quality of life for the residents of the San Fernando Valley. He has diligently continued their work for the betterment of the community.

It is my honor and pleasure to join my colleagues and the San Fernando Valley Association for the Retarded in honoring Sam Greenberg for his generosity and dedication toward the retarded and those serve them.

A TRIBUTE TO MAE BOREN AXTON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GORDON. Mr. Speaker, I rise today to salute an outstanding American, Mae Boren Axton, of Hendersonville, TN, a songwriter, journalist, activist, teacher, and, most importantly, a humanitarian.

A very special event honoring her will be held February 15, 1988, in Nashville. In the true spirit of Mae Boren Axton, proceeds from this event will be given to the Spina Bifida Association of America. The most common disabling birth defect in America, spina bifida is caused by a defect in the spinal column of a developing fetus which damages the spinal cord. Mae Boren Axton's long involvement with the Spina Bifida Association is testimony to her humanistic ideals.

Mae Boren Axton is perhaps best known as coauthor of Elvis Presley's first million-selling record, "Heartbreak Hotel." This cemented her long association with the "King of Rock and Roll." She has since written or cowritten more than 200 songs that have been recorded by artists including Red Foley, Hank Snow, Feron Young, and Conway Twitty.

But Mae's accomplishments extend beyond the realm of songwriting. She has been the catalyst in the careers of numerous performers, songwriters, and business professionals. She discovered Willie Nelson in the State of Washington; publicized Johnny Tillostston; wrote the first article about Waylon Jennings; and took a young Jerry Reed into her home.

She has written countless articles for country music trade magazines, promotional stories, and album liners, and is the author of four books. The featured columnist for 15 years for Charlton Publications, publisher of magazines such as Hit Parader and Country Song Roundup, Mae has helped shape the destiny of country music and those who create it.

Hardworking and dedicated, Mae Boren Axton commends the respect of the music industry. As an activist, Mae successfully lobbied the Tennessee State legislature to combat tape piracy and copyright violations. She is an able force in the American political arena.

Mae Boren Axton, whose first career was teaching, is also the mother of two successful sons. John is a lawyer in Ada, OK. Hoyt is a songwriter and singer in his own right.

She has made real humanitarian contributions by coordinating benefits for Easter Seals, March of Dimes, United Way, Autistic Children, and Spina Bifida.

Mae Boren Axton has been honored as an Outstanding Tennessean; has received the Tex Ritter Award; was inducted into the Songwriter Hall of Fame and the Oklahoma Women's Hall of Fame; and has received seven BMI songwriting awards.

It is a pleasure to bring Mae Boren Axton's outstanding record of public service to the attention of my colleagues in the House of Representatives. I ask that they join me in paying tribute to her.

THE COLORADO TECHNICAL COLLEGE

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. HEFLEY. Mr. Speaker, it is with great pleasure that I pay tribute to an outstanding institution of higher learning located in Colorado Springs, CO.

The Colorado Technical College (CTC) began as a one room classroom, radio and television repair school 21 years ago. In these few short years, this college has a $2.5 million investment in an all-new campus, classrooms and laboratory equipment. Colorado Technical College will eventually provide 80,000 square feet of classroom, lab, office, and library resources. The college is committed to excellence and has invested heavily in state-of-the-art computer systems and electronics for classroom training.

CTC offers bachelor of science degrees in electrical engineering, electronic engineering technology, and computer science. Associate degrees are available in electronic engineering technology and biomedical engineering technology.

The college has significant success in placing its students after graduation. Industry hires over 95 percent of Colorado Tech's graduates within 3 months of receiving their degree.

It is an honor to acknowledge an institute that fills such a need in our community and I commend all those associated with it's success.

IT'S TIME TO SOLVE DALLAS POLICE-COMMUNITY RELATIONS PROBLEMS ON THE LOCAL LEVEL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. FROST. Mr. Speaker, the events of the last week surrounding the death of Police Officer John Chase present a great challenge for the city of Dallas.

A year ago I joined with local black elected officials in urging a public airing of tensions between the minority community and the Dallas Police Department. A very constructive hearing, requested by the Dallas City Council, was conducted by the Criminal Justice Subcommittee of the House of Representatives in May which all sides had the opportunity to air their views.

The city council, under the leadership of Mayor Annette Strauss, is in the process of implementing many important reforms in city and police department policies to address the legitimate concerns voiced at the congressional hearing. These problems are being solved on a local level, and that's clearly the best possible approach.

The death of Officer Chase last Saturday was a tragedy. I attended Officer Chase's funeral in Des Moines yesterday and was deeply moved by the love and respect shown for him by everyone who knew him and by the law enforcement community.

There is a dispute over the degree to which any bystander last Saturday urged Officer Chase's mentally ill assailant to kill the officer. If this actually occurred, it is wrong, and anyone who took part in this action should be prosecuted. It is clear to me that if anyone really did urge the assailant to shoot Officer Chase, this does not represent the sentiment of the black community.

Dallas' black citizens respect authority every bit as much as its white citizens, and while they want improvements to be made in the police department, the black population of Dallas does not condone what happened last Saturday any more than the white population.

Statements made by Chief of Police Billy Prince, blaming local black officials for creating a climate that contributed to last Saturday's shooting, were not responsible. Councilmembers Al Libscomb and Diane Ragsdale have every right to raise questions about past police practices and to advocate changes in police policy to give Dallas a better police department.

The city council has responded in a very positive way during the last year, and the very important changes the city is making should not be obscured by the passion of the last 7 days.

About a month ago, County Commissioner John Wiley Price sent me a copy of a letter he had written to Assistant Attorney General William Bradford Reynolds. Commissioner Price requested a meeting with Mr. Reynolds to discuss complaints about the Dallas Police Department. His request was made prior to the shooting of Officer Chase and was not directly related to that tragic event.

Commissioner Price, as one of the leading elected officials in the black community, has every right to present his grievances to the Justice Department. Even though the city council has made real progress since the congressional hearing last year, Commissioner Price apparently feels stronger action is needed.

My personal preference at this point is for this matter to be handled on a local level in Dallas by our mayor and, city council. I agree with the Reverend Jesse Jackson, Pettis Norman, and others that it's now time for Dallas to solve its own problems. I have no current plans to attend the meeting between Commissioner Price and Justice Department officials, but I will monitor the situation and make sure that Commissioner Price has every opportunity to have his views considered.

The Federal Government played an extremely important role last May by holding a congressional hearing in Dallas and focusing local attention on a problem that had long been ignored.

We should all support our police department, because they have a very difficult job to perform, and it is natural for our citizens to rally behind the police when an officer is killed in the line of duty.

We also should work to improve the department, for the benefit of the police officers, who deserve the best possible working conditions, and for all citizens of Dallas, who deserve the best possible police protection.

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. CLINGER. Mr. Speaker, on February 2, 1988, I was absent from a vote on the Journal. Had I been present, I would have voted in the following fashion: Rollcall No. 2, the House approved the Journal of Monday, February 1, "no."

UNSUNG HEROES

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SYNAR. Mr. Speaker, when Karl von Clausewitz wrote of the fog of war, he was describing the confusion and turmoil which bring uncertainty to the battlefield. But there is another fog in war, one that continues long after the final sounds of gunfire have receded, obscuring the complete record of the conflict.

On April 23, 1944, the 465th Bomb Group of the 15th Air Force took wing on the first leg of a mission over hostile territory. Leaving their base in sunny Italy, this flock of war birds headed north to their targets in Austria. The feelings of expectancy were high, lulled only by the steady drone of the B–24 engines.

Suddenly, the air filled with Nazi fighter aircraft; 200 gray metal demons leaped from the sky, spreading death and destruction in their wake. It was in this maelstrom of fire and iron that the plane commanded by James Gardner was shot out of formation.

The situation seemed hopeless. Descending at 60 mph over redline speed, the alarm bell was sounded from the cockpit for the evacuation of the crippled bomber. It was at this most furious moment that two men revealed the depth of human courage.

As engineer and crewchief, Frank Coupe and radio operator Cpl. Robert Field were preparing to abandon their stations on the waist-guns and bail out, they noticed the ballgunner trapped in his turret. As their stricken aircraft plummeted toward the Earth below, these two men disregarded their own safety and rushed to the aid of their trapped comrade-in-arms. Because the hydraulic system had been damaged in its encounter with the German fighter, the two men had to crank open the ballturret manually. Then, they helped the ballgunner put on his parachute and followed him out the camera hatch.

Sadly, this tale of uncommon bravery does not have a happy ending. The parachute of Sgt. Frank Coupe failed to deploy, thus ending this heroic young man's life. The chute of Cpl. Robert Field barely opened in time, but left him, along with four other crew members, stranded behind enemy lines. These men soon joined the ranks of prisoners of war.

As for the fate of the bomber, four crew members remained on board and nursed the lumbering giant back to its Italian base. Once there, it was determined that the plane was too unsafe to land and the four airmen bailed out. These four men were awarded the Distinguished Flying Cross for their tremendous feat.

It was not until years later that the story of Sargeant Coupe and Corporal Field came to light at a recent reunion of their copilot William Boyd and the five crew members who were interned in a German prison camp. The two airmen had been overlooked, but not forgotten. Now the fog of war has lifted, and these heroic men are at last getting the recognition they deserve.

TRIBUTE TO LARRY BIRD

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. ATKINS. Mr. Speaker, tonight the most knowledgeable and loyal sports fans in America, the fans of the NBA Eastern Conference Champion Boston Celtics, honor the "Prince of Parquet," Larry Bird, at an unveiling of a life-sized wooden sculpture of Boston's premier starting forward.

While this statue, 7 feet and 275 pounds of laminated basswood, is a fitting monument to a great champion, it is still less real and less permanent than the memories Larry Bird has already left in the minds of Celtics fans.

A three-time all star, Larry Bird is, arguably, the most inspirational athlete in America. Possessed of tremendous individual abilities, his greatest talent is his selfless playing style. Larry Bird is the consummate teammate. He makes his team play better and harder.

We've all heard a lot recently about the "Massachusetts miracle"—well, as far as I'm concerned, tonight we honor him.

ASIAN AND PACIFIC ISLANDERS IN THE DECENNIAL CENSUS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. DYMALLY. Mr. Speaker, I would like to take this opportunity to express my support of H.R. 3828, which requires certain detailed tabulations relating to Asian Americans and Pacific Islanders in the decennial census of population.

Under the current plans of the Bureau of the Census for the 1990 census, Asians and Pacific Islanders will-be counted as a single category of individuals on the 100 percent and sample forms. The 100 percent form is sent to all households and the longer sample form is sent to a selected number of households. Both forms will provide space for respondents to write their ethnic subgroup.

In the 1980 census, Asians and Pacific Islanders were asked to indicate their ethnic background by selecting from a list of nine subcategories listed on the questionnaire. This information was tabulated by the Census Bureau to obtain relatively complete statistics on these subgroups.

The Census Bureau claims that certain operational problems were associated with the 1980 format which warranted the change to a write-in format. The write-in format requires the respondent to indicate in writing his/her ethnic background. The Census Bureau has decided, however, to tabulate the write-ins only from the sample forms which yield less detailed data.

By attempting to address the operational difficulties of the 1980 format, the Census

Bureau created a different problem. The write-in and tabulation plans for 1990 would lead to less accurate and detailed information on Asian Americans and Pacific Islanders. Given the uses of census data by the Federal, State, and local governments, the insufficiency of information on Asians and Pacific Islanders becomes a critical issue.

Federal assistance to the elderly, State educational policies, and local government housing programs are only samples of social programs that rely on the accuracy of census data for their effectiveness. Inaccurate information undermines the needs of the Asians and Pacific Islanders when governments develop and administer their social services.

As chairman of the Subcommittee on Census and Population, the panel with oversight jurisdiction of the census, I fully understand yet another important reason for obtaining the most accurate possible count of our population. Without such accuracy, we would not be able to satisfactorily fulfill our constitutional responsibility of enumerating our population for purposes of fair representation in legislatures.

H.R. 3828 requires the Census Bureau to determine the best method for tabulating the population of Asian and Pacific Islanders subgroups. The only restriction is that the Census Bureau may not obtain such tabulation through the sample form.

I commend the author of this measure, Congressman ROBERT MATSUI, for his diligence in bringing this issue to the forefront. I am very pleased to have joined him in this effort. I urge my colleagues to consider supporting H.R. 3828.

HOMETOWN HERO

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SKEEN. Mr. Speaker, just as Sunday's Super Bowl united the city of Washington in victory, the city of Hobbs, NM, also rejoiced in that victory because their hometown hero Timmy Smith played a part in it.

Today as we honor the world champions of football with a parade here in Washington, let me congratulate Redskin Timmy Smith from my home district—the city of Hobbs, NM. Timmy's education at Hobbs High School and his participation on "Eagle" athletic teams laid the ground work for what has become, in one short year, an impressive career for Timmy in the National Football League. In Sunday's Superbowl victory ovcr the Denver Broncos Timmy gained more yardage than any other player, outdistancing the previous Superbowl record and scoring two impressive touchdowns to help the Redskins to one of the most lopsided Superbowl victories in history.

Congratulations Timmy, congratulations to your family and friends in Hobbs, NM, and congratulations to the people of Hobbs for all you did to encourage this young man to be the accomplished athlete he is today. I know Timmy will continue to set records in the NFL. While he sets a fine example for all our young athletes across the country.

A WELL-DESERVED TRIBUTE TO HERBERT L. BELLAMY

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. NOWAK. Mr. Speaker, this Thursday evening a testimonial dinner will be held in my hometown of Buffalo, NY, honoring one of the leaders of our city's black community, Herbert L. Bellamy.

This is a well-deserved honor for Herb, whose public and private sector achievements include service as an appointed and elected official, and recognition as a community activist and a successful businessman. He is truly a multifaceted person.

His career has included 9 years as councilman-at-large on Buffalo's Common Council, which followed a dozen years as a commissioner on the Buffalo Civil Service Commission, the first black to serve in that capacity.

A close friend of Herb's and one of the organizers of this week's testimonial is the Reverend Bennett W. Smith, Sr., pastor of St. John Baptist Church in Buffalo, another prominent leader in the city's black community.

In a recent article he prepared, Reverend Smith described Herb Bellamy as "a doer, an engine, a driving force * * * a dedicated, determined and effective public servant."

Reverend Smith wrote:

> One of 12 children of a North Carolina sharecropper, Herb Bellamy settled in Lackawanna, New York where he literally pedalled his way to success. He was a bicycle-borne liquor deliveryman in 1954. Eleven years later, he'd ridden his way to his own business, the first of 12 he'd found. In 1968, he opened Bellamy Liquors and when others were moving out of the East Side, Bellamy recalled his own struggles in poverty and stayed. His businesses created jobs in a community where hope was only a memory and opportunity was only as close as the next government check. Bellamy knew that jobs were the key to a stronger, prouder, thriving black community. He knew that you solved 90 percent of a man's problems by putting him to work and he put hundreds of people to work in various businesses he created.
>
> Herb Bellamy was a dreamer. He dreamed of a better life. He dreamed of a better community. He dreamed of a better way to raise his family. But he was more. Herb Bellamy was prepared to pay the price to make his dreams realities. But still he wanted more. He wanted to make the dreams of others come true as well. Those dreams were the beginnings of 1490 Enterprises, Inc. Bellamy took a blighted inner city warehouse and turned an eyesore into the soul of an entire community. Today, that dilapidated buliding houses 32 local, state and federal government agencies. It feeds 150 senior citizens a day. It provides vital services to a community in need. It's a gathering point for neighborhood old folks where they pass the time together at cards, quilting or conversation. And it's an anchor. a monument to stability in a community of flux. North on Jefferson Avenue stands the neat Tudor housing complex that Herb Bellamy created back in 1980. More than 20 families live there. Just South in 1490 Manor, a Senior Citizens Home. It too is part of the Bellamy legacy * * *.

Noting Mr. Bellamy's awards have included an honorary degree from Canisius College, the Buffalo News "Citizen of the Year" award, the Roberto Clemente Humanitarian Award, service awards from the United Negro Scholarship Foundation, the YMCA, the NAACP and the Urban League, Reverend Smith described him as "a leader of compassion, concern and commitment" and added:

> That leader emerges every year to host the Black Achievers Dinner now heading toward its 16th year. It is the brainchild of Bellamy, designed to give recognition and community pride to those who have made contributions to the Black Community. The annual awardees provide significant insight into the purpose of the dinner. The celebrated and the sensational find seats next to unadorned and the ordinary. And both get recognized for their own particular contributions * * *.

Mr. Speaker, Reverend Smith's comments eloquently paint the complex picture that depicts Herb Bellamy's many and diverse contributions to our community. I would simply like to add my congratulations to Herb on this occasion and wish him continued success.

PERSONAL EXPLANATION

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. LOWERY of California. Mr. Speaker, because of a previous commitment I was unable to be in Washington yesterday, February 2, 1988. Had I been present, I would have voted in favor of H.R. 3884, to rescind the $8 milion appropriation for Jewish refugee schools in France.

While I appreciate the concern over the status of north African Jews in France that motivated this appropriation, this is not a project that should be funded by the U.S. Government. I support needed foreign aid programs such as refugee assistance. However, the construction of private schools in a developed nation like France is not a vital refugee program and raises other questions that should have prevented the original approval of this funding.

I support passage of H.R. 3884 to rescind this appropriation.

U.N. HUMAN RIGHTS COMMISSION TO DISCUSS EAST TIMOR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. HALL of Ohio. Mr. Speaker, this week the U.N. Human Rights Commission will be in session. During the course of its deliberations, it is expected that it will address the issue of human rights in East Timor.

A large number of my colleagues in both the House and the Senate have had a sustained interest in the plight of the people of East Timor, the former Portuguese colony which was invaded by Indonesia in 1975. Most experts believe that a minimum of 100,000 Timorese perished as a result of the Indonesian invasion and subsequent occupation.

While some improvements for the people of East Timor have been noted in recent years, there is little doubt that serious problems persist and need to be addressed. Consistently disturbing reports from respected organizations like Amnesty International, the United States Catholic Conference, Asia Watch, and a variety of other credible sources underscore the need for action to end the suffering of the Timorese people and to bring a lasting peace to the island territory.

In the 99th Congress, 136 of my colleagues joined me as cosponsors of the resolution I introduced which called for a wide range of measures regarding East Timor. Given the ongoing international concerns about the well-being of the people of East Timor, I intend to renew this initiative in the near future.

At this time, the most immediate focal point for action to help the Timorese people is the U.N. Human Rights Commission meeting in Geneva. I urge all members of the U.N. Commission to adopt a resolution that will respond to the suffering of the people of East Timor. Human rights violations and grievances are a reality in East Timor, and the U.N. Human Rights Commission is an appropriate forum for their consideration.

Portugal, a nation with a long historical obligation to East Timor, now sits on the U.N. Commission. It is the hope of many in the U.S. Congress that Portugal will take advantage of its position to gather the Commission's support for measures that will lead to an improvement in human rights for the Timorese people.

The tragedy of East Timor will be compounded if the U.N. Human Rights Commission fails to endorse human rights for the Timorese people on this occasion.

Mr. Speaker, in order to update my colleagues on human rights conditions in East Timor, an article from the Boston Globe of December 13, 1987, follows:

[From the Boston Globe, Dec. 13, 1987]

A "HIDDEN HOLOCAUST" IN THE PACIFIC

(By Richard H. Stewart)

It has been called the "hidden holocaust," so far removed from the world's consciousness that only a handful of people are aware of the tragic events that have ravaged the population of the little-known Pacific island of East Timor.

It has been estimated that as many as 200,000 people out of a population of nearly 700,000 have perished from violence, starvation and disease since the 1975 invasion by troops of Indonesian dictator General Suharto.

Based on a population comparison, this would be comparable to 36 million deaths in the United States.

International human-rights organizations such as Amnesty International and Asia Watch as well as a coalition of international church groups have provided reports of the brutality inflicted on the Timorese by Indonesian forces, including summary executions, beheadings, torture, imprisonment without trial and the use of civilians as human walls in front of Indonesian troops battling guerrilla forces.

Some civilians who have "disappeared" from their villages have been reported by several independent sources to have been dropped to their deaths from helicopters. There have been reports of a photograph in an Indonesian newspaper showing Indonesian soldiers holding up the heads of their Timorese victims.

Exact death tolls can only be estimated because the Indonesians have virtually shut off the island to access by outsiders. But sources with contacts in East Timor insist the reports of inhuman treatment by the Indonesians are not exaggerated.

THE STAGGERING STATISTICS

The International Committee of the Red Cross has been able to provide food and medical aid to limited parts of the island and is the only humanitarian organization allowed access to the island, even on a restricted basis.

Some evidence of the human suffering can be surmised from the report in 1985 of East Timor Gov. Mario Carrascalao, who said that 100,000 East Timorese had died since 1975 and the island had 20,000 orphans, 13,000 widows and 8,000 crippled or maimed.

The 12-year agony of the Timorese began Dec. 7, 1975, when Indonesian troops invaded the island under the guise of preventing a communist takeover. They claimed that the East Timorese had sought integration with Indonesia.

According to Massachusetts Institute of Technology professor Noam Chomsky, President Gerald Ford and Secretary of State Henry Kissinger had advance knowledge of the invasion and authorized it. More than 90 percent of the invading troops carried American weapons, Chomsky has written.

In the aftermath of the invasion, the United States protested its illegality by announcing an embargo on the sending of American weapons to Indonesia. The embargo was nothing more than a political smokescreen. Professor Benedict Anderson of Cornell University, an Asia expert, discovered from a Pentagon report that the flow of arms to Indonesia had never been halted.

Prior to 1975, East Timor had been under Portuguese rule for 400 years, but the Portuguese government had all but abandoned the island in the wake of domestic political problems at home, leaving it vulnerable to Indonesian expansionist interests.

Ten days before the invasion, the East Timorese declared themselves independent from Portugal under the rule of a political party known as The Revolutionary Front for the Independence of East Timor, which became better known as Fretilin.

To counter Indonesian forces, Fretilin leaders formed an armed guerrilla force, which has harassed the Indonesian military ever since.

Most recent estimates are that nearly two-thirds of the island, about the size of New Jersey, still has not been secured by Indonesian troops.

Last August, 40 US senators protested conditions in East Timor and wrote to Secretary of State George Shultz that Indonesian forces were engaged in "a renewed offensive" against Timorese insurgents. Similar protests have been lodged by 144 members of Congress.

A former apostolic administrator (the Catholic diocese is being administered from the Vatican rather than from Indonesia) from 1977 to 1983, Msgr. Martino da Costa Lopes, outlined the conditions of the population in a private letter last year:

"In the interior, in many villages and concentration camps, the people lack the conditions of life to enable them to survive as a people . . . the people live in a state of permanent encirclement. They are not allowed to go more than three kilometers outside their villages. In addition, they always have to have a 'pass' issued by the Indonesian military authorities.

"It happens easily that East Timorese are accused of having contact with the guerrillas and then they become victims of torture, massacres, etc."

Msgr. Costa Lopes has testified that, when foreign visitors requested a meeting with him at his East Timor home, his home was first searched and Indonesian intelligence officers were often present during the discussions.

East Timor is predominantly Catholic. Indonesia is a Moslem nation.

CONDITIONS IN EAST TIMOR

Sources recently in contact with East Timor offer this picture of current conditions there:

A knock on the door is enough to make people afraid. Homes are raided and searched. People suspected of sympathizing with or supporting the guerrillas are arrested, often at night. People are afraid to be seen talking in groups.

It is illegal to listen to foreign broadcasts. People are arrested for having aerials. When foreign broadcasts do refer to East Timor, military vehicles tour the capital city of Dili with loudspeakers denouncing the broadcasts as lies.

Most jobs and places in schools go to Indonesians who have been moved into the island. Indonesian culture and language is being forced on the Timorese.

On the rare occasions when foreigners are allowed to visit, they are restricted in their movement, Indonesian soldiers are dressed in civilian clothes, and military vehicles are taken off the streets.

When foreign journalists visited the island during Indonesian elections in April, people were forced to take part in pro-Indonesian demonstrations. Even the prison population was released to swell the ranks of the demonstrators.

People who did not vote could not get identification cards, which are required for jobs and other means of survival.

Prisoners are held in secret prisons, which the Red Cross is not allowed to visit. Prisoners are beaten and tortured and some have been murdered.

Restrictions on movement make it difficult to grow crops, and severe malnutrition has resulted in some rural areas. Indonesia has taken control of the lucrative coffee crop.

Food shipped in from Indonesia is too expensive for many of the Timorese. There is a high mortality rate for children up to age 5.

Indonesia has instituted a highly-active birth-control program, particularly in the interior, where guerrillas are most active, using Deprovera, a vaccine banned in most Western countries. The birth-control program is financed by the World Bank. Some men and women have been sterilized without their knowledge during medical treatment.

Medicines are so scarce that hospitals have a shortage. Medicines are also so expensive that much of the indigenous population can't afford them. Birth control is free.

The current apostolic administrator, Msgr. Carlos Zimenes Belos, is under close military scrutiny. Military vehicles are frequently positioned outside his home.

Although the United Nations General Assembly condemned the Indonesian invasion soon after it occurred, 38 nations, including the United States, abstained. The resolution has been reaffirmed annually through 1982 but with dwindling support.

Indonesia's anticommunist government, its oil resources and strategic location between the Pacific and Indian oceans give it considerable international clout.

Portugal has neither the political will nor the military power to challenge the Indonesians, although there have been talks between the two nations.

A source in Lisbon said, "Indonesia feels it can keep protests at a lower level and avoid political embarrassment by agreeing to talks and making them drag on for as long as possible."

NOBODY TAKES BLAME FOR EXPORT FINANCE ILLS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GARCIA. Mr. Speaker, last month, we were encouraged by a favorable turn in our trade deficit figures. During the month of November, our massive trade deficit declined by 25 percent, and U.S. exports increased by 9.4 percent. But the trade deficit still remains at an unsustainable level, and we, in Congress, must do all that we can to alleviate the problem.

Unfortunately, one major problem discouraging American exporters in trying to do their part to turn around our trade deficit has been the lack of export financing from the private sector. An article from Journal of Commerce of February 2, 1988 titled, "Nobody Takes Blame for Export Finance Woes" effectively describes the problem.

For your information, the Subcommittee on International Finance, Trade and Monetary Policy, which I chair, will be holding a hearing on February 25 on the financial condition of the U.S. Export-Import Bank as well as on the effectiveness of the new programs launched by the Bank in response to the 1986 Charter Renewal. Despite the budget constraints, Eximbank has made concerted efforts to compensate for the private bank's withdrawal from export financing. We will be looking into the ways in which Eximbank can further their efforts to ensure that the U.S. exporters have the competitive edge to sell their goods abroad.

I am submitting the Journal of Commerce article for my colleagues' perusal.

Nobody Takes Blame for Export Finance Woes

(By Mark Magnier)

"Two percent ten" is a phrase often used in the food export business to mean a 2% discount for bills paid within 10 days. But a joke going around the export community says two percent ten actually means a loan at 2% interest rate for 10 years.

The message behind the joke, says Ralph Chew—president of Chew International, a food and equipment export management company in New York—is that U.S. exporters are getting clobbered by the low-cost loans their overseas competitors can offer potential customers. The loans often are secured by the competitors' governments.

"People say the U.S. is the center of world finance, yet we can't finance our exports," Mr. Chew said. "We don't have the terms (that overseas buyers) have grown accustomed to."

Cut-rate loans became popular in the early 1980s when a strong dollar limited U.S. sales overseas. Now, Mr. Chew said, even as the weaker dollar is reviving prospects for U.S. exports, the dearth of attractive U.S. financing is ruining deals.

Financing is often described as the spigot that controls the flow of exports. Exporters, bankers and government officials interviewed for this article all agree that U.S. export financing is in sad shape.

What they dispute, however, is who should take the blame and what should be done to improve the situation.

Exporters say the banks are gun-shy at a time when the weaker U.S. dollar has finally given U.S. products a competitive edge. Bankers admit they often hesitate to finance loans abroad but say they already are staggering from losses caused by previous loans, particularly to Latin America.

Bankers also say they can't be expected to give out cut-rate loans, particularly when the U.S. government has been slow to guarantee their deals. Government officials reply that banks should show more initiative.

William Easton, vice president and manager of the trade finance division of First Bank NA, based in Minneapolis, said banks also are discouraged from financing exports by changes in the Tax Reform Act of 1986.

The act curtailed foreign tax credits for export transactions while preserving those for import transactions. Bankers say this acts to encourage imports and discourage exports as the nation is fighting off a huge trade deficit.

"I can't quantify how many exports are lost specifically because of this (tax provision), but more will be lost this year than last year," Mr. Easton said.

Bankers in trade finance departments also say they receive little support or attention within the bank from their own top management.

Deregulation also matters. As banks have come under increasing competitive pressure they have divided their operations into separate profit centers. Trade finance is not currently a high-margin business.

Exporters and bankers say they must receive more help from the government in the form of loan guarantees.

"I say to a customer, if there's no government program backing us, don't even loosen your tie," says Philip Ferzan, senior vice president and general manager of First Fidelity Tradexport, a unit of First Fidelity Bank N.A. of Newark, N.J.

The major government program available to help finance exports is the Export-Import Bank, based in Washington. Ex-Im Bank has had its own problems recently trying to defend its losses—$471 million in 1987—during a period of budget constraint.

Mr. Chew said this emphasis on making money is ill-conceived "When you're running a $17.6 billion a month trade deficit, who's to say you're always supposed to make money," he asked.

In his view, the United States must make significant resources available if it is to take exporting seriously. He says it will take a "space-shuttle type program" with as much as $8 billion in available financing to really get U.S. exports off the ground.

Jim Cruse, vice president of policy and planning for the Export-Import bank, says banks are partially to blame.

"Trade finance seems to be a dinosaur as far as most of the financial community is concerned," he said.

"The major issue for us is to see if the dinosaur will go extinct or if it will survive."

BRIG. GEN. CLARA L. ADAMS-ENDER'S MESSAGE OF ENCOURAGEMENT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. RODINO. Mr. Speaker, Brig. Gen. Clara L. Adams-Ender recently shared her message of hope and encouragement with students in the 10th Congressional District. Addressing students at the 13th Avenue School and Malcolm X Shabazz High School in Newark and at Vernon L. Davey Junior High School in East Orange, the general urged these young people to work toward excellence and to begin setting goals for their lives.

Brigadier General Adams-Ender speaks from experience. She initially enlisted in the Army as a means of obtaining a nursing education. But through hard work and dedication this talented individual quickly rose through the ranks. Twenty eight years later, she is the chief of the Army Nurse Corps, the highest ranking black women in the Army and 1 of only 4 females among the Armys' over 400 generals.

Brigadier General Adams-Ender's accomplishments are a living testimony to her values of commitment and determination. Her example of individual motivation serves as an important role model for young people throughout the Nation.

I want to commend Brigadier General Adams-Ender—not only for her accomplishments—but for sharing her enthusiasm and positive message with the students in my district.

Mr. Speaker, with your permission, I would like to include the following article in my remarks.

[From the Newark (NJ) Star-Ledger]

Black Woman General Urges Students in Essex To Excel

(By Stanley E. Terrell)

The highest-ranking black woman in the Army last week urged students in Newark and East Orange to work at achieving excellence and to begin setting goals for their lives.

In discussing her recipe for achieving success, Brig. Gen. Clara L. Adams-Ender, chief of the Army Nurse Corps, also advised the youngsters not to overlook the armed forces when making career choices.

Adams-Ender spoke to students at the Thirteenth Avenue School and Malcolm X Shabazz High School in Newark and at Vernon L. Davey Junior High School in East Orange during her visit to the area on Friday.

A native of North Carolina, Adams-Ender said she was invited to Newark by her sister, Rosa Knight, a teacher at Shabazz. She also expressed interest in "talking to students

about doing whatever they want to do and learning to make those decisions. I also wanted them to know that the Army is a choice."

Her primary message was the need to "decide what you want to be in life and work hard for that goal. Never give up, and don't be afraid to ask for help from your parents and teachers."

One of only four females among the Army's 407 generals, Adams-Ender is responsible for 40,000 men and women in the Armys' Nursing Corps around the world. She was chief of the nursing department at Walter Reed Army Hosptial in Washington, D.C., from 1984 until earlier this year.

Enlisting in the military was a means of obtaining a bachelor's degree in nursing, with the Army picking up the tab for tuition, room and board.

"I walked by the recruiting desk, and I was told that they needed nurses badly. They said they would pay me $250 a month, plus tuition, room and board. That was 28 years ago, and I'm still here," Adams-Ender said.

The general told the students to begin to appreciate the value of education and the necessity of developing a healthy mind and body, as well as the importance of starting to view the various choices, available in terms of career opportunities.

Adams-Ender said high school students must have vision, which she described as the ability "to be able to see the goal you want to accomplish and see that goal accomplished in your mind."

"Once you've made a decision and are able to see the goal accomplished in your mind, then you can put together the steps to get you to that point. It works. I'm a living witness. I didn't aspire to make general, but once I made colonel, I saw that I may indeed make general. And here I stand today, a general," Adams-Ender said.

She also stressed the importance of reading, noting that during summer breaks while she was attending college, she would read 60 to 80 books. "Reading exposes you to a lot of different worlds," the general said.

Adams-Ender said a question she frequently hears from students is how she could choose a career in the military "where somebody is always telling you what to do."

Recalling her days as a private, Adams-Ender recalled another private who decided "to count the ranks above him, to see how many people he had to take orders from." After he got the list, he was motivated to elevate himself, and last year he retired as a three-star general, she said.

While noting that persons enlisting have a long chain of command to whom they must answer, Adams-Ender said the pressures are no different from civilian jobs.

"Everybody has a boss—whether you're in the Army or not—to tell you what to do in the job force. You've got to think positive. Yes, there are folks who tell you what to do, but as you begin to move up the ladder and out of the lower ranks, then you get an opportunity to tell other folks what to do. The situation is indeed what you make it," the general said.

Adams-Ender said the military provided her with a number of educational opportunities, explaining that she has received two master's degrees while in the service and "managed to do a number of things that I wanted to do."

While acknowledging that it was difficult being a woman in the military services nearly three decades ago, Adams-Ender said the experience has been rewarding.

"It's tough to do it to start with if you're a woman, because there's that extra challenge. But once you make it, you make it. You'll never be a Pfc. again. One of the main things in the military was the opportunity to do a variety of jobs that I never would have otherwise had, being able to switch jobs without losing your position of seniority," she said.

High school students must learn the importance of study, nutrition and exercise and avoid the pitfalls of drugs and alcohol, the general said, adding that a necessary attribute for success must also be persistence.

"Persistence is the art of never giving up," she explained. "Even when it looks as if there's going to be something to stop you, sometimes maybe it's not the smartest thing to keep on pushing this day, but it's better to go to bed with the resolve that you will push again tomorrow.

"Just as I made it to this point, there's someone else out there who can do the same thing and more. There are opportunities available to you and you need to look into them and consider your choices," Adams-Ender said.

She also encouraged the students to "wake yourself up early in the morning" and begin focusing on achieving the excellence required to be successful.

"Figure out how to motivate yourself every day. Wake up and tell yourself you're okay, that what you are doing is important and that nobody else can do what you're doing but you," she said.

Asked about racial prejudice in the military, Adams-Ender said, "You must understand that the individuals who make up the military are extensions of the society. If you have prejudice here, you must know you will have it there.

"But we are a group that has to be able to work together and fight together, and since we're about defending the country, we have to be about resolving those problems. I think we have come much farther along than society at large in this area."

TRIBUTE TO DORCHESTER

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. RIDGE. Mr. Speaker, today, I rise to pay tribute to the 45th anniversary of the sinking of the SS *Dorchester* and to the Chapel of Four Chaplains in Philadelphia. On that fateful day in 1943, four chaplains of different religious faiths paid the ultimate price for their country. A Nazi torpedo ripped apart the *Dorchester,* claiming all aboard the ship.

The Chapel of Four Chaplains was established as a living memorial to these fine men, Rev. George L. Fox, Rabbi Alexander D. Goode, Father Johnny P. Washington, and Rev. Clark V. Poling. The chapel provides interfaith vesper services every Sunday for church, veterans and civic groups, as well as for individuals. Besides other well-meaning and important community activities, the Chapel of Four Chaplains promotes and encourages interfaith and interracial unity, spiritual and community development, patriotism and citizenship. Emphasis is placed on the "spirit of sacrificial unselfishness with a vital faith and commitment to God and man as exemplified by the four chaplains."

Forty-five years ago, the Catholic, the Jew, and the Protestants faced death together on the slanting deck of the sinking ship and together they prayed. The lives of these four men has been an inspiration to me and to my faith and I am deeply honored today to add my words of praise to the four chaplains; Reverend Fox, Rabbi Goode, Father Washington, and Reverend Poling and to the Chapel of the Four Chaplains. May all look to them as an example of peace and cooperation.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. CLEMENT. Mr. Speaker, yesterday, I had the honor of meeting with President Reagan. Unfortunately, during the course of our meeting, two recorded votes occurred on the floor of the House.

Had I been present, I would have voted "yea" on passage of H.R. 3875, the Civil Service Due Process Amendments (Rollcall No. 3), and "yea" on passage of H.R. 3884, Rescinding Certain Budget Authority Recommended in Public Law 100-202 (Rollcall No. 4).

THE HEALTH COSTS OF AIR POLLUTION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. MARKEY. Mr. Speaker, I would like to take this opportunity to bring to my colleagues' attention a new study by the American Lung Association.

The Clean Air Act of 1970 was designed to be a cornerstone of efforts to reduce air pollution in order to protect public health and the environment. Unfortunately, the goals of the act have not been met. Not only have dozens of cities failed to meet existing standards, but there are major gaps in regulations needed to adequately reduce air pollution in this country. Specifically, the need for strong acid rain and air toxics legislation must be enacted by Congress this year.

The ALA publication, "The Health Cost of Air Pollution: A Survey of Studies Published 1978-1983," demonstrates how much air pollution has cost the United States in terms of health care costs, lost productivity and, most important of all, human lives. For instance, one of the studies summarized indicates that a 60 percent reduction in average 1978 particulate and sulfur dioxide emissions could save up to $41 billion a year in health care costs.

As Congress debates changes in the Clean Air Act this session, I urge my colleagues to review this information and consider carefully the public health implications of air pollution.

Chapter I—The Health Costs of Air Pollution, Summary of Findings

The Clean Air Act of 1970 established as national policy the protection of public health from the effects of air pollution and required that ambient air pollution standards be based on health considerations alone and without regard to the cost of compliance. The steadfastness of that policy statement over the years is a clear victory for environmental and health organizations and for citizens concerned about the quality of the air they breathe.

That victory is somewhat tarnished, however, by the slow pace with which air pollution standards have been developed since the Clean Air Act was passed for hazardous air pollutants suspected of causing severe health problems at low dosages. Standards for only six hazardous air pollutants have been adopted to date out of a priority list of 37 scheduled for possible regulatory action.

The failure of attempts to alter national policy separating economic considerations from decision-making with regard to the protection of public health from air pollution has not led to a lessening of interest in the economics of pollution and pollution control. Health cost information has entered into a wide range of environmental decision-making arenas, including those that set national or state pollution control priorities or strategies, and those in which the entire national environmental protection program has been reexamined in light of changing times and new information.

If the limited accuracy of heatlh cost estimates published to date is understood and if the ethical implications and shortcomings in the methods of analysis used in such studies are respected, health cost information can be useful in many circumstances because it offers an important measure of part of the price tag of living in a polluted environment and an assessment of the economic benefits to be derived from pollution abatement programs. These are big if's, however, and they caution against the use of health cost studies as the basis upon which public health policies are established.

On the other hand, without health cost information, the only economic data available to decisionmakers tally the costs of pollution control programs, which, standing alone, can appear unreasonably high or low. Health cost information can help decisionmakers choose strategies capable of achieving public health protection goals quickly and cheaply and it can prod slowmoving environmental regulatory programs into higher gear.

THE FOUR STEPS IN CALCULATING HEALTH COSTS OF AIR POLLUTION

Health-cost studies generally follow a sequence of four steps:

1. Measuring the pollution
2. Counting the population at risk
3. Defining the dose-response function
4. Evaluating the health costs

The first step involves determining the levels of pollution to which people are exposed. The principal sources of this information are air pollution monitors run by state and federal agencies and private industry. Since passage of the Clean Air Act the number of air pollution monitors has increased to over 5,000 nationwide, and information is now being collected for more pollutants than in the past. However, those data are not always reliable and, even if reliable data were uniformly available, readings from the few monitors that exist relative to the number of people exposed to air pollution offer poor measures of the actual amount of pollution that the public is exposed to. Moreover, most health cost studies continue to be confined, because of limited resources or the constraints placed by the method of investigation, to an analysis of exposure to one or, at most, just a few air pollutants. This approach ignores the potential for combinations of air pollutants to multiply their individual health effects.

The second step in health cost studies involves determining the population at risk of health damage from air pollution. The most commonly used technique simply refers to census data to determine the number of people living within an area selected for analysis. The heterogeneity of the population in different regions of the country, outdated census data, and shifts in the composition of a population during a study period are among the problems that hamper precise identification during health cost studies of the population at risk. Despite these problems, studies are gradually becoming more sophisticated in their ability to define populations actually exposed to the air pollution identified during step one—often by focusing on populations living near pollution monitors and or by compensating for factors, such as the migration of people into and out of communities, that could bias the results of health-cost studies.

The third step in health cost studies is establishing a dose-response function that defines the expected degree of adverse health impact, including deaths, which results from exposure to a given level of air pollution. Most scientists performing health cost investigations rely on epidemiological studies of large numbers of people living in many regions of the country under a wide range of conditions to establish dose-response relationships. Other approaches involve laboratory tests of the reactions of animals to doses of pollution, clinical studies of individual physiological responses to pollution under controlled environmental conditions, and investigations involving a small group of people living and working under various levels of pollution exposure.

There are several types of epidemiological studies. Cross-sectional studies analyze the relationship between pollution and public health in different regions of the country—for example, in a number of cities or urban counties—during a specified time period. Time-series studies examine the relationship between public health and levels of pollution at different times in a single region. In addition, epidemiological studies can investigate the relationship between pollution and death rates (mortality studies) or they can examine the effects of pollution on injury and sickness rates (morbidity studies). Epidemiological studies generally use regression analysis, a statistical tool, to examine individual factors, including pollution, that may affect human health. The goal of regression analysis in health studies is to establish and quantify associations between such factors and the status of public health.

Since 1978 many dose-response studies have been published. Although some studies fail to detect a link between exposure to air pollution and adverse health effects, most recent studies add to the body of evidence suggesting that air pollution can and does sicken people and lead to premature death. Nevertheless, there is considerable divergence among the findings of different dose-response studies with regard to which pollutants are the main culprits responsible for those adverse health effects and what concentrations of pollutants are needed to cause adverse health effects.

Some other important findings and trends in recent dose-response studies include the following:

The preponderance of evidence continues to suggest that exposure to air pollution in concentrations frequently found in urban areas causes illness and premature death.

Several studies reviewed suggest that air pollution plays a smaller role than indicated by older studies, although its role is still significant.

Most dose-response studies are limited to the examination of a few air pollutants. To the extent that health effects of different pollutants are additive, the actual health effects of all pollutants to which people are exposed, including effects that stem from the interaction of pollutants, could be much higher than those suggested by the limited studies.

Many more health effects, including death and sickness, have been found to result from exposure to particulates, sulfur dioxide, and sulfates which are emitted largely by stationary sources than from exposure to those pollutants emitted mainly by automobiles—nitrogen dioxide, carbon monoxide, and photochemical oxidants.

Many studies find little evidence to support the threshold concept, which proposes a non-linear relationship between air pollution exposure and health effects. The threshold concept assumes that there is a level of air pollution that is safe to breathe and that adverse effects occur only when those concentrations are exceeded. Many dose-response studies suggest that adverse health effects result from exposure even to very low pollution levels, although those effects are much less significant than those that occur at higher concentration.

In the fourth and final step in health cost studies, a monetary value is placed on each health response to air pollution exposure, including premature death. This step involves many subjective and often troubling assumptions about the statistical value of human health and life itself. As with dose-response studies, a considerable amount of work related to value-of-life evaluation was done between 1978 and 1983.

The most significant development has been an almost complete switch in recent years in the method used by economists to assign monetary values to human life and health. Before 1978 most studies used the human-capital approach, which evaluates the economic cost to a person of illness and death in terms of the wages he or she would lose from a pollution-caused illness or premature death from exposure to air pollution compared with wages expected from an otherwise normal life. Since 1978 most studies have used economic valuations developed through an alternate approach called "willingness to pay." Willingness-to-pay studies usually attempt either to define how much money people actually pay in their daily lives or that they purport to be willing to pay to enjoy a reduction in the risk that they will die prematurely or contract an illness or they attempt to quantify the amount of money required to convince people to accept an incrementally higher risk to their health or life.

The following conclusions with regard to recent research studies that assign economic values to life and health are identified:

Willingness-to-pay studies used an array of techniques to collect the data on which their conclusions are based. Some of the techniques include examining wage premiums paid to workers in high-risk jobs, the willingness of people to spend a few seconds of their time buckling seat belts, and preferences for crosswalks in favor of more risky jaywalking. Surveys have attempted to determine how much people would pay for improved medical care and for safer air travel. The information collected by each of those techniques can be used to calculate, by extrapolation, a value of a statistical life.

Willingness-to-pay studies report a wide range of human-life values, from $300,000 to more than $5 million, but the results of many studies are in the vicinity of $1 million. Nearly all willingness-to-pay studies place a value on human life several times higher than the values assigned by using the human-capital approach.

Several troublesome aspects of the human-capital approach that result from its reliance on the wage-earning power of a person as the basis of evaluating human worth are avoided by the willingness-to-pay approach.

The willingness-to-pay approach faces very difficult obstacles as it attempts to assess what people's true preferences and willingness to pay are. Surveys, for example, may contain spurious responses. Also, willingness-to-pay can be affected by how much a person believes he or she can afford to pay and by his or her perception of risk, rather than by the true risk he or she faces. Another aspect of this approach is that it, like the human-capital method, results in a measurement of the value of a statistical life saved, which is a concept quite different from the actual death of a human being.

COMPREHENSIVE HEALTH COST SURVEYS

Comprehensive health cost studies are those investigations that incorporate all four steps outlined above and that assign some economic cost to a specified population associated with adverse health effects stemming from exposure to air pollution. This report reviews eight such studies published between 1978 and 1983. Those studies are divided into three groups. Four research projects studied national health costs from air pollution, three for the U.S. and one for 11 western European countries. Two studies investigated the health costs from air pollution within particular regions of the U.S. The final two studies identified the health costs associated with particular small increments of air pollution concentrations without assessing the total health costs either nationally or regionally. Several studies examined only the effects of pollution on death rates; others examined only the effects on sickness rates; a few studies looked at both.

A generalization drawn from the results of the studies reviewed in this survey is that total health costs in the United States from exposure to the key air pollutants now regulated by the Clean Air Act are more likely to fall in the range of the low tens of billions of dollars and less likely to fall in the billions-of-dollars or hundreds-of-billions-of-dollars range. The studies reviewed place a national health cost bill from exposure to the two or three most widely investigated pollutants between about $5 billion and $40 billion.

Those findings are similar to the observations made in the 1978 American Lung Association publication, which reviewed earlier health cost research, although the range of findings was found to be not as broad at that time. The similarity is to some degree coincidental, because different methods used in more recent reports often led to calculations during the four intermediate steps widely divergent from the results of earlier studies. When the four steps were combined, however, many of the differences canceled each other out. For example, some recent studies have identified fewer health effects from pollution exposure compared with the findings of earlier projects, but they assign a higher cost to each health problem.

Recent studies continue to be limited in scope to investigating just a few of the many pollutants that may cause health-related economic costs. Of the few pollutants studied with any degree of depth, particulates, sulfur dioxide, and sulfates appear to cause more adverse health effects, including deaths, than carbon monoxide, photochemical oxidants, and nitrogen dioxide.

Some key findings of each of the eight studies reviewed in this survey appears below. A summary chart at the end of this chapter contains additional information about the studies. The findings presented here are those of the authors of the studies reviewed and are not conclusions of the American Lung Association.

A 60% reduction in average 1978 particulate and sulfur dioxide emissions in the United States would save between $5.1 billion and $15.9 billion in annual health costs related to premature deaths. Reduced sickness or morbidity costs would be worth about $25 billion a year (Crocker, et al. 1979).

The 20% reduction in average particulate and sulfur dioxide air pollution in the U.S. between 1970 and 1978 saves about $13.9 billion a year in mortality-related costs and about $2 billion a year in morbidity costs (Freeman, 1982).

Reductions in particulate and sulfate air pollution achieved between 1970 and 1978 solely because of pollution control requirements set by the Clean Air Act save about $4.4 billion a year in mortality-related health costs (NERA, 1980).

Implementation of a program designed to reduce sulfur dioxide emissions in 11 European countries to levels 34% of those in 1974 would increase the average life expectancies of individual national populations by as much as 562 days. Health cost savings related to reduced morbidity alone would be reduced by $5.8 billion a year through this program (OECD, 1981).

A program to reduce particulate and sulfur dioxide emissions at two power plants in the Tampa Bay region of Florida would produce morbidity health cost benefits of $5.1 million a year compared with an annual cost of the program of $3.1 million. If the pollution abatement program were extended to a third power plant in the region, however, total morbidity cost benefits of $5.4 million a year would fall below the annual cost of the program, estimated at $9.3 million (Loehman, et al. 1979).

Programs to reduce 1977 average particulate and sulfate air pollution in six urban California regions would save 850 people each year from premature deaths resulting from exposure to air pollution. Mortality health cost benefits from those programs would be $400 million a year (PIE-West, 1979).

Reducing the average nationwide concentration of sulfur dioxide by one microgram per cubic meter would result in a reduction in morbidity health costs of $20 million a year (Fishelson and Graves, 1978).

Reducing the average nationwide concentration of particulate or sulfur dioxide air pollution by one microgram per cubic meter would produce mortality health cost benefits worth between $10 and $25 per person per year. A similar reduction in sulfate pollution would benefit each American between $75 and $150 per year (Halvorsen and Ruby, 1981).

WHERE TO GO WITH WHAT IS KNOWN

More is now known about the relationship between air pollution, health effects, and economics than at any previous time. That adverse health effects exist is firmly established. But even the most recent and comprehensive health effects assessments are still unable to pinpoint with precision specific health effects associated with the exposure of people to concentrations of individual pollutants, not necessarily because effects don't exist, but because of difficulties in measuring them. Health cost studies which merge health-effects research with equally imprecise value-of-life assessments suffer from a compounding of uncertainties and they are even less accurate.

The research performed during the preparation of this book suggests that continued, cautious use of health cost information can assist environmental policy decisionmakers. However, the quality and usefulness of health cost information could be improved if greater effort were expended collecting and analyzing the data needed to perform health cost studies and if additional attention were devoted to resolving the difficult ethical and social issues that are raised by health cost investigations.

NATIONAL SCHOOL COUNSELING WEEK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. KILDEE. Mr. Speaker, I rise today to ask that my colleagues join me in acknowledgment of the ninth annual National School Counseling Week which is February 1 through 5. The school counselor is an integral member of America's education team, and is the linchpin in helping our Nation's young people solve many educational, social, and family problems with which they are confronted.

Today's school counselor is a trained professional who can effectively work with students. School counselors are oftentimes at the frontline of crisis situations, and are the gatekeepers to the other helping professions. As a former educator, I witnessed firsthand the dedication which school counselors have to their students. In addition to ensuring that a student succeed in their education endeavors, today's school counselor must be able to address problems which include: teen pregnancy, substance abuse, and youth suicide. I, for one, am glad to rise in support of school counselors and to congratulate them on the role they play in working with our country's most valuable resource.

I would also like to acknowledge the work of the American School Counselor Association, a division of the American Association for Counseling and Development. ASCA is the largest body of its type in the world and seeks to support the school counseling profession by issuing a code of ethics, producing journals, and conducting professional development sessions to constantly improve the skills of its members.

As a Member of Congress, I value the contribution of school counselors in helping to build America. As a father, I value high quality school counselors in helping my children reach their full human potential. Mr. Speaker, I ask my colleagues to join me in congratulating ASCA and all school counselors during National School Counseling Week.

HEALTH-RELATED OUTCOMES OF WAR IN NICARAGUA

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. WILLIAMS. Mr. Speaker, I submit the following study of some of the effects of the war in Nicaragua.

Health-Related Outcomes of War in Nicaragua

(By Richard M. Garfield, RN, MPH, DrPH; Thomas Frieden, MD, MPH; and Sten H. Vermund, MD, MSc)

INTRODUCTION

While dramatic health improvements in Nicaragua and other Central American countries have been reported in recent years, warfare throughout the region has been detrimental to the population's well-being. Rising rates of malaria, measles, and polio have been reported, and warfare has become the most commonly reported cause of death in some Central American countries. The present report quantifies the health effects of warfare during the last four years in one Central American country, Nicaragua.

MORBIDITY/MORTALITY RATES

By May 1, 1986, a total of 4,429 war-related deaths had been reported in Nicaragua (Figure 1). Casualty figures from Nicaraguan sources have been interpreted variously. The term "casualty" in the Nicaraguan context usually includes the total of dead, wounded, and kidnapped persons. Figures for the number of dead have sometimes included the estimated number of contra dead. Such data are of uncertain reliability and not all of the contra dead are Nicaraguan. The figures reported here include only those fatalities among civilian and military personal on the Nicaraguan side of the conflict.

The dead include at least 210 persons under 12 years of age, 274 high school or college students, and 76 technicians or professionals. Nearly a third of all deaths occurred among civilians. This high civilian fatality rate is apparently a result of strategic considerations on the part of attacking "contra" troops. Targeting of civilians at farm cooperatives, on isolated roads, or in rural health centers appear designed to destabilize the Sandinista regime rather than to engage troops in battle. Data on the number of fatalities are derived from body counts and therefore may be considered minimum estimates.

An estimated .04 per cent of the country's 3.3 million population has been killed in fighting since 1982. From 20 per cent to 30 per cent of all accidental or violent deaths registered in Nicaragua since 1983 are related to the war (Ministry of Health unpublished). In the regions suffering the greatest number of casualites, 7 percent of all registered deaths were war-related in 1985, making this the third most common cause of death.

The war-related fatality rate among the general Nicaraguan population is more than 10 times greater than the aggregate rate of .003 per cent experienced by the United States population during the Vietnam War between 1965 and 1973. It is also greater than the aggregate rate of .03 percent experienced by the U.S. population during World War II. Still, the total number of fatalities among Nicaraguans amounts to only about 10 per cent of the number killed in that country's revolutionary war of 1978–79. It is estimated that 35,000–50,000 person died in the Nicaraguan revolutionary war.

Some 4900 war-related injuries and 3800 kidnappings have been reported among Nicaraguan military and civilians from 1983 to 1985 (Figure 1). In four major wars of the twentieth century, a minority of all casualties became fatalities. In contrast, among Nicaraguan casualties since 1982, close to half were fatalities. This appears to result from the particular nature of the contra attacks: mining of rural roads, mortar attacks on isolated villages, and ambushing of vehicles. By the end of 1985, over 100 rural communities had been attacked, 345 civilian vehicles had been ambushed, and 51 assassinations of local leaders had been reported. Among survivors, the predominant wound site is the lower extremities as a result of fragmentation and explosion caused by mines or mortars. Contra officials appear to have made a strategic decision to expand such attacks with materials supplied through new U.S. Congressional appropriations.

ATTACKS ON HEALTH WORKERS

Contra military strategies have resulted in a higher number of casualties among health personnel. By December 1985, 42 salaried health workers were reported to have been killed by the contras; 31 others have been kidnapped, and 11 more were reported to have been wounded (Figure 2). Some of the medical victims, such as Dr. Gustavo Sequiera, Vice Dean of the Managua Medical School, and Dr. Myrna Cunningham, Governor of Northern Zelaya province, are well known members of the Nicaraguan medical establishment. Most victims, however, are young health professionals who work in isolated rural communities. Some were killed when they happened to be in an area under attack; others were specifically identified as targets in order to disrupt health services. Such attacks are not limited to Nicaraguan nationals; in 1983, a French physician and a West German physician were killed in a mortar and rifle attack, respectively. During 1986, a Swiss technician and a Spanish nurse died in separate contra ambushes on jeeps. At least one U.S. physician survived a contra rocket attack against the commercial ferry upon which she was traveling (A. Lifflander, personal communication); no British or North American health workers have yet been killed.

EFFECTS ON SOCIAL SERVICES

Contra actions have led to the destruction of 300 work centers, destruction of 58 schools and the closing of 502 more, and the destruction of 2,100 homes and 11 social welfare centers as of early 1986. This has reportedly affected 7 per cent of elementary students and 6 per cent of adult education students. Sixty-five health facilities, including four large clinics and one hospital, are reported to have been completely or partially destroyed. In addition, 37 health units located in war zones have been abandoned by the government. The loss in available facilities has coincided with an increased need for medical and social services. The war has created a large group of disabled young adults needing rehabilitative care and equipment. About 9,000 orphans have resulted from deaths to adults.

Some closed or damaged social service institutions have reopened when greater stability returned to the zones in question. Of the 226 schools which were closed in 1984 or 1985, 176 are reported to have reopened during 1986. Several medical clinics have been destroyed and rebuilt as many as three times in the past four years. The Nicaraguan government estimates that close to 10 per cent of the country's inhabitants have lost access to health services because of the war.

The Nicaraguan Ministry of Health estimates that a total of $25 million in damage to the health system has been sustained. About half of this damage has been to physical plants, while the rest involves destroyed or stolen equipment and supplies. The economic value of destruction to the health system is only a small part of the estimated $2 billion worth of losses sustained by the country as a result of the war.

Contra attacks, lack of supplies, and war-related economic instability have forced about 250,000 Nicaraguans from their homes. About half of the displaced have resettled in some 80 new communities established by the government in areas near their original homes. Most of the other displaced persons have fled to major cities. This migration is a severe strain on the social and health infrastructure of the country. A health clinic is usually established within several months of the identification of relocation settlements, but water, sanitation, and food production systems may take a year or more to establish. Setting up these emergency services is a severe drain on the country's economy, since defense and reconstruction consume most of the national budget.

INFECTIOUS DISEASES

National malaria control efforts are considered quite successful in the eight provinces of the country which suffer few direct attacks by the contras. In these areas, the number of malaria cases recorded from January 1983 to April 1985 was 62 per cent lower than the monthly average during the previous eight years. During this same period, the number of malaria cases detected in the war zones was 17 per cent greater than the monthly average during the previous eight years. War-related population movements, the inability to carry out timely disease control activities, and shortages of health personnel in the war zones are likely responsible for the inability to reduce malaria transmission in these areas. Relatively greater underreporting of malaria cases in areas of conflict underestimates the differences in malaria incidence in the war and non-war zones. An investigation of positive cases in three of the eight non-war provinces during the first six months of 1984 showed that 78 per cent of all slide-verified cases were imported from the war zones. The areas most disrupted by the war, Regions 2 and 6, had reported 35 per cent of all malaria cases in 1983. In the first 11 months of 1986, 76 per cent of all reported malaria cases came from these areas. The risk of contracting and reporting a case of malaria from these areas was 7.6 times greater than in the rest of the country. War-related population movements, crowding among the displaced, and lack of resources in the preventive health services are also associated with increases in dengue and leishmaniasis.

A measles epidemic in 1985–86 appears to be intimately related to the war. Coverage

of children under five years of age with measles vaccine had risen above 50 per cent for the first time in Nicaragua in 1982. Successive community health campaigns and immunizations provided through the primary health system further raised coverage in ensuing years. This was associated with the reporting of 200 to 75 cases per year in a declining trend during 1981–84. With the growth of the war in 1983, coverage with measles vaccine declined in war zone Regions 1 and 6. More importantly, many isolated rural communities went wholly unvaccinated because of the dangers posed by the war for health volunteers and medical professionals. This lack of coverage continued through 1985, creating a large pool of susceptibles under five years of age. By July of 1985, an epidemic was noted in Region 6. Of the 953 measles cases reported in the entire country in 1985, 49 percent came from Region 6 during the last six months of the year. By February 1986, the epidemic had spread to Region 1. During the first nine months of 1986, Regions 1 and 6 registered 51 per cent of the 2,021 measles cases reported in Nicaragua. Expanded immunization efforts in 1986 led to 60 per cent coverage of children under one year of age in these regions. This seems only to have attenuated the epidemic; the most vulnerable communities are still too dangerous for health workers to enter.

Other less contagious vaccine-preventable diseases which are targets of major control efforts have not rebounded. No cases of polio have been reported since 1981. Promotion of maternal immunization since 1983 has brought a gradual reduction in the number of reported cases of neonatal tetanus, from 132 in 1981 to 76 in 1985 (Ministry of Health, unpublished data). The decline in neonatal tetanus cases, however, would likely have been greater if the war had not disrupted efforts to train and supply rural midwives.

HEALTH INFRASTRUCTURE

Despite attacks on the health system and its personnel, a part of the country's health infrastructure has continued to grow in recent years. The number of doses of measles and polio vaccine administered increased slightly in 1985, reaching approximately 188,000 and 2,189,000 doses respectively. This followed a more rapid rise in the number of doses administered during 1980–83. The number of vaccine doses provided in preventive health campaigns, which grew rapidly during the 1980s, has continued to rise rapidly during the past three years. In 1985, health campaigns provided 45 per cent and 75 per cent of all doses administered of measles and polio vaccines, respectively.

The number of children under five years of age seen in oral rehydration centers rose 17 per cent during 1983–85, to reach a total of 173,000 visits in 1985. During the same period, the number of prescriptions filled rose by 19 per cent, reaching a total of more than 15 million in 1985.

The capacity of the public curative medical system expanded rapidly during 1980–83. In 1983, over 6.3 million medical visits and 207,000 hospitalizations were reported. The number of medical visits recorded in the national health system fell 9 per cent and the number of hospitalizations fell 10 per cent from 1983–84. Estimated coverage in the program of supplemental feedings to malnourished children fell from 38 per cent in 1983 to 28 per cent in 1985. Coverage in the program for postpartum care for low weight births fell from 52 per cent to 33 per cent in 1985. These decreases appear to result primary from the closing of health centers and the mobilization of civilian health workers to the armed forces. A total of 5,186 health workers have served for periods varying from 2 to 12 months in the militia. The number of doctors and nurses employed by the public health system fell by 10 per cent and 8 per cent, respectively, during 1983–86. There were 1,959 physicians and 1,167 professional nurses employed by the national health system in June 1986. During this same period, the number of surgical interventions rose by 4 per cent to reach more than 56,000 in 1986, reflecting improved utilization of existing capacity.

From 1983 to 1985, the number of visits to a physician dropped from 2.0 to 1.7 per capita; this decline followed a rapid rise from 0.8 annual visits per capita prior to 1979. Between 1983 and 1985, the number of medical visits among children under one year old fell from 3.8 to 2.4, while among one to four year olds, it had dropped from 1.6 to 1.0 per capita. The site at which ambulatory care is provided is also changing. While outpatient visits to hospitals fell from 4.1 million in 1983 to 3.4 million in 1985, visits to hospital emergency rooms doubled, reaching 55,000 in 1985.

It was planned to extend coverage to an average of 2.0 visits to a doctor per capita in 1986 (Ministry of Health, unpublished). This rise was to be brought about through increased employment of physicians in decentralized ambulatory care settings. In this way, increased medical contact would reduce pressure on hospitals to provide episodic ambulatory care.

Estimated infant mortality levels have remained stable since 1983 at 76 per 1,000 live births (Latin American Demographic Center [CELADE], unpublished). This followed rapid improvements in Nicaragua's mortality profile from 1979–83. A survey of 10,000 households using indirect demographic methods in 1986 found a more rapid decline in infant mortality in outlying regions than was expected. There is evidence, however, of a rise in infant mortality rates in the region which includes the capital city during the last two years. This rise may be the result of a rapid influx of persons displaced from the war zones. While war-related disruptions appear to have slowed or halted improvements in the country's health situation, deterioration in the population's overall health status has not been noted. The Ministry of Health's primary short-term goal is to maintain the improvements in the population's health status which occurred in the early 1980s (D.M. Tellez, Minister of Health, personal communication).

HUMAN RIGHTS DURING ARMED CONFLICT

In military parlance, the war in Nicaragua is a "low intensity conflict." While it may be low in intensity for the organizers and financial backers of the contra forces, it appears to be high in intensity for the target population. The particular epidemiologic profile of Nicaragua has been affected by three war-related phenomena: a rising death rate due to military engagements; uncontrolled human migration in the war zones; and the establishment of new communities by those displaced by the war. Low intensity warfare often targets the civilian population for hostilities. Doctors, nurses, and patients are frequently victims. This violates customary and satutory international law regarding the neutrality of health workers in situations of war. Such warfare has inhibited both the general population's efforts in seeking health services, as well as well as the ability of health workers and volunteers to provide services to those in need.

THE DEPRESSION REVISITED

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GINGRICH. Mr. Speaker, the recent stock market fall in October has sparked a debate over the causes of the 1929 stock market crash and the Depression of the 1930's. One of America's most prominent magazines, American Heritage, conducted an interview with economist Jude Wanniski on the similarities of the 1929 and 1987 crashes. Those interested in learning the lessons of history should read Wanniski's brilliant analysis of this issue.

[From American Heritage, February 1988]

Can History Save Us From a Depression?

An interview with Jude Wanniski

(By Timothy C. Forbes)

Jude Wanniski was among the early leaders in the revival of supply-side economic theory. A former associate editor of The Wall Street Journal, he founded and is president of the consulting firm Polyconomics, Inc., which is located in Morristown, New Jersey, and advises leading corporations and institutional investors on economics, politics, and communications. In 1978 Simon & Schuster published his pioneering book on economic theory and history, The Way the World Works. In it he draws heavily on historical precedent to argue that low tax rates are essential not merely to the wealth of a nation but to the welfare of its citizens and the progress of society. His ideas have significantly influenced the Reagan administration. Interestingly, he has no formal training in economics (he holds a B.A. in political science and an M.S. in journalism from UCLA); but the late chairman of the Federal Reserve, Arthur Burns, once observed to him that this was precisely his advantage. In addition to his work as a consultant and economist, Wanniski edits The Media Guide, an annual survey and review of the media that is wide-ranging in its coverage and outspoken in its evaluations.

This conversation took place in Wanniski's office on Election Day, November 3, 1987.

In your book The Way the World Works, you pin the cause of the crash of October 1929 on the rising protectionist sentiment that ultimately yielded the Smoot-Hawley Tariff Act. That's not the consensus of economic historians. How did you come to this idea?

Until October 1987, at least, the crash of 1929 was the most cataclysmic economic event of the century. As a result of the crash of '29, supply-side economic theory, which had been dominant in the Western world for almost two centuries, was forced into retreat. In other words, those economists who build their ideas, their economic models around the assumption that the producer of goods was the dominant actor in the economy couldn't explain why the market crashed. Consequently, policy makers turned to alternative models. They turned to demand-side economists, the Keynesians and the monetarists, who came up with the idea that the Depression had occurred because of insufficient purchasing power. The masses of people had insufficient purchasing power, insufficient demand power. So the demand-management school of economics took over, and bit by bit became dominant throughout Europe and especially in the United States. But by the 1970s the demand-side theories were no longer working. They could not explain the stagflation that began creeping into the system in the late sixties and became a way of life in the 1970s.

This was the state of things that led me to those economists who were reviving classical theory—supply-side theory—as a way of thinking about the world of the 1970s. But the requirement, I felt, was to find a rationale for the cause of the crash of '29 that would enable us to rehabilitate the classical model. I knew there had to be some event that caused such a cataclysmic interruption in dealings between producers and traders. And my answer was that it was the Smoot-Hawley Tariff Act of 1930.

How did you make this discovery?

I was at the American Enterprise Institute for Public Policy Research writing my book, and I had promised the publishers that I would explain the crash. But I was already into the fourth chapter, and I was no closer to finding the causes. Then one of the professors at the Institute, Dr. Gottfried Haberler and I had lunch. And I could see that there was nothing I could squeeze out of him that I hadn't gotten out of the literature. But when I got back to my office, a messenger came from his office with a monograph he had written on the Great Depression. It was only thirty pages long, and, maybe on page 12, Haberler had mentioned something about how the Smoot-Hawley Tariff Act of 1930 had contributed to the Great Depression. When I saw "1930," I got very excited, because I'd always thought Smoot-Hawley was 1931. But 1930 meant that the Congress that passed Smoot-Hawley was the same one that was sitting in 1929. Well, I couldn't wait to get into the library to get out the The New York Times microfilm and crank it to the last week in October.

There, at the top of the page, the market was crashing—and on the bottom of the page, the Smoot-Hawley Tariff Act was being debated in the United States Congress. So that was the "Aha!" experience.

In John Kenneth Galbraith's book The Great Crash, 1929, he proposes quite a different hypothesis, one that I think appeals to the moralist bent in Americans. He acknowledges that tax rates, monetary policy, and earnings expectations motivate stock prices early in a bull market. But as the prices rise for a period of time, a new element enters. He calls it the "dynamics of speculation"—greed, in short. This dynamic drives the price out of any relation to underlying values. In fact, a crash—the crash of '29, and I'm sure he'd think much the same about the crash of '87—is inherent in this very dynamic. It's inevitable that the bubble is going to burst once this virus has infected the system. How credible an explanation of the rise and fall of bull markets do you believe this is?

In the largest sense I don't think it has very much substance. There's certainly truth to the idea that most people who are piling into a bull market don't really know what they're doing. They're being pulled in by the vacuum. What's really happening is an arbitrage between profit opportunities and the availability of capital. And it's almost a mathematical certainty that if profit opportunities are seen by people, and they are willing to commit enough of their resources, they draw others in.

But what you have with a sharp run-up in the value of shares in the 1920s and 1980s is a reaction to long periods before then of errors in economic policy that drove profit opportunities down to a very low level. And suddenly some smart people came in and changed the structure of Government policy. Profit opportunities rose so quickly that markets adjusted rapidly. Then the collapse in prices occurred because a great, almost accidental error was made; in the case of Herbert Hoover it was his signing of protectionist trade legislation.

There's this idea that much of the run-up occurs because of the greater fool thesis, that people are buying shares and passing them on, one to the other. But this ignores, especially in the United States, the tremendous hedge markets we have. We've got a lot of smart people out there who are selling short, betting the market will fall. And they're as motivated by greed in their short sales as others who are motivated by greed going long.

I've always felt that Galbraith, if he had looked at the New York Times the way I did, might have found the Smoot-Hawley answer. But I think what happened with Galbraith is that he was so far along in his career by the time he had come to write The Great Crash, 1929, he probably had a research assistant looking at the microfilm who didn't notice that there was something going on there. So he had to come up with a theory of why the market crashed, and it was a theory that the market crashed because it was too high.

In other words, it's a nonexplanation. While the forces may be operating—greed is certainly part of life—it doesn't explain what actually triggered the crash?

Right. The crash of '29 was triggered by the recognition on the part of the world markets that the United States was more likely at the end of the last week of October 1929 than it was at the beginning of the week to impose protectionist trade-barriers on world commerce. And so the Dow-Jones industrial average fell from its peak of 381 around Labor Day of 1929 to a low of 230 in the last week of October. Of course, this was only the first wave. Other countries retaliated against Smoot-Hawley with protectionist tariffs of their own. So you had an imploding of world trade that sent the world reeling backward, giving up perhaps 30 years' worth of progress. And we had to go through a depression and a world war in order to get to a higher state.

One of the things that's frightened me throughout the current period is that although supply-siders like me believed they knew what was going on, they were confronting a world of policy makers who didn't. We believed that unless we could act rapidly enough, we could wind up having the world break down into a global depression that would lead to a nuclear war. The global electorate has to keep its wits about it and move to avoid the same kind of cataclysm we had in the 1930's and 1940's.

A lot of people now are drawing the parallels between '29 and '87. We've had a boom, a stock market crash, and now the question on everyone's mind is, Where do we go from here? Is a recession or even a depression unavoidable?

The adverse effects of the crash of '29 could have been avoided. The market expectations of October 1929 were that bad things were going to happen in the future. Now if Hoover hadn't signed the Smoot-Hawley Tariff Act, or if foreign retaliation had not followed and further diminished commerce, something very different might have occurred. And remember, this diminution of commerce brought Government revenues down in the United States so much that Hoover said we had to raise taxes to make up for the lost revenues. One error built upon another error until we got to the low point of the Dow-Jones Average, 41, that was hit in the summer of 1932. It was within days of Roosevelt's nomination in Chicago and his acceptance speech with its commitment to free trade.

Which was a flat repudiation of Hoover and the Republicans as the party of protectionism and isolationism.

Exactly. Our ruling elite didn't see, in 1929, how important it was that we be international in our approach, how important it was that in being a global leader, we not act as we had in the previous periods of our growing up, as narrow nationalists. In earlier days we could get away with pushing tariffs up and down and had done so. But we were in a far different position by the 1920's.

What had changed?

The United States in the 1920s was already the richest country in the world. We were booming on the supply-side ideas of Andrew Mellon, the Secretary of the Treasury, and Presidents Harding and Coolidge. We were growing at a great pace, and the rest of the world was kind of drawing water and hewing wood in support of our boom. But historically this kind of disequilibrium can't go on for very long. Either we were going to have to become poorer or they had to become richer.

The correct solution back in the late twenties, rather than the one we chose through the Smoot-Hawley Tariff Act—which made us poorer—was to share these growth ideas with the rest of the world. I'm not talking about sharing through the distribution of goods, by sending foreign aid out of the United States. I'm talking about sending ideas out. We are now getting a second run at this global leadership. Now, I hope, we're going to be able to meet the challenge.

You mention the Mellon tax cuts of the twenties, which are one of the inspirations, certainly, for the whole supply-side revival in economics. Those tax cuts, and the boom that followed, actually increased Government revenues to the point where there were regular surpluses. In that period the national debt declined by some 30 percent. Why didn't the Reagan tax cuts of our era achieve the same ends?

A couple of things. One is that there was no social safety-net system in the 1920s. So when the crash occurred. Andrew Mellow said, well, you liquidate capital; you liquidate labor; you just liquidate things until you get backs to a new equilibrium. But that meant that the poorest people in the country were crushed in the process. You can't do that today—and shouldn't. The second thing is that in the 1920s we were on a gold standard. That meant that monetary policy was acting at an optimum rate.

Now we have a floating currency, where monetary errors can be made and have been. We have a monetary deflation that brought the price a gold down very sharply from when Reagan was elected—from $620 to less than $300 in the summer of 1982. So we wound up with a recession, and this process brought the big deficits. Supply-siders were warning in the early 1980s that unless

the Federal Reserve System was prevented from tightening monetary policy in 1981 and 1982, as it did, we would wind up with colossal budget deficits.

Recession in the kind of welfare state we have arranged is enormously expensive. The safety net is a good thing, but it costs. So supply-siders have been arguing from the beginning of the Reagan administration that at all cost recession must be avoided.

So, in your view, the budget deficits are a consequence not of tax cuts but of a restrictive monetary policy that triggered a recession in 1982. In any event, for years now, we have been running the highest deficits in our history, and we have a two-trillion-dollar national debt. Many suggest that the crash of October 1987 was in response to this. Is that right? How serious are the budget deficits? How serious is the national debt?

Again, the greatest threat to our deficits and our national debt is recession. The two-trillion-dollar national debt is not something that supply-siders are frightened by, because we have seen the tremendous addition, over the last several years, to the asset side of the ledger. The value of past savings, the value of financial assets to the United States, has risen by a phenomenal amount. It should make it relatively easy to finance the deficit, as long as we get it under control at some point. Now getting it under control at some point means not having any more recessions for a while. Not engineering them, certainly.

Doesn't history offer some comfort in terms of the debt and the budget deficits? They've increased tremendously in nominal terms, but as a proportion of gross national product or—as you just pointed out—as a proportion of assets, they're roughly what they were twenty-five years ago.

And they are much lower than they were at the end of World War II. At that time the publicly held national debt in the United States was something on the order of 120 percent of GNP. In other words, the whole country would have to work for fifteen months in order to pay off the national debt completely. At the present moment the publicly held national debt is something less than 50 percent of GNP, which means we would have to work six months to pay off the creditors.

What about the trade deficit?

We've become the world's greatest debtor because of the enormous capital inflows that have come into the United States as a result of supply-side growth policies. When we were beginning to sell the idea of encouraging the wealth of nations by getting tax rates down to an optimum level, we pointed out that if we did this first in the United States, we would quickly have to get the rest of the world to replicate our policies. Otherwise, capital would flow to the United States. And capital can flow to the United States net only if we run a trade deficit. A trade deficit is the flip side of a capital inflow.

If Japanese investors see that profit opportunities are greater in the United States than they are in Japan, they will sell us more goods than they're buying from us so that the differential can be used to buy financial assets. In other words, they can't buy stocks or bonds or hotels on Central Park South unless they sell us more goods than they're buying from us. So the capital inflow is huge today because we're a magnet for capitalism worldwide.

Why did this happen?

Because the United States, under President Reagan, had to grope its way out of the world of the 1970s—the world of stagflation—by cutting taxes. With the tax reform of 1986, the United States will have a top tax rate of 28 percent. This makes us, as The Wall Street Journal put it, the biggest tax haven in the world. And it is the capital flowing in that produces these enormous trade deficits.

The only solution to this disequilibrium is a recession in the United States or tax reforms in the rest of the world. Governments should bring the tax rates down in Europe and Japan and even more in the Third World. The highest tax rates in the world now are in Central America, South America, and sub-Sahara Africa, where no economic activity can really take place, because as soon as any occurs that's visible to the tax collector, the government confiscates the profits.

The common wisdom today says that the trade deficits and the budget deficits are looming over the economy in America, that they are the fundamental problems this economy faces. And according to many, they're a function of irresponsible tax cuts.

Those who make that argument are essentially correct, except that they're talking from the standpoint of those who would correct the problems by having a depression. They're part of the wrong solution—the one we really don't want to choose. Even those who are saying, "We must have a recession to correct the disequilibrium," can be faintly heard every now and then saying, "Well, yes, Germany and Japan should expand." But it's a kind of weak call, because they don't really understand the supply-side position. They know that there's something to what we say, but they're far more convinced of their own solution. So they say, "Even though we may have to go through some pain, better do it now than later, before it gets worse."

But I think that as long as we have a sense that we can get past these current difficulties, we'll be okay—if President Reagan can hang on with his commitment to keeping us out of recession through the rest of his term. Which means, as he puts it, to not allow deleterious tax increases to slow the economy down, to not permit protectionist trade legislation to be enacted, and to not get caught up in some great monetary error.

So, what triggered the crash of '87?

The feeling, worldwide, that the President has lost his dominant position in being able to manage this great economy. And the perception that the Congress of the United States, controlled by the Democratic party—which at this point in history is a party of pessimists—believes we must have trade legislation, we must have tax increases, we must even have a recession. All these threats are the real ogres now hanging over the market as a result of the world market's loss of confidence in President Reagan's ability to manage things.

But how do we solve the problem of the trade deficits? Let the dollar fall into oblivion?

No. Letting the dollar fall is inflationary. We could get into a 1979-80 cycle, in which the markets would see the value of financial assets evaporate in a monetary inflation.

That would be a trade war by other means, wouldn't it?

Yes. There are three major threats to the economy: a monetary inflation; increased taxation that could bring about a recession by reducing domestic profit opportunities; and increasing tariff walls through protectionist trade legislation that could reduce and diminish the United States as a magnet for capital. These three things could bring about the kind of recession that would make up poor enough to correct the trade deficit.

See, once you're poor enough, you can't afford the goods of the rest of the world, so you don't buy them. You're even too poor to buy the goods that you've produced yourself. So you sell them at going-out-of-business prices to the rest of the world. You have a fire sale. All of a sudden you have huge trade surpluses. This is what happened in the 1930s in the United States. Every month, month after month, the Department of Commerce would announce, "Well, the unemployment rate has gone up, but the good news is that the trade surplus has gotten bigger." We ran a trade surplus throughout the Depression.

So a trade surplus is not necessarily a sign of economic well-being?

No, it's not. You have to be able to look at the conditions. The trade surplus after World War I and after World War II was a sign of great strength in the United States, because the rest of the world was buying goods from us in order to rebuild, giving us financial assets in exchange. But now the trade deficit that we're having is a sign of great vitality because the capital inflows are arising out of the fact that we now have enacted the lowest tax rates on individuals in the world and we have become a magnet for capital. There is a great potential now for producing enough wealth to pay off the investments of the rest of the world, down the line. The rest of the world is really buying income streams; they're buying annuities here.

I think the only real solution to the trade deficits and the budget deficits is to go back again, again and again, to persuade the rest of the Western industrial democracies to reduce their tax rates, to expand. Not to reflate but to grow.

When we talk to the Germans now, all they seem to hear us saying is that they should increase their budget deficits and inflate their money supplies. And they're afraid of doing that because they think it will lead to inflation. But supply-siders are not saying that. We're talking about having them bring down their marginal income tax rates. They have a 56 percent top rate in Germany. Now they've promised to bring it down, by 1990, to 53 percent. But that's not enough. And it's not only Germany and Japan. I met with Treasury Secretary Baker a few weeks ago, and I told him. "You've got to get Germany and Japan to lower their tax rates, not just because those two countries are the problem but because they would serve then as models for Europe and Asia." Once Germany cuts its tax rates, then the rest of the European community would have to, in order to compete with Germany.

What would happen if they did not follow the German lead?

The Germans would have tremendous capital inflows. They would then switch from a trade-surplus country to a trade deficit country. There's another, human dimension here too. Unless they were followed quickly by the rest of Europe in getting tax rates down, the Germans would then have to import workers from Italy and Turkey—guest workers—to come in and perform the work, just as now we have pressures in the United States with these great capital inflows to import people from the rest of the world to do the work.

The political disequilibrium is horrendous. Imagine, in the ridiculous extreme, that the United States was the only country in the world applying a correct economic policy. Then the only solution for the rest of the world would be to move to the United States. Everyone would come to the United States eventually if you had open immigration and if tax rates were 100 percent around the rest of the world and they were at optimum here. But we shouldn't have to do that. We shouldn't have to import the rest of the world just because we're the only land of opportunity.

Our mission is to serve as a beacon to the rest of the world, so that we can export our ideas. People in Mexico shouldn't have to move to San Diego to fulfill themselves. They should be able to stay where they are, with their families, their friends, their roots, their background and their culture. That is the objective of the 1990s. This is the challenge for the next American President and the growth leaders in the United States and in the Western world: to export the ideas of growth so that we solve the problems by having the rest of the world grow, not by having the United States decline.

That's the challenge. But what do you think will really happen?

The crash we had in October 1987 was a good dose of ice water, even on those growth-oriented politicians and businessmen who have come to take it all for granted and who may have brushed aside the idea that we have to worry about the rest of the world, believing that we can be an island of prosperity in a world of either semiprosperity or poverty. The world won't let that happen. The global electorate won't let that happen.

Even if 98 percent of the world is prosperous and 2 percent somewhere has still not been brought aboard—and I can imagine this happening centuries from now—that 2 percent will give the rest of the world great headaches until we resolve that. They have to be brought up to the next stage. That's the march of history, the way I see it.

So in the long run, and in the short run, I'm very optimistic. I think this time around, the United States is going to sidestep protectionist trade legislation. We're going to avoid a recession. And we're going, in 1988, to choose a political leader who will be able to deal with the rest of the world problem. But the margins for error have narrowed. It's a very sporty course out there.

UNITED STATES-SOVIET EXCHANGES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SMITH of New Jersey. Mr. Speaker, yesterday I had the privilege of offering the "congressional perspective" on exchanges between the United States and the Soviet Union at a conference with top Soviets including Soviet Culture Minister Vasiliy G. Zakharov. The debate/dialog was sponsored by the Eisenhower Institute and Helsinki Commission on which I serve, and provided a useful exchange of ideas, hopes, as well as criticisms of such exchanges. It seems clear to me that both the United States and the Soviet Union are acting in their own self interest in promoting exchanges of various kinds and this is no different today than it was 30 years ago on June 27, 1958, when the first agreement was signed by President Eisenhower and Nikita Khrushchev.

The United States, for its part, hopes that the effect of sustained interface with a robust democracy, guaranteed protection of human rights, due process of law, a free media, an independent judiciary and a free market system will impress Soviet leaders, at least incrementally, that these basic tenets of American life do indeed work effectively and are not to be regarded with trepidation or suspicion. Lest we be too confident about the immediate positive impact of our values on Soviet leaders, we do well to note Mikhail Tsypkin's testimony at a recent Helsinki Commission hearing. He said:

> There is no established correlation between visiting a democratic society and becoming a democrat. On the one hand, Lenin, the father of Soviet Communism, spent most of his adult life in Great Britain and Switzerland, and he had nothing but contempt for democratic values. On the other hand, the most active proponent of democracy in the Soviet Union, Dr. Andrei Sakharov, has never been out of the Soviet Union. * * *.

But then again Dr. Sakharov has had the advantage of 20–20 hindsight observing the devastating results and being victimized by a 70-year-old experiment called communism that has littered the Soviet Union with much human misery and pain. For Lenin, at least before 1917, communism was an idea and he saw communism only in its infancy and even that, however, was a nightmare.

I would note here that there are many informed Americans who, while cautiously embracing U.S. Soviet exchanges, believe that the Soviet Union is accelerating certain types of contact with the United States for purely pragmatic reasons that could prove injurious to United States security. There are many who believe that the bottom line for the Soviets is to acquire Western technology for both economic and military purposes. There is much to this argument. As Richard Perle, former Assistant Secretary of Defense for International and Security Policy, has warned:

> The unhappy fact is that we have no policy, no deliberate sense of gains and loses, no orderly interagency process for evaluating risks—"assessing the implications for our national security of cooperative arrangements with Soviet intelligence agents and their co-opted scientific and technical colleagues"—and benefits.

These are sobering thoughts. Representatives from both sides, however, repeatedly assert that such exchanges should be on specific formats for exchanges are designed to promote mutual understanding, mutual respect, sharing of information and a corrsponding lessening of tensions, prejudices, and misperceptions that exacerbate relations. These certainly are laudable goals.

I believe there is an undue emphasis by the Soviets on the need for establishing a certain aura of symmetry between various institutions in both countries. While I have been very critical of agreements like the 1985 American Bar Association and the Association of Soviet Lawyers—ABA/ASL accord, I think the jury is still out in the minds of many Americans—and Congressmen—as to the advisability of such formal agreements. While the ABA is comprised of attorneys dedicated to the rule of law—and a fair trial for their clients—the ASL is subordinate to the Communist Party, and presents the Soviet human rights record and legal system to the West in favorable light. The ASL is not an independent, autonomous organization. Its vice president, Samuil Zivs, who also serves as vice-president of the Soviet Anti-Zionist Committee, has been severely critical of Anatoly Shcharansky and Dr. Sakharov and accused Amnesty International of "poisoning peoples' minds with disinformation about the Soviet Union".

At a 3-day meeting in Holland in early January, I asked Mr. Alexander Sukharev, president of ASL several specific questions concerning the due process rights of accused Soviet citizens. I asked him if basic due process rights exist in the Soviet Union, such as the right of counsel and a presumption of innocence until proven guilty. My questions went unanswered. Perhaps more dialog will induce more introspection and will yield reform in Soviet jurisprudence. But that dialog could have proceeded absent the agreement conferring "equality" between the two organizations.

One of the issues that I raised repeatedly in Holland with Theodore Burlatsky and Alexander Sukharev was the need for an amnesty for persecuted Christians and other people of faith during the celebration of the millennium. I believe that an amnesty, and a liberalization of Soviet law permitting freer exercise of religion, contact and exchanges of coreligionists in the West would establish a real basis for growth in relations between our two countries. If exchanges of religious leaders are permitted only for peace conferences, or nuclear disarmament talks, the view will persist here in the Congress that such contact is permitted primarily to serve Soviet propaganda purposes. What we hope the Soviets will consider is the freer contact and exchange of church leaders on issues of theology, social justice and other topics.

It is also hoped that the Soviet Government will permit freer travel at home and abroad of its own citizens and allow Americans—particularly those with family ties—to visit and stay with relatives in their own residences. Congress is really interested in this issue. Last year Congress passed a resolution I introduced calling on the Soviet Union to permit this kind of contact between family members. This right is guaranteed by the Helsinki accords and its implementation would dramatically enhance mutual understanding and respect between our two countries.

I believe that Americans who visit the Soviet Union as part of an exchange should be permitted freer access to Soviet citizens without the latter fearing retribution. Isolating the general Soviet population from face-to-face contact only reinforces the contention that the Soviet Union is a closed society. I think mutual understanding will be further advanced if younger students, especially those of high school age, are permitted to study in the United States and Soviet Union for extended

periods of time. The young should be permitted—let me rephrase that, not just permitted but positively encouraged—to seek the truth, to ask probing questions and demand answers. And if they are so inclined, to dissent, without inviting the ire of Soviet officials.

Finally, let me just say that there is a strong undercurrent of guarded optimism on the part of many Americans concerning the hope of "glasnost" and "perestroika" in the Soviet Union. Exchanges can play a part in initiatives and furthering democratization in the USSR and bringing the two superpowers closer.

I dare say that the one exchange that Americans would most like to see however, isn't horizontal—that is to say—East/West. But rather an ongoing meaningful vertical exchange—Soviet citizen to Soviet Government and vice versa.

There is a strong belief here in the Congress that any country that keeps its word with its own citizenry—that is, respects human rights of its people—is indeed a country that can be trusted on matters of international importance and is worthy of our deep and abiding respect.

YOUNG WOMEN PROMOTE TENNESSEE HONEY

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. SUNDQUIST. Mr. Speaker, I would like to take just a moment to call the attention of my colleagues to accomplishments of two young constituents of mine, Miss Donna Nicholson, of Clarksville, TN, and Miss Stacey Green, of Dickson, TN.

The two of them were recently selected to represent and promote Tennessee's beekeeping and honeymaking industry, Miss Nicholson as 1988 "Tennessee Honey Queen" and Miss Green as "1988 Tennessee Honey Princess."

It may surprise some of my colleagues to learn that the business of making honey generates $19 billion annually in this country. As Donna and Stacey are quick to tell you, there is much to recommend this wholesome, natural product.

Donna Nicholson and Stacey Green have been honored by the Tennessee State Beekeepers Association because of their enthusiastic promotion of honey and because they are themselves practicing beekeepers.

Our "1988 Tennessee Honey Queen and Princess" are to be congratulated, not only because they are fine representatives for Tennessee honey, but also because these fine young women embody so well the ideals of industry, ingenuity, thrift, and selflessness promoted by the Tennessee Honey Queen program.

I congratulate Donna Nicholson and Stacey Green and wish them well as they pursue their educations and careers.

NATIONAL BURN AWARENESS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GILMAN. Mr. Speaker, I would like to draw my colleague's attention to the week of February 8, 1988, "National Burn Awareness Week." As many of us are aware, burns are one of the leading causes of death in the United States, with almost 12,000 people dying each year as a result of burns, a majority of them children, the elderly, and the disabled.

Each year millions of dollars are spent trying to remedy the effects of burns and burn-related incidents; each year, 70,000 individuals are hospitalized as a result of burns. Fortunately, a special group of individuals have devoted themselves to helping burned children, conducting burn research and training medical personnel in the treatment of burn injuries. The Shriners of North America have committed themselves to improving the quality of life for burned children.

Recognizing that thousands of children are crippled, disfigured or killed each year by what has been called one of the largest hazards of children, the Shrine of North America opened three burn institutes in Boston, Cincinnati and Galveston, providing excellent care to severely burned children requiring immediate acute care, reconstructive or restorative surgery, and rehabilitation from severe burns. Almost unbelievably, there is never a charge to the patient or parent for any service or medical treatment received at Shriners Hospitals.

The Shriners burn institutes have been in the vanguard of burn research. One of the better known achievements of Shriners Hospitals research is the cultured skin developed by the Boston Burn Institute. Researchers developed a method of growing skin from a tiny sample of a burn patient's own skin. They are currently involved in the development of artificial skin and many other achievements that will continue to revolutionize the way burn patients will be treated in the future.

The establishment of the Shriners burns institutes has alerted the medical community about the needs of burn patients, and in turn, led to the establishment of non-Shrine burn centers throughout North America. In my district, many Shriners and other concerned individuals devote their energy to the burn unit at the Westchester County Hospital.

Throughout this week, the Shriners and many other members of my community will be conducting public awareness programs designed to familiarize the community with methods of burn prevention, treatment and rehabilitation, as well as educating the public of fire hazards, and thereby reducing the incidence of burn injury. I applaud; the Shriners for their efforts and hope that "National Burn Awareness Week" receives as much attention in every district in the Nation.

GIVE DEMOCRACY A CHANCE

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. McCANDLESS. Mr. Speaker, few issues are debated at such length and as passionately as the issue of aid for the freedom fighters in Nicaragua, also known as the Contras. I support aid to the freedom fighters. Their goal is to force the Sandinista government to honor the promises of the Sandinista revolution—promises of freedom and democracy for a troubled Central American country. However, those promises have been ignored. The Sandinistas have closed opposition newspapers and radio stations, and other basic freedoms and human rights are nonexistent in Nicaragua. In short, the Sandinistas have replaced their promises of freedom and democracy with Marxist-Leninist ideology and an announced objective of spreading a socialist revolution throughout the region.

Contra aid has been successful. Without Contra aid, there would be no negotiations between the Sandinistas and the freedom fighters; there would be no recently opened opposition newspaper or radio station; and, most importantly, there would be no hope of democracy. We must keep the pressure on the Sandinista government to honor the promises of their revolution. We must support the Nicaraguan freedom fighters. We must give democracy a chance.

In the February 1, 1988, issue of U.S. News & World Report, was an excellent and concise article on why it is "Time for a 'Yes' Vote on the Contra Aid." I commend the article to the careful consideration of my colleagues.

[From U.S. News & World Report, Feb. 1, 1988]

TIME FOR A "YES" VOTE ON CONTRA AID

(By Michael Kramer)

Take a moment and think about the value of pressure in international relations. Consider two examples:

Despite Moscow's internal economic problems, can any competent student of Soviet affairs seriously argue that an INF treaty would exist today if the Reagan adminsitration hadn't insisted on placing Pershing 2 missiles in Europe? If the allies had had nothing to trade, would the Kremlin have unilaterally dismantled its intermediate nuclear forces out of the goodness of its heart?

Similarly, on their southern flank, would the Soviets be eager to quit Afghanistan simply because Russian mothers sleep better if their sons aren't occupying another county? If the United States hadn't backed the mujeheddin rebels to the point where Afghanistan has become a Vietnam-style quagmire for Moscow, would Mikhail Gorbachev be planning a pullout simply for altruistic reasons?

The answer to these questions is obvious or should be: Pressure—and often only pressure—works.

Now consider the Nicaraguan situation. Contra aid faces another crucial vote week. Congressional opponents of renewed assistance say the Sandinistas have seen the light. The comandantes, they argue, have agreed to speak directly to the Contras (which they had previously refused to do), lift the state of emergency in Nicaragua and grant a conditional amnesty to political prisoners essentially because they are well-intentioned folks who would have "made nice" long ago if the Contras hadn't been nipping at their heels.

This is the view, too, of the Democrats running for President (new crowd, old tune)—candidates, in Jeane Kirkpatrick's admittedly demagogic phrase, who always seem to blame America first. And, of course, their critique is 180 degrees wrong. There is a connection between the INF treaty, Afghanistan and the chances for peace in Central America—a common thread: By their own, proud admission, the Sandinistas are dedicated Communists committed to spreading their Marxist-Leninist ideology throughout the region they inhabit. That they now may be moderating their thinking and behavior at all-an iffy proposition at best—is a result of the pressure, both real and prospective, that the Contras have been able to apply.

HOW THE SANDINISTAS PLAY THE GAME

The Sandinistas must be chuckling. Last week, after they announced their "concessions"—which they promised to renounce if Washington continues aid to the Contras—Nicaragua's Foreign Minister was asked if the comandantes were loosening their iron fist for tactical reasons: In order to influence Congress to reject further Contra assistance. "Of course," answered Miguel D'Escoto, a confident practitioner of pressure in perfect sync with his audience. Congress' Democrats, you see, are still anxious to kill off the one factor that has caused the comandantes to move off square one.

Why is the obvious course—keeping the Contras alive—even a matter of debate? Part of the blame rests squarely with the Reagan administration. Over seven years, the White House has squandered its credibility with respect to Central America. It has lied to Congress, shifted its goals and misread the mood inside Nicaragua. The upside is that the Sandinistas have been contained and that the time bought by that containment has permitted the consolidation of democracy elsewhere in the region, most notably in El Salvador. But President Duarte's limited success there—and the fragility of representative government in Guatemala and Honduras—only raises the stakes further if the Contras are disbanded.

ARIAS' FALLBACK: A FEW GOOD MEN

Today's anti-Contra lobby echoes an earlier naïveté when Americans, circa 1979, actually believed that Thomas Jefferson was the Sandinista patron saint. "Give peace a chance," they now say. "Trust the latest democratic pronouncements of Nicaragua's President, Daniel Ortega." If we're wrong, says House Democratic Whip Tony Coelho, then the four other Central American Presidents will come to us and "seek some help—and we should give it to them."

What kind of help? Oscar Arias, the Costa Rican President who authored the current peace proposal, has told friends that an invasion by the U.S. Marines would fit the bill. Which is fine for him to say. He's not talking about Costa Ricans making Central America safe for democracy; he's talking about our boys doing the job, the same job the Contras—native Nicaraguans—are willing to do themselves.

Even the most politically blind should feel queasy about the Sandinistas' lastest good-guy promises and should welcome the Contras as an insurance policy. Cut them off now, and they will be gone for good. Once disbanded, a guerrilla force—no matter how dedicated—is next to impossible to reconstitute. And once a nation like the United States has turned its attention elsewhere, it doesn't want to hear that a problem deemed "solved" is still an open wound.

The prudent course for Congress, then, is to keep the Contas alive. Any one of a number of proposals will suffice. Two of these—humanitarian assistance, or military aid held in escrow against a determination of the Sandinistas' sincerity—would get the job done. If we don't do at least this—and it really isn't all that much—where will we complain if things turn sour? The United Nations?

If the Contras die, the Sandinistas will be free to reimpose the near-Stalinist measures they claim to be forgoing and to fulfill their "historical imperative" by striking out against their neighbors. And then Oscar Arias will be right: Only the Marines will be left as an available counterforce, assuming whoever is President has the stomach to send them in—a bet even a loser like Jimmy the Greek wouldn't take.

IN THE INTEREST OF PEACE AND FREEDOM, SUPPORT THE RESISTANCE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. GUNDERSON. Mr. Speaker, today the Congress debates again the direction of United States policy in Central America. The outcome of the vote will determine whether the historic Guatemala City peace plan remains a vital instrument toward peace and freedom, or simply fades away as another missed opportunity for Central America.

As one who at first opposed military aid to the Nicaraguan resistance, I rise in support of the assistance package before us today. It was true, at one time, that there were other options for the United States to pursue in trying to promote stability and freedom in Central America. It could also be said that the United States had no business supporting a group like the Contras.

But as we debate this issue today, we must recognize that the times have changes, the Contras have changed, and the issue before us has changed.

The events over the past few months ought to give all of us a new perspective on the Central American question. The most salient issue, of course, has been the Guatemala City peace plan, which was signed by the five Presidents in the region in August. This plan holds the governments to a variety of far-reaching reforms, including amnesty for insurgents, cease-fire negotiations, basic freedoms, release of political prisoners, suspensions of state-of-emergency laws, cessation of support for insurgents, and other provisions.

Those of us who support this plan have been encouraged by the hope and dynamism engendered by this document. It has sparked a process by which the Central American people might achieve not just peace alone, but peace together with freedom.

The Nicaraguan resistance, unlike other insurgencies in the region, seeks to participate fully in this process, and in the new environment built by that process. No longer can we dismiss the resistance in broadbrush terms, as some unwashed, disorganized band of thugs. Their leadership is made up of men and women who fought to overthrow Somoza, served in the postrevolution coalition government, and then joined the resistance when the Sandinistas moved to consolidate their power.

The Contras are the only insurgency today, and possibly ever, with its own human rights group. The Nicaraguan Association for Human Rights [ANPDH], led by Dr. Marta Patricia Baltodano, educates the resistance as to the principles of the Geneva Convention, and monitors their human rights record. When Contras commit serious crimes out in the field, they are brought to trial before a military tribunal, . and they serve time in military prison when found guilty.

We must consider the President's aid package within the context of this new environment. This package was explicitly designed to support the peace process, rather than undermine it or exacerbate the Nicaraguan conflict. The President's proposal consists of $36 million in direct aid to the Contras. Ninety percent of this package is nonlethal assistance, meaning food, clothing, medicine, transport, and other supplies. The remainder, $3.6 million in lethal aid, will be held in escrow until March 31, and would only be released if the Congress determined that the Sandinistas were not in compliance with the peace plan. I should emphasize that this package consists of reprogrammed funds, and requires no new money.

In view of the evolution of this issue, the central question we must answer today is which policy will continue the process toward achieving peace, freedom, and democracy?

Sandinista leader Daniel Ortega suggests we eliminate the Contras; then he will allow freedom and democracy. President Reagan argues the opposite, that the vitality of the resistance is what is pressuring the Sandinistas toward those goals.

A cursory review of history provides some valuable insight. It is inarguable that the Soviets would never have agreed to the terms of the INF Treaty were it not for the presence of American Pershing II and cruise missiles in Europe. The Soviets would never be willing to negotiate their withdrawal from Afghanistan were it not for the strong stand of the mujahedin rebels, supported in part by the United States.

The analogy rings true for Nicaragua. Daniel Ortega would never have signed an agreement instituting comprehensive democratic reforms were it not for the Contras. Two weekends ago, in the face of censure from the other four Central American Presidents and another Contra aid vote in Congress, he finally offered direct talks with the resistance and lifted the state of emergency.

How did the Sandinistas behave in response to 4 months of moral pressure by the Central American Presidents after the signing of the peace plan? The record shows:

In September, they worked out a plan with Soviet and Cuban assistance, to construct a 600,000-man armed force equipped with modern, offensive weapons. El Salvador, with

a force of 46,000, is the next largest army in the region.

During September and October, the Sandinistas trained members of the Salvadoran guerrillas in the use of anticraft weapons.

On December 12, President Ortega told supporters in Managua that if by chance the Sandinista Party lost an election, "what it would give up would be the government, not the power." At present, the army, the judiciary, and the law enforcement agencies are controlled by the Sandinista Party as a matter of structure.

Of the more than 9,000 political prisoners held by the Sandinistas, only 985 have been released. By comparison, El Salvador has released all its political prisoners, including the kidnappers of President Duarte's own daughter and the murderers of American soldiers, land reform experts, and union officials.

The list goes on, and includes the arrests and mistreatment of civic opposition leaders, intimidation and repression of opposition media, and other human rights violations. In fact, the Sandinistas fall short at every point of the Guatemala City plan.

The vote today, then, is not a vote to give peace a chance. The vote today is really this: Should we do our part to ensure the existence of a viable political opposition within Nicaragua? For if the resistance loses its support, they will disband, and we will lose the one effective pressure that keeps Mr. Ortega at the cease-fire talks table and compels him to institute reforms. Without a viable Contra existence, I just don't envision the Sandinistas contributing to stability in the region, nor can I see them treating their people with respect, if they feel their grip on power is assured.

Finally, we must also understand what is not at stake here. The peace process is in no danger of crumbling as a result of this aid package Only a few days go during his tour of Europe, Daniel Ortega announced that the cease-fire talks would proceed, and that the peace process would continue, whether or not Congress approved the Contra aid package. Today's vote is not a vote to end the peace process; it is instead a vote to preserve the hope of peace, freedom, and democracy.

INF TREATY PRIMER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1988

Mr. STOKES. Mr. Speaker, the recently-concluded treaty between the United States and the Soviet Union on the elimination of intermediate-range and shorter-range missiles is an important matter of interest to all Members of Congress. To assist Members in understanding the key elements of that treaty, I am enclosing a gist with the key elements of that treaty.

INF TREATY PRIMER

TREATY ON THE ELIMINATION OF INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES

Article I

Article I requires the permanent elimination of U.S. and Soviet intermediate-range and shorter-range missiles as defined in this Treaty.

Article II

This article defines the key terms used in the Treaty. Definitions are provided for the terms: ground-launched ballistic missile (GLBM), ground-launched cruise missile (GLCM), GLBM launcher, GLCM launcher, intermediate-range missile, shorter-range missile, deployment area, missile operating base, missile support facility, transit, deployed missile, non-deployed missile, deployed launcher, non-deployed launcher, and basing country

Article III

Article III specifies the existing missile systems to be destroyed. For the United States, it is Pershing II and the BGM-109G Ground-Launched Cruise Missile (GLCM). For the Soviet Union, it is the SS-20, SS-4, and SS-5. The shorter-range systems that are to be destroyed is the Pershing IA for the United States and for the Soviet Union, the SS-12 and SS-23.

NOTE: The Soviet SSC-X-4 (GLCM) and the U.S. Pershing IB which are also to be eliminated are not categorized as existing types of missile but rather as "missile systems tested but not deployed prior to entry into force of the treaty" and therefore are not listed under Article III. Article X requires that they be eliminated within the first six months after entry into force of the Treaty.

Article IV

Paragraph 1: Both parties will eliminate all its intermediate-range missiles and launchers, as well as all its support equipment for these weapons no later than three years after entry into force of this Treaty.

Paragraph 2: The reductions will be in two phases. The purpose of the two phases is to insure that neither side obtains a numerical superiority by delaying their reductions. The first phase is to take no longer than 29 months from the entry into force of the Treaty. At the end of those 29 months, each party can have deployed on intermediate ballistic missile launchers, missiles having no more than a total of 171 warheads. Deployed intermediate ballistic missiles (those in launchers, plus spares) can carry no more than a total of 180 warheads. The total of deployed and non-deployed intermediate ballistic missile launchers cannot carry a total number of missiles having more than a maximum of 200 warheads. Furthermore, as the eliminations proceed, the ratio of intermediate ballistic missiles to GLCMs must remain as they were on 1 November 1987 during this phase.

The second phase consists of the last seven months of the three year period in which the remaining ballistic missile launchers, missiles, as well as cruise missiles, will be eliminated. NOTE: The Protocol on Eliminations required that the preceding be completed within six and a half months. The remaining 15 days of the seven months is reserved for the removal and elimination of the U.S.-controlled warheads on the West German Pershing IA missiles.

Article V

Paragraphs 1 required the elimination of all shorter-range missiles and launchers, as well as support equipment, no later than 18 months after entry into force of the Treaty.

Paragraph 2 specifies that no later than 90 days after entry into force of the Treaty, all deployed shorter-range missiles and deployed and non-deployed launchers of such missiles are to be removed from their operating bases and sent to the designated elimination facilities where they will remain until their destruction within 18 months under the procedures set forth in the Protocol on Elimination. No later than 12 months after entry into force of the Treaty, all non-deployed shorter-range missiles are to be eliminated in accordance with the Protocol on Elimination.

Paragraph 3 specifies that shorter-range missiles and launchers shall not be located at the same elimination facility and such facilities shall be separated by no less than 1,000 kilometers.

Article VI

This article bans the flight testing or production of the weapons prohibited by this Treaty.

Section 2 gives each party the right to produce a type of ballistic missile not limited by this Treaty which uses a stage that is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate ballistic missile. This permits the continued production of the first stage of the SS-25 missile which is similar, in outward appearance, to the first stage of the SS-20 missile.

Article VII

This article contains twelve paragraphs which set technical parameters for the definitions of what are, or are not, intermediate-range and shorter-range ballistic missiles and Ground-Launched Cruise Missiles subject to elimination by the Treaty.

Paragraphs 1, 2 and 4 define all Ground-Launched Ballistic Missiles (GLBM) and Ground-Launched Cruise Missiles (GLCM) as intermediate-range missiles banned by the Treaty if they have been tested for weapons delivery within a range of 1,000 to 5,000 kilometers and shorter-range missiles banned by the Treaty if they have been tested within a range of 500 to 1,000 kilometers.

Paragraph 3 permits GLBMs with ranges of 500 to 5,000 kilometers if they are solely for defense against objects in space.

Paragraph 11 exempts ballistic and cruise missiles from being defined as missiles banned by the Treaty as long as they are tested from fixed land-based launchers distinguishable from the launchers banned by the Treaty and are subsequently used in other than a ground-based mode.

Paragraph 12 permits each party to have the right to produce and use booster systems which might be considered intermediate-range or shorter-range missiles banned by the Treaty as long as each party launches them only from fixed launchers located at research and development sites listed in Section V of the Memorandum of Understanding. The total booster inventory for each side cannot exceed 35 at any one time. Furthermore, the research and development launch sites are off-limits to on-site inspections.

Article VIII

Article VIII requires both parties to locate all the systems to be eliminated by this Treaty at the facilities designated in the Memorandum of Understanding. Furthermore, it requires that the transient time for a weapon from its deployment area to its elimination facility cannot be longer than 25 days. Additionally, the article specifies that within 30 days after entry into force of the Treaty, no missile can be located at a production facility or test range.

Article IX

This article sets up provisions for the exchange of data and timeframes for notification of certain events that occur in the elimination of the INF weapons.

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Paragraph 2 states that the data exchanges and updates, as well as the notifications required by the Treaty, shall be passed through the two Nuclear Risk Reduction Centers; one located in Washington, D.C. and the other in Moscow.

Paragraph 3 specifies that no later than 30 days after entry into the force of this Treaty, each party shall provide an update of the data for all categories contained in the Memorandum of Understanding.

Paragraph 4 requires that within 30 days after the first six months of the Treaty, each side will provide updated information for the data categories contained in the Memorandum of Understanding.

Paragraph 5 sets up notification timeframes in the elimination of the INF weapons. Specifically, it calls for a 30-day advance notice for the scheduled elimination of a missile, launcher or support structure, as well as a notification no later than 48 hours after the elimination of one of these items. For those systems that are going to be destroyed by launching, notification must be given ten days in advance.

Article X

Article X contains nine paragraphs concerning the notification of the elimination of the various components of INF systems.

Paragraph 1 requires that all eliminations be conducted within the procedures set forth by the Protocol on Elimination.

Paragraph 2 specifies that verification by on-site inspection of the elimination of missile systems shall be carried out in accordance with Article XI of the Treaty and in accordance with the Protocols on Elimination and on Inspection.

Paragraph 3 requires that removal of INF weapons from deployment areas to elimination facilities shall be done in complete deployed organizational units, such as Pershing II batteries, GLCM flights, or SS-20 regiments.

Paragraph 5 permits each party, within the first six months of entry into force of the Treaty, to eliminate by means of launching no more than 100 of its intermediate-range missiles.

Paragraph 6 requires that missile systems tested, but not deployed, prior to entry into force of the Treaty, the Soviet GLCM known as the SSC-X-4 the U.S. Pershing IB (none exist according to the Memorandum of and Understanding), must be eliminated within six months after the entry into force of the Treaty.

Paragraph 9 permits the conversion of missile operating bases for use as a base associated with a ballistic missile or a cruise missile not subject to the Treaty. Each party must notify the other within 30 days in advance of the scheduled date and purpose of the conversion of a particular base.

Article XI

This article gives each party the right to conduct on-site inspections and specifies that the on-site inspections will be conducted in accordance with this article as well as the Protocol on Inspection and the Protocol on Elimination.

Paragraph 3 requires that 30 days after entry into the force of the Treaty, each party shall have the right to conduct inspections at all facilities designated in the Memorandum of Understanding, other than missile production facilities for the purpose of verifying the data provided in the Memorandum of Understanding and the subsequent update. These inspections shall be completed no later than 90 days after entry into force of the Treaty. (Note: Called "baseline" inspections by the U.S. Government.)

Paragraph 4 gives each party the right to verify the elimination of missile operating bases and missile support facilities. Such an inspection shall be carried out within 60 days after the scheduled date of the elimination of that facility. (Note: Called "close-out" inspections by the U.S. Government.)

Paragraph 5 gives each party the right of short-notice inspections which are permitted for 13 years. Each party has the right to conduct 20 short-notice inspections per year in the first three years, 15 short-notice inspections per year for the next five years, and 10 short-notice inspections per year for the remaining five years, for a total of 185 short-notice inspections by each side. No more than fifty percent of the short-notice inspections per year can be carried out inside any one basing country. A basing country is defined in Article II as a country other than the U.S. or U.S.S.R on whose territory INF systems are based subsequent to 1 November 1987. They are Great Britain, Belgium, the Netherlands, West Germany, Italy, East Germany, and Czechoslovakia.

Paragraph 6 provides that for 13 years after the Treaty goes into force, the parties shall have the right to inspect certain missile production installations by means of continuous monitoring. This gives the United States the right to continuously monitor the portals of the Votkinsk machine building plant in the U.S.S.R., the final assembly site of the banned SS-20 and the permitted SS-25 ICBM. The Soviets have stated that the first stage of the SS-25 is outwardly similar to the banned SS-20 missile's first stage. The United States will be able to establish a permanent continuous monitoring system at that facility within six months after entry into force of the Treaty.

The Soviet Union is permitted to establish a continuous monitoring facility at the Hercules Plant #1 in Magna, Utah, which is a former missile production facility for Pershing II missile stages.

The paragraph further specifies that, at the end of the second year after entry into force of the Treaty, if the Soviets have ceased final assembly at Votkinsk of ballastic missiles using a stage outwardly similar to a stage of a missile prohibited by the Treaty (i.e. final assembly of the SS-25) for a period of 12 consecutive months, then unless the assembly is reinitiated, both sides would lose the right to inspect these two facilities by means of continuous monitoring.

Paragraph 7 requires each party to confirm by inspection the elimination of all missiles, launchers, and support equipment by the other party. (Note: Called "elimination" inspections by the U.S. Government.)

Paragraph 8 gives each party the right to inspect the elimination of training missiles and launchers and up to 15 missiles and launchers converted to static displays.

Article XII

Article XII specifies that national technical means of verification will be used to monitor the provisions of the Treaty consistent with the generally recognized principles of international law.

Paragraph 2 specifies that neither party shall interfere with the national technical means of verification of the other party or use concealment measures which impede verification of compliance of the provisions of the Treaty.

Because of the similarities in organization between SS-20 and SS-25 regiments, paragraph 3 gives the United States the right to request the Soviet Union to display, in the open, the missiles and the launchers of an SS-25 operating base no later than six hours after such a request that the missiles and launchers will be displayed in the open for a maximum of twelve hours. The roofs of the missile garages will also be opened. The United States will have the right to make six such requests per calendar year for a period of 3 years after the entry into force of this Treaty unless superseded by a START agreement.

Article XIII

This article establishes a *Special Verification Commission* to resolve questions relating to compliance with the obligations assumed and to agree upon such measures as may be necessary to improve the viability and effectiveness of this Treaty. The article also requires that all data exchanges and notifications required by the Treaty be passed through the Nuclear Risk Reduction Centers.

Article XIV

The parties shall not assume any international obligations that would conflict with the provisions of the Treaty.

Article XV

The article specifies that the Treaty shall be of *unlimited duration*. But, if a party believes that its national sovereignty is in jeopardy because of the Treaty requirements, it can give notice of its decision to withdraw from the Treaty six months prior to that withdrawal.

Article XVI

The article permits amendments to the Treaty.

Article XVII

The treaty, including the Memorandum of Understanding and the Protocols, shall be subject to ratification in accordance with the constitutional procedures of each party and the Treaty shall enter into force on the date of the exchange of instruments of ratification.

MEMORANDUM OF UNDERSTANDING REGARDING THE ESTABLISHMENT OF THE DATA BASE FOR THE TREATY

The Memorandum of Understanding contains the data exchanged current as of 1 November 1987 on intermediate range and shorter range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers. The data contained in this Memorandum of Understanding is to be updated no later than *30 days* after entry into force of the Treaty. The updates will be passed through the Nuclear Risk Reduction Centers.

The Memorandum of Understanding contains seven sections:

Section I: Definitions

This section contains definitions of the data categories contained in the Memorandum of Understanding. The definitions are applicable to the Treaty and the Protocols as well.

Definitions are given for a missile production facility, missile repair facility, launcher production facility, launcher repair facility, test range, training facility, missile storage facility, launcher storage facility, elimination facility, support equipment, support structure, and research and development site.

SECTION II: TOTAL NUMBERS OF INTERMEDIATE-RANGE AND SHORTER RANGE MISSILES AND LAUNCHERS OF SUCH MISSILES SUBJECT TO THE TREATY

-	U.S.A.	U.S.S.R
The numbers of intermediate-range missiles and launchers of such missiles for each party are as follows:		
Deployed missiles	429	470
Nondeployed missiles	260	356
Aggregate number of deployed and nondeployed missiles	689	826
Aggregate number of second stages	236	650
Deployed launchers	214	484
Nondeployed launchers	68	124
Aggregate number of deployed and nondeployed launchers	282	608
The numbers of shorter range missiles and launchers of such missiles for each party are as follows:		
Deployed missiles	0	387
Nondeployed missiles	170	539
Aggregate number of deployed and nondeployed missiles	170	926
Aggregate number of second stages	175	726
Deployed launchers	0	197
Nondeployed launchers	1	40
Aggregate number of deployed and nondeployed launchers	1	237

Note.—Aggregated data furnished in the Memorandum of Understanding.

TOTAL NUMBERS OF MISSILE SYSTEMS TO BE ELIMINATED

	Deployed	Nondeployed	Totals
INTERMEDIATE RANGE			
U.S.S.R.:			
SS-20:			
Missiles	405	245	650
Launchers	405	117	522
SS-4:			
Missiles	65	105	170
Launchers	79	6	85
SS-5:			
Missiles	0	6	6
Launchers	0	0	0
SSC-X-4 (GLCM):			
Missiles	0	84	84
Launchers	0	6	6
U.S.A.:			
Pershing II:			
Missiles	120	127	247
Launchers	115	51	166
BGM-109G (GLCM)			
Missiles	309	133	442
Launchers	99	17	116
SHORTER RANGE			
U.S.S.R.:			
SS-12:			
Missiles	220	506	726
Launchers	115	20	135
SS-23:			
Missiles	167	33	200
Launchers	82	20	102
U.S.A.:			
Pershing IA:			
Missiles	0	170	170
Launchers	0	1	1
Pershing IB:			
Missiles	0	0	0
Launchers	0	0	0

Note.—Memorandum of Understanding does not aggregate data by missile systems. This chart is furnished so that the magnitude of the reductions by missile system can be better comprehended.

Section III: Intermediate-Range Missiles, Launchers of Such Missiles and Support Structures, and Support Equipment Associated with Such Missiles and Launchers

This is the largest section of the Memorandum of Understanding and lists the intermediate range ballistic missiles and cruise missiles by geographical location, the deployment areas that these missiles operate in after leaving their missile operating bases, the location of the missile operating bases with the numbers of missiles and launchers and support structures and equipment at each missile operating base for the Pershing II, the BGM-109G, the SS-20, the SS-4 and the SS-5.

Paragraph 2 gives the missile support facilities, their locations, and the numbers for each party of all non-deployed intermediate range missiles, launchers, the support structures and the support equipment associated with the missiles and launchers. Site diagrams for agreed missile support facilities, to include boundaries and center coordinates, were also furnished with the Memorandum of Understanding.

The missiles support facilities are further broken out into missile production facilities, launcher production facilities, missile storage facilities, launcher storage facilities, combined missile/launcher storage facilities, missile repair facilities, launcher repair facilities, combined missile/launcher repair facilities, test ranges, training facilities, elimination facilities, and the final category, missiles, launchers, and support equipment in transient.

Section IV: Shorter-Range Missiles, Launchers of Such Missiles and Support Equipment Associated with Such Missiles and Launchers

Paragraph 1 lists the deployed missiles broken out by missile operating bases, their geographic locations and the numbers for each party of all deployed shorter-range missiles, launchers and support equipment. Site diagrams, to include boundaries and center coordinates of each listed missile operating base, were furnished with the Memorandum of Understanding.

Paragraph 2 lists missiles support facilities, their locations and the numbers for each party of all non-deployed, shorter-range missiles, their launchers and support equipment. Site diagrams for agreed missile support facilities, to include boundaries and center coordinates, were appended to the Memorandum of Understanding. The data categories contained in this paragraph are identical to the categories for non-deployed intermediate range missiles.

Section V: Missile Systems Tested but not Deployed Prior to Entry Into Force of the Trêaty

This section contains the missile support facilities, their locations and the number for each party of all intermediate range and shorter range missiles and launchers which were tested prior to the entry into force of the Treaty but were never deployed. Therefore, they are not considered existing types of intermediate range or shorter range missiles listed in Article III of the Treaty. The weapons in this category are the U.S. Pershing IB and the SSC-X-4 Soviet Ground-Launched Cruise Missile. Article X of the Treaty requires that these systems be eliminated within six months after entry into force of the Treaty. The Memorandum of Understanding lists zero Pershing IB missiles but does list 84 SSC-X-4 GLCMs along with six launchers.

(NOTE.—In Sections III and IV, one of the categories listed is identification of the elimination facility for each of the weapons to be eliminated. The Soviet Union has designated elimination facilities for all of their missiles in the Memorandum of Understanding. The United States has yet to declare any elimination facilities. According to the Executive Branch, neither party was required to designate elimination facilities during the exchange of data on 1 November 1987 and that the United States will designate elimination facilities at the next exchange of data 30 days after the Treaty goes in force.)

Section VI: Technical Data

This section contains agreed categories of technical data for missiles and launchers subject to the Treaty, support structures and support equipment associated with the missile systems, and the relevant data for each of these categories. Photographs of the missiles, launchers, support structures, and support equipment were appended to the Memorandum of Understanding. Technical data consists of measurements in metric system of the size of missiles, launchers and support structures, as well as the weight of the missiles by stages and the number of warheads each system can carry.

Section VII: Research and Development Booster Systems

This section lists the numbers and locations for each party of the launchers of research and development booster systems that are permitted by Article VII of the Treaty. These research and development launch sites, two located in the Soviet Union and 11 located in the United States and its territories, are not subject to on-site inspections authorized by Article XI of the Treaty.

Concluding Statement

Each party, in signing the Memorandum of Understanding, acknowledged that it is responsible for the accuracy of only its own data. Signature on the Memorandum of Understanding constitutes acceptance of the categories of data and the inclusion of the data contained therein. The Memorandum of Understanding shall enter into force on the date of the entry into force of the Treaty.

PROTOCOL ON PROCEDURES GOVERNING THE ELIMINATION OF THE MISSILE SYSTEMS

This Protocol sets up agreed-upon procedures on how to eliminate the missile systems subject to the Treaty.

I. Items of Missile Systems Subject to Elimination

(1) For the United States:

Pershing II: missile, launcher and launch pad shelter;

BGM-109G: missiles, launch canister and launcher;

Pershing IA: missiles, and launcher;

Pershing IB: missiles.

(2) For the U.S.S.R.:

SS-20: missiles, launch canister, launcher, missile transporter vehicle and fixed structure for a launcher;

SS-4: missiles, missile transporter vehicle missile erector, launcher stand and propellant tanks;

SS-5: missile;

SSC-X-4: missiles, launch canister and launcher;

SS-12: missiles, launcher and missile transporter vehicle;

SS-23: missiles, launcher and missile transporter vehicle.

(3) All training missiles, training missile stages and canisters and launchers shall be subject to elimination.

(4) All stages of intermediate-range and shorter-range ballistic missiles shall be subject to elimination.

(5) All front sections (less the nuclear warhead and guidance system) of deployed intermediate-range and shorter-range missiles shall be subject to elimination.

II. Procedures for Elimination and Elimination Facilities

The conduct of the elimination procedures shall be subject to on-site inspection in accordance with Article XI of the Treaty and the Protocol on Inspection.

Prior to a missile's arrival at an elimination facility, its nuclear warhead and guidance elements may be removed.

Immediately prior to the initiation of the elimination procedures for a particular missile or component, an inspecting party from the other side is required to confirm and record the type and number of items of missile systems which are to be eliminated. If the inspecting party deems it necessary, that will include a visual inspection of the contents of launch canisters.

A missile stage being eliminated by burning shall not be instrumented for data collection. Those missile stages shall be subject to continuous observation by an inspecting party until the burning is completed.

The completion of the elimination procedures shall be confirmed in writing by the inspecting party, as well as the party carrying out the elimination.

This Protocol requires that all missiles required to be eliminated within the three-year period shall, in fact, be eliminated 15 days prior to the end of the three-year period. During the last 15 days of the three-year period, the United States will withdraw the nuclear warheads from the West German Pershing I missiles.

Specific procedures for the elimination of the items of missile systems shall be as follows, unless the parties agree upon different procedures to achieve the same result:

For the Pershing II:

Missile:

(a) Missile stages shall be eliminated by explosive demolition or burning;

(b) Solid fuel, rocket nozzles and motor cases not destroyed in this process should be burned, crushed, flattened or destroyed by explosion; and

(c) Front section, minus nuclear warhead device and guidance elements, shall be crushed or flattened.

Launcher:

(a) Erector-launcher mechanism shall be removed from the launcher chassis;

(b) All components of erector-launcher mechanism shall be cut at locations that are not assembly joints into two pieces of approximately equal size;

(c) Missile launch support equipment, including external instrumentation compartment, shall be removed from launcher chassis; and

(d) Launcher chassis shall be cut at a location that is not an assembly joint into two pieces of approximately equal size.

(Note:—Elimination of the Pershing IA, IB, as well as the Soviet ballistic missile systems, both intermediate and shorter-range, are also specified in the Protocol and are essentially similar to the elimination procedures required for the Pershing II.)

For the BGM-109G (GLCM):

Missile:

(a) Missile airframe should be cut longitudinally into two pieces;

(b) Wings and tail section shall be severed from missile airframe at locations that are not assembly joints;

(c) Front section, minus nuclear warhead devices and guidance elements, shall be crushed or flattened.

Launch Canister:

(a) Launch canister shall be crushed, flattened, cut into two pieces of approximately equal size or destroyed by explosion.

Launcher:

(a) Erector-launcher mechanism shall be removed from launcher chassis;

(b) All components of erector-launcher mechanism shall be cut at locations that are not assembly joints into two pieces of approximately equal size;

(c) Missile launch support equipment, including external instrumentation compartments, shall be removed from launcher chassis and

(d) Launcher chassis shall be cut at a location that is not an assembly joint into two pieces of approximately equal size.

(Note.—The destruction procedures for the Soviet GLCM (SSC-X-4) specified in the Protocol are essentially the same as for the BGM-109G.)

Elimination of training missiles, launchers and canisters will be carried out essentially through cutting, crushing or destroying by explosions.

III. Elimination of Missiles by Means of Launching

Elimination of up to 100 intermediate range missiles by means of launching within the first six months after entry into force of the treaty shall be subject to on-site inspection. Immediately prior to each launch conducted for the purpose of elimination, an inspecting party shall confirm by visual observation the type of missile to be launched.

All missiles being eliminated by means of launching shall be launched from designated elimination facilities to existing impact areas for such missiles. No such missiles shall be used as a target vehicle for a ballistic missile interceptor.

Missiles being eliminated by means of launching shall be launched one at a time and no less than six hours shall elapse between such launches.

Such launches shall involve ignition of all missile stages. Neither party shall transmit or recover data from missiles being eliminated by means of launching except for unencrypted data used for range safety purposes.

IV. Procedures for Elimination On Site

(1) Support Structures.

The elimination of missile systems support structures shall be subject to verification by on-site inspection.

The specific elimination procedures for support structures shall be as follows:

(a) The superstructure of the fixed structure or shelter shall be dismantled or demolished and removed from its base or foundation;

(b) The base or foundation of the fixed structure or shelter shall be destroyed by excavation or explosion;

(c) The destroyed base or foundation of a fixed structure or shelter shall remain visible to National Technical Means of verification for six months or until completion of an on-site inspection.

V. Other Types of Elimination

(1) Loss or Accidental Destruction.

If an item subject to elimination by this Treaty is lost or destroyed as a result of an accident, the possessing party shall notify the other party within 48 hours that the item has been eliminated. The other party shall have the right to conduct an inspection of the accident to provide confidence that the item has been eliminated.

(2) Static Display.

The parties shall have the right to eliminate missiles, launch canisters and launchers as well as training missiles by placing them on static display. Each party shall be limited to a total of 15 missiles, 15 launch canisters and 15 launchers on static display.

Prior to being placed on static display, a missile, launch canister or launcher shall be rendered unusable for purposes inconsistent with the Treaty. Missile propellant shall be removed and erector launcher mechanisms shall be rendered inoperative.

Each party shall have the right to conduct an on-site inspection of each missile launch canister or launcher placed on static display within 60 days of receipt of the notification required.

This Protocol is an integral part of the Treaty and it enters into force on the date of entry into force of the Treaty. As provided for in paragraph 1(b) of Article XIII of the Treaty, the parties may agree upon such measures as may be necessary to improve the viability and effectiveness of this Protocol. Such measures shall not be deemed amendments to the Treaty.

PROTOCOL REGARDING INSPECTIONS

Following are the key elements of the Protocol Regarding Inspections which sets up procedures governing the conduct of on-site inspections as provided for in Article XI of the Treaty.

General Provisions

No later than one day after the entry into force of the Treaty, each party shall provide to the other three lists of personnel. A maximum of 200 individuals can be on each list. One list will be the permanent monitoring parties for the missile facilities in Utah and Votkinsk. Each party will have a 20-day period to determine if the individuals designated for that duty are acceptable to the host country. If they are not, they will be deleted from the list and replaced with personnel acceptable to the host country. The second list will be the names of the personnel conducting the baseline, close-out, short-notice, and elimination inspections. The third list will name the aircrews.

To exercise their functions effectively, inspectors and air crew members shall be accorded diplomatic privileges and immunities throughout the in-country period.

Notifications

Notification of an intention to conduct an inspection will be made through the Nuclear Risk Reduction Centers. The receipt of this notification shall be acknowledged back through the Nuclear Risk Reduction Center within one hour of its receipt.

For baseline, close-out, and short-notice inspections, notifications shall be made no less than 16 hours in advance of the estimated time of arrival of the inspection team at a designated point of entry. Included in the notification will be the date and time after arrival that the inspecting party will notify the inspected party where and when it wishes to inspect. Points of entry for the United States are Washington, D.C. and San Francisco; for the Soviet Union, Moscow and Irkutsk. European countries in which INF weapons are based each have one designated point of entry. For elimination inspections, notification shall be made no less than 72 hours in advance of the estimated time of arrival at the point of entry. Included in the notification will be the location of the site to be inspected.

The inspecting party must give notification of where it wants to inspect not sooner than four hours nor later than 24 hours after arrival at the point of entry for close-out or short-notice inspections. Inspecting parties wishing to update data may designate up to 10 facilities they wish to baseline inspect not less than four hours nor more than 48 hours after the arrival at point of entry. It is incumbent upon the inspected country that, once the inspecting party announces where it wants to inspect, to insure that the inspecting party arrives at the site within nine hours.

The inspection team may bring such documents as needed, as well as linear measurement devices, portable weighing devices, radiation detection devices, and other equipment that is mutually agreed upon. The inspecting team may also bring in cameras but

pictures can only be taken at the request of the inspectors by their in-country escort, using the inspecting party's camera system. The camera system must be capable of producing duplicate, instant development photographic prints so that each party shall receive one copy of each photograph.

For baseline, close-out and short-notice inspections, the period of inspection shall not exceed 24 hours per site. This 24 hours begins upon completion of a one-hour pre-inspections procedures briefing at the site. It may be extended by agreement with the in-country escort by no more than eight hours. The duration of an elimination inspection is dependent upon the inspected party's schedule of elimination activity.

Upon conclusion of an inspection, a four-hour period is set aside for the completion of the inspection report. At the completion of the four hours, the team is required to leave the site. It will have 24 hours from the time it arrives at the point of entry to leave the country. For other than short-notice inspection, arrangements can be made to visit more than one site by the inspection team while they are in country.

For baseline, close-out, short-notice and elimination inspections, the size of the inspection team can be no more than 10 inspectors. For an inspection team that is observing elimination through missile firing, the team can have no more than 20 inspectors. And, for the team conducting the permanent portal monitoring at Votkinsk and Magna, Utah, there can be no more than 30 inspectors. On each team, there must be at least two inspectors that can speak the language of the inspected party.

A missile, missile stage, or launcher can only be inspected by external visual observation, including measuring its dimensions. A missile container also can only be inspected by external visual observation, including measuring. A container that is sufficiently large enough to contain more than one missile or missile stage is subject to inspection by means of weighing or visual observation, to include inspection of the interior of the container as necessary.

During the elimination of missiles by launching, the inspectors shall have the right to ascertain by visual observation that the missile prepared for launch is, in fact, a missile of the type subject to elimination.

INSPECTION ACTIVITIES AT VOTKINSK AND MAGNA, UTAH

The inspected party shall maintain an agreed perimeter around the periphery of the plant and shall designate a portal with not more than one rail line and one road which shall be within 50 meters of each other. All vehicles which can contain an intermediate-range ballistic missile or the longest stage of such a ballistic missile shall exit only through this portal.

There shall not be more than two other exits from the plant and such exits shall be monitored by appropriate sensors. The inspecting party shall have the right to establish continuous monitoring systems at the portal specified and appropriate sensors at the other exits.

Any shipment exiting through the portal shall be declared by the inspected party to the inspection team before the shipment gets to the portal. The declaration shall state whether such a shipment contains a missile or missile stage as large or larger or as heavy or heavier than an intermediate-range missile or its longest stage. The inspection team shall have the right to weigh and to measure the dimensions of any vehicle, including rail cars exiting the site to ascertain whether it is large enough and heavy enough to contain a restricted item.

Vehicles exiting through the portal that are large enough and heavy enough to contain a restricted missile item but are not declared to be carrying a restricted missile item, will be subject to inspection by the inspecting party to include the interior of all such vehicles.

The inspecting party shall have the right to weigh and measure the dimensions of any large cannister or of any shipping container declared to contain such missiles or missile stages and to image the contents of any launch cannister or of any shipping container declared to contain a missile or missile stage. It also shall have the right to view such missiles or missile stages in the cannisters or the shipping containers eight times per calendar year.

The inspected party shall furnish all necessary utilities, basic construction materials, site preparation, transportation of equipment, telephone lines, etc. for the inspecting party to construct and operate no more than three buildings with a total floor space of not more than 150 square meters for a data center and an inspection team headquarters. One additional building with floor space of 500 square meters will be built for the storage of supplies and equipment.

This protocol is an integral part of the Treaty. It enters into force on the date of the entry into force of the Treaty. The parties may agree on such measures as may be necessary to prove the viability and effectiveness of this protocol and such measures shall not be deemed amendments to the Treaty.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 4, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 5

9:30 a.m.
Joint Economic
To hold hearings on employment-unemployment statistics for January.
SD-628

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

Foreign Relations
European Affairs Subcommittee
To hold hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Labor and Human Resources
Labor Subcommittee
To resume hearings to review practices and operations under the National Labor Relations Act.
SD-430

FEBRUARY 16

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the status of the space shuttle recovery program.
SR-253

2:00 p.m.
Select on Intelligence
To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 17

9:00 a.m.
Rules and Administration
Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1988, S. Res. 41, to provide for germaneness or relevancy of floor amendments, S. Res. 42, to limit legislative amendments to general appropriations bills, S. Res. 43, to establish a procedure in order to overturn the Chair on questions of germaneness under cloture, S. Res. 274, to limit sense of the Senate or Congress amendments, S. Res. 277, to require that amendments must be offered to a bill, resolution, or other measure in the order of the sections of that bill, resolution, or other measure, and other pending legislative and administrative business.
SR-301

9:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider S. 1516, authorizing funds for fiscal years 1988 through 1992 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
SR-332

2:00 p.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 18

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
Superfund and Environmental Oversight Subcommittee
To hold joint hearings on the implementation of Title I of the Marine Protection, Research, and Sanctuaries Act, including issues related to ocean disposal.
SD-406

2:00 p.m.
Selection Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 19

10:00 a.m.
Selection Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 22

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.
SD-406

Special on Aging
To hold hearings on the Social Security "notch" issue, and possible solutions thereto.
SD-628

2:00 p.m.
Office of Technology Assessment
The Board, to meet to consider pending business items.
EF-100, Capitol

FEBRUARY 23

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.
SD-106

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture.
SD-138

FEBRUARY 24

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.
SR-325

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

2:00 p.m.
Small Business
To hold hearings on S. 1929, to create a corporation for small business investment.
SR-428A

FEBRUARY 25

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

MARCH 1

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, and the Extension Service.
SD-138

MARCH 2

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.
SD-406

MARCH 3

9:30 a.m.
Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection Service, and the Agricultural Marketing Service.
SD-138

Commerce, Science, and Transportation
To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.
SR-253

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 14

10:00 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service code penalties.
SD-215

MARCH 15

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.
SD-138

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

MARCH 22

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.
SD-138

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

MARCH 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.
SD-138

MARCH 30

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.
SD-138

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

APRIL 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.
SD-138

APRIL 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

APRIL 21

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

APRIL 26

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 27

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 28

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

HOUSE OF REPRESENTATIVES—*Thursday, February 4, 1988*

The House met at 11 a.m.

The Reverend Dr. Ronald F. Christian, assistant to the bishop, Washington, DC, Metro Synod Evangelical Lutheran Church in America, offered the following prayer:

Our Father and our God, we call upon Your name this day and pray for Your presence among us.

We seek Your guidance, O God, in all our choices and decisions.

We pray for Your peace, O God, among the peoples of the world, but beginning with ourselves.

We offer our thanks, O God, for the faith of our forebears, for the hope of the future and for Your love, O God, and Your grace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agreed to the following resolution:

S. Res. 375

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Dan Daniel, late a Representative from the Commonwealth of Virginia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 34[illegible]. An act for the relief of Pandelis Perdikis;

S. 391. An act for the relief of Hyong Cha Kim Kay; and

S. 1329. An act for the relief of Roswitha Starins.

RADON TESTING

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORIO. Mr. Speaker, 20,000 Americans will die this year from lung cancer caused by exposure to radon. More than one in every five homes has high levels of cancer-causing radon gas.

There are 8 million homes affected by indoor radon pollution.

Despite this clear case of a serious problem that needs to be addressed, despite efforts by our Government, by some State agencies, by the media, by realtors and builders, many homeowners still do not realize the danger they face by ignoring this threat.

In my own State of New Jersey, where radon problems have been frequent and troubling and where information about radon is widespread, only 3 percent of the homeowners see radon as a pressing concern.

The average homeowner has a dilemma: "To test or not to test" for radon.

There are certainly many efforts that the Congress, the Federal Government and State agencies can undertake to change this situation. A survey of radon hot spots throughout the country is being conducted by the EPA. There is legislation moving through the Congress to provide funding for the States to set up State radon programs.

I have been working on efforts to ensure that EPA sets an actual standard based on health. At the present time, EPA has a guideline which allows for a tremendously high risk of cancer. At the 4-picocurrie level that EPA sets as a safe guideline, 1 out of 65 people will get lung cancer. My bill tells EPA to set a standard basing it on health and not put a price on our heads.

But it is important that we find ways to make sure that the average homeowner is aware of this risk. We as Members of Congress have the ability to serve as role models to our constituents. I call on my colleagues to have their own homes tested for radon and to let their constituents know how serious a problem this is.

A local TV station, food store, and radon testing firm are undertaking an effort to promote awareness of the radon problem throughout this area by offering radon testing. The results from the testing will be compiled to develop a map of radon levels for this area.

I urge my colleagues to participate in this program and foster similar programs in their districts. I have been provided with a number of testing kits and I will gladly make these available to any of my colleagues who are interested.

CURBING HOLIDAY SPENDING

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, first of all I would like to congratulate the prior speaker for speaking out on radon. I am introducing a bill today that I hope many Members join me in helping both homebuilders and homeowners to get tax credits to try to deal with radon when they find it in their homes or buildings.

Mr. Speaker, I salute President Reagan's declaration that he will not sign another huge continuing resolution. By turning continuing resolutions into Christmas trees, we've taken the "get in the holiday spirit" too far.

Today I am introducing legislation to prohibit use of the continuing resolution to fund programs that have not been considered through the regular legislative process. My proposal will amend the rules of the House in two ways:

First, no continuing resolution may include appropriations for a program, project, or activity that has not already been authorized;

Second, no continuing resolution may include funds for a program, project, or activity that are higher than those appropriated in the previous fiscal year.

We have a legislative process for consideration of new projects or programs—let's stop destroying that process and the integrity of the legislature with jampacked continuing resolutions at zero hour.

CUTTING CAPITAL GAINS RATE IS A TERRIBLE IDEA

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, last month, only weeks after the Tax Reform Act of 1986 became fully effective, we learned that the President has decided that what this country needs is a preferential tax rate for capital gains.

How disappointing that the man whose constant support was essential to the enactment of historic tax reform now wants to rip open a loophole in our brand new Tax Code.

Cutting the capital gains rate is a terrible idea.

First, it would not be fair to the vast majority of taxpayers. It would shift the distribution of the tax burden away from high-income taxpayers and to low- and middle-income taxpayers.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Second, when we had a capital gains preference we also had a tax system that had high marginal rates and more than a dozen brackets. Now we have only two tax rates, both of them low. The rationale for a capital gains differential just isn't there.

If we give in to this special interest, how could we refuse others?

If you ever wondered how our Tax Code got so complicated we had to throw it out and start over, consider where establishing this new loophole would lead.

MAKE A STRONG TRADE BILL A PRIORITY FOR 1988

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, the trade figures for November were released a few days ago, and while they are less alarming than the recordbreaking October numbers, the importance of strong trade legislation continues to be clear.

The good news is that our exports increased by $2 billion in November, and we imported $2.4 billion less.

The bad news is that despite the reduction in our trade deficit to $13.5 billion, our country still imported $37 billion more in goods during November, a figure higher than the 1987 monthly average.

Additionally, we had an accumulated trade deficit of $159 billion through the first 11 months of 1987, more than any other previous 12-month figure.

The continuing imbalance between our imports and exports has hurt our Nation and our Nation's working families. We will continue to lose good jobs until we enact trade measures which put the United States on an equal footing for fair trade with other nations.

Mr. Speaker, you have made the passage of strong trade legislation a top priority for 1988. Let us get on with the job.

ABUSE OF THE SAME DAY RULE

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, just as October 19 has been called "Black Monday" because of the stock market crash, October 29 has been dubbed "Black Thursday-Thursday" because of the parliamentary law crash here in the House. That is when you convened 2 legislative days to avoid a two-thirds vote on considering the second reconciliation rule.

While we were told at the time that this was not unprecedented and that the same-day rule refers to legislative days, not calendar days, there was something that stuck in my craw about that tactic. Consequently, over the recess I asked my Rules Committee counsel to thoroughly research this question.

The resulting analysis, which I am including with a special order in today's RECORD, reveals that the double-day ploy violates the original intent of the House rule in question. Moreover, this was the first time 2 legislative days had been convened on the same calendar day to avoid a two-thirds vote. I would therefore respectfully request, Mr. Speaker, that you study this analysis and refrain from resorting to this dubious tactic in the future. Let us restore the parliamentary principle of uniformity in proceeding by giving Members a real day's notice before calling up a rule.

CONTROLLING CONTINUING RESOLUTIONS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, today I am joining with Representative SCHROEDER from Colorado as an original cosponsor of legislation to control continuing resolutions.

Now, continuing resolutions were defined originally as a measure providing appropriations in the absence of one or more regular appropriation bills. It is true we have been using them for more than 100 years, but they have only been used in the past periodically and, you know, not as a substitute for all appropriations. With one exception prior to recent history, in 1950 Congress used an omnibus appropriation continuing resolution and there was such an outcry from the Members of Congress and the public that that was abandoned until 2 years ago.

We are now again making it a regular practice. During the 1980's, I think we have gutted the original intent of continuing resolutions and rolling all 13 appropriation bills into one continuing resolution cannot continue.

I remember that night, standing over there when the Clerk staggered down the aisle under the burden of 2½ feet of papers, plopped down one copy here, one copy on the Republican side, and all 435 of us had 1 hour to read and debate those thousands of pages and find out what was in there.

Just yesterday we repealed one of the more egregious examples of things that were slipped into that bill. We had to vote already to rescind some funds that were appropriated, and there will be more and more horror stories that will come of that bill. No one knew that night what was in there. We still do not know what was in there, and that is no way to run a government. It is no way to address the deficit. It is time to put a stop to that practice.

☐ 1115

THE PAY FOR PERFORMANCE BILL

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, a number of my colleagues have talked about the problem of the continuing resolution. I have had a bill in the hopper for some time that I would ask my colleagues to consider. We ought to be really serious about doing something about this. We ought to create incentives in the system to make sure we do not do it again. My bill is called the pay-for-performance bill. It revolves around the fact that we have a permanent authorization and appropriation for one particular program and that is for Members' pay.

My bill would suspend the automatic or permanent authorization and appropriation for Members' pay at the beginning of the fiscal year if before that date the 13 major appropriation bills had not been passed out of the House, passed out of the Senate, conferenced and sent to the President.

My bill will also say that the 13th bill to be considered would have to be the legislative appropriation, that is, our appropriation for our committees, committee staff, and personal staff.

What that would mean is if we fail to act on the rest of the business of the people of the United States, we would not be paid, our staffs would not be paid, the committees could not go forward.

It may sound a little silly or childish that we have to do that but we have tried everything else.

Mr. Speaker, I ask this question of my colleagues, why should we be paid, why should those of us who work here in the House of Representatives and the Senate be paid if we have not done our work?

THE CONTRA AID VOTE

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, last night the House of Representatives rejected the Reagan administration's support for the Contras terrorists in Nicaragua, and voted to support the peace plan of the Central American Presidents.

This morning, we awoke to further evidence that the administration's policy is not just one of failure, but one of deception and lies.

Lies to the American people, lies to the Congress, lies about our real policies and goals in Central America.

For weeks, the President told us aid to the Contras was essential, because the Soviets continued to send aid to the Sandinistas. Those very arguments were offered over and over again on the House floor last night.

But today, we learn that Secretary Gorbachev offered to end military aid to Managua if we ended our aid to the Contras. And the President failed to act, and failed to tell the American people or the Congress.

We also learn that our Government was aware of a deception, conceived by Oliver North and planned with Panamanian drug czar Noriega, to set up a phony arms smuggle between Nicaragua and the Salvadoran guerrillas—to deceive the Congress and the American people into supporting the Contras.

What a tragic policy.

In pursuit of democracy, we have undermined democracy, here at home, and in Central America, too.

In pursuit of arms interdiction, we have become arms traffickers.

In pursuit of peace, we have spurned opportunities for peace and undermined the Arias accord.

How tragic that the Reagan administration, which is the author of this tragic and failed policy, has done too little to promote real democracy in this hemisphere.

Where is the outrage at the continuing totalitarianism in Chile—South America's oldest democracy?

Where is the policy to address our relations with a corrupt government in Panama, where our real security interests are involved because of the canal?

Where are the statements of outrage at the murder of the human rights official in El Salvador, whose democratic government our President always cites?

Where are our efforts to support democracy in Honduras, which we are rapidly transforming into the largest permanent military base in Central America?

Last night's vote was not only an end of a terrible archaic and counterproductive policy, it was the beginning of a new era of respect for our Central American neighbors and faith in the power of negotiations.

The news on the front page of this morning's newspapers makes it even clearer that the Congress made exactly the right decision in ending military aid to the Contras. It is a policy founded on ignorance, pursued through deceit, and rooted in arrogance.

We have joined the world community in voting for negotiations, voting for regional autonomy, and voting for peace.

COMMISSION ON RACIALLY MOTIVATED VIOLENCE ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, today, I introduce with the ranking minority member of the House Judiciary Committee, Mr. FISH, a bill to establish a commission to study racial violence. It saddens me that—in a country seen as the land of opportunity, a country based on the rule of law rather than of men—violence directed at people solely because of the color of their skin is still so prevalent.

Nearly three decades have passed since the birth of the civil rights movement when people demonstrated, marched, and even died in the effort to secure the equal rights and opportunities guaranteed to all Americans by the Constitution. And it was almost 25 years ago that Martin Luther King, Jr., stood on the steps of the Lincoln Memorial and delivered his celebrated "I have a dream" speech. In that speech he talked about a society where blacks and whites could live side-by-side in peace and harmony, where people were judged not "by the color of their skin but by the content of their character."

Progress has been made toward Dr. King's dream. No longer are there laws prohibiting individuals from living in the home of their choice, working at the job of their choice, or entering the school of their choice. People are not prevented from voting because of the color of their skin. More people of color are entering the professions, and we see politicians of all races at the local, State, and Federal level. And yet, the unemployment rate among blacks is more than double that of whites; more babies of color die in the first year of their lives than do white babies. Children of color drop out of school at a much higher rate than do white children, and minorities face a higher poverty rate. The list could go on. America is not the land of opportunity for many people of color.

And even more disturbing in a country based on the rule of law is the fact that violence directed at individuals solely because of their color appears to be on the increase. Reported incidents include:

Last November, in Wappingers Falls, NY, a teenage girl was found half nude, battered and with racial epithets scrawled on her body. She said six white men had kidnaped her, holding her captive and raping her for 4 days.

In January 1987, a group of civil rights marchers in Forsyth County, GA, were attacked.

In December 1986, a black man was hit by a car and killed in Howard Beach, NY, when he ran onto a highway to escape a gang of white youths who were chasing him.

In January 1986, seven individuals armed with baseball bats threatened and assaulted a group of Hispanic people at a Cedartown, GA, bowling alley.

In February 1986, two masked, armed white men attempted to throw a black student leader at the University of Texas from an eighth floor dormitory window.

In March 1986, a mob of white men gathered outside the home of an Asian family in Philadelphia, PA, shouted racial epithets, and threw rocks and bricks through the windows.

In May 1986, a 20-year-old black man was fatally beaten and stabbed by a gang of whites in Brooklyn, NY, when the bicycle he was riding collided with one of their cars.

In July 1986, a black teenager was shot to death in Lake County, IL, by a man who—witnesses said—shouted "Klan, Klan, Klan," as he fired.

In July 1986, in Bucks County, PA, the home of a black family was fire-bombed twice, the second attempt destroying the family's house, car, and possessions.

In October 1986, white University of Massachusetts students, angered by the World Series defeat of the Boston Red Sox by the New York Mets, attacked a group of black students, injuring one seriously.

Since 1984, 11 Korean businesses have been fire-bombed in Washington, DC.

In 1984, in New York City, a pregnant Chinese-American teenager was pushed in front of the subway by a white man.

In 1984, a Loatian immigrant was beaten to death by angry motorists when his car stalled on a St. Louis street.

Vietnamese fishermen in Texas, Florida, and California have been assaulted and intimidated.

Time magazine reported last year that, according to statistics supplied by the Department of Justice's Community Relations Service, racist attacks in the United States increased from 99 in 1980 to 276 in 1986.

A southern poverty law center study found that 45 known arson attempts and cross-burnings occurred between 1985 and 1986 at the homes of minorities who had recently moved into primarily white areas.

Violence directed at individuals solely because of their race threatens to tear apart the fabric of our society. If some Americans must live in fear for their safety, none of us is truly safe. For this reason, I am introducing legislation to create a bipartisan Commission on Racially Motivated Violence. The Commission is to collect and analyze information and statistics concerning acts of racially motivated violence, to investigate the causes of these acts, and to determine whether such acts are increasing and whether certain organizations are causing the violence. In addition, the Commission is to explore methods, including the role of governmental entities, that could be used to avert and eliminate acts of racially motivated violence and to achieve racial harmony in the United States. While carrying out its investigation, the Commission is to consult with representatives of groups and organizations involved or interested in protecting the rights of minorities.

The Commission is to be composed of 12 members. Six members are appointed by the President, including a Governor, a Federal official, a mayor, and a local law enforcement official whose cities have experienced racially motivated violence, and two representatives of organizations established to promote the rights of racial minorities. The remaining six members are appointed by Congress and include two members of the Senate Committee on the Judiciary, two members of the House Committee on the Judiciary, and two other individuals who are qualified to serve on the Commission by virtue of their education, training, or knowledge or their personal experience with racially motivated violence or its effects.

One year after its first meeting, the Commission is to submit a report to the President and the Congress, detailing the results of its investigations, and recommending actions that should be taken by the Federal Government, the States, the District of Columbia, local governmental units, and community organizations to respond to the problem of racially motivated violence.

Racially motivated violence is an insidious cancer on our society that must be eliminated if we are to fulfill the promise of America as a land where people of all races live and work together in peace and harmony. A commission such as the one in the proposed bill is a first step toward that goal.

MEMORIAL SERVICE FOR JESSE GRAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday at its annual meeting in the Nation's Capital, the National Tenants' Organization [NTO] held a memorial service for the founder of NTO, the late Jesse Gray of New York. Mr Gray died on January 2 after a long illness. His efforts in organizing tenants in public housing and other low-income housing projects has led to a better life for many thousands of low-income people.

I was honored to be invited to speak at this memorial service for Jesse Gray, but due to the late session of the House last night during the debate and vote on Contra aid, I was unable to be present for the memorial service but sent the staff director of the Subcommittee on Housing and Community Development, Gerald R. McMurray, to present my remarks at the memorial service.

Mr. Speaker, I am including as part of the RECORD my statement at the memorial service for Jesse Gray, as well as a statement presented to my Subcommittee on Housing and Community Development at a hearing today on issues relating to fair housing as they affect Hispanic people in this country. Jesse Gray spent his life working for fairness for the blacks, Hispanics, and white low-income people who were seeking a better housing opportunity and a fairer shake from society.

REMARKS OF CHAIRMAN HENRY B. GONZALEZ ON JESSE GRAY AT THE ANNUAL CONFERENCE OF THE NATIONAL TENANTS' ORGANIZATION

I am honored that the National Tenants' Organization has asked me to offer words of tribute to the late and greatly-missed Jesse Gray.

It was 1 month ago, on January 2, that Jesse Gray died in New York City after having spent 4 years in a semicomatose condition as a result of complications resulting from surgery. How ironic it was that Jesse Gray spent the last years of his life in a coma at a time when this Nation and its leaders have been in a coma with regard to the housing needs of our low-income and working class people. This Nation has forgotten the lesson that Jesse Gray and many of us have sought to teach: that Government and society have a responsibility to provide decent, safe and suitable shelter for all people. Jesse saw the beginning of our accomplishments in his lifetime, but they were only beginnings. The Reagan administration cut off those beginnings in 1981 and has brought this Nation to its knees with our streets filled with homeless families, children not being adequately educated, people without jobs, and a nation having forgotten the human needs of its less fortunate citizens.

What we miss today is the prophetic voice of Jesse Gray organizing, demonstrating, agitating, and demanding that even poor people have housing rights. Jesse Gray's life was an embodiment of the prophet standing at the gates of the city demanding compassion and shelter for those without shelter. His organizing talents led to creation of your great organization. Jesse's organizing abilities were rooted in a labor movement beginning in the 1940's. His activism resulted in his election to the New York State legislature in the 1970's where he so ably represented Harlem.

Every Congress, our distinguished colleague from Michigan, JOHN CONYERS, reminds us of Jesse Gray's contribution by introducing the Jesse Gray Housing Act which puts in legislative form the real public housing needs of our Nation, and I am always privileged to join Mr. CONYERS in supporting this legislation. As long as there is the concern and support of the National Tenants' Organization, the Jesse Gray Housing Act will be the goal to which we will strive to achieve.

We are living through the worst housing shortage since the Great Depression years. Rents have increased since 1982 by approximately 45 percent, rental housing for low and moderate income people is just not available. The largest increase in homelessness today is families, many of whom are working families, who just do not earn enough to keep up with the skyrocketing costs of housing. Recent statistics show that in the Washington Metropolitan area the average mortgage payment for a recently-purchased single-family home is over $1,000 per month. Rent for a two-bedroom apartment in the Washington Metropolitan area averages $600 to $700 per month. How can poor and moderate income families afford this? What kind of life are we creating for our children at these prices?

The legacy of Jesse Gray demands that we continue to fight in the manner that he fought and continue to demand of our society and our government a response that addresses the housing needs of all of our citizens, particularly the low and moderate income people.

STATEMENT OF CHARLES KAMASAKI, DIRECTOR OF POLICY ANALYSIS, NATIONAL COUNCIL OF LA RAZA

I. INTRODUCTION

Mr. Chairman and members of the Subcommittee, my name is Charles Kamasaki, and I am Director of Policy Analysis for the National Council of La Raza, one of the nation's largest Hispanic organizations. The Council is a private nonprofit organization, headquartered in Washington, D.C., which represents more than 80 local Hispanic community-based organizations in 32 states, the District of Columbia and the island of Puerto Rico.

We are pleased that the Subcommittee is holding hearings on the segregation of minorities in this country. The issue of segregation and the problems of housing discrimination often do not receive the attention they deserve. Further, we note that the issue of housing discrimination is usually discussed only in the context of racial bias. While the data clearly show that Black Americans continue to face severe housing discrimination, too little attention has been focused on similar problems faced by Hispanic Americans. Therefore, we sincerely appreciate this opportunity to appear before you today to present our views on this serious and persistent problem.

II. HOUSING CONDITIONS

Housing conditions for much of the Hispanic community are inadequate. An unpublished Department of Housing and Urban Development [HUD] study showed that in 1983 about one-third of all Hispanic households live in physically inadequate or overcrowded housing, compared to only one-tenth of White households.

The affordability of housing is a more critical problem for Hispanics than housing quality. The lower a household's income, then the higher the proportion of income that must be spent on housing. According to a forthcoming study for the National Council of La Raza by Cushing N. Dolbeare, very-low-income households typically spend well over half their incomes for shelter, including utilities.

In 1983, the median income of all Hispanic households was $15,115. The median Hispanic family homeowner income was $22,100, compared to $11,100 for Hispanic renters. About one-quarter of Hispanic households with incomes under $10,000 per year were homeowners; 45 percent of all Hispanic homeowners had incomes below $20,000, as did 79 percent of Hispanic renters.

That year, some 28 percent of all Hispanic households had incomes below the poverty level and the income of 1 household in 10 was less than half the poverty level. As a result, one Hispanic household in 10 paid more than 70 percent of their income for housing, and 2 in 5 spent more than 30 percent of their income for housing.

One factor which contributes to Hispanic housing problems is the lack of adequate rental housing for families with children and large families. In 1986, 26.6 percent of Hispanic families had five or more members, compared to 13.7 percent of non-Hispanic families.

The 1985 Current Population Survey shows that over 75 percent of Hispanic families had three or more persons, a rough proxy for the presence of children, compared to less than 60 percent of non-Hispanic families.

A 1980 HUD study found that 25.5 percent of all rental units in the United States did not allow children, and another 50 percent had policies which restricted the ability of families with children to rent the units. Such restrictions included limits on the number of children who could occupy a unit, limits on the number of units in an apartment complex where families with children could reside, limits on the age of child occupants, and prohibitions on children of the opposite sex sharing the same bedroom. Thus Hispanics face housing problems, resulting from low income and family size.

III. DISCRIMINATION AND SEGREGATION

A. Housing discrimination

Hispanics are both disproportionately poor and inadequately housed, but low income alone cannot fully explain the poor housing conditions in which many Hispanics live. According to a 1983 internal HUD study:

> When common factors contributing to housing deprivation are taken into account, differences in housing conditions among Whites, Blacks, and Hispanics are narrowed somewhat, but sizeable differences still remain. . . . Blacks and Hispanics are twice as likely as Whites to be either inadequately housed or overcrowded, even when they have similar financial resources.

It is clear that factors other than income are partially responsible for poor Hispanic housing conditions. One of these factors is housing discrimination. While there has been considerably less research on the nature and extent of housing discrimination against Hispanics than on discrimination against Blacks, the available data show that housing discrimination against Hispanics is pervasive. The following subsections describe research findings on housing discrimination and Hispanics in selected urban areas.

1. Dallas

A 1979 HUD "audit" in Dallas was the first HUD research to focus on the extent of housing discrimination against Hispanics. It had often been assumed that Hispanics would suffer less than Blacks from housing discrimination for two reasons: Hispanics were a smaller subpopulation, and the income of Hispanic renters was substantially greater than that of Black renters. The results of the audit showed otherwise.

The Dallas study found that 42 percent of dark-skinned Mexican Americans and 16 percent of light-skinned Mexican Americans were given false information on the availability of rental units. The chance of dark-skinned Mexican Americans experiencing at least one instance of discrimination in a typical housing search was 96 percent, and the probability of light-skinned Mexican Americans experiencing similar discrimination was about 65 percent.

The incidence of discriminatory treatment against dark-skinned Mexican Americans was found to be far greater than that against either blacks or light-skinned Mexican Americans. Discriminatory treatment against dark-skinned Mexican Americans regarding availability of a unit was two and one-half times as great as that against either Blacks or light-skinned Mexican Americans. Furthermore, discriminatory treatment against dark-skinned Mexican Americans on terms and conditions of the contract was also far greater.

2. Denver

A 1982 HUD-funded study in Denver also found evidence of housing discrimination against Hispanics. When teams of White, Black and Hispanic auditors were sent out to homes that were advertised for sale, the White auditors received considerably more information when they asked about homes similar to the advertised house in the same general area or in other locations. One in three Hispanic auditors was told that there were no homes available which were similar to the advertised home and in the same general area, compared to one in five White auditors. Furthermore, 60 percent of Hispanic auditors were told of no similar homes in other areas, compared to 31 percent of White auditors. These differences in the degree to which Hispanic and White auditors were informed of housing alternatives were sizeable and statistically significant.

Discrimination against Hispanics regarding housing availability was not found to be as widespread in the rental housing market, but some differences in the treatment of Hispanic and White auditors strongly suggest discrimination. For example, Hispanic auditors were twice as likely as Whites to be told that the advertised units were unavailable, and also twice as likely not to be told of other rental housing possibilities which might meet their needs. In neither case, however, were the differences statistically significant.

3. Boston

A Boston telephone survey found major differences in treatment of Whites and minorities. In a HUD funded study in 1981, a telephone survey was done of selected realtors who were advertising units for rent. The test teams consisted of three persons: one that would normally be identified by voice as White, one as Black, and one as Hispanic. In all 42 tests that were conducted, the White testers were invited to come to the office to be shown a unit, while Black and Hispanic testers were informed that no units were available 31 times.

Site visits were carried out on 47 firms including those that were already covered by the telephone survey and continued to advertise units for rent. In 23 of 47 tests only the White testers were shown units while Black and Hispanic testers were told nothing was available.

4. Other Studies

A 1986 HUD-funded study in Phoenix found evidence of discriminatory rental practices against both Blacks and Hispanics. In 13 percent of the audits, Blacks and Hispanics were asked to pay higher rents and deposits while Whites were given a variety of rental inducements.

Other surveys finding evidence of housing discrimination were performed in Houston and in San Jose, California. In both cases, Blacks encountered more discrimination than Hispanics. In 1973, a Houston audit found that at "White-occupied" apartment complexes, Black auditors encountered at least one form of discriminatory treatment in 42 percent of their visits, compared to 10 percent for Hispanic auditors. A 1978 study in San Jose found that Black auditors encountered some form of discriminatory treatment in 58 percent of their visits, compared to 20 percent for Hispanic auditors.

Finally, a recent telephone survey by the Lawyers Committee for Civil Rights Under Law in Washington, DC was done in the District of Columbia, Virginia and Maryland with both Hispanic and White testers. They found that Hispanics encountered at least one form of discriminatory treatment 20 percent of their calls.

B. Hispanic Residential Segregation

A recent report written by Professor Gary Orfield for the Joint Center for Political Studies on school segregation trends in the 1980's shows a constant growth in the isolation of Hispanics, with segregation becoming increasingly severe in virtually all parts of the country and in almost every period in the sixteen years that national data have been collected. Dr. Orfield concludes that:

> While Black segregation has remained about the same under Presidents Ford, Carter, and Reagan, Hispanic segregation has been growing steadily since the late 1960's when it was first measured nationally.

Among Hispanics, the data clearly show that the Puerto Ricans are the most segregated and the most disadvantaged groups. A 1981 article written by Dr. Douglas Massey points out that residential segregation among Hispanics is higher in New York than anywhere else in the country.

It is generally true that both school and residential segregation are linked together. In Dr. Orfield's study on school segregation, he found that 85 percent of the Hispanic students in New York State attended predominantly minority schools. Of this, 59 percent of the state's Hispanic students were in intensely segregated schools that were 90-100 percent minority.

Two other states show a high and rapidly increasing segregation. Three-fourths of California's Hispanic students and 68 percent of those in Florida attend schools where less than half the students are White.

The precise relationship between the incidence of discrimination and the levels of segregation in various communities is not known. Clearly, however, reductions in the levels of segregation cannot take place without reductions in the scope and degree of housing discrimination.

IV. POLICY RESPONSES TO HOUSING DISCRIMINATION

A. Fair Housing and Hispanic Complaints

Federal fair housing laws need more effective enforcement mechanisms to resolve housing discrimination complaints and to expand coverage to families with children and the disabled. But additional efforts specifically focused on Hispanics are also essential to effectively address housing discrimination against Hispanics.

The Fair Housing Amendments Act of 1987 which is pending in Congress is limited to improving the effectiveness of the enforcement process after a complaint is filed. It does not, however, address the need for action to increase the likelihood that Hispanics encountering housing discrimination will file complaints. Despite evidence of pervasive housing discrimination against Hispanics, HUD data reveal that Hispanics tend to file very few complaints. According to the data:

> From Fiscal Year 1980 through Fiscal Year 1985, formal complaints filed with HUD-certified fair housing state and local agencies by Blacks alleging discrimination totaled 14,172, while such complaints from Hispanics totaled 1,328, a ratio of about 11:1; yet the Black population is only about 37 percent larger than the Hispanic population.
>
> This pattern was consistent over the six-year period. The ratio of Black-to-Hispanic complaints exceeded 10:1 in every year except Fiscal Year 1983 (9:1).

There are several possible reasons for this differential. The Black population is somewhat larger, and some of the above-cited studies suggest that in some markets, Blacks are more likely to encounter discrimination than Hispanics. It is also possible that Blacks are more likely to encounter overt forms of discrimination than Hispanics, and are therefore more likely to know that they have been discriminated against. However, these factors do not fully explain the extent of the difference in complaints.

Hispanics are less likely to file civil rights complaints in general, and fair housing complaints in particular. Several important reasons for this have been suggested. First, many Hispanics may not have a complete understanding of their rights; and second, all but the most blatant forms of housing discrimination frequently are not recognized as illegal discrimination by the victims. Some examples of subtle forms of housing discrimination, e.g., "steering," false information on the availability of rental units, and differential treatment in lending practices, are difficult for a victim to identify.

Furthermore, the weak enforcement mechanism in the present fair housing law may contribute to the low numbers of complaints filed by Hispanics. The lengthy period required to reach conciliation and the lack of any real redress to the victim may deter Hispanic victims from filing complaints. In addition, rental agents and realtors are aware that they are not likely to be penalized for practicing illegal housing discrimination, and therefore, are not often deterred from discriminating. These factors may limit confidence within the Hispanic community in the HUD conciliation process, thus reducing the number of complaints.

Language differences may exacerbate the above-cited factors. HUD no longer publishes brochures explaining fair housing laws in languages other than English, thus reducing the ability of limited-English proficient persons to understand their rights under the law. Limited-English proficiency may also hinder Hispanics from fully understanding what realtors or rental agents are telling them, thus limiting their ability to detect discrimination.

Another often ignored factor that helps to explain differences in the propensities of Blacks and Hispanics to file civil rights complaints is the disparity in the relative strength of civil-rights-oriented institutions in the two communities. The Black community has a long and proud tradition of strong, active civil rights groups such as the NAACP and the National Urban League, which inform Black Americans of their rights. Their counterparts in the Hispanic community are much younger, have fewer resources, and in many cases are much more fragile.

The lack of strong civil rights-oriented Hispanic institutions is especially true with respect to fair housing, and HUD has not been effective in addressing this problem. A review of HUD grants to public and private fair housing groups reveals that very few grants have gone to groups emphasizing services to the Hispanic community. Moreover, HUD has not carried out a single fair housing initiative focusing on Hispanics since the 1979 Dallas survey. To the extent that building the capacity of state and local groups is at least partially a function of the availability of resources, it is not surprising that there are few strong local fair housing groups focusing on fair housing for Hispanics.

HUD has also been negligent in ensuring that bilingual personnel are available at critical times in the complaint process, including: (1) the Fair Housing Division "800" telephone number victims of housing discrimination anywhere in the country can call in for information; and (2) in the fair housing division of the regional offices where complaints are filed.

B. Potentially Effective Policy Responses

While HUD has not focused on Hispanic fair housing needs, potentially effective mechanisms for addressing housing discrimination against Hispanics do exist. The Fair Housing Enforcement Demonstration Project, sponsored by HUD and the National Committee Against Discrimination in Housing [NCDH], provides some insight into ways in which increased anti-discrimination activity can be generated. Under the Demonstration Project in 1981, small grants were provided to nine local fair housing groups to conduct fair housing testing and a limited amount of outreach and public information.

By all accounts, the Demonstration Project was successful, and resulted in a series of impressive achievements:

In each area participating in the project, complaints rose dramatically. There was also a relatively high rate of success in complaint resolution.

During the two-year period of the project, HUD recorded a dramatic increase in complaints (from 4,000 to 5,300); over 50 percent of this increase occurred in areas where the demonstration was being conducted.

A modest amount of federal funding generated an extremely high level of activity. It is estimated that each dollar of project funding generated two to three dollars in activity by the local groups.

The activities carried out under the Demonstration Project clearly address many of the factors contributing to the low level of fair housing complaints by Hispanics. The local groups increased awareness of housing discrimination, provided counseling and technical assistance in filing complaints, and established a strong institutional presence in their respective communities.

C. Fair Housing Initiatives Program

The National Council wishes to think and congratulate Chairman Gonzalez for the inclusion of the Fair Housing Initiatives Program (FHIP) in the recent housing authorization bill (S. 825). As the Chairman will recall, the statutory language in H.R. 4 and S. 825 as passed by the other body was nearly identical. There was substantial controversy, however, over the report language. In short, S. 825's report language made explicit reference to "guidelines" included in the housing bill considered by the other body in the 99th Congress (S. 2507). The problem with the other body's report language, as the Chairman is well aware, is that the "guidelines" included in S. 2507 would have rendered the FHIP program ineffective. The specific concerns that we and other civil rights organizations had with the "guidelines" are described in the attached letter from the Leadership Conference on Civil Rights. Moreover, the "guidelines" were the product of a secret deal between the National Association of Realtors and HUD.

With the assistance of Chairman St Germain and the Chairman of this Subcommittee, explicit references to the S. 2507 guidelines were removed from the Statement of Managers accompanying the housing conference report.

While we are pleased that the issue was favorably resolved in conference, we are understandably concerned about the future implementation of the FHIP program. We are especially concerned because there is some evidence that the industry groups still maintain unhealthy relationships with HUD on Fair Housing-related issues. A recent Los Angeles Times article, which is attached to this testimony, raises serious questions regarding HUD's ability to implement the program in a fair and equitable manner.

V. CONCLUSIONS

The National Council of La Raza believes that strengthening the effectiveness of fair housing laws in protecting the rights of Hispanics requires two major policy initiatives. First, the strengthening of the fair housing laws is crucial, and must include an expansion of coverage to include the handicapped and families with children, and establishing more effective enforcement mechanisms to resolve complaints. Hispanics, particularly families with children, need timely resolution of their complaints, and typically cannot afford remedies which require them to take individual legal action. Therefore, we urge the Chairman and the Subcommittee to support timely passage of the Fair Housing Amendments Act.

However, the new legislation alone will not be sufficient. Given the analysis cited above, showing that few Hispanics tend to file discrimination complaints, it is essential that the implementation of the FHIP program be responsive to the needs of the Hispanic community. We make three specific recommendations in this respect.

First, we need to work with the Appropriations Committee to obtain funding in FY 1988 to implement FHIP. As the Chairman knows, S. 825 was acted on after consideration of the Continuing Resolution; thus, no FHIP appropriation was included in the bill. We urgently request the assistance of the Chairman and the Subcommittee in securing funding for FHIP this year.

Second, we urge the Subcommittee to carefully monitor the development of implementing regulations for FHIP. Given the history of the FHIP program, and the allegations in the Los Angeles Times article, we are concerned that HUD may seek to impose the S. 2507 "guidelines" through regulation. We hope that the Subcommittee and the civil rights community can work together to ensure that the regulations do not impede the effective implementation of FHIP.

Finally, we suggest that, given the relative lack of Hispanic-focused research, the absence of Hispanic fair housing organizations, and the unavailability of bilingual materials and staff at HUD, we believe that the FHIP program should include an explicit Hispanic focus; specifically, we recommend:

Support for systemic testing including Hispanic, White, and Black teams, in various locations, to provide more empirical data on the scope and degree of discrimination against Hispanics.

Funding to Hispanic groups interested in fair housing activities, to support outreach and public education, receiving and recording of complaints, conducting of tests, and referral of documented complaints to HUD.

Availability through HUD of all necessary bilingual materials and personnel in order to inform the Latino community about their equal housing opportunities and about complaint procedures.

The enactment of the Fair Housing Initiatives Program creates a major new opportunity to document and reduce housing discrimination against minorities. However, this opportunity could be lost or severely damaged unless the FHIP is adequately funded and fairly implemented.

We thank the Subcommittee for this opportunity to present our views, and pledge to work closely with you in your fight against invidious housing discrimination against minorities and other protected groups. I would be happy to answer any questions you have.

THE HOSTILITIES ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, today I am introducing the Hostilities Act of

1988 to better ensure that the collective judgment of the Congress and the President are effectively and efficiently exercised concerning the involvement or introduction of U.S. Armed Forces in actual, imminent or potential activities. This act will also establish procedures which will better enable Congress to act pursuant to its constitutional war powers concerning the involvement or introduction of U.S. Armed Forces in actual, imminent or potential hostilities.

The legislation repeals the War Powers Resolution, including the unconstitutional legislative veto provision in light of the Immigration and Naturalization Service versus Chadha decision where the Supreme Court held that a one-House legislative veto violates the separation of powers for the enactment of legislation. However, the legislation also utilizes some provisions of the War Powers Resolution as a frame work upon which are made signficant reforms to the consultation, reporting, and expedited provisions of that statute.

Mr. Speaker, I believe that it is inevitable that the Congress will have to enact reform legislation in this important constitutional area. This is not only a result of the Chadha decision, which has the effect of weakening Congress' position on questions concerning the use of armed forces in hostilities through continued reliance on a statute which contains an unconstitutional provision; but it is also a consequence of 14 years of experience with the War Powers Resolution, which has shown that some provision, particularly in the consultation area, are ineffective.

In fact what we have seen over the years is that Congress has failed to really impose the War Powers Resolution; whenever we have a serious consideration of it, everyone backs off from it. The executive branch backs off because they do not wish to acknowledge that they are bound by what they consider to be an unconstitutional provision. In fact many administrations, both Democrat and Republican, have said in times when there is the suggestion that the War Powers Resolution ought to be implemented, that in fact they are acting consistent with the War Powers Resolution but make it very clear that they are not acting pursuant to it. At the same time we have found congressional leadership, both Democrat and Republican, over that period of time not wanting to go to the brink of a constitutional crisis under that law at a time when there is a fundamental foreign policy question at hand.

So what has happened is that it is on the books, it is looked at to direct actions by both the Congress and the President of the United States but no one really wants to force it to a vote, no one really wants to force it to a consideration by the Supreme Court. Therefore, ultimately it is ineffective.

Accompanying the introduction of the Hostilities Act is a detailed section-by-section analysis, which explains the operations of this legislation. For this reason, my remarks today will only highlight some of the significant areas of reform. I would hope—through a couple of special orders to elaborate upon the intended operation of some of the other core provisions of the Hostilities Act.

Because the consideration of the constitutional war powers is largely an institutional matter between the President and the Congress, I urge my colleagues to cosponsor the Hostilities Act and join with me in demonstrating the need for bipartisan reform in the constitutional war powers area. I am convinced that only by a comprehensive reconsideration of this issue can Congress establish an effective procedural mechanism by which it can exercise its constitutional role in the war powers area.

I am not saying that this is the last word on this area. I am offering it for consideration so that we might begin a debate on what the proper procedure is.

I am also not sanguine about the possibilities that it may be considered in the near future in an election year. As a matter of fact, following yesterday's debate and the vote on the Contra aid question, it appears to me that in Washington at this time the only place that we will find a bipartisan approach to foreign policy is in the history books. Nonetheless, I think it is something we ought to consider and not allow to sit idly on the side.

At this time I would like to briefly discuss the provisions of the legislation which I am introducing.

CONSTITUTIONAL AUTHORITIES, FINDINGS, AND PURPOSE

Section 2 of the Hostilities Act of 1988 provides the authorities, findings, and purpose of the legislation. An extended consideration of these areas is made in this section because it serves as the foundation for and an integral part of the other sections of the Hostilities Act. For example, section 2(b)(4) provides that "the U.S. Armed Forces are raised, supported, provided for, and maintained by the Congress in the exercise of its constitutional power." This helps stress the fact that only the Congress can provide armed forces.

Additional, section 2(b)(7) provides that "the Congress has a role in determining whether the U.S. Armed Forces it creates become involved in hostilities, and it may decide whether to provide armed forces in circumstances where hostilities may later develop." This subsection, therefore, helps emphasize the role the Constitution assigns to the Congress over the use of armed forces in actual, imminent or potential hostilities.

Finally, it should be noted that this legislation relies upon all of Congress' constitutional war powers, not just the power to declare war. This includes the power of the purse.

CONSTITUTION AND CONFERENCE WITH THE CONGRESS

Section 3 provides several significant reforms to improve the consultation between the executive and legislative branches on questions concerning the use of armed forces in hostilities. First, a definition of consultation and conference is included to ensure that consultation is an active form of deliberation and an interchange of opinion between the President and the Congress. Effective consultation and conference is not established where the President merely reports on actions already or soon to be taken.

Second, consultation, to be meaningful, should take place before a decision to introduce U.S. Armed Forces into hostilities rather than prior to the introduction itself.

Third, in exceptional, compelling circumstances, consultation and conference take place later than 48 hours after the decision to introduce.

Fourth, a continuing obligation of consultation and conference on developments affecting the armed forces involved in hostilities is imposed. The special consultation and conference committee, consisting of the congressional leadership and chair and ranking member of relevant committees, is established for the consultation and conference. The President may include other members of Congress but a minimum number of members on this committee is established. Committee members may designate other Members of Congress to take their place. An exception is also included where Members are physically unable to attend the consultation and conference meeting with the President.

REPORTS TO CONGRESS

Section 4 of the Hostilities Act includes some new requirements to make the reports submitted by the President to the Congress more meaningful. First, in addition to the requirement that the President submit reports when U.S. Armed Forces are introduced into hostilities, the President must also submit reports when U.S. Armed Forces "otherwise become involved" in hostilities. This will cover situations where U.S. Armed Forces are introduced into nonhostile circumstances which later become hostile.

Second, there are expanded requirements for the subject matter to be included in the reports. In addition to the current description of the required reports, the President must also state the "foreign policy and national interest justification" as well as the size and composition of the U.S. Armed

Forces involved or introduced into the hostilities.

These requirements will ensure that the policy aspects are considered by the President and the Congress and that the Congress will be fully informed concerning the size and composition of the armed forces. Hopefully, the requirements will provide more effective information upon which the executive and legislative branches can base their actions.

Third, a continuing reporting obligation is retained under the legislation I have introduced. Furthermore, the reports are required to be submitted to the members of the consultation and conference committee.

Finally, provision is made for a separate classified addendum for any classified information which may be submitted with the reports.

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Sections 5 and 6 are the heart of the Hostilities Act. These sections enable Congress to act under its constitutional war powers and rulemaking authority to impose limitations on the use of U.S. Armed Forces in situations of hostilities or enable Congress to use its powers of the purse to include these limitations in appropriation resources.

Sections 5(a) and 5(b) establish a procedure by which Congress may impose limitations on the use of U.S. Armed Forces in actual imminent, or potential hostilities. Section (a) subsection (1)(c) permits such limitations "in any situation which—Congress determines—would likely result in hostilities if U.S. Armed Forces were introduced." This change is made to address a major criticism that the War Powers Resolution does not enable Congress to impose restraints on circumstances which have not yet reached the urgent level of imminent or actual hostilities. In this regard, the Hostilities Act is more comprehensive by establishing a procedural means through which Congress can exercise its constitutional powers for all possible hostilities circumstances. Additionally, this reform is proposed in recognition of the fact that once imminent, and certainly once actual, hostilities have developed, it may be too late to avoid the introduction or involvement of armed forces in conflict.

Sections 5(a) and 5(b) continue to enable Congress to consider limitations for actual or imminent hostilities which is similar to the War Powers Resolution. However, Congress must make finding that actual, imminent or potential hostilities exist. There is no connection between the submission of a report by the President and subsequent legislative action. Under the Hostilities Act, Congress has the burden of acting.

I might add that at the present time one of the concerns we have under the War Powers Act is defining what hostilities are or the imminence of hostile action. It is my observation that many mental gymnastics are gone through by administrations, including the present one, in redefining what hostile action is so that the triggering mechanism will not come into effect. I think in many ways this leads to a lack of credibility with administrations, not just this one, but prior administrations in their definition of what is hostile action. But the reason they do is they do not want to be bound by the automatic nature of the War Powers Act which I believe happens to be unconstitutional.

That is, once the War Powers Act goes into effect, the President's ability to act is vetoed by inactions by the Congress. I think this flies in the face of the decision made by the Supreme Court in the Chadha decision, but the problem is the only way we would have that finally resolved is if an administration admitted that they were involved in hostile action or the imminence of hostile action, went on to send the troops there and the Congress then would not act within the 60 days, and then someone would bring a court suit against the continued presence of armed forces there. You have the worst of all possible worlds. You have American forces in a situation where the very fact that the War Powers Act may be clicking brings to bear pressure on those who may be firing upon our forces to cause more difficulty, because if they believe that they caused that difficulty they will automatically cause the American troops to be removed from the area.

My legislation requires that the Congress act, that the President's hands cannot be tied by inaction by the Congress, but it also requires that Congress consider it. Congress cannot merely sit by the wayside and let things go on. The people's Representatives would be required to consider it and to vote one way or the other.

As I have said, for legislation to be considered under the section 5 procedures, Congress must make a finding that some form of hostilities exist. Such intended findings are similar to those made in the Multinational Force in Lebanon Resolution.

Section 5(b) of the Hostilities Act contains illustrative examples of limitations Congress may consider imposing on the use of U.S. forces in hostilities. Since the factual circumstances of troop involvement in hostilities can vary so widely, which, if any, limitations Congress may consider imposing is a case-by-case determination. The examples listed include limitations on the duration of involvement and the size and composition of the armed forces. Additionally, Congress may wish to consider using its power of the purse to impose finding limitations. This may include restrictions on the amount of funds or period of appropriation.

One attribute of the procedure in section 5 is that Congress may tailor the necessary limitations to a given policy. This is in contrast to the blanket and arbitrary 60-day limitation on the use of armed forces in hostilities imposed by section 5(b) under the War Powers Resolution. Such arbitrary and automatic limitations may prove unwise under certain situations and may also impede U.S. foreign policy objectives. This consequence is avoided therefore, under the Hostilities Act by permitting Congress to calibrate or tailor an appropriate response to a given situation.

One of the other things that strikes me is that oftentimes we have a situation in which Congress can do something by inaction. In many cases Congress does not want to get on one side or the other of a particular decision that the President has made, and so Congress stands by to see whether it is going to be a success or a failure. If it is a failure we criticize. If it is a success, we say belatedly we support the President.

That is not the way to introduce a spirit of bipartisanship or to give confidence to the rest of the world that America has much staying power when it involves itself with its military personnel anyplace in the world.

Closely related to the imposition of restrictions in sections 5(a) and 5(b) is a new internal mechanism under section 6 which allows Congress to impose funding limitations consistent with legislation passed by the Congress under section 5(a). Section 6 is designed to work as follows. Once the Congress approves section 5(a) legislation imposing limitations on the use of armed forces, it is in order for Congress to consider whether to include similar funding restrictions on defense appropriation measures. This permits Congress to utilize its power of the purse. Either House of Congress can decide not to utilize this procedure by passing a resolution to this effect. This section 6 internal mechanism is consistent with the principles set forth in Immigration and Naturalization Service versus Chadha under the rulemaking exception to the bicameralism and presentment requirements under article I of the Constitution most significantly, section 6 establishes a new parliamentary procedure where Congress can determine whether it should utilize its power of the purse on questions involving the use of armed forces in hostilities.

In other words, what I am attempting to do is to channel Congress' activities into those areas that are recognized as constitutional. We know we have the power of the purse; therefore, we should consider these actions of joint consideration by the Congress and the President with respect to hostilities or imminent hostilities in the manner prescribed by the Constitution. We should not avoid the Constitution or circumvent the Constitution by setting up a mechanism such as is contained in the War Powers Resolution which says that we can basically interfere with Presidential decisions by inaction by the Congress.

The Chadha decision tells us that a one-House veto of a Presidential action is unconstitutional. What would the U.S. Supreme Court say about a no-House veto?

That is what we really have in the War Powers Resolution.

An important part of the Hostilities Act that I am introducing is the expedited procedures for the consideration of legislation imposing limitations on the use of armed forces. These procedures are included in subsections 5(c) to 5(k) of the bill. These provisions are important because they promote dialog and comity between the legislative and executive branches. In the absence of comity, they help to assure the President of congressional resolve over particular legislation. The priority procedures are an exercise of Congress' rulemaking authority to better fulfill its constitutional duties in the war powers area.

Whenever 20 percent of the House or Senate sponsor or cosponsor legislation concerning actual or imminent hostilities, the committee must report out legislation for floor consideration within 21 days. Failure to report, will result in discharge of the legislation as introduced. There is a 50-percent threshold level of congressional support for potential hostilities, since these circumstances are not as urgent as actual or imminent hostilities. These expedited procedures ensure floor consideration once legislation has received sufficient, strong congressional support. There is limited time for floor consideration, which is similar to the procedures in the Congressional Budget and Impoundment Control Act of 1974. These provisions are designed to ensure adequate time for congressional consideration, an opportunity to vote on appropriate amendments with a final vote on a bill and to preclude any dilatory tactics. There is also included an escape hatch, where the House or Senate may decide that the expedited procedure should not operate and the committee is not obligated to report. At all times, the will of the majority can prevail.

That may sound like a strange concept in the House of Representatives these days where we come to the floor oftentimes with absolutely closed rules where bills are buried in committee as a matter of course, but it seems to me it is an important thing and it ought to work in both directions.

So as my bill is written I would like to underscore that at all times the will of the majority in either House can prevail.

These expedited procedures are an improvement, I believe, over the priority provisions in the War Powers Resolution. Under that statute any bill or joint resolution introduced under the War Powers Resolution is considered under fast-track procedures. In contrast, legislation under my Hostilities Act are not considered under expedited procedures until the sufficient threshold of congressional support has been demonstrated.

So the concern that any administration would have that a handful of Members of Congress acting on their own, against the interests of the vast majority of Members of both the House and the Senate to interfere with the ability of the President of the United States to act would be overcome. I have threshold provisions in here which require significant interests, so much so that Members are willing to sponsor or cosponsor the legislation to the manifest before the fast track is implemented.

This also sends a better signal to the executive branch, since it may wish to compromise or talk with the Congress once substantial support for legislation demonstrates serious support for particular legislation.

Section 7 is a new addition to war powers legislation and also is a significant improvement over the War Powers Resolution. This section enables Congress to be reassembled, as an exercise of Congress' adjournment power, to consider reports submitted under the act or to consider legislation under section 5(a) of the act.

Under the War Powers Resolution, Congress could only be reconvened by the President. This was in recognition of the President's constitutional authority to reconvene the Congress after it had adjourned. However, section 7 of the Hostilities Act is based upon congressional adjournment authority and is consistent with prior congressional practice.

There are two means by which Congress may be reassembled under section 7. First, the Speaker of the House and the Senate majority leader, after consulting with the minority leadership in each house, can call back the Congress to consider a report or legislation under the procedures of the Hostilities Act. Second, 40 percent of the membership in each House can petition for a reconvening by the Speaker of the House and the Senate majority leader.

Section 7 is an important addition in the war powers area because it ensures that Congress will never be foreclosed from exercising its constitutional war powers when such occasion may have been unforeseeable at the time of adjournment.

Section 8 acknowledges that sections 5, 6, and 7 of the Hostilities Act are enacted under the rulemaking authority of the Congress and may consequently be modified at any time by either House. Section 5 pertains to the expedited procedures, section 6 involves the internal funding mechanism proviso and section 7 is an exercise of Congress' authority to condition an adjournment by permitting the reassembly of Congress.

Section 9(1) defines the term "introduction or involvement of United States Armed Forces" as used in the act.

Section 9 (1) and (3) provide illustrative definitions of the terms "hostilities" and "situations where imminent involvement in hostilities is clearly indicated by the circumstances." These definitions are drawn from the legislative history of the War Powers Resolution and Multinational Forces in Lebanon Resolution. Because of the disagreement between the Congress and the President over the existence of hostilities, I managed to attempt to explain that a bit ago. That is that administrations, not just this administration, but prior administrations have been involved in very difficult considerations of the definition of hostilities or imminent hostilities precisely because of a constitutional crisis arising in the midst of a particular armed forces exercise or introduction.

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Today we do not have that type of cooperation or that type of coming together between the executive and legislative branch nor did we have it in the previous administration.

But because of that I believe it is essential that definitions be included in my statute.

Section 10 is similar to provisions in section 8 of the War Powers Resolution and makes clear that no authority to introduce or involve U.S. Armed Forces in hostilities may be construed from the Hostilities Act or any law, appropriation, or treaty which does not specifically authorize such use of the armed forces.

Finally Section 11 of the Hostilities Act repeals the War Powers Resolution.

While some provisions of that statute, particularly in the consultation, reporting, and priority procedures areas, are relied upon as a framework in the Hostilities Act, these similarities contain significant changes. A repeal of the War Powers Resolution ensures that the provisions of constitutional uncertainty are no longer existing law.

I believe it is time that some of the core provisions of the Hostilities Act are enacted under Congress' rulemaking authority and could be enacted regardless of whether the War Powers Resolution is repealed. However, I believe that by repealing the War Powers Resolution, the executive branch may become an active participant of statutory reform in this vital constitutional area involving the war powers.

Mr. Speaker, I am not suggesting that the bill that I am introducing is the last word on the subject of establishing a framework within which the President of the United States and the Congress could act in the area of actual possible or imminent hostilities involving American forces. I do believe, however, that we do ourselves a disservice and the people we represent a disservice by allowing to remain on the books a law which I believe is patently unconstitutional.

The Chadha decision speaks to the question of the veto power of the Congress of the United States. The Chadha decision talks about the fact that the veto power given the President of the United States is an enormous power and it should not be lightly dealt with and suggests that we have a different way of operating in the Congress of the United States by action, not by inaction and by action involving both Houses of the Congress of the United States. To allow the War Powers Resolution to remain on the books when we recognize that there is a constitutional challenge there and to realize that the constitutional challenge would only be resolved in the midst of what would be considered to be a crisis between the Congress of the United States and the President of the United States, and which would be involving the actual participation of American men and arms involved somewhere in the world, to know these things and yet not to act is to do a disservice, as I say, to ourselves and to the people we represent and most specifically the men and women in the armed forces of America. So I offer this as a point of discussion hopefully as a point of serious discussion that we might begin to reform our attitude with respect to the War Powers Resolution. I am not suggesting that everything in here is the way I would necessarily like it. Some in the executive branch would think that I had given too many powers to the House of Representatives and the Senate vis-a-vis the President of the United States. Maybe so.

Some in the House and Senate would think that maybe I have given too much power to the President under these circumstances. Maybe so. What I have attempted to do is to establish a framework within which we would find the President of the United States and Congress coming together on a regular basis for consultation so that the decisions once made by the President would have a stronger backing by the Congress of the United States and so that we would stand before the world as a stronger, unified force in any circumstance in which the decision was made to interject American troops.

It seems to me we owe it to ourselves, we certainly owe it to the people who are in the armed forces in the United States today and around the world.

Mr. Speaker, I ask unanimous consent that a complete version of the Hostilities Act of 1988 and a section by section analysis be inserted in the CONGRESSIONAL RECORD.

The document referred to is as follows:

H.R. 3912

A bill to help ensure that the collective judgment of both the Congress and the President are exercised concerning the involvement of United States Armed Forces in hostilities, and to repeal the War Powers Resolution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hostilities Act of 1987".

SEC. 2. FINDINGS AND PURPOSE.

(a) CONSTITUTIONAL AUTHORITIES.—This Act is essential in order for the Congress to exercise the constitutional authorities cited in subsection (b)(3) and is enacted as an exercise of those constitutional authorities and the Congress' rulemaking authority.

(b) FINDINGS.—The Congress finds that—

(1) one of the primary objectives of the drafters of the Constitution was to effectively provide for the common defense of the United States;

(2) reflective of the doctrine of separation of powers, the Constitution divides the war powers between the Congress and the President and assigns duties to each of these branches of the Government;

(3) under the Constitution it is specifically provided that, among other powers, in order to provide for the national security the Congress has the responsibility and the power to—

(A) Provide for the common defense and general welfare of the United States;

(B) declare war;

(C) raise and support armies and provide and maintain a navy;

(D) makes rules for the government and regulation of the land and naval forces;

(E) determine whether funds, if any, shall be drawn from the Treasury as a consequence of appropriations made by law; and

(F) make all laws necessary and proper for carrying into execution, not only its own powers but also other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof;

(4) the United States Armed Forces are raised, supported, provided for, and maintained by the Congress in the exercise of its constitutional powers;

(5) it is essential that the President report fully and currently to the Congress, and consult and confer with the Congress, concerning the actual, imminent, or potential involvement of United States Armed Forces in hostilities if the Congress is to possess the required knowledge to fulfill its constitutional responsibilities and if the collective judgment of both the Congress and the President is to be brought to bear on issues concerning the involvement of United States Armed Forces in hostilities;

(6) in order for Congress to effectively exercise the constitutional responsibilities cited in paragraph (3), it is necessary for the Congress, in the exercise of its authority to establish its rules of procedure, to adopt improved and expedited procedures for congressional consideration of bills and joint resolutions concerning the involvement of United States Armed Forces in hostilities; and

(7) in exercising the constitutional responsibilities cited in paragraph (3), the Congress has a role in determining whether the United States Armed Forces it creates become involved in hostilities, and it may decide whether to provide armed forces in circumstances where hostilities may later develop.

(c) PURPOSE.—It is the purpose of this Act to improve upon the objectives of the War Powers Resolution enacted in 1973, based upon the experiences under that law, through improved consultation procedures, reporting requirements, and procedures for congressional consideration of legislation relating to the involvement of United States Armed Forces in hostilities, in order to ensure that the collective judgment of both the Congress and the President will be effectively and efficiently exercised concerning the actual or potential involvement of United States Armed Forces in hostilities.

SEC. 3. CONSULTATION AND CONFERENCE WITH THE CONGRESS.

(a) REQUIREMENT FOR CONSULTATION AND CONFERENCE.—The President shall consult and confer with the Congress with respect to any introduction or other involvement of United States Armed Forces described in section 4(a).

(b) NATURE OF CONSULTATION AND CONFERENCE REQUIRED.—For purposes of this section, the term "consult and confer with the Congress" means that the President shall meet to deliberate with Members of Congress for an interchange of opinion, to consider the issues and options, and to seek the advice of the Congress with respect to any introduction or other involvement of United States Armed Forces described in section 4(a).

(c) WHEN CONSULTATION AND CONFERENCE IS TO OCCUR.—

(1) BEFORE DECISION TO INTRODUCE.—Except as provided in paragraph (2), consultation and conference with the Congress pursuant to this section shall take place before the President decides to introduce United States Armed Forces, with the objective of providing an opportunity for a sufficiently informed deliberation, an interchange of opinion, a consideration of the relevant issues and options, and the furnishing of advice to the President by the Congress.

(2) EXCEPTIONAL, COMPELLING CIRCUMSTANCES.—In exceptional, compelling circumstances consultation and conference with the Congress may take place after the President decides to introduce United States Armed Forces. In no case, however, may the consultation and conference with Congress take place any later than 48 hours after the decision is made to introduce United States Armed Forces.

(3) CONTINUING CONSULTATION AND CONFERENCE.—Whenever there is an introduction or other involvement of United States Armed Forces described in section 4(a), the President shall regularly consult and confer with the Congress concerning developments af-

fecting those Armed Forces until United States Armed Forces are no longer in the hostilities or other situation described in section 4(a).

(d) Members of Congress To Be Involved in Consultation and Conference.—Consultation and conference with the Congress pursuant to this section shall at minimum include—

(1) the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority leader and minority leader of each House of Congress (or such other Member of that House as any such Member may designate to serve in his or her place);

(2) the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives or of the Committee on Foreign Relations of the Senate (as the case may be), of the Committee on Armed Services of each House, and of the Committee on Appropriations of each House (or such other Member of that House as any such Member may designate to serve in his or her place); and

(3) such other appropriate Members of Congress the President deems necessary;

except that it shall not deemed a failure to consult and confer if the President is unable to consult and confer with a Member specified in paragraph (1) or (2) if that Member cannot be contacted by the President, is physically unable to meet with the President, or is otherwise unable to meet with the President, and that Member has not designated another Member to serve in his or her place.

SEC. 4. REPORTS TO CONGRESS.

(a) Requirement for Report.—In the absence of a declaration of war, the President shall report to the Congress, in accordance with subsection (b), in any case in which United States Armed Forces—

(1) are introduced into or otherwise become involved in hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) are introduced into the territory, airspace, or waters of a foreign nation while equipped for combat, except for deployments which relate solely to the supply, replacement, repair, or training of such forces; or

(3) are introduced in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation.

(b) Description of Report Required.—Within 48 hours after any introduction or involvement of United States Armed Forces described in subsection (a), the President shall submit a full and complete written report to the Congress (with a copy of this report to be provided to each Member of Congress specified in section 3(d)). This report shall set forth—

(1) the circumstances necessitating the introduction or other involvement of United States Armed Forces;

(2) the constitutional and legislative authority for such introduction or other involvement;

(3) the United States foreign policy and national interest justification for the introduction or other involvement of United States Armed Forces;

(4) the estimated scope and duration of the hostilities or other situation described in subsection (a) which necessitated the report; and

(5) the composition of the United States Armed Forces introduced or involved.

(c) Periodic Reports.—Whenever there is any introduction or other involvement of United States Armed Forces described in subsection (a), the President shall periodically (but in no event less often than once evey three months), so long as such Armed Forces continue to be engaged in the hostilities or other situation, submit to the Congress full and complete written reports—

(1) on the status, scope, and duration of the hostilities or other situation;

(2) on the United States foreign policy and national interest justification for the continued involvement of United States Armed Forces in the hostilities or other situation; and

(3) on the present composition of the United States Armed Forces in the hostilities or other situation.

(d) Classified Information.—If any report required by this section includes classified information, that information shall be included in a classified addendum to the report.

SEC. 5. CONGRESSIONAL PROCEDURES FOR CONSIDERATION OF LEGISLATION IMPOSING LIMITATIONS ON THE USE OF UNITED STATES ARMED FORCES.

(a) Legislation Subject to Special Procedures.—This section applies with respect to any bill or joint resolution introduced in either House of Congress which would, if enacted—

(1) impose limitations on the use of United States Armed Forces—

(A) which (as determined by the Congress in that bill or joint resolution) have been introduced into or have otherwise become involved in hostilities;

(B) which (as determined by the Congress in that bill or joint resolution) have been introduced into or have otherwise become involved in situations where imminent hostilities is clearly indicated by the circumstances; or

(C) in any situation which (as determined by the Congress in that bill or joint resolution) would likely result in hostilities if United States Armed Forces were introduced; or

(2) amend or repeal—

(A) an act or joint resolution described in paragraph (1) which has been enacted under the procedures contained in this section, or

(B) the provisions of a bill or joint resolution described in paragraph (1) which have been included in a bill or joint resolution making appropriations for the Department of Defense pursuant to section 6 of this Act.

This section shall not apply if a bill or joint resolution contains any provision other than a provision described in paragraph (1) and (2).

(b) Examples of Types of Limitations.—The types of limitations on United States Armed Forces which a bill or joint resolution described in subsection (a) could impose include (but are not limited to) limitations on—

(1) the duration of involvement of United States Armed Forces;

(2) the size and composition of the United States Armed Forces involved;

(3) the amount of appropriated funds which may be expended for involvement of United States Armed Forces; and

(4) the period during which appropriated funds will be available for expenditure for involvement of United States Armed Forces.

(c) Referral to Committees.—Any bill or joint resolution described in subsection (a)—

(1) shall be referred in the House of Representatives to the Committee on Foreign Affairs;

(2) shall be referred in the Senate to the Committee on Foreign Relations;

(3) if appropriate under the rules of the House or Senate (as the case may be), shall also the jointly referred to the Committee on Appropriations, the Committee on Armed Services, or both; and

(4) shall not be referred jointly or sequentially to any other committee.

A committee to which such a bill or joint resolution is referred pursuant to this subsection may only consider those provisions which are within its jurisdiction.

(d) Committee Action Required If Certain Number of Cosponsors.—

(1) In general.—If a bill or joint resolution described in subsection (a) is cosponsored—

(A) by 40 percent or more of the Members of a House of Congress, or

(B) the case of a bill or joint resolution described in subsection (a)(1)(C), by a majority of the members,

(including in this calculation the original sponsor, but excluding any Member who dies, resigns, or otherwise ceases to be a Member after becoming a cosponsor), the committee or committees of that House to which the bill or joint resolution was referred shall report that bill or joint resolution not later than 21 calendar days after the requisite number of cosponsors has been attained, unless determined otherwise under paragraph (2).

(2) Action by house or senate.—During the 21-day period specified in paragraph (1), it shall be in order for any Member to offer a motion authorizing the committee or committees to which a bill or joint resolution described in subsection (a) was referred to not report that bill or joint resolution as otherwise required by paragraph (1). Any such motion shall be highly privileged in the House of Representatives and shall be privileged in the Senate. The motion shall be debatable for not to exceed one hour, to be equally divided between the Member making the motion and a Member opposed. The motion shall be decided by a recorded vote. Once a motion is made under this paragraph with respect to a bill or joint resolution, another motion may not be made under this paragraph with respect to that bill or joint resolution.

(e) Discharge if Committee Fails To Act.—If any committee to which was referred a bill or joint resolution, which is described in subsection (a) and which has the number of cosponsors specified in subsection (d), has not reported it within the number of days specified in subsection (d) after the specified number of cosponsors has been attained (unless the motion provided for in subsection (d)(2) has been agreed to), such committee shall be discharged from further consideration of such bill or joint resolution and the bill or joint resolution shall be placed on the appropriate calendar.

(f) Committee Consideration of Measure Passed by Other House.—

(1) In general.—Except as provided in paragraph (2), if a bill or joint resolution described in subsection (a) passes one House, it shall be referred to the appropriate committee or committees of the other House (as specified in subsection (c)), which shall report the bill or joint resolution not later than 21 calendar days after such referral. If a committee does not report the bill or joint resolution within that period, the committee shall be discharged from further consideration of the bill or joint resolution and it shall be placed on the appropriate calendar.

(2) If companion measure already reported.—If a bill or joint resolution described in subsection (a) passes one House and the relevant committee or committees of the other House has reported a companion measure, then the bill or joint resolution shall be held at the desk. If the companion measure is passed, then that bill or joint resolution shall be deemed to be taken from the desk and agreed to with amendments consisting of the text and title of the companion measure.

(g) Floor Consideration.—When a bill or joint resolution described in subsection (a) has been reported, or placed on the appropriate calendar pursuant to subsection (e) or (f)(1), it is in order—

(1) in the case of a reported bill or joint resolution—

(A) at any time after it is reported, for the chairman of a committee to which it was referred, and

(B) at any time after the 3rd day after it is reported, for any Member of the respective House, and

(2) in the case of a bill or joint resolution placed on the calendar pursuant to subsection (e) or (f)(1), at any time after it is placed on the calendar, for any Member of the respective House,

to move to proceed to the consideration of the bill or joint resolution (even though a previous motion to the same effect has been disagreed to). The motion may be made in the Senate notwithstanding any rule or precedent of the Senate, including Rule 22. All points of order against consideration of the bill or joint resolution, and all points of order against any provision of the bill or resolution, are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. No intervening motion shall be in order. The motion is not subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by the motion is agreed to or disagreed to shall not be in order.

(h) Time for Debate and Consideration of Amendments in the House.—

(1) General debate.—General debate on any bill or joint resolution described in subsection (a) in the House of Representatives shall be limited to not more than 6 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable.

(2) Amendments.—Consideration of any bill or joint resolution described in subsection (a) by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be considered for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII of the Rules of the House of Representatives. At the end of 20 hours of such consideration (including votes on amendments and motions), the vote shall occur on any pending amendments, following which the Committee shall rise and report the bill or joint resolution back to the House. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion.

(i) Time for Debate and Consideration of Amendments in the Senate.—

(1) Debate generally.—Debate in the Senate on any bill or joint resolution described in subsection (a), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 26 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate on amendments.—Debate in the Senate on any amendment to a bill or joint resolution described in subsection (a) shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill or joint resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal. A motion to further limit debate is not debatable.

(3) Final Passage.—Immediately following the conclusion of debate on the bill or joint resolution in the Senate, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the bill or resolution shall occur.

(j) House-Senate Conference.—

(1) Appointment of conferees and prompt filing of report.—In any case of any disagreement between the two Houses of Congress with respect to a bill or joint resolution described in subsection (a), conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such bill or joint resolution not later than 3 calendar days after the appointment of the committee of conference. In the event the conferees are unable to agree within 48 hours after being appointed, they shall report back to their respective House in disagreement.

(2) Action on conference reports.—Notwithstanding any rule of the House of Representatives or Senate concerning the printing of conference reports in the Congressional Record or concerning any delay in the consideration of such reports, any conference report on a bill or joint resolution described in subsection (a), including a report filed in disagreement, shall be consider in the House and Senate not later than 3 calendar days after being filed.

(3) Debate in the House.—Debate in the House of Representatives on the conference report on any bill or joint resolution described in subsection (a) shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable.

(4) Debate in the Senate.—

(A) During the consideration in the Senate of such conference report on any bill or joint resolution described in subsection (a), debate shall be limited to 5 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(B) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(C) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(k) Definition of Member of Congress.—As used in this section and section 7, the term "Member of Congress" includes only voting Members and does not include delegates or resident commissioners. This subsection shall not preclude a delegate or resident commissioner who is the chairman of a committee from making the motion provided for in subsection (g)(1).

SEC. 6. ADDITION OF LIMITATION MEASURES TO DEPARTMENT OF DEFENSE APPROPRIATIONS.

(a) Amendment in Order.—If the Congress has passed a bill or joint resolution imposing limitations described in section 5(a) (and that bill or joint resolution has been enrolled or is eligible for enrollment) but has not become law, it shall be in order at any time after the enrollment of that bill to consider, any Rule of the House of Representatives or the Senate to the contrary notwithstanding, the text of such bill or joint resolution in the House of Representatives or the Senate as a provision of or amendment to any bill or joint resolution making appropriations for the Department of Defense, except that this section—

(1) shall cease to apply if that bill or joint resolution is enacted, and

(2) shall not apply in a House of Congress if that House agrees to a resolution stating that this section shall not apply with regard to that bill or joint resolution.

(b) Procedures for Consideration of Waiver Resolution in Senate.—At or after the time it reports a bill or joint resolution making appropriations for the Department of Defense, the Committee on Appropriations of the Senate may report a resolution to the Senate providing for the waiver of subsection (a) with respect to that bill or joint resolution. During the consideration of any such resolution, debate shall be limited to one hour, to be equally divided between, and controlled by, the Majority Leader and Minority Leader or their designees, and the time on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In any event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the Minority Leader or his designee. Such Leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal. No amendment to the resolution is in order.

SEC. 7. PROCEDURES FOR RECONVENING THE CONGRESS.

(a) Reconvening.—Whenever the two Houses of Congress have adjourned pursuant to a concurrent resolution providing for an adjournment sine die or for more than 3 days to a day certain, the two Houses of Congress shall stand in adjournment pursuant to the provisions of that resolution unless the members are notified to reassemble pursuant to subsection (b).

(b) Conditions for Reconvening.—The Speaker of the House of Representatives and the Majority Leader of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble—

(1) for the consideration of a bill or joint resolution described in section 5(a), regardless of whether such a bill or joint resolution has been introduced; or

(2) for the consideration of a report submitted pursuant to section 4(a) and for the taking of appropriate action with respect to the matters described in that report;

if either (A) the Speaker and the Majority Leader of the Senate, after consultation with the Minority Leader of their respective Houses, deem the reconvening of Congress for that purpose to be appropriate, or (B) the Speaker and the Majority Leader of the Senate are each petitioned by at least 40 percent of the membership of their respective Houses to reconvene the Congress for that purpose.

SEC. 8. CONGRESSIONAL RULEMAKING.

Sections 5, 6, and 7 of this Act are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 9. DEFINITIONS.

As used in this Act—

(1) the terms "introduction" and "involvement", when used with respect to the United States Armed Forces, includes the assignment of members of the United States Armed Forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities; and

(2) the term "hostilities" includes (but is not limited to) any armed conflict plus any other situation—

(A) in which fighting has actually begun,

(B) in which there is a state of confrontation, in which no shots have been fired, but where there is a clear and present danger of armed conflict, or

(C) which involves the exchange of fire with hostile forces; and

(3) the term "situations where imminent involvement in hostilities is clearly indicated by the circumstances" includes (but is not limited to) a situation where there is—

(A) a clear potential either for—

(i) a state of confrontation in which no shots have been fired, but where there is a clear and present danger of armed conflict, or

(ii) actual armed conflict, or

(B) a high probability of exchanges of fire with hostile forces.

SEC. 10. RULES OF INTERPRETATION.

(a) This Act.—Nothing in the preceding sections of this Act—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed to grant the President any authority with respect to the introduction or involvement of United States Armed Forces which the President would not have in the absence of this Act.

(b) Any Law or Treaty.—Authority to introduce or involve United States Armed Forces in hostilities or in situations where imminent involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this Act), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction or involvement of United States Armed Forces in hostilities or in such situations; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction or involvement of United States Armed Forces in hostilities or in such situations.

SEC. 11. REPEAL OF THE WAR POWERS RESOLUTION.

(a) War Power Resolution.—The War Powers Resolution (50 U.S.C. 1541-1548; Public Law 93-148) is repealed.

(b) Additional Provision Concerning Armed Forces in Hostilities.—Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a; Public Law 98-164; relating to expedited congressional procedures for certain joint resolutions and bills), is repealed.

The Hostilities Act of 1988—H.R. 3912—Section-by-Section Analysis

SECTION 1—TITLE

Section 1 states that this Act may be cited as the "Hostilities Act of 1987."

SECTION 2—CONSTITUTIONAL AUTHORITIES, PURPOSE, AND FINDINGS

Section 2 sets forth the constitutional authorities, findings, and purpose of the Act. Each of these subsections, which provides the underlying premises upon which the Act is based, are intended to be integrally related to and binding upon the other sections of the Act.

SECTION 2(a)—CONSTITUTIONAL AUTHORITIES

The constitutional authorities subsection notes that the Act is based upon Congress' war powers and rulemaking authority. The processes established under Congress' rulemaking authority are intended to provide a procedural mechanism by which Congress can effectively and efficiently exercise the war powers duties delegated to the Congress under the Constitution.

SECTION 2(b)—FINDINGS

Section 2(b) provides the findings upon which this Act is premised. The enumerated findings, just like the constitutional authorities and purpose noted in sections 2 (a) and (c), are an integral part of and binding upon the other sections in the Act.

Common defense

Section 2(b)(1) notes that establishing an effective means of providing for the common defense was one of the principal objectives of the Framers of the Constitution. *See e.g.,* The Federalist Papers, No. 23 (A. Hamilton). *See also* U.S. Const. Preamble. Among other concerns, the system of raising armies under the Articles of Confederation had proven to be one of the "material defects" under that form of government. *See e.g.,* The Federalist Papers, Nos. 22-23 (A. Hamilton).

The common defense powers were intended to be broadly applied. As Alexander Hamilton noted:

"The authorities essential to the care of the common defense are these: To raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation; because it is impossible to foresee or to define the extent and variety of national exigencies, and the correspondent extent and variety of the means which may be necessary to satisfy them. *The circumstances that endanger the safety of nations are infinite; and for this reason, no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be co-extensive with all the possible combinations of such circumstances;* and ought to be under the direction of the same councils, which are appointed to preside over the common defence." The Federalist Papers, No. 23 (emphasis added.)

With the exception of the power to direct the operation of the Armed Forces, all of the common defense powers referenced by Alexander Hamilton are exclusively congressional powers under the Constitution. This Act is intended to be consistent with the Framers' goal of providing an effective means for these common defense powers to be exercised.

Separation of powers

Section 2(b)(2) notes that the war powers under the Constitution are divided among and shared by the Congress and the President. The separation of powers principle and the corrollary doctrine of checks and balances are essential principles underlying our constitutional form of government. These principles reflected in so many areas of the Constitution, were particularly important to the Framers in the war powers area. As James Madison wrote:

"The separation of the power of declaring war, from that of conducting it, is wisely contrived, to exclude the danger of its being declared for the sake of its being conducted. The separation of the power of raising armies, from the power of commanding them, is intended to prevent the raising of armies for the sake of commanding them." 15 The Papers of James Madison, 521 (eds. Mason, Rutland, Sisson 1985).

Madison also commented that the separation of war powers is not based upon a pure or complete division, but typically provides a more obscure distinction between what duties belong to the President and the Congress. In his words,

"It cannot be denied, that there may, in certain cases, be a difficulty in distinguishing the exact boundary between legislative and executive powers; but the real friend of the constitution, and of liberty, by his endeavors to lessen or avoid the difficulty, will easily be known from him who labours to increase the obscurity, in order to remove the constitutional land-marks without notice." *Id. at 522.*

Perhaps the best characterization of the shared war powers in this constitutional area was made by constitutional scholar Edwin Corwin, who noted "that the Constitution considered only for its affirmative grants of powers capable of affecting the issue is *an invitation to struggle [among the federal departments] for the privilege of directing American foreign policy.*" E. Corwin, The President: Office and Powers, 1787-1957, 171 (1975) (emphasis in original).

The finding concerning the separation of powers doctrine in section 2(b)(2) of the Act is intended to acknowledge that the Framers assigned certain duties to the Congress and the President in the war powers area. This finding also acknowledges that it is an inherent consequence from the manner in which the constitutional war powers were divided that there are some areas of overlapping authority resulting from the sharing of authority.

Congressional war powers

Section 2(b)(3) sets forth the various war powers assigned to the Congress under the Constitution. One of the principal objectives of this Act is to establish improved procedural means for Congress to exercise these powers on questions involving the introduction of U.S. Armed Forces into actual, imminent or potential hostilities.

Among the various authorities granted to Congress in the war powers area is the power of the purse.

Article I, § 8, cl. 1 of the Constitution provides that Congress has the "Power To lay and collect Taxes, Duties, Imports and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States." The Supreme Court has held that the appropriations power under the General Welfare Clause is an independent, substantive power. *See e.g., United States* v. *Butler,* 297 U.S. 1, 66 (1936); *Helvering* v. *Davis,* 301 U.S. 619, 640 (1937); *Buckley* v. *Valeo,* 424 U.S. 1, 90 (1976).

The power of the purse is also specifically contemplated in the congressional power to raise armies through the provision that "no Appropriation of Money to that Use shall be for a longer Term than two Years." U.S. Const. art. I, § 8, cl. 12. The use of the appropriations power concerning legislative determinations to establish or create an army is also modeled on the long-standing practice in Great Britain, where Parliament used this power to disband or establish an army with certain conditions. *See e.g.,* The Federalist Papers, No. 26 (A. Hamilton); Coolidge and Sharrow, *The War-Making Powers: The Intentions of the Framers in the Light of Parliamentary History,* 50 B.U.L. Rev. 5, 7 (1970). Furthermore, the Constitution provides that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." U.S. Const. art. I, § 9, cl. 7.

Other enumerated congressional war powers

In addition to the power of the purse, Congress is also granted several other enumerated congressional war powers, including the power to declare war, U.S. Const. art. I, § 8, cl. 11, the power to make rules for the government and regulation of the land and naval forces, *id.,* cl. 14, and the power to raise and support armies and to provide and maintain a navy, *id.,* cls. 12, 13.

The reference to the Necessary and Proper Clause in section 2(b)(3) of this Act is borrowed directly from section 2(c) of the War Powers Resolution. *See* 50 U.S.C. § 1541(c) (1982).

Congressional provisions for U.S. Armed Forces

Section 2(b) (4) acknowledges one of the most important congressional duties and constitutional responsibilities relied upon under this Act and is consequently intended to be an integral part of the other provisions of this Act. This subsection emphasizes the point that only Congress can supply U.S. Armed Forces for the national security.

Clauses 12 and 13 of Article I, Section 8 grant this determination of providing U.S. Armed Forces exclusively to the Congress. Absent congressional action, there is no guarantee that U.S. Armed Forces will be created nor any assurance what the nature or size of the Armed Forces shall be. This vital and unique responsibility is clearly assigned to the Congress under our separation of powers form of government. In discussing the army power, Alexander Hamilton expressly noted "that the whole power of raising armies was lodged in the *legislature,* not in the *executive.*" The Federalist Papers, No. 24 (emphasis in original). The army power is also to be construed broadly, as Alexander Hamilton said: "This power ought to be co-extensive with all the possible combinations of such circumstances. . . ." Id., No. 23. The Supreme Court has "long held that the power 'to raise and support armies . . . is broad and sweeping.'" *Wayte* v. *United States,* 105 S.Ct. 1524, 1533 (quoting *United States* v. *O'Brien,* 391 U.S. 367, 373 (1968)).

The army power also includes a congressional power of review, as anticipated through the two-year limitation on appropriations. This "was designed to insure review by each new Congress of Presidential exercise of command over the armed forces." Legal Memorandum on the Amendment to End the War, 116 Cong. Rec. 16,120 (1970) (prepared by members of the Harvard Law Review).

Perhaps Justice Robert Jackson best characterized the authority and ability of Congress to act in providing U.S. Armed Forces, when he wrote:

"The Constitution expressly places in Congress power 'to raise and *support*' and 'to *provide* and *maintain* a Navy.' This certainly lays upon Congress primary responsibility for supplying the armed forces. Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement. I suppose no one would doubt that Congress can take over war supply as a Government enterprise. . . . While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army or navy to command. It is also empowered to make rules for the 'Government and Regulation of land and naval Forces,' by which it may to some unknown extent impinge upon even command functions." *Youngstown Sheet & Tube Co.* v. *Sawyer,* 343 U.S. 579, 643-44 (1952) (Jackson, J., concurring) (emphasis in original).

Section 2(b)(4) notes the plenary authority of Congress to supply the Armed Forces for the national defense, and is one of the essential constitutional authorities upon which the other sections of this Act are based.

Role of consultation and conference and reporting obligations

Section 2(c)(5) finds that both the requirements of consultation and conference between the President and the Congress and reporting obligation by the President to the Congress under the Act are essential to (1) provide Congress with the information it requires to effectively exercise its constitutional responsibilities, and (2) to better insure that the collective judgment of both the Congress and the President will apply to situations involving U.S. Armed Forces in hostilities.

Rulemaking authority to adopt a new procedural mechanism

Section 2(b)(6) finds that under Congress' rulemaking authority it is necessary to adopt the new procedural framework in this Act for Congress to effectively exercise its constitutional authorities concerning the involvement of U.S. Armed Forces in hostilities.

Role of Congress over the involvement of U.S. Armed Forces in hostilities

Section 2(b)(7) finds that under the constitutional authorities referenced in section 2(b)(3), Congress is assigned a role in determining whether U.S. Armed Forces it creates become involved in hostilities, and it may decide whether to provide armed forces in circumstances where hostilities may later develop. Section 5 of this Act enables Congress to impose limitations on the use of Armed Forces in actual, imminent or potential hostilities, as the case may be as determined or found by the Congress.

SECTION 2(C)—PURPOSE

Section 2(c) identifies the two purposes of this Act. The first is to ensure that the collective judgment of the Congress and the President are effectively and efficiently exercised concerning the involvement or introduction of U.S. Armed Forces in actual, imminent or potential hostilities. The second is to establish procedures which will better enable Congress to act pursuant to its constitutional war powers concerning the involvement or introduction of U.S. Armed Forces in actual, imminent or potential hostilities.

One of the stated objectives of the War Powers Resolution was to "insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations." 50 U.S.C. § 1541(c) (1982). Because experience with the War Powers Resolution has shown that this purpose has not been satisfactorily attained, the central objective of the Hostilities Act of 1987 is to better achieve the goal of collective judgment by improving upon the framework of the War Powers Resolution. The procedural mechanisms in the Act, including consultation procedures, reporting requirements, and procedures for congressional consideration of legislation relating to the involvement of U.S. Armed Forces in hostilities, are also intended to provide an enhanced means for the Congress to fulfill its constitutional obligations in the war powers area.

SECTION 3—CONSULTATION AND CONFERENCE

Section 3 establishes the consultation requirements under the Act for situations involving hostilities. The experience of proper and effective consultation under the War Powers Resolution has proven to be one of the areas most in need of reform. The terms "consultation and conference" are intended to clarify that consultation under the Act is intended to be more than a simple oral announcement or report of actions already taken or about to be taken.

Requirement for consultation and conference

Section 3(a) stipulates that consultation and conference shall take place for any of the reportable circumstances under Section 4(a). This new requirement, which expands the consultation requirement, has been advocated by other commentators, *See e.g.*, Vance, *Striking the Balance: Congress and the President Under the War Powers Resolution*, 1[illegible]3 U. Pa. L. Rev. 79, 92-93 (1984).

Nature of consultation and conference required

The War Powers Resolution did not contain any definition of consultation. Section 3(b) provides a definition of "consult and confer with the Congress" which is intended to achieve two objectives. First, in every case the consultation will be a face-to-face encounter by the President with specified Congressional leaders.

Second, the definition of "consult and confer" makes clear that the type of consultation intended shall include an interchange of opinion and deliberation on the issues and options concerning the decision to introduce or involve U.S. Armed Forceas in hostilities. This *active* form of consultation is specifically distinguished from a meeting where the President merely reports to the Congress those decisions already made or about to occur. Therefore, it is provided that for adequate consultation to take place under the Act, "the President shall meet to deliberate with members of Congress for an interchange of opinion and to consider the issues and options and seek the advice of the Congress" concerning the introduction or involvement of U.S. Armed Forces in hostilities.

The War Powers Resolution comtemplated an active form of consultation. As the House Report noted:

"A considerable amount of attention was given to the definition of *consultation*. Rejected was the notion that consultation should be synonymous with merely being informed. Rather, consultation in this provision means that a decision is pending on a problem and that Members of Congress are being asked by the President for their advice and opinions and, in appropriate circumstances, their approval of action contemplated. Furthermore, for consultation to be meaningful, the President himself must participate and all information relevant to the situation must be made available." H.R. Rep. No. 287, 93rd Cong., 1st Sess. 6-7 (1973).

Because experience under the War Powers Resolution has not satifactorially measured up to the intended standard specified in the House report, this Act provides a definition of consultation and conference in order to better clarify Congressional intent.

When consultation and conference is to occur prior to decision to introduce or involve

Section 3(c) addresses the vital issue of the timing of the consultation and conference. A few significant modifications from the consultation requirement under the War Powers Resolution are made. First, the consultation and conference must occur before the President *decides* to introduce U.S. Armed Forces into hostilities. This change is made to specify the sequence in which adequate consultation and conference shall take place. For example, if consultation and conference occurs after a decision is made by the President but before U.S. Armed Forces are introduced into hostilities, then the President has failed to comply with the consultation and conference requirement. This scenario is more like a report of facts that have occurred rather than the active consultation and conference intended under the Act. Additionally, the timing of the consultation and conference prior to a decision to the introduction of the U.S. Armed Forces into hostilities ensures that Congress will receive essential information in a timely fashion and will promote the collective judgment on these matters by the Congress and the President.

Exceptional, compelling circumstances

Second, section 3(c)(2) makes allowance for "exceptional, compelling circumstances" where the President is not obligated to consult and confer with Congress *prior* to a decision to introduce U.S. Armed Forces into hostilities. The terms "exceptional, compelling circumstances" are intended to specify that consultation and conference after a decision to introduce U.S. Armed Forces in hostilities is limited to extremely rare circumstances. In other words, it should be the rare and unusual exception, rather than the general practice, for the President to consult and confer with Congress after he has decided to introduce or involve U.S. Armed Forces into hostilities. The War Powers Resolution is inadequate to ensure effective consultation and conference because it only provides for consultation "in every possible instance." 50 U.S.C. § 1542. Section 3(c)(2) makes clear that in no instance shall consultation and conference take place "any later than 48 hours after the decision" to introduce U.S. Armed Forces into hostilities. This approach is intended to establish a more effective, objective and reasonable framework for executive and legislative consultation and conference over the involvement of U.S. Armed Forces in hostilities.

Section 3(c)(2), providing for consultation and conference *after* a decision to introduce U.S. Armed Forces into hostilities has been made, is modeled in part upon a similar provision for exceptional circumstances in the Intelligence Authorization Act for Fiscal Year 1981, which establishes duties on the President to report to Congress on intelligence activities. *See* Pub. L. No. 96-450, § 501, 94 Stat. 1981. *See also* H.R. Rep. No. 1350, 96th Cong., 2d Sess. 16 (1980) (conference report).

Requirement of continuing consultation and conference

Section 3(c)(3) provides for continuing consultation once U.S. Armed Forces have been introduced or become involved under the Act. Regular consultation and conference shall occur on "developments" affecting the U.S. Armed Forces involved in the situations described in section 4(a) of the Act. This requirement is similar to that under the War Powers Resolution except that it specifies that the regular consultation and conference is triggered by "developments" involving the U.S. Armed Forces. While it is difficult to enumerate all of the developments upon which such continuing consultation and conference shall occur, "developments" would include those facts and circumstances which Congress should be consulted and conferred with in order to meet the dual purpose of obtaining essential information to adequately exercise its constitutional authorities and to promote collective judgment by the branches.

Member of Congress to be involved in consultation and conference

Section 3(d) specifies a minimum of eighteen Members of Congress in leadership positions who shall be involved in the consultation and conference with the President. This includes the Speaker of the House of Representatives (1), the President pro tempore of the Senate (1), the majority and minority leaders of the House (2) and the Senate (2), and the chairman and ranking minority member of each of the following committees: the House Committee on Foreign Affairs (2), the Senate Committee on Foreign Relations (2), the House and Senate Committees on Appropriations (4), and the House and Senate Committees on Armed Services (4). This section makes clear that this group shall constitute the *minimum* number on the consultation and conference committee. It is left to the President's judgment whether to include other Members of Congress. Certain situations may suggest the necessity of the participation of Members on other committees or other Members of the identified committees. Section 3(d) also makes provision for designates to be selected by the specified Members of Congress to serve in his or her place in the event that the specified members may be unable to attend.

The War Powers Resolution provides that consultation shall occur with the "Congress." 50 U.S.C. § 1542. This has resulted in unnecessary uncertainty in determining whether proper consultation under that statute entails the entire Congress (for example, through a Joint Session of Congress) or whether consultation with some smaller group of congressional leaders is sufficient. Section 3(d) overcomes this problem by specifying the Members of Congress involved on the Consultation and Conference Committee.

The House version of the War Powers Resolution permitted the President to "consult with the leadership and appropriate committees of the Congress before committing United States Armed Forces to hostilities . . .," but this provision was modified in Conference. *See* H.R. Rep. No. 547, 93rd Cong., 1st Sess. 8 (1973) (conference report); H.R. Rept. No. 287, 93rd Cong., 1st Sess. 6 (1973) (House report). This approach of mandating consultation with a limited group of congressional leaders is also similar to that in the Intelligence Authorization Act for Fiscal Year 1981, which permits the President to limit notice to eight congressional leaders in certain situations. *See* Pub. L. No. 96-450, § 501, 94 Stat. 1981. *See also* H.R. Rep. No. 1350, 96th Cong., 2d Sess. 16 (1980).

Physical inability to attend

Section 3(d)(2) provides for the situation where a Member of the Consultation and Conference Committee is unable to attend the meeting with the President if, after reasonable efforts, the President cannot contact that Member, the Member is physically unable to attend, or the Member is otherwise unable to meet with the President. This provision would waive complete compliance with Section 3(d) only upon proper showing of any of the three circumstances referenced and when the absent Member has not designated another member to serve in his or her place.

SECTION 4—REPORTS TO CONGRESS

Section 4 provides the reporting requirement under the Act, which is similar to the reporting requirement under the War Powers Resolution with some significant improvements in order to make the report concerning hostilities to the Congress more meaningful.

The most significant change is that the reporting requirement under the Act is not hinged to any 60-day clock, as under the War Powers Resolution, 50 U.S.C. § 1544(b), which requires termination of the use of the U.S. Armed Forces introduced into hostilities or imminent hostilities unless Congress has acted or is physically unable to meet as a result of an armed attack on the United States. Under the experience with the War Powers Resolution, there have been numerous disputes over whether a report should have been submitted to commence the automatic clock under the statute. By removing any linkage between the submission of a report and the commencement of the 60-day time period before termination of the use of Armed Forces must take place, it is hoped that the executive branch will be more encouraged to provide Congress with this vital information. Additionally, once a report is received by the Congress, the responsibility under this Act is on Congress to act through section 5 in determining whether a situation of hostilities exists. Congress may make this determination on the basis of the President's report or other information. This places the obligation on the elected Representatives and Senators who are sent to Congress to make the policy and legislative decisions as may be warranted by the situation of hostilities. The severing of a connection between a hostilities report and the 60-day time period under the War Powers Resolution is also made in recognition that such automatic features that are short of lawmaking are usually of doubtful constitutionality.

Requirement for report

Section 4(a) is similar to the reportable circumstances in the War Powers Resolution, 50 U.S.C. § 1543(a), except for the additional reporting requirement imposed where U.S. Armed Forces may "otherwise become involved in hostilities. . . ." Section 4(a)(1), in addition to mandating a report when U.S. Armed Forces are introduced into hostilities, requires that the President shall report when Armed Forces which are already positioned subsequently become involved in hostilities. Similar changes are reflected in section 4(b)(1), (2), (3) and (5).

Sections 4(a)(2) and (3) are the same as the requirements under sections 4(a)(2) and (3) under the War Powers Resolution, 50 U.S.C. § § 1543(a)(2), (3).

Description of report required

Section 4(b) provides that the President must submit a full and complete written report within 48 hours for any of the circumstances described in section 4(a). This requirement is similar to that under the War Powers Resolution, with the addition that the report should be "a full and complete written report."

The specific subject matters required to be addressed in the report which are referenced in sections 4(b)(1), (2), and (4) are similar to the War Powers Resolution, 50 U.S.C. § § 1543(a)(A), (B), and (C), with the requirement expanded, as already noted, to include similar situations where U.S. Armed Forces become *involved* in the hostilities.

However, two new issues must be addressed in the reports submitted by the President. Section 4(b)(3) requires that the President state the "foreign policy and national interest justification." Any response by the Congress and the President should be based upon U.S. foreign policy objectives and national interests. Section 4(b)(3) ensures that this facet is considered in the report which is submitted to the Congress. The section will also provide an opportunity for the Administration to seek congressional support on its policies and objectives relating to the involvement or introduction of U.S. Armed Forces in hostilities.

Section 4(b)(5) also adds a new requirement that the President inform Congress of the composition of the U.S. Armed Forces. The size and composition of the U.S. Armed Forces used is essential information which the Congress should have in its consideration of the situation. This requirement is similar to section 4(2) of the Multinational Force in Lebanon Resolution, Pub. L. No. 98-119, 97 Stat. 805. *See* H.R. Rep. No. 385, 98th Cong., 1st Sess. 8 (1983).

Finally, while the War Powers Resolution stipulates that the reports under that statute shall be submitted to the Speaker of the House and the President pro tempore of the Senate, 50 U.S.C. § 1543(a), section 4(b) of this Act provides that the report shall be submitted to the Congress and that the members of the Consultation and Conference Committee, described in section 3(d), shall be furnished with a copy of the report.

Periodic report

Section 4(c) contains the continuing reporting obligation under the Act. Two significant changes are made from the reporting requirement under the War Powers Resolution. First, included in such periodic reports, the President must report on the foreign policy and national interest justification and the present composition of the Armed Forces. Both of these requirements are important additions to the reports to be submitted under the Act, especially since these factors may change over time. The requirement that such reports address the status, scope, and duration of the hostilities has been retained from the War Powers Resolution.

Second, the periodic reports are to be submitted on a more frequent basis, at least every three months, rather than the six month requirement under the War Powers Resolution, 50 U.S.C. § 1543(c). This three month reporting period is the same as that under section 4 of the Multinational Force in Lebanon Resolution, Pub. L. No. 98-119, 97 Stat. 805.

Classified information

Section 4(d) is a new requirement which provides that any classified information included in a report submitted under this Act shall be included in a separate classified addendum.

SECTION 5—CONGRESSIONAL PROCEDURES FOR CONSIDERATION OF LEGISLATION IMPOSING LIMITATIONS ON THE USE OF U.S. ARMED FORCES

Sections 5 and 6 are the heart of the Hostilities Act since they enable Congress to act under its constitutional war powers or rulemaking authority to impose limitations on the use of U.S. Armed Forces in situations of hostilities or enable Congress to use its power of the purse to include these limitations in appropriation measures.

Sections 5(a) and 5(b) provide the circumstances under which Congress can act where U.S. Armed Forces may be or are involved in some form of hostilities. These provisions permit Congress, through the constitutional authorities referenced in Section 2, to impose limitations on the use of U.S. Armed Forces.

Sections 5(c) through 5(k) establish the mechanism and expedited procedures by which Congress shall consider legislation introduced under Section 5(a) of the Hostilities Act.

SECTION 5(a)—LEGISLATION SUBJECT TO SPECIAL PROCEDURES

Section 5(a) provides that pursuant to the procedural mechanisms under this Act, Congress may consider legislation which would impose limitations on the use of U.S. Armed Forces in four conditions. Under the first two situations, Congress may find that limitations should be imposed for Armed Forces which have been introduced into or have otherwise become involved in (1) *actual* hostilities or (2) *imminent* hostilities.

The third circumstance is a new one, which enables Congress to consider limitations for situations Congress finds "would likely result in hostilities if U.S. Armed Forces were introduced." One of the most frequent criticisms of the War Powers Resolution is that it does not permit Congress to consider legislation which would place specified prohibitions on the use of Armed Forces, as part of Congress' constitutional authorities noted in section 2(b)(4), *before* they are introduced into or become involved in *actual* or *imminent* hostilities. Section 5(a)(1)(C) provides that Congress may impose such limitations on situations where it determines in its own judgment are likely to result in *potential* hostilities. Thus, if only Congress can raise and support an army or provide and maintain a navy under the Constitution, Congress may determine that in supplying such forces it does not want them provided in certain situations, which in its judgment may result in potential hostilities. This constitutional authority on the part of Congress is also referenced in section 2(b)(7), where it is noted that "the Congress has a role in determining whether United States Armed Forces it creates become involved in hostilities, and it may decide whether to provide armed forces in circumstances where hostilities may later develop."

Because the circumstances where Congress may determine in its judgement that a situation "would likely result in hostilities if United States Armed Forces were introduced" is not as urgent as a situation as one involving actual or imminent hostilities, section 5(d)(1)(B) requires that a majority of the Members of either chamber must sponsor or cosponsor such legislation in order to trigger the expedited procedures under this Act. This is in contrast with the forty percent requirement for legislation concerning actual or imminent hostilities under the Act.

Section 5(a)(2) provides the fourth situation for the consideration of legislation which would impose limitation on the use of Armed Forces. This section permits legislation which would amend or repeal prior legislation enacted under section 5(a)(1) and which receives sufficient Congressional support to be considered under expedited procedures.

The language used in section 5(a) "(as determined by the Congress in that bill or joint resolution)" is intended to operate in a similar manner to the determinations made by the Congress in sections 2(a)(5) and 2(b) of the Multinational Force in Lebanon Resolution, Pub. L. No. 98-119, 97 Stat. 805, where Congress determined that U.S.

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Armed Forces in Lebanon had become involved in hostilities.

In each case under section 5, Congress would have to act to make a finding that any of the hostility situations applied. This requirement for such congressional findings is unlike the War Powers Resolution where the 60-day clock is automatically triggered by the submission of a hostilities report by the President. Section 5(a) is intended to place the responsibility on the Congress, as the elected representatives of the people, to impose limitations on the use of the Armed Forces in exercising the congressional war powers under the Constitution, rather than permitting Congress to rely on previously enacted automatic and arbitrary provisions. The requirement for a congressional determination that a situation of actual, imminent or potential hostilities exists is also similar to such findings in *Crockett* v. *Reagan*, 558 F.Sup. 893 (1982) *aff'd*, 720 F.2d 1355 (1983), *cert. denied*, 104 S.Ct. 3533 (1984), where the U.S. District Court concluded that Congress could make its own findings and investigations whether a state of hostilities exists or not in order to trigger the 60-day clock in the War Powers Resolution.

The final portion of section 5(a) provides a screen so that only the limitations concerning the use of U.S. Armed Forces described in sections 5(a)(1) and (2) will operate under the expedited and other procedures established in this Act. This is intended to ensure that Congress only considers single purpose legislation under this Act and is intended to preclude the consideration of unrelated provisions which might otherwise be debated under the expedited provisions and other procedures of this Act.

SECTION 5(b)—EXAMPLES OF TYPES OF LIMITATIONS

Section 5(b) is an illustrative provision listing some of the types of limitations which Congress may consider under its constitutional authorities concerning the use of U.S. Armed Forces in hostilities. This exemplary list is not intended to be exhaustive, as the parenthetical "(but are not limited to)" clarifies.

Four examples of types of limitations are noted the section 5(b). Pursuant to this section, Congress may determine to limit:

(1) the duration of involvement of United States Armed Forces;

(2) the size and composition of the United States Armed Forces;

(3) the amount of appropriated funds which may be expended for involvement of United States Armed Forces; and

(4) the period during which appropriated funds will be available for expenditure for involvement of United States Armed Forces.

These examples are clearly part of Congress' constitutional authority to provide Armed Forces, referenced in section 2(c)(5), and part of congress' power of the purse. Since only Congress can raise and support an army and provide and maintain a navy, through this constitutional power Congress may wish to establish Armed Forces with conditions, of a specified size or composition or for a limited period.

Some past statutory examples where Congress has imposed limitations, including funding restrictions, on the use of Armed Forces include: The Multinational Force in Lebanon Resolution, Pub. L. No. 98-119, 97 Stat. 805 (placing restrictions on period of authorization, size and role of U.S. Marines in Lebanon); Department of State Appropriations Authorization Act of 1973, § 13, Pub. L. No. 93-126, 87 Stat. 454 (funding restriction on "the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia"); Act of July 1, 1973, § 108, Pub. L. No. 93-52, § 108, 87 Stat. 134 (funding prohibition on or after Aug. 15, 1973 on direct or indirect "combat activities" in southeast Asia); The Second Supplemental Appropriations Act, 1973, § 307, Pub. L. No. 93-50, § 307, 87 Stat. 129 (funding prohibition on or after Aug. 15, 1973 on direct or indirect "combat activities" in Southeast Asia); The Defense Appropriations Act of 1971, Pub. L. No. 91-668, § 854, 84 Stat. 2038 (funding prohibition consistent with the President's intent "to finance the introduction of American ground combat troops into Laos or Thailand"); Special Foreign Assistance Act of 1971, § 7(a), Pub. L. No. 91-652, 84 Stat. 1943 (funding prohibition consistent to the President's intent "to finance the introduction of . . . ground combat troops . . . or advisors" in Cambodia); The Defense Appropriations Act of 1970. Pub. L. No. 91-171, § 643, 83 Stat. 469 (funding prohibition consistent with the President's intent "to finance the introduction of American ground combat troops into Laos or Thailand"); Selective Training and Service Act of 1940, § 3(e), 54 Stat. 886 (geographic limitation on the U.S. Armed Forces inducted under the Act limitation to "the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands"). *See also* International Security and Development Cooperation Act of 1980, § 118, Pub. L. No. 96-533, 94 Stat. 3141 (the so-called Clark Amendment, which prohibited covert or other assistance which would promote military or paramilitary operations in Angola without the authorization of Congress). These prior statutes, while not an exhaustive listing of the range of limitations which Congress may constitutionally consider for the use of Armed Forces, demonstrate the prior role and practice of the Congress in this constitutional area.

In an opinion, printed in the Opinions of the Attorney General in 1909, the power of Congress to condition the use of Armed Forces was found to be a Constitutional exercise of Congress' power to create or provide Armed Forces. According to this Attorney General opinion:

"Inasmuch as Congress has power to create or not to create, as it shall deem expedient, a marine corps, it has power to create a marine corps, make appropriation for its pay, but provide that such appropriation shall not be available *unless* the marine corps be employed *in some designated way* . . ." 27 Op. Att'y Gen. 259, 260-61 (1909) (emphasis added).

Other commentators have acknowledged this conditioning authority of the Congress in the creation and placement of Armed Forces.

"It is Congress that is to 'provide for the common defense,' which implies the right to decide what is requisite thereto. Congress also is 'to raise and support armies,' and by necessary implication it can withhold or withdraw that support. In determining the size of the army it will 'support' it is entitled to weigh priorities: Shall troops be stationed in Germany or deployed in Cambodia? Indeed the constitutional mandate that 'no appropriation' for support of the armies 'shall be for a longer term than 2 years' implies that it is for Congress to decide at any point whether further appropriations should be made and in what amounts. The duty of Congress, in Hamilton's words, 'to deliberate upon the propriety of keeping a military force on foot,' surely comprehends the right to insist that a portion of the military forces should not be kept 'on foot' in Vietnam or Europe." *War Powers Legislation Hearings before the Senate Comm. on Foreign Relations*, 93rd Cong., 1st Sess. 12 (1973) (statement of Raoul Berger, Professor of Law, Harvard Law School).

Regular and expedited procedures for consideration of legislation introduced pursuant to section 5(a)

The remainder of section 5 establishes the procedures under which legislation introduced pursuant to section 5(a) may be considered. Two legislative tracks are envisioned. Under section 5(c) the regular Congressional procedure of committee consideration is provided for, as any legislation introduced under section 5(a) is referred to the appropriate committee(s). In this case, it is left to committee discretion to determine whether hearings or markup should be held or whether inaction is the best course.

Sections 5 (c) through (k) provide for an expedited means for considering legislation once the bill or joint resolution introduced under section 5(a) receives forty percent sponsorship or cosponsorship (or majority sponsorship or cosponsorship under section 5(a)(1)(C) for a bill or joint resolution where the House or Senate determines that a situation of *potential* hostilities is likely to arise).

It should be noted that these priority provisions are relatively modest when contrasted with the expedited provisions in the War Powers Resolution, 50 U.S.C. §§ 1545(a), 1546(a), which require that "any" bill or joint resolution introduced under that statute is subject to the priority provisions. Under the Hostilities Act of 1987, instead, the expedited procedures are not triggered until the sufficient threshold of congressional support has been triggered.

SECTION 5(C)—REFERRAL TO COMMITTEES

Section 5(c) provides that any bill or joint resolution introduced pursuant to section 5(a) shall in every instance be referred to the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations. This is similar to the procedure of referral under the War Powers Resolution, 50 U.S.C. §§ 1545(a), 1546(a). However, unlike the War Powers Resolution, which only permitted referral to these committees dealing with matters involving foreign affairs, section 5(c) also provides, where appropriate, for joint referral to the House or Senate Committees on Armed Services and Appropriations. This takes into account the possibility that under other provisions of this Act it may be necessary for these committees to consider limitations on the use of U.S. Armed Forces. For example, the Committees on Armed Services may consider limitations imposed under the Department of Defense Authorization bill and the Committees on Appropriations may consider funding limitations. Section 5 (c) also provides that the consideration of any measure which is jointly or sequentially referred in each chamber is limited only to those portions of the legislation which falls within the jurisdiction of these committees.

Section 5(c)(4) further adds that legislation introduced under section 5(a) shall not be jointly or sequentially referred to any other committee than those specified in section 5(a). This limitation on committee referral is similar to that of the War Powers Resolution, which only permitted referral to one committee in each House, but is intended to allow only those specified committees with jurisdiction and expertise over the use of Armed Forces to consider legislation introduced under this Act.

SECTION 5(d)—COMMITTEE ACTION REQUIRED IF CERTAIN NUMBER OF COSPONSORS

Section 5(d)(1) provides for the triggering of expedited procedures when at least forty percent of the members of the House or Senate sponsor or cosponsor a bill or joint resolution introduced pursuant to section 5(a)(1) of the Act (or a majority in the case of section 5(a)(1)(C)). Once this threshold of legislative support is attained, the committee(s) to which the measure was referred must report no later than 21 calendar days after the forty percent sponsorship or cosponsorship level was reached. Normally, 174 Members of the House and 40 Senators would be required under the forty percent threshold. This level may be slightly lower, however, in the event of vacancies, since the calculation is intended to be based upon the total voting members of each House who are actually sitting. Delegates in the House of Representatives are not included in the calculation, since they are not permitted to vote.

Section 5(d)(1)(B) provides that the same expedited process will apply to legislation where either House of Congress determines that the imposition of limitations on U.S. Armed Forces in a situation which would likely result in hostilities if U.S. Armed Forces were introduced, with the exception that a majority sponsor or cosponsor requirement must first be established (pursuant to section 5(a)(1)(C)).

Section 5(d)(2) includes an escape clause to permit each House to decide not to require committee action should a majority deem this course to be preferable. The priority procedures of the War Powers Resolution, 50 U.S.C. §§ 1545(a), 1546(a), contained a similar escape mechanism requiring the expedited process to be followed "unless such House shall otherwise determine by the yeas and nays." It is not clear how or under what circumstances this procedure would arise or be implemented. To overcome this ambiguity, section 5(d) provides that it is in order at any time during the 21 calendar days for expedited committee consideration for a member to raise a privileged motion authorizing the committee(s) not to report. This privileged motion is debatable for no more than one hour, may only be offered one time in each chamber for each bill or joint resolution under expedited consideration, and requires a recorded vote.

Discharge if committee fails to act

Section 5(e) provides that in the event that any committee considering legislation under the expedited procedures does not report within 21 calendar days, the committee will be automatically discharged from further consideration and the legislation is placed on the appropriate calendar. The automatic discharge may be avoided in only two ways: (1) the committee reports legislation within the 21 calendar day period, or (2) the House in which the committee is a part determines not to require under the escape clause procedure of section 5(d)(2). The War Powers Resolutions did not provide for the possibility that a committee acting under the priority procedures of that statute would not report by the time specified. Section 5(e) provides for this circumstance.

Committee consideration of measure passed by other House

Section 5(f) provides that when legislation introduced pursuant to section 5(a) passes one House, the committee(s) in the other House to which it is referred shall report the measure no later than 21 calendar days after the referral. This approach is similar to that taken in the War Powers Resolution. *See* U.S.C. §§ 1545(c), 1546(c). Failure to report within the specified period will result in automatic discharge, under section 5(e) of the Act.

If companion measure already reported

Section 5(f)(2) contemplates a situation not considered under the War Powers Resolution by providing for the situation where a bill or joint resolution is received from the other House after the receiving House has reported its own measure. In this circumstance, the bill of the other House shall be held at the desk and following the final vote on the bill of the first House, the bill of the other House is taken from the table and language is inserted from the first House's bill. This approach has the benefit of facilitating the process of going to conference and also avoids duplicative committee consideration and action on the bill of the other House.

Floor consideration

Section 5(g) provides the manner in which a bill or joint resolution will be considered in the House and Senate when it has been reported out by committee(s) or discharged or has been reported or discharged after a companion measure has passed the other body.

Where a bill or joint resolution is reported, the chairman of the committee can call up a measure for consideration at any time after it is reported. However, if the chairman does not bring up the measure, once three days have passed since the measure has been reported, any member may move to proceed to consideration of the bill or joint resolution.

This provision has two important effects. First, it ensures floor consideration of a measure which is being considered under expedited procedures after having received strong sponsorship or cosponsorship, as indicated by the relevant threshold level of support. In the event the chairman does not move for consideration, after three days, any Member, presumably a sponsor or cosponsor, can make such a motion.

Second, this provision provides an incentive for the chairman to take a direct interest in the shape of the bill or joint resolution as it is considered by his or her committee, since the measure will be called up by another Member should the chairman fail to move to call up the measure.

Section 5(g) also contains language to specify the privileged status of the motion to proceed to consideration and to specify that no intervening motions can delay or otherwise prevent the motion from being made and considered.

Time for debate and consideration of amendments in House and Senate

Sections 5 (h) and (i) establish the time for debate and amendments of a bill or joint resolution introduced pursuant to section 5(a) in the House or the Senate. These provisions are based upon section 305 of the Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344, 88 Stat. 310-13.

The objective of these sections is to provide a limited but sufficient time for general debate and amendments on the sensitive national issues concerning the use of U.S. Armed Forces involved in hostilities. No more than twenty-six hours of consideration is provided for in each chamber. This should serve as adequate time for thorough deliberation of the primary measure(s) and amendments. The object under this Act is similar to that stated in the Senate report for the Congressional Budget Act. "The foregoing rules are designed to give privileged and expedited treatment to [bills or] . . . resolutions . . . and to forestall the postponement of action on such [measures] by the use of delaying tactics . . . ." S. Rep. No. 688, 93d Cong., 2d Sess. (1974) *reprinted in* 1974 U.S. Code Congressional & Administrative News 3547.

House-Senate conference

Section 5(j) provides for expedited consideration of a bill or joint resolution in conference. Similar provisions were provided in the War Powers Resolution. *See* 50 U.S.C. §§ 1545(d), 1546(d). However, section 5(j) (3) and (4)(A) limits the amount of time for the consideration of a conference report in order to ensure that any conference report considered under section 5 shall not be subject to filibuster or other delay. These provisions are also modeled in part upon section 305 of the Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344, 88 Stat. 310-13.

Definition of Member of Congress

Section 5(k) provides a definition of "Member of Congress" for section 5 and section 7, which both contain forty percent or a majority threshold pre-requirements for the operation of expedited procedures for the consideration of legislation or for the possibility of a reconvening of Congress. The definition in section 5(k) specifies that only voting Members shall be included in the definition and delegates and resident commissioners are excluded.

However, for purposes of floor consideration of a bill or joint resolution called up under section 5(g), section 5(k) clarifies that a delegate or resident commissioner who serves as a chairman of a committee specified under this Act shall not be precluded from moving for the floor consideration of legislation introduced pursuant to section 5(a).

SECTION 6—ADDITION OF LIMITATION MEASURES TO DEPARTMENT OF DEFENSE APPROPRIATIONS

Section 6 provides internal congressional rules for the consideration of appropriation measures which would be inconsistent with prior bills or joint resolutions passed by both Houses of Congress pursuant to section 5(a) which contain specific limitations on the use of Armed Forces in hostilities and are passed in identical form by both chambers but do not become law. Section 6 establishes an internal procedural mechanism by which Congress may consider whether to backup limitations on the use of Armed Forces (which have already been approved by a majority of the House and the Senate) with similar funding limitations.

Under this section, the issue of whether a funding prohibition should be imposed consistent with a limitation already passed in identical form by the House and the Senate will be brought to the attention of Congress. Congress may decide whether or not the power of the purse should be used in the particular situation.

For the purposes of this section, the rules of the House and Senate are waived. This waived applies to all rules but more than likely will be relevant to the rules concerning germaneness (House Rule XVI, cl. 7),

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and restrictions on the consideration of legislation on an appropriations bill (House Rule XXI; Senate Rule XVI), as well as other possible internal Congressional rules which would otherwise preclude section 6 from being considered.

Three mechanisms by which Congress may waive the procedures of Section 6 are provided. First, section 6 does not operate once the limitations in the legislation introduced under section 5(a), and passed in identical form by both Houses, become law. The section 5(a) legislation may become law by Presidential approval or by two-thirds override of any veto of such legislation.

Second, the House and Senate may decide that section 6 should not operate in the consideration of a specific bill or joint resolution. A concurrent resolution is the legislative vehicle by which this decision can be made since section 6 involves Congress' rulemaking authority. For example, Congress may decide to avoid this procedure where it is concerned that such finding limitations could affect the safety of the U.S. Armed Forces involved in hostilities.

Third, the House Rules Committee may waive section 6 in a resolution governing the consideration of legislation under this Act. This is similar to waivers that may be made under the Rules of the House for other legislation under other statutes, such as the Congressional Budget and Impoundment Control Act of 1974. The majority of the House can defeat such waivers if it is able to defeat a resolution containing the waiver. This can ensure at least an indirect vote on the applicability of section 6 to section 5(a) legislation under the Act.

Because the Senate does not have similar procedures for the consideration of legislation under its Rules, section 6(b) provides a structure to ensure that this third means of waiving the internal funding limitation mechanism of section 6 is preserved in both Houses of Congress.

Section 6 is consistent with the principles set forth in *Immigration and Naturalization Service* v. *Chadha*, 462 U.S. 919, as a rulemaking exception to the bicameralism and presentment requirements to consideration of legislation. *See* U.S. Const. art. I, § 5, cl. 2; *Chadha*, 462 U.S. at 956 n.21. Section 8 of this Act provides that section 6 is enacted pursuant to Congress' rulemaking authority.

SECTION 7—PROCEDURES FOR RECONVENING THE CONGRESS

Section 7 sets forth that through Congress' adjournment power, U.S. Const. Art. I, § 5, cl. 4, it may provide for the reassembling of Congress, after it has otherwise adjourned for more than three days, to consider bills or joint resolutions that could be considered under section 5(a) or a report submitted under section 4(a) of this Act.

This is a significant change over the War Powers Resolution, which only enabled the Speaker of the House and the Senate President pro tempore or thirty percent of the membership of each House to *petition* the President to reconvene the Congress. *See* 50 U.S.C. § 1544(a). This War Powers Resolution provision was made in recognition of the constitutional authority of the President to reconvene Congress when it has adjourned when the President deems it an "extraordinary occasion." U.S. Const. art II, § 3, cl. 2. Section 7 of this Act does not interfere with this executive authority. Instead it is based upon Congress' authority to adjourn with conditions allowing for the reassembling of Congress. This is also consistent with the practice in several congressional adjournment resolutions in recent years.

Section 7(a) provides that for any sine die adjournment or adjournment for more than three days, Congress shall stand in adjournment pursuant to the provisions of that adjournment resolution unless the terms of section 7(b) become operative. This change enables Congress to adopt adjournment resolutions which do not contain the conditions noted in section 7(b) while at the same time permitting Congress to reconvene pursuant to section 7(b) should it be determined necessary. Because it is often impossible to foresee whether it may be necessary for Congress to be reassembled to exercise its war powers after it has adjourned sine die or to a date certain, section 7 would preserve this ability of Congress to reassemble itself on its own motion as an exercise of Congress' adjournment authority.

Section 7(b) provides two means by which Congress may be reassembled as a condition of its adjournment to consider either appropriate legislation that would otherwise be considered under section 5(a) or a report submitted by the President under section 4(a). First, the Speaker of the House and the Senate Majority Leader *may* determine in their judgment, after consultation with the minority leaders of their respective Houses, that the Congress should be reassembled to consider legislation under section 5(a) or a report submitted under section 4(a) of this Act. Second, should the Speaker and Senate Majority Leader determine not to call back Congress, forty percent of the membership in each House may petition each of them to reassemble Congress. Once forty percent of the membership in both Houses have so petitioned, the Speaker of the House and Senate Majority Leader *shall* reassemble the Congress.

The reason the Senate Majority Leader is involved in the reconvening decisions under section 7 rather than the Senate President pro tempore, as similarly provided under the War Powers Resolution, is a reflection of the fact that such similar adjournment resolution have provided this authority in the Senate Majority Leader.

SECTION 8—CONGRESSIONAL RULEMAKING

Section 8 provides that certain sections of this Act are enacted by the Congress as an exercise of the rulemaking authority of each House and in recognition that either House may constitutionally change such rules (see U.S. Const. Art, I, § 5, cl. 2). This provision involves the procedures in sections 5, 6, and 7, which shall be considered as part of the rules of each House and may supersede other rules to the extent they may be inconsistent with these sections of this Act.

SECTION 9—DEFINITIONS

Introduction or involvement of U.S. Armed Forces

Section 9(1) defines the term "introduction or involvement of United States Armed Forces" as used in the Act. This definition is the same as that under the War Powers Resolution for "introduction of United States Armed Forces" except that the definition under this Act is made to apply to the "introduction or *involvement*" of Armed Forces. This modification to the application of the definition takes into account those sections of this Act which apply to "introduction of United States Armed Forces" or "involvement of United States Armed Forces."

Hostilities and imminent hostilities

Section 9(2) provides an illustrative definition of hostilities and imminent hostilities under this Act.

Because of the divergence of application of a common definition of hostilities and imminent hostilities between the executive and legislative branches, section 9 adopts the definitions of these terms as understood in the legislative history of and under prior practice with the War Powers Resolution. *See* H.R. Rep. No. 93-287, 93rd Cong., 1st Sess. 7 (1983). *See also* Sen. Rep. No. 98-242, 98th Cong., 1st Sess. 8-9 (1983).

It is provided the term "hostilities" includes (but is not limited to): (1) situations in which fighting has actually begun, (2) a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict, or (3) situations involving the exchange of fire with hostile forces. Hostilities is intended to be broader in scope than armed conflict.

As the Senate Report to the Multinational Force in Lebanon Resolution noted, under these definitions it is possible for hostilities to exist in circumstances where only U.S. Armed Forces return and do not initiate fire, act only in self-defense, remain in one location without taking offensive actions, or perform "peacekeeping" roles. Additionally, it is not required for fatalities to result for a state of hostilities to exist. *See* Sen. Rep. No. 98-242, 98th Cong., 1st Sess. 8-9 (1983).

In section 9(3), it is further provided that the term "situations where imminent involvement in hostilities is clearly indicated by the circumstances" includes (but is not limited to): a situation in which there is a clear potential either for a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict or for actual armed conflict or high probability of exchanges of fire with hostile forces.

SECTION 10—RULE OF INTERPRETATION

Section 10 contains similar provisions from the War Powers Resolution.

Section 10(a) of this Act is similar to section 8(d) of the War Powers Resolution. 50 U.S.C. § 1547(d). As the House report to the statute noted, this section makes "clear that nothing in it can be interpreted as changing in any way the powers delegated to each branch of government by the Constitution." H.R. Rep. No. 287, 93rd Cong., 1st Sess. 12 (1973). Furthermore, section 10(a)(2) specifies that nothing in the preceding sections of this Act provide statutory authorization to the President to introduce or otherwise involve U.S. Armed Forces provided by the Congress into situations involving hostilities.

Section 10(b) is taken from section 8(a) of the War Powers Resolution. 50 U.S.C. § 1547(a). Because section 11 of this Act repeals the War Powers Resolution, were section 10(b) not included in this Act, the unintended effect could result in restoring the possibility that some courts might construe congressional passage of defense appropriations bills as implied congressional authorization for executive use of Armed Forces in situations involving hostilities. *See* S. Rep. No. 220, 93rd Cong., 1st Sess. 25, n.46 (1973).

SECTION 11—REPEAL OF THE WAR POWERS RESOLUTION

Section 11(a) provides that the War Powers Resolution (50 U.S.C. §§ 1541-48; Pub. L. No. 93-148, 87 Stat. 555 et. seq.) is repealed under this Act.

Section 11(b) provides that Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. § 1546a; Pub. L. No. 98-164) providing for expedited procedures for the consideration of certain joint resolutions and bills, is repealed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3396, PROVIDING FOR REHIRING OF CERTAIN FORMER AIR TRAFFIC CONTROLLERS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-502) on the resolution (H. Res. 360) providing for the consideration of the bill (H.R. 3396) to provide for the rehiring of certain former air traffic controllers, which was referred to the House Calendar and ordered to be printed.

ABUSE OF SAME DAY RULE

The SPEAKER pro tempore (Mr. RAHALL). Under a previous order of the House, the gentleman from Mississippi [Mr. LOTT] is recognized for 5 minutes.

Mr. LOTT. Mr. Speaker, in defense of our controversial procedural tactics in the first session, you recently told an interviewer, and I quote, "I have used whatever parliamentary rights and prerogatives exist for the Speaker to see that the majority of the Members get the opportunity to work their will."

Mr. Speaker, I don't think anyone would quarrel with such an approach so long as you play by the established rules, you are fair in the Chair, and you don't make up the rules as you go along to suit your immediate, partisan needs.

Thomas Jefferson, in the introduction to his Manual of Parliamentary Practice, put it this way:

> It is much more material that there be a rule to go by than what the rule is; that there may be a uniformity of proceeding not subject to the caprice of the Speaker or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

Clarence Cannon, in his introduction to Cannon's Precedents, said that the compendium of precedents compiled by his predecessor was "more than a parliamentary text." In his words:

> Through the recognition of established parliamentary principles which it enjoined on Speakers and chairmen; through the stable and orderly processes which it instituted in the practice of the House, men came to look upon parliamentary probity as a matter of inherent right rather than a contingent privilege subject to political exigencies; to regard it as a science rather than an improvisation to be varied at the caprice of the Chair or the behest of partisan interests.

Former House Parliamentarian Lewis Deschler observes in the preface to his Precedents that, "Historically, the House has resisted efforts by a Speaker to act arbitrarily and in disregard of its precedents and procedures." The most notable example of this was the revolt against Speaker Cannon in 1910 in which most of his powers were stripped because of the manner in which he had arbitrarily exercised and abused them. "Today," wrote Deschler in his 1976 preface, "the office of the Speaker is judicial in character. The decisions of the Speaker are judicial and mediatory rather than polemic and partisan."

All our great parliamentarians and Speakers have recognized that the dual function of our body of rules and precedents has been to permit the majority to work its will while protecting minority rights in the process. More importantly, they have recognized that in order to reconcile these sometimes conflicting goals with a minimal amount of fractious strife, it is critical that our parliamentary laws be uniformly and fairly applied.

As Jefferson observed of the British House of Commons, nothing tended more to throw power into the hands of the majority "than a neglect of, or departure from, the rules of proceeding" which operate "as a check and control on the actions of the majority, and * * * a shelter and protection to the minority, against attempts at power."

Mr. Speaker, I have cited these parliamentary experts because we need to be reminded from time to time of the role "uniformity of proceeding" plays in maintaining order, decency, and dignity in this House. I was particularly disturbed last October 29 by what seemed to be a departure from the rules of proceeding in the handling of the reconciliation rule and bill.

I was especially upset by the decision to adjourn and create a new legislative day in order to avoid the requirement of a two-thirds vote on considering the second reconciliation rule that was reported just moments earlier. Clause 4(b) of House rule XI provides in part that it shall always be in order to consider a report from the Rules Committee—

> (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session). * * *

Something stuck in my craw about that ploy, though we were told at the time that this was not unprecedented and that the term "same day" referred to legislative day, not calendar day. It seemed to me that this interpretation negated the whole purpose of the rule which was to provide Members with sufficient advance notice of legislative matters being brought to the floor. Why would the rule require a two-thirds vote for same-day consideration of a rule if the House could instead adjourn and reconvene immediately by simple majority vote? Surely this flies in the face of the original intent behind the same day rule.

Mr. Speaker, over the recess, I asked my subcommittee counsel on the Rules Committee to thoroughly research this question. The resulting memorandum, which I am appending to this special order, confirms my original suspicions. It concludes that the October 29, 1987, consideration of a rule on the second legislative day of the same calendar day as reported, without a two-thirds vote, violates the provisions of clause 4(b), rule XI. The legislative history shows that it was the clear intention of the author of that rule that the two-thirds vote requirement apply to any rule considered on the same calendar day as reported, and not just the same legislative day.

This conclusion is supported not only by the author's Rules Committee testimony and floor statement, but also by simple logic. The second part of the rule, suspending the two-thirds requirement during the last 3 days of a session, can only refer to calendar days since, allowing for multiple legislative days during that period, one could not calculate backward which would be the final 3 legislative days. And this calendar day interpretation is confirmed by a precedent in which the Chair held that the rule applied to the last 3 calendar days, except for Sundays. In short, the author of the rule could hardly have intended for the word "days" to mean legislative days in the first part of his parenthetical clause, and calendar days in the second.

Mr. Speaker, you might argue in defense of your October 29th double-day ploy that the precedents already contain such an incident. A footnote to the same-day rule contained in at section 729(a) of the House Rules and Manual for the 100th Congress contains the following notation:

> * * * if the House convenes for two legislative days on the same calendar day, any report filed on the first legislative day may be called up on the second without the question of consideration being raised (Speaker O'Neill, Dec. 16, 1985.)

But, an examination of that instance reveals that the Speaker was responding to a parliamentary inquiry about whether a Rules Committee report filed after midnight on the legislative day of December 16th could be considered on the next legislative day, December 17th, without a two-thirds vote. The Speaker replied that it could. But, contrary to the assertion of the footnote, this was not an instance in which 2 legislative days were convened on the same calendar day. The legislative days were convened on different calendar days.

Nevertheless, I think a careful reading of the legislative history and intent of the rule would have persuaded the Speaker that midnight should indeed have been the cutoff time for the filing of the rule, regardless of whether the legislative day of the first calendar day ran beyond that hour. According to the author of the rule, what he was really aiming for was "24-hours" advance filing of a rule before its consideration in order to give Members adequate notice of the program.

Mr. Speaker, I can understand that you were probably advised that the 1985 statement of the Speaker was sufficient grounds for creating 2 legislative days last October 29 to avoid the two-thirds consideration vote on the reconciliation rule. But, even if that instance were accurately represented to you as not involving the convening of 2 legislative days on the same calendar day, I do not think the 1985 statement has any basis in the original intent and history of the rule.

The obvious flaw in both the 1985 and 1987 applications of the term "legislative day" to the "same day" rule is the opening it creates for calling up a rule just moments after it is reported, so long as the two actions are separated by a brief adjournment. While that did not happen in 1985, it did happen last October. This interpretation of the rule yielded the absurd result of giving Members even less notice and protection than they had prior to the adoption of the rule.

Back in 1924, the author of the rule was complaining about the tendency of the Rules Committee to meet at 10 a.m. to report a rule, and then to call it up on the floor as soon as the House convened at noon that day. For that reason, the author offered his amendment to the rules to permit Members to have 1 calendar day's notice prior to the floor consideration of a rule and the bill it made in order. The only escape hatch was to be a two-thirds vote on consideration if the rule was called up on the same day as reported.

Mr. Speaker, as a member of the Rules Committee, it has always been my understanding that clause 4(b) of rule XI required a 1 calendar day layover of reported rules, unless the House agrees by two-thirds vote to consider them on the same day as reported. In the same vein, at the beginning of this Congress the House adopted an amendment to clause 4(c) of rule XI requiring that any unauthorized member of the Rules Committee who calls up a rule after it has been on the calendar for 7 legislation days, may not do so until "the day after the calendar day on which such Member announces to the House his intention to do so." In other words, he is required to give 1 calendar day's notice.

By the same token, committee reports must lay over 3 calendar days before floor consideration under clause 2(1)(6) of rule XI; and conference reports must lay over 3 calendar days before their consideration under clause 2(a) of rule XXVIII. Saturdays, Sundays, and legal holidays are excepted.

All of these rules have been designed with the purpose of ensuring that Members are not asked to vote on measures without adequate warning or information. If we now permit rules to be brought to the floor within minutes of their being reported, rules which can also waive the 3-day layover requirements for bills and conference reports, then we will have completely destroyed the whole concept of uniformity of proceedings, fairness, and informed voting which undergird our legislative process. I therefore respectfully request, Mr. Speaker, that you heed the original intent of the same-day rule and avoid resorting to this tactic again. Let's restore the principle of giving Members adequate advance notice of our legislative business.

MEMORANDUM

JANUARY 12, 1988.

Re: Interpretation of Same-Day Consideration Rule for Reports from the Rules Committee (House Rule XI, clause 4(b)).
To Congressman LOTT.
From Don Wolfensberger, minority counsel, Subcommittee on the Legislative Process.

Question: Did the Oct. 29, 1987 consideration by the House of a second reconciliation rule *on the same calendar* day it was reported, *but a second legislative day,* violate the provisions of House Rule XI, clause 4(b) which requires a two-thirds vote to consider a Rules Committee report "*on the same day* it is presented to the House"?

Answer: Yes.

The Rule: House Rule XI, clause 4(b), provides that: "It shall always be in order to call up for consideration a report from the Committee on Rules on a rule, joint rule, or the order of business (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session). . . ."

The Facts: On Oct. 29, 1987, the House rejected a rule (H. Res. 296) providing for the consideration of a reconciliation bill (H.R. 3545), by a vote of 203-217. An emergency meeting of the Rules Committee was immediately convened and, around 2:30 p.m. a second rule (H. Res. 298) was reported, nearly identical to the first but absent a provision for the consideration of a welfare reform amendment.

Shortly thereafter, the majority leader (Mr. Foley) moved that, "pursuant to clause 4 of Rule XVI, that when the House adjourns today it adjourn to meet at 3:15 p.m. today." The motion was adopted on a vote of 243-166." (RECORD, Oct. 29, 1987, p. H9155-56).

The deputy minority whip (Mr. Madigan) asked the majority leader whether the purpose of a second legislative day "is so that the House avoids the necessity of having a two-thirds majority to be able to consider this and can consider it only with a simple majority?" (*Ibid.*, p. H9156)

The majority leader replied: "Actually, there is not any requirement for a special vote to consider it on the next legislative day. A two-thirds vote is required to consider it on the same day. The rule could be adopted under these circumstances with a majority vote." (*Ibid.*, p. H9156)

The majority leader then moved at 3:05 p.m. that the House adjourn. Because the adjournment vote would not end until after the new legislative day was to begin, the Chamber clock facing the chair was manually stopped just before 3:15. The vote was announced (236-171), the House adjourned, and then, almost immediately, was reconvened.

The second rule was then called-up by Rep. Derrick (S.C.) of the Rules Committee. A preferential motion by Rep. Gregg (N.H.) to adjourn was defeated, 165-250. And, after an hour of debate, the rule was adopted, 238-182. (*Ibid.*, p. H9165-66)

Legislative History and Intent of Same-Day Rule: The question of whether the two-thirds vote is required for the consideration of a rule on the same calendar day, but a subsequent legislative day, as reported, hinges on the original intent of the author of the rule.

The author of the rule was Rep. R. Walton Moore (D-Va.). He introduced it as a separate resolution (H. Res. 65) in the 68th Congress, and testified on its behalf before the Rules Committee on December 23, 1923. In that testimony, Moore put the need for the two-thirds, same-day consideration vote on a rule as follows:

"What I observed was that the Rules Committee would often meet at 10 o'clock in the morning, and then they would pass a resolution relative to the consideration of some measure. And that resolution would be forthwith, when the House met, presented by the chairman of the committee, and the measure brought on for consideration immediately. There was no notice at all in advance." ("Revision of the Rules," Hearings before the Committee on Rules, 68th Congress, 1st Session, 1924, Part 1, p. 11)

Rules Committee Chairman Bertrand Snell (R-N.Y.) objected to the Moore proposal on grounds that the Rules Committee often had to act in emergencies:

"I can recall there have been a great many times where it has been absolutely necessary if the House was to function to present special rules immediately." (*Ibid.*, p. 25)

Moore replied: "I can not see how the House loses anything to say that you shall not bring the resolution before the House immediately unless two-thirds shall authorize it, and two-thirds would almost undoubtedly vote for the immediate consideration in the case of a real emergency." (*Ibid.*, p. 26)

While the Rules Committee did not include Rep. Moore's proposal in the Rules revision resolution it reported (H. Res. 146), it did provide in clause 56 that the Rules Committee shall file its reports within "*three legislative days* of the time when ordered reported by the committee," and, if not called up by the member making the report "within *nine days* thereafter, any member designated by the committee may call it up for consideration." (H. Res. 146, CONGRESSIONAL RECORD, Jan. 14, 1924, p. 944)

In presenting the resolution to the House on behalf of the Committee on Rules, Rep. Snell explained that the amendment "absolutely does away with any possibility of a pocket veto by the chairman of the committee and fully protects the committee if the person authorized to call up a resolution does not do it within a prescribed time." (RECORD, Jan. 14, 1924, p. H949)

There is no direct discussion of legislative versus calendar days, though it should be noted that this portion of the rule does differentiate between the two: the committee is required to present reports "within *three legislative days* of the time when ordered reported," while any member designated by the commitee may, "within *nine days* thereafter * * * call it up for consideration." (*Ibid.*, p. 944)

On Jan. 18, 1924, during the further consideration of H. Res. 146 for amendment, Rep. Moore offered his proposal as an amendment to clause 56 described above, inserting the following: "(except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting." (RECORD, Jan. 18, 1924, p. 1139). At a later point in debate on his amendment, Rep. Moore, by unanimous consent, amended his amendment with the words: "But this provision shall not apply during the last three days of a session." (*Ibid.*, p. 1140) The amendment was subsequently adopted on a division vote of 141-114. (*Ibid.*, p. 1141)

During debate on his amendment, Rep. Moore made clear that his amendment required a full day's notice: "It provides that any resolution which is reported shall not be taken up for consideration on the day on which it is reported, but shall lie over for at least one day, unless the House by two-thirds vote determines otherwise." Moore then had the Clerk read a May 11, 1920 statement made by Rep. Champ Clark (Mo.), "a great parliamentarian and great Speaker [who] supported the view which I presented then and which I present now:

"The Rules Committee ought to be compelled to give 24 hours' notice every time it brings in a rule. They bring it on the House suddenly, and the House does not know a thing on the face of the earth what is in the rule * * * people ought to have fair notice." (*Ibid.*, p. 1139)

Rep. Davis of Tennessee joined in the debate by observing that, "if the membership of this House was given 24 hours' noitce those who were interested in the resolution would be present to vote upon it." (*Ibid.*, p. 1140) And, Rep. Sanders of Indiana, speaking in opposition to the amendment, said, "The leader may not have known on a Monday that there would be an opportunity to take up a bill on the floor on Tuesday. If we rob the Committee on Rules of the right which the Rules Committee has . . . to present a rule to this House which shall immediately make in order any pressing legislative business, we will deprive the people of the country of the work of this House on many days." And, Sanders concluded, "You will find the majority leader will have to move to adjourn, and we will lose a vast amount of time." (*Ibid.*, p. 1141).

Finally, in further support of the calendar day argument, it should be noted carefully that Rep. Moore amended his own amendment so that the supermajority vote for consideration of a same-day rule would "not apply during the last three days of a session." Assuming a sine die adjournment resolution has been adopted containing a date certain, one can only count backwards by three *calendar* days since there could be numerous legislative days within those three calendar days.

On Dec. 7, 1931, House Rules were further amended with regard to the requirement that the Rules Committee file reports within three legislative days of their being ordered reported. Under the revised rule, "*any* member of the Rules Committee" (not just a "designated" member) could call up such a report as a question of privilege "within seven *legislative* days [previously, just "days"] thereafter." (H. Res. 5, CONGRESSIONAL RECORD, Dec. 7, 1931, p. 10). Thus the House again differentiated between "days" and "legislative days." No comparable change was made with regard to the two-thirds consideration of rules on the "same day" as presented.

Most recently, at the beginning of the 100th Congress, the rule permitting any member of the Rules Committee to call-up a rule after it has been pending on the calendar for seven legislative days, was amended to require that a Member may do so "*only on the day after the calendar day* on which such Member announces to the House his intention to do so." According to the footnote to this recent revision, "In the 100th Congress, this paragraph was amended to require the member of the Committee on Rules calling up a report after seven *legislative* days' filing to have given *one calendar day* notice to the House (H. Res. 5, Jan. 6, 1987, p. —)." (*Manual*, 100th Congress, Rule XI, clause 4(c), § 730) Thus, the interpretation of "day" in this most recent amendment of the rules if "calendar day," not just "legislative day."

The Precedents: There is no precedent *directly* on the point of a rule being reported on one legislative day and considered on a second legislative day—both of which commence on the same calendar day. In support of such an action, it may be pointed out that the footnotes in the *House Rules and Manual,* 100th Congress, at § 729a., cite three instances in which the rule is interpreted to mean the "same legislative day."

[It should be noted that such references did *not* appear in the *Manual* prior to the 94th Congress. This may be because an attempt to waive the two-thirds vote rule was defeated under suspension at the end of the 93rd Congress. See *Procedure in the House,* 97th Congress, Ch. 21, § 18.11, Dec. 16, 1973.]

The one instance in the footnote which may *seem* to support a same calendar-day consideration, states that: "A privileged report from the Committee on Rules may be considered *on the same legislative day* only by a two-thirds vote . . . and if the House *convenes for two legislative days on the same calendar day,* any report filed on the first legislative day may be called up on the second without the question of consideration being raised (Speaker O'Neill, Dec. 16, 1985.)" [emphasis added]

The Speaker's statement came in response to a parliamentary inquiry by Rep. Walker (Pa.): "Since those reports [of the Rules Committee] were filed after 12 o'clock midnight, will that affect when they can be brought to the floor for consideration?" The Speaker responded: "They can be called up on the *next legislative day* without a two-thirds vote." (RECORD, Dec. 16, 1985, p. H 12197).

In that case, the House went beyond midnight on Dec. 16 with its legislative session of that day, and the rules were filed after midnight. The Speaker did not cite any precedents to support his interpretation. But it should be distinguished from a situation wherein two legislative days are *commenced* on the same calendar day, solely for the purpose of circumventing the two-thirds vote requirement. Contrary to the statement in the footnote, the actual situation did not involve two legislative days "*convened*" on the same calendar day. It involved two legislative days convened on two *separate* calendar days, the first legislative day of which spilled over into the morning hours of the second calendar day.

The first instance in which the "legislative day" interpretation is cited in the footnote is the following: "a report properly filed by the committee at any time prior to the convening of the House *on the next legislative day* may be called up for immediate consideration without the two-thirds requirement (Speaker Albert, July 31, 1975, a p. 26243)." [emphasis added; actual page number is 26247] Again, the instance cited was in response to a parliamentary inquiry, this time by Rep. Fascell: "Am I correct in the proposition that if a bill is passed by the other body tonight, there is a procedure under the rules whereby the matter could be considered tomorrow?" Speaker Albert replied:

"The regular rule is that if a report from the Rules Committee *has to go over 1 day* or it, [sic] takes a two-thirds vote for consideration on the same day reported. The other way is that a unanimous consent request can be made, and if the Committee on Rules can file it by 10 o'clock tomorrow, and the House adjourns tonight, then it will take a majority vote for consideration tomorrow after the House meets, just as it always does *on a subsequent legislative day.*" [Emphasis added]

In that case, Speaker Albert was talking about the report either going over *one-day* to avoid the two-thirds vote, or the Rules Committee obtaining unanimous consent on the pending day to file before the House convenes on the next legislative day. Obviously, by unanimous consent, the Rules Committee could also bring up the rule on the same legislative day as reported without the two-thirds vote for consideration. What comes through most in this response, however, is the need for some notice on the previous calendar day regarding a matter to be brought up on the subsequent calendar day which also happens to be the next legislative day.

The next instance cited in the precedents states the principle that the two-thirds requirement does not apply to "a report filed during special order speeches after legislative business on that prior legislative day (Oct. 14, 1986)."

An examination of the CONGRESSIONAL RECORD of that date (p. 30861) reveals that this was in response to a parliamentary inquiry by Rep. Roybal (Calif.) after Chairman Pepper filed a rule on the immigration bill during special order speeches:

ROYBAL. Was this filed under unanimous consent or was it filed as a privileged report?

The SPEAKER. Rules may be filed during special orders without unanimous consent.

ROYBAL. When must the House adopt that resolution? Is that to be adopted tonight, or is that a subject for tomorrow's deliberations?

The SPEAKER. They are scheduled for consideration later in the week.

ROYBAL. That can be anytime during the week, *but it can start anytime tomorrow, and any day thereafter, is that correct?*

The SPEAKER. *The gentleman is correct.* [Emphasis added]

It should be noted that nowhere is the term "*legislative day*" used. Indeed, the Speaker here confirms Roybal's contention that the rule could be considered on the next *calendar day,* "tomorrow." (RECORD, Oct. 14, 1986, 30861)

However, there is a precedent supporting the contention that the original intent of the rule was that the the word "day" means calendar day, on Thursday, Dec. 31, 1970, where the second session of the 98th Congress was to end at noon on Sunday, Jan. 3, 1971, a rule was called up on the same day as reported. In response to parliamentary inquiries as to whether a two-thirds vote was required for consideration, Speaker McCormack held that a rule could be considered on the same day reported, without a two-thirds vote, during the last three days of a session. In response to a parliamentary inquiry from Rep. Yates (Ill.) as to whether the rule meant "3 legislative days or 3 calendar days," Speaker McCormack replied:

"There are only three days remaining; which would be Thursday, Friday and Saturday. . . . Sundays are not counted within the purview of the rule. Speaker Longworth held that Sunday was 'non dies' in a ruling in 1929—see also Cannon's Precedents, vol. VII, 944 and 995." (6 *Deschler's Precedents,* Ch. 21, § 18.9)

This ruling comports with the interpretation of the word "days" under the Constitution (e.g. Article I, sec. 5, prohibiting either House to adjourn for more than three-days without the consent of the other; see Manual, § 82: "Sunday is not taken into account in making this computation . . . . Sunday (is) traditionally a 'dies non' under the precedents of the House." And, Article I, section 7: "If any bill is not returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law). In other words, days means calendar days, except for Sundays, regardless of whether the House is in session or not.

Conclusion: It is evident from the author's remarks on his original rule in 1924 that he intended the two-thirds vote requirement to apply to rules considered on the same *calendar* day as reported. This was to discourage immediate consideration of rules except in emergency circumstances, and to provide Members with adequate advance notice of the legislative agenda—preferably "*24-hours in advance*," but at least during the preceding *calendar* day.

That same rule also provided for suspending this requirement in the last 3 days of a session. This could only mean *calendar* days since, with the possibility of multiple legislative days in the same calendar day, there would be no way of calculating the final three legislative days. It is inconceivable that the author of this provision could have meant legislative days the first time "days" is used and "calendar days" the second time it is used. The precedents on the final 3 days of a session bear out the calendar day interpretation.

To limit the term "same day" to only "the same legislative day," yields the absurd result of nullifying the whole purpose of the rule. This is because it permits two legislative days on the same calendar day and the possibility of a rule being considered moments after being reported. Both the legislative history and precedents support the interpretation that a two-thirds vote is required on the same *calendar* day a rule is reported, regardless of how many legislative days may be convened on that day.

MANDATING HOSPICE COVERAGE UNDER THE MEDICAID PROGRAM

The SPEAKING pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to make hospice coverage under the Medicaid Program, which is now optional, a mandatory benefit. As you may know, hospice was made an option under Medicaid in legislation passed and enacted during the 99th Congress at the same time that the hospice Medicare benefit was made permanent. I was proud to be the sponsor of both these pieces of legislation to serve the terminally ill and their families, and am pleased to introduce this bill today to extend the Medicaid hospice benefit. While already included as part of a comprehensive measure I introduced in the last session to combat acquired immune deficiency syndrome, or AIDS, it is being introduced as a freestanding bill to draw greater attention to the importance of making this benefit mandatory rather than optional.

In addition, I am very pleased to be joined by my distinguished colleagues, Mr. WAXMAN, chairman of the Energy and Commerce Committee's Subcommittee on Health and the Environment; Mr. MADIGAN, ranking member of that subcommittee; Mr. GRADISON; and Mr. GEJDENSON in introducing this measure. It is worth noting that Mr. WAXMAN and Mr. GRADISON were also original cosponsors of the optional hospice measure, and their continuing support in this effort is especially appreciated.

As you know, hospice is a compassionate, cost-effective system of caring for the terminally ill that helps them remain in their homes and communities, among family and friends. Over the past decade, we have seen enormous growth in the hospice movement, and today there are estimated to be over 1,500 hospice programs in operation throughout the country.

Hospice provides an innovative means of care and support in which a team of health care workers and others strives to make the remainder of the lives of the terminally ill, and the lives of their families during this very difficult time, to be as meaningful and comfortable as possible. Serious illness is difficult at any time, and terminal illness is much more: physically, emotionally, spiritually, and economically. Hospice helps to significantly relieve the burden in all of these areas.

Not only is hospice compassionate and emotionally supportive for the terminally ill and their families, but as important, in this time when the need for cost containment is crucial, it is cost-effective as well. It is widely concluded that the substitution of hospice for acute care can save significant amounts of money. The Congressional Budget Office has estimated that hospice coverage under Medicare could save more than $100 million over 3 years, and a report on hospice demonstration programs also concluded that hospice, in addition to its compassionate care, offers a cost savings in the last year of life. With specific regard to a Medicaid benefit, Illinois, for example, would save at least $1 million per year, by a conservative estimate, if it had such a benefit, based on decreasing Medicaid costs by at least 27 percent through less use of inpatient care. This would result in significant savings to the Federal Government and the States over time. Additional evidence of hospice's cost-effectiveness is provided by several studies that have shown hospice care saving 20 to 40 percent when compared with traditional acute care, and by the fact that numerous major health insurers have included a hospice benefit with little or no change or increase in premiums. We must continue to encourage the development and utilization of cost-effective, community-based forms of care such as hospice as we struggle to reduce the deficit.

Mr. Speaker, when the legislation making hospice an option under Medicaid was first introduced, it was with the aim of making this form of care for the terminally ill available to those with low incomes and their families. While the Medicare benefit makes hospice available to the elderly and disabled, and these groups comprise a large proportion of those who could benefit from hospice, a need was seen to enable Medicaid beneficiaries to have access to the same services.

The ranks of these persons now include, unfortunately, many AIDS patients, and will include many more over time. As we all know, AIDS is the greatest epidemic and the worst public health problem to strike this country in this century, and possibly in our entire history. As of January 25, 1988, there was a total of 51,916 reported AIDS cases and 28,965 deaths as a result of the disease. The Public Health Service projects that by the end of 1991, there will have been a cumulative total of more than 270,000 AIDS cases in the United States and 180,000 deaths, with fully 54,000 of these occurring in 1991 alone.

Clearly, much needs to be done to care for the rapidly growing number of persons who are going to become terminally ill and die of AIDS, and to do this in the most cost-effective and compassionate manner possible. While many AIDS patients prefer to be cared for only or mostly at home, there are a large number for whom hospice provides the most appropriate means of care. In particular, there is a large and rapidly growing group of intravenous drug abusers among AIDS patients, and these persons often are homeless or have unstable living situations and cannot be adequately cared for at home. For these persons in particular, as well as many other AIDS patients, hospice probably provides the best possible care during the terminal stages of the disease.

Fiscal year 1988 budget reconciliation legislation includes a provision that will reimburse hospices for inpatient care for Medicaid patients with AIDS even if these patients must spend more than 20 percent of their time in such a setting. This, in combination with the expansion of the hospice Medicaid benefit provided by this bill, should enable many more AIDS patients to receive the care they need in hospice programs, rather than having to spend all of their time in expensive inpatient settings or, worse, end up in the streets or bad home situations. And, even with the greater need of AIDS hospice patients for inpatient care, hospice can save considerable sums. In San Francisco, which makes extensive use of hospice and other community-based care, it costs about $25,000 to care for AIDS patients during their last year of life. In Atlanta, it would cost approximately $66,000 and in New York City, $120,000. Neither of these cities has extensive hospice programs.

In spite of the growing number of persons who could benefit from hospice care under the Medicaid program, especially with the AIDS crisis, only five States—New York, Michigan, Florida, Kentucky, and North Dakota—have so far created a Medicaid hospice benefit since the enactment of the option. While several other States, including California and Illinois, are also moving to create a

Medicaid hospice benefit, and this is encouraging, the other cosponsors and I believe that the current need is great enough to warrant making the hospice Medicaid benefit mandatory. This would rapidly speed up the process by which hospice services will become accessible to Medicaid beneficiaries throughout the country. The bill would become effective for calendar quarters beginning on or after January 1, 1989. States would be allowed additional time to enact enabling legislation if necessary, as will obviously be true in many cases. We urge our colleagues to give their approval of this measure to expand hospice coverage for those who could most benefit by it, and to save taxpayer and Government funds in the process.

For your convenience, the text of the bill follows:

H.R. 3913

A bill to amend title XIX of the Social Security Act to require hospice coverage under the Medicaid program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANDATING HOSPICE COVERAGE UNDER THE MEDICAID PROGRAM.

(a) IN GENERAL.—Subparagraphs (A) and (C)(iv) of section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) are each amended by inserting "and (18)" after "(17)".

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) apply (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1989, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BUECHNER) to revise and extend his remarks and include extraneous material:)

Mr. LOTT, for 30 minutes, today.

(The following Members (at the request of Mr. MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BUECHNER) and to include extraneous matter:)

Mr. LOTT.

Mr. LOWERY of California.

Mr. BROOMFIELD.

Mr. RITTER.

(The following Members (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. LANTOS in two instances.

Mr. VENTO in two instances.

Mr. SCHUMER in three instances.

Mrs. SCHROEDER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 343. An act for the relief of Pandelis Perdikis; to the Committee on the Judiciary.

S. 391. An act for the relief of Hyong Cha Kim Kay, to the Committee on the Judiciary.

S. 1329. An act for the relief of Roswitha Starins, to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1983. An act authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, FL, and for other purposes;

H.R. 2566. An act to amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes; and

H.R. 3884. An act to rescind certain budget authority recommended in Public Law 100-202.

ADJOURNMENT

Mr. PANETTA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes a.m.) under its previous order, the House adjourned until Monday, February 8, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2837. A letter from the Secretary of Defense, transmitting a copy of Presidential Determination No. 88-7, his certification of production facilities for the Bigeye binary chemical bomb, pursuant to Public Law 99-591, section 1107(c)(1) (100 Stat. 3341-179); Public Law 99-661, section 152(c)(1) (100 Stat. 3835); to the Committee on Armed Services.

2838. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to revise certain organizational and procedural provisions of statutes affecting national banks, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

2839. A letter from the Secretary of Energy, transmitting the Department's seventh annual report on financing, supply and installation activities of public utilities in connection with the Residential Conservation Service Program, pursuant to 42 U.S.C. 8217(g); to the Committee on Energy and Commerce.

2840. A letter from the Secretary of Health and Human Services, transmitting the 1987 Annual Report on the Status of Organ Donation and Coordination Services, pursuant to 42 U.S.C. 274c(4); to the Committee on Energy and Commerce.

2841. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting notification of the intention to add the Islamic Republic of Mauritania, People's Republic of the Congo, Republic of Niger, and Republic of Togo to the list of approved participants in the Anti-Terrorism Assistance Program, pursuant to 22 U.S.C. 2349aa-3(a)(1); to the Committee on Foreign Affairs.

2842. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting a report on the preliminary assessment of the Nicaraguan Resistance Military Prosecutor's Office, pursuant to sec. 208(a) of the Military Construction Act of 1987, as contained in Pub. L. 99-591, to the Committee on Foreign Affairs.

2843. A letter from the Administrator of Veterans' Affairs, Veterans' Administration, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2844. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the Commission's 29th annual report of the Advisory Commission on Intergovernmental Relations, pursuant to 42 U.S.C. 4275(3); to the Committee on Government Operations.

2845. A letter from the Chairman, Federal Trade Commission, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2846. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's annual report of its activities under the Government in the Sunshine Act during calendar year 1987, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2847. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting a report on the Commission's compliance with the competition advocacy program, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2848. A letter from the Secretary of Housing and Urban Development, transmitting a report on the Department's compliance with the competition advocacy program, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2849. A letter from the Chairman, Copyright Royalty Tribunal, transmitting the Tribunal's Annual Report for the fiscal year ending September 30, 1987, pursuant to 17 U.S.C 808; to the Committee on the Judiciary.

2850. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a report on the 15 positions (grades 16, 17, and 18) allocated by statute; to the Committee on Post Office and Civil Service.

2851. A letter from the Secretary of Transportation, transmitting the Department's annual report on activities conducted under the Commercial Space Launch Act for fiscal year 1987, pursuant to 49 U.S.C. app. 2621(a); to the Committee on Science, Space and Technology.

2852. A letter from the Deputy Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting notification of the Agency's intention to award a contract for conversion to contract performance the weather observation activities at the John F. Kennedy International Airport, Jamaica, NY; contract being awarded as a result of an OMB Circular No. A-76 cost comparison, pursuant to Public Law 99-509; to the Committee on Science, Space and Technology.

2853. A letter from the Deputy Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting notification of the Agency's intention to award a contract for conversion to contract performance the weather observation activities at LaGuardia Airport, Flushing, NY; contract being awarded as a result of an OMB Circular No. A-76 cost comparison, pursuant to Public Law 99-509; to the Committee on Science, Space and Technology.

2854. A letter from the Deputy Chief, Legislative Division Office of Legislative Liaison, Department of the Air Force, transmitting a copy of his decision document with background information and instructions for applying for an Armed Forces discharge certificate to be administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON: Committee on Rules. H. Res. 360. A resolution providing for the consideration of H.R. 3396, a bill to provide for the rehiring of certain former air traffic controllers. (Rept. 100-502). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRYANT:

H.R. 3910. A bill to require further review by the Federal Communications Commission to ensure thorough deliberation on proposed changes in the method of regulation of interstate basic service rates; to the Committee on Energy and Commerce.

By Mr. HUGHES (for himself, Mr. McCollum, Mr. Mazzoli, Mr. Crockett, Mr. Feighan, Mr. Smith of Florida, Mr. Staggers, Mr. Smith of Texas, Mr. Shaw, Mr. Gekas, Mr. Hertel, and Mr. Bryant):

H.R. 3911. A bill to amend title 18, United States Code, to provide increased penalties for certain major frauds against the United States; to the Committee on the Judiciary.

By Mr. LUNGREN:

H.R. 3912. A bill to help ensure that the collective judgment of both the Congress and President are exercised concerning the involvement of U.S. Armed Forces in hostilities, and to repeal the War Powers Resolution; jointly, to the Committees on Foreign Affairs and Rules.

By Mr. PANETTA (for himself, Mr. Gradison, Mr. Waxman, Mr. Madigan, and Mr. Gejdenson):

H.R. 3913. A bill to amend title XIX of the Social Security Act to require hospice coverage under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. RODINO (for himself and Mr. Fish):

H.R. 3914. A bill to establish a commission to investigate racially motivated violence; to the Committee on the Judiciary.

By Mrs. SCHROEDER (for herself, Mr. Campbell, Mr. Yatron, Mr. Fuster, Mrs. Collins, Mr. Parris, Mrs. Byron, Mr. Rodino, Mr. Howard, Mr. Neal, Mr. Martinez, Mr. Murphy, Mr. Kolter, Mr. Gilman, Mr. Davis, of Michigan, Mr. Towns, Mr. Gordon, and Mr. Garcia):

H.R. 3915. A bill to amend the Internal Revenue Code of 1986 to afford tax relief to real estate developers, builders, and individuals who take measures to prevent radon from entering their buildings or homes, and to reimburse Federal employees for the cost of such measures when made incident to a transfer; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. SCHUMER:

H.R. 3916. A bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States; to the Committee on the Judiciary.

By Mr. DELLUMS:

H. Res. 361. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the District of Columbia in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. HAWKINS (for himself, Mr. Clay, Mr. Jeffords, and Mrs. Roukema):

H. Res. 362. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor and the pension reform activities of its Subcommittee on Labor-Management Relations in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. ROE:

H. Res. 363. A resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Science, Space, and Technology in the second session of the 100th Congress; to the Committee on House Administration.

By Mrs. SCHROEDER (for herself, Mr. Olin, Mr. Sikorski, Mr. Montgomery, Mr. Penny, Mr. Sharp, Mr. Lipinski, Mr. Hefley, Mr. Skaggs, and Mr. DeFazio):

H. Res. 364. A resolution to amend the Rules of the House of Representatives to limit the contents of continuing resolutions; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. McCOLLUM introduced a bill (H.R. 3917) for the relief of Rajani Lal, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 779: Mr. Spratt.

H.R. 925: Mr. AuCoin, Mr. Lehman of California, and Mr. Mica.

H.R. 956: Mr. Davis of Illinois.

H.R. 3560: Mr. Kolter.

H.R. 3603: Mr. Clay, Ms. Pelosi, Mr. Lehman of Florida, Mr. Udall, Mr. Fuster, Mr. Coyne, Mr. Bonker, Mr. Leland, and Mrs. Collins.

H.R. 3696: Mr. Parris, Mr. Kolter, Mr. Bruce, and Mr. Weldon.

H.R. 3753: Mrs. Collins, Mr. Dellums, Mr. de Lugo, Ms. Pelosi, and Mr. Neal.

H.R. 3859: Mr. Flippo, Mr. Schuette, Mr. Henry, Mr. Wortley, Mr. Solomon, Mr. Wheat, Mr. Owens of New York, Mr. Duncan, and Mrs. Saiki.

H.R. 3883: Mr. Torres, Mr. Lujan, Mr. Mfume, Mr. Biaggi, Mr. Natcher, Mr. Lewis of Georgia, Mr. Kleczka, Mr. Rahall, Mr. Bevill, Mr. Rose, and Mr. Robinson.

H.J. Res. 416: Mr. Fazio, Mr. Hughes, Mr. Mrazek, Mr. Wolpe, Mr. Sabo, Mr. Dorgan of North Dakota, Mr. Moody, Mr. Sikorski, and Mr. Garcia.

H. Res. 271: Mr. Hall of Texas, Mr. Towns, Mr. Whittaker, and Mr. Grant.

H. Res. 300: Mr. Wortley, Mr. Sikorski, and Mr. Weiss.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

118. By the SPEAKER: Petition of the City Council, New York, NY, relative to the adoption of the Act for Better Child Care Services, H.R. 3660 and S. 1885; to the Committee on Education and Labor.

119. Also, petition of the city of Miami, Miami, FL, relative to funding for international refugee assistance programs; to the Committee on the Judiciary.

SENATE—*Thursday, February 4, 1988*

(Legislative day of Tuesday, February 2, 1988)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the Honorable Harry Reid, a Senator from the State of Nevada.

Mr. REID. Today's prayer will be offered by Hampton Joel Rector, Methodist minister.

PRAYER

The Reverend Hampton Joel Rector, staff aide, the office of Senator Robert C. Byrd, and a Methodist minister, offered the following prayer:

Holy, holy, holy, Lord God of hosts; heaven and Earth are full of Thy glory.

Glory be to Thee, O Lord, most high.

O Lord, in whom we live, and move, and have our being: to consume the fretful concerns of our everyday lives, we turn to Thee in these moments.

Use this opportunity to fill us with Thy holy spirit; relieve us of the blindness of our selfishness; put far from us unworthy devotion to clan and to picayune ambition; grant to us a vision of this life as Thy wisdom would have it to be; encompass us in Thy will; that all that we do or decide this day, may be filled with Thy majesty and justice, and that our lives may reflect Thy light and Thy love and Thy salvation.

For these things we pray in the name of our Lord Jesus Christ. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, February 4, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Harry Reid, a Senator from the State of Nevada, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

REVEREND RECTOR'S PRAYER

Mr. BYRD. I thank the guest chaplain for his words of inspiration. I am very well acquainted with the guest chaplain's ability to choose words fitting for an occasion. After all, he has been a loyal member of my personal staff for more than 10 years.

The Reverend Hampton Joel Rector first came to work for me in September 1976. He is a native of Bluefield, WV, where his parents still reside. He holds degrees from West Virginia and Duke University, he is an ordained United Methodist minister, and has served as pastor in communities in West Virginia and North Carolina.

He is a native West Virginian who has strong ties with the State and he is an experienced and worthy member of my staff. I am pleased to have him as an employee, and I thank him on behalf of the Senate for his prayer.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask unanimous consent that I reserve the balance of my time for the moment and that the Republican leader may reserve his time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business for not to extend beyond the hour of 2:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

SUBWAY CAR USE DURING VOTES

Mr. FORD. Mr. President, on Tuesday, February 2, several Members in the Hart Building missed a vote on the Senate floor because of subway traffic. Although several Members missed that vote, the problem is not an isolated instance. Members housed in the Hart Building have missed votes previously because of that problem. A change in the policy of subway car use during 15-minute rollcall votes is needed.

Senator Stevens, the ranking member on the Rules Committee, and I have reviewed options to help resolve this problem. There is no sure solution, and we recognize that there will be problems associated with any policy implemented. But after reviewing this matter, we have directed the Sergeant at Arms to implement a new policy on the use of the subway car serving the Hart Building on a temporary basis in hopes that it will improve the timely transport of Members. The new policy is as follows:

First, the use of the subway car serving the Hart Building will be restricted to Senators only during 15-minute rollcall votes.

Second, a subway car will be scheduled to depart the Hart Building platform at the 3-minute remaining point of each rollcall vote. This means that a car arriving at the platform with more than 3 but less than 6 minutes remaining on a rollcall vote will stay at the platform and depart at the 3-minute remaining point.

Third, when a car serving either the Dirksen or Hart Building malfunctions during a rollcall vote, the remaining car will serve both buildings, and the car will be restricted to Senators only. The car will be scheduled to depart the Hart Building platform at the 3-minute remaining point; the car will then stop at the Dirksen platform to pick up Senators.

The Democratic and Republican Cloakrooms will be promptly informed by the Capitol Police of any malfunction during a rollcall vote.

This policy, to work effectively, requires the cooperation and support of all Members. We hope that Members will not ask drivers and police officers to make exceptions. I request that the letter sent by Senator Stevens and myself to the Sergeant at Arms regarding the implementatoin of this new policy be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Rules
and Administration,
Washington, DC, February 4, 1988.

Hon. Henry K. Giugni,
Sergeant at Arms, U.S. Senate, Washington, DC.

Dear Henry: On Tuesday, February 2, 1988, several Senators with offices in the Hart Building missed a roll call vote because of subway delays. To minimize this problem in the future, we are implementing an interim procedure for the running of the subway cars. The full Committee will be requested to ratify this new policy at its meeting on February 17, 1988.

The new policy is as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

1. The use of the subway car serving the Hart Building will be restricted to Senators only during 15-minute roll call votes.

2. A subway car will be scheduled to depart the Hart Building platform at the three-minute remaining point of each roll call vote. This means that a car arriving at the platform with more than three but less than six minutes remaining on a roll call vote will stay at the platform and depart at the three-minute remaining point.

3. When a car serving either the Dirksen or Hart Building malfunctions during a roll call vote, the remaining car will serve both buildings, and the car will be restricted to Senators only. The car will be scheduled to depart the Hart Building paltform at the three-minute remaining point; the car will then stop at the Dirksen platform to pick up Senators.

The Democratic and Republican Cloakrooms will be promptly informed by the Capitol Police of any malfunction during a roll call vote.

Please inform the Capitol Police assigned to the subway platforms of the Capitol and Dirksen and Hart Buildings of this new policy. We would also appreciate your making the necessary arrangements to have signs erected and displayed informing users of this policy.

Sincerely,

WENDELL H. FORD,
Chairman.

TED STEVENS,
Ranking Minority Member.

CONGRESS MUST PASS GENOCIDE IMPLEMENTING LEGISLATION NOW!

Mr. PROXMIRE. Mr. President, Americans and certainly Members of the Congress place supreme value on human life. Can there be any crime greater than to destroy the life of an innocent human being who has committed no crime, a human being who threatens no one, who has done nothing wrong except to be born into a particular religious, ethnic, or racial group? Yes, there can be something even more monstrous. It is the planned, premeditated destruction of the lives of literally millions of innocent human beings because they happened to worship God in a different religion or being of a different race or ethnic group. What am I talking about? I am talking about genocide. I am talking about the extermination of European Jewry by Hitler. And I challenge any Senator or Congressman to cite any crime in human history that comes close to the terrible genocide in Europe just prior to and during World War II.

Why do I rise today to speak on this subject? I rise because it is now 2 years since the Senate of the United States by an overwhelming 82 to 11 vote ratified the Genocide Convention. In that 2-year period the Congress has failed to finish the job. This is incredible. In fact, it is a disgrace to this U.S. Senate. How can this be? Didn't we ratify the treaty? We did, indeed. And in ratifying the treaty the Senate attached a declaration. The declaration was necessary. It provided that the President may not deposit the instrument of ratification until after the implementing legislation is enacted. Mr. President, I can understand how the Congress might wait a month or two to enact implementing legislation. But 2 years? Twenty-four months? The implementing legislation has been drafted. It has been introduced by the respective chairmen of the House and Senate Judiciary Committees. But there have been no hearings, not a whisper indicating any concern or any action.

Here is absolutely critical implementing legislation that is shamefully stalled in the U.S. Congress. The ratification of the treaty without action on this legislation by the Senate is simply an empty, hollow action that has no force. It has no meaning. How ridiculous this must be in the eyes of the world. Officials of the United States itself drafted the treaty right after World War II. We took it before the United Nations. The United Nations unanimously approved it. Way back in 1948—40 long years ago President Truman reaffirmed our country's commitment to human rights by signing the Genocide Convention. Every major country in the world has long since proceeded to ratify the treaty and where necessary enact implementing legislation to make it national law.

Then we had the appalling interim of 37 years—37 long years—Mr. President before this body finally ratified this treaty conceived and drafted by our own country. During those 37 years President after President, Republican and Democrat called on the Senate to ratify the treaty. President Kennedy called for its ratification. So did President Johnson. President Nixon pleaded for ratification. President Ford also asked the Senate to act. So did President Carter. To his credit President Reagan finally succeeded in persuading the Senate to act and the Senate did act. We ratified the treaty with an overwhelming vote.

So here we now have legislation that is essential to give any meaning to the Genocide Treaty. This is legislation that we must pass if the President is to be permitted to deposit the instrument of ratification of the treaty. So what happens? The Congress goes sound to sleep. By failing to pass this implementing legislation we should take a special international prize for gross hypocrisy. The Senate resoundingly passed the ratification of the Genocide Treaty. We thereby tell the world that we recognize this terrible crime. Then, what do we do about it? We do nothing about it. We speak loudly but carry no stick at all. We say we are against genocide, but if an American group committed genocide in our country, we have no law that would do anything about it.

Now, Mr. President, it is true that genocide is a crime that is almost invariably committed by the government of a sovereign country or in conjunction with the government of a sovereign country. So without a statute it is an exceedingly difficult crime to prosecute except after a war in which the government of that sovereign country is brought to its knees. But in a country like the United States where we take such pride in the fact that no person—including the President of the United States or the most powerful Member of the Congress is above the law, we should have enacted into the statutes of the United States an act setting forth precisely what is the crime of genocide and providing specific penalties for those who commit the crime.

Mr. President, I realize our Judiciary Committees in both Houses of Congress are very busy this year. I fully realize this is an election year. I know we have a great deal of must legislation that the Congress will have to enact before we adjourn next fall. But, here, Mr. President is one piece of legislation we must pass and pass swiftly.

Mr. PROXMIRE. I yield the floor.

Mr. BRADLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. BRADLEY. May I ask the majority leader if he would yield an additional 5 minutes at this time?

Mr. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Four and a half minutes.

Mr. BYRD. I yield 4½ minutes to the distinguished Senator.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 4½ minutes.

CONTRA AID

Mr. BRADLEY. Mr. President, yesterday the House of Representatives voted against further aid to Nicaraguan resistance. The House voted this way because the majority of the Members believed that the aid package proposed by the President will hurt, not help, peace and democracy in Central America.

I hope they are right. I hope the Nicaraguan resistance understands that the United States is not abandoning them. I hope the Sandinistas understand that the American people will be watching their actions. The next few weeks and months will demonstrate whether the Sandinistas are ready to negotiate a cease-fire with the resistance. But only time will tell whether they can tolerate debate and dissent; whether they grant amnesty that vitiates past charges and restores full legal rights, or whether amnesty means no more than shorter sentences and permission to speak on the Sandinistas' terms; whether every political prisoner will be freed or only those whose spirit is broken and whose voice is mute; whether the Sandinistas will shut down their high-technology torture chambers whose modern methods leave no scars to shock the conscience of human rights monitors; whether they will stop supporting insurgents bent on overthrowing elected governments in the neighboring democracies; whether they will scale back their military ambitions and concentrate instead on economic reconstruction and political reconciliation.

Last night's vote need not have turned out this way, though it is no surprise. You could see it coming.

I blame Ronald Reagan. There is a difference between speeches that rail at Communists and a policy that effectively counters them. Speeches are easy; policy takes effort and care.

Ronald Reagan did not care enough to figure out his goal and persuade the American people he is right. Seven years later, we still do not know whether he wants to overthrow the Sandinistas or get them to negotiate. Not knowing the ends, Congress has understandably resisted authorizing the means.

He did not care enough to make his case against a totalitarian government in human terms that the American people can understand and accept. Instead, he indulges in rhetoric about Latin dominos and anti-Communist imperatives that turns off all but the zealots.

He did not care enough to level with Congress. He failed to inform us and then misled us about Iran-Contra. And, half-truths continue to plague the policy.

He rejected anything that smacked of genuine bipartisanship as though it were a dirty word, even after the Kissinger Commission 5 years ago laid out the path to attain it. As for advice from Democrats, it was repeatedly ignored.

For almost 2 years now, I have tried setting aside any political considerations to support an unpopular effort to aid and reform the Contras because it was the best means available to achieve a difficult but important objective. It was an effort to get the Sandinistas to stop destabilizing the fledgling democracies around them and to nudge them toward a real negotiation with the resistance and internal opposition, a negotiation which would lead to greater freedom and an end to repression. But, in addition, I urged the President to broaden his approach to demonstrate that if we were truly interested in protecting democracy in the region we would have to deal with the fundamental problem: the living standard of its people.

"If you're serious about peace and democracy in Central America," Democrats told the President, "do something about its crushing debt burden." Ignored. He continues to keep fledging democracies under the banker's thumb.

"If you want economic growth," we said, "use up some political capital on those outrageous sugar quotas that protect a handful of big agribusinesses but insure deeper poverty to the poorest of Central America's poor." Ignored. He did not want to offend special interests that have strangled the legislative process for half a century, even for peace and democracy in Central America.

"The root of Central America's problem is economic," Democrats argued. "Yes, some military assistance, but we need a balanced package with more economic assistance to rekindle hope." Ignored. The $300 million in economic aid attached to the 1986 aid package was reneged on by the administration.

If all of this was not sad enough, he ignored our tactical advice, too. He ignored it even when it had Republican support. Democrats and Republicans alike appealed to the President to postpone this vote. Whether you believe the Sandinista's involvement in the peace process is a ploy or whether you believe it is a genuine response of a country with a shattered economy, in either case, more time would have tested the Sandinista's real intentions. To postpone this vote would have bought time to negotiate the cease-fire the Contras and the Sandinistas both say, for separate reasons, they want. If that happened, the Contras, would not need lethal aid as long as the cease-fire was observed. If instead the Sandinistas torpedoed the negotiations, aid was still an available option. But no, the administration turned a deaf ear to this counsel.

When postponement was rejected, the administration was urged to limit its request to nonlethal or humanitarian assistance for which there is broad, bipartisan support. Even the Contras would have preferred this to what has happened, and before the vote in the House they told the administration as much. But again, the administration turned its back—this time on the Contras themselves.

They could, as a last resort, have required an affirmative vote of both Houses to release the escrowed lethal aid only if the Sandinistas failed to negotiate a cease-fire. This, too, would have supported the peace process while keeping the threat of renewed pressure alive. At the 11th hour, the President distorted this suggestion into the proposal that if Congress voted for Daniel Ortega, he would not send lethal aid.

Ronald Reagan rejected our advice and, I might say, the advice of many in his own party. Instead, he stubbornly insisted on symbolic lethal assistance that he had to know Congress would defeat. It was almost as if he wanted to lose.

If Ronald Reagan really cared about a policy for peace and democracy in Central America, he would not have let this happen. But then, if he really cared, he would not have done a lot of things. He would not have tainted the program in the beginning by using military trainers from the Argentine junta; he would not have confused the public about his objectives; he would not have spent all his political capital on the "Morning in America" deception of the 1984 campaign. Instead, he would have kept some to educate the American people about the real struggle in Central America, not just the phony one that plays to the feel-good needs of the far right. And, most important, he would have used his popularity after the election to win support for his vision, not to betray the people's trust with secret schemes to privatize the program.

Ronald Reagan did not care enough to take the political risk. So, he turned the policy over to privateers. In doing so, he has come close to selling out the cause.

It is a real shame. I believe we are beginning to make progress toward peace and democracy. For the first time, the Contras are bringing their military leaders under political control. They are a fragile but unified, cohesive force with a strong negotiating position. Their political objectives are clear and coincide with the political demands of the 14 parties that make up the internal opposition. Chances for a cease-fire—which would make moot the lethal aid issue—were looking good. The Sandinistas, responding to Contra pressure, and perhaps as a way to fulfill a part of the promise of their revolution, finally seemed ready to make some of the concessions that a permanent, political solution to the conflict requires.

Ronald Reagan may have finally snatched defeat from the jaws of victory.

Why?

Why has the administration recklessly risked the Contras and peace process just when both had a chance? Some say that the administration has only paid lip service to a negotiated solution because overthrow is their goal. If so, I believe, and I hope, that no majority of any Congress would support them.

Others speculate that the administration calculates that the best way to protect U.S. security interests in Central America is to cut a deal with the Soviets, regardless of the fate of the Nicaraguan people. If true, this is a dangerous illusion.

A third group says the administration does not care enough about Central America, but Nicaragua, about democracy, about peace. They do not even care enough about the Contras. They just want a domestic political issue in 1988 and beyond. If that is so, such cynicism makes me sick.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DODD. Mr. President, I ask unanimous consent that the Senator from New Jersey be allowed to continue for the next 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, how much time will that leave?

The ACTING PRESIDENT pro tempore. It would leave approximately 5 minutes for morning business.

Mr. KENNEDY. I understand it would be satisfactory for the Senator to conclude within a minute.

Mr. DODD. I ask unanimous consent for an additional 1 minute.

Mr. HEINZ. I object.

Mr. President, it might be helpful to many of us who have things we would like to talk on, maybe this subject or maybe others, to extend the period for morning business. If we cannot do so, I might have to object.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, the period for morning business will not be extended. We stated what time the vote will occur. Senators are depending upon that vote to occur and to be done at that time.

I hope that the Senator from Pennsylvania will have an opportunity to address the Senate.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request?

Mr. HEINZ. Mr. President, I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator's time has expired.

Mr. BRADLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I would be glad to yield, without losing my right to the floor, to the Senator.

Mr. HEINZ. I object.

Mr. KENNEDY. I would like to ask the Senator from New Jersey, does he have another paragraph?

Mr. BRADLEY. The Senator has another paragraph.

Mr. KENNEDY. I would be interested in what is incorporated in that final paragraph.

Mr. BRADLEY. All right.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has the floor.

Mr. BRADLEY. Mr. President, it is about time we had a truly bipartisan policy—but that takes thought, flexibility, persistance, goodwill, and a willingness to listen to each other. Maybe now the President will hear Democrats more clearly. Until he does, I am left with no choice but to vote against this resolution.

Mr. KENNEDY. Mr. President, I urge the Senate to oppose the motion to proceed to consider the administration's proposal to provide more aid to the Contras.

After last night's vote in the House, Contra aid is dead in Congress, and the Senate should not waste its time trying to bring Contra aid back from the grave. The Senate should not give artificial respiration to a policy that is dead and should now be buried. It is time to pull the plug.

The House has made clear its commitment to the Central American peace process. Today, the Senate can add to that commitment—or detract from it.

Aid to the Contras is an idea whose time is past. Today, we should start building a policy for the future—of peace and freedom, reconstruction and reconciliation in Central America—and stop debating the failed policy of the past—which only brought more killing and wider war.

Nothing would please the Sandinistas more than to blame the United States for sabotaging the peace process. Nothing would make the Sandinistas happier than to walk away from negotiations with the Contras, restore the state of emergency, close down La Prensa, and put opposition leaders back in jail—and then blame it all on Uncle Sam and Contra aid. The Senate should do nothing that provides the Sandinistas with any pretext for any more oppression.

With or without us, the policy of the United States toward Central America is about to change for the better, and the Senate has a chance to catch up to reality and become part of that change.

The focus is now shifting to Central America, where it belongs. The whole world is watching to see whether Daniel Ortega will live up to the pledge he has made to his fellow Presidents and his fellow Central Americans. With our vote today, we can help stop the fighting—and give peace a fighting chance.

I urge the Senate to reject the motion to proceed.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Pennsylvania is recognized for 4 minutes.

THE JOB TRAINING PARTNERSHIP ACT

Mr. HEINZ. Mr. President, the other day I spoke before this body about the need to keep our promise to America's trade-impacted workers—the promise of passing a tough but fair trade bill. Today I rise to speak of the plight of an even larger group of American workers: those who may or may not be import-impacted, but who are found ineligible for trade adjustment assistance. The Job Training Partnership Act is their primary source of Federal aid.

According to the Bureau of Labor Statistics, between 1981 and 1986, over 5 million American workers were displaced by plant closings or layoffs. Imagine what it must be like to be in these workers' shoes—with at least 3, if not many more, years invested in a job and suddenly finding yourself out on the street.

Established in 1982 to replace the CETA Program, the purpose of title III of the Job Training Partnership Act is expressly to help these workers by providing funds for classroom training, on-the-job training, job-search assistance and relocation. Well, it looks great on paper, but the fact is—proven by GAO studies—that only 6 to 7 percent of dislocated workers received title III training and job placement assistance in program years 1984 and 1985. The remaining 93 percent had to manage on their own, many becoming dependent on welfare when their unemployment checks ran out. Because many live in depressed areas, these workers cannot sell their homes or other assets at anything approaching a reasonable price, and many thus cannot relocate to where the jobs are.

Early last year, Senator ROCKEFELLER of West Virginia, and I introduced a Worker Adjustment Improvement Act to provide $1 billion in new services to displaced workers. In hearings we held in Pennsylvania, we learned that the current Job Training Program simply does not reach those facing long-term unemployment. It creams the most job-ready off the top and leaves the rest to fend for themselves. The trade bill contains the Labor Committee's proposal to change all that. We need this new program desperately.

We cannot ignore these workers. Last year, the Senate passed a New Worker Readjustment Program. But the real test of our commitment revolves around whether we actually make something of our promises, whether we ultimately pass the trade bill providing workers essential assistance and prove that our promises are not just rhetoric.

With the GAO finding that less than a third of current JTPA projects offer the skills training most dislocated workers need, our task is complex. Not only do we need to provide workers training, we also need to improve its content and focus. Providing $980 million in funds for title III programs, the trade bill is certainly not some token retraining effort. But as long as that effort languishes in conference, workers must have doubts about how seriously we take our commitments.

In my State of Pennsylvania, over 750 workers are awaiting training programs. Further plant closings will lengthen those lines. These workers have turned to us for help, and we are failing them. America can't afford anything less than a serious commitment to enact the Worker Readjustment Program. Failure to retrain more than 1 in 20 displaced workers is more than a national embarrassment, it will ultimately amount to economic devastation. The Nation's economy depends on our solidifying our commitment to the work force. By passing the trade bill, with its $980 million Worker Readjustment Program, we will be keeping our commitment. I urge my colleagues to do just that.

I yield the floor, Mr. President.

Mr. BYRD. Mr. President, has morning business been closed?

The ACTING PRESIDENT pro tempore. There are still 40 seconds remaining, the leader is informed.

Mr. SYMMS. Mr. President, I make an inquiry of the leader if we will have an opportunity to speak on the Contra aid issue after the vote.

Mr. BYRD. Yes. Mr. President, of course, if the motion to proceed is agreed to, we will have up to 10 hours until no later than 10 o'clock today. I hope that will not go beyond 6 o'clock. But if the motion to proceed does not prevail, I will get morning business for a couple of hours, or whatever it requires, and Senators may speak during that period.

Mr. SYMMS. I want to speak for about 15 minutes.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is now closed.

Under the previous order, the majority leader is recognized.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I indicated that I would move to proceed to the resolution at this time. I do call attention to the Republican leader that, while he was in his office, I got consent that his time under the leader's standing order would be reserved, and that request would be honored if he should wish.

Mr. DOLE. If I could, I would further reserve the time but not take it at this time.

Mr. BYRD. He would be perfectly within his right to utilize that 5 minutes now or yield it to anybody on his side if he wishes to. Otherwise, I would like to proceed because Senators have been notified we would have the vote.

AUTHORITY FOR ADDITIONAL ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE

Mr. BYRD. Mr. President, I move to proceed to the consideration of Senate Joint Resolution 243.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to proceed to Senate Joint Resolution 243. The yeas and nays are automatic and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Connecticut [Mr. WEICKER] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. WEICKER] would vote "nay."

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—54

Armstrong
Bentsen
Bond
Boren
Boschwitz
Breaux
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dole
Domenici
Evans
Exon
Garn
Graham
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Quayle
Roth
Rudman
Shelby
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—43

Adams
Baucus
Bingaman
Bradley
Bumpers
Burdick
Byrd
Chafee
Conrad
Cranston
Daschle
Dixon
Dodd
Durenberger
Ford
Fowler
Glenn
Gore
Harkin
Hatfield
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Stafford
Wirth

NOT VOTING—3

Biden
Simon
Weicker

So the motion was agreed to.

Mr. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. The Senate will be in order.

Under the statute, time for debate between now and 10 p.m. is evenly divided between and controlled by the majority and minority leaders or their designees.

Mr. BYRD. Mr. President, it will be to everybody's benefit if we may have order in the Senate so Senators may know how the proceedings will be carried on from here.

The PRESIDING OFFICER (Mr. REID). The Senate will come to order.

Mr. BYRD. Mr. President, I thank the Chair.

Under the statute, there is a maximum of 7 hours and 12 minutes remaining. I should not say, "remaining." There is. I think that is accurate to state, 7 hours and 12 minutes remaining because the vote on the resolution now must occur no later than at 10 o'clock this evening.

I hope that the debate will not last that long. A motion to reduce the amount of time is in order. It is not debatable.

At some point in time I would, perhaps, want to resort to such a motion unless we can reach an agreement without it. I do not want to go to 10 o'clock tonight on a matter that is not going anywhere for the moment. But Senators are entitled to debate this, of course.

Had the motion to proceed been rejected, as I indicated to Mr. SIMPSON, I planned to set aside 2 or 3 hours so that Senators could talk on this measure before we go out.

There will be no session on tomorrow.

The remaining vote on the Senate joint resolution is the only vote that I contemplate today. I would take it that no one would ask for a rollcall vote on the motion to go over until Monday a week from this coming Monday.

In view of the fact that the time is equally divided between the majority and the minority leaders, I wonder if the minority leader would agree with me that each of us perhaps should allot the time for our respective sides so that I do not have to ask a Senator if he is for or against the joint resolution, and the minority leader does not have to ask Senators if they are for or against the joint resolution.

So if each could allot the time to his respective side, it seems to me it might expedite matters.

Mr. DOLE. If the majority leader will yield. That is a good suggestion. I would like to yield our time to the distinguished minority whip, Senator SIMPSON, and he, in turn, could allocate it, if that is satisfactory.

Mr. BYRD. Yes. And I will yield a block of time, though I want to keep control over some of the time. As I say, I do not want to go until 10 o'clock tonight debating this matter.

Mr. President, how much time now remains to each side?

The ACTING PRESIDENT pro tempore. The Republican leader has 3 hours 36 minutes and the majority leader has 3 hours 30 minutes.

Mr. BYRD. I thank the Chair.

I yield 1 hour 30 minutes to Mr. Pell and name him as my designee for the control of 1 hour 30 minutes. I yield Mr. Bentsen 10 minutes in addition.

Mr. DOLE. If the majority leader will yield before he leaves the floor.

Mr. BYRD. Yes.

Mr. DOLE. It would be my hope, at least, that we might be able to vote around 6 p.m., if that could accommodate each side. I plan to be here until 6 p.m. I could be here later. I would try to work that out on this side. I will yield 1 hour 30 minutes at this time to the distinguished minority whip, Senator Simpson, and maybe in the meantime we could reach some agreement. That would take us to just about 6 o'clock. 1 hour 30 minutes on each side.

Mr. BYRD. I think that is a good idea. We will be happy to try to shop for that on this side.

Mr. President, I yield 1 hour 30 minutes to the chairman of the Foreign Relations Committee, but I yield 10 minutes to Senator Bentsen in addition.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL. Mr. President, I yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 10 minutes.

Mr. PELL. Mr. President, on Tuesday, the Committee on Foreign Relations, by a vote of 10 to 0, rejected the administration's request for Contra assistance. The committee's decision reflects the view that the administration request for some $60 million is not only contradictory to the peace process but could destroy the best hope for peace in Central America since the beginning of this decade.

Each Senator present at our committee business meeting expressed, in sensitive and decisive terms, the significance of the vote to be cast against the administration's policy of continued war. Today, as we prepare to cast what I hope will be a watershed floor vote against the administration's policy, I wish to share my concerns and convictions about that policy.

I believe strongly that the President's request for continued military and economic assistance to the Contras is fundamentally contrary to the peace process now underway in Central America. Continued military aid, especially, could sound the death knell for peace in the region.

Contrary to propaganda emanating from the administration, I believe it is the peace process—the termination of wanton death and destruction—that has brought major concessions from the Sandinistas. In January, after the five Central American Presidents met in San Jose, the Nicaraguan Government responded quickly. From Costa Rica, President Ortega announced that the Government of Nicaragua would suspend the state of emergency and reinstate constitutional guarantees. He also agreed to apply the amnesty law to those who have taken up arms, as soon as a cease-fire is arranged, and further declared that if a cease-fire is not arranged, the Nicaraguan Government still would be willing to release Contra prisoners, provided that a non-Central American government would take them.

Several days later, Nicaragua repealed its law establishing the controversial people's tribunals. The Sandinista government also proposed establishment of a special international commission to help assure that the Contras would receive constitutional guarantees facilitating their active participation in Nicaragua's future political life.

In a major departure from previous policy, the Sandinistas also agreed to meet face to face with the Contras in talks on a cease-fire. These talks, which began last week, are scheduled to resume 1 week from now in Guatemala City, subject to approval by mediator Cardinal Obando y Bravo. While wide differences separate the two negotiating teams, the very fact of direct talks is a positive sign that the peace process is continuing.

With regard to the administration's request, I wish to point out that the seemingly low stated figure of $35.6 million for 4 months is misleading. That figure omits $20 million for indemnification of lost aircraft and an unstated figure for electronic countermeasures, which could cost between $3 and $4 million. Indeed, when the numbers are added up and extrapolated, one finds something very near to the administration's original 18-month request for $270 million. So much for the so-called scaled-down request to satisfy the Congress. The bottom line is to keep the present Contra aid mechanism in place and the door open to further military assistance of an untold amount.

I wish to stress that I am seriously concerned by Secretary Shultz' indication last Sunday that the administration would not rule out asking other countries to provide Contra aid in the event that Congress terminates Contra funding. In 1985, we passed foreign aid legislation designed to prevent such activity by prohibiting the United States from entering into any arrangement, expressed or implied, with aid recipients and U.S. arms purchasers whereby they would provide aid to the Contras. This should be adequate to prevent such third country aid arrangements. But, if the administration does move to seek third country assistance for the Contras, it may be necessary to explore once again legislative remedies to prevent circumvention of congressional will.

By virtue of the vote in the House last night, the administration's request has been rejected. I call on my colleagues to reinforce this rejection of Contra policy by voting against it today in the Senate. We will have an opportunity in the months ahead to make a real contribution to peace and reconciliation in Central America. Moves are already afoot in the Congress to fashion a truely bipartisan policy that would include such provisions as humanitarian assistance to the Contras through the Red Cross and other international relief agencies. Such funding would support, rather than undercut, the Central American peace process.

Eventually, I hope to see, as part of this positive policy, the commencement of U.S. bilateral talks with the Sandinistas on mutual security concerns. In a recent letter to President Reagan, Daniel Ortega renewed Nicaragua's proposal for bilateral accords with the United States that would place strict limits on offensive arms, remove foreign military advisors, and ban foreign troops and foreign military bases. Such an accord would clearly serve the U.S. national interest.

We have an opportunity now to end the cruel and inhumane violence that has claimed the lives of thousands of Nicaraguans and maimed thousands more since the Contra war began. For years, I have termed the Contras "our terrorists" and watched with grief the ravages of war in the Nicaraguan countryside. Recent reports of innocent children crippled for life because of Contra attacks, or because they tripped on a Sandinista mine meant for the enemy, only strengthen my conviction that this violence—and the administration policy that fuels it—must stop. A vote against the administration's request today is a vote for peace in Central America.

Mr. President, that concludes my statement.

How much time do I have remaining?

The PRESIDING OFFICER. (Ms. Mikulski). The Senator has 3 minutes remaining for such use as he wishes.

Mr. PELL. How much in total do I have?

The PRESIDING OFFICER. An hour and twenty-three minutes.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. SIMPSON. Madam President, the minority leader designated that I would control time in the amount of 1½ hours. I believe we have begun our allocation of that time, and while the Senator from Arizona [Mr. McCain] is on the floor, I ask unanimous consent that he be directed to allocate the

time that has already been agreed to at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. McCAIN. Madam President, I yield 10 minutes to my colleague from Nebraska, Senator Exon.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair and I thank my colleague from Arizona.

Mr. President, as this body knows, and as my numerous votes on the issue have clearly demonstrated, I have long had reservations about the President's Central American policy and have consistently opposed the provision of lethal assistance to the Nicaraguan resistance. Likewise, I opposed the previous President's request for the initial aid to the Ortega government after the revolution that brought the Sandanistas to power. I have always felt Ortega was a dedicated Communist, and I did not want to be part of anything that would strengthen his chances of long-term success.

In Nicaragua there were some well-intended individuals, many of whom were comrades in arms or political associates of the Sandanistas early on, who were burned and turned. Likewise, many in the United States, embarrassed by their early and terrible mistakes in supporting the Sandanistas, signed on the Contra cause as if, when one revolution failed, the logical thing to do is to start another. Somehow we have fallen into the trap that if American taxpayer funds are used to by ammunition to kill Communists, it must be a good investment. That is where the Reagan policy has led us, with the constant implication that if one is not for the Contras. Then you were for the commies. While continuing diplomatic relations with Nicaragua, our Government took on overt and covert actions in a civil war to overthrow a duly elected government not to our liking. We are led to believe that that is democracy in action.

I believe each Member of the Senate, the Secretary of State and, I hope, even the President understands that the root causes of the problems in Central America are poverty and exploitation—from both the political right and the left. Democracy is not the main goal of an average Nicaraguan trying to exist. To the typical citizen of Nicaragua, and Ortega is no better than a Somoza. Each type of leader causes the breeding ground of insurrection to continue to fester. We have, to date, not adequately addressed these root causes of conflict.

My concern that the President has wrongly relied upon covert programs of questionable legality and large doses of Contra aid remains. However, so does my distrust for the Sandinista regime of Daniel Ortega. I have never trusted the Sandinista government and was one of the first in the Senate to recognize it as Marxist. The indisputable close ties among the Sandinistas, Cuba, and the Soviet Union are, indeed, worrisome to me.

I have consistently stated that should offensive weapons such as Mig aircraft or missiles be introduced into Nicaragua, the President would have no choice but to remove them. We have obligations to the other Central American nations in this regard as the leader of this hemisphere. So let there be no doubt, Madam President, about American's resolve to protect our national security interests and those of our allies in this part of the world.

Madam President, last August a serious peace process finally began in Central America. It was not Ronald Reagan's peace process, but it had credibility. Finally, the other four Central American Presidents stood up and were counted for democracy and peace in the region. And they at least managed to drag Daniel Ortega to the conference table where he signed on the dotted line. While I do not know his intentions, and do not trust him, at least there are standards in place to measure his performance, these standards were not imposed by Uncle Sam. They were imposed by his democratic neighbors.

As I suspected, Daniel Ortega has complied with the Arias peace plan only in a limited way. He has done so only then under the pressure of the other Central American Presidents and, to some degree, the threat posed by growing Contra strength. There is no doubt that the greatest obstacle to peace in Central America remains Ortega's Nicaragua.

This does not give the United States a free hand to do whatever it wants in the region. Ultimately, it will be the Central American people who will have to shape their own destiny. I believe they should be afforded the opportunity to do so and our Nation should provide a helpful hand rather than a dictatorial one.

I have expressed these concerns personally to the President and told him that I could not accept his request as he originally presented it. A more reasonable approach, and one I told the President I could support, would place the lethal aid in escrow for a period of time to give the peace process more time to hopefully work. During this period, the United States would consult more closely with the Central American Presidents and Cardinal Obando y Bravo, the negotiator in Nicaragua, to determine how that process is evolving. At the end of that time, the Congress would then play a role in determining whether lethal assistance would go forward. For whatever reason and belatedly tendered as it was in his Tuesday evening address, the President has come a long way in his effort of compromise and has satisfied me that no lethal aid will go forward without congressional consent. There are many sincere opponents who believe cutting all aid now will enhance peace chances. Given the Ortega character, I cannot be confident that is a risk we can take now.

It is my best judgment that the chances of success for the Arias peace plan are best assured, and our national security interests best served at this time, by allowing the humanitarian aid to go forward as the President has formally requested, and place the lethal aid in escrow pending developments in the Arias peace efforts. There should be a clear understanding that any subsequent release of any lethal aid should have joint Presidential-congressional approval.

I heard parts of the debate in the House and have listened with interest to the likewise heated debate here. I heard some impassioned appeals on both sides of the proposal. The more impassioned the debate, the more convinced I became that the impassioned-inclined ones are probably no more sure or secure in their positions than those of us who do not share their zeal and absolute assumed knowledge of what is right or wrong on either side of this issue. Some just talk that way to shore up their own doubts. In my view this is not a "dead certain" call as to what is the correct course here. It is a call that we have to make and it is a call that we should make. And I am not sure what is the right course of action.

The Arias peace plan is not perfect. It may not even work. But after 7 years of war, it deserves a better chance and I believe my vote helps that process. I hope and pray I am right because lots of Nicaraguan lives are at stake. Thus far no lives have been lost in Congress by any of the combatants in the debate.

I do not choose to urge my colleagues to vote one way or the other on this issue. I do want them to know I will support the President's revised plan and urge all to only vote their convictions after careful consideration.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I thank my colleague and chairman of the Foreign Relations Committee.

Madam President, last night's vote in the House was a vote for peace in Central America. It was a vote against continued violence and bloodshed. The Reagan administration's Contra policy is symptomatic of a greater ill which besets U.S. policy toward all of Latin America. This administration has no real coherent long-term policy for peace in the region. The House vote gives us a chance to end a dark chapter in American history and to open a bright new chapter of cooperation and peace.

We are about to close the books on U.S. financing of a futile, bloody, unnecessary war.

The Central American peace plan put forth by President Arias gives us a chance to fashion a coherent policy to support reconciliation, and to aid in the political and economic development of the region.

What we need instead of arms and logistical supplies to the Contras is a willingness to help this delicate peace process move forward. The administration should seek to assist the process, not keep trying to figure out ways to throw a monkey wrench into the peace machinery.

In the weeks to come, the House leadership will propose a carefully limited and circumscribed humananitarian aid package to the Contras. But let me underscore this point. When the humanitarian aid bill comes to the Senate floor, unlike the situation in the House, it will be open to amendment. And there is a danger, probably a likelihood, that there will be a new attempt by supporters of the Contras to amend the bill to provide military aid. I say "danger" because such an amendment would endanger humanitarian aid.

Even if a military aid amendment were to pass the Senate, I would oppose it. It most certainly would not be accepted by the House. Therefore, supporters of the Contras should be aware and now is none too soon to put them on notice that any attempt to turn the humanitarian aid bill into a resurrected military aid bill will indefinitely delay humanitarian aid and perhaps kill it altogether.

So I urge any Senators inclined now to offer such an amendment at that time to consider very carefully the consequences.

Madam President, Congress and the administration should be working together to fashion a constructive policy to assist the Central American nations in building democratic institutions and addressing their serious economic and social problems. I hope we do not have to wait to see the President in the White House to get this process going.

The administration's policy of funding the Contra war has brought a great deal of violence and hardship to civilians. The general policy of responding militarily to regional unrest has not contributed to growth and development in the region. It has only exacerbated the problems of underdevelopment.

Last night's vote in the House demonstrates that there is a willingness in that Chamber to work on a new policy toward Central America, and Nicaragua. We in the Senate should underscore that vote with a vote of our own for a more rational approach to the problems of our Western Hemisphere neighbors.

So I urge my colleagues on both sides of the aisle to vote down this proposed package of further military aid to the Contras.

I yield back any remaining time.

Mr. McCAIN address the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I yield myself 30 seconds.

I would like to respond to the statement of my friend from California concerning the requirement for Members on their side who are in favor of lethal aid to somehow agree to a humanitarian package. I would like to remind my colleagues that the United States administration policy was repudiated by the House of Representatives last night. Therefore, the onus is on my colleague from California and his friends on the other side to come up with a policy that is acceptable to the majority of both Houses of Congress. Otherwise he will fail in their efforts to achieve peace in Central America. The ball is in his court.

Mr. CRANSTON. We know the ball is in the court of those who stated they are going to offer a humanitarian aid proposal. There will be a humanitarian aid proposal.

Mr. McCAIN. I did not yield, Madam President.

The PRESIDING OFFICER. Excuse me.

Mr. CRANSTON. May I respond to the Senator's statement?

The PRESIDING OFFICER. The Senator from Arizona has the time.

Mr. McCAIN. I yield back my time.

The PRESIDING OFFICER. Who yields time.

Mr. CRANSTON. Would the Senator yield me a brief moment to respond?

Mr. PELL. I yield 1 minute to the Senator from California.

Mr. CRANSTON. The ball certainly now is in the court of those who stated they are going to offer a humanitarian aid proposal. That will originate with some of the House leadership but that will be in consultation with Senators and I think with people on both sides of this issue. The only point I was making was that if friends of the Contras would like some humanitarian aid to go to them—and I believe they would—they will delay and possibly kill that if they seek to attach military aid once again to a humanitarian package. The reason for that conclusion is that it is very plain that the House in the present circumstances will not accept military aid, so they would not accept a Senate version that included military aid.

The PRESIDING OFFICER. Who will yield the time?

Mr. PELL. I yield 5 minutes to the Senator from Mississippi [Mr. Stennis].

Mr. STENNIS. Madam President, I thank the Senator very much for allowing me this time.

I understand anyone voting as they see fit on this matter. What I am going to do is what I think is best for our cause. I think it is time that we make up our minds and come to a conclusion, that it be known we are going to stand on it and try even harder with the money we do appropriate to get results.

This is not intended as a personal reference, but I was in the Senate when we went to Korea, and there was great hope that merely by going there, that would bring about a settlement of the matter.

I was in the Senate when we went to Vietnam, and there were strong assurances that that was the only thing, the sane thing, to do, and that it would only last for a matter of weeks.

I watched the development here, as the average fellow would, and I have a pattern. I voted for each of these proposals. I may have voted to reduce the sum at one time, but I have watched it and conferred with many Senators who have been there and have come back with eyeball evidence; and I believe we are closer than we have ever been to a condition being brought about that is more favorable to our interests. I am not saying that I think we can make this conflict evaporate overnight, but I have been strongly convinced all the while, until recently, that we had our future in that area in our hands. And I have been concerned that we would be forced into a situation in which we would have to send our own men to this area.

I am going to play the other side, as far as I know how and can, that we do the things that not bring about conditions of that kind.

I am convinced that if we abandon this matter now, withdraw and pull back our support, for little reasons here and there, the great sum total of this thing would be that we lessened our position, we worsened our chances to have a real victory and a final solution to this situation, that we have thrown it to the wind.

After all the investments we have made, I think we ought to stand firm, continue to try this plan that we have been working on and practicing so rigidly and faithfully.

This is not a matter of speculating on who is going to win an election or anything of that kind. These are the facts of life that could pertain to the life and death of our boys.

I am not trying to scare anyone. I try always to do the opposite. But if we go on and on neglecting and leaving the situation down there to the Communists and to the areas already affected, something bad is going to brew and happen; and we will have to pay the price, even, God forbid, maybe with the human flesh of our own men.

Instead of arguing endlessly—and I respect the right of every Member to do so—let us get together and pass this matter and hasten to the preparation of a permanent solution to this problem as soon as we possibly can.

I do not think anything less than this approach is going to bring results. We are standing together perhaps more than ever before. I hope we take one more step.

Madam President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 15 seconds.

Mr. STENNIS. Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. I yield 10 minutes to my colleague from Idaho [Mr. Symms].

Mr. SYMMS. I thank my colleague for yielding.

Madam President, I agree with the President pro tempore of the Senate, Senator Stennis.

I say to you, Senator Stennis, that many of us will miss you when you go into retirement next year. You have been a staunch patriot and you have recognized throughout your long and distinguished career that freedom is worth supporting, and I thank you for your continued support of it.

I must say at the outset, with respect to the comments of my good friend from California, who said that the vote last night in the House means that we will now have peace in Nicaragua. That we all have room for difference of opinion in this matter. However, I think that, more likely, the vote last night in the House means that the kind of peace we are going to have in Nicaragua is the same kind of peace they have in Vietnam today; the same kind of peace they have in East Berlin, where, if you try to leave town, they shoot you when you try to crawl over the wall.

I think it is most unfortunate, at a time in the latter part of the 20th century, when we are finally getting genuine, public support, of wars of liberation against Communist dictators—against the Soviet proxies that are entrenched in places like Afghanistan, Angola, and Nicaragua. Of course, the Soviet army itself is in Afghanistan. But for the first time, we are seeing people who have a desire to be free to challenge the Brezhnev doctrine of irreversible Communist expansion and consolidation. At this time, it is a tragedy if the Congress of the United States will not help support those forces of freedom so they can achieve their own freedom in their own countries.

In my judgment, peace and freedom are inseparable. We cannot say that we are going to keep the peace and then leave people locked in a slave camp where you know that the next step will be to expand the slave camp into the next country, until finally the day will come when we will be asked to use U.S. troops to fight a war that the Contras are fighting today to liberate their own country.

I am not surprised, Madam President, after a recent trip to Pakistan, that the Soviet dictators are trying to get out of Afghanistan right now. I see a parallel between Afghanistan, Angola, and Nicaragua where we have an opportunity to really make some major foreign policy victories for the United States. More importantly, foreign policy opportunities for people on this Earth to have a chance to live their life in some kind of a democratic system and society and to actually throw out the slave camps.

I heard the same arguments that were used in the other body when I was a Member of the House. I heard all those same arguments that the South Vietnamese did not need the money, did not need the help, and we know what the results of that were. We know what the result was in Cambodia, with two out of every seven people being killed.

My definition is that if you talk to the Communist dictators in Cambodia today, they will tell you they have peace there, but the price they paid to get it was to kill two out of every seven people, and anybody who speaks up and opposes the government today, they kill them, too. That is not our definition of peace. Our definition of peace means that people are free to continue the basic freedom we take for granted in this country.

The Mujahideen in Afghanistan are winning that battle out there. They are doing it now that they are well-armed. They held the ground for 5 to 6 years; and now that we have given them the support, they are actually defeating the Soviet army on the battle field, and we should continue that effort there. That is why the Soviets want to get out. It is not glasnost; it is not any other reason. The reason they want to get out is that Ivan is literally getting his tail handed to him on a platter by well-armed resistance forces in Afghanistan, and we are getting a victory and should continue to support that effort, as we should continue to support the effort in Nicaragua.

Such has been done at a terrible price to Afghanistan and its people. The Soviets, never ones to adopt half measures, have rotated into Afghanistan hundreds of thousands of Soviet occupation troops, they have carried out a campaign of terror, and have adopted a "scorched Earth" policy throughout the countryside. They have implemented a strategy of genocide against the Afghan people that will leave the country shattered and ready for Soviet rebuilding—a rebuilding that will do away with Afghan culture and tradition and substitute the "new Soviet model" in, its place.

They have killed innocent civilians.

Today in Afghanistan, Madam President, there is a KGB operation run out of Kabul that is setting off bombs in Pakistan killing innocent civilians. These are the same people that are backing the Daniel Ortegas and the leadership of the Sandinista Communists in Nicaragua. The same people, same sphere of influence, same parallel.

But, at least for now, a determined people have prevented the Soviets from consolidating their hold on Afghanistan. We must not abandon them in their fight.

I find it very frustrating to see that we can get support for the freedom fighters in Afghanistan but we cannot get support passed through the Congress for the freedom fighters in Nicaragua.

In another part of the world, Madam President, a similar battle is taking place, and that is Angola. We observed that Dr. Savimbi and the freedom fighters, the UNITA forces, are doing a very good job in Angola in fighting the MPLA, a Marxist proxy force.

The MPLA, a Soviet sustained regime, came to power in Angola in 1975 through behind the scenes maneuvering and intrigue. The MPLA is a minority in Angola and would have long ago been overthrown by the popular resistance but for the massive intervention of Cuban and Soviet forces. The situation in Angola today is that it remains a colony. Angolans have virtually no control over their own sovereignty. The MPLA is subject to the dictates of thsoe that keep it in power. The Cubans have an "internationalist force" of up to 47,000 in Angola; the Soviets provide the weaponry and goods and; the East Germans provide the internal security. The internal security apparatus is typical of most Third World Soviet client states. The basic administration of the government on a day to day basis is in the hands of the former colonial bureaucrats—Portuguese socialists that have stayed on—while top level decisions are made in a committee whose membership includes senior Soviets and Cubans.

It is ironic and most regrettable that most of this activity is funded by American oil interests. Through royalties and other fees paid by United

States oil companies to the MPLA, the United States subsidizes the destabilization of this region of Africa.

Against this Soviet attempt to consolidate Angola as a client state stands UNITA. The Union for the Total Independence of Angola under Dr. Jonas Savimbi has denied the Soviets a victory in his country. From the bleak days of the "long march" shortly after the MPLA took power, UNITA has reestablished itself through grassroots organizing and a program of truly national appeal.

Mr. President, despite the massive Soviet and Cuban presence in Angola, UNITA has fought the MPLA to a standstill. Politically, the MPLA has nothing to offer Angola other than an ill-defined "African Marxism" which Angolans are quick to translate as being Soviet colonialism. Militarily, UNITA has met and defeated the Cuban proxy forces in a series of MPLA offensives. UNITA now controls a third of Angola and is attacking the Luanda regime at will throughout the remainder. UNITA is able to do this, even though the MPLA has superior military force, because of popular support among the populace. UNITA grows stronger with time as more and more and more Angolans rally to the cause of freedom and true independence.

There is a parallel there, Madam President. We are making headway. I am happy to say the Senate and House of Representatives supported my efforts to repeal the Clark amendment which was described to me by Dr. Savimbi as a pro-Marxist amendment. We repealed it and have been doing the right thing since. We are starting to achieve victory in those fields of battle and freedom will prevail.

We started those efforts and I praise my colleagues for their support. Shortly, the Senate will vote on Continued U.S. assistance to another group of men and women that seek nothing other than a free and democratic future for their country. They, as other "democratic resistances," seek to truly reclaim control of their homeland in the name of pluralism and freedom. The so-called Contras in Nicaragua, like their counterparts in Afghanistan and Angola, seek to keep their countries free of the enslavement characteristic of "communism."

At this point, it should be clear to all that "communism" "Marxist/Leninism" or whatever it may be labeled, is and always has been a bankrupt and false doctrine. It is today an ideology that masks drives for power by elites. The elites take different forms—from the "apparatchiki" of the Soviet Union and Warsaw Pact countries to the "vanguards" or "wars of national liberation." The Sandinistas are the new "elite" of Nicaragua. The new "elites," as they are called, are the Daniel Ortegas and the commandantes. They seek to achieve total domination over Nicaraguan society using the "Cuban model" of totalitarian control.

As in Afghanistan and Angola, the only force preventing such from happening in Nicaragua is a band of patriots fighting in opposition to Communist expansion.

I find it disturbing, Madam President, that we cannot seem to make a parallel. Maybe some of us who are trying to get this program through, such as the President and others, have somehow not made the case.

I must say that I think that ABC, CBS, and NBC did not do the country a favor by their refusal to put the President on the news the other night and let him say his case to the American people. I found them wanting to play God instead of letting the American people make the decision for themselves to be able to call their Congressman and speak to them.

After all, the vote that was lost yesterday in the House, it would have only taken five Members to change their votes and it would have gone the other way.

In this fight, we need all of the support we can get. The Contras are not going to be able to win against a strong, well armed Nicaraguan Sandinista Communist army without having some sophisticated weapons.

In order for this struggle for freedom to continue we should be giving the people who are supporting freedom an opportunity to fight for that freedom.

We in the United States cannot be so shortsighted, so smug in our own liberty to believe that we have nothing at stake in this battle in Nicaragua.

We must face the reality and recognize that we are not an island unto ourselves and that we cannot be a free country while all the world around us is enslaved by the totalitarian rulers. I hope that we will eventually work this out and support these people.

I was told today on the floor by the distinguished Senator from New Mexico, Senator DOMENICI, that Daniel Ortega is already on the airways in Nicaragua calling for the Contras to surrender, that the United States has abandoned them, the United States can no longer be trusted, and they should surrender.

I respect my colleagues, and I know there are a lot of people who say we want to give peace a chance but the Daniel Ortega's and Thomas Borge's definition of peace is a state of silence where they may work their will free of internal or external interference so they will not be conflicted by anyone trying to interfere with them running the show the way they want to do it with the denial of the basic freedoms for the people of Nicaragua.

In this fight, raw courage, fierce determination and gallant patriotism go only so far against sophisticated massed weaponry which the Soviets use and are supplying their clients in volume. In order for the struggle for freedom to continue, these groups must receive the backing and support of free people around the world. We in the United States cannot be so shortsighted, so smug in our liberty, to believe we have nothing at stake in these battles. We must face reality and recognize that we are not "an island unto ourselves" and that we cannot be a free country while all the world around us is enslaved by totalitarian rulers. We must continue our support of peoples seeking their freedom.

Concerning Central America, people are caught up in the refrain of "let the peace process work." Here in the United States, the opponents of continued support for the Nicaraguan Democratic Resistance cry, "give 'peace' a chance."

Madam President, we all want peace. Peace is a precious commodity too scarce in today's world. We all strive for peace, but in doing so we must remember that words are often used in a context which is the exact opposite of their ordinary and customary meaning. To us in the free world, peace is a state of harmony and tranquility where we may enjoy our freedoms and be free of oppression. To the Ortega's and the Borge's, peace is a state of silence where they may work their will free of internal or external interference. Obviously, such definitions are in direct conflict and cannot be reconciled.

Nonetheless, we are assured by administration opponents that the Sandinistas, as signers of the Guatemalan accords, are bound by their signature and are serious in the pursuit of a democratic and open society. It is stated that if we will only give the peace plan a chance, the Sandinista's will follow their liberal tendencies and power sharing will be a natural outgrowth of reduced tensions in Nicaragua. It is stated that further aid only results in continued killing, maiming, and bloodshed, and for that reason alone we should abandon the Contras.

Madam President, it is true that armed conflict is a terrible, devastating thing, but how much more terrible is the day-to-day horror of living under a totalitarian dictatorship. Patrick Henry asked if "peace" was to be purchased at the "price of chains and slavery?" Hundreds of thousands of people in Asia, Afghanistan, Angola, and Nicaragua are responding to that question on a daily basis by their willingness to risk their all in a fight for freedom against seemingly overwhelming odds. If people are willing to endure the horror of war in a quest for freedom, can we abandon them in their fight?

In past statements, I have set forth what I believe to be the motivations which have brought the Sandinistas to the negotiating table. There can be no doubt that they have created a facade of liberalization in an effort to relieve the mounting pressure against their rule. The actions on their part to give the impression of compliance with the Escipulas II agreement are merely designed to gain advantage. As self-avowed Marxists, they act not in good faith, but act to further the revolution. As the Soviet Zinoviev said in 1919:

> We are willing to sign an unfavorable peace. It would only mean we should put no trust whatever in the piece of paper we should sign. We should use the breathing space so obtained in order to gather our strength.

Such an approach has become standard operating procedure for the Sandinistas. Humberto Ortega, Sandinista defense chief and brother of Daniel Ortega, gives us an insight into the FSLN and their struggle for power prior to the overthrow of Somoza:

> One cannot say that we have any formal alliance with the anti-Somoza bourgeoisie. We are taking advantage of a situation where certain sectors of the bourgeoisie, unable to present their own alternatives, have drawn closer to us. The Frente must use all situations which contribute to the takeover of power.

On another occasion Humberto cautioned his comrades:

> It is right that we demand in our ranks more (regarding) standards and party life, more class consciousness and more Marxist ideological clarity, but let us not do this on an open and mass level, since we run the danger of becoming sectarian and isolating ourselves from the masses.

And so it goes up to today. The Sandinistas operate, as a matter of policy, using secrecy, deceit, and subterfuge.

But today, they find themselves under seige. The euphoria of Somoza's overthrow has long since faded. The veneer of pluralism initially adopted by the Sandinistas has long since worn away. They have failed to deliver. And though they desperately seek to blame their faults and shortcomings on the United States and the Contras, Nicaraguans today are not buying that. The economic problems which the country faces are to a large extent the result of the Sandinistas own ineptness and that of their Cuban, Bulgarian, and East German mentors. They face economic collapse and a defection of the populace to the Democratic Resistance. The Sandinistas continue in power only because of Borge's secret police, block committees, and the Sandinistas army. They survive only because of staggering amounts of Soviet military and economic aid.

It is little wonder that Daniel Ortega and the commandantes of the ruling junta desperately seek an end to U.S. assistance of the Contras. That is why they are at the negotiating table, that is why La Prensa and Radio Catholica are operating today, that is why a token number of political prisoners have been released from Tomas Borge's prisons. It is all a hype to give Sandinista supporters in this Congress the cover they need to pull the rug out from under those seeking to stop the Marxists in Nicaragua. Let there be no mistake about that. There are those in the United States that directly counsel the Sandinistas on how to defeat U.S. policy.

Daniel Ortega and the commandantes have no intention of jeapardizing their rule in Nicaragua. As Ortega himself admitted in December:

> In the hypothetical case that (the) Sandinista Front lost an election, the Sandinista Front would hand over government, not power.

Even as Mikhail Gorbachev and Daniel Ortega were publicly talking about the need for peace, they were secretly laying plans for an unprecedented buildup of the Sandinista military well into the next decade. Nicaragua will not be a country with a army, it will be an army with a country.

The battle to determine the future of Nicaragua—whether it will be free or another Soviet client state is not just being fought in Nicaragua. As in Vietnam, the outcome will probably be determined here in Congress. The determinant is not necessarily the courage of the freedom fighters, but the political courage we have to support those that fight. This is not lost on Communists. They realize that as Clauswitz said, "War is an extension of politics by other means." Daniel Ortega recognizes this. In talking about Che Guevara, Ortega stated of Che's struggle in Bolivia:

> From the tactical, military standpoint, it was a failure, and he died. But from the political and moral standpoints which are the factors that are determinant in revolutionary struggles, Che never died.

The Sandinistas are attempting to have the Congress do what it cannot do in Nicaragua—destroy the Contras.

If Ortega is correct and the Sandinistas have a stronger political and moral will than the U.S. Congress, then we will abandon 20,000 men and women fighting inside Nicaragua today. We will abandon Nicaragua to a consolidation of power by a Marxist, Soviet dominated clique. We will abandon the region to subversion and intimidation by a dominating military presence. Perhaps in the future we will have further peace plans in Costa Rica, El Salvador, Honduras, Guatemala, and the biggest prize of all, Mexico.

I would submit that if we do not aid those in Nicaragua willing to fight for national freedom and independence today, we will be forced by events to commit United States forces to protect our interests on the Rio Grande.

Madam President, I hope we do not make the serious mistake of thinking peace is at hand and abandoning our friends in Nicaragua.

When you go to Nicaragua you find the people there are friendly to Americans. They want Americans to be there. They cannot understand why Americans are so hesitant to get involved in this situation.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. SYMMS. Madam President, I ask unanimous consent to have printed in the RECORD the article that was in the Washington Times, February 3, "Pinning Failure on the Donkey" by Pat Buchanan, and the article by our distinguished colleague in the House, the distinguished Congressman from Illinois, Congressman CRANE, "Tactics Designed to Defeat."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PINNING FAILURE ON THE DONKEY

No matter how the vote goes in Congress on Contra aid, rely upon it: The Democratic majority will vote to abandon Nicaragua to communism. Led by Reps. Jim Wright of Texas, Thomas Foley of Washington, and Tony Coelho of California, four-fifths of the House Democrats, cheered on by the seven dwarfs, will vote to disarm the anticommunist rebel army, just as a predecessor Congress voted to abandon the Vietnamese.

This time, too, we will be drenched in self-congratulatory rhetoric about how the party is truly America's conscience, willing "to take risks for peace." But the message sent to the Nicaraguans will be that these Democrats, in the name of "peace," will happily sacrifice any and all of their freedoms. The "champions of the little man" really don't give a damn about the people fighting in Nicaragua for the very freedoms the Democratic Party was celebrating last year. What a sea change in a quarter century.

In 1947, Harry Truman came to the defense of Greece and Turkey, then challenged by insurgencies supported from Moscow. Truman acted, because he saw communism's advance into the Aegean as a threat to the West, and because he believed Greeks fighting for freedom merited American support. Henry Wallace ("I would say that the communists are the closest things to the early Christian martyrs") broke with Truman and left the Cabinet.

Containment, halting the advance of the communist empire, became America's foreign policy. While Democrats had committed the folly of trusting Stalin, it was also Democrats who first stood up to Stalin and said: thus far and no farther. Truman sent U.S. forces into Korea; and John F. Kennedy and Lyndon B. Johnson committed American power to Indochina.

During Vietnam, however, something snapped. Disillusioned with the war into which they had led us, Democrats broke with President Johnson, calling Vietnam "the wrong war in the wrong place." Others went further, declaring, with their candidate in 1972, that Vietnam was "dirty and immoral." Others, not just Jane Fonda,

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began supporting the enemy. Students chanted, "Ho, Ho, Ho Chi Minh; the NLF is going to win," and Viet Cong flags hung out of the windows of federal poverty agencies.

When Vietnam collapsed, Sam Brown, President Jimmy Carter's choice to head the Peace Corps, showed up in New York to embrace Hanoi's U.N. delegation; and Robert Elegent wrote a seminal piece charging many American reporters with having favored the other side.

In its approach to Congress, the administration has failed to recognize that the Harry Truman wing of the Democratic Party has been thoroughly routed by the Henry Wallace wing. And, in its aid request, the administration is making the Vietnam mistake all over again. Instead of asking for what is required, $500 million for the Contras for two years, and demanding Congress vote the money or take responsibility for the Soviet conquest of Central America, the administration scaled back its request to a piddling $36 million, with a paltry tenth of that for weapons. The White House is asking for what it might get, not what it needs.

Even at this late date, the clarity necessary to rally the American people remains absent.

President Reagan should have declared that the end of U.S. policy was not "peace" in Central America, but the "liberation" of Central America, the ovethrow of the communist government in Nicaragua and the removal of all Soviet-bloc personnel. He should have demanded Congress provide as much military aid, as long as required, to keep the Contras fighting, until Daniel Ortega's Sandinista regime collapses.

"Democratization" should not be the goal of American policy; rather it should be reestablishment of the Monroe Doctrine, which says the alien Soviet ideology of Marxism-Leninism has no place in our hemisphere. (Indeed, if the Nicaraguans want a king, rather than a Congress, that's their business; and neither the Afghan resistance nor UNITA is likely to set up some parliamentary democracy.)

Partially because of the energetic pursuit of the Reagan Doctrine, by the president and a few of his men, communist regimes are embattled on three continents: in Afghanistan, Mozambique, Angola and Nicaragua. Even in Cambodia. If one or two of these fascist regimes could be dumped over and buried by local patriots, shock waves would reverberate throughout the Soviet empire, and Mr. Reagan would go down as an historic, pivotal president. In this cause, however, the "San Francisco Democrats" are not a partner with whom we can compromise; they are an impediment that needs to be confronted, defeated and removed.

Tactics Designed To Defeat

By all accounts, the upcoming Contra aid vote will go down to the wire. Conservative Republicans and liberal Democrats have made up their minds on this issue and will vote accordingly. A relatively small group of conservative Democrats and moderate Republicans will decide whether the president's request will be approved or rejected and, given the high stakes of this vote, they could well determine the future of Central America.

As these legislators finalize their positions, they must decide for themselves whether the Sandinistas' self-proclaimed Marxist-Leninists can be trusted to abide by the Arias plan.

To this end, they should recall Lenin's advice to his fellow communists. On many occasions, he counseled them to reject the idea of a universal code of ethical norms and to use deception as a legitimate and, indeed, a necessary ingredient to further their objectives. Throughout history, Marxist-Leninists of all stripes have employed Lenin's cynical tactics, as they broke numerous peace agreements and promises of political freedom to serve their own political objectives.

In 1945, as part of the Yalta Agreement, Stalin convinced the Allies that the Soviet Union would allow Eastern Europe to hold free elections, that the Soviet Union would not interfere in the internal affairs of these countries, and that the Soviet Union would accept the results of these elections. But, as we all now know, Stalin had no intention of keeping his word and these countries fell into communist hands.

In 1973, we signed an agreement with North Vietnam to end the war. The communists agreed to hold free elections, protect the human and political rights of their opponents, and above all, refrain from additional military action against the South. Two years later, a mechanized, modern army rolled into Saigon and defeated our former allies.

Again, in 1973, we supported a historic peace agreement in Laos, which created a coalition government between the communist Pathet Lao party, the Royalists and the Neutralists. At the time, the State Department called this a "historic agreement," a model of diplomacy, even as the communists started purging their opponents. Today, Laos is a brutal communist state.

In 1979, when the Sandinistas needed the support of the Organization of American States to legitimize their regime, they promised to allow political pluralism, maintain a truly mixed economy, respect human rights and conduct a nonaligned foreign policy.

As the Sandinistas broke these promises, purged their opponents and started building a Marxist-Leninist state dependent on Soviet and Cuban military assistance, President Carter stopped giving them aid. In the years that followed, the Sandinistas consolidated their control over the country with a Marxist government.

Today the Sandinistas appear to be complying with some aspects of the Arias Plan. In the last few weeks, just before the Contra vote, the Ortega government reopened Radio Catolica, lifted its state of emergency, offered a limited amnesty to the Contras and allowed opposition parties to demonstrate in public.

Given the unwillingness of the Sandinistas to keep their earlier promises, what assurances do we have that they will not simply abolish these new freedoms once the Contras have ceased to be an effective fighting force, as American aid runs out?

Given the allegiance of the Sandinistas to Marxism and Leninist thought, why should we believe that the Sandinistas will act in any way different from their compatriots in the Soviet Union and Vietnam?

These members of Congress who will determine the fate of Contra aid must recognize that the Sandinistas are employing traditional communist tactics of deception to defeat their enemies.

Only by our keeping the Contras in the field and fighting will the communists have any incentive to share power with the democratic resistance.

As history records, no communist government has ever exchanged its dictatorship for a democratic system. Why should we believe that the Sandinistas will keep their promises and set such a precedent?

Congress must pass the President's Contra aid request.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Madam President. I yield 15 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Madam President, in the past, I have been a consistent supporter of Contra aid. At the same time, I have unequivocally called for a negotiated settlement as a permanent end to all hostilities in Central America. These two positions have gone hand-in-hand. I believe that the pressure of the Contras was one of the primary reasons that President Ortega signed the Guatemala accord, pledging to a systematic democratization of Nicaragua. The peace process, initiated by the accord, is an important opportunity for a lasting peace in Central America. Assistance to the Contras has played an important role in bringing about this diplomatic and political process.

We must not forget that Daniel Ortega is a Communist and that the Sandinistas are a small group of Marxist-Leninist who have monopolized the political decisionmaking process in Nicaragua. This Government has alienated its democratic counterparts in the revolution, and if the Sandinistas are able to consolidate power they will be a threat to every other country in the region.

Equally important, we must remember that the fundamental goal of our policy is peace and democracy in Central America. I have strongly supported the Guatemala accord because it establishes the framework for long lasting peace. The peace process provides an important opportunity which must be taken very seriously. If this process fails, there is no end in sight to the hostilities in Central America.

By signing the Guatemala accord, Nicaragua bound itself to a process of democratization which includes lifting the state of emergency; allowing complete freedom for television, radio, and the press; permitting complete political pluralism; negotiating with the Contras for a cease fire; implementing an amnesty program; and finally, holding free and fair democratic elections.

This is the basic program of change I have been calling for as long as this issue has been before Congress. It is based on President Arias' firm conviction that, "without democracy there can be no peace in Central America." Full compliance would significantly democratize Nicaragua and provide the foundation for a lasting peace.

Since the peace plan was signed, Congress has provided sufficient aid to keep the Contras alive in the field. I have supported this policy. In order to promote the peace process in Central America, we must carefully employ a policy of carrots and sticks. For the Sandinistas, the carrot is the end of the Contra war, the stick is renewed Contra assistance. At the same time, this policy must be carefully coordinated with Central American diplomacy called for by the Arias plan.

I believe this approach is working. After signing the peace accord, the Sandinistas acted slowly to comply with its provisions. On January 15, Nicaragua was sharply criticized for lack of progress at the summit of Central American Presidents. They were also told by Members of Congress that the only way to stop Contra aid was to comply with the peace plan. Under the pressure of the Central American leaders, and prospects for new aid, Ortega announced a series of concessions: lifting the state of emergency, abolishing the people's tribunals, offering to engage in direct talks with the Contras, offering to release 3,300 political prisoners if a cease-fire is reached, permitting the resumption of a number of radio news broadcasts, and agreeing to hold municipal and regional elections. While I believe that some of these steps are tentative and not as far reaching as called for by the peace plan, they are the most dramatic steps taken so far, and demonstrate that the process is working.

Therefore, the fundamental question to ask about this package is: "Will it help further the goals of the Central American peace process?" I have been riding the train with the administration to help the people of Nicaragua, but I never agreed to get on a nonstop diesel deluxe. That is exactly what this package is—a nonstop diesel deluxe. While the Contras can be an effective stick to pressure the Sandinistas, this Contra aid package is a club which could smash the entire peace process.

First, the request is a substantial escalation of Contra funding. The $36.25 million of lethal and nonlethal aid, alone, works out to an annualized rate of $108 million. This is a rate 8 percent higher than Congress has ever approved.

This amount is completely out of line with levels of aid Congress has approved during the peace process. The $32 million in nonlethal aid is double the rate of aid provided in the long-term continuing resolution—listen to that: double the rate that we provided them last time when we voted for the long-term continuing resolution—and triple—triple the rate of the two short-term continuing resolutions.

Further, the $36 million is just one portion of the package. It also includes $20 million for airplane indemnification, and about $7 million in passive air defense support and surveillance. This brings the total package to over $60 million. A package this large is not only inappropriate, it could well be counterproductive. Ortega would be given an excuse to take back his concessions and back away from the peace process. He could argue that he has acted in good faith to comply with the provisions of the peace plan, but the United States has failed to comply by ceasing aid to the Contras. He might then claim that it was the fault of the United States that the peace process has broken down.

The second flaw of the plan is that it lumps together nonlethal assistance, with $3.6 million in military aid, including antiaircraft rockets, small arms, and ammunition. However, the Contras have sufficient amounts of arms and ammunition. This portion of the package is unnecessary from a military standpoint, and politically threatens to derail the peace process.

I believe this will not be the last vote on Contra aid, and I am not backing away from the Contras. I continue to believe that through a carefully implemented policy of carrots and sticks the Contras can pressure the Sandinistas to act in good faith. The goal of Contra aid is to promote the peace process. Currently the Arias plan is working, slowly and tentatively, but it is working. I believe that because of the size and nature of this proposal, it could disrupt the peace process and be counterproductive to the goals of peace and democracy in Central America.

I yield back any time that may remain.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Madam President, on behalf of Senator McCain who is not here, standing in his stead, I yield myself 10 minutes.

The PRESIDING OFFICER. Senator McCain?

Mr. McCAIN. Madam President, I yield 10 minutes to my distinguished and assertive colleague from Texas, Senator Gramm.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank my distinguished colleague.

I would like to begin by talking about giving peace a chance. I guess if there is a catch phrase of this debate it is "give peace a chance." And I would like to begin by talking about the chance we have already given peace.

Our colleagues act as if it was only yesterday that anybody talked about negotiated settlement in Nicaragua. Why, I remember July 19, 1979, almost 9 years ago, when the Sandinistas came to power, Commandante Ortega came up to the White House, met with President Carter, talked about a negotiated settlement, and peace and democracy. We opened up the purse strings of the working men and women of America and we gave him $118 million of the taxpayers' money. We set up a worldwide aid package of $1.6 billion.

Commandante Ortega and the Sandinistas met with the Organization of American States with the United States and they made some commitments—and this is 9 years ago—and I would like to remind my colleagues of those commitments.

They committed to free elections. They committed to a broad-based democratic government. They committed to full respect for human rights. They committed to fundamental liberties: to freedom of religion, to union rights, to a mixed economy, to an independent foreign policy of nonalignment and a minimum of a permanent military corps.

Now, my colleagues, that was 9 years ago—9 years ago the Sandinistas committed to this. And, as a token of our approval, we gave them $118 million of the hard-earned taxpayers' money. We lined up $1.6 billion of aid. And 9 years later, is there anyone in this body who will stand up and say that there have been free elections in Nicaragua? Is there anybody here who believes that in Nicaragua today we have a broad-based democratic government? Is there anybody here who believes that we have full respect for human rights? The plain truth is that for 9 years we have had promises and we have never, ever had any action.

Now, Commandante Ortega has had a lot of excuses for why he has never done these things, but in 10 minutes I am not going to waste my time giving his excuses.

He signed another agreement in August, and in that agreement he basically committed to this same old list of promises. And yet, when the time limit expired, had he fulfilled any of them? No. Then there was an extension.

Then, on the eve of the meeting, as the four democratic Presidents in the region were set to denounce Commandante Ortega and reject the peace plan, suddenly he talked about negotiations for a cease-fire; not negotiations for a national reconciliation, but negotiations for a cease-fire. He talked about amnesty if some other country would take the people who were given amnesty. What kind of amnesty is that? You are let out of prison if you leave your own country and you do not come back?

I do not need to remind our colleagues here today that, all the time that promises were being made, we are all aware, both from a high-level defector and from the brother of Commandante Ortega himself, that there clearly were plans underway to build a massive military force long after the

Sandinistas were projected to be in full control of Nicaragua and the Contra rebels or freedom fighters were to be gone.

The truth is we already have a settlement. What each of the opponents of aid are asking for today, we already have. We have had it for 9 years.

What we do not have is a country that is living up to its commitment, and that is the Communist government of Nicaragua, which has shown no evidence of doing that.

I had the great privilege the week before the meeting of the four Presidents and of Commandante Ortega on the so-called peace plan, to be in Central America. During that visit we met with the Presidents of the four democracies, and I think it is fair to say that with the exception of Arias, each of them was convinced that the pressure of Contra aid had been critical in promoting movement by the Sandinistas. We met with Cardinal Obando y Bravo, who made it clear that the Sandinistas had made no effort to comply with the commitments they had made. And when I raised this with the Sandinistas, do you know what they said? They said: That is his opinion.

And I said, well, that is interesting because you appointed the cardinal as the overseer of your compliance, to which they said: We have not been able to eliminate all opposition. We have differences of opinion.

They were asked why they had not opened up the 20 radio stations that asked for licenses. And just right straight out of the movies, they said: "That is all a misunderstanding." The plain truth is, here we have a Marxist dictatorship that has its foot on the throat of its people, people who cry out for our help, people who are dying today in the jungles of Nicaragua, and we are on the verge, after 9 years of lies by the Sandinistas, of cutting off aid and snuffing out the last light of freedom in Nicaragua.

Now, clearly, people have differences of opinion but clearly there is a lot of naivete about our situation. I remember vividly a conversation that we had, and three of the four of us who were there are in this Chamber now, with President Arias. We were talking about cutting off aid, and the advantages and disadvantages, and President Arias said: If we cut off aid, one advantage is that the Sandinistas need an enemy and without the Contras they will not have an enemy. They will not have a war. They need a war.

So, sort of having a different view of things, I pointed out to him: Well, they will not have a war inside Nicaragua, but they can find another war. They can create one. They can have a war outside Nicaragua. They can have a war with you.

To which President Arias responded: They cannot have a war with Costa Rica because we do not have an army.

To which I pointed out, well, it would be a short war.

What we are deciding today is not whether there is going to be war in Central America. We are deciding whether there is going to be war in Nicaragua, as people are fighting for their freedom there, or whether there is going to be war in El Salvador and Honduras and Costa Rica and Guatemala, as a Communist dictatorship consolidates power on the mainland of the Americas.

Some may say: What difference does Central America make? There was a day in this great Congress when you could stand up and talk about freedom, about people yearning for freedom and being willing to die for it, and that carried weight. It does not carry that weight today. The House vote, I think, makes that clear. But what is our stake in Central America? Well, there are 100 million people between the Panama Canal and the border between Texas and Mexico. One out of every five Nicaraguan citizens is now a political refugee in their own country or in somebody else's country. The Communists cannot produce anything. Their people are starving in Nicaragua. But they are excellent at producing political refugees.

If we let this cancer spread in Central America we are looking at 20 million refugees coming across the border. Madam President, if 20 million refugees come across the border into Texas, what Senators here are willing to sign up for a refugee sharing program? What Senators here, that are going to oppose this aid, are willing to take their pro rata share? I suspect few if any.

We have vital interests in Central America. I have no doubt that we will not commit American troops in Central America. But when Mexico is threatened, when that tinderbox of collapsed economy and corrupt government is exposed to the flame of communism and ignites, we will then commit American troops.

I have two sons, one 12 and one 14, and I support this aid because I do not want my sons dying in Mexico, fighting a war that we could stop from being fought today. The House has made a grave mistake. I wanted to cast a vote today because I want people to know where I stand on this issue. But I wanted to cast a vote because I do not accept the finality of the vote in the House. I believe this issue is going to come back again and again and again until the American people awaken, until they awaken to the fact that our interest is challenged. And the great tragedy is that all over the world people are turning to democracy and freedom; communism is unappealing. We are on the march. The Soviets are losing the cold war. Let us not let a hot war break out in the Americas.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island.

Mr. PELL. Madam President, I yield 5 minutes to the Senator from South Carolina.

Mr. HOLLINGS. I need 15. I can start with 5. That is what you gave Senator DIXON.

Mr. PELL. Ten minutes?

Mr. HOLLINGS. Well, we will start with 10.

Madam President, I wish we were debating a true solution to the crisis in Central America. I have watched the evolution of our policy over the years. We have had Operation Pan America, under President Eisenhower; the Alliance for Progress under President Kennedy. Time and again we have attached a nice, catchy title to the hit-and-run policy of the day. Regrettably, we have been big on promises, but short on real progress.

Time and again, we have sent money to Latin American nations. Too often, it goes to the ruling class, to the military dictator or to whomever. Most of it winds up in their personal bank accounts—and Mexico is no exception. It is like delivering lettuce by way of a rabbit. Only crumbs find their way to the hungry poor. Likewise, the ruling class, the military oligarchies refuse to allow the development of a middle class.

Unless and until we can foster the development of a sizeable middle class, then true democracy will be a fleeting dream. Certainly, we will not attain peace by invoking a piece of paper, whether it be the Arias plan or any of the many other plans. Perhaps our greatest opportunity for encouraging a democratic evolution in Latin America lies on the trade front. We have tremendous leverage as the world's richest market. Consider the potential if America were to reallocate import quotas to the advantage of our southern neighbors. For starters, how about reallocating 5 percent of textiles from the People's Republic of China, 10 percent of footware from Korea, 15 percent of hand tools from Taiwan, 30 percent of electronics from Japan. These reallocations would be an enormous economic propellant behind our quest for democracy in Latin America. We would begin to build a vibrant middle class there with a stake in the system. This would be the first pillar of a genuine democratic construction: All our fine talk about free elections would begin to have a realistic economic and social basis.

Unless and until we take such steps, we will continue to be confronted by the tragic spectacle of peasant boys and girls fighting in desperation against repression, or abandoning their homelands entirely.

Five hundred thousand Nicaraguans have already voted with their feet, fleeing into neighboring countries or to America. Another 15,000 or more have been fighting the best they can for some seven years.

Don't forget that we originally gave military and economic assistance to Ortega and the Sandinistas. I opposed him originally here on the Senate floor back in 1979. But I remember my friend, the late Senator from Nebraska, Ed Zorinsky, saying, "Come up to my office on the fourth floor. We have the junta up there."

I had not met a junta recently, so I thought that would be an education. Accordingly, Senator Zorinsky, Senator Stone, and several others joined me in meeting with Commandante Ortega. Ortega said, "We want the same things that you want. We want free elections, freedom of the press, freedom of religion, democracy like you have in America."

Right to the point I said, "I do not believe you, but I want you to prove me wrong. I am going down on the floor and I am going to help Senator Stone and the others get you aid money." And so we did, to the generous tune of $117 million.

How ironic that, several months ago, we heard a remarkable outcry here that $100 million was to much to give the Contras. One hundred million? Nine years ago, we gave $117 million to the Sandinistas. The Soviets have now given the Sandinistas $4.7 billion. The Sandinistas have run up a foreign debt of another $9 billion. So they have had plenty of money to consolidate their iron grip and build the largest army in Central American history. They have had plenty of money to build their political prisons. At the same time, they have done away with free newspapers and independent radio, and every other freedom. Yet now they dare play on the inexhaustible gullibility of Americans by enticing us with empty gestures of so-called democratization.

Indeed, they have received expert advice on how to manipulate the Congress. We have witnessed the disgraceful cynicism of a gentleman speaking on the House floor who had recently gone to Central America to advise Ortega on what to do. We have U.S. congressmen coaching the team down there, saying, "If you give a little bit of this and a little bit of that we can make a case on the floor and keep the Contras from getting aid."

Who is kidding whom? There is no education in the second kick of a mule. We trusted Ortega once and were betrayed.

As our old acquaintance, the former Attorney General John Mitchell used to say, "Watch what we do, not what we say." Likewise, let us not be overly impressed by the devalued coin of the Nobel Peace Prize. Patrick Henry said, "Peace, peace, everywhere men cry peace, but there is no peace." Richard Nixon said we would have "peace with honor." Le Duc Tho went to Stockholm to pick up his Nobel Peace Prize. In the years that followed, literally millions perished in Vietnam and Cambodia. Today, those millions rest in peace. Many more millions suffer in the terrible silence of communist totalitarianism.

Opponents of further aid to the Contras strike a pose of magnanimity. They say they favor humanitarian aid. But they do the Contras no favor.

Thank God the French did not limit themselves to humanitarian aid during the American Revolution. Thank God that Lafayette was not a pacifist. Our own country was not founded by humanitarians. It was founded by revolutionists. We waged a long and bloody war for our freedom.

That is the trouble with my fellow Democrats. I am embarrassed by them. They are not committed. They are not committed to fight for anything. They are only willing to posture and talk. They are in thrall to the opinion polls.

Winston Churchill said years ago that nothing is more dangerous for democracy than for politicans to live in the constant temperamental atmosphere of the Gallup Poll.

It is no secret why Contra aid failed in the House yesterday. All along, it has been a personal power struggle between President Reagan and first Speaker O'Neill and now Speaker WRIGHT. The merits of the Contra cause have been lost in the scuffle.

It was a matter of honor with Speaker O'Neill. Our friend Tip got EDDIE BOLAND to put forward his amendment. We would meet in the conference committees and appropriations and there was no chance of getting any kind of bill passed unless you went along with the Boland amendment. You knew the Speaker would kill the measure unless it included Boland. Meanwhile, the White House was saying, "Do not mind, we will sign it. We are not listening anyway. We will get aid for the Contras through other sources."

Everyone knew about the back-channel funding of the Contras. Excuse me, everyone knew except the President. And the President, he says he did not know anything. Nonsense. The whole administration knew it. We had 6 or 8 months of hearings on that caper.

Speaker JIM WRIGHT, who got elected by vowing to kill Contra aid, is now carrying through on commitments to his liberal friends, calling, "Peace, give peace a chance." I say, let us give hope a chance. But there is no hope in Nicaragua without aid to the Contras. Surely JIM WRIGHT knows that.

Likewise, my distinguished colleague from Connecticut knows it, or ought to. Peace plans? The Marxists only understand the language of force.

Let me quote Christopher Dodd in the Washington Post, because he is the best defender of this peace plan nonsense I know of:

> Contra aid didn't reopen the antigovernment newspaper La Prensa; the Arias plan did.

Who could believe that? The Contras have forced the Sandinista concessions, such as they are. In fact, the Sandinistas are not giving up anything. Look at the timetable. There was a November deadline which they extended to January, and now a majority of the Latin American Presidents, a majority, have done nothing.

> Contra aid didn't create a forum for political reconciliation, headed by a key Sandinista opponent, Cardinal Miguel Abando y Bravo.

But the real forum is a Contra plan. I can tell you that. You can see how much consideration they gave to Cardinal Bravo.

> Contra aid didn't secure the release of 1,000 political prisoners, with the likelihood of many more; the Arias plan did.

The Arias plan called for 10,000 freed prisoners.

> And Contra aid didn't initiate cease fire negotiations . . . the Arias plan did.

The Contras know differently.

> The President's aid request does not give the plan a chance; it dooms it.

Will $3,600,000 doom peace in Nicaragua? Nonsense. It is the bare minimum necessary to keep up the pressure for peace.

The PRESIDING OFFICER (Mr. HARKIN). The time of the Senator has expired.

Mr. HOLLINGS. Will the leader give me time? I am just getting started. We are supposed to have 10 hours of debate.

Mr. BYRD. Mr. President, I wonder if the Senator will allow me to make a request.

Mr. President, I understand from Mr. PELL that he has requests that add up to 2½ hours. Is that correct?

Mr. PELL. That is correct.

Mr. BYRD. The Republican leader has canvassed his side. I would like to see if we can enter into an agreement. If Mr. Pell has 2½ hours, that takes us up to beyond 6:30. More requests are coming in.

Mr. DOLE. If the majority leader will yield, I wonder if we might agree to vote at 7:30 and equally divide the time. I think some of ours can reduce it a little bit, perhaps.

Mr. BYRD. Mr. Pell would have to speak to them. In view of the fact that he has 2½ hours, and I assume he has promised it, if the Republican leader has to take 2½ hours, that puts us up to 9 o'clock.

Mr. President, I do not think the prospects are very good for getting an agreement now. I hope that we will be able to get some reduction in the time. There is a nondebatable motion that could be made. I do not want to make that motion. I hope we do not go until 10 o'clock. I hope we can reduce it to some extent.

I would like to yield the floor now and not make any further requests. I hope that the Senator from South Carolina would be given some more time, but in the meantime perhaps we can continue to shop around and see what happens.

Mr. PELL. After the blandishments of the majority leader, I am delighted to yield another 5 minutes.

Mr. HOLLINGS. I thank the distinguished managers of the bill.

Mr. BYRD. Mr. President, I thank the Senator for yielding.

Mr. HOLLINGS. I thank the distinguished majority leader for his blandishments.

Mr. President, we remember exactly what happened in Vietnam after the so-called peace with honor when we reduced the military force and, finally, withdrew in helicopters from the Embassy rooftop. The result was genocide. The result was a reign of terror and repression throughout Vietnam, Cambodia, and Laos—and it continues to this day. We are well aware of the catastrophic consequences of Marxist victory in Southeast Asia.

I am ashamed that Members of Congress would coach Ortega on the fine points of manipulating American public opinion and the U.S. Congress. I am amused by their chagrin when Ortega goes to Moscow after a key Contra-aid vote. His coaches say, "How could he embarrass us like that?" That is the blind and naive nature of the approach of many. The truth is that Ortega knows what he is doing. He is a savvy leader, he and his brother. They have wrangled $4.7 billion in Soviet aid and built a huge military force. It certainly is not for self-defense, unless you believe the Costa Rican police force is preparing an invasion. They have the artillery, the tanks, the attack helicopters, the whole panoply of offensive warfare. So Ortega is going to Moscow to show that he is not listening to the American concerns. Ortega knows what he is doing. He went to Moscow to finalize his plan for a 600,000-man army. Once again, the Soviet Union is on the march. Enough of the argument that the Soviets are broke and need to cut a deal. We heard that same line on the INF Treaty. We have heard it for 20 years around here. Well, if the Soviet economy is so weak, why do they not do like the People's Republic of China? Deng Xiaoping cut his army from 5 to 4 million. He cut 1 million out of the army. He knows how to develop an economy, and it is his example that is putting so much pressure on Gorbachev. Well, if the Soviet Union is so strapped, why don't they get out of Afghanistan and Ethiopia and Yemen and Angola and Cuba and Nicaragua.

Where is the common sense of Democrats in Congress? Ordinarily, my Democratic friends are leading the way for freedom. It was a great Democrat who said we must pay any price, bear any burden in the cause of freedom. Yet today the Democrats are the "bug-out" party. Put on the pressure and we will bug out. Sure, we will tender a pittance of humanitarian aid. But the Democrats' motto has become, "When in doubt, do nothing, and stay in doubt all the time."

I understand the dilemma of Democrats who voted on the House side. They were voting for their Speaker, and he is an outstanding individual.

Indeed, JIM WRIGHT has had the character to stand up and say we need to raise taxes and pay our bills. He was criticized by many Democrats, who said that this was stupid politics; do you not remember Mondale? Stupid politics or not, we do indeed have to start paying the bills, and the Speaker is to be commended for leading the way.

However, he has gone astray on the Contra issue. In his zeal to carry through on his commitment to the former Speaker and to EDDIE BOLAND, he went astray. And now our entire party has gone astray. The Democratic Party is now hostage to the behavior of a foreign junta. Democrats have cast their lot with the Sandinistas.

What kind of nonsense is this? Talk about hostage taking. Now we are political hostages to the whim of a Central American Marxist dictator. So we try to supplicate him. To show our heart's in the right place, we say we will send him humanitarian aid. And, politically, we stick it in the President's face on a measly $3.6 million Contra aid request. Heavens above, $3.6 million would hardly pay for 100 yards of interstate highway.

I will reserve time, because I hope to join the Senator from Connecticut in a colloquy on his opposition to Contra aid.

I thank the distinguished manager.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield 10 minutes to the Senator from Oklahoma, Mr. NICKLES.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. NICKLES. Mr. President, I compliment my good friend and distinguished colleague, the Senator from South Carolina, Senator HOLLINGS, for his outstanding statement. We do not hear, in my opinion, too many statements actually made from conviction, and we probably hear even fewer statements made from courage. I compliment him for his statement. I think it is a message that we need to hear.

Mr. President, we have heard time and time again—I listened to part of the debate in the House of Representatives, it was an interesting debate. From the House, we heard two different philosophies. We heard time and time again individuals saying I am opposed to assistance to the democratic resistance forces in Nicaragua because I want to give peace a chance. We also heard other people—and I put myself in this category—who said let us do give peace a chance, let us help the peace process, let us put pressure on the Marxist Sandinista government. Do not take the pressure off if we are really going to help the people who are negotiating, who are trying to restore freedom; political freedom, economic freedom, religious freedom, and freedom of the press. If we are going to help people restore freedom in Nicaragua, we need to give them some leverage at the bargaining table.

Certainly, if we withdraw all assistance, we are giving the democratic resistance nothing to negotiate with. The Ortega brothers may have accomplished their goal through the negotiating process, and through the peace process. That goal is to defeat the freedom fighters. The Sandinistas may well have accomplished this goal because the United States fell for their promises. Promises which have been made time and time again by the leadership of the Sandinistas, which have been broken time and time again since they came to power in 1979.

They made many promises this past August. In the so-called peace accords they stated they released political prisoners. They released 985. There are still over 8,000 in prison. They said, "We will have press freedom." Yet, that has not happened. They talked about religious freedom. Yet, religious leaders are still being expelled or locked up; political freedom, yet they still lock up the opposition leadership. They talk about elections, the same promise they made in 1979. Who really believes that will happen? Particularly if there is no force, no pressure to force the Sandinista Marxists to provide that type of freedom?

The United States needs to keep the pressure on. The Sandinistas have a track record. That track record is nothing but broken promises, and I do not think this Congress should trust the Sandinistas or the Ortega brothers. After the August accords were signed, Defense Minister Humberto Ortega, made a statement, and said "yes, we have a goal." We are going to increase the military forces from 80,000 to 600,000. They have a goal and that goal is to continue the military buildup of the Communist regime.

During 1987—one of our colleagues said, "We are putting in too much money, and we are increasing the rate

with an 8-percent increase over what we did in our most generous year, 1986." In 1986, we appropriated $100 million, $70 million of which was humanitarian, $30 million of which was military.

Do you know that in 1986 the Soviets put into Nicaragua $600 million of military assistance? We put in $30 million in military assistance. In 1987, the Soviets gave the Sandinistas $505 million in military equipment. We are debating on the floor of the Senate and the Congress whether or not we are going to help hold in escrow $3.6 million like that will be the difference between night and day, when the Soviets continue to put in hundreds of millions of dollars of supplies and military equipment. The Sandinistas have 150 tanks, five airfields, and are building up ports where they can continue to receive munitions, armored vehicles and aircraft. This is an unbelievable military buildup for a country the size of Nicaragua. Yet the U.S. Congress has been very silent.

What is the United States going to do? The President asked us for $36 million. He said they will hold 10 percent of it in escrow as leverage that will not be released if the Sandinistas actually keep some of their promises. In other words, we will have a little pressure to bring to bear. You know that the Sandinistas were feeling the pressure from the freedom fighters because the concessions they have made have not been as a result of the Arias peace plan. They have been the result of trying to influence Congress to stop supporting the democratic resistance in Nicaragua.

Think about that. It is awfully important. The concessions that have been made have all been directed not at complying with the Arias peace plan, but directed at the Congress. The Sandinistas want to influence Congress. I know that they are very happy about last night's vote—very, very happy. They succeeded. They made just enough concessions. They did not even come close to complying with the Arias peace accord, but they did just enough to influence just enough Members of Congress so aid would be shut off.

Mr. President, the aid we have been providing—and I say "we" because I am talking about Congress—has been sporadic, on again, off again; it has not been consistent. I think that is a mistake. The President has been consistent. He has been asking for support. But Congress vacillated back and forth.

I will put in the RECORD, a listing of Congress' on-and-off-again policy as far as support. I ask that the chart showing this policy be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

AMERICA'S ON-AGAIN, OFF-AGAIN NICARAGUA POLICY

[From the Republican Policy Committee]

On November 1981: Covert U.S. assistance to Contras begins.

U.S. AID: ON-OFF

March 1982: First major Contra military actions.

Off and On—December 1982:

Congress passes prohibition of aid to groups trying to overthrow Sandinistas or trying to provoke hostilites between Honduras and Nicaragua. Covert funds not cut off due to President Reagan's claim that Contras are funded for purpose of interdicting arms flow from Nicaragua to El Salvador; reportedly, classified section of bill provided $19 million for Contras.

On—December, 1983:

Congress provides covert aid for Contras in FY 1984, limited to $24 million.

Off—October 1984:

Congress prohibits further U.S. aid to Contras. Contras receive no further official U.S. aid until October 1985.

On—August 1985:

Congress provides $27 million in humanitarian aid to Contras to be obligated by March 1986.

On—October 1986:

Congress passes $100 million in aid to the Contras (of which $30 million limited to humanitarian purposes). Deliveries begin in November 1986. Of the $70 million presumably slated for military purposes, $40 million not available until after February 15, 1987.

Off and On—March 1987:

House of Representatives votes six-month moratorium on further Contras aid. Congress considers whether to again shut off U.S. assistance for good.

(Later approval of humanitarian aid: $3.5 million in September 1987; $3.2 million in November 1987; $8.1 million in December continuing resolution and about $6 million in transportation.)

Mr. NICKLES. Mr. President, support for freedom fighters has been working. Why all the opposition to assisting the resistance in Nicaragua? We are supporting the freedom fighters in Afghanistan, and it is working. They are making real progress. Thank goodness, they are. There are over 130,000 Soviet troops in Afghanistan today, and they are talking about leaving.

We have provided assistance in Angola and Dr. Savimbi and UNITA have had success.

We stood firm against the Soviets as far as the INF. We actually deployed the Pershing II's when a lot of people in this body and the other body said no, let us not, let us have a moratorium, let us have a freeze, let us not deploy. We held firm. We did deploy the Pershing II's, and as a result the Soviets are moving out the SS-20's. Persistent, consistent, firm policy in dealing with the Soviets, dealing with the Sandinistas, and dealing in Afghanistan and Angola has had success.

The vacillation on support for the Nicaragua democratic resistance that was shown by a loss of eight votes in the House was tragic. I do not know what the result will be in the Senate, but I hope we will be successful, that we will be consistent. Unlike our colleagues in the House, the Senate has provided fairly consistent support for the last 7 or 8 years to the Nicaraguan freedom fighters. I hope we have a positive vote today, one that will send a clear signal that we still are interested, not just in peace, but also peace with freedom. Freedom is very, very important. It might be possible to have peace in a totally controlled Communist military society but to have no freedom whatsoever. I pity the poor people who lose their freedom or those of us who have sons and daughters who may at some time have to fight to try to regain or hold back Communist forces from our own land.

Yes, we have a very, very serious problem, one that I hope Congress will have the courage to address. I hope we will address it positively by passing this resolution tonight.

Mr. President, I ask unanimous consent to insert in the RECORD a table on the Nicaraguan military buildup for the period August 1979 through January 1, 1988.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NICARAGUA—THE MILITARY BUILDUP, AUGUST 1979 to JANUARY 1, 1988 (U)

Yearly military supply activity			Status of forces							
During	Number arms shipments per thousands metric tons	Million U.S. dollars	As of	Total force [1]	Tanks	Other armored vehicles [2]	Fixed-wing aircraft/helicopters [2]	Airfields	ADA Guns/Msl Lchrs	Radars
			July 19, 1979	6,000	3	31	30/8	4	2/0	0
1979	-/-		Jan. 1, 1980	16,000	3	31	38/8	4	2/0	0
1980	-/1.6	10	Jan. 1, 1981	24,000	3	25	40/8	4	39/6	0
1981	2/9.4	160	Jan. 1, 1982	39,000	30	45	40/10	4	100/6	0
1982	6/11.2	140	Jan. 1, 1983	41,000	50	45	40/15	4	150/30	0
1983	25/13.9	250	Jan. 1, 1984	46,000	50	90	44/15	4	150/30	(3)
1984	37/20	370	Jan. 1, 1985	67,000	150	200	45/20	5	200/300	(3)

NICARAGUA—THE MILITARY BUILDUP, AUGUST 1979 to JANUARY 1, 1988 (U)—Continued

Yearly military supply activity			Status of forces							
During	Number arms shipments per thousands metric tons	Million U.S. dollars	As of	Total force [1]	Tanks	Other armored vehicles [2]	Fixed-wing aircraft/helicopters [2]	Airfields	ADA Guns/Msl Lchrs	Radars
1985	35/20.8	280	Jan. 1, 1986	74,850	150	199	45/25	5	200/300	(4)
1986	50/22	600	Jan. 1, 1987	74,850	150	220	44/57	5	300/300	(5)
1987	62/21.7	505	Jan. 1, 1988	80,000	150	250	35/52	[3] 5	400+/400+	(5)

[1] Active duty and mobilized militia/reserves. Figures since Jan. 1, 1985 have been revised upward to reflect newly declassified figures.

[2] Losses (combat and otherwise) may result in no net gain or a lower figure than prior year estimates.

[3] Construction at Punta Huete continues with approximately 3,000 meters of the runway paved.

[4] Some

[5] 4 s

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I yield 5 minutes to the Senator from Maryland.

Ms. MIKULSKI. Thank you very much, Mr. President.

I ask unanimous consent to revise and extend my remarks.

Mr. President, I had the honor of recently going to Central America as an official observer to the peace process. I return now more convinced than ever that we must oppose the President's package. I do that because I truly believe that the only thing that has worked in Central America is the peace process and I say that as someone who has very deep suspicions about a Marxist-Leninist government. With a name like MIKULSKI no one could be more suspicious of communism than myself. However, I do believe that after all of these years, it is the peace process initiated by President Arias that has moved the Sandinistas to do what they are doing, for whatever reason, whether they are sincere or cosmetic.

The pressure on President Ortega to comply with the agreement came from the other Central American Presidents. They want to pursue cease-fire negotiations in their own countries. They want peace and stability. They want to pursue economic development. They cannot pursue these goals in such a small region while war is raging throughout it.

Since the signing of the peace agreement, the Sandinistas have taken steps to comply with it. They appointed one of their most active critics, Cardinal Obando, to be the negotiator with the Contras. They granted a limited amnesty. They allowed La Prensa to print again. In the past 2 weeks, they lifted the state of emergency. They initiated direct meetings with the Contras to negotiate a cease-fire. Whether these actions remain genuine or not is still unclear. Whether they are taking these actions only for cosmetic reasons, I'm not sure. I am sure, however, that we should not give the Contras military aid at this time. I have a number of reasons that explain my position.

The peace agreement, authored by Costa Rican President and Nobel Peace Prize recipient Oscar Arias, will be undermined by further military aid to the Contras. The peace agreement specifically prohibits any government to provide military aid to "insurgents" or guerrilla groups in the region. The peace plan's international verification commission, consisting of representatives from the United Nations, the Organization of American States, and foreign ministers of 14 Central and Latin American nations, stated in its last report that a cutoff of aid to all rebel groups is an "indispensible element" to the success of the plan. President Arias has stated that Nicaragua will clamp down on civil and political rights and freedom of the press if more Contra aid is approved.

Six years of war have not brought the Sandinistas to the negotiating table. Six months of a peace agreement, pressure from the other Central American presidents, and a woeful economy have led to significant Sandinista concessions.

The administration's decision to fund the Contras will torpedo the cease-fire negotiations. More Contra aid gives the Sandinistas an excuse to get out of the peace agreement. It gives the Sandinistas the excuse to blame the United States. More importantly, it strips away any incentive for the Contras to negotiate a cease-fire in good faith. If the Contras get more military aid now, and they know they will get more in July when the administration puts forth another request, what is the impetus of the Contras to stop the war? And when will the war ever end?

The Contras will not die on the vine if they don't receive more aid now. The aid approved in the fiscal year 1988 continuing resolution is providing the Contras more aid per month than at any time since the conflict began. In the past 3 months, twice as many military and logistical supplies were provided to rebels inside Nicaragua than in the preceding 3 months. According to the State Department, the Contras have enough military equipment to carry them "well into" this year.

Let's take a a look at the administration's request. It is going to provide more than humanitarian aid. We are not just talking about boots, cans of Spam, and Tylenol to the Contras. We are talking about helicopters, radios, and the leasing of airplanes. By any definition, that is military assistance. Military assistance is not only bullets and handgrenades. It is infrastructure that we pass on today. This is a slyly conceived military aid package masked as a humanitarian gesture. Make no mistake, there is a big difference between humanitarian aid and nonlethal aid.

Let's not be deceived about what this package really is. It will do much more than keep the Contras alive. It will keep the war going through the better part of this year.

The Contras do not advance our national security interests in the region. Nicaragua by itself does not pose a threat to our security. Soviet missiles and submarine bases could be a very real threat. But what good would the Contras be in such a situation? Certainly U.S. action would be necessary. The best way to reduce this threat is to deal directly with General Secretary Gorbachev at the bargaining table, not through the Contras.

The Contras do not now and will not prevent the Sandinistas from expanding their revolution throughout the region. Military experts agree that Nicaragua is not capable of such action. Even if they did pursue this course, the United States would have other options.

The Contras do not advance our foreign policy concerns in the region. We want peace, democracy, and economic development in Central America. The peace agreement is our best hope. It has brought the Sandinistas to the cease-fire bargaining table. Pressure from the other Central and Latin American leaders is our best hope for democracy. This pressure has brought a limited amnesty, more freedom of the press, and the end of the state of siege in Nicaragua. If we provide more support for democratic institutions throughout the region, we can surround the Sandinistas with successful and prosperous democracy. This is our best defense against the expansion of the Sandinista ideology.

And finally, economic development can come from the United States and the rest of the world. The Caribbean

Basin Initiative is not working now because unrest pervades Central America. But it could work as an effective CarribBean and Central American common market. We could start a Tennessee Valley-style initiative for the region by tapping the hydroelectric power in Honduras and Guatemala. We could start a rural electrification program with high-tech assistance that provides more services for the people of the region than the banana and coffee bean markets ever did. But these programs cannot start—and economic development cannot happen—until the war ends.

The Sandinistas know they can face up to the bullet. They know the Contras are not a legitimate fighting force that threatens Sandinista control. The Contras have not conquered any significant amount of Nicaraguan territory, nor have they gained any legitimate political support within Nicaragua. The biggest threat to Sandinista control is not the bullet, it is the ballot.

President Reagan wants to hold the Contras as a bargaining chip, but there are other ways of doing that without furnishing the Contras with additional military aid. The peace agreement allows for—and we do have an obligation to provide—food, clothing, and resettlement assistance to the Contras. This can be distributed by the U.N. High Commissioner for refugees or the International Red Cross. But this is an obligation that comes only with a cease-fire agreement and an end to military aid to the Contras.

Ultimately, this debate should not be framed with the question, "do you trust Ronald Reagan or do you trust Daniel Ortega?" It's a question of the administration request for military aid versus the peace process. For 6 years, the administration's policy of war in Central America has not worked. In the past 6 months, the peace process has worked very effectively. This is one Senator that prefers peace rather than war.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. McCAIN. Mr. President, the news that was heard concerning the vote in the other body last night was listened to carefully by the freedom fighters in Nicaragua. It was listened to by them, and by those who fight near Kabula and Angola, and those who struggle for freedom in East Berlin and Poland. Everywhere in the world where people struggle for freedom, a message was sent last night telling them that, once again, the American government—and they cannot differentiate between our Congress and our executive—was abandoning people we have trained, armed, equipped, and encouraged to fight for freedom.

I cannot help but be reminded of a quote by Winston Churchill, who approached Neville Chamberlain after the Prime Minister's return from Munich, where he said the 1938 version of, "Give peace a chance": or, "Now we have peace in our time." He said, "Neville, you had two choices—war and dishonor. You chose dishonor. We shall have war."

Yesterday, the House of Representatives chose dishonor. We will have war. We will have a continuing war in Central America as long as there remains in Central America an expansionist Marxist-Leninist government which, in their own words, is committed to a revolution without borders which, as we speak, continues to train, arm, equip, and operate subversion into their neighboring countries; and the evidence remains very clear of their commitment to destabilize—indeed, to remove—the governments from those countries—governments which, unlike Nicaragua's have been democratically elected.

I think it might be well to review what the administration's proposal was. The administration's proposal was just over $32 million in humanitarian aid and $3.6 million in lethal aid. The lethal component would not be disbursed if the President received from the Houses of Congress confirmation that the Sandinistas were in compliance with the peace plan.

In other words, this proposal of the administration did give Congress a voice in the peace process. It did give Congress a voice as to whether lethal aid should be extended. I think it is absolutely insane that it was rejected.

The debate this evening is not based on whether we should sell Central America to the Communists or whether we are for another Vietnam war. This debate revolves around the perception of the threat that the Sandinistas pose to peace and stability in Central America and to the vital national security interests of the United States.

On the one side, I believe that the opponents of aid to the Contras believe that the Sandinista Government can somehow be made to behave; that, if left alone and prodded, with moral suasion and all the other wonderful words President Arias uses, that they somehow will confine themselves to their own borders and, over time, will allow some modicum of democracy to the people.

The viewpoint held on this side of the debate is that we are faced with a Communist-Marxist expansionist government that cannot truly change its ways, and that it will pose a threat to peace and stability in Central America until the Nicaraguan people are afforded the democratic freedoms promised by the Sandinistas in 1979, promised again on August 7—promises with which they are still not in compliance. That is the difference in this debate, and I would suggest that the track record of the Sandinista Government indicates that without the military pressure of the Contras, they will once again fail to come into compliance.

I keep hearing over and over, "Give peace a chance." I ask what kind of peace we want to give to the people of Nicaragua. Is it the kind that was referred to in 1974, during the debate, when my esteemed friend and colleague, CLAIBORNE PELL, said:

> By reducing American aid, we will be saving precious funds we can ill afford to spare. More important, the United States will be demonstrating its firm conviction that political accommodation must be found in Vietnam. Our aim should not be military victory for the South, but rather a political settlement consonant with the Paris accords of January 1973. Reconciliation and reconstruction, long overdue, require a context of peace. The continuing war in Vietnam, to a significant extent made possible by American arms supplied to the South, must come to an end.

We gave peace a chance in Southeast Asia. Three million were slaughtered in Cambodia; two million have fled Indochina, and hundreds of thousands are still in reeducation camps throughout Vietnam.

I think it is important to understand also a little bit about the elements of warfare. Soldiers cannot fight without bullets. A simple extension of humanitarian aid to people fighting in the field, having to stay on the move constantly, does not allow them to defend themselves. It is very easy, as we sit here in the Nation's Capitol, with the luxuries and the comforts that surround us, to say "we will just give them a little more humanitarian aid, and that will be just fine."

Ask any soldier who has fought in combat in guerrilla warfare, and they will tell you they cannot fight without bullets. To leave these people in the jungles without the means to defend themselves is an outrage. To claim that a little more humanitarian aid will solve the problem is an insult to the intelligence of those of us who know a little bit about a war.

The economic situation in Nicaragua is poor. The economy is in rapid deterioration, not so much because of the Contras, but because of the Marxist policies that exist, not only there but also in Cuba and Eastern Europe and the Soviet Union and every other country dominated by Marxist-Leninist-Communist economic policies. The situation in Nicaragua will not improve economically for the people if we cut off aid for the Contras. In fact, it will probably worsen.

The only way the economic conditions for the people of Nicaragua will improve is if the kind of government that is representative of the people is installed.

Mr. President, I think the situation as it exists in Nicaragua can best be described by the man that I respect more than any other I have met in the five visits that I have traveled to all of the Central American countries, Cardinal Obando y Bravo.

Recently, in a meeting with him, on the 12th day of January, I asked the cardinal, as we always do, how he felt about extending aid to the Contras. The cardinal said:

> As a mediator, I must be prudent. If I say there should be aid, I will anger the Sandinistas; if I say I am against aid, the Resistance will be angry. The Nicaraguan Resistance represents western democracy; the Sandinistas represent the complete opposite. The Nicaraguan Resistance, while they possess the means of continuing fighting, will continue to insist on democracy. The Sandinistas will never change their objective. There is no doubt that it is in the interests of the government to stop aid.

Tragically, this debate is not over. Tragically, this debate will go on and the killing will go on and the dying will go on.

It will continue until the issue is resolved in Nicaragua, either through the complete repression and oppression of the Nicaraguan people, forcing the United States to intervene, or by reversing the unfortunate decision made last night, and aiding those people who are struggling for freedom in the fulfillment of promises that were made to them, rights that should be obtained by all people throughout the world. Then and only then will this unfortunate and divisive debate and wound that exists throughout our Nation be healed.

I yield back the remainder of my time.

Mr. DODD. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. The Senator from Rhode Island controls 46 minutes; the Senator from Texas controls 10 minutes, and the majority leader controls 1 hour and 44 minutes.

Mr. DODD. I yield 15 minutes to the distinguished Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am opposed to the administration's request for $36 million in additional aid to the Nicaraguan resistance. I have come to this decision only after considerable thought and reflection. I have been guided not only by discussions with my constituents and officials of our Government, but also by a close reading of the history of United States involvement in Central America. Moreover, as with previous votes on this issue, my decision is born of a profound concern for the welfare of the people of Nicaragua and the future of American foreign policy in the region.

I wish to assure my colleagues and my constituents that I have deliberated long and hard over the possible consequences of a vote against further Contra aid. For nearly 8 years I have grappled with this issue. I have listened intently to the arguments on all sides of the debate and have tried, time and time again, to respond with both compassion and realisism to the changing political environment in the region.

Mr. President, I have weighed the danger of an expanded Communist presence in our hemisphere against the rirk of the United States being drawn into an ever-widening conflict. And, Mr. President, I have reflected on past efforts to aid the Contras and how these have, regrettably, too often led to the wanton destruction of remote villages and brought untold hardship to thousands of innocent campesions.

Most importantly, though, I have tried to listen to the people of Nicaragua and to the people of Central America and to discern how the majority would like to see the turmoil resolved. I have asked what kind of life do the Nicaraguan people want for themselves and for their children? What kind of democratic reforms would they like to see instituted in their country? What do they believe the role of the United States should be in the region?

From these competing, and often conflicting considerations, I have concluded that our response to Sandinista provocation must be a measured one—proportionate to the real danger posed to United States security interests, and discriminate in the effect our actions have on the region as a whole. We must balance the threat of military force against the danger of a protracted conflict in which American lives ultimately might be placed at peril.

Mr. President, the administration asks the Congress to provide additional funding to the Contra resistance forces so that military pressure can be maintained against the Sandinista regime, while negotiations in the peace process continue. Contra supporters argue that a cutoff of aid will send the wrong signal to Managua—that it will deprive the resistance of effective bargaining leverage, and will reward the Sandinistas without first having secured any concessions at the peace table.

Mr. President, I submit that it has not been the sword of war which has brought the Sandinistas to the conference table; it has been the pen of peace. Since Costa Rican President Arias proposed his peace plan the Sandinista Government has taken several steps, albeit modest ones, to move the peace process forward. Not only has the opposition newpaper La Prensa been reopened and permitted to publish without censorship, but also large numbers of political prisoners have been released. These are small, but significant gestures which defy the logic of the pro-Contra aid advocates.

Mr. President, we have now arrived at a critical juncture in the life of this Congress and the life of the beleaguered nation of Nicaragua. Before us is a peace process initiated by Central Americans, for Central America. It will rise or fall on the strength of our commitment and the honesty and fair dealing of the comandantes in Managua. We all share the responsibility for the future of the region and for the legacy of war or peace which we bequeath to our children.

I need not remind my colleagues of the bitter history which has scarred Nicaragua and the ignominious role the United States has played in that history. If we are to condemn the faults of others, then we must first acknowledge our own part in the turmoil which has engulfed that nation over the course of nearly 150 years.

It is a sad but true fact that the United States Government has supported a succession of unpopular regimes in Nicaragua—regimes which plundered the country and mortgaged its sovereignty as the price of continued friendship. A 1911 treaty, for instance, gave the United States an exclusive right of intervention in Nicaragua in return for the reorganization of the country's finances. One year later President Taft invoked this pact and dispatched 2,700 marines to the country.

For the next 22 years the United States maintained a military presence in Nicaragua, propping up the country's leaders and attending to its administrative affairs. Let us not forget that it was this Government which helped establish the notorious national guard which in time became the personal sword and shield of the Somoza family dictatorship. Under their ruthless sway, and beneath the unprotesting eyes of the United States, the Somozas were able to intimidate local peasants and businessmen and suppress any opposition to their absolute rule. The country's wealth was systematically looted until 1979, the time of the anti-Somoza revolution, when it is estimated that the Somoza family owned nearly one-third of all the land in the country and controlled nearly all major industries.

All of these events weigh heavily on the collective Nicaraguan memory and, to this day, form the basis of the suspicion which dominates the relationship between our two nations.

Mr. President, I do not seek to absolve the Sandinista government of the wrongs they have committed or to lessen the terror wrought by Communist totalitarian government. Surely the acts of violence and intimidation

in which members of the Nicaraguan secret police have participated are as reprehensive as any found behind the Iron Curtain. Surely, any act of subversion perpetrated by Nicaragua against its neighbors is as intolerable as any conducted by the Soviet Union, Cuba, or Vietnam. When these states support each other's sinister plans, the offense is only the more repugnant and must be condemned.

Mr. President, what I seek to demonstrate by my vote against Contra aid in my sincere desire for peace in Central America. By opposing further aid for the resistance forces we would pose a direct challenge to the commandantes in Managua—will you choose the path of democracy for your country or will you choose repression?

Mr. President, I will cast my vote against Contra aid with full awareness that Daniel Ortega might very well renege on his commitment to the peace process. But I am also certain that, if he does so, he will be risking the wrath of the four Central American Presidents.

The Sandinista government must recognize that any hope they have of achieving legitimacy now hangs in the balance. If they betray the confidence which others have placed in them, they will be regarded both as traitors to the cause of peace and as those who have betrayed the very ideals of the revolution which brought the downfall of the Somoza dictatorship.

Mr. President, the countries of Central America are not banana republics and we are not their masters. They are sovereign republics with independent-minded, peace-loving peoples. We can not alter the wrongs of the past any more than we can change the geography which links the destiny of this hemisphere. Only the future is within our grasp. Only a vote against Contra aid will give peace a chance.

Mr. President, in view of the action taken by the House yesterday, I realize that this vote is largely symbolic. Nonetheless, I urge my colleagues to defeat this request for additional funds for the Contras.

I yield back the remainder of my time to the manager.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, as I understand it, under a previous order, I had 10 minutes allocated to me.

The PRESIDING OFFICER. The Senator will suspend. The galleries will please cease and desist from showing any outward manifestations of support or nonsupport for any of the speakers on the floor of the Senate, or the Chair will be compelled to ask the Sergeant at Arms to take appropriate action.

Under the previous order, the Senator is recognized for 10 minutes.

Mr. BENTSEN. Mr. President, I support the Arias plan and its goals of peace in Central America and democracy throughout the region. I also support continued aid to the Contras, including military aid, because I believe that the military pressure of the Contras is the only reason we have seen any movement at all toward democratization in Nicaragua and fulfillment of the Arias plan. I believe that the Senate should express its determination that such aid is needed, in spite of the action taken by the House last night.

I am convinced that the continuation of this pressure is the only guarantee we have that the gains made thus far in Nicaragua will not be temporary ones, to be thrown out by the Sandinistas once the Contras have been abandoned.

We have seen the willingness of General Secretary Gorbachev to discuss the withdrawal of Soviet troops from Afghanistan. No one, I hope, believes that this is being offered out of the goodness of his heart. No, I submit to you that Secretary Gorbachev has seen the light on Afghanistan because he has felt the military heat generated by the Afghan resistance.

It is reported publicly that we and others have been giving hundreds of millions of dollars per year to the Afghan resistance. I hear no one arguing that we should turn our backs on the Afghan resistance and depend on the good will of the Kremlin and on glasnost alone for an end to that conflict.

We can also look to the example of the INF Treaty, which is before us for ratification. This agreement will eliminate intermediate range missiles from Europe and the Soviet Union. It was made possible, we can say with a fair degree of certainty, only because the United States deployed the Pershing 2 missiles to Europe.

It took the pressure of the Pershings to get this arms control agreement, and it will take the pressure of the Contras to make the Sandinistas live up to the promises they made to their fellow Central Americans in August of this past year—promises of democratization, cessation of support to the guerrillas in El Salvador and elsewhere, and complete freedom of the press and political pluralism.

It is ironical, as I have pointed out in this Chamber on other occasions, that most of us are quite willing to stand up for the right of the Afghan people 10 thousand miles away to have a government of their own choosing, one that is not forced upon them by the military power of the Soviet Union.

At the same time, there is a great reluctance to support that same privilege for people here in our own hemisphere and to furnish supplies to Nicaraguans who are fighting for democracy in their own country.

It is important to emphasize that it is Nicaraguans doing their own fighting—not American soldiers or Marines in there doing it for them. It is Nicaraguans believing enough in the cause of democracy that they risk death to free their country.

Here we are, debating whether to give them what they need to continue the fight—the modest sum of $36 million—while the Soviets gave over $1 billion in aid to the Sandinistas last year, including over $500 million in military assistance alone.

Let us not mistake, either, the nature of the Sandinista regime in Nicaragua. It is not a group of peaceful leftists, content to practice their controlled—and I might add, rapidly disintegrating—Marxist economy. These are violent revolutionaries, men and women who are dedicated to spreading their brand of communism anywhere they can reach.

They have proclaimed a "revolution without borders." In an interview in 1983, Tomas Borge was asked about charges that Nicaragua wants to export its revolution, that, in the words of the interviewer, "Nicaragua is the first domino in Latin America. That since the revolution triumphed here, it will be exported to El Salvador, then Guatemala, then Mexico." Borge replied, "That is one historical prophecy of Ronald Reagan's that is absolutely true."

No, there should not be any doubt about the intentions of the Sandinistas, nor about their willingness to carry them out. Even after signing the Arias plan, according to information supplied us by Maj. Roger Miranda, a Sandinista army officer who defected in October 1987, the Sandinistas had plans to build an army of 600,000 men.

When Miranda revealed this information, I am sure there were skeptics who doubted him. The next day, though, Sandinista Defense Minister Humberto Ortega, the man for whom Miranda had worked, publicly admitted the accuracy of these plans.

The day after that, Humberto's brother, Nicaraguan President Daniel Ortega, atttempted to smooth over the situation by down-playing these plans. The fact is, some of the nine Sandinista commandantes—especially Humberto Ortega, Tomas Borge, and Bayardo Arce—actually told the truth about what they are planning and doing.

What happened then was that Daniel Ortega, a man who is more conscious of public relations than are some of his colleagues, stepped in to contradict what has just been said, and provide a smokescreen for those who do not want to believe that these men are who and what they publicly say they are.

We have all seen the pattern from the Sandinistas. They offer Contra-vote concessions immediately prior to congressional consideration of a proposal such as this one. Then following the vote, they show their true colors.

We saw Daniel Ortega fly off to Moscow to visit his supporters there after one vote; we saw the closing of La Prensa after another; we saw an invasion into Honduras after a third one.

We also have seen what the Arias plan means to the Sandinistas. In August they signed the agreement; yet they continue to support the FMLN guerrillas in El Salvador. They allowed the opposition Social Christian Party to march in Managua in October; then they arrested 18 marchers and drafted them into the army. They released 900 political prisoners; but they retain 9,000 more in jail. They announce complete freedom of the press; but they—the Sandinistas—control the only television station, and they refuse to allow another to open. They proclaim political pluralism; then they arrest opposition political leaders.

Let us not deceive ourselves. The only reason the Sandinistas have agreed to the limited steps taken so far in compliance with the Arias plan is the military pressure of the Contras.

This leaves us with two alternatives: take away the pressure of the Contras and rely on the good faith of the Sandinistas to live up to the Arias plan, or continue the pressure for as long as it takes to put the Arias plan into full effect.

I am not certain what the action of the House will mean with regard to prospects for additional Contra aid. It seems clear that further military aid will be very hard to get.

Nevertheless, given the record of duplicity established by the Sandinistas, including their history of pre-vote promises and post-vote repression, I am still persuaded that continuing aid to the Contras is our only hope of making the Arias plan more than a shattered dream and a memorial to the betrayal of Central American democracy.

I have listened to the wishes of the other democratic Presidents in Central America, and I wish them well. But unfortunately they do not have the muscle to back it up. We are the only country that does. Down there you have some people fighting desperately for the freedom of their country, fighting the fight that in time could well be our own.

I do not want to see American boys down there. I do not want to see American soldiers or American Marines. But here we have someone fighting for freedom, trying to stop us from having a Communist-dominated satellite of the Russians on this hemisphere, people who have the express purpose of exporting that revolution. We ought to be trying to stop it while we can.

I yield the balance of my time.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President. I would like to yield 15 minutes to the distinguished Senator from Colorado, Senator ARMSTRONG.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. I am grateful to my colleague for yielding to me.

Mr. President, when a handful of pathetic survivors came limping out of Hitler's death camps they looked in the eye the leaders of Western nations and asked a question for which there was no answer satisfactory to conscience. They said: "Where were you when Hitler was establishing these camps?"

Is it because we did not know what was going on in Europe? No, we knew. We were told. Our predecessors in this body had every reason to know; had ample evidence of what was transpiring in Germany and Eastern Europe. But they pretended that they did not. They refused to look full in the eye the evil that was occurring there and so they let it happen.

Fifteen years ago last week in Paris, more or less the same thing happened. We pretended that the result of the Paris Peace Accord would be a fair and just peace in Southeast Asia when we knew or had reason to know that nothing of the kind in fact was likely to result; that the probable result would be death and deprivation; would be the consolidation, perhaps for many, many years to come, of a brutal dictatorship; that the result would be millions of refugees and untold human suffering. But we let it happen.

Mr. President, one of the enduring features of human nature is an unwillingness to look seriously at the developments which we find unsettling, at things which are unpleasant, at issues and circumstances and trends which provoke our conscience and call upon us to do something which we do not want to do or which are controversial or which put a burden on us.

Mr. President, there is another tradition in America. There have been moments, the Paris Peace Accords I think are a classic example—the conduct of our foreign policy in the 1930's are an even worse example. But there is another trend in the thought life of our country, to which I would appeal today and which I join with my colleague from Texas and my colleague from Arizona in appealing to within this body. It is the tradition that where men and women stand to fight for human freedom, the spirit of America goes forward to help them.

I think this is a moment, Mr. President, not for a fancy talk or for great emotion, but for plain words. And I have about three very plain points that I want to make.

First of all, there is no truthfulness in the Communist government of Nicaragua. A great literary critic of the 19th century, John Ruskin, wrote:

> The essence of lying is in deception, not in words. A lie may beguile by silence, equivocation, or by the accent on a syllable, by a glance of the eyes, a particular significance to a sentence, and all of these kinds of lies are worse and baser by many degrees than a lie plainly worded.

Now, the fact of the matter is, Mr. President, that the Communist government in Nicaragua, while it is guilty of many other offenses, of crimes against humanity, is also guilty of lying and lying and lying and lying, day after day, since they have been in power and even before they came in power.

Mr. President, I send to the desk and ask unanimous consent that there appear in the RECORD immediately following my remarks a document prepared by the Republican Policy Committee under the heading "Sandinista Promises." It is a detailed listing of the promises that have been made by the Sandinista regime, by the Communists before they took power and since they have been in power.

They promised free expression, freedom of religion, a mixed economy, union rights, an independent nonaligned foreign policy, a minimum permanent military establishment and other generally accepted human rights principles; and they did not tell the truth on a one of these promises. They did not just make these promises once and then break them. They made them and broke them and made them and broke them and they have done it over and over again.

I send this to the desk and ask unanimous consent that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ARMSTRONG. Second, Mr. President, I want to just state plainly and for the record that it is a copout for somebody to come to this body and say: "I am for the freedom fighters; I am for the Contras; but I am just against this bill."

That is tantamount to saying that at a time, as the Senator from Texas has pointed out with great perspicacity, that the Soviet Union is spending hundreds of millions of dollars in economic and military support to the Communist government in Nicaragua that we are going to deny minimal aid to give those who are fighting for freedom something with which to defend themselves. That is a travesty, to make such a suggestion.

While I do not question the good faith of someone who makes such an argument, my own conscience compels me to say that is pure sophistry; nothing less. It is plainly a copout.

Mr. President, the third point I want to make is this, that a vote against this resolution is against the policy which

has been highly successful and which is working. President Reagan has made the pont in many ways and over a long period of time that the on-again/off-again nature of United States support for freedom fighters, for the democratic resistance in Nicaragua, has greatly complicated the problem of bringing peace with justice, peace with freedom, to Central America. And it is a fact.

We have been on both sides of the issue. For awhile we in fact supported the Sandinistas. Then we had aid to the Contras. We have cut off aid to the Contras. We have started it up.

It is no wonder, let me suggest, Mr. President, that the people of this country are confused about our policy and, indeed, every public opinion poll shows there is great confusion, not only about who is right but even about whose side the United States is on.

That is not surprising. But let me say that during this brief interlude during the last year or 2 when we have been faithfully supporting in word and deed and with modest amounts of humanitarian aid and military aid, the democratic resistance, they have mounted a very credible effort in the field, an effort which I believe is primarily responsible for what seems to be a growing willingness on the part of the Communist government of Nicaraguan to come to the bargaining table.

It is a policy which is working, which is achieving its intended effect.

Now, just as the fruit of that policy is about to mature, the other body, the House of Representatives, has said: No, we have had enough of that policy. It is time to switch signals again, pull the rug out from under the democratic resistance, stamp them out, cut off the aid, cut off the minimum military supplies they may need to defend themselves, even to cut off the humanitarian aid—although I guess there is floating around here someplace the notion under the right time and right circumstances, after all the political issues have been resolved, that we are going to send them some Care packages or something.

Mr. President, I will tell you that a vote against this resolution is a vote against a highly successful policy which is working. Mr. President, it is in my opinion a great misjudgment to listen to what the Central American Presidents and other leaders have said and conclude that it would be unwise to grant President Reagan's request as it is embodied here.

I have talked to some of these Central American leaders and I want to tell my colleagues something that many of them know but which we just need to talk plainly about. There are a lot of those leaders down there who are talking out of both sides of their mouths; who, for one reason or another, are either passive or only mildly enthusiastic about the notion of U.S. support for the democratic resistance.

Mr. President, I believe that at the bottom are two issues which are usually not spoken about but which we must speak about today.

The first is this: That a lot of that talk is for domestic political consumption. In fact, a number of the leaders have told me very frankly that is what it is. They said, "Do not pay any attention to what we have said; we do not really mean it. We hope you will continue to fund the democratic resistance."

The second is the insidious notion that if the Arias plan does not work, the United States will send in the 82d Airborne.

When I have been in Central America and talked to their leaders, I have made it plain that if they are banking on any such notion, they are making a mistake. I do not think the 82d Airborne will go down there, and I do not think it is very likely or possible that the American public will support such a development.

Yet I think many Senators know and have reason to know that is exactly the expectation of some of the leaders in that region.

Mr. President, the policy is working and if we continue, if we are faithful to it a bit longer, nor just another month or two or 6 months or maybe another year or 2—I do not know how long—I believe the result in the final analysis will be enough pressure on the Communist government to produce a reasoned and valid negotiated settlement that will entail not only a cease-fire but free elections, freedom of worship, a free economy, and all of the things that have been previously promised.

Having said that, let me say also that I do not know whether that is the Arias plan. I am not against the Arias plan, but I am not at all that impressed with the Arias plan because I remember the OAS peace plan of 1979. That was the plan which the Communist government, before they became the government, when they indeed were the insurgents, agreed to and in many ways that plan was actually more definitive and more responsible than the Arias plan. It was clearer and more specific.

And, in addition to that plan, it would have required the Sandinistas to forego the Soviet support which has really been the underpinning of the Communist government.

Then there was the San Jose peace plan which came out in 1982. That did not go anywhere.

Then there was the Contadora plan in 1983. We have not forgotten that. It is somewhere. It is still on the table. I do not know which table it is on, but it is still somebody's dream.

Then there was the Reagan-Wright plan and that lasted about a week, I guess.

Now we have the Arias plan.

I am not against what President Arias has proposed. I just do not think it has a chance of success, or at least a very slim chance, if we remove the military pressure which in my opinion has been a major contributing factor to bringing the Communist government to the bargaining table.

Mr. President, the opponents of Mr. Reagan's modest request have proven some things. They have proven, for example, that President Reagan may not get to address the country on nationwide television. I think that is a decision that the television networks are competent to make. I believe it was a bad judgment, a bad call, a bad mistake. I say that as one who is in that in real life.

In real life, I am an executive of a television station.

But they made that decision. I regret that they made that decision. They have the right to make it. It is their right to make that judgment. I believe that judgment will not be fortunate to those in the television industry who thought Jake and the Fat Man was more important that what the President had to say on this question of crucial national importance. But they had the right to do that.

The opponents of President Reagan's request have proven they can hotbox it in the House. I heard a bunch of bragging about how they bought radio announcements in swing districts and pressured vulnerable Members and turned enough of them around so that the thing went down by five or six votes. I guess a switch of four made a crucial difference. They have proven they can do that.

Mr. President, the opponents of President Reagan's request have proven they can tempt even the most senior Members and leaders of the Congress of the United States into a very personal confrontation. Make no mistake about it. That is what occurred last night in the House of Representatives.

Some of the most senior leaders of the other body decided this was going to be a test of will between them on a very personal basis with the President of the United States.

I do not say that on my own authority. I say that based upon talking to Members of the Congress, to Members of the House, who just said that is the way it was put to them. It was put to them, "You will have another chance to vote for Contra aid, but this time we have to show that we are going to back the Speaker. We are not going to back Ronald Reagan."

All right, they have proven that. But it does not change the fact. The fact of the matter is that a vote against this resolution, against a modest amount of further aid for the democratic resistance, is, in fact, a vote to scuttle a policy which is successful, which is working, and which holds promise for the future.

Mr. President, we can talk at great length about the strategic implications, but I believe that every Senator tonight knows that what is happening is much to the strategic disadvantage of the United States. We can talk about what effect it has on the credibility of our Nation's foreign policy when we encourage people to go out into the jungle to fight for their freedom and say, "We are with you, we will back you," and then pull the rug out from under them. We all know what that means for our credibility in the Middle East, in Afghanistan, in Asia, the United Nations, and everywhere.

Mr. President, we can talk about the heartbreak for the refugees. There have been so many already and there will be so many more if the Contra movement collapses.

I would like to confide that upon reflection I do not think the democratic resistance is going to collapse, whether we pass this resolution or the House does. I do not think this issue is going to go away.

Mr. President, Victor Hugo wrote, "Greater than the tread of mighty armies is an idea whose time has come."

An idea has come in Central America, and that idea is not strategic, it is not credibility, it is not politics, it is not hotboxing Members of the House of Representatives. That idea is human freedom.

They may be able to stop Mr. Reagan from making an address to the Nation on the television, but I do not think they can quench human freedom that easily.

I believe and hope that we can send a message of humanitarian and military assistance. I believe freedom will fight on. I believe human freedom will prevail in Nicaragua.

EXHIBIT 1

SANDINISTA PROMISES

(By William L. Armstrong, Chairman)

There is hardly a promise on human rights and fundamental liberties that the Sandinistas have not made, and hardly one that they've kept.

This paper is a review of the extensive promises made by the Sandinistas from the days before they rode into Managua in 1979 up to the current round of promises they have made in 1987/1988.

THE ORIGINAL PROMISES

On June 17, 1979, while Anastasio Somoza was still in power, a Sandinista-dominated Nicaraguan Government of National Reconstruction (GRN) was formed in San Jose, Costa Rica. Of the five GRN members, three of them, including Daniel Ortega, were members of the Sandinista National Liberation Front (FSLN). (The non-Sandinista members were Violeta Chamorro, now editor of the opposition newspaper La Prensa, and Alfonso Robelo, now a member of the seven-man Directorate of the Nicaraguan Resistance—the Contras.)

On June 18, the GRN held a press conference in which they pledged their government's program would be "truly democratic," with respect for "fundamental liberties," including: free expression; freedom of religion; a mixed economy; union rights; an independent non-aligned foreign policy; a minimum permanent military establishment; and other generally accepted principles.

These pledges were instrumental in the action of the Organization of American States (OAS), which, with the support of the United States, adopted a resolution on June 23, 1979, calling for the replacement of the Somoza regime with a democratic government "which reflects the free will of the people of Nicaragua;" would guarantee the "human rights of all Nicaraguans without exception;" and, would hold "free elections as soon as possible," leading to "the establishment of a truly democratic government that guarantees peace, freedom, and justice."

On July 12, after active negotiation with representatives of the Carter Administration and the OAS, the GRN sent a letter to the OAS, citing the OAS June 23 resolution and promising free elections. Attached to the GRN letter were two other documents:

A "Plan to Achieve Peace," which detailed a step-by-step measure for the peaceful resignation of the Somoza government and the takeover by the GRN.

A formal "Program of the Nicaraguan National Reconstruction Junta," dated July 9, in which the GRN spelled out in specific detail its June 18 pledges.

Taken together, the documents submitted to the OAS on July 12—the letter, the peace plan, and the GRN program—constituted a comprehensive program of democratic guarantees. They included:

The structure of the new government, featuring a 33-member legislative Council of State representing "all the political, economic, and social sectors that helped overthrow the Somoza dictatorship;"

A guarantee of full human rights observance as set forth in the United Nations Universal Declaration of Human Rights and in the Charter on Human Rights of the OAS;

Freedom of press, religion, unions;

Private enterprise in a mixed economy;

A non-aligned foreign policy;

A new national army with only a "minimum" permanent military establishment;

A guarantee of the lives and rights of members of the National Guard; and

Many other guarantees of fundamental liberties.

On the basis of these comprehensive guarantees, on July 15 the Carter Administration and the OAS approved final transfer of power from Somoza to the GRN. Somoza submitted his resignation to the Nicaraguan Congress on July 16 and left the country the next day. On July 17 the Carter State Department noted the Somoza resignation and announced:

"From the beginning of the violence that has set Nicaraguans against each other, the Organization of American States and its member nations, including the United States, have worked to facilitate a peaceful and democratic solution to the civil strife in Nicaragua. . . .

"A caretaker government is in place to begin the process of national reconciliation. A Government of National Reconciliation, formed initially in exile, will assume power. . . . It has pledged to avoid reprisals, to provide sanctuary for those in fear, to begin immediately the immense task of national reconstruction, and to respect human rights and hold free elections."

On July 17 and 18 National Guard resistance ended. The Sandinista-led anti-Somoza forces entered Managua on July 19. On July 20 the GRN was installed and had the opportunity to act upon their previous promises and commitments. Particularly astonishing is the speed with which the Sandinistas moved to violate them.

Promise: That the lives of National Guard officers and soldiers would be respected, that they would not be subject to revenge or indiscriminate reprisals. Those guilty of crimes will be dealt with within the legal framework. [from the July 12 GRN promises to the OAS]

Performance: "After the 1979 revolutionary victory hundreds of prisoners, mostly members of the National Guard or supporters of the former regime, disappeared after capture and were later found dead. Of the dead, many were found in mass graves, as in the case of the prisoners in La Pólvora, . . . the former headquarters of the National Guard in the town of Granada. . . . [O]n October 3, 1979, José Estebán González of the CPDH [the independent Permanent Commission on Human Rights], traveled with several witnesses to the site and discovered human bones and remnants of clothing in a covered-over ditch.

"Similar reports led to the discovery of another site in La Arrocera, near Lake Nicaragua, where several more bodies were found. At the bottom of the crater of the Santiago volcano, near Managua, ten to fifteen bodies were sighted. Thirteen more were discovered in a mass grave in Catarine, a small town near Masaya. Approximately two hundred were found in a deep well near Leon.

"How many people were killed in this manner? Estimates based on names of prisoners who were captured and then declared missing or dead vary. The CPDH has documented the disappearance and most likely death of 785 persons who were captured by Sandinista authorities from July 1979 through September 1980 . . ." [Humberto Belli "Breaking Faith," The Puebla Institute, 1985, p. 120]

Promise: After the replacement of the Somoza regime, remnants of the National Guard and of the Sandinista armed forces would be formed into a new, non-political national army. This army would maintain a "minimum" permanent establishment. [from the July 12 GRN promises to the OAS]

Performance: The new national army was never formed. The Sandinista army continued to function as a Party armed force and in September 1979 was officially named the Popular Sandinista Army (EPS). In the so-called "72 Hour Document" of September 1979, a long-term program of the top FSLN leadership, the determination was made to create "an army politicized to an unprecedented degree." [from the document text, quoted in Shirley Christian "Nicaragua, Revolution in the Family," p. 151.] Already in October 1979, Interior Minister Comandante Tomas Borge stated the Sandinistas' intention to arm a militia of 300,000 men (other descriptions of Sandinista intentions refer to 200,000). This compares to a July 1979 force of no more than 7,500; Somoza's National Guard had fewer than 15,000, including support troops. During this period

there were no Contras, and the United States, under the Carter Administration, was the Sandinistas' biggest aid donor. By the end of 1987, regular Sandinista army forces numbered 80,000, plus some 40,000 militia. According to the revelations of Major Roger Miranda (confirmed by Defense Minister Comandante Humberto Ortega), the Sandinistas plan a total military and para-military force of 600,000 by the mid-1990s.

Promise: "An independent, non-aligned foreign policy will be followed which will link our country with all nations that respect self-determination and fair, mutually-beneficial economic relations." [from the July GRN promises to the OAS]

Performance:

The first Cuban military and security advisers entered Managua within a week of July 19, the day Sandinista forces entered the capital, possibly as early as the first day; by November there were two hundred of them. Assistance from Panama, which had provided major help to the Sandinistas in overthrowing Somoza, was rejected.

On July 21, the day after the GRN was installed, representatives from two Salvadoran communist guerrilla factions were in Managua to discuss military cooperation and assistance; these two factions joined with three others in May 1980, under Cuban and Sandinista auspices, in what became the Farabundo Martí National Liberation Front (FMLN).

On July 25, prominent junta members traveled to Havana to help Fidel Castro celebrate the anniversary of the beginning of his revolutionary movement. On July 27, Nicaragua and Cuba reestablished diplomatic relations, and within weeks relations were established with other Soviet bloc countries.

In eary August, Comandante Henry Ruiz travelled to the USSR, Bulgaria, Libya, and Algeria to conclude aid agreements.

By the end of August, hundreds of Nicaraguan children were being sent to Cuba for political indoctrination.

In September 1979, at a speech in Havana, Comandante Daniel Ortega gave a speech condemning U.S. "imperialism" and joining the Soviet Union in support for Vietnam, the Vietnamese puppet regime in Cambodia, other Marxist countries and political movements, and the Palestine Liberation Organization (PLO).

In eary 1980, Nicaragua abstained from a United Nations General Assembly vote condemning the Soviet invasion of Afghanistan, even though the vast majority of officially "nonaligned" nations voted for the resolution.

In March 1980, the Sandinistas established Party-to-Party ties with the Communist Party of the Soviet Union. In mid-1981, Defense Minister Comandante Humberto Ortega declared Marxism-Leninism the "scientific doctrine" that guides the Sandinista revolution; as of 1984, eight of the nine Sandinista comandantes had directly acknowledged their Marxist-Leninist convictions (the ninth, Henry Ruiz, was sent, on a Cuban passport, to Moscow's Patrice Lamumba University as a youth cadre of the Moscow-line Nicaraguan Socialist Party in 1966 but was obliged to leave due to his excessive views in favor of guerrilla warfare in Latin America).

In late 1981, Sandinista-controlled media were told to take a line against the "counterrevolutionary" Solidarity movement in Poland and only to report "facts" confirmed by the Soviet and Cuban press agencies.

When Leonid Brezhnev died in 1982, Sandinista media praised him and the Soviet Union for their "peace" policies.

The Sandinistas abstained from a U.N. vote in 1982 demanding Soviet withdrawal from Afghanistan and abstained from a 1983 vote condemning the shooting down of Korean Airlines 007 by the Soviets. By 1986, the Sandinistas' voting record in the United Nations was more anti-American than the voting records of Iran, the USSR, and all of the East European countries with the sole exception of Albania. Judged by U.N. voting record, the Warsaw Pact is more pro-American than Nicaragua is.

Promise: The legislative Council of State established by the GRN would have 33 members representing the broad spectrum of Nicaraguan society, such as political parties (including the Sandinistas), labor unions, business groups, the national university, and the national clergymens' association. [from the July 12 promises to the OAS, Program of the GRN]

Performance: In mid-April 1980, the Sandinistas issued a decree enlarging the Council of State from 33 to 47 members with a structure guaranteeing the FSLN and FSLN-controlled organizations a majority. The two non-communist members of the GRN Violeta Chamorro and Alfonso Robelo, resigned in protest.

Promise: Guarantees of free expression, religion, association, unions, press, private enterprise, etc. [from July 12 GRN promises to the OAS]

Performance:

Within a week of taking power, the Sandinistas nationalized banking and foreign trade; this meant that producers of major export commodities like coffee, sugar, cotton, etc., would have to sell to the government, giving the Sandinistas great control over hard currency and reinvestment in Nicaragua. Insurance and mining were nationalized in October and November 1979.

Businesses labeled "Somocista" were widely confiscated in the first weeks after July 19 with loose regard to whether the former owners had been close to Somoza or not; these included about one-fourth of cultivated land, about 130 industries and businesses, houses, estates, and vehicles.

A new Sandinista-controlled labor federation was created, which also seized many businesses; the Sandinista labor federation also attacked the non-Marxist unions as "counterrevolutionaries, thieves, and imperialist" and attacked their organizers. Strikes were banned thoughout the country on September 9, 1981.

In late July 1979 the Sandinistas confiscated one of the country's two daily newspapers (the other being La Prensa; a pro-Sandinista third newspaper began operation later) plus all television stations and most radio stations.

In December 1979 a private entrepreneur with a strong anti-Somoza record was refused permission to open a new, independent television station by Daniel Ortega, who stated that television in Nicaragua would belong to the people, not to "Millionaires of the bourgeoisie."

In April 1980, a radio newsman was sentenced to six months imprisonment for broadcasts "detrimental to the revolution," though no law making this a crime yet existed.

After anti-Cuban and anti-Sandinista demonstrations in the Atlantic Coast region in September 1980, La Prensa was order to not print any news from the region without government approval.

On September 10, 1980, the Sandinistas issued Decrees 511 and 512 making it a crime to publish any information that (in the opinion of Comandante Tomás Borge's Interior Ministry) "jeopardizes the internal security of the country," including information on shortages in staple products or which might bring about price speculation. Temporary closings of La Prensa began on July 8, 1981; full prior censorship was instituted in March 1982.

On July 31, 1979, the Nicaraguan Catholic bishops issued a pastoral letter welcoming the overthrow of Somoza and praising the new "spirit of freedom." Another pastoral letter on November 17 commented favorably on socialism if it were to be "an economic system planned with national interests in mind that is in solidarity with and provides for increased participation of the people." [Belli, "Breaking Faith," p. 149-150] Despite the supportive attitude of religious leaders, however, in mid-1980 the Sandinistas began to attack the bishops as "the Church of the rich." "The campaign escalated from initially mild criticism ('the bishops are too conservative, too fearful of opening themselves up to collaboration with Marxism') to a full-fledged attack ('the bishops are the voice of the bourgeoisie, have fallen into the hands of Reagan's policies, are vain, authoritarian, and counterrevolutionaries: enemies of the people')." [Belli. "Christians Under Fire." p. 40]

Meanwhile, the Saninistas promoted the Liberation Theology-oriented "Peoples Church," giving it a virtual monopoly of religious programming on the increasingly Sandinista-controlled media.

Overt repression began in July 1981, when the Sandinistas banned broadcast of the mass of the Archbishop of Managua. Restrictions were placed on broadcasting by the Church's "Radio Catolica" and on La-Prensa's coverage of Church activities. Physical attacks on churchmen began in November 1981 with an attack on Bishop Pablo Vega by a Sandinista mob.

Concurrent with the suppression of independent social activity, the Sandinistas began to build their party-controlled social apparatus. In July and August 1979, the Sandinistas created the Sandinista Defense Committees (CDS's), modelled on Cuba's "Block Committees," as a means of social surveillance and control.

The CDS's work closely with the Interior Ministry's security police, which began to function in late 1979 with unofficial detention centers.

The FSLN also founded new women's, peasants, and youth organization, and even an organization for small children called the "Carlitos" (after FSLN founder Carlos Fonseca) patterned after the Soviet Union's "Young Pioneers;" other FSLN politicized associations were founded for artists and writers, teachers, newsmen, etc.

Finally, in February 1981, the first Sandinista controlled mobs (turbas divinas, "divine mobs"), used by the Interior Ministry to attack Sandinista opponents, made their appearance.

Promise: The July 12 GRN promises to the OAS included a pledge to hold democratic elections. The OAS resolution of June 23, 1979, specifies that these be held "as soon as possible."

Performance: For over a year the Sandinistas stalled democratic elements in the GRN with the excuse that elections were not a "priority" compared to the literacy campaign, housing, health care, etc. Finally, in August 1980 Defense Minister Commandante Humberto Ortega announced that elections would be held in 1985, with the electoral process not to begin before January 1985. In addition, Ortega pointed out that in the FSLN's view "elections shall be to strengthen revolutionary power, not to raffle it off, for power is in the hands of the people through its vanguard, the Sandinista National Liberation Front and its national directorate [i.e., the nine comandantes]."

"Elections" were finally held in November 1984 (earlier than the announced 1985 date), with most democratic parties boycotting rigged procedures and campaign restrictions. Fidel Castro was the only head of state to attend Daniel Ortega's inauguration in early 1985.

DENYING RIGHTS, BUT MAKING MORE PROMISES

Throughout this early period while the Sandinistas were busy abandoning their July 1979 promises, they were also making new ones, promising the same rights and freedoms.

On August 21, 1979, the Sandinistas formally enacted (Decree 52) their Statute on the Rights and Guarantees of Nicaraguans, a "Bill of Rights," covering the standard internationally-accepted individual, civil, political, economic, cultural, social, and other rights.

On September 25, 1979, the Sandinistas ratified the American Convention on Human Rights.

On March 12, 1980, they ratified the United Nations International Covenant on Civil and Political Rights, along with its Optional Protocol.

Aside from the unofficial violations of rights guarantees that started at the beginning of Sandinista rule, the FSLN has also officially suspended many of these guarantees:

The first major abridgement (Decree 812) was the "Law of State of Economic and Social Emergency," issued September 9, 1981, before any significant Contra activity. The effective period was to be one year.

Following the first major Contra action on March 14, 1982, the Sandinistas enacted (Decree 996) "The National Emergency Law" on March 15. This suspended virtual'y all rights specified in Decree 52 (the "Bill of Rights" of August 1979). The effective period was to have been one month but was repeatedly extended.

During the 1984 "elections," many of the restrictions under the 1982 State of Emergency were technically lifted (but key provisions, such as those relating to censorship, remained in force). But on October 15, 1985, Daniel Ortega ordered a new and expanded state of emergency, reimposing many of the 1982 rights suspensions.

THE MIDDLE YEARS—MORE PROMISES

All of the facts cited so far show that the Sandinistas made very extensive promises at the beginning of their rule as a means to achieve power and then they set about abandoning each and every promise as quickly as possible.

But the Sandinistas did not stop there. Incredibly, in the years that followed, they continued to make many of the same promises over and over again.

Three years after the 1979 promises for a mixed economy had been made and then broken, President Daniel Ortega was promising greater freedom for businessmen in Nicaragua. On February 15, 1982, Nicaraguan President Daniel Ortega promised his government would increase benefits available to businessmen who would work in the Sandinista drive to reinvigorate their recession ridden economy. President Ortega confirmed reports that the government released three businessmen, jailed the previous fall after signing a communique by a business council charging the leftist Sandinista government with "a definite Marxist-Leninist tendency." The government commuted the sentences of Superior Business Council President Enrique Dreyfus, Gilberto Cuadra of the National Confederation of Professionals, and Benjamin Lanza, president of the Nicaraguan Construction Council. [UPI, Jan. 15, 1982]

Five years after the 1979 promises to respect freedom of expression, Daniel Ortega (on July 19, 1984) was again promising that political parties would be allowed to hold meetings and that freedom of expression would be guaranteed. However, speaking at a rally in Managua marking the revolution's fifth anniversary, Mr. Ortega reaffirmed that there will continue to be pre-censorship of any report "that affects our country's defenses against American military power." [The Economist, July 28, 1984]

Five years after the 1979 promises of civil liberties, of press freedoms, and of free unions, Daniel Ortega was again promising (on August 7, 1984) to relax press censorship, restore the right to strike, and allow people to petition the courts for release from jail. The Sandinistas' announcement came the same day that the opposition newspaper La Prensa did not publish because government censors rejected stories about political violence and other events related to the pending presidential elections held November 4. [Christian Science Monitor, Aug. 8, 1984]

Five years after the 1979 promises for freedom of religion, a mixed economy, and free unions, Daniel Ortega was promising (in early November of 1984) to have a national dialogue with the regime's critics in the Roman Catholic church, the private sector, and the non-Sandinista trade unions. Such an exchange of views would allow all sides to help work out a constitution which the newly-elected assembly is to draft by 1987. [The Economist, Nov. 10, 1984]

Five years after the 1979 promises for religous freedom, in December 1984, Nicaraguan church spokesman Msgr. Bismarck Carballo said that President Ortega promised to exempt seminarians from the draft. However, at a meeting of church and government representatives last week, government officials argued that the students were not actually seminarians and would be eligible for military service. [Los Angeles Times, Sept. 6, 1985]

Six years after the 1979 promises for a mixed economy and political freedoms, on January 27, 1985, Nicaraguan Ambassador Carlos Tunnermann said the perception by Democrats in the U.S. of a worsening situation in his country is not correct. Ambassador Tunnermann explained that President Daniel Ortega had promised a broad amnesty program, continued mixed economy and political pluralism in a recent speech. The ambassador added that reports of draft resistance and monetary speculation are isolated cases. [The Washington Post, Jan. 28, 1985]

Six years after the 1979 promises to follow an independent, nonaligned foreign policy—promises which were ignored from day one—on February 28, 1985, the Sandinistas promised to send home 100 Cuban military advisers, and to refrain for an indefinite period from acquiring new weapons systems, including sophisticated interceptor aircraft. [The Washington Post, Mar. 1, 1985]

Six years after the 1979 promises of political pluralism and civil liberties, on April 20, 1985, Brooklyn Rivera, a leader of the Miskito Indian rebels, said that during six months of talks with Nicaraguan officials, President Ortega had expressed eagerness to end the conflict with the Miskitos; had promised to release 50 Indians jailed in Nicaragua; and, had pledged land and a broad degree of political autonomy for the Miskitos. [The New York Times, Apr. 21, 1985]

Eight years after the 1979 promises to respect fundamental liberties, on January 9, 1987, the Sandinistas enacted a new constitution containing all of the usual rights and guarantees, including right to strike, to privacy, and so forth. Several hours later, Daniel Ortega issued a new state of emergency suspending almost all the rights guarantees in the new constitution. [Washington Post, Jan. 10, 1987, p. A13]

THE CURRENT ROUND—MORE PROMISES

On August 7, 1987, in Guatemala City, Commandante Daniel Ortega joined the presidents of the four Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) in signing the peace plan authored by Costa Rican President Oscar Arias. The peace plan committed each country to institute democratic reforms—and Nicaragua was the only signatory country that was not already a democracy. The peace plan commitments, to have been achieved by November 5, 1987, included these important elements:

Amnesty for political opponents and dialogue with unarmed political opposition;

A cease-fire with "irregular and insurgent groups" (in the Nicaraguan context, this meant a cease-fire between the Sandinistas and the Contras);

Democratization, including: (a) complete freedom for television, radio and the press; (b) rights of potential parties to have access to media, to associate, and to proselytize; and (c) lifting states of emergency; and

Cessation of aid to irregular and insurgent forces in the other Central American countries and non-use of national territory by such forces (for the Sandinistas, this means primarily ceasing support for the communist FMLN guerrillas in El Salvador and not permitting them to continue to be headquartered in Nicaragua).

The Sandinistas had taken almost no action to comply with any of these provisions in time for the November 5 deadline (even though, for example, Guatemala and El Salvador instituted direct cease-fire negotiations with their guerrilla opponents in early October). As the November 5 deadline passed, Comandante Ortega issued new promises and measures represented as initial compliance with the peace plan terms. These gestures included:

The promise to begin indirect cease-fire talks with the Contras through an intermediary (Ortega had announced a unilateral cease-fire offer, essentially a demand for the Contras to surrender in three, later four, small zones, on September 30 [Christian Science Monitor, Oct. 2, 1987];

The release of approximately 1,000 political prisoners (out of a total of about 8,000 to 10,000; the Sandinistas still insisted they would not declare a general amnesty, as had the other Central American signatory countries); and

The promise to lift the state of emergency and restore civil liberties—just as soon as the United States ceases support for the Contras. (The only measures taken in this

area prior to November 5 were the reopening, around October 1, of La Prensa and "Radio Catolica.")

Again, the Sandinistas exhibited little willingness to meet the terms of the peace plan before the next milestone, the January 15-17 summit meeting originally intended as a final compliance review. Instead, Comandante Oretega began the review summit with a proposal to extend the peace plan deadline to permit the Sandinistas more time to begin implementation of the measures they failed to take by November 5 or even January 15. Instead, however, the democratic presidents refused to agree to an extension and demanded immediate Sandinistas compliance. Only when faced with the prospect of the peace plan's total collapse (and renewed Contra aid) did Comandante Ortega announce, on January 17, 1988, new steps [from Washington Post Jan. 18, 1988 p. A18]:

A formal lifting of the six-year-old state of emergency;

An agreement to begin direct cease-fire talks with the Contras; and

An amnesty of political prisoners (to take effect upon "the achievement of an effective cease-fire agreement . . . In addition, if no cease-fire agreement is reached, the government will set free all such persons if the government of the United States or any other non-Central American government decides to accept them in its territory. They can return to Nicaragua as soon as the war ends").

WHAT THEY WERE DOING WHILE MAKING THESE PROMISES

The effect of these "compliance" steps is still uncertain. However, the record of Sandinista performance on peace plan requirements after the August 7, 1987, signing does not encourage optimism:

On August 15, one week after the peace plan signing, the director of the independent Nicaraguan Permanent Commission on Human Rights, Lino Hernandez, and president of Nicaraguan Bar Association, Alberto Saborio, were arrested and sentenced to 30 days imprisonment during a peaceful demonstration by the coalition of Nicaraguan opposition groups. Sandinista security forces used attack dogs, night sticks, electric cattle prods, and government-organized mobs to suppress the demonstrators. [AP, Jan. 17, 1988]

On September 12, two Catholic priests who had been expelled by the government were allowed to return. However, 18 other priests remained outside the country after having been expelled by the Sandinista regime. [New York Times, Sept. 14, 1987 p.A3]

On October 1 and 2, respectively, the Sandinistas allowed La Prensa and "Radio Catolica" to resume operations without censorship. However, censorship decrees were not revoked and licenses were refused for other radio programs and an independent television station. Newspapers, television and radio stations confiscated by the government continued to operate as government or pro-Sandinista organs. [AP, Oct. 19, 22, 1987]

On October 22, members of the January 22 Mothers of Political Prisoners Movement were attacked by a Sandinista group during a peaceful vigil. Sandinista police did nothing to stop the attack. [AP, Oct. 22, 1987]

During October 1987, according to Sandinista defector Major Roger Miranda, the Sandinistas provided training to 15 Salvadoran communist FMLN guerrillas in the use of hand-carried surface-to-air missiles, such as the Soviet SA-7 and SA-15 and the U.S. REDEYE. This occurred two months after the Sandinistas had signed the peace plan requiring them to cease support for the FMLN. [Department of State]

On November 13, President Ortega announced an 11-point cease-fire proposal which called for the surrender of the Resistance—essentially a reworking of their September 30 unilateral cease-fire offer. The Sandinistas then refused to initiate an indirect dialogue with Resistance in Central America and refused to allow Resistance members to travel to Managua to deliver their cease-fire proposal personally. [Los Angeles Times, Nov. 13, 1987 Part I, p.1]

On November 17, 1987, the publisher of Nicaragua's sole opposition newspaper, La Prensa, strongly criticized Managua's Sandinista government and said the paper faced continual threat of closure. Violeta Chamorro, whose newspaper resumed publication in September after a 15-month government-imposed suspension, said President Ortega had broken promises to lift emergency powers that enable him to order the closing of the newspaper at any time. [Reuter's, Nov. 17, 1987]

On November 22, 985 political prisoners were released, leaving over 8,000 more in Nicaraguan jails. [Los Angeles Times, Nov. 23, 1987 Part I, p.1]

On December 3, and 4, the Sandinistas rejected a proposal for an interim truce put forward by Miguel Cardinal Obando y Bravo and rejected a Resistance cease-fire proposal. [AP, Dec. 5, 1987]

On December 13, in a speech to a labor group, President Ortega said that while the Sandinistas might give up the government, they would never give up power. [Reuter's, Dec. 15, 1987; New York Times, Dec. 14, 1987 p.A12]

On December 14, the Sandinistas cancelled the second round of cease-fire talks, which were scheduled to begin that day. [UPI, Dec. 14, 1987]

On December 15, the director of the independent Permanent Commission for Human Rights charged that the Sandinistas were flouting the peace plan provisions by continuing to shell civilians using Soviet-built equipment, holding thousands of political prisoners whom the Sandinistas exploit as slave labor, and stepping up mob attacks on the opposition. [Washington Times, Dec. 16, 1987 p. A6]

In December 1987, according to defector Major Roger Miranda, the Sandinistas offered the Salvadoran FMLN guerrillas 10,000 automatic assault rifles (including U.S.-made M-16s, presumably from Vietnam) from Nicaraguan Interior Ministry stocks. [State Department]

On January 5, fourteen opposition parties issued a joint statement accusing the Sandinistas of intransigence and not entering into dialogue with the opposition, as required by the peace plan. Representatives of other opposition groups criticized the Sandinistas for failing to grant amnesty to political prisoners, not stopping to aid insurgents, and not instituting democratic reforms. [Washington Times, Jan. 7, 1988 p. A1]

On January 15-16, 1988, the Sandinista state security police arrested four civilian opposition leaders (representing the Nicaraguan Bar Association, the Conservative Party, the Democratic Coordinating Group of the opposition, and the Social Christian Party) for participating in a public meeting with Contra leaders in Guatemala City earlier that week. The arrests came as Comandante Daniel Ortega was in Guatemala City for the regional peace plan review summit. According to a Sandinista Interior Ministry spokeswoman, Comandante Ortega was aware of the arrests. [Washington Post, Jan. 17, 1988 p. A28]

On January 22 (after the latest promises for peace plan compliance made by Daniel Ortega on January 17), Sandinista mobs attacked the offices of the Democratic Coordinator (a broad umbrella organization of opposition groups) and attacked the January 22 Mothers of Political Prisoners Movement during a peaceful demonstration held as a memorial of a massacre of protesters by the National Guard in 1967. Sandinista police did nothing to stop the attacks. [New York Times, Jan. 23, 1988 Sec. p. 5]

CONCLUSION

The Sandinistas have issued many promises since before they took power in Managua in July 1979—promises to the Nicaraguan people, to the other countries in the Western Hemisphere, to their immediate neighbors in Central America, to the United States, to the international community of nations. In this eight-year period it is difficult to find one promise they have fully kept.

The most recent round of Sandinista promises, made in the face of the January 1988 near collapse of the Central American peace plan, is no guarantee of freedom in Nicaragua or peace in the region. The Sandinistas have yet to weaken their hold over Nicaraguan society in any way that could not be immediately reversed as soon as the Contras were abandoned. Presently, there is no evidence that Nicaragua has ceased support to Salvadoran FMLN and other insurgent groups. There is no evidence that the Sandinista regime has altered its policy of implementing a Marxist, state-controlled economy while giving lip service to the goal of a mixed economy and pluralistic society. There is no reason to think that free expression will be respected or that all political prisoners will be released. There is no evidence that Sandinista dependency on Moscow, Havana, and the rest of the socialist bloc has lessened.

In short, there is no reason to think that, absent pressure from the Nicaraguan opposition, the Sandinistas will live up to these latest promises any better than the others they have made—and violated.

Mr. PELL. Mr. President, I yield 8 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 8 minutes.

Mr. HEFLIN. Mr. President, as my colleagues are no doubt aware, last night the House of Representatives voted down the President's request for additional assistance for the freedom fighters of Nicaragua. As a strong supporter of the Contras, I was disappointed that the House voted against the President's request of aid to the Contras. I believe the Contras should be assisted in their fight for freedom, and for liberty in Nicaragua.

Because of the House vote, many now wonder what the future holds for the freedom fighters of Nicaragua. The compromise that was reached last December during the budget process guaranteed a Senate vote on the President's request for assistance to the Contras. But in light of the House vote, the effect of today's vote is unclear. While many may view the Senate vote as an exercise in futility, as beating a dead horse, I disagree. I believe the Senate has a great opportunity to send a strong message to Daniel Ortega, to the Sandinistas, and to the Soviet Union that the Contras have not been abandoned. I believe the Senate has a deep responsibility to show Daniel Ortega, Fidel Castro, and the Kremlin that the U.S. Senate and the people of America will not tolerate the communization of Central America. In the upcoming vote, I hope the U.S. Senate will tell the world that America will not stand for a Soviet military buildup in Central America. I hope the Senate will today show Daniel Ortega, Fidel Castro, and the Soviet Union that we will be watching their every move. And I hope the Senate will today show the Contras that their fight is not in vain—that they have not been abandoned by the American people—and that some of us stand behind them in their fight for freedom, their fight against dictatorship, and their fight against communism in Central America.

During the last few days, many arguments have been lodged against aid to the Contras. I suppose the argument I have heard most often is, "Give peace a chance. Let the Arias peace proposal run its course. Let's see if Ortega's promises of democratic reform are sincere." This question of Ortega's sincerity must be asked—and answered—in the minds of all. And I believe the answer to Ortega's sincerity lies in the past.

From the past, it is clear that Ortega has already had his chance for peace and democracy. And from the past it is clear that Ortega and the Sandinistas ignored their chances for peace and democracy.

If my colleagues will remember, in 1979 the Sandinistas promised that they wanted a democracy in Nicaragua. Daniel Ortega came to Washington, met with Members of Congress and, as my distinguished colleague from South Carolina [Senator HOLLINGS] said yesterday, Ortega said, "he wanted the same democracy in Nicaragua that we wanted in the United States: free elections, freedom of the press, freedom of religion." So in 1979 and 1980, over my objections, Congress gave him a chance. Congress voted the Sandinistas about $115 million dollars in assistance—a proposal that I voted against. In 1980, Congress even added Nicaragua to a "list of faithful countries to be supported by the United States against external subversion and 'terrorism' "—another proposal I opposed. I didn't trust Daniel Ortega then, and I don't trust him now.

What did Ortega and the Sandinistas do with their chance for freedom and their opportunity for democracy? In 1980 they announced that elections would not occur until 1985. Also in 1980 they started to assist leftist guerrillas in El Salvador—which was, incidentally, another country on our list of faithful nations to be supported by the United States against external subversion and terrorism. In 1979 the Sandinistas started receiving military and economic aid from the Soviets which now totals over $4 billion.

What did the Sandinistas do with their chance for peace and freedom in Nicaragua and Central America? Nothing! And this was at a time when they received U.S. assistance.

Why, when the Sandinistas ignored this chance in the past, do my colleagues believe they are sincere today? Why, in light of their past broken promises, do my colleagues believe the Sandinistas are sincere in their support for the Arias peace plan today?

I believe that it is clear the Sandinistas are not sincere. But out of fairness to my colleagues, let us look at the Sandinistas' commitment to the peace proposal at hand.

The Sandinistas had months, I repeat months, to comply with the terms of the Arias peace proposal, and yet only begrudgingly resorted to limited compliance in the last few weeks. The Arias peace proposal calls for a demilitarization in Central America, and yet the Sandinistas have new plans for a 600,000-man army to be equipped with Soviet assistance. The terms of the Arias peace plan calls for an end to the assistance of insurgents in other nations and yet the Sandinistas persist in aiding the leftist guerrillas in El Salvador and elsewhere. The Arias peace plan calls for the liberty of political prisoners and yet the Sandinistas hold thousands of political prisoners in their jails. The Arias peace plan calls for democratization, and yet the Sandinistas have announced that, even if they ever were to hold elections and lose, they will not surrender power in government. The Arias peace plan calls for freedom for opposition groups to meet and yet the Sandinistas break up opposition demonstrations with troops. The Arias peace plan calls for freedom of speech, and freedom of the press, and, although the Sandinistas have allowed token opposition newspapers and radio stations to operate, this does not constitute freedom of the press and freedom of speech.

Have the Sandinistas really demonstrated a commitment to the Arias peace plan? I say they have not!

In this debate, opponents of Contra aid have urged the undecided Members of Congress to give the Central American peace proposal a fair chance by withholding additional aid to the Contras until such time as the diplomatic efforts are exhausted. As I said the day before yesterday, Members of Congress have been urged to wait and see what happens, wait and see if the Sandinistas hold up their part of the bargain, wait and see if they implement democratic reforms, wait and see if the Sandinistas, themselves, suspend aid to guerrillas in El Salvador, Honduras, Guatemala, Costa Rica, and Ecuador. A "wait and see" period without aid will weaken the Contras, reversing all advances they have made. A prolonged "wait and see" period will destroy the resistance movement, and will doom with it all hopes for democratic reform and freedom in Nicaragua.

In my judgment, this vote offers the Senate the choice between peace with freedom in Central America, or temporary peace at the cost of freedom. In my mind, the conflict in Nicaragua between the Sandinistas and the Contras extends beyond the realm of a civil war. The conflict is a clash between the United States and the Soviet Union, it is a battle between democracy and communism, it is a fight between freedom and dictatorship.

Therefore, I believe that it would be disastrous to suspend aid to the Contras. Indeed, I contend that the only hope for peace with freedom in Nicaragua and in Central America is to continue to provide both military and humanitarian aid to the Contras. We must not sacrifice freedom for short-term, short-lived peace in Central America.

Now is not the time for the diplomatic peace process. Historically, diplomatic efforts have been pursued either from a position of strength, or because there was no hope for success. For slightly over a year, the Contras have benefited from uninterrupted aid. Therefore, in light of the recent peace proposal, I must ask this question: Are the Contras in a position of strength or capitulation?

It is doubtful that they are in either position.

Rather, it appears that, while the Contras could not immediately pose a serious threat to Daniel Ortega and the Sandinista regime, they are not likely to disband either. Indeed, the Contras are gaining support, are growing stronger, and offer opposition that is troublesome to the totalitarian Marxist government the Sandinistas have established in Nicaragua. Therefore, the Sandinistas have sought to relieve some of this pressure by agreeing to the Arias peace plan, agreeing to limited reforms, and taking some steps, for show at least, designed to convince sympathizers that the Sandinistas are committed to democratization. But let us not fool ourselves into thinking that the ultimate goals of the Sandinistas are nothing less than a Communist dictatorship and a "hatchery of revolution" for surrounding countries.

In 1938, with hopes for peace, the leader of Western democracy took at face value the assurance of a dictator bent on dominating the world. He returned home proclaiming victory. "I believe it is peace in our time," he announced. That peace led to the bloodiest world war in the history of the world. Let us learn from the mistakes of the past. Let us learn to put our trust in deeds, not words. Let us learn to read the writing on the wall, and let us not confuse our hopes with what is written in plain sight.

The United States cannot abandon the Contras for the flimsy words and shallow promises of Daniel Ortega. When the Sandinistas assumed power, they made promises of democratic reforms. For these false promises, the Sandinistas actually received approximately $100 million in financial assistance from the United States—from the taxpayers of America—assistance I strongly objected to and voted against. Yet, today, more than 9 years after the Sandinista came to power, these promises remain unfulfilled. The citizens of Nicaragua are not allowed to choose their own representatives in government. Citizens who have dared to stand against Daniel Ortega have been imprisoned and murdered. Oppression was even evident immediately following Ortega's announcement that democratic reforms had been instituted and that the state of emergency had been lifted.

Yet, as long as the Sandinistas are opposed in some manner, they will not be able to consolidate power and turn Nicaragua into another Cuba. And eventually they will be forced to make some reforms. As the freedom-fighters gain in strength, the Sandinistas will be forced to grant more liberties and expand reforms, or face the political consequences. Therefore, for peace, for freedom, and for our own national security, we must provide U.S. assistance to the freedom-fighters of Nicaragua, and I intend to continue in this battle for aid.

While I feel that current diplomatic efforts which would attempt to resolve the conflicts and establish freedom in Central America should be encouraged, we must not abandon the Contras for unsubstantiated promises and mere hopes of progress. The needs, aims, and goals of the United States and the citizens of America should be tantamount in the minds of all members of Congress. In my opinion, any compromise or effort would not achieve our national goals unless it contained three criteria, which, in my judgement, must be integral parts of any peace plan for it to be acceptable to the United States.

First, the freedom of the Nicaraguan people must not be sacrificed for short-term peace. The cost for such a peace would be too high.

Second, any peace must contain provisions which will end all Soviet and Cuban influence in Nicaragua, and in Central America.

Finally, any Central American peace plan must provide for democracy, free elections, and freedom of the press and freedom of speech in Nicaragua. In my judgment, the opening of token opposition newspapers and radio stations does not constitute freedom of the press.

If any peace were to be implemented without accomplishing each of these aims, the national goals of the United States, and of our freedom-loving allies both in the Western Hemisphere and throughout the world, would be severely compromised. Therefore, I believe that the United States must take all action to ensure that these goals are met. Providing additional assistance to the Contras carries the hopes of achieving these goals. Therefore, assistance should be approved.

During the last 25 years, the Soviet Union has become increasingly involved in the politics of Central and South America and the Caribbean. In 1960, the Soviets had diplomatic relations with only 5 countries in the Western Hemisphere. Today, the Soviets enjoy full diplomatic relations with 16 countries, and Cuba is regarded by the Soviets as a major asset in their military strategy.

Cuba is only 90 miles from the Florida coast and the Soviets have armed Cuba to the teeth. It is the location of the most sophisticated intelligence gathering facility outside the territory of the Soviet Union. The Soviets have equipped the Cubans with almost 1,000 tanks, hundreds of advanced jet fighters and armed helicopters, bombers, various frigates, submarines, torpedo-equipped patrol boats and, more recently, amphibious landing ships, various sophisticated surface to air missiles, and anti-aircraft weapons. Thus, the armed forces of Cuba are the largest in Latin America—larger even than Brazil's, which has a population that is 12 times greater than Cuba.

There is no doubt that Cuba has been active in spreading revolution throughout our neighboring countries in Central and South America. The Soviet Union uses Cuba to do its dirty work—spreading the seeds of dissent, and distributing arms to guerrillas so that the Kremlin is not viewed as a participant in these terrorist activities. Cuba was instrumental in providing Maurice Bishop, the Prime Minister of Granada, with weapons. Cuba was also instrumental in helping the Sandinistas overthrow the Somoza regime in Nicaragua. Cuba has provided aid to the guerrillas seeking to overthrow the government in El Salvador and elsewhere. The United States cannot afford to allow the Soviets to have another foothold like Cuba in the Western Hemisphere.

However, this has already begun in Nicaragua. After the Sandinistas seized power, both the Kremlin and Castro began to provide Daniel Ortega with arms and with military advisors. Today, there are reportedly about 4,500 Cuban personnel in Nicaragua. These include military/security advisors, troops, civilian intelligence gatherers, other civilian advisors, and teachers who are constantly spreading the propoganda of communism through the schools of Nicaragua. Additionally, there are approximately 200 Soviet and Eastern bloc advisors, roughly 50 of whom are from Russia, and the remainder from countries such as East Germany, Czechoslovakia, Bulgaria, and elsewhere.

The weapons that have been provided by the Soviets to the Sandinistas are formidable—especially in comparison to the Contras. Nicaragua has approximately 150 tanks, and about 250 other armored vehicles. They have roughly 50 military helicopters, 10 of which are the advanced M1 24/25 HIND type, and many of the others are the Soviet HIP type, which are comparable to our own Huey helicopters. The Nicaraguan Air Force has recently been growing in size. In addition to the MIGs they have requested and I understand plan to receive in the next few years, they have already received several of the Soviet AN-26 transport planes, some of which have been equipped with bomb racks, as well as various other planes. Additionally, their airbases have been upgraded and they have completed three runways which are capable of accommodating jet aircraft of any size. The Nicaraguan Navy has also been greatly improved with Soviet help. They have a total of about 30 ships, not counting their fishing boats which are, in effect, armed trawlers. Of the fleet of 30 naval ships, approximately 20 are patrol boats, six are mine sweepers, and they have other antisubmarine warfare (ASW) ships. I might add that Nicaragua is the only nation in Central America that has these ASW ships and mine sweepers. The Sandinistas also have about 400 SA-7, SA-14, and SA-16 surface-to-air missile launchers, and about 300 mobile radar-equipped antiaircraft guns. With regard to field artillery, the Nicaraguans have about 120 guns of over 100 millimeters, almost 300 AT-2 and AT-3 Swagger antitank missiles, more than 35 of the Soviet BM-21 rocket launchers, and various other missiles which can be infantry held or helicopter mounted. This is by far the largest arsenal of field artillery held by any Central American country. Furthermore, according to DOD estimates, the Sandinistas have an army of approximately 80,000 regular troops, plus about 120,000 militia. This, Mr. Presi-

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dent, is a formidable and well-armed force in Central America.

In contrast, the Contras have mustered an army of about 15,000 troops. Their weapons are scant. They have planes, but these are old and often undependable.

Many of my colleagues may argue that the Sandinista military buildup is certainly within their rights as a nation. However, I cannot stress too strongly that, in my judgment, this is not a Nicaraguan military buildup. Rather, this is a Soviet military buildup in the Western Hemisphere. Since 1979, the Soviets and Warsaw Pact Nations have provided the Sandinistas with an alarming $2.3 billion in military supplies and over $4 billion in total aid. In contrast, the United States has provided the Contras with only approximately $244 million from 1981 to 1987.

Opponents of Contra aid may argue that the Sandinistas have been forced to receive Soviet assistance because of the United States assistance to the Contras, and the threat the Contras offer. However, from approximately November 8, 1984, until September 30, 1985, Congress appropriated no aid to the Contras while the Sandinistas received a total of $730 million in military and economic assistance from the Soviet Union and Eastern European nations.

Many of my colleagues question the wisdom of providing aid to the Contras. This is certainly their prerogative. Yet, Mr. President, I believe that we must continue to provide aid to the Contras—military and otherwise. We must confront the Soviet build-up in South and Central America. Nicaragua is often viewed as some far-away place, which poses no threat to the United States. This may be the opinion of individuals in the northern regions of our country, but as the good people of Alabama are aware, Nicaragua is closer to Mobile, AL, than Chicago is. I believe that we have a choice of either aiding the Contras now, or being faced with the prospect of sending American troops into that region at some point in the future. And nobody wishes to see that happen.

Supplying the Contras with arms and other assistance accomplishes many goals.

First, it challenges the Soviet and Cuban military buildup in Central America, in our own backyard. The United States must send a strong message to the Soviets, and to the world, that revolutionary tactics which attempt to undermine the security and peace of free nations in the Western Hemisphere will not be tolerated, and will be challenged. I believe that we sent this message when the United States, at the request of various Caribbean nations, expelled the Soviet controlled Communist element from Grenada. And I believe that we must send this message again by providing aid for the Contras, who are fighting against communism and dictatorship in Nicaragua.

A second, and equally important reason for supplying aid to the Contras, is that, if we allow it, Nicaragua would be an ideal stronghold for Soviet expansion. Unlike Cuba, which is isolated by water, Nicaragua is of enormous strategic importance. The Panama Canal is within striking distance, and Nicaragua is well suited for transporting revolution throughout Latin America. Indeed, evidence has demonstrated that Nicaragua has already provided aid to guerrillas in El Salvador, in Honduras, in Guatemala, in Ecuador, and in Costa Rica. Despite the provisions of the Arias peace plan, Nicaragua continued to provide aid to leftist guerrillas.

Are we to sit idly by as the Sandinistas, the Cubans and the Soviets work to undermine the governments of Panama and Mexico, as well? I voice a resounding "No." As long as we bolster the Contras and help them to fight against communism, for freedom and democracy, the Soviets and Cubans cannot complete their revolution in Nicaragua. They cannot complete the process of turning Nicaragua into a Soviet "hatchery for revolution," an incubator of dissent and training ground for guerrillas to overthrow freedom-loving and democratic-minded countries in Central America and throughout South America.

A third reason I consider aid to the Contras as essential is that the pressure the Contras place on the Ortega administration in Nicaragua demands concessions, and will, hopefully, ultimately result in freedom for the Nicaraguan people. The Sandinistas seek to eliminate all opposition. They have attempted to accomplish this goal at all costs, murdering and imprisoning hundreds and thousands of dissenters. If they are allowed to eradicate their opponents, there will never be any prospect for freedom in Nicaragua—only tyranny and dictatorship. By aiding the Contras, we further the hope of freedom loving people for democracy in Nicaragua.

Mr. President, I was a member of the committee investigating the sale of arms to Iran, and the diversion of funds to the Contras which completed its hearings last year. Although the hearings were criticized by many as an attempt to subvert the President's foreign policy in Central America, I must disagree.

I have no doubt but that the hearings helped to educate the American people of the important concerns and issues our Nation faces in Central America. More people understand the struggle the Contras have made, and they realize the dedication and determination with which the Contras oppose dictatorship and communism in Nicaragua. They realize the dire threat posed by an increased Soviet influence in Central America. Furthermore, the American people were afforded a glimpse of those who fight for freedom in Nicaragua that they, otherwise, would not have seen. Adolpho Calero, who was the leader of the Contras, testified before the committee, and provided his first-hand assessment of the situation in Nicaragua.

And I must emphasize that the hearings were not an effort to subvert the administration's policy in Nicaragua. As I have already indicated, I am personally supportive of the Contras and believe that we must provide aid to the Contras, military and otherwise. My record will show that I have voted with the President every time this issue has been brought before Congress. I believe, and among the members of the Committee, I was not alone in this view, that the aid the administration has requested through the years is but a small price to pay to keep the dangerous threat of communism and the Soviet and Cuban influence at bay in the Western Hemisphere.

Mr. President, many decades ago, Nicaragua was the subject of a heated debate which occurred in the United States Senate. The central focus of the debate was whether the United States should approve funding of a canal that would be built through Nicaragua. There are many similarities between that debate and the discussions we now face relative to aiding the Contras. Then, as now, the influence of a foreign country was a major concern. Then, as now, opponents of the plan claimed that the expense was too high—the cost would not justify the results. Then, as now, there were allegations of fraud, bribery, and profiteering. Yet, in February 1891, the Senator from my home state of Alabama, a man named John Tyler Morgan, who served in this body for 30 years, and whose portrait now hangs on the third floor of the Capitol, just outside the Senate Library, spoke these words which are, ironically, as accurate today as they were nearly 100 years ago.

> "We believe, sir," he said, "that the time has now arrived for action on the part of the Senate and the Congress of the United States, and that unless we act this matter will drift out of our control; that we shall no longer have an opportunity to gain power or control over it hereafter . . ."

Mr. President, unless we provide adequate funding for the Contras, the Soviets will surely establish another stronghold in the Western Hemisphere. Unless we act now, this matter will surely drift from our control. The consequences we risk are frightening, indeed. We risk the threat to the national security of the United States of America, and the threat to the freedom of peoples throughout the Western Hemisphere. I believe that we must aid the Contras. We must renew our fight against dictatorship and communism throughout the world. I hope that my colleagues will join me in this battle and will support further aid to the Contras.

Mr. President, as I said earlier, I strongly support the plan for aid to the Contras. I do so feeling that it is inadequate, but, nevertheless, that it is sufficient to keep the Contra movement alive.

In order to address the Nicaraguan situation, let me go to another side of the world, to Afghanistan.

An interesting observation and statistic has come out of the Russian invasion of Afghanistan. There have been more Russian casualties in Afghanistan than in all the wars, police actions, battles, or skirmishes that have occurred since World War II relative to Russian military personnel.

That is a rather astounding figure when you realize that Korea has occurred, Vietnam has occurred, in Poland there have been many instances of insurrection. But what does it mean? It means that the Russians have had a plan of action by which they have used the troops of other nations to accomplish their goals.

If you will look and follow what has occurred with Russia and the spread of Marxism and communism, it is not always the same but is basically the same, you will see that there has been a modus operandi, as the police call it. It occurs time and time again, and it is, therefore, predictable for the future.

First, they pick out a country that is ripe for a revolution, where there have been atrocities, deprivation of human rights, dictatorships, and many, many other elements that we all are familiar with. That country which is ripe for a revolution, where poverty prevails, where the wealth is concentrated in a few hands, is picked out. Then they go in and they begin to identify the dissidents and train them in revolutionary activities, teaching them the tactics of guerrilla warfare, then supplying the arms and the military supplies and they overthrow the existing government.

Then they go in and they set up a government. That government then becomes an incubator of dissent in surrounding countries. It then becomes a hatchery for revolution in the surrounding countries. It then becomes an arsenal for weapons to be used in revolutions of surrounding countries. Then it becomes a school for the takeover.

This practice has been followed time and time again. It was followed in Cuba. But generally speaking they have not been able to use Cuba as a base for the hatchery of revolution to other countries because it was isolated, since it was an island. But we have in Central America, in Nicaragua, the same modus operandi that has occurred. The Soviets are starting a base with which to accomplish their goals.

Is there anyone who would believe that the Sandinista government is not going to continue to take military aid and other forms of aid from Cuba, from the Eastern bloc countries, and Russia? I just do not believe that anybody believes that.

Now, let us also see what else they have done in Nicaragua. Military advisers. There are reports of various amounts, but look at it. We know that there are at least 3,000 military advisers.

We look to the school system in Nicaragua. Cubans and others have gone into the school system. They are teaching their ideology in the school system and also training them in military subjects.

Now, they are not down there for the purpose of teaching those students how to play tiddlywinks. They are there for a purpose and the modus operandi follows. They are down there to spread revolution and communism, to isolate America.

I do not think the Contras are in great strength—I have seen figures, maybe at most 17,000—but they are at least keeping the Sandinista government occupied and prevented it from pursuing its goal of trying to consolidate power and then create a hatchery of revolution for other countries.

Other Central American countries may now be ripe for revolution. There is abundant povery that exists in Panama. There is abundant poverty that exists in Mexico and all of the surrounding countries. I do not want to have to send American toops down there; we still have the lingering memories of the Vietnam war, but we must keep the Sandinista government occupied. Thus, it is in America's interests to support the Contras. This is the reason why we ought to look at it not so much from the viewpoint of what it is doing in that country but from a viewpoint of what it means to America 5 years from now, 10 years from now, 20 years from now.

We all want peace. We want the peace process to work. But does anybody feel that the Contras are strong enough to negotiate peace at this time? Does anybody believe that the Contras are strong enough to further freedom at this time?

We look at what aid has been supplied to both the Contras and the Sandinistas. Over $4 billion has gone from Russia and Cuba and other Soviet block countries to the Sandinistas. Our total humanitarian and military aid for the Contras amounts to $245 million—probably only a very small percentage in comparison to the Russians if you make the mathematical calculations.

If you are going to have a peace process, then No. 1, the Contras have to be in a position to be a formidable threat to the Sandinistas. They are not in that condition today. If we have a peace, I wonder how long it will last? Does anyone really feel that the placing of 4 billion dollars' worth of aid in Nicaragua is going to be wasted by the Russians? I do not feel the American people realize what is going on down there. This vote is an opportunity to bring it to their attention. Again, I urge my colleagues to support this request for aid to the Contras.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I yield 10 minutes to the Senator from Minnesota, Mr. DURENBERGER.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. DURENBERGER. Mr. President, I rise today to oppose the request for aid to the Nicaraguan resistance. Last night the House of Representatives voted the package down 219 to 211. The Senate vote on this resolution lacks real meaning and clearly has no force, and for that reason I earlier opposed the motion to proceed. Although the Senate may send an approved aid request back to the House, it will not be acted upon. It is now quite clear, Mr. President, that further United States aid to the Contras will come only when this Congress decides that funding a militarized attack on the Sandinistas is the only way to free the Nicaraguan people.

So today I will vote against this aid request, not because I trust Daniel Ortega and his comandantes. I do not. I will vote no today because I believe the aid package the President has proposed will continue the weakening of the United States national security interests in Central America and will not further the goal of peace with justice in the region.

I agree with my colleagues that the Sandinistas continue to move toward totalitarianism. Their preference for Soviet-style people's democracy over genuine democracy is clear and there is no doubt that Nicaragua has been subverting the fragile democracies in Central America. My colleague from Alabama referred to them appropriately as a "hatchery of communism."

I sat in the Senate Intelligence Committee chair long enough to know Central America's democracies cannot survive with a Marxist-Soviet/Cuban troublemaker in their midst. And I do not doubt that many of the FSLN leaders would like to continue to export their revolution. Ortega has threatened to send surface to air missiles to the antidemocratic guerrillas in El Salvador. These are clearly not the words of a mere socialist interested in domestic reform.

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But if Nicaragua is a security threat to Central America, and it is, the Contras are not the solution—they are part of the problem. Seven years of Contra war did not lead to the promises and concessions that 7 months of the Arias peace plan produced. What the Contras have done is provide the Sandinistas an excuse to fulfill their dictatorial tendencies. What continued funding at the $100 to $270 million a year level does is provide the Sandinistas an excuse not to negotiate an agreement.

What the peace plan has done is to force the Sandinistas into granting some of the basic freedoms they have withheld from their people for so long. Sandinista actions do not guarantee a democratic outcome—not by a long shot. But Ortega has taken steps that are controversial amongst the commandantes themselves. The divisions within the Sandinista directorate should be encouraged—and the best way to do that is to continue to press for democratization without providing the FSLN an excuse to halt the process.

None of us trust the Sandinistas to live up to their promises but the matter before us is not predicated on trust. I believe what we must do is test the Sandinistas—test their commitments and promises, test their intentions, and test their willingness to allow a political opening to expand. Testing simply means calling the Sandinistas' bluff or it may mean beginning a process that the Sandinistas cannot easily control or reverse.

While no one believes that $36 or even $136 million will enable the Contras to overthrow the Sandinistas, $36 million is clearly enough to provide the Sandinistas with an excuse to halt the limited reforms they have allowed. They have done it before. There is no reason they will not do it again. For too long our policy toward Central America has been based on yearly allotments of Contra aid approved by razor-thin margins. Such a policy cannot continue. It is propaganda not policy.

Supporters of Contra aid have long argued that there is no viable alternative to continued funding but that is not true. Last month I for one and others have done this—read them in the paper from knowledgeable political leaders in this country—last month I laid out an alternative set of directions for United States policy that we could pursue in order to gain our twin goals of democracy and peace in Central America. First, I wholeheartedly support the peace process. Unlike this series of plans laid out here by my colleague from Colorado earlier, this is the first since 1979 Central American Peace Plan. I so endorse it.

If the process is going to break down it should not break down because of what we do on the floor of the U.S. Senate. But if the peace process breaks down nobody should be able to doubt it was the fault of the Sandinistas.

We all agree that Nicaragua is the key to lasting peace in Central America. The United States could do much more to encourage democracy in Nicaragua. The Contra political leaders—genuine democrats like Alfonso Robelo and Alfredo Cesar—should return to Nicaragua and join with the peaceful internal opposition—that has been there from the beginning in much the same way as Ruben Zamora and Guillermo Ungo returned to El Salvador.

The United States should refocus its efforts from the armed opposition made up largely of peasants and farmers from the northern portions of Nicaragua to support for the internal opposition that has remained in Nicaragua and fought valiantly for democracy over the last decade.

Aiding the internal opposition does not simply mean providing money: it means diplomatic support and it means using the National Endowment for Democracy. This means using a variety of affiliated national and international institutes to their full capabilities. Instead of focusing on a false choice between the Contras and the Sandinistas, a choice between one army and another, and one police force and another, we should devote our energies to the peaceful "freedom fighters." We have virtually ignored the political parties that make up the democratic opposition. We never have them over to the White House. Administration spokesmen rarely mention the labor and business groups working for democracy inside Nicaragua. And I wonder if we actually care about the plight of the Miskito Indians and other Atlantic coast peoples. Brooklyn Rivera is now engaged in dialog with the Sandinistas—but he has been cut off from the U.S. assistance program because he would not submit his movement to dictates from the Yankees. U.S. policy should aim at aiding all democratic opponents of the Sandinistas—not just the Contra force created in 1981.

The United States does, as many of my colleagues have stated, have an obligation not to abandon the Contras to the Sandinista military machine. Since the program of paramilitary support for the Contras began, I raised the question behind the closed doors of the intelligence committee of what happens, if this Contra army disappears or is entrapped? What happens if we get a Bay of Pigs? We have moved way beyond the possibility of a Bay of Pigs. Now the problem is—and I raised these questions over the last 6 years—what happens if our policy goals change or the tactics for achieving those goals change? Our country has a poor track record of support for paramilitary operations—whether the Ukranians in the 1940's, Cubans in the 1960's, or Hmong in the 1970's.

Building a mercenary force carries a heavy obligation. When it is an indigenous paramilitary force engaged in counterrevolution, it's even more difficult because the goals and the objectives, Mr. President, are not necessarily synonymous.

Now we have to face up to the question I asked 6 years ago—what do we do with the thousands of Nicaraguans who have chosen to risk their lives to oppose the Sandinistas when we decide to support a political solution. If I thought the Contras were going to be at the mercy of the Sandinistas without this aid, I would take a different view. Wouldn't you wonder about the real strength of a guerrilla force which disappears without yearly infusions of U.S. aid.

The fact is that the Contras are not going to go away because of the House vote yesterday or the Senate vote today. The U.S. Senate does not know how many supplies are sitting in Honduras—but we know there are some. The U.S. Senate does not know how long the Contras air supply line can continue without U.S. aid—but we suspect for some time. And the U.S. Senate does not know how many Contras will be able to fight on inside Nicaragua by living off indigenous resources—but there are likely to be many.

In fact, I would say most of them—the indigenous sources—are going back to the farm. They are not going to Miami. We spent much of last year, Mr. President, trying to determine just how far our Government went in trying to get financial aid to the Contras. We still do not know the answer, though, to the political questions that drive the military aid requests. Can the Contras win? My colleague from Colorado says they are winning. What is winning? When? Well, he did not want to answer that question. Nobody wanted to answer that one for 6 years.

Who is going to decide the settlement terms with the Sandinistas? The Contra military? Some of the freedom fighters' civilian leaders, the President of the United States, the Congress, the American media, the next vote we have here?

Mr. President, I recognize that the United States has legitimate security interests that Nicaragua jeopardizes. We cannot allow Nicaragua to be a platform for Soviet weapons like jet fighters. We cannot allow Nicaragua to continue to subvert its democratic neighbors even though we tolerate both of these in Cuba. But the Contras are not the answer.

Further aid to the Contras only provides a rationale and an evasion for Daniel Ortega when he is faced with accusations about his support for guerrillas in neighboring states. As long as Honduras provides support for the destabilization of Nicaragua, the democratic case against Sandinista subversion is weakened. This is the essential truth recognized by the Arias peace plan.

As we vote today, I hope we will face up to the fact that our security interests in Central America will not be solved by providing more aid to the Contras. I urge my colleagues to reject this proposal. By giving the peace process time to work, we have a chance to build a real consensus about U.S. action in Central America. If the Sandinistas act as some predict they will in the next few months, that consensus may be for Contra aid later this year. And if the real pressure for democratization comes from Nicaragua's neighbors, that consensus may be to follow the course I have tried to sketch today.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mr. MITCHELL. Mr. President, I shall vote against the President's request for additional Contra aid.

The President's formal request for Contra aid states that the purpose of U.S. policy is "to advance democracy and security in Central America, and thereby to assist in brining a just and lasting peace to that region, in a manner compatible with the Guatemala peace accord" signed by the leaders of Central America last August.

But the Guatemala accord clearly requests that outside powers cease providing "military, logistical, financial or propagandistic aid" to irregular forces or insurgent movements. The accord calls the halt of aid to guerrilla groups "an essential requirement for achieving a stable and lasting peace in the region."

American policy cannot be "compatible with the Guatemala peace accord" if it directly violates that agreement.

In their San Jose declaration of January 17, the Presidents of Central America reaffirmed that the end of aid to irregular groups is "an indispensable condition" for a lasting peace in Central America.

It should be clearly stated, and clearly understood by the American people, that it is not simply Nicaragua's President Ortega who believes that additional Contra aid will harm the peace process.

The San Jose declaration was composed by the democratically elected presidents of El Salvador, Guatemala, Costa Rica, and Honduras—our friends and allies in the region. So there can be no mistaking the fact that the language and interpretation of the Guatemala accord—which President Reagan says he supports—directly contradict the President's request for aid before us.

From the beginning, American policy has been motivated in part by a desire to help the people of Central America realize peace and democracy. Well, now the Central Americans have come together for the first time to work on their own peace plan.

If we meant what we have been saying all these years we should be supporting the Central Americans, our friends and allies in their peace effort. We should not be undermining them in their effort. And yet, the President's request now before the Senate directly violates the peace accords which the President says he supports. And, therefore, by any standard of logic or analysis of our interpretation of this accord, the administration's proposal is contradictory to our stated policy objective.

President Reagan has portrayed his request as a modest insurance policy for peace. It is not. If extended over 18 months, it would equal the administration's original $270 million request. It would provide the Contras with a higher annual level of aid than ever before.

The request would triple current levels of militarily significant aid, in the form of helicopters, jeeps, communications gear and other equipment. The administration describes such equipment as nonlethal. That is a play on words. Helicopters and jeeps are equipment used in the waging of war.

Under the President's request, lethal aid, along with stockpiled weapons and ammunition, would be delivered after March 31 if the President certified that no cease-fire had been achieved.

But what greater incentive could the United States provide the Contras to refuse a cease-fire offer? The escrow provision would directly undermine efforts to reach peace in Nicaragua.

Yet the President says he supports the Guatemala accord and the peace process now unfolding in Central America.

Neither the President nor anyone else can have it both ways. Either we support the Contras and a military solution in Nicaragua, or we support the Guatemala accord and a peaceful solution in Central America.

This vote on continued Contra aid measures our support for the peace process.

It is a referendum on a policy that has failed for over half a decade.

When the administration first began organizing, training, and arming the Contras, the American people were told that the covert program was needed to stem the flow of Sandinista arms to other Central American countries. The reasons for supporting the Contras have ranged since then from ensuring free elections to making the Sandinistas cry "uncle."

But despite the shifting justifications and extravagant rhetoric, it has become clear to most Americans that the Contra's goal is the military overthrow of the government of Nicaragua.

The majority of the American people do not support that policy. Americans recognize that the United States has serious interests in Central America. But Americans do not accept that funding the Contras will best advance those interests.

And the American people are right.

Supporting the Contras has not—and cannot—advance the U.S. main policy objectives regarding Nicaragua: promoting regional security and advancing internal democracy.

The Contras have made Central America less stable and secure, as the Sandinistas turned to the Soviets for military assistance and the Contras set up camp in Honduras and Costa Rica. Nicaragua's neighbors worry, with reason, that fighting will spill across their borders.

The Contras have helped precipitate and justify Sandinista repression. When the CIA and Contras destroyed important Nicaraguan bridges in 1982, a national state of emergency was imposed. The October 1985 Contra aid vote was followed by renewal of the state of emergency and a further clampdown on internal dissent. After $100 million was voted for the Contras in 1986, the Sandinistas closed the opposition paper La Prensa.

The Contras represent an external, American-backed threat which the Sandinistas have used to excuse their egregious mismanagement of the economy, political repression, and violations of human rights.

All Americans agree that the ideal outcome is real democracy in Nicaragua and in every other nation across the globe.

But America does not promote democracy in Nicaragua by arming and legitimizing a military force still tainted by undemocratic remnants of the Somoza dictatorship. Democracy is not advanced by funding a force that targets civilians, schools, health clinics, and the economic infrastructure upon which the people of Nicaragua rely.

In Nicaragua, the means we have chosen are incompatible with our ends. And they have not worked.

It is time to try another route.

An alternative exists in the peace process set in motion by the Central American governments themselves.

It is an initiative that reflects the best of American diplomacy in the post-World War II era. Our Nation was instrumental in the founding of the United Nations. Until the Contra war, we supported the International Court of Justice. We worked with our neighboring nations to create the Organization of American States.

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We did so in the belief that the principles of international law, buttressed by negotiation, best serve our long-term interests and reflect the principles for which America stands.

The Guatemala accord is in this tradition. It is an effort to solve regional problems in a regional context. The Central American Presidents, supported by international opinion and sustained by regional pride, are willing to work and take risks to realize their common goal of a peaceful Central America.

It would be a tragic irony if our Nation, which has so often urged negotiation instead of violence, should prove unwilling to take the far lesser risks that the peace process involves for us.

The question is not whether the United States should ever use military force. We must be prepared, not just to give military assistance to our allies, but to employ force when our national interests are at stake. All recognize that such circumstances can and will arise.

The question is whether in these circumstances, in the case of Nicaragua, the Reagan administration's reliance on force—and virtual exclusion of diplomacy—best serves American interests. In judging the past 7 years, it is clear that force has not advance American interests. Change in Nicaragua has emerged from an alternative source.

The peace process is just that—a process. It is not a blueprint with each step clearly marked. Nor is it an instant solution to the region's complex economic, social, and political problems. Progress toward peace and democracy has far to go in every Central American country execpt the democracy of Costa Rica.

But with respect to Nicaragua, the peace process has one important fact in its favor: In 6 months it has done more to promote democracy and human rights in Nicaragua than have 7 years of the Contra war.

The peace process deserves the opportunity to be tested.

It is the peace process, not the Contra war, that has moved the Sandinistas toward easing repression inside Nicaragua.

In meeting their obligations under the Guatemala accord, the Sandinistas agreed to lift the state of emergency, grant amnesty to thousands of political prisoners, allow La Prensa and other press to operate without censorship, abolish the extrajudicial "people's tribunals," and negotiate directly with the Contras.

No one believes that these Sandinista concessions have changed the fundamental nature of that regime.

None of these actions is irreversible. The state of emergency can be reimposed; political prisoners can be rearrested; newspapers and radios can again be closed. There are no guarantees for future progress.

But continued funding of the Contras would virtually guarantee that progress would be set back.

It would provide greater incentives for increased Soviet aid to Nicaragua, at a time that the Soviets have indicated a desire to reduce their support.

It would send a clear signal to other Central American nations that the United States is unwilling to fully support their peace plan.

And it would very likely lead to a renewed clampdown inside Nicaragua. This is predictable. We don't need Daniel Ortega's warning that the Sandinistas won't abide by the Guatemala accord if we refuse to do so.

The Contras cannot guarantee democracy for the people of Nicaragua. They can guarantee more bloodshed and hardship.

This is why the United States should not continue on the failed path of the Contra war.

Within the context of the Guatemala accord, there is a role for Contra aid. Relocation aid to help Contra fighters and families resettle and integrate back into society is permitted under the terms of the accord. We have incurred, as one legacy of our failed policy, an obligation to help the Contras in their transition. But first there must be peace.

It is time to face the fact that the Guatemala accord has been more effective in advancing the causes of security and peace in Central America.

It is time for the United States to work in partnership with the governments of Central America, and support their efforts to solve their conflicts through diplomacy and negotiation.

The peaceful resolution of conflicts is a goal that the United States has done much to promote during past decades, and it is a goal that the American people support.

It is time to reaffirm America's commitment to peaceful change. This is the best way to address our legitimate concerns about democracy and security in Central America, and it is the most promising course available to us.

Mr. PELL. I thank my colleague.

Mr. McCAIN. I yield 6 minutes to my colleague from South Carolina and 8 minutes to my colleague from Washington.

The PRESIDING OFFICER. The Chair informs the Senator from Arizona that, under the agreement, he has 8 minutes remaining.

Mr. McCAIN. Then I yield 6 minutes to my colleague from South Carolina.

The PRESIDING OFFICER. The Senator is recognized for 6 minutes.

Mr. THURMOND. I thank the Senator.

I wish to express my appreciation to my colleagues, Senator Kassebaum and Senator Evans for their courtesy.

Mr. President, I rise in support of President Reagan's request to provide $36 million in aid to the democratic resistance in Nicaragua. The underlying issue is quite simply whether the U.S. Congress will assist in freeing an enslaved people, who are quite willing to fight for their freedom, or whether we will stand by as communism is consolidated first in Nicaragua and then spread throughout the region.

Mr. President, in 1979 the United States, along with members of the Organization of American States, withdrew official recognition of the Somoza government in return for a pledge from the Sandinistas to institute democratic reform in Nicaragua. The Somoza regime fell and the Sandinistas took control as we waited for democratic reform to take place. It is more than 8 years later and we are still awaiting democratic reform.

The sad truth of the matter is that there is no hope for democratic reform whatsoever in Nicaragua so long as the Sandinistas remain in power. There is also the danger that they pose to their neighbors because the Sandinista dictatorship has stated unequivocally that their Marxist revolution is a "revolution without borders."

Mr. President, there has been a geat deal of false information concerning the popularity of the counter revolutionary forces in Nicaragua. Opponents of aid to the Contras repeatedly make the claim that this is not a popular revolution. Nothing could be further from the truth. Let me compare the growth of the Sandinista movement over time to the growth of the Contra movement.

It took the Sandinistas more than 15 years to assemble a movement of between 5,000 and 7,000 soldiers. In less than 5 years the Contras have assembled nearly 20,000 soldiers. In fact, the Contra forces today exceed the total number of men in Somoza's National Guard, which in 1979 totaled only 14,000 men both active and reserve. This is clearly a popular revolt.

Mr. President, there are critics of support for the Contras who would have us believe there is no hope for success even if we support the Contras consistently. This is also untrue. We must remind ourselves that the Sandinista revolt took more than 15 years to succeed against a small National Guard force. The Contras face the largest and most powerful army in Central America. The Contras who have swelled in ranks to their current size are fighting against an active army of 75,000 Sandinista soldiers backed by another 60,000 reservists and militiamen.

There are those who keep saying give peace a chance. We gave peace a chance once before with the Sandinistas and it failed. More than 8 years

later they are making similar hollow promises to buy time.

"Give peace a chance" will go down in history with other great quotes, such as "peace in our time" and "peace with honor." We can have peace in Nicaragua by cutting off aid to the Contras. The problem is we will have peace without democracy. Let us give democracy a chance and then give peace a chance.

Since 1981, the Soviets and her allies have provided the Sandinistas with more than $4.5 billion in assistance. During this same time frame, we have provided the democratic resistance with about $225 million. This Congress has stood by and watched as the largest land army in Central America has been armed, equipped and trained by our adversaries.

Mr. President, the Sandinistas offer nothing but totalitarian despair to the people of Nicaragua. Their only hope is through the success of the Contra movement. It would do us all well to remember this history of our own country and be thankful that the French Government did not send Lafayette to our shores with only humanitarian aid, or the empty phrase, "Give peace a chance." We should also remember that it was the United States Congress which helped give peace a chance in South Vietnam. The South Vietnamese liked their peace so much millions of them fled the country while countless others died trying to flee. I urge all of my colleagues to support President Reagan.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THURMOND. I wish to thank the able manager of the bill for this time.

Mr. McCAIN. I thank the distinguished Senator for those very important words.

Mr. President, I request unanimous consent that I be allowed an additional hour from the minority leader's time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCAIN. Mr. President, I yield 8 minutes to my colleague from Washington, Senator Evans.

The PRESIDING OFFICER. The Senator from Washington is recognized for 8 minutes.

Mr. EVANS. I had an opportunity to speak yesterday on this subject, so I will not try to extend my remarks. I will, however, reiterate some of the things which I believe are important as we face this terribly difficult vote, difficult for all of us.

Since the time I arrived in the Senate, I have been an opponent of Contra aid because I felt that it simply would not do the job that its adherents suggested that it would.

Two years ago in a speech on the floor of the Senate, I said that it was time to embark on a comprehensive program in Central America, the guiding point of which ought to be that the Central Americans, themselves, would determine their own future. Long before the Arias peace plan, I believe I said that those for whom Spanish is the primary language ought to be the ones deciding on their own future.

I felt at that time and I still feel, that we as a nation, should have consistently offered the kind of economic aid called for by the Kissinger Commission to the four democracies in Central America.

We should be, as I hope we are, talking, through diplomatic channels, to the Soviet Union, telling them it was time to keep out of the Western Hemisphere.

I felt then that a combination of events could help isolate Nicaragua, that ideas would cross borders far faster than Contras, and that eventually we would see a change in Nicaragua from the inside.

Much has happened in the last 2 years; much has happened which I believe changes the circumstances. Economic aid has helped these fragile democracies, but continued insurgencies has made it terribly difficult to make very much progress in otherwise destitute lands.

More important, the leaders of all five Central America Countries have spoken. They did not say, "Let Nicaragua be". They did not say, "Isolate Nicaragua while the other four democracies go their own way." All of them, including the President of Nicaragua, said, "Democracy in all five lands, democracy now, not democracy tomorrow. Democracy under specific plans and very specific timetables."

I do not believe those who suggest that the Contra activity had no influence whatsoever in the movement, although reluctant, of the Sandinistas.

The Sandinistas were pushed. They were pushed into what they have done and what they have signed by the pressures they feel around them.

Now we are faced with this vote just as the House was faced with it last night. It seems to me this vote is going to be a loser, especially if it is the final word. It will be a loser regardless of its outcome, for all we are showing is our divisiveness: there was a very narrow margin against in the House and, regardless of which way it goes, it will be by a narrow margin tonight in the Senate. We need to show something more than this. We need to show our unity rather than our division.

I do not like the package the President sent to us. It is inadequate. It is aimed in the wrong direction. But it may be better than no package at all for a very important reason. This cannot be the final answer. We cannot simply walk away from Central America.

Tactically, I believe that a positive vote of the Senate will give us a better base from which to build the bipartisan package which is desperately needed.

A "no" vote in the Senate coupled with a "no" vote in the House will create huge apprehensions abroad, especially in Central America, during the next 10 days while we are in recess.

I, therefore, intend to vote in favor of this package tonight. Tomorrow morning I intend to start working with any and all of my colleagues and with the President and those in the State Department to craft a better policy, one that is bipartisan, one that brings unity, and one that combines executive and legislative concepts.

I think those elements, Mr. President, include placing whatever money we set aside in escrow for now. It should be a significantly larger amount than is in the current package and aimed primarily at economic and social benefits for Central America. We should base its release on the measurements the Central American Presidents have set forth explicitly in their peace plan. The release should be by quite explicit procedures, with the approval of Congress and the President. If the peace plan is adhered to the money should not go to just four nations that are now democracies but to all five nations of Central America.

Let Nicaragua join with the others in the economic and social rebuilding so desperately necessary.

Finally, we must have some statement in this bipartisan package to tell us and to tell others what we would do if peace fails. To do less would leave our friends in Central America, our friends in Costa Rica, Honduras, Guatemala and El Salvador, with no available response if the peace plan fails.

What would happen to them then? What would they do? What power do they have to insist on adherence to a peace plan if the Sandinistas simply ignore it?

These are some of the possible elements necessary for a successful plan. It is going to require something from all of us. It is going to take all of the goodwill we can bring together. It will take some new thinking and it will take the laying aside of old shibboleths that all of us have on this issue.

I call on all my colleagues to think anew, to talk, discuss, debate, negotiate, even argue with one another but do not give up until we find a better, bipartisan answer. One which can join Republican and Democrat, House and Senate and executive and legislature together in a plan that truly will bring a lasting peace to Central America.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Florida [Mr. GRAHAM].

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. GRAHAM. Thank you, Mr. President, and I thank Senator PELL.

I wish that we were not engaged in this debate today. I wish that the calendar had been such that this Congress would not have been called upon at this point in the sensitive negotiations in Central America to have made a decision which is going to be subject to interpretation by all sides in a way that is likely to misrepresent the real intentions of the U.S. Government and to be a negative force in achieving the goal that we all seek, which is peace in a region of vital importance to the United States.

But that decision is not available to us. We will vote. I shall vote in favor of the proposal which has been presented by the President because I believe that that best represents the process which will achieve the goal of the United States, which is to be a constructive force for peace in the region.

I define "peace" as more than just the absence of war. There are other areas of the world, some very close to us in our own hemisphere, such as Cuba, which could be defined as being at peace in the sense that there is the absence of war. But I believe that America stands for a value of peace that transcends the absence of a direct confrontation, that those values which were spelled out in our Declaration of Independence are the values that we want to have available universally and that our commitment to peace is a commitment to a peace in which human rights, democracy, the rights of individuals, are respected and that we cannot assume that we have achieved our global responsibility and be faithful to our principles as a nation by accepting a peace which is defined solely as the absence of confrontation.

The United States also has important security interests in this region, interests which are incompatible with the presence of a military initiative on behalf of and to the benefit of our principal global antagonist. I believe that the method to achieve a peace which meets our definition is best achieved through the continuation of the potential of military pressure. I wish it were not so.

I wish that purely through diplomacy our goals could be attained.

The history of the last 9 years in this region has not been that through diplomatic initiatives alone our goals of peace could be achieved.

I am pleased, Mr. President, to follow a very distinguished Member of this Senate and I think one of the great Americans of our generation, in the literal use of that term, Senator EVANS, and the remarks that he has just made because I believe that while it may be unfortunate that we are debating this issue today if it achieves the purpose of contributing to the development of a bipartisan coalition of American action in a region in which we have special interest, if it serves to bring the Congress and the White House together, if it serves to broaden the agenda of what U.S. interests are, if there is a criticism of the proposal that has been presented to us, it is so minuscule in relationship to the extent of our interest in this region as to be laughable.

Mr. CHILES. Mr. President, will the Senator yield on that point?

Mr. GRAHAM. I yield.

Mr. CHILES. I do not want to interrupt his train of thought, but I think he makes such a very valid point when he says what we are talking about in this package, lethal aid, and know that again has to be approved before it is going to be released, goodness, I cannot understand at this time that this is the wise signal that we are going to send that we are pulling the rug or that we lost our determination, that we are going to take away the ability to continue to apply the pressure.

Now, you know there was a meaningful debate that took place in earlier years as to whether this was a valid policy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Mr. President, I ask unanimous consent for an additional 3 minutes.

Mr. PELL. I yield an additional 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senators are recognized for 3 minutes.

Mr. CHILES. I thank the distinguished chairman.

To me history proves that the policy of applying pressure has worked and is working.

I just cannot believe that Mr. Ortega, out of the graciousness of his heart, is beginning to open up slowly some of the political process and religious process, press process down in that country. It is a little bit like George Washington sort of getting the message that, "Well, we know you may have Cornwallis sort of boxed in there, but we, the French, think it is time that we should not give you any lethal aid, so we are going to pull the string on you at this time."

Mr. GRAHAM. Mr. President, I concur in all of the implications of the message that we may be sending. What I see now as our responsibility is to tell those who share our values around the world, particularly in this region, not to despair; that out of this action of today may come the promise of a brighter tomorrow. And I will define that brighter tomorrow as including a continuation of those efforts that are necessary to achieve a genuine, lasting peace, a peace that Thomas Jefferson as well as Simon Bolivar will be proud to have as a representation of their legacy to the New World. It would also be a program which would lead toward the demilitarization of Central America.

Mr. CHILES. I think the Senator is so right. And if there was any reason that we felt—and some of us are concerned as to whether the administration is on board on the peace process as much as we would like to see them on board, some of us have that concern—but if there was any reason we felt the administration was dragging its feet, we do not have to give that final approval. But at least we would not be sending that signal that we are pulling the string now, that "Mr. Ortega, you have won. You can relax anything you were thinking about doing toward opening up the system of government in your country."

Mr. GRAHAM. And we would also need to recognize that there is a battle being fought against poverty and hopelessness and destitution and against an economic system that has deprived opportunity for many of the people of Central America. I would hope that that would be part of the message that we would send, that we are prepared to be a partner in a new day of opportunity and prosperity for our neighbor.

Mr. CHILES. I certainly concur in those remarks, as well.

Mr. GRAHAM. There are many good messages that we can send. Mr. President, I hope, as a consequence of this debate, that we will be that messenger and then we will be prepared tomorrow to begin to fulfill that message and give it reality.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator's time has expired.

Mr. McCAIN. Mr. President, I yield 8 minutes to my colleague from Kansas, Mrs. KASSEBAUM.

Mr. BYRD. Mr. President, if the distinguished Senator from Kansas will yield, I yield 1 hour to Mr. PELL for his further designation.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, even with the action of the House last night, the Senate vote on continued aid to the Nicaraguan resistance forces is a difficult one, at least certainly for some of us. Reasonable arguments can be made on both sides of this issue.

The peace process today is in a fragile phase. In recent weeks, the Sandinista government has made a series of steps to comply with the requirements of the Central American peace plan. While they have not fully met those requirements at this point, these steps,

if maintained, have improved the chances for peace.

Some will argue that any extension of aid to the resistance could be cause, either real or imagined, for the Government of Nicaragua to renege on promises they have made or even to withdraw from the peace process.

Others argue that the resistance forces have been a major reason for the Sandinistas to come to the negotiating table and that cutting off aid at this point would only weaken the chance for full and complete compliance with the peace plan.

Despite forceful debate, pro and con, both of these arguments have merit. Neither view can be dismissed casually.

I believe it is important to maintain the resistance forces as a credible presence in this effort, so that the Sandinistas cannot conclude that they are free to ignore the demands of the peace process. There was celebrating in Managua last night after the House vote. At the same time, I believe it is essential that we always make clear that our goal is peace, not a continuation of war. Our goal must be a sustainable policy not just a political issue.

Achieving these goals requires that we strike a delicate balance on the question of continued aid. I see no way that the resistance could remain a credible presence in the peace process if we terminate all aid at this time. I, therefore, support nonlethal humanitarian assistance. This type of aid is within the guidelines of the peace plan as the Nicaraguan Government itself has acknowledged.

The real difficulty, at this time, lies in the question of lethal aid, even the relatively small amount included in the President's request. Over the past 2 weeks, there have been a number of Senators who have discussed this issue with senior White House officials. We tried to make clear that any lethal aid should be held in escrow and released only after a vote by Congress.

As we all know, the proposal before us does not include this language. However, on Tuesday night the President took a step in this direction by agreeing to withhold all lethal aid if Congress objects. While this is not all that some of us had hoped for, I believe it is a good-faith effort to address the concern many have expressed.

As I have said, the choice before us is a difficult one. However, I believe the potential problems created by cutting off all aid are greater than the risks entailed in approving this package. I, therefore, support the President's request and will vote for the aid package this evening.

Mr. President, our vote today can be viewed as largely academic, as all of us know, and as Senator EVANS well stated earlier in debate. The House has rejected this request and is unlikely to give it further consideration. I am concerned that this may cause us to lose sight of the real objective and the very real need for a thoughtful and effective policy in Central America.

Our goal must be to make clear to all sides in this conflict that no unilateral victory is possible and that only negotiations can produce genuine peace in Central America.

I have long been concerned that our policy has been much more responsive to our own domestic politic debate than it has been to the concerns and events in the Central American region.

My concern has only sharpened over the past several months. Under the continuing resolution, we have provided for this one up-or-down vote on Contra aid under expedited procedures between now and July.

These provisions in the continuing resolution have set arbitrary and inflexible deadlines for considering what has become, since the Central American peace accord, a rapidly changing situation in Nicaragua.

We need an approach that meets the needs of the evolving diplomatic process.

I have recommended an alternative to the White House, as many have done, which I think meets these needs. My suggestion—and one I think has supporters in various forms, is to establish an escrow account which could be used for humanitarian, lethal, or relocation and economic rehabilitation aid between now and July 1988. The President could ask Congress for the release of this money in increments or all at once. But, Congress would approve by a vote any request the President made.

The intent of this package is to provide a more flexible framework to deal with the challenges of the diplomatic process in the region—and to provide this framework with bipartisan support.

Yesterday's vote in the House did not resolve the problems that we face in our policy toward Nicaragua and the Central American region. It only demonstrated the inadequacy of the procedures we have set up to deal with these very delicate and demanding problems. I stand ready to do what I can to meet the challenges that are before us.

I yield back, Mr. President, any time that I may still have remaining on the allocated time.

THE PRESIDING OFFICER. Who seeks recognition.

Mr. PELL. Mr. President, I yield to the Senator from Oklahoma, 7 minutes.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank my colleague from Rhode Island. Mr. President, I respect the sincerity of all of those who have spoken on both sides of this issue. I respect the sincerity and integrity of those who may come down on the other side of this issue from myself. But I feel compelled to share with my colleagues my own honest views about this matter.

Since I have been in the Senate, I do not know of any single issue that I felt was more important to the future of this country, on which we would be called to vote, than this one.

We are not talking about involvement of our national interest halfway around the globe; we are not talking about a situation in Asia or Africa or even in Europe. We are talking about our own vital, national interests, here in our own hemisphere.

Recently, I spent 9 days in the Central American region. I left from Tinker Air Force Base back in Oklahoma City on that particular inspection tour. I was in Central America more rapidly than I could have been in the Nation's Capital, as I made that flight.

I honestly and sincerely believe that the vote cast in the House of Representatives yesterday is one of the most tragic mistakes ever made by the Congress in the area of foreign policy. I hope that history proves me wrong. But I am willing to be judged by history, 5 years or 10 years from now, when I say that if that decision is not ultimately reversed, we are going to regret it for years to come.

Our Nation has been able to play a role in the world because we have been fortunate in not being threatened on our own borders or in our own hemisphere. We have not had to be concerned about our neighbors to the North or our neighbors to the South. We have, therefore, been in a position to lead the free world. We have been able to respond to problems, whether they were in the Persian Gulf, whether they were in Asia, whether they were a threat to the continued existence of great nations like Great Britain and other allies that were threatened during the period of World War II. We have been able to intervene and to help in recent crises in the Philippines and many other areas of the world. We could not exert that influence, we could not even begin to think about the influence we could exert through our alliances like the NATO alliance, if we had to be using our resources and dissipating our energies and our efforts to worry about our security in our own hemisphere.

Mr. President, without a doubt, if we allow the establishment of a permanent Communist base for subversion in our own hemisphere, and that is exactly what we are talking about, with the ability to have it based on the land mass which is contiguous with our own, we are ultimately going to endanger the security of this country, we are going to endanger the security of the next generation, and we are almost assuring that the next generation of Americans will have their own lives and their own interests threatened.

We are doing everything we can possibly do to increase the possibility that our young people in the future will someday be called into combat to protect our own interests in our own back yard.

Mr. President, to cut off Contra aid at this time would end all hope for success of the peace process in Central America and would give the Soviets a strong, permanent base for subversion in our own back yard. That was the unanimous view of a wide spectrum of Central American leaders with whom I had private talks during a recent fact-finding tour through the region.

I read in the newspapers that some of my colleagues said they were in the region and the leaders of the surrounding countries all told them that they felt that for us to continue to aid the Contras would undermine the peace process.

All I can say, Mr. President, without questioning anyone's honesty or integrity, is that I talked to people at the Foreign Minister, Defense Minister level, I talked to key Government officials, I talked to a wide spectrum of all sides of the political process, right and left, in the neighboring counties, and not one of them told me that. Not one of them.

Without exception they said to me, privately and personally—and I understand why they, perhaps, cannot say it publicly. Would you say publicly that you thought we ought to continue aid to the Contras if you were not sure we were going to do it? If you thought the House of Representatives might cut off the aid? If you thought you might be left there with hostile neighbors on your borders without the United States of America to even commit itself to come to your aid if you were attacked, as a neighboring democracy.

Mr. President, they said to me privately and personally: If you want the peace process to have a chance, go back and plead with your colleagues. Ask them to keep the pressure on. It is only because of the leverage, it is only because of the pressure that we have any chance to succeed.

The Sandinistas are willing to talk about democratic reforms only because of military pressure caused by recent Contra victories and by collapse of the Nicaraguan economy, with annual inflation of 13,000 percent.

The Contra military forces are able to move effectively through more than half the country. Sometimes we do not get that from our press reports. They were able to move thousands of soldiers over hundreds of miles within Nicaragua and still achieve total surprise in a recent major victory. This could not have happened without the support of the Nicaraguan people. We are helping and sheltering more than 15,000 freedom fighters inside the country.

Because the Sandinistas have lost so many helicopters in recent days, they no longer use them to dislodge the Contras when they occupy a town. Instead, they have resorted to indiscriminately bombing their own towns.

I was shown not by the CIA, not by our Government officials, but by an Associated Press photographer, pictures of unexploded bombs that the Sandinistas had dropped on their own towns because they were afraid to send in their own helicopters. That is exactly the same tactic that Samoza used. When we talk about human rights, how can you have any greater violation of human rights than the indiscriminate bombing of your own towns?

There is no mystery about the Sandinistas. They control their own people through a police state that gives food ration cards only to those who are politically loyal. In spite of their promises of democracy, they recently arrested several opposition political leaders just for meeting with the Contras, including the managing director of La Prensa newspaper.

There is evidence that their aim is the expansion of communism throughout Central America. We all know it. They have admitted to plans to expand their army to a force of 600,000, nearly 10 times the combined force of their neighbors. They have, in coordination with the Cubans and Soviets, supported Marxist guerrillas who are trying to overthrow democratically elected governments in El Salvador and Guatemala.

Mr. President, our eyes are open. We all know what they are. Who here is naive enough to stand up and say: I believe that people like that, out of the goodness of their hearts and concern for world opinion, will give up the power that they have unlawfully seized from their own people whom they control through a repressive police state? If anyone can tell me whenever in history that a repressive regime like that, particularly a Communist dedicated regime, has ever willingly shared power back with their own people through democratic reforms without some kind of pressure being brought to bear to force them to do it, I would like to know when it was.

I hope every one of my colleagues—this is not the time for playing politics—will ask themselves, do we want to pass on to the next generation that kind of problem in our own backyard?

We can avoid that by acting now to give the Nicaraguans the tools to fight for themselves, to give the peace process a chance. We must not remove the pressure on the Communist government.

I agree with columnist Charles Krauthammer, who wrote recently, "Congress votes next week on whether to save the Sandinistas by cutting off Contras. As of today, the odds are that it will."

Sadly, that was borne out by the House of Representatives.

"If the odds don't change, the United States will have managed the most extraordinary self-inflicted strategic surrender in memory."

Mr. President, the House has acted. The Senate has a chance to act symbolically. Let us take the chance to act symbolically so we can go on record that the Senate of the United States does not favor that kind of self-inflicted wound so we will have some chance when negotiations are renewed to build a stronger package and to ultimately do what all of us in conscience know we should be doing.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Arizona.

Mr. McCAIN. Mr. President, the statement the Senator has just given has presented the finest picture on Central America, presented by the distinguished chairman of the Intelligence Committee, a man who exemplifies the bipartisanship that should characterize this entire debate.

Mr. President, I yield 10 minutes to my colleague from California [Mr. WILSON].

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mr. WILSON. Mr. President, let me join in the commendation paid Senator Boren, the chairman of the Senate Intelligence Committee, by my junior colleague, the Senator from Arizona.

While I am admiring Democrats on the floor, and I admire many, let me say that I also join in the observation made with considerable eloquence earlier today by the senior Senator from Texas who, to paraphrase what he said, finds it bizarre that in a virtually parallel situation we have no doubt about the wisdom of spending many, many times more funds than the paltry sums that we supply to the Contras in order to support freedom fighters in Afghanistan.

The parallels are obvious. In both situations we have a Communist oppressor being resisted by freedom fighters seeking to take back their own land and to restore to it the kind of freedom that should be the birthright of all men everywhere but clearly is not.

There is, of course, a significant difference that the senior Senator from Texas spoke upon, and that is that Afghanistan is halfway around the world, whereas here on our doorstep, literally within walking distance, we have in Central America a war going on that has produced a flood of refugees who are literally able to walk to the United States.

Indeed, the junior Senator from Texas asked how many Senators would be willing to support a refugee assistance program that would impact his State of Texas, and mine, Mr. President.

It reminded me that the distinguished Senator from Oklahoma and I were part of the United States observer team 3 or 4 years ago watching the election in El Salvador that brought the election of President Duarte. As we stood really quite stunned by the spectacle of people standing in line for hours in the broiling sun, in some cases with sniper fire, in order to vote in the first free election in the history of that nation, I wanted to talk to those people. I wanted to ask them two questions.

I wanted to ask them first: did they have family in the United States? They did. "Si, hermano in Houston, hermano in San Diego."

They all said they had gotten out walking. It is possible through this land bridge, if you are sufficiently determined to come to the United States.

In fact, when they were trying to determine who in a nation of 5 million people in El Salvador could and would vote, they were stunned to discover that three-quarters of a million were missing, not through dealth squad activity but because they had left as refugees.

The second question I asked these people standing in line to vote, who certainly would have been a model to American voters who take so casually their franchise, was why it was so important for them to withstand sniper fire, heat, privation, to wait for hours to cast their vote. I got several answers, but the common thread through all of them was la paz. The hope was for peace. That was quite profound.

These were peasants, not lettered men and women, people who understood that somehow their best hope for peace lay in electing a government, in having a say as to who would provide them leadership because somehow they thought that that held the hope that that leader would be responsive.

Well, they are absolutely right. Mr. President, the only way that peace will come to Central America is if democracy comes to Nicaragua through free elections, not the sham we have seen that made Comandante Ortega a President Ortega. No one was deluded about that. It was not an open, honest, fair election in which competing parties did, in fact, compete. They did not.

Some years ago I went to Nicaragua, in August of 1983. I discovered I was the first U.S. Senator to travel to that nation during the tenure of our then ambassador, and he had been there 19 months. I had a meeting with then Comandante Ortega. For an hour I pressed him as to when Nicaragua, when the Sandinista regime, was going to permit the kind of free elections they had promised in their celebrated telegram to the Organization of American States when in July 1979 they desperately sought the support and assistance of all member states, which they received, by the way, not just from the Carter administration but from the Reagan administration, generous, financial support, until it was clear that they were not bringing democracy in place of an illegal dictator who deserved to be overthrown. But, in fact, as the widow of Chamorro has said, they have traded in Nicaragua one dictator for another, one oppressor for another.

Finally, after I pressed him for an hour, during which he evaded the question, going back to 1909 and the Sandino Fruit Company, he finally said, "Our revolution is too important. We will never sacrifice it. We will never do anything that jeopardizes our revolution."

I said, "You are telling me you are never going to have those free elections that you promised."

That was the end of our interview and they have never had the free elections. They have had the sham.

I must tell you, Mr. President, that for a long time I really held no hope that the Contras could be a sufficient military force, or really be more than an irritant. They have surprised me. Their military success, I will tell you, has surprised me. I still do not look to them to be able to overthrow the Sandinista regime. My God, the Sandinistas have been supplied with literally billions of dollars of sophisticated Soviet war equipment. We have given a paltry sum to the Contras, nothing compared to what we have given to the Afghan freedom fighters.

But somehow, because they do have the support of native pockets, because that economy is crumbling, because of the oppression by the Sandinista regime, the Contras have enjoyed success and the support of the indigenous population.

What they have done is to put the pressure on the Sandinistas; no less an authority than that freely elected President of El Salvador, Jose Napoleon Duarte, has said so in clearest terms, imploring the Senate on a prior Contra aid vote not to back away from our commitment but to bring to them the only kind of hope that the people of Central America really legitimately can entertain, and that is only will they enjoy peace if there is democracy in Nicaragua which is not going to come voluntarily through efforts of the Sandinista regime.

Now, let us cut through this. Mr. President, peace can come to Central America if democracy comes to Nicaragua. Democracy can come to Nicaragua very simply: if those in power are willing to lose power in an election, a free election. If they had sufficient confidence in their ability to appeal to the people, they would not fear that. But there has been no free election. If they want the Arias peace plan to work, let them comply with it. It is very simple. As President Arias himself said, there need not be more time for compliance. They have had 150 days. In truth, they have had since 1979.

Give negotiations a chance. Mr. President, we have given the Sandinistas every chance and only when they have been pressured by two things, by the military pressure of the Contras and by the pressure of the other Central American Presidents, have they made even the slightest move toward progress, toward genuine democratization.

Six hundred thousand men, we are told, will be under arms in that nation with billions of dollars of Soviet equipment. Why? To protect them from Costa Rica, from the grave threat from Honduras or El Salvador? It is absurd.

Let us go back in history to the first anniversary of the 1979 revolution when a series of speakers in Managua celebrated the revolution and said, "It is not enough that we have a Sandinista Nicaragua. We will not rest until there is also a Sandinista Costa Rica, a Sandinista El Salvador, a Sandinista Guatemala, a Sandinista Honduras."

They were not talking about positive persuasion. They are engaged in subversion. And were we to turn away for good, that subversion would ripen into overt aggression against the fledgling democracies that are the neighbors of Nicaragua.

Mr. President, before I came over here, a young woman came to my office to discuss an entirely different matter. She saw this debate on the television screen——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WILSON. Mr. President, I ask unanimous consent that my time be extended by 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WILSON. This young woman, watching the debate with me, finally turned to me and said, "How will this come out?" I said, "It is in grave doubt because the House has disappointed our hopes." She said, "I worry terribly about my little boy." I said, "How old is your boy?" She said, "He is 9."

Mr. President, she sees with a greater clarity of vision than apparently many in government the threat to her child.

Mr. President, I will put it simply. I do not want it on my conscience that one day 9-year-old boys, 10-year-old boys, American boys, may one day

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have to fight and die needlessly in a war that could have been avoided if this Congress had had the will and the wits to prevent the kind of crisis that she foresees, that all in Central America know to be a reality. The Gallup poll that was reported in the Wall Street Journal some months ago indicates a virtual reversal in terms of opinion. The opinion of the American people, colored by an incredibly successful campaign of disinformation, is not shared by those in the region. The people of Central America know the Sandinistas for what they are. They do not feel that they are going to be able to enjoy peace until genuine democracy comes and that it will not come through voluntary efforts by the Sandinistas.

Mr. President, I do not want that on my conscience. Let us say that the President's plan is one that lets Congress decide whether the Sandinistas are in fact in good faith, whether they are going to comply with the Arias plan. If they do, this discussion becomes academic. If they do not, we had better have a safeguard so that one day that small boy of hers does not have to bear arms in a needless conflict.

The PRESIDING OFFICER. The Senator's time has expired. Who seeks recognition?

Mr. PELL. Mr. President, I yield 7 minutes to Senator ADAMS.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. I thank the Senator.

My distinguished colleagues, I rise in opposition to this resolution which approves the President's request for nearly $60 million in additional aid to the Contras in Nicaragua, including lethal aid. Lethal aid will simply contribute to a continued war and killing in Nicaragua.

I have listened to my colleagues this afternoon, and I have stood on this floor many times since arriving in the Senate and urged my colleagues to vote against Contra aid. Many of my colleagues who supported Contra aid have in return asked me, "Well, how do you bring democracy to Central America if not by supporting the Contras?"

Today, unlike many debates we have had in the past, the answer to the question is clear, so my plea to you is that this is a very important and different time for debate on the Contra aid issue. I would have preferred that we simply stay with the position established by the House, but if we are going to debate it, let us look at what are the circumstances which will bring peace hopefully to Central America. Our hope is based now on a courageous regional Central American peace process under the leadership of President Oscar Arias of Costa Rica. It is also based on our confidence, and we should begin to have confidence in our country, that throughout the world the economic systems based on totalitarianism, with communism as an economic system, are failing. All one has to do is to read "Perestroika," by Gorbachev, to know that even in the homeland, the Soviet Union, they know that their basic systems are failing. This is not the flagship for the world's economy. Let us recognize and have some confidence in our system. Communism simply is not selling as the economic touchstone for the developing world.

Before making additional remarks, I compliment my colleague, Senator BILL BRADLEY, for his comments on this vote today. We have differed many times in the past on our approach to this issue, but in his remarks today he stated he was going to not support Contra aid because he wanted to give the peace process a chance, and that is what is important. President Arias has said clearly, "Do not aid the Contras at this delicate moment; let us proceed with the peace process."

I have pleaded in the Foreign Relations Committee for a bipartisan American foreign policy. I have tried to carry out that commitment by supporting, for example, President Reagan's proposal for an INF Treaty, as a bipartisan matter a Republican President and Democrats across the board joining with Republicans to do that. I urge that we do that with Contra aid and not give Contra aid another chance; we have a bipartisan coalition in support of the peace process. The House of Representatives has spoken. We can join with the House of Representatives and forge finally a peace process, and I hope others will join with Senator BRADLEY in his insightful position articulated on the floor today.

This is our chance in the self-interest of the United States—no one else, the self-interest of the United States—to declare victory in the peace process and withdraw our direct military intervention and assistance before we escalate this war, start using U.S. military advisers and then troops to help the Contras in a conflict that I have not heard a single U.S. military official say can ever be won.

Why, oh why, do we in our own self-interest get into another situation that is a complete and absolute military disaster? We cannot win and no one says the Contras can win the war. But even suppose we did, what has been forgotten on this floor and is so tragic is that we had supported a government in Nicaragua once before in this century. We had American troops in Nicaragua for years and years and years and we did not change or make that government into a government that was exactly as we wanted. Now we are going to start this all over again. I pray we just learn.

People talk about the histories of the past. I have not heard them mention today the years and years of United States military occupation of Nicaragua. That is what we would have to do if we were unfortunate enough to have the Contras win because they would never sustain it themselves. They cannot win the war in the field. We have to supply the things for them to operate with but even if they did, we would have to be in there to sustain them.

That to me is not in our self-interest. I think our self-interest is to spend our military resources and the other scarce resources of the United States in the portions of the world where our self-interest is directly threatened, and where our self-interest is immediately apparent to the American public. I can mention one very easily. That is the Central Plain of Germany. I think we are doing well there. I support that policy.

I want to state this: If the Contra aid policy that was established was to send a message, the message has been sent. We have negotiations. Now if we stop these negotiations by voting for a Contra war, we lose everything that we have done to this point. I do not judge whether it was right or wrong to have started. I happen to think it was wrong to have started. But even those that are right, they have gotten to the point that they want it. So if they think they are right, I will accept that. I will accept it in the name of bipartisanship, even though I think the killing and everything has been wrong. But it has been done.

We are at the point that this is a chance to get out of the jungles before we get to a circumstance of pouring in more aid, more troops, having the Sandinistas build up their army, because that is what they are going to do, have the surrounding countries ask for aid because that is what they are going to do, and have the United States pay more and more and use more and more scarce military efforts in one of the worst places we could do it.

To reiterate, I rise in opposition to this resolution which approves the President's request for what really is nearly $60 million in additional aid to the Contras in Nicaragua, including "lethal" aid that will contribute to a continued war in Nicaragua.

I have stood on this floor several times since coming to the Senate and urged my colleagues to vote against Contra aid. Many of you who have supported Contra aid have in return asked me—how do I propose to bring democracy to Central America if not by supporting the Contras? Today, unlike in many of the debates we have had in the past, the answer to that question is clear. So my plea to you today is different in this very important sense. This time my urgings are based on a whole new set of circumstances—a hopeful set of circumstances that provide us the first hope in a long time of bringing peace, democracy, and stability to Central America. This hope is based on the courageous Central American peace process initiated under the leadership of President Oscar Arias, of Costa Rica. It is based on our confidence that throughout the world economic systems of totalitarianism based on communism are failing.

Before making additional remarks, I want to take this opportunity to compliment my colleague, Senator BILL BRADLEY, for his thoughtful approach to this vote today. While we have indeed differed many times on our approach to this issue, in his remarks today he has told us that even for some who have supported Contra aid in the past, giving the Central American peace process every opportunity to succeed is worth the risk of voting down this request for more Contra aid today. We have an opportunity to unite here today to form a bipartisan coalition to support the peace process. On this basis, I urge those of you who have supported Contra aid in the past to join Senator BRADLEY in his insightful position articulated on the floor of this Senate today.

This is our chance in the self-interest of the United States to declare victory in the peace process and withdraw our direct military intervention and assistance before we escalate to use of United States advisors then troops to help the Contras in a conflict that no United States military official I know about believes can achieve a military victory.

But suppose they did—have we forgotten United States troops were in Nicaragua for years.

The issues are not easy and they are not clear-cut. When we are dealing with war they never are. For 8 years now the Reagan administration, sometimes with congressional sanction and sometimes illegally, has supported war as opposed to peace in Nicaragua. The administration has repeatedly disavowed the charge that its goal is the overthrow of the Sandinista regime through military means. Instead, the administration claims it is looking for implementation of democracy.

If this was the Contra aid policy and we needed to send a message it was sent. We have negotiations—now if we stop this by voting for a Contra war we lose it all. The Contras stay in the jungles without winning. The Sandinistas build up their Army. The surrounding countries ask for aid and the United States pays and, worse, sends scarce military resources in this losing effort.

I want democracy in Nicaragua. That means self-determination. Self-determination means that each nation must choose its own form of government. In that context, please remember that we initially welcomed the Sandinistas when they came to power since we believed that they represented an acceptable alternative to a corrupt and totalitarian regime. Some favoring Contra aid are mad because Ortega did not do what they expected. I don't blame them.

The democratic nations of the region have developed this peace initiative to bring democracy to Nicaragua. While not all of its objectives have been secured, many positive steps have been taken. On January 20, the Sandinistas suspended a 6-year state of emergency which denied the political rights of Nicaraguan citizens. The printing presses at La Prensa are running. The Sandinistas have lifted the suspension on eight radio stations and four opposition publications which are operating once again. Certainly these are important steps toward democracy. Several labor union locals are operating again. They have even had two strikes. The Sandinistas are talking to the Contras. The Sandinistas are releasing political prisoners—not a general amnesty yet, but in light of the fact that we have not yet refused to stop funding the Contras—a step toward democracy. These are all steps toward democracy.

Much work remains before democracy will take hold in Nicaragua. How we get from here to there does not have to involve more violence—more killing and destruction of a nation already suffering from a war imposed on it by the United States. The nations of Central America want to make their peace plan work. They do not want aid going to the Contras. They do not think that kind of "pressure" will bring democracy to the region.

The International Verfication Commission set up to evaluate compliance with the peace plan recently issued its final report. In that report, the Commission concludes that an end to Contra aid is "an indispensable requirement for the success of the peace efforts." President Arias has repeatedly stated his opposition to continuing Contra aid. When are we going to get the message that Contra aid is not the answer?

If Contra aid is not the "Central American" answer to the region's problems, why should it be the answer to the United States' concerns in Central America? What do the Miranda disclosures tell us about the threat to U.S. security in Central America? What the Miranda disclosures tell this Senator is that if we persist in this misguided policy of funding the Contras, the Sandinistas will build up their military. Make no mistake, the Sandinistas will fight United States efforts to overthrow them either through a conduit internal force, or directly.

In other words, the decision is ours. Will we continue to up the ante with more and more dollars to escalate war in Nicaragua? The Soviets are prepared as we have seen to send as much as $5 to Nicaragua for every $1 sent by the United States. Or, should we start a new dialog with Soviet General Secretary Gorbachev who during the recent summit meeting said the Soviets are prepared to stop if we stop funding the Contras.

Finally, I want to say something about the "myth" around this town these days—that Contra aid is the "pressure" which is needed to keep the Sandinistas at the peace table. Those who think this way believe that as soon as we stop funding the Contras, the Sandinistas will walk away from peace and toward greater militarization, repression, and export of revolution to their neighbors. That conclusion just isn't logical.

The truth is that the Sandinista regime is in trouble if it does not start solving its internal domestic problems. The Nicaraguan economy is in crisis. Hyperinflation is running rampant. In 1 year, the inflation rate has increased from 1,800 percent to an unbelievable 13,000 percent. International trade is nonexistent. The Nicaraguan cordoba has become a worthless currency. Defense expenditures constituted 55 percent of spending by the Sandinistas last year. There is a crying need to concentrate on social priorities: improved health care, rebuilding infrastructure, and education. Moreover, the "pressure" for democratization from Nicaragua's neighbors is great indeed and will help propel democratic actions forward in Nicaragua.

We want a bipartisan foreign policy and many of us are trying to establish a bipartisan foreign policy.

Yesterday, the House said "no" to more Contra aid. On Tuesday, the Senate Foreign Relations Committee said "no" to more Contra aid. Under these circumstances, if it were not for the special provisions contained in the continuing resolution mandating this Senate vote today, we would not be here today voting on this matter. The way to move in this direction is to represent the American people who think we should halt aid to the Contras and place our bet on the peace plan. We should listen to the voices of our colleagues in the House and of the American people and join them in rejecting this request for Contra aid.

I just wanted to state one comment to some of my colleagues.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ADAMS. I ask for 1 additional minute, Mr. Chairman.

Mr. PELL. I yield an additional minute.

The PRESIDING OFFICER. The Senator may proceed.

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Mr. ADAMS. I know some of my colleagues who are now favoring Contra aid are mad because Mr. Ortega came up here and a number of others did and the United States gave money to the Ortega regime. We did that once with the Castro regime. We overthrew or had helped and supported people who overthrew a very totalitarian regime.

All I am saying is because we have gotten into interference, you can get interference, interference back, and interference the other way, but all of it led to the same bad conclusion of the self-interests of the United States. The self-interest of the United States is not to be involved in these regional wars. If you want a guarantee or standoff, you can do other things, but do not get in deeper and deeper.

I hope today that we will not vote to continue Contra aid. I hope we will listen to the voices of our colleagues in the House, that the United States will form a policy of getting people out of that area. Somebody said a little earlier, "Well, would some of those who oppose Contra aid be willing to help get the people out of the jungles?" The answer is "yes." I am willing to help keep them out of the jungles. I just do not want to send them any further in.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ADAMS. I thank the President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I yield 10 minutes to my colleague from New Hampshire, Senator HUMPHREY.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, it might be useful at this juncture to consider the nature of the Sandinista regime. Who are the Sandinistas? What does Sandinista mean? It is a rather lovely word, has a pleasant sound as do so many Spanish words. What it really means, in reality, is Communist.

It is a pity that we have not called these people what they are, and indeed what they call themselves, Communistas—Communistas. They are Communists, and not Sandinistas.

Let me run down the short biographies of some of the principal members of the Communista national directorate, the politburo, if you will, of the Sandinistas.

Daniel Ortega, Comrade Daniel, got his start with the paramilitary wing of the Communist Party, placing bombs in Cine Tropical movie house; arrested in 1961 for firebombing U.S. Embassy vehicles. In September 1981, Ortega declared: "We are honored and proud to be called brothers of Col. Muammar Qadhafi." In February 1984 Ortega praised the Iranian Revolution for having "created new values in the history of humanity."

Tomas Borge, founder of the FSLN; first joined Moscow-line Communist Party in 1955 with the two other founders of the FSLN. Received extensive military training in Cuba in the early sixties.

Bayardo Arce, runs the Bureau, the FSLN assistance operation for Salvadoran and other foreign Communist guerrillas. Managed the largely fraudulent November 1984 elections, which he described in a secret speech as a "nuisance: imposed upon Nicaragua by the international bourgeoisie."

Humberto Ortega, another member of the directorate—took political and military training in Cuba, the Soviet Union and North Korea in the sixties and seventies. Main author of 1977 Sandinista Political-Military Platform, which set forth FSLN's plan to seize power and become "an iron-hard Leninist Party." Recently boasted that "thousands of Sandinista officers were being trained in use of advanced weaponry in Soviet bloc countries.

Henry Ruiz, attended Moscow's Patrice Lumumba University in 1966; received guerrilla training in Cuba in 1966; received military training with the PLO and North Vietnamese.

Victor Tirado. Former member of Mexican Communist Party who became Nicaraguan citizen in September 1979.

In addition to these members of the directorate, here are thumbnail biographies of rather high-ranking Communistas or Sandinistas they like to call themselves usually.

Renan Montero a former Cuban intelligence officer for over 20 years with the Americas Department of the Central Committee on the Cuban Communist Party. Received Nicaraguan citizenship after the 1979 revolution at the request of Fidel Castro. Now heads foreign intelligence for the FSLN.

Doris Tijerino. As a Communist Party youth, she studied at Patrice Lumumba University in Moscow, 1963-65. Now serves as chief of Sandinista Police.

Carlos Guadmuz. Jailed in late sixties for hijacking passenger plane. Now runs Sandinista owned and controlled Voice of Nicaragua Radio network.

Leticia Herrera. Studied in Moscow. A leader of the turbas, Sandinista mobs; first wife of Daniel Ortega; now vice president of the National Assembly.

Lenin Cerna. Bank robber and son of Communist Party cadre who named sons after Lenin and Engels. Brought the Ortega brothers into the FSLN. Now is chief of the secret police.

The point is, Mr. President, if anyone cares, for those who do care, the Sandinistas are not some romantic band of revolutionaries. They are Communists. They are Marxist-Leninists and many of them are outright criminals, thugs, gangsters, murderers, hijackers, terrorists. What a gang in whom to be entrusting peace.

It is not going to work. We may some day wish to deceive ourselves to avoid the hard choice which now faces us. This Senator believes harder choices will face us if we do not act responsibly and with conviction at this juncture.

The hard fact is that we have a Communist sore in Nicaragua. The hard fact is these Communists in Nicaragua have proclaimed their revolution to be a revolution without borders, without boundaries.

You do not have to be awfully sophisticated to know what that means. It means they are going to make trouble. Indeed, they have been making trouble for their neighbors, principally El Salvador.

Unless we check the spread of this Communist sore, it will enlarge and engulf other nations in Central America and ultimately come to be a threat to national security, not only of the region, but of the United States as well.

At some point down the road, unless we act with resolve and courage at this juncture, or soon, we will be faced with larger problems requiring larger and more expensive solutions. I feel that if we do not act, if we continue to pretend, if we continue to delude ourselves, if we continue to trust these Communists and gangsters to embrace democracy, ultimately the solution will require the spilling of American blood.

That is the thing we all fear, and well we should. There is not one of us who would have our children die in Nicaragua or elsewhere. No American wants that; and the way to prevent it is to nip this in the bud, to look the problem square in the face, to refuse to delude ourselves further, and to act in resolve to help those who are willing to help themselves—the freedom fighters of Nicaragua, the Contras, the anti-Communists. They are in the field. They are fighting. They want to bring the kind of democratic revolution which the Communists discussed, as the Sandinistas promised, but utterly and cynically betrayed.

That is the real solution to this problem. Does any Senator believe that these Communists or any Communists are going to yield to democracy? That has never happened.

Can a Senator point to a single example of a Communist regime that has given way voluntarily to democracy? I doubt it. I do not recall such an instance in history. I do not believe there is one, and it is not going to be Nicaragua that makes history by yielding to democracy, the first Communist regime to do so.

I do not know if the Contras can succeed. I do know that this so-called peace process—and how we love to embrace this phrase, peace process, as though there is something magical and self-fulfilling about it. I do know that this Arias plan, if it is to work—and I am not at all sure it can ever work when you are dealing with Communists and gangsters—but if it has any chance at all of working, can only work if there is incentive for the Sandinistas, for the Communists, to comply in good faith; and if we withhold aid for the Contras, the freedom fighters, there simply will be no incentive.

It has taken the pressure of the Contras in the field to make the Sandinistas yield even an inch in granting these few concessions to plurality which have been granted in the last 6 or 8 months. They are small. I hope they will lead to more, but they are mighty small and even those concessions would never have been achieved without the presence of the Contras, without the pressure of the Contras.

Before the Contras became a substantial force, we had nothing from the Communists in the way of concessions to democracy, absolutely nothing. Indeed, repression was growing worse with every passing year. Communism was becoming ever more firmly embedded, the Sandinistas ever more firmly entrenched.

Only the advent of an effective Contra force has pressured the Sandinistas into yielding, however slightly, to democracy. Take away that leverage, take away that incentive, take away that pressure, as we will take it away by refusing to fund the Contras, and you can forget any further progress on human rights and plurality and democracy in Nicaragua.

It did not happen before the Contras, and it will not happen if we let the Contras fade away on the vine.

Mr. President, I rather suspect Senators are well decided at this point, but I thought it would be useful to take my few minutes to remind us, once again, of the true nature of this so-called Sandinista regime, which we should more correctly call, more effectively call, a Communist regime, for that is exactly what it is, by their own admission.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. DODD. Mr. President, I yield 6 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, throwing money at the Contras, about $2,000 per person, by the U.S. Congress, out of the U.S. Treasury, is not going to bring any peace. Sending money just does not solve the problem down in Nicaragua. Sending outside armaments down to Nicaragua is a real problem.

Is there anything wrong with President Reagan talking to Gorbachev and just saying to Gorbachev, "It's unacceptable that the Soviets are sending armaments into Nicaragua"? Was there anything wrong with bringing that up when Gorbachev was here a little over a month ago? Or is there anything wrong with the President picking up the telephone and telling Gorbachev that?

What are we doing in a country with about 3 million people, with a sick government, a sick country, and leading ourselves or somebody else to believe that we are going to solve the problem with just another payment down there?

The root of their sickness in Nicaragua has been that there are outside armaments. They are not capable of producing armaments of any consequence in Nicaragua. The root of their problem, the basis of their sickness, is outside armaments. Attempting to keep the Contras going so they can fight some more is not going to treat the illness; it only spreads it.

My prescription is that the best the United States can help the Arias peace plan is to tell Gorbachev, "No more, no more Soviet armaments," and get ourselves out of backing these Contras. We are back at it again. I do not know how many times we have to vote. Unfortunately, at other times, we have always voted to continue sending millions down there.

We have about a billion dollars invested in nothing but misery in Nicaragua. The problem is the outside armaments. It is time to say what the real problem is and get off it and come back home and look at the problems we have here.

How many different groups of people do you think need $36 million today in the United States? Or how many different aspects of this sick economy that we are stumbling into do you think we ought to focus our attention? How many hours and days and weeks is this President of our focusing on that miserable condition down there and ignoring some conditions that are getting more miserable here at home?

We cannot buy anything that is any good by sending money to the Contras. Our problem is to get the armaments out of Nicaragua, take away their capability of war, take away what is perceived as a growing threat, a military threat in Central America.

Mr. HARKIN. Mr. President, will the Senator yield?

Mr. MELCHER. I will be delighted to yield to the Senator.

Mr. HARKIN. I thank the Senator for yielding. He makes a very good point.

Information that has come out from the December summit meeting in Washington between Mr. Gorbachev and President Reagan shows that Gorbachev did, in fact, raise this security matter with President Reagan. Gorbachev offered to reduce Soviet shipments of arms to the Nicaraguans if, in fact, the United States halted its aid to the Contras.

The President refused to even respond to that offer. In fact, a few days after Mr. Gorbachev left town the administration trotted out Major Miranda and began beating the drums for more Contra aid. It is unfortunate too that the President let that opportunity pass.

Mr. MELCHER. I thank my friend from Iowa. That is a very important point. I am grateful to him for having elucidated on it.

Mr. President, I think we are being misled. I think the President is wrong on this. He has been wrong before. We let him do it. We appropriated money, despite those of us who strongly opposed it.

I say once again oppose it now, get back on the right track, keep the armaments out of Nicaragua.

It may be peace can gradually come there. It will come hard and slow but maybe it can come there.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCAIN. Mr. President, I yield myself 30 seconds.

This issue did indeed come up during the summit. The President was unable to get any commitment from him not only on that but getting out of Afghanistan by May. That continues to be the case as noted later in the article by Assistant Secretary Abrams: "the more we approached the offer, the more it seemed to evaporate."

I yield 6 minutes to the Senator from Nebraska, Mr. KARNES.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KARNES. Thank you, Mr. President.

Mr. President, when I returned from my visit to Central America with the minority leader and other Senators last September, I announced that I would support assistance for the Contras if the request was consistent with the goal of achieving Nicaraguan compliance with the Guatemala City Agreement. I believe that the administration's request is consistent with the goal of achieving full compliance. The President's announcement that lethal assistance is to be held in escrow and released only if the Nicaraguan Government fails to comply reinforces my belief that the President's package is consistent with the peace process.

Also the President has clearly provided in his proposal for direct and decisive input from both Houses of Congress in the lethal aid decisionmaking process, indeed a significant compromise.

Progress in securing lasting peace through this peace process, the Guatemala accords, depends not on promises, not on hope but on compliance, past, present, and future.

It is clear that the Nicaraguan Government has not yet complied with the terms of the Guatemala City agreement. That was made clear at the recent meeting of the Central American Presidents in San Jose, Costa Rica just 2 weeks ago on January 16 where the joint communique issued by the Presidents stated, and I quote from the text of that communique:

> Since all of the Esquipulas II commitments have not been entirely fulfilled, the presidents commit themselves to satisfying unconditional, unilateral obligations that bind the governments to the total and inexcusable fulfillment of the agreements. Among these are dialogue, the cease-fire negotiations, a general amnesty, and, above all, democratization.
>
> This necessarily entails the lifting of the state of emergency, total freedom of the press, political pluralism, and the dismantling of special tribunals. The commitments reported as not having been met by the governments must be immediately fulfilled in a public and obvious manner.

Again, this statement of January 16 by the Presidents of the Central American democracies indicates that we do not have compliance. I believe we must keep the pressure on the Nicaraguan Government to comply fully, and to modify its policy of piecemeal, half-hearted, half-baked compliance. Contra assistance is the best form source of leverage we have with the Nicaraguan Government. Maintaining this source of leverage is not only consistent with the peace process, I believe that it may well be essential to any realistic hope for peace and democracy in the region.

Mr. President, assistance to the Contras serves as an insurance policy for the peace process. The Nicaraguan Government has broken its promises to establish a democratic system of government and not to pose a threat to its neighbors; most notably these promises have been broken through Nicaraguan disregard of the OAS resolution of 1979.

Colleagues of mine on both sides of the aisle have learned from bitter experience about the Nicaraguan Government's willingness to break commitments. Continued aid to the Contras will send a powerful message to Managua that there will be penalties for failure to comply with the Guatemala City agreement and their pledges to establish democratic institutions and regional peace.

Mr. President, those opposed to the President's package seem to want to force the United States into making a choice between doing nothing and using American troops to maintain security in Central America. Democratic leaders in Central America have made it clear that if Nicaragua takes aggressive action they will move to invoke the Rio Treaty.

I am concerned about this, deeply concerned, and so yesterday I met with the Ambassador to the United States from Costa Rica, and he confirmed that invoking the Rio Treaty would be their first and essentially only option in the face of aggression from Nicaragua. In other words, if the Contra army disappears and the peace process does not proceed to a successful conclusion and the Sandinistas follow President Ortega's pledge of several years ago to lead a revolution without borders, the only army that will be able to respond in the mind of this Costa Rican Ambassador will be the United States Army, the United States Armed Forces. Under such circumstances under the Rio Pact the United States will have a responsibility to send military aid and likely its troops to the region.

Mr. President, aid to the Contras adds greater flexibility to our foreign policy. I see no reason for limiting our options toward resolving the pressing problems facing us and the future of democratic development in Central America by a negative vote on the President's proposal.

Finally our policy toward Central America must recognize our understandable national interest in this region. As I see it there are four specific national concerns that our policy toward the region must address. First, we must protect the vital sealanes that sit astride this region. Second, we must ensure that Nicaragua does not become a strategic military threat, as Cuba did in 1962. Third, we must not allow Nicaragua to become a source of subversion in Central America. Last, we must continue our efforts to bolster democracy in Latin America.

I believe that a carefully designed package of Contra aid, such as the one proposed by the President, directly or indirectly serves each of these interests. Perhaps the lost element in this debate is the fact that assistance to the Contras is not meant solely to improve the prospects of peace with freedom and democracy for the Nicaraguan people, though that is important in and of itself; it is also meant to allow regional democracies to grow and flourish.

There has been much talk about giving peace a chance in this Chamber. Unfortunately, there has been precious little discussion about what happens if democracy and true freedom in the region is not given a chance. The defeat of Contra aid almost guarantees that the outcome will not be in our favor.

Thus, Mr. President, for the reasons that I have stated, I will support the President's request for assistance. This I say being fully aware of the negative House vote last night, because I hope that positive action in the Senate today will serve as an impetus for the continuation of a rational policy toward Central America and not simply an empty gesture.

I urge my colleagues to vote for this package—this is a reasonable, responsible package—to vote for the people of our country and for the people of Central America.

Thank you very much.

The **PRESIDING OFFICER**. Who yields time?

Mr. **HARKIN**. Could I have 1 more minute to respond?

Mr. **DODD**. I yield 1 minute to the Senator from Iowa.

The **PRESIDING OFFICER**. The Senator from Iowa.

Mr. **HARKIN**. I thank the Senator for yielding.

I want to respond to my distinguished colleague from Arizona, in regards to who raised the issue of whether or not we wanted to seek some security agreement with the Soviets with regard to Nicaragua.

I refer to an article in today's New York Times, in which the White House said—I will quote:

> The White House said today that the Soviet Union in recent weeks had offered to cut off most military aid to the Nicaraguan Government if the United States ended its aid to the contras and all military assistance to the nations of Central America.
>
> The offer was rejected out of hand. The White House spokesman, Marlin Fitzwater, called it "absolutely unacceptable" and "ludicrous."
>
> The Soviet proposal grew out of a comment made to President Reagan by Mikhail S. Gorbachev, the Soviet leader, during their summit meeting in Washington last December.

So, the White House itself admitted that it was Gorbachev that made the offer to cease sending arms to the Sandinistas if we would stop sending arms to the Contras.

I ask unanimous consent, Mr. President, that this article be printed in the RECORD. I think that article should lay this issue to rest.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb, 4, 1988]

U.S. SAYS KREMLIN PROPOSED TO CUT AID TO NICARAGUA

(By Joel Brinkley)

WASHINGTON.—The White House said today that the Soviet Union in recent weeks had offered to cut off most military aid to the Nicaraguan Government if the United States ended its aid to the contras and all military assistance to the nations of Central America.

The offer was rejected out of hand. The White House spokesman, Marlin Fitzwater, called it "absolutely unacceptable" and "ludicrous."

The Soviet proposal grew out of a comment made to President Reagan by Mikhail S. Gorbachev, the Soviet leader, during their summit meeting in Washington last December.

HOUSE BEGINS AID DEBATE

The details of the proposal were made public this morning as the House of Representatives began debate on the President's request for at least $43 million in aid to the contra rebels that would last into the summer.

The House debated the request late into the evening. Undecided Congressmen were lobbied all day by President Reagan, Secretary of State George P. Shultz, and Adolfo Calero, a contra leader, and by Democratic leaders who oppose renewed aid.

REQUEST WHITTLED DOWN

The Senate prepared for a vote on the issue whichever way the House vote went; a required vote by Thursday after a House vote for the aid, or a largely symbolic one at the urging of Republicans, after a defeat. The Senate majority leader, Robert Byrd of West Virginia, said debate on the procedure would be limited to 30 minutes.

The contra aid request had been whittled down considerably from the $270 million over 18 months that the President sought last November.

Of the $43 million, $32.6 million would be used for food, clothing, medical supplies and the like—so-called nonlethal aid—and $3.6 million would go to military aid. An additional $7 million was requested for electronic equipment, including radar jamming devices to assist contra supply aircraft.

PEACE MOVES CITED

The Administration's lobbying efforts ran into a widespread view among House Democrats and some moderate Republicans that renewed assistance would hamper peace moves under way in Central America.

Supporters of aid to the contras, however, declared that the Marxist Sandinista Government of Nicaragua was untrustworthy, despite recent concessions made in conjunction with the peace process, and that the aid to the rebels was needed to put pressure on Managua.

The Soviet Union's Central America proposal came when the Administration asked Moscow to explain an ambiguous comment Mr. Gorbachev made to President Reagan during the summit conference in December.

At the time, American officials took Mr. Gorbachev's brief remark to mean that the Soviet Union would end military assistance to Nicaragua if the United States cut off aid to the contras. But Administration officials acknowledged that they did not press the matter while Mr. Gorbachev was here.

Since then, Mr. Shultz and other American officials have questioned Soviet officials about the matter, and "the more we approached the offer, the more it seemed to evaporate," Assistant Secretary of State Elliott Abrams said today.

Although Administration officials have known of the Soviet response for several weeks and have previously alluded to it in public, they chose to make it public in detail today partly to influence the vote on renewed contra aid.

The White House also wanted to rebut a remark that Representative Lee H. Hamilton, an Indiana Democrat, made Tuesday night.

In his response on behalf of the Democrats to Mr. Reagan's address to the nation urging that aid to the contras be continued, Mr. Hamilton said: "U.S. officials say Gorbachev told President Reagan he was prepared to cut off Soviet military aid to Nicaragua if we cut off aid to the contras. We ought to put the Sandinistas and Gorbachev to the test."

Implying that Mr. Hamilton had been unfair, Mr. Fitzwater said that Lieut. Gen. Colin L. Powell, the President's national security adviser, had written to Mr. Hamilton on Monday explaining the nature of the Soviet offer.

"He had it on Feb. 1," Mr. Fitzwater said.

But Mr. Hamilton said he wrote to Mr. Reagan on Jan. 25 asking the White House to clarify the Gorbachev offer, "and they gave me the Powell letter at 11:30 this morning—after the fact."

Despite the atmosphere of ambivalence that has characterized each major vote on contra aid, House Democrats expressed confidence that the Administration's package would be defeated.

The House Speaker, Jim Wright of Texas, also asserted that Mr. Reagan's offer Tuesday night to give Congress a greater voice in determining the release of the $3.6 million in military aid had not changed many minds.

After offering to consult Congress before releasing the military aid, the President, in a letter delivered today to the House minority leader, Representative Robert H. Michel of Illinois, promised to "refrain voluntarily" from releasing the military assistance if the House and the Senate jointly adopted a resolution declaring that lethal aid should not be delivered.

"I believe that this arrangement will afford Congress and the executive branch the opportunity to address jointly the central question of Sandinista compliance with the commitments made at the San José summit," Mr. Reagan said.

Representative Mike Lowry, Democrat of Washington and chairman of the House Democratic Study Group, said that the President's offer to give Congress a voice on releasing military aid "changing nothing."

Mr. Calero, the contra leader, said the rebels would "press on with our last breath" even if the aid package is defeated. "The fight for freedom will go on forever," he added.

He conceded that without continued United States aid the rebels would "be in a very difficult position, but we will come through."

The **PRESIDING OFFICER**. Who yields time?

Mr. **DODD**. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The **PRESIDING OFFICER**. The Senator from Massachusetts.

Mr. **KERRY**. Mr. President, many have said that minds will not be changed and it may well be that no votes will be changed, but this vote is so important that there are things yet to be said and I think that is clear from the participation in this debate.

It has been said before, but I would like to emphasize, that this is not a small amount of money that is being requested, not a mere helping along of the peace process. This $36.2 million to be spent on lethal and nonlethal aid between now and June is in and of itself a tripling—a tripling—of the current aid levels to the Contras, from $2.6 million each month to over $8 million a month. But that is only the beginning of the story, Mr. President.

In addition to the direct aid, the package provides for $20 million to be made available from Defense Department funds for the replacement of aircraft which are shot down.

Furthermore, this aid package allows for "unlimited" transfer of electronic equipment, radar, and other air defense equipment from the Department to the CIA to assist Contra supply flights. And that equipment is estimated to cost several million dollars each month. Over the 4 months that this aid package is in effect, the additional electronic surveillance alone could amount to $12 million.

Mr. President, let us not be fooled and let us not see the American people fooled about what this package is about. It is a package asking Congress to appropriate more than $68 million for the Contras and it represents, on an annualized basis, a funding of some $270 million.

Mr. President, this is a down payment effort, nothwithstanding what the House has done, a down payment message with respect to the desires of this administration in Central America.

Mr. President, there is both a terrible and cruel hypocrisy regarding our application of judgment on Central America. The President, in his State of the Union Message, as well as in his Tuesday message, talked of flourishing democracies surrounding Nicaragua. Was he talking about General Noriega in Panama? Was he talking about the death squads in El Salvador? Was he talking about the Honduran death squads trained by our own CIA which are currently on trial in Costa Rica, two witnesses of which were killed just recently? Was he talking about corruption within the military of El Salvador, which has grown, much of it, from our own aid programs?

Mr. President, I do not know the answer to that, but I know that there is only one country in Central America that is a full democracy that protects the rights of human beings and that has been struggling for peace, and that is Costa Rica; a full democracy, Mr. President.

Now, this peace process has been far from perfect. Yes, it has. It has been far from perfect. But, Mr. President, our participation in this peace process has been far from perfect.

While we have talked about freedom and democracy, we have broken the law. We have walked out on the Manzanillo peace talks. We upset and frustrated the Contadoras peace talks. We avoided altogether the World Court, which we helped to establish. We ignored the Organization of American States whose charter allows us to use force to protect our interests in the region if we are indeed truly threatened. We have delayed payments of AID funds. We have diminished our commitment to the Treaty of Rio, and we have diminished the meaning in the process, of the Treaty of Rio. We have undercut the efforts of President Arias, both directly and indirectly. And we have made war on a foreign population through a proxy force which concentrates on "soft targets" like health clinics and rural electrification sites and civilians.

In thinking about whether or not to vote for more funds for this "policy instrument," we should remember the words not of a liberal, not of an opponent, but of a participant in this process, none other than Robert Owen—Robert Owen, the "eyes and ears" of Oliver North:

> In the spring of 1986, Owen told North that the civilian leaders of the Contras were a front, "a name only," that power lay in the hands of Adolfo Calero, "A creation of the USG," surrounded by people who are "liars and greedy and power-motivated." Owen, who spent many weeks with the Contras over many months, and came to know the Contras well, warned North that "this war has become a business to many of them, there is still a belief the marines are going to have to invade, so let's get set so we will automatically be the ones put into power. If [new funds are] approved and things go on as they have these last 5 years, it will be like pouring money down a sink hole."

Well, since Robert Owen wrote those words, we have indeed poured another $121 million on the Contras, and still there is no real light at the end of the tunnel. But we are violating the peace plan, as Senator Mitchell competently and articulately pointed out, we are violating the peace plan—"we," the United States of America—by wanting to provide aid.

Now, argument after argument has been made on the floor—and I have listened carefully—about how we need the Contras because they are necessary as a strategy for peace. We need the Contras because they are pressure to create negotiations. But pressure for what? Pressure for what? Pressure to negotiate?

Mr. President, we all know the history of this administration in negotiations. They walked out of Manzanillo. They frustrated Contadora. They left Ambassador Philip Habib, one of our most distinguished and capable diplomats, dangling and isolated so much that he resigned. And they have not only refused to negotiate directly with the Sandinistas and push the Arias peace plan, but they have frustrated that plan.

Now, think about that, Mr. President. I remember going down to the White House and having a meeting with the distinguished manager here, the Senator from Connecticut, and others, with the President of the United States. I asked him personally, "Mr. President, are we going to negotiate directly with the Sandinistas?"

And his answer was, "No, that would be like the colossus of the north trying to dictate the outcome down there."

Then the Secretary of State said we are not going to negotiate, and others picked up that hue and cry. So, Mr. President, there are no bilateral talks.

But when Central America makes up its mind what it wants and endorses a plan and the Presidents speak and they say, "Don't give aid," all of a sudden we are ready to be the colossus of the north again. All of a sudden it does not mean anything to let them decide; mere words, mere hyprocrisy. And that is where we are, Mr. President.

But then we know that negotiations are not really the key because we keep hearing from supporters of Contra aid: "Why talk about negotiations? Communist regimes never negotiate themselves out of power." And that is true, Mr. President, they do not. So, of course, this notion that we are going to fund the Contras in order to provide pressure to negotiate when we do not negotiate is a farce. And then they are not going to negotiate because they will not negotiate themselves out of power. So here we are negotiating for a nonnegotiable purpose.

We are, indeed, I believe, locked in a kind of catch-22. Your aid to the Contras is to force them to negotiate, but then you do not negotiate. So you maintain the dream of overthrowing the regime, which is the real purpose, and the only truth of that is that it will always be a dream. There is not one military adviser or even one Senator who has been willing to argue that the Contras can overthrow the Sandinistas. So you fund the Contras and you are locked into an eternal process of killing for no ultimate purpose but supposedly to pressure a regime that will not negotiate.

Mr. President, I really believe that those who support Contra aid actually choose a far more dangerous course for the United States of America. Because, for every ounce and penny of aid, we give the Sandinistas more license to arm. We give the Sandinistas more license to seek aid from the Soviet Union. We give greater probability to confrontation. And we give them the ability, Mr. President, the ability—as I know my colleague from Connecticut will discuss—to turn their back on the Arias plan. Provide the funding and Daniel Ortega has the greatest excuse in the world to say, "OK, folks, you're in breach of the plan. Now we are going to arm," and on we go.

Mr. President, I say that the better plan is to lay bare the intentions of the Sandinistas, lay bare their intentions to the world. Take away Contra aid and you take away the excuses. Take away Contra aid, and the Contras are not going to disappear overnight if they are for real.

Mr. President, I ask unanimous consent that I may have an additional 3 minutes.

Mr. DODD. Mr. President, I yield to the Senator 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. KERRY. Mr. President, if the Contras are real they are not going to disappear in a few months; but let us have clean hands, a doctrine in law of equity called clean hands.

The United States should approach this with clean hands. Take away the Contra aid and I believe you provide the most direct challenge possible to the Sandinistas, and they will know what the choice is. They will either fulfill their promises or they will have exhausted the patience of the most patient. They either provide pluralism, democratization, and amnesty that they talk about, or they will have invited the unanimous ostracization of North America and Central America alike, as well as our allies in Europe, who currently do not support our plan.

I believe they will then have provided us with the foundation for multilateral steps which legally and effectively allow us to hold them accountable in their own hemisphere.

Mr. President, I believe the Sandinistas have abused their revolution and I believe they have been less than forthcoming in the peace process. But nothing in my experience, I believe, is based or nothing in my position in support of opposing aid is based on the notion that we should trust them or that we should have faith in what they are going to do. But I am convinced that we face a difficult path in Central America. We have to build a policy of bipartisanship and consensus.

This is the moment. If we were to deny this aid, lay bare their intention, then there cannot be any critics afterward. If they do not follow through, Mr. President, there are all kinds of alternatives available to us through the Organization of American States, through our allies, to ultimately even go to the steps of a quarantine or an embargo. There are countless ways to bring this small country of 2.7 million people and 150 old tanks and no air force to their knees if they truly threaten the United States of America.

Mr. President, we are not behaving like a great nation. We are simply not behaving as history has taught us we can to enforce policy around the world. You cannot prosecute a policy that involves the loss of people's lives, surrogate or otherwise, without the support of the American people.

There are many lessons of Vietnam, some of them still in dispute. But I think that one of the lessons is that we do not put Americans in harm's way, directly or indirectly, without the American people supporting the policy; without having exhausted the process of peace so as to understand

why it is that lives may have to be lost.

I keep hearing people talking about how, in Central America, the Contras are roaming the countryside. Sure, it is countryside. It is in the north. It is where Somoza was strong. It is where the national guard was recruited from. But, Mr. President, the question here is can this policy work without the support of the American people? I respectfully suggest that, unless we give this peace process a chance and exhaust the possibilities, we will not have that support. A vote of 53 to 47 in the United States Senate is not bipartisan. It is not consensus. It is a doomed foreign policy.

This debate here today is not really about Contra aid, Mr. President. This debate comes about because for 7 years this policy has failed and it cannot succeed in the last 11 months of this administration and so this vote is really about who to blame for the failure of that policy.

Well, Mr. President, we who vote against Contra aid are not going to be intimidated by that political box. We will vote against it because we believe that we cannot continue to lose lives, ours or other people's, and we cannot pursue an illegal policy that does not have the support of the American people and is condemned to lead us down the same path as it has before in such recent times. That is why I think it is important to oppose it and that is why I think the House of Representatives took the courageous step it took yesterday.

Thank you, Mr. President.

Mr. McCAIN. I yield 10 minutes to our distinguished colleague, Senator Hatfield from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the manager of the bill on our side, the Senator from Arizona, Senator McCain.

Mr. President, if one is to accept the prevailing arguments which have fueled this debate, I am afraid that the real issue will be lost. If we cling to the notion that this is but a roll of the political dice—a wager on the trustworthiness of Ortega pitted against the diplomatic leverage of the Contras; the essence of this conflict will continue to elude us. Because if you isolate the single most fundamental, most essential element of this conflict it is the simple fact of civil war.

And as we learned through our own tragic Civil War experience—as dissimilar as it may be in so many respects—it is not only the military dimension of the conflict which decides the ultimate result, it is the existence of leadership to heal the wounds which lie at the core of the conflict. My colleagues, there is not an Abraham Lincoln on either side of this battlefield. History is defined and intellectual honesty is disgraced if we suggest that there is. There is only the peace plan. That's all. That's all we have as a substitute for the great and compassionate leadership this nation was fortunate to possess in its struggle over a century ago.

We must ask ourselves what kind of national reconciliation we are supposedly trying to achieve in Central America. If your goal is to purge every last Sandinista, Soviet, and Cuban from the soil of Nicaragua, then the peace plan is not your cup of tea. But if you believe that violence should be the last resort, that political behavior can be moderated and that the world need not be recreated in our image, then the peace plan is all you have got. And the truth is that if you do support the peace plan, you cannot stand on this floor today and cast your vote for Contra aid and claim—honestly claim—that yours may not be the last nail in the coffin of this fragile process. The people of Nicaragua have suffered for the better part of a century from the arrogance of many of our political and economic policies. They deserve better than the Sandinistas, but they also deserve better than the Contras. The simple truth is that if either the Sandinistas or the Contras prevail, the result is ongoing civil war and bloodshed.

These Nicaraguans and their parents and grandparents who went before them have grown up under as much, if not more, tyranny as exists in Nicaragua today. Tyranny under different labels perhaps, but tyranny nonetheless. Their lives are full of the legacies of colonialism, imperialism, and adventurism. And none of it will disappear with a military victory for anyone.

As usual we are trying to have it both ways when we cannot. The message of the midnight hour has been filtering out: "The Sandinistas are on the ropes. Do not pull the plug now. We are close to doing them in." At the same time, Mr. President, the proponents of this package are arguing that it is the only hope for the peace process—that it is a necessary prerequisite to keeping the Sandinistas honest.

Let me remind my colleagues that we have been down this road before:

In 1984, before the vote, the National Security Council claimed that Soviet Mig fighter jets were being shipped to Nicaragua on a freighter. When the freighter was unloaded, there were no Mig's.

In 1985, before the vote, the White House said that the Contras were out of money and supplies and would collapse without U.S. aid. In reality, they were being supplied through the Iran-Contra network. Oliver North wrote a letter to Contra leader Adolfo Calero at the time:

> We need to make sure that this new financing does not become known. The Congress must believe that there continues to be an urgent need for funding.

In 1986, before the vote, the United States sent $20 million in emergency funds to help the Honduran army counter an invasion by Nicaragua. The so-called invasion turned out to be one of a large number of periodic Nicaraguan sweeps of Contra bases over the Honduran border.

What I am asking is not just that we stop aiding the Nicaraguan Contras. That alone is not a policy, and that alone will not give peace more than a few shreds of hope. For the wounds in Nicaragua are deep indeed. If food is taken from a child's mouth to pay for a helicopter or a machine gun, Mr. President, I suggest to my colleagues that it makes little difference where that helicopter or machine gun is made: the child is still hungry. And the children of Nicaragua have been hungry for a long time. This is not a time to draw distinctions between Contra wounds of war and Sandinista wounds of war. It is time to heal the Nicaraguan wounds of war.

Mr. President, I suggest that we wait a couple of months. That we stop supporting the Contras and we wait. And if the peace process continues, we do something we should have done a long time ago: We implement a policy of genuine humanitarian aid. Not the kind that includes helicopters and spare parts, but the kind that includes seeds and books and medicine and food. And not the kind that goes just to those Nicaraguans who were willing to fight our surrogate war, but the kind that goes to all Nicaraguans in need. Let us try that kind of leverage now.

Let us put our moral strength as a nation into the healing process.

It might not work, Mr. President, but I guarantee you that it has a better chance of success than does our current policy.

Mr. President, I ask unanimous consent that an article by Congressman Paul Henry and a statement by a number of religious leaders be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Los Angeles Times, Jan. 31, 1988]

CONTRA AID: BAD ANSWER TO BAD QUESTION

(By Paul B. Henry)

One of my college professors repeatedly told his class: "To assure good answers, you must first ask good questions."

The question of continued funding for the Nicaraguan Contras has, unfortunately, been so poorly framed over the years as to ensure only bad answers. The question becomes the foreign-policy equivalent of "Have you stopped beating your wife?"

The Reagan Administration has allowed the Contra question to eclipse broader questions of American foreign-policy goals in the Central American region, and Congress has

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been beguiled into debating the question on those limited terms.

In so doing, both Congress and the President have been backed into a "no win" corner. If military aid is approved this week, we risk undermining the diplomatic offensive that has achieved more in six months than military aid has accomplished in six years. Such approval would give the Sandinista regime an excuse to renege on its promises of political pluralism and the restoration of democratic processes.

On the other hand, a rejection of aid without qualification would send a signal to the Sandinistas that Congress and the President have reached a stalement on American policy toward Nicaragua. They would thus be tempted to disregard the promises made last August and expanded upon two weeks ago in Costa Rica.

Either way, the Sandinistas win, because the question has been improperly framed from the beginning. And Congress faces the dilemma of either reaffirming bad policy or rejecting it and creating the vacuum of having no policy at all.

Hopefully, the answer to this imprudent ultimatum will be yet another reprieve through an unglamorous compromise that segregates Contra support into non-lethal and lethal-aid packages, fencing off release of the latter for subsequent congressional consideration.

Such an arrangement would allow one more chance, perhaps the last, to return the Contra caboose to the back of the policy train where it belongs, and enable the Administration to forge a truly bipartisan, multidimensional and multilateral approach to the Nicaraguan issue.

Three critical dimensions of our Central American policy need to be resolved:

An honest attempt must be made to root that policy in genuine bipartisan consensus. Bipartisanship means more than simply securing the magic number of "swing" votes needed to join the majority of Republicans supporting the President on the issue. It means a jointly formulated policy in which there is a sense of shared ownership sufficient to engender a shared obligation to defend it domestically and abroad. Dividing Congress and the nation with "good guy-bad guy" rhetoric over charges of neo-isolationism or naivete regarding Marxist regimes can only serve to undermine this effort. Members of Congress ought not to usurp the role of secretary of state. But implementing foreign policy in the absence of reasonable political accommodation denies the stable and predictable foundation upon which foreign policy consensus must be built.

Our Central American policy must be explicitly multidimensional. If continued democratization of Latin American societies is to be nurtured, policies addressing the problem of the drug warlords, the burgeoning Latin populations, the restructuring of Latin American debts and revitalization of Latin American economies must be given just as dramatic a focus and attention as the effort to counter Marxist subversion and presence in the region. We must rigorously examine the impact that our policies may or may not be having in inadvertently remilitarizing the very region in which we are trying to sustain the growth of fragile civilian political institutions.

Our Central American policy must deliberately seek to strengthen multilateral participation of the region's nations. A sense of shared ownership of that policy is no less important to those affected by it than it is to those conducting it. Last fall, while Congress was once again debating additional millions to the Contras, the State Department advised the Organization of American States that the United States could not afford to meet its financial obligations to host the annual OAS meeting. And of course, it goes without saying that a Central American policy is doomed to failure if it runs counter to the joint efforts of the Central American presidents to develop a regional solution to their problems.

As long as policy-making is determined by lurching from Contra aid request to Contra aid request, there is little in the way of meaningful discussion and agreement on the broader goals and purposes of our policy in Central America, and how and when military force might be used to achieve them. In the present context of the diplomatic initiative undertaken by the Central American presidents, the continued fixation on further funding of the Contra is even less adequate as a substitute for a broader policy. Until we begin to ask the right questions, we shall be frustrated with a policy process that yields only bad answers.

(Paul B. Henry, a Republican, represents Michigan's 5th District (Grand Rapids) in the House of Representatives.)

FEBRUARY 1, 1988.

A STATEMENT ON CONTRA AID

We, the undersigned religious leaders, urge Congress to defeat any proposed new aid to the armed Nicaraguan opposition known as the Contras.

As men and women of faith who have leadership responsibilities within our religious bodies, we seek United States policies in Central America that are consistent with a deep sense of morality and justice, policies that rely upon diplomacy rather than the force of arms. We support the Guatemala peace accords and the ongoing peace process in the region. Sending additional aid to the Contras in any form or any amount would violate the Central American peace plan and contravene the expressed wishes of President Oscar Arias of Costa Rica. The immoral Contra war policy must finally be ended.

We ask all Senators and Representatives to vote against the request for new aid to the Contras on February 3 and 4.

AMERICAN BAPTIST CHURCHES, USA

Dr. Chester J. Jump, Jr., Interim General Secretary, American Baptist Churches, USA.

Dr. William K. Cober, Executive Director, National Ministries.

Dr. Donald G. Taylor, Executive Director, International Ministries.

Dr. Daniel E. Weiss, Executive Director, Educational Ministries.

Dr. Dean R. Wright, Executive Director, Ministers & Missionaries Benefit Board.

Rev. Kathryn W. Baker, Executive Minister, American Baptist Churches of the Niagara Frontier.

Dr. J. Ralph Beaty, Executive Minister, American Baptist Churches of the Great Rivers Region.

Rev. Helen Louise Bowser, Minister of Church and Ministry, American Baptist Churches of Rhode Island.

Rev. Donald H. Crosby, Executive Minister, American Baptist Churches of Rhode Island.

Dr. Telfer L. Epp, Executive Minister, Mid-American Baptist Churches (Iowa & Minnesota).

Rev. Robert A. Fisher, Executive Minister, Ohio Baptist Convention.

Rev. Carl E. Flemister, Executive Minister, American Baptist Churches of Metropolitan New York.

Dr. Heinz H. Grabia, Executive Minister, American Baptist Churches of Nebraska.

Rev. Sumner M. Grant, Executive Minister, American Baptist Churches of New York State.

Dr. Carlton B. Goodwin, Executive Minister, The Pittsburgh Baptist Association.

Rev. Pedro Hernandez, Executive Minister, Baptist Churches of Puerto Rico.

Dr. Paul T. Losh, Executive Minister, Vermont Baptist State Convention.

Dr. Calvin L. Moon, Executive Minister, American Baptist Churches of Maine.

Dr. Walter Parrish, Executive Minister, American Baptist Churches of the South.

Dr. Robert D. Rasmussen, Executive Minister, American Baptist Churches of the West.

Dr. Robert H. Roberts, Executive Minister, American Baptist Churches of Connecticut.

Rev. Carrol A. Turner, Executive Minister, American Baptist Churches of Monroe Association.

Rev. Larry K. Waltz, Executive Minister, Philadelphia Baptist Association.

Rev. George D. Younger, Executive Minister, American Baptist Churches of New Jersey.

CHURCH OF THE BRETHREN

William A. Hayes, Moderator.

Donald E. Miller, General Secretary.

Elaine Sollenberger, Moderator Elect.

Ronald D. Beachley, Executive, District of Western Pennsylvania.

Donald R. Booz, Executive, District of Florida and Puerto Rico.

Gordon W. Bucher, Executive, District of Northern Ohio.

Helen Constable, Associate Executive, District of Western Pennsylvania.

Janice M. Eller, Executive, District of Oregon and Washington.

Warren M. Eshbach, Executive District of Southern Pennsylvania.

Pamela T. Farrell, Associate Executive Mid-Atlantic District.

Ronald D. Finney, Associate Executive District of Northern Indiana.

Sylvus D. Flora, Executive, District of West Marva.

Martin A. Gauby, Executive, District of Idaho.

Larry W. Glick, Associate Executive, District of Shenandoah.

Terry Hatfield, Associate Executive, District of Northern Indiana.

Robert D. Kettering, Associate Executive, Atlanta Northeast District.

James L. Kinsey, Executive, District of Michigan.

Joseph M. Mason, Executive, District of Southern Ohio.

James E. Miller, Executive, District of Northern Plains.

Carl E. Myers, Executive, District of Illinois and Wisconsin.

Carroll M. Petry, Executive, District of South/Central Indiana.

Ronald D. Petry, Executive, Mid-Atlantic District.

Doris M. Quarles, Associate Executive, District of Virginia.

Merlin G. Shull, Executive, District of Shenandoah.

Ronald and Shirley Spire, Co-Executives, Southeastern District.

Irven and Pattie Stern, Co-Executives, District of Pacific Southwest.

Owen G. Stultz, Executive, District of Virginia.

James E. Tomlonson, Executive, District of Southern Missouri and Arkansas.

John D. Tomlonson, Executive, District of Western Plains.

Randall L. Yoder, Executive, District of Middle Pennsylvania.

Herbert D. Zeiler, Executive, District of Southern Plains.

Earl K. Ziegler, Executive, Atlantic Northeast District.

EVANGELICAL LUTHERAN CHURCH IN AMERICA

Bishop Herbert Chilstrom, Evangelical Lutheran Church in America.

Bishop John Adam, Slovak Zion Synod.

Bishop Harry S. Anderson, Northern Wisconsin-Upper Michigan Synod.

Bishop Dennis A. Anderson, Nebraska Synod.

Bishop J. Roger Anderson, Southern California.

Bishop James S. Aull, South Carolina Synod.

Bishop Darold H. Beekman, Southwestern Minnesota Synod.

Bishop L. David Brown, Northeastern Iowa Synod.

Bishop Guy S. Edmiston, Jr., Lower Susquehanna Synod.

Bishop Lowell O. Erdahl, East Metropolitan Minnesota Synod.

Bishop Lavern G. Franzen, Florida Synod.

Bishop Stefan T. Guttormsson, Southwestern Wisconsin Synod.

Bishop Lawrence L. Hand, Southeastern Pennsylvania Synod.

Bishop Wesley N. Haugen, Eastern North Dakota Synod.

Bishop Mark B. Herbener, Northern Texas-Northern Louisiana Synod.

Bishop Reginald H. Holle, Western Michigan Synod.

Bishop Robert L. Isaksen, New England Synod.

Bishop E. Harold Jansen, Metropolitan Washington Synod.

Bishop Herluf M. Jensen, New Jersey Synod.

Bishop John P. Kaitschuk, Central/Southern Illinois Synod.

Bishop Robert W. Kelly, Northeastern Ohio Synod.

Bishop Ralph A. Kempski, Indiana-Kentucky Synod.

Bishop Gerhard I. Knutson, West-Central Wisconsin Synod.

Bishop Charles H. Maahs, Missouri-Kansas Synod.

Bishop A. Donald Main, Upper Susquehanna Synod.

Bishop Rafael Malpica-Padilla, Caribbean Synod.

Bishop Lowell H. Mays, South Central Wisconsin Synod.

Bishop Curtis H. Miller, Western Iowa Synod.

Bishop Milton R. Reisen, Eastern Michigan Synod.

Bishop Peter Rogness, Southeastern Wisconsin Synod.

Bishop Robert H. Studtmann, Arkansas-Oklahoma Synod.

Bishop Paul R. Swanson, Oregon Synod.

Bishop Sherman Hicks, Metropolitan Chicago Synod.

Bishop Harold S. Weiss, Northeastern Pennsylvania Synod.

Bishop Wayne E. Weissenbuehler, Rocky Mountain Synod.

Bishop Paul M. Werger, Southeastern Iowa Synod.

Bishop David C. Wold, Southeastern Washington Synod.

Bishop Morris Zumbrun, Maryland Synod.

PRESBYTERIAN CHURCH (U.S.A.)

The Rev. James E. Andrews, Stated Clerk of the General Assembly.

The Rev. Frederick J. Beebe, Synod Executive, Synod of Southern California and Hawaii.

The Rev. Robert L. Brashear, Chair, 1987–88 Presbyterian Task Force on Central America.

The Rev. Linda B. Brebner, Associate Executive, Synod of Lincoln Trails.

Mildred M. Brown, Associate, Women's Unit.

The Rev. Vernon S. Broyles III, Director, Church and Public Issues.

The Rev. Tom Castien, Executive, Presbytery of the Cascades.

The Rev. Clarence L. Cave, Associate for Racial Justice and Black Mission Development.

The Rev. George A. Chauncey, Deputy Director, Washington Office.

The Rev. Robert E. Coleman, Associate Executive, Synod of the Trinity.

The Rev. Robert T. Cuthill, Synod Executive, Synod of Lakes and Prairies.

The Rev. Gary Demarest, Member, 1987–88 Presbyterian Task Force on Central America.

Mary B. Diboll, Associate, Women's Unit.

Dorothy J. Doherty, Chair, Presbyterian Peacemaking Committee (Middle Tennessee).

The Rev. William J. Fogleman, Synod Executive, Synod of the Sun.

Ollie Gannaway, Associate, Presbyterian Peacemaking Program.

Carole Goodspeed, Staff Executive, Committee on Women's Concerns.

The Rev. Benjamin F. Gutierrez, Associate for South America.

The Rev. Dieter T. Hessel, Director, Committee on Social Witness Policy.

The Rev. Elenora Giddings Ivory, Chair, Committee on Social Witness Policy.

The Rev. Brad Kent, Chair, Synod of Mid-America Committee for Peacemaking.

The Rev. Richard Killmer, Director, Presbyterian Peacemaking Program.

Pam Laing, Moderator, Synod of the Sun.

The Rev. Lewis H. Lancaster, Jr., Associate Director, Global Mission Ministry Unit.

The Rev. Jorge Lara-Braud, Member, 1987–88 Presbyterian Task Force on Central America.

The Rev. John B. Lindner, Coordinator, New York Liaison Office.

Mary Ann Lundy, Director, Women's Unit.

The Rev. John D. MacLeod, Jr., Administrator, Raleigh Office for Synod D.

Dr. Belle Miller McMaster, Director, Social Justice & Peacemaking Unit.

The Rev. Bernadine McRipley, Executive, Newark Presbytery, Synod of the Northwest.

Jeanne C. Marshall, National President, Presbyterian Women.

The Rev. Robert D. Miller, Director, Education and Congregational Nurture Unit.

Margaret R. Montgomery, Interim Associate for World Service.

Clara Morgan, Scioto Valley Presbytery Women's Unit.

The Rev. George P. Morgan, Synod Executive, Synod of the Covenant.

Harriet Nelson, Member, 1987–88 Presbyterian Task Force on Central America.

Alice Nishi, Associate, Women's Unit.

The Rev. Kent Organ, Member, 1987–88 Presbyterian Task Force on Central America.

Mary Jane Patterson, Director, Washington Office.

Patricia M. Roach, Director, Evangelism and Church Development.

Dr. Isabel Rogers, Presbyterian School of Christian Education.

The Rev. Janet Schlerke, Associate, Synod of Rocky Mountains.

The Rev. Robert F. Smylie, Director, United Nations Office.

S. David Stoner, Executive Director, General Assembly Council.

The Rev. Charles A. Summers, Member, 1987–88 Presbyterian Task Force on Central America.

The Rev. David Tomlinson, Synod Executive, Synod of the Rocky Mountains.

The Rev. Eugene G. Turner, Synod Executive, Synod of the Northeast.

The Rev. Otis Turner, Coordinator, Black Justice.

Patricia Gill-Turner, Associate, Committee for Women of Color.

Elizabeth H. Verdesi, Associate for Council on Women and the Church.

The Rev. James Watkins, Associate Director, Presbyterian Peacemaking Program.

The Rev. Robert H. White, Associate for Presbytery Services, Synod of Mid-America.

The Rev. John L. William, Synod Executive, Synod of Mid-America.

The Rev. Sylvia Wilson, Associate, Racial Ethnic Unit.

The Rev. David L. Zuverink, Associate, Human Services.

United Methodist Church

Edsel A. Ammons, Bishop, the West Ohio Area.

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Joyce Hamlin, Executive Secretary for Public Policy Women's Division

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J. Woodrow A. Hearn, Bishop, the Nebraska Area.

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Neil L. Irons, Bishop, the New Jersey Area.

Ed Iwamoto, Superintendent, the Vancouver (WA) District, Chair, Department of Peace and World Order, General Board of Church and Society.

Reuben P. Job, Bishop, the Iowa Area.

L. Bevel Jones, III, Bishop, the Charlotte Area.

Leontine T.C. Kelly, Bishop, the San Francisco Area.

J. Lloyd Knox, Bishop, the Birmingham Area.

David J. Lawson, Bishop, the Wisconsin Area.

Carolyn Marshall, President, Women's Division.

Calvin D. McConnell, Bishop, the Portland Area.

C.P. Minnick, Jr., Bishop, the Raleigh Area.

Robert C. Morgan, Bishop, the Jackson Area.

Donna Morton-Stout, Associate General Secretary, General Board of Church and Society.

Roy I. Sano, Bishop, the Denver Area.

F. Herbert Skeete, Bishop, the Philadelphia Area.

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James S. Thomas, Bishop, the Ohio East Area.

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Woodie W. White, Bishop, the Illinois Area.

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Rev. Horace Sills, Interim Conference Minister, Southeast Conference.

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Sr. Anne O'Neil, RSCJ, Provincial Superior, Society of the Sacred Heart, St. Louis, MO.

Sr. Margaret Nulty, SC, Associate Director Leadership Conference of Women Religions.

The Provincial Council of the School Sisters of Notre Dame, Baltimore Province.

Reverend Steven Tutas, President, Conference of Major Superiors of Men.

Reverend Walter L. Farrell, SJ, President, Jesuit Conference.

Reverend Alan McCoy, OFM, Executive Director, Franciscan Conference.

Reverend Howard Grey, SJ, Vice-President, Conference of Major Superiors of Men.

Reverend Roland Faley, Executive Director, Conference of Major Superiors of Men.

Luise Ahrens, MM, President of Maryknoll Sisters, Maryknoll, NY.

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Barbara Karl, SND, Sisters of Notre Dame de Namur, Maryland Province.

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Rev. Charles F. Lamb, Regional Minister, Northeastern Region, Christian Church (Disciples of Christ).

Dr. Jimmie L. Gentle, Regional Minister, Christian Church (Disciples of Christ).

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The Most Rev. Metropolitan Philip Saliba, Archbishop Antiochian Orthodox Christian Archdiocese of North America.

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Rev. J. Graley Taylor, Executive Director, Religious Broadcasting Commission.

Rev. John Magnuson, Campus Pastor, Covenant House, University of Washington.

Fr. Elias Stephanopoulos, Representative of Bishop Greek Orthodox Church.

The Rev. Richard G. Cunningham, Minister, University Christian Church.

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Stephen G. Gary, Chairperson, American Friends Service Committee.

Edward Snyder, Executive Secretary, Friends Committee on National Legislation.

Winifred Walker-Jones, Presiding Clerk, Baltimore/Washington Yearly Meeting.

Ruth G. Crutchley, Executive Secretary, (Acting), Baltimore/Washington Yearly Meeting.

Richard W. Taylor, Clerk, Lake Erie Yearly Meeting.

William B. Kriebel, Presiding Clerk, New England Yearly Meeting.

Mary Foster Cadbury, Clerk, New England Yearly Meeting.

Samuel D. Caldwell, General Secretary, Philadelphia Yearly Meeting.

Rev. Jim Wallis, Sojourners Ministry Editor, Sojourners Magazine.

Rabbi Eugene Lipman, President, Central Conference of American Rabbis.

Rabbi Joseph Glaser, Executive Vice President, Central Conference of American Rabbis.

Rabbi Alexander Schindler, President, Union of American Hebrew Congregations.

Al Vorspan, Vice President, Union of American Hebrew Congregations.

Rabbi David Saperstein, Director, Religious Action Center of Reform Judaism.

Eleanor Schwartz, Executive Director, National Federation of Temple Sisterhoods.

The Most Reverend Edmond L. Browning, Presiding Bishop and Primate, The Episcopal Church.

The Right Rev. John T. Walker, Bishop of Washington, The Episcopal Church.

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Rev. Elizabeth Lunz, Associate for Women's Ministry Unit, Presbyterian Church USA.

Doris Anne Younger, General Director, Church Women United.

Sylvia Talbot, President, Church Women United.

Jean Miller, Associate Director of Women's Unit, Presbyterian Church USA.

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Janice R. Newborn, Department of Church Women, Christian Church (Disciples of Christ).

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J. Alfred Smith, Sr., President, Progressive National Baptist Convention.

Gordon Sommers, President, Provincial Elders Conference of Northern Province, Moravian Church in North America.

Howard Housman, Chairperson, Board of World Mission, Moravian Church in North America.

Theodore Wilde, Executive Director, Board of World Mission, Moravian Church in North America.

William Gramley, Executive Director, Board of Christian Education, Southern Province, Moravian Church in North America.

John Hurst Adams, Presiding Bishop, Second Episcopal District, African Methodist Episcopal Church.

Clinton R. Coleman, Presiding Bishop, Fifth Episcopal District, African Methodist Episcopal Zion Church.

Earl R. Johnson, General Secretary, African Methodist Episcopal Zion Church.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognzied for 10 minutes.

Mr. HARKIN. Mr. President, one is temped to reply to the rhetoric that has come around in like time. But the time has come to try to reduce the rhetoric now and to take a look at the recent history of Nicaragua. There are some salient facts that need to be recalled.

First, the revolution that brought the Sandinistas to power occurred in July of 1979. Nicaragua was devastated, completely laid to waste. The Nicaraguans tried to rebuild their country over the next year or so. In fact, the United States gave the Commandantes

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who were running the country at that time, some hundred million dollars. That has been alluded to several times.

I remind my friends that 60 percent of that money went to the private sector and to this day no one has ever accounted for that money. Much of it, I assume, was taken out of the country by the private sector at that time.

So only 40 percent of the money went for any kind of infrastructure, health, rebuilding sewer systems, water, and other vital social services.

In February 1981, the Reagan administration began its efforts to coordinate the Contra affairs, to put the CIA in charge, and to begin the process of undermining the fragile government that was starting to form in Nicaragua at the time.

What we have is a revolution that laid the country to waste. And in less than 18 months, the Reagan administration began the process of destablizing the Nicaraguan Government.

Up until that time, in time there was still press freedom in Nicaragua, still freedom for the radios to operate, still freedom for political parties across the political spectrum to operate. It was only after the Contras began their way that the Sandinista Government began to close the political space inside Nicaragua.

In March 1982, the Sandinistas for the first time imposed a state of emergency after two bridges were blown up by the Contras in northern Nicaragua, the first big act taken by the Contras after the Reagan administration had involved the CIA in coordinating and funding the Contras.

In October 1985, the Sandinistas renewed their state of emergency after Congress approved $27 million in aid to the Contras.

To show how short our memories are, it was not June 1986 when the Sandinistas closed La Prensa. Again, it was June 1986. Not back in 1980 after the Sandinista took power, not even in 1981 after the Contras started. In June 1986, they closed La Prensa. Why and when? After the Congress voted $100 million in aid to the Contras.

There has just been this torrent of misleading information and, I might add, on the part of this administration, outright falsehoods, on the recent history of Nicaragua.

I do not mean to respond to all of the items, but I have listened to a few of them here on the floor and I would like to respond to a few of them.

I heard allegations made about sophisticated weapons in Nicaragua.

I happen to have been one of those who has been to Nicaragua several times. I have had occasion to fly out with the Nicaraguans to visit a Miskito camp. I have visited some of their military implacements. All I can say is if what I saw was sophisticated Soviet weaponry, then we can reduce our defense appropriations 50 percent and still meet the Soviet threat.

Their vehicles do not work; their airplanes will not fly.

Earlier today I heard the Sandinistas eliminated the church. I would like to have that person tell that fact to all the priests, nuns, Catholics, Methodist ministers and others who have been in Nicaragua, who have worked with the peasants there. They are unarmed, not accosted by the Sandinistas, and are still in Nicaragua operating freely in the countryside.

I heard about that the Sandinistas threatened the security of our hemisphere—the old threat to Harlingen, TX routine.

Again, if the Sandinistas are a threat to this hemisphere, we are in deep trouble. How can we be threatened by a small country the size of my State of Iowa, with less than 3 million people, with a per capita income of $600 per year?

Then I heard about the sham elections in Nicaragua. Well, they were certainly not the best elections ever held, but in 1984 the Sandinistas received 65 percent of the vote. The opposition got 35 percent. If this is a sham election, they sure do not know how to operate a sham election if all they can get is 65 percent of the vote.

There were international observers for the elections and of all the accounts I read the observers concluded that they were basically fair elections in Nicaragua in 1984.

We have had some recent elections in Haiti. Has anyone said they were fair and open? About the biggest sham in elections you can see just occurred in Haiti but I do not see this administration urging that Contras be sent into Haiti.

In the 7 years of the Contra war, some 40,000 Nicaraguans have been killed. Over $17 million is still missing from the $27 million "humanitarian" aid package we approved in 1985. The GAO says they cannot account for $17 million.

I personally tried to investigate a couple of years ago, to try to wade through the data to find where that $17 million went. Missing bank accounts, money going to the Cayman Islands. We try to make sure we account for our taxpayers dollars, but here is $17 million that no one can account for. Where is it? Swiss bank accounts?

Yet now we are to throw even more money to the Contras.

Last fall, in my talks with President Arias, a few things became clear to me. He said the United States was taking the military route in Central America and in doing so alienating itself from the rest of Latin America.

Quite frankly, what I think the Arias peace plan does and what President Arias himself was doing was really saving us from ourselves. As he pointed out, the Contras are part of the problem, not the solution. And I would submit, Mr. President, that President Arias is probably one of the best friends that the United States has ever had in Latin America in protecting the long-term interests of the United States in Latin America.

Mr. President, in the Atlanta Constitution on Friday, January 29, there is an article by William E. Colby, the former Director of the CIA, and his reason on why we ought to stop Contra aid. I believe it is a well-reasoned and logical statement on how we can best meet the three threats to our security in Central America. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR THE SAKE OF UNITED STATES AND CENTRAL AMERICAN SECURITY, STOP AID TO THE CONTRAS

(By William E. Colby)

As they prepare for next week's showdown vote on contra aid, many congressmen are, with good reason, posing a fundamental question: Is U.S. and Central American security better served by aid to the contras, or by stopping it? The answer is simple; by stopping it.

Nicaragua poses three potential security threats to the United States and the region. At best, the contras are irrelevant to these threats. At worst, they exacerbate them.

First, although tiny Nicaragua's military power does not and cannot in itself threaten the United States, a direct threat to U.S. security could arise in Nicaragua if that country were to provide a platform for *Soviet* military power—missiles, submarine bases, and the like. This possibility deserves to be taken seriously (although Nicaraguan defector Roger Miranda Bengochea disclosed that the Sandinistas and the Soviets have not discussed the subject and have no plan to do so).

But the reality is that if the Sandinistas should be foolhardy enough to permit the Soviets to establish bases on their soil, the contras could do nothing to prevent it, even if we doubled their size. If the contras have any effect at all, it is to *increase* Sandinista incentives to commit the Soviets to Nicaragua's defense by providing the Soviets with such facilities.

Unlike the contras, the United States does have the ability to prevent this eventuality. WE—not the contras—can and should obtain Soviet and Nicaraguan agreement to keep the Soviets out of Nicaragua. We—not the contras—can and should make it clear that we possess and will employ the military might to eliminate any direct Soviet military threat emanating from Nicaragua.

But we must offer them both some incentive to accept such a deal. Stopping aid to the contras is exactly such an incentive, removing any need or justification for them to refuse it.

The second possible threat that Nicaragua poses is that of conventional military aggression against its Central American neighbors. Military experts agree that Nicaragua does not currently pose such a threat. Nor do Miranda's disclosures suggest an intent to build one; the force he reported is a militia, to defend Nicaragua against American attack.

Nicaragua does not possess the capability to project military power beyond its borders for any period of time. Its Korean War-vintage tanks—which are older than the people who drive them—are inappropriate for the terrain that the Sandinistas would encounter in an invasion.

But in the event the Nicaraguans attempt overt aggression, the contras cannot provide the defense. On the contrary, the contras constitute, if anything, an incentive for Nicaragua to invade Honduras, since that is where their bases and their sources of supplies are.

The argument that the contras tie down the Sandinistas and keep them from invading their neighbors does not hold water. If the Sandinistas are thinking of invading anyone, what constrains them, beyond their lack of offensive military capability, is the United States. In the event of an invasion, we would have every right, under the collective-security provisions of the inter-American system, to respond to a request of the victim for assistance, including U.S. forces, in repelling the invasion. And there would be bipartisan support in Congress for this action.

The third—and more serious—security threat that Nicaragua poses is that of subversion of its neighbors. Here, too, the contras are part of the problem, not part of the solution. Central America's presidents have launched and sustained their peace process out of a conviction that their societies are only destabilized by the conflicts raging in the region.

The contras do nothing to protect Nicaragua's neighbors against subversion. On the contrary—as Costa Rican President Oscar Arias has recognized—involvement with the contras weakens the authority of the other Central American presidents to keep the pressure on the Sandinistas, and gives Nicaragua an excuse for hedging its compliance with the peace plan. A verification commission led by the five presidents can work against a violator only when the others have nothing to hide, as the Hondurans do as long as they house the contras.

We will begin effectively to insulate Nicaragua's neighbors against subversion when we help build successful, prosperous, democratic societies. Programs of political, economic and social development are the real barriers against subversion. Continued Central American wars divert our energies and make this impossible; that is what drove the five presidents to Guatemala last August.

In short, our contra policy works against all three of our security concerns with respect to Nicaragua. We further our security interests through verifiable agreements with Nicaragua and its patrons backed by U.S. power, and by helping Central Americans create the conditions for democratic development.

The contras could help us more as a political movement within Nicaragua than as a paramilitary one assaulting its borders. Congress should stop the present program as counterproductive.

Mr. HARKIN. Mr. President, we are told that we should give Nicaragua this $36.25 million. Now we know it is closer to $60 million when you add the $27 million for air defense and leasing aircraft. On an annualized basis that is $108 million, more than any other aid package ever approved for the Contras. But how much have we already given the Contras? The best we can figure, since the Reagan administration started in 1981, we have given the Contras over one-quarter of a billion dollars in aid, one-quarter of a billion dollars.

Well, it is tax time, Mr. President. Americans across this country are beginning to fill out their tax forms. They are beginning to see what Uncle Sam takes out of their checks they work so hard to get. Do you know what they are hearing from us? They are hearing we do not have any money for education; we have to cut back. We do not have money for a meaningful day care bill that the Senator from Connecticut has pending. We do not have money for parental leave. We do not have money to meet some of the needs of our elderly citizens; we have to cut back. But, boy, we have $60 million more, or $108 million on an annualized basis, to send to the Contras. We need that money in this country more than we need it for the Contras. Then you look and see what the directors are making. I wonder how many people in this country know that Adolfo Calero, the head of the directorate for the Contras, is getting around $7,000 a month tax free from the people of this country, $7,000 a month tax free. And not only is he getting that, the other directors of the Contras are getting it, too. Just ask yourself, if you are getting $7,000 a month tax free, do you want to sit down and negotiate with the Sandinistas? Heck no. Keep the pipeline open. Keep the Contras active. And they continue to get this money. No wonder they do not want any agreement.

And then, Mr. President, we see in the paper that the United States is going to give this defector $800,000. This is in the paper today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I ask for 2 more minutes.

Mr. PELL. I yield 2 more minutes to the Senator from Iowa.

Mr. HARKIN. "U.S. to Give Defector $800,000." This is Col. Miranda Bengoechea, who defected from the Sandinistas and came up here—I might also add, a guy who could not even pass one lie detector test.

Now, here it is. He is going to receive a lump sum of $500,000, plus $75,000 in resettlement aid and a 5-year contract worth $45,000 annually, all from the President's contingency fund. Well, it is taxpayers' dollars.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 4, 1988]

U.S. TO GIVE DEFECTOR $800,000

(By Tom Kenworthy and Don Phillips)

Roger Miranda Bengoechea, a former top aide to Nicaraguan Defense Minister Humberto Ortega who has become one of the United States' most valued defectors, is to receive $800,000 from the U.S. government in rewards, resettlement assistance and a contract for unspecified services, congressional sources said yesterday.

The amount is more than the Central Intelligence Agency generally pays high-level defectors, apparently reflecting U.S. delight with the defection Oct. 25 and his performance since then.

Other defectors have received more than $600,000 in lump payments or lifetime annual stipends, according to published reports, and some will receive considerably more, depending on how long they live. Many have been given far less.

Miranda, 35, defected on an official trip to Mexico City leaving his former boss aboard Nicaragua's version of Air Force One.

Humberto Ortega later called Miranda a "little worm" and said he was the "most important betrayal" in the seven-year history of Nicaragua's leftist Sandinista regime. Since then, Miranda has appeared at dozens of interviews and news conferences orchestrated by the State Department to denounce the Sandinistas.

According to the sources, Miranda is to receive a lump sum of $500,000, plus $75,000 in resettlement aid and a five-year contract worth $45,000 annually, all from the president's contingency fund. The sources said they do not know what services he is to perform under the contract.

An administration official confirmed the payment's general outlines but said the financial agreement is tentative and could differ slightly from figures given by congressional sources.

The House and Senate intelligence committees have been briefed on the agreements, and members of the traditionally close-mouthed panels would neither confirm nor deny the payments.

A major question is whether Miranda was offered the payment before or after his decision to defect. A State Department official insisted that Miranda did not know how much he would receive until Jan. 5, several weeks after he began his round of U.S. interviews.

"I can say categorically he was not contacted and did not contact any U.S. officials in Nicaragua," the State Department official said.

The official said that he could not confirm the amount of the settlement but that it is a "standard resettlement package" that would give Miranda a standard of living "roughly comparable to that he would have enjoyed in his country of origin."

High-ranking defectors generally can count on receiving $300,000 to $400,000 in various forms of compensation, although some particularly valued defectors received more.

Arkady Shevchenko, a Soviet diplomat who defected here in 1978 as U.N. deputy secretary general, reportedly received a $60,000 annual stipend. Former KGB officer Yuri Nosenko, who defected in 1964, reportedly was given a lump sum of $125,000 and more than $500,000 in consultant fees and other payments.

Miranda, who had access to high-level military and government secrets as Humberto Ortego's personal secretary, has alleged that the Sandinistas plan to use a regional peace plan as a cover to consolidate power and defeat the contra rebels.

Mr. HARKIN. Here is this guy getting $800,000. I thought he defected to come to freedom, to get away from this repressive government that he alludes to in Nicaragua to come to freedom. Is this the message we send, that anyone who leaves Nicaragua, leaves the Sandinistas, we will give them $800,000? Is that what we are saying? How much money is it going to cost to say to every person who leaves a Communist country to come to America, "Oh, we will give you $800,000 or $500,000," depending I suppose on how high ranking you are. I dare say we better look out, Mr. President. We are going to have a lot more Nicaraguans in the United States than we ever thought about if we start giving them $800,000.

Mr. President, I want to close by reading one of my favorite quotes from Walter Lippmann, who wrote the day after the Bay of Pigs:

> A policy is bound to fail which deliberately violates our pledges and our principles, our treaties and our laws. The American conscience is a reality. It will make hesitant and ineffectual, even if it does not prevent, an un-American policy.

It is time that we have learned the lessons over the past 7 years and begin to shape a new policy, a bipartisan foreign policy that will address the real issues not only in Nicaragua but all of Latin America—poverty, social injustice, and the need for economic development for the lowest of the lowest classes of people throughout Latin America. That is a policy we can all support. That is a policy in the long-term, best interests of the entire hemisphere.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield 7 minutes to the Senator from Indiana, Mr. Quayle.

The PRESIDING OFFICER. The Senator from Arizona has 5 minutes remaining to yield.

Mr. McCAIN. Mr. President, I ask unanimous consent to be allowed to control the remaining time for my side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator yields 7 minutes to the Senator from Indiana.

Mr. QUAYLE. I thank my friend from Indiana.

Mr. President, a number of Senators have quoted President Arias, and I believe that he is a good, honest, decent man. President Arias has said, Mr. President, that we cannot have peace in Central America unless we have democracy. We cannot have peace in Central America unless we have democracy.

Now, as we contemplate the issue before us, do we really believe that Daniel Ortega, who is a dedicated Marxist-Leninist, wants to see democracy? Do we really think that Daniel Ortega is interested in pluralism? Do we really believe that he wants to see democracy come to his country?

I dare say that is not the case, and I do not believe anybody will come up and say that Daniel Ortega wants to see democracy come to his country. Yet President Arias has said if we want to see peace in Central America, we must have democracy.

There has never been a Marxist-Leninist leader who has been interested in democracy. What we are seeing is a classic Lenin move where you take one step forward and two steps back. You do not take your eye off the objective of a totalitarian state that wants to expand beyond its borders and be a threat to its neighbors. To achieve that objective, you may, as Lenin said, have to take two steps backward and, as Lenin said, you have to use technical flexibility to achieve your objective.

We know what Ortega's objective is, and yet we are on the verge—and it happened last night—of helping him achieve that objective because the House of Representatives cut off aid to the freedom fighters and resistance in Nicaragua.

Why do you think Daniel Ortega is having to take two steps backward? It is because of the resistance in his country, where you have 15,000 to 20,000 people in that country who want to see a change, who want to see democracy, who want to see a little bit of freedom. Yet, what happened yesterday is that this Congress rejected the advice of the President of the United States, rejected the advise of the Secretary of State, rejected the advice of the Secretary of Defense, rejected the advice of the Chairman of the Joint Chiefs of Staff, rejected the advice of the Deputy Chairman of the Joint Chiefs of Staff, rejected the advice of the Chief of Staff of the Army, rejected the advice of the Air Force, rejected the advice of the Navy, rejected the advice of the Chief of Staff of the Marine Corps but accepted the advice and the recommendation of Daniel Ortega to vote no on this aid package.

So we now have a situation where the Congress is now going to be running this foreign policy endeavor. When the Congress has contradicted the President, the Secretary of State, the Defense Secretary, and all the Chairmen of the Joint Chiefs of Staff, you cannot show me a place in history where Congress inserted its judgment for those people's that the Congress has been proven to be right in the long run. No, Congress is not doing what is right. It may be doing what is political but it is not doing what is right. Let us look at what is happening down there.

A recent Rand report said this, that the Nicaraguans, Sandinista leadership, and I quote "* * * is moving methodically to becoming a Soviet client." That is the Rand report. That is not a report by the Department of Defense, Secretary of State, or the President. That is the Rand Corp. report.

I would say that they actually go beyond being a client state. Let us face it, Nicaragua is an occupied state. You have 2,000 Cubans and Soviets that are down there advising. You have Bulgarians. You have East Germans. You have people from all over the Communist world that want to see this totalitarian dictatorship succeed.

You have Soviet economic and military aid—$2.3 million a day, Mr. President. We have heard the Sandinista military 5-year plan to go to 600,000. They are building a 10,000-foot runway, the largest in Central America. They have been promised Mig's. Nicaragua has a very strategic location because its ports will not only allow the Soviets the Atlantic and Caribbean but also for the first time the Pacific.

As we decide in the House of Representatives to cut off the aid to the Contras, we ought to think about what this is going to do if in fact Ortega is able to consolidate his power. We ought to have, and Congress better know, the responsibilities it is going to have to face up to by these decisions in the future.

It has been estimated that if we cut off aid to the Contras and if we want to contain the expansion of Ortega, once he decides to continue his revolution outside his border—right now he is contained inside, but once he consolidates power and wants to go outside, it is estimated by the U.S. Department of the Army that there will be 100,000 troops. The Navy might have to dedicate a carrier, and the Air Force a squadron of planes. Do we want to do that? That is what the Congress is saying. Do we want to pay for that? That is what the Congress is saying by cutting off the Contras. That is what it is going to cost in terms of real money and real military effort. And we do not need to see that we have people there that want to help themselves.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. BYRD. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

Mr. PELL addressed the Chair.

I yield 10 minutes to the Senator from Hawaii, Mr. Matsunaga.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I rise in strong opposition to the President's request for $36 million in further lethal and nonlethal assistance to the Nicaraguan Contras. If my calculations are correct, on a monthly basis, this amount is three times the rate of aid currently being provided to the rebels. Counting funding for aircraft leasing and electronic countermeasures equipment, the total aid package could amount to as much as $68 million. This is on top of the millions of dollars worth of stockpiled weapons and supplies in previously authorized assistance which the President can release after the March 31 Presidential certification date.

Mr. President, I have taken to the floor on other occasions to express my opposition to Contra aid. My reasons were several.

First, I did not believe that a ragtag band of 12,000 assorted terrorists, criminals, and ex-Somocistas could exert significant military pressure on the Nicaraguan Government. Indeed, I feel it likely that Contra attacks would only strengthen the Sandinistas' resolve to crush the rebels, continue authoritarian rule over the country, and solicit more aid from the Soviets.

Second, the administration's Nicaragua policy flagrantly violated international propriety, custom, and law. Instead of encouraging a climate of international cooperation, we ignored a World Court ruling concerning the illegality of Contra aid by our continued support of a small rebel force bent on overthrowing a government with which we maintain diplomatic relations.

Third, rather than engaging in a peaceful dialog with the Nicaraguan Government, the administration sought to undermine every diplomatic initiative with military solutions to the Nicaraguan conflict.

Fourth, continued U.S. involvement in Central America threatened to draw American troops into an unjust war. As we experienced in Vietnam and the Soviets have realized in Afghanistan, we would find ourselves on the losing end of an interminable war of attrition.

All these reasons still remain, Mr. President. But now we have additional reasons to oppose the administration's request. For the first time, since the conflict began, a comprehensive, realistic framework for regional peace is on the table. The Arias plan, first espoused last August, provides for a cease-fire between warring parties among the Central American nations, a general amnesty for political prisoners, a halt to all outside aid to insurgents, renunciation of each Central American nation's territory as a staging area for armed struggle against any of the other nations, negotiations between government and rebel groups, and a series of democratization measures culminating in open, free elections.

Mr. President, although the plan experienced a rocky start, and not all of its provisions have been fully complied with, the Central American Presidents' meeting 3 weeks ago placed it firmly back on track again. At that meeting, rather than making concessions to the Sandinistas, the Presidents of Costa Rica, Honduras, Guatemala, and El Salvador refused to entertain any more delays in implementing the terms of the peace process.

Their resolve, coupled with the sincerity of their commitment to a nonmilitary solution to regional conflict, has elicited major, conciliatory gestures from the Nicaraguan Government, including the lifting on January 20 of the state of emergency, a promise of amnesty for thousands of political prisoners if a cease-fire can be effected, and an agreement to enter bilateral negotiations with the Contras for a cease-fire.

President Reagan insists that aid to the Contras is an insurance policy in the event that the Nicaraguan Government reneges on these concessions. The President is convinced that the Contras are the primary reason why the Sandinistas have come to the bargaining table. I disagree.

The Contras, despite $270 million in U.S. assistance, have not achieved any significant military victories in all the years they have been in the field. They lack the leadership, the troops, and most of all the popular support intrinsic to such victories. If the Contras have exerted any pressure on the Nicaraguan Government, it is of the sort that would drive it away from negotiations, and the kind with which we should not be associated. I refer to the innumerable Contra atrocitics committed against innocent civilians and the great hardship endured by the common people of Nicaragua as a result of the Contras' disruption of the economy. No, Mr. President, the reason the Sandinistas have agreed to negotiate is that they have seen the viability of the Arias plan itself—an initiative developed solely by and for the Central American nations—and the firm resolve the Central American Presidents have displayed in their commitment to the terms of the plan.

Mr. President, the Arias plan presents the finest opportunity for a satisfactory end to the conflict in Nicaragua and in the other Central American countries. We should do our part to carry out the Nobel Peace Prize-winning plan by putting an end to Contra aid—and in so doing acknowledge the right of the peoples of Central America to determine their own destinies. We must relinquish the administration's morally, legally, politically, and militarily bankrupt policy and demonstrate to the world and ourselves that statesmanship, reason, and adherence to democratic principles are yet alive in the councils of government.

Mr. President, I urge my colleagues to oppose the administration's Contra aid request.

Mr. McCAIN. Mr. President, I yield 5 minutes to the Senator from Alaska [Mr. Murkowski].

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Senator.

Mr. President, much has happened in the Central American region since Congress voted early last session to raise $30 million in humanitarian aid for the Contras, but it is clear that today the Contras have become an important part of the peace process in Nicaragua.

It will be recalled that earlier the Sandinistas insisted that the United States be a part of the peace process, that there was absolutely no room for the Contras. This is obviously a substantial change and one of the benefits of the peace process that we hope will be successful.

The presence of the Contras, I am convinced, provided leverage which has caused President Ortega, for the first time in 9 years, to take action which can return a small measure of democracy to Nicaragua—and I say small.

The strength of the Contras has contributed to the working out of the Arias peace plan by forcing the Sandinistas—forcing the Sandinistas—to deal with them.

In that respect, the action of Congress just before Christmas to continue humanitarian aid has had a very salutary effect on this situation.

Make no mistake about it: It has been expressed time and time again before this body today that Ortega is under great pressure. The Contras remain strong; they remain a challenge to his grip on Nicaragua. He is under pressure from his neighbors to observe the various points of the peace plan.

Finally, the Nicaraguan economy is in shambles—and this is important, Mr. President. Inflation is going out of sight. Ortega is now a man without excuses. The prospect of a vote in Congress for more Contra aid has really forced him to take actions in the last few weeks that he clearly would not have taken. By simply planning a vote on Contra aid, we have advanced the peace process, and that is to the credit of Congress.

I view this measure before us as one essentially providing for humanitarian assistance to the Contras, in an effort to keep them a viable bargaining force in negotiating peace in the region.

The measure does not release military aid. It holds it in reserve, and the President would ask Congress for a resolution if a cease-fire is not in place.

The argument over whether the Contra's military activities have or have not contributed to advancing the peace process in Central America is a painful one, and many Americans have strong views on it. I get them from my constituents, and it is not a subject on which people are neutral.

I have long said that our principal goal in Central America should be to remove Soviet influence there. Frankly, the administration did not have a clear goal in mind earlier in this process, but it does today. An important aspect of the President's proposal is that it makes, as I suggested a year ago, "an end to Soviet, Cuban, and other Communist-bloc military and security assistance to, advisers in, and the establishment or the use of bases in Nicaragua." A goal of American policy.

This specific policy objective needs to be enshrined in law.

Over the years, the Soviets have provided five times the military aid to Nicaragua that we have provided to the Contras. It is the Soviet military intervention that has transformed an internal conflict into an international conflict, a global conflict which has directly threatened the security of our hemisphere.

As long as Nicaragua is conducting, at Soviet expense, a military buildup far beyond its own defensive needs, then the United States must continue to exert its influence, because, after all, this is our hemisphere.

We must focus our attention on the best way to pursue the peace process and to pursue what must be our main objective, and that is to remove, as a priority, the Soviet and Cuban threat from Nicaragua.

According to our Constitution, as we know, foreign policy decisions are the responsibilty of our President, with the consent of Congress. Unfortunately, in this year, a Presidential year, partisan politics is short-circuiting the decisionmaking process.

After last night's action in the House, it is clear that those who control Congress, my friends—many of them are here today—now assume the responsibility for our Nation's role in Central America.

Make no mistake, Mr. President, the success or failure of their efforts will be measured on their watch.

The PRESIDING OFFICER (Mr. Conrad). The time of the Senator has expired.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent for an additional 1 minute and 30 seconds.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. I yield the Senator an additional 2 minutes.

Mr. MURKOWSKI. I thank the Senator from Arizona.

Mr. President, the measure that is before us is the only tool we have at the moment. Given the procedural posture we are in, the measure cannot be amended. While some in this body may question parts of this package, the President has indicated that Congress should be directly involved in releasing further aid, if needed.

However, on balance, I think this measure has contributed and will contribute to weakening the Soviet hold on Nicaragua and will advance the cause of peace.

Mr. President, things go full circle around here, as we all know, as we reflect on the $32 million package of humanitarian aid that was defeated in the House. Yet, now we are told about the possibility of forthcoming legislation for further humanitarian aid, perhaps a partisan package.

As we reflect on the reason why the participants in the Arias peace plan will not stand up and be counted, we have to recognize the rationale. They do not know whether America is going to be consistent, whether America is going to stand tall, or whether, indeed, they are going to be faced with the withdrawal of the American influence and the might of the Sandinista military capability, which far exceeds that of all the Central American countries put together.

So, as we reflect on the public utterances coming from those who speak for the people of Costa Rica, Honduras, Guatemala, and El Salvador, we have to recognize that they are looking to the United States; and they do not know, from our track record, whether we are going to be here today and gone tomorrow, as reflected by the type of debate that is going on here, not knowing whether they are going to be left with the threat of the Sandinistas who have the capability to run all of Central America, and those who predict that as a factual reality have to reflect indeed on what obligation this Congress would initiate to stop that threat if indeed this occurred.

I thank the Chair, and I thank my colleague from Arizona for the additional time.

Mr. BYRD. Mr. President, while the distinguished Republican leader is on the floor and other Senators, I think we have been able to agree on the time of 9 o'clock for a vote, and we have shepherded this around on the telephones and so on.

I ask unanimous consent that the vote on the resolution occur at 9 o'clock p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope that our respective Cloakrooms will get out the word. This gives all Senators 50 minutes advance notice, and no Senator should miss this vote if he is in town.

I yield to Mr. Pell. Whatever time I have he can use.

Mr. PELL. Mr. President, I yield 10 minutes to the chairman of the Western Hemisphere Subcommittee, Senator Dodd.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. Mr. President, first of all, let me thank my colleague from Rhode Island and commend him.

Mr. BYRD. Mr. President, will the Senator let me ask for the yeas and nays?

The PRESIDING OFFICER. Is there a suffcient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank the Senator.

Mr. DODD. Mr. President, first of all, let me commend my colleague from Rhode Island. Today this has been, we have stayed on the floor over the last 5 or 6 hours or so to go through this discussion here once again of the Contra aid program, which we have been through on countless occasions.

I will try not even to take the 10 minutes. My colleagues on both sides of the aisle have been patient. In the past when this issue has come up I have expressed my views. They are well known I think to both sides how I feel about it.

The bottom line here today, Mr. President, regardless of all the speeches that have been made, is that this particular request by the President has been rejected. This vote that will occur at 9 p.m. now will be a vote that will have less effect, quite honestly, than a Senate resolution. It has no binding legal effect whatsoever. The $36 million plus $20 million plus $7 million in aid that the President has requested under the terms of the agreement has been rejected by the vote cast last evening in the other body.

So we are going through the motions here today, a lot of the same speeches being given, the same intensity being expressed.

In fact, to quote the axiom, this is a lot of sound and fury, signifying nothing, in effect, despite the outcome of the vote.

Mr. President, I am always envious of those who speak with such certainty about their views in matters as complicated as this one. I would like to be able to stand before my colleagues and tell them that I am absolutely certain that if you follow the path that I have suggested, I will guarantee an outcome. Most of those people, I think, here who have listened to me know I have never made that statement. I do not know. I always said I hoped I was right. I was never absolutely sure I was.

For those who will stand before you and tell you that absolutely if you cut out this program, absolutely the following two or three or four or five things will occur, I can only say that I envy that certainty. There is not anything certain in this kind of business at all.

All we can do is make choices from time to time about courses of action that we hope will make the most sense for our country and for our allies. That is all we can do.

So today with the decision made last evening in the House at least temporarily we have made a choice to try to give the Arias plan a chance to work. I suspect over the next 2 or 3 or 4 weeks, before we will vote on this once again and we will hear the same speeches and the same intensity and the same certainties expressed by our colleagues, that we will have a better sense of where things are headed in Central America and hopefully be in a better position to make a decision about which course of action to follow.

In fact, this evening, if I could urge anything at all upon my colleagues and the administration, in light of what has occurred in the last 24 hours with the votes taken in Congress, it is to have some patience over these next few weeks before we start crafting alternatives and proposals and plans. It might be in our interest, as it is from time to time, not to do anything but to maybe think about some alternatives and let us see what happens over the next few weeks. The Contras are not going to go away. Nicaragua is not going to all of a sudden transform itself into Costa Rica. The Arias plan is alive and well. Let us see what happens with it. That is my advice whatever that advice may be worth.

I hope that is what will occur. I am hopeful that at the end of that period of time, we will see continued progress and see the Arias plan working. I hope I am expressing the views of my colleagues, regardless of the speeches they have given today, that they will wish for the same outcome, that this plan will be working.

So despite the vote, which I believe the administration side will prevail narrowly, will be divided almost 51 to 49 or 52 to 48, hardly a vote of confidence for anything, the net effect, the bottom line is here we are going to get a little time to see how this will work.

Let me make just a couple of observations, if I can, however, about some of the statements. I do not happen to believe, despite some of the speeches, this issue is really about democracy, unfortunately. We have heard in the past from some of the same people today urging a metamorphosis in Nicaragua in 160 or 180 days, the same people who urged on this body only within the last decade that we have patience in South Korea, because quite frankly, they needed more time to democratize. We heard of it in the Philippines, Taiwan, and South Africa. We heard it during the Somoza regime, give them a little more time, that they are going to democratize, in Guatemala, Paraguay, Argentina under the junta, and Chile, and Panama under Noriega. Countless times, we have heard for patience, let us see if they do not improve with a little more time.

Mr. President, I would be neglectful if I did not point out that many people on my side during those same debates have insisted upon democracy immediately in every one of those countries.

In our own country from time to time things have occurred that none of us are very proud of. During a civil conflict 120 years ago, one of the most distinguished, if not the most distinguished, Presidents of this country abandoned habeas corpus. He arrested press people in this city who were critical of the Union effort. And only a couple of decades ago we incarcerated an entire ethnic group of people prior to World War II, because we were frightened of what might happen here.

None of us are suggesting those things are things we would agree with today at all.

I cannot think of a single conflict, a civil conflict, in the world, were during that civil conflict, you have seen a liberalization. It just does not happen.

I am not apologizing or suggesting that Nicaraguans are right in doing that, but I know of no historical precedent where a nation involved in civil conflict liberalized and opened up its doors. It happens to be an ugly fact of history. It is the case today.

But nonetheless we are seeing some change, some progress, whether or not the Contras got the Nicaraguans to the table last August or not. Those who support it argue vehemently they did. Those who support the Arias plan and believe that effect we can debate that issue ad nauseum to no successful final result where one side wins or loses. The fact of life today in February 1988 is that they have signed an agreement. They are there.

I have heard my colleagues around here today quote a President who suited their side, quoted others who suited that particular point of view, quoted a Latin leader or the place they visited and talked to. I suspect, as my good friend from South Carolina will say, I spent too much time in that region. I suspect I probably talked to more of those people than probably anybody over the last 5 or 6 years. I would be the last one to stand here and tell you exactly how Oscar Arias feels tonight or Vinicio Cerezo or President Azcona or President Ortega or anyone else in that region, and I have listened to them for countless hours.

So I am not going to try and pretend I know what is in their minds at every single moment and what they would be doing if they were on the floor of the Senate tonight. This much I do know: they signed an agreement on August 7. The agreement is in pretty clear, plain language. It commits them to a process to try and restore some stability, peace, and democracy in the region through a process that they desire. That is clear. Regardless of whatever else they may have said along the way, that much is clear. And that particular proposal says, "Let's try this route." And that is really all of us on this side or those who have taken this position have argued for.

So tonight in this debate, which does not mean anything, my plea would be that we now take some time. Let us look at the next step. Let us watch what happens over the next few weeks. Speaker Jim Wright has indicated they are putting together an alternative proposal over there that they hope will make some sense. I would encourage my colleagues, regardless of where they stand on this, to look at what he is offering. See if we cannot make some constructive suggestions to all of that and then see if we cannot maybe put together something that will make some sense.

With all due respect to the President and those of his advisers, I, unfortunately, think there are those around him who see this issue as some sort of theological question.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, I ask for 2 additional minutes.

Mr. PELL. I yield 2 additional minutes to the Senator from Connecticut.

Mr. DODD. That this is, as I said, some sort of theological question of absolute certainty. I also happen to know there are people around the President who are far more practical and pragmatic about this question. I know there are many colleagues today who will support this request who have urged the President to follow a different course of action, who urged, as some of us did, that we not have a vote this week, either in the House or here in the Senate; that certainly waiting for 30 or 45 days was not going to bring an end to everything.

So I know that in many ways those that will be voting tonight in favor of this program would have far preferred an alternative to the package that is this convoluted package that has been rewritten hourly in order to pick up some votes.

So I hope, Mr. President, that tonight when we finish this debate at 9 o'clock and we take a week off from here that we will come back and cooler heads will prevail and that we can start to move away from this intensity that people seem so certain of in their views, give it a little time, and see if we cannot come up with some alternatives that make sense on this and start to serve our interests and our allies' interests in the region.

Again, I do not say that with any certainty, and I want to emphasize that tonight.

For those who are absolutely certain on their views, again, I envy you. I am not. I absolutely do not know if what I have said is right. All I can tell you is what I think, based on some time there, that will produce the best results for my country, not for Nicaragua, El Salvador, Honduras, Guatemala. I care about them, but my interest is for my country.

So I hope we will give this some time to see it worked out and come up with some alternatives and get about the business to start constructing some intelligent foreign policy.

Mr. McCAIN. Mr. President, I yield 10 minutes to the distinguished Republican leader, Senator Dole.

The PRESIDING OFFICER. The Republican leader is recognized for 10 minutes.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Arizona and all the others. I have been listening to the debate off and on. I happen to think the House of Representatives last night made a very grievous mistake. I think that mistake sends the wrong signal to Managua, to Moscow, to Havana, and everywhere else where people are struggling for their freedom and, in some cases, looking to us for leadership and support; a mistake which has undermined, not improved, the chance to achieve peace and freedom in Central America.

Now, we cannot undo that vote in the Senate. But at least we can send our own signal. We do not have to compound it.

So I think we must do a couple of things. First, we must pass this resolution. We must send our own signal to Ortega and his crowd in Managua—and Gorbachev and his crowd in Moscow. They must understand that many of us are not willing to abandon the freedom fighters, or the cause of freedom, in Central America. We have lost this round. But we have not given up.

And let me add this personal note: As a private citizen, as some one who has fought to defend the freedom of my country, and as someone who cares deeply about the freedom of all people: I intend to lend my personal efforts to find ways—legal ways—and I underscore "legal ways"; totally above board ways—for private Americans who feel as I do to show their support for the freedom fighters in Nicaragua; and to make certain that their vital effort in Nicaragua can be sustained.

The House of Representatives, by a narrow margin, has decided it will not support the freedom fighters; but I believe millions of private Americans will join me in making individual contributions to this vital effort.

Second, we must be sure that this House Democrat "surprise package" that we keep hearing about but never see—that any such package is more than a sham and a fig leaf, to cover up the abandonment of the Contras.

If the Contras are going to represent any kind of effective pressure on the Sandinistas, at a bare minimum, they will have to be able to remain in the field; with a reliable supply line, under American Government control; and able to defend themselves from attack or initimidation by the Sandinistas.

Let me serve my own personal notice: I will vote against, and work against, any package—that, under the guise of humanitarian aid, or keeping the Contras alive, will actually force the freedom fighters out of Nicaragua; and actually leave the Communist Sandinistas in uncontested control of that country and its people.

Mr. President, a good friend of mine over in the House, Congressman Connie Mack of Florida, pointed out something very interesting during their debate. He noted that, in the President's speech Tuesday night, he used the word "freedom" 10 times—but in the Democrat response, the word was not mentioned at all.

Congressman Mack was not suggesting, nor am I, that the democratic opponents of Contra aid are any less dedicated to freedom than we are. I do not challenge the sincerity of their belief that the votes they cast were votes for freedom and peace.

But I do believe the observation that Congressman Mack made does suggest an important difference in perception between the President and those of us who stand with him on this issue: and those on the other side.

The President has made every reasonable effort; gone many extra miles—to respond to legitimate concerns in Congress, and to work on a cooperative, bipartisan basis with the House democratic leadership.

I can only express my own deep disappointment that some on the House side have not met the President half way—that is all he asked, half way—have not even been willing to take the hand of cooperation he offered.

I can only express my concern that, instead of supporting the President's good faith efforts to support the Central American peace process, they have tried to forge their own foreign policy—and conducted their own private diplomacy—in Central America.

For all the differences of opinion I had over the years with Speaker O'Neill—and I had plenty, including on Central America—I never found him trying to act as Secretary of State, as well as Speaker.

It is freedom, as much as peace, that is at the heart of this issue; it is freedom, as much as peace, that is at stake.

And I believe, too, that peace will never come to Central America—until real freedom is established in Nicaragua.

Mr. President, I believe that the House has made a tragic mistake.

In the long run, it raises our stakes in Central America, while reducing our options. In the long run, it undermines the prospects for freedom, without improving the chances for real peace.

I read in the paper that, after the House vote, the Sandinista Ambassador here in Washington announced he was going to celebrate. We have a chance to send a message to Ambassador Tunnerman, and to Daniel Ortega, and to Mikhail Gorbachev today—don't start celebrating too early.

We—the Senate; America—we have not given up on the freedom fighters, or on freedom in Nicaragua, and we will not—ever.

And I would say, as I have been saying to many people across the country, it is not that we fear Daniel Ortega or the Communist Sandinista army. If we put the question to the American people: "Do you want another Soviet base in this hemisphere?" The answer would be "No" by a big, big margin.

When I read about Daniel Ortega and, as the distinguished Senator from South Carolina said earlier today, the Ortega brothers, and as I read about Russian plans and about expansion of the army and sophisticated weapons, I wondered what we may be talking about on this Senate floor 4 or 5 years from now, or 10 years from now, and whether then we will be making a plea to the Soviets or a plea to someone else: "Why didn't we listen? Why didn't we listen to the Senator from South Carolina, a Democrat, or why didn't we listen to the Senator from Arizona, a Republican?"

This is bipartisan. We are talking about America, about freedom.

I guess this vote does not mean very much, but it may mean that Daniel Ortega and Mikhail Gorbachev and Fidel Castro will understand that there still is some will left in the U.S. Congress and it is bipartisan—as it should be—that we do have a majority, though slim, in the U.S. Senate; and that we do not intend, those of us who support the President's position or some other position, on abandoning the freedom fighters in this hemisphere.

I do not quarrel with anyone else's motives, I do not suggest they are any less patriotic, but what are we going to tell the 18- and 19- and 20-year-old freedom fighters when it is all over? What do we tell them? That freedom is not worth it? I wonder if somebody would have told leaders in our country that a couple of hundred years ago, it is not worth it.

I think it is worth it. I believe in the long run, if we persist as I assume we will on both sides of the aisle, that we will prevail and that we will have real freedom and democracy in Nicaragua.

I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield 5 minutes to the Senator from South Carolina [Mr. Hollings].

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague from Rhode Island, the manager of the bill. He is very generous, because we have opposite views and he has been very kind to yield me this time.

I will try to be very brief. I just cannot reconcile, Mr. President, what I am hearing on the floor of the Senate. I was just back in the cloakroom watching the evening news. Arturo Cruz was being interviewed. Remember, he was one of the first of the junta with Ortega back at the very beginning. He later went with the Contras. Five minutes ago on the floor of the Senate I heard the Contras described as a bunch of ragtags, Somocistas, and bandits and ne'er-do-wells. But Arturo Cruz disagrees. He said, "Wait a minute. The Contras are peasants. Campesinos. They are farmers, working for freedom; former Sandinistas working for freedom."

Oh, I have listened to my good friend from Connecticut. He says this vote is all futility. We are wasting time. It is sound and fury, signifying nothing.

I listened closely because there is no one I respect more than Chris Dodd of Connecticut. We have listened to him at least for 6 months, now, traveling to and fro, with all his certainty about the Arias plan. Now he says that nobody can be certain about anything and we all ought to wait for the next few weeks, just do nothing. He counsels: when in doubt, do nothing; and stay in doubt all the time.

By the way, he says, this debate could not be about democracy because he remembers Lincoln locking up newspaperman and suspending habeas corpus. I immediately flashed to the meeting I had just 2 weeks ago with the Speaker of the House of the Parliament in Zimbabwe. The Speaker of the Parliament told me how he sat in the U.S. Senate Gallery and, to his absolute amazement and astonishment, he listened to the debate as we overrode the veto of the President of the United States on South Africa sanctions. He said: I have been thrilled about America ever since, He said: We never could have done that in any country that I know of in Africa.

We Americans do indeed know what true democracy is, and we, the custodians, the trustees charged with espousing freedoms and defending it, should be willing at least to give a few dollars to the Nicaraguan freedom fighters.

As Senator Dodd said, the President shifted gears on Contra aid, trimmed his sails. At the 11th hour, like the Mafia, he made an offer that the Congress could not refuse. The bare minimum amount, the bare-bones necessity to keep the Contras breathing.

Yet, even so, the House voted no. Meanwhile, the Soviets, over time, have given the Sandinistas $4.7 billion. The Soviet Union is committed to communism, the socialist form of government. They are willing to put in troops. They are willing to put in arms and advisers. They are committed. Yet we in the Senate give aid to the Contras like a dentist pulls teeth. It's excruciating. It's picky, picky, picky, every step of the way.

Heavens above, do not make the mistake of leaving war to the politicians. If you are going to commit men to fight and die, then God save them from the politicians. God save them from "Give peace a chance, give peace a chance." Heavens above, the Soviet Union mobilizes its money. They are committed. But we are pinching pennies here this evening over $3.6 million in lethal aid.

I have been a soldier in the field and there is no practical difference between the lethal and the humanitarian. A soldier marches on his stomach. You have to have good shoes and other necessities. I do not understand the distinction myself. I never did want to get into this talmudic splitting of hairs about lethal and humanitarian. The issue here isn't lethal versus humanitarian. The issue is democracy and freedom.

We have heard this debate before. When I first came to the Senate, we were talking about Cuba, a small island. They said, "Do not worry about that little island down there 90 miles away."

Now, Castro, has got an empire. He has got his troops in Africa, his government in Moscow and his people in Miami. He is all over the world. But don't worry about him.

What kind of peace have they got in Cuba today? Why, even the refugees in American prisons burn down the facilities rather than go back to Cuba. But we hear on the floor of the Senate that democracy and freedom are not the issue, the issue is negotiations and peace and "stop the killing."

Well, I know from hard experience, that is why I am speaking with conviction. We learned that so-called peace did not stop the killing in Southeast Asia. On the contrary, the peace treaty only started the killing. And so it is in Nicaragua. According to the Ortega plan, they will begin building their 600,000 man army after the Contras have been disposed of.

I ask unanimous consent to include in the Record a list of the equipment that the Soviets have deployed in Nicaragua over the last 7 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 3 minutes remaining.

Mr. PELL. I yield 2 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to include a listing of this Soviet weaponry in the Record at this point, and we will ponder how much peace that Sandinista crowd wants.

There being no objection, the material was ordered to be printed in the Record, as follows:

MAJOR SANDINISTA REQUESTS FOR SOVIET HARDWARE 1986–95

Equipment	Diarangen (1986–90) request [1]	Diarangen II (1991–95) request	Total inventory if delivered
Air Force			
Mig-21		12	12
MI-25/Hind	3	12	[2] 24
MI-17/Hip	8	12	[2] 48–52
MI-8/Hip	7		[2] 14
AN-26		8	14
AN-12	NA	NA	NA
Antiaircraft artillery			
23 mm (ZU-23-2) gun	126	414	792
100 mm gun [3]	24	42	84
57 mm (S-60) gun		18	36
14.5 mm ZGU-1 machinegun	82		346
14.5 mm ZPU-2 machinegun	6		106
SA-7 (C-2M 9P58) Grail Sam	17		346
SA-14 (C-3M 9P58M) Gremlin Sam	471	[4] 276	775
SA-16 (IGLA-1M 9P519-2) Sam	219	[4] 276	411
SA-13 (C-10) Sam		36	36
SA-3 (C-125) Sam	48		48
SA-6 Sam		36	36
SA-9 Sam		NA	NA
Armor			
T-55 Medium tank	4	74	[5] 208
BTR-70PB armored personnel carrier	44	174	218
BTR-60PB armored personnel carrier	3		27
Ground artillery			
122 mm Howitzer		[6] 108	144
130 mm field gun		36	36
82 mm mortar	342	80	1,047
160 mm mortar	NA	NA	NA
76 mm (M42 ZIS-3) antitank gun [7]		156	240
100 mm T-12A antitank gun		114	[8] 138
AT-3 Maliutka antitank missile		90	90
122 mm Grad 1P rocket launcher	148	80	444
122 mm BM-21 rockt launcher		24	60
Infantry weapons			
Makarov pistols	21,481		41,631
Rifles (AK)	118,851	125,000	501,446
RPK and other light machineguns	5,052		12,000+
RPG-7 (V&O) grenade launcher	3,635		8,000+
AGS-17 grenade launcher	272		600+

[1] Figures in this column represent supplementary request for the last 3 years of the 5-year plan.

[2] These figures take into account Sandinista losses through October 1987.

[3] Documents identify current holdings as KS-19 but leave requested guns unidentified. May be substituted with 85 mm guns, according to documents.

[4] This figure includes both SA-14 and SA-16 SAM's. Final inventory assumes receipt of half of requested amount of each SAM.

[5] Includes 43 T-54 tanks.

[6] Includes 84 towed (D-30) and 24 self-propelled 122 mm howitzers.

[7] May be substituted with 85 mm D48 antitank gun, according to documents.

[8] Includes 24 identified in documents as 100 mm BS-3 antitank gun.

Soviet Bloc equipment delivered to Nicaragua

Equipment	*Defector figures*
Air Force:	
MI-25/Hind [1]	12
MI-8/Hip	14
MI-17/Hip [2]	24
MI-2/Hoplite	5
AN-2TP	17
AN-26	6
Antiaircraft artillery:	
23 mm (ZU-23-2) gun	252
37 mm (9M430 M-1939) gun	66
57 mm (S-60) gun	18
100 mm (KS-19) gun	18
14.5 mm ZGU-1 machinegun	264
14.5 mm ZPU-2 machinegun	100
14.5 mm ZPU-4 machinegun	56-66
SA-7 (C-2M 9P58) Grail Sam launcher	325
SA-14 (C-3M 9P58M) Gremlin Sam launcher	166
SA-16 (IGLA-1M 9P519-2) Sam launcher	54
Armor:	
T-55 medium tank	87
T-54 medium tank [3]	43
PT-76 light tank	22
BTR-50PU armored personnel carrier	1
BTR-60PB armored personnel carrier	24
BTR-152PB armored personnel carrier	90
BRDM-2 armored reconnaissance vehicle [4]	72
Ground artillery:	
122 mm (D-30) Howitzer	36
152 mm (D-20) Howitzer	60
B-10 antitank gun (S/R)	9
57 mm (M43 ZIS-2-57) antitank gun	354
76 mm (M42 ZIS-3) antitank gun	84
100 mm (BS-3 M1944) antitank gun	24
82 mm (M1937) mortar	625
106.7 mm mortar	6
120 mm (M1943) mortar	42
107 mm rocket launcher	16
122 mm Grad 1P rocket launcher	216
122 mm BM-21 rocket launcher	36
Infantry weapons:	
Rifles (AK)	257,595
RPK, RPD, RP-46, PKM, PRT machineguns	6,010
SVD (7.62 mm) rifle	460-520
SVDN-1 (7.62 mm) rifle	50
M91/30 (7.62 mm) rifle	200
Makarov pistols	20,150
RPG-7 (V&D) grenade launcher	4,132
AGS-17 grenade launcher	254
RPG-70 grenade launcher	200

[1] Of 12 received, 6 were new and 6 had undergone major repairs that degraded engine performance.

[2] Includes 6 recently received but not yet operational.

[3] One document mentions a total inventory of 133 tanks.

[4] Includes 12 identified by the documents as "chemical reconnaissance vehicles."

Mr. HOLLINGS. Mr. President, we Democrats have supported $735 million in aid to the Philippines in recent years. We have supported $1.2 billion for the Afghan rebels. That is fine.

But here in our own hemisphere, because we do not want to assume responsibility, we denigrate freedom fighters as a rag-tag group. This is an insult to freedom. It is an insult to democracy.

Mr. President, what, in essence, the House has done is vote to make themselves hostages to the Ortega brothers. It is purely and simply that.

This is the stupidest politics I have ever witnessed. Anyone with smarts would have given Ronald Reagan the $3,600,000 and said, "Mr. President, you assume the responsibility because the outcome cannot be clear to anyone. Everyone admits that."

But rather than giving the President and the Contras the chance to keep the pressure on, the House is advertising now that the Government in Washington, the bastion of democracy, does not believe in democracy in Nicaragua.

Ortega has put us on notice that he will never give up his power. He is playing games with us.

It is an insult to democracy to come on the floor of the Senate and call the Contras a rag-tag group when they are fighting and dying down there. I thank the Senator for yielding time to me.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would be glad to yield 1 additional minute to the Senator from South Carolina if he wishes to continue for that time.

Mr. HOLLINGS. I thank the Senator.

I have watched this predicament develop. If you happen to sit on the conference committee on defense appropriations, as my distinguished chairman Senator Stennis does, you know that the rationale of the Boland amendments was that we would take away Ortega's excuses. Well, it didn't work. Now we are faced with almost a personal political difference between the President and Speaker O'Neill, and Speaker Wright adopted it when he became Speaker.

I understand that. I understand that.

What you really have in a vote on the House side is not a vote on democracy. You have Members who are scared to death and will never commit. We do have some isolationists in the Democratic Party. There is not any doubt about that. But a large, substantial measure of that vote was due to loyalty, friendship, and respect for Jim Wright personally. That is what it was.

But the Senate can and must do better.

We lost 58,000 in Vietnam in a vain search for an ally willing to fight. You will remember Vietnamization in Vietnam. We were struggling and dying out there trying to find a crowd willing to fight. Now we have found a crowd willing to fight in Central America and we will not give them the barebone necessities to keep them going until we can really see how the Arias peace plan goes.

I hope the Members will not take this as has been indicated, as a partisan fight between Republicans and Democrats. It is a bipartisan struggle to do at least in this hemisphere, right here under our noses, what we are willing to do in Asia Minor and in the Far East.

Opponents of Contra aid say, "We are going to give them a humanitarian aid package later on." That is not to protect the Contras. That is to protect their political hides. Likewise, in the Senate they were scared to bring it up on the floor. They wanted to vote it down, to not even have it considered. They wanted everyone to say they were sophisticated now, that the vote would not mean anything.

They know the vote means everything, Mr. President. I would hate to have my name recorded when people are fighting and dying for freedom and democracy in the Western Hemisphere and say we do not even want to vote on it because it does not mean anything.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, this debate is about a dead vote on a dead policy. The House vote last night against war in Central America put the lid on an ill-conceived policy and today the Senate should nail that lid shut.

This policy has no one's support but the administration's. The American people do not support it, the Congress does not support it, the people of Central America do not support it, the four Central American democracies do not support it, the Contadora nations do not support it, and the International Verification Commission of the Arias plan does not support it.

The latest poll shows the President's policy has the support of a paltry 30 percent of the American population. The President does not even have the support of his own party—51 percent are against it and only 38 percent of Republicans support it.

The declaration of the Contadora and support group on February 2, urged the United States to cease—unconditionally, unilaterally, and immediately—all aid to the Contras. The International Verification Commission called for the "definitive cessation" of our aid to the Contras in its January 15 report.

The events of the last year underscore the high costs of this reckless pursuit of a government policy that does not have the support of its people. This administration has violated our most precious values in order to advance its support for the Contras. We are all familiar with the travesties of the Iran-Contra debacle. Lying to Congress, shredding documents, channeling funds illegally to the Contras, coercing other nations to contribute to Contras who are renegade mercenaries from the Somoza regime and who discredit the name "freedom fighters."

The revelations of abuse did not stop with the congressional investigation. Just last week, we learned that the FBI had infiltrated, wiretapped, and conducted surveillance on more than 100 organizations in this country which opposed the administration's Central American policies. One memo says:

> It is imperative at this time to formulate some plan of action against . . . individuals who defiantly display their contempt for the U.S. Government by making speeches and propagandizing their cause.

Such language and practices have a frightening resemblance to the Red-baiting of the 1950's.

And just yesterday, it was revealed that the White House had struck a deal with Panama's General Noriega to train the Contras in exchange for American support for international bank loans. We learned that the White House had set up a secret operation for Panama to arrange for an East bloc arms shipment that would be captured in El Salvador and then blamed on the Nicaraguans. General Noriega even flew to Washington in the plane of a convicted drug dealer to meet with the CIA Director William Casey. As a former associate of Noriega put it, "If you supported the U.S. Contras, you could do anything."

This policy has tarnished our most fundamental values. It has made a mockery of our support for international law and human rights. It has isolated us in the region, in the hemisphere and throughout the world, it is a losing policy, and we have already paid too high a price. Finally and for all time, let us end this policy here today now by defeating this proposal.

Mr. President, I ask unanimous consent to put the following materials in the Record relating to the administration's Contra policy.

In addition to articles on the administration's dealings with Noriega, the recent poll on Contra aid and the text of the report of the International Verification Commission, I am including an excellent article by Juan Mendez, the director of the Washington office of Americas Watch in which he outlines succinctly how the Contra policy has increased Sandinista repression. I also include a number of recent Contra human rights abuses compiled by Americas Watch.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 4, 1988]

A U.S. Frame-Up of Nicaragua Charged

(By Stephen Engelberg

with Elaine Sciolino)

Washington, February 3.—A former senior Panamanian official said today that the White House set up a secret operation in 1986 that called for Panama to arrange an East bloc arms shipment that could then be captured in El Salvador and falsely linked to the Nicaraguan Government.

The Panamanian, José I. Blandón, is a former close adviser to Panama's military leader, Gen. Manuel Antonio Noriega. General Noriega is expected to be indicted on drug charges by a grand jury in Miami on Friday, Justice Department officials said.

Mr. Blandón said in a telephone interview that the deal was put together by Lieut. Col. Oliver L. North, the White House aide responsible for funneling aid to the contras during the period when the Administration was barred from providing military help to the rebels.

DISMISSED AS CONSUL GENERAL

Mr. Blandón was recently dismissed by General Noriega as consul general in New York, and in an interview with a Panamanian radio station he called on the general and his military associates to resign.

Government officials said Mr. Blandón had told investigators that General Noriega struck a deal with Colonel North to train the contras in Panama in exchange for American support for international bank loans. Mr. Blandón said the arrangement "could be possible," but indicated he had no direct knowledge of it.

Mr. Blantón added, "North and Poindexter handled the contra operation like a dictatorship," referring to Rear Adm. John M. Poindexter, the former national security adviser. "If you supported the U.S. contras, you could do anything," he said.

Lawyers for Colonel North have said for the past year that they would not comment on any matters. One of them said tonight that there would be no comment on this or any other aspect of the case.

A RELATIONSHIP WITH CASEY

An operation aimed at making it appear that Nicaragua was shipping arms to the Salvadoran guerillas would have fulfilled the Reagan Administration's longstanding goal of proving the Sandinista Government was exporting its revolution. The effort collapsed in June 1986 when The New York Times published an article reporting illegal activities by General Noriega, Mr. Blandón said.

It was disclosed last year that General Noriega had told Colonel North that he was willing to mount sabotage and assassination operations against Nicaragua and that Colonel North had endorsed the idea of a sabotage plan. But Mr. Blandón assertions suggest a deeper White House and Administration link to General Noriega.

Mr. Blandón also told investigators that General Noriega, who took power in 1981, had a close relationship with William J. Casey, who was Director of Central Intelligence, and once flew in the plane of a drug smuggler to Washington in 1983 to confer with him. It was not known if Mr. Casey knew of the plan to embarrass the Nicaraguan Government.

The new details about General Noriega's cooperation with one of the most sensitive foreign policy operations are significant because they could help explain why senior American officials were willing to cultivate a relationship with the military strongman, even as American intelligence was documenting charges of unsavory arms dealing and sales of banned technology to Cuba. Investigators from the Congressional Iran-contra committees examined in detail the arms shipment that Mr. Blandón said was to be falsely linked to the Nicaraguans and found no hint, in American Government documents, of such a plan.

It was unclear whether General Noriega, who has repeatedly accused the United States of trying to overthrow him to retain control of the Panama Canal, told Mr. Blandón of the reported operation in an attempt to discredit Colonel North or the Reagan Administration. A senior Latin American diplomat who believes the account said he understood that General Noriega seized the ship carrying the weapons because he felt "betrayed" by Reagan Administration officials, who he thought had provided derogatory information on him to The New York Times.

State Department officials declined to comment when asked about the relationship between Panama and the contras.

Another reason for American Government support for General Noriega is that he has provided a "platform" for the National Security Agency's eavesdropping operations in the region, according to intelligence officials.

Mr. Blandón, who served as chief political adviser to General Noriega when he was head of military intelligence, has provided details of these and other reported illegal operations before the Federal grand jury in Miami that is expected to indict the general on drug charges.

Mr. Blandón is scheduled to testify next week before the Senate Foreign Relations Committee.

SEALED INDICTMENTS

Government officials said Mr. Blandón had provided a wealth of information about corruption under General Noriega and his close military and civilian associates. While General Noriega's indictment will be made public, the indictment of his associates will remain sealed in the hope that some of them can be arrested and brought to trial.

Mr. Blandón's secret testimony to the grand jury and to Senate investigators, as described by the former consul general and Government officials, includes these disclosures:

General Noriega maintained a close personal relationship with Mr. Casey, who died last year. "Noriega definitely said he had the support of Casey," Mr. Blandón said. He said that on one occasion, General Noriega flew to Washington on the private jet owned by a convicted drug dealer, Stephen M. Kalish, for a secret meeting with Mr. Casey. Mr. Kalish testified before Congress last week that General Noriega borrowed the jet in November 1983.

A former intelligence official said that after Admiral Poindexter sternly told General Noriega to change his ways in 1986, Mr. Casey followed up with a more conciliatory approach that undercut the admiral's message.

The Salvadoran rebels asked General Noriega in late 1987 to help them buy sophisticated weapons, including American-made Stinger antiaircraft missiles. General Noriega agreed to help and later contacted Ricardo Wheelock, a Sandinista intelligence official. Mr. Blanón said he was later told the weapons had been delivered, although he said he did not know for certain whether the shipment included Stingers or some lesser weapons.

ONE VEILED REFERENCE

The Congressional Iran-contra committees looked into the relationship between General Noriega and Colonel North, but their report contained only one veiled reference to the general. It said that an unidentified Latin American leader had offered to help with operations aimed at the contras.

Congressional and Administration officials disclosed that in fact General Noriega had told Colonel North that he was willing to undertake sabotage operations and possibly assassinations against Nicaragua. Admiral Poindexter warned Colonel North to stay away from any assassinations, but he approved the sabotage idea. The plan never went forward because the Iran-contra affair became public and Colonel North was dismissed.

The effort to ship a large quantity of East German-made arms and vehicles to the Salvadoran guerrillas also failed, and it resulted in a series of confusing stories about the travels of a Danish cargo ship carrying them, the *Pia Vesta.*

Mr. Blandón said he learned about the operation from General Noriega. The New York Times article about General Noriega was published on June 12, 1986, and the ship carrying the weapons was seized by Panamanian officials two days later.

According to Congressional officials the shipment was arranged by a Swiss arms broker who has ties to the the French foreign security service. Colonel North's notebooks do not contain a direct reference to the plan.

The cargo ship passed through Peru on June 6, 1986, remained there for a few hours, then steamed northward to Panama. When the ship was seized, the bill of lading instructions were for the weapons to be delivered to Gen. Adolfo Blandón, Chief of Staff of El Salvador's armed forces. The general is no relation to José I. Blandón.

LIST FOR GRAND JURY

Mr. Blandón said in the telephone interview that he had revealed to the grand jury the names of General Noriega's top military and civilian associates. Like the Panamanian leader, he said, the associates were involved in drug trafficking, money-laundering and other illegal activities. He said he did not know if the grand jury intended to indict any or all of them. The list of names was published in Panama today in the newly reopened daily, La Prensa.

The associates include Marcos A. Justines, chief of the General Staff of the Panamanian Defense Forces and second in command to General Noriega; Mayor Navaldo Madrinán, head of the investigative police and one of the officials closest to General Noriega; Luis Códoba, head of the traffic police and former chief of Chiriqui Province, who opposition leaders believe was responsible for the beheading of the opposition leader Dr. Hugo Spadadora in 1985; Alberto Purcell, executive secretary of the General Command of the Defense Forces, and Lorenzo Purcell, head of the Panamanian Air Force.

BUSINESS FRONTS ARE NAMED

Mr. Blandón also listed a number of civilans who he said were involved in illegal activities, including the late César Rodriguez, who was murdered in Colombia, and Enrique Pretel, a well-known jeweler in Panama City.

Under a 1904 extradition treaty between the United States and Panama, neither country is required to hand over its citizens for extradition so the indictments against General Noriega and his associates could result in arrests only if they are out of the country.

[From the New York Times, Jan. 31, 1988]

AMERICANS ON CONTRA AID: BROAD OPPOSITION

[In percent]

	Approve	Disapprove	No opinion
Total population	30	58	13
By party and politics:			
Republican	38	51	11
Democrat	25	65	10
Independent	28	56	17
Liberal	24	68	8
Moderate	31	59	10
Conservative	34	51	14
By position on Reagan:			
People who approve of the way the President is handling his job	41	49	11
People who disapprove of the way the President is handling his job	22	70	9
By sex, race and region:			
Men	37	51	11
Women	23	63	14
White	32	55	12
Black	18	69	12
Hispanic [1]	27	66	7
Northeast	30	60	10
Middle West	25	62	13
South	35	50	16
West	26	64	10

[1] Hispanics are also included among whites or blacks if they identified themselves as such.

Source: Based on telephone interviews with 1,663 adults nationwide, conducted by telephone Jan. 17–21.

Memorandum from Americas Watch, January 29, 1988

We have written to Adolfo Colero, Director of the Nicaraguan Resistance, to express our concern about continuing violations of the laws of war by the Nicaraguan Resistance. To date we have not received any response.

We requested information regarding the following cases:

—*Indiscriminate Attack:* Twenty-year-old Lucia Sequeira Campos, who was seven months pregnant, was living in a farming cooperative near San Miguelito, Rio San Juan, which was attacked by the RN at 2 a.m. one day in the week of November 15, 1987. The cooperative was defended by 40 reservists and militia. A bomb fell on her house and she was wounded by shrapnel on her left thigh; her 14-month-old daughter was burned on her knee. A *contra* leader who called himself "Walter" entered the house and ordered her to go with him, but she refused because of her wounds, so he left. The fighting continued until 6 a.m. Three children and two civilian adults were wounded, and one man died. the *contras* burned the children's dining hall.

—*Killing of Combatants Hors de Combat:* On September 21, 1987, *contra* forces kidnapped five men from Dlano Largo, Chontales, near La Libertad, and executed four of them, letting the fifth return home. Pablo Girón González was kidnapped from his house on September 9 by *contras* who asked for him by name, and who attempted to take away his 15-year-old daughter Giovanna. The same day, the group kidnapped Danilo Diaz Ramos and Emilio Diaz Laguna from a neighboring house. The same night, the group took Moises Salazar Silas from the farm where he worked. Pablo Giron was singled out because he was a member of the militia and worked for the local DGSE in La Libertad. The two Diaz brothers were members of the militia. The bodies of Pablo and Moises were found on September 23, on lands belonging to INA; their throats had been cut. Danilo and Emilio were found several days later. Both had their eyes gouged out and then bandaged, and they had died from deep slits to their throats. Danilo had an ear and fingers cut off.

Ambush of civilian vehicles: On October 17, 1987, two trucks belonging to CONDEMINA, the government's mining company, were ambushed by contras near Llano Largo, Chontales, on the road between Juigalpa and La Libertad. There were uniformed and armed soldiers riding in the back of both trucks, and nine civilians riding in both cabins. The *contras* opened fire without warning, with automatic weapons and grenades. Both vehicles were disabled. The soldier returned fire. One civilian, Denis Bartolo Arguello Mainor, was killed in the gunfire, and several others were slightly wounded. In our view, the attacking contingent did not comply with its obligation to minimize harm to civilians.

Kidnapping in Muelle de los Bueyes, Zelaya: On September 26, 1987, the brothers Catalino and Agripinio Murillo Amado, ages 23 and 20, were taken from the former's house in Las Conchitas, near Muelle de los Bueyes, together with Héctor Rosales Mendoza, 19. All three had served together in the Sandinista Army, but had been discharged in April 1987. They were forced to walk barefoot all night to a place called Cerro La Virgen, where they were interrogated and beaten. They were told they would be taken to Honduras as political prisoners. They spent six days walking north, and on the sixth day, the brothers were separated from the rest and their hands were untied. They escaped on the eighth night, when their guard dozed off, and walked to Mulukukú, Zelaya. Rosales Mendoza is still in captivity. Others seen in captivity by the Murillo brothers, include: Santos Pánfilo, 20, Agustin Valle Herrera, 22 and Pedro Martínez, 14, all from La Concha.

In accordance with the laws of war, demobilized soldiers are non-combatants and enjoy the same protections as civilians, so they cannot be held as prisoners of war. We urge you to provide us with a list of all prisoners now held by the RN in Honduras or elsewhere, and the reasons for the arrest in each case.

Kidnappings in La Conchita, Zelaya: Around Easter of 1987, a *Contra* group posted a list of five men in this *comarca* who had to turn themselves in because they were sapos (informers). One left town and the other four, who did not turn themselves in, were kidnapped by the *contras.* Two of them later came back, but one of these two was killed a few days later. His brother, Cándido Somoza, a Catholic Church Delegate of the Word, is still missing.

Indiscriminate fire: Muelle de los Bueyes was briefly seized during the *contra* attack on the Rama road on October 15. Though the main attack was on a nearby Army base, the contingent also fired indiscriminately in the main street in town. Three civilians were killed in their homes, and many more were seriously wounded. An Americas Watch researcher visited the town in November and found many houses with bullet holes in them.

Killing of Civilians: On November 3, 1987, the *contras* attacked a command post and then swept over the adjacent village in a farming cooperative in El Juste, Chontales. They shot and killed a woman inside her house, wounding her 10-year-old daughter, and shot her 16-year-old daughter in the back as she was running away with her two-month-old baby in her arms. The bullet exited the woman's stomach and destroyed the infant's knee. The *contras* burned the

house with the dead woman inside, and four other houses. Some reservists who defended the cooperative died or were wounded in the attack, but one of them was found with his throat slit and his corpse riddled with bullets. The woman who was killed was Rita Galeano Villachica, 40; the wounded were: Geraldina Martinez Galeano 16, her sister Elivet, 10 and her son, Alixe Antonio Zúñiga Martinez, 2 months.

Killing of Civilians: On November 2, 1987, a contingent operating in the area of Waslala, Zelaya, captured Santos Ochoa Vidaurre, his brother Tomás and his son Hilario, as well as Gumersindo Aguinaga and his sons Rolando and Cándido, and Julio César Oporta and his two sons. All of them are peasants, and Santos Ochoa is also a Catholic Delegate of the Word. The three Ochoas managed to escape, though Tomás was beaten by his captors. The remaining six were murdered; their neighbors found the bodies.

Killing of Civilians: On November 7, 1987, a civilian vehicle was ambushed in the same general area of Waslala. It belonged to the Ministry of Construction, and there were no soldiers in it. A MICONS engineer, Pedro Pastor Mora, 32, and Luis Nicaragua, 18, died in the attack; six other civilians were wounded.

Mass forced recruitment: In April 1987, the *contras* kidnapped 53 men from their houses in the area of Ortillo Arguello, in Zelaya, They were taken to a training base in La Guachinga, Zelaya. They were not physically abused, but all were threatened with death if they refused to go through training. The majority escaped anyway.

A similar incident took place in El Jicaro, a *comarca* 20 kilometers from Fonseca, the end of the road from Nueva Guinea, Zelaya. According to a Delegate of the Word, in April 1987, a group of *contras* interrupted a vigil held at the local Catholic chapel, and took ten boys, ages 14 to 20, saying they wanted to talk to them. An hour later, the *contras* came back and told the family members to say goodbye to these young men because they were going with them. Though the relatives pleaded, all of the young men were taken away, and they haven't been seen since. Rumor has it that some have died. The names of eight of the ten are: Heriberto Suárez, Gerardo and Antonio Martinez Silva, José Urrutia Arias, Severino Sequeira Ortiz, Carmelo Lazo Miranda, Santos Rizo Laguna and Sinforoso Brenes Flores.

[From the New York Times, Feb. 1, 1988]

Should the Contras Be Newly Funded? No, Because Human Rights Won't Benefit

(By Juan E. Méndez)

WASHINGTON.—Many positive human rights developments have taken place in Nicaragua in recent weeks. After initially playing down their significance, the Administration now claims they have been brought about by the contras' continued pressure on the Sandinistas.

"Because of the freedom fighters," President Reagan asserted in his State of the Union Message, "the Sandinistas have been forced to extend some democratic rights, negotiate with church authorities and release a few political prisoners." This faulty premise leads to the facile conclusion that Congress should vote more funds for the contras—to obtain even more progress for human rights.

The facts do not support the President. Major setbacks for human rights and for political freedom in Nicaragua have been directly related to the Reagan Administration's military actions against the Sandinistas.

For example, the large-scale relocation of Miskito Indians from the Rio Coco border area in January 1982 took place immediately after contra border incursions from Honduras in December 1981.

The imposition of the first state of emergency, on March 15, 1982, which initiated press censorship, was a response to the bombing of two important bridges in the northern areas, the Contras' first major acts of sabotage.

Perhaps the most severe Sandinista crackdown took place in October 1985. The state of emergency was renewed and several hundred dissenters were arrested and held without charges for periods ranging from a few days to a few weeks. Many were mistreated in detention. That crackdown was provoked by the vote in the Congress of $27 million in so-called humanitarian aid to the rebels.

In June 1986, the Sandinista Government closed down the newspaper La Prensa indefinitely, expelled Bishop Pablo Antonio Vega and prevented the Reverend Bismarck Carballo, director of Radio Calolica, from returning to Nicaragua. All of these actions took place in immediate responses to the Congressional decision to provide $100 million in lethal and nonmilitary aid to the Contras.

By contrast, improvements in human rights have taken place in the context of some prospect of a negotiated solution. In some cases, those improvements have been lasting.

In 1984, the Sandinista Government decided to press forward with elections, originally scheduled for the following year, mostly as a way of legitimizing its position in the Contadora negotiations—those involving Colombia, Panama, Mexico and Venezuela.

Before the elections, there was a visible relaxation of the tight controls established by the state of emergency. The political parties and alliances created in those days have remained active regardless of whether they participated in or boycotted the election.

The signing of the Central American peace plan last August has provided the impetus for a new round of improvements. La Prensa has been allowed to publish again, this time with no censorship. Radio Católica, which has been closed for almost two years, was allowed to broadcast again, and recently was allowed to resume news programs.

During a visit in November, I observed the most outspoken public debate on the radio and in the press that I had heard in Nicaragua since 1982. Bishop Vega and Father Carballo have been allowed to return to Nicaragua. The Government has released almost 1,000 prisoners held for reasons related to the conflict, and has pledged a full amnesty for everybody else when other parts of the Central American peace plan are implemented.

More recently, Manaugua has lifted the state of emergency and abolished the special courts used to try counter-revolutionary offenders. Lifting of the state of emergency restores habeas corpus, and places time limits on pre-trial detentions, which should end many abuses.

One major aspect of the Nicaraguan human rights situation remains unchanged: the grim pattern of violations of the rules of war by the Contras. They have continued to attack nonmilitary targets, to kidnap civilians, to kill disabled or surrendering Sandinista soldiers and to disregard the safety of civilians found in the path of battle. This is reason enough to deny them new funds on human rights grounds.

To suggest that funding them is a way of getting the Sandinistas to respect human rights is ludicrous.

[The Report of the International Verification Commission, issued Jan. 15, 1988]

Agreement on Procedure To Achieve a Firm and Lasting Peace in Central America: Report on Compliance

1. The International Commission on Verification and Follow-up of the Guatemala Procedure has noted the clear desire of the Central American peoples for peace, their longing for the establishment or perfection of democratic, pluralistic, and participatory government, which are the result of their will as freely at the polls, and which will assure the full enjoyment of human rights, economic development, and the overcoming of unjust and obsolete social structure, as well as the legitimate right to decide their own free destinies without outside interference. The strong desire of the Central America peoples for peace and political, economic, and social democratization is being blocked by a geopolitical fight that does not concern them and by domineering interests that have nothing to do with their own aspirations.

2. Hoping to contribute toward achieving these legitimate aspirations, which are the underlying reason for the agreements of Esquipulas II, the International Commission on Verification and Follow-up wants to make the following points regarding the five Central American governments' compliance with the commitments they made when they signed the Guatemala Procedure for establishing firm and lasting peace in the region.

3. The five Central American countries, in spite of some initial reservations, have complied with the commitment in the Procedure to form National Reconciliation Commissions.

4. There has not been a uniformity of interpretation by the five countries regarding either the criteria for organization of the National Reconciliation Commissions or the way in which they take decisions. It would be well if the difficulties that have arisen were overcome.

5. In the spirit of reconciliation that sustains the Procedure it is desirable that the countries "which are experiencing deep divisions within their societies" would include among the members of the National Reconciliation Commission figures who represent the political parties or groups that are politically close to the irregular forces or insurgent movements, with the aim of strengthening their mission of reconciliation, as is the case in Nicaragua and was the case in El Salvador.

6. In effect, in the case of El Salvador, the original organization reflected the criteria set forth in the previous paragraph, but the withdrawal from the National Reconciliation Commission of the representatives of the political parties of the opposition has created an unforeseen situation which affects its work.

7. As concerns the commitment to dialogue with all the internal political opposition groups and any who have accepted the amnesty, the International Commission on Verification and Follow-up has found that in Nicaragua, where this dialogue was begun, it has been suspended because of the

withdrawal of the opposition parties. In the case of El Salvador, the International Commission on Verification and Follow-up has found that the government has carried on dialogue with wide sectors of the political opposition but that some of them consider that the government has given priority to the dialogue with the armed opposition. In Honduras and Costa Rica, according to information provided by the government in the first case and the opposition in the second, the internal dialogue takes place through the exercise of unrestricted freedom of expression in the political institutions of those countries which result in elections. For the rest, in relation to the dialogue with the political opposition, the International Commission on Verification and Follow-up is convinced that it is necessary to persist and deepen the efforts of national reconciliation.

8. El Salvador, Guatemala, Honduras and Nicaragua have issued amnesty decrees, in spite of reservations in the case of Honduras regarding whether this commitment is applicable.

In the case of Costa Rica the International Commission on Verification and Follow-up does not consider it necessary for it to issue an amnesty decree. However, since certain foreigners who reside in Costa Rica are the beneficiaries of amnesties decreed in their countries of origin, the International Commission recommends that this government study these cases so that they may obtain their freedom.

9. As concerns the content and goals of the amnesty decrees there have been critical assessments made in certain cases. In the specific case of El Salvador, where a general amnesty has been issued based on the idea of forgive-and-forget, the International Commission has noted that the decree of amnesty has benefited political prisoners; but that it only allowed a period of fifteen days for those under arms to avail themselves of it.

10. In the case of Nicaragua, although the government of this country has issued a decree of amnesty to those who have taken up arms which continues to be in force and has issued a law of pardon, the entry into force of the amnesty decree for prisoners has been conditioned on the certification by the International Commission on Verification and Follow-up of compliance in the cessation of aid to irregular forces by states within and without the region, as well as the nonuse of territory for destabilizing attacks.

11. As regards the scope of application of the amnesty, the International Commission has heard testimony that in several countries there was to a varying degree a systematic practice, during previous governments, of the physical elimination of captured members of irregular groups or insurgent forces, who could have availed themselves of the recent decrees issued by the present governments.

12. It should be understood that the purpose of the amnesty is to open up political spaces in some countries to allow opposition groups to rejoin democratic life, mainly those who have taken up arms. It is consequently premature to issue a definitive judgment on the effectiveness of the amnesty decrees as an instrument of national reconciliation.

13. Point 3 of the Guatemala Procedure sets forth a broad scheme for democratization, difficult to achieve in scarcely five months in a region characterized by a turbulent history.

14. It is fair to recognize the stability and broad level of development of the democratic institutions of Costa Rica.

15. In the case of Nicaragua, the International Commission has been able to confirm that in spite of the wartime suffering it has made concrete steps toward initiating a democratic process. Nevertheless, certain spokespeople of opposition parties and nongovernmental organizations have said that it is necessary to observe greater distinction between state and party institutions and it is necessary to more broadly assure the exercise of civil and political rights.

16. According to the vast majority of information sources consulted, the intention of the Central American presidents to make possible the effective participation of diverse currents of opinion in democratic life and to promote the protection of human rights is impeded in certain countries by abuses of authority by security forces and by the action of paramilitary groups. The International Commission also received accusations of human-rights violations committed by irregular forces or insurgent movements.

17. The International Commission on Verification and Follow-up has confirmed that there does not exist a state of exception, siege, or emergency in Costa Rica, El Salvador, Guatemala, and Honduras. The Commission has received information that in El Salvador a decree-law is in effect that allows the authorities to detain a person for more than seventy-two hours. In Nicaragua, the lifting of the state of emergency is subject to the Commission's certification that the aid to irregular forces from states within and without the region has been stopped and that use of territory for destabilizing other states has ceased. The government said that in practice the application of the state of emergency is applied flexibly. In more than one country the inoperation, in practice, or the right of asylum or of *habeas corpus* means that often detentions occur longer and under worse conditions than provided by law.

18. The International Commission has noted with satisfaction the preparations for the establishment of the Central American Parliament in the five countries. The creation of this important institution will represent a significant advance in the process of democratization and will fortify the political, social and èconomic unity of the countries in the region.

19. In spite of the efforts made, the lack of agreement on a cease-fire in the countries with irregular forces or insurgent movements and the intensification of fighting since the signing of Esquipulas II, with the consequent human and material losses, is a reason for deep concern.

20. There has been no success with the appeals to irregular forces or insurgent movements in El Salvador, Guatemala and Nicaragua to agree on a cease-fire or to avail themselves of the amnesty and join the political process in their respective countries, as foreseen in the Guatemala Procedure.

21. In spite of the exhortation of the Central American presidents the government of the United States of America maintains its policy and practice or providing assistance, military in particular, to the irregular forces operating against the government of Nicaragua. The definitive cessation of this assistance continues to be an indispensable requirement for the success of the peace efforts and of this Procedure as a whole.

At the same time we have received the accusation of the government of El Salvador that Nicaragua secretly sends help to the irregular forces in its country and that the suspension of this aid is an indispensable prerequisite for the success of the peace efforts of the Procedure as a whole. The International Commission on Verification and Follow-up has received the denial given by the government of Nicaragua in relation to this accusation.

22. In relation to the commitment not to utilize the territory of one state to attack another, the International Commission has noted accusations by certain governments of the region and the testimony of nongovernmental sources about the aid to irregular forces or insurgent movements which other Central American governments are providing and the use of territory of certain states to attack others. In this sense, it has received accusations by El Salvador against Nicaragua and by Nicaragua against Honduras, El Salvador, and Costa Rica. The respective governments said that they could not accept such accusations without knowing their basis and substantiation. They expressed their willingness to allow an unconditional inspection of their territories. The International Commission must note that the use of territory of the states of the region to attack others with or without the consent of the government whose territory is being so used facilitates the activities of these irregular forces or movements and makes more difficult the attainment of peace. The International Commission is still not in a position to verify what was said above because to date it has no power to set up mechanisms for on-site inspection.

23. Regarding compliance with the mandate in point 7 of the Guatemala Procedure, the International Commission on Verification and Follow-up took note with satisfaction of the meeting in Caracas on December 10, 1987 to carry out the decision of the Executive Commission meeting in San Jose on October 27–28, 1987 to continue the negotiations on the pending aspects the Contadora Act on matters of security, verification and control, and on the disarmament of irregular forces who are ready to avail themselves of the amnesty decrees. The meeting took place with the participation of the five Central American countries and the Contadora Group in exercise of its mediating function.

The negotiations resulted in a refinement of the terms of reference of future negotiations, e.g.: commitments on arms and troops; military exercises; procedural and operational aspects of the formation or statutes of the Commission for Verification and Control in matters of security; and means for disarmament of irregular forces.

Agreement was reached on organizing future work and meetings to take place in the Contadora Group countries with their coordination. The next meeting will take place in Panama in the first week of February 1988 and Colombia has offered itself as the site for the subsequent meeting.

24. As regards refugees, the International Commission has noted with satisfaction the steps taken in both creating institutional forms and in concrete acts such as protection, assistance, and voluntary repatriation which are clear advances in the search for humanitarian solutions to the problems of the region. In this sense, the holding in the course of this year of an international conference on Central American refugees sponsored by the governments of the area with the collaboration of the United Nations High Commission on Refugees would be a significant contribution to the peace effort. The situation of displaced people continues

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to be a grave problem of humanitarian character whose solution requires additional urgent efforts. The achievement of the goals of Esquipulas II would contribute substantially to a real solution of the problem of the refugees and displaced.

25. The goals of Esquipulas II which encompass the achievement of peace through a cessation of hostilities, amnesty, democratization, the cessation of aid to irregular forces and insurrectional movements, and the nonuse of territory for attacking other states, have not been completely achieved as of this date. The fact that peace has not been attained does not detract from the validity of the Guatemala Procedure. It makes a lasting political will for overcoming these obstacles even more imperative.

26. In evaluating the progress in complying with the Procedure For Establishing a Firm and Lasting Peace in Central America signed in Guatemala on August 7, 1987, it is important to understand that, just as its name implies, this procedure is a continuing process of ongoing actions. For this reason, 150 days after the signing of the accord, it would be as untrue to deny progress as it would be to claim success.

27. It must be remembered that just as the deterioration of the political, economic, and social structure of Central America did not occur suddenly, so peace in the area also cannot be obtained suddenly. The factors are by their nature complex and operate at different levels at the same time. Many of the actors on the Central American scene are not part of the accord signed by the interested parties, who are the chiefs of state of the region. The challenge is enormous because it wishes to put into practice a consistent, universally satisfactory, simultaneous, and verifiable agreement, which applies to certain parties who are part of the conflict but not signatories to the agreement. The task at this stage is not therefore to proclaim the success or failure of a process which is ongoing but rather to evaluate the progress attained, identify the work to be done, and find ways to do it.

28. For these reasons, the International Commission on Verification and Follow-up considers it necessary, after referring to the specific subjects of its mandate, to make two general statements, not only because they affect the most general issue of compliance with all of the Procedure by the signatories, but also because it considers it useful to make a contribution in this sense.

29. It is necessary to note the concern manifested by various non-Central American members of the International Commission on Verification and Follow-up in regard to the modality of participation by the Central American countries, which are parties to the conflict, in the task of verification. The Presidents can examine these concerns in their next meeting in order to make a practical distinction between participation in what is properly referred to as verification, of the non-Central American members of the International Commission on Verification and Follow-up and that of the Central Americans. Rigorously defined, this would not require changes in the letter of the Procedure. This subject is at the same time related to another problem which has been noted in the course of the meetings of the International Commission on Verification and Follow-up, which is the lack of a more operative procedure for taking decisions.

30. One of the primary considerations of the International Commission on Verification and Follow-up was the necessity to establish practical modalities for the verification of the accords contained in the Procedure of Guatemala. In order to verify the commitments made in security matters, to wit, the cease-fire, the nonutilization of territories for aggression against other States and the cessation of aid to irregular forces and insurgency movements, the necessity for in situ inspection is a sine qua non requisite for verification if it is to be done with objectivity, independence and efficacy. All the members of the International Commission on Verification and Follow-up accept this basic premise and no one doubts the necessity of this mechanism being duly established in order to be able to begin verification and follow-up.

31. In this sense, the Ministers of Foreign Relations who are members of the International Commission on Verification and Follow-up agreed to bring to the attention of the Heads of State of the Central American countries the usefulness of asking the Secretaries General of the United Nations and the Organization of American States to send an urgent Technical Mission to the region with the object of finalizing the details of establishing, in the five Central American countries, mobile units with the characteristics outlined in the second Mission Report.

32. In reference to commitments in the area of democratization, among them respect for human rights as well as free elections of candidates for national office and for the Central American Parliament, and refugees and displaced persons, the International Commission on Verification and Follow-up considers that its work of verification and follow-up could be aided by action by international organizations.

33. The International Commission on Verification and Follow-up considers it pertinent to note that there exist factors other than those of a structural nature which could affect compliance with the Procedure in their totality. These factors are described below.

34. The nature of Esquipulas II consists, more than in formal juridical obligations, in the political commitment which sustains it and in the incontrovertible fact that it has wide popular and unanimous international support. Nevertheless, the Procedure could be complemented by stipulations which would facilitate its practical instrumentation, such as a plan of execution and a schedule for the fulfillment of commitments.

35. It has become publicly well-known that what permitted an agreement on the Procedure of Guatemala was the smoothing out of differences between the parties regarding the sequences of compliance with the different commitments through an agreement that these would be complied with simultaneously. The international community expressed admiration for this formula which healed the apparently irreconcilable differences in regards to the conceptual problem of precedence between pacification and democratization.

36. The divergencies of opinion, precisely in regard to the sequence of actions, brought to light the reality that simultaneous compliance, if it is not articulated in more detail than the general framework foreseen in Esquipulas II, will be difficult to realize in concrete terms. This is a fundamental and urgent problem which is still not resolved despite the efforts which have been made.

37. The outline of an orderly, chronological plan for the execution of the Procedure, supposes negotiation. This complicated and unavoidable task could move ahead decisively during the opportunity offered by the meeting of Presidents in San Jose.

The **PRESIDING OFFICER**. The Senator from Arizona.

Mr. **McCAIN**. How much time have I remaining, Mr. President?

The **PRESIDING OFFICER**. The Senator from Arizona has 11 minutes remaining.

Mr. **McCAIN**. Mr. President, I yield 8 minutes to the Senator from Wyoming.

The **PRESIDING OFFICER**. The Senator from Wyoming is recognized for 8 minutes.

Mr. **WALLOP**. Mr. President, I thank the Senator from Arizona and I thank the Chair, and I particularly thank Senator HOLLINGS for restoring my faith in his party after watching its performance on the floor of the House last night.

Mr. President, peace is only one part of an equation. Peace by itself does not beckon people. Freedom beckons people and peace with freedom excites people and energizes them.

We have heard on the floor of the Senate this afternoon all kinds of statements. We have heard the Senator from Maryland [Ms. MIKULSKI] say that the peace process is the only thing that has worked.

You have to ask why there is a peace process. There is a peace process because people hoped for freedom and challenged the Communist dictatorship of Nicaragua. They asked for our assistance and have in hand an intermittent level of that assistance. Only after we gave assistance in such proportion that it was possible for those freedom fighters to make a difference has there been a peace process.

The peace process did not materialize out of thin air, it did not materialize out of the Presidents of the surrounding Latin American countries' wishes. It did not materialize out of anything but the desire for freedom of those who were willing to shed their blood—not American blood, but their blood—on behalf of the pursuit of the freedom they thought they had won when that Nicaraguan revolution took power from the Somozas.

What will sustain the peace process if there is no challenge to that Communist dictatorship? It is inconceivable that a peace process lives without the fertilizer of the desire and the pursuit of democracy. The House of Representatives last night snuffed out that little hope that there would be a pursuit of democracy supported by the world's greatest democracy.

That message not only hit home in Nicaragua. That message was not only broadcast to the Contras hours after the House got finished voting by Daniel Ortega and his people saying, "Lay down your arms; the House has forsaken you; America will no longer support you."

That hope and that light winked in Nicaragua, it winked in Afghanistan, it winked in Angola, it winked around the world where people believed the United States desired to support the pursuit of democracy, the pursuit of freedom.

Are we a nation that believes that people in pursuit of their own freedom ought to have a chance to establish it, or are we not?

Last night we said we are not. Tonight we have a chance to strike a tiny spark so that we may rekindle that hope and work toward the pursuit not of just peace but of peace with democracy, of peace with freedom.

I spent 8 years on the Intelligence Committee and Senator BENTSEN and others in this room were there with me. I tell you, Mr. President, that this process began not with Ronald Reagan but with Jimmy Carter and a finding in that committee that said we must change the emerging totalitarian nature of the Sandinista government.

The Senate believed at that time—having given the Sandinistas over $100 million in aid to expand the democracy they told us they wanted but in fact were snuffing out—that the first signs of aggression, of another country in this hemisphere were emerging in Nicaragua.

This is not new stuff. Let me read a statement from "The Challenge of Democracy: Conference on Efforts to Advance the Cause of Democracy Throughout the World," by the National Endowment for Democracy on May 18 and 19 of this year. The statement is by Armando Valladares, the great Cuban who spent 22 years in a Communist prison. He said:

> The Marxist dictatorships, on the other hand, belong to a transnational of terrorism, to a brotherhood of dictatorships, with the support of the Soviet Union. They have a defined philosophy, a battle tactic, the constant objective of establishing new dictatorships, and the support of extremist groups and parties from around the world, even democratic governments, the press, certain churches, and intellectuals.

We have seen ourselves bought intellectually by a group of people who tell us that peace is the only objective we ought to pursue. If it is the only objective we pursue, Mr. President, we need not ever have gotten involved, we need not ever have promised anybody anywhere in the world that their hopes for peace and freedom would gain the support of this country.

I cannot believe that this Senate and this Congress is about to give the Communist leader of Nicaragua more credibility than our own country's President, who says that we as a country have an obligation as people believing in democracy to support those around the world who pursue peace with freedom. If peace is all we want, we can have it at any time but it will be the peace of chains, the peace of totalitarianism, the peace that nobody in this country would submit to without a fight, make no mistake about it, even those who are voting against it.

I heard the Senator from Washington, Mr. ADAMS, tell this Senate that we had but to read Mr. Gorbachev's "perestroika" and we would know that communism was not working, that nobody is buying it around the world.

I ask that Senator, where is the opportunity for a Nicaraguan citizen to buy it? It is imposed upon him. It is not his choice. What we are being asked to do tonight is to say that we do not support the opportunity to let him gain that choice. The peace process simply will not work unless there is a process in place that is challenging the dictatorship. Dictatorship cannot by its nature begin to give up its own power. Supposing some benign power would come over Mr. Ortega and he would actually believe what he has been saying. Do you suppose that Mr. Tomas Borge, sitting right beside him, would allow him that choice? They live and exist by the power they hold, not by the power they are granted by the people they control. And until this country and this Senate and this Congress and this world believes that the only way we will ever get a change is by challenging it, nothing will happen. The peace process will emerge, peace will break out and so, too, will slavery in the very place from which we walk away.

Mr. ADAMS. Will the Senator yield, since he mentioned my name?

Mr. WALLOP. The Senator will not since he only has 8 minutes and we are coming up to the hour.

Mr. ADAMS. I thank the Senator.

Mr. WALLOP. I have to say that if this Senate chooses communism over the aspirations of freedom, over the choice of democracy, over the blood already shed in pursuit of freedom, then we will have done the most grievous disservice that the Nation can imagine to people whose courage was dependent upon a belief that America actually believed in democracy, that America actually believed at one moment in time that those who sought freedom had the right to know that we would be behind them. We told them from the House of Representatives last night that we did not have the courage to be there, that domestic politics were more important to us in the exercise of our freedom than the chance of their freedom. A guerrilla war is about killing. I heard one Senator say we were not winning. I think it was the Senator from Minnesota. we must remember that they are not fighting World War II.

They are fighting a guerrilla war that does not have battalions, occupy towns, and move to another place. And let me suggest to any colleagues that if the Nicaraguan democratic resistance were not winning, there would be no peace process today. Without the freedom fighters fighting, there can be no successful and just peace in Nicaragua.

The PRESIDING OFFICER (Mr. WIRTH). The time of the Senator has expired.

Mr. WALLOP. Mr. President, I urge this Senate to look to the cause of freedom as well as peace.

The PRESIDING OFFICER. The Senator from Arizona has remaining 3 minutes, the Senator from Rhode Island has remaining 1 minute.

Who seeks recognition?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield my 1 remaining minute to the Senator from Washington.

Mr. ADAMS. I thank the Senator.

I wanted to reply to the Senator from Wyoming, who did not quote my speech at all as to what I had said, which was that America should be standing tall in the understanding that our system is triumphing in an economic way throughout the world because it better be and we better win with our system in Nicaragua because we are better than the Communist system. There is not a military man in the United States who says that any amount of aid we send to the Contras is ever going to let them win that war. So we are putting money into people just like happened before in a war that does not succeed. Therefore, let us stop this foolishness. Let us go with the opportunity that we have, as I said this afternoon, to accept the proposition that George Aiken said about Vietnam, which was, for goodness sake, declare victory and come home while you got the chance. Because the worst thing that could happen in this case is that we would end up occupying the place. So I hope we vote this down.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Arizona.

Mr. BUMPERS. Will the Senator from Arizona, even though I am not on his side, be generous enough to yield 30 seconds?

Mr. McCAIN. I would be glad to yield 30 seconds.

Mr. BUMPERS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I debated this afternoon about whether to speak on this issue or not. It is meaningless to debate it; the issue has already been killed, but I want to say this. And it is not only on this issue, but it is on others but especially on this issue. No responsible person here should vote according to the polls, but every poll shows that the American

people oppose aid to the Contras by a minimal majority of 2 to 1. Never in the history of this country have the American people been as far out front and far ahead of the political structure as they are right now on this issue.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

The Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President. This has been a very long debate and one can add very little at this time.

Last night a signal was sent not only to the freedom fighters who live in the jungles of Nicaragua, but those who are struggling in the jungles of Angola, to the freedom fighters in the mountains and deserts of Afghanistan, to those who are struggling in the worker tenements and the shipyards of Gdansk, to all people throughout the world who are struggling for freedom. The message was that once again the American Government has encouraged them to arm, equip, and sacrifice for the cause of freedom, and then we have bailed out.

I cannot tell you how important a message that is. If we continue sending such messages, we will never have people who are willing to fight and die for freedom.

I would like to give you not my view of the Sandinistas, but to give you the view of Cardinal Obando y Bravo, a man who is most respected and revered by the people, except for the Sandinistas directorate, in his country. When I asked him if we should provide aid to the Contras, he said the following:

> As a mediator, I must be prudent. If I say there should be aid, I will anger the Sandinistas. If I say I am against the aid, the resistance will be angry. The Nicaraguan resistance represents Western democracy. The Sandinistas represent the complete opposite. Nicaraguan resistance, while they possess the means of continuing fighting, will continue to insist on democracy. The Sandinistas will never change their objective. There is no doubt that it is in the interest of the Sandinista government to stop aid.

I urge we affirmatively vote on this resolution.

Mr. SPECTER. Mr. President, I am today voting "yes" in favor of the procedural motion to proceed to consider Contra aid and "no" on the substantive issue against Contra aid because I believe that the Senate should decide this subject on the merits and that decision should be against the aid package.

The issue of aid to the Contras is one of great importance, should be the subject of extensive debate and then decided on the merits. The debate last night in the House of Representatives illustrates the seriousness of the issue, the intensity of the feelings on both sides and the closeness of the issue in the 219-211 vote. Even though the Senate's action today will not affect the outcome, since the House has turned down the aid package, it is worthwhile for the Senate to express its judgment on this issue.

While I respect the rights of the television networks to make their own judgments on coverage of events under our constitutional tradition of freedom of press and First Amendment rights, I personally consider it unfortunate that President Reagan's speech on Tuesday night was not covered by the three major commercial networks. On a matter of this importance, with this much controversy, it is worth the attention of the major networks and the American people to allow the President of the United States the coverage and to permit equal time to the opposing view. The absence of such major network coverage is a factor which weighs in my decision that the Senate should affirm the merits of open debate and public dialogue and decide the issue on the merits.

Accordingly, I am voting in favor of the motion to proceed even though most of my colleagues who oppose the substance of the aid package issue have decided the question differently on this preliminary procedural motion.

As to the merits, I continue to be opposed to aid to the Contras. In Nicaragua, war and bloodshed have resulted for years from a conflict which is financed by outside sources leaving many in the innocent civilian population dead or wounded. In my judgment, the preferable course is not to have the Contras financed by the United States, but instead our efforts should be directed to intensified diplomatic negotiations to try to resolve the dispute. While the $36.2 million in aid to the Contras is not decisive in the face of our enormous Federal budget, there are many more pressing domestic needs for the allocation of such funds.

Mr. CONRAD. Mr. President, I rise in opposition to the motion to proceed to the consideration of President Reagan's request for additional aid to the Contras. Since the House has voted to defeat this proposal, I see no reason for the Senate to consider it further.

If the Senate proceeds to act on the request itself, I will vote no. In my view, the most compelling reason to oppose this proposal for additional Contra aid is that President Arias of Costa Rica, chief architect of the Central American peace plan, has asked the United States to refrain. President Arias, who won the Nobel Peace Prize last year, has warned us that provision of lethal aid to the Contras would prompt the Sandinistas to abandon the peace process. While there are no guarantees that the plan will work, the United States should not give the Sandinistas an excuse to bail out.

It is possible that military pressure has brought the Sandinistas to the bargaining table. But I would argue that unrelenting economic pressures have greatly weakened the Government of Nicaragua and forced its hand. Mr. President, Nicaragua's economy has virtually collapsed. The inflation rate is an astronomical 1,800 percent—and continuing to rise. Electricity, gasoline, food and water are either being rationed or are available only intermittently. The country is on the verge of ruin because of prolonged conflict and mismanagement of its economy by the Sandinistas. These devastating economic conditions are the central threat to which the Sandinistas must respond. For these reasons, the Sandinistas' stake in pursuing the peace process should be relatively strong.

Over the past 7 years, the United States has provided $227 million of aid to the Contras. Our country has never received a complete accounting of how this money has been spent. Congressional investigations found that substantial amounts of money could not be tracked. Before additional assistance is considered, Congress deserves a full and accurate accounting of what has happened to the aid provided in the past.

I do not trust the Sandinistas, whose form of government represents a dictatorship of the left. There have been abundant abuses of power, repression of the press and political opposition, and unwillingness to protect basic human rights are abhorrent to any advocate of democracy. I am opposed to the practices of dictatorships—whether they come from the right or the left on the political spectrum.

At this stage of the peace initiative, I believe it is inappropriate for the United States to provide further aid to the Contras—particularly lethal aid. President Reagan's request for more guns, ammunition, planes and jeeps won't bring peace to Nicaragua; it courts the risk of wider war. I recognize that the Central American peace process could unravel—that the Sandinistas could break their promises. We should provide a fair test of the Sandinistas' commitment to the peace initiative—rather than providing them with excuses for failure. I believe the pressure is there—from sources besides the Contras—to keep the peace process alive.

Mr. BINGAMAN. Mr. President, today the Senate will once again vote on whether or not to support the Contras in Nicaragua. We all know, however, that this vote is, in fact, symbolic. Whether or not the Senate approves the President's request for $36 million in aid to the Contras, and I hope it is rejected, the fact is that the Contras will not receive those funds because our colleagues in the House have already rejected the aid request.

I hope that in the Senate today we can move beyond the political symbolism of this vote and begin to build a consensus for a new direction in our policy toward Nicaragua and Central America. I urge my colleagues to vote against the pending Contra aid package. Let us join our colleagues from the House in saying "no" to the counterproductive, wasteful, and inhumane policy that the administration has waged against Nicaragua for more than 7 years. I can't help but mourn the fact that these past 7 years were wasted on fermenting and supporting civil war in that country, when that time could have been invested instead in constructive involvement in the advance of our interests in peace, democracy, and economic and social justice for Central America. And I can't help but mourn the fact that hundreds of millions of United States taxpayer's dollars have been poured out of our Nation's coffers and into a war against the Nicaraguan Government that cannot be won. I for one have found it difficult to go back to New Mexico and tell voters that while vital domestic programs—needed to build a brighter future for our Nation in such areas as education, nutrition and economic development—have been cut, we've sent millions to the Contras.

In the course of this current debate on Contra aid, many of my colleagues have already spoken eloquently on the futility of the administration's Contra policy. On numerous occasions since I came to the Senate in 1983, I, too, have spoken at length on this subject. I don't need to do that again today because the history of this policy speaks for itself. It is a policy that has clearly failed to advance United States interests in Central America. I urge my colleagues to consider the fact that if United States dollars continue to support war in Nicaragua, the peace process spearheaded by President Arias will not have a chance.

I hope that we will reject the President's aid request and this failed policy. And I hope that having rejected the President's request we can join together, finally, in a sound bipartisan effort, to embark upon a new policy in Central America. One based in diplomacy, not aggression. A policy designed to advance peace, not war.

Mr. GORE. Mr. President, I rise in opposition to the proposal which President Reagan has sent us for military aid, to the Contras.

I oppose this proposal for one very simple reason: It would make peace in Central America less, not more, likely.

I have opposed military aid from the very start of this policy for the same reason.

For the past few months we have been providing the Contras with limited amounts of nonmilitary assistance in an effort to begin implementing the Arias plan, and to keep a certain amount of pressure on the Sandinistas to comply more fully with the provisions of the Guatemala accords at a critical point in the negotiations.

In fact, this strategy has worked reasonably well. The Sandinistas still have a long way to go before they will fully comply with the democratization provisions of the Guatemala accords, but they have finally begun to show positive movement in this direction. Many in the Reagan administration would have had us believe such progress was impossible. But it also is not clear to me that these results could have been achieved had we simply ended all aid to the Contras while the Sandinistas still were refusing to even begin to move along the road mapped out by the Guatemala accords.

Now, however, we have before us an entirely different proposal. The Reagan administration once again is asking for military aid. Only $3.6 million, we are told, and only in escrow—but military aid in any amount and given at any point will only mean more war. It in no way serves either our own country's interests or the interests of the Nicaraguan people.

Moreover, we would risk undermining the basic structure of the Arias peace plan. We would be giving the Sandinistas an excuse, and arguably, a reason to abandon the peace process. We would be giving the Contras an excuse, and arguably a reason, to be obstructionist in the cease-fire negotiations. And we would be sending a message to the people of Central America and to their leaders that we have neither respect for nor confidence in their ability to handle their own affairs.

There should be no doubt about these consequences. That is the message President Arias sought so eloquently to send us in his address upon accepting the Nobel Peace Prize last December. That is also the message he delivered in private discussions I had with him a few days before that. Instead of increasing the leverage of the forces of peace and democratization, it would undermine the leverage that already has been built. Instead of being a bargaining chip, it would destroy the bargain that has begun to be struck.

What we should be doing is working to strengthen, solidify and support the prospects for peace in Central America. Toward that end it is time that we took the initiative for direct bilateral negotiations with Nicaragua. Ortega keeps calling for direct talks; he even wrote an article in the New York Times to that effect. If he really is prepared to negotiate an agreement which:

Removes the existing Soviet and Cuban military and paramilitary presence from Nicaragua, and flatly and firmly prohibits any future Soviet or Cuban military or paramilitary presence in Nicaragua: no military advisers, no troops, no bases;

Commits Nicaragua not in any way to threaten the security, violate the sovereignty or otherwise seek to destabilize its neighbors;

Establishes strict limits on both the size of the Nicaraguan military and the weaponry at its disposal; and

Which sets up the necessary procedures and mechanisms for reliable verification and enforcement; then so are we. And if he is bluffing, then it is time to call his bluff. The Ortega brothers need to know that there cannot be true security for anyone in the region if Nicaragua arms itself with MiG-21's and conscripts a 600,000 soldier army.

These bilateral negotiations must in no way be construed as a substitute for the direct ceasefire negotiations with the Contras. They are intended to reinforce the Arias plan, not supplant it; take the peace process the next step, not get it off track. We should be prepared to affirm our own commitment to nonintervention in Nicaraguan internal affairs, so long as the Sandinistas are prepared to make the same commitments toward their neighbors, and so long as we can verify and enforce that commitment.

At the same time we should make it very clear to Mr. Gorbachev that Soviet miliary aid to Nicaragua and a perestroika in United States-Soviet relations are incompatible. I strongly reject the Soviet effort to equate our aid to governments who are our neighbors with their aid to insurgent forces and governments in this hemisphere, thousands of miles from their borders. The only issue for discussion here is Soviet military aid to Nicaragua. And that aid must cease. We should make sure that Mr. Gorbachev knows that on this issue our country is firmly united. This is an issue on which we should test Gorbachev, and see if he is for real.

Beyond that, and looking to the future of our hemisphere, we must finally break out of the mind-set which substitutes firefighting for a long-term strategy. We need to start doing a much better job at "preventive diplomacy". We must stop waiting until a crisis is on top of us, for in so doing we relegate ourselves to a reactive role, and to a world in which the realistic options available to us are all too severely limited.

Preventive diplomacy means phasing out our support for dictators like Noriega and Pinochet sooner rather than later. It means working on a sustained basis with groups such as democratic political parties, labor unions, the free press and the church to strengthen the institutional infrastructure on which democracy ultimately must rest. It means attacking the social and economic injustices which are the breeding ground of extremism—and doing so sooner rather than later.

Thus, if we really are serious about preventing both the extremes of more Marxist victories and more death squads, we need to start working today to build the foundations—the political foundations, the economic foundations, the social foundations—of stable democracies.

This is a battle worth waging, a commitment worth making. It is true to our own traditions, and it is a contribution to the future of other nations in which all of us—Republicans and Democrats, North Americans and Central Americans—can be proud.

The process initiated by the Central American Presidents is an important step toward this goal. Much still remains to be done, and we should not be content until both regional peace and democratization are firmly established. The reconciliation process must continue to move forward, and we should maintain our vigilance throughout. If over the next few weeks the Sandinistas do not continue to follow through and deliver on their commitments to democratization, it may still be necessary for us to continue some form of nonmilitary aid to the Contras.

And if the Sandinistas go back on their commitments, then we must be prepared to work with our allies—including President Arias—to bring diplomatic, political and economic pressures to bear on them.

But after the revelations of the Iran-Contra hearings, no American should have any illusions about the dark and dangerous path down which the Contra war has led us. Do we wish once again to head down that path—a path of more warfare and destruction for our neighbors, and of profound threats to our own political system and cherished way of life from the blatant disregard for the law considered justified in the name of the Contras? Or do we prefer to do what we can to work with our neighbors to build a peace which has the potential to serve all of our mutual interests?

The choice is a clear one. This aid package must be defeated.

Mr. HECHT. Mr. President, as I have in the past, I support the President in his request for United States assistance—both humanitarian and military—to the Nicaraguan democratic resistance forces. The actions of the House yesterday notwithstanding, I believe that if we are to have peace in Central America, we must continue the pressure that has been exerted upon the Sandinista's to negotiate a peace.

Mr. President, during our recess, I spoke with hundreds of Nevadans as I toured my State. As Senators from my part of the country can attest, our voters can be both vocal and specific about their wish to see a few clear choices coming from the Congress on policy issues. Their point is well taken—I urge all Senators to be clear; to stand united on supporting the Contras until we see evidence of long term, responsible conduct by the Nicaraguan Government—not just promises.

I perceive an effort by some Members of Congress to stand on both sides of the issue of opposing additional Communist governments in this hemisphere—most voters can see through this weakness. I think that they resent this lack of clarity, and I agree with them.

WHY SUPPORT THE DEMOCRATIC RESISTANCE IN NICARAGUA?

Mr. President, my own reasons are straightforward and simple:

First, at the risk of overstating the obvious—because the freedom and well-being of the people of the United States could ultimately be threatened by the entrenchment and development of another subversively oriented Communist government in this hemisphere—especially in Central America. I know that it is fashionable in Congress to think in short-range future terms only, but in the Senate I would hope we could be a bit more farsighted.

Second, because the freedom of the other democratic states in that region could be similarly threatened. To those who dismiss anything sounding like a "domino theory," I recommend discussions with the Laotians and Cambodians.

Third, because these prodemocratic, Contra elements, who are attempting to give their government back to the Nicaraguan people—that is, taking back a stolen revolution—deserve our support. We are developing a reputation in the world as a dubious ally, one who will cut and run if we cannot have a quick and easy victory. We cannot afford this reputation.

Fourth, our policy of support to the resistance forces is proving successful. Winston Churchill once wondered if the American political will was strong enough for us to stay the course as an international leader. Listening to some of the voices here on Capitol Hill recently, I understand his concern. It is difficult to understand why we would give up a program showing significant success—unless, of course, one cannot stand the thought of any success credited to a strong President; or perhaps, had no great objections to the growth of another Communist government in the Western Hemisphere to start with; and

Fifth, unless we are willing to support the development of democratic governments in our own neighborhood, we are sending a dangerous and foolish message to both friends and potential foes in the rest of the world.

Mr. President, the Sandinista's would not even be negotiating for peace today were it not for the freedom fighters. The President's policy has worked; it must be allowed to continue to work.

I urge each Senator to think carefully about the judgment of history on his position on this question, and to support the administration's request.

Mr. DASCHLE. Mr. President, I rise in strong opposition to Senate Joint Resolution 243, a resolution to send an additional $36.25 million over the next 4 months in aid to the Nicaraguan Contras.

The administration would have us believe that this aid is a "scaled-down" version of previously anticipated requests, that most of this aid is "humanitarian," and that this aid is consistent with our professed support of the Guatemala peace accord. I say to Senators, if you support Contra aid whenever, however, and through whomever, then you should support this resolution. But if you are seeking to send scaled-down humanitarian assistance that is consistent with the Guatemala peace accord, you should vote against this Contra aid package, for it has none of those characteristics.

First, the aid is not scaled-down. The administration argues that $32.6 million in nonlethal military aid is needed to keep the Contras in the field over the next 4 months. This is in conflict with the administration's fiscal year 1987 request, which sought $30 million in nonlethal aid over a 12-month period. It is also in conflict with the fact that the Contras still have funds remaining from their fiscal year 1987 nonlethal aid.

The claim that the Contras must have this military aid to stay alive is simply false. Furthermore, when the total $36.25 million request is coupled with accompanying funds for indemnification of aircraft and electronic countermeasures, the delivery rate far exceeds that of fiscal year 1987 and reflects its roots: The administration's original 18-month request for $270 million. So, it is not a scaling down, but an escalation.

Second, I want to address the claim that this package consists primarily of "humanitarian" aid. It is important to clarify this administration's definition of "humanitarian." In the context of Contra aid, "humanitarian aid" means food, medicine, boots, and other items distributed through the Department of Defense and the CIA—the same network that could not control past "humanitarian" aid.

In the past, "humanitarian" aid was clearly defined as food, medicine, and other essential items distributed through internationally recognized relief organizations. Contra aid has rendered the term almost meaningless.

It is also interesting to note that even using its expanded definition of humanitarian aid, the administration cannot call the "nonlethal" portion of this package—which includes military training, helicopters, jeeps, and other logistical aid and excludes only weapons, weapons systems, and ammunition—"humanitarian." So, it is unclear how much of this package is humanitarian, and it is unclear where it will go.

Finally, in spite of the administration's claims to the contrary, this Contra aid package is inconsistent with the United States-backed Guatemala peace accord. The agreement strictly prohibits U.S. aid to the Contras. The administration claims that the "nonlethal" assistance will only sustain the Contras "in case there is no cease fire," and that the $3.6 million in lethal aid will be held in escrow until March 31. The President would then be free to release the funds. This strategy, the administration argues, will force the Sandinistas to the negotiating table.

But what will force the Contras to the table? Certainly not this plan. This plan would actually reward the Contras for avoiding a cease fire. If they can hold out until March 31—and we will give them $32.65 million to ensure that they can—they can get more lethal aid. Sending further aid to the Contras at this point can only weaken our diplomatic position and discourage peace by giving the Contras, the Sandinistas, and all parties involved an outside excuse for a breakdown in negotiations. We should not offer them such an easy way out. Instead, we should do everything in our power to promote negotiations and a positive outcome.

Mr. President, it is a sad commentary on our policy in Central America that we are voting on this resolution at the same time the Guatemala peace accord, a fragile agreement the United States professes to support, it struggling to take hold. Nevertheless, we must vote. We have two choices: To give the peace agreement a chance to work, or to escalate the war in Nicaragua. For me, the choice is clear.

Mr. SIMON. Mr. President, I want to express my strong opposition to Senate Joint Resolution 243, the President's package of lethal and nonlethal assistance to the Nicaraguan Contras.

I have consistently opposed aid to the Contras, both in committee and during full consideration of this issue in Congress. On Tuesday, the Senate Foreign Relations Committee voted 10-0, with my support, against the President's request.

Contra aid is counterproductive. It is harmful to our long-term interests in this area of the world. Contra aid is the surest way to push the Sandinistas closer to the Cubans and the Soviets. And while the United States had funded a war, thousands and thousands have been killed and maimed, and lives destroyed. Moreover, it has all been for nothing.

A more productive policy would work to diffuse tensions, to reduce armaments, and encourage efforts of the democratic governments of the region to find and implement a way to end the war in Central America.

A sensible U.S. policy should be based not on fueling the war, but on ending the war. Our policy should vigorously encourage, not undercut, the Arias peace process. We have come to the most important juncture in this administration: a genuine opportunity for a negotiated solution to war. It is time, once again, to say "no" to Contra aid.

SAY YES TO PEACE, NO TO CONTRA AID

Mr. HARKIN. Mr. President, the Senate has the opportunity today to close the door once and for all on 7 years of Contra war against the Nicaraguan people.

The House has made its decision: no more Contra aid. We must give our full support to the peace process begun by Nobel Peace Prize winner Oscar Arias.

And I would urge my colleagues to not be misled by the false and fanciful claims of the Reagan administration as they seek to maintain some momentum to fight another day for Contra aid. We have heard these false claims before.

From 1982, when the Contra program first became public, to today, the President has fashioned the public presentation of this policy to fit the temper of Congress at the time.

In 1983, it was a program solely to interdict arms.

In 1985, the Contras would stop Soviet expansion and force the Sandinistas to the negotiating table.

In 1986, the Contras were agents of political pluralism in Nicaragua.

Now, the President calls the Contras an insurance policy to guarantee Sandinista compliance with the Guatemala peace accords.

To paraphrase an old saying, the lyrics may change, but the tune remains the same.

Behind all the rhetoric, one fact remains the same. The goal of administration policy is the use of force to overthrow the Nicaraguan Government.

And the President, in his determination to make the Sandinistas cry uncle, has methodically sabotaged the Latin American search for a political solution—first the Contadora process, and now the Arias peace plan.

For this reason, Mr. President, we cannot have it both ways. We cannot embrace the peace process with one hand while voting for the administration's Contra policy with the other.

Latin Americans realize this. The five Central American Presidents, at the conclusion of a 2-day summit in Costa Rica, signed a communique calling for an end to outside aid for all insurgent forces, including the Contras.

The American people know this. The most recent CBS/New York Times poll shows that by a 2-to-1 margin, the public opposes Contra aid.

President Arias could not have been more direct, when last October he said that the Contras are part of the problem, not the solution to the crisis in Central America.

And yesterday, the House of Representatives put itself on record when it defeated the President's request for $36 million in military aid to the Contras.

If our goals are the promotion of peace and democracy in Central America, as the President so often proclaims, then the Arias plan has already proven it can work.

More democratic reforms have taken place in Nicaragua in the 6 months since the peace accords have been in effect, than in the 7 years of the Contra war.

The record shows that major setbacks—not progress, but setbacks—for political freedom and human rights in Nicaragua have been in direct response to Contra military pressure.

In March 1982, the Sandinistas imposed their first state of emergency—in response to the destruction of two bridges in northern Nicaragua, the Contras first major acts of sabotage.

In October 1985, the Sandinistas renewed the state of emergency and arrested several hundred dissenters—in response to congressional approval of $27 million in so-called humanitarian aid.

In June 1986, the Sandinistas closed down La Prensa and expelled two Catholic bishops—in response to approval of a $100-million Contra aid package.

In contrast, the signing of the peace plan last August has begun a process of democratic reforms and a political opening unprecedented since the beginning of Contra aid.

The Arias plan—not the Contras—produced the opening of La Prensa.

The Arias plan—not the Contra war—helped put Radio Catolica back on the air and secure the release of a thousand political prisoners.

Further steps have been taken since the January summit of the Central American Presidents. The Sandinistas lifted the 6-year state of emergency, began direct talks with the Contras, and pledged a broader amnesty.

Seven years of war and a quarter billion of U.S. taxpayers' dollars haven't produced these reforms. The Guatemala accords—and political pressure by the four Central American Presidents—have.

It is difficult to predict what additional reforms the Sandinistas may

make or how lasting the effect of changes already undertaken may be. But it is certain that Sandinistas will use approval of more Contra aid as a reason not to comply with the peace plan and to stall the reform process now underway.

President Arias made this point during a discussion I had with him last September. The administration's military policy, Arias said, isolated the United States from its Latin allies and provided a cover, both domestically and in the international arena, for Sandinista policies.

So far, recent events have proven Arias correct.

Now is the time for the United States to embrace fully the peace plan and a policy of negotiations and end the force-first military program the administration has pursued for the past 7 years.

Before voting, we first must dispel the myth that this is a modest nonlethal aid package.

In reality, this package, when the $27 million for air defense systems and new aircraft are added, actually totals more than $60 million, not the $36 million advertised by the President. This represents the highest quality rate of Contra aid ever approved by Congress.

Make no mistake. This is not a humanitarian aid package. The aid we approve today will provide helicopters, military training, radar, and trucks, not just food and shelter for the Contras.

This aid will go for boot camps and battle gear, not soup kitchens, for the Contras.

This resolution will maintain the role of the CIA, increase Contra air drops, escalate Contra military activities, and discourage the Contras from taking the ceasefire talks seriously.

Seven years of Contras war have resulted in the deaths of 40,000 Nicaraguans. Nearly 25 Nicaraguans are killed each day. Approval of this aid package will not aid the defense of democracy. Nor will it promote the cause of peace.

Approval of this package will prolong the bloodshed that has become a tragic fact of life for the people of Nicaragua.

Another myth—what I call the security myth—must be dispelled before we cast our vote today.

The President claims that a vote for the Contras is a vote against Sandinista subversion of its neighbors, a vote against a Soviet buildup in our hemisphere, and a vote for our national security.

Does the President really believe that the Contras—a ragtag band of 6,000 fighting men and women, a peasant army that after 7 years of fighting and $250 million worth of United States aid has still failed to take a single Nicaraguan town—can defend us against Soviet subversion?

The Sandinistas have offered to negotiate reductions of its armed forces, to scale down their armaments, and to remove Soviet and Cuban advisers—only if the United States were to give a commitment not to overthrow them.

Mikhail Gorbachev, in a discussion with the President in December, offered to limit military shipments to Nicaragua in return for an end to United States aid to the Contras.

The President refused even to respond. He chose instead to wait until Gorbachev left town before parading out Major Miranda—otherwise known as the 800,000 dollar man—and his reports of an expanded Nicaraguan military buildup and threat of Soviet shipments of Mig aircraft.

But we could all rest easier if the President began taking the security issue seriously, and stopped manipulating it to scare Congress into supporting the Contras.

Surely, if we can negotiate reductions with the Soviets on intermediate and strategic nuclear weapons, we can make a deal on removing the Soviet and East bloc presence from Nicaragua.

In regards to the Nicaraguan buildup, the Sandinistas have consistently stated their willingness to discuss such matters in direct bilateral talks with the United States, which this administration ended 3 years ago.

I commend to my colleagues' attention a recent article by former CIA Director William Colby. He concludes that the President's Contra policy works against our security concerns with Nicaragua, and argues that we can insure our security interest through verifiable agreements with Nicaragua and its patrons.

We are not deciding on whether our security interests will be protected against Soviet expansionism. The Contras, even if funded, cannot adequately defend us. Negotiations, with the Sandinistas and the Soviets, provide a more realistic and effective means of defending against the threat of a Soviet beachhead in Central America.

We are deciding on whether the means we use to protect American national security will conform to fundamental American values, of respect for the law and respect for democratic institutions.

This administration's Contra policy has led to the production of assassination manuals, the illegal mining of Nicaraguan ports, the selling of arms to terrorist Iran and the illegal transfer of some of the profits to the Contras, and the trauma of our Nation's most serious constitutional crisis since Watergate.

For 7 years, this administration has been willing to undermine democracy at home in its alleged pursuit of democracy in Central America.

In its zealous pursuit of overthrowing the government in Nicaragua, the Reagan administration has waged its own holy war against the alleged Soviet menace, adopting the methods of our enemies and in the process alienating us from our allies in the region.

Today, we have the opportunity to turn away from this sad chapter in our Nation's history and chart a new course. Today, the Senate can begin the process that will realign our foreign policy with our basic democratic values and ideals.

The fact is, our real strength as a nation comes not from the barrel of a gun but from our ideals and our example. The writings of Thomas Jefferson and Tom Paine have done more to influence people in Latin America and elsewhere than all the Redeye missiles and M-16's combined.

Today, we can begin to stop dictating and start cooperating with our Latin neighbors. The United States can begin to support Latin Americans in their efforts to stop the killing and start the rebuilding in their countries.

For too long, the Reagan administration's obsession with Nicaragua has prevented us from advancing a long-term program for peace, democracy and economic development in Central and South America.

The strength of the Arias plan stems largely from the realization of this fact. The administration's support for the Contras has isolated us from the rest of Latin America. Our isolation has increased Latin solidarity with Nicaragua.

President Arias based his plan on the pursuit of a negotiated, rather than a military solution to the Central American crisis, and isolating Nicaragua, not the United States from the rest of Latin America. Through regional and international political pressure, Arias correctly believed the Sandinistas would be forced into reopening their society for democratic reforms.

Our obsession with the Contras has caused us to lose sight of the profound economic and political problems still facing the rest of Central America. As a contrast to Nicaragua, the President would have us believe that El Salvador, Guatemala, and Honduras are successful democracies, where civilian Presidents have consolidated their power, the military is ruled by the rule of law, and human rights abuses are all but eliminated.

This unfortunately is not the case.

In fact, in some cases, problems of military abuses have been exacerbated in the past 6 months.

The Government of Honduras, for example, has been taken to the Inter-American Court for Human Rights for its military's alleged responsibility for disappearing more than 100 of its

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countrymen in the early eighties. Two witnesses in the case, including a leading human rights official, have been gunned down. Some claim that they were killed by the same military battalion responsible for the earlier political killings.

At the same time that the United States—justifiably—condemns the detention of 12 Nicaraguan opposition leaders, the Reagan administration remains silent while 2 Hondurans are gunned down because of their defense of human rights.

In El Salvador, the National Assembly's amnesty law has resulted in the release of the National Guardsmen responsible for the 1981 assassination of two American land reform advisers.

El Salvador's amnesty law, which President Duarte claims was enacted to comply with the Guatemalan accords, has further undermined his country's already weakened judicial system. In reality, the right and the military have used amnesty to destroy the limited steps taken so far to institute the rule of law in El Salvador.

Our Nicaragua obsession has distracted us from tackling the profound problems of drugs, debt, and poverty in the rest of Latin America.

The President constantly warns us of the threat of Nicaraguan-based Soviet subversion of the hemisphere.

Think instead of the consequences of a large-scale repudiation by Latin America of its external debt—which now approaches $400 billion. Latin America poses a greater threat to Wall Street than to Main Street, Harlingen, TX.

For Nicaragua's neighbors, we must help them grapple with social and political instability with a long-term commitment to regional economic development.

For too long in Central America, the United States has been concerned solely with putting out fires. It's time we help rebuild the houses damaged by the flames of social injustice and economic deprivation.

Latin America's wars in the nineties will be waged in the marketplace and at the ballot box, not on the battlefield. We must shape our foreign policy to respond to the new crises and the new realities of the next decade.

We are just now heeding the warning of Walter Lippman, who wrote after the Bay of Pigs:

> A policy is bound to fail which deliberately violates our pledges and our principles, our treaties and our laws. The American conscience is a reality. It will make hesitant and ineffectual, even if it does not prevent, an un-American policy.

It is time to take the lessons we have learned over the past 7 years and begin to shape a new policy, sensitive to the democratic aspirations of Latin America and true to our values and ourselves.

Mr. GLENN. Mr. President, I rise to express my opposition to the pending request for additional Contra aid. Congress has debated and voted on this issue many times over the past several years and one would be tempted to say that there is nothing new in this current round. But there is a significant new development which is relevant to, and I believe should be determinative in, today's debate. Since the Congress last approved significant new aid for the Contras, the five Central American Presidents have signed an agreement, initiated a negotiating process on their own, and that process has produced more constructive results in 6 months than the Contras have attained in 6 years.

Why does this agreement between five foreign heads of state impact on our consideration of the President's Contra aid request? Because that agreement explicitly calls for the cessation of aid to regional insurgencies. At their recent meeting in San Jose, the Central American Presidents called cessation of aid to irregular groups an indispensable condition for the attainment of peace in the region. Hence, to approve new aid, at this critical juncture when the peace process is beginning to produce results, would be to thumb our noses at the Arias initiative and torpedo this attempt by the Central Americans to work out their regional problems. I believe their initiative deserves our respect, not our disdain; merits our constructive cooperation, not our indifference. The administration says it supports the Arias plan, but this request belies that assertion.

While the President has offered to put the lethal portion of his aid request in escrow pending the outcome of cease-fire negotiations between the Sandinistas and the Contras, I believe it should be noted that the bulk of the remaining "nonlethal" aid is in fact logistic assistance. Such assistance contributes to the Contras' war-making capability, and thus runs counter to the spirit, if not the letter, of the Guatemala City accords.

Whichever way we go on Contra aid is a gamble. But I am placing my bet and my vote on the peace process, on a negotiated settlement of regional problems. I can offer no guarantees that this process will succeed, but I believe we have an obligation to give it every chance when the alternative is a continuation of a long, bloody, and costly war against the long-suffering people of Nicaragua and their shattered economy. History will judge us harshly if we contribute to the failure of the peace process.

Over the course of the many debates on this issue I have emphasized the need to pursue a negotiated solution as a first resort, and I disagreed with the administration's insistence on pursuing a military solution as its first and only resort. Now the Central American nations have offered us a negotiated course of action, they have asked for our help and cooperation. I believe it would be extremely shortsighted for the United States, the most powerful Nation in this hemisphere, to take an action so blatantly at odds with, and destructive of, the Central Americans' own peace initiative. President Arias has pleaded with us to give peace a chance, I hope we will be wise enough to do so.

Mr. HEINZ. Mr. President, the defeat of the administration's Contra aid request by the House of Representatives should not be an end point, but the beginning of a new phase in our Central American policy. It will be an end point if the House's refusal to approve the administration's request is the last word. That would be a tragedy. But it will mark a new phase if the opponents of Contra aid who won yesterday face up to their responsibility and provide genuine incentives for the peace process to continue.

The Sandinista government has come a long way under the Arias plan—even if it waited too long to do so. Due to pressure from the Contras and their democratic neighbors, the Sandinistas have begun—and I stress begun—to open up their society. While the progress has been real, there is every reason to believe that it may be temporary if pressure is lifted. One stroke of Daniel Ortega's pen can reverse every reform we have seen since August.

For that reason, I believe it is a mistake to abandon the Contras at this point. They are now engaged in face-to-face cease-fire talks with the Nicaraguan Government—talks the Sandinistas earlier claimed would never take place. If the House—and subsequently the entire Congress—fails to provide an adequate alternative to the administration request for assistance, it may pull the plug on the peace process just as it was gaining momentum.

I have several times cast votes for Contra aid. These have not been easy votes. The country is deeply split on our policy in Central America. Pennsylvania is also split, and this division is reflected in the mail and phone calls I receive on the subject, which over the past several months have together been running very even in favor and opposed to Contra aid. My objective in supporting the program has been to provide the Sandinistas with a concrete reason to reform and live up to the pledge of democracy and freedom that was the original rallying cry of those who bravely overthrew the corrupt Somoza dictatorship. I believe the pressure brought by the Contras has been a key reason for the progress we have seen to date.

I understand the concerns of both sides in this controversy. I have been

willing to carry the burden of doubt and criticism for my votes in favor of Contra aid to this point. I am somewhat hopeful that my approach all along—to provide the Sandinistas with concrete incentives to reform—is now being proven as the correct one.

But just as supporters of Contra aid have been willing, despite their reservations, to shoulder the responsibility of supporting a controversial policy, the opponents who have now defeated the administration's latest request must bear the responsibility of their actions. If no further assistance to the Contras is provided at this crucial time, if there is no reason for the Sandinistas to democratize there is a danger that the whole peace process will derail.

Without pressure to reform, the Sandinistas may return to their old—and bad—ways. We could see the development of the 600,000-man army that the Sandinistas have planned with Cuban and Soviet advice. We can only speculate about the possible restrictions on freedom that may be foreseen as needed in the next stage of the Sandinistas' revolution with a Cuban face.

This is the burden that opponents of Contra aid must now shoulder. They will be called to account if a cutoff of the Contras leads to the dire consequences many of us fear. The House and the Congress must now say where they will take our Central American policy. They must say how they will achieve the objectives of peace with democracy that all have supported as the proper aim of U.S. policy.

The ball is in Congress' court. The game is at a crucial stage, and the other players are watching the Congress to see what we will do. Those who have changed the rules had better come up with a way to win the game, or the cause of freedom, democracy—and ultimately peace in Central America will be an abandoned hope and a lost cause.

Mr. D'AMATO. Mr. President, my party's leader in this body, Bob Dole, has just stood up and told us plainly what we should already know: that it is freedom that matters. It is in the cause of freedom, Mr. President, that we are here—every day. How can any of us forget that? And yet we labor over that fact with politics and posturing, too often the politics of rationalization and retreat.

Do we have the courage, and the character, to stand tonight for what much of the media and the polls and the professionals tell us is, at the moment, perhaps, an unpopular cause? Do we believe that support for peoples struggling for freedom is more important than mere politics?

For the last few weeks, Mr. President, we have listened to those who would retreat from the cause of freedom because it has become difficult just at the hour of maximum need—and maximum promise; those who would disassemble this Government's efforts just as they are beginning to bear the fruit of peace, and to bring the hope of restored democratic freedom; those who would, in the cause of partisan politics, abandon those who we have led to rely on our promises.

I have heard many times today, "give peace a chance." Mr. President, we all want peace. But first we must give freedom and democracy a chance.

All of us who have watched the continuing struggle for freedom—in Afghanistan; Poland, and Eastern Europe; and in Latin America, have been heartened by the unwaivering dedication of President Reagan to the cause of liberty. His refusal to flinch from his commitment to the fight for democracy, despite hostility, faintheartedness, and mounting political odds, is a beacon of hope and inspiration to those seeking freedom throughout the world. More than anyone in American politics, he has had the courage to do what's right.

And he has been right. His strong stand with the Soviets has brought us the INF treaty, a real chance at arms control; pressure on the Sandinistas has begun to bring us the first faint hope of democratic reform in Nicaragua. We should not now falter, or we fail.

Senator Dole's statement tonight shows that spirit. His courage and clarity have made me proud to be his friend, and to serve with him in this Chamber. I hope that all of us are as firm in our dedication to the cause of liberty and to the President's efforts in that cause. I urge my colleagues to give freedom a chance.

The PRESIDING OFFICER. All time has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, this will be the final rollcall vote of the day. The Senate will not be in session tomorrow. The next session of the Senate will be on February 15, Monday. George Washington's Farewell Address will be delivered that day by Senator Terry Sanford. There will be no rollcall votes that day. There will be no other business transacted that day.

On Tuesday, the unfinished business will be S. 2, the campaign finance reform bill, but there may be some other legislation at that particular time or on that day that we can take up and which could result in rollcall votes. I would urge all Senators to be prepared for an early vote on that Tuesday, February 16. That would be a vote I would say unless there is bad weather in which case we will delay the vote. That would be around say 9:30. That will be a 15-minute rollcall vote.

So I urge all Senators to be prepared for that vote.

HAPPY BIRTHDAY MR. PRESIDENT

Mr. BYRD. Mr. President, now, I want to thank all Senators and I want to close this debate on a happy note on which we all will agree, I am sure.

Mr. President, this upcoming Saturday is a special day, to which I take genuine pleasure in calling attention.

February 6, 1988, will be President Ronald Wilson Reagan's 77th birthday.

I know that all of our colleagues join me in extending to President Reagan the happiest and warmest of birthday greetings, and in hoping for him many added years of a full and rewarding life.

One of the qualities about our President often remarked upon is his robust health. An athlete from youth onward, and always a physically active and vigorous man, President Reagan is blessed with a constitution that belies his actual age. The zest for life that the President demonstrates is an inspiration to the growing body of Americans who have passed their 70th birthdays.

I am sure that the President, Mrs. Reagan, their family, and their close friends will observe the President's birthday this weekend in some fashion. At that celebration, I hope that they will keep in mind the sincere esteem in which President Reagan is held by millions of his fellow Americans, including the respect and admiration felt for the President on both sides of the aisle in the U.S. Senate.

(Applause, Senators rising.)

CONTRA AID

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. Under the previous order the hour of 9 o'clock having arrived, all time for debate has expired, and the clerk will read the joint resolution for the third time.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—51

Armstrong
Bentsen
Bond
Boren
Boschwitz
Breaux
Chiles
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Evans
Exon
Garn
Graham
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Pressler
Quayle
Roth
Rudman
Shelby
Simpson
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—48

Adams
Baucus
Bingaman
Bradley
Bumpers
Burdick
Byrd
Chafee
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Ford
Fowler
Glenn
Gore
Harkin
Hatfield
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Stafford
Weicker
Wirth

NOT VOTING—1

Biden

So, the joint resolution (S.J. Res. 243) was passed, as follows.

S.J. Res. 243

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to the H.J. Res. 395 of the One Hundredth Congress, the Act making continuing appropriations for fiscal year 1988.

[Applause in the gallery.]

Mr. LEAHY. Could we have order, Mr. President?

The PRESIDING OFFICER (Mr. Wirth). The Senate will be in order.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to exceed 10 minutes and Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

Mr. BYRD. Mr. President, business is being transacted. I hope that the Senate will be in order.

ABE STOLAR

Mr. LEVIN. Mr. President, I call to your attention the case of Abe Stolar, an American citizen who has been trying to leave the Soviet Union with his family since 1974. I have spoken many times in this Chamber on the Stolar family's behalf. Several times I have told of how his family has seemed to receive permission to emigrate to Israel, only to discover that they have been denied permission at the last moment.

Abe Stolar has reapplied for five visas to leave the Soviet Union with his family, including his young granddaughter. Unfortunately, Julia Stolar, one of the five and Abe Stolar's daughter-in-law, has been denied permission to leave with her husband, Michael. She has been denied an exit visa because she lacks permission from her mother. However, it appears that the Soviets have, at times, waived this procedure, in particular in the case of Yanna Begun. I have written to General Secretary Mikhail Gorbachev, urging him to grant Julia Stolar this same waiver. Julia's situation takes on new urgency now that she is expecting another child.

Many longtime refuseniks were allowed to leave the Soviet Union in 1987, and we rejoice in their freedom. But what do these highly publicized cases mean for the Stolars and others who wait like them?

Enough is enough. It is time that this U.S. citizen be allowed to leave the Soviet Union with his family.

Mr. President, I ask unanimous consent that a copy of my letter to General Secretary Gorbachev be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, December 17, 1987.

Mikhail Gorbachev,
General Secretary of the Communist Party of the U.S.S.R., The Kremlin, Moscow, U.S.S.R.

Dear Mr. General Secretary: I have just read in the press that a spokesperson in the office of Konstantin Kharchev, chairman of the Soviet Council of Religious Affairs, told a New York City Councilman that the requirement of a financial waiver from relatives of those who wish to emigrate has been abandoned. This is, indeed, very good news.

I understand that some Soviet Jews who have been denied exit visas because of the previous waiver requirement have been told to reapply. I am also aware of the fact that Yanna Begun has been given permission to leave even without her father's permission.

I am writing to you because Abe Stolar's daughter-in-law, Julia Stolar, has been denied permission to leave with the senior Stolars and her husband, Michael. The denial was based on lack of permission from her mother. I would gather that this is no longer an impediment.

It is my hope that Julia will receive her exit visa quickly and that the entire Stolar family will be allowed to leave for Israel soon. I would appreciate your assistance in this matter.

Thank you for your attention.

Sincerely,

Carl Levin.

CONVENTIONAL ARMS IN EUROPE

Mr. WIRTH. Mr. President, today I want to continue my survey of the literature and analyses of conventional arms in Europe by sharing with my colleagues a most helpful article that appeared in the Economist on August 30, 1986. Entitled "The Sentry at the Gate: A Survey of NATO's Central Front," a summarized version of the article is here presented as a helpful analysis for my colleagues and all interested students and observers of this important issue.

The article follows:

The Sentry at the Gate: A Survey of NATO's Central Front

Since the postwar demobilization, the American forces in Europe have been guarding the hilly southern part of West Germany which is comparatively easy to defend; the British forces, smaller and less well equipped, were left holding the gently rolling North German plain, the ideal invasion route to the industrial Ruhr, the low countries and France.

Some commenters still fret about this "maldeployment" of NATO forces. The danger arising from it, however, has probably always been overstated. Belgian and Dutch forces—which are weak but by no means insignificant—are also assigned to the North Army Group. And the terrain in the north is not quite as hard to defend (nor is that in the south quite as forbidding to an attacker) as some armchair strategists seem to believe. Nevertheless, the historic deployment created a real military problem and still does to a degree, although the worst features of it have largely been overcome.

The first, and most important, part of the solution was the creation of the new West German army, beginning in 1955. It grew rapidly into the biggest, and in many ways the best equipped and trained, army on the central front. The second component of the solution was the assignment of more American forces to the northern part of the front in the mid-1970s.

To keep up the appearances of meeting its NATO commitments, the Americans "dual-based" a number of army units and air-force squadrons. The forces were sent back to the United States, but most of the equipment was left in Germany, on the realistic assumption that the men alone could be flown back fairly easily.

With these extra forces available, an entire American army corps was assigned to the northern part of the central front. Most of the corps is dual-based—only one of its brigades is actually in place—but if it can be got back in time, it would beef up the North Army Group substantially.

On the other side of the equation, Canada, which at one time had a significant army and air force on the central front, gradually withdrew most of its forces. But the biggest blow to the alliance came in 1966-67, when France not only withdrew its forces from the NATO command structure, but also threw all other NATO forces out of France.

Although successive French governments have insisted that France would fulfill its commitments under the NATO treaty (which means it would fight if West Germany were invaded, for the treaty states that an attack on one country is an attack on all), they also add that French forces would

remain under national control even in wartime. So NATO commanders have been unwilling to frame their plans to include French forces. (However, a number of secret agreements have been made outlining specific methods of wartime co-operation.) And, although French army and air units conduct frequent exercises with regular NATO forces, using NATO tactical instructions and communication arrangements, French units today are not as well attuned to NATO ideas and doctrine as the others on the central front and not as well prepared to operate with other NATO forces.

Losing access to French territory, however, may have been even more troublesome to the alliance than the "loss" of French forces. Before 1966, the principal NATO lines of logistic support ran from the French Atlantic ports, mainly La Rochelle and St. Nazaire, across France to the central front. Now they run from Antwerp, Rotterdam and even Bremerhaven, all dangerously close to the West German frontier and all involving a few days' extra steaming in dangerous waters for ships coming from North America.

Besides being deprived of the French lines of communication, NATO also lost access to French airfields, which some observers believe was the most damaging blow of all.

It cannot be said too often to NATO's politicians, soldiers, sailors, airmen and voters that deterrence must not fail, and that if they screw their courage to the sticking place it will not fail. But courage means more than the will to face the enemy with conventional forces. It also means the political will to deploy and preserve ground and air forces strong enough to stabilize the front in three or four days. Further, it means the courage to keep nuclear weapons at the ready: tightly controlled but available for use.

The ground-force and air-defense nuclear weapons are all American except for the warheads on the French Pluton missiles. All the main armies on the central front except the French use the same 155mm and 203mm artillery, and nuclear shells for them are stocked in all corps areas, in American custody. The storage of these shells presents a special problem: they must be close enough to the front, so that the weapons will be available quickly if they are released to stop a disastrous breakthrough, but not so close that they might be overrun, and this part of the deterrent lost, in the first few hours of a war.

The Lance missile batteries—operated by the United States, Germany, Britain, Belgium and Holland—would bring all these nuclear warheads, in the custody of American minders, along when they took to the field in wartime. These units pride themselves on their ability to hide from enemy reconnaissance forces, so that their security problem is slightly less severe than that of the artillery ammunition.

The value of the battlefield nuclear weapons lies mainly in their ability to obliterate substantial concentrations of troops, even heavily armored ones, with a single shot. Even if these weapons are never used, their presence makes heavy concentrations of ground forces inviting targets. So the Warsaw pact generals have to plan to concentrate their forces at short notice, one of the most difficult maneuvers of all. Although the Warsaw pact need have little fear that its first attacking concentrations would be struck by nuclear artillery, there is little doubt that, if a breakthrough occurred, NATO commanders would be asking for authority to start the first nuclear war.

Although they are inferior in many ways to the Warsaw pact forces they face, the NATO conventional forces on the central front have a number of advantages. Their main strengths are that their troops are better trained, their equipment is generally of a higher quality and they have a stronger logistic support and back-up structure. Man-for-man, they would be expected to fight longer and more efficiently.

Being on the defensive itself has some advantages. Military analysts generally concede that an attacker needs a substantial superiority to break through. Oceans of ink have been devoted to the precise ratio that an attacker must have: three-to-one is the widely accepted one. Clearly the Warsaw pact does not have that sort of numerical advantage. It could muster such a superiority, or a greater one, in a small area where it meant to attack, but only by making widespread troop movements, and that would provide NATO that thing it needs above all others: warning time.

There are two reasons why warning time is so important to the central front. First, many of the troops and aircraft the NATO commanders count on are not at hand. They must be brought across the water from the United States and Britain, and this takes time. Second, most of the troops that are on the continent are stationed some miles away from their planned forward defensive positions. Thus it is essential to get moving early.

Solid clues that movements by the Warsaw pact forces are a prelude to invasion would almost certainly come in good time. The great fear, shared by NATO generals of all nationalities, is that the political leaders would waste time fretting about appearing provocative and withhold authority to make some essential movements until it is too late.

Many of NATO's frontline forces are a long way from their defensive positions. The Dutch and the Belgians have the farthest to go and the worst problems. The Dutch have more troops to move, but the Belgians have to go through mountainous and forested terrain which could take a lot of time if they came under air attack in bad weather. Two British divisions are mixed up with the Seventh German one; a certain amount of crossing over will have to take place, and this could be messy, particularly if there were large numbers of German refugees on the roads. Farther to the south, the greater part of one American division would have to cross the Rhine, which could be troublesome if the Russians destroyed bridges. Many NATO commanders consider this tactical maldeployment to be a greater problem that the strategic one of having the heavy American corps in the South and the smaller British corps in the north.

If the Warsaw pact decided to invade Western Europe from a "standing start", perhaps with the first movements of its armies and air forces disguised as an exercise, both sides would be obliged to start fighting with the forces that are now in place—before reinforcements could arrive from Britain and the United States, and maybe before the Belgians and the Dutch could get their armies moved into place. Such a short-notice attack is probably the most dangerous possibility for NATO.

Its commanders might have as little as 48 hours' notice. In this time they could do little more than put the alert system into high gear to get their reinforcements on the way, begin moving the troops in Germany forward toward their defensive positions and put the aircraft on full alert, including keeping some fighters in the air at all times. It would probably take at least three days to get all the front-line defensive forces properly in place. This is why it is vitally important not to delay the political authorization to start moving troops and equipment.

In such an immediate assault, the NATO forces would be outnumbered, but not overwhelmingly so. And they would be fighting a defensive battle on terrain they are familiar with and within a population that is friendly, a factor that is too often discounted.

The main battles, when they came, would be armored clashes, pitting biggish tank units against each other, with both sides' formations being supported by infantry (mostly carried in armored personnel carriers mounting fairly heavy weapons) and self-propelled artillery. Both sides would make maximum use of helicopters, both those mounting anti-tank weapons and the troop-carrying sort, that could insert light infantry units, armed with anti-tank missiles, into key spots on short notice.

Although NATO is likely to be outnumbered in all these vital ingredients, it will have two advantages. The first is mobility. The Warsaw pact forces can pick the time and place to invade, but NATO's heavy forces are highly mobile and with luck can arrange to fight their main battles from good firing positions on the terrain and maybe even at the time of their own choosing. Because of their superiority in night-vision devices and the specialized training required to use them properly, this would probably be at night.

The second principal advantage NATO has is that its tanks are streets ahead of those of the Warsaw pact. The German Leopard-2 (which is also operated by the Dutch) is probably the best of the lot. It has the best gun-aiming system in the world, a hard-hitting 120mm gun and a huge speed advantage over any tank the Warsaw pact has. The American Abrams, powered by a gas turbine, is even faster. Britain's Challenger is slightly less modern than these two in some important respects, but it also carries a 120mm gun and is about as fast as the Leopard-2.

In the air-versus-tank battle, NATO is less well off (although superior armour would protect the main tanks from most helicopter-fired missiles). Warsaw pact forces are well protected by ZSU-23 rapid-firing anti-aircraft cannon mounted on tracked vehicles, plus a whole array of anti-aircraft missiles, ranging from biggish mobile ones to the small, hand-held SAM-7s. NATO's helicopters and close-support aircraft, such as the British Harrier and the American A-10, would have a hot time attacking enemy armored units.

On the NATO side, all armies have hand-held missiles, but only West Germany has a modern, balanced anti-aircraft system.

The Warsaw pact forces might employ chemical weapons to secure a quick breakthrough. The Soviet leaders are clearly worried about the implications of using nuclear weapons, but seem to believe poisonous chemicals are legitimate, despite the fact that their country has signed a convention promising never to use them first.

Generally speaking, NATO forces are well provided with protective clothing, and would probably come through any gas attacks in fighting shape. But they would take casualties, and their efficiency would suffer from having to fight in cumbersome and restrictive clothing. The Warsaw pact forces would be wearing it too, at least at the outset, as a precaution against their own chemicals and in anticipation of a chemical counter-attack.

They would actually get the worse of the restrictive-clothing trade-off, because their protective suits are made of impermeable material so that they are much hotter and more debilitating than NATO's.

Because their protective clothing is so troublesome, the Warsaw pack soldier could not be expected to keep wearing it for long unless forced to do so. It would therefore be important for NATO be able to launch (or threaten to launch) its own chemical attacks as soon as possible, in order to keep them buttoned up. The Americans have chemical weapons stored in West Germany, but there is every indication that it would be difficult to get political authority to use them. However, time would be essential: a few days—or even hours—in which NATO troops were under gas attack but the enemy forces were not could make all the difference to the way the battle went.

It is possible that within a few days a determined assault would see Russian, East German and, maybe, Polish and Czech forces deep into West Germany. Close on their heels would be follow-on units to try to turn the battle even more their way. The fight could well be decided by which side could get extra troops into action faster.

On the NATO side there are precious few mobile reserves ready for battle. The Central Army Group in the south is slightly better placed than the northern one. The mingy Canadian contribution to the central front land forces—a single 4,000-man mechanized brigade of three battalions tucked into the south-west corner of Germany—is a long way from the front. However, it is highly mobile and might well be of some value in plugging a gap.

But the main hope of the Central Army Group, if a breakthrough occurred in the first two or three days of fighting, would be that the French army would join in. Although even in war the French forces would remain under national control, there is every reason to believe that they would fight alongside those of the other NATO allies.

Assuming the French do come, the battle could be stabilized on the second or third day.

Stabilizing the front as early as possible is what NATO's defensive plans are aimed at—not least, of course, because West Germany insists on it.

Beyond the first few days of fighting, everything would turn on reinforcements. In general, NATO can probably reinforce faster than the Warsaw pact in the first four-five days; up to about 10–14 days the Warsaw pact would start to catch up, mainly by drawing on the Polish army and the Russian army in the western districts of the Soviet Union. If both sides suffered the same numbers of casualties, NATO would become increasingly outnumbered between 30 and 90 days, when all its regular and reserve units would have been brought forward to the central front but before its new conscripts could begin to arrive. However, even during this dark period, NATO would still not be grossly deficient in combat power.

One of the most sophisticated studies of the central-front balance, conducted by Mr. William Mako for the Brookings Institution, attempts to resolve the wide and complex differences of manpower and firepower among the many units that would be engaged by reducing them mathematically to the common denominator of "armored-division equivalents" (ADEs). His figures show that on day five NATO would be outnumbered only by about 1.1 to 1 ADEs 1.2 to 1 by day 14 and no more than 1.9 to 1 at any time in the first 90 days. And these figures assume proportionate losses for the two sides. But if NATO could hold the front, it would almost certainly inflict much higher casualties on the Warsaw pact armies than its own forces would suffer.

However well the NATO troops might fight, they cannot do so without the "beans, bullets and black oil". In NATO, logistics is entirely a national responsibility, and for years the alliance as a whole did not care much about the matter.

Oil is the least of the problems. In one of its wiser decisions, NATO set up a pipeline system of its own—much of it through France—years ago, and it still operates effectively. But by the late 1970s a lot of the bean and bullet storerooms were half-empty, and many of them were a long way behind the forward defence zone. Individual countries began pumping millions into getting the logistics train up to the same standard that the front-line forces were. The millions have done wonders, but the problem has not entirely gone away. Nor is it ever likely to.

New technology is the main culprit. The NATO goal is 30 days' worth of everything. The spending effort has helped with many low-technology weapons that have been around a long time. The worst shortages today are in guided missiles, particularly the air-to-air ones; even the cheap models cost many thousands of dollars a shot.

But sustaining a big conventional force in a big way may be an even greater problem for the Warsaw pact than for NATO. Its combat forces are not organized for long-term combat as NATO units are. Its doctrine calls for a quick victory: each division would fight until it was exhausted—perhaps as little as 48 hours—and then, in the earthy words of one American general: "They'll drag it in the weeds and bring on another."

If there were no lightning victory, if the battle ground to a halt as NATO would try to make it do, the Russians would have to start providing sustaining support—ammunition, food, spare parts, replacement equipment, repair service and so on—most of it directly from the Soviet Union. Such support would have to start coming early, because the Warsaw pact divisions have so little back-up of their own. But even when it came it would be troublesome, because they are not well organized, trained or equipped to keep it flowing to small units in the field.

To those accustomed to thinking of European wars as having neat front lines, a fight on the central front today would have many unpleasant surprises: The Russians could conduct attacks on NATO's rear areas on an unprecedented scale. The helicopter has made such attacks possible. A second reason that the Soviet Union is expected to attack the rear areas is that NATO's deployment makes it particularly vulnerable there. The forward defence strategy not only requires a hard crust well up front, but also means that most of the combat forces would be moving forward in the first few hours after a surprise attack.

Defending the central front on the ground also means, of course, defending it in the air, and at the moment that would mean attacking Warsaw pact territory. NATO's airmen have always planned to blast targets deep in Eastern Europe within a few hours of an attack. Their prescription is to bomb the many enemy airfields at the outset of the war, and this mission is now well established as their first priority. For this purpose NATO countries have developed both specialized aircraft, such as the British-German-Italian Tornado, and purpose-built runaway-busting bombs.

Besides attacking enemy targets in Eastern Europe, and providing close-in attacks to support the ground troops directly, NATO's air forces must defend both those troops and the NATO countries themselves against attacks by Warsaw pact air forces.

The NATO fighter force is of extremely high quality, but it is much too small for its job. One wing (around 72) of American F-15s is based at Bitburg in West Germany and a squadron (about 24) at Soesterberg in Holland. The F–15 is probably the best all-around fighter on the central front. The F-16s, which function interchangeably as attack bombers, are at least as good at dog-fighting, using guns and heat-seeking Sidewinder missiles, but cannot fire radar-guided missiles as effectively. The United States, Belgium and Holland all operate the F–16.

A fairly cheap way for NATO to get more mileage out of the aircraft it does have would be to buy a fleet of around two dozen air-refueling tankers. For example, when a fighter is scrambled on a combat air patrol, it will return in about an hour, often without having fired its weapons. If it had a tanker standing by, it could stay on station for several hours or until it had fired its missiles. Not only would this procedure get more potential fighting time from the fighters, but it would keep them off the ground where they are liabilities: juicy targets for both air and ground attacks.

A tanker force would thus allow commanders to use better tactics. Instead of keeping the fighters on the ground until enemy raids began to show up on the radar screens, they could be flown off early and "parked" in the sky where they could react more quickly.

The fleet of NATO AWACS aircraft has worked well; it was bought from a central fund to which all members contributed on a sliding scale, and it is operated by mixed crews drawn from almost all member countries. A tanker fleet could easily be procured under a similar arrangement, perhaps for the central front alone. It would increase the potency of its air forces there by much more than if the same money were spent on extra combat aeroplanes.

In raw numbers NATO has fewer combat aircraft actually stationed on the central front than the Warsaw pact has. However, the differences are partly compensated for by the superior training of NATO's aircrews and ground crews. The pilots of NATO's dual-role aircraft train extensively at both ground attack and air defence. Warsaw-pact pilots do not. And because its ground crews are better, even without tankers NATO can get significantly more missions per machine than the Warsaw pact can.

Although NATO will probably continue to be outnumbered in the air on the central front in the near future, the total number of Warsaw pact tactical combat aircraft has been falling in recent years, and the United States is planning a slight increase. But the Warsaw pact has been catching up rapidly in the quality of its aircraft. Today's front-line Soviet aircraft have roughly three times the range and can carry twice the payload of the ones flying ten years ago. Many

authorities consider that the new MIG-29 and SU-27 (code-named Fulcrum and Flanker, respectively, by NATO) are the equal of the newest generation of NATO fighters.

As with the ground forces, both the United States and the Soviet Union have aircraft they could use for rapid reinforcements. The United States regularly exercises its reinforcement operations by deploying squadrons from American bases to West German ones—they fly all the way, being refuelled in flight.

The United States has plans to send about 1,600 aircraft, mostly fighters, to Western Europe within the first few weeks of war: all of these could be used on the central front if required. Beyond that the American air force has another 1,500 or so aircraft that it could send, although it would have to reduce its forces in the Pacific to do so. The American marines have another 500.

The Soviet Union has about 2,100 more combat aircraft available, not counting those it has deployed to its southern military districts and to the Far East. Besides these machines, it has nearly 1,000 interceptors assigned to the Air Defense Force (a separate service in the Soviet Union) that are not committed to the Warsaw pact forces. Most of these would be retained for air defense of the homeland, but some might well be sent to the central front to operate as air-defence fighters.

There is little doubt that the central front could be held against the first echelon of a conventional attack by the Warsaw pact powers. But then the question marks begin to appear. Would the French lend their weight in time? Would the congestion caused by West German mobilization and the massive American and British reinforcements become unmanageable? Could the attacks on the rear areas be contained? Would the allied air force be able to give direct support to the ground battle or would it break its back pressing home attacks deep into Eastern Europe? Would the air defenses stand up to the pounding they would be sure to receive?

There are no certain answers to any of these questions. But it is clear that if many of them go the wrong way, the alliance would be facing a catastrophe and therefore the most difficult decision of all: whether or not to release nuclear weapons. The wags who describe NATO's strategy as "fight for three days and then blow up the world" are off track, but not so far off that anyone can feel comfortable about it.

It is clear that NATO's forces on the Central front are very close to being strong enough to hold that front with conventional weapons. All it would take would be a workable FOFA system, a bit more artillery here, a few more aircraft there and a few more men, tanks and command-and-control equipment almost everywhere. Why do the NATO countries take such a risk when a little more money would make a nuclear war that much less likely?

The essential answer is, first, all countries of NATO Europe find it hard either to raise taxes or to cut into their social programmes by enough to buy the extra "insurance"; and, second, there is a feeling among many Europeans that they do not want to be able to fight a long conventional war on their soil, successful or no. They believe their security lies in a conventional force that is strong enough to last for a few days, but weak enough to indicate clearly to the Soviet Union and it allies that any attack on the West would soon encounter the nuclear might of the United States.

NATO's armies and air forces would have some chance of defeating a sudden, surprise attack completely and could almost certainly last for more than a few days against an attack by partially mobilized forces (which would give NATO more warning time). The chances of holding indefinitely without using nuclear weapons are impossible to calculate, but it is a fair guess that if the NATO's conventional forces could hold out for two weeks they could hold out for ever.

GENERAL NORIEGA OF PANAMA LIKELY TO BE INDICTED

Mr. **HELMS.** Mr. President, in all likelihood, the Department of Justice will shortly make public the Federal indictment of Gen. Manuel Antonio Noriega, the de facto head of Panama, and his coconspirators.

The litany of Noriega's sordid activities is beyond belief—but there is scant doubt about their accuracy. These include international drug trafficking, arms trafficking to Communist guerrillas, murder, illegal sales of computer technology to Cuba, illegal sales of visas to Cubans, unprecedented corruption, and the transfer of sensitive CIA intelligence to the Communists in Cuba and El Salvador. And there are other matters.

Mr. President, for a decade I have tried to warn the American people about Noriega's activities. In April 1978, I spoke in this Chamber about the involvement of high-ranking officials of the Panama defense forces in drug trafficking. Noriega, now at the helm of the defense forces, blatantly uses those forces to control the government. Needless to say, the people of Panama want this dictator out. They want their country back.

Noriega has developed a complex network of civilians and military men to handle his illicit operations. Many of these persons have been mentioned in recent press reports. The men who make up the civilian group are Enrique Pretelt, George Novey III, Carlos Whitgreen, Jorge Krupnik, Floyd Carlton—awaiting trial, and Cesar Rodriguez—murdered in Colombia last year.

Mr. President, at least eight key men form the group of military men who handle these operations for Noriega. They are: Maj. Nivaldo Madrinan, Maj. Luis Cordova, Maj. Luis del Cid, Maj. Cleto Hernandez, Maj. Jaime Benitez, Maj. Rafael Cedeno, Maj. Hilario Trujillo, and Capt. Luis Quiel. All of these worked for Noriega when he was in charge of military intelligence.

Furthermore, according to former Noriega associates, there is a group of Air Force officers who conduct drug smuggling operations for Noriega. They are: Col. Alberto Purcell, Col. Lorenzo Purcell, Maj. Alberto Fundora, and Col. Marcos Justines.

General Noriega was chief of Panamanian intelligence (G–2) from 1971 to 1983. Since 1983 he has been the commander in chief of the Panama defense forces. In the last 5 years he has converted Panama into a criminal's paradise.

He has seized control of every important Panamanian institution—which allows him to carry out with ease his drug smuggling and money laundering activities. The directors of the following departments report directly to Noriega: National Bank of Panama, Immigration, Customs, Civil Aeronautics, Treasury, Comptroller, Attorney General, and the President of the Supreme Court.

For several years I have been probing the situation in Panama and the gangster activities of Noriega and his associates. First, as chairman of the Western Hemisphere Subcommittee and now as ranking minority member of the Foreign Relations Committee, I have conducted hearings, taken depositions, and held personal interviews with scores of Panamanians, and directed staff to make thorough investigations. What has been discovered is that Panama is today a haven for drug traffickers, terrorists, and Mafia hit men.

Mr. President, it has become clear that Noriega is not involved solely in the exportation of drugs to the United States. He has been involved in the supply of arms to the Communist M–19 guerrillas of Colombia, which has enabled the guerrillas to kill the Minister of Justice, and half of the Supreme Court. Noriega then gave these terrorists protection in Panama.

Noriega has also been sending weapons to the Marxist-Leninist FMLN guerrillas of El Salvador. This connection first became public in 1980 when a Panama defense force plane crashed in El Salvador while delivering weapons to the Communist guerrillas. According to credible sources, these arms transfers to the Salvadoran guerrillas were continuing as recently as late 1987.

Mr. President, not only was Noriega arranging for arms shipments to the FMLN guerrillas, he was also known to be holding meetings with the most important leaders of these guerrillas. They have sought safe haven in Panama many times, and their leader, Guillermo Ungo, now lives there.

It is abundantly clear that Noriega has been providing protection for drug traffickers, money launderers, and terrorists for many years. These gangsters are free to roam the streets of Panama without any fear of being arrested. Some of Noriega's former associates have been convicted in the United States, or otherwise cooperated with the Senate. They have testified to us that they were routinely met at the airport by chauffeur-driven limousines and bodyguards while on Noriega's drug business. They have testified that Noriega often places his personal aircraft at their service.

Recently there have been interesting revelations regarding Noriega's relationship to the Communist Sandinistas in Nicaragua. I have been able to confirm these facts independently. A Cuban and a Nicaraguan defector have stated that Noriega was sending arms to the Salvadoran terrorists through the Communist Government in Nicaragua.

So, Mr. President, finally the truth is coming out about the matters that some of us have known for years—Noriega's strong ties to known Communists and terrorists such as Cuba, the Soviet Union, Nicaragua, the PLO, and Libya. Fidel Castro has been one of Noriega's most trusted friends for many years. Senate investigators have been told by former Noriega employees of regular meetings between the two of them to discuss Central American strategy. We have also read in the media about Castro acting as an intermediary between Noriega and his friends in the Colombian drug cartel.

Noriega's ties with the Soviet Union are also emerging. In fact, the KGB has one of its most important agents operating in Panama. Furthermore, Noriega is currently working with the Soviets to allow them the use of airport facilities and the port terminals at the canal entrance. We have learned from our investigations that the Soviet Union will pay Noriega a 15-percent commission on the profits from these operations.

These same knowledgeable sources have disclosed that the Soviets plan to install a shipyard for the construction of gunboats and patrol boats in Panama. Such a project is intended to strengthen the ties between Panama and the Soviet Union.

The recent Sandinista defector, Maj. Roger Miranda, has publicly discussed Noriega's intimate ties to the Communist Government in Nicaragua. Miranda said that the Sandinista liaison with Noriega was Ricardo Wheelock. Major Miranda also confirmed that General Noriega sent weapons to the Communists in El Salvador through the Sandinistas.

Not only has Noriega made deals with Communists, but with terrorists as well. We have evidence that at the end of last year, Noriega sent a delegation to Libya to meet with Qadhafi and ask for support when the U.S. Congress was in the process of cutting off aid to Panama. We have been informed that Qadhafi promised Noriega $150 million.

Mr. President, at this point in history I do not believe that anyone doubts that Noriega is brutal, crafty, double-dealing, and a threat to hemispheric security. Noriega and his gang have taken Panama away from the people of Panama.

There are some in the United States including the U.S. Government who have supported Noriega for too long. We must pray that it is not too late to restore freedom to the Panamanian people. The United States appears now to be speaking with one voice, and it is crucial that we proceed to do whatever may be necessary to return Panama to the people of Panama.

CALIFORNIA DESERT PROTECTION ACT, S. 7, WILL PROTECT THE DESERT TORTOISE

Mr. CRANSTON. Mr. President, the alarming decline of the desert tortoise, California's State reptile, is a clear sign of the present failure to protect the fragile resources of the California desert and the need to do something about it now.

According to scientists, the loss of the tortoise could seriously affect the general desert environment—tortoises provide food for other desert species while tortoise burrows serve for nesting and shelter.

As brought out by a Los Angeles Times editorial this week, the desert tortoise problem is a dramatic example of the need to protect the California desert through the designation of national parks and wilderness areas as proposed in S. 7, the California Desert Protection Act. This legislation would increase desert protection and preserve delicate desert areas from misuse and development for future generations to study and enjoy.

As the sponsor of this bill, I want to share with my colleagues the LA Times editorial. I ask unanimous consent that the editorial "The Tortured Tortoise" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 1, 1988]

THE TORTURED TORTOISE

The desert tortoise may not be one of the more glamorous or romantic of nature's creatures, but it is an important inhabitant of the vast arid regions of the Southwest. The tortoise is the California state reptile, is designated by the state as a protected species and is proposed for the national list of threatened or endangered species.

None of these protective devices have offered much protection for the tortoise, however. The tortoise population is declining in the California desert in alarming numbers, as staff writer Larry Stammer reported in last Tuesday's editions of The Times. The decimation is particular distressing in portions of the Desert Tortoise Natural Area established in 1980. "We're losing the species in the wild. In the Southwest the tortoise is in trouble," said Glenn Stewart, a zoology professor at Cal Poly Pomona who is the chairman of the Desert Turtle Council.

Some help is on the way. The Desert Tortoise Preserve Committee has initiated a campaign to raise $2.5 million to acquire 9.5 square miles of privately owned property within the natural area. The Federal Bureau of Land Management, which now administers much of the California desert region, has budgeted another $500,000. The California Department of Fish and Game also has joined in the land-acquisition campaign.

None of these actions are likely to stop the senseless decimation of the tortoise population, which has plummeted 90% in the last 50 years and has declined as much as 50% in the past decade. Many of the tortoises have been shot. Others are taken by poachers or run over by off-road vehilces. In some areas the tortoise population is suffering because livestock compete for the grass on which tortoises subsist. The tortoise is doing best in remote wild areas untouched by human visitors and development.

The loss of the tortoise can have a widespread effect on the general desert environment, scientists say. The tortoises provide food for the desert kit fox, coyote, bobcat, golden eagle and raven. Snakes, lizards and rodents use tortoise burrows for shelter. The burrowing owl uses the holes for nesting. Kristin H. Berry, a wildlife biologist for the Bureau of Land Management, said, "If we take care of the desert lands to keep the tortoise alive, we'll be taking care of most other species."

The plight of the tortoise is an indication of what can happen to the entire desert unless it is offered greater protection and unless the public uses it with more respect and care. The U.S. Fish and Wildlife Service should accelerate efforts to place the tortoise on the list of threatened or endangered species. And the tortoise problem should add impetus to the desert parks and wilderness bill of Sen. Alan Cranston (D-Calif.).

The need for wilderness is not just to preserve an area for the fun of a few elitist backpackers, as critics often claim, but to save fragile and delicate regions in their natural state from overuse and development for future generations to appreciate and study. The decline of the desert tortoise is a dramatic example of this need in the California desert now.

UNITED STATES-JAPAN NUCLEAR COOPERATION AGREEMENT

Mr. PELL. Mr. President, in testimony before the Senate Foreign Relations Committee February 2, 1988, former Secretary of Defense James Schlesinger made mention of the fact that the half-life of plutonium is 23,000 years. That is longer than the recorded history of mankind, and it is for this reason I am so very concerned about the proposed United States-Japan Nuclear Cooperation Agreement.

The agreement would provide programmatic approval for Japanese processing, transfer, and use of United States controlled plutonium for a 30-year term. During this period shipments of plutonium from reprocessing plants in Europe to Japan could involve as many as two to three flights per month. Each flight could carry as much as 300 pounds of plutonium, one of the most toxic elements known to man.

Last month the President forwarded a report, National Security of the

United States, which listed nuclear proliferation and international terrorism as principal threats to U.S. interests. The risks of proliferation and terrorism posed by this agreement are substantial, encompassing nuclear powerplants not yet built or designed, routes and shipments not yet specified, and plutonium casks not yet designed. To amplify these and other concerns of the Foreign Relations Committee, I ask that the testimony of Senator JOHN GLENN, who appeared before the committee December 15, 1987, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GLENN ON JAPAN NUCLEAR AGREEMENT

Before I begin my brief remarks, I would like to thank the committee for inviting me to discuss the proposed revision of our agreement for nuclear cooperation with Japan. I congratulate the committee for its decision to hold this hearing, and for its appreciation of the profound implications that this agreement—in its current form—will have for America's ability to regulate international traffic in the kind of nuclear materials that devastated Hiroshima and Nagasaki in 1945.

Mr. Chairman. I do not mean to suggest I am in any way suspect of Japan's intentions in signing this agreement. Japan is party to the Nonproliferation Treaty, a charter member of the nuclear suppliers group, and has accepted IAEA safeguards over all its nuclear facilities. Indeed, it is Japan's impeccable nonproliferation credentials that have allowed the administration to submit an agreement that would not even be considered in other cases. Nonetheless, I am deeply concerned about the risks raised by this agreement and the precedent it sets for future nuclear cooperation.

The problem we are facing today is not a new one. A few months after the sudden end of World War II, Secretary of State Acheson summoned a group of experts to review possible measures to control these materials. The resulting Acheson-Lilienthal report reached the following finding about prospects for international control over plutonium: ". . . Assume an international agreement barring the use of plutonium in a bomb, but permitting use of the pile for heat or power. No system of inspection, we have concluded, could afford any reasonable security against the diversion of such materials to the purposes of war."

Forty years after these words were written, Assistant Secretary of Defense Richard Perle—then the top spokesman of the Reagan administration on strategic arms control issues—told a European Arms Control Conference: "There is no place for the spread of plutonium around the world in any sensible policy aimed at restricting the proliferation of nuclear weapons and I think that traffic in plutonium ought to be halted and halted absolutely."

Mr. Chairman, these quotes reflect some refreshing continuity in US foreign policy. Indeed, throughout the entire postwar period there has been substantial agreement between Presidents and Congresses, Republicans and Democrats, and House and Senate that international trafficking in bomb-grade nuclear materials would be contrary to U.S. and international Security Interests.

The agreement now before this committee represents a radical departure from this stable and sensible tradition. By loosening U.S. control for 30 years over international commerce in plutonium, the agreement would condone the widespread use of this deadly material. The risks of nuclear proliferation, nuclear terrorism and environmental destruction that would result from this agreement require that Congress undertake a thorough and sober examination of its terms.

I hope that during the committee's review of this agreement, the focus will be less on narrow bilateral issues and more on the implications of the agreement for our ability to sustain this continuity of policy. To put it bluntly, Mr. Chairman, we must not let our passion to become a reliable supplier of nuclear materials overcome our duty to remain a responsible supplier of such materials. In the dangerous nuclear territory now before us, if conflicts arise between commercial expediency and the integrity of our national and international controls, our commercial goals must yield.

President Ford addressed this very issue back in 1976: "We must be sure that all nations recognize that the U.S. believes that nonproliferation objectives must take precedence over economic and energy benefits if a choice must be made."

Yet there is evidence throughout this agreement of a reversal of these priorities. Let me cite just two examples:

The agreement would subject future Japanese plutonium facilities to safeguards concepts that are only in the early stages of development. If difficulties arise in applying these concepts at a particular site, "The parties shall make every effort to ensure that this does not delay the operation of the facility." I am not being satirical here, these are actual words from the text of the implementing agreement.

Even in the event that the U.S. was faced with suspending the agreement due to a material violation of these admittedly imperfect safeguards, the agreement would require the U.S. to "carefully consider the economic effects of this suspension and . . . seek to the maximum extent possible to avoid the disruption of international nuclear trade and fuel cycle operations." Again, I am quoting directly from the agreement.

As I read these excerpts, I am struck by how far this agreement would stray from past policy and set a dangerous precedent for other nations. If the agreement is allowed to stand, Congress may soon be hearing requests to relinquish U.S. rights over plutonium produced from U.S.-origin materials in other countries with advanced nuclear programs. Where are we to draw the line?

The Reagan administration has worked quite hard to revise our entire historical approach to the regulation of bomb-grade nuclear materials in international commerce. Under a novel legalism called "advance programmatic prior consent", a concept that I have not been able to find anywhere in our laws, the administration would relinquish case-by-case physical security reviews over what other countries do with the nuclear materials that we export.

As a result of this policy, the quantity of US-origin plutonium that would appear in international commerce would no longer be measured in pounds or kilograms, but in ton quantities that would by comparison rival our current nuclear stockpile.

I have often heard the administration argue that the U.S. no longer has a monopoly in the world's nuclear business, and that we must yield to the civilian use of plutonium or be excluded from international nuclear developments. Yet according to the data I have seen in the case of Japan, the United States exercises case-by-case prior consent rights over more than 80 percent of Japan's nuclear materials. Yes, that is not a US monopoly. But it is still a rather significant margin of influence that the draft agreement would relinquish.

Given the growing capabilities of other nations to produce and export weapon-usable material, we should be encouraging these nations to follow our example of responsible, case-by-case reviews of nuclear material exports, rather than leading them to adopt their own versions of these so-called "programmatic prior consents."

The agreement that is before this committee is perhaps the most significant nuclear cooperation agreement in history. But its significance stems less from the benefits it will produce for nuclear nonproliferation—indeed, the administration has evidently failed to elicit a Japanese commitment to require full scope safeguards over its own nuclear exports. Its significance lies more in the procedures it creates for accelerating and legitimizing widespread commercial uses of plutonium before international society has devised the means to protect humans and the environment from its hazardous consequences.

Mr. Chairman, I have many concerns about this agreement.

I am concerned about the fact that the administration can say that it is fully confident about the ability of the IAEA to safeguard large reprocessing and plutonium storage facilities, when in fact such safeguards are only in the research and development stage. Evidently, my concerns are shared elsewhere in our government.

The Nuclear Regulatory Commission has expressed strong opposition to this agreement. The Commission's technical experts concluded that Japan could be expected to lose track of hundreds of kilograms of weapon-usable material at each of the large plutonium facilities it plans to build. Using the IAEA's number of 8 kilograms per bomb, one can easily see that this represents enough nuclear material to create dozens if not hundreds of nuclear weapons. On what basis can our "timely warning" criterion be maintained in such an environment?

The Department of Defense has also opposed this agreement. In its recent report on the inadequacies of existing standards for the physical protection of plutonium, defense concluded that "opportunities for terrorist acts, including attempts to steal civil plutonium, will increase substantially as a result of the increased commercial use of plutonium."

In hearings before my committee last March on "nuclear non-proliferation and U.S. national security", Assistant Secretary Perle discussed his Department's frustrations in dealing with officials in other agencies who apparently regarded these national security concerns as rocking the boat. When I asked Mr. Perle about DOD's involvement in the negotiating process that led to this agreement, his response was "We crashed the party, Senator, on a number of occasions . . . we invited ourselves to meetings . . . we made a general nuisance of ourselves." He added: "I am afraid that much of the negotiation between the U.S. and Japan had taken place without being reported to us."

I would like to submit for the committee's review the full text of Mr. Perle's remarks, along with some recent press reports about the serious interagency disagreements about the wisdom of this draft agreement.

Mr. Chairman, it would be grossly irresponsible for Congress to approve this agreement without a close examination of the precise reasons why NRC and DOD opposed this agreement on national security grounds. I have written to both agencies to request full documentation of their views on why they opposed this agreement, and I would strongly urge your committee to require both NRC and DOD to fulfill their responsibilities under section 123 of the Atomic Energy Act to "promptly furnish" your committee with these views.

I am concerned that the administration estimates that over the course of this agreement air shipments of ton quantities of plutonium will pass through U.S. and Canadian airspace, despite the fact that large plutonium transport casks are also only in the early stages of research and development. I have been pleased to join Senator MURKOWSKI in requiring that, before any such shipments may occur, these casks be certified as capable to withstand actual crash and drop tests, under worst-case circumstances.

I am concerned about the administration's claim to clairvoyance in being able to estimate future threats of terrorism and sabotage at large plutonium facilities, some of which have not yet even been built. How can one reasonably estimate the capabilities and intentions of terrorist groups that may exist in Japan in the year 2017, when we know so little about today's terrorist groups in Japan? In reviewing the materials that the administration has presented Congress, I have found no in-depth analysis of the precise physical security threats that would exist, especially for these future facilities.

I am concerned about the way this agreement was negotiated, with Congress, the NRC and the Defense Department being kept in the dark until the time for approval had arisen. And if the agreement's so-called "programmatic prior consent" language comes into force, there would be a crippling of the congressional oversight mechanism for scrutinizing such future uses of our sensitive nuclear materials.

I am concerned that the administration's desire to accommodate Japan's long-term energy planning has led it to reinterpret our basic atomic energy laws—such as the concepts of "prior consent" and "timely warning"—rather than to pursue the more reasonable course of addressing Japan's concerns by facilitating the timely processing of Japan's subsequent arrangement requests. During Senate floor discussions prior to enactment of the Nuclear Non-Proliferation Act [NNPA], Senators MCCLURE, PERCY, and myself all agreed that case-by-case approvals of subsequent arrangements should continue on a highly expedited basis as a way of addressing such concerns.

To clarify the meaning of "timely warning" as intended by the authors of the NNPA, I would like to submit a detailed analysis of that concept for the record.

Mr. Chairman, Japan has often expressed its desire to use plutonium as a fuel for its commercial breeder reactor program. I have noticed that Japan has just announced new energy plans indicating that it does not expect to have such a reactor in commercial operation until as late as the year 2030. Given the extremely-long-term nature of Japan's commitment to such a program, I think that it would be reasonable for the U.S.—in accordance with our antiterrorism and atomic energy laws—to seek to encourage other nations to defer the production of large stockpiles of separated plutonium for programs that may not come into existence for generations.

President Ford put it well in his 1976 statement: ". . . we must develop means to establish international restraints over the accumulation of plutonium itself, whether in separated form or in unprocessed spent fuel. The accumulation of plutonium under national control, especially in separated form, is a primary proliferation risk."

The present draft agreement, Mr. Chairman, does not negate the hard fact that nationally controlled stockpiles of plutonium and highly enriched uranium are primary proliferation risks. And this is certainly true here in the United States, as well as abroad among our friendliest of allies. We should at the very least maintain our ability—indeed our responsibility—to perform case-by-case reviews of the specific physical security measures taken by foreign governments to handle US-origin sensitive nuclear materials. There is no reason why such reviews cannot coexist with long-range energy plans of those governments.

When we wrote the NNPA back in 1978, every effort was made to accommodate the needs of foreign energy planners while protecting U.S. security and environmental concerns. Yet from what I have seen, this agreement achieves less of a reconciliation of these objectives, than a simple trade-off—our physical security priorities are being weakened despite the ever-growing threat of nuclear terrorism, while the administration shows an unbounded willingness to alter our laws and policies to conform to the needs of foreign nuclear programs. I am especially doubtful that the current agreement, applying as it does to large plutonium.

Facilities to be built over the next thirty years, is based on sufficient information to satisfy the Atomic Energy Act's requirement that "adequate physical security" be maintained.

I hope that the committee will examine this agreement in the proper context not just of US/Japan relations, but in the broader historical context of America's commitment to reducing the risk of nuclear proliferation and terrorism.

To summarize what I have said, I think there are ten fundamental problems with this agreement in its current form:

1. A 30-year generic approval of reprocessing and return of plutonium, as opposed to the case-by-case approvals Congress intended under the NNPA.

2. Long-term programmatic prior consents that will frustrate the congressional oversight mandated under the Atomic Energy Act.

3. Approval of reprocessing in a large projected Japanese reprocessing plant without assurance of effective safeguards, which have yet to be developed for such plants.

4. The large throughput of the proposed reprocessing plant, representing unaccounted-for plutonium sufficient for more than 100 nuclear weapons. A target for terrorists.

5. Inadequate analysis of the NNPA's "timely warning" criterion as applied to this agreement. Indeed, the "timely warning" criterion will not be met under the agreement's terms.

6. Failure of the administration to get Japan's commitment to require full-scope safeguards over its nuclear exports.

7. An unbalanced "reciprocal rights" provision allowing Japan to claim under certain conditions all plutonium produced in U.S. nuclear reactors containing components or equipment manufactured in Japan.

8. Suspension rights that require the U.S. to evaluate economic impact instead of solely U.S. nonproliferation and national security issues.

9. Lack of a sufficient information base to determine and evaluate physical threats at large fuel cycle facilities that may not be built for some years to come.

10. A provision for overflights of U.S. territory by aircraft containing hundreds of kilograms of plutonium, despite the non-existence of a large cask that can withstand worst-case air crashes.

For all these reasons, and some I have not cited, I am opposed to this agreement in its current form and recommend that your committee return the agreement to the President for renegotiation, or resubmission with a waiver, to reflect the committee's concerns. If the agreement remains in its current form, and if the administration refuses to provide Congress with the information it needs and has requested to evaluate the national security implications of the agreement, then I would urge the committee to consider a joint resolution of disapproval.

PERMISSION TO REPRINT STATEMENT

Mr. GLENN. Mr. President, on December 21, 1987, I delivered a statement to the Senate on the Leadership Award presented to my Ohio colleague and friend, Congressman LOUIS STOKES by the Senate Black Legislative Staff Caucus. Due to numerous omissions and errors which appeared in the text after it was printed by the Government Printing Office, I ask unanimous consent that it be reprinted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIMSON WHALES AND CRIMSON FACES

Mr. SYMMS. Mr. President, our distinguished colleague from North Carolina, Senator HELMS, has given the Senate yeoman service as ranking Republican on the Committee on Foreign Relations during the hearings in that committee on the proposed treaty with the Soviet Union on intermediate-range nuclear forces.

I say that, Mr. President, because the entire Senate owes a debt to Senator HELMS for the detailed scrutiny and hard work that he has given to the vital issues of national security raised by the proposed treaty. He has uncovered numerous loopholes and flaws in the treaty which must be addressed satisfactorily before the Senate should give its consent to ratification.

It is essential that the role of the Senate in perfecting treaties submitted by the President be carefully carried out, especially when the treaty encompasses, as does this treaty, fundamental questions of war and peace.

The Constitution calls on the Senate to participate in the crafting and shaping of treaties and does not envisage a simple rubber-stamping of whatever is sent over by the executive branch.

I therefore commend and thank my friend from North Carolina and call on other Senators to recognize the value of his work to the deliberative functions of this institution.

Finally, Mr. President, I ask unanimous consent that two recent editorials from the Wall Street Journal, which also comment on the high quality of Senator HELM's service, be printed in the RECORD at the conclusion of these remarks.

There being no objection, the articles were ordered to be printed in the RECORD as follows:

[From the Wall Street Journal, Feb. 3, 1978]

CRIMSON WHALES, CONTD.

When Senator Jesse Helms raised questions at the INF treaty hearings last week, he was accused of offering a "crimson whale," a cousin of the "red herring." While it may be in the interest of treaty supporters to portray Mr. Helms as some Monster from the Deep, his whales nonetheless have kept beaching themselves top the treaty this week.

Consider the confusion over the SS-20, the major weapon the Soviets are supposed to remove if the treaty is ratified. The administration can't seem to figure out how many SS-20s the Soviets really have. Last July the CIA and State Department estimated the Soviets had 550, while the Defense Intelligence Agency, or DIA, figured 1,200. When INF was signed last November, the Soviets said 650. Just last month, however, the CIA and State Department reached new estimates of 700, while DIA stuck with 1,200. The "national intelligence estimate," as consensus view, is 950.

Grade-school arithmetic can tell you that if the Soviets chop up 650 missiles out of 950 they will have 300 left under the zero-option agreement. The administration argues that this is a tempest in a teapot, since the Soviet figure of 650 is "within the range of our uncertainties." We wonder how many Americans would be surprised to learn that the supposedly verifiable INF agreement depends on a "range of uncertainties," extending from zero to 300, not to mention 550 if the high DIA estimate happens to be right.

The much-advertised "on-site inspection" of Soviet bases might help us verify the number of SS-20s, of course, except that the inspection sites are specified by the treaty. If the Soviets ever want to cheat, all they have to do is put the missiles where the inspectors aren't allowed to go.

Another Helms whale was Article 14, the "non-circumvention" clause. This says the U.S. and Soviets "shall not assume any international obligations or undertakings" that would violate the treaty. That sounds simple enough, but several senators are wondering if it isn't an ambiguity big enough for the Soviets to drive a reinterpretation through.

"What is the purpose of this language?" Senator Dan Quayle asked in his opening statement last week. The plausible concern is that the clause could keep the U.S. from selling its allies technology that they need to defend themselves. Indeed, the Soviets already are saying INF prohibits the U.S. from modernizing the shorter-range nuclear weapons that will remain in Europe after INF is implemented.

The concern is heightened because the paragraph wasn't even in the treaty until late last November. "Who insisted on Article 14, by the way? They or us?" Senator Helms asked Defense Secretary Frank Carlucci on Monday. Replied Mr. Carlucci: "They wanted a real non-circumvention clause, and our negotiators negotiated them down to this kind of a provision." Mr. Carlucci dismissed the Soviet claims that INF prohibits NATO modernization as "pure nonsense" and "propaganda." The Reagan administration said similar things about the ambiguities in the 1972 ABM treaty, only to find Senator Sam Nunn arguing that the Soviet interpretation was more correct.

INF also removes U.S. ground-launched cruise missiles from Europe, but what about air-launched or sea-launched cruises? Since the guidance systems are similar in all three types, are we also banned from providing them to our allies? Cruises are essential, of course, because they can carry *conventional* warheads, and thus defend Europe without threatening a nuclear exchange. But the U.S. gave up *all* ground-launched cruises as part of the INF because we said it was impossible to distinguish between nuclear and conventional. And on Monday Senator Joe Biden already was arguing that the same logic should apply to air-launched or sea-launched cruises in the START talks.

Unlike presidential dropout Biden, of course, Senator Helms is supposed to be off-the-wall. His original "crimson whale" was the issue of whether the treaty calls for the destruction of any nuclear warheads. it doesn't, as Mr. Carlucci explained at length: "The warhead essentially consists of the physics package—high explosives, highly enriched uranium, plutonium. That package, consistent with other weapons systems that have been destroyed, could either be reused or, depending on the circumstances, recyled." Keeping warheads is a good part of the treaty, he explained, because the Soviets can produce new ones easier than we can.

So Senator Helm's whales are that the treaty doesn't eliminate any nuclear weapons, that we can't verify it well enough to say whether remaining Soviet SS-20s missiles will be zero or 550, and that it's ambiguous enough to be interpreted as cutting NATO allies off from technical assistance for the most modern conventional weapons. Senator Helms, it would appear to us, is the last one whose face should be crimson.

[From the Wall Street Journal, Jan. 29, 1988]

INF's BLUE HORIZON

Senator Jesse Helms dominated this week's opening hearings on the INF treaty when he brought up the inconvenient fact that the agreement won't eliminate any nuclear warheads. "The part of nuclear weaponry that kills people and destroys property is excluded," he told the Foreign Relations Committee.

This caused several of the committee's senators, like the courtiers in "The Emperor's New Clothes," to resolutely insist that nothing is amiss with the magnificent new treaty. Republican Senator Dan Evans said the warhead charge was "more than a red herring; I'd call it a crimson whale." But Senator John Glenn, a Democratic arms-control specialist, was more cleareyed: "I found an appalling number of people . . . who were not aware that this treaty does not destroy one single nuclear explosive device."

The administration seems quite confused on the warhead issue. This week Secretary of State George Shultz said the INF agreement could open a new era in arms control because it actually "reduces nuclear weapons." At this month's Republican debate at Dartmouth College, Vice President Bush had to respond to Pat Robertson's charge that Mr. Bush had said the INF treaty will eliminate 1,600 Soviet warheads. To this, Mr. Bush asserted that the agreement will take out "their vehicles that can blow people up—their bombs." The vice president's mistaken comment escaped the front pages only because his media adviser dashed into the pressroom to make the inaccurate claim that the treaty provides for the "dismantling" of Soviet warheads.

In truth, what the INF treaty will mean is that the warheads will be taken off the missiles and saved. Why are Jesse Helms and Pat Robertson able to state clearly what is in the INF treaty, while the vice president and, judging from his rhetoric, the secretary of state cannot?

It is surely true that efforts must be made to limit the wanton destruction nuclear weapons would inflict. That is the stated goal of arms-treaty advocates, but it is also the *achievement* of recent history. Since World War II, Europe has lived both with nuclear weapons and without war. Moreover, while arms-control treaties have done nothing to reduce the number of nuclear weapons, the desire of strategists to achieve more real military effectiveness has led to improvements in technology that have reduced the destructive arsenals of both the U.S. and Soviet Union.

In 1967, the U.S. had a third more nuclear weapons than it does today. The total explosive power of U.S. nuclear weapons today is one-quarter of the peak reached in 1960. The average warhead yield of U.S. weapons is one-fifteenth its 1957 peak. The Soviets also have seen their total explosive power and average warhead yield decline since the mid-1970s. These gains are the result of technological improvements initiated outside the arms-control process. As the recent presidential commission headed by Fred Ikle and Albert Wohlstetter reports, these gains are likely to continue.

All of this raises the question of what arms-control talks with a dedicated adversary and closed society such as the Soviet Union are supposed to accomplish. Even if the INF treaty did provide for the elimination of nuclear warheads, it still would founder on some basic realities. For one, the best way to dispose of warheads would be to either bury them or burn them in nuclear-power plants. Either would create a verification nightmare.

Many Europeans recognize that the real threat facing their continent is the massive Soviet tank army, not the prospect of nuclear annihilation. The INF treaty obscures the issue of conventional-force modernization, which holds the key to keeping the peace in Europe in the face of a huge and intimidating Soviet-bloc army. This crucially relevant subject will not be seriously addressed or acted on so long as the West's leadership keeps the world in thrall to the arms-control process.

The INF treaty doesn't address the real threat facing Europe, doesn't reduce the number of missiles aimed at the U.S. and doesn't destroy a single nuclear warhead. So

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what, exactly, is this treaty's relevance or point? What does it accomplish?

Its advocates seem to be reduced to saying that Congress must ratify the INF treaty as the price of admission to the more desirable START talks on strategic-force reductions. So in the end, INF's proponents ask everyone to believe what they've been asked to believe about so many past arms-control treaties—signing this one will move us one step closer to arriving at real arms reduction, which sits just beyond the horizon.

BICENTENNIAL MINUTE

FEBRUARY 7, 1933: THE SENATE REMOVES ITS SERGEANT AT ARMS

Mr. DOLE. Mr. President, on February 7, 1933, 55 years ago this weekend, the Senate voted 53 to 17 to fire its Sergeant at Arms, David S. Barry. Now, it was certainly rare for the Senate to dismiss one of its high-ranking, elected staff members. It was even rarer for them to call the individual to the Senate floor to answer charges. David Barry, at 72 years of age, had spent almost his entire life around the Senate, first as a page, as secretary to various Senators, as a newspaper correspondent, and finally, for 14 years as Sergeant at Arms. Why did the Senate fire him?

It appears that Mr. Barry was a victim of bad timing and bad editing. The Republicans had lost control of the Senate in the 1932 election, and Barry knew he would not be reelected Sergeant at Arms when the next Congress met in March 1933. As a former journalist, he expected to write occasional pieces for publication during his retirement. He had already submitted an article entitled "Over the Hill to Demagoguery" to the New Outlook magazine. It was scheduled for publication in March.

Unfortunately for David Barry, the editor moved the article's publication up to February, and edited out an exceptional first paragraph. When the magazine appeared at the newsstands, it began with these words:

> Contrary, perhaps, to the popular belief, there are not many crooks in Congress; that is out-and-out grafters, or those who are willing to be such. There are not many Senators or Representatives who sell their votes for money, and it is pretty well known who those few are; but there are many demagogues.

Although these were strong words, they probably would have received little attention if, some reporter had written them. But for the Senate's Sergeant at Arms it was an entirely different matter. So the Senate voted him out of office, less than a month before his term would have ended.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL

Mr. BOND. Mr. President, on behalf of myself and the distinguished Senator from Illinois, Senator Dixon, I submit the following statement for the Record. Mr. President, today we begin the 12th year of the Congressional Call to Conscience for Soviet Jews, and I am proud to join my friend Senator Dixon in cochairing the Call to Conscience for this year.

Since its inception in 1976, the Congressional Call to Conscience has been one of the best mechanisms for Members of Congress to speak out on behalf of Soviet Jews seeking freedom of religion and the right to emigrate. Sponsored by the Union of Councils for Soviet Jews, the purpose of the vigil is to demonstrate our continued, bipartisan concern for human rights in the Soviet Union and to express support for individuals and families wishing to emigrate to the free world through weekly statements on the Senate floor. This morning my good friend, the Senator from Illinois, and I circulated a Dear Colleague stating the purpose of the vigil and requesting the participation of each Senator for 1 week throughout 1988.

This is a particularly important time to renew our support of Soviets who are persecuted by their own Government. While the recent summit agreement has shown the Soviet Union willing to take positive steps to peace, they have not shown the same willingness to extend basic human freedoms to their own citizens. The freedom to emigrate is one such freedom which is consistently denied citizens of the Soviet Union.

We are told by the Union of Councils for Soviet Jews that 8,155 Soviet Jews were granted exit visas last year. While that number is significantly higher than 914 granted in 1986, much of that can be explained by glasnost. In 1987 we saw the continuation of glasnost, a period not unlike the détente of the 1970's when the Soviets also sought important arms reduction agreements and economic cooperation. Yet during détente of the 1970's, exit visas were granted to double and triple the number of Soviet Jews than were allowed last year.

In addition, the 8,155 figure pales in comparison to the number of Soviet Jews that have been continually denied the right to emigrate despite repeated application. Jews who apply for exit visas and are refused—the refusniks—are subject to being dismissed from jobs, having their children expelled from schools and universities, and being harassed by the police and KGB. It is estimated that between 20,000 and 60,000 long-term Refuseniks remain in the Soviet Union. Some have suffered for more than 15 years. Despite Soviet willingness to let some well-known Refuseniks emigrate last year, thousands of lesser known people remain. Some are denied visas on the pretext that they or members of their families possess national secrets. Families are often separated by a cruel practice whereby only some members are permitted to leave.

The Soviets claim that the "Jewish problem" has been solved, since so few are applying to leave. Yet a closer look at the facts shows that of the nearly 400,000 Jews that remain in the Soviet Union, approximately 90 percent are denied the right even to apply to leave. In late December, after the Washington summit, Soviet visa-processing offices throughout the U.S.S.R. posted signs announcing that effective January 1, 1988, the requirement of invitations from first degree relatives as a prerequisite to application would be strictly enforced. This means that in order for someone's application even to be considered, he or she must produce an invitation from a member of his or her immediate family who lives abroad. Most Soviet Jews have no such relatives.

While we should appreciate Soviet interest in and encourage their willingness to achieve meaningful arms reductions, we must not be fooled into thinking that glasnost means a thaw in the treatment of Soviet Jews and others who wish to emigrate. Emigration is an internationally recognized right. Soviet citizens should be permitted by law to apply for emigration, without special stipulations on the country of destination or the presence of family members outside the Soviet Union.

Clearly it is up to us to show a sustained commitment to Soviet Jews and other potential emigres, by repeatedly and publicly calling attention to their plight. Our bipartisan effort in defense of individual freedoms is essential. As cochairmen of the Congressional Call to Conscience for 1988, we call on you to join us through the year.

MORE CARS THAN CUSTOMERS; EXCESS CAPACITY IN THE U.S. AUTO INDUSTRY

Mr. RIEGLE. Mr. President, two recent developments in the automobile industry are cause for serious concern about the future. Everyone decries the trade deficit numbers every month—it is now one of the most important financial market indicators. But there is a human cost which cannot be ignored, and which came to light again last week when Chrysler Corp. announced plans to close its Kenosha, WI, assembly and stamping plants by next September. The second announcement concerns Japan's decision to extend the voluntary restraint agreement for another year at the current 2.3 million car level.

It isn't just Michigan anymore, Mr. President. Although we are obviously bearing the brunt of many closings—Detroit, Flint, Pontiac, Willow Springs, and Conner—in addition to Kenosha, St. Louis will lose a truck and bus plant, Leeds, MO, Norwood, OH, Framingham, MA, Hamilton, OH, and Westmoreland, PA, will also suffer the dislocation of thousands of workers. Ramos Arizpe, Mexico will lose a plant, which indicates that in many instances it isn't wage rates that are to blame, but the fact that the North American economy cannot continue to absorb the number of cars being produced.

Kenosha is a casualty of the excess capacity that exists in the automobile industry, and which will continue to worsen with the new foreign-owned facilities which are now operating in the United States and Canada. By 1990, 11 percent of all North American capacity will be foreign-owned, compared with 5 percent in 1986. The overall U.S. market, according to industry analysts is shrinking, and with the increase in foreign participation here, the domestic companies are scaling down. Since 1986, 13 domestic assembly plants and stamping facilities have been closed, and it isn't over yet.

In North America in 1987, total capacity of the Big Three was 15.6 million units. But only 11.2 million units of this capacity was needed to meet consumer demand; 4.4 million units of capacity was not. That is expense that no company can carry for any length of time. It is anticipated that by 1992, already announced closings by the Big Three in North America will account for a reduction in North American capacity of 1.8 million units.

What is happening to the manufacturers who have established assembly plants in North America—the so-called foreign transplants? As of 1987, these companies were using 600,000 units of 1.2 million units of capacity. By 1992, that capacity will increase to 2.7 million. Depending on the disposition of the Volkswagen plant in Pennsylvania, an additional 300,000 units of capacity will either continue to exist or will disappear.

What do we do about it? The choices are pretty clear, and we need to do all of them. We must increase the domestic share of the auto market by substituting the imports of our trading partners—not only from Japan, but South Korea, Yugoslavia, West Germany, Sweden, Britain, France, and Italy, in part by making sure they are priced fairly; increasing demand domestically; and we must begin to do what the rest of the world does—concentrate on marketing our products overseas.

Ironically, it may be the Japanese that show us the way in that department, and it may be that protectionism in Europe will insure that North American content in these transplants is at least 70 percent. Honda plans to export 70,000 cars from the United States by 1991; 50,000 of them will go to Japan—compared with total U.S. exports by all sources of 4,256 cars in 1987. Europe strictly limits Japanese car imports, but not American imports, and the Honda may qualify as American under current rules with a 70 percent North American content.

Chrysler has announced plans to sell between 5,000 and 10,000 cars to Europe in 1988 in addition to over 50,000 Jeeps which are exported. Ford and General Motors are also stepping up efforts to export to Europe and Japan. Clearly, we need to continue to expand our exports or there will continue to be more Kenoshas, more Flints, and Detroits, more plant closings, and a further erosion of our industrial base.

In 1987, 4.4 million cars and trucks were imported into North America: 74 percent of those were from Japan. Of that, 46 percent is due to so-called captive imports, which are vehicles that U.S. auto companies import. Today 9 percent of the total are from other Asian countries, principally South Korea. That number is projected to increase substantially in the next few years.

Mr. President, mathematically, it is very simple. If the number of imported units remains constant, as the overall market shrinks, the larger the percentage of market share these imports will comprise. So Japan's announcement that it will continue the voluntary restraint agreement at the current level of 2.3 million cars does not take into account the fact that the total United States market is expected to decrease, nor does it reflect the enormous number of cars with high foreign content being assembled in the transplant facilities. The overall number of Japanese cars which have been assembled in Japan and North America has actually increased, and their overall market share will be 37 percent in a 9-million-car market. I urge my colleagues to think about this.

Historically, we have not aggressively pursued export markets for automobiles. We need to do that and one of the advantages of a weaker dollar is that we will be able to do it competitively. But much of it is Japan's fault, because through pricing, it is clear that it has been much easier for them to sell cars here than in Japan. The issue of pricing as it relates to currency changes is a complicated one, but there is compelling evidence that just as in other sectors, the Japanese have historically captured and maintained a large share of the United States market by selling certain products below cost. That is illegal under our trade laws, it is called dumping, and there are serious investigations underway to determine what to do about it.

As more and more countries are playing the automobile game, we need a national policy which takes into account the extreme importance of this industry, not only to our overall economy, but for future technological developments which are spawned from this manufacturing sector.

The auto industry is the single largest manufacturing sector in our economy. It accounts for 4.1 percent of the gross national product. In 1986, the total value of motor vehicle output was $171.5 billion. No other industry even comes close.

A healthy domestic auto industry is essential to our Nation's economy. It is a great customer for other essential American industries—computer chips from the Silicon Valley; steel from the Ohio Valley; textiles from the Southeast; and electronics systems from the Sunbelt. Suppliers to the U.S. auto industry are located in 46 States. There are manufacturing facilities in 36 States.

We need a renewed commitment to preserve this vital part of America's history and America's future. The tremendous enthusiasm of many local government officials in attracting new assembly plants in Michigan, Illinois, Ohio, Tennessee, and elsewhere was, I believe, based on two assumptions: First, that these cars and trucks would contain a substantial percentage of American parts. And second, that they would transplant imports from these companies, rather than supplant them—create jobs rather than destroy them.

We just missed a big opportunity to strengthen our hand in dealing with Japan, in my opinion, in negotiating the United States-Canada Free Trade Agreement. Canada accounts for about 9 percent of North American car purchases, but will be making 19 percent of all cars produced in North America by 1991.

We had a chance to make sure that these transplants would contain at least 60 percent North American content. The Canadians refused to agree to increase the rule of origin to 60 percent. Instead, these cars will be able to meet the test for duty-free trade between the United States and Canada with imported engines and drive trains. If the Canadians had agreed, it would have created more jobs in both of our countries.

But despite the lofty intentions of the Free Trade Agreement—to bring our two countries closer together, thereby improving our ability to compete with Japan and Korea and others—we missed a chance to help ourselves.

We need coordinated U.S. policy which will support this vital American industry, not weaken it further. We created the automobile industry. It led to the creation of the greatest consumer market in the world. So great, that it is also the backbone of other economies who depend on this market above their own.

The future of the automobile industry is more than the future of Michigan. It is the future of America as a first-rate world economic power. We have the technology, we have the resources, we have the intelligence. We need the leadership—the national will—to prepare ourselves for the 21st century.

SENATE AIR AND SPACE CAUCUS

Mr. SHELBY. Mr. President, an invitation has been sent to each Senator's office, urging each Member—Democrats and Republicans alike—to join in the formation of a Senate Air and Space Caucus. We hope this Air and Space Caucus will provide a forum for discussion of our space program and its goals—a timely subject in light of the slowdown of America's program during the past 2 years, the steady growth of the Soviet space program, and the rapid development of the Japanese and European space efforts. The caucus will also be concerned with aviation, which, like space, is important to our continued technological leadership and is faced with increasing international competition.

This organization cannot substitute for the Senate's formal committee process, nor is it meant to. Instead, it will facilitate the interaction of Senators and their staffs, aerospace contractors, and aviation and space-oriented public interest groups in an effort to become more informed and focused in regard to these very important issues.

Joining with me in signing the letter to our colleagues were Senators Heflin, Glenn, Garn, Riegle, Bentsen, Wilson, Pressler, Ford, and Kassebaum.

I ask unanimous consent that the letter be placed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, February 1, 1988.

Dear Colleague: Aeronautics and astronautics are critical elements of our national security and are symbolic of our technological leadership and international competitiveness. The U.S. civil space program, in particular, appears to be at a crossroads. The difficulties plaguing our space effort must be quickly addressed in order that the United States maintain and improve upon its leadership position among the growing ranks of spacefaring nations.

We invite you to join us in forming a Senate Air and Space Caucus. This bipartisan caucus can complement the Senate committees charged with overseeing and funding space and aeronautics programs by providing an informal forum for discussion among Senators and their staffs, NASA, aerospace contractors, and others, including public interest groups.

For information, or to join the Air and Space Caucus, contact Steve Money (4-6504).

Sincerely,
Richard Shelby, Don Riegle, Pete Wilson, John Glenn, Wendell Ford, Jake Garn, Lloyd Bentsen, Howell Heflin, Larry Pressler, Nancy Landon Kassebaum.

SOUTHERN RESEARCH INSTITUTE OF BIRMINGHAM

Mr. SHELBY. Mr. President, it is my pleasure to rise today, to inform my colleagues of the performance of an outstanding institution in my home State of Alabama—Southern Research Institute of Birmingham. The Southern Research Institute was recently awarded the James S. Cogswell Industrial Security Award by the Department of Defense for protecting military secrets. I take this opportunity to publicly commend Southern Research Institute on Birmingham of this exceptional achievement.

The institute is a 43-year-old organization specializing primarily in industrial operations. Since the mid-sixties, the institute has won defense contracts to include materials testing for aerospace products and electronic guidance systems. Also, the institute obtains contracts in the health and environment fields, and is presently one of several companies responsible for ensuring the accuracy of AIDS tests given to Army personnel.

During my first year in the United States Senate, I have been outspoken on the issue of guarding military secrets. Earlier this year, I revealed to my colleagues that two major high-technology firms, the Toshiba Machine Corp. of Japan and Kongsberg Vaapenfabrikk of Norway, have exported classified propeller technology to the Soviets. With the intention of sending a strong message to these two companies that such violations would not be tolerated, I introduced two bills in the Senate. The first bill banned the import of products from both Toshiba and Kongsberg, and the second bill prohibited military supply stores from purchasing Toshiba-made goods.

I also revealed to my colleagues in the Senate that the United States Department of Commerce had eased certain export license controls which applied to Soviet-bloc entities. This easing of export license controls allowed significant computer systems and related equipment to routinely make its way into the hands of Warsaw Pact countries.

Further auctioning of our national security must be prevented. Strong enforcement measures should be enacted to review export licenses by both the Department of Commerce and DOD.

In light of this recent rash of Cocom violations which threaten and compromise our national security, an organization such as Southern Research Institute of Birmingham is to be applauded. I am proud this company faithfully follows the regulations stipulated by our Government in order to ensure our national security. What is classified must remain so.

As a recipient of the James S. Cogswell Industrial Security Award, Southern Research Institute of Birmingham takes its place as a leader in the defense contracting industry. The institute has set a fine example. Such high standards, in effect, ensure our national security. I know Southern Research Institute of Birmingham will remain a leader in the industry of defense contracting. Once again, I congratulate them on this important achievement.

PROHIBITION OF UNDETECTABLE FIREARMS ACT

Mr. DOLE. Mr. President, over many years, I have enjoyed the opportunity to work with my colleague, the distinguished Senator from Idaho Mr. McClure, on efforts to protect the right of United States citizens to keep and bear arms.

Many times, it seems our vigil to guard against assaults on the second amendment has been never ending. Attempts to ban legally manufactured and owned firearms and ammunition are made in the Congress from every angle imaginable.

The latest assault attempts to ban small arms by renaming them as "plastic guns." In truth, there is no plastic gun being manufactured today. However, we should be mindful that as new technologies are discovered, detection technology keeps pace to ensure the safety of airlines and the security of targets of terrorists such as the U.S. Capitol and the White House.

Mr. President, I know that my colleague has been working with the National Rifle Association to fashion some compromise which, while not banning any currently manufactured firearms, would protect against the introduction of any new class of firearms that are not detectable by Today's x ray and magnetometer devices. I applaud the Senator for his tireless efforts and attention to this matter of concern to all Americans.

I will be consulting with a number of experts in the fields of firearm manufacturing, security, and firearm detection to review the specific provisions of the legislation, and may, at a future date, join Senator McClure as a cosponsor.

However, I do want to indicate my appreciation for his efforts on behalf of America's gun owners, and look forward to our continued work together.

JAPANESE-UNITED STATES TRADING RELATIONS

Mr. DASCHLE. Mr. President, I take the floor today to commend our leader for his recent announcement that the conference agreement on the omnibus trade bill will be a top priority in the coming weeks. Many Senators share the sentiments expressed by Majority Leader Byrd that a comprehensive, but fair, trade bill is very important in our effort to reverse the very serious economic problems caused by the trade deficit.

Even though a comprehensive, but fair, trade bill is very important to the entire world's economy, the bill is especially significant for Japan, one of the United States' most important trading partners.

In 1986, more than $112 billion worth of trade flowed between our two countries. It has been estimated that the jobs of more than 750,000 American citizens are directly related to United States exports to Japan.

Unfortunately, however, this $112 billion trade account left the United States with a bilateral trade deficit of $58 billion. This single largest bilateral trade deficit has, in large part, provided the impetus for the comprehensive trade legislation pending in Congress today.

Even though the Japanese enjoy a very positive balance in general, bilateral trade, the United States enjoys a significant edge in agricultural trade. Agricultural trade with Japan plays a very important role in the United States agricultural economy. In recent years, Japan has purchased more than $5 billion in United States agricultural products. In 1985, more than 25 percent of United States exports to Japan were sent in the form of agricultural products.

Unfortunately, the trend in agricultural trade with Japan is very disturbing. Starting in 1985, 17 agricultural product categories have realized a decline in the United States share of the Japanese import market. The largest loss occurred in product categories very important to farmers in my State: corn, live animals and pork. Only eight agricultural product categories realized an increase in the United States share of the Japanese import market.

Is Japan totally to blame for the overall bilateral trade deficit, as some in this country have charged? Will total dismantling of Japanese trade barriers against United States products eradicate our bilateral trade deficit?

The answers to these questions are not simple. Certainly, the U.S. trade deficit cannot be dismissed with simplistic answers or solutions. Nor is the trade deficit caused solely by trade barriers, even though those barriers play a significant role.

The trade deficit can only be partly attributed to the U.S. budget deficit, although most experts agree that our need to finance the budget deficit has crowded the credit market to the point that we have been forced into greater reliance on foreign financing. This increasing dependence has resulted in the United States becoming the largest creditor nation in the world.

Nor can the excuse be given that the U.S. products are inferior to those of our trading partners. Not true, and again, a simplistic answer to a complex problem.

As we examine the causes and solutions to the trade deficit, the simple fact is that all of these factors do play a role. As we consider solutions and specifically work toward a conference agreement on the trade bill, it is very important that we reflect on one very crucial fact: Japan is far too important an ally to the United States for us to resort to excessive, or punitive, treatment.

The conference is facing many serious and contentious issues. And as we all know, our Japanese friends are closely watching our actions with more than passing interest. They, like many others, want the final trade bill product to be fair.

I am a cosponsor of the trade bill and actively support many of its provisions, especially the agricultural title. These provisions are an excellent compliment of proposals aimed both at increasing our agricultural exports and strengthening our ability to fight unfair agricultural trade barriers.

Specifically, the agricultural provisions direct the administration to implement a marketing loan on specific agricultural commodities if a GATT agreement on agricultural trade has not been finalized. It calls for increased funding for many of export promotion programs in the Department of Agriculture, such as the Targeted Export Assistance Program and the Export Enhancement Program.

The Senate bill also contains a provision I authored which would provide the Secretary of Agriculture with additional trade tools to fight unreasonable foreign meat inspection standards which serve as barriers to exports of U.S. meat shipments.

Second, I support the provisions which will create a stronger and more effective response to unfair trade practices. The Senate proposal, which I hope will be a part of the final agreement, outlines specific circumstances under which mandatory responses will be required to fight unfair trade practices. This provision, which strengthens section 301 of current law dealing with unfair trade, will provide this country with consistent and reasonable responses to future unfair trade practices.

It is my hope that the final version of the trade bill will include a quantification of trade barriers and give the President more direction on how those trade barriers must be eliminated. Because we have drifted far too long without a cohesive trade policy, I strongly support this change in the law.

These are but three of the provisions I consider most important in the trade bill negotiations. I will also be watching very closely developments in the areas of negotiating authority, the service industry, and the changes in section 201 pertaining to unfairly traded imports.

Finally, there is another provision in the trade bill with which I am greatly concerned. It is that which requires sanctions against the Toshiba Corp. I supported the amendment by the distinguished Senator from Utah [Mr. Garn] as an alternative to that offered by the Senator from Alabama [Mr. Shelby] regarding sanctions against Toshiba when those amendments were considered last year. I remain committed to fair and reasonable sanctions in the final version of the trade bill. Toshiba Machine committed a grievous error by selling restricted, sophisticated technology to the Soviet Union and must understand the severity of this error.

Upon reflection since adoption of that amendment, it has become apparent to me that the sanctions intended for Toshiba Machine will have far-reaching implications. The current proposal would apply sanctions, not only to the offending subsidiary, Toshiba Machine, but to other subsidiaries as well, such as Toshiba America.

In search of a compromise, I have urged the conferees to delineate between the subsidiary directly responsible for the sale and those other subsidiaries which had no involvement in the decision to sell to the Soviet Union.

Toshiba has seven subsidiaries located in the United States. These independent subsidiaries provide employment for 4,100 Americans. Toshiba America has been a good partner in its business relationships with the United States. This partnership should be kept in mind as the conferees continue their work on this provision.

Mr. President, I commend the majority leader for his commitment that this important legislation will be on the floor in the next few weeks.

As we look at the world trading system, and our relationships with our allies, the trade bill takes on a special significance. Labels are easy to throw around. I am certain, however, that not one Senator in this body wants a trade bill which could be labelled as protectionist.

Nor do we want a trade bill which is clearly and artificially advantageous to one country over another.

Our trade bill must recognize the traditional alliances this country has developed throughout the world. Be-

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cause of the level of trade and the historical partnership between our countries, our alliance with Japan must lead the list.

Clearly, the viability of the world's economy and the Japanese and United States economies will depend on a harmonious trading system and positive relations between not only the governments of our two countries, but the peoples of our two countries as well.

A comprehensive, but fair, trade bill can help achieve these objectives.

MESSAGES FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the bill (S. 1539) to amend the Federal Railroad Safety Act of 1970, and for other purposes, with an amendment; it insists upon its amendments, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. Dingell, Mr. Thomas A. Luken, Mr. Slattery, Mr. Lent, and Mr. Whittaker as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 403. Joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 242. Concurrent resolution providing for a conditional adjournment of the House from February 9 to February 16, 1988, and a conditional adjournment of the Senate from February 4 or 5, to February 15, 1988.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 1983. An act authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, Florida, and for other purposes;

H.R. 2566. An act to amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes;

H.R. 3884. An act to rescind certain budget authority recommended in Public Law 100-202;

S.J. Res. 143. Joint resolution to designate April 1988, as "Fair Housing Month"; and

S.J. Res. 172. Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Associations Week."

The enrolled bills and joint resolutions were subsequently signed by the Vice President.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that today, February 4, 1988, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 143. Joint resolution to designate April 1988, as "Fair Housing Month"; and

S.J. Res. 172. Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Associations Week."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1889: A bill to amend the Geothermal Steam Act of 1970 to provide for lease extensions and for other purposes (Rept. No. 100-283).

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment:

S.J. Res. 210: Joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week."

S.J. Res. 214: Joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Wade Brorby, of Wyoming, to be U.S. circuit judge for the Tenth Circuit;

Suzanne B. Conlon, of Illinois, to be U.S. district judge for the northern district of Illinois;

Richard J. Arcara, of New York, to be U.S. district judge for the western district of New York;

Paul V. Niemeyer, of Maryland, to be U.S. district judge for the district of Maryland;

Edward F. Harrington, of Massachusetts, to be U.S. district judge for the district of Massachusetts;

Romolo J. Imundi, of New York, to be U.S. marshal for the southern district of New York for the term of 4 years;

Daniel F. Lopez Romo, of Puerto Rico, to be U.S. attorney for the district of Puerto Rico for the term of 4 years;

Tony Michael Graham, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years;

James Eldon Wilson, of Alabama, to be U.S. attorney for the middle district of Alabama for the term of 4 years; and

Robert J. Kabel, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1989.

By Mr. NUNN, from the Committee on Armed Services:

Ronald F. Lehman II, of Virginia, to be an Assistant Secretary of Defense.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, Mr. DeConcini, Mr. Hecht, Mr. Grassley, Mr. Pressler, Mr. Karnes, Mr. D'Amato, Mr. McConnell, Mr. McCain, Mrs. Kassebaum, Mr. Hatch, Mr. Cochran, Mr. Hollings, Mr. Boren, Mr. Exon, Mr. Shelby, Mr. Nickles, and Mr. Gramm):

S. 2033. A bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. CHILES:

S. 2034. A bill to provide financial assistance for programs for prekindergarten students designed to prevent students from dropping out of school, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEFLIN (for himself, Mr. Helms, Mr. Cochran, and Mr. Pryor):

S. 2035. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND (for himself, Mr. Hatch, Mr. Grassley, and Mr. McClure):

S. 2036. A bill to redefine "extortion" for purposes of the Hobbs Act; to the Committee on the Judiciary.

By Mr. GLENN (for himself, Mr. Stevens, and Mr. Chiles):

S. 2037. A bill to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President; to the Committee on Governmental Affairs.

By Mr. DIXON (for himself and Mr. Simon):

S. 2038. A bill to prohibit the closing of certain operations of the U.S. Coast Guard at the Glenview Air Station, Chicago, IL; to the Committee on Commerce, Science, and Transportation.

By Mr. BENTSEN:

S. 2039. A bill for the relief of Xochiquetzalli Carreto; to the Committee on the Judiciary.

By Mr. BOREN (for himself and Mr. Bentsen):

S. 2040. A bill to modify the wheat provisions of the Agricultural Act of 1949 by eliminating the Secretary of Agriculture's authority to restrict haying and grazing on idled wheat acreage; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HEINZ (for himself, Mr. Simon, Mr. Proxmire, and Mr. Pell):

S. 2041. A bill to amend title 23, United States Code, to reduce Federal highway funds to States that do not enforce the 65

mile per hour speed limit; to the Committee on Commerce, Science, and Transportation.

By Mr. DURENBERGER (for himself, Mr. Cranston, Ms. Mikulski, Mr. Murkowski, Mr. Dole, Mr. Byrd, Mr. Bingaman, Mr. Boschwitz, Mr. Burdick, Mr. Chafee, Mr. Chiles, Mr. Cochran, Mr. Conrad, Mr. Daschle, Mr. DeConcini, Mr. Dixon, Mr. Ford, Mr. Grassley, Mr. Graham, Mr. Hatch, Mr. Heflin, Mr. Humphrey, Mrs. Kassebaum, Mr. Kennedy, Mr. Kerry, Mr. Levin, Mr. Lugar, Mr. Matsunaga, Mr. Metzenbaum, Mr. Pell, Mr. Pressler, Mr. Quayle, Mr. Riegle, Mr. Rockefeller, Mr. Roth, Mr. Sanford, Mr. Shelby, Mr. Simon, Mr. Specter, Mr. Stennis, Mr. Weicker, and Mr. Wirth):

S. 2042. A bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. Leahy, and Mr. Kennedy):

S. 2043. A bill to authorize demonstration projects that provide certain participants in the special supplemental food program with coupons for use at farmers markets; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY:

S. 2044. A bill to require further review by the Federal Communications Commission to ensure thorough deliberation on proposed changes in the method of regulation of interstate basic service rates; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself and Mr. Grassley):

S. 2045. A bill to amend the Food Security Act of 1985 to increase the number of acres placed in the conservation reserve program, to protect water quality and wildlife habitat, to otherwise improve the program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURENBERGER (for himself, Mr. Weicker, Mr. Biden, Mr. Lugar, and Mr. Chiles):

S. 2046. A bill to amend title XIX of the Social Security Act to provide mandatory coverage for certain low-income pregnant women and infants; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. Metzenbaum, Mr. Harkin, and Mr. Evans):

S. 2047. A bill to require a health warning on the labels of all alcoholic beverage containers; to the Committee on Commerce, Science, and Transportation.

By Mr. KARNES:

S. 2048. A bill to amend the Railroad Retirement Act of 1974 and the Railroad Unemployment Insurance Act to provide for the removal of the trust funds established by those acts from the unified budget, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or to be discharged.

By Mr. CRANSTON (for himself, Mr. Murkowski, Mr. Bentsen, and Mr. Gramm):

S. 2049. A bill to establish an independent national commission on the Veterans' Administration home loan guaranty program; to amend title 38, United States Code, to authorize reductions in the interest rate on loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures, and to establish creditworthiness requirements for assumptions of Veterans' Administration vendee loans; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SIMPSON:

S. 2050. A bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States; to the Committee on the Judiciary.

By Mr. McCLURE (for himself and Mr. Hatch):

S. 2051. A bill entitled the "Prohibition of Undetectable Firearms Act"; to the Committee on the Judiciary.

By Mr. GLENN:

S. 2052. A bill to continue the suspension of duties on m-xylenediamine and 1,3-bis (aminomethyl) cyclohexane; to the Committee on Finance.

S. 2053. A bill to temporarily suspend the duty on 8-hydroxy-quinoline; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. Pell, Mr. Dodd, Mr. Inouye, Mr. DeConcini, and Mr. Rockefeller):

S. 2054. A bill to amend the Peace Corps Act to authorize appropriations for fiscal year 1989; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself and Mr. Danforth):

S.J. Res. 251. Joint resolution designating March 4, 1988, as "Department of Commerce Day"; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself, Mr. Garn, Mr. Heinz, Mr. Armstrong, Mr. D'Amato, Mr. Hecht, Mr. Gramm, Mr. Bond, Mr. Chafee, Mr. Karnes, Mr. Wilson, Mr. Danforth, Mr. Hatch, Mr. Dole, Mr. Warner, Mr. Lugar, Mr. Domenici, Mr. Weicker, Mr. Grassley, Mr. Symms, Mr. Cochran, Mr. Nickles, Mr. McCain, Mr. Quayle, Mr. Specter, Mr. Boschwitz, Mr. Durenberger, Mr. McClure, Mr. Cranston, Mr. Riegle, Mr. Sarbanes, Mr. Dodd, Mr. Dixon, Mr. Sanford, Mr. Shelby, Mr. Graham, Mr. Wirth, Mr. Burdick, Mr. Simon, Mr. Reid, Mr. Kennedy, Mr. Lautenberg, Mr. Inouye, Mr. Pell, Mr. Leahy, Ms. Mikulski, Mr. Metzenbaum, Mr. Kerry, Mr. Moynihan, Mr. Exon, Mr. Matsunaga, Mr. Levin, Mr. Johnston, Mr. Mitchell, Mr. Baucus, Mr. Chiles, Mr. Ford, Mr. Nunn, Mr. Bentsen, Mr. Hollings, and Mr. Boren):

S.J. Res. 252. Joint resolution designating June 5-11, 1988, as "National NHS Neighbor Works Week"; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. Murkowski, Mr. Matsunaga, Mr. DeConcini, Mr. Rockefeller, Mr. Stafford, Mr. Specter, Mr. McCain, and Mr. Dole):

S.J. Res. 253. Joint resolution designating April 9, 1988, and April 9, 1989, as "National Former Prisoner of War Recognition Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 377. A resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. DeConcini, Mr. Hecht, Mr. Grassley, Mr. Pressler, Mr. Karnes, Mr. D'Amato, Mr. McConnell, Mr. McCain, Mrs. Kassebaum, Mr. Hatch, Mr. Cochran, Mr. Hollings, Mr. Boren, Mr. Exon, Mr. Shelby, Mr. Nickles, and Mr. Gramm):

S. 2033. A bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes; to the Committee on the Judiciary.

CHILD PROTECTION AND OBSCENITY ENFORCEMENT ACT

Mr. THURMOND. Mr. President, I rise to introduce the Child Protection and Obscenity Enforcement Act of 1988. I am pleased that the distinguished Senator from Arizona, Senator DeConcini, and the able Senator from Nevada, Mr. Hecht, and 14 other Senators have agreed to join me in offering this important legislation.

Joining me as other original cosponsors of this bill are: Senator Grassley, Senator Pressler, Senator Karnes, Senator D'Amato, Senator McConnell, Senator McCain, Senator Kassebaum, Senator Hatch, Senator Cochran, Senator Hollings, Senator Boren, Senator Exon, Senator Shelby, and Senator Nickles.

Pornography is a major problem in our Nation today. Increasingly, this material has crept into all areas of our society from the print media, to films, and even to the telephone. In a 1986 report, the California attorney general reported that the pornography industry reaps from $7 to $10 billion annually. It causes me grave concern that so many adults have chosen to make pornography a part of their lives. However, of even greater concern is the effect this material may have on children. Currently, there is a growing market for using children in the production of sexually explicit material. Often these children are runaways who are given drugs or alcohol in order to entice them into participating in the production of sexually explicit material. There have even been shocking instances in which parents have actually sold their children for use in such material. With the growth of pornography, children are now able to gain access to obscene messages transmitted over the telephone by dial-a-porn services. Additionally, there is evidence that organized crime is involved in the trafficking of pornography. Regarding judicial rulings, the Supreme Court has ruled that obscenity and child pornography are forms of speech that are not protected by the first amendment. Therefore, we must take the steps necessary in order to ensure that the laws with regard to obscenity and child pornography are able to be strictly enforced.

In the past, Congress has taken steps to fight pornography. In 1984, we passed the Child Protection Act which updated the child pornography law to make it easier to prosecute persons involved in the distribution of sexually explicit material involving children. Shortly thereafter, the Attorney General's Commission on Pornography was formed to study the issue of pornography. After many months of work, the Commission issued a final report in 1986. In addition to the report, the Attorney General announced a seven point plan to attack pornography. This legislation, that I am introducing today, represents the final step in the implementation of this antipornography plan. This dedication by the Attorney General to wipe out obscenity is encouraging but the effort must continue. It is now our responsibility as legislators to fill in the gaps in current law as well as add new laws to aid in this struggle. The bill that I am introducing today will do just that.

Generally, this bill, which is based in part on the recommendations of the Pornography Commission, contains measures that will update current law taking into account the use of new technologies in the distribution of pornography as well as provisions to aid Federal prosecutors in convicting those who traffic in pornography. This bill contains two substantive titles. The first title contains provisions with regard to child pornography and the second title contains provisions with regard to obscenity.

Following is a brief overview of the provisions of this measure.

Title I amends the current law dealing with child pornography to:

First, prohibit the use of a computer to send notices advertising children for use in sexually explicit material or offering the sexually explicit material itself.

Second, prohibit the buying and selling of children for use in child pornography.

Third, require producers of sexually explicit material to document the ages of the persons that appear in depictions of sexually explicit conduct in order to deter the use of minors in such material.

Fourth, add the child pornography offenses as predicate offenses to the Racketeer Influenced and Corrupt Organizations statute.

Title II of this bill pertains to obscenity and contains the following provisions which:

First, amend the obscenity law to make it illegal to receive or possess with intent to distribute obscene material that has moved in interstate commerce.

Second, amend the current obscenity law in two respects in order to aid in the prosecution of those who are involved in the trafficking of pornography. One provision amends the current law to expand the jurisdictional nexus necessary to prosecute the transportation of pornography. This amendment would allow the prosecution of those who use facilities or means of interstate commerce in transporting pornography. For example, under this new section, a prosecution could be based on the movement of pornography on a Federal highway with the intent that the material be distributed in interstate commerce. Another provision would establish a rebuttable presumption for the obscenity offenses to provide that obscene material produced in one State and subsequently seized in another State is presumed to have been transported in interstate commerce. A similar presumption is included with regard to transportation of obscene material in foreign commerce. This provision addresses the often difficult problem that prosecutors have in proving that specific material moved in interstate or foreign commerce.

Third, add criminal and civil forfeiture provisions to the obscenity law that are similar to the provisions passed as part of the comprehensive drug bill at the end of last Congress. This section also changes the current forfeiture law in the child pornography law in order to conform it with this new provision. As well, this section amends the forfeiture laws of the Customs Service to ensure that such forfeiture proceedings are executed in a timely manner as required by current case law.

Fourth, amend the obscenity laws to make it illegal to broadcast obscenity on cable or subscription television. Currently, it is illegal to broadcast obscene material on radio or television. However, current obscenity law does not expressly cover cable television. In 1984, Congress passed the Cable Communications Policy Act which contains a provision that prohibits obscene programming on cable. However, this section read together with other sections raises doubts as to whether this section of the Cable Act is enforceable. Therefore, this bill would make it clear that obscene programming is illegal on cable or subscription services. This section also provides that the Federal and State government may regulate indecent programming on cable television.

Fifth, amend the communications law to prohibit the transmission of obscene messages over telephone services and to prohibit the transmission of indecent messages unless the service takes the necessary steps, as set forth by the Federal Communications Commission [FCC], to ensure that the messages are not readily accessible to persons under 18 years of age. Currently, these dial-a-porn services may transmit obscene and indecent messages if they comply with the pertinent FCC regulations. This section would simply prohibit obscene messages which are not forms of speech that are protected by the first amendment.

Sixth, prohibit the sale or possession with intent to sell of obscenity or child pornography on Federal lands which includes military bases and Indian reservations. This bill would also prohibit the possession of such material.

Seventh, amend the Federal wiretap statute to add obscenity offenses to the list of crimes for which the Government may obtain wiretaps.

Mr. President, the provisions contained in this measure will be helpful in stemming the flow of pornography in this country. I look forward to further consideration of this legislation by the Judiciary Committee. I strongly urge my colleagues to review this bill and cosponsor this worthwhile measure. I ask unanimous consent that the text of the bill be printed in the Congressional Record immediately following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Protection and Obscenity Enforcement Act of 1988".

TITLE I—CHILD PORNOGRAPHY

SEC. 101. AMENDMENTS TO EXISTING OFFENSES.

(a) Sexual Exploitation of Children.—Paragraph (2) of subsection 2251(c) of title 18, United States Code, is amended by inserting "by any means including by computer" after "interstate of foreign commerce" both places it appears.

(b) Material Involving Sexual Exploitation of Children.—Subsection 2252(a) of title 18, United States Code, is amended by inserting "by any means including by computer" after "interstate or foreign commerce" each place it appears.

(c) Definition.—Section 2256 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof: "; and"; and

(3) by adding at the end the following:

"(6) 'computer' has the meaning given that term in section 1030 of this title.".

SEC. 102. SELLING OR BUYING OF CHILDREN.

(a) In General.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2251 the following:

"§ 2251A. Selling or buying of children

"(a) Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor either—

"(1) with knowledge that, as a consequence of the sale or transfer, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

"(2) with intent to promote either—

"(A) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

"(B) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;

shall be punished by imprisonment for not less than 20 years or for life and by a fine under this title, if any of the circumstances described in subsection (c) of this section exist.

"(b) Whoever purchase or otherwise obtains custody or control of a minor, or offers to purchase or otherwise obtain custody or control of a minor either—

"(1) with knowledge that, as a consequence of the purchase or obtaining of custody, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage, sexually explicit conduct; or

"(2) with intent to promote either—

"(A) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

"(B) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;

shall be punished by imprisonment for not less than 20 years or for life and by a fine under this title, if any of the circumstances described in subsection (c) of this section exist.

"(c) The circumstances referred to in subsections (a) and (b) are that—

"(1) in the course of the conduct described in such subsections the minor or the actor traveled in or was transported in interstate or foreign commerce;

"(2) any offer described in such subsections was communicated or transported in interstate or foreign commerce by any means including by computer or mail; or

"(3) the conduct described in such subsections took place in any territory or possession of the United States.".

(b) Definition.—Section 2256 of title 18, United States Code, as amended by section 201 of this Act, is further amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting "; and" in lieu thereof; and

(3) by adding at the end of the following:

"(7) 'custody or control' includes temporary supervision over or responsibility for a minor whether legally or illegally obtained.".

(c) Clerical Amendment.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the line item relating to section 2251 the following:

"2251A. Selling or buying of children.".

SEC. 103. RECORD KEEPING REQUIREMENTS.

(a) In General.—Chapter 110 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 2257. Record keeping requirements

"(a) Whoever produces any book, magazine, periodical, film, videotape, or other matter which—

"(1) contains one or more visual depictions (originally made within 25 years of the date of sale or distribution by the producer of the book, magazine, periodical, film, videotape, or other matter) of actual sexually explicit conduct; and

"(2) is produced in whole or in part with materials which have been shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

shall create and maintain individually records pertaining to every performer portrayed in such a visual depiction.

"(b) Any person to whom subsection (a) applies shall, with respect to every performer portrayed in a visual depiction of actual sexually explicit conduct—

"(1) ascertain, by examination of an identification document containing such information, the performer's name and date of birth, and require the performer to provide such other indicia of his or her identity as may be prescribed by regulations;

"(2) ascertain any name, other than the performer's present and correct name, ever used by the performer including maiden name, alias, nickname, stage, or professional name; and

"(3) record in the records required by subsection (a) the information required by paragraphs (1) and (2) of this subsection and such other identifying information as may be prescribed by regulation.

"(c) Any person to whom subsection (a) applies shall maintain the records required by this section at his business premises, or at such other place as the Attorney General may by regulation prescribe and shall make such records available to the Attorney General for inspection at all reasonable times.

"(d)(1) No information or evidence obtained from records required to be created or maintained by this section shall, except as provided in paragraphs (2) and (3), be used, directly or indirectly, as evidence against any person with respect to any violation of law.

"(2) Paragraph (1) of this subsection shall not preclude the use of such information or evidence in a prosecution or other action for a violation of any applicable provision of law with respect to the furnishing of false information.

"(3) In a prosecution of any person to whom subsection (a) applies for an offense in violation of subsection 2251(a) of this title which has as an element the production of a visual depiction of a minor engaging in or assisting another person to engage in sexually explicit conduct and in which that element is sought to be established by showing that a performer within the meaning of this section is a minor—

"(A) proof that the person failed to comply with the provisions of subsection (a) or (b) of this section concerning the creation and maintenance of records, or a regulation issued pursuant thereto, shall raise a rebuttable presumption that such performer was a minor; and

"(B) proof that the person failed to comply with the provisions of subsection (e) of this section concerning the statement required by that subsection shall raise the rebuttable presumption that every performer in the matter was a minor.

"(e)(1) Any person to whom subsection (a) applies shall cause to be affixed to every copy of any matter described in paragraph (1) of subsection (a) of this section, in such manner and in such form as the Attorney General shall by regulations prescribe, a statement describing where the records required by this section with respect to all performers depicted in that copy of the matter may be located.

"(2) If the person to whom subsection (a) of this section applies is an organization the statement required by this subsection shall include the name, title, and business address of the individual employed by such organization responsible for maintaining the records required by this section.

"(3) In any prosecution of a person for an offense in violation of section 2252 of this title which has as an element the transporting, mailing, or distribution of a visual depiction involving the use of a minor engaging in sexually explicit conduct, and in which that element is sought to be established by a showing that a performer within the meaning of this section is a minor, proof that the matter in which the visual depiction is contained did not contain the statement required by this section shall raise a rebuttable presumption that such performer was a minor.

"(f) The Attorney General shall issue appropriate regulations to carry out this section.

"(g) As used in this section—

"(1) the term 'actual sexually explicit conduct' means actual but not simulated conduct as defined in subparagraphs (A) through (E) of paragraph (2) of section 2256 of this title;

"(2) 'identification document' has the meaning given that term in subsection 1028(d) of this title;

"(3) the term 'produces' means to produce, manufacture, or publish and includes the duplication, reproduction, or reissuing of any material; and

"(4) the term 'performer' includes any person portrayed in a visual depiction engaging in, or assisting another person to engage in, actual sexually explicit conduct.".

(b) Clerical Amendment—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding after the item relating to section 2256 the following:

"2257. Record keeping requirements.".

(c) Effective Date.—Section 2257 of title 18, United States Code, as added by this section shall take effect 180 days after the date of enactment of this Act except—

(1) the Attorney General shall prepare the initial set of regulations required or authorized by section 2257 within 90 days of the date of the enactment of this Act; and

(2) subsection (e) of section 2257 of this title and of any regulation issued pursuant thereto shall take effect 270 days after the date of the enactment of this Act.

SEC. 104. R.I.C.O. AMENDMENT.

Subsection 1961(1)(B) of title 18, United States Code, is amended by inserting after "section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity)" the following:

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"sections 2251 through 2252 (relating to sexual exploitation of children).".

TITLE II—OBSCENITY

SEC. 201. RECEIPT OR POSSESSION FOR SALE; PRESUMPTIONS FOR CHAPTER 71.

(a) Receipt or Possession for Sale.—Chapter 71 of title 18, United States Code, is amended by inserting after section 1465 the following:

"§ 1466. Receipt or possession of obscene matter for sale or distribution

"(a) Whoever knowingly receives or possesses with intent to distribute any obscene book, magazine, picture, paper, film, videotape, phonograph recording, electrical transcription, or any other matter, which has been shipped or transported in interstate or foreign commerce shall be punished by imprisonment for not more than two years or by a fine under this title, or both.

"(b) Whoever violates subsection (a) of this section and is engaged in the business of selling or transferring obscene matter shall be punished by imprisonment for not more than five years or by a fine under this title, or both. As used in this subsection, the term 'engaged in the business' means that the person who sells or transfers or offers to sell or transfer obscene matter devotes time, attention, or labor to such activities, as a regular course of trade or business, with the objective of earning a profit, although it is not necessary that the person make a profit or that the selling or transferring or offering to sell or transfer obscene matter be the person's sole or principal business or source of income. The offering for sale of or to transfer, at one time, two or more copies of any obscene publication, or two or more of any obscene article, or a combined total of five or more such publications and articles, shall create a rebuttable presumption that the person so offering them is engaged in the business of selling or transferring obscene articles.".

(b) *Clerical Amendment.*—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding after the item relating to section 1465 the following:

"1466. Receipt or possession of obscene matter for sale or distribution.".

(c) Use of Facility of Commerce.—The first paragraph of section 1465 of title 18, United States Code, is amended by inserting after the word distribution: ", or knowingly uses a facility or means of commerce for the purpose of interstate or foreign sale or distribution of,".

(d) Presumptions.—Chapter 71 of title 18, United States Code, as amended by subsection (a) of this section and by section 302, is further amended by adding at the end the following:

"§ 1469. Presumptions

"(a) In any prosecution under this chapter in which an element of the offense is that the matter in question was transported, shipped, or carried in interstate commerce, proof by either circumstantial or direct evidence that such matter was produced or manufactured in one State and is subsequently located in another State shall raise a rebuttable presumption that such matter was transported, shipped, or carried in interstate commerce.

"(b) In any prosecution under this chapter in which an element of the offense is that the matter is question was transported, shipped, or carried in foreign commerce, proof by either circumstantial or direct evidence that such matter was produced or manufactured outside of the United States and is subsequently located in the United States shall raise a rebuttable presumption that such matter was transported, shipped, or carried in foreign commerce.".

(e) Clerical Amendment.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding after the item relating to section 1468 the following:

"1469. Presumptions.".

(f) Travel Act Amendment.—Subsection 1952(b) of title 18, United States Code, is amended by striking out "or prostitution offenses" and inserting in lieu thereof: "or obscenity or prostitution offenses".

SEC. 202. FORFEITURE IN OBSCENITY CASES.

(a) In General.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"§ 1467. Criminal forfeiture

"(a) Property Subject to Criminal Forfeiture.—A person who is convicted of an offense involving obscene material under this chapter shall forfeit to the United States such person's interest in—

"(1) any obscene material produced, transported, mailed, shipped or received in violation of this chapter;

"(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

"(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

"(b) Third Party Transfers.—All right, title, and interest in property described in subsection (a) of this section vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) of this section that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(c) Protective Orders.—(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) of this section for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this chapter for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered;

except that an order entered under subparagraph (B) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 10 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(d) Warrant of Seizure.—The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (c) of this section may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"(e) Order of Forfeiture.—The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(f) Executive.—Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order delcaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Disposition of Property.—Following the seizure of property ordered forfeited under this section, the Attorney General shall destroy or retain for official use any property described in paragraph (1) of subsection (a) and shall direct the disposition of any property described in paragraph (2) or (3) of subsection (a) by sale or any other

commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"(h) Authority of Attorney General.—With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) comprise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 1616, title 19, United States Code, of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) Applicability of Civil Forfeiture Provisions.—Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 1468(d) of this title (18 U.S.C. 1468(d)) shall apply to a criminal forfeiture under this section.

"(j) Bar on Intervention.—Except as provided in subsection (m) of this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) Jurisdiction To Enter Orders.—The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) Depositions.—In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitons for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"(m) Third Party Interests.—(1) Following the entry of an order of forefeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within 30 days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, and additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section:

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(n) Construction.—The provisions of this section shall be liberally construed to effectuate its remedial purposes.

"(o) Substitute Assets.—If any of the property described in subsection (a), as a result of any act or omission of the defendant—

"(1) cannot be located upon the exercise of due diligence;

"(2) has been transferred or sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"§ 1468. Civil forfeiture

"(a) Property Subject to Civil Forfeiture.—The following property shall be subject to forfeiture by the United States:

"(1) Any obscene material produced, transported, mailed, shipped, or received in violation of this chapter.

"(2) Any property, real or personal, used or intended to be used to commit or to promote the commission of an offense involving obscene material under this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(3) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from a violation of this chapter involving obscene material, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) Seizure Pursuant to Supplemental Rules for Certain Admiralty and Maritime Claims.—Any property subject to forfeiture to the United States under this section may be seized by the Attorney General upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when the seizure is pursuant to a search under a search warrant. The government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.

"(c) Custody of Attorney General.—Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under any of the provisions of this subchapter, the Attorney General may—

"(1) place the property under seal;

"(2) remove the property to a place designated by him; or

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"(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

"(d) Other Laws and Proceedings Applicable.—All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General or the Postal Service, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.

"(e) Applicability of Certain Sections.—Sections 1606, 1607, 1608, 1609, 1613, 1614, 1617, and 1618 of title 19 shall not apply with respect to obscene material subject to forfeiture under subsection (a)(1) of this section.

"(f) Disposition of Forfeited Property.—Whenever property is forfeited under this section the Attorney General shall destroy or retain for official use any article described in paragraph (1) of subsection (a), and with respect to property described in paragraphs (2) and (3) of subsection (a) may—

"(1) retain the property for official use or transfer the custody or ownership of any forfeited property to Federal, State, or local agency pursuant to section 1616 of title 19;

"(2) sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public; or

"(3) require that the General Services Administration take custody of the property and dispose of it in accordance with law. ,

The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to judicial review. The Attorney General shall forward to the Treasurer of the United States for deposit in accordance with section 524(c) of title 28 the proceeds from any sale under paragraph (2) and any moneys forfeited under this subchapter.

"(g) Title to Property.—All right, title, and interest in property described in subsection (a) of this section shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(h) Stay of Proceedings.—The filing of an indictment or information alleging a violation of this chapter which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(i) Venue.—In addition to the venue provided for in section 1395 of title 28 or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

(b) Clerical Amendments.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by inserting after the item relating to section 1465 the following:

"1467. Criminal forfeiture.
"1468. Civil forfeiture."

(c) Repeal.—The last paragraph of section 1465 of title 18, United States Code, is repealed.

(d) Sexual Abuse of Children.—Sections 2253 through 2254 of title 18, United States Code, are amended to read as follows:

"§ 2253. Criminal forfeiture.

"(a) Property Subject to Criminal Forfeiture.—A person who is convicted of an offense under this chapter involving a visual depiction described in sections 2251, 2251A, or 2252 of this chapter shall forfeit to the United States such person's interest in—

"(1) any visual depiction described in sections 2251, 2251A, or 2252 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter.

"(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

"(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

"(b) Third Party Transfers.—All right, title, and interest in property described in subsection (a) of this section vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) of this section that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(c) Protective Orders.—(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) of this section for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this chapter for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered;

except that an order entered pursuant to subparagraph (B) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 10 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(d) Warrant of Seizure.—The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under section (c) of this section may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"(e) Order of Forfeiture.—The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(f) Execution.—Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Disposition of Property.—Following the seizure of property ordered forfeited under this section, the Attorney General shall destroy or retain for official use any article described in paragraph (1) of subsection (a), and shall retain for official use or direct the disposition of any property described in paragraph (2) or (3) of subsection (a) by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"(h) Authority of Attorney General.—With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petition, for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 1616, title 19, United States Code, of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) Applicability of Civil Forfeiture Provisions.—Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 2254(d) of this title (18 U.S.C. 2254(d)) shall apply to a criminal forfeiture under this section.

"(j) Bar on Intervention.—Except as provided in subsection (m) of this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) Jurisdiction to Enter Orders.—The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) Depositions.—In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 15 of the Federal Rules of Criminal Procedure.

"(m) Third Party Interests.—(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those person so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within 30 days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forefeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forefeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forefeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(n) Construction.—The provisions of this section shall be liberally construed to effectuate its remedial purposes.

"(o) Substitute Assets.—If any of the property described in subsection (a), as a result of any act or omission of the defendant—

"(1) cannot be located upon the exercise of due diligence;

"(2) has been transferred or sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"§ 2254. Civil forfeiture

"(a) Property Subject to Civil Forfeiture.—The following property shall be subject to forfeiture by the United States:

"(1) Any visual depiction described in sections 2251, 2251A, or 2252 of this chapter, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of this chapter.

"(2) Any property, real or personal, used or intended to be used to commit or to promote the commission of an offense under this chapter involving a visual depiction described in sections 2251, 2251A, or 2252 of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(3) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from a violation of this chapter involving a visual depiction described in sections 2251, 2251A, or 2252 of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of any owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) Seizure Pursuant to Supplemental Rules for Certain Admiralty and Maritime Claims.—Any property subject to forfeiture to the United States under this section may be seized by the Attorney General upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when the seizure is pursuant to a search under a search warrant. The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.

"(c) Custody of Attorney General.—Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under any of the provisions of this subchapter, the Attorney General may—

"(1) place the property under seal;

"(2) remove the property to a place designated by him; or

"(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

"(d) Other Laws and Proceedings Applicable.—All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General or the Postal Service, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.

"(e) Sections 1606, 1607, 1608, 1609, 1613, 1614, 1617, and 1618 of title 19, United States Code, shall not apply with respect to any visual depiction or any matter containing a visual depiction subject to forfeiture under subsection (a)(1) of this section.

"(f) Disposition of Forfeited Property.—Whenever property is forfeited under this section the Attorney General shall destroy or retain for official use any property described in paragraph (1) of subsection (a) and, with respect to property described in paragraph (2) or (3) of subsection (a), may—

"(1) retain the property for official use or transfer the custody or ownership of any forfeited property to a Federal, State, or local agency pursuant to section 1616 of title 19;

"(2) sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public; or

"(3) require that the General Services Administration take custody of the property and dispose of it in accordance with law.

The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to judicial review. The Attorney General shall forward to the Treasurer of the United States for deposit in accordance with section 524(c) of title 28 the proceeds from any sale under paragraph (2) and any moneys forfeited under this subchapter.

"(g) Title to Property.—All right, title, and interest in property described in subsection (a) of this section shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(h) Stay of Proceedings.—The filing of an indictment or information alleging a violation of this chapter which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(i) Venue.—In addition to the venue provided for in section 1395 of title 28 or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

(e) Tariff Act Amendment.—Section 305 of the Tariff Act of 1930 (19 U.S.C. 1305), is amended by adding at the end the following:

"(b) Coordination of Forfeiture Proceedings With Criminal Proceedings.—(1) Notwithstanding subsection (a), whenever the Customs Service is of the opinion that criminal prosecution would be appropriate or that further criminal investigation is warranted in connection with allegedly obscene material seized at the time of entry, the appropriate customs officer shall immediately transmit information concerning such seizure to the United States Attorney of the district of the addressee's residence. No notice to the addressee or consignee concerning the seizure is required at the time of such transmittal.

"(2) Upon receipt of such information, such United States attorney shall promptly determine whether in such attorney's opinion the referral of the matter for forfeiture under this section would materially affect the Government's ability to conduct a criminal investigation with respect to such seizure.

"(3) If the United States attorney is of the opinion that no prejudice to such investigation will result from such referral, such attorney shall immediately so notify the Customs Service in writing. The appropriate customs officer shall immediately notify in writing the addressee or consignee of the seizure and shall transmit information concerning such seizure to the United States attorney of the district in which is situated the office at which such seizure has taken place. The actions described in paragraphs (1) through (3) of this subsection shall take place within sufficient time to allow for the filing of a forfeiture complaint within 14 days of the seizure unless the United States attorney of the district of the addressee's residence certifies in writing and includes specific, articulable facts demonstrating that the determination required in paragraph (2) of this subsection could not be made in sufficient time to comply with this deadline. In such cases, the actions described in paragraphs (1) through (3) of this subsection shall take place within sufficient time to allow for the filing of a forfeiture complaint within 21 days of seizure.

"(4) If the United States attorney for the district of the addressee's residence concludes that material prejudice to such investigation will result from such referral, such United States attorney shall place on file, within 14 days of the date of seizure, a dated certification stating that it is the United States attorney's judgment that referral of the matter for forfeiture under this section would materially affect the Government's ability to conduct a criminal investigation with respect to the seizure. The certification shall set forth specific, articulable facts demonstrating that withholding referral for forfeiture is necessary.

"(5)(A) As soon as the circumstances change so that withholding of referral for forfeiture is no longer necessary for purposes of the criminal investigation, the United States attorney shall immediately so notify the Customs Service in writing and shall furnish a copy of the certification described in paragraph (4) above to the Customs Service.

"(B) In any matter referred to a United States attorney for possible criminal prosecution wherein subparagraph (54)(A) does not apply, the United States attorney shall immediately notify the Customs Service in writing concerning the disposition of the matter, whether by institution of a prosecution or a letter of declination, and shall also furnish a copy of the certification described in paragraph (4) of this subsection to the Customs Service.

"(C) Upon receipt of the notification described in subparagraph (A) or (B) of this paragraph, the appropriate customs officer shall immediately notify the addressee or consignee of the seizure and shall transmit information concerning the seizure, including a copy of the certification described in paragraph (4) above and a copy of the notification described in subparagraph (A) or (B) of this paragraph, to the United States attorney of the district in which is situated the office at which such seizure has taken place, who shall institute forfeiture proceedings in accordance with subsection (a) hereof within 14 days of the date of the notification described in subparagraph (A) or (B) above. A copy of the certification described in paragraph (4) above and a copy of the notification described in subparagraph (A) or (B) of this paragraph shall be affixed to the complaint for forfeiture.

"(c) Stay on Motion.—Upon motion of the United States, a court, for good cause shown, shall stay civil forfeiture proceedings commenced under this section pending the completion of any related criminal matter whether in the same or in a different district.".

SEC. 203. CABLE TELEVISION OBSCENITY.

(a) Findings.—The Congress finds that—

(1) cable television programming is routinely transmitted from transmitting facilities in one State to locations in other States and in foreign countries;

(2) cable and subscription television programs are routinely relayed in interstate or foreign commerce via satellities;

(3) operators of cable and subscription television services routinely make available to their subscribers movies and other programs that have been produced in a manner that involves interstate or foreign commerce and have been shipped or transported in interstate or foreign commerce;

(4) the equipment necessary to provide cable and subscription television service to consumers and television sets capable of receiving cable transmissions and subscription television programming are all routinely shipped and transported in interstate commerce and foreign commerce;

(5) a national market exists for all types of programming available via cable and subscription television, and this market involves the use of the channels of interstate and foreign commerce;

(6) production and distribution of cable and subscription television programming that is entirely within a single State has an impact on the national market for such programming;

(7) the proliferation of cable and subscription television outlets requires more effective safeguards against obscene cable and subscription programming; and

(8) the harm caused by obscene television programming combined with the interstate nature of such programming requires that the Federal Government must assist the States in their efforts to combat it.

(b) New Offense.—Chapter 71 of title 18, United States Code, is amended by inserting after section 1464, the following:

"§ 1464A. Distributing obscene material by cable or subscription television

"(a) Whoever knowingly utters any obscene language or distributes any obscene matter by means of cable television or subscription services on television, shall be punished by imprisonment for not more than 2 years or by a fine in accordance with this title, or both.

"(b) As used in this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite, or to produce or provide material for such distribution.

"(c) Nothing in this chapter, or the Cable Communications Policy Act of 1984, or any other provision of Federal law, is intended to interfere with or preempt the power of the States, including the political subdivisions thereof, to regulate the uttering of obscene or indecent language or the distribution of obscene or indecent matter, of any sort, by means of cable television or subscription services on television, in a manner which is not inconsistent with the Constitution.".

(c) Clerical Amendment.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding after the item relating to section 1464 the following:

"1464A. Distributing obscene material by cable or subscription television.".

SEC. 204. COMMUNICATIONS ACT AMENDMENT.

Paragraphs (1) through (2) of subsection 223(b) of the Communications Act of 1934 (47 U.S.C. 223) are amended to read as follows:

"(1) Whoever, knowingly—

"(A) in the District of Columbia or in interstate or foreign communication, by means of telephone, makes (directly or by recording device) any obscene communication for commercial purposes, of makes any indecent communication for commercial purposes to any person under 18 years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed such call; or

"(B) permits any telephone facility under such person's control to be used in an activity prohibited by subparagraph (A),

shall, in the case of an obscene communication be fined in accordance with the provisions of title 18 or imprisoned not more than 2 years, or both, and in the case of an indecent communication shall be fined not more than $50,000 or imprisoned not more than 6 months, or both.

"(2) It is a defense to a prosecution under this subsection for a violation involving an indecent communication to persons 18 years of age or older in accordance with procedures the Commission shall prescribe by regulation.".

SEC. 205. POSSESSION AND SALE OF OBSCENE MATTERS IN FEDERAL JURISDICTION OR ON FEDERAL PROPERTY.

(a) In General.—Chapter 71 of title 18, United States Code, is amended by inserting before section 1461 the following:

"§ 1460. Possession and sale of obscene matter on Federal property

"(a) Whoever, either—

"(1) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States; or

"(2) in the Indian country as defined in section 1151 of this title,

knowingly sells or possesses with intent to sell an obscene visual depiction or a visual depiction of a minor engaging in or assisting another person to engage in sexually explicit conduct, shall be punished by a fine in accordance with the provisions of this title or imprisoned for not more than 2 years, or both.

"(b) Except as provided in subsection (c), whoever, in an area described in subparagraph (1) or (2) of subsection (a) knowingly possesses an obscene visual depiction or a visual depiction of a minor engaging in or assisting another person to engage in sexually explicit conduct shall be punished by imprisonment for not more than 6 months or a fine of not more than $5,000 for an individual or $10,000 for a person other than an individual, or both.

"(c) Subsection (b) shall not apply in the case of a person who possesses an obscene visual depiction in any place where such person lives or resides.

"(d) For the purposes of this section—

"(1) the term 'visual depiction' includes undeveloped film and videotape but does not include mere words; and

"(2) the terms 'minor' and 'sexually explicit conduct' have the meaning given those terms in chapter 110 of this title.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding before the item relating to section 1461 the following:

"1460. Possession and sale of obscene matter on Federal property.".

SEC. 206. ELECTRONIC SURVEILLANCE.

Subsection (1) of section 2516 of title 18, United States Code, is amended by redesignating paragraphs (i) and (j) as (j) and (k), respectively, and by adding a new paragraph (i) as follows:

"(i) any felony violation of chapter 71 (relating to obscenity) of this title;".

Mr. HECHT. Mr. President, I am pleased today to join my distinguished colleagues, Senators Thurmond and DeConcini, in sponsoring the Child Protection and Obscenity Enforcement Act of 1988. This legislation encompasses an extremely thorough and complete package which is a direct result of the Reagan administration's deep commitment to address the problem of pornography in this country. I, too, share this deep commitment.

The significance of this bill is tremendous, Mr. President, and when passed by this body, it will continue the commitment of the U.S. Senate to work in a bipartisan manner to ensure that the children of the United States can be, and should be, provided with a safe, prosperous, and, most importantly, crime-free environment in which they can grow into successful and productive members of our society.

Mr. President, this bill is a comprehensive legislative package, implementing many of the recommendations of the Final Report of the Attorney General's Commission on Pornography. It strengthens many of the provisions of current law which deal with the most serious and devastating problems facing our Nation's young people. Child pornography is a plague upon this society, but it is a plague which can be destroyed.

This legislation deals with pornography in 11 basic areas under three categories: First, child pornography; second, obscenity; and third, child protection. In addition to strengthening the Federal laws pertaining to child pornography, this proposal would also increase the ability of the U.S. Department of Justice and the related Federal law-enforcement agencies to attack the interstate traffic of pornography and obscenity, while strengthening our ability to control the ever-increasing problems associated with "dial-a-porn" telephone services and "cable-porn" television services.

Mr. President, many of the letters which I have received reflect the concerns and frustrations of parents who so desperately want to be able to raise their their children in a safe and wholesome environment. I would like to share two letters which I have recently received which exemplify the nature of the feelings of my fellow Nevadans.

Chris and Jill Strawn, of Reno, NV, recently wrote to me regarding their concerns about the effects of society upon the lives of their children. As expectant parents, the Strawns feel that

> Rampant pornography is a detriment to the efforts of parents, teachers and others who are striving to raise children of character and moral substance.

Mr. and Mrs. Strawn voiced their view that child pornography

> Is a terrible threat to our safety as its victims are innocent and helpless.

Mrs. Debra Shultz, of Elko, NV, wrote to me to thank the Members of this body for unanimously passing the Dial-a-Porn Control Act of 1987, and to request unanimous support for the legislative package we are introducing today. Mrs. Shultz cites the destructive nature of those who prey on our children and asked for our support to help secure the rights of freedom and liberty of many innocent young children.

Mr. President, these are but two examples of the overwhelming outcry of support from Nevadans for enactment of this legislation. It is with sincere hope for a strong and wholesome future for the children of Nevada, and of the Nation that I request my fellow colleagues to join in support of this measure.

● Mrs. KASSEBAUM. Mr. President, I rise in support of legislation being introduced today that can help deal in an effective way with the problem of hardcore pornography in our country. The bill is entitled the "Child Protection and Obscenity Enforcement Act of 1988." This legislative package was developed by the Department of Justice and would implement many of the recommendations of the 1986 Attorney General's Commission on Pornography.

As a mother of four, I am particularly concerned about the alarming rate at which child pornography is growing. Pornography is now the third highest profit industry in organized crime after narcotics and gambling. Consequently, it has turned into a highly sophisticated network, exploiting adults and children by the score.

I have been appalled by the spread of pornography. There was a time when this material could only be obtained by consenting adults. Now it is accessible through mass media such as "dial-a-porn" and cable porn operations or unsolicited mail-order letters advertising hardcore video tapes, complete with obscene photographs and language. These materials are now so easily accessible that it has become virtually impossible for parents to keep their children from being exposed to them.

Furthermore, there is more to pornography than just its offensive nature. It also is detrimental to society in general. A number of studies suggest that hardcore pornography may play a part in provoking individuals into acting out illicit sexual behaviors. While it is difficult to make a direct link between exposure to pornography and the acting out of such violent acts, I believe there is enough evidence to suggest a connection.

With legislation of this type there are often legitimate concerns regarding infringement upon an individual's rights to freedom of speech and freedom of information. These are clearly provided by the first amendment of the Constitution, and if I felt this bill denied those rights, I would oppose it. I do not support censorship. What I do support is the enforcement of already existing obscenity laws against the production and commercial trade of illegal material and against the exploitation of children. This legislation is limited to three major areas: Correcting weaknesses and loopholes in existing Federal statutes; updating the law to take into account technologies newly utilized by the pornography industry to distribute illegal obscenity and child pornography; and cracking down on the growth of organized crime in the industry.

In terms of tightening current Federal laws, this bill would prohibit a parent, legal guardian, or other person having custody or control of a minor from selling or otherwise transferring custody or control of that minor for the production of pornography. Second, it would protect minors from use in sexually explicit materials by requiring verifiable recordkeeping with respect to the age and identity of each performer appearing in depictions of "actual sexually explicit conduct." Third, it would make it a criminal offense to receive or possess obscene materials with intent to sell or distribute.

To put the lid on organized crime, child pornography would be made an offense under the racketeer influenced corrupt organization statute. Among other things, this would allow the seizure and forfeiture of profits derived from the offense. There is also included a "syndicate buster" provision which would expand current law to include a prohibition on the use of a "facility or means" of interstate commerce to transport material of this sort. This means a prosecutor would need only prove that a defendant used a facility or means of interstate commerce, such as a truck or car, and not that the defendant actually transported the material in question across State lines as current law prohibits.

To deal with new technologies for the distribution of obscene materials, the bill would prohibit the use of computers to advertise, distribute, or receive child pornography and related information. It would also make it a criminal offense to utter obscene language or distribute obscene matter by cable television or other subscription television services. Along those same lines, it would prohibit the making of obscene telephone calls for commercial purpose to any person, regardless of age, regardless of whether the maker of the communication placed the call, and regardless of whether the communication was made directly or by recorded device.

I think it is appropriate that the Federal Government take strong measures against illicit pornography and child exploitation. I hope my colleagues will join me in support of this bill to combat this problem and help eliminate a modern tragedy in our society.●

● Mr. DeCONCINI. Mr. President, I am honored to join with my distinguished colleague and friend from South Carolina, Senator THURMOND, in introducing the Child Protection and Enforcement Act of 1988. I believe this is one of the most important pieces of legislation ever to be considered by this great body.

Pornography in America is a big business. A very big business. The Justice Department has estimated that pornography sales total nearly $4 billion annually—and that is said to be a conservative estimate. A major part of the pornography network is child pornography and its trappings. Child pornography has become a highly organized, multimillion-dollar industry preying on the youth of our country who are either unable to protect themselves or are induced into participating by those they trust.

The sexual exploitation of any human being, especially those who are young, impressionable and vulnerable, is reprehensible. It is an affront to every individual and to every community that strives to maintain a decent society and to protect its citizens and their fundamental rights. If we are to deal effectively with the problem of pornography, it is essential that we recognize that it victimizes all members of society, regardless of sex, age, race, religion, or social status.

Perhaps the most degrading and revolting aspect of the increased pornography trade that is engulfing decency is child pornography. It is beyond the comprehension of this Senator that men and women would sexually exploit young children. Many of the victims are runaways who have fallen into criminal hands. But studies indicated that a vast number of children under the age of 8 are provided to the pornographers by parents and guardians.

In the fight against pornography the courts have played an ambivalent role. The Supreme Court has consistently held that the first amendment which protects the right to free expression does not protect obscenity. Yet, the judicial system has struggled in its effort to provide a working definition of obscenity and, for practical purposes, pornography. While the debate over the classifying of materials as pornographic or not continues, our children remain victims.

The use of children in the production of pornographic materials is extremely harmful to the physiological, emotional and psychological health of a child. The scars of having to engage in such activity remain forever etched in the youthful victim's mind. Many times the trauma of having to perform in these exploits is never overcome, endlessly tormenting the helpless victim.

Participation in the production of obscene material is not the only form of harm which can come to a child. In today's world kids are bombarded daily by pornographic publications at the local drug store, or by transmittal of pornography over cable television networks, or by obscene materials distributed through the mails and found in the nearby movie theaters. The values of a moral society have taken a back seat to the money-hungry, illegal and immoral sex industry.

Mr. President, for years now I have worked to have this area of social concern addressed. I joined as cosponsor in the successful effort to pass the Child Protection Act of 1984. In addition, I played an instrumental role in the passage of two Missing Children Assistance Acts, and strongly supported reauthorization of the Runaway and Homeless Youth Act. For years I have found myself aligned with the distinguished South Carolina Senator, supporting legislation of this kind. In 1982 Senator THURMOND and I introduced S. 2136 to make illegal the transmission, either over broadcast television or cable television, of obscene, indecent or profane language or material. Today, it is once again heartening to see the distinguished Senator from South Carolina continue to take the lead in the fight for those unable to fend for themselves—our children.

Mr. President, in May 1984 President Reagan signed into law the Child Protection Act of 1984. That law called for the establishment of a national commission to study the scope and nature of pornography in the United States. In July 1986, following 14 months of review, the Commission released its final report suggesting changes in the Federal law. The bill introduced today has been drafted relying on the recommendations of the Commission. As provided by the President in his transmittal message, the purposes of the bill are twofold:

> First, to update Federal law to take into account new technologies and ways of doing business employed by the pornography industry; and second, to remove loopholes and weaknesses in the law, which have given criminals in this area the upper hand for far too long.

The legislation introduced today addresses three key areas of concern: First, sexual exploitation of children through child pornography; second, obscenity provisions; and third, child protection amendments concerning dial-a-porn and cable porn.

In the area of exploitation, the bill as it is now crafted would prohibit the use of computers to advertise, distribute, or receive child pornography and related information. Additionally, this bill would prohibit a parent, legal guardian or one having custody or control of a minor from selling or transferring control of that minor when the person knows the minor would be used for production of pornographic materials. The bill would also require producers and certain distributors of these types of materials to create and maintain verifiable records with respect to age and identity of each performer appearing. If this recordkeeping requirement is not met, the burden of proving the perfomer was not a minor would be on the producer or distributor in any subsequent prosecution. Finally, in the area of exploitation, this bill would make a child pornography violation a predicate offense under the Racketeer Influenced Corrupt Organization [RICO] statute. This would allow, among other things, for the seizure and forfeiture of profits derived from the offense.

The obscenity provisions of this bill would establish the receipt or possession of obscene material, with the intent to sell or distribute, a criminal offense. Also the mere use of a facility or means of interstate commerce to transport obscene materials would be prohibited. This would reduce the burden of proof placed upon the prosecutor from proving the defendant actually transported across State lines to only having to prove the defendant used a facility or means of interstate commerce. Furthermore, this bill would permit criminal and civil asset forfeiture, similar to the asset forfeiture statutes which have been successful in the drug enforcement and racketeering areas.

And the bill would make it a criminal offense to possess or sell obscene visual depiction or child pornography on Federal property. Finally, under this section of the legislation, the Government would be authorized to seek court ordered wiretaps for felony obscenity offenses.

The remainining concerns addressed by this bill include the cable porn and dial-a-porn industries. As the bill is now drafted, the utterance of obscene language or the distribution of obscene material by cable television or other subscription television services would be a criminal offense. Second, the bill would prohibit the making of obscene telephone calls, for commercial purposes, to any person, regardless of age, regardless of whether the maker of the communication placed the call, and regardless of whether the communication was made directly or by recording the communication and replaying it over the phone.

Mr. President, the future of our society, as we know it, may be dependent on the actions taken by this Congress. In the recent history of our Nation the social problem of sexual exploitation has run rampant. The sordid element of society has capitalized on the perversions of the weak, and abused the rights of the moral. Most disturbing of all, the vermin that prey on those who cannot protect themselves have continually exploited the children of our society. The unknowing and unaware have become victims of the unscrupulous and demented.

In years past efforts have been made to combat the societal violations of these miscreants. Legislation has been passed, task forces organized, commissions appointed. Yet unless the battle is continually fought on all fronts, the ground gained in recent times could be lost. The legislation we are introducing today is a needed weapon in the prosecutor's arsenal against child pornography and obscenity.●

● Mr. EXON. Mr. President, I am pleased to rise to join with my good friends, the senior Senator from Arizona, DENNIS DECONCINI, and the senior Senator from South Carolina, STROM THURMOND, to introduce the Child Protection and Obscenity Enforcement Act.

Over the years, I have taken a special interest in protecting our children from the devastatingly evil child pornography trade. I have cosponsored several measures which have become law to crack down on this unseemly enterprise. I am proud that the U.S. Congress has made several major steps in its battle against child pornographers. The Child Protection and Obscenity Enforcement Act continues this effort.

This legislation, which was recently recommended by the President, embraces several proposals which other Members and I have supported for a number of years. These include provisions to prohibit the use of computers for the purposes of child sexual exploitation, to expand the criminal and civil forfeiture laws to cover assets of violators of Federal obscenity laws, and to crack down on so-called "dial-a-porn" operations.

I am hopeful that the Senate Judiciary Committee can complete its review of this legislation in an expeditious manner and that this important bill could be enacted before the end of the 100th Congress.●

Mr. KARNES. Mr. President, it has become unquestionably clear that throughout the country, including Nebraska, our children are being threatened by a social menace, the business of pornography.

In 1987 alone, the U.S. attorney's office in Omaha, NE brought six separate indictments for cases of child pornography. Of these four of the accused pleaded guilty, one committed suicide the night before his arraignment, and one case is still not resolved. These were six cases, in one year, in Omaha, where the U.S. attorney was able to gather enough evidence to prove the crime had been committed.

In addition, in the approximately 3-year period beginning March 1, 1985, the National Center for Missing and Exploited Children received 165 calls regarding sexual exploitation of children in Nebraska. Seventy-six of these calls led to actual cases where there were enough hard facts to investigate the matter further.

Child pornography is obviously a problem. Pornography, in a general sense, is obscene literature, art or photography, with little or no artistic merit. The legal definition of pornography has been the subject of extensive litigation for years in the Federal courts, including the U.S. Supreme Court.

Pornography, as defined by the courts, is either obscene or indecent. To the degree that it is obscene, pornographic material is not protected by the U.S. Constitution. Even though there are many prohibitions on the dissemination of obscene materials under current Federal laws, because of technical loopholes, the statutes are not enforced in many areas, and the trafficking of pornography continues.

Mr. President, we need to update our laws and tighten the legal guidelines relating to the distribution of pornography. This should be done in a way that leaves the free speech guarantees of the U.S. Constitution undisturbed.

Last session, this Senate voted on and passed, by a vote of 98–0, a provision introduced by my distinguished colleague from North Carolina, Senator JESSE HELMS, to outlaw dial-a-porn communications to minors. I voted in favor of this measure because I recognize the need to protect our children from exposure to lewd and disturbing telephone messages. The need for this is increasingly clear.

For example, it is worth noting that in one 24-hour period in May, 1984, 800,000 calls were placed to a single dial-a-porn service. It is not known how many of those calls may have been placed by children. The plain truth about this disgraceful service is that it has grown from a single operation in 1983 into a widespread industry, with operations based all over the country that service every major city.

Today, Mr. President, we have an opportunity to address the laws relating to the regulation and distribution of illicit material on a broader scale. The Child Protection and Obscenity Enforcement Act provides a comprehensive solution to the problems posed by the trafficking of obscene materials and the extent to which this leads to the exploitation of our children. The legislation will give parents some reassurance that their children will not be exposed to obscene or indecent material which contains no educational or cultural merit whatsoever.

We must consider the psychological and moral impact that pornographic material has on our children. The Attorney General's Commission on Pornography has concluded, based on its study of substantial data, that child pornography is a catalyst for depraved behavior among children. In its final report, the Commission stated that "there is substantial evidence that photographs of children engaged in sexual activity are used as tools for further molestation of other children." It has been shown as well that, in a given year, almost every single reported case of child sexual exploitation also involves some degree of adult pornography. The seriousness of this link between pornography and criminal acts cannot be overlooked.

A group located in Lincoln, NE, known as "Citizens Against Pornography of Lincoln, Inc." [CAP], has dedicated a great deal of time and effort to increasing the public awareness of the evil influences of pornography. CAP members serve as coordinators of a statewide network, known as "Network for a Porn-Free Nebraska." Their aim is to protect the moral fabric of communities in Nebraska, through the bonds of the family and the purity of our children.

Mr. President, I would ask unanimous consent to submit for the record the letter I received from the president of CAP which endorses the bill that my distinguished colleagues from South Carolina and Arizona have introduced today, and enlightens us further about the great need for refining our laws in this area. I would ask that my colleagues pay particularly close attention to the sections entitled "Porn Socializes Taboo Ideas" and "Porn Erodes the Sexual Safety of Children."

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITIZENS AGAINST PORNOGRAPHY
OF LINCOLN, INC.,
Lincoln, NE, January 4, 1988.

DEAR NEBRASKA CONGRESSMAN: Some wonderfully encouraging things have been coming out of Washington over the past year to help in the battle against child porn and hard-core obscenity.

One of the most encouraging of these was the recent introduction of The Child Protection and Obscenity Enforcement Act of 1987.

This package of anti-obscenity legislation is powerful enough to significantly deter, it seems to me, both the illegal child porn and hard core obscenity industries in our country.

I am so impressed with its provisions to bring the law up to date with current technology, e.g. prohibition of the use of computers to advertise, distribute and receive child porn. It would prohibit obscenity on cable or any subscription T.V. It would deter organized crime by providing that assets derived from child porn or through violation of obscenity law can be forfeited.

The Law would protect young people by outlawing the buying or selling of children by parents or others to produce pornography. (How sad that it is even necessary to have such a law!) It also protects young people by requiring that verifiable records be maintained of the age and identity of every performer.

We would like to know what your views are of this proposed law, and to encourage you to support it.

I am including a Background Sheet on CAP of Lincoln. We are serving as coordinators of a state-wide network, the NPFN. If you have citizens writing to you, wondering what can be done, you may want to put them in touch with us.

Sincerely,

DIANA NYANGIRA,
President.

BACKGROUND SHEET—CITIZENS AGAINST PORNOGRAPHY OF LINCOLN

Citizens Against Pornography of Lincoln was formed in the Fall of 1984 to fight pornography in all of its forms. It serves as a mobilization tool through which local men and women of a wide range of backgrounds can respond to the harm such materials have on our women, men, young people, families and community. Since 1985, Coach Tom Osborne has been its Honorary Chairman. Five significant aspects of CAP's work are these:

Community Education. CAP provides speakers for civic groups and a broad spectrum of the city's churches. It also publishes a monthly newsletter.

Positive Consumer Pressure Campaign. CAP has identified ten categories of businesses that typically sell porn in Lincoln. It has visited all merchants concerned. Those which have neither print nor video porn can display, if they wish, our red, white and blue "Welcome Sticker". We widely distribute lists of these merchants and encourage the public to reward them with their business. At the same time, the concerned public is encouraged to no longer spend their consumer dollars at businesses which persist in marketing such materials till the materials have been completely removed.

Legislative Change. CAP's Law Committee studies the State's antiobscenity laws and works toward their improvement. For example, the support of legislation increasing child porn penalties, was mobilized by CAP.

Court Watch. Through its research CAP has found that one reason that Cinema X and the Embassy stay in business in Lincoln has not been because of inaction by the police or County Attorney, but because of the very low fines levied by our local judges. These fines, little more than a token wrist-slap, have lacked deterrent effect. For this reason CAP maintains a court watch and keeps people informed of the records of the judges in relevant cases.

Co-ordination of NPFN (Network for a Porn-Free Nebraska). CAP serves as coordinator of the Network for a Porn-Free Nebraska. The NPFN is a state-wide group involved in anti-porn work. CAP provides a bimonthly NPFN Newsletter, and a yearly training/sharing workshop.

Why Do We Care? Sometimes people take a laissez-faire position on this material because they do not actually know what the content of these materials is like and because they feel that, possibly, no one is seriously harmed by them. This after all, is not the kind of material decent citizens are normally acquainted with. This is what our study has found:

Porn Socializes Taboo Ideas. One of the socially taboo ideas to which porn attempts to lend respectability is *incest.* Even in neighborhood convenience stores one can find such material as: "I Screwed My Mother this Summer" in Family Touch. Incest cartoons have been found in popular soft-porn magazines.

Another sexual taboo, *bestiality,* is found in soft, as well as hard porn. Example: Santa Claus having intercourse with this reindeer (Playboy, Jan. 1979).

Porn glamorizes and promotes multiple, uncommitted sexual relationships even though *promiscuity* is high risk behavior for AIDS.

Porn Devalues Women. Women, above all people, are blatantly degraded by pornographic and obscene materials. They are characteristically portrayed and masochistic

and subservient, and of no greater value than their genitals. This kind of devaluation would not be given community tolerance if it were against Blacks, Jews, or other ethnic or religious groups. CAP believes that all members of our community, including women, should be valued as whole human beings—not just what they can be used for.

Porn Erodes the Sexual Safety of Children. Among the most troubling findings is that not only child-porn, but the most widely sold porn magazines, Playboy, Penthouse and Hustler, for many years showed children as suitable sexual objects. Judith Reisman did a study of adult-child sex in these three magazines. The study was funded by the Office of Juvenile Justice and Delinquency Prevention, in cooperation with the American University in Washington, D.C., where Reisman was a researcher. In analyzing the content of these magazines for the period 1953-1984, Reisman found more than 6,000 illustrations of children—most between the ages of 6 and 11.

989 child images were sexually associated with adults

1,225 child images were associated with genital activity

267 child images were associated with sex with animals or objects

592 were associated with specific kinds of force

2,096 juxtaposed the child image with adult sexual body parts or activity

Almost all inferred that the child was unharmed or benefited from sexual assaults; they also inferred that the activity was something that the child desired or sought out.

Both Pornographic and Obscene Materials Make Sexual Violence Against Women More Likely. The Attorney General's Commission on Pornography found that "substantial exposure, even to non-violent porn, will increase the acceptance of the proposition that women like to be forced into sexual practices and . . . that the women who says 'no' really means 'yes'."

This is the classic rape myth: That women like and deserve to be raped—and that even their protests should be disbelieved.

A 1984 study by two University of New Hampshire researchers found that states with the highest readership of pornographic magazines, such as Playboy and Hustler, had the highest rape rates. The study showed that Alaska had the highest rape rate (72 per 100,000 people) and the highest percentage of pornographic magazine readers (⅕ of the state adult population). Colorado, California and Arizona were among the 10 states with the highest correlation between pornographic readership and incidence of rape.

The chance of a woman being raped is increased by these materials and rape now is more than physical damage and emotional trauma. As the AIDS virus increasingly becomes part of the equation, the price of rape can be a death sentence—for the woman as well as for her attacker.

The Supreme Court States Categorically that Obscenity is Not Protected Speech. Some mistakenly believe that all speech is protected by the First Amendment. This is not true. Libel, for example, is not protected speech. Neither is inciting people to riot or the transmission of state secrets. Similarly, obscenity has never been considered protected speech. The legal definition of obscenity is stated in the 1973 Supreme Court case, *Miller* v. *California.* According to the Miller test, material is obscene if:

1. The average person, applying contemporary adult community standards, would find that the work, taken as a whole, appeals to the prurient (lustful, erotic, shameful or morbid) interest.

2. The average person, applying contemporary adult community standards, would find that the work depicts or describes, in a patently offensive way, ultimate sexual acts, normal or perverted, actual or simulated, and masturbation, excretory functions, lewd exhibition of the genitals and sado-masochistic sexual abuse.

3. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

A Comment on CAP's Strategy. In a letter to the Public Mind of the Lincoln Journal (July 28, 1986), Bill Morris, head of the Nebraska Civil Liberties Union, commended CAP's approach. This is what he said:

"In Lincoln, the major anti-pornography group is Citizens Against Pornography. CAP's activities include communicating its views about pornography and boycotting of stores that sell materials its members consider objectionable.

"Although we neither support nor oppose CAP's views about sexually explicit materials, we see no constitutional objections to its activities. *In fact, we applaud its commitment to working towards its goals within the First Amendment's framework.*

"Whatever one's beliefs about sexually explicit materials, the First Amendment protects the right to communicate and act upon these beliefs. It deserves our strong support."

Mr. KARNES. Mr. President, CAP is not alone in its concern about the frequency with which child images appear in pornography in association with adult sexuality. In a study of three widely circulated adult magazines, performed by a researcher from American University and funded by the Office of Juvenile Justice and Delinquency Prevention, the author reveals that, for the period between 1953 and 1984, these magazines contained more than 6,000 illustrations of children—most between the ages of 6 and 11. The analysis shows that 989 of these child images were sexually associated with adults and 1,225 were associated with genital activity.

According to CAP, "almost all of these child images inferred that the child was unharmed or benefited from sexual assaults * * *" and that "* * * the activity was something that the child desired or sought out." Mr. President, we can not let this continue.

The Child Protection and Obscenity Enforcement Act will protect children from being exposed to illicit literature and from being exploited by their parents or guardians against their will, or without even their knowledge, for the purposes of producing pornography that will be sold across State lines. This so-called child slavery should have been outlawed long ago.

Unfortunately, we must contend with more than just photographs of children. I learned recently in reviewing the Attorney General's report that it is possible for anyone to call up a pornographic message on a personal computer. All you need is a computer and a modem which connects to the telephone, and you can then have child pornography at your fingertips. The use of this new technology has heretofore evaded current obscenity laws and would be outlawed with the enactment of this bill.

The findings of the Attorney General's commission on pornography point out the great need for refining our laws in this area, particularly regarding obscenity trafficking. Despite the fact that all forms of obscenity have been outlawed, obscenity trafficking has become a multibillion-dollar market annually. The technology for maintaining this market is state of the art, or close to it—clearly the sign of an industry that is not limited in its resources.

By outlawing the trafficking of such material across State lines, particularly by means of Federally subsidized modes of transportation, this bill addresses a major enforcement problem. Current Federal laws which prohibit the interstate traffic of obscene and pornographic materials place an extremely difficult burden of proof on Federal prosecutors. A prosecutor must demonstrate that State lines have been crossed before being able to prosecute a violator under the current obscenity statutes. This means that prosecutors practically have to follow obscenity traffickers across the country in order to make a successful case. The ways in which these criminals escape detection are endless, and place a great burden on Federal law enforcement officials.

Under the legislation being introduced today, the prosecutor will finally have the law on his side. Any organization or individual that produces obscene material in one State but sells it in another would automatically create a rebuttable presumption that the law has been violated. This provision in the bill would apply to the use of Federal roads, interstate railroads, motor vehicles, boats, airplanes, or other methods for obscenity trafficking across State lines.

Taxpayers will benefit as well, because tax dollars are used to subsidize Federal transportation systems. I presume that I speak not only for Nebraskans, but all Americans, when I say that most taxpayers would be happy to know that their tax dollars are not being used to subsidize interstate transportation systems which are currently the means being used for obscenity trafficking.

Mr. President, there are other significant provisions in this legislation that, together, make it more comprehensive and far-reaching than current law in this area. This bill is a direct result of an exhaustive study commissioned by the President of the United States and conducted by the Attorney General. It provides a much needed response to the growing problem of pornography in our country and the enforcement of existing laws which relate to pornography.

I am cosponsoring this legislation because I believe we need to provide an equal footing for Federal prosecutors to be able to enforce the laws which punish the individuals making millions of dollars from this industry and, who, at the same time, exploit our children. I want to thank my colleagues—Senator Thurmond and Senator DeConcini—for sponsoring this comprehensive legislation to protect our society, and especially our children. After all, the future of our country is our children.

By Mr. CHILES:

S. 2034. A bill to provide financial assistance for programs for prekindergarten students designed to prevent students from dropping out of school, and for other purposes; to the Committee on Labor and Human Resources.

PREKINDERGARTEN EARLY DROPOUT INTERVENTION ACT

● Mr. CHILES. Mr. President, I am pleased to introduce the Prekindergarten Early Dropout Intervention Act of 1988. This bill is designed to complement other legislation, introduced by myself and my colleagues, which is aimed at reducing our Nation's devastating school dropout rate.

I am proud that our Nation is a leader in many, many areas. But there is one category where our Nation leads the deeply troubles me: the rate of school dropouts. While the United States school dropout rate now exceeds 30 percent, the Japanese rate is approximately 10 percent. If the current trend continues, the U.S. school dropout rate will approach 40 percent by the year 2000.

At a time when our Nation's economy demands a better educated and more highly skilled work force, we are losing more and more of our students to the streets. They are lost to truancy, to lethargy, to crime, to teen pregnancy, to drug abuse, and worst of all, to hopelessness. These students, for whatever reasons, opt to drop out of school.

It is well-recognized that school dropouts shortchange themselves in terms of lost opportunities to earn a decent wage, attend college, or make broad choices about their futures. New jobs require high technology and sophisticated language skills; often, a high-school diploma alone is not sufficient today. Imagine the limited choices available to school dropouts. In fact, many end up unemployed or underemployed, on welfare, in prison, or otherwise dependent upon the larger society.

America urgently needs to examine the causes of our dropout problem. Moreover, we need to look at potential solutions—how can we, as a nation, most effectively prevent students from dropping out?

While focusing on teenagers directly is vitally important, more effective dropout prevention could result if we identify at-risk children early during the child's formative years and implement effective intervention during the crucial preschool period. Research demonstrates that acquisition and mastery of certain cognitive and language development skills learned between ages 3 and 5 provide the basis for successful education; many children who lack these skills upon entering school have a greater chance of falling behind their peers and are therefore at greater risk of later dropping out. High quality prekindergarten early intervention programs for dropout prevention which are designed to enhance cognitive and language development increase a child's opportunity to acquire and master skills which will enable him to succeed in school.

Early intervention, including parental education and involvement, can make the difference by transforming potential statistics into productive citizens. As the director of Chicago's Bureau of Early Childhood Programs says, "It's better to intervene early than to remediate later."

At this point, I would like to have printed in the Record an excerpt from the acclaimed report, "Changed Lives: The Effects of the Perry Preschool Program on Youths Through Age 19":

> Early education can lead to increased school success. In the Perry Preschool study, persons who had attended preschool had better grades, fewer failing marks, and fewer absences in elementary school; they required fewer special education services, were more likely to graduate from high school, and were more likely to continue their education or get vocational training after school than their no-preschool counterparts. The picture of detailed and consistent improvement in school performance and placement is also reflected in increased commitment: Those youths who attended preschool had a more favorable attitude toward high school. The economic analysis of these findings indicates that early education can substantially increase the efficiency of later schooling and that the effect of preschool education on school system costs alone is sufficient to cover the cost of early education.
>
> Thus, preschool programs can substantially increase the efficiency of elementary and secondary education, not only by reducing costs but also by increasing effectiveness. In addition to reducing costs, preschool will boost the school performance of children who have a relatively poor prognosis for school success. These children put more into education (school commitment) and they get more out (school achievement, educational attainment). On a large scale, improving the educational process for disadvantaged children seems likely to benefit all students by raising the average level of commitment and achievement in the environment in which education takes place.
>
> Preschool offers the educational system and the society that funds it a way to allocate educational funds that is economically efficient as well as equitable. Even without counting the inherent benefits to the children and their families from increased school success, we may judge preschool to be a sound social policy investment on the basis of its effects on educational costs alone.

My bill, the Prekindergarten Early Dropout Intervention Act of 1988, proposes to reduce the number of children who later drop out of school through the provision of high quality, effective early intervention programs for 3- and 4-year-olds. These programs are designed to enhance the cognitive and language development skills of at-risk children, thus increasing the opportunity for them to acquire and master those tasks which will enable them to succeed in school.

Under my measure, local education agencies, community based organizations, and nonprofit private organizations meeting specified criteria will be eligible for grants to establish:

First, model programs for early identification of prekindergarten children between the ages of 3 and 5 who are at high risk of dropping out of school, and

Second, effective model prekindergarten early dropout prevention programs.

In order to be eligible to receive a grant, the applicant must demonstrate that the program contains certain components. This is to assure that the program receiving Federal funds will be of high quality. Program components include: evidence that the applicant has the authority and capacity to conduct the program; a parental involvement segment, including outreach activities; educationally based activities which focus on the development of cognitive and language development skills; qualified instructional personnel; staff development activities; coordination of the program with other prekindergarten programs in the community; and data collection and meaningful evaluation of the program's effectiveness.

Grant proposals are to be submitted to the Secretary of Education, who will determine if criteria have been met.

Authorized appropriations include $25 million for fiscal year 1988 and such sums as may be necessary for fiscal year 1989 and fiscal year 1990. No grant shall be awarded in excess of $300,000.

A limitation is placed on the amount of Federal dollars funding this program. The Federal share of a grant under this title shall not exceed 90 percent of the total program cost in the first year, 70 percent in the second year, and 50 percent in the third year. The non-Federal share may be in cash or in-kind, fairly evaluated, including plant, equipment, or services. These funding restrictions are intended to

limit the Federal role to guidance, rather than full, financial responsibility.

Mr. President, stemming the tide of school dropouts is clearly to everyone's advantage. We can avoid paying many times over in terms of welfare payments, teen pregnancies, prison beds, lost revenues, and underutilized minds if we invest a relatively small amount now. This is the big selling point of early intervention: we are not only helping at-risk children, but saving our country much grief and trouble in the long run. I ask my colleagues to examine this legislation and join me in making America more competitive for the future by helping to reduce the number of school dropouts.●

By Mr. HEFLIN (for himself, Mr. Helms, Mr. Cochran, and Mr. Pryor):

S. 2035. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AMENDMENTS

Mr. President, I am very pleased to introduce, along with Senators Helms, Cochran, and Pryor, the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1988.

This bill proposes nothing that has not been considered by the Congress in the very recent past. These amendments to the Federal pesticide law are the same ones that were reviewed by three separate Senate committees last year. They have passed the Senate once, and passed the House twice. They have gone through House-Senate conference, have passed the House once again, and were presented to the Senate in the final hours of the last Congress. These amendments are identical to those currently being considered by the House, and include provisions that the House leadership plans to add regarding patent restoration, farmer liability, and food tolerances.

As many of my colleagues are already aware, the legislative initiatives of last year were the product of an historic agreement between a coalition of environmental, labor, and consumer organizations, the agricultural chemical industry, and agricultural producers. Final legislation failed to become law only because time ran out at the end of the 1986 session on efforts to resolve a few remaining issues. Unfortunately, because these same problems still plague the legislative process, the prospects of the adoption of constructive changes to FIFRA remain uncertain.

I believe that this opportunity to make changes in the Federal pesticide law should not be lost. We cannot afford to allow the difficult compromises forged last year to escape us. Accordingly, the bill we now introduce comes the closest to meeting the needs of all parties and most closely resembles the legislation which had progressed the farthest in the legislative process during the last Congress.

The bill is far from perfect. However, the technical, legal and economic issues in pesticide regulation are complex and any opportunity to achieve a compromise should not be lost. I am concerned that further efforts to accomplish additional changes in the law would destroy the delicate balance of concessions achieved last year and would endanger the success of this important legislation.

This bill contains a number of sweeping changes to FIFRA. It includes, for example, provisions to speed up the reregistration of older pesticides that could otherwise be postponed until sometime in the next century. It includes important measures to deal with pesticides in ground water and food. It provides faster procedures to remove pesticides from the market that present an unreasonable risk to the health of individuals and to the environment. In short, the bill carefully balances the interests of agricultural growers and ranchers, consumers, and environmental interests.

Mr. President, this bill offers a moderate and balanced approach to amending FIFRA. It recognizes the importance of pesticide in agriculture and in providing Americans and the world with an abundant supply of food. I look forward to working with my colleagues in successfully amending FIFRA in this Congress.

Mr. HELMS. Mr. President, Senator Heflin and I introduce today legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act. This is legislation, with minor changes, that the Senate considered last year—a historic measure that culminated 2 years of often heated negotiations and compromise of many interests.

Last year's bill was endorsed by the National Chemicals Association, a coalition of 41 environmental and labor groups, and the American Farm Bureau. I am confident that when Senators have had time to examine this package, we will have even greater support.

Mr. President, I ask unanimous consent that a letter from the North Carolina Farm Bureau be included in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

North Carolina
Farm Bureau Federation,
Raleigh, NC, July 27, 1987.

Hon. Jesse Helms,
U.S. Senate, Dirksen Office Building, Washington, DC
Attn: Mark Fleming.

Dear Senator Helms: Senators Leahy and Lugar have introduced S. 1516, legislation to amend the Federal Insecticide, Fungicide and Rodenticide Act. Though we have not yet seen a copy of the bill, the summary information we have received causes us concern.

The major provisions which Farm Bureau sought in FIFRA legislation during the 99th Congress are not contained in S. 1516. We feel very strongly that such provisions are reasonable, responsible and in the public interest to be included in any amendments to the Act. Those provisions are as follows:

1. Farmer protection from liability must be provided under federal law if pesticides have been lawfully applied. Specifically, we want to make sure that farmers will not be held liable under federal law for such things as having to provide drinking water supplies if farmers have used the pesticide in accordance with EPA approved label instructions.
2. National uniform tolerances for pesticide and herbicide residues must be established. States should not be permitted to establish pesticide residue tolerances different from those established by the EPA.
3. Groundwater protection provisions should strike a balance that provides protection for groundwater resources while ensuring that farmers will be able to responsibly use the necessary agricultural chemicals needed to protect crops.
4. The indemnification provision of current law which provides that a farmer be reimbursed for the value of any unused pesticides in his possession on which EPA suspends or cancels registration must be continued. S. 1516 makes indemnification subject to a special appropriations process by the Congress which will be difficult to achieve on a situation-by-situation basis. The current indemnification provision affords the farmer some financial protection against an arbitrary suspension or cancellation by EPA.

Senator, we believe the four points outlined above to be reasonable and fair to farmers and the public. We, therefore, ask your help in getting these provisions included in S. 1516 during markup by the Senate Committee on Agriculture, Nutrition and Forestry.

Sincerely,

W. B. Jenkins,
President.

Mr. President, the House FIFRA bill, H.R. 2463 is identical to this bill, but it is missing three important provisions—several are mentioned in the North Carolina Farm Bureau letter.

First, strong farmer liability language—the language we use is endorsed by the American Farm Bureau Federation and is similar to that language worked out last year in the so-called October 16 compromise.

Second, national uniformity language—we use the language from the October 16 compromise. The national uniform tolerance language was attached to the Senate FIFRA bill last year and approved by the Senate Agriculture Committee.

A third issue-not in the House bill but included in our bill is patent term restoration. This is the same as the Senate version this year and the October 16 compromise language last year.

The end product we are introducing is in the best interest of farmers. I am confident that the full Agriculture

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Committee will support the bill when we begin markup.

For Senators who really want a FIFRA bill from this Congress, this compromise legislation has the best chance of passing. It is the same bill, with minor changes, that was passed by the House last year—and introduced on the House side this year. I believe we can pass this bill in the Senate and there will be few, if any differences to be worked out in conference.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. GRASSLEY, and Mr. MCCLURE):

S. 2036. A bill to redefine "extortion" for purposes of the Hobbs Act; to the Committee on the Judiciary.

HOBBS ACT AMENDMENTS

Mr. THURMOND. Mr. President, this legislation is intended to amend the Hobbs Anti-Racketeering Act, to reverse the Supreme Court's decision in United States versus Enmons, and address a long-term, festering problem under our Nation's labor laws. The United States regulates labor relations—union organizing and collective bargaining—on a national basis. Our labor management policies are national policies. They are enforced by laws such as the National Labor Relations Act that Congress designed to preempt comparable State laws.

When it comes to the problem of labor union violence, however, the National Labor Relations Board appears extremely reluctant to deal with it. Although labor violence is a widespread problem in labor management relations today, our Government is unwilling to deal with it. The most glaring example of this governmental reluctance is what the U.S. Supreme Court did when it rendered its decision in United States versus Enmons in 1973. It is this decision which this bill is intended to rectify.

The Enmons decision involved the Hobbs Anti-Racketeering Act. The Hobbs Act is intended to prohibit extortion by labor unions. It provides that:

> Whoever in any way * * * obstructs, delays, or affects commerce in the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires to do so or commits or threatens physical violence to any purpose or property * * *

commits a criminal act. This language is very clear. It outlaws extortion by labor unions. It outlaws violence by labor unions.

The problem, however, is that the Supreme Court in Enmons created an exemption which says that as long as a labor union commits extortion and violence in furtherance of legitimate collective-bargaining objectives, no violation of the act will be found. In other words, if the end is correct, the means to that end, no matter how reprehensible, will not result in a violation of the act.

The Enmons decision is wrong. This bill will make clear that the Hobbs Act is intended to punish the actual or threatened use of force or violence to obtain property irrespective of the legitimacy of the extortionist's claim to such property and irrespective of the existence of a labor-management dispute.

Let me describe the Enmons case.

In that case, the defendants were indicted for firing high-powered rifles at three utility company transformers, draining the oil from a company transformer, and blowing up a transformer substation owned by the company—all done for the purpose of obtaining higher wages and other employee benefits from the company for the striking employees. The indictment was, however, dismissed by the district court on the theory that the Hobbs Act, 18 U.S.C. 1951, did not prohibit the use of violence in obtaining "legitimate" union objectives. On appeal, the Supreme Court affirmed.

The Supreme Court held in Enmons that the Hobbs Act does not proscribe violence committed during a lawful strike for the purpose of achieving legitimate collective bargaining objectives, like higher wages for genuine services that the employer seeks. By its focus on the motives and objectives of the property claimant who uses force or violence to achieve his goals, the Enmons decision has had several unfortunate results which make legislation overturning it necessary. It has deprived the Federal Government of the ability to punish significant acts of extortionate violence when they occur in a labor-management context. Although other Federal statutes proscribe the use of specific devices or the use of the channels of commerce in accomplishing the underlying act of extortionate violence, only the Hobbs Act proscribes a localized act of extortionate violence whose economic effect is to disrupt the channels of commerce. Other Federal statutes are not adequate vehicles of avoiding the full effect of the Enmons decision.

Although we should support the efforts of State and local law enforcement authorities in their attempt to punish labor-management violence by the means which are available to them, the Federal Government has a responsibility to assist State and local authorities in those instances of serious, extortionate violence which disrupt the collective bargaining process, just as the Federal Government is able to provide assistance in other situations where the underlying acts of violence are also violations of State law. [*See United States* v. *Culbert*, 435 U.S. 371 (1987) (application of Hobbs Act to bank extortion).]

The rationale of the Enmons decision is not consistent with Federal labor law. Although Enmons states that the "wrongful" use of force, violence, or fear under the Hobbs Act is judged by the standard of "wrongful" goals, the use of force or violence itself, quite apart from the user's ultimate objectives, is "wrongful" under Federal labor law.

By focusing on the legality of the goal, rather than the activity itself, the Enmons decision can lead to inconsistent results. Federal labor law affords disparate treatment to different industries and economic interest which may often have no relationship to whether disputes in those industries may be accompanied by violent injury to persons and property. For example, the National Labor Relations Act, as amended, generally outlaws the making of economic demands of neutral employers who are not parties to the primary labor dispute, but exempts the garment and construction industries from those restrictions in certain cases. Thus, an individual who might be prosecuted under the Hobbs Act for threatening to kill someone in furtherance of an illegal secondary boycott in the automobile industry, could not be prosecuted for the same conduct in the garment or construction industry where the boycott would not be illegal.

Perhaps the most objectionable thing about the Enmons decision is that it affords to parties to labor-management disputes an exemption from the statute's broad proscription against violence which is not available to any other group in society. This bill would make clear that the Hobbs Act punishes the actual or threatened use of force and violence which is calculated to obtain property without regard to whether or not the extortionist has a colorable claim to such property and without regard to his status as a labor representative, businessman, or private citizen.

Attempts to rectify the injustice of the Enmons decision have been before the Senate on several occasions. Shortly after the decision was handed down, a bill was introduced which was clearly drafted with the intent of repudiating the decision, and over the next several years attempts were made to come up with language which was acceptable to organized labor and at the same time restore the original intent of the Hobbs Act.

On May 2, 1977, Senators MCCLELLAN and KENNEDY introduced S. 1437, the Criminal Code Reform Act of 1977. This bill represented a proposed compromise on several controversial and important points, the lack of agreement on which had kept prior bills from moving through the legislative process. The extortion offense, however, was again simply defined, as obtaining property of another "(1) by threatening or placing another person

in fear that any person will be subject to bodily injury or kidnapping or that any property will be damaged; or (2) under color of official right."

The committee report on S. 1437 contains an excellent summary of the then existing law with respect to extortion under the Hobbs Act and indicates approval of the judicial decisions holding that "fear" under the statute applies not only to fear of physical violence but also fear of economic harm to the victim's property or business. Moreover, the report is unequivocal in its repudiation of the Enmons "legitimate objectives" rationale. Noting that such an exception had not been recognized with respect to extortion by other persons, the committee felt that labor union officials were not entitled to such a privileged treatment:

> The thrust of an extortion statue should be to punish violent extortionate means to obtain the property of another regardless of the legality of the ends sought, and this principle should apply in the collective bargaining context as well as elsewhere. Thus, an employer who blows up a union office or causes a union official to be assaulted in order to instill fear and thereby obtain property of the union ought to be guilty under the Act irrespective of whether the property could have been obtained lawfully through collective bargaining. And the same should be true in the reverse situation. Accordingly, the Committee has proposed in effect to overturn the Enmons result by treating the parties engaged in a labor dispute no differently from other persons in terms of the applicable prohibition under this section, which is limited to extortionate means involving actual or threatened violence.

The committee report, however, also responded to the concerns expressed by the Enmons Court that minor acts of picket line violence might, but for a narrow reading of the statute, be elevated into a federal felony. The report noted that:

> In the Committee's view such acts do not fall within the purview of the Hobbs Act (Nor should they be Federally punishable) since there is no intent thereby to obtain the employer's property through the use of force and the acts do not in fact cause the employer to part with his property; in short, such isolated acts of violence do not partake of the nature of extortion.

Later in that Congess, Senator KENNEDY and I introduced an amendment to S. 1437 which is similar to the bill being introduced today. At that time I noted that:

> This amendment would add a "proof" subsection designed to prevent a trial judge from holding that, in a case described in the new subsection, mere proof that personal injury or property damage occurred during a labor dispute constitutes a sufficient showing of the causal relationship between the obtaining of property and the threat of fear based on that injury or damage to justify submission of that issue to the jury. It prevents such a holding directly, by providing that proof of the coincidence of the labor dispute and the injury of damage in such a case is not "prima facie evidence" of the causal relationship. It is true, of course, that such a causal relationship sometimes does exist where injury or damage occurs during a labor dispute. This proposed subsection however, is based on the belief that where there is a cause and effect relationship, or the intent to obtain property by means of a threat or fear resulting from injury or damage, it should be possible to prove, in addition to that coincidence, some other circumstances adding to the strength of the inference of causation.
>
> The proposed subsection does not address the question of which particular additional circumstance or circumstances, when proven along with that coincidence, will suffice to justify the submission of the issue to the jury. One which clearly would be sufficient in many cases to avoid a directed verdict is the circumstance that the defendent was, or conspired with, a person negotiating on behalf of the union involved in the labor dispute. The same result might obtain where the repetitive or systematic nature of property damage, or its exact timing, contributed to an inference, based also on the fact that a labor dispute was pending at the time the damage was done, that the damage was purposeful rather than mindlessly vindictive.

The amendment was adopted, and S. 1437 passed the Senate on January 30, 1978; however, the bill was allowed to die in the House. The Senate should again restate its opposition to violence in labor disputes.

Mr. President, violence has no place in our society, regardless of the setting. Our national labor policy has always been directed toward the peaceful resolution of labor disputes. It is ironic that the Hobbs Act, which was enacted in large part to accomplish this goal, has been virtually emasculated. The time has come to change that. I think that my colleagues on both sides of the aisle share a common concern that violence in labor disputes, whatever the source, should be eliminated.

By Mr. GLENN (for himself, Mr. STEVENS, and Mr. CHILES):

S. 2037. A bill to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President; to the Committee on Governmental Affairs.

PRESIDENTIAL TRANSITIONS EFFECTIVENESS ACT

Mr. GLENN. Mr. President, I rise to introduce the Presidential Transition Effectiveness Act of 1988. This bill reflects an effort by the Governmental Affairs Committee to ensure that future transitions, including the coming 1988 transition, are properly funded and supported.

It has been 12 years since Congress last adjusted the funding levels in the 1963 Presidential Transition Act. That act was passed to provide for the smooth transfer of power between administrations, originally providing $450,000 to the incoming Presidential administration to cover the costs of preparing for the assumption of office—for example, staff, office space, and travel. The General Services Administration was made responsible for making sure all of the expenses were legitimate.

Prior to 1963, transitions were private affairs. The President-elect either had to raise the money for the transition by himself or rely on the national party committees. Congress took note of the problem in passing the Presidential Transition Act, expressing its view that transitions were public in nature, and that the legitimate costs of a transition ought to be covered in large part by Government funds. The funding allotment under the act was raised to $2,000,000 in 1976, where it remains today.

Obviously, we will have a Presidential transition in 1988. The question for us is whether the incoming administration will have the resources to prepare itself for office, whether we can make several changes today that will help not just the next President-elect, but Presidents-elect far into the future.

Funding is a key concern. Accounting for the effects of inflation, the $2,000,000 provided to President-elect Carter in 1976 is worth roughly $1.2 million today. Unlike the Federal election fund, which has grown automatically from $20 million in 1976 to $44 million today, Presidential transition funds are not indexed to rise with inflation. As a result, the next President-elect will almost certainly have to raise private money to cover some of the costs of the transition.

Even if Congress were to increase the public contribution to cover the inflation-adjusted costs of transitions, some private money is likely to be raised in the absence of any prohibition on such. Should such funds be subject to some regulation? Under current Federal election regulations, for example, Presidential candidates are required to submit detailed reports on all private cash contributions to the Federal Election Commission.

In contrast, during both the pre- and post-election period, there are absolutely no restrictions whatsoever on private money for Presidential transitions. The question is whether the lack of any disclosure undermines the public controls which exist under the Federal Election Campaign Act. It does not appear to make sense to control the flow of private cash during the election campaigns only to open the door for undisclosed contributions either for transition planning during the pre-election period or for the transition itself after the election is over.

The committee examined these and other issues in hearings last September and October. As a result of those hearings, and close consultation with past transition officials in both parties, I have concluded that Congress should amend the 1963 Presidential

Transition Act to address serious shortcomings in the way we fund and manage the transfer of power between administrations. That is why I am introducing the Presidential Transition Effectiveness Act today.

The act deals with two basic concerns raised in the hearings.

The first issue is whether we are providing enough support to cover the legitimate public costs of Presidential transitions. The answer is clearly no. At a minimum, it is time to adjust the public contribution to cover the impact of inflation. Under my bill, we would increase the public allotment to $3,500,000 while adding an automatic inflator to cover future cost increases in Presidential transition expenses.

As a result, it should be easier for Presidents-elect to conduct an effective postelection transition. The President-elect should not have to hire a fundraiser as his first act after the election.

I should note that $3,500,000 does not completely cover the effects of inflation since the 1963 Presidential Transition Act was last adjusted upward. According to the General Accounting Office, the true inflation-adjusted figure would be about $4,000,000. However, the budgetary realities are clear. Future Presidents-elect must share in the sacrifice needed to get our financial house in order, too.

In addressing the funding issue, we must also take note of the near-unanimous agreement among Carter and Reagan transition officials that a President-elect must undertake at least some advance planning during the general election campaign. A President-elect cannot wait until the morning after the election to start planning for the transition. In order for the President-elect to "hit-the-ground-running," the candidate must lay the administrative groundwork before the campaign is over.

It is important to note that such pre-election planning is by nature ministerial, not political. Decisions must be made about how to structure a personnel process for selecting the 3,000 or so people who will be appointed to the new administration. Initial contact must be made with the General Services Administration about office space and design. Choices must be made about the transition's operational and decisionmaking structure. These choices may seem mundane, but they need to be made nonetheless.

I believe that such pre-election transition planning is a legitimate cost of a presidential transition, and, therefore, that it ought to be covered at least in part by public funds. Under current Federal election regulations, however, a candidate may not use public campaign funds for transition planning. Jimmy Carter and Ronald Reagan were forced to raise private funds for their preelection transition efforts. However, as with postelection private contributions, such preelection transition planning money is not currently subject to any disclosure regulation.

A relatively small amount of preelection public funding can do the job, thereby relieving the candidates from having to raise private cash for transition planning. Under my bill, the major national party committees, or their designees, would be entitled to reimbursement of up to $200,000 in qualified transition planning expenses occuring in a period between the respective nominating convention and the general election.

Under the bill, only those national parties whose presidential candidate received 25 percent of the popular vote in the previous presidential election would qualify for transition planning reimbursement. For 1988, that means the Democratic and Republican national committees or their designees. It is my intent that such reimbursement only be given to those parties whose candidates have a reasonable chance of benefiting from the planning activity. The General Services Administration would be responsible for approving the reimbursements.

The national parties are the logical place for this kind of ministerial transition planning activity. I believe that transition planning by the national party committees would both strengthen the governance process and create a longer-term institutional memory on transition operations and management. It would also help close the gap between Presidential candidates and their parties a bit.

It is important to note that this legislation does not create a cash grant to the parties or their designees. Rather, it provides only for reimbursement, subject to the approval of the Administrator of General Services. Such a reimbursement mechanism will guard against the use of any preelection transition funds for electioneering. The General Services Administration has been in the postelection transition business for 30 years, and appears quite capable of telling the difference between transition planning and campaigning.

The second question this legislation addresses is whether there is a need to regulate private money contributions for preelection and postelection transition activities, and whether there is a need for public disclosure of basic information on the President-elect's transition team. The answer is yes on all counts.

There is little doubt that private money has grown inceasingly important to Presidential transitions. Presidents Nixon, Carter, and Reagan all raised private funds for their transitions. In 1968, Nixon raised $1 million in private funds to supplement the $450,000 already available under the 1963 Presidential Transition Act. In 1976, Carter raised $150,000 for his pre-election transition planning, but stayed well within the $2 million public allotment available under a 1976 amendment to the Presidential Transition Act. In 1980, Reagan raised approximately $1.25 million for both his pre-election and post-election transition activities.

Currently, there are no regulations covering private funding for Presidential transitions, whether during the pre-election period or following the general election. Whereas the Federal Election Campaign Act regulations require a close accounting of every penny of private contributions for electioneering, there is no regulation requiring even the slightest disclosure on private money for transitioning. Whereas every penny of private contributions for Presidential campaigning are disclosed, inspected, audited, reviewed, analyzed, and digested, none of the private money given for transitions is subject to even the slightest review. Such review is impossible given the fact that private transition money is not even disclosed. I believe this loophole in our campaign financing regulation must be closed.

The potential problems with the current scheme are clear. The lack of disclosure in the pre-election period undermines the efficacy of the Federal election rules, providing a loophole for money that might otherwise have to be disclosed in the campaign. The absence of disclosure in the post-election period creates the appearance, if not the substance, of conflicts of interest during what is clearly a very sensitive period in the policymaking and personnel process.

At a minimum, I believe that we should require disclosure of the sources, amounts, and expenditures associated with all private money contributions for both pre-election transition planning and the post-election transition itself. Under my legislation, in return for the reimbursement provided for pre-election transition planning, the national party committees or their designees would be required to make such a disclosure within 90 days after the election.

Similarly, in return for the $3,500,000 in public transition support, the President-elect would be required to make such a disclosure within 90 days after the inauguration. In general, these records are already kept—albeit in an undisclosed fashion—and should be relatively easy to assemble for meeting this reporting requirement. Thus, I do not believe the disclosure constitutes an unacceptable burden on either the national party committees or the President-elect. Given the potential for hidden conflicts of interest under our current arrangement, I believe the benefits clearly outweigh the costs.

This need for public disclosure also applied to those individuals who join the President-elect's transition teams. As the number of people who participate in the transition has increased, so has the confusion within Federal agencies. In 1980-81, for example, there were almost 1,000 people involved on the Reagan transition teams. Without some disclosure of just who was and was not a member of each team, and without an indication of where each member came from and who was paying the way, agency officials were confused about potential conflicts of interest and were thereby unable to provide the kind of quick response so necessary for preparing the President-elect for office.

Such confusion is easy to remedy without imposing an undue burden on the President-elect. Under my bill, the President-elect, again in return for the public transition allotment, will be required to provide a roster of all the people designated as members of Federal agency transition teams. Such a roster will include each member's name, most recent employment, and source of funding supporting his or her transition activities. This roster is to be made public before each transition team makes contact with an agency, and will be updated as necessary. As such, the roster is primarily for the purpose of clarifying just who is and is not a member of the transition team, not for providing detailed financial and conflict of interest disclosure.

My legislation also contains several other changes in the Presidential Transition Act which deserve brief mention. The bill allows the outgoing administration somewhat greater leeway in obligating some of the $1,000,000 currently available in advance of the end of the term. Currently, the outgoing General Services Adminsitration may not obligate funds until the inauguration of the new President. The bill also allows the incoming administration 30 days past the inauguration to wind down the transition. Currently, the phones go dead the moment the President-elect is sworn in.

The legislation also acts on a recommendation of the General Accounting Office and amends the 1868 Vacancy Act. That act provides that a President can only fill a Federal agency vacancy caused by death or resignation temporarily for 30 days, a deadline which is routinely ignored. Under my bill, the Vacancy Act would be amended to allow the President 120 days to fill vacancies temporarily unless a nomination to fill the vacancy has been submitted to the Senate. Such a change would revitalize this act, expressing Congress' intent that vacancies be filled promptly, while giving the President ample time to find qualified individuals to serve in advise-and-consent positions.

As a whole, this legislation will help ensure the smooth transfer of power originally intended by the 1963 Presidential Transition Act. By providing adequate resources for the post-election transition and by defining pre-election transition planning as a legitimate activity, we will make it easier for the incoming administration to succeed. And by placing limited disclosure requirements on private cash, we can remove whatever lingering doubts may exist regarding the efficacy of our campaign financing disclosure. I urge favorable consideration of the measure.

Mr. STEVENS. Mr. President, today, I am pleased to join with my good friend and colleague, the chairman of the Committee on Government Affairs, Senator GLENN, in cosponsoring the Presidential Transitions Effectiveness Act. This proposal will bring several important changes to the Presidential Transition Act of 1963. In joining with Senator GLENN today, I wish to call to the attention of the Senate, the tireless effort which Senator GLENN has expended upon this measure. From the earliest hearings which the committee held during the first session of this Congress, Senator GLENN has consistently taken the approach that a bipartisan effort was necessary if the 1963 statute was to be brought up to date. I commend him for that approach and believe that the product of his efforts represents the best legislative solution to the problems which have been pointed out to the committee over the last year.

This bill is based upon the collective experience of the many experts who were directly involved in the Carter and Reagan transition teams during the elections of 1976 and 1980. Many of these people have testified before our committee and have expressed varying levels of frustration with the 1963 act. But, Mr. President, it was not just the former transition staff which suggested changes to the statute. In fact both the General Services Administration, which implements the act, and the General Accounting Office, which monitors expenditures under the act, have testified before the Committee on Governmental Affairs as to the urgent need for modifications to the statute—modifications which need to be in place prior to the beginning of the 1988 transition effort.

This proposal represents the consensus which has been reached by all of the many interested parties in this issue. As such, it is a compromise and as with all compromises, not every provision is completely satisfactory to every individual or group which has an interest in Presidential transitions. However, it is a fundamentally sound product which I can endorse to my colleagues.

The major provisions of the bill will increase the authorization for appropriations from the current level of $2 million to a suggested figure of $3.5 million. All parties who testified on the act before our committee were agreed that the $2 million authorization was woefully inadequate to offset the expenses of a transition in the late 1980's. Similarly, committee testimony showed that there was a need for a small amount of so-called preelection transition planning money. Under this bill, such preelection money will be made available to the national political party organization, via reimbursement from the Administrator of GSA. It will be strictly controlled and will be subject to strict accounting procedures. The chairmen of the Republican and Democratic National Parties have endorsed this approach.

In addition, this bill will require the strict public disclosure of all private moneys which might be raised by a transition committee and such disclosure will be required within 90 days of the general election. Similarly, a full public disclosure will be required of the President-elect and the Vice-President-elect for those representatives of the transition committees who are posted to the various Federal departments and agencies. Under this bill, the public will know the name, most recent employment, and source of funding for all such transition committee representatives.

In closing, Mr. President, let me again commend my good friend Senator GLENN for all of the hard work which he and his staff, especially Paul Light, have expended on this matter. I congratulate them for their interest, fortitude, and for the bipartisan way in which this proposal has been developed over the last several months. I trust that the Committee on Governmental Affairs will move rapidly to report the bill and that the Senate will have an early opportunity for its consideration.

By Mr. DIXON (for himself and Mr. SIMON):

S. 2038. A bill to prohibit the closing of certain operations of the U.S. Coast Guard at the Glenview Air Station, Chicago, IL; to the Committee on Commerce, Science, and Transportation.

GLENVIEW AIR STATION, CHICAGO

● Mr. DIXON. Mr. President, the Chicago area has been once again in jeopardy of losing the Glenview Air Rescue Station.

The safety of Chicago's boating community greatly depends on the Coast Guard's helicopters. On the average, they save over 20 people each year from drowning in Lake Michigan. In the last 6 years, more than 150 lives

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have been saved by Glenview Station personnel.

In spite of this clear evidence of Chicago's reliance on Glenview's services, the Coast Guard continually attempts to close it down. This year, they claimed budgetary constraints were going to force them to shut down Glenview.

If the Glenview Station was closed down, the nearest air station would be in Traverse City, WI. It takes a helicopter close to 1 hour and 40 minutes to fly from Traverse City to the southern part of Lake Michigan. This amount of response time is unacceptable. People will drown while the helicopters are still in the air.

Fortunately, the Coast Guard apparently saw the light and recently decided against closing down the Glenview Station in the next year. I congratulate Admiral Yost and Secretary Burnley on the wisdom of their decision.

However, a temporary stay is not good enough. Chicago will always need the good and fast services of the Coast Guard's Glenview-based helicopters. I want to know that the Coast Guard will recognize this need and make a long-term commitment to the people of Chicago. I am certainly willing to make the commitment to the Coast Guard and to the people of Chicago to work to find ways to come up with the necessary funds to keep Glenview open.

To demonstrate the seriousness of my conviction, I am introducing a bill today permanently prohibiting the Coast Guard from closing down the Glenview Station. Hopefully, this will send the message loud and clear to the Coast Guard that Chicago and this Senator cannot and will not tolerate the closing of the Glenview Air Rescue Station.●

By Mr. **BOREN** (for himself and Mr. Bentsen):

S. 2040. A bill to modify the wheat provisions of the Agricultural Act of 1949 by eliminating the Secretary of Agriculture's authority to restrict haying and grazing on idled wheat acreage; to the Committee on Agriculture, Nutrition, and Forestry.

ELIMINATION OF CERTAIN WHEAT PROVISIONS

● Mr. **BOREN**. Mr. President, today, on behalf of Senator Bentsen and myself, I am introducing legislation which would correct a technical error which was made in the Budget Reconciliation Act.

Specifically, the legislation will remove a clause inadvertently added to the haying and grazing provisions of the wheat program. The clause strengthens the Secretary of Agriculture's discretion over allowing haying and grazing, the exact opposite of what the agreement in reconciliation was intended to accomplish.

During consideration of the 1985 farm bill, a compromise was worked out on grazing. Under the 1985 farm bill, each year farmers are permitted to graze acreage idled as part of the wheat program for that year. However, haying was not resolved at that time and each year the Secretary was required to decide whether to allow haying of idled acreage. Because of the Secretary's discretion with respect to haying, farmers could not properly plan their crops because the decision was usually made late in the year. We all recognized that this resulted in an unnecessary hardship on our agricultural producers and developed a compromise which would remove the necessity for a Secretarial decision each year.

This compromise was incorporated into the Senate's version of the Omnibus Reconciliation Bill this past fall. Under the Senate's provision, haying and grazing would be permitted during a specified period, provided the producer was haying or grazing the crop for which the producer had a program base. This compromise eliminated Secretarial discretion with regard to haying and eliminated the uncertainty of program provisions due to such discretion.

The conference committee also agreed to inclusion of the Senate's version on haying and grazing in the conference report on reconciliation. Regretfully, however, the specific statutory language included in the reconciliation bill does not reflect in any way the compromise that was agreed to and actually takes a step backward from where we were last year. Under the provisions of reconciliation, the Secretary now has the authority to prohibit grazing as well as haying each year.

Consequently, once again, wheat producers in my home State of Oklahoma will not know whether they will be permitted to graze or hay acreage idled under future wheat programs until long after they must make their planting decisions.

The legislation we are introducing today will remove the Secretary's discretion with respect to haying and grazing of acreage idled under the wheat program. I urge my colleagues to work with us to ensure prompt consideration of this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 107D(f)(4)(C) of the Agricultural Act of 1949 is amended by—

(1) in clause (i), striking out "clauses (ii) and (iii)" and inserting in lieu thereof "clause (ii)"; and

(2) striking out clause (iii).●

By Mr **HEINZ** (for himself, Mr. Proxmire, and Mr. Pell):

S. 2041. A bill to amend title 23, United States Code, to reduce Federal highway funds to States that do not enforce the 65-mile-per-hour speed limit; to the Committee on Commerce, Science, and Transporation.

SPEED LIMIT COMPLIANCE

● Mr. **HEINZ**. Mr. President, today I am introducing legislation on behalf of myself and Senators Simon and Proxmire to close a gaping loophole in Federal highway safety policy that results from last year's highway legislation (Public Law 100-17). At issue is a provision in the act which authorized States to raise the speed limit on rural interstates from 55 to 65 miles per hour but did not subject these roads to speed limit monitoring required by law for other interstate and limited access highways.

Since 1974, enforcement of the 55-mile-per-hour limit has been controlled by a monitoring mechanism in which each State must certify that at least 50 percent of its motorists are complying with the 55-mile-per-hour speed limit on highways where this limit applies. In the event that a State is unable to achieve the 50-percent compliance level, the Federal Highway Administration withholds 10 percent of that State's Federal highway moneys.

This provision has helped ensure that at least a majority of motorists drive within the limit without resulting in permanent withdrawal of Federal highway moneys from noncomplying States. In fact, since the law was enacted in 1974, only seven States have ever been penalized for noncompliance under the provision, and all of these States have achieved compliance in time to recover withheld funds before they permanently lapsed into the highway trust fund.

However, last year's highway legislation did not extend the compliance provision to roads on which the speed limit has been raised to 65 miles per hour. As a result, there is no incentive for enforcement of the speed limit to achieve compliance on these segments of the interstate system.

The safety problems associated with this exemption are underscored by the facts that 38 States have already agreed to raise the speed limit on eligible interstates; that preliminary data indicate that fatalities have increased significantly on those interstates where the speed limit has been raised to 65-miles-per-hour; and that the fiscal 1988 continuing resolution extends to 20 States the privilege of raising the speed limit to 65 on certain noninterstate roads in addition to those rural interstates whose speed limit hike was authorized in the highway act.

The result of this policy is not only dangerous, it is nothing short of ironic. Monitoring does not occur on precisely those roads where the need for it is greatest. And those States which have chosen not to raise the speed limit for safety reasons are at a relative disadvantage to other States because they must achieve 50 percent compliance on all of their interstates to avoid sanction of Federal highway funds while States with 65-mile-per-hour roads need only achieve compliance on segments of their highways on which 55 miles per hour remains the limit.

Finally, from a philosophical standpoint, the present law violates a basic principle of justice that all laws should apply equally.

My own State of Pennsylvania risks losing over $16 million per year if it does not achieve compliance. While this does not represent a change in policy for Pennsylvania, it is unfair to force Pennsylvania to monitor all of its limited access highways, which are posted at 55 miles per hour, when the law permits those States who have raised the speed limit just to monitor their remaining 55-mile-per-hour roads.

My legislation will correct these serious problems in a simple and straightforward fashion—by extending the compliance and penalty provisions to all interstates.

Mr. President, I am aware that the administration and effectiveness of the speed limit compliance provision is a subject that is currently under review by the authorizing committees in both Houses, and that a General Accounting Office evaluation of these matters is due out shortly. This legislation is not intended as a comprehensive solution to the speed limit compliance problem, which I will continue to work on as more information on this subject becomes available. I do think it's important, however, to craft Federal highway policy in a way that achieves the two objectives of maximum safety on our Nation's Federal highways and equitable treatment for all States.

My legislation attempts to address these two objectives, and I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 154, of title 23, United States Code, is amended—

(1) by striking out "exceeding fifty-five miles per hour" in subsection (e) and inserting in lieu thereof "exceeding the speed limit",

(2) by striking out "at fifty-five" in subsection (e) and inserting in lieu thereof "at 55 or more",

(3) by striking out "exceeding 55 miles per hour" in subsection (f) and inserting in lieu thereof "exceeding the speed limit",

(4) by inserting "or more" after "at 55" in subsection (f), and

(5) by striking out "exceeding fifty-five miles per hour" in subsection (h) and inserting in lieu thereof "exceeding the speed limit on public highways with speed limits posted at 55 or more miles per hour".●

By Mr. **DURENBERGER** (for himself, Mr. Cranston, Ms. Mikulski, Mr. Murkowski, Mr. Dole, Mr. Byrd, Mr. Bingaman, Mr. Boschwitz, Mr. Burdick, Mr. Chafee, Mr. Chiles, Mr. Cochran, Mr. Conrad, Mr. Daschle, Mr. DeConcini, Mr. Dixon, Mr. Ford, Mr. Grassley, Mr. Graham, Mr. Hatch, Mr. Heflin, Mr. Humphrey, Mrs. Kassebaum, Mr. Kennedy, Mr. Kerry, Mr. Levin, Mr. Lugar, Mr. Matsunaga, Mr. Metzenbaum, Mr. Pell, Mr. Pressler, Mr. Quayle, Mr. Riegle, Mr. Rockefeller, Mr. Roth, Mr. Sanford, Mr. Shelby, Mr. Simon, Mr. Specter, Mr. Stennis, Mr. Weicker, and Mr. Wirth):

S. 2042. A bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict; to the Committee on Energy and Natural Resources.

VIETNAM WOMEN'S MEMORIAL

Mr. **DURENBERGER**. Mr. President, I rise today to introduce legislation authorizing the establishment of a memorial to women who served in the Vietnam war.

I have long supported the efforts of the Vietnam Women's Memorial Project to complete our Nation's Vietnam Memorial with a statue of a female Vietnam veteran. The contribution of American women in that conflict is all too often overlooked. Few Americans are aware that 10,000 women served in the Armed Forces in the Vietnam war. They performed with heroism, they bled, and they died during the war. They came back to a country that did not understand their contributions and they still carry the pain of their experience.

The Vietnam Women's Memorial Project [VWMP] was founded to educate Americans about the role of women in the Vietnam war. One of their major goals is to complete the Vietnam Memorial with a statue of a women Vietnam veteran. The original authorization for the memorial—Public Law 96-297—specifically stated that the memorial was to honor the men and women who served in the war.

Last year efforts to complete the Vietnam Memorial received the strong endorsement of Secretary of the Interior Donald Hodel. And the project had already been endorsed by all major veteran's groups and many other organizations. In spite of this support, the Commission of Fine Arts voted down the proposed statue on October 22, 1987.

Because I believed in this project, and because I believed the Commission was wrong in its rejection, I introduced legislation in November that specifically authorized the construction of a memorial to women who served. My legislation—Senate Joint Resolution 215—directed the Secretary of the Interior to consult with the Commission of Fine Arts [CFA] but did not allow the Commission veto power over the project. Senate Joint Resolution 215 currently has 37 cosponsors.

My distinguished colleague from California, Senator Cranston, chairman of the Veterans' Affairs Committee and long-time supporter of the VWMP, also introduced legislation authorizing the construction of a memorial to women who served. Though both bills have the same goal, Senator Cranston's S. 1896 did not remove the Commission of Fine Arts ability to veto the project.

Because we shared the goals of the VWMP, we explored the possibility of offering an amendment to the continuing resolution last December. We agreed on language that allowed the CFA to veto the project but included strong sense of the Congress statements that express our belief that the statue should go forward. We also included a firm deadline of 90 days for all approving entities to act.

We decided not to offer the amendment after members of the Energy and Natural Resources Committee expressed their view that hearings should be held on the legislation before the Senate acted. I engaged in a colloquy with Senator Bumpers, chairman of the Subcommittee on Public Lands, National Parks, and Forests with jurisdiction over memorials, in which he pledged to do all he could to hold hearings early this year.

As the date for hearings approaches, Senator Cranston and I are introducing legislation which incorporates the language from our amendment. We introduce this bill with 40 original cosponsors. I am pleased that Senator Cranston and myself—and all the supporters of the Vietnam Women's Memorial Project—are working together to achieve the goal we share: honoring the contributions and sacrifices of the women who served in the Vietnam war.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR CONSTRUCTION OF STATUTE HONORING WOMEN WHO SERVED IN THE VIETNAM CONFLICT.—(a) Subject to subsections (b) and (c), the Vietnam Women's Memorial Project, Inc., a non-profit corporation authorized to operate in the District of Columbia, is authorized to construct a statute of a woman Vietnam veteran on public grounds within the 2.2-acre Vietnam Veterans Memorial site in the District of Columbia in honor and recognition of the women of the United States who served in the Vietnam conflict.

(b)(1) The Secretary of the Interior, in consultation with the Vietnam Women's Memorial Project, Inc., and the Vietnam Veterans' Memorial Fund, Inc., is authorized and directed to select, with the approval of the Commission of Fine Arts and the National Capital Planning Commission, a suitable site for the statute within the 2.2 acre Vietnam Veterans Memorial site in the District of Columbia.

(2) The design and plans for the statute shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission. Not later than 30 days after the date of the enactment of this section, the Secretary of the Interior shall decide whether or not to approve the design and plans and, if the Secretary approves them or takes no action to approve or disapprove them (in which case his approval shall be deemed to have been given), shall submit the design and plans to each of the Commissions forthwith. If either Commission fails to report its approval of or specific objection to such design and plans within 90 days after the submission of the plans, the approval of the Commission in question shall be deemed to be given.

(3) Neither the United States nor the District of Columbia shall be put to any expense in the construction of the statue.

(c) The authority conferred pursuant to this section shall lapse unless (1) the construction of the statue is commenced within 5 years from the date of the enactment of this section, and (2) prior to groundbreaking for actual construction on the site, funds are certified available in an amount sufficient in the judgment of the Secretary of the Interior, based upon the approved design and plans for the statute, to ensure completion of the construction of the statue.

(d) The maintenance and care of the statue constructed under the provisions of this section shall be the responsibility of the Secretary of the Interior.

SEC. 2. It is the sense of the Congress that—

(1) it is most fitting and appropriate that this statue in honor and recognition of the women of the United States who served in the Vietnam conflict be constructed at the site of the Vietnam Veterans Memorial to help complete the process of recognition and healing, for the men and women of the Armed Forces of the United States who served in the Vietnam conflict, that was undertaken with the establishment of the Memorial;

(2) the addition of the statute is well within the scope, purpose, and intent of the law, Public Law 96-297, authorizing the Vietnam Veterans Memorial Fund, Inc., to establish the Memorial and could and should be undertaken pursuant to that law without the need for the enactment of this Act;

(3) the Secretary and each of the Commissions should, in evaluating the plan and design for the statute, give weighty consideration to the sense of the Congress expressed in this section that a statue of a woman Vietnam veteran should be constructed at the Vietnam Veterans Memorial site; and

(4) after the addition of a statue of a woman Vietnam veteran, the Vietnam Veterans Memorial will be complete, and no further additions to the site should be authorized or undertaken.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to join with my distinguished colleague from Minnesota, Senator DURENBERGER, in introducing S. 2042, a bill to authorize the Vietnam Women's Memorial Project [VWMP] to erect a statue of a woman veteran at the Vietnam Veterans Memorial [VVM] site in Washington, DC. I am delighted to have my good friend, the ranking minority member of the Veterans' Affairs Committee, Mr. MURKOWSKI, and the Senator from Maryland, Ms. MIKULSKI, as the principal cosponsors of this legislation and that we are joined by a broad bipartisan coalition of 38 of our other colleagues in cosponsorship of this legislation.

Mr. President, as a strong supporter of the VWMP since it began in 1984 and as a charter member of its congressional advisory panel, I believe this legislation signifies an important step forward in achieving our goal. This bill represents a compromise between two measures Senator DURENBERGER and I introduced at the end of last year—Senate Joint Resolution 215 and S. 1896, respectively—and is an end result of our united, bipartisan support for the VWMP.

Mr. President, before I discuss the specific provisions of this measure, I would like to recapitulate briefly the recent events that led to today's introduction of S. 2042. Earlier this year, Secretary of the Interior Donald P. Hodel endorsed the VWMP's proposal for a statue of a woman veteran and concluded that it did not need special legislative authorization because the public law which authorized construction of the Vietnam Veterans Memorial, Public Law 96-297, was sufficient because the statue would be an addition to the Vietnam Veterans Memorial and not a separate memorial. Indeed, section 1 of that law specifically dictates the memorialization is in "honor and recognition of the men and women * * * who served in the Vietnam war."

With Secretary Hodel's support, and the support of every major veterans organization and several Members of Congress, the VWMP's proposal was presented to the Commission of Fine Arts [CFA] for consideration. However, despite the strong support for the project, on October 22, 1987, the CFA turned down the proposal.

Mr. President, I was deeply disappointed that the CFA decided to reject the VWMP proposal. In so doing, it unfairly slighted the courageous and invaluable efforts of the women of this Nation who served in Vietnam.

In an effort to reverse that decision, Senator DURENBERGER and I each introduced legislation. The Durenberger legislation, Senate Joint Resolution 215 would provide express authorization for the VWMP to establish the proposed memorial but would not require the Secretary of the Interior to obtain the approval of the CFA in the "selection of a site for the statue or in the selection of the design and plans for the statue."

Mr. President, I introduced S. 1896 because, in my view, circumventing the approval process for memorials established by Public Law 99-652—which set standards for the placement of commemorative works on certain Federal lands in the District of Columbia—to create a special exemption for the statue of a woman veteran would send the wrong message about the worth and merit of the statue. Rather, our legislation should serve as a vehicle to rally public and political support to overturn the CFA's decision.

Mr. President, although Senator DURENBERGER and I differed on that one point, we both believe strongly in the VWMP proposal. Thus, in order to unite our efforts, in December we developed a compromise between the provisions of Senate Joint Resolution 215 and S. 1896. The agreed-upon language follows the approval process for the VWMP proposal outlined in S. 1896, as well as in Public Law 96-297 and Public Law 99-652. This process requires that the proposal must be approved by the Secretary of the Interior, the CFA, and the National Capital Planning Commission.

Mr. President, in reaching agreement on the text of the legislation in December, Senator DURENBERGER and I also agreed to offer the compromise language as an amendment to House Joint Resolution 395, the fiscal year 1988 continuing resolution, but do so only if our proposal had the support of the Committee on Energy and Natural Resources—the committee with jurisdiction over this matter. Hence, on December 8, we sent a joint letter seeking the support of the chairman and ranking minority member of the Energy and Natural Resources Committee, Senators JOHNSTON and MCCLURE, and the chairman and ranking minority member of the Subcommittee on Public Lands, National Parks, and Forests, Senators BUMPERS and WALLOP. On December 9, Senator BUMPERS responded, on behalf of himself and Senators JOHNSTON, MCCLURE and WALLOP, indicating that he believed hearings were necessary on the VWMP proposal in order to give opponents and proponents an opportunity to have their views heard and that thus the committee did not support our proposed amendment to the continuing resolution. In accordance with our agreement, neither Senator DURENBERGER nor I proceeded with an amendment to the continuing resolution. Senator BUMPERS has since advised me that hearings will likely be held at the end of this month.

I ask unanimous consent, Mr. President, that copies of our letters to Senators JOHNSTON and BUMPERS and of Senator BUMPER's reply be printed in the RECORD at the conclusion of my remarks.

Mr. President, the legislation we are introducing today is essentially the compromise we worked out in December. It would express the unified support of Congress for the project and would provide a timetable for the approval process. Under this measure, the Secretary of the Interior would be required to decide whether or not to approve the design and plans for the project within 30 days after the date of the enactment of this act. If the Secretary failed either to approve or reject the plans within that 30 days, his approval would be considered, by operation of law, to have been given, and he would be required to forward the VWMP proposal to the Fine Arts and National Capital Planning Commissions. Then, under the bill, if either Commission failed to report to the Secretary their approval or rejection of the proposal within 90 days after the plan is submitted to them, the approval of the Commission in question would be deemed, by operation of law, to be given.

Our bill also includes language expressing the sense of the Congress that establishment of the VWMP is a fitting and appropriate way to help complete the process of recognition and healing for the men and women who served in the Vietnam conflict. In addition, the bill expresses the sense of the Congress that establishment of the statue is well within the scope of Public Law 96-297 and that the Secretary of the Interior and the Commissions should give weighty consideration to the sense of the Congress that a statue of a woman Vietnam veteran should be constructed at the Vietnam Veterans Memorial site.

Finally, the bill expresses the sense of the Congress that with the addition of the VWMP statue the Vietnam Veterans Memorial would be complete and that no further additions to the site should be authorized or undertaken. This provision should help alleivate concerns expressed by J. Carter Brown, Chairman of the CFA, that the VWMP's statue would become the first in a long string of additions to the Vietnam Veterans Memorial. With the addition of the servicewoman, the Vietnam Veterans Memorial would fulfill the original intent of the legislation enacted to authorize its establishment in honor of the dedication and sacrifices of the women as well as the men who served on behalf of this Nation during the Vietnam conflict. The Energy and Natural Resources Committee may wish to make this sense-of-the-Congress language into a statutory direction as to the completeness of the Vietnam Veterans Memorial with the addition of the VWMP statue. Senator DURENBERGER and I would support such a statutory direction.

Mr. President, the Vietnam Veterans Memorial, during its 5-year history, has served as an emotional focal point for the healing of Vietnam veterans and the Nation as a whole. This splendid memorial also serves as a historical reference point, educating those too young to remember the Vietnam war about the sacrifices made by those who served. Women who served in and with our Armed Forces have done so with honor, strength, and commitment; yet they are often overlooked when our Nation recognizes its veterans. A statutory representation of the 10,000 women who served would provide a vivid and appropriate reminder of the sacrifices and contributions they made during the Vietnam conflict.

There being no objection, the letters mentioned earlier were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 8, 1987.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR BENNETT: We are writing to ask your support and the support of your Committee for an amendment we would like to propose during consideration of H.J. Res. 395, the FY 1988 Continuing Resolution.

As you know, we have both introduced legislation to authorize the Vietnam Women's Memorial Project, Inc., (VWMP) to erect a statue of a woman Vietnam veteran at the Vietnam Veterans Memorial (VVM) in Washington, D.C. After Interior Secretary Hodel endorsed this project earlier this year, the Commission of Fine Arts (CFA) turned it down in October.

Because we were deeply disappointed with the CFA's decision to reject a proposal endorsed by all major veterans' organizations, the VVM Fund, and many members of Congress, we introduced legislation specifically authorizing the VWMP to proceed. Both legislative proposals—S.J. Res. 215 with 27 cosponsors and S. 1896 with 10 cosponsors—are designed to ensure that the VVM is completed with a statue of a woman veteran.

There are differences between the two pieces of legislation—chiefly in the role granted to the CFA in the approval process—but we have now reached an agreement on a single piece of legislation in order to allow Congress to act on this matter as rapidly as possible before we adjourn this year. A text of the amendment we are proposing is enclosed. We urgently solicit your support for this important endeavor.

The amendment would include the CFA in the formal approval process, establish a firm timetable for action, and express the strong sense of Congress that the VVM should be completed with a statue of a woman Vietnam veteran. The amendment is fully consistent with all provisions of Public Laws 96-297, which authorized establishment of the VVM, and P.L. 99-652, an Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its envirous. It is our sincere hope that passage of this legislation this year will obviate the need for further Congressional action next year.

We thank you for your consideration in this matter and hope that we can count on your support. We look forward to hearing from you at your earliest convenience. If you have any questions or would like to cosponsor our amendment, please contact us or have your staff contract Randy Schuenemann with Senator Durenberger (4-3244) or Liz Giffin with Senator Cranston (4-9126).

With warm regards,

Cordially,

ALAN CRANSTON.
DAVE DURENBERGER.

U.S. SENATE,
Washington, DC, December 8, 1987.

Hon. DALE BUMPERS,
Chairman, Subcommittee on Public Lands, National Parks, and Forests, U.S. Senate, Washington, DC.

DEAR DALE: We are writing to ask your support and the support of your Committee for an amendment we would like to propose during consideration of H.J. Res. 395, the FY 1988 Continuing Resolution.

As you may know, we have both introduced legislation to authorize the Vietnam Women's Memorial Project, Inc., (VWMP) to erect a statue of a woman Vietnam veteran at the Vietnam Veterans Memorial (VVM) in Washington, DC. After Interior Secretary Hodel endorsed this project earlier this year, the Commission of Fine Arts (CFA) turned it down in October.

Because we were deeply disappointed with the CFA's decision to reject a proposal endorsed by all major veterans' organizations, the VVM Fund, and many members of Congress, we introduced legislation specifically authorizing the VWMP to proceed. Both legislative proposals—S.J. Res. 215 with 27 cosponsors and S. 1896 with 10 cosponsors—are designed to ensure that the VVM is completed with a statue of a woman veteran.

There are differences between the two pieces of legislation—chiefly in the role granted to the CFA in the approval process—but we have now reached an agreement on a single piece of legislation in order to allow Congress to act on this matter as rapidly as possible before we adjourn this year. A text of the amendment we are proposing is enclosed. We urgently solicit your support for this important endeavor.

The amendment would include the CFA in the formal approval process, establish a firm timetable for action, and express the strong sense of Congress that the VVM should be completed with a statue of a woman Vietnam veteran. The amendment is fully consistent with all provisions of Public Laws 96-297, which authorized establishment of the VVM, and P.L. 99-652, an Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs.

It is our sincere hope that passage of this legislation this year will obviate the need for further Congressional action next year.

We thank you for your consideration in this matter and hope that we can count on your support. We look forward to hearing from you at your earliest convenience. If you have any questions or would like to cosponsor our amendment, please contact us or have your staff contact Randy Schuenemann with Senator Durenberger (4-3244) or Liz Giffin with Senator Cranston (4-9126).

With warm regards,

Cordially,

Alan Cranston,
Dave Durenberger.

U.S. Senate, Committee on
Energy and Natural Resources,
Washington, DC, December 9, 1987.

Hon. Alan Cranston,
U.S. Senate, Washington, DC.

Dear Alan: Thank you for your recent letter regarding your proposal to erect a statute of a woman Vietnam veteran at the Vietnam Memorial in Washington, DC.

While I can certainly appreciate your sincere interest in resolving this matter as expeditiously as possible, it is my view that a hearing on this matter before the Subcommittee on Public Lands, National Parks and Forests, is both desirable and necessary. Senators Johnston, McClure, and Wallop share my view that a hearing should be conducted prior to any Senate action.

While it is not possible at this time to set a specific date for such a hearing, I assure you that I will make every effort to schedule a hearing on this proposal early in the second session of the 100th Congress, and look forward to working with you on this and other matters of interest to the Subcommittee. As always, I appreciate your cooperation and understanding.

Sincerely,

Dale Bumpers,
Chairman, Subcommittee on Public Lands, National Parks and Forests.

● Mr. MURKOWSKI. Mr. President, I rise today to cosponsor legislation that would authorize the Vietnam Women's Memorial Project, Inc., to construct a statute in honor and recognition of the women of the United States who served in the Vietnam conflict. I am pleased to join with my two distinguished colleagues, Mr. Cranston from California and Mr. Durenberger from Minnesota, as an orignal cosponsor on this important legislation.

As many of my colleagues are aware, there has been a great deal of controversy surrounding the approval process for the Vietnam Women's Memorial. As a result, bills by both Senator Cranston and Durenburger were introduced. This legislation is a product of hard work and compromise. I commend both my friends and their staffs on their willingness to work together and reach an agreement on this important matter.

This statute, in honor and recognition of the 10,000 American women who served in the Vietnam conflict, is long overdue. These brave women clearly deserve to be recognized for their great contributions and sacrifices. A statue in their honor would be a fitting and appropriate tribute.

The Vietnam Women's Memorial project is supported by Secretary of the Interior Donald P. Hodel and every major national veterans organization. Further, the Vietnam Veterans' Memorial Fund, the American Nurses Association and the Association of Operating Room Nurses have all shown their support for this worthwhile memorial.

A statute at the site of the Vietnam Veterans memorial is a way in which we can fully recognize the service and sacrifices that these women gave so unselfishly to their country. I believe that the addition of this statute will successfully complete the memorial by honoring both the men and women who served their Nation during the Vietnam conflict.

Mr. President, it is my hope that with the support of the Congress we can convince all those involved in the authorization process of the memorial that this proposal is a just one. I urge all my colleagues to join me today in cosponsoring this worthwhile legislation.●

By Mr. KERRY (for himself, Mr. Leahy, and Mr. Kennedy):

S. 2043. A bill to authorize demonstration projects that provide certain participants in the special supplemental food program with coupons for use at farmers markets; referred to the Committee on Agriculture, Nutrition, and Forestry.

THE FARMER TO FAMILY NUTRITION ENHANCEMENT ACT

Mr. KERRY. Mr. President, I rise to introduce an innovative proposal designed to help out our small farmers while at the same time offering nutritionally at risk mothers, children, and elderly citizens the opportunity to buy inexpensive fresh fruits and vegetables. I am pleased that my colleague from Vermont, Senator Leahy, the chairman of the Agriculture Committee is sponsoring this legislation with me.

The legislation, which we are introducing today establishes a 3-year demonstration program which will permit participants in the Women Infants and Children Program [WIC] and the Commodity Supplemental Food Program to use special food coupons that are redeemable only at farmers' markets. This idea originated in the States. Massachusetts, Vermont, Connecticut, and Iowa all have similar pilot programs which have proven and successful track records. Mr. President, I cannot think of any better way to enhance our farm economies than by providing low-income citizens with fresh nutritional produce.

My bill is closely modeled after the Massachusetts Farmers Market Coupon Program which has been in operation for two seasons. The returns to farmers in my home State have been impressive. Last year 140 Massachusetts farmers participated, and roughly 20,000 low-income households benefited by redeeming $10 food coupons at one of the Commonwealth's 15 participating farmers' markets. Evidence shows not only that sales at farmers' markets are up, but that the program has cultivated a whole new group of consumers at such markets. It is estimated that last year alone sales increased at farmers' markets participating in the Massachusetts program by roughly 30 percent. Furthermore, not only did WIC and elderly participants redeem their coupons at an extremely high rate, but an average 60 percent had never been to a farmers' market before becoming involved with the program. In addition, individuals participating in the program returned time and time again after they had finished using their coupons and spent their own money on good fresh nutritionally beneficial produce.

The educational importance of the program is truly significant. In Massachusetts for example, through the Expanded Food and Nutritional Education Program, coupon recipients receive counseling and advice on the nutritional value of the fruits and vegetables at farmers' markets. The legislation that we are introducing today also offers States the option to use EFNEP in operating their demonstration project.

Mr. President, my legislation helps the small farmer and assists low-income individuals. Over the past several years small farmers in America have had a tough time staying alive. Bank foreclosures, and farm auctions have plagued the very families who generation after generation tilled this Nation's soil to ensure that food was and is on our tables. The legislation that we are proposing today, will not turn the farm economy around but it offers a little help to a group who could certainly use it.

On another front Mr. President, all across this country we are witnessing an alarming increase of infant mortality and low birth-weight in babies. According to a recent study by the Children's Defense Fund, in 1985 more than 40,000 American babies died before reaching their first birthday while prenatal care for pregnant women decreased significantly. The incidence of infectious childhood diseases is on the rise and the number of children being immunized against diseases has reached a record low for this decade. We do have solutions to address this pervasive problem and Mr. President, the WIC Program is one of them. It has proven its worth in combating the war that threatens the health of our pregnant mothers, infants, and children. This investment is an undeniable sound one, in fact for every dollar spent on WIC $3 are

saved down the road in reduced health costs. But despite its success, the program is grossly under funded. Nationally, only 40 percent of the WIC eligible population is currently being served. Meanwhile, President Reagan has recommended severe cuts in the nutrition programs in every single budget he has ever submitted to Congress. Obviously, as the Reagan policies continue to spawn the largest increase in childhood poverty in over a decade, programs like WIC and the Commodity Supplemental Food Program are needed now more than ever.

Although small, our demonstration program will give to those citizens whose nutrition and health are most at risk, a modest supplement to their current nutrition benefit. The program offers WIC and CSFP participants a $10 to $20 food coupon redeemable at farmers' markets which is in addition to their current food benefits.

Mr. President, in a nut shell, the legislation will require the Secretary of Agriculture to make demonstration grants to seven interested States. The purpose of the program is to expand the public's awareness and use of farmers' markets and to increase the sale of fresh produce at the markets. In addition, the program is designed to provide nutritionally at risk families with inexpensive fresh produce. Grants will go to a State's Governor who will then choose either the State's agriculture or health agency to administer the program. Grantees will provide WIC and CSFP participants with food coupons that can be redeemed at farmers' markets. The Federal cost of the project is $2 million with the States providing a 35 percent match. No Federal grant to a State will exceed $400,000 and there is a small State minimum of $75,000. All money used in the program is in addition to any current Federal nutrition dollars, and cannot be counted as income when determining income eligibility for any other Federal program. No more than 10 percent of the Federal funds can be used to administer the program, and no State or local taxes will be permitted to be collected from the coupons. Coupons will also be redeemed at face value when presented at the farmers' markets. To be eligible, States must serve at least 25 percent of their WIC and CSFP recipients, and after 90 days give a report to the Secretary of Agriculture which outlines the results of the program. The Secretary will in turn report to Congress on the viability of setting up such a program on a national basis.

In short, Mr. President, this legislation represents an innovative approach to tackling an ever pervasive problem facing some truly needy citizens. It is a responsible and effective way to supplement their nutritional needs while providing a small amount of relief to our Nation's farmers. I encourage my colleagues to join with me and Senator Leahy in supporting this effort.

Mr. President I ask unanimous consent that the text of the bill be printed in the Record.

S. 2043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farmer to Family Nutrition Enhancement Act".

SEC. 2. FARMERS MARKET DEMONSTRATION PROJECT.

(a) In General.—The Secretary may pay the Federal share of establishing demonstration projects in seven States that would involve the issuance of farmers market coupons. Such projects shall be designed to—

(1) expand the public's awareness and use of farmers markets to increase the sales of fresh products at such markets; and

(2) provide nutritionally at risk families with inexpensive fresh produce from such markets.

(b) Federal Share.—For purposes of subsection (a), the Federal share shall be 65 percent.

(c) Additional Projects.—The Secretary shall use funds appropriated to carry out this Act in a fiscal year that are not expended, to pay the Federal share of establishing additional demonstration projects in accordance with this Act in States other than those in which the original seven projects were established.

(d) State Plan.—A State that desires to participate in such a project shall develop a plan for submission to the Secretary. Such a plan shall include a certification by the State that it shall—

(1) issue coupons worth a minimum of $10 and a maximum of $20 per eligible person each year to such a project;

(2) redeem at face value such coupons when presented;

(3) serve at least 25 percent of the recipients under the—

(A) special supplemental food program authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

(B) commodity supplemental food program authorized under sections 3 and 4 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note);

(4) target the issuance of coupons to areas with the highest concentrations of eligible persons;

(5) target the issuance of coupons to areas with the greatest access to farmers markets; and

(6) consider the coupon a supplement to any other benefits received by an eligible person under the—

(A) special supplemental food program authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

(B) commodity supplemental food program authorized under sections 3 and 4 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note).

(e) Consideration of Existing Programs.—In selecting States to conduct programs under this Act, the Secretary shall ensure that at least three of the States selected have existing programs similar to those authorized under this Act.

(f) Use of Coupons.—Coupons issued under this Act may be used at farmers markets to purchase commodities or the products thereof, and shall be redeemed by the State for the value stated on such coupons.

(g) Affect on Other Programs.—The amount of a coupon provided under this Act shall not be considered to be income or resources of an individual for purposes of determining eligibility to participate in, or benefits available under, any other Federal law.

(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this Act, $2,000,000 in each of the fiscal years 1989 through 1991.

(i) Allocation Formula.—

(1) In general.—Except as otherwise provided in this subsection, in the case of each State that is eligible to participate in the program established under this Act during a fiscal year, the Secretary shall allocate funds made available to the State to carry out this Act during the fiscal year on the basis of a formula established by the Secretary that takes into consideration an allocation percentage for the State obtained by dividing—

(A) the number of individuals who the State projects will be served during the fiscal year under the State plan submitted under this Act; by

(B) the number of individuals who the State projects will be served during the fiscal year under the special supplemental food program authorized under this Act.

(2) Minimum allocation.—The minimum amount of funds made available under this Act during a fiscal year shall be $75,000 if—

(A) the State has a population of less than 3,000,000 residents; and

(B) the State plans to make coupons available to a majority of the recipients currently participating in the special supplemental food program and the Commodity Supplemental Food program authorized under this Act.

(3) Maximum allocation.—The maximum amount of funds made available under this Act during a fiscal year to a State shall be $400,000.

(j) Distribution of Funds.—The Secretary shall make the State allotment available to the Governor of such State who shall distribute such funds to either the State department responsible for agriculture or that responsible for public health.

(k) Administration.—

(1) In general.—A State shall not use more than 10 percent of the funds allotted to such State under this Act for administrative expenses.

(2) State option.—A State that receives funds under this Act may—

(A) be administered in conjunction with the expanded food, nutrition, and education program carried out by the cooperative extension service of the State under sections 1584 through 1588 of the Food Security Act of 1985 (7 U.S.C. 3175a); and

(B) require individuals eligible to receive coupons to participate in such expanded food, nutrition, and education program as a condition of receiving such coupons.

(3) Taxation.—A State receiving funds under this Act shall ensure that no State or local taxes are collected within the State on the purchase of food with coupons distributed under the State project.

SEC. 3. REPORTS.

(a) State Report.—Not later than 90 days after the end of each fiscal year in which the State has received a grant under this Act, the State shall prepare and submit to the Secretary a report that—

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(1) describes the operation of the project within the State in such fiscal year, including the manner in which coupons were distributed to eligible individuals and redeemed by the State;

(2) specifies the geographical area of the State in which farmers' markets were designated to participate in the project in such fiscal year;

(3) identifies the number and eligibility characteristics of individuals to whom coupons were provided under the project in such fiscal year;

(4) specifies the number of farmers who participate in the project in such fiscal year; and

(5) evaluates the efficiency and effectiveness of the administration of the project by the State in such fiscal year.

(b) REPORT BY SECRETARY.—Not later than 180 days after the end of each fiscal year for which funds are appropriated under this Act, the Secretary shall prepare and submit, to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that—

(1) summarizes and evaluates the information contained in the reports submitted under subsection (a); and

(2) describes the success of the projects in achieving the purposes described in section 1(a).

SEC. 4. DEFINITIONS.

As used in this Act:

(1) ELIGIBLE PERSON.—The term "eligible person" means a person eligible to participate in the—

(A) special supplemental food program authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1876); and

(B) commodity supplemental food program authorized under sections 3 and 4 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note).

(2) FARMERS' MARKET.—The term "farmers market" means a market place where an eligible person can directly purchase unprocessed food from a farmer or at a stand or area set up for such farmers.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

By Mr. KERRY:

S. 2044. A bill to require further review by the Federal Communications Commission to ensure thorough deliberation on proposed changes in the method of regulation of interstate basic service rates; referred to the Committee on Commerce, Science, and Transportation.

THE FCC'S PRICE CAP PROPOSAL

● Mr. KERRY. Mr. President, today I am introducing legislation which would impose a moratorium on further action by the Federal Communications Commission relative to Docket No. 87-313, its proposal to eliminate cost-of-service, rate of return regulation for dominant carriers, and replace it with a price cap system of regulation. This same legislation is being introduced today in the House of Representatives by Congressman BRYANT of Texas.

Mr. President, the issue here is one that is extremely complex and will have a direct impact on virtually every consumer and every business in the United States. The changes contemplated by the FCC represent a revolutionary change in the way dominant carriers are regulated, and how they determine interstate basic service rates.

We are all aware, Mr. President, of the enormous changes that have taken place during the past decade in the area of telecommunications. Yet few if any of us are completely sure of the impact of these changes on consumers, and on our economy at large. There have been benefits, of course, but there have also been unexpected costs. It is my opinion that as we move forward and make further changes, we must be extremely cautious, and we must be certain Congress is a full partner in the process.

Unfortunately, in its pending proceeding on the price cap proposal, the FCC is proposing that it undertake an extremely significant change—indeed, a change that some argue is in conflict with its congressional mandate to set rates on a "just and reasonable basis"—without prior notice of exactly what it is proposing, what alternatives have or will be considered, and what weight it plans to accord the various costs and benefits of any new approach.

Under the current rate-of-return, cost-of-service regulatory scheme—which has been in place for decades—dominant carriers like AT&T must submit cost data to the FCC, which then sets prices in a way that allows the company to earn a preestablished rate of return. It's not a perfect system, but at least it provides a visible means of ensuring that telephone companies are allowed to make a fair profit, while ensuring that consumers aren't forced to pay monopoly rents.

If the FCC thinks it has a better idea for regulating dominant carriers they should certainly pursue it; but they should do so in a fashion that is appropriate to the magnitude of the change. A notice of Inquiry should be opened so that relevant data and points of view can be made a part of the public record. Only when the Commission is ready to make a specific proposal—and to present hard evidence that this proposal will yield positive benefits to consumers—should it initiate a rulemaking.

The pending procedure represents an attempt by the FCC to rush headlong into the price caps proposal. They have not considered other alternatives to rate-of-return regulation, nor have they even decided on the scope of the plan they will propose, or on any safeguards that may be included.

Thus, the bill we are introducing today requires the FCC to vacate its current proceedings, and to start anew. I believe this approach demonstrates that while the Congress is ready to consider alternatives to rate-of-return regulation, we are serious about our insistence that consumer interests be safeguarded, and that the burden of proof rests with those who are advocating a change.

Mr. President, it is my hope that the Senate Commerce Committee will hold a hearing on this issue in the near future. At such a hearing we may find that, indeed, there are other ways of ensuring that our substantive and procedural concerns are met. Until then, however, I am convinced that this legislation represents a prudent safeguard.●

By Mr. DOLE (for himself and Mr. GRASSLEY):

S. 2045. A bill to amend the Food Security Act of 1985 to increase the number of acres placed in the conservation reserve program, to protect water quality and wildlife habitat, to otherwise improve the program, and for other purposes; referred to the Committee on Agriculture, Nutrition, and Forestry.

ENVIRONMENT AND CONSERVATION PROGRAM

Mr. DOLE. Mr. President, today Senator GRASSLEY and I are introducing legislation designed to address rural America's concerns with water quality and environmental contamination. The Environmental Conservation Acreage Reserve Program [ECARP] would establish a new and separate long-term reserve, similar to the Conservation Reserve Program [CRP], of up to 20 million acres to target land with potential ground water, surface water, and other environmental and erosion problems.

FARM GROUP SUPPORT

Mr. President, I'm pleased to mention that we have shared the bill with several of the farm commodity groups. The National Corn Growers, the National Pork Producers, the National Association of Wheat Growers and the Fertilizer Institute have all endorsed the concept and direction of the legislation. Further refinements may be necessary, but I believe this is a good starting point and I invite other farm organizations as well as environmental groups to support this initiative.

WATER QUALITY AND THE ENVIRONMENT

Mr. President, the contamination of our Nation's water—whether surface water or ground water—is receiving more and more attention.

Ground water reservoirs, or aquifers, contain nearly 50 times the volume of the Nation's surface waters, constitute 96 percent of all the fresh water in the United States and are the primary drinking water source for one-half of the population, or about 117 million people and supply one-half of the Nation's irrigation water.

Although it is not yet possible to assess the extent of ground water and surface water contamination on a national level, it is a reasonable conclusion that prevention is the best cure. This new reserve will allow the Secretary to meet local and State water quality, soil damage, soil salinity, selenium, siltation and other environmental and natural resource management problems. It would also give us more time to assess and determine the best Federal response to these growing concerns.

PROVISIONS OF ECARP

As acres are enrolled into these long-term reserves [CRP and ECARP], farmers would be able to reduce their obligations under annual set-aside and whole-base bid programs. Acreage reduction efforts would therefore be shifted to a longer term, more cost effective basis. Farmers would give up program payments in return for special bonus payments and annual rental payments. The agribusiness sector would not be faced with the prospect of unlimited increases in idled acres since the total acreage allowable in the long-term reserves would represent 80 percent of all land idled under all Federal commodity and conservation programs.

This bill gives the Secretary of Agriculture authority to address local and regional environmental and erosion problems and it gives farmers greater flexibility in dealing with potentially cumbersome and varying regulations by States and the EPA.

CCC FUNDING

To ensure farmers receive annual rental payments on schedule, the bill provides funding through the Commodity Credit Corporation [CCC]. Some farmers are now hesitant to join multiyear programs given the unpredictability of the appropriations process. If rental payments are late, farmers face burdensome tax consequences from having rental payments bunched with other farm income during the same year.

CONCLUSION

Mr. President, this legislation balances the concerns of farmers, environmentalists, agribusiness men and women and the Federal Government, which is being drawn into an elevated role in protecting our Nation's soil and water resources. By retiring land on a long-term basis we can address erosion and water quality problems and provide for the betterment of wildlife and recreational needs of future generations. I ask unanimous consent that a summary of the bill be included in the RECORD at the conclusion of my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY—ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM [ECARP]

ECARP—Establishes a new reserve, similar to the Conservation Reserve Program [CRP], to idle 5-20 million acres identified as potentially threatening to the environment. Within one year, Secretary shall begin targeting additional land for long-term retirement based on environmental concerns; water quality, soil damage, soil salinity, siltation, restrictions on pesticide use and problems resulting from cultural practices. Expands the upper limit of the Conservation Reserve Program by an additional 5 million acres.

Incentives—Provides advance payments, and annual rental payments to producers who enroll acreage. Provides bonus payments for producers willing to retire permanently their crop bases and permits enrolled acreage to count against annual set-aside, acreage limitation and whole-base bid programs. Provides funding for reserves through the CCC.

Idled acres—Caps total acreage idled under all Federal commodity and conservation programs by requiring the maximum acres allowable in both long-term reserves to represent at least 80 percent of total U.S. acreage idled.

County impact—Limits decline in the economic activity due to long-term reserves in a country to 25 percent of the level of economic activity prior to initiation of the reserves unless greater economic activity is stimulated.

Local experts—Requires Secretary to consult with local conservation experts and farmers in specifying the timing and nature of practices and types of grasses used for establishing a cover crop.

Resource management—Allows a broader variety of management practices on enrolled land and fosters wildlife management and outdoor recreational uses. Encourages greater tree planting. Encourages that ECARP be used to stimulate rural development.

Bid-back option—Secretary can allow producers to "bid-back" their acreage to crop production if sufficient demand exists. Producers would be able to regain their bases. Provides for a separate $50,000 payment limit for participants enrolled in the ECARP.

Annual reports—Requires the Secretary to report by June 1, 1989 and each subsequent year on status and progress of ECARP. Requires the Secretary to report by June 1, 1989 on status of compliance and implementation of conservation plans as required by the 1985 Farm bill

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By Mr. DURENBERGER (for himself, Mr. WEICKER, Mr. BIDEN, Mr. LUGAR, and Mr. CHILES):

S. 2046. A bill to amend title XIX of the Social Security Act to provide mandatory coverage for certain low-income pregnant women and infants; to the Committee on Finance.

MEDICAID UNIVERSAL ACCESS TO PRENATAL, MATERNITY, AND INFANT CARE

● Mr. DURENBERGER. Mr. President, I rise today to introduce with Senators WEICKER, BIDEN, LUGAR, and CHILES the Medicaid Universal Access to Prenatal, Maternity, and Infant Care Amendment of 1988. This bill amends title XIX of the Social Security Act to require States to extend Medicaid coverage to all pregnant women and infants up to 1 year of age whose family income falls below the Federal poverty level. This is one case, Mr. President, where the dictates of compassion and fiscal responsibility are in full agreement.

Last year, my distinguished colleague Senator BRADLEY and I introduced a bill that would allow States to enroll pregnant women and children in Medicaid up to 185 percent of the Federal poverty level. That legislation was passed by Congress. The provision becomes effective July 1, 1988, and will greatly increase the opportunities for decreasing infant mortality and improving health for many pregnant women and children.

Under current law, in addition to Medicaid coverage for aid to families with dependent children [AFDC], the Deficit Reduction Act [DEFRA] of 1984 and the Consolidated Omnibus Budget Reconciliation Act [COBRA] of 1985 requires States to provide Medicaid coverage to certain categories of pregnant women and children who meet AFDC income and resource standards. DEFRA required States to provide Medicaid coverage for women who would qualify for AFDC and Medicaid when their children are born and pregnant women in two-parent families where the primary wage earner is unemployed. COBRA, by requiring States to provide Medicaid coverage to pregnant women in two-parent families even when the primary wage earner is employed, further expanded eligibility for women who meet AFDC income and resource standards.

This bill would go the next step and require that all States, at a minimum, provide Medicaid coverage for prenatal care, delivery, postpartum care, and infant care during the first year of life to low income women and infants up to the Federal poverty level.

The time has come for a more comprehensive necessary next phase in this continuing evolution of legislation to decrease infant mortality and expand coverage to poor, uninsured pregnant women and infants.

The responsibility for ensuring the provision of health care for pregnant women and children is fundamental to our basic character as a nation. Of the 3.7 million women that deliver babies each year, 40 percent are unemployed or work only part time and 25 percent are poor. Four out of every 10 mothers have a major health problem during pregnancy, and one in seven had health problems prior to the pregnancy. Every year, about 10 percent of babies are born with major health problems, and 40,000 infants die during the first year of life.

Studies conducted by the Institute of Medicine, U.S. General Accounting Office, the Alan Guttmacher Institute, and many others have substantiated that prenatal care reduces both infant death rates and low birth weight infants. The infant mortality rate is 9.7 per 1,000 live births among infants whose mothers begin prenatal care during the first trimester of pregnancy, and 48.7 per 1,000 live births for those infants where the mother had no prenatal care. Women who do not have sufficient prenatal care are about twice as likely to have a low birth weight infant. Thirty-four percent of pregnant women get insufficient prenatal care and 47 percent of women who do not receive adequate prenatal care are poor. This is unacceptable for a great nation.

Prenatal care for pregnant women requires different types of services and medical expertise based on pregnancy complications and social need. For example, an unmarried pregnant teenager; in addition, to medical care, may require social services, education in parenting and well child care, nutrition counseling, food supplements, housing, and transportation. Other women may require perinatology consultation, genetic counseling, and delivery in a level three perinatal center. Prenatal care services must be comprehensive, available and tailored to the needs of the individual. An excellent program in Minnesota has demonstrated over a number of years that pregnancy outcomes in a program targeted for high risk women are comparable to all other Minneapolis residents, even though program participants were at very high risk for problems.

Success requires cooperation of health care providers, maternal and child health agencies, social service agencies, regionalization of perinatal services and ready access of these services to all pregnant women. Sixty percent of women on Medicaid, 39 percent of poor women, and 40 percent of teenagers, receive their prenatal care at special publicly funded clinics. Therefore, expansion of Medicaid to all women and children below the Federal poverty level is an expedient way to assure prenatal care, maternity services, and infant care to all low income families.

It has been accepted in this year of great budget pressures that any new program must be cost effective. This program represents a wise investment of public funds.

A newborn infant is already a biologically complete human being with all organ systems functioning and nearly all of the brain cells that he or she will have for the rest of his or her life. Damage or injury to an infant during prenatal life or birth process means a lifetime of mental retardation, epilepsy, cerebral palsy or worse, and a lifetime of expense. Cigarettes, alcohol, drugs, infectious diseases, and maternal illness during pregnancy all have devastating effects on the developing fetus, with lifetime consequences. No child should begin life with problems that are preventable with prenatal care and education.

Of the 51 million women of reproductive age, 41 million have some form of private insurance coverage; however, 5 million have policies that do not cover maternity care and 14.6 million women have no insurance. Pregnant women with no insurance, and no financial support are left with distressing choices. They can quit their job, stop their education, go on welfare, or seek abortion.

Mr. President, this is more than a simple injustice against pregnant women and children. Our future as a nation is at stake. We absolutely must provide better alternatives for the pregnant women of this country, and a real chance for a healthy start in life for all newborns.

Mr. President, I ask unanimous consent that the text of the bill be printed in Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANDATORY COVERAGE OF MEDICAL ASSISTANCE FOR CERTAIN LOW-INCOME PREGNANT WOMEN AND INFANTS.

(a) In General.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by inserting "and" at the end of subparagraph (E); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) for making medical assistance available, including at least the care and services listed in paragraphs (1) through (5) and (17) of section 1905(a), to individuals described in subsection (l)(1);".

(b) Establishment of Income Level.—Section 1902(l)(2) of such Act (42 U.S.C. 1396a(l)(2)) is amended—

(1) in subparagraph (A), by striking "(not more than 100 percent)" and inserting "(not less than 100 percent nor more than 185 percent)"; and

(2) in subparagraph (B), by striking "percent, or, if less, the percentage established under subparagraph (A)" and inserting "percent".

(c) Conforming Amendments.—(1) Section 1902(a)(10) of such Act (42 U.S.C. 1396a(a)(10)) is amended—

(A) in subparagraph (A)(ii), by inserting "or" at the end of subclause (VIII), by striking subclause (IX), and by redesignating subclause (X) as subclause (IX);

(B) in subparagraph (C), by striking "(A) or (E)" in the matter preceding clause (i) and inserting "(A), (E), or (F)"; and

(C) in subdivision (VII) of the matter immediately following subparagraph (F) (as added by subsection (a)), by striking "(A)(ii)(IX)" and inserting "(F)".

(2) Section 1902(e) of such Act (42 U.S.C. 1396a(e)) is amended—

(A) by striking paragraph (6) and inserting the following:

"(6) The State plan may provide that any woman described in subsection (l)(1)(A) (who is eligible for medical assistance only because of subsection (a)(10)(F)) shall be treated as an individual eligible for medical assistance under subsection (a)(10)(F) without regard to any change in income of the family of which she is a member until the end of the 60-day period beginning on the last day of her pregnancy."; and

(B) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking "If" and all that follows through "subsection" the second place it appears and inserting "In the case of medical assistance provided under the State plan to a child described in subparagraph (B) or (C) of subsection", and

(ii) in the matter following subparagraph (B), by striking "subsection (a)(10)(A)(ii)(IX) and".

(3) Section 1902(l) of such Act (42 U.S.C. 1396a(l)) is amended—

(A) in paragraph (1)(C), by striking "children" and inserting "at the option of the State, children";

(B) in paragraph (2)(B), by striking ", under subsection (a)(10)(A)(ii)(IX),";

(C) in the matter preceding subparagraph (A) of paragraph (3), by striking "(a)(10)(A)(ii)(IX)" and inserting "(a)(10)(F)"; and

(D) by striking paragraph (4) and inserting the following:

"(4)(A) A State plan may not elect the option of furnishing medical assistance to individuals described in paragraph (1)(C) unless the State has in effect, under its plan established under part A of title IV, payment levels that are not less than the payment levels in effect under its plan on July 1, 1987.

"(B) A State plan may not provide, in furnishing medical assistance to individuals described in paragraph (1), that such individuals must apply for benefits under part A of title IV as a condition of applying for, or receiving, medical assistance under this title.".

(4) Section 1902(m) of such Act (42 U.S.C. 1396a(m)) is amended—

(A) by striking paragraph (3) and inserting:

"(3) A State plan may not provide coverage for individuals under subsection (a)(10)(A)(ii)(IX) or coverage under subsection (a)(10)(E), unless the plan provides coverage for the individuals described in subsection (l)(1)(C)."; and

(B) in the matter preceding subparagraph (A) of paragraph (4), by striking "(a)(10)(A)(ii)(X)" and inserting "(a)(10)(A)(ii)(IX)".

(5) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A) by striking "1902(a)(10)(A)(ii)(IX)" and inserting "1902(a)(10)(F)".

(6) Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in the matter preceding paragraph (1) of subsections (a) and (b), by striking "(A) or (E)" each place it appears and inserting "(A), (E), or (F)"; and

(B) in subsection (c)(1), by striking "1902(a)(10)(A)(ii)(IX)" and inserting "1902(a)(10)(F)".

(d) Effective Date.—The amendments made by this section shall apply with respect to medical assistance furnished on or after July 1, 1988.●

By Mr. THURMOND (for himself, Mr. METZENBAUM, Mr. HARKIN, and Mr. EVANS:

S. 2047. A bill to require a health warning on the labels of all alcoholic beverage containers; to the Committee on Commerce, Science, and Transportation.

ALCOHOL WARNING LABELS

Mr. THURMOND. I rise today to offer legislation to require rotating health warning labels for alcoholic beverage containers. I am pleased to have my distinguished colleagues, Senator METZENBAUM, Senator HARKIN, and Senator EVANS, join me as original cosponsors of this measure.

Last year, I took the opportunity to inform my colleagues of the continuing lack of responsibility on the part of the alcohol beverage industry regarding their advertising practices. Such irresponsibility demands congressional action to counter the adverse effect these practices are having on the Nation.

Mr. President, the Public Health Service recently completed a study on the potential educational effects of health warning labels and concluded that labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives.

Mr. President, health warning labels are an important step to educate the consumer on the potential hazards of alcohol consumption.

The warnings in this measure, which would be placed conspicuously on the beverage containers, would read as follows:

WARNING: The Surgeon General has determined that the consumption of this product, which contains alcohol, during pregnancy can cause mental retardation and other birth defects.

WARNING: Drinking this product, which contains alcohol, impairs your ability to drive a car or operate machinery.

WARNING: This product contains alcohol and is particularly hazardous in combination with some drugs.

WARNING: The consumption of this product, which contains alcohol, can increase the risk of developing hypertension, liver disease and cancer.

WARNING: Alcohol is a drug and may be addictive.

Mr. President, alcoholism and alcohol abuse are recognized as one of our Nation's most serious problems.

To illustrate the extent of alcohol abuse, here are a few relevant examples:

First. The National Institute on Alcohol Abuse and Alcoholism [NIAAA] says that alcohol costs the American economy nearly $120 billion per year in increased medical expenses and decreased productivity.

Second. The NIAAA estimated that 18.3 million Americans are heavy drinkers which is defined as consuming more than 14 drinks per week.

Third. In 1985, over 12 million American adults had one or more symptoms of alcoholism. This represents an increase of 8.2 percent from 1980.

Fourth. Since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy. Despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation. It is the only preventable birth defect among the top three. However, a 1985 Government survey revealed that only 57 percent of Americans had even heard of fetal alcohol syndrome.

Fifth. A 1987 HHS report to Congress entitled "Alcohol and Health" cites that nearly one-half of all accidental deaths, suicides and homicides are alcohol related. Nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime.

Sixth. Alcohol related traffic accidents claim over 18,000 lives each year in the United States.

Seventh. Among teenagers, alcohol abuse has reached epidemic proportions. According to the 1987 HHS report, an estimated 30 percent or 4.6 million adolescents experience negative consequences of alcohol use—such as poor school performance, trouble with parents, or trouble with the law.

Eighth. According to recent statistics, alcohol remains the most widely used drug among American youth.

For many years I have firmly believed in the need for warning labels on alcoholic beverages, and I have introduced this type of legislation before. In fact, I cannot imagine any argument against this legislation which I have not previously heard. More importantly, what I said in support of such legislation in 1979 and in 1981 is just as true today:

> If such a warning label deters a potential abuser of alcohol from taking a drink, or prevents a casual drinker from climbing behind the wheel of a car when he has had "one too many", or prevents a pregnant woman from potentially causing harm to her unborn child, then this legislation will be effective and worthwhile.

Mr. President, I'll never forget the letter I received from Mr. Ben Robinson of Alexandria, VA, regarding alcohol labeling legislation. I want to read you a portion of that letter because it briefly, and very persuasively, explains the importance of this bill.

> * * * Such a law is very much needed! It probably would not deter veteran drinkers, but for the young still unaddicted it would cause them to think twice before drinking. I speak from sad experience. Just a little over a year ago, August 12, 1984, our family was shocked with the news that our 22-year-old son was dead. From information that we received later in bits and pieces we learned that while camping with two other boys near a fishing pond in West Virginia, they all drank heavily of hard alcohol. Bruce, our son, passed out and never awakened.
>
> The Certificate of Death reads for the cause "acute ethyl alcohol intoxication, and extensive aspiration of stomach contents into tracheobronchial tree." Bruce was a novice to whiskey drinking. He did drink beer in moderation, but I had never known him to drink whiskey—and he and I were close.
>
> I cannot help but think that warning labels carefully written as to consequences would prevent alcohol abuse and deaths among young people.
>
> Within a few weeks after Bruce's death, Paul Harvey in his newscast said alcoholic deaths among the young are not uncommon. He mentioned a young girl who had drunk to excess and gone into a coma. He said that youth are very susceptible to alcohol poisoning and this is especially true when body temperature is low * * *. I wish you success and if there is something I can do to help, let me know.

Mr. President, this legislation will serve to provide individuals with the knowledge necessary to make an informed decision on whether or not to consume alcoholic beverages. Similar to cigarette warning labels, these labels do not create any legal restriction or penalty to those who do not heed the warnings. They merely provide cautionary notice that consumption of the product may entail serious consequences in certain situations.

Mr. President, I have received several letters from organizations endorsing health warning labels on alcoholic beverages. These organizations include the American Medical Association, the American Academy of Pediatrics, the National Council of Alcoholism, the Center for Science in the Public Interest, the General Association of General Baptists, Mothers Against Drunk Driving, the American Council on Alcohol Problems, the National Rainbow Coalition, the National PTA, the Christian Life Commission, the Association for Retarded Citizens, and the National Women's Christian Temperance Union. I ask unanimous consent that a copy of these letters be included in the Record, as well as the bill, immediately following these remarks.

I urge my colleagues to support the passage of this vitally important legislation.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Congress finds that—

(1) the most abused drug in America is alcohol;

(2) alcohol use costs the American economy nearly $120,000,000,000 per year, including increased medical expenses and decreased productivity;

(3) alcohol related traffic accidents claim over 18,000 lives each year in the United States;

(4) over 12,000,000 American adults have one or more symptoms of alcoholism, representing an 8.2 percent increase in problem drinking since 1980;

(5) since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy, and despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation;

(6) fetal alcohol syndrome is the only preventable birth defect among the top three types of birth defects in the United States, nevertheless, recent surveys reveal that only

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57 percent of Americans have heard of fetal alcohol syndrome;

(7) nearly one-half of all accidental deaths, suicides, and homicides are alcohol related, and nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime;

(8) among teenagers, alcohol abuse has reached epidemic proportions and an estimated 30 percent or 4,600,000 adolescents experience the negative consequences of alcohol use (such as poor school performance, trouble with parents, or trouble with the law);

(9) in 1986, alcohol remained the most widely used drug among American youth;

(10) the Public Health Service has recently completed a study on the potential educational effects of health warning labels on alcoholic beverages and concluded that such labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives;

(11) the statistics cited in the preceding paragraphs indicate that many Americans are not aware of the adverse effects that the consumption of alcoholic beverages may have on health;

(12) it is necessary to undertake a serious national effort to educate the American people concerning the serious consequences of the consumption of alcoholic beverages; and

(13) warning labels on the containers of alcoholic beverages concerning the effects on the health of individuals resulting from the consumption of such beverages would assist in providing such education.

(b) Title V of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—PUBLIC AWARENESS CONCERNING THE HEALTH EFFECTS OF ALCOHOLIC BEVERAGE CONSUMPTION

"SEC. [illegible]. PUBLIC AWARENESS.

"(a) Definitions.—For purposes of this section—

"(1) Alcoholic beverage.—The term 'alcoholic beverage' includes distilled spirits, wine, any drink in liquid form containing wine to which is added concentrated juice or flavoring material and intended for human consumption, and malt beverages.

"(2) Commerce.—The term 'commerce' has the same meaning as in section 3(2) of the Federal Cigarette Labeling and Advertising Act.

"(3) Container.—The term 'container' means any container, irrespective of the material from which made, used in the sale of any alcoholic beverage.

"(4) Distilled spirits.—The term 'distilled spirits' means any ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

"(5) Malt beverage.—The term 'malt beverage' means a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

"(6) Person.—The term 'person' has the same meaning as in section 3(5) of such Act.

"(7) Sale and distribution.—The terms 'sale' and 'distribution' include sampling or any other distribution not for sale.

"(8) United States.—The term 'United States' has the same meaning as in section 3(3) of such Act.

"(9) Wine.—The term 'wine' has the same meaning as in section 17(a)(6) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(6)).

"(b) General Rule.—It shall be unlawful for any person to manufacture, import, distribute, sell, ship, package or deliver for sale, distribution, or shipment, or otherwise introduce in commerce, in the United States, any alcoholic beverage during a calendar year unless the container of such beverage has a label bearing one of the following statements:

"(1) 'WARNING: THE SURGEON GENERAL HAS DETERMINED THAT THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, DURING PREGNANCY CAN CAUSE MENTAL RETARDATION AND OTHER BIRTH DEFECTS.

"(2) 'WARNING: DRINKING THIS PRODUCT, WHICH CONTAINS ALCOHOL, IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY.

"(3) 'WARNING: THIS PRODUCT CONTAINS ALCOHOL AND IS PARTICULARLY HAZARDOUS IN COMBINATION WITH SOME DRUGS.

"(4) 'WARNING: THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, CAN INCREASE THE RISK OF DEVELOPING HYPERTENSION, LIVER DISEASE, AND CANCER.

"(5) 'WARNING: ALCOHOL IS A DRUG AND MAY BE ADDICTIVE.'.

"(c) Location of Label.—The label required by subsection (a) shall be located in a conspicuous and prominent place on the container of a beverage to which such subsection applies. The statement required by such subsection shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such container.

"(d) Requirements.—Each statement required by subsection (a) shall—

"(1) be randomly displayed by a manufacturer, packager, or importer of an alcoholic beverage in each calendar year in as equal a number of times as is possible on each brand of the beverage; and

"(2) be randomly distributed in all parts of the United States in which such brand is marketed.

"(e) Bureau of Alcohol Tobacco and Firearms.—The Bureau of Alcohol Tobacco and Firearms shall—

"(1) have the power to—

"(A) ensure the enforcement of the provisions of this section; and

"(B) issue regulations to carry out this section; and

"(2) consult and coordinate the health awareness efforts of the labeling requirements of this section with the Secretary of Health and Human Services.

"(f) Violations.—Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

"(g) Jurisdiction.—The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this section upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"(h) Exemptions.—Alcoholic beverages manufactured, imported, distributed, sold, shipped, packaged, or delivered for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this section, but such exemptions shall not apply to alcoholic beverages manufactured, imported, distributed, sold, shipped, or packaged or delivered for sale, distribution, or shipment to members or units of the Armed Forces of the United States located outside of the United States.

"(i) Liability.—Nothing in this section shall be construed to relieve any person from any liability under Federal or State law to any other person.".

(c) The amendment made by this Act shall become effective 6 months after the date of its enactment.

American Medical Association,
Chicago, IL, July 18, 1986.

Re Alcohol, Drug Abuse, and Mental Health Amendments (S. 2595).

Hon. Strom Thurmond,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Thurmond: The American Medical Association wishes to express its support for the alcohol labeling provisions of the recently introduced "Alcohol, Drug Abuse, and Mental Health Amendments" (S. 2595) that you are sponsoring.

Long-standing AMA policy supports the labeling of alcoholic beverage containers to warn of the various health risks associated with alcohol consumption. Such warning labels will play a necessary role in effectively carrying out the bill's overall intent of increasing the public's knowledge of alcohol-related problems.

We commend you for sponsoring legislation that will address this serious national health problem and look forward to its successful passage in Congress.

Sincerely,
James H. Sammons, M.D.,
Executive Vice President.

American Academy of Pediatrics,
Elk Grove, IL, April 21, 1986.

Re: Fetal alcohol.
To: Committee on Fetus and Newborn Task Force on Substance Abuse Committee on Genetics.
From: Jean D. Lockhart, MD.

At their April meeting, the Executive Board approved the attached resolution to the AMA, advocating a warning on all alcoholic beverages about use during pregnancy.

This is now Academy policy.

Labeling Alcoholic Beverages With Statement About Dangers to the Fetus

Whereas, the risk to the fetus of excessive alcohol consumption by the pregnant woman is now well established; and

Whereas, drinking alcohol beverages during pregnancy can cause birth defects; and

Whereas, alcohol consumption during pregnancy is casually related to low birth weight babies, small for gestational age babies, and with a variety of adverse fetus outcomes; and

Whereas, the Fetal Alcohol Syndrome is one of the leading known causes of mental retardation; and

Whereas, the general public needs to become more familiar with the risks of drinking alcohol during pregnancy; and

Whereas, this resolution was unanimously passed by the Chapter Chairmen's Forum of the American Academy of Pediatrics; and

Whereas, pregnant women need to be aware of the risks of alcohol consumption very early in the first trimester; therefore be it

Resolved, That pregnant women should be advised to avoid alcohol consumption during pregnancy; and be it further

Resolved, That the American Medical Association support the position of the American Academy of Pediatrics that there be a warning label on all alcoholic beverages, stating that: "Alcohol consumption during pregnancy can be harmful to the unborn baby."

National Council on
Alcoholism Inc.,
New York, NY, January 27, 1988.

Hon. Strom Thurmond,
Senate Russell Office Building, U.S. Senate, Washington, DC.

Dear Senator Thurmond: On behalf of the National Council on Alcoholism, I would like to express my strong endorsement of your proposed legislation mandating health and safety warning labels on all alcoholic beverages.

If enacted, this legislation will provide alcohol consumers with concrete information about the association of alcohol consumption with health and safety risks ranging from alcohol-related birth defects and alcohol's contribution to liver disease, hypertension and cancer; to the impairment of driving ability and the danger of combining alcohol with other drugs. The label which identifies alcohol as a drug with addictive potential will help to mitigate against the alarming equation of alcohol with soft drinks and juices so frequently featured in alcohol advertising in both broadcast and print media.

Education has frequently been cited as a key ingredient in any comprehensive strategy to address alcoholism and alcohol-related problems in the nation. Clear and simple labels placed on every container of beverage alcohol every day of the year will keep educational messages about alcohol's effects constantly before the public eye. Public service announcements on radio and television and educational campaigns to combat alcoholism and related problems are of necessity, time-limited. The labeling of alcoholic beverage containers will institutionalize important public health information and cannot help but greatly enhance the public's knowledge regarding health and safety risks attendant on alcohol use.

In a democratic society, consumers have a right to know about the risks associated with the consumption of any given legal product. This information is critical if individuals are to make informed decisions about their use or non-use of alcohol. Alcoholic beverages have long been held harmless from a number of consumer information strategies. In fact, alcohol advertising which glamorizes drinking continues to be the major and most powerful source of information Americans receive about alcohol. Your proposed legislation makes a major contribution to alcohol education for American consumers.

NCA has been on record in support of health and safety warning labels on alcoholic beverages since 1982. In our view, the utilization of this simple, cost-effective and well precedented educational vehicle is long overdue. We have appreciated your leadership on this important alcohol policy measure throughout the last decade. We pledge our unqualified support for all your efforts to make health and safety warning labels on all alcoholic beverages federal public policy during the second session of the 100th Congress.

Please don't hesitate to call on the National Council on Alcoholism and its 200 local and state affiliates throughout the nation for our assistance in helping you to realize this goal.

Sincerely,
Thomas V. Seessel,
President.

Center for Science
in the Public Interest,
Washington, DC, January 22, 1988.

Hon. Strom Thurmond,
U.S. Senate, Washington, DC.

Dear Senator Thurmond: We understand that you will be introducing legislation to require the alcoholic beverage industry to inform consumers about the health risks associated with the consumption of alcoholic beverages.

Our society must adopt a comprehensive approach to reducing alcohol problems. We can reduce alcohol problems. As a starter, we should alert people who choose to drink about the risks. All alcoholic beverages should carry health warning labels, just as bubble bath, cigarettes, and over-the-counter drugs do.

The Center for Science in the Public Interest strongly endorses the rotating health warning label legislation you are proposing. We also appreciate the strong leadership role you have played in bringing this important matter to the attention of the Congress and the American public.

Sincerely,
Patricia Taylor,
Director, Alcohol Policies Project.

The General Association of
General Baptists,
Poplar Bluff, MO, January 29, 1988.

Senator Strom Thurmond,
Senate Office Building,
Washington, DC.

Attention: Kerk Spong.

Dear Senator Thurmond: It is my understanding that you are soon introducing a bill in Congress to require warning labels on alcoholic beverages.

Be assured that such bill would have the support of our fellowship. The General Association of General Baptists continues to view the consumption of alcoholic drinks as the source of many problems of our society. Warning labels on such drinks could be an assist in deterring the use of alcohol as a beverage.

We do encourage you in your efforts to serve in the best interests of our society.

Sincerely,
Glen O. Spence,
Denominations Executive Director.

Mothers Against Drunk Driving,
Hurst, TX, February 1, 1988.

Hon. Strom Thurmond,
Russell Senate Office Building,
Washington, DC.

Dear Senator Thurmond: The national organization of Mothers Against Drunk Driving continues to strongly support the concept of warning labels on alcohol beverage containers. Specifically, our more than 600,000 members and supporters urge that a warning label be included to alert the public that use of such a product will impair their ability to drive a car or operate machinery. This particular label will make a significant contribution toward educating the public about the risk involved with drinking and driving, as well as dispel any doubt that impairment begins with even the first sip of alcohol.

Each year almost 24,000 persons are killed as a result of alcohol-related driving incidents. An additional 560,000 people are injured, with 43,000 of those seriously or permanently hurt. On average, one person dies every twenty-two minutes—66 people each and everyday—as a result of alcohol-related traffic crashes. In view of these tragic results, MADD is committed to utilizing every means possible to prevent needless added pain and suffering.

It is imperative that individuals be made aware of the imminent danger they face should they choose to drive when consuming alcohol. Alcohol beverage container warning labels would provide an effective reminder of this fact.

Your continued support of legislation to require such labels is to be commended and we respectfully request that your colleagues join with you in this important life-saving effort.

Sincerely,
Norma Phillips,
National President,
Mothers Against Drunk Driving.

American Council
on Alcohol Problems,
Bridgeton, MO, January 29, 1988

Hon. Strom Thurmond,
Senate Office Building, Washington, DC.

Dear Senator Thurmond: I understand that you intend to introduce legislation on February 3 that will mandate five different, rotating warning labels on alcoholic beverage containers.

Let me assure you of the enthusiastic, whole-hearted support of the American Council on Alcohol Problems and its constituency in the 31 states that make up its membership.

The absence of warning labels on alcoholic beverage containers is one of the major concerns of this organization. We will cooperate with you in every way to assure the passage of the legislation you are about to introduce.

Respectfully,
Curt C. Scarborough, Ph.D.,
Executive Director.

National Rainbow Coalition, Inc.,
Washington, DC., July 9, 1986.

Senator Strom Thurmond, Sr.,
Russell Building, Washington, DC.

Dear Senator Thurmond: I wanted to write you to congratulate you on your stand—and to lend my support—for the position and the legislation requiring warning labels on alcoholic beverages.

In fact, you argued the case so well in the paper that your article ought to constitute the warning label. The information you gave was both informative and startling—exactly what a warning label should do.

If there is anything further that I or the National Rainbow Coalition can do to support your efforts to get warning labels on alcoholic beverages please do not hesitate to call upon us.

Sincerely,
Rev. Jesse L. Jackson,
President.

P.S.—Enclosed is the eulogy that I preached at Don Rogers funeral in Sacramento last Thursday, July 3. It's on the related subject of drug abuse.

The National PTA,
Chicago, IL, February 1, 1988.

Senator Strom Thurmond,
Russell Building, Washington, DC.

Dear Senator Thurmond: The National PTA would like to extend our support to your efforts in enacting legislation that would require warning labels on alcoholic beverages.

As you know, alcohol is the most widely used and abused drug in our society. Yet, a 1983 National Weekly Reader Survey on Drugs and Alcohol noted that only 42 percent of fourth graders realized that alcohol was a drug compared to 81 percent who considered marijuana a drug, and the percentage of students recognizing alcohol as a drug decreased with age, to 28 percent, in the upper grades.

The public is not sufficiently aware of the danger of alcchol abuse or the short and long term effects of alcohol on their physical and mental health. Alcohol contributes to several fatal diseases, including cardiac myopathy, hypertension and stroke, pneumonia, several types of cancer and liver disease. As a poison, alcohol is second only to carbon monoxide as the substance directly responsible for the most unintentional poisoning deaths in the U.S. In addition, alcohol-related highway deaths are the number one killer of 15–24 year olds. In 1985, 52 percent of the 43,800 highway fatalities were alcohol related.

Health warning labels will serve important informational and educational functions. Labeling of all alcoholic beverages will highlight specific information about alcohol use and health effects. The glamorization and normalization of drinking promoted yearly, in a $1.3 billion advertising campaign, will be countered through warning labels on all alcoholic beverages. And finally, warning labels will reinforce school-based alcohol prevention and education programs.

We applaud your tireless effort to help educate the public to alcohol related problems. We hope that this year the health and safety of our nation's citizens takes priority over special interest concerns, and that legislation mandating health warning labels on alcoholic beverage containers be enacted.

Sincerely,

Millie Waterman,
Vice-President for
Legislative Activity.

The Christian Life Commission of the Southern Baptist Convention,
Nashville, TN, February 2, 1988.

Hon. Strom Thurmond,
Russell Senate Office Building, Washington, DC.

Dear Senator Thurmond: I am writing to support proposed federal legislation to require a system of warning labels for beverage alcohol containers. As the Executive Director of the Christian Life Commission, the ethics and public policy agency of the Southern Baptist Convention's 15.5 million members and 37,000 churches, I applaud your effort to bring to pass this long-overdue requirement of "truth disclosure." It is shocking, in an era when so much attention has been directed to truth in advertising, product liability, and consumer affairs, that minimal standards of disclosure of the contents and effects of beverage alcohol are still nonexistent.

Beverage alcohol is America's most consumed drug. Not all of the social ills related to beverage alcohol can be remedied by legislative means. But a variety of legislative measures could help greatly in dealing with some of those social ills. Fetal alcohol syndrome and drunk driving are but two of those ills. Labeling legislation, which would require the industry to do what it should have long-since done voluntarily, would be an important step in heightening public awareness of the dangers of the use of beverage alcohol.

It is not too much to ask those in the beverage alcohol business to warn their customers that alcohol consumption constitutes a danger for drivers, since approximately 18,000 people die in alcohol-related events each year.

It is not too much to ask those in the beverge alcohol business to warn their customers that alcohol consumption during pregnancy creates a serious threat of birth defect and mental retardation in the infant. Fetal alcohol syndrome is one of the leading causes of birth defects and the only one which is preventable.

It is not too much to ask those in the beverage alcohol business to warn their consumers that beverage alcohol consumption can be a major health problem, since alcohol costs our economy over $100 billion annually in medical expenses and decreased productivity.

It is not too much to ask those in the beverage alcohol business to warn their consumers that beverage alcohol consumption contributes to approximately one-half of the accidental deaths, suicides and homicides.

I am enclosing a copy of a resolution adopted at the 1987 annual meeting of the Southern Baptist Convention. This resolution identifies labeling legislation as a major priority in dealing with the social problems related to beverage alcohol consumption.

As hearings on this legislation are scheduled, I would request the assistance of your office in notifying us. We would request the opportunity of presenting testimony in support of labeling legislation.

Sincerely,

N. Larry Baker,
Executive Director.

Association for Retarded Citizens of the United States,
Arlington, TX, February 3, 1988.

Hon. Strom Thurmond,
U.S. Senate, Senate Russell Office Building, Washington, DC.

Dear Senator Thurmond: On behalf of the 160,000 members of the Association for Retarded Citizens of the United States, I wish to commend you and the other Senate cosponsors for your introduction of legislation to mandate health and safety warning labels on all alcoholic beverages. Our members, the majority of whom are parents of persons with mental retardation, have been seeking such legislation for some time. As you are keenly aware, fetal alcohol syndrome is a leading and preventable cause of mental retardation.

We are particularly pleased that your proposed bill will require one of the warning labels to be affixed to beer, wine and distilled spirits containers to state that consumption of alcohol during pregnancy can cause mental retardation. Such a label, providing high exposure of this problem to the general public, is expected to be extremely helpful in preventing mental retardation caused by fetal alcohol syndrome.

The ARC strongly endorses this legislation and urges its prompt enactment.

Sincerely yours,

V.K. "Warren" Tashjian,
President.

National Woman's Christian Temperance Union,
Evanston, IL, January 30, 1988.

Senator Strom Thurmond,
Senate Office Building, Washington, DC.

Dear Senator Thurmond: The members of the National Woman's Christian Temperance Union are in favor of your bill being introduced in the Senate requiring labels on all containers of alcoholic beverages.

For over 100 years our organization has endeavored by various means to educate our citizens, especially our children, on the harmful effects of beverage alcohol, other narcotic drugs and tobacco, not only on the human body but also on society as well.

I am writing to encourage you to introduce this legislation mentioned above and to let you know that we support you in it.

Sincerely,

Mrs. Kermit S. Edgar,
National President.

By Mr. KARNES:

S. 2048. A bill to amend the Railroad Retirement Act of 1974 and the Railroad Unemployment Insurance Act to provide for the removal of the trust funds established by those acts from the unified budget, and for other purposes; pursuant to the order of August 7, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

LEGISLATION TO REMOVE THE RAILROAD RETIREMENT SYSTEM FROM THE UNIFIED FEDERAL BUDGET

● Mr. KARNES. Mr. President, we have seen it before—the Federal Government attempting to pull the rug out from under our railroad retirees.

Recently, during the Congress' annual budget reconciliation discussions, attacks were once again leveled against the federally managed Railroad Retirement Program. The proposal? To withhold cost-of-living adjustments—more commonly referred to as COLA's—as a means of cutting the fiscal year 1988 budget deficit. I believe this concept is simply unacceptable.

The railroad retirement system is merely managed, and not funded, by the Federal Government. Therefore, not only is it illogical to believe withholding railroad retirement COLAs will actually save Federal dollars; but it is also factually incorrect.

Now, it is true that we supporters of the railroad retirement system were ultimately successful in thwarting this most recent attack on railroad retirees. However, we cannot afford to let the issue go at that. Because this ridiculous maneuver has been attempted again and again in recent years, our railroad retirees have faced an undue fiscal threat and, in one or two instances, financial losses. Therefore,

today I am introducing legislation that will contribute significantly to our efforts to prevent such congressional meddling in the future.

Specifically, my legislation will remove the railroad retirement trust fund from the unified budget. By doing so, the account will become more autonomous, thus making it less susceptible to the type of abuse that has become all too familiar. No longer will railroad retirees see their fund and their COLAs whipsawed by the bizarre budget process in Congress.

My legislation is a companion to H.R. 2229, introduced earlier in this Congress by Representative Harley Staggers. We cannot stress enough the importance of acting on this legislation during the remainder of this Congress. Railroad retirees need, want and deserve this legislation and we are committed to building the momentum that will be necessary to ensure its passage.

Mr. President, in recent years, railroad retirees have been asked to endure so much. Isn't it time we helped them out in their hour of need? I urge each of our colleagues to support this important and appropriate measure.●

By Mr. CRANSTON (for himself, Mr. Murkowski, Mr. Bentsen, and Mr. Gramm):

S. 2049. A bill to establish an independent national Commission on the Veterans' Administration Home Loan Guaranty Program; to amend title 38, United States Code, to authorize reductions in the interest rate on loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures, and to establish creditworthiness requirements for assumptions of Veterans' Administration vendee loans; and for other purposes; referred to the Committee on Veterans' Affairs.

VETERANS' HOME LOAN PROGRAM IMPROVEMENTS ACT

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce, along with the ranking minority member of the committee, Senator Murkowski, and Senators Bentsen and Gramm, S. 2049, the proposed "Veterans Home Loan Program Improvements Act of 1988".

Before commenting on the provisions of the bill, I would like to express my appreciation to Senator Murkowski for his many contributions to this legislation and the fine cooperation he has shown in working on this measure on an expedited basis at the beginning of the session. I am delighted that this bill is a result of our continued united, bipartisan effort to improve the VA Home Loan Guaranty Program, as was S. 2022, which we introduced and the Senate passed on February 1 to make certain technical corrections in the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987, enacted on December 21, 1987 (Public Law 100-198).

BACKGROUND

The VA Home Loan Guaranty Program, established by the Servicemen's Readjustment Act of 1944, Public Law 346, 78th Congress, was originally designed to assist veterans returning home from World War II who, due to their military service, had been unable to establish the credit history necessary to obtain a home mortgage. Since 1944, the program has guaranteed loans totaling more than $300 billion, helping more than 12.7 million veterans to purchase homes. In fiscal year 1987, the VA guaranteed 479,491 home loans totaling a record $34.9 billion.

Traditionally, for the vast majority of VA-guaranteed loans the cost to the Government of providing the guaranty has been quite small and the benefit to veterans and to society quite significant. Through fiscal year 1986, 7.5 million guaranteed loans, totaling $102.7 billion, have been paid in full. From its inception in 1944 until 1961, the Home Loan Guaranty Program was funded through appropriations which totaled only $730 million to the VA's readjustment benefits account. That's an average of $42.9 million per year for the 5.6 million loans made during those 17 years.

However, as a result of the downturn in certain areas of the economy in recent years, high default and foreclosure rates on properties guaranteed by VA loans, coupled with a large VA inventory of foreclosed homes acquired at liquidation sales, have threatened the viability of the program by substantially increasing program costs. Indeed, a total of $706.6 million in appropriations had to be made to the Home Loan Program in the past 5 fiscal years alone.

Mr. President, these program costs parallel the increasing debt which veterans have incurred through the foreclosure of homes purchased with VA-guaranteed loans. For the sake of both the veterans using or wishing to use their home loan benefits, as well as the program itself, I concluded early last year that action was needed to try to determine the reason for the great increase in program costs and to take steps to minimize them.

Accordingly, in 1987, I, along with Senator Murkowski, developed S. 1801, which became the most comprehensive VA Home Loan Program legislation which our committee ever reported. Major provisions of the bill—as enacted in the Senate-House compromise agreement on H.R. 2672 on December 21, 1917—provide direction for significant steps to improve the financial solvency of the VA Home Loan Program and reduce its dependency on taxpayer's funds while also improving the program benefits available to veterans and maintaining the basic purposes of the program.

Nevertheless, last year's effort, historic and significant though it was, has not completed our work in this area. For fiscal year 1987, the program needed supplemental appropriations of $100 million, and I understand that the supplemental amount needed for fiscal year 1988 is likely to be far greater than the $389.8 million we appropriated to the loan guaranty revolving fund in the continuing resolution for fiscal year 1988, Public Law 100-203 on December 22, 1987. Economic factors beyond the direct control of the VA Program are responsible for much of the increase in foreclosures and program costs. But we must find further ways to reduce the impact that such factors are having on the program and on our Nation's veterans. We also need, to the greatest extent possible, to build in increased program protections to help minimize the impact of economic depression, such as has occurred in States where oil production plays an important role in the economy and which could strike any area of the country.

Mr. President, on Monday, I, along with Senators Murkowski, Bentsen, and Gramm, introduced S. 2022, the proposed "Veterans Home Loan Program Emergency Amendments of 1988," which was passed by the Senate that day and for which we are seeking comparable expedited action on the House side. That bill would make changes to certain home loan provisions recently enacted in Public Law 100-198—relating to the 5-percent downpayment on vendee loans and the calculation of remaining guaranty entitlement, as well as certain technical amendments—to ensure that the improvements made by that law do not have the unintended effect of hindering VA property disposition efforts in certain areas and reducing the amount of guaranty entitlements which should be available to certain veterans. The provisions of that bill are described in my statement on it beginning on page S 364 of the Record for February 1.

S. 2022 was introduced separately because of the urgent nature of the changes it would make. However, I hope that the bill we are introducing today also will proceed swiftly toward enactment. To that end, I intend to include it at the Committee on Veterans' Affairs February 25 hearing on the VA budget and at its March 3 markup.

INDEPENDENT COMMISSION ON VA HOME LOAN PROGRAM

Mr. President, after reflecting on the current state of the VA Home Loan Program, following staff field inspections carried out last month, Senator Murkowski and I have concluded that a new approach and perspective are needed to try to come to grips with some of the difficulties affecting the program.

Section 2 of our bill proposes this new direction by providing for the creation of an independent Commission on the Veterans' Administration Home Loan Guaranty Program. This Commission would be charged with carefully assessing the status of the program, analyzing the problems—particularly the recent program-cost and foreclosure-rate increases—the program currently is facing, evaluating possible solutions to those problems, and recommending changes to improve the financial stability and solvency of the program and the benefits and service offered to veterans. The Commission would be modeled after the Commission on Veterans' Education Policy, established by section 320 of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986, Public Law 99-576, which was created and is currently carrying out its statutory mandate to assess VA educational assistance programs.

Under the bill, the Administrator of Veterans' Affairs, in consultation with the chairmen and ranking minority members of the Senate and House Veterans' Affairs Committees—each of whom, as well as the Administrator, or their designees, would participate in the Commission's study and deliberations as nonvoting, ex officio members—would select the nine voting members of the Commission. These nine members, none of whom could be Federal Government employees at the time of their appointments, would be chosen on the basis of their knowledge of the Home Loan Program and general experience and knowledge relating to the mission of the Commission. Four members would be chosen specifically because of their expertise in the housing, home loan, real estate and related fields relevant to the program. Five of the members would be representative of, first, the general public and would be selected from academic and commercial enterprises based on their knowledge and experience in areas pertinent to the work of the Commission and, second, the veterans' service organizations.

The combined expertise of representatives from the various industries to which I just referred, each of which plays a vital role in the Home Loan Program, as well as of representatives of the veterans who use the program, and the perspective of the public members will allow for a comprehensive, indepth examination of the program. Two employees who work in the loan guaranty division of a VA regional office also would be selected to be ex officio members of the Commission, to ensure that it has the viewpoint of those who are best able to see what is happening in the field.

Additionally, in order to evaluate the desirability and feasibility of coordinating certain VA policies—both statutory and adminstrative—and practices—especially in the areas of the acquisition, management, and disposition of foreclosed properties—with those of other Federal Government and Government-sponsored entities, such as the Federal Housing Administration and the Federal National Mortgage Corporation, representatives of such entities would—and similar entities could, at the Administrator's discretion—be represented on the Commission in an ex officio capacity.

The Commission would have 1 year to submit to the Administrator of Veterans' Affairs and the committees a report on its findings and recommendations. The Administrator would then be required to evaluate that report and, after consultation with the Commission, submit his views on its recommendations to the committees. To ensure that the Commission's recommendations are given serious consideration by the Administrator and, where appropriate, implemented, the Administrator would be required to submit to the Congress a followup report 6 months after the Commission's report, on the actions taken with respect to the recommendations of the Commission and any further recommendations which the Administrator considers appropriate.

Mr. President, I believe that the present state of the Home Loan Program requires the intensive, focused, objective scrutiny—removed from the day-to-day pressures of politics and program administration—that an independent national Commission of experts can provide. Their expertise, insights, and advice can aid us in our efforts to ensure that economic downturns at either the national or local level do not reduce the opportunities for veterans to use the home loan program benefits they have earned in service to our country.

INTEREST RATE ON VENDEE LOANS

Mr. President, section 3 of our bill would require the VA to offer an interest rate for vendee loans which is lower than the prevailing mortgage market interest rate where and to the extent the Administrator determines, in light of prevailing conditions in the real estate market involved, that the lower interest rate is necessary in order to market the property competitively and is in the interest of the long-term stability and solvency of the loan guaranty revolving fund.

As I noted in my floor statement on S. 2022 on February 1, in certain areas of the country, competition among sellers of foreclosed properties has led many of them to offer sales inducements in the form of advantageous financing terms. In Houston, for example, many sellers are offering below-market interest rate loans. Sellers who are not themselves lenders will often buy down the interest rate on the loan—that is, provide a subsidy of the monthly mortgage payment sufficient to correspond to a substantial reduction in the interest rate. In such a market, the VA must have effective sales tools available if it is to reduce an inventory of properties which had grown from 8,977 in fiscal year 1980 to 22,584 by the end of fiscal year 1987.

Of course, while lower-interest-rate loans may be necessary to sell properties in some areas, they also reduce the VA's income over the term of the loan. Additionally, the lower yield provided by such loans reduces their attractiveness to buyers in the secondary market. Therefore, our bill calls for below-market interest rates to be offered only when that would be in the interest of the solvency of the fund—that is, when the costs associated with lowering the interest rate would be less than the cost of either reducing the purchase price of the property or of continuing to hold and maintain the property.

ASSUMPTIONS OF VENDEE LOANS

Mr. President, section 4 of our bill would extend the creditworthiness requirements applicable to VA-guaranteed loans—recently enacted in Public Law 100-198—to vendee loans.

Last session, along with Senator Murkowski, I introduced in S. 1801, a provision—which, as modified, became part of the compromise agreement enacted in Public Law 100-198—to require generally that, before a VA-guaranteed loan could be assumed by the buyer of a veteran's home, the creditworthiness of the assumptor be established. Sale of the property without approval of the assumption based on the creditworthiness of the buyer would cause the loan to become due and payable in full. For a more detailed description of this provision, I would refer my colleagues to my statement during the debate on Senate passage of the compromise agreement on H.R. 2672, beginning on page S 17388 of the Record for December 4.

Previously, there had been no restrictions on the assumption of VA-guaranteed loans, as is still the case with respect to vendee loans. In contrast to conventional loans, which generally cannot be assumed, the purchaser of the veteran's home had been able to assume the veteran's loan without undergoing a credit check or meeting any underwriting criteria. Although the free assumability of a loan may make it easier for a homeowner to resell, it also can enable persons to buy a home even though their creditworthiness would not otherwise allow them to achieve homeownership. Such persons obviously generally are more likely to default on the loans, resulting in the VA acquiring more foreclosed properties and incurring additional expense. Easy assumability also has fostered abuses such as equity skimming.

The potential abuses resulting from the free assumability of loans are as applicable to vendee loans as they have been to VA-guaranteed loans. Accordingly, in order to reduce foreclosures on vendee loans, our bill would extend to persons assuming vendee loans the restrictions on assumability just made applicable to persons who buy homes and assume VA-guaranteed loans from veterans. I believe that this extension would be equitable as well as in the interest of the solvency of the Home Loan Program. The .5-percent fee which that law imposed on buyers who assume VA-guaranteed loans also would be imposed on buyers who assume vendee loans.

After the enactment of these new creditworthiness and fee requirements for assumptions of VA vendee loans, those loans should still provide attractive means of financing—and thus incentives for buying—VA foreclosed properties as compared to conventional financing, since the VA interest rate generally will be lower and the VA credit-underwriting requirements, more flexible. As I have previously noted, section 3 of our bill would also enable the VA to make vendee loans even more attractive, where necessary for competitive purposes, by offering the additional incentive of a below-market interest rate. Section 2 of S. 2022 additionally would allow for the Administrator, when and to the extent necessary to competitively market foreclosed properties, to offer vendee loans with no downpayment or a downpayment at less than 5 percent.

CONCLUSION

Mr. President, I believe it is not realistic to expect that a benefits program such as the Home Loan Guaranty Program will incur no costs. Certainly, however, when the cost of such a program increases significantly, it is essential that a close, objective examination be carried out to determine the reasons for the increase and find ways to minimize program costs. At the same time, I do not support changing the fundamental nature of the Loan Guaranty Benefits Program by either drastically curtailing it or insisting that it must be paid for in full by those seeking to use it.

As I indicated, I plan to seek rapid action on this legislation by the Veterans' Affairs Committee and the Senate. Thereafter, I intend to work closely with the leadership on the House Veterans' Affairs Committee to reach agreement on this bill as quickly as possible. I believe that we must ensure that the dream of American home ownership which the Home Loan Program provides remains available to our veterans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Veterans' Home Loan Program Improvements Act of 1988".

SEC. 2. INDEPENDENT COMMISSION TO ASSESS THE VETERANS' ADMINISTRATION HOME LOAN GUARANTY PROGRAM.

(a) Establishment and Members.—(1) There is established an independent Commission on the Veterans' Administration Home Loan Guaranty Program (hereafter in this section referred to as the "Commission") to assess the Veterans' Administration home loan guaranty program under chapter 37 of title 38, United States Code.

(2)(A) The Commission shall consist of 9 voting members, none of whom may at the time of appointment be employees of the Federal Government and who shall be appointed, not later than April 30, 1988, by the Administrator of Veterans' Affairs in consultation with the chairman and ranking minority members of the Committees on Veterans' Affairs of the Senate and of the House of Representatives (hereafter in this section referred to as "the Committees").

(B)(i) Four members of the Commission—

(I) shall be broadly representative of the housing, home loan, and real estate and related industries, including real estate agents, mortgage bankers and other lending institutions which make Veterans' Administration-guaranteed loans, home builders, appraisers, and holders and servicers of Veterans' Administration-guaranteed loans; and

(II) shall be selected on the basis of their knowledge of and experience in the housing, home loan, and real estate and related industries and the Veterans' Administration home loan guaranty program.

(ii) Five members shall be representative of (I) the general public (and not be affiliated in any way with the interests described in subdivision (i)) and shall be selected from academic and commercial enterprises based on their knowledge and experience in areas pertinent to the work of the Commission and (II) veterans' service organizations. Not less than three of such five members shall be selected as representatives of the general public pursuant to clause (I).

(3)(A) The Administrator of Veterans' Affairs, the chairmen and ranking minority members of the Committees, the Commissioner of the Federal Housing Administration and the Chairman of the Federal National Mortgage Association (or, in the case of any such individual, a designee of such individual) shall be ex officio, nonvoting members of the Commission.

(B) The Administration shall designate two employees of the Veterans' Administration serving in loan guaranty divisions in Veterans' Administration regional offices as ex officio nonvoting members of the Commission and may designate additional ex officio nonvoting members from other Federal government agencies or government-sponsored entities.

(4) (A) The Administrator shall designate to chair the Commission a member from among the voting members of the Commission who is appointed pursuant to paragraph (2)(B)(ii).

(B) The chairman of the Commission, with the concurrence of the Commission, shall appoint an executive director, who may not at the time of appointment be an employee of the Veterans' Administration and who shall be the chief executive officer of the Commission and shall perform such duties as are prescribed by the Commission.

(C) The Administrator shall furnish the Commission with such professional, technical, and clerical staff and services and administrative support as the Commission determines necessary for it to carry out the provisions of this section effectively.

(b) First Report.—(1) Not later than 12 months after the date on which at least five members of the Commission have been appointed, the Commission shall submit to the Administrator and the Committees a report on the Commission's findings and recommendations on the matters described in paragraph (2).

(2) The report required by paragraph (1) shall include the Commission's findings, views, and recommendations on the following matters:

(A) Ways to reduce default and foreclosure rates on Veterans' Administration home loans made or guaranteed under chapter 37 of title 38, United States Code.

(B) Ways to minimize Veterans' Administration property acquisition, management, and disposition costs resulting from foreclosures on such loans.

(C) The management and disposition of loans made by the Veterans' Administration to finance the sale of properties acquired by the Veterans' Administration as the result of such foreclosures.

(D) The causes of increases in the 10 years preceding the enactment of this Act in Veterans' Administration home loan guaranty program costs and ways to reduce such costs.

(E) Ways to improve the solvency of the Veterans' Administration's Loan Guaranty Revolving Fund.

(F) The need for improvement of program benefits and assistance to veterans participating or desiring to participate in the home loan guaranty program.

(G) The desirability and feasibility of coordinating Veterans' Administration policies (both statutory and administrative) and practices, particularly in the areas of property acquisition, management, and disposition, with the policies and practices of other Federal government agencies and government-sponsored entities.

(H) Such other matters relating to the administration of chapter 37 of title 38, United States Code, by the Veterans' Administration as (i) the Commission considers appropriate, or (ii) are suggested by the Administrator or, concurrently, by the chairmen and ranking minority members of the Committees.

(c) Administrator's Interim and Final Reports.—(1) Not later than 2 months after the date on which the Commission's report is submitted under subsection (b), the Administrator, after consultation with the Commission, shall submit an interim report to the Committees. The interim report shall contain—

(A) the Administrator's views on the desirability, feasibility, and cost of implementing each of the Commission's recommendations, and the actions taken or planned with respect to the implementation of each such recommendation;

(B)(i) the Administrator's views on any legislation or regulations proposed by the Commission, (ii) the Administrator's views on the need for any alternative or additional legislation or regulations to implement the Commission's recommendations, (iii) the Administrator's recommendations for any such alternative or additional legislation, (iv) the proposed text of any regulations referred to in subclause (i) or (ii) which the Administrator considers necessary and the proposed text of any legislation referred to in such subclause which is recommended by the Administrator, and (v) a cost estimate for the implementation of any regulations and legislation referred to in such subclause; and

(C) any other proposals that the Administrator considers appropriate in light of the Commission's report.

(2) Not later than 6 months after the date on which the Commission's report is submitted under subsection (b), the Administrator shall submit a final report to the Committees. The final report shall include the actions taken with respect to the recommendations of the Commission and any further recommendations the Administrator considers appropriate.

(d) TERMINATION.—The Commission shall terminate 90 days after the date on which the Administrator submits the final report required by subsection (c)(2).

SEC. 3. INTEREST RATE REQUIREMENTS FOR VENDEE LOANS.

Section 1816(d) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(7) The Administrator shall make a loan to finance the sale of real property described in paragraph (1) of this subsection at an interest rate that is lower than the prevailing mortgage market interest rate in areas where, and to the extent, the Administrator determines, in light of prevailing conditions in the real estate market involved, that such lower interest rate is necessary in order to market the property competitively and is in the interest of the long-term stability and solvency of the Veterans' Administration Loan Guaranty Revolving Fund established by section 1824(a) of this title.".

SEC. . CREDITWORTHINESS DETERMINATION WITH RESPECT TO ASSUMPTION OF VENDEE LOAN.

Section 1817A of title 38, United States Code, is amended—

(1) in subsection (a)(1), in the matter preceding clause (A), by striking out "guaranteed, insured, or direct housing loan obtained by a veteran" and inserting in lieu thereof "loan guaranteed, insured, or made"; and

(2) by amending subsection (f) to read as follows:

"(f) This section shall apply—

"(1) in the case of loans other than loans to finance the purchase of real property described in section 1816(d)(1) of this title, only to loans for which commitments are made on or after March 1, 1988; and

"(2) in the case of loans to finance the purchase of such property, only to loans which are closed on or after April 15, 1988.".

● **Mr. MURKOWSKI.** Mr. President, I am pleased to join today with the chairman of the Committee on Veterans' Affairs, Senator CRANSTON, in introducing bipartisan legislation which would:

First, establish an independent commission to recommend reforms in the Veterans' Administration Home Loan Guaranty Program;

Second, require the VA to use below-market rate financing when financing the sale of VA-owned homes if such a rate is necessary to competitively market the properties and is in the long-term financial interest of the program; and

Third, require evaluation of the creditworthiness of the buyer when a VA vendee loan is assumed. Vendee loans are VA financing of the sale of homes acquired by the VA as the result of foreclosure on the original VA guaranteed loan.

Mr. President, I am introducing this legislation because the VA Home Loan Guaranty Program is a vital facet of the benefits the Congress provides to those who have served in our Armed Forces. It is important not only to home-buying veterans, but also to all segments of the housing industry which serves them.

A quick estimate of the impact of the program on our society and our economy can be inferred from the fact that the VA has guaranteed over 12 million home loans. Unfortunately, another measure of the impact of the program can be derived from the billions of dollars the Congress has had to appropriate over the past decade to sustain the solvency of this once self-supporting program.

I am terribly concerned that the VA has a record high and still increasing inventory of foreclosed homes. This ever increasing inventory of homes which the VA must sell has a very damaging impact on the VA Home Loan Program and the economy. It leads to enormous losses. It leads to auctions in which the VA disposes of homes at rock-bottom prices.

In at least one area it has led to blocks of boarded up VA-owned homes. These homes are unoccupied, unmaintained, and are steadily losing value due to physical deterioration; even if they are not vandalized and stripped, as they often are.

The Congress, which sometimes engages in micromanagement of the VA and sometimes limits the VA's ability to manage its resources, shares some of the blame. However, there is both a requirement for, and the authority for, bold aggressive action on the part of the VA. The statues given the VA a great deal of flexibility in managing the program. For example, if the VA determines that homes are not saleable in a specific market, there is no requirement for the VA to acquire a foreclosed property in that market. The law clearly directs the Administrator to determine the net value of the property.

The VA has the authority to take the initative and determine that the net value of a foreclosed home located in a market where there are fewer buyers than homes is too low to make VA acquisition of the home viable.

In the final analysis, the Administrator is the judge of fair market value. For example, in my home State of Alaska, the VA is acquiring only 12 percent of foreclosed properties. A far more realistic figure for a devastated real estate market than the approximately 75 percent being acquired in Houston.

There are other things the VA can and should do that are not bold; merely good business sense. For example, the VA has the authority to ensure that the homes it is trying to sell are attractive to buyers and have a for sale sign in the front yard. How does the VA expect to be able to compete in the marketplace with other Federal and private entities if their homes are allowed to sit in state of disrepair, neglect, and with no visible indication that they are for sale.

Changes in our society and in our economy, to which the VA has been unable—or unwilling—to react, have left this vital program in financial shambles.

As a result, the Congress has been forced to accede to regular requests for appropriations or face the unacceptable alternatives of increasing veteran user fees or allowing the program to grind to a halt. However, I believe there are options beyond those of conducting business as usual.

In December 1987, the Congress passed, and the President signed, H.R. 2672, which became Public Law 100-198. This legislation, the latest in a series of program improvements originating in the Senate Committee on Veterans' Affairs, mandates far reaching reforms in the VA Home Loan Guaranty Program. And yet, these reforms may not be enough.

Our economy is in an expansion of recordbreaking duration, and yet the VA's inventory of foreclosed properties is at a record high level. The VA suffers from an ever higher average loss per property when the properties are sold. Clearly these are not the characteristics of a healthy program.

If the Congress is required to appropriate billions of dollars when times are good, what will be our fate if the business cycle turns down as history suggests it one day must? And let there be no mistake about it, at a time of enormous constraints in Federal spending, the dollars to support this program must be at the expense of other much needed veterans' benefits and services. Veterans are not well served by the current state of this program.

The critical importance and enormous cost of this program make it imperative that the Congress have the benefit of the best and broadest based advice. That is why this legislation establishes an independent and objective

advisory commission with a broad based membership.

A commission which will draw upon the experience of individuals from the public with knowledge of contemporary issues and practices in business and public administration, as well as representatives of the industries involved in the Home Loan Program. Of course, the commission would also represent the veterans who are the intended beneficiaries of the program.

For example, this commission would examine the VA's marketing strategy and techniques. When the VA attempts to market the properties it has acquired, it must adapt to, and use, the environment and techniques created by the real estate industry which has turned the sale of houses into a science. In other words, the VA must make it easy and attractive for the private sector to want VA business. VA attempts to have the industry conform to VA policies and procedures will not achieve the level of home sales necessary to reduce the VA's inventory. Houston is a prime example of this fact.

The commission will be in a position to compare the VA efforts with those of successful real estate professionals and recommend ways for the VA to adopt successful techniques.

I believe the Home Loan Guaranty Program will benefit from a fresh evaluation and analysis of its policies and procedures. Such an evaluation should give the Congress new insights and recommendations upon which we can base further reforms.

The bill will also require the VA to offer below-market rate financing when such financing is necessary to compete in areas, such as, Houston. In some areas and some circumstances, properties which are not quickly sold lose their value and become unsaleable. In such an environment, the health of the Loan Guaranty Program makes it necessary to be very aggressive in marketing properties.

The alternative is a steady downward spiral of value accompanied by the constant drain of day-to-day holding costs. We see today the impact of that spiral in areas such as Houston. We see the impact of that spiral in the steady drumbeat of requests and additional appropriations for the Loan Guaranty Revolving Fund. This spiral must be broken.

The bill also includes a provision which corrects an error in Public Law 100-198, enacted in December 1987. In that act, the Congress required that—in most cases—in most cases—a VA guaranteed loan be assumable only if the assumptor is creditworthy. Most loans made by the VA to finance the sale of VA acquired properties—so-called vendee loans—are sold on the open market with full recourse. This means the taxpayer stands behind the loan and remains at risk until the loan is repaid.

Section 4 of this bill requires that the assumptor of a VA-made vendee loan must be creditworthy. This provision will protect the taxpayers who bear the risk of that transaction by correcting the inadvertent commission of vendee loans from the Public Law 100-198 provision requiring credit underwriting when VA loans are assumed.

Mr. President, the VA Home Loan Program is in a state of prolonged crisis. I urge my colleagues to join with Senator CRANSTON and myself in supporting this partial response to that crisis. Much more needs to be done and I intend to vigorously pursue additional remedies and reforms this year. The current situation cannot be tolerated.

Relying on a hoped for increase in oil prices to restore prosperity in energy-producing states is not a solution. We owe it to our veterans and those who support this program with their hard-earned tax dollars to take the necessary steps to reduce losses and return solvency to the program without resorting to increased veteran user fees or appropriations. Let's use those appropriated dollars to expand and improve health-care services to our Nation's veterans and the challenge of an aging veteran population.

Mr. President, I urge my colleagues to join me in working to turn this program around. America's veterans and America's housing industry deserve no less.●

By Mr. SIMPSON:

S. 2050. A bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States; to the Committee on the Judiciary.

LEGAL IMMIGRATION REFORM ACT

Mr. SIMPSON. Mr. President, today I am introducing the Legal Immigration Reform Act of 1988. This bill is the second of a series of steps which I believe are vitally necessary for the development of a sound immigration and refugee policy for this country in the years ahead.

Seven years ago, the Select Commission on Immigration and Refugee Policy concluded 2 years of hearings, reports, and research studies, and delivered to the Congress its final report and recommendations for the development of "a sound, coherent, responsible policy which serves the interests of the United States and is true to the deepest and best values and traditions of its citizens."

The select commission, while reaffirming the benefits of immigration, reported that the first priority of immigration reform was to bring illegal immigration under control, while setting up a rational system for legal immigration. We took the first step in the 99th Congress when we passed the Immigration Reform and Control Act of 1986. That legislation, designed to bring illegal immigration under control, appears to be having the desired effect. Illegal border crossings are down by nearly 30 percent, most American employers are complying with the new prohibitions against the employment of unauthorized workers, there are very few reports of employment discrimination, and well over a million illegal aliens have applied for legalization under this bill.

The legislation I am introducing today, Mr. President, represents the second step: The establishment of a rational system of legal immigration. Again, the measure follows closely the recommendations of the select commission which are to provide "a modest increase in legal immigration * * * and to introduce a new system which * * * will be more equitable and more clearly reflect our interests as a nation." The select commission reaffirmed the importance to the United States of additional "new seed" or "classic" immigrants who come to work, save and invest, and recommended the creation of an immigration channel for persons who are not able to enter the United States on the basis of family connection. This bill, Mr. President, is designed to address those recommendations.

A similar bill is being introduced today in the House of Representatives by my fine friend Congressman CHUCK SCHUMER of New York. Congressman SCHUMER and I have worked closely in the drafting of this legislation and he is a vital participating member of the House Immigration Subcommittee, chaired by my friend and original sidekick in the cause of illegal immigration reform, RON MAZZOLI. Both were active participants in the processing of the immigration reform bill enacted in the last Congress.

The very astute and able chairman of the Senate Immigration Subcommittee, my friend TED KENNEDY, has introduced an immigration reform bill which also addresses the system by which we select immigrants. I pledge to work closely with our chairman in a sincere bipartisan effort for passage of a legal immigration reform measure which is truly in the national interest.

Mr. President, as our remarkable mentor and counselor Father Ted Hesburgh, the chairman of the select commission, pointed out in his introduction to the commission's final report, "if it is a truism to say that the United States is a nation of immigrants, it is also a truism that it is one no longer, nor can it become a land of unlimited immigration. As important as immigration has been and remains to our country, it is no longer possible to say as George Washington did that we welcome all of the oppressed of the world, or as the poet, Emma Lazarus, that we should take all the huddled masses yearning to be free." It is imperative that Americans perceive that this great country is no longer one of vast, undeveloped space and resources, with a relatively small population. In an earlier time, the nation could welcome millions of newcomers. Some brought skills. Many others brought few skills, but were willing to work. A smaller America with a simpler labor-intensive economy and a labor shortage, that was often quite enough—that, plus their great drive to become Americans.

Immigrants can still greatly benefit America, but only if they are limited to an appropriate number and selected within that number on the basis of qualities which would truly benefit America.

I believe that a necessary feature of any immigration policy which is in the national interest is the establishment of a national level of immigration. With the exception of unexpected refugee emergencies, I believe that this Nation should accept immigrants within a national level based on the economic and social impacts of immigration. I also believe that number should be reviewed and revised carefully on a regular basis consistent with U.S. national interests.

Current law does not provide for an overall level of immigration, and our overall flow of immigrants, excluding refugees, has been growing at the rate of about 15,000 persons per year. This bill will establish a national level of immigration, it will require annual reports on the effects of immigration, and it will require the Attorney General to make recommendations to the Congress on an appropriate level of immigration every 3 years.

I do not in any way wish to reduce legal immigration. In fact, increased immigration may well be in the national interest. However, I am also aware that opinion polls indicate that most Americans believe that current legal immigration should be reduced or kept at the same level. I therefore feel that, while we have reduced illegal immigration through employer sanctions, the Congress should be cautious in setting a higher level of legal immigration until we have more information regarding the social and economic impacts of immigration. Major research studies are currently under way on this issue which, together with the annual reports required by this bill, will provide useful information to Congress when we review the level of immigration in 3 years.

The bill establishes a national level of immigration at the current legal flow of 510,000, plus an additional 80,000 to be used to reduce the backlogs in categories which are eliminated under the legislation, and to provide for a new group of "classic immigrants"—those who so originally stirred our senses and our patriotism—who will be selected under a point system.

The national level of immigration set by this legislation exceeds the estimated level of legal immigration during fiscal year 1987 by 80,000. However, at the end of 1986, Congress enacted the Immigration and Control Act, and preliminary evidence shows that overall illegal immigration has since been reduced. The most reliable study to date, which compared border apprehensions to the number of man hours devoted to enforcement by the border patrol, found a 27-percent reduction in illegal entries. Given this funding, illegal immigration might be down by 81,000 to 135,000 persons per year—assuming net illegal immigration of 300,000 to 500,000 persons per year. Therefore, the overall effects of the new immigration law and the proposed legal immigration reform bill should not result in increased immigration to the United States.

Once we establish a national level of immigration, it is so important that we develop a system that chooses immigrants within that level who best serve the national interest.

Today, approximately 90 percent of all immigrants come to the United States only because they have a family connection here. Only 10 percent are admitted because they possess skills that are specifically needed by U.S. employers or skills that the Government has determined would well serve our society. These 10 percent are the only immigrants for whom we search our labor market to determine whether their presence would have an adverse effect on U.S. workers. I believe that legal immigration in this manner does not serve the national interest as well as it could, and that it is seriously in need of revision.

Family-connected immigration would remain an essential component of this legislation. Indeed, the lion's share of visas—69 percent—would still be distributed to immigrants who wish to join their immediate family members. However, I believe that we must recognize that immediate family members should encompass only the following relations: the parents, children, and spouses of U.S. citizens, and the spouses and children of permanent resident aliens.

Today, nearly 2 million persons wait—sometimes for many years—to immigrate legally to the United States; 1.7 million of these "backlogged" immigrants are the brothers, sisters, brothers-in-law, sisters-in-law, nieces, and nephews of U.S. citizens. Over 70,000 of the 216,000 numerically limited family visas that our current system allocates each year go to these more distant relatives. To again quote father Hesburgh's remarks introducing the select commission's final report:

> There is something wrong with a law that keeps out—for as long as 8 years—the small child of a mother or father who has settled in the United States while a nonrelative or less close relative from another country can come in immediately.

I propose that we continue to grant nearly 70 percent of all legal immigrant visas to the immediate family groups that I have described above, but that the more distant relatives not receive further treatment with automatic immigration rights to the United States.

In addition, I believe that a much greater number and proportion of immigrants should be admitted because they bring skills, qualities, traits, and attributes which are in the national interest. Instead of only 10 percent of all immigrants—or 54,000 per year—being admitted because of their skills, I believe that 30 percent—or 180,000 per year—should be admitted on these grounds. My legislation would create a separate category of independent immigrants and guarantee them 180,000 visas per year. Not only will this new independent category serve our Nation's interest more faithfully, but as Father Hesburgh noted, "* * * this category will provide immigration opportunities for those persons who come from countries where immigration to the United States has not been recent or from countries that have no immigration base here."

The new independent category would provide visas to aliens who have been requested by U.S. employers and which the Department of Labor has certified would not displace or adversely affect U.S. workers. The independent category would also provide 80,000 visas per year to aliens who would be chosen based on the qualities that historically have ensured that the alien will prosper in our country and benefit the nation as a whole: age, education, language and citizenship skills, and labor market skills.

I believe the preservation of immigration for the closest family members while providing for new independent immigration will only improve on the already significant contributions that immigrants have made to our country.

I look forward to working with Senator Kennedy and with Congressman Schumer in processing this bill. I also would note that many of the provisions in both this bill and Senator Kennedy's bill come from legislation that Congressman Ron Mazzoli and I introduced in 1982—the first immigration reform bill. I greatly look forward to working with Ron Mazzoli again and with the other fine members of his subcommittee: Pat Swindall, the very articulate and able new ranking Republican of the subcommittee, Bill McCollum, Barney Frank, Howard

Berman, John Bryant, and some of the new members of the subcommittee. I also feel confident that the members of the House Judiciary Committee will fully examine what we are sincerely proposing here and give their full thought and consideration to our project. Congressman Peter Rodino, the revered "Mr. Chairman" to all of us, and the senior seasoned ranking member Hamilton Fish have spent many years mastering the difficult topic of immigration, and I am confident that they will be active and important players as the legislation proceeds. Finally, there are so many thoughtful members of the Senate who have historically played such a vital part in the immigration debate—Strom Thurmond, Chuck Grassley, Howard Metzenbaum, Paul Simon, Dale Bumpers, and so many others—and I do very much look forward to working with them all.

By Mr. McCLURE (for himself and Mr. Hatch):

S. 2051. A bill entitled the "Prohibition of Undetectable Firearms Act"; to the Committee on the Judiciary.

PROHIBITION OF UNDETECTABLE FIREARMS ACT

Mr. DOLE. Mr. President, over many years, I have enjoyed the opportunity to work with my colleague, the distinguished Senator from Idaho, Mr. McClure, on efforts to protect the right of U.S. citizens to keep and bear arms.

Many times, it seems to our vigil to guard against assaults on the second amendment has been never ending. Attempts to ban legally manufactured and owned firearms and ammunition are made in the Congress from every angle imaginable.

The latest assault attempts to ban small arms by renaming them as "plastic guns." In truth, there is no plastic gun being manufactured today. However, we should be mindful that as new technologies are discovered, detection technology keeps pace to ensure the safety of airlines and the security of targets of terrorists such as the U.S. Capitol and the White House.

Mr. President, I know that my colleague has been working with the National Rifle Association to fashion some compromise which, while not banning any currently manufactured firearms, would protect against the introduction of any new class of firearms that are not detectable by today's x-ray and magnetometer devices. I applaud the Senator for his tireless efforts and attention to this matter of concern to all Americans.

I will be consulting with a number of experts in the fields of firearm manufacturing, security, and firearm detection to review the specific provisions of the legislation, and may, at a future date, join Senator McClure as a cosponsor.

However, I do want to indicate my appreciation for his efforts on behalf of America's gun owners, and look forward to our continued work together.

By Mr. GLENN:

S. 2052. A bill to continue the suspension of duties on m-xylenediamine and 1,3-bis(aminomethyl)cyclohexane; to the Committee on Finance.

S. 2053. A bill to temporarily suspend the duty on 8-hydroxy-quinoline; to the Committee on Finance.

SUSPENSION OF DUTIES ON CERTAIN CHEMICALS

● Mr. GLENN. Mr. President, I am introducing legislation today to temporarily suspend the duties on several chemicals that American manufacturers are forced to import because they are not manufactured in the United States. These bills should prove to be noncontroversial duty suspensions and I, therefore, urge their prompt passage by Congress.

MXDA (meta-xylene-diamine)

1,3-BAC (1,3-bis(aminomethyl)-cyclohexane)

The first bill will extend the expiration date of the temporary duty suspension on two chemicals from December 31, 1987 to December 31, 1990.

The synthetic organic chemical MXDA (meta-xylene-diamine), and its hydrogenated form, 1,3-BAC (1,3-bis(aminomethyl)-cyclohexane), are used, respectively, as an epoxy resin hardener in the production of epoxy surface coatings and as a component of specialty adhesives for aircraft and aerospace applications. Neither chemical is currently being manufactured in the United States, nor has either been manufactured in this country for at least 8 years.

The duties for MXDA and 1,3-BAC were suspended in the Trade and Tariff Act of 1984 through December 31, 1987, in order to enable Sherwin-Williams Chemical Co. to test the U.S. market for the two chemicals before investing in domestic production facilities. Unfortunately, Sherwin-Williams did not pursue the business very far before a change of ownership halted the effort. Recently another U.S. firm, Sherex Chemical Co. of Dublin, OH, has negotiated a contract with the world's only manufacturer to distribute the chemicals in the United States. If market acceptance is established, Sherex will study the feasibility of starting production in the United States. Unless the suspension of the duty rates is continued, however, test marketing of MXDA and 1,3-BAC will be difficult, and the U.S. plastics and aerospace industries may lose the opportunity for eventual domestic sourcing of these useful chemicals.

KELEX 100 (8-HYDROXY-QUINOLINE)

The second bill will temporarily suspend the duty on the chemical 8-hydroxy-quinoline, known as Kelex 100, through December 31, 1990.

Kelex 100 is a unique chemical derivative of quinoline, with unusual reagent properties that are highly valuable in the recovery and purification of strategic metals. Kelex 100 was invented and developed in the laboratories of Sherex Chemical Co. of Dublin, OH, but domestic consumption is so small—less than 100 tons annually—that establishing U.S. production facilities has been uneconomical. Therefore, Sherex has arranged for Kelex 100 to be manufactured according to Sherex's patented processes by a firm in Europe, where there is a somewhat larger demand for the chemical because of its use there in the recovery of gallium, a rare metal of strategic importance to the semiconductor industry. At least two American firms are now considering the feasibility of establishing facilities in the United States for the recovery of gallium and for the recovery of germanium, another strategic metal used principally in the production of infrared and fiber optics. The availability and cost of Kelex 100 during this technical stage of development will shape the decisions whether to establish these facilities, which in turn would bolster the American semiconductor, optics, and derivative high-technology industries.

Congress has enacted temporary duty suspension measures because it is our policy that U.S. manufacturers should be able to obtain, free of duty, foreign-made components that are domestically unavailable. I urge my colleagues to support this legislation, which will enable the U.S. chemical industry to continue to compete in the world market.

Mr. President, I ask unanimous consent that the text of the bills be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 2052

Be it enacted by the Senate and House of Represenatatives of the United States of America in Congress assembled,

SECTION 1. m-XYLENEDIAMINE AND 1,3-BIS (AMINOMETHYL) CYCLOHEXANE.

Items 907.03 and 907.04 of the Appendix to the Tariff Schedules of the United States are each amended by striking out "12/21/87" and inserting in lieu thereof "12/31/90".

SEC. 2. EFFECTIVE DATE.

(a) In General.—The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.

(b) Reliquidation.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of enactment of this Act, any entry of an article described in item 907.03 or 907.04 of the Appendix to the Tariff Schedules of the United States (as amended by this Act) that was made—

(1) after December 31, 1987, and

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(2) on or before the date that is 15 days after the date of enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on the day after the date that is 15 days after the date of enactment of this Act.

S. 2053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. 8-HYDROXY-QUINOLINE.

Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

"908.26	8-Hydroxy-quinoline (provided for in item 406.42, part 1B, schedule 4)	Free	No change	On or before 12/31/90".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. CRANSTON (for himself, Mr. Pell, Mr. Dodd, Mr. Inouye, Mr. DeConcini, and Mr. Rockefeller):

S. 2054. A bill to amend the Peace Corps Act to authorize appropriations for fiscal year 1989; to the Committee on Foreign Relations.

PEACE CORPS AUTHORIZATION ACT

Mr. CRANSTON. Mr. President, I am today introducing S. 2054, legislation to extend the authorization of appropriations for the Peace Corps through fiscal year 1989 at a level—$157 million—that would enable the Peace Corps to continue making progress toward achieving the congressionally established goal of a Peace Corps volunteer strength of 10,000, as enacted in section 1102 of the International Security and Development Cooperation Act of 1985, Public Law 99-83. Joining me in introducing this measure are the chairmen of the Foreign Relations Committee, Senator Pell, and of the committee's Subcommittee on Western Hemisphere and Peace Corps Affairs, Senator Dodd, and the Senators from Hawaii [Mr. Inouye], Arizona [Mr. DeConcini], and West Virginia [Mr. Rockefeller].

For more than 26 years, Peace Corps volunteers have promoted international peace and friendship by helping persons in many nations overcome the often harsh circumstances—including malnutrition, lack of clean water, disease, and illiteracy—of their lives. Since the Peace Corps' establishment in 1961, over 125,000 American men and women have served as volunteers in 95 nations around the world.

As the Senate author of the provision establishing the goal of a 10,000-volunteer Peace Corps, I believe that the Congress should take the steps necessary to provide the Peace Corps with the resources to make steady progress toward realizing that goal.

Despite the continued national support for the Peace Corps among the American people and its symbolic significance to our aspirations for world peace and understanding, the numbers of Peace Corps volunteers declined from more than 15,000 volunteers in 1966 to 9,000 in 1970, to just over 5,000 in 1984. During that same period and continuing to the present, the populations in the developing nations of the world have increased dramatically.

As a result of our efforts over the past 3 years, the decline in the number of volunteers has become an upswing. Currently, there are about 6,600 men and women serving in the Peace Corps, a 25-percent increase over last year, and the prospects for continuing growth are good—if Congress provides the necessary resources. For example, at present the Peace Corps has hundreds more requests for volunteers from host countries, and nearly 1,400 more qualified applicants, than the agency's current budget enables it to use.

Mr. President, following establishment of the 10,000-volunteer goal, I and a number of other Members of the House and Senate, including Senators Pell and Dodd and the chairman of the House Foreign Affairs Committee, Representative Dante Fascell, requested that Loret Ruppe, Director of the Peace Corps, develop a phased, realistic, and programmatically appropriate plan to meet that goal. Director Ruppe's plan, submitted to Congress on March 5, 1986, provided a realistic blueprint for moderate Peace Corps growth through the end of this decade and into the beginning of the next. So far, through the efforts of a number of us strongly committed to this agency's work on behalf of world peace, development, and mutual understanding—including notably my good friend, Senator DeConcini, a member of the Appropriations Committee and the distinguished chairman of the Appropriations Subcommittee on Foreign Operations, Senator Inouye—the Congress provided the funding needed to keep pace with that plan—$137.2 million for fiscal year 1987 and $146.2 million for fiscal year 1988. As I have previously indicated, the funding level called for in that plan over the next fiscal year—$157 million for fiscal year 1989—is the amount that would be authorized to be appropriated by this legislation.

Mr. President, in view of the increased opportunities for promoting world peace that would be provided with this modest increase, I truly believe it would be a small price to pay and that we should take all necessary steps to stay on the path we have forged toward achievement of the 10,000-volunteer goal. Of all the international efforts we make to achieve world peace and understanding, there is no greater contribution than that which the American people make through the Peace Corps. In this unique program, we share with the developing nations of the world the best of America—our people, our spirit, our ingenuity, and our compassion. Upon their return to this country, Peace Corps volunteers are a source of knowledge about another way of life that can be tapped to promote a broader understanding among Americans about peoples of other nations.

Mr. President, our Nation and all of the other nations in which Peace Corps volunteers serve are immeasurably enriched by the contributions made by Peace Corps volunteers. These are dollars extremely well invested, and I urge all of my Senate colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point followed by the text of Director Ruppe's March 5, 1986, blueprint for achieving the 10,000-volunteer goal.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended by amending the first sentence to read as follows: "There are authorized to be appropriated to carry out the purposes of this Act $130,000,000 for fiscal year 1986, $137,200,000 for fiscal year 1987, $146,200,000 for fiscal year 1988, and $157,000,000 for fiscal year 1989.".

Peace Corps,
March 5, 1986.

Hon. Alan Cranston,
Member, Senate Committee on Foreign Relations, U.S. Senate, Washington, DC.

Dear Senator Cranston: In response to your request of February 3, we are providing a detailed plan for attaining a volunteer level of 10,000 over the next six years.

We share with you the concern for the needs of the developing world and a conviction that long-term development needs are best met through grassroots-level assistance. As we enter our second quarter-century, Peace Corps is reaffirming its role in providing such assistance, a role unique in the foreign assistance community.

As I participate in the 25th Anniversary symposia around the nation, I am pleased and very proud of the continued support of the American people for the basic goals of the Peace Corps. The strong response made by Americans throughout the nation to our appeals for increased numbers of volunteers to support our Africa Food Systems Initiatives has been repeated in the enthusiastic response to our anniversary activities. The so-called "me generation" is in fact very responsive to the needs of people on the other side of the world, and willing to contribute their time and skills to meeting those needs. And an older generation of Americans has renewed its interest in international volunteerism; their extensive experience ensures

that they have the skills so much needed overseas.

Due to time constraints, the attached plan has been developed by Headquarters staff, with limited participation by our overseas staff, who are occupied in making the program reductions required under Gramm-Rudman. Despite this constraint, we feel that the outlined volunteer levels are feasible and supportable. We considered possibilities for expanding existing programs, for initiating new projects in countries where we now serve, and for establishing new programs in countries where we do not now operate. We also weighed the likelihood that host countries would agree to, and support, potential expansions. And we carefully evaluated "saturation levels" for each country (the levels at which the sheer numbers of volunteers in a particular country would preclude further increases).

While increased levels of volunteers are feasible, it is important to note the limitations inherent in development of this plan:

The need to reduce the Federal deficit continues to be an urgent priority of this Administration. As I noted in my earlier letter, we need to balance the economic needs of the developing world with the economic needs of our own Nation.

Potential increases noted in the plan must be viewed as somewhat tentative, as they depend heavily on the concurrence of the host country government. As you know, the bulk of our volunteer activity is in direct response to a specific request from a host country. Since host country governments did not participate in the development of this plan, we cannot guarantee their response. We feel that the overall numbers are attainable, however, in light of the numerous requests we have received for new or expanded efforts, although this will also depend on the availability of scarce skills among our applicants.

Increases are also subject to change based on changing political and economic environments in the countries served. We have not identified individual countries in this plan for that reason. The overall numbers would not be expected to fluctuate much, though, as one country's increase may well offset another country's decrease.

Increased levels cannot be attained without the establishment of programs in countries where we do not now operate. As with expansions, such new country entries depend on the concurrence of the host country. We have received a number of contacts concerning possible new country entries, but would have to go through the formal negotiation process before establishing programs.

Any increase in volunteer levels would require a commitment of resources in both dollar and personnel terms, and may be difficult to achieve in the current budget environment. Peace Corps cannot, and will not, place volunteers overseas without adequate support to ensure their continued health and safety.

Despite the tentative nature of any specific numbers, especially on a country-by-country basis, Peace Corps does feel that the need for development assistance is there, and that we can play a valuable role in helping the developing world meet its long-term needs. As you well know, Peace Corps is a most cost-effective (and, in our eyes, our most effective) development assistance program.

I hope the enclosed plan responds to your request. If you have any questions or need additional information, I and my staff are available to assist you in any way possible.

Thank you for your continuing interest in, and support for, Peace Corps' programs.

Sincerely,

Loret Miller Ruppe,
Director.

SUMMARY

Summary of resources required to reach a volunteer force of 10,000 by 1992:

	Fiscal years [2]						
	1986	1987	1988	1989	1990	1991	1992
Trainee input	2,615	3,171	3,714	4,233	4,572	4,890	5,317
Volunteer years	5,103	4,961	4,999	5,737	6,571	7,256	7,830
Volunteers on board end of year	6,012	6,108	6,630	7,686	8,581	9,307	10,054
Budget requirements (dollars in millions)	[1] 124.4	137.2	146.2	157.0	172.8	185.3	196.2
Staffing requirements (FTE)	1,039	1,097	1,168	1,211	1,269	1,309	1,318

[1] Excludes $5.59 million sequestered (from a total appropriation of $130 million) as a result of Gramm-Rudman-Hollings constraints.

[2] Projected resource requirements are in constant dollars.

Establishing and maintaining a volunteer force of 10,000 would require more than doubling our annual trainee input over the next four to six years.

From 1,199 to 3,053 in Africa (up 1854).

From 707 to 986 in Inter-America (up 279).

From 684 to 1,253 in North Africa, Near East, Asia and Pacific (up 569).

Most of the volunteers would serve in agriculture and education programs, with lesser increases in health, water/sanitation, forestry and small enterprise development.

Over a dozen new country entries would be planned (up to 63 at present).

Funding would need to increase by $72 million over current levels.

Staffing would need to increase by close to 300 FTE over current levels.

Fiscal year 1987

Trainee input	3,171
Volunteer years	4,961
Volunteers on board end of year	6,108
Staff (FTE)	1,097
Dollars in millions:	
Program support	45.2
RCDE	12.8
Volunteer operations	79.2
Total	137.2
Increased trainee input over fiscal year 1986 by 556:	
Africa	282
Inter-America	224
North Africa, Near East, Asia and Pacific (NANEAP)	50

Major increases are in agriculture/rural development, education, small enterprise development and health.

Assumes entry into four (4) new countries (1 in Africa, 3 in Inter-America).

Increases in staff provide for overseas staff, recruitment, and support services.

Increases in Volunteer Operations for	$4.6
Basic training for new volunteers (trainees)	3.3
Program planning to support the expansion	.4
Medical support	.5
Program materials for volunteers	.2
Recruitment, other (1 FTE)	.2
Increases in RCDE provide for	2.5
Recruitment (8 FTE)	2.2
Support to the UN Volunteer program (+5 volunteers)	.3
Increases in Program Support provide for	$5.7
Overseas staff (28 FTE)	1.4
Headquarters staff (21 FTE)	.8
One-time costs—new posts	.8
Conversion to State systems for personnel/payroll	.5
One-time upgrade of overseas computer systems	.8
Overseas support costs (vehicles, FAAS)	.6
One-time computer expansion	.5
Support services	.3

Fiscal year 1988

Trainee input	3,714
Volunteer years	4,999
Volunteers on board end of year	6,630
Staff (FTE)	1,168
Dollars in millions:	
Program support	49.6
RCDE	13.0
Volunteer operations	83.6
Total	146.2
Increases trainee input over fiscal year 1987 by 543:	
Africa	360
Inter-America	108
NANEAP	75

Major increases continue in agriculture/rural development, education, and small enterprise development.

Assumes entry into 3 new countries (1 in NANEAP, 2 in Africa).

Increases in staff provide for overseas staff, recruitment and support services.

Increases in Volunteer Operations provide for	$4.4
Basic training for new volunteers (trainees)	3.2
Overseas support to new volunteers (allowances, travel, in-service training, supplies, etc.)	.4
Medical support	.5
Recruitment, other (1 FTE)	.3
Increases in RCDE provide for	.2
Recruitment (8 FTE)	.3
Support to UNV program (grant in alternating years)	−.1
Increases in Program Support provide for	4.4
Overseas staff (43 FTE)	2.1
Headquarters staff (19 FTE)	.7
Overseas support costs (vehicles, FAAS)	.4
One-time upgrade of overseas computer systems	1.2
One-time costs for new posts	−.2
Other	.2

Fiscal year 1989

Trainee input	4,233
Volunteer years	5,737
Volunteers on board end of year	7,686
Staff (FTE)	1,211
Dollars in millions:	
Program support	48.4
RCDE	13.7
Volunteer operations	94.9
Total	157.0
Increases trainee input over 1988 by 519:	
In Africa	300

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In Inter-America	144
In NANEAP	75

Major increases are in agriculture/rural development.

Assumes no new country entries.

Increases in staff provide for overseas staff, recruitment, and support services.

Increases in Volunteer Operations provide for	$11.3
Basic training for new volunteers (trainees)	3.10[S04FE8-864]{S675}
Overseas support to new volunteers (allowances, travel, in-service training, supplies, etc.)	7.5
Medical support	.6
Other (1 FTE)	.1
Increases in RCDE provide for	.7
Recruitment (6 FTE)	.4
Support to UNV program (grant in alternating years)	.2
WATS equipment (one time)	.1
Changes in Program Support provide for	−1.2
Increases in:	
Overseas staff (31 FTE)	+1.5
Headquarters staff (5 FTE)	+.2
Overseas support costs (vehicles, FAAS)	+.4
Offset by decreases in:	
One-time computer purchases	−.5
One-time upgrade to overseas computer systems	−2.0
One-time costs for new posts	−.8

Fiscal year 1990

Trainee input	4,572
Volunteer years	6,571
Volunteers on board end of year	8,581
Staff (FTE)	−1,269
Dollars in millions:	
Program support	51.1
RCDE	14.4
Volunteer operations	107.3
Total	172.8
Increase trainee input over fiscal year 1989 by 339:	
In Africa	373
In Inter-America	−134
In NANEAP	100

The Inter-America decrease reflects a slight slowing after the peak years of IFCA (Initiative for Central America).

Assumes two new country entries (in Africa).

Major increases in small enterprise development, water/sanitation, and agriculture/rural development.

Increases in staff for overseas staff, recruitment and support services.

Increases in Volunteer Operations provide for	$12.4
Basic training for new volunteers (trainees)	2.0
Overseas support to new volunteers (allowances, travel, in-service training, supplies, etc.)	8.4
Medical support	1.7
Other (3 FTE)	.3
Increases in RCDE provide for	.7
Recruitment (9 FTE)	.7
Support to UNV program grant in alternating years	−.1
New recruitment film	.1
New area office (3 FTE)	.1
WATS equipment (one time)	−.1
Increases in Program Support provide for	2.7
Overseas staff (32 FTE)	1.6
Headquarters staff (11 FTE)	.4
Overseas support costs (vehicles, FAAS)	.3
One-time costs—new posts	.4

Fiscal year 1991

Trainee input	4,890
Volunteer years	7,256
Volunteers on board end of year	9,307
Staff (FTE)	1,309
Dollars in millions:	
Program support	53.6
RCDE	14.6
Volunteer operations	117.1
Total	185.3
Increase trainee input over 1990 by 318:	
In Africa	254
In Inter-America	−36
In NANEAP	100

Inter America continues slowing.

Assumes 3 new country entries (1 in NANEAP, 2 in Africa).

Major increases in education and agriculture/rural development.

Increases in staff for overseas staff, recruitment and support services

Increases in Volunteer Operations provide for	$9.8
Basic training for new volunteer (trainees)	1.9
Overseas support to new volunteers (allowances, travel, in-service training, supplies, etc.)	6.9
Medical support	.9
Other (2 FTE)	.1
Increases in RCDE provide for	.2
Recruitment film (one-time)	−.1
Recruitment (7 FTE)	.2
Support to UNV program (grant in alternating years)	.1
Increases in Program Support provide for	2.5
Overseas staff (28 FTE)	1.2
Headquarters staff (3 FTE)	.1
Overseas support costs (vehicles, FAAS)	.2
Replace overseas computer systems	.8
One-time costs—new posts	.2

Fiscal year 1992

Trainee input	5,317
Volunteer years	7,830
Volunteer's on board end of year	10,054
Staff (FTE)	1,318
Dollars in millions:	
Program support	54.9
RCDE	14.7
Volunteer operations	126.6
Total	196.2
Increase trainee input over 1991 by 427:	
In Africa	285
In Inter-America	−27
In NANEAP	169

Inter America continues slowing.

Assumes 2 new country entries (in Africa).

Major increases are in education and agriculture/rural development.

Increases in staff for overseas staff, recruitment and support services.

Increases in Volunteer Operations provide for	$9.5
Basic training for new volunteer (trainees)	2.5
Overseas support to new volunteers (allowances, travel, in-service training, supplies, etc.)	5.8
Medical support	1.1
Other (1 FTE)	.1
Increases in RCDE provide for	.1
Recruitment (8 FTE)	.2
Support to UNV program (grant in alternating years)	−.1
Increases in Program Support provide for	1.3
Overseas support to volunteers (vehicles, FAAS)	.4
Reduced staff travel	−.1
Replace overseas computer systems	1.2
One-time costs—new posts	−.2

By Mr. HOLLINGS (for himself and Mr. Danforth):

S.J. Res. 251. Joint resolution designating March 4, 1988, as "Department of Commerce Day"; to the Committee on the Judiciary.

DEPARTMENT OF COMMERCE DAY

Mr. HOLLINGS. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, I join today with the committee's ranking Republican, Senator Danforth, in introducing a joint resolution to designate March 4, 1988 as "Department of Commerce Day."

This resolution is designed to commemorate the 75th anniversary of congressional action which established a separate Department of Commerce from what had previously been known as the Department of Commerce and Labor. At that time, Congress directed this newly created department to "foster, promote, and develop the foreign and domestic commerce" of the United States.

Then, as now, the economic vitality of the United States of America was dependent on our free enterprise system. This great Nation has grown and prospered because of the entrepreneurial spirit and rugged individualism of our people. And, over the years, the Department of Commerce has been right there to nurture and enhance our development into the world's greatest and most powerful economy.

We look back, and we look ahead. The coming decades will bring great challenges to American businesses and industries as we rise to meet the new global economic competition. The important responsibilities of the Department of Commerce in the areas of trade policy, industrial research and development, science and technology, and economic development become ever more crucial to America's fight to

remain No. 1 in the world. In addition, more than half of the Department's employees are involved in ocean and atmospheric research, and as we look to secure future economic growth, so too much we ensure the safeguarding of our fragile atmosphere and coastal areas. The Department of Commerce's contributions toward this aim will be crucial in the years ahead.

I salute the officers and employees of the Department of Commerce for a job well done and hope they will join with this Congress in facing the challenges of the future. Finally, I urge my colleagues to join with me and Senator Danforth in approving this resolution.

By Mr. PROXMIRE (for himself, Mr. Garn, Mr. Heinz, Mr. Armstrong, Mr. D'Amato, Mr. Hecht, Mr. Gramm, Mr. Bond, Mr. Chafee, Mr. Karnes, Mr. Wilson, Mr. Danforth, Mr. Hatch, Mr. Dole, Mr. Warner, Mr. Lugar, Mr. Domenici, Mr. Weicker, Mr. Grassley, Mr. Symms, Mr. Cochran, Mr. Nickles, Mr. McCain, Mr. Quayle, Mr. Specter, Mr. Boschwitz, Mr. Durenberger, Mr. McClure, Mr. Cranston, Mr. Riegle, Mr. Sarbanes, Mr. Dodd, Mr. Dixon, Mr. Sanford, Mr. Shelby, Mr. Graham, Mr. Wirth, Mr. Burdick, Mr. Simon, Mr. Reid, Mr. Kennedy, Mr. Lautenberg, Mr. Inouye, Mr. Pell, Mr. Leahy, Ms. Mikulski, Mr. Metzenbaum, Mr. Kerry, Mr. Moynihan, Mr. Exon, Mr. Matsunaga, Mr. Levin, Mr. Johnston, Mr. Mitchell, Mr. Baucus, Mr. Chiles, Mr. Ford, Mr. Nunn, Mr. Bentsen, Mr. Hollings, and Mr. Boren):

S.J. Res. 252. A joint resolution designating June 5–11, 1988, as "National NHS NeighborWorks Week"; to the Committee on the Judiciary.

NATIONAL NHS NEIGHBORWORKS WEEK

Mr. PROXMIRE. Mr. President, I am introducing today, with Senator Garn, a joint resolution calling for a Presidential proclamation of "National NHS/NeighborWorks Week" beginning June 5, 1988.

This resolution seeks to increase public awareness of Neighborhood Housing Services [NHS], and its partners, the Mutual Housing Associations and Apartment Improvement Programs. These NeighborWorks partnerships are the largest network of volunteers-based, nonprofit corporations working to revitalize older neighborhoods in the United States.

The resolution honors the thousands of citizen volunteers who have contributed their time and energy to NeighborWorks; and recognizes the active cooperation of thousands of businessmen and hundreds of local government officials in NeighborWorks activities.

NeighborWorks partnerships are initiated and funded locally. They have been organized in 137 cities and 297 neighborhoods across the country. Over 3,000 businesses and local governments contribute some $16 million yearly to NeighborWorks activities. It is estimated that over $4 billion has already been invested in rehabilitating and developing NeighborWorks' neighborhoods. Rehabilitation objectives have been successfully completed in more than 60 neighborhoods.

Mr. President, preserving the Nation's housing is a national priority. Reinvesting in older neighborhoods is good budget and social policy. Over a decade ago, I introduced legislation establishing a Neighborhood Reinvestment Corp., to promote neighborhood renewal through local action. The local-action neighborhood reinvestment program begun in 1977 has become, in little more than a decade, NHS/NeighborWorks in 137 cities and 297 neighborhoods.

That's a success story that needs to be recognized—and fostered. I urge my colleagues to join me and Senator Garn in designating the week of June 5, 1988, as "National NHS/NeighborWorks Week."

Mr. GARN. Mr. President, today Senator Proxmire and I are introducing a joint resolution calling for a Presidential proclamation of National Neighborhood Housing Services NeighborWorks Week during the week of June 5–11, 1988.

The purpose of the resolution is to heighten public awareness and increase private sector support for Neighborhood Housing Services [NHS] and its affiliated partnership organizations, Apartment Improvement Programs and Mutual Housing Associations, which are rebuilding America's lower income neighborhoods through public/private participation. The resolution will also honor those volunteer partners who have contributed countless hours of work and financial resources to their local NHS.

The NeighborWorks network is the largest neighborhood-based network of public/private partnerships at work revitalizing neighborhoods in our country today. NeighborWorks partnerships are working in 237 neighborhoods in 137 cities, which along with 60 self-reliant neighborhoods, house nearly 3 million people. The track record of the NeighborWorks network has been impressive. Over 14 years, the NHS partnerships have generated more than $4 billion in reinvestment for the rehabilitation and development of America's low-income housing stock.

Each NeighborWorks partnership is a locally controlled, nonprofit corporation managed by a volunteer board of directors, composed of residents, business representatives, and local government officials. Each partnership is locally funded by private sector institutions and the local government. More than 3,000 businesses and local governments are contributing to the operations of their local NeighborWorks partnerships at an annual level of $16 million.

In 1978 Senator Proxmire and I coauthored the legislation creating the Neighborhood Reinvestment Corp. which helps local communities develop Neighborhood Housing Services Programs and provides technical assistance. It has been very rewarding to see the expansion and success of these programs.

As a former mayor and a member of the Housing Subcommittee, I have had the opportunity to witness their work first hand. In Salt Lake City for instance, one of the critical features of the Neighborhood Housing Services revitalization strategy has been community involvement. In response to youth unemployment and the problems that result when young people aren't involved in meaningful activities, the local NHS established the West Side youth project which has developed trade and employment skills in over 100 young people. It has presented a positive image of the youth on the West Side and helped reduce neighborhood tensions and negative stereotypes. The youth have been involved in short-term, meaningful work projects and have had direct contact with local residents through the performance of jobs and services. I understand this project is going to be nominated for several national awards and will serve as a pilot in other areas of the country.

Keeping NeighborWorks partnership organizations strong and enabling them to serve additional neighborhoods requires a steady renewal of this local government and private sector support. "National Neighborhood Housing Services/NeighborWorks Week" will strengthen this local public/private partnership and I invite my colleagues to join with us in support of this resolution.

By Mr. CRANSTON (for himself, Mr. Murkowski, Mr. Matsunaga, Mr. DeConcini, Mr. Rockefeller, Mr. Stafford, Mr. Specter, Mr. McCain, and Mr. Dole):

S.J. Res. 253. A joint resolution designating April 9, 1988, and April 9, 1989, as "National Former Prisoner of War Recognition Day"; referred to the Committee on the Judiciary.

NATIONAL FORMER PRISONERS OF WAR RECOGNITION DAY

Mr. CRANSTON. Mr. President, as the chairman of the Veterans' Affairs Committee, I am very pleased to introduce Senate Joint Resolution 253, a joint resolution to designate April 9, 1988, and April 9, 1989, as "National Former Prisoners of War Recognition Day." Joining me as original cosponsors in this effort are the committee's distinguished ranking minority member, the Senator from Alaska [Mr. Murkowski], and five of our fellow committee members, the Senators from Hawaii [Mr. Matsunaga], Arizona [Mr. DeConcini], West Virginia [Mr. Rockefeller], Vermont [Mr. Stafford], and Pennsylvania [Mr. Specter], as well as the Senators from Arizona [Mr. McCain] and Kansas [Mr. Dole].

Mr. President, over the 17 years I have served on the Veterans' Affairs Committee, both as the committee's chairman from 1977 to 1981 and now again, and as its ranking minority member from 1981 to 1987, I have come to appreciate very clearly the deep concerns that many have—and which I fully share—for those of our Nation's veterans who made enormous sacrifices and endured extreme hardships as former prisoners of war. Their strength, courage, and commitment to our national security and democratic ideals and institutions helped to preserve our country, and we truly owe them a debt that can never be fully repaid.

In a Veterans' Administration study undertaken as a result of legislation I authorized in Public Law 95-479, the VA found that, although the particular type and source of hardship differed significantly according to place and time of internment, American prisoners of war from each of the three most recent wars—World War II, Korea, and Vietnam—were subjected to widespread hardships that often included extreme malnutrition, great psychological stress and abuse, inadequate medical care, brutal living conditions, and, very frequently, physical and psychological torture or other abuse.

The study also found that the conditions to which POW's were subjected can have long-term effects that may not be identifiable for extended periods of time and that, because of the lack of definitive medical knowledge regarding the effects of internment, might never be diagnosed as having their origins in the POW experience. Accordingly, Senator Graham and I introduced legislation last session—which was passed by the Senate on December 4 as section 111 of S. 9, the "Omnibus Veterans' Benefits and Services Act of 1987"—to establish presumptions of service connection for certain diseases of former prisoners of war. The basic purpose of these provisions—like that of provisions which I have authored in previous years and which have been enacted to provide presumptions of service connection for former POW's for certain other diseases—is to provide a measure of relief for former POW's from the burden to submit evidence that certain disabilities are service connected in order to receive VA disability compensation for them. I expect this legislation to be enacted in the next month or so.

Mr. President, as my colleagues know, April 9, 1942, is the day that marks the fall of Bataan, the isle where thousands of American soldiers were taken prisoner by enemy troops in the Philippines and forced to march long distances under extremely brutal conditions to prisoner-of-war camps, where they suffered further hardships and deprivations. Many of those troops did not survive that harrowing ordeal, and those that did were often permanently disabled. Thus, April 9 is, sadly, a most appropriate day to honor our Nation's POW's.

Mr. President, in 1985, Congress directed the Department of Defense to issue medals to former POW's in recognition of the great sacrifices they have made in service to our Nation. I believe, and am recommending to the VA Administrator, that the first distribution of these medals should be marked by ceremonies on April 9—the proposed day of national recognition—to appropriately commemorate our former POW's.

As I stated earlier, we can never fully repay our former POW's for the profound and often extended suffering many of them have endured as a result of their service to this country. However, it is my hope that this resolution will help in our efforts to express, as a nation, our continuing gratitude to them.

I urge my colleagues to give their full support to the bipartisan resolution we are introducing today.

Mr. President, I ask unanimous consent that the text of this resolution be printed in the Record at this point.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S.J. Res. 253

Whereas the United States has fought in many wars;

Whereas thousands of members of the Armed Forces of the United States who served in such wars were captured by the enemy and held as prisoners of war;

Whereas many such prisoners of war were subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war and died, or were disabled, as a result of such treatment;

Whereas in 1985, the United States Congress (in Public Law 99-145) directed the Department of Defense to issue a medal to former prisoners-of-war in recognition and commemoration of their great sacrifices in service to our Nation; and

Whereas these great sacrifices of former prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1988, and April 9, 1989, are designated as "National Former Prisoner of War Recognition Day" in honor of the members of the Armed Forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such days with appropriate ceremonies and activities.

● Mr. MURKOWSKI. Mr. President, today I rise to speak in support of a resolution to designate April 9, 1988, as "National Former Prisoner of War Recognition Day." I am pleased to join with my colleague, the distinguished Senator from California, Mr. Cranston, as an original cosponsor on this important legislation. I urge all my colleagues to join me today in honoring the many members of the Armed Forces who were held as prisoners of war.

April 9, 1988, recognizes the 46th anniversary of the fall of Bataan and the beginning of the infamous Bataan Death March. It also recognizes the long-term health effects of the arduous conditions under which many of these former prisoners of war were held. But, more importantly, it recognizes the great sacrifices that these American veterans endured for their country. These sacrifices are what helped to preserve our Nation.

It is for these reasons that we set aside this special day to honor and pay tribute to those veterans who gave to their country so unselfishly. We are once again reminded that the freedom we enjoy today would not have been possible without the courage, bravery, and valor of these unique men. It is my belief that the fearlessness and spirit of these former POW's shall never be forgotten. The people of the United States will not forget these men who did not forget their country. We as Americans owe these men, who served our Nation so well, a great deal. The designation of this day and the soon to be released military medals honoring those who were held prisoners of war is one way in which we can begin to repay this debt.

Mr. President, I know of no better way to pay tribute to these prisoners of war and their families other than to give them the national recognition they deserve. I urge my colleagues to join me in cosponsoring this worthwhile legislation.●

ADDITIONAL COSPONSORS

S. 761

At the request of Mr. Harkin, the name of the Senator from Utah [Mr. Garn] was added as a cosponsor of S. 761, a bill to provide for the establishment of a Western Historic Trails Center in the State of Iowa, and for other purposes.

S. 950

At the request of Mr. Heflin, the name of the Senator from Nevada [Mr. Hecht] was added as a cosponsor of S. 950, a bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes.

S. 951

At the request of Mr. Heflin, the name of the Senator from South Carolina [Mr. Thurmond] was added as a cosponsor of S. 951, a bill entitled the "Federal Courts Study Act".

S. 1429

At the request of Mr. D'Amato, his name was added as a cosponsor of S. 1429, a bill to improve the Environmental Protection Agency data collection and dissemination regarding reduction of toxic chemical emissions across all media, to assist States in providing information and technical assistance about waste reduction, and for other purposes.

S. 1630

At the request of Mr. Heflin, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 1630, a bill to provide for retirement and survivors' annuities for bankruptcy judges and magistrates, and for other purposes.

S. 1808

At the request of Mr. Bumpers, the name of the Senator from Indiana [Mr. Lugar] was added as a cosponsor of S. 1808, a bill to require the Secretary of Health and Human Services to determine the appropriate regulatory classification of the transitional devices of the medical device amendments, and for other purposes.

S. 1817

At the request of Mr. Kennedy, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1830

At the request of Mr. Sanford, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 1830, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition (and a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers born in years after 1916 and before 1930 (and related beneficiaries) and to provide for increases on their benefits accordingly, and for other purposes.

S. 1892

At the request of Mr. Dixon, the names of the Senator from Alabama [Mr. Shelby], and the Senator from South Carolina [Mr. Hollings] were added as cosponsors of S. 1892, a bill to amend title 10, United States Code, and other provisions of law to maintain and improve the defense industries base of the United States by specifying the management responsibilities of the Under Secretary of Defense for Acquisition, encouraging investment in emerging technologies and modernized production facilities, fostering the dedicated participation of private domestic sources, and discouraging unfair practices by foreign sources.

S. 1929

At the request of Mr. Bumpers, the names of the Senator from Oklahoma [Mr. Boren], the Senator from Arizona [Mr. DeConcini], and the Senator from New Hampshire [Mr. Rudman] were added as cosponsors of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 1993

At the request of Mr. Bumpers, the names of the Senator from Oklahoma [Mr. Boren], the Senator from Nebraska [Mr. Karnes], and the Senator from Arizona [Mr. DeConcini] were added as cosponsors of S. 1993, a bill to amend the Small Business Act to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and for other purposes.

S. 2003

At the request of Mr. Gramm, the names of the Senator from Missouri [Mr. Bond] and the Senator from Wyoming [Mr. Wallop] were added as cosponsors of S. 2003, a bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes.

S. 2010

At the request of Mr. Levin, the name of the Senator from Arkansas [Mr. Bumpers] was added as cosponsor of S. 2010, a bill to establish a National Voluntary Reunion Registry Demonstration Program.

S. 2015

At the request of Mr. Kennedy, the name of the Senator from Rhode Island [Mr. Chafee] was added as cosponsor of S. 2015, a bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program.

S. 2024

At the request of Mr. Karnes, his name was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2026

At the request of Mr. Cranston, the name of the Senator from Alaska [Mr. Murkowski] was withdrawn as a cosponsor of S. 2026, a bill entitled the "Atomic Energy Law Enforcement Act of 1988."

SENATE JOINT RESOLUTION 141

At the request of Mr. Nickles, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of Senate Joint Resolution 141, a joint resolution designating August 29, 1988, as "National China-Burma-India Veterans Appreciation Day."

SENATE JOINT RESOLUTION 210

At the request of Mr. Wilson, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of Senate Joint Resolution 210, a joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week."

SENATE JOINT RESOLUTION 222

At the request of Mr. DeConcini, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of Senate Joint Resolution 222, a joint resolution to designate the period commencing May 1, 1988, and ending May 7, 1988, as "National Older Americans Abuse Prevention Week."

SENATE JOINT RESOLUTION 226

At the request of Mr. DeConcini, the names of the Senator from Michigan [Mr. Levin], the Senator from North Dakota [Mr. Conrad], the Senator from New Mexico [Mr. Domenici], the Senator from Pennsylvania [Mr. Heinz], the Senator from Kansas [Mr. Dole], the Senator from Nevada [Mr. Reid], the Senator from Nebraska [Mr. Exon], the Senator from Minnesota [Mr. Durenberger], the Senator from Minnesota [Mr. Boschwitz], the Senator from Virginia [Mr. Warner], the Senator from Vermont [Mr. Stafford], the Senator from Arkansas [Mr. Pryor], the Senator from Connecticut [Mr. Dodd], the Senator from Iowa [Mr. Grassley], the Senator from North Dakota [Mr. Burdick], the Senator from Alaska [Mr. Murkowski], the Senator from Missouri [Mr. Bond], the Senator from Maryland [Ms. Mikulski], the Senator from New York [Mr. D'Amato], and the Senator from New York [Mr. Moynihan] were added as cosponsors of Senate Joint Resolution 226, a joint resolution to designate the week of May 8, 1988, through May 14, 1988, as "National Soccer Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DeConcini, the names of the Senator from Wisconsin [Mr. Proxmire], and the Senator from Virginia [Mr. Warner] were added as cosponsors of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 237

At the request of Mr. DOLE, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. SIMON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 237, a joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 244

At the request of Mr. EXON, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Ohio [Mr. GLENN], the Senator from Utah [Mr. HATCH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 244, a joint resolution to designate the month of April 1988, as "National Know Your Cholesterol Month."

SENATE JOINT RESOLUTION 245

At the request of Mr. CRANSTON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 245, a joint resolution to designate April 21, 1988, as "John Muir Day."

SENATE JOINT RESOLUTION 246

At the request of Mr. DECONCINI, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Alaska [Mr. STEVENS], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 246, a joint resolution to designate the month of April 1988, as "National Child Abuse Prevention Month."

SENATE RESOLUTION 260

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Resolution 260, a resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes.

SENATE RESOLUTION 377—RELATIVE TO NEGOTIATIONS ON A NEW LONG-TERM AGRICULTURAL AGREEMENT WITH THE SOVIET UNION

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 377

Whereas United States grain surpluses remain at near record levels;

Whereas the cost of U.S. farm programs continues to be excessive as a result of low farm prices;

Whereas this Nation's farmers are dependent on export sales for one-fourth of their income;

Whereas every billion dollars in U.S. farm exports creates 35,000 jobs and generates another $1.4 billion of economic activity;

Whereas the export of value-added products generates significant opportunities for new employment and economic growth in the food processing industry;

Whereas the Soviet Union has already exceeded the minimum purchase requirements for the 1987-88 agreement year for wheat and has bought substantial quantities of corn and soybeans under the current long-term grain agreement;

Whereas agricultural exports benefit the United States transportation sector, including railroads, trucking, inland waterway users, ocean shipping and support industries; and

Whereas the Congress and the President are committed to the growth of our agricultural economy, the reputation of the United States as a reliable supplier, and the recapture of our fair share of world markets for farm products: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) as soon as practical after the date of the adoption of this resolution, report to the Congress his intention to initiate negotiations on a new long-term agreement on agricultural trade with the Government of the Soviet Union;

(2) seek to include in the terms of the new long-term agreement (A) higher minimum and maximum supply guarantees than in the agreement in effect on the date of adoption of this resolution, and (B) provision for the export of value-added products;

(2)(B) take appropriate actions to ensure that the Soviets will actually purchase in a timely manner the minimum quantities specified for each commodity;

(3) no later than May 30, 1988 report to the Congress on the potential impact of a new and expanded long-term agreement on economic growth and employment in United States agriculture and in related food processing and transportation industries; and

(4) take all other appropriate measures to assure the free movement of increased quantities of United States agricultural products to the Soviet Union.

SEC. 2. The Secretary of the Senate shall transmit a copy of the resolution to the President, the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative.

● Mr. LUGAR. Mr. President, the current long-term grain agreement between the United States and the Soviet Union will expire on September 30 of this year. The administration is now in the process of preparing for negotiations toward a new agreement.

The Soviet Union is an important export market for American commodities and purchases under the long-term grain agreement are a significant part of the success American agricultural exports are now enjoying.

In fiscal 1987, our agricultural exports increased to $27.9 billion and 129 million metric tons. For fiscal 1988, the U.S. Department of Agriculture now predicts those figures will rise to $32 billion and 141 million tons. With imports projected at the last fiscal year's level of $20.5 billion, this means our agricultural trade surplus will increase more than 50 percent to $11.5 billion.

Clearly, Mr. President, we need to encourage that kind of growth, not only for the benefits it brings to American agriculture but also for the benefit of the general economy where about 20 percent of the workforce is employed in some part of our food and farm system. It is estimated that for each $1 billion of U.S. farm exports, approximately 35,000 jobs are created and another $1.4 billion in economic activity is generated in the United States.

The key issue in the long-term grain agreement is the minimum amounts of commodities the Soviet Union pledges to purchase. The current agreement calls for purchases of at least 9 million metric tons of United States grain annually, including a minimum of 4 million tons each of wheat and corn. The Soviets also have the option of buying the remaining 1 million tons as wheat, corn or soybeans, with every ton of beans or meal counting as 2 tons of grain—up to a maximum of 1 million tons of grain equivalent.

In past years, the Soviets have not purchased the minimum amounts which the American side believed were required by the agreements. Lately Soviet purchases are quite substantial and wheat purchases are likely to be nearly 11 million tons, far in excess of the minimum in that category for the current October to September agreement year. Likewise, the Soviet Union is expected to purchsae substantial quantities of corn and soybeans.

Secretary Lyng has publicly stated the administration's objective of achieving a new agreement in which the minimum purchase requirements are clearly understood by both sides. Obviously, we would like to see the highest possible purchases of wheat, corn, and soybeans within the overall limits the two sides agree on.

My colleague, the distinguished Senator from Nebraska, Senator KARNES, has also made the important point that concluding such agreements goes a long way toward providing stability in what, historically, has been a volatile market. That kind of stability was the reason for the original agreement which took effect in 1976 after fluctuating and unpredictable purchases of our grain.

Mr. President, today I am submitting a resolution which simply encourages the administration in its efforts to negotiate a new long-term grain agreement. Because we are in conference on the Omnibus Trade bill which will have an effect on most of our bilateral trade relationships including that with the Soviet Union, the resolution calls for the President to report on the long-term grain agreement negotiations as soon as possible.

The resolution further asks the administration to seek higher minimum and maximum purchase levels than in the current agreement and to include value-added products in the new agreement.

Mr. President, I believe the objectives of this resolution will be of considerable value to both the agricultural and nonagricultural sectors of our economy. These objectives are something we can all support, regardless of party affiliation. I would appreciate the consideration of my Senate colleagues for this resolution and respectfully invite all Senators to cosponsor it.●

AMENDMENTS SUBMITTED

SENATE CONFIRMATION OF THE APPOINTMENT OF THE COMMISSIONER OF FOOD AND DRUGS

GORE AMENDMENT NO. 1401

Mr. GORE proposed an amendment to the bill (H.R. 1226) to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Act of 1987".

SEC. 2. FINDINGS.

Congress finds that—

(1) the public health has been effectively protected by the presence of the Food and Drug Administration during the last eighty years;

(2) the presence and importance of the Food and Drug Administration must be guaranteed; and

(3) the independence and integrity of the Food and Drug Administration need to be enhanced in order to ensure the continuing protection of the public health.

SEC. 3. ESTABLISHMENT OF ADMINISTRATION BY LAW.

(a) ESTABLISHMENT.—Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 903. FOOD AND DRUG ADMINISTRATION.

"(a) IN GENERAL.—There is established in the Department of Health and Human Services the Food and Drug Administration (hereinafter in this section referred to as the "Administration").

"(b) COMMISSIONER.—

"(1) APPOINTMENT.—There shall be in the Administration a Commissioner of Food and Drugs (hereinafter in this section referred to as the "Commissioner") who shall be appointed by the President by and with the advice and consent of the Senate.

"(2) GENERAL POWERS.—The Secretary, through the Commissioner, shall be responsible for—

"(A) providing overall direction to the Food and Drug Administration and establishing and implementing general policies respecting the management and operation of programs and activities of the Food and Drug Administration;

"(B) faithfully executing this Act

"(C) faithfully executing any other federal laws for which responsibility for administration has been delegated to the Commissioner from the Secretary;

"(D) coordinating and overseeing the operation of all administrative entities within the Administration;

"(E) research relating to foods, drugs, cosmetics, and devices in carrying out this Act;

"(F) engaging in educational and public information programs relating to the responsibilities of the Food and Drug Administration; and

"(G) performing such other functions as the Secretary may prescribe.

"(c) TECHNICAL AND SCIENTIFIC REVIEW GROUPS.—The Secretary through the Commissioner of Food and Drugs may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific review groups as are needed to carry out the functions of the Administration, including functions under the Federal Food, Drug, and Cosmetic Act, and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups.".

(b) CONFORMING AMENDMENTS.—Title 5, United States Code, is amended—

(1) in section 5316, by striking out the item relating to the Commissioner of Food and Drugs, Department of Health and Human Services; and

(2) in section 5315, by adding at the end thereof the following new item:

"Commissioner of Food and Drugs, Department of Health and Human Services".

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of enactment of this Act except as provided in paragraph (2).

2. Section 903(b)(1) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section) shall apply to the appointments of Commissioners of Food and Drugs made after the date of enactment of this Act.

NATIONAL AND REGIONAL CENTERS FOR PEDIATRIC EMERGENCY MEDICAL SERVICES

KENNEDY AMENDMENT NO. 1402

Mr. BYRD (for Mr. KENNEDY) proposed an amendment to the bill (S. 1968) to amend the Public Health Service Act to provide for National and Regional Centers for Pediatric Emergency Medical Services, and for other purposes; as follows:

On page 1, line 5, strike out "1987" and insert in lieu thereof "1988".

Beginning on page 2, strike out line 1 and all that follows through page 6, line 25.

On page 7, line 1, strike out "3" and insert in lieu thereof "2".

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that three hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearings will be held at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearings is to receive testimony on the following measures:

FEBRUARY 23, 1988

Senate Joint Resolution 215, a bill to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial to women of the Armed Forces of the United States who served in the Vietnam war;

S. 1896, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue in honor and recognition of the women of the United States who served in the Vietnam conflict.

I understand that in the near future a bill will be introduced that encompasses aspects of both of these measures. Should such a bill be introduced, that measure will be the subject of the February 23 hearing.

MARCH 3, 1988

S. 1544, a bill to amend the National Trails System Act to provide for cooperation with State and local governments for the improved management of certain Federal lands, and for other purposes; and

H.R. 2652, a bill to revise the boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes.

MARCH 17, 1988

S. 1508, a bill to withdraw and reserve for the Department of the Air Force certain Federal lands within Lincoln County, NV, and for other purposes;

S. 1570, a bill to withdraw and reserve for the Department of the Navy certain Federal lands within Inyo, Kern, San Bernardino, and Imperial Counties, California, and for other purposes; and

H.R. 1548, a bill to withdraw certain Federal lands in the State of California for military purposes, and for other purposes.

Those wishing information about submitting written statements should write to the Subcommittee on Public Lands, National Parks and Forests, U.S. Senate, room SD-364, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Beth Norcross at 224-7933.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, the Committee on Small Business has scheduled the second and third days of hearings on legislation to improve the Small Business Administration's Minority Small Business and Capital Ownership Development [MSB/COD] Program, more frequently referred to as the SBA section 8(a) Program. The second day of hearings is scheduled for Thursday, February 18, 1988, commencing at 10 a.m. The third day of hearings is scheduled for Thursday, February 25, commencing at 2 p.m. Each hearing will be held in the committee's hearing room in SR-428A.

The committee will continue to receive testimony on S. 1993, the Minority Business Development Program Reform Act of 1987, a bill which I introduced along with Senator WEICKER and Senator KERRY on December 21, 1987. Testimony will also be received on H.R. 1807, the Capital Ownership Development Reform Act of 1987, a similar bill which passed the House on December 1, 1987.

During the second day of hearings, testimony will be received from Senator CARL LEVIN, the General Accounting Office, and representatives of associations representing a majority of the types of firms participating in the 8(a) Program, including high technology professional service providers, construction contractors, and manufacturers. Senator LEVIN, a senior member of the Small Business Committee, will offer testimony on the pending bills from the vantage point of the findings of a series of oversight hearings concerning the Wedtech Corp. conducted by the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, which he chairs. The GOA will be releasing the preliminary findings of a recently completed 8-month review of the 8(a) Program, requested by Representative JACK BROOKS, chairman of the House Government Operations Committee, which will update the findings of GAO's April 1981 report, the SBA 8(a) Procurement Program—A Promise Unfulfilled.

During the third day of hearings, testimony will be received from individual program participants and recent graduates. Representative JOHN J. LAFALCE, chairman of the House Small Business Committee, is seeking to arrange his schedule to permit his appearance as the lead witness.

Further information concerning the committee's hearings on this important effort may be obtained from the committee's procurement policy counsel, William B. Montalto. Bill may be reached at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 4, to hear Charles L. Grizzle, nominated by the President to be Assistant Administrator for Administration and Resources Management, Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on February 4, 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL WOMEN IN SPORTS DAY

● Mr. BRADLEY. Mr. President, on October 8, 1987, I rose to join the Senator from Oregon [Mr. PACKWOOD] in introducing a joint resolution to designate February 4, 1988, as "National Women in Sports Day." That day has arrived. It is much overdue.

Although the history of women in sports is rich and long, there has been little national recognition of the significance of women's athletic achievements. Over the last 15 years, several women athletes in our country have emerged as international figures. Their talent, determination, and dedication serve as an example for all Americans. "National Women in Sports Day" recognizes the importance of these athletic achievements to our country.

Today, over 10,000 women attend college on athletic scholarships. Women represent 30 percent of all college athletes, yet the athletic opportunities available to male students at collegiate and high school levels remain significantly greater than those for female students. This day provides us the opportunity to acknowledge the existence of such injustices, while emphasizing the progress women have made in their athletic community.

Over the last decade, there has been a decline in the number of women in athletic leadership positions of coaches, officials, and administrators. Women need to be restored to these positions in order to ensure equitable representation of women's abilities and to provide role models for young female athletes.

Mr. President, athletic fitness contributes to emotional as well as physical health. Women's athletics is one of the most effective avenues available through which women of America may develop self-discipline, initiative, and confidence, as well as acquire leadership, communication, and cooperation skills. The bonds built between women through athletics help to break down social barriers of racism and prejudice. The positive effects of participation in athletics are bound to carry over to the athlete's contribution at home, at work, and to society.

"National Women in Sports Day" is an affirmation of these positive effects.●

NOMINATION OF ANTHONY M. KENNEDY TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

● Mr. DECONCINI. Mr. President, yesterday the Senate and this Nation came to the end of a long and arduous process by confirming the nomination of Anthony M. Kennedy to be an Associate Justice of the Supreme Court of the United States. I had previously announced my decision to vote in favor of the nomination.

I believe that the constutional responsibility to advise and consent on the President's nominees to the Supreme Court is one of the most important responsibilities granted to a U.S. Senator. The process of selection of an individual to fill the seat of retiring Justice Lewis Powell has been divisive and bitter. While I have been critical of President Reagan earlier in this process, I believe that in the appointment of Judge Kennedy he has found a way to resolve the matter responsibly and without further rancor.

Judge Kennedy is a conservative jurist, but is open-minded and willing to listen to all sides of an argument. He believes in restraint and caution and follows the course. He has strong opinions, but has no agenda to pursue on the Court. From my study of the record and from numerous discussions with members of the ninth circuit bar, I have concluded that Judge Kennedy will serve honorably and well on the Supreme Court for years to come.

As I mentioned in my opening statement before the Judiciary Committee hearings on Judge Kennedy's nomination, one of my greatest areas of concern is the area of privacy. I was encouraged to hear Judge Kennedy respond to questions from myself and other Senators, assuring us that he believed that the right of privacy is found in the Constitution. Unlike Judge Bork, who repeatedly conveyed that the right to privacy, if it existed, could not be found in the Constitution, Judge Kennedy unequivically said the right to privacy can be found in the Constitution. Although Judge

Kennedy preferred to include the right to privacy under the protection of the liberty language of the 5th and 14th amendments, he nevertheless was clear in his belief that the right is there and should be protected by the judiciary.

Furthermore, Judge Kennedy has stated, under oath, that he believes that the right to privacy is a fundamental right. If I might just read from the record of the hearings for a moment:

> Senator DECONCINI. [I]t appears from reading your speech, that you have concluded, without question, that there is a fundamental right to privacy. And I think the chairman had you state that, and that is your position, correct?
>
> Judge KENNEDY. Well, I have indicated that that is essentially correct. I prefer to think of the value of privacy as being protected by the clause, liberty, and maybe that is a semantic quibble, maybe it is not.
>
> Senator DECONCINI. But it is there, is that——
>
> Judge KENNEDY. Yes, sir.
>
> Senator DECONCINI. No question about it being in existence?
>
> Judge KENNEDY. Yes, sir.

And further, in response to a question from the chairman asking if Judge Kennedy had any doubt that there is a right to privacy: "it seems to me that most Americans, most lawyers, most judges, believe that liberty includes protection of a value we call privacy."

It becomes abundantly clear after reviewing the transcript of the hearings that Judge Kennedy and Judge Bork do not share the same judicial philosophy as it pertains to the fundamental right of privacy. Judge Bork could not, no matter how hard he looked, find the right of privacy in the words of the Constitution. Judge Kennedy, as seen by the excerpts above, has reached an opposite conclusion.

As Judge Kennedy as stated:

> It is central to our American tradition. It is central to the idea of the rule of law. That there is a zone of liberty, a zone of protection, a line that is drawn where the individual can tell the Government: beyond this line you may not go.

It is hard to argue with such a simple but pure articulation of the relationship between the people of our country and our Government. Judge Kennedy, unlike the picture painted by some of his detractors, is indeed a very eloquent individual.

I am reassured by my discussion with Judge Kennedy about the fundamental right of privacy. Although we both believe it exists, we also believe it is limited. The right to privacy does not give an individual the right to commit criminal acts in private. Nor, in my view, does it sanction the killing of unborn children. A believe in the right to privacy does not equate to a belief in the right to abortion. While neither I nor others have asked Judge Kennedy his views on abortion, I do not believe that his belief in the right to privacy signals any acceptance of Roe versus Wade.

In addition to the right of privacy being found in the Constitution, Judge Kennedy was asked whether or not he believed there to be any practical significance for the ninth amendment; whether or not there was any real value to be found in the ninth amendment; and whether or not there was any purpose for the ninth amendment? Just as he found himself of a different school of thought than Judge Bork on the right of privacy, Judge Kennedy's assertions regarding the ninth amendment were much different from those espoused by Judge Bork. In summarizing the past interpretations of the Supreme Court and the ninth amendment, the nominee said that it appeared to him that the Court was treating it as something of a reserve clause, to be used in the event that the phrase "liberty" and the other broad phrases in the Constitution appear to be inadequate for the Court's decision.

Now this distinction may not appear of a great magnitude at first glance. However, as Judge Kennedy pointed out, there may come a time in the future where rights not specifically mentioned in the Constitution achieve a level of importance requiring constitutional protection. In this event, the ninth amendment would serve to provide a constitutional basis on which such a right could be protected.

During the Bork hearings it became apparent that Judge Bork had changed his mind about how far the first amendment extended. Prior to the hearings, there was evidence in Judge Bork's writings that only political speech would fall under the blanket of first amendment coverage as Judge Bork interpreted the first amendment. During the hearing Judge Bork indicated that the first amendment did indeed cover more than purely political speech, yet Judge Bork was unclear as to what speech was covered.

Judge Kennedy had no problem explaining the application of the first amendment to speech. As he stated during the recent hearings:

> It (the first amendment) applies not just to political speech, although that is clearly one of its purposes, and in that respect it ensures the dialogue that is necessary for the continuance of the democratic process. But it applies, really, to all ways in which we express ourselves as persons. It applies to dance and to art and to music, and these features of our freedom are to many people as important or more important than political discussions or searching for philosophical truth, and the first amendment covers all of these forms.

It is apparent from the above quoted excerpt that Judge Kennedy's view of the first amendment is far more expansive than Judge Bork's.

During the Bork nomination hearings, Judge Bork communicated a belief that if one individual were to gain any rights, society or another individual would equally and inversely lose a right. Judge Kennedy, however, conveyed a different idea when discussing the right of an individual in society. Judge Kennedy said that he did not think there has to be a choice between order and liberty. But rather—

> [W]ithout ordered liberty, there is no liberty at all. And one of the highest priorities of society is to protect itself against the corruption and the corrosiveness and the violence of crime, and in—his—view judges must not shrink from enforcing the laws strictly and fairly in the criminal areas.

It would seem that in Judge Kennedy's view, individuals join together to protect their rights, and that unlike Judge Bork's view of our society as a "zero-sum" system, more than one interest can advance their liberties without taking liberty from other interests.

Judge Bork was clearly treading new ground when he formulated his "reasonableness" theory in the area of equal protection while speaking to the committee last summer. Prior to appearing before the committee, he had given no indication, either in his writings or in speeches, that he would apply this type of test to the various classifications of plaintiffs seeking equal protection under the 14th amendment. Once again, on this issue Judge Kennedy disagreed with the position taken by Judge Bork. Judge Kennedy informed the committee that he would follow current standards established by years of Supreme Court decisions and apply the three tiered system of review; strict scrutiny, heightened scrutiny, or rational basis, depending on what class of plaintiff is seeking redress.

Additionally, there was some question left in the minds of the committee members as to whether or not Judge Bork would apply equal protection to women. Judge Kennedy left no such doubt.

> Senator DECONCINI. Would you agree, first of all, that the equal protection clause applies to all persons?
>
> Judge KENNEDY. Yes, the amendment by its terms, of course, includes persons, and I think was very deliberately drafted in that respect.

Furthermore, while Judge Bork was uncertain whether the equal protection clause applied to women or not, Judge Kennedy was unsure that the current classification for women insured equal protection under the three tiered system. As Judge Kennedy said:

> And so the law there really seems to be in a state of evolution at this point, and it is going to take more cases for us to ascertain whether or not the heightened scrutiny standard is sufficient to protect the rights of women, or whether or not the strict scrutiny standard should be adopted.

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But you need not take my only word as to Judge Kennedy's position and the equal protection clause. The following discussion between the distinguished Senator from Pennsylvania, Senator SPECTER, and Judge Kennedy should provide the necessary confirmation.

> Senator SPECTER. Is there any question in your mind about the equal protection clause applying beyond blacks to women, to aliens, to indigents, to mentally retarded?
>
> Judge KENNEDY. No. In fact, once again, the framers could have drafted the amendment so that it applied to blacks only, but they did not. They used the word "person".

I am satisfied by Judge Kennedy's explanation of his membership in, and resignation from, clubs that either by rule or by practice discriminate against women and minorities. I believe that he became concerned about these practices at about the same time as did the public at large. Of course, it would have been better if he had been a leader in this regard, but he did make efforts to change things after he realized that problems existed. When he was not able to make the changes that he thought were necessary and appropriate, he resigned from the clubs. I found that his conduct in these matters was acceptable and did not evidence any prejudice or bias. If he were guilty of anything, it was a lack of heightened sensitivity. I am afraid, however, that during the time period in question, most of us suffered from the same failing.

The one concern that I do have about Judge Kennedy is in the area of the narrowness of his rulings in civil rights cases. I was impressed by the testimony of the two witnesses representing the Hispanic Bar Association and the Mexican American Legal Defense and Education Fund. These two witnesses expressed the concerns of the Hispanic community that Judge Kennedy was not sensitive enough to the problems faced by minority citizens, Hispanics in particular. Ms. Antonia Hernandez expressed these concerns in the following manner:

> The foregoing judicial opinions rendered by Judge Kennedy and in particular the way in which he reached his results, have quite naturally caused me to conclude that Judge Kennedy—if he becomes Associate Justice on the Supreme Court—may not be fair in adjudicating the rights of Hispanics and of other minorities. Alas, this possible unfairness could become particularly prevalent in cases not subject to compelling judicial precedent.

The decisions that Ms. Hernandez cited as being the basis for her concerns were discussed in great detail with Judge Kennedy. He explained his reasoning and the constraints that he felt required him to issue the decisions that he did. While the discrimination against Hispanic citizens in Aranda versus Van Sickle does seem to be egregious based on the facts presented to the committee, Judge Kennedy's decision seems consistent with a restrained and cautious approach to issues. His decision shows an understanding of the problems faced by Hispanics in the community and sympathetic to their attempts to remedy them. His decision certainly did not satisfy the plaintiffs in the case, but does not seem to evidence a bias against any group.

The months since Justice Powell announced his retirement from the Court have been difficult for all of us. While I wish that Judge Kennedy had been the first nominee sent to us, I do believe that the process that has been followed and the decisions that have been made throughout these long months have been correct. In my opinion the process has worked properly once again. It is a temptation for the losers in a political contest to blame the system. We have heard a lot of that criticism concerning the Powell vacancy, but this criticism is misdirected. It was not the system that failed when this body rejected the nomination of Judge Robert Bork, it was the nominee. Although I do not believe that Judge Bork is a bad man or even a bad judge, I did conclude, as did the majority of my colleagues, that he should not be elevated to the Supreme Court.

I congratulate President Reagan for sending to the Senate a nominee so well qualified by intellect, temperament, and integrity.●

ILLINOIS-AMERICAN WATER CO., PEORIA DISTRICT

● Mr. DIXON. Mr. President, I would like to call the Senate's attention to the Peoria District of the Illinois-American Water Co. February 1988 marks a significant milestone for this company and is employees, as they near the 2 million mark of man-hours worked without a single day of lost time as a result of on-the-job accidents.

The water utility industry exposes workers to a large number of hazards, with an average disabling frequency rate of 34 accidents per million man-hours. The Peoria Water Co. should, indeed, be commended for this outstanding accomplishment.

The employees of the Peoria District of the Illinois-American Water Co. have worked diligently for 8 consecutive years, maintaining a superior level of dedication to safety standards. I am proud to recognize this fine group of people in my State of Illinois. They play a significant role in the progress of Illinois' industry, and I extend to them my sincerest congratulations and praise.●

SENATOR INOUYE AND JEWISH REFUGEE SCHOOLS

● Mr. DECONCINI. Mr. President, this week the honorable senior Senator from Hawaii, Chairman INOUYE, announced his intention to rescind $8 million earmarked in the continuing resolution for the construction of schools in France for Jewish refugees from North Africa. After introducing this rescission, Chairman INOUYE has said that "he embarrassed his colleagues" and erred in judgment by originally including the provision in the continuing resolution. He went on to say that his initial action puts the Senate at risk and he would never put his pride in front of his duty to colleagues, constituents, and the American people. Chairman INOUYE always puts the institution and its constitutional process before any personal concerns.

Mr. President, the chairman of the Foreign Operations Subcommittee has once again exhibited why he is held in such high esteem by this body. Senator INOUYE epitomizes the definition of leadership with his personal integrity and sound judgment. Rather than worry about a personal fight of vindication he has placed his colleagues, the institution of the Senate, and the American people above self-interest. He is indeed a man of courage and grace to admit he may have made a mistake and thus avoids any inference of possible inappropriate action.

Senator INOUYE has defended his country by serving in the military, has represented the Senate in his role on the Watergate Committee, and recently served both his country and Congress in his leadership position on the Iran-Contra Committee. A decade ago a poll was taken by academics to determine who the most highly respected Members of Congress were over the past 200 years. The results enumerated such distinguished names as Calhoun, Webster, Clay, LaFollette, and Taft. Mr. President, if that poll was taken in this body, Senator INOUYE would surely rank at the top of each Member's list. He has elevated the American peoples' respect for this Chamber and accomplished this with dignity.

I would like to associate my comments about Senator INOUYE with the articulate remarks many of my colleagues have also stated. Although the proposal on the schools followed the normal appropriations process and was before the Senate for the required time, I support the chairman's decision to rescind the $8 million earmarked in the continuing resolution. Moreover, I respect the grace under pressure he has shown throughout the discussion of this issue.●

CHIANG CHING-KUO

● Mr. KASTEN. Mr. President, William Godwin wrote in 1793 that the twin objects of government are suppression of domestic injustice and defense against foreign aggression. But he cautioned that the statesman concerned with these tasks must be prepared "calmly to let years pass before he urges the carrying into effect of his teaching."

The passing of Chiang Ching-Kuo brings to an end one of our century's most exceptional careers of patient statesmanship. Chiang's concern was always for the welfare of his people—and Taiwan today bears indelibly the marks of his diligence.

Chiang knew that Godwin was right, that timing is the essential element of durable reform. He shared the farsightedness and patience of the Chinese diplomat who was asked a couple of years ago whether he thought the French Revolution had been a success. The diplomat responded that—two centuries after the fact—it was still too early to tell.

Making Taiwan a 20th century democracy was not a task to be performed overnight. But Chiang knew in his heart that it was a task that must be performed.

Chiang promoted political democratization through economic growth. By encouraging universal participation in Taiwan's economic miracle, Chiang was laying the groundwork for full participatory democracy. Last year, at his insistence, the state of martial law was lifted for the first time since Chiang Kai-Shek arrived in Taiwan. In his will, Chiang implored his successors to keep steadily on the road to a democratic future.

Mr. President, I rise today to express my personal gratitude for the dedication and accomplishments of our late ally, Chiang Ching-Kuo. He understood the needs of his nation, and the policies he would have to pursue to meet those needs.

I offer condolences to the people of Taiwan for the loss of their great leader, as well as high hopes that his vision will be implemented in an ever freer Taiwan. All nations would do well to follow the example of his democratic spirit.

Mr. President, I ask unanimous consent that the eulogy of Chiang by Dr. Walter Judd, as well as an editorial from the New York Times of January 18, be entered in the RECORD.

The material follows:

BUILDING ON A LEGACY IN TAIWAN

A dynasty ended in Taiwan when President Chiang Ching-kuo died last week, but change had already begun. While faithful to the myths of Chiang Kai-shek's rule, the generalissimo's son was a realist who had recently set course toward liberalization and democracy. The challenge to Taiwan's new president is to keep that course, tackle economic problems and yet not upset the delicate balance that maintains calm in the Formosa Strait.

President Chiang never repudiated his father's dream of a China reunited under Nationalist rule. But he turned his actions toward strengthening Taiwan. And in the end he concluded that this required not only a dynamic economy but a government with greater popular legitimacy.

For Taiwan, politics has long meant the authoritarian rule of old men chosen in the 1940's. But in a portent of change, an ad hoc opposition party formed weeks before the 1986 legislative elections took 23 percent of the vote. In July President Chiang ended 38 years of martial law. That decision could have been a mere formality, but early signs suggested more: restrictions on the press and on political activities have been slowly loosening.

The late President also began breaking the hold of the old mainlanders, bringing the Taiwanese majority into government. The new President, Lee Teng-hui, is one of these. And without formally rejecting "the three no's"—no contact, negotiations or compromise with the mainland—President Chiang turned away from them, particularly by lifting the ban on travel to the mainland.

While the two Chinas remain nominally at war, de facto peace stems partly from a joint fidelity to the idea of one China. The Nationalists speak of one China under their rule, the Communists of two systems under their flag. In a worrisome move, Taipei has sentenced two advocates of independence to long prison terms. Yet the common goal of one China soothes tensions—and smoothes Washington's rocky path of two-China relations.

Can the new President, a bright and amiable man lacking his predecessor's power base, quash challenges to this delicate status quo? He must do so at a time when the very success of Taiwan's economic miracle poses new problems. Its trade surplus drives its growth but creates tensions with trading partners. The surplus will have to be reduced, which in turn will bring enormous internal political strains.

President Lee pledges to continue the liberalizing policies of his predecessor. Strengthening Taiwan's internal legitimacy will help prepare for the economic and foreign policy difficulties ahead.

EULOGY

Friends of China and friends of all Chinese: Nearly two-thousand-five-hundred years ago, the great philosopher and teacher, Confucius said, "He who exercises government by means of virtue may be compared to the north polar star, which keeps its place and all the stars turn towards it."

Today, those words are as fresh as the day they were first spoken; And how aptly they describe the man whose memory we are here to honor, President Chiang Ching-kuo of the Republic of China.

What a privilege it is to have known this man through the years, supported him in his work for freedom for the Chinese people, and admired him as a person and as a great leader.

He was the eldest son of one of the century's great and historical figures, Chiang Kai-shek, The son—"CCK", as he was so widely and affectionately called—was destined for truly outstanding leadership himself. He had been guided by his far-seeing father into two main strands of government service. These had prepared him well for the task of leading his people—through most difficult times—to security for the island of Taiwan, for economic progress and prosperity, for its people, and for successful development of wider democracy for those people.

Those strands of his early experience were in government administration, skillful handling of world-wide relationships, and achieving economic growth and progress on Taiwan. The skills were used with remarkable wisdom and success when CCK moved up in 1972 to the premiership of the Republic of China.

By that time the cornerstones for Taiwan prosperity were in place. First, orderly agricultural reform from oppressive landlordism to ownership of farms by the farmers themselves. In response, agricultural production had increased from shortages to surpluses.

CCK pressed ahead on the ten major construction projects. Created on the island of Taiwan, under his leadership, were new and greatly improved seaports, airports, high-speed rail lines, highways and bridges to move the traffic of commerce rapidly and efficiently.

The second cornerstone was the commitment to industrialization. CCK actively promoted development of advanced technology. There followed under this leadership extraordinary expansion of production of commodities and export to scores of countries around the world as well as for domestic consumption. Dramatic increases followed in per capita income, education, health services, improved standards of living.

Then when this economic expansion, which had come to be called the "economic miracle" of Taiwan, was flourishing, Chiang Ching-kuo led his people on from "economic prosperity" to something equally precious; political reform and expanded democracy.

He knew his own people, and he had the wisdom to move forward politically to a multi-party system. Freedom for the press and discussion of political issues were broadened, plus a lifting of the Emergency Decrees that had quite properly been put in place when the national capital was being removed to Taiwan in 1949 because of the real danger of Communist infiltration, and even attempted military conquest, from the Communist-controlled mainland.

Today, the "infiltration" of ideas is in the other direction—from Taiwan to the mainland. Under CCK's leadership, the ROC's citizens may now visit their relatives on the Mainland. The first-hand report the visitors bring is contagious. The mainlanders learn how very much better off than themselves are their brethren on Taiwan—in freedom, prosperity, and over-all living standards. The mainlanders want the same benefits for themselves. They know they can't get it under the communist system. They are bound to try to get the Three Principles of the People adopted on the mainland too.

Wisdom. Courage. Justice. VIRTUE. All of these are ideals that the Chinese people had from Confucius these many centuries. They are in fact the basic ideals of all humankind. They have found renewed expression and fresh demonstration on Taiwan through this unique leader, Chiang Ching-kuo.

As a person, Chiang Ching-kuo was not given to pomp and circumstance. He was a quite man of modest demeanor. Many was the day he could be found spending the early morning in the countryside, learning at first hand the concerns and views of the farmers and villagers.

A listener. A consensus-builder, an achiever by leading, not just ordering. That was CCK.

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It can be said he was born to leadership, for his father had been for so many years at the very center of nation-building. Leadership is also learned from teachers, and Chiang Kai-shek's great teacher was Dr. Sun Yat-sen, the founder of the Republic of China. Tirelessly, CCK worked, as his father had, toward the goal of putting into practice Dr. Sun's Three Principles of the People—San Min Chu I. First, the principle of Nationalism—welding a nation out of a people; Second, the Principle of Democracy—people governing themselves by democratic practices; Third, the Principle of People's Livelihood—achieving better living conditions for all.

It had been adversity that brought the government of the Republic of China to the island province of Taiwan—the exhaustion from eight long years of cruel invasion and occupation by an external enemy, and twenty years of struggle with an internal enemy, the communists. It was Chiang Ching-kuo's constructive leadership built on the reforms instituted under his father's leadership, that has brought the Chinese people to increasing achievement of the Three Principles of the People. There is an increasing sense of nationhood under the flag of the Republic of China. There is a growing democratization that Chiang Ching-kuo had the maturity to know his prosperous people were ready for; and there is the Taiwan "Economic Miracle"—a dream come true.

Chiang Ching-kuo's ultimate goal, reunification of all the people of China, remains in the future. In a salute to him the other day, one of our largest national newspapers wrote, "(He) understood that for China there is no fast and simple solution. More important, he insisted that however long China must wait, reunification will come only when it brings with it not compromise for Taiwan, but freedom for the mainland."

Today, it is the Republic of China that is the political and economic model for what can be on the mainland, and one day will be.

For that, his people and the world, pay Chiang Ching-kuo honor today—the man whose legacy for his people is freedom, nationhood, democracy, prosperity.

As other stars in the sky turn toward the North Star, so we turn today toward Chiang Ching-kuo and what he achieved as a model for the future.

He has, and he will keep, his place in history. His work lives.

What a privilege it is for us to have known this man through the years, to have supported him in his work for freedom for the Chinese people, and to have admired him as a true patriot and great leader.

Wholeheartedly, we salute him today!●

ED HASENOUR

● Mr. **McCONNELL.** Mr. President, I rise today to pay tribute to a good friend of mine and respected businessman from Louisville, KY, Mr. Ed Hasenour. From modest beginnings, Mr. Hasenour established some of the most popular restaurants in Louisville and became one of the most respected restaurateurs in the State.

He left school at the age of 14 to work with his father. After 10 years in that job, he started a restaurant of his own. Its success led him to expand his operations.

Eventually, Mr. Hasenour had run several of the most acclaimed establishments in the city and became a widely recognized community leader. He founded the Kentucky Restaurant Association, sponsored amateur baseball teams, and was active in Kentucky Derby week festivities.

I would like to enter into the RECORD the following article that more thoroughly details his contributions to his profession and his community. I would like to join my fellow Kentuckians in mourning the loss of this exceptionally dedicated individual. His loss will be felt by great many friends and admirers.

The article follows:

WELL-KNOWN RESTAURATEUR ED HASENOUR DIES AT 77

(By Everett J. Mitchell II)

Ed Hasenour, operator of one of the best known restaurants in Louisville, died last night at Baptist Hospital East. He was 77.

Hasenour finished the eighth grade at St. Francis of Assisi Catholic school and went to work at the age of 14 at Ballard Mill, a flour mill on Broadway, where his father was a supervisor. He worked there for 10 years but was forced to quit because he was bothered by asthma.

He started in the restaurant business in September 1934, when he and a partner opened a cafeteria at Floyd and Breckinridge streets behind Male High School. By the following February, Hasenour had bought out his partner.

In 1952, Hasenour decided to expand. He opened a restaurant in a building that had been the home of Joe Lurding's bar at Barret and Oak. The new place was called, simply, Hasenour's Restaurant. Hasenhour and his son, Lee, sold the cafeteria in the early 1970s. They operated three Lums sandwich shops for about 10 years, starting in the late 1960s, but sold them in 1978.

A year later they established the Atrium, Lee Hasenour's glass and greenery addition to the restaurant.

Hasenour said in 1984 that the three secrets of his success were quality food, quality service and cleanliness, but added that there were elements of good fortune and several good friends to help along the way.

A little bit of promotion helped too.

Hasenour sponsored a baseball team that won the National Amateur Baseball Federation junior title in 1945. The Hasenour Open was a yearly event at Seneca Golf Course in the 1950s, and the Hasenour trophy was awarded each year to the top scorer in Jefferson County high school football.

The ideas for the Derby Festival Balloon Race and the Run for the Rose came from Hasenour and his family. And they have been active in the Taste of Louisville, raising funds for the culinary-arts program at Jefferson Community College.

In 1974, Hasenour was named "restaurateur of the year" by the Kentucky Restaurant Association, an organization he founded.

He was former president of the board of directors of the Lincoln Heritage Trail Foundation, a director of the Greater Louisville Convention and Visitors Bureau and a director emeritus of the Kentucky Restaurant Association.

His survivors include his wife, the former Marcy L. Hukenback; his son; two daughters, Teri Gordon of Columbia, Tenn., and Marcia Larken; a sister, Mary Richter; and five grandchildren.

The funeral will be at 10 a.m. Saturday at St. Agnes Catholic Church, 1920 Newburg Road.

Visitation will be at Pearson's, 149 Breckinridge Lane, from 7 to 9 p.m. today and from 2 to 5 and 7 to 9 p.m. tomorrow.

The family requests that expressions of sympathy take the form of contributions to Kosar Charities, Mass of the Air or Boys Haven.●

VICE PRESIDENTS: IN THE SHADOW OF POWER

● Mr. **DURENBERGER.** Mr. President, a recent opinion article written by Norman Sherman, former press secretary to Vice President Hubert Humphrey, laid out very well the difficulties facing that great Minnesotan in running for President in 1968, in the shadow of his President, whom he served with great loyalty.

The article appeared in both the Minneapolis Star Tribune and the St. Paul Pioneer Press on Sunday, January 24. Mr. Sherman eloquently discusses the pain of both serving in this supporting role and of running from that position for the highest office in our land.

Since this body has produced most of our Vice Presidents since World War II, I thought it would be of interest to my colleagues. Thus, I ask that this article be printed in the CONGRESSIONAL RECORD.

VICE PRESIDENTS: IN THE SHADOW OF POWER

(By Norman Sherman)

WASHINGTON.—When George Bush moves his lips these days, I hear the words of Vice President Hubert Humphrey running for president in 1968, and it pains me to recollect those difficult days.

Ten years ago this month, after a long and illustrious public career, Humphrey died a deservedly revered and honored man. He had spent more than 30 years in elected office as mayor of Minneapolis, senator from Minnesota and vice president of the United States, making our system work to the benefit of millions.

During many of those years he talked of running for president, and in 1968 he finally got the Democratic nomination. Unfortunately, he ran as the incumbent vice president, struggling to perform an impossible act of staying close to President Lyndon Johnson and far away at the same time. He lost to Richard Nixon, who had himself lost to John Kennedy in 1960, leaping toward temporary oblivion after eight years as Dwight Eisenhower's vice president.

As the 10th anniversary of Humphrey's death approached, because I worked for or near him for a long time and edited his autobiography, reporters looking back on his career have called me, wanting to discuss his significant contributions to American society and law. When I have finished my litany of what he thought important, each reporter has remarked that all the landmark achievements I listed took place while Humphrey was in the Senate: civil-rights legislation, the Peace Corps, Food for Peace, federal aid to education, Medicare, the 1963 Nuclear Test Ban Treaty.

Each reporter has then asked: "Wasn't there something as important accomplished while he was vice president?" I have paused to appear thoughtful, but I really don't need the time. The answer is simply, "No, there was nothing that came close during those four vice presidential years. The job just didn't permit it, no matter how hard Humphrey tried."

It pains me to say so, but a Spiro Agnew is likely to do about as well as a Hubert Humphrey or a Walter Mondale or a George Bush, and Nelson Rockefeller no better. The job of vice president prepares you to be president only in the sense that you are there in case the president dies. The rest is robotics.

It is a job of no consequence, of few real and many quite forgettable accomplishments and, more's the pity, of self-delusion that you are an irreplaceable player in important acts of state.

It begins with the Secret Service protection. Agents make you look like a president, all those men and women ready to die to protect you, all the cars and code names and walkie-talkies and guns and bullet-proof vests. Air Force Two and helicopters and agents awake outside your door while you are asleep feed the ego in wondrous ways.

And then there are the headlines and the game of "Pick Up Chips." You may be nothing in Washington, but when you attend a political fund-raiser in Topeka or Tupelo or Tucson, you warrant eight-column headlines, front-page pictures and the undying gratitude of local political activists. You want to shout, "I am somebody."

The delusion continues with the national security briefings. You pretend they are just like the president's when they are really the same edited briefing material that a couple of dozen other anonymous folks at the State Department get.

"Almost the same (as the president's)" is how a Bush aide recently described Bush's briefings, a euphemism for "quite different, sanitized and incomplete." I once played the same charade.

Voodoo vice presidency often reaches its zenith with the awesome statement that "I have talked to heads of state." I stood close by when Humphrey said it and thought it meant something. I heard Walter Mondale say it, and now George Bush proclaims it. It is an expression that drips with empty meaning.

Vice presidents frequently are sent to funerals of head of state to represent our country. Their visits with living heads of state are only marginally more productive. Yet, vice presidents all brag about what those visits mean. "I can deal with a head of state; therefore, I myself can be a head of state." It is a kind of Cartesian proof of both existence and importance, but it is nonsense.

The fact is that no vice president does more than operate within the constraints set down by the president or, more probably, by the secretary of state. You may arrange, but you do not really negotiate. You may explain, you may request, but you do not innovate, deviate or spontaneously combust.

So set inside the "head of state" canard.

The other echo of times past comes when the vice president is asked to describe those occasions when he differed from the president on a variety of embarrassing policies. Bush on Iran-contra questions or Humphrey on Vietnam, the ultimate defense is the same: "I have offered my points of view privately; I am loyal and I have aired my differences only to the president. I am not going to change that now that I am running for the presidency."

It is the perfect defense. No incumbent president is likely to list points of disagreement. If the president was right, in hindsight, it can only embarrass the vice president. If the vice president was right, it can only embarrass the president. Further, the wonderful quality of the statement is that it implies differences that may never have existed.

The job of vice president means you are not homeless and you do draw a regular paycheck. Beyond that, you are what the president allows you to be, but you have no real authority, no real responsibility and no independent clout. And almost everyone inside knows that.

A vice president goes as a messenger wherever he goes, trappings of derivative power substituting for the real thing. The secretaries of state and defense have more authority on foreign affairs and defense policy. And, on domestic issues, each Cabinet officer, no matter how lowly or mediocre, has more authority in his or her field than the vice president.

So what shall we make of George Bush's claims? Not much. He is in the time-honored tradition of those who have preceded him. Service as vice president probably should not disqualify him, or anyone, from running for president or serving if elected. But Eisenhower wanted a week to think of something Nixon had done; I've had 10 years to think of what Humphrey, whom I idolized, did as vice president. It all adds up to zero.

Eugene McCarthy once derisively described Walter Mondale as having the "soul of a vice president." I think that is unfair. It is only a temporary condition that lasts from election to defeat or some other rehabilitation. Mondale has recovered. Humphrey did too. Since only one person in the country can suffer from the condition at one time, we know that George Bush, with luck, will also soon be well. Just pity the next person.●

FRAUD OF THE DAY—PART 26

● Mr. **HEINZ.** Mr. President, in line with my comments on January 27 about reprising some of my all-time favorite frauds, I am pleased to present today the classic case that was really a key factor in the development of the amendment that subsequently found its way into the Senate trade bill—the photo album case. Since that case continues to be a problem despite more aggressive Customs Service and Commerce Department efforts, it is worth repeating at this time to make absolutely clear to Senators what this country is up against in trying to enforce our laws. This fraud originally appeared October 7, 1987.

When I spoke yesterday about Customs Fraud, I also addressed the issue of the Customs Service budget. I argued that it was unrealistic to expect a significant increase in funds allocated to the Customs Service. Today, I want to discuss the very real limitations on Customs enforcement efforts even if the budget were adequate. The reality is that many perpetrators of fraud would continue to escape without any real punishment.

Today's fraud illustrates these limitations. It does not focus on a particular case or a specific company. Instead, it involves the entire photo album industry, and makes clear the way in which a private right of action could have a decisive role in helping the Customs Service fight fraud.

In 1985, Korea exported 1.859 million dozen photo albums to the United States. After an anti-dumping investigation, during which none of the information provided by Korean manufacturers could be verified, the Department of Commerce found a dumping margin of 64.8 per cent. In 1986, after the implementation of and anti-dumping duty order, imports of photo albums from Korea dropped 98% to 35,391 dozen. One would normally conclude from that that the problem of photo album dumping had subsided.

The facts, however, show quite a different story. The domestic industry immediately began noticing that photo album imports from Asian countries other than South Korea were increasing dramatically. After January, 1986, exports of photo albums from Korea to Taiwan rose 560%, from 265,498 dozen to 1.952 million dozen. Exports to Singapore rose 489%, to 2.51 million dozen. That means that Singapore was importing 10 photo albums per resident in 1986!

At the same time, Taiwan and Singapore increased their photo album exports to the United States by 1300 percent and 860 percent, respectively. It seems to me that these are persuasive figures that something funny has been going on—most likely that Korean producers were transhipping to the United States through Singapore and Taiwan in order to avoid the dumping duties.

In pursuit of these not-so-elusive albums, one prosecution has occurred. M.B.I., a Korean company which manufactures photo albums, pleaded guilty in December, 1986, to fraudulently transhipping photo albums and received $5,000 in criminal fines. Customs' efforts to obtain a large civil penalty have been thwarted thus far by the defendant's appeal of Customs' ruling that a substantial transformation did not occur in the country from where the albums were shipped. That ruling is based on ample precedent, but the system permits a defendant—in this case one which pleaded guilty and was convicted—to tie up civil litigation indefinitely. The net result is that M.B.I. has effectively gotten away with its crime and is free to continue it through other countries and other ports of entry.

Subsequent efforts to enforce the dumping duty order more broadly have run up against real limitations in Customs resources, the perceived extent of its legal authority to investigate allegedly sham assembly operations in the United States and in third countries, lack of cooperation by third country governments and producers in Customs' enforcement activities, and the relatively low priority the Justice Department gives prosecutions of this nature.

Recently Customs has been making a determined effort to surmount these difficulties, has suspended liquidation of all entries of photo albums and has seized at least one additional shipment in a different port. Even so, simply keeping up with an operation that is constantly shifting from country to country and port to port may well be beyond the Service's capacity.

Mr. President, last month I wrote a column on this case that appeared in the New York Times. I ask that that article be printed in the RECORD at the conclusion of my remarks today.

Mr. President, there is no question in my mind that if a private right of action existed today in cases like this one—where again, the foreign party pleaded guilty to criminal fraud—U.S. companies would have a valuable tool to assist the Customs Service's efforts to see that people comply with the law.

The article follows:

[From the New York Times, Aug. 21, 1987]

A HUGE CUSTOMS SCAM VICTIMIZES UNCLE SAM

(By John Heinz)

WASHINGTON.—Nobody enjoys a good snapshot more than the people of Singapore. Last year alone, enough photo albums were imported into Singapore to supply 10 to every man, woman and child in that country. Singaporeans are not just camera happy; they must be ecstatic.

But Singaporeans are not nearly the shutterbugs they appear to be. In fact, the flood of photo albums is just part of a grand scheme that makes a mockery of United States trade laws. Other nations are funneling these albums through Singapore to the United States in order to circumvent trade quotas imposed on those countries. In short, it is customs fraud.

In industry after industry, customs fraud is being perpetrated on such a huge scale by many of our trading partners that Federal enforcement agencies cannot keep up with it.

An amendment that is attached to the omnibus trade bill, however, permits those who have been victimized by customs fraud to sue for monetary damages in the United States Court of International Trade. The measure is patterned after remedies that have long been available under antitrust and securities laws. Although many unscrupulous foreign exporter are jittery about the amendment, it is doubtful that a single photographer in Singapore has even noticed.

Customs fraud is increasing. Items ranging from photo albums to steel to coffee are being laundered from one country to another, intentionally mislabeled and sent on to the United States. The practice costs the United States billions of dollars, hundreds of thousands of jobs and a lot of pride.

The Customs Service estimates that about 10 percent of all imports are fraudulent. In fiscal years 1984 and 1985, only 27 percent of the textile and apparel imports involved in customs fraud were even detected, according to customs officials.

A study by the National Treasury Employees Union concludes that such fraud costs America $19 billion a year in lost sales, $8 billion to $12 billion of our gross national product, $1.5 billion to $2.2 billion in Federal taxes and $2 billion in customs revenue. It also results in the loss of 500,000 jobs a year, the union study says. The phantom photo albums are just part of a much bigger problem.

There is compelling evidence that South Korean photo albums are being transshipped to America through third countries such as Singapore in order to circumvent a 1986 United States antidumping order. That order charged that South Korea's photo albums were being unfairly dumped at 65 percent below their cost of production. As a result, we imposed offsetting antidumping duties.

South Korean album exports to the United States subsequently declined from 22.32 million in 1985 to 424,692 in 1986. But at the same time, South Korean album exports to Singapore shot up 480 percent, while shipments to Taiwan increased 560 percent. The two countries, in turn, increased their 1986 photo album exports to the United States by 800 percent and 1,300 percent, respectively.

Despite labels and other identifying marks showing that the products came from Singapore, Taiwan and Hong Kong, laboratory tests have proved that the photo albums were actually made in South Korea. Other evidence suggests that even some albums labeled "Made in the USA" are actually products of South Korea.

Yet no effective action has been taken against this evasion of our laws as the American photo album industry watches its sales dwindle. The domestic industry's right to sue could not be clearer.

Executives of the American photo album industry, however, have only met frustration in their attempts to stop this practice. Customs officials assert that they are spread too thin to catch every fraudulent shipment. Our inability to enforce the antidumping order makes it virtually meaningless.

Nor is the problem limited to Singapore photo albums, or even to false listings of country of origin. Filing false tariff numbers, counterfeiting foreign export visas and providing inaccurate values of shipments are other common methods of operation for crooked traders.

The amendment to the trade bill gives aggrieved companies a way to defend themselves against unfairly traded imports. It puts teeth in the customs laws, and it gives victims of customs fraud the same legal recourse that victims of securities fraud have.●

AMERICAN ENTERPRISE INSTITUTE REPORT ON THE INF TREATY

● Mr. WALLOP. Mr. President, today, along with Senators QUAYLE, KASTEN, and WILSON I bring to the Senate's attention an excellent, comprehensive analysis of the INF Treaty. This report was prepared under the auspices of the American Enterprise Institute by former Deputy Assistant Secretary of Defense Frank Gaffney, who had the principal line responsibility inside the Pentagon for overseeing the ongoing negotiations in Geneva.

This report has noted several areas that should be of concern to Senators as the Senate deliberates over the treaty. One I directly point out is a simple drafting error which, with the simple replacement of an "and" for an "or," has the exact opposite intention that the drafters intended. This should dispel the notion that is prevalent inside the administration that this is somehow a perfect document that neither needs close Senate scrutiny or any possible changes by amendment.

● Mr. QUAYLE. The distinguished Senator from Wyoming is quite correct. Indeed, I found the analysis of article 14 of the treaty—that dealing with our rights and obligations not to circumvent the treaty—to be most troubling. While I believe that the concerns raised by this issue are soluble, I am somewhat dismayed at the administration's contention that this is a nonissue. I believe that it has the potential to cut to the very core of our security commitments to our allies, especially in Europe. In the Armed Services Committee hearings we have heard witness after witness testify to the necessity to continue the modernization of our short-range nuclear forces not covered by the INF Treaty and to develop and deploy unmanned, nonnuclear standoff missiles. This article and articles 2 and 7 will be construed by some as prohibiting many of the programs we need to complete or continue. I believe that the clarification of the exact meaning of these articles is critical to the maintenance of support for those programs here in the United States and especially among our allies. Perhaps a reservation to the INF Treaty or an exchange of letters with the Soviets will be needed to clarify these provisions.

● Mr. KASTEN. Let me echo the concerns of the Senator from Indiana. I am carefully studying this document as part of my review of the INF Treaty. I am struck by the sheer number of ambiguities in the INF treaty, ambiguities which some future Senate may have to grapple with if this Senate does not perform its constitutionally mandated task of providing not only its consent, but its advice to this treaty. I believe this document shows that the INF Treaty needs our attention. It needs work. It may need amendment and quite possibly Senate reservation. There is another aspect of this that concerns me. I fear that if the Senate does not scrutinize this treaty as it should, the view prevalent in the administration that the INF Treaty is a pristine document will carry over into the START Treaty that is being rushed to conclusion. I believe we in the Senate can have a very positive impact on the quality of the START Treaty we get if those negotiating it recognize that the Senate is not just a rubber stamp for whatever the administration negotiates.

● Mr. WILSON. Mr. President, I commend the Senators from Wyoming, Indiana, and Wisconsin for their insightful comments on the INF Treaty. I share their view of the value of the report prepared by Mr. Gaffney and the AEI working group. It is most thorough and well-written. It reveals many of the potential problems inside the INF Treaty that are obscured by legal terminology. It is, in my judgment, required reading for Senators prior to the impending floor debate on consent to the INF Treaty.

Let me comment on one issue raised in this analysis that concerns me. We have heard a great deal in the newspapers and in the committee hearings about problems with the data base the Soviets provided us under the terms of the treaty. This problem is compounded by a feature of the treaty that I

suspect many Senators are unaware of. The data base agreed to and exchanged between the sides at the time the INF Treaty was signed is not the data base that will be used to regulate the treaty. Another exchange will occur 30 days after ratification. The accuracy of that data base, the official data base, will not be subject to challenge by the United States. Changes in the data base from the first data base may not be subject to the verification procedures in the treaty. I believe this may be a serious problem with this treaty that will require further explanation.

I urge my colleagues in the Senate to give this analysis of the treaty a careful read prior to making their decision on consent to ratification. I now ask for myself and my three colleagues present to place the entire analysis in the RECORD immediately following my statement so that it will be available to all Senators and their staff.

The analysis follows:

THE INF TREATY: ANALYSIS AND COMMENT

INTRODUCTION

This analysis of the Intermediate Nuclear Force Treaty, entered into December 8, 1987 between the United Sates and the Soviet Union and currently being reviewed by the U.S. Senate, was prepared by a working group convened at the American Enterprise Institute for Public Policy Research and chaired by AEI visiting fellow Frank Gaffney. The members of the working group are listed on the following page.

The purpose of the working group's analysis is not to support or oppose ratification of the INF Treaty; indeed the group includes individuals on both sides of the ultimate issue before the Senate. The aim here is rather to examine rigorously and in detail the effectiveness of the Treaty's provisions and protocols in achieving the Treaty's own goal: to eliminate all intermediate-range and all shorter-range nuclear missiles. Regardless of the wisdom of this goal it is clearly in the interest of the United States that the Treaty's requirements should be as transparent as possible and that its verification provisions should protect against undetected violations. Mindful of the Soviet Union's exploitation of ambiguities and loopholes in past treaties, and concerned that differing interpretations could lead to an unequal exchange of rights and obligations in the future, the authors have sought clarity, precision, and the timely assessment of ambiguities in the Treaty's text.

The members of the working group believe that a number of the INF Treaty's deficiencies discussed in this analysis could be exacerbated if an agreement limiting strategic arms were concluded and if certain of this Treaty's provisions were regarded as a precedent for the later agreement. They have thus identified problems which may strike some readers as minor details—but which could become critically important in the context of the more ambitious agreements currently being negotiated.

This analysis is offered in a constructive spirit on the premise that the Senate will wish to understand the Treaty in detail before deciding whether to ratify it unreservedly or to amend or adopt reservations to it. Where there are ambiguities the Senate may wish to clarify them by eliciting an indication from the Soviets of how they interpret those provisions. In all events the sort of close scrutiny offered here should assist in placing the final disposition of the Treaty on a firmer basis than if the issues identified were not squarely addressed.

CHRISTOPHER C. DEMUTH,
President, American Enterprise Institute for Public Policy Research.

ARTICLE-BY-ARTICLE REVIEW OF THE INF TREATY

INTRODUCTION

This paper reviews provisions of the INF Treaty, its two Protocols and Memoradum of Understanding. Comments are offered regarding a number of key issues. Where it is not yet possible to ascertain satisfactory the meaning or implications of a given provision, we have highlighted the need for clarification by setting forth the relevant questions.

ARTICLE I—PRINCIPAL OBLIGATION

In accordance with the provisions of this Treaty which includes the Memorandum of Understanding and Protocols which form an integral part thereof, each Party shall eliminate its intermediate-range and shorter-range missiles, not have such systems thereafter, and carry out the other obligations set forth in this Treaty.

Comment: The primary obligation of the Treaty parties is, according to this article, the complete elimination of all intermediate-range and shorter-range missiles and other specified items. This is the standard against which the Treaty's provisions must be judged. If, for example, as a result of the cumulative effect of allowed production, inadequate inspection and permitted R&D, the Soviets can retain or produce prohibited missiles and other systems, the Treaty would fail to achieve its purpose.

ARTICLE II—DEFINITIONS

Analysis of the Article II definitions should take into account not only their suitability in the context of this INF Treaty, but also the implications of their use as precedents for a START Treaty. It should be noted that the provisions of Articles VI and VII significantly add to and in some cases alter the definitions of terms dealt with in Article II.

The Treaty does not define "elimination" as such, though it does specify procedures for eliminating specific items. The problem is that the specified procedures will not in every case result in the actual elimination of these items. In fact, in some cases items "eliminated" according to the specified procedures may even be able to continue to perform their prohibited functions.

Article II, Paragraphs 1 and 2:

For the purposes of this Treaty:

1. The term "ballistic missile" means a missile that has a ballistic trajectory over most of its flight path. The term "ground-launched ballistic missile (GLBM)" means a ground-launched ballistic missile that is a weapon-delivery vehicle.

2. The term "cruise missile" means an unmaned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path. The term "ground-launched cruise missile (GLCM)" means a ground-launched cruise missile that is a weapon-delivery vehicle.

Comment: Taken together, the definitions of ballistic and cruise missiles in Paragraphs 1 and 2 do not capture every possible type of missile. For example, a hyper-velocity glide vehicle appears not to be within the definitions. This should be confirmed, as some work is being done in the United States on that technology. What other missile technologies are similarly excluded by these definitions? Were all such exclusions intended by us? What uses can the Soviets make of such exclusions?

This provision permanently prohibits conventionally-armed ground-launched missile options that could contribute substantially to the non-nuclear defense of Western Europe. (see Report of Commission on Long-Term Integrated Strategy.) The INF Treaty makes such contributions more important than before. The breadth of the definitions—that is, the fact that they cover conventionaly-armed as well as nuclear-armed ground-launched missiles—is said to be justified by the verification difficulties that would be created if conventionally-armed missiles were not prohibited. This verification benefit, however, has largely been negated by the fact that the definitions do not cover drones (remotely piloted vehicles) or any other ground-launched missiles that do not carry weapons.

The operative assumption evidently is that the Article VII counting rule, which specifies that such systems may not be flight-tested for weapon-delivery, will prevent prohibited missiles from being developed in the guise of drones. Is this assumption valid? In other words, is it possible to flight-test a weapon-delivery system in a manner that would not be distinguishable from the flight-test of a drone? For further

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Given that major verification problems still inhere in these definitions, the wisdom of permanently banning conventionally-armed missiles should be reassessed.

Article II, Paragraph 3:

3. The term "BLBM launcher" means a fixed launcher or a mobile land-based transporter-erector-launcher mechanism for launching a GLBM.

Comment: A key issue of the Treaty is its application to Soviet GLBM launchers. See comments on Article IV, Paragraph 1.

Article II, Paragraphs 5 & 6: .

5. The term "intermediate-range missile" means a GLBM or a GLCM having a range capability in excess of 1000 kilometers but not in excess of 5500 kilometers.

6. The term "shorter-range missile" means a GLBM or a GLCM having a range capability equal to or in excess of 500 kilometers but not in excess of 1000 kilometers.

Comment: These definitions refer to "range capability," but that phrase is misleading. In the case of ballistic missiles, as Article VII, Paragraph 4 makes clear, the range is considered to be not the maximum range of which the missile is capable, but only the maximum range to which it has been tested. As for the case of cruise missiles, see comments on Article VII.4.

Article II, Paragraph 8:

8. The term "missile operating base" means:

(a) in the case of intermediate-range missiles, a complex of facilities, located within a deployment area, at which intermediate-range missiles and lauchers of such missiles normally operate, in which support structures associated with such missiles and launchers are also located and in which support equipment associated with such missiles and launchers is normally located; and

(b) in the case of shorter-range missiles, a complex of facilities, located any place, at which shorter-range missiles and launchers of such missiles normally operate and in which support equipment associated with such missiles and launchers is normally located.

Comment: "Normally operate" is not defined in the Treaty. Its use here implies that missiles and launchers may legally operate outside the missile operating bases. This may mean that missiles that qualify under the Treaty as "non-deployed" may nevertheless be operational, though it is clearly the intention of the Treaty that all operational missiles be deemed "deployed." Is there an agreed meaning for this term? What if anything do we know about the meaning the Soviets attribute to "normally" here?

Ambiguous or unclear terms of this kind may or may not have great significance in the context of the INF Treaty. But we can expect many such terms to be transplanted into the START Treaty, where their significance might increase greatly. It is elementary but bears emphasis that it is very bad practice to allow terms of an arms control Treaty to remain ambiguous or undefined.

ARTICLE III—TREATY-LIMITED SYSTEMS

1. For the purposes of this Treaty, existing types of intermediate-range missiles are:

(a) for the United States of America, missiles of the types designated by the United States of America as the Pershing II and the BGM-109G, which are known to the Union of Soviet Socialist Republics by the same designations; and

(b) for the Union of Soviet Socialist Republics, missiles of the types designated by the Union of Soviet Socialist Republics as the RSD-10, the R-12 and the R-14, which are known to the United States of America as the SS-20, the SS-4 and the SS-5, respectively.

2. For the purposes of this Treaty, existing types of shorter-range missiles are:

(a) for the United States of America, missiles of the type designated by the United States of America as the Pershing IA, which is known to the Union of Soviet Socialist Republics by the same designation; and

(b) for the Union of Soviet Socialist Republics, missiles of the types designated by the Union of Soviet Socialist Republics as the OTR-22 and the OTR-23, which are known to the United States of America as the SS-12 and the SS-23, respectively.

Comment: On the assumption that the SSC-X-4 was at more or less the same early stage of development as the U.S. Pershing IB, the U.S. consented to have the Treaty treat these two missiles in the same fashion, different from the treatment of the "existing" items. The information about the SSC-X-4 in the Memorandum of Understanding—that 84 SSC-X-4 missiles and six launchers have been produced and are located at a storage facility—suggests that that assumption was erroneous.

This evident intelligence error raises questions about our ability to monitor the subject matter of the Treaty. How do we know that the 84 SSC-X-4 missiles that the Soviets have acknowledged are all the SSC-X-4 missiles that they possess? For that matter, what confidence do we have about the accuracy and completeness of the other data supplied by the Soviets? See comments on the Memorandum of Understanding.

Is there any significance to the difference between those inspection provisions applicable to the systems "never deployed" (i.e., Pershing IB and SSC-X-4) and those applicable to "existing" (i.e., deployed) items? See Article X.6.

ARTICLE IV—ELIMINATION SCHEDULE (INTERMEDIATE-RANGE SYSTEMS)

Article IV, Paragraph 1:

Each Party shall eliminate all its intermediate-range missiles and launchers of such missiles, and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than three years after entry into force of this Treaty and thereafter no such missiles, launchers, support structures or support equipment shall be possessed by either Party.

Comment: The Treaty says that all Treaty-limited systems are to be "eliminated," and no such systems are to be "possessed" by either Party after three years. The actual obligation of the Parties, however, is to follow certain "elimination" procedures, custom designed for each banned item, and such procedures amount only to alteration rather than elimination of several Soviet launchers.

Whereas the "elimination" procedures for all Treaty-limited U.S. systems will ensure that such systems are reduced to scrap, the procedures for several Treaty-limited Soviet launchers have been designed to allow the "eliminated" launchers to be used for other purposes. Given that these "eliminated" Soviet launchers will be permitted to operate throughout the Soviet Union, the question is whether, even if we observe them through overhead reconnaissance, we have the capability of ascertaining whether the alterations have been reversed so as to allow the item to perform a prohibited function.

It may be that the Soviets would find it easier to produce a new launcher from "scratch" than to undo the elimination procedures on an old launcher. This raises the question: Do we have any confidence that we would detect clandestine production of Treaty-limited launchers? See comments on Article VI, Paragraph 1.

Some of the Treaty's language implies a greater comprehensiveness of its scope than is, in fact, the case. In drafting the Memorandum of Understanding, the Parties excluded from the list of items to be eliminated certain elements of an INF capability—certain facilities and equipment—that can be used for other purposes, too. With respect to the U.S. facilities and equipment being so spared, this seems a sensible, financially responsible measure. The United States can be expected to fulfill its obligations under the Treaty not to retain an INF capability, and will not put such items to prohibited uses. The exclusion, however, may on the Soviets' side facilitate the concealment of Treaty violations or may enhance their ability to effect a rapid "breakout." For example, the Treaty allows the Soviets to retain without alteration SS-20-related multiple-bay garages and support structures for shorter-range missiles.

Each exclusion from the elimination schedule, gerrymandered definition, and exception to the non-production rule may seem minor in itself, but taken together such provisions mean that the Soviets, even without violating the Treaty, can remain rather close to a militarily significant INF capability. And the violations that would be required to maintain an INF capability are less extensive (and thus easier to conceal) than the Treaty's comprehensive language leads one to believe.

ARTICLE V—ELIMINATION SCHEDULE (SRMS)

Article V, Paragraph 1:

Each Party shall eliminate all its shorter-range missiles and launchers of such missiles, and all support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than 18 months after entry into force of this Treaty and thereafter no such missiles, launchers or support equipment shall be possessed by either Party.

Comment: Regarding the possible significance of this Article's failure to mention the elimination of support structures for shorter-range missiles, see comments on Article IV, Paragraph 1.

ARTICLE VI—COLLATERAL CONSTRAINTS

Article VI, Paragraph 1:

Upon entry into force of this Treaty and thereafter, neither Party shall:

(a) produce or flight-test any intermediate-range missiles or produce any stages of such missiles or any launchers of such missiles; or

(b) produce, flight-test or launch any shorter-range missiles or produce any stages of such missiles or any launchers of such missiles.

Comment: The ability of the Intelligence Community (IC) to monitor Soviet performance under the terms of this provision and the Treaty in general is a major issue. In this connection, the following questions, among others, must be addressed:

Can the IC accurately represent that it knows the location of all the facilities that have been used to produce the Soviets' Treaty-limited systems? Would it know if the Soviets actually began production of banned items at other facilities? Would it know if the Soviets created the capability at other facilities to begin production of banned items?

To what extent could permitted SS-25 production and testing mask or substitute for SS-20 production/testing?

It has been argued that this Article's prohibition of flight-testing serves to guarantee against covert deployment of the SS-20. The contention is that without flight-testing the Soviets would have no confidence in the reliability of their missiles and therefore would not deploy them. But our experience with the SS-16 missile, deployment and flight-testing of which were banned under SALT II, argues to the contrary. According to the Administration, the SS-16 was probably deployed over a long period of time even though we detected no flight tests.

It is also presumably the case that the Soviets will be able to obtain useful reliability information from the permitted launches to destruction and static fire burns prescribed by the Treaty's elimination provisions.

Furthermore, flight tests of the SS-25 will provide the Soviets some data relevant to the SS-20 because the first stages of those two missiles are essentially identical. Indeed, the Soviet Union's ability to use their unregulated SS-25 program as a vehicle for getting around the prohibitions of the INF Treaty or concealing violations of the Treaty is an intractable problem which arises repeatedly throughout this agreement. Some have sought to minimize the gravity of the issue by contending that the Soviets have little incentive to maintain a prohibited, concealed SS-20 capability because the SS-25s themselves, which are not prohibited, can perform the same military function as the SS-20 does.

This argument ignores, however, the possibility that the Soviets may value highly the specialized characteristics of the SS-20—in particular, its multiple warheads, high accuracy, and short time of flight. Such considerations may constitute ample incentive for the Soviets to exploit opportu-

nities to maintain an SS-20 capability despite the Treaty. Also, if a START agreement is concluded, limiting or banning SS-25s and other strategic systems, the Soviets' incentives to violate the INF Treaty would increase substantially.

Article VI, Paragraph 2:

Notwithstanding paragraph 1 of this Article, each Party shall have the right to produce a type of GLBM not limited by this Treaty which uses a stage which is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate-range GLBM having more than one stage, providing that the Party does not produce any other stage which is outwardly similar to, but not interchangeable with, any other stage of an existing type of intermediate-range GLBM.

Comment: This provision attempts to address the problems caused by the fact that the Treaty-limited SS-20 and the unlimited SS-25 ICBMs have first stages that are so similar that no practical inspection regime would be able to distinguish them. As a result of this provision, the Soviet Union will be allowed to produce first stages that are "outwardly similar to" the SS-20 first stage, thereby vitiating somewhat the general prohibition on production of any intermediate-range missile stage in paragraph 1. Although the Soviets say such stages are "not interchangeable with" SS-20 first stages, the absence of any definition of that phrase makes it meaningless.

Furthermore, it is unclear how—if at all—this Article would affect a future intermediate-range missile that might be developed using the first two stages of the SS-25 (just as the first two stages of the SS-16 gave rise to the SS-20). Could the development, testing and production of such a system be concealed using the SS-25 program as "cover"? In any event, it will be difficult for the U.S. to determine whether anomalous activities within the SS-25 program indicated a surreptitious intermediate-range missile development program.

This paragraph contains a noteworthy drafting error. Read literally, it permits the production of an "SS-25" second stage that is "outwardly similar to, and interchangeable with" the second stage of an SS-20. This problem arises because the paragraph begins with a "notwithstanding" clause that overrides the general prohibition on intermediate-range missile stage production of paragraph 1. This point should be clarified with the Soviets. What the last clause of the Paragraph meant to say (and should be revised to reflect) is: ". . . provided that that Party does not produce any other stage which is either outwardly similar to, or interchangeable with, any other stage of an existing type of intermediate-range GLBM."

ARTICLE VII—COUNTING RULES

As was pointed out in the comments on Article II, the Article VII counting rules have an important bearing on the definitions of key Treaty terms, and analysis of these rules should take into account both their suitability in the context of this INF Treaty and also the implications of their use as precedents for a START Treaty.

Article VII, Paragraphs 1 and 2:

For the purposes of this Treaty:

1. If a ballistic missile or a cruise missile has been flight-tested or deployed for weapon delivery, all missiles of that type shall be considered to be weapon-delivery vehicles.

2. If a GLBM or GLCM is an intermediate-range missile, all GLBMs or GLCMs of that type shall be considered to be intermediate-range missiles. If a GLBM or GLCM is a shorter-range missile, all GLBMs or GLCMs of that type shall be considered to be shorter-range missiles.

Comment: The Treaty does not define the word "type." This suggests that the Parties were unable to arrive at a common understanding of the term. In light of the controversy relating to whether the SS-25 is a new type of ICBM, and thus a violation of SALT II, it is important that the sides not hold to inconsistent definitions of so critical a term.

In the absence of such a definition it is impossible to know how different a new missile must be from a Treaty-limited missile in order for that new missile to be excluded from the Treaty's prohibitions (i.e., in order for the new missile to be considered either (1) not a weapon-delivery vehicle, or (2) not a vehicle of intermediate- or shorter-range).

Article VII, Paragraph 3:

If a GLBM is of a type developed and tested solely to intercept and counter objects not located on the surface of the earth, it shall not be considered to be a missile to which the limitations of this Treaty apply.

Comment: The following questions arise from this provision:

With what effectiveness could a missile now designed for ABM, ATBM, or anti-air purposes be used in a ground-to-ground, weapon-delivery mode?

Could the Soviets develop a new intermediate-range or shorter-range missile in the guise of an ABM, ATBM, or anti-air missile?

Article VII, Paragraph 4:

The range capability of a GLBM not listed in Article III of this Treaty shall be considered to be the maximum range to which it has been tested. The range capability of a GLCM not listed in Article III of this Treaty shall be considered to be the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path onto the earth's sphere from the point of launch to the point of impact. GLBMs or GLCMs that have a range capability equal to or in excess of 500 kilometers but not in excess of 1000 kilometers shall be considered to be shorter-range missiles. GLBMs or GLCMs that have a range capability in excess of 1000 kilometers but not in excess of 5500 kilometers shall be considered to be intermediate-range missiles.

Comment: The counting rule for GLBM range capability provides a significant loophole: a new GLBM could be tested to 490 km in a non-minimum-energy trajectory and thus would have much greater actual range. The U.S. would have no grounds to object to such a system, even though it would unquestionably have the ability to strike targets over 500 km away.

The counting rule for GLBM range is taken from the SALT II Treaty (Article II.8, 2nd Agreed Statement). As Secretary Vance's published analysis of SALT II (Document 12B, p. 19) makes clear, the U.S. interpretation of this definition was not confirmed by the Soviets. Was there, in the course of the INF negotiations, any agreement on the meaning of "flying to fuel exhaustion"?

In any event, this provision is not verifiable. If we observed a new Soviet GLCM flying 490 km in a test, how would we be able to know how much fuel it had on board when the flight was terminated? Replacing a large conventional warhead on such a GLCM with a small nuclear warhead would allow it to fly INF ranges—even if the fuel would have been exhausted carrying the first payload to only 490 km.

Article VII, Paragraphs 7 & 8:

7. If a launcher has been tested for launcing a GLBM or a GLCM, all launchers of that type shall be considered to have been tested for launching GLBMs or GLCMs.

8. If a launcher has contained or launched a particular type of GLBM or GLCM, all launchers of that type shall be considered to be launchers of that type of GLBM or GLCM.

Comment: Is there any engineering or mechanical reason why the launcher for the SS-25 could not be used to launch an SS-20? Do we know whether any such launcher has ever been used for this purpose—including during development of the SS-25?

If an SS-25 launcher during development testing carried an SS-20 canister, it would be captured by the counting rule in Paragraph 8. Can we be certain no such launcher ever did?

Article VII, Paragraph 10:

Except in the case of elimination in accordance with the procedure set forth in the Protocol on Elimination, the following shall apply:

(a) for GLBMs which are stored or moved in separate stages, the longest stage of an intermediate-range or shorter-range GLBM shall be counted as a complete missile;

(b) for GLBMs which are not stored or moved in separate stages, a canister of the type used in the launch of an intermediate-range GLBM, unless a Party proves to the satisfaction of the other Party that it does not contain such a missile, or an assembled intermediate-range or shorter-range GLBM, shall be counted as a complete missile; and

(c) for GLCMs, the airframe of an intermediate-range or shorter-range GLCM shall be counted as a complete missile.

Comment: Because the first stage of an SS-25 is externally indistinguishable from that of an SS-20, the counting rules for U.S. missiles differ from those for Soviet missiles. They impose a more rigorous standard on the U.S. side (the largest stage of the Pershing II missile alone counts as a full-up missile) than on the Soviet side (only a full-up Soviet missile—or its canister—counts as a missile).

The difference between the counting rules for U.S. missiles and those for Sovet missiles affects the relative values of U.S. and Soviet inspection rights under the Treaty. Because of these counting rules, the U.S. side's rights to conduct continuous monitoring of a Soviet production facility apply only to a Soviet final assembly plant. The corresponding rights of the Soviets, however, apply to a U.S. plant that actually manufactures missile stages. (For further discussion of this point, see Article XI, Paragraph 6.) This means that the Soviet facilities that now manufacture SS-20 second stages (or first stages for that matter) are not subject to monitoring by the United States under the Treaty.

Given that the Treaty effectively permits the Soviets to continue manufacturing first stages of the two-stage SS-20 (see Article VI, Paragraph 2), it is not a minor matter that we have no inspection rights at all at whatever facilities manufacture SS-20 stages.

ARTICLE VIII—SITING LIMITATIONS

Article VIII, Paragraphs 1, 2 and 3:

1. All intermediate-range missiles and launchers of such missiles shall be located in deployment areas, at missile support facilities or shall be in transit. Intermediate-

range missiles or launchers of such missiles shall not be located elsewhere.

2. Stages of intermediate-range missiles shall be located in deployment areas, at missile support facilities or moving between deployment areas, between missile support facilities or between missile support facilities and deployment areas.

3. Until their removal to elimination facilities as required by paragraph 2 of Article V of this Treaty, all shorter-range missiles and launchers of such missiles shall be located at missile operating bases, at missile support facilities or shall be in transit. Shorter-range missiles or launchers of such missiles shall not be located elsewhere.

Comment: This Article describes where intermediate-range and shorter-range missiles and launchers shall be located during the period between entry into force and the end of the elimination period. These requirements raise the following questions:

Will we be able to tell that Treaty-limited items are not located elsewhere? For example, could they be stored without risk of detection in warehouses or other installations? Do we know that all areas in the Soviet Union where operational missiles exist have been identified by the Soviets as "deployment areas?"

How many intermediate-range missiles have the Soviets produced? How confident are we in our estimate?

Article VIII, Paragraph 5: All deployment areas, missile operating bases and missile support facilities are specified in the Memorandum of Understanding or in subsequent updates of data pursuant to paragraphs 3, 5(a) or 5(b) of Article IX of this Treaty. Neither Party shall increase the number of, or change the location or boundaries of, deployment areas, missile operating bases or missile support facilities, except for elimination facilities, from those set forth in the Memorandum of Understanding. A missile support facility shall not be considered to be part of a deployment area even though it may be located within the geographic boundaries of a deployment area.

Comment: If the Soviets have continued after November 1, 1987 to maintain SS-20s or support equipment at any missile support facility previously associated with these missiles but not listed in the MOU, they would be in violation of this provision. Is there evidence that any such items continued to be present at any such facility after November 1, 1987?

Article VIII, Paragraph 6:

Beginning 30 days after entry into force of this Treaty, neither Party shall locate intermediate-range or shorter-range missiles, including stages of such missiles, or launchers of such missiles at missile production facilities, launcher production facilities or test ranges listed in the Memorandum of Understanding.

Comment: The word "locate" in this provision seems to mean "to allow something to be at a loction." On the other hand, it could be read to mean "to move something to a location." This point should be clarified by the Parties especially if consideration is being given to creating a parallel provision in START.

Article VIII, Paragraph 8:

A non-deployed intermediate-range or shorter-range missile shall not be carried on or contained within a launcher of such a type of missile, except as required for maintenance conducted at repair facilities or for elimination by means of launching conducted at elimination facilities.

Comment: This provision seems altogether unmonitorable. And, in any event, even if we were to detect an apparent violation, the loophole (viz., "except as required for maintenance conducted at repair facilities . . .") would make it impossible to establish the point. Is it clear that, for purposes of this provision, a missile can be placed on its launcher only at a repair facility?

Article VIII, paragraph 9:

Training missiles and training launchers for intermediate-range or shorter-range missiles shall be subject to the same locational restrictions as are set forth for intermediate-range and shorter-range missiles and launchers of such missiles in paragraphs 1 and 3 of this Article.

Comment: This provision contains the Treaty's first reference to "training" missiles and launchers. No definition or clarification of such terms is provided in Article II, Article VII, or elsewhere. Have the Parties agreed that training missiles must be inert—i.e., without propellant? If all missiles must be either deployed or non-deployed, where do training assets fit in? How will we be able to tell the difference between such missiles and "real" ones. This point is particularly important in light of last-minute Soviet reallocation of a number of deployed SS-20s into the training category.

ARTICLE IX—DATA AND RELATED NOTIFICATIONS

Article IX, Paragraph 1:

The Memorandum of Understanding contains categories of data relevant to obligations undertaken with regard to this Treaty and lists all intermediate-range and shorter-range missiles, launchers of such missiles, and support structures and support equipment associated with such missiles and launchers, possessed by the Parties as of November 1, 1987. Updates of that data and notifications required by this Article shall be provided according to the categories of data contained in the Memorandum of Understanding.

Comment: The quality of the data contained in the MOU is fundamental to the viability of this Treaty. If such data represent only a portion of the actual Soviet force then the remainder of that force will not be subject to any of the inspection provisions. Issues that need to be explored include: the quality of our intelligence; the likelihood that actual Soviet capabilities are higher; the significance of apparently wide discrepancies in the number of refire missiles associated with each of the several Soviet systems limited by the Treaty; and the extent to which our estimates are being altered on the basis of Soviet-supplied information (despite the fact that the factors which gave rise to these estimates in the first place do not appear to have changed).

Article IX, Paragraph 3:

No later than 30 days after entry into force of this Treaty, each Party shall provide the other Party with updated data, as of the date of entry into force of this Treaty, for all categories of data contained in the Memorandum of Understanding.

Comment: The United States insisted on reviewing before Treaty signature—and retaining the right to reject—the data provided for in the MOU. The data in the MOU, however, are not the data that form the basis of the Parties' obligations under the Treaty. The data that really count are those to be exchanged by the Parties 30 days after the Treaty's entry into force; the Treaty does not afford us the right to reject Soviet data supplied at that time. In fact, if the United States is unsatisfied with the information provided in the data update—e.g., if we judge the Soviets to be understating their INF force—and the Soviets fail to convince us of the accuracy of their new data, then the United States would have no effective recourse. As a practical matter, we would feel compelled to continue to fulfill our obligations under the Treaty.

Under Article X.8, the Soviets will be allowed to remove missile support facilities and operating bases from this data base if they claim to have accomplished certain elimination procedures by the date of entry into force of the Treaty. Since there is no prohibition against eliminating Treaty-limited items during this period, the Soviets may choose to remove missiles and launchers from the updated data base contending that they have been eliminated. However, we will not have any inspection rights with regard to such missiles and hence will not be certain that they have, in fact, been eliminated. It is, moreover, unclear whether the Soviets would be obligated to follow the procedures in the Protocol on Elimination with respect to systems eliminated during this period.

Two of the advertised verification strengths of the Treaty are the agreement on data before Treaty signature (as reflected in the MOU) and the inspection rights applicable to the elimination of Treaty-prohibited items. In light of the foregoing paragraph, one cannot reach a judgment on the contribution these "strengths" make to the Treaty's verification regime until we have received the updated data from the Soviets 30 days after the Treaty's entry into force. In order to minimize the problem, the United States could insist upon a commitment from the Soviets either that, should they eliminate Treaty-limited systems prior to entry into force, they will follow the provisions of the Protocols on Elimination and Inspection or that they will refrain from such eliminations until the Treaty enters into force.

Article IX, Paragraph 5:

Upon entry into force of this Treaty and thereafter, each Party shall provide the following notifications to the other Party:

(f) notification of transit of intermediate-range or shorter-range missiles or launchers of such missiles, or the movement of training missiles or training launchers for such intermediate-range and shorter-range missiles, no later than 48 hours after it has been completed, including:

(i) the number of missiles or launchers;

(ii) the points, dates and times of departure and arrival;

(iii) the mode of transport; and

(iv) the location and time at that location at least once every four days during the period of transit.

Comment: It should be noted that the provision on notification of transit is not as valuable as it might have been, since it does not require that notification be given until 48 hours after the transit is completed.

ARTICLE X—ELIMINATION PROVISIONS

Article X, Paragraph 1:

Each Party shall eliminate its intermediate-range and shorter-range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers in accordance with the procedures set forth in the Protocol on Elimination.

Comment: Unlike Article VI (production) and Article VIII (location of Treaty-limited items), this paragraph does not specifically apply its terms to the stages of Treaty-limited missiles. Section I.3 of the Protocol on Elimination does state that "all stages of intermediate-range and shorter-range GLBMs

shall be subject to elimination." It might be argued, however, that this protocol language applies only to the stages of full-up missiles that are listed in the updated data base and whose elimination is observable pursuant to the Treaty's inspection provisions. That reading would allow the Soviets to separate, before the Treaty's entry into force, the two stages of the SS-20 and retain the separated stages indefinitely. This would greatly facilitate the reconstitution of a Soviet INF capability.

To fix this problem, the Parties could agree to add to Paragraph 1 the words "and stages of such missiles" after the phrase "intermediate-range and shorter-range missiles."

Article X, Paragraph 5:

Each Party shall have the right, during the first six months after entry into force of this Treaty, to eliminate by means of launching no more than 100 of its intermediate-range missiles.

Comment: This provision was included because the Soviets insisted that they would otherwise be unable to eliminate all their intermediate-range missiles within the allowed period. The Intelligence Community should assess whether any benefit might accrue to the Soviets in terms of establishing a useful data base on SS-20 reliability. (See comments on Article VI, Paragraph 1). Does the U.S. expect to destroy any of its intermediate-range missiles by launching them?

Article X, Paragraph 6:

Intermediate-range and shorter-range missiles which have been tested prior to entry into force of this Treaty, but never deployed, and which are not existing types of intermediate-range or shorter-range missiles listed in Article III of this Treaty, and launchers of such missiles, shall be eliminated within six months after entry into force of this Treaty in accordance with the procedures set forth in the Protocol on Elimination. Such missiles are:

(a) for the United States of America, missiles of the type designated by the United States of America as the Pershing IB, which is known to the Union of Soviet Socialist Republics by the same designation; and

(b) for the Union of Soviet Socialist Republics, missiles of the type designated by the Union of Soviet Socialist Republics as the RK-55, which is known to the United States of America as the SSC-X-4.

Comment: The significance of this paragraph is discussed in the comments on Article III.

Article X, Paragraph 7:

Intermediate-range and shorter-range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers shall be considered to be eliminated after completion of the procedures set forth in the Protocol on Elimination and upon the notification provided for in paragraph 5(e) of Article IX of this Treaty.

Comment: This paragraph makes it clear that the term "elimination" in the Treaty does not mean elimination in the common sense of the term but rather fulfillment of the elimination procedures set forth in the Protocol on Elimination. The adequacy of such procedures was called into question in the comments on Articles II and IV.1.

Article X, Paragraphs 8:

Each Party shall eliminate its deployment areas, missile operating bases and missile support facilities. A Party shall notify the other Party pursuant to paragraph 5(a) of Article IX of this Treaty once the conditions set forth below are fulfilled:

(a) all intermediate-range and shorter-range missiles, launchers of such missiles and support equipment associated with such missiles and launchers located there have been removed;

(b) all support structures associated with such missiles and launchers located there have been eliminated; and

(c) all activity related to production, flight-testing, training, repair, storage or deployment of such missiles and launchers has ceased there.

Such deployment areas, missile operating bases and missile support facilities shall be considered to be eliminated either when they have been inspected pursuant to paragraph 4 of Article XI of this Treaty or when 60 days have elapsed since the date of the scheduled elimination which was notified pursuant to paragraph 5(a) of Article IX of this Treaty. A deployment area, missile operating base or missile support facility listed in the Memorandum of Understanding that met the above conditions prior to entry into force of this Treaty, and is not included in the initial data exchange pursuant to paragraph 3 of Article IX of this Treaty, shall be considered to be eliminated.

Comment: This provision must be read in conjunction with Article XI.5(b), which deals with the inspection of former missile operating bases and support facilities. It opens the door to the possibility that facilities which currently have a role in Treaty-limited activities can be exempted from inspection if the Party claims to have fulfilled the three conditions listed and hence omits them from the data exchange which must be made 30 days after entry into force.

Are all the conditions listed in subparagraphs (a)-(c) discernible by national technical means of verification? If not, how will we have confidence that facilities known to be associated with Treaty-limited activities meet these conditions before entry into force? If so, what is the perceived need for close-out inspections at facilities eliminated after entry into force?

Article X, Paragraph 9:

If a Party intends to convert a missile operating base listed in the Memorandum of Understanding for use as a base associated with GLBM or GLCM systems not subject to this Treaty, then that Party shall notify the other Party, no less than 30 days in advance of the scheduled date of the initiation of the conversion, of the scheduled date and the purpose for which the base will be converted.

Comment: It seems intended, but is not made explicit, that a missile operating base must be "eliminated" before it can be converted for the use of a non-limited GLBM or GLCM. This possible ambiguity takes on special importance given that the Treaty allows the Soviets to retain such structures as multi-bay garages and other SS-20-related items at "eliminated" operating bases.

ARTICLE XI—VERIFICATION: INSPECTION PROVISIONS

The utility of this inspection regime is limited by the fact that it does not provide any right to conduct short-notice, on-site inspections at suspect sites, i.e., sites other than declared (or formerly declared) facilities. Thus, all of the effort described in this article is directed only at those places that the Soviets have in fact listed and thus chosen to make subject to inspection.

Article XI, Paragraph 3:

Beginning 30 days after entry into force of this Treaty, each Party shall have the right to conduct inspections at all missile operating bases and missile support facilities specified in the Memorandum of Understanding other than missile production facilities, and at all elimination facilities included in the initial data update required by paragraph 3 of Article IX of this Treaty. These inspections shall be completed no later than 90 days after entry into force of this Treaty. The purpose of these inspections shall be to verify the number of missiles, launchers, support structures and support equipment and other data, as of the date of entry into force of this Treaty, provided pursuant to paragraph 3 of Article IX of this Treaty.

Comment: If a facility is not included in the updated data base to be provided 30 days after the Treaty's entry into force (which Article X.8 says it need not be if it is "eliminated" prior to entry into force), do we still have the right to inspect it? On the one hand, this provision is said to apply to all facilities listed in the Memorandum of Understanding, but, on the other, the purpose of the inspections it authorizes is said to be the verification of the data in the updated data base. A related ambiguity is discussed under paragraph 5(b) of this Article.

Article XI, Paragraph 5:

Each Party shall have the right to conduct inspections pursuant to this paragraph for 13 years after entry into force of this Treaty. Each Party shall have the right to conduct 20 such inspections per calendar year during the first three years after entry into force of this Treaty, 15 such inspections per calendar year during the subsequent five years, and ten such inspections per calendar year during the last five years. Neither Party shall use more than half of its total number of these inspections per calendar year within the territory of any one basing country. Each Party shall have the right to conduct:

(a) inspections, beginning 90 days after entry into force of this Treaty, of missile operating bases and missile support facilities other than elimination facilities and missile production facilities, to ascertain, according to the categories of data specified in the Memorandum of Understanding, the numbers of missiles, launchers, support structures and support equipment located at each missile operating base or missile support facility at the time of the inspection; and

(b) inspections of former missile operating bases and former missile support facilities eliminated pursuant to paragraph 8 of Article X of this Treaty other than former missile production facilities.

Comment: Subparagraph (b) provides the right to inspect former missile operating bases and support facilities "eliminated pursuant to paragraph 8 of Article X." This right constitutes a major element of the entire inspection regime. Its value, however, could be severely limited depending on how one interprets the ambiguous term "pursuant to." In particular, the question is: Is a site that has been "considered to be eliminated" under the last sentence of Article X.8 ipso facto deemed eliminated "pursuant to" that paragraph? If not, then the Soviets can severely limit the value of this inspection right by "eliminating" as many sites as possible prior to entry into force of the Treaty. This problem would be solved if the Parties agreed to add the following sentence to the end of subparagraph (b): "Any site considered to be eliminated under Article X, Paragraph 8 shall be deemed eliminated pursuant to Article X, Paragraph 8."

This section's negotiating history needs to be carefully reviewed. In particular, what is the rationale for the diminishing quota of inspections?

Article XI, Paragraph 6:

Beginning 30 days after entry into force of this Treaty, each Party shall have the right, for 13 years after entry into force of this Treaty, to inspect by means of continuous monitoring:

(a) the portals of any facility of the other Party at which the final assembly of a GLBM using stages, any of which is outwardly similar to a stage of a solid-propellant GLBM listed in Article III of this Treaty, is accomplished; or

(b) if a Party has no such facility, the portals of an agreed former missile production facility at which existing types of intermediate-range or shorter-range GLBMs were produced.

The Party whose facility is to be inspected pursuant to this paragraph shall ensure that the other Party is able to establish a permanent continuous monitoring system at that facility within six months after entry into force of this Treaty or within six months of initiation of the process of final assembly described in subparagraph (a). If, after the end of the second year after entry into force of this Treaty, neither Party conducts the process of final assembly described in subparagraph (a) for a period of 12 consecutive months, then neither Party shall have the right to inspect by means of continuous monitoring any missile production facility of the other Party unless the process of final assembly as described in subparagraph (a) is initiated again. Upon entry into force of this Treaty, the facilities to be inspected by continuous monitoring shall be in accordance with subparagraph (b), for the United States of America, Hercules Plant Number 1, at Magna, Utah; in accordance with subparagraph (a), for the Union of Soviet Socialist Republics, the Votkinsk Machine Building Plant, Udmurt Autonomous Soviet Socialist Republic, Russian Soviet Federative Socialist Republic.

Comment: This provision establishes the asymmetrical monitoring rights discussed in connection with Article VI.2 and VII.10.

ARTICLE XII—VERIFICATION: NATIONAL TECHNICAL MEANS

Article XII, Paragraph 2:

Neither Party shall:

(a) interfere with national technical means of verification of the other Party . . .; or

(b) use concealment measures which impede verification of compliance with the provisions of this Treaty by national technical means of verification carried out in accordance with paragraph 1 of this Article. This obligation does not apply to cover or concealment practices, within a deployment area, associated with normal training, maintenance and operations, including the use of environmental shelters to protect missiles and launchers.

Comment: Given the fact that the Soviets have in the past not complied with the corresponding non-interference provisions of other treaties, there is reason to doubt the value of this provision.

Article XIII, Paragraph 3:

To enhance observation by national technical means of verification, each Party shall have the right until a Treaty between the Parties reducing and limiting strategic offensive arms enters into force, but in any event for no more than three years after entry into force of this Treaty, to request the implementation of cooperative measures at deployment bases for road-mobile GLBMs with a range capability in excess of 5500 kilometers, which are not former missile operating bases eliminated pursuant to paragraph 8 of Article X of this Treaty. The Party making such a request shall inform the other Party of the deployment base at which cooperative measures shall be implemented. The Party whose base is to be observed shall carry out the following cooperative measures:

(a) no later than six hours after such a request, the Party shall have opened the roofs of all fixed structures for launchers located at the base, removed completely all missiles on launchers from such fixed structures for launchers and displayed such missiles on launchers in the open without using concealment measures; and

(b) the Party shall leave the roofs open and the missiles on launchers in place until twelve hours have elapsed from the time of the receipt of a request for such an observation.

Each Party shall have the right to make six such requests per calendar year. Only one deployment base shall be subject to these cooperative measures at any one time.

Comment: We can expect that this provision will be hailed as a major accomplishment in the field of cooperative verification measures. While it does represent a new approach—one designed to obviate on-site inspection of certain suspect facilities—it does not under the circumstances accomplish its purpose, namely to allow us to monitor SS-25 bases to check whether SS-20s have been deployed there in violation of the Treaty. But Subparagraph 3(a) in effect affords the Soviets six hours in which to remove from a challenged site any illegally deployed SS-20s. Given that the SS-20 is a mobile missile designed to be movable upon short notice, it is unreasonable to suppose that, if the Soviets decided to cheat in this manner, they would not be able to effect a timely removal of the SS-20s after a challenge.

Other issues that merit attention in this regard include:

What is the value of this provision relative to the value of the short-notice, on-site inspection regime the United States was proposing up till the final days of the Treaty negotiations? It is noteworthy that, although the United States in the INF negotiations dropped its insistence on on-site inspection of suspect facilities, the Gorbachev-Reagan Summit Statement commits the Soviets to agree to procedures for such inspections in the START agreement. With this commitment in hand, perhaps the United States can now find a way to use it to strengthen the verification regime in the INF Treaty.

Does the negotiating record reflect some understanding about what a fixed structure for a launcher is, and indicate what would happen in the event new fixed structures for launchers appeared which did not have openable roofs? Is it physically possible for the Soviets to open the roofs of all fixed structures at SS-25 bases which are capable of containing SS-20 launchers? What about maintenance facilities, other garages, etc. in which a launcher could be located?

Does the Soviet obligations to show us the "missiles" on SS-25 launchers mean simply that we will be allowed to observe the SS-25 canister which will be judged (applying the standard INF Treaty counting rules) to contain an SS-25 and not an SS-20, or does it constitute an obligation to display the missiles removed from their canisters? If not, what value would this provision have as an aid to verification?

ARTICLE XIII—RESOLUTION OF COMPLIANCE ISSUES

Article XIII, Paragraph 1:

To promote the objectives and implementation of the provisions of this Treaty, the Parties hereby establish the Special Verification Commission. The Parties agree that, if either Party so requests, they shall meet within the framework of the Special Verification Commission to:

(a) resolve questions relating to compliance with the obligations assumed; and

(b) agree upon such measures as may be necessary to improve the viability and effectiveness of this Treaty.

Comment: Given the poor record of the Standing Consultative Commission established under SALT I in resolving serious concerns about Soviet violations of past treaties, it is unclear on what basis one should expect the Special Verification Commission established by this paragraph to do better.

It is also unclear what types of "measures . . . to improve the viability and effectiveness of the Treaty" are envisioned that the parties will agree upon pursuant to subparagraph 1(b). It should be ascertained whether this provision can be used to circumvent the amendment process (described in Article XVI), which properly requires that any proposed amendments to the Treaty be submitted to the Senate for its advice and consent.

ARTICLE XIV—NON-CIRCUMVENTION

The Parties shall comply with this Treaty and shall not assume any international obligations or undertaking which would conflict with its provisions.

Comment: The fundamental question about this provision is: Does it create any obligations over and above those contained in other parts of the Treaty? If not, then it merely emphasizes the Parties' commitment to comply with the Treaty, and, from a legal point of view, is surplusage. We assume that the Administration takes the latter position. However, under international law, if there is a question regarding the interpretation of a Treaty provision, then a reading which entails the creation of an additional obligation of the Parties is presumed correct as opposed to one that regards it as redundant (or "surplusage"). Consequently, if the Administration regards this provision as surplusage, then it must be clearly established now that the parties deem it as such in order to defeat the legal presumption that would otherwise apply. If this is not accomplished, then the provision could be cited as barring various Western defense efforts that, while not prohibited by the Treaty's terms, are said to be somehow "in conflict with" them.

ARTICLE XV—DURATION

Article XV, Paragraph 1:

This Treaty shall be of unlimited duration.

Comment: Although the Treaty is of unlimited duration, the inspection rights it grants last for only 13 years (3 years in the case of the verification enhancement provisions relative to SS-25 bases, possibly less for portal monitoring at Votkinsk under certain circumstances). The working assumption seems to have been that a START Treaty would be signed within 3 years. Should a START Treaty not be signed in that period, should thought be given to ensuring that the verification regime for this Treaty will be extended?

ARTICLE XVI—AMENDMENTS

Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures set forth in Article XVII governing the entry into force of this Treaty.

Comment: See the comment on Article XIII.1(b) concerning the potential uses of the Special Verification Commission to circumvent the requirement that all amendments be submitted to the Senate for its advice and consent.

Signature section

• • •

Done at Washington on December 8, 1987, in two copies, each in the English and Russian languages, both texts being equally authentic.

Comment: Given the haste with which the final texts were prepared, and in view of the significant difficulties we have had in the past with divergent translations being cited as a pretext for Soviet behavior we judged to be inconsistent with their commitments, a careful review of the consistency of the two texts is in order.

Postscript on the Preamble

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Conscious that nuclear war would have devastating consequences for all mankind,

Guided by the objective of strengthening strategic stability,

Convinced that the measures set forth in this Treaty will help to reduce the risk of outbreak of war and strengthen international peace and security, and

• • •

Have agreed as follows:

Though preambular language is often dismissed as having little significance, it can have a bearing on public attitudes about the subject matter of the Treaty and on questions of Treaty interpretation. It is troubling that the preamble here focuses on the threat of nuclear war rather than the threat of war in general. Any major European war would have devastating consequences. The focus on the special threat from nuclear weapons lends itself to use as a criticism of NATO's flexible response policy, which entails reliance on nuclear weapons as a deterrent against aggression.

The preamble implies that the elimination of nuclear weapons as such enhances strategic stability. This could have dangerous effects on attitudes toward the remaining nuclear weapons in Europe and toward strategic arms, all of which are critical to Alliance security—indeed, more critical in the aftermath of the INF Treaty than before.

Elimination Protocol

INTRODUCTION

This protocol specifies the categories of items associated with Treaty-limited systems that the Parties agree to eliminate and the procedures that will be deemed to constitute "elimination." Two points merit particular attention: First, the Parties have agreed that not all the equipment or facilities associated with Treaty-limited missiles are to be eliminated. Second, they agreed that some of the items to be "eliminated" are not actually to be destroyed but simply modified or altered in designated ways so as to allow them to be used for other purposes.

SECTION I

Section I, Paragraph 4:

For both Parties, all stages of intermediate-range and shorter-range GLBMs shall be subject to elimination.

Comment: Notwithstanding this provision, the Soviets are permitted by the Treaty (see Article VI.2) not only to retain but even to produce the first stage of the intercontinental SS-25, which is virtually identical to that of the first stage of the SS-20. Article VI.2 of the Treaty vitiates this section of the Elimination Protocol as far as a key element of the most important Soviet INF system is concerned.

SECTION II

Section II, Paragraph 3:

Prior to a missile's arrival at the elimination facility, its nuclear warhead device and guidance elements may be removed.

Comment: This provision spares from elimination the nuclear warheads of the Treaty-limited INF missile systems. Given the serious concerns on the U.S. side about whether there could be effective verification of nuclear warhead destruction and whether important net intelligence benefits would flow to the Soviets from measures to verify such destruction and, given the Parties' apparently mutual interest in recovering and recycling warhead materials, this provision seems on balance to be desirable.

Section II, Paragraph 4:

Each Party shall select the particular technological means necessary to implement the procedures required in paragraphs 10 and 11 of this Section and to allow for on-site inspection of the conduct of the elimination procedures required in paragraph 10 of this Section in accordance with Article XI of the Treaty, this Protocol and the Protocol on Inspection.

Comment: What is involved in allowing the inspected party to "select the technological means necessary . . . to allow for on-site inspection of the conduct of the elimination procedures"? Is it clear that this right cannot be used to hinder the ability of the inspecting party to conduct a useful inspection?

Section II, Paragraph 7:

A missile stage being eliminated by burning in accordance with the procedures set forth in paragraph 10 of this Section shall not be instrumented for data collection. Prior to the initiation of the elimination procedures set forth in paragraph 10 of this Section, an inspector from the inspecting Party shall confirm that such missile stages are not instrumented for data collection. Those missile stages shall be subject to continuous observation by such an inspector from the time of that inspection until the burning is completed.

Comment: It is unclear whether we can have confidence that the Soviets are complying with this provision.

Section II, Paragraph 10: The specific procedures for the elimination of the items of missile systems listed in paragraph 1 of this Section shall be as follows, unless the Parties agree upon different procedures to achieve the same result as the procedures identified in this paragraph:

For the Pershing II:

Launcher:

(a) erector-launcher mechanism shall be removed from launcher chassis;

(b) all components of erector-launcher mechanism shall be cut at locations that are not assembly joints into two pieces of approximately equal size;

(c) missile launch support equipment, including external instrumentation compartments, shall be removed from launcher chassis; and

(d) launcher chassis shall be cut at a location that is not an assembly joint into two pieces of approximately equal size.

For the SS-20:

Launcher:

(a) erector-launcher mechanism shall be removed from launcher chassis;

(b) all components of erector-launcher mechanism shall be cut at locations that are not assembly joints into two pieces of approximately equal size;

(c) missile launch support equipment, including external instrumentation compartments, shall be removed from launcher chassis;

(d) mountings of erector-launcher mechanism and launcher leveling supports shall be cut off launcher chassis;

(e) launcher leveling supports shall be cut at locations that are not assembly joints into two pieces of approximately equal size; and

(f) a portion of the launcher chassis, at least 0.78 meters in length, shall be cut off aft of the rear axle.

Comment: The procedures "eliminating" SS-20 and other Soviet launchers have been designed to leave them useful to a certain extent. They contrast with the elimination regime applicable to comparable U.S. systems (i.e., the Pershing I's and II's) which requires a cutting up of the systems into halves. The significance of this discriminatory arrangement is discussed in the comments on Article IV.1 of the Treaty.

Protocol on Inspection

INTRODUCTION

This protocol details the rights and responsibilities of the Parties with respect to the inspections called for in the INF Treaty and its associated documents.

SECTION III

Section III, Paragraph 7:

Without prejudice to their privileges and immunities, inspectors and aircrew members shall be obliged to respect the laws and regulations of the State on whose territory an inspection is carried out and shall be obliged not to interfere in the internal affairs of that State. In the event the inspected Party determines that an inspector or aircrew member of the other Party has violated the conditions governing inspection activities set forth in this Protocol, or has ever committed a criminal offense on the territory of the inspected Party or a basing country, or has ever been sentenced for commiting a criminal offense or expelled by the inspected Party or a basing country, the inspected Party making such a determination shall so notify the inspecting Party, which shall immediately strike the individual from the lists of inspectors or the list of aircrew members. If, at that time, the individual is on the territory of the inspected Party or a basing country, the inspecting Party shall immediately remove that individual from the country.

Comment: There are two types of problems relating to this provision. First, the obligation of inspectors "to respect the laws and regulations of the [inspected] State" appears to offer the Soviets the opportunity to circumscribe narrowly the on-site activities of U.S. inspectors. Carrying out the legitimate functions of an inspection (e.g., demanding access to areas off-limits to individuals without necessary clearances) could be characterized as a failure to respect the laws and regulations of the inspected Party. Moreover, this paragraph permits the parties great latitude in deciding whether to expel an inspector.

Second, there is the larger question of ensuring that the inspectors will be able to op-

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erate in the Soviet Union in the intended manner and without personal risk. There have been problems in other contexts with Soviet treatment of U.S. (and other Western) inspectors (e.g., when Soviet troops in 1985 insisted on restricting the activity of—and ultimately killing—Major Nicholson, who was serving in East Germany as an inspector under the Four-Power Military Liaison Mission agreement which was concluded in the late 1940s). Have the Parties arrived at any understanding on how to resolve disputes about the proper bounds of the inspectors' activities so that incidents like the shooting of Major Nicholson will not occur?

SECTION IV

Section IV, Paragraph 5:

Either Party may change the point or points of entry to the territories of the countries within which its deployment areas, missile operating bases or missile support facilities are located, by giving notice of such change to the other Party. A change in a point of entry shall become effective five months after receipt of such notification by the other Party.

Comment: This paragraph appears to give the Soviets the right to make a unilateral change in the point of entry into the German Democratic Republic. This issue—a highly sensitive matter dating back to the earliest days of the Four Power occupation of Germany—gave rise to particularly difficult negotiating during the last days of the INF Treaty negotiations. The result was Soviet agreement to name an airport other than Berlin-Schoenefeld (which the United States regards as a part of Berlin and hence subject to Four Power control) as the point of entry into the GDR. If the Soviets have given private assurances that they will not use this paragraph to change the point of entry to Berlin-Schoenefeld, it would be desirable to make them part of the record, lest this subject cause needless friction in the future between the FRG and its friends in the West.

SECTION V

Several paragraphs under Sections V and VI of this Protocol give the inspected Party wide powers to influence the inspection process, e.g., the right to appoint in-country escorts with wide powers; to control in-country transportation; to provide telephonic communications for the inspectors' use; to specify "safety regulations" that the inspectors must observe, etc.

Can the U.S. prevent the Soviets from exploiting these provisions to frustrate effective inspection? What lessons were learned about likely Soviet behavior in the course of such inspections from the visit to Gomel?

Section V, Paragraph 4:

Equipment and supplies which the inspecting Party brings into the country in which an inspection site is located shall be subject to examination at the point of entry each time they are brought into that country. This examination shall be completed prior to the departure of the inspection team from the point of entry to conduct an inspection. Such equipment and supplies shall be examined by the in-country escort in the presence of the inspection team members to ascertain to the satisfaction of each Party that the equipment and supplies cannot perform functions unconnected with the inspection requirements of the Treaty. If it is established upon examination that the equipment or supplies are unconnected with these inspection requirements, then they shall not be cleared for use and shall be impounded at the point of entry until the departure of the inspection team from the country where the inspection is conducted. Storage of the inspecting Party's equipment and supplies at each point of entry shall be within tamper-proof containers within a secure facility. Access to each secure facility shall be controlled by a "dual key" system requiring the presence of both Parties to gain access to the equipment and supplies.

Comment: Equipment and supplies brought in by inspection team may be examined by the "in-country escort" in order "to ascertain to the satisfaction of each Party that [they] cannot perform functions unconnected with the inspection requirements of the Treaty. If it is established [query: by whom?] upon examination that the equipment or supplies are unconnected with these inspection requirements, then they shall not be cleared for use and shall be impounded. . . ."

The Parties cannot intend that this language be taken literally. Any kind of inspection equipment can perform functions "unconnected" with the Treaty; e.g., a camera can take pictures of things other than limited missiles and launchers. Presumably what is meant is that equipment will not be cleared for use if it cannot perform any functions connected with the Treaty. This would be worth clarifying with the Soviets.

Section V, Paragraph 5:

Throughout the in-country period, the inspected Party shall provide, or arrange for the provision of, meals, lodging, work space, transportation and, as necessary, medical care for the inspection team and aircrew of the inspecting Party. All the costs in connection with the stay of inspectors carrying out inspection activities pursuant to paragraph 6 of Article XI of the Treaty, on the territory of the inspected Party, including meals, services, lodging, work space, transportation and medical care shall be borne by the inspecting Party.

Comment: This provision, as well as other provisions which envisage that the Soviets will supply services for U.S. inspectors and bill the United States for them, should be evaluated in the light of our experience with similar arrangements in connection with the construction of the new U.S. Embassy in Moscow.

Use in-country of host aircraft for transport to inspection sites conflicts with policy statements made following agreement at the Conference on Disarmament in Europe that the precedent established in that accord for host-aircraft use would not be applied to further, "serious" arms control agreements. This has possibly still more unsatisfactory implications for the START negotiations.

SECTION VI

Section VI, Paragraph 3:

In discharging their functions, inspectors shall not interfere directly with on-going activities at the inspection site and shall avoid unnecessarily hampering or delaying the operation of a facility or taking actions affecting its safe operation.

What is the implication of this "non-interference" provision for the "stand-downs" (pursuant to Section VII.1) needed to give the on-site inspectors an opportunity to assess what is at the site? Will inspectors be able to enforce the rules requiring that missiles, launchers, etc., not be moved during the pre-inspection period?

Section VI, Paragraph 6:

Inspectors carrying out inspection activities pursuant to paragraph 6 of Article XI of the Treaty shall be allowed to travel within 50 kilometers from the inspection site with the permission of the in-country escort, and as considered necessary by the inspected Party, shall be accompanied by the in-country escort. Such travel shall be taken solely as a leisure activity.

Comment: The intelligence by-products of this provision will not be the same for the two Parties. While it appears that nothing of importance lies within 50 kilometers of Votkinsk, Salt Lake City, an increasingly important commerical and defense center, lies well within the range of "of duty" Soviet inspectors.

Section VI, Paragraph 7:

Inspectors shall have the right throughout the period of inspection to be in communication with the embassy of the inspecting Party located within the territory of the country where the inspection is taking place using the telephone communications provided by the inspected Party.

Comment: This provision, requiring the use of host-country communications systems, may allow the Soviets to hinder effective inspection by U.S. personnel. It gives the Soviets the opportunity to deny U.S. personnel secure communications (or any at all) with their government while in the USSR.

Section VI, Paragraph 9:

The inspection team may bring onto the inspection site such documents as needed to conduct the inspection, as well as linear measurement devices; cameras; portable weighing devices; radiation detection devices; and other equipment, as agreed by the Parties. The characteristics and method of use of the equipment listed above, shall also be agreed upon within 30 days after entry into force of the Treaty. During inspections conducted pursuant to paragraphs 3, 4, 5(a), 7 or 8 of Article XI of the Treaty, the inspection team may use any of the equipment listed above, except for cameras, which shall be for use only by the inspected Party at the request of the inspecting Party. During inspections conducted pursuant to paragraph 5(b) of Article XI of the Treaty, all measurements shall be made by the inspected Party at the request of the inspecting Party. At the request of inspectors, the in-country escort shall take photographs of the inspected facilities using the inspecting Party's camera systems which are capable of producing duplicate, instant development photographic prints. Each Party shall receive one copy of every photograph.

Comment: This provision requires agreement within 30 days of entry into force of the Treaty on the "characteristics and method of use of" equipment brought by inspection teams. Given that the "initial" inspections (pursuant to Article XI.3 of the Treaty) are to start 30 days after entry into force (and to be finished 60 days thereafter), it is necessary that such agreement be reached promptly; will the fact that these discussions will be going on under such great time pressure create a problem for us? Why were these matters not agreed to before Treaty signature?

Section VI, Paragraph 14:

For inspections pursuant to paragraphs 3, 4, 5, 7 or 8 of Article XI of the Treaty, pre-inspection procedures, including briefings and safety-related activities, shall begin upon arrival of the inspection team at the inspection site and shall be completed within one hour. The inspection team shall begin the inspection immediately upon completion of the pre-inspection procedures. The period of inspection shall not exceed 24 hours, except for inspections pursuant to

paragraphs 6, 7 or 8 of Article XI of the Treaty. The period of inspection may be extended, by agreement with the in-country escort, by no more than eight hours. Post-inspection procedures, which include completing the inspection report in accordance with the provisions of Section XI of this Protocol, shall begin immediately upon completion of the inspection and shall be completed at the inspection site within four hours.

Comment: The inspections under Treaty Article XI, Paragraphs 3-5 (i.e., the bulk of the inspections provided for in this Treaty, except for the permanent portal monitoring) are limited in duration to 24 hours. This creates an incentive for the Soviets to delay and quibble. What recourse will the United States have if its inspectors are subjected to dilatory maneuvers?

SECTION VII

Section VII, Paragraph 1:

Within one hour after the time for the specification of the inspection site notified pursuant to paragraph 1(a) of Section IV of this Protocol, the inspected Party shall implement pre-inspection movement restrictions at the inspection site, which shall remain in effect until the inspection team arrives at the inspection site. During the peirod that pre-inspection movement restrictions are in effect, missiles stages of such missiles, launchers or support equipment subject to the Treaty shall not be removed from the inspection site.

Comment: Pre-inspection movement limitations are to be imposed within one hour of notification of the specific site to be inspected; will it be possible to verify that such a "stand-down" order has been issued on behalf of the inspecting Party by the inspected Party and that that order has been obeyed? See comments on Section VI.3 of this Proctocol.

Section VII, Paragraph 8:

A missile, a stage of such a missile or a launcher subject to the Treaty shall be subject to inspection only by external visual observation, including measuring, as necessary, the dimensions of such a missile, stage of such a missile or launcher. A container that the inspected Party declares to contain a missile or stage of a missile subject to the Treaty, and which is not sufficiently large to be capable of containing more than one missile or stage of such a missile of the inspected Party subject to the Treaty, shall be subject to inspection only by external visual observation, including measuring, as necessary, the dimensions of such a container to confirm that it cannot contain more than one missile or stage of such a missile of the inspected Party subject to the Treaty. Except as provided for in paragraph 14 of this Section, a container that is sufficiently large to contain a missile or stage of such a missile of the inspected Party subject to the Treaty that the inspected Party declares not to contain a missile or stage of such a missile subject to the Treaty shall be subject to inspection only by means of weighing or visual observation of the interior of the container, as necessary, to confirm that it does not, in fact, contain a missile or stage of such a missile of the inspected Party subject to the Treaty. If such a container is a launch canister associated with a type of missile not subject to the Treaty, and declared by the inspected Party to contain such a missile, it shall be subject to external inspection only, including use of radiation detection devices, visual observation and linear measurement, as necessary, of the dimensions of such a canister.

Comment: The last sentence will allow the Soviets (except at Votkinsk) to declare any suspicious canister to be a canister for an SS-25 (or for some other non-limited missile) and, it appears, we will be unable to look inside it, weight it or x-ray it. As a result of this provision, the Soviets could keep any number of undeclared SS-20s in SS-25 canisters.

Section VII, Paragraph 9:

A structure or container that is not sufficiently large to contain a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty shall be subject to inspection only by external visual observation including measuring, as necessary, the dimensions of such a structure or container to confirm that it is not sufficiently large to be capable of containing a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty.

Comment: It is unclear how small a structure or container must be in order for this provision to exempt it from inspection other than by external visual observation. For instance, it is not clear whether the counting rules of Treaty Article VII.10 apply to this provision and, if so, how.

Section VII, Paragraph 10:

Within a structure, a space which is sufficiently large to contain a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty, but which is demonstrated to the satisfaction of the inspection team not to be accessible by the smallest missile, stage of a missile or launcher of the inspected Party subject to the Treaty shall not be subject to further inspection. If the inspected Party demonstrates to the satisfaction of the inspection team by means of a visual inspection of the interior of an enclosed space from its entrance that the enclosed space does not contain any missile, stage of such a missile or launcher of the inspected Party subject to the Treaty, such an enclosed space shall not be subject to further inspection.

Comment: The language of this provision is not clear. Does the prohibition on further inspections apply only to the inspection then underway, or would it apply to subsequent inspections of the same facility, as well? In the latter case, would it be overridden by any evidence that a party has increased the dimensions of the space so that it could now contain a Treaty-limited item?

Section VII, Paragraph 14:

During an inspection conducted pursuant to paragraph 5(b) of Article XI of the Treaty, it shall be the responsibility of the inspected Party to demonstrate that a shrouded or environmentally protected object which is equal to or larger than the smallest missile, stage of a missile or launcher of the inspected Party subject to the Treaty is not, in fact, a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty. This may be accomplished by partial removal of the shroud or environmental protection cover, measuring, or weighing the covered object or by other methods. If the inspected Party satisfies the inspection team by its demonstration that the object is not a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty, then there shall be no further inspection of that object. If the container is a launch canister associated with a type of missile not subject to the Treaty, and declared by the inspected Party to contain such a missile, then it shall be subject to external inspection only, including use of radiation detection devices, visual observation and linear measurement, as necessary, of the dimensions of such a canister.

Comment: Rules about inspecting containers, shrouded objects, etc. have the following anomaly: as noted in connection with paragraph 8 above, if the inspected Party declares that a given container is a launch container for an unlimited missile, then said container is subject to a less stringent inspection regime.

SECTION VIII

Section VIII, Paragraph 1:

Inspections of the process of elimination of items of missile systems specified in the Protocol on Elimination carried out pursuant to paragraph 7 of Article XI of the Treaty shall be conducted in accordance with the procedures set forth in this paragraph and the Protocol on Elimination.

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(c) Subject to paragraphs 3 and 11 of Section VI of this Protocol, inspectors shall observe the execution of the specific procedures for the elimination of the items of missile systems as provided for in the Protocol on Elimination. If any deviations from the agreed elimination procedures are found, the inspectors shall have the right to call the attention of the in-country escort to the need for strict compliance with the above-mentioned procedures. The completion of such procedures shall be confirmed in accordance with the procedures specified in the Protocol on Elimination.

Comment: Exactly what does the "right to call the attention of the in-country escort to the need for strict compliance" with the inspection protocols procedures means?

Section VIII, Paragraph 2:

Inspections of the elimination of items of missile systems specified in the Protocol on Elimination carried out pursuant to paragraph 8 of Article XI of the Treaty shall be conducted in accordance with the procedures set forth in Section II, IV or V of the Protocol on Elimination or as otherwise agreed by the Parties.

Comment: The Protocol contains no inspection rules for inspections of elimination of training missiles and launchers.

SECTION IX

The precedents established in this Treaty for continuous monitoring will be important for START. They should be rigorously assessed in that light.

Section IX, Paragraph 1:

The inspected Party shall maintain an agreed perimeter around the periphery of the inspection site and shall designate a portal with not more than one rail line and one road which shall be within 50 meters of each other. All vehicles which can contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall exit only through this portal.

Comment: The last sentence of this paragraph, as well as other paragraphs of this Section, apparently incorporates the fundamental inequality caused by the counting rule (Article VII.10 of the Treaty) according to which a Pershing II first stage counts as a whole missile, while only a full-up missile or its canister counts as an SS-20 on the Soviet side. In other words, all U.S. vehicles and containers large enough to contain a Pershing II first stage (length 3.7 meters) will be subject to inspection at the Magna facility's portal while only those as large as (or larger than) an entire SS-20 (length 16.5 meters) will be subject to inspection at the Votkinsk gate.

Furthermore, it is not clear whether there is agreement as to what constitutes an

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"agreed perimeter." Is there an accord reflecting certain minimum Soviet security standards, or are we making assumptions about the character and quality of such standards based on past practice?

Section IX, Paragraph 13:

Vehicles exiting through the portal specified in paragraph 1 of this Section that are large enough and heavy enough to contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party but that are declared not to contain a missile or missile stage as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall be subject to the following procedures.

* * *

(c) If inside a vehicle there are one or more containers or shrouded objects large enough to be or to contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party, it shall be the responsibility of the inspected Party to demonstrate that such containers or shrouded objects are not and do not contain intermediate-range GLBMs or the longest stages of such GLBMs of the inspected Party.

Comment: What does "responsibility . . . to demonstrate" means? To inspectors' satisfaction? What is the significance of this choice of words when elsewhere the requirement is spelled out with specificity?

Section IX, Paragraph 14:

Vehicles exiting through the portal specified in paragraph 1 of this Section that are declared to contain a missile or missile stage as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall be subject to the following procedures.

* * *

(c) The inspecting Party shall have the right to weigh and measure the dimensions of any launch canister or of any shipping container declared to contain such a missile or missile stage and to image the contents of any launch canister or of any shipping container declared to contain such a missile or missile stage; it shall have the right to view such missiles or missile stages contained in launch canisters or shipping containers eight times per calendar year. The in-country escort shall be present during all phases of such viewing. During such interior viewing:

(i) the front end of the launch canister or the cover of the shipping container shall be opened; (ii) the missile or missile stage shall not be removed from its launch canister or shipping container; and

(iii) the length and diameter of the stages of the missile shall be measured in accordance with the methods agreed by the Parties so as to ascertain that the missile or missile stage is not an intermediate-range GLBM of the inspected Party, or the longest stage of such a GLBM, and that the missile has no more than one stage which is outwardly similar to a stage of an existing type of intermediate-range GLBM.

Comment: The last sentence suggests that the Parties now know of some non-intrusive and non-damaging way to discriminate between the largest stage of the SS-20 and that of the SS-25. Is this the case? What is this technology? Is it currently available? What is its assessed reliability?

By what mechanisms are the Parties to agree to the methods for measuring SS-20/25 stages at Votkinsk? Do they include the non-damaging image producing equipment mentioned in Section IX.6? If so, why not say so? If the Soviets have not yet agreed that the methods to be used include such equipment, this lack of agreement should be noted.

SECTION X

An inspection shall be cancelled if, due to circumstances brought about by force majeure, it cannot be carried out. In the case of a delay that prevents an inspection team performing an inspection pursuant to paragraphs 3, 4 or 5 of Article XI of the Treaty, from arriving at the inspection site during the time specified in paragraph 2 of Section VII of this Protocol, the inspecting Party may either cancel or carry out the inspection. If an inspection is cancelled due to circumstances brought about by force majeure or delay, then the number of inspections to which the inspecting Party is entitled shall not be reduced.

Comment: This section foresees the possibility of a delay that prevents the inspecting Party from arriving at the inspection site within the 9 hour period specified in Section VII.2. The inspecting Party may cancel (and not have an aborted inspection count against its quota) or continue anyway (and presumably have to be an all-purpose loophole; the inspecting Party has an incentive to cancel since the presumably less worthwhile, delayed inspection still counts against the quota; even if it does not, the inspected Party will have been able to hide anything it wishes before the delayed inspection occurs. (Note that "delay" is distinguished from a force majeure circumstance in which the inspection presumably cannot be carried out at all.)

SECTION XI

Section XI, Paragraph 1:

For inspections conducted pursuant to paragraphs 3, 4, 5, 7 or 8 of Article XI of the Treaty, during post-inspection procedures, and no later than two hours after the inspection has been completed, the inspection team leader shall provide the in-country escort with a written inspection report in both the English and Russian languages. The report shall be factual. It shall include the type of inspection carried out, the inspection site, the number of missiles, stages of missiles, launchers and items of support equipment subject to the Treaty observed during the period of inspection and any measurements recorded pursuant to paragraph 10 of Section VI of this Protocol. Photographs taken during the inspection in accordance with agreed procedures, as well as the inspection site diagram provided for by paragraph 6 of Section VII of this Protocol, shall be attached to this report.

Comment: The written inspection report is to be provided to the in-country escort within 2 hours of the completion of the inspection. This hardly allows for any serious analysis of observations. It seems to assume that the inspection report will simply verify the inspected Parties' information.

In any case, it should be made clear that failure to list an anomaly in the inspection report will not prevent the inspecting Party from raising the issue subsequently, either in the Special Verification Commission or elsewhere.

Section XI, Paragraph 2:

For inspection activities conducted pursuant to paragraph 6 of Article XI of the Treaty, within 3 days after the end of each month, the inspection team leader shall provide the in-country escort with a written inspection report both in the English and Russian languages. The report shall be factual. It shall include the number of vehicles declared to contain a missile or stage of a missile as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party that left the inspection site through the portal specified in paragraph 1 of Section IX of this Protocol during that month. The report shall also include any measurements of launch canisters or shipping containers contained in these vehicles recorded pursuant to paragraph 11 of Section VI of this Protocol. In the event the inspecting Party, under the provisions of paragraph 14(c) of Section IX of the Protocol, has viewed the interior of a launch canister or shipping container declared to contain a missile or stage of a missile as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest state of such a GLBM of the inspected Party, the report shall also include the measurements of the length and diameter of missile stages obtained during the inspection and recorded pursuant to paragraph 11 of Section VI of this Protocol. Photographs taken during the inspection in accordance with agreed procedures shall be attached to this report.

Comment: In addition to the aforementioned shortcomings of this Section, a further mechanical one merits mention. The problem of having competent translation and conforming of report texts performed under the time pressures stipulated here is not a trivial one. If these reports take on the importance one might expect, then having them done properly and consistently may prove to be as daunting a task as ensuring that they are technically sound.

MEMORANDUM OF UNDERSTANDING REGARDING INF DATA

Serious questions can be—and have been—raised about the accuracy of the data provided by the Soviets in this MOU. This is a matter that can be explored usefully and properly only through an examination of classified estimates and analyses.

However, it should be noted that the State Department stated in the Spring of 1987 that:

In addition to the approximately 400 SS-20 missiles now deployed, there may be as many as 200-400 (or more) such missiles in the USSR's inventory.

Thus, it would seem that our intelligence estimates on these matters fall within a wide range of uncertainty. It is also the case that our estimates have, for some time, been a matter of public record. Consequently, we should not take particular comfort from the contention that the Soviet-provided data fall within that range.●

THE HAZARDOUS WASTE REDUCTION ACT

● Mr. D'AMATO. Mr. President, I am pleased to join so many of my colleagues in cosponsoring the Hazardous Waste Reduction Act, S. 1429.

This country is en route to a waste management crisis. Hazardous waste, which this legislation addresses, is only the tip of the iceberg. The public became aware of the impending waste management crisis last year as a result of the plight of the infamous New York garbage barge. The odyssey of the garbage barge received a great

deal of attention in the media. Many observers took a tongue-in-cheek approach. While this matter is anything but funny, the humor has served a useful purpose by focusing attention on what is a very serious problem.

Hazardous wastes pose very serious environmental as well as health and public safety problems. Our Nation produces an overabundance of hazardous waste each year. The Office of Technology Assessment has estimated that we produce over 250 million tons of hazardous waste each year. In New York State, there are 850 large and 4,000 small generators of hazardous waste which produce 40 million tons every year. The Governor is currently pursuing initiatives to induce these generators to reduce the amount of waste that they produce.

Hazardous waste management is a problem for all States and is one that requires Federal guidance. S. 1429 represents a major Federal initiative in providing that guidance. It establishes a clearinghouse to collect and analyze data about waste reduction so that full advantage can be taken of the efforts already in operation * * * such as those currently being undertaken in New York.

The bill also will make matching grants available to States to invest in innovative waste reduction problems through technical assistance and seed grants to small and medium-sized businesses. Another provision in the legislation is a requirement to report to Congress every 2 years on progress toward industrial waste reduction practices and opportunities on an industry-by-industry basis.

It is imperative that we take decisive action to head off the impending waste management crisis. I believe that S. 1429 is an essential step in that process. I urge my colleagues to fully consider this vital legislation and to promote its swift passage.●

INFORMED CONSENT: NORTH CAROLINA

● Mr. HUMPHREY. Mr. President, I ask that the letters of two women in North Carolina be entered into the CONGRESSIONAL RECORD. These women have had abortions and support the principle that informed consent should be given prior to the performance of an abortion. Lynne Latham states that she had little information upon which to base this important decision. She knew that the Supreme Court had given her the right to an abortion. She thought that it was just a "simple and safe procedure." She did not know that she would suffer physical pain and emotional scars. No one told her that the doctor would have to count the body parts of the fetus to be sure that the process was completed.

I urge my colleagues to support S. 272 and S. 273 which will require abortionists to secure informed consent. These measures are necessary to prevent similar tragedies from recurring.

The letters follow:

MARCH 1987.

DEAR SENATOR HUMPHREY: Please continue your efforts to see that women are adequately informed of the dangers of abortion. Nine years ago, I underwent an early abortion by suction curettage on a pregnancy of 12 weeks. I was never informed of any risks. I experienced severe emotional aftershocks that required me to be hospitalized. Also, I was damaged physically by my "safe" and legal abortion.

During the procedure, my cervix was damaged and that caused problems in my later pregnancies (my abortion was on my first one). My next 3 children were born prematurely and the first one died because of complications that commonly affect premature babies. My other 2 survived, but required special care. In addition, I also suffered a subsequent miscarriage at 12 weeks.

I have read several studies that indicate that there are indeed risks related to abortion. Women are being lied to and exploited by the abortion advocates who don't really care about a woman's right to choice or her well being. If they did, they would be allowing women to make informed choices and possibly never recommending abortion at all!

KATHY BERKOWITZ.

WINSTON-SALEM, N.C.

MARCH 1, 1987.

Hon. GORDON J. HUMPHREY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HUMPHREY: I am writing this letter in the hope that someday it will help a woman deal with a crisis pregnancy. Please feel free to use my real name in any publication in which this may appear.

Six years ago, I was a college student in Oxford, OH and found myself faced with a terrifying decision. I was pregnant by the man I was engaged to marry. In most cases, this would seem to be a happy time in a woman's life. For me it ended up being a nightmare. I felt that I was educated and informed enough to believe what the Supreme Court had said was true: I had the *right* to control my body and if I wished, to terminate my unwanted pregnancy. From what I had heard, abortion was a simple and safe procedure. This was also what the counselor at the abortion clinic told me.

Unfortunately and too late, I found out that the clinic was more interested in my money than in helping me to make an informed decision. The doctor treated me more like a piece of meat than a human being. He was rough, abusive, and started the procedure before the gas had a chance to take effect. I was wide awake and felt everything. My child was literally torn apart and sucked from the womb. The procedure was bad, but the emotional scars were worse. I had recurring nightmares, the same dream over and over. I suffered from severe depression and began drinking heavily. I also gained 80 pounds in the six months after my abortion. At the point I thought I had gained control of my life, I had thoroughly lost control. In the mean time, I married the man whose child I had so brutally murdered. We both suffered from the guilt of our hasty and uninformed decisions. Had I known the truth, that at 5 weeks the doctor would count body parts to make sure he had completed his job, I never would have chosen this course of action. I also lost a child through miscarriage two years later.

This story has a happy ending. Thanks to an organization called Open ARMs (Abortion Related Ministries) I have a support group made up of women who have suffered as I did, along with men like my husband and medical personnel. We try to educate the public, to cut through the lies and misconceptions that the abortion industry has fostered. Hopefully, because I have spoken out, other women who find themselves in my situation can make an informed decision.

Respectfully,

LYNNE V. LATHAM.●

THE ALTA IRRIGATION DISTRICT

● Mr. WILSON. Mr. President, 1988 is a very important year for the Alta Irrigation District, located in the Central San Joaquin Valley in California, as it marks its centennial anniversary in the water distribution business as a public district and I think it appropriate to reflect on the history and prosperity of the district since its formation on August 16, 1888.

The Alta Irrigation District was originally formed in May of 1882 as a private water district known as the "76" Land and Water Co.

In March of 1887, the California legislature passed the Wright Act which sought to confer on farming communities, powers of municipalities in the purchase or construction and operation of irrigation works. In complying with provisions of the Wright Act, a petition calling for an election to form a public irrigation district and bearing the signatures of 66 landowners within the proposed district was presented to the Tulare County Clerk, John Knox, on July 7, 1888.

At the time of registering papers for the new public district, it was decided that the district had the distinction of having its diversion point on the Kings River approximately 4 miles higher than any point of diversion. As a result, the district was named the Alta Irrigation District.

At the present time, the Alta Irrigation District has approximately 700 miles of public and private canals and pipelines servicing the many landowners who make their living as farmers within the district.

The importing of surface water into the 130,000-acre irrigation district has been one of the primary factors in allowing the area to become one of the most productive agricultural regions in the world and has ensured the continual development, growth, and prosperity of incorporated cities such as Dinuba, Reedley, and other unincorporated communities within Fresno, Tulare, and King Counties.

I congratulate and commend the Alta Irrigation District and take great pleasure in heralding its centennial anniversary within this Chamber of the U.S. Senate.

THE PRESIDENT'S BUDGET

● Mr. CHILES. Mr. President, we're only 2 weeks away from the release date of the President's budget. It's always a major event, something people around the Nation watch with great interest.

Here in Washington, the day the budget comes out is also the day the annual scrimmage begins over Federal spending. It's become a familiar format. White House spokesmen say too much money is appropriated and Congress is the culprit.

Today, I want to give the Senate a chance to examine the spending figures and compare the record with the rhetoric. In the 7 years of this administration, Congress has actually appropriated some $50 billion less than requested by the White House.

Let me repeat that: In the past 7 years, the administration has asked to spend an additional $50 billion and Congress declined.

Last year alone, we approved $7 billion less than requested by the White House. What it comes down to is this: the White House has not been shy about asking for money, and it hasn't been shy about borrowing to get it.

I certainly agree with the President when he condemns omnibus spending bills containing virtually all Federal appropriations in a single, 1,000-page measure. And I'm willing to look closely at the President's rescission proposals to see where he thinks we've gone wrong.

Still, we set appropriations caps during last fall's economic summit, and Congress followed up by living within those caps. I would hope that the White House will follow our example, hold down its spending requests and make wise investment choices.

Mr. President, I ask to include in the RECORD at this point, tables showing the level of funding requested by the White House and the amounts approved by the Congress over the last 7 years.

The tables follow:

COMPARISON OF PRESIDENT'S REQUEST AND ENACTED LEVELS FOR APPROPRIATION BILLS, 1981–88 [1]

Fiscal year	Request	Enacted	Difference
1981	432.3	428.3	−4.0
1982	448.1	428.3	4.7
1983	498.6	505.0	6.4
1984	532.9	538.2	5.4
1985	584.2	572.6	−11.6
1986 [2]	584.7	558.3	−26.4
1987	587.5	569.5	−18.0
1988	611.1	604.5	−6.6
Total	4,279.4	4,229.3	−50.1

[1] Estimates for fiscal year 1981–86 are from the Senate Appropriations Committee. Estimates for fiscal year 1987–88 are from the Senate Budget Committee but should be comparable with the earlier estimates.

[2] Enacted level includes reductions from the 1986 sequester.

Appropriations history—total enacted by subcommittee	Fiscal year—															
	1981 request	1981 enacted	1982 request	1982 enacted	1983 request	1983 enacted	1984 request	1984 enacted	1985 request	1985 enacted	1986 request	1986 enacted	1987 request	1987 enacted	1988 request	1988 enacted
Subcommittee:																
Agriculture, Rural Dev. and Rel. Agencies	23,618	23,250	31,592	31,968	41,116	41,764	36,329	36,443	40,521	40,856	46,176	47,336	45,829	46,602	55,304	56,112
Commerce-Justice-State-Judiciary	10,067	9,606	8,449	8,814	9,342	10,243	10,251	10,710	11,751	12,241	12,425	12,226	15,959	12,179	14,821	13,910
Defense	166,866	171,369	208,336	205,318	250,105	232,074	263,203	250,869	294,381	275,384	303,777	270,401	302,367	268,759	294,040	275,534
District of Columbia	532	491	570	557	580	524	570	601	517	547	532	530	580	580	527	550
Energy and Water Development	12,373	12,123	11,889	12,611	12,660	14,815	14,866	14,539	15,877	15,485	15,406	14,574	15,812	14,926	17,647	15,614
Foreign Assistance	13,743	11,834	11,715	12,001	12,148	12,009	21,150	21,962	20,817	21,115	15,272	14,578	17,737	13,372	15,922	13,599
HUD-Independent Agencies	73,337	68,382	53,500	57,382	47,130	53,304	50,370	56,779	54,734	57,123	49,317	52,648	46,652	56,112	51,649	56,712
Interior	9,964	9,011	6,834	7,525	7,069	8,627	6,784	8,722	8,145	8,389	7,770	8,210	6,617	8,221	8,608	9,317
Labor, Health and Human Services, and Education	90,469	92,485	86,054	87,137	86,125	99,542	95,864	105,469	101,156	106,726	101,381	104,933	104,080	113,551	117,350	127,075
Legislative	1,405	1,234	1,510	1,363	1,701	1,504	1,753	1,689	1,703	1,645	1,910	1,602	1,869	1,684	2,044	1,809
Military Construction	5,721	5,326	7,515	7,114	8,212	7,223	8,747	7,178	10,324	8,405	10,340	8,082	10,137	8,156	10,073	8,507
Transportation	13,419	12,446	10,149	10,750	11,375	11,871	11,114	11,092	11,807	11,654	7,895	10,178	6,996	10,255	8,479	10,601
Treasury-Postal Service-General Government	10,246	10,161	9,943	10,193	11,002	11,477	11,898	12,288	12,474	13,076	12,543	13,042	12,865	13,643	14,617	15,127
Detail not available—Continuing resolution	559	597	0	0	0	0	0	0	0	0	0	0	0	1,441	0	0
Grand total, appropriations	432,319	428,315	448,056	452,733	498,565	504,977	532,899	538,341	584,207	572,646	584,744	558,340	587,500	569,481	611,081	604,466
Memo:																
Defense (Function 050) above	176,633	180,656	221,106	217,360	263,650	245,347	279,490	264,962	312,958	291,491	322,546	286,125	321,095	284,777	312,541	292,151
Foreign Operations above	13,743	11,834	11,715	12,001	12,148	12,09	21,150	21,962	20,817	21,115	15,272	14,578	17,737	13,372	15,922	13,599
Domestic appropriations above	241,943	235,825	215,235	223,372	222,767	247,621	232,259	251,417	250,432	260,040	246,926	257,637	248,668	271,332	282,618	298,717

[1] Enacted level includes reductions from the 1986 sequester.

Note.—Estimates for fiscal year 1981–86 are from the Senate Appropriations Committee. Estimates for fiscal year 1987–88 are from the Senate Budget Committee but should be comparable with the earlier estimates.●

BAR COMMITTEE REJECTS REAGAN ADMINISTRATION CASE FOR ABM TREATY REINTERPRETATION

● Mr. LEVIN. Mr. President, on January 4 of this year the Committee on International Arms Control and Security Affairs of the Association of the Bar of the City of New York released a report entitled "The Anti-Ballistic Missile Treaty Interpretation Dispute."

The committee was chaired by Donald H. Rivkin and included a number of very distinguished members of the bar of the city of New York.

As my colleagues know, in the fall of 1985, the Reagan administration announced a new interpretation of the Antiballistic Missile Treaty which would permit testing and development of mobile and space-based antiballistic missiles.

A number of aspects of the administration's arguments are deeply disturbing, but perhaps the most disturbing is the argument advanced by Judge Sofaer, the legal adviser to the Department of State, that:

> When [the Senate] gives its advice and consent to a treaty, it is to the treaty that was made, irrespective of the explanations it is provided.

Under this theory, when administration witnesses appear before the Senate to discuss a treaty, what they tell us is not necessarily authoritative. That is, the Senate cannot rely on statements made by the administration during the treaty ratification hearings and debate. In order to discover the true meaning of the treaty, according to Judge Sofaer, we must review the negotiating record, which consists of a mass of memoranda, cables, internal studies, and so on. That is a deeply disturbing doctrine and would alter profoundly the manner in which the President and the Senate conclude treaties. It would mean that to resolve any ambiguities or to ensure we ratify the true meaning of the treaty, we would have to enact amendments, reservations, or understandings on almost every aspect of the treaty.

Because of the consequences of this theory and because the administration's reinterpretation varied so dramatically from the past understanding of what the treaty meant, Senator NUNN undertook a detailed review of the question. Last year, he made a series of floor statements and released two reports which concluded that the administration was wrong. Senator NUNN concluded that the original meaning of the treaty, as explained to the Senate in 1972 when the Senate ratified it, was the correct interpretation. I am very pleased that the Association of the Bar of the City of New York, one of the most respected bar associations in the country, agrees fully with Senator NUNN's conclusion.

I do not wish to take much of the Senate's time this afternoon, but let me briefly summarize the findings of the report:

First, the report concludes that, "The treaty text supports the traditional interpretation and is inconsistent with the reinterpretation."

Second, "The negotiating history of the treaty supports the traditional interpretation."

Third, "Testimony to the Senate during the ABM ratification proceedings support the traditional interpretation of the treaty."

Fourth, "Conduct by the United States in numerous official statements by United States agencies responsible for arms control or the SDI Program, * * * justified the traditional interpretation."

Finally, the report states, and I quote:

> [T]he treaty text, negotiating record, Senate ratification proceedings and subsequent practice all support the traditional interpretation. By contrast, the reinterpretation is an unjustified "loophole" argument that, while identifying some ambiguities in the negotiating record, fails to make its case. In view of the support for the traditional interpretation in contemporaneous memoranda reflecting statements by Soviet negotiators, in the representations to the U.S. Senate by representatives of the administration that negotiated by treaty, in the statements by former U.S. treaty negotiators, and in the official positions taken by the Nixon, Ford, Carter, and Reagan administrations, the burden of proof, to quote Senator Nunn, "is on those who would claim that this has all been an extraordinary mistake."

In our view, that burden has not been met.

In other words, Mr. President, there are four relevant issues to examine in deciding whether the administration is correct in its reinterpretation. These are: First, the treaty text; second, the negotiating record; third, Senate ratification; and fourth, subsequent practice. The administration argues that each of these four areas support the reinterpretation but the Association of the Bar of the City of New York one of our most prestigious legal institutions, has concluded that the administration is dead wrong on all four points. In other words, in every place the administration could be wrong, they were.

Mr. President, I congratulate the Association of the Bar of the City of New York for a first rate job of legal scholarship and writing. The report is clear, concise, and persuasive. I commend it to my colleagues and ask that it be inserted in the RECORD.

The report follows:

THE ANTI-BALLISTIC MISSILE TREATY INTERPRETATION DISPUTE

(A Report of the Committee on International Arms Control and Security Affairs, the Association of the Bar of the City of New York)

COMMITTEE MEMBERS

Donald H. Rivkin, Chairman, George B. Adams, Jr., Daniel J. Arbess, James S. Boynton, Marjorie L. Cohen, John V. Connorton, Jr., Francis J. DeRosa, Stephen J. Dolmatch, Steven B. Feigenbaum, Richard N. Gottfried, John R. Hupper, Jr., Bruce R. Katz, Sylvia Khatcherian, David Leebron, John B. Madden, Jr., Lawrence C. Moss, Charles J. Moxley, Jr., Clyde Evan Rankin, III, Steven A. Rickard, Richard E. Rieder, David B. Rigney, Eliot L. Spitzer, Amy L. Starobin, Patricia H. Trainor, Gregory J. Wallance, Nanette Dembitz, Adjunct Member, and Mitchell B. Reiss, Associate Member.

FOREWORD

The Association of the Bar of the City of New York created the Committee on International Arms Control and Security Affairs out of a recognition that lawyers have a role to play, and an obligation to discharge, in the formulation of American arms control policy. The end products of arms control negotiations are agreements, and lawyers bring special skills to the formulation and drafting of agreements; lawyers schooled in the common law tradition respect precedent and continuity, essential elements of the arms control process; and, finally, practicing lawyers know that the object of private negotiations is, and the object of arms control negotiations ought to be, not the abject defeat of one party by the other but rather an agreement each party believes serves its own interests.

In 1985, this Committee, under the leadership of its then Chairman, Stanley R. Resor, published a report entitled "Achieving Effective Arms Control." One of the conclusions of our study was that "the ABM Treaty is critical to the prospect of future strategic nuclear arms controls." Our belief that the ABM Treaty occupies this central place in Unted States national security policy obliged us to devote our professional attention to the controversy over the interpretation of the Treaty which erupted in the fall of 1985 when the Reagan Administration asserted that the Treaty banned only deployment, but not testing and development, of space-based and mobile ABM systems based upon technologies developed after 1972. Our Committee has concluded that neither the text of the Treaty nor its negotiation and ratification history provides an adequate basis for that proposition.

This report does not necessarily represent the views of every member of the Committee on each of the issues it addresses. All members of the Committee do, however, endorse its conclusion that the Administration has not met its burden of proving that there are legal or historical reasons for departing from the traditional interpretation of the Treaty. (John B. Rhinelander, a member of the Committee, served as legal adviser to the American negotiators of the ABM Treaty. He believes, for that reason, that he should not associate his name with this report or its conclusions.)

The Committee must acknowledge its particular debt to Gregory J. Wallance. Mr. Wallance provided both scholarship and his considerable skills as a draftsman to the research underlying and preparation of this report. It is not an overstatement to say that the report would not exist but for his intellectual leadership

We wish to thank Robert M. Kaufman, the President of the Association of the Bar of the City of New York, who has so generously supported the work of our Committee, as have Fern Sussman, Executive Secretary, and Alan Rothstein, counsel to the Executive Secretary.

Throughout its 117-year history, the charter of the Association has extended beyond the immediate concerns of practicing lawyers to issues of general public interest. We offer this report as respectful inheritors of that tradition.

DONALD H. RIVKIN,
Chairman.

New York, New York, January 4, 1988.

INTRODUCTION

For the past decade and a half, the Anti-Ballistic Missile Treaty of 1972 (the "Treaty") has been a pillar of American national security policy and has made an important contribution to strategic stability between the superpowers. It is the only U.S.-Soviet strategic nuclear arms control agreement that has been ratified and remains in force today. There is a near-universal belief that without the defensive limitations in the Treaty, neither the Soviet Union or the United States would have—nor could have—negotiated the Salt I limitations on offensive nuclear systems and Salt II. Six former Secretaries of Defense, including the Defense Secretary in the Administration that negotiated the Treaty, recently stated:

> "By prohibiting nationwide deployment of strategic defenses, the Treaty . . . . makes possible the negotiation of substantial reductions in strategic offensive forces." [1]

For these reasons, the present Administration's new interpretation of the Treaty to permit development and testing of space-based and other mobile types of Strategic Defense Initiative ("SDI") technology, as a first step in nationwide deployment of strategic ballistic missile defenses, raises a legal question of the gravest moment. A treaty is a legal document that expresses not only an international agreement, but also the law of the United States. It is, therefore, appropriate for the legal profession to examine the Administration's interpretation of the Treaty and offer its opinion on whether that interpretation is legally supportable.

Accordingly, the Committee on International Arms Control and Security Affairs of the Association of the Bar of the City of New York undertook a review of the Treaty and the conflicting interpretations of the provisions regarding development and testing of "futuristic" or "exotic" defensive weaponry, such as that contemplated by SDI. Our study concentrated primarily on four areas: the text of the Treaty; publicly available portions of the negotiating record of the Treaty; the record of the ratification of the Treaty in the United States Senate; and the publicly available record of subsequent practice by the United States and the Soviet Union. Our study did not deal with the national security or foreign policy aspects of the Treaty debate; rather, we approached the Treaty as lawyers analyzing an international legal document under accepted principles of treaty interpretation.[2]

Our conclusion: The present Administration's interpretation of the Treaty to allow development and testing of space-based and other mobile types of SDI technology is flawed and lacks sufficient legal justification for departing from what has been, since the entry into force of the Treaty, an interpretation of the Treaty that prohibits such development and testing. We find that the Administration's interpretation is not supported by the text of the Treaty, the available record of the Treaty negotiations, the Senate ratification record, the interpretations of the Treaty by the Administrations since 1972 or by known Soviet statements and practice.

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[1] Footnotes at end of article.

We are particularly impressed by the following considerations which, in our opinion, have not been persuasively dealt with by the present Administration:

The text of the Treaty bans development and testing of "ABM systems or components" that are "sea-based, air-based, space-based, or mobile-land-based"; the Administration's efforts to overcome this unequivocal prohibition depend on a definition of the meaning of "ABM system or components" that is simply not supported by the actual words and structure of the Treaty or by the negotiating record;

The negotiating record contains statements by the Soviet negotiators that the Treaty provisions prohibiting development and testing of ABM systems or their components applied to space-based and other mobile-type ABM systems using future technology;

Every senior member of the Nixon Administration's Treaty negotiating delegation, with the exception of Paul Nitze, has rejected the new interpretation; and even Mr. Nitze prior to the present Administration's announcement of its new interpretation of the Treaty, supported the traditional interpretation;[3]

The Senate's ratification of the Treaty was based on testimony by the negotiators and other Nixon Administration officials consistent with the traditional interpretation; indeed, the *opposition* to the Treaty was based in part on the Treaty's prohibition of the very development and testing that the present Administration now claims is permitted;

Every Administration since 1972 interpreted the Treaty consistently with the traditional interpretation; even the present Administration, including the SDI Organization, in public statements, until 1985 adhered to the traditional interpretation of the Treaty.

In short, the Administration has failed to make its legal case for the new interpretation of the Treaty.

I. THE DISPUTE OVER THE INTERPRETATION OF THE ABM TREATY

A. The ABM Treaty

The ABM Treaty was one of the two arms limitation agreements negotiated between 1969 and 1972 by the United States and the Soviet Union, known collectively as SALT I.[4] The objective of the ABM Treaty is stated in Article I(2):

"Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this Treaty."

Article II(1) defines the term "ABM systems" used in the Treaty—a definition that is at the center of the dispute over the interpretation:

"For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles, or their elements in flight trajectory, currently consisting of (a) ABM interceptor missiles, . . . (b) ABM launchers, . . . and (c) ABM radars. . . ."

Article III of the Treaty, as limited by a 1974 protocol, allows each country to deploy one fixed, land-based ABM system. Article IV allows the existence of test ranges to develop and test the ABM systems referred to in Article III, and limits each party to no more than fifteen ABM launchers at the test ranges. Finally, Article V(1) bans development, testing and deployment of space-based and other mobile-type ABM systems:

"Each party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based."

Until the Reagan Administration announced the new interpretation, the provisions of the Treaty were generally understood to ban development and testing, as well as deployment, of all ABM systems and components other than the single, fixed, land-based system allowed under Article III and the 1974 protocol. At the time of the signing of the Treaty, the Soviet Union had the only operational ABM site, in the vicinity of Moscow. Following the entry into force of the Treaty, the United States constructed one fixed, land-based ABM site in defense of ICBM missiles in North Dakota, but dismantled a second such site then under construction. Subsequently, the United States deactivated the North Dakota ABM site on the ground that its negligible military value was far outweighed by the cost.[5] Until October 1985, neither party sought, nor claimed the right, to develop and test sea-based, air-based, space-based or mobile-land based ABM systems or components.

B. The "Reinterpretation" of the ABM Treaty

On October 6, 1985, Robert McFarlane, then Assistant to the President for National Security Affairs, stated during a television interview: "[The terms of the ABM Treaty] make clear that on research involving new physical concepts, that that activity, as well as testing, as well as development, indeed, are approved and authorized by the Treaty. Only deployment is foreclosed. . . ."[6] Subsequently, on October 22, 1985, Abraham D. Sofaer, the Legal Adviser to the State Department, in testimony in the House of Representatives, provided an in-depth explanation of the Administration's position. Essentially, the Administration's interpretation was that Article II, defining the term "ABM system" was a definition of *limitation*, that is, an "ABM system" was *only* a system consisting of ABM interceptor missiles, launchers and radars using existing technology. According to the Legal Adviser's testimony, such an interpretation of the definitional section of the Treaty was made necessary by the language of Agreed Statement D, an agreement that accompanies the Treaty, which provides as follows:

"In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty."[7]

The Legal Adviser concluded that Agreed Statement D allows the development and testing of ABM systems based on "other physical principles," that is, future technology other than ABM interceptor missiles, launchers and radars available in 1972.[8] As he testified:

"Systems and components based on future technology are not discussed anywhere in the Treaty other than in Agreed Statement D. In that provision, the parties felt a need to qualify the term—systems and components created in the future—with the phrase 'based on other physical principles.' If 'ABM system' and 'components' actually meant all systems or devices that could serve ABM functions, whether based on present or future technology, the parties would not have needed to qualify these terms in Agreed Statement D. That this qualification was added suggests that the definitions of 'ABM system' and 'component' in Article II(1) extended only to those based on presently utilized physical principles and not on 'other' ones."[9]

Essentially, the Legal Adviser depends on a "redundancy" argument: if future technology was banned by the definition of an ABM system in Article II, then there would be no need for Agreed Statement D. Instead, he contends, consistent with the principle of avoiding a redundancy if a treaty can be reasonably construed otherwise, the parties to the Treaty intended only to ban mobile ABM systems ("sea-based, air-based, space-based or mobile land-based") utilizing current technology, but reserve for themselves the right to develop and test—but, he concedes, not deploy without agreement—mobile ABM systems utilizing "other physical principles."[10]

The Legal Adviser also reviewed the Senate ratification proceedings and subsequent pronouncements by executive agencies. He concluded that statements during the ratification proceedings, and elsewhere, "consistently advanced the broader interpretation" or provided it with "strong support." Subsequent statements, in his view, have been inconsistent:

"The record of post-ratification statements is thus mixed. The earlier statements continue to support a broad reading of the Treaty. Several later statements present a contrasting view, accepting the restrictive construction. At no time, however, was there a universal interpretation."[11]

As to the negotiating record, the Legal Adviser, who personally reviewed "all of the significant statements and drafts," reached the "firm conclusion" that "although the U.S. delegates initially sought to ban development and testing of non-landbased systems or components based on future technology, the Soviets refused to go along, and no such agreement was reached."[12]

On August 12, 1986, the Legal Adviser submitted to the United States Senate a classified memorandum (dated August 6) analyzing the ABM negotiating record, which reached the same conclusion. On May 13, 1987, the Administration released an 82-page unclassified memorandum (dated May 11) prepared by the Legal Adviser that, while apparently revising the 1986 analysis,[13] adhered to the basic conclusion that "the Soviets refused to agree to prohibit development and testing of mobile [other physical principles] substitutes regardless of their basing mode."[14]

Essentially, the Legal Adviser cited two key episodes during the Treaty negotiations, each concerning a different provision of the Treaty, and argued that on each occasion the American negotiators yielded to a Soviet

position inconsistent with a ban on development and testing of mobile exotics:

(a) on September 15, 1971, the U.S. delegation agreed to drop language from a provision in its own draft treaty (the remainder later modified as Article V(1)) that explicitly referred to exotic anti-ballistic missile defenses;

(b) on December 20, 1971, the United States agreed to define "ABM system" in Article II in a manner that would not prejudice the Soviet position that obligations relating to an ABM system applied only to interceptors, launchers and radars based on current technology.

These episodes, according to the Legal Adviser, support his theory of the negotiations that the United States sought, but failed to achieve, a ban on development and testing of mobile exotics. Instead, the United States negotiators were able only to obtain a commitment from the Soviets—expressed in Agreed Statement D—to discuss deployment limitations on ABM systems based on "other physical principles" but not to preclude their development and testing.[15]

On September 9, 1987, the Legal Adviser released a revised report on "subsequent practice," including the agreements and statements of the parties regarding the Treaty. Consistent with his earlier Senate testimony, he concluded that: "[the] record of subsequent practice does not establish a binding international legal obligation by the U.S. to follow the restrictive interpretation."[16]

C. The Response to the Administration's Interpretation of the ABM Treaty

Essentially, the critics of the position taken by the Administration argue that Article II, defining an ABM system, is a *functional* definition, that is, it defines the prohibited systems on the basis of performance and not technology. As argued by Harvard law professor Abram, and Antonia, Chayes in a "debate" with the Legal Adviser in the Harvard Law Review, "the natural reading of the phrase 'currently consisting of' [in Article II] makes the system description that follows illustrative, not limiting."[17] The traditionalists contend that, because of the reference to Article III in the inducing clause of Agreed Statement D ("except as provided in Article III of the Treaty"), that Statement is limited to reinforcing the Article III limitations on fixed, land-based systems. Under this interpretation, the parties to the Treaty viewed Agreed Statement D simply as an elaboration of the Article III limitations on fixed, land-based systems, under which development and testing of future technology for such systems is permitted, but that the plain language of Article V(1) (and Article II) bans development, testing or deployment of future technology for space-based and mobile-type ABM systems.

With regard to the ratification record and subsequent U.S.-Soviet practices, on March 11, 1987, Senator Sam Nunn made public a lengthy study of the 1972 Senate ratification proceedings and the available record of subsequent United States and Soviet practices. He concluded that, during the ratification proceedings, "executive branch witnesses clearly stated that development and testing of mobile space-based exotics was banned while development and testing of fixed land-based exotics was permitted."[18] Senator Nunn's study also found that "the available record of both official and unofficial U.S. statements" since the Treaty ratification support the traditional interpretation of the ABM Treaty and "contradict Judge Sofaer's claim that the U.S. position on the issue has not been consistent."[19]

At the same time, after a study of the classified negotiating record and of the Legal Adviser's August 6, 1986 memorandum, which he was not then able to release publicly, Senator Nunn presented a summary conclusion that, notwithstanding "ambiguities" in the cables and memoranda that made up the negotiating record, there is "substantial and credible information which indicates that the Soviet Union did agree that the development and testing of mobile/space-based exotics was banned. I have concluded that the preponderance of evidence in the negotiating record supports the Senate's original understanding of the Treaty—that is, the traditional interpretation."[20]

On May 19, 1987, Senator Nunn, following the agreement of the administration to declassify his study of the negotiating record, released his report on the August 6, 1986 Legal Adviser's memorandum and attached an Apppendix that provided "summary observations" of the updated May 11, 1987 analysis by the Legal Adviser.

Senator Nunn's interpretation of the negotiating history is that the United States delegation, which had been instructed to obtain a ban on development and testing of mobile exotics, overcame initial Soviet resistance and obtained explicit agreement, as reflected in internal memoranda prepared by the American negotiators, that Articles II and V in the final version of the Treaty imposed such a ban. With regard to the two key episodes, according to Senator Nunn, the following occurred:

(a) on September 15, 1971, when the United States negotiators dropped more explicit language from Article V banning testing and development of mobile exotics, they did so because the Soviet negotiators, according to a memorandum of the meeting, informed the United States delegation that the *Soviet* test imposed a ban on "any type of present or future components" of ABM systems;

(b) with respect to Article II, on December 20, 1971, the United States delegation proposed the phrase "currently consisting of" to connect two separate sentences in its draft, which thereby modified the listing of then-current ABM components. According to a memorandum of the meeting, "the Soviet side, as well as the American, recognized that there could be future systems" and even though the limitation on such systems "would be settled elsewhere than in Article II," the connective phrase in that article had to take account of that fact.

Thus, according to Senator Nunn, by the end of 1971 the United States had achieved agreement on a ban on development and testing of *mobile* exotics. However, at the beginning of 1972, the parties still had not reached agreement on limitations on either current or exotic *fixed, land-based* systems. Eventually, in Senator Nunn's view, the parties agreed to a scheme under which Articles III and IV prohibited deployment of exotic fixed, land-based system (while allowing deployment of fixed, land-based ABM systems based on current technology in specified locations). Agreed Statement D (together with Articles III and IV) implicitly allowed development and testing of fixed, land-based exotics at ABM test ranges. As one example, Senator Nunn cites the following statement on December 14, 1971 by the scientific advisor to the Soviet delegation as the genesis of this scheme, which was agreed in principle in January 1972, even though final language was not agreed to until just weeks before the Treaty signing:

"[I]t should be possible to provide that if components based on new technologies were developed which could substitute for the components limited under Article III . . . the matter should be referred to the [Standing Consultative Commission] and agreements thereon reached by Governments so there could be no circumvention of the limitations on Article III."[21]

Senator Nunn has not yet responded to the Legal Adviser's September 9, 1987 report on the "subsequent practice" of the Soviet Union and the United States. However, on September 22, 1987, a majority report of the United States Senate Committee on Foreign Relations concluded that: "[the] record of the 'subsequent practice' of the parties—reflected in U.S. and Soviet conduct under the ABM Treaty regime, in formal diplomatic exchanges, and in official public statements—provides overwhelming evidence that the parties jointly adhered to the interpretation of the Treaty articulated by U.S. negotiators in 1972 and understood by the U.S. Senate when it consented to ratification."[22]

D. The Applicable Principles of International Law

The applicable principles of international law for the interpretation of treaties between nations are not in serious dispute in the Treaty debate. As the Supreme Court observed recently:

"In interpreting an international treaty, we are mindful that it is 'in the nature of a contract between nations, *Trans World Airlines, Inc.* v. *Franklin Mint Corp.*, 466 U.S. 243, 253 (1984), to which [g]eneral rules of construction apply. *Id.* at 262. *See Warve* v. *Hylton*, 3 Dall. 199, 240–241 (1796) (opinion of Chase, J.)." *Societe Nationale Industrielle Aerospatiale* v. *United States District Court for the Southern District of Iowa*, 96 L. Ed. 2d 461, 477 (1987).

While the text of a treaty is obviously a primary guide, "the context in which the written words are used," *Air France* v. *Saks*, 470 U.S. 392, 397 (1985), the treaty's history, including "the negotiations, and the practical construction adopted by the parties," may also be relevant. *Id.* at 396 (quoting *Choctaw Nation of Indians* v. *United States*, 318 U.S. 423, 431–432 (1943)).

As discussed below, this Report concludes that the Treaty text supports the traditional interpretation and is inconsistent with the reinterpretation. The Report's review of the debate over the Treaty, as a matter of organizational efficiency, considers first the negotiating history of the Treaty, then the ratification proceedings in the U.S. Senate and subsequent practice by both the Soviet Union and the United States, and then analyzes the text of the Treaty in light of this history.

II. THE NEGOTIATING HISTORY OF THE ABM TREATY SUPPORTS THE TRADITIONAL INTERPRETATION

Developments during the negotiations of the ABM Treaty in 1971 and 1972 support the traditional interpretation. The American negotiators were instructed by the Nixon administration to achieve a treaty that banned development and testing (as well as deployment) of mobile exotics, but permitted development and testing of fixed, land-based exotic ABM systems (but not their deployment). Particularly in the negotiations over Article V (prohibition on development, testing, and deployment) and Article II (the definition of an ABM system), the American negotiators achieved this objective; indeed, they elicited statements from Soviet negotiators that the language of the text of the Treaty reflected the American objectives. Subsequent cables and reports by the negotiators stated that the original instructions to achieve a ban on development and testing of exotic mobile defenses, but to allow development and testing of fixed, land-based exotic missile defense, had been successfully carried out. What follows is a summary of the key developments during the negotiations.

A. NSDM 127

On August 12, 1971, President Nixon issued National Security Decision memorandum 127, which provided the following instruction to the Treaty negotiators:

"3. The agreement should contain a provision whereby neither side shall deploy ABM systems using devices other than ABM interceptor missiles, ABM launchers, or ABM radars to perform the function of these components. (This paragraph along with that in the next paragraph, should not prohibit the development and testing of future ABM components in a fixed, land-based mode.)

4. The agreement should contain a provision whereby neither party shall develop, produce, test, or deploy:

(a) sea-based, air based, space based, or mobile land-based ABM launchers, ABM missiles, or ABM radars;

(b) ABM components other than ABM interceptor missiles, ABM launchers, or ABM radars to perform the functions of these components."[23]

The significant point of NSDM 127, in view of the subsequent negotiations, was its distinction between fixed, land-based exotic missiles and mobile exotics; the negotiating team was instructed to achieve an agreement that did "not prohibit the development and testing" of fixed, land-based exotics. NSDM 127 just as clearly instructed the negotiators to achieve an agreement under which "neither party shall develop, produce, test, or deploy" mobile exotics, including space based ABM systems.

B. The Negotiations Over Article V

1. The Test of Article V

Article V of the Treaty states as follows:

"1. Each Party undertakes not to develop, test, or deploy AMB systems or components which are sea-based, air-based, space-based, or mobile land-based.

2. Each party undertakes not to develop, test, or deploy AMB launchers for launching more than one ABM interceptor missile at a time from each launcher, not to modify deployed launchers to provide them with such a capability, not to develop, test, or deploy automatic or semi-automatic or other similar systems for rapid reload of AMB launchers."[24]

2. The Negotiations

Five days after receiving NSDM 127, on August 17, 1971, the American negotiators in Geneva presented the Soviet side with a proposal that, consistent with the instructions in NSDM 127, distinguished between fixed, land-based exotic defensive systems (*permitting* their development and testing) and mobile exotic systems (*banning* their development and testing). The draft, then-titled Article VI, states:

"1. Each Party undertakes not to deploy AMB systems using devices other than ABM interceptor missiles, AMB launchers, or AMB radar to perform the functions of there components [later known in revised form as draft Article V(3) and then as Agreed Statement D].

2. Each Party undertakes not to develop or produce for or test or deploy in sea-based, air-based or mobile land-based modes: ABM interceptor missiles, ABM launchers, ABM radars, or other devices to perform the functions of these components [later known in revised form as draft Article V(1)].[25]

By way of emphasizing the importance of achieving a ban on development and testing of mobile exotics, on August 27, Harold Brown, U.S. Delegate-at-Large, commented before Soviet negotiators on the United States draft Article VI. He explained that paragraph 1 of Article VI—which implicitly dealt only with fixed, land-based exotic defensive systems, pursuant to paragraph 3 of NSDM 127—covered "*any present* or *future system* which employs other means or devices to perform the functions of interceptor missiles, launchers, or radars in rendering ineffective strategic ballistic missiles or their components in flight trajectory."[26] Brown also defined for the Soviet delegation the meaning of the word "development" in paragraph 2 of draft Article VI:

"By 'development' we have in mind that stage in the evolution of a weapons system which follows research (in research we include the activities of conceptual design and laboratory testing) and which precedes full-scale testing. The development stage, though often overlapping with research, is usually associated with the construction and testing of one or more prototypes of the weapons system or its major components. In our view, *it is entirely logical and practical to prohibit the development—in this sense—of those systems whose testing and deployment are prohibited.*"[27]

The American proposal initially met with opposition from the Soviet negotiators; however, the Soviet delegation did not categorically reject it. Instead, the Soviet negotiators raised objections on the ground of verifiability, sought to have the United States define which systems would be included within the ban on mobile exotic weapons, and insisted that the proposal could not apply to the elements of the Soviet air defense network, especially surface-to-air missiles and air defense radars—a proposition that the American negotiators did not contest.[28]

As a result, the United States proposal on exotics was referred to an ad-hoc Salt I subpanel, headed on the Soviet side of Viktor Karpov and, on the American side, by Sidney Graybeal. On September 8, Karpov presented a Soviet counter-offer to the American draft Article VI(2), which read as follows:

"Each Party undertakes not to construct, not to test and not to deploy mobile land-based, sea-based, air-based or space-based ABM systems and their components, specially constructed for such systems."

In explaining this proposal, Karpov informed the American negotiators that the Soviet proposal *"took into account the wishes of the U.S. side."*[29]

In response, Graybeal presented a new American proposal on mobile/space-based exotic defense systems:

"Each Party undertakes not to develop, test or deploy sea-based, air-based, space-based or mobile land-based ABM interceptor missiles, ABM launchers, ABM radars, or other devices for performing the functions of these components."[30]

On September 15, Karpov and Graybeal met at the Soviet Embassy in Helsinki for what appears to have been the decisive meeting in the negotiations over the proposed American ban on development and testing of mobile defensive systems, including space-based ABM systems. The Soviet negotiators assured the Americans in this meeting that the Soviet proposal would accomplish the American objective—a ban on development of "any type of present or future components" of mobile ABM systems. As stated in the U.S. memcon of the meeting:

"Karpov argued that the new information [of the Soviet proposal] . . . obviates the requirement for the phrase 'other devices for performing the functions of these components' appearing at the end of [the U.S. proposal] . . . The Soviets were proposing to eliminate specific listing of AMB system components (launchers, interceptors, and radars) and substitute the word 'components' (using the literal Russian word 'komponenty') for this instead of the word for 'components' ('sredstva') used in Article 2 when referring to launchers, interceptors or radars. *Karpov agreed with Graybeal's interpretation that the Soviet text meant 'any type of present* or *future* components' *of ABM systems.*

Karpov said they would give favorable consideration to Graybeal's suggestion that the phrase 'specially constructed for such systems' be dropped from the Soviet wording . . .

Graybeal said he would take the new Soviet formulation into consideration and refer it to the U.S. Delegation. It is agreed that paragraph 1 of U.S. Article 6 [the U.S. proposal to ban deployment of fixed, land-based exotics] would remain bracketed as a U.S. proposal."[31]

Subsequently, the American negotiators proposed, as a modification of the Soviet proposal, that the agreed text conclude with the phrase "mobile land-based ABM systems or any components therefore," instead of the Soviet language "and their components, specially constructed for such systems." The American modification, which was ultimately accepted, further emphasized the point that the Soviet text applied to "any type of present or future components' of mobile defensive systems, not just to those components "specially constructed" for such systems, which might only imply a ban on development of upgraded mobile systems.

On September 17, the Soviet Delegation accepted this proposal. The United States then proposed a technical correction in the provision by changing the words "or any components therefore" to read "or their components." This technical change was accepted by the Soviets on September 22 and, on September 23, 1971, the mutually agreed U.S./Soviet Joint Draft Text read as follows:

"Each Party undertakes not to develop, test, or deploy sea-based, air-based, space-based, or mobile land-based ABM systems or their components."[32]

On September 24, the American negotiators cabled to Washington that the United States' position, reflected in draft Article VI(2), *"including components for future ABM systems which are not fixed and land-based . . . was agreed ad referendum."*[33]

Between January and May 1972, John B. Rhinelander, a Deputy Legal Adviser at the Department of State who joined the U.S. Delegation as its legal adviser in April, 1971, prepared a series of Article-by-Article analyses of the Treaty (extracts of his documents were declassified in May 1987). The final analysis, dated May 24, 1972—two days before the Treaty was signed in Moscow—stated with respect to Article V(1):

"Paragraph 1 of Article V prohibits the development, testing, or deployment of:

—an ABM system that is sea-based, air-based, space-based, or mobile land-based.

—an ABM interceptor missile, ABM launcher, or ABM radar that is sea-based, air-based, space-based, or mobile land-based.

—*a device capable of substituting for an ABM interceptor missile, ABM launcher or ABM radar that is sea-based, air-based, space-based, or mobile land-based (such as an air-based "killer" laser)*"[34]

3. The Article V Negotiations Support The Traditional Interpretation

The negotiating history of Article V of the Treaty supports the traditional interpretation that development and testing of mobile exotic defensive systems is prohibited by Article V. The American negotiators were instructed to achieve such a prohibition; they proposed a draft that reflected those instructions; the Soviet negotiators, while putting forth language of their own, stated that their proposal "took into account the wishes of the U.S. side"; and the Soviet negotiators stated that their text applied to "any type of present or future components" of ABM systems.

In response to these developments during the negotiations, the Legal Adviser makes, *inter alia*, the following points. First, he contends that the withdrawal of the United States draft in favor of the Soviet proposal reflects the American failure to achieve a ban on development and testing of mobile exotic defensive weapons. Second, with regard to the September 15th exchange between Karpov and Graybeal, in which Karpov stated that the Soviet text applied to "any type of present or future components" of ABM systems, the Legal Adviser contends that by "future components," the Soviet negotiator meant only "future AMB interceptor missiles, launchers or radars," *i.e.*, improvements or variations on the presently available interceptor missiles or launchers.[35]

Neither of these arguments is persuasive. The fact that the American negotiators withdrew their own proposal in favor of the Soviet text was hardly a "failure" to achieve American objectives, given the Soviet concession that the *Soviet* text applied to "any type of present or fuure component," of an ABM system. Indeed, if the American negotiators, after receiving such a major Soviet concession, still had insisted that the Soviets—sensitive to any implication that their air defense systems might be limited by the Treaty—accept *only* the American text, word-for-word (such as inclusion of the broad term "devices"), they would have risked losing agreement on a restriction in the Treaty that they had been instructed to achieve and which the Soviet negotiators now accepted.

Nor are we persuaded by the Legal Adviser's argument that Karpov did not mean what he said on September 15, 1971. The Legal Adviser presents no evidence that Karpov meant to restrict the scope of Article V(1) to future versions of existing components of ABM systems; rather, throughout the negotiations, both the American and Soviet negotiators used interchangeably such phrases as "future systems," "future components," "future devices," "future means," "future types" and "future kinds."[36] There is simply no suggestion in the record of the negotiations that the parties expressly or implicitly adopted a rule of construction that references to future ABM "systems" and "components" excluded exotic defensive systems.

In short, the plain words of the exchanges between the Soviet and American negotiators, as reported by contemporaneous memoranda, together with the evolution of the text of Article V(1), support the traditional interpretation that Article V bans development and testing of mobile exotic ballistic missile defensive systems and their components.

C. The Negotiations Over the Definition of ABM Systems and Components in Article II

1. The Text of Article II in the ABM Treaty

Article II of the ABM Treaty states:

"1. For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of

(a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles; and

(c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

2. The ABM system components listed in paragraph 1 of this Article include those which are:

(a) operational;

(b) under construction;

(c) undergoing testing;

(d) undergoing overhaul, repair or conversion; or

(e) mothballed."

2. The Negotiations

The Soviet proposal for the definition of an ABM system, first put forward in March 1971, provided as follows:

"The obligations provided for under this Treaty shall apply to systems specially designed to counter strategic ballistic missiles and their components in flight trajectory, namely: (a) ABM launchers, (b) ABMs, (c) Long-range acquisition radars, (d) Tracking and ABM guidance radars."[37]

As then drafted, the Soviet text was purely a definition of limitation applying only to the ABM systems then in use. By contrast, on July 27, 1971, the United States proposed a broad, functional definition of an ABM system, which it defined as: "an anti-ballistic missile (ABM) system is a system constructed or deployed to counter strategic ballistic missiles or their components in flight trajectory." The American definition then listed separately the three components in use, interceptor missiles, launchers, and radars.[38]

At the end of the Fifth Session, which lasted from July to September 1971, the two sides did not agree on the language of Article II. Significantly, as will be shown, the Soviet definition of "ABM system" by then had been modified to add the words "and including the following components—ABM interceptor missiles, ABM launchers and ABM radars," and then defined those three components in sub-paragraphs.[39]

The Sixth Session began on November 15, 1971. During the next month, the Soviets first agreed to delete the phrase "and including the following components" from their draft of Article II, and then reintroduced that language in a revised draft Article II less than one week later.[40] However, the Soviet Union plainly tied its language in Article II to the disagreement with the United States over the American proposal for a ban on deployment, but not development and testing, of fixed, land-based exotics (formerly draft Article VI(1), *See* pp. 22-23, *supra*, now identified as draft Article V(3)).[41] The Soviet negotiators proposed that, if the United States withdrew Article V(3), the Soviets would agree to the functional definition in Article II, as then drafted by the United States. However, the Soviet negotiator implied that he did not expect the United States to drop Article V(3); rather, as reported by an American negotiator:

"It would be necessary for his Delegation to go through the ritual of trying to get concessions from our [*i.e.*, the U.S.] side on Article V before he could be authorized to reach an agreement accepting the basic U.S. position on Article II."[42]

On December 20, the United States proposed a slightly modified draft for Article II that maintained a functional definition of ABM system ("a system to counter strategic ballistic missiles or their elements in flight trajectory"), and which also retained separate listing of ABM missile, launchers, and radars without any connective between the definition for "system" and the listing for the three different system components.

Later that day, an important exchange between Soviet and American negotiators over the definition of an ABM system took place. In that exchange the Americans proposed the connective "currently consisting of," while expressly noting that such language would bring future systems into the definition of an ABM system. The December 20 memcon states as follows:

"Grinevsky stated that the second problem [of three concerns he had about the new U.S. text] was the absence of a connective between the sub-paragraph defining ABM systems, and the three sub-paragraphs following which defined components. His Delegation strongly believed that there should be some connective such as 'namely' or 'consisting of.' Garthoff stated that the American side did not consider that a connective of this kind was either necessary or desirable. If, however, there was to be one, it should be precise. Therefore, he suggested, we might consider use of the phrase 'currently consisting of' as a connective. This was clearly a new thought to Grinevsky and Kishilov and they appeared uncertain of the reaction of their side. *Garthoff noted that the Soviet side, as well as the American, recognized that there could be future systems, and while the question of constraints on future systems would be settled elsewhere than in Article II, the correct way of indicating a valid connection between components and systems would be to include the word 'currently'.* Grinevsky agreed to take up this possibility with his Delegation."[43]

As the memcon reflects, the American proposal was to agree on a text for Article II that would define ABM systems to include exotics ("Garthoff noted that the Soviet side, as well as the American, recognized that there could be future systems"), but use other provisions of the treaty to decide what limitations applied to such systems ("while the question of constraints on future systems would be settled elsewhere than in Article II . . . ").

The following day, December 21, the Soviet Delegation proposed a new draft text that adopted the American proposal by incorporating the connective "currently consisting of." The Soviet draft was incorporated into the Joint Draft Text of January 20, 1972, which read as follows:

"1. For the purposes of this Treaty an ABM system is a system to counter strategic

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ballistic missiles or their elements in flight trajectory, currently consisting of: . . . ."[44]

On May 24, 1972, the U.S. Delegation legal adviser, John B. Rhinelander, completed his final analysis of the separate articles prior to the signing of the Treaty. With regard to Article II, Rhinelander wrote as follows:

"An ABM system is described in paragraph 1 of Article II in terms of 'current' ABM components. This does not however, limit the generality of the term ABM system as used in the treaty to systems composed of 'current' ABM components, but would also include 'future systems' based on physical principles other than those used for 'current' ABM components and capable of substituting for a 'current' ABM component."[45]

3. The Negotiations Over Article II Support The Traditional Interpretation

From the point of view of the debate over the interpretation of Article II of the ABM Treaty, several important points emerge from the exchanges between the Soviet and American negotiators in the Sixth Session. One key development was the December 20 Grinevsky-Garthoff exchange in which the American negotiator proposed the connective "currently consisting of" for Article II and made the point that his proposal—which the Soviet delegation accepted—would incorporate "future systems" in the Treaty definition of ABM systems and components.

Of equal significance was the fact that, prior to this major Soviet concession, the Soviet delegation *twice* had proposed a connective that used the phrase "and including the following components"—and *twice*, confronted with adamant American support for a functional definition, withdrew that language. Yet the proponents of the broad interpretation argue that it makes more sense to read Article II as though it contained the language "*and* currently consisting of" three defined components, *i.e.* as a definition of limitation. Indeed, in an appearance in 1985 before the Senate Armed Services Committee, the Legal Adviser testified, with regard to Article II, that "it makes more sense to put the word 'and' in." Senator Nunn, Chairman of the Armed Services Committee, asked, "are you saying it makes more sense to use the word 'and'?" The Legal Adviser repeated his point: "yes; to read it as though the word 'and' was there, certainly."[46]

The Legal Adviser's position that the Article II connective should be read as though it contained the word "and" is squarely contradicted by the negotiating record; the Legal Adviser advances the *identical* position that the Soviet Union *unsuccessfully* proposed on *two* separate occasions before agreeing to an American proposal reflecting the long-standing American insistence on a functional definition. We conclude that the Legal Adviser's position lacks support in the negotiating record.

D. The Relationship Between Article III and Agreed Statement D

1. The Treaty Text

Article III of the ABM Treaty provides:

"Each Party undertakes not to deploy ABM systems or their components except that:

(a) within one ABM system deployment area having a radius of one hundred and fifty kilometers and centered on the Party's national capital, a Party may deploy [a specified number of ABM launchers, interceptor missiles and ABM radar complexes] . . . ; and

(b) within one ABM system deployment area having a radius of one hundred and fifty kilometers and containing ICBM silo launchers, a party may deploy [a specified number of ABM launchers, ABM interceptor missiles and ABM radars]. . . .

Agreed Statement D provides as follows:

"In order to ensure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty."

2. The Negotiations Over Article III And Agreed Statement D

To summarize, as demonstrated by the above analysis, by the end of 1971, the Soviet and American Delegations agreed on the following principles:

(1) a complete ban on development and testing (as well as deployment) of mobile exotic defensive systems, including space-based defensive weapons; and

(2) a definition of ABM systems that included future ABM systems and their components.

The negotiations next turned to the limitations on fixed, land-based systems, which originally had been addressed by the U.S. draft Article VI(1) (later Article V(3)).

a. The negotiations over agreed statement D

At the outset, a significant impasse developed over the limitations on fixed, land-based exotic defensive weapons, whose *deployment* (but *not* development and testing) the United States sought to ban. Initially, the Soviet negotiators resisted the ban on deployment of futuristic, fixed, land-based systems. On December 7, 1971, however, a Soviet negotiator "urged that some way be found to express the difference over this point [*i.e.*, limits on fixed, land-based exotics] in Article III rather than in Article V[3] [the successor to U.S. Article VI(1)]."[47] Then, in a major concession, on December 14, another Soviet negotiator, in a meeting with Harold Brown, proposed that in the event new technologies for the fixed, land-based systems covered by Article III were developed, the issue of their deployment should be dealt with by negotiations between the two countries (both the Legal Adviser and Senator Nunn assert that, as a consequence of this concession, which led to Agreed Statement D, deployment would be banned subject to negotiation):

"[I]t should be possible to provide that if components based on new technologies were developed which could substitute for the components limited under Article III . . . the matter should be referred to the (SCC) and agreements thereon reached by Governments so there would be no circumvention of the limitations on Article III."[48]

This proposal led to an agreement on the language of Agreed Statement D *before* the negotiators reached agreement on the language of Article III, which defined, *inter alia*, limits on the deployment of fixed, land-based ABM systems using current technology. On January 26, at a meeting in the Stadtkrug Restaurant in Vienna, two Soviet and two American negotiators reached agreement on the basic language of Agreed Statement D:

"In order to insure fulfillment of the obligation not to deploy ABM system components except as provided in Article III of the Treaty, it is agreed that in the event ABM system components other than ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such system components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty."

At this meeting, a Soviet negotiator stated, with regard to Agreed Statement D, *"that his side had now accepted the earlier American formulation* completely, *and in fact had accepted the American position* on *the subject entirely,* save only that it would be a jointly agreed interpretation rather than a paragraph in the treaty."[49]

b. The negotiations over article III

Over the next five months—literally up until just weeks before the Treaty signing—the negotiators made slow progress over the limitations applicable to fixed, land-based systems, which later became Article III. Initially, the American proposal for Article III provided that each party: "undertakes not to deploy ABM interceptor missiles, ABM launchers, or ABM radars except in its own territory and only at one of the following [specified geographic locations]."[50]

On January 31, 1972, the American Delegation presented the Soviets with a "Statement on Future ABM Systems," which stipulated with regard to Article III:

"Article III should be drafted so as not to permit the deployment of devices other than ABM interceptor missiles, ABM launchers, or ABM radars to substitute for and perform their functions."[51]

Far from being opposed to the application of Article III to exotics, the Soviets reacted favorably to the American statement of the objective of Article III, which plainly precluded deployment of fixed, land-based exotics. The memcon of the meeting at which the American statement was presented states as follows:

"After reading the talking points [the American 'Statement'], *Grinevsky said that he believed there was complete agreement.*"[52]

On April 11, 1972, the United States proposed a draft of Article III that modified the lead-in clause in a manner that would more clearly ban the deployment of all ABM systems, while permitting an exception for fixed, land-based systems using current technology in specified geographic locations:

"Each Party undertakes not to deploy ABM systems or their components except that each Party may deploy ABM interceptor missiles, ABM launchers, and ABM radars within [specified geographic locations]."[53]

On April 28, 1972 the Soviet negotiators stated that the new United States formulation was acceptable. The April 28 memcon reads as follows, with regard to the discussion of Article III:

"I [Ambassador Parsons] said that if I understood him correctly, he [Grinevsky] was saying that they could agree to a formulation undertaking not to deploy ABM systems or their components except as the article would provide. *Grinevsky said that they could as this would ban 'other systems'.*"[54]

Ten days later, and two days before the Treaty signing, John B. Rhinelander drafted an analysis of Article III which stated that:

"Article III limits the deployment of ABM systems to those based on ABM interceptor missiles, ABM launchers and radars."[55]

3. The Negotiations over Article III and Agreed Statement D Support the Traditional Interpretation

The period of negotiations from December 1971 until final agreement on the draft text of the Treaty in May 1972, which was devoted in part to Agreed Statement D and Article III, presents challenges for both interpretations. On the one hand, many of the memcons report discussions between Soviet and American negotiators regarding limitations on "other" systems or "future" systems without clarifying whether the discussion regarded fixed, land-based future systems or mobile future systems or both. For this reason, proponents of the reinterpretation argue that limitations on future systems had not been resolved in the negotiations over Article II and Article V(1); rather, they contend, the United States was only able to salvage from its original negotiating position an agreement—Agreed Statement D—that in the event such systems were developed, the Soviets would discuss limitations on their deployment. The proponents cite remarks by Soviet negotiators to support this view, such as the statement in late December 1971 that "inclusion of a provision on so-called 'other ABM systems' *in the text of a treaty* limiting ABM systems is not acceptable. . . ."[56] Such statements, they contend, indicate that the Soviet negotiators still opposed any limitations on future systems, notwithstanding the basic agreement the two countries by then had reached on the text of Article II and V(1).

On the other hand, the negotiations concerning, first, Agreed Statement D, and then Article III, plainly were in the context of limiting fixed, land-based systems, *not* mobile exotic systems. At the very outset, for example, Soviet negotiators, as reported in a memcon quoted above, sought to use Article III to "express the difference over . . . limits" on fixed, land-based exotic weapons, and later proposed that an "agreed statement" serve that purpose. Moreover, during this period, the Soviet negotiators also made statements inconsistent with the Legal Adviser's argument that they had succeeded in thus far limiting Articles II and Article V(1) to conventional, non-exotic defensive weapons. Indeed, the Legal Adviser acknowledges that two Soviet negotiators indicated that "they regarded Articles I, II and III as together banning the deployment of future systems."[57] The Soviet negotiators' statement simply cannot be reconciled with the Legal Adviser's own argument that those Articles, as a result of adamant Soviet hostility to limiting future systems, reflected only limits on existing, conventional ABM launchers, interceptors and radars.

Because of the earlier Soviet acknowledgements that Articles II and V(1) applied to exotic weapons (see pp. 20–39, *supra*), and because the negotiations over Article III and Agreed Statement D were clearly in the context of fixed, land-based systems, the Legal Adviser's position lacks merit. Explicit statements by the Soviet negotiators throughout the negotiations over Articles II and V(1) establish that United States negotiators fulfilled their instructions to achieve a ban on development and testing of mobile exotic weapons. For example, on December 4, 1971, a Soviet negotiator, while expressing opposition to the United States proposal to ban deployment of futuristic, fixed, land-based ABMs, made an explicit statement that future, mobile-type ABMs were *already* prohibited by Article V(1): "The prohibition on air-based, space-based, land-based, etc. ABM systems is adequate to cover the problem of future systems."[58]

Thus, since the Soviet negotiators agreed that the ABM Treaty banned development and testing of mobile exotic systems, the remaining negotiations over Article III and Agreed Statement D occurred only in the context of the dispute over limitations on fixed, land-based systems. Accordingly, *initial* Soviet opposition to including in the Treaty text a provision banning fixed, land-based "other systems"—opposition which was eventually dropped—is not inconsistent with the Soviet Delegation's contemporaneous agreement to ban development and testing of mobile exotic systems.

Nor do we find persuasive the Legal Adviser's argument that, if Article III prohibited deployment of fixed, land-based systems other than those specified, then Agreed Statement D was superfluous and need not have been adopted by the parties, *i.e.*, the redundancy argument. Two considerations, in our view, defeat this argument:

First, agreement on Agreed Statement D actually was reached *before* agreement on the text of Article III. Yet the negotiations over the specific geographical limitations of Article III obviously were necessary since those specific limitations were not addressed by Agreed Statement D. By the time the negotiators were finished—almost on the eve on the signing of the Treaty—Article III prohibited deployment of futuristic, land-based systems, as did Agreed Statement D (both the Legal Adviser and Senator Nunn agree on the effect of Agreed Statement D on deployment of such systems). It made far more sense to leave both provisions in the Treaty rather than risk additional negotiations at the last minute over issues that, in fact, were settled; certainly there was no sensible reason for the United States to object to having *two* provisions in a Treaty that expressed limitations on exotic systems that had been the objective of United States negotiating efforts for nearly one year.[59]

Second, while the Legal Adviser's redundancy observation has some accuracy, its significance is seriously overstated. The actual text of the Treaty contains no redundancy. Within that text, Article V(1) prohibits development, testing and deployment of mobile exotics, while Article III limits deployment of fixed, land-based exotic defensive weapons (but not development and testing). The agreed statements were intended to clarify, reinforce or amplify those provisions and, as such, almost necessarily had to be somewhat redundant. Agreed Statement D serves such a function—a statement by the parties to the Treaty that supplements the Treaty text. By itself, such redundancy can hardly serve to reverse an otherwise sound interpretation of a treaty fully supported by the treaty's negotiating history.[60]

In sum, in view of explicit Soviet concessions to the Unites States' position that the Treaty should ban development and testing of mobile defensive systems based on future technology, as recorded in contemporaneous memoranda of negotiating sessions prepared by the American negotiators and as reflected in the American negotiators' final analysis of the terms of the Treaty, the negotiating history of the Treaty supports the traditional interpretation.

III. THE UNITED STATES SENATE RATIFIED THE ABM TREATY ON THE BASIS OF THE TRADITIONAL INTERPRETATION

Under the Constitution, the understanding of the United States Senate at the time it consents to a treaty has an important role in treaty interpretation. Article II, section 2, of the Constitution gives the President power "by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." According to a leading scholar of foreign affairs and constitutional law, this provision dicates that "the President cannot make a treaty with a text different from the one to which the Senate consented; he cannot make a treaty with a meaning different from the one to which the Senate consented."[61]

This principle governs the meaning of a treaty whether the Senate's understanding is expressed in a formal reservation or "is apparent from the Senate's deliberations leading to its expression of consent. The Senate's understanding of the treaty to which it consents is binding on the President."[62]

Therefore, statements by Nixon Administration witnesses and by Senators during the ratification process are not only a guide to the meaning of the ABM Treaty under international law, but an expression of Senate understanding which, as a matter of constitutional law, governs the meaning of the treaty.

A. Statements During the U.S. Senate Hearings and Floor Debate Support the Traditional Interpretation

There is persuasive evidence that the United States Senate ratified the ABM Treaty on the understanding, as conveyed by spokesmen for the Nixon Administration, that the Treaty *banned* testing and development of exotic mobile defensive weapons. No Administration official during the Senate hearings on the Treaty advocated, or even suggested, to the Senate the textual analysis developed by the present Legal Adviser. A number of Nixon Administration witnesses used the distinction between fixed, land-based systems and mobile defensive systems, first emphasized in NSDM 127, the original instructions to the Treaty negotiators, to explain the ban on development and testing of future technology for mobile ABM systems.

For example, during Senate Committee on Armed Services' hearings, which occurred even before the formal transmittal of the Treaty to the Senate, Senator Goldwater, a critic of the Treaty, asked Secretary of Defense Melvin Laird whether development of space-based laser systems could proceed under the Treaty.

"Q. For my money, we should have long since moved on the space-based system with boosting phase destruction with shot, nuces, or lasers. I have seen nothing in SALT that prevents development to proceed in that direction. Am I correct?"

Laird submitted the following prepared response for the record:

"A. *There is . . . a prohibition on the development, testing* or *deployment of ABM systems which are space-based.* . . . The U.S. side understands this prohibition not to apply to basic and advanced research and exploratory development of technology which could be associated with such systems, or their components. . . . *There are no restrictions on the development of lasers for fixed, land-based ABM systems.*"[63]

Later in the hearings, Senator Henry Jackson, another critic of the ABM Treaty, closely questioned General Bruce Palmer, Jr., Acting Chief of Staff of the Army, on the meaning of Article V's ban on "development" of space-based defensive systems. General Palmer made plain that the Joint Chiefs of Staff interpreted the Treaty to permit only development of "futuristic systems" that are fixed and land-based:

"A. [T]he facts are that when the negotiation started the only system actually under development in any meaningful sense, was a fixed, land-based system. . . . [T]his had to be confined to the fixed, land-based [ABM] system. The [Joint] Chiefs [of Staff] were consulted. . . . [The Joint Chiefs of Staff agreed to the] concept that does not prohibit the development in the fixed, land-based ABM system. *We can look at futuristic systems as long as they are fixed and land-based.* . . . The [Joint] Chiefs [of Staff] were aware of that and had agreed to that and that was a fundamental part of the final agreement."

"A. The obligation undertaken by Article V [not to develop a space-based ABM system] is applicable only to that stage of development which follows laboratory development and testing. . . . Exchanges with the Soviet delegation . . . made clear that this definition was also the Soviet interpretation of the term 'development'." [64]

Perhaps the most significant testimony was that of Dr. John S. Foster, Jr., Director, Defense Research and Engineering, Department of Defense. Senator Jackson expressed his view to Dr. Foster that the Treaty prohibited testing and development of exotic weaponry other than fixed, land-based systems. Dr. Foster responded that Article V prohibited all but laboratory testing of mobile system technology:

"Q. Article 5 says each party undertakes not to develop and test or deploy ABM systems or components which are . . . space based. . . .

A. Yes sir. . . .

Q. If it is . . . space based . . . *[i]f it is a fixed land-based ABM system, it is permitted; am I not correct?*

A. *That is right.* . . . You can develop and test up to the deployment phase of future ABM system components which are fixed and land based. . . . Article V prohibits the development and testing of ABM systems or components that are sea-based, air-based, space-based, or mobile land-based. *Constraints imposed by the phrase 'development and testing' [in Article V] would be applicable only to that portion of the 'advanced development stage' following laboratory testing, i.e.,* that stage which is verifiable by national means. Therefore, a prohibition on development—the Russian word is 'creation'—would begin only at the stage where laboratory testing ended on ABM components, on either a prototype or bread-board model." [65]

Following these hearings, and during the floor debate, then Senator James Buckley explained that he would cast his vote against the ratification of the Treaty, *inter alia,* because the Treaty prohibited "development and testing" of space-based laser weapons—precisely the technology that the Reagan Administration now proposes to develop and test:

"Thus the agreement goes so far as to prohibit the development, test or deployment of sea, air or space-based ballistic missile defense systems. *This clause, in Article V of the ABM treaty, would have the effect, for example, of prohibiting the development and testing of a laser type system based in space* which could at least in principle provide an extremely reliable and effective system of defense against ballistic missiles. This technological possibility has been formally excluded by this agreement." [66]

B. The Legal Adviser to the State Department Essentially Concedes that the Nixon Administration Witnesses Represented to the U.S. Senate that the Treaty Banned Development and Testing of Mobile Exotic Weapons

Not one witness or Senator interpreted the Treaty during the ratification proceedings to allow the development and testing of mobile exotic defensive systems. The Legal Adviser argues instead that, because statements by several Administration officials referred to the prohibition on deployment of future systems, but failed to identify restrictions on development and testing of such systems, or because they suggested that development of exotics was not prohibited but failed to limit their statement to fixed, land-based systems, the Senate ratification record, at the very least, is ambiguous. For example, the Legal Adviser cites the following exchange between Senator Aiken, a member of the Senate Foreign Relations Committee, and Ambassador Gerard Smith, the lead Salt I negotiator:

"Senator AIKEN. Is the ABM system getting obsolete? If the lasers can be used to knock out the SAM's, wouldn't they be effective against other types of missiles also?

Mr. SMITH. Senator Aiken, I think it is an entirely different problem with respect to the use of lasers to help guide offensive missiles and from their use to guide defensive missiles, but we have covered this concern of yours in this treaty by prohibiting the deployment of future type technology. Unless the treaty is amended, both sides can only deploy launchers and interceptors and radars. There are no inhibitions on modernizing this type of technology except that it cannot be deployed in mobile land-based or space-based or sea-based or air-based configurations. But the laser concern was considered and both sides have agreed that they will not deploy future type ABM technology unless the treaty is amended." [67]

The Legal Adviser contends that since Ambassador Smith "could easily have responded with a clear assertion of the narrow interpretation," his failure to do so suggests that the Administration did not have a "clear and uniform view" on the issue of whether the ABM Treaty prohibited development and testing of mobile exotic weapons.[68]

The Legal Adviser also argues that separate exchanges between Senator Smith and Senator Goldwater and Ambassador Smith "can be read strongly to imply" that development of space-based laser systems is not prohibited. He quotes the following:

[Ambassador SMITH.] Senator Smith [,] one of the agreed understandings says that if ABM technology is created based on different physical principles, an ABM system or component based on them can only be deployed if the treaty is amended.

Work is [sic] that direction, development work, research, is not prohibited, but deployment of systems using those new principles in substitution for radars, launchers or interceptors, would not be permitted unless both parties agree by amending the treaty.

Senator GOLDWATER. . . . One, under this agreement are we and the Soviets precluded from the development of the laser as an ABM?

Mr. SMITH. No, sir.[69]

The Legal Adviser's arguments are unpersuasive and do not afford a reasonable basis for concluding, in view of the representations made to the Senate by Administration witnesses regarding the Treaty's ban on development and testing of exotics, quoted above, that the ratification record is ambiguous with regard to Treaty prohibitions on such development and testing. In view of the fact that in 1972, the *only* American laser ABM research program of any significance was a *fixed land-based system,*[70] and in view of later statements, such as those of Senator Buckley, that the Treaty prohibited development and testing of space-based laser defensive systems, these statements by Ambassador Smith, for example, are *not* inconsistent with the traditional interpretation; the Treaty as even the Legal Adviser concedes, bans deployment of "future type technology" whether fixed, land-based or mobile-based defense systems and, as Senator Nunn points out, allows development of fixed land-based anti-ballistic missile lasers, such as the one laser research program undertaken by the United States. Rather, the failure of witnesses to articulate on a handful of occasions throughout lengthy proceedings that covered a multitude of issues the distinction between limitations on development and testing of mobile weapons and the permitted development and testing of fixed, land-based weapons is of little probative value.

Far more significantly, on those occasions where Senators asked precise questions regarding prohibitions on development of fixed versus mobile defensive systems, the answers provided by official spokesmen for the Administration that negotiated the Treaty were fully consistent with the traditional interpretation and, in fact, *excluded* the contention of the reinterpretation that development and testing of mobile systems is allowed by the Treaty. Indeed, the Legal Adviser in an apparent partial repudiation of his earlier position (*see* p. 10, *supra*), now does not dispute that authoritative statements were made to the Senate that the Treaty banned such development and testing. As the May 1987 report of the Legal Adviser concedes:

"During the course of the hearing before the Senate Armed Services Committee, however, the Administration provided answers in writing and orally that in varying degrees could be read to support the restrictive interpretation. The position taken, apparently on the basis of guidance circulated on June 16, 1972, was that the Parties could engage in development of fixed, ground-based lasers, for ABM purposes. This statement implied that development of any mobile OPP [other physical principles] device was prohibited, though that position was not expressed with clarity and directness. *Nevertheless, the answers, particularly those given by DOD [Department of Defense] and JCS [Joint Chiefs of Staff] officials, reasonably led the few Senators who focused clearly on this issue to conclude that the Treaty precludes the development and testing of space-based lasers.*" [71]

Further, the Legal Adviser acknowledges that the testimony before the Senate Armed Services Committee reflected well-considered government deliberations and that it was reasonable for the Senate to rely on the interpretation of the Treaty presented by the Administration's witnesses:

"The President should, however, give appropriate weight to any understandings reflected in the ratification record even though they may not be binding as a matter of law. *The record contains Executive representations to the Senate which support the restrictive interpretation, which were apparently cleared in the government by NSC staff and upon which Senators could justifiably have relied in granting advice and consent:* The legal issue is one which requires the President to consider all relevant factors in exercising his judgment." [72]

In sum, testimony to the Senate during the ABM Treaty ratification proceedings, supports the traditional interpretation of the Treaty that development and testing of space-based and other mobile-type exotic mobile defensive systems is prohibited.[73]

IV. SUBSEQUENT PRACTICE SUPPORTS THE TRADITIONAL INTERPRETATION

A. The Governing Principles of International Law

Under the international law the "subsequent practice" of the parties shall be considered in interpreting a Treaty.[74] Article 31(3) of the Vienna Convention on the Law of Treaties provides, in pertinent part:

There shall be taken into account, together with the context:

(a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;

(b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation; . . . Vienna Convention on the Law of Treaties, done, May 23, 1969, S. Exec. L. 92d Cong., 1st sess. (1971).[75]

The emphasis of the Vienna Convention is on conduct by the parties—subsequent agreements or practices in applying the Treaty—that reflect their understanding of the Treaty's terms. This type of "evidence" obviously has "a high probative value as to the intention of the parties [to a treaty] at the time of its conclusion." [76] At a lower level of probative value are unilateral official statements by the parties as to the interpretation of the Treaty, for example, by government agencies or ministries responsible for arms control or defense policy. Least probative, if not entirely irrelevant, are uncommunicated, unofficial statements or deliberations of a party.[77]

Judged by these standards, the probative "subsequent practice" cited by the Legal Adviser is consistent with the traditional interpretation and fails to support the reinterpretation. As summarized:

(i) The Legal Adviser cites no evidence that the United States or the Soviet Union—prior to the Reagan Administration's statement of the reinterpretation—developed or tested exotic mobile defensive systems; indeed, during the 1980s, including a period of two years following President Reagan's announcement of the SDI program, the United States stated that its development and testing activities for space-based defensive systems had been designed to be consistent with the traditional interpretation;

(ii) Official statements by agencies of the United States, both prior to and during the first two years following the SDI announcement, are consistent with the traditional interpretation; there is an insufficient record of official Soviet statements, prior to the SDI announcement, from which to infer that the Soviet Union's understanding of the Treaty's terms is inconsistent with the traditional interpretation, while unofficial Soviet statements, and official Soviet statements following the SDI announcement, generally support the traditional interpretation; and

(iii) Some internal deliberations of United States arms control and defense agencies support the traditional interpretation, while others are consistent with the reinterpretation however, as even the Legal Adviser acknowledges, "internal deliberations are entitled to little if any weight in ascertaining an agreed understanding." [78]

B. The Conduct of the Soviet Union and the United States Since the Entry Into Force of the ABM Treaty is Consistent with the Traditional Interpretation

1. United States Conduct

The conduct of the United States, during the past decade when it first acquired the capacity to develop and test future defensive systems, has been consistent with the traditional interpretation. As acknowledged by the Legal Adviser:

"During the 1980's, however, and particularly between 1983 and 1985, the U.S. explicitly explained tnat its development and testing activities have been designed to be consistent with the restrictive interpretation."

However, the Legal Adviser contends that the United States decision to limit development and testing activities ultimately "was based on an inadequate study of the negotiating history [of the ABM Treaty]." [79] In other words, the subsequent practice of the United States, while consistent with the traditional interpretation, was a "mistake." Suffice it to point out that, since the Legal Adviser's study of the negotiating history was, in fact, inadequate (see pp. 20–50, *Supra*), this circular argument is not a convincing reason for ignoring American compliance with the traditional interpretation.

2. Soviet Conduct

The Legal Adviser cites no evidence of Soviet conduct violating the traditional interpretation of the Treaty. To the contrary, Soviet behavior, insofar as it is known to the United States, has been consistent with the traditional interpretation.[80] However, the Legal Adviser argues that "[n]o convincing evidence exists . . . that the Soviet's have advanced to the development stage with ABM applications for . . . [certain future] technology," *i.e.*, the Soviet Union may be incapable of developing and testing exotic defensive technology, although the Legal Adviser concedes that "a confident judgment" on this point is "impossible." [81]

The Legal Adviser's dismissal of Soviet conduct is itself unconvincing; in effect, he contends that the advocates of the traditional interpretation are required to demonstrate, first, that the Soviet Union had the capacity between 1972 and 1985 to develop and test futuristic defensive systems and, second, that they refrained from doing so—an impossible burden of proof, as even the Legal Adviser acknowledges ("a confident judgment as to whether or not the Soviets have progressed to this stage is impossible"). Rather, since the Legal Adviser seeks to revise an understanding of the Treaty that has been commonly accepted for a decade and a half, it is *his* burden to prove Soviet conduct *inconsistent* with that interpretation—which he utterly fails to do.[82] At best, too little is known about Soviet capabilities and conduct to justify a departure from the traditional interpretation, particularly in light of the substantial evidence in the negotiating record that the Soviet Union agreed to prohibit development and testing of mobile exotic systems.

In sum, subsequent conduct by the United States and the Soviet Union fails to justify the reinterpretation. Rather, American conduct has been entirely consistent with the traditional interpretation, while known Soviet conduct is consistent with the traditional interpretation.

C. Official Statements by the United States Support the Traditional Interpretation; Soviet Official Statements Either Support the Traditional Interpretation or Lack Probative Value

1. Official United States Statements

The Legal Adviser concedes that public statements by the U.S. Arms Control and Disarmament Agency (ACDA) supported the traditional interpretation of the ABM Treaty. Specifically, the FY 1979 Directed Energy Arms Control Impact Statement (ACIS) explicitly stated the official U.S. position that "PBWs [post-boost weapons] used for BMD [Ballistic Missile Defense] which are fixed land-based could be developed and tested but not deployed without amendment of the ABM Treaty, and the development, testing, and deployment of such systems which are other than fixed land-based is prohibited by Article V of the Treaty." [83]

The Legal Adviser also acknowledges that the FY 1979 High Energy Laser ACIS and the FY 1980, FY 1981, and FY 1982 Directed Energy Program ACIS contained similar language. The State Department concurred in all similar language. The State Department concurred in all of these ACIS.[84] Indeed, during this period the Legal Adviser's Office interpreted the ABM Treaty in accordance with the traditional view.[85]

Further, there are numerous examples of official United States support for the traditional interpretation even *after* President Reagan's SDI speech on March 23, 1983, in which he declared that SDI was a scientific research program that would be consistent with U.S. obligations under the ABM Treaty, which at that time were viewed officially as the traditional interpretation. As the Legal Adviser acknowledges, "a variety of Executive Branch actions and statements that occurred after the SDI announcement supported the restrictive interpretation . . . either implicitly or explicitly." [86]

Among such examples, the FY 1986 ACIS (transmitted in February 1985) "continued implicitly but clearly to support the restrictive interpretation." [87] Similarly, the Defense Department's Strategic Defense Initiative Organization (SDIO) reported to Congress in March 1985 that the SDI program complied with the Treaty, which it described in terms of the traditional interpretation.[88]

2. Official Soviet Statements

There are few "official" Soviet "statements" on Treaty constraints on exotic defensive systems, prior to the announcement in March 1983 of the SDI program. One arguably "official" statement was a speech to the Supreme Soviet, reported by *Pravda* on September 30, 1972, by Defense Minister Grechko, which included the following:

"The treaty on limiting ABM systems provides for a quantitatively small development of ABM facilities by the USSR and the United States and prohibits the handover of these facilities to other states or the deployment of them outside the countries' national territories. At the same time it imposes no limitations on the performance of research and experimental work aimed at resolving the problem of defending the country against nuclear missile attack. Thus the treaty checks the further quantitative increasing of ABM facilities and blocks the development of competition between offensive and defensive nuclear missile weapons." [89]

This statement, by itself, is inadequate as evidence of Soviet understanding of the Treaty. "Research and experimental work" is, if anything, *more* consistent with the permitted "laboratory testing"—but not development and testing—of future mobile systems under the traditional interpretation; certainly, these brief remarks can not sustain a reasonable inference that Grechko viewed the Treaty as allowing development and testing of exotic defensive systems.

Following President Reagan's announcement of the SDI program, but *prior* to the promulgation in October 1985 of the reinterpretation, "public" Soviet statements endorsed the traditional interpretation of the Treaty's restriction on future defensive weapons. For example, on June 4, 1985, Marshall Sergei Akhromeyev, Chief of the Soviet General Staff and First Deputy Minister of Defense, authored an article on the ABM Treaty in *Pravda*, which stated in part as follows:

> "The provisions of the Treaty apply to any systems intended, as defined in Article II of the Treaty, to counter strategic ballistic missiles or their elements in flight trajectory. Since the ABM components being created within the framework of the "Strategic Defense Initiative" are intended for precisely this purpose, that is, they are designed to replace the interceptor missiles mentioned in the Treaty, all the provisions of the Treaty fully apply to them, above all the ban on the creation, testing, and deployment of space-based ABM systems or components."[90]

At a less public level, in May 1985 Lieutenant General Viktor Starodubov, then the Soviet Commissioner on the Standing Consultative Commission, stated to his American Counterpart, General Richard Ellis, that the Treaty prohibited testing in space of ballistic missile defensive systems or components based on other physical principles.[91]

In sum, we conclude that the Legal Adviser fails to identify any "official" statements by the United States or the Soviet Union that clearly articulated the premise of the reinterpretation. Rather, official statements of the United States Government endorsed the traditional interpretation of the Treaty. While the Soviet Government apparently does not publish official reports regarding the Treaty, published articles and statements by senior Soviet officials, prior to October 1985 when the Reagan Administration promulgated the reinterpretation, either are consistent with the traditional interpretation or lack sufficient probative value to be relevant to the debate over the Treaty.

D. Unofficial Statements of the Parties Do Not Justify the Reinterpretation

1. "Unofficial" United States Statements

At the outset of the report on subsequent practice, the Legal Adviser concedes that "[m]ost of the evidence examined in this study consists of statements, usually unconnected with any action having probative worth."[92] Many of these "statements" involve United States inter- and intra-agency debates, memoranda and directives. For example the Legal Adviser contends that a "strong divergence of views" within the Department of Defense over limitations on development and testing of exotics emerged during the formulation of the internal directive for compliance by the United States with the Treaty; earlier drafts reflected the premise of the reinterpretation while the final version was consistent with the traditional interpretation.[93]

The most probative "quasi-official" statements, however, support the traditional interpretation. In May 1985, Paul Nitze, a Treaty negotiator and still a U.S. government official, in a speech at John Hopkins School of Advanced International Studies, stated that the ABM Treaty prohibited development and testing of mobile ballistic missile defensive systems based on exotic technology. After October 1985, when the reinterpretation was announced, Nitze withdrew his earlier position.[94]

2. "Unofficial" Soviet Statements

Similarly, the one "unofficial" Soviet statement cited by the Legal Adviser and connected with an "action having probative worth" cannot be easily reconciled with the reinterpretation. During the Salt II negotiations, a discussion took place between Soviet and American negotiators over the definition of multiple, independently targetable re-entry vehicles (MIRVS) launched by ballistic missiles. The U.S. negotiator proposed a definition for an "Agreed Statement" that used the following introductory phrase: "Re-entry vehicles are currently understood to be independently targetable if. . . ."

The negotiator explained to his Soviet interlocutor that the phrase "currently understood to be" was intended to assure that the definition applied to new techniques or devices for achieving the same result as MIRVS and that "precedent" for the use of the word "currently" appeared in Article II of the ABM Treaty.

The Soviet negotiator, Victor Karpov, a member of the Soviet Salt I delegation, responded as follows:

> "With respect to the word 'currently,' it is translated into Russian as *v nastoyashcheye vremya.'* In support of the use of this term, the U.S. referred to the ABM Treaty. Such a comparison is not quite justified. The point is that the nature of the ABM Treaty and the new agreement are different. The ABM Treaty is of unlimited duration. The new treaty has a specific defined period of time for its duration. *Moreover, the approach in the ABM Treaty is based on a combination of two elements. The first element is in Article II,* which Karpov proceeded to read. At the same time, there was a Common Understanding between the sides, as follows: [quoting Agreed Statement D]. . . . *In the ABM Treaty, using 'currently' in Article II is quite justified because of the unlimited duration and the Common Understanding.* With the new agreement, the Soviets believe there is no need to use the word 'currently,' because the duration of the agreement is specifically circumscribed and there are elements in the second part of the Agreed Statement which make the reference redundant."[95]

Karpov's statement is consistent with the traditional interpretation of "currently" in Article II(1). His point was that in Article II of the Treaty, the word "currently" was both appropriate and necessary because the parties sought to regulate both current and future systems through a treaty of unlimited duration. By contrast, since the Salt II Treaty would only last five years, in Karpov's view, there was no similar necessity for a functional definition of MIRVS. The significance of this exchange is that Karpov was the lead Soviet negotiator for Article V during the negotiations of the Treaty, and that he was addressing in a comparable context in the Salt II negotiations the precise issue raised by the reinterpretation.[96]

By contrast, unofficial Soviet statements elsewhere cited by the Legal Adviser as supporting the reinterpretation lack the probative value of Karpov's observation and do not as directly address the issue of limitations on future systems. For example, at an October 1974 Soviet-American meeting to discuss a Soviet proposal to restrict new types of strategic offensive arms, Soviet Ambassador Semenov offered his opinion that the Soviet proposal was more specific than Agreed Statement D in the ABM Treaty. U.S. Ambassador Johnson, who had not been a member of the Salt I delegation, disagreed, and referred to the ABM Treaty provision "which in his recollection stated that systems based on new physical principles would be banned unless they were specifically permitted by additional agreement between the sides."

According to Johnson's memcon: "Semenov interrupted to say that he did not think that this was quite correct. It would be better to check the wording of the ABM Treaty and to analyze the proposal the Soviet side had submitted today."[97]

The Legal Adviser argues that Semenov's comment raises a "question whether Semenov concurred in Johnson's description of Agreed Statement D as banning all future systems," and provides an interference that the Soviet Union may have interpreted Agreed Statement D differently from the United States.[98]

There is no valid basis for the reference that the Legal Adviser draws from Semenov's comment. First, Semenov did not categorically reject Johnson's description of the ABM Treaty; rather, he cautiously suggested that both he and Johnson should re-examine the ABM Treaty, which they were apparently quoting from memory. The Legal Adviser's attempt to, in part, base the interpretation of a significant international treaty on an inference drawn from a negotiator's request to re-read the treaty before committing himself to an interpretation is, to say the least, questionable. Second, Johnson's description of the limitations on future defensive systems in the ABM Treaty, which distinguishes between basing modes, was, at best, cursory. He did not address the distinction between permitted development and testing of fixed, land-based systems and the prohibition of such activities regarding mobile systems. Therefore, Semenov's sensible suggestion that "it would be better" to check the wording of the ABM Treaty, before agreeing to Johnson's characterization, is probative of nothing more than the Soviet negotiator's desire to describe the Treaty's terms with precision. Third, the United States did not consider this remark worth pursuing further during the negotiations, and the issue was not raised by the United States at the ABM Treaty review conferences in 1977 and 1982.[99]

We conclude that conduct by the United States and numerous official statements by United States agencies responsible for arms control or the SDI program, including Arms Control Impact Statements and publications of the Strategic Defense Initiative Organization, justify the traditional interpretation. Soviet conduct either supports the traditional interpretation or is simply insufficiently known to be probative. With regard to unofficial, but "probative" Soviet statements, Karpov's remarks in March 1976 during the Salt II negotiations clearly support the traditional interpretation. Notably, the Legal Adviser does not mention other evidence of Soviet support for the traditional interpretation, such as Marshall Akhromeyev's *Pravda* article, or the Soviet statement in May 1985 in the Standing Consultative Commission, both of which supported the restrictive interpretation.[100]

In the final analysis, the Legal Adviser's "subsequent practice" argument rests on

the least authoritative source of evidence, internal United States agency memoranda and inter-agency papers. As stated by the Legal Adviser: the "body of substantial evidence that supports the broader interpretation has been essentially internal."[101] Yet, as the Legal Adviser also admits, "internal deliberations are entitled to little if any weight in ascertaining an agreed understanding."[102]

V. SUMMARY AND CONCLUSION

The traditional interpretation of the ABM Treaty is fully supported by the Treaty text, negotiating history, Senate ratification proceedings, and subsequent practice of the Soviet Union and the United States. The language of Article II(1), which defines the terms used in the Treaty ("[A]n ABM system is a system to counter strategic ballistic missiles or their elements to flight trajectory, currently consisting of . . .") refutes the reinterpretation. The plain and natural meaning of the phrase "currently consisting of" makes the following reference to "missiles," "launchers" and "radars" illustrative only, in recognition of the obvious fact that, since the Treaty did not have a time limit, "exotic" ABM systems might be developed.[103] During the Treaty negotiations, the United States proposed the insertion of the word "currently" as a way of drawing a connection between future systems and the three then-current components. As a Soviet negotiator later stated during the Salt II negotiations, "in the ABM Treaty, using 'currently' in Article II is quite justified because of the unlimited duration and the Common Understanding." *i.e.* Article II(1) encompassed future systems not just current ones.[104]

Article V(1), without any qualification, forbids each party to "develop, test or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based." Nothing in Article V(1) suggests that the Treaty permits development and testing of futuristic mobile systems. When read together with Article II(1)'s broad definition of an "ABM system" to include exotics, Article V clearly and convincingly bans development and testing of future mobile systems. Further, the negotiating record reflects a clear Soviet statement that the text of Article V applies to "any type of present or future components of ABM systems." Consistent with the Treaty text and the negotiations, the representative of the Joint Chiefs of Staff informed the United States Senate that Article V prohibited development and testing of futuristic systems:

> "We can look at futuristic systems as long as they are fixed and land-based . . . the [Joint] Chiefs [of Staff] were aware of that and had agreed to that and that was a fundamental part of the final agreement . . . the obligation undertaken by Article V [not to develop a space-based ABM system] is applicable only to that stage of development which follows laboratory development and testing."[105]

Article III and Agreed Statement D complete a coherent, uncontradictory Treaty framework that allows the development and testing (but not deployment) of fixed, land-based systems using exotic technology, while elsewhere banning the development and testing of exotic mobile ABM systems. The lead-in or "inducing" clause of Agreed Statement D ("In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty"), adapts the Article III limitations on deployment of fixed, land-based systems to future technologies; the failure of the inducing clause in Agreed Statement D to refer to Article V further emphasizes that the scope of the Agreed Statement is limited to fixed, land-based systems.

Further, from the very outset of the negotiations, as reflected in the Presidential instructions to the American negotiators, continuing through explicit exchanges with the Soviet delegation, to the testimony of representatives of the Nixon Administration during the Senate ratification proceedings, there was repeated and consistent emphasis on the distinction between permitted testing and development of exotic fixed, land-based systems and the prohibition of such activities for mobile systems. Indeed, the Soviet negotiators, as reported by an American memcon, sought to use Article III to "express the difference" over limits on fixed, land-based exotic weapons, and later proposed that an "agreed statement" serve that purpose. Subsequently, the Secretary of Defense informed the Senate that the original instructions to obtain a Treaty that distinguished between basing modes for the purpose of development and testing of exotic systems had been successfully carried out: "[t]here is . . . a prohibition on the development, testing or deployment of ABM systems which are space-based. . . . The U.S. side understands this prohibition not to apply to basic and advanced research and exploritory development of technology. . . . There are no restrictions on the development of lasers for fixed, land-based ABM systems."[106]

Finally, the traditional interpretation is far more consistent with the overriding purpose of the Treaty than the reinterpretation. As specified in Article I(2): "Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for a defense of an individual region except as provided for in Article III of this Treaty." The proposition—necessarily advanced by the reinterpretation—that the United States or the Soviet Union, notwithstanding the undertaking not to "deploy [nationwide] ABM systems" or "to provide a base" for a nationwide ABM defense, could complete, without violating the Treaty, all development and testing of a future ABM system needed for such deployment, is simply not credible. The undertaking not to deploy or provide a base for ABM systems—a commitment of unlimited duration—would be of little value if both sides felt unconstrained by the Treaty to complete *all* preparations for such a future technologies ballistic missile defense "base" short of its actual deployment. The plain language of Article I(2) is directly at odds with such a contradictory reading of the Treaty—yet this is precisely what the reinterpretation contends is allowed by a Treaty whose agreed upon, overriding objective is to avoid deployment of ABM systems for an unlimited period of time.

Our conclusion is that the Treaty text, negotiating record, Senate ratification proceedings and subsequent practice all support the traditional interpretation. By contrast, the reinterpretation is an unjustified "loophole" argument that, while identifying some ambiguities in the negotiating record, fails to make its case. In view of the support for the traditional interpretation in contemporaneous memoranda reflecting statements by Soviet negotiators, in the representations to the United States Senate by representatives of the Administration that negotiated the Treaty, in the statements by former U.S. Treaty negotiators, and in the official positions taken by the Nixon, Ford, Carter and Reagan Administrations, the burden of proof, to quote Senator Nunn, "is on those who would claim that this has all been an extraordinary mistake."[107]

In our view, that burden has not been met.

FOOTNOTES

[1] Statement dated March 9, 1987, *reprinted in* 133 Cong. Rec. S-3171, p. 3 (daily ed. Mar. 13, 1987).

[2] An earlier report of this Committee examined a range of arms control issues, including the relationship between strategic offensive weapons and defenses against ballistic missiles. *Achieving Effective Arms Control: Recommendations, Background and Analysis,* Committee on International Arms Control and Security Affairs of the Association of the Bar of the City of New York (November 1985).

[3] This Report uses the term "reinterpretation" (also referred to in quoted materials as the "broad" interpretation) to describe the Reagan Administration's position that the Treaty permits development and testing of SDI technology. The term "traditional interpretation" (also referred to in quoted materials as the "restrictive" or "narrow" interpretation) is used in this Report to refer to the view that the Treaty bars such activities.

[4] Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, May 26, 1972, 23 U.S.T. 3435, T.I.A.S. No. 7503. The text of the ABM Treaty and related agreements and statements is reprinted in the Appendix to this report.

[5] *See* Protocol on the Limitation of Anti-Ballistic Missile Systems, July 3, 1974, Art. 1, 27 U.S.T. 1645, 1648, T.I.A.S. No. 8276 (Background on the construction of ABM sites provided by Stanley R. Resor, former Secretary of the Army and a past chairman of this committee).

[6] Chayes & Chayes, *Testing and Development of "Exotic" Systems Under the ABM Treaty: The Great Reinterpretation Caper,* 99 Harv. L. Rev. 1956 n.1 (June 1986) (cited as "Testing and Development").

[7] Both sides in the debate appear to equate the phrase "are created" in Agreed Statement D with development and testing.

[8] *Treaty Interpretation Dispute: Hearing Before the Subcommittee on Arms Control, International Security and Science Subcommittee of the House Foreign Affairs Committee,* 99th Cong., 1st Sess. (Oct. 22, 1985) (Testimony of Abraham D. Sofaer, Legal Adviser, U.S. Department of State), (cited as "Sofaer Testimony").

[9] *Id.*, p. 14.

[10] *Id.*, p. 15. Agreed Statement D uses the phrase "other physical principles." In this Report, the phrases "future systems" and "exotics" or "exotic defensive systems" are interchangeable with the term "other physical principles."

[11] *Id.*, pp. 211-12 (Appendix 15).

[12] *Id.*, p. 16.

[13] *See* Interpretation of the ABM Treaty, Part Four: An Examination of Judge Sofaer's Analysis of the Negotiating Record (Sen. Sam Nunn) (May 19, 1987), p. 12, corrected copy dated June 4, 1987 (cited as "Nunn, May 19, 1987, p. ").

[14] The ABM Treaty, Part I: Treaty Language and Negotiating History, Office of the Legal Adviser, Department of State (May 11, 1987) p. 75 (cited as "Legal Adviser Report, May 11, 1987, p. ").

[15] *Id.*

[16] The ABM Treaty, Part III: Subsequent Practice, Office of the Legal Adviser, Department of State (September 9, 1987), p. 108 (cited as "Legal Adviser Report, September 9, 1987, p. ").

[17] *Testing and Development, supra,* p. 1958.

[18] 133 Cong. Rec. S-2967, p. 2 (daily ed. Mar. 11, 1987).

[19] 133 Cong. Rec. S-3090, pp. 1-3 (daily ed. Mar. 12, 1987).

[20] 133 Cong. Rec. S-3171, p. 2 (daily ed. Mar. 13, 1987).

[21] Nunn, May 19, 1987, p. 107. The Standing Consultative Commission was established by the United States and the Soviet Union in 1972 to provide an ongoing consultation process to facilitate implementation of the Salt I accords.

[22] *The ABM Treaty Interpretation Resolution,* Report of the Committee on Foreign Relations,

U.S. Senate, 100th Cong., 1st Sess. 24 (Sept. 22, 1987) (cited as "The ABM Treaty Interpretation Resolution"). In November, 1987, the Congress and the Reagan Administration reached an agreement under which the Administration will abide by the traditional interpretation for one year—*i.e.*, not to develop or test space-based or mobile-type SDI technology. N.Y. Times, p. 1 (Nov. 18, 1987). This agreement only defers the Treaty dispute; it does not resolve it. Similarly, the joint United States-Soviet statement issued at the conclusion of the recent summit between President Reagan and General Secretary Gorbachev stated with regard to the Treaty: "The leaders of the two countries also instructed their delegations in Geneva to work out an agreement that would commit the sides to observe the ABM Treaty, as signed in 1972, while conducting their research, development, and testing as required, which are permitted by the ABM Treaty and not to withdraw from the ABM Treaty, for a specified period of time."

N.Y. Times, p. 10 (Dec. 12, 1987). This formulation appears to defer the issue of the Treaty's interpretation regarding development and testing.

[23] Nunn, May 19, 1987 pp. 20-21 *See generally* Garthoff, Raymond L., *Policy vs. Law: The Reinterpretation of the ABM Treaty*, (Washington, D.C.: The Brookings Institution, September 1987) (cited as "Garthoff").

[24] Although subparagraph 2 of Article V does not expressly state that development, testing and deployment of ABM launchers is limited to fixed, land-based sites, in view of the references to "launching more than one ABM interceptor missile" and to "automatic or semi-automatic or other similar systems for rapid reload" this subprovision implicity has that effect.

[25] Nunn, May 19, p. 22. The concept of exotic anti-ballistic missile defensive systems had not been raised in the first four negotiating sessions, which commenced in November 1969.

[26] *Id.*, p. 25, quoting Legal Adviser's Report, A-438 (emphasis supplied).

[27] *Id.* (emphasis supplied). The written record of the Treaty negotiations consists principally of Memoranda of Conversations ("memcons") prepared by the United States negotiators to report on conversations between members of both delegations and on meetings of representatives for negotiation. According to Raymond L. Garthoff, an American Treaty negotiator:

"All formal records of meetings, papers presented or received and memcons were transmitted to the interested agencies in Washington by 'airgrams' (in fact, in typed form, in the diplomatic pouch) with 'A-000' identifying numbers. In all some 1,000 A-memoranda were filed in the SALT I negotiation from November 1969 through May 1972, in which the ABM Treaty and Interim Agreement were negotiated. Shorter versions of particularly important materials were sent by encrypted telegram over the Department of State communications network (with U.S. Del SALT 000 designations), and instructions from Washington were similarly sent by cable (State 000000 designations).

"It should be borne in mind that except for papers exchanged, there is no common or verbatim record of the negotiations. Each side took such notes and prepared such memoranda as it found useful. Memoranda were usually dictated or written as soon after a discussion as was practical, but they are not transcripts of exchanges (Garthoff, *supra* page 30)."

This section of the report necessarily is based only on available, declassified memcons and negotiating documents.

[28] Nunn, May 19, 1987, pp. 30-37. The American negotiators had been instructed not to specifically address the types of technology that would be precluded by the Treaty. Paragraph 5 of NSDM 127 stated:

"In presenting this position, the Delegation should not invite a detailed negotiation or discussion of future ABM systems. Our objective is to reach agreement on the broad principle that the agreement should not be interpreted in such a way that either side could circumvent its provisions through future ABM systems or components. We intend to handle any problems that may arise through the Joint Commission and the formal review procedures."

[29] Nunn, May 19, 1987, pp. 41-42 (emphasis supplied).

[30] *Id.*, p. 42.

[31] Legal Adviser Report, May 11, 1987, A-503, p. 1 (emphasis added). Indeed, the quotation marks—"any type of present or future components"—in the original memcon suggested that this was the most significant development of a meeting expressly called for the purpose of resolving the issue of whether the two sides could agree on a text that would ban development of "any type of present or future components" for mobile ABM systems.

[32] Nunn, May 19, 1987, p. 45. One final modification remained before the language of Article V emerged in its present form. The parties agreed to a rearrangement of its text—the phrase "or their components" was placed after a revised introductory phrase, "Each Party undertakes not to develop, test or deploy ABM systems," in order to make clear that the provision applied to components of all mobile systems, not just mobile land-based systems.

[33] *Id.*, p. 47 (emphasis supplied).

[34] *Id.*, p. 83 (emphasis supplied). The May 24 memorandum also stated: "For example, a 'killer' laser system or particle accelerator which substituted for one or more ABM components would be prohibited. In addition, a satellite sensor, using advanced technology such that it could observe the boost phase of ICBM trajectories and obtain sufficienly accurate data that would permit launching an ABM interceptor without relying on other ABM tracking sensors, would be considered a prohibited, future system based on devices which substituted for current ABM components."

Id.

[35] Legal Adviser Report, May 11, 1987, p. 76.

[36] Nunn, May 19, 1987, pp. 53-54.

[37] Legal Adviser Report, May 11, 1987, p. 38.

[38] *Id.*

[39] *Id.*, p. 41.

[40] *Id.*, p. 41, citing A-626, p. 2, A-633, p. 4 and A-644, p. 5.

[41] According to the Legal Adviser, "Grinevsky noted on December 9 that the Soviet difficulties with Article II were 'related to the differences contained in Article V.' . . ." *Id.* at 42.

[42] Nunn, May 19, 1987, p. 86.

[43] *Id.*, p. 87 (emphasis supplied).

[44] Legal Adviser Report, May 11, 1987, p. 44. Significantly, the December 21 memcon reveals that, by effectively accepting the American definition of an ABM system, the Soviet negotiators faced "a very delicate situation within the Soviet Delegation" in that "the expression 'currently consisting of' had been strongly objected to by some members of the Soviet Delegation." Nunn, May 19, 1987, p. 87. This revealing comment, which apparently came from the Soviet negotiators, further supports the view that Article II, as adopted, reflected a functional definition of an ABM system which *included* exotic defensive systems, or their components; otherwise, the apparent *split* in the Soviet Delegation—presumably, there were holdouts who still hoped to limit the Treaty to present technology notwithstanding their concession on Article V—would make no sense in view of the initial Soviet resistance to the American proposal to limit future weapons systems.

[45] Nunn, May 19, 1987, p. 94.

[46] "Strategic Defense Initiative," *Hearings Before the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services*, U.S. Senate, 99th Cong. 1st Sess. 179 (Nov. 21, 1985).

[47] Nunn, May 19, 1987, p. 107. As will be recalled, the reference to Article V is to the initial American draft Article VI (1), which dealt with fixed, land-based systems and later was denominated in revised form as Article V(3), and then Agreed Statement D.

[48] *Id.*

[49] Legal Adviser's Report, May 11, 1987, A-743 (emphasis supplied). The reference to Article III in the draft Agreed Statement D apparently was to the proposed text, whose final language was not yet agreed to by the Soviet Union and the United States.

[50] *Id.*, p. 69.

[51] Nunn, May 19, 1987, p. 96.

[52] Legal Adviser Report, May 11, 1987, A-763 (emphasis supplied).

[53] *Id.*, p. 69.

[54] Nunn, May 19, 1987, p. 97 (emphasis supplied).

[55] *Id.*, p. 100.

[56] Legal Adviser Report, May 11, 1987, p. 53 (emphasis supplied).

[57] *Id.*, p. 57.

[58] *Id.*, A-613; Nunn, May 19, 1987, p. 68.

[59] *See* Rhinelander and Rubin, "Mission Accomplished. An Insider's Account Of The Negotiating Record," *Arms Control Today*, Volume 17, No. 7 (September 1987), p. 13 (cited as "Rhinelander and Rubin").

[60] The Legal Adviser is not consistent in his concern for Treaty redundancies. He correctly notes that the Article III limitations on *all* deployments except those at "launch sites" can be read as "allowing deployment only of fixed land-based systems." Legal Adviser Report, May 11, 1987, p. 9, n. 2. Yet he acknowledges without concern that this renders the Article V ban on the other deployment modes redundant, although he attributes this as a problem of only the traditional interpretation, which it clearly is not. It is equally redundant under the new interpretation which bans deploying "currently" existing components in space both in Article III (implicitly by omitting them from permitted deployments) and in Article V (explicitly).

Moreover, there is a respectable view that Agreed Statement D provided additional measures not present in Article III. As stated recently by John B. Rhinelander: "[B]y clarifying the future technologies would become subject to discussion and agreement in the [Standing Consultative Commission] only when they were 'capable of substituting for' existing components, Agreed Statement D not only prevented circumvention of the specific limitations on deployment in Article III, it also allowed for the use of new technologies as 'adjuncts,' an outcome sought by both sides."

Rhinelander and Rubin, p. 13. Agreed Statement D also modified Article XIII by adding to the list of issues that "will" be discussed within the Standing Consultative Commission limitations on fixed land-based systems "based on other physical principles" that are "created" by the parties.

[61] Testimony of Professor Louis Henkin, *The ABM Treaty and the Constitution: Senate Hearings 100-110, Before the Committee on Foreign Relations and the Committee on the Judiciary*, U.S. Senate, 100th Cong., 1st Sess. 81 (March 11, 1987) (statement of Professor Louis Henkin). Professor Henkin observed that these principles "have not been disputed in the past and are not controversial today."

[62] *Id.*, p. 82.

[63] *Military Implications of the Treaty on The Limitations of Anti-Ballistic Missile System and The Interim Agreement on Limitations of Strategic Offensive Arms: Hearings Before The Senate Committee on Armed Services*, 92d Cong., 2d Sess. 40-41 (June 6, 1972) (hereafter "Armed Services Hearings") (emphasis supplied).

[64] Armed Services Hearings, pp. 443-44 (emphasis supplied in part). The second paragraph quoted above was subsequently inserted in the record by the Department of Defense as a supplement to General Palmer's testimony.

[65] Armed Services Hearings, p. 275 (emphasis supplied). Similarly, Dr. Foster's statement beginning with the phrase "Article V prohibits . . ." was subsequently inserted in the record as a supplement to his testimony.

[66] 118 Cong. Rec. 26703 (Aug. 3, 1972).

[67] Legal Adviser Report, May 11, 1987, p. 13 ("The ABM Treaty, Part 2: Ratification process").

[68] *Id.*, pp. 13, 28.

[69] *Id.*, pp. 17-18; *see* Armed Services Hearings at 306.

[70] 133 Cong. Rec. S-3171, p. 10 (daily ed. March 13, 1987) (Sen. Nunn). The Legal Adviser also fails to point out that immediately following Ambassador Smith's response to Senator Goldwater's question about development of lasers, the following exchange took place between Senator Goldwater and Ambassador Smith:

Senator GOLDWATER. Well, now, there is a point of confusion, because I have been told that we are precluded from the development of the laser. *I have read that the orders have come down from the Secretary of Defense to stop the development of the lasers for ABM purposes.* . . . Yesterday Senator Proxmire made a statement that under this agreement the SAM-D [surface-to-air], which is an Army anti-aircraft missile, would be precluded from being tested; is that correct?

Mr. SMITH. No, sir. (Emphasis supplied.) The "orders" from the Secretary of Defense necessarily referred to the one existing land-based ABM laser program, strongly suggesting that Senator Goldwater's question only concerned fixed, land-based lasers. Further, the reference to a *land-based* anti-aircraft missile in the same context as the discussion of lasers also suggests that the lasers referred to by Senator Goldwater were in the fixed, land-based mode.

[71] Legal Adviser Report, May 11, 1987 ("The ABM Treaty, Part II"), p. 28 (emphasis supplied).

[72] *Id.*, p. 4 (emphasis supplied).

[73] In an April 1987 memorandum to the Legal Adviser, the Department of Justice's Office of Legal Counsel, in analyzing the implications for the ABM Treaty of the debate over the reinterpretation, concluded that "the deliberative record that is created when the Senate advises and consents to a treaty cannot be ignored in the interpretive process." The memorandum went on to state: "Obviously, a President could not negotiate a treaty with other nations on the basis of one understanding of the Treaty's import, submit the treaty to the Senate on a wholly-different understanding, and then, in implementing the treaty, rely solely on the understanding he had reached with the other parties."

The ABM Treaty Interpretation Resolution, supra, p. 61.

Notwithstanding the analysis by the Department of Justice of the implications of the testimony of administrative branch witnesses to the Senate during the ABM Treaty ratification hearings, advocates of the reinterpretation essentially urge that, although the treaty was submitted to the Senate on the basis of "one understanding" of its limitations on development and testing of exotic weapons, in implementing the treaty the President was entitled to rely on a different understanding that he claimed his predecessor had reached with the Soviet Union.

[74] This section of the Report necessarily responds only to the unclassified third part of the State Department's study.

[75] Section 325 of the *Restatement of the Foreign Relations Law of the United States (Revised)* codifies general principles governing the interpretation of international treaties that correspond to those set forth in the Vienna Convention. This section provides, in pertinent part: "Any . . . subsequent practice between the parties in the application of the agreement is to be taken into account in interpreting the agreement."

Restatement of the Foreign Relations Law of the United States (Revised) Section 325 (Tentative Final Draft 1985).

[76] McNair, *The Law of Treaties*, 424 (1961).

[77] Legal Adviser Report, September 9, 1987, p. 105.

[78] *Id.*, p. 9. Subsequent practice covers the period from the entering into force of the Treaty to the inception of the dispute over its terms. In this case, the Treaty entered into force on October 3, 1972. The re-interpretation was first expressed by United States Government officials in October 1985. *The ABM Treaty Interpretation Resolution, supra*, p. 20.

[79] Legal Adviser Report, September 9, 1987, p. 108.

[80] *See* The President's Unclassified Report On Soviet Non-compliance With Arms Control Agreements (March 10, 1987), cited in Nunn, The ABM Reinterpretation Issue, 10 Washington Quarterly 45, 49 (1987).

[81] Legal Adviser Report, September 9, 1987, p. 100.

[82] The Legal Adviser contends that "the Soviets" insisted on "several occasions during [1974-1978] that the definition of ABM system in Article II(1) was intended to include only conventional ABM systems." *Id.*, p. 21. The Legal Adviser then summarizes the "discussions" in which this purported Soviet insistence arose, but at no time does he identify the forum in which these discussions took place, the identity of the negotiators, the author and nature of the documents memorializing these discussions, or provide anything other than brief, fragmented quotations from unidentified documents. In the absence of supporting documents, more details of these discussions, or of the identity of the Soviet and American negotiators, it is impossible to assess the probative value of this alleged event; indeed, in his cursory description, the Legal Adviser suggests the alleged Soviet position "is limited by the fact that the Treaty articles in question during the discussions were written to restrain only the conventional three types of components." *Id.*

[83] *Id.*, p. 55.

[84] *Id.*, and p. 60.

[85] *Id.*, pp. 55-57. In May 1983, Davis Robinson, the then-State Department Legal Adviser, sent a memo to the Deputy Secretary of State supporting the traditional interpretation. *Id.*, p. 75. An October 1983 interagency study examining the policy and strategic implications of a move toward greater reliance on ballistic missile defense also explicitly espoused the traditional interpretation. *Id.*, p. 76.

[86] *Id.*, p. 74.

[87] *Id.*; p. 79.

[88] *Id.*

[89] *Id.*, pp. 14-15. The Legal Adviser cites the speech to support his position even though, technically, it occurred prior to the entry in force of the Treaty.

[90] "The ABM Treaty—An Obstacle in the Path of the Strategic Arms Race," *Pravda*, June 4, 1985, reprinted in part, in *Arms Control Today*, Vol. 17, No. 7 (September 1979), pp. 17-18. To the extent Marshall Akhromeyev's statement suggests the Treaty banned "creation" in the sense of laboratory testing of space-based ABM systems, it is inaccurate.

[91] *Id.*; Nunn, *The ABM Reinterpretation Issue*, 10 Washington Quarterly 45, 49 (1987).

[92] Legal Adviser Report, September 9, 1987, p. 2.

[93] *Id.*, pp. 17, 20.

[94] The ABM Treaty Interpretation Resolution, *supra* at 25. With the exception of Paul Nitze, all of the United States Salt I negotiations emphatically support the traditional interpretation and maintain that the Soviet Union agreed to it during the Treaty negotiations. In 1974, for example, John B. Rhinelander wrote that: "The overall effect of the Treaty, therefore, is to prohibit any deployment of future systems and to limit their development and testing to those in a fixed-land based mode."

John B. Rhinelander, "The SALT I Agreements" in Mason Willrich and John B. Rhinelander, *SALT: The Moscow Agreements and Beyond* 128 (New York: The Free Press, 1974).

[95] Legal Adviser Report, September 9, 1987, p. 26 (emphasis supplied but brackets in the original).

[96] The Legal Adviser contends that Karpov's reference to Agreed Statement D suggests that the Soviet understanding of the Treaty was consistent with the reinterpretation. Had Karpov referred *only* to Agreed Statement D, the Legal Adviser's argument might have merit. But, in the context of the discussion of future technology, Karpov's reference to the word "currently" as, at least in part, imposing constraints on future systems, squarely repudiates the central thesis of the reinterpretation that "currently" has *no* relationship to future systems.

[97] *Id.*, p. 34. The Legal Adviser quotes four other internal U.S. memoranda that refer to this exchange. *Id.*, pp. 36, 39, 40-41.

[98] *Id.*, p. 35.

[99] Article XIV of the Treaty provides that, five years after the entry into force of the Treaty and at five-year intervals, "the Parties shall together conduct a review of this Treaty." Documents reflecting the planning for the 1982 ABM Treaty Review Conference "included no proposed discussion of the Treaty's applications to development and testing of mobile OPP devices. ACDA's planning papers included an analysis, however, that reflected the restrictive interpretation." *Id.*, p. 66.

[100] *See*, pp. 71-72, *supra*.

[101] Legal Adviser Report, September 9, 1987, p. 13.

[102] *Id.*, p. 9. At most, these "internal" memoranda only indicated some uncertainty that the Soviet Union *might* have adopted the broad interpretation. Tellingly, over the course of more than a decade, this uncertainty never rose to a level where the United States felt it necessary to approach the Soviet Union to clarify its position.

[103] The listing of ther "current" components serves an obvious purpose. Article VIII of the Treaty requires the parties to destroy or dismantle *existing* components not allowed under Artice III. By listing the "currently" existing "components" the Treaty defined the obligations under Article VIII with precision. In this regard, the Legal Adviser argues that the re-interpetation is supported by the fact that many Treaty provisions refer to 1972-type components. However, in order to fulfill the purposes of the Treaty, listing and defining *current* ABM components would seem to be unavoidable. In addition to 'Article VIII, the Treaty imposes very specific obligations regarding "currently existing" components. Some "ABM radars" would be permitted, while some "ABM launchers" were to be destroyed and therefore, these existing components needed to be defined.

[104] Legal Adviser Report, September 9, 1947, p. 26.

[105] *See* p. 54, *supra*.

[106] *See* p. 53, *supra*.

[107] Nunn, May 19, 1987, pp. 115-116. With regard to arguments supporting the re-interpretation, not specifically addressed in this Report, we rely on Senator Nunn's thorough analysis of the issues in the debate over the interpretation of the Treaty.

[Appendix]

Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Proceeding from the premise that nuclear war would have devastating consequences for all mankind,

Considering that effective measures to limit anti-ballistic missile systems would be a substantial factor in curbing the race in strategic offensive arms and would lead to a decrease in the risk of outbreak of war involving nuclear weapons,

Proceeding from the premise that the limitation of anti-ballistic missile systems, as well as certain agreed measures with respect to the limitation of strategic offensive arms, would contribute to the creation of more favorable conditions for further negotiations on limiting strategic arms,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament,

Desiring to contribute to the relaxation of international tension and the strengthening of trust between States,

Have agreed as follows:

Article I

1. Each Party undertakes to limit anti-ballistic missile (ABM) systems and to adopt other measures in accordance with the provisions of this Treaty.

2. Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this Treaty.

Article II

1. For the purpose of this Treaty and ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:

(a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles; and

(c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

2. The ABM system components listed in paragraph 1 of this Article include those which are:

(a) operational;

(b) under construction;

(c) undergoing testing;

(d) undergoing overhaul, repair or conversion; or

(e) mothballed.

Article III

Each Party undertakes not to deploy ABM systems or their components except that:

(a) within one ABM system deployment area having a radius of one hundred and fifty kilometers and centered on the Party's national capital, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, and (2) ABM radars within no more than six ABM radar complexes, the area of each complex being circular and have a diameter of no more than three kilometers; and

(b) within one ABM system deployment area having a radius of one hundred and fifty kilometers and containing ICBM silo launchers, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, (2) two large phased-array ABM radars comparable in potential to corresponding ABM radars operational or under construction on the date of signature of the Treaty in an ABM system deployment area containing ICBM silo launchers, and (3) no more than eighteen ABM radars each having a potential less than the potential of the smaller of the above-mentioned two large phased-arrary ABM radars.

Article IV

The limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges. Each Party may have no more than a total of fifteen ABM launchers at test ranges.

Article V

1. Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.

2. Each Party undertakes not to develop, test, or deploy ABM launchers for launching more than one ABM interceptor missile at a time for each launcher, not to modify deployed launchers to provide them with such a capability, not to develop, test, or deploy automatic or semi-automatic or other similar systems for rapid reload of ABM launchers.

Article VI

To enhance assurance of the effectiveness of the limitations on ABM systems and their components provided by this Treaty, each Party undertakes:

(a) not to give missiles, launchers, or radars, other than ABM interceptor missiles, ABM launchers, or ABM radars, capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode; and

(b) not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward.

Article VII

Subject to the provisions of this Treaty, modernization and replacement of ABM systems or their components may be carried out.

Article VIII

ABM systems or their components in excess of the numbers or outside the areas specified in this Treaty, as well as ABM systems or their components prohibited by this Treaty, shall be destroyed or dismantled under agreed procedures within the shortest possible agreed period of time.

Article XI

To assure the viability and effectiveness of this Treaty, each Party undertakes not to transfer to other States, and not to deploy outside its national territory, ABM systems or their components limited by this Treaty.

Article X

Each Party undertakes not to assume any international obligations which would conflict with this Treaty.

Article XI

The Parties undertake to continue active negotiations for limitations on strategic offensive arms.

Article XII

1. For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.

3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of the Treaty. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

Article XIII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall establish promptly a Standing Consultative Commission, within the framework of which they will:

(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

(b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

(c) consider questions involving unintended interference with national technical means of verification;

(d) consider possible changes in the strategic situation which have a bearing on the provisions of the Treaty;

(e) agree upon procedures and dates for destruction or dismantling of ABM systems or their oponents in cases provided for by the provisions of this Treaty:

(f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty, including proposals for amendments in accordance with the provisions of this Treaty;

(g) consider, as appropriate, proposals for further measures aimed at limiting strategic arms.

2. The Parties through consultation shall establish, and may amend as appropriate, Regulations for the Standing Consultative Commission governing procedures, composition and other relevant matters.

Article XIV

1. Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing the entry ito force of this Treaty.

2. Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty.

Article XV

1. This Treaty shall be of unlimited duration.

2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

Article XVI

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. The Treaty shall enter into force on the day of the exchange of instruments of ratification.

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Moscow on May 26, 1972, in two copies, each in the English and Russian languages, both texts being equally authentic.

For the United States of America, Richard Nixon, President of the United States of America;

For the Union of Soviet Socialist Republics, L.I. Brezhnev, General Secretary of the Central Committee of the CPSU.

Signed at Moscow May 26, 1972.

Ratification advised by U.S. Senate August 3, 1972.

Ratified by U.S. President September 30, 1972.

Proclaimed by U.S. President October 3, 1972.

Instruments of ratification exchanged October 3, 1972.

Entered into force October 3, 1972.

Agreed Statements

The texts of the statements set out below were agreed upon and initialed by the heads of the Delegations on May 26, 1972 [letter designations added]:

[A]

The Parties understand that, in addition to the ABM radars which may be deployed in accordance with subparagraph (a) of Article III of the Treaty, those non-phased-array ABM radars operational on the date of signature of the Treaty within the ABM system deployment area for defense of the national capital may be retained.

[B]

The Parties understand that the potential (the product of mean emitted power in watts and antenna area in square meters) of the smaller of the two large phased-array ABM radars referred to in subparagraph (b) of Article III of the Treaty is considered for purposes of the Treaty to be three million.

[C]

The Parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers.●

LITHUANIAN INDEPENDENCE DAY

● Ms. **MIKULSKI.** Mr. President, February 16, 1988, marks the 70th anniversary of Lithuania's Declaration of Independence.

Lithuania became a sovereign nation in 1918. For the next 21 years Lithuania flourished with independence and economic growth. In 1939, the Molotov-Ribbentrop Pact paved the way for Soviet troops to enter the country. The troops have not yet left.

The people of Lithuania never asked to be part of the Soviet Union. They were illegally and forcefully annexed by the U.S.S.R. The people of Lithuania and their relatives throughout the world, many of whom live in Maryland, have resisted Soviet domination for almost 50 years.

I commend the Lithuanian people for their peaceful resistance to Soviet rule. We should not rest in our effort to bring the cause of Baltic self-determination to the world's attention.

I am committed to bringing freedom and independence to Lithuania. We safeguard freedom in the United States when we demand freedom in other lands. When we reach out to the people of Lithuania, we reach back to our principles of liberty, democracy, and self-determination. When we pledge that we will never forget, we pledge that one day, freedom will come to Lithuania.

To those who gather in Vilnius and Kaunas on February 16 to mark the 70th anniversary of Lithuania's Declaration of Indepencence, I say Dieve palaimink Lietuva [God bless Lithuania].●

COMPETITIVENESS AND CAMPAIGN '88

● Mr. **BINGAMAN.** Mr. President, last week the Council on Competitiveness, an organization of leading executives from business, labor and higher education, released its report, "Competitiveness and Campaign '88," outlining the views of 13 Presidential candidates on our Nation's competitiveness challenge. The council is to be commended for this important work. As this election year progresses, we must keep our attention focused on the principal problems confronting our economy. As David Broder pointed out in a recent column in the Washington Post, competitiveness is the issue of the 1988 election. The council's report, while maintaining strict neutrality, provides an excellent guide to this issue. I hope the council will continue to keep the issue of competitiveness before the American electorate. I ask that the overview of the council's report and Mr. Broader's article be included in the RECORD.

The articles follow:

COUNCIL ON COMPETITIVENESS—COMPETITIVENESS AND CAMPAIGN '88

America has a competitiveness problem. That is the one major point upon which all the 1988 Presidential candidates agree. Yet, none of the six Democrats and six Republicans surveyed define this crisis as a single issue. Without exception, they view it as a series of interrelated concerns—each one sufficiently important and complex as to require unprecedented attention by itself. More importantly, the majority of the candidates have specific ideas and proposals for addressing the components of the problem.

If no common definition of competitiveness was revealed, a number of common themes did emerge. They include:

The macroeconomic and structural nature of the nation's critical challenges.

The need to reduce the federal budget deficit.

The primacy of human resource development.

The importance of finding ways to improve the export performance of American industry.

The twin notions of accountability and productivity—in both business and education.

The need for expanding the federal government's role in certain areas.

Through their statements most candidates acknowledge that many of the nation's most pressing challenges are macroeconomic and structural in nature. This permits a threading together of many issues: fiscal policy, exchange rates, budget deficits, education and retraining, science and technology, and labor-management relations, among others. Time and again, when asked to concentrate on a single issue—trade, for instance—candidates offered a wide range of responses stressing the relationships between savings and investment, technological innovation and human resource development and trade.

To the extent that a single issue dominates the candidates' responses, it is the need to resolve the federal budget deficit. Discussion of this overriding concern consistently appears throughout the report. Several of the candidates cited budget-deficit reductions as their top priority.

If reducing the federal budget deficit is the priority most frequently mentioned, improving the education of American students and expanding the training of American workers is a close second. Concerns are expressed in a variety of ways—from fear over the affordability and accessibility of higher education, to finding new ways to upgrade worker skills, and repeated calls for new levels of basic literacy.

The relationship between accountability and productivity appears repeatedly in a number of contexts—most pointedly in the discussion of the K-12 education system. Teachers and students must be held more accountable for their performances, according to the candidates. But they also stress the concomitant responsibility of business executives to train workers, improve product quality and seize export opportunities.

In the section on international trade, the candidates seem to be saying that the best way to improve competitiveness is to go out and compete. In general, they focus less on unfair trade practices by foreign competitors and more on the means to boost American export capability. For example, when asked how to address competition from low-wage countries, a number of the candidates took the opportunity to discuss productivity-related issues, such as research and development and education.

Finally, the report underscores broad bipartisan agreement that the federal role should be expanded in certain areas. In particular, candidates from both parties want increased federal support—direct and indirect—for America's science and technology efforts. They tend to stress initiatives that will expedite and improve the commercialization of American ideas. Further, most of the candidates favor more federal involvement in training and retraining the nation's work force.

A closer look at this report's findings follows:

CAPITAL FORMATION

Federal Budget Deficit

All candidates support reducing the federal budget deficit and most believe such reductions are critical—both to promote private savings and investment and to reduce the trade deficit. They disagree somewhat, however, on the relative importance of deficit reduction. And their views differ considerably on the means by which to reduce the deficit.

On spending: Eleven of the twelve candidates favor spending reductions. The twelfth, Kemp, advocates "putting a lid" on federal spending. In terms of specifics, two Democrats (Gephardt and Jackson) would concentrate on defense cuts, while a third (Simon) would either freeze or cut defense spending. Gephardt specifies a plan to restructure agricultural support programs, while Du Pont would eliminate farm subsidies altogther. Babbitt proposes a "universal needs test" for all federal spending and $20 billion in specific cuts in FY 1988.

Four Republicans (Bush, Dole, Du Pont and Kemp) support a line-item veto for the President.

Two Democrats (Gore and Simon) and three Republicans (Bush, Dole and Du Pont) support a balanced-budget amendment. Republican Haig volunteered that he opposes a balanced-budget amendment.

Two Republicans (Dole and Kemp) say they would not change the Social Security system.

On revenues: Only Babbitt favors a consumption tax to raise new revenues, and then only if it is progressive and the revenues are used to reduce the deficit. Gephardt supports an oil-import fee. Jackson supports taxes on the "wealthy" and corporations. Dukakis believes that the IRS should collect as much as possible of $110 billion in uncollected taxes through tougher IRS enforcement.

Six candidates would not support new taxes (Democrat Gore and Republicans Bush, Dole, Du Pont, Kemp and Robertson). Four of them (Bush, Du Pont, Kemp and Robertson) strongly oppose new taxes, arguing that they would undermine competitiveness. Dole says he might favor user fees.

Private savings and investment

The majority of candidates favor reducing the federal budget deficit as a principal mechanism for increasing domestic private savings. Other specific ideas include:

A consumption tax to shift economic incentives from consumption toward savings (Babbitt). Dole would consider replacing income taxes with a consumption tax to reduce overall rates—as long as the change is not regressive.

Tax incentives for workers to take part of their compensation in employee stock (Babbitt).

Various changes in public and/or private pension plans (Democrats Babbitt, Gephardt, Jackson and Simon and Republican Du Pont).

Changes in the treatment of capital gains (Democrat Simon and Republicans Bush, Kemp and Robertson).

Reviewing limitations on Individual Retirement Accounts (Republicans Dole and Robertson).

Reducing high tax rates and/or eliminating double taxation (Republicans Kemp and Robertson.)

Controlling insider trading and short-term financial speculation (Dukakis). Supplementing the Social Security System with a

Financial Security Plan to promote private savings (Du Pont).

HUMAN RESOURCES

K-12 educational system

Restoring excellence to the K-12 educational system is a priority for most of the candidates. A common theme is the need for increased accountability—as indicated by widespread support for more performance testing of teachers, students and administrators. Several candidates also support "carrot-and-stick" approaches, with financial rewards for improved performance. Among the specific proposals advanced:

Two Democrats (Gephardt and Simon) and two Republicans (Bush and Haig) support national testing of teachers. Three candidates (Democrat Gore and Republicans Dole and Robertson) favor state testing.

Three Democrats (Babbitt, Dukakis and Gore) and three Republicans (Bush, Dole and Robertson) favor state testing of student performance.

Beyond testing, several other incentives for improved performance were offered.

Among the ideas: education bonus grants to states that boost student performance and reduce drop-out rates (Gephardt); higher pay and greater autonomy for teachers in return for more accountability (Gore); and merit-based teacher pay (Bush, Kemp and Robertson).

Five candidates support increased federal funding for education programs (Democrats Babbitt, Gore, Jackson and Simon and Republican Bush). Five candidates support more funding for pre-school programs, particularly for the disadvantaged (Democrats Babbitt, Dukakis, Jackson and Simon and Republican Bush).

Two Republicans (Du Pont and Robertson) propose educational vouchers to give parents more flexibility in choosing schools, while a third (Kemp) proposes tuition tax credits for the same purpose.

Three Republicans advocate a "back-to-basics" approach to teaching (Dole, Haig and Robertson).

A variety of other ideas were proposed. Among them: a federal-state child-care voucher system to help working parents (Babbitt); special schools for students skilled in math and science (Bush); increased use of "magnet" schools (Kemp); federal incentives to help train teachers in new classroom technologies (Dole); home schooling as an alternative to "academic mediocrity" in schools (Robertson); and a $250-million national teaching excellence fund (Dukakis).

Student loans for post-secondary education

Most of the candidates believe that rising tuition costs threaten the continued availability of college education for all those who are qualified. To address this problem, the following ideas were advanced:

Two Democrats (Gephardt and Gore) and two Republicans (Bush and Dole) favor creating IRA-type savings accounts to help parents save for their children's college education. Bush also favors creating a College Savings Bond. Robertson supports long-term investment vehicles to promote private savings for education. Five Democrats (Dukakis, Gephardt, Gore, Jackson and Simon) and two Republicans (Bush and Robertson) favor increased support for low-income students through one or more of the following: grants, loans and work-study programs.

Among other ideas offered, Babbitt would provide unlimited government loans to all students. Bush and Babbitt would link debt repayments to post-graduation earnings, while Babbitt would forgive debts for graduates who teach for at least five years. Du Pont would create a National School Training Bank to supply government-guaranteed financing to individuals at market rates. Haig supports a proposal for a higher education "revolving fund." Dukakis proposes an "education insurance fund."

Training and retraining for American workers

There is widespread support for creating additional tax incentives for training and retraining, as well as for making training programs more readily available to new workers.

Three Democrats (Babbitt, Jackson and Simon) and three Republicans (Dole, Kemp and Robertson) support increased corporate and individual tax incentives for worker training and retraining efforts. Babbitt is the most specific, proposing an "individual training entitlement" similar to an IRA, to help workers save for their training needs.

Several ideas were offered to expand the availability of training. Democrats Gore and Gephardt call for expanding the Job Training Partnership Act. Dole proposes revising the trade adjustment assistance law to focus on training and retraining. Gore points to his co-sponsorship of the bill that requires advance notification of plant closings, which he says is critical for implementing an effective retraining program. Dukakis supports increased federal funding for dislocated workers.

In terms of sharing responsibility for training, two Republicans (Kemp and Robertson) advocate a greater role for the states. Democrats Gephardt and Simon advance several specific proposals for increasing business involvement in training and retraining efforts.

Among other ideas offered, Du Pont would create a National School Training Bank to provide government-guaranteed loans to workers at market rates. Gephardt favors a series of steps to make the Unemployment Insurance system more effective. And Dukakis supports measures to combat functional illiteracy.

INTERNATIONAL TRADE

Candidates generally agree that America's trade problems have been at least partially caused by domestic policies that have driven up the dollar's value and undermined productivity. A number of candidates, for instance, used the international trade section to address issues such as the federal budget deficit, public education, the R&D infrastructure and employee training. Thus, candidates tended to focus on steps America could take to get its own house in order.

Four Democrats (Dukakis, Gephardt, Jackson and Simon) and four Republicans (Bush, Du Pont, Kemp and Robertson) urge increased government support for boosting U.S. exports. Simon specifically calls for new Eximbank financing programs for small manufacturers. Du Pont advocates removing government-imposed disincentives to export. Bush and Kemp support the creation of North American free-trade agreements.

Two Democrats (Gephardt and Jackson) favor a mandatory reduction in trade imbalances, under certain circumstances, with countries whose trade surpluses are caused by unfair foreign trade practices. A third Democrat (Babbitt) does not favor such a mandatory reduction, but proposes a negotiated set of international agreements requiring countries with a multilateral trade surplus to reduce that surplus by one-third each year or face across-the-board tariff increases. Democrats Dukakis, Gore and Simon are opposed to the measure, but Simon states he is not unwilling to use access to the U.S. market as leverage to address unfair trade practices. Republican Dole offers an alternative approach to the so-called Gephardt Amendment, requiring USTR to initiate Section 301 investigations against countries with a persistent pattern of unfair trade practices. Republican Du Pont "strongly opposes" mandatory reduction in trade imbalances, as does Republican Haig.

Five Democrats (Dukakis, Gephardt, Gore, Jackson and Simon) and two Republicans (Dole and Robertson) would address the problem of foreign government subsidization of high-tech industries by using current trade rules and/or by negotiating new GATT rules..

Several macroeconomic initiatives were proposed, including reducing global debt burdens and improving coordination of industrialized nations' economic policies (Democrat Dukakis and Republicans Dole and Haig); a global monetary conference (Kemp); and bilateral exchange-rate agreements to devalue the dollar against the currencies of South Korea and Taiwan (Jackson).

SCIENCE AND TECHNOLOGY

Federal research and development programs

All the Democrats believe a disproportionate share of federal R&D funds are spent on defense and related programs, with negative consequences for U.S. commercial competitiveness. By contrast, Republican Du Pont feels that there have been many ways in which defense R&D efforts have contributed to U.S. commerical competitiveness. Republican Robertson, noting the space program, thinks that spin-offs are possible.

Democrats Gephardt and Simon both believe that federal funding for civilian R&D programs should be increased, with Gephardt calling for the federal government to invest 3 percent of GNP annually in civilian R&D programs such as university labs.

Gephardt also calls for the creation of an Advanced Technology Institute to foster applied research, plus the establishment of a White House office to oversee fedeal R&D programs. Gore believes that steps should be taken to increase private sector access to federal labs.

Federal support for science and technology

Four Democrats (Dukakis, Gephardt, Gore and Simon) and two Republicans (Bush and Robertson) support making the R&D tax credit permanent. Gore would raise the credit to 25 percent and Gephardt would expand it for manufacturing processes. Dole would consider extending a "well-targeted" R&D tax credit, if it could be done in a "fiscally responsible manner." Babbitt and Du Pont support the tax credit, but for various reasons would not make it permanent.

Five Democrats (Babbitt, Dukakis, Gephardt, Jackson and Simon) support increased federal funding of university labs and equipment. Du Pont supports such increased funding, but only if it is tied to specific projects. Robertson says state and private funds should be used for such improvements. Dukakis proposes to leverage these funds by requiring matching grants from the states and the private sector.

Four Democrats (Babbitt, Dukakis, Gephardt and Simon) support federal funding for Sematech, the semiconductor research consortium. A fifth Democrat (Gore), while

not specifically citing Sematech, says he supports increased public-private collaboration on R&D projects. Republican Du Pont does not favor such expenditures; instead, he favors reducing antitrust restrictions on corporate collaboration on R&D and marketing efforts. Republican Robertson is undecided on the Sematech funding issue.

Several other ideas to strengthen science and technological capabilities were advanced by the candidates. Among them: strengthening intellectual property protection (Democrat Gephardt and Republicans Bush, Dole, Haig and Robertson); tightening the Freedom of Information Act to restrict access to the trade secrets of U.S. companies (Robertson); and a "factory extension service" to bring advanced technology and innovation to factories around the country (Gephardt).

THE ISSUE FOR '88: AMERICA'S COMPETITIVENESS

[From the Washington Post, Feb. 3, 1988]

(By David S. Broder)

DES MOINES.—Competition is a concept the average American grasps without explanation. People who have made an unofficial national holiday of the contest between two football teams on Super Bowl Sunday tune in to the notion that the country itself is engaged in a struggle for economic survival.

So it is not surprising that the set of issues embodied in the word "competitiveness" has emerged at the center of the 1988 political debate. It is as natural as the Redskins' rout of the Broncos. But it is still a development of significance.

Each national election serves two functions. One is the choice of leadership. The other is the determination of the agenda. Reporters focus on the former, because in our business names make news. But often, it is the selection of issues and problems to be addressed that is more significant.

On election night in 1980, we knew not only that Ronald Reagan would be the new president but that a military buildup, a tax cut and a slowdown in domestic spending were on the agenda. On the eve of the Iowa caucuses, the first major event of the 1988 presidential election, we do not know the name of Reagan's successor. But we do know that improving America's position in the world economy will be higher on the 1989 agenda than any of the three items Reagan brought with him to Washington in 1981.

We know that, because the campaign dialogue has established a consensus among the 13 candidates on that point. The fact is well documented in a report called "Competitiveness and Campaign '88," published last week by the privately funded Council on Competitiveness. But even if the point had not been made so neatly in this report, it would be obvious to anyone covering the campaign.

The candidates' consensus reflects a public temperament that has been reported in this column several times. To Reagan's credit, fears of inflation and of American impotence in the world, which powered him to the presidency in 1980, have abated. In their place is a rising public consciousness that we are struggling—but not winning—the battle to maintain our place in a rapidly changing world economy, of which we are inextricably a part.

Voters I have interviewed in the past 18 months ask two overriding questions: What kind of jobs will there be for us and our children in the next 20 years? And what is the chance of maintaining the American standard of living for the next generation, when we are competing with countries that have accepted far lower living standards for themselves?

Ever since the autumn of 1986, I have believed that the candidate who could best address those two questions—whatever his party or ideology—would be the best bet to win the White House after Reagan. Nothing I have seen in the campaign shakes that opinion.

John A. Young of Hewlett-Packard, the head of the Council of Competitiveness, and his colleagues found in examining the candidates' answers that several major themes emerged: the need to reduce the budget deficit; to improve education of young people and training of adults; to improve accountability and productivity in business, labor and the schools; to expand exports; and to expand investment, both public and private, in research and development of civilian goods and services.

The issues intermingle; they scramble party lines. Education is such an overriding concern that few Republicans and no Democrats are devoid of proposals for ways the federal government might help. Deficit reduction is at least as important, so no Democrat feels safe without plans for cutting certain areas of federal spending.

There are still sharp differences among the candidates. Richard Gephardt's approach to trade legislation is light-years away from that of Gary Hart, Michael Dukakis, Jack Kemp or Pete du Pont.

But almost without exception, the 1988 candidates agree that policies in all these areas must be judged, in large part, by their effect on America's competitiveness. And that is a very different criterion than Reagan brought to office in 1981.

One other big difference jumps out when you read what they have been saying: the attitude toward government itself has changed. Young and his colleagues found "broad bipartisan agreement that the federal role should be expanded in certain areas. In particular, candidates from both parties want increased federal support—direct and indirect—for America's science and technology efforts. . . . Further, most of the candidates favor more federal involvement in training and retraining the nation's work force."

This is a far cry from the government-bashing of the Great Inflation era, and it represents a big shift in post-Reagan politics. One of the major questions of the 1988 election has been settled already. Targeted governmental activism has won.●

SENATOR DANIEL INOUYE

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. BIDEN. Mr. President, in the 15 years that I have been privileged to serve in this body, I have had the opportunity to work with a number of men and women for whom the title "Statesman" is most fitting. These colleagues have not only served their States and this Nation well but, from my own personal perspective, have helped the junior Senator from Delaware to be a better Senator as well. They have been my allies when I most needed allies, my teachers when I most needed guidance, my friends in times of disappointment and despair, and my examples when I most needed the courage of my convictions.

Inevitably, when I pause to reflect upon those men and women, DAN INOUYE is among the first to come to mind. For he has been all of those—ally, teacher, friend, and example. In the quarter century that he has served the people of Hawaii, DAN INOUYE has been a vital part of the fabric that makes the U.S. Senate the greatest legislative body in the world.

He has served the Senate well on occasions when we as an institution not only faced our greatest challenges in recent history, but were compelled to meet those challenges as the whole world watched. While the world watched to see if our system of checks and balances worked, to see if we were willing and able to bring to light the facts when high administration officials sought to corrupt our political system, DAN INOUYE'S service on the Watergate Committee answered the doubters. And when there were those who began to believe that the conduct of American foreign policy was the province of individuals not subject to the law of the land, DAN INOUYE and his committee brought out the facts and set the record straight.

These were not easy tasks, for in each case there were powerful forces working to keep the facts from being brought to light. But the challenge of those tasks is precisely the reason that the senior Senator from Hawaii was asked to undertake them. For in a quarter century, DAN INOUYE has never let this body down. He has been a model not only of hard work, but of integrity and forthrightness.

Those who would claim that political considerations would ever outweigh the value that he places on those qualities simply do not know Senator DANIEL INOUYE.

I am privileged because I do know DANNY INOUYE, and am honored that he is my colleague and my friend.●

THE SECURITY OF PAKISTAN

● Mr. HUMPHREY. Mr. President, the Congress wisely approved the President's follow-on package of military and economic assistance for Pakistan. In my view, the vote on aid to Pakistan was one of the most important on foreign policy issues during 1987.

Pakistan today is directly threatened. For her principled and courageous stand against Soviet aggression in Southwest Asia, Pakistan has come under direct attack by the Soviet puppet regime in Afghanistan. A report issued by the Department of State in December 1987 indicates that the puppet regime in Kabul violated Pakistan's airspace more than 574 times during 1987, killing more than 183 innocent people and wounding more than 437. More than 450 Soviet and Kabul-inspired terrorist incidents took place in Pakistan during 1987, killing and wounding scores of innocent people.

Unfortunately, Pakistan also faces a hostile neighbor to the East. I am concerned with recent reports that the Indian Navy has taken delivery of a Soviet nuclear power submarine. The Indian Trade Fair in Kabul last summer and exchanges of high-level officials between New Delhi and Kabul give reason for concern especially in light of the fact that the illegitimate regime in Kabul was condemned by an overwhelming majority of the U.N. General Assembly last November.

A recent column by Rowland Evans and Robert Novak entitled "Pincers on Pakistan," that appeared in the Washington Post on February 1, 1988, outlines the pressures facing Pakistan in a very troubled region of the world.

I ask that the editorial be printed in the RECORD.

The editorial follows:

PINCERS ON PAKISTAN

(By Rowland Evans and Robert Novak)

ISLAMABAD, PAKISTAN.—Moscow's stealthy decision to build India's military might with nuclear submarines and AWACS-style radar planes is both bad news for Pakistan and highly disturbing for U.S. and Western security beyond the Persian Gulf.

India is "ambitious" to become a "regional superpower" from the Gulf to the coast of China, President Zia of Pakistan told us over lunch. That ambition makes a snug fit with the long Soviet effort to undermine Pakistan, India's archrival.

Next to Turkey, Pakistan is America's strongest Asian ally, crucial in blocking a Soviet victory in Afghanistan. "Only two countries in South Asia—Turkey and Pakistan—have stood up to the Soviets," Zia said. "Take Pakistan out and the Soviets would become supreme from Turkey to Vietnam."

Western diplomats here agree with that sentiment. Judging from the U.S. commitments in the Persian Gulf and Afghanistan, so do President Reagan's policy-makers in Washington.

But what is not yet so clear is whether Reagan and his advisers fully understand the potential menace of the tightening Soviet-Indian alliance. The expected addition of three nuclear-powered submarines to the Indian Navy, in addition to a couple of aircraft carriers that are coming from the British, suggests a future challenge to U.S. supremacy in the Indian Ocean. India was furious in 1972 when, during the celebrated "tilt" to Pakistan, the United States sent a carrier task force there.

Things have now changed. Indeed, with Indian naval bases on both sides of the subcontinent, even Australia is signaling distress over the potential impact of such a large naval force.

The Soviet fleet, with a base at Aden, another on a key island in the Indian Ocean and a third huge naval arsenal at the U.S.-built Camranh Bay on the coast of South Vietnam, has given nightmares to Pentagon planners ever since the United States was driven off mainland Asia in the Vietnam War. The new Indian Navy now becomes a major add-on to the powerful Soviet fleet.

But India's military acquisitions from Moscow go a good deal further. One wing of MiG-29s, the latest Soviet model, is on its way and at least two more appear to have been promised to India. No Soviet-bloc state has ever been allowed to get its hand on the MiG-29.

As for the AWACS-style early-warning planes, the Soviet promise is ironically tied to Moscow's strategy in Afghanistan to destabilize Pakistan. Official figures show that Soviet-Afghan air attacks across the border into Pakistan killed or wounded at least 966 Pakistani citizens between 1980 and last may. This is the Soviet fist to split Pakistan and the United States, ending Pakistan's aid to Afghan refugees and the mujaheddin freedom-fighters.

But Pakistan has refused to buckle to that pressure. Instead, Zia asked the United States for AWACS aircraft to protect its border. That sent India rushing to Moscow demanding equal treatment, claiming that early-warning planes for Pakistan would be a security risk for India. And what happened? India is getting its planes, while the United States continues to "study" Pakistan's request.

The Soviet buildup of India to a regional superpower has not been big news in the United States. Most members of Congress seem uninterested, a fact underlining pro-Indian political prejudice. If Pakistan received a nuclear-powered sub from the Soviets, Congress would cancel all leaves and work through the weekend to handle the resolutions of condemnation and the bills cutting off U.S. aid.

This prejudice of U.S. politicians, despite India's naval buildup, is even more surprising in view of India's support for the Soviet invasion of Afghanistan. Officially, India sees no evil. It accepts the preposterous Soviet claim that the Red Army occupied Afghanistan because of outside "interference" with the Communist government—the very regime that was planted in Kabul by the Kremlin.

India has even informed Moscow that it will give asylum to Afghan Communist leaders if they have to flee for their lives following the oft-promised Soviet withdrawal.

That perverse loyalty to the Soviets by the country that has led the world in preaching against imperialism and for human rights shows how badly India wants to achieve its ambition as regional superpower. The probable targets in this power game are the United States and Pakistan, a fact well understood by President Zia, whose strategic mind is often underestimated in the United States. Even without the new India, Zia's strategic warning deserves closest attention in Washington.●

LEGALIZATION PROGRAM OF IMMIGRATION ACT

● Mr. CHAFEE. Mr. President, today I am pleased to join my colleague Senator KENNEDY and others in cosponsorship of S. 2015, legislation that would amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program.

In my view, extending the application period for the legalization program is a positive step toward this elusive success. An extension would not change the legalization program in any way, and it would give us the time we need to do some studied fine-tuning.

I have often been on record as a supporter of the landmark Immigration Reform and Control Act, one of the most carefully crafted compromises that the Senate has worked out. It was a hard-fought battle, and a job well done.

Nevertheless, we should not rest on our laurels. We must keep a vigilant eye on this at once compassionate and pragmatic program, and be willing to do what it takes to meet its goals.

Numerous midprogram changes in eligibility requirements, backlog, poor advertisement and explanation of the program, and unanswered questions about family unity are factors which are contributing to the low turnout for amnesty. There is a growing consensus that the confusion generated by the legalization program warrants an extension of the application period.

I believe that an extension of the application will give immigration advocates and the INS time to solve these problems, and make the legalization program a success.

Of particular concern is how the Immigration and Naturalization Service will treat families in which one spouse qualifies for amnesty while the other spouse and the children do not.

I am aware that many of my colleagues are convinced that this problem has been adequately addressed by INS Commissioner Nelson's announcement last fall of a family fairness plan. Yet the evidence from my home State suggests widespread fear and uncertainty.

It is still my hope that hearings will be held on my legislation, S. 1408, the Humanitarian Family Unity Act. I am not satisfied that the problem of family unity is at all solved, and I urge my colleagues not to drop the issue, not to ignore it, not to rest until immigrant families can be absolutely certain that they will not be separated under the new immigration law.

Thus, I am pleased to become a consponsor of S. 2015. I do hope that an extension of the application period will lead to increased public education, which in turn will encourage many more qualified aliens to come forward, out of the shadows, and apply for legal status.

I also hope we will continue to look hard at this program, and do whatever it takes in the time we have remaining to make it a complete success.

The Most Reverned Louis E. Gelineau, Roman Catholic Bishop of Providence, RI, recently called for a truly humanitarian family unity policy and an extension of the legalization program's deadline, as objectives which go hand-in-hand. I ask unanimous consent that the full text of Bishop Gelineau's November 30, 1987, editorial

in the Providence Journal be printed in the RECORD.

The editorial follows:

[From the Providence (RI) Journal, Nov. 30, 1987]

U.S. MUST ACT TO ALLAY THE FEARS OF ILLEGAL ALIENS

(By Louis Gelineau)

As most people know, the United States has had a new immigration law since Nov. 6, 1986. It provides for sanctions against employers who knowingly hire illegal aliens after that date, as well as an amnesty for persons illegally residing in the United States since before Jan. 1, 1982.

The intent of Congress, as is clear from the CONGRESSIONAL RECORD, was to provide a broad, generous amnesty to those persons who established and maintained an illegal residence in the United States before Jan. 1, 1982. Unfortunately, the regulations devised by the Department of Immigration to implement the amnesty program do not always reflect this original generous intent.

The relative restrictiveness with which the Department of Immigration interpreted the statute, and the distrust with which the population in question has traditionally viewed the Immigration and Naturalization Service have resulted in surprisingly low numbers of persons applying for amnesty.

Although the INS estimated that 3.9 million undocumented persons nationwide would benefit from the amnesty program, only some 750,000 had applied by the six-month mark. (The program is scheduled to run through May 4, 1988). If trends continue, more than 2 million potentially eligible persons will not obtain amnesty. We face a potential humanitarian crisis of enormous proportions in some regions of the country, in which tens of thousands of families nationwide could find themselves out of work, owing to employer sanctions, homeless as a result, and caught between a country in which they no longer have a place, and a home to which they are unable or unwilling to return.

It is true that the Department of Immigration has taken steps to liberalize certain aspects of their regulations. For example, the INS recently announced that persons who were otherwise eligible for amnesty—who had left the country and returned with a "valid" non-immigrant visa (generally obtained through misrepresentation at the U.S. embassy abroad)—would no longer be deemed to have interrupted their continuous illegal residence. Nationwide, it is estimated that this change may aid as many as 100,000 persons who previously had been judged statutorily ineligible.

Unfortunately, the INS has not taken similar steps with regard to another key issue; family unity.

According to the non-governmental human service agencies aiding persons to prepare their amnesty applications, the issue of family unity is perhaps the major reason that so few have applied for amnesty. This is true, even though the confidentiality of information contained in legalization applications is guaranteed, and even though INS recently announced that minor children of legalized aliens will not be deported. This policy applies only to children if both parents receive amnesty, or in the case of a single parent household, if the parent that the child lives with receives amnesty.

The issue of family unity goes to the heart of the credibility problem that hampers the efforts of the INS to encourage amnesty applications. Confidentiality notwithstanding potentially eligible amnesty applicants are not convinced that amnesty will not result in the exposure of ineligible family members. Without a clear policy decision that affirmatively provides not only for minor children, but for spouses as well, hundreds of thousands of otherwise eligible persons will simply not come forward.

The stated purpose of the amnesty was to bring a large part of the country's documented population forward, incorporating them into the democratic system. If only half of those eligible for the amnesty actually apply, can we say that the program has been a success? How will we face the serious problems which will surely arise but will not have been planned for?

Because of the favorable changes that have occurred in the amnesty program, and those which I trust will take place in coming months, as Bishop of Providence I urge potentially eligible aliens to contact one of the following Rhode Island agencies to discuss their cases with complete confidentiality: Catholic Social Services, 467-7200; International Institute, 461-5940; SER Jobs for Progress, 724-1820.

I also join with Cardinal Bernard Law, Archbishop of Boston, in calling for a six-month extension of the May 4, 1988 amnesty program deadline. Programmatic changes necessarily require time to be disseminated, and even more time is needed for those affected to take advantage of them.

Additionally, I would urge the Department of Immigration to consider extending the period for appeals from 30 to 90 days. It seems likely that a flurry of denials will attend the close of the amnesty program, overburdening efforts to provide adequate legal services to those persons. Also, 30 days is scarcely sufficient to gather the additional documentation which will certainly be required in many cases.

It is clear that for the amnesty program to be a success and fulfill its original humanitarian intent, the Department of Immigration must make some substantive gestures of good faith to remedy existing shortcomings. Such policy changes must address the issue of family unity and would do well to consider extending the program deadline and the appeals period. Only then will suspicion and distrust be allayed, freeing hundreds of thousands to take advantage of the opportunity of a lifetime.●

THE ABORTION NEUTRAL AMENDMENT

● Mr. HEINZ. Mr. President, last week the Senate approved S. 557, the Civil Rights Restoration Act which reversed the 1984 Grove City decision and restored four major civil rights laws to the full meaning and scope intended by Congress.

I was an orginal cosponsor of the legislation. I voted for final passage of the legislation. I voted against amendments that would dilute the civil rights contained in the legislation. I did, however, vote for my colleague, Senator DANFORTH's so-called Abortion Neutral amendment, which clarified that neither title IX of the Education Act amendments nor the implementing regulations require educational institutions, hospitals or other entities to provide or pay for abortions as a condition of receipt of Federal funds.

This amendment provided considerable controversy, Mr. President, before, during, and after its passage. However, in the wake of that debate, my hometown newspaper, the Pittsburgh Post-Gazette, has published a very thoughtful and dispassionate editorial on the amendment. Entitled "'Grove City' Limits," it culls through the rhetoric to what I believe are the real issues. It offers some valuable insights. For these reasons, I ask that it be printed in the RECORD.

The editorial follows:

[From the Pittsburgh (PA) Post-Gazette, Wednesday, Feb. 3, 1988]

"GROVE CITY" LIMITS

Four years ago, in a case involving Pennsylvania's Grove City College, the U.S. Supreme Court unduly restricted the scope of laws against discrimination by institutions that receive federal funds. Last week the U.S. Senate took a major step toward overruling the court's crabbed interpretation, but that accomplishment was overshadowed by an exaggerated controversy over abortion.

Grove City College is a small, church-affiliated school in Mercer County that scrupulously resists entanglement with the federal bureaucracy. But because it enrolled students who received federal grants and loans, it was ordered to certify that it was complying with a 1972 federal law against sex discrimination. (Grove City's objection was to the certification requirement, not to the principle of equal treatment for women.)

To the Post-Gazette, it seemed at the time—and still does—that federal loans for individual students should not be regarded as aid to an "institution." The Supreme Court judged the matter otherwise, however. Then the court took a sidestep: It held that the law against sex discrimination in any federally aided "education program or activity" applied only to the specific program receiving federal money—in Grove City's case, the financial office—and not to the college as a whole.

It is this interpretation that the Senate rightly decided to overrule, not only in laws banning sex discrimination on the basis of race, religion, age and disability. The so-called Civil Rights Restoration Act thus qualifies as one of the most important civil-rights bill to be considered by Congress in years.

One would think that supporters of the Restoration Act would be jubilant over their victory in the Senate, which is likely to be followed by similarly overwhelming approval in the House of Representatives. (President Reagan has threatened to veto the legislation, but few take his threat seriously.) Yet the bill's most ardent supporters are grumbling because the Senate attached an amendment to the bill dealing with abortion.

Proposed by Sen. John Danforth of Missouri, the amendment says that nothing in the legislation "shall be construed to require or prohibit any person or public or private entity to provide or pay for any benefit or service, including the use of facilities, related to abortion." It also says that nothing in its language "shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to legal abortion."

Sen. Danforth said he offered his "abortion-neutral" amendment out of a fear that the broader law contemplated by the Restoration Act might force Catholic and other religious universities to perform abortions at their hospitals or else lose federal funding. Not so, said opponents of the amendment, who noted that the law already provided for exemptions for schools that claimed compliance with the law would violate their religious tenets. But then the same critics, led by Sen. Lowell Weicker of Connecticut, proposed their own amendment, whose language was similar to that of the Danforth amendment.

The ensuing debate bordered on the metaphysical, with "pro-life" and "pro-choice" Senators accusing one another of hidden meanings and secret agendas. The most coherent argument against the Danforth amendment was that its language prohibiting a "penalty" against a student who has undergone an abortion might not be strong enough to prevent such mistreatment in cases where a reprisal, such as the loss of a scholarship, might be viewed by the courts as the loss of a benefit rather than as a penalty.

If there is merit to that quibble, it can be addressed in a House-Senate conference committee. The main thrust of the Danforth amendment is hard to fault. As we have observed before, there is no harm in clarifying that performing abortions is not a condition of receiving federal aid. That clarification is especially appropriate now that Congress is moving to enlarge the scope of anti-discrimination laws.●

MAE BOREN AXTON

● Mr. BOREN. Mr. President, on February 15, friends of Mae Boren Axton from across the country will gather in Nashville, TN, at the Vanderbilt Plaza to salute her for her tireless efforts in public service and for her legendary contribution to country music. Our colleagues, Senator and Mrs. Gore and Senator and Mrs. Jim Sasser will be among the sponsors.

Having penned the first million dollar hit for Elvis Presley with "Heartbreak Hotel," Mae Boren Axton was a principal actor in American music history of the 20th century. She not only wrote countless songs and articles of criticism, but had a hand in promoting the careers of artists such as Willie Nelson, Waylon Jennings, Mel Tillis, and many others.

Such wide-ranging contributions have made Mae Boren Axton, a native Oklahoman, one of our State's favorite daughters: she has been selected as a member of the Oklahoma Women's Hall of Fame and Gov. George Nigh, 2 years ago, proclaimed Mae Boren Axton Day in the State.

Above all, Mae Boren Axton has a strong commitment to be a positive influence in the lives of others. Whether it is for the mentally ill, the elderly, those with health problems, or just a friend in need, Mae Boren Axton is always there, ready to give help and encouragement in difficult times.

It is no coincidence that all of the proceeds of the February 15 event in her honor will go to benefit the Spina Bifida Association of America to help fight against the No. 1 birth defect affecting American children.

Mae's efforts have changed the course of history in modern, indigenous, American music, and her public service work has altered the lives of many individuals on a deeply personal level.

My colleagues can understand my personal pride in the fact that Mae Boren Axton is my aunt. The love, compassion, and concern that she gives to her family is deeply felt and her example of extending that same love and feeling for all God's children with whom she has contact, is an inspiration to us all.●

JEAN S. KEENER APPRECIATION DAY

● Mr. SASSER. Mr. President, February 12, 1988, is a red letter day for Mrs. Jean Keener and her family. On that day Morristown Federal Savings and Loan is honoring Jean with an appreciation day for an outstanding career of 50 years of loyal service to Morristown Federal Savings and Loan. As a close friend of Jean and her entire family, I congratulate her and join in saluting her on a remarkable career.

Jean's dedication to Morristown Federal Savings and Loan should come as little surprise to those who know her. Jean's father, George F. Smith, founded the institution. Jean started to work there upon graduation from Sullins College in 1938.

Being the daughter of the S&L's founder, one might have expected Jean to take an easy path in her work. She did not opt for the path of least resistance. She worked in almost every capacity at Morristown Federal. As the saying goes, she made her way the old fashioned way—she earned it.

As the years went by, Jean's responsibilities grew. In 1964, she was first elected president of Morristown Federal. She moved up to chairman of the board in 1985. In both posts, she charted a course for Morristown Federal which made it one of the leading financial institutions in the region.

Jean's expertise in the world of finance has meant ever-increasing responsibilities for her. In 1981, she was elected as president of the Tennessee League of Savings Institutions, and in 1982, she served as the Tennessee director of the Southeastern Conference of Savings and Loan Associations. Her grasp of matters important to the industry led to her selection in 1983 as director of the U.S. League of Savings Institutions.

As a member of the Senate Banking Committee, I have found Jean's involvement with these organizations and her insight on financial issues to be an invaluable asset. I have benefited greatly from her advice over the years and look forward to her continued input.

Jean Keener has not limited her substantial talents to just the financial community. She has personified the best that we can expect from a community's business leader. She is active in many local civic projects. She has worked tirelessly with Walters State Community College to enhance that school's standing. In addition, she plays a leading role in preserving the historical integrity of her Tennessee community through services with local museums and preservation efforts. She is active in the United Way. She helps our youth discover what the business world has to offer in her work with junior achievement.

These are just a few of the civic, social, and charitable organizations that Jean has been associated with throughout her career. All of us take great pride in her dedication to her community over the years.

I know that Jean's family will be enjoying her appreciation day on the 12th. Her husband, George, her three children, and nine grandchildren can take pride in her numerous accomplishments. It has been my honor and pleasure to have known and worked with Jean and her family for many years, and I join her family and community in extending best wishes to a truly wonderful lady.●

STUDENT AID

● Mr. PELL. Mr. President, we are all well aware of the importance of the Federal student aid programs in assisting disadvantaged students to obtain a strong, solid education. I would like to place an article in the Record which illustrates clearly the overwhelming value of these programs, as well as the benefit of the Job Training Partnership Act.

The article, which appears in the February/March edition of the Community, Technical, and Junior College Journal [AACJC] was written by a friend not only of mine but of all of education, Frank Mensel. Mr. Mensel, who is vice president for Federal Relations at the American Association of Community and Junior Colleges, has long been recognized as an exceptionally strong, effective and thoughtful leader in the education community.

The article that Mr. Mensel has written demonstrates clearly that student aid, combined with the essential elements of motivation and perseverance by a student, can help produce a veritable success story. I strongly recommend this most important article be read by each of my colleagues.

I ask that the full text of the article be printed in the Record.

The article follows:

Mary E. Johnson: The Pell Grant Success Story

(By Frank Mensel)

The story of Mary E. Johnson of Tekamah, Nebraska, is a story lived by tens of thousands of Americans every year in community colleges. Yet it is a story that cannot be told too often—at least as far as the AACJC-ACCT Joint Commission on Federal Relations is concerned.

The Commission heard her at its hearings conducted during the regional "federal update" conference in Omaha in November. Her story is a ringing example of the feel the Commission gains for federal programs and legislative priorities by holding grass-roots hearings each year.

Basically, her story is a Pell Grant and Job Training Partnership Act success story. Well before her testimony was finished, the eyes of the 60 listeners brimmed with tears. here are Mary's own words.

"When I was in my last year of high school, some 18 years ago now, my mind was concerned with what I was going to do with my life. I enjoyed school and did well, so college seemed the natural next step. The financial situation in my family was quite limited. So after searching for any help available, I was all set to go to college for a year. As life has a way of doing, it slapped me in the face. An unexpected child was due in the spring.

"In March, my son was born. As he grew, it soon became apparent something was wrong physically. He was diagnosed as being slightly brain damaged. With his need for physical therapy and lots of extra attention, I saw the need to stay home and care for him. My hopes of going on to college were tucked away for 'maybe someday.' Also, my husband's health was not good, due to diabetes. So, the best place for me was home with my family. I worked occasionally to help support us, never in the area I was interested in, but in whatever I could get at the time.

"We are farmers, living on a small 90-acre farm inherited from my father-in-law. After trying several areas of livestock production, we took a big gamble and started a dairy. It was profitable for a time. Gradually, as the bills kept coming in and more often than not we were unable to pay them, it became apparent we would have to sell out. Everyone on the farm seems to be having difficulties in the past few years.

"Soon after the birth of my daughter, in 1984, we sold the dairy operation. In one respect, it was a sad happening. But, I had had to spend a lot of time working with the animals, and after a time began to resent the farming operation because it was not the type of work I cared to do, only what I *had* to do.

"Now, we had to seek additional income off the farm as 90 acres are not enough to make a living from today. My husband found work at a large commercial dairy on the night shift. I looked for work but nothing was available that paid enough to make it worthwhile, after I paid the gas and babysitting expenses. After a time, I too went to work for the dairy that employed my husband, working alongside him. Again, I was working, but not doing anything that fulfilled me as a person—just working. After one and a half years of this, I decided this was it; there had to be a better way! The need for education became apparent; I was getting nowhere without it.

"But where did I start? We certainly didn't have the money to put me through college. I didn't even know exactly what I'd study if I ever got there; and after 15 years and two kids, could I cope with it anyway?

"One day I picked up the local paper and these headlines seemed to jump out at me: 'Career Planning Classes to be Held,' offered through the Ag-Action Centers of area community colleges. I frantically read on, almost believing someone had read my mind. I was going to classes come hell or high water!

"I faithfully attended and spent several evenings listening to the counselor telling me that there was a way for me to get to school. I then spent three days taking extensive tests and discussing my needs and wants with the counselors. They directed me to several agencies that were there to help people in just my particular situation.

"Now came all the red tape of proving that we were truly in need and that I could manage a family, school, and all the driving that going to school would entail.

"I drive 45 miles each way, daily, to attend classes at Metropolitan Community College. I encountered one agency which rejected me on that fact alone. Thank goodness there are agencies and supervisors with enough foresight to realize that I was a determined lady and would at least give it all I had! JTPA is that agency.

"My first funding assistance through JTPA came at the time of the Vocational Assessment Testing done prior to my enrolling in college. Later, when the decision was made to enter college, JTPA provided payment for my first year's tuition and books. Through the financial aid application, I was also eligible for and have received the Pell, Supplemental Opportunity, Board of Governors, and State Student Incentive Grants, plus college work-study.

"Though funding in my second year has declined somewhat, I have received funding from the special assistance program called WAGE, which combined with the Pell Grant, college work-study, and a small scholarship, allow me to continue with my education. I plan to earn my associate degree in accounting this summer.

"I am able to attend college solely because assistance was available to me; without financial help, I would be in the same situation as before—working, but not fulfilling myself in any way. An education can open many doors for you; some you don't even realize exist. I have been given an opportunity to better myself through my education. I hope this chance is extended to as many students as possible in the future. Although an education is desired by many, if it cannot somehow be paid for, it is not possible."

She closed her testimony on the perfect note; she pointed out that she now has part-time employment in her chosen field, with good prospects that it will open up a full-time career as soon as she graduates.●

JOHNSON AND WALES COLLEGE CULINARY TEAM FROM THE UNITED STATES

● Mr. PELL. Mr. President, Rhode Island is proud to have one of the top culinary schools in the Nation at Johnson and Wales College and we are even prouder to have students representing Rhode Island and the Nation competing in international culinary events.

A culinary team of six students from Johnson and Wales College left last weekend for Hotelympia 1988—the International Hotel and Catering Exhibition in London—where they will compete in the 105-year-old Salon Culinaire International de Londres.

The Johnson and Wales student culinary team is the only United States team, student or professional, competing in this prestigious event. The team is sponsored by Sarah Coventry, Inc., designer and manufacturer of brand-name fashion products.

Team Manager Noel Cullen, director of operations at Johnson and Wales College, also will judge England's "Chef of the Year" competition.

I understand the London competition is expected to serve as a dress rehearsal for the 1988 "Culinary Olympics" in October in Frankfurt, Germany. The Johnson and Wales students will be the only United States college team at that event competing against student teams from around the world.

The students named to the team are: Douglas Alley of Beals, ME; William Erlenbach of Valparaiso, IN; Suzanne Finkele of Wellsboro, PA; Wendy Geiler of Baltimore, MD; Dannella McWilliams of Kensington, MD; and Christine Stamm of Walpole, NH.

I am confident that I represent their many supporters throughout the Nation when I wish them well. I trust they will bring hard-earned honors home from London, when they return to Rhode Island on February 4, and that they will represent our country with equal pride in October.●

RECENT DEVELOPMENTS IN NORTHERN IRELAND

(By request of Mr. Pell the following statement was ordered to be printed in the Record:)

● Mr. BIDEN. Mr. President, I am concerned and dismayed about two recent developments in the affairs of Northern Ireland, developments which threaten to tear apart a crucial framework for peace in that beleaguered province.

The framework is the Anglo-Irish agreement, a treaty signed in November 1985 by the Republic of Ireland and the United Kingdom. The agreement gives the Dublin government a consultative role in the daily affairs of the North, and attempts to reassure the Catholic minority that its rights will be protected. One key provision of the accord was intended to secure evenhanded treatment for Catholics by the police and the judiciary. Because of a long history of discrimination in this area, Catholic suspicions about fairness in the administration of justice run deep.

Two decisions last week in London have reaffirmed these suspicions, and as a result have clouded future prospects for the accord. Many people in the Republic and Northern Ireland have expressed outrage at these decisions, and they are questioning the commitment of the British to fulfilling all of the terms of the agreement.

First, British Attorney General Sir Patrick Mayhew announced that his government would not prosecute officers of the Royal Ulster Constabulary [RUC]—the Northern Ireland police force—who interfered with an investigation into allegations of a shoot-to-kill policy by the security forces in 1982. The Attorney General admitted to evidence of attempts to "pervert the course of justice," but said that the officers would not be prosecuted because of undisclosed "national security" reasons. He further announced that the case was closed and that the report on the matter would not be published.

Second, a British Court of Appeal upheld the convictions and sentences of a group of men—all Catholics from Northern Ireland—convicted for two 1974 pub bombings in the British midlands. New evidence and a report that their confessions may have been coerced cast doubt on their guilt, and indicated they may have been wrongly convicted in a rush to judgment. Catholics in Northern Ireland believe that the denial of the appeal confirms their view that the British justice system is rigged against them.

These decisions are extremely regrettable. In particular, it is difficult to understand how the British Government could decide against prosecuting police officers in the face of evidence that they had obstructed an investigation. This announcement makes a mockery of the justice system, for it implies that members of the security forces are somehow above the law. It would appear that the RUC is not to be held publicly accountable for its actions, and that its officers are free to act without fear of prosecution. The damage to relations between the nationalist community and the RUC will be difficult to reverse. How do the British expect to increase public confidence in the security forces when it announces that its members are to be shielded from criminal prosecution?

The events of last week will also have serious implications for relations between Dublin and London. The decision not to prosecute the RUC officers is a slap in the face for Dublin, which has been pressing the Thatcher government to address the crucial issue of the administration of justice.

These recent developments call into question the British commitment to the Anglo-Irish Agreement. London should take concrete steps in the next few months to reassure skeptics on both sides of the Atlantic that they have not retreated from the accord. Otherwise, doubts about British's dedication to the treaty will continue, to the detriment of the long-term prospects for peace in Northern Ireland.●

NATIONAL WOMEN IN SPORTS DAY

● Mr. PACKWOOD. Mr. President, today marks the second anniversary of "National Women in Sports Day." As the sponsor of the resolution which created this day, I would like to say how pleased I am by the support that my colleagues have given this legislation.

Despite a rich history of participation in sports, women's contributions as athletic leaders have long been ignored. This day is one effort to see this situation does not long prevail. By drawing attention to our Nation's women champions and their legacy of excellence, I and the 50 Senators who joined me in cosponsoring this event want women and girls everywhere to see what fine role models they have in the athletic arena.

I first conceived the idea for "National Women in Sports Day" after learning of the tragic death of Flo Hyman, a champion volleyball player and Olympic silver medalist. A leader both on and off the court, Flo personified the best in human achievement that participation in sports can produce. I first met Flo in 1984 when she was contacting Senators regarding civil rights legislation. Therefore, it is especially fitting that our celebration this year takes place only one 1 week after Senate passage of the Civil Rights Restoration Act, a bill which guarantees better treatment for women athletes, students, and coaches. I am honored once again to be taking an active part in this celebration.

Last year, I presented an award named in memory of Flo to Martina Navratilova whose leadership and athletic excellence are an example to us all. This year the President will present the Flo Hyman award to Jackie Joyner-Kersee, a talented track and field star whose style and grace win her both gold medals and boundless respect.

Through athletic endeavor we learn that we can always jump higher, work harder, and do better. Our recognition of this day focuses special attention on the achievements of women athletes while stressing the important opportunity for learning leadership skills, building friendships, initiative, confidence, and discipline that sporting activities provide for women and girls.●

SITUATION IN EAST TIMOR

● Mr. DURENBERGER. Mr. President, in August of last year, 39 of my colleagues joined me in sending a letter to Secretary of State Shultz regarding the continuing tragedy in the former Portuguese colony of East Timor, which was invaded and occupied by Indonesia in 1975. By sending that letter, my colleagues and I wanted to ensure that East Timor receive international attention to help alleviate the suffering in that territory. I intend to pursue further efforts of this nature on the East Timor issue in 1988, not only because the suffering in East Timor persists, but also because silence can only help to breed further abuses in that little-known territory. I cannot, in good conscience, allow the plight of East Timor to continue without comment.

While the situation has improved since the traumatic days of the late 1970's and early 1980's, there should be no doubt that abuses in East Timor continue. A December 13, 1987 article in the Sunday Boston Globe makes that abundantly clear. So do persistent reports from a wide variety of religious and secular sources. The article in the Globe paints a grim picture of widespread fear among the Timorese population. It discusses abuses of detainees, and notes that the little the world hears about East Timor is merely a reflection of the tight restrictions placed on visitors, and the people whom they attempt to visit, by the Indonesian military.

The United States should do more about the East Timor situation. After I sent my letter last year, the State Department rapidly briefed my staff and claimed that there were no longer human rights problems in East Timor. This was strikingly similar to what I heard earlier in this decade when I first became involved in the tragedy of Timor. I do not dispute that the situation in Timor is better in 1988 than in 1981. But I also cannot dispute the numerous first-hand reports I have received about continuing violations in the area.

And if the U.S. Government should do more to address human rights violations in East Timor, so should others. Beginning this month, the U.N. Human Rights Commission will meet in Geneva to discuss the East Timor situation and other questions. I urge all members of the Human Rights Commission to approve the strongest possible resolution on the Timor situation. While there have been some improvements in Timor in recent years, this in no way outweighs the gravity of general conditions in the territory or the feelings of the inhabitants, who have thus far been denied any meaningful say in their own future. After as many as 150,000 to 200,000 East Timorese deaths as a result of the Indonesian assault, it is vital that the situation not be allowed to deteriorate any further. Current reports make it clear that serious human rights problems persist in East Timor. The U.N. Human Rights Commission will, I hope, act accordingly.

For the benefit of my colleagues, I ask that excerpts from the December 13, 1987 Boston Globe be published in the RECORD along with a New York

Times article concerning the letter I sent with my Senate colleagues last year.

The material follows:

[From the Boston Globe, Dec. 13, 1987]

A "HIDDEN HOLOCAUST" IN THE PACIFIC

(By Richard H. Stewart)

It has been called the "hidden holocaust," so far removed from the world's consciousness that only a handful of people are aware of the tragic events that have ravaged the population of the little-known Pacific island of East Timor.

It has been estimated that as many as 200,000 people out of a population of nearly 700,000 have perished from violence, starvation and disease since the 1975 invasion by troops of Indonesian dictator General Suharto.

Based on a population comparison, this would be comparable to 36 million deaths in the United States.

International human-rights organizations such as Amnesty International and Asia Watch as well as a coalition of inter-national church groups have provided reports of the brutality inflicted on the Timorese by Indonesian forces, including summary executions, beheadings, torture, imprisonment without trial and the use of civilians as human walls in front of Indonesian troops battling guerrilla forces.

Some civilians who have "disappeared" from their villages have been reported by several independent sources to have been dropped to their deaths from helicopters. There have been reports of a photograph in an Indonesian newspaper showing Indonesian soldiers holding up the heads of their Timorese victims.

Exact death tolls can only be estimated because the Indonesians have virtually shut off the island to access by outsiders. But sources with contacts in East Timor insist the reports of inhuman treatmnet by the Indonesians are not exaggerated.

THE STAGGERING STATISTICS

The International Committee of the Red Cross has been able to provide food and medical aid to limited parts of the island and is the only humanitarian organization allowed access to the island, even on a restricted basis.

Some evidence of the human suffering can be surmised from the report in 1985 of East Timor Gov. Mario Carrascalao, who said that 100,000 East Timorese had died since 1975 and the island had 20,000 orphans, 13,000 widows and 8,000 crippled or maimed.

The 12-year agony of the Timorese began Dec. 7, 1975, when Indonesian troops invaded the island under the guise of preventing a communist takeover. They claimed that the East Timorese had sought integration with Indonesia.

In the aftermath of the invasion, the United States protested its illegality by announcing an embargo on the sending of American weapons to Indonesia. The embargo was nothing more than a political smokescreen. Professor Benedict Anderson of Cornell University, an Asia expert, discovered from a Pentagon report that the flow of arms to Indonesia had never been halted.

Prior to 1975, East Timor had been under Portuguese rule for 400 years, but the Portuguese government has all but abandoned the island in the wake of domestic political problems at home, leaving it vulnerable to Indonesian expansionist interests.

Ten days before the invasion, the East Timorese declared themselves independent from Portugal under the rule of a political party known as The Revoluntionary Front for the independence of East Timor, which became better known as Fretilin.

To counter Indonesian forces, Fretilin leaders formed an armed guerrilla force, which has harassed the Indonesian military ever since.

Most recent estimates are that nearly two-thirds of the island, about the size of New Jersey, still has not been secured by Indonesian troops.

Last August, 40 U.S. senators protested conditions in East Timor and wrote to Secretary of State George Shultz that Indonesian forces were engaged in "a renewed offensive" against Timorese insurgents. Similar protests have been lodged by 144 members of Congress.

A former apostolic administrator (the Catholic diocese is being administered from the Vatican rather than from Indonesia) from 1977 to 1983, Msgr. Martino da Costa Lopes, outlined the conditions of the population in a private letter last year:

"In the interior, in many villages and concentration camps, the people lack the conditions of life to enable them to survive as a people . . . the people live in a state of permanent encirclement. They are not allowed to go more than three kilometers outside their villages. In addition, they always have to have a 'pass' issued by the Indonesian military authorities.

"It happens easily that East Timorese are accused of having contact with the guerrillas and then they become victims of torture, massacres, etc."

Msgr. Costa Lopes has testified that, when foreign visitors requested a meeting with him at his East Timor home, his home was first searched and Indonesian intelligence officers were often present during the discussions.

East Timor is predominantly Catholic. Indonesia is a Moslem nation.

CONDITIONS IN EAST TIMOR

Sources recently in contact with East Timor offer this picture of current conditions there:

A knock on the door is enough to make people afraid. Homes are raided and searched. People suspected of sympathizing with or supporting the guerrillas are arrested, often at night. People are afraid to be seen talking in groups.

It is illegal to listen to foreign broadcasts. People are arrested for having aerials. When foreign broadcasts do refer to East Timor, military vehicles tour the capital city of Dili with loudspeakers denouncing the broadcasts as lies.

Most jobs and places in schools go to Indonesians who have been moved into the island. Indonesian culture and language is being forced on the Timorese.

On the rare occasions when foreigners are allowed to visit, they are restricted in their movement. Indonesian soldiers are dressed in civilian clothes, and military vehicles are taken off the streets.

When foreign journalists visited the island during Indonesian elections in April, people were forced to take part in pro-Indonesian demonstrations. Even the prison population was released to swell the ranks of the demonstrators.

People who did not vote could not get identification cards, which are required for jobs and other means of survival.

Prisoners are held in secret prisons, which the Red Cross is not allowed to visit. Prisoners are beaten and tortured and some have been murdered.

Restrictions on movement make it difficult to grow crops, and severe malnutrition has resulted in some rural areas. Indonesia has taken control of the lucrative coffee crop.

Food shipped in from Indonesia is too expensive for many of the Timorese. There is a high mortality rate for children up to age 5.

Indonesia has instituted a highly-active birth-control program, particularly in the interior where guerrillas are most active, using Deprovera, a vaccine banned in most Western countries. The birth-control program is financed by the World Bank. Some men and women have been sterilized without their knowledge during medical treatment.

Medicines are so scarce that hospitals have a shortage. Medicines are also so expensive that much of the indigenous population can't afford them. Birth control is free.

The current apostolic administrator. Msgr. Carlos Ximenes Belos, is under close military scrutiny Military vehicles are frequently positioned outside his home.

Although the United Nations General Assembly condemned the Indonesian invasion soon after it occurred, 38, nations, including the United States, abstained. The resolution has been reaffirmed annually through 1982 but with dwindling support.

Indonesia's anticommunist government, its oil resources and strategic location between the Pacific and Indian oceans give it considerable international clout.

Portugal has neither the political will nor the military power to challenge the Indonesians, although there have been talks between the two nations.

A source in Lisbon said, "Indonesia feels it can keep protests at a lower level and avoid political embarrassment by agreeing to talks and making them drag on for as long as possible."

[From the New York Times, Aug. 9, 1987]

SENATORS VOICE CONCERN ON TIMOR

(By Richard Halloran)

A bipartisan group of 40 senators has written to Secretary of State George P. Shultz about what they called "a renewed Indonesian military offensive against Timorese insurgents."

It was unusual for that many senators, led by Dave Durenberger, Republican of Minnesota, and Daniel Patrick Moynihan, Democrat of New York, to express concern for a situation that draws little public attention.

Mr. Durenberger said in a statement that "by sending this letter, my colleagues and I want to insure that East Timor receives international attention that will help to alleviate the tragic suffering of the Timorese people."

Timor is an island at the eastern end of the Indonesian archipelago. During the colonial era, it was under Dutch rule in the west and Portugese rule in the east. Indonesia inherited the Dutch portion when it gained independence and invaded East Timor in 1975.

Since then, according to repeated reports by Roman Catholic and humanitarian organizations, the Indonesians have sought, often with military force, to subdue East Timorese nationalist insurgents, many of whom are Catholics. Indonesia is largely Moslem. The statement by Mr. Durenberger said "international human-rights organizations and church bodies estimate that 150,000 East Timorese, one fifth of the island country's population, have perished from warfare and famine over the past 12 years."●

"NATIONAL KNOW YOUR CHOLESTEROL MONTH"

Mr. KARNES. Mr. President, high blood cholesterol is undeniably a major killer of Americans. As a result, I believe anything we do to educate the public on this disease is time well spent. In recent years, cholesterol awareness has grown steadily and I can assure you this knowledge has not evolved by accident.

Indeed, the cholesterol education of America can largely be attributed to the efforts of numerous dedicated groups and individuals. The National Institutes of Health, along with countless other public and private organizations, has been deeply involved in the study of blood cholesterol levels. In addition, my predecessor, the late Senator Edward Zorinsky, was extremely committed to cholesterol research and education. As you will recall he was the first of our colleagues to introduce cholesterol awareness legislation in the Congress.

Because Senator Exon and I are very interested in cholesterol awareness, we are following up on Senator Zorinsky's lead. Last week we introduced Senate Joint Resolution 243, a joint resolution proclaiming the month of April 1988 as "National Know Your Cholesterol Month."

It is my hope that during the month of April, Americans will make an effort to have their blood cholesterol level checked. We can only guess at the number of lives such an initiative may save, but I am sure it would eventually be in the hundreds of thousands.

In conjunction with the April observance, the National Heart Savers Association—an organization dedicated to promoting cardiac health—will be on Capitol Hill once again to provide cholesterol screening. Last April, over 9,600 Senators, Representatives, and Capitol Hill employees took advantage of this opportunity.

Mr. President, there are many ways to decrease the likelihood of contracting heart disease. Knowing your cholesterol level is perhaps one of the most important such means. I urge each of our colleagues to support this important resolution and to participate in the second annual Capitol Hill cholesterol screening.●

TREATMENT OF THE PEACE CORPS UNDER THE INSPECTORS GENERAL BILL: S. 908

● Mr. CRANSTON. Mr. President, on Tuesday of this week, the Senate passed S. 908, the proposed "Inspector General Act Amendments of 1988." That measure contained certain provisions, in section 5, relating to the internal audit and investigation functions of the Peace Corps and a number of other entities not having inspectors general.

As originally introduced, those provisions of the bill would have had an adverse effect on the Peace Corps' unique personnel system. Under that system—which is designed to ensure the ongoing infusion of new blood and new ideas and the opportunity for returned volunteers to serve on Peace Corps staff—Peace Corps employees generally may serve in that agency for no more than 5 years and, upon leaving Peace Corps employment, may not be rehired for a period of time equal to their prior period of employment. This is called the 5-year rule and is unique in the Federal Government. The bill as introduced would have given the head of the Peace Corps' audit unit employment authorities that would not have been subject to that rule. In my view, making the audit unit exempt from the 5-year-rule could have caused its staff members to be perceived as having a special tenure status not available to those employed in other Peace Corps offices and thereby caused a serious loss of morale as well as other internal problems. Thus, the drawbacks of the proposed modification to the Peace Corps personnel system would have unquestionably outweighed any benefit that would have been derived from the establishment of a career service for the purpose of ensuring greater continuity in investigations and auditing.

Due to these concerns, I initiated a letter, in which I was joined by the chairman of the Foreign Relations Subcommittee on Western Hemisphere and Peace Corps Affairs, Mr. Dodd, to the very able chairman of the Governmental Affairs Committee, Mr. Glenn, to urge him to make a modification in S. 908 with respect to the Peace Corps—in order to avoid making a harmful change in the Peace Corps' personnel system.

As we stated in our June 11, 1987, letter to Senator Glenn on this subject:

> Favoring, as we do, the other provisions of S. 908 that would strengthen the Peace Corps' audit function, we believe it would be unwise to risk diminishing the Peace Corps' ability to carry out its vital work by making it subject to sweeping legislation affecting a host of other, dissimilar agencies without providing the exception that we believe is necessary in light of its unique mission and structure.

In response, Senator Glenn indicated that the bill as reported by the Committee on Governmental Affairs was not subject to this criticism because it modified the original version to make the internal audit head's personnel-appointment authority subject to the applicable law and regulations governing the Peace Corps employment.

Mr. President, I am very grateful to Senator Glenn for his excellent cooperation on this matter and the concern for the vitality of the Peace Corps which his actions in this matter have reflected. I thank him for his courtesy and great responsiveness to the concerns we brought to his attention.

Mr. President, I ask that my exchange of correspondence with Senator Glenn on this subject be printed in the Record at this point.

The material follows:

Committee on Foreign Relations,
Washington, DC, June 11, 1987.

Hon. John Glenn,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

Dear John: We are writing in connection with your Committee's consideration of legislation, in section 5 of S. 908, the proposed "Inspector General Act Amendments of 1987," to strengthen the internal audit capacity of various executive branch agencies which do not have an Inspector General and for which none is proposed in the bill. We are generally very supportive of this effort but wish to urge strongly that you make one modification with respect to the Peace Corps—in order to avoid making a very harmful change in the Peace Corps' personnel system.

The modification we seek would provide the Peace Corps with an exception to the provision, in subsection (f) of new section 8D of the Inspector General Act of 1978 (as proposed to be added by section 5(a) of the bill), that would give the head of each agency's internal audit unit the authorities set forth in section 6(a)(6) of that Act "to select, appoint, and employ . . . officers and employees . . . subject to the provisions of Title 5, United States Code, governing appointments in the competitive service" and to certain provisions of that title relating to pay.

The Peace Corps has a unique personnel system which was specially-tailored in 1965 to meet the particular needs of this overseas Volunteer agency. Under the 1965 legislation (Public Law 89-134), as amended in 1985 (section 1103(a) of Public Law 99-83), the Peace Corps' personnel authority for its United States citizen employees consists of time-limited foreign service appointments, which Peace Corps employees generally may not hold for more than 5 years (with the possibility of serving up to 6 years or 7½ years in certain exceptional cases). Thus, the Peace Corps personnel system was designed for the employment of a staff which, like the Volunteers they support, consists of individuals who view working in the Peace Corps as a special opportunity for service rather than as a career.

Separating out the Peace Corps' audit unit for different treatment—making audit unit members Civil Service personnel and exempting them from the 5-year rule—would have a very serious detrimental effect on the agency.

First, the 5-year-rule exemption could be interpreted as a message from the Congress that the mission of the audit unit is of a more important, higher order than other Peace Corps offices. Although the audit function is clearly very important, its responsibilities do not warrant elevation above other Peace Corps offices.

Second, making any particular Peace Corps office exempt from the 5-year rule could create a very serious morale problem.

In 1981, the Congress enacted legislation Senator Cranston authored and Senator Dodd cosponsored (section 601 of Public Law 97-113) to restore the Peace Corps' independence, removing the Peace Corps from the ACTION Agency. Under that legislation, more than 450 career civil service employees were transferred from the ACTION Agency to the Peace Corps. These employees were required, within 3 years after the enactment of the 1981 law, to accept limited foreign service appointments, which all United States-citizen employees of the Peace Corps hold. It would clearly be inequitable to those employees—of whom more than 200 are still in Peace Corps employ—to make one office exempt from the 5-year rule, to which all others are subject.

Third, such special treatment of audit personnel could, after a few years, bestow on that office an artificially-created aura of being the experienced "experts" on what the Peace Corps should be like and how it should function. In our view it would be most unwise to confer status on any office of the Peace Corps.

We are aware that some may argue that the audit function requires career personnel and more of an "institutional memory" than the 5-year rule allows or that, since the audit unit is not a policy-making office, it is not important for the 5-year rule to apply to it.

Responding to this argument it is not the case that audit units do not play a policy role. In our experience, audit units, although not charged with developing agency policy, clearly can and often do have a major impact in the creation or modification of policy. As the Chairman or ranking minority member of an authorizing committee, the Veterans' Affairs Committee, with oversight responsibility over an agency, the VA, having an Inspector General for the last 9 years, Senator Cranston is aware of a host of examples of the IG's profound influence on agency policy.

Moreover, the argument regarding the need for career audit personnel could be made as well for other Peace Corps administrative offices and its legal office, for example, as well as its program offices. Obviously, in all such cases, what is involved is a trade-off between the desirability of a personnel system that is attuned to the volunteer concept and provides for a continuing infusion of fresh blood and new ideas (including, in this case, new audit concepts and possibly more objectivity), on the one hand, and one that provides for longer-term staff more experienced in the agency's programs, on the other hand.

We, and we believe many others who have worked closely with the Peace Corps over the past two decades, credit the 5-year rule with contributing greatly to the agency's vitality and constantly renewed vision. Congress has not decided that any Peace Corps office should be a "career" office.

John, we are convinced that it would be a serious mistake to enact an exception in S. 908 to the Peace Corps' 5-year rule. The Peace Corps has a great record of working to help the peoples of developing Nations fight poverty, illiteracy, and malnutrition and to promote world peace and understanding. Favoring, as we do, the other provisions of S. 908 that would strengthen the Peace Corps' audit function, we believe it would be unwise to risk diminishing the Peace Corps' ability to carry out its vital work by making it subject to sweeping legislation affecting a host of other, dissimilar agencies without providing the exception that we believe is necessary in light of its unique mission and structure. For your convenience, we are enclosing a draft amendment to S. 908 to provide this exception.

Thank you for your consideration of this important issue. If you have questions or need further information, please have a member of your staff contact Ed Scott.

With warm regards,

Cordially,

Christopher J. Dodd,
Chairman, Subcommittee on Western Hemisphere and Peace Corps Affairs.

Alan Cranston,
Chairman, Subcommittee on East Asian and Pacific Affairs.

DRAFT AMENDMENT TO S. 908, THE PROPOSED "INSPECTOR GENERAL ACT AMENDMENTS OF 1987"

(Purpose: To provide the Peace Corps with an exception to the internal audit unit head's civil service employment authorities)

On page 15, line 9, strike out "Sections" and insert in lieu thereof "(1) Except as provided in paragraph (2), sections".

On page 15, lines 13 through 17, redesignate clauses (1) through (4) as clauses (A) through (D), respectively.

On page 15, between lines 18 and 19, insert the following:

"(2) Clause (7) of section 6 shall not be applied to the internal audit unit and internal audit unit director of the Peace Corps.

Committee on Governmental Affairs,
Washington, DC, September 9, 1987.

Hon. Christopher J. Dodd,
Russell Senate Office Building,
Washington, DC.

Hon. Alan Cranston,
Hart Senate Office Building,
Washington, DC.

Dear Chris and Alan: I am writing in response to your joint letter concerning that provision of S. 908, the Inspector General Act Amendments of 1987, which would authorize the head of an agency's internal audit to employ officers and employees. On June 30, 1987, the Governmental Affairs Committee agreed to amend S. 908 to accommodate the Peace Corps' and other designated Federal entities' unique personnel systems. Specifically, S. 908, as reported to the floor with a favorable recommendation by the Committee, provides:

In addition to the other authorities specified in this Act, an internal audit unit director is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the internal audit unit and to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the designated Federal entity.

At this time, I would greatly appreciate your cosponsorship of S. 908. Information concerning the provisions of the bill are contained in the Committee's Report to accompany S. 908, numbered 100-150. If you are interested in cosponsoring, please have your staff contact Stephen Ryan or Lorraine Lewis.

Sincerely,

John Glenn,
Chairman.●

S. 557 AND SECTION 504 OF THE REHABILITATION ACT: COVERAGE OF PERSONS WITH CONTAGIOUS DISEASES OR INFECTIONS

● Mr. CRANSTON. Mr. President, last Thursday, January 28, in connection with Senate action on S. 557, the proposed Civil Rights Restoration Act, an amendment to the bill was adopted relating to the protection under the provisions of section 504 of the Rehabilitation Act of 1973 of individuals with contagious diseases. This amendment, coauthored by my friend from Iowa [Mr. Harkin], chairman of the Subcommittee on the Handicapped, was designed to allay any fears employers may have in hiring and retaining employees with contagious diseases. I fully endorse the Harkin-Humphrey amendment.

Prior to Senate consideration of this Harkin-Humphrey amendment, however, the Senator from Colorado, Mr. Armstrong, and my colleague from California [Mr. Wilson] discussed at some length their interpretations of the Supreme Court decision in the Nassau County School Board versus Arline case and, in the case of Senator Wilson, the amendment itself. I believe that a number of points they made regarding the case and coverage for handicapped individuals under section 504 warrant a response, and thus, as the Senate coauthor with Senator Stafford of section 504, I am taking this opportunity to respond and to seek to clarify the issues involved.

SECTION 504

Mr. President, section 504 of the Rehabilitation Act of 1973 was enacted to ensure that recipients of Federal assistance deal fairly and reasonably with disabled individuals who are seeking to participate more fully in our society and in the activities of our commercial, professional, recreational, social, and governmental institutions. It prohibits Federal and federally assisted programs from discriminating against "otherwise qualified" handicapped individuals solely on the basis of their handicapping conditions.

During 1972, 1973, and 1974, I chaired, at the request of Senator Randolph, then-chairman of the Labor and Public Welfare Committee's Subcommittee on the Handicapped, a series of hearings regarding the range of problems facing disabled persons and restricting their opportunities for rehabilitation, work, and participation in society. One of the results of those hearings was the Rehabilitation Act of 1973, including section 504, which I crafted with my friend from Vermont

[Mr. STAFFORD], and three other great friends of disabled persons, Senators Javits, Williams, and Randolph.

Although that legislation was twice vetoed by President Nixon, it was finally enacted on September 26, 1973, as Public Law 93-112.

However, section 504 was originally limited in its applicability to individuals who had a physical or mental disability which constituted or resulted in a substantial handicap to employment and who could be expected to benefit from vocational rehabilitation, and it quickly became clear that the scope of section 504 needed to be clarified.

Thus, the following year we same five Senators proposed and the Congress enacted in the Rehabilitation Act Amendments of 1974—Public Law 93-516—a much broader definition of "handicapped individual" for purposes of the section 504 nondiscrimination provisions and the provisions in section 503 requiring certain Federal contractors to take affirmative action in the hiring and employment of handicapped persons. This definition includes any individual, first, who has a physical or mental impairment substantially limiting a major life activity; second, who has a record of such an impairment; or third, who is regarded as having such an impairment.

In enacting section 504 and the broadening definition, Congress recognized that much of the discrimination facing disabled individuals is not the inevitable result of their handicapping conditions, but, rather, arises out of the false perceptions and prejudices that others hold about individuals who have those conditions. The clear congressional intent was to sweep broadly—to change attitudinal barriers which had served so unfairly to deprive disabled persons of the rights and opportunities afforded to other Americans. Our goal was to ensure that individuals are evaluated individually based on their abilities—rather than only on any disabilities that they might have—and that unfair, blanket assumptions were not made about any individual, or categories of individuals, because of a real or perceived handicapping condition.

1978 AMENDMENTS REGARDING DRUG AND ALCOHOL ABUSERS

Mr. President, in 1978, concerns—similar to those which were discussed last Thursday by the Senator from Colorado and others regarding contagious diseases—were raised that sections 503—the contractor-affirmative-action provision—and 504—the antidiscrimination provision—of the Rehabilitation Act would compel certain airlines and other companies having Federal contracts or receiving Federal assistance actively to recruit and employ alcoholics and drug users or force employers to hire and retain alcoholics or drug users to perform jobs for which their condition made them unsuited or could endanger the public safety.

Although clearly the "otherwise qualified" standard, which has been in the law ever since it was originally enacted in 1973, would prevent such an outcome, many employers were nevertheless concerned. Thus, legislation was enacted which provided that the term "handicapped individual" would not include any individual who is an alcoholic or a drug abuser and whose current use prevents him or her from performing the duties of the job or whose employment would, by reason of current use, constitute a direct threat to the property or safety of others. That provision clarified by restating in statutory language the prevailing interpretation of, and clear congressional intent underlying, section 504.

In the course of the debate on the amendment of Senator CANNON, from which the provision ultimately enacted was derived, the then-chairman of the Human Resources Committee, Senator WILLIAMS, in a statement beginning on page 30323 of the RECORD for September 20, 1978, made very clear the view that the amendment was unnecessary and simply codified the existing interpretations of the Attorney General and Secretary of Health, Education, and Welfare. Senator WILLIAMS noted that the need for the legislation arose out of "misunderstandings and distortions concerning employment rights of alcoholics and drug dependent persons" and stated that the amendment would protect alcoholics and drug dependent persons from discrimination, and also would reassure employers that it is not the intent of Congress to require any employer to hire a person who is not qualified for the position or who cannot perform competently in his or her job. Moreover, an employer would remain free to consider past employment and work performance records of all applicants and to fire any employee whose job performance is unsatisfactory.

Senator WILLIAMS also expressed the view that the use of the word "qualified" in sections 503 and 504 "already serves * * * [the] purpose" of meeting employers' legitimate concerns regarding their employees' "capacity for safe, effective job performance" and that the amendment "merely reconfirms that, for purposes of sections 503 and 504 as they relate to employment, the term 'handicapped individual' does not include any person * * * whose * * * alcoholism or drug abuse renders that person not qualified * * *."

Senator HATHAWAY, then-chairman of the Human Resources Committee's Subcommittee on Alcoholism and Drug Abuse, whose remarks appeared in the RECORD immediately after Senator WILLIAMS, also stated that he did not believe that a "clarifying amendment is necessary."

Although the 1978 amendment literally stated that, for purposes of sections 503 and 504 as they relate to employment, the definition of "handicapped individual" did not include an alcoholic or drug abuser whose current use prevented performance of the job or constituted a direct threat to property or safety, that amendment did not result in any basic change in the process under section 504 by which it is determined whether the individual claiming unlawful discrimination is handicapped and whether that individual is "otherwise qualified," taking into account—as in the case of all other handicapped persons—any reasonable accommodations that should be made to enable him or her to perform the job satisfactorily. The practical effect, therefore, is the same as it would have been if the amendment had provided an exclusion from a definition of the term "otherwise qualified"—which is not defined statutorily.

THE ARLINE DECISION

Mr. President, the Supreme Court's decision in the School Board of Nassau County versus Arline case is completely consistent with congressional intent and case law on section 504 of the Rehabilitation Act. It does not, as the Senator from Colorado [Mr. Armstrong] contended, in his statements beginning on pages 378 and 381 of the RECORD for last Thursday, January 28, extend or expand the protections of section 504 to a new category of individuals to which it previously did not apply. There is absolutely no basis whatever in the language of section 504 or any other provision of the Rehabilitation Act, in the legislative history thereof, or in the implementing regulations for excluding handicaps resulting from contagious diseases from the scope of section 504. Thus, the Arline decision contained no surprises and does not in any sense represent judicial legislation. Rather, the Arline decision serves to ensure that the letter and the spirit of the law will be fully implemented.

Mr. President, under section 504 as interpreted by the Supreme Court in the Arline case, if a handicapped individual's employment would present a signficant risk to the health or safety of others, which a reasonable accommodation by an employer would not avoid, he or she would not be considered to be "otherwise qualified" for the job. This "otherwise qualified" standard provides the type of safeguards and protections for the public health and safety that the Senator from Colorado [Mr. ARMSTRONG] is concerned about. Section 504 does not require that employers hire all disabled individuals for all jobs. Rather, it provides disabled individuals with the opportunity to have their cases

judged on their merits and to be free of unjust and unjustifiable discrimination.

Mr. President, the Senator from Colorado misrepresented the Arline decision in his remarks last Thursday, by implying that it would somehow require federally assisted organizations to take unwarranted risks in the health of other persons through the employment of persons with contagious diseases. On the contrary, the Court held that "a person who poses a significant risk of communication of an infectious disease to others * * * will not be otherwise qualified" and agreed with the American Medical Association that employment decisions about persons with contagious diseases should be based on reasonable medical judgments. The decision was well-reasoned and sensible. It protects handicapped individuals from being denied employment because of unfounded and irrational fears while, at the same time, providing for the protection of the public health and safety.

Mr. President, I want to emphasize that neither the Supreme Court in the Arline decision nor I am suggesting that the rights of handicapped individuals should be protected to the detriment of the public health or that other individuals should be placed at risk of harm. In fact, in the brief that I, joined by Senators STAFFORD, WEICKER, KENNEDY, INOUYE, and SIMON, and 30 Members of the House of Representatives submitted to the Supreme Court in support of the holding reached in the Arline case, we specifically stated that we "do not seek, and would oppose, any interpretation of section 504 that would require exposing schoolchildren, or any other individuals, to an appreciable risk of contracting a serious disease."

Mr. President, the Senator from Colorado contends that the Arline decision will "tie the hands of employers in making * * * decision[s] for the protection of other employees, of students and the general public." The Arline decision clearly states that, if an individual poses a significant risk to others based on sound medical judgment and a reasonable accommodation would not eliminate that risk, then the employer would be fully within his or her rights to discharge or not hire that individual. What section 504 does prevent is an employer firing, or refraining to hire, an individual because of misperceptions, ignorance, or irrational fears.

Mr. President, the Senator from Colorado also contended that the Arline decision will mean that "more healthy children and adults will be unwillingly exposed to persons with communicable disease" because employers will not want to face the possibility of a court hearing. That same type of argument could be made about any handicap currently covered under section 504 and the so-called burden that the law places on businesses. I simply do not agree. Section 504 has worked and has established an appropriate balance between protecting the rights of handicapped individuals and the public health and safety.

Mr. President, for an excellent analysis of the Arline decision and its importance to handicapped individuals, I would like to refer my collegues to the statement by the distinguished chairman of the Subcommittee on the Handicapped [Mr. HARKIN] which appeared in the March 3, 1987, RECORD beginning on page 4656.

Finally, Mr. President, I want to comment on a statement by my colleague from California [Mr. WILSON] in reference to the Harkin-Humphrey amendment. He stated that the amendment:

> will be an adjustment in the definition of the phrase "handicapped person," to take into account that someone who is currently afflicted with the contagious disease or an infection and who by reason of that would constitute a threat to public safety or by reason of that affliction would be unable to perform the duties. That person will not have the protection that exists for those who simply suffer a handicap and pose no threat of harm to others.

Mr. President, the reference to a lesser degree to protection for certain persons under the Harkin-Humphrey amendment is misleading. That amendment was obviously patterned after the 1978 alcoholism and drug abuse amendment and, therefore, should result in no substantive change in the law. Those whose handicap is the result of a contagious disease or infection would be entitled to the same procedures and application of the same criteria under section 504, including the reasonable accommodation principle, as are all other individuals with handicaps. The outcome in any particular case—whether it involves a contagious disease or some other type of handicapping condition—will depend on the facts of the case, including the individual's abilities, the nature of the job, and the effects of the handicap on the individual's ability to perform it. In this sense, an individual to whom the Harkin-Humphrey amendment applies would have no less protection than anyone else.

Mr. President, just as the 1978 law provided a sensible and balanced solution to the concerns raised, so does the Harkin-Humphrey amendment. It would help allay concerns that employers may have about employees with contagious diseases and infections and would still provide protection against discrimination for handicapped individuals. I congratulate Senators HARKIN and HUMPHREY for their efforts in achieving this goal●

SRI LANKA'S FORTIETH ANNIVERSARY

● Mr. LUGAR. Mr. President, Sri Lanka celebrates the 40th anniversary of its independence. I would like to take this occasion to congratulate a country which during the past four decades has provided an outstanding example of democratic growth and economic development.

In Sri Lanka, democratic institutions have indeed struck deep roots. In the course of seven national elections since independence, power has changed hands peacefully and voter turnout has been consistently high. Sri Lanka's parliamentary system is bolstered by the country's laudable success in education, with literacy rates approaching 90 percent for both men and women.

The economy of Sri Lanka has turned in a solid performance in recent years, with a growth rate of over 4 percent registered for last year. Since 1977, the government of President Jayewardene has moved toward a more market-oriented system and has promoted decentralization and entrepreneurship. Foreign investment has been successfully encouraged through the establishment of free trade zones. At the same time, foreign assistance has been channeled into beneficial projects such as the Mahewell hydroelectric and irrigation program in which the United States participates along with five other countries.

The United States has enjoyed a close bilateral relationship with Sri Lanka over the past 40 years. We welcome Sri Lanka's policy of permitting port calls by U.S. naval vessels. Sri Lanka has long hosted a Voice of America station on its territory, and a project is underway to upgrade the station as part of a new worldwide VOA Program. And in foreign affairs, we recognize Sri Lanka as a force for moderation.

The United States welcomed the peace accord signed July 29, 1987, between Sri Lanka and India providing for a cessation of hostilities in the Tamil conflict and an attempt to provide greater home rule. We commend the efforts by all parties to implement the accord under difficult circumstances and trust that realization of this agreement will help maintain the human rights of all Sri Lankans.●

SENATE CONFIRMATION OF THE APPOINTMENT OF THE COMMISSIONER OF FOOD AND DRUGS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 124, H.R. 1226.

May we have order in the Senate. If there is no order in the Senate and until we get order in the Senate we will not proceed.

The Senate is doing the people's business, Mr. President. May we have order in the Senate.

The **PRESIDING OFFICER** (Mr. ADAMS). The Senate will be in order. Those in the gallery will take their seats. They are guests of the Senate. We ask them to please refrain from conversation.

Senators will take their seats so that the majority leader may be heard. The Senate will be in order.

Mr. **BYRD**. Was the title stated?

The **PRESIDING OFFICER**. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 1226) to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation.

The **PRESIDING OFFICER**. Without objection, the Senate will proceed with consideration of the bill.

AMENDMENT NO. 1401

(Purpose: To establish the Food and Drug Administration by law, and for other purposes)

Mr. **GORE**. Mr. President, I send an amendment to the desk.

The **PRESIDING OFFICER**. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 1401.

Mr. **GORE**. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Act of 1987".

SEC. 2. FINDINGS.

Congress finds that—

(1) the public health has been effectively protected by the presence of the Food and Drug Administration during the last eighty years;

(2) the presence and importance of the Food and Drug Administration must be guaranteed; and

(3) the independence and integrity of the Food and Drug Administration need to be enhanced in order to ensure the continuing protection of the public health.

SEC. 3. ESTABLISHMENT OF ADMINISTRATION BY LAW.

(a) ESTABLISHMENT.—Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 903. FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—There is established in the Department of Health and Human Services the Food and Drug Administration (hereinafter in this section referred to as the "Administration").

"(b) COMMISSIONER.—

"(1) APPOINTMENT.—There shall be in the Administration a Commissioner of Food and Drugs (hereinafter in this section referred to as the "Commissioner") who shall be appointed by the President by and with the advice and consent of the Senate.

"(2) GENERAL POWERS.—The Secretary, through the Commissioner, shall be responsible for—

"(A) providing overall direction to the Food and Drug Administration and establishing and implementing general policies respecting the management and operation of programs and activities of the Food and Drug Administration;

"(B) faithfully executing this Act;

"(C) faithfully executing any other federal laws for which responsibility for administration has been delegated to the Commissioner from the Secretary;

"(D) coordinating and overseeing the operation of all administrative entities within the Administration;

"(E) research relating to foods, drugs, cosmetics, and devices in carrying out this Act;

"(F) engaging in educational and public information programs relating to the responsibilities of the Food and Drug Administration; and

"(G) performing such other functions as the Secretary may prescribe.

"(a) TECHNICAL AND SCIENTIFIC REVIEW GROUPS.—The Secretary through the Commissioner of Food and Drugs may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific review groups as are needed to carry out the functions of the Administration, including functions under the Federal Food, Drug, and Cosmetic Act, and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups.".

(b) CONFORMING AMENDMENTS.—Title 5, United States Code, is amended—

(1) in section 5316, by striking out the item relating to the Commissioner of Food and Drugs, Department of Health and Human Services; and

(2) in section 5315, by adding at the end thereof the following new item:

"Commissioner of Food and Drugs, Department of Health and Human Services".

(c) EFFECTIVE DATE.—(1) The Amendments made by this Act shall take effect on the date of enactment of this Act, except as provided in paragraph (2).

(2) Section 903(b)(1) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section) shall apply to the appointments of Commissioners of Food and Drugs made after the date of enactment of this Act.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment (No. 1401) was agreed to.

Mr. **GORE**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **BYRD**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **KENNEDY**. Mr. President, I rise to speak on behalf of H.R. 1226, a bill to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation. The Food and Drug Administration firmly stands to protect the food and supply of drugs and medical devices for the American public. I have advocated this provision since 1978 when I introduced legislation addressed to the findings of 4 years of legislative oversight of the FDA and the pharmaceutical industry.

Appointment of the Commissioner of the Food and Drug Administration does not currently require confirmation by the Senate. This is in contrast to nearly all other appointments at the same level in the administration, such as the Surgeon General. H.R. 1226 would simply require Senate confirmation of the Commissioner of the Food and Drug Administration, to allow greater Senate oversight over the important duties of the FDA. In addition, H.R. 1226 will establish in law that the FDA Commissioner shall have the authority to perform functions related to the administration of the Food, Drug and Cosmetic Act.

I am pleased to offer this legislation for the consideration of the Senate, and wish to thank Senator GORE, sponsor of the amendment to it, for his energy and commitment on behalf of this bill.

Mr. **GORE**. Mr. President, it is time we let everyone know that they can count on having FDA around for many years to come. The legislation we are about to pass ensures that there will always be an FDA and that its head will be a Commissioner appointed by the President and subject to Senate confirmation. The Commissioner will have the responsibility for carrying out the Nation's food and drug laws.

I hope my colleagues see this measure for what it is intended to be, a routine measure, long overdue, and I hope my colleagues will be quick to support it.

For more than a century, the Food and Drug Administration has stood for solid protection of our food supply and medicines. All of us here can understand the importance of an independent and dependable FDA.

From the Pure Food and Drugs Act of 1906 to the Infant Formula Act of 1980, Congress has always turned to the FDA to ensure and enhance the public health. Its jurisdiction includes vital areas of public health, ranging from approval of drugs and food additives to inspection of medical devices and consumer complaints. Through the years, the agency has developed a worldwide reputation for professionalism and expertise.

We in Congress should strive to protect and promote that reputation for excellence. This amendment would give the FDA an independent Commissioner, appointed by the President and subject to congressional approval. An

independent Commissioner will answer to Congress and the American people, not to several other agencies in the administration.

The head of every other major Federal health and safety agency is currently subject to Presidential appointment and Senate confirmation with a single exception—FDA. This includes the heads of the Federal Aviation Administration, the Environmental Protection Agency, the Occupational Health and Safety Administration, the National Highway Traffic Safety Administration, the Consumer Product Safety Commission, and the Nuclear Regulatory Commission.

The FDA is larger than the CSPC and the NRC, and more powerful than NHTSA or OSHA. It seems only reasonable to require the FDA Commissioner to account to Congress just as so many other commissioners must do.

Besides making the FDA Commissioner a Presidential appointment, this amendment would clarify the FDA's place in the executive process by having the Commissioner report directly to the Secretary. It also ensures the continued record of objectivity and professionalism that have become the hallmark of FDA technical and scientific review groups.

Mr. President, this legislation should enjoy the support of industry and public advocates alike. In the past, the current arrangement has resulted in serious delays in decisionmaking—delays that have endangered the public health and cost industry millions of dollars. I think we will all benefit from an independent and accountable FDA.

We must never allow red tape to stand in the way of progress or public safety. It's time to let the FDA concentrate on the business of safeguarding the health of the American people.

Mr. President, I hope my colleagues will support this small but essential step to bolster the independence of this tremendously important agency.

The **PRESIDING OFFICER**. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, shall it pass?

So the bill (H.R. 1226) was passed.

Mr. **GORE**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **BYRD**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC HEALTH SERVICE AMENDMENTS ACT

Mr. **BYRD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 506.

The **PRESIDING OFFICER** (Mr. WIRTH). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1968) to amend the Public Health Service Act to provide for National and Regional Centers for Pediatric Emergency Medical Services, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1402

(Purpose: To remove the section that provides for National and Regional Centers for Pediatric Emergency Medical Services)

Mr. **BYRD**. Mr. President, on behalf of Mr. KENNEDY I send an amendment to the desk.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. KENNEDY, proposes an amendment numbered 1402.

Mr. **BYRD**. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 5, strike out "1987" and insert in lieu thereof "1988".

Beginning on page 2, strike out line 1 and all that follows through page 6, line 25.

On page 7, line 1, strike out "3" and insert in lieu thereof "2".

Amend the title so as to read as follows: "To amend the Public Health Service Act to make certain technical amendments, and for other purposes".

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment (No. 1402) was agreed to.

The **PRESIDING OFFICER**. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Health Service Amendments Act of 1988".

SEC. 2. TECHNICAL AMENDMENTS.

(a) Section 788(d)(1)(D) of the Public Health Service Act (42 U.S.C. 295g-8(d)(1)(D)) is amended by striking out "(other than training and retraining of faculty for schools of medicine and osteopathy)".

(b) Section 788(e) of the Public Health Service Act (42 U.S.C. 295g-8(e)) is amended—

(1) in paragraph (1), by striking out "physicans and dentists" and inserting in lieu thereof "physicians, podiatrists, and dentists";

(2) in paragraph (2)—

(A) by inserting "and, where appropriate, full-time or part-time teaching podiatrists" after "physicans" in subparagraph (A); and

(B) by inserting ", or in a department of geriatrics established prior to November 14, 1986" before the semicolon in subparagraph (C);

(3) in paragraph (3)(A)—

(A) by striking out "and" at the end of clause (i);

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new clause:

(iii) podiatrists who are faculty members at colleges of podiatric medicine or at hospital postdoctoral residency programs,";

(4) in paragraph (3)(B)—

(A) by striking out "and" at the end of clause (i);

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new clause:

"(iii) podiatrists who have completed postdoctoral residency programs."; and

(5) in paragraph (4)—

(A) by striking out "and" at the end of subparagraph (A)(ii);

(B) by striking out the period at the end of subparagraph (B)(ii) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) the term 'post-doctoral residency program in podiatric medicine' means a program sponsored by a college of podiatric medicine, a hospital, or public or private institution, which—

"(i) offers post-doctoral training in the specialties of podiatric medicine; and

"(ii) has been accredited by the Council on Podiatric Medical Education."

(c) Section 701 of the Public Health Service Act (42 U.S.C. 292a) is amended—

(1) by adding at the end of paragraph (4) the following new sentence: "The term 'graduate program in clinical psychology' means an accredited graduate program in a public or nonprofit private institution in a State which provides training leading to a doctoral degree in clinical psychology or an equivalent degree."; and

(2) by striking out paragraph (14).

(d) Section 702(a)(1)(A) of the Public Health Service Act (42 U.S.C. 292(a)(1)(A)) is amended by inserting before the semicolon "and clinical psychology".

(e) Section 704 of the Public Health Service Act (42 U.S.C. 292d) is amended—

(1) by striking out "or any training center for allied health personnel" in the first sentence and inserting in lieu thereof ", any training center for allied health personnel, or any graduate program in clinical psychology"; and

(2) by striking out "or training center" each place it appears in the first and second sentences and inserting in lieu thereof ", training center, or graduate program".

(f) Section 338C(b)(5)(A) of the Public Health Service Act is amended by inserting "clinical psychology" after "podiatry".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CHILD PASSENGER SAFETY AWARENESS WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 402.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 402) to designate the week of February 7-13, 1988 as "National Child Passenger Safety Awareness Week."

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LAUTENBERG. Mr. President, I rise in support of House Joint Resolution 402, legislation to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week." This legislation will help promote public awareness of the importance of child passenger safety.

I am pleased to be the sponsor of the Senate companion of this legislation. I would like to note that 51 of my colleagues have joined in cosponsoring Senate Joint Resolution 214.

Since coming to the Senate, I have worked to improve safety on our roads and highways. Over the last several years, tremendous progress has been made. Promising airbag technology continues to improve. Legislation I authored to raise the minimum drinking age was passed, and that law has resulted in tangible savings of lives.

Mr. President, we are saving hundreds of teenage lives a year. But there is another group we need to look after—the small children riding as passengers in our cars.

Motor vehicle crashes are the leading cause of death and crippling of children over the age of 6 months in the United States. More children under the age of 5 are killed or crippled as a result of motor vehicle crashes than the total number of children killed or crippled by the seven most common childhood diseases. Between 1978 and 1986, nearly 9,300 children under the age of 5 were killed, and more than 450,000 children were injured, as a result of traffic crashes.

Children can be highly vulnerable as motor vehicle passengers, much more so than adults. For example, an unrestrained child is less protected by padding and energy-absorbing materials than an adult in a motor vehicle crash because protective devices are placed in areas more likely to benefit adults. In addition, because their bodies are less developed and provide less protection, unrestrained children are subject to a significantly higher risk of serious head, spine, chest, and abdominal injury in a crash than older passengers.

The death of any child is a tragedy. But what is particularly tragic about the deaths and injuries of children involved in motor vehicle accidents, is that they are so often preventable if simple precautions are taken. Research shows that the correct use of child passenger protection devices is over 70 percent effective in preventing death and 67 percent effective in preventing injury in motor vehicle crashes.

However, despite the fact that all 50 States and the District of Columbia have laws mandating the use of child passenger protection systems, the latest national surveys show that only 72 percent of children under 5 are placed in child safety seats, and that one-third of such seats are used incorrectly. That means that only 48 percent of children under 5 are fully protected in cars through the proper usage of child safety seats.

Mr. President, our children are our future. It's our responsibility to protect them. We need to educate the public about the serious dangers children can face as automobile passengers and the importance of child safety protection devices and their correct use. Next week, "National Child Passenger Safety Awareness Week" will help focus the Nation's attention on the passenger safety of children and help promote the universal and correct usage of child passenger protection devices. Safety groups, law enforcement officials, and health professionals and others in communities across the country will be involved in activities and events designed to underscore the importance of child passenger safety and the precautions necessary to achieve. I urge my colleagues to join me in supporting this resolution.

The PRESIDING OFFICER. Is there further discussion of the joint resolution? If not, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 402) was passed.

Mr. BYRD. I move to reconsider the vote by which the joint resolution was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the companion joint resolution (S.J. Res. 214) be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL BURN AWARENESS WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 210.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 210) to designate the period commencing February 8, 1988 and ending February 14, 1988 as "National Burn Awareness Week."

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Is there further debate? If not, the question is on the third reading and passage of the joint resolution.

The joint resolution (S.J. Res. 210) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. Res. 210

> Whereas the burn problem in the United States is the worst of any industrialized nation in the world;
>
> Whereas burn injuries are one of the leading causes of accidental death in the United States;
>
> Whereas every year approximately two million people are victims of burn injury in the United States;
>
> Whereas of these injuries, seventy thousand are hospitalized and account for nine million disability days annually;
>
> Whereas approximately twelve thousands people die from burn injuries annually;
>
> Whereas the rehabilitative and psychological impact of burns are devastating;
>
> Whereas children, the elderly, and the disabled are most likely to suffer serious burns;
>
> Whereas it is estimated that approximately 75 percent of all burns could be prevented by proper education of children and adults and the appropriate use of design and technology;
>
> Whereas a general public awareness of the need for smoke detectors and home fire escape plans, in combination with an understanding of the risk associated with items in our home environment, can influence the reduction of injury and loss of life; and
>
> Whereas there is a need for an effective national program that deals with all aspects of burn injuries: Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the period commencing February 8, 1988, and ending February 14, 1988, is designated as "National Burn Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local government officials to observe such week with appropriate programs and activities.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR COMMITTEES TO REPORT LEGISLATIVE OR EXECUTIVE CALENDAR MATTERS

Mr. BYRD. Mr. President, I ask unanimous consent that committees be permitted to report legislative or executive calendar matters on Thursday, February 11, 1988, between the hours of 10 a.m. and 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT RESOLUTION

Mr. BYRD. Mr. President, I call up House Concurrent Resolution 242, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 242) providing for a conditional adjournment of the House from February 9 to February 16, 1988, and a conditional adjournment of the Senate from February 4 or 5, to February 15, 1988.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 242) was agreed to.

THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President. I inquire of the distinguished assistant Republican leader, Mr. SIMPSON, as to whether or not the following calendar orders on the Executive Calendar have been cleared on that side of the aisle: All calendar orders on page 2, all calendar orders on page 3, and all nominations placed on the Secretary's desk in the Foreign Service appearing on page 4.

Mr. SIMPSON. Mr. President, all of those items on the Executive Calendar have been cleared on this side of the aisle.

Mr. BYRD. I thank my friend.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the aforementioned nominations; that the Senate proceed to the consideration of the nominations en bloc; they that be agreed to en bloc, that the motion to reconsider en bloc be laid on the table; and that the President be immediately notified of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

Barry Goldwater Scholarship and Excellence in Education Foundation

Thomas G. Pownall, of Maryland, to be a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term of 2 years.

National Advisory Council on Women's Educational Programs

The following-named persons to be members of the National Advisory Council on Women's Educational Programs for terms expiring May 8, 1990:

Esther Kratzer Everett, of New York. (Reappointment.)

Helen J. Valerio, of Massachusetts. (Reappointment.)

National Foundation on the Arts and the Humanities

Carolynn Reid-Wallace, of the District of Columbia, to be a member of the National Council on the Humanities for a term expiring January 26, 1992.

National Advisory Council on Educational Research and Improvement

Robert Lee McElrath, of Tennessee, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1990.

J. Wade Gilley, of Virginia, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1990.

Department of State

Richard Salisbury Williamson, of Illinois, to be an Assistant Secretary of State.

John R. Davis, Jr., of California, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland.

Leonard H. O. Spearman, Sr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Chester E. Norris, Jr., of Maine, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Nominations Placed on the Secretary's Desk in the Foreign Service

Foreign Service nominations beginning Richard L. Barnes, and ending David M. Schoonover, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 1988.

Foreign Service nominations beginning John A. Sanbrailo, and ending F. Gary Towery, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 1988.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE TO RECONVENE ON MONDAY, FEBRUARY 15, 1988

Mr. BYRD. Mr. President, the Senate will reconvene at 12 o'clock meridian on Monday, February 15, 1988. After the prayer, the distinguished junior Senator from North Carolina, Mr. TERRY SANFORD, will deliver the address, George Washington's Farewell Address to the Senate.

There will be no business conducted beforehand. There will be no business conducted thereafter.

ORDER FOR RECESS FROM FEBRUARY 15, 1988, UNTIL 9:30 A.M., FEBRUARY 16, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that, upon the completion of the reading of George Washington's Farewell Address on Monday, February 15, the Senate stand in recess until the hour of 9:30 a.m., hoping that somebody can get here in any kind of weather on Tuesday.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE JOURNAL

Mr. BYRD. I further ask unanimous consent, Mr. President, that on Monday, February 15, 1988, that the Journal be considered approved to that date.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE ON TUESDAY, FEBRUARY 16, 1988

Mr. BYRD. Mr. President, the Senate will come in at 9:30 a.m., Tuesday, February 16. Barring any unforeseen inclement weather conditions that would make it difficult for Senators to reach the Senate by 9:30 on that day, I will suggest the absence of a quorum at 10 o'clock unless there is other business on which we can get a vote early. I foresee none at this point.

It would be my plan, then, to move to direct the Sergeant of Arms to direct the attendance of absent Senators and to ask for the yeas and nays on the motion.

Mr. President, if that motion is made—I say "if" because I have no way of knowing, none of us do, what the weather will be like, but it is the middle of February and it could be bad, so I am just going to say "if." If that motion is made at that time, the yeas and nays are ordered, I ask unanimous consent that the call for the regular order be automatic at the conclusion of 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST ROLLCALL ON FEBRUARY 16 TO BE A 30-MINUTE ROLLCALL VOTE

Mr. BYRD. That being the first rollcall of the day and being relatively early, I think it should be a 30-minute rollcall vote.

I compliment Senators on getting to the floor and casting their votes within the 15-minute period that has been ordered at the beginning of the 100th Congress.

They are coming to the floor, they are voting, and time is not being extended. I want to thank the leadership on the Republican side for its support of this effort. By virtue of the fact that the leadership on the other side has been very supportive and all Senators have been supportive, I think that the effort has been met with general approval by Senators on both sides of the aisle. A great deal of time is being saved.

As the Senate goes on into the summer and the sessions become longer and busier, the time that will be saved will be considerable.

Mr. President, if no other Senators wish to address the Senate or if there is no further business to be transacted——

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. BYRD. I yield the floor.

Mr. SIMPSON. I thank the majority leader.

I do share his views about the voting in these last days. I think nothing arrests the attention of a Senator quite like missing a vote, and certainly that is unfortunate when it happens. But this, indeed, is part of the quality of life that we all agreed we wanted to pursue. Even though it is a little tough and perhaps a little distressing to some, I commend the majority leader for entering that unanimous consent under the rule. We will adhere to it. I think it will add greatly to the process of our deliberations.

(Further remarks of Mr. SIMPSON pertain to the introduction of legislation and will be found in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

NO MOTIONS OR RESOLUTIONS OVER UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over, under the rule, come over on Monday, February 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE CALENDAR WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be waived for Monday, February 15.

The PRESIDING OFFIER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, does any other Senator wish to speak or conduct business?

Mr. SIMPSON. Mr. President, I would add that I thank the majority leader for the job of moving this critical legislation in these past days, and I look forward to working with him upon our return after the recess period.

Mr. BYRD. Mr. President, I extend my thanks to the distinguished Senator, the assistant Republican leader, for his excellent cooperation.

PROGRAM

Mr. BYRD. Mr. President, I have already indicated that on Monday, February 15, there will be no business, and only the reading of the George Washington's Farewell Address by Senator SANFORD. I hope Senators will come to the floor and listen to that address. I hope and expect to be here. And I trust that others will attend.

On Tuesday, then, the Senate will come in early, and there will be in all likelihood a rollcall vote beginning at 10 o'clock that morning. That would be a 30-minute rollcall vote with the call for the regular order being automatic.

As I indicated earlier, that is the present plan barring unforeseen bad weather conditions.

I hope that it might be possible for our staffs to clear Calendar Order No. 496, an act to authorize appropriations for the Bureau of the Mint for fiscal year 1988. And there is another bill, Calendar Order No. 467, S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973. If the staff could clear action on that measure, it would be much appreciated. And action could perhaps be taken on one or both of those bills on Tuesday, February 16. Other measures may be cleared for action.

ADJOURNMENT TO MONDAY, FEBRUARY 15, 1988

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Conference Resolution 242, that the Senate stand in adjournment until 12 o'clock meridian on Monday, February 15, 1988.

The motion was agreed to; and, at 9:49 p.m., the Senate adjourned until Monday, February 15, 1988, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 4, 1988.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

THOMAS G. POWNALL, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM OF 2 YEARS.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS FOR TERMS EXPIRING MAY 8, 1990:

ESTHER KRATZER EVERETT, OF NEW YORK REAPPOINTMENT.

HELEN J. VALERIO, OF MASSACHUSETTS REAPPOINTMENT.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CAROLYNN REID-WALLACE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 1992.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

ROBERT LEE MCELRATH, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1990.

J. WADE GILLEY, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1990.

DEPARTMENT OF STATE

RICHARD SALISBURY WILLIAMSON, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF STATE.

JOHN R. DAVIS, JR., OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO POLAND.

LEONARD H.O. SPEARMAN, SR., OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

CHESTER E. NORRIS, JR., OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING RICHARD L. BARNES, AND ENDING DAVID M. SCHOONOVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 1988.

FOREIGN SERVICE NOMINATIONS BEGINNING JOHN A. SANBRAILO, AND ENDING F. GARY TOWERY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 1988.

EXTENSIONS OF REMARKS

VICTIMS OF HOMELESSNESS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. VENTO. Mr. Speaker, this week marks the anniversary of President Reagan's remarks on national television that homeless people are homeless "by choice."

While the fallacy of his statement has been well exposed, this administration's compassion for the homeless has improved little since the President made those callous remarks 4 years ago.

Another member of this administration made similar remarks on national television earlier this month, demonstrating that the administration's thinking on this issue has not developed much further. The Secretary of the Department of Housing and Urban Development, who has primary responsibility over homeless assistance programs, remarked that homelessness is not increasing because "our economy has done much better since President Reagan took office." It is surely shortsighted to say the least to hide behind selective economic indicators to deny the housing triage that is occurring in our country under this administration.

More and more men, women, and children have been forced into homelessness under this administration than under any other since the Great Depression. The severe increase in homelessness that has occurred in this decade is a symptom of the underlying problems occurring in this country as a result of this administration's housing, social, and economic policies. These policies have included major cuts in Federal housing programs, decreases in public assistance and social services, a refusal to keep the minimum wage in line with inflation and increases in the income disparity between the rich and poor. Combine these policies with the loss of affordable housing due to demolition, gentrification, and inflation, and it is clear to see how the phenomenon of homelessness has reached such critical proportions in 7 years of neglect.

Who are the victims of these policies? Half a million of them are children under the age of 5, according to an article in the Better Homes and Gardens, February edition. More than one-third of them are families, according to the U.S. Conference of Mayors. It is estimated that there are more than 2 million homeless Americans and the number is increasing rapidly. Yet this administration continues to deny the severity of this human tragedy.

This administration's denial of the tragedy of homelessness was one of the biggest obstacles Congress had to overcome in enacting legislation to address the most urgent needs of the homeless. Fortunately, Congress does not look through the same rose-colored glasses the administration uses when viewing the plight of the homeless. Congress has taken two important steps to reverse the Reagan housing policies. Despite strong objections from the administration, Congress passed the Stewart B. McKinney Homeless Assistance Act to provide emergency shelter assistance and supportive services to homeless individuals and families. Second, Congress enacted the Housing and Community Development Act to help prevent more low-income people from being forced into homelessness. To their credit, the administration signed the Homeless Assistance Act, however, it has frustrated the implementation and has not sought the funds so desperately needed to fulfill the goals. The administration has not yet signed the Housing Act but has promised to do so this week.

These two measures are important developments in our struggle to assist those without adequate shelter but we have much more work ahead. This administration has played the role of an anchor trying to hold us back from improving the quality of life for the poorest of the poor. After 6 years of struggling to get this administration to even acknowledge the need to assist the homeless, I can empathize with the type of despair a homeless person must feel in trying to find shelter, a decent meal or a job. Some homeless individuals, in their loss of dignity and self-worth, have given up. We in Congress must not give up on them. We should redouble our efforts to provide adequate assistance to the homeless. Until we succeed, hundreds of thousands of Americans will continue to languish on our streets—living an American nightmare instead of the American dream.

Mr. Speaker, I submit the following editor's letter and article in the hope that a better understanding of the homeless will result in the fulfillment of promises hailed in our recently passed laws and the values inherent in our great Nation that reveres the value of our fellow men and women:

[From Better Homes and Gardens, February 1988]

EDITOR'S LETTER—HOMES AND HOMELESSNESS

Dear Readers: Did you know that the typical homeless person in the United States today is a child under the age of five? An estimated one million kids are homeless in this country, half under age five. Tonight, those children will either be on the streets or in temporary shelters that provide little more than basic protection from the elements. How can this be? What's happened to our country? Is this the America we want for ourselves and our families?

Almost 40 years ago, as the veterans were flooding home from World War II, our Congress resolved that all Americans should have decent housing, and that it was the task of government to help achieve that goal. That's what VA loans and the FHA were all about. That's what tax incentives for building low-income housing and apartment houses were all about.

Today, that commitment to the American Dream is essentially dead. Homes, the basic building blocks for family life, are endangered at every level of the economic spectrum. Public housing has been, by and large, shut off. Builders can't afford to build low-cost housing anymore. They're put in a situation, because of financing and tax changes, from which they can profit only by building luxury housing.

As of now, the entry-level market for home ownership has dried up for all but the two-income young professionals who make a lot of money. The future faced by a great many young families in this country is that they'll never own a home of their own. I'm talking about your kids and mine.

Furthermore, if this situation continues, every homeowner eventually will be affected, because if too few can buy entry-level housing, the whole market will fall like dominoes, and we will all lose the tremendous investments we have in our homes.

This month, our features editor, Margaret Daly, has written an "Of Concern Now" article detailing the depth of the problem.

But we aren't going to let it go at that. We'll be following up with other articles on possible solutions, success stories, and, shortly before the presidential election in November, the views of the presidential candidates on how to deal with the situation.

I hope you'll read all these articles and everything else you can find to inform yourself on housing issues in this election year. And, I hope you'll ask anyone asking for your vote what he or she intends to do about the housing crisis in this country—your house, my house, the houses our kids want to buy someday, housing for our poor and elderly, and especially, for those little children who have no homes at all.—David Jordan, Editor.

HAS AMERICA LOST ITS COMMITMENT TO HOUSING?

(By Margaret Daly)

A GROWING CRISIS

Almost 40 years ago, Congress proclaimed a national housing goal of great vision: "A decent home and suitable living environment for every American family." Yet today, the state of housing in our country is in crisis.

Young people, unable to afford their first homes, are being locked out of the American Dream. The supply of housing for the poor has disintegrated almost beyond repair. The homeless—more and more of them children under five years old—shift in ever-increasing numbers from one dingy, often dangerous shelter to another.

Clearly, the vision of '49 has faltered. We are becoming a dangerously divided nation of housing haves and have-nots.

It's time to renew our commitment to decent and affordable housing for all Americans. The imperatives aren't just moral—though even the briefest glimpse into the eyes of a homeless child should rivet us to the issues at hand. The stakes are economic and political as well.

Housing is very much on the public agenda this election year. Senators Cranston (D., Calif.) and D'Amato (R., N.Y.) plan to hold hearings around the country. Candi-

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dates will be speaking to the issues. Local governments and businesses are seeking creative new ways to house the poor and homeless.

On these pages, we highlight some of the major concerns, and we'll follow with other articles during this election year and beyond. We urge you to watch for the public discussions and share your views with us. The stakes are high indeed.

THE PLIGHT OF FIRST-TIME HOME BUYERS

Home ownership remains the number one goal for most Americans—a symbol of security and success, the bedrock of stability in community and family life. Yet, for the first time since the Depression, the rate of home ownership has declined steadily.

Hardest hit were the 25- to 34-year-olds—traditional first-time home buyers. Ownership for young parents—*prime* home buyers—dropped by almost 25 percent. John Sherman, 32, who teaches second grade in the Minneapolis area, and his wife, Barbara, 30, a part-time high school teacher, are typical. "We'd like to raise our sons in our own home," says Barbara (T.J. is 3, Michael, 8 months old.) "But we just haven't been able to save up enough for the down payment."

WHY THE CONCERN?

Unless you're looking for your first home, or your kids are, you may not be alarmed by the plight of first-time buyers. After all, a number of them did get in on the market when interest rates dropped last year, and older Baby Boomers who could afford to buy a few years ago already are leveraging their equity into more expensive houses now.

But their younger brothers and sisters may not be so lucky. Their incomes are losing ground to rising housing costs, and their rate of ownership has plummeted (see charts). "These families may never get on the housing ladder," says Ira Gribin, of the National Association of Realtors (NAR).

When we shut young families out of the home market, not only do their dreams of ownership and the security it represents shatter. Community vitality suffers. Employers lose workers. The economy can be hurt. "Businesses may move out if we cannot provide affordable housing," says Robert Whittlesey, of The Boston Housing Partnership.

Ultimately, all homeowners are affected. "Without first-time buyers, the whole housing chain breaks down," says Kent Colton, executive director of the National Association of Home Builders (NAHB). "We need them to buy our homes so we can move up."

LOCATION COUNTS

Many factors affect the growing chasm between home prices and the ability of young families to buy. Sometimes, expectations are too high. "Young people can't expect to move right into a home like the one where they grew up," says Barbara Alexander, managing partner at Salomon Brothers. But many first-timers live in areas where even the meagerest of homes are beyond their means.

Though affordability is a growing problem nationally, local factors play a major role in individual markets:

When young people live where rents are reasonable, saving up for a down payment mainly requires will power, patience, and realistic expectations. But in other areas; rents are rising fast, sapping what could otherwise be down-payment funds. And the down payment, according to a new study by the NAR, is the single largest deterrent to purchasing a first home.

Since the 1986 tax bill limits incentives to build rental units, new construction has halted—appropriately—in areas that were overbuilt. In tight housing markets, however, curtailed construction already is causing higher rents as vacancies shrink.

The tax law also put a moratorium on local mortgage-revenue bonds to help moderate-income families. Unless the law is changed, this source of new funds will disappear at the end of 1988.

Affordability diminishes, too, as local no-growth policies raise new-housing costs through such devices as zoning restrictions and impact fees. The issues are thorny (excessive traffic, for example), the arguments fierce on both sides. But the net result is that new housing development stagnates, current housing values rise, and lower-income families are shut out.

TOUGHER FINANCING

Stung by a rising rate of defaults, many lenders have tightened mortgage underwriting standards. That hits first-timers hardest, whose incomes are modest and who have no equity for leverage from a previous home. "If rates rise much again, first-timers will really be out of luck," says NAHB's Colton.

Larger down payments would help buyers qualify for a home loan. But there's a catch: many lenders disregard down-payment dollars that are borrowed or even that come from gifts. (The fear is hidden indebtedness.)

THE IMPORTANCE OF FHA

The best hope for many families are government-insured FHA or VA loans, which require minimal down payments and account for almost 50 percent of all first-time-buyers' mortgages. Yet these popular programs often come under attack as "unfair competition" to private enterprise.

As we went to press, Senate Republicans had blocked—and President Reagan was threatening to veto—a housing bill which, among other things, gave permanent status to FHA and VA loans. The prime objection was the budget for low-income housing. Nevertheless, the FHA and VA initiatives would have to be renewed some other way.

THE DISINTEGRATION OF LOW-INCOME HOUSING

Whatever one's views about the right to home ownership, it's difficult to argue against the right to safe, affordable shelter. Yet the existing stock of low- and moderate-income rental housing is deteriorating drastically throughout the nation.

With the exception of a few small programs, virtually all federal housing programs came to a halt in the 1980s, as the HUD budget was slashed from 7.4 percent of the total federal budget in fiscal 1978 to less than 1 percent in fiscal 1988. "We're not even building enough to keep the present supply stable," observes William Apgar, Harvard Joint Center for Housing Studies.

"We are creating jungles in our cities," says James W. Rouse, developer of such projects as Baltimore's Harborplace and founder of The Enterprise Foundation, which works with local business and government coalitions to develop housing for the poor. "For the sake of our civilization, we must find ways to create decent housing and neighborhoods."

Some experts expect the shortfall of low- and moderate-income rental units to grow to almost 8 million in the next 15 years. Two major factors:

The 1986 tax law discourages private builders from participating in new low-income projects. "We were proud to be building for low-income families a few years ago," says Leon Weiner, a builder and developer in Wilmington, Delaware. "They gave care to their homes and were motivated to move up. But we just can't afford to do it anymore."

Over the next five to 10 years, up to 900,000 subsidized units built by private developers under federal programs will be eligible for reversion to market prices or whatever use the owner wishes. "It's the biggest time bomb in the whole housing situation," says Salomon's Barbara Alexander. No one really knows how many of these "expiring use restriction" conversions will transpire. But the threat to the poor is clear, in rural as well as urban areas.

CHILDREN: THE NEW HOMELESS

Many factors contribute to homelessness, but certainly the deterioration of decent and affordable housing plays a considerable role.

Although it's difficult to pin down exact numbers, the problem is enormous and growing. Current estimates run anywhere from 300,000 homeless (the federal government) to 3 million or more (low-income housing advocates).

Dr. Ellen Bassuk, of the Harvard Medical School, estimates 2.5 million. "More important," she says, "the profile of the homeless has changed. No longer is it just the drunken male derelict everyone imagines. More likely, it's the single mother with children under five years old."

"I never thought it could happen to us," says Linda Stokes, 27, who lives with her five children in a Boston shelter. Not long ago, she and her husband (since separated) were renting a home near Worcester, Massachusetts, and applying the rent toward purchase. "Then my husband's construction job let up some," she says. "We missed one payment, and the owner sold the house out from under us. The only place we could afford to go was a shelter.

BRIGHT SPOTS ON LOCAL FRONTS

"We can't go back to the old federal programs, considering the monstrous federal deficit," says Paul Grogan, executive director of Local Initiatives Support Corporation, a nonprofit group providing support for community development corporations (CDCs) across the nation. "But we do need a new federal policy which could be guided by the will of state and local forces."

Creative mixes of public and private resources on the local, state, and federal levels are crucial. There are exciting developments as new coalitions, new forms of financing, and just plain grit begin to make a difference. We'll report on such developments soon, with examples of how you can help in your community. That's the American way, after all. What better way to preserve the American Dream?

A NEW HOLOCAUST CURRICULUM FOR AMERICAN HIGH SCHOOLS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. LANTOS. Mr. Speaker, to many American schoolchildren, the Holocaust is something so incredible and devastating that it passes through their minds without much

sense of horror or verisimilitude. Now the systematic mass murder carried out by Hitler has at last come to the classroom, in the form of a curriculum designed by Zelda Robinson of the Southfield, MI Board of Education. The 18-lesson tutorial uses printed materials, lectures and videotape to take students on a gripping, authoritative tour of just how 6 million people were exterminated by mostly ordinary German citizens who did their jobs or, worse yet, looked the other way and did nothing.

Most previous efforts to teach about the Holocaust were flawed by moralizing or excessive shock, shallow information or sentimentality. But Ms. Robinson's effort, called "Life Unworthy of Life", seeks to involve students, make them feel and think about what they are learning and leave an indelible impact. The entire process of prejudice—from involving average citizens in tolerating what is being persecuted to dehumanization and the use of technology—is examined in detail, using empathy. In one exercise, for example, students engage in victim and perpetrator role playing, keeping track of their daily caloric intake as compared to that of a concentration camp inmate.

The Holocaust, says the curriculum, had four distinct elements that made it different from other genocides.

One, it was totally involving. Every facet of an enlightened, industrial society became part of the mechanism of mass murder.

Two, the killers were no unschooled barbarians. They used the most advanced technical and scientific means available, including assembly line techniques.

Three, each step was approved by legitimate state authorities and legally carried out by public officials and public institutions.

Four, most civilians became indifferent to the destruction of their neighbors.

Assisting Mr. Robinson in "Life Unworthy of Life" were Sidney Bolkosky, a history professor at the University of Michigan/Dearborn; Betty Rotbert Ellias, a Southfield Lathrup High School English teacher and daughter of Holocaust survivors; and David Harris, a social studies consultant for Oakland County schools.

Mr. Speaker, I want to commend the creators of "Life Unworthy of Life" for making available a powerful and moving teaching tool that makes the Holocaust start, build and end with credible realism and sensitivity.

STATEMENT COMMEMORATING THE KIWANIS CLUB OF SHEEPSHEAD BAY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize an organization that is a vital part of the 10th Congressional District in New York.

The Kiwanis Club of Sheepshead Bay has been untiring in its efforts on behalf of the community. On February 13, they will be celebrating their 30th anniversary with their annual dinner dance. At the dance they will be honoring past president John Torrente.

The Kiwanis Club of Sheepshead Bay is active in a number of special projects in the community. They have helped the Brooklyn School; for Special Children, the Hydrocephalos Foundation, the Shorefront Community Volunteer Ambulance Corps, the 61st Precinct Youth Council, and the Handicapped Boy Scouts. They run a summer camp, and are continually looking for other ways to help the community.

The Kiwanis motto is "We Build." The men and women of the Sheepshead Bay club have certainly taken this motto to heart, helping build strong community bonds, selflessly donating their time, and contributing to a spirit that is uniquely Brooklyn. I am proud to have the Kiwanis Club of Sheepshead Bay as part of the community I represent.

TRIBUTE TO SRI LANKA ON ITS DAY OF INDEPENDENCE, FEBRUARY 4, 1988

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. TORRICELLI. Mr. Speaker, it is with great pleasure and respect that I rise to pay tribute to Sri Lanka, a long-time friend to the United States that today is celebrating the 40th anniversary of its independence.

Sri Lanka is a true success story. Winning independence just 40 short years ago, Sri Lanka has continued to consistently grow and flourish. In the developing world, which seems rife with economic hardship, Sri Lanka has managed to attain an open, strong, market-oriented economy. In fact, aided by the economic reforms of the Jayewardene government, Sri Lanka has exhibited impressive growth rates, increased employment, and high living standards. On the Physical Quality of Life Index, which compares a country's literacy, life expectancy, and infant mortality rates with its GNP, Sri Lanka scores an impressive 85 out of 100—one of the highest scores in the developing world and even higher than some developed countries.

The international community has expressed its confidence in the Sri Lankan economy by providing Sri Lanka with an unusually high amount of development assistance. In fact, the United States, along with Japan and a number of European countries, has donated much money and technical assistance to the $2 billion Mahaweli hyrdoelectric, irrigation and resettlement project in Sri Lanka. It is an ambitious project that has already prompted a rise in food production.

Politically, Sri Lankans enjoy all of the rights and privileges accorded by a democratic system. This fact notwithstanding, acts of terrorism have continued to ravage this island nation in the past few years. The peace accord, negotiated last year, presents a real opportunity for the reconciliation of the Tamil and Sinhalese communities in Sri Lanka. The United States supports genuine efforts for peace and hopes they will succeed in order that all Sri Lankans can enjoy peace and prosperity.

Our productive relations with Sri Lanka span back nearly 140 years to when the United States appointed a commercial agent to what was at the time Ceylon. Since that time, relations between the United States and Sri Lanka have continually progressed. The United States presently is the largest Sri Lankan export market and third largest supplier of goods. Beyond economic connections, our countries have enjoyed full diplomatic relations for the last 40 years and have fostered strong intercultural ties through educational exchanges and our Voice of America radio station there. Militarily, Sri Lanka allows United States ships to call at its ports. In short, close relations between the United States and Sri Lanka cover a spectrum of international ties.

Mr. Speaker, I once again congratulate Sri Lanka on the occasion of its 40th anniversary of independence. Sri Lanka has been a steadfast friend to the United States and a remarkable example to the developing world. I look forward to witnessing the continued success of this impressive land.

IN THE LEHIGH VALLEY OF PENNSYLVANIA, WOMEN COMPILE OUTSTANDING RECORDS IN SPORTS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. RITTER. Mr. Speaker, with Lehigh Valley women so active and successful in sports, it is a pleasure to be one of the original cosponsors of House Joint Resolution 399, a resolution declaring this day, February 4, 1988, as "National Women In Sports Day." In the October 19, 1987, issue of the NCAA News, I noted that 1,836,356 girls nationwide participated in high school athletics last year in various sports.

I am pleased to state unequivocally that the Lehigh Valley is a hotbed for women's activity in various high school sports. Although total figures are not available, in my district, women participate in track and field, basketball, golf, gymnastics, lacrosse, soccer, swimming and diving, tennis, cross country, volleyball, bowling, rifle, and field hockey. And I am delighted to point with pride to my neighbor, Cheryl Van Kuren of Coopersburg, who is a member of the U.S. Olympic field hockey team that will carry our colors to Seoul, Korea this summer.

One of the outstanding women in sports in the Nation is Pat Fisher of Lafayette College in my district. Pat is delighted with the action we take today in the Congress to recognize the long history of achievements of women in sports. She recognizes the importance of sports and fitness activities in the lives of all individuals and can see the growth in participation and excellence of women in sports.

However, while women's college athletics has benefited from greater visibility since coming under the auspices of the NCAA, there is continuing debate over how well the organization is meeting the needs of schools trying to build top-flight programs. At the NCAA convention in Dallas last June, the NCAA did not give themselves very good marks as we can see from their own report which follows:

	Current limits		Proposed cuts		Proposed limits	
	Men	Women	Men	Women	Men	Women
Div. I-A	245	135	15	14	230	121
Percent	64.5	35.5	6.1	10.4	65.5	34.5
Div. I-AA	220	135	20	14	200	121
Percent	62.0	38.0	9.1	10.4	62.3	37.7
Div. II	178	110	23	14	155	96
Percent	61.8	38.2	12.9	12.7	61.8	38.2

Note: As can be seen, the combined maximum limits in men's sports would be reduced by a greater number of awards (58) than would the women's sports' limits (42). However, in Division I, the percentage reductions in the combined maximums would be greater for women's sports than for men's.

Mr. Speaker, the above changes are most disturbing and should provide a stimulus for those of us in the Congress to take action to provide true equity for the woman student-athlete. The 1972 education amendments with title IX, prohibiting sex discrimination in schools' financing of sports programs, was a boon to girls' participation in organized sports. According to Carl Ojala, a professor at Eastern Michigan University, girls' participation in sports grew more than fivefold. Now, however, after the Grove City College versus Bell Supreme Court decision of 1986, there is serious concern as to the limitations that are being placed on women's sports.

The Women's Sports Foundation legal opinion states:

> Although each member institution has its own combination of sports and scholarships so that it is difficult to predict with specificity the effect of these reductions on a particular program, the adverse impact on women is clear. Women would not enjoy even the proportional share of scholarships justified by their participation and required by (the athletics scholarship section of the title IX regulation), let alone the equal opportunity required by (the athletics provision of the regulation) and the plain language of the statute.

Mr. Speaker, it is time for campus leaders and the Congress to join together to restore the intent of Congress in title IX of the 1972 amendments and I am optimistic that we will enact the necessary legislation in the 100th Congress.

UPGRADE THE VETERANS' ADMINISTRATION TO A CABINET LEVEL DEPARTMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. SOLOMON. Mr. Speaker, on January 14 of this year the Wall Street Journal printed a letter by Congressman BEILENSON in opposition to upgrading the Veterans' Administration to a Cabinet-level department. Out of respect to the 399 Members of this House who voted in favor of legislation elevating the VA to a Cabinet-level department it is only fair to point out the serious inaccuracies in Mr. BEILENSON's letter.

I am disappointed the Wall Street Journal did not bother to check the accuracy of Mr. BEILENSON's letter. Yet, given the national media's veteran's bashing as of late, it was no surprise. I only hope this antiveterans binge will not last forever.

First of all, contrary to Mr. BEILENSON's views, the Veterans' Administration does not exist solely to administer benefits. Cabinet involvement by an agency as diverse and large as the VA, with 244,000 employees, will help coordinate important national activities impacting on a broad cross section of American life.

The policy responsibilities of the VA cover many areas, including health care, home loans guarantees, education, life insurance, vocational rehabilitation and employment, as well as disability compensation and pensions.

Almost 80 million Americans, veterans and their survivors and dependents, are potentially eligible for VA benefits. That's about one-third of the total U.S. population. Many of these people are poor and elderly. By the year 2000, two out of three American males over 65 years of age will be veterans, and how the VA meets the challenges of an older population could point the way for the entire country.

In the area of medical research, the VA conducts world-renowned programs which have earned two Nobel Prizes and pioneered many medical advances for the benefit of all Americans. Among these are heart pacemakers, CAT scans, liver transplants, and nerve regeneration.

In his letter, Mr. BEILENSON claims that all veterans are entitled to preferences in Federal employment. This is not accurate. Veterans with service after October 14, 1976, are not entitled to veterans preference in Federal employment, unless they have a service-connected disability.

Also, he claims that millions are entitled to disability compensation even if the need for those benefits bears no relationship to their service in the Armed Forces. This is not accurate, either. By statutory definition, VA compensation is a benefit earned by virtue of a service-related health, medical, or physical condition.

When Mr. BEILENSON says that benefits are available to veterans who have served only 3 months, I wonder how much he really knows about veterans benefits. While certain wartime and service-connected benefits are available with relatively short periods of service, most types of benefits require longer times of active duty.

Finally, he attacks the VA health care system, stating that it is generally acknowledged as less than first rate. He shows the weakness of his arguments when he has to cite a study which is 10 years out of date, regardless of the merits of its debatable conclusions. The fact is that all of the VA's 172 hospitals and 229 outpatient clinics are currently accredited by the Joint Commission on Accreditation of Health Care Organizations [JCAH], the Nation's most widely accepted measure of health care quality.

By comparison, only 75 percent of private hospitals have attained JCAH accreditation. And one-half of all physicians practicing in the United States received all or part of their medical training from the VA. The VA's side of the story isn't told very often because good news doesn't sell, and I appreciate this opportunity to let people know that the VA is providing high quality, state-of-the-art health care.

Veterans programs grew out of a national will to defend our freedoms and way of life. It is therefore appropriate that matters involving veterans be considered at the Cabinet level. Additionally, there is widespread public recognition that service in the national defense is one of the highest fulfillments of citizenship.

Our veterans through their loyal military service in war and peace, often at the risk of their lives, have earned the right to be heard at the highest level of Government.

A CONGRESSIONAL SALUTE TO ABEL "AL" C. GALLETTI

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to honor a distinguished business and civic leader in my district, Al C. Galletti. Al will be honored on February 14, 1988 at a charity event to be held aboard the cruise ship *Tropicale.* Al is being honored for his many contributions to the local fishing industry as a fish and game commissioner for the past 12 years. This auspicious occasion gives me an opportunity to express my appreciation for his work on behalf of the surrounding community.

A long-time resident of southern California, Al began his career as a meat supervisor for a local supermarket chain. By the early 1970's, Al had become a private businessman after creating Galletti Investment, Inc., a specialty meat market in Redondo Beach. On top of running his own business, Al also began to operate separate meat departments which were located in Royal Food Markets. In 1975, Al teamed his talents and business success with that of his brothers, Sabastiano and Joseph, and created Galletti Brothers Foods, Inc. Today, he is the chief executive of the company, specializing in financial management, and also heads the family's extensive real estate development and holding company.

While dedicated to a career in the food industry, Al has given a significant amount of his time and energy to various civic duties. In addition to his involvement with the California Italian American Foundation, which he founded and currently serves as chair, Al has made enormous contributions of time and energy to the California State Fish and Game Department. For the past 12 years, Al has served as one of only five at-large commissioners appointed by the Governor of California to oversee the regulations and policies of the State fish and game department. He has served as an effective representative of the local fishing community and has been at the forefront of wildlife preservation in California during his 12-year tenure as commissioner. Clearly, Al Galletti's numerous accomplishments highlight the truly remarkable contribution he has made toward the betterment of our State and community.

My wife, Lee, joins me in extending our warmest appreciation and congratulations to Al C. Galletti on this special occasion. His many years of community service and civic duty are an inspiration to us all. We wish Al,

his wife Sarah, and their children, Maria, Sam, Lina, and Joseph, all the best in the years ahead. And of course, we salute the joys of Al's life, his grandchildren, Heidi Nicole Basch, Maxwell Joseph Basch, Abel Cosmo Basch, Peter Anthony Palmer, Marisa Sarah Palmer, Sarah Alyssa Galletti, and Abel Cosmo Galletti.

CURRENCY WITHOUT A COUNTRY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. VENTO. Mr. Speaker, I would like to draw my colleagues' attention to an interesting and provocative article by Howard M. Wachtel which was recently published in The Nation magazine. Mr. Wachtel, a professor of economics at American University and author of a book, "The Money Mandarins: The Making of a Supranational Economic Order," observes in his latest article that the technological advances which have made it possible for banks, brokerage firms, and other financial institutions to move large volumes of currency across international borders has also created a new tension between the public policies of nation-states and the objectives of various financial entities.

These technological capabilities, combined with the movement toward deregulation of financial institutions and currency markets, has created a new environment of uncertainty and speculation which, in turn, is responsible to some degree for instability in the stock and commodities futures markets. Mr. Wachtel notes that futures markets have been transformed "from specialization in real commodities, like corn and pork bellies, to dealing in paper." Speculators take advantage of short-term changes in currency exchange rates and move large volumes of currency across borders, sometimes causing serious economic dislocations which they are scarcely aware of or concerned about.

Mr. Wachtel's thought-provoking article is an important contribution to the public debate as we try to come to grips with an economic agenda for the future. He reminds us again that when people in our country lose their homes or farms or jobs, it is not all by chance. Rather, it is the likely consequence of deliberate choices made by those around the world who control our currency and by our own policymakers who surely choose to exercise the degree of control over our country's economic future through available regulatory mechanisms. I insert Mr. Wachtel's article in the RECORD:

CURRENCY WITHOUT A COUNTRY—THE GLOBAL FUNNY MONEY GAME

(By Howard M. Wachtel)

The October stock market crash was a symptom of the global economic changes unleashed by the free-market fantasies of Ronald Reagan, Margaret Thatcher and Helmut Kohl. The world's economic environment has been transformed by a powerful wave of globalization, privatization and deregulation of capital. Now, as the roaring eighties come to a close, we must come to terms with the fact that we live in an integrated private global economy, knitted together by unregulated financial and commercial establishments using the new information and communications technologies. While government and public policy remain confined to national boundaries, the new supranational economic order recognizes no geographic borders for its financial and commercial activities. Money is moved with the press of a button on a computer console and bounced off communications satellites, leapfrogging national borders. As a result, there is a tension between the bounded public policies of nation-states and the unbounded economic imperatives of supranational enterprises.

Presidents Jimmy Carter and Francois Mitterrand can testify to the difficulties of implementing liberal Keynesianism when confronted with the power of the new supranational economic order. Both came to power at a time when stagnation in the productive core of the economy had begun to foster increasing financial speculation. Stagnation was reflected in rising unemployment rates, which averaged less than 2 percent in France in 1950s, reached 4 percent in 1975 and were 6 percent by the end of the decade. When Carter took office the unemployment rate had similarly risen, to more than 8 percent, in the United States. Financial speculation—the flip side of the coin—took off after 1973, when the industrial democracies deregulated international money. Wealth-holders looking for speculative financial outlets in a stagnant manufacturing economy seized on the availability of new sources of international money and techniques of moving it.

Starting in 1975, the movement of money replaced the production of commodities at the commanding heights of the American economy, creating a new breed of money mandarins operating in a financial rather than production culture. Today an estimated 50 percent of the chief executive officers of large American corporations have backgrounds in law or finance, compared with 13 percent in 1950. Only 3 percent of the 1981 graduating class of the Harvard Business School took jobs in production. Epitomizing the new breed was James Roderick, who, upon ascending to the chair of United States Steel in 1979, said, "The duty of management is to make money. Our primary objective is not to make steel." True to his words, in 1986 Roderick abandoned the proud turn-of-the century name for his company and changed it to USX, the company's identification on Wall Street's stock ticker.

Conservative governments, smitten by the ideology of the free market, translated nineteenth-century ideas into late twentieth-century public policies of privatization and deregulation. The Thatcher and Reagan governments encouraged the financial speculation that was eroding the manufacturing core by deregulating financial markets, and in the United States tax rates on short-term capital gains were lowered. Debts piled upon debts and leveraged buy-outs pyramided into thin margins until it became hard to distinguish legitimate corporate debt from a so-called junk bond. It was only a matter of time before this structure imploded.

If there was anyone who doubted that the new global economy had arrived, he or she should have been disabused of doubts by the October stock market plunge. A global financial Olympics was played against a twenty-four hour game clock. Every time zone on earth had its moment on the money movers' computer screens, as transactions followed the sun around the globe. For the first time in history, events in Lower Manhattan had immediate consequences in Tokyo, Sidney, Hong Kong, London and Frankfurt.

The origins of this new global economy can be traced back to 1973, when the major industrial governments, led by the United States, abandoned the postwar Bretton Woods system. Created in July 1944, the Bretton Woods system had placed governments squarely in the center of regulating international money, principally through the mechanism of stabilizing currency exchange rates within very narrow and publicized ranges—a fluctuation of no more than 1 percent above or below the official rate.

A fall in a country's currency exchange rate, for example, can occur as a result of the following sequence of events: If the sum total of all moneys leaving a country exceeds the sums coming in, a balance-of-payments problem arises. This can trigger a drop in the value of that country's money in the international economy, because the demand for the country's money in the world does not keep pace with its supply. When this happened under Bretton Woods and the market exchange rate diverged from the official rates specified in the agreement, several steps could be taken to correct it: Central bank intervention could increase demand for the currency in trouble; or devaluation of the currency could change the official rate of exchange to bring it into line with the market rate. If the country whose currency was too abundant in the world could not correct its imbalances by these means, then it would be forced to buy back some of its currency by transferring gold in exchange.

The United States, which had about 75 percent of the world's gold supply after the war (around $23 billion), underwrote this arrangement, and the dollar became the preeminent currency in the world economy—literally as good as gold. For a quarter-century, the Bretton Woods system contributed to robust economic growth in the industrial democracies in large part because of the predictability associated with the fixed exchange rate system. The foundations of the system began to weaken in the 1960s. The problem began with massive capital flows out of the United States to the war-devastated economies of Western Europe as a result of Marshall Plan aid and foreign investment by new multinationally oriented American corporations. This led to the reemergence of the Europeans as trading rivals, which resulted in an increase in imports from the Continent. As a result, more dollars were leaving the United States than were coming in. Washington could not indefinitely provide the gold backing needed to support the dollar and the system. When Richard Nixon was elected President in 1968, U.S. gold stocks were about half what they had been in 1950 and were approaching the important psychological barrier of $10 billion. That barrier was breached in August 1971, and Nixon unilaterally took the United States off the gold standard and opened a new chapter in international finance.

In 1973 the governments of the industrial world commenced their first experiment with deregulated currency markets. Henceforth, currencies around the world were free to find their own rates of exchange on a day to day, hour to hour basis. Because there were no longer any official exchange rate targets, gold no longer played an official role in world monetary arrangements. With governments removed from direct international financial management, the money center banks—such as Citibank, Chase Manhattan and about two dozen other large banks around the world—with their institutional infrastructure already in place, accelerated the development of their own nascent private monetary system. This system was organized around Eurodollars, a name that originally meant dollar deposits in bank branches in Europe but now simply refers to dollars that circulate outside the United States, which are used for world trade and do not come under the regulatory authority of the American government.

American banks are required to set aside 20 cents as a reserve for every dollar deposited with them inside the United States. Eurodollar accounts, however, are not subject to such reserve set-asides. The full dollar can be lent out, raising the theoretical possibility of unlimited dollar creation. The total value of Eurodollars in circulation has grown at a rate of about 25 percent a year since the mid-1970s, compared with a growth of real trade of only 4 percent annually. By comparison, the total number of U.S. dollars has grown only 10 percent a year. Starting from a base of about $50 billion in 1973, the "stateless" Eurodollar system today is approaching $2 trillion, almost as large as the domestic monetary system of the United States, which comes under Federal Reserve and Treasury regulatory authority. It is as if we have been transported back to an earlier century, when private bank money operated around and in spite of government.

This expatriate currency mushroomed as a result of enormous dollar surpluses earned on oil sales by Opec countries between 1974 and 1981: about $375 billion more than they spent in the rest of the world. The money was placed in large-denomination certificates of deposit in the money center banks, which held the deposits in offshore banking sanctuaries such as the Cayman Islands in order to provide protection for the Opec depositors against seizure, avoid U.S. government regulation and escape American taxation. But this was only a bookkeeping fiction. In reality, the funds became part of the vast expansion of the Eurodollar system.

Having received these deposits, the money center banks then sought borrowers who could be charged enough interest to enable the banks to earn a profit. The banks first moved Eurodollars into Third World countries, saddling them with a $1 trillion debt burden by the end of 1986, compared to less than $100 billion in 1973. Instead of supporting new productive investment, however, a large portion of this debt went into luxury consumption. Over $200 billion disappeared through capital flight from the Third World back to the industrial countries. When lending to Third World countries turned sour, in 1982, after Mexico and other large Latin American borrowers effectively defaulted on loan servicing, Eurodollars were shifted into funding the U.S. budget deficit, into mergers and acquisitions, and finally into the U.S. stock market. Very little of this huge flow of funds—more than $2 trillion—went into investments that expanded production. This contributed to the twin problems of global economic stagnation and excessive financial speculation.

By the end of the 1970s, privatized money that was operating in a deregulated international environment through money center banks began to take advantage of the enhanced sophistication of computer and information technologies to globalize the world's financial system. The convergence of these three trends—deregulation, privatization and globalization—with the ideology of free markets advocated by Milton Friedman underwrote the neoconservative counterreformation of Thatcher, Reagan and Kohl.

This stateless reserve of capital exerts a transnational effect on national economic policies, seeking the lowest common regulatory denominator as it travels around the globe in search of the best rate of return. In the new supranational economic order, public policy is traded across borders, augmenting traditional competition in services and commodities. The globalized financial system allows the money center banks to make end runs around governments and then leverage their influence to promote the same deregulated and privatized environment within nation-states that they have been able to create for themselves supranationally. Since October 1981, for example, in response to pressure from Citicorp, Chase Manhattan and other money center banks, the Federal Reserve has permitted banking "enterprise zones" in the United States, moving offshore banking onshore and reproducing the unregulated and untaxed financial sanctuary of the Cayman Islands in cities like New York and Washington. Within twenty-one months of their inauguration, these International Banking Facilities had nearly $200 billion in Eurodollar deposits.

It is not coincidental that the first financial futures market began in foreign exchange in 1972, transforming futures markets from specialization in real commodities, like corn and pork bellies, to dealing in paper. In 1975 trading in Treasury Bill futures was added by the Chicago Mercantile Exchange, with the approval of the Commodity Futures Trading Commission, and in the early 1980s stock-index futures were introduced. Today the trading volume in stock index futures is almost equal to the trading volume of the stocks themselves. In the glitz and glitter of New York's stock exchanges and Chicago's futures markets, redsuspendered yuppies have lost sight of the original purposes of these institutions: to facilitate the ability of corporations to raise capital for productive purposes (stock markets) and to hedge risks for tangible commodities (futures markets). They are not supposed to be venues for high-stakes gambling.

Trading in foreign currencies has also become increasingly unstable as supranational capital has grown. National and international financial markets took on the coloration of gambling casinos a decade ago as a result of the large plays in foreign exchange rates accompanying the deregulation of international money. Speculation is no fun when there are no wild swings in prices. Although public economic management was not exemplary after the demise of Bretton Woods, nothing in the fiscal and monetary policies of the United States and other governments can justify gyrations in exchange rates of 40 percent or more.

Fixated on achieving short-term financial returns, currently traders in the money center banks, armed with footloose Eurodollars, engage in destabilizing foreign exchange speculation by attacking the weak currencies and supporting the strong ones. "It isn't un-American" to sell dollars and profit from the currency's decline, said James Young, Manufacturers Hanover's top sterling trader, in the midst of the recent stock market chaos. His 27-year-old counterpart dealing in deutsche marks, Fred Scala, described currency traders as "soldiers of fortune" with no "alliances," only a commitment to "work for the bank"—even if their dealings are incompatible with U.S. economic interests in the world economy, one could add. Having feasted on exchange rates, speculators then moved into the stock market with about $600 billion that underwrote the 20,000-odd mergers and acquisitions since 1979, accounting for more than two-thirds of the run-up stock prices in the past few years.

While the globalization genie cannot be put back into the bottle, every item on the wish list of supranational centers need not be underwritten by pliant governments held hostage by their own free-market ideologies. Ultimately, new transnational economic institutions will be needed to stabilize exchange rates, rethink economic relations between the North and the South, restructure Third World debt and mobilize investment for productive purposes. Borders must mean something once again, permitting governments to inject effective public policies into their economies, and new transnational public institutions must be created to regulate the global economy.

But the immediate problem is the unregulated Eurodollar markets. It is time to bring them under the same regulatory umbrella that exists for dollars inside the United States. In particular, money center banks should be required to observe the reserve set-asides that constrain U.S. banking. This will make it possible for governments to coordinate such economic parameters as interest and exchange rates by regulating the rate of future growth of Eurodollars. In the absence of such regulation, the October stock market meltdown will be only the prelude to a larger financial drama. Speculative money will continue to hit and run, moving from Treasury Bills to foreign exchange to mergers and acquisitions. Continuing instability will breed worse economic imbalances until another financial crisis occurs requiring an even larger bailout from the Federal Reserve than the one engineered to save the market in October.

While the proximate cause of the October crisis in world-wide financial markets was the anticipation of sharply higher interest rates in response to the U.S. government's report about a continuing enormous trade deficit, the problem was magnified by the environment of deregulation and the globalization of financial markets. Since 1981 the Securities and Exchange Commission has been performing more like a cheerleader than a regulator, standing on the sidelines shaking pinstriped pom-poms and rooting on the stock market. As the volume of transactions on the stock market grew geometrically and the complexity of new financial instruments transformed securities markets, from 1981 to 1986 the S.E.C. staff actually declined in number. The commission's computers are from the horse-and-buggy age compared with the state-of-the-art computer capabilities of the securities firms the S.E.C. is supposed to regulate.

In order to bring the financial markets under some degree of regulation, the first step needed is to appoint an S.E.C. chair who knows securities markets and is committed to enforcing existing regulations, beefed up by additional staff and a modern computer capability that can compete with Wall Street's. Next, Congress must take a

look at regulations to deal with the new character of securities markets—including computerized trading, which destabilizes markets, and the confounding of stock transactions with futures and options trading on the futures markets.

The 1930 regulatory aim of separating different types of financial institutions in order to contain problems endemic to each and prevent them from spreading—financial firebreaks—must be reasserted. This means retaining and strengthening the Glass-Steagall act, a law prohibiting commercial banks from engaging in securities underwriting. Senators William Proxmire and Jake Garn have aligned themselves with those seeking repeal of Glass-Steagall: the money center banks; Alan Greenspan, chair of the Fed; Robert L. Clarke, Comptroller of the Currency; and L. William Seidman, head of the Federal Deposit Insurance Corporation. (Ten days after Black Monday, Seidman had the audacity to assert that the 1930s banking crisis was "supervisory" and not "structural" in nature, and therefore Glass-Steagall, which was put in place to prevent a spillover from the stock market into the banking system, is not needed.)

The principle of firebreaks should be extended to include new legislation prohibiting securities firms from trading in futures markets. It is also time to reconsider the very existence of financial futures, in view of the fact that these are fictions far removed from the basic purpose of a futures market. At a minimum, financial futures must be brought under the same regulatory formulas as stock transactions. Margin requirements—the proportion of hard cash that any buyer must have on hand to acquire stocks or futures—are currently only about 7 percent on the less-regulated Chicago futures markets, compared with 50 percent on Wall Street securities markets, allowing the same kind of undercapitalized speculation that fed the late 1920s bubble. The S.E.C. should be out front in proposing uniform securities regulations and in pressing for them in other countries' markets. This would eliminate the "technological" profits from hairtrigger computerized trading, which permits the computer to stay a minisecond ahead of the markets in different countries as they adjust to a common price for the same stock.

The postwar vision of the world economy was predicated on a degree of predictability and stability in exchange rates, which would contribute to the growth in international trade by mitigating risk and uncertainty in financial transactions. For the past fifteen years the ideology of free markets and deregulation has replaced that vision with one that celebrates the cunning of unfettered entrepreneurialism. Arbitragers, options traders and all manner of financial speculators have been on a feeding frenzy for the past five years.

If something good is to come of the financial near-implosion of the past several weeks, it will have to be a better understanding of how the process of deregulated globalism has strengthened the symbiotic relationship between stagnation and speculation, and of what governments need to do to begin to restore investment for productive purposes.

CZECHOSLOVAK HUMAN RIGHTS ORGANIZATION CHARTER 77 CALLS FOR SOLIDARITY WITH THE ROMANIAN PEOPLE BECAUSE OF HUMAN RIGHTS VIOLATIONS AND HARSH LIVING CONDITIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of my colleagues in the Congress a call for solidarity with the people of Romania issued by Charter 77, the outstanding human rights group that was established in Czechoslovakia over a decade ago to monitor the observance of the Helsinki human rights provisions.

The Charter 77 document reminds us that Romania is one European country where human rights conditions have worsened—not improved—since the signing of the Helsinki Final Act. Witnesses testifying before the Commission on Security and Cooperation in Europe have been persecuted and tortured in Romania for their participation in the international hearings. Since the signing of the Helsinki Final Act, conditions have considerably worsened for ethnic minorities, and numerous instances of discrimination and ethnic persecution have been documented.

In addition, economic conditions have deteriorated in Romania. Basic foodstuffs are scarce or inaccessible, and extreme energy rationing has been implemented countrywide. For a country within the Soviet sphere, the Romanian Government has been unable or unwilling to fulfill the basic provisions of Communist doctrine: job security and basic material necessities for the working class.

Mr. Speaker, as you know last year a consequence of the deplorable condition of human rights in Romania, the Congress voted to withdraw most-favored-nation trading status to Romania. Furthermore, the United States has publicly denounced human rights conditions in Romania.

Charter 77 has issued a call on people everywhere to join in solidarity with the people of Romania who suffer from severe economic hardship and denial of basic human rights. I call on my colleagues here in the Congress to join with our friends in Europe in expressing solidarity with the people of Romania, in the spirit of concern expressed by Charter 77.

Mr. Speaker, I insert the full text of the appeal by Charter 77 in the RECORD for the benefit of my colleagues:

CHARTER 77 DOCUMENT NUMBER 2 88: A CALL FOR SOLIDARITY WITH ROMANIA

These days, the government of Europe, various organisations as well as many ordinary citizens, are contemplating the future of our continent, the prospects for peace in Europe, ways of overcoming the division of Europe into political blocs, and the extent and type of human rights enjoyed by the populations of various European countries. Conferences are frequently held on these topics.

All this is to the good and very important. What is less good is that the delegates at these conferences, sitting in well-heated and well-lit conference halls tend to forget there is a country in Europe where people have neither heat nor light.

On Romanian flats are offices, the temperature in winter rarely rises above ten degrees Celsius. Each flat is allowed a maximum of two forty-watt bulbs to be burning at any given time. In Romania, basic foodstuffs, such as flour, sugar and meat are—forty-three years after the war—either being rationed or not available at all.

After twenty-two years of rule, the Romanian leader offers the people of his country only one thing: the ostentatious cult of his personality.

It is a sense of total despair that has driven Romanian workers to demonstrations.

Romania is a curious country: not only does its government deny its citizens elementary liberties to an extent which has no parallel in any other Soviet Bloc country, but it is not even capable of ensuring what the communist regimes call their 'greatest achievement', the basic material and job security, which these regimes use as a means of self-legitimation.

We wish to hold to their word all those Europeans who feel enthusiastic about Gorbachev's statement that we all live in one European house. We call on them to realise that in this rich house there exists a nation which is forced to live in fear of cold and hunger.

This is not only a Romanian affair. Just as the peace and the freedom of Europe are common and indivisible issues of concern to all Europeans, the situation in Romania is equally of common concern. And just as the freedom of those who are indifferent to the enslavement of their neighbours becomes uncertain, the certainty of being able to rely on heat and light also becomes doubtful, if it is connected with indifference to the plight of those who are forced to live in the cold and in the dark.

We therefore call on the European public to remember Romania. We appeal to you to show publicly your solidarity with the plight of the citizens of that country. We suggest to all Europeans that on 1st February 1988 they should express their solidarity with the Romanian people by any means available to them. Let us attempt, at least for a single day, to live in an unheated and badly lit flat. Let us try to deny ourselves at least for a single day, all those things that form our material living standard and that are permanently denied to the Romanians. Wherever this may be possible, let us stage peaceful protest demonstrations in front of the Romanian Embassies. Let us appeal to our governments to help the Romanian people. Let us look for ways in which each of us could personally help.

We call on the Europeans to join Charter 77 in expressing publicly, on 1st February 1988, their solidarity with suffering Romanian society and their revulsion against the despotic ruler responsible for this suffering.

We are aware that one day of solidarity will not solve the Romanian crisis. But we are convinced that it can contribute towards its solution.

STANISLAV DEVATY,
LILOS HAJEK,
BOHUMIR JANAT,
Spokespersons for Charter 77.

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TIME TO REFORM LEGAL IMMIGRATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. SCHUMER. Mr. Speaker, today I am introducing legislation to improve and reform the system of legal immigration in the United States. Together with my colleague, the distinguished Senator from Wyoming, Mr. SIMPSON, who is introducing a virtually identical measure in the Senate, I am calling for much needed changes in the method by which our Nation promotes and controls immigration from all nations in the world to our country.

Last year, Congress enacted sweeping and crucial legislation to control illegal immigration when it passed the Immigration Reform and Control Act. But the task of reforming our outdated immigration laws is only partly completed. It is essential that we expeditiously address the issues of legal immigration as well. Under IRCA, we have finally begun to gain essential control over our borders, but this makes all the more compelling the need to improve and strengthen the system by which we admit legal immigrants.

The legislation we are introducing in the House and Senate today is a positive approach to a complicated issue. Our bill will simultaneously increase the opportunities for would-be immigrants and impose more order on the system which controls the influx of new citizens. America has thrived on the spark and imagination of immigrants from all nations of the world and will continue to do so as long as we recognize the need to continually perfect the system of immigration laws to ensure that the process is fair and responsive to our national needs. The legislation Senator SIMPSON and I are introducing today is a major step in that direction.

Our legislation focuses on several key areas. Above all, we are seeking to balance the emphasis of the preference system upon which immigration eligibility is determined. The outdated immigration laws in effect today are heavily weighted in favor of family ties, so much so that fewer than 1 in 10 of all new immigrants are admitted on the basis of acquired characteristics such as job skills and ability to contribute to our economy. The effect of this system is that individuals from certain nations find it almost impossible to immigrate to the United States. The formula needs to be reformed to allow greater diversity and improved opportunity for individuals who will clearly contribute to our national interest.

The approach outlined in the Simpson-Schumer legislation is based upon fairness and calls for a rational immigration policy that retains the important role of family unity, but also expands the opportunities for would-be immigrants who have skills and abilities to offer this country. The legislation is designed, through a carefully constructed "point system," to select immigrants whose job skills and educational background are in particular demand to meet the needs of the U.S. job market.

Many of the aspects of the Simpson-Schumer legislation are adapted from the recommendations, reported to Congress in 1981, of the Distinguished Select Commission on Immigration and Refugee Policy, headed by the Reverend Theodore M. Hesburgh. The bill creates separate channels of immigration to reflect our traditional recognition of the importance of family reunification while expanding the goal of enhancing our domestic labor market. Additionally, the bill strives to open our borders to more "independent immigrants," enlarging the cultural diversity upon which America's continued vitality and richness depends.

Overall, the Simpson-Schumer legislation will give substantially more visas to those family members of legal U.S. residents who are most closely related—spouses and children. This is especially important because of the predictable increase in application by these groups due to the anticipated legalization of well over a million immigrants under the provisions of IRCA. To reflect the desire that the most immediate family members be given preference, we are establishing a system for phasing out the provisions that previously allowed a preference for the siblings of legal immigrants. Not only has the fifth preference been responsible for chain immigration, but it has continuously failed to meet the demands of would-be immigrants. Indeed, many individuals seeking to immigrate through this avenue, have been waiting in line since the 1970's. To meet this pressing demand, our bill allocates a significant number of visas in the first 3 years to those persons in the backlog. As a result, these individuals will come into this country more rapidly than under the present system. Thereafter, those remaining in the backlog will be admitted at a steady rate.

Importantly, the Simpson-Schumer approach allows flexibility by allowing periodic adjustments in key provisions of the bills based upon determinations made by the executive branch and Congress. Because the quality and quantity of immigration have such a tremendous impact on our economic and cultural development, this flexibility is an essential component of any meaningful reform.

I urge my colleagues in the House to join me in supporting this important revision in our legal immigration laws.

Text of the Simpson-Schumer legislation is reprinted below:

H.R. 3916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Legal Immigration Reform Act of 1988".

(b) REFERENCES IN ACT.—Except as specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

SEC. 2. NATIONAL LEVEL OF IMMIGRATION.

(a) WORLDWIDE LEVEL OF IMMIGRATION.—(1) Section 201 (8 U.S.C. 1151) is amended to read as follows:

"WORLDWIDE LEVEL OF IMMIGRATION

"SEC. 201. (a) IN GENERAL.—Exclusive of aliens described in subsection (b)(1), aliens born in a foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence are limited to—

"(1) family connection immigrants described in section 203(a) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(a)) in a number not to exceed in any fiscal year the number specified in subsection (c) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year;

"(2) independent immigrants described in section 203(b) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(b)), in a number not to exceed in any fiscal year the number specified in subsection (d) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year; and

"(3) backlog immigrants described in section 203(c) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(c)), in a number not to exceed in any fiscal year the number specified in subsection (e) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the numerical limitation under such subsection for all of such fiscal year.

"(b) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—(1) The following aliens are not subject to the worldwide levels or numerical limitations of subsection (a):

"(A)(i) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

"(ii) Aliens who are admitted under section 207(c) pursuant to a numerical limitation established under section 207(b).

"(iii) Aliens whose status is adjusted to permanent residence under section 210, 210A, or 245A.

"(iv) Aliens provided permanent resident status under section 249.

"(B)(i) Immediate relatives (described in paragraph (2)), and aliens admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative.

"(ii) Aliens born to an alien lawfully admitted for permanent resident during a temporary visit abroad.

"(iii) Aliens who are admitted under section 207(c) pursuant to a numerical limitation established under section 207(a) and aliens who granted asylum under section 208.

"(2) For purposes of subsection (A), the term 'immediate relative' means a child or spouse of a citizen of the United States.

"(c) WORLDWIDE LEVEL OF FAMILY CONNECTION IMMIGRANTS.—(1) The worldwide level of family connection immigrants under this subsection for a fiscal year is equal to—

"(A) 450,000, less

"(B) the number computed under paragraph (2), plus

"(C) the number (if any) computed under paragraph (3).

"(2) The number computed under this paragraph for a fiscal year is the sum of—

"(A) the number of aliens described in clause (i) or (ii) of subsection (b)(1)(B) who were issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the previous fiscal year; and

"(B) for each of fiscal years 1990 and 1991, 50,000 (to provide for backlog immigrants described in subsection (e) in each respective year).

"(3) The number computed under this paragraph for a fiscal year (beginning with fiscal year 1991) is the difference (if any) between the maximum number of visas which may be issued under subsection (a)(2) (relating to independent immigrants) during the previous fiscal year and the number of visas issued under that subsection during that year.

"(d) WORLDWIDE LEVEL OF INDEPENDENT IMMIGRANTS.—(1) The worldwide level of independent immigrants under this subsection for a fiscal year is equal to—

"(A) 220,000, less

"(B) the number described in paragraph (2) (to provide for backlog immigrants described in subsection (e)), plus

"(C) the number computed under paragraph (3).

"(2) The number described in this paragraph for a fiscal year is equal to—

"(A) 100,000 for fiscal year 1990,

"(B) 100,000 for fiscal year 1991, and

"(C) 75,000 for fiscal year 1992.

"(3) The number computed under this paragraph for a fiscal year (beginning with fiscal year 1991) is the difference (if any) between the maximum number of visas which may be issued under subsection (a)(1) (relating to family connection immigrants) during the previous fiscal year and the number of visas issued under that subsection during that year.

"(e) NUMERICAL LIMITATION ON BACKLOG IMMIGRANTS.—The numerical limitation under this subsection for—

"(1) fiscal year 1990 is 150,000,

"(2) fiscal year 1991 is 150,000,

"(3) fiscal year 1992 is 75,000, and

"(4) each subsequent fiscal year is 0.

"(f) REPORT ON, AND REVISION OF, WORLDWIDE LEVEL OF IMMIGRATION.—(1) In January before the beginning of fiscal year 1993 (and of each succeeding fiscal year thereafter), the Attorney General, in consultation with the Secretary of Labor, the Secretary of State, the Secretary of Health and Human Services, the Administrator of the Environmental Protection Administration, and the Secretary of Housing and Urban Development, shall prepare and transmit to the President and to the Judiciary Committees of the Senate and of the House of Representatives a report discussing the effect of immigration on the United States. The report shall consider—

"(A) the requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members;

"(B) the impact of immigration on labor needs, employment, and other economic and domestic conditions in the United States;

"(C) the impact of immigration with respect to demographic and fertility rates and resources and environmental factors; and

"(D) the impact of immigration on the foreign policy and national security interests of the United States.

The report for fiscal year 1993 (and each third fiscal year thereafter) shall include a discussion, based upon such consideration, of the need (if any) to revise the number specified in subsection (c)(1)(A) or the number specified in subsection (d)(1)(A) for each of the 3 succeeding fiscal years.

"(2) In March before the beginning of fiscal year 1993 (and of each third fiscal year thereafter), the President shall, after considering the reports transmitted under paragraph (1) and after soliciting the views of members of the Committees on the Judiciary of the House of Representatives and of the Senate, determine whether or not the number specified in subsection (c)(1)(A) or the number specified in subsection (d)(1)(A) should be changed for any of the subsequent 3 fiscal years, and, if so, each number which should apply instead of the number specified in the respective subsection for each such fiscal year. The President shall transmit such determination to the Congress by not later than March 31 before the fiscal year involved and shall deliver such determination to both Houses of Congress on the same day and while each House is in session.

"(3) Notwithstanding the provisions of subsections (c)(1)(A) and (d)(1)(A), if the number transmitted in a determination of the President with respect to subsection (c)(1)(A) or subsection (d)(1)(A) for a fiscal year—

"(A) is not less than 90 percent, nor more than 110 percent, of the number specified in that respective subsection, unless the Congress, by not later than August 31 following the date of the transmittal, enacts a joint resolution the substance of which disapproves the change with respect to the number for that respective subsection for that fiscal year or years, the number so transmitted shall take effect and apply, instead of the number specified in that respective subsection, during the fiscal year or years involved; or

"(B) is less than 90 percent, or more than 110 percent, of the number specified in that respective subsection, if the Congress, by not later than August 31 following the date of the transmittal, enacts a joint resolution the substance of which approves the change with respect to the number specified in that respective subsection for that fiscal year or years, the number so transmitted shall take effect and apply, instead of the number specified in that respective subsection, during the fiscal year or years involved.

"(4) Paragraphs (5), (6), and (7) are enacted—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each respective House, but applicable only with respect to the procedure to be followed in the case of joint resolutions described in paragraph (5), and supersede the other rules only to the extent that such paragraphs are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change such rules at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(5) For purposes of this subsection, the term 'joint resolution', with respect to a change in number transmitted by the President under paragraph (2) for a fiscal year or years, in the case described—

"(A) in paragraph (3)(A), means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: 'That Congress, pursuant to subsection (f)(3)(A) of section 201 of the Immigration and Nationality Act, disapproves the change proposed by the President in the number specified under subsection of that section for fiscal year (or years) transmitted to the Congress by the President on ', the blank spaces therein to be filled appropriately; or

"(B) in paragraph (3)(B), means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: 'That Congress, pursuant to subsection (f)(3)(B) of section 201 of the Immigration and Nationality Act, approves the change proposed by the President in the number specified under subsection of that section for fiscal year (or years) transmitted to the Congress by the President on ', the blank spaces therein to be filled appropriately.

"(6)(A) No later than the first day of session following the day on which a determination is transmitted to the House of Representatives and to the Senate under paragraph (2), which determination provides for a change in a number specified in subsection (c)(1)(A) or (d)(1)(A) for a fiscal year, a joint resolution (as defined in paragraph (5)) with respect to each such change shall be introduced (by request) in each House by the chairman of the Committee on the Judiciary of that House, or by a Member or Members of the House designated by such chairman.

"(B)(i) Each joint resolution introduced in a House shall be referred to the Committee on the Judiciary of the respective House. The committees shall make their recommendations to the respective House not later than June 15 following the date of introduction.

"(ii) If the Committee has not reported such a joint resolution with respect to a change by such date, it is in order to move either to discharge the Committee from further consideration of the joint resolution, except that no motion to discharge shall be in order after the Committee has reported a joint resolution with respect to the same change.

"(iii) A motion to discharge under clause (ii) may be made only by a Member favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, in the Senate the majority leader and the minority leader or their designees and in the House of Representatives the chairman of the Committee on the Judiciary and the ranking minority member of such committee or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(D)(i) When the Committee has reported, or been discharged from consideration of, a joint resolution, a motion to proceed to the consideration of the joint resolution shall be highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

"(ii) Debate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided in the Senate between, and controlled by, the majority leader and the minority leader or their designees and to be equally divided in the House of Representatives between individuals favoring and individuals opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which a joint resolution is passed or rejected shall not be in order.

"(iii) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

"(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

"(D) If, prior to the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same change transmitted by the President in a number specified under a subsection for a fiscal year, then—

"(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the resolution of the other House.".

(2) The item in the table of contents relating to section 201 is amended to read as follows:

"Sec. 201. Worldwide level of immigration.".

(b) Per Country Immigration Levels.—Section 202 (8 U.S.C. 1152) is amended—

(1) in subsection (a)—

(A) by striking "(a) No person" and inserting "(a)(1) Except as specifically provided in paragraph (2) and in section 101(a)(27), 201(b) and 203, no person",

(B) by striking ", except as specifically" and all that follows through "following fiscal year", and

(C) by adding at the end the following new paragraph:

"(2)(A) Subject to subparagraphs (B) and (C), the total number of immigrant visas made available to natives of any single foreign state under subsection (c) of section 203 (relating to family connection immigrants) in any fiscal year may not exceed 8 percent of the total number of such visas made available under such subsection in the fiscal year.

"(B) If for fiscal year 1990 or a succeeding fiscal year the number of aliens described in clause (i) or (ii) of section 201(b)(1)(B) (relating to immediate relatives and similar individuals) who are natives of a particular foreign state and who are issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the fiscal year exceeds the greater of—

"(i) the number level computed under in subparagraph (A) for that state for that fiscal year, or

"(ii) the level of such immigration of natives of that foreign state in fiscal year 1988 or fiscal year 1989 (whichever is greater),

then the number level applicable to that foreign state in the following fiscal year under subparagraph (A) shall be reduced by the amount of such excess, except that such reduction shall not exceed ½ of the number level otherwise provided without regard to this subparagraph.

"(C) If, because of the application of subparagraph (A) with respect to one or more foreign states, the number of visas available under section 203(c) for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, subparagraph (A) shall not apply to visas made available to such states during the remainder of such calendar quarter.

"(3)(A) Subject to subparagraph (B), the total number of immigrant visas made available to natives of any single foreign state under subsection (d) of section 203 (relating to independent immigrants) in any fiscal year may not exceed 8 percent of the total number of such visas made available under such subsection in the fiscal year.

"(B) If, because of the application of subparagraph (A) with respect to one or more foreign states, the number of visas available under section 203(d) for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, subparagraph (A) shall not apply to visas made available to such states during the remainder of such calendar quarter.";

(2) in subsection (b), by striking "the numerical limitation set forth in the proviso to subsection (a) of this section" each place it appears and inserting "a number level established under subsection (a)";

(3) in subsection (c)—

(A) by striking "other than" and all that follows through "section 201(b)" and inserting "other than an alien described in section 201(b)(2)", and

(B) by striking "section 202(a)" and all that follows through the end and inserting "subsection (a)(1), to the foreign state"; and

(4) by striking subsection (e).

SEC. 3. PREFERENCE SYSTEM FOR ADMISSION OF IMMIGRANTS.

(a) In General.—Section 203 (8 U.S.C. 1153) is amended to read as follows:

"ALLOCATION OF IMMIGRANT VISAS

"Sec. 203. (a) Preference Allocation for Family Connection Immigrants.—Aliens subject to the worldwide level specified in section 201(c) for family connection immigrants in a fiscal year shall be allotted visas as follows:

"(1) Parents and unmarried sons and unmarried daughters of citizens.—Visas shall be made available, in a number not to exceed 30 percent of such number level, first to qualified immigrants who are—

"(A) parents of citizens of the United States who are 21 years of age or older, or

"(B) the unmarried sons or unmarried daughters of citizens of the United States.

"(2) Spouses and unmarried sons and unmarried daughters of permanent resident aliens.—Visas shall be made available, in a number not to exceed 60 percent of such number level plus any visa numbers not used under paragraph (1) or (3) for the fiscal year, next to qualified immigrants who are—

"(A) the spouses of an alien lawfully admitted for permanent residence; or

"(B) the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, if the sons or daughters—

"(i) are under 26 years of age, or

"(ii) as of the date of the enactment of the Legal Immigration Reform Act of 1988, had a petition filed on their behalf for preference status under section 203(a)(2) (as in effect on such date) by reason of such relationship and such petition was subsequently approved.

"(3) Certain registered former fourth and fifth preference aliens.—For fiscal years beginning with fiscal year 1993, visas shall be made available, in a number not to exceed 10 percent of such number level, as follows:

"(A) Not to exceed 15 percent of the number of visas made available under this paragraph shall be made available to qualified immigrants who—

"(i) are the married sons or married daughters of citizens of the United States,

"(ii) as of the date of the enactment of the Legal Immigration Reform Act of 1988, had a petition filed on their behalf for preference status under section 203(a)(4) (as in effect on such date) by reason of the relationship described in such section and such petition was subsequently approved, and

"(iii) are registered for the benefits of this paragraph under section 204(a)(1)(C).

"(B) Any remaining visa numbers shall be made available to qualified immigrants who—

"(i) are the brothers or sisters of citizens of the United States, if the citizens are at least 21 years of age;

"(ii) as of the date of the enactment of the Legal Immigration Reform Act of 1988, had a petition filed on their behalf for preference status under section 203(a)(5) (as in effect on such date) by reason of the relationship described in such section and such petition was subsequently approved; and

"(iii) are registered for the benefits of this paragraph under section 203(a)(1)(C).

"(b) Preference Allocation for Independent Immigrants.—Aliens subject to the worldwide level specified in section 201(d) for independent immigrants in a fiscal year shall be allocated visas as follows:

"(1) Special immigrants.—Visas shall be made available, in a number not to exceed 10 percent of such number level, to qualified special immigrants described in section 101(a)(27) (other than those described in subparagraph (A) or (B) thereof).

"(2) Aliens who are members of the professions holding doctoral degrees or aliens of exceptional ability.—(A) Visas shall be made available next, in a number not to exceed 25 percent of such number level, or, if less, 27,000, to qualified immigrants who are members of the professions holding doctoral degrees (or the equivalent degree) or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

"(B) The Attorney General may, when he deems it to be in the national interest, waive the requirement of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

"(C) In determining under subparagraph (A) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

"(3) Skilled workers.—(A) Visas shall be made available next, in a number not to exceed 25 percent of such number level, or, if less, 27,000, to qualified immigrants who are capable of performing skilled labor (requiring at least 3 years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States.

"(B) An immigrant visa may not be issued to an immigrant under subparagraph (A) until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14).

"(4) Employment creation.—Visas shall be made available next, in a number not to exceed 5 percent of such number level, or, if less, 5,000, to qualified immigrants who have invested, or established to the Attorney General their intention to invest, not less than $2,000,000 in an enterprise in the United States which will benefit the United States economy and create full-time employment for not fewer than 10 individuals (other than the spouse, sons, or daughters of such immigrant).

"(5) Selected immigrants.—(A) Visas authorized in any fiscal year under section 201(c), less those required for issuance to the classes specified in paragraphs (1), (2), (3), and (4), shall be made available to qualified immigrants who attain a score of not less than 50 points, based on the point assessment system described in subparagraph (B).

"(B) The point assessment system referred to in subparagraph (A) shall accord points based on criteria as follows:

"(i) Age (10 points).—For an alien who (as of the first day of the fiscal year involved) is—

"(I) not less than 21 years of age or more than 35 years of age, 10 points; or

"(II) not less than 36 years of age or more than 44 years of age, 5 points.

"(ii) Education (15 points).—For an alien who (as of the first day of the first year involved)—

"(I) has completed successfully grade school through high school or its educational equivalent (as determined by the Secretary of Education), 5 points;

"(II) has been awarded a bachelors' degree or its equivalent (as determined by the Secretary of Education), 5 additional points; and

"(III) has been awarded a graduate degree, an additional number of points (up to 5 additional points) to be determined by the Secretary of Education based on the level of the degree.

"(iii) English language ability (15 points).—For an alien who demonstrates (before September 1 before the fiscal year involved) an understanding of the English language by the ability—

"(I) to speak words in ordinary usage in English, 5 points,

"(II) to read words in ordinary usage in English, 5 points, and

"(III) to write words in ordinary usage in English, 5 points.

In applying this clause, standards comparable to those applicable under section 312(1) shall be applied.

"(iv) Understanding of government and history (5 points).—For an alien who demonstrates (before September 1 before the fiscal year involved) a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States, 5 points. In applying this clause, standards comparable to those applicable under section 312(2) shall be applied.

"(v) Occupational demand (20 points).—For an alien who is in an occupation for which the Secretary of Labor determines (before the fiscal year involved)—

"(I) there will be increased demand in the United States for individuals in the occupation in the succeeding fiscal year, 10 points, and

"(II) there will be a shortage of individuals in the United States to meet the need in the occupation in the United States in the succeeding fiscal year, up to 10 points.

"(vi) Occupational training and work experience (20 points).—To the extent the alien has training, work experience, or both, in the occupation described in clause (v), up to 20 points, such points multiplied by the number of points awarded under clause (v) divided by 20.

"(C) The point assessment system described in subparagraph (B) shall be established by regulation by the Attorney General in consultation with the Secretary of Labor, the Secretary of Education, and the Secretary of State.

"(c) Preference Allocation for Backlogged Immigrants.—Aliens subject to the numerical limitation specified in section 201(d) for certain backlogged immigrants in a fiscal year shall be allocated visas as follows:

"(1) Visas shall be made available, in a number not to exceed 15 percent of the numerical limitation for the fiscal year, first to qualified immigrants who—

"(A) are the married sons or married daughters of citizens of the United States, and

"(B) as of the date of the enactment of the Legal Immigration Reform Act of 1988, had a petition filed on their behalf for preference status under section 203(a)(4) (as in effect on such date) by reason of the relationship described in such section and such petition was subsequently approved.

"(2) Any remaining visas shall be made available to qualified immigrants who—

"(A) are the brothers or sisters of citizens of the United States, if the citizens are at least 21 years of age, and

"(B) as of the date of the enactment of the Legal Immigration Reform Act of 1988, had a petition filed on their behalf for preference status under section 203(a)(5) (as in effect on such date) by reason of the relationship described in such section and such petition was subsequently approved.

Visas are made available under this subsection only within the numerical limitations described in section 201(d) and nothing in this subsection shall be construed as implying that because an alien is described in this subsection the alien will be provided a visa under this or any other provision of this Act.

"(d) Treatment of Family Members.—A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, his spouse or parent.

"(e) Order of Consideration.—(1) Immigrant visas made available under subsection (a), (b) (other than paragraph (5)), or (c) shall be issued to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General as provided in section 204(a).

"(2) Of the immigrant visa numbers made available under subsection (b)(5) (relating to selected immigrants) in a fiscal year—

"(A) ½ of such numbers shall be issued to eligible qualified immigrants in the order of their score on the assessment system described in subsection (b)(5)(B) with respect to petitions filed for the fiscal year involved; and

"(B) ½ of such numbers shall be issued to eligible qualified immigrants with a qualifying score on such system strictly in a random order established by the Attorney General for the fiscal year involved.

"(3) Waiting lists of applicants for visas under this section shall be maintained in accordance with regulations prescribed by the Secretary of State.

"(f) Presumption.—Every immigrant shall be presumed not to be described in subsection (a), (b), or (c) of this section, section 101(a)(27), or section 201(b)(2), until the immigrant establishes to the satisfaction of the consular officer and the immigration officer that the immigrant is so described. In the case of any alien claiming in his application for an immigrant visa to be described in section 201(b)(1) or in subsection (a), (b), or (c) of this subsection, the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

"(g) Lists.—For purposes of carrying out his responsibilities in the orderly administration of this section, the Secretary of State may make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories under subsections (a) through (c), and to rely upon such estimates in authorizing the issuance of visas. The Secretary of State shall terminate the registration of any alien who fails to apply for an immigrant visa within one year following notification to him of the availability of such visa, but the Secretary shall reinstate the registration of any such alien who establishes within 2 years following the date of notification of the availability of such visa that such failure to apply was due to circumstances beyond his control.".

(b) Changes in Petitioning Procedure.—Section 204(a) (8 U.S.C. 1154(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (5), and

(2) by striking "(a)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(a)(1)(A) Any citizen of the United States claiming that an alien is entitled to classification by reason of a relationship described in section 203(a)(1) or to an immediate relative status under section 201(b)(2) may file a petition with the Attorney General for such classification.

"(B) Any alien lawfully admitted for permanent residence claiming that an alien is entitled to a classification by reason of the relationship described in section 203(a)(2) may file a petition with the Attorney General for such classification. An alien may be classified as an alien described in section 203(a)(2) with respect to a specific fiscal year on the basis of a petition filed in a previous fiscal year only if the alien has filed with the Attorney General a notice of continuing intent to be admitted to the United States as a immigrant under such section within the 2 fiscal years immediately previous to the specific fiscal year involved.

"(C) An alien may not be classified under section 203(a)(3) (relating to certain former fourth and fifth preference aliens) for a fiscal year unless the alien, or the United States citizen parent or brother or sister of alien described in that section, registers for the benefits of that section during fiscal year 1992. To the maximum extent practicable during the first 6 months of fiscal year 1992, the Attorney General shall provide

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notice to each individual qualified to be registered under this subparagraph of the requirement of the previous sentence.

"(D) Any alien desiring to be classified under section 203(b)(2) (or any person on behalf of such an alien) (relating to professionals) may file a petition with the Attorney General for such classification.

"(E) Any person desiring and intending to employ within the United States an alien entitled to classification under paragraph (2) or (3) of section 203(b) (relating to professionals and skilled workers) may file a petition with the Attorney General for such classification.

"(F) Any alien desiring to be classified under section 203(b)(4) (relating to employment creation) may file a petition with the Attorney General for such classification.

"(G) Any alien desiring to be provided an immigrant visa under section 203(b)(5) (relating to selected immigrants) in a fiscal year may file a petition outside (and only outside) the United States with a consular officer during the 12-month period ending with August of the previous fiscal year. Only one such petition may be filed by an alien with respect to any fiscal year.

"(2) A petition or registration under this subsection shall be in such form as the Attorney General may by regulation prescribe and shall contain such information and be supported by such documentary evidence as the Attorney General may require.

"(3) The petition under this subsection shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer or an immigration officer.

"(4) On or after October 1, 1989, an alien who—

"(A) previous to being admitted as, or otherwise provided the status of, an alien lawfully admitted for permanent residence was married to an individual, and

"(B) is so admitted, or provided such status, as a child or as the unmarried son or unmarried daughter of a citizen of the United States or of an alien lawfully admitted for permanent residence,

may not file a petition under this section on behalf of any alien to whom the alien was married previous to being so admitted or provided such status.".

(c) Revision of Labor Certification.—Paragraph (14) of section 212(a) (8 U.S.C. 1182(a)) is amended to read as follows:

"(14) Aliens seeking to enter the United States to perform skilled labor unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that (A) there are not sufficient qualified workers (or equally qualified workers in the case of aliens who are members of the teaching profession or who have exceptional ability in the sciences or arts) available in the United States in the occupations in which the aliens will be employed; and (B) the employment of aliens in such occupations will not adversely affect the wages and working conditions of workers in the United States who are similarly employed. In making such determinations the Secretary of Labor may use labor market information without reference to the specific job opportunity for which certification is requested. An alien on behalf of whom a certification is sought must have an offer of employment from an employer in the United States. The exclusion of aliens under this paragraph shall only apply to immigrants seeking admission under section 203(b)(3). Decisions of the Secretary of Labor made pursuant to this paragraph, including the issuance and content of regulations and the use of labor market information under this paragraph, shall be reviewable by an appropriate district court of the United States, but the court shall not set aside such a decision unless there is compelling evidence that the Secretary made such decision in an arbitrary and capricious manner.".

SEC. 4. CONGRESSIONAL REVIEW OF REFUGEE ADMISSIONS.

Section 207(a) (8 U.S.C. 1157(a)) is amended—

(1) in paragraph (1), by striking "in fiscal year" and all that follows through the end of such paragraph and inserting the following: "during a fiscal year may not exceed 50,000, unless—

"(A) before July 1 before the beginning of the fiscal year, the President—

"(i) after appropriate consultation (as defined in subsection (e)), determines that admission of a specific number of refugees in excess of 50,000 is justified by humanitarian concerns or is otherwise in the national interest, and

"(ii) transmits such determination in writing to each House of Congress; and

"(B) there is not enacted a joint resolution described in paragraph (2) with respect to the determination."; and

(2) by amending paragraph (2) to read as follows:

"(2)(A) Except as provided in subparagraph (C), the provisions of paragraphs (4) through (7) of section 203(f) apply to joint resolutions described in subparagraph (B) in the same manner as such provisions apply to joint resolutions described in section 203(f)(4).

"(B) For purposes of subparagraph (A), a joint resolution described in this subparagraph means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: 'That Congress, pursuant to paragraph (2) of section 207(a) of the Immigration and Nationality Act, disapproves the number transmitted for fiscal year by the President on under paragraph (1) of that section.', the blank spaces therein to be filled appropriately.

"(C) In applying paragraphs (6) and (7) of section 203(f) under subparagraph (A)—

"(i) any reference to a joint resolution is deemed a reference to a joint resolution described in subparagraph (B);

"(ii) any reference to a change in a number is deemed a reference to a number transmitted under paragraph (1); and

"(iii) the deadline for reporting a joint resolution by a committee, described in section 203(f)(6)(B)(i), is September 1 rather than June 15.".

SEC. 5. MISCELLANEOUS CONFORMING AND TECHNICAL CHANGES.

(a) Sections 101(b)(1)(F), 202(a), 202(c), 204(a)(1), 204(b), 204(e), 216(g)(1)(A) (as added by section 2(a) of Public Law 99-639), 222(a), 244(d), 245(c)(2), 245(c)(5) (8 U.S.C. 1101(b)(1)(F), 1152(a), 1152(c), 1154(a)(1), 1154(b), 1154(e), 1186a(g)(1)(A), 1202(a), 1254(d), 1255(c)(2), 1255(c)(5)) are each amended by striking "201(b)" each place it appears and inserting "201(b)(2)".

(b) Section 204 (8 U.S.C. 1154) is amended—

(1) in subsection (b)—

(A) by striking "section 203(a)(3) or (6)" and inserting "section 203(b)(3)".

(B) by striking "section 201(b)" and inserting "section 201(b)(2)",

(C) by striking "a preference status under section 203(a)" and inserting "preference under section subsection (a), (b), or (c) of section 203",

(D) by inserting "(and, in the case described in section 203(b)(5), specify the point score on the assessment system)" after "approve the petition", and

(E) by striking "The Secretary of State" and inserting "Subject to section 203(b)(5), the Secretary of State";

(2) in subsection (e)—

(A) by striking "preference immigrant under section 203(a)" and inserting "immigrant under subsection (a), (b), or (c) of section 203", and

(B) by striking "section 201(b)" and inserting "section 201(f)";

(3) by striking subsection (f);

(4) in subsection (g), by inserting "(as in effect before the date of the enactment of the Legal Immigration Reform Act of 1988)" after "203(a)(4)"; and

(5) in subsection (h), by striking "preference status" and inserting "status under section 203(a)(2)".

(c) Section 212(a)(32) (8 U.S.C. 1182(a)(32)) is amended by striking "203(a)(3) and (6) and to nonpreference immigrant aliens described in section 203(a)(7)" and inserting "203(b)(2), (3), and (5)".

(d) Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended—

(1) by striking out the semicolon at the end thereof and inserting in lieu thereof ", or"; and

(2) by adding at the end thereof the following new subparagraph:

"(C) was admitted as an independent immigrant under section 203(b)(4) by the end of the one-year period following the date of entry and who failed to invest substantial capital in an enterprise in the United States as required in such paragraph or who, having made such investment, has failed without good cause to maintain such an investment for a period of at least two years after the date of such entry or after the date such substantial investment was made, whichever date was later;".

(e) Section 244(d) (8 U.S.C. 1254(d)) is amended by striking "201(a) or 202(a)" and inserting "201(c) or 202(a)(2)(A)".

(f) Section 245 (8 U.S.C. 1255) is amended—

(1) in subsection (b), by striking "preference or nonpreference visas authorized to be issued under sections 202(e) or 203(a)" and inserting "visas authorized to be issued under section 203", and

(2) in subsection (c), by redesignating clause (5) as clause (4) and by inserting before the period at the end the following: ", or (5) an alien who is applying for adjustment of status to preference status under section 203(b)(5)".

(g)(1) Section 3304(a)(14)(A) of the Internal Revenue Code of 1986 is amended by striking "section 203(a)(7) or".

(2) Section 1614(a)(1)(B) of the Social Security Act is amended by striking "section 203(a)(7) or".

(h) Section 2(c)(4) of the Virgin Islands Nonimmigrant Alien Adjustment Act of 1982 (Public Law 97-271) is amended by inserting before the period at the end the following: "(as in effect before October 1, 1989) or by reason of the relationship described in section 203(a)(2)(B), 203(a)(3)(A), 203(a)(3)(B), or 201(b), respectively, of such Act (as in effect on or after such date)".

SEC. 6. EFFECTIVE DATES AND TRANSITION.

(a) In General.—The amendments made by this Act shall take effect on October 1, 1989, and shall apply to immigrant visa numbers issued for fiscal years beginning with fiscal year 1990; except that the amendments made by section 3(b) (relating to immigrant visa petitioning process) shall take effect on the date of the enactment of this Act and apply to immigrant visa numbers issued for fiscal years beginning with fiscal year 1990.

(b) General Transition.—In the case of a petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1989, for—

(1) immediate relative status under section 201(b) as the parent of a United States citizen, such petition shall be deemed as of October 1, 1989, to be a petition for the status described in section 203(a)(1)(A) of such Act (as amended by this Act), and the priority date for such petition shall be the date of its filing under section 204(a) of such Act;

(2) preference status under section 203(a)(1) of such Act (as in effect before such date), such petition shall be deemed as of October 1, 1989, to be a petition for the status described in section 203(a)(1)(B) of such Act (as amended by this Act), and the priority date for such petition shall remain in effect;

(3) preference status under section 203(a)(2) of such Act (as in effect before such date), such petition shall be deemed as of October 1, 1989, to be a petition for the status described in section 203(a)(2) of such Act (as amended by this Act), and the priority date for such petition shall remain in effect; or

(4) preference status under section 203(a)(3) or section 203(a)(6) of such Act (as in effect before such date), such petition shall be deemed as of October 1, 1989, to be a petition for the status described in section 203(b)(2) or 203(b)(3) of such Act (as amended by this Act), as elected by the petitioner, and the priority date for such petition shall remain in effect.

(c) Admissibility Standards.—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1989, makes application for admission, the immigrant's admissibility under paragraphs (20) and (21) of section 212(a) of the Immigration and Nationality Act shall be determined under the provisions of law in effect on the date of the issuance of such visa.

(d) Construction.—Nothing in this Act shall be construed as affecting the provisions of section 19 of Public Law 97-116, section 2(c)(1) of Public Law 97-271, or section 202(e) of Public Law 99-603.

TRIBUTE TO ROBERT RE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. TORRICELLI. Mr. Speaker, it is with great pleasure and respect that I rise today to pay tribute to Robert Re, a man of courage and vision. Robert Re has distinguished himself these past 35 years while ensuring the rights and freedoms of all individuals under the law. Understanding the value of our American system and believing that justice must be one of the guiding principles of the law, he has been able to establish a climate in which the rule of, and respect for, the law prevails.

After serving his Nation in the Marine Corps during combat in Korea, he became actively involved in his community. Starting his career in 1956 as a patrolman in the rural community of HoHoKus, his intense energy, great enthusiasm, and sense of responsibility, helped establish him as a moving force, able to make a profound contribution. While rapid change and growth in Bergen County created problems and conflicts for some, for Robert Re, it created only new possibilities and promise.

Robert Re is an exemplary and dedicated professional who has consistently demonstrated great organizational skills and excellent leadership qualities. With commitment and purpose he served as an instructor at the Bergen County Police Academy and Director of Saddle River Civil Defense. He was instrumental in the formation of the Bergen County Arson Squad and is currently serving on the board of directors of the Bergen County Narcotics Task Force. Mr. Re has been cited for his outstanding achievements from Bergen County organizations—the Board of Chosen Freeholders, Council on Alcoholism, Police, and Fire Academy. The State of New Jersey has recognized his continuing commitments as well with honors from the senate and assembly.

In 1985 Re was chosen by the New Jersey Divisions of Criminal Justice to work preparing model rules and regulations for police departments throughout the State of New Jersey. In addition, he conducts police promotional exams as a member of the New Jersey Chiefs Testing Commitee.

His reputation did not go unnoticed outside his own community and he was appointed in 1985 special deputy U.S. marshal by Attorney General Edwin Meese.

In honoring Robert Re we honor every man and woman who are working to make our State and county a better place for all its citizens. May Robert Re continue to extend his varied talents, energy, knowledge, and experience to the new career of under sheriff that awaits him and the community that honors him this evening.

ESSAY ON THE FEDERAL BUDGET PROCESS

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. KOLBE. Mr. Speaker, I recently received a copy of a paper that Kendra Larson, a high school constituent of mine, wrote for her American Government class. This thoughtful and well-defined essay on the Federal budget process shows the degree of concern for the lack of substantive action in reducing the deficit and the complete breakdown in the budget process. Our young people are rightfully showing a deep interest in their future financial well-being. I am deeply embarrassed when I have to tell our young adults that their standard of living will be lower than their parents because Congress has failed in its responsibility to reduce the deficit.

Kendra has some very sound ideas for prodding Congress to do its job and pass meaningful deficit reduction. I think that all the Members of this body could benefit from these thoughts and ideas. I am enclosing the full text of her paper in the Record so that maybe we might give some thought to the policy Congress has of appeasing todays constituencies and leaving the expense to future generations. Maybe we ought to start listening to what our future generations have to say about those poor prospects.

October 1st "The Deadline"

The Federal Budget as a whole is not a law, it is the specific appropriations for the agency funds in the budget that are the bills that make the law. Those appropriations for the agencies funds have to go through the law making process to become the budget.

First, the President sends Congress his ideas on the budget as a whole. All of the individual agencies, i.e., Defense, Welfare, Social Security and Human Resources, are in this budget.

Congress appoints committees and subcommittees to find out if the President's ideas are within reason in relation to the individual agencies. The committee's report back to Congress with the results of their studies. They report how much the agencies need and how much those agencies can afford to be cut by. Congress then goes through the committee reports on the agencies and tries to refine it to the satisfaction of themselves and the President. Finally both houses vote on the bills and send them to the President for his approval.

The President then reviews the bills and decides whether he approves of them or not. If he decides not to sign them they are returned to Congress.

By this time it could be as late as September 30th. If they are returned, Congress must go through the whole process once again. While they are revising the bills, they must pass a Continuing Resolution, so Federal Employees are not laid off and Social Welfare Programs can continue to be funded.

Finally, Congress has revised the bills and the President takes one more step toward agreements. He approves and signs the bills. By signing the bills he has approved the Federal Budget.

Congress then receives the bills and puts them into budget resolutions. At this point they must take the Federal Employees and Social Welfare Program off the Continuing Resolution and on to the Federal Budget for the year.

The problem in this tedious, time consuming process is that the President and Congress can't seem to complete the budget by October 1st. This sets Congress and the President back on other things they have had to set aside to work on the Federal Budget. In addition this situation can force the government to lay off Federal Employees and stop payments to all Social Welfare Agencies until a Continuing Resolution is passed.

Here are some reasons why Congress and the President should pass the budget on time.

If the budget is passed by October 1st:

Congress won't have to pass Continuing Resolutions and other emergency measures to keep Federal Programs running.

The general population would feel more comfortable with the government. The people on social welfare programs would

> know whether there will be funds or not by October 1st. A set date and the date being met would make people feel confident and more secure about their government and the men and women running it.
>
> The United States would show more credibility to the other major powers and third world countries. It would show a stability and continuity lacking in the past. Our government is only as strong as its people, its government, and its budget!
>
> Finally, that is what Congress and the President are elected and paid for. They are elected to keep our country running. If they continue to go back and forth, trying to decide on a budget, something else that is equally as important is not getting done, and the budget isn't getting done!
>
> The following are incentives to force Congress and the President to get this portion of their job done on time:
>
> First, according to Congressman Jim Kolbe, traditionally every year the Congress takes their summer break from the 8th of August through the 8th of September each year, unless it is an election year, then they only take three weeks. I propose that they reschedule the summer break to the 8th of June through the 8th of July. This would allow more time for the bills to get passed through both the Congress and the President.
>
> Secondly, I propose that their paychecks are completely stopped or they are fined a reasonable sum for every day passing that the budget is delayed. When you stop and think about what happens if an American citizen neglects to file or pay his income tax, this seems very appropriate.
>
> Finally, I propose that if the budget is not passed by October 1st, the budget from the year before should extended for the next year, for example, the Fiscal Year 1987 budget is in effect until it is time to pass the Fiscal Year 1989 budget. It should only take this occurring one time to get everyone's attention. The entire government and the American public will have to live with no pay increases, spending increases or new defense programs being funded. Perhaps then each Congressman's constituents or political backers would pressure Congressmen as well as the President to get the job done and on time!
>
> It would be beneficial to get this proposal to be an Amendment to the Constitution rather than just make a law. If the proposal was just a law the Congress could pass another law to get around this one. To become an Amendment to our Constitution a bill must pass by a two-thirds majority vote in both houses of Congress and also passed by two-thirds majority of the United States. If the bill passes both houses and the states it becomes an Amendment to the Constitution. If it doesn't pass the bill is dropped.
>
> Hopefully, sooner or later, one or all of these proposals will become an Amendment to our Constitution and completely resolve "The Deadline" issue.

A TRIBUTE TO WILLIAM KUNEC

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. KANJORSKI. Mr. Speaker, I rise to draw my colleagues' attention to Mr. William Kunec. An 18-year letter carrier from Wilkes-Barre, PA, Mr. Kunec exemplifies some of the finest qualities of a public servant. Through his attention and concern, he saved a person's life.

While making his deliveries, Mr. Kunec noticed that the mail and newspapers from several days had begun to pile up on an elderly woman's porch. Growing concerned, he saw that the front door was open, he heard the television and, from the door, he noticed that the refrigerator door was ajar. He called aloud the woman's name but received no reply from inside.

Responding with expedience and care, Mr. Kunec informed the police who entered the home to discover the woman was on the kitchen floor. The police took the woman to the hospital and, fortunately, she is now resting comfortably.

Not surprisingly, the Postal Service awarded Mr. Kunec a superior achievement award and recognized his exemplary actions in the February edition of the Postal Record.

It is with great pride and admiration for Mr. Kunec that I rise today to share with my colleagues this wonderful story about one of my constituents. We in northeastern Pennsylvania pride ourselves on helping our neighbors. My hope is that Mr. Kunec's story will inspire others to treat their neighbors with similar care and compassion.

LIBBEY GLASS: 100 YEARS IN TOLEDO, OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Ms. KAPTUR. Mr. Speaker, this year marks an important event in the history of our Nation's glass capital as Libbey Glass celebrates its 100th year in Toledo, OH.

In 1888 Edward Drumond Libbey moved his New England Glass Factory "west" to northwest, OH. Several Ohio towns had been considered for the site but Toledo won the battle for the firm by being a pioneer in economic development incentives. By providing a 4-acre building site, ample land for employee housing, excellent rail and steamboat transportation facilities, and inexpensive natural gas, Toledo had attracted an employer who would make an indelible mark on the history of my community.

The original plant consisted of 1,500,000 square feet of space and consisted of a state of the art furnace area, engine house, boiler shed and kiln. Today, the facility spans 60 acres of land in North Toledo and employs approximately 1,200 workers. The skilled hands of Flint Glass Workers, Machinists and Glass, Pottery, Plastics and Allied Workers assist in the production of glass for over 90 countries around the world.

Back on August 17, 1888, the Toledo Daily Blade headline predicted that Toledo was to be "The Future Glass Capital of The World." Now, 100 years later I am proud to represent this community which has lived up to such a bold prediction.

In its history, Toledo's Libbey facility has achieved many firsts in the glass industry. These achievements include: the first automatic glassmaking machine in 1901; the automatically produced light blub in 1902; machine-blown glass tumblers in 1907; machine made glass tubing in 1917; the first mass-produced colored glassware in 1934; and hand-blown radio and radar bulbs for the war effort during World War II.

Today, Libbey Glass has developed into the leading manufacturer of tabletop glassware with products in millions of homes, restaurants, and retail stores all over the world. I know my colleagues in the House of Representatives join me today as I congratulate Libbey Glass for 100 years in Toledo, OH, the home of "America's Glassmaker."

DISTURBING INCIDENTS IN EL SALVADOR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Ms. PELOSI. Mr. Speaker, I would like to bring to the attention of my colleagues two very disturbing incidents that have occurred in El Salvador in recent weeks. On Saturday, January 16, the last archdiocesan refugee camp in San Salvador, Calle Real, was surrounded and occupied by the Salvadoran military and fired upon. One refugee of the camp was hit by a bullet in the stomach. On Sunday, January 24, as Francisco Herrera, a volunteer from Calle Real, was transporting six women and four children to a hospital in a nearby town, their truck was forced to stop. Six men in civilian clothing got out of an unmarked vehicle with rifles and a machine gun and surrounded the church truck; Francisco and a woman in the car were struck, beaten and the lives of all were threatened. In addition, the men threatened to kill any church workers found transporting refugees in the future.

I believe these incidents point to a disturbing trend developing in El Salvador. It seems that open attacks on church workers by the El Salvadoran military have become an accepted policy. Mr. Speaker, this is not acceptable. What is worse is the fact that our country supports an army that fires on unarmed civilians. The administration has made a firm commitment to democracy in El Salvador. As part of this commitment, I believe the United States must play a role in changing some of the barbarous practices of the military forces in El Salvador.

These incidents are of particular concern to me because Mr. Herrera was a resident of the bay area. We must take steps to end the policy of attacks on church workers so that Francisco Herrera's work in El Salvador will not be in vain. Thank you.

STATEMENT HONORING FANY AND FAJWEL NOWES

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize two very special people who celebrated their 50th wedding anniversary yesterday, February 3. Fany and Fajwel Nowes represent the indominable spirit that some people exhibit under extreme circumstances.

Both are Polish Jews who experienced first-hand the horrors of the Holocaust. Throughout their ordeal they continued to help those who needed help. They saved hundreds from starvation through their exceptional bartering techniques, and eventually left Europe with four other family members to settle in New York in 1950.

They raised four children in New York and are now welcoming their grandchildren into their adopted American culture. As immigrants they make sure that their heirs do not take for granted the freedom they enjoy, and yet they are able to share a proud heritage with them.

It is a joy to see two people reach such a milestone. I know all my colleagues will join me in wishing Fany and Fajwel all the best in the years to come.

CONSIDERATIONS OF THE MIDDLE EAST CONFLICT

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. BORSKI. Mr. Speaker, I recently met with Rabbi Marvin Goldman, Adath Zion Congregation; Sarah Cohen, president of the Northeast Philadelphia Synagogue Council; Mervin Kimmens, executive director, Brith Sholom; Eugene Cohen, chairman, Social Action; Emanuel Reshes, president, American Red Magen David of Israel; and Judith Goldman, Emunah Women, who expressed strong concern over the media coverage of events in Israel's occupied territories. Rabbi Goldman, quoting from a statement prepared by the group, thoughtfully and concisely addressed some current Middle East issues.

Rabbi Goldman stated:

> We in this country are proud of a free and independent press. We point to that right guaranteed by our Constitution; and we cherish that freedom as basis to our existence. Nevertheless, with that freedom comes the responsibilities for a fair and accurate presentation of truth.

The immediate worldwide reaction to the media's vivid coverage of Israeli clashes with Palestinians on the West Bank and Gaza, should be tempered with the Israeli past and present record of its search for peace in the Middle East.

Rabbi Goldman commented:

> Israel has always sought peace. It is a country which, time and again, has demonstrated it is not afraid to come to the peace negotiating table. In the past forty years, only one Arab country has come forward to seek peace. Egypt did not walk away disappointed. Tragically, all the other Arab nations ostracized Egypt because it sought peace. The Palestinian issue will be resolved only when Arab leaders are not afraid to come foward for peace.

Aside from the obvious and imperative need to maintain national security, the current Israeli policy of maintaining the occupied West Bank and Gaza is a result of the unwillingness of most Arabs to accept the fundamental principle of the Camp David accord, which is to recognize Israel's legitimate sovereignty, territorial integrity, and political independence.

In closing, I would like to submit part of a letter to President Hosni Mubarak of Egypt recently signed by myself and 87 of my colleagues in the U.S. House of Representatives. I believe it summarizes the viewpoint of countless Americans, like Rabbi Goldman and his group, who are concerned about the situation in the Middle East.

> We urge you to exercise your renewed influence in the Arab world to garner support for a political solution to the Palestinian question and to revive the stalled process. It is believed by many that the problems in the West Bank and Gaza must be resolved by a negotiated settlement within the framework of Camp David. Necessarily, this entails participation by moderate Palestinians, Israel, Jordan, and Egypt. This opportunity must not be missed due to the intrasigence of any party to the negotiations.

SUPER TOWN: SAN DIEGO

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. LOWERY of California. Mr. Speaker, it is with a tremendous sense of pride that I redirect my colleagues' attention to San Diego, my hometown and super host to Super Bowl XXII.

As everyone knows by now, the Washington Redskins defeated the Denver Broncos 42 to 10 in a record-setting performance before a stadium crowd of 73,302 and millions of television viewers around the world. Certainly my colleagues will indulge me a personal note that publicly, and in print, I had picked the Redskins to win—though my final score was a bit more modest. As much as I would like to dwell on my pigskin prognosticating prowess, however, my purpose today is to cite for the record the magnificent effort that all San Diegans made to ensure the success of the city's first Super Bowl.

Seldom have citizens of an entire city united in enthusiastic support as San Diegans did in planning, preparing and executing the enormous logistical tasks surrounding this event. And their accomplishments won rave reviews from thousands of visitors and National Football League officials.

The pageantry and partying exceeded all expectations. The weather was beautiful throughout the week and during the game, but that was no surprise for a city whose climate is acclaimed worldwide.

From the moment Gene Klein, then owner of the San Diego Chargers, persuaded other NFL owners to award Super Bowl XXII to our city, uncounted hours were spent by thousands of people in the course of 3 years toward making this affair an unqualified, outstanding success. It would be impossible to list here all those whose contributions aided in the overall cause, but I would like to mention some of those San Diegans who were key players, their performances matching those of Doug Williams, Timmy Smith, and all the Redskins in the contest itself.

Bob Payne was chairman of the San Diego Super Bowl task force and was joined by Leon Parma, Les Land, Herb Klein, and Peg Nugent in the forefront of planning and preparing.

Dal Watkins and Pamela Davies of the San Diego Convention and Visitors Bureau brought their expertise to bear in accommodating some 80,000 visitors.

And the following civic and community leaders provided exemplary service in various aspects.

Mayor Maureen O'Connor, Jack McGrory, Marty Breslauer, and John Lockwood of the city of San Diego; Alex Spanos, owner of the Chargers, and his executives; Bill Wilson, Jack Argent, Jack Powell, Steve Shushan, and Brian Bossard of the stadium staff; Chief Bill Kolender, Jim Kennedy, Bob Jones, and Jerry Sanders of the San Diego Police Department.

And finally, a deserving special mention to Barron Hilton, the man who brought professional football to San Diego in 1961, without whom San Diego would have never dreamed of sponsoring a Super Bowl. Hilton, too, was proud of San Diego's effort in staging Super Bowl XXII.

In 1965, San Diegans voted $27 million toward building a new stadium. In 4 days the Super Bowl brought some $140 million into the San Diego economy. To those of us charged with fiscal responsibility, at all levels of government, those are the figures that are really super.

THE PLIGHT OF ZACK BAUMEL

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. DONNELLY. Mr. Speaker, I wish to call to my colleagues attention the plight of Zack Baumel, who has been declared missing in action since his capture in Lebanon in June 1982.

He and his parents moved to Israel several years ago, though all three remain citizens of the United States.

Zack was captured while fighting for the Israeli Army. Syria denies any knowledge of Zack's whereabouts, despite eyewitness accounts and other information.

We all deeply understand the pain the Baumels must feel. Not knowing of their son's location or health and welfare is reprehensible. Their feelings of despair and isolation permeate their daily existence.

I call on my colleagues to urge Syria to allow the International Red Cross to intercede on Zack's behalf. Zack's plight is similar to the plight of thousands of individuals who cry out for human justice and freedom from every corner of the globe. Our efforts on Zack's behalf will bring his situation and that of others to world attention. Our focus is on those who continue to hold innocent human beings hostage to accomplish their ends. The Baumel's suffering will not end until their son's status is known and he is safely reunited with them.

HANNAH KAHN: ONE OF FLORIDA'S FINEST

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. LEHMAN of Florida. Mr. Speaker, I was deeply saddened by the passing of one of Florida's most loved persons, Hannah Kahn.

She manifested her uniqueness in many ways. Creative, talented, charming and sensitive, she knew intuitively how to make others feel good. Hannah was a determined lady—otherwise she would not have survived for so many years with a serious illness. The legacy she leaves for her family, friends and admirers—her insight, compassion, caring and industry—will go on and on.

A businesswoman and a poet—what a rare combination. But Hannah Kahn was a very special person.

I would like to share with my colleagues a news article which describes some of her accomplishments.

The article follows:

[From the Miami Herald, Jan. 16, 1988]

POET HANNAH KAHN, CONSIDERED ONE OF STATE'S FINEST

(By Belinda Brockman)

Award-winning poet Hannah Kahn, acclaimed as one of Florida's finest, died Thursday of cancer. She was 76.

Ride a wild horse
with purple wings
striped yellow and black
except his head
Which must be red.
Ride a wild horse against the sky—hold light to his wings Before you die whatever else you leave undone—once ride a wild horse into the sun

Hannah Kahn rode that wild horse across a lyric landscape of verse. Less infected by technique than some poets ("I use very little embroidery," she once said), Mrs. Kahn's poems were designed to emote feelings, of womanhood, motherhood, even old age. Many are sentimental, without being cloying. Typically, they are straightforward.

As she told the Miami News 10 years ago: "I have never written a poem that I was detached from. And the poems that I respond to the most are not psychological or philosophical. They are those that have become a part of time, and in some cases, changed my life."

The Miami Herald's poetry editor in the 1960s, Mrs. Kahn had more than 400 works published and authored two books of poetry, Eve's Daughter and Time, Wait. She was nominated in 1976 to be Florida's poet laureate, but then Gov. Reubin Askew declined to name anyone, saying the Florida Constitution prohibited his doing so.

Her first published work appeared in Good Housekeeping when she was 28. Subsequent years found subsequent poems in such publications as Saturday Review, Harper's, The New York Times, Poetry, Literary Review, and many more. Her poems have been in three anthologies of the Poetry Society of America and have been reprinted in everything from high-school texts to guides for ministers.

"Why has mine sold?" she said. "Because it doesn't intimidate people. They can understand it."

I wanted to write about the old men
Who looked at the dinner menu for a long time,
And then ordered doughnuts and coffee.

"A poem can be about anything . . . Something that stands out, that is not blurred into the momentum."

A tall woman, Mrs. Kahn was a New Yorker by birth. She passed out of the eighth grade when she was 11, and at 15 she took a job at Macy's. In 1938, she moved to Miami and married house painter Frank Kahn. He died in 1975.

I walk among the headstones in my sleep
I read the names, the dates. I place two stones
Upon your grave. I ask you to forgive
That in some strange, distorted way I live

For more than 40 years, Mrs. Kahn worked at a furniture showroom. She raised a family, who survive her—two sons, Melvin and Daniel, and one daughter Vivian born with Down's Syndrome.

"I like my life," she once said, "but sometimes I don't like the facts of my life."

At night, sitting at an electric typewriter with a reminder above to turn if off, she composed her poetry—first one line, then the melodic verse and stanzas that flowed from it.

The awards in recognition of the quality of her poetry were many. She won the International Sonnett Competition of the Poetry Society of Great Britain and America and an annual award from the Poetry Society of America, as well as numerous others.

Hannah Kahn's original manuscripts have been requested by, and will go to, the University of Florida.

Services will be at 1 p.m. Sunday, at Temple Israel of Greater Miami downtown.

Memorial donations may be made to the Association for the Development of the Exceptional.

THE VALUE OF COMMEMORATIVE RESOLUTIONS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. DYMALLY. Mr. Speaker, recently I have heard some public criticism of the role of Congress in designating days, weeks, and months as national observances.

As chairman of the Subcommittee on Census and Population, which has jurisdiction in the House over commemorative bills, I would like to set the record straight on why these resolutions are important to so many people and why they are not a waste of our time in Congress.

First, Members of Congress do not dream up these observances on their own. It is their constituents, whether in terms of their districts or committees on which they serve, who propose the resolutions to call attention to special events, anniversaries, cutural events, assistance programs, and issues of national concern.

It follows that if so many people and organizations ask Members of Congress to sponsor commemorative resolutions, then they must be relevant to events which are important in people's everyday lives. A closer look at some of the resolutions passed by Congress recently demonstrate the importance of these resolutions to the efforts of many Americans with worthy causes.

At first glance, "National Catfish Day" may have appeared frivolous to some unknowledgeable observers. But the importance of congressional and presidential acknowledgement of this issue becomes clear when one considers that catfish is the second largest industry in Mississippi, one of the poorest States in the Nation. The publicity resulting from "National Catfish Day" surely raised public awareness of this food (including with this chairman!) and helped promote the livelihood of many communities.

Then there are the resolutions calling attention to devastating diseases. Not too long ago, Americans knew little about osteoporosis, Reye's syndrome, lupus, and other serious illnesses.

Today, heightened public awareness has facilitated fundraising for much-needed research into the causes and possible cures for many diseases, leading to lower incidence and mortality rates. Surely, congressional recognition has contributed to efforts to increase public awareness.

An example is a resolution I sponsored last year at the request of doctors at the M.D. Anderson Hospital and Tumor Institute in Texas, to help promote the first nationwide symposium on minorities and cancer. Congressional passage of "National Minority Cancer Awareness Week" prompted local governments to establish programs of their own to increase awareness in minority communities of the higher risk of cancer.

There are other resolutions which pay tribute to many groups of people whose dedication and sacrifice help make life better for us all: income tax assistance volunteers, visiting nurses, organ donors, neighborhood crime watch volunteers, Federal employees, and emergency medical services personnel. And I would challenge anyone who suggests that it is frivolous for Congress and the President to honor our Gold Star Mothers, our POW's and MIA's, our women veterans, our educators, and the Special Olympics.

Finally, Mr. Speaker, let me point out that the procedure for passing commemorative resolutions is a smooth one which does not disrupt the other important business of the Census Subcommittee.

In fact, I would venture to say that I, the ranking minority member, and the other subcommittee members have been "pulling overtime" in an effort to closely monitor plans for the 1990 decennial census, a constitutionally mandated event of critical importance to every single American and every community in this country.

Mr. Speaker, if there are individuals who want to criticize the value of commemorative resolutions, they should express their displeasure to the people and organizations nationwide, from every walk of life, whose work and sacrifices are enhanced in some small measure by recognition from their elected officials.

In the midst of the hopelessly complicated cycles of budgets, authorizations, and appropriations which often keep Members of Congress running in circles and leave the public wondering about legislative procedures, I suspect there are many who are grateful that we take time to make the simple effort to recognize events and accomplishments which are important to people in their everyday lives.

THE RADON GAS TAX RELIEF ACT OF 1988

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mrs. SCHROEDER. Mr. Speaker, radon gas is a deadly health hazard that threatens families across the Nation. Only recently has radon gas caught the attention of the public as a major health hazard. Recent Environmental Protection Agency studies have estimated that between 5,000 to 20,000 deaths a year are caused by radon gas contamination. This makes radon gas the second leading cause of lung cancer, second only to cigarette smoking. Radon gas contamination is so extensive it affects homes in every State of the Nation.

While Congress and the EPA have done much to address the problem, more needs to be done to encourage builders, contractors and homeowners to take measures to reduce radon gas. My bill would be a major step toward this. Through a combination of tax credits and deductions, my bill would provide tax relief to individuals and firms who install radon reduction equipment.

In light of the seriousness of the problem, the least we can do is help people take the steps necessary to rid their homes of a deadly health hazard.

MOURNING FOR PRESIDENT CHIANG CHING-KUO

HON. WM. S. BOOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. BROOMFIELD. Mr. Speaker, I join the people of Taiwan and many of my colleagues in the House in mourning the death of President Chiang Ching-kuo who passed away last month.

In 1972, Chiang Ching-kuo succeeded his father, Chiang Kai-shek to the Presidency of the Republic of China. It was his father who led the fight against Mao Tse-tung on the mainland, and then in 1949, brought the Nationalist Chinese Government to the island of Taiwan.

Instead of maintaining the status quo established by his father as many expected, Chiang Ching-kuo led Taiwan through an economic and political transformation that made Taiwan a dynamic economic power with a rapidly liberalizing society.

Under Chiang Ching-kuo's leadership, Taiwan moved from an agrarian nation to a sophisticated, industrial world economic power. Taiwan has the third highest per capita income in Asia, the highest savings rate in the world, and a society where about 80 percent of all families own their homes. It has moved from manufacturing shoes and clothing to producing sophisticated manufactured goods that have helped Taiwan build up one of the largest foreign exchange reserves in the world.

Politically, Chiang Ching-kuo's success have been equally impressive. While his government's official stature has declined, with only a handful of nations recognizing Taiwan's claim to be the sole representative of the Chinese people, nearly every nation in the world continues to maintain unofficial ties and trade with Taipei.

Internally, Chiang has led his country to integrating the ethnic majority Taiwanese into the political mainstream which had been dominated since 1949 by the mainland Chinese. He also ended the nearly 40-year rule of martial law, permitted a liberalization of press laws, and allowed the formation of an opposition political party, the Democratic Progressives, that last year took part in elections for the first time since 1949. The Republic of China Government also has ended, for many on Taiwan, the ban on visits to the Chinese mainland.

Mr. Speaker, President Chiang Ching-kuo has led his country and people through a major transition that has left Taiwan for the better, and he deserves a full measure of credit for this. With his farsighted leadership he has placed Taiwan on a path of economic growth and political liberalization that, I hope, those on the mainland of China will seek to emulate for the sake of all Chinese people.

Chiang Ching-kuo's leadership will surely be missed, but he has left an important legacy affecting all of us that should be acknowledged.

LABOR AND THE WORLD

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1988

Mr. RICHARDSON. Mr. Speaker, I would like to bring to the attention of my colleagues the remarks of J.F. Otero, the international vice president of the Transportation-Communications Union, on Central America.

RESOLUTION NO. 37 "LABOR AND THE WORLD"

Mr. Chairman, fellow delegates, I support Resolution No. 37 as a whole and will address myself to the section on Central America.

For 27 years now, I have had the opportunity to work with fellow trade unionists from Central and South America in their struggle to achieve freedom and democracy for their countries and social justice for their fellow workers.

During this period, I have travelled extensively to Nicaragua during the Somoza Regime and after the Sandinistas took over. I have followed closely and in person these developments. In fact, by associating myself with national labor leaders and others in transportation in those countries and their struggle for justice and freedom, I was victimized and slandered.

So, Mr. Chairman, I rise with a degree of personal knowledge of the region and the players in the continuing drama and bloodshed enveloping Nicaragua and their neighbors.

We now have a great opportunity for peace.

A great opportunity to stop the killing.

A great opportunity for negotiations rather than confrontations. Let's not squander this chance for peace and stability.

This Resolution seeks to help our Nicaraguan brothers and sisters from the Confederation of Trade Union Unity (CUS) in their struggles. They are the ones on the front lines. We should not seek to impose our judgment over what they think is good for them.

I believe it is also appropriate that I review the record of the AFL–CIO over the years in terms of supporting democracy and democratic institutions in Latin America.

During the 70's, CUS asked us for help in their struggle against the Somoza dictatorship. We gave them that help! The AFL–CIO led the move to support the CUS Boycott against Somoza shipping.

But, the CUS paid a very high price. Their leader and my personal friend, Luis Medrano, was brutally assassinated by Somoza's national guard. Many other CUS leaders were killed, wounded or imprisoned in the struggle to oust Somoza.

After the revolution, CUS asked the AFL–CIO to support U.S. aid to the new Sandinista government. We did!!

The Sandinistas repaid CUS by persecuting their leaders, by putting them in jail, by beating them, by killing them, by taking over their homes and offices and trying to force them to join a government-controlled union.

And all this, Mr. Chairman, happened before there were any Contras and even before Ronald Reagan was nominated for President!

So, what is CUS asking us now? They do not ask the AFL–CIO to support Contra aid. CUS has chosen to fight for freedom and trade union rights without taking up arms. A very dangerous and courageous position. They have no links to the Contras. They do not support the Contras.

They have asked us to support a call for an end of U.S. aid to the Contras along with the end of Soviet-Cuban aid to the Sandinistas.

They have asked us to support a dialogue and negotiations between the Sandinistas and the opposition.

They have asked us to support the Contadora process and President Arias Peace Plan.

They want peace desperately, but they also say that without freedom and democracy there can be no peace!

And that, Mr. Chairman, is what this Resolution says. That's exactly what the Resolution asks this Convention to do. Nothing more, nothing less!

This Resolution reflects AFL–CIO policy, not Ronald Reagan policy!

We say: Get the U.S., the Soviets and the Cubans out of Nicaragua!

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We say support President Arias Peace Plan and his call for dialogue between the Sandinistas and the Contras.

Let's adopt this Resolution and commit ourselves to work for its full implementation so that peace and democracy can soon be enjoyed by all Nicaraguans and their Central American neighbors!

I move adoption of Resolution 37.

HOUSE OF REPRESENTATIVES—*Monday, February 8, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Bless all people, gracious God, who seek to honor You by honoring those with whom they live or work. Enable us to see that we ought to praise You and respect the people about us. May the love we offer You, O God, be translated into affection and concern and care for every person. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MAKING IN ORDER ON WEDNESDAY, FEBRUARY 17, 1988, ONE MOTION TO INSTRUCT CONFEREES, NOTWITHSTANDING THE SPEAKER'S APPOINTMENT OF CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. OBEY. Mr. Speaker, I ask unanimous consent that notwithstanding the Speaker's appointment of conferees on H.R. 5, that one motion to instruct conferees be in order on Wednesday, February 17, 1988.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MEDAL TO COMMEMORATE COAST GUARD BICENTENNIAL

The SPEAKER. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today I am introducing legislation to design, strike, and sell a commemorative medal honoring the bicentennial of the U.S. Coast Guard in 1990. The Revenue Cutter Service, the forerunner of the Coast Guard, was established in 1790. The Cutter Service was developed primarily to assist the Department of the Treasury in the enforcement and payment of customs and tonnage duties. Not even a decade passed before these duties were dramatically expanded to include assisting the U.S. Navy in the defense of the country. Since those early days, the responsibilities of the service have continued to evolve and increase.

The Coast Guard has been involved in virtually every conflict in which U.S. military forces have been engaged, and stands ready at all times to join in protecting this country. Using several amphibious vehicles at Guadalcanal, the Coast Guard participated in a mission to extract marines from the shore where they were trapped by Japanese gunfire. Amid the spray of bullets, signalman, first class, Douglas Munro maneuvered his vehicle to a position between the marines and his fellow coast guardsmen. His quick and decisive action distracted the enemy fire, allowing for the safe rescue of all of the marines. Munro lost his life in this effort. He was posthumously awarded the Congressional Medal of Honor.

While this extraordinary act of heroism has been appropriately commended, I believe that all Coast Guard personnel are deserving of the distinction which my proposed medal will bring. On daily patrol on Long Island during World War II, Coast Guard seaman, second class, John C. Cullen came upon four suspicious individuals. Recognizing that they were in danger of being caught, the individuals bribed Cullen to keep quiet. Cullen played along, pretending to accept the bribe, and immediately returned to his base to report the incident. Cullen's skill and calm demeanor led to the capture of four German saboteurs who had come ashore from a German submarine.

The crucial responsibility of aiding the national defense does not overshadow the myriad of duties which the Coast Guard undertakes daily. Among these are assisting the Customs Service in the war against drugs, providing education programs for boating safety, performing rescue operations at sea, and striving to protect marine environments.

In 1896, for example, a schooner with nine people aboard was driven aground during a hurricane near the Outer Banks of North Carolina. Waves crashed against the vessel, breaking it into pieces and threatening the lives of those aboard. The men of the Pea Island Lifesaving Station formed a human chain and waded through the tumultuous waters, saving the captain, his crew of six, his wife and 3-year-old child.

The work of the Coast Guard has been, and continues to be, an integral factor in protecting individuals and our Nation as a whole. As I speak today, the Coast Guard is attempting to contain an oil spill in the Rosario Straits off of Anacortes, WA. A barge sank on Sunday, January 31, 1988, carrying 384,000 gallons of oil which could be disastrous to the marine environment and to the surrounding area. The multifaceted role of the Coast Guard in this type of situation includes efforts to prevent harm to people, marine life, and nearby communities.

These examples illustrate the important roles that the Coast Guard performs for our country. In 1975, the Congress passed legislation commemorating medals honoring the bicentennials of the U.S. Army, Navy, and Marines. I believe that the valuable work of the men and women of the Coast Guard, both past and present, equally merit this honor.

I urge my colleagues to join me in cosponsoring this legislation. Under the rules of the Subcommittee on Consumer Affairs and Coinage, any medal bill must be cosponsored by at least 218 Members before it may be considered. Members may join me as a cosponsor by calling the subcommittee at extension 6–3280.

ORDER OF BUSINESS

Mr. OBEY. Mr. Speaker, I ask unanimous consent that my special order might come before that of the gentleman from Texas [Mr. GONZALEZ].

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

IT IS TIME FOR PEACE IN THE MIDDLE EAST

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, "courage is grace under pressure." That was Ernest Hemingway's definition and for a generation that definition fit Israel and its leadership to a tee.

The creation of Israel is one of the remarkable stories of the postwar era. For the world, that event in 1948 represented the collective recognition of its responsibility for the attention, blindness, and neglect that led to the systematic destruction of millions of innocent and defenseless human beings in the Holocaust.

For Jews, it represented the culmination of efforts to finally establish a homeland, a place to call their own, a nation that could provide a secure life without relying upon the sometimes wanting actions of other peoples and other societies.

As a young teenager who was just beginning to be conscious of world events, I viewed David Ben-Gurion and others of and after his time as representing the Western ideal-philosopher statesmen who were strong enough to fight, and moral enough to never lose sight of their own humanity, even as they fought the fight.

Anyone who watched Israeli leadership forge a society based on humane values and democratic institutions, anyone who was familiar with the crucial and leading role of American Jews in building and protecting those same values and institutions here at home, could feel little but gratitude for their role in making the world and in

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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making our own country a more enlightened and civilized place.

But as is the case with virtually any great event in history, the creation of the State of Israel created problems and dilemmas for others—namely, the Palestinians who lived in the territory to be known as Israel.

Those dilemmas lead the Arab world to a mistaken decision to meet the creation of the State of Israel with a military effort to overthrow "on the ground" the partition of Palestine that defined the borders of the new state. They lost.

As a human being I can understand the emotions that lead them to that decision, just as I can understand the emotions that lead the world's Jews to demand the creation of Israel. But if the future is to be better than the past for millions of human beings in that region, after 40 years of history, it makes no more sense for Arabs to refuse to recognize the permanent existence of Israel than it does for Chinese nationalists to refuse to recognize the permanent existence of the People's Republic of China.

History creates competing rights and competing forces. It eventually makes choices and creates realities. Both realities are here to stay.

In the Middle East, I believe the moral obligation of the United States, ever since it played the leading role in the creation of Israel, has been to remain steadfast to that commitment. That remains true through today; it will be true in the future. But with that obligation comes a concurrent obligation to help shape events in the Middle East in a way that encourages policies on the part of all people in that area which maximizes opportunities for justice and minimize the chance for tragedy and conflict.

Mr. Speaker, when I remind myself of the constant pressure under which Israel has had to function—six wars, continuing terrorist attacks, continuing "Israel bashing" in the United Nations, the lack of recognition by all countries in the region except one—I am in awe of the durability of its democratic institutions and its democratic spirit. But, Mr. Speaker, 40 years of pressure can diminish the resilience of individuals and societies alike, leaving each with a reduced capacity to seek creative solutions to excruciating problems. Certainly that pressure has taken its toll on Israel. Israel's capacity to defend its military interests is stronger than ever. But its capacity to maintain the civic values it has always stood for has been frayed.

The refusal of the Arab world to negotiate directly with Israel about the Mid-East's future, and the strain of confronting the Palestinian dilemma have slowly polarized and rigidified Israel's domestic debate about how to deal with both problems. The price of constant military vigilance has added to that strain and narrowed Israel's ability to think through choices with its eye on the long view.

And now the West Bank and Gaza have exploded into violence.

Palestinians, many of them children, have engaged in protests on an unprecedented scale in order to protest their continuing status within the occupied territories. Israels reaction to that explosion has left many Palestinians dead, many more of them beaten, hospitalized or jailed, and some of them under threat of deportation. What we have seen and heard has often been appalling.

Mr. Speaker, in reacting to the frustration and brutality of past weeks, we must—in the interest of fairness, and in the interest of giving accurate guidance to that action—place what we have seen and heard in perspective.

As serious and appalling as some of the incidences have been, measured by deaths actually inflicted, they pale by comparison to examples of other recent brutalities in the Middle East. The killing of thousands by Syria in the Hamma massacre and the killing of Palestinians in Lebanon by Amal are two examples. So too are the numerous examples of terrorists attacks on innocent women and children by PLO forces.

But placing recent events in perspective does not remove the obligation to try to stop the killing and the brutality.

Mr. Speaker, America cannot determine the conduct of Israeli, Palestinian, or Arab individuals, governments or movements. But we do, as the principal guarantor of Western values, as the leader of the Western alliance, and as the most important friend and supporter of Israel, have a special obligation to affect events in a way that will do three things:

First, maximize justice;

Second, help a friend; and

Third, avoid the unraveling of what stability there is in the Middle East, before that unraveling threatens Western interests in that part of the world.

We must display a maximum commitment to use all of the influence and wisdom we can muster to move Israel and its Arab neighbors to meaningful negotiations about both short- and long-term changes that will assure Israel's security and bring a just and humane approach to resolving the Palestinian plight. Weak action or inaction on our part is no favor to anyone; it is simply a guarantee that all of us will slide further into tragedy.

We cannot afford to let the excuse of American and Israeli elections interfere with that duty. That effort will take time, but it must be sustained with intensity now, next week, next month, and for as long as it takes. It will mean a continuing willingness to be firm with Israel and with every Arab party. We owe it to our own conscience and we owe it to our friends in the region to proceed.

And, Mr. Speaker, we should immediately, tomorrow, insist with all the force of commitment we can display that Israel not follow through on the intention announced by housing administer Levy to break ground on three Israeli settlements near Arab villages on the West Bank. It would be the height of irresponsibility to throw gasoline on Palestinian passions and we must insist that announcement not be implemented.

Mr. Speaker, there are some who object to any criticism of Israeli policy or to the questioning of any increased financial commitment to Israel in a time of Gramm-Rudman imposed scarcity. Mr. Speaker, that is nonsense.

Mr. Speaker, I recognize that the Palestinian problem and the continuing existence of Palestinian refugee camps has not been caused by Israel alone. Its Arab neighbors have been willing to continue a situation which keeps those camps as a visible reminder of the issue rather than providing help to relocate through inhabitants in order to bring them a better life.

Mr. Speaker, as chairman of the Foreign Operations and Export Assistance Appropriation Subcommittee, I have supported administration requests for large amounts of aid—economic and military—to Israel because I recognize our obligation to help defend a nation we helped create, with whom we share Western values, and of whom we asked much during the Camp David negotiations. My commitment to that obligation remains inviolate, as does my respect for the tremendous force for good that has been represented by the American Jewish community throughout our history.

Mr. Speaker, one can be a supporter of the state of Isreal and at the same time insist that new West Bank settlements be stopped, just as one can be a patriotic American and still oppose military aid to the Contras.

Mr. Speaker, it is simply that American taxpayers do not want to see us, by virtue of our financial assistance to Israel, become associated with a policy of throwing gasoline on Palestinian passions, by appearing to countenance or facilitate further West Bank settlements or by appearing to do less than is necessary to create the conditions for flexible negotiations.

Mr. Speaker, my commitment to Israel's security and to our obligation to continue to assist providing that security is inviolate, but so too is my commitment to see that American taxpayers, Jewish and non-Jewish alike, are not embarrassed by policy actions which are perfectly understandable, given the harassment endured by Israel for a generation, but which nonetheless contain the seeds of tragedy for Israeli, Arab, and American alike. It is time for friends to sit down with friends and figure out how to change the status quo which threatens to bear such bitter fruit.

□ 1315

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore (Mr. Bennett). Under a previous order of the House, the gentleman from Texas [Mr. Gonzalez] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, just last week the House of Representatives by a margin of eight votes refused the President's request for moneys to continue to supply the so-called Contras or rebels hiding out in Honduras for occasional forays into Nicaragua during which they murdered, pillaged, raped and killed wantonly civilians, both Nicaraguans, farmworkers, teachers, hospital aides, Americans who are there on humanitarian missions, some representing church missionary groups, some representing merely their own desire to help the impooverished peasant classes in Nicaragua. None of them, even the American by the name of Lyndon who was murdered in a most cruel way by the so-called Contras, were engaged in any aspects of the war raging there because of the help that our President and the Congresses have been all too willing to offer. I stated in the last presentation on this House floor that it was very significant and ominous at the same time that the so-called Arias plan had been developed unilaterally by the heads of the Central American states including Honduras which we occupy. We are in out-and-out occupation of the nation known as Honduras. We have military troops and have had them in force since 1982. We have built airport facilities for military purposes. We have built roads for military purposes, not for commercial access to aid a country in its production of farm crops and the like to get to market, but in order to prepare and plan for an eventual invasion of the neighboring nation, Nicaragua.

We have through our State Department and our President, the executive branch, done everything a government could do to forestall, impede, and obstaclize the so-called peace plan given the name of the present Costa Rican President, Arias. It should be noted that in this effort it was started up by a pool of crude so-called anti-Communist spirits which have so victimized our thinking since the Russian Revolution.

I have placed in this Record several years past the white paper issued by President Coolidge, Secretary of State Frank Kellogg, in which he gives as a reason and rationalizes the sending of the marines in 1929 into Nicaragua in hot pursuit of Sandino himself, though they never caught him, and then occupying that country for 13 years, making sure that we installed the militia known as the Guardia Civil, that we installed the Somoza dictatorship and despotism of that family, and eventually it was due like a rotten tomato to just cave in as it did in 1979. Everybody outside of the United States who had any voice, any objective evaluation of the situation had no trouble in predicting the eventuality of that occurrence, yet we did everything we could to thwart the revolution in Nicaragua. We did everything we could to maintain that rotten apple, and it was of its own corruption, its own tyrannical devices that it just crumbled. It was the uprising of the Nicaraguan people after 50 years of subjugation with American interests, American money, American arms, and American imposition. There is no way we can escape that dictum of history.

It is true that at one point during the Franklin Roosevelt administration and as a beneficiary of the so-called good-neighbor policy, Nicaragua still remained as a sort of spoiled brat. It was President Somoza that Franklin Roosevelt had referred to when he said, "Yes, I know he is an SOB, but he is our SOB."

And it has been this terribly fallacious thinking that has guided fundamentally our policy. We do not care how bad a regime is as long as it is anti-Communist and proclaims friendship for the United States, but, if we stand on the terms of that friendship, we see that it is not exactly a self-denying, pristine pure friendship for the United States. It has always been those interests that have benefited directly, American interests, if you please, that have been the representatives of what is symbolizing America in that part of the world.

With the vote last week came the usual lamentations, and protestations and rebellious remarks on the part of the administration and the President. In the San Antonio Light for Sunday, yesterday, February 7, there is an article entitled "U.S. may admit rebels." It is bylined by Stewart M. Powell, Washington bureau, and I am sure that means for the Hearst newspapers, because the San Antonio Light is a Hearst newspaper.

Now that Congress has ended seven years of official and unofficial military aid to the U.S.-backed rebels in Nicaragua, the Reagan administration may try to admit to the United States tens of thousands of Contras and their families, U.S. officials said.

Mr. Speaker, that is just the first paragraph, and I include the entire article for the Record:

U.S. May Admit Rebels

(By Stewart M. Powell)

Washington.—Now that Congress has ended seven years of official and unofficial military aid to the U.S.-backed rebels in Nicaragua, the Reagan administration may try to admit to the United States tens of thousands of Contras and their families, U.S. officials said.

The action—reminiscent of the U.S. program for admitting at least 130,000 frightened South Vietnamese in the months immediately after the tumultuous American withdrawal from South Vietnam in 1975—may take months to materialize and years to implement, the officials conceded.

Serious obstacles lie in the way.

"People don't want to think about the eventualities," said a White House official involved in the U.S. effort to assist the Contras. "It's a real ticklish problem. It is very difficult for us. What do we do with the people in the field who got the short end of the stick?"

"We'll take care of them—eventually," said a State Department official familiar with U.S. refugee policy. "We'll have to."

Administration officials late last week were vowing to cobble together another last-ditch package of official U.S. assistance for the 16,000 Contra foot soldiers operating within Nicaragua.

President Reagan, who has made Contra aid a hallmark of his administration, promised to "consult" Congress and Central American allies to somehow add to the $209 million in U.S. assistance provided to the Contras during the past seven years.

The pledge followed the 219-211 House vote to reject Reagan's request for $36.2 million in fresh supplies, including $3.6 million in combat supplies.

Said Reagan: "I wish to assure those struggling inside Nicaragua for those values we hold so dear, of my personal support."

Democratic congressional leaders vowed to provide, within three weeks, "humanitarian" aid for the Contras battling Managua's Soviet-backed forces. The Central Intelligence Agency has until Feb. 29 to continue airdrops of food and arms approved by Congress late last year.

Leaders of the U.S.-backed Nicaraguan resistance said their men would fight with or without U.S. aid. Enough ammunition remains for 60 days and enough food for 30, according to Contra leader Adolpho Calero, who said, "We will press on with our last breath."

The State Department publicly declined to talk about "eventualities." Said a spokesman: "We're still talking to the Contras in the present tense about continuing the fight. We intend to support them."

While the administration ruled out soliciting private aid or contributions from U.S. allies as it did secretly during the Iran-Contra affair, retired Gen. John Singlaub, who has been deeply involved in supporting anti-communist efforts around the world, promised to seek private donations by selling "war bonds."

The decisive House vote, following Reagan's personal appeals, effectively ends any hope that the Contras will receive the reliable military assistance required to sustain offensive operations inside Nicaragua, military analysts said.

The President in his Saturday's radio address in a substory underneath this top story, same page, same paper, is quoted as saying in the headline of this small article, "Reagan Says Contras Won't Be Abandoned."

Now what has been the fruit of this misbegotten and illegal policy? So we can go back into history and point out where just in the 20th century alone our country has invaded Nicaragua about nine times and in 100 years close to a hundred times. But if we do so and refer to these rather dreary details of history, it is only so that we in the Congress can eventually properly have the real perception of that world, not the misperceptions under which we have been belaboring and which I have seen and heard ad nauseam during the so-called debates on the Contra aid or the surrounding corollary issues.

The fact is that until we do we will prescribe for our children, grandchildren and great-grandchildren a balkanization of the Americas. We will have Europeanized America with all of Europe's bitter and ancient hatreds still boiling and churning under the surface even after the most horrendous world wars in which millions and millions of human beings have died.

Mr. Speaker, is this going to be our fate in the New World? It is in our hands to determine it, for after all there is no question that nobody dares challenge the United States as the most powerful country in the world, second to none regardless of all of the fear and the hyped-up pending suspense toward Soviet Russia. The United States, no question about it, certainly in this half of the world is the most powerful military nation, the wealthiest nation in the world, but, as giant as we are, as goliath as indeed we are, I maintain that more than physical force we must have the moral force of what America stands for, and, as we stray from the basic constitutional principles in such direct proportion as we stray, we are in deep trouble with consequences even coming back in our own domestic front.

Why do I say this? So-called Contra leaders, which the President has referred to in the most abominable abuse of words as freedom fighters, have been paid to come to our country, have involved themselves in our internal politics in two Presidential campaigns and in a host of congressional campaigns. Adolfo Calero and his copartner leader of the so-called Contra Cabinet are very safely hiding out in Miami. They are not down there in the jungle fighting for freedom. They are over in Miami with a big boodle in Swiss secret accounts and cheek by jowl with the most nefarious drug peddlers of cocaine and other hard drugs that have ever beset the United States. The reason: because of the insistence, this obsession on the part of our leaders, President and congressional, as well as business, as well as press. The corporate press, rather than being an independent voice, has succumbed to the President's and the administration's pressures.

□ 1230

The administration's influence has been tremendous, everybody admits to that. But since when are we going to abjectly accept the interference in our internal processes, if you please, even though it has happened in even greater amounts? We have had vast Arab oil money interests involved heavily in Presidential campaigns in the past. We have had the so-called anti-Communists, with German units actually leftover hard Nazi elements involving themselves in our politics through money contributions as far back as 1966; in Texas particularly when one so-called group which is really by all descriptions a neo-Nazi group sent $45,000 in behalf of the U.S. Senator John Tower's effort for reelection in 1966. All of this was reported. But the insinuations of the significance of what is behind the contribution was not any more than the interference in the congressional campaign in El Paso, the campaigns in San Antonio and in the valley of Texas, also some of the campaigns in California, some of the campaigns in the northeast where you have Puerto Rican elements and Cuban elements which were very heavily funded.

What is the source of that money? Taxpayer dollars, if you please, handled by Colero and his buddy, the other leader that shares power with him in Miami. Part of that was also the nefarious illegal activities that the President okayed and resulted in the so-called Iran-Contra scandal which a sort of hodgepodge committee of the Congress was supposed to have looked into but never followed through on these leads, such as the drug trafficking of these Contra elements working cheek by jowl; or the CIA heavily involved through its agents and contract agents using equipment that was even based, flown out and serviced by our regular Defense Department installations, Army as well as Air Force. The shipment of Mariel material, so-called, for the aid of the Contras returned in the form of illegal drugs; the use of such elements as the leading Venezuelan and Colombian drug king Ochoa, all of these things happened because whenever any one of us decides to cut corners, violate the Constitution rather than faithfully execute the laws, determinedly thwart the laws, we are going to get into trouble. It is like in our domestic fight against crime. How in the world can we ever conquer this tremendous "King Crime" if it is cheek by jowl with high government officials, local government officials, State officials and those of other governments that share the New World with us? It is impossible.

We will not do it. It has so permeated the lifestream of our society that I doubt we can survive an effort to successfully extricate this poisonous, this malignant tumor from our body politic.

The great hero, as described by President Reagan, Ollie North, what is his background? He started out in Southeast Asia as a captain-aide to colonel, later general, Secord.

Many of my colleagues probably remember that name. Where have they made their millions? What was General Secord, assisted by Captain North, aiding and abetting? The biggest kingpin drug lord of Southeast Asia, all in the name of his fighting Thailand Communists, Cambodian Communists and generally South Vietnam Communists; the so-called neutralization of the village officials, the murder of almost 100,000 of mayors and villagers in Southeast Asia. All of that was done in our name by the likes of Captain North, General Secord and a host of others too numerous to mention here.

When we were kicked out ignominiously—you know, our colleagues like to hear a lot of this poison talk. I remember during the political campaigns for presidency we would hear the Republican Party saying, "Well, the Democrats are the ones that start wars." Well, maybe so. But the Democrats win the wars they start; the Republicans lose them as they did in 1975 when we were ignominiously kicked out of Southeast Asia.

What happened to General Secord and Capt. Ollie North? They transferred their activities. Where to? The Middle East, Iran, where there, not in the name of officialdom of America but in the name of private contractors, they continued the same kind of tactics. Should we have been surprised that all of this, done in absolute obstinate resistance to the clearly enunciated policy of the Congress in the Boland amendment of 1984 been a surprise to us? Come on.

How can we claim innocence when our hands are dripping with mud and dirt and blood?

The Arias plan was developed for one simple reason, and this is very poignantly brought out by Father Cesar Jerez of the Society of Jesus, as brought out in an article he wrote in the "Catholic Worker" for December 1987. I will just read from the introductory paragraph, an explanatory, parenthetical remark.

Father Cesar Jerez, S.J., was Jesuit Provincial for Central America from 1978–1983. He is now president of the University of Central America in Managua, Nicaragua. On October 17, 1987, he spoke at Nativity Church and afterwards came to Maryhouse to be interviewed. The following are portions of his remarks.

The article referred to is as follows:

THE ARIAS PEACE PLAN

(By Fr. Cesar Jerez, S.J.)

As you know, on the seventh of August this year, in Guatemala, the Central American presidents signed a peace plan for Central America. This plan has been called Esquipulas II or the Agreement of Guatemala or the Arias Plan. The question could be why, after years of trying to be together on this issue, the presidents finally sign a plan? I can see four main reasons why:

The first one is that, really, by now, the Central Americans are tired of war. So many people have been killed, so many displaced—around 200,000 people have been killed in Central America in the last ten years, and more than two million have been displaced either as refugees in foreign countries or inside their own countries. In my opinion, from a theological point of view, the blood of the poor has spread over the soil of Central America, finally bringing together the Central Americans for the aspiration of peace—a sign of resurrection, uniting Central Americans.

The second point is that there was a strong, Central American feeling at that moment. Why? Because the Central Americans had been preparing and talking about peace for several months, and, at the last moment, the Reagan-Wright plan came along saying: "Here is what you have to discuss." It is very much like this: Imagine that some of you had been preparing a big meal for several days, and at the last minute someone came and said to you, "Here's the menu, you have to eat Chinese food." (I don't have anything against Chinese food!) Something like this happened to the Central Americans. So they looked around and said, "Why should Washington impose on us what we have to eat?" And I would like to say that, for the second time in our history, our presidents came together and said "No." The last time was in the past century, when we fought that national war against [William] Walker.

The third reason that the plan could be approved was that Nicaragua came to the discussion, to the table, with great freedom. Those who are manipulating the news will tell you that Nicaragua can do nothing without first asking permission from Havana and Moscow. But Nicaragua came freely to the negotiations and was ready to give up a lot of things, though making some demands, as well.

And the fourth reason for a successful agreement was precisely the capacity the Central American presidents had to negotiate; for instance, they agreed to the simultaneous application of the peace plan all over Central America.

Now, what is the main content of the plan? The plan is quite complicated, but fundamentally, to accomplish peace the plan is talking about amnesty and dialogue. It is talking about the mobilization [of the good will] of our countries; it is dealing with the idea that nobody can outfit those armed forces which are trying to overthrow any elected government in Central America; and it is also dealing with the point that no country will be used to attack a neighboring country. Those are the main points of the plan.

Last week, [Jeane] Kirkpatrick visited Managua. Last Monday, it was announced that the president of Costa Rica was awarded the Nobel Prize for Peace. Here you have the images of what is going on in Central America. On one side you have that lady coming to Central America, visiting Managua, and telling those who are in the opposition that she is very much in favor of them and against the Nicaraguan revolution. And on the other side you have an institution respected all over the world, the Nobel Prize, given to Arias, to support the effort of Arias, yes, but mainly to support the process of peace in Central America.

BEING REALISTIC

The plan means a big hope for Central America, no doubt. But, at the same time we have to be realistic, and see that at any time that road to hope can be destroyed, or obstacles could be put in the way. Why? The U.S. administration has the determination to stop the plan, although they have been saying that they are in favor of the plan. Look at what is happening now. Nicaragua took the offensive on the plan. Nicaragua was the first country in Central America to have the National Commission of Reconciliation. They took concrete steps toward democratization—reopening La Prensa, reopening Catholic Radio, and establishing a [unilateral] ceasefire in some parts of the country. But nonetheless, yesterday and today Arias and the [U.S.] administration here have been saying that Nicaragua or Ortega has seduced the contras [into cooperating]. You can imagine what kind of a test it has been for Nicaragua—Nicaragua has been showing a lot of good will. So we have to admit that there are several problems in and with the peace plan.

One of these is that the plan is not dealing with the armed forces in conflict in Central America. Take for instance the case of El Salvador. The Central Americans said that each country has its own characterstics, and they have to solve their problems taking into account those characteristics. In many places, people are using what we call the "symmetric argument," saying that, if Duarte is dealing with the [opposition] fronts, the president of Nicaragua should have to deal with the contras. The question is: Is the case of the fronts talking to Duarte really the same as the case of the contras talking to Ortega? Some of you are surely convinced that it is the same, but I would say it is different. The fronts are strong enough inside El Salvador, they are a force there, they have some territory in possession, and Duarte accepted to have a dialogue with them. In Nicaragua, in the countryside, the contras are strong and are doing quite a lot of destruction. But they cannot say they are in possession of a part of the country; and their strength is generated from outside. If their outside funding could not come to them, you can be sure the contras would disappear—they are sustained from outside.

Let me note, finally, that the plan sets down concrete dates and mechanisms of control for its implementation. When I say that, I am referring to the seventh of November, but that is not the only date. That is the first date for checking the progress of the plan; but on the seventh of December, as well, the international commission of vigilance will also come together to examine how much of the plan has been accomplished. And on the seventh of January, the presidents of Central America have to come together to find out how well the plan has been implemented. The strange thing is that, here in this country, the papers, the news, have been talking only about the seventh of November. But please, those of you who are in favor of peace in Central America, remember the seventh of December and the seventh of January.

Question: Do you think the question of dialogue with the contra leaders is an insurmountable problem?

Answer: It has consistently been the official position of Nicaragua that talks need to be directly with the U.S. administration. But so far it hasn't been possible to establish those direct talks. In my opinion, it is very much like the poor knocking at the door of the rich, asking for dialogue, and the answer has been: "You are liars, you are not telling the truth, we are not ready to talk to you." Nonetheless, President Ortega has kept insisting at the United Nations that this be done. And some of the Central American presidents, even Arias of Costa Rica and Cerezo of Guatemala, have insisted that the U.S. should talk to Nicaragua. I think, and my conviction is, that Nicaragua will do any possible thing to overcome this problem—how and when, we will see.

Q: But what does Nicaragua realistically expect to get out of this peace plan? What sort of guarantees are there that anything will come of it?

A: For us, peace, concretely, means to stop the war. Of course, you could say that even if you stop the war, the question would remain—do you have some criteria to say what peace is about? I would simply say that what can be accomplished in favor of the majority of any country, in favor of the poor in any country, that is what concretely means peace for us. To stop the war and do things in favor of the poor of the country—that is peace, and that is what we're trying to accomplish. The plan says, right at the beginning, that what we need in Central America is social justice—that's quite clear. As for having a guarantee, we cannot have a clear map or blueprint of the situation precisely because it is a struggle and you have several forces in conflict. You also have the biggest power in the world, the U.S. administration, trying to stop that small revolution called the Nicaraguan revolution. That is precisely what the struggle is about. Some are in favor and some against, and to those who are in favor I would say that it is quite clear what we would like to accomplish.

Q: Why do you not return to Guatemala, your native land?

A: I cannot go back to Guatemala because in 1980 I made a strong statement on the killing of the Indian population of Guatemala. The reaction of the Guatemalan government was to publish a list of several names, of, they said, the leaders and intellectuals of the country who should be eliminated. The first was Manuel Colon Argueta, who had already been killed. The second had also already been killed. The third was my name.

I am not an intellectual; I am not a leader. Why was my name there? They said I was destroying the image of the country. A question of aesthetics—accusing me of damaging the image of the country. But rather it is a question of ethics, because they are destroying the country. Since then they have attacked me quite openly. I feel like a Central American; I would say I am happy doing what I am doing now.

Q: As a Guatemalan, how do you feel about the accords being signed in your own country, where the military will not be brought to any accountability for the crimes committed against the Guatemalan people?

A: I think that Cerezo has been playing a rather important role in the international field, and he has gotten a good name at that international level. I think that his plan has been to say, "Okay, if I can get international support then I can do something inside Guatemala. But the fact is that he has accomplished very little inside Guatemala, because the military are following any movement he is making. Until now, Cerezo has had the capacity to bargain or to escape from the army. But if he wanted to take a strong position and do something clear for social justice, my feeling is that he cannot go too far. But, it's also true that, for the first time in many years, the Catholic bishops in Guatemala are pretty well united. Mainly on the human rights issues and on the rights of the Indian population—they have been quite strong on certain issues, which is really good—but also [in light of] the experience of what happened to the guerilla movements in Guatemala. I can see that many or some of the bishops are very much afraid, and they are kept in a sort of "no way out." Because they say, "Okay, Cerezo is not the solution, the military are not the solution. But neither are the guerilla movements, because the killing has been awful already and will be awful in the future. So what is the way out?"

Q: Other danger points in the plan concern the roles of Honduras and El Salvador, both of which countries are almost hostage to U.S. aid. And what of efforts to coerce Costa Rica? U.S. A.I.D., for instance, recently denied a loan to Costa Rica.

A: I agree with you that two of the weak points in the plan are El Salvador and Honduras. The case of Costa Rica is a special case. When you see Mr. Duarte kissing the U.S. flag and you see the amount of money flowing into El Salvador to that civil war—for Central Americans to see that, it is awful. Probably even for you—it's a mixture of something naive, dumb, nonsense, whatever you call it. How could he do it? So we know that at any time the present U.S. administration can force Mr. Duarte or Mr. Azcona to withdraw from the peace plan. That is true, and that will be their responsibility vis-a-vis Central American history. Honduras is an occupied country, a country which has been used and abused by the U.S. [armed] forces—and, at any time, they can do anything with Honduras. Take for instance if Honduras [backed by the U.S.], were to provoke Nicaragua, creating an incident at the border; after that they could say, "Okay, we withdraw from the plan." That's a possibility, in other words. That is why Nicaragua has to take a lot of care and not be provoked.

With Costa Rica the problem is the external debt of that country; as well, I think that Mr. Arias has never been sympathetic to the Nicaraguan revolution. If you will remember, when he took over, he did not invite Ortega to his inauguration—he made it known that Ortega was unwelcome. And, at the inauguration, Mr. Arias asked for the signatures of the other presidents attending, to say that the Nicaraguans should have elections immediately. Nobody accepted that document and they left Costa Rica without signing it. So, in that sense, Costa Rica can be used. But nonetheless there is hope—there is good will, and we would like to do anything possible to accomplish peace.

Suffice for me to say that Father Arias—and nobody can accuse him of being a Marxist-Leninist Communist or a menace to the United States—says when asked "But why is it, why is it that this peace plan finally evolved" he said, "I will tell you why: because the leaders of these seven Central American entities and neighbors are tired of the bloodshed."

More than 200,000 people have died and their people are saying, "Look, we want you to put a stop to this. We don't care what it costs."

And this is why President Arias could finally get a hitherto fractious, divided, pluralistic group of presidents and put them together in open defiance to the United States.

The United States was doing everything it could to say, "Don't you dare meet and do this."

When President Arias was being elected about 2 years ago or so our Ambassador in San Jose was doing everything he could to bring about his defeat. And he did not succeed because Costa Rica has been a democracy for 100 years. It is the one true democarcy with literate people surrounded by people sunk in ignorance and poverty.

Costa Rica, for some other factors too numerous to go into now, has mandatory and has had mandatory education for 100 years.

Costa Rica has open elections. Anybody can run.

The last election that Mr. Arias was running in they had two men running under the Communist Party. Where do you think they came from? They came from the labor union of the United Fruit Plantation.

So that when we talk about these countries in such a demeaning condescending way it merely means that we are ignorant of their nature, we are ignorant of their history, we are ignorant of their magnificent culture and we are headed for disaster for we have a willful President who says notwithstanding what the Congress wants, just like Secretary Weinberger said shortly before he resigned, he said, "Oh, we are not going to obey that law," referring to the so-called War Powers Limitation Act, "because we don't consider it constitutional." Why, that is the way kings talk, not Presidents in a democrtacy and a constitutional democracy at that.

A LEGACY OF HOPE

The SPEAKER pro tempore (Mr. Bennett). Under a previous order of the House, the gentleman from Texas [Mr. Bryant] is recognized for 15 minutes.

Mr. BRYANT. Mr. Speaker, in the waning days of 1987 an idealist died and today, February 8, 1988, as our Nation again beings its Presidential selection process in earnest with the Iowa caucuses, the recognition of the lifetime contributions of this extraordinary individual is fitting.

Of all the people I have encountered in the world of politics none has been as consistently and persistently optimistic about the ability of right-thinking people to better the world in which we live—globally and locally—as John B. Rogers, Jr.

John Rogers, who succumbed to an asthma attack at the age of 52 after beating cancer, was many things. A loving husband and father. A respected editor and reporter for newspapers in Lubbock, San Antonio, and Austin, TX. A union leader and communications director for the Texas AFL-CIO. A campaign manager and political consultant. And a newsletter publisher and businessman.

One could probably have forseen the potential contributions of John Rogers, who, as a young man of 10 in San Antonio, published his own neighborhood newspaper. The youthful crusader went on to the University of Texas, dropping out to earn a living before finally returning and graduating with a degree in journalism in 1960.

Texas AFL-CIO President Harry Hubbard eulogized John Rogers by remembering that:

> John coined a phrase, "Always plan your work, and work your plan." Yes, we'll miss you as we plan for the future and we'll miss you as we work our plan. However, your guidance will remain with us always. * * * Wherever workers and other progressive groups assemble in the name of workers' rights or social justice, John will be there admonishing us to do more.

John Rogers devoted his life to "fighting the forces of evil," as he so often observed. He rallied legions of followers in the fight. To him and to those of us who often joined him in that righteous combat, the effort was invigorating. John Rogers taught us that fighting for just causes inspires us to do even more, not to tire of the battle.

Austin political columnist Dave McNeely wrote that—

> Rogers was a no-nonsense political strategist. His whole life was directed at his family, his friends and promoting efforts to improve the lot of humanity.

It says a lot about the kind of man John Rogers was that, at his memorial service, the church was packed with hundreds of the men and women who fought at his side and quite a few who had stood on the other side, that the tributes to his memory included laughter and thanksgiving for his contributions, as well as sadness at his passing.

Those of us privileged to know and work with him share with wife Mary Beth and his children, Billy and Eleanor, the joy that John Rogers brought to almost everything he turned his attention to.

If there didn't seem to be a way to make things right, he'd create a new one. If few others seemed to share his passion for the cause at hand, he'd find the most clever ways to enlist sufficient troops to get the job done.

John Rogers was the most practical of idealists. And, largely because of John Rogers, as I look to the future, I know that our dreams of a better world can and will be realized.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Obey) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Obey, for 60 minutes, today.

Mr. Alexander, for 30 minutes, on February 9.

Mr. Dingell, for 60 minutes, on February 17.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Bryant, for 15 minutes, today.

Mr. Gonzalez, for 60 minutes, on February 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Dannemeyer) and to include extraneous matter:)

Mr. Hefley.

Mr. Smith of New Hampshire.

Mr. Gilman.

Mr. Gingrich in two instances.

The following Members (at the request of Mr. Obey) and to include extraneous matter:)

Mr. Bryant.

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Kanjorski.

Mr. Natcher.

Mr. Mazzoli.

Mr. Hutto.

ADJOURNMENT

Mr. BRYANT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 9, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2855. A letter from the Secretary of State, transmitting a report and determination that Israel is not being denied its right to participate in the activities of the International Atomic Energy Agency; to the Committee on Appropriations.

2856. A letter from the Secretary of Defense, transmitting the fiscal year 1986 annual report of the Reserve Forces Policy Board, pursuant to 10 U.S.C. 113(c), (e); to the Committee on Armed Services.

2857. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C Act 7-138, "Protection for Foreign Officials, Official Guests, and Internationally Protected Persons Amendment Act of 1987," and report, pursuant to D.C. section 1-233(c)(1); to the Committee on the District of Columbia.

2858. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-140, "Senior Citizens' Home Repair and Improvement Program Fund Act of 1987," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2859. A letter from the Staff Director, Commission on Education of the Deaf, transmitting a report on the quality of education of deaf persons in America, pursuant to 20 U.S.C. 4342(b); to the Committee on Education and Labor.

2860. A letter from the Chairman, Intergovernmental Advisory Council on Education, transmitting a report and accompanying recommendations for the improvement of the educational system in the area of job training and retraining; to the Committee on Education and Labor.

2861. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2862. A letter from the Director, National Science Foundation, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2863. A letter from the Director, National Science Foundation, transmitting a report on women and minorities in science and engineering, pursuant to 42 U.S.C. 1885d; to the Committee on Science, Space, and Technology.

2864. A letter from the Secretary of Commerce, transmitting the annual report on ocean pollution, monitoring, and research covering fiscal year 1986; to the Committee on Science, Space, and Technology.

2865. A letter from the Executive Secretary, Office of the Secretary of Defense, transmitting the report on Department of Defense procurement from small and other business firms for October through November 1987, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

2866. A letter from the Secretary of Health and Human Services, transmitting the annual report on Medicare for fiscal year 1984, and the End Stage Renal Disease Program, pursuant to 42 U.S.C. 1395ll(b); 42 U.S.C. 1395rr; jointly, to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina (for himself, Mr. Davis of Michigan, Mr. Hutto, Mr. Biaggi, and Mr. Young of Alaska):

H.R. 3918. A bill to authorize expenditures for boating safety programs, and for other purposes; jointly, to the Committees on Ways and Means and Merchant Marine and Fisheries.

By Mr. ANNUNZIO:

H.R. 3919. A bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ARMEY (for himself and Mr. Crane):

H.R. 3920. A bill to amend the Fair Labor Standards Act of 1938 to repeal its minimum wage and overtime requirements; to the Committee on Education and Labor.

By Mr. CONTE (for himself, Mr. McDade, Mr. Mavroules, Mr. Ireland, Mr. Conyers, Mr. Dreier of California, Mr. Gallo, and Mr. Upton):

H.R. 3921. A bill to amend section 15(l) of the Small Business Act; to the Committee on Small Business.

By Mr. COUGHLIN:

H.R. 3922. A bill to amend section 1807(a)(7) of Public Law 99-514; to the Committee on Ways and Means.

By Mr. JONES of North Carolina:

H.R. 3923. A bill to make a technical correction to section 8103 of title 46, United States Code; to the Committee on Merchant Marine and Fisheries.

By Mr. KILDEE:

H.R. 3924. A bill to clarify that certain technical assistance grants shall be treated for Federal tax purposes as being made for a charitable purpose; to the Committee on Ways and Means.

By Mr. LANTOS (for himself and Mr. Lott):

H.J. Res. 451. Joint resolution commending the State of Israel and its people on the occasion of the 40th anniversary of the establishment of the independent State of Israel; to the Committee on Foreign Affairs.

By Mr. McEWEN (for himself and Mr. Pepper):

H.J. Res. 452. Joint resolution designating December 12, 1988, as "National Freedom Fighters Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself and Mr. Lagomarsino):

H.J. Res. 453. Joint resolution designating September 16, 1988, as "National POW/MIA Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. HOWARD (for himself and Mr. Hammerschmidt):

H. Res. 365. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Public Works and Transportation in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. JONES of North Carolina (for himself and Mr. Davis of Michigan):

H. Res. 366. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Merchant Marine and Fisheries in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. MONTGOMERY (for himself and Mr. Solomon):

H. Res. 367. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Veterans' Affairs in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. RANGEL (for himself and Mr. Gilman):

H. Res. 368. Resolution providing amounts from the contingent fund of the House for

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expenses of investigations and studies by the Select Committee on Narcotics Abuse and Control in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. ROE (for himself and Mr. Lujan):

H. Res. 369. Resolution honoring the 25th anniversary of the Cerro Tololo Inter-American Observatory; to the Committee on Science, Space, and Technology.

By Mr. ROYBAL:

H. Res. 370. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Aging in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. ST GERMAIN:

H. Res. 371. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the 2d sess. of the 100th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MOORHEAD:

H.R. 3925. A bill for the relief of Gagik Barse[illegible]hian; to the Committee on the Judiciary.

By Mrs. SMITH of Nebraska:

H.R. 3926. A bill for the relief of Nebraska Aluminum Castings, Inc.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 42: Mr. Buechner.

H.R. 732: Mr. Myers of Indiana, Mr. Nielson of Utah, Mr. Barnard, Mr. Blaz, Mr. Hamilton, Mr. Derrick, Mr. Fauntroy, Mr. Hyde, Mr. Schuette, Mr. Wise, Mr. Fuster, Mr. Biaggi, Mr. McDade, Mr. Wortley, Mr. Leach of Iowa, Mr. Bates, Ms. Oakar, Mr. McMillan of North Carolina, Mr. Badham, Mrs. Boxer, Mr. Ford of Tennessee, Ms. Kaptur, Mr. Dowdy of Mississippi, Mr. Skeen, Mr. Burton of Indiana, Mr. Young of Florida, Mr. Penny, Mr. Foglietta, Mr. Harris, Mr. Nichols, Mr. Madigan, Mr. Roe, Mr. Sikorski, Mr. Davis of Illinois, Mr. Ritter, Mr. Stratton, Mr. Hopkins, Mr. Davis of Michigan, Mr. Rinaldo, Mrs. Meyers of Kansas, Mr. Coelho, Mr. Flake, Mr. Neal, Mr. Kolter, Mr. Skelton, Mr. Ridge, Mrs. Patterson, Mr. Kennedy, Mr. Lowry of Washington, Mr. Marlenee, Mr. McCloskey, Mr. Ireland, Mr. St Germain, Mr. Hiler, Mr. Murtha, Mr. Applegate, Mr. Henry, Mr. Jones of Tennessee, Mr. Roberts, Mr. Bereuter, Mr. Grandy, Mr. Parris, Mr. McGrath, Mr. Moakley, Mr. Nowak, Mr. Hawkins, Mr. Skaggs, Mr. Boehlert, Mr. Lewis of Georgia, Mr. Studds, Mr. Chapman, Mr. Clinger, Mr. Slattery, Mr. Pease, Mr. Tauzin, Mr. Boulter, Mr. McEwen, Mr. Fish, Mr. Perkins, Mr. Lungren, Mr. Sisisky, Mr. Murphy, Mr. Kanjorski, Mr. Miller of Washington, Mr. Crane, Mr. Synar, Mr. Bunning, Mr. Regula, Mr. Kasich, Mr. DeLay, Mr. Gilman, Mr. Edwards of Oklahoma, Mr. Wolpe, Mr. Hammerschmidt, Mr. Dellums, Mr. Wyden, Mr. Wheat, Mr. Robinson, Mr. Lewis of Florida, Mr. Stallings, and Mr. Staggers.

H.R. 1184: Mr. Frenzel.

H.R. 1197: Mr. Davis of Michigan.

H.R. 1352: Mr. Williams.

H.R. 1394: Mr. Dellums, Mr. Clarke, Mr. Howard, Mr. Sunia, Ms. Pelosi, Mr. Weiss, Mr. Gordon, Mr. Daub, Mr. English, Mr. Studds, Mr. Brown of California, Mr. Wolpe, and Mr. Gray of Pennsylvania.

H.R. 1583: Mr. Mrazek, Mr. Clarke, Mr. Baker, and Mr. Dreier of California.

H.R. 1925: Mr. Porter.

H.R. 1966: Mr. Williams.

H.R. 2051: Mr. Davis of Michigan.

H.R. 2134: Mr. Roe, Mr. Owens of New York, Mr. Lagomarsino, Mr. Henry, Mr. Mollohan, Mr. Kildee, Mr. Boucher, Mrs. Boxer, Mr. Bilbray, Mr. Ford of Michigan, Mr. Towns, Mr. Eckart, Mr. Dwyer of New Jersey, Mr. Mfume, Mr. Boehlert, Mr. Schuette, Mr. Mavroules, Mr. Gejdenson, Mr. Morrison of Connecticut, Mr. Lowry of Washington, Mr. Clarke, and Mr. McEwen.

H.R. 2239: Mr. Weiss.

H.R. 2532: Mr. Biaggi.

H.R. 2879: Mr. Garcia and Mr. Frost.

H.R. 2950: Mr. Tallon.

H.R. 3019: Mr. Tallon.

H.R. 3144: Mr. Hammerschmidt, Mrs. Boggs, Mr. Flippo, Mr. Stenholm, and Mr. Gibbons.

H.R. 3340: Mr. Weiss.

H.R. 3397: Mr. Gonzalez, Mrs. Collins, Mrs. Bentley, Ms. Kaptur, Mr. Mfume, Mr. Roe, Mr. Conte, Mr. Hall of Texas, Mr. Biaggi, and Mr. Jontz.

H.R. 3440: Mr. Beilenson and Mr. Fawell.

H.R. 3455: Mr. Bates, Mr. Jacobs, and Mr. Hughes.

H.R. 3511: Mr. Coleman of Texas.

H.R. 3562: Mr. Sikorski, Mr. Bosco, Mr. Owens of New York, Mr. Jones of North Carolina, Mr. Hughes, Mr. Slattery, Mr. Wyden, Mr. Kostmayer, Mr. Wise, Mr. St Germain, Mr. Wolf, and Mr. Levin of Michigan.

H.R. 3610: Mr. Bevill, Mr. Johnson of South Dakota, Mr. Akaka, Mr. Dellums, Mr. Dixon, Mr. Jones of North Carolina, Mr. Jontz, Ms. Kaptur, Mr. Kleczka, Mr. Latta, Mr. Lewis of Georgia, Mr. Lowry of Washington, Mr. Martinez, Mr. Lipinski, and Mr. Levin of Michigan.

H.R. 3783: Ms. Kaptur and Mr. Owens of Utah.

H.R. 3791: Mr. Horton, Mr. Pepper, Mr. Petri, Mr. Gonzalez, Mr. Owens of New York, Mrs. Collins, Mr. Solomon, Mr. Frank, Mr. Gunderson, Ms. Kaptur, Mr. Bateman, Mr. Daub, Mr. Gekas, Mr. Shumway, Mr. Wilson, Mr. Mica, Mr. Biaggi, Mr. Kolter, Mr. Roe, Mr. Hastert, and Mr. Parris.

H.R. 3794: Mr. Duncan.

H.R. 3814: Mr. Wise, Mr. Coleman of Missouri, Mr. Porter, Mr. Smith of New Hampshire, Mrs. Byron, Mr. Oxley, and Mr. Dannemeyer.

H.R. 3815: Mr. Solomon.

H.R. 3820: Mr. Akaka.

H.R. 3847: Mr. Fawell, Mr. Davis of Illinois, and Mr. Whittaker.

H.R. 3881: Mr. Schuette, Mr. Daub, Mr. Marlenee, Mr. Nichols, Mr. Wortley, Mr. Walker, Mr. Petri, Mr. Quillen, Mr. Gunderson, and Mr. Traxler.

H.R. 3893: Mr. Roberts, Mr. Penny, Mr. Kyl, and Mr. Broomfield.

H.R. 3907: Mr. Mack, Mr. Sundquist, Mr. Tallon, Mr. Chapman, and Mr. Slattery.

H.J. Res. 374: Mr. Brown of California, Mr. Davis of Michigan, Mr. Upton, Mr. Fawell, Mr. Kolter, Ms. Pelosi, Mr. Leland, Mr. Chandler, Mr. Hamilton, and Mr. Lowry of Washington.

H.J. Res. 405: Mr. Clarke, Mr. Fish, Mr. Edwards of Oklahoma, Mr. Hall of Texas, and Mr. Wyden.

H.J. Res. 429: Mr. Gilman, Mr. Weber, Mr. Kolter, Mr. Davis of Illinois, Mr. Frost, and Mr. Armey.

H.J. Res. 438: Mr. Ford of Tennessee, Mr. Bevill, Mr. Johnson of South Dakota, Mr. Boucher, Mr. Chandler, Mr. Bruce, Mr. Espy, Mr. Kolter, Mr. Roe, Mr. Lipinski, Mrs. Johnson of Connecticut, Mr. Rowland of Connecticut, Mrs. Lloyd, Mr. Leach of Iowa, Mr. Lehman of California, Mr. Matsui, Mr. Mack, Mr. Rahall, Mr. Porter, Mr. Morrison of Washington, Mr. Frost, Mr. Skelton, Mr. Hatcher, and Mr. Schuette.

H.J. Res. 447: Mr. Perkins, Mr. Ortiz, Mr. Solarz, Mr. Bevill, Mr. Flippo, Mr. Ackerman, Mr. Fuster, Mr. Gonzalez, Mr. Dingell, Mr. Horton, Mr. Chappell, Mr. Wortley, Mr. Lujan, Mr. McDade, Mr. Gregg, Mr. Hopkins, Mr. Fawell, Mr. Vander Jagt, Mr. Miller of Washington, Mr. McEwen, Mr. Martin of New York, Mr. Conyers, Mr. Richardson, Mr. Ravenel, Mr. Henry, Mr. Upton, and Mr. Gilman.

H. Con. Res. 216: Mr. Crockett.

H. Con. Res. 223: Mr. Armey, Mr. AuCoin, Mr. Badham, Mr. Bennett, Mr. Biaggi, Mr. Bilbray, Mr. Boland, Mr. Brown of California, Mr. Buechner, Mr. Bustamante, Mr. Clarke, Mr. Coleman of Texas, Mr. Dannemeyer, Mr. Dornan of California, Mr. Fish, Mr. Garcia, Mr. Glickman, Mr. Green, Mr. Inhofe, Mr. Kemp, Mr. Kildee, Mr. Levin of Michigan, Mr. Levine of California, Mr. Lipinski, Mr. Lowry of Washington, Mr. Mack, Mr. Manton, Mr. Owens of New York, Mr. Shays, Mr. Schumer, Mr. Smith of New Hampshire, Mr. Solomon, Mr. Stratton, Mr. Torres, Mr. Traxler, Mr. Walker, Mr. Weiss, Mr. Weldon, Mr. Yates, and Mr. Young of Florida.

H. Con. Res. 237: Ms. Oakar, Mr. Stark, Miss Schneider, Mr. Moody, Mr. Dellums, Mr. Coelho, Mr. Walgren, Mr. Frost, Mr. Hochbrueckner, Mr. Bateman, Mr. Richardson, Mr. Cardin, Mr. Boehlert, Mr. Horton, Mr. Jontz, Mr. Wheat, Mr. Akaka, Mr. Carper, Mr. Lantos, Mr. Dymally, Mrs. Saiki, Mr. Towns, Mrs. Roukema, Mr. Smith of Florida, Mr. Lowery of California, Mrs. Bentley, Mr. DeWine, Mr. Scheuer, Ms. Pelosi, Mrs. Collins, Mr. Inhofe, Mr. Hughes, Mr. Swift, Mr. Mavroules, Mr. Levin of Michigan, Mr. Mrazek, Mr. Hamilton, Mr. Synar, Mr. Pursell, and Mr. Donnelly.

H. Res. 300: Mr. Frank, Mr. DeWine, Mr. Jontz, Mrs. Martin of Illinois, Mr. Armey, Mr. Lantos, Mr. Hoyer, Mr. Mrazek, Mr. Ackerman, Mr. Torricelli, Mr. Horton, Mrs. Bentley, Mr. Dwyer of New Jersey, Mr. Fawell, and Mrs. Boxer.

EXTENSIONS OF REMARKS

MAYOR BARRY MAKES DRUGS HIS MAIN TARGET IN 1988

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. RANGEL. Mr. Speaker, the Washington Times and the Washington Post each published articles on January 27, 1988, saying that D.C. Mayor Marion Barry pledged in his State of the District Address to make combating drugs his No. 1 priority in 1988. He also urged that a drug summit be held among the Governors of Virginia, Maryland, and himself. I applaud Mayor Barry for making fighting drugs his No. 1 priority and for his regional initiative and ask that the articles be printed in the CONGRESSIONAL RECORD at this point.

The articles follow:

[From the Washington Times, Jan. 27, 1988]

BARRY MAKES DRUGS HIS MAIN '88 TARGET

(By Michael Hedges)

D.C. Mayor Marion Barry announced yesterday new city programs for 1988—including new anti-drug efforts and a cash incentive for area high school students—but hinted broadly that his promises would be financed with a tax increase.

In his annual State of the District address, delivered at the John F. Kennedy Center, the mayor said he would make "the crusade against drugs my number one priority in 1988."

But, after outlining his anti-drug programs to applause, the mayor slipped in a statement that first drew groans, and then a smattering of cheers from an audience composed largely of city workers: "I may have to call on you for revenue enhancements to support our programs."

After his address, the mayor refused to discuss possible tax increases, saying his program would be revealed when he delivered his budget to the City Council on Feb. 8.

But Ward 2 council member John Wilson, chairman of the council's committee on finance and revenue, said, "I think [Mr. Barry] will ask for a tax increase this year. I don't know where they're going to suggest it come from or which tax will be affected. But I do know that the citizens of this city cannot stand any more tax increases."

Concerning the city's drug abuse problems, Mr. Barry said that, within "a week or so," he would give the details of a new citywide effort to arrest drug pushers on the streets of the District.

During an impromptu press conference after the address, the mayor refused to describe the program, or say if it would replace or supplement the Clean Sweep program that has been used by city police against drug sellers.

At a recent press conference, the mayor would only say that Clean Sweep was being "evaluated." But city government sources have said Mr. Barry considers the program too costly in police overtime, and too much of a strain on the city's prison system to continue.

Mr. Barry also yesterday called for a "summit" with Virginia Gov. Gerald Baliles and Maryland Gov. William Donald Schaefer to discuss the regional drug abuse problem. No date for such a meeting was announced.

And, in what he described as a related effort, the mayor announced he would be giving the top 10 percent of city high school students a check for $1,000 as a reward for their academic efforts.

After his speech, the mayor said of the cash incentive: "They see their friends with a pocket full of money from drug dealing, we have to combat that. We are a materialistic society.

"It saves us more to give them $1,000 than to spend $19,000 a year to put somebody in jail," he said. Mr. Barry estimated that the program would cost about $450,000, but said he would do it "even if it costs a million."

The proposal drew mixed reviews from members of the city's school board.

"It certainly is putting money in a direction that would give children something to aspire to," said Board of Education President Linda Cropp. "I think the idea is fantastic."

Board member Bob Boyd said, "My initial reaction is to be very leery of that. We used to expect young people to do well for their own benefit not, in effect, to bribe them to do something for their own good. I would condition the money being spent on higher education."

The mayor referred only briefly to problems in the city. On corruption in the city government, he said: "There have been a few who misused the public trust, abused my personal trust, and stole from the public treasury. I will not allow that from anyone in this government, just as you should not allow it from anyone you trust," he said.

But the mayor drew the most sustained applause of his address when he laid his woes on the city news corps. "There are some members of the media who would rather peep into our bedrooms than report our accomplishments," he said. "There are some jounralists who would rather make the news than report the news."

The mayor's speech, delivered to an audience of about 1,200 city workers, school children and the elderly who were bused in for the occasion, stressed the need for citizen involvement in city affairs.

"A successful city is a partnership," he said. "I promise you today as long as I am mayor this government will continue to try. This government will provide the opportunity. But is you the people who will make a profound difference," he said.

The mayor delivered the speech in a fiery, evangelical style which was often punctuated by cheering. Before he spoke, the Eastern High School chorus gave a stirring rendition of the first chapter of Genesis in song. Then, a huge screen behind the mayor was used to show a slickly produced video on the city's history, which was heavily laden with praise for Mr. Barry.

At the end of the speech, departing guests were given a digital clock imbedded in plastic as a souvenir. As of late yesterday, city officials could not say how much the event cost city taxpayers.

Both the slide show and the mayor's speech focused on the progress the city has made in the two decades since the 1968 riots following the assassination of Martin Luther King Jr.

"The gunfire and the screaming sirens were the sounds of a dying city," the mayor said, recalling the spring of 1968. "But Washington did not die. It lived. It grew. It has become a proud model of accomplishment and prosperity."

Council member Harry Thomas said: "It was one of the best speeches I've heard him give. I hope we can help him live up to some of the promises he made."

Mr. Wilson was less effusive. "He basically told us what a great mayor the mayor is, and most of what he talked about the council did with a lot of resistance from him," he said.

The "big issue" the mayor did not address was the city's prison overcrowding problem, Mr. Wilson said. "If people can go out in the street and earn $1,000 in two hours, knowing that if they get caught and if they go to jail they'll be out the same day, then that's not a deterrent to the drug problem or the crime situation," he said.

(Vincent McCraw and Carrie Dowling contributed to this report.)

[From the Washington Post, Jan. 28, 1988]

MAYOR BARRY'S "CRUSADE"

There was nothing all that original in his proposal, but Mayor Barry struck the right note in his "State of the District" speech Tuesday. In calling for government as well as citizen action, the mayor declared a "crusade against drugs" to be his "number one priority in 1988." The address was focused on what has become the single most deadly threat to the safety of this city's residents, young and old alike. Drugs, big-crime money and murder have been taking over neighborhoods at a terrifying pace—and though no speech by a mayor can stem the tide, Mr. Barry's pledge of a "citywide attack" and a summit of regional leaders could help.

"Drugs threaten our stability," said the mayor. "Drugs threaten our safety . . . and drugs threaten the soul of our city." There is no exaggeration here: with alarming speed, the city has become a lucrative drug market violently fought over by competing criminal groups from around the country and the world. Law enforcement authorities, including U.S. Attorney Joseph diGenova, have warned that the lives of innocent bystanders are increasingly endangered. Mr. diGenova, citing this "new level of violence and danger to the community," has noted that the groups have "no code of conduct" and "do not care who is killed."

Mr. Barry's message was short on details, but his attack seems to include additional programs tailored to various schools, more job training for young people and increased neighborhood activism against drug use. And though his administration is being criticized for cutting back on the "Operation Cleansweep" program of the police,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
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the mayor says he is about to announce new police initiatives against drug dealers.

Only then—and whenever his other proposals materialize and translate into specific actions—will residents have a real measure of this latest "crusade." But those Washingtonians who must live in the degradation and gunfire of the urban drug scene are understandably desperate for some shred of evidence that their government and others across the city have a sense of what is happening.

[From the Washington Post, Jan. 27, 1988]

Barry Sounds the Call for Area Drug Summit

(By Tom Sherwood)

D.C. Mayor Marion Barry, declaring he will make a "crusade against drugs my number one priority in 1988," touted a get-tough agenda of antidrug measures yesterday and strongly suggested that he will seek higher taxes to meet the rising cost of major city services.

Pledging a "citywide attack" and calling for increased neighborhood activism, the mayor proposed a drug summit with the governors of Virginia and Maryland and other regional leaders, and laid out plans for new school and job training programs to aid youths "at risk."

Barry, under fire for cutting back on Operation Clean Sweep, also said he will announce major new police initiatives soon.

The mayor outlined his plans in a generally upbeat 40-minute State of the District address delivered at the Kennedy Center. Invoking memories of the riots 20 years ago, he hailed the city's progress since then but decried a recent spate of drug-related killings.

"Drugs threaten our stability. Drugs threaten our safety . . . and drugs threaten the soul of our city," Barry said in a speech that was interrupted frequently by applause from the crowd of more than 2,000. The assemblage included the mayor's Cabinet members, government workers, business leaders, senior citizens and 500 public school children bused in for the occasion.

Barry's speech was generally met with enthusiasm, but D.C. Council members reacted with caution to his passing comment that he "may have to call on you for revenue enhancements to support our programs." Barry, who is to present his fiscal 1989 budget on Feb. 8, declined to be more specific with reporters about a tax increase.

Council member John A. Wilson (D–Ward 2), chairman of the Finance and Revenue Committee who twice led successful fights last year to block Barry's proposed income tax increases, said, "I don't think [a tax proposal] would be greeted kindly, but it would be given a fair hearing. . . . At the moment, I'm not willing to accept anything."

Among the other major proposals in the speech were: A juvenile justice initiative called "Invest in the Future" that would coordinate new and existing programs designed to help young people.

Plans to expand cash awards to high school scholars. Barry proposed giving $1,000 to public school students who graduate in the top 10 percent of their class, a proposal that could cost more than $400,000 annually. Barry later told reporters that he may also offer similar cash awards to an unspecified number of students who are designated as "most improved" by schools regardless of their grade averages.

Creation of a "mobile city hall . . . to bring services of the government to every corner of the city." Barry said he would accompany the vehicle at times to see problems firsthand.

Targeting job training and development specifically in neighborhoods east of the Anacostia River in Wards 6, 7 and 8, with a particular emphasis on redeveloping a portion of St. Elizabeths Hospital.

Establishment of a new downtown jobs center and the opening of a business and career center for minority youths interested in establishing businesses.

Acknowledging shortcomings in his staff, Barry said he is shaking up his administration to fill several key jobs that are vacant or held by acting officials.

On allegations of corruption in government, Barry said there will always be some who steal but added, "I will not tolerate that from anyone in this government."

Some of the most sustained applause came when Barry sharply criticized the news media, saying there "are some journalists who call every problem a setback . . . who would rather peep in our bedrooms than report our accomplishments . . . who would rather make the news than report the news . . . who think of themselves as judge, jury and executioners."

Many city officials in the crowd cheered wildly and stared up at a balcony filled with reporters and television cameras. Barry later refused to identify the reporters or news organizations to which he referred.

Barry did not specify when he might seek the regional summit with Virginia Gov. Gerald L. Baliles, Maryland Gov. William Donald Schaefer and suburban officials to draft antidrug policies.

The mayor, in seeking more regional cooperation, said the District handles a disproportionate share of the area's social problems, such as homelessness, and called on the city's wealthier neighbors to do more. Drugs "know no city boundaries," Barry said, adding that "Washington will no longer be the region's drug marketplace."

Baliles' press secretary, Chris Bridge, said the governor was unaware of Barry's regional summit proposal and would need more details. "Obviously it's in the region's interest," said Bridge.

Schaefer spokesman Bob Douglas said, "I don't believe the governor has been contacted by the major. However, a few weeks ago [Schaefer] said the state of Maryland needs to work on a regional basis to solve several problems including drug trafficking. . . .

"The governor will be pleased to know the mayor supports his suggestion."

An aide to Prince Georges' executive Parris Glendening said Barry talked about the summit last week with Glendening and that the county executive is "all in favor of it."

COMMERCIAL KILLING OF WHALES

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. MILLER of Washington. Mr. Speaker, today I join in cosponsoring two bills being introduced which address a likely violation of the International Whaling Commission's agreement to commercial killing of whales.

For decades, the world watched as hunters, legal and illegal, decimated the whale population. The United States sought to end this carnage when, in 1972 we petitioned the International Whaling Commission to end commercial whaling. In 1982, the International Whaling Commission adopted an indefinite cessation of the commercial killing of whales beginning in 1986.

Both the United States and the International Whaling Commission have worked long and hard to achieve this objective. But after all this progress, now we learn that five Japanese whaling ships recently set sail for Antarctica to slaughter 300 minke whales under the guise of scientific research.

This is an insult to scientific research. Worse it means more carnage, more slaughter of this supposedly protected species.

My colleague Gerry Studds will introduce a bill which urges the Secretary of Commerce to certify under the Magnuson Fisheries Conservation and Management Act, that Japan is undercutting the International Whaling Commission's protocols.

With this certification, if Japan kills these whales, the Secretary of State must reduce by at least 50 percent any fishery allocation made to Japan and will authorize the President to restrict imports of Japanese fishery products.

This bill is important because it puts the Japanese, or any other country, on notice that commercial whale kills carry a very high price. It tells the world in no uncertain terms, that we will not tolerate the continued slaughter of this species.

My colleague, Don Bonker's resolution states that it is the policy of the United States to support the indefinite cessation of all commercial whaling. It also calls on all nations to refrain from activities which would undermine the whaling moratorium of the International Convention for the Regulation of Whaling. And, last, it calls for sanctions against those nations which continue to kill whales in violation of this widely supported convention.

Mr. Speaker, I am cosponsoring these two resolutions because they are important. But I am also cosponsoring these resolutions because I have watched the whales off Friday Harbor and Point No Point in Washington State. These magnificent creatures have a right to live. They have a place on this Earth as sacred as our own.

Congressman Studds' resolution will be referred to the Committee on Merchant Marine and Fisheries and its Subcommittee on Fisheries, Wildlife Conservation and the Environment. Congressman Bonker's resolution will be referred to the Committee on Foreign Affairs and its Subcommittee on Human Rights and International Organization. I serve on both these key subcommittees and will be working for early consideration and approval of these resolutions.

This is an important environmental issue. It is also a very important test of our resolve to prevent the destruction of these great creatures. And, it is a test of our resolve to make the moratorium we have been working on for over 15 years effective.

Mr. Speaker, I urge my colleagues to support both resolutions.

CONTINUING THE REVOLUTION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. GINGRICH. Mr. Speaker, the question has been asked as to whether supply-side economics is finished. Unequivocally, the answer is "No." Recently, economist Paul Craig Roberts revealed the indisputable victory of supply-side economics while the Atlanta Journal editorial board called for a new battlefront to be opened.

[From Business Week, Dec. 28, 1987]

The Indisputable Victory of Supply-side Economics

[By Paul Craig Roberts]

Is supply-side economics finished? Only in the sense that General George S. Patton's army was finished in Germany in May, 1945.

The war for acceptance of supply-side economics was won several years ago, when its main propositions were incorporated into such standard economics texts as Paul A. Samuelson's and a new generation of PhD candidates began researching supply-side topics in their dissertations. Today macroeconomic models attempt to incorporate such supply-side principles as the impact of taxation on incentive as a matter of course, and empirical investigations of the magnitude of supply-side effects are a mainstay of academic research. Economists have given up trying to disprove it. Instead, they spend their time measuring and estimating its effectiveness.

On the political level, after the stock market crash it has become clear that the supply-side war has been won. Not a single one of the 12 Presidential candidates wants to raise tax rates to balance the budget. The few candidates who even mention tax hikes specify that they will only entertain taxes that would not harm incentives on the supply side of the economy. On Dec. 10, the GOP governor and Democratic legislature of Florida were forced by public outcry to backpedal on a 5% tax they had jointly imposed on services.

What better time to repeal the Reagan tax-rate reductions to raise taxes than now? We have a lame-duck President battered by the Iran-*contra* affair and the worst stock market crash in history, surrounded by aides known best for their willingness to sell out principles in order to put together a political deal. Yet no one is leading the charge except a few obscure left-wing academics who occasionally manage to get the attention of a disgruntled journalist.

Paradoxically, today the supply siders' main concern is the Federal Reserve Board. Only the Fed has the power to produce an economic catastrophe that would make it politically profitable to repudiate Reaganomics. If the Fed leads the economy into a recession, a grateful political left would sing its praises.

TAXES DON'T MATTER?

Prior to the supply-side revolution, the economy's performance was believed to depend on the total level of spending or demand in the economy. Economists thought that taxes affected only the ability of private individuals to spend, and since the government spent the tax revenues, taxation did not lessen the driving force of demand. In short, taxes didn't matter.

Supply-side economics showed that taxation—and government spending—also affect incentives and relative prices and that the results are not washed out the way demand effects are when spending is transferred from the private to the government sector. The disincentive effect of the higher tax rate remains. As government grows, the incentives to produce decline. This accumulation of disincentives led to stagflation and worsening trade-offs between inflation and unemployment, as successive raises in government spending called forth weaker increases in real output and stronger increases in prices.

A few diehards have tried to explain the record five-year Reagan expansion as a deficit-fueled Keynesian consumption binge. But these polemicists have not explained why the Reagan expansion was noninflationary. Why did smaller deficits lead to worsening inflation for Carter, while larger deficits were accompanied by declining inflation under Reagan? There was a bad recession from 1974 to 1975, but it was not followed by a five-year expansion with falling inflation. Clearly, something else has been going on.

TAX CUT MOVEMENTS.

The strong position of supply-side economics is further bolstered by developments all over the world. Heavily socialized countries such as Britain and France have reversed course and undertaken extensive privatization. France, traditionally the most statist of the developed countries, has abolished price and exchange controls and cut tax rates for individuals and businesses. There is not a country in Western Europe today that does not have a strong tax-cut movement.

In Third World countries, there is a widespread revulsion against development planning and its legacy of massive debts, corrupted economies and demoralized political systems. In China and the Soviet Union, the repudiation of central planning is further indication that the growth of government in the 20th century has exceeded its natural boundaries. Governments everywhere are saddled with massive responsibilities that they no longer want and cannot meet. The market for statist economies, which finds the answer to every problem in more government interference in the economy, has simply disappeared.

This is a great source of frustration to ideologues in Ivy League universities. It is not Keynesian economists who are dissatisfied with the supply-side emphasis on incentives, but the left-wing egalitarians in their midst. An economic theory in which incentives are important justifies income inequality, which leftist ideologues can't abide. The inability of leftwing economists to find any political allies is the telltale sign of supply-side supremacy.

[From the Atlanta Journal, Jan. 31, 1988]

To Finish the Tax Revolution, Cut the Rate on Capital Gains

You can't argue with success—unless, of course, you're a congressman. Democratic congressmen argued that President Reagan's reduction of tax rates would bring in less revenue. It brought in more.

Democrats argued that a lower tax rate on capital gains would produce fewer tax receipts. Experience shows it produces more.

Reagan restated his support for a lower tax rate on capital gains in his State of the Union address. Lower rates on capital gains would not be a boon to the wealthy. Democrats said the same thing about lower regular tax rates, but lower tax rates on the rich brought thousands of them out of the closet. The number of taxpayers reporting incomes of $1 million increased 267 percent. The number reporting incomes of $100,000 rose 87 percent. The net windfall spilled into the U.S. Treasury.

Lowering the rate on capital gains, which are gains from stocks, real estate and other property, will produce the same effect. A lower tax rate will generate more tax dollars; a higher rate will generate fewer.

For instance, Congress increased the tax rate on capital gains in 1969. Revenues from the higher rate plummeted 40 percent. Congress cut the rate in 1978. Revenues swelled 44 percent. The rate was cut again in 1981. Again, revenues soared.

But Congress still bickers with success. Learning nothing from experience, in 1986 it increased the capital-gains rate from 20 to 28 percent. Harvard economist Lawrence Lindsay says the higher rate will cost the Treasury up to $105 billion over five years.

The solution? Cut the rate, as President Reagan proposes. Lindsay pegs the "ideal" rate at 18 percent. He predicts revenues will rise 72 percent from the tax cut.

Too, Congress should restore the special tax preference for long-term capital gains, and in the process restore stability to the financial markets. The preference was dropped in 1986, leaving rates on both short- and long-term gains the same. Investors took the quick profits since they carried no tax penalty, in the process sparking much of the commotion on Wall Street. Restoring the special preference to long-term gains will—in addition to generating more federal revenue—add some needed stability to the financial markets.

It's about time the Democrats and naysayers quit quarreling with success. They predicted the rich would pay less in taxes; the rich have paid more. They predicted a lower capital gains tax would bring in less revenue; experience shows it will bring in more. The success of Reagan's tax revolution is obvious. His last and most important element—cutting the tax rate on capital gains—needs to be put into place.

MIKE ROTUNNO—SHIP-TO-SHORE EXPERT

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, it gives me great pleasure to call to the attention of my colleagues the lifetime accomplishments of a remarkable man, Michael Rotunno of Southampton, NY. Mr. Rotunno will celebrate his 80th birthday on February 17, and it seems an appropriate benchmark for recognizing his unusual talents and experiences, especially as a ship-to-shore radio operator for over 60 years.

In this age of high technology and advanced communications, it is somehow very calming to know of this individual who devoted his life to excellence in ship-to-shore radio communications. The one-on-one relationships Mike Rotunno developed throughout the world with colleagues in the radio business, and others, have contributed to the saving of

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lives, the security of our country, and much peace of mind for people in distress.

Mike Rotunno first took to the sea as a 19-year-old radio operator in 1927, and came to Southampton with Mackay Radio—of ITT—in 1930. He served as the chief radio operator on the *Minnekahda* at age 20, and took the *Excalibur*—with 2,000 on board—on its maiden voyage 3 years later. Throughout his long career he has traveled by ship as an operator to every continent except Australia, and never missed 1 day of work in 40 years with Mackay. He still remembers the call letters of every ship with which he was ever in contact.

There are a thousand entertaining stories Mike can tell of his exploits, but a few stand out as highlights:

In World War II he received the message about a German submarine off Amagansett, Long Island, and provided communication links leading to the ultimate capture of three Germans from the sub who had sneaked onto the beach and taken a train to New York City;

He handled all the distress signals from the sinking *Andrea Doria*, and was the last person to receive a message from its captain, as the ship was going down;

During Admiral Byrd's second expedition, Mike Rotunno communicated with him by radio for 1 year;

More recently, an emergency phone call from a rural part of France conveyed only partial information about a very serious car crash involving the son of some long-time Southampton residents. From the phone call, the family now frantic, didn't know if their son was alive or dead, or where they could get more information. Mr. Rotunno connected with a fellow operator on a ship off the coast of France, found someone who had witnessed the crash scene, and within a few hours was able to call with the good news that the young man was badly injured, but alive.

There are not many people who can claim to have lived in Southampton for nearly 60 years. Mike Rotunno remembers much about this charming town before the sands literally shifted and shaped it into the popular resort community of today. He has served as a deputy sheriff, is an active member of the Knights of Columbus, and of the Southampton Association. In the summertime, he reports regularly for work at the Southampton Bathing Corp., and fulfills his love for deep sea fishing as a member of the Fisherman's Club and the Hamptons Surf Club.

Mr. Speaker, Michael Rotunno was once honored by Mackay Radio as "the best radio operator they ever had." May I suggest that he is the best Southampton has ever had. Indeed, he is the stuff from which the best of our Nation is made. With his zest for life and amazing recall, there will be many more birthdays and opportunities to hear Mike Rotunno's fascinating stories. For now, I know you will join me in congratulating him and his family on the occasion of his 80th birthday.

TRIBUTE TO LARRY AND SUE STAMPER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to two extraordinary members of my community, Larry and Sue Stamper. I ask my colleagues to join me in honoring these two friends for their dedicated service and great contribution to their community. The Stampers will be honored for their work with the Burbank Community Hospital at the hospital's annual Orchid Ball on March 5.

Larry Stamper has devoted his life to helping and serving others. Since 1959, he has studied theology and served as a Methodist minister in southern California. Presently he is the pastor of the Burbank First United Methodist Church. For more than 10 years, Reverend Stamper has served as chaplain for the Burbank Police Department. Larry has also served the Burbank community through his involvement in local government. In 1981, he was elected to the city council of Burbank and, in 1983, he served as a member of the board of Pacific Home of Burbank/Burbank Homes, Inc. He is also a member of the board of trustees for Burbank Community Hospital as well as the board of directors of the Verdugo Hills Council, Boy Scouts of America. Through these positions, Larry has been a significant and positive force in shaping the Burbank community.

In addition to juggling a family and a career, Sue Stamper has served the Burbank community as an active member of many local service organizations. While raising three children, Sue also pursued a career in banking and she is now the assistant vice president of Highland Federal Bank. Despite this busy schedule, Sue has always found time for volunteer and charity work. She is a member and past president of Friendly House Affiliates, a charitable organization supporting a home and rehabilitation center for alcoholic women. Sue is also a member of the National Charity League of Burbank, Burbank Kiwanitis, P.E.O., and Zonta, a service club for business and professional women. Sue has contributed much of her time to the Burbank Community Hospital as a member of the Orchid Ball Committee.

It is my honor and pleasure to thank and pay tribute to Larry and Sue Stamper who have given so much of their time and energy to serving their community. The citizens of Burbank have benefited greatly from this couple's dedication and involvement.

REPRESENTATIVE MILLER SALUTES SPECIAL OLYMPICS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. MILLER of California. Mr. Speaker, I know that Members of the House of Representatives will want to join in in saluting the Contra Costa County Special Olympics Program on its 20th anniversary of service to the people—and especially the children—of California.

As we await the opening of the winter Olympic games in Calgary, we also must note the achievements of the young men and women who, over the years, have been such competitive athletes in the Special Olympics. I'm honored to have had a long relationship with these young athletes, and with the outstanding directors of the Contra Costa Program.

In particular, I want to salute the board of directors of the Contra Costa Special Olympics, including Dr. Michael Grimes, who has been a very close personal friend for many years, as well as James B. Beckum, Howard B. Folkman, Dorothy G. Folkman, Bob DuRee, James Ginsbach, Lorie W. Hudson, Bob Kaemper, Doris Kaemper, Susan Klas, Sandy Stanley, Peter Wilson, Carl Dobratz, and area director Sunny Gramont. Each of these board members has added immensely to the lives of all the Special Olympic participants in Contra Costa County.

Special Olympics provides a unique opportunity for disabled children to enjoy the activity, the competition, and the skill that is part of being a dedicated athlete. Special Olympic participants exemplify the ideals of sportsmanship, because they compete not merely to win, but to enjoy and benefit from the process.

Those who help to organize the Special Olympics also exemplify these ideals. They provide an example of generous self-sacrifice and leadership for all to follow.

Special Olympics has grown phenomenally since its formation in 1968 with a national meet for 1,000 athletes cosponsored by the Kennedy Foundation and the Chicago Park and Recreation District. Today approximately one and a half million athletes participate in Special Olympics nationwide. The program has enjoyed similar success in Contra Costa County.

This Saturday, the Contra Costa County Special Olympics will hold a 20th anniversary dinner in Concord, CA, and I know that my colleagues in the U.S. House of Representatives join me in congratulating all of the participants over the years, and in extending our deep appreciation to the director, trainers, volunteers, and financial supporters who make this very valuable community activity a great success for the young athletes year after year.

CONTINUED HUMAN RIGHTS VIOLATIONS IN EAST GERMANY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. PORTER. Mr. Speaker, to my dismay, East German authorities have begun another crackdown against human rights, environmental and peace activists. According to reports, approximately 150 activists joined a recent demonstration commemorating the 1919 murder of German Communist Party founders Rosa Luxemburg and Karl Liebnecht. Some of the individuals displayed a placard reading true freedom is the freedom to dissent. Charges against these individuals range as high as treason.

Why, simply for peacefully expressing their beliefs, should people be punished? Freedom of speech is a basic right of individuals, guaranteed under numerous international documents, and accepted by the German Democratic Republic as a signatory to the Helsinki accords.

Two months ago, I introduced House Concurrent Resolution 228 urging the German Democratic Republic to resolve the pending cases against four persons who were arrested while working in the basement of the Zion Church. I was extremely pleased that the German Democratic Republic released these individuals the very afternoon my resolution was introduced.

Mr. Speaker, I remind my colleagues that House Concurrent Resolution 228 also calls upon the German Democratic Republic to initiate no further reprisals against individuals for peacefully expressing their views, and to continue expanding the positive steps recently taken in the area of human rights. I encourage the German Democratic Republic authorities to immediately free the remaining individuals, as reports indicate, and to reexamine their attempt to squelch dissent in East Germany. The thousands of East German individuals protesting outside churches throughout the country should signal to the German Democratic Republic Government that severe restrictive measures are no longer accepted by their citizens, or by the rest of the world.

SIGNIFICANT IMPROVEMENTS MADE TO HOUSE TELEPHONE SYSTEM

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. KANJORSKI. Mr. Speaker, I want to take this opportunity to update our colleagues on some important improvements which have been made in the telephone system being installed in the U.S. House of Representatives. As you may recall, in the past I expressed my frustrations with the new telephone system. It is only proper, therefore, that I take similar steps to let you know when things are going right.

I am pleased to report that since the time I expressed my concerns with the telephone system I have had several meetings with the House employees who are implementing the changeover in telephone systems and with representatives of AT&T. In every instance these individuals have been attentive to my suggestions for improvements and have worked with me and my staff to make the necessary modifications.

My concerns focused on specific types of service and options under the new telephone system. Previously Members had different telephone systems in their offices depending in part on what levels of service they felt met their individual needs. When I was first elected, I made the decision to have an advanced telephone system in my offices. Accordingly, I selected AT&T's Merlin system. I was very impressed with the Merlin system and was frustrated to lose some of its features under the new House system.

I am pleased to report now, however, that nearly all of the features I desired have either been incorporated into the House system or will soon be added. In fairness, I should also add that I am impressed with some of the features which will soon be added to the House system which were not available with the Merlin system.

Mr. Speaker, I recognize that inevitably there will be "bugs" that must be worked out any time a major system like the House telephone system is converted. The critical factor in making a conversion successful is the dedication and attention that those responsible for the system show in trying to meet the needs of the system's individual users. In this critical area, AT&T and the staffs of the Committee on House Administration and of the Clerk of the House have been extremely responsive. Together, they have successfully met most of my concerns and needs.

I want to take this opportunity to publicly thank Chairman CHARLIE ROSE, Clerk of the House Donn Anderson, and the people of AT&T for their commitment to service and for meeting the needs of individual Members of Congress. Their attention to the problems and the ensuing changes are a good example of what American ingenuity and commitment can achieve.

POLLUTION LIABILITY

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. MILLER of Washington. Mr. Speaker, today environmental and maritime experts are working furiously to clean up one of the largest oil spills ever in Puget Sound.

In the early morning hours of Sunday, January 31, a 176-foot fuel barge loaded with over 300,000 gallons of heavy fuel oil capsized and sank in the Guemes Channel of Puget Sound. Since February 4 over 46,000 gallons of the sunken barge's toxic fuel has leaked out and been swept into the waters of Puget Sound.

The Guemes Channel is home to some of the swiftest tidal currents in my State—further complicating an already dangerous and difficult cleanup job. During the next week, expert divers with the help of a 600-ton derrick will be attempting to raise the barge without spilling anymore of its hazardous cargo.

Mr. Speaker, accidents happen. And it is important to point out that this problem is not unique to my district. Recently, other major oil spills have been reported on the Monogahela River, in the Delaware River, in Savannah Harbor and in Cook Inlet, AK. Shorelines are damaged, fisheries and wildlife habitat contaminated, businesses are disrupted and people living near the spill are inconvenienced.

Environmentalists and other concerned citizens want to know if there is a Federal law to set responsibilities for cleaning up oil spills, or compensating lost business opportunities, or providing for safe drinking water? I must answer—not yet. Presently, Federal law places too much responsibility on the Federal Government's role for cleaning up spills and not enough on those who cause the spills.

We need to worry about the costs of providing safe drinking water supplies, and providing relief for those who suffer economic losses.

There is an answer. It is H.R. 1632, the Comprehensive Oil Pollution Liability and Compensation Act. This bill will establish a new comprehensive set of rules that will provide prompt, adequate and equitable compensation for those who suffer from oil spills.

H.R. 1632 will also encourage prompt clean up of oil spills and create mechanisms to reimburse Federal, State and local governments for the costs cleaning up a spill. It would impose strict "joint and several" liability for those transporting or producing oil and make other long needed reforms. H.R. 1632 would also establish a clear and predictable legal and regulatory framework for claimants, spillers, insurers and government officials.

Mr. Speaker, the Committee on Merchant Marine and Fisheries, which I serve on, and the Committee on Public Works have been working on this bill for almost a decade. It has widespread support from the administration, from industry, from environmental groups and coastal States. I urge my colleagues to cosponsor this important bill and to join in supporting it.

RUNNING FROM REALITY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. GINGRICH. Mr. Speaker, every once in a while, the left-wing foreign policy establishment reveals its true colors. Presidental candidate ALBERT GORE seems to be the only candidate of his party to be in the mainstream of American thought. According to the Washington Post, every other candidate at a recent debate believes that the Soviets signed the INF Treaty because they were experiencing economic difficulties.

Michael Kramer of U.S. News & World Report recently asked: "Can any competent student of Soviet affairs seriously argue that an INF Treaty would exist today if Reagan hadn't insisted on placing Pershing 2 missiles in Europe?" Maybe Mr. Kramer should ask whether any candidate for the Presidency should be taken seriously if he doesn't believe that pressure works with the Soviets.

The articles follow:

[From the Washington Post, Jan. 31, 1988]

GORE TOUTS HIS "STRENGTH"

Sen. Albert Gore Jr. (D-Tenn.) has opened up a new front in his war to establish himself as the only "strength" Democrat running for president. At a debate Friday night in Sioux Falls, S.D., he asked former senator Gary Hart whether Hart believes the U.S. deployment of medium-range missiles in Europe, a policy conceived by President Jimmy Carter and carried out by President Reagan, was responsible for the Soviets' agreeing to the INF Treaty.

For Reagan to take credit for the INF, Hart replied, "is like the rooster taking credit for the dawn." He said he believes the Soviets had wanted to negotiate away their medium-range missiles in Europe years ago, and their decision had nothing to do with deployment of the medium-range and short-range missiles. The other Democrats at the debate did not disagree, all saying that the Soviets' foundering economy drove them to the table.

"I find [this] difficult to believe," Gore said, savoring a distinction he is sure to draw as he campaigns through the South. "Do you really think the Soviets just said to themselves. 'We're feeling some economic pressure: Let's remove our SS20s'?"

[From U.S. News & World Report, Feb. 1, 1988]

TIME FOR A "YES" VOTE ON CONTRA AID

(By Michael Kramer)

Take a moment and think about the value of pressure in international relations. Consider two examples:

Despite Moscow's internal economic problems, can any competent student of Soviet affairs seriously argue that an INF treaty would exist today if the Reagan administration hadn't insisted on placing Pershing 2 missiles in Europe? If the allies had had nothing to trade, would the Kremlin have unilaterally dismantled its intermediate nuclear forces out of the goodness of its heart?

Similarly, on their southern flank, would the Soviets be eager to quit Afghanistan simply because Russian mothers sleep better if their sons aren't occupying another country? If the United States hadn't backed the mujeheddin rebels to the point where Afghanistan has become a Vietnam-style quagmire for Moscow, would Mikhail Gorbachev be planning a pullout simply for altruistic reasons?

The answer to these questions is obvious, or should be: Pressure—and often *only* pressure—works.

Now consider the Nicaraguan situation. Contra aid faces another crucial vote next week. Congressional opponents of renewed assistance say the Sandinistas have seen the light. The comandantes, they argue, have agreed to speak directly to the Contras (which they had previously refused to do), lift the state of emergency in Nicaragua and grant a conditional amnesty to political prisoners essentially because they are well-intentioned folks who would have "made nice" long ago if the Contras hadn't been nipping at their heels.

This is the view, too, of the Democrats running for President (new crowd, old tune)—candidates, in Jeane Kirkpatrick's admittedly demagogic phrase, who always seem to blame America first. And, of course, their critique is 180 degrees wrong. There *is* a connection between the INF treaty, Afghanistan and the chances for peace in Central America—a common thread: By their own, proud admission, the Sandinistas are dedicated Communists committed to spreading their Marxist-Leninist ideology throughout the region they inhabit. That they now may be moderating their thinking and behavior at all—an iffy proposition at best—is a result of the pressure, both real and prospective, that the Contras have been able to apply.

HOW THE SANDINISTAS PLAY THE GAME

The Sandinistas must be chuckling. Last week, after they announced their "concessions"—which they promised to renounce if Washington continues aid to the Contras—Nicaragua's Foreign Minister was asked if the comandantes were loosening their iron fist for tactical reasons: In order to influence Congress to reject further Contra assistance. "Of course," answered Miguel D'Escoto, a confident practitioner of pressure in perfect sync with his audience. Congress's Democrats, you see, are still anxious to kill off the one factor that has caused the comandantes to move off square one.

Why is the obvious course—keeping the Contras alive—even a matter of debate? Part of the blame rests squarely with the Reagan administration. Over seven years, the White House has squandered its credibility with respect to Central America. It has lied to Congress, shifted its goals and misread the mood inside Nicaragua. The upside is that the Sandinistas have been contained and that the time bought by that containment has permitted the consolidation of democracy elsewhere in the region, most notably in El Salvador. But President Duarte's limited success there—and the fragility of representative government in Guatemala and Honduras—only raises the stakes further if the Contras are disbanded.

ARIAS'S FALLBACK: A FEW GOOD MEN

Today's anti-Contra lobby echoes an earlier naîveté when Americans, circa 1979, actually believed that Thomas Jefferson was the Sandinista patron saint. "Give peace a chance," they now say. "Trust the latest democratic pronouncements of Nicaragua's President, Daniel Ortega." If we're wrong, says House Democractic Whip Tony Coelho, then the four other Central American Presidents will come to us and "seek some help—and we should give it to them."

What kind of help? Oscar Arias, the Costa Rican President who authored the current peace proposal, has told friends that an invasion by the U.S. Marines would fit the bill. Which is fine for him to say. He's not talking about Costa Ricans making Central America safe for democracy; he's talking about our boys doing the job, the same job the Contras—native Nicaraguans—are willing to do themselves.

Even the most politically blind should feel queasy about the Sandinistas' latest good-guy promises and should welcome the Contras as an insurance policy. Cut them off now, and they will be gone for good. Once disbanded, a guerrilla force—no matter how dedicated—is next to impossible to reconstitute. And once a nation like the United States has turned its attention elsewhere, it doesn't want to hear that a problem deemed "solved" is still an open wound.

The prudent course for Congress, then, is to keep the Contras alive. Any one of a number of proposals will suffice. Two of these—humanitarian assistance, or military aid held in escrow against a determination of the Sandinistas' sincerity—would get the job done. If we don't do at least this—and it really isn't all that much—where will we complain if things turn sour? The United Nations?

If the Contras die, the Sandinistas will be free to reimpose the near-Stalinist measures they claim to be forgoing and to fulfill their "historical imperative" by striking out against their neighbors. And then Oscar Arias will be right: Only the Marines will be left as an available counterforce, assuming whoever is President has the stomach to send them in—a bet even a loser like Jimmy the Greek wouldn't take.

BRAVERY AT SEA—A MERCHANT MARINER'S STORY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, last month the Secretary of the Air Force issued an order that awarded veteran's status to any person who served on a U.S.-flag oceangoing merchant ship between December 7, 1941, and August 15, 1945. This long-awaited ruling, a reversal of the administration's previous position on the matter, will enable World War II merchant seamen to receive the same pension, medical, and other benefits as veterans.

I am a cosponsor of legislation that would have granted veterans status to merchant seamen who served during the Second World War. I believe this legislative effort encouraged the military to reverse its previous position on the matter. Now that this issue has been resolved, Congress may proceed with the task of authorizing appropriate medals to honor these brave Americans.

A constituent of mine, Capt. A. Ralph Strong of Southampton, NY, has shared with me his experience as a member of the U.S. Merchant Marine during World War II. Captain Strong, who was awarded the Mariners Medal for Bravery after the war, has an inspiring story to tell. It is a story of patriotism. I want to give Members of Congress and the American people the opportunity to learn of this example of bravery, and ask that Mr. Strong's recent letter to me appear in the RECORD at this point:

JANUARY 20, 1988.

Mr. GEORGE J. HOCHBRUECKNER,
U.S. House of Representatives, Longworth Building, Washington, DC.

DEAR SIR: I am writing to you to urge you to support the passage of Bills H.R. 1235 and H.R. 1430, To provide benefits to merchant seamen who served in the United States merchant marine during World War II; and To authorize decorations, medals, and other recognition for service in the United States merchant marine, and for other purposes.

For years the men who served our country so well during the World War II campaigns have been overlooked by the government and various organizations. The officers and men who navigated the ships of the merchant marine in wartime so bravely were perplexed to be passed over by the government and other organizations for recognition in their devotion to duty in all sorts of battles and attacks at sea. The military men (U.S. gun crews) on board merchant marine ships were praised and honored for their participation and bravery, but not the civilian ship officers and men who were in command.

I served in the merchant marine for 50 years (1930-1980) starting out as a cadet for 4 years, becoming an officer on various vessels and raising my license grades through 14 years to become Ship Master.

I joined an American company, the United Fruit Company, in 1938 (Pier #3, North River, New York, in those days). The company operated passenger and refrigerated freight ships, and the fleet numbered about 50 ships. This fleet served world-wide during World War II. Many ships and officers and

men were lost in this war when the ships were subjected to viscious attacks by German U-boats, planes, shells, mines, sabotage, and explosions due to collisions in convoy. These ships were first coming under attack in 1939 while still in peace-time service, sailing from U.S. ports on the east and west coasts, Gulf of Mexico and Caribbean. The German U-boats were active in blockading the U.S. east coast and the Gulf of Mexico and sinking oil tankers transporting oil from Texas to east coast refineries. So United Fruit Company vessels were sailing without any armaments or means to protect themselves, except by virtue of their speed and evasive action and were at the mercy of these undersea predators who were most aggressive and viscious. Many of our vessels were running with "dummy" guns in view for months and being attacked. There were many ships lost within 2 years. The U.S. Navy did not possess suitable patrol craft to cope with this situation and small yachts were commandeered for spot patrols. The subs would destroy vital navigation aids by gunfire, etc., and lie in wait for vessels to appear, showing light characteristics of the "aid" and then sink the ship.

Some of these subs would submerge and then raise up under men struggling in the sea and throw them off their decks.

My company fleet lost approximately 28 ships during World War II and many officers and men. The passenger ships had been taken over at once for naval transports. These merchant marine personnel, by nature of their time and work involved, were by far the most efficient found anywhere. "An army travels on its stomach" and it was the merchant marine who kept them supplied with food, armaments, etc. (Our U.S. merchant marine is so depleted now that I doubt that we could supply and support our army in a European ground war).

Unions were beginning to become active in the merchant marine sponsored by Joe Curran and Paul Hall (SIU). However, such organizations were not very strong in 1939 and, eventually, some shipping companies, including the United Fruit Co., had their own organizations to represent the personnel and they never did join any of the unions.

Many U.S. shipping firms maintained a certain portion of their fleets under foreign flags. These ships had U.S. masters, engineers and radio officers. This was started mainly to prevent seaman unions from delaying the operation of vessels carrying, for instance, perishable cargo, such as the cargoes carried by the United Fruit vessels. About one-third of our fleet was sailing under Panama or Honduras flags but, otherwise as an entity of the U.S. Merchant Marine.

In June, 1942, things were very acute for shipping on the east coast and gulf shores. My company had to shift operations from New Orleans (a large passenger and freight business) to Tampa due to sub attacks at the mouth of the Mississippi River passes.

Ships were not supposed to sail along east coast areas at night. Some sections had anti-sub nets and ships would run from one net to another, if possible. One time, we were supposed to use a net off Florida. Upon arrival, this was not available, and so we continued along coast and were attacked by sub off Palm Beach on a moonlight night. We managed to reach shallow water in time, by evasive action.

By the end of February, 1942, we were fitted with some guns at Baltimore and sailed the same route to Central America. One gunnery chief and 8 naval ratings were assigned to our ship. The vessel was still engaged in peacetime service. While in the Gulf of Mexico, in June, the ship was attacked by a submarine (100′ SE of Brownsville, Texas, buoy) at 2025 on a dark night. The first torpedo missed. Another one hit the stern where the magazine for the after 3″ 50 gun was located. This blew up and the stern of the vessel was destroyed. Within 10 minutes the vessel capsized and left a few survivors struggling in the sea. Not one of the 4 lifeboats was seen in the dark. Gradually, crew members still alive found 2 makeshift rafts. I was chief officer and the senior one in charge, the captain having gone down with the ship. Only the third officer and the radioman were officer complement surviving. Of the 9 navy men, only 2 got to the rafts. Altogether, there were 14 of us surviving from a complement of 45. After two weeks awash on two rafts, with very little food (I lost 35 pounds), we were rescued by a PBY flying boat out of Corpus Christi Naval Air Station. They were a combined training/search grid mission at the time. The submarine had been using us for bait most of the time. The PBY fired a depth charge at them but there was no way of knowing if it hit them (sure hope it did!) On the 6th day, one injured crew member died and we had an "at sea" burial.

I was incapacitated for approximately 1 year due to injuries and the effect of this ordeal.

Upon returning to duty in April, 1943, I was assigned by my company to a vessel which was loading ammunition at Cavan Point (near the Statue of Liberty)—these were block busters for Liverpool. The vessel was under the Honduranean flag, United Fruit Co. owned, but operated for all intents and purposes as U.S. ship as were all such units in the company. We were able to do 15 knots speed which was fairly fast in those days. The subs were able to do over 18 knots by then and were patrolling and attacking in wolf packs hitting the convoys. We eventually set out with orders to proceed singly, with no escort, with the vital but dangerous cargo across the Atlantic.

Later crossings were made in many convoys both to England and the continent with many collisions, sub attacks, plus minefield dangers involved. One of the United Fruit Co. managed vessels (a Liberty ship) was proceeding in a convoy from New York to England. Usually, other segments would meet the N.Y. Group as they progressed northeastward. While meeting the Nova Scotia group in that area in fog, they collided with a tanker loaded with 100 octane aviation gas. Both vessels exploded and all were lost. United Fruit Captain Lundy from New Orleans and crew were buried at Cape Breton, Nova Scotia.

In May of 1944, my ship was proceeding eastward from Buoy "A" (Hudson River Canyon) bound for Europe with a full cargo of Army frozen meat (18 degrees F.) This was a fast convoy consisting of 30 vessels including 3 refrigerated food vessels, 6 Jeep aircraft carriers ferrying military planes and 21 oil tankers (mostly the T2 type) carrying aviation gas. There were 6 new U.S. Navy destroyers as escort, with radar, and progress was at 14 knots in 2 columns. South of Long Island, visibility was poor due to fog. At about 2000, a tanker approached at a 45 degree angle and collided with us tearing out a huge hole on our port side. The tanker was the "Sag Harbor". Fortunately, we didn't hit him! He hit us! Otherwise, all would have been lost. Our buoyant, frozen cargo saved our ship and we were able to limp back to New York.

I was in convoys to the Mediterranean—North Africa, Algiers, Tunis, Sardinia, Sicily, Italy, without any break except about 10 days in U.S. between trips but still on duty, managing the vessel. All this on a patriotic, voluntary duty.

Sometimes, the question of remuneration to merchant marine officers and men is mentioned. The rates of income were not very high in the shipping industry during the war. A shipmaster was receiving about $450. per month. Various areas of the world, which were considered more harzardous involved the consideration of a bonus. The accumulation of the privileges, benefits and honor received by the United States veteran of this war, far exceed any considerations or monetary remuneration accorded men who served their country voluntarily in the Merchant Marine during World War II.

There is only a small percentage of these brave men still alive and those still living will be mostly in their 70's and 80's. It is a long time for the recognition of the contribution made by the American Merchant Marine and it is only fair that these men receive, even at this late date, their well-earned praise and benefits.

After the war, I received from Admiral E. S. Land, Administrator of the War Shipping Administration, the Mariner's Medal for Bravery.

Respectfully,

Capt. A. RALPH STRONG.

Southampton, New York.

TRIBUTE TO STEPHEN AND NANCY WILSHINSKY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. BERMAN. Mr. Speaker, I rise today to salute Chabad of the Valley and two extraordinary individuals, Stephen and Nancy Wilshinsky. Stephen and Nancy will be honored at a banquet on March 13, 1988, in recognition of their outstanding service to the community of the San Fernando Valley.

Chabad of the Valley is a Jewish educational and outreach organization which operates schools, summer camps, senior citizen, and youth programs and a host of beneficial social service programs. During the first 15 years of its existence, Chabad of the Valley has proven to be an exemplary organization which promotes a sense of values, morals, and ethics throughout the community. The organization is also a leading provider of social services for the troubled and needy.

Stephen and Nancy have played key roles in the past success of Chabad of the Valley and have supported many philanthropic causes over the past years. Stephen has assisted the less privileged not only during his free time, but has made a concerted effort to help the less privileged through his business contacts. While maintaining his position as a highly reputable broker in the stock brokerage firm of Bear, Sterns, & Co. he has utilized his shrewd financial and executive skills to help create programs for the needy.

Both Stephen and Nancy are well known for their generous contributions to numerous charitable organizations, both local and abroad. They have devoted a great deal of their time and energy to the problems of the needy in the community. Most noteworthy of their efforts is the opening of their home to house orphaned children, while also sustaining a number of poverty stricken families. The Wilshinsky's have been, and continue to be, shining examples of citizens who are not only concerned with the welfare of the community, but citizens who have succeeded in their efforts to make a difference.

It is my distinct pleasure to join Chabad of the Valley as it honors Stephen and Nancy for their outstanding contributions to the community of the San Fernando Valley.

CONGRESSIONAL MILITARY REFORM CAUCUS; 1987 ANNUAL REPORT TO THE COCHAIRMEN ON CAUCUS ORGANIZATION AND SPONSORED EVENTS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. BENNETT. Mr. Speaker, on behalf of myself and Congressman TOM RIDGE, as cochairmen of the Congressional Military Reform Caucus, we would like to submit to our colleagues the following staff report on the activities of the caucus during the past year.

This is a report to the cochairmen of the caucus that was prepared by the staff of the caucus. Since this is the first time recently that such a report has been prepared, it includes some additional general information about the caucus that may be helpful to those interested in learning more about its activities. Membership in the caucus is open to any Member of either body committed to strengthening and improving our national defense. There are no dues.

Although I realize that this statement is rather lengthy, I believe that it is important for it to appear in the CONGRESSIONAL RECORD for two reasons. First, as a quasi-official organization, the caucus should be open about its activities with other Members of Congress and the public. This report serves that purpose admirably. Second, the report is a serious effort to summarize many valuable activities of the caucus and, I believe, merits inclusion as part of the historical record.

The text of the staff report follows:

100TH CONGRESS, FIRST SESSION ANNUAL STAFF REPORT TO THE COCHAIRMEN OF THE CONGRESSIONAL MILITARY REFORM CAUCUS

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(I) BRIEF HISTORY AND STATEMENT OF GENERAL PURPOSE

The Caucus, founded in 1981, is an informal and bipartisan organization whose activities are intended to support the regular committee work for a stronger national defense.

The purpose of the Caucus is to achieve the strongest and most effective defense possible. The Caucus does not advocate overall increases or decreases in defense spending, only more effective expenditure of those dollars allocated for national defense. The specific action agenda of the Caucus has evolved over the years consistent with changing national events and the needs of the military, as perceived by the members and Cochairmen of the Caucus. During its early years, the Caucus emphasized issues such as maneuver warfare, reform of military organization and procurement reform. Later, procurement reform received additional emphasis while the Caucus helped lead efforts to pass several key procurement reforms. During the 100th Congress, the Caucus has ensured that those initiatives that were still approved were continued, and has added a primary emphasis on improving conventional forces, particularly in NATO Europe.

In stressing improvements in conventional forces and other military capabilities during the 100th Congress, the Caucus is guided by a philosophy that emphasizes that wars are fought by people, not just by weapons. Above all, the most important people in fighting those wars are the average soldiers, sailors and airmen who do the actual fighting, rather than administrative personnel, military bureaucrats or defense corporations. The Caucus seeks to improve the training, strategy and tactics of our conventional forces. It advocates lean armed forces that are not top heavy with administrative layers. These forces must be ready to fight immediately, and must have the basic supplies and weapons to sustain such conflict. Further, they should have weapons and supplies that are of the best quality that can be obtained. The Caucus desires to ensure the engineering excellence of our weapons by evaluating new weapons programs in terms of the soldiers who actually use them. It wants to increase weapon reliability in the chaos of war by "flying before we buy", i.e. by promoting tough, realistic weapons testing before weapons are purchased in production quantities. In a time of flat defense budgets, the Caucus believes that it is essential that hard choices be made, and that ineffective or unnecessary weapons systems be cancelled to ensure adequate funding for adequate numbers of those pieces of basic equipment and weapons that are badly needed. Finally, the Caucus hopes to increase the interest and awareness in Congress of issues which tend to be neglected in favor of higher profile issues during deliberations in either the Department of Defense or the regular congressional defense processes.

(II) MEMBERSHIP

During the 100th Congress, the membership of the Caucus has remained high, and currently includes 136 members of the House and Senate. Of this total, 27 are members of the Senate and 109 are members of the House. Also, 78 are Democrats and 58 are Republicans.

(III) COCHAIRMEN

At the beginning of the 100th Congress, the members of the Caucus elected three Cochairmen.

The Democratic Chairman from the House of Representatives is Rep. Charles E. Bennett (D-Fla.) and the Republican Chairman from the House of Representatives is Rep. Tom Ridge (R-Pa.). Rep. Bennett is a decorated infantry combat veteran of the Pacific Theater of World War II, where he fought as an officer in New Guinea and the Philippines. Rep. Ridge is a decorated infantry combat veteran of the Vietnam War, where he fought as an enlisted man.

The Cochairman from the Senate is Sen. Charles Grassley (R-Iowa). Senator Grassley also served as Senate Cochairman during the 99th Congress.

(IV) FINANCES

The Caucus has no dues or budget. Incidental expenses for mailings and events are paid for out of the budgets of the Cochairmen. The Caucus is staffed by the staff of the Cochairmen.

(V) PANEL DISCUSSIONS AND BRIEFINGS SPONSORED IN 1987

In order to fulfill the Caucus' purpose of raising the level of interest and expertise among members of Congress and their staff in military reform issues, the Caucus during 1987 has sponsored a very active program of panel discussions and briefings. Because of limited resources, no transcripts of these events were made or are available. In a few cases, participants brought prepared statements, and copies of some of these may be available from the offices of the Cochairmen.

(1) "The Search for Close Air Support" panel discussion on close air support (November 17, 1987). This lively panel discussion between service representatives and independent experts explored whether close air support, the tactical air support of ground combat operations, requires increased attention from the Air Force and Army. See below for further discussion of this issue.

Panel members included: Chuck Myers, Aerocounsel, Inc.; Maj. General Thomas Carl Foley, U.S. Army; Brig. General Joseph W. Ralston, U.S. Air Force; and Pierre M. Sprey. Rep. Denny Smith moderated the discussion. Six defense contractors exhibited models of their respective close air support aircraft.

(2) "The Conventional Military Balance in Europe" panel discussion on the conventional military balance in NATO Europe (September 29, 1987). Three independent experts presented a spectrum of views on the conventional balance in Europe. See below for further discussion of this issue.

Panelists included: John M. Collins, Congressional Research Service; Joshua M. Epstein, Brookings Institution; and Michael L. Moodie, Center for Strategic and International Studies.

(3) "Can We Stop Soviet Tank Armies?" panel discussion on NATO antitank capabilities (July 29, 1987). Independent experts and an Army representative expressed varying views on the capabilities and needs of NATO's infantry anti-tank weapons. See below for further discussion of this issue.

Panelists included: Brig. General Mike Lynch, U.S. Army (Retired); Maj. General Wilson Shoffner, U.S. Army; Phillip Karber,

BDM Corp.; Pierre M. Sprey; and the moderator was David Evans, Chicago Tribune. Five defense contractors exhibited their anti-tank weapons.

(4) "A Discourse on Winning and Losing, Part I" staff briefing on military strategy (August 11, 1987). Col. John Boyd, U.S. Air Force (Retired) presented his well-known in-depth briefing on military strategy. This briefing has been given previously at the National War College and before many other audiences in the government and the military. Part II of this briefing will be presented in early 1988.

(5) "Letting Combat Results Shape the Next Air-to-Air Missile" staff briefing on use of air-to-air missiles in combat (June 22, 1987). Col. Jim Burton, U.S. Air Force (Retired) briefed staff on the results of his original research on actual use of air-to-air missiles in wars between 1963 and 1982. He concluded from his research that new air-to-air missiles should emphasize low cost, light weight and the ability to hit enemy planes within visual range using simple technologies.

(VI) ISSUES OF SPECIAL OR LEGISLATIVE INTEREST IN 1987

(1) Conventional forces and conventional balance in Europe:

The Caucus sponsored an excellent panel discussion on this subject in September where three experts provided different assessments of the balance.

The Caucus also supported legislation sponsored by Rep. Bennett, and cosponsored by more than 40 other members of the House. It was enacted as section 1212 of the Fiscal Year 1988 Defense Authorization Act. This amendment requires the Secretary of Defense to appoint a conventional defense advisory board in the Defense Department. The Board's purpose is to review a detailed study of the conventional defense situation, particularly in Europe, and to recommend ways to improve that conventional balance. The amendment also directs the General Accounting Office (GAO), Congressional Budget Office (CBO) and Congressional Research Service (CRS) to form a Study Group to assess the situation, and submit its findings to the Defense Department's Board. This amendment is particularly important since the proposed treat on Intermediate Nuclear Forces (INF) will likely be ratified, thereby increasing the attention paid to our conventional forces in Europe.

At this date, the various congressional agencies in the Study Group have begun coordinating their work. They will run two workshops in March and April for members of Congress and staff in order to obtain the views of U.S. experts on the balance in NATO Europe and on Soviet perceptions of this balance. They will summarize the experts' views in a report to Congress and DOD on the strengths and weaknesses of NATO's conventional defenses and on recommended corrective actions.

In addition to these efforts to address the general issue of the conventional balance and conventional forces, the Caucus has several specific initiatives with the same aim of improving conventional forces. First, this connection is clear in the case of specific weapons systems, for example antitank weapons, the Bradley Fighting Vehicle or close air support aircraft. Infantry antitank weapons, especially, are one of the single most important areas where NATO can and should act to improve its position relative to the Warsaw Pact and other potential conventional opponents. Second, this connection is also present in broader policy initiatives. For example, better weapons testing is absolutely necessary for good weapons quality. Also, revolving door conflict-of-interest prohibitions and whistleblower protections are necessary to ensure that decisions are made on the basis of true military needs, rather than extraneous factors.

(2) Infantry anti-tank weapons.

In addition to the panel discussion sponsored by the Caucus in July, the Caucus endorsed anti-tank amendments to the defense authorization that were successfully offered by Rep. Bennett and Rep. Ridge. The amendment by Rep. Bennett sought to assure that two different NATO anti-tank weapons received equal funding for operational tests by the U.S. Army. This equal funding was reflected in the conference report on the Fiscal Year 1988 Defense Authorization Act. The House also approved an amendment by Rep. Ridge requiring live-fire testing of various NATO anti-tank weapons, but this amendment was not contained in the conference report.

The Caucus has stressed that insufficient attention has been given to inadequacies in NATO's infantry anti-tank weapons. Tanks are key to Warsaw Pact offensive strategy. While it is neither necessary nor realistic to expect that NATO will spend the funds necessary to match the Warsaw Pact forces tank-for-tank, it is clear that well-targeted investments in infantry-portable anti-tank weapons can greatly improve the conventional balance.

Unfortunately, the GAO found in a report ("Antitank Weapons: Current and Future Capabilities", September 17, 1987, GAO/PEMD-87-22) that significant doubts exist as to the effectiveness of many U.S. anti-tank weapons against Soviet tanks. The report revealed that the Army has purchased and issued to its soldiers almost a million anti-tank weapons without adequately testing them in combat-like conditions. The report showed that the Army is relying on its infantry to use special tactics that may not always be practical, and that Army estimates of ability to kill Soviet tanks were unacceptably vague.

The conference report for the Fiscal Year 1988 Continuing Resolution included report language to implement this GAO report. The explanation of the conferees (p. 632) states:

"The conferees further direct the Department to modify the antiarmor master plan to incorporate the GAO recommendations for assessing and comparing the performance of antiarmor weapons."

Interested Caucus members have indicated that they continue to support operational tests on various anti-tank weapons, including the Bofors Bill and the Milan 2, and that they continue to support early action to address, on both an interim and long-term basis, the inadequacies in NATO infantry anti-tank weapons.

(3) Bradley Fighting Vehicle:

An amendment successfully offered by Caucus members Reps. Bennett, Boxer, Ridge, Denny Smith, Ron Wyden, Mel Levine, Albert Bustamante and Louise McIntosh Slaughter on the House floor was intended to fix once and for all the Army's newest armored troop carrier, the Bradley Fighting Vehicle. The conference retained this amendment. It was enacted as section 123 of the Defense Authorization Act for Fiscal Year 1988.

The amendment's sponsors said they were prompted by concerns that the troops who would be ordered into the Bradley for transport to the front might be endangered by the vehicle's flaws. Analysts who have studied the Bradley have offered the following criticisms of the Bradley. In brief, the Bradley is expected to fight along side our tanks, but it is highly vulnerable to anti-tank rockets or shells. The vehicle had been designed so that troops sat surrounded by high explosive ammunition. The vehicle's water-fording, or "swim", capability seemed inadequate, and resulted in the death of one American Army soldier in training shortly after he had written home to complain about this quality. Also, the vehicle's electrical system breaks down frequently, crippling the gun. The transmission sometimes simply stops working, immobilizing the vehicle. Finally, these critical analysts have noted that there have been repeated allegations of lax quality control and other problems by former FMC Corporation employees and others.

As enacted, the amendment required the Army to report to Congress on how it plans to fix the Bradley so that the Bradley will be lethal to the enemy yet reasonably secure for our soldiers. In particular, it prohibited spending on more Bradley Fighting Vehicles until the Secretary of Defense completes testing the Bradley's problem areas and comes up with a plan to fix them. Numerous problems with the Bradley, which is designed to carry our infantry into battle, have been found but the Defense Department had still sought to keep buying more Bradleys before fixing them. The amendment does recognize that cost is a factor.

A hearing was held by the Armed Services Committee in November 1988 at which DOD reported on progress on addressing some of the concerns raised. At this hearing, the Army testified, and GAO agreed, that live fire testing of the Bradley "makes it clear" that improvements are needed. The Army is adopting some reconfigurations of the vehicle that will improve crew survivability. One controversial proposed improvement—adding 10,000 lbs. of reactive armor to the vehicle—is still under consideration by the Army. Also under consideration is a proposal to restow greater amounts of ammunition from inside the crew compartment to outside the vehicle—which may be an improvement. DOD witnesses said DOD now "strongly supports" live fire testing for all weapons systems.

The Army said that improvement programs are under way to fix the other reliability problems that have plagued this vehicle. Additionally, operational tests of the Bradley showed that, despite Army doctrine to the contrary, the Bradleys ended up fighting side-by-side with tanks in mock battles and, therefore, suffered heavy casualties. In scenarios where the Bradley's mobility was used, the crews were almost always inside the Bradley when hit. When the crews were outside the vehicle, they survived. But, as DOD tester John Krings testified, "Bradley drivers didn't fare too well becasue they're always in it."

Sponsors of the Bradley amendment have said that they continue to support full compliance with the law and in order to seek the safest vehicle for our soldiers that is reasonably possible.

(4) Close air support:

Under the leadership of Rep. Denny Smith and Rep. Ridge, the Caucus has closely followed military and DOD civilian actions on the issue of additional close air support aircraft, and it sponsored a panel discussion on the subject in November.

Apparently, DOD efforts to encourage the Air Force to study the need for, and possible design of, a close-air support aircraft resembling the so-called "mudfighter" seem to have failed.

Interested Caucus members have indicated that they continue to support considering the option of developing a "mudfighter" along with other alternatives already under consideration.

(5) Separation of operational and developmental testing:

The Caucus strongly supported the creation a few years ago of an independent operational testing office within DOD, and led legislative efforts during 1987 to preserve this vital independence.

With Public Law 98-94, Congress established in 1983 the office of the Director of Operational Testing and Evaluation (OT&E). This law explicitly stated that the Director and his staff "are independent of . . . all other officers and entities of the DOD responsible for research and development." Congress believed a separate office was critically necessary to improve the quality of weapons and military systems. As Senator Roth stated on the floor of the Senate during a 1986 debate:

"(before Congress created the new office) operational testing was controlled by the same man who controlled research, development and acquisition. And we had problems. We had cheating in tests; we had rigged tests; sometimes we had no tests; and often we had self-serving test analysis and reports influenced heavily by those who did not want to see their own handiwork objectively assessed."

For this reason, the original law also explicitly defined operational testing as field testing under realistic combat conditions, in order to distinguish it from developmental testing. Developmental testing is done under laboratory-type conditions with deep involvement by program managers and contractor personnel, and with the purpose of improving weapons under development. It is crucial that, after completion of developmental testing, some party outside the development process conduct a tough field test with the purpose of determining whether the weapon is really ready for production.

Because of this clear congressional intent, the Caucus objected to a plan by the Director of OT&E in 1987 for the administrative merger of testing offices, which would confuse testing functions and purposes. The Caucus backed an amendment to the Fiscal Year 1988 Defense Authorization bill sponsored by Rep. Denny Smith reiterating congressional intent that developmental and operational testing remain absolutely separate. This amendment was accepted by the House Armed Services Committee, and an identical amendment was included by the Senate Armed Services Committee in its version of the DOD bill. The final provision appears as section 801 of the conference report.

The Caucus noted from the publication of a memorandum that the Deputy Director of OT&E, Karl Pflock, and, apparently, the Director were seeking to revise the latest legislative ban on merger of the testing offices. On December 9, 1987, Sen Grassley, Sen. David Pryor, Rep. Denny Smith, Rep. Ridge and Rep. Bennett all wrote Secretary of Defense Frank Carlucci asking that the Secretary act to prevent lobbying by the Director of OT&E and his staff in favor of the merger, and to make these persons aware of the seriousness and possible illegality of their actions.

The Caucus notes the clear support of Caucus member and House Armed Services Committee Chairman Les Aspin in this matter. He wrote in a letter of January 4, 1988 to the Cochairman his view on DOD's September 1987 proposal to Congress that developmental testing (DT) and initial operational testing (IOT) be grouped together. The letter states:

"While aggressive IOT is essential to a successful procurement, and IOT and DT should be complementary functions, it remains the intent of Congress that operational testing be independent of the developmental test functions. . . .

"While it is important to examine the DOD recommendations, on two recent occasions, the Congress has expressed—in law—its intention to maintain the independence of the Director of Operational Test and Evaluation."

Further, the GAO reported to the Cochairmen of the Caucus ("Testing Oversight: Operational Test and Evaluation Oversight: Improving But More is Needed", March 18, 1987, GAO/NSIAD-87-108BR) that DOT&E makes too few actual on-site observations of operational tests, that DOT&E relies far too heavily on military service test reports with little assessment of actual test results, and that DOT&E has not provided policy guidance for tests or maintained reliable records on its principal activities.

Interested Caucus members have stated that they continue to favor close oversight of this matter, as well as all necessary administrative and legislative actions to ensure that independent testing is preserved as Congress intended.

(6) Live-fire weapons testing:

The Caucus has long advocated tougher, more realistic testing of new weapons, and was previously instrumental in enactment of requirements that live-fire testing be satisfactorily completed before new munitions or systems can enter low rate initial production. The purpose of this requirement is to ensure that weapon systems really work—that they can either survive a hit by enemy ammunition or destroy an enemy target, depending on their mission. It is vital that our troops have weapons systems that are effective on the real battlefield, and not just under computer-simulated conditions.

A report by the U.S. General Accounting Office ("Live-Fire Testing: Evaluating DOD's Programs", August 1987, GAO/PEMD-87-17) found that the Pentagon continues to rely far too heavily on computer simulations in the laboratory when testing new weapons systems. The report stated that DOD program managers and officials have avoided adequately testing such systems with live ammunition under combat-type conditions, apparently because such realistic live-fire tests can threaten "business as usual" at the Pentagon.

The Caucus endorsed two amendments to the Fiscal Year 1988 Defense Authorization Act that were sponsored by Reps. Bennett and Bustamante in cooperation with DOD's Assistant Deputy Under Secretary for Live-Fire Testing. These amendments were enacted as section 802 of the Act. Section 802 toughened last year's law by extending its coverage to programs for the modification or upgrade of covered systems. The amendments also increased funding for this important Pentagon office, which had only one permanent employee until summer 1987.

The House Armed Services Committee Acquisition Policy Panel held a hearing September 10, 1987 on the GAO report and on DOD's live fire testing programs. At that hearing, the DOD's director of live-fire testing provided a vivid example of the value of live-fire testing. He testified that in his opinion, if the U.S.S. STARK had gone through such testing, lives could probably have been saved when it was struck in the Persian Gulf by missiles. That ship had been designed "as best as was possible" at the time based on then-current design guidelines and calculations. But one attack in the real world revealed problems that designers simply did not and could not anticipate without tests using live ammunition. Indeed, after looking at the effects of the missile hits, a blue-ribbon Navy commission recommended making improvements in the U.S.S. STARK and all ships in its class because of design and equipment flaws. At the request of the Cochairman to the Navy and the conferees on the defense bill, the Defense Authorization bill provided $64 million to make immediate corrections in the fleet.

Caucus policy is that the Office of Live-Fire Testing should receive adequate funding, staff, and authority to perform all necessary tests. As the Cochairmen stated in a letter to former Secretary of Defense Caspar Weinberger, previous lack of support for this office should not be used to justify claims that necessary tests delay the "normal" procurement process. Indeed, it would seem that anyone making such a claim misunderstands congressional intent in creating this office. A few good tests at the right point in the procurement process prevent enormous waste and later delay.

(7) Black programs:

Caucus members share the broad concern in Congress that highly classified (or so-called "black") programs have grown sharply in recent years without clear criteria to determine under which circumstances a program should be so classified. Therefore, the Caucus endorsed legislation to address this problem that was sponsored by Rep. Barbara Boxer and enacted as sections 1132 and 1133 of the Defense Authorization Act for Fiscal Year 1988.

Although the precise numbers are secret, there is concern that DOD's total black budget has grown enormously in recent years, by one estimate from about $5 billion annually in Fiscal Year 1981 to about $25 billion in Fiscal Year 1988. Some have even suggested that certain programs have been designated as black to prevent effective congressional oversight, or to hide cost overruns, technical problems, or even fraud. Indeed, few requirements existed ordering either justification or notification to members of Congress concerning designation of programs as "special access", or "black".

As enacted, section 1132 requires the Secretary of Defense to submit to Congress each year by Feb. 1 a report on special access programs which specifies the total amount requested for special access programs and sets forth: (1) a brief description of each program; (2) a brief discussion of the milestones established for the program; (3) the actual cost of the program for each fiscal year during which that program has been previously been conducted; and, (4) the estimated total cost of the program and its cost for the succeeding four years. Furthermore, section 1132 requires reports to Congress to: (1) provide notice of the designation of new black programs or of changes in their status; (2) justify such designation; and, (3) provide notice of any waivers of the above requirements by the Secretary of Defense. Finally, section 1133 requires the Secretary to report to the defense committees 60 days after enactment on the policy and criteria used for designating a program as black. It also requires GAO to study such report and report to the defense committees on its findings by April 1, 1988.

Caucus members have said that they will continue to monitor this issue as the various reports to Congress are received.

(8) Whistleblower protection:

The Caucus endorsed legislation introduced by Rep. Boxer (H.R. 1394) and cosponsored by over 100 members of the House that is aimed at providing better protection for military whistleblowers. The House approved similar legislation as a floor amendment to the Fiscal Year 1987 Defense Authorization bill, but it was dropped in conference. In November 1987, the House Armed Services Committee Acquisition Policy Panel held a hearing on this issue, and another hearing is expected in February 1988.

If enacted, H.R. 1394 would set a solid procedure whereby military whistleblowers who feel they have been harassed as a result of reporting waste or fraud to Congress or to the Inspector General could obtain review of their cases. Review would first come by the Inspector General, then by the appropriate service's board for correction of military records, and finally by appeal to the Federal Appeals Court (where there would be the possibility for judicial review de novo).

Caucus members have said that they will continue to seek enactment of this legislation, with any appropriate amendments, during the 100th Congress, so that members of the military who do their patriotic duty in reporting waste and fraud are not unfairly punished or even discouraged from coming forward.

(9) Revolving door:

The Caucus endorsed a minor clarifying amendment to "revolving door" legislation enacted during the 99th Congress after strong support from the Caucus.

The purpose of the law enacted last year was to reduce the temptation for conflict of interest on the part of DOD negotiators when dealing with defense contractors. That law bars any "primary representatives" of DOD from accepting employment with a contractor for a period of two years after such negotiators leave government service if the negotiators had substantial dealings with such contractor. DOD and defense contractors must report annually to Congress on persons leaving the Defense Department to work for defense contractors.

Because of concern about possible misinterpretation by DOD of the intention of last year's law, its sponsor, Rep. Bennett, offered a small amendment to the Fiscal Year 1988 Defense Authorization Act that was accepted by the Armed Services Committee. As enacted section 821 of this Act clarifies the issue by specifying that the prohibition applies not only to the government's most important "primary" negotiator, but also to any government negotiator on the program who was one of the "primary" negotiators in the sense of having significant responsibilities.

Interested Caucus members have said that they will continue to monitor reports and implementation by DOD, as well as compliance by military and contractor personnel.

REAUTHORIZING THE WALLOP-BREAUX TRUST FUND

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. HUTTO. Mr. Speaker, today I have joined my good friend, the chairman of the Committee on Merchant Marine and Fisheries, in cosponsoring legislation to reauthorize the Aquatic Resources Trust Fund, better known as the Wallop-Breaux Trust Fund, which expires this year.

The benefits that millions of Americans have enjoyed as a result of programs funded through the Wallop-Breaux Trust Fund are numerous. However, as with most legislation passed by the Congress, there is always room for improvement.

I appreciate the leadership our chairman and other members of the Merchant Marine and Fisheries Committee are taking in this matter. While I am a cosponsor of the bill being introduced today, I must frankly say that it does not make several changes that I believe would improve the boating safety and fish restoration programs that are funded through Wallop-Breaux. However, this bill is a starting point and I will be working hard within the normal legislative process to try to improve it.

GLASNOST HAS NOT YET REACHED SOVIET JEWS

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. SYNAR. Mr. Speaker, the present mood of "glasnost" in the Soviet Union offers a new opportunity to appeal to Soviet leaders on behalf of Jews who have requested permission to leave the U.S.S.R. in accordance with international law, and to recognize that those Jews who choose to remain have the same rights accorded every other Soviet nationality and religious minority.

As many as 400,000 Soviet Jews are reported to want permission to emigrate from the Soviet Union. Yet in 1987 barely 700 were allowed to leave each month: 8,155 Soviet Jews emigrated during 1987. This compares to a high of 51,000 that received exit visas in 1979. Glasnost has not yet reached Jews in the Soviet Union.

Soviet refusal to provide free emigration is a violation of the Helsinki accords, of which the Soviet Union is a signatory. Violations of the human rights of these Soviet citizens stands as an obstacle preventing us from breaking down the walls of misunderstanding between our countries. The progress we have begun to make in arms reductions should give us confidence that we can make progress in other important areas of United States-Soviet relations.

Concern for Soviet Jewry is most definitely on the agenda of the 100th Congress. I am a cosponsor of legislation—House Concurrent Resolution 34—which criticizes continued Soviet violation of its international human rights obligations, especially the right to emigrate. This measure passed the House March 31, 1987 by a unanimous vote of those present.

Members of Congress have sent hundreds of different appeals to General Secretary Gorbachev on behalf of individual Soviet citizens seeking to emigrate. These individuals were often separated from family members or in desperate need of medical care in the West. While the impact of these letters is not always clear, on occasion we are fortunate to see results.

Last year I sent a letter to Soviet leaders, cosigned by 35 of my colleagues, requesting that Soviet citizens Evgeny and Galina Kluzhner be allowed to emigrate. We expressed our concern that their emigration application had been met with reprisals against them.

Only a few months later, the Kluzhners received permission to emigrate to Israel. Whether our letter was instrumental in gaining this approval we will never know. However, we do know that letters such as these are a source of inspiration to Soviet Jews and they may, in fact, persuade Soviet officials to consider cases they might otherwise ignore.

Individual cases such as the Kluzhners are the heart and soul of the movement to sustain and support Soviet Jewry.

This week I wrote another letter to General Secretary Gorbachev on behalf of a celebrated Soviet refusenik family: Lev Furman, Marina Furman, and their daughter Aliyah.

On December 6, 1987, while 200,000 people filled The Mall in our Nation's Capital to express our solidarity with Soviet Jewry, Lev and Marina Furman, with their baby daughter, tried to demonstrate in front of the city hall in Leningrad. Even as we joined in the demonstration here in Washington, the Furman family—baby carriage and all—were forced into a car by the KGB for alleged "hooliganism" and taken to the nearest militia headquarters. Marina and Aliyah were detained for several hours, then released after paying a fine. Lev was jailed for 10 days before being released from custody.

Lev Furman requested an exit visa in 1974 but was originally refused permission to emigrate on the basis of his supposed access to "state secrets." He and Marina have applied on several occasions. Although his father Michael has been granted permission to emigrate, Lev, Marina, and Aliyah are still awaiting their visas. The Furmans are constantly subject to harassment and reprisals but refuse to be intimidated. They will not give up.

Calling refuseniks who tried to demonstrate for the right to emigrate "a wretched handful of renegades," a TASS English-language broadcast the day after the Furmans' arrest defended Soviet emigration policies and charged that "opponents of the relaxation in international relations" plan to turn the "speculative aspect of human rights such as emigration into a barrier to the normalization of East-West relations." The report cited Gorbachev's remark, during a television interview in the United States, that there are no reasons other than state security to deny Soviet citizens permission to emigrate. The TASS

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broadcast further went on to claim that applications for exit visas are shrinking and that in "several hundred" cases, persons granted the visa changed their mind and refused to leave.

The bitter truth is that in December Soviet Jews, given impetus by the release of several celebrated long-term refuseniks, requested invitations from Israel in greater numbers than at any time during the year.

Soviet Jews are realists. Despite the outpouring of 200,000 Americans on The Mall last December, the outlook for 1988 is grim. We need only notice the contrast between the throng of people in the shadow of the Capitol and the little band of courageous protestors before the Leningrad City Hall.

The "End of the Year Editorial" in the "Refusenik Update" Union of Councils for Soviet Jews—January 8, 1988—concludes that while the week of December 6, 1987, marked a major turning point for the Soviet Jewry movement, this new year 1988 calls for revised assumptions and new strategies:

The historic outpouring of almost a quarter of a million American demonstrators to Washington to demand freedom for Soviet Jews was a powerful mandate. But, as the week of the summit went on, it became clear that merely "raising" the human rights issue by the American people, segments of the American press, and the administration is insufficient to produce any significant movement.

More telling, the prospect of a 1987 summit clearly failed to persuade the Soviets, during 1987, that the American price for improved relations would depend on high and sustained levels of Jewish emigration. The modest increase in exit visas this past year (8,155) is in stark contrast to the comparable period of warming relationship in the late 1970's that culminated, in 1979, in the emigration of more than 51,000 Soviet Jews. Indeed, our government fostered the impression that expanded trade would be high on the United States' agenda irrespective of progress in the field of emigration or Soviet failure to comply with the Helsinki accords and other human rights agreements. This signal to the Soviets was made evident by the involvement of the U.S. Department of Commerce in facilitating Gorbachev's meeting with leading American industrialists on the last day of the summit.

Most important * * * for the first time, the Soviets began to strictly enforce the first degree relative invitation limitation. Without much question they are signaling a firm bar to application by the vast majority of the 400,000 Jews wishing to emigrate.

Accordingly, as we face 1988 and beyond, the UCSL will continue to develop and press for more active intervention and linked negotiation on behalf of Soviet Jews both by our government and by the very Americans who demonstrated their commitment on December 6 in Washington. We call upon the Department of State, and the Congress, to work with us in developing more effective economic tools for negotiating improved soviet human rights performance, and ask the business community as well, to recall that they and their stockholders are Americans, committed by tradition and law to human rights.

We hold that U.S. Government insistence upon credible and direct linkage in the area of human rights be *sine qua non* for enhanced relationships in the fields of cultural, scientific, medical, legal, sister cities, and similar exchange program.

In the final analysis, it will be the grassroots commitment of the American public to the moral imperatives of human rights and Soviet Jewish emigration that will assure that appropriate considerations of linkage are applied to the dangerous and vital circumstances of Jews in the Soviet Union.

(Quoted from "An End of the Year Editorial" by Pamela B. Cohen, National President, and Micah H. Naftalin, National Director, in "Refusenik Update," Jan. 8, 1988, Union of Councils for Soviet Jews, Washington, D.C.)

Mr. Speaker, I would reiterate the excellent suggestion of the UCSJ editorial that a new strategy is needed in 1988 to develop and press for more active intervention and linked negotiation on behalf of Soviet Jews by the United States.

It is not enough merely to raise the issue of human rights. We hope that appeals on behalf of individuals are instrumental in persuading Soviet officials to consider cases they might otherwise ignore. Demonstrations of pubic support for Soviet Jews are likewise influential in protesting human rights abuses in the Soviet Union. Our Nation supports the granting of full rights for Jews in the Soviet Union to learn their language, to practice their religion and, if they wish, to emigrate freely in accordance with standards of international law. However, these expressions of solidarity and support will be most effective when linked with negotiations regarding arms control and trade agreements between the United States and the Soviet Union.

The crucial importance of this strategy was stressed in the testimony of recent emigre and former refusenik Vladimir Lifshitz before the Helsinki Commission on December 4, 1987:

> Soviet officials will try to bargain with the United States in different areas and only to this end will they address human rights. They are not now, nor will they be, sensitive to human rights issues without linkage to trade and arms control.

The winds of change are blowing in the Soviet Union and in East-West relations. While we welcome the spirit of openness, it is clear that glasnost has not yet reached Jews in the U.S.S.R.

A crucial "litmus test" of rhetoric about glasnost and peace is the Soviet Union's policy in regard to its Jewish population.

CONTRA AID

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. HEFLEY. Mr. Speaker, last week, Congress took a negative step toward achieving peace in Central America as the President's request for $36 million in aid to the Nicaraguan freedom fighters was defeated by a vote of 219 to 211.

I am deeply disappointed in the final outcome of the Contra aid vote not only because it reveals Congress' failure to recognize the situation in Nicaragua, but because we have managed to completely damage our worldwide credibility by proving we are not a good friend to those in desperate need of our help. When you extend the hand of friendship to another, implicit in that is the commitment that you will try to help in times of need. The United States is developing the reputation of extending our hand and then jerking it back. We can't be depended on.

We all want to see peace in Central America. Pulling the rug out from underneath those striving for peace and freedom, however, is not the best method of achieving this goal.

For the past several months, Nicaraguan President Daniel Ortega has appeared increasingly willing to discuss peace. His motives for doing so, though, are born in the hope of avoiding bringing the issue of aid before Congress for a vote. Now that the issue has come up, and we've voted against providing any form of aid, there is absolutely no reason for Ortega to continue pursuit of a peace plan.

Despite all of his talk about peace, Ortega is still arresting and torturing people, he still has custody of at least 6,000 political prisoners, he has admitted to supporting the guerillas in El Salvador, and he admits to plans for developing a 600,000-man army. Not only that, he has struck a deal with the Soviet Union to obtain even more Migs and tanks.

Does that sound like a man committed to peace and freedom?

On the other hand, the Contras have been receiving more and more support from the Nicaraguan citizens and have had a tremendous impact recently in pressuring the Sandinistas toward the peace process. But rather than help them realize their goal of peace, we're pulling out.

It is now just a matter of time before the nine commandants of the Sandinista government, who are hardcore Communists, solidify their hold on Nicaragua and begin looking to their neighbors, such as Costa Rica. And when their neighbors cry for help from the United States against a Communist takeover, will we turn our backs on them as well?

Costa Rica has no army and will rely on us to send Marines if it is threatened by the Sandinistas. I don't want our young people fighting in the jungles of Central America, but this vote in Congress moved us a step closer to that possibility.

There is no question that the Russians and Cubans are in Nicaragua in significant numbers. We can't dispute the over $100 billion that Russia has poured into that country in the last year, or that Nicaragua has a Communist government seeking to subvert the duly-elected democratic governments of its neighbors. We simply can't overlook the 10,000-foot runway the Soviets are building in Nicaragua which can accommodate their Backfire bombers—bombers which will then be able to reach virtually every city in the United States. If they were serious about peace, why would they need the submarine pens constructed by the Soviets?

It is clear that the Soviets are not involved in Nicaragua in order to develop better trade relations with the West. They are there to create a Communist outpost in Central America. History has shown how the Soviet Union has used Cuba as a surrogate to further its goal of global communism. We can assume Nicaragua would play the same role.

The people of Nicaragua have no true freedoms—no freedom of the press, no freedom of religion, no freedom of assembly, or the freedom to criticize their government. Yet, we continue to ignore the pleas of a people crying out for help.

We scream about the civil rights violations in South Africa. How can we continue to ignore the cruel, blatant civil rights violations which occur daily in Nicaragua? We can't talk of peace without also talking of freedom. Our own revolution was not a peaceful act, but it was worth the effort because of the freedoms it produced. Thank God that in our struggle for freedom we had better friends helping us than we have been to the people striving for freedom in Nicaragua.

UKRAINIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. HOWARD. Mr. Speaker, January 22, 1988, marked the 70th anniversary of Ukrainian independence. Unfortunately, this freedom was short-lived as the Russians took over the Ukraine in 1923; only 5 short years after they had won their independence.

Today, though the Ukraine has its own constitution, and its own government, its people do not have the freedom to decide their own fate as a nation. These decisions are instead made in Moscow, in the Soviet Union.

The Ukrainian people have suffered great losses under Soviet rule. The history of the Ukrainian Soviet Socialist Republic has been marked by repeated executions, deportations, political incarcerations, and famines. The Soviet Union has continually tried to destroy the nationalism of the citizens of the Ukraine. But though they have suffered countless times, Ukrainian national pride and spirit has not been dimmed.

The strength and pride of the Ukrainian people could not be more apparent than in the survival of Christianity in the Communist ruled nation. This 70th anniversary of Ukrainian independence is especially important since it also marks the millennium of christianity in the Ukraine. The Soviet Union has used all means to destroy free religious worship in the Ukraine, but the Ukrainian Catholic, and the Ukrainian Orthodox churches have managed to survive this fate.

The people of the Ukraine are still hoping to bring back a democratic Ukrainian National Republic. They want to preserve their own culture, and live freely and independently, without fear of the harsh Soviet Government. I commend this spirit and join them in their call for freedom.

The United States, this year, is celebrating the 200th anniversary of its Constitution. Let us look forward to the day when the Ukrainians can celebrate a truly democratic constitution openly and freely.

DOLLHOUSE AND MINIATURE COLLECTING—PART OF AMERICAN CULTURE

HON. ROBERT C. SMITH

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. SMITH of New Hampshire. Mr. Speaker, tomorrow I will introduce a commemorative resolution to recognize the week of October 9, 1988, as "National Dollhouse and Miniature Week," and I would like to encourage my colleagues to join me in paying tribute to a hobby that dates back to our Nation's colonial days.

This pastime has grown tremendously in popularity among collectors and remains an ideal family activity. Today, about 10 percent of our population has some involvement with dollhouse and miniature collecting, according to the Miniatures Industry Association of America. Collectors communicate with each other and learn more about their hobby through four trade journals that are distributed to all corners of the country.

Dollhouse and miniature collecting is a hobby our children can embrace. It is a wholesome activity that encourages creative use of the imagination. In 1987, several States—including my home State of New Hampshire—declared their own Dollhouse and Miniature Week in October to commemorate this pastime so important to our culture. During this week, various dollhouse and miniature exhibits were displayed in several States.

Again, I urge my colleagues to cosponsor this resolution to recognize the thousands of miniature collectors across the United States who have carried on an important American tradition.

NATIONAL FHA/HERO WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. NATCHER. Mr. Speaker, it is a privilege to join with the 300,000 members of the Future Homemakers of America as they celebrate FHA/Hero Week with the theme "Future Homemakers of America: Leaders on the Move."

The Future Homemakers of America believes youth can make a difference in the home, at school, and in the community. For over 40 years FHA/Hero members have been aware, concerned, and doing something about serious issues confronting teens—issues such as drug and alcohol abuse, AIDS prevention, fitness and nutrition, peer pressure, and suicide. Chapter projects help members develop their leadership potential, family communication, career awareness and community spirit. This longstanding commitment to community service helps FHA members become "leaders on the move"—responsible citizens making a difference.

Also, 1987 was a busy and exciting year for FHA members and their advisers. Nearly 2,000 student members and advisers attended the National Leadership Meeting in Washington, DC. At this meeting three programs were unveiled. "Financial Fitness" is a peer education program designed to help teens develop financial planning and money management skills they can use now and throughout their lives. "Leaders at Work in Food Service" is a program that enhances leadership skills in teens while on the job. Participants develop projects around one of four basic leadership skills: interpersonal, managerial, communication and entrepreneurial. "The 1988 NutraSweet Giving It 100% Award for Community Service" enables chapters to turn their community concerns into action. It is an opportunity for members to put their leadership and vocational home economics skills to work for others while reaping recognition. There will be national and State winners with cash prizes awarded.

This past fall over 6,700 students and advisers attended cluster meetings, which are a series of regional weekend conferences held in St. Louis, Albany, Atlanta, Denver, and Milwaukee. Cluster meetings are offered to enable more local students and teachers the opportunity to receive high quality training.

There were 11,256 FHA members in Kentucky during 1987–88 in 256 chapters. Fifteen hundred members were in the Second Congressional District, which I have the privilege of representing in the Congress of the United States. Sixty-six members and advisers from Kentucky attended the 1987 National Leadership Conference, and I certainly enjoyed meeting with members of the Kentucky delegation while whey were in Washington, DC. Twelve hundred members and advisers attended the 1987 State meeting, which was held in Owensboro. The theme of this meeting was "Future Homemakers of America—Voices of Tomorrow."

Two of the Kentucky association officers reside in the Second Congressional District. Deanna Durham, the 1987–88 president, attends Larue County High School in Hodgenville. Robbie Evans, the 1987–88 State secretary, attends Franklin-Simpson High School in Franklin.

A new project—"Global Connections"—is being emphasized in Kentucky. This project focuses on the needs of the underprivileged and underdeveloped areas at home and abroad.

The Future Homemakers of America is an excellent organization. I want to commend all of the members and advisers for their continued commitment to community service, and to wish them continued success in all their future endeavors.

NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. TAUZIN. Mr. Speaker, I rise today in recognition of hospitalized veterans in Louisiana and the rest of the Nation. The week of February 8–14 has been designated a "National Salute To Hospitalized Veterans Week." This is an ideal opportunity for us to express

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our gratitude to and honor those who have participated in—and survived—the wars which this country has fought.

The Salute To Hospitalized Veterans Week had four goals: First, to pay tribute and express appreciation to the thousands of hospitalized veterans; second, to promote a continuing awareness of the patriotism of these Americans; third, to increase community awareness of the role of VA medical centers, and fourth, to encourage Americans of all ages to join the faithful volunteers who serve in VA medical facilities throughout the Nation.

In observance of this week, I encourage all Americans to visit their local veterans medical facility to let our veterans know that we have not and will not forget them. We remember their courage and the tremendous sacrifices they made for the United States.

They responded when needed with unflinching spirit and fought courageously in the name of freedom and liberty. They understood that democracy is a challenge and not a gift. Their efforts earned the United States the status of being the freest and one of the most prosperous countries in the world.

Unfortunately, freedom does have a price; one that our veterans have paid. Many paid the ultimate price—life itself. Others were left to carry the cross of illnesses and handicaps.

We must continue to honor and care for our Nation's veterans. Their determination and spirit serve as symbols of strength and provide the cornerstone for peace.

It is with great pride that I recognize this week and the men and women it honors.

IN DEFENSE OF TELEPHONE SUBSCRIBERS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. BRYANT. Mr. Speaker, too many times in the past few years, the Federal Communications Commission has adopted major changes in communications policy without first thoroughly examining the impact of those changes on the public. In the case of subscriber line charges, we intervened to prevent the Commission from going forward with a plan that could have doubled local telephone rates. In other cases, such as children's television, the FCC's ideologically driven revisions to long-standing policies have been struck down by the courts because they are "arbitrary and capricious" or because there was not an adequate basis of facts to support such revisions.

Unfortunately, by the time the courts act to reverse arbitrary actions by the Commission, the policies are often already in effect and the public has been harmed.

The Commission is currently considering the substantial revision in the way it reviews the rates proposed by the dominant communications common carriers. Rather than review tariffs to ensure that they are "just and reasonable," the Commission would establish a price ceiling and allow dominant carriers to set their rates at any level up to that ceiling. However, prices at the ceiling could result in a return far in excess of a reasonable level for a regulated company with market power. Prices set below the ceiling might not recover the costs of providing service, placing competitors at an unfair disadvantage and forcing customers of other services offered by a dominant carrier to pay higher-than-necessary rates to make up the difference.

Given the significance of this proposal, one would think that the Commission would have thoroughly justified and explained it. Unfortunately, that is not the case. The Commission claims that the current method of regulation imposes costs on carriers and consumers, but without any factual backup for that claim. It asserts that consumers will benefit from the new proposal, but without demonstrating those benefits by clear and convincing evidence. It has not even published the rules it would adopt to implement the proposal.

Mr. Speaker, such an important change in the way telephone service is priced must be given a complete airing before it is adopted. The FCC has not done so. For this reason, I am today introducing this legislation. This bill would terminate the Commission's current efforts to substitute "price caps" for cost-of-service regulation. The Commission would be barred from beginning another proceeding that would alter the rules and methods used to regulate the rates charged by dominant carriers until January 1, 1989.

I do not mean to imply, Mr. Speaker, that everything about the current regulatory scheme is perfect. If the Commission continues to believe that revisions in the regulation of dominant carriers' rates are necessary, my bill does not prevent the agency from opening an inquiry on the subject and collecting hard data in preparation for a new rulemaking. To safeguard consumers and encourage the continued development of competition, however, the bill requires that any new rulemaking proposal must contain the complete text of any new rules and be accompanied by quantitative data that demonstrates by clear and convincing evidence that all telephone consumers will obtain comparable or better service at lower rates than under the current system of regulation.

My bill will permit the FCC to discharge its responsibilities to review its rules and revise those rules that no longer serve the public interest. At the same time, it will ensure that the process by which those revisions are made protects the public from policies based less on facts than on ideology. I urge my colleagues to support it.

WELCOME TO OUR NEWLY NATURALIZED CITIZENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1988

Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I take this opportunity to congratulate the residents of New York's 22d Congressional District who have chosen to become citizens of the United States with all the privileges, freedoms, and responsibilities that American citizenship entails.

Our beautiful Hudson Valley region in New York State is proud of its newest citizens and I invite my colleagues to join me in welcoming the following newly naturalized Americans, extending to them our best wishes for a happy and prosperous life in their new homeland:

Martha Ramona Abreu, Ryszard Adamiak, Sophia Adamis, Antonio Adriao, Maria Agapito, Geoffrey Agard, Kunsoo Ahn, Marie Francoise Desroches Alcin, Roger Almirol, Anella Alois, Howard Anderson, Pietro Anselmo, Reuven Appel, Rollin Aurelien, Jr., Rollin Aurelien, Behnam Bagheri, Gene Jay Beauvoir, Orlando Florendo Begonia, Rivka Liba Binefeld, Moshe Binefeld, Eric Ireneusz Blachno, Bienvenida Magboo Bofetiado, Seweryn Bojmal, Miriam Milady Bompartito.

Pearl Winsome Booth, Izemene Borno, Nora Bou, Chaim Carl Bronstein, Tsyvia Sylvia Bronstein, Rosa Yleana Cabrera, Emylyn Ordonez Cacho, Edwin Ordonez Cacho, Carole Cambronne, Anna Maria Carl, Maria del Carmen Lopez Cespedes, Nancy Chan, Chung Cha Chang, Mao-Ching Chang, William Chao-Yu Kwan.

George Cheng-Hong Hsu, Sion Cohen, IsmeJeanne Colin, Rod Crespo, Jozef Stanislaw Czyz, Fernande Daniel, Louis Milot Dardignac, Maria Virginia Fonacier De Leon, Odete De Sousa C Valentim, Carlos Enrique Del Pozo, Eltise Desir, Seneida Diaz, Etya Dobruskina, Herminia Sanglay Dominon, Evans Dorcean, Therese Aubin Draper, William Anthony Draper, Edith Dubuisson, Turguad Dubuisson, Napoleon Adviento Dural, Fernando Ong Dy.

Sislyn Constantia Dyke, Winston Stanley Dyke, Shirian Ivy Earle, Barry Einhorn, Gloria Escobar, Emilius Etinne, Maria Magdalena Fedorow, Alexander Fishbeyn, Mikhail Fishbeyn, Riva Fishbeyn, Benito Antonio Flores, Marina Flores, Wilfreda Corpuz Fontanilla, Sharon Margaret Francis, Chaim Friedland, Mertella Elizabeth Frison, Gal Galitzine, Aleykutty George, Dominique Benoit Gilet, Nicola Giliberto, Bracha Golander.

Yechiel Golander, Rifka Mindy Goldberg, Betys Greenspon, George Wilberforce Grizzle, Gitel Gruber, Eugenia Gurevich, Joselina America Gutierrez, Rose Carolle Harding, Joseph Hartman, Malka Hayut, Shlomo Amnon Hayut, Paul Hervold, Elvia Veronica Higinio, Nadra Tahir Husain, Adolfo Hernaldo Ibarra, Nubia Marina Ingersoll, Ilrick Shamar Isaac, Josef Isrol, Marie Carmel Jacques, Christopher Jadczak, Moise Jankovits.

Markess Joseph Jean-Charles, Gilberte Jean-Francois, Joseph Finance Jean-Marc, Guymard Jean, Maria Consuelo Gil Jimenez, Cesar Augusto Jondee, Brunia Joseph, Moo Woong Jun, Candida Jusi, Salah Mohamed Ibrahim Khalil, Stanley Khorosh, Svetlana Khorosh, Philip Youngseon Kim, Sarah Soomi Kim, Yung Chin Chou Kou, Padmavathy Kurra, Brunel Joseph Laguerre, Hue Kiem Lam, Vinh Chan Lam, Paulette Ruth Landry, Mary Lane.

Timothy Anthony Lane, Carole Lartique, Caroline Mean-Jane Lee, Edward Sung-Soo Lee, Sonny Yong Lee, Terrence Tieh Lee, Yisroal Boruch Leibowitz, Winston Fitz-Hugh Lovell, Su-Fung Ma, Gladys Teresa Martinez, Akhter Moin Matin, Bereta Antionette McNab, Samol Meas, Hadassa Mendelson, Salomon Mermelstein, Aleida Margarita Milbury, Michael Hugh Miller, Carmen Molleda, Maureen Leslie Moolick, Eduardo Ricardo Morales.

George Kuru Naduparambil, Christine Huynh Nguyen, Marc Pierre Nicolas, Khalil

Mohsen Niroomand, Michael Oakman, Adelino Olivo, Filiberto Rafael Ovalles, Julio Luis Padron, Thankamma Samuel Panacherry, Isabel Dora Pastor-Guerrero, Rupal Jayantibhai Patel, Shashikant Patel, Escolastico Pena, Eddy Marie Philippe, Joseph Saint Juste Placide, Etzer Racine, Angela Ramos, Marie Nicole Remy, Carmen Adalgisa Reynoso, Francia Altagracia Rosario, Frank Henri Ruffin.

Ahmed Mohamed Salha, Marie Dina Salvant, Elizabeth Silvestre San Agustin, Jesus Cristobal Sanchez, Maria Concepcion Dural Santillana, Ricardo Santos, Jr., Heriberto Hill Santos, Sunny Ginley Santos, Concetta Schiavo, Marcel Alvin Service, Jennifer May Shapiro, Mohammad Ghaith Izzat Sharif, Shanthi Ramesh Shenoi, Cho Fong Shiu, Zouart Spenjian, Chana Stern, Marina Elizabeth Anne Streer von Steeruwitz Obolensky, Sreng Sun, Ismay Mavis Swammy.

Mark Anthony Swammy, Edmund Tennenhaus, Esther Tennenhaus, Israel Tennenhaus, Eduvigis Altagracia Vega, Gary Volkov, Josephine Anne Wallace, Paul Ainsworth Williams, Susan Lee Woo, Dov Yagel, Melvin Yaphe, Ertan Yuzak, Philippe Zamor, Yong-Suk Zarski, Julia Lopes de Pinho Marreiros.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 9, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 10

9:00 a.m.
Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue hearings to review international drug control programs, focusing on law enforcement and foreign policy in Panama.
SD-419

FEBRUARY 11

9:00 a.m.
Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue hearings to review international drug control programs, focusing on law enforcement and foreign policy in Panama.
SD-419

FEBRUARY 16

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the status of the space shuttle recovery program.
SR-253

10:00 a.m.
Foreign Relations
To resume hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

2:00 p.m.
Select on Intelligence
To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 17

9:00 a.m.
Rules and Administration
Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1988, S. Res. 41, to provide for germaneness or relevancy of floor amendments, S. Res. 42, to limit legislative amendments to general appropriations bills, S. Res. 43, to establish a procedure in order to overturn the Chair on questions of germaneness under cloture, S. Res. 274, to limit sense of the Senate or Congress amendments, S. Res. 277, to require that amendments must be offered to a bill, resolution, or other measure in the order of the sections of that bill, resolution, or other measure, and other pending legislative and administrative business.
SR-301

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider S. 1516, authorizing funds for fiscal years 1988 through 1992 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
SR-332

Environment and Public Works
Environmental Protection Subcommittee
To resume hearings on S. 1804, to designate the coastal plain of the Arctic National Wildlife Refuge in Alaska as wilderness, and related matters.
SD-406

Foreign Relations
To hold hearings on the Montreal Protocol on Substances That Deplete the Ozone Layer (Treaty Doc. 100-10).
SD-419

Governmental Affairs
To resume hearings to review the implementation of the Presidential Transitions Act of 1963, focusing on ways to eliminate the use of private resources in the transition process and to provide for the orderly transfer of power between administrations.
SD-342

11:00 a.m.
Foreign Relations
Business meeting, to consider the Montreal Protocol on Substances That Deplete the Ozone Layer (Treaty Doc. 100-10), and pending nominations.
SD-419

2:00 p.m.
Foreign Relations
To hold closed hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
S-407, Capitol

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 18

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
Superfund and Environmental Oversight Subcommittee
To hold joint hearings on the implementation of Title I of the Marine Protection, Research, and Sanctuaries Act, including issues related to ocean disposal.
SD-406

Foreign Relations
To continue hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Small Business
To resume hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.
SR-428A

2:00 p.m.
Foreign Relations
To continue hearings on the Treaty Between the United States and the

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U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 19

10:00 a.m.
Foreign Relations
To continue hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

2:00 p.m.
Foreign Relations
To continue hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

FEBRUARY 22

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.
SD-406

Special on Aging
To hold hearings on the Social Security "notch" issue, and possible solutions thereto.
SD-628

2:00 p.m.
Office of Technology Assessment
The Board, to meet to consider pending business items.
EF-100, Capitol

FEBRUARY 23

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.
SD-106

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture.
SD-138

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2042, to authorize the Vietnam Women's Memorial Project, Inc. to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.
SD-366

FEBRUARY 24

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.
SR-325

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

2:00 p.m.
Small Business
To hold hearings on S. 1929, to create a corporation for small business investment.
SR-428A

FEBRUARY 25

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 1979, to establish the Grays Harbor National Wildlife Refuge in the State of Washington.
SD-406

Finance
To hold hearings on the nomination of Mark Sullivan, of Maryland, to be General Counsel for the Department of the Treasury.
SD-215

2:00 p.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on speed limit issues.
SD-406

Small Business
To resume hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through particpation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.
SR-428A

MARCH 1

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, and the Extension Service.
SD-138

MARCH 2

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.
SD-406

2:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1014, to increase civil monetary penalties based on the effect of inflation.
SD-342

MARCH 3

9:30 a.m.
Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection Service, and the Agricultural Marketing Service.
SD-138

Commerce, Science, and Transportation
To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.
SR-253

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands, and H.R. 2652, to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.
SD-366

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 14

10:00 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service code penalties.
SD-215

MARCH 15

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.
SD-138

MARCH 16

9:30 a.m.
Energy and Natural Resources
Business meeeting, to consider pending calendar business.
SD-366

MARCH 17

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1508, S. 1570 and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.
SD-366

MARCH 22

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.
SD-138

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

MARCH 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.
SD-138

MARCH 30

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.
SD-138

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Managment Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

APRIL 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.
SD-138

APRIL 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

APRIL 21

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

APRIL 26

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 27

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 28

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

CANCELLATIONS

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

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HOUSE OF REPRESENTATIVES—*Tuesday, February 9, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we pray for those who have need in our world and we especially remember those who do not experience the liberties we enjoy. We know the human boundaries that separate people one from another and yet we know, too, the power of prayer to transcend all boundaries from whatever cause. We recall in this our prayer the hostages and their families, the refugees, those seeking political freedom, and all people who yearn for a home and security. We pray for them even as we pray for each other. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

APPOINTMENT OF CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5) to improve elementary and secondary education, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees:

From the Committee on Education and Labor, for consideration of the House bill, and the Senate amendment (except section 7003), and modifications committed to conference: Messrs. Hawkins, Ford of Michigan, Kildee, Williams, Martinez, Hayes of Illinois, Perkins, Sawyer, Solarz, Wise, Richardson, Robinson, Visclosky, Atkins, Jeffords, Goodling, and Petri, Mrs. Roukema, and Messrs. Gunderson, Bartlett, Fawell, Henry, and Grandy.

From the Committee on Energy and Commerce, for consideration of section 7003 of the Senate amendment, and modifications committed to conference: Messrs. Dingell, Markey, Swift, Rinaldo, and Bliley.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC,
February 5, 1988.

Hon. Jim Wright,
The Speaker, House of Representatives,
Washington, DC

Dear Mr. Speaker: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 12:25 p.m. on Friday, February 5, 1988, the following message from the Secretary of the Senate: That the Senate passed Senate Joint Resolution 210; and passed without amendment House Joint Resolution 402 and House Concurrent Resolution 242.

With great respect, I am,
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read and referred to the Committee on Appropriations:

Committee on Public
Works and Transportation,
Washington, DC, January 26, 1988.

Hon. Jim Wright,
The Speaker, House of Representatives,
Washington, DC.

Dear Mr. Wright: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on December 10, 1987:

LEASE PROSPECTUSES

VA Outpatient Clinic, Los Angeles, California.

IRS Service Center (amended), Austin, Texas.

IRS, Woburn, Massachusetts.

Health and Human Services/Food and Drug Administration, Dallas, Texas.

Federal Supply Service, Northeast Depot (modified).

U.S. Geological Survey, Arvada, Colorado.

Health and Human Services—Office of the Assistant Secretary (NCHS), Suburban, Maryland (modified).

Department of Defense—Defense Communications Agency, Northern Virginia.

Department of Defense and Office of the Secretary of Defense, 1201 South Fern Street, Northern Virginia.

Army and Air Force, Columbia Pike Building, Northern Virginia.

Department of Defense, Skyline IV Building, Northern Virginia.

Department of Defense/Army, Woodmont Complex, Suburban Maryland.

EPA—OAQPA (Office of Air Quality and Planning Standards) Durham Research Triangle, Park, North Carolina.

CONSTRUCTION

Internal Revenue Service, Memphis, Tennessee.

ACQUISITION

Border Station, Wellesley Island, New York.

11(B) RESOLUTIONS

Upper Manhattan/Harlem, New York.

Lower Manhattan, New York.

Internal Revenue Service, Washington-Metropolitan area.

Department of the Navy, Washington-Metropolitan Area.

The original and one copy of the authorizing resolution is enclosed.

Every best wish.
Sincerely,
James J. Howard,
Chairman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 17, 1988

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the business in order under the Calender Wednesday rule be dispensed with on Wednesday, February 17, 1988.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 16, 1988, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AUTHORIZING THE SPEAKER TO APPOINT TWO MEMBERS OF THE HOUSE TO REPRESENT THE HOUSE AT CEREMONIES IN OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on February 22, 1988.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

THE CLEAN GRAIN ACT OF 1988

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, today I am introducing the Clean Grain Act of 1988.

The Clean Grain Act establishes incentives for the delivery of top quality, clean grain to the Commodity Credit Corporation. A cleaner, higher quality product would help U.S. farmers regain an important competitive edge in international markets.

My legislation directs the Federal Government to take a leading role in recognizing the value of high quality, clean grain. Specifically, the Act directs that premiums be paid to farmers who deliver exceptionally clean grain to the Commodity Credit Corporation. Warehousemen who clean CCC-owned grain would also qualify for premiums.

The benefits of clean grain are evident. Besides expanding the farmer's export markets, clean grain is less expensive to handle and transport, and less likely to spoil or become insect infested during storage.

American farmers should never lose the sale of one bushel of grain because cleaner grain was available somewhere else. American farmers and warehousemen have invested in the world's most sophisticated grain production and handling system. We must use that advantage to make U.S. grain the cleanest, highest quality grain in the world marketplace.

LEGISLATION TO CURE THE BUDGET FIASCO

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the budget fiasco that beset us 2 days before Christmas should never be repeated. Not only did we see year after year a crisis atmosphere that compelled us with our backs to the wall to pass a final budget document at 3 o'clock in the morning as it was this last time, without anyone really knowing the contents of what that massive document contained, known as the budget, but we had to undergo the indignity of knowing and suffering later knowledge that many Members both in the Senate and in the House slipped in last-minute kinds of items unbeknownst to the rest of the membership all of which passed because we had to pass a budget and now only through newspaper and other kinds of investigations do we learn of some of the inequities of what happened on that budget crisis day.

I have introduced legislation which although not a cure for this budget dilemma of ours, at least will go a long way in putting to rest forever the possibility that Members could do this, No. 1, and, No. 2, that it would end for all time the crisis atmosphere under which we create that final budget.

What I propose is this: that if indeed the Congress of the United States fails to pass a budget by September 30 of a given year that the next morning, midnight of the 1st of October, automatically it should be reenacted, the budget of the previous year. So automatically enactment of the previous year's budget eliminates for all time that crisis that we talked about and does not prevent the Congress if it should will to do so, create a new budget. It cannot affect Gramm-Rudman and it can do away with crisis management.

TAX STATUS OF SOLICITATIONS MADE BY NONCHARITABLE TAX-EXEMPT ORGANIZATIONS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, as chairman of the Ways and Means Committee's Oversight Subcommittee, I want to bring to the attention of all of my colleagues a provision added to our tax laws on December 22, 1987, by the Omnibus Budget Reconciliation Act of 1987 which became affective on February 1, 1988. This provision concerns fundraising solicitations made by noncharitable tax-exempt organizations, political action committees and political committees. Thus it affects us all—now, today.

The law requires that beginning February 1, 1988, all fundraising solicitations from noncharitable tax-exempt organizations, political action committees and political organizations must state in a conspicuous and easily recognizable format that contributions or gifts to the organizations are not deductible as charitable contributions for Federal income tax purposes.

This new requirement to disclose that the contributions are not deductible affect solicitations for contributions made in written or printed form, by television or radio, or by telephone. Organizations whose gross receipts are normally less than $100,000 are exempt from the disclosure requirement.

Failure to disclose this information in the solicitation for funds could result in a penalty of $1,000 for each day the failure occurs, up to a maximum annual penalty of $10,000. No penalty will be imposed if the failure is due to reasonable cause.

The requirement is part of the lobbying and political activities of tax-exempt organizations provisions of the act that grew out of the oversight's subcommittee review of the tax rules governing such activities in March of last year.

The IRS has issued a press release and other guidance about this disclosure provision, including the reasonable cause exception, and the other new rules affecting tax-exempt organizations. I urge your office to contact the IRS if you have any specific questions.

INTRODUCTION OF DEPOSITORY INSTITUTIONS INSIDER ABUSE PREVENTION AND ENHANCED ENFORCEMENT POWERS ACT OF 1988

(Mr. BARNARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARNARD. Mr. Speaker, today the ranking minority member of the Banking Committee, Mr. Wylie, and I are introducing the Depository Institutions Insider Abuse Prevention and Enhanced Enforcement Powers Act of 1988 to respond to a serious epidemic of financial institution insider abuse and criminal misconduct in the United States.

The Commerce, Consumer, and Monetary Affairs Subcommittee, which I chair, has conducted several investigations and held numerous hearings, most recently last November, on the efforts by the bank regulatory agencies and the criminal justice system to combat a continuing wave of institution fraud and abuse. Data compiled for the subcommittee in mid-1987 indicates that misconduct in financial institutions by senior insiders and major borrowers continues to be a leading cause of failed and failing banks and thrifts. Between one-third and one-half of all financial institution insolvencies appears to be linked in varying degrees to such behavior. For example, out of 210 S&L insolvencies during the last 3½ years, the Home Loan Bank Board found serious abuse, fraud, or criminal misconduct in 106 institutions. For the last 3½ years, the costs to the FDIC, FSLIC, and the NCUA from the failed banks, thrifts, and credit unions associated with such fraudulent misconduct totaled at least $4.5 billion and probably involved much more. The Comptroller of the Currency just issued a study which found that inept or corrupt management is more frequently the cause of national bank failures than depressed economic conditions, contradicting a widely held view. While the banking agencies have taken meaningful steps to increase their commitment to remedy such abuse, effective civil enforcement or other deterrence has been stymied by an absence of statutory authority.

Accordingly, Mr. WYLIE and I have drafted a comprehensive bill, which reflects the need for additional civil enforcement and administrative authority, as recommended in two reports by the Committee on Government Operations, and which also incorporates and improves upon statutory provisons the bank regulatory agencies have specifically requested as part of their efforts to prevent insider abuse and misconduct in the Nation's financial institutions.

The proposed bill would: First, strengthen and standardize the civil enforcement powers of the Federal banking agencies, clarifying and expanding cease and desist authority and also allowing for industrywide prohibition orders against culpable insiders who move from institution to institution, wreaking havoc wherever they go; second, allow the agencies to directly penalize appraisers for fraudulent appraisals; third, increase the dollar amounts of civil money penalties and allow them to be imposed for violating supervisory agreements; fourth, authorize penalties for filing false or misleading call reports; fifth, require a GAO study on the desirability of continued secrecy of the agencies' civil enforcement actions; sixth, require that agencies make available examination reports and supervisory orders to outside auditors; and seventh, provide more information to the Congress and the public on how the banking agencies are dealing with insider misconduct, to mention the highlights of title I and title III. Title II would change the Right to Financial Privacy Act, to allow for transfers of records—including submissions of complete criminal referrals—to Federal and State law enforcement agencies if there is reason to believe that insiders or outsiders, such as borrowers, have committed crimes against financial institutions or supervisory agencies or have violated money laundering provisions and the drug enforcement statutes. This provision responds to that statute's unreasonable constraints on the legitimate enforcement activities when both insiders and outsiders try to defraud financial institutions and even use false financial records to commit their crimes.

I have attached a section-by-section analysis of the bill, and I would hope for its expeditious consideration by the House Banking Committee.

SECTION-BY-SECTION ANALYSIS OF PROPOSED "DEPOSITORY INSTITUTIONS' INSIDER ABUSE PREVENTION AND ENHANCED ENFORCEMENT POWER ACT OF 1988"

TITLE I—CIVIL AND ADMINISTRATIVE ENFORCEMENT

SECTION 101. Employees, agents, shareholders of a depository institution subject to administrative enforcement orders. Presently the banking agencies can suspend and remove only officers and directors but not employees or agents from a financial institution, if warranted, and cannot prohibit controlling shareholders from participating in the conduct of the affairs of the financial institution. The bill expands this authority to "any other person participating in the conduct of the affairs of" an insured financial institution and specifically includes employees, agents, and stockholders.

SECTION 102. Amendments to cease and desist authority with respect to restitution, restrictions on specific activities, and incomplete records. All of the agencies' cease and desist ("C & D") authority would be amended in three ways. First, the bill would specifically grant the agencies the power to order restitution or reimbursement in a C & D order, to allow for recoveries of losses resulting from misconduct. Second, the bill clarifies existing law by specifying that cease and desist orders may include restrictions on specific activities of the institution or its employees (for example, by restricting an individual's lending authority over certain dollar amounts). Third, this section authorizes the issuance of temporary C & D orders whenever an institution's records are so incomplete or inaccurate that the supervisory agency is not able to determine its financial condition.

SECTION 103. Merger of removal and prohibition authority. First, this section unifies the two parts of each agency's removal/suspension/prohibition provision, which now follow different standards for removal depending on where the misconduct takes place, whether at another financial institution or business enterprise, or at the particular institution from which removal is sought. In sum, if an insider has engaged in significant misconduct, the standards for removal should be the same, irrespective of where the misconduct occurred. Second, the section would allow an agency to proceed with a removal or prohibition action in a situation where the institution has been harmed or the interests of the depositors have been prejudiced without requiring the agencies to quantify the harm or prejudice. For example, it deletes "substantial" before "financial loss or other damage". The FDIC has encountered situations where it has moved quickly at an early stage against insider misconduct which is causing an institution significant losses, only to be rebuffed by an administrative law judge or a Federal court, because the institution had not yet suffered "substantial" losses. Third, violations of written agreements between financial institutions and supervisory agencies would give rise to an agency's power to remove, suspend, or prohibit an individual.

SECTION 104. Industry-wide removal, suspension, and prohibition orders. Under existing law, a banking agency can prohibit an insider from participating in the affairs of only the financial institution in which he or she is presently located. Often, a culpable insider leaves one financial institution and goes to work for another, often an institution falling under another agency's jurisdiction. The second agency is not likely to be aware of the insider's prior serious misconduct. Under this section any officer, director, or other person who is removed or suspended from an insured institution or prohibited from the participation in the conduct of its affairs, would be automatically barred by statute from holding office and from further participation in all other insured institutions and their holding companies, while the original order is in effect, with the following exception. The person may seek the prior written approval of the appropriate Federal agency overseeing the other financial institution(s) involved, to vitiate the applicability of this provision as to it (or them), with recourse to hearing and appellate review process if such approval is denied. This approval would be necessary both to continue an ongoing affiliation or participation at the time of the order and to commence a new affiliation or participation anytime in the future after the order. This section could be viewed as a rehabilitation procedure, to allow the agencies to closely scrutinize the prior misconduct and recent behavior of an individual before reentry into the industry.

SECTION 105. Prohibition orders allowed after separation from service. This section would authorize each banking agency to impose industry-wide prohibition orders against culpable insiders who resign or otherwise depart from an institution before the agency was able to initiate civil enforcement action. Resignations and terminations are frequent and are sometimes done to thwart an enforcement action; often a banking agency is not able to initiate a removal or prohibition action before a person leaves. Or sometimes the agency finds substantial misconduct once an individual has left and an institution has failed, but at that point it can take no action.

SECTION 106. Amendments to civil money penalty provisions. This section increases the maximum amount of civil penalties and expands the grounds for imposing them. (a) The bill would increase all civil money penalty (CMPs) provisions are found throughout the banking statutes to maximum amounts to $5,000 (per day or per violation). (b) Except for the OCC, the banking agencies can impose CMPs only for violations of permanent and temporary cease and desist orders. In fact the NCUA has imposed no CMPs, and the Bank Board has imposed very few CMPs, all because of their limited authority. Therefore, the bill would enable all the banking agencies to impose such penalties for violations of law or of supervisory agreements.

SECTION 107. Clarification of criminal penalty provisions for violation of certain orders. At present, it is a misdemeanor for a person against whom there is a suspension, removal, or prohibition order to participate in the affairs of an insured financial institution, without the prior approval of the appropriate supervisory agency. This amendment expands the provision's coverage to include bank and S & L holding companies, subsidiaries of such holding companies, and certain other organizations.

SECTION 108. Disciplinary authority over persons who prepare fraudulent real estate appraisals for depository institutions. A September 25, 1986, Committee on Government Operations' report highlighted numerous and serious abuses by independent real estate appraisers who submitted grossly inflated and often fraudulent appraisals for financial institution loans secured by real estate. Much of the misconduct uncovered by the FDIC or the FHLBB after an institution fails often involves fraudulent real estate transactions which were made possible by a fraudulent appraisal. Therefore, this section authorizes the banking agencies to directly discipline appraisers who have willfully misrepresented or through gross negligence misrepresented the value of real property as collateral for a loan made by any federally insured institution.

SECTION 109. Attempts to influence an appraiser's valuation of real property treated as an unsafe and unsound practice. Real estate appraisers have advised the committee that lenders often "pressure" them to come up with certain property values so that loans can be made, irrespective of whether market conditions justify that value. Financial institutions making real estate loans and the banking agencies must be put on notice that attempts to influence directly or indirectly an appraiser's valuation of any real property serving as collateral is automatically deemed an unsafe and unsound practice.

SECTION 110. Revision of Procedure for Termination of FDIC Insurance. At present the FDIC must give 120 days prior notice to the appropriate Federal and State bank supervisory agencies, so each such agency may take corrective actions, prior to the FDIC's termination of insurance. This has created unnecessary delays for the FDIC, often amounting to several months with no corrective action taken by other agencies. The proposed revised section would require notice to the other banking agencies, so that they are alerted, but would remove those time periods, while still retaining the 30 day prehearing notice to the bank.

SECTION 111. Clarification of existing law relating to agency authority. This section is a technical amendment to clarify that existing agency authority under other Federal or State laws is not affected by these amendments.

SECTION 112. Increased penalty for participation by convicted individuals. At present, persons who have been convicted of a crime involving dishonesty or breach of trust can be penalized, but only if they serve as directors, officers, or employees of financial institutions without the prior written consent of the relevant banking agency. Besides a minor technical change, this section would extend this prohibition to any person participating in the conduct of the affairs of the financial institution, including shareholders, and it would also increase the maximum civil penalty from $100 to $5,000.

SECTION 113. Penalty for violation of change in bank control act and change in savings and loan control act. Currently an individual subject to assessment of a civil money penalty for violation of either statute is entitled to a de novo trial in U.S. district court, even after a full administrative proceeding. This is the only provision in law relating to CMPs that provides for such a duplicate review. Accordingly, this amendment deletes the de novo trial procedure and makes the CMP assessment under these statutes reviewable under the Administrative Procedures Act, which allows for a complete hearing and judicial review. The amendment also deletes "willfully" before the term "violates", because "willfulness" is a level of intent used mostly in criminal statutes, not appropriate for CMP provisions in the banking statutes. Finally, the section reduces the maximum penalty from $10,000 to $5,000 to standardize all CMP maximums at that amount.

SECTION 114. Expansion of FHLBB administrative enforcement provisions to service corporations. The Home Loan Bank Board has been frustrated by lack of authority to issue civil enforcement orders against persons, usually officers, associated with S & L "subsidiaries" and "affiliate service corporations" or with second-tier subsidiaries of S & Ls, who abuse their roles or perpetuate frauds in affiliated thrift institutions. This section would grant the Bank Board such authority.

SECTION 115. Amendments to various provisions of law relating to reports. The first part of this section amends the Bank Protection Act of 1968, by deleting a requirement that banks and thrifts submit periodic reports concerning the installation, maintenance and operations of security devices and procedures. The supervisory agencies believe that the continual production and submission of these reports serves no useful purpose. The remaining subsections provide new civil money penalty authority for failure to file holding company reports and for filing false or misleading reports of condition ("call reports") and holding company reports. Currently, penalties can only be assessed for late call reports, including failures to submit any report.

SECTION 116. GAO study of desirability of continued secrecy of administrative and civil enforcement actions. The 1984 Committee on Government Operations report, "The Federal Response to Criminal Misconduct and Insider Abuse in the Nation's Financial Institutions", strongly recommended the public disclosure of the existence of civil enforcement orders, together with a summary of the order, unless such disclosure would threaten the safety and soundness of an institution, in which case the disclosure could be delayed for a reasonable amount of time. We still bvelieve that disclosure of final civil enforcement orders could serve as a deterrent against future insider abuse, alert financial institutions, and also increase the confidence of depositors and investors. The bank regulatory agencies generally oppose disclosure, even where exceptions could be made to prevent possible depositor runs on institutions. It would be very useful for the GAO to survey interested parties and examine the issues.

SECTION 117. Availability of redacted civil enforcement orders. While awaiting this GAO study, it would be very useful for the banking agencies to issue civil enforcement orders, deleting information under present policies so as not to identify institutions and persons. At present, there is no body of past decisions to guide administrative law judges (ALJs) hearing these matters, counsel for insiders and financial institutions, and banking agency attorneys. As a consequence, the administrative proceedings take more time, result in inconsistent decisions, and provide absolutely no guidance for future cases and for financial institutions.

SECTION 118. Information required to be made available to outside auditors. This section mandates that all Federal banking agencies directly furnish to the external auditors of financial institutions copies of call reports, examination reports and all proposed and final civil enforcement actions, under discretionary regulations to assure confidentiality. The committee's investigations have revealed instances (such as United American Bank/Ernst & Whinney) where an institution's external auditor was unaware of the problems in the institution because it did not have direct access to such information.

TITLE II—RIGHT TO FINANCIAL PRIVACY ACT (RFPA) AMENDMENTS

SECTION 201. Amendments to Definitions. The coverage of the RFPA is expanded to include bank and savings and loan holding companies and their subsidiaries, and the definition of "supervisory agency" is modified similarly.

SECTION 202. Clarification of coverage of disclosure exemptions for supervisory agents. This section would exempt (from the RFPA's notice provisions) examinations by and disclosures to supervisory agencies, in the exercise of their regulatory functions with respect to holding companies and any subsidiary of either an institution or a holding company, and any insiders of such entities.

SECTION 203. Transfers of financial records relating to possible violations of laws. Law enforcement agencies and the bank regulatory agencies have expressed concerns about notifying suspected individuals (who are often in a conspiracy with others) that they are making criminal referrals or otherwise transferring documents to the FBI/U.S. Attorney. The individuals under investigation often have access directly (if insiders) or indirectly (through a conspiracy with insiders) to vital bank records and can alter, destroy, or conceal them. Under this amendment the RFPA's notice provisions would not apply whenever a financial institution or a supervisory agency transfers financial record information to a Federal or State law enforcement agency, if there is reason to believe that such a record may be relevant to (a) a possible crime by or against the financial institution or against the supervisory agency, (b) a violation of the various drug control statutes, and (c) a violation of the money laundering statutes. Anyone who is perpetrating a crime against the financial institution—often huge and costly frauds amounting to hundreds of millions of dollars—whether it be an insider or a borrower, should not be able to take advantage of the RFPA. Often the very records themselves are the primary evidence of the crime.

SECTION 204. Technical amendment relating to production of subpoenaed records. This provision simplifies the RFPA's unusual procedures for production and review of financial records subpoenaed by grand juries and eliminates unnecessary delays.

SECTION 205. Exchange of information among supervisory agencies. This amendment would clarify that the Act does not prevent the banking agencies from sharing examination reports and other supervisory information with the SEC as to those publicly-held institutions regulated by the SEC or those institutions owned by SEC-regulated holding companies.

SECTION 206. Technical amendments clarifying the duty of financial institutions to deliver records and for other purposes. Financial institutions would have a duty to deliver customer financial records if one of the exceptions within the RFPA applies, as certified in writing, and to make deliveries of records within 14 days. This section first addresses concerns by financial institutions about their duties to furnish information covered by one of the eleven exceptions to the Act's notice requirements. On the subject of delayed deliveries, Federal prosecutors have complained that financial institutions often take months to photocopy and deliver records. Although this provision is without any sanctions, it advises the financial community of its duty to deliver records in a timely fashion.

TITLE III—REPORT TO CONGRESS

SECTION 301. Annual report to Congress. Each agency would submit an annual report to Congress showing (a) the numbers of informal and formal supervisory, administrative, and civil enforcement actions, (b) data on uncollected civil money penalties, (c) a description of all other enforcement efforts and initiatives against unsafe and unsound practices, criminal misconduct, and insider abuse, and (d) recommendations concerning the need for additional legislation and resources. With few exceptions, the banking agencies normally do not release or publicize much of this important information.

ENHANCED ENFORCEMENT POWERS ACT OF 1988

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, I am pleased to join Mr. BARNARD in offering this proposal to prevent insider abuse at depository institutions and to enhance the enforcement powers of the financial institutions regulators. As the ranking Republican member of the Committee on Banking, I have been deeply concerned with the growing incidence of insider abuse occurring at depository institutions and with the financial institution regulators' ability to prevent this. I have watched closely my fellow Banking Committee member, Mr. BARNARD, as the Government Operations Subcommittee he chairs on Commerce, Consumer and Monetary Affairs has exposed financial fraud at depository institutions and evaluated the regulatory agencies' ability to deal with it. I am quite pleased to have been able to work with Mr. BARNARD on this bill to give the regulators the powers they need to enable our depository institutions to operate in a safe and sound manner.

The bill we submit today represents the blending of two different proposals that results in a stronger, more comprehensive approach to the regulators' enforcement powers over depository institutions. We used a joint proposal submitted by the regulators as the starting point for our endeavors. That proposal has the support of the FDIC, Federal Reserve Board, Comptroller of the Currency, Federal Home Loan Bank Board, National Credit Union Administration, and Farm Credit Administration. We then attempted to enhance this proposal by first tightening specific provisions and then by blending it with certain provisions of the Depository Institutions' Insider Abuse and Fraud Prevention Act offered by Mr. BARNARD in the last Congress. I am pleased to say that the result is a highly thoughtful, sophisticated approach to regulatory enforcement.

These measures are particularly important at this time. The financial news of the past year has been bleak: panic and a stock market crash on Wall Street; the failure of over 200 federally insured depository institutions; widespread abuses by insiders in both the banking and securities industry. Congress must act to preserve the integrity of our financial institutions. As the Banking Committee studies whether to allow banks to engage in securities activities and vice versa, it is particularly important that regulators have the ability to combat malfeasance and misfeasance at financial institutions. This legislation does this.

The bill offers several significant features. First, it makes several technical clarifying amendments to the regulators' enforcement powers based on their collective experience. Second, it provides for an industrywide prohibition of an individual removed from one institution from serving at another depository institution. Third, the proposal generally broadens the scope of the financial institutions regulators' civil money penalty provisions along with increases in the dollar limits. Fourth, the bill gives the bank regulators disciplinary authority over persons who prepare real estate appraisals, an area where frequent abuses are occurring today. Fifth, the bill streamlines the FDIC's procedures for terminating a bank's insured status. Sixth, it extends FHLBB regulatory enforcement to second-tier affiliates. Seventh, the bill provides the regulators with a greater ability to remedy incomplete or inaccurate call reports. Eighth, the bill provides for the GAO to study the desirability of the regulators disclosing all final enforcement orders and requires the regulators to publish appropriately redacted versions of final agency enforcement decisions. Ninth, the bill requires that an institutions' outside auditors be given reports of examination. Lastly, the bill makes amendments to the Right to Financial Privacy Act to ease certain restrictions on the transfer of bank records from a financial institution to a Government authority and between Government authorities, for the purpose of criminal prosecution.

This bill will give the financial institutions' regulators the ability to do their job to maintain a safe and sound banking system in a far more efficient as well as effective manner. I strongly urge other Members to join my colleague Mr. BARNARD and me in supporting this proposal.

□ 1215

INDIAN HOUSING ACT OF 1988

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, today I am introducing a bill, the Indian Housing Act of 1988, to amend the United States Housing Act of 1937, to establish a separate program to provide housing assistance for Indians and Alaskan Natives. This bill is designed to simplify the Indian Housing Program as it is now operating under the Department of Housing and Urban Development [HUD], provide it with more flexibility and make it more cost-effective. The bill contains four sections as follows.

The first section creates a new title of the Housing Act of 1937 as a separate Indian Housing Program so that in the future any actions taken on the regular Public Housing Program will not apply to the Indian Housing Program unless specifically stated. Mr. Speaker, throughout the years since the inception of the current Indian Housing Program as a part of the regular Low-Income Housing Program under the 1937 Act, many provisions required for improving the regular program that applies to the urban areas of our Nation were automatically made to apply to the Indian Housing Program causing a great deal of confusion and complicating the successful and efficient implementation of the Indian Housing Program. Although over the years efforts were made to undo these inadvertent applications of the law, it was a cumbersome process that often left HUD and the Indian housing authorities at a great disadvantage until Congress either rescinded or amended such actions.

Section 202 would codify the existing Mutual Help Homeownership Opportunity Program which accounts for more than 50 percent of the housing built under the Indian Housing Program. In almost all instances the only available supply of owner owned housing for residents of Indian reservations and Alaskan Native Villages has been the Mutual Help Homeownership Program. However, Mr. Speaker, this program is not even stipulated in law or in published regulation. Thus far it has been operated from the HUD Indian Housing Program handbook with a considerable amount of uneven interpretation. Provisions in this bill make clear that it may be used for all Indians in need of housing and not merely the lowest income members of reservations. This recognizes that in reality there is no other program to provide homeownership opportunities for any affluent members of reservations and Native villages. Provision is

also made to encourage row-house design, in addition to single family dwellings, that achieve economies of scale. It provides further that HUD establish general performance standards that provide flexibility for using different design and materials so long as the costs involved are in relation to the estimated economic life of a project. The bill also specifies that Indian housing authorities will require each participating family to sign agreements that specify the family contribution and provides that such contribution may include land, labor, cash, materials, or equipment. It also provides for the Secretary to encourage, where appropriate and feasible, cooperative ownership and a self-help program with technical assistance similar to that which is so successful under the rural housing programs operated by the Farmers Home Administration [FmHA] under section 523 of the Housing Act of 1959. Thus Indian and Alaskan Native families can join in a cooperative effort to build a substantial portion of their own dwellings, reducing therein the actual cost to the Federal Government and engendering community pride and cooperation. Families would be responsible for providing for the maintenance and utilities for their dwelling units. The Indian Housing Authority would be required to have in effect procedures for insuring the periodic and timely maintenance of these homes.

Section 203 of the bill, Mr. Speaker, contains additional provisions that apply to the entire Indian Housing Program, clarifying that there must be a recognition of the extremely difficult problems that are often associated in providing housing in remote locations of Indian reservations, as well as in native villages distributed throughout the vast area of the State of Alaska. It is ludicrous to expect the same cost factors to be used to cover the cost of housing built in Anchorage or Fairbanks as would govern housing built on the Bering Sea or in Fort Yukon. Often, Mr. Speaker, the same logistical problems apply to remote places in reservations in the lower 48 States. In such places, skilled labor and adequate materials must be obtained from places far distant from the site of the project. This sometimes results in relatively high, but unavoidable, unit costs.

This section also addresses the interminable problem that has persisted in the Indian Housing Program wherein the Department of Housing and Urban Development provides the housing assistance, the Department of the Interior provides for the roads and access facilities, and the Indian Health Service, a part of the Department of Health and Human Services, provides the water and the Sewer Facilities required. Despite interagency task forces and other coordinating attempts, far too often the roads and water and sewer facilities are not available at the time the HUD housing is ready for construction. This has substantially contributed to the so-called excessive pipeline of units under reservation in the Indian Housing Program. These three agencies, as we all know, have their own program policy and budget imperatives and priorities. Therefore, this section would authorize the Secretary of HUD to use development funds for advances toward meeting the cost of the timely installment of roads, water, and sanitary facilities necessary for a given project. Such advances would only be made if the improvements of the facilities were to be made according to the standards and requirements of the respective Federal entity and would be paid back to the HUD Indian Housing Program when such Federal entity provided the funds.

Finally, Mr. Speaker, section 3 contains definitions and section 4 contains the necesary conforming amendments.

TRIBUTE TO DONALD L. ROGERS

The SPEAKER pro tempore (Mr. SLATTERY). Under a previous order of the House, the gentleman from Ohio [Mr. WYLIE] is recognized for 5 minutes.

Mr. WYLIE. Mr. Speaker, I rise to pay my respects to Donald L. Rogers not only for his contributions to banking but also for his integrity and trustworthiness. Don Rogers died on January 18 at which time he was president of the Association of Bank Holding Companies, approaching the 30th anniversary of the association under his leadership.

Don Rogers grew up in Steubenville, OH, attended Miami University in Oxford, OH and was graduated from the College of Law of Ohio State University in Columbus. At Ohio State University he became active in the Young Republican Club and started a lasting friendship. After his admittance to the bar, Don Rogers joined the staff of the Senate Banking and Currency Committee in 1953 as associate counsel, later to become counsel. His sponsor was Senator John W. Bricker of Ohio, the second ranking Republican. However, a great part of his work was for the Subcommittee on Banking of which Democratic Senator A. Willis Robertson, of Virginia was chairman. The staff of the Banking Committee worked together in a professional manner in assisting Senators from both sides of the aisle. Don typified that type of the highest professional duty. He worked on legislation where he was credited with the recodification of the Federal banking laws which was contained in the proposed Financial Institutions Act of 1957 as passed by the Senate though killed in the House. It was however later enacted in separate bills. Don Rogers did the Senate staff work on the major piece of legislation—the Bank Holding Company Act of 1956.

Don became the executive director—later president in 1976—of the Association of Bank Holding Companies in October 1958, 5 months after its organization. It has been written that this was a case of a job finding a man, not a man finding a job. Don Rogers brought to the association his expertise, honesty, and dedication, and made the association his career. Over the past three decades the association under his leadership has earned the respect of Members and staff of the Congress, the White House, The Federal Reserve and the agencies of the executive branch.

I shall miss his counsel and his friendship. To his lovely wife, Helen, I extend my deepest condolences.

At this point in my remarks, I am including a statement by John R. Petty, chairman of the Association of Bank Holding Companies, in the RECORD:

STATEMENT BY JOHN R. PETTY

Don Rogers, more than any other individual, has been associated with the success of the bank holding company movement in the United States. From his tenure as Counsel to the Senate Banking Committee (1953-58) to the present day, Mr. Rogers' encyclopedic knowledge of the Bank Holding Company Act and related statutes has been legendary. Whenever any signifiant question on the subject has arisen in Congress or the regulatory agencies over the years, government officials, members of Congress, and other Washington insiders have turned to Don Rogers for guidance and enlightenment.

Don's integrity, foresight, and leadership have been vital components in fashioning the constructive evolution of the financial services industry, in which bank holding companies play a central role. His advocacy of expanding the base of the industry to allow for a broader array of products and services to be offered on a widespread geographic basis was of genuine benefit to consumers and small businessmen, and will continue to benefit the American public as those policies are further implemented.

At the same time, Don Rogers presided over the growth of the Associaton of Bank Holding Companies, nurturing its evolution from a group of 11 members in 1958, when bank holding companies were a rarity and were viewed with suspicion in many quarters. Today, the association's 125 members account for almost 75% of the nation's domestic banking assets, and the bank holding company has become the dominant form of banking structure.

As President of the Association, Don helped fashion forward-looking legislative and regulatory policies for the Association and for bank holding companies generally. Positions the Association took over the years with his leadership have proven prophetic and correct. In 1980, at the Association's Annual Meeting in Williamsburg, Virginia, the members voted a historic policy regarding interstate banking, which included a proviso urging members to enact state reciprocal banking statutes. The fruits of this policy are all around us in the form of dozens of state laws that permit bank hold-

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ing company expansion across state lines. In addition, just last year, the Association adopted a trend-setting policy in the area of financial institution structure—the Financial Services Holding Company, which Don Rogers helped develop within the Association.

All in all, the contributions he made to banking over the last 35 years have created a record that is unmatched in Washington. Along with his record, however, we fondly recall that Don was a considerate human being whose thoughtfulness and courtesy were hallmarks of his professional life. He served the Washington community as Chairman of the Wolf Trap Associates, member of the Wolf Trap Foundation Board and was active in other private organizations. We will miss his wisdom, and his warmth.

On behalf of the Association's members and Don's many admirers in the industry and in the nation's capital, we extend our deepest sympathy to his wife, Helen, who has been a wonderful companion and constant support over the years for our good friend, Don Rogers.

(Note: Mr. Petty is Chairman of Marine Midland Banks, Inc., New York, NY.)

GEN. THADDEUS KOSCIUSZKO, REVOLUTIONARY WAR HERO

The SPEAKER pro tempore (Mr. Volkmer). Under a previous order of the House, the gentleman from Illinois [Mr. Annunzio] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, February 12 marks the 242d anniversary of the birth of Thaddeus Kosciuszko, the great Polish patriot and hero of the American Revolutionary War, who fought courageously for the cause of freedom on both sides of the Atlantic.

Thaddeus Kosciuszko began his education in military strategy and engineering at the Warsaw Corps of Cadets. The King of Poland, impressed with Kosciuszko's natural ability in military matters, sent him to France to pursue further studies, where he developed an unsurpassed expertise in military fortifications.

During the year 1772, Poland was divided up among its greedy and hostile neighbors with the cooperation of certain Polish nobles, and to the detriment of most of the people of Poland. This same oppressive spirit was prevalent in England, where the Government, led by self-interested British nobility, was also bent upon a policy of usurping the rights of American colonists.

Against this tyranny of the Polish partitioning, a large number of Polish aristocrats and gentry openly resisted, and by doing so were driven from their beloved homeland. Siding with the patriots, Kosciuszko became an exile in search of justice far from home.

The news of the outbreak of hostilities in America kindled Kosciuszko's imagination and his desire to fight for the cause of liberty. He abandoned his commission in the royal Polish forces, and left his homeland to serve under Gen. George Washington in the American response to British aggression.

General Kosciuszko's talent lay in his ability to make use of an area's terrain for defense purposes, and his skills were welcomed by the Continental Army. He was first employed in designing the defense along the Delaware River, for which he gained a colonel's commission and an appointment to the staff of General Gates at Ticonderoga.

Perhaps Kosciuszko's most important undertaking was the construction of an American fortification at West Point. The Hudson River was essential to preserve the communication between the Eastern, Middle, and Southern States, and Kosciuszko labored for more than 2 years to make sure that West Point was impregnable to enemy forces.

Hailed as a hero by Americans and honored for his contributions to American independence, Kosciuszko returned to Poland in 1784, and was soon involved in the struggle for Polish independence. During the 6 years he spent in the Continental Army, Kosciuszko proved himself to be among the bravest and the ablest of his kind, earning the respect and admiration of Americans as well as his own countrymen.

Mr. Speaker, it is an honor for me to join with Polish Americans in the 11th Congressional District of Illinois which I am honored to represent, and Americans of Polish descent all over this Nation, in paying tribute to General Kosciuszko and his dedication to the cause of liberty. May his actions serve as a source of inspiration for all those who are dedicated to the principles of self-determination and freedom.

LATIN AMERICA: THE UNTAPPED MARKET FOR ARKANSAS FARM PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. Alexander] is recognized for 45 minutes.

Mr. ALEXANDER. Mr. Speaker, Latin America offers a potential bonanza for farmers in Arkansas and all across the country if we should produce a different kind of foreign policy for Latin America. But we will never realize the richness of the markets of our neighbors to the south unless we adopt policies promoting peace, stability, and an aggressive export program.

Today there are about 500 million Latin Americans. Rice and beans are two crops we produce an abundance of in Arkansas, and they are a major part of the diets of most Latin Americans. Yet our exports of rice and beans to Latin America fall far short of the potential market that lies waiting there. We voluntarily shut ourselves out of the Cuban rice market, for example, of about 200,000 metric tons per year. Mexico and Trinidad and Tobago each imported more than 50,000 tons of rice a year from 1981 through 1985, but virtually none was American rice. Exports of United States soybean oil to Colombia declined by nearly one-third from 1980 to 1984, and over the same period soy meal exports to Mexico were down nearly one-half.

Moreover, United States exports of rice and beans to the nations on the front line of conflict, nations embroiled in the cauldron of war for almost 7 consecutive years, Nicaragua, Costa Rica, Honduras, and El Salvador, are nearly nonexistent. A large potential for trade is waiting there for the right United States policy in Central America.

Arkansas is the Nation's greatest rice producing State. We produce more rice in Arkansas than in any other State in the Union.

In fact, my district, the First Congressional District of Arkansas, produces more rice than any other State in the United States. If we could put our farmers into the business of feeding millions of hungry Central Americans, we would pump substantial sums of money into a depressed farm economy thus creating new export markets.

One farmer said to me last week in my district that what Central America needs is Arkansas rice and beans, not the Army and the United States Marines. The potential for expanded trade between the United States and the nations of Latin America is recognized by many knowledgeable people both in the United States and in the Latin American countries themselves.

In December I enjoyed an opportunity, even a rare privilege, to talk with the Nobel Peace Prize winner, President Oscar Arias of Costa Rica, and he told me that there is potential for large-scale trade between the United States and Latin America, particularly in rice and beans. He encouraged me to promote trade with Costa Rica and other Central American nations. He said that trade and economic development are the missing links, in his words, in progress toward peace and democracy in Central America and that they are vital in attacking the fundamental dilemma of the region today, the cause of the conflict in the region which is itself a grinding poverty and malnutrition among the people who have been neglected there. President Oscar Arias of Costa Rica said here in the Congress when he addressed us last year that ballots, not bullets, in his words, are needed for peace in Latin America. "This leads to trade," he said, "and increased trade with people who you represent in Arkansas."

Clearly, before we can develop a thriving trade with our southern neighbors, chronic conflicts that have beset the region must be ended. If the United States can throw the full weight of its support behind such progressive leaders as President Oscar Arias, then their policies of political, social, and economic reform will eventually restore stability and economic prosperity to the region. When that happens, the Latin Americans will have the money to buy our products that we produce in Arkansas, especially rice and beans, as well as other American products, and the agricultural economy in Arkansas and throughout the Farm Belt will be one of the major beneficiaries.

In fact, Mr. Speaker, I can think of no other State that stands to gain more than my State of Arkansas from a different policy in Central America because we produce more rice and beans than any other State. Increasing exports is vital in the quest to restore the health of the farm economy. American agriculture is based upon the presumption of export. We produce about twice as much as we can consume ourselves in our own domestic economy, and therefore we presume that we must export these products in foreign trade in order for our farmers to prosper.

When farm exports plummeted more than $17 billion in real dollars between 1981 and 1987, our farmers were devastated. One of the fundamental steps we must take in reviving this trend would be to compete aggressively in Latin America, and that is something that we are forfeiting to our trade competitors now. We are not making the effort to compete with those other countries in the world that grow the products that we produce in Arkansas.

Mr. Speaker, as an example of the recent failure to compete for the Latin American markets I recall the Miami conference on the Caribbean which I attended with some of my colleagues here in the Congress last November where participants from our trading partners outnumbered Americans by at least 2 to 1.

□ 1230

My friends, there were as many members of the Japanese Congress as there were from the United States Congress. At that conference Americans should have jumped at the chance to make Latin American trading contacts like "ducks on a June bug" as we say in the South. Instead, only a handful of Members of the U.S. Congress and a few other government officials were present to promote American products at that gathering. That experience only serves to demonstrate that if we do not take advantage of the economic opportunities presented to us in Latin America, our trading competitors will.

They are beating us at our own game in our own hemisphere.

In the case of one Latin American country, Cuba, for example, we have chosen to forbid our farmers to trade with Cuba and to forbid, in fact, all trade with Cuba, thus depriving ourselves of an opportunity to compete for an annual farm market estimated at about $489 million to our own farmers.

In an effort to stop this policy that flies in the face of good business sense I have introduced legislation to make an exception to the United States embargo against Cuba and to allow the export of United States farm products to Cuba.

My bill has 23 cosponsors and I invite other Members, especially representing farm States, who want to free their farmers to trade with other nations in this hemisphere to cosponsor the bill which I have introduced.

In June of this year the House Subcommittee on International Economic Policy and Trade, chaired by the gentleman from Washington [Mr. Bonker] will hold hearings on this bill, and this week two economists from Arkansas State University are visiting Havana to conduct research on how much trade has been lost to this country during the 25 years of the prohibition of trade with Cuba and to estimate what the annual potential for farm trade with Cuba is, should our Congress in its wisdom decide to make an exception to that policy of embargo.

I have stressed on many occasions that this is a farm issue and a trade issue, and it is not a foreign policy issue.

Our farmers must be free to compete in any market, especially in this hemisphere. After all, if Kansas wheat farmers can sell their wheat to the Soviet Union, referred to by President Ronald Reagan as the "evil empire" in his words, why cannot our Arkansas rice farmers sell their rice to Cuba? What is the difference between a Russian Communist and a Cuban Communist? Why can we sell wheat to a Russian Communist and not rice to a Cuban Communist?

We need to free the farmer to sell his products to the Cuban market which we have forfeited, a rich prize that has been forsaken long enough.

I would be delighted to yield to the distinguished gentleman from Texas [Mr. Gonzalez].

Mr. GONZALEZ. Mr. Speaker, I rise not with any desire to interrupt a very splendid presentation and one which incidentally I know the gentleman has been making for some years, and, like some others of us, overlooked. The gentleman is probably submitting the most important and meaningful message to this Congress that has been received thus far, during the 1st session or this beginning of the 2d session of the 100th Congress.

The facts are as stated by the gentleman from Arkansas. I want the record also to reveal that the gentleman has been clear in his insight and in his perception of the real world here that we share with our neighbors in what we call Latin America.

We have been for so long so mistakenly guided by ignorant misperceptions of this world, we have not yet decided, we are on the threshold of decision as to whether or not we are going to take the choice that leads us to decline in such creative and wealth-producing activities as commercial intercourse or whether we will pursue this false goddess of war which can and has always resulted in detriment, in loss of blood and treasure, as we have suffered thus far with the mistaken policies that this distinguished gentleman and leader in Congress from Arkansas has so eloquently consistently spoken out against for 7 years.

I wanted the record to show his contribution, because it has been constructive, it has been creative, it has been one of real leadership and it has been quite a source of inspiration to me to stand shoulder to shoulder together with my colleague from Arkansas.

With respect to what the gentleman is saying, the statistics are stark and clear: Between 1980 and 1985, the meager commercial intercourse that had also declined in the previous half decade or 5-year period from an original postwar level of some 39 percent down to 1980 of about 17 percent, between 1980 and 1985 there has been a further decrease. And the gentleman is correct, no human society lives alone and static and frozen. It is active, it has got to be alive and if we do not trade somebody else is going to trade with all of these societies.

The disastrous course that this administration has followed, the rather rudderless leadership offered by previous administration subsequent to John F. Kennedy's administration, with the possible exception of the Lyndon Johnson administration with respect to Mexico in particular, not Latin America generally, but Mexico in particular, we have reached a very dangerous point.

The United States has lost the last vestiges of moral leadership in the councils of the Organization of American States as witnessed by the fact that despite America's obstruction and very, very poisonous animosity to the so-called peace plan which came as a result of the seven heads of these states getting together, despite America's opposition. The gentleman spoke about meeting with President Arias of Costa Rica and quoting him as saying that the missing elements are trade, not aid, necessarily and certainly not munitions and not military assistance.

On the other hand, we have insisted on militarizing the only nonmilitary society in all of Latin America and that is Costa Rica which is a very enlightened society.

If we wanted to make comparisons I could truly say statistically and otherwise that it is more enlightened than our own society. They have a lot less level of illiteracy than we have and, per capitawise, they outstrip us.

They have had compulsory free public education for 100 years. That is an enlightened kind of republic.

If President Arias had really given vent to what he has had to confront in

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his election for President, just about 2 or 3 years ago, the U.S. Ambassador did everything he could to impede his election. We mixed into their internal processes in a fruitless attempt to defeat him.

So that if the seven heads of these states got together, it was out of sheer necessity and desperation because they are tired of the bloodshed that has cost 200,000 lives. They do not associate America as a helping partner but rather as one that is seeking war rather than peace.

And the gentleman knows that finances and commercial intercourse and trade must depend on stability. That means peace. It does not mean that we should continue to pay this inordinate price in following this false shibboleth of anticommunism where we are willing to sacrifice our own young in ventures that cannot end in anything but catastrophe simply on ideological bases, not on facing the real world as it is.

The inconsistency of this is clearly reflected in our relations with such entities as the Chinese, the so-called Communist Chinese Government.

There the President made a trip to China. He anchored down a trade agreement in which the Chinese bargained to buy 6 million metric tons of our grain. When they reneged on that we had the farm prices of three autumns ago.

This is how dependent we have become on such things as trading with an ideologically undesirable country because it is far away, but have taken that pretext, using it against an infinitesimally more helpless country in refusing to do any kind of trading or even diplomatic exchanges. This is folly itself.

Such other countries as Great Britain, France, Germany are there; they are trading. Their trade has increased proportionally as ours has decreased disproportionately. I think the gentleman should be saluted.

We should get behind the gentleman's legislative proposals and I for one wish to endorse them. I think he is absolutely correct in the positions he has taken, the utterances that he has placed in this RECORD which have given us a chance to study, evaluate, and consider.

I think that the fact remains that the end result, the acid test is what has resulted. The smallest country next to Costa Rica, El Salvador, where we have poured over $4 billion of our Treasury, where we have lost about 22 of our servicemen, where today even after installing the man we handpicked to run that country we are just no closer to a solution there than we were 7 years ago. I think the fruits are the test of the merit of any particular course of action.

I think what is happening and what has happened as a result of this administration's insistance on military intervention, on military means both through overt, covert, and semiovert and semicovert methods, have resulted in bankruptcy. We have a bankrupt policy.

I am delighted we have creative heads among us. I salute the gentleman from Arkansas and wish to show my adherence to both his proposals as well as to what he is advancing.

Mr. ALEXANDER. I thank the gentleman from Texas for his encouragement, his support, and his enlightenment. I wish the U.S. Under Secretary for Inter-American Affairs, Mr. Abrams, knew one-tenth, just one-tenth as much about Latin America as the gentleman from Texas, because he has been there, he speaks the language, he knows the people and what he speaks today is the truth about Latin America and is showing us the future of Latin America.

It is clear that the recent experience with Latin America is a classic example of the damage that can be caused from a weak foreign policy, not a strong nation that has a strong foreign policy, but a strong nation that has a weak foreign policy.

In some cases, it might even be called nonexistent foreign policy, because it has inflicted pain upon the people of Latin America and has also inflicted pain and injury upon the people of this country and especially the farmers who would trade with Latin America if we had a different kind of policy there.

In this decade the administration has pursued two policies which have contradicted the needs of the agriculture economy. First, a weak trade policy and, second, an overvalued dollar.

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Historically, by the way, farmers in America have prospered when we have had two things: First, an aggressive export policy, which we do not now have, of course, and have not had during the administration of Mr. Reagan, and an affordable dollar; some people call it a weak dollar. We have had the opposite until this last year. We have had an overvalued dollar which in effect created an invisible trade barrier that priced our products out of world competition.

To put it bluntly, the administration's policy took money out of the farmer's pocket because the overvalued dollar priced American farm products out of the world market.

Belatedly, some progress is being made in bringing the dollar to a level that will reflect the underlying competitive nature of the U.S. economy. I have supported efforts to bring the dollar down to a proper level that will help the farmer, and some improvements have been made recently.

Overall, the most recent monthly trade figures showed a reduction in the trade deficit of about $4 billion. Yet, when we characterize a monthly trade deficit of $13 billion as an "improvement," it only proves how far we have fallen in the Reagan years.

This metamorphosis from creditor nation to debtor nation has been particularly damaging for our farmers, who deserve a cheap dollar and a strong export policy so that they can compete in Latin America and in other markets around the globe.

Our Nation needs to change both of these policies, and we need a different kind of policy in Central America to promote trade in order to provide opportunities for our farmers. In this area of trade with Latin America, we are literally a sleeping giant. We are a sleeping giant, and so is Latin America. We are sleeping because we produce products that we need to sell, and they are sleeping because they are waiting on us to develop a policy that will promote peace and stability and trade and economic development and political reform in Latin America that will accommodate the aspirations of the Latin American people.

It is time to awaken ourselves from the slumber of ignoring the Latin American market. This Nation has neglected those hundreds of millions of potential rice and bean customers far too long. The old discredited triad of reaction, bullets, and neglect must be transformed into a new policy embracing reform, peace, and trade.

Mr. Speaker, let me say to my colleagues that we have an opportunity now. With the failure of the Reagan policy in Central America, we have an opportunity to turn the page and end a chapter and, in so doing, to create a new chapter in United States-Latin American relations.

Mr. Speaker, let us start now with trade.

THE IMPORT OF UNITED STATES-LATIN AMERICAN RELATIONS

The SPEAKER pro tempore (Mr. VOLKMER). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday I addressed the fact that we lack a policy because we cannot designate what has happened in the name of our country in actions taken by our government representing us in what we call Latin America, and particularly in reference to Central America, though it by no means is limited to that area, and so we have the total absence of what anybody could designate as a policy.

The catastrophic results, I think, have not reached the general level of consciousness of the majority of our citizens. For example, how many Americans realize that we have been labeled as a terrorist nation guilty of acts of international terrorism directed against Nicaragua a few years ago when we, through the CIA and other mechanisms, bombed their harbors, blew up their docks, or attempted to, and attempted to assassinate their leaders? And in all of these grievances, while they were being registered with the international tribunal of justice known as the World Court in Switzerland, we had an ambassador, as we have today, in Managua, the capital of Nicaragua. Now, when we do that to the world, we proclaim that we recognize that particular government as the legitimate government of that country. So should we be surprised that the world looks at these inconsistencies, at these glaring contradictions, and has a puzzled attitude, as reflected in almost every single journal of opinion in the Western European countries from Italy to West Germany to England, as well as in Asia and Japan and other entities in the Pacific Basin?

The gentleman who preceded me, the honorable gentleman from Arkansas, Mr. BILL ALEXANDER, has all along demonstrated a leadership and has spoken out even before I have on this particular need to foster and stimulate what is a normal thing, something which other leading countries in other geographical sections of the world take for granted that they should do. Why is it that there has been little or no response or awareness?

Well, I believe it is because our public is really not informed. I think that is reflected in the average American with whom I converse throughout the country. I have been privileged, as chairman of the Subcommittee on Housing and Community Development, in the last 7 years to have traveled in 36 of the States, in every single major rural, semirural, densely urban, and semidensely urban area in our country. I have been from here in the District of Columbia, where I have been on the premises of every single public housing project in the District—and even the local managers cannot say they have done that, much less the Secretary of Housing and Urban Development—to the eastern seashore, just an hour and 15 minutes' drive from the Capitol, and I have seen the most atrocious housing and living conditions of what can variously be termed as either migratory or seasonal farm workers, conditions that I had not seen in 65 years back home in Texas when a depression was raging, farm conditions that were literally horrible.

I have been to California, I have been from South to North, I have been in Minnesota, Wisconsin, Michigan, and Ohio. I have been to Holgate, Ohio, 55 miles on the other side of Toledo, where incidentally, I might inform some of my colleagues from Texas, we have now a community of Ohioans that came from Texas of the same stock as I proceed from, from my own city. They now are rooted there, and they went there because this is an agricultural producing area. Holgate is famous because it is the birthplace of Joe E. Brown. They have a statue there at the ballpark in honor of Joe E. Brown. I have been to those camps, I have been to those growing fields. I have been to Saginaw, MI, I have been to Detroit, and I have been to Lansing. All these places have people who have come up unnoted, unrecorded, lost in this great, wonderful mass of American citizens, the most noble and generous of any that we can find anywhere. Their instincts are sound. Their perceptions, even though uninformed, are very good. I have heard, whether it is on such things as international relations or domestic finance and banking matters, more wisdom from a truck driver back home than I have heard from some of our so-called leaders of finance around this country.

Today I want to dwell on that, because the gentleman from Arkansas has been talking about the farmer. Why is it that the farmer prospers at various junctures of our historical development? Why is it that he does not prosper at other times such as now? Well, the reason we do not hear much about the farm crisis is that we have literally run out of the single most important nucleus on our farms, that is, what we used to call the independent family farmer. The family farmers are gone, and they have been going; just 4 years ago our total farm population in the rural areas when down to 6 percent, believe it or not.

There are definite causes for this. The principal reason is here in our own backyard. It is here in the halls of Congress where the representatives of the people have abdicated a great trust to the people they are supposed to have been representing all through these years. It goes to those of us who have been assigned to the particular committees that have jurisdiction, such as the Banking Committee, of which I have been a member since 26½ years ago when I arrived on this scene.

I have seen the cause and effect. It is not that I claim to be an expert. My friend, the gentleman from Arkansas, was very generous in attributing to me expertise that I frankly have not proclaimed, although my name may be similar and I happen to be very fortunate with my family background, since my father was the managing editor or administrator, as they call it in the Spanish language, in Mexican journalism, of the only full Spanish daily published in the United States for 40 years in San Antonio, TX, and was in contact with the intellectual elements that found themselves in exile at one point or another in San Antonio, TX. From that standpoint, I have been fortunate, but I do not think it gives me an expertise, because I do not belong to the committees that have jurisdiction, the Committee on Foreign Affairs and the like.

I have had some interesting experiences. In 1966, the OAS elected me as an observer from the United States to go to Santo Domingo and observe the election there on July 1, 1966. It was a great privilege. Yet it would be far from the truth for me to claim to be an expert. I do not proclaim that. But I do know the difference between what is accurate and what is not.

I also know that there is a dearth of knowledge as revealed by our leaders in the State Department, in the White House, and in the Congress as to the history, the cultural historical development of every one of these entities that we like to think of as one homogenous mass, but which is not. Every one of these 21 independent entities have their own history.

Our course has been to go back to outworn policy of Calvin Coolidge of 1929. Incredible as that sounds, this is exactly what has happened. Now, that is bankrupt. Had it not been for the intervening administration of Franklin Roosevelt, who, thanks to the great mind that he had, as Undersecretary of Latin Affairs, conceived of what was popularly known as the "Good Neighbor Policy," had it not been for that, had we not had that and then World War II broke out in 1939 or 1941, the United States, instead of having allies, would have had resentful, recriminating neighbors. Instead, all we have to do is cross the border at Nuevo Laredo and to to the cemeteries, go there on "All Saints' Day" and see the little flowers and the American flags in dozens of cemeteries. These were Mexicans that during World War II came over and joined our armies and died in the Pacific died in Germany. But just a few years before that the word was "the hated gringo." After all, we have invaded Mexico twice in 1914, and we invaded them before that. A little bit later we had Black Jack Pershing chasing Pancho Villa all over northern Mexico. These things, of course, are historically in the past, and we should not let the dead hand of the past come back.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I am glad to yield to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I have asked the gentleman to yield to clear up a point which the American people might like to be reminded, of, and that is this: Was it not Calvin Coolidge who came to this Congress, to this place where we are now, and ad-

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dressed a joint session assembled here and opposed the independence of Mexico on the basis, in his words, that the Bolsheviks would take over, in other words, that the Communists would take over, and so he opposed the independence of our neighbor to the south on that basis? Is that the same policy we have got today?

☐ 1300

Mr. GONZALEZ. My colleagues will note that about 5 years ago I placed in the RECORD the white paper that President Coolidge's Secretary of State, Frank Kellogg, issued to rationalize the Marines in Nicaragua. He pointed out that the United States was sick and tired of Mexico's exportation of Bolshevism to Central America. In other words, Mexico was the Cuba of that day. It was not communism, it was Bolshevism, because in the post-World War I period it was the Bolshevik fear and the anarchist who was synonymously identified with the Bolsheviks.

The word "Communist," and I am old enough to know, I am a little bit older than my distinguished colleague, the gentleman from Arkansas [Mr. ALEXANDER], and I can remember that prior to 1946 or 1947 the word "Communist" was something that was exotic. Back home in San Antonio we had a very celebrated little gentleman called Harry. He happened to have been one of those that went down from New York to San Antonio during the height of the Depression and he got to going to what we call the Mile M Plaza, which was right in front of this newspaper that my father was identified with, and he used to have these hot firebrand speeches about, "Rise, you working folks."

Of course, this was 100 percent what we call Mexican-American. Today they call them Hispanics. All of these identification labels I have always deplored. I have been the one to say, look, we are either Americans or we are not. If we are not, we better start finding out what the devil we are.

That has brought criticism from some of these professional minority leaders, but that is the way I honestly feel and I felt that way then when it was a very different world.

Old Harry would tell me years later after he had made some money, he eventually went on and founded a lumber yard on the West Side, and he built homes called "shacks" that we would sell at $10 down and $10 a month in areas where there was no drainage, water had not been extended by the city, but that is all the poor element had that they could call their own little 25-foot yard or lot and their little home. Old Harry told me that he came down and he would make these speeches and he would see these sullen hungry-looking Mexican workers there in the plaza, and he would say, "arise," and they would just look at me and they would turn around and say, "Ese judio esta loco," "That Jew is crazy."

Then came Roosevelt and the beginning of the Roosevelt programs and all that, NRA, for example, and all of a sudden a few of these folks started getting jobs with WPA and trying to fix up the San Antonio River, and I would make the same speech and while there was no audience he said not only were they not saying this guy does not make any sense but he said something had happened and he said of course what happened was that finally some outlet was provided to these otherwise indolent unemployed individuals.

There is one thing that no matter what country is involved, what climate a human being lives in, a human being must feel that he is useful, must feel that he has a purpose for existence. What I am saying is that in our country whether we did it through accretion and indirection, what we have done is delegated a whole sublayer of our society to this status. How can we expect more enlightened treatment of our neighbors to the south from the same people in power who do not even give minimal attention to our domestic needs? Should we be surprised that we end up with the cities acquiring all of these rooted-out farmers? Should we be surprised if we also have the highest incidence of homelessness since the Great Depression if we at that time have abandoned everything? Should we be surprised if the farmer of the United States cannot make a living if he cannot get a loan at a decent interest rate without paying usury?

There is no country in the world through the history of man that has ever survived economically and had to accept usury. Interest rates are at the core of this. We do not hear anybody talking about it, rather the people through their elected representatives and their elected executives, because the executive branch has been just as derelict in its abdication as has been the Congresses. I say "Congresses" because this goes back several decades.

As a member of the Committee on Banking and Urban Affairs, I have cringed first with the first crunch, what they called the credit crunch in 1966. At the same time in June 1966 we had overnight a 1-percent increase in the prime interest rate announced by the principal banks. That had never happened even during the Civil War. Prime interest rate meant prime interest rate at that time.

Today we have to qualify that meaning.

The real interest rate today is still usurious. It is still extortionist. No small shopkeeper, and when I say small shopkeeper I mean small, none of them can afford to borrow money in order to have an inventory on hand in his shop at anything near the 10 percent to 11½, to 13 percent that is prevalent now, and still stay in business because one cannot hack it if one's profits go to pay usurious interest rates.

This is what has happened with the Farm Credit System. The Congress just enacted a law that we hope will work, but it is too late and it is too little.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. Mr. Speaker, I am happy to yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, if the people from Iowa and New Hampshire were paying attention to the gentleman from Texas [Mr. GONZALES], he might be nominated for President.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Arkansas, but that is one office that I would not wish on my worst enemy. I know what it means, and I have always felt that way. I have had the honor of working with six different Presidents. I truly mean that it is a job I would not want because it is an awesome responsibility.

If a President is elected and I do not care what party label he has been elected on, I want to cooperate to the extent that I can, however, if whoever is President including the most intimate friend I ever had and that was John F. Kennedy, and some people say it must have been Lyndon Johnson because he was only 55 miles away from my hometown but I say, yes, it is true he was nice but I have never had the degree of intimacy and camaraderie that I had with President Kennedy since I first met him in 1951. But despite that, if the President was asking me to vote for something and that something did not reply to questions I propounded as to what would be its impact on the greatest interest or the greatest number, not only in my district, but now as 1 out of 435 voting on a national basis, the greatest interest for the greatest number in the Nation is the test. That sounds simple, that sounds easy, but I want to explain to my colleagues, and I am sure they are aware of it because they have come up through the same process that I have and I respect that, each one represents a sacred segment of America, and I surely do respect that but when I say that we have abdicated, I am not saying that out of disrespect to the institution. I am saying that as a plain matter of fact. In fact it is with pain that I note that we at this time in our participatory democracy, so-called representatives constitutional form of democracy, that we should have reached the point where we have professional congressional jobbers, congressional seat jobbers, and these vast PR firms.

If one can raise $150,000 for a campaign, one hires them. They then guarantee that they are going to have their computer evaluations ready for you, they are going to tell the Member what the voters are going to go for like a fish that one is trying to fish out of the pond, and then that is what the Member cottons his talks to and that is what the speeches are tailored to.

I think that is terrible because that is exactly what is happening.

The SPEAKER pro tempore (Mr. VOLKMER). The gentleman will suspend.

The Chair will remind all persons in the Gallery that they are here as guests of the House, and any sign or manifestation of approval or disapproval is contrary to the rules of the House.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, it is pathetic, but it is true. In Texas 2 years ago the average contested congressional race took a budget of more than $250,000 to lose with. We had a couple of $1 million races.

Fine, one can say that it is all within the law, but let us look at where England was before the 1932 Reform Act. The same conditions were there, some of these aristocratic large entities acting as jobbers were there who would take the highest bid from some other rich landed gentry who had a son who might want to go to Parliament, and the highest bidder would receive the blessings of this jobber lord and he would go and appoint him.

Then came the Reform Act of 1932 and I think Great Britain, or England has been pretty much free of that to a certain extent, but with the present Tory administration I wonder about Merry Old England. But one reads about Roman history. They are in the waning hours of the Roman republic, Silas the historian says. Rome and its assembly, the Roman assembly consisted of 37 members apart from the senate, and the seats were being sold for those who aspired, or who wanted to get a controlled representative to the assembly. Silas in one of his history references refers to the African, for instance, Jagertha, who needed something in his kingdom from this great Roman government, who came to Rome with gold, got his wants taken care of with gold and Silas quotes him as he is leaving Rome and he looks back wistfully and says, "Rome, a city ready to be purchased by the first man who has the right amount."

I hate to say this, but I must because I have been the target, on the receiving end, of some of these vast interests. Ever since I started seeking political office that has been the case, but which I never intended and never planned because I was up in years and married before I found myself in that situation, and only after the war when I realized that the way we had been brought up in this country was very wrong under our system, and then I found myself involved in the city election, local legislative body, because that is really the only job I have sought, a position in the legislative area because I believe that as we grow and mature in our political system, and our country is very young, it is the youngest one, that we have got to develop what I call a professional attitude. I call this legislative advocacy.

☐ 1315

I believe anyone knowing why he would want to be a legislative representative should know to prepare along certain lines, and without intending it I studied engineering before I went to law school. After I finished law school the war broke out. I could not make up my mind about practicing law and working as an engineer, so I ended up doing a jillion things, and here I find myself in reward in a great country. That could not be possible anywhere else on the face of the Earth even in the land where my parents came from Mexico with all their wealth. I doubt that I could have ever have had the opportunities. As my father would often say, "So all my six children have received educational opportunities for free, and I could have never been able, nor could they have been motivated, if I had been, and I was able because we had wealth then."

So he was a profoundly grateful man to this county that had given him hospitality, and we grew up in this area that we were going to go back, and of course it was foolish because we were being born here. We did not know anything about that, and when we did visit we were so depressed that we knew we were not.

But the fact is that we stand in relation to the fact that at this point in our development, in our governmental processes particularly, the great corporate interests and financial interests; these are mega interests, vast, transnational in proportion, are the ones who are in total control and influence of the executive branch of this Government.

And having contributed $130 million to congressional races 2 years ago through the so-calleds PAC's, all of it may be legal. I am not questioning that. I am questioning about the effectiveness of the system that the Constitution clearly intended would give the one prime constitutional office as directly controlled by the people as it was humanly possible to design. This is a reason why you cannot be appointed to the House of Representatives. You can to the Senate, but not to the House. The only way any one of us can get here is by being elected by the people in the given district from which we seek election.

So is it good that any average citizen without anymore than modest economic means should be denied the right to seek this office?

In Texas this year, in order to post your name in either primary the filing fee that must be paid is $1,500. No less than about 10 years it was $6,000. I had to go out and borrow from the bank.

Surely I have never been a big fund-raiser or recipient, and that is fine with me. What is money good for if the people are for you? It is good for doing that which today is indispensable. You have to use some media, and that is so expensive nowadays, but what I am talking about is how this reflects in our attitudes here to some basic issues.

What I have proposed, for instance, is the reform of the Federal Reserve Board. I find that even among my colleagues in the Banking Committee I am looked upon as if I am proposing one of the most radical proposals that, believe it or not, this horrible socialist, maybe even Communist, would, if he were able to be proposing—but all I ask is examine it. What is it I am seeking? All I am seeking is that the intent of Congress, when it created the Federal Reserve Board in 1913, be carried out. It has, and it has been subverted.

In fact it was not long after it was enacted that President Wilson became very concerned, just as President Lincoln had been on the eve of his death in 1865. The uppermost thing in President Lincoln's mind was the same problem that before him was uppermost in Andrew Jackson's except that Andrew Jackson was a forceful man, and the reason the historians picture the commentators and newpapers of that day calling Andrew Jackson a backwoodsman, crude man, coming into the Capitol is that what he did was to shake up the temples of this vast wealth and shake them up good. He was the one that discontinued the second national bank of the United States. The first one was created 20 years almost before that.

But from the very beginning of our country this was the great problem confronting such minds as Thomas Jefferson. Even James Madison. Now by our standards today nobody could ever accuse him of being anything but conservative, but by their standards in that day they were revolutionaries, and not everybody was for the Revolution in America. You probably had more crown sympathizers or Tories than you had revolutionaries out of that 3½ million population, total of the 13 Colonies then, but what was the issue?

These were men who had studied at the fountains of history, as well as literary and the arts and everything.

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These were learned men. You had John Adams, ambassador equivalent in England during the time they were drafting the Constitution designing the learned treatises that had the bases for most of the discussion pointing out that the greatest example of sustained democracy was the Italian Florentine and Venetian experiment that lasted for 500 years where you had a counterbalance of power, the executive, judicial, and representative. And it was from those letters or missives that these men—but what was the big issue in the Congresses before, in the First Continental Congress, the Second Continental Congress, because everybody always needs and has to have a banker.

The question is: Is a society going to turn over the destinies of its economic and financial well-being to the banker, or is it going to restrain? And Jefferson was very clear, and so when the First Continental Congress had to borrow money, it had to have a banker, they chartered the Bank of North America, but only after they had a tremendous knock-down and dragged-out fight, because what did those bankers want to do? Why they wanted to charge 15, 16, 17, 18, 20 percent, and finally Jefferson said that you are not going to get more than 6 percent period. That is what it has taken.

The average American, I can tell you this, thinks that we have laws protecting us against usury because we always have had them, but the only National Usury Act that the country ever had was done away with in 1865, implemented in the National Currency Act of 1865 right after the death of President Abraham Lincoln. So maybe the Nation was convulsed with Lincoln's assassination, but these wily men of money power were doing nothing different than what they have always done throughout all ages, all climes, all countries, and that is get more because it is insatiable. This class of man, the more he has, the more he wants, and unless restrained—and this goes back as long as man has written history, to 7,000 years before Christ. As the Lord Jesus Christ was preaching, you had in the Judaic kingdoms usury punishable by death and no interest charged. It was a sin for one man to lend his neighbor and charge him interest even.

Those were crude days you say in comparison with today. Oh, today they tell you money is a commodity like anything else. That is nonsense. The value of the medium of exchange is a thing, and that is money. And whether it is accessible depends on the apportionment of the credit thereof, and the Constitution says that the Congress only shall coin, but is it now? The Federal Reserve Board is. It is not the Government printing presses, it is the Federal Reserve Board's printing presses.

My colleagues in any given moment can reach into their pockets, pull out a one-dollar bill, and it says Federal Reserve note. When I came to the Congress 26 years ago, 7 out of 10 of the bills I pulled out said U.S. Treasury notes. Now there is a vast difference there. My colleagues can ask, "What difference does it make?" Every difference.

What it means is that our central banker, as they call this institution in other countries though it is not structured that way, the Federal Reserve Board, to the astonishment of every single Western country there is not one Western nation that handles its money matters like we do. Do you think the French would tolerate their Government paying to have their money printed and paying interest on it? Of course not. In England they stopped that when the Lord Exchequer was halted in that practice years ago.

We are still trying to do business because the people's Representatives, the watchdogs of the people, have been dozing at the doghouse, and the Presidents do not have the power or the will either, even though they can appoint the Chairmen, they can appoint the members. The Federal Reserve Board is not a Federal Government entity. This is a thing that I have a hard time conveying to even my colleagues. The Federal Reserve Board is the Board of the 14,000-plus commercial banks in our country. Well, that has been diminished here in the last few years.

In Texas, why they have been going out in droves to some 13,000, but in effect they are actually controlled by the 6 largest through the Open Market Committee, a device that did not come aboard until 1923. That was 10 years after the Federal Reserve Board Act was approved by the Congress.

That has everything to do with the farmers going under. It has everything to do with the thousands of businesses that just this last year in record numbers went bankrupt.

This is the core of the matter: If those powers that control our Government as far as the executive branch is concerned are so total as they really are—now we have had this election this year, and it reminds me of the election 60 years ago in 1924. Americans do not like to think in terms of history, but this is a duplicate if ever I have seen one. The Democrats were torn with the issue beginning to come across, a religious situation, a religious state versus religion, so forth and so forth. They were also in a quandry as to what, if anything, was going to come up. The man that actually ended up in being the nominee was John Davis. Who remembers John Davis? Who knew him then? The Republicans were pulling out Calvin Coolidge. Harding had just emerged, tainted, mud in his hands with the scandals, Teapot Dome scandals, et cetera, et cetera.

So what happened? You had Robert M. LaFollette, as we pronounce it, coming out of Wisconsin roaring and saying:

> I have received 200,000 signatures on a petition on the part of people calling themselves American Progressives that want me to seek the nomination for the President under the independent standard of the Progressive Party.

□ 1330

Over 200,000 signatures. Today we have all of these volunteer candidates with no petition of even 1,000, saying, "We would like for you to run for the Presidency." That is the big difference. But what was the issue LaFollette was bringing out? He was saying:

> Our Cabinet, our last two Cabinets have been captured by the special interests, these vast trusts, oil trusts, banking trusts and the like. It is time that we brought the people back into their proper role in our government.

I would welcome my colleagues to read a very, very interesting book, a one-volume book. What is it? Citizens participation or the citizen as a stockholder in his government, by the great William Allen White, one of the greatest, more perceptive thinkers, authors, literary figures, as well as political writer, ever.

In this one volume he has taken the activities of the conventions, Presidential conventions of 1924 and in the back part of the book he has the speech of acceptance, on demand, of Robert M. LaFollette and then the platform. He has the platform as advanced by the Republican Party and he has the platform as advanced by the Democratic Party.

Then he says in his preface:

> You know, the party system as it first evolved in its origins, there the farmer in Virginia had a pretty good knowledge and an acquaintance with the farmer in Connecticut. When they talked about Federal contests they were very knowledgeable and they participated. But today the party has very little relevance to the average citizen.

I ask my colleagues if that is not what is happening today, yet that is the process that we are going to go through in choosing who will represent us in the executive branch of the Government, where now, unless you have 40, 50, 60, 70 millions of dollars for a campaign, infused by foreign interests such as the sheiks of Arabia and their oil money, and even Iron Curtain money; is this what we want, is this what is going to determine what we will be asked to vote upon, without any choice, any more than the American people have to really choose between viable choices?

Should we be surprised if the voters, since 1972 have come out less than 50 percent? Where in 1981 the President was elected with 28½ percent of those eligible. Is that what we have come to? I ask my colleagues because it has everything to do with what we have not done.

Right now in the Banking Committee we have had an array of witnesses because in March, next month, the so-called moratorium which was proposed by the Controller of the Banks in the absence of Congress giving it any serious legislation as to what the proper bounds of banking privileges would be. Mind you, it seems to me who is going to limit that? It is unlimited now. They are running our country. They are the ones that are allocating.

Except this: That as we have gotten away from these fundamental constitutional questions and responsibilities and precedents, we have turned our country over to external forces over which we have no control.

Ten years ago, 12 years ago, even 8 years ago, 15 years ago, 20 years ago, 25 years ago, every single Chairman of the Federal Reserve Board that came before the committee, when I asked him would say, "Oh, we have no control over interest rates." It was like they were saying that interest rates are an act of God.

I would ask that: "Do you mean to tell me interest rates are an act of God?" "Oh, no."

All of a sudden, as of 2 years ago, "Oh, sure, why of course we can control interest rates."

They will determine money supply and they have all kinds of fancy jargon like M1 and M2 and all that kind of bull.

What that really means is, "Hey, look, the cut isn't enough even though it is exorbitant now; to the devil with the greatest interest of the greatest number."

Unfortunately that means the American standard of living. What has happened to shelter? I ought to know, I have been chairman of this committee for 7 years now.

Let me tell you what has happened. Only 6 percent of American families today can afford a new, newly constructed single family dwelling unit; 6 percent. No such thing as long-term 30 year stretchout mortgages at reasonable interest rates; no such thing as a builder being able to build an affordable house.

Five years ago I advised a meeting of mortgage bankers, homebuilders and others that I had just met with a couple of men, members of the Japanese Diet, the parliamentary body there, a big producer of shelter, housing, in Japan and a couple of financial experts. They had just told me that they were here thanks to my willingness to meet with them on the request of the Japanese Embassy; they were here to advise me that "We are looking over the American market" because they had the ability to produce a home, single family detached home, put it on the lot, sell it for $10,000 or less at no more than 7 percent.

And I said, "Gentlemen, if you want to sit here in America and let happen to you what has happened to the automobile industry, that is your business. But it is my business to see that that doesn't happen."

But we have got to do something. We have got to provide the dream and the pledge and the commitment of the 1937 and 1947 basic Housing Acts: a safe, decent home to an American family that desires it, or works for it.

Instead of that, as of 3 years ago the rate of repossession of homes outpeaked the highest point of the Depression. OK, you have to interpret that in the light that the country is much bigger, more population. But still is that America? Is it America that we should see countless hundreds of thousands, we estimate no less than 2 million in our committee, of homeless, rooted-out Americans, families, not neer-do-wells, not alcoholics, not mental cases, though I dare say any one of us to go out here into the environment and be rootless and homeless and not be a little bit off our mental ability in a matter of months.

I just cannot convey the anguish, the pain that I have seen in a mother's and a father's eyes with two children living in an automobile in freezing weather in San Antonio, TX, in a park.

Here in Washington actually freezing to death. New York, same way.

Families are rooted out, not individuals or neer-do-wells or unstable characters; these are mothers and fathers and children. They are refugees in our own country. Yet we are asked to contribute millions of dollars to a group that, in violation of international law, in violating the laws ourselves of our own country, our own treaties, our own Constitution, our own statutes such as the Neutrality Acts, in order to produce more exodus from countries we never had refugees from.

I do not recall in my home city of San Antonio when we were inundated in the different cyclincal periods by so-called Mexican braceros, or undocumented or illegals, ever seeing a Central American. But as of 4 years ago we had more of them from Salvador than we had from Mexico living unperceived by the mainstream.

You know, after all, we cannot expect if we at home do not have charity, can we expect to have it anywhere else and be respected.

I talked to the leaders of my city who accuse me of being a big spender because I vote for housing, I vote for education, I vote for work training programs, retraining programs; doggoned right, in fact I am the author and the sponsor of most of them since 1964, the Economic Opportunity Act.

I will be glad to show any of my colleagues where they worked and how they worked and what beautiful production we had, instead of having citizens not contributing to the health and common welfare.

We have citizens now who are taxpayers, they are doctors, they are lawyers, they are architects, they are engineers, they are producing, they are contributing, they are on the tax rolls. And that is because we had the programs.

We had a dropout rate in high school of so-called Mexican-American children before 1964 of over 78 percent. Ten years later that had dropped to below 20 percent.

In the last 3 years it has gone up again 10 percent. Show me that there is no cause and effect.

But while they tell us that we have $8 billion for the International Monetary Fund so that they can save some of these big banks, their foolish investments in some of the countries that will not ever pay them back, they tell us they do not have $100 million—in 1983—in order to approve my Homeowners Mortgage Emergency Assistance Act.

We passed that out of the House, to the House's glory, on a strictly partisan basis. It went to the Senate with the Republicans in control and they killed it. They let it languish and die. The constant litany we heard was "We don't have the money, and this is a new program." Bosh.

I patterned mine after the old Homeowners Loan Corporation of the Depression period when Congress and the representatives of the people had faith in the people.

People were broke. The Congress did not want them to lose their homes so they gave them a line of credit.

What happened? When they closed out the Homeowners Loan Corporation by the time the war broke out, the U.S. Treasury had earned $400 million.

Those dollars in terms of today would be like more than a billion dollars.

That is what having faith in our people means. It is what we have done in our leadership today. I am giving you just one example.

I have not come up to this forum and just denounced; I have come up and denounced and offered suggestions. I have offered specific legislation.

All I have ever asked is give me a hearing, that is all. Then you do whatever you want to.

The Federal Reserve Board, what was I asking them? I was asking that its membership be enlarged to include businessmen other than bankers, realtors, homebuilders, and shopkeepers.

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Why not? Instead of 100-percent big bankers there. Do you think that if the issue came down, as the chairman of the Federal Reserve Board told me when they first started advancing the theory that the Congress was a culprit, and I said, "Just a minute, Mr. Chairman, what you are saying is that somebody is going to have to be hurt. What I am asking you is who are the Americans that are going to be hurt?" He said, "Well, now, the people you are talking about, of course." I said, "Well, in what way?" "Well, you know, of course they won't be able to have all the goodies that they had." What he meant was that for some Americans they were going to have to pay the price of a lower standard of living, which we have vaunted and boasted throughout the world, in order to pay for the inordinate foolish greed of the highest powers ever developed in the history of the world.

All I am saying to my colleagues is, "Look, I reintroduced these bills. It is never too late to do what is right even though it may be a little late to avoid catastrophe."

If anybody reading these remarks among my colleagues thinks that the day of reckoning is still not yet to come, he will have a thought coming to him. If he thinks the worst that happened on October 19 last year is about the worst, he had better get prepared.

What I have been saying is let us not sit here and wait until we have the house of cards tumble over us and creating these great crises at a cost of social disillusion and social disturbances.

☐ 1345

We can anticipate this. These are manmade problems; they are humanmade problems. They are susceptible of manmade decisions to irradicate the problems and resolve the problem.

So, Mr. Speaker, all that I ask of my colleagues is to examine the bills that I have reintroduced.

CONGRESS GOES TO HEXAGON

The SPEAKER pro tempore (Mr. VOLKMER). Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to bring to the attention of our colleagues the outstanding community work that a local theater group has done for the past 32 years. The group is Hexagon, Inc., and since its founding in 1955 has annually produced an all original comedy musical satirical revue to benefit a Washington area charity.

This year's recipient is the Boys and Girls Clubs of Greater Washington and Hexagon has set aside the evening of March 9 for "Congress Goes to Hexagon" and has given Members of Congress, their staffs, and guests the first opportunity to buy tickets for the performance that night. Hexagon's show this year is "Party Ties and Platform Heels" and is booked at the Duke Ellington School of the Arts in Georgetown for 19 performances in March. If the past is a guide, Hexagon will sell out each performance almost before public sales are announced.

As some of my colleagues may know, Hexagon has congressional history. Several current and former colleagues, including former Speaker Thomas P. (Tip) O'Neill, and Representatives RICHARD GEPHARDT, DAN GLICKMAN, PETER KOSTMAYER, LEON PANETTA, BOB DORNAN, Senator DAN QUAYLE, and former Senator Eugene McCarthy have taken part in past Hexagon productions. This year several more of our colleagues are expected to perform in the March 9 special revue for Congress.

In its early years, the Hexagon group performed one weekend a year, and raised some $1,000 for a charity in the Washington area. In the early 1970's Hexagon began to grow. It moved to a larger auditorium, began advertising, and expanded its run to two weekends. During that time, the group raised about $20,000 to $30,000 annually for such worthy groups as the American Cancer Society, the D.C. Kiwanis Crippled Children Clinic, and Second Genesis; a drug rehabilitation program. In the late 1970's, Hexagon further defined its guidelines to direct the show's proceeds to the specific needs or activities of a Washington-based charity that directly benefits Washington-area residents.

As the group grew and became better known, the show's proceeds also grew. In 1979, Hexagon raised $75,000 for the Capital Children's Museum. Between 1981 and 1986, the show raised over $763,000 for six community organizations, including funds to install a new roof and expand the dining room of a soup kitchen and purchase equipment for a training program for the visually handicapped. Through 1987, Hexagon's efforts have raised some $1.3 million for area charities.

Last year, 400 volunteers took part in the Hexagon production, which raised $135,000 for the Higher Achievement Program [HAP], which itself received the President's Volunteer Action Award in 1982. Proceeds from last year's show are being used to expand and upgrade HAP's six tutoring centers for low-income, high-aptitude children in Washington's inner city neighborhoods.

In June 1987, Hexagon was awarded the President's Volunteer Action Award at a White House luncheon with President Reagan. The award is presented to the outstanding volunteer group in America and Hexagon was one of the 18 so honored.

Mr. Speaker, I ask my colleagues to join me in helping Hexagon to continue its successful efforts in helping an area charity by supporting this year's production and especially the March 9 "Congress Goes to Hexagon" special night. Tickets may be obtained at the Congressional Staff Club office, Room 805, House Annex No. 1, and details may be obtained by phoning 226–3250.

Hexagon's 1988 production promises to be as entertaining as ever for the audiences and the Boys and Girls Clubs of Greater Washington will be the winners.

THE HAITIAN ELECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, last Sunday a new President was sworn in in Haiti. That action represents a triumph of the forces of evil, of cynicism. That swearing in, that inauguration represented a triumph of the most cynical U.S. foreign policy ever exhibited. It is the cynical type that has been used in too many parts of the world.

Our State Department acted in collusion with the activities that brought Mr. Leslie Manigat to the place where he was inaugurated. The Ambassador from the United States, the Ambassador to Haiti, was present at that inaugural, which, no matter what kind of double talk we hear from the State Department, represents a sanctioning of the swearing in of Leslie Manigat.

The question is, can Leslie Manigat, who is rumored by many to be a good person, restore democracy in Haiti? Can a good man who is installed through a dirty, violent, evil process succeed in restoring democracy to Haiti? Can Leslie Manigat be the father of a new kind of democracy in Haiti? Can Leslie Manigat stand on the bodies of the martyrs of November 29, those people who went out to vote in good faith in a really democratic election? Can he stand on their bodies and build a democratic Haiti?

Can Leslie Manigat turn his eyes away from the numerous massacres that took place in the neighborhoods where young people resisted the army and the terrorist Tonton Macoute? Can he turn his eyes away from that and build a new democracy?

Can Leslie Manigat say with all honesty that it was a fair election when he knows as well as the rest of us that every citizen who voted had to show his ballot to a member of the army? There was no secret ballot. Worse than there being no secret ballot, the ballot had to be displayed before a man who had a gun.

The Haitian elections represent a new low in the depths of cynicism. They do not even pretend to be an appropriate election with secret ballots.

No one can say that Mr. Manigat is naive and does not know what is happening. He is a professor of political science. Mr. Manigat has also been an opponent and a critic of the Duvaliers, both Claude Duvalier and Francois Duvalier. They were both criticized by Leslie Manigat. Leslie Manigat had to flee the country during the reign of the Duvaliers. He is a brilliant man. His mind is good. He has a mind as good as that of Adolf Hitler. It is just as keen and just as sharp, and he understands the machinations by which he came to power.

Mr. Manigat will have to bear the burden of his actions. Mr. Manigat can never rule and restore democracy in Haiti, since he came to power in a partnership as bad as that of the thugs of Mussolini or the storm troopers of Hitler. There were many members of the armed forces who participated in the massacre of November 29, and for some reason people have latched on to the figure of 39 people being killed, although people who have relatives in Haiti tell me that no less than 150 people were murdered and that many were not counted because their relatives retrieved their bodies and were afraid to have the authorities see the bodies because they feared reprisals. For numerous reasons, of course, the official government did not want to have a proper account of the casualties.

November 29 was a bloody day, and to ignore that and assume that you can go ahead with sham elections and proceed to build a democracy is to participate in the worst kind of evil and cynicism. As I said before, it is not just a triumph for Leslie Manigat. He is not the only victor. It is a triumph for U.S. foreign policy.

Mr. Richard Holwill and Mr. Elliott Abrams of the United States State Department have all along turned their heads—not turned their heads but in many cases whispered in collusion with the military rulers of Haiti. It was not by accident that General Namphey acted in such a bold and ruthless way. He had an understanding with the members of the State Department who were responsible for our Haitian policy. At a time when we were attempting to marshal in the hemisphere a response to the murders on November 29 and condemn the military junta, it was the State Department that undermined the efforts of the Congress.

The Congress passed a strong resolution. We attached a strong resolution even to the continuing resolution, which was the most significant act we passed this year. The members of the Congressional Black Caucus called for strong action. But everywhere we turned within the hemisphere, to the Organization of American States or to the Caribbean countries, there were representatives of the State Department seeking to soften any criticism of the military junta in Haiti, seeking to gloss over the fact that on election day people who went out to vote had committed no crime other than the fact that they wanted to vote in a democratic election and were murdered.

So the State Department, along with the army, is the criminal which has helped to place Mr. Manigat in power. Mr. Manigat can never bring true democracy to Haiti. You cannot traffic with criminals and expect not to become a criminal. You cannot become a puppet of a murderous regime and expect them to allow you to act in any manner that will permit freedom.

Mr. Manigat says that he will declare war on drugs, that he will no longer allow Haiti to be used as a center for marshaling the drug trade and as an entry port for drugs coming into the United States. Many people do not realize that Haiti is a major stopping off point, a major point of departure for drugs that enter the United States. We have not talked about that much. We have General Noriega on the front pages of our newspapers nowadays.

General Noriega of Panama is being put on the carpet, and he has been indicted. This general, who has been our great friend for all these years and has numerous friends in the State Department and in high places in the U.S. Government, is in the headlines, and we finally have had enough of him. We are now telling the world that he is a billionaire because of the fact that he has been a major control point for drugs entering the United States. Panama has been a major port of entry. Panama operates in league with the cocaine empire of Colombia and some other places in South America.

We are not saying at this point that Haiti also is in the same category. Nobody is telling the American people that. According to the information the CIA has, the colonel who directly helped to organize the massacre of November 29 of the Haitian citizens who went out to vote is a kingpin of the narcotics trade in Haiti. That colonel is a major operative and is a conduit for drugs into the United States.

Many of our citizens have been baffled by the fact that year after year, decade after decade, drugs continue to cross our borders with impunity. Nobody seems to be able to stop the onflow of drugs into the United States. Many people are baffled. Many people do not understand why the greatest Army and Navy and the greatest Coast Guard in the world are helpless against the drug traffic. Many of them are quite shocked to find that whole empires have been built up in South American countries, that the drug kingpins have built empires to the point where they now have tanks and guns and they stage attacks on the governing authorities. The drug-sponsored army in one case took tanks and attacked a courthouse building and killed 11 judges in Peru. Just recently a major outspoken prosecutor was killed. It is just commonplace that these people are above the law. They have already taken over certain countries. The long arm of the drug kingpins has also reached into various places within our own Government. It has definitely reached into the White House, the National Security Council, and the State Department, not only through Haiti, not only through Panama, but through other areas.

What is going to be revealed as an uncovered, exposed operation can no longer be hidden. Panama is a story that will make the Iranscam and the Iran-Contragate look like small potatoes compared to the kind of collusion between highly placed United States officials and people who are involved in the drug traffic.

There is a reason why our Army, our Navy, and our Armed Forces cannot stop the drug traffic in this country. They cannot stop the drugs from coming across the border. There is a reason why young people in all our neighborhoods, black, white, middle class, and poor, are now threatened by drugs. There has been corruption in very high places that has led to the present state of affairs, and that corruption has certainly spilled over into our foreign policy. Our foreign policy is too often influenced by elements that are corrupt, by those who are criminals.

Such is the case with Haiti. Leslie Manigat will become a victim of the same forces that have killed so many in certain other South Amercian countries.

So we saw on Sunday that Leslie Manigat, a former political science professor and one-time exiled opponent of the Duvalier regime, was sworn in as President. He was placed in power by elections which were held in Haiti on January 17, elections in which fewer than 5 percent of the Haitian people voted. Five percent is the figure that we were given. Most of the countries of the free world are accepting the figure of 5 percent. The people who have direct contact with the people of Haiti say that even less than that, less than 2 percent of the people of Haiti voted in this sham election.

The turnout was low because the people perceived that the elections had been rigged. Haiti's feared military soldiers had been allowed in the polling places, and they looked at every voter's ballot. Private secret balloting was not permitted. Ballot boxes were stuffed. People were allowed to vote more than once. Children well under the legal voting age were allowed to vote as polling officials looked the other way. Reportedly, many Manigat supporters were seen giving Manigat ballots to illiterate voters who, because they could not read, assumed they were being given ballots for the candidate of their choice. They did not know they were really voting for Manigat.

In spite of those obvious irregularities, an article in Monday's New York Times quotes Mr. Manigat as saying that those who say the elections were rigged and antidemocratic are spreading "a campaign of disinformation." Mr. Manigat is a smart college professor. He knows how to use words. He is saying that all of us who say that the

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election was rigged are spreading a campaign of disinformation.

Elsewhere in Mr. Manigat's inauguration speech, Mr. Manigat praised the army. He said there were "admittedly flaws" in the army's administration, but that the army had run Haiti "without bloodbaths, without civil war, without anarchy, without chaos, without foreign military intervention."

Mr. Manigat does not recall any bloodbaths. There was a series of bloodbaths. The bloodbath which was highly publicized on November 29 was not the only bloodbath by the Haitian Army. Mr. Manigat neglected to note that the army was involved in that violence. Mr. Manigat did not talk about how the military government refused protection for the Electoral Council, the legal Electoral Council that was established by the Constitution of Haiti. The army had refused to give them protection. When they were attacked by the terrorist group called the Tonton Macoute, they were allowed to attack them with impunity, without any interference by the army. The army also took steps to later disband, illegally, of course, the Electoral Council that had been established by the Constitution.

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This is the great army that Mr. Manigat now praises.

In his inaugural speech, Mr. Manigat said that he had been "democratically elected" and he called his inauguration "a grand premiere of an open-air democracy."

To quote Mr. Manigat: "This country is counting on us to push back totalitarianism and to achieve a new era of democracy." Shades of Hitler and Mussolini, promising a thousand-year reign of the New Right.

Manigat called for political reconciliation and national unity and promised to work for economic and social development.

In other words, this professor has all the right words.

In an apparent appeal to the United States, Mr. Manigat said that while he deplored the violence of last November that led the United States to cut off military and nonemergency aid to Haiti, he should not be held responsible for the previous administration's offenses. This same army that he has praised before he now says, "Please don't hold me responsible for their violence."

He even promised to crack down on drug smuggling in Haiti, an issue of great interest to the United States. As I said before, most of us did not realize just how much drug smuggling is a major industry in Haiti. Most of us do not realize also that the people who do not want democracy in Haiti most, people who organized the November 29 massacre, were the kingpins of the Haitian drug trade.

Most countries who sent representatives to the inaugural signaled their displeasure with the rigged elections process by sending a low-level delegation. We regret very much that countries in the free world are not consistent and that instead of boycotting this inauguration completely, they did choose to send some representatives.

The Haitian people, of course, did not celebrate this inauguration. Before leading opponents of Mr. Manigat and the former presidential candidates themselves in the November 29 elections, Mr. Louis DeJoie, Mr. Sylvio Claude, Mr. March Bazin and Mr. Gerard Gourgue, all urged the people to stay off the streets and not participate in any inauguration celebration.

One Haitian businessman told the New York Times in disgust,

> There was a wild explosion of joy 2 years ago when Jean-Claude Duvalier left. We thought everything was possible, but our hopes have been reigned in like a wild horse. Today we have very mild expectations. People are not happy, but they are willing to give it a chance. They have no choice. They feel it is something that has been forced down their throats.

The Reagan administration's position on Haiti, as I have said before, continues to be one of playing games with the American people. They have withdrawn aid after they were forced to withdraw aid; strong action by the Congress I think precipitated it after the November 29 massacre.

They are now talking about the fact that Mr. Manigat looks like a decent gentleman. They are glossing over the events and the factors which led to Mr. Manigat's inauguration.

On Monday, State Department spokesman, Mr. Charles Redman, was quoted by the Associated Press as saying:

> We note that the National Governing Council has fulfilled its promise to hand over power to a civilian president. Although we have expressed our concerns about the process bringing about this change, we hope it marks the beginning of a transition to democracy that the Haitian people want. President Manigat inherits a difficult task and we hope he is able to move quickly to implement the programs that Haiti so desperately needs.

That was the spokesperson for the U.S. State Department.

Is there any question in anybody's mind who has even a second grade education that a statement like that is a prelude to the restoration of aid to Haiti? It is only a matter of days, maybe it is a matter of hours, before the United States restores all aid to Haiti. It is clear we have been prepared for it by these statements.

Secretary of State George Shultz has said that the United States does not accept Manigat's election, to quote Mr. Shultz, he uses the following phrase:

> Manigat's election was not a true reflection of a democratic electorate.

Well, this kind of fancy talk is all meant to hide the fact that we are about to get in bed again with a murderous dictatorship, with a man who represents a murderous dictatorship, and we are preparing the way for that process.

Secretary Shultz said that he is impressed with Manigat's credentials as a scholar and as an author who has studied and taught in the United States, France, and Latin America. Shultz said that the Reagan administration is watching "to see if Manigat can govern in any effective way." They are watching to see if Manigat "isn't simply a spokesman for the military."

In other words, if Manigat can make the trains run on time the way Mussolini did, if Manigat can build better roads the way Hitler did, then we are ready to accept Manigat as a legitimate father of a new democracy in Haiti.

This "wait and see" attitude is also reflected in an op-ed article in today's Washington Post by a lady named Sally Shelton-Colby. Shelton-Colby was formerly the United States Ambassador to Grenada. Remember Grenada? We invaded Grenada because they had a Communist-leaning government and they would not have free elections. They went 5 years promising free elections and they would not. One of our measures that had to be overthrown was the fact that they would not have free elections.

Anyway, the former United States Ambassador to Grenada and the Eastern Caribbean, Miss Sally Shelton-Colby, says in an article in the Washington Post that she is a friend of Manigat. She admits that she knows Mr. Manigat, is a friend of his. She suggests that in order for Manigat to earn United States support, he should integrate Haiti's democratic opposition. In other words, the gentlemen who refused to participate in this sham election, Miss Shelton-Colby is calling on Mr. Manigat to include them in the government. He should also schedule early legislative elections at the national and local levels. He should prove that he is democratic by scheduling new elections.

Well, is he going to schedule elections where members of the army have to receive the ballots? Why should we call upon the people who administer one election in such an atrocious way to now schedule a new election to prove that they are democratic?

Miss Shelton-Colby also says that Manigat could announce a plan to separate the police from the military and begin a program of professionalizing both the police and the army. He should throw out the thugs, she says with enthusiasm. A thug should throw out the other thugs. A person who has

been installed by thugs should now throw out the thugs.

He could also emphasize electoral and judicial reform and the long-term strengthening of Haiti's extremely weak political parties. He should also take care of strengthening the labor unions and he should take care of strengthening the private sector.

I do not know Miss Shelton-Colby, but if this is evidence of the kind of Ambassador we had in Grenada and the eastern Caribbean, we can see why our policy there was such a failure, how we misread events there in such a drastic way, how we went in and invaded Grenada and all we had were tourist maps on the basis of the information and kind of intelligence we had been receiving.

Miss Shelton-Colby writes that even though the process which elected Manigat was "deeply flawed," "we recognize that democratic transitions do not happen overnight and that political transitions require leadership sensitive to various groups, including the military. Like it or not, the military in Haiti, as in many other countries, is an important political factor."

I only wish the Reagan administration and others who take this "wait and see" position would apply it to countries like Nicaragua, which the administration has insisted must immediately comply with every demand or risk, or else they should be overthrown by people we finance. We spent $200 million financing the Contras, $200 million financing people we call freedom fighters, because Nicaragua refused to have free elections. Now we are going to say that we should just wait and see and be more sensitive to the Government of Haiti because it just happens this way. The military sometimes is the only vehicle by which you can maintain order in a country.

Well, this bloody military in Haiti is the same military that was there for 30 years under the reign of Jean-Claude Duvalier and Francois Duvalier.

Haiti is the poorest country in the Western Hemisphere. Haiti is probably one of the poorest countries in the world. Haiti has gone down, down, down under the Duvalier rule for 30 years. The Haitian people did not love Duvalier. They obeyed Duvalier. They knuckled under to the Duvalier rule because the army had guns and they did not.

To say that this army now should be understood, we should put them on the psychiatrist's couch and understand their problems, understand that they are all that we have, to say that is to reach the depth of dumbness. It is just stupid. It is also in my opinion the height of insincerity to talk about being concerned with democracy and at the same time recommend that we must allow the army to play its role in guaranteeing democracy.

According to an article in the current edition of In These Times, a weekly newspaper, the danger in Haiti, however, is not over, even though everything may appear to be calm on the surface. There have been reports of arrest, raids, beatings, and murders.

The army knows that the danger is not over. They are continuing to terrorize that portion of the population which has offered resistance. Young people in certain villages are under constant scrutiny. Young people in certain villages that are known for resistance and neighborhoods known for resistance are under constant harassment are fleeing, in many cases, for their lives.

Amnesty International reports and the Haitian human rights groups also confirm that more than 100 youths, church workers and political activists, have recently fallen into the hands of the military, that many of them have been killed, while others are in detention cells around the country.

Mr. Speaker, at this point, I submit this article for the CONGRESSIONAL RECORD.

[From In These Times, Feb. 3-Feb. 9, 1988]

HAITIAN UNREST: "SOONER OR LATER, IT'S GOING TO EXPLODE"

(By Ann-christine d'Adesky)

PORT-AU-PRINCE, HAITI.—The political situation here has grown dangerous and ugly. In the few short weeks separating the aborted popular election November 29 from the junta-controlled election mascarade January 17, the army has moved quickly to consolidate its power and stamp out any vestige of democracy.

Their actions have been brutal: arrests, raids, beatings, murders. There is still no clear tally of the many dozens of citizens who were picked up by the army and its civilian counterpart—the infamous "Tonton Macoutes" paramilitary squads—before and after both elections. Reports by Amnesty International and Haitian human rights groups indicate that more than 100 youths, church workers, and political activists have recently fallen into the military's hands. Many have been killed, and many are still languishing incommunicado in detention cells around the country.

"There is a civil war going on here," said Bobby Duval, head of the Haitian League of Former Political Prisoners, shortly before the January 17 election farce. "On the surface everything seems calm, or just a little turbulent. But underneath, everything is moving. The army moves against the people. The people—more every day—move against the army. Sooner or later, it's going to explode."

Nothing has defined the line separating the two camps more than the contrasting picture offered by the two elections. In the first, more than 2.3 million of Haiti's 3 million registered voters literally battled soldiers and armed Macoutes for the right to vote. During the week before November 29, the capital was a battleground of random machine-gun fire and grenades erupting at all hours of the day or night.

That week saw the birth of the vigilance brigades, youths armed with sticks and machetes and warning whistles they used to protect their poor neighborhoods from the marauding Macoutes. Only a few military men were killed by the vigilance brigades, who fled into hiding in the hours surrounding the November election-day massacre of an estimated 80 to 150 Haitians, according to hospital workers and eyewitnesses.

"Against our will": During the January election the capital was an occupied city, the gutted streets of brigade neighborhoods deserted by legions of poor Haitians who piled their prized belongings on top of overcrowded "tap tap" jitney buses and headed for the provinces. The air was ominously quiet; residents averted their eyes as military tanks and Uzi-carrying soldiers constantly patrolled the streets.

"We tried to have our election November 29 and the army did nothing to stop the Macoutes from killing us," said washerwoman Marie Frances, on the eve of the January 17 election. "Now they are using their guns to try to force us to vote against our will."

Frances was one of many Haitians who supported a national strike by the democratic opposition January 16. Although the strike was only a partial success, drawing greater support in the south than in the north, it was a clear signal that the provisional National Government Council had lost whatever credibility it had before the November 29 election.

More important, the strike revealed the new face of Haiti's rapidly widening opposition. After November 29 the large and somewhat amorphous pool of many-striped presidential hopefuls was sharply reduced by the refusal of the four leading contenders to participate in the junta-organized election. These four leaders, representing more than 80 percent of the electorate, quickly formed the Committee of Democratic Alliance (CED-Comite D'Entente Democratique), and began denouncing every step the government made to try to legitimize a new election.

"It's a grand farce," said Haitian leader Louis Roy on November 10 as he protested the new electoral law that gave the army free rein at the polls and scrapped the notion of the secret ballot or voter registration. "It's a return to the system of voting we had under [Jean-Claude] Duvalier."

Pure farce: The reality of January 17 was only a small part the circus of bribery and scandal Roy and the CED predicted, although it truly qualified as pure farce. The greater significance of January 17 is the mass boycott that occurred that day, despite the army's last-minute effort to put a democratic face on the election by sidelining the most notorious of the Duvalierist candidates.

More than 90 percent of Haitians stayed away from the polls January 17. Of the fraction who tried to vote for the few conservative candidates still left in the race, many later expressed their disgust at the ensuing comedy. Whether these individuals will now support the government-backed victor is an open question.

The going rate for a ballot bribe on January 17 was five gourdes ($1). All that was required was a clean finger or thumb, in many cases wiped or scraped free of the tell-tale fuschia dye used to identify those who had already voted. Among the many irregularities reported on election day were repeat and underage voters, stuffed ballot boxes, lack of identification, busing of bribed voters from one polling place to another and the shameless forcing of certain ballots without candidate pictures into the undyed hands of illiterate voters. The cruelest example of the exploitation was the pressing into voter service of patients of the Bedee insane asylum in Port-au-Prince.

From the first moments of the non-election, it was clear that the army was backing former political science professor Leslie F. Manigat for president, his wife Mirlande for senator, and a notorious Macoute, Franck Romain, for mayor of Port-au-Prince. Other Duvalierists filled the remaining 103 parliamentary and municipal seats.

Mid-week after the election, the opposition had settled on its estimate that 2 percent of the electorate voted, while the government vacillated between 60 percent and 75 percent, depending on which election lackey was quoted. Manigat was all-smiles, the beneficent sure-winner with the reported U.S. and Caribbean stamp-of-approval. Meanwhile, Manigat's conservative competitors were rapidly switching horses, denouncing the election as shrilly as the CED, which had immediately demanded the cancellation of the elections, which they continued to declare "null and void."

By the time Manigat was officially elected puppet ruler on January 24, the opposition was pushing anew for the ouster of the junta, along with the nicknamed "Chameleon" Manigat. The junta's attempt to quell the swelling opposition backfired when its arrest of CED leader Louis Dejoie II on January 20 drew the outrage of the army's usual allies—the elite business community. Dejoie II was formally accused of quasi-sedition or "threatening the public order." He was released a half-hour after the junta detained Roy on January 22. Both men had been lobbying abroad for a Canadian, U.S. and Caribbean embargo of Haiti.

Canada responded to the sham election by refusing to recognize it, while the U.S. took nearly a week to admit that there were serious irregularities that prevented its approval of a rigged election. Yet according to inside sources the U.S. reportedly encouraged a Manigat victory. On sham Sunday Jamaican election observer Neville Gallimore said he had witnessed no voting irregularities. Gallimore, a mouthpiece for Jamaican Prime Minister Edward Seaga, was reportedly representing a courier for the U.S. State Department.

Dejoie's mock trial and the use of the Bedee inmates reveals how desperate and isolated a clique of Haitian army officers has grown in its struggle to remain in power. But that perverted zeal is matched by the determination of ordinary Haitians to improve their lot. Even before the second election, brigade members were reportedly gathering weapons—sticks, machetes, arms smuggled in from Miami—to use against the army.

A young brigade member-in-hiding summed up the present situation this way: "Look at me, they have arrested and tortured me." He then revealed a torso that still bore the signs of an alleged army beating after his arrest November 27. "They are not going to stop, so we cannot stop either."

His 28-year old companion put it more starkly. "One way or another," she said, "if we don't fight, we'll die, either of bullets or of hunger."

Mr. OWENS of New York. Mr. Speaker, as a moral leader in the world and as a symbol of democracy for millions, the United States can ill-afford to ignore the electoral process which brought Leslie Manigat to power. We cannot excuse its flaws and indicate that in spite of that process, Manigat may be worthy of our support after all. We cannot ignore the fact that Manigat was brought to power by murderers, by thugs, by the kingpins of the Haitian drug industry.

If Manigat was truly democratic, he would not have participated in elections marked by bribery, by ballot box stuffing and repetitive voting, by elections that were controlled and orchestrated by soldiers. His participation in this farce gives credence to those who say that Manigat is a mere puppet of the military, that his function will be to put a democratic face on a militarily run, totalitarian regime.

Haiti's influential Roman Catholic Church has not accepted Manigat. They refused to accept and endorse his election.

Another candidate in the election, Hubert de Ronceray, insists that he is the real winner and that he is the President of parts of Haiti. The door is open for civil war in Haiti.

Under these circumstances, the United States should suspend all aid to Haiti, not only should the United States not restore the aid that it cut off, but it should suspend all aid and it should sever its diplomatic ties to Haiti. We should recall our Ambassador to Haiti. We should reverse our policy, the policy where we have acted in collusion with the army. That should be reversed and we should say to the world that we really believe in democracy. We really understand what has been going on in Haiti the last 50 years. We understand why Haiti is the poorest country in the Western Hemisphere. We understand how the people of Haiti have been oppressed and beaten down. We are ready to recognize that this is a scandal which exists just 90 miles from the shores of the United States.

The United States should recognize that it understands that here is a foreign policy which has set the stage for the decent people of Haiti, for the young people who have dreams, for the young people who have led the resistance. We have set the stage for them to go nowhere else except to communism.

Young people whose names we do not know today, the dreamers whose names we do not know today in those neighborhoods of Port-au-Prince and in the various outlying provinces who offered such great resistance to the Duvaliers and were really responsible for the final departure of Duvalier, the same young people who led the strikes against the military junta, those are the young people who in desperation will turn to communism.

Haiti is only 90 miles from the shores of the United States, but Haiti is even closer to Castro's Cuba. We have had a long history in Haiti of people rejecting communism, no matter how bad things have been. They have rejected communism repeatedly. There is no Communist Party, no Communist movement of any significant size.

We are fools if we think that that is going to continue. We are fools if we think human beings out of desperation will not turn to whoever offers them some way out. We are going to reap the terrible fruit of what our State Department has done in collusion with the military junta in Haiti. We can reverse our policy. We can refuse to recognize Manigat as the legal elected President of Haiti. We can cut off all aid. We can recall our Ambassador to Haiti. We can take steps now to right these wrongs.

□ 1415

We can take steps now to restore our own image in this hemisphere. We should demand the electoral council which the military junta illegally disbanded last November be reinstated and that it be allowed to hold general free elections that are fair and free and not rigged.

If Leslie Manigat is the professorial genius who loves democracy, if that is the image that he wants to promote, then let him be daring enough to promote that image by calling for free elections. Let him supervise them, let him restore the electoral council, let him supervise fair elections, let him compete with his opponents, let him indicate to us that he is not a murderer and a criminal and that he does not belong with the people who put him in power.

Haiti will be free sooner or later. Haiti has now inherited a legacy from the martyrs of November 29. They will never allow another 30 years of oppression. One way or another, the people of Haiti are going to be free, and are going to have freedom. I hope that the United States will be a partner in that effort.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Rhodes) to revise and extend their remarks and include extraneous material:)

Mr. Wylie, for 5 minutes, today.

(The following Members (at the request of Mr. Alexander) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Dorgan of North Dakota, for 30 minutes, today.

Mr. Owens of New York, for 60 minutes, today.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Wolf, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Rhodes) and to include extraneous matter:)

Mr. Gilman in two instances.
Mr. McEwen.
Mr. Schulze.
Mr. Dannemeyer in two instances.
Mr. Marlenee.

(The following Members (at the request of Mr. Alexander) and to include extraneous matter:)

Mr. Mazzoli.
Mr. Rodino.
Mr. Crockett.
Mr. Kanjorski.
Mr. Ortiz.
Mr. Lantos.
Mr. Dymally in two instances.
Mr. Bonior of Michigan.
Mr. Swift.
Mr. Borski.
Mr. Schumer.
Mr. Brooks in two instances.
Mr. Bruce.
Mr. Nowak.
Mr. Alexander.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 210. Joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week"; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 402. Joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 242, 100th Congress, the House stands adjourned until 12 noon, Tuesday, February 16, 1988.

Thereupon (at 2 o'clock and 17 minutes p.m.), pursuant to House Concurrent Resolution 242, the House adjourned until Tuesday, February 16, 1988, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and an amended report of various House committees and a delegation traveling under authorization from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the second, third, and fourth quarters of calendar year 1987 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas Wolanin	9/1	9/3	Italy			117,857	89.83			117,857	89.83
Dan Blair	9/1	9/3	Italy			117,857	89.83			117,857	89.83
Ronald Downing	9/1	9/3	Italy			117,857	89.83			117,857	89.83
Kristin Gilbert	9/1	9/3	Italy			117,857	89.83			117,857	89.83
Committee total							359.32				359.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Jan. 15, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom DeLay	12/11	12/13	Nicaragua		306.00		1,605.00				1,911.00
Hon. Charles Wilson	11/21	11/23	Morocco		250.00						250.00
	11/24	11/27	Pakistan		560.00						560.00
	11/28	11/30	Turkey		462.00						462.00
Military transportation							[3] 6,428.33				6,428.33
John Plashal	11/21	11/23	Morocco		250.00						250.00
	11/24	11/27	Pakistan		560.00						560.00
	11/28	11/30	Turkey		462.00						462.00
Military transportation							[3] 6,428.33				6,428.33
Mark W. Murray	11/18	11/21	Honduras		426.00		1,014.00		31.00		1,471.00
Terry R. Peel	11/18	11/21	Honduras		426.00		1,014.00		41.00		1,481.00
Committee totals					3,702.00		16,489.66		72.00		20,263.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Cost shown is comparable first-class rate.

JAMIE L. WHITTEN, Feb. 2, 1988.

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REP[illegible]RT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

[illegible]ame of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
G. Carter [illegible]rd	10/15	10/16	Japan		170.25		2,380.67		52.64		2,603.56
Sharon A. [illegible]kala	11/29	12/11	Germany		1,336.50		2,186.00		28.20		3,550.70
	12/11	12/16	England		690.75						690.75
Alfred J. Fi[illegible]h	10/15	10/20	Japan		822.00		3,087.83		55.80		3,965.63
	10/20	10/27	Korea		798.00						798.00
	10/27	10/30	Philippines		210.00						210.00
John A. F[illegible]	10/19	10/23	Germany		493.00		2,347.00		39.48		2,879.48
	10/23	10/30	England		531.75						531.75
Walter G. [illegible]arlow	11/29	12/12	Germany		1,452.75		2,025.00		21.90		3,499.65
William P. [illegible]	10/12	10/21	Germany		759.00		2,669.000		68.08		3,496.08
	10/21	10/25	Greece		315.00						315.00
	10/25	10/26	England		213.75						213.75
	10/26	10/30	Scotland		318.75						318.75
Stephen M [illegible]argent	10/15	10/20	Japan		871.25		2,352.83		27.20		3,251.28
	10/20	10/27	Korea		826.50						826.50
	10/27	10/30	Japan		517.00						517.00
Robert J. O[illegible]ien	10/12	10/21	Germany		234.00		2,669.00		55.80		2,958.80
	10/21	10/25	Greece		525.00						525.00
	10/25	10/26	England		315.00						315.00
	10/26	10/30	Scotland		363.75						363.75
Steven R. [illegible]etcher	10/15	10/20	Japan		822.00		3,087.83		134.85		4,044.68
	10/20	10/27	Korea		798.00						798.00
	10/27	10/30	Philippines		247.50						247.50
Donald E. [illegible]mpson	11/29	12/12	Germany		1,480.00		2,254.00		27.00		3,761.00
Joseph M. [illegible]tehr	10/11	10/23	Germany		1,083.25		2,347.00		46.95		3,477.20
	10/23	10/30	England		531.75						531.75
Robert F. [illegible]ockman	10/15	10/20	Japan		871.25		2,352.83		40.67		3,264.75
	10/20	10/27	Korea		826.50						826.50
	10/27	10/30	Japan		517.00						517.00
Graham W Van Note	10/19	10/24	Korea		399.00		2,486.00		36.43		2,921.43
R.W. Va[illegible]grift	10/21	10/5	Greece		315.00		2,951.00		101.85		3,367.85
	10/25	10/28	England		243.75						243.75
Thomas F. Ward	11/29	12/11	Germany		1,084.50		2,356.00		31.20		3,471.70
	12/11	12/17	England		847.25						847.25
Vernon W[illegible]tbrook	11/29	12/11	Germany		1,035.00		2,356.00		65.25		3,456.25
	12/11	12/17	England		847.25						847.25
[illegible]mittee total					23,713.00		39,907.99		833.30		64,454.29

[1] [illegible] diem constitutes lodging and meals.

[2] If [illegible] currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE L. WHITTEN, Feb. 2, 1988.

RE[illegible]RT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or Employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegat[illegible] to Republic of Korea, Thailand, and Philippines, [illegible]. 24–30, 1987:											
Hon. Beverly B. Byron	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Hon. William L. Dickinson	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Hon. Roy Dyson	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Hon. Marilyn Lloyd	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Hon. Herbert H. Bateman	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Hon. Ben Blaz	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							5,042.82				5,042.82
Mr. G. Kim Wincup	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Mr. Anthony R. Battista	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Ms. Karen S. Heath	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,927.56
Mr. Peter M. Steffes	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								
Military transportation							7,927.56				7,727.56
Mr. Stephen K. Conver	11/24	11/27	Republic of Korea		498.00						498.00
	11/27	11/30	Thailand		441.00						441.00
	11/30	11/30	Philippines								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987—Continued

Name of Member or Employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Military transportation							7,927.56				7,927.56
Delegation expenses	11/27	11/30	Thailand				60.00		3,117.00		3,177.00
Delegation to Oman and Bahrain, Nov. 26–Dec. 2, 1987:											
Hon. Arthur Ravenel, Jr	11/28	11/29	Oman		90.34						90.34
	11/29	12/2	Bahrain		90.34						90.34
Commercial transportation							3,237.00				3,237.00
Hon. Jack Davis	11/28	11/29	Oman		90.34						90.34
	11/29	12/2	Bahrain		90.34						90.34
Commercial transportation							3,237.00				3,237.00
Delegation expenses	11/28	11/29	Oman						8.08		8.08
Committee Total					10,690.36		90,943 16		3,125.08		104,758.60

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Feb. 1, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. George Wortley	11/11	11/23	Canada		451.00		[3] 1,380.60				1,831.60
							[4] 106.96				106.96
Hon. Thomas McMillen	11/18	11/23	Morocco		250.00		[3] 6,428.33				6,678.33
	11/24	11/27	Pakistan		560.00						560.00
	11/28	11/30	Turkey		462.00						462.00
Hon. David Dreier	11/18	11/23	Morocco		250.00		[3] 6,428.33				6,678.33
	11/24	11/27	Pakistan		560.00						560.00
	11/30	11/30	Turkey		462.00						462.00
Committee total					2,9950.00		14,344.22				17,339.22

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation.

[4] Commercial transportation.

FERNAND J. ST GERMAIN, Chairman, Jan. 31, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rep. Austin Murphy	12/27	12/30	Honduras		(3)		(3)				
Following expenses are in addition to those reported in previous quarterly report:											
Adrienne Fields	9/1	9/3	Italy	117,857	89.83						89.83
Patricia Morrissey	9/1	9/3	Italy	117,857	89.83						89.83
Jo-Marie St. Martin	9/1	9/3	Italy	117,857	89.83						89.83
Committee Total					269.49						269.49

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Transportation and subsistence provided by the Department of Defense.

AUGUSTUS F. HAWKINS, Chairman, Jan. 28, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Abbruzzese, P.A.	12/14	12/15	United Kingdom		242.00						242.00
Commercial transportation							4,825.00				4,825.00
Burton, D.	12/11	12/13	Nicaragua		306.00				419.06		725.06
Military transportation							1,605.00				1,605.00
Dorman, R.K.	11/24	11/28	Pakistan		560.00						560.00
	11/28	12/1	Turkey		462.00						462.00
Military transportation							13,607.11				13,607.11
Dymally, M.M.	7/24	7/24	United Kingdom		[3] 109.50						1.9.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	7/25	7/28	Ethiopia		[3] 483.00						483.00
	7/28	7/31	Angola		300.00						300.00
	7/31	8/1	Portugal				964.49				964.49
Commercial transportation							5,480.00				5,480.00
	11/19	11/22	Brazil		[3] 648.00						648.00
Commercial transportation							3,866.00				3,866.00
Committee total					3,110.50		30,347.60		419.00		33,877.16
Gilman, B.A.	11/1	11/2	United Kingdom		[3] 55.00						55.00
Commercial transportation							821.00				821.00
Goodman, M.	10/5	10/10	Rep. of Germany		[3] 1,329.60						1,329.00
Commercial transportation							2,079.00				2,079.00
Inglee, W.	12/14	12/15	United Kingdom		[3] 210.00						210.00
Commercial transportation							4,583.00				4,583.00
Jenkins, P.M.	11//28	12/3	Chile		[3] 764.50						764.50
Commercial transportation							3,802.00				3,802.00
Lukens, D.	12/11	12/13	Nicaragua		306.00						306.00
Military transportation							1,605.00				1,605.00
Meyers, J.	10/8	10/10	Austria		352.00						352.00
	10/10	10/13	Germany		564.00				86.00		650.00
Military transportation							5,250.00				5,250.00
Committee total					3,581.10		18,140.00		86.00		21,807.10
Roth, T.	12/11	12/13	Nicaragua		306.00						306.00
Military transportation							1,605.00				1,605.00
Smith, L.	10/8	10/10	Austria		352.00						352.00
	10/10	10/13	Germany		564.00				86.00		650.00
Military transportation							5,250.00				5,250.00
Solarz, S.	11/11	11/13	Canada		449.00				328.56		777.56
Military transportation							1,380.60				1,380.60
Tavlarides, M.J.	11/28	12/3	Chile		[3] 764.00						764.00
Commercial transportation							3,802.00				3,802.00
Committee total					2,435.00		12,037.60		414.56		14,887.16
Grand total for 4th quarter											70,571.42

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

DANTE B. FASCELL, Chairman, Jan. 29, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patricia [illegible]ause, staff	12/5	12/9	Kwajelein		55.25		633.00				688.25
Committee total					55.25		633.00				688.25

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MORRIS K. UDALL, Chairman, Jan. 20, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ballenger, Hon. Cass	12/11	12/13	Nicaragua		306.00		793.18				1,099.18
Committee total					306.00		793.18				1,099.18

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES J. HOWARD, Chairman, Jan. 29, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Louis Ventre, Jr	10/25	10/31	Sweden		1,356.00		731.68				2,087.68
	10/31	11/4	Germany				406.57				406.57
	11/4	11/7	France				45.82				45.82
Commercial air							1,561.84				1,561.84
Hon. George E. Brown, Jr	11/21	11/24	Morocco		375.00						375.00
	11/24	11/28	Pakistan		407.00						407.00
	11/28	12/1	Turkey		462.00						462.00
Military air							6,428.33				6,428.33
Committee totals					2,600.00		9,174.24				11,774.24

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT A. ROE, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Michael Bilirakis	12/11	12/13	Nicaragua		306.00		1,605.00				1,911.00
Committee total					306.00		1,605.00				1,911.00

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

G.V. (SONNY) MONTGOMERY, Chairman, Jan. 26, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ed Jenkins	11/21	11/23	Morocco		250.00						250.00
	11/24	11/27	Pakistan		560.00						560
	11/28	11/30	Turkey		462.00						462.00
Military transportation							6,428.33				6,428.33
Hon. Ronnie G. Flippo	11/21	11/23	Morocco		250.00						250.00
	11/24	11/27	Pakistan		560.00						560.00
	11/28	11/30	Turkey		462.00						462.00
Military transportation							6,428.33				6,428.33
Hon. Bill Frenzel	11/28	12/1	Switzerland		392.00						392.00
Commercial transportation							2,139.00				2,139.00
Committee totals					2,936.00		14,995.66				17,931.66

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Jan. 26, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Bernard Raimo, Jr., staff	11/6	11/9	South America		648.00						648.00
	11/9	11/4	Africa		489.00		235.66				724.66
Commercial airfare							3,753.00				3,753.00
Calvin R. Humphrey, staff	11/6	11/9	South America		648.00						648.00
	11/9	11/17	Africa		489.00		235.66				724.66
	11/17	11/18	Europe		230.00						230.00
Commercial airfare							3,753.00				3,753.00
Robert J. Surrette, staff	11/28	12/11	Europe		1,790.00						1,790.00
Commercial airfare							2,337.00				2,337.00
Hon. Bud Shuster	12/29	1/1	Europe		(3)		(3)				(3)
Committee total					4,294.00		10,314.32				14,608.32

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Information not available at this time.

LOUIS STOKES, Chairman, Jan. 26, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Elliott A. Brown	11/10/87	11/13/87	Venezuela		375.00		739.00				1,114.00
Committee total					375.00		739.00				1,114.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES B. RANGEL, Chairman, Jan. 28, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, THE SOVIET UNION, AND THE FEDERAL REPUBLIC OF GERMANY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 10 AND APR. 21, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Wright	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Tony Coelho	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
DOD transportation							1,592.66				1,592.66
Commercial transportation							2,526.00				2,526.00
Hon. Dick Cheney	4/10	4/13	Spain		504.00		43.48				547.48
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Jim Howard	4/10	4/13	Spain		504 00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373 14
Hon. Les Aspin	4/10	4/13	Spain		504.00		43.48				547.48
	4/13	4/18	U.S.S.R.		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							2,448.46				2,448.46
Commercial transportation							2,007.00				2,007.00
Hon. John Paul Hammerschmidt	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Lawrence Coughlin	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Ralph Regula	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Carroll Hubbard	4/10	4/13	Spain		504 00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Thomas Downey	4/10	4/13	Spain		504 00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Les AuCoin	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366 00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Norm Dicks	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon Wes Watkins	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Mickey Leland	4/10	4/13	Spain		504 00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Steny Hoyer	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Jim Moody	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							534.39				534.39
Commercial transportation							4,066.04				4,066.04
Hon. Esteban E. Torres	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Hon. Sherwood Boehlert	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515/60		881.60
DOD Transportation							3,373.14				3,373 14
Hon. Jack Russ	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, THE SOVIET UNION, AND THE FEDERAL REPUBLIC OF GERMANY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 10 AND APR. 21, 1987—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Marshall Lynam	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							2,448.46				2,448.46
Commercial transportation							4,896.00				4,896.00
Advance	4/3	4/9	U.S.S.R.		850.00						850.00
John Mack	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		225.00						225.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Kathy Mitchell	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Spencer Oliver	4/10	4/13	Spain		504.00		43.48				547.48
	4/13	4/18	U.S.S.R.		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00						366.00
DOD transportation							3,373.14				3,373.14
Commercial transportation							4,896.00				4,896.00
Advance	4/3	4/9	U.S.S.R.		850.00						850.00
Chris Walker	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Daniel Popp	4/10	4/13	Spain		504.00		43.48		340.16		887.64
	4/13	4/18	U.S.S.R.		455.00						455.00
	4/18	4/21	Federal Republic of Germany		366.00				515.60		881.60
DOD transportation							3,373.14				3,373.14
Committee total					30,319.00		97,337.95		19,342.32		146,999.27

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; il U.S. currency is used, enter amount expended.

JIM WRIGHT, Speaker, Dec. 5, 1987.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2867. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the status of each loan and each contract of guaranty or insurance to which there remains outstanding any unpaid obligation or potential liability and the status of each extension of credit for the procurement of defense articles or defense services, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

2868. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2869. A letter from the Comptroller General, General Accounting Office, transmitting a report on the audit of the Senate Building Beauty Shop's financial statement for the 6-month period ended December 31, 1986 (GAO/AFMD-88-8, February 1988), pursuant to 40 U.S.C. 193m-1; to the Committee on Government Operations.

2870. A letter from the Comptroller General, General Accounting Office, transmitting a report on the audit of the Senate Building Beauty Shop's financial statements for the 4-month period ended June 30, 1986 (GAO/AFMD-88-7, February 1988), pursuant to 40 U.S.C. 193m-1; to the Committee on Government Operations.

2871. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2872. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a copy of the order granting certain aliens defector status, pursuant to 8 U.S.C. 1182(a)(28)(1); to the Committee on the Judiciary.

2873. A letter from the Chairman, State Justice Institute, transmitting a draft of proposed legislation to authorize appropriations for the purposes of carrying out the activities of the State Justice Institute for fiscal years 1989, 1990, 1991, and 1992, and for other purposes; to the Committee on the Judiciary.

2874. A letter from the Chairman, International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1989, pursuant to 31 U.S.C. 1110; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DYMALLY: Committee on Post Office and Civil Service. S. 1447. An act to designate Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area (Rept. 100-503). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 2216. A bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act) to revise the standard for coverage under that act and for other purposes; with an amendment (Rept. 100-504). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 3927. A bill to amend the U.S. Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ANDERSON:

H.R. 3928. A bill to authorize leasing, exploration, development and production, and transportation of the oil and gas resources of the coastal plain study area of the Arctic National Wildlife Refuge and to provide for the enhancement of the Nation's fish and wildlife resources, the National Wildlife Refuge System, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. BARNARD (for himself and Mr. WYLIE):

H.R. 3929. A bill to deter and remedy unsafe and unsound or abusive practices and fraudulent or other criminal misconduct by directors, officers, employees, agents, and shareholders of federally regulated depository institutions by strengthening and enhancing the enforcement authority of the Federal depository institutions regulatory agencies, and to clarify and improve certain provisions of the Right to Financial Privacy Act of 1978; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. PARRIS, Mr. SAXTON, and Mr. KLECZKA):

H.R. 3930. A bill to amend the banking and securities laws to minimize hazards to federally insured financial institutions from securities, insurance, and real estate activities; to develop and test structures for bank

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holding companies to prevent unfair competition in the delivery of certain securities, insurance and real estate services; to establish functional regulation of financial institutions by providing that bank securities activities be carried on only in separate securities affiliates of a bank holding company subject to oversight by the Securities and Exchange Commission; and to establish a Financial Intermediaries Review Commission to analyze, report, and make recommendations to Congress concerning the future of banking institutions, their possible combining with other financial and commercial firms, and the regulation of our national and international financial markets; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. BATES:

H.R. 3931. A bill to improve security and control of Department of Defense supply inventories; to the Committee on Armed Services.

By Mr. BROOKS (for himself and Mr. Horton):

H.R. 3932. A bill to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President; to the Committee on Governmental Operations.

By Mr. BROOKS (for himself, Mr. English, Mr. Horton and Mr. McCandless):

H.R. 3933. A bill to amend and extend the authorization for the National Historical Publications and Records Commission, and for other purposes; to the Committee on Government Operations.

By Mr. COBLE:

H.R. 3934. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes; to the Committee on Ways and Means.

By Mr. GUNDERSON:

H.R. 3935. A bill to remove the designation of the third Monday in February as a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Florida (for himself, Mr. Hutto, Mr. Bennett, Mr. Mica, Mr. Grant, Mr. Bilirakis, Mr. Smith of Florida, Mr. Fascell, Mr. Ireland, and Mr. Mack):

H.R. 3936. A bill to authorize the appropriation of funds to reimburse the State of Florida for expenses it and its local governments incurred with respect to refugees and related populations; to the Committee on the Judiciary.

By Mr. MARLENEE (for himself, Mr. Roberts, Mr. Penny, Mr. Grandy, and Mr. Dorgan of North Dakota):

H.R. 3937. A bill to partially offset economic losses of rural small businesses and small agricultural cooperatives occasioned by reductions in farm cropland under the Agricultural Act of 1949, and for other purposes; to the Committee on Small Business.

By Miss SCHNEIDER:

H.R. 3938. A bill relating to the ocean dumping of municipal sludge; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHULZE (for himself, Mr. Duncan, Mr. Frenzel, Mr. Lungren, Mr. Chandler, Mr. Denny Smith, Mr. Hunter, Mr. Grandy, and Mr. Baker):

H.R. 3939. A bill to repeal title III of the Congressional Budget Act of 1974, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. SLATTERY (for himself and Mr. Alexander):

H.R. 3940. A bill to authorize and direct the Secretary of Agriculture to establish a schedule of premiums for exceptionally clean, high quality grain forfeited to the Commodity Credit Corporation, and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of New Hampshire:

H.J. Res. 454. Joint resolution designating October 9-15, 1988, as "National Dollhouse and Miniature Week"; to the Committee on Post Office and Civil Service.

By Mr. BROOKS (for himself and Mr. Horton):

H. Res. 372. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Government Operations in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. LaFalce:

H. Res. 373. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Small Business in the second session of the 100th Congress; to the Committee on House Administration.

By Mr. SCHULZE (for himself, Mr. Duncan, Mr. Frenzel, Mr. Lungren, Mr. Chandler, Mr. Denny Smith, Mr. Hunter, Mr. Grandy, and Mr. Baker):

H. Res. 374. Resolution to amend the Rules of the House of Representatives to abolish the Committee on the Budget, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRANK:

H.R. 3941. A bill for the relief of Samuel R. Newman; to the Committee on the Judiciary.

By Mr. NELSON of Florida:

H.R. 3942. A bill for the relief of Space Systems Laboratories, Inc., of Melbourne, FL; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1620: Mr. Pepper.

H.R. 1705: Mr. Kildee.

H.R. 1957: Mr. Mica, Mr. Stump, Mr. Bunning, Mr. Whittaker, Mr. Torres, Mr. Denny Smith, Mr. Levine of California, Mr. Ballenger, Mr. Horton, Mr. Torricelli, Mr. Gingrich, Mr. Coleman of Texas, Mr. Lowery of California, Mr. Smith of New Jersey, Mr. Miller of Ohio, and Mr. Moorhead.

H.R. 2323: Mrs. Smith of Nebraska.

H.R. 2567: Mr. Penny.

H.R. 2750: Mr. Weiss.

H.R. 2828: Mr. Bonior of Michigan, Mr. Solarz, Mr. Gonzalez, Mr. Sikorski, Mr. McCloskey, Mr. Glickman, Mr. Gejdenson, Mr. Bonker, Mr. Ford of Michigan, Mr. Sabo, Mr. Dellums, Mr. Mazzoli, Mr. Sawyer, Mr. Vento, Mr. Leland, Mr. Wilson, Mr. Torricelli, Mr. Bruce, Mr. Tallon, Mr. Smith of Florida, Mr. Boehlert, and Mr. Jacobs.

H.R. 2883: Mr. Chandler, Mr. Wise, Mr. Biaggi, Mr. Bosco, and Mr. Cooper.

H.R. 3119: Mr. Evans, Mr. Frost, Mr. Jacobs, and Mr. Udall.

H.R. 3202: Mr. Edwards of California.

H.R. 3342: Mr. Schuette.

H.R. 3392: Mr. Broomfield, Mr. Conte, Mr. Smith of Iowa, Mr. Conyers, Mr. Skelton, Mr. Ireland, Mr. Mavroules, Mr. Dreier of California, Mr. Hatcher, Mr. Roemer, Mr. Wyden, Mr. Cooper, Mr. Hayes of Illinois, Mr. Sisisky, Mr. Torres, Mr. Combest, Mr. Gallo, Mr. Baker, Mr. Flake, Mr. Holloway, Mr. Mfume, Mr. Lujan, Mr. Roe, Mr. Bliley, Mr. Dorgan of North Dakota, and Mr. Bates.

H.R. 3562: Ms. Oakar, Mr. Towns, Mr. Dingell, Mr. Tauke, and Mr. McDade.

H.R. 3742: Mrs. Boxer.

H.R. 3778: Mr. Vander Jagt and Mr. Duncan.

H.R. 3800: Mr. Rose.

H.R. 3816: Mr. Downey of New York, Mr. Rangel, Mr. Evans, Mr. Waxman, Mr. Nielson of Utah, Mr. Wolpe, and Mr. Fazio.

H.R. 3844: Mr. Roberts, Mr. Bereuter, Mr. Pashayan, Mr. Hefley, Mr. Solomon, Mr. Obey, Mr. Durbin, Mr. Thomas of Georgia, Mr. Traxler, Mr. Bevill, Mr. Anthony, Mr. Lewis of Florida, Mr. Moody, and Mr. Robinson.

H.R. 3865: Mr. Madigan, Mr. Whittaker, Mr. Smith of Texas, Mr. Coats, Mr. Horton, Mr. Barnard, Mr. Lewis of Florida, Mr. Morrison of Washington, and Mr. Grant.

H.R. 3870: Mr. Boehlert, Mr. Foley, Mr. Gunderson, and Mr. Nielson of Utah.

H.R. 3907: Mr. Roth, Mr. Bereuter, Mr. Hefley, Mr. Boehlert, and Mr. Hopkins.

H.R. 3915: Mr. Dymally.

H.J. Res. 349: Mr. DeWine and Mr. Pepper.

H.J. Res. 353: Mr. Skeen, Mr. Miller of Washington, Mr. Kolter, Mr. Fawell, Mr. Chandler, Mr. Buechner, Mr. Hochbrueckner, Mr. Nielson of Utah, Mr. Inhofe, Mr. Mack, Mr. Coats, Mr. Sabo, Mr. Fish, Mr. Torres, Mr. Nelson of Florida, Mr. Lehman of Florida, Mrs. Vucanovich, and Mr. Livingston.

H.J. Res. 383: Mr. Martinez, Mr. Coble, Mr. Clarke, Mr. Ackerman, Mr. Darden, Mr. Kemp, Mr. Bonker, Mr. Price of Illinois, Mr. Hansen, Ms. Oakar, Mr. Tauke, Ms. Pelosi, Mr. Ford of Michigan, Mr. Gingrich, Mr. Wylie, Mr. Biaggi, Mr. Perkins, Mr. Blaz, Mr. Towns, and Mr. Donnelly.

H.J. Res. 388: Mr. Bennett, Mr. Blaz, Mr. Bosco, Mr. Chappell, Mr. DeFazio, Mr. de Lugo, Mr. Dorgan of North Dakota, Mr. English, Mr. Garcia, Mr. Grandy, Mr. Gray of Pennsylvania, Mr. Henry, Mr. Hoyer, Mr. Jacobs, Mrs. Lloyd, Mr. McDade, Mr. Martin of New York, Mrs. Meyers of Kansas, Mr. Miller of California, Mr. Molinari, Mr. Moorhead, Mr. Mrazek, Mr. Murphy, Mr. Pickett, Mr. Price of Illinois, Mr. Stokes, Mr. Stump, Mr. Tallon, Mr. Thomas of Georgia, Mr. Thomas of California, Mr. Wolf, Mr. Wortley, Mr. Young of Alaska, and Mr. Schuette.

H.J. Res. 418: Mr. Bateman, Mrs. Boxer, Mr. Davis of Illinois, Mr. Fazio, Mr. Hastert, Mr. Lagomarsino, Mr. Lipinski, Mr. McDade, Mr. Mrazek, Mr. Neal, Ms. Pelosi, Mr. Scheuer, Mr. Thomas of Georgia, and Mr. Towns.

H.J. Res. 438: Mr. Towns, Mr. Henry, Mr. Fields, Mr. Neal, Mr. Wortley, Mr. Livingston, Mr. Skeen, Mr. Young of Alaska, Mr. Garcia, Mr. Horton, Mr. Lagomarsino, Mr.

Hayes of Illinois, Mrs. Collins, Mr. Akaka, Mr. Emerson, Ms. Slaughter of New York, Mrs. Boxer, Mr. Chapman, Mr. Perkins, and Mr. Solomon.

H.J. Res. 445: Mr. Gray of Illinois, Mr. McCloskey, Mr. Gordon, Mr. Henry, Mr. Horton, Mr. Staggers, Mr. Kostmayer, Mr. Emerson, Mr. Kanjorski, Mr. Ford of Tennessee, Mr. Roe, Mr. Levin of Michigan, Mr. Murphy, Mr. Espy, Mr. Schuette, Mr. Mollohan, Mr. Nielson of Utah, and Mr. Cheney.

H. Con. Res. 229: Mr. Fawell.

H. Con. Res. 238: Mr. Oxley and Mr. Rhodes.

H. Res. 300: Mr. Annunzio, Mrs. Morella, Mr. Edwards of California, and Mr. de Lugo.

H. Res. 364: Mr. Smith of New Hampshire, Mrs. Martin of Illinois, and Mr. Lott.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

120. By the SPEAKER: Petition of the Statewide Committees Opposing Regional Plan Areas [SCORPA], Santa Cruz, CA, relative to the Constitution; to the Committee on Government Operations.

121. Also, petition of Edward B. Atkinson, Yakima, WA, relative to the Constitution; to the Committee on the Judiciary.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the fourth calendar quarter 1987:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment? ☐ YES ☐ NO

IDENTIFICATION NUMBER______________________________

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
David A. Affeldt, 10404 Joiners Lane Potomac, MO 20854	American Assn of Retired Persons
Do	Association for Gerontology in Higher Education
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	American Stores Co
Do	Baltimore District Farm Credit Council
Do	Bank of New York
Do	Clarke/Bardes Organization, Inc
Do	Creditors in case of Grant Broadcasting System, Inc
Do	First City Bancorporation of Texas, Inc
Do	Interim Systems Corp
Do	Merrill Lynch Capital Partners
Do	Nevada Resorts Assn
Do	Pepsico, Inc
Do	Tinicum, Inc
Nicholas W. Allard, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Wireless Cable Assn, Inc)
Mac Allen, 1325-1/2 Wisconsin Ave., #300 Washington, DC 20007	
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Toshiba Corp
David R. Andrews, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Sterling Drug, Inc)
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Diagnostic Health Services, Inc
Do	Kentucky Institute for Eye Health & Surgery
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Caudine Investments, N.V.
Do	Chubb Corporation
Do	Continental Corporation
Do	Earthquake Project
Do	Sunstates Corp
Do	Unilever United States, Inc
Lawrence M. Axelrod, Touche Ross & Co 1900 M St., NW Washington, DC 20036	Schnuck Markets, Inc
APCO Associates, 1155 21st Street, NW,# 1000 Washington, DC 20036	Earthquake Project
William W. Bailey, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co
Monica S. Baker, 206 G St., NE, #201 Washington, DC 20002	Foley & Company
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Banc One, Cleveland, NA
Do	Beverly Investment Properties, Inc
Do	Federal Deposit Insurance Corp
Do	Rouse Company
Do	Salt River Project
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Nuclear Electric Insurance Co, et al.
Donald Baldwin, 1140 Connecticut Ave., NW, #804 Washington, DC 20036	Diagnostic/Retrieval Systems, Inc
Do	Federal Criminal Investigations Assn
Do	Mack Trucks, Inc
M. Graeme Bannerman, 9108 Parliament Drive Burke, VA 22015	Sawyer-Miller Group
Haley R. Barbour, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Al Williams & Company
Barnett D'Amours Sivon & Shay, P.C., 1090 Vermont Ave., NW, #810 Washington, DC 20005	American Council for State Savings Supervisors
Do	Credit Union National Assn, Inc
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange
Judith Freelin Bassett, 600 Maryland Ave., #701 Washington, DC 20024	Aircraft Owners & Pilots Assn
Merritt Becker, 1712 Euclid St., NW Washington, DC 20009	Bruce P. Cameron
Nathan R. Berkley, 2200 Mill Road Alexandria, VA 22314	American Movers Conference
Berman Bergner & Boyette, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Electronic Industries Assn
Do	Eli Lilly & Company
Do	Severson Werson Berke & Melchior
James Bishop, 115 First Avenue Southwest Aberdeen, SD 57401	Education Assistance Corp
Bishop Cook Purcell & Reynolds, 1200 17th Street, NW, #700 Washington, DC 20036	Baxter Healthcare Corp
Black Manafort Stone & Kelly, P.C., 211 North Union Street, 3rd Floor Alexandria, VA 22314	Aetna Life & Casualty
Do	Allentown Cement Co, Inc
Do	Clark Construction Group
Do	Cooper's Ferry Development Assn, Inc
Do	Financial Security
Do	GTech Corp
Do	Massa Products Corp
Do	NOVA University
Do	OCG Technology, Inc
Do	Puerto Rico Federal Affairs Administration
Do	Revlon Group, Inc
Do	U.S. Sprint
Alice Bodley, 1016 16th Street, NW Washington, DC 20036	National Federation of Federal Employees
Harold W. Bolinger, 300 Independence Ave., SE Washington, DC 20003	Liberty Lobby, Inc
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Satellite Broadcasting & Communications Assn
Raymond F. Bragg Jr., 50 F Street, NW, #1040 Washington, DC 20001	Consolidated Natural Gas Co
Do	Tosco Corporation
Stuart J. Brahs, 655 15th St., NW, #950 Washington, DC 20005	Principal Financial Group
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Freedom, NY, Inc
Richard Brescia, 150 State Street Albany, NY 12207	American Petroleum Institute
Robert M. Brooks, 206 G St., NE Washington, DC 20002	Evergreen Associates, Ltd (For:Clover Park School District)
Joseph Browder, 1317 F Street, NW Washington, DC 20004	Dunlap & Browder, Inc
Cheryl A. Brown, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	American Assn for Respiratory Care
Brown Finn & Nietert, Chtd, 1920 N Street, NW, #510 Washington, DC 20036	Amway Corp
Do	Cellular Corp
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co
Brownstein Hyatt Farber & Madden, 410 Seventeenth St., 22nd Floor Denver, CO 80202	Alliance for Capital Access
Do	MDC Asset Investors, Inc
Do	Smith Barney Harris Upham & Co, Inc
Do	Western Union Corp
Bryan Cave McPheeters & McRoberts, 1015 15th Street, NW, #1000 Washington, DC 20005	Farmland Industries
Do	Navistar International Corp
Do	Tenera, L.P.
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	U.S.-Taiwan, Republic of China Fair Trade Council
Sydney J. Butler, 1400 Eye St., NW Washington, DC 20005	Wilderness Society
Kenneth V. Buzbee, 217 E. Monroe, 200A Springfield, IL 62705	Food Marketing Institute
Arthur E. Cameron, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	Amerace Corporation
Do	Lukens General Industries, Inc
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique
Do	Government of Guatemala
Do	Republic of Guatemala (Presidency of the)
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Associated Financial Corp
Do	Blue Cross & Blue Shield Assn
Do	Campbell Soup Co
Do	Committee for Equitable Compensation
Do	FASA (Fashion Accessories Shippers Assn)
Do	Government Program Services
Do	Greater Boston Community Development, Inc
Do	Hospital Insurance Forum
Do	Missouri Baptist Hospital of Sullivan
Do	Stephen Moses Interests
Do	NATCO (National Assn of Tax Credit Coalition)
Do	Presidential Airways, Inc
Do	Russ Berrie & Co, Inc
Do	World Airways
Jeanne Campbell, 1010 Pennsylvania Ave., SE Washington, DC 20003	United Illuminating Co
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Merck & Co, Inc
Do	University of California (San Diego)
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:GAF Corporation)

Organization or Individual Filing	Employer/Client
Paula Kay Carlson, 115 First Avenue Southwest Aberdeen, SD 57401	Education Assistance Corp
Gerald P. Carmen, 1667 K St., NW, #700 Washington, DC 20006	Carmen & Muss (for Cab-Tek, Inc)
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Cab-Tek, Inc
Bertram W. Carp, 111 Massachusetts Ave., NW, 3rd Fl. Washington, DC 20001	Turner Broadcasting System, Inc
Robert S. Carroll, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Reed Smith Shaw & McClay (For:Mellon Bank)
Martin Casey, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Bolt Beranek & Newman, Inc
Do	Critical Languages & Area Studies Consortium, Inc
Do	Experiment in International Living
Do	Loyola College (Baltimore)
Do	National Jewish Center for Immunology & Respiratory Medicine
Do	University of Kentucky Research Foundation
Do	University of Scranton
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Assn of Retired Persons
Peggy M. Childress, 4500 Lincoln Plaza Dallas, TX 75201-3318	National Gypsum Co
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc
Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202	Providence Hospital
Cole & Corette, P.C., 1100 Vermont Avenue, NW, #900 Washington, DC 20005	Dalmark Corporation
Do	Tremark Corporation
Terese Colling, 1818 N Street, NW, 7th Floor Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)
Do	Eckert Seamans Cherin & Mellott (For:York Wallcoverings, Inc)
Aletha A. Coll[illegible], 555 New Jersey Ave., NW, #255 Washington, DC 20001	Vern Clark & Associates, Inc
Douglas B. Comer, 1333 New Hampshire Ave., NW Washington, DC 20036	Electronic Processing, Inc
Committee for Stable Deterrence, 2460 Westlake N., #E Seattle, WA 98109	
John J. Coogan, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Kodak Co
Tom Corcoran, [illegible]36 Old Dominion Drive McLean, VA 22102	BHC Wallace Services
Corman Law Offices, 1420 16th Street, NW Washington, DC 20036	Airlease Management Service, Inc
Do	Cole & Corette
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Champion International Corp
Do	Occidental Petroleum Corp
Do	United Technologies Corporation
Do	Westvaco Corporation
Jerry W. Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Home Shopping Network)
Kelly Craven, 7[illegible]7 14th St., NW Washington, DC 20005	National Assn of Realtors
Ken A. Crerar, [illegible]00 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Nashua Corporation
Ron D'Aloisio, 2[illegible]01 S St., NW, #210 Washington, DC 20009	Farmworker Justice Fund, Inc
James H. Davidson, 1250 Connecticut Ave., NW, #650 Washington, DC 20036	Direct Marketing Assn
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Armco Steel Co
Do	Monumental Corp
Davis Wright & Jones, 1752 N St., NW, #800 Washington, DC 20036	Energy Contractors Price-Anderson Group
Do	McCaw Communications Cos
Do	National Fruit Canning, Inc
Do	Non-Indian Negotiating Group
Do	Port Blakely Tree Farms
Do	Tri-City Nuclear Industrial Council, Inc
Dechert Price & Rhoads, 1730 Pennsylvania Avenue, NW, #1100 Washington, DC 20006	A.I.A. & Associates
Robin Deck, 1155 15th St., NW, #400 Washington, DC 20005	Blue Cross & Blue Shield of South Carolina
William R. Deere, 600 Maryland Ave., SW, #701 Washington, DC 20014	Aircraft Owners & Pilots Assn
Thomas J. Dennis Sr., 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co
Julie Desmond, [illegible]111 14th St., NW, #900 Washington, DC 20005	National Apartment Assn
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW Washington, DC 20006	Bankers Trust Co
Do	Disk Drive Consortium
Do	IBM Corp
Do	Morgan Stanley Group, Inc
Do	Union Pacific Corp
Do	West Indies Rum & Spirits Producers Assn
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Bank of Oklahoma
Do	DOT Partnership
Do	Reynolds Metals Co
Do	Telex Corporation
Do	Williams Companies
Gloria Dittus, 2[illegible]1 Massachusetts Ave., NE, S-5 Washington, DC 20002	BMc Strategies, Inc (For:New Hampshire Yankee)
Doris Day Animal League, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd
Do	California Wine Commission
Do	Cox Enterprises, Inc, et al.
Do	Hercules, Inc
Do	Mergentime Corp
Do	Monarch Wine Co of Georgia, et al.
Do	Profit Sharing Council of America
Joan Albert Dr[illegible], 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co
Alvin Drischler, 1667 K St., NW, #700 Washington, DC 20006	Finley Kumble Wagner Heine..(for Gov't of Antigua & Barbuda)
Do	PHLCORP
Frances A. Dubrowski, 21 Dupont Circle, #400 Washington, DC 20036	Natural Resources Defense Council, Inc
Stephen C. Duffy, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Bluffton City Utilities
Do	John Brand
Do	City of Niles Utilities Department
Do	City of Seaford
Do	State Water Resources Control Board
Do	Village of Andover
Do	Village of Angelica
Do	Village of Silver Springs
Do	Village of Watkins Glen
Louise C. Dunlap, 418 Tenth Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Corp/California Energy Commission)
Do	Dunlap & Browder, Inc (For:Celanese Corp)
Do	Dunlap & Browder, Inc (For:Natural Resources Defense Council, Inc)
Do	Dunlap & Browder, Inc (For:Oxygenated Fuels Assn)
Do	Dunlap & Browder, Inc (For:Unelco)
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	
Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003	International Telecharge, Inc
Do	Stedman Foundation, Inc
Denis J. Dwyer, 1155 15th St., NW, #400 Washington, DC 20005	Railstar Control Technology, Inc
Do	Railway Progress Institute
Eric O. Eberhard, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Gover Stetson Williams & Eberhard (For:Confederated Tribes of the Colville)
Education Assistance Corp, 115 First Avenue Southwest Aberdeen, SD 57401	
Paul S. Egan, 2001 S Street, NW, #503 Washington, DC 20006	Vietnam Veterans of America, Inc
Mark C. Ellison, 300 N. Washington St, #208 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn
Dewitt Howard Evans, 1320 G Street, SE Washington, DC 20003	Institute for Preservation of African American Literature
Dwight H. Evans, 1101 17th St., NW, #405 Washington, DC 20036	Southern Company Services, Inc
Dave Evans Associates, 4076 Rosamora Court Arlington, VA 22207	Association for Regulatory Reform
Richard H. Fay, 1150 Connecticut Avenue, NW, #900 Washington, DC 20036	Reed Smith Shaw & McClay (For:Mellon Bank)
Feingerts & Kelly, PLC, Poydras Center, #2750 650 Poydras Street New Orleans, LA 70130-6161	New Orleans Public Service, Inc
Manley B. Feinstein, 115 First Avenue Southwest Aberdeen, SD 57401	Education Assistance Corp
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Art Dealers Assn of America, Inc
Do	Conoco, Inc
Do	Sotheby's, Inc
Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Al Williams & Company
Fine Geddie & Associates, 418 Scott Street Montgomery, AL 36104	Douglas Oil Co
Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1120 Connecticut Ave., NW, 10th Floor Washington, DC 20036	Association of Independent Organ Procurement Agencies
Do	Commonwealth Mortgage Corp of America

Organization or Individual Filing	Employer/Client
Do	Missouri Baptist Hospital
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America
Joseph P. Foley, 206 G SL, NE, #201 Washington, DC 20002	American Security Fence Corp
Do	Coalition Against Noneffective Technologies
Do	Sedima International, Inc
Foley & Lardner, 1775 Pennsylvania Ave., NW Washington, DC 20006-4680	Education Assistance Corp
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Providence Hospital
Stephen R. Frank, 8744 Gothic Avenue Sepulveda, CA 91343	Eagle Group
Franklin County, New York, 63 West Main Street Malone, NY 12953	
Kevin Frankovich, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Service Assn
John S. Fredericksen, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Regional Airline Association
Ronna Freiberg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)
Ellen Frishberg, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters
Mark Gallant, 40 Ivy Street, SE Washington, DC 20003	National Lumber & Building Material Dealers Assn
Galvin Haroian & Mlawski, 777 Third Ave., 24th Floor New York, NY 10017	Herman's Sporting Goods, Inc
Do	Voyager International, Inc
Sara G. Garland, 137 13th St., NE Washington, DC 20002	Grand Forks (N.D.) Regional Economic Development Corp
Do	Rapoza Associates
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Cantor Fitzgerald & Co, Inc
Do	Dollar Bank
Do	Dollar Drydock Savings Bank
Do	Seaman's Bank
Mary Ann Gilleece, 1713 Maple Hill Place Alexandria, VA 22302	Astra Holdings Corp
Do	IPAC, Inc
Gilmartin Poster & Shafto, 26 Broadway, #1300 New York, NY 10004	B & B Dredging Corp
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Hyundai Motor America
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Dana Corp
Do	National Cattlemen's Assn
Do	National Governors Assn
Golden Freda & Schraub, P.C., 1625 Massachusetts Ave., NW, #300 Washington, DC 20036	Ad Hoc Rural Consortium
Linda Goold, 1600 M Street, NW Washington, DC 20036	Investment Co Institute
John Gordley, 3700 Riverwood Ct. Alexandria, VA 22309	Circle Energies Corp
Mark S. Gorman, 311 First St., NW Washington, DC 20001	National Restaurant Assn
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	CBS, Inc
Do	McCaw Communications Cos
Do	Merck & Co, Inc
Do	U.S.-Taiwan, Republic of China Fair Trade Council
Do	United Cable Television Corp
McGee Grigsby, 1001 Pennsylvania Ave., NW, #1300 Washington, DC 20004	Latham & Watkins (For:Farmers & Merchants Bank of Long Beach)
Mary Hanlon, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging
Frederick J. Hannett, 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group
Hansell & Post, 1667 K St., NW, #500 Washington, DC 20006	Insurance/Financial Affiliates of America
Harris & Berg, 1101 30th St., NW, #103 Washington, DC 20007	American Railway Car Institute
Harris & Orr, 999 Third Ave., #3210 Seattle, WA 98101	Netlink USA
Paul M. Harrison, P.O. Box 4079 Gulfport, MS 39502	Mississippi Power Co
J. William W. Harsch, 1722 Eye St., NW, 6th Floor Washington, DC 20006	City of Cranston
Harter Secrest & Emery, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc
Hauck & Associates, 1255 23rd Street, NW Washington, DC 20037	National Soybean Processors Assn
David J. Hayes, 555 13th Street, NW Washington, DC 20004	Hogan & Hartson (For:Tektronix, Inc)
HealthCare COMPARE, Corp, 1133 21st St., NW, #450 Washington, DC 20036	
Diane Hendricks, 1805 Crystal Drive, #209 Arlington, VA 22202	Westermann & Hendricks
Sean Henneberry, c/o Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Masstock (International) Ltd
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	American Medical Technologists
Do	Asocoflores
Do	C.B.I. Sugar Group, Inc
Do	California Energy Commission
Do	Canada Cement LaFarge, Ltd
Do	City of Compton
Do	Dalton Construction Co
Do	Genstar Cement, Ltd
Do	Globos International, Inc
Do	Halogenated Solvents Industry Alliance
Do	International Franchise Assn
Do	Lake Ontario Cement, Ltd
Do	Ryder Systems, Inc
Do	Sioux Honey Assn
Do	St. Lawrence Cement
Do	St. Mary's Cement
Do	Thai Steel Pipe Industry Assn
Do	Transamerica Corporation
Do	Walnut Street Bridge Commission
Do	Yamaichi International (America), Inc
Do	Americans for Democratic Action, Inc
Donita Hicks, 815 15th St., NW, #711 Washington, DC 20005	Cook & Associates
Sheila K. Hixson, 2000 P Street, NW Washington, DC 20036	Angola Peace Fund
Adonis E. Hoffman, 2908 Fort Baker Drive Washington, DC 20020-7222	Baptist Medical Center
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	First Interstate Bancorp
Do	Glasrock Home Health Care, Inc
Do	Lehndorff Management (USA) Limited, Inc
Do	Manufacturers Hanover Corp
Do	Underwriters at Lloyd's London
Do	BP America, Inc
Eleanor S. Holmes, 1001 22nd St., NW, #600 Washington, DC 20037	Warner-Lambert Co
Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302	Burlington Northern Railroad
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Rauscher Pierce Refsnes, Inc
Hudson Bayless & Boland, Inc, 438 New Jersey Ave., SE Washington, DC 20003	Space Services, Inc of America
Do	U S West, Inc
James R. Hughes, 1020 19th St., NW Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc
Sharon M. Hughes, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	American Academy of Family Physicians
Charles G. Huntington, 600 Maryland Ave., SW, #770 Washington, DC 20024	National Assn of Small Business Investment Cos
Hunton & Williams, P.O. Box 1535 Richmond, VA	Evergreen Forest Products, Inc
F. H. Hutchison & Co, 1101 King St., #500 Alexandria, VA 22314	Sequoia Forest Industries, Inc
Do	Winston & Cashatt, et al.
Do	Water Department, City of San Bernardino, CA
Floyd H. Hyde Associates, 815 15th St., NW, #709 Washington, DC 20005	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Newmont Mining Corp)
Do	S.K.C. & Associates
Charles W. Ingram, 208 E Street, NE Washington, DC 20002	
Maurice C. Inman Jr., 1231 Stone Canyon Road Los Angeles, CA 90077	
Int'l Union of Electronic Electrical Sal Mach & Furn Workers, 1126 16th St., NW Washington, DC 20036	
Kathy D. Ireland, 1600 M Street, NW Washington, DC 20036	Investment Co Institute
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Borg-Warner Corp
Claudia James, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn
Jamin Ebell Bolger & Gentry, P.O. Box 4269 Kodiak, AK 99615	Old Harbor Native Corp
Karen Jettmar, 1400 Eye St., NW Washington, DC 20005	Wilderness Society
Harvey C. Jewett, 115 First Avenue Southwest Aberdeen, SD 57401	Education Assistance Corp
Allen Fredrick Johnson, 1255 23rd Street, NW Washington, DC 20037	Hauck & Associates (For:National Soybean Processors Assn)
Bruce Johnson, 1718 Connecticut Ave., NW, #410 Washington, DC 20009	CAM Finance Associates
Johnston Barton Proctor Swedlaw & Naff, 1100 Park Place Tower Birmingham, AL 35203	John W. Jamison III
B. Meaghan Jolly, 7908 Burdette Road Bethesda, MD 20817	Burdette Road Baby's Assn
David R. Jones, 105 East 22nd Street New York, NY 10010	Community Service Society
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc

Organization or Individual Filing	Employer/Client
Theodore L. Jones, 2033 K St., NW, #300 Washington, DC 20006-1056	Zapata Corporation
Do	Zapata Gulf Marine Corp
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	Bear Stearns & Co
Do	Cleveland Cliffs, Inc
Do	Scott Fetzer Co
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Iriquois Gas Transmission Systems
Barry Kasinitz, 2001 S Street, NW Washington, DC 20009	Vietnam Veterans of America, Inc
Anthony P. Kavanagh, 410 First Street, SE Washington, DC 20003	Consolidated Edison Co of New York, Inc
Kaye Scholer Fierman Hays & Handler, 1575 Eye Street, NW, #1150 Washington, DC 20005	Brown Brothers Harriman & Co
Do	Eastern Airlines, Inc
Do	KWG Properties
Do	Siemens Medical Systems, Inc
Kevin B. Kearney, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc
Keck Mahin & Cate, 2033 K St., NW, #300 Washington, DC 20006	American Assn for Marriage & Family Therapy
Do	National Assn of Social Workers
Do	Sunmar Shipping, Inc
David A. Keene, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)
Do	Keene Shirley & Associates, Inc (For:Apex Marine)
Do	Keene Shirley & Associates, Inc (For:Australian Barley Board)
Do	Keene Shirley & Associates, Inc (For:Council for International Development)
Do	Keene Shirley & Associates, Inc (For:CSR, Ltd)
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)
Do	Keene Shirley & Associates (For:Mortgage Guaranty Insurance Corp)
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)
Do	Keene Shirley & Associates, Inc (For:United Maritime Officers Assn)
Keene Shirley & Associates, Inc, 919 Prince Street Alexandria, VA 22314	American Freedom Coalition
Do	Apex Marine
Do	Australian Barley Board
Do	Council for International Development
Do	CSR, Ltd
Do	Limited, Inc
Do	Marine Engineers Beneficial Assn
Do	McDonnell Douglas Astronautics Co
Do	Mortgage Guaranty Insurance Corp
Do	National Farmers' Federation of Australia
Do	National Tax Limitation Committee
Do	United Maritime Officers Assn
Michael Kellett, 1400 Eye St., NW Washington, DC 20005	Wilderness Society
William N. Kelly, 1200 Peavey Building Minneapolis, MN 55479-1032	Norwest Corporation
Mary Linda Kemp, 815 15th Street, NW, #709 Washington, DC 20005	Floyd H. Hyde Associates, Inc (For:San Bernardino, CA, Water Department)
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Chicago Research & Trading Group, Ltd
Do	Flying Tigers
Do	Georgia Forest Landowners Council
Do	Gray Communications Systems, Inc
Do	John Hancock Mutual
Do	Marathon U.S. Realties, Inc
Do	Mitsubishi Electronic America, Inc
Do	Prudential Insurance Co of America
Do	U.S. Sprint Telecommunications Co
Do	University of Georgia
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Aetna Realty Investors, Inc
Do	Coca-Cola Bottling Co West, Inc
Do	George W. Felker III, et al.
Do	Georgia Stadium Corp
Do	Intelligent Systems
Do	Trammell Crow Co
King Shapiro [illegible] Boyd & Young, 3100 Breckinridge Blvd., Bldg. 1200 Duluth, GA 30136	A. L. Williams Corp
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Service Master
Do	USG Corporation
Do	Valhi, Inc
Andrew M. Klein, 1101 Connecticut Ave., NW, #600 Washington, DC 20036	Schiff Hardin & Waite (For:Chicago Board Options Exhange)
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees
Nicholas M. [illegible], 1407 North Kenilworth St., #1 Arlington, VA 22205	American Conservative Union
Herb B. Kuhn, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn
Peter Kyros, 3[illegible] Yoakum Parkway, #4-303 Alexandria, VA 22304	Mutual Protection Trust Cooperative of American Physicians
Do	Uniformed Services Disabled Retirees
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005	
Ellen C. Lamb, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	Coalition for Consumer Justice
Do	GA Technologies, Inc
Do	National Taxpayers Union
Laxalt Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	Greenebaum & Rose
Joseph A. LaSala Jr., 1120 20th St., NW, #600-S Washington, DC 20036	Union Pacific Corp
Leadership Conference Education Fund, 2027 Massachusetts Ave., NW Washington, DC 20036	
Michael R. [illegible], 2001 S St., NW Washington, DC 20009	Vietnam Veterans of America, Inc
Terry L. Leitzell, One Thomas Circle, NW, #900 Washington, DC 20005	Crystal Globe, Ltd
Do	Northern Falcon, Inc
Do	Sahlman Seafoods, Inc
Lepon McCarthy & Jutkowitz, 2011 Eye St., NW, #401 Washington, DC 20006	Helmsley-Spear, Inc
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:United Network for Organ Sharing)
Lipsen Hamberger Whitten & Hamberger, 1725 Desales St., NW, #800 Washington, DC 20036	American Coastal Industries, Inc
Do	American Dehydrated Onion & Garlic Assn
Do	American Public Transit Assn
Do	American Resort & Residential Development Assn
Do	American Telephone & Telegraph Co
Do	Burns & Roe, Inc
Do	Council of Engineers Scientists Organizations
Do	Diagnostic Retrieval Systems, Inc
Do	DINAMO/ovia
Do	McKesson Corp
Do	Medley Tool & Model Co, Inc
Do	Meridian Bancorp, Inc
Do	RJR Nabisco, Inc
Do	Staley Continental, Inc
Do	TeleCommunications, Inc
Do	Tobacco Institute
Do	Union Pacific Corp
Do	Vickers Shipbuilding & Engineering, Ltd
Do	West Virginia University
Celia C. [illegible], 1050 Connecticut Ave., NW, #740 Washington, DC 20036	Norfolk Southern Corp
David H. [illegible], 777 14th Street, NW Washington, DC 20005	National Assn of Realtors
John E. Lynn, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc
Cliff Madison Government Relations, Inc, P.O. Box 7006 Northridge, CA 91327-7006	Citation Homes
James J. [illegible], 600 Maryland Ave., SW Washington, DC 20024	Lachelli Waller & Associates
Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006	R.S. Landauer, & Co Jr.
Manatt Phelps Rothenberg & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Briscoe Co
Do	Krueger, Inc
Do	National Cable Television Assn, Inc
Do	Texas International Co
Do	U.S. Telephone Assn
Anthony [illegible]anares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc

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Organization or Individual Filing	Employer/Client
Melinda Marks, 4 Echo Hill Montvale, NJ 07645	Friends of Animals
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knwolton, Inc (For:United Network for Ogan Sharing)
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Lebenthal & Co, Inc
Do	Lehndorff & Babson Real Estate Counsel
Do	RJR Nabisco, Inc
Do	Sara Lee Corp
Do	Tele-Communications, Inc
Donald S. Mazzullo, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc
McAuliffe Kelly Furlong Aldrich & Siemens, 555 New Jersey Ave., NW, #880 Washington, DC 20001	Verdie Forest, Inc
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	American Electric Power Co, Inc
Do	American Nuclear Energy Council
Do	Commonwealth Edison Co
Do	ETA Systems, Inc
Do	GA Technologies, Inc
Do	Sealaska Corp
Do	Tri-City Industrial Development Council
Do	United Illuminating Co
Do	Urenco, Inc
McCamish Ingram Martin & Brown, P.C., 650 MBank Tower 221 West 6th Street Austin, TX 78701	Central & South West Corp
Do	Citicorp
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Geneve Corporation
Do	Henley Group, Inc
Steven A. McCoy, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006	North American Export Grain Assn, Inc
Jack McDonald, 1489 Chain Bridge Road, #200 McLean, VA 22101	General Cinema Corp
McElroy & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Al Williams & Company
Monica E. McFadden, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA
McGuire Woods Battle & Boothe, P.O. Box 25047 Alexandria, VA 22313	RF&P Railroad
Ursula H. McManus, 1707 H St., NW, #602 Washington, DC 20006	G. Heileman Brewing Co, Inc
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	Committee for Fair Pizza Labeling
Do	Farm Credit System Capital Corp
McNair Group, Inc, 1155 15th St., NW, S-400 Washington, DC 20005	Illinois Central Gulf Railroad
Do	
Do	McNair Law Firm, P.A.
Do	Norfolk Southern Corp
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Amick Farms
Do	Auburn University
Do	International Paper Co
Do	Munitions Carrier Conference
Do	National Council on Alcoholism, Inc
Do	Pfizer, Inc
Robert McNulty, 420 Lexington Avenue New York, NY 10017	Hill & Knowlton, Inc (For:Republic of Indonesia)
John R. Mendenhall, 345 Park Avenue New York, NY 10154	Union Pacific Corp
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Barron Collier Co)
Do	Cadwalader Wickersham & Taft (For:Coalition for Capital Import Neutrality)
Do	Cadwalader Wickersham & Taft (For:GAF Corporation)
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn
Milgrim Thomajan & Lee, 405 Lexington Avenue New York, NY 10174	Lloyds U.S.
Harris Miller & Associates, 1655 N. Fort Myer Drive #700 Arlington, VA 22209	Fruit Growers League of Jackson County
Do	Texas & Southwestern Cattle Raisers Assn
Do	Texas Sheep & Goat Raisers Assn
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Creative Artists Agency, Inc
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1025 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	ABRASSUCOS - Brazilian Juice Assn
Do	ANIC - National Assn of Citric Industries
Gregory R. Mueller, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)
Do	Keene Shirley & Associates, Inc (For:National Tax Limitation Committee)
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation
Patricia Collins Murdock, 1313 L St., NW Washington, DC 20005	Service Employees International Union
James F. Murphy, 6200 Oaktree Blvd. Independence, OH 44131	Centerior Energy Corp, et al.
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202	
Hardy Myers, 1730 M Street, NW, #900 Washington, DC 20036	Stoel Rives Boley Jones & Grey (For:A-dec, Inc)
Daniel Nadash, 777 14th St., NW Washington, DC 20005	National Assn of Realtors
National Assn of Atomic Veterans, P.O. Box 409 Eldon, MO 65026	
National Strategies & Marketing Group, 1919 Pennsylvania Ave., NW, #701 Washington, DC 20006	Joy Technologies
Frederick W. Neill, 600 5th Street Aurora, IL 60505	
E. John Neumann, 1101 17th St., NW, #405 Washington, DC 20036	Southern Company Services, Inc
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	Thompson Medical Co
David O'Brien & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	A. L. Williams & Company
Bartley M. O'Hara, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	Anheuser-Busch Companies, Inc
Kathleen O'Leary, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Transmission Corp
Deborah A. O'Malley, One Post Office Square Boston, MA 02109	Sullivan & Worcester (For:RCC International Corp)
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Massachusetts Hospital Assn
Ohio Business Committee, 4410 Chesapeake St., NW Washington, DC 20016	
Peter J. Olsen, 413 Rezanof Drive East Kodiak, AK 99615	Afognak Native Corp
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22304	Los Angeles-Long Beach Harbor Repair Council
David S. Osterhout, 1604 Montmorency Drive Vienna, VA 22180	Lockheed Corporation
Roger D. Oswalt, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:Australian Barley Board)
Do	Keene Shirley & Associates, Inc (For:CSR, Ltd)
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Washington Physicians Service
Gerald Padwe, 1900 M Street, NW Washington, DC 20036	Touche Ross & Co (For:Restaurant Associates)
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Bell Helicopter Textron, Inc
Do	Commonwealth of Puerto Rico
Do	Eaton Corp
Do	Lockheed Aeronautical Systems Co
Do	Pilatus Britten-Norman, Ltd
Do	Research Corp Technology, Inc
Do	Westinghouse Defense & Electronics Systems Co
Do	Won Door Corporation
Patton Boggs & Blow, 2550 M St., NW, #800 Washington, DC 20037	Dole Fresh Fruit Co
Do	Government of the Republic of the Marshall Islands
Do	G. Heilman Brewing Co, Inc
Do	Immune Response Corp
Do	Incorporated Research Institute for Seismology
Do	Minerals Marketing Corp of Zimbabwe
Do	Nakajima All Co, Ltd
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Amdahl Corporation
Nell Payne, 111 Massachusetts Ave., NW, 3rd Floor Washington, DC 20001	Turner Broadcasting System, Inc
Marc A. Pearl, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Rainier National Bank
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))
Perkinson & Associates, 453 New Jersey Ave., SE Washington, DC 20003	Save Home Equity Deductions (SHED)
Michael W. Peters, 5709 W. 21st St., P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc
Phillips Nizer Benjamin Krim & Ballon, 40 West 57th St., New York, NY 10019	Riverbay Corp
Pierson Ball & Dowd, 1200 18th St., NW, #1000 Washington, DC 20036	Contel ASC
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Committee for Competitive Marketing
Do	National Development Service Corp
Do	Owens-Illinois, Inc
Pro-Desert Coalition, P.O. Box 188380 Sacramento, CA 95818-8380	
Product Liability - Sports, 200 Castlewood Drive North Palm Beach, FL 33408	
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Washington Public Utility Districts Assn

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Organization or Individual Filing	Employer/Client
Thomas F. Railsback, 1133 15th St., NW, #1100 Washington, DC 20005	London Harness Co
Robert Ratliffe, 5808 Lake Washington Blvd., 3rd Fl. Kirkland, WA 98033-7397	McCaw Communications Cos
Craig Raupe, 1[illegible]10 Pennsylvania Ave., SE Washington, DC 20003	United Illuminating Co
Ralph Rayburn, [illegible]07 Brazos Street Austin, TX 78701	Texas Shrimp Assn
Donald L. Redifer, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons
Reese Communications Companies, Inc, 2111 Wilson Blvd., #900 Arlington, VA 22201	Drexel Burnham Lambert, Inc
Regional Airline Association, 1101 Connecticut Ave., NW Washington, DC 20036	
Reid & Priest, 40 West 57 Street New York, NY 10019	Transol USA, Inc
Do	Utility Decommissioning Group
John W. R[illegible] Jr., 1439 Rhode Island Ave., NW Washington, DC 20005	EXPEX, Inc
Rendon Company, 1439 Rhode Island Ave., NW Washington, DC 20009	EXPEX, Inc
Laura K. Rhodes, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc
John C. Richardson, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:Underwriters at Lloyd's London)
Christine R. R[illegible], 114 15th St., NE Washington, DC 20002	National Assn of Gay & Lesbian Democratic Club
William P. R[illegible], 2[illegible]00 Mill Road, #616 Alexandria, VA 22314	Specialized Carriers & Rigging Assn, Inc
Riggle Keating & Craven, 205 West Wacker Dr., #2022 Chicago, IL 60606	Gillette Industries, Inc
Russell C. Ring, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents
Joe H. Ritch, 100 Washington St., #200 Huntsville, AL 35801	Sirote Permutt McDermott Slepian Friend Friedman Held...
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Chemical Bank
Do	Emmis Broadcasting
Do	New Energy Co of Indiana
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Dallas Area Rapid Transit)
Nathan Robinson, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc
Robins Zelle Larson & Kaplan, 1627 Eye St., NW, #610 Washington, DC 20006	Dominium Group, Inc
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20007	Vietnam Women's Memorial Project, Inc
Joe O. Rogers, 1815 H St., NW, #600 Washington, DC 20006	Rogers International, Inc (For:China External Trade Development Council)
Ropes & Gray, 1001 22nd St., NW, #700 Washington, DC 20037	Eastern Gas & Fuel Associates
Rose Schmidt Hasley & DiSalle, 1250 24th Street, NW, #630 Washington, DC 20037	Equimark Corporation
Do	Joy Technologies
Ernest S. Rosenberg, 1440 New York Ave., NW, #300 Washington, DC 20005	E. Bruce Harrison Co (For:Alternative Materials Institute)
Do	E. Bruce Harrison Company (For:NEDA/Clean Air Act Project)
Do	E. Bruce Harrison Company (For:NEDA/Ground Water Project)
Linda R[illegible], 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc
Brigette M. Rawson, Box 17407 Dulles Airport Washington, DC 20041	American Newpaper Publishers Assn
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn
James A. Russell, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc
Russo Watts & Rollins, 655 15th Street, NW, #250 Washington, DC 20005	Wind Baron Corp
John Ryan Associates, 8447 Portland Place McLean, VA 22102	MPB Corp
Brenda Seymore Sanders, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc
Robert W. S[illegible], 1900 M Street, NW Washington, DC 20036	Touche Ross & Co (For:Money Store Investment Co)
Do	Touche Ross & Co (For:Restaurant Associates)
Do	Touche Ross & Co (For:Schnuck Markets, Inc)
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20007	California Assn of Sanitation Agencies
Satellite Broadcasting & Communications Assn, 300 N. Washington Street, #208 Alexandria, VA 22314	
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers
Kenneth J. Seaman, One Post Office Square Boston, MA 02109	Sullivan & Worcester (For:RCC International Corp)
Law Offices of John Sears, 818 Connecticut Avenue, NW Washington, DC 20006	Honda Motor Co
Ruth L. Segal, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Vern Clark & Associates
Deborah L. Sherman, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc
Craigan P. Shirley, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)
Do	Keene Shirley & Associates, Inc (For:Apex Marine)
Do	Keene Shirley & Associates, Inc (For:Australian Barley Board)
Do	Keene Shirley & Associates, Inc (For:Council for International Development)
Do	Keene Shirley & Associates, Inc (For:CSR, Ltd)
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)
Do	Keene Shirley & Associates, Inc (For:Marine Engineers Beneficial Assn)
Do	Keene Shirley & Associates (For:McDonnell Douglas Astronautics Co)
Do	Keene Shirley & Associates, Inc (For:Mortgage Guaranty Insurance Corp)
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)
Do	Keene Shirley & Associates, Inc (For:National Tax Limitation Committee)
Julie Shisler, P.O. Box 85608 San Diego, CA 92138	GA Technologies. Inc
David D. Sh[illegible]e, 2215 Constitution Ave., NW Washington, DC 20037	American Pharmaceutical Assn
William A. S[illegible], 444 North Capitol St., NW, #711 Washington, DC 20001	Keefe Company (For:Corporate Growth Concepts)
Do	Keefe Company (For:Linnabary & Associates)
Do	Keefe Company (For:U.C. Consultants)
Ronald G. S[illegible], 1143 Conroy Lane, #17 Roseville, CA 95661	
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Sawyer-Miller Group
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Telephone & Telegraph Co
Do	Baker-Hughes, Inc
Do	CSX Corporation
Do	Genentech
Do	Long Island Power Authority
Do	MCI Communications Corp
Do	Reynolds Metals Co
Do	Westinghouse Electric Corp
Don S. Smith, 1730 Pennsylvania Ave., NW, #300 Washington, DC 20006	Williams Companies
Jerry N. Smith, P.O. Box 9158 Amarillo, TX 79105-9158	
William A. Smith, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))
Smith Radin & Hirasuna, 2033 K Street, NW, #300 Washington, DC 20006	General Instrument Corporation
Gillian Spooner, Touche Ross & Co 1900 M Street, NW Washington, DC 20036	NVHomes
Do	Schnuck Markets, Inc
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	Alleco, Inc
Do	Cranston Corp
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc
St. Lawrence County, New York, Judson Street Canton, NY 13617	
Jane Sutter Starke, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)
Piper Starr, 3000 K St., NW, #300 Washington, DC 20007	Strategic Resources Corp (For:Listeff Fashions, Inc)
Martin J. S[illegible], 164 Lexington Avenue New York, NY 10016	Paul Buiar Associates, Inc (For:Phillip Morris USA)
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Pioneer Financial
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn
V. G. Stoia, 115 First Avenue Southwest Aberdeen, SD 57401	Education Assistance Corp
Mary R. St[illegible], 2001 S Street, NW Washington, DC 20009	Vietnam Veterans of America, Inc
Strategic Resources Corp, 3000 K Street, NW, #300 Washington, DC 20007	Matsushita Electric Corp of America
V Anne Strickland, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society
Sutherland Asbill & Brennan, 1275 Pennsylvania Ave., NW Washington, DC 20004-2404	City of Baton Rouge
Do	City of New Orleans
Do	Duke University
Do	Hand Arendall Bedsole Greaves & Johnston
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Uniroyal Chemical, Inc
Tapstar, Inc, 722 Oak Grove Severna Park, MD 21146	National Strategies & Marketing Group
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)
Henry A. Thomas, 5902 Lamont Drive New Carrolton, MD 20784	
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co
Thompson & Company, 529 14th St., NW, #425 Washington, DC 20045	Capital Credit
Do	Chicago Research & Trading Group, Ltd
Do	Hinderliter Industries, Inc
Do	Kaiser Steel Corp
Do	Lowrance Electronics
Do	Marathon Properties
Do	Morse/Diesel
Do	Sikorsky Aircraft Corp/Div of United Technologies

Organization or Individual Filing	Employer/Client
Do	Wayne County Michigan
Thompson Mann & Hutson, 1730 Pennsylvania Ave., NW, #1250 Washington, DC 20006	Mitchell's Management Corp
Do	Spruce Development Corp
Webster B. Todd Jr., 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Iriquois Gas Transmission Systems
Do	Sierra Club of America
Genevieve W. Tuchow, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Distribution Companies
Stanley F. Turesky, 2550 M St., NW, #300 Washington, DC 20037	Van Dyke Associates, Inc (For:American Gas Assn)
Do	Van Dyke Associates, Inc (For:USF&G Corp)
Audrey Schumacher Turner, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Loyens & Volkmaars)
William F. Turner, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters
S. Diane Turpin, 1100 17th St., NW, #1203 Washington, DC 20036	Financial Executives Institute
U.S.-Japan Dialogue of the Year 2001 Committee, 2600 Virginia Ave., NW, #512 Washington, DC 20037	Year 2001 Committee
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	INTERARMS
Van Ness Feldman Sutcliffe & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Postal Square Associates
Do	Wagner & Brown
Vietnam Veterans of America, Inc, 2001 S Street, NW Washington, DC 20009	
T. Visconti & Associates, Inc, 1089 W. Granada Blvd., #3 Ormond Beach, FL 32074	
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Bank One, Columbus, N.A.
Do	Dale Michael A/K/A Riviera Bowling Lanes
Wagner & Baroody, Inc, 1615 L St., NW, #750 Washington, DC 20036	Association of Business Publishers
Do	EMSI, Ltd
Do	New MediCo Associates, Inc
Do	Rainbow Navigation, Inc
Frederick P. Waite, 1333 New Hampshire Ave., NW Washington, DC 20036	Loyens & Volkmaars
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Charter National Life Insurance Co
Do	S. Grumbacher & Son, Inc
Do	PHLcorp, Inc
Do	Resorts International, Inc
Austen W. Watson, 1725 Jefferson Davis Hwy., #701 Arlington, VA 22202	Singer Co
Jay Watson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society
Peter K. Weber, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society
Webster & Sheffield, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Winner Wagner & Associates, Inc
Webster Chamberlain Bean & McKevitt, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Diagnostic Retrieval Systems, Inc
Mark Weinberg, 1815 H St., NW, #600 Washington, DC 20006	Mark B. Weinberg, P.C. (For:Coalition for a Free Marketplace of Ideas)
Mark B. Weinberg, P.C., 1815 H Street, NW, #600 Washington, DC 20006	Coalition for a Free Marketplace of Ideas
Do	Federal Indian Tribes of Michigan
Wellford Wegman & Hoff, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Catalyst Energy Corp
Do	Energy Factors, Inc
Do	Sithe-Energies USA, Inc
Do	Taurus International Manufacturing, Inc
G. Franklin West, 3804 Rodman St., NW, #302 Washington, DC 20016	Church Alliance
Edith E. Westermann, 1225 Jefferson Davis Highway, #600 Arlington, VA 22202	Westermann & Hendricks, Inc
Wexler Reynolds Harrison & Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	American International Manufacturing Corp
Do	ARCO
Do	Consortium of State Maritime Schools
Do	Gulf South Engineers, Inc
Do	Hughes Aircraft Company
Do	Manhattan Building Companies, Inc
Do	Massachusetts Maritime Academy
Do	National Gypsum Co
Do	New England Fisheries Development Foundation, Inc
Do	Oceanic Institute
Do	Paul Weiss Rifkind Warton & Garrison
Leland J. White, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments
Wickham & Geske, 2300 N St., NW, #600 Washington, DC 20037	LTV Corporation
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Security Pacific National Bank
Charles C. Williams, P.O. Box 3500 M/S 630 Vancouver, WA 98668	Tektronix, Inc
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Southwestern Bell Corp
Do	Turner Broadcasting System, Inc
Do	U.S. Telephone Assn
Do	United Bankers, Inc
Willkie Farr & Gallagher, 1155 21st St., NW Washington, DC 20001	National Assn of Independent Fee Appraisers
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Deutsche Lufthansa AG
Do	Empire of America Federal Savings Bank
John P. Winburn, Winburn Associates, Inc 453 New Jersey Ave., SE Washington, DC 20003	FAG Bearings Corporation
Do	United Airlines, Inc
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	Staley Continental, Inc
Christopher J. Witkowski, 2000 P St., NW, #700 Washington, DC 20036	Aviation Consumer Action Project
Hazel A. Witte, 1100 17th St., NW, #1203 Washington, DC 20036	Financial Executives Institute
Thomas J. Wolf, 1439 Rhode Island Ave., NW Washington, DC 20005	EXPEX, Inc
G. Kent Woodman, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)
Irvin M. Woods, 600 Maryland Ave., SW, #701 Washington, DC 20024	Aircraft Owners & Pilots Assn
Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006	Canadair Challenger, Inc
Wunder & Diefenderfer, 1615 L St., NW, #650 Washington, DC 20036	Association of American Railroads
Do	Food Marketing Institute
Do	Ford Motor Co
Do	Genentech
Do	General Aviation Manufacturers Association
Do	GTE Corporation
Do	LTV Corporation
Do	North American Phillips Corp
Do	Polaris Industries
Do	Primark Corporation
Do	Product Liability Coordinating Committee
Do	Tobacco Industry Labor Management Committee
F. Dalton Yancey, 910 16th St., NW, S-402 Washington, DC 20006	Florida Sugar Cane League, Inc
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc
Murray Zweben, 1140 19th St., NW, #600 Washington, DC 20036	New Hampshire Yankee
Do	Romulus Engineering

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1987:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19..... ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER________________________________

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense Money” and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302(b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*____________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	American Ambulance Assn	9,942.91	5,648.96
Do	Golden Gate Bridge Highway & Transportation District	9,410.30	4,305.79
Do	Tobacco Institute	20,241.39	4,305.79
Robert J. Aagre, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	120.00	6.00
Paul C. [illegible], 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	1,194.23	5.00
Thomas G. Abernethy Sr., 3973 Stuart Place Jackson, MS 39211	U.S. Cane Sugar Refiners' Assn		
Albert E. Abrahams, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	191.53
Matthew J. Abrams, 1828 L St., NW, #660 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)		
Do	Dominion Marine Assn		
Elaine Acevedo, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	2,000.00	
Action for Children's Television, 20 University Road Cambridge, MA 02138		75,935.22	
Ad Hoc Coalition on International Electric Power Trade, 12800 Shaker Blvd. Cleveland, OH 44120-2099			140.23
John J. Adams, 2000 Pennsylvania Ave., NW, #900 Washington, DC 20006	Ethyl Corporation		
Do	Vepco		
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co	500.00	424.46
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Terrance M. Adlhock, 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co	2,000.00	1,500.00
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		41,501.35	41,501.35
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	American Assn of Retired Persons	7,250.00	
Do	Association for Gerontology in Higher Education	750.00	
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Robert S. [illegible], 1730 M St., NW, #607 Washington, DC 20036	Arizona Public Service Company	1,950.00	4,604.08
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		52.00
Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209			
Air Products & Chemicals, Inc, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006			3,829.40
Air Traffic Control Assn, Inc, 2020 North 14th Street, #410 Arlington, VA 22201		1,089.11	1,089.11
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		4,596,095.00	114,888.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	2,100.00	6.00
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600 Washington, DC 20004	Digital Equipment Corp	16,250.00	
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Aldrich Eastman Waltch, Inc	890.00	
Do	Amerada Hess Corp	5,775.00	95.00
Do	American Nuclear Energy Council		
Do	American Stores Co	4,000.00	76.00
Do	American Telephone & Telegraph Co	850.00	
Do	Archer Daniels Midland Company		
Do	Asamera Minerals (U.S.), Inc	250.00	
Do	Baltimore District Farm Credit Council	15,000.00	285.00
Do	Bank of New York	21,100.00	399.00
Do	Boston Company	890.00	
Do	Buckeye Pipeline Co, L.P.	1,800.00	19.00
Do	Charles Jacquin et Cie, Inc	140.00	
Do	City of Philadelphia	2,000.00	38.00
Do	Clark Enterprises, Inc		
Do	Clarke/Bardes Organization, Inc	716.00	
Do	Coalition for Fair Capital Reimbursement	2,000.00	38.00
Do	Commercial Metals Co	8,300.00	152.00
Do	Copley Real Estate Advisors, Inc	890.00	
Do	Creditors in case of Grant Broadcasting System, Inc	1,044.00	19.00
Do	COMSAT Corp	750.00	
Do	Drexel Burnham Lambert, Inc	63,240.00	1,197.00
Do	Embassy of the People's Republic of China		
Do	First City Bancorporation of Texas, Inc	1,860.00	19.00
Do	First Texas Savings & Loan		
Do	Fujitsu America, Inc	2,000.00	38.00
Do	General Motors Corp		
Do	W. R. Grace & Co	6,840.00	114.00
Do	Guardian Industries	100.00	
Do	Gulf & Western Industries, Inc	1,150.00	19.00
Do	Houston Oilers	180.00	
Do	Jacquin's	140.00	
Do	Peter Kiewit Sons', Inc	18,060.00	342.00
Do	Levi Strauss & Co	2,290.00	38.00
Do	Lone Star Steel Co		
Do	Long Island Lighting Co	25,294.00	475.00
Do	Merrill Lynch Capital Partners	1,600.00	19.00
Do	Mesa Petroleum Co	42,000.00	798.00
Do	Metropolitan Transit Authority of Harris County	1,500.00	19.00
Do	Morgan Stanley & Co, Inc		
Do	Motion Picture Assn of America, Inc	6,700.00	114.00
Do	Mutual Fairness Taxation Assn		
Do	MEDCO Containment Services, Inc		
Do	National Football League		
Do	Nederlander Theatres		
Do	Nevada Resorts Assn	16,500.00	304.00
Do	News America		
Do	Pepsico, Inc	2,640.00	38.00
Do	Pharmaceutical Manufacturers Assn	5,525.00	95.00
Do	Population Services International	2,000.00	38.00
Do	Property Capital Advisors, Inc	890.00	
Do	Reebok International Ltd	550.00	
Do	Research Corporation		
Do	RJR Nabisco, Inc	5,200.00	95.00
Do	Scotfoam Corp		
Do	Sheller-Globe		
Do	Southern California Edison Co	2,275.00	38.00
Do	Texas Air Corp		
Do	Tinicum, Inc	2,000.00	38.00
Do	Todhunter International, Inc	140.00	
Do	United Illuminating Co	5,097.00	95.00
Do	W. B. Voss		
Do	Warner-Lambert Co	26,400.00	494.00
Do	Wertheim & Co	500.00	
William E. Albers, 1731 Connecticut Ave., NW Washington, DC 20009	Albers & Company (For:May Department Stores Co)	16,400.00	200.64
James J. Albertine, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Donald C. Alexander, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Products & Chemicals, Inc)		
Do	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)		
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)	68.75	
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)		
Do	Cadwalader Wickersham & Taft (For:Clark/Bardes Organization, Inc)		
Do	Cadwalader Wickersham & Taft (For:Disabled American Veterans)		
Do	Cadwalader Wickersham & Taft (For:Eastern Air Lines, Inc)		
Do	Cadwalader Wickersham & Taft (For:Family Life Insurance Co)	137.50	
Do	Cadwalader Wickersham & Taft (For:Henley & Co, Inc)	13.75	
Do	Cadwalader Wickersham & Taft (For:Knoll Pharmaceuticals)	13.75	
Do	Cadwalader Wickersham & Taft (For:Management Compensation Group)		
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)	92.13	
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)	115.50	
Do	Cadwalader Wickersham & Taft (For:PepsiCo, Inc)	92.13	
Do	Cadwalader Wickersham & Taft (For:Raychem Corp)		
Do	Cadwalader Wickersham & Taft (For:Scott Paper Co)		
Nancy C. Alexander, 245 Second Street, NE Washington, DC 20002	Friends Comm on National Legislation	4,450.53	
John D. [illegible], c/o Doh Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Stelco, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Alexandra Allen, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	4,796.15	
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	9,250.00	233.60
Kenneth B. Allen, 555 New Jersey Ave., NW, #800 Washington, DC 20001	Information Industry Asn	7,500.00	
William E. Allen, 1111 14th Street, NW Washington, DC 20005	American Dental Assn	1,000.00	
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		7,500.00	1,623.00
Alliance for Capital Access, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006		330,000.00	72,087.94
Alliance of American Insurers, 1501 Woodfield Road, #400 West Schaumburg, IL 60195			41,843.10
Alliance to Save Energy, 1925 K Street, NW, #206 Washington, DC 20006			
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Allied Acid Rain Prohibition, 11573 Embers Court Reston, VA 22091			
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Alltel Corporation, 100 Executive Parkway Hudson, OH 44236			277.00
Harvey Alter, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	3,200.00	
Michael J. Altier, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	7,175.00	72.00
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	5,000.00	473.75
Ricardo R. Alvarado, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal Inc	2,858.00	
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	4,000.00	89.31
American Academy of Family Physicians, 1740 West 92nd St. Kansas City, MO 64114		17,010.07	17,010.07
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			6,432.85
American Arts Alliance, 1319 F Street, NW, #307 Washington, DC 20004-1182		66,944.00	136,202.00
American Assn for Counseling & Development, 5999 Stevenson Avenue Alexandria, VA 22304		47,910.00	31,712.00
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		1,250.00	1,250.00
American Assn of Equipment Lessors, 1300 North 17th St., #1010 Arlington, VA 22209			
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		1,107.11	251.23
American Automobile Assn, 8111 Gatehouse Rd. Falls Church, VA 22047			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		121,007.57	121,007.57
American Camping Association, Bradford Woods Martinsville, IN 46151		5,721.82	5,721.84
American Chamber of Commerce of the Dominican Republic, P.O. Box 95-2 Santo Domingo Dominican Republic			
American Conservative Union, 38 Ivy Street, SE Washington, DC 20003			
American Council for Capital Formation, 1850 K Street, NW, #520 Washington, DC 20006		1,573.00	4,817.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		50,633.18	50,633.18
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			6,000.00
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		124,381.00	124,381.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			146,858.27
American Feed Industry Assn, 1701 N. Ft. Myer Dr. Arlington, VA 22209		3,240.00	3,240.00
American Financial Services Assn, 1101 14th St., NW Washington, DC 20005			1,000.00
American Frozen Food Institute, 1700 Old Meadow Rd., #100 Mclean, VA 22102		6,000.00	6,000.00
American Hellenic Institute Public Affairs Committee, Inc, 1730 K St., NW Washington, DC 20006		1,500.00	
American Hotel & Motel Assn, 888 Seventh Ave. New York, NY 10106		22,552.86	13,182.50
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			3,005.60
American Insurance Assn, 1025 Connecticut Avenue, NW Washington, DC 20036		3,239.00	3,239.00
American International Group, Inc, 70 Pine Street New York, NY 10270			56,688.73
American Israel Public Affairs Comm, 500 N. Capitol St., NW, #300 Washington, DC 20001		210,582.00	135,693.69
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			2,275.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		208,250.00	11,418.64
American Library Assn, 50 E. Huron St. Chicago, IL 60611		197.00	5,131.86
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202			1,662.95
American Meat Institute, P.O. Box 3556 Washington, DC 20007			6,500.00
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			96,860.25
American Medical Care & Review Assn, 5410 Grosvenor Lane, #210 Bethesda, MD 20814			
American Movers Conference, 2200 Mill Road Alexandria, VA 22314			3,010.00
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		20,320.43	20,320.43
American Orthotic and Prosthetic Assn, 717 Pendleton St. Alexandria, VA 22314-1885			
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			5,025.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		157,402.28	238,984.53
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		8,846.95	6,846.95
American Podiatric Medical Assn, 9312 Old Georgetown Road Behesda, MD 20814-1621			21,611.45
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		91,621.65	78,759.96
American Public Transit Assn, 1225 Connecticut Ave., NW Washington, DC 20036		82,106.00	82,106.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Retreaders' Assn, P.O. Box 17203 Louisville, KY 40217		500.00	500.00
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			14,585.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			
American Soc for the Prevention of Cruelty to Animals, 441 E. 92nd Street New York, NY 10128			
American Soc for Personnel Administration, 606 North Washington Street Alexandria, VA 22314			
American Soc of Anesthesiologists, 1111 14th Street, NW, #501 Washington, DC 20005			39,867.50
American Soc of Hospital Pharmacists, 5630 Montgomery Avenue Bethesda, MD 20814			1,275.00
American Soybean Association, 600 Maryland Avenue, SW, #510 Washington, DC 20024		9,900.00	6,652.30
American Subcontractors Assn, 1004 Duke St. Alexandria, VA 22314			3,000.00
American Textile Machinery Assn, 7297 N. Lee Hwy. Falls Church, VA 22042		400.00	400.00
American Textile Manufacturers Institute, Inc, 1101 Connecticut Avenue, NW, #300 Washington, DC 20036		32,718.58	43,231.09
American Trucking Assns, Inc, 2200 Mill Road Alexandria, VA 22314		10,290.06	71,707.10
American Veterinary Medical Assn, 1522 K Street, NW, #828 Washington, DC 20005			
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		342,021.00	197.03
Americans for Immigration Control, Inc, P.O. Box 738 Monterey, VA 24465		7,471.28	7,471.28
Americans for Nonsmokers' Rights, 2054 University Ave., #500 Berkeley, CA 94704		8,000.00	7,956.00
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Coalition for American Energy Security	4,500.00	
Do	Nathan Lewin (for 47th Street Photo)	5,000.00	
Do	Northrop Corp	3,000.00	
Do	Pan American World Airways, Inc	3,000.00	
Do	Thompson Medical	3,000.00	
Jan S. Amundson, 1331 Pennsylvania Ave., #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	50.00	
Christopher E. Anders, 1667 K Street, NW, #660 Washington, DC 20006	Marlowe & Co (For:Graphic Communications Int'l Union)	3,012.00	92.00
A. Richard Anderson, 300 South Sixth Street Minneapolis, MN 55402	Pillsbury Company		
Anthony A. Anderson, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)	8,662.00	
Bette B. Anderson, 1020 19th St., NW, #520 Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:U.S. Banknote Corp)		
Byron Anderson, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	479.21
H. Kim Anderson, Virginia Petroleum Council 1001 E. Broad Street Richmond, VA 23219	American Petroleum Institute		473.74
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland		
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Steven C. Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	5,000.00	
William C. Anderson, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		47.50
Anderson & Pendleton, 1000 Connecticut Avenue, NW, #707 Washington, DC 20036	Corporacion Nacional del Cobre de Chile		
Do	Military Mission of Chile		
Anderson Benjamin Read & Haney, Inc, 1020 19th St., NW, #520 Washington, DC 20036	Coalition to Stop the Raid on America	750.00	100.00
Lisa Andrews, 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Mutual Life Insurance Co		
Mark Andrews, 2550 M St., NW, #695 Washington, DC 20037	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Mars, Inc		
Do	Martin Marietta Corp		
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	875.00	195.43
Robert B. Andrews, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	500.00	
Andrews' Associates, Inc, 2550 M St., NW, #695 Washington, DC 20037	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Mars, Inc		
Do	Martin Marietta Corp		
Anglo American Auto Auctions, Inc, 2 International Plaza Dr., #600 Nashville, TN 37217			29,824.00
J. Donald Annett, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	500.00	
Philip H. Anns, 1101 Vermont Avenue, NW, #405 Washington, DC 20005	A. H. Robins Co	2,000.00	227.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,764.00	
Apartment & Office Building Assn, 1413 K Street, NW, #600 Washington, DC 20005			
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	2,585.00	
John Archer, [illegible]11 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	156.00	35.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	All Industry Television Station Music License Committee		
Do	Ameritech		
Do	Aris Anagnos Properties	27,054.35	647.53
Do	Artery Corp		
Do	Central States SE & SW Areas Health Welfare & Pension Funds	304,326.37	3,455.66
Do	ConAgra, Inc		
Do	Diagnostic Health Services, Inc		19.39
Do	Guardian Life Insurance Co of America	50,232.64	595.18
Do	Independent Federation of Flight Attendants	4,000.00	482.00
Do	Kentucky Institute for Eye Health & Surgery	921.48	150.18
Do	Motor and Equipment Manufacturers Association		
Do	National Assn of College Stores	63,956.00	710.29
Do	National Field Selling Assn	8,000.00	43.46
Do	National Parking Association	23,884.30	803.17
Do	Schoenke & Koenig	14,361.80	163.72
Do	Toshiba America, Inc	297,129.50	12,962.64
Do	Toshiba International Corp		
Do	Toyota Motor Corporation	205.63	
Do	Washington Gas Light Co		
John A. Armstrong, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101	American Iron & Steel Institute	400.00	
Do	Ashland Oil Co	200.00	
Do	Corporate Property Investors	500.00	
Do	Quintana Petroleum Corp	1,562.80	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Asea AB	1,187.50	
Do	Business Roundtable	5,615.00	42.90
Do	Caudine Investments, N.V.		0.90
Do	Chubb Corporation		40.06
Do	Continental Corporation		40.06
Do	Earthquake Project		
Do	Federated Department Stores, Inc	585.00	
Do	Fluor Corporation	910.00	
Do	Harris Bank Corp, Inc		
Do	Recording Industry Assn of America, Inc	915.75	
Do	Resorts International, Inc	5,508.75	9.46
Do	Sunstates Corp		135.56
Do	Unilever United States, Inc	1,742.50	
Do	Venezolana de Cementos Ca	5,218.25	34.35
Nan Aron, 600 New Jersey Avenue, NW Washington, DC 20001	Alliance for Justice		
Asbill Junkin Myers & Buffone, 1607 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	18,650.00	14,575.45
Milton F. Ashford, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Joseph [illegible], 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nicholas J. Ashooh, 1000 Elm Street P.O. Box 330 Manchester, NH 03105	Public Service Co of New Hampshire	800.00	245.10
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine			
Asphalt Roofing Manufacturers Association, 6288 Montrose Road Rockville, MD 20852			
Associated Credit Bureaus, Inc, P.O. Box 218300 16211 Park 10 Place Houston, TX 77084		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			14,500.00
Association for the Improvement of the Mississippi River, 100 S. 4th Street, #500 St. Louis, MO 63102			
Association of American Foreign Service Women, P.O. Box 70051 Washington, DC 20024-0051		13,086.46	
Association of American Publishers, 2005 Massachusetts Ave., NW Washington, DC 20036		8,142.23	8,142.23
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		98,669.92	98,669.92
Association of American Veterinary Medical Colleges, 1522 K Street, NW, #834 Washington, DC 20005			
Association of Government Accountants, 727 South 23rd Street, #100 Arlington, VA 22202			
Association of Junior Leagues, Inc, 660 First Avenue New York, NY 10016		15,000.00	11,859.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		16,062.50	16,062.50
Association of Urban Universities, 1225 Connecticut Ave., NW, #300 Washington, DC 20036			
George J. [illegible], 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Arthur Andersen & Co		
Do	Fujitsu, Ltd		
Do	Seiko Epson		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,497.16
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	30.00	
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Ronald R. Austin, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc	634.31	
Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive Mclean, VA 22101			
John S. Autry, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp	5,000.00	3,000.00
Aviation Consumer Action Project, 2000 P Street, NW #700 Washington, DC 20036			25.00
Rebecca Avila, 2030 M St., NW Washington, DC 20036	Common Cause	6,125.04	2,118.50
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Lawrence M. Axelrod, Touche Ross & Co 1900 M St., NW Washington, DC 20036	Schnuck Markets, Inc		
William H Axtman, 950 N. Glebe Rd., Rm. 160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		70.00
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Larry Ayres, 1901 L Street, NW, #303 Washington, DC 20036	Colt Industries, Inc	1,500.00	214.58
ADAPSO - The Computer Software & Services Industry Assn, 1300 North 17th Street, #300 Arlington, VA 22209			
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Dale R. Babione, 1700 N. Moore St. Rosslyn, VA 22209	Boeing Company	3,042.00	75.86
John Francis Bader, 2600 Virginia Ave., NW, #610 Washington, DC 20037	Urenco, Inc	3,900.00	
Carole A. [illegible], 1815 H Street, NW, #600 Washington, DC 20006	Mark B. Weinberg, P.C. (For:Federal Indian Tribes in Michigan)		390.62
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Do	Shee Atika, Inc		
William T. Bagatelas, 1730 K Street, NW, #319 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Joan N. Baggett, 815 15th St., NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	5,000.00	80.00
Brent A. [illegible], 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
Franklin Eugene Bailey, 1030 15th St., NW, #700 Washington, DC 20005	National Cotton Council of America	3,000.00	370.14
George F. Bailey Jr., P.O. Box 21 Montgomery, AL 36101	CSX Transportation		
John P. Bailey, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	8,000.00	811.29
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	200.00	
John Baize, Capitol Gallery Bldg., #510 600 Maryland Avenue, SW Washington, DC 20024	American Soybean Association	1,088.75	146.35
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	400.00	
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	524.94
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,206.25	382.34
Monica S. Baker, 206 G St., NE, #201 Washington, DC 20002	Foley & Company (For:Curval Products, Inc)		
Do	Gray's Family Department Stores		
Do	PolyPhaser Corp		
Quinter S. Baker, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alamo Rent-A-Car, Inc	26,407.50	474.03
Do	Astroline Communications Co	10,000.00	6,650.00
Do	Burlington Northern Railroad	169,647.50	256.03
Do	Uniden Corp of America		
S. Eason Balch, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Southern Company Services, Inc)		
Patricia A. Baldi, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
H. R. Baldwin, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Jacqueline Balk-Tusa, 2550 M St., NW, #695 Washington, DC 20037	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Mars, Inc		
Do	Martin Marietta Corp		
Charles E. Ball Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Helen M. Ball, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc	6,250.00	61.30
Ballard Spahr Andrews & Ingersoll, 555 13th St., NW, #900 East Washington, DC 20004	Arthur Andersen & Co		
Do	U.S. Committee for UNICEF		
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Henchi Balos, P.O. Box 921 Majuro, Marshall Islands	Republic of the Marshall Islands (RMI)		
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	722.50
M. Graeme Bannerman, 9108 Parliament Drive Burke, VA 22015	Embassy of Lebanon	6,000.00	935.00
Do	Sawyer-Miller Group	6,000.00	1,560.00
Samuel J. Baptista, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services Council	3,750.00	
William J. Barnds, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	American Int'l Knitters Corp		11.37
Do	Commonwealth Garment Manufacturing Co		
Do	Dow Chemical Co		
Do	EHA Ventilfabrik Wilhelm Fritz KG		
Do	Florida Citrus Mutual		151.79
Do	Heidelberg Eastern, Inc	1,853.75	41.94
Do	Italy-America Chamber of Commerce, Textile & Apparel Comm		
Do	Magid Glove & Safety Mfg Co		17.78
Do	Rukert Marine Corp	487.50	19.75
Do	Stratton Hats, Inc		19.50
Do	Texas Citrus and Vegetable Import Association	675.00	41.51
Do	Uniroyal Chemical Co, Inc	4,259.57	76.11
Barnett & Alagia, 250 South County Rd. Palm Beach, FL 33480	Cuban American Foundation		
Do	Dairymen, Inc	10,780.00	1,499.66
Barnett D'Amours Sivon & Shay, P.C., 1090 Vermont Ave., NW, #810 Washington, DC 20005	American Council for State Savings Supervisors	600.00	
Do	Citibank, N.A.	2,675.00	87.00
Do	Credit Union National Assn, Inc	1,400 00	
Do	Investors in Industry		
Neil D. Baron, Booth & Baron 122 East 42nd Street, #1507 New York, NY 10168	Standard & Poor's Corporation		
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
James E. Barrett, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Hastings College)		
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co.	2,500.00	
Roger V. Barth, 1735 Eye St., NW, #715 Washington, DC 20006	American Assn for Clinical Chemistry Inc		
Linda L. Bartlett, 1100 17th Street, NW, #601 Washington, DC 20036	Kraft, Inc	750.00	
James E. Bartley, 1090 Vermont Avenue, NW, #410 Washington, DC 20005	National Industrial Transportation League	7,000.00	55.73
Mark A. Bartner, 100 Maryland Avenue, NE Washington, DC 20002	Religious Coalition for Abortion Rights, Inc	5,875.02	27.60
Judith Freelin Bassett, 600 Maryland Ave., #701 Washington, DC 20024	Aircraft Owners & Pilots Assn	12,000.00	1,971.64
Diane Bateman, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	9,000.00	1,899.43
Robert E. Bates Jr., 1100 Connecticut Ave, NW Washington, DC 20036	Mobil Corp	1,125.00	
Robin Battaglini, 1600 M Street, NW Washington, DC 20036	ITT Corporation	2,000.00	40.00
Laurie C. Battle, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	2,275.00	
John F. Battles, Massachusetts Petroleum Council 11 Beacon St., #515 Boston, MA 02108	American Petroleum Institute		
Robert J. Baughman, 717 Pendleton St. Alexandria, VA 22314-1885	American Orthotic and Prosthetic Assn		
Barbara Bauman, 1990 M Street, NW, #480 Washington, DC 20036	Detroit Edison Company	450.00	30.00
Ann F. Bavaria, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		
Margaret E. Bayers, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co.	372.00	
Bruce A. Beam, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	285.44	134.46
Bear West Company, Inc, 9 Exchange Place, #1000 Salt Lake City, UT 84111	Union Pacific Resources	350.00	131.25
Donald S. Beattie, P.O. Box 6474 Alexandria, VA 22306	B T Enterprises	8,500.00	7,300.00
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Gerald F. Beavan, 190 Highland Drive Centerville, MA 02632	Capital Holding Corp	17,500.00	15,107.00
Edward A. Beck III, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,615.00	931.03
Robert E. Beck, P.O. Box 6808 Falls Church, VA 22046	National Assn of Plumbing-Heating-Cooling Contractors	192.00	39.68
Merritt Becker, 1712 Euclid St., NW Washington, DC 20009	Bruce P. Cameron	5,000.00	
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	7,387.73	21.00
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	2,500.00	
Howard Bedlin, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	538.46	163.79
Jon Charles Bednerik, 11 Embarcadero West, #202 Oakland, CA 94607	Western Independent Bankers	500.00	
Josiah Beeman, 15 Second St., NE Washington, DC 20002	Magne-Tek ALS Corp	16,200.00	5,050.60
Beer Institute, 1225 'Eye' Street, NW, #825 Washington, DC 20005			
Robert M. Beers, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	6,440.00	75.00
William A. Behan, 1700 N. Moore St., #820 Rosslyn, VA 22209	Magnavox Government & Industrial Electronics Co	9,369.00	2,231.98
James Beizer, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn	200.00	
Peter M. Belanger, 1220 L St., NW Washington, DC 20005	American Petroleum Institute		
M. Wendell Belew Jr., 499 South Capitol St., SW, #407 Washington, DC 20003	American Electronics Laboratories, Inc		
Do	Crowley Maritime Corp		
Do	Long Lake Energy Corp		
Do	Massachusetts Mutual Life Insurance Co		
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	296.93
Diane L. Bell, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	1,875.00	386.68
Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036	American Advertising Federation		
Matt Langley Bell III, P.O. Box 1312 Pensacola, FL 32596			
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	1,000.00	
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Mary K. Bellamy, 1600 M St., NW Washington, DC 20036	Investment Company Institute	15.66	
James P. Bellis, 1629 K St., NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:Altantic Ritchfield Co)	9,600.00	
Do	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	9,600.00	
Do	Palumbo & Cerrell, Inc (For:European Community)	3,600.00	
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	9,600.00	
Alan R. Bennett, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Hoffman-La Roche, Inc)		10.00
Beverly L. Bennett, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	2,500.00	
David E. Bennett, 740 Hillgrove Avenue Western Springs, IL 60558	West Central Municipal Conference		
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute		
Diana Berardocco, 555 13th St., NW, #1050 East Washington, DC 20004	Avon Products, Inc		
Rebecca J. Berg, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	Sea-Land Corporation	450.00	
Richard Scott Berg, 1250 Connecticut Avenue, NW, #210 Washington, DC 20036	National Forest Products Assn		
Martha Bergmark, 7316 Piney Branch Road Takoma Park, MD 20912	Project Advisory Group	625.23	
Edwin M. Bergsmark, Three Seagate Toledo, OH 43603	Toledo Trust Company	375.00	1,597.00
Paul C. Bergson, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,000.00	
Jane W. Bergwin, 1050 17th Street, NW, #490 Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Nathan R. Berkley, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	850.00	
Pamela M. Berkwitz, 1200 Peavey Building Minneapolis, MN 55479-1032	Norwest Corporation	12,000.00	1,612.00
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	488.00
Berliner & Maloney, 1101 17th Street, NW, #1004 Washington, DC 20036-4798	Embassy of Belize	4,950.00	64.81
Do	Government of Barbados, Ministry of Finance & Planning	26,783.00	393.36
Debra Berlyn, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	8,615.39	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	5,000.00	
Jay Harris Berman, 621-A 7th St., NE, Washington, DC 20002	National Assn of Professional		
Berman Bergner & Boyette, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	China External Trade Development Council	2,000.00	1,316.00
Do	Eli Lilly & Company	800.00	287.59
Do	First Atlantic Investment Corp	1,500.00	1,161.32
Do	First Boston Corp	3,000.00	2,131.91
Do	Flo-Sun Land Corp	2,000.00	1,961.32
Do	Forum Group, Inc	2,000.00	1,150.00
Do	Galesi Group	2,000.00	1,953.94
Do	Malone & Hyde		
Do	Natural Gas Supply Assn	3,000.00	1,979.22

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Okeelanta Corp	1,700.00	2,061.32
Do	Republic of Korea	2,000.00	1,230.00
Delanne [illegible], 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	450.00	198.00
Donald C. [illegible], 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	9,875.00	
Craig A. Berrington, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessionnel de L'Economic Laitiere		
Do	Committee to Assure the Availability of Casein		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Willard M. Berry, 1625 K Street, NW, #1090 Washington, DC 20006	National Foreign Trade Council, Inc	5,000.00	1,100.00
John F. [illegible], 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,100.00	60.00
Better Working Environments, Inc, 3716 Scripps Way Las Vegas, NV 89103			
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	5,250.00	346.77
[illegible] & Diamond, P.C., 1333 New Hampshire Ave, NW Washington, DC 20036	Town of Oyster Bay Industrial Development Agency		
Beverly Enterprises, Inc, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209			25,259.75
Sheldon D. Beychok, P.O. Box 2924 Baton Rouge, LA 70821	American Waste & Pollution Control Co		
Do	Camp Dresser & McKee, Inc		
Do	First Boston Corp		
Do	Lamar Corporation		
Do	Southeast Health Plan of Louisiana, Inc		
John C. [illegible], 655 15th St., NW, #1200 Washington, DC 20005	Safe Building Alliance		
Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036	International Minerals & Chemical Corp		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	13,510.76	
Patricia H. [illegible], 1129 20th St, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	3,997.03	
Robert D. [illegible], 301 Corla Ct. Oxon Hill, MD 20745	American Conservative Union		
Hugh L. [illegible], 339 Ruckel Drive Niceville, FL 32578			
Bingham Dana & Gould, 1724 Massachusetts Avenue, NW Washington, DC 20036	Disabled American Veterans	585.00	
Bipartisan Budget Appeal, P.O. Box 9 Bowling Green Station New York, NY 10004			
Birch Horton Bittner Pestinger & Anderson, 1155 Connecticut Ave., NW, #200 Washington, DC 20036	Alaska Pacific Refining, Inc		
Do	Alaska Teamsters-Employer Pension Trust		
Do	Amerada Hess Corp		
Do	Calista Corp		
Do	City of St. George		
Do	Ellers Dakley Chester & Rike		
Do	North Slope Borough		
Do	Old Harbor Corp		
Do	Sealaska Corp		
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Westinghouse Electric Corp		
Do	Yukon Pacific Corp		
Robert J. Bird, 555 13th Street, NW, #490 Washington, DC 20004	General Mills, Inc	450.00	
Do	Zachry, Inc		
Charles O. Bishop Jr., 1225 Connecticut Ave., NW Washington, DC 20036	American Public Transit Assn	6,920.00	117.00
Bishop Cook Purcell & Reynolds, 1200 17th Street, NW, #700 Washington, DC 20036	BATUS, Inc	14,216.00	146.35
Do	Mobil Oil Corp, et al	4,747.71	134.70
J. Barry [illegible], 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Gerrie [illegible], 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Black Crotty Sims Hubka Burnett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company		
Black Manafort Stone & Kelly, P.C., 211 North Union Street, 3rd Floor Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	27.53
Do	Allentown Cement Co, Inc	15,000.00	9.75
Do	Allied-Signal Corp	22,500.00	445.10
Do	Bethlehem Steel Corp	22,500.00	83.02
Do	Chicago RTA	9,000.00	178.81
Do	Clark Construction Group	9,000.00	25.05
Do	Cooper's Ferry Development Assn, Inc	9,000.00	479.39
Do	Diamond Star Corp	30,000.00	307.29
Do	Financial Security	22,500.00	130.22
Do	GTech Corp	9,000.00	4,998.50
Do	Johnson & Johnson, Inc	30,000.00	1,295.95
Do	Kaman Aerospace Corp	45,000.00	297.48
Do	Massa Products Corp	15,000.00	342.65
Do	NOVA University	30,000.00	3,345.44
Do	OCG Technology, Inc	1,500.00	122.11
Do	Puerto Rico Federal Affairs Administration	9,000.00	2,005.80
Do	Revlon Group, Inc	6,000.00	142.16
Do	Tobacco Institute	22,500.00	322.23
Do	Trans World Airlines, Inc	18,000.00	385.06
Do	U.S. Sprint	12,000.00	242.77
Do	Union Pacific Corp	22,500.00	349.84
Do	UNITA	75,000.00	385.79
Robert J. Blackwell, One Thomas Circle, NW, #900 Washington, DC 20005	Enserch Corporation	3,038.00	892.10
Bev D. [illegible], 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
David A. Blair, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn	2,323.00	
Neal B. Blair, Suite J 11244 Waples Mill Rd. Fairfax, VA 22030	Free the Eagle, et al	19,383.30	
Stephen Blair, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	750.00	
Richard [illegible] Blake Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	3,302.55	
Beatrice [illegible] Bleicher, 1700 K Street, NW, #1100 Washington, DC 20006	Owens-Illinois, Inc	2,000.00	100.00
Christopher M. Blessington, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Bryant C. Blewett, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Richard W. Bliss, 3242 Grace Street, NW Washington, DC 20007	Amax, Inc		
Do	Brother International Corp		38.50
Do	Environmental Science & Engineering		
Do	Fluor Corporation		
Do	National Paint & Coatings Assn, Inc	250.00	43.60
Do	Pb-Kbb, Inc	520.00	34.40
Do	St. Joe Minerals Corp		
Do	Varian EIMAC	1,000.00	83.20
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Peter L. [illegible], 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,000.00	
Douglas M. Bloomfield, 500 N. Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	20,424.96	886.22
Mark Bloomfield, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	1,200.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	1,875.00	634.56
Vera [illegible] Blore, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	300.00	5.00
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	699.96
Robert A. Blum, 600 Montgomery Street San Francisco, CA 94111	Orrick Herrington & Sutcliffe (For:Permanente Medical Group, Inc)	250.00	62.50
Patti [illegible], 1667 K Street, NW, #430 Washington, DC 20007	American Dietetic Assn	1,000.00	671.90
Wayne T. Boan, 927 15th St., #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		60,000.00	60,000.00
Karen [illegible], 1522 K Street, NW, #1120 Washington, DC 20005	American College of Nurse-Midwives		
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,312.50	
Larry A. Boggs, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	Alaskan Factory Trawlers Assn	2,000.00	
Do	Northwest Apparel & Textile Assn	1,000.00	
Do	Pacific Seafood Processors Assn	300.00	
Robert L. Bohan, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		
George H. Bohlinger III, 1015 18th St., NW, #400 Washington, DC 20036	Domino's Pizza, Inc		
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Carol [illegible], 1133 15th St., NW, #640 Washington, DC 20005	American Logistics Association		
Richard O. Bolger, 2055 N. 15th Street, #300 Arlington, VA 22201	American Soc of Magazine Photographers	40,590.96	7,961.88
Harold W. Bolinger, 300 Independence Ave., SE Washington, DC 20003	Liberty Lobby, Inc	550.00	
Sharon E. Bomer, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,976.40	457.66

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph C. Bonanno Jr., 4068 Keith Drive Campbell, CA 95008			
A. Dewey Bond, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	500.00	
Edward N. Bond, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	1,700.00	114.50
Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	2,190.00	24.60
W. Dan Boone, 345 Park Ave. New York, NY 10154	Union Pacific Corp, et al		
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	100.00	
Diane Boratyn, 1230 31st St., NW, #5 Washington, DC 20007	D Boratyn, Ltd		
Richard H. Bornemann, 10 Fourth Street, SE Washington, DC 20003	United Illuminating Co	2,750.00	392.76
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	150.00	
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,657.00	52.50
Charles G. Botsford, 1730 M St., NW, #515 Washington, DC 20036	McDonnell Douglas Helicopters, et al	1,500.00	92.00
John E. Bouchard, 1667 K Street, NW, #350 Washington, DC 20036	Moller Steamship Co, Inc		
Mary M. Bourdette, 122 C St., NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	3,121.37	218.65
James G. Bourie, 126 S. Washington St., Alexandria, VA 22320	Potomac Advisory Group		
Albert D. Bourland, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,400.00	
Rodney A. Bower, 8701 Georgia Avenue, #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	6,948.16	569.54
Bowery Savings Bank, 110 East 42nd Street New York, NY 10017			
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Jim O. Bowmer, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		89.09
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1801 K St., NW Washington, DC 20006	International Business Machines Corp	600.00	139.00
Richard A. Boyd, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	3,000.00	
Robert K. Boyd, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	445.38
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Appalachian Energy Group		
Do	Austin Capital Metropolitan Authority		
Do	Chemical Manufacturers Assn, Inc		
Do	Computer Dealers & Lessors Assn, Inc		
Do	COMDISCO, Inc		
Do	Enron Corp		
Do	Graham Resources, Inc		
Do	Liberty Bank & Trust of New Jersey		
Do	Louisiana Land & Exploration Co		
Do	Massachusetts Mutual Life Insurance		
Do	National Cable Television Assn, Inc		
Do	Pennsylvania Natural Gas Assn		
Do	Southdown/Pelto Oil Company		
Do	Star-Kist Foods, Inc		
Do	Valero Energy Corporation		
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	American Southwest Financial Co	30,000.00	390.00
Do	Arkla, Inc	4,000.00	210.00
Do	City of Tucson	7,000.00	140.00
Do	Coin Coalition	4,000.00	370.00
Do	CSX Corporation	8,000.00	210.00
Do	Energy Absorption Systems, Inc	8,000.00	180.00
Do	Energy Contractors Price-Anderson Group	4,000.00	140.00
Do	Estes Company		
Do	LaserVideo, Inc	4,000.00	180.00
Do	Pratt & Whitney Aircraft Group	4,000.00	40.00
Do	Satellite Broadcasting & Communications Assn		
Do	Southern Arizona Water Resources Association	2,000.00	150.00
Robert W. Bradford, 1101 John A. Denie Road P.O. Box 34550 Memphis, TN 38184-0550			
Frank W. Bradley, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	6,600.00	
Wayne W. Bradley, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	500.00	
Dennis M. Bradshaw, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Lawrence J. Brady, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Carren Bragg, 1901 L Street, NW, #303 Washington, DC 20036	Colt Industries, Inc	500.00	
Charles G. Bragg, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Stuart J. Brahs, 655 15th St., NW, #950 Washington, DC 20005	Principal Financial Group	180.30	
Sally M. Brain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	General Dynamics Corp		
Robert M. Brandon, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action	2,000.00	
Do	Citizen/Labor Energy Coalition		
Richard D. Brannick, P.O. Box 550 Dexter, NY 13634	National Border Patrol Council		
William C. Brashares, Mintz Levin Cohn Ferris Glovsky & Popeo 1825 Eye St., NW, #1201 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc	300.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	17,821.24	2,288.67
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al		
Harold E. Brazil, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	59.79	
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Edward T. Breathitt, 1050 Connecticut Ave., NW Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Roy S. Bredder, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Bregman Abell & Kay, 1156 15th St., NW, #1212 Washington, DC 20005	Air Transport Assn of America		
Do	American Car Rental Assn		
Do	American Fed of Labor & Congress of Industrial Organizations		
Do	Committee for Tax Equity		
Do	Committee to Eliminate Equipment Giveaways	5,000.00	
Do	Murry's, Inc		
Do	National Car Rental System, Inc		
Do	Temistocles Ramirez	1,000.00	
Do	Ryder Systems, Inc		
Do	Trans World Airlines, Inc		
Do	Truck Renting & Leasing Assn	1,500.00	
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,229.21
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	361.15
Peter E. Brereton, 900 Euclid Avenue P.O. Box 5937 Cleveland, OH 44107	Ameritrust Co, Nat'l Assn		
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,500.00	
Albert E. Brewster, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		35.19
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	5,000.00	722.50
Elizabeth Y. Britton, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	352.37	22.15
Stephen W. Broadie, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	1,500.00	13.40
Mary Broderick, 1625 K St., NW, 8th Fl. Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	
William M. Brodhead, 2715 M St., NW, #300 Washington, DC 20007	Plunkett & Cooney (For:American Soc for the Prevention of Cruelty to Animals)	1,875.00	164.47
Do	Plunkett & Cooney (For:Blue Cross & Blue Shield Assn of MI)	3,592.50	93.79
Do	Plunkett & Cooney (For:City of Detroit, Michigan)	7,500.00	108.00
Do	Plunkett & Cooney (For:Detroit Educational TV Foundation)	945.00	74.95
Do	Plunkett & Cooney (For:Humane Soc of the U.S)	1,875.00	164.47
Do	Plunkett & Cooney (For:Massachusetts Soc for the Prevention of Cruelty to Animals)	1,875.00	164.47
Do	Plunkett & Cooney (For:Michigan Consolidated Gas Co)	10,000.00	266.59
Do	Murray & Scheer (for: Lightning Location & Protection, Inc)	4,500.00	37.20
Do	Murray & Scheer (for: PHP Healthcare Corp)	3,473.75	68.90
Do	Plunkett & Cooney (for: Humane Soc of the U.S.)	240.00	
Do	Plunkett & Cooney (for: Michigan Humane Soc)	240.00	
David A. Brody, 1640 Rhode Island Ave., NW Washington, DC 20036	Anti-Defamation League of B'nai B'rith	4,000.00	
Marcia D. Brody, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Brook Associates, Inc, 1620 Eye Street, NW, #706 Washington, DC 20006	Northern Textile Assn	7,875.00	7,875.00
Dale E. Brooks, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	250.00	
E. R. Brooks, 2121 San Jacinto Street, #2500 Dallas, TX 75201	Central Power & Light Co		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	5,344.04	88.00
Robert M. Brooks, 206 G St., NE Washington, DC 20002	Evergreen Associates, Ltd (For:Automated Business Management Systems, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Evergreen Associates, Ltd (For:Clover Park School District)	5,326.50	46.25
Do	Evergreen Associates, Ltd (For:Computer Dynamics & Aeronautics Corp)		
Do	Evergreen Associates, Ltd (For:DCL Industries)		
Do	Evergreen Associates, Ltd (For:Military Impacted Schools Assn)		
Donald G. Brotzman, 1400 K St., NW Washington, DC 20005	Rubber Manufacturers Assn	10,000.00	
Ben Jarratt Brown, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	
Cheryl A. Brown, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	Baxter		
Cynthia L. Brown, 1110 Vermont Ave., NW, #1250 Washington, DC 20005	Shipbuilders Council of America	1,500.00	
David S. J. Brown, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co	700.00	2,201.51
Doreen L. Brown, 1001 Connecticut Ave., NW, #800 Washington, DC 20036	Consumers for World Trade		
E. Cooper Brown, 6935 Laurel Ave., #204 Takoma Park, MD 20912			
Jesse P. Brown Jr., 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	3,465.00	33.89
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	4,000.00	2,441.78
William E. Brown, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	525.00	262.65
William R. Brown, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce	307.60	500.00
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	722.50
Brown Finn & Nietert, Chtd, 1920 N Street, NW, #510 Washington, DC 20036	Amway Corp	18,000.00	157.30
Do	Cellular Corp	6,765.00	54.00
Do	Home Satellite Television Association, Inc	2,262.00	39.00
Brownstein Hyatt Farber & Madden, 410 Seventeenth St., 22nd Floor Denver, CO 80202	Alliance for Capital Access	10,175.00	5,828.55
Do	MDC Asset Investors, Inc		
Do	Smith Barney Harris Upham & Co, Inc		
Do	Western Union Corp	46,114.50	11,505.26
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Canadian Financial Corporation		
Do	Schochet Associates		
Wolf [illegible], 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	250.00	35.00
Kathryne W. Bruner, 1025 Connecticut Ave., NW, #704 Washington, DC 20036	GA Technologies, Inc	875.00	583.39
William K. [illegible], 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	541.15	96.50
Michael E. [illegible], 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn		
J. Charles [illegible], 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Co	925.00	439.04
Dawn M. [illegible], 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Thomas L. [illegible], 1225 Connecticut Avenue, NW, #303 Washington, DC 20036	Citizens for Sensible Control of Acid Rain	250.00	
Roy C. [illegible], 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron	600.00	150.00
G. N. Buffington, 2230 California Street, NW Washington, DC 20008	National Assn of Real Estate Investment Trusts, Inc	2,137.50	1,261.09
Douglas W. Bulcao, 1101 Connecticut Ave., NW, #300 Washington, DC 20036	American Textile Manufacturers Institute, Inc	1,440.00	4.00
Darrel D. [illegible], Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	637.00	
David A. [illegible], 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Magazine Publishers Assn, Inc	3,000.00	
Do	Parcel Shippers Assn	2,000.00	
Norman D. Burch, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	9,000.00	168.50
Barbara G. Burchett, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
David G. [illegible], 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
Paul F. [illegible], Suite 700 South 1800 M Street, NW Washington, DC 20036	Merrell Dow Pharmaceuticals, Inc		82.50
Robert J. [illegible], 1126 16th Street, NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	3,057.90	
Clair W. Burgener, P.O. Box 8186 Rancho Santa Fe, CA 92067	Bixby Ranch Co	6,000.00	1,038.59
Harriet [illegible] Burgess, 116 New Montgomery Street, 4th Floor San Francisco, CA 94105	Trust for Public Lands	5,737.50	3,379.09
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
John L. Burke Jr., Foley Hoag & Eliot 1615 L Street, NW, #950 Washington, DC 20036	Massaro Properties, Inc		
Kevin M. Burke, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	311.54	3.50
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW Washington, DC 20036		47,110.75	1,000.00
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	205.10
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Arthur Andersen & Co	1,325.00	
Do	City of Philadelphia	225.00	10.00
Do	Clark Equipment Co	350.00	
Do	Epson America, Inc		
Do	Hankin Management-Arsenal Business Center Associates	450.00	25.00
Do	Pennwalt Corp	150.00	10.00
Do	Pennzoil Co		
Do	Philadelphia Industrial Development Corp	225.00	20.00
Do	Philadelphia Port Corp	300.00	15.00
Do	Philip Morris, Inc	2,650.00	6.00
Do	Softgel Assn	1,250.00	
Do	Temple University	450.00	25.00
Do	Thomson Group	2,100.00	956.20
Do	U.S.-Taiwan, Republic of China Fair Trade Council	4,100.00	257.68
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
David W. Bushong, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	12,814.75	
Henry [illegible], 3707 Woodview Trace Indianapolis, IN 46268	Crop Insurance Research Bureau	1,587.00	3,525.00
M. Caldwell Butler, P.O. Box 720 Roanoke, VA 24004	National Conference of Bankruptcy Judges	6,402.00	
Patrick Butler, 1875 Eye Street, NW, #1110 Washington, DC 20006	Times Mirror Co		
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Bruce Butterfield, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufacturing Housing Institute	900.00	100.00
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,000.00	
James R. [illegible], 1627 K Street, NW, #200 Washington, DC 20006	Fluor Corporation		
Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036	Asphalt Roofing Manufacturers Association		
John D. Cahill, 230 E Street NE Washington, DC 20002	Massachusetts Bay Transportation Authority	3,750.00	
Do	Massachusetts Port Authority	15,500.00	
Do	Massachusetts Water Resources Authority	1,575.00	
C. Richard Cahoon, 1120 Vermont Ave., NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	4,000.00	63.00
Morrison G. Cain, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	National Mass Retailing Institute	6,250.00	
Christopher G. Caine, 1801 K St., NW, #1200 Washington, DC 20006	IBM Corp	8,500.00	2,035.00
Tony [illegible], 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
James D. Calaway, 2011 Crystal Drive, #903 Arlington, VA 22202	Space Industries, Inc	1,425.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,200.00	
Frank W. Calhoun, 3400 Texas Commerce Tower Houston, TX 77002	Burlington Northern, Inc		1,137.19
John C. [illegible], 299 Park Avenue New York, NY 10171	Westvaco Corporation		
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			180.00
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Avco Lycoming Textron	200.00	
Do	Ford Aerospace & Communications Corp	175.00	
Do	FMC Corporation	175.00	
Do	General Dynamics Land Systems	300.00	
Do	General Dynamics Valley Systems Division	200.00	
Do	Lockheed Aeronautical Systems Co	325.00	
Do	Norden Systems, Inc	180.00	
Arthur E. Cameron, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	Amerace Corporation	1,427.00	
Do	Lukens General Industries, Inc	1,500.00	
Do	Safetran Systems Corporation	3,038.00	
Do	Syro Steel Co, et al	2,100.00	
Do	3M Company	6,956.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique	15,000.00	3,352.28
Do	Republic of Guatemala (Presidency of the)	9,000.00	1,352.28
Nancy Camm, 1800 K Street, NW, #900 Washington, DC 20006	Bank of America	159.45	62.45
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Associated Financial Corp	375.00	
Do	Blue Cross & Blue Shield Assn		
Do	Campbell Soup Co		
Do	Chemical Manufacturers Assn, Inc	5,500.00	
Do	Committee for Equitable Compensation	1,362.50	
Do	EG&G, Inc	100.00	
Do	Government Program Services		
Do	Greater Boston Community Development, Inc		
Do	Hospital Insurance Forum	1,000.00	
Do	Missouri Baptist Hospital of Sullivan	437.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mobil Oil Corp		
Do	Stephen Moses Interests		
Do	Natural Gas Supply Assn		
Do	NATCO (National Assn of Tax Credit Coalition)		
Do	Occidental Petroleum Corp		
Do	Olin Corporation		
Do	Pennzoil Co		
Do	Presidential Airways, Inc	625.00	
Do	PPG Industries, Inc		
Do	Russ Berrie & Co, Inc		
Do	Sears Roebuck & Co	2,493.75	
Do	South Central Bell		
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
Do	World Airways		
Campaign for U.N. Reform-Political Education Committee, 418 7th St., S.E. Washington, DC 20003		5,477.91	11,399.10
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	1,000.00	
Carl C. Campbell, 1030 15th St., NW, Suite 700 Washington, DC 20005	National Cotton Council of America	300.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9418 Wooded Glen Ave. Burke, VA 22015	General Motors Corp	26,000.00	6,986.31
Do	National Civic Crusade for Panama		1,037.83
Thomas D. Campbell & Associates, Inc, 517 Queen Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	1,926.36
Charles J. Campisi, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	13,750.00	652.80
Canadian Coalition on Acid Rain, 112 St. Clair Avenue, #401 Toronto, Ontario Canada M4V 2Y3		6,197.20	3,983.21
Robert P. Canavan, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	306.92	
Anne C. Canfield, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	915.00	
Edward F. Canfield, 1331 Pennsylvania Avenue, NW, #524 Washington, DC 20004	Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform)		
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
W. Dean Cannon Jr., 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	California League of Savings Institutions		
Howard W. Cannon & Associates, 499 South Capitol St., SW, #400 Washington, DC 20003	Rockwell International Corp		
David L. Cantor, 1233 20th St., NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)		
Anne Gavaghan Cantrel, 1667 K Street, NW Washington, DC 20005	Baxter		
Capital Service of Washington, Inc, 1439 Rhode Island Ave., NW Washington, DC 20005	Massachusetts Biotechnology Council, Inc	2,500.00	2,148.32
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Citizens Comm for Medical Research & Health Education	300.00	
Do	Cystic Fibrosis Foundation	450.00	
Do	Emory University Medical School	861.25	
Do	Endocrine Society	400.00	
Do	Illinois Collaboration on Youth	88.00	
Do	Joint Council of Allergy & Immunology	412.50	
Do	National Assn of Pediatric Nurse Associates & Practitioners	375.00	
Do	National Coalition for Volunteer Protection	1,125.00	
Do	National Multiple Sclerosis Society	572.50	
Do	Polymer Technology Corp	500.00	
Do	Rehabilitation Institute of Chicago	812.50	
Do	Saatchi & Saatchi Compton Worldwide	1,050.00	
Do	Technicon Data Systems Corp	1,200.00	
Do	Thompson Medical Co	337.50	
Do	Westmore, Ltd	750.00	
Caplin & Drysdale, Chtd, One Thomas Circle, NW Washington, DC 20005	Association of American Publishers	2,800.00	
Do	National Council of YMCA of the USA	250.00	75.19
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Norval E. Carey, 1025 Connecticut Ave., NW #704 Washington, DC 20036	Gulf Oil Corp (for GA Technologies, Inc)	16,780.00	1,181.27
Maurice E. Carino Jr., 1000 16th St., NW, #800 Washington, DC 20036	Bethleham Steel Corp	100.00	
Robert B. Carleson, 1800 K Street, NW, #605 Washington, DC 20006	KMG Main Hurdman (For:Mercedes Benz of North America, Inc)		
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:GAF Corporation)	56.00	
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	450.00	
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Carmen Carmen & Hugel (for CareerCom)	1,500.00	10.00
Carmen Carmen & Hugel, Inc, 1667 K Street, NW, #950 Washington, DC 20006	CareerCom	1,500.00	1,500.00
Bertram W. Carp, 111 Massachusetts Ave., NW, 3rd Fl. Washington, DC 20001	Turner Broadcasting System, Inc	5,625.00	
Chapin Carpenter Jr., 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers Assn, Inc	4,000.00	
Cy Carpenter, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,000.00	623.61
George O. Carpenter, 6110 Center Hill Road Cincinnati, OH 45224	Procter & Gamble Manufacturing Co		
Susan Carr, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	1,100.00	
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Co		
John R. Carter, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	105.00	
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	792.61	148.03
David Cartwright, 1155 15th Street, NW Washington, DC 20005	National Small Business Assn	7,500.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,160.00	1,050.30
Daniel L. Casey, 5A East Curtis Avenue Alexandria, VA 22301	American Conservative Union		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,500.00	
Eugene I. Casraiss Jr., 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	14,904.14	127.00
J. Warren Cassidy, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	2,437.50	
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	13,929.00	
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Alloy Technology		
Do	American Hospital in Shanghai Foundation	125.00	
Do	Anatolia College Board of Trustees		
Do	Arizona State University		
Do	Atlanta University		
Do	Atlantic Financial		
Do	Barry University		
Do	Boston College	150.00	
Do	Boston University		
Do	Brown University		
Do	Catholic University of America	225.00	6.50
Do	Centex Communications, Inc		
Do	Children's Hospital		
Do	Columbia University		
Do	Crane Co Resistoflex		
Do	Crane Company		
Do	Crane Hydroaire		
Do	Crane National Vendors		
Do	Drexel University	150.00	12.50
Do	Fudan Foundation	300.00	40.00
Do	Global Broadcasting Group, Inc	450.00	
Do	Indiana University		
Do	J & B Management Co		
Do	Loma Linda University Medical Center, Inc	825.00	
Do	Louisiana Public Facilities Authority	75.00	
Do	Loyola Marymount University		
Do	Martha Graham Center of Contemporary Dance, Inc	500.00	
Do	Medical College of Ohio, Toledo		
Do	Medical College of Pennsylvania	150.00	
Do	Medical University of South Carolina	450.00	
Do	Medusa Cement Co		
Do	Mount Sinai Medical Center		
Do	NeoRx		
Do	New England College of Optometry		
Do	Northwestern University		
Do	O'Connell Management Co, Inc		
Do	Ocean Spray Cranberries, Inc		13.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do.	Oceanic Institute	150.00	
Do.	Pan Metal Corp		
Do.	Pioneer Financial	1,125.00	63.75
Do.	Pirelli Cable Co		
Do.	Polytechnic University	300.00	12.50
Do.	Renewable Fuels Assn	375.00	22.00
Do.	Rochester Institute of Technology	450.00	48.00
Do.	Rocky Mountain Energy Co		
Do.	Saint Joseph's University	300.00	6.00
Do.	Thomas Jefferson University		
Do.	Tufts University		38.00
Do.	United Hospitals, Inc		
Do.	Universal Med Center/U of TX Health Science Center at Dallas		
Do.	University of Alabama in Huntsville	150.00	12.50
Do.	University of Bridgeport		
Do.	University of Hawaii	75.00	27.50
Do.	University of Southern Mississippi		
Do.	University of Utah		
Do.	University of Vermont		
Do.	Wertheim Schroder & Co, Inc		
Do.	West Virginia University	75.00	
Do.	Wojdak & Assocs, Inc for: Children's Hospital of Pittsburgh		
Mark A. [illegible], 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
John J. Castellani, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	5,100.00	
Red [illegible], 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Nicholas [illegible] Cavarocchi, 317 Massachusetts Ave., NE, 1st Floor Washington, DC 20002			
Rosario [illegible], 2030 M St., NW Washington, DC 20036	Common Cause	4,500.00	1,802.64
[illegible] & Associates, 7100 Sussex Place Alexandria, VA 22307	Grumman Corporation	250.00	
Do	Martin Marietta Corp	250.00	
Cellular Telecommunications Industry Assn, 1990 M St., NW, #610 Washington, DC 20036			
[illegible] & Selecky, P.C., 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	19,346.00	
Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661			407.11
David [illegible], 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	533.08	317.25
[illegible] & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Applied Energy Services, Inc	4,526.00	30.00
Do	Burnett & Hallamshire Holdings Plc	48,738.00	228.93
Do	Manufacturer's Life Insurance Co		
Do	Napp Chemicals, Inc		
Do	Peat Products of America, Inc		
Do	Ruan Transportation Management Systems	24,753.00	107.00
Do	Ultrapower, Inc		
Chadwell & Kayser, Ltd, 8500 Sears Tower Chicago, IL 60606-6592	Harza Engineering Co		
Henry [illegible], 1920 N St., NW Washington, DC 20036	American Mining Congress	300.00	50.00
Deborah [illegible], 1319 F St., NW, #300 Washington, DC 20004	Halt, Inc	442.50	12.86
Dean S. [illegible], 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Durwood [illegible], P.O. Box 660164 2121 San Jacinto Street, #2500 Dallas, TX 75266-0164	Central & South West Corp		
Terry M. [illegible], 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Ed [illegible], 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	11,385.00	500.00
Richard [illegible] Charlton, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	96.00	358.31
Peggy [illegible], 975 Memorial Drive, #504 Cambridge, MA 02138	Action for Children's Television		335.80
Leslie [illegible] III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	27,750.00	
Chemical Specialties Manufacturers Assn, Inc, 1001 Connecticut Avenue, NW, #1120 Washington, DC 20036			1,173.00
William [illegible] Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
[illegible] & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	Arena Stage	1,375.00	1,375.00
Do	Capital Childrens Museum	1,375.00	1,375.00
Do	Corcoran Gallery	1,375.00	1,375.00
Do	Fords Theater	1,375.00	1,375.00
Do	National Building Museum	1,375.00	1,375.00
Do	National Symphony	1,375.00	1,375.00
Do	Phillips Collection	1,375.00	1,375.00
Do	Shakespeare Theater at the Folger	1,375.00	1,375.00
Do	Washington Ballet	618.75	618.75
Do	Washington Opera	1,375.00	1,375.00
Do	Washington Performing Arts Society	756.25	756.25
John B. [illegible], 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	6,138.00	
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Peggy [illegible] Childress, 4500 Lincoln Plaza Dallas, TX 75201-3318	National Gypsum Co	330.00	180.40
J. [illegible] Choate Jr., 1101 Connecticut Ave., NW, #405 Washington, DC 20036	Choate Filler & Nehl, P.C. (For:Association of Progressive Rental Organizations)		
Joseph [illegible] Choquette III, c/o Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	575.00	1,012.69
Hal M. Christensen, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Delta Dental Plans Assn	1,500.00	
Jack E. Christy, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	617.89	
James T. Christy, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006	Air Products & Chemicals, Inc	1,800.00	207.40
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			10,867.31
Donald [illegible] Chunn, Route 2, Box 89 Columbia, TN 38401	Title Associates, Inc		
[illegible] Associates, 400 First Street, NW, #816 Washington, DC 20001	American Home Sewing Assn, Inc	500.00	500.00
Do	American Radio Relay League	2,000.00	2,000.00
Do	Associated Locksmiths of America	1,200.00	1,200.00
Do	Coalition on Alcoholic Beverage Procurement	1,000.00	1,000.00
Do	National Licensed Beverage Assn	3,000.00	3,000.00
Do	National Weather Service Employees Organization	300.00	300.00
Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104			
Donna [illegible] Cirolia, 1518 K Street, NW, #401 Washington, DC 20005	Water Quality Association		
Citizen Action, 1300 Connecticut Ave., NW, #401 Washington, DC 20036		2,000.00	2,000.00
Citizen/Labor Energy Coalition, 1300 Connecticut Ave., NW, # 401 Washington, DC 20036		1,500.00	1,500.00
Citizens for Sensible Control of Acid Rain (CSCAR), C/O 1225 Connecticut Avenue, NW, #300 Washington, DC 20036		345,000.00	265,034.12
Donald [illegible] Clancy, 6507 Leeds Lane Cincinnati, OH 45215	American Continental Corp		
Do	Grocery Manufacturers of America, Inc	400.00	198.00
David [illegible] Clanton, 1667 K Street, NW, 9th Fl. Washington, DC 20006	Buchanan Ingersoll, P.c. (For:Federation of Apparel Manufacturers)		
Gilbert Clark, 1117 N. 19th Street, NW, #600 Arlington, VA 22209	American Assn of Blood Banks		
James [illegible] Clark Jr., 1505 Prince Street, # 300 Alexandria, VA 22314	American Optometric Assn		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	10,631.25	317.73
Robert Clark, 400 Madison St., #1908 Alexandria, VA 22314	Ryder Systems, Inc		
Rudy L. Clark, 5342 Woodbury Woods Lane Fairfax, VA 22032	Air Force Sergeants Assn, Inc		
Vernon [illegible] Clark, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Outdoor Advertising Assn of America, Inc	2,398.00	1,903.58
Joan [illegible], 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	350.00	
Cleary [illegible] Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Crompton & Knowles Corp	90.00	
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	North Wind Undersea Institute		
Do	Security Pacific National Bank		25.50
Do	Synthetic Organic Chemical Manufacturers Assn, Inc		
Do	Union Oil Co of California, et al.	500.00	10.00
Ronald [illegible] Clements, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	5,359.01	1,015.72
[illegible] Electric Illuminating Co, 55 Public Square P.O. Box 5000 Cleveland, OH 44113			
W. M. [illegible], P.O. Box 719 Dallas, TX 75221	Southland Corporation		
Clifford [illegible] Warnke, 815 Connecticut Ave., NW Washington, DC 20006	Australian Meat & Live-Stock Corp	1,200.00	400.00
Do	Joint Corporate Comm on Cuban Claims	600.00	43.20
Do	J. C. Maxtone-Mailer	600.00	235.37
Do	Proprietary Association	6,000.00	2,109.86
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
[illegible] J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	500.00	
[illegible] A. Cmich, 220 Market Ave., South, #1190 Canton, OH 44702	Putman Properties, Inc		
Do	Timken Co		
Coalition to Keep Alaska Oil, AFL-CIO Building 815 16th Street, NW, #309 Washington, DC 20006		5,737.50	5,876.35
Coalition to Oppose Energy Taxes, 1100 15th St., NW, #1200 Washington, DC 20005		30,000.00	1,493.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Coalition Against Double Taxation, Inc, c/o Kiernan & O'Brien 3050 K Street, NW, #330 Washington, DC 20007			
Coan Couture Lyons & Moorhead, 1625 Eye St., NW, #1015 Washington, DC 20006	National Investment Development Corp		
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	7,500.00	255.25
Richard B. Cobb, Petroleum Council of Ga 230 Peachtree St., NW, #1500 Atlanta, GA 30303	American Petroleum Institute	540.00	1,506.82
Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202	Providence Hospital	2,700.00	75.00
Don V. Cogman, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	4,750.00	220.00
Dan Cohen, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	11,250.00	1,286.36
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	6,916.66	14.21
Jacqueline Abelman Cohen, 1199 N. Fairfax St., #701 Alexandria, VA 22314	National Assn of Tobacco Distributors	2,500.00	
Linda Colancecco, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	8,000.00	
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		851.54
George T. Coldeway, 8245 NW 53rd St., #200 Miami, FL 33166-4609	South Florida Hospital Assn		
E. William Cole, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036	Union Oil Co of California	700.00	94.00
Randall I. Cole, 50 F St., NW, #1080 Washington, DC 20001	Burlington Northern, Inc	1,000.00	1,032.32
Cole & Corette, P.C., 1100 Vermont Avenue, NW, #900 Washington, DC 20005	Ad Hoc Ski Footwear Committee		
Do	Chase Manhattan Bank, N.A.		
Do	Millipore Corporation		
Colette R. Coleman, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Jessie M. Colgate, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn, Inc		
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #308 Washington, DC 20007	Alliance for Capital Access	40,000.00	40,000.00
Do	American Couplings Coalition	1,080.00	1,080.00
Do	American Frozen Food Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn		
Do	Bicycle Mfgrs Assn of Amer, Inc	750.00	750.00
Do	Committee of American Ammunition Manufacturers	975.00	975.00
Do	Crop Insurance Research Bureau	5,625.00	5,625.00
Do	Ferrous Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America	2,500.00	2,500.00
Do	Independent Lubricant Manufacturers Assn	1,000.00	1,000.00
Do	Inland Steel Corp		
Do	Municipal Castings Fair Trade Council	330.00	330.00
Do	National Assn of Convenience Stores	6,200.00	6,200.00
Do	National Assn of Mutual Insurance Cos	7,500.00	7,500.00
Do	National Broiler Council	900.00	900.00
Do	National Coalition of Fresh Potato Processors		
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	National Pasta Assn	3,720.00	3,720.00
Do	Norris Industries	875.00	875.00
Do	Outdoor Power Equipment Institute	750.00	750.00
Do	Petroleos de Venezuela, S.A.	4,500.00	4,500.00
Do	PetroJam, Ltd	10,000.00	10,000.00
Do	Pittsburgh Corning Corporation		
Do	Secondary Lead Smelters Assn, Inc	800.00	800.00
Do	Society of Independent Gasoline Marketers of America	6,200.00	6,200.00
Do	Specialty Steel Industry of the United States		
Paul Edward Michael Collin, 3600 Guard Road (Fed. Reg. No. #77634-012) Lompoc, CA 93436			
Terese Colling, 1818 N Street, NW, 7th Floor Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Media General, Inc)	8,977.50	313.02
Do	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)	2,970.00	24.51
Do	Eckert Seamans Cherin & Mellott (For:York Wallcoverings, Inc)	945.00	18.00
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	573.94
Aletha A. Collinson, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Vern Clark & Associates, Inc	400.00	145.00
Dominique Colon, 2000 L Street, NW Washington, DC 20036	Medtronic, Inc		
Tim Colton, P.O. Box 498 Chester, PA 19016	Pennsylvania Shipbuilding Co	360.00	30.00
Columbia Gorge United, Box 328 Stevenson, WA 98648			
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,250.00	
Lori A. Comeau, 2550 M Street, NW, #640 Washington, DC 20037	CF Industries, Inc	500.00	40.79
Douglas B. Comer, 1333 New Hampshire Ave., NW Washington, DC 20036	Electronic Processing, Inc	6,250.00	
Committee for Do-It-Yourself Household Moving, 2011 Eye Street, NW, #500 Washington, DC 20006			
Committee for Humane Legislation, Inc, 1 Pine Street Neptune, NJ 07753		468.40	24,300.32
Committee for Proposition Thirty, P.O. Box 915 Hartselle, AL 35640			
Committee to Assure the Availability of Casein, 3213 O St., NW Washington, DC 20007		8,000.00	
Committee to Protect the Family, 8001 Forbes Place, #102 Springfield, VA 22151		293,463.12	326,836.91
Common Cause, 2030 M St., NW Washington, DC 20036		2,518,782.00	500,479.62
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			
Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202			
Lance Compa, 1411 K St., NW, #410 Washington, DC 20005	United Electrical Radio & Machine Workers of America	6,668.54	
Competitive Enterprise Institute, 611 Pennsylvania Avenue, SE Washington, DC 20003			
Bert M. Concklin, 1500 Planning Research Drive Mclean, VA 22102	Planning Research Corporation		5,960.40
Edward C. Cone Jr., P.O. Box 1788 Forest Park, GA 30051	Southeastern Lumber Manufacturers Assn		
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			5,067.94
Gary L. Conkling, P.O. Box 500, 50-705 Beaverton, OR 97077	Tektronix, Inc	9,500.00	3,915.82
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp		
Robert J. Conner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	500.00	569.05
Catherine Connor, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
David Conover, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	762.50	31.63
Gregory E. Conrad, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Consortium of Social Science Assns, 1625 I Street, NW, #911 Washington, DC 20006		23,750.00	1,063.30
Consumers for World Trade, 1001 Connecticut Ave., NW Washington, DC 20036		11,155.00	19,468.91
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			7,990.00
John J. Contney, 1250 E. Hollandale Beach Blvd. Hollandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, 1819 L St., 7th Floor Washington, DC 20036	Reinsurance Assn of America		
John A. Conway, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	320.00	342.34
Cheryl L. Cook, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-operative Union of America	4,134.47	48.67
K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	350.00	
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	1,758.00	
Stoney Cooks, 433 6th Street, NE Washington, DC 20002	South/North Development Group, Ltd		
Bente E. Cooney, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	1,875.00	
Benjamin Y. Cooper Jr., 1730 North Lynn St. Arlington, VA 22209	Printing Industries of America, Inc	10,000.00	
C. William Cooper, 603 Broad St. Sewickley, PA 15143	United Distribution Companies		
Jesse D. Cooper, 1860 Lincoln Street, #404 Denver, CO 80295	Rocky Mountain Oil & Gas Assn	3,000.00	51.90
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	18,500.00	1.60
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	873.00
Michael J. Copps, 1660 L St., NW, #1000 Washington, DC 20036	Collins and Aikman Corp	8,300.00	5,499.65
John F. Corcoran, 1050 Connecticut Ave., NW, #740 Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Tom Corcoran, 8736 Old Dominion Drive McLean, VA 22102	BHC Wallace Services		
William M. Corcoran, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Alfred C. Cordon, 1920 N St., NW Washington, DC 20036	Buffalo Broadcasting Co, Inc		
Corman Law Offices, 1420 16th Street, NW Washington, DC 20036	Airlease Management Service, Inc	6,000.00	
Do	Alcalde Henderson O'Bannon & Rousselot		
Do	American Leather Goods Manufacturers Assn		
Do	Institute of Electrical & Electronics Engineers, Inc	900.00	
Do	Investment Partnership Assn		
Do	Kelso & Company	6,900.00	
Do	MCA, Inc	9,650.00	
Do	National Structured Settlements Trade Assn	8,800.00	

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Petersen Publishing Co	500.00	
Do	Republic National Bank of New York		
Do	State of Washington	25,400.00	
Do	Texas Air Corp	100.00	
Do	Tropicana International, Inc	13,950.00	
Do	U.S. League of Savings Institutions	2,500.00	
Corn Refiners Assn, Inc, 1001 Connecticut Ave., NW Washington, DC 20036		5,462.00	2,397.00
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	2,907.00	98.60
Correct Currency in Law, 312 Second St., SE Washington, DC 20003			
Mary Marcella Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 1201 Pennsylvania Avenue, NW, #250 Washington, DC 20004	CH2M Hill	2,000.00	
Marty Corry, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	684.54	619.29
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning Glass Works	4,000.00	
William R. Corson, 1707 H St., NW Washington, DC 20006	Penthouse International, Ltd		
Alfred W. Cortese Jr., 655 15th Street, NW, #1200 Washington, DC 20005	General Motors Corp	32,300.00	
Philip S. Corwin, 1120 Connecticut Avenue, NW, Washington, DC 20036	American Bankers Assn	1,500.00	
R. H. Cory, 1005 Congress Avenue, #795 Austin, TX 78701	Central & South West Services, Inc	900.00	1,788.83
Cosmetic Toiletry & Fragrance Assn, Inc, 1110 Vermont Ave., NW, #800 Washington, DC 20005			
J. Daniel Costello, 1615 H St., NW Washington, DC 20006	U.S. Chamber of Commerce	9,225.00	305.00
Michael E. Costello, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		450.37
Council for Rural Housing and Development, 2300 M St., NW Washington, DC 20036		4,000.00	4,000.00
Council of State Chambers of Commerce, 122 C St., NW, #200 Washington, DC 20001		349.99	720.79
Council on Alternate Fuels, 1225 Eye St., NW, #320 Washington, DC 20005			
William R. Courtney, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		
James Cousins, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	7,125.00	
Mark J. Cowell, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
John F. Cove, 918 16th St., NW, #702 Washington, DC 20006	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	American Watch Assn	5,000.00	
Do	Association of Maximum Service Telecasters, Inc		
Do	Brown Brothers Harriman & Co	2,363.50	23.40
Do	Champion International Corp		14.50
Do	Coalition for Effective Tax Reform		
Do	Coalition to Preserve the Integrity of American Trademarks		92.00
Do	Coalition to Stop the Raid on America	240.00	82.25
Do	Commonwealth of Puerto Rico	1,260.00	
Do	ERISA Industry Committee	1,612.50	7.00
Do	General Mills, Inc		3.10
Do	Georgia-Pacific Corp	1,940.00	3.00
Do	Hallmark Cards, Inc		37.20
Do	International Business Machines Corp	2,780.00	60.70
Do	International Paper Co	1,940.00	17.50
Do	Investment Company Institute	6,600.00	7.50
Do	National Football League		
Do	O-W Fund, Inc		94.15
Do	Occidental Petroleum Corp		12.50
Do	Post-Newsweek Stations, Inc		
Do	Scott Paper Co	280.00	
Do	Sun Life Assurance Co of Canada (U.S.)	12,551.38	89.30
Do	United Technologies Corporation		5.00
Do	Wesleyan University, et al	1,000.00	
Do	Westvaco Corporation		14.50
Eugene S. Cowen, 2445 M St., NW Washington, DC 20037-1420	Capitol Cities/ABC, Inc	44.80	
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn	500.00	184.82
Do	United Fishermen of Alaska		133.83
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause	5,757.54	
C. Bryan Cox, P.O. Box 419139 Kansas City, MO 64141-6139	Kansas City Life Insurance Co		
C. Richard Cox, 800 Briar Creek Road Charlotte, NC 28232	Belk Stores Services, Inc		
Eric Cox, 418 7th St., SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	6,150.00	19.07
Jeffrey T. Cox, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Jerry W. Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)	1,387.50	
Tamara Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Nebraska Wheat Board)		
Donald Forsyth Craib III, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	177.00	44.90
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	330.00	28.50
William C. Cramer, 2000 L Street, NW, #810 Washington, DC 20036	Cramer & Haber, P.C. (For:Canaveral Port Authority)		
Do	Cramer & Haber, P.C. (For:Dade County)		
Do	Cramer & Haber, P.C. (For:Dade County International Airport)		
Cramer & Haber, P.C., 2000 L Street, NW, #810 Washington, DC 20036	Canaveral Port Authority	6,750.00	
Do	Dade County		
Do	Dade County International Airport		
Eric F. Craven, P.O. Box 2943 Fort Worth, TX 76113	Texas-New Mexico Power Co	9,625.00	1,335.25
Richard L. Crawford, 311 First Street, NW Washington, DC 20001	National Restaurant Assn	17,500.00	
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
William H. Creamer III, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	100.00	15.00
John P. Cregan, 220 National Press Building Washington, DC 20045	U.S. Business & Industrial Council	4,000.00	
Patricia Cregan, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	2,100.00	370.56
Douglas R. Crew, 100 N.E. Adams Street Peoria, IL 61629	Caterpillar Tractor Co	375.00	799.41
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Joseph M. Cribben, 6900 Valley Brook Dr. Falls Church, VA 22042	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	1,750.00	
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
P. H. Croft, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		
Charles W. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	EDO Corp		
Do	McDonnell Douglas Helicopters		
Do	Northrop Corp		
Crop Insurance Research Bureau, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		10,737.30	10,737.30
David T. Crow, 1015 18th St., NW Washington, DC 20036	Fertilizer Institute	10,000.00	1,655.66
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Asarco Inc	993.75	10.00
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		10.00
Do	Central Nebraska Public Power & Irrigation District		
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Contractors Liability & Indemnification Alliance	1,395.00	18.00
Do	Cook Inlet Region, Inc		
Do	Eli Lilly & Company		
Do	Emery Worldwide		
Do	Meridian Minerals Co	400.00	10.00
Do	National Assn of Wholesaler-Distributors	1,126.25	10.00
Do	Nebraska Public Power District		
Do	Pan American World Airways, Inc, et al		
Do	Regional Airline Association		
Do	Sterling Drug, Inc		
Do	Tiffany & Co		
Do	Trust for Public Lands	930.00	20.00
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Board of Foreign Trade, Government of the Republic of China	200.00	200.00
Do	Nashua Corporation	100.00	100.00
Do	Wacker Siltronic Corp		
Cuba Claims Association, P.O. Box 014004 Miami, FL 33101			42.00
Cuban American Freedom Coalition, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122			
Brien P. Culhane, 5752 Drake Ct., #371 Alexandria, VA 22311	National Parks & Conservation Assn	75.00	10.00
Culley-Fosler & Co, P.O. Box 17370 Washington, DC 20041			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Diane Brown Cunningham, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	1,500.00	150.00
Scott S. Cunningham, 1100 15th Street, NW Washington, DC 20005	Union Carbide Corp		
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,712.34	1,301.22
Kathleen L. Curry, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,881.00	
M. Rupert Cutler, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Everett E. Cutter, 620 SW Fifth Avenue Bldg., Suite 300 Portland, OR 97204	Oregon Railroad Assn		
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CR Associates, 317 Massachusetts Ave., NE, 1st Floor Washington, DC 20002	Alzheimer's Disease & Related Disorders Assn		
CRS, P.O. Box 118 Cold Spring Harbor, NY 11724-0118			
D'Amour & Doyle, Inc, 1156 15th St., NW, #1100 Washington, DC 20005	Gafney Bennett & Associates, Inc	11,344.91	1,003.12
Do	New England Assn of Business, Industry & Rehabilitation, Inc	4,000.00	703.30
William D. D'Onofrio, 1800 W. 8th St. Wilmington, DE 19805	National Assn for Neighborhood Schools, Inc		
William K. Dabaghi, Arter & Hadden 1919 Pennsylvania Ave., NW, #400 Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)	4,337.00	185.49
Do	Coalition for Regional Banking & Economic Development	300.00	20.00
Do	Houston Clearing House Assn	995.00	220.50
Susan Dahlquist, 2000 K St., NW, 7th Foor Washington, DC 20006	National Committee to Preserve Social Security	10,000.00	889.70
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
William Kay Daines, 1616 H St., NW Washington, DC 20006	American Retail Federation	650.00	225.00
Dairy Farmers for Responsible Dairy Policy, 517 C Street, NE Washington, DC 20002			
Lewis I. Dale, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,427.88
Donna M. Daley, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,750.00	70.00
James G. Dalton, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	2,500.00	
Robert C. Daly, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
John E. Daniel, 1233 20th St., NW, #400 Washington, DC 20036	Ohio Edison Co		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Charles Franklin Daoust, P.O. Box 12910 Charleston, SC 29412-0910	Kiawah Island Co, Ltd		
Cynthia L. Darcy, 245 Second St., NE Washington, DC 20002	Friends Committee on National Legislation	2,250.00	
Colleen A. Darling, 1730 Rhode Island Avenue, NW, #204 Washington, DC 20036	Japanese American Citizens League	6,000.00	5.25
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co, Inc		
Diane Davenny Darneille, 1726 M St., NW, #300 Washington, DC 20036	Schering-Plough Corp	774.00	934.00
Theodore S. J. Davi, P.O. Box 825 Green Bay, WI 54305			
Earl F. David, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
James H. Davidson, 1250 Connecticut Ave., NW, #650 Washington, DC 20036	American Advertising Federation		
Do	American Assn of Advertising Agencies	3,254.34	
Do	American Newspaper Publishers Assn	19,195.43	
Do	Association of National Advertisers	3,254.34	
Do	Direct Marketing Assn	9,873.85	
Do	National Assn of Broadcasters	21,553.19	
James H. Davidson & Associates, Inc, 1250 Connecticut Ave, NW, #650 Washington, DC 20036	Magazine Publishers Assn, Inc	20,590.79	
Do	National Assn of Industrial & Office Parks	15,216.06	
Do	Rouse Company	10,542.57	
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	800.00	
Drew M Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	161.52	213.03
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	9,000.00	
Fred G. Davis, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	4,475.97	402.65
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,200.00	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert Davis, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	1,400.00	697.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	American General Life Insurance Co	721.50	73.75
Do	American Horse Council		
Do	Armco Steel Co	3,120.00	85.02
Do	Bethlehem Steel Corp	3,120.00	85.02
Do	Chandis Securities Co	2,000.00	13.00
Do	Chicago Board of Trade	4,166.66	156.35
Do	Committee of Annuity Insurers	780.50	15.50
Do	Committee of Life Insurers	1,400.90	15.00
Do	CIGNA Corporation		
Do	Dresser Industries	1,968.00	16.00
Do	Florida Power & Light		
Do	Florida Sugar Cane League, Inc		
Do	James Graham Brown Foundation		
Do	LeBoeuf Lamb Leiby & MacRae	18,595.60	209.00
Do	Lincoln Life Improved Housing, Inc		
Do	Lincoln National Life Insurance Co	637.25	8.00
Do	Monumental Corp	1,000.00	8.90
Do	National Assn of Life Companies	350.00	8.10
Do	National Cattlemen's Assn	1,660.66	166.92
Do	NEOAX, Inc	11,613.60	29.00
Do	Stock Information Group	4,453.15	30.00
Do	Travelers Companies	804.90	16.50
Do	U.S. Sugar Corp	1,551.70	185.02
Davis Hockenberg Wine Brown & Koehn, 2300 Financial Center Des Moines, IA 50309	E&J Gallo Winery		
Do	Northwestern Bell (Iowa Div)		
Davis Polk & Wardwell, 1575 Eye St., NW Washington, DC 20005	American Inst of Certified Public Accountants	348.00	20.50
Do	Kohlberg Kravis Roberts & Co	1,139.50	18.00
Do	Manville Corporation		
Do	Morgan Guaranty Trust Co	525.00	8.00
Do	New York Clearing House	862.50	9.00
Do	Norwest Corporation		
Do	Occidental International Corp	783.00	19.00
Do	Otto Bremer Foundation	522.00	13.50
Davis Wright & Jones, 1752 N St., NW, #800 Washington, DC 20036	Energy Contractors Price-Anderson Group		
Do	Pacific Northwest Coalition for Maritime Law Reform	1,000.00	
Do	Star-Kist Foods, Inc		
Brenda T. Day, 655 15th St., NW, #300 Washington, DC 20005	Armtek Corp	6,330.00	
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Gaston De Bearn, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Ralph De La Cruz, 1225 Connecticut Avenue, NW Washington, DC 20036	American Public Transit Assn	3,080.00	
Gail De Loach, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
O. Mark De Michele, 411 North Central Avenue P.O. Box 21666 Phoenix, AZ 85014	Arizona Public Service Company		
Trevia A. Dean, Dean & Company 2550 M St., NW, #300 Washington, DC 20037	American Insurance Assn		
Do	National Rifle Assn of America		
John Russell Deane III, 1607 New Hampshire Ave., NW Washington, DC 20009	Auto Internacional Assn	621.55	304.75
Do	Coalition of Automotive Assns	1,136.00	531.73
Do	Specialty Equipment Market Assn	3,408.00	1,595.83
Debevoise & Plimpton, 555 13th Street, NW Washington, DC 20004	Sony Corp of America		
Do	Westpac Banking Corp		
Dechert Price & Rhoads, 1730 Pennsylvania Avenue, NW, #1100 Washington, DC 20006	A.I.A. & Associates		227.70
Do	Center for Civic Education		0.87
Do	Constitutional Rights Foundation	2,448.46	159.40
Mark D. Decker, 1101 17th Street, NW, #700 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc	600.00	
Do	Pension Real Estate Assn		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
William R. Deere, 600 Maryland Ave., SW, #701 Washington, DC 20014	Aircraft Owners & Pilots Assn	5,000.00	1,414.26
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Village Drive Mclean, VA 22101	Association of State & Territorial Health Officials		1,000.00
Do	Nurses Organization of the Veterans Administration		1,000.00
Delaney & Young, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Harcourt Brace Jovanovich, Inc	8,437.50	240.88
Do	National Assn of Independent Insurers	30,000.00	1,054.36
Do	Transamerica Insurance Services	15,075.00	50.53
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	100.00	
Willard L. Demory, 2300 M St., NW, #800 Washington, DC 20037	Hill & Knowlton, Inc (For:Bell Atlantic Management Services)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
George D[illegible], 1612 K St., NW, #206 Washington, DC 20006	Government of Haiti		16.00
Bradford T. Dempsey, Dempsey Associates, Ltd 919 Pennsylvania Avenue Harrisburg, PA 17112			
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	N U S Corporation	750.00	
Do	National Office Products Assn	1,250.00	
Do	Primark Corporation	450.00	
Do	Westinghouse Electric Corp	225.00	
John H. D[illegible], Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute		
Robert A. D[illegible], 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,180.80	314.36
Thomas J. Dennis Sr., 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co	3,400.00	999.00
Wells D[illegible], 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	925.00	176.73
Janice D[illegible], 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Detroit T[illegible] Assn, P.O. Box 338 Dearborn, MI 48121			
Samuel L. Devine, 170 Burning Tree Drive Naples, FL 33942	American Continental Corp		
Do	Grocery Manufacturers of America, Inc	400.00	392.20
R. Daniel Devlin, 1825 Eye Street, NW, #350 Washington, DC 20006	Trans World Airlines, Inc	400.00	
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW Washington, DC 20006	Air Products & Chemicals, Inc		
Do	Amax, Inc		
Do	American Ref-Fuel Company		
Do	American Stock Exchange, Inc		
Do	Arctic Alaska Seafoods, Inc		
Do	Baptist Foundation of Texas		
Do	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Browning-Ferris Industries, Inc		
Do	Catholic Health Assn of the U.S.		
Do	Chase Manhattan Corp		
Do	Chrysler Corporation	5,077.50	
Do	Committee for Future Investment in America's Past	2,898.00	
Do	CIC Enterprises, Inc		
Do	Digital Equipment Corp	405.00	
Do	Disk Drive Consortium		
Do	Dolco Packaging Corp		
Do	Duke Endowment		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems	1,200.00	
Do	Hanschell Inniss, Ltd	900.00	
Do	Health Insurance Assn of America		
Do	Hershey Foods Corp		
Do	Hospital Coalition		
Do	Household International	7,200.00	
Do	Integrated Resources, Inc	7,800.00	
Do	Intel Corporation		
Do	IBM Corp		
Do	Man-Made Fiber Producers Assn, Inc	5,400.00	
Do	Morgan Stanley Group, Inc		
Do	Mutual Life Insurance Co of New York	2,400.00	
Do	National Assn of Wholesaler-Distributors		
Do	Norfolk Southern Corp		
Do	NYNEX Corp		
Do	Pfizer, Inc		
Do	Premark International		
Do	Primerica, Inc	363.00	
Do	Prudential Insurance Co of America		
Do	Joseph E. Seagram & Sons, Inc	12,140.00	
Do	Semiconductor Industry Association	2,106.00	
Do	Squibb Corporation		
Do	Tribune Broadcasting Co		
Do	Union Pacific Corp	1,200.00	
Do	West Indies Rum & Spirits Producers Assn		
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc	2,400.00	1,264.00
George J. DeBakey, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Nicholas DeBenedictis, 1346 Chestnut St., #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce		
Michael DeEmilio, 400 First St., NW, #801 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	9,000.00	
James [illegible] DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ensearch Corporation	3,187.00	839.00
Mary E[illegible] DeGonia, 600 Maryland Avenue, SW West Wing, Suite 300 Washington, DC 20024	70001 Training & Employment Institute	500.00	20.00
Law Offices of Paul H. DeLaney, Jr., 1920 N Street, NW, #610 Washington, DC 20036	Continental Grain Co	344.10	
Do	Groth Air Services, Inc		
Michael J. DeLoose, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	683.70	
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,274.59
Gregory L. DePriest, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
William R. DeReuter, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
John M. Dickerman, 1015 15th St., NW, #700 Washington, DC 20005	National Lumber & Building Material Dealers Assn		
Chester T. Dickerson Jr., c/o Bernadette Hammond 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		314.30
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Gary Alan Dickinson, 2 International Plaza Dr., #600 Nashville, TN 37217	Anglo American Auto Auctions, Inc		29,824.00
Norman Dickinson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	Allied Signal, Inc	8,400.00	
Do	Chicago & Northwestern Transportation	4,300.00	
Do	United Technologies Corporation	22,500.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications	918.00	
Do	American Greyhound Track Operators Assn	11,743.00	
Do	Arizona Department of Commerce	38,156.00	
Do	A&D Securities Corp	1,500.00	
Do	Bear Stearns & Co	3,500.00	
Do	Boundary Gas, Inc		
Do	California Assn of Thrift & Loan Companies	175.00	
Do	Car Audio Specialists Assn (CASA)	500.00	
Do	Children's Hospital		
Do	DOT Partnership	3,378.00	
Do	Federal National Mortgage Assn	178.00	
Do	Federated Cash Management Systems	7,000.00	
Do	Fiat USA		
Do	Iroquois Gas, Inc	120,795.00	
Do	Marine Engineers' Beneficial Assn		
Do	Morgan Guaranty Trust Co	5,000.00	
Do	Mudge Rose Guthrie Alexander & Ferndon (for Toshiba Corp)	7,500.00	
Do	National Fed of Societies for Clinical Social Work	4,000.00	
Do	Ocean State Power	985.00	
Do	Paolucci Enterprises	19,689.00	
Do	Providence Hospital		
Do	States of Arkansas, et al.		
Do	Technomed	712.50	
Rick D[illegible], 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Diepenbrock Wulff Plant & Hannegan, 300 Capitol Mall, 17th Floor Sacramento, CA 95814	St. Elizabeth Community Hospital	1,180.83	1,180.83
Walter E. Diercks, 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
George Dillard, 5128 Sauer, Suite A Houston, TX 77004	Kaleidoscope Research & Marketing Group		
Thomas A. Dine, 500 North Capitol St, NW, #300 Washington, DC 20001-1510	American Israel Public Affairs Comm	16,746.99	2,334.21
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	282.94	46.75
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	211.59	6.00
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	214.05	43.75
Do	Lumbermens Mutual Casualty Company	2,100.00	
Dale P. Dirks, 400 First St., NW, #712 Washington, DC 20001	Health & Medicine Counsel of Washington	11,065.32	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Professional Services Counsel		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		131,415.72	131,415.72
Gloria Dittus, 201 Massachusetts Ave., NE, S-5 Washington, DC 20002	BMc Strategies, Inc (For:New Hampshire Yankee)	1,200.00	393.03
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,036.80	37.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,920.00	
Sharon Pratt Dixon, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	1,875.00	
John M. DiJoseph, 2050 Clarendon Blvd., #300 Arlington, VA 22201	American Soc of Magazine Photographers		
Margaret R. DiPaula, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	275.00	
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	212.00	35.00
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	54.95	
Eileen Marie Doherty, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Brian J. Donadio, 122 C St., NW, #875 Washington, DC 20001	American Osteopathic Assn	3,503.00	
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Sally S. Donner, 1710 Rhode Island Avenue, NW, #400 Washington, DC 20036	General Foods Corporation	1,229.25	65.32
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Donohue & Associates, Inc, 11445 Isaac Newton Square So. Reston, VA 22090			
William Donovan, 1111 N. 19th St, #700 Arlington, VA 22209	National Assn of Federal Credit Unions	2,500.00	
Francis X. Dooley, 525 School St., SW Washington, DC 20024	American Road & Transportation Builders Assn	7,500.00	420.00
Ira Dorfman, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	839.27	4.50
Doris Day Animal League, 111 Massachusetts Ave., NW, #200 Washington, DC 20001		250,945.00	250,945.00
Kevin L. Dorn, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	6,461.00	
James A. Dorsch, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	866.25	
Michael I. Dougherty, Pillsbury Center MS 3771 Minneapolis, MN 55402	Pillsbury Co	1,000.00	160.50
Russell E. Dougherty, P.O. Box 9346, 8280 Greensboro Dr. McLean, VA 22102	Military Impacted School Districts Assn	1,627.25	
Sally L. Douglas, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.50	120.00
Theodore Douglas, 6554 Coventry St. Louis, MO 63033			
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd	119.00	
Do	Beeman and Associates	100.00	3.79
Do	Canadian Institute of Steel Construction		
Do	Government of the Republic of Panama		
Do	Harris Steel Group, Inc		
Do	Lake Ontario Cement, Ltd		
Do	Laurel Steel Products, Ltd		
Do	Masstock (International) Ltd		
Charles P. Downer, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	1,113.00	250.00
Jane Lind Downey, 2200 Mill Rd Alexandria, VA 22314	American Movers Conference	200.00	
Richard Morgan Downey, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
John P. Doyle Jr., 8600 Boundbrook Lane Alexandria, VA 22309	J. P. Doyle Enterprises, Inc	1,000.00	
William A. Doyle, 2346 S. Rolfe Street Arlington, VA 22202	Harris Corporation	3,050.00	1,449.91
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	17,300.00	160.33
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,000.00	601.87
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress		
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	Briggs & Stratton	250.00	
Do	General Dynamics Corp	250.00	
Do	Metropolitan Life Insurance Cos		
Do	Science Applications Int'l Corp	250.00	
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	435.00	
John P. Dring, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp		
Alvin Drischler, 1667 K St., NW, #700 Washington, DC 20006	PHLCORP	15,000.00	553.20
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Fran Du Melle, 1029 Vermont Ave., NW, #710 Washington, DC 20005-3517	American Lung Assn	2,890.00	2,290.65
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Dudek Communications, 902 Pennsylvania Avenue, SE Washington, DC 20003	Lyonnaise Marianas America, Inc	16,000.00	19,336.44
Dana O. Duden, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
John Dudinsky Jr., 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	AMSPEC	3,000.00	730.00
Do	Harris/3-M Document Products, Inc	10,000.00	1,150.00
Ann Anderson Duff, 1331 Pennsylvania AVenue, NW Washington, DC 20004	National Assn of Manufacturers	1,200.00	
Daniel A. Duffy, 1400 K St., NW, #900 Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
Stephen C. Duffy, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
C. Ray Duggan, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	3,000.00	3,000.00
Robert H. Dugger, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	20.00
Evelyn Dukovic, 3 East 85th Street New York, NY 10028	Morality in Media, Inc		
Dulles Access Rapid Transit Corp, 8000 Towers Crescent Dr., #801 Vienna, VA 22180			7,870.61
Mervin E. Dullum, 1629 K St., NW, #204 Washington, DC 20006	Delta Air Lines, Inc	200.00	114.40
Amy K. Dunbar, One Beacon Street Boston, MA 02108	Palmer & Dodge (For:National Assn of Bond Lawyers)		37.40
Don R. Duncan, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	5,000.00	81.86
Leslie Delong Duncan, 1925 K Street, NW, #206 Washington, DC 20006	Alliance to Save Energy		
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	1,800.00	612.89
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Kenai Natives Assn, Inc		
Do	Lake Andes-Wagner Water Systems, Inc		
Do	Mid West Electric Consumers' Assn, Inc		
Do	National Assn of State Energy Officials		
Do	State Water Resources Control Board		
Do	Western Fuels Association, Inc		
Mari Lee Dunn, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
James A. Dupree, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	4,312.00	2,114.00
Joseph L. Duran, 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Margaret A. Durbin, 1001 pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,200.00	
B. J. Durham, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Duryea Murphy Davenport & Van Winkle, 711 Capitol Way Olympia, WA 98501	State of Nevada, Nuclear Waste Project Office	161.00	
Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003	Miguel H. Agosto	2,400.00	
Do	American Consumer Trade Council	3,715.51	
Do	Anchor Industries, Inc	1,139.50	
Do	Associates of North America		
Do	Colorado River Municipal Water District (CRMWD)		
Do	Committee for Preservation of the Anesthesia Care Team	26,000.00	
Do	Communications Satellite Corp	2,400.00	
Do	D & B Wholesale Cosmetics, Inc	1,200.00	
Do	DSC Communications	9,460.60	
Do	William Gold	1,343.00	
Do	Jaime Goldenberg	25.00	
Do	Granger Associates		
Do	Gulf & Western Industries, Inc	9,000.00	
Do	Hart-Culp International	2,087.00	
Do	Lightnet	5,646.50	
Do	MedMax		
Do	Model Imperial Supply Co, Inc		
Do	Oklahoma State University	3,600.00	
Do	PacifiCare Health Systems	3,308.50	
Do	Pitts Energy Group		
Do	Psychemedics Corp	274.50	
Do	R-Max	4,733.50	
Do	Southland Corporation		
Do	St. Thomas Paving		
Do	Stedman Foundation, Inc	4,000.00	
Do	M. Steven Cosmetics Co	16.00	
Do	Superconducting Super Collider		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	US Sprint	3,895.00	
Peggy L. Duxbury, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004	National Assn of Manufacturers	300.00	
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	599.45
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,378.00	
Duncan Dwelle, 1001 Bridgeway, #301 Suasalito, CA 94965	American Fair Trade Council	3,300.00	3,300.00
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Dykema Gossett Spencer Goodnow & Trigg, 1752 N St., NW, 6th Fl. Washington, DC 20036	Military Boot Manufacturers Assn		
Do	Total Petroleum, Inc		
DynCorp, 1313 Dolley Madison Blvd. Mclean, VA 22101			1,584.00
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	28.85
DGA International, Inc, 1818 N Street, NW Washington, DC 20036	Dir Intl Afl of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation		
Do	Sofreavia	342.00	79.85
Dennis J. Earhart, 1753 Euclid St, NW Washington, DC 20009	Bear West Co, Inc (for Union Pacific Resources)	131.25	
Jack D. Early, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	187.50	22.00
Charles M. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Robert E. L. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Eaton Associates, Inc, 1725 K St., NW, #1111 Washington, DC 20006			
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	524.00
Eric D. Eberhard, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Gaming Pueblos of New Mexico		
Do	Pueblo of Sandia	110.00	5.50
Do	Sault Ste. Marie Tribe of Chippewa Indians		
Do	Gover Stetson & Williams (For:Shoshone Business Council)	2,100.00	113.00
Charles L. Eby, 8408 Queen Elizabeth Blvd. Annandale, VA 22003	Hill & Knowlton, Inc (for: Monsanto)		
N. Boyd Ecker, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Oil Corp	1,500.00	68.10
Robert C. Eckhardt, 122 3rd Street, SE Washington, DC 20003	Certain Claimants Lawyers		
Do	Investment Company Institute		
William B. Edgar, 1620 Eye St., NW, #501 Washington, DC 20006	Gates Learjet Corporation		
Helen H. Edge, 700 N. Fairfax St. Alexandria, VA 22314	Railway Progress Institute	512.50	
Edison Electric Institute, 9th Floor 1111 19th St., NW Washington, DC 20036		84.90	100,357.97
V. Anne Edlund, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Stephen L. Edmiston, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	15,464.80	490.94
Ed Edmondson, 416 Court St., P.O. Box 11 Muskogee, OK 74401-0011	Association of Oklahoma General Contractors		
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group		
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	475.75	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,422.95	45.00
William A. Edwards, 201 Massachusetts Ave., NE Washington, DC 20002	New Hampshire Yankee	5,500.00	6,728.56
Charles E. Ehrhart, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	12.50
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10001	National Commercial Finance Assn	11,500.00	491.00
H. J. Elam III, 1201 Maple St. Greensboro, NC 27405	Cone Mills Corp	30,000.00	7,594.66
Jane Elder, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,402.50	922.02
Timothy L. Elder, 100 N.E. Adams Street Peoriagton, IL 61629-1430	Caterpillar, Inc	250.00	360.71
George K. Eliades, 7297-P Lee Highway Falls Church, VA 22042	Society of American Wood Preservers, Inc	3,000.00	910.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	39.80	
Christine Elliott-Groves, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	350.00
J.W. Ellis, 1629 K St., NW, #1100 Washington, DC 20006	Old Republic Companies	3,100.00	
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Nor-Cal Federal Coalition		
Keith M. Ellis, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors	4,028.00	356.24
Mark W. Ellison, French & Company 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Hong Kong Trade Development Council	950.00	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		80,169.90	53,339.16
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			4,026.73
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	6,000.00	242.85
Randy Eminger, 5205 West 37th Street Amarillo, TX 79109	Southwestern Public Service Co	798.25	462.12
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74868		10,733.39	161.40
Gary D. Engebretson, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		288.00
Ralph Engel, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc		
Joseph J. English, 1010 Vermont Avenue, NW Washington, DC 20005	Stewart-Warner Corp	11,500.00	217.53
Patrick A. English, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Christopher Engquist, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard Engram Jr., P.O. Box 506 Merchants & Miners Bank Bldg. Welch, WV 24801			
Clinton W. Ensign, 2600 Virginia Avenue, NW, #901 Washington, DC 20037	Sinclair Oil Corporation	1,000.00	2,210.95
Environmental Action, 1525 New Hampshire Ave., NW Washington, DC 20036			
Cheryl Anthony Epps, 13 Firstfield Road Gaithersburg, MD 20878	International Assn of Chiefs of Police	9,075.00	473.25
Epstein Becker & Green, P.C., 1140 19th St., NW, #900 Washington, DC 20036	American Bankers Assn		
Do	Voluntary Hospitals of America, Inc	6,985.00	
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	10,274.51	
European Travel Commission, 630 Fifth Avenue New York, NY 10111			
C. Lawrence Evans Jr., 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Group		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Do	Hoechst Celanese Corporation		
Do	Stepan Corporation		
Dwight H. Evans, 1101 17th St., NW, #405 Washington, DC 20036	Southern Company Services, Inc		
John K. Evans, 9208 Seven Locks Road Bethesda, MD 20817	Drexel Burnham Lambert, Inc	2,350.00	
Joseph D. Evans, 4401 Lee Highway, #21 Arlington, VA 22207			
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Robert B. Evans, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn	250.00	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Robert J. Evans, 2013 Canterbury Rd. Kingsport, TN 37660			400.00
Dave Evans Associates, 4076 Rosamora Court Arlington, VA 22207	Association for Regulatory Reform	2,500.00	
Do	ACA	2,500.00	
Do	SIA	2,500.00	
Wayne S. Ewing, Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Paul R. Eyer, 122 C Street, NW, #875 Washington, DC 20001	American Osteopathic Assn	1,400.00	
EDS Corporation, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004			2,128.92
F/P Research Associates, 1700 K St., NW, #504 Washington, DC 20006	National Cable Television Assn, Inc	500.00	
Do	Shell Oil Co	1,000.00	
Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	2,500.00	
Leslie Fain, 400 First St., NW, #800 Washington, DC 20001	Committee for Humane Legislation	6,250.00	50.00
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
F. S. Fallon Jr., 3322 West Knights Avenue Tampa, FL 33611			
Frank J. Farfone, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical USA		4,875.00
Thomas B. Farley II, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,200.00	82.50
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	7,000.00	
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		112,632.00	83,316.52
John W. Farquhar, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	300.00	
Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006	Food Marketing Institute	450.00	
Christopher G. Farrand, 1120 20th Street, NW, #720 Washington, DC 20036	Peabody Holding Co, Inc		162.00
Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	200.00	
Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	23,482.97	2,357.97
Do	Public Service Co of New Mexico	21,313.60	2,863.60
Do	Sierra Pacific Power Co	20,082.10	987.10
Do	Standard Oil Co (Ohio)	11,250.00	
William D. Fay, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	6,780.00	5,636.99
Federal Judges Association, 280 S. 1st St., #5150 San Jose, CA 95113-3002		37,000.00	23,977.49
Federal Land Bank Assns of Texas Stockholders' Defense Fund, P.O. Box 1528 Jacksonville, TX 75766			7,450.81
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,479.77	1,479.77
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		10,800.00	10,800.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002			2,759.64
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036			
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		416.50
Eli M. Feinberg, 9100 S. Dadeland Blvd., #1109 Miami, FL 33156	EMF & Associates (For:Aviation Collection)		447.03
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Randolph Fenninger, 10000 Falls Road, #300 Potomac, MD 20854	American Assn of Colleges of Osteopathic Medicine	3,000.00	
Do	American Gastroenterological Assn		
Do	American Soc for Gastrointestinal Endoscopy	1,000.00	
Do	American Soc of Clinical Pathologists	8,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	4,800.00	20.09
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	405.00	32.00
Fensterwald & Alcorn, P.C., 1000 Wilson Blvd., #900 Arlington, VA 22209	Concerned Federal Railroad Administration Employees		
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	150.00	
Edward T. Fergus, 100 Gold St. New York, NY 10292	Prudential-Bache Securities, Inc	750.00	
Betsy Ferguson, 1875 Eye St., NW, #1110 Washington, DC 20006	Times Mirror Co		
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fiber Fabric & Apparel Coalition for Trade, 1101 Connecticut Ave., NW, #300 Washington, DC 20036		356,702.04	245,231.24
Fred C. Fielding, 1725 Jefferson Davis Hwy, #900 Arlington, VA 22202	AM General Corporation		
Marshall S. Filler, 1101 Connecticut Ave., NW, #405 Washington, DC 20036	Eastern Airlines, Inc	2,152.50	
Do	National Business Aircraft Assn	4,231.50	
Do	Texas Air Corp		
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		14,875.00	1,706.00
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	125.00	
William A. Finerfrock, 1117 N. 19th Street, #300 Arlington, VA 22209	American Academy of Physician Assistants	10,000.00	32.00
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	164.84	20.00
Nelson L. Fink, 378 Valley Oak Court Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Thomas D. Finnigan, 1100 15th Street, NW, 12th Fl. Washington, DC 20005	Union Carbide Corp		23.00
M. J. Fiocco, 1090 Vermont Ave., NW, #410 Washington, DC 20005	National Industrial Transportation League	5,000.00	27.50
First National Bank of Boston, 100 Federal St. Boston, MA 02110			21,629.00
Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Carleton W. Fish, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	1,403.93
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc		
Janet S. Fisher, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
William P. Fisher, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
David H. Fiske, Goodwin & Soble 1300 19th Street, NW, #350 Washington, DC 20036	Software Publishers Assn	1,332.00	61.00
Patrick E. Fitch, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202	Gould, Inc	3,534.00	752.12
Thomas H. Fitzpatrick, Connecticut Petroleum Council 410 Asylum Street Hartford, CT 06103	American Petroleum Institute	50.00	20.79
Richard S. Fitzsimmons, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Alan M. Fitzwater, 3800 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad	22,500.00	5,457.59
Hilliard J. Fjord, 602 Main St., #600 Cincinnati, OH 45202	Ohio River Co	3,000.00	1,001.97
Susan G. Flack, 1320 19th St., NW, #400 Washington, DC 20036	Flack, Inc (For:Spiegel, Inc)	300.00	8.00
Robert B. Flagg, 1130 17th St., NW Washington, DC 20036-4677	National Coal Assn	2,625.00	479.36
Daniel V. Flanagan Jr., 12 Third Street, NE Washington, DC 20002	Virginia Power	8,250.00	5,399.00
James J. Flanagan, 25 Research Dr. Westborough, MA 01581	New England Power Service Co	1,380.00	171.20
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Home Satellite Services		14,573.15
Do	Pathology Practice Assn		26,859.68
Do	Syva Company		37,151.52
Jonathan W. Fleming, 1225 I St., NW, #950 Washington, DC 20005	American Electronics Assn	2,000.00	
Michael Fleming, 1300 17th St., #1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute		
Fletcher Heald & Hildreth, 1225 Connecticut Ave., NW, #400 Washington, DC 20036	Wheat Gluten Industry Council, et al.	175.00	120.80
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	4,450.53	
Veronica M. Floyd, 2001 S. Jeff Davis Highway, #1107 Arlington, VA 22202	Brunswick Corp	7,000.00	1,140.14
David H. Foerster, 1201 16th St., NW Washington, DC 20036	National Education Assn		
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	American Security Fence Corp		
Do	Brantford International, Ltd		
Do	Coalition Against Noneffective Technologies		
Do	Curval Products, Inc		
Do	Gray's Family Department Stores		
Do	PolyPhaser Corp		
Do	Sedima International, Inc		
Do	Shelson International		
Do	Brough E. Treffer & Associates		
Foley & Lardner, 1775 Pennsylvania Ave., NW Washington, DC 20006-4680	City of Kenosha, Wisconsin	985.00	
Do	Dimensions, Inc	800.00	27.88
Do	Education Assistance Corp		100.54
Do	Kohlberg Kravis Roberts & Co		
Do	Paper Machine Cloth Group	3,000.00	143.96
Gary L. Fontana, Thelen Marrin Johnson & Bridges 2 Embarcadero Center San Francisco, CA 94111	Hawaiian Electric Co, Inc		
Do	Thermal Power Co		
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		13,831.00	13,831.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			5,175.00
Foodservice & Lodging Institute, 1919 Pennsylvania Ave, NW, #504 Washington, DC 20006			
Foodservice & Packaging Institute, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	Audio Recording Rights Coalition		
Do	Camp Barsh Bates & Tate	360.00	
Do	Coalition to Protect the Integrity of American Trademarks	1,400.00	37.00
Do	Greene O'Reilly Agnew & Broillet		
Do	Olsson Frank & Weeda, P.C.	885.00	5.00
Mark A. Forman, 345 Park Ave., 31st Fl New York, NY 10154	Union Pacific Corp	625.00	
Sallie H. Forman, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	900.00	101.43
Larry Forrester, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Maria Foscarinis, 1439 Rhode Island Avenue, NW Washington, DC 20005	National Coalition for the Homeless	1,050.00	
Nancy E. Foster, 600 Maryland Ave., SW, #510 Washington, DC 20024	American Soybean Association	4,245.00	308.60
Stacie Foster, 1100 15th St., NW, #700 Washington, DC 20005	Sonat, Inc		
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Providence Hospital		6,171.00
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Carmouche Barsh... (for Sears Roebuck & Co)	1,000.00	
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	Hoffmann-La Roche, Inc	14,096.75	1,570.75
Donald Fraher, 777 14th Street, NW Washington, DC 20005	American Symphony Orchestra League	10,323.12	817.41
John R. Frahm, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		100.00
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	1,868.75
Richard L. Frank, 1029 Vermont Ave., NW, #400 Washington, DC 20005	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)	1,350.00	
David C. Frankil, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	480.54
Walter L. Frankland Jr., 1717 K St., NW Washington, DC 20006	Silver Users Assn, Inc	1,103.00	100.00
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
James R. Franklin, 1185 Avenue of the Americas New York, NY 10036	J. P. Stevens & Co, Inc		3,837.10
Kevin Frankovich, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Service Assn		
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	183.13
Sally Narey Frans, 385 Washington Street St. Paul, MN 55102	St. Paul Fire & Marine Insurance Co	15,270.00	
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061			
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	825.00	174.50
Charles L. Frazier, 475 L'Enfant Plaza, SW, #2250 Washington, DC 20024	National Farmers Organization	5,084.00	4,879.00
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
Free the Eagle, 11244 Waples Mill Rd., Suite J Fairfax, VA 22030		90,427.00	233,243.07
Joel Freedman, 1600 M St., NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance Co	5,000.00	
James O. Freeman, 50 E Street, SE Washington, DC 20003	U.S. League of Savings Institutions	6,250.00	
Paula D. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	Marathon Oil Co		

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ronna Fr[illegible], 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:Fleischmann's Yeast)		
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)	200.00	
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Societe Generale thru SGS North America, Inc)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)	4,000.00	
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	1,600.00	
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)	200.00	
Joyce Gross Freiwald, P.O. Box 85608 San Diego, CA 92138	GA Technologies, Inc	3,500.00	558.42
Verrick O. French, French & Company 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Hong Kong Trade Development Council	1,125.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Artery Organization, Inc	305.00	
Do	International Electronics Mfgrs & Consumers of America, Inc	425.00	
Do	Montgomery Ward & Co, Inc	1,320.00	
Do	Wheels, Inc	340.00	
Annette P. F[illegible]bourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	22,500.00	1,584.08
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	General Electric Co	765.00	45.05
Do	Lonza, Inc	1,515.00	16.00
Philip P. Fr[illegible] Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	1,500.00	
James M. F[illegible]dman, 1100 Citizens Bldg. Cleveland, OH 44114	Cleveland Electric Illuminating Co	39,759.00	1,899.47
Do	Coalition for Environmental-Energy Balance	11,017.00	242.62
Gay H. Fr[illegible], 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	10,250.00	29.10
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			34,513.66
Susan T. Fr[illegible], 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,204.42	251.72
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	119.86
William D. Fritts Jr., 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	390.00
Jeffrey Fri[illegible], 1120 20th Street, NW, #600-S Washington, DC 20036	Union Pacific Corp	2,000.00	
Marcy [illegible] Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	5,975.23	
Nancy R. F[illegible], 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	8,223.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	2,500.00	157.24
Claudia R. Fuquay, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	2,919.00	931.88
Eric Keith G[illegible], P.O. Box 12532 Gainsville, FL 32604			
James E. G[illegible], 1819 L St., NW, #600 Washington, DC 20036	Travel & Tourism Government Affairs Council	2,000.00	
Deborah G[illegible], 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Leslie G[illegible], 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,307.66	
Norman S. G[illegible], 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,200.00	
Joe H. G[illegible], D.C. 1, 19000 SW 377 St. Florida City, FL 33034			
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,300.00	367.42
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United		
Galvin [illegible] & Mlawski, 777 Third Ave., 24th Floor New York, NY 10017	Herman's Sporting Goods, Inc	3,400.00	2,300.00
Do	Voyager International, Inc	1,950.00	1,300.00
Cheryl G[illegible], 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	7,431.07	
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	31,419.50	
Nicole Gara, 1117 North 19th Street, NW, #300 Arlington, VA 22209	American Academy of Physician Assistants		
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Life Assurance Society of the U.S.	1,000.00	12.00
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	2,095.25	99.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	34.09
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750 Washington, DC 20004	Alamo Rent-A-Car, Inc	4,770.00	106.80
Do	Andrew Corp	27,890.00	678.67
Do	Midcon Corp		
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Mary Leslie Garmon, 1010 Massachusetts Avenue, NW Washington, DC 20001	National Food Brokers Assn		
Garrett & Company, 1630 Connecticut Avenue, NW, #202 Washington, DC 20009	Taiwan Power Company		
Ellen Greenberg Garrison, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,960.00	45.00
John C. G[illegible], 7575 E. Fulton Road Ada, MI 49355	Amway Corp		
Ann Lakin Garver, 1101 Connecticut Ave., NW, #300 Washington, DC 20036	American Textile Manufacturers Institute, Inc	30.00	25.00
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20006	Aerolift, Inc	11,250.00	
Do	Greenbriar Leasing	51,853.74	
Do	Northwest Industrial Gas Users	4,797.37	
Do	Northwest Marine Iron Works	19,125.00	
Do	Riedel International	12,726.00	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Vernon G[illegible], 191 Sands Street, Apt. 5j Brooklyn, NY 11201			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Frank T. G[illegible], 8104 River Falls Drive Potomac, MD 20854	Moog, Inc		
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	6,000.00	20.33
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Fred G[illegible], 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	Electronic Data Systems Corp	16.00	226.27
Ruthann G[illegible], 1156 15th Street, NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)	180.00	
Do	Robert H. Kellen Company (For:Infant Formula Council)		
Morton A. G[illegible], 100 Federal St. Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			10,537.00
General Instrument Corporation, 767 Fifth Avenue New York, NY 10153		2,000.00	84.66
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		5,343.02	5,343.02
Diane G[illegible], 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration	1,000.00	
John Gentile, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nancy [illegible] George, 499 South Capitol Street, SW, #407 Washington, DC 20003	Enron Corp		
Do	Transco, Inc		
George W. Gephart, P.O. Box 1475 Baltimore, MD 21203	Baltimore Gas & Electric Co	202.21	1,156.20
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,064.48
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	6,927.09	215.03
Phyllis H. Gerstell, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,500.00	
Danny Ghorbani, 10506 Cavalcade Street Great Falls, VA 22066	Association for Regulatory Reform	4,950.00	260.00
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007		500.00	
William T. Gibb, 1001 Pennsylvania Ave., NW9 Washington, DC 20004	American Council of Life Insurance, Inc	200.00	
Wayne Gibbens, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	13,387.00	243.00
Anne Marie Gibbons, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,500.00	
William G. Giery, 1919 Pennsylvania Ave., NW Washington, DC 20006	Foodservice & Lodging Institute		
William L. Gifford, 100 Interpace Parkway Parsippany, NJ 07054	GPU Service Corp		
Lucie [illegible] Gikovich, 1275 Pennsylvania Ave., NW, 4th Fl. Washington, DC 20004	Pacific Telesis Group	15,450.00	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	5,653.83	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Michael Gildea, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	
John E. Giles, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	900.00	598.11
Mary Ann Gilleece, 1713 Maple Hill Place Alexandria, VA 22302	Allied Defense Industries	200.00	
Do	Astra Holdings Corp	300.00	
Do	IPAC, Inc	200.00	
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	30,000.00	1,080.96
Daniel F. Gilligan, 1015 15th St., NW, #1240 Washington, DC 20005	National Manufactured Housing Federation	1,000.00	
Maureen Gilman, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	12,000.00	207.60
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	Allied-Signal, Inc	6,300.00	48.32
Do	American Polygraph Assn	7,000.00	54.20
Do	Lockheed Corporation	1,000.00	9.66
Do	Lockheed-Georgia Co	5,000.00	38.66
Do	Mechanical Technology, Inc	5,624.54	43.49
Do	Oglethorpe Power Corp	1,250.00	10.00
Do	Rockwell International Corp	13,500.00	106.31
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn	4,000.00	31.24
Do	Watkins Associated Industries, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brenda M. Girton, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	365.00	42.05
Francis J. Gist, 1511 K Street, NW, #809 Washington, DC 20005			
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
Donna Siss Gleason, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Robert E. Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	8,958.65	67.01
Donald R. Glenn, 1627 K Street, NW, #200 Washington, DC 20006	Energy Research Corp		
Sara B. Glenn, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Corp	1,125.00	
Raymond A. Glennon, 1730 Pennsylvania Avenue, NW, #265 Washington, DC 20006	Air Products & Chemicals, Inc	1,800.00	22.00
Elmer G. Gleske, 655 15th St., NW, #300 Washington, DC 20005	Flight Safety Intl inc		
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Fanuc Ltd		
Do	Hitachi Ltd		
Do	Hyundai Motor America		
Do	Japan Fed of Construction Contractors, Inc	108.00	
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Teco Transport & Trade Corp	51.00	
God Family & Country, P.O. Box 777 Harrison, TN 37341		1,392.00	1,581.23
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,050.00	11.06
Judith M. Goff, 375 Jackson Street St. Paul, MN 55101	Farm Credit Services	600.00	1,186.90
A. James Golato, 2300 M St., NW, #800 Washington, DC 20037	H&R Block, Inc		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Aerojet Ordnance Co		1,557.00
Do	American Academy of Ophthalmology	2,310.00	1,750.00
Do	American Medical Assn	19,500.00	1,957.00
Do	Baretta USA Corp	4,765.00	1,887.00
Do	Camp Barsh Bates & Tate	726.00	1,811.00
Do	Chemical Manufacturers Assn, Inc	157.00	1,603.00
Do	College of American Pathologists	5,000.00	1,957.00
Do	Dana Corp		1,557.00
Do	Electronic Data Systems Corp	11,666.00	1,957.00
Do	Energy Research Corp	16,800.00	1,957.00
Do	Equitable Life Assurance Society of the U.S.	50,000.00	1,957.00
Do	Eye Bank Assn of America	1,875.00	1,754.00
Do	Federal Express Corp	6,665.00	1,957.00
Do	Federated Investors, Inc	6,250.00	1,957.00
Do	Fiat, USA	36,020.00	1,957.00
Do	Ford Motor Co		1,557.00
Do	Investment Company Institute	1,406.00	1,593.00
Do	Martin Marietta Corp	2,250.00	1,637.00
Do	MCI Communications Corp	11,700.00	1,957.00
Do	National Assn of Homes for Children	2,250.00	1,727.00
Do	National Cattlemen's Assn		778.00
Do	National Football League	2,260.00	1,870.00
Do	National Governors Assn		1,557.00
Do	National Restaurant Assn	11,250.00	1,957.00
Do	National School Transportation Assn	6,137.00	1,957.00
Do	Patrician Mortgage Co	4,000.00	1,833.00
Do	Phillips Petroleum Co	5,000.00	1,786.00
Do	Public Securities Assn	2,647.00	1,957.00
Do	Ricoh Corp		1,957.00
Do	Texas Cattlefeeders Assn	1,706.00	1,015.00
Do	Ticor Title Insurance Co	7,500.00	1,914.00
Do	Times Mirror Co	1,468.00	1,620.00
Do	Tobacco Institute	30,000.00	1,957.00
Do	Washington Metropolitan Area Transit Authority	27,000.00	1,557.00
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Pan American Satellite Corp	2,920.00	48.00
Golden Freda & Schraub, P.C., 1625 Massachusetts Ave., NW, #300 Washington, DC 20036	Ad Hoc Rural Consortium	300.00	118.18
H.P. Goldfield, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Swidler & Berlin (For:Majestic Shipping Services Corp)		6,795.00
Goldman Sachs & Co, 1825 Eye St., NW, #450 Washington, DC 20006			1,150.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	6,300.00	
Benson S. Goldstein, 1010 North Fairfax Street Alexandria, VA 22314	National Soc of Public Accountants		
John Gonella, 50 F Street, NW, Washington, DC 20001-1564	Association of American Railroads	1,046.68	39.35
Ruth Gonze, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	3,000.00	
David R. Goode, 8 N. Jefferson Street Roanoke, VA 24042	Norfolk Southern Corp	1,440.00	1,838.17
Richard F. Goodstein, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036	Browning-Ferris Industries, Inc	1,147.50	657.29
Lee M. Goodwin, Wickwire Gavin & Gibbs, P.C. 1133 21st Street, NW Washington, DC 20036	National Hydropower Assn		
Robert F. Goodwin, 1850 K St., NW, Suite 275 Washington, DC 20006	Meredith Corp	40.00	18.00
Linda Goold, 1600 M Street, NW Washington, DC 20036	Investment Co Institute	109.90	10.00
John Gordley, 3700 Riverwood Ct. Alexandria, VA 22309	Evans Grain Co	4,500.00	124.26
Do	Hill & Knowlton, Inc (For:Iowa Pork Producers Assn)		
Do	Hill & Knowlton, Inc (For:Monsanto Co)		
Do	National Sunflower Assn	16,500.00	2,019.48
Do	Hill & Knowlton, Inc (For:Nebraska Wheat Board)	900.00	
Do	Renewable Fuels Assn	10,500.00	205.05
Randall C. Gordon, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		115.00
Gordon Feinblatt Rothman Hoffberger & Hollander, 233 East Redwood Street Baltimore, MD 21202	O-W Fund, Inc	6,900.00	50.00
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	13,992.20	172.50
James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	2,100.00	
Ann M. Gosier, 1920 N St., NW Washington, DC 20036	American Mining Congress	30.00	8.00
Barbara W. Gothard, P.O. Box 520783-GMF Miami, FL 33152	Burger King Corp		
Gould, Inc, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202			10,034.54
Emerson F. Gower Jr., 411 Fayetteville St. Mall, #1925 Raleigh, NC 27601	Carolina Power & Light Co	975.00	731.00
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John R. Graff, 4230 King Street Alexandria, VA 22302	International Assn of Amusement Parks & Attractions	100.00	591.46
Rick Grafmeyer, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
David W. Graham, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical USA		4,876.10
Elaine Z. Graham, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Lawrence T. Graham, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	500.00	100.00
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
Grant Thornton, 1850 M St., NW, #300 Washington, DC 20036			
James L. Granum, 1050 Connecticut Ave., NW Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Alan W. Granwell, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:PFIC Group)	21,000.00	52,096.69
Grassroots, Nat'l Assn of Farm Credit System Stockholders, P.O. Box 1528 Jacksonville, TX 75766		96.09	96.09
Karla L. Graue, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,040.00	
David C. Gray, 3728 Kanawha Street, NW, Washington, DC 20015	American Camping Association	3,160.00	1,557.83
Do	Portsmouth-Kittery Armed Services Committee, Inc	3,600.00	1,140.08
James A. Gray, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	1,028.00	25.00
Neil A. Gray, 1776 Massachusetts Ave., NW Washighton, DC 20036-1993	Highway Users Federation	2,199.00	42.50
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Services)		
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Great American Reserve Insurance Co. 2020 Live Oak P.O. Box 388 Dallas, TX 75221			
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
James R. Greco, P.O. Box 3151 Houston, TX 77001	Browning-Ferris Industries, Inc		
Donald R. Greeley, 1101 17th St., NW, #307 Washington, DC 20036	Hoechst Celanese Corp	3,000.00	179.60
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NB 68102-2130	Papillion-Lavista School District	7,916.00	142.46
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	8,000.00	
Howard W. Greene, 205 E. 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
John D. Gregory, P.O. Box 12458 Columbia, SC 29211	Norfolk Southern Corp		
William G. Greif, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co	25,000.00	
Ginny Grenham, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Ellen Griffee, 1413 K Street, NW, 10th Fl. Washington, DC 20005	Association of Science-Technology Centers	7,750.00	266.00
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Abbott Laboratories		
Do	Air Transport Assn of America		
Do	American Insurance Assn	800.00	20.00
Do	American Psychological Assn	1,800.00	68.00
Do	Arthur Andersen & Co		
Do	Camp Barsh Bates & Tate		
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	CBS, Inc		
Do	COMSAT Corp	200.00	6.00
Do	McCaw Communications Cos	2,600.00	250.00
Do	Merck & Co, Inc		
Do	NutraSweet Co		
Do	Pharmaceutical Manufacturers Assn	200.00	6.00
Do	Philip Morris, Inc		
Do	Puyallup Tribe of Indians	600.00	22.00
Do	United Cable Television Corp		
Mark N. Griffiths, Smith Bucklin & Associates 1101 Connecticut Ave, NW, #700 Washington, DC 20036	National Assn of Metal Finishers	750.00	
A. Jack Grimes, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		25.68
Norman E. Grimm Jr., 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Olga Grkavac, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Grocery Manufacturers of America, Inc, 1010 Wisconsio Ave., NW, #800 Washington, DC 20007			
James N. [illegible], 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	859.22
Groom & Nordberg, Chtd, 1701 Pennsylvania Ave, NW, #1200 Washington, DC 20006	Ad Hoc PFIC Group	200.00	20.00
Do	American Petroleum Institute		
Do	Bankers Life Company		
Do	Chevron Corporation	200.00	20.00
Do	Colorado-Ute Electric Assn, Inc		
Do	Eli Lilly & Company		
Do	Goldman Sachs & Co		
Do	Murphy Oil USA, Inc		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	150.00	10.00
Do	Prudential Insurance Co of America	400.00	50.00
Do	Prudential-Bache Securities, Inc	200.00	20.00
Do	Puerto Rico, USA Foundation	200.00	2,700.00
Do	Reading & Bates Corporation		
Do	Southern California Edison Co	100.00	10.00
Do	Union Texas Petroleum Corp	200.00	20.00
Do	Westinghouse Electric Corp		
Walter B. Grubbs, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co	609.84	907.83
John T. Grupenhoff, 10000 Falls Rd., #300 Potomac, MD 20854	American Academy of Dermatology	3,150.00	170.40
Do	American Academy of Otolaryngology-Head & Neck Surgery	1,020.00	110.00
Do	American Gastroenterological Assn	1,200.00	120.50
Do	American Soc for Gastrointestinal Endoscopy	1,200.00	120.50
Do	American Soc of Clinical Oncology	810.00	110.00
Do	American Urological Assn	425.00	118.70
Do	Cooley's Anemia Foundation	290.00	117.20
Geri A. Guardino, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,000.00	436.16
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America		
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Dillon Read & Co, Inc	6,000.00	
Do	LF Rothschild Unterberg Towbin, Inc	11,000.00	
Do	Michigan State Housing Development Authority	13,000.00	
Do	Morris Communications	11,000.00	
Do	O'Connor & Hannan	59,000.00	
Do	Paine Webber Group, Inc	14,000.00	
Do	Riverton Investment Corp	9,000.00	
Clark J. Guild Jr., Guild & Hagen, Ltd 102 Roff Way Reno, NV 89501	Motion Picture Assn of America, Inc		
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419-19 Washington, DC 20036	BASF Chemicals Corp	3,000.00	50.00
Do	KMS Fusion, Inc	1,100.00	75.00
Do	Rexnord Defense Systems, Inc	1,500.00	75.00
Do	Walk-Haydel & Associates, Inc		
Lewis Gulick, 1008 N. Randolph Street, #206 Arlington, VA 22201	TCR Services, Inc	5,000.00	
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		193,168.90	127,943.86
Dan A. Gunderson, Minnesota Petroleum Council 350 St. Peter St., #1025 St. Paul, MN 55102	American Petroleum Institute	1,000.00	1,160.41
Raymond J. Gustini, Breed, Abbott & Morgan 1875 Eye Street, NW, #1000 Washington, DC 20006	Great Western Financial Corp	3,409.06	672.44
Paul D. [illegible], 226 W. Rittenhouse Square, #3200 Philadelphia, PA 19103	Philadelphia Stock Exchange		
Do	Wire Pro, Inc		
Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036	Towing & Recovery Assn of America, Inc	600.00	
George [illegible], 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Dallas C. Gwynn, Balcor Plaza 4849 Golf Road Skokie, IL 60077	Balcor Co	19,500.00	8,026.40
GA Assn of Petroleum Retailers, Inc, 900 N. Hairston Road, Suite O Stone Mountain, GA 30083		1,250.00	1,250.00
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	150.00	
Dana W. Haas, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Co, et al	3,168.75	6,927.24
Craig Hackler, 400 N. Capitol St., NW, #320 Washington, DC 20001	International Chiropractic Assn		
Loyd Hackler, 1616 H St., NW Washington, DC 20006	American Retail Federation		
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute		
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	3,041.10	3,849.39
Bruce W. Hahn, 9300 Livingston Rd. Ft. Washington, MD 20744	National Tooling & Machining Assn	16,902.02	2,160.00
John F. Haifley, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	6,000.00	1,342.64
Rawleigh M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Avondale Industries, Inc		
Do	Boston Redevelopment Authority		194.89
Do	Gay Head Taxpayers Assn	429.00	16.95
Do	Indian Land Claim Committee		
Do	Leach & Garner Refining Corp	198.00	74.74
Do	Northeastern University		
Do	Town of Mashpee		
Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003			
Edwin K. Hall, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	737.85
Elliott I. Hall, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Company	2,340.00	1,902.56
Richard F. Hall, 1700 K Street, NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
William F. Hall, P.O. Box 803887 Chicago, IL 60680-3887	Midwest Public Affairs-Management Consulting Group		
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,385.00	2,566.06
Paul [illegible], 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	459.33
Joseph Halow, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006	North American Export Grain Assn, Inc		
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul T. Haluza, 1325 Pennsylvania Ave., NW Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	153.55
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	240.00	137.50
Hamel & Park, 888 16th Street, NW Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		
Do	Alaska Tae Woong		
Do	Cook Inlet Land Exchange, Inc	4,125.00	73.50
Do	Estate of Helen Wodell Halbach	645.00	
Do	First Federal Savings Bank		
Do	Graeper-Van Noy-Wagner, Inc		
Do	Grand Trunk Corp	1,915.00	
Do	Louisiana Pacific Corp		18.00
Do	Martel Laboratory Services, Inc	6,066.20	8.00
Do	Safe Travel America		22.00
Do	Skylink Corporation, Inc		
Do	Tandy Corporation		
Do	United Video	2,375.00	17.00
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,173.05	
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	228.96	
James L. Hamilton III, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	927.50	59.54
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Philip W. Hamilton, 1825 K St., NW Washington, DC 20006	American Soc of Mechanical Engineers		
Ronald P. Hamm, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	1,925.00	
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	975.00	296.39
Thomas A. Hammer, 1000 Potomac St., NW, #106A Washington, DC 20007	Sweetener Users Assn	7,500.00	300.00
Steven A. Hammond, Hughes Hubbard & Reed One Wall Street New York, NY 10005	Bureau Veritas		259.97
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Oil Corp	1,500.00	
Nolan W. Hancock, 1126 16th St., NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	5,926.37	
Donald K. Hanes, 50 F St., NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	990.00	
Elisabeth Hanlin, 2000 L St., NW, #810 Washington, DC 20036	Unisys Corp		
Mary Hanlon, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	104.00	26.00
Thomas H. Hanna, 300 New Center Building Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	375.00	9.00
Richard L. Hanneman, 206 North Washington Street Alexandria, VA 22314	Salt Institute		
Hansell & Post, 1667 K St., NW, #500 Washington, DC 20006	Insurance/Financial Affiliates of America		
Do	Northeast Georgia Medical Center	1,237.50	15.56
Do	Nuclear Fuel Service, Inc	18,305.00	836.25
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Eric Hard, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Ralph Harding, Suite 717 Watergate 2600 Virginia Avenue, NW Washington, DC 20037	Sugar Regulatory Administration	30,000.00	51,358.22
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Jon Harkavy, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Dan R. Harlow, 717 N. Harwood Street Dallas, TX 75201	Maxus Energy Corp	1,000.00	
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #301 Washington, DC 20003	San Diego Gas & Electric	793.00	2,566.13
Wiley C. Harrell Jr., 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Toni Harrington, 950 L'Enfant Plaza North, SW Washington, DC 20024	Honda North America, Inc	200.00	238.08
Jeffrey Harris, Sachs Greenbaum & Tayler 1140 Connecticut Ave., NW, #900 Washington, DC 20036	Domino's Pizza, Inc		
Marilyn A. Harris, 818 Connecticut Avenue, NW Washington, DC 20006	USX Corporation	125.00	64.50
Milton E. Harris, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Harris Steel Group, Inc		
Richard M. Harris, 525 School St., SW Washington, DC 20024	American Road & Transportation Builders Assn	8,000.00	478.96
Sandra Zeune Harris, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	500.00	
Sunny Harris, 7981 Easter Avenue, 4th Floor Silver Spring, MD 20910	National Assn of Social Workers	6,563.00	734.00
Harris & Berg, 1101 30th St., NW, #103 Washington, DC 20007	Adidas, USA	9,130.00	205.00
Do	American Railway Car Institute		
Do	Association of Food Industries, Inc	865.00	2.00
Do	Cheese Importers Assn of America, Inc	1,100.00	23.00
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs	500.00	70.00
Harris & Orr, 999 Third Ave., #3210 Seattle, WA 98101	SP Energy Development Co	3,145.00	876.55
Jim Harrison, 1225 Connecticut Ave., NW, 306 Washington, DC 20036	Association of Urban Universities	13,125.00	151.78
Anne Harrison-Clark, 1725 K Street, NW, #814 Wsahington, DC 20006	March of Dimes Birth Defects Foundation	4,125.00	27.20
J. William W. Harsch, 1722 Eye St., NW, 6th Floor Washington, DC 20006	Solv-Ex Corporation	2,664.17	1,921.97
Do	Wormser Engineering, Inc		
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			20,800.00
Gabriel A. Hartl, 2020 N. 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc		
Arthur W. Hartmann, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
Walter A. Hasty Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	48.75	
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	National Resources Defense Council	8,864.00	222.09
Hauck & Associates, 1255 23rd Street, NW Washington, DC 20037	National Soybean Processors Assn	3,651.72	3,651.72
Howard M. Haug, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	6,000.00	877.00
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,211.18
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & Macrae		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,250.00	50.00
Laurie L. Hawkins, 1346 Chestnut Street, #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce	3,923.07	835.21
Paul M. Hawkins, 26 Ridgeview Drive Asheville, NC 28804	Colonial Life & Accident Insurance Co		
David J. Hayes, 555 13th Street, NW Washington, DC 20004	American Electronics Assn		40.66
Do	Hogan & Hartson (For:Semiconductor Industry Association)		107.93
Peter M. Hayes, 214 Massachusetts Ave., NE Washington, DC 20002	Salt River Project	3,521.00	3,021.27
Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	2,000.00	
Do	William D. Ray	1,000.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	18,375.00	2,049.65
Holly Elisabeth Hazard, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	Animal Legal Defense Fund	3,500.00	
Do	Doris Day Animal League	24,000.00	
Do	New England Anti-Vivisection Society	1,386.66	
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	1,750.00	
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		74.84	74.84
HealthCare COMPARE, Corp, 1133 21st St., NW, #450 Washington, DC 20036			
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	300.00	
Lynn C. Hearnes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,200.00	
Herbert A. Hedden, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	11,493.78	950.45
Mark G. Heesen, 1725 K St., NW, #601 Washington, DC 20006	Association of National Advertisers		
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	CSX Corporation	6,000.00	124.00
Do	Ductile Iron Pipe Research Assn		
Do	Harza Engineering Co		
Do	Panhandle Eastern Corp		
Do	Sealaska Corp		
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert E. Heggestad, 1331 Pennsylvania Avenue, NW, #524 Washington, DC 20004	Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform)		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	19,110.00	761.95
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	125.40	
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			23,651.00
Richard L. Hellwege, 1911 Jefferson Davis Highway, #1002 Arlington, VA 22202	Smiths Industries		
DeWitt F. Helm Jr., 155 East 44 St. New York, NY 10017	Association of National Advertisers, Inc		
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Alliance for Acid Rain Control	928.83	2.00
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101, Box 54 Washington, DC 20002	American Library Assn	1,128.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Donald E. Henderson, 130 E. Washington Street Indianapolis, IN 46204	Indiana Farm Bureau, Inc	6,000.00	1,252.00
Leonard N. Henderson, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Karen Hendricks, 1319 F Street, NW, #604 Washington, DC 20004	Association of Junior Leagues, Inc	4,000.00	717.00
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Hennessy Associates, 152 Washington Avenue Albany, NY 12210		4,000.00	575.00
George F. Hennrikus Jr., 201 N. Washington St. Alexandria, VA 22314	Retired Officers Assn	7,404.00	
LeAnn Henschel, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	205.00	31.00
George B. Herbert Sr., 6601 Southpoint Drive, #245 Jacksonville, FL 32216	J M Family Enterprises, Inc		
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute	149.75	15.75
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	Aerojet General Corp	3,894.35	447.29
Do	American Medical Technologists	3,207.50	20.00
Do	Claudia Ashton		2.15
Do	Association of Floral Importers of Florida		2.15
Do	Association of Human Resource Consultants		175.75
Do	ARCO	4,218.75	9.03
Do	Balanced Trade Group		93.07
Do	Bay Area Rapid Transit District	5,998.93	1,029.31
Do	Bechtel	9,778.83	29.41
Do	Bramelea Pacific	3,480.31	164.56
Do	California Almond Growers Exchange	19,225.63	1,272.99
Do	California Energy Commission	3,590.00	1,595.94
Do	California Kiwi Commission	2,274.38	2.15
Do	Cellular Telecommunications Industry Assn	3,543.56	414.84
Do	Central Utah Water Conservancy District	6,295.63	283.69
Do	Chicago Mercantile Exchange	1,144.69	929.01
Do	Council of American Overseas Research Centers		2.15
Do	Dalton Construction Co	1,500.00	1,744.44
Do	Desert Research Institute	539.06	2.15
Do	East Kentucky Power Cooperative	48.13	99.59
Do	Electronic Data Systems Corp	3,768.75	671.30
Do	Farm Labor Alliance	22,631.68	4,432.92
Do	Girling Health Care, Inc	3,750.00	3,063.05
Do	Globos International, Inc		8.61
Do	Granite Rock Co	1,158.75	431.35
Do	GA Technologies, Inc	3,671.19	286.29
Do	Halogenated Solvents Industry Alliance	615.00	14.00
Do	Independent Cement Corp	404.05	2.15
Do	International Apple Institute	676.25	2.15
Do	International Franchise Assn	1,500.00	1,379.05
Do	John Hancock Mutual	3,564.37	1,201.47
Do	Las Vegas YMCA		82.76
Do	Manhattan Building Companies, Inc	3,125.00	2.15
Do	Massport/Commonwealth of Massachusetts	1,600.00	2,008.55
Do	Mid-Valley Water Authority	281.25	26.20
Do	National Council on Teacher Retirement	4,476.25	613.40
Do	National Medical Care	9,270.63	6,344.73
Do	National Potato Council		717.18
Do	New England Fisheries Development Foundation, Inc	750.00	2.15
Do	NTEC - Northeast Texas Electric Cooperative, Inc	11,591.25	129.21
Do	Pacific Mutual Life Insurance Co	2,927.50	1,421.02
Do	Prudential Insurance Co of America	9,849.06	1,860.18
Do	Riverside Resorts	13,479.06	774.00
Do	Sabine River Authority	5,685.63	2.15
Do	State Maritime Schools	250.00	2.15
Do	Sunkist Growers, Inc	15,326.25	1,159.12
Do	Tex-La	97,992.12	579.03
Do	Transamerica Corporation	4,032.81	1,617.88
Do	U.S. Telephone Assn	280.00	928.98
Do	University of California	41,717.50	9,013.35
Do	University of Nevada/Las Vegas	1,875.00	1,091.21
Do	University of Nevada/Reno	4,950.00	4,251.67
Do	Vermont Electric Cooperative	172.10	77.78
Do	Walnut Street Bridge Commission		115.40
Do	Westlands Water District	1,376.56	45.57
Barry Alexander Herring, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products, Ltd		
Fred Hervey, 909 N. Mesa El Paso, TX 79902	Reduce Our Debt Foundation		
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	4,781.00
Mary B. Hevener, 1200 18th St., NW Washington, DC 20036	Lee Toomey & Kent (For:Pfizer, Inc)	450.00	
Ted Allen [illegible], 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	3,222.00	514.88
G. Brockwel Heylin, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert G. Hibbert, P.O. Box 3556 Washington, DC 20007	American Meat Institute	1,000.00	
Paul T. Hicks, Rhode Island Petroleum Assn 154 Francis St. Providence, RI 02903	American Petroleum Institute		
J. Thomas Higginbotham, One Mellon Bank Center, #2002 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	368.00
Carol A. Higgins, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	338.47	186.86
John S. Hightower, 1344 Kenilworth Parkway Baton Rouge, LA 70808	Louisiana Pacific Corp	7,125.00	1,796.00
Gerald "Jerry" Hill, 6 Executive Park Drive Atlanta, GA 30329	Amoco Corporation		
J. Eldred Hill Jr., 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	2,000.00	
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	147.35
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	4,454.50	
Edward Joseph Hillings, 1020 16th Street, NW Washington, DC 20036	Enron Corp	7,500.00	
John L. [illegible], Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	1,680.00	
Roderick M. Hills, 1155 15th St., NW, #302 Washington, DC 20005	Manchester Group, Ltd (For:C Itoh & Co, Ltd, et al.)		
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	16,250.00	
Rick Hind, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	6,461.56	
Robert A. Hirsch, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
Cornish F. Hitchcock, Suite 700 2000 P St., NW Washington, DC 20036	Aviation Consumer Action Project		15.00
Kenneth Hoagland, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,500.00	9.00
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	2,000.00	
Claude E. Hobbs, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp		
Scott Hodes, 180 North La Salle St., #3800 Chicago, IL 60601	Investment Company Institute	1,250.00	
Glen O. [illegible], 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Irvin A. Hoff, 20 N. Live Oak Rd. Hilton Head Island, SC 29928	U.S. Cane Sugar Refiners' Assn		
Gail Hoffman, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	9,423.05	
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	3,808.16
Walter F. Hoffmann, 418 7th Street, SE Washington, DC 20003	Campaign for U.N. Reform-PEC	2,375.01	11.31
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn	1,000.00	
Do	Wilmorite, Inc		
Elizabeth Hogan, 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	5,000.00	68.35
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Physical Therapy Assn	2,217.50	
Do	Baptist Medical Center		
Do	Caremark/Home Health Care of America	2,472.50	2.00
Do	Circadian, Inc	2,737.50	300.30
Do	Citizens Energy Corp		18.00
Do	Control Data Corp		190.50
Do	CH2M Hill		
Do	First Interstate Bancorp		4.57
Do	Glasrock Home Health Care, Inc		
Do	Jewish Institute for Geriatric Care		7.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lehndorff Management (USA) Limited, Inc		28.54
Do	Manufacturers Hanover Trust Co		1,509.01
Do	May Department Stores Co	13,440.00	337.93
Do	Mel Fisher Maritime Heritage Soc/Mel Fisher Enterprises, Inc		6.00
Do	Mercedes-Benz of North America, Inc		
Do	Merck & Co, Inc		6.00
Do	Mutual Life Insurance Co of New York	1,350.00	13.50
Do	National Hospice Organization	1,575.00	
Do	National Telecommunications Network	360.00	
Do	Ontario Ministry of Industry, Trade & Technology		
Do	Pillsbury Company		839.67
Do	Software Co Task Force on Foreign Market Penetration		610.38
Do	SouthernNet, Inc	236.25	
Do	Timex Corporation	100.00	
Do	Toyota Motor Sales, USA, Inc	19,507.50	154.00
Do	Underwriters at Lloyd's London		364.44
Do	University of Pennsylvania	622.62	
Philip A. Hogue, 150 S. Washington St., #100 Falls Church, VA 22046	International Technical Expertise Ltd		
Richard F. Hohlt, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	7,700.00	52.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	17,500.00	
Holden Group, Inc, 11365 West Olympic Boulevard Los Angeles, CA 90064			575.00
Philip C. Holladay, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Holland & Hart, 1875 Eye St., NW, #1200 Washington, DC 20006	Citgo Petroleum Corp		
Do	Citmoco Services, Inc		37,265.39
Do	Grocery Manufacturers of America, Inc		50.00
Do	Southland Corporation		
Holland & Knight, 888 17th St., NW, #400 Washington, DC 20006	Pan American Satellite Corp	3,000.00	
Wendell M. Holloway, 815 Connecticut Ave., NW, #900 Washington, DC 20006	Ford Motor Co	2,490.00	3,113.70
Holly Farms Corporation, 1755D Lynnfield Road, #149 Memphis, TN 38119			49,221.58
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn		
E. Y. Holt Jr., 1111 North 19th St., #700 Arlington, VA 22209	National Assn of Federal Credit Unions		
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute		
John W. Holt, 1850 K St., NW Washington, DC 20006	American Council of Life Insurance, Inc	350.00	
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		179,708.00	189,103.36
Billy E. Hooper, 1522 K Street, NW, #834 Washington, DC 20005	Association of American Veterinary Medical Colleges		
Candice Shy Hooper, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,570.00	1,714.68
Karen A. Hoover, 430 M St., SW, Apt. N-409 Washington, DC 20024	American Maritime Officers Service		
Mark Hopkins, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Virginia E. Hopkins, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Robert Jack Horn, 1990 M St., NW, #480 Washington, DC 20036	Detroit Edison Company	750.00	30.00
Robert Horvitz, 1006 Poplar Drive Falls Church, VA 22046	Association of North American Radio Clubs		
Sarah Hospodor, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	
Margaret A. Houlihan, 1620 Eye St., NW, #703 Washington, DC 20006	Bechtel Group, Inc		
Thomas B. House, 1764 Old Meadow Lane #350 Mclean, VA 22102	American Frozen Food Institute	1,000.00	
Jack W. Houston, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083	GA Assn of Petroleum Retailers, Inc	1,000.00	
Hoving Group, 910 17th St., NW, #318 Washington, DC 20006	Eagle-Picher Industries, Inc	5,000.00	111.41
Do	Western-Southern Life Insurance	2,500.00	29.36
John Howard, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	300.00	5.00
Robert M. Howard, 815 Connecticut Avenue, NW Washington, DC 20006	Ford Motor Co	1,740.30	1,620.58
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad		
Senga Howat, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	1,846.00	
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	1,000.00	
J. William Howell, 1801 K St., NW, #1200 Washington, DC 20006	International Business Machines Corp	45.75	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,205.00	
Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	1,500.00	280.00
John B. Howerton, 3727 North Edison St. Arlington, VA 22207-1831			
John A. Howes, 1050 17th St., NW, #490 Washington, DC 20036	Consumers Power Co	6,000.00	6,998.00
Clifford T. Howlett Jr., 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp	8,400.00	
Henry W. Hubbard, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Vietnam Veterans of America, Inc)		
Betty Hudson, 1627 K Street, NW, #200 Washington, DC 20006	Fluor Corporation	15,000.00	342.44
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	600.00
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Ken Hughes, 330 Pennsylvania Ave., SE Washington, DC 20003	Sierra Club		1,625.00
Peter W. Hughes, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	21,750.00	637.36
Richard T. Hughes, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	501.60	
Royston C. Hughes, 1020 16th St., NW Washington, DC 20036-5754	Enron Corp	7,500.00	
Vester T. Hughes Jr., Hughes & Hill 1000 Mercantile Dallas Building Dallas, TX 75201	Mrs. H. E. Butt		
Do	Sammons Enterprises, Inc		
William Hughes, 1522 K St., NW, #836 Washington, DC 20005	National Assn of Federal Veterinarians	39.72	
Hughes Hubbard & Reed, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	American Institute of Certified Public Accountants	1,740.00	5.00
Do	Anglo American Auto Auctions, Inc		
Do	Grocery Manufacturers of America, Inc		
Do	Pfizer, Inc	210.00	5.00
Do	47th Street Photo		
Edward L. Huie, 4780 Corridor Place, #B Beltsville, MD 20705	National Assn of Air Traffic Specialists	6,653.06	390.29
Cordell W. Hull, 50 Beale St., 23rd Fl. San Francisco, CA 94119	Bechtel Group, Inc		
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	16,000.02	120.00
Jean E. Hungiville, 1111 14th St., NW Washington, DC 20005	American Dental Assn	1,000.00	
Francis M. Hunt, 1800 M Street, NW, #700s Washington, DC 20036	Dow Chemical Co	500.00	4,850.00
James C. Hunter, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Cities Service Oil & Gas Corp	925.00	391.73
Michael M. Hunter, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	1,650.00	48.00
Milton F. Huntington, Maine Petroleum Assn 283 Water St. Augusta, ME 04330	American Petroleum Institute	216.00	1,139.72
Hunton & Williams, 2000 Pennsylvania Ave., NW P.O. Box 19230 Washington, DC 20036	Edison Electric Institute	24,845.00	620.53
Do	Historic Richfields Assn		
Do	Long Island Lighting Co	32,500.00	
Adele M. Hurley, 112 St. Clair Ave., West, #504 Toronto, Ontario Canada M4V 2Y3	Canadian Coalition on Acid Rain		
Gerard F. Hurley, 1625 I St., NW, #609 Washington, DC 20006	National Club Association		
Ronald A. Hurst, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	499.31
Philip A. Hutchinson, 490 L'enfant Plaza, #3210 Washington, DC 20024	Volkswagen of America, Inc	200.00	15.00
Robert E. Hutchinson, 909 N. Mesa El Paso, TX 79902	Reduce Our Debt Foundation		
James L. Hutchison, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Karen Hutchison, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Jean Hutter, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,663.00	
Helena C. Hutton, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	10,312.52	17.60
B. F. Hyde, Tennessee Petroleum Council 211 7th Avenue, North, 4th Fl. Nashville, TN 37219	American Petroleum Institute	500.00	
Lester S. Hyman, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Majestic Shipping Services Corp)		3,825.00
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)	50.00	
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Hastings College)		
Do	Hill & Knowlton, Inc (For:Hitachi America, Ltd)		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Do	Hill & Knowlton, Inc (For:MediVision, Inc)		
Do	Hill & Knowlton, Inc (For:Newmont Mining Corp)	100.00	
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Authority)	100.00	
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hill & Knowlton, Inc (For:Republic of Korea)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	950.00	
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tambrands)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Do	Hill & Knowlton, Inc (For:U.S. Banknote Corp)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)	150.00	
Robert D. Hy[illegible] Jr., 1825 K St., NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	1,000.00	989.92
Brian M. [illegible], 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	175.00
Richard H. [illegible], 499 S. Capitol St., SW, #520 Washington, DC 20003	AAI Corporation	1,078.98	105.93
Do	Emerson Electric Co	530.99	530.99
Kevin J. Igli, [illegible]155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	1,250.00	722.50
Independent [illegible] Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washing[illegible], DC 20004.		2,765.53	2,765.53
Independent [illegible] Publishers Assn, 1050 17th St., NW, #590 Washington, DC 20036			
Independent [illegible] Manufacturers Assn, 1055 Thomas Jefferson Street, NW Washington, DC 20007		1,000.00	1,000.00
Indiana [illegible] Corporation, R.R. 1 Connersville, IN 47331			
Industrial [illegible] Assn, 1625 K Street, NW, #1100 Washington, DC 20006		79.20	83.35
Industrial Ga[illegible] Cleaning Institute, Inc, 1707 L St., NW Washington, DC 20036			
Industrial [illegible] Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		25,977.21	25,977.21
Infant [illegible] Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Charles E. [illegible], 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	2,676.00	117.49
James E. [illegible], 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	2,500.00	300.00
Robert A. In[illegible], 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,000.00	98.65
Maurice C. [illegible] Jr., 1231 Stone Canyon Road Los Angeles, CA 90077			
Institute of [illegible]ernational Bankers Inc., East Building, 4th Floor 280 Park Ave. New York, NY 10017	Institute of Foreign Bankers	28,771.84	28,771.84
Institute of [illegible] of Explosives, 1120 19th St., NW, #310 Washington, DC 20036			
Int'l Union, [illegible] Auto Aerospace & Agric Implement Workers, Workers of America (uaw) 8000 E. Jefferson Avenue Detroit, MI 48214		124,249.19	124,249.19
Integrated [illegible], Inc, 666 Third Avenue, 4th Fl. New York, NY 10017			7,800.00
International [illegible] of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		9,040.72	19,840.72
International [illegible] of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			91,640.39
International [illegible]ications Industries Assn, 3150 Spring St. Fairfax, VA 22031		19,071.00	4,602.25
International [illegible], Inc, 3413 Chantarene Drive Pensacola, FL 32507	Norsk Forsvarsteknologi A/S		
International [illegible]'s Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			57,071.02
International [illegible] Affairs Consultants, Inc, P.O. Drawer 9376 Arlington, VA 22209	Embassy of South Africa		
International [illegible]axicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International [illegible] of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			11,080.00
Investment [illegible] Institute, 1600 M St., NW Washington, DC 20036			30,401.18
Investment [illegible] Assn of America, Inc, 20 Exchange Place New York, NY 10005			
Kathy D. [illegible]nd, 1600 M Street, NW Washington, DC 20036	Investment Co Institute	61.82	51.31
Charles C. [illegible], 2200 Mill Rd. Alexandria, VA 22314	American Movers Conference	1,210.00	
Thomas L. [illegible], P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore [illegible] Assn, Inc, 2081 First National Bank Bldg Saint Paul, MN 55101		5,854.86	12,333.90
William A. [illegible], 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
INTERACT, [illegible]50 Old Bayshore Highway, #750 Burlingame, CA 94010	American Comm for Vietnam Claims Justice	16,396.00	5,132.00
Charles R. [illegible], 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	6,500.00	30,988.48
Glenn [illegible], 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	300.00	
William P. [illegible] Jr., Jackson & Jessup, P.C. 3426 N. Washington Boulevard Arlington, VA 22201	Osborne Truck Line, Inc, et al.	2,672.65	2,824.60
Stephen [illegible], 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,700.00	374.59
E. A. Jaen[illegible] & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	250.00	
Daniel L. [illegible]e, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers		
Jaffe Snider [illegible] & Heuer, P.C., 1800 First National Building Detroit, MI 48226			
Edward L. [illegible], 1730 Rhode Island Avenue, NW, #713 Washington, DC 20036	PPG Industries, Inc	40.00	
Claudia [illegible], Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	1,500.00	55.75
Japan [illegible] Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,391.69	1,391.69
Japanese [illegible] Citizens League, 1765 Sutter Street San Francisco, CA 94118			
Joseph J. [illegible], 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Evelyn [illegible], 444 Market Street San Francisco, CA 94111	Shaklee Corporation		
Jerry J. [illegible], 1331 Pennsylvania Ave., NW, #1550N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Sonia S. [illegible], 815 16th Street, NW, #707 Washington, DC 20006	Labor Council for Latin American Advancement		
Julie A. [illegible], 413 North Lee St. P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Joseph A. [illegible], 1920 N St., NW, #300 Washington, DC 20036	American Mining Congress		
Jeford [illegible]tional, Inc, 1600 Wilson Blvd., #713 Arlington, VA 22209	Garber International Associates, Inc	150.00	
Do	ISC Defense & Space Group	175.00	
Do	John Deere Technologies International, Inc	300.00	
Do	LTV Defense & Space Co	200.00	
Do	Newport News Shipbuilding & Drydock Co	350.00	
Do	Pratt & Whitney Group	250.00	
Do	Raytheon Corp	150.00	
Jellinek [illegible] Connolly & Freshman, Inc, 1350 New York Avenue, NW, #400 Washington, DC 20005	Adolph Coors Co	39,602.00	1,219.00
Do	ASARCO, Inc	20,655.00	389.00
Do	Colorado School of Mines Foundation		
Do	East Bay Municipal Utility District	8,995.00	905.00
Do	Los Angeles County Sanitation District	18,543.00	1,461.00
Do	New York Power Authority	10,074.00	415.00
Do	Padre Dam Municipal Water District		
Do	Rhone-Poulenc, Inc	20,983.00	809.00
Joseph S. [illegible], Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Linda [illegible], 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jenner & [illegible], 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Dental Assistants Assn		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Auto Glass Industry Comm		
Do	Cable TV Admin & Marketing Society, Inc		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	Metropolitan Transit Authority	13,500.00	1,346.61
Do	MCI Communications Corp		
Do	National Glass Association		
Do	San Francisco Public Utilities Commission	633.04	16.96
David [illegible], 1625 I Street NW, #911 Washington, DC 20006	Consortium of Social Science Assns		
James C. [illegible], 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Rusty L. [illegible], 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,300.00	
Nancy H. [illegible], 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Guy E. [illegible], 2150 Kienlen Ave. St. Louis, MO 63121	Association for the Improvement of the Mississippi River		
Katzejar [illegible] Jibas, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Allen [illegible] Johnson, 1255 23rd Street, NW Washington, DC 20037	Hauck & Associates (For:National Soybean Processors Assn)	3,553.32	84.00
Bruce [illegible], 1718 Connecticut Ave., NW, #410 Washington, DC 20009	Ad-Hoc Asset Backed Securities Legis. & Regulatory Assn		
Do	FAIC Securities, Inc	9,000.00	666.00
Do	Kellner DiLeo & Co	6,000.00	636.00
Calvin P. [illegible], 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	2,278.50
Clifford T. Johnson, 1700 North Moore Street Rosslyn, VA 22209	Boeing Military Airplane Company		
Joel L. [illegible], 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	4,500.00	248.91
John B. [illegible], Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195	American Petroleum Institute	1,890.01	1,028.45
John W. [illegible], P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Johnny [illegible], P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kay Johnson, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	578.00	
Kenneth A. Johnson, 4524 Hillsboro Ave. North New Hope, MN 55428	Pillsbury Company	350.00	296.53
L. Oakley Johnson, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20036	Moller Steamship Co, Inc		
Nancie S. Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Rady A. Johnson, 200 East Randolph Drive P.O. Box 87703 Chicago, IL 60680-9978	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,274.88	188.68
Spencer A. Johnson, 1101 Vermont Ave., NW, #411 Washington, DC 20005	Paperboard Packaging Council		
Stanley L. Johnson, 5344 29th St., NW Washington, DC 20015	Texaco, Inc		
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	1,250.00	418.40
Thomas G. Johnson, One Shell Plaza P.O. Box 2463 Houston, TX 77252-2463	Shell Oil Co		
David A. Johnston, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	4,542.75
B. Meaghan Jolly, 7908 Burdette Road Bethesda, MD 20817	Burdette Road Baby's Assn		
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	950.00	88.79
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	2,186.00	28.00
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Ernest W. Jones, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Gerald R. Jones, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
James E. Jones Jr., 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	775.00	292.00
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,562.50	
Wiley N. Jones, 1825 I St., NW, #400 Washington, DC 20006	Southern Pacific Transportation Co	1,000.00	500.00
William Patrick Jones, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities		11,400.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	AmeriTrust Co, Nat'l Assn	124.00	
Do	Automotive Dismantlers & Recyclers Assn, Inc		
Do	Bank Street Consultanting Group		
Do	Bear Stearns & Co		
Do	Cleveland Cliffs, Inc		832.92
Do	Embassy of the People's Republic of China	4,054.00	39.85
Do	Heron International, Ltd		
Do	Litel Telecommunications Corp		
Do	Los Angeles County	22,571.25	232.68
Do	M.A. Hanna Company		299.75
Do	Mississippi Chemical Corp		
Do	Morgan Grenfell & Co Ltd	4,610.00	17.00
Do	National Assn of Independent Insurers		
Do	National Assn of State Auditors Comptrollers & Treasurers		
Do	National Beer Wholesaler's Assn, Inc	1,981.00	
Do	Pfizer, Inc	4,528.65	85.36
Do	Primark Corporation	4,553.00	58.75
Do	Scott Fetzer Co		259.60
Do	Stakeholders in America	22,430.00	3,806.04
Do	State Assn of County Retirement Systems		
Do	SCM Corp		
Do	Teleconnect Co		
Do	USAA Federal Savings Bank		
David H. Johnson, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
David C. Jory, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Citibank, N.A.	500.00	
Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036	National Public Radio		
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Tomaki Juda, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Amy E. Judy, 2030 M St., NW Washington, DC 20036	Common Cause	5,041.26	989.78
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	Aetna Life & Casualty Insurance Co		
Do	American Express Co	1,000.00	
Do	ADAPSO	5,000.00	
Do	Hotel & Restaurant Employees & Bartenders Int'l Union	24,437.52	1,863.50
Do	International Speedway Corp	7,500.00	
Do	National Academies of Practice	2,500.00	
Do	Rentar Industries, Inc	4,000.00	
Do	Stock Information Group	10,000.00	
Justice Fellowship, P.O. Box 17181 Washington, DC 20041			
JK Research Associates, Inc, 3408 Bonnie Road Austin, TX 78703	Seabed Assn	5,123.37	5,123.37
Geza Kadar Jr., 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc	50.00	10.00
Hans Kaehler, P.O. Box 118 Cold Spring Harbor, NY 11724			
Jim Kaitz, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Humane Society of the U.S., et al.	1,813.00	23.00
Martin B. Kanner, 2301 M St., NW Washington, DC 20037	American Public Power Assn	2,000.00	
Nancy E. Kantola, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	243.00
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery		7,373.00
Emily O'Connor Karolyi, 777 14th Street, NW, #1 Washington, DC 20005	National Assn of Realtors		
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	6,000.00	
Anthony K. Karwoski, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
Peter J. Kassander, 412 First St., SE #1 Washington, DC 20003	Seattle Organizing Committee, 1990 Goodwill Games	5,728.68	
Patricia L. Katson, 11215 Oak Leaf Drive Silver Spring, MD 20901	Liberty Lobby, Inc	8,250.00	40.00
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Everett E. Kavanaugh, 1110 Vermont Ave., NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Lisa E. Kazel, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 2033 K St., NW, #300 Washington, DC 20006	American Assn for Marriage & Family Therapy		
Do	National Assn of Social Workers		
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Westinghouse Electric Corp)		
Vicki R. Keenan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Robin E. Keeney, 1828 L Street, NW Washington, DC 20036	American Land Title Assn	2,025.00	
Kendell W. Keith, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Keller & Heckman, 1150 17th Street, NW, #1000 Washington, DC 20036	Specialty Advertising Assn Int'l		240.00
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	2,000.00	
Thomas F. Kelley III, 1025 Connecticut Ave., NW, #415 Washington, DC	American Insurance Assn		
Ty Kelley, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,500.00	
Kelley Drye & Warren, 1330 Connecticut Ave., NW Washington, DC 20036	Business Roundtable		
Do	ITT Consumer Financial Corp		
Do	Marconi Underwater Systems Ltd		
Do	J.P. Morgan & Co, Inc	1,282.50	18.50
Do	Society of the New York Hospital	1,851.50	139.70
Do	Tokyo Electric Co., Ltd		
Stephen G. Kellison, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Stephen S. Kellner, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc		
Carol A. Kelly, 1700 Pennsylvania Ave, #525 Washington, DC 20006	Equitable Financial Companies	300.00	18.00
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,500.00	53.10
Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007	LTV Corporation		
John E. Kelly, 3408 Bonnie Road Austin, TX 78703	JK Research Associates, Inc (For:Seabed Assn)	2,380.00	
John F. Kelly, 1828 L Street, NW # 906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
Richard B. Kelly, Kelly Eckhaus & Mohen 230 Park Avenue New York, NY 10169	National Assn of Catalog Showroom Merchandisers	875.00	
Do	Resource Technical Consultant (USA), Inc		
William N. Kelly, 1200 Peavey Building Minneapolis, MN 55479-1032	Norwest Corporation	2,125.00	960.00
Mark L. Kemmer, 1660 L Street, N.w. Washington, DC 20036	General Motors Corp	2,500.00	1,643.19
Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005	National Assn of Insurance Brokers		
Jackson Kemper Jr., 1215 Jefferson Davis Hwy, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,750.00	
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	2,095.33	2,095.33

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William T. Kendall, 50 E St., SE Washington, DC 20003	Alliance for Free Enterprise		
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp	500.00	
Do	Hogan & Hartson (for Timex Group, Ltd)		
Do	Hogan & Hartson (for Volume Shoe Corp)		
Do	Manville Corporation		
Do	Rose Communications	250.00	
Do	Toyota Motor Sales, USA, Inc	1,000.00	
Do	Worldwide Information Resources, Inc	500.00	
Stephanie Kennan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	511.54	396.00
Joseph W. Kennebeck, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024	Volkswagen of America, Inc	250.00	20.00
Art Kennedy, Box 200576 Anchorage, AK 99520	Alaska Resource Analysts, Inc	21,776.90	3,677.59
Do	Koniag, Inc		
Frances H. Kennedy, 208 N. Quaker Lane Alexandria, VA 22304	National Parks & Conservation Assn	100.00	
James J. Kennedy Jr., 400 First St., NW, #804 Washington, DC 20001	Railway Labor Executives' Assn	11,120.20	
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033	National Wood Energy Assn, Inc		
Do	Ultrasystems, Inc		
Jeremiah J. Kenney Jr., 12th Fl. 1100 15th St., NW Washington, DC 20005	Union Carbide Corp		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	524.94
J. H. Kent, Kent & O'Connor 1211 Connecticut Avenue, NW Washington, DC 20036	American Soc of Plastic & Reconstructive Surgery		
Do	American Supply Association	8,300.92	3,430.90
Do	International Assn of Airport Duty Free Stores		
Do	National Customs Brokers & Forwarders Assn of America	3,500.00	1,464.41
Elizabeth Kepley, 122 C St., NW, #800 Washington, DC 20001	Concerned Women for America		
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,389.00	237.00
Susan Akers Kermus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	53.70
Michael J. Kerrigan, 1925 K Street, NW, #504 Washington, DC 20006	Smokeless Tobacco Council, Inc	92.00	
Victoria M. Kessler, 1731 Connecticut Avenue, NW Washington, DC 20009	Albers & Co (For:May Department Stores Co)	19,710.00	70.00
Dale Rodney Ketcham, 1980 N. Atlantic Ave., #980 Cocoa Beach, FL 32931			
Robert M. Ketchel, 1331 Pennsylvania Ave., NW, #895 Washington, DC 20004	General Electric Co		
Dorothy A. Kettle, 422 11th Street, SE Washington, DC	Mothers Without Custody, Inc		
Gilbert W. Keyes, P.O. Box 3999 (Mail Stop 8c-68) Seattle, WA 98124	Boeing Aerospace Co	92.42	81.43
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Earline A. Keyser, 3022 Cedar Hill Road Falls Church, VA 22042	Bechtel Group, Inc		
Kiawah Island Co, Ltd, P.O. Box 12910 Charleston, SC 29412-0910			
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Brian O. Kidney, 444 N. Capitol Street, NW, #718 Washington, DC 20001	Pacific Telesis Group	15,450.00	
William S. Kies, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	200.00	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	1,741.77
Brian M. Kilbery, 815 16th St., NW, #511 Washington, DC 20006	Transportation - Communications Union	1,200.00	1,200.00
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	894.00	
John J. Killeen, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Mary K. Killorne, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	1,500.00	
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Chemical Fuels Corp	10,000.00	17.50
Do	Furniture Rental Assn of America		
Do	Kootznoowoo, Inc	900.00	
Do	PepsiCo, Inc	21,344.00	314.20
Eun Sang Kim, 1030 15th Street, NW, #776 Washington, DC 20005	Korean Foreign Trade Assn	1,200.00	720.00
Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #730 Washington, DC 20004	Kimberly-Clark Corp	2,973.75	254.49
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			3,723.24
James L. Kimble, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn		
Thomas N. Kindness, 1001 Prince Street Alexandria, VA 22314	Contractor Liability & Indemnification Alliance	4,762.50	
Do	Recording Industry Assn of America, Inc	1,162.50	
Ann Ottoson King, 1620 Eye Street, NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Recordings Import Trade Committee)		
Aubrey C. King, 1625 Eye Street, NW, #609 Washington, DC 20006	National Club Association		
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	76.50
Lonnie J. King, 1552 K St., NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	500.00	191.25
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alabama State Docks Department		7.00
Do	Mercer University	6,838.93	29.10
Do	National Pharmaceutical Alliance	2,363.50	7.50
King Shapiro Cohen Boyd & Young, 3100 Breckinridge Blvd., Bldg. 1200 Duluth, GA 30136	A. L. Williams Corp		
Ruby King-Williams, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Kathleen N. Kingscott, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	3,000.00	330.75
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association	22,800.00	7,276.37
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Janie A. Kinney, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	575.00	175.00
Cecilia Anne Kirby, 1819 L Street, NW, #600 Washington, DC 20036	American Hotel & Motel Assn	1,524.41	
Alan G. Kirk II, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	31.08	
John R. Kirk, Bingham, Dana & Gould 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Service Master	23,000.00	
Do	T.I.M.E.-DC, Inc	6,000.00	
Do	Valhi, Inc	51,000.00	
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby-9th Fl. Washington, DC 20036	American Council of Life Insurance, Inc		
Do	Investors Fiduciary Trust Co		
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	8,400.00	459.47
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
Mary Brice Kirtley, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	200.00	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	3,125.00	
James A. Klein, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,750.00	108.84
Kline Knopf & Wojdak, Inc, 355 N. 21st Street, #303 Camp Hill, PA 17011	General Public Utilities Corp		
Michael R. Klipper, 1600 I St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	387.45	108.50
David M. Klocek, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		26.25
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Gary D. Knight, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	85.41	8.00
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	1,238.50
Ruth E. Kobell, 600 Maryland Ave., SW, #202 Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	2,885.64	67.15
George W. Koch, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gary J. Kohn, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	150.00	43.00
Mary Jane Kolar, 727 South 23rd St., #100 Arlington, VA 22202	Association of Government Accountants		
Michael S. Koleda, 1225 Eye St., NW, #320 Washington, DC 20005	Council on Alternate Fuels		
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	2,500.00	403.79
Timothy S. Kolly, P.O. Box 9033 Charlottesville, VA 22906	Worrell Enterprises, Inc		
Kominers Fort & Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Atlantic Richfield Co	5,233.75	85.93
Do	Avia Footwear, Inc	19,127.10	1,872.90
Do	Bollinger Machine Shop & Shipyard, Inc		
Do	Crowley Maritime Corp	7,150.00	
Do	Oregon Economic Development Dept		
Do	Pacific Coast Council of Freight Forwarders	5,424.97	575.03
Do	RREEF Funds		
Nicholas Kominus, 1001 Connecticut Ave., NW Washington, DC 20036	U.S. Cane Sugar Refiners' Assn	806.25	209.19
Steven Kopperud, 1701 N. Ft. Myer Drive Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Nicholas G. Kordopatis, One Hillendale Road Perkasie, PA 18944	Independence Bancorp, Inc		
Kerrill K. Kornegay, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,937.00	1,650.03
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	1,750.00	
Ronald W. Kosh, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Nicholas P. Koskores, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc		
Marilyn S. Koss, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	120.00	72.00
Gerald J. Kovach, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	47,993.44
Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	11,167.74	
Myfio S. Kraja, 1608 K St., NW Washington, DC 20006	American Legion	3,750.00	486.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph H. Kramer III, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Raymond R. Krause, 3771 Pillsbury Center Minneapolis, MN 55402	Pillsbury Company	1,500.00	469.00
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	218.00	
Lawrence E. Kreider, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors		
Hugh A. Krentz, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Krivit & Krivit, P.C., 50 E St., SW Washington, DC 20003	City of St. Petersburg, FL	1,200.00	100.00
Kroger Company, 1014 Vine St. Cincinnati, OH 45201			4,113.14
Krooth & Altman, 2101 L Street, NW, #210 Washington, DC 20037	Healthcare Financing Study Group		
Paul R. Kruse, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	625.00	
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Thomas A. Kube, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	4,000.00	1,050.00
Philip Kugler, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers		
Sara E. Kuhn, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Thomas R. Kuhn, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	5,622.08	116.88
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Marine Transport Lines, Inc	1,055.00	42.72
Do	Seafarer's International Union	30,000.00	328.36
Ester Kurz, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	16,249.98	151.48
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Kutak Rock & Campbell, 1101 Connecticut Aven., NW, #1000 Washington, DC 20036	Citicorp Investment Bank		1,202.58
Do	Fidelity Management & Research Co	5,000.00	2,478.95
Do	Financial Security Assurance Co		2,114.10
Do	Municipal Bond Insurance Assn	25,829.00	265.45
Kuykendall Company, 517 3rd Street, SE Washington, DC 20003	Alpha Environmental, Inc		
Do	Alpha 21 Corporation		
Do	Federal Land Bank Stockholders Defense Fund	10,134.18	
Do	Guardsmark, Inc		
Do	R. F. Shoup Corp		
Peter Kyros, 3909 Yoakum Parkway, #4-303 Alexandria, VA 22304	Mutual Protection Trust Cooperative of American Physicians		
Do	Uniformed Services Disabled Retirees		
John R. Kyte, 18 Muzzey Street Lexington, MA 02173	BMc Strategies, Inc	2,080.00	266.09
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor-Management Maritime Committee, Inc, 100 Indiana Avenue, NW Washington, DC 20001		6,605.00	6,163.00
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corp	500.00	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	80.00	21.00
Christine Ladd, 2030 M St., NW Washington, DC 20036	Common Cause	6,000.00	
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	1,200.00	669.89
David F. Lambert III, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	6,000.00	
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Martha D. Lamkin, P.O. Box 3005 Columbus, IN 47202	Cummins Engine Co, Inc	425.00	250.68
Virginia A. Lampley, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Ray H. Lancaster, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	
L. Charles Landgraf, 1333 New Hampshire Ave., NW, Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae		
Thomas M. Landin, P.O.Box 7929 One Franklin Plaza Philadelphia, PA 19101	SmithKline Beckman Corp		
Robert D. Landis, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Landis Cohen Rauh & Zelenko, 1019 19th St., NW, #500 Washington, DC 20036	American Soc of Composers Authors & Publishers	3,000.00	
Do	National Council for Japanese American Redress	1,650.00	
Do	NFL Players Association	4,000.00	
Moon Landrieu, P.O. Box 18198 Washington, DC 20036	Coalition to Stop the Raid on America	1,000.00	
Do	Mainstreets Coalition		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	4,000.00	3.30
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc	375.00	674.27
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	City of Baltimore	7,800.00	
Do	Coalition for Consumer Justice	5,400.00	
Do	Council for Housing & Rural Development	4,000.00	
Do	GA Technologies, Inc	2,754.00	
Do	National Glass Association	2,470.50	
Do	National Independent Automobile Dealers Assn	5,568.00	
Do	National Leased Housing Assn	900.00	
Do	National Taxpayers Union		
Do	Pyropower Corp	1,436.25	
Adrienne C. Lang, 1111 14th Street, NW, #501 Washington, DC 20005	American Soc of Anesthesiologists	3,000.00	
Joseph L. Lang, 1100 N Street, Suite 2E Sacramento, CA 95814	Mattco Forge, Inc		
Robin W. Lanier, 1000 Connecticut Ave., NW Washington, DC 20036	National Retail Merchants Assn	4,000.00	161.84
Lillie Hoover Largent, P.O. Box 1085 Martinsburg, WV 25401	National Peach Council		
J. Stephen Larkin, 9225 Katy Freeway, #310 Houston, TX 77024	Petroleum Equipment Suppliers Assn	1,430.00	
Mary Ellen Larson, 1420 King Street Alexandria, VA 22314	National Soc of Professional Engineers	1,250.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,600.00	64.24
Charles B. Lavin Jr., 1120 19th St., NW, #LL-20 Washington, DC 20036	Alarm Industry FCC Frequency Advisory Committee		
Do	Central Station Electrical Protection Assn		
Do	National Burglar & Fire Alarm Assn, Inc		
Kathryn M. Lavriha, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	8,500.00	72.65
Lloyd R. Lawrence Jr., Bob Lawrence & Associates 803 Prince Street Alexandria, VA 22314	Valmont Industries, Inc	10,500.00	1,750.00
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,876.21	34.45
Janie L. Lawson, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	2,565.00	37.60
Laxalt Corporation, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20002	Mesa Limited	2,000.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	R. T. Vanderbilt Co, Inc		
Sandra L. LaFevre, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,600.00	
Joseph A. LaSala Jr., 1120 20th St., NW, #600-S Washington, DC 20036	Union Pacific Corp	1,000.00	41.10
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		74,265.16	79,025.04
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		40,040.44	40,040.44
League to Save Lake Tahoe, 2197 Lake Tahoe Blvd. P.O. Box 10110 South Lake Tahoe, CA 95731			44.84
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable	45,640.35	
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Minerals Exploration Coalition, Inc	200.00	30.00
Lefevere Lefler Kennedy O'Brien & Drawz, 2000 First Bank Place West 120 South 6th Street Minneapolis, MN 55402	City of New Brighton		
Peter A. Lefkin, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036	American Insurance Assn	260.00	125.00
Marsha P. Lefkovits, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	990.00	
C. Richard Lehmann, 15327 NW 60th Ave., #240 Miami Lakes, FL 33014	Richard Lehmann & Associates, Inc (For:National WPPSS 4&5 Bond Holders)		
Leslie A. Lehmann, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	6,765.00	
Matthew R. Lehrman, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,500.00	
Karen Leichtman, 1319 F St., NW, #300 Washington, DC 20004	Halt: Americans for Legal Reform		
G. Timothy Leighton, 1101 14th St., NW Washington, DC 20005	American Financial Services Assn	250.00	
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	ALPO Petfoods, Inc		
Do	Clorox Company		
Do	Express Foods Co, Inc		
Do	General Instrument Corporation		
Do	GTE Products Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Johnson & Johnson		
Do	Leprino Foods, Inc		
Do	Merrick's, Inc		
Do	Visiting Nurse Assn of America	3,000.00	
Terry L. [illegible], One Thomas Circle, NW, #900 Washington, DC 20005	American Shrimpboat Association		
Do	Marine Construction & Design Co		
Do	Northern Eagle Partners, L. P.		
Do	Port of Seattle		
Joseph L. [illegible], Bank of California Building 900 4th Ave. Seattle, WA 98164	Simpson Investment Co	467.00	1,143.00
Robert A. [illegible], 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Laverne Still [illegible], 1030 15th St., NW, #700 Washington, DC 20005	National Cotton Council of America	1,155.00	59.55
Betty Jane [illegible], P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	600.00	777.74
Earl T. [illegible] Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	1,144.00	1,131.59
Lloyd [illegible], 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S	6,828.02	26.85
Rodney E. [illegible], 2001 S Street, NW, #530 Washington, DC 20009	Community Nutrition Institute		
Lepon [illegible] & Jutkowitz, 2011 Eye St., NW, #401 Washington, DC 20006	Helmsley-Spear, Inc		10,050.00
Charles [illegible] Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	160.09	
Richard L. [illegible], 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S		
William Gene [illegible], 517 C Street, NE Washington, DC 20002	Lesher and Associates, Inc		
Lesher and [illegible], Inc, 517 C Street, NE Washington, DC 20002	Agricultural Policy Working Group		16,621.20
Do			
William J. [illegible] Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	3,312.00	26.60
Joseph S. [illegible] Jr., 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Control Data Corporation		
Dale Lestina, [illegible]201 16th St., NW Washington, DC 20036	National Education Assn	3,422.95	130.50
Leva Hawes [illegible] & Martin, 1220 19th St., NW, #700 Washington, DC 20036	Finnigan Corporation		
Leventhal [illegible] & Lerman, 2000 K Street, NW, #600 Washington, DC 20006-1809	Aeronautical Radio, Inc	4,058.75	28.50
Betsy Levin, [illegible] Dupont Cirle, NW, #370 Washington, DC 20036	Association of American Law Schools		
Morris J. [illegible], 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Do	Independent JOA Publishers Assn		
Bertram J. [illegible], 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Harry Levine [illegible], 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	General Electric Co	174.00	
Kenneth S. [illegible], 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	977.50	
Lawrence E. [illegible], 1875 Eye St., NW, #940 Washington, DC 20006	Gulf & Western, Inc	2,750.00	80.00
Roger N. [illegible], 1660 L St., NW, #1000 Washington, DC 20036	Travelers Companies	2,500.00	
Jack W. [illegible], 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn	2,067.00	90.19
Michael R. [illegible], 1133 15th St., NW, #640 Washington, DC 20005	International Longshoremen's & Warehousemen's Union	10,100.00	698.28
Mindy M. [illegible], Box 3005 Columbus, IN 47201	Cummins Engine Co, Inc	296.16	135.17
Richard [illegible], 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Richard W. [illegible], 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	650.00	
William H. [illegible], Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
John F. [illegible], 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	4,876.44	
LeBoeuf [illegible] Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	General Conf of the 7th Day Adventists Church Risk Mgt Svcs		
Do	Underwriters at Lloyd's London	1,375.00	765.00
Harris W. [illegible], 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lynn H. [illegible], 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,650.97	351.56
James M. [illegible], 1225 Eye St., NW, #950 Washington, DC 20005	American Electronics Assn	2,000.00	
William J. [illegible], 215 N. Front Street Columbus, OH 43215	Columbus and Southern Ohio Electric Co		
Richard A. [illegible] Jr., 1140 New York Ave., NW, #430 Washington, DC 20005	Sea Containers America, Inc		
William C. [illegible], 238 10th St., SE Washington, DC 20003	National Parks & Conservation Association	769.20	91.50
Howard C. [illegible], P.O. Box 1312 Pensacola, FL 32596	Escambia County Tax Collector		
Ross W. [illegible], 920 Main Street Kansas City, MO 64105	Stinson Mag & Fizzell (For:Farmland Industries, Inc)		
Leanne Klyza [illegible], 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	859.83	52.75
Stephen R. [illegible], 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Karl W. [illegible], 2322 Easter Lane New Orleans, LA 70152	Southern Forest Products Assn	1,996.80	
Roger [illegible], 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Fleischmann's Yeast)	58.40	
Do	Hill & Knowlton, Inc (For:MediVision, Inc)	802.20	
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Tambrands)		
Do	Hill & Knowlton, Inc (For:United Network for Organ Sharing)	1,473.00	
George E. [illegible], 625 Liberty Avenue Pittsburgh, PA 15222-3197	Peoples Natural Gas Co	761.52	240.30
Donald [illegible], 400 First Street, NW, #819 Washington, DC 20001	Brotherhood of Locomotive Engineers (OH)	415.17	53.68
Kathleen M. [illegible]nehan, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	1,350.00	210.00
Andrew D. [illegible], Pepper Hamilton & Scheetz 1777 F Street, NW Washington, DC 20006	Norlight, Inc		
Janice C. [illegible], 1000 16th Street, NW, #603 Washington, DC 20036	Counselors for Management, Inc (For:Independent Zinc Alloyers Assn)	6,500.00	7,080.00
Linda A. [illegible], 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Lisboa [illegible], Inc, 1317 F St., NW, #400 Washington, DC 20004	University of the Virgin Islands	2,062.50	
John M. [illegible], 200 West Adams, #2015 Chicago, IL 60606	Atcor, Inc		
Barbara A. [illegible], 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,800.00	
Charles B. [illegible], 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	1,000.00	
Thomas W. [illegible], 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	250.00	
William F. [illegible], 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	487.00	696.55
Roy [illegible], 15900 Pinecroft Lane Bowie, MD 20716	American Retreaders' Assn	500.00	
Do	Greater Washington/Maryland Service Station Assn	500.00	
E. Geoffrey [illegible], 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	43.00
E. F. [illegible] Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	60.00	
Robert W. [illegible], 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
Livestock [illegible] Association, 7509 Tiffany Springs Parkway Kansas City, MO 64190-1402			
Lobel [illegible] Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	2,498.80	183.12
Paul [illegible], 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	22,395.09	
Robert F. [illegible] Jr., 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
John H. [illegible], 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
Susan J. [illegible], 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.20
Loomis [illegible] Fellman & Howe, 2020 K St., NW, #800 Washington, DC 20006	Association of Bituminous Contractors		
Do	Classroom Publishers Assn		
Do	First Co		
Do	Industrial Diamond Assn		
Do	Optical Manufacturers Assn		
Do	Textile Rental Services Assn of America		
Gerald D. [illegible], 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Philip J. [illegible], 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	174.63
Robert E. [illegible], P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al	23,875.00	4,030.62
Timothy [illegible], 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	11,250.00	
Celia C. [illegible], 1050 Connecticut Ave., NW, #740 Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Stephanie P. Loving, 1101 Vermont Ave., NW, #405 Washington, DC 20005	A. H. Robins Co	5,004.00	275.82
Paula D. [illegible], 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	9,988.58	9.00
William L. [illegible], 2021 K Street, NW, #300 Washington, DC 20006	Primark Corporation	500.00	
Kathy K. [illegible], 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn, Inc	2,856.00	206.69
David R. [illegible], 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester [illegible], 1155 15th St., NW, #504 Washington, DC 20005	Cassidy & Associates, Inc		
Do	City of Miami	3,750.00	
Do	City of Miami Beach	3,500.00	
Do	Cybernectics & Systems, Inc	6,000.00	
Do	Dade County, Florida	7,000.00	
Do	Fowler White Gillen Boggs Villareal & Banker (For:National Medical Enterprises, Inc)	5,000.00	
Do	Fowler White Gillen Boggs Villareal & Banker (For:University of Tampa)		
Do	Washington Consulting Group	9,000.00	
[illegible] Mutual Casualty Company, Long Grove, IL 60049			3,559.68
Lund & O'[illegible], 1625 Eye St., NW Washington, DC 20006	Federation of American Controlled Shipping	600.00	19.70
Do	Pennsylvania Power & Light Co	1,620.00	178.00
Francis M. [illegible] Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20005	National Assn of Manufacturers		
Ann P. [illegible], Eastman Kodak Company 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	25.25	9.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Howard T. Lyman, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,087.86	183.60
Timothy P. Lynch, 1901 N. Fort Myer Dr., #204 Arlington, VA 22209	Roadway Express, Inc	425.00	200.00
John E. Lynn, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc		
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	2,875.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	5,685.00	5,714.00
James E. Mack, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers		
Do	Peanut Butter & Nut Processors Assn		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	18,975.00	500.00
Thomas L. Mack, 14 Almaden Place Gaithersburg, MD 20878	Bechtel Group, Inc		
Olivia C. Mackin, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Timothy MacCarthy, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	2,376.00	
Jack A. MacDonald, 1901 N. Fort Meyer Drive, #302 Rosslyn, VA 22209	Beverly Enterprises, Inc	6,250.00	75.00
Malcolm MacKay, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
John H. Madigan Jr., 224 East Capitol Street Washington, DC 20003	American Cancer Society	5,000.00	1,050.00
Cliff Madison Government Relations, Inc, P.O. Box 7006 Northridge, CA 91327-7006	American Assn of Airport Executives	1,000.00	
Do	Burbank-Glendale-Pasadena Airport Authority	2,000.00	
Do	City of Avalon	750.00	
Do	Federal Express Corp	3,500.00	
Do	Mark Air, Inc	4,000.00	
Do	Quantas Airways, Ltd	5,000.00	
Do	Regency Outdoor Advertising	2,000.00	
Do	Southern California Rapid Transit District	5,000.00	
Do	Ventura Port District	3,000.00	
Susan Magaw, P.O. Box 3556 Washington, DC 20007	American Meat Institute	2,000.00	
Mimi Mager, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	10,884.62	31.00
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S	4,500.00	
A. John Maguire, 1030 15th Street, NW Washington, DC 20005	National Cotton Council of America	20,625.00	2,325.52
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn	1,125.00	
David L. Mahan, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)		
Linda F. Maher, 1140 Connecticut Ave., NW, #1006 Washington, DC 20036	Turner Broadcasting System, Inc	275.00	
John Francis Mahoney, 536 Seventh St., SE Washington, DC 20003	Mahoney & Associates (For:American Medical Assn)		
Terence P. Mahony, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	500.00	128.03
Michael C. Maibach, Intel Corporation, SC6-65 P.O. 58121 Santa Clara, CA 95052-8121	Intel Corporation	12,000.00	9,876.56
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			758.30
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	387.00	10.00
Daniel C. Maldonado, 10000 Falls Rd., #300 Potomac, MD 20854	National Hemophilia Foundation	1,750.00	
Do	Research Society on Alcoholism	800.00	73.09
Do	Samaritan Health Services	900.00	29.16
Andrew T. Malleck, 400 First Street, NW Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Conrad L. Mallett Jr., 1800 First National Bldg Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C		
David Mallino, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	8,177.33	1,144.40
J. Wilson Malloy Jr., 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	850.00	166.19
Robert H. Maloney, 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
William R. Maloni, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn	28,750.00	1,283.06
Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006	Audiovox	2,300.00	3,860.00
Do	R.S. Landauer, & Co Jr	1,200.00	1,100.00
Manatt Phelps Rothenberg & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	American Institute of Real Estate Appraisers	3,042.50	
Do	American Petrofina, Inc	187.50	
Do	Bowling Proprietors' Assn of America	105.00	
Do	Briscoe Co	187.50	
Do	Centre Pointe Associates		
Do	Chronar Corporation		
Do	Commerce Union Bank		
Do	Connecticut National Bank	1,624.00	
Do	Fairfield Communities, Inc	280.00	
Do	Flying Tiger Line, Inc		
Do	Government of Cyprus	825.00	
Do	Krueger, Inc		
Do	Melrose Company		
Do	Money Store		
Do	National Cable Television Assn, Inc	11,687.50	
Do	North Beach Property Owners' Assn	550.00	
Do	Northrop Corp		
Do	NEC Corporation	550.00	
Do	Philip Morris, Inc	1,105.00	
Do	Rollins Environmental Services		
Do	RLC Corporation		
Do	Security First Group		
Do	Donald T. Sterling & Associates		
Do	Superior Training Services	525.00	
Do	Texas International Co	137.50	
Do	Traweek Investment Co, Inc		
Do	U.S. Telephone Assn	7,625.00	
Katherine T. Mance, 1616 H Street, NW Washington, DC 20006	American Retail Federation	200.00	76.00
Manchester Associates, Ltd, 1155 15th Street, NW, #811 Washington, DC 20005	Corporacion Del Cobre (USA), Inc		
Do	Eldorado Resources, Ltd		
Do	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, USA		
Manchester Group, Ltd, 1155 15th St., NW, #302 Washington, DC 20005	C Itoh & Co, Ltd, et al		
Susan Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	13,000.02	89.90
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Systems)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	300.00	
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)	150.00	
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	750.00	
Do	Hill & Knowlton, Inc (For:United Air Lines)	1,125.00	
Richard J. Mannix, 195 Montague St. Brooklyn, NY 11201	Brooklyn Union Gas Co	4,225.00	1,302.84
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	1,695.24	568.01
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			6,700.00
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
R. A. Marble, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,978.02	
March for Life, Inc, P.O. Box 90300 Washington, DC 20090		29,884.05	25,245.18
R. V. Mariani, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,700.00	2,700.00
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			20,255.00
Richard Mark, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	9,999.96	6,347.72
Patricia Markey, 1155 15th St., NW, #400 Washington, DC 20005	United Distribution Companies	7,668.70	153.50
Lawrence D. Markley, P.O. Box 196300 Anchorage, AK 99519	Chugach Electric Assn, Inc	5,323.07	5,544.24
Marc L. Marks, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp		
Matthew J. Marks, 1120 20th St., NW, #650 Washington, DC 20036	UETA, Inc		
Ronald Anthony Marks, 10 Waterside Plaza, #2b New York, NY 10010			
Luther A. Markwart, 1156 15th St., NW, #1019 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #410 Washington, DC 20036-1081	International Chemical Workers Union	5,000.00	
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	Coalition to Keep Alaska Oil	5,737.50	138.85
Do	Marlowe & Company (For:Graphic Communications International Union, AFL-CIO, CLC).	400.00	
Do	Marlowe & Company (For:Lazare Kaplan International, Inc)	7,437.00	102.00
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	Graphic Communications Int'l Union	3,412.00	3,504.00
Do	Lazare Kaplan International, Inc	7,437.00	7,539.00
Valsin A. Marmillion, 10880 Wilshire Blvd., #2010 Los Angeles, CA 90024	Hunt Marmillion & Associates (For:American Bankers Assn)		1,638.13
Chalmers H. Marquis, 1818 N Street, NW, #410 Washington, DC 20036	National Assn of Public Television Stations	600.00	150.00
Lori A. Marsden, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
C. Travis Marshall, 1776 K St., NW, #300 Washington, DC 20006	Motorola, Inc	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas A. Martens, P.O. Box 10110 SO. Lake Tahoe, CA 95731	League to Save Lake Tahoe	38.58	
Cynthia L. Martin, 2711 Jefferson Davis Highway, #903 Arlington, VA 22202	Avondale Services Corp	5,500.00	17,220.15
David F. Martin, 2020 14th Street, North Arlington, VA 22201	American Standard, Inc	750.00	
Dennis G. Martin, Dow Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Dofasco, Inc		
Donald N. Martin, Donald N. Martin & Company, Inc 630 Fifth Ave. New York, NY 10111			
Fred J. Martin Jr., 1800 K Street, NW Washington, DC 20006	Bank of America	413.64	466.43
J. Ross Martin, Kansas Petroleum Council 1414 Merchants Nat'l Bank Bldg. 8th & Jackson Topeka, KS 66612	American Petroleum Institute	700.00	890.28
John M. Martin Jr., 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	376.68	264.65
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Maureen A. Martin, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	1,440.00	621.16
Robert L. Martin, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,500.00	82.62
Stephen L. Martin, Hartford Plaza Hartford, CT 06115	Hartford Fire Insurance Co		
Judith Marty, 35 Ridge St. North Sydney, NSW 2060 Australia			
Merrill D. [illegible], 7708 Fullerton Road Springfield, VA 22153	Marxman & Associates, Inc		
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006	American Japanese Trade Comm		
Do	Nisei Lobby		
Do	Toyota Motor Sales, USA, Inc	750.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	11,250.00	202.79
Ned W. Massee, 299 Park Avenue New York, NY 10171	Westvaco Corporation		2,251.25
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Euromissile)		
Do	Hill & Knowlton, Inc (For:Fleischmann's Yeast)		
Do	Hill & Knowlton, Inc (For:Hastings College Foundation)		
Do	Hill & Knowlton, Inc (For:Hitachi America, Ltd)		
Do	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Do	Hill & Knowlton, Inc (For:MediVision, Inc)		
Do	Hill & Knowlton, Inc (For:Monsanto Co)		
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)	5,350.00	
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	12,225.00	
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	825.00	
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)	7,500.00	
Do	Hill & Knwolton, Inc (For:United Network for Ogan Sharing)	150.00	
James D. Massie, 50 F Street, NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	300.00	114.75
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc	10.00	
Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	568.08	169.04
Richard D. Mathias, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Peter Matthews, 1050 Connecticut Avenue, NW Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Charles D. Matthews, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	3,125.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,125.00	
Suzette Matthews, 2020 North 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc	1,081.71	7.40
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		4,085.45
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Equitable Financial Companies	1,300.00	24.00
Marshall L. Matz, 2501 M St., NW, #400 Washington, DC 20037	American School Food Service Assn	9,000.00	1,313.36
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	11,262.54	267.25
William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	12,000.00	53.06
Jerry C. May, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Walter R. May, 7004 Park Terrace Drive Alexandria, VA 22307	Yellow Freight System, Inc	13,500.00	2,677.00
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Attorneys' Liability Assurance Society Ltd		
Do	Business Roundtable	153.75	
Do	Comdisco, Inc		
Do	Continental Illinois Nat'l Bank & Trust Co		
Do	FMC Corporation	138.00	
Do	Goldman Sachs & Co	275.00	
Do	GATX Corporation		
Do	Hewlett-Packard Co		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp	275.00	
Do	Lasalle Partners, Inc		
Do	Lebenthal & Co, Inc		
Do	Lehndorff & Babson Real Estate Counsel		
Do	Merrill Lynch Capital Markets		
Do	Philip Morris USA		
Do	RJR Nabisco, Inc		
Do	Sara Lee Corp	68.75	
Do	Sears Roebuck & Co		
Do	Shearson Lehman Brothers, Inc		
Do	Smith Barney Harris Upham & Co, Inc	225.00	
Do	Tele-Communications, Inc		
Do	Voluntary Hospital Assn		
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	600.00	81.00
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Michael J. McAdams, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	10,000.00	2,338.90
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
Douglas E. McAllister, 1920 N St., NW Washington, DC 20036	American Mining Congress		
John H. McAllister, Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Dofasco, Inc		
McAuliffe Kelly Furlong Aldrich & Siemens, 555 New Jersey Ave., NW, #880 Washington, DC 20001	American Health Care Assn	4,000.00	
Do	ADAPSO	4,000.00	
Do	Human Rights Campaign Fund	4,000.00	
Do	Lawyers' Mutual Insurance Co	2,000.00	
Do	Joseph E. Seagram & Sons, Inc	3,000.00	
Do	Southern California Rapid Transit District	4,000.00	
Do	Southwestern Resources, Inc	200.00	
Do	State Street Development Co of Boston		
Do	Stock Information Group	4,000.00	
Do	Verdie Forest, Inc	200.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	15,276.30	
Stephen C. McCaffrey, 1828 N. Meridian Street Indianapolis, IN 46202	United Way of Central Indiana		
John A. McCahill, 1250 Connecticut Ave, NW Washington, DC 20036	U.S. Olympic Committee		
Julie P. McCahill, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	114.32	
McCamish Ingram Martin & Brown, P.C., 650 MBank Tower 221 West 6th Street Austin, TX 78701	Central & South West Corp		
Do	Citicorp	875.00	397.49
Do	United Services Automobile Assn	580.00	448.95
Katherine E. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Frederick D. McClure, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp	7,500.00	5,040.97
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Allied Capital Corp		12.83
Do	Bell & Howell/Columbia Pictures Video Services		12.38
Do	Coca-Cola Company		425.75
Do	Geneve Corporation		6.01
Do	Gulf & Western Industries, Inc		302.66
Do	Henley Group, Inc		14.63
Do	Mobil Oil Corp	1,478.75	593.28
Do	Ross Capital Corp		26.87

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TSO Financial Corp		10.22
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Hugh T. McCormick, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:General Conf of the 7th Day Adventists Church Risk Mgt Svcs).		
Margaret M. McCormick, 236 Hamburg Hall 5000 Forbes Ave. Pittsburgh, PA 15213	Carnegie-Mellon University	10,626.00	250.64
Meredith McCoy, Arnold Groburger & Haley 1101 Connecticut Ave, NW, #500 Washington, DC 20036	Arkansas Assn of Securities Dealers		
Do	Mid-South International Trade Assn		
Steven A. McCoy, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006	North American Export Grain Assn, Inc		
James K. McCracken, 111 Massachusetts Avenue, NW, #200 Washington, DC 20001			
Cliff G. McCreedy, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		30.80
John McDavitt, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,808.00	
David F. McDermitt, 2238 Highland Avenue Falls Church, VA 22046	National Utility Contractors Assn	19,875.00	15,000.00
Albert L. McDermott, 1819 L Street, NW, #600 Washington, DC 20036	American Hotel & Motel Assn	2,598.75	
Daniel J. McDermott, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	875.00	
Mark T. McDermott, Joseph Powell McDermott & Reiner, P.C. 1300 19th Street, NW, #400 Washington, DC 20036	Civil Pilots for Regulatory Reform		
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Pulblic Citizen, Inc	4,000.00	
Edward T. McDonald, 815 16th St., NW Washington, DC 20006	Transportation - Communicatins Union	3,300.00	3,300.00
Jack McDonald, 1489 Chain Bridge Road, #200 McLean, VA 22101	Jack McDonald Co (For:American Express Corp)		
Do	Jack McDoanld Co (For:Belz Enterprises)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	General Cinema Corp		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		
Michael D. McDonald, c/o Maryland Petroleum Council 60 West St. Annapolis, MD 21401	American Petroleum Institute	175.00	
Patricia McDonald, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jack McDonald Co, 1489 Chain Bridge Road, #200 McLean, VA 22101	American Express Corp		
Do	Belz Enterprises		
Do	Dow Corning Corp		
Do	Hitachi America, Ltd		
Do	Hitachi Sales Corp of America		
Do	Jacques Borel Enterprises, Inc		
Do	Royal Zenith Corp		
Do	Societe Generale de Surveillance, S.A.	24,207.00	
Marian E. McDowell, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	3,623.90	515.61
Dinah D. McElfresh, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates (For:Hearing Industries Assn)		
Rick McElheny, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Terry M. McGann, 1900 Placer Gold Court Gold River, CA 95670	California Assn for Health Services at Home (CAHSAH)		885.52
Do	Foundation Health Corp		
Do	Maxicare	3,600.00	3,807.05
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	391.50	
Gale W. McGee, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	9,250.02	241.70
P. Anne McGhee, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,982.00	2,002.02
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Jeanne H. McGowan, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn		
Christopher C. McGrath, New York State Petroleum Council 156 William St. New York, NY 10038	American Petroleum Institute		
Jerome J. McGrath, 1660 L St., NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	500.00	
Richard L. McGraw, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp		
Joseph M. McGuire, 1501 Wilson Blvd. Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
McGuire Woods Battle & Boothe, P.O. Box 25047 Alexandria, VA 22313	RF&P Railroad		
Do	Savage/Fogarty Companies, Inc	284.00	
Do	Vulcan Materials Co		
McHenry & Staffier, P.C., 1300 19th St., NW, #408 Washington, DC 20036	Foothills Pipe Lines (Yukon) Ltd		
Do	Novacor Chemicals, Ltd		
Do	NOVA Corp of Alberta		
Do	Pan-Alberta Gas Ltd		
James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	3,500.00	210.25
Jan E. McKenzie, 1111 19th St., NW, #702 Washington, DC 20036	Edison Electric Institute	4,170.91	223.49
Robert T. McKernan, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	250.00	
William Colm McKeveny, Chadbourne Park Law Firm 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	10,025.00	715.13
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Southern Company Services, Inc)		
Thomas L. McKnew Jr., 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,500.00	
Francis X. McLaughlin Jr., 1730 K St., NW, #1100 Washington, DC 20006	National Treasury Employees Union	8,413.25	260.46
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,150.00	
Edward T. McMahon, 218 D Street, SE Washington, DC 20003	Coalition for Scenic Beauty	712.00	
Ursula H. McManus, 1707 H St., NW, #602 Washington, DC 20006	G. Heileman Brewing Co, Inc	502.50	107.55
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	520.00	
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	Committee for Fair Pizza Labeling	300.00	64.06
James D. McMilian, 1899 L St., NW, #1100 Washington, DC	Exxon Corporation	800.00	182.65
Sandra H. McMullan, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	4,350.00	
McNair Group, Inc, 1155 15th St., NW, S-400 Washington, DC 20005	CSX Corporation	16,050.00	259.74
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Alabama Construction Contractors, et al.	1,736.50	140.85
Do	Alabama Power Co	5,504.96	510.32
Do	Allied-Signal, Inc	1,599.00	649.47
Do	Amalgamated Clothing & Textile Workers Union	1,800.00	14.40
Do	American Insurance Assn	767.00	28.70
Do	Amick Farms		
Do	ADDSCO Industries, Inc	2,400.00	125.61
Do	Earl Barr		
Do	BellSouth Corp		
Do	Blue Cross & Blue Shield of South Carolina	2,292.00	330.09
Do	Bristol-Myers Co		
Do	Business Roundtable	5,231.00	31.09
Do	Carolina Urocorp	2,308.30	68.61
Do	Citmoco Services, Inc	4,158.50	111.63
Do	Gasoline Alliance to Preserve Competition	11,605.91	342.93
Do	Georgia-Pacific Corp		
Do	Intergraph Corporation	1,559.00	113.66
Do	Marriott Corp		
Do	Michelin Tire Company	7,751.00	247.58
Do	Milliken Mills	1,031.00	60.40
Do	National Council on Alcoholism, Inc	1,333.33	
Do	National Industries	1,624.00	45.21
Do	New York State Bankers Assn	11,846.88	605.97
Do	Norfolk Southern Corp	120.00	122.52
Do	Pacific Theatres	300.00	59.28
Do	Pfizer, Inc	1,275.00	77.90
Do	R.J. Reynolds Tobacco Co	3,956.71	87.27
Do	Union Pacific Corp	288.64	
Do	Vulcan Materials Co	1,908.00	207.25
Do	Waste Management, Inc		
Do	Westinghouse Electric Corp	1,359.50	39.99
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	165.00	70.00
Laramie Faith McNamara, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Mary Martha McNamara, 1150 17th St., NW, #1000 Washington, DC 20036	Art Supply Labeling Coalition	4,250.00	133.31
Peter F. McNeish, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Larry McNick[illegible], 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	805.00	65.00
Robert McN[illegible], 420 Lexington Avenue New York, NY 10017	Hill & Knowlton, Inc (For:Republic of Indonesia)		
Michael J. [illegible], 1101 30th Street, NW, #500 Washington, DC 20007	National Computer Systems		
Martha [illegible], 2000 K Street, NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,000.00	2,608.51
George G. [illegible], 1908 Ednor Road Cloverly, MD 20904	North American Van Lines, Inc	2,500.00	
Leslie S. [illegible] 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Joseph F. [illegible], 7100 Baltimore Avenue College Park, MD 20740	United Action for Animals, Inc	1,200.00	
Francis X. [illegible], 1825 Eye Street, NW Washington, DC 20006	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)	3,000.00	
[illegible] Diversified Services, Inc, 15600 San Pedro #107 San Antonio, TX 78232-3738	U.A.G. Alumni Assn		426.71
Medtronic, [illegible] 7000 Central Ave., NE Minneapolis, MN 55432			
Colise G. [illegible], 1800 Diagonal Rd., #500 Alexandria, VA 22314	Penn Central Corporation		
Michael [illegible], 1439 Rhode Island Ave., NW Washington, DC 20005	Capitol Services of Washington, Inc (For:Massachusetts Biotechnology, Inc)	500.00	
William H. [illegible]nell, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	2,593.25	25.00
Larry Mehlha[illegible], 23 N. Scott Sheridan, WY 82801	Sierra Club	6,500.00	3,262.58
Michelle [illegible] 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Susan R. [illegible], 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration		
Kenneth F. [illegible], 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Carol Melton, [illegible]133 21st St., NW, #400 Washington, DC 20036	Warner Communications, Inc	9,250.00	270.24
Howard H. [illegible], 1199 North Fairfax Street, #801 Alexandria, VA 22313	National Assn of Truck Stop Operators, Inc		
John R. [illegible]hall, 345 Park Avenue New York, NY 10154	Union Pacific Corp	5,000.00	
Howard A. [illegible], 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Edward L. [illegible]ning, 1522 K St., NW, #836 Washington, DC 20005	National Assn of Federal Veterinarians	35.14	
J. Roger [illegible], 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Barron Collier Co)	72.00	
Do	Cadwalader Wickersham & Taft (For:Coalition for Capital Import Neutrality)	194.00	
Do	Cadwalader Wickersham & Taft (For:GAF Corporation)	387.00	
Do	Cadwalader Wickersham & Taft (For:PFIC Group)	387.00	
Jane Mentzin[illegible], 2030 M Street, NW Washington, DC 20036	Common Cause	7,288.76	
Nancy Jo [illegible]ll, 1725 K St., NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Merrill Lynch [illegible] Co, Inc, 1828 L St., NW, #906 Washington, DC 20036			19,500.00
Richard P. [illegible], 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	5,788.73
Neil T. [illegible], 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	2,000.00	
Howard M. [illegible], 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	
Jean L. Me[illegible], 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Cities Service Oil & Gas Corp	1,844.92	55.56
Jeremy [illegible] 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
M. Barry [illegible], 900 19th Street, NW Washington, DC 20006	Aluminum Assn	50.00	
Larry D. [illegible], 412 First Street, SE Washington, DC 20003	American Beekeeping Federation		
Do	CEPEX Pacific, Inc	1,800.00	
Do	International Assn of Refrigerated Warehouses	1,000.00	
Do	National Agricultural Chemicals Assn	15,000.00	
Do	National Coalition to Defeat H.R. 281/S. 492	5,000.00	
Do	National Peanut Growers Group	1,000.00	
Do	Nuclear Waste Task Force	5,000.00	
Do	Rice Belt Warehouse, Inc	4,500.00	
Do	Sam Kane Packing		
Do	Superconducting Super Collider	3,600.00	
Do	Texas A&M Research Foundation	7,500.00	
Do	Texas Cotton Marketing		
David R. [illegible], Florida Petroleum Institute 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute	90.18	41.00
John L. [illegible] 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Harris RF Communications	4,000.00	950.00
Do	Harris/3-M Document Products, Inc	10,000.00	1,722.75
Eileen F. [illegible], 1317 F Street, NW, #202 Washington, DC 20004	Lisboa Associates, Inc (For:University of the Virgin Islands)	525.00	
James G. [illegible], 6917 Granby Street Bethesda, MD 20817	Federated Dept Stores, Inc	500.00	
Laurie L. [illegible], 555 13th St., NW, #900 East Washington, DC 20004	Ballard Spahr Andrews & Ingersoll (For:Arthur Andersen & Co)		
[illegible] Oil & Gas Assn, 711 Adams Office Bldg. Tulsa, OK 74103		354.37	17,554.19
Roger E. [illegible], 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	114.00
Migrant L[illegible] Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	500.00	
Miles & [illegible], 1701 Pennsylvania Ave., NW, #500 Washington, DC 20006	Black and Decker Corp		175.00
Do	PepsiCo, Inc		75.00
Do	Pizza Hut, Inc		125.00
Charles R. [illegible]ller, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	1,250.00	722.50
Dale Miller, [illegible]000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
Grant [illegible] 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
Harris C. [illegible], 322 Westview Court Vienna, VA 22180	Occidental Chemical Corp	630.00	
Lawrence [illegible] Miller, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
Michael J. [illegible]ller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Paul J. [illegible], 8000 Sears Tower Chicago, IL 60606	Investment Counsel Assn of America, Inc		
Robert H. [illegible]ller, 490 L'enfant Plaza East, SW, #2202 Washington, DC 20024	Tenneco, Inc		30.00
Miller & [illegible], Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Electronics Assn		
Do	Council on Research & Technology	2,211.00	
Do	Ideal Basic Industries, Inc	486.77	
Do	National Assn of Temporary Services, Inc		
Miller [illegible] Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	National Assn of Life Underwriters, et al.	11,470.00	50.00
Do	47th Street Photo	1,000.00	
Miller [illegible] Snider & Odom, 256 State St., P.O. Box 46 Mobile, AL 36601	Colonial Bancgroup, Inc		
Miller [illegible] & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Sacramento, et al.	265.20	
Do	Sugar Land Telephone Co	1,465.00	46.85
C.G. Pete [illegible]gan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	3,000.00	190.35
John C. [illegible] Jr., P.O. Box 1788 Forest Park, GA 30051	Southeastern Lumber Manufacturers Assn		
Amy J. [illegible], 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	900.00	500.00
Robert G. [illegible]lls, 450 Maple Ave., East, #204 Vienna, VA 22180	U.S. Defense Committee	2,400.00	
Mineral [illegible]lation Manufacturers Association, 1420 King Street Alexandria, VA 22314		6,438.80	8,192.70
Joseph G. [illegible], 66 Sheridan Avenue West Orange, NJ 07052	Bayamon Federal Savings	6,000.00	
Miro Miro [illegible] Weiner, P.C., 500 N. Woodward Ave., #200 P.O. Box 908 Bloomfield Hills, MI 48303-0908	Detroit Tooling Assn	6,107.50	
Do	Michigan Council of Self-Insured Group Administrators	11,338.75	
Edward F. [illegible]tchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	30.97	
Henry A. [illegible]tchell, St. Mary's Street P.O. Box 12807/1300 Raleigh, NC 27605	Investment Co Institute	2,812.50	
Lisa Mi[illegible], 3000 K St., NW, $300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Stacey J. [illegible], 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
David T. [illegible], 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
John [illegible], 2200 Mill Road Alexandria, VA 22314	American Movers Conference	950.00	
Robert M. [illegible], 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co	375.00	
John V. [illegible], 1155 15th Street, NW, #1010 Washington, DC 20005	Manchester Associates (For:Corporacion Nacional del Cobre de Chile)		
Do	Manchester Associates, Ltd (For:Eldorado Resources, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Company, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Manufacturing Corp, USA)		
Robert H. [illegible], 912 Sylvan Avenue Fairmount, WV 26554	Airspace Technology, Inc	300.00	
Do	Lynch Associates	300.00	
Robert A. [illegible], 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	172.50
C. Manly [illegible], 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	1,000.00	
[illegible], 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
[illegible], 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Alfredo C. Montoya, 815 16th Street, NW, #707 Washington, DC 20006	Labor Council for Latin American Advancement		
James P. [illegible], 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,750.00	
Alan J. [illegible], 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,000.00	
Carlos [illegible], 1101 Connecticut Avenue, NW, #300 Washington, DC 20036	American Textile Manufacturers Institute, Inc	71.00	10.00
Francis [illegible] Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	5,000.00	4,410.89
Richard [illegible] Moore, P.O. Box 338 Dearborn, MI 48121	Detroit Tooling Assn Worker's Compsensation Fund		209.55
Thomas [illegible] Moore, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
Timothy [illegible] Moore, 2900 M Street, NW, #300 Washington, DC 20007	All-Industry TV Music License Committee		
William [illegible] Moore, Commerce Center 30 Exchange Terrace Providence, RI 02903	Greater Providence Chamber of Commerce	337.50	125.00
Morality [illegible] Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		877.59	877.59

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	1,484.00	
E. Joyce Morgan, 1920 N St., NW Washington, DC 20036	American Mining Congress		
J. Railton Morgan, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	36.99
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Business Roundtable		
Do	Coalition to Stop the Raid on America		
Do	Consolidated Natural Gas Co		
Do	Scotch Whisky Assn		
Robert E. Morin, 600 New Hampshire Avenue, NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers		
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	283.09
Loretta C. Morris, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation	1,131.25	3.80
Tessa Morris, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific Corp		
W. Patrick Morris, 1110 Vermont Avenue, NW Washington, DC 20005	Shipbuilders Council of America	1,500.00	
James W. Morrison Jr., 1390 Piccard Dr. Rockville, MD 20850	CNA Insurance Co		
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco	905.00	
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al.	35,142.00	347.19
Do	Rosenberg Real Estate Equity Fund, Inc	3,851.00	37.70
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		70.00
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	900.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		22,369.32	22,369.32
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	600.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Adical	45,000.00	800.06
Do	ABRASSUCOS - Brazilian Juice Assn		370.58
Do	ANIC - National Assn of Citric Industries		373.52
Do	Thai Food Processors Assn		81.57
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW Washington, DC 20004			3,153.55
Motor Vehicle Manufacturers Assn of the U.S., Inc, 300 New Center Bldg. Detroit, MI 48202		8,588.61	8,588.61
Thomas O. Moulton Jr., 444 North Capitol St., NW, #718 Washington, DC 20001	Pacific Telesis Group	12,000.00	
Susan Connolly Moya, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Anchor Savings Bank, FSB	10,000.00	
Do	Carteret Savings Bank, F.A.		
Do	Empire of America, FSB		
Do	First Nationwide Bank		
Do	Glendale Federal Savings & Loan Assn		
Do	Meritor Savings Bank		
Do	Northeast Savings, F.A.	195,373.00	
Do	Washington Mutual Savings Bank		
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,100.00	500.57
Albert E. Mullin Jr, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	15,000.00	
Tracy Mullin, 1000 Connecticut Ave., NW, #700 Washington, DC 20036	National Retail Merchants Assn	4,000.00	85.50
William F. Mullin, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Robert J. Mullins, Suite 202-W 600 Maryland Avenue, SW Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	5,370.31	24.12
Evelyn Fieman Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	160.00	0.80
James Brian Munroe, 1747 Pennsylvania Ave., NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp		
Patricia Collins Murdock, 1313 L St., NW Washington, DC 20005	Service Employees International Union	7,164.50	23.75
James F. Murphy, 6200 Oaktree Blvd. Independence, OH 44131	Centerior Energy Corp, et al.		
James P. Murphy, 485 Lexington Ave., 25th Floor New York, NY 10017	New York State Bankers Assn	1,800.00	479.00
John P. Murphy, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	900.00	273.00
Lester L. Murphy Jr., 5709 W. 21st St., P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc		
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	8,600.00	
Richard E. Murphy, 414 West Braddock Rd. Alexandria, VA 22302	Generic Pharmaceutical Industry Assn		
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		4,560.46
James E. Murray, One Farragut Square South Washington, DC 20006	Brown Wood Ivey Mitchell & Petty (For:National Assn of Small Business Investment Cos, et al.).		
Rosemary Griffin Murray, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	American Cyanamid Co	500.00	
Do	Bear Stearns & Co	500.00	
Do	Cleveland Cliffs Iron Co	250.00	
Do	Connecticut Mutual Life Insurance Co	500.00	
Do	Home Life Insurance Co	500.00	
Do	Industry Council for Tangible Assets	400.00	
Do	Iron Ore Assn	250.00	
Do	Lightning Location & Protection, Inc	625.00	
Do	LTV Corporation	450.00	
Do	National Business Aircraft Assn	500.00	
Do	National Council of Coal Lessors	300.00	
Do	New England Life Insurance Co	500.00	
Do	Pacific Mutual Life Insurance Co	500.00	
Do	Penn Mutual Life Insurance Co	500.00	
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	
Do	PHP Healthcare Corp	600.00	
Do	Shubert Organization, Inc	400.00	
Do	Swaziland Sugar Assn	400.00	
Lawrence P. Mutter, 6849 Old Dominion Dr. Mclean, VA 22102	Automotive Parts Rebuilders Assn		
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202			711.53
Fred J. Mutz, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,400.00	
Gary D. Myers, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	4,500.00	388.92
Hardy Myers, 1730 M Street, NW, #900 Washington, DC 20036	Stoel Rives Boley Jones & Grey (For:A-dec, Inc)	950.00	15.00
Timothy D. Naegele & Associates, 1850 K Street, NW, #1280 Washington, DC 20006	Baybanks, Inc		
Stephen M. Nagler, 20415 Nordhoff St., P.O. Box 2158 Chatsworth, CA 91311	Patlex Corporation		
John Francis Nash Jr., 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	2,900.00
Nash Railsback & Plesser, 1133 15th Street, NW, #1100 Washington, DC 20005	Direct Marketing Assn	1,750.00	
Do	Disclosure Information Group		
Do	Information Industry Assn	1,500.00	
Do	Journal of Commerce, Inc	7,000.00	10.00
Do	Monsanto Co	1,575.00	
Gary M. Nateman, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Frances E. Nathan, 455 Fifth Avenue New York, NY 10016	New York Public Library	5,896.23	
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	750.00	
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		7,849.60	7,849.60
National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036			
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		97,100.00	12,944.79
National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218		1,151.79	2,089.43
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		6,542.93	3,617.94
National Assn of Air Traffic Specialists, 4780 Corridor Pl., Suite B Beltsville, MD 20705			9,458.33
National Assn of Aircraft & Communications Suppliers, Inc, 23871 Madison Torrance, CA 90505			1,300.00
National Assn of Auto Fleet Buyers, Inc, 66 Bay 19th Street Brooklyn, NY 11214			
National Assn of Catalog Showroom Merchandisers, C/O Kelly, Eckhaus, Mohen 230 Park Ave. New York, NY 10169			1,201.00
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-049 Alexandria, VA 22313			315.05
National Assn of Energy Service Companies, 2330 M St., NW Washington, DC 20037			
National Assn of Federal Employees, 4101 NW 122nd Street, Suite D Oklahoma City, OK 73120			
National Assn of Federal Veterinarians, 1522 K St., NW, #836 Washington, DC 20005			74.86
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001		351,881.00	45,989.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			3,772.60
National Assn of Manufacturers, 1331 Pennsylvania Ave., NW, #1500 Washington, DC 20004-1703		125,675.50	125,675.50
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Mutual Insurance Cos, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		12,900.00	12,900.00
National Assn of Olympic Businesses, P.O. Box 3337 Idyllwild, CA 92349-3337		370.00	299.32

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
			1,739.37
National Assn of Real Estate Investment Trusts, Inc, 1101 17th St., NW, #700 Washington, DC 20036		3,250.00	2,580.00
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		67,000.00	
National Assn of Temporary Services, Inc, 119 South Saint Asaph Street Alexandria, VA 22314		7,500.00	7,500.00
National Assn of Trade & Technical Schools, 2251 Wisconsin Ave., NW Washington, DC 20007			
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			19,200.00
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102		128,711.00	33,102.00
National Beer Wholesalers' Assn, 5205 Leesburg Pike, #505 Falls Church, VA 22041		4,070.00	4,070.00
National Broiler Council, 1155 15th St., NW Washington, DC 20005			
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598		53,609.72	53,609.72
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036			7,000.00
National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155			
National Club Association, 1625 Eye St., NW, #609 Washington, DC 20006			
National Coalition of Fresh Potato Processors, c/o Collier Shannon Rill & Scott 1055 Thomas Jefferson St., NW Washington, DC 20007		5,637.44	4,000.00
National Comm of Cities & States for Airline Service, Transportation Bldg., #417 St. Paul, MN 55156		814,625.00	814,625.00
National Comm to Preserve Social Security, 2000 K Street, NW, 7th Floor Washington, DC 20006		884.50	6,309.89
National Comm Against Repressive Legislation, 236 Massachusetts Avenue, NE, #406 Washington, DC 20002		11,500.00	491.00
National Commercial Finance Assn, 225 W. 34th St. New York, NY 10001		27,500.00	14,226.00
National Cooperative Business Assn, 1401 New York Ave., NW, #100 Washington, DC 20005		45,431.06	45,431.06
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		12,466.07	17,033.14
National Council for Languages & Int'l Studies, 20 F Street, NW, 4th F. Washington, DC 20001		19,517.00	14,206.00
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		1,791.03	1,791.03
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		46,350.25	46,350.25
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403		4,450.00	4,450.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		51,013.75	51,013.75
National Foreign Trade Council, Inc, 100 East 42nd St. New York, NY 10017			115.00
National Grain & Feed Assn, 725 15th St., NW Washington, DC 20005		22,500.00	22,500.00
National Grange, 1616 H St., NW Washington, DC 20006		4,921.50	
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001			5,583.00
National Independent Automobile Dealers Assn, 600 E. Las Colinas Blvd., #314 Irving, TX 75039		14,000.00	12,683.23
National Industrial Transportation League, 1090 Vermont Ave., NW, #410 Washington, DC 20005			1,347.60
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016		900.00	900.00
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		5,338.85	5,338.85
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036			
National Peach Council, P.O. Box 1085 Martinsburg, WV 25401			
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091		300.00	
National Public Affairs Corp, 900 17th Street, NW Washington, DC 20006	Westinghouse Electric Corp	3,036.00	3,036.00
National Realty Committee, 1250 Connecticut Ave., NW, #303 Washington, DC 20036			18,619.27
National Retail Merchants Assn, 1000 Connecticut Avenue, NW Washington, DC 20036		7,352.62	7,352.62
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		10,975.73	18,105.40
National Rural Housing Coalition, 201 Massachusetts Ave., NE, C-8 Washington, DC 20002			5,042.00
National Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			
National Small Business Index, R.R. #1 Aitkin, MN 56431		12,500.00	10,350.00
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314			374.55
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036		8,750.00	
National Strategies & Marketing Group, 1919 Pennsylvania Ave., NW, #701 Washington, DC 20006	Alliance for Capital Access		265.23
Do	Joy Technologies		5,855.58
Do	Manor Care	5,000.00	23.77
Do	PGA Tour, Inc		552.68
Do	Triangle Industries		
Do	U.S. Sprint	8,080.00	2,001.94
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		7,581.00	7,581.00
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005			
National Turkey Federation, 11319 Sunset Hills Rd. Reston, VA 22090		12,000.00	12,000.00
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		9,000.00	
Landis M. Neal, 2000 K Street, NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	465.00	54.50
Karen J. Neale, 2501 M Street N.w. Washington, DC 20037	Chemical Manufacturers Assn, Inc	17,250.00	21.00
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights		
Jeffrey Nedelman, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	10,250.00	858.00
Jorge A. Negron, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	U.S. Hispanic Chamber of Commerce		
Laura C. Neal, 1101 Connecticut Avenue, NW, #405 Washington, DC 20036	Choate Filler & Nehl, P.C. (For:Association of Progressive Rental Organizations)	500.00	350.00
Stanley Nehmer, 1225 19th Street, NW, #210 Washington, DC 20036	Non-Ferrous Metals Producers Committee		500.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			21,773.66
Neill & Company, Inc, 900 17th St., NW, #400 Washington, DC 20006	Arab Republic of Egypt	5,000.00	
Do	Government of the Republic of El Salvador	55,000.00	5,827.54
Do	Hashemite Kingdom of Jordan	60,000.00	4,552.82
Do	Islamic Republic of Pakistan		2,899.97
Do	Kingdom of Morocco		1,978.05
Do	Republic of Kenya	1,000.00	
Neill Mullenholz & Shaw, 900 17th St., NW, #400 Washington, DC 20006	Florida East Coast Railway Co	4,000.00	170.00
Do	National Council Social Security Management Assns, Inc	1,500.00	
Do	National Farm & Power Equipment Dealers Assn	4,500.00	100.00
Do	PHH Group, Inc	5,000.00	295.00
Do	Senior Executives Assn	2,500.00	39.34
Do	Soo Line Corporation		
Do	TACA International Airlines	520.00	
Joshua E. Neiman, 815 16th St., NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept., AFL-CIO		
Carolyn B. Nelson, #2 Metroplex Dr., Suite 500 Birmingham, AL 35209	Metropolitan Properties, Inc	2,100.00	
E. Colette Nelson, 1004 Duke St. Alexandria, VA 22314	American Subcontractors Assn	27.50	
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co	5,925.00	49.09
Paul Gunnar Nelson, Hamilton & Hamilton 734 15th St., NW, 11th Floor Washington, DC 20005	Weyerhaeuser Company	7,789.95	329.60
Michael A. Nemeroff, 1720 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Borden, Inc)	4,000.00	106.00
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	5,000.00	
Mark Nestlen, 1616 H Street, NW Washington, DC 20006	National Grange	43,184.23	30,856.67
Network, 806 Rhode Island Ave., NE Washington, DC 20018		1,205.62	1,009.50
E. John Neumann, 1101 17th St., NW, #405 Washington, DC 20036	Baltimore Gas & Electric Co		
New York Comm of Intl Comm of Passenger Lines, 74 Trinity Place New York, NY 10006		60,000.00	88,947.00
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		500.00	25,515.60
Cynthia E. Newman, 400 North Washington Street Alexandria, VA 22314	Professional Insurance Agents		67.06
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste Management Group		
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation	15,821.15	2,140.66
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO		
Nissan Motor Corporation, U.S.A., 1919 Pennsylvania Avenue, NW, #707 Washington, DC 20006		2,299.00	42.40
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn, Inc		
Do	Bausch & Lomb	418.00	
Do	Thompson Medical Co	200.00	
Barbara Di Nocera, 955 L'enfant Plaza, SW, #905 Washington, DC 20024	Honda North America, Inc	1,500.00	771.06
A. Allan Noe, 655 - 15th St. NW, #975 Washington, DC 20005	Unilever United States, Inc	10,909.09	384.81
Walker F. Nolan, 1111 19th St., NW, 9th Fl. Washington, DC 20036	Edison Electric Institute	5,325.00	30.18
Julia J. Norrell, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance, Inc		
North American Export Grain Assn, Inc, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006			1,246.61
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			
Northern Telecom, Inc, 600 Maryland Avenue, SW, #605 Washington, DC 20024			
Edward W. Norton Jr., 1600 L St., NW, #812 Washington, DC 20036	Grand Canyon Trust	4,875.50	300.00
Mary Jane Norville, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business		
Nathan Note, Box 373 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
P. Michael Nugent, Suite 1300, North Tower 1331 Pennsylvania Ave., NW Washington, DC 20004	EDS Corporation	2,000.00	16,736.04
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	1,500.00	
Silas O. Nunn, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	12,499.98	1,515.82
Ralph D. Nurnberger, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm		
George O'Bea Jr., 815 16th Street, NW, #701 Washington, DC 20006	United Paperworkers International Union		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dinah K. O'Berry, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,000.00	131.12
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	9,450.00	23.00
Mary Eileen O'Brien, 1800 M St., NW, Suite 710 South Washington, DC 20036	Dow Corning Corp		
Michael P. O'Brien, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn	900.00	
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	2,000.00	50.00
Rosemary L. O'Brien, 2550 M St., NW, #640 Washington, DC 20037	CF Industries, Inc	500.00	87.88
Thomas H. O'Brien, 1201 East Abingdon Dr. #300 Alexandria, VA 22314	Harris Corporation	2,500.00	698.90
David S. O'Bryon, 7297 Lee Highway, Unit N Falls Church, VA 22042	American Textile Machinery Assn	400.00	
Shannon O'Chester, 122 C Street, NW, #800 Washington, DC 20001	Concerned Women for America		
Frank J. O'Connell, 148 South Maple Avenue Kingston, PA 18101	Pennsylvania Power & Light Co		
James J. O'Connell, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	92.50	260.58
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		200.00
Do	National Confectioners Assn of the U.S.		
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Westinghouse Electric Corp)		
William B. O'Connell, 111 East Wacker Dr. Chicago, IL 60601	U.S. League of Savings Institutions	25,375.00	1,739.00
Charles Albert O'Connor Jr., 200 N. Pickett Street, #810 Alexandria, VA 22304			
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	8.10
Patrick C. O'Connor, 1211 Connecticut Ave., NW, #302 Washington, DC 20036	American Supply Association	8,300.92	3,583.39
Do	American Warehousemen's Association		
Do	Movers' Round Table	2,185.62	961.40
Do	National Assn of Fleet Administrators	2,587.50	1,135.67
Do	Steel Tank Institute		
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Alliance for Capital Access		
Do	American Bus Assn	5,191.56	
Do	American Businesses for Int'l Trade	15,000.00	
Do	American Clinical Laboratory Assn	1,250.00	
Do	American Family Life Assurance Co	3,000.00	
Do	American Inst of Certified Public Accountants	593.00	
Do	American Maritime Transport, Inc		
Do	American Soc of Assn Executives	2,944.69	
Do	American Soc of Cataract & Refractive Surgery	7,375.00	
Do	American Trucking Assns, Inc		
Do	Arthur Andersen & Co	1,000.00	
Do	California Student Loan Finance Corp	1,882.96	
Do	Center for Environmental Education, Inc		
Do	ChemWaste Management, Inc	1,087.00	
Do	China External Trade Development Council	5,400.00	
Do	City of Minneapolis	1,500.00	
Do	Coca-Cola Company	30,000.00	
Do	Connaught Laboratories, Inc	10,170.50	
Do	Corcoran Mullins Jennison	500.00	
Do	CNA Insurance Co	2,118.73	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	Drexel Burnham Lambert, Inc		
Do	Eastern Michigan University	502.95	
Do	Electronic Data Systems Corp	1,000.00	
Do	Embassy of Bolivia	15,000.00	
Do	Government of Netherlands Antilles	75,400.00	
Do	Health Care Financing Study Group	1,000.00	
Do	Hennepin County	900.00	
Do	Historic Landmarks for Living		
Do	Independent Advertising Council		
Do	Independent Computer Consultants Assn	3,798.13	
Do	Investment Company Institute	5,000.00	
Do	Journal Newspapers		
Do	Kawasaki Kisen Kaisha, Ltd	11,138.00	
Do	Martin Marietta Corp	4,800.00	
Do	Mexican Cement Chamber	45,000.00	
Do	Miller & Schroeder Financial, Inc	3,000.00	
Do	Minnesota Mutual Life Insurance Co	26,000.00	
Do	Mitchell Sweet & Associates	2,250.00	
Do	National Apartment Assn		
Do	National Assn of Portable X-Ray Providers		
Do	National Assn of Private Enterprise of El Salvador	15,000.00	
Do	National Club Association		
Do	New York City Council	750.00	50.00
Do	Pacific Telesis Group	6,412.00	
Do	Philadelphia Stock Exchange		
Do	Primark Corporation	671.25	
Do	Prudential Insurance Co of America	948.00	
Do	Roberts & Shefelman	1,000.00	
Do	Joseph E. Seagram & Sons, Inc	2,137.77	
Do	Securities Industry Assn	5,395.00	
Do	SmithKline Beckman Corp	3,776.25	
Do	State of Alaska	6,650.00	
Do	State of West Virginia		
Do	United Illuminating Co	1,000.00	
Do	Westinghouse Electric Corp	1,500.00	
Grady O'Cummings III, 198 MacDougal Ct. Brooklyn, NY 11233	Gifford A. Finch		
Do	National Comm for Poor People		
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	1,200.00	
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	1,000.00	
J. Daniel O'Flaherty, 1625 K St., NW, #1090 Washington, DC 20006	National Foreign Trade Coucnil	5,000.00	400.00
Daniel J. O'Grady, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	3,215.94	71.10
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	305.70
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	125.00	
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Amax, Inc		
Do	City of Atlantic City	11,500.00	30.50
Do	Dulles Access Transit Corp	7,500.00	370.61
Do	Holden Group, Inc (Public Employer Benefits Council)	575.00	
Joseph O'Neil, 1600 M St., NW Washington, DC 20037	ITT Corporation	3,000.00	60.00
John Vincent O'Neill, 13411 Running Pump Ct. Herndon, VA 22071	Institute of Electrical & Electronics Engineers	2,344.00	608.00
Joseph P. O'Neill, 1616 H Street, NW Washington, DC 20006	American Retail Federation	2,200.00	119.50
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Allegheny County Commission		
Do	Bank of New England	400.00	
Do	Business Roundtable	375.00	
Do	BHC, Inc		
Do	Chris-Craft Industries, Inc		
Do	Connecticut Bank & Trust Corp		
Do	Cruise America Line, Inc		
Do	Glass Packing Institute		
Do	Massachusetts General Hospital	1,000.00	
Do	Massachusetts Hospital Assn	5,000.00	
Do	Milk Industry Foundation		
Do	National Assn of Jai-Alai Frontons, Inc		
Do	New England Deaconess Hospital	1,500.00	
Do	Northwestern Mutual Life		
Do	Retail Industry Trade Action Coalition		
Do	Sears Roebuck & Co	400.00	
Do	Texas Utilities Co		
Do	USX Corporation	2,100.00	
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Tobacco Institute	139.85	74.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
J. Denis O'Toole, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	8,500.00	
John E. O'Toole, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	750.00
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	4,471.53
Jana R. Oakley, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	750.00	
Harry R. Obley, One Mellon Bank Center Pittsburgh, PA 15258	Mellon Bank N.A., et al.	2,000.00	4,538.96
Kim M. Oboz, [illegible]020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc.	500.00	
Donald G. O[illegible], 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Ogilvy & Mather, 1901 L Street, NW Washington, DC 20036			
Muhammad [illegible] Oke, 2041 Pennsylvania Avenue Baltimore, MD 21217			
Philip M. Ola, [illegible]919 Pennsylvania Avenue, NW, #400 Washington, DC 20006	Steel Service Center Institute		
R. Teel Oliver, [illegible]615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc.	687.50	500.00
Gerald L. O[illegible], Pillsbury Center, MS 3771 Minneapolis, MN 55402	Pillsbury Company		560.00
Richard C. O[illegible], 6862 Elm Street, #510 McLean, VA 22101	Citibank, N.A.	9,600.00	
Do	DynCorp	1,584.00	9.00
Roy E. Olson, [illegible]60 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22304	Colorado Springs Chamber of Commerce	300.00	
Do	United Engineers & Constructors	300.00	
Clark Onstad, [illegible]201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp, et al.	1,500.00	1,168.85
Philip C. O[illegible], 500 West Putnam Avenue Greenwich, CT 06832	Control Data Corporation		200.00
Charles J. O[illegible], 1400 K Street, NW, #500 Washington, DC 20005	Handgun Control, Inc.	8,540.00	
Organ. for Protection & Advancement of Small Telephone Cos, 2301 M Street, NW, #530 Washington, DC 20037			
Elvira J. Orly, [illegible]050 Connecticut Ave., NW, #800 Washington, DC 20036	Allied-Signal, Inc.		
James L. O[illegible], 4th & Davis Streets P.O. Box 808 McMinnville, OR 97128	National Assn of Mutual Insurance Cos		
J. F. Otero, 8[illegible] 16th Street, NW Washington, DC 20006	Tranpsortation Communications Union	1,000.00	300.00
Kevin D. Ott, [illegible]331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	300.00	
Gene E. Over[illegible], 1101 17th Street, NW Washington, DC 20036	American Airlines, Inc.	2,125.00	457.13
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,375.00	783.15
Thomas J. O[illegible], P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	50,250.00	13,302.24
Do	Everett Mutual Savings Bank, et al.		
Do	Washington Physicians Service		1,463.95
William J. O[illegible], 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
R. Ray Paabo, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,000.00	
Allen Scott P[illegible], c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd, et al.		
Joel Packer, [illegible]01 16th Street, NW Washington, DC 20036	National Education Assn	2,722.70	37.50
Lee W. P[illegible], P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Gerald P[illegible], 1900 M Street, NW Washington, DC 20036	Touche Ross & Co (For:Restaurant Associates)		
Pagonis & D[illegible] Group, 1620 Eye St., NW, #202 Washington, DC 20006	Algoma Steel Corp, Ltd, et al.		
Do	Brown Boveri Corp	9,540.00	201.00
Do	Burroughs Wellcome Co	8,100.00	
Do	City of Pompano Beach	2,700.00	
Do	Dow Chemical USA	7,050.00	166.48
Do	Harrah's, Inc.		
Do	Holiday Corp	11,643.75	86.73
Do	Management Compensation Group	3,960.00	
Do	National Woolgrowers Assn	11,250.00	631.45
Do	Nord Resources Corp		
Geri Palast, [illegible]13 L St., NW Washington, DC 20015	Service Employees International Union, AFL-CIO, CLC	9,375.00	
Henry S. P[illegible], 201 N Washington St. Alexandria, VA 22134	Retired Officers Assn		
Benjamin L. P[illegible], 1629 K St., NW Washington, DC 20006	Atlantic Richfield Co	22,500.00	
Do	Business Executives for National Security, Inc.	3,000.00	
Do	European Community	19,800.00	
Palumbo & C[illegible], Inc, 1629 K St., NW Washington, DC 20006	American Soc of Composers Authors & Publishers	54,000.00	
Do	RJR Nabisco, Inc	21,000.00	
Do	Southern California Rapid Transit District	15,000.00	
Pan American Satellite Corp, Two Greenwich Plaza, #100 Greenwich, CT 06836			6,283.00
Peter J. Pan[illegible], 7900 Westpark Drive, A-320 Mclean, VA 22102	National Confectioners Assn of the U.S.		1,500.00
Marcia M. P[illegible], 1201 Pennsylvania Ave., NW, #250 Washington, DC 20004	CH2M Hill	750.00	
Paperboard Packaging Council, 1101 Vermont Ave., NW, #411 Washington, DC 20005			
G. Oliver P[illegible], N.J. Petroleum Council 170 W. State St. Trenton, NJ 08608	American Petroleum Institute		
Stephen J. P[illegible], 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Nancy L. P[illegible], 210 Little Falls Street Falls Church, VA 22046	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	10,769.22	725.00
Alan A. P[illegible], 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
David N. P[illegible], 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
John N. P[illegible], 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	375.00	
Kimberly C. P[illegible], 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	10,682.58	346.32
Tom V. P[illegible], c/o Arkansas Petroleum Council 460 Twin City Bank Bldg. North Little Rock, AR 72114	American Petroleum Institute		
Benjamin G. P[illegible] III, 1919 Pennsylvania Avenue, #300 Washington, DC 20006	National Forest Recreation Assn	750.00	
Do	National Inholders Assn	5,760.00	710.00
Carl M. P[illegible], 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	1,500.00	157.05
Ann M. P[illegible], 1015 15th St., NW, #1240 Washington, DC 20005	National Manufactured Housing Federation	100.00	
Kenneth O. P[illegible], 2638 Rivers Road Atlanta, GA 30305	Parris Group (For:HSN Redi-Med, Inc)		
Amber P[illegible], 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,300.00	650.00
Charles C. P[illegible], 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,312.50	
Jack P[illegible], 1014 Vine St. Cincinnati, OH 45201	Kroger Company	2,500.00	655.14
Richard E. P[illegible], 1015 15th St., NW, #402 Washington, DC 20005	National Pork Producers Council	2,000.00	9.00
DeLane P[illegible], c/o Dow, Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd		
Gary B. Pa[illegible]erson, Delaware Petroleum Council, P.O. Box 1429, Dover, DE	American Petroleum Institute		261.47
Jerry M. P[illegible]erson, 3200 Park Center Dr., #650 Costa Mesa, CA 92626	Burke Williams & Sorensen (For:City of Huntington Beach)	197.00	
Do	Burke Williams & Sorensen (For:City of Santa Ana)		
Richard M. P[illegible], 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical Co	500.00	4,925.00
Kenton H. P[illegible]ttie, 3150 Spring St. Fairfax, VA 22031	International Communications Industries Assn	4,069.00	160.83
David J. P[illegible]ison, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Patton Boggs & Blow, 2550 M St., NW, #800 Washington, DC 20037	Ad Hoc Group for 8(a) Reform	1,421.25	
Do	Aiwa America, Inc	8.17	
Do	Akai America, Ltd	12.87	
Do	Alexander & Baldwin, Inc	150.00	36.50
Do	American Congress on Surveying & Mapping		
Do	American Express Co		
Do	American International Automobile Dealers Assn	140.00	
Do	American Maritime Assn	260.00	
Do	Association of Professional Flight Attendants		
Do	Association of Trial Lawyers of America	7,000.00	300.00
Do	Atacra Trustees		
Do	ALTA Technology		
Do	Biogen		
Do	BATUS, Inc		
Do	Cadawalader Wickersham & Taft		
Do	Chelsea Property Owners		
Do	Chemfix Technologies, Inc	705.00	
Do	Chicago Board Options Exchange	75.00	2.50
Do	Chrysler Corporation		
Do	Coalition on State Use Taxes	6,000.00	
Do	Columbia Farm Credit District	2,111.25	
Do	Columbia, Inc	1.24	
Do	Computerland Corporation		
Do	Costa Rican Foreign Trade Committee	600.00	
Do	Council of Graduate Schools	825.00	40.00
Do	Crowley Maritime Corp		
Do	Cryolife, Inc	900.00	
Do	Dealer Action Association		
Do	Dole Fresh Fruit Co	360.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Dredging Industry Size Standards Committee (DISSC)	4,003.75	
Do	Duty Free Shoppers Group, Ltd	65.00	
Do	DOYON, Ltd	2,275.00	30.00
Do	Fiart Cantieri Italiani, S.P.A.	6,155.00	
Do	Fidelity Investors		
Do	Fishing Vessel Owners' Assn	330.00	
Do	Flint Industries		
Do	Freedom to Advertise Coalition	2,240.00	8.00
Do	Fuji Photo Film USA, Inc	27.97	
Do	Government of the Republic of the Marshall Islands	7,126.25	
Do	Great Western Financial Corp	825.00	40.00
Do	G. Heilman Brewing Co, Inc	350.00	
Do	Hitachi Sales Corp of America	372.49	
Do	Hobby Industry Assn		
Do	Hotel Dieu Hospital		
Do	Immune Response Corp	180.00	
Do	Incorporated Research Institute for Seismology		
Do	Institute of Scrap Iron & Steel, Inc		
Do	Kaiser Aluminum & Chemical Corp	4,700.00	
Do	Kenwood USA Corporation	8.17	
Do	Litton Industries, Inc		
Do	Loan America Financial Corp		
Do	Loop, Inc		
Do	Marathon Oil Co	2,100.00	
Do	Mars, Inc	75.00	
Do	Mass Mutual	2,310.00	210.00
Do	Matson Navigation Co		
Do	Matsushita Electric Corp of America	657.11	
Do	Maxell Corp of America	50.74	
Do	May Department Stores Co	2,955.00	219.25
Do	Metropolitan Life	990.00	120.00
Do	Minerals Marketing Corp of Zimbabwe	750.00	
Do	Mitsubishi Electric Sales of America, Inc	136.87	
Do	Mocatta Metals Corp		
Do	Mutual Benefit Life		
Do	Mutual Legislative Committee	3,300.00	
Do	MCI Telecommunications, Inc	720.00	
Do	Nakajima All Co, Ltd	65.00	
Do	Nakamichi USA Corp	7.18	
Do	National Assn for Foreign Student Affairs		
Do	National Assn of Life Underwriters	825.00	60.00
Do	National Assn of Retail Druggists	615.00	
Do	National Cable Television Assn, Inc	4,210.00	
Do	National Intergroup, Inc	1,498.75	
Do	National Marine Manufacturers Assn	10,620.00	354.00
Do	National Soft Drink Assn		
Do	Navajo Nation	525.00	39.50
Do	New Process Co		
Do	New York Life Insurance Co	2,430.00	60.00
Do	Newmont Mining Corp		
Do	Northwestern Mutual Life	660.00	
Do	NEC Electronics (USA) Inc	20.29	
Do	Onkyo USA Corp	4.46	
Do	Options Clearing Corp	250.00	
Do	OSG Bulk Ships, Inc	1,720.00	10.00
Do	OTASCO, Inc		
Do	Paine Webber, Inc	1,175.00	
Do	Pioneer Electronics (USA), Inc	11.14	
Do	Reader's Digest Assn, Inc		
Do	William G. Reed		
Do	Retail Industry Trade Action Coalition	665.00	
Do	Retail Tax Committee	1,100.00	10.00
Do	Rice Millers' Assn		
Do	Sansui Electronics Corp	11.63	
Do	Sanyo Electronics, Inc	320.02	
Do	Sharp Electronics Corp	200.72	
Do	Shell Oil Co		
Do	Smokeless Tobacco Council, Inc	1,450.00	8.00
Do	Sony Corp of America	203.94	
Do	Squibb Corporation		
Do	State of Louisiana, Department of Conservation		
Do	Sultantate of Oman	1,800.00	
Do	Teac Corp of America	9.90	
Do	Toshiba America, Inc	121.52	
Do	TDK USA Corp	62.87	
Do	U.S. Air, Inc	320.00	
Do	U.S.A. Coalition/Fishing Vessel Reflagging		
Do	Union Pacific Corp	1,100.00	
Do	Unitary Tax Campaign		
Do	US JVC Corporation	222.75	
Do	Yamaha Electronics Corp, USA	2.97	
Andrew R. Paul, 1875 Eye Street, NW, #940 Washington, DC 20006	Gulf & Western, Inc	5,500.00	137.90
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Amdahl Corporation	1,588.75	
Do	CalMat Company		
Do	GAF Corporation		
Do	Kawasaki Motors Corp, USA	660.00	
Do	Oglethorpe Power Corp		
Do	Security Life of Denver	1,955.00	
Do	Tobacco Institute	13,616.25	
Larry E. Paulick, 2111 Eisenhower Avenue Alexandria, VA 22314	National Spa & Pool Institute		
Nell Payne, 111 Massachusetts Ave., NW, 3rd Floor Washington, DC 20001	Turner Broadcasting System, Inc	1,625.00	
Richard A. Paysor, 1415 Elbridge Payne Rd., #135 St. Louis, MO 63017	First Capitol Associates - Gateway, Inc		
Marc A. Pearl, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action	15,000.00	150.00
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa	15,000.00	95.72
Humberto R. Pena, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co	500.00	
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,150.00	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			1,798.00
Pennwalt Corporation, Three Parkway Philadelphia, PA 19102			4,519.10
Gregory M. Pensabene, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	2,700.00	645.00
Pension Real Estate Assn, 1101 17th Street, NW, #700 Washington, DC 20036			
Barbara K. Pequet, 1311 Quincy St., NE Washington, DC 20017	American Soc for the Prevention of Cruelty to Animals		
Victor J. Perini Jr., 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation for Safety & Mobility		
James W. Perkins, 1 Beacon Street, Rm. 2200 Boston, MA 02108	National Assn of Bond Lawyers, et al.		
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Boeing Company		
Do	Burlington Northern, Inc		
Do	Cook Inlet Region, Inc		
Do	Kootznoowoo, Inc		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp of America		
Do	National Second Mortgage Assn		
Do	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))		
Perkinson & Associates, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Second Mortgage Assn		
Do	Save Home Equity Deductions (SHEO)		
Ernest Michael Perley, 112 St Clair Ave., W., #504 Toronto, Ontario M4v 2y3	Canadian Coalition on Acid Rain	610.69	156.05
Jeffry L. Perlman, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	134.71
Susan Perry, 1025 Connecticut Avenue, NW Washington, DC 20036	American Bus Assn	2,687.50	75.00
Mark Pertschuk, 2054 University Ave., #500 Berkeley, CA 94704	Americans for Nonsmokers' Rights	812.50	
Phillips S. Peter, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	300.00	
Robert Peters, 342 West 15th Street New York, NY 10011	Morality in Media, Inc	143.56	
Geoffrey G. Peterson, 1250 Eye St., NW, #900 Washington, DC 20004	Distilled Spirits Council of the U.S., Inc	2,000.00	
Kenneth W. Peterson, Kansas Petroleum Council 1414 Merchants Bank Tower Topeka, KS 66612	American Petroleum Institute	531.00	
Lars E. Peterson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	450.00	
Mary B. Peterson, 700 New Hampshire Ave., NW Washington, DC 20037	General Motors Corp	1,800.00	76.00
Mary Jo Peterson, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Sheryl L. Peterson, 1101 14th St, NW Washington, DC 20005	American Financial Services Assn	250.00	
Peterson Engberg & Peterson, 1730 M St., NW, #907 Washington, DC 20036	Federated Research Corp	25,800.00	1,062.46
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1110 Vermont Avenue, NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		200,000.00	19,228.47
Evelyn A. Petschek, 1730 Pennsylvania Ave., NW Washington, DC 20006	Patterson Belknap Webb & Tyler (For:Cultural Institutions Retirement Systems)		
Do	Patterson Belknap Webb & Tyler (For:Financial Institutions Retirement Fund)	18,940.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Annabelle Petys, 1500 10th Avenue, North, Apt. 3 St. Petersburg, FL 33705			27.84
Robert X. Peyton, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Steven J. Pfister, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	2,000.00	289.16
James R. Phalen, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	3,570.00	
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		29,454.45	29,454.45
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,577.25	70.25
Dennis J. Phelan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	3,750.00	100.00
Do	Pacific Seafood Processors Assn	7,500.00	506.00
Mary Frances Phelps, 1050 Connecticut Avenue, NW Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	6,800.00	6,261.86
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	American Petrofina, Inc	21,000.00	4,237.65
Michael O. Phillips, 1616 P St., NW Washington, DC 20036	Union of Concerned Scientists	5,600.00	
Deborah M. Phillips, 1155 21st Street, NW, 4th Fl. Washington, DC 20036	General Instrument Corporation		
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Janet K. Phillips, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	500.00	
Patricia Lynn Phillips, P.O. Box 10891 McLean, VA 22102	National Assn of State Agencies for Food Distribution	6,600.00	
William G. Phillips, 417 Sixth Street, SE Washington, DC 20003	Association of Univ Environmental Health Science Centers	6,000.00	902.83
Do	Association of Univ Programs & Occupational Health & Safety	11,050.00	1,208.03
Do	Metal Trades Department, AFL-CIO	2,375.00	621.65
Phillips Nizer Benjamin Krim & Ballon, 40 West 57th St., New York, NY 10019	Riverbay Corp	2,481.00	40.00
Paul J. Phoenix, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	1,750.00	773.37
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	375.98	243.15
Theodore W. Pierce, 1300 North 17th St., #300 Arlington, VA 22209-3899	ADAPSO, the Computer Software & Services Industry Assn		
Wayne Pierce, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	29,575.00	60.00
Stuart F. Pierson, Verner, Liipfert, Bernhard, & Mcpherson 1660 L St., NW, #1100 Washington, DC 20036	LTV Corporation, et al		
Pierson Ball & Dowd, 1200 18th St., NW, #1000 Washington, DC 20036	Dun & Bradstreet Corp		
Do	El Pomar		
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		75.49
Do	Oklahoma Natural Gas Company		
Do	Six Flags Corporation		
Susan G. Pikrallidas, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
John H. Pitcher, 1331 Pennsylvania Ave.,NW, #1500 Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	D. L. Berger Associates, Inc	1,754.00	25.00
Do	Grocery Manufacturers of America, Inc		
Do	Pfizer, Inc		
Do	Temis Ramires de Arellano	1,410.00	15.00
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,215.00	
Nancy Pinson-Millburn, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development		
Robert Pipkin Jr., Pearson & Pipkin, Inc 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Virginia L. Pitcher, 2000 L St., NW, #200 Washington, DC 20036	American College of Emergency Physicians	4,261.00	20.00
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Plaintiff Employment Lawyers Assn, 911 Mercantile Library Bldg. 414 Walnut Street Cincinnati, OH 45202			
Reuben C. Plantico, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	4,475.00	1,027.16
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
Ronald L. Plesser, 1133 15th St., NW, #1100 Washington, DC 20005	Direct Marketing Assn	1,750.00	
Do	Disclosure Information Group		
Do	Information Industry Assn	1,500.00	
Do	Journal of Commerce, Inc	7,000.00	10.00
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	991.86	12.00
John A. Poindexter, 3805 West Alabama Houston, TX 77027	Columbia Gulf Transmission Co		
Michele Pollak, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	537.40	343.24
Alfred M. Pollard, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific National Bank	2,360.00	275.00
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Meadows Recovery Center		
Richard Popkin, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Swidler & Berlin (For:Majestic Shipping Services Corp)		4,572.50
Edward T. Porcaro, 1615 L Street, NW, #1210 Washington, DC 20036	Metropolitan Life & Affiliated Cos	1,000.00	
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			
Portable Power Equipment, 4720 Montgomery Lane, #514 Bethesda, MD 20814		5,300.00	5,300.00
Porter Wright Morris & Arthur, 41 South High Street Columbus, OH 43215	Coalition for Environmental Energy Balance	59,752.50	2,610.60
Potomac Advisory Group, 126 S. Washington Street, Alexandria, VA 22320			
Joseph L. Powell Jr., 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Council on Education	1,926.00	
Do	Bayley Seton Hospital		
Do	Belz Investment Co	390.00	
Do	Chase Manhattan Bank, N.A.		
Do	Committee for Competitive Marketing		
Do	Council of State Housing Agencies	180.00	
Do	Hayes Microcomputer Product, Inc	1,433.00	
Do	Massachusetts Housing Finance Agency		
Do	National Development Service Corp	361.00	
Do	National Investment Development Corp		
Do	National Multi Housing Council		
Do	Societe Generale de Surveillance, S.A.		
Do	Starrett Housing Corp		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	1,259.53
Frederick W. Powers III, 223 Perimeter Center Parkway P.O. Box 89000 Atlanta, GA 30338	Siemens Energy & Automation, Inc		
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Dollar Bank, Federal Savings Bank		1.00
Do	John Hancock Mutual Life Insurance Co	16,128.75	2,678.72
David J. Pratt, 1130 Connecticut Ave., NW, #100 Washington, DC 20036	American Insurance Assn	550.00	130.00
Robert L. Pratt, 125 Second Avenue Waltham, MA 02254	Thermo Electron Corporation	4,800.00	1,241.00
Richard M. Prendergast, 1020 19th St., NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	Alaska Loggers Assn		
Do	American Nuclear Insurers	250.00	
Do	American President Lines	5,555.00	
Do	Bay Tankers Inc		
Do	Bellingham Cold Storage		
Do	Boeing Company		
Do	Calista Corp		
Do	Council on Research & Technology	1,050.00	
Do	COMPACT		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Data General Corp	495.00	
Do	Design Professionals Coalition		
Do	Dragnet Fisheries, Inc		
Do	Intelsat		
Do	Kellogg Company	135.00	
Do	Marine Management, Inc		
Do	Martin Marietta Corp		
Do	McDonnell Douglas Corp		
Do	Moore McCormack Resources, Inc		
Do	Mutual Atomic Energy Liability Underwriters		
Do	National Council on Compensation Insurance	787.50	
Do	Port of Seattle		
Do	Professional Services Council		
Do	Seaboard Pacific Co	1,299.66	
Do	South Dakota Dept of Transportation		
Do	Sunmar Shipping, Inc	1,072.00	
Do	Transportation Institute	812.50	
Do	Tri-City Industrial Development Council	120.00	
Do	University of Michigan Hospitals	135.00	
Do	University of Washington		
Do	Waste Management, Inc	135.00	
James M. Price, 730 Polk Street San Francisco, CA 94109	Sierra Club		
Robert V. Price, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036	Browning-Ferris Industries, Inc	4,500.00	550.00
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Investment Company Institute	556.00	
Do	Toyota Motor Manufacturing, USA, Inc		
Patricia Pride, 1129 20th St., NW Washington, DC 20036	Financial Accounting Foundation	350.00	37.14
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	215.42
Pro-Life CDAC 12, P.O. Box 7145 Menlo Park, CA 94025			
Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Procompetitive Rail Steering Committee, 2310 Grant Building Pittsburgh, PA 15219		20,200.00	57,958.51
Stuart E. Proctor Jr., 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	1,250.00	641.11
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Proprietary Association, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			3,793.75
Prudential-Bache Securities, Inc, 100 Gold St. New York, NY 10292			750.00
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	210.00	
Public Citizen Health Research Group, 2000 P St., NW, #700 Washington, DC 20036		13.00	14.99
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036			16,100.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		57,344.60	23,248.07
Public Employer Benefits Council, 555 13th Street, NW #500-W Washington, DC 20004			
Public Timber Purchasers Group, 610 SW. Broadway, #608 Portland, OR 97205		47,557.13	2,794.58
Theresa Pugh, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Philip N. Pulizzi Jr., 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	95.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	1,000.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	2,400.00	533.05
Do	Florida Progress Corp	600.00	59.23
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Howard Pyle III, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Lighting & Power Company	4,200.00	
Robert N. Pyle & Associates, 3222 N Street, NW, #32 Washington, DC 20007	Ceramatec, Inc	2,750.00	75.00
Do	Elkem Metals Company	4,250.00	84.00
Do	Independent Bakers Assn	3,000.00	600.00
Do	Stratcor	6,000.00	110.00
Do	Welch Foods, Inc	3,750.00	65.00
John R. Quarles Jr., Morgan Lewis & Bockius 1800 M St., NW Washington, DC 20036	National Environmental Development Assn		
William A. Quinlan, 3045 Riva Rd. Riva, MD 21140	National Candy Wholesalers Assn, Inc		
Do	Retail Bakers of America		
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,000.00	56.71
George Gregory Raab, 2000 L Street, NW Washington, DC 20036	Medtronic, Inc		
Mark J. Raabe, 1615 L St., NW, #1320 Washington, DC 20036	Merck & Co, Inc	500.00	300.00
Theresa Rabel, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,575.00	658.72
Clifford Raber, One McDonald's Plaza Oak Brook, IL 60521	McDonald's Corp		
Steve Rabin, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Washington Public Utility Districts Assn	2,320.00	
Radin & Associates, Inc, 1200 New Hampshire Ave., NW Washington, DC 20036	Arnold & Porter		
Michael Rae, 2030 M St., NW Washington, DC 20036	Common Cause	5,140.02	54.60
Tess A. Rae, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Tanya A. Rahall, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans	7,750.02	71.50
Roderic W. Rahe Jr., 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Richard W. Rahn, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	76.00	42.00
Thomas F. Railsback, 1133 15th St., NW, #1100 Washington, DC 20005	London Harness Co	2,295.00	
Do	Walt Disney Productions	2,534.50	
Railway Labor Executives' Assn, 400 First St., NW, #804 Washington, DC 20001		105,600.00	205,713.61
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Rainbow Lobby, 236 Massachusetts Avenue, NE, #409 Washington, DC 20002		88,128.29	161,348.27
Elizabeth L. Raisbeck, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	13,500.00	405.64
Kathleen Marie Ramsey, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	722.50
Robert A. Rapoza Associates, 201 Massachusetts Ave., NE, # C-8 Washington, DC 20002	National Rural Housing Coalition	10,840.40	
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	3,626.98
Magda Ratajski, One Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
Billye Lynn Ratliff, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co	500.00	
John W. Rauber Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	350.00	131.30
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	2,075.00	
Bruce A. Ray, Bruce Ray & Company 420 C Street, NE Washington, DC 20002	R.H. Pines Corp	100.00	38.27
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,379.00	834.00
Richard J. Razook, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131	Thomson Zeder Bohrer Werth & Razook (For:Burger King Corp)	228.00	
Julian O. Read, 1005 Congress Avenue, #500 Austin, TX 78701	Central & South West Corp		
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		13,000.00	16,500.00
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Robert E Redding, 7315 Wisconsin Ave., #325 E Bethesda, MD 20814	Shippers National Freight Claim Council		
Donald L. Redfoot, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	328.85	67.87
Jo Reed, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	605.77	
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	17.50
J. Mitchell Reese, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	400.00	50.00
Robert S. Reese Jr., 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
William O. Reese, P.O. Box 899 Salt Lake City, UT 84110	Utah Power & Light Co		
Benjamin F. Reeves, 1100 17th Street, NW Washington, DC 20036	Burley & Dark Leaf Tobacco Export Assn	1,000.00	
J. Ronald Reeves, Washington National Airport Washington, DC 20001	U.S. Air, Inc	2,000.00	193.75
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Glass Works	3,000.00	1,335.00
John T. Reggitts Jr., 95 Booton Ave. P.O. Box 470 Boonton, NJ 07005			
John Regnier, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
David K. Rehr, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	550.00
Kenneth A. Reich, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Northeast Solvents Reclamation Corp	3,724.50	25.14
Reichler & Appelbaum, 1701 K Street, NW, #700 Washington, DC 20006	Republic of Guatemala	8,000.00	2,190.09
Do	Republic of Nicaragua	6,000.00	
Do	United Coconut Assn of the Philippines	6,500.00	1,294.90
Charlotte Reid, 2466 Chatham Road Aurora, IL 60506	Motorola, Inc		
Michael Reid, 1925 K Street, NW, #206 Washington, DC 20006	Alliance to Save Energy		
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,559.29	312.59
Reid & Priest, 1111 19th St., NW, #1100 Washington, DC 20036	City of Philadelphia	9,196.00	823.11
Do	Committee of Corporate Telecommunications Users		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CIAC Group		
Do	Edison Electric Institute	406.00	15.00
Do	Pennsylvania Shipbuilding Co	19,975.00	626.67
Do	Rhode Island, Inc		
Do	SPD Technologies	3,477.50	12.17
Reinsurance Assn of America, 1819 L St., NW, 7th Floor Washington, DC 20036			
Religious Coalition for Abortion Rights, Inc, 100 Maryland Avenue, N.e. Washington, DC 20002		115,762.59	18,209.18
John W. Rendon Jr., 1439 Rhode Island Ave., NW Washington, DC 20005	EXPEX, Inc	500.00	101.60
Do	Caplial Services of Washington, Inc (For:Massachusetts Biotechnology Council, Inc)	500.00	39.00
Richard Rendon, 1439 Rhode Island Ave., NW Washington, DC 20005	Capitol Services of Washington, Inc (For:Massachusetts Biotechnology, Inc)	500.00	
Rendon Company, 1439 Rhode Island Ave., NW Washington, DC 20009	EXPEX, Inc	2,000.00	801.74
Diane Rennert, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers	12,900.00	690.60
Resources Fund, Inc, 1535 P Street, NW Washington, DC 20005			25,000.00
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		76,569.80	50,456.80
John N. Reus, 74 Trinity Place New York, NY 10006	New York Comm of Intl Comm of Passenger Lines		
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	18,870.23	125.60
Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Proprietary Association	3,643.75	150.00
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,500.00	
Renee Reymond, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Mary Anne Reynolds, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Frederick W. Rhodes, 1828 L Street, NW Washington, DC 20036	Loral Systems Group	4,250.00	
Laura K. Rhodes, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	3,000.00	
Lois D. Rice, 1201 Pennsylvania Avneue, NW, #370 Washington, DC 20004	Control Data Corporation	120.00	75.23
Rice Genocide Research, 3046 Roosevelt Street Detroit, MI 48216			232.38
James E. Rich Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	2,500.00	
John C. Richardson, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:Underwriters at Lloyd's London)		
K. O. Richardson, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	3,000.00	180.00
Warren S. Richardson, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	
Wesley S. Richardson, P.O. Box #65 Washington Grove, MD 20880	Washington Lobby Group, Inc (For:Preston Corp)	1,500.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,213.00	
Larry D. Richards, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,400.00	61.00
Glenn Wadsworth Riddell, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd, et al		
Christine R. Riddough, 114 15th St., NE Washington, DC 20002	National Assn of Gay & Lesbian Democratic Club	2,100.00	
Judy Noel Riddle, 6630 West Broad Street Richmond, VA 23230	Lawyers Title Insurance Co		
Mary Catherine Riddle, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	100.00	30.00
Lowell J. Ridgway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	693.00	
E. George Riedel, 1600 M Street, NW Washington, DC 20036	International Telephone & Telegraph Corporation	3,080.00	70.00
Siert F. Riepma, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	13,503.00	361.70
Riggle Keating & Craven, 205 West Wacker Dr., #2022 Chicago, IL 60606	Gillette Industries, Inc		126.00
P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	1,250.00	
John F. Ring, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters		
Dale P. Riordan, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn		
Kevin J. Riordan, 1700 K St., NW, #1204 Washington, DC 20006	Chevron USA, Inc	155.00	70.00
John S. Ripley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	1,462.50	40.00
Carol A. Risher, 2005 Massachusetts Ave., NW Washington, DC 20036	Association of American Publishers	2,000.00	
Jeanne M. Ritchie, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
James E. Ritchie & Associates, 499 S. Capitol St., SW, #400 Washington, DC 20003	Gaming Industry Assn of Nevada, Inc	3,200.00	3,394.98
Do	Golden Nugget, Inc		
Do	National Assn of Off-Track Betting	1,900.00	4,993.91
Do	National Assn of Optometrists & Opticians, Inc	19,800.00	7,188.41
Do	Nevada Resort Assn	4,800.00	5,092.50
Leslie Sue Ritts, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	National Environmental Development Assn		
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	2,400.00	
Phillip W. Rivers, 1050 17th St., NW #500 Washington, DC 20036	Texaco, Inc		
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Ad Hoc Ethanol Committee	14,037.50	30.00
Do	Akin Gump... (Drexel Burnham Lambert, Inc)	2,556.25	22.00
Do	American Bakers Assn	7,607.50	20.00
Do	ALC Communications Corp	2,002.50	110.00
Do	Borg-Warner Corp	5,056.78	115.00
Do	Business Coalition for RICO Reform	1,630.00	222.34
Do	Chemical Bank		
Do	City of South Bend	1,517.50	31.70
Do	Emmis Broadcasting		
Do	Energy Contractors Price-Anderson Group	12,432.50	50.00
Do	Gunnar Dana Associates		
Do	Lever Brothers Co, Inc	181.88	105.00
Do	National Basketball Assn	5,000.00	20.00
Do	National Soft Drink Assn	1,811.50	110.00
Do	New Energy Co of Indiana	1,400.00	5.00
Do	Primerica		
Do	Renewable Fuels Assn	187.50	575.00
Do	Tiffany & Co		
Carole T. Roberts, 1660 L St., NW, #1000 Washington, DC 20036	Travelers Companies	1,587.50	
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		1,095.56
Richard R. Roberts, 304 Pennsylvania Ave., SE, #300 Washington, DC 20003	American Council of Highway Advertisers	1,500.00	1,531.78
Richard W. Roberts, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	10,000.00	1,684.75
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	TKC International, Inc (For:Coalition to Extend Safe Harbor Leasing for Mass Transit)	2,000.00	
Do	Keefe Company (For:Tres Grande Vitesse (TGV-USA, Inc))	2,000.00	
Do	Keefe Company (For:University of Miami)	600.00	
Gordon C. Robertson, 444 North Capitol St., NW, #534 Washington, DC 20001	International Assn of Fish & Wildlife Agencies	9,417.12	200.54
Robins Zelle Larson & Kaplan, 1627 Eye St., NW, #610 Washington, DC 20006	Cabot Corporation	9,606.25	204.23
Betty S. Robinson, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	14,923.19	107.00
Ernestine [illegible] Robinson, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Kenneth L. Robinson, 1111 N. 19th Street, #700 Arlington, VA 22209	National Assn of Federal Credit Unions		
Thomas E. Robinson, 1101 17th St., NW, #700 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc	900.00	
Do	Pension Real Estate Assn		
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20007	Vietnam Women's Memorial Project, Inc	5,000.00	
Robison International, Inc, 2300 N St., NW, #600 Washington, DC 20037	Euromissile	10,500.00	7,676.00
Do	FMC Corporation	4,500.00	5,078.00
Do	McDonnell Douglas Corp	7,500.00	5,483.00
Do	Royal Ordnance, Inc	12,000.00	8,772.00
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al	1,250.00	3,144.00
Michael F. Rodgers, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	134.80	7.00
Quincy Rodgers, 1155 21st Street, NW, #400 Washington, DC 20036	General Instrument Corporation	2,000.00	84.66
Donald L. Rogers, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	3,025.00	
Gardiner Rogers, 105 Forrest Avenue, Suite 7 Narberth, PA 19072	Liberty Lobby, Inc	448.00	61.39
Joe O. Rogers, 1815 H St., NW, #600 Washington, DC 20006	Rogers International, Inc (For:China External Trade Development Council)	12,500.00	150.00
Nancy Rogers, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	6,562.50	346.43
Rogers & Wells, 200 Park Avenue New York, NY 10166	Adamar of New Jersey, Inc, et al		
Do	American Express Co		542.32
Do	Liz Claiborne, Inc		
Do	Compagnie Financiere de Paribas		
Do	Desert Palace, Inc		
Do	Dreyfus Corporation	5,000.00	674.50
Do	Grocery Manufacturers of America, Inc		
Do	Indal, Ltd		
Do	Internoor Trade, Inc		
Do	Investment Partnership Assn		529.50
Do	Kamehameha Schools/Bernice P. Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Beverage Importers		207.00
Do	Pan American World Airways, Inc		
Do	Pan American World Services, Inc		
Do	Republic National Bank		
Do	Rutgers, The State University of New Jersey		
Do	Teachers Insurance & Annuity Assn/College Ret. Equities Fund		
Do	Walker Telecommunications Corp	3,500.00	440.50
Do	Wine & Spirits Wholesalers of America, Inc		200.00
Do	Wordperfect Corp		464.26
Carole M. Rogin, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
Lori S. Rogovin, 5999 Stevenson Avenue Alexandria, VA 22314	American Assn for Counseling & Development	6,477.00	
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	32,250.00	243.90
Stephen F. Rohrkemper, 150 S. Washington St., #100 Falls Church, VA 22046	International Technical Expertise Ltd		
Jack Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
John F. Rolph III, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Citibank, N.A.	1,500.00	
Kenneth S. Rolston Jr, 1025 Vermont Ave., NW, #1020 Washington, DC 20005	American Pulpwood Assn		
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn	55.00	460.89
Joseph D. Romer, 304 N. Virginia Avenue Falls Church, VA 22046	Brown Bridgman & Company	2,665.00	87.60
Wilfred J. Romero, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Michael J. Romig, 1001 Pennsylvania Avenue Washington. DC 20004	American Council of Life Insurance, Inc	2,500.00	
Fred B. Rooney, 1050 Connecticut Ave., NW, 12th Fl. Washington, DC 20036	American Iron & Steel Institute	2,250.00	
Do	Association of American Railroads	2,350.00	
Do	CalMat Company	2,150.00	
Do	Crawford Fitting Co	2,150.00	
Do	Lone Star Industries, Inc	2,150.00	
James Roosevelt, 201 East Sand Point, #250 Santa Ana, CA 92715	National Committee to Preserve Social Security	15,000.00	
John C. Roots, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Atlantic Richfield Co	584.91	
Ropes & Gray, 1001 22nd St., NW, #700 Washington, DC 20037	Amherst College, et al		
Do	Digital Equipment Corp		
Do	Reebok International Ltd		
Rose Communications, Inc, 1660 L St., NW, #809 Washington, DC 20036	Johnson Matthey Inc		5,338.12
Rose Schmidt Hasley & DiSalle, 1250 24th Street, NW, #630 Washington, DC 20037	Cigar Assn of America, Inc		
Do	Equimark Corporation		
Do	Joy Technologies		
Do	Social Security Protection Bureau	1,500.00	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	8,000.00	
Albert B. Rosenbaum III, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Richard Rosenbaum, 666 Third Ave., 4th Fl. New York, NY 10017	Integrated Resources, Inc		
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	1,150.16	
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Progran, Inc		
Joe Ross, P.O. Box 1582 Little Rock, AR 72203-1582			
Lawrence J. Ross, Ross & Duerk, P.C. 1700 K Street, NW, #1100 Washington, DC 20006			
Nancy Ross, 236 Mass. Ave., NE Washington, DC 20001	Rainbow Alliance	4,225.00	422.70
Phillip T. Ross, 198 Macdougal Street, #3L Brooklyn, NY 11233	Grady O'Cummings and O'Cummings		
William F. Ross, South Carolina Petroleum Council 716 Keenan Bldg. Columbia, SC 29201	American Petroleum Institute	438.00	980.68
Ross & Hardies, 1090 Vermont Ave., NW, #540 Washington, DC 20005	Intertek Services International, Ltd	8,769.00	
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,120.00	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Barry N. Roth, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	500.00	
Rhond Rudolph Roth, 813 Maryland Avenue, NE Washington, DC 20002			
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,211.54	
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	132.00	1,018.00
Emily B. Rothrock, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,000.00	
Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen/Labor Energy Coalition	1,500.00	
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.50	450.00
Brigette M. Rouson, Box 17407 Dulles Airport Washington, DC 20041	American Newpaper Publishers Assn	800.00	21.00
Eugene F. Rowan, 2550 M Street, NW Washington, DC 20037	National Assn of Chain Drug Stores, Inc	131.25	
Do	Revco D.S., Inc	262.50	
Rowan & Blewitt, Inc, 1000 Vermont Ave., NW Washington, DC 20005	Velsicol Chemical Corp		
Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	450.00	262.01
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202	Medical Identification Card		
Tobi Z. Rozen, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Eugene T. Ruane, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Joseph T. Ruble, 1300 North 17th Street, #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Barbara A. Rudolph, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209	Beverly Enterprises, Inc	3,375.00	75.00
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Nicholas L. Ruggiere, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	900.00
Ronald R. Rumbaugh, 5205 Leesburgh Pike, #505 Falls Church, VA 22041	National Beer Wholesalers of America	210.00	25.00
John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209	Printing Industries of America, Inc	1,000.00	
Domenic R. Ruscio, 317 Massachusetts Ave., NW, 1st Floor Washington, DC 20002			
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		40.00
Dorothea L. Russell, 1120 Vermont Avenue, NW, #1120 Washington, DC 20005	National Candy Wholesalers Assn, Inc		
James A. Russell, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	2,100.00	49.48
Randall M. Russell, 517 C Street, NE Washington, DC 20002-5809	Lesher and Associates, Inc		
William Russell & Associates, Inc, 1775 Pennsylvania Ave., NW, #450 Washington, DC 20006	Columbia Communications Corp		
Do	Pacific Telecom, Inc		
Herman Max Ruth 71990-158, P.O. Box 1000 Otisville, NY 10963	Herman Max Ruth		
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American Assn of Bioanalysts/Intl Soc of Clinical Lab Techs		635.10
Do	American College of Radiology		811.20
Do	American Optometric Assn		530.10
Frank T. Ryan, 1400 K Street, NW Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
Joseph Ryan, 1155 21st., NW, 4th Fl Washington, DC 20036	General Instrument Corporation		
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Thomas L. Ryan, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA		
John Ryan Associates, 8447 Portland Place McLean, VA 22102	MPB Corp	1,450.00	117.10
Kermit W. Ryman, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc		
RADAR, 4949 S 25A Tipp City, OH 45371		269,000.00	9,005.00
RBC Associates, 324 Fourth Street, NE Washington, DC 20002	Ann Arbor Railroad	5,000.00	5,286.50
Do	Chicago & North Western Transportation Corp	42,000.00	6,639.78
Do	Delaware Otsego System	18,000.00	5,469.69
Do	Genesee & Wyoming Corp	750.00	5,286.50
Do	Regional Railroads of America		5,286.48
RJR Nabisco, Inc, 1100 Reynolds Blvd. Winston-Salem, NC 27106			20,252.86
G. J. Thomas Sadler Jr., 3521 Valley Drive Alexandria, VA 22302	Communications Satellite Corp	1,500.00	344.38
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	1,625.00	339.59
Anthony J. Saggese Jr., 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Frank Max Salinger, 1101 14th St., NW, 4th Floor Washington, DC 20005	American Financial Services Assn	250.00	
James H. Sammons, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	2,500.00	
Sammons Enterprises, Inc, 403 South Akard Dallas, TX 75202			
Brenda Seymore Sanders, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
James C. Sanders, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute	50.00	
Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005	American Soc of Assn Executives	3,581.27	555.26
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Myron G. Sandifer III, 1489 Chain Bridge Road, #200 McLean, VA 22101	Jack McDonald Co (For:Belz Enterprises)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1725 Eye St., NW, #315 Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	300.00	

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert W. Santy, 1900 M Street, NW Washington, DC 20036	Touche Ross & Co (For:Money Store Investment Co)		
Do	Touche Ross & Co (For:Restaurant Associates)		
Do	Touche Ross & Co (For:Schnuck Markets, Inc)		
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20007	California Assn of Sanitation Agencies	1,000.00	1,021.45
Do	Cure Corp		229.10
Do	Las Virgenes Municipal Water District	581.25	9.30
Do	Victor Valley Wastewater Reclamation Authority		
Do	Western Research Institute	1,767.50	656.26
Ronald A. Sarasin, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	56.95
Mary Jane Saunders, 1300 N. 17th Street, #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Save Our Schools, 777 14th St., NW, #747 Washington, DC 20005		349,150.83	18,987.55
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Thomas C. Sawyer, 1825 K Street, NW Washington, DC 20006	National Broadcasting Co, Inc	5,000.00	3,534.81
Laurie S. Schaffer, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	600.00	155.00
Schagrin Associates, 1112 16th St., NW, #200 Washington, DC 20036	Committee on Pipe & Tube Imports	13,205.62	69.69
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	13,763.94	
William T. Schapaugh, 1030 15th Street, NW Washington, DC 20005	American Seed Trade Assn	5,000.00	
C. M. Schauerte, P.O. Box 3247 Houston, TX 77253	American General Corporation		
Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876	Hoechst Celanese Corporation		
Schell & Co Inc, 1776 K Street, NW, #700 Washington, DC 20006	Fuller Co		
Do	GATX Corp		
Michael T. Schilling, 1000 Wilson Blvd. Arlington, VA 22209	TRW, Inc	540.00	
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	61.90
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	National Assn of Trade & Technical Schools	1,250.00	
Arthur C. Schmitt, 3705 S. George Mason Drive, Apt. 301 So. Falls Church, VA 22041	Oxford Group, Limited		
Schnader Harrison Segal & Lewis, Suite 1000 1111 19th St., NW Washington, DC 20036	Savin Corporation		
Do	Toyota Motor Corporation	1,006.50	73.30
Theresa A. Schneider, 1120 19th Street, NW, #310 Washington, DC 20036-3605	Institute of Makers of Explosives		
Abraham Schneier, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	400.00
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Paul Schuettemeier, 900 17th St., NW, #526 Washington, DC 20006	Northwest Airlines, Inc	1,000.00	8,926.70
Carl J. Schramm, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jack J. Schramm, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	722.50
Leah Webb Schroeder, 1030 15th Street, NW, #100 Washington, DC 20005	Health Industry Manufacturers Assn		
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	160.00	
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	627.31	562.03
Amy J. Schultz, 317 Third St., SE, #22 Washington, DC 20003	Robert A. Rapoza Associates (For:National Rural Health Assn)	5,833.32	
Mark Schultz, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	5,000.00	
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	12,854.40	345.15
Robert L. Schultz, c/o Iowa Petroleum Council 1012 Fleming Bldg. Des Moines, IA 50309	American Petroleum Institute		
Ralph D. Schumack, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp		35.50
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	10,800.00	108.31
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	11,000.00	
Steve Aaron Schwartz, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	2,455.00	
Michael Sciaffa, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	12,000.00	
Harold B. Scoggins, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	7,423.00	
Gregory R. Scott, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	791.25	245.00
James L. Scott, 1919 Pennsylvania Ave., NW, #703 Washington, DC 20006	American Healthcare Institute	11,125.00	268.38
John Haven Scott, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	238.30
Scribner Hall & Thompson, 1850 K St., NW, #1100 Washington, DC 20006	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Enterprises, Inc		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Scrivens Gladstone & Co, 5857 S. Gessner, #287 Houston, TX 77036			
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	11,633.73	
Seabed Assn, 3408 Bonnie Road Austin, TX 78703		1,521.35	5,123.37
Earl W. Sears, P.O. Box 12285 Memphis, TN 38112	National Cotton Council of America	1,425.00	20.59
Law Offices of John Sears, 818 Connecticut Avenue, NW Washington, DC 20006	Embassy of the Republic of South Africa	15,000.00	402.82
Do	Honda Motor Co		34.00
Pamela Sederholm, 1875 Eye St., NW, #1200 Washington, DC 20006	Southland Corporation		
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	2,650.00	
Ruth L. Segal, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Vern Clark & Associates	650.00	219.00
George H. Seidel Jr., Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute	750.00	417.64
Marissa Selchow, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	15,000.00	1,562.18
Stanton P. Sender, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	5,200.00	591.05
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	4,781.00
John J. Serustini, 1407 West North Temple Salt Lake City, UT 84140	Utah Power & Light Co	6,250.00	1,941.58
Terry L. Serie, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	2,000.00	
Seward & Kissel, 818 Connecticut Avenue, NW, #800 Washington, DC 20006			
J. Richard Sewell, 1800 K St., NW, #1110 Washington, DC 20006	Florida Power & Light Co	3,000.00	924.56
Seyfarth Shaw Fairweather & Geraldson, 1111 19th St., NW, #500 Washington, DC 20036	Agricultural Producers		
Do	American Soc of Pension Actuaries	12,600.00	
Do	Flxible Corp		
Do	Technology for Communications International	6,000.00	
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	2,000.00	
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Ali A. Shami, 6863 Calhoun, Dearborn, MI 48126	United Lebanese Lobby of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,350.00	
Gary J. Shapiro, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn		22,434.60
Daniel E. Shaughnessy, 1008 N. Randolph St., #206 Arlington, VA 22201	Western Great Lakes Maritime Assn		
Luther W. Shaw, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	5,625.00	15.10
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Association for the Improvement of the Mississippi River		
Do	Atlas Minerals Division		
Do	Emerson Electric Co		
Do	Federation of Bankers Assn of Japan	11,758.13	
Do	Holly Farms Corp	46,863.75	2,357.83
Do	Institute of Foreign Bankers	28,700.00	71.84
Do	Investment Company Institute		
Do	Investment Counsel Assn of America, Inc		
Do	National Automobile Dealers Assn		348.48
Do	Taiwan Power Company		
Do	Utility Nuclear Waste Management Group		
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Marshall & Stevens, Inc	585.00	
Do	Societe Generale de Surveillance, S.A.	369.91	28.66
James V. Sheahan, 223 Perimeter Ctr. Pkwy. P.O. Box 89000 Atlanta, GA 30338	Siemens Energy & Automation, Inc		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Shearman & Sterling, 153 East 53rd Street New York, NY 10022	Cargill, Inc	2,020.00	575.57
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	13,063.98	
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,700.00	201.00
Shaun M. Sheehan, 1111 19th Street, NW, #1000 Washington, DC 20036	Tribune Broadcasting Co	3,000.00	345.45
Kathleen Sheekey, 3rd Floor 2030 M Street, NW Washington, DC 20036	Common Cause	13,000.02	928.74
Deborah A. Sheiman, 1350 New York Avenue, NW Washington, DC 20005	Natural Resources Defense Council, Inc	273.00	
C. Douglas Shelby, Florida Petroleum Council 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute		
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	200.00	
Cheryl Y. Shelton, 236 Massachusetts Ave., NE, #409 Washington, DC 20002	Rainbow Lobby	4,300.00	
Judith C. Sherman, 1111 14th Street, NW Washington, DC 20005	American Dental Assn	1,000.00	
Nancy Sherman, 1025 Connecticut Ave., NW Washington, DC 20036	Foodservice & Packaging Institute, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nelson T. Shields, 1400 K St., NW Washington, DC 20015	Handgun Control, Inc	3,084.48	
Harvey A. Shipman, 1800 Diagonal Road, #500 Alexandria, VA 22314	Penn Central Corporation		45.00
Shippers National Freight Claim Council, Inc, 120 Main Street Huntington, NY 11743			
John B. Shlaes, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	2,475.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
John Shuey, P.O. Box 3151 Houston, TX 77253	Browning-Ferris Industries, Inc		
Kathy Shulman, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	4,351.56	27.05
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Donrey, Inc	8,965.00	
Do	Peoria Journal Star, Inc		
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Commonwealth of Puerto Rico	48,000.00	2,025.37
Do	Money Store	5,000.90	71.52
Do	Power Authority of the State of New York	9,868.75	9,954.47
Siegel Mandell & Davidson, P.C., One Whitehall Street New York, NY 10004	Sigallo, Ltd		
Christine Sigler, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,475.00	
Stephan Silberfarb, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	7,999.98	680.88
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	3,700.00	20.00
David Silver, 1600 M St., NW Washington, DC 20036	Investment Company Institute	105.09	30.00
Howard J. Silver, 1625 Eye St., NW, #911 Washington, DC 20006	Consortium of Social Science Assns	900.00	13.30
Steve Silver, Robertson Monagle & Eastaugh 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Alaska Loggers Assn	5,236.00	
Do	Alaska Pulp Corp		
Do	Amselco Minerals, Inc		
Do	ARCO Marine Co, Inc		
Do	Bristol Bay Native Corp	15,737.50	
Do	General Communications, Inc	100.00	
Do	Standard Oil Co		
Silver Users Assn, Inc, 1717 K St., NW Washington, DC 20006		6,884.10	3,432.12
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Sawyer-Miller Group	500.00	30.00
Silverstein & Mullens, 1776 K St., NW Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	GATX Corporation		
Do	Music Corp of America, Inc		
Do	National Assn of Home Builders of the U.S.		
Do	Rolls-Royce Motors, Inc		
M. P. Simmons, P.O. Box 860 Valley Forge, PA 19482	CertainTeed Corp		
Gary D. Simms, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Stanley C. Simon, Ginsberg & Forman 820 Hartford Building Dallas, TX 75201	Southland Corporation	4,288.76	
William Douglas Simon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Talmage E. Simpkins, 100 Indiana Ave., NW Washington, DC 20001	Labor Management Maritime Committee, Inc	1,553.00	242.68
C. Kyle Simpson, 9 Greenway Plaza, #714 Houston, TX 77046	Coastal Corporation		
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	First Mississippi Corporation	2,000.00	
Do	Mississippi Power & Light Company	2,000.00	
Do	State of Mississippi	4,000.00	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Ivan E. Sinclair, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
James W. Singer III, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Donna L. Singletary, 1730 North Lynn Street Arlington, VA 22209	Printing Industries of America, Inc	500.00	
Marcus W. Sisk Jr., 2828 Pennsylvania Ave., NW, #203 Washington, DC 20037	Tosco Corporation	925.00	
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Telephone & Telegraph Co	400.00	
Do	Anheuser-Busch Companies, Inc	3,000.00	
Do	Baker-Hughes, Inc	400.00	
Do	CSX Corporation	400.00	
Do	Drexel Burnham Lambert, Inc	30,000.00	
Do	G.O. Holdings Management, Inc		
Do	Genentech	400.00	
Do	General Development Corp	3,000.00	
Do	Long Island Power Authority	30,000.00	
Do	Mesa Petroleum Co	2,000.00	
Do	MCI Communications Corp	400.00	
Do	Reynolds Metals Co	400.00	
Do	Westinghouse Electric Corp	400.00	
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	1,250.00	722.50
James H. Skidmore, 1156 15th St., NW, #1201 Washington, DC 20005	NCR Corporation	1,125.00	
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	8,350.00	7,558.00
Scott Sklar, 1730 N. Lynn St., #610 Arlington, VA 22209	Solar Energy Industries Assn	1,250.00	410.04
Steven A. Skonberg, 1111 North 19th Street, #700 Arlington, VA 22209	National Assn of Federal Credit Unions	7,373.91	
Kathleen M. Skrabut, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	16,500.00	
Paul A. Skrabut Jr., 1629 K Street, NW Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	16,500.00	
Do	Palumbo & Cerrell, Inc (For:Business Executives for National Security)	5,400.00	
Dale D. Skupa, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	4,000.00	150.15
Jonathan Slade, 444 North Capitol St., #711 Washington, DC 20001	Cuban-American Freedom Coalition, Inc	300.00	
F. Slatinshek & Associates, Inc, 1102 Belle Vista Dr. Alexandria, VA 20007	Grumman Aero Corp, et al		
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation	1,500.00	
Joshua J. Slavitt, 450 Maple Ave., E., #204 Vienna, VA 22180	U.S. Defense Committee	324.00	
Barry S. Slevin, 1000 Potomac Street, NW Washington, DC 20007	Seifman Semo & Slevin, P.C. (For:United Food & Commercial Workers International Union)		
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc	2,000.00	
Deborah Sliz, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,150.00	200.00
John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW Washington, DC 20024	National Fed of Independent Business	3,500.00	
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	69,971.11	47,059.84
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		3,666.00	
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036	American Horse Council	750.00	
Do	Florida East Coast Railway Co	500.00	
Do	National Hockey League	6,000.00	
Do	Pennzoil Co		
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	440.19	407.11
James R. Smircina, P.O. Box 5000 Cleveland, OH 44101	Centerior Energy Corp, et al		
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Daniel T. Smith, P.O. Box 660074 Dallas, TX 75266	International Airline Passengers Assn, Inc	5,258.88	764.09
Debbi L. Smith, 374 Jamie Ct. Glen Burnie, MD 21061	Hydrogen Research Center	6,447.00	130.04
Elizabeth M. Smith, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union		
Frederick P. Smith Jr., 1120 19th Street, NW, #310 Washington, DC 20036-3605	Institute of Makers of Explosives	2,500.00	
Gordon L. Smith, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Florists' Transworld Delivery Assn)		
Herbert Smith, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Angus Defense Systems, Inc)		
Do	Hill & Knowlton, Inc (For:Euromissile)		
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc	300.00	
Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006	West Mexico Vegetable Distributors Assn	19,263.00	3,081.90
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co		
Kathryn Smith, 1454 Duke Street Alexandria, VA 22314	American Osteopathic Hospital Assn		
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co	1,500.00	840.00
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	568.08	410.87
Patricia Smith, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	600.00	150.00
Richard F. Smith, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	2,557.30
Ronald E. Smith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	15,450.00	
Sara Hope Smith, 444 North Capitol St., NW, #718 Washington, DC 20001	Pacific Telesis Group	300.00	216.50
Susan Snyder Smith, 7900 Westpark Drive, #514 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA		
William A. Smith, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Do	National Second Mortgage Assn		
Do	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))	9,000.00	9,000.00
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #304 Washington, DC 20036	City of Eugene, Oregon	12,000.00	12,100.00
Do	Illinois Diversatech Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	N.Y. Metropolitan Transportation Agency	18,000.00	18,730.00
Do	National Assn of Foreign Trade Zones	12,201.00	14,071.00
Do	Power Packaging, Inc		
Do	S & F Warehouses, Inc	8,960.58	9,276.92
Do	San Francisco P.U.C.	8,250.00	8,250.00
Smokeless Tobacco Council, Inc, 1925 K Street, NW, #504 Washington, DC 20006		1,555.60	1,555.60
Clair A. Snyder, 35 North 6th Street, Reading, PA 19601	Meridian Bancorp, Inc		
David F. Snyder, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn	300.00	105.00
Edward F. Snyder, 245 2nd St., NE Washington, DC 20002	Friends Committee on National Legislation	6,246.45	
Gene Snyder, 140 Chenoweth Lane Louisville, KY 40207	Cincinnati Microwave, Inc	22,500.00	3,400.82
Do	Norfolk Southern Corp	15,000.00	3,599.62
Do	U.S. Air Group	15,000.00	3,551.84
J. R. Snyder, 400 1st St., NW, #704 Washington, DC 20001	United Transportation Union		1,300.00
John M. Snyder, 600 Pennsylvania Ave., SE, #205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	5,312.85	
Snyder Ball Kiser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp	70.00	121.85
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		10,771.53	39,096.52
Charles R. Sonnier, Sonnier & Hebert P.O. Drawer 1040 Abbeville, LA 70511	Coushatta Tribe of Louisiana		
Roberta Lee Sorensen, 1101 Vermont Ave., NW, #604 Washington, DC 20000	College of American Pathologists	7,000.00	76.00
Walter Larke Sorg, 1625 Eye St., NW, #204 Washington, DC 20006	American Assn of Small Dredging & Marine Construction Cos	8,300.00	3,250.78
South/North Development Group, Ltd, 610 Fourth Place, SW Washington, DC 20002	Government of the People's Republic of Angola	8,180.00	3,922.88
Southern Forest Products Assn, P.O. Box 52468 New Orleans, LA 70152		18,012.47	18,012.47
Space Industries, Inc, 2011 Crystal Drive, #903 Arlington, VA 22202			42,580.00
Space Services, Inc of America, 7015 Gulf Freeway, #140 Houston, TX 77087			
Thomas J. Spangler, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	11,800.00	247.01
O. Dean Sparkman, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	300.00	
Ian O. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	2,478.24	
Specialized Carriers & Rigging Association, 2200 Mill Road, #616 Alexandria, VA 22314			
William C. Spence, 3805 W. Alabama Houston, TX 77027	Columbia Gulf Transmission Co		
Larry N. Spiller, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
Peter A. Spina, 150 East 42nd Street New York, NY 10017	Mobil Oil Corp	900.00	
Frances Spivy Weber, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	500.00	150.00
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	200.00	20.00
Gillian Spooner, Touche Ross & Co 1900 M Street, NW Washington, DC 20036	NVHomes		
Do	Schnuck Markets, Inc		
Gillian M. Spooner, Touche Ross & Co. 1900 M Street, NW Washington, DC 20036	Robert Rogers		
Earl C. Spurrier, The Madison Building, #514 1155 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	Alaska Air Group, Inc	618.75	18.50
Do	Alleco, Inc	24,564.00	
Do	American Chamber of Commerce in Germany		
Do	American Soc of Anesthesiologists	4,700.00	
Do	ADAPSO, the Computer Software & Services Industry Assn		
Do	Chemstar, Inc	1,767.50	
Do	Cincinnati Gas & Electric Co, et al.		24.76
Do	Independent Data Communications Manufacturers Assn, Inc	5,337.00	319.14
Do	Microband Corp of America		
Do	National Collegiate Athletic Assn	2,625.00	5.00
Do	Public Securities Assn		
Do	Samaritan Health Services	6,200.00	
Janet G. St. Amand, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	300.00	
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	600.00	1,416.96
Stakeholders in America, Trumble & Associates P.O. Box 87 Chaska, MN 55318		38,000.00	41,236.04
Tyrone Stallworth, 220 North Devillers Street Pensacola, FL 32501			
David P. Stang, P.C., 1629 K St., NW, #601 Washington, DC 20006	American Truck Dealers	823.87	
Do	Employee Stock Ownership Assn	2,263.39	
Do	McDermott, Inc	2,387.87	
Do	National Assn of Royalty Owners, Inc	459.03	
Do	Small Business Council of America, Inc	540.26	
Do	Texas Ophthalmological Assn	400.00	
Jane Sutter Starke, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	13,230.00	157.03
Do	Eckert Seamans Cherin & Mellott (For:Corning Glass Works, et al.)	1,680.00	
Do	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)	15,680.00	29.10
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
Piper Starr, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Strategic Resources Corp (For:Listeff Fashions, Inc)	3,960.00	40.00
Frank M. Staszensky Jr., 10025 Scenic View Terrace Vienna, VA 22180	Bechtel Group, Inc		
David Michael Staton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Mick Staton Associates, Inc, 8712 Gateshead Road Alexandria, VA 22309	Delchamps, Inc	150.00	
Samuel E. Stavisky, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)	250.00	35.00
Do	Samuel E. Stavisky & Associates, Inc (For:Federacion Nacional de Cafeteros de Colombia).	150.00	50.00
Samuel E. Stavisky & Associates, Inc, 1725 Desales Street, NW, #804 Washington, DC 20036	Broadcast Music, Inc	350.00	50.00
Do	Federacion Nacional de Cafeteros de Colombia	250.00	70.00
Randolph J. Stayin, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Machinery Dealers National Association)		
Do	Taft Stettinius & Hollister (For:National Candle Assn)	1,025.00	
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).	223.75	
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)	2,511.00	64.00
Martin J. Steadman, 164 Lexington Avenue New York, NY 10016	Paul Buiar Associates, Inc (For:Phillip Morris USA)	1,000.00	
Steele & Fornaciari, 2020 K Street, NW, #850 Washington, DC 20006	K Mart Corp		
Stein Davidoff & Malito, 100 East 42nd Street New York, NY 10017	National Passenger Traffic Assn	23,108.75	218.55
Ramona C. Stellard, 1818 N Street, NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Charles W. Stellar, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Stephens Overseas Services, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Stephens, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Bear Stearns & Co	702.52	
Do	Boeing Company	780.00	
Do	Caltex Petroleum Corp		
Do	Canadian Sugar Institute		
Do	Citizens Savings Financial Corp	2,185.00	
Do	Co-Operative Central Bank	704.20	
Do	CSO Company	55.08	
Do	Harley-Davidson Motor Co, Inc		
Do	Outboard Marine Corp		
Do	Pioneer Financial	8,363.75	
Sterling Drug, Inc, 1615 L St., NW, #920 Washington, DC 20036		2.00	240.00
Michael E. Steward, 7957 Revenna Lane Springfield, VA 22153	Puget Sound Power & Light Co	3,850.00	204.52
Eugene L. Stewart, 1001 Connecticut Ave., NW, #910 Washington, DC 20036	Monsanto Co		
Do	Roses, Inc		6.00
Do	Timken Co	2,125.00	
Robert B. Stewart, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,750.00	
Terence P. Stewart, Stewart and Stewart 1001 Connecticut Avenue, NW, #910 Washington, DC 20036	Cabot Corp	1,948.66	665.40
Do	Monsanto Co		7.80
Do	PPG Industries, Inc	1,902.41	1,622.65
Do	Smith Corona Corp	8,463.74	3,426.50
Do	Timken Co	9,882.08	2,104.20
Warren E. Stickle, 1225 19th Street, NW, #300 Washington, DC 20036	Chemical Producers & Distributors Assn		681.00
Do	Cheminova		
Do	International Sanitary Supply Assn		583.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	1,754.06	15.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association	1,850.00	
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
David J. Stirpe, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 1110 Vermont Avenue, NW Washington, DC 20005	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 1625 Eye Street, NW, #724A Washington, DC 20006		3,210.00	546.17
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,500.00	
Stephen Storch, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Harry L. Storey, 555 17th St., #840 Denver, CO 80202	Alliance for Clean Energy	9,000.00	2,458.00
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	Public Service Co of Indiana	2,562.50	7,820.60
Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc		
Marcy B. Stras, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:National Candle Assn)		
Raymond L. Strassburger, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	1,250.00	
Strategic Resources Corp, 3000 K Street, NW, #300 Washington, DC 20007	Matsushita Electric Corp of America		
Terrence O. Straub, 818 Connecticut Avenue, N.w. Washington, DC 20006	USX Corporation	250.00	116.76
Roger J. Stroh, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
Albert E. Strong, Suite 1500 North 1331 Pennsylvania Avenue, NW Washington, DC 20004	National Assn of Manufacturers	900.00	
George W. Strong, 2242 Bartlett Houston, TX 77098	Enron Corp		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	Dreyfus Corporation		
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	11,790.00	2,600.00
Cory N. Strupp, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	3,863.00	
Susan Stuebing, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	600.00	100.12
Eugene F. Sturgeon, 182 Crater Lane Kensington, CT 06037	Northeast Utilities Service Co	871.85	374.76
Ann Sullivan, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	300.00	
Arthur E. Sullivan Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	3,250.00	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	4,342.61	3,394.47
Edward L. Sullivan, 1120 20th St., NW, Suite S-720 Washington, DC 20036	Peabody Holding Co, Inc		
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20005	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	750.00	
Margaret Cox Sullivan, 1625 Eye St., NW, #724A Washington, DC 20006	Stockholders of America, Inc		
Patrick J. Sullivan, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	7,939.32	1,351.29
Pauline Sullivan, #11 15th St., NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	300.00	
Sullivan & Cromwell, 1775 Pennsylvania Ave., NW Washington, DC 20006	American International Group, Inc		51.50
Do	BP North America, Inc		
Do	Essette Business Systems, Inc		
Do	Goldman Sachs & Co		
Do	Grand Met USA, Inc		
Do	Kidder Peabody & Co, Inc		
Do	Securities Industry Assn		
Sullivan & Worcester, 1025 Connecticut Ave., NW Washington, DC 20036	Marion Laboratories, Inc	6,700.00	
Sutherland Asbill & Brennan, 1275 Pennsylvania Ave., NW Washington, DC 20004-2404	American Insurance Assn	800.00	17.50
Do	Baker Oil Tools, Inc		
Do	City of Baton Rouge	4,500.00	5.00
Do	City of New Orleans		
Do	Committee Against Revising Staggers	10,000.00	
Do	Council of Industrial Boiler Owners		
Do	Hand Arendall Bedsole Greaves & Johnston		
Do	Industrial Oil Consumers Group		
Do	North American Co for Life & Health Insurance	1,472.50	18.40
Do	Philip Morris, Inc	3,765.00	18.50
Do	Process Gas Consumers Group	20,000.00	
Do	Jimmy Swaggert Ministries	987.50	5.00
W. Thomas Suttle, 1755 Willard St., NW, #4 Washington, DC 20009	Institute of Electrical & Electronics Engineers	2,900.00	609.00
William W. Suttle, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn	580.00	21.20
Douglass W. Svendson Jr., 1730 Rhode Island AVenue, NW, #417-19 Washington, DC 20036	Hollywood Marine Service, Inc	2,000.00	
Do	Shell Oil Co		
David L. Swanson, Craft & Loesch 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Clean Coal Technology Coalition	6,525.00	
Do	Edison Electric Institute	20,737.50	
Do	GA Technologies, Inc	15,000.00	
Irving W. Swanson, 11212 Farmland Drive Rockville, MD 20852	Harris Corporation	19,200.00	3,349.20
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
Do	Outboard Marine Corp		
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	20,405.64	
William R. Sweeney Jr., 536 7th Street, SE Washington, DC 20003	American Nuclear Energy Council	4,937.50	651.06
Do	China External Trade Development Council		
Do	Embassy of Japan	5,000.00	
Robert D. Swezey Jr., 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	250.00	
Swidler & Berlin, Chtd, 3000 K Street, NW #300 Washington, DC 20007	American Hoechst Corporation		
Carol A. Swift, 311 First St., NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	1,300.00	182.20
Ivan Swift, P.O. Box 607 Courthouse Station Arlington, VA 22216	New England Anti-Vivisection Society	9,000.00	1,150.00
Tricia L. Swift, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Randall Swisher, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,500.00	
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute	980.00	1,665.86
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	3,000.00	354.67
Systematics, Inc, 4001 Rodney Parham Road Little Rock, AR 72212			
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	83.60
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	American Hungarian Federation	1,000.00	
Do	Louis Arnold Fury	2,000.00	
T. Boone Pickens, Jr. United Shareholders Assn, 1667 K St., NW, #770 Washington, DC 20006			2,877.79
Robert Taft Jr., 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Great American Broadcasting Co)	150.00	
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)	350.00	
Do	Taft Stettinius & Hollister (For:Machinery Dealers National Association)		
Do	Taft Stettinius & Hollister (For:Recordings Import Trade Committee)		
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Animal Health Institute		
Do	Association of American Railroads		
Do	M&M/Mars		
Do	Marion Laboratories, Inc		
Do	Telephone & Data Systems, Inc		
Rita Takahashi, 1730 Rhode Island Ave., NW, #204 Washington, DC 20036	Japanese American Citizens League Legislative Education Comm	9,750.00	16.39
Kirk Talbott, Weisgall Law Office 1300 19th St., NW, #407 Washington, DC 20009	Bikini/Kili/Ejit Council		
Tanaka Ritger & Middleton, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	6,082.50	86.10
William E. Tanner, 10803 Norman Ave. Fairfax, VA 22030	Coalition for Environmental-Energy Balance	7,200.00	1,337.99
M. Louise Tate, 450 Maple Avenue, E., #204 Vienna, VA 22180	U.S. Defense Committee	900.00	
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	26,936.00	
Susan Tatum, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,600.00	
Taubman Company, Inc, 200 E. Long Lake Rd., #200 P.O. Box 200 Bloomfield Hills, MI 48303-0200			26,128.00
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,000.00	
Jefferson D. Taylor, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	547.66
Margaret J. Taylor, 50 F Street, NW, #1080 Washington, DC 20001	Burlington Northern, Inc	1,750.00	31.00
Patricia Taylor, 1501 16th St., NW Washington, DC 20036	Center for Science in the Public Interest		
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,443.56	607.29

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
R. William T[illegible], 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al.		
Templeton & Company, 1000 Potomac St., NW Washington, DC 20007	Space Industries, Inc		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co.	4,000.00	323.04
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	1,485.00	226.90
Michelle C. Tessier, 1818 N Street, NW, #410 Washington, DC 20036	National Assn of Public Television Stations	600.00	150.00
James G. T[illegible], 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Textron, Inc 40 Westminster St. Providence, RI 02903		4,650.00	1,030.00
Thacher Proffitt & Wood, 1140 Connecticut Ave., NW, #512 Washington, DC 20036	Amoskeag Savings Bank		320.92
Do	Citicorp Mortgage Finance, Inc.	6,119.79	320.92
Do	Maine Savings Bank	17,852.49	320.92
Do	Massachusetts Bankers Assn	517.43	320.92
Do	New Hampshire Savings Bank	354.54	320.92
Do	Salomon Brothers, Inc	22,651.88	320.92
Karen E. Th[illegible], 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Janelle C. Morris Thibau, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,500.00	
Douglas E. Thierwechter, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	Marathon Oil Co		68.00
Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
I. David Thomas, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Chemical Division	310.00	319.68
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	15.00	
Robert L. Thomas, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Barbara Thompson, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	40.00
Bruce E. Thompson, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	7,500.00	
Frank Thompson Jr., 1020 Prince Street Alexandria, VA 22314	Boilermakers Iron Ship Bldrs Blacksmiths Forgers & Helpers	2,500.00	364.32
Do	Metal Trades Department, AFL-CIO		
Do	Sheet Metal Workers Int'l Assn	3,000.00	
Kenneth W. Thompson, 2021 K Street, NW, #300 Washington, DC 20006	Primark Corporation	2,200.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
Roger G. Thompson, 117 Bellefonte Drive Ashland, KY 41101	Kentucky Power Co		
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	Altel Corporation	277.00	
Thompson Mann & Hutson, 1730 Pennsylvania Ave., NW, #1250 Washington, DC 20006	Bechtel Group, Inc	312.50	64.67
Do	Combustion Engineering, Inc	312.50	64.67
Do	Daniel International Corp	312.50	64.67
Do	M.W. Kellogg Company	312.50	64.67
Do	Mitchell's Management Corp	236.25	545.40
Do	Morrison-Knudsen Co, Inc	312.50	64.67
Do	National Coalition to Defeat H.R. 281/S. 492		16,608.47
Do	Spruce Development Corp	236.25	58.26
Parker D. Thomson, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131	Thomson Zeder Bohrer Werth & Razook (For:Burger King Corp)		
Thomson Zeder Bohrer Werth & Razook, 200 South Biscayne Blvd., #4900 Miami, FL 33131	Burger King Corp	10,854.15	7,543.90
Margo Thorning, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	232.00	
Douglas Clare Thorsen, 2059 Whisperwood Glen Lane Reston, VA 22091	Save Our Schools	5,250.00	146.18
Tiber-Potomac, Inc, 1199 North Fairfax St., #601 Alexandria, VA 22314	International Council of Shopping Centers	27,498.00	22,376.07
Tighe Curhan & Piliero, 1750 Pennsylvania Avenue, NW Washington, DC 20006	Ad Hoc Comm of Mutual Fund Managers	2,150.10	
Do	Coalition for H.R. 2972 (Richardson) Substitute Bill	5,500.00	
Do	Integrated Resources, Inc	251.00	
Do	Sharp Manufacturing Co of America		
Do	Town of Andover, Massachusetts	150.00	
Patti A. T[illegible], Suite 520 900 17th Street, NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Gary G. Timmins, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Petroleum Institute	755.63	
Do	American Trucking Assns, Inc	1,500.00	
Do	Amoco Corporation	850.00	
Do	Anheuser-Busch Companies, Inc	2,144.07	
Do	Association of Trial Lawyers of America	262.50	
Do	Boeing Company	812.50	
Do	Brown Group, Inc	375.00	
Do	Capital Cities/ABC, Inc	1,062.50	
Do	Chrysler Corporation	1,187.50	
Do	H. J. Heinz Co		
Do	Major League Baseball	1,062.50	
Do	Morgan Stanley & Co, Inc	975.00	
Do	MSU System Services, Inc	1,187.48	
Do	National Rifle Assn of America	625.00	
Do	Northern Telecom, Inc	187.50	
Do	Northrop Corp	470.00	
Do	NutraSweet Co	1,562.50	
Do	G. D. Searle & Co	250.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	11,947.00	45,159.58
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		420.00
Constance D. Tipton, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		450.00
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation & Int'l Ice Cream Assn		
Eben S. Tisdale, 1550 Wilson Blvd., #600 Arlington, VA 22209	Hewlett-Packard Co	3,500.00	605.82
Title Associates, Inc, Rt.2, Box 89 Columbia, TN 38401			
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute		
Tobacco Associates, Inc, Suite 912 1101 17th St., NW Washington, DC 20036			4,356.60
James S. Todd, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn		
M. Douglas Todd, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Webster B. Todd Jr., 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	1,875.00	
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Do	Western Utilities Clean Air Group		
William [illegible] Tolley Jr., PO Box 37 Melbourne, FL 32919	Harris Corporation		274.71
Edward T[illegible], 6723 Brigadoon Drive Bethesda, MD 20817	Robert Goff & Associates, Inc		
William [illegible] Toohey, 1899 L St., NW, #600 Washington, DC 20036	Travel Industry Assn of America		
Peter W. Tooker, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Total Petroleum, Inc, 999 18th Street, Suite 2201 Denver, CO 80202			
Frank V. Toti Jr., 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	425.00
Gilbert [illegible] Tough, 70 North Main St. Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	1,150.00	
Joseph [illegible] Trainor, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,000.00	740.80
Jeffrey [illegible] Trammell, 1455 Pennsylvania Ave., NW, #1270 Washington, DC 20004	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)	700.00	
Transportation - Communications Union, 815 16th St., NW Washington, DC 20006		16,200.00	29,520.80
Travel & Tourism Government Affairs Policy Council, 1133 21st Street, NW Washington, DC 20036		2,010.00	2,010.00
Travis [illegible] Gooch, 1100 15th St., NW, #1200 Washington, DC 20005	Coalition to Oppose Energy Taxes	1,431.25	
Sally A. Triplett, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)	100.00	15.00
Tripp Scott Conklin & Smith, 2000 E. Oakland Park Blvd. Fort Lauderdale, FL 33306	Alamo Rent-A-Car, Inc	5,000.00	2,000.00
Eugene M. Trisko, 9817 Rosensteel Avenue Silver Spring, MD 20910	Stern Bros, Inc		
Michael [illegible] Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	9,000.00	
George [illegible] Troutman, Suite 1100 1090 Vermont Ave., NW Washington, DC 20005	Bell Helicopter Textron, Inc	150.00	
Alexander B. Trowbridge, 1331 Pennsylvania Avenue, NW Washington, DC 20004	National Assn of Manufacturers	2,250.00	
Thomas L. Trueblood, 401 North Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	776.10
Tr[illegible] & Associates, P.O.Box 87 Chaska, MN 55318	Stakeholders in America	11,460.00	2,451.31
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Humane Soc of the U.S. and M.S.P.C.A.	1,750.00	5.00
Do	Northeast Solvents Recovery	1,200.00	17.95
Do	Sierra Club of America		
[illegible] Tsutsui, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Tucker [illegible] Vaught, Western Federal Savings Bldg., #1330 718 17th St. Denver, CO 80202	Manville Corporation		
Do	Regional Transportation District		
Stanna B. Tuel, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Stephen Tull, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Stanley F. Turesky, 2550 M St., NW, #300 Washington, DC 20037	Van Dyke Associates, Inc (For:American Gas Assn)	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Van Dyke Associates, Inc. (For: USF&G Corp)	1,500.00	45.00
Brian Turner, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	8,446.55	
J. Terry Turner, 2200 Mill Road Alexandria, VA 22314	Interstate Carriers Conference	500.00	150.00
Jane L. Turner, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
John M. Turner, 1875 Eye St., NW, #470 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
William F. Turner, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	526.00	262.00
Turner Broadcasting System, Inc, 1140 Connecticut Ave., NW Washington, DC 20036		9,525.00	9,525.00
Richard F. Turney, 1725 K St., NW Washington, DC 20006	Courtney McCamant & Turney	300.00	
St. Clair J. Tweedie, Suite 220 1575 Eye Street, NW Washington, DC 20005	American Cyanamid Co	5,000.00	
U.S. Cane Sugar Refiners' Assn, 1001 Connecticut Ave., NW Washington, DC 20036		5,110.20	7,015.44
U.S. Defense Committee, 450 Maple Avenue, E., #204 Vienna, VA 22180		8,159.65	8,159.65
U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601			172,651.34
U.S. Public Interest Research Group, 215 Pennsylvania Avenue Washington, DC 20003		30,159.38	80,065.50
U.S.-Japan Dialogue of the Year 2001 Committee, 2600 Virginia Ave., NW, #512 Washington, DC 20037	Year 2001 Committee		
Gilman Udell, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	4,500.00	
Jerry G. Udell, 1616 H St., NW Washington, DC 20006	American Retail Federation	200.00	79.00
Kenji Ueno, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
Unilever United States, Inc, 10 East 53rd St., 24th Fl. New York, NY 10022			5,363.85
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			29,635.00
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314		4,895.40	1,389.54
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United International Consultants, 1800 Diagonal Road Alexandria, VA 22314	Republic of South Africa	90,000.00	24,999.00
United Services Automobile Assn, P.O. Box 4525 Reston, VA 22090-1489			
Marian S. Urnikis, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	1,050.00	
Utility Nuclear Waste Management Group, c/o Edison Electric Institute 1111 19th St., NW Washington, DC 20036			
Grayce K. Uyehara, 1730 Rhode Island Avenue, NW, #204 Washington, DC 20036	Japanese American Citizens League Legislative Education Comm	2,058.00	36.00
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	70.00
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,665.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Van Dyk Associates, Inc, 2550 M St., NW, #300 Washington, DC 20037	American Gas Assn	3,750.00	750.00
Do	UAL, Inc		
Do	USF&G Corp	12,500.00	1,545.00
Laura Van Etten, 1700 Pennsylvania Avenue, NW, #525 Washington, DC 20006	Equitable Financial Companies	525.00	24.00
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage	12,939.00	
Do	Cincinnati Electronics	4,200.00	
Do	Ford Aerospace	3,300.00	
Do	Marconi Electronics		
Henry B. Van Gieson, 1700 North Moore St., 2120 Arlington, VA 22209	Boeing Company	900.00	124.71
Nick L. Van Nelson, Suite 540 1875 Eye Street, NW Washington, DC 20006	Champion International Corp		
Van Ness Feldman Sutcliffe & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Ad Hoc Coalition for Health Security		
Do	Alaska Eskimo Whaling Commission		
Do	American Inst of Certified Public Accountants	2,740.00	
Do	American President Lines	445.00	
Do	Arctic Slope Regional Corp	2,137.00	
Do	Bumble Bee Seafoods, Inc	95.00	
Do	BRAE Corporation		
Do	Clean Coal Technology Coalition		
Do	Collier Company	4,026.00	
Do	Consumers United for Rail Equity (C.U.R.E.)	13,158.00	
Do	Fidelity Management & Research Co.	2,286.00	
Do	Geothermal Resources Assn	595.00	
Do	Hawaiian Electric Company, Inc		
Do	LUZ International Ltd	5,525.00	
Do	Postal Square Associates	2,560.00	
Do	Tranquillity Irrigation District		
Do	Uranium Producers of America		
Do	Wagner & Brown	4,059.50	
Fred Van Remortel, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc		
Norman C. VanderNoot, New Hampshire Petroleum Council 23 School Street Concord, NH 03301	American Petroleum Institute	275.00	212.00
Robert C. Varah, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc	75.00	429.50
Variable Annuity Life Insurance Co, 2929 Allen Parkway Houston, TX 77019			18,862.12
Theresa Varner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	580.19	
Jennifer Vasiloff, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,633.20	79.70
Nicholas A. Veliotes, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers		
Carol Verby, 1390 Piccard Drive Rockville, MD 20850	CNA Insurance Co		
Jerry T. Verkler, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	238.09
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	937.50	
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Inusrance Agents		
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	5,000.00	163.16
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	American Airlines, Inc	6,390.00	12.00
Do	Bank of America		
Do	Bear Stearns & Co		
Do	Chemical Bank		
Do	Citicorp		
Do	Continental Health Affiliates		
Do	Dunigan Enterprises		
Do	Enserch Corporation		
Do	Federal Express Corp	18,267.50	6.00
Do	Fidelity Management & Research Co		
Do	Goldman Sachs & Co		
Do	International Raw Materials, Ltd		
Do	Merrill Lynch & Co, Inc		
Do	Pennzoil Co		
Do	Provident Life & Accident Insurance Co		
Do	Public Service Co of New Mexico	27,915.00	203.51
Do	Salomon Brothers, Inc	3,620.00	132.80
Do	Southern California Edison	1,967.50	12.00
Do	Southern Star Shipping Co, Inc		
Do	Travelers Insurance Co		
Walter D. Vinyard Jr., Zuckert, Scoutt, Rasenberger & Johnson 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	2,000.00	
Do	National Fraternal Congress of America	50.00	
Virginia Association of Railway Patrons, P.O.box 867 Richmond, VA 23207			0.44
George A. Viverette Jr., 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Jesse S. Vogtle, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	50,400.00	243.88
Nick J. Volcheff, 2509 E. San Miguel Phoenix, AZ 85016	AT&T		
Volkswagen of America, Inc, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024			450.00
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	13,979.27	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	National Assn of Trade & Technical Schools	1,250.00	
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	American Assn of Equipment Lessors		
Voluntary Hospitals of America, Inc, 1150 Connecticut Ave., NW, #800 Washington, DC 20036			6,988.75
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Cabot Corporation		
Do	Crisis Comm for Foreign Affairs Resources		
Do	Grocery Manufacturers of America, Inc		
Do	Hanson Industries		
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	9,040.72	254.56
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee	44,455.00	
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Wagner & Baroody, Inc, 1615 L St., NW, #750 Washington, DC 20036	Association of Business Publishers	10,000.00	3,060.11
Do	Canadian General Electric		

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Daewoo International Corp	337.50	105.00
Do	EMSI, Ltd	1,425.00	275.00
Do	National Beer Wholesalers of America	16,032.50	1,321.32
Do	National Debt Repayment Foundation		
Do	New MediCo Associates, Inc	12,283.33	2,337.65
Do	Rainbow Navigation, Inc	8,212.50	1,342.50
Howard W. Wahl, 10501 Bit and Spur Lane Potomac, MD 20854	Bechtel Group, Inc		
Frederick P. Waite, 1333 New Hampshire Ave., NW Washington, DC 20036	American Wire Producers Assn		144.87
Do	New Tech Snacks, Inc		
Herbert R. Waite, 100 Federal St. Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	9,250.00	12,379.00
Susan [illegible] Walden, 1667 K St., NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Robert E. Waldron, Associated Petroleum Industries of Michi 930 Michigan Natl Tower, PO Box 10070 Lansing, MI 48901	American Petroleum Institute	920.00	936.82
Jean A. Walker, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce		
Robert Joseph Walker, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	280.00	
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Agrico Chemical Company, et al.	8,640.00	
Do	Aluminum Company of America	750.00	
Do	American Telephone & Telegraph Co		
Do	Anheuser-Busch Companies, Inc	8,250.00	
Do	Bank Capital Markets Assn	9,583.00	
Do	Broadcast Music, Inc	7,500.00	
Do	Champion International Corp	750.00	
Do	Charter National Life Insurance Co		
Do	Coalition to Preserve Group Workers' Compensation Funds	2,500.00	
Do	CBS Records Group	6,000.00	
Do	CBS, Inc	2,250.00	
Do	CSX Corporation	750.00	
Do	Dresser Industries, Inc	750.00	
Do	Enron Corp	1,500.00	
Do	First Texas Savings & Loan		
Do	Ford Motor Co	750.00	
Do	Goodyear Tire & Rubber Co	750.00	
Do	Green Bay Packaging, Inc		
Do	Lone Star Steel Co	11,250.00	
Do	MK-Ferguson Company		
Do	Northville Industries Corp	7,500.00	
Do	Northwestern Mutual Life Insurance Co	7,500.00	
Do	Oppenheimer & Co, Inc		
Do	Owens-Illinois		
Do	PHLcorp, Inc	3,750.00	
Do	Quanex Corp	1,125.00	
Do	Resorts International, Inc	1,200.00	
Do	Southern Company Services, Inc	7,500.00	
Do	Texas Ozone Task Force	1,500.00	
Do	U.S. Fidelity & Guaranty Co	4,500.00	
Do	Union Carbide Corp		
Do	Weil Gotshal & Manges		
Do	Weyerhaeuser Company		
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,500.00	
Do	Bell Atlantic Corp	500.00	
Do	Brinks, Inc	1,000.00	
Do	California Federal Savings & Loan Assn	1,000.00	
Do	Footwear Retailers of America	1,500.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	JMB Realty Corp	1,000.00	
Do	Life of Virginia	1,000.00	
Do	New York State Bankers Assn	1,500.00	
Do	Pharmaceutical Manufacturers Assn	1,500.00	
Do	Securities Industry Assn	500.00	
Do	Torchmark Corporation	1,000.00	
Henry Scott Wallace, 1110 Vermont Ave., NW, #1150 Washington, DC 20005	National Assn of Criminal Defense Lawyers	11,250.00	50.00
Raymond [illegible] Wallace, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Wallace [illegible] Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farm Bureau Federation	1,500.00	
Do	American Sugar Cane League	3,750.00	
Do	Amstar Corp	2,500.00	
Do	Cotton Warehouse Assn of America	4,550.00	
Do	Fiber Fabric & Apparel Coalition for Trade	8,750.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	4,375.00	
Do	Merchants Grain & Transportation, Inc	2,500.00	
Do	Service Corporation International	1,875.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
R. Douglas Wallin Jr., 1235 Jefferson Davis Hwy. Arlington, VA 22202	Emerson Electric Co		931.17
Charles [illegible] Walsh, Fleischmen & Walsh 1725 N St., NW Washington, DC 20036	National Cable Television Assn, Inc		
James P. Walsh, Davis Wright & Jones 1752 N St., NW, #800 Washington, DC 20036	American Tunaboat Assn	10,000.00	
Susan [illegible] Walsh, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	10,934.00	
William [illegible] Walsh, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,576.95	
Frank J. Walter, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
William [illegible] Wampler, 412 First Street, SE Washington, DC 20003	Sterling Drug, Inc		
Bonnie [illegible] Wan, 1201 Pennsylvania Avenue, #730 Washington, DC 20004	Kimberly-Clark Corp		
John F. Wanamaker, 201 N. Washington, St. Alexandria, VA 22314	Retired Officers Assn	2,592.00	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Justin [illegible] Ward, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc		
Stephen [illegible] Ward, 1919 Pennsylvania Avenue, NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	6,899.88	179.00
Richard D. Warden, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	21,158.05	228.00
Jack Ware, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,890.00	
Michael D. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Peter F. Warker, Suite 2700 1000 Wilson Boulevard Arlington, VA 22209	TRW, Inc	1,250.00	
Ann D. Warner, 1513 16th St., NW Washington, DC 20036	Air Conditioning Contractors of America	6,250.00	
Ernest [illegible] Warner Jr., 1818 N St., NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)	342.00	79.85
Do	DGA International, Inc (For:SNECMA)		
William [illegible] Warner, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	39.00	35.28
Christine M. Warnke, Suite 300 1101 Connecticut Avenue, NW Washington, DC 20036	American Textile Manufacturers Institute, Inc	400.00	98.80
Barbara J. Washburn, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	612.00	25.54
Washington Gas Light Co, 1100 H St., NW Washington, DC 20080			1,541.20
Washington Lobby Group, Inc, 325 Pennsylvania Ave., SE Washington, DC 20003	Preston Corp	9,000.00	
Koichi Watanabe, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Waterbed Manufacturers Assn, 2500 Wilshire Boulevard, #603 Los Angeles, CA 90057			
Millie Waterman, 5656 Corduroy Road Mentor, OH 44060	National Congress of Parents & Teachers		1,783.36
Jerry [illegible] Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries	2,400.00	
Clarke [illegible] Watson, 769 Detroit Street Denver, CO 80206	Westland Companies, Inc		
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc	5,042.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	2,750.00	
Carl [illegible] Watt Jr., 1745 Jefferson Davis Hwy, #1200 Arlington, VA 22202	Rockwell International Corp	9,250.00	177.38
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,648.00	
George B. Watts, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,500.00	
Bruce [illegible] Watzman, 1130 17th Street, N.w. Washington, DC 20036	National Coal Assn	6,660.00	331.38
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	1,000.00	3,092.46
A. Vernon Weaver, 114 East Capitol Ave. Little Rock, AR 72201	Stephens Inc		
James [illegible] Webb, 801 North 11th Street St. Louis, MO 63101	Sverdrup Corp		
Frederick L. Webber, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Peter K. Weber, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,700.00	40.00
Webster & Sheffield, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Asarco Corporation	500.00	
Do	Colorado SSC Project		
Do	Interstate Natural Gas Assn of America	170.00	
Do	Mazda Motor Manufacturing (USA) Corp		
Webster Chamberlain Bean & McKevitt, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Better Working Environments, Inc		
Do	Diagnostic Retrieval Systems, Inc	500.00	
Do	International Taxicab Assn		
Do	Kelly Assisted Living	200.00	10.50
Do	Kelly Services, Inc		
Do	Miller Brewing Co	1,000.00	125.00
Do	National Assn of Wholesaler-Distributors		
Do	National Fed of Independent Business	1,000.00	
Do	Waterbed Manufacturers Assn		
Lee J. Weddig, Suite 580 2000 M St., NW Washington, DC 20036	National Fisheries Institute	4,000.00	
Charles W. Wegner Jr., 400 N. Washington St. Alexandria, VA 22314	National Assn of Professional Insurance Agents	700.00	410.00
Edward L. Weidenfeld, 1155 21st Street, NW, #400 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)		
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Chevron Corp	2,400.00	40.00
Do	TIME, Inc	680.00	
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Mark Weinberg, 1815 H St., NW, #600 Washington, DC 20006	Mark B. Weinberg, P.C. (For:Coalition for a Free Marketplace of Ideas)	1,500.00	110.24
Nancy Weinberg, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc	100.00	230.28
Mark B. Weinberg, P.C., 1815 H Street, NW, #600 Washington, DC 20006	Coalition for a Free Marketplace of Ideas	1,500.00	196.94
Do	Federal Indian Tribes of Michigan		303.92
Weiner McCaffrey Brodsky & Kaplan, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	National Manufactured Housing Finance Assn	5,898.00	167.00
Donald G. Weinert, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,500.00	
Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402	Dorsey & Whitney		
Arthur A. Weiss, 1800 First National Building Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
David Weiss, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	453.11
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	148.75	7.40
Bryant L. Welch, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,750.00	50.00
Don Welch, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Kathleen Welch, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,115.39	
Jerry Welcome, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,000.00	
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Soc of Composers Authors & Publishers	7,500.00	
Do	Old Republic Companies	4,625.00	
Wellford Wegman & Hoff, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	American Business Conference	900.00	
Do	Canadian Embassy	4,725.00	
Do	Catalyst Energy Corp	1,000.00	
Do	Department of Natural Resources, Province of Manitoba	1,350.00	
Do	Energy Factors, Inc	1,000.00	
Do	Grants & Contracts Projects, United Way of America		
Do	J&B Management Company	750.00	
Do	Long Lake Energy Corp	2,500.00	
Do	Manville Corporation		
Do	Ministry of the Environment	5,000.00	
Do	National Corp for Housing Partnerships	1,000.00	
Do	National Independent Energy Producer's Hydro Tax Reform Comm	6,000.00	
Do	National Independent Energy Producers	2,000.00	
Do	Sithe-Energies USA, Inc	5,000.00	
Do	Taurus International Manufacturing, Inc	1,200.00	
Do	VMS Realty		
Do	YMCA of the USA	2,000.00	
L. H. Wells, Suite 200 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Eleanor Wenner, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	17,272.50	405.00
Roland Wesley, 1159 Quail Run Bolingbrook, IL 60439	Committee for Minor. Access to Post Second. School Ownership		
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	25,000.00	402.28
G. Franklin West, 3804 Rodman St., NW, #302 Washington, DC 20016	Church Alliance	4,000.00	
Joy Cherie West, 1629 K St., NW, #715 Washington, DC 20006	City of Detroit	11,876.00	5,302.58
West Mexico Vegetable Distributors Assn, PO Box 848 Nogales, AZ 85621			1,000.00
Harry H. Westbay III, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	300.00	113.79
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		3,500.00	3,500.00
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	192.12	
William Wewer, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	6,750.00	
Brian B. Whalen Jr., 401 N. Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,250.00	1,385.40
Curtis E. Whalen, 490 L'enfant Plaza, SW, #3202 Washington, DC 20024	Transco Energy Company		2,541.51
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Deborah A. White, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	352.25	
George E. White Jr., P.O. Box 61000 New Orleans, LA 70161	MSU System Services, Inc	2,463.44	306.52
John C. White, 1899 L Street, NW, #500 Washington, DC 20036	Camp Barsh Bates & Tate	20,000.00	
Do	Chicago Mercantile Exchange	5,000.00	
Do	Coastal Corp	12,500.00	
Do	Comtran, Ltd		
Do	Louis Dreyfus Corp		
Do	Tobacco Institute	5,000.00	
John Thomas White II, Suite 2202 490 L'Enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
Larry White, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	538.46	263.50
Leland J. White, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
Margita E. White, 1730 M Street, NW, #407 Washington, DC 20036	Television Operators Caucus, Inc		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	5,317.17
Sam White, 412 First St., SE, #40 Washington, DC 20003	American Beekeeping Federation		
Do	Independent Cattlemen's Assn		
Do	National Agricultural Chemicals Assn	15,000.00	
Do	National Peanut Growers Group	6,000.00	
Do	Nuclear Waste Task Force	7,500.00	
Do	Sam Kane Packing		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Josiah R. Whitehead, 3030 Cornwallis Road Research Triangle Park, NC 27709	Burroughs Wellcome Co		
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,250.00	
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
William F. Whitsitt, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,700.00	449.22
Pamela J. Whitted, 1700 K St., NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
William E. Wickert Jr., 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	500.00	
Wickham & Geske, 2300 N St., NW, #600 Washington, DC 20037	LTV Corporation	170.00	16.25
Wickwire Lewis Goldmark & Schoor, 500 Maynard Bldg. Seattle, WA 98104	Arctic Slope Regional Corp		1,012.51
Mary Frances Widner, 1455 Pennsylvania Ave, NW Washington, DC 20004	American Inst of Certified Public Accountants	500.00	89,296.26
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	18,787.90	9,650.18
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	4,000.00	89.00
Thomas O. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	1,830.00	280.00
Wiley Rein & Fielding, 1776 K St, NW, 12th Fl. Washington, DC 20006	CBS, Inc		
Guenther O. Wilhelm, Suite 1100 1899 L Street, NW Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Dean M. Wilkinson, 1611 Connecticut Avenue, NW Washington, DC 20009	Greenpeace, USA	359.72	40.84
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	American Assn of Presidents of Independent Colleges & Univs	13,632.00	88.40
Do	Bonneville International Corp	6,939.50	11.01
Do	Central States Health & Life Co of Omaha		
Do	Empire Blue Cross & Blue Shield	35,399.50	629.62
Do	Greenwich Capitol Markets		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Manville Corporation		
Do	National Assn of Independent Colleges & Universities		
Do	Shee Atika, Inc	963.86	3,646.14
Annelise Williams, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Faith Williams, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company		
Lee Williams, 1616 H St., NW Washington, DC 20006	American Retail Federation	800.00	
Leonard B. Williams, 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	125.00	
Lucinda L. Williams, 1155 15th Street, NW, #400 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	400.00	
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20035-4202	United Airlines, Inc	1,500.00	
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Institute for Clinical Research, Inc		
Williams Myers & Quiggle, 888 17th St., NW Washington, DC 20006	Church Alliance	39,093.75	2,354.53
David K. Wills, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Wayne D. Willis, 1025 Connecticut Ave., NW, #704 Washington, DC 20036	GA Technologies, Inc	756.00	94.36
Willkie Farr & Gallagher, 1155 21st St., NW Washington, DC 20001	American Trucking Assns, Inc		
Do	AOC International, Inc	1,017.50	
Do	ASEAN Federation of Textile Industries (AFTEX)	2,084.78	
Do	Companhia Siderurgica Paulista (COSIPA)		
Do	Comptroller of the State of New York	506.25	
Do	Council of Institutional Investors	370.00	
Do	Ferro Union	250.00	
Do	Japan Iron & Steel Exporters' Assn		
Do	LEGI-SLATE	3,255.00	59.24
Do	Tatung Corp	2,127.50	
Do	Washington Public Power Supply System	3,112.50	
Do	Westinghouse Electric Corp	1,442.50	
Do	Yamaha Motor Co, Ltd, et al.	6,380.00	
Charlotte M. Wilmer, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	200.00	
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Broadcasting Co, Inc, et al		
Do	American Cyanamid Co	2,200.00	158.30
Do	American Honda Motor Co, Inc	3,810.00	
Do	Apache Corporation		
Do	Capital Cities/ABC, Inc		
Do	Citicorp		
Do	Handgun Control, Inc		12.26
Do	National Assn of Broadcasters		
Do	People of Enewetak	960.00	26.96
Do	World Wildlife Fund		
Charles D. Wilson, 1919 South Broadway, Box 19130 Green Bay, WI 54307-9130	Fort Howard Corp	1,538.40	442.64
Craig S. Wilson, 4500 Vestal Parkway East Binghamton, NY 13903	New York State Electric & Gas Corp		
Dena L. Wilson, Suite 1000 1600 Wilson Blvd. Arlington, VA 22209	American Waterways Operators, Inc	6,000.00	197.03
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	684.00	12.00
Dorothy Wilson, 1000 Connecticut Ave., NW, #1107 Washington, DC 20036	Coalition of Concerned Charities		
G. Peter Wilson, 249 Maitland Avenue P.O. Box 1119 Altamonte Springs, FL 32701	Institute of Internal Auditors, Inc		
H. Graham Wilson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Kerrie Bunting Wilson, 224 East Capitol Street Washington, DC 20003	American Cancer Society	4,000.00	100.00
Patrick Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Robert Gary Wilson, 1730 Rhode Island Avenue, NW Washington, DC 20036	PPG Industries, Inc	40.00	8.00
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
John P. Winburn, Winburn Associates, Inc 453 New Jersey Ave., SE Washington, DC 20003	American Assn of Equipment Lessors	9,000.00	
Do	American Automotive Leasing Assn	4,000.00	
Do	Beneficial Management Corp	30,000.00	
Do	Burlington Northern, Inc	15,000.00	
Do	Coalition to Preserve Group Worker's Compensation Funds	25,000.00	
Do	FAG Bearings Corporation		
Do	Green Bay Packaging Co	7,500.00	
Do	The Hartford	15,000.00	
Do	Leggett & Platt	12,000.00	
Do	National Assn of ASCS County Office Employees	2,490.00	
Do	Pennzoil Co	15,000.00	
Do	Quanex Corp		
Do	Rosenberg Real Estate Equity Fund		
Do	Ruan Transport Corp	18,000.00	
Do	U.S. Air, Inc	9,000.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	450.00	153.75
Kathleen [illegible] Winn, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	475.00	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	656.25	57.00
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	American Assn of Museums		
Do	Beatrice Companies, Inc		
Do	City of Tucson		
Do	Council of Forest Industries of British Columbia	1,050.00	
Do	CNA Financial Corp		
Do	Emerson Radio Corp		
Do	International Council of Shopping Centers	1,275.00	7.50
Do	Lease Management Corp		
Do	Staley Continental, Inc		
Do	Syntex Laboratories, Inc		
Do	Terson Company, Inc		
Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Alaska Native Coalition	1,800.00	
Do	America West Airlines, Inc		
Do	Amoco Performance Products, Inc		
Do	Bowater, Inc		
Do	BASF Structural Materials, Inc		
Do	BASF, Corp		
Do	Connecticut Liquidity Investment Fund, Inc		13.90
Do	Fiberite Corp		
Do	Fusion Systems Corp		38.75
Do	Hercules Aerospace Co		
Do	Irving Bank Corp		34.36
Do	IBJ Schroder Bank & Trust Co	1,500.00	6.50
Do	National Vehicle Leasing Assn		
Do	Navajo Nation		
Do	Norsk Forsvarsteknologi A/S	8,100.00	
Do	Patrolmen's Benevolent Assn		
Do	QO Chemicals, Inc		
Do	Singer Co		
Do	Thrifty Rent-A-Car System, Inc		43.00
Walter J. Witek Jr., 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Christopher J. Witkowski, 2000 P St., NW, #700 Washington, DC 20036	Aviation Consumer Action Project		10.00
Glenn P. Witte, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
James Wolf, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard Inc	500.00	
Thomas J. Wolf, 1439 Rhode Island Ave., NW Washington, DC 20005	EXPEX, Inc	100.00	22.47
Wolf Block Schorr & Solis-Cohen, 12th Floor Packard Building 15th & Chestnut Streets Philadelphia, PA 19102	CIGNA Corporation	1,500.00	427.00
Do	Revlon Group, Inc	2,500.00	914.00
Do	Smith Kline Beckman, Inc	2,000.00	702.00
Megan McGrath Wolfe, 1726 M Street, NW, #300 Washington, DC 20036	Schering-Plough Corp	107.00	222.00
Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036	Public Citizen Health Research Group	13.00	14.99
Ronald Wolsey, One North Charles St., #1520 Baltimore, MD 21201	Amoco Corporation		
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	3,175.00	82.19
John L. Wood, 2121 San Jacinto St. P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
S. Roy Woodall Jr., 1455 Pennsylvania Ave., NW, #530 Washington, DC 20005	National Assn of Life Companies	1,393.75	358.10
G. Kent Woodman, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)	11,442.50	27.60

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Irvin M. Woods, 600 Maryland Ave., SW, #701 Washington, DC 20024	Aircraft Owners & Pilots Assn	11,485.00	1,871.92
Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006	Tesoro Petroleum Corp	3,000.00	
Howard E. Woolley, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,600.00	368.99
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	140.00	96.00
Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006	Avon Products, Inc		
Do	Canadair Challenger, Inc		
Do	Equitable Life Assurance Society of the U.S.		
Do	Pan American World Airways, Inc		
Do	Toshiba America, Inc		
Do	Toyota Motor Sales, USA, Inc		
Do	Transportation Group, Inc		
W. Robert Worley, 1101 17th Street, NW, #405 Washington, DC 20036	Southern Company Services, Inc	399.00	1,451.38
David A. Wormser, Pepper Hamilton & Scheetz 1777 F Street, NW Washington, DC 20006	Norlight, Inc		
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
Joseph T. Wrabek, Box 70 Cascade Locks, OR 97014	Columbia Gorge United		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, P.O. Box 94661 Cleveland, OH 44101-4661	Centerior Energy Corp, et al		
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		2,814.50
Kenneth Wu, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202	Gould, Inc	3,500.00	2,248.42
Wunder & Diefenderfer, 1615 L St., NW, #650 Washington, DC 20036	Airship Industries, Ltd	14,381.25	517.23
Do	Alliance of American Insurers	3,915.00	37.74
Do	Association of American Railroads		
Do	BellSouth Corp		
Do	Bohemia Lumber Co	1,800.00	96.36
Do	Duke Power Co		
Do	Enserch Corporation		
Do	Food Marketing Institute	1,875.00	
Do	Ford Motor Co	2,402.25	117.19
Do	General Aviation Manufacturers Association	4,712.25	19.47
Do	Georgia-Pacific Corp		
Do	GTE Corporation	2,458.75	12.05
Do	Interlocking Directorate Reform Coalition	5,321.25	79.57
Do	Metropolitan Insurance Co	6,000.00	195.10
Do	Mortgage Guarantee Insurance Corp		
Do	MDRX, Inc		
Do	National Cable Television Assn, Inc	12,499.80	515.52
Do	North American Phillips Corp	26,650.00	299.82
Do	Northwestern Mutual Life Insurance Co		
Do	Pennsylvania Higher Education Assistance Agency		
Do	Primark Corporation	2,922.50	38.39
Do	Product Liability Coordinating Committee	8,400.00	116.08
Do	Shared Medical Systems (SMS)	3,700.00	33.85
Do	Solar Turbines, Inc		
Do	Sony Corp of America	5,575.00	85.33
Do	State of North Carolina		
Do	Texas Oil & Gas Corp		
Do	Tobacco Industry Labor Management Committee	19,622.35	1,611.02
Do	U.S. Telephone Assn	5,893.54	257.43
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	1.60
Lucia Wyman, 1401 Elm St., #4100 Dallas, TX 75202	Cattle Resources, Inc		
Do	Swift Independent Corp	5,000.00	442.57
Do	Valley View Energy Corp		
Wyman Bautzer Christensen Ruchel & Silbert, 2300 N Street, NW, #600 Washington, DC 20037	American Boiler Manufacturers Assn, Inc		
Do	Eklutna, Inc		
Do	Louis R. Miller		
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	500.00	
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Mary J. Yarrington, 2000 K St., NW, 7th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,245.00	
Edward R. Yawn, 1111 19th St., NW Washington, DC 20036	Edison Electric Institute	1,120.45	423.65
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	10,371.16	127.38
Richard K. Yep, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development	8,858.00	
Paul Yestrumskas, Gale Post Lane Southbury, CT 06488	Timex Group Ltd	300.00	672.71
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206	Grange Mutual Casualty Co		
D. Scott Yohe, 1629 K St., NW, #204 Washington, DC 20006	Delta Air Lines, Inc	390.00	462.50
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Edward A. Yopp, 1200 Golden Key Circle, #141 El Paso, TX 79925	West Texas Higher Education Servicing Corp		
Roberta Lynn Youmans, 509 C Street, NE Washington, DC 20002	Roisman, Reno & Cavanaugh (For:National Housing Law Project)	2,100.00	
John Andrew Young, 1899 L Street, NW, #500 Washington, DC 20036	Coastal Corporation		
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates		
Do	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	4,500.00	
Thomas F. Youngblood, 1819 L Street, NW, #600 Washington, DC 20036	American Hotel & Motel Assn	1,803.04	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	6,000.00	605.26
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
David E. Yudin, 1707 H Street, NW, #500 Washington, DC 20006	Bus Transit Caucus	637.00	
Do	Regional Transportation District	1,584.00	42.61
John R. Zagame Associates, Inc, 1001 Prince Street, #116 Alexandria, VA 22314	National Music Publishers Assn, Inc	12,168.95	168.95
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Lynn Zakupowsky, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	2,500.00	
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Janice Zarro, 555 13th Street, NW, #1050 Washington, DC 20004	Avon Products, Inc		
Kathy Zebrowski, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	700.00	262.62
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 11209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Do	Sikorsky Aircraft		
Denis R. Zegar, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Geoffrey Zeh, 12050 Woodward Avenue Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	565.37
Mitchell Zeller, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	1,500.00	97.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,210.80	
Zuckert Scoutt Rasenberger & Johnson, 888 17th St., NW, #600 Washington, DC 20006-3959	National Comm of Cities & States for Airline Service	4,000.00	974.00
Murray Zweben, 1140 19th St., NW, #600 Washington, DC 20036	Manchester Group, Ltd		
23rd Congressional District Action Comm, 575 Charles St. St. Marys, PA 15857			

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QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the third calendar quarter of 1987 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19..... ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER__________

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connectioo with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state belcw what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through..............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*__________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul C. Al[illegible]nte, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	1,090.38	4.50
Ablondi & Foster, P.C., 1776 K Street, NW, #606 Washington, DC 20006	Rhone-Poulenc, Inc	12,483.75	1,589.12
Do	Taiwan Textile Federation	10,000.00	223.07
Action, Inc, [illegible]33 Pennsylvania Ave., SE Washington, DC 20003	American Indian Higher Education Consortium		
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co	500.00	300.86
Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202	Empire of America		
Afognak Joint Venture, 413 Rezanof Drive East Kodiak, AK 99615			40,628.00
Afognak Native Corp, 413 Rezanof Drive East Kodiak, AK 99615			52,641.00
Karen D. Alexander, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	195.23	
Richard F. [illegible], Suite 808 1901 North Moore Street Arlington, VA 22209	National Assn of the Remodeling Industry	2,500.00	
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	5,000.00	275.55
Robert Alvarez, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	579.50	
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	6,500.00	6,469.70
Do	County of Suffolk, New York	17,600.00	17,492.17
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201		14,559.67	14,559.67
American Arts Alliance, 1319 F Street, NW, #307 Washington, DC 20004-1182		252,593.00	111,776.00
American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036			25,129.53
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		6,933.00	48,880.50
American Assn of Presidents of Independent Colleges & Univs, C-366 ASB Provo, UT 84602			19,104.49
American Chamber of Commerce of the Dominican Republic, P.O. Box 95-2 Santo Domingo Dominican Republic			
American Conservative Union, 38 Ivy Street, SE Washington, DC 20003			
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611		2,072.34	9,072.34
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			108,634.74
American Financial Services Assn, 1101 14th St., NW Washington, DC 20005			250.00
American Frozen Food Institute, 1700 Old Meadow Rd., #100 Mclean, VA 22102		6,000.00	6,000.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		31,638.00	31,638.00
American Health Care Assn, 1200 15th Street, NW Washington, DC 20005		235,255.20	53,259.97
American Honey Producers Assn, P.O. Box 368 Minco, OK 73059			
American Hospital Assn, 840 N. Lake Shore Dr. Chicago, IL 60611		76,083.85	76,083.85
American Medical Peer Review Assn, 440 First Street, NW, #510 Washington, DC 20001			
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		147,679.72	92,795.57
American Orthotic and Prosthetic Assn, 717 Pendleton St. Alexandria, VA 22314-1885			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			5,186.00
American Soc for Personnel Administration, 606 North Washington Street Alexandria, VA 22314			
American Subcontractors Assn, 1004 Duke St. Alexandria, VA 22314			4,400.00
American Trucking Assns, Inc, 2200 Mill Road Alexandria, VA 22314		10,290.06	74,706.20
Americans for the National Voter Initiative Amendment, 3115 N St., NW Washington, DC 20007			
Anthony A. Anderson, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)	7,953.75	
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Scott G. Anderson, 50 F St., NW, #1080 Washington, DC 20001	Burlington Northern, Inc	1,900.00	439.47
Steven C. Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	5,000.00	
Anderson & Pendleton, 1000 Connecticut Avenue, NW, #707 Washington, DC 20036	Corporacion Nacional del Cobre de Chile		
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	29,596.20	2,654.24
Do	Bay Area Rapid Transit District		
Do	Communication Industries Assn of Japan	4,143.90	105.36
Do	Institute for Financial & Fiscal Studies	2,265.40	164.21
Do	Japan Machine Tool Builders Assn	3,193.20	93.67
Do	Project Orbis, Inc	1,795.20	92.55
Do	Riviana Foods, Inc		
Do	Seidman & Seidman/BDO		
David R. Andrews, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Sterling Drug, Inc)	1,053.50	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	724.29
Owen W. [illegible]gium, 1667 K Street, NW, #650 Washington, DC 20006	Armco, Inc	1,800.00	523.18
Arkansas Assn of Bank Holding Companies, 103 W. Capitol Little Rock, AR 72201			
John A. Armstrong, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dolasco, Inc		
John E. Arnold, 1725 Jefferson Davis Highway, #401 Arlington, VA 22202	Unisys Defense Systems	1,000.00	211.20
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Assn of Exporters & Importers	4,422.50	300.89
Do	Amok, Ltd, et al		
Do	Building & Construction Trades Dept, AFL-CIO		
Do	Canadian Forest Industries Council	2,475.00	
Do	Harris Bank Corp, Inc	25,632.50	
Do	Japan Fair Trade Center		82.55
Do	National Coordinating Comm for Multiemployer Plans	15,312.00	1,506.32
Do	Sacramento Municipal Utility District	358.87	
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine			
Association for the Advancement of Historical Research, P.O. Box 15232 Washington, DC 20003		350.00	350.00
Association of Maximum Service Telecasters, Inc, 1730 M St., NW, #713 Washington, DC 20036			1,609.75
Association of Urban Universities, 1225 Connecticut Ave., NW, #300 Washington, DC 20036		10,520.00	6,479.54
Ronald R. Austin, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc	574.09	
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Azanian [illegible], 616 South Carolina Ave, SE, #2 Washington, DC 20003			
ADAPSO The Computer Software & Services Industry Assn, 1300 North 17th Street, #300 Arlington, VA 22209			
APCO Associates, 1155 21st Street, NW,# 1000 Washington, DC 20036	Advanced Center for Technology Training	1,375.00	
Do	American Foreign Service Assn		
Do	Amok, Ltd, et al		4,364.76
Do	Asocolflores		135.50
Do	ASEA AB		
Do	Canadian Forest Industries Council		84.25
Do	Canadian Meat Council		
Do	Cemai		2,118.75
Do	CEL Educational Resources		57.84
Do	Embassy of Australia		575.00
Do	Ferroalloys Association		
Do	Harris Trust & Savings		
Do	Japan Fair Trade Center		86.25
Do	Manitoba Energy Authority		282.50
Do	New Hampshire Yankee		1,720.85
Do	Norhtern California Power Agency		460.00
Do	Outboard Marine Corp		
Do	Profilo Holding A.S.	1,755.00	152.75
Do	Recording Industry Assn of America		45.00
Do	Sacramento Municipal Utility District		1,134.11
Do	Sacramento Public Utility District, et al.		
Do	Tulane University	680.00	680.00
Do	University of California		397.52
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Dale R. Babione, 1700 N. Moore St. Rosslyn, VA 22209	Boeing Company	2,366.00	417.06
James Michael Bailey, 910 17th St., NW, #210 Washington, DC 20006	Association of U.S. Night Vision Manufacturers		
John P. Bailey, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	7,000.00	329.51
Quinter [illegible] Baker, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Resort & Residential Development Assn	5,000.00	5,000.00
Do	Banc One, Cleveland, NA	2,000.00	2,000.00
Do	Beverly Enterprises, Inc		
Do	Beverly Investment Properties, Inc	1,000.00	1,000.00
Do	Blue Cross & Blue Shield of Northern Ohio	5,000.00	5,000.00
Do	Cleveland Clinic Foundation	3,000.00	3,000.00
Do	Edison Electric Institute	2,000.00	2,000.00
Do	Alex Miller	1,000.00	1,000.00
Do	Reliance Electric Co	500.00	500.00
Do	Rouse Company	1,000.00	1,000.00
Do	Travelers Insurance Co	2,000.00	2,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U.S. League of Savings Institutions	1,000.00	1,000.00
Do	Uniden Corp of America		
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Coalition to Exclude Operationg Income from PFIC Provisions	9,000.00	7,484.48
Catherine A. Ball, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn	8,438.00	264.87
Charles E. Bangert, P.C., 1450 G Street, NW,#1200 Washington, DC 20005	Business Roundtable	3,100.00	
Bank Capital Markets Assn, National Press Building, 2nd Fl. Washington, DC 20045			
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	3,750.00	
Baraft Koerner Olender & Hochberg, P.C., 2033 M Street, NW, #203 Washington, DC 20036	College Football Association		
Do	National Assn of Collegiate Directors of Athletics	3,400.00	
Do	National Basketball Assn	200.00	
Jim Barnes, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	429.50	
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,300.00	
David M. Barrett, Barrett Hanna Daily & Gaspar 2555 M Street, NW, #100 Washington, DC 20037	Allied Tube & Conduit Corp		
Do	Energy Consumers & Producers Assn		
Barrett Smith Schapiro Simon & Armstrong, 1201 Pennsylvania Avenue, NW, #821 Washington, DC 20004	Coffee Sugar & Cocoa Exchange, Inc		
Do	Hugo Neu & Sons, Inc		
Do	Metropolitan Transportation Authority		
Douglas P. Bates, 1615 L Street, NW, #1350 Washington, DC 20036	Business Roundtable	2,000.00	25.00
Catharine R. Batky, 50 F Street, NW, #1080 Washington, DC 20001	Burlington Northern, Inc	750.00	278.65
Davis M. Batson, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	300.00	
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,500.00	574.08
Robert J. Baughman, 717 Pendleton St. Alexandria, VA 22314-1885	American Orthotic and Prosthetic Assn		
James R. Baxter, 1101 15th St., NW, #1040 Washington, DC 20005	National Construction Employers Council		
Donald S. Beattie, P.O. Box 6474 Alexandria, VA 22306	B T Enterprises	3,000.00	1,500.00
Edward A. Beck III, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	9,714.25	468.49
Edwin L. Behrens, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	60.00	
Alan R. Bennett, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Bristol-Myers Co)	265.63	30.00
Do	Fox Weinberg & Bennett (For:Hoffman-La Roche, Inc)	387.50	10.00
Douglas P. Bennett, 9020 Saunders Lane Bethesda, MD 20817	Association of Executive Search Consultants, Inc		
Do	Corning Associates		
Berliner & Maloney, 1101 17th Street, NW, #1004 Washington, DC 20036-4798	Embassy of Belize	1,650.00	28.01
Do	Government of Barbados, Ministry of Finance & Planning	31,032.11	544.44
Charles Bernhardt, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Eve Berton, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
L. Christina Beydoun, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn		
Robert D. Billings, 301 Corta Ct. Oxon Hill, MD 20745	American Conservative Union		
Hugh L. Binford, 339 Ruckel Drive Niceville, FL 32578			
Robert Bingaman Jr., 1424 K Street, NW, #300 Washington, DC 20005	National Abortion Rights Action League	11,279.64	
Robert J. Bird, 555 13th Street, NW, #490 Washington, DC 20004	General Mills, Inc	650.00	
Bishop Cook Purcell & Reynolds, 1200 17th Street, NW, #700 Washington, DC 20036	Baxter Healthcare Corp	8,669.25	
Do	CNA Insurance Co of Chicago, Illinois	900.00	
Do	National Mass Retailing Institute	1,250.00	
Do	Texaco, Inc	400.00	
Do	Texas Gas Transmission Corp	2,897.33	
Roger Blacklow, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	7,446.01	146.40
Brent Blackwelder, 218 D St., SE Washington, DC 20003	Environmental Policy Center	444.00	
Richard W. Bliss, 3242 Grace Street, NW Washington, DC 20007	Amax, Inc		
Do	Environmental Science & Engineering		
Do	Fluor Corporation	80.00	
Do	National Paint & Coatings Assn, Inc	650.00	80.90
Do	St. Joe Minerals Corp		
Do	Varian EIMAC	1,000.00	185.52
Larry A. Boggs, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Carol Bok, 1133 15th St., NW, #640 Washington, DC 20005	American Logistics Association		
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Bonsib, Inc, P.O. Box 1807 Washington, DC 20013			
Diane Boratyn, 1230 31st St., NW, #5 Washington, DC 20007	D Boratyn, Ltd		
Rodney A. Bower, 8701 Georgia Avenue, #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Robert W. Bradford, 1101 John A. Denie Road P.O. Box 34550 Memphis, TN 38184-0550			
Raymond F. Bragg Jr., 50 F Street, NW, #1040 Washington, DC 20001	American Independent Refiners Assn	300.00	
Do	Consolidated Natural Gas Co		
Do	Tosco Corporation		
Talmadge Branch, 300 Eye St., NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund		
Brand & Lowell, 923 15th Street, NW, Fifth FL Washington, DC 20005	General Dynamics Corp		
Do	Winstead McGuire Sechrest & Minick		
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al		
Roy S. Bredder, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn	5,000.00	54.52
E. R. Brooks, 2121 San Jacinto Street, #2500 Dallas, TX 75201	Central Power & Light Co		
Philip A. Brooks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	820.00	132.00
Cynthia A. Brown, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	American College of Surgeons		197.33
Donald K. Brown, 1121 L St., #810 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
E. Cooper Brown, 6935 Laurel Ave., #204 Takoma Park, MD 20912			
James P. Brown, 5622 Delmar Blvd., #105-W St. Louis, MO 63112	City of St. Louis - City Hall		
Brown Finn & Nietert, Chtd, 1920 N Street, NW, #510 Washington, DC 20036	Amway Corp	16,000.00	
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Canadian Financial Corporation		
Do	Schochet Associates		
Building Owners & Managers Assn International, 1250 Eye St., NW, #200 Washington, DC 20005			3,240.94
Linda Knell Bumbalo, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,750.00	241.00
Barbara G. Burchett, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,752.42	165.50
John L. Burke Jr., Foley Hoag & Eliot 1615 L Street, NW, #950 Washington, DC 20036	Massaro Properties, Inc	5,000.00	5,000.00
Do	Stadium Authority of the City of Pittsburgh		
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Michael Burns, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security	3,620.00	15.00
Larry D. Burton, 1001 22nd Street, NW, #600 Washington, DC 20037	Standard Oil Co (Ohio)		
James J. Butera, 4th Floor 1101 15th St., NW Washington, DC 20005	National Council of Savings Institutions	10,000.00	141.34
Mary Jane Butterfield, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	2,840.99	118.15
C. Richard Cahoon, 1120 Vermont Ave., NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	4,000.00	277.71
Morrison G. Cain, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	National Mass Retailing Institute	6,250.00	
Frank W. Calhoun, 3400 Texas Commerce Tower Houston, TX 77002	Burlington Northern, Inc		
James Callan, 1726 M Street, NW, #1000 Washington, DC 20036	Electronic Funds Transfer Assn	375.00	
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Committee for Equitable Compensation	500.00	
Jeanne Campbell, 1010 Pennsylvania Ave., SE Washington, DC 20003	Air Transport Assn of America		
Do	Algonquin Gas Transmission		
Do	American Nuclear Energy Council		
Do	Credit Union National Assn, Inc		
Do	Invest to Compete Alliance		
Do	LTV Aerospace & Defense Co		
Do	The New England		
Do	Pitney Bowes		
Do	Riffe Petroleum Co		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Air Corp		
Do	Texas Utilities Services, Inc		
Do	Union Pacific Corp		
Do	Westinghouse Electric Corp		
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	8,895.00	1,207.00
William F. Canis, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar Tractor Co	3,000.00	568.45
Capital Advocates, 1127 11th Street, #950 Sacramento, CA 95814	Crowley Maritime Corp	1,250.00	7,615.06

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Capitol Marketing Services, 923 Riva Ridge Drive Great Falls, VA 22066			
Caplin & Drysdale, Chtd, One Thomas Circle, NW Washington, DC 20005	Association of American Publishers	1,000.00	
Ross Capon, 236 Massachusetts Ave., NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	11,790.00	
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	25,987.00	
Bruce J. Carlton, 444 North Capitol St., NW, #801 Washington, DC 20001	Joint Maritime Congress	2,665.00	
James E. Carmichael, 413 Rezanof Drive East Kodiak, AK 99615	Afognak Joint Venture		
Do	Afognak Native Corp	4,446.00	307.00
Bertram W. Carp, 111 Massachusetts Ave., NW, 3rd Fl. Washington, DC 20001	Turner Broadcasting System, Inc	5,625.00	
David C. Carter, 1156 15th St., NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
David Cartwright, 1155 15th Street, NW Washington, DC 20005	National Small Business Assn	7,500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,160.00	1,389.91
Daniel L. Casey, 5A East Curtis Avenue Alexandria, VA 22301	American Conservative Union		
G. Thomas Cator, 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	1,350.00	1,350.00
Do	National Assn of Development Companies (NADCO)	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:Small Business United)	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:Southeastern Lumber Manufacturers Assn)	1,350.00	1,350.00
Gordon Cavanaugh, 509 C Street, NE Washington, DC 20002	Roisman Reno & Cavanaugh (For:Council of Large Public Housing Authorities)	11,416.67	293.35
Red Cavaney, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc	1,200.00	
Henry Chajet, 1920 N St., NW Washington, DC 20036	American Mining Congress	150.00	60.00
Dean S. Chaloux, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO		
Do	Apache Corporation	700.00	
Do	Belk Stores Services, Inc		
Do	Coalition of Publicly Traded Limited Partnerships	2,875.00	
Do	Coalition of State Employment Security Agencies	6,750.00	
Do	Manville Corporation	1,275.00	
Do	Metcalf & Eddy/KVB Group	1,475.00	
Do	National Assn of Retired Federal Employees		
Do	University Patents, Inc	175.00	
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	Multinational Business Services, Inc, et al	27,100.00	1,274.00
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	Arena Stage	1,375.00	1,375.00
Do	Capital Childrens Museum	1,375.00	1,375.00
Do	Corcoran Gallery	1,375.00	1,325.00
Do	Directors Guild of America	12,437.50	
Do	Fords Theater	1,375.00	1,375.00
Do	National Building Museum	1,375.00	1,375.00
Do	National Symphony	1,375.00	1,375.00
Do	Phillips Collection	1,375.00	1,375.00
Do	Shakespeare Theater at the Folger	1,375.00	1,375.00
Do	Washington Ballet	618.75	618.75
Do	Washington Opera	1,375.00	1,375.00
Do	Washington Performing Arts Society	756.25	756.25
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
David A. Clanton, 1667 K Street, NW, 9th Fl. Washington, DC 20006	Buchanan Ingersoll, P.c. (For:Federation of Apparel Manufacturers)		
Michael S. Clark, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Vernon A. Clark, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Outdoor Advertising Assn of America, Inc	2,398.00	5,936.55
Clean Water Action Project, 317 Pennsylvania Ave., SE Washington, DC 20003		5,910.00	2,067.44
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	500.00	
Coalition for American Energy Security, 1050 Thomas Jefferson St., NW, 6th Floor Washington, DC 20007			512.69
Coalition to Promote America's Trade, 1101 15th St., NW, #205 Washington, DC 20005		7,000.00	45,166.67
Coan Couture Lyons & Moorhead, 1625 Eye St., NW, #1015 Washington, DC 20006	National Investment Development Corp	3,750.00	
Coastal Properties Institute, Inc, 66 Surfwatch Drive Johns Island, SC 29455			
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	7,500.00	737.80
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp	900.00	111.50
Cole & Corette, P.C., 1100 Vermont Avenue, NW, #900 Washington, DC 20005	Ad Hoc Ski Footwear Committee		49.81
Do	Chase Manhattan Bank, N.A		
Do	Government of the Netherlands Antilles		36.35
Do	Millipore Corporation		
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	1,818.07	85.27
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Stephen J. Collins, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Committee for Do-It-Yourself Household Moving, 2011 Eye Street, NW, #500 Washington, DC 20006			
Committee for Fair Trade with China, Evergreen Point Rd., Box 288 Medina, WA 98039			57,289.19
Committee to Protect the Family, 8001 Forbes Place, #102 Springfield, VA 22151		317,188.87	387,776.56
Committee to Support the Antitrust Laws, 1401 New York Avenue, NW, #740 Washington, DC 20005		16,000.00	11,746.52
Communications Management, Inc, 2111 Wilson Boulevard, #900 Arlington, VA 22201	Citizens for Sensible Control of Acid Rain (CSCAR)	28,075.00	41,094.00
Do	Philip Morris USA	1,607,258.00	991,374.00
Lance Compa, 1411 K St., NW, #410 Washington, DC 20005	United Electrical Radio & Machine Workers of America	6,303.18	
Computer & Communications Industry Assn, 666 11th St., NW, #600 Washington, DC 20001			
Concerned Women for America, c/o Carol Poulos 122 C Street, NW, #800 Washington, DC 20001		18,577.45	18,577.45
Robert J. Conner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	500.00	882.05
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letters Carriers	3,980.23	
Gerald R. Connor, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn	2,375.00	
Consolidated Rail Corporation, P.O. Box 23451 Washington, DC 20026			14,418.00
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		59,720.00	76,620.00
Brian D. Cooney, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,556.00	643.00
C. William Cooper, 603 Broad St. Sewickley, PA 15143	United Distribution Companies		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	7,503.80	
Council for a Livable World, 20 Park Plaza, #603 Boston, MA 02116			24,599.91
Council of Non-Profit Organizations, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006			
Eric Cox, 418 7th St., SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	3,075.00	11.66
William C. Cramer, 2000 L Street, NW, #810 Washington, DC 20036	Cramer & Haber, P.C. (For:Canaveral Port Authority)		
Do	Cramer & Haber, P.C. (For:Dade County)		
Do	Cramer & Haber, P.C. (For:Dade County International Airport)		
Cramer & Haber, P.C., 2000 L Street, NW, #810 Washington, DC 20036	Canaveral Port Authority		
Do	Dade County		
Do	Dade County International Airport	2,000.00	
Richard L. Crawford, 311 First Street, NW Washington, DC 20001	National Restaurant Assn	17,500.00	
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
John P. Cregan, 220 National Press Building Washington, DC 20045	U.S. Business & Industrial Council	4,000.00	
Mary Dent Crisp, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security, Inc		
Herminio L. Cubillos, 20 F Street, NW, 2nd Floor Washington, DC 20001	National Council of La Raza	1,250.00	1,050.00
Brien F. Culhane, 5752 Drake Ct., #371 Alexandria, VA 22311	National Parks & Conservation Assn	400.00	25.00
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Jonathan W. Cuneo, 1401 New York Avenue, NW, #740 Washington, DC 20005	Committee to Support the Antitrust Laws	9,303.52	735.34
Diane Brown Cunningham, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	5,000.00	310.00
Richard L. Curry, P.O. BOX 66 Mclean, VA 22101	Fire Island Associates, Inc		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	6,586.00	800.93
M. Rupert Cutler, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance	1,362.58	3.20
Norman E. D'Amours, 1217 Evermay Court Mclean, VA 22101	American Council of State Savings Supervisors	12,000.00	
Do	Marine Midland Banks, Inc	24,000.00	
Joseph D. Dail Jr., 6623-A Old Dominion Drive McLean, VA 22101	Procompetitive Rail Steering Committee	4,500.00	
Donna M. Daley, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,750.00	60.00
John M. Damgard, 1825 Eye Street, NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co, Inc		
Susan A. Davis, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	201.20	10.50
Susan Davis International, 1818 N Street, NW, #350 Washington, DC 20036	Turkish Republic of Northern Cyprus	25,000.00	12,147.35
Gail DeLoach, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
D. Mark De Michele, 411 North Central Avenue P.O. Box 21666 Phoenix, AZ 85014	Arizona Public Service Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Association	600.00	
Elizabeth C. Demato, 5201 Auth Way Camp Springs, MD 20746	Seafarers International Union	3,000.00	353.93
Bradford T. Dempsey, Dempsey Associates, Ltd 919 Pennsylvania Avenue Harrisburg, PA 17112			
Department for Professional Employees, AFL-CIO, 815 16th St., NW Washington, DC 20006		10,954.24	10,954.24
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc		
Nicholas DeBenedictis, 1346 Chestnut St., #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce		
Beth DeGrasse, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	3,901.20	
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Norman Dickinson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	81.18	43.78
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	126.96	42.16
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	165.82	55.09
Do	Lumbermens Mutual Casualty Company	2,100.00	102.87
Dobrovir & Gebhardt, 1025 Vermont Avenue, NW, #1105 Washington, DC 20005	New York State Ophthalmological Society	140.00	26.10
John D. Doherty Jr., 900 17th Street, NW, #706 Washington, DC 20006	Chase Manhattan Bank, N.A	230.85	14.62
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp	1,350.00	
Kevin J. Donnellan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons		
Thomas F. Donnelly, 955 L'enfant Plaza, SW, #1202 Washington, DC 20024	National Water Resources Assn	3,125.00	
Ira Dorfman, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	766.29	4.00
Linda Dorian, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA		1,306.85
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Automobile Importers of America, Inc	6,500.00	30.00
Do	European Confederation of the Footwear Industry		
Do	Guam Contractors Assn		3,494.58
Do	International Electronics Mfgrs & Consumers of America, Inc	360.00	5.00
Do	MacMillan Bloedel, Inc	600.00	
Do	Texas Assn of Steel Importers	1,500.00	16.00
Russell E. Dougherty, P.O. Box 9346, 8280 Greensboro Dr. McLean, VA 22102	Military Impacted School Districts Assn	3,632.50	
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd	352.00	1,693.53
Do	Ameritech		
Do	California Wine Commission	3,009.00	239.85
Do	Chicago City Colleges		
Do	Directors Guild of America	970.00	576.33
Do	Dofasco, Inc, et al	7,949.00	1,400.41
Do	Hercules, Inc	3,924.50	70.85
Do	Home Shopping Network, Inc	270.00	
Do	State Higher Education Executive Officers Assn		
Do	ZIM Israel Navigation Co, Ltd		
Steve Doyle, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers' Assn		
Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress		
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	226.40
Evelyn Dubrow, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	13,000.00	165.75
Louise C. Dunlap, 418 Tenth Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Corp/California Energy Commission)	4,500.00	
Do	Dunlap & Browder, Inc (For:Unelco)	2,700.00	24.00
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Dunnells Duvall Bennett & Porter, 1220 19th Street, NW, #400 Washington, DC 20036	National Assn of Aircraft & Communications Suppliers, Inc		39.38
Judy C. Durand, 1120 20th Street, NW, #600s Washington, DC 20036	Union Pacific Corp	666.00	964.92
Jean Durning, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	325.56	35.41
Duncan Dwelle, 1001 Bridgeway, #301 Suasalito, CA 94965	American Fair Trade Council	7,500.00	7,500.00
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Allscrips, et al	5,280.00	19,173.50
Do	Apex Marine Corp	2,650.00	159.79
Do	ARCO Marine Co, Inc	28,725.00	304.60
Do	Bender Shipbuilding & Repair Co, Inc	8,500.00	488.47
Do	Crowley Maritime Corp	4,035.00	350.70
Dykema Gossett Spencer Goodnow & Trigg, 1752 N St., NW, 6th Fl. Washington, DC 20036	Military Boot Manufacturers Assn		
Catherine East, 1275 K Street, NW, #750 Washington, DC 20005	National Women's Political Caucus	999.99	53.70
George H. Eatman, 1800 Connecticut Ave., NW, #300 Washington, DC 20009	Slurry Technology Assn	1,000.00	
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Edwards & Antholis, 95 Madison Avenue Morristown, NJ 07960	Resorts International, Inc	13,162.50	2,730.12
Electronic Funds Transfer Assn, 1726 M Street, NW, #1000 Washington, DC 20036			2,200.00
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	14,661.03	175.25
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	23,077.00	
Erisa Industry Committee, 1726 M Street, NW, #1101 Washington, DC 20036			11,649.00
Mark Esherick, 1601 Connecticut Ave, NW, #400 Washington, DC 20009	Zero Population Growth, Inc	1,564.00	
Stephen E. Eure, 1711 King Street Alexandria, VA 22314	Snack Food Assn	4,100.00	328.29
Andreas W. Evans, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Do	Hoechst Celanese Corporation		
Do	Stepan Corporation		
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Robert B. Evans, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn		
Robert J. Evans, 2013 Canterbury Rd. Kingsport, TN 37660			
William J. Evans Jr., 1660 L St., NW, #901 Washington, DC 20036	Pan American World Services, Inc	625.00	146.65
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	10,000.00	393.69
Robbie G. Exley, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	11,937.20	437.20
Do	Public Service Co of New Mexico	28,569.49	5,794.49
Do	Sierra Pacific Power Co	20,859.74	2,599.14
Do	Standard Oil Co (Ohio)	11,250.00	
William D. Fay, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	6,780.00	3,233.43
Frederick Fedeli, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	2,129.00	988.00
Federal Judges Association, 280 S. 1st St., #5150 San Jose, CA 95113-3002		6,800.00	9,429.15
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			206.22
Federal Managers Assn, 1000 16th Street, NW Washington, DC 20036		10,000.00	19,252.00
Joel F. Feldman, 1752 N St., NW, #800 Washington, DC 20036	National Welding Supply Assn	5,100.00	
William Ferguson Jr., 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Berg-Revoir Corp	600.00	73.50
Do	City of Alhambra		
Do	City of Baldwin Park		
Do	City of Inglewood		
Do	City of Oceanside		
Do	City of Provo		
Do	City of Redondo Beach		
Do	City of Santa Ana		
Do	City of South Salt Lake		
Do	Gavin Associates		
Do	Imperial Irrigation District		
Do	Irvine Company		
Do	Long Beach Transit		
Do	Oceanside Redevelopment Agency		
Do	Santa Cruz Properties, Inc		
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Dick Fischer Development, Inc	3,700.00	1,288.46
Do	Dillingham Construction Group	5,312.50	707.60
Do	Foss Maritime Co	750.00	618.35
Do	U.S. Borax & Chemical Corp	12,750.00	806.83
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		14,875.00	1,317.00
Joseph Findaro Jr., P.O. Box 61000 New Orleans, LA 70161	MSU System Services, Inc	2,376.88	95.33
Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1140 Connecticut Ave., NW, #400 Washington, DC 20036	Society of Real Estate Appraisers		
David H. Fiske, Goodwin & Soble 1300 19th Street, NW, #350 Washington, DC 20036	Software Publishers Assn	1,332.00	134.00
Robert B. Flagg, 1130 17th St., NW Washington, DC 20036-4677	National Coal Assn	2,625.00	405.85
Felipe M. Floresca, 67 Wall Street, #2509 New York, NY 10005			
Florida Business Associates, 1146 19th St., NW, #400 Washington, DC 20036-3703	CSX Transportation Systems	6,629.00	
Do	ETA Systems, Inc	19,271.00	
Do	MEDCO Containment		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Westinghouse Electric Corp	12,312.00	
Veronica M. Floyd, 2001 S. Jeff Davis Highway, #1107 Arlington, VA 22202	Brunswick Corp	7,000.00	889.37
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	Curval Products, Inc		
Foodservice & Packaging Institute, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
Footwear Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,562.50
Foreman & Heideprien, 1751 N Street, NW, #301 Washington, DC 20036	Camp Barsh Bates & Tate		
Richard C. Fortuna, 2916 Stephenson Pl., NW Washington, DC 20015	Hazardous Waste Treatment Council	1,500.00	750.00
Alan Fox, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	7,120.00	
Alissa T. Fox, 1709 New York Ave., NW, #303 Washington, DC 20006	Blue Cross & Blue Shield Assn		
Allan M. Fox, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Bristol-Myers Co)	62.50	
Do	Fox Weinberg & Bennett (For:National Coalition for Cancer Research)		
Chuck Fox, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	532.50	
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	Bristol-Myers Co	6,655.00	4,311.25
Do	Hoffmann-La Roche, Inc		3,291.06
Do	Johnson & Johnson	618.00	1,190.00
Do	Lederle Laboratories	4,914.00	1,984.69
Do	National Coalition for Cancer Research		
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	2,399.28
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	196.20
Gregory W. Frazier, P.O. Box 427 Englewood, CO 80151	International Energy Brokers, Inc		
Lewis R. Freeman Jr., 1025 Connecticut Ave., NW, #409 Washington, DC 20036	Society of the Plastics Industry, Inc		
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	325.00	
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Gay H. Friedmann, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	10,250.00	
Owen V. Frisby, 900 17th St., NW Washington, DC 20006	Chase Manhattan Bank, N.A.	623.90	49.38
Charles H. Fritts, 1111 14th St., NW, #900 Washington, DC 20005	National Apartment Assn	10,630.00	100.17
Futures Industry Assn, Inc, 1825 Eye Street, NW, #1040 Washington, DC 20006			
Linda Parke Gallagher, 1225 Eye Street, NW, 7th Floor Washington, DC 20005	Linda Parke Gallagher & Associates (For:National Corp for Housing Partnerships)		
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Sara G. Garland, 137 13th St., NE Washington, DC 20002	Pfizer, Inc	4,500.00	102.85
Do	Rapoza Associates	10,000.00	191.90
Ellen Greenberg Garrison, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,960.00	214.75
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Garry Gebert, 2001 S Street, NW, #312 Washington, DC 20009	Farmworker Justice Fund, Inc		189.91
General Instrument Corporation, 767 Fifth Avenue New York, NY 10153		2,000.00	2,617.83
Fred J. Gentile, 195 Montague Street Brooklyn, NY 11201	Brooklyn Union Gas Co		
Gerard Byer & Associates, Inc, 1100 17th Street, NW, #1000 Washington, DC 20036	Commissioned Officers Assn of the U.S. Public Health Service	150.00	
Do	Havasupai Tribal Council	260.88	
Do	Leech Lake Reservation Business Committee	708.23	
Do	Siletz Tribal Council		
Do	Tanana Chiefs Conference, Inc	200.00	
Do	Tiospa Zina Tribal School		
Do	Tohono O'odham Nation		
Do	Tulalip Tribes	2,200.00	
Do	White Earth Tribal Council	628.00	
David Trey Saxton Getty, 1857 N. Wilton Pl., #102 Los Angeles, CA 90028-5765			
Dorothy P. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	26.64	
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	CalFed, Inc	955.00	117.06
Do	Kelso & Co		
Do	Merrill Lynch Bank & Trust Co	1,231.25	194.03
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	30,000.00	1,423.46
Gilmartin Poster & Shafto, 26 Broadway, #1300 New York, NY 10004	B & B Dredging Corp		2,638.00
Elmer G. Gleske, 655 15th St., NW, #300 Washington, DC 20005	Flight Safety Intl inc		
Leslie Ann Glick, Duncan Allen & Mitchell 1575 I Street, NW, #300 Washington, DC 20005	Visaflor, S.A.		71.80
Horace R. Godfrey, 918 16th St., NW, #701 Washington, DC 20006	Godfrey Associates, Inc		
Godfrey Assoc. Inc, 918 16th St., NW, #701 Washington, DC 20006			
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	6,310.74	897.34
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	4,381.40	
Helen C. Gonzales, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	National Consumer Law Center	361.05	
Beth Goodrich, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans, Inc	144.68	
Stephen Gordon, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Ann M. Gosier, 1920 N St., NW Washington, DC 20036	American Mining Congress	15.00	4.00
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,320.97	2,028.00
David W. Graham, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical USA		4,804.00
Karen Graham, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans, Inc	384.60	
Grant Thornton, 1850 M St., NW, #300 Washington, DC 20036			
Alan W. Granwell, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:PFIC Group)		37,619.46
Neil A. Gray, 1776 Massachusetts Ave., NW Washighton, DC 20036-1993	National Asphalt Pavement Assn	1,350.00	59.25
Kaylene R. Green, 2341 Jefferson Davis Highway, #1035 Arlington. VA 22202	Bath Iron Works Corp	500.00	182.38
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,129.00	1,588.12
Janice M. Gregory, 1726 M St., #1101 Washington, DC 20036	Erisa Industry Council	5,880.00	309.16
James J. Grogan, P.O. Box 19614 Irvine, CA 92714	Lincoln Savings & Loan Assn	10,000.00	
Jerome Grossman, 20 Park Plaza, #603 Boston, MA 02116	Council for a Livable World	5,797.62	
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America		
Lewis Gulick, 1008 N. Randolph Street, #206 Arlington, VA 22201	TCR Services, Inc	5,000.00	
David Gusky, 1016 16th Streeet, NW Washington, DC 20036	National Fed of Federal Employees	1,099.20	
Leland R. Gustafson, 1726 M St., NW, 1100 Washington, DC 20036	Pacific Gas & Electric Co	4,015.01	27.62
Raymond J. Gustini, Breed, Abbott & Morgan 1875 Eye Street, NW, #1000 Washington, DC 20006	Great Western Financial Corp	34,245.50	2,045.25
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	3,851.25	3,036.02
Robert F. Guthrie, 815 16th St., NW, #608 Washington, DC 20006	Department for Professional Employees, AFL-CIO	5,435.90	
Richard E. Gutting Jr., 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	6,000.00	62.66
Craig Hackler, 400 N. Capitol St., NW, #320 Washington, DC 20001	International Chiropractic Assn		
Raymond M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003			
John F. Hall, 1945 Old Gallows Road, #405 Vienna, VA 22180	American Wood Preservers Institute		
Joseph Halow, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006	North American Export Grain Assn, Inc		
Martin Hamburger, 100 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	4,514.77	
Hamel & Park, 888 16th Street, NW Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		
Do	Alaska Tae Woong		
Do	Alaskan Cod, Inc	1,100.00	14.50
Do	Cook Inlet Land Exchange, Inc	8,702.50	151.65
Do	First Federal Savings Bank		
Do	Anne & Art Johnson		
Do	Louisiana Pacific Corp		
Do	Martel Laboratory Services, Inc		32.00
Do	Safe Travel America		
Do	United Video		
Karen Hammond, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	1,800.00	1,185.32
Handgun Control, Inc, 1400 K Street, NW, #500 Washington, DC 20005		908,110.00	208,600.00
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	China External Trade Development Council	1,650.00	539.96
Do	Embraer Aircraft Corp	15,000.00	303.75
Do	3M Corporation	7,721.62	456.30
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
James W. Harff, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	1,059.98	225.52
Jon Harkavy, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Wiley N. Harrell Jr., 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Toni Harrington, 950 L'Enfant Plaza North, SW Washington, DC 20024	Honda North America, Inc	200.00	232.49
Sunny Harris, 7981 Easter Avenue, 4th Floor Silver Spring, MD 20910	National Assn of Social Workers	6,563.00	734.00
Teena Harris, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn		
Jim Harrison, 1225 Connecticut Ave., NW, 306 Washington, DC 20036	Association of Urban Universities		
Arthur W. Hartmann, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		
Arnold J. Havens, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellot (For:Armstrong World Industries, Inc)	4,812.50	107.63

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	22,356.25	707.36
Do	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)	8,062.50	832.45
Do	Eckert Seamans Cherin & Mellott (For:Corning Glass Works, et al.)	15,268.75	228.72
Do	Eckert Seamans Cherin & Mellott (For:CSX Corporation)	8,575.00	5.00
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Laurie L. Hawkins, 1346 Chestnut Street, #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce		282.00
Herbert A. Hedden, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			23,651.00
Donald E. Henderson, 130 E. Washington Street Indianapolis, IN 46204	Indiana Farm Bureau, Inc	6,000.00	1,146.10
Kathleen Henderson-Whyte, 1625 Eye St., NW, #500 Washington, DC 20006	Ketchum Public Relations		
Bruce Heppen, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Mary Lyn Herdt, 1001 22nd Street, NW Washington, DC 20037	Standard Oil Co (Ohio)		
Barry Alexander Herring, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products, Ltd		
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	2,041.90	10.33
Robert C. Hoffman, 2600 N. Powhatan Street Arlington, VA 22207	Foresight Consulting Group, Inc		
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Citizens Energy Corp		
Do	Mel Fisher Maritime Heritage Soc/Mel Fisher Enterprises, Inc	1,500.00	24.00
Do	Merck & Co, Inc	3,337.50	30.00
Do	Mutual Life Insurance Co of New York	525.00	6.00
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	8,063.51	
Lois Holwerda-Hoyt, 600 Maryland Avenue, SW, #770 Washington, DC 20024	American Academy of Family Physicians	2,394.00	227.75
Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302	China External Trade Development Council	15,000.00	7,500.00
Do	Colorado State University	3,750.00	1,875.00
Do	ECAD, Inc	4,500.00	2,600.00
Do	International Brotherhood of Teamsters	500.00	350.00
Do	MediVision, Inc	2,000.00	1,000.00
Do	Strohs Brewery Co	500.00	350.00
Do	United Technologies Corporation	4,500.00	2,600.00
Sanford D. Horwitt, 5935 N. 5th Road Arlington, VA 22203	Committee for Humane Legislation, Inc		
Do	Friends of Animals, Inc		
Hospital Corp of America, 1300 N. 17th St., #1000 Arlington, VA 22209			
Thomas B. House, 1764 Old Meadow Lane #350 Mclean, VA 22102	American Frozen Food Institute	1,000.00	
Senga Howat, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	1,846.00	
John B. Howerton, 3727 North Edison St. Arlington, VA 22207-1831			
Hudson Bayless & Boland, Inc, 438 New Jersey Ave., SE Washington, DC 20003	Perot Group	3,710.00	448.00
Do	Primark Corporation		36.00
Do	Salomon Brothers, Inc	2,265.00	545.00
Ken Hughes, 330 Pennsylvania Ave., SE Washington, DC 20003	Sierra Club		
Richard H. Hughes, P.O. Box 880 Valley Forge, PA 19482	Avtex Fibers, Inc		
Hughes Hubbard & Reed, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Pfizer, Inc		
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	16,000.02	80.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Richard M. Hunt, 550 N St., SW, #S-201 P.O. Box 70192 Washington, DC 20024	NL Industries, Inc	6,335.00	
Hunton & Williams, 2000 Pennsylvania Ave., NW P.O. Box 19230 Washington, DC 20036	Edison Electric Institute	20,192.50	459.05
Gerard F. Hurley, 1625 I St., NW, #609 Washington, DC 20006	National Club Association		
Floyd H. Hyde, 815 15th Street, NW, #709 Washington, DC 20005	Floyd H. Hyde Associates (For:Alameda, CA, et al.)		
Isabel E. Hyde, 1800 K Street, NW, #800 Washington, DC 20006	Goodyear Tire & Rubber Co	3,250.00	
Floyd H. Hyde Associates, 815 15th St., NW, #709 Washington, DC 20005	Fresno City, California	13,915.32	
Do	Fresno County, California	4,000.00	
Do	Gary, Indiana	7,502.90	
Do	San Leandro, California	5,382.87	
Do	Water Department, City of San Bernardino, CA	2,499.99	
Independent Insurance Agents of America, Inc, 100 Church St., 19th Fl. New York, NY 10007		33,960.00	33,960.00
Independent JOA Publishers Assn, 1050 17th St., NW, #590 Washington, DC 20036			
Marie Infante, 1200 15th Street, NW Washington, DC 20005	American Health Care Assn	2,588.13	268.00
James E. Ingram, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	2,500.00	300.00
Institute of International Bankers Inc., East Building, 4th Floor 280 Park Ave. New York, NY 10017	Institute of Foreign Bankers	3,562.54	2,848.09
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			29,777.04
International Brotherhood of Painters & Allied Trades, 1750 New York Ave., NW Washington, DC 20006			800.00
International Public Affairs Consultants, Inc, P.O. Drawer 9376 Arlington, VA 22209	Embassy of South Africa		133.00
John Isaacs, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	5,800.05	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
Do	Employee Relocation Council	787.50	
Do	Limited, Inc		
Do	Oberlin College		
Do	Rochester Tax Council		
INTERACT, 1350 Old Bayshore Highway, #750 Burlingame, CA 94010	American Comm for Vietnam Claims Justice	12,464.00	10,264.00
Kristine Jacobs, 1613 Harvard St., NW, #513 Washington, DC 20009	National Save the Family Farm Coalition		
Joseph A. Jeffrey, 1920 N St., NW, #300 Washington, DC 20036	American Mining Congress		
Kempton B. Jenkins, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	500.00	647.35
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Citicorp Capital Investors, Ltd		
Ronald P. Johnsen, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas System Service Corp	175.00	494.69
Bruce Johnson, 1718 Connecticut Ave., NW, #410 Washington, DC 20009	Ad-Hoc Asset Backed Securities Legis. & Regulatory Assn		
Do	FAIC Securities, Inc	9,000.00	616.00
Do	Kellner DiLeo & Co	6,000.00	566.00
Barbara W. Johnston, 1150 Connecticut Ave. NW #710 Washington, DC 20036	Utah International, Inc		243.66
Joint Maritime Congress, 444 N. Capitol St., #801 Washington, DC 20001		32,548.00	32,548.00
Beverly E. Jones, 1101 16th Street, NW Washington, DC 20036	Consolidated Natural Gas Co	1,000.00	55.00
Charlie W. Jones, 2111 Belle Haven Road Alexandria, VA 22307	Man-Made Fiber Producers Assn, Inc	8,775.00	148.00
David R. Jones, 105 East 22nd Street New York, NY 10010	Community Service Society	325.80	501.74
Theodore L. Jones, 2033 K St., NW, #300 Washington, DC 20006-1056	Mall Properties, Inc	1,500.00	1,351.00
Do	Zapata Corporation	1,000.00	
Do	Zapata Gulf Marine Corp	1,000.00	1,024.00
William Patrick Jones, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities		7,732.00
Jones Consulting Group, Inc, 300 Metropolitan Square 655 15th Street, NW Washington, DC 20005			
Patricia Jordan, 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Berg-Revoir Corp		
Do	City of Alhambra	700.00	20.90
Do	City of Baldwin Park		
Do	City of Inglewood		
Do	City of Oceanside		
Do	City of Provo	500.00	38.91
Do	City of Redondo Beach		
Do	City of Santa Ana		
Do	City of South Salt Lake		
Do	Gavin Associates		
Do	Imperial Irrigation District		
Do	Irvine Co		
Do	Long Beach Transit		
Do	Oceanside Redevelopment Agency		
Do	Santa Cruz Properties		
Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036	National Public Radio		
Diana Jost, 1709 New York Ave., NW, #303 Washington, DC 20006	Blue Cross & Blue Shield Assn		
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Suzanne Kalfus, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	H.N. Gorin Associates, Inc		
Do	Humane Society of the U.S., et al.	1,870.00	293.13
Do	Leading Edge Products, Inc		
Do	Mutual Savings Central Fund, Inc		
Patricia L. Katson, 11215 Oak Leaf Drive Silver Spring, MD 20901	Liberty Lobby, Inc	8,250.00	
Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
David A. Keene, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)	416.66	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Keene Shirley & Associates, Inc (For:Apex Marine)	416.66	
Do	Keene Shirley & Associates, Inc (For:Australian Barley Board)	416.66	
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)	416.66	
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)	416.66	
Do	Keene Shirley & Associates (For:Mortgage Guaranty Insurance Corp)	416.66	
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)	416.66	
Do	National Tax Limitation Committee	416.66	
Do	Keene Shirley & Associates, Inc (For:United Maritime Officers Assn)	416.66	
Keene Shirley & Associates, Inc, 919 Prince Street Alexandria, VA 22314	American Freedom Coalition	4,700.00	2,256.43
Do	Apex Marine	15,000.00	1,319.43
Do	Australian Barley Board	26,189.30	2,400.73
Do	Limited, Inc	14,115.00	2,348.00
Do	McDonnell Douglas Astronautics Co	12,500.00	2,500.00
Do	Mortgage Guaranty Insurance Corp	4,000.00	1,319.43
Do	National Farmers' Federation of Australia	15,366.00	3,737.53
Do	National Tax Limitation Committee	17,000.00	2,211.50
Do	United Maritime Officers Assn	15,000.00	
Keiki Kehoe, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	534.50	
William D. Kelleher, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,500.00	
Paul J. Kelly, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	2,000.00	
Richard B. Kelly, Kelly Eckhaus & Mohen 230 Park Avenue New York, NY 10169	National Assn of Catalog Showroom Merchandisers	700.00	
Do	Resource Technical Consultant (USA), Inc		
Mary Linda Kemp, 815 15th Street, NW, #709 Washington, DC 20005	Floyd H. Hyde Associates (For:Alameda, CA, et al.)		
Do	Floyd H. Hyde & Associates, Inc (For:City of Alameda, CA)	2,461.20	211.39
Do	Floyd H. Hyde Associates, Inc (For:City of Fresno, CA)	2,461.20	1,905.33
Do	Floyd H. Hyde Associates, Inc (For:City of Gary, IN)	2,461.20	303.94
Do	Floyd H. Hyde Associates, Inc (For:Fresno County, CA)	2,461.20	
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			169.12
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			308.20
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	3,111.00	125.00
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,913.56	41.45
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Chemical Fuels Corp	18,000.00	39.50
Do	Furniture Rental Assn of America		
Do	Kootznoowoo, Inc		
Do	Sierra Club Legal Defense Fund	770.00	
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	9,525.00	
Aubrey C. King, 1625 Eye Street, NW, #609 Washington, DC 20006	National Club Association		
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Service Master	23,000.00	
Do	T.I.M.E.-DC, Inc	6,000.00	
Do	Valhi, Inc	51,000.00	
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby-9th Fl. Washington, DC 20036	Capitol Markets Group	4,764.25	
Do	Color Systems Technology, Inc	509.75	
Do	Columbia Pictures Industries, Inc	195.00	
Do	Grocery Manufacturers of America, Inc		
Do	H. K. Porter Company, Inc		
Do	Search Group, Inc	8,187.00	281.58
Peter E. Knight, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	8,000.00	66.76
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906		5,000.00	650.00
Darrell Knuffke, 1400 Eye Street, NW, Washington, DC 20005	Wilderness Society		
Kogovsek & Associates, Inc, 3600 S. Yosemite, #830 Denver, CO 80237	Animas-La Plata Water Conservancy District, Durango County	3,375.00	2,113.90
Do	City of Pueblo, Pueblo County	3,500.00	1,665.98
Do	Colorado State University	3,750.00	825.75
Do	Dolores Water Conservancy District	4,000.00	918.00
Do	Rio Grande Water Conservation District	4,500.00	2,236.96
Do	Rocky Mountain Health Care Corp	6,427.50	1,370.07
Do	Southern Ute Indian Tribe	7,500.00	3,599.81
Do	Southwestern Water Conservation District, Durango County	6,500.00	2,113.90
Do	St. Mary Corwin Hospital, Pueblo County		
Do	Ute Mountain Ute Indian Tribe	10,000.00	
Diane J. [illegible], 1101 17th St., NW, #600 Washington, DC 20036	Outdoor Advertising Assn of America, Inc	338.00	56.07
Nicholas G. Kordopatis, One Hillendale Road Perkasie, PA 18944	Independence Bancorp, Inc		
Paul A. [illegible] Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	410.00	
Hugh A. [illegible], c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Kutak Rock & Campbell, 1101 Connecticut Aven., NW, #1000 Washington, DC 20036	State of New York Mortgage Agency		2,048.58
Kuykendall Company, 517 3rd Street, SE Washington, DC 20003	Alpha Environmental, Inc		
Do	Alpha 21 Corporation		
Do	Federal Land Bank Stockholders Defense Fund	10,174.86	
Do	Guardsmark, Inc	10,000.00	
Do	R. F. Shoup Corp		
Marc E. Lackritz, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	1,277.52
James E. Lamble, 4000 Tuntaw Road, NW, #324 Washington, DC 20006	Bechtel Power Corporation		
Stephen [illegible] Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Albert E. Lane, P.O. Box 37152 Cincinnati, OH 45222	Media-Independence-Competition-Medcom-Mic		
Do	People Opposed to Energy Lobby - Potel		
Lane & Mittendorf, 1750 K Street, NW, #1200 Washington, DC 20006	Nike, Inc		
Joseph L. Lang, 1100 N Street, Suite 2E Sacramento, CA 95814	Mattco Forge, Inc		
Kathryn [illegible] Lavriha, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	8,500.00	33.25
George [illegible] Lawrence, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	3,500.00	
Richard [illegible] Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn		226.00
Sally Ann LaHue, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	1,547.21
Leach [illegible] & McGreevy, 1619 New Hampshire Ave., NW Washington, DC 20009	Washington Psychiatric Society	5,250.00	83.05
League of American Investors, 32123 Lindero Canyon Rd., #300 Westlake Village, CA 91361			
League of Rural Voters Education Project, Inc, 3255 Hennepin Avenue South, #225 Minneapolis, MN 55408		76,500.00	2,850.00
League of Rural Voters, Inc, 3255 Hennepin Avenue South, #225 Minneapolis, MN 55408		561.80	
Franklin [illegible] Lee, 300 Eye Street, NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund		
Julie S. Lee, 444 North Capitol St., NW, #801 Washington, DC 20001	Joint Maritime Congress		
Mary Nell Lehnhard, 1709 New York Ave., NW Washington, DC 20006	Blue Cross & Blue Shield Assn	437.28	
Cynthia [illegible] Lenhart, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	7,000.00	1,864.01
Raymond D. Lett, 201 James Thurber Court Falls Church, VA 22046	Marxman & Associates, Inc		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Do	Independent JOA Publishers Assn		
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Bertram [illegible] Levine, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Harry Levine Jr., 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	General Electric Co		
David A. Lewis, 1601 Connecticut Ave., NW, #800 Washington, DC 20009	Physicians for Social Responsibility	3,961.53	68.77
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp		
Do	Manufacturers Hanover Corp	850.00	
Harris [illegible] LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	2,250.00	532.05
Lillick McHose & Charles, 1800 M Street, NW, #250N Washington, DC 20036	American High Seas Fisheries Assn	15,642.00	1,779.73
Lincoln Savings & Loan Assn, P.O. Box 19614 Irvine, CA 92714			9,735.80
Linton Mields Reisler & Cottone, 477 H St., NW Washington, DC 20001	Iowa Department of Transportation	5,375.00	
Do	Madison Gas & Electric Co	1,628.00	
Do	Metropolitan District	6,773.00	25.00
Do	Michigan Dept of Transportation	3,848.00	
Do	Northern States Power Co	2,641.00	
Do	Oregon Department of Transportation	3,750.00	
Do	State of Colorado, Dept of Highways	2,970.00	
Do	State of IL, Dept of Transportation	7,011.00	58.00
Do	State of IL, Dept of Transportation, Div of Water Resources	3,255.00	
Do	Superior Water Light & Power Co	344.00	
Do	Wisconsin Electric Power Co	5,567.00	175.00
Do	Wisconsin Fuel and Light Co	245.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Wisconsin Natural Gas Co	929.00	
Do	Wisconsin Power & Light Co	2,946.00	
Do	Wisconsin Public Service Corp	3,116.00	
Janice C. Lipsen, 1000 16th Street, NW, #603 Washington, DC 20036	Counselors for Management, Inc (For:Independent Zinc Alloyers Assn)	9,000.00	12,385.00
Lipsen Hamberger Whitten & Hamberger, 1725 Desales St., NW, #800 Washington, DC 20036	Amarillo Chamber of Commerce		
Do	American Coastal Industries, Inc	1,333.33	66.66
Do	American Dehydrated Onion & Garlic Assn	4,600.00	462.11
Do	American Public Transit Assn	14,560.00	484.45
Do	Burns & Roe, Inc	3,333.33	177.12
Do	Chellingworth & Singer, Ltd	9,458.33	839.46
Do	Council of Engineers Scientists Organizations	2,500.00	733.52
Do	Diagnostic Retrieval Systems, Inc	7,500.00	121.93
Do	Dravo Corporation	6,204.17	1,688.25
Do	DINAMO/ovia	4,000.00	386.94
Do	Electronic Data Systems Corp	6,148.67	591.97
Do	Enserch Corporation	1,691.67	98.38
Do	Gray Communications Systems, Inc	4,000.00	74.39
Do	LHT Industries, Inc	7,966.67	765.44
Do	McKesson Corp	3,333.33	204.44
Do	Medley Tool & Model Co, Inc		
Do	Meridian Bancorp, Inc	3,000.00	237.58
Do	National Fed of Independent Business	1,225.00	19.00
Do	National Rural Letter Carriers Assn		
Do	Olivetti Corp of America		
Do	Pharmaceutical Card System, Inc		
Do	Pillsbury Company	1,762.50	202.10
Do	RJR Nabisco, Inc	19,266.67	2,284.99
Do	Seatrain Tankers Corp		221.74
Do	Shearson Lehman Brothers, Inc	3,100.00	128.85
Do	Staley Continental, Inc	4,150.00	1,407.22
Do	Tobacco Institute	5,000.00	1,091.37
Do	University of Syracuse	7,200.00	231.06
Do	Vickers Shipbuilding & Engineering, Ltd	4,000.00	231.38
Do	West Virginia University	4,200.00	249.44
Do	Westinghouse Electric Corp	23,150.00	1,242.88
David A. Litvin, 1001 22nd St., NW, #600 Washington, DC 20037	Standard Oil Company (Ohio)		
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	11,250.00	
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,759.50	436.77
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			4,207.84
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	5,625.00	5,663.00
Anthony R. Macchia, 4 World Trade Center New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
John Macnamara, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Sheila MacDonald, 3231 Beech Street, NW Washington, DC 20015	National Taxpayers Union	1,990.00	
John H. Madigan Jr., 224 East Capitol Street Washington, DC 20003	American Cancer Society	5,000.00	900.00
Linda F. Maher, 1140 Connecticut Ave., NW, #1006 Washington, DC 20036	Turner Broadcasting System, Inc	275.00	
Michael C. Maibach, Intel Corporation, SC6-65 P.O. 58121 Santa Clara, CA 95052-8121	Intel Corporation	12,000.00	8,614.97
Steven R. Maimon, P.O. Box 7579 Washington, DC 20044	Ibus Group, Ltd		
R. Roger Majak, 1700 N. Moore Street, #1620 Arlington, VA 22209	Tektronix, Inc	10,317.50	343.55
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Celanese Corp		
Man-Made Fiber Producers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036		11,898.00	176,876.14
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Retailers of America	62.50	
Richard J. Mannix, 195 Montague St. Brooklyn, NY 11201	Brooklyn Union Gas Co		
Patricia Markey, 1155 15th St., NW, #400 Washington, DC 20005	United Distribution Companies	4,207.50	123.00
Valsin A. Marmillion, 10880 Wilshire Blvd., #2010 Los Angeles, CA 90024	Hunt Marmillion & Associates (For:American Bankers Assn)	60,000.00	1,516.94
Sandra Marqunadt, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	439.00	
C. Travis Marshall, 1776 K St., NW, #300 Washington, DC 20006	Motorola, Inc	1,500.00	9.00
Danea Kehoe Martin, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters		
Dennis G. Martin, Dow Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Dofasco, Inc		
J. Ross Martin, Kansas Petroleum Council 1414 Merchants Nat'l Bank Bldg. 8th & Jackson Topeka, KS 66612	American Petroleum Institute		
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			203.49
Mary Helen Mathis, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Carteret Savings & Loan)	150.00	
Do	Keefe Company (For:New York University)	1,500.00	
Do	Keefe Company (For:University of Medicine & Dentistry of New Jersey)	200.00	
Do	Keefe Co (For:University of Miami)	99.00	
Herbert S. Matthews, Rte. 3, Box 437 Mechanicsville, MD 20659	Martin Marietta Aerospace	7,200.00	
Marshall L. Matz, 2501 M St., NW, #400 Washington, DC 20037	American School Food Service Assn	9,000.00	341.70
Do	Electronic Data Systems Corp	2,000.00	
Arnold Mayer, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	19,615.38	720.66
John H. McAllister, Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Dofasco, Inc		
David F. McDermitt, 2238 Highland Avenue Falls Church, VA 22046	National Utility Contractors Assn	19,875.00	14,427.05
Daniel J. McDermott, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	875.00	
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Greeting Card Assn		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	American Dental Hygienists' Assn	11,500.00	
Do	California Assn of Children's Hospitals	6,400.00	
Do	Hitachi America, Ltd		
Do	Juvenile Diabetes Foundation, International	7,400.00	
Do	Outpatient Opthalmic Surgery Society	11,150.00	
Do	Society of Outpatient Surgeons	2,500.00	
Do	Technicon Instruments Corp		
Sandra McDonough, 920 SW 6th Ave., 1400 PSB Portland, OR 97204	Pacific Power & Light Co	1,320.00	618.98
Christine W. McEntee, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Monica E. McFadden, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA		4,622.04
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Polygraph Assn		
Do	Borg-Warner Corp		
Do	City of West Lafayette		
Do	Coin Depot Corp		
Do	International Theatrical Agencies Assn		
Do	National Assn of Orchestra Leaders		
Do	National Manufactured Housing Assn		
Do	Pony Express Courier Corp		
Do	Wells Fargo Armored Service Corp		
Mary Lee McGuire, 2232 N. Illinois Street Arlington, VA 22205	Cook Inlet Regional, Inc	25,000.00	
McGuire Woods Battle & Boothe, P.O. Box 25047 Alexandria, VA	Savage/Fogarty Companies, Inc		
Do	Vulcan Materials Co		
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	6,663.45	
Robert T. McKernan, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	250.00	
Edward T. McMahon, 218 D Street, SE Washington, DC 20003	Coalition for Scenic Beauty	142.00	
Mary Martha McNamara, 1150 17th St., NW, #1000 Washington, DC 20036	Art Supply Labeling Coalition	5,656.25	86.80
Larry McNickle, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	240.00	28.50
George G. Mead, 1908 Ednor Road Cloverly, MD 20904	North American Van Lines, Inc	2,500.00	
Medical-Dental Diversified Services, Inc, 15600 San Pedro #107 San Antonio, TX 78232-3738	U.A.G. Alumni Assn		
Larry Mehlhaff, 23 N. Scott Sheridan, WY 82801	Sierra Club	6,500.00	3,268.15
Nanine Meiklejohn, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	7,259.22	54.00
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration		
James T. Melville, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Harold E. Mesirow, 1800 M St., NW, #250 Washington, DC 20036	Lillick Mchose & Charles (For:Foss Launch & Tug Company, et al.)		
Michaels & Wishner, P.C., 1726 M St., NW, #500 Washington, DC 20036	National Assn for Ambulatory Care	420.00	3.58
Do	Watts Health Foundation, Inc	4,160.50	80.00
Sharon Mihnovets, 2809 S. Joyce St. Arlington, VA 22202			
Janice I. Milazzo, 1001 22nd Street, NW Washington, DC 20037	Standard Oil Co (Ohio)		
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Fred Millar, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	590.00	
Carol Miller, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA		2,619.05

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David H. M[illegible]er, 900 17th Street, NW Washington, DC 20006	Chase Manhattan Bank, N.A.	195.75	14.62
Linda B. M[illegible]er, 1625 Eye St., NW, #810 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Marye T. M[illegible]er, 50 F St., NW, #1040 Washington, DC 20001	Ray F. Bragg, Inc (For:American Independent Refiners Assn)	50.00	
Harris Mi[illegible]er & Associates, 1655 N. Fort Myer Drive #700 Arlington, VA 22209	Agricultural Producers	1,500.00	
Do	Home Group	3,000.00	1,350.00
Do	National Council of Agricultural Employers	4,000.00	
Do	National Unity Fund	52.50	29.25
Do	Western Range Assn		
Miller & C[illegible]alier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Electronics Assn		
Do	Council on Research & Technology	8,843.13	483.65
Do	Electronic Industries Assn		
Denny Mi[illegible] Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001	Boeing Company	3,000.00	
Do	Marine Engineers' Beneficial Assn	800.00	
Do	Olin Corporation	3,000.00	
Do	Port of Tacoma	945.00	
Do	State of Washington, Dept of Transportation	3,000.00	
Miller C[illegible] Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	47th Street Photo	1,000.00	
Miller Ham[illegible]on Snider & Odom, 256 State St., P.O. Box 46 Mobile, AL 36601	Camp Carmouche Barsh... (for Sears Roebuck & Co)		
Do	Colonial Bancgroup, Inc		
C.G. Pete [illegible]lligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	1,700.00	140.10
Miner Fr[illegible] & Gabriel, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	Navajo Nation	5,625.00	3,852.85
Mintz [illegible] Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1025 Washington, DC 20006	Cablevision Systems Development Co		
Do	Communications Industry Assn of Japan	16,000.00	
Do	Home Recording Rights Coalition	23,800.00	
Do	Houghton Mifflin Company	6,949.25	
Do	Siemens Capital Corp	47,500.00	
Do	Turner Broadcasting System, Inc	2,640.00	
Robert H. [illegible]ohan, 912 Sylvan Avenue Fairmount, WV 26554	Airspace Technology, Inc	300.00	
Do	Lynch Associates	300.00	
John C. [illegible], 923 Riva Ridge Drive Great Falls, VA 22066			
John H. [illegible], 2555 M St., NW, #100 Washington, DC 20037	National Rural Water Assn	8,332.00	4,500.00
Walter K. [illegible], 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		1,125.74
John Morg[illegible], 1925 K St., NW Washington, DC 20006	Communications Workers of America		
Morgan L[illegible] & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Coalition to Stop the Raid on America	3,101.00	
James [illegible]son, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security	2,550.00	
Morrison [illegible] Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	Reef Corporation (for Eagle Management Trust)	1,267.50	
Do	Rosenberg Real Estate Equity Fund, Inc	1,267.50	
Michael L. [illegible]orton, 910 16th Street, NW, #402 Washington, DC 20006	Florida Sugar Cane League		
Beth [illegible], 1016 16th St., NW, Washington, DC 20036	National Fed of Federal Employees	8,645.20	
Motion P[illegible]re Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		21,649.24	21,649.24
Mudge [illegible] Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	Toshiba Corp		
Gregory R. Mueller, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)	937.50	
Do	Keene Shirley & Associates, Inc (For:National Tax Limitation Committee)	937.50	
James S. [illegible]ulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	3,225.00	
Richard J. [illegible], 1100 Connecticut Ave., NW, #930 Washington, DC 20036	Chrysler Corporation	2,000.00	105.00
Evelyn F[illegible] Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	207.70	1.50
Barbara [illegible], 1300 North 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn	3,869.60	296.79
Edward L. [illegible]urphy, 1313 L Street, NW, 2nd Floor Washington, DC 20005	National Assn of Government Employees	5,000.00	473.06
Lester L. [illegible]urphy Jr., 5709 W. 21st St., P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc		
William T. Murphy Jr., Barrett Montgomery & Murphy 2555 M Street, NW, #100 Washington, DC 20037	American Cement Trade Alliance, Inc	2,800.00	
Do	Natural Gas Supply Assn	1,500.00	
Do	O'Connor & Associates		
Do	Options Policy Assn (TOPA)		
Do	Sargent & Lundy Engineers		
James E. [illegible], One Farragut Square South Washington, DC 20006	Brown Wood Ivey Mitchell & Petty (For:National Assn of Small Business Investment Cos, et al.)		
Margaret [illegible] Murray, Scott McLeod Himmelberg Matz Pires & Price 2501 M Street, N.W. #400 Washington, DC 20037	American Assn of Crop Insurers		
Do	Chicago Board of Trade		
Do	National Rural Telecom Assn	130.00	
Do	United Egg Producers		
Robert J. [illegible]uth, 180 Maiden Ln. New York, NY 10038	Asarco Inc	450.00	
Timothy [illegible] Naegele & Associates, 1850 K Street, NW, #1280 Washington, DC 20006	Baybanks, Inc		
Alan Y. [illegible] 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
John Fr[illegible] Nash Jr., 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	2,500.00
Nash [illegible] & Plesser, 1133 15th Street, NW, #1100 Washington, DC 20005	Direct Marketing Assn	4,812.50	27.00
Do	Disclosure Information Group	3,850.00	18.00
Do	Information Industry Assn	4,575.00	6.00
Do	Journal of Commerce, Inc	1,500.00	24.00
National [illegible] Rights Action League, 1424 K Street, NW Washington, DC 20005			14,885.39
National [illegible] for Stock Car Auto Racing, Inc (NASCAR), 1801 Speedway Boulevard Daytona Beach, FL 32015			8,000.00
National [illegible] of Beverage Importers, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			
National [illegible] of Catalog Showroom Merchandisers, C/O Kelly, Eckhaus, Mohen 230 Park Ave. New York, NY 10169			1,059.00
National [illegible] of Energy Service Companies, 2330 M St., NW Washington, DC 20037			
National [illegible] of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		57,833.42	126,717.45
National [illegible] of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		5,717,715.69	326,608.43
National [illegible] of Railroad Passengers, 236 Massachusetts Ave., NE, #603 Washington, DC 20002		88,927.77	43,359.23
National [illegible] of Realtors, 777 14th St., NW Washington, DC 20005			123,543.45
National [illegible] of Temporary Services, Inc, 119 South Saint Asaph Street Alexandria, VA 22314			90.21
National [illegible]utomobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			19,240.00
National [illegible] Wholesalers' Assn, 5205 Leesburg Pike, #505 Falls Church, VA 22041		132,969.00	32,691.00
National [illegible] Association, 1625 Eye St., NW, #609 Washington, DC 20006			
National [illegible] Assn, 1130 17th Street, NW Washington, DC 20036		762,666.00	20,417.01
National [illegible]ition for Fair Trade, 1718 Connecticut Avenue, NW, #310 Washington, DC 20009		300.00	116.01
National [illegible]m for Citizens in Education, 10840 Little Patuxent Pkwy., #301 Columbia, MD 21044-3199			
National [illegible] of Savings Institutions, 1101 15th St., NW, #400 Washington, DC 20005		26,601.69	
National [illegible]ducation Assn, 1201 16th St., NW Washington, DC 20036		28,442.00	28,442.00
National [illegible]ed of Federal Employees, 1016 16th Street, NW Washington, DC 20036		19,121.43	19,121.43
National [illegible]ndependent Automobile Dealers Assn, 600 E. Las Colinas Blvd., #314 Irving, TX 75039			
National [illegible]ague of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			38,430.00
National [illegible]ilk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		12,536.78	12,536.78
National [illegible] Comm of Accus, 1500 Skokie Boulevard, #101 Northbrook, IL 60062		24,557.32	11,348.22
National [illegible] Assn, 1627 K St., NW, #400 Washington, DC 20006		39,032.00	7,854.52
National [illegible]rganization for Women, 1401 New York Ave., NW, #800 Washington, DC 20005			2,167.82
National Parking Association, 1112 16th St., NW, #2000 Washington, DC 20036			34,270.80
National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091			
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		129,168.39	160,221.48
National Rural Housing Coalition, 201 Massachusetts Ave., NE, C-8 Washington, DC 20002		5,209.29	10,703.98
National Save the Family Farm Coalition, 80 F St., NW, #714 Washington, DC 20001			200.00
National Solid Wastes Management Assn, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036			
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		35,056.00	35,056.00
National Turkey Federation, 11319 Sunset Hills Rd. Reston, VA 22090			
Jeffrey [illegible], 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	113.62	
Allen [illegible] Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:National Small Business United)	1,350.00	1,350.00
Neece [illegible]tor & Associates, Inc, 1050 17th Street, NW Washington, DC 20036	Association of Small Business Development Centers	1,350.00	1,350.00
Do	Colson Investments	1,350.00	1,350.00
Do	National Small Business United	1,350.00	1,350.00
Do	Southeastern Lumber Manufacturers Assn	1,350.00	1,350.00
Mary [illegible] Neese, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	546.87
Jorge [illegible] Negron, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	U.S. Hispanic Chamber of Commerce	10,250.00	300.00
Neig[illegible] Housing Services of America, 3805 Alton Place, NW Washington, DC 20016			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
E. Colette Nelson, 1004 Duke St. Alexandria, VA 22314	American Subcontractors Assn	3,500.00	
Gaylord Nelson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society		
Frederick H. Nesbitt, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,318.14	261.05
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,000.00	
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Peter Nixon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Barbara D. Nocera, 955 L'enfant Plaza, SW, #905 Washington, DC 20024	Honda North America, Inc	200.00	
A. Allan Noe, 655 - 15th St. NW, #975 Washington, DC 20005	Unilever United States, Inc	1,500.00	587.53
David F. Norcross, 1010 Kings Highway So., #2-C Cherry Hill, NJ 08034	National Check Cashers Coalition	12,000.00	7,350.00
North American Export Grain Assn, Inc, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006			
Edward M. Norton Jr., 1600 L St., NW, #812 Washington, DC 20036	Grand Canyon Trust		14.00
Nossaman Guthner Knox & Elliott, 1140 19th St., NW, #600 Washington, DC 20036	California Co-Compost Systems		
Do	California Student Loan Finance Corp	4,200.00	1,380.00
Do	Milton Gordon, First Financial Group		
Do	MEBA District II, et al.	420.00	575.00
NL Industries, Inc, 3000 North Belt East P.O.Box 60087 Houston, TX 77205			11,996.44
Hubert K. O'Bannon, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	
Michael P. O'Brien, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn	900.00	
Rindy O'Brien, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	6,650.59	327.14
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	2,500.00	138.00
Bartley M. O'Hara, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	Anheuser-Busch Companies, Inc		
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Santa Fe International Corp		
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	3,762.50	
Thomas J. Oden, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,062.48	299.30
Ogilvy & Mather, 1901 L Street, NW Washington, DC 20036			
Muhammad Idris Oke, 2041 Pennsylvania Avenue Baltimore, MD 21217			
Peter J. Olsen, 413 Rezanof Drive East Kodiak, AK 99615	Afognak Joint Venture		
Do	Afognak Native Corp	3,046.00	188.00
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Oppenheimer Wolff & Donnelly, 1020 19th Street, NW, #400 Washington, DC 20035	Korean Footwear Exporters Assn		
Do	Nissei Corp	345.50	31.20
Organ. for Protection & Advancement of Small Telephone Cos, 2301 M Street, NW, #530 Washington, DC 20037			
Abraham Orlofsky, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,124.16	
David S. Osterhout, 1604 Montmorency Drive Vienna, VA 22180	Unisys Defense Systems	1,000.00	
Roger D. Oswalt, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:Australian Barley Board)	892.00	
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)	892.00	
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)	892.00	
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)	892.00	
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,500.00	766.48
Jack W. Owen, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn		40.26
P/M Consulting, Inc, 202 E Street, NE Washington, DC 20002-4923	Syscon Corporation	9,000.00	9,000.00
Do	Talley Corporation	9,000.00	9,000.00
Geri Palast, 1313 L St., NW Washington, DC 20015	Service Employees International Union, AFL-CIO, CLC	9,375.00	
Harriet Parcells, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	3,400.82	
David N. Parker, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	375.00	
Prudence H. Parks, 1100 H Street, NW Washington, DC 20080	Washington Gas Light Co	1,205.90	370.03
Tom E. Paro, 1735 DeSales St., NW Washington, DC 20036	Association of Maximum Service Telecasters, Inc	396.00	
Kenneth O. Parris, 2638 Rivers Road Atlanta, GA 30305	Parris Group (For:HSN Redi-Med, Inc)		
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Family Life Assurance Co	1,500.00	
Do	Association for the Advancement of Human Rights in Japan	2,100.00	
Do	Bristol-Myers Co		
Do	Care Enterprises	2,250.00	
Do	Commonwealth of the Bahamas		
Do	Generic Pharmaceutical Industry Assn	1,500.00	147.78
Do	Herbalife International	2,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union		
Do	International Brotherhood of Teamsters	2,250.00	
Do	Issue Management, Inc	4,800.00	
Do	Manville Corporation	1,500.00	
Do	Motion Picture Assn of America, Inc	3,600.00	240.00
Do	National Assn of Independent Insurers	975.00	
Do	National Beer Wholesalers of America	1,000.00	103.10
Do	Pilatus Britten-Norman, Ltd	2,000.00	
Do	Schering Corp	4,800.00	147.17
Do	T.I.M.E.-DC, Inc	4,800.00	
Do	Texas Research & Technology Foundation	2,500.00	
Do	United Food & Commercial Workers International Union		
Do	Warner-Lambert Co	4,800.00	186.17
Do	Won Door Corporation	1,125.00	
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Cook Inlet Region, Inc		3,304.00
Do	McDonnell Douglas Corp	3,595.50	
Do	NEC Corp and NEC America, Inc		
Peace Political Action Committee, 100 Maryland Avenue, NE Washington, DC 20002			7,000.26
James M. Peirce Jr., 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,644.48	
Joseph M. Penot Sr., 100 Indiana Ave, NW, #311 Washington, DC 20001	Radio Officers Union		
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	450.00
Leonard Perlman, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development		
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Kenneth W. Peterson, Kansas Petroleum Council 1414 Merchants Bank Tower Topeka, KS 66612	American Petroleum Institute		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		200,000.00	19,925.73
Evelyn A. Petschek, 1730 Pennsylvania Ave., NW Washington, DC 20006	Patterson Belknap Webb & Tyler (For:Financial Institutions Retirement Fund)		
Pettit & Martin, 1800 Massachusetts Avenue, NW, #600 Washington, DC 20036	Nippon Yusen Kaisha (NYK) Line	60,000.00	252.62
Do	U.S. Suzuki Motor Corp	20,000.00	583.84
Deborah M. Phillips, 1155 21st Street, NW, 4th Fl. Washington, DC 20036	General Instrument Corporation		
Paul J. Phoenix, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Physicians for Social Responsibility, 1601 Connecticut Avenue, NW, #800 Washington, DC 20009		14,956.17	13,588.61
Joan Piccolo, 1776 K Street, NW, #300 Washington, DC 20006	Motorola, Inc	3,000.00	
Pierson Ball & Dowd, 1200 18th St., NW, #1000 Washington, DC 20036	American Academy of Pediatrics		
Do	Dun & Bradstreet Corp		
Do	El Pomar		
Do	Genentech	17,352.44	
Do	Infectious Diseases Society of America	4,107.80	
Do	Lee Enterprises - Call-It-Co		
Do	National Assn for Biomedical Research		
Plaintiff Employment Lawyers Assn, 911 Mercantile Library Bldg. 414 Walnut Street Cincinnati, OH 45202			
Ronald L. Plesser, 1133 15th St., NW, #1100 Washington, DC 20005	Direct Marketing Assn	4,812.50	27.00
Do	Disclosure Information Group	3,850.00	18.00
Do	Information Industry Assn	4,575.00	6.00
Do	Journal of Commerce, Inc	1,500.00	24.00
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	2,031.46	25.00
Jean S. Polatsek, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		387.42
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn		1,372.07
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Meadows Recovery Center		
Population-Environment Balance, 1325 G St., NW #1003 Washington, DC 20005			6,957.42
Donna Potemken, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	2,154.00	152.85
Joseph L. Powell Jr., 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Alliance for Medical Nutrition	1,902.00	
Do	Belz Investment Co		
Do	Chase Manhattan Bank, N.A.		
Do	International Telecommunications Satellite Organization	6,004.00	
Do	Jacques Borel Enterprises, Inc	330.00	

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Transafrica, 545 8th Street, SE, #200 Washington, DC 20003		26,084.45	46,050.57
Travel Industry Assn of America, 1899 L St., NW Washington, DC 20036			
Eugene M. Trisko, 9817 Rosensteel Avenue Silver Spring, MD 20910	Stern Bros, Inc		16.63
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Sierra Club of America		
Audrey Schumacher Turner, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:New Tech Snacks, Inc)	8,540.00	8,540.00
Turner Broadcasting System, Inc, 1140 Connecticut Ave., NW Washington, DC 20036		1,275.00	64.00
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation		
U.S. Committee for the Oceans, Route 2, Box 91 Ararat, VA 24053		2,380.00	
Mark J. Ugoretz, 1726 M Street, NW, #1101 Washington, DC 20036	Erisa Industry Committee		
Craig Ulrich, 1300 N. 17th Street, #1200 Arlington, VA 22209	Consumer Bankers Assn	5,000.00	315.14
Robert D. Umphrey Jr., 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc		7,116.51
Unilever United States, Inc, 10 East 53rd St., 24th Fl. New York, NY 10022			
Unique Athletics, Inc, 3 Woodland Avenue Westhampton Beach, NY 11978		50,158.59	50,158.59
United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006		154,253.95	59,967.41
Uranium Producers of America, c/o Covington & Burling 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044			
Howard W. Valley, 413 Rezanof Drive East Kodiak, AK 99615	Afognak Joint Venture	12,939.00	
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage		
Do	Ford Aerospace	3,300.00	
Do	Marconi Electronics	990.00	106.75
Henry B. Van Gieson, 1700 North Moore St., 2120 Arlington, VA 22209	Boeing Company	6,001.00	136.12
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	300.00	988.37
Robert C. Vaughn, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc	800.00	735.39
George F. Vary, 1667 K St., NW Washington, DC 20006	Armco, Inc	485.00	
Verner Liipfert Bernhard McPherson & Hand, Chtd, 1660 L Street, NW, #1000 Washington, DC 20036	Atlantic Richfield Co	1,612.00	
Do	Bell Atlantic Corp	38.00	
Do	Brown & Root, Inc	675.00	
Do	Central Gulf	822.50	
Do	Federated Dept Stores, Inc	6,640.00	
Do	GenCorp	13,139.00	
Do	Investment Company Institute		
Do	John F. Kennedy Center for the Performing Arts	132.00	
Do	Mutual of America	4,812.00	
Do	NYNEX Corp		
Do	Rayburn Country Electric Cooperative, Inc	255.00	
Do	STV Engineers	28,886.00	
Do	Travelers Corporation	8,240.00	
Do	TRW, Inc	2,170.00	
Do	UNC, Inc	1,000.00	52.82
Victoria E. Vidal, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	4,750.00	
Rudolph A. Vignone, 1800 K St., NW, #800 Washington, DC 20006	Goodyear Tire & Rubber Co		
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Bank of America		
Do	Chemical Bank		
Do	Citicorp		
Do	Enserch Corporation		
Do	Federal Land Bank Assns of Texas Stockholders' Defense Fund		
Do	Fidelity Management & Research Co		
Do	Goldman Sachs & Co		
Do	John Hancock Mutual Life Insurance Co		
Do	Merrill Lynch & Co, Inc		
Do	Provident Life & Accident Insurance Co		
Do	Travelers Insurance Co		
Nick J. V[illegible], 2509 E. San Miguel Phoenix, AZ 85016	AT&T	20,000.00	11,237.00
Volunteer Trustees of Not-For-Profit Hospitals, 1625 Eye St., NW, #810 Washington, DC 20006		15,720.00	1,411.29
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Alliance for Corporate Growth		
Do	Cabot Corporation		
Do	Committee of Publicly Owned Companies		
Do	Crisis Comm for Foreign Affairs Resources	6,542.75	241.41
Do	Distrigas Corp		
Do	Grocery Manufacturers of America, Inc	13,264.25	1,579.75
Do	Smith Corona Corp	21,600.00	3,073.80
Do	Trustcorp/Toledo Trust Co	48,420.00	
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee	1,500.00	325.21
Wagner & Baroody, Inc, 1615 L St., NW, #750 Washington, DC 20036	Canadian General Electric	4,256.25	889.14
Do	Daewoo International Corp	14,018.75	3,589.41
Do	National Beer Wholesalers of America		
Do	National Debt Repayment Foundation		
Howard W. Wahl, 10501 Bit and Spur Lane Potomac, MD 20854	Bechtel Group, Inc		91.38
Frederick [illegible] Waite, 1333 New Hampshire Ave., NW Washington, DC 20036	American Wire Producers Assn	1,000.00	225.00
Susan Stephenson Walden, 1667 K St., NW, #410 Washington, DC 20006	Johnson & Johnson	350.00	
Kevin Walsh, P.O. Box 15232 Washington, DC 20003	Association for the Advancement of Historical Research		
G. L. "Lee" Walts, 11319 Sunset Hills Road Reston, VA 22090	National Turkey Federation	7,875.01	87.30
Barbara F. Warden, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union		1,575.93
Washington Gas Light Co, 1100 H St., NW Washington, DC 20080		12,000.00	1,750.01
Ronald D. Waterman, 227 Massachusetts Ave., NE, #300 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	6,375.00	1,750.01
Do	Wisconsin Counties Assn	6,660.00	315.75
Bruce H. Watzman, 1130 17th Street, N.w. Washington, DC 20036	National Coal Assn	288.61	
James D. Webb, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	189.00	
Mary Webb, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging		
Andrew H. Webber, 440 First Street, NW, #510 Washington, DC 20001	American Medical Peer Review Assn		
Susan Weber, 1601 Connecticut Ave., NW, 4th Fl. Washington, DC 20009	Zero Population Growth, Inc		
Webster Chamberlain Bean & McKevitt, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Fruehauf Corporation	4,000.00	
Lee J. Weddig, Suite 580 2000 M St., NW Washington, DC 20036	National Fisheries Institute		
Stephen Wehrly, Route 4, Box 457 Vashon, WA 98070	Miller Brewing Co	2,812.00	
Theodore F. Weihe, 1800 Massachusetts Avenue, NW Washington, DC 20036	U.S. Overseas Cooperative Development Committee	1,163.01	32.69
Mark Weinberg, 1815 H St., NW, #600 Washington, DC 20006	Mark B. Weinberg, P.C. (For:Coalition for a Free Marketplace of Ideas)	1,163.01	32.69
Mark B. Weinberg, P.C., 1815 H Street, NW, #600 Washington, DC 20006	Coalition for a Free Marketplace of Ideas		
Stanley A. Weiss, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security	5,200.00	
Susan Weiss, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	225.00	2.80
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	3,750.00	60.00
Bryant L. Welch, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	17,856.18	141.26
William [illegible] Welsh, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees		
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	2,640.00	100.26
Pamela [illegible] West, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	5,000.00	2,862.10
Curtis E. Whalen, 490 L'enfant Plaza, SW, #3202 Washington, DC 20024	Transco Energy Company		
William [illegible] White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Edison Electric Institute		
Josiah R. Whitehead, 3030 Cornwallis Road Research Triangle Park, NC 27709	Burroughs Wellcome Co	2,274.59	117.28
Steven [illegible] Whitney, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society		
Scott W[illegible], 1901 L St., NW Washington, DC 20036	Ogilvy & Mather	300.00	
Andrew [illegible] Wiessner, Kogovsek & Associates 3600 S. Yosemite, #830 Denver, CO 80237	American Public Land Exchange Co		
Do	CSX Corporation		
Do	Flex, Inc	1,050.00	80.00
Do	Edward Northrop		
Do	Page Land & Cattle Co		
Do	Sierra Club		
Do	Union Pacific Resources		
Do	Western Land Exchange Co		
Do	Weyerhauser Company	4,000.00	67.00
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn		280.00
Harry G. Wiles II, 1023 15th St., NW, 4th Fl Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc	179.86	26.92
Dean M. Wilkinson, 1611 Connecticut Avenue, NW Washington, DC 20009	Greenpeace, USA	7,059.72	
Barrett Williams, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	4,000.00	
Harding deC. Williams, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	113.00	73.00
Perry [illegible] Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products	300.00	20.50
Do	American Hospital Assn	2,297.00	82.00
Do	American Real Estate Committee	80.00	5.46
Do	Association of Family Farmers	1,512.50	49.20
Do	Association of Progressive Rental Organizations		5.46
Do	Century 21 Real Estate Corp		
Do	Committee for Employment Opportunities		
Do	CIGNA Corporation	487.50	15.03
Do	Environmental Processing, Inc		9.57
Do	Estee Lauder, Inc		
Do	Federation for American Immigration Reform		20.50
Do	Financial Security Assurance Co		
Do	First Boston Corp	8,300.00	248.71
Do	First Data	125.00	9.57
Do	Goldome FSB		
Do	Higher Education Assistance Foundation	1,062.50	64.23
Do	Houston Endowment, Inc		
Do	IU International Management Corp		20.50
Do	Kellogg Company		
Do	Kelly Appleman Hart & Hallman	48.00	2.74
Do	Miller and Leher		
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies		
Do	National Cable Television Assn, Inc	3,500.00	99.76
Do	Nationwide Insurance Co		
Do	Norfolk Southern Corp		49.20
Do	Paralyzed Veterans of America		
Do	Pharmaceutical Manufacturers Assn		101.03
Do	Recording Industry Assn of America, Inc	1,400.00	39.63
Do	Student Loan Marketing Assn	425.00	34.17
Do	Texaco, Inc	812.50	24.60
Do	Texas Air Corp		133.92
Do	U.S. Telephone Assn	200.00	9.57
Do	U.S. Telephone Communications, Inc	200.00	9.57
Do	Universal Foods, Inc	80.00	5.46
Do	USAA Financial Service Co		
H. Graham Wilson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Kerrie Bunting Wilson, 224 East Capitol Street Washington, DC 20003	American Cancer Society	4,000.00	75.00
Marie Winslow, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	6,569.12	
S.R. Wojdak and Associates, Inc, 1401 Walnut St., #1000 Philadelphia, PA 19102	Children's Hospital of Pittsburgh	54,000.00	1,175.44
Do	Medical College of Pennsylvania	15,000.00	1,155.78
Do	St. Christopher's Hospital for Children	75,000.00	673.21
Thomas J. Wolf, 1439 Rhode Island Ave., NW Washington, DC 20005	Rendon Company		
G. Kent Woodman, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Norfolk Southern Corp)		
Roberta Lynn Youmans, 509 C Street, NE Washington, DC 20002	Roisman, Reno & Cavanaugh (For:National Housing Law Project)	2,100.00	
Judith A. Young, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,500.00	60.48
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	4,500.00	296.65
Thane Young, 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Berg-Revoir Corp		
Do	City of Alhambra		
Do	City of Baldwin Park		
Do	City of Inglewood		
Do	City of Oceanside	700.00	116.96
Do	City of Provo		
Do	City of Redondo Beach		
Do	City of Santa Ana		
Do	City of South Salt Lake		
Do	Gavin Associates		
Do	Imperial Irrigation District	400.00	20.98
Do	Irvine Company	800.00	43.62
Do	Long Beach Transit		
Do	Oceanside Redevelopment Agency		
Do	Santa Cruz Properties, Inc		
John R. Zagame Associates, Inc, 1001 Prince Street, #116 Alexandria, VA 22314	National Music Publishers Assn, Inc	12,120.91	120.91
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn		
Kathy Zebrowski, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	350.00	67.68
Zero Population Growth, Inc, 1601 Connecticut Ave., NW, 4th Fl. Washington, DC 20009		5,067.00	5,503.00
Judith Ziewacz, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	1,650.00	
Murray Zweben, 1140 19th St., NW, #600 Washington, DC 20036	Manchester Group, Ltd		

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EXTENSIONS OF REMARKS

THE PAST SHAME AND FUTURE HOPE OF THE UNBORN

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. DANNEMEYER. Mr. Speaker, in my home State of California, in 1985, California abortionists snuffed out the lives of over 300,000 children. While the rest of the country can claim the collective distinction of 29 abortions per 1,000 women, proabortion Californians may feel exuberant of a teenage abortion rate over 2½ times that size.

American society has failed itself. We have allowed ourselves to be convinced that death is preferable to life and that, if we must live, our lives are to be spent in the shadows of our human frailties and shortcomings.

Mr. Speaker, surely if Congress can muster the courage to spend $56 million on the Endangered Species Act to protect animal life, then I can only hope and pray that this august body will strive to protect human life in at least equally minimal fashion.

One way in which we can do this, Mr. Speaker, is to show legislative support for President Reagan's Proclamation of Personhood that is detailed in the following:

THE PRESIDENT'S PROCLAMATION OF PERSONHOOD

HISTORIC DOCUMENT

On the 14th of January this year, quietly and without fanfare, President Reagan signed one of the most important documents ever to be executed in America.

The majority of the people most concerned and most interested in this document weren't even aware of the signing. Many are not aware of it today.

The historic document that President Reagan signed just 10 days ago was a Presidential Proclamation of Personhood. In the few moments I have I would like to tell you why this document was written, specifically why it is so important and powerful, and how it might be used with critical effectiveness in the pro-life movement.

THE U.S. SUPREME COURT'S TREACHERY

In 1973 the U.S. Supreme Court wove a judicial death knot around the unborn child. For 15 years this knot has resisted the best efforts of the entire pro-life movement to untie it. Despite everything we have attempted and have been able to do, between one-and-a-half and two million young women every year opt to destroy their unborn children. Holding this evil bondage in place is a Court decision that says that the mother has a constitutional right to an abortion.

The key to the Court's decision is their interpretation of personhood. The U.S. Constitution says that no person shall be deprived of life without due process of the laws. In other words, everyone is entitled to his day in court. But by defining the unborn child as "not fully a person," the Court was able to authorize the arbitrary killing of this whole class of human beings.

Now the Court was well aware that the time-honored definition of a "person" is simply a human individual, a member of the human species. To get around this long established, common sense definition of a person the Court pretended that it did not know when human life began.

Although science clearly tells us that the origin of an individual life is conception, the pro-abortion Court cited pro-abortion sources for its position, and maintained that because there was no consensus among these sources, it was not in a position to speculate on the beginning point of human life.

Having established this crooked foundation, the Court went on to build a crooked house on it, one in which the unborn child became more human as gestation continued, finally culminated in a full human being at birth.

By virtue of this corrupt reasoning a pregnant woman could arrange to have her child killed without violating anyone's constitutional rights. And because of this semantic game playing, in the last 15 years the Court has been able to rubber stamp the murder of 22 million innocent Americans—generating a stench that must rise to the very nostrils of the Creator himself!

We in the pro-life movement have been enraged by this, we have been sorely grieved by it, we have been deeply frustrated by it, but we haven't been able to do anything about it because our American System, set up to defend the constitutional rights of all innocent people, was being corrupted by the very institution created to protect those rights—the U.S. Supreme Court.

Short of tearing the whole social fabric apart, there seemed to be no solution to this agonizing problem. The harder we pulled on the death knot, the tighter it wound itself around the unborn child.

THE GLIMMER OF HOPE

When you look very, very hard at the Court's reasoning process, one thing begins to be clear. The decision must be attacked at the point where it goes wrong. And that is in the definition of personhood.

Now who has an official right to say what a person is? The Court says, "We do, because our job is interpreting the Constitution." But of the three co-equal powers of our government, the President does, too. Here is what Thomas Jefferson said about this.

"To consider the judges (justices) as the ultimate arbiters of all constitutional questions * * * is a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. * * * My construction of the Constitution is * * * that each department is truly independent of the others, and has an equal right to decide for itself what is the meaning of the Constitution in the cases submitted to its action, and especially where it is to act ultimately and without appeal."

Now the Constitution obliges the president to solemnly swear that he will "preserve, protect, and defend the Constitution of the United States." But how can he do this when he is deeply aware that the Constitution has been attacked and corrupted? Is he obliged to execute a manifestly unjust law?

President Lincoln faced this problem in 1863, when the Constitution, as interpreted by the Court, said that the black man was not a person, and not being a person could be chattel. As President, should Lincoln have enforced this decision? Was there a means by which this grossly unjust decision could be reversed?

Lincoln's answer to this was to draw upon his co-equality with the Court, and issue an Emancipation Proclamation. He freed the slaves by an executive declaration.

On January 14, 1988, President Ronald Reagan freed the unborn babies by just such a declaration. He proclaimed them to be persons, in the full sense of the Constitution. Let me read you his words:

"Now, Therefore, I, Ronald Reagan, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim and declare the unalienable personhood of every American, from the moment of conception until natural death, and I do proclaim, ordain, and declare that I will take care that the Constitution and laws of the United States are faithfully executed for the protection of America's unborn children. Upon this act, sincerely believed to be an act of justice, warranted by the Constitution, I invoke the considerate judgment of mankind and the gracious favor of Almighty God."

And now, on January 23, 1988, are they unborn persons or are they not?

Let me answer that by asking this question. When Lincoln signed the Emancipation Proclamation were the slaves free or were they not?

Fellow Americans, they were *free.* Thousands left their masters and joined the Union armies. They were free, never to return to slavery again.

Are the unborn now persons? Yes. *They are persons in the full sense, never to have their personhood taken from them again.* They are free citizens of the United States of America, entitled to all the benefits and protections of that blessed condition.

Now, unfortunately, these tiny, helpless babies cannot walk away from their mothers. That is why we are here. We are here to defend and protect them, and assure that they receive the full measure of their American rights.

There are those who will say that President Reagan's Proclamation of Personhood is only a public relations gimmick. That it doesn't mean anything. That it has no force and no official significance. That the unborn must continue as chattel, the possession of the mother, to be murdered for $200 by any abortionist who has a ready curette.

Fellow Americans, the unborn are now *persons.* Are we going to allow them to be kept in bondage as a thing, that can be destroyed by someone's arbitrary choice?

The yoke of the U.S. Supreme Court has been broken. The death knot has been severed by one stroke of our President's righteous pen. We cannot, must not allow our precious unborn babies to be regarded as nonpersons. Ever again.

A PLAN OF ACTION

I am sure you sense the vast power of the President's Proclamation. I am sure you are asking yourselves, "What can we do? What should be our plan of action?"

I can now only give my own opinion, but I suggest that we begin a massive writing campaign to the White House. Thank President Reagan for his great gift of a Proclamation of Personhood. Tell him you are behind him.

Urge him to issue an executive order closing all the nation's abortuaries, forthwith. Ask him, if necessary, to send out federal troops to enforce his orders. Even as President Eisenhower sent federal forces to Little Rock, Arkansas, and President Kennedy sent them to Mississippi, President Reagan should enforce the closing of the abortion chambers to protect the civil rights of our tiny, unborn citizens.

We must ask also the Surgeon General for guidelines on those few pathological pregnancies where a mother's life is at stake. I am sure he will respond promptly to this need in a way that we could all agree with.

For those of you who want copies of the President's full Proclamation, you may get one at the Crusade for Life or American Portrait Films tables. There may not be enough to go around, but xerox them, or copy them at your local Instant Printer's, and hand them out to everyone you talk to. Take them to your church tomorrow, and share them with everyone.

My pro-life friends, our hour has come. All we need is the vision to see that our President's Proclamation has driven the first spike in. Our job now is to capitalize on what he has given us.

Above all we must have faith, and not falter, in believing that this Proclamation is God's chosen instrument to end abortion.

The babies' lives are in our hands. Let us dedicate ourselves before God, in this unparalleled moment of opportunity, to press forward, until every baby conceived is brought safely into the world.

Then we can once again say, with a clear conscience, "God bless America."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE 10TH DISTRICT CELEBRATES DR. MARTIN LUTHER KING, JR., DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. RODINO. Mr. Speaker, I am proud to have been one of the original sponsors of legislation designating the third Monday in January as a national holiday to honor Dr. Martin Luther King, Jr.

As I said when this legislation was first introduced, this national holiday would not only honor this extraordinary man whose life and achievements were heroic and whose leadership aroused the conscience of our Nation. Martin Luther King, Jr., Day would also be a time for all Americans to reexamine our commitment to fight bigotry, hatred, oppression, and injustice. It would be a day devoted to reflection and recommitment to the ideals and goals of Dr. King—our greatest human rights advocate and one of our national heroes.

The true spirit of Dr. Martin Luther King, Jr., Day was reflected in the many events which were organized by my constituents this year. With the support of the New Jersey Martin Luther King, Jr., Commemorative Commission, led by my good friends Connice Woodruff and former Gov. Richard J. Hughes, the 10th district hosted concerts, school assemblies, and essay contests, church services, special exhibits and forums, to commemorate the achievements of Dr. King.

Highlights included the People's Organization for Progress Commemorative March in Newark to focus attention on the problems of housing and racism, the Newark-North Jersey Committee of Black Churchmen celebration at Abyssinian Baptist Church, a visit to Dr. King's birthplace by the students of the John L. Costley School in East Orange, the city of Orange's first annual Ecumenical Breakfast, and the Martin Luther King, Jr., Memorial Service sponsored by the United Clergy of the Oranges.

Mr. Speaker, I would like to include in my remarks the following article on the Dr. Martin Luther King, Jr., Day celebrations in the 10th district.

The article follows:

[From the Star Ledger, Jan. 19, 1988]

RECALLING KING: JERSEYANS SEE THE DREAM AS UNFULFILLED

(By Frederick W. Byrd)

The Rev. Dr. Martin Luther King Jr. and the struggle he led against hatred and segregation were celebrated throughout the state yesterday during the holiday in honor of his birthday.

Some 150 people marched through Newark to demand more low-income housing, and the spirit was solemn.

"The fight for racial justice is at its lowest ebb of the last 25 to 30 years," said the Rev. James Scott of Bethany Baptist Church in Newark.

Sen. Frank Lautenberg (D-N.J.) noted that median black family income has dropped from $17,500 in the 1970s to $16,500 today, black unemployment levels are twice those of whites, and the federal government's commitment to low-income housing has been drastically cut.

"If Dr. King were alive today he'd be with us," said one of the marchers, the Rev. David Burgess of the Metropolitan Ecumenical Ministries in Newark. "He was not a man who just believed in nice phrases from the Bible. He was on the side of the poor and the dispossessed."

The Newark march began at noon in Military Park, proceeded along Broad Street and Market Street to the rally at Bethany Baptist Church.

The marchers were essentially silent, with almost no chanting along the way, though they all could hear King's speeches over a loudspeaker in a following car.

Newark Councilman Donald Tucker reminded the marchers "this march is about housing and justice. We are concerned about the lack of housing today in Newark.

"If you read the report of the Governor's Commission on Civil Disorders in 1967 and compare the housing situation then with the situation today, you find we are much worse off," he added.

Victor De Luca of the Newark Coalition for Low Income Housing added that his group opposed recent demolitions of public housing by the Newark Housing Authority and was demanding "at least" a one-for-one replacement of every lost unit.

The People's Organization for Progress was one of the main organizers of the event. Wayne Garnes, vice chairman, said: "This program reflects what Dr. King fought for all of his life. The education of people about conditions is primary in our struggle for justice."

And Lautenberg added: "There would be a problem if we simply were about commemorating a birthday and not about bringing the message of equality into today. We must remember this nation has a responsibility to all parts of the community.

But there was joy at the progress made so far and at the future, represented by the many children in the march.

The Young Pioneers Club of Trinity Temple in Newark formed an honor guard and played band music. Their organizer, Nathaniel Lewis, noted: "I am old enough to remember when blacks couldn't go to restaurants or rest rooms; so we have made progress."

The Mt. Calvary Baptist Church Youth Choir lead the audience in singing "Lift Every Voice and Sing."

And Pauline Ross, the student representative on the Newark Board of Education, said: "King was a great man because he did not just dream his dream; he continued to struggle to make his dream a reality."

Meanwhile, members of the Montclair High School Social Responsibility Club teamed up with New Jersey SANE/FREEZE to conduct a door-to-door food and clothing drive yesterday in both Montclair and Newark.

Explaining the drive, Melanie Khanna of the Social Responsibility Club said: "Peace issues like nuclear war tend to be middle-class concerns, while poor people are preoccupied with social issues like housing and hunger.

"But the issues are inextricably tied together. So are the fates of wealthy communities like Montclair and distressed cities like Newark."

She referred to a speech King delivered at Riverside Church in New York in 1967, quoting him as saying "a nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death."

In Morris County yesterday, there was a daylong celebration of the holiday, beginning at 8 a.m., when nearly 500 people gathered for the third annual interfaith breakfast at the Church of the Assumption in Morristown.

"It was the largest crowd we've had," said organizer Felicia B. Jamison. "I think it's because of the times, the unrest, because racism seems to be on the rise."

Many of those who attended the breakfast were among the estimated 1,500 who went on to noon services at the Calvary Baptist Church on Martin Luther King Avenue in Morristown.

Clergy representing 10 churches in Morris County addressed the overflow crowd, which gave voice to King's message through prayer and song.

"Thank you, Lord, for Martin Luther King Jr., who inspired us with his dream, who walked into our lives and our hearts with his marches for justice, who demanded freedom with great courage in the face of grave danger," Rev. W. James White of the United Methodist Church in Morristown said, reciting a litany called "Let My People Go."

At Drew University's first Martin Luther King Day celebration in Madison, a former teacher of the civil rights leader was honored for his writings on the civil rights movement.

George D. Kelsey, a retired theology professor who taught at Drew for 25 years, was presented the Martin Luther King Jr. Humanitarian Award by Drew University President Paul Hardin.

Kelsey was King's professor in the early 1940s at Morehouse College in Atlanta for a course called "The teachings of Jesus."

"He (Kelsey) was often spoken of with admiration by Dr. King," Hardin said, noting why the professor emeritus was chosen as the first honoree for the plaque.

"His book—'Racism and the Christian Understanding of Man'—was an important offering to the civil rights movement," Hardin continued. "It combined theological commitment with ethical activism. It is a brilliant, intellectual call to put aside racism."

Kelsey, however, was more modest about his work and being singled out for the award.

"It's awkward because I have to ask the question 'what have I done?'" Kelsey said. "And I have to answer, 'I've done what I should have done, and it was not special, but rather ordinary.'"

The 238-seat Bowne Theatre was filled for most of the 2½-hour program, which included singing, dancing and recitations of speeches by civil rights activists, including King and Malcolm X.

Hardin said the celebration will be an annual event at Drew.

In Plainfield, the holiday was celebrated with ceremonies at the Grant Avenue Community Center. Jazz musician Noel Pointer, New Jersey Nets player Tony Brown and Mayor Richard Taylor attended. Other guests included New Jersey Community Affairs Director Leonard Coleman and East Orange Mayor John Hatcher.

Tributes to King continue today as U.S. Postal Service representatives present commemorative stamp pins and a portrait of the "drum major for justice" to representatives of the Urban League of Essex County.

James Walton, the postmaster and general manager of the Newark Division, said the presentation will be made at noon today during ceremonies at 744 Broad St. Newark.

He added the painting of King was done by William Frye, a postal employee in the Newark division.

Upsala College in East Orange will hold a special convocation tomorrow on "Martin Luther King Jr.: Legacies a Generation Later."

Lenworth Gunther, professor of history at Essex County Community College, will be featured speaker.

The Upsala College Gospel Choir will sing as part of the tribute.

The state King Commemorative Commission will hold its Third Annual Ecumenical Service Sunday at 3 p.m. in the War Memorial Theatre, West Lafayette St. in Trenton.

Speakers will include former Gov. Richard Hughes; Constance Woodruff, chairwoman of the New Jersey Advisory Commission on the Status of Women, and Dr. William Watley, pastor of St. James AME Church in Newark, as keynoter.

THE PRESIDENTIAL TRANSITIONS EFFECTIVENESS ACT

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. BROOKS. Mr. Speaker, today, along with Congressman FRANK HORTON, I am introducing the Presidential Transitions Effectiveness Act. The bill will authorize appropriations for the Presidential Transition Act of 1963 and make some amendments to that act to improve its operation.

The Presidential Transition Act is intended to ensure that a change from the administration of one President to his successor will be carried out as smoothly as possible. Under our Constitution, the prime duty of any Chief Executive is to "take care that the laws be faithfully executed." That responsibility starts the minute the new President takes the oath of office. In order to enable the President-elect to begin his term with a minimum of disruption, the Transition Act provides him with resources to study the operations of the Federal agencies and recruit personnel to staff key positions. It also provides some funding to help the outgoing President organize to phaseout his administration in an orderly manner.

The bill that we are introducing today authorizes appropriations of $3.5 million for providing transition services to the President-elect and Vice President-elect, and $1 million for the outgoing President. The $3.5 million figure represents an increase from the current authorization of $2 million—an amount that has not been increased since the transition from Gerald Ford to Jimmy Carter in 1976–77 and is now clearly inadequate. Further, the legislation provides that in the future the authorization shall be adjusted for inflation.

Mr. Speaker, my purpose in proposing this increase is to make sure that adequate public resources are provided for Presidential transitions, and to eliminate the need for a President-elect to turn to the private sector for funds. Much of the work of transitions involves scrutiny of the operations of Federal agencies, and it creates at least a potential appearance of impropriety to have this scrutiny undertaken by individuals who are paid by private interests.

In line with this concern, my bill also requires that the incoming administration disclose the source of any money, other than funds from the Federal Government, that is used for transition purposes. It further requires that information concerning the individuals who are empowered to go into the agencies and examine their operations on behalf of the transition be disclosed and made available to the public. Several other minor amendments relating to use of aircraft by transition personnel and the time of availability of funds are also included in this legislation.

Mr. Speaker, as I said earlier, all of us—Democrat and Republican alike—have a stake in seeing to it that the transfer of power from one administration to another next January is accomplished as efficiently as possible. This bill will help serve that purpose, and I hope it will be considered and enacted swiftly.

A TRIBUTE TO MR. JOHN VINCENT GALLAGHER

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to Mr. John Vincent Gallagher, a professional Navy manager at the Long Beach Naval Shipyard. Mr. Gallagher retired after 36 years of dedicated, loyal, and faithful service to the U.S. Navy.

I am proud to take this opportunity to pay a special tribute to Vincent Gallagher's career and share with my colleagues his fine leadership.

Vince Gallagher served on active duty in the U.S. Navy for 4 years, 1951–55.

He began his civilian employment as an electrician and later became an electronic fire control systems repairer at the Post Engineer Section, Fort McArthur in San Pedro, CA. In his spare time, Mr. Gallagher attended Long Beach City College and California State University at Long Beach. He earned associate and bachelor of arts degrees from each institution, respectively.

On March 14, 1965, Mr. Gallagher transferred to the Long Beach Naval Shipyard as an Engineering Technician. Three years later, he became administrative officer of the Combat Systems Office. On July 13, 1980, Mr. Gallagher was promoted to director of the Management Engineering Office.

During his tour as director of this office, the Long Beach shipyard experienced difficulties with its workload, work force, and financial posture. Mr. Gallagher's decisive and insightful leadership, however, contributed to the shipyard's ability to respond to repairing needs of the Pacific Fleet while improving its cost and schedule performance.

His successful leadership is characterized by his foresight, technical knowledge of, and experience in, the shipbuilding and repair industry, keen insight into the business aspects of the industry, and insistence on product conformance to specifications.

Mr. Gallagher's is most remembered by peers for the key roles he played in some of the shipyard's recent accomplishments. Vincent Gallagher was part of an extremely capable managerial corps at the Long Beach Naval Shipyard responsible for the reactivation and repair of the battleships U.S.S. *New Jersey* and the U.S.S. *Missouri*, both critical components of our Pacific Fleet defense. Under the same management, the shipyard completed the overhaul of the U.S.S. *Cleveland*, a project selected pursuant to the 1985 Defense Appropriations Act as part of an experiment in public-private competition. Moreover, Mr. Gallagher participated in the successful completion of repair work on the U.S.S. *Jarrett* and the U.S.S. *Fletcher*, which were both within budget and of top quality.

In addition to his role as director of Management Engineering Office, Mr. Gallagher has also been in the forefront of the shipyard's efforts in complying with the Air Quality Improvement Act, as well as other environmental programs.

Mr. Speaker, as John Vincent Gallagher retires from the Long Beach Naval Shipyard, his contributions will long be remembered by the citizens of Long Beach, his peers, and the U.S. Navy. I ask the Members of this body to join me in thanking Mr. Gallagher for his service to our country, and to wishing him a happy and prosperous future.

THE 22D CONGRESSIONAL DISTRICT STUDENTS COMPETE IN NATIONAL BICENTENNIAL COMPETITION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to congratulate a special group of high school students from my 22d Congressional District who have recently competed in the first level of the National Bicentennial Competition on the Constitution. On January 20 of this year, a mock congressional hearing on the Constitution was held between Pearl River High School and Clarkstown South High School. Although I understand that both teams performed in a superb fashion, Clarkstown South prevailed as the winner, and will advance to the regional-level hearing to be held later this month in Albany.

I would like to acknowledge those members of the Pearl River Team who in spite of their loss, displayed an abundance of skill and determination: Kevin Byman, Chris Flood, Joshua Leader, Carol Luczkiewicz, Judith Marone, Alex Maza, Vlad Maza, Sandra Nandlal, Patrick O'Leary, Calvin Lee, and Carolyn Riley. Recognition must also be given to their coordinator, Bob Wood.

I would also like to congratulate those outstanding members of the Clarkstown South Team: Elisa Berg, Marc Bergen, Mike Braunstein, Ilene Brenner, Diane Dierksen, Jessica Enright, Katie Goldberg, Christine Janick, Ian Klein, Craig Koritz, Jason Leiderman, Christine McLay, Lee Marlow, Jodi Maklan, Brian Niland, Joseph Nuzzi, Nicole Ortsman, Christopher Panigides, Lauren Rosen, Aron Rubin, John Schulman, Stacey Schwartz, Cori Sockloff, Rob Spector, Allan Talusan, Mike Waxman, and Steve Weiss. Ken Glotzer, with the assistance of Anthony DeBartolo and Edward Moetzinger, was coordinator of the winning team.

Recognition must also be given to the panel of judges, Dr. Jacquelyn Holland, Dr. LaRuth Gray, and Mr. Bob Drennen, for their role in the competition, as well as a special thanks to the 22d congressional coordinator, Capt. Mark Morris, for his time and dedication into making this a successful program.

The National Bicentennial Competition provides an excellent opportunity for students in our schools to study the Constitution as a living document. By participating in the competition, students have developed the skills necessary for their future role as responsible citizens.

BUDGET ACT DOES NOT WORK

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. SCHULZE. Mr. Speaker, today, along with several of our colleagues, I am introducing legislation attacking the heart of our budget process problem. I'm sure most of us agree that the Budget Act of 1974 does not work, that our system has broken down, and that we must immediately gain some control of our fiscal responsibilities. I urge my colleagues to join me in sponsoring legislation to abolish the House Budget Committee.

Since 1977, annual deadlines for consideration of the first budget resolution have been met one time in 11 years. In the same time period, the deadline for action on budget reconciliation has been met only four times.

Section 303(a) of the act, prohibiting fiscal changes prior to budget resolution adoption, and section 302(a) which precludes subcommittees from exceeding their budget authority, were each waived 19 times in 1986. Section 402(a), prohibiting action on new authority not reported on time preceding the next fiscal year, was waived 26 times. In only 1 year since 1977 has Congress enacted all its appropriations bills on time. This irresponsible policy has got to stop.

The proposal I have developed includes two measures: First, a simple resolution repealing House rules authorizing the Budget Committee; and second, amendments repealing title III of the Budget Act, yet ensuring continued accountability to the Gramm-Rudman deficit reduction targets. My legislation also retains an independent Congressional Budget Office [CBO] to track Federal spending and compliance with deficit reduction efforts. If enacted, this proposal would eliminate a major roadblock to timely consideration of appropriations measures, streamline the budget process, and ensure that efforts to track and reduce budget deficits continue.

In tracking our budget deficit numbers since 1969, the year of our last balanced budget, one finds a distinct correlation between passage of the 1974 Budget Act and spiralling budget deficits. Budget deficits have increased from 2.8 percent of GNP in 1977, the first year of budget act implementation, to 5.3 percent of GNP in 1987.

I strongly urge my colleagues to endorse this proposal to abolish the Budget Committee and bring common sense back to the budget process. In the near term, this legislation will save money, trimming legislative appropriations needs. More importantly, it will remove roadblocks to sound policymaking and give us more time to complete our work. The following is a section by section summary of our legislation.

SUMMARY OF RESOLUTION TO ABOLISHMENT OF THE BUDGET COMMITTEE

Section 1

A. Amends Rule X of the Rules of the House of Representatives by:

1. Repealing paragraph (e) of the clause authorizing a Committee on the Budget;

2. Repealing subparagraph 2 of paragraph (a) granting emergency waivers under the Congressional Budget Act of 1974 for reporting dates for bills and resolutions authorizing new budget authority;

3. Striking out "and the Committee on the Budget" in paragraph (b)(1) of clause 2 regarding Oversight responsibilities;

4. Repealing "special oversight functions" regarding special studies (already duplicative) regarding tax expenditures and budgetary impact analysis by repealing paragraph (b) of clause 3; (Will be handled by the CBO, Joint Committee on Taxation, and the Committee on Ways and Means)

5. Repealing paragraphs (b), (g), (h), and (i) of clause 4 delegating duties to the budget committee, requiring other committees to submit budgets to the budget committee by February 25 of each year, requiring a budget resolution, providing for reconciliation;

6. Repealing paragraph (d) of clause 6 regarding standing committee subcommittees.

B. Amends paragraph (j) of clause 1, Rule X, by moving the Congressional Budget Office under the jurisdiction of the Government Operations Committee.

C. Conforms prior changes to committee procedure rules including quorum requirements;

D. Conforms rules of debate with 1974 Budget Act to the regarding consideration of Budget Resolutions;

E. Removes automatic statutory increases in the public debt and requires a separate vote on each debt ceiling increase.

THE SSC AND SCIENTISTS

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. BRUCE. Mr. Speaker, for decades, the United States held the lead in the percentage of research and development scientists and engineers in the world. But recent statistics show that Japan, West Germany, France, and the United Kingdom are catching up.

Something must be done to reverse this trend before it has an even more dramatic effect on America's position in the world trade economy. A decline in the number of college-age students means we need to increase the percentages of students studying science.

We can't draft scientists, but we can provide the incentive to draw today's students into science. This is one of the main reasons we need to increase funding for the National Science Foundation, and begin funding for the superconducting super collider.

The SSC is important to the United States because it will help us maintain our world-leading role in high-energy physics research. Its value becomes even more important when we take basic research from the accelerator to the assembly line.

The superconducting super collider would help provide the excitement needed to draw more of America's students into the fields of science.

I would like to share the article from the Washington Post on the shrinking U.S. lead in science and have it inserted into the RECORD.

OL 34 PT 1 JA 25 FE 16 988 JMI

Wanted: More Engineering, Science Majors

NSF DIRECTOR CITES DISTURBING TRENDS

(By Boyce Rensberger)

The health of science and engineering in the United States is threatened by a shrinking percentage of young Americans going into the fields and by tightening federal budgets that impede efforts to reverse the trend, the director of the National Science Foundation says.

Speaking last week before a joint meeting in Arlington of the American Physical Society and the American Association of Physics Teachers, Erich Bloch said the two trends boded ill for efforts to rebuild American competitiveness in the world marketplace. The NSF is the chief source of federal funding for nonmedical and nonmilitary research.

Making the prospect darker, Bloch said, is the fact that the number of college-age people in the United States peaked in 1983 and is expected to decline for at least several decades. If the country is to maintain the current size of its scientific and engineering communities, the proportion of young people entering the fields must be increased.

"Fewer young people increases the importance of attracting women and minorities to science and engineering," Bloch said. Despite recent increases in the number of women in graduate programs, the share appears to have leveled out at less than 15 percent of all technical degrees. Black and Hispanics account for about 20 percent of the population but take less than 2 percent of the doctorates in, for example, physics.

"The large numbers of minorities and women in the country provide an opportunity—one we cannot afford to miss," Bloch told the physicists and physics teachers. "Our motive should be pragmatism as much as altruism—the need to develop all our human resources."

An irony of the current situation is that the participation of Americans in science and engineering has been declining in the face of growing demand. The demand has been met almost entirely by foreign students, who now earn more than one-fifth of the science doctorates, one-third of the mathematics doctorates and more than half of the engineering doctorates awarded each year by U.S. universities.

Although many stay in the country, contributing to the American economy and scientific prowess, Bloch warned that this situation could easily change. "It is bad policy to depend on a resource we cannot control," he said.

Although the number of scientists and engineers has been growing, the proportion of the labor force working in research and development is about the same as it was 20 years ago, NSF figures show. In the same period, the chief U.S. overseas competitors—Japan, West Germany, France and the United Kingdom—have increased that proportion rapidly.

In 1965, for example, each of the four had only about one-third as many scientists and engineers in proportion to their population as did the United States. By 1984, Japan had nearly matched the United States and the others had grown to roughly two-thirds the U.S. level.

Bloch said the NSF's ability to encourage more young Americans to enter science and engineering has been weakened by federal budget-cutting. He said the NSF appropriation for 1988 increased by less than 6 percent over 1987, slightly more than enough to keep even with inflation. The share going for research, however, was increased by less than 4 percent, a cut in constant dollars.

"The outcome of the budget process this year was very disappointing, especially in view of the high hopes generated by the administration's commitment [in President Reagan's 1987 State of the Union speech] to doubling the NSF budget" in five years, Bloch said.

Still, Bloch said, the NSF hopes to maintain the high priority of programs to encourage more young people to enter the field.

Bloch said expansion of such programs, directed at the college level, will be slower than planned. There will also be an effort to begin new programs for secondary schools.

Bloch said the budget-cutting showed that the public and Congress do not agree "that the investment in science and engineering research and education is central to the nation's economic future. And that investment must take precedence over more immediate political concerns."

NATIONAL BOY SCOUTS OF AMERICA WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. NATCHER. Mr. Speaker, it is a privilege to join with the members of the Boy Scouts of America as they celebrate their 78th anniversary with the theme "The Adventure Begins." This theme will be used throughout this year and into 1989.

The Boy Scouts of America is a national organization that was incorporated on February 8, 1910 and was chartered by the 64th Congress of the United States on June 15, 1916. While the organization has broadened its membership requirements and modified its methods of meeting the needs of young people in an ever-changing society, the Boy Scouts of America's three original objectives have remained constant over the years—character development; citizenship training; gaining knowledge of the value of keeping mentally, spiritually and physically fit.

The Boy Scouts of America has identified five "unacceptables" in today's society: drug abuse, child abuse, illiteracy, unemployment, and hunger.

In February 1987, the Boy Scouts of America launched an antidrug program entitled "Drugs: A Deadly Game." A 16-page booklet designed for youth of all ages was distributed to members of the BSA, and an additional 2 million copies were given to school systems and community groups. A teachers' guide with a student discussion guide, and a videotape have been produced. Outdoor posters and mall posters have been posted and Julius Erving ("Doctor J") worked on the production of a public service announcement for television.

All members of the BSA professional staff and other employees received comprehensive training on child abuse and how to deal with it. During 1988 a program to combat illiteracy will be launched.

In November 1988, the membership will conduct a "Scouting for Food National Good Turn." Scouts will collect nonperishable foods that will be turned over to other agencies for distribution.

The Boy Scouts of America's National Museum is located in Murray, KY, at Murray State University. The staff there continues to develop exhibits and prepare the scouting research center. Attendance has exceeded expectations, and a formal dedication is planned for 1989 in conjunction with the 1989 Scout Jamboree. 1987 was a banner year for Scouting in western Kentucky. The year ended with a membership of 3,013. This is an increase of 40 percent over the membership in 1982. Four Scouts from the Four Rivers Council were chosen to participate in the World Jamboree in Australia in December 1987 and January 1988. 739 boys attended Camp Roy C. Manchester during the past summer, and 25 Scouts earned the Eagle Scout Award last year. The Four Rivers Council met stringent requirements and was designated a quality council by the Boy Scouts of America.

At this time I would like to commend all of the members of the Boy Scouts of America for their past accomplishments and to wish them continued success in their future endeavors.

CATOOSA COUNTY CELEBRATES THE BICENTENNIAL OF THE U.S. CONSTITUTION

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. DARDEN. Mr. Speaker, in conjunction with my remarks of November 9, 1987, concerning the Catoosa County Commission on the Bicentennial of the U.S. Constitution, I would like to submit into the Record the following resolution by that commission:

Resolution

We the people of Catoosa County, Georgia, in order to recognize and celebrate the Bicentennial of the United States Constitution, the foundation of our system of government which continues to secure the Blessings of Liberty to ourselves and to our posterity, do hereby resolve as follows:

Whereas, the Catoosa County Commission on the Bicentennial of the United States Constitution was formed to promote awareness of the two-hundredth anniversary of the Philadelphia Convention of 1787 which produced our most Beloved National Charter; and

Whereas, many area businesses and individuals donated funds, in kind contributions, and sacrificed their time toward this observance; and

Whereas, the above contributions made possible a Grand Celebration in Catoosa County throughout the summer, coinciding with the events two centuries earlier; and

Whereas, the initial phase of the Bicentennial Celebration having been so successfully completed, under budget, with funds remaining in the hands of the Commission; and

Whereas, the Commission is conscious of the financial state of affairs in our National Government; and aware of the importance of a sound economy and a lessened National Debt;

Therefore, it is hereby resolved, by the Catoosa County Commission on the Bicentennial of the United States Constitution that the sum of Seventeen Dollars and Eighty-seven cents ($17.87) in lawful United States Currency, representing the balance of the sums remaining in said Commission's account, shall be forwarded to the Treasury of the United States of America to be applied against the National Debt.

This 20th day of October, 1987.

PEACE IS NOT A CAUSE, IT IS AN EFFECT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. DANNEMEYER. Mr. Speaker, after 70 years of totalitarian rule the Soviet empire continues to crush the human spirit of hundreds of millions of people throughout the world. Despite this tragedy, America has decided to reward this festering destiny with treaty after broken treaty and appeasement ad nauseum.

Two lessons should be garnered from history. First, that the Soviets have not extended their empire 1 inch since the beginning of a treaty-less Reagan administration; and second, that peace will never be found in the dry ink on parchment paper. Peace is a characteristic of the human spirit.

Mr. Speaker, the following letter to the editor sets forth clearly this latter lesson:

[From the North County (CA) Blade-Tribune, Dec. 11, 1987]

A Pure Illusion

Editor:

All this talk about summit, glasnost (publicity), and treaties, obscures the fundamental and continuing differences between a collectivist and a free man as they define themselves, structure their environment and their institutions.

A free man "is endowed by his Creator with * * * Liberty," or the ability to choose.

A collectivist is allowed some privileges by his government.

A free man experiences freedom, the opportunity to make choices.

A collectivist is told what to do.

A free man's government exists to safeguard his natural rights.

A collectivist serves his government.

A free man is the base unit of value as an individual.

A collectivist is valuable only as he is a useful member of the group.

Unless and until collectivism defines human nature in natural, or Jeffersonian, or biblical terms (man: the choicemaker), such cosmetic and image-oriented activities as glasnost (USSR) or "peace treaty" (Nicaragua and Afghanistan) are pure illusion intended for control purposes.

Remember, peace is not a cause * * * it's an effect.

James Fletcher Baxter,
Carlsbad.

THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION AMENDMENTS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. BROOKS. Mr. Speaker, today, along with Congressmen Glen English, Frank Horton, and Al McCandless, I am introducing the National Historical Publications and Records Commission amendments of 1988. This bill will make minor amendments to the statutory provisions which establish the National Historical Publications and Records Commission [NHPRC] as an entity of the National Archives and Records Administration. It also will authorize funding for NHPRC's grants program for the next 5 years.

With the bicentennial of our Constitution just past, it is appropriate that we should consider this legislation. That celebration reminded all of us how important our Nation's documentary heritage is to the understanding of how our Government works. The NHPRC was created in the act that established the National Archives in 1934, with the mission of leading the efforts to preserve and publish our Nation's historical documents. For the past 24 years, the NHPRC's Grants Program has supported projects across the Nation that have kept historical records from being lost through the ravages of time and neglect.

The legislation I am introducing today has two parts. The first part makes minor changes in the NHPRC's operational structure, as codified in Chapter 25 of Title 44, U.S.C.; it generally tracks a legislative recommendation that was transmitted to the Congress by the acting archivist on September 30, 1987.

The second portion of the legislation authorizes appropriations to the NHPRC for the next 5 years. It provides for authorizations of $5 million annually—the current authorization—for fiscal years 1989 and 1990, $8 million annually for fiscal years 1991 and 1992, and $10 million annually for fiscal year 1993. This will allow the Congress to assess and appropriate funds for NHPRC's important work in light of prevailing overall budgetary conditions.

Mr. Speaker, I urge all of my colleagues to support this legislation. It will help ensure that future generations will have a full understanding of our Nation and its heritage.

UPGRADING THE DIRECTOR OF THE CENSUS BUREAU TO EXECUTIVE LEVEL IV

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. DYMALLY. Mr. Speaker, I recently introduced a bill, H.R. 3896 which amends title 5, United States Code to upgrade the position of the Census Bureau Director from executive level V to executive level IV.

The present executive level position of the Census Bureau Director, who is appointed by the President with the advice and consent of the Senate, is not commensurate with the authority and responsibilities exercised within and on behalf of the Department of Commerce by that official. It was set in the early 1960's before legislation expanded the activities and roles of the Census Bureau.

The work of the Census Bureau in recent years includes the decennial, economic and agricultural census. The data collected from these censuses are used in public and private planning, including such matters as tax policy and Social Security. Additionally, many Federal agencies rely on the Census Bureau for key statistical surveys, analyses, and training.

The role of the Bureau, however, is not reflected in the level now accorded the position of its Director. A comparative analysis of functions and responsibilities at the various levels of the executive schedule found in the Department of Commerce and its level IV positions shows clearly that the Census Bureau Director's responsibilities are comparable to those of other Commerce Department level IV positions.

Mr. Speaker, for these reasons I urge that the position of Director, Bureau of Census, should be raised from a level V to a level IV of the executive schedule found in title 5, United States Code, section 5315.

WELCOME TO OUR NEWLY NATURALIZED CITIZENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the residents of New York's 22d Congressional District who have chosen to become citizens of the United States with all the privileges, freedoms, and responsibilities that American citizenship entails.

Our beautiful Hudson Valley region in New York State is proud of its newest citizens. I invite my colleagues to join me in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

Mary Adreozzi, Luisita Anicete, Moshe Arieli, Maricio Aufgang, Marie Aurelien, Laina Auyeung, Oswaldo Baez, Suad Barghot, Richard Barrios, Marciana Bascon, Filippo Basile, Margareth Beauharnais, Kettly Belony, Maria Benson, Eva Bickel, Zipora Bickel, Attila Bondar, Nirys Boursiquot, Hilmer Brown, Marie Butler.

Jean-Claude Cadet, Monique Caputo, Lucy Castaneda, Frantz Cayo, Marie Cayo, Kenneth Chandler, Linda Chandler, Mettlus Clerge, Elvis Climes, Angela Crawford, Carlito Crespo, Lucy Cruseta, Aftab Dar, Neelam Dar, Angeliki Daskalakis, Anna De Filippis, Felice De Filippis, Silvia Donates, Eddy Dorestan.

Marie Dorestan, Philippe Doucet, Rodrigo Enríquez, Alberto Espinoza, Santa Estrella, Hilary Field, Helene Fisher, Frantz Fleury, Pnina Freistadt, Bluma Fried, Klara Fried, Bernard Friedman, Carmela Frustaci, Joan Funnye, Francisco Galoso, Claudell Germain, Nicola Gilberto, Mary Girvan, Tova Gluck.

Galina Gokman, Mark Gokman, William Goldenberg, Bozena Gorczynski, Ekaterini Gouvis, Maria Gracia, Moshe Gratt, Schochana Gratt, Monika Greene, Jacqueline Guerrero, Rogelio Hamilton, Louise Haubourg, Simon Haysom, Peter Hooper, Golda Hosenberg, Marie Hyacinthe, Ken Isaac, Nicola Isernia, Toaby Isrol, Martine Jabouin.

Adeline Jean-Baptiste, Rosemonde Jean-Paul, Marie Jean, Yong Jo, Peter Julmis, Kea Jun, Franc Juvan, Eileen Kastner, Rachel Kaufman, Mary Keegan, Josephine Kent, Abed Khosdeghian, Lydia Khosdeghian, Wonsook Kim, Vera Knigge, Rachel Kohn, Batja Kroser, Hortense La Guerre, Daniel Lacroix, Bando Ladjevardi.

Mireille Lapaine, Rose Law, Josette Legerme, Ruth Lemoullec, Josette Leonard, Olga Leonorovitz, Genevieve Leveille, Letizia Lisa, Juliana Livingston, Socorro Llado, Carmen Lopez, Jorge Lopez, Alejandro Luis, Manuel Luna, Anh Luong, Marian Lutomski, Ashwani Malhotra, Sushma Malhotra, Sohail Maqbool, Archibald Marshall.

Elizabeth Mathew, Thresa Mathew, Edner Mathieu, Yechiel Meiteles, Andrew Meng, Rebecca Meng, Nicholas Andrew Michales, Monika Michalik-Lobaido, Christine E. Miglionico, Sabine Milord, Hazel Mitchell-Wilson, Isaac Mizrachi, Ana Molina, Juan Molina, Eduardo Morales, Cargill Murphy, Parveen Nathaniel, Adrien Nelson, Yin Ng, Anh Nguy.

Howard Nguyen, Tony Nguyen, Van Nguyen, Kenny Nham, Xay Nham, Vincent O'Rourke, Maria Mercy Macadaeg Olivares, Mory Om, Dominika Overton, Marisa Ovide, Dudley Paisley, Garineh Panossian, Maria Papachristopoulos, Marco Figueroa Parada, Abinash Parida, Barbara Parsons, David Parsons, Daniela Paszkiewicz, Shashikant Patel, Sushila Patel.

Elipcon Payen, Andrew Pelczar, Fernande Personna, Martian Personna, Manickarajan Pillay, Gaetano Pinto, Safa Popescu, David Powell, Huw Powell, Ivett Gaona Powell, Michael Praino, Magalie Predestin-Fong, Marcelo Quarantotto, Nora Quaye, Miriam Rada-Robinson, Venkataraman Radhakrishnan, Suresh Rajpara, Mary Reilly, Abelard Reyes, Germania Rodriguez.

Alexandra Rogriguez, Martino Rostelli, Frank Ruffin, Teresa Salinas, Maria Santos, Gunter Schenker, Mendel Schwimmer, Nola Scrubb, Ila Shah, Carlyle Sheppard, Carol Sheppard, Bai-Chin Shih, Odete Cordeiro Valentim.

WEST BANK AND GAZA PALESTINIAN STATEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a letter from Hanna Siniora and Fayez Abu Rahme of January 27, 1988, to Secretary of State George Shultz and a January 15 statement by Palestinian leaders and institutions regarding recent events in the Israeli-occupied territories of the West Bank and Gaza.

This letter and statement were delivered to Secretary Shultz in a recent meeting the two Palestinians leaders, Hanna Siniora and Fayez Abu Rahme, had with Secretary Shultz during their recent visit to Washington. Mr. Siniora is the editor of the East Jerusalem newspaper, Al-Fajr, and Mr. Abu Rahme is a lawyer from Gaza.

The letter and statement follow:

JANUARY 27, 1988.

His Excellency GEORGE P. SHULTZ,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY SHULTZ: This meeting takes place at a crucial time when uncivilized and oppressive measures are being employed by Israeli occupation forces to quell the just uprising of our Palestinian people. This uprising comes as the inevitable national expression of our people's will to struggle until we achieve our freedom in our independent Palestinian state under the leadership of our sole legitimate representative, the Palestine Liberation Organization.

Our people are in urgent need of immediate international protection from the brutality of Israeli's military authorities which have been unleashed against our unarmed civilian population to kill, maim and terrorize our women and children. To this end, we hope the international community will immediately authorize the provision of an international force to intervene in the occupied territories, to whose trusteeship our population can be delivered, as a first step towards the convening of an international peace conference. This conference is to be held under the auspices of the United Nations, and will be attended by all concerned parties to the conflict, including, foremost, the Palestinian nation through its legitimate representative, the PLO.

We look forward to your personal active involvement and that of the United States Government in the peace process, which we hope will bring an end to the suffering endured by our people for the past 20 years.

Yours respectfully,

HANNA SINIORA.
FAYEZ ABU RAHME.

STATEMENT BY PALESTINIAN INSTITUTIONS AND PERSONALITIES FROM THE WEST BANK AND GAZA

Jerusalem, January 14, 1988.

During the past few weeks the occupied territories have witnessed a popular uprising against Israel's occupation and its oppressive measures. This uprising has so far resulted in the martyrdom of tens of our people, the wounding of hundreds more and the imprisonment of thousands of unarmed civilians.

This uprising has come to further affirm our people's unbreakable commitment to its national aspirations. These aspirations include our people's firm national rights of self-determination and of the establishment of an independent state on our national soil under the leadership of the PLO, as our sole legitimate representative. The uprising also comes as further proof of our indefatigable spirit and our rejection of the sense of despair which has begun to creep to the minds of some who claim that the uprising is the result of despair.

The conclusion to be drawn from this uprising is that the present state of affairs in the Palestinian occupied territories is unnatural and that Israeli occupation cannot continue for ever. Real peace cannot be achieved except through the recognition of the Palestinian national rights, including the right of self-determination and the establishment of an independent Palestinian state on Palestinian national soil. Should these rights not be recognized, then the continuation of Israeli occupation will lead to further violence and bloodshed and the further deepening of hatred. The opportunity for achieving peace will also move further away.

The only way to extricate ourselves from this scenario is through the convening of an international conference with the participation of all concerned parties, including the PLO, the sole legitimate representative of the Palestinian people, as an equal partner, as well as the five permanent members of the Security Council, under the supervision of the two Super Powers.

On this basis we call upon the Israeli authorities to comply with the following list of demands as a means to prepare the atmosphere for the convening of the suggested international peace conference which will achieve a just and lasting settlement of the Palestinian problem in all its aspects, bringing about the realization of the inalienable national rights of the Palestinian people, peace and stability for the peoples of the region and an end to violence and bloodshed:

1. To abide by the 4th Geneva Convention and all other international agreements pertaining to the protection of civilians, their properties and rights under a state of military occupation; to declare the Emergency Regulations of the British Mandate null and void, and to stop applying the iron fist policy.

2. The immediate compliance with Security Council Resolutions 605 and 607, which call upon Israel to abide by the Geneva Convention of 1949 and the Declaration of Human Rights; and which further call for the achievement of a just and lasting settlement of the Arab-Israeli conflict.

3. The release of all prisoners who were arrested during the recent uprising, and foremost among them our children. Also the rescinding of all proceedings and indictments against them.

4. The cancellation of the policy of expulsion and allowing all exiled Palestinians, including the four expelled to Lebanon on 13 January, 1988, to return to their homes and families. Also the release of all administrative detainees and the cancellation of the hundreds of house arrest orders. In this connection, special mention must be made of the hundreds of applications for family reunions which we call upon the authorities to accept forthwith.

5. The immediate lifting of the siege of all Palestinian refugee camps in the West Bank and Gaza, and the withdrawal of the Israeli army from all population centers.

6. Carrying out a formal inquiry into the behavior of soldiers and settlers in the West Bank and Gaza, as well as inside jails and detention camps, and taking due punitive measures against all those convicted of having unduly caused death or bodily harm to unarmed civilians.

7. A cessation of all settlement activity and land confiscation and the release of lands already confiscated especially in the Gaza strip. Also putting an end to the harassments and provocations of the Arab population by settlers in the West Bank and Gaza as well as in the Old City of Jerusalem. In particular, the curtailment of the provocative activities in the Old City of Jerusalem by Ariel Sharon and the ultrareligious settlers of Shuvu Banim and Ateret Kohanim.

8. Refraining from any act which might impinge on the Moslem and Christian holy sites or which might introduce changes to the status quo in the City of Jerusalem.

9. The cancellation of the Value Added Tax (V.A.T.) and all other direct Israeli taxes which are imposed on Palestinian residents in Jerusalem, the rest of the West Bank, and in Gaza; and putting an end to the harassment caused to Palestinian business and tradesmen.

10. The cancellation of all restrictions on political freedoms including restrictions on freedom of assembly and association; also making provisions for free municipal elections under the supervision of a neutral authority.

11. The immediate release of all funds deducted from the wages of laborers from the territories who worked and still work inside the Green Line, which amount to several hundreds of millions of dollars. These accumulated deductions, with interest, must be returned to their rightful owners through the agency of the nationalist institutions headed by the Workers' Unions.

12. The removal of all restrictions on building permits and licenses for industrial projects and artesian water wells as well as agricultural development programs in the occupied territories. Also rescinding all measures taken to deprive the territories of their water resources.

13. Terminating the policy of discrimination being practiced against industrial and agricultural produce from the occupied territories either by removing the restrictions on the transfer of goods to within the Green Line, or by placing comparable trade restrictions on the transfer of Israeli goods into the territories.

14. Removing the restrictions on political contacts between inhabitants of the occupied territories and the PLO, in such a way as to allow for the participation of Palestinians from the territories in the proceedings of the Palestine National Council, in order to ensure a direct input into the decision-making processes of the Palestinian nation by the Palestinians under occupation.

THE FORGOTTEN AMERICA—RURAL SMALL BUSINESS

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. MARLENEE. Mr. Speaker, I rise today to introduce a bill which is designed to afford a measure of much-needed relief to the small businessmen and women of rural America. This legislation is critically important in helping to shape the destiny of what I have begun to refer to as "The Forgotten America—Rural Small Business."

Beginning in about 1979, we in the Congress have been struggling to find solutions to the financial crises facing agricultural producers throughout this great land of ours. As the farm recession continued to worsen during the early 1980's, Congress seemed to come up with a new plan of salvation every 6 months, or so.

The late-1970's era of easy credit financed at outrageously high interest rates had encouraged many farm producers to expand and modernize their operations. This huge debt was secured on paper by rapidly rising, inflation-driven land values.

Suddenly the expansionary binge came home to roost. America's world market share and exports dwindled, occasioned to large extent by unfair and predatory trade tactics of foreign competitors. Combined with an overvalued dollar, and our own farm programs which established uncompetitive price floors for American commodities it became impossible for farm borrowers to service the staggering debt they had taken on just a few years earlier.

The subsequent plunge in real estate values, and the growing inventory of farmland resulting from foreclosures and voluntary liquidations, soon spelled trouble for even the most prudent, least indebted farm owners who watched helplessly as their paper assets diminished in value. As these assets dwindled, they were often inadequate to secure even the annual operating loans for the next year's crop.

It should be noted that, during these increasingly difficult times for producers, rural small businessmen and women continued to extend credit in an effort to help their farm and ranch neighbors stay on the land and ride out the raging financial crisis. Many rural small businesses went down the proverbial porcelain convenience due to producers who were unable to pay bills 2, 3, or 4 years old.

From personal experience, I know many suppliers and storeowners who shared in the economic misery and suffering because they went the second—and even the third—mile in an effort to keep farm producers on the land and in business. Many of my own former suppliers aren't around anymore.

When farm operators couldn't pay the bills, these friends and neighbors were forced to close their doors and move elsewhere in search of new jobs or business opportunities. Unfortunately, many did not find adequate new jobs or opportunities. They suffered, their families suffered, and our communities have suffered from their absence.

The social fabric of rural America has changed for the worse, and is not as strong as it once was. A general spiritual malaise hangs over many rural communities as we who remain behind survey the corpses of once thriving main-street rural businesses.

In the 1985 farm bill, Congress correctly analyzed many of the problems which had led to the financial collapse of production agriculture in the United States. Under the capable leadership of Chairman DE LA GARZA and our ranking Republican member, Mr. MADIGAN, the House Agriculture Committee helped pass a bill designed to restore the international competitiveness of American farm commodities.

It laid the groundwork allowing us to more aggressively strike back at trading countries who had chosen to employ predatory export subsidies and artificial, discriminatory trade barriers against our products. Recognizing that the 1985 bill's rather drastic departures from previous farm programs could result in generally lowered prices for producers, the Congress created an income safety net to help farm operators survive the transition.

Let me make it clear: I supported most of the 1985 bill's major provisions, and I continue to feel that under the circumstances, the measure represents the solution most likely to succeed over the long term for American agriculture. The current farm legislation is restoring vitality and stability for farm and ranch producers, and Government costs continue to diminish as predicted.

However, I have come to realize that some of the discretionary features of the 1985 bill, and also in the underlying 1949 Agricultural Act, are being exercised in a manner which ignores the financial welfare of "The Forgotten America—Rural Small Business." As more and more millions of once-productive acres are idled throughout the country, the small businessmen and women of rural main-street are being rapidly forced out of business.

As their sales volume shrinks due to the lessened demand created of fewer and fewer acres of cropland, they can no longer make a profit. They cannot be competitive locally, nor can they compete with other merchants and suppliers who are more diversified.

Mr. Speaker, you will recall that the 1985 farm bill contained provisions in each of the four major programs—wheat, feed grains, cotton, and rice—which directed the Secretary of Agriculture to implement land retirement elements in a manner which would not adversely impact local communities and rural agribusinesses. Even the Conservation Reserve Program contained a cap limiting enrollment to 25 percent of a county's cropland.

I don't think we in Congress ever for 1 minute imagined that the Secretary would exercise his right to waive such 25-percent limitation, except in one or two isolated instances. Instead, he has now allowed enrollment of CRP land in more than 40 counties to exceed this 25-percent limit, while simultaneously continuing large set-asides in some of the commodity programs.

A recent USDA report estimates that some 300,000 potential jobs were lost to the economy in 1987 due to the set-aside levels alone. Farm-related businesses and industries lost more than $3 billion in sales, and State and Federal treasuries collected about $650 million less in revenues, not including revenues lost due to CRP enrollment.

Planted acres in 1988 are estimated to be 48 million fewer than in 1985, and 16 million below the 1983 Payment-in-Kind Land Diversion Program. I need not remind my colleagues what of the disaster which resulted for rural small businesses due to that 1983 program.

Because of my growing concern about the fate and the future of our rural small businesses and farm suppliers, I offered an amendment to the so-called 0–92 Program when it came before the House Agriculture Committee last year. That amendment requires the Secretary to implement 0–92 in a manner which will minimize any adverse impacts on rural small business after considering the total number of acres taken out of production under all of the program options including CRP.

To further follow up on that concern, the bill I am introducing today makes some additional assistance available to those who are members of "The Forgotten America—Rural Small Business."

My legislation will mandate that, if—through any combination of Acreage Reduction Programs, the 0–92 or 50–92 options, Paid Land Diversion Programs, or the Conservation Reserve Program—the Secretary of Agriculture causes a reduction of about 39 percent or more of the productive cropland in any individual county, then the Small Business Administration will be compelled to make low-interest economic disaster loans to agribusinesses or other small business concerns in the county impacted.

This legislation is not without precedence: In 1984, Congress authorized such loans to be made available as a result of the 1983 Payment-in-Kind Land Diversion Program. The logic behind my measure is similar—anytime the Government takes more than 35 or 40 percent of the land out of production in an effort to assist producers, it stands to reason that local businesses and enterprises will suffer catastrophic losses in their revenues and profits.

In my opinion, it is far past time for Congress and the Federal Government to recognize the financial crisis facing rural small business. It is essential today that we take immediate steps to provide some effective and equitable mechanism which will offset the damages that direct and consequential Federal actions taken under the authority of the farm bills have wreaked upon the men and the women of "The Forgotten America—Rural Small Business."

Mr. Speaker, I hope I can count on the support of our colleagues in this important effort. As we all know, loans—even at 1- or 2-percent interest—are not the answer to the real problems of rural businesses threatened by lost sales volume as more and more land is retired from production. However, this measure should cause the Secretary of Agriculture to be much more cautious in the future when considering implementation of land-idling farm programs.

Ideally, the Secretary will recognize that if he surpasses the 39- or 40-percent level established in the legislation, then it is he who will be causing additional Government outlays for the small business economic disaster loans provided.

Hopefully, this bill will act as a barrier which the Secretary will respect in the future, and as a result he will be encouraged not to remove so much of a county's croplands from production. I thank the Speaker for this opportunity to introduce and briefly explain my proposed legislation, and I strongly urge my colleagues to give it their wholehearted support.

RALPH HUBBELL: BUFFALO'S MR. BROADCASTING

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. NOWAK. Mr. Speaker, in the radio-television broadcast industry in the Buffalo, NY, area, one of the most celebrated, popular, and respected sports reporters and commentators is Ralph Hubbell.

In 1985, when Ralph observed his 50th anniversary as a western New York sports reporter, a committee of friends prepared the following sketch of his diverse career:

RALPH HUBBELL: HIS FIFTY YEARS OF BROADCASTING IN BUFFALO

193[illegible]—WEBR: It all began here with a half-hour poetry program at 11:30 a.m., six days a week. Ralph's salary was $5.00 . . . that was per week, not per day.

1934—WEBR: Ralph became a full time staff announcer. He was well on his way at a salary of $18.50 a week.

1935—WEBR: On February 10th he started his sportscasting career when Herb Howell, the station owner, succumbed to Ralph's many requests to begin a fifteen minute sports program at 6:15. Sam Cordovano, a prominent wrestler at the time, was Ralph's guest on that first program.

1936-1939—WBNY: He changed stations but not his duties. He was still a staff announcer, still did a poetry program and still did a sportscast at 6:15. However, he added another dimension to his sports coverage. He began doing play-by-play of the Buffalo Bisons in Offerman Stadium, an experience which was instrumental in securing his next job.

1939-1948—Buffalo Broadcasting, owners of WGR and WKBW: At WGR Ralph became a full time sportscaster, replacing Roger Baker, with shows at 6:30 and 11:30 nightly. His play-by-play coverage now included many of the other sports in our area besides baseball.

1948-1966—WBEN (Radio and TV): It was during his stint at WBEN that Ralph had what he refers to as his "most memorable" experience in broadcasting. He did the play-by-play of a basketball game between the University of Buffalo and Villanova in the Palestra in Philadelphia. Villanova was ranked in the top five teams in the country and was rated a 22 point favorite over U.B. U.B. won by one point and Ralph readily admits that he cried on the air all through the last minute of his broadcast of the game.

1966-1967—WHLD (Niagara Falls): He continued his sportscasting career for Eddie Joseph. During this period, Ralph formed an association with the Ontario Jockey Club, an association which lasted until 1979.

1968-1970—WGR (Radio and TV): Here it was two sports columns daily on radio at 5:55 and 6:55, and an 11:00 program on Channel Two.

1970-1982: Ralph has spent the last eleven years in a free lance capacity with stops at WHLD, WEBR, WBTA in Batavia and, currently, with his "Let's Talk Sports" on Cablescope. He also wrote a column for The Magnificat and The Niagara Falls Gazette during this period.

These are the bare bones, the skeleton if you will, of a man's 50 years in broadcasting in our town. A town where, among many other honors, he has been the recipient of the Saints and Sinners Fall Guy award and the Greater Buffalo Advertising Club's Man of the Year award.

Throughout the years he has been the Master of Ceremonies or main speaker at over 3600 functions in the Western New York area.

How did he manage to survive in this tough field for a half-century? Is it because of his quick wit and great sense of humor, including his outrageous puns? Is it because of his penchant for truth and honesty in everything he does? Is it because of his wondrous way with words, both written and spoken?

When all is said and done, perhaps it is just because he is . . . Ralph Hubbell.

When friends helped Ralph mark that 50th anniversary, he was presented a plaque which stated: "In celebration of a half-century of Good Sports from a Good Sport . . . Ralph Hubbell.

In what is a very competitive business, Ralph Hubbell has a reputation for fairness, honesty, and genuine friendliness.

As Radio Station WECK noted in a newsletter announcing another Ralph Hubbell special program: "You can always count on a hearty 'Welcome Back' greeting as he opens the show and a sincere 'And you take care' at the close."

Ralph has that special ability to convey to his listeners his enthusiasm for both amateur and professional sports and to be not only informative but amusing and touching.

I am happy to note that Ralph today continues to share his enthusiasm over western New York's airwaves. It is a pleasure to take this time to salute him and extend sincere best wishes and thanks on behalf of thousands and thousands of fans, friends, and admirers.

GLASNOST AND SOVIET JEWRY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. HOYER. Mr. Speaker, in early January, I had the opportunity to travel to the Soviet Union with the American Council of Young Political Leaders. During our visit, I met with several refuseniks who talked of the human rights situation in the era of glasnost, they also spoke of the December summit meeting between President Reagan and General Secretary Gorbachev and what, they felt, that meeting holds for their futures.

Mr. Speaker, I would like to share their thoughts with my colleagues:

JANUARY 8, 1988.

Congressmen STENY HOYER,
House of Representatives, Washington, DC.

DEAR SIR: As is well known, Jewish emigration from the Soviet Union has, for many years, been an example of cynical and flagrant violations by the Soviet government of serious international commitments. The policy of glasnost' and democratization has, in no way, changed the arbitrary lawless practices in which applications for emigration visas are processed.

Even during the preparations for the summit meeting, our numerous attempts to take advantage of the new atmosphere in the country to establish a productive dialogue with the so-called Citizenship Commission of the Supreme Soviet—which has been widely advertized as an appeal body for complicated refusals—proved to be unsuccessful. No one would listen to us, either in the Supreme Soviet or in the Central Committee of the Communist Party of the Soviet Union, and this once again confirmed the absence of any constructive approach on the part of the Soviet authorities to the problem of Jewish emigration from the USSR.

During the preparations for the summit meeting, the Soviet leadership demonstrated and skillfully publicized certain signs of progress: emigration quotas were somewhat increased, a number of well-known long-term refuseniks were given permission to leave, and family reunification became possible for a broader circle of people. America's firm stand on human rights issues, coupled with numerous assurances by Soviet official representatives—including those of the highest possible level—that progress in nuclear disarmament and in trade would be accompanied by real progress in the field of emigration, as well as initial signs of such an improvement, gave birth to hopes that a successful summit would result in a tangible improvement in Soviet Jewish emigration.

Now, when the summit is over, both sides agree that it was successful, because of the historical achievements in the field of disarmament, and even more impressive prospects for the future which are envisioned. As far as Jewish emigration is concerned, no sooner had the ink dried on the treaty signed in Washington, than the indications of progress in this field began to disappear one after the other.

As of January 1, 1988, Soviet visa offices have once again been demanding that invitations from first-degree relatives be produced when submitting an application for an exit visa. This denies some ninety per cent of those Soviet Jews who would like to leave the possibility of doing so.

Furthermore, the twenty applications for exit visas which were accepted for consideration without the necessary financial waivers during the summit, were an exception. For all other people with this problem, the obstacles still remain.

The situation has returned to the way it was before, and this has aroused extreme concern among us, and has raised fears for the future of Jewish emigration from the Soviet Union. The attempts by Soviet officials at the highest levels to convince Western leaders that the flood of Jewish emigration has dried up, should be regarded as mere propaganda to cover up the reduction in Jewish emigration to which we have been witnesses.

In this period of so-called glasnost' and democratization, Soviet Jewry is deprived of any offices for their protection, and is being subjected to increasing pressure from neofascist and nationalist organizations—specifically Pamyat' (Memory) and Otechestvo (Fatherland). While the doors to the exodus remain closed, the attitude of the U.S. Congress to the problem of Soviet Jewish emigration has always been based on lofty principles of morality and human rights. We are deeply grateful for that, but wish you to be informed about the real state of affairs.

Yours sincerely,

Yuli Kosharovsky, Anatoly Genis, Vladimir Turkeltaub, Vladimir Kislik, Grigory Rosenstein, Natalia Khasina, Yuri Cherniak, Yuri Semenovsky, Igor Uspensky, Evgeny Grechanovsky, and others.

TRIBUTE TO DR. OTHEL HAND

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. KOSTMAYER. Mr. Speaker, I am not alone in calling myself a friend of Dr. Othel Hand of the American Family Life Corp.

Dr. Hand counts scores of House and Senate Members and high administration officials as his friends.

The article which appeared recently in the Columbus Ledger-Enquirer will interest the many Members of Congress who count Dr. Othel Hand as a friend.

[From The Columbus (GA) Ledger-Enquirer, Jan. 27, 1988]

OTHEL HAND: A NEW THRUST TO CITY'S SPIRIT

(By Glenn Vaughn)

Things have never been the same since Othel Hand came to town.

Even as he began in 1962 his 11-year senior ministry at Columbus' First Baptist Church, his inspired eloquence attracted widening notice and tongues were set to wagging.

He is flamboyant, they said. His highly-colorful sports jackets are "a bit much," they said. He puts artificial flowers in his yard, they said. Later, with relish, came the topper: He has started to wear a hairpiece, they said.

But there was something infectious about his exuberance and flair which made things begin to happen. He tackled a long-overdue, major restoration at his church . . . He launched in the community an interfaith worship series and was the first Protestant minister ever to preach from the pulpit at Holy Family Catholic Church . . . He spearheaded a community beautification program . . . He constructed a handsome fountain at First Baptist, encouraged the development of others and dubbed Columbus "the Fountain City" . . . He focused his zest on a successful rejuvenation of the Springer Opera House.

Othel Hand's "can do" freshness helped ignite a spirit in Columbus that still grows.

In 1973 he moved his motivating ministry to the marketplace as senior vice president of American Family Corp. Today, at a youngish and nimble 66, he is the firm's director of government relations, spending about half his time in the nation's capital.

No one, who has been touched by his ever-present cheer or heard his seemingly effortless golden voice lilting from the pulpit, will be surprised that he opens with ease the doors of Washington officaldom. Nor would any doubt that he knows all 100 U.S. senators, and they know him, and has a first-name relationship with half of them. It's the same for most congressmen and others high in government.

His eye-catching involvements include being a Washington Opera Company trustee, a member of the board of governors for Ford's Historic Theater and a member of the "Golden Circle," which is a Kennedy Center support group. He is a member of the prestigious Senate Trust Committee which often meets in the White House and has been guest chaplain for the U.S. Senate. He is highly active with the American Cancer Society and serves as a trustee for Macon's Mercer University.

In his Washington circles everyone knows the dapper Dr. Hand, including clerks, bellmen, waiters and waitresses at hotels he visits. Fashionable dressers often ask the name of his tailor. (He is David Garrison of Tifton.)

That he, a quintessential gentleman, grew up on a one-horse cotton farm without electricity in Mississippi astounds many. After working his way through Mississippi College at Clinton, he earned masters and doctorate degrees at Southern Seminary in Louisville, Ky., the same way. He taught religion for five years at the University of Richmond and pastored churches in Jacksonville, Fla., and Hickory, N.C.

He and his wife of 42 years, the former Martha Pillow, have two sons—Kerry of Columbus and Mark of Jacksonville—and four grandchildren, two in each son's family.

G. Othel Hand, whose hobbies are gardening, cooking and collecting antiques, is one of those rare individuals who seems to savor, and be thankful for, life's every moment. His reassuring demeanor comforts the humble as well as the mighty in the same warm way.

In Columbus once-wagging tongues today say he's a marvel and he's our own.

ARCTIC COASTAL PLAIN MANAGEMENT ACT OF 1988

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. ANDERSON. Mr. Speaker, today I am introducing legislation on a very sensitive and important issue that Congress has been grappling with for some time now. This legislation, which I have titled the "Arctic Coastal Plain Management Act of 1988," will accomplish many important national objectives. Two national objectives in particular, each one no less important than the other, are responsibly addressed in this legislation. The first of these national objectives is increasing domestic production of oil and gas in order to reduce this Nation's growing dependence upon unreliable foreign sources of oil. The second fundamental objective of my legislation is to protect and expand our Nation's fish and wildlife resources.

During the first half of the 100th Congress, there were many hearings on the future of the Arctic National Wildlife Refugee [ANWR]. Moreover, there will be more hearings on this priority issue in order to focus upon and address some important environmental and oil and gas activity questions regarding ANWR. The decision on what to do with ANWR's future, particularly with respect to the 1.5 million acre coastal plain of the 19 million acre refuge, is certainly not an easy one.

There are those individuals who argue that oil and gas development should proceed in the coastal plain irrespective of its impact upon the environment and the fish and wildlife resources within the coastal plain. Similarly, there are those who employ the same kind of extreme thinking, though with a different perspective, that any oil and gas activity period would be extremely harmful to the coastal plain's pristine nature as well as its fish and wildlife resources. I however, do not subscribe to either school of thought on this difficult issue.

Rather, I believe that oil and gas exploration, production, and development can proceed in the coastal plain without causing any significant adverse impact upon the porcupine, caribou, the muskoxen, and the other wonderful species that utilize this area.

My bill would allow for an orderly oil and gas leasing program in the coastal plain without any undue and unnecessary delay. However, any oil and gas exploration, production, and development that would take place would be carried out under strict environmental standards, thereby providing the necessary protection to the area's fish and wildlife resources as well as air and water quality.

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In addition to an orderly leasing program for the Nation's greatest untapped oil and gas potential area, the "Arctic Coastal Plain Management Act of 1988" would also accomplish the second principle objective of protecting and expanding our Nation's fish and wildlife resources both in Alaska as well as outside Alaska. A large portion of the Federal revenues that would be generated in an ANWR oil and gas leasing program would be specifically earmarked for this important national objective. For example, 10 percent of the Federal revenues received from competitive bids, sales, bonuses, royalties, rents, fees, interest, or other income derived from the coastal plain competitive leasing program authorized under this legislation would be distributed to the Migratory Bird Conservation Fund to be used for the acquisition of private lands outside of Alaska having critical wildlife and habitat values; 5 percent of these revenues would be used to control erosion of wetlands which provide important habitat to migratory waterfowl; finally, 3 percent of these Federal revenues would be distributed to a fish and wildlife enhancement trust fund which would be used to promote and finance fish and wildlife conservation, enhancement, and research programs.

Besides the economic and national security benefits as well as the fish and wildlife benefits contained in the Arctic Coastal Plain Management Act, this legislation would also go a long way in reducing part of this country's budget deficit as well as providing critical funding for energy conservation and alternative energy research.

I would urge my colleagues to support my bill. It is truly a balanced, sensitive, and careful approach to one of the most significant and pressing issues facing Congress in this 100th session.

ACADEMIC EXCELLENCE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. MATSUI. Mr. Speaker, today I would like to bring to my colleagues' attention the outstanding achievements of 68 youngsters who will be participating in the final round of competition in the 1988 California Central Valley Spelling Bee. These students have demonstrated that academic excellence is alive and well in California, and they have distinguished themselves from more than 160,000 students across Colusa, El Dorado, Placer, Sacramento, Solano, Sutter, Yolo, and Yuba counties.

On March 12, 1988, these students will participate in an oral competition at California State University in Sacramento to determine who will represent central California in the National Spelling Bee here in Washington, DC. Although only one student can receive this honor, each participant, through success at local spelling bees and at the qualifying written test, has already proved to be a winner.

Mr. Speaker, academic excellence is the key to our Nation's continued prosperity and success, and competitions like these help maintain high standards of achievement in our schools. I would like to thank the Sacramento Bee for being the sponsoring newspaper for this fine event, and I congratulate these outstanding students on their achievements and urge them to continue in their pursuit of knowledge.

RESTRUCTURING OUR FINANCIAL SYSTEM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. SCHUMER. Mr. Speaker, on March 1, 1988, the moratorium on the expansion of banking powers which was enacted into law by the Competitive Equity in Banking Act [CEBA] will end. If the Congress fails to act by proposing a roadmap for future reform in the banking industry, we will revert to the regime of deregulation by regulators and legislation by loophole which predated the moratorium.

Over the last few months, as the March 1 date has drawn closer, a number of my colleagues have offered thoughtful proposals designed to avoid this undesirable result and to reassert the role of Congress in shaping the future of our financial institutions. These proposals range from the most radical and far-reaching changes in our financial system, such as the proposed repeal of the Bank Holding Company Act and the Glass-Steagall Act suggested by Representative Barnard in H.R. 3799, to more limited changes, such as the addition of four specific securities powers suggested by Representative Ridge in H.R. 3837. Other approaches include the repeal of the Glass-Steagall Act alone, which is proposed by Representative Neal in H.R. 3800, and the emphasis on States rights, which is advocated by Representative Carper in H.R. 3063. Chairman St Germain has encouraged this healthy debate within the Banking Committee and has announced that all of these proposals for additional securities powers, as well as expanded bank powers in insurance and real estate, will be considered by the committee soon.

Although I have not supported any of the proposals which have been introduced thus far, I share the conviction of my colleagues that the time has come to seek legislation which attempts to lay a framework for restructuring our financial system. Congress must act affirmatively, rather than defer to the uncoordinated, and often ill-considered, changes which result from actions by the regulators and the courts, But in acting, we must not destroy the special strengths of our financial system, a system which has served our country well.

The risk of a serious misstep is most dangerous if we simply react to pressures for drastic change. The problems of FSLIC have taught us that deregulation can be a recipe for disaster. When the Banking Committee considered deregulation of thrifts, we were told that their managements could handle the risks and uncertainties of active real estate development. While that was so for many institutions, it was demonstrably untrue for too many others. The result is an industry which has losses far beyond the capacity of FSLIC's resources, and which continues to lose money every day.

We should not ignore the same risks in addressing the expansion of powers for commercial banks. At the most basic level, the argument is that the banks need the freedom to enter new areas of business because they are suffering financially and need additional sources of profits. But I do not believe that any of these proposals will be a panacea for those banks which have experienced eroding profits in recent years. Certainly, they will not solve the more pressing problem of raising sufficient capital to comply with the new requirements recently negotiated by the Federal Reserve Board.

Nor do I believe that the stock market collapse of October 19 is irrelevant to the changes that we are considering. There is a wide consensus that the insulation of banks from the securities markets was a stabilizing factor when the entire financial system appeared to be on the brink of collapse. the General Accounting Office, reporting on its study of the October 19 market crash, pointed out that our financial markets are currently in a highly delicate position. The GAO specifically warned the Congress that the repeal of Glass-Steagall might have seriously disruptive effects on the market and, at a minimum, would require the addition of significantly greater resources to the bank supervisory agencies.

The new world which we are entering has very real risks. No one can predict the impact on any reforms which Congress may pass. So while we must act if we are not to code all initiative to unelected regulators and judges, we must be cautious in taking these first steps to reorder the banking system.

I have worked with colleagues of both parties, Representative Kleczka on the Democratic side, and Representatives Parris and Saxton on the Republican side, to develop an alternative proposal which seeks to meet these concerns. I am pleased to join with them today in introducing a bill, The Comprehensive Bank Restructuring, Powers and Safety Act of 1988 (H.R. 3930), which addresses all of the areas under consideration for expanding bank powers and offers a new structure for addressing those issues.

In broad terms, the act grants two new powers to banks in permitting them to underwrite and deal in commercial paper and mortgage-backed securities. More importantly, however, the act creates a new structure for the exercise of those new powers, and any other powers which Congress may choose to grant in the future. The new structure will serve to insulate insured deposits from these securities activities, and will enable the Securities and Exchange Commission to regulate those securities activities. This structure contemplates a system of functional regulation which, if successful, would permit the expansion of additional powers over time. The act also creates a similar structure for real estate activities of banks, and closes various loopholes which have permitted the expansion of insurance activities by banks. Finally, the act creates a Financial Intermediaries Review Commission to map out future reforms in this area.

While we recognize that changes and improvements to this proposal may be made as the debate goes forward in the Banking Committee over the next several weeks, we hope that this bill will provide a model which will stimulate that debate and will also attract support from a majority of our colleagues on the Banking Committee who seek prudent change.

Before briefly describing the details of the bill, let me outline the philosophy which underlines this proposal. I approach these issues as someone who has supported the principles of Glass-Steagall since I joined the Congress. The essential concept of insulating banks, with their Federal deposit insurance and the promise of the Federal safety net, from highly speculative activities, made sense in 1933 and it makes sense today. Although there was never a perfect separation of banking and securities functions, Glass-Steagall was a critical building block in the financial structure which led to innovative and open markets in this country. It encouraged the entrepreneurial instincts in our economy by fostering a strong securities industry which was not protected from failure to bond to tradition. At the same time, it ensured that banks would provide a reliable source of credit and liquidity in times of crisis in those more volatile markets. There are many, including some of the more thoughtful banking regulators, who would like to see similar forces for stability—or circuit breakers—in the new landscape.

In promoting the growth of an independent securities industry, Glass-Steagall also led to the development of different corporate cultures: the more conservative approach of commercial bankers versus the more venturesome approach of investment bankers. Neither was preferable as an absolute matter; each made an important contribution to our system as a whole. Regulation generally followed in the same manner, with bank regulators attempting to assist banks in carrying out their special role in our financial system and, if necessary, stepping in to bail them out. By contrast, securities regulators adopted a more adversarial stance designed to protect individual investors and the integrity of the markets, while leaving individual firms at risk.

I believe that the freedom to fail has had a beneficial impact on our system. Indeed, my reservations about the proposal advanced by Representative Neal, which would authorize the entry of banks into the securities business under the existing structure of Federal Reserve oversight, are not simply that the bill is a one-way street which keeps all but a few securities firms out of the banking business while permitting all banks to enter the securities business. Rather, my principal concern is that merger of the two businesses—which have had very different cultures—under supervison of the Federal Reserve Board will compromise the risk-taking ethos of the securities business.

In addition to encouraging an entrepreneurial spirit, Glass-Steagall, coupled with the separation of banking and commerce, has avoided problems of concentration. This country does not have a few large financial institutions which dominate the economy. Thus, we have avoided the rigidities experienced by a country like Germany, where a handful of financial behemoths control the capital markets and stifle entrepreneurial initiatives. Rather, we have benefited from a variety of differentiated businesses which have competed vigorously for the benefit of businesses and consumers.

Those who support radical changes argue that banks required financial relief because their traditional businesses have become less profitable, that competition in the securities industry is undermined by the barriers to entry by the banks, and that the regulatory distinctions no longer correspond to the realities of the marketplace.

Each of these claims is suspect. Even if the banks are currently less profitable than before, it is questionable whether bank profits will benefit from entry into the securities business today, when many investment banks and even commercial banks are laying off employees and preparing for leaner times. Over the long term, the evidence is not clear that the cycle of earnings in the securities business is sufficiently distinct from bank earnings to provide true diversification.

The banks' entry into the securities business may initially increase competition, although it bears noting that this increased competition will also diminish the likelihood of increased profits to the banks. However, the impact may be shortlived if the industry consolidates as it has done in Canada and England in the wake of deregulation. There is an additional risk that banks will compete by offering cheaper credit from their federally insured pool of capital, rather than by reducing the spreads in public offerings. Even with the strongest firewalls and most stringent antitying provisions, this may be impossible to prevent altogether.

The changes in the marketplace have outstripped the ability of regulators to control events, but much of the problem has stemmed from initiatives taken or tolerated by some of the more ideological the regulators themselves. Although complaints have been made that diversified financial firms have encroached upon the preserve of the banks, the single greatest anomaly has been the absence of regulation of banks' securities activities by the Securities and Exchange Commission—an omission which this act attempts to remedy.

The reality is that no one can predict the future with any degree of confidence. There is a far greater risk, therefore, of going too far and too fast, than of taking a few well-considered steps. This legislation proposes a structure which, if it works, can be utilized for additional expansion of bank activities. If it does not work, then the harm to our system will be minimized. The act has four basic components:

First, as a condition of expanding the securities powers of banks to permit the underwriting and dealing in commercial paper and mortgage-backed securities, the act requires the transfer of all securities and securities-like activities—speculative trading in foreign exchange, commodities, etc.—to a separately capitalized securities affiliate which is subject to SEC regulation. Commercial paper and mortgage-backed securities are appropriate vehicles for starting the process of change because they are two areas in which the concentration of a few firms has been stressed as a reason for encouraging bank entry into the business. Various firewall provisions prohibit the use of federally insured bank deposits in securities activities. In addition, banks are prohibited by favoring their own securities affiliates or discriminating against nonaffiliated securities firms in extending credit or clearing services. A similar reorganization is required for foreign securities activities of banks. The principally engaged loophole is closed so that any future expansion of securities powers will be granted by the Congress, as opposed to the regulators.

Second, in the area of insurance, the act closes the South Dakota loophole which was recently endorsed by the Federal Reserve Board in the Merchants National decision, and clarifies the exemption for insurance activities in small communities of 5,000 persons or less by restricting the sale of insurance to those communities. In both cases, the act reaffirms the original intent of Congress in regulating insurance activities of banks, and closes loopholes which creative lawyers have read into the law.

Third, the act creates a separate structure for designated real estate activities of banks. As with the case of securities affiliates, there are various firewall provisions which are designed to avoid the misuse of the Federal safety net and to safeguard federally insured deposits.

Finally, the act establishes a Financial Intermediaries Review Commission drawing from a wide spectrum of disciplines to study the future of our financial system. The Commission will report to the Congress in 2 years with recommendations for further change. A special charge of the Commission will be the reevaluation of the separation of banking and commerce, and an assessment of the risks and benefits of much more far-reaching deregulation, such as that envisioned by Representative Barnard in H.R. 3799. The Commission will also evaluate the efficacy of the firewall provisions proposed in this act.

Mr. Speaker, I believe that this act provides a foundation for change which is moderate, fair, and soundly conceived.

COSPONSOR OMISSION

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. DAUB. Mr. Speaker, I would like to correct an error today regarding an oversight in the listing of cosponsors to a bill I introduced on January 25, 1988 to permit farmers to purchase tax-free certain fuels for farm use. Congressman Jim Moody's name was not included as an original cosponsor of this bill, H.R. 3844, and I regret this oversight. By this statement I simply would like to set the record straight.

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FAST FOR THE FAMILY OF VLADIMIR BRAVVE

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Ms. SLAUGHTER of New York. Mr. Speaker, last Sunday, I attended a vigil sponsored by the Rochester Jewish Federation on behalf of Vladimir Bravve, a brave young man and former refusenik who wants to be reunited with his family. The Soviets have refused Vladimir's parents, Grigory and Ninel Bravve, permission to join him and the rest of their family here in the United States. Out of desperation, Vladimir began a fast to draw attention to the unfortunate situation of his family and the cold intransigence of the Soviet authorities.

Vladimir's fast has been debilitating. When I saw him on Sunday his face was drawn, his coloring pale. He was dizzy and weak. On his doctor's advice and the counsel of friends, Vladimir ended his fast for the sake of his family. Vladimir's health and strength are too important to them to jeopardize by a continued hunger strike.

There has been an outpouring of support from many in the Rochester community who have pledged to continue Vladimir's fast. Today, I am sharing this commitment. I have chosen to go without food from midnight tonight through midnight tomorrow for the sake of this family.

Over the past year, I have addressed this body on numerous occasions to share with you the tragedy of this family. Many of you have signed letters I sent to Gorbachev on the Bravve's behalf. In addition, I have met personally with Soviet officials at the Soviet Embassy, sent a personal appeal to Raisa Gorbachev during the summit, and 2 weeks ago, sent a telegram to the State OVIR office in Moscow—all on behalf of the Bravves and to date there has been no response from the Soviets. My fast, tomorrow, is my own personal statement to carry on the fight for the reunification of the Bravve family.

A TRIBUTE TO HECTOR RANGEL

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Mr. Hector Rangel, who will be retiring from his post as head officer of the Mexican Consulate in Corpus Christi, TX, a position he has held for over 10 years.

An attorney in International Law, Mr. Rangel has served 46 years in the Mexican Diplomatic Foreign Service. In addition to his tenure as head officer of the Mexican Consulate in Corpus Christi, Mr. Rangel has served as head officer for the following Mexican Consulate Offices: In California, San Diego, San Bernardino, Calexico, El Centro, Sacramento; In Texas, Laredo, McAllen, San Antonio, Dallas, Austin and Corpus Christi. In Mexico City he was appointed at the Mexican Foreign Office in Mexico City as Chief of the Immigration Department.

I have known Mr. Rangel for many years. He is a well-respected and admired leader of the Mexican, as well as Corpus Christi community. Mr. Rangel has accomplished his duties as head officer of the Mexican Consulate in Corpus Christi, TX with dedication and efficiency. He has managed to harmonize a Federal institution with the people of the community.

The duties of the Bureau of Consular Affairs, include the responsibility for the administration and enforcement of the provisions of the immigration and nationality laws, insofar as they concern the Department and the Foreign Service; the issuance of passports and visas and related services; and the protection and welfare of American citizens and interests abroad. Mr. Rangel has carried out these responsibilities with distinction.

Mr. Rangel has bonded our neighboring countries with his demonstrated leadership and influence in the South Texas community. Every year he is an active participant in area events, such as the popular El Diez y Seis de Septiembre celebration of Mexican Independence Day. This is an event in which the United States and Mexico participate in a series of parades, dances and parties to demonstrate the goodwill of both countries. It is a well-planned, major function which is enjoyed and eagerly anticipated by many native South Texans as well as our winter visitors. Mr. Rangel, as an officer of the Mexican Consulate, will long be remembered for his immense contribution to international friendship and mutual understanding between Mexico and the United States, as well as the level of dedication and service he gave to his work.

Next week, Mr. Rangel will be honored with a reception given him by members of his family in honor of his retirement. I admire his integrity and join his family and friends in commending him for his longstanding contributions.

BEST WISHES TO FORREST DAVIS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. BONIOR of Michigan. Mr. Speaker, I request the indulgence of my colleagues in order to observe the retirement of Mr. Forrest L. Davis. It has been my great privilege to have enjoyed the loyal and dedicated service of my friend Mr. Davis as a member of my district staff since the beginning of my first term in the House in 1977.

It seems to me that, throughout not only his career in government but his entire adult life as well, Forrest Davis has exemplified the qualities which made this country great and have been the backbone of American society. His unselfish devotion to his family, community, and country has been expressed in many ways, as a soldier, American Legion post commander, union activist, fraternal leader, and loving husband and father.

However, among all the qualities which I have come to admire about Forrest Davis through the years, his decency, honor, innate sense of fair play, the one which has made the most lasting impression on me is that he never gave in to adversity or allowed it to harden him to the circumstances of those around him. Whether helping to teach his coworkers to read in C.C.C. camps during the Great Depression or helping friends down on their luck, Forrest Davis has always had a hand up to offer his fellows.

For as much as I will miss his services, I am very grateful to have been able to know and work with him at all. On behalf of all residents of the 12th Congressional District, I wish to extend to Forrest Davis our very best wishes for his retirement and congratulations for a job well done.

HONORING VIC DIGERONIMO

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. MCEWEN. Mr. Speaker, allow me to take this opportunity to commend to your attention the distinguished and exemplary career of my good friend Mr. Vic DiGeronimo, a prominent resident of the great State of Ohio who is completing his term as president of a major national construction association. I ask you to join me in saluting Mr. DiGeronimo and his many accomplishments as president of the National Utility Contractors Association [NUCA].

Victor DiGeronimo is a lifelong resident of Independence, OH, where he resides with his wife, Lurlie, and their eight children. Vic literally started his career with a pick and shovel in his hand. He achieved his current position of president and treasurer of Independence Excavating, Inc., after working as a laborer, truck driver, equipment operator, and superintendent. Today he oversees all of the day-to-day operations of the company, including bonding, finance, major purchasing, negotiating, and other functions.

Independence Excavating was started in 1956 by Donald DiGeronimo, the oldest of five DiGeronimo brothers. Through diversification and sound management, the company has flourished. By 1980, the company's sales reached $12 million by building projects geared toward public works facilities. The company has also been in the forefront of innovative techniques that have significantly reduced the cost of building these public facilities. The firm now recycles waste concrete into usable aggregate through its extensive concrete recycling facilities, today producing in excess of 100,000 tons of material.

In addition to his vast professional experience, Vic DiGeronimo has devoted a great deal of his time in a number of volunteer roles. He is a former president of the Ohio Contractors Association. Vic has served as a longtime board member of the National Utility Contractors Association, Associated General Contractors and the American Road and Transportation Builders Association. He is also the recipient of several prominent awards

presented annually by these esteemed trade associations.

Vic was elected president of the National Utility Contractors Association for the 1987 term. The association is comprised of some 2,000 companies nationwide involved in the construction of water, wastewater treatment and other underground utility systems so vital to the health and economy of this Nation. Under his diligent leadership, the association has provided outstanding service to the industry in the field of government relations, safety and other vital areas. The association also continued its strong growth under Vic, adding four new chapters in California, Michigan, and Virginia.

As NUCA president, Mr. DiGeronimo has particularly represented his association and his industry well in government relations. During the past year, Vic has made several appearances before House and Senate committees to present Congress with the important views of the Nation's utility contractors and suppliers. Included in these visits were appearances on the subjects of EPA Construction Grants Program funding and appropriations for Farmers Home Administration programs.

In addition, Vic has been intimately involved in construction safety related issues during his career. While his prime concern is protecting construction workers, he has been able to demonstrate to his fellow contractors that the most economical way to do a job can also be the safest. The industry leader worked with the Ohio Contractors Association to provide a safety certification program for contractors. In 1983, his company received NUCA's William H. Feather Safety Award in recognition of outstanding safety efforts.

In 1987, NUCA provided valuable input to officials of the Occupational Safety and Health Administration [OSHA] in that agency's proposed revisions to Federal trench and excavation safety rules. More recently, Vic appeared before the House Subcommittee on Health and Safety during that panel's oversight hearings on construction safety issues.

It has been a busy year for my friend and colleague, but it has been an extremely productive one for his industry and the association he leads. I join in saluting Mr. Vic DiGeronimo as he relinquishes his NUCA presidency, and I wish him good health and prosperity in the years ahead.

TRIBUTE TO SEAN MACBRIDE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to a Nobel laureate, statesman, and Irish patriot. I am speaking, of course, of the late Sean MacBride.

Sean MacBride died in January after a 70-year career of pursuing world peace and human rights. He was best known in recent years as the author of the MacBride Principles, an antidiscrimination code aimed at forcing American companies operating in Northern Ireland to insure equal employment opportunities for Roman Catholics.

Sean MacBride became involved with the Irish nationalist movement at an early age. He spent 20 years with the Irish Republican Army [IRA], but broke with the IRA in 1937 because he believed that the Republican cause could be best served by constitutional, not violent, means. He remained a determined opponent of violence in Ireland until the day he died.

In the late 1930's Sean MacBride became one of the most successful lawyers in Ireland. He often defended IRA suspects and fought repressive antiterrorist legislation.

In 1947, MacBride formed a new nationalist political party in Ireland, which in coalition with existing opposition parties defeated the party in power. Sean MacBride was elected to the Irish Dail in 1947, and in 1948 he became Ireland's Foreign Minister.

Sean MacBride was also active on the international stage. In 1948, he was a vice president of the Organization for European Economic Cooperation, an early version of the European Economic Community. He served for a year as the President of the Council of Foreign Ministers of the Council of Europe.

Sean MacBride helped found Amnesty International in 1963, and served as its chairman for 12 years. At the same time, he was also Secretary General of the International Commission of Jurists. From 1973 to 1976, MacBride was an Assistant Secretary General of the United Nations and United Nations Commissioner for Namibia, or South-West Africa.

In 1973, Sean MacBride was awarded the Nobel Peace Prize for his work on behalf of human rights. Three years later, he received the International Lenin Prize for Peace Among Nations, making him only the second man to win both awards.

As a member of the Ad Hoc Congressional Committee for Irish Affairs, I am a cosponsor of legislation in the 100th Congress to enact the MacBride Principles. I urge all of my colleagues to support this legislation to provide economic justice in Northern Ireland and a final legacy for Sean MacBride.

I join other Irish-Americans and the international human rights community in paying tribute to the memory of Sean MacBride.

SALUTE TO THE LINCOLN THEATER IN MOUNT VERNON, WA

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. SWIFT. Mr. Speaker, I rise today to note a historical treasure in the town of Mount Vernon, in beautiful Skagit County—the Lincoln Theater. The majestic Lincoln Theater was once the showcase of downtown Mount Vernon. The sounds of vaudeville and popular music could be heard in the heyday of the Lincoln and it was a popular movie house for silent films, and later "talkies." But over the years much of the building has fallen into disrepair. The citizens of Mount Vernon, recognizing the beauty and historical significance of the Lincoln, have formed a group dedicated to revitalizing the theater and returning it to its former grand stature. One important step has already taken place. On November 5, 1987, the Lincoln Theater was listed on the National Register of Historic Places.

The Lincoln Theater Center Foundation plans extensive remodeling to restore the facility. The Lincoln boasts a huge organ, still in place and ready for a new life. The fabulous instrument is a Wurlitzer pipe organ, a style "D-special," which gives the effect of an entire orchestra. It produces the single or collective sounds of such instruments as a violin, bugle, trumpet, marimba, xylophone and chimes. Along with getting the organ in top shape, they hope to modify and enlarge the stage to it can once again be used for musical and theatrical events.

The Lincoln Theater Center Foundation has enlisted the support of the entire community to raise private funds to refurbish the theater. After the restoration is complete, the Lincoln Theater will be alive with the sights and sounds of the performing arts—a treasure for the people of Skagit County to enjoy for decades to come. The efforts of this group of citizens have not gone by unnoticed. The week of February 14–20, 1988, has been designated as Lincoln Theater Center Week in Skagit County. Mr. Speaker, I would like to thank those people in Skagit County for all their hard work in making the dream of bringing back the Lincoln a reality.

THE INF TREATY: A GIANT STEP IN THE RIGHT DIRECTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. LANTOS. Mr. Speaker, after years of intricate negotiating and high hopes, President Ronald Reagan and General Secretary Mikhail Gorbachev have signed a treaty to eliminate each country's intermediate-range and shorter-range nuclear missiles. It is an important document, perhaps the most important ever drawn up between the superpowers, and I urge my colleagues in the Congress to ratify it.

The treaty runs to 169 single-spaced typewritten pages, with 17 articles and three annexes. Yet as Strobe Talbott, Time magazine's Washington bureau chief and an expert in arms control, points out:

> Reduced to its essence, this mass of legalese is one of the simplest, most radical attempts in history by the leaders of two adversary nations to resolve a point of tension between them. Never before has the word "elimination" appeared in the heading of a nuclear arms treaty. It is a dramatic example of the practitioners of nuclear diplomacy taking a sword to the Gordian knot.

Under terms of the treaty, the United States will remove from Europe 429 intermediate- and shorter-range Pershing warheads, while the Soviets will, from the same theater, remove 1,667 warheads. The reductions are subject to a form of onsight verification by teams of inspectors from both nations—itself a historic concession.

The treaty is not perfect; it still leaves both nations with heavy strategic and tactical nuclear arsenals. It does leave the Warsaw Pact

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with an imbalance of conventional forces, although the United States will still have 330,000 troops and 4,600 tactical nuclear weapons in Europe.

But for Congress to fail to ratify it would be a disaster of the first magnitude, especially for the NATO alliance. The citizens and governments of Europe have been persuaded by America to support the treaty. If for some reason we do not ratify it, America's role as the leader of NATO would be severely weakened.

There is another, even more compelling reason for the treaty. It establishes the precedent for later negotiations—the START talks—to eliminate even more nuclear weapons. Elements of the treaty's inspection teams could also be used to monitor whatever agreements emerge from the START talks concerning strategic weapons, conventional forces or chemical weapons.

The record since World War II gives us some reason to be skeptical as to whether the Soviets will indeed adhere to the treaty's terms. We all remember what happened after the two countries agreed to the SALT II Treaty in 1979. Six months later, the Soviet Army invaded Afghanistan, and the Congress never ratified the treaty. Six years passed before the superpower leaders met again.

But now, even though the Soviet system remains largely unchanged, conditions are different. A new leader has taken over the reins of Soviet power, a man who gives every appearance of wanting both to debarnacle the Soviets' way of seeing the world and to do what he can to stop a wasteful arms race that is devastating to this country's economy.

There are questions, too, about the American intelligence community's ability to determine if the Soviets are cheating. While I have confidence in our ability to detect Soviet violations, it seems to me also that the INF treaty actually discourages cheating. The Soviets will still retain their strategic nuclear capability, and so the price of cheating on the INF Treaty will not be worth the international outcry that the Soviets would face.

Mr. Speaker, on balance it seems clear to me that the INF Treaty should be ratified and supported fully by the American Government. While much remains to be done, the treaty is a first best hope for lasting world peace. Without it, the threat of nuclear holocaust remains as great as ever. With it, the threat is lessened and the chances for still more arms reductions are greatly increased. I strongly urge its adoption.

TRIBUTE TO GEN. THADDEUS KOSCIUSZKO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. LIPINSKI. Mr. Speaker, as cochairman of the Democratic Council on Ethnic Americans, I rise to inform my colleagues that on February 12 we celebrate the birthday of Gen. Thaddeus Kosciuszko, a great hero to the Polish-American community and, indeed, to all Americans.

General Kosciuszko, a true military genius, was a leading force for liberty in the American War for Independence. His greatest skill was using the terrain as a natural defense against the attacking British forces. In several instances during the war, his bold strategies saved the American forces from heavy casualties and military setbacks.

Born and educated in Poland, Kosciuszko is revered there by the Polish people as George Washington or Abraham Lincoln is here. While Kosciuszko fought for Poland's freedom all his life, he was drawn to the Colonies' courageous fight for liberty, and he sailed to America in 1776 to join the battle against the British.

At Saratoga, Kosciuszko devised a military plan that brilliantly warded off the British forces, led by General Burgoyne, who were charging from all sides. At West Point, Kosciuszko blocked the mighty British Navy from the South, and prevented them from attacking the American encampment and inflicting severe damage to the colonial soldiers. Later in the war, Kosciuszko saved George Washington from sure defeat as Washington retreated along the Delaware River.

But Thaddeus Kosciuszko was more than a military strategist, he was an enlightened individual who fought against slavery decades before freedom became reality for black slaves. Several times in his life, Kosciuszko refused to allow slaves to work for him even when offered to him by American officers. Indeed, in his will, of which Thomas Jefferson was executor, Kosciuzko directed that all his American assets be used to purchase the freedom of slaves as well provide them with an education and land.

Gen. Thaddeus Kosciuszko is a symbol for all of us, particularly the Polish people and Polish-Americans. As Maj. Ernest L. Cuneo said in an article: "In Poland the name of Kosciuszko is an abbreviation for the soul of Poland, and the determination that it will never die." In America, Kosciuszko represents the outstanding contributions Polish-Americans have made to our country for more than 200 years.

CONTRA AID VOTE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. MAZZOLI. Mr. Speaker, last week's vote on Contra aid was difficult for every one of us in the House.

Despite my respect for the President and acknowledgement of the burdens he bears as our Commander in Chief, I could not support his proposal for aid to the Contras.

I believe that if we are ever able to isolate the Sandinistas and determine whether their intentions are pacific, as they insist, or sinister as many claim, then we have to deny them the one excuse they have claimed for failure to abide by the terms of the Arias peace plan.

It is also the excuse the Sandinistas have relied upon to deny human rights, free assembly, free press, and religious freedom to their own countrymen.

That excuse: U.S. support for the Contras forces.

If the United States takes pause in its support for the Contras, and if the Sandinistas then fail to adhere to the terms of the Central American accord, we can return to the fray at the invitation of the four democratic Central American presidents or the Organization of American States or, if necessary, unilaterally.

Defeating Contra aid does not jeopardize U.S. security. But, it may advance peace for this troubled region.

In order to put this aid request into terms we can more easily understand, Louisville Mayor Jerry Abramson has told me that $36 million equals:

The entire capital budget for the city of Louisville for 4 years;

All the funds the city would have received through revenue sharing for 4 years; and

All of the services and programs the city provides through Community Development Block Grant funding for 4 years.

Also, Mr. Speaker, $36 million would allow the city of Louisville to:

Repair and modernize the city incinerator which was built in 1954 and last overhauled in 1973 ($14 million);

Modernize its two-way radio system (now 30 years old) used by police, fire, and emergency services personnel ($11 million);

Meet the capital needs of its entire park system ($8 million); and

Help 3,000 homeowners of moderate- and low-income rehabilitate their homes and bring them up to standard ($3 million).

In the same vein, I have been advised by Jefferson County Judge/Executive Harvey Sloane that for $36 million, Jefferson County could:

Bring 1,200 substandard homes and 2,500 substandard rental units up to standard ($24 million);

Create 2,500–3,000 new jobs by selective loans to area small businesses ($6 million); and

Purchase 300 apartments and 300 beds for area homeless and suitable quarters for up to 200 homeless area children ($6 million).

THE 70TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE DAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. CARDIN. Mr. Speaker, it is a privilege to join with many friends in the Lithuanian community to commemorate the 70th anniversary of Lithuanian Independence Day.

After hundreds of years of unstable governments and domination by Poland, Russia, and Germany, on February 16, 1918, the Lithuanian Council proclaimed Lithuania an independent state.

However, the struggle of the Lithuanian people was not ended by this proclamation. It was not until July 12, 1920, that Russia signed a peace treaty with Lithuania recognizing it as an independent nation, and forever renouncing "all sovereign rights possessed by Russia over the Lithuanian people and territory."

Despite that treaty, in 1940 the Lithuanian people once again found themselves under Russian domination when the Soviet Union annexed Lithuania as a constituent republic of the U.S.S.R.

Lithuanians around the world continue to fight for their independence. Their struggle has not gone unnoticed. The United States has continued to maintain diplomatic relations with the representative of the former government of Lithuania, and I am proud to be a cosponsor of a House resolution designating February 16, 1989, as "Lithuanian Independence Day."

I am honored to represent the many Lithuanians in the Third Congressional District of Maryland. These are proud people, whose commitment to human freedom and dignity has been unflagging. I know that they will continue their struggle in the hopes that one day we will see a free and independent Lithuania. I am proud to join them.

KILDEE HONORS RABBI GERALD H. SCHUSTER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. KILDEE. Mr. Speaker, I rise today to honor a man who has made tremendous contributions to improving the quality of life in my hometown of Flint, MI, Rabbi Gerald H. Schuster. In the next few days, Rabbi Schuster will be leaving Flint to become the director of pastoral services and general hospital chaplain at the Louis A. Weiss Memorial Hospital in Chicago, IL. We in Flint consider ourselves extremely fortunate to have been able to benefit from the services of Rabbi Schuster for the past 18 years. Over the years, Rabbi Schuster has been an active member in all segments of our community, and his work will serve as a testament to what religious leaders can do to enrich the lives of the community in which they serve.

In his 18 years as the spiritual leader of Temple Beth El in Flint, Rabbi Schuster made a concerted effort to work with the young people in the congregation so that they would understand the important role that religion plays in a person's life. Rabbi Schuster performed hundreds of religious services that have provided him a unique bond with each member of his congregation. His sermons often reflected his personal philosophy of compassion, justice and the need to help those who are the most vulnerable in our society.

Equally impressive, Rabbi Schuster has contributed a significant amount of his time and energy to bring members of our community together to confront some of the perplexing problems we face. Rabbi Schuster has served on the board of the Genesee County Mental Health Association, the Urban Coalition of Flint, the State of Michigan Bio-Ethics Network Planning Committee, and various committes in Hurley and McLaren Hospitals. Rabbi Schuster was also a founding member and vice-president of Hospice of Flint. As a member of the Interfaith Action Council, Rabbi Schuster organized several interfaith activities, including tours of Israel.

For the last several years, Rabbi Schuster has undertaken a new role as the coordinator of pastoral services at the Hurley Medical Center in Flint. With commitment and purpose, he has provided counseling and spiritual care to individuals and families who are in need of a consoling voice. I can think of few other individuals who have the compassion, the patience, and the love for his fellow person as Rabbi Schuster. In many ways, he has served as a spiritual leader for our entire community.

Mr. Speaker, I have always believed that the role of government is to promote, protect and to enhance human dignity. Rabbi Schuster certainly exemplifies all of these qualities, and his time with us has helped renew our faith in the goodness of people everywhere.

It is extremely difficult for our community to bid farewell to our rabbi and our friend. We know that we will never be able to replace him, but we realize that we are all better people because we have been able to share precious years with him and his family. It is my honor and privilege to join my colleagues in paying tribute to Rabbi Schuster for his leadership and dedication in helping our community mentally and spiritually prosper in our economically difficult times. I know that Rabbi Schuster will continue to extend his love and warmth to his new community. He will always have a special place in the hearts of those he touched in Flint, MI.

TRIBUTE TO RABBI STEVE ROBBINS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Steve Robbins, a prominent member of my community. Rabbi Robbins has been the rabbi at Temple Emanuel for the past 10 years where he oversees the religious, educational, and communal life of the synagogue. The temple will honor Rabbi Robbins on March 17, 1988, at the Beverly Hills Wilshire Hotel for his many years of outstanding service.

Temple Emanuel, a reform synagogue of 1,700 families, plays a pivotal role in the Jewish community of greater Los Angeles and the reform movement nationally. It operates a full- and part-time school system with 1,200-plus students.

Rabbi Robbins has utilized his bachelors of arts degree in history and sociology, obtained from UCLA in 1967; bachelors and masters in Hebrew letters, obtained from Hebrew Union College in 1972, and skills in humanistic psychology and family therapy in a number of other important institutions. He served as director of the B'nai B'rith Hillel Foundation, University of Cincinnati, and the Hillel Foundation at the University of California at Berkeley. In addition, he has been on the faculty of the University of California at Berkeley, Graduate Theological Union, John F. Kennedy University, and Hayward State University.

The Jewish community of the greater Los Angeles area also benefits from Rabbi Robbins' tireless efforts in extensive public policymaking for the community. As chairman of the Urban Affairs Commission, an integral part of the Jewish Federation Council, Rabbi Robbins is a major voice in influencing public policy on social, political, economic, and interethnic issues in southern California. He has a particular interest in intergroup relations and the Counter Cult Program in the Jewish community of Los Angeles which he developed himself.

It is my honor and pleasure to join the Temple Emanuel in paying tribute to Rabbi Steve Robbins for his dedication to the southern California Jewish community.

BEARS ON ICE—UNIVERSITY OF MAINE HOCKEY TEAM NO. 1

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Ms. SNOWE. Mr. Speaker, on behalf of the State of Maine I would like to congratulate the University of Maine hockey team on the outstanding season they are enjoying. This team's remarkable success is well portrayed in a recent Sports Illustrated article that I would like to share with my colleagues.

Under the guidance of head coach Shawn Walsh, the University of Maine is currently the Nation's top ranked college hockey team, and has become a great source of pride for the entire State. Even more noteworthy than the team's excellent won-lost record, however, is the manner in which they have achieved their considerable success.

In an era when major college sports are often tainted by scandals, the Black Bears have proven that students do not have to sacrifice their academic integrity to compete in intercollegiate athletics at a national level. Coach Walsh has provided his players with an environment that is conducive to academic success, and the players have responded accordingly. These young men are acquiring a first-rate college education in addition to enjoying the rich rewards of athletic competition.

Mr. Speaker, the following Sports Illustrated article does an excellent job of describing how this model college sports program operates:

[From Sports Illustrated, Jan. 25, 1988]

BULLISH ON THE BEARS

(By Morin Bishop)

Stirring a state whose teams are unaccustomed to such lofty heights, Maine is No. 1 in all college hockey.

Outside Alfond arena in tiny Orono, Maine, the only signs of life this afternoon are the smell of burning firewood in the chill air and the occasional sight of a student hurrying to class across a campus parking lot. But inside things are humming as the University of Maine hockey team settles in for another of its periodic group therapy sessions.

When the players have settled down and taken their places in the plush new locker room, Shawn Walsh, the Black Bears' 32-year-old coach, opens the gathering by confessing his own sins committed during

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Maine's 4-1 win over U.S. International the previous night. Among other errors Walsh surprisingly concedes that he was too harsh with a player who had unnecessarily iced the puck late in the game. Emboldened by their coach's honesty, some players forthrightly own up to their mistakes. One allows that he took a stupid penalty because he overreacted to a shove from an opponent; another confesses to making nasty comments to a teammate on the power play; a third admits that he hadn't paid enough attention when planning his academic schedule at the start of the semester and as a result had to miss half the game to take a final exam. By now the penitents are falling all over themselves to confess. Father Shawn happily grants absolution and the team is ready to start preparing for its next opponent. Alan Alda would love it; Woody Hayes would have been ill.

The scene epitomizes the introspection and Three Musketeers' togetherness that have helped the Black Bears achieve their impressive 19-4-2 record this season and No. 1 ranking in NCAA Division I, the first time a University of Maine team has been rated best in the land. Though the team had dropped to No. 2 behind Minnesota after a Jan. 4 loss to unranked North Dakota, Maine regained the top spot last weekend with a convincing 6-4 win over the Gophers.

Certainly you won't find much grumbling about Walsh's tactics around Orono. And who can quarrel with a man who in four years has turned around a program that had a dismal Division I record of 33-73-1 in the five seasons before his arrival? He has built a real winner, advancing to the quarterfinals of the NCAA playoffs last year in just his third season.

What ought to particularly please the Maine faithful is that Walsh has achieved this success while actually improving the team's record in the classroom, an accomplishment attributable to still more unusual tactics. All freshmen are required to attend a study hall three to four times per week, as is any other player whose grade point average dips below 2.0, the borderline for eligibility. Questionnaires are sent to professors every five weeks so that each player's academic progress may be monitored. Walsh has a copy of everyone's schedule, so he knows when a player is and is not supposed to be in class. Any team member who plays hooky, or for that matter hockey, instead of attending class is ordered to appear at Walsh's so-called "breakfast club" meeting, a mandatory 6 a.m. skate in full equipment.

Walsh's efforts have borne fruit on and off the ice. Last year the hockey team's GPA was 2.51, and this year it currently stands at 2.60, not Phi Beta Kappa numbers but above the all-university average of 2.50. "We have a 'Public Ivy League' environment here," says athletic director Kevin White. "I think it's part of the culture, the mystique of the eastern academic tradition. The people up here, they just drip with integrity. They want to see the GPAs at the end of the year, and if the hockey team is below the community, they want to know why."

That ever watchful community also affords the team an almost unheard-of measure of support. Says senior defenseman Dave Nonis, one of seven players from British Columbia and a member of Walsh's first recruiting class, "I'd played in front of crowds from 400 down to maybe 20. I get to Maine and we're getting 1,500 to 1,800 people for intrasquad games. We were getting near-sellout games my first year, and we were losing." The record of Maine's love affair with the hockey team speaks for itself: The Black Bears lead the Hockey East Association in home attendance for the third season in a row, averaging 4,912 per game in the 4,100-seat Alfond Arena. The hockey team consistently out-draws its gridiron counterpart in total attendance, and hockey is the only sport at Maine that operates in the black.

How did Walsh reverse the tide in just four years? The answer is, with a combination of luck, resourceful recruiting and a solid system stressing defense. "You rebuild a program from the inside out," says Walsh. "You can't control the W's and L's in college hockey for a while. So you control what you can: Get food in your system and get a good night's sleep. My first year we lost 12 one- or two-goal games. We couldn't buy a close win, but there were glimmers. My philosophy is simple. You recruit offense, you teach defense. I look for size on defense and speed up front." Says center David Capuano, "In our system your're never really busting to get back because you're on your guy anyway. You've got to have that high guy covered."

Walsh's charm as a recruiter was evident in his first frantic weeks at the school when he signed up right wing Dave Wensley and center Mike Golden. Wensley was in the vanguard of Walsh's "B.C. connection," one of the original four players recruited on Walsh's hurried expedition to British Columbia immediately after his hiring in April 1984. Wensley was so taken with Walsh's pitch that he agreed to attend the school sight unseen. "The first thing I did was grab a globe," says Wensley. "I thought Maine was east, down on the coast, just north of Florida. I worked my way up the map. My eyes got larger and larger as I went higher and higher. I couldn't believe how far north it was." Wensley certainly has no phobia about far-flung locales—his parents are currently living in Bhutan, where his father, Henry, is employed in the United Nations program as a foreman charged with overseeing three wood-processing mills. Wensley remembers being impressed with Walsh's determination right from the beginning. "He said that he wanted to win a national title in four years," Wensley recalls. "He said it was going to take a lot of rebuilding, and he has held to everything he told us."

But Walsh did not restrict his efforts to Canada. The team is evenly split between Americans and Canadians, and perhaps his most important recruit that first year was Golden, a center from Reading, Mass. A top candidate for this year's Hobey Baker award, which is given annually to the nation's top college player, the speedy Golden leads the team and is in the top three in the nation in scoring, with 52 points in 25 games. Golden's history has been a troubled one. After a sterling high school career, he was sought by virtually every major college hockey school in the East and was highly regarded by several NHL teams, including the Edmonton Oilers, which drafted him in the second round in 1983. Acceding to his mother's wishes that he get an education—and mindful of the fact that Edmonton already had some pretty decent centers, including a guy named Gretzky—Golden decided to bide his time, go the college route and enter the NHL later on. "I had a mixed-up view about going to college," Golden says. "I had the impression that I could play in the NHL in a year or two. I didn't go to school with any academic determination."

He flunked out of the University of New Hampshire after one semester. Deciding to forgo college altogether, Golden spent several months playing Junior B hockey in Canada before making a one-day visit to a Junior A team in Portland, Ore. "Had I stayed there for three days, I would have been ineligible for college hockey [because NCAA rules limit such visits to two days]," says Golden.

"When I got to Portland, I suddenly got really apprehensive about the decision I was making. I got on a plane and flew back home. Eventually I sat down with my mother and told her that I wanted to go back to school." After several months working at odd jobs, including assembling modular furniture and cleaning carpets for a Sears store, Golden undertook the task of selling himself to the Eastern schools. To his dismay he discovered that the same people who had once courted him so avidly were less interested now that he had lost a season of eligibility and would have to sit out a year as a transfer.

Maine was not on Golden's list of preferred schools. In fact, he had made up his mind to duck the campus visit that Walsh had arranged for him. "I told Coach Walsh on the phone in November that I wasn't going to make the visit. He really lectured me. He asked me, 'Why are you going to eliminate your options?" He was really stern, almost like a father. I told him, 'Fine, I'll come up and take a look.' "

Walsh's paternal manner obviously struck a responsive chord in Golden, whose father, Frank, died in a fire in 1978. "I came up and sat in on a class and saw a game," recalls Golden. "I really liked the fan support. I liked the team. They weren't that good, but they really worked hard. He [Walsh] also came up with a scholarship for me for 3½ years. I looked at everything up here and decided that I couldn't pass up this opportunity. This was the best decision I ever made. College is the greatest place to grow up."

The luck of the Irish also played a part in Walsh's success, most notably in the person of left wing Mike McHugh from nearby Bowdoin. McHugh, a late bloomer who began skating at the age of 10, was a pure gift, a walk-on who began his college career riding the bench during the first half of Walsh's inaugural 1984-85 season. But when Maine lost six in a row before the Christmas break, Walsh decided to give the kid a shot. McHugh has been a fixture at left wing ever since, increasing his scoring from 17 points that freshman season to 19 as a sophomore to 50 as a junior, including a team-leading 21 goals. This year he has 43 points in 25 games.

Defenseman Jack Capuano, from Cranston, R.I., signed on in Walsh's second recruiting class, and his brother Dave, a center and the Black Bears' leader with 59 points last season as a freshman, came on board one year later. Al Loring, a junior, and Scott King, a sophomore, combine to give the Black Bears the leading goaltending duo in the East. Walsh had the combination he wanted: size on defense, speed up front and exceptional goaltending.

Walsh's conservative defensive philosophy comes as no surprise to those who know about his apprenticeship under Ron Mason, the rink genius who transformed Michigan State into a perennial national power. In fact, many of Walsh's recruiting contacts in British Columbia were forged during his days beating the bushes for Mason. Walsh's tutelage under Mason began early, in 1973, when he was a freshman third-string goalie on Mason's Bowling Green team. "It was brutal," says Walsh. His love of hockey was

so great and his interest in coaching already so serious that from the beginning of his freshman year Walsh was performing an incredible juggling act: attending class, practicing with the varsity and playing for the jayvees as well as working as an assistant coach on the Bowling Green High School team and coaching the high school jayvees. It was a hectic schedule that Walsh would continue into his junior year, when a knee injury ended his playing days and Mason invited him to become a student assistant at the university level.

Three years later, having completed a master's program in education, Walsh was hired as a full-fledged assistant at Bowling Green, and when Mason moved on to Michigan State in 1979, Walsh went with him. "I got really close with Ron and Marion [Mason]," says Walsh. "Anything I've accomplished, I owe to them."

Walsh, who is single, says, "I'm married to a little black puck, and I've got 26 kids," he says. "They're like your own. You're so proud of them on some days, and on others you'd like to smack them." There the coach goes, confessing again. The way his team is playing, though, its opponents are the ones who may have to ask forgiveness.

NATIONAL BURN AWARENESS WEEK

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mrs. VUCANOVICH. Mr. Speaker, the week of February 8–14, 1987, marks the third consecutive year of "National Burn Awareness Week."

Every year over 2 million people are victims of burn injury; every 30 minutes someone dies of a burn injury. Statistics like these give our country the dubious distinction of having the worst burn problem of any industrialized nation in the world. As citizens of the most technologically advanced nation on Earth, we are bound to educate ourselves not only to the many positive uses but also to the possible dangers of technology. Microwave ovens represent a handy kitchen accessory as well as a burn hazard.

Victims of burn injury are largely children, older Americans, and the disabled. This group suffers from a death rate of five times that of any other group. And what shames us all even more is a recent statistic that approximately 75 percent of all burns can be prevented by proper education. It was toward this goal of education that I introduced House Joint Resolution 428 on December 16, 1987, designating the week of February 8, 1988, as "National Burn Awareness Week," providing for a public awareness program designed to familiarize everyone with methods of burn prevention, treatment, and rehabilitation.

No one is immune to the tragedy of burns. Unfortunately, the issue of burn injury is ignored or hardly noticed until a tragedy occurs. Burn injuries can happen at any time. Many think of the holidays as a time when burn injuries occur the most frequently, what with Christmas trees and holiday cooking. But during the summer many Americans enjoy barbecuing outside on the grill; this summer activity poses a burn hazard too if proper precautions are not taken.

Each year millions of dollars are spent trying to remedy the effects of burns and burn-related incidents; each year 70,000 individuals are hospitalized and another 12,000 die as a result of burns. The difference in combatting this problem is people educating people, and it is in the spirit of this difference that I commend Mr. Fred Jameson of the Institute for Fire and Burn Education in Las Vegas, NV, for his efforts to educate the American public about the problem of burn injury. I urge my colleagues to do their part in educating their districts to the urgency of fire hazards and burn injuries.

ENCOURAGING A DEMOCRATIC TRANSITION IN PANAMA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to draw my colleagues' attention once again to events in Panama, where the corrupt, dictatorial regime of Gen. Manuel Antonio Noriega has suffered yet another setback. Last week Noriega was indicted by a Miami grand jury on charges of drug trafficking and racketeering.

Noriega's indictment was only the latest installment in an ongoing and somewhat familiar story of a corrupt dictator slowly losing his grip over a civilian populace yearning for democratic rule.

Last June, the public statements of a retired army officer condemning the involvement of General Noriega in drug trafficking, electoral fraud, and assassination set off a series of protests and strikes against the government. The Panamanian people took to the streets and united in an opposition coalition, The National Civic Crusade, which represents 107 community organizations opposed to the current government as represented by General Noriega and his puppet civilian counterparts. The opposition is united in its goals to force the resignation of General Noriega, to have free and fair elections in 1989 which will result in a civilian government free from the oppressive influence of the military, and to restore the access of the Panamanian people to a free press and the civil liberties of a true democracy.

Although the opposition has met with little success, it plans to continue its antigovernment protests, and it will undoubtedly be met with increasingly repressive actions. Freedom of the press continues to be curtailed, political arrests and detentions are high, and in recent days, General Noriega has signaled his intention to continue in power until a new government is elected in 1989—a government which would, of course, represent his hand-picked successors.

Congress has taken the first step in trying to help the Panamanian people achieve their goals by mandating a cutoff of aid to Panama. However, it is clear that without sustained efforts by the United States to encourage a transition to democracy, the weight of General Noriega's power will be the determining factor in any new government in Panama. We need to renew our efforts to encourage free and fair elections and to change the role of the military in Panamanian politics from one of dictatorship to one which supports basic civil and human rights.

In supporting the efforts of the Panamanian people to move their government toward a true democracy, I would like to commend the following three articles to my colleagues. The article by Abraham F. Lowenthal and Geoffrey Pyatt of the Inter-American Dialogue from the Chicago Tribune of December 12, 1987, is particularly thoughtful in its assessment of the situation in Panama and in its recommendations for United States actions.

[From the Chicago Tribune, Dec. 12, 1987]

MEANWHILE, IN NEARBY PANAMA . . .

(By Abraham F. Lowenthal and Geoffrey Pyatt)

(Abraham F. Lowenthal, professor of international relations at the University of Southern California, is executive director of the Inter-American Dialogue, a group of 60 prominent citizens from throughout the Western Hemisphere. Geoffrey Pyatt is a member of the Dialogue's Washington staff.)

Much of Washington's attention has been riveted on the efforts to achieve a regional peace and political opening in Central America. The peace process launched by Costa Rican President Oscar Arias has lifted hopes that the bitter civil wars in Nicaragua and El Salvador can be brought to an end, and that the way can to opened toward democratic practices. The United States has focused with particular intensity on bringing democracy to Nicaragua; the Reagan administration's impatience for full democracy there can hardly be exaggerated.

Meanwhile, less than an hour's flight from Managua, Panama's thinly disguised military dictatorship still clings to power—with little sustained protest from the United States. It is, at best, ironic that the United States is obsessed with Nicaragua, which has few resources and scant real U.S. interests, while we often tend to ignore Panama—site of the strategically and economically important canal, a base for 10,000 U.S. troops and significant intelligence and training facilities, and substantial U.S. investments. By letting the focus on Nicaragua obscure what is happening in Panama, the Reagan administration risks a major deterioration of U.S. influence in a region where our interests are substantial and tangible.

Just after last summer's unrest in Panama began, the regime controlled by Gen. Manuel Antonio Noriega momentarily appeared on the brink of collapse. When retired Col. Roberto Diaz Herrera confirmed longstanding stories of government involvement in electoral fraud, drug trafficking and assassination, he shattered the Panamanian military's code of silence. Diaz Herrera's break with the government, in turn, led Panama's citizens to vent years of resentment at Noriega's authoritarian style and corrupt practices.

In the weeks following, tens of thousands marched in the streets of Panama City demanding Noriega's ouster. An opposition coalition—the National Civic Crusade—called a successful general strike, and the government declared a state of emergency and imposed press censorship. In August, a widely circulated Gallup poll indicated that 75 percent of Panamanians surveyed favored the resignation of Noriega. The international banking community, meanwhile, began to pull its money out of Panama.

By late fall, however, the opposition movement seemed to have lost its momentum. And in October, the military stifled a planned antigovernment protest.

Panama's unarmed civic opposition, protesting with white handkerchiefs and banging pots, will not be able by itself to bring down the Noriega dictatorship, but public repudiation of the regime is remarkably widespread. There is also significant dissatisfaction with Noriega's methods within the Panamanian armed forces and a spreading belief that he has betrayed the legacy of the former military chief and canal treaty signatory, Gen. Omar Torrijos. Add to this the need for a stable investment climate to preserve Panama's fragile service-based economy, and the forces are mounting that could drive Noriega from power.

In a country where the United States has long had a preponderant influence, many Panamanians are looking to the U.S. Embassy, the U.S. military's Southern Command and to Washington for clues about whom the U.S. is supporting. It is time for a clear and consistent response from Washington.

Direct U.S. efforts to force a regime change in Panama probably would prove counterproductive. By focusing its ire on Noriega, the Reagan administration increases the likelihood that the general will merely be replaced by another member of the Defense Forces. The United States would be case as an interventionist power trying to dicate Panama's future.

It would be better for the United States to work for a gradual political opening and to seek a change in the underlying relationship between the Panamanian military and civilian society. Achieving such a transition, however, would require a more sustained and forthright policy.

First, the United States should make crystal clear its support for open and fair presidential elections in 1989, without appearing to favor a single candidate or social group. This message cannot be conveyed by purely episodic expressions of administration displeasure; it can result only from a persistent campaign of diplomatic suasion, laced with tangible rewards for positive change.

Second, the U.S. Embassy should encourage the Catholic Church in Panama to be more forceful in helping the civic opposition to organize so it can play a transitional role in advance of elections.

Third, the United States should discreetly but firmly indicate to Noriega that the stability and success of the Panamanian Defense Forces would be enhanced if he removed himself as a catalyst for polarization.

Fourth, we should encourage the Latin American democracies to take more of an interest in Panama, in order to dilute the overwhelming U.S. presence there.

Following these guidelines will not guarantee instant democracy in Panama; nothing can. But by devoting sustained and visible attention to Panama, we could make it much more difficult for Noriega to repress those who are demanding peaceful change. For an administration that has spent more than $5 billion in the name of Central American democracy, such a commitment to Panama's democrats is not too much to ask.

[From the Washington Post, Feb. 5, 1988]

PANAMA'S NORIEGA INDICTED IN U.S.

(By Joe Pichirallo)

Gen. Manuel Antonio Noriega, Panama's military commander and de facto ruler, was indicted yesterday on federal drug and racketeering charges that he used his vast governmental powers to convert Panama into a safe haven for international drug traffickers, according to U.S. law enforcement sources.

Noriega was charged in a sealed indictment returned by a federal grand jury in Miami, sources said. The Miami indictment is scheduled to be made public today.

A U.S. criminal indictment of an incumbent foreign leader is virtually unprecedented. A law enforcement official said yesterday that research by the Justice Department indicates that only one other sitting foreign leader, the chief minister of the Turks and Caicos Islands, a tiny British dependency in the West Indies, has ever been indicted by the United States.

Noriega's indictment is expected to have serious diplomatic and political ramifications that extend far beyond the specific criminal allegations.

The indictment coincides with a strong effort by the Reagan administration and Congress to pressure Noriega to resign, which has prompted Noriega and others to allege that the indictments are part of the campaign to oust him. The Panamanian constitution bars extradition of its citizens, making chances slim that Noriega will come to trial in the United States.

Federal prosecutors have also received approval to seek a separate indictment of Noriega in Tampa, Fla., and the U.S. attorney's office there has scheduled a news conference on the subject today.

Sources said the Miami indictment charged Noriega with violating federal racketeering and drug laws by participating in Panama in a criminal enterprise that included leaders of the notorious "Medellin cartel" group of Colombian drug kings. Investigators say the cartel is responsible for most of the cocaine smuggled into the United States.

Sources said the Tampa investigation is largely tied to allegations made by convicted drug smuggler Steven Michael Kalish, who told a Senate subcommittee last week that he made hundreds of thousands of dollars in payoffs to Noriega.

In the Miami indictment, sources said, Noriega is charged with playing a pivotal role in a conspiracy that shipped drugs through Panama to the United States and used Panamanian banks to launder millions of dollars in illicit profits from U.S. drug sales. Noriega is named in the indictment along with 15 other defendants, including drug smugglers, pilots and money launderers.

U.S. law enforcement officials deny that the charges are part of an administration attempt to force Noriega out, but some officials note that the new chill in official relations with Panama has made it easier to investigate Noriega.

Noriega, 51, who became Panama's military commander in 1983 after serving as chief of military intelligence, has repeatedly denied any involvement in drug trafficking. He has denounced the investigation as part of an effort by some U.S. officials to discredit Panama.

CBS News reported last night that Noriega in a television interview called the indictment "strictly a political act aimed at frightening me."

As a sign of the case's sensitivity, Attorney General Edwin Meese III took a "personal hand" in discussions at the Justice Department this week that led to the decision, and the impending charges were also discussed at the White House, according to an administration source.

The United States has major national security interests in Panama, site of the strategically important Panama Canal and the largest U.S. military base in Latin America.

Within the last seven months, the rise of the most sustained internal political opposition to Noriega and a worsening economic situation in Panama have prompted the Reagan administration to push for Noriega to resign.

U.S. policymakers believe that Noriega must depart before free elections and a civilian democratic government can occur in Panama.

Officials said the administration is wary about how Noriega and Panama will react to the indictment.

Current and former U.S. officials said that in the short run, the charges will likely make it more difficult for Noriega to resign and permit a smooth transition to a civilian government.

And, U.S. officials said, Noriega would be effectively blocked from moving to the United States or to a country where he could be extradited here.

Officials also said some policymakers fear the indictment might cause Noriega to expand his ties to Cuba's Fidel Castro and Nicaragua's Marxist Sandinista government. However, other officials said it is likely to add steam to the internal effort to oust Noriega.

William J. Jorden, a former U.S. ambassador to Panama, said yesterday that "in the short term [the indictment] will harden him. It will make it more difficult for him to step down gracefully. On the other hand, the pressures are likely to build up to a point where there is no other choice than for him to go."

Noriega has managed to withstand repeated challenges. Current and former U.S. officials said the United States in the past had not moved against Noriega in part because he had a longstanding relationship with the Central Intelligence Agency. For example, current and former officials said, during the tenure of the late CIA director William J. Casey, Noriega had close ties with the agency.

In recent years, Panama has received praise from top U.S. law enforcement officials, including Meese and John C. Lawn, director of the Drug Enforcement Administration (DEA), for its cooperation on drug investigations.

Officials said DEA is in a delicate situation because it played a leading role in the Miami investigation and its agents also are dependent on Panama for help in the war against drugs.

Allegations about Noriega's involvement in drugs have been around for 15 years. But law enforcement officials said that until recently the evidence has not been viewed by prosecutors as strong enough to take a case into court.

Sources said a major break occurred when a former top Noriega drug pilot, Floyd Carlton Careres, began cooperating with the DEA and the Miami U.S. attorney's office last year after his conviction on drug charges.

Carlton's information was later unexpectedly corroborated by Jose I. Blandon, a former top Noriega aide who recently

became a leading Noriega critic, sources said.

Among the allegations cited by Blandon is that Noriega has close ties to Castro and that Noriega has played the CIA and Cubans against each other.

Blandon has said he was present at a meeting in Havana when Castro medicated a dispute between Noriega and leaders of the Medellin cocaine cartel.

Other sources said the meeting took place on June 29, 1984, and that Castro's role was expected to be briefly cited in the Miami indictment. No charges were filed against Castro.

[From Newsweek, Feb. 15, 1988]

DRUGS, MONEY AND DEATH

(By Nancy Cooper with Charles Lane and Rod Nordland in Panama City, David L. Gonzalez in Miami and John Barry, Robert B. Cullen, Robert Parry and Richard Sandza in Washington)

The sign used to hang outside Gen. Manuel Antonio Noriega's office: "If your enemy surrenders, it's because he couldn't kill you." The Panamanian strongman is putting his conquer-or-die philosophy to the test. His people are protesting his rule; friends in the Reagan administration are pressing him to resign; former associates are turning against him—and in court. Federal grand juries in Miami and Tampa last week indicted the dictator on charges of drug trafficking, money laundering and racketeering: the first time the United States has formally charged the leader of a major allied country with criminal acts.

The indictments suggest that Panama's vaunted banking and service economy was this: the perfect place to trade drugs, guns and government secrets, so long as Noriega got serviced with a cut of the cash. "What he did was utilize his position to sell the country of Panama to the traffickers," said U.S. Attorney Leon Kellner, announcing the Miami indictment. Among other charges, the grand jury there said that Noriega helped members of the Medellin cartel, the violent Colombian drug ring, by providing safe airstrips for their cocaine shipments and safe haven for their hit men. It accused him of laundering the cartel's profits. In return, according to the indictment, Noriega received more than $4.6 million. The Tampa grand jury also charged him with three counts of conspiring to smuggle 1 million pounds of marijuana into the United States and to help launder the proceeds; under the plan, Noriega would share $1 million in payments with two other men.

The criminal action was the toughest U.S. move yet against Noriega. "We are right in this fight," the general told Crítica, a progovernment newspaper. "This is simply another aggression against Panama by the United States." Noriega has previously dismissed similar accusations as driven by a U.S. desire to retain control of the Panama Canal. The country's Foreign Ministry also released a statement, saying that "Panama energetically and indignantly rejects this new assault against its leaders." In an implicit threat to U.S. strategic interests in the Panama Canal and nearby military bases, the statement also warned it would be "extremely dangerous" for the United States to try Panama's "patience, tolerance and good faith." In Panama City, the government sent troops into the streets to quell any possible demonstrations, while opposition newspapers exulted. Noriega to jail: faces 145 years, said the headline of El Extra. At least one newspaper published letters calling for a coup by younger officers—just what the U.S. government seems to want.

What took Washington so long? Intelligence sources marked the hard-eyed, hard-fisted Noriega for a brutal dictator, who through a blend of corruption and coercion transformed the senior command of the Panama Defense Forces (PDF) into something more like an organized-crime family. U.S. officials suspected he took a cut of all illicit cash flowing through Panama. They were sure that thousands of kilos of cocaine arrived in the United States under his protection. They believed he had shipped weapons to the Sandinistas and sold U.S. secrets to Fidel Castro. They heard lurid tales implicating him in torture and murder. A secret biography prepared by the U.S. Defense Intelligence Agency describes him as "brutal" and without loyalty, "for rent and not for sale." A former employee calls him frightening: "When you are near him, you feel you are near death."

Foster home: Interviews with a wide range of sources in Panama, in the Panamanian exile community in Miami and Washington and inside the U.S. government and intelligence community, paint a dark picture of the dictator. Manuel Antonio (Tony) Noriega was born in poverty in 1934. He was illegitimate; his mother put him in a foster home when he was five. Noriega's teenage ambitions, according to his high-school yearbook, were "psychiatrist" and "president of the republic." Instead, a scholarship landed him in a military college in Peru. He allegedly worked for the CIA while at the school, supplying information on suspected leftists among his fellow cadets. His predilection for violence also emerged early. Noriega entered the National Guard after graduation and was posted as a junior officer to Colón Province. According to Guillermo Sánchez-Borbón, a Panamanian journalist now living in Miami, Noriega allegedly raped a prostitute in Colón. A rising young officer named Omar Torrijos kept him from being punished and sent him to Chiriquí Province. There, claims Sánchez-Borgón, Noriega raped a 13-year-old girl and beat up the child's sister. Again, Torrijos intervened.

Torrijos took power in Panama in a 1968 coup, and young Noriega soon repaid him for his past protection. A group of young officers attempted to overthrow Torrijos while he was out of the country. Noriega, then in charge of the garrison in Chiriquí secured an airstrip so that Torrijos could return safely and quash the coup. A month later Noriega ascended to the rank of lieutenant colonel and head of what was then the National Guard's G-2 section. This gave him control over military intelligence as well as criminal investigations, customs and immigration. Noriega built his power base during his 13 years on the job—and also built up a collection of dossiers on anyone who might ever be an enemy.

The G-2 job made Noriega useful to the U.S. intelligence community, which wanted to know everything that might affect the security of the canal and the U.S. Southern Command headquarters nearby. Noriega worked for both the CIA and the Defense Intelligence Agency; according to a U.S. official with knowledge of those early dealings, Noriega was "paid for particular deals; he was not on any kind of retainer."

Torrijos died in a mysterious plane crash in 1981. With their leader gone, the top commanders of the National Guard worked out a deal for rotating the job of commander in chief. It called for Col. Rubén Darío Paredes to serve the first two-year term, then to be elected president in the 1984 elections. Noriega duly succeeded Darío Paredes as commander in chief in 1983, then double-crossed him the next year by throwing the military's support behind another presidential candidate, Nicolás Ardito Barletta. (One of Darío Paredes's sons was named along with Noriega in the Miami indictment; another died in a drug-related double murder a year ago—on Noriega's orders, suggests the father.) Ardito Barletta won the election amid charges of vote fraud—only to be pushed out a year later when he promised to call for an independent investigation into the murder of an opposition leader, Hugo Spadafora.

U.S. mailbag: Violence is a recurring theme in stories about Noriega. As a young officer, Noriega battled the guerrillas in Chiriquí Province. In sending his men out against the rebels, Noriega reportedly demanded proof of success: the dead guerrilla's ear, for example. It began to be said, however, that Noriega didn't leave all the killing to his troops, and tales of his own relish for inflicting pain began to circulate. Noriega allegedly supervised the torture of a young man arrested for writing anti-government graffiti, says Sánchez-Borbón; the general directed that electric shocks be applied to the man's testicles. In another case, claims the exiled journalist, a woman friend of Noriega's who had been arrested was sexually tortured while a hooded man stood by and watched. As she screamed in pain, he shouted with pleasure. She thought she recognized the voice: Noriega's.

U.S. intelligence sources say they are convinced that Noriega himself planned the 1985 murder of Spadafora, the opposition leader. Spadafora had publicly accused Noriega of drug trafficking; the official Panamanian press predicted that if Spadafora didn't shut his mouth, he might end up without his head. The doctor kept talking—and his headless body turned up in a U.S. mailbag across the border in Costa Rica. He had been tortured and sodomized—sexual humiliation is by many accounts a favorite instrument of terror in PDF prisons. "F-8" (the identification of a PDF goon squad) was carved onto his back, and three ribs had been broken. His testicles had been beaten until they were "monstrously swollen," said someone who saw the autopsy report. Then, while Spadafora was still alive, he was beheaded—slowly, with three separate incisions. Noriega, who was then in France, "didn't cut off [Spadafora's] head, but he directed the entire operation," says one knowledgeable source.

With a personal fortune estimated at anywhere between $200 million and $1 billion, Noriega tries to present himself as a cultured man. He likes to read and to drop names of books; he hands out Cuban cigars with his name embossed on them. His luxurious home is filled with fine art and expensive furniture. On an official salary of $40,000 per year, he has a fleet of BMW's, an apartment in Paris and a chateau in southern France. He owns property in Spain, Japan and Israel, as well as more than a dozen buildings in Panama. Noriega is vain enough to have gone to Switzerland in 1982 to try to have his corrugated skin smoothed—and, after being taunted as *cara piña* (pineapple face), he is touchy enough to have pushed a law making such offensive remarks about public officials punishable by up to two years in jail. He lies about his age, claiming to be several years younger than his mid-50s.

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Noriega has an illegitimate son by one mistress and three daughters by his wife, Felicidad Sieiro—a ferociously possessive woman who is rumored to have attacked one of his former lovers. The general now is said to provide bodyguards for one of his current mistresses. Noriega himself, reportedly a black belt in judo, is rarely without his 14-shot, 9-mm Smith and Wesson pistol or his phalanx of Israeli bodyguards. In public, he is often surrounded by attractive young women, but in Panamanian social circles there is persistent talk that the general is bisexual.

Listening post: For a long time, the United States seemed willing to ignore stories about Noriega's corruption. According to knowledgeable U.S. government sources—Noriega denies it—the CIA gave him a monthly stipend. In return, the general fed the CIA information on Cuban activities and Panamanian politics. José Blandón, the former Panamanian consul general in New York and the chief witness against him before the Miami grand jury, says that by 1980, the relationship between Noriega and the CIA had become firmly established—partly because the general allowed the U.S. intelligence agency to operate an electronic surveillance station in Panama. The listening post eavesdrops on both Central and South America. "Because of that station, stability in Panama is very important to the CIA," says Blandón.

Noriega was useful in many other ways, too. Blandón says that he allowed the training of contra soldiers in Panama, at the request of Lt. Col. Oliver North. Using the screen of Panama's bank-secrecy laws, North and Maj. Gen. Richard Secord had three dummy corporations set up for use in funding the contras. Sen. John Kerry, who is heading a congressional investigation of Noriega's alleged drug trafficking, says Casey acted "almost like Noriega's case officer." In addition, Noriega has been of value to the U.S. military, particulary the U.S. Southern Command, based in the former Canal Zone. According to Ambler Moss, U.S. ambassador to Panama from 1978 to 1982, while the Panama Canal Treaties permit American troops in Panama to defend the canal only, in practice the PDF has not questioned how many U.S. soldiers there are or what they are up to. Noriega has understood clearly his value to the United States; congressional investigators say he bragged that as long as he helped the contras he could manipulate the Americans like "monkeys at the end of a chain."

Noriega could brag about making a monkey of the Drug Enforcement Administration, too. In May 1986, after Noriega had raked in millions in drug payoffs, DEA Director John Lawn sent him a letter expressing "deep appreciation for the vigorous anti-drug-trafficking policy you have adopted." As the DIA's secret biography says, Noriega is "innovatively cunning." So he "helped" the DEA, fingering a dealer now and then or notifying the American agency of an incoming drug shipment. Since Panama and the United States have only limited extradition, dealers in Panama were legally beyond the DEA's reach. According to a Senate investigative source, Noriega would tell his soldiers to pick up the dealer and put him on a Miami-bound plane. The DEA agent on board would make the arrest the moment the plane touched down in Florida. Noriega would also allow U.S. raiders to stop small boats near the Panamanian coast. But all these represented small catches: 10 kilos of cocaine, $10 million or $15 million. Noriega kept for himself the big fish who would pay big bribes—and the occasional setups served as a warning to traffickers who might have been tempted not to ante up. "People who paid Noriega didn't have to worry," says Blandón. The DEA "closed its eyes to Noriega's major crimes in return for his cooperation in exposing minor violations," says Gabriel Lewis, a now exiled former Panamanian ambassador to the United States. Lawn refused Newsweek's requests to discuss the DEA and Noriega.

Meanwhile, Noriega was playing the other side, too—a fact of which the United States became increasingly aware. Noriega helped Cuba and Nicaragua evade U.S. trade embargoes; the two countries hid behind Panama's tight secrecy laws for banking and corporations. The general also allowed the KGB to set up operations in Panama City, and U.S. intelligence sources are certain the general has helped provide weapons for the Sandinistas since at least 1982. The late CIA director William Casey nevertheless considered Noriega a valuable asset. In 1985 Sen. Jesse Helms introduced legislation cutting off U.S. aid to Panama. (Helms did not accept the agreement that ceded U.S. control of the canal, and wanted to discredit Panama's government.) The fiercest opponent of the bill: the CIA chief. "Casey called Helms and urged him to withdraw his amendment," says a Senate source. "He was very adamant about it. He said Noriega was doing things for the United States that Helms didn't know about." A ranking State Department official also told Helms to back off, saying Noriega was going to help the contras.

Grand jury: Even so, Casey became disenchanted with his intelligence asset. Although the administration had longstanding intelligence about Noriega's drug activities, Panama was never considered a real problem until the murder of Spadafora in September 1985 and the subsequent overthrow of Ardito Barletta. At this point it became clear that Noriega would never honor the promises of democratization contained in the 1977 Panama Canal Treaties. What finally jolted the administration, say several sources, was concern about increasing Panamanian cooperation with the East bloc. American officials were particularly worried by unauthorized high-technology transfers. By last summer, when a former comrade's allegations of Noriega's involvement in political corruption and murder touched off widespread protests in Panama, the Reagan administration was ready to back away from the strongman. Last December Assistant Secretary of Defense Richard Armitage visited Panama to discuss a plan arranged by Blandón, under which Noriega would quietly step down. When Noriega refused, Blandón went to the grand jury—and the administration decided not to oppose an indictment.

The administration seems prepared to continue dealing with the men around the general, if not with Noriega himself. Exiled opposition leaders were surprised that the Florida indictments did not name the "Gang of Six," the notorious thugs in Noriega's high command. In fact, say sources, the Miami grand jury considered naming the Panama Defense Forces as a criminal enterprise in the indictment; State Department officials managed to talk them out of it. The military is deeply entrenched in Panama, having taken control of virtually every segment of the country's commerce. The PDF also owns outright some 60 private enterprises, such as duty-free liquor stores at the airport. Having Noriega only leave would not solve Panama's problems or even stabilize the country. "This is not a situation where you remove one guy and the sun is going to come out," says Moss.

The indictments may make Noriega more desperate to hang onto power, since he might face the risk of extradition to the United States if he left Panama. Nor can he simply resign, without facing retribution at home. For once, the internal opposition and the Reagan administration share the same hope: that Noriega's colleagues will take matters into their own hands and force him out. The Panamanians want to restore the democracy their soldiers took from them; the Americans seek to guarantee stability in a strategic country. While their goals diverge, they face a common obstacle: a tough little man named Noriega, whom no one expects to fade easily into history.

SENATE—*Monday, February 15, 1988*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. Stennis].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The prayer this morning is called Washington's Prayer for the United States of America. It is preserved at the chapel at Valley Forge.

Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to the government, and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. The first order of business today will be the reading of George Washington's Farewell Address, which will be done by the Senator from North Carolina [Mr. Sanford].

(Mr. SANFORD, at the rostrum, read the Farewell Address, as follows:)

To the people of the United States.

Friends and Fellow Citizens: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation.* Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern—Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiations by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced.

Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of factions, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by unsurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, but ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation within its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumberable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign

to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defense posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible to my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that the convening hour of the Senate on tomorrow, under the order, be changed from 9:30 a.m. to 10 a.m.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDENT pro tempore. Under the previous order, the reading of the Farewell Address having been concluded, the Senate stands in recess until Tuesday, February 16, 1988, at 10 a.m.

Thereupon, at 12:55 p.m., the Senate recessed until tomorrow, Tuesday, February 16, 1988, at 10 a.m.

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EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 16, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 17

9:00 a.m.
Rules and Administration
Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1988, S. Res. 41, to provide for germaneness or relevancy of floor amendments, S. Res. 42, to limit legislative amendments to general appropriations bills, S. Res. 43, to establish a procedure in order to overturn the Chair on questions of germaneness under cloture, S. Res. 274, to limit sense of the Senate or Congress amendments, S. Res. 277, to require that amendments must be offered to a bill, resolution, or other measure in the order of the sections of that bill, resolution, or other measure, and other pending legislative and administrative business.
SR-301

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider S. 1516, authorizing funds for fiscal years 1988 through 1992 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
SR-332

Environment and Public Works
Environmental Protection Subcommittee
To resume hearings on S. 1804, to designate the coastal plain of the Arctic National Wildlife Refuge in Alaska as wilderness, and related matters.
SD-406

Foreign Relations
To hold hearings on the Montreal Protocol on Substances That Deplete the Ozone Layer (Treaty Doc. 100-10).
SD-419

Governmental Affairs
To resume hearings to review the implementation of the Presidential Transitions Act of 1963, focusing on ways to eliminate the use of private resources in the transition process and to provide for the orderly transfer of power between administrations.
SD-342

Labor and Human Resources
Business meeting, to consider S. 1265, proposed Minimum Health Benefits for All Workers Act.
SD-430

10:30 a.m.
Judiciary
To hold hearings on pending nominations.
SD-226

11:00 a.m.
Foreign Relations
Business meeting, to consider the Montreal Protocol on Substances That Deplete the Ozone Layer (Treaty Doc. 100-10), and pending nominations.
SD-419

2:00 p.m.
Foreign Relations
To hold closed hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
S-407, Capitol

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 18

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider the nomination of Charles L. Grizzle, of Kentucky, to be Assistant Administrator for Administration and Resources Management, Environmental Protection Agency.
SD-406

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1301 and S. 1971, bills to implement the Berne Convention for the Protection of Literary and Artistic Works.
SD-226

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
Superfund and Environmental Oversight Subcommittee
To hold joint hearings on the implementation of Title I of the Marine Protection, Research, and Sanctuaries Act, including issues related to ocean disposal.
SD-406

Foreign Relations
To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Small Business
To resume hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.
SR-428A

2:00 p.m.
Foreign Relations
To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

2:30 p.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

FEBRUARY 19

9:30 a.m.
Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

10:00 a.m.
Foreign Relations
To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

10:15 a.m.
Judiciary
To hold hearings on S. 1851, to implement the International Convention on the Prevention and Punishment of Genocide.
SD-226

2:00 p.m.
Foreign Relations
To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

FEBRUARY 22

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.
SD-406

Special on Aging
To hold hearings on the Social Security "notch" issue, and possible solutions thereto.
SD-628

2:00 p.m.
Office of Technology Assessment
The Board, to meet to consider pending business items.
EF-100, Capitol

FEBRUARY 23

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.
SD-106

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture.
SD-138

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2042, to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.
SD-366

Foreign Relations
To resume hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-range and Shorter-range Missiles (Treaty Doc. 100-11).
SH-216

FEBRUARY 24

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.
SR-325

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

2:00 p.m.
Small Business
To hold hearings on S. 1929, to create a corporation for small business investment.
SR-428A

FEBRUARY 25

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans' programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.
Judiciary
To hold hearings on the nomination of Bernard H. Siegan, of California, to be United States Circuit Judge for the Ninth Circuit.
SD-226

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 1979, to establish the Grays Harbor National Wildlife Refuge in the State of Washington.
SD-406

Finance
To hold hearings on the nomination of Mark Sullivan, of Maryland, to be General Counsel for the Department of the Treasury.
SD-215

2:00 p.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on speed limit issues.
SD-406

Small Business
To resume hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.
SR-428A

FEBRUARY 26

10:00 a.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on the use of the Interstate Highway System right-of-way for magnetic levitation high speed transportation systems.
SD-406

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1512 and S. 1515, bills to prohibit injunctive relief, or an award of damages, against a judicial officer for action taken in an official capacity.
SD-226

MARCH 1

9:30 a.m.
Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings to review competitive issues in the cable television industry.
SD-226

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, and the Extension Service.
SD-138

MARCH 2

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.
SD-406

2:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1014, to increase civil monetary penalties based on the effect of inflation.
SD-342

MARCH 3

9:30 a.m.
Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans' programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection

Service, and the Agricultural Marketing Service.
SD-138

Commerce, Science, and Transportation
To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.
SR-253

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume hearings on S. 1301 and S. 1971, bills to implement the Berne Convention for the Protection of Literary and Artistic Works.
SD-226

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands, and H.R. 2652, to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.
SD-366

MARCH 4

10:00 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1608, to amend the Federal judicial code with respect to the administration of the U.S. Claims Court, and the salaries and benefits of Claims Court judges.
SD-226

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 14

10:00 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service Code penalties.
SD-215

MARCH 15

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.
SD-138

MARCH 16

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MARCH 17

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1508, S. 1570 and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.
SD-366

MARCH 22

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.
SD-138

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SD-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

MARCH 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine how the Federal Government can insure the quality of medical tests performed in clinical laboratories.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.
SD-138

MARCH 30

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.
SD-138

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

APRIL 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.
SD-138

APRIL 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

APRIL 21

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

APRIL 26

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 27

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 28

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

CANCELLATIONS

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

SENATE—*Tuesday, February 16, 1988*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed is the nation whose God is the Lord * * *.—Psalm 33:12.

Righteousness exalteth a nation; but sin is a reproach to any people.—Proverbs 14:34

Eternal God, sovereign Lord of history, Ruler of the nations, the words of George Washington, father of our country, are fresh in our minds. They speak to us, never more relevantly than to our present condition: "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. * * * where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. * * * reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

Merciful Father, are we so much wiser than our first President, that we with impunity may set aside this foundation of a strong and secure society? Help us Lord, lest we forget, forsake, and foreclose on all hope for our future. In Your name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 16, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

ORDER FOR MIDDAY RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess today between the hours of 12:45 p.m. and 2 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHAPLAIN COMMENDATION

Mr. BYRD. Mr. President, I compliment the Chaplain on his prayer, his quotation of the Scriptures, and his quotation from George Washington's Farewell Address. Well done.

RESERVATION OF MAJORITY LEADER TIME

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The acting Republican leader.

Mr. SIMPSON. Mr. President, I thank the majority leader.

NATO ALLIANCE VISIT

Mr. SIMPSON. Mr. President, I understand that the majority leader had a very productive visit to leaders of our NATO allies and the NATO capitals. It was a very fine delegation. It resulted in some good basic understanding of the INF Treaty and the ratification procedures and problems. I hope that will receive general approval from the leaders of our NATO allies.

I understand it was a very productive visit, and I thank the majority leader on behalf of the Senate and the Members of the minority for that visit with those leaders.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

It was a very worthwhile visit that we made to five NATO capitals. It was a bipartisan delegation consisting of Senator NUNN, Senator PELL, and Senator BOREN, chairmen of the Committees on Armed Services, Foreign Relations, and Intelligence, and Senator WARNER, ranking member of the Armed Services Committee.

These are the committees that will be studying the treaty prior to its appearance on the Senate Calendar and debate on the floor.

The delegation made me very proud. It worked hard.

I think that the leaders with whom we met were impressed with the delegation and the high sense of purpose of this delegation.

I will be speaking before the Foreign Relations Committee on February 24, and at that time will, of course, be giving a pretty full report on our visit.

We visited the NATO capitals, of London, Bonn, Paris, Ankara, and Rome. We found that the NATO leaders, the heads of state, the Defense Ministers, the Foreign Ministers, and other high officials and opinionmakers support the INF Treaty and without amendment. They believe that the alliance should act quickly to propose an agreement on the reduction of conventional and chemical weapons. They believe that the alliance should act collectively and firmly in the post-INF atmosphere to improve the weapons that remain eligible under the INF Treaty, and the delegation, I think, was strong in the position that it took; namely, that the ground-based nuclear weapons should be modernized and the range should be extended up to the limits allowed under the INF Treaty. The delegation also emphasized very strongly the fact that the United States could be counted upon to continue its support in the alliance, and the fact that the INF Treaty would be approved would not lessen in any way the support of the United States for the alliance.

So those NATO leaders were reassured that America's security and the security of the NATO members of the alliance are one and the same, that Europe's security is our security, and vice versa. Finally, I think it was pretty much all agreed that the new style of Soviet leadership has had an impact upon our respective publics and that we who are the leaders of our respective publics have a job to do in educating our publics. It was agreed that we must not let down our guard, that there is a great difference between rhetoric and results, that results count, that the new Soviet leadership

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

has problems, that it will meet with resistance in its bureaucracy to the reforms that the new leadership there is proposing, and that we must be prepared to seize any opportunities for improvement in our mutual security interests and in our relationships with not only our NATO allies but with the Soviet Union.

But in the meantime, we must move ahead collectively within the alliance to improve our posture so as to discourage the Soviet Union or any of the Warsaw Pact countries from taking risks that will be unacceptable to the alliance.

One final note. Let caution be the watchword. I think that is the theme that we want to strike with the American people. I said it on the trip and I say it again here, I have been somewhat mystified to see Mr. Gorbachev in the polls ranked as highly as our own President, almost. I would urge the American people that what we are seeing is a man who is very articulate, aggressive, who understands how to manipulate public opinion, who is good at PR, but that we should keep in mind that this is new wine probably in an old bottle.

I thank the distinguished assistant leader.

Mr. SIMPSON. Mr. President, I thank the majority leader for that excellent review. We will be looking forward to his testimony in the Foreign Relations Committee. It will be helpful to us all.

SCHEDULE

Mr. SIMPSON. Just briefly, Mr. Leader, we are prepared now to go forward after this recess. I again commend the majority leader for the format where we are assured of doing our work for 3 solid weeks a month without question, votes on Mondays and Fridays, and having this opportunity for official visits and delegation activity in our own States. That was very helpful and it gives us all a better handle on our lives as we deal with the quality of life issues. I think that worked very well. Senators were able to do this trip and others of us were able to go home and have opportunities to visit with our constituents in midweek. We do not get that opportunity unless we usually have a substantial recess. And it was very helpful and very important. And I thank the leader for helping and assuring that we get to that type of format.

So, indeed, we are prepared on this side of the aisle to go forward, as we did in these last weeks. We did assist in a bipartisan effort on the Grove City activity. That was certainly bipartisan all throughout on the issues—serious, tough issues—of abortion neutrality and we reached a result there which culminated a 4-year effort and involved many on both sides of the aisle.

Justice Kennedy will be sworn in this Thursday and we have completed that travail through three nominees. And that has involved many of us. The Supreme Court of the United States will have a full complement to do its work which is so critically important. I think we are all pleased with that.

Now we will proceed with the remaining vacancies in the Federal court system, and the committee will do that. Senator LEAHY is involved in the ad hoc committee to help resolve that.

At this time, I want to pay personal wishes and best wishes for a speedy and full recovery to our fine chairman of the Judiciary Committee, a very capable and fair man, JOE BIDEN. We wish him well as he recovers from very serious surgery which took place during the recess period; and to his lovely wife Jill and to little Ashley and Joseph and Robert whom I have come to know. God bless them all and sustain him in this time of trial.

So, Mr. Leader, we will now be ready to proceed with you in these weeks to come on the budget and the INF and Canadian-United States free trade agreement, which needs a good deal of our careful attention, and other items that will certainly be before us.

At this time I would ask unanimous consent to have printed in the RECORD Senator DOLE's bicentennial minute for today.

BICENTENNIAL MINUTE

FEBRUARY 14, 1931: COMPLETING THE RUSSELL BUILDING

● Mr. DOLE. Mr. President, 57 years ago this week, on February 14, 1931, the Senate voted to spend $3 million to complete the office building that we know today as the Richard Russell Building. This first Senate Office Building was begun in 1906 and completed in 1909. The structure's architectural plans mirrored the Cannon House Office Building in most respects, except that it was originally C shaped, with the north end open along First Street. The 1931 plan called for closing in the north end and creating a quadrangular building.

The growing size of the Senate staff and Senators' need for more space provided the rationale for this expansion. In supporting the funding request, Appropriations Committee Chairman Wesley Jones pointed out that about 20 Senators had only 2 rooms apiece. "I know that the work of Senators is increasing every year," said Senator Jones. "I know that a Senator with four or more clerks—and there are none with fewer—cannot get along very well with only two rooms. He must have some privacy. He must have some means of meeting the people from his State in a private sort of way."

Senator David Walsh of Massachusetts objected that the new wing to the office building would curtail ventilation and light to inside rooms, and would cause "a mad scramble for outside rooms." He added, "I come from a large State; I have a fairly large mail and a fairly large number of callers. I occupied two rooms for 3 years. It was unpleasant and there was some discomfort, but what harm is there in having 15 or 20 new Senators for a year or two being content with 2 rooms, with the assurance that finally they will get 3 good rooms." But in the end, the need for more space prevailed over these complaints and the new wing was completed in 1933.●

Mr. SIMPSON. It was interesting, I believe, the comment on the Russell Senate Office Building, that 57 years ago the Senate voted to spend $3 million for the Russell Senate Office Building. It was not originally called that. First it was the Senate Office Building and when the Dirksen Building was built it was simply abbreviated to SOB, which has a connotation all its own in the West. But, nevertheless, we have spent a little more than $3 million on every building since I have been here. And it is an interesting relation of that in the bicentennial minute.

So I do commend the majority leader and look forward to working with him. And I do indeed mean that. I thank the majority leader.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

WHY NOT NEGOTIATE A MORE STABLE NATO FRONT IN EUROPE?

Mr. PROXMIRE. Mr. President, this is the second in a series of speeches this Senator is delivering in the Senate on the extraordinarily useful analysis by Senator LEVIN of the myth of so-called Soviet dominance of conventional forces in Europe. Senator LEVIN's study contends that the Warsaw Pact does not have anything like the overwhelming military dominance in conventional military forces in Europe that the Reagan administration alleges. LEVIN concedes however, that the Warsaw Pact has an advantage in some respects but he contends that these advantages are counterbalanced by NATO advantages in other areas. In this speech I will discuss the Warsaw Pact advantages in the deployment of forces. Senator LEVIN concludes that in this respect the Warsaw Pact is, indeed, ahead. He also concludes, however, that the disadvantage for NATO can be quickly and easily corrected by moving more NATO troops into the forward position to which they are assigned and repositioning some of the best trained and equipped NATO forces in the northern part of Germany. Here the north German plain is considered the terrain most suited to mechanized warfare. Here is where a sudden, swift attack by the Soviet Union and its allies could win early and decisive advantage.

The LEVIN study charges that the problems on the northern German front are twofold. First, Warsaw Pact forces are positioned forward. They are ready to strike and strike quickly. On the other hand NATO forces are not stationed near the border. It would take time to move the NATO forces into position. The lapse of time might prove fatal. Second, most of the Warsaw Pact forces in this area are Soviet forces. Facing these Soviet forces are NATO units from Holland and Belgium that are not in a complete state of readiness. There are also United States Reserve Forces that would have to be moved into position, as well as West German and British Forces. Senator LEVIN argues that a rapid Warsaw Pact breakthrough in this region could lead to a collapse of the entire NATO conventional defense effort in the central front. The Levin solution seems convincing and simple. he would rearrange existing NATO forces by improving the ability to reinforce the central front quickly. He would move American divisions in West Germany to the north German plain.

We should explore the Levin solution. It sounds simple. It's logical to reinforce areas where NATO is weak. So why not act? The cost could be high, but could be spread among all the allies. Aren't the forces on both sides of this front already roughly equal in number? They are. Isn't there a rough quality advantage in weapons clearly on the side of NATO? There is. Isn't the training and morale of NATO personnel superior to that of the Warsaw Pact? It is. Wouldn't the overall NATO defense gain greatly by this kind of simple repositioning? It would. So what are we waiting for?

Mr. President, the supreme commander of the NATO forces, General Galvin should provide answers to Senator LEVIN's analysis. In his recent testimony before the Senate Armed Services Committee, he cited the problem faced by NATO in northern Germany. But while he recommended accelerating the ability to reinforce the central front quickly, he did not recommend improving conventional defenses by rearranging existing NATO forces. Has he considered moving American divisions in West Germany to the north German plain? If not, why not?

If the supreme commander has concluded that repositioning NATO forces is impractical for good reason, we need to explore the alternative Levin recommendation and work to reduce the Warsaw Pact threat through conventional arms control negotiation with the Soviet Union. Mr. Gorbachev has stated that asymmetrical reductions in pact armored forces in the central region are possible. Now is the time to find out whether Mr. Gorbachev is serious about conventional arms control that would enhance the security of both alliances. As an interim measure would it be feasible to negotiate an agreement with the pact to maintain their armored forces but to move them to locations where they pose less of a threat? This could be done without making overall reductions in pact forces. Both sides made the first steps to reducing the threat of surprise attack when they signed the Stockholm accords, which provide for notification and inspection of large military maneuvers.

Of course, an option not discussed by the Levin report would be the unilateral buildup of NATO forces in the north German plain without diminishing forces elsewhere. This alternative could cost more than NATO countries might be willing to spend. It might also result in a counterbalancing buildup by Soviet forces on the West German front.

Secretary Gorbachev has publicly indicated his desire to negotiate a limitation on conventional arms. Why shouldn't we put him to the test? Such negotiations would not diminish the national security of either side. They would save resources for both sides. By applying the principles of verification, of compliance developed in the INF Treaty, combining on-the-spot inspection with meticulous satellite observation, such an agreement could be reliably enforced.

Such an agreement would remove what Senator LEVIN properly identifies as a serious threat to free Europe. So it would be advantageous to NATO. On the other hand the reaction of the Soviets to such a proposed agreement would constitute a serious test of the sincerity of Secretary Gorbachev's professed desire for negotiations to reduce the threat of war in Europe.

REPEAL THE GLASS-STEAGALL ACT

Mr. PROXMIRE. Mr. President, competition is the core of vitality in all our industries, and finance is no exception. This point is well argued in a recent editorial from the Mobile, AL, Press, "Ill-conceived U.S. banking regulations are seriously hampering the financial service sector of the economy." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Mobile (AL) Press, Oct. 25, 1987]

FREE BANKS TO COMPETE AND SURVIVE

Ill-conceived U.S. banking regulations are seriously hampering the financial service sector of the economy and making it difficult for American banks to compete in a world market.

Ironically, some of the regulations threatening the health of the U.S. economy were adopted in 1933 under the Glass-Steagall Act in an effort to avoid a repeat of the Great Depression. The act sought to separate the commercial securities business from traditional banking.

Unfortunately, the experts in 1933 were wrong in the explanation of the causes of the Depression.

Traditional loans to businesses used to be how banks made their money. But many businesses are increasingly using commercial paper and junk bonds to finance their ventures. Since banks aren't allowed to make those issuances, they have lost about half of their business loan markets.

Because the regulations imposed on American banks exist nowhere else in the world, well-capitalized banks in Japan and Europe are making it difficult for U.S. banks to compete in the world market. Only three U.S. banks are among the world's largest 25. A few years ago, seven were in the top 10.

Furthermore, a patchwork of state laws and federal regulations have hampered interstate banking, preventing bankers from diversifying their risks. For example, Texas banks lend heavily to the energy sector and Iowa banks lend heavily to the farm sector. When those two sectors were hard hit by downturns in the economy, the banks were hard hit.

Two-thirds of 136 banks that failed in 1986 were in the Kansas City and Dallas Federal Reserve districts, where many of the country's agricultural and energy banks are located.

What is needed is not more regulation, but less. Banks need to be given the freedom to compete in the financial services sector and to spread their risks. Forty-one states, including Alabama, now allow some form of interstate banking. Banks should also be free to conduct interstate branch banking.

Failure to deregulate banking puts them at a disadvantage in the marketplace and risks increasing bank failures.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to exceed beyond the hour of 11 a.m., and Senators may speak therein for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

HONORING ATTORNEY MORTON HOLBROOK, OWENSBORO, KY

Mr. FORD. Mr. President, on February 27, 1988, Owensboro, KY, attorney Morton Holbrook will be honored for his 50 years of practice as a distinguished Kentucky lawyer and for his untiring service to his profession and his community.

Mr. Holbrook was born on September 15, 1914, in Whitesville, Daviess County, KY. He is married to the former Margaret Hill Kincheloe. They have two sons, Morton J. Holbrook III, an attorney with the U.S. State Department, and Allen W. Holbrook, an attorney who practices law in his father's firm of Holbrook, Wible, Sullivan & Helmers, P.S.C. Morton and Margaret are the proud grandparents of three grandsons: Allen Lindsay, age 6; Joseph, age 3; and Stephen, age 2.

Holbrook received a bachelor of arts degree from the University of Kentucky in 1935 and a juris doctorate degree from Harvard Law School in 1938. He began his practice of law in Owensboro, KY, in the firm of Congressman Glover H. Cary and Judge Wilbur K. Miller, who later served as a judge on the U.S. Circuit Court of Appeals in Washington, DC.

With the coming of World War II, Holbrook entered the U.S. Army in 1942 and served in the European Theater under Gen. George S. Patton. After the war Holbrook returned to the practice of law in Owensboro where he became active in the Daviess County, KY, and American Bar Associations. He is a fellow of the American College of Trial Lawyers and belongs to the World Peace Through Law Center and the American Judicature Society. He has served on commissions charged with revising Kentucky's civil procedures and statutes. Holbrook served as chairman of the ad hoc committee that drafted and implemented the 1975 constitutional amendment that unified the Kentucky court system. Holbrook was given the American Judicature Society's Herbert Harley Award in 1977 for this work in improving the judicial system of Kentucky. He received the Kentucky Bar Association's Outstanding Public Service Award in 1967 and was named the distinguished alumnus of the University of Kentucky in 1975.

In addition to his dedication to the legal profession, Holbrook has worked tirelessly to improve higher education in Kentucky. Since 1980 he has served on the Kentucky Council on Higher Education, serving as chairman from July of 1983 to May of 1985. Holbrook was principally responsible for securing additional funding for the graduate programs of the Owensboro Consortium and State approval of a tuition equalization program for undergraduate courses. During Holbrook's tenure as chairman of the council new college entrance requirements and formula funding for State universities were implemented. In 1984 Holbrook's efforts were recognized when he received Owensboro's first Distinguished Service to Education Award.

Holbrook has also been an active participant in Kentucky politics. He served as a delegate to the 1968 and 1972 Democratic Conventions. He was a member of the drafting committee of the laws of the Democratic Party of Kentucky adopted in 1972 and served for many years on the Kentucky Registry of Election Finance. Candidates and officeholders at all levels of Kentucky government regularly seek his advice and counsel because of his keen political sense and his wide circle of friends.

Throughout his life Morton Holbrook has exemplified a commitment to excellence—in his profession and in his public service. His wit, his widsom, and his hard work have brought honor to his profession, his community, and his family. In this 50th year of his career, Morton's many friends and associates proudly salute this distinguished Kentuckian.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

TRADE AND INVESTMENT MISSION TO KOREA

Mr. DASCHLE. Mr. President, I have just returned from a trade and investment mission to Korea. It was my first opportunity to visit that country. It will not be my last.

It was my good fortune to lead a delegation from South Dakota to Seoul. I know that I speak for each of them in commenting on our remarkable experience.

As South Dakota continues to diversify its economy, we are becoming increasingly interested in the possibilities for partnership in the Pacific rim.

Korea is the seventh largest trading partner in the United States. In 1987 they imported $9.5 billion in U.S. goods and services. Contrary to common perception, the United States' share of Korean agricultural imports comprised almost 50 percent of their total last year. And this year, that figure is expected to rise.

With each year Korean investment in the United States continues to grow. Their interest in U.S. investment, motivated in large measure by their desire to offset their trade surplus with this country, is likely to increase exponentially in the years ahead.

A decade ago, few would have guessed that Korea would be where it is today. Korean people are a remarkable demonstration of the resilience and determination so greatly admired by Americans. Their economic success during the past quarter century is a literal story of rags to riches.

In 1987 GNP expanded 16 percent over the previous year. Twenty-five years ago, per capita income was $100. Today it is over $3,000. And if there is one reason for this beyond all others, it is their fervent resolve to be educated. Korea can boast of having one of the highest percentages of students in higher education of any country in the world. It is a little known fact that this relatively small country has more doctor of philosophy graduates from colleges and universities in the United States working in their government than we do in ours.

One cannot help but be extraordinarily impressed with what one sees during a visit to Korea. The economic vibrancy is evident virtually everywhere. The noise of construction crews, working 7 days a week, can be heard everywhere. The bustling city of Seoul is alive with activity around the clock.

Discussion with business and government leaders provide a refreshing change from those within the United States. Where here talk of the economy leads to discussion of deficits and recession, there it is talk of surplus and double digit economic growth. Where here the friction between government and business appears to be a perpetual way of life, in Korea the partnership has produced economic success thought to be virtually impossible a few years ago.

South Dakota can learn a great deal from the experience of the Korean people. Education, persistence, determination and partnership are qualities for which my people may boast, too. That is why I believe that the future holds great promise for a strong relationship between the people of my State and the people of Korea. In trade or in investment, through our bond of friendship, there is much cause for optimism.

That optimism must be tempered, however, by increased calls for protectionism in the invaluable trade relationship between our two countries. Such calls can do nothing but damage the economic well-being of either the United States or Korea. Korean farmers who call for the continued prohibition of all United States beef products ignore the growing reality of the interdependence of our globalized economy. Those in our country who would re-

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strict the importation of Korean products and impede the growth of our economic ties are also gravely in error. They ought to be challenged.

It is my sincere hope that the trade deficit between our two countries be reduced and ultimately eliminated soon. Having spoken to leaders at the highest level in both government and business in Korea, it is my belief that this is their hope, too.

As the government of Roh Tae-woo begins to implement its own trade policies, I believe the strong possibility exists that the prohibition of imported beef will be eliminated soon. In addition, it has just been announced that significant Korean investments will be initiated this year to assist in offsetting the existing trade imbalance. I ask unanimous consent that articles in the Korean Times and the Korea Herald which detail these plans be included in the Record at the end of my remarks.

As developments such as these occur, it is critical that they do so in the most conducive environment obtainable. While there may be ample cause for the filing of petitions before GATT, let us seek cooperation rather than confrontation. It is my strong belief that significant mutual advantage can be found on both sides in this approach.

In this regard, actions speak louder than words. Given our mutual belief in the power of education, the Governor of our State has just announced the creation of the Korean-South Dakota Fellowship. The fellowship will be designed to bring better mutual understanding of agricultural problems and opportunities through the exchange of academicians. The program will coincide with the beginning of the 1988 academic year. It is my hope that this exchange will be but the beginning.

Mr. President, I urge my colleagues who have not yet done so, to visit Korea. They should see for themselves the economic explosion now taking place.

However, if their experience resembles mine, while the economic miracle may take them there, it is the warmth of the Korean people which will draw them back.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Korean Times, Feb. 14, 1988]

Steps Eyed To Increase Investment in United States—Joint Ventures Planned as Way To Defuse Mounting Trade Pressure

The government is preparing a wide range of steps to expedite investment in the United States by the private sector in a bid to defuse mounting trade frictions between the two countries.

Sources at the Trade-Industry Ministry said yesterday that the government plans to increase loans of foreign exchange to business concerns in order to help them establish their own corporate firms or joint ventures with U.S. firms in the United States.

They also said that the government will provide various incentives, such as tax reduction and the simplification of paperwork for overseas investments to business concerns which seek to advance into the United States.

The Trade-Industry Ministry will especially encourage small and medium industries rather than business conglomerates to invest in the United States.

In this context, the ministry is collecting information on investment conditions in the United States and will drive such industries whose exports to the United States are limited to the U.S. quota system to make inroads on the U.S. market.

Those industries whose exports are subject to the U.S. quota system include textiles and electronics.

The ministry disclosed that it is now making contacts with U.S. economic organizations and business concerns to expedite investment by the private economic sector in the United States.

The ministry said that investment conditions in the United States are very bright.

At present, a total of 199 Korean businesses advance into the United States, including 113 trading companies.

However, the number of manufacturing companies which operate their own plants in the United States stand at only 27.

Since the start of this year, the United States has unusually stepped up its trade pressure in order to rectify its soaring deficits in trade with Korea.

The U.S. government is now threatening to invoke Section 301 of the U.S. Trade Act against imports of Korean products over such sizzling issues as beef, cigarettes, insurance and intellectual property rights.

Besides the expedition of investment in the United States by the private sector to defuse trade frictions, the government is set to dispatch large-scale buying missions to the United States on five occasions this year, starting with the first mission in May.

The buying missions will be encouraged to purchase facilities, goods and other materials worth more than $500 million from the United States.

In the meantime, the government plans to curb this year's trade surplus with the United States to between $8.5 billion and $9 billion, compared with the $9.5 billion surplus recorded last year.

[From the Korea Herald, Feb. 14, 1988]

Gov't To Set Up More Locally Incorporated Plants in U.S.

The government is considering a multipronged measure to stimulate domestic business concerns to establish more locally incorporated plants in the United States.

Ministry of Trade and Industry officials said yesterday that the reserves from the ever-growing current-account surplus will be used to finance the overseas projects by domestic concerns.

Trade officials explained that the U.S. trade pressure on Korea is becoming stronger than ever before. The presence of as many Korean concerns as possible in the United States will surely serve to effectively bypass the trade barriers by the nation's largest trading partner.

They also said that the government will expand the tax favor to overseas investment projects after close consultations among related ministries.

The financial benefits will be concentrated on the projects by small- and medium-sized firms, rather than those by big-name firms.

Most promising industrial area in which the Korea-U.S. concerns can form joint-ventures or consortiums is textiles, the officials said.

Noting that many U.S. states are trying hard to attract more Korean concerns to their states nowadays, the officials said the U.S. investment climate is good enough to gain a profit on the Koreans' part.

As it stands now, a total of 27 Korean companies, including Goldstar Co. and Samsung Electronics Co. are operating offshoot bodies, locally incorporated in the United States.

ENDANGERED SPECIES

Mr. SIMPSON. Mr. President, while I certainly want to assist the distinguished majority leader in moving the legislative agenda forward, I have shared the objections of Senators Heflin, Symms, and Hecht and others regarding consideration of the Endangered Species Act at this time. Several Senators have been trying to develop amendments to the Endangered Species Act and yet it seems to me that the majority staff on the Environment and Public Works Committee is wholly unwilling to assist these Senators in developing compromise language which would be less controversial than considering the floor amendment.

It seems to me that the committee staff could have worked out many of the more controversial issues ahead of time—so we would not be in the position we are in now with regard to objections and holds on the measure.

I know that some of the extreme environmental groups and some of the humane organizations are putting intense pressure on members of the Environment Committee not to introduce or to vote for any amendments because they view the Endangered Species Act as being some form of holy document or something akin to an ancient rune.

However, just like any other legislation, the Endangered Species Act is open to amendment and Senators should be given adequate time to develop constructive amendments to the act. For that reason we should not go forward with consideration of an Endangered Species Act today or this week.

The Endangered Species Act has come to be one of the most important pieces of environmental legislation on the books today. The act supersedes all other Federal laws when conflicts concerning a threatened or endangered species arise and that is why it is so critical to amend the law when amendments are needed.

While the Endangered Species Act has resulted in some significant accomplishments in the wildlife management field, the law has also been abused by some and stretched by others to the point where serious conflicts are arising. For instance the Park Service in the Western States uses the Endangered Species Act to close off public lands to recreational activities when such restrictions are not called for. State management of large predators has been called into question and there are conflicts involving the turtle excluder devices in the gulf; there are conflicts regarding EPA's regulation of pesticides that affect endangered species, and there are other conflicts that the Senate should be concerned about.

It just seems to me that with some time and effort by the staff we could work out some compromise provisions on the Endangered Species Act and for that reason we ought not to force it on the Senate agenda today.

SUSAN GORDY: A MAJOR ASSET OF THE FIRST NATIONAL BANK OF CHICAGO

Mr. DIXON. Mr. President, in its Sunday, February 14, edition, the Chicago Tribune profiled Susan Gordy, the legislative representative of Illinois' largest bank, the First National Bank of Chicago.

I've known Susan for a long time, and I'm pleased that her talent and ability has been recognized this way. She is a real asset to her bank, and to the banking industry generally.

People like Susan play a vital role in the legislative process, and everyone who knows her agrees that she is absolutely one of the best. Mr. President, I ask that the Tribune article be included in the Record.

The article follows:

Lobbyist Out Front in Banks' Big Push

(By Laurie Cohen)

Susan Gordy may be the top lobbyist for First National Bank of Chicago, but she doesn't tone down her tennis game when playing with Washington power brokers, even though she especially needs their help now.

"I don't know how to play customer tennis," Gordy said, recalling her recent defeat in a doubles match of Ken McLean, a key aid to Sen. William Proxmire, the Wisconsin Democrat who heads the Banking Committee.

Off the court, that aggressiveness will come in handy as she fights the biggest legislative battle that banks have faced in years. Bankers are trying to ensure an end to a congressional moratorium, set to expire March 1, on expanding business beyond traditional commercial banking.

More important, major banks are trying to win a broad expansion in securities-related activities once the moratorium expires.

"This is probably the biggest push our industry has ever had," said Edward Yingling, chief lobbyist for the American Bankers Association, the largest bank trade group.

Gordy, 33, has been a lobbyist for First National for 10 years. Last fall she also became chairman of a bankers association committee that coordinates the activities of lobbyists for the top 200 U.S. banks.

Bankers argue that broader powers are needed to increase their profits and bolster competition in the securities business, thus lowering prices for customers.

"The time has come for Congress to take a hard look and decide how best to make domestic policy," Gordy said. "It's time to allow financial institutions [in the U.S.] to compete internationally."

But opponents, including the influential securities industry lobby, argue that the disputed powers are too risky for the financial institutions that hold insured deposits.

Until recently, it seemed that things were going bankers' way in Washington. But in the last week a series of developments has clouded the picture.

On Monday, a federal appeals court in New York upheld a Federal Reserve Board ruling that bank holding companies may underwrite several new kinds of debt securities, including municipal revenue bonds, commercial paper and securities backed by various assets, such as mortgages and credit card receivables.

The decision was a victory for bankers, but it also increased the stakes for their opponents. It's expected to prompt the securities industry to push for legislation to extend the moratorium, so banks can't exercise the new authority.

"Banks have more to lose now," said Kenneth Guenther, executive vice president of the Independent Bankers Association of America. "As the legislative play goes forward, Congress remains a very high-risk game."

Rep. Charles Schumer (D., N.Y.), an ally of the securities industry, last week introduced a bill that would give banks two new securities underwriting powers. But in exchange, the proposed legislation would require banks to shift existing securities activities into separate securities affiliates of a bank holding company.

The bill also would close loopholes that banks already use to engage in real estate and insurance activities. Some sources said House Banking Committee Chairman Fernand St Germain (D., R.I.) may be drafting similar legislation.

In another setback, the General Accounting Office on Wednesday urged that Congress go slow in phasing in new securities powers.

The banking industry, in the meantime, has had its own problems in presenting a unified front to legislators. The American Bankers Association has supported Proxmire-sponsored legislation that would let banks enter securities underwriting through an affiliate of a bank holding company. The Senate Banking Committee is expected to consider the bill at the end of this month.

But Guenther's group, which represents community bankers, has refused to endorse the proposal because it would permit common ownership of securities firms and commercial banks. The group fears that securities firms would invade small banks' turf and win deposits.

Gordy rejects suggestions that the momentum in Washington may have shifted away from the bankers. "We expect the tide to ebb and flow," she said. The new developments "just mean we'll have to lobby harder."

Like many other banks, First National has pushed its employees to write letters to Congress urging an end to the moratorium. So far, employees of the Chicago bank have written about 7,000 letters, but Gordy's goal is 20,000 by March 1.

In Washington, Gordy has developed a reputation for being energetic and well-informed. She became vice president of government relations at First National at the beginning of last year, when Martin Farmer, the bank's respected veteran lobbyist, left for Barnett Banks of Florida.

She wins high marks from William Mattea, legislative assistant to Sen. Alan Dixon (D., Ill.), a member of the Banking Committee.

"I don't know anyone who has a better relationship with their member on the Senate Banking Committee," said Douglas Kidd, director of government relations at Bankers Trust Co. in New York.

Because the banking powers issue has been heating up, Gordy recently has been spending about three days a week in Washington. Capitol observers said that still puts her and the army of other bank lobbyists based outside the city at a disadvantage to those who live there and can mingle with congressmen and their staffers full-time.

Although she downplays any obstacles she may have faced as a woman, others disagree. There are an increasing number of women entering the lobbying field, but Gordy is the only head of government affairs at a top U.S. bank.

The Capitol "is still very much a man's world," said one female congressional staffer. "A lot of lobbying goes on at a very personal level. A lot of friendships are forged on the golf course, over dinner, or in the locker room.

"These sorts of opportunities aren't as accessible to women as they are to men. It's hard for a woman to be a lobbyist."

Such disadvantages haven't hindered Gordy. "Susan sure has handled herself well" in a "male-dominated field," said Mary Ullrich, assistant vice president at Chicago's Harris Trust and Savings Bank. "She's just done a heck of a job."

Gordy said she can do her job better by knowing the arguments on both sides of an issue rather than by socializing in the proverbial old-boys network. "I don't believe you only get what you want by cutting deals in smoke-filled rooms," she said.

Ironically, Gordy's first brush with lobbying was on the opposite side of the fence, working for the insurance industry as a lobbying intern in the General Assembly in Springfield.

One of her first big issues was a bill prohibiting banks from selling insurance. (Under Illinois law, banks in communities under 5,000 people are permitted to be registered to sell insurance.)

"The bill didn't get passed or even have a committee hearing," Gordy said. "I learned that the banks have a powerful lobby," she said.

She was later hired by First National and worked as a lobbyist for the bank in Springfield while earning a law degree from Illinois Insitute of Technology Chicago-Kent College of Law. Gordy is married to David Epstein, a politically well connected attorney who was chief counsel in Springfield to House Democrats and former parliamentarian of the Illinois House.

ADDRESSES TO WEHRKUNDE CONFERENCE BY SENATORS BYRD AND NUNN

Mr. PELL. Mr. President, I returned Sunday from a most interesting visit to five NATO capitals as a member of a Senate delegation led by the distinguished majority leader Mr. Byrd. In addition to myself and the Senator

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from West Virginia, the delegation included the Senator from Georgia [Mr. NUNN], the Senator from Oklahoma [Mr. BOREN], and the Senator from Virginia [Mr. WARNER].

At the outset of our visit to Europe, we attended the Wehrkunde Conference in Munich, Germany. At that forum on European security issues, two of our colleagues, Senators BYRD and NUNN, gave excellent addresses which were received with strong appreciation by the assembled delegates to the conference. I would like to draw your attention to the very thoughtful conclusion of the address by the distinguished majority leader:

> In the end, the fulcrum for peace is credibility. We must redeclare ourselves an Alliance—not just in name, but in force. The Soviets must be convinced of our public support, the depth and flexibility of our armed response—and our staying power. All of this is within our reach. If we do not grasp the moment, we risk failing the cause of our common security.

Senator NUNN hit a similarly thoughtful note in his concluding remarks:

> NATO has kept the peace for forty years because we have had leaders of vision. The Allied Heads of State who will gather at the Summit this spring will be judged against this high standard. While our values and our goals are constant, our challenges are new and we must think anew. The future of NATO is in our hands.

Mr. President, I ask unanimous consent that the addresses by the distinguished majority leader and the distinguished chairman of the Senate Committee on Armed Services be included in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

REMARKS OF U.S. SENATE MAJORITY LEADER, ROBERT C. BYRD, FEBRUARY 7, 1988, WEHRKUNDE CONFERENCE, MUNICH, GERMANY

ARMS CONTROL AND THE FUTURE OF THE ALLIANCE

Distinguished participants, 1988 promises to bring about a massive shift in the way most of the free world sizes up its own security. The sudden emergence of Mikhail Gorbachev—and the prospect for sweeping reform in the Soviet Union—has provoked great hopes, even among the most skeptical. With remarkable force and openness he has come more than halfway in the pursuit of arms reduction at a time when the Reagan presidency—and his chief adversary—is coming to a close.

The signing of the INF treaty last December has opened the door to new optimism—new uncertainties—and new risk. For NATO, the treaty is both a tribute and a test—an invitation to fashion a stronger alliance among ourselves—and a more pragmatic strategy toward the Soviets.

I come today to give an accounting of the ratification prospects in the United States Senate—but more, to raise some crucial questions about the security of Europe and the United States beyond the INF agreement.

Given the nature of politics in America—particularly in an election year—the messages coming out of Washington are at times misleading. With the White House controlled by one party, and the Senate by another, the conventional wisdom is that the prospects for agreement on even the simplest issue are remote. But the truth is that, in the end, we manage to agree more often than not—a fact explained less by goodwill than by the nature of our institutions.

In the case of treaties, the document bears the mark of the President and his diplomats, It falls to the Senate to scrutinize the document from the perspective of a nation divided by region and ideology.

By historic construction, the Congress is the people's forum and, in the end, the stabilizing force.

The INF treaty has been presented with a sense of urgency and promise. Given the tense and volatile relations between America and the Soviet Union since the War, it is hardly surprising to hear the echoes of old fears and suspicions rise from the Senate debate. Both countries have been looking at each other down the same gun sight for too long to expect unanimous ratification. For all the attendant flourish, the final vote will belie our entrenched skepticism toward the Soviets.

Much of our apprehension can be laid to Mr. Gorbachev's stunning achievement in eclipsing his predecessors—both in style and message. At times he seems to have almost mesmerized Western publics with the prospect of detente with his adversaries abroad and the trappings of glasnost at home. Compared with the heavy-handed leaders that have gone before, he cuts a dashing new figure—even by the high art of image-making in the West. American polls are now recording a trust toward this Russian leader where none existed before. Yet even those of us who have traditionally given our support to arms reduction pacts are still nagged by questions that must certainly move to the center of Senate debate.

Where is the evidence that a half-century of Soviet pursuit of dominence and control has been bridled? Who is to risk deterrence on the professed goodwill of a man only three years into power? What gives us to believe that he will have the economic endurance, or the political backing to turn glasnost into prosperity and stability? Glasnost should not be confused with freedom of the press or freedom of speech by Western standards.

We all understand the agrument that less distraction and tension from its traditional adversaries will allow the Soviets to reallocate revenues and attention from the military to domestic affairs. And that that, in turn, will further ease tensions with the West. Yet, if Soviet and Russian history is any guide, we cannot take much comfort that a leader with an ambitious reform agenda will also promote foreign policies that favor us as well. Nikita Khruschev was the last Soviet reformer of our time. But while he pressed for destabilization at home, he took the game of international brinksmanship to new limits—at the Berlin Wall and Cuba's missile silos.

For now the implications for the West are very unclear should his domestic reforms work; and they are just as unclear if they do not. If they do, will Mr. Gorbachev's new power be turned to peaceful competition—or a redoubling of the old policies of confrontation? If they do not—and his mandate is narrowed—will he be able to continue the bold initiatives toward the West that have so far defined his tenure?

These are the dark unknowns and the challenges that we in the United States and you in Europe must confront in the months ahead. Because it is our response that will be the measure of our common trust and our common bond for years to come. Let caution be the watchword.

Like it or not, we live in an age of instant perception—as changeable and as powerful as the wind. He who masters the game of images—the ability to turn 30 seconds of television into a global metaphor—becomes a force of enormous magnitude. The very act of suddenly halting his heavily guarded motorcade to greet a crowd of Washington bystanders was a more lasting image than the actual signing of the treaty. It was Mr. Gorbachev at his theatrical best, playing to a post-war generation raised on the dream of detente—a generation with no memory of a Berlin blockade, of Soviet tanks in Hungary. No banging a shoe in anger at the United Nations. No clicking glasses with bearded revolutionaries. Merely the appearance of open friendship.

Mr. Gorbachev's mastery of style has no more brillant example than his seductive handling of the occupation of Afghanistan. History is pretty clear on the subject. The Soviet army invaded and carried on a scorched earth war against a nation with little more than courage to defend itself. After a decade, the Afghan people have refused to collapse. With public opinion, mounting casualty lists, and finances running against further engagement, Mr. Gorbachev is looking for a graceful way out. His hope is to make the Soviet withdrawal appear to be an act of generosity—rather than a surrender. He will use the withdrawal to advance Soviet diplomacy in the Middle East. We should no more reward the Soviets for having failed to devour Afghanistan than NATO should thank Moscow for pulling back from your borders an excessive show of nuclear force aimed at intimidation.

While new style and the new substance are a welcome change from the brooding inflexibility that has marked Soviet foreign policy, in reality, they are in large measure due to the courage, the cohesion, and vision of the West. Without cocking our guns, we made the point that democracy's frontiers are worth defending. We proved that, together, we are the match for any aggressor—that we are the only real foil to Soviet expansionism.

Witness the fact that the Soviets gave up far more to get a treaty than we did—including on-site verification and dropping the linkage to SDI.

Their compromise does not mean that the treaty is not in the Soviet's interest, and will not be used to advantage in other maneuverings with the West. But neither does it mean that we cannot seize opportunities to test the Soviet willingness to compromise on conventional forces and further arms control.

In the end, it would be ironic, indeed, if we allow our brief victory to conclude that our adversary has abandoned its historic goals on the world scene. Rather, our course should be one of new initiative to constantly test the confidence and the willingness of the new Soviet leaders to expand the pace and the radius of peaceful coexistence.

As leaders, we must change the perception held by too many of our own peoples that Mikhail Gorbachev has pulled the West to the nuclear negotiating table. He may have won the battle of the briefing books during the long months of negotiations. He may have won the competition for headlines during his visit to Washington. But we must not let him walk away from the INF table

with nothing more than a signature and a promise. Nor must we let the Soviets quit Afghanistan with a shred of honor or reward.

We cannot effectively deal with the Soviets until our people are convinced that the Western alliance must be united, strong willed, and well-armed. We must sharpen the sense of need for continued deterrence in Europe. And we must test the Soviets with ever tougher initiatives for peace—real peace, not the image of peace.

For doubters and supporters alike, the central questions in the Senate debate will not be so much the terms of the treaty—but rather, the direction of NATO, the proper depth of our combined deterrence and, our ability above all and our will to sustain the doctrine of flexible response toward the Soviets.

These are both the questions and the challenges. If we cannot take our own measure, and give a response supported by our own peoples—then the INF treaty will become less a breakthrough to a peaceful world than a footnote to a dangerous illusion of security.

Strategists speculate whether the West can keep our combined level of deterrence credible in the face of Soviet claims that NATO modernization circumvents the INF treaty and jeopardizes future arms agreements. They wonder whether we can sustain the political will necessary to keep the Alliance countries truly secure—or whether we will be distracted by Soviet charges of "foul" as they continue to improve their own offensive capabilities.

I speak for the vast majority in the United States when I underscore our commitment to a strong European alliance—in arms and men, as well as in words. It is never easy to convince people to pay the high costs for their national security—to hedge against uncertainty in the future. But we have done it in the past, and we will do it in the future. Because America well understands that Europe is more than yesterday's home for so many of our people—its security is our security as well—and worth paying a great price to maintain.

I was born at a time when Woodrow Wilson proclaimed World War I the "war to end all wars." And I was a young man when Franklin Roosevelt galvanized a nation with his call to arms. A generation has come of age since America and Europe last fought side by side. That that generation has been spared the trauma of war is a credit to the trust and strength we have given on both sides of the Atlantic.

In the coming months, we have a number of opportunities to declare our unity of purpose—not just to the Soviets, but to our own public.

Our defense ministers should vote to move ahead with the Montebello decisions during their NATO meeting in April. I would certainly support whatever funding is necessary in the American budget cycle this spring to move ahead the Montebello program without delay.

A strong Western agreement to keep American troops at their present strength would counter any Soviet disinformation campaign aimed at forcing fissure into NATO on the grounds that America is not a reliable ally. America has stood the test before and will not waver in the future.

I welcome France's proposals for bilateral initiatives, so long as they remain within the NATO context, and are a means to strengthen the alliance—not fragment it.

We should renew our support for joint maneuvers, combined brigades, the stationing of alliance troops across each other's borders, and the modernization of our conventional and tactical nuclear forces. Guns are useless without ammunition. Such cooperative measures serve the cause of military preparedness and visibly make the case that deterrence in this era is not a unilateral or obsolete issue.

The French and British nuclear arsenals should be kept separate from arms control talks between the U.S. and the Soviets.

Pragmatism underscores the truth that we have no satisfactory substitute for nuclear deterrence in the pursuit of peace, not the peace that comes with bondage—which needs no deterrence—but peace with freedom, which does, As much as we all dream, we know we are still far from a time when the world is in perfect balance. We must still depend on the production and deployment of nuclear systems to remind would-be aggressors that aggression, even by conventional means, will be answered with nuclear force.

But the most immediate challenge for the NATO Alliance is to take the initiative on conventional forces negotiations by presenting a full fledged reduction and constraints proposal to the Soviets this year. No matter how sincere may be the Soviets' call for total nuclear disarmament, there remains the dark truth that their offense rests less on the bomb than on the foot soldier.

If peace ultimately rests on balance, then we must address the existing assymmetry on all fronts. The Soviets agreed to eliminate more of their medium range missiles, because they had more than we. So there is no reason why we should not ask that they respond with commensurate real reductions in the conventional threat. No other agreement would so bolster NATO's security interests. For many in the United States Senate and the tens of millions of Americans we represent, it is the natural preface to any agreement on long-range missile reduction.

The truth, however, is that we can mount no strong proposal on conventional arms without the support of our own peoples. Perhaps the most difficult task for Western leaders in the months ahead is to deflect the Soviets' attempt to play to our natural fear of nuclear arms, particularly among our youth. The entire West must come to understand that neither the denuclearization of Europe nor total nuclear disarmament will remove the threat of Soviet expansion—but would, instead, increase it.

In the end, the fulcrum for peace is credibility. We must redeclare ourselves an Alliance—not just in name, but in force. The Soviets must be convinced of our public support, the depth and flexibility of our armed response—and our staying power. All of this is within our reach. If we do not grasp the moment, we risk failing the cause of our common security.

THE AMERICAN/SOVIET DISARMAMENT NEGOTIATIONS AND THEIR CONSEQUENCES FOR NATO

I am honored to be invited to speak on the occasion of the 25th anniversary of Wehrkunde. This distinguished audience is a testament to the prestige this conference has achieved over these many years under Ewald von Kleist's leadership. Our friend Ben Schemmer has written that people would kill to get invited to Wehrkunde. Once the audience is selected, however, the killing is over and the focus of Wehrkunde turns to ideas and dialogue to ensure that the horrors of war are never repeated.

One of the reasons Wehrkunde has become so successful is its tradition of encouraging high-level American participation. Wehrkunde underscores the point that NATO is indeed a trans-Atlantic alliance that works best when the United States and its allies are talking to each other, calmly and candidly.

Much of the credit for what has become the annual American pilgrimage to Wehrkunde must be given to my good friends John Tower and Bill Cohen. John is here for the 23rd time. John has certainly put the Wehrkunde conference on the map in Washington. Bill Cohen took up the baton from John Tower after John left the Senate in 1985 and is here for the 10th time. Bill called me six times last week telling me my paper was late so I can assure you that he takes his leadership responsibilities very seriously.

The topic of this year's conference is "The American/Soviet Disarmament Negotiations and Their Consequences for NATO." This title appropriately describes the INF Treaty now pending in the Senate; first, because INF was a bilateral American/Soviet negotiation; and second, because the treaty for better or worse constitutes disarmament in the classic sense, that is, the complete elimination of entire classes of weaponry.

From one perspective, the INF Treaty represents the succesful culmination of a long and arduous journey. The treaty is a triumph of Alliance cohesion and determination in which the NATO Alliance can justifiably take pride. It is a tribute to the Governments in the basing countries which displayed such resolve and courage in implementing the deployments in the face of widespread domestic opposition and skillful Soviet propaganda. The treaty also reflects the fruits of continuity in the United States between two successive administrations—one Democratic, the other Republican—which, with bipartisan support in Congress, stood steadfastly behind NATO's "dual track" approach. Finally, special credit must be given to our able negotiators, including Ambassadors Nitze, Kampelman and Glitman, who are with us today.

There are several positive features in this agreement. The 4:1 asymmetry in Soviet reductions versus U.S. reductions sets a useful precedent for disproportionate cuts in the upcoming Conventional Stability Talks. The agreement also breaks new ground in intrusive on-site inspections and cooperative measures for enhancing national technical means of verification.

While the Treaty codifies important achievement, we must view the agreement through a wider lens. To assess the full implications of the INF Treaty for NATO security, we must consider the broad strategic framework within which it will be implemented.

I believe that what Chancellor Schmidt said about SALT II in his famous ILSS speech a decade ago applies equally today with regard to INF:

> "The more we stabilize strategic nuclear parity between East and West . . . the greater will be the necessity to achieve a conventional equilibrium as well."

When Chancellor Schmidt made that speech, the Soviet Union was only beginning to deploy the SS-20, and NATO of course had no Pershing II or Ground Launched Cruise Missiles. If the INF Treaty is fully implemented, we will return to that same zero/zero situation in terms of these specific systems. However, as Phil Karber has pointed out, we must consider what the Soviets

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have added in conventional and battlefield nuclear power in Central Europe during the last ten years.

"The Soviets have added more than 1000 artillery tubes, 900 tanks and 1500 armored personnel carriers;

"They have doubled the number of dual capable aircraft and doubled their range payload;

"They have gone from zero to over 1000 in nuclear-capable artillery."

Moreover, the net increase during this period in Warsaw Pact conventional weapons systems in the Central Region exceeds the total inventory of such systems in the five and a third divisions in Seventh U.S. Army today. Overall, the Warsaw Pact/NATO conventional firepower advantage has grown from 1.8-to-1 ten years ago to 2.2-to-1 today, an increase of almost 25%.

Viewed form this perspective, the INF Treaty must be regarded not as an ending, but rather a beginning. Deterring war and preserving freedom is not like building a dam. It is not something that stays put once you do it. What then are the consequences of the INF Treaty for NATO?

I am reminded of the story of the man who held a small bird behind his back with his fingers gripped tightly around the bird's neck. As the man prepared to squeeze the life out of the bird, he turned to a young boy and asked—Son, tell me, is the bird alive or dead? The boy, with considerable wisdom, replied—Sir, it's in your hands.

Whether history judges the INF Treaty to have made a positive or a negative contribution to the defense of Europe will depend ultimately on which road the Alliance chooses to travel at this critical juncture. One NATO road leads backwards down a slippery slope to European denuclearization, American disengagement, and Soviet domination. The other NATO road leads forward to the solid ground of solidarity, stability, and security. To paraphrase the young boy, the choice is ours. It's in our hands.

"SLIPPERY SLOPE ROAD:" IS MARKED WITH SEVERAL WARNING SIGNALS

First warning signal: A growing nuclear allergy in the West. The rejection by many of our citizens of the basic principle of nuclear deterrence is the product not only of NATO's failure to educate our publics concerning the realities of the Alliance's declared strategy but also of considerable reckless rhetoric as to the alleged immorality of this doctrine.

Here in the Federal Republic, there is of course a special sensitivity to the nature of the nuclear weapons which will remain after INF is fully implemented. Many Germans have voiced their sharp disagreement with NATO's decision to postpone indefinitely any new negotiations on nuclear systems with ranges below 500 kilometers and openly question the need to go forward with the Montebello Decision on modernization.

As one who has long questioned the practicality of many of our short-range nuclear systems, I understand the salience of this issue here in West Germany. In an ideal world NATO would have begun with negotiations on conventional armaments, chemical weapons, and battlefield nuclear systems, then moved on to intermediate-range and strategic nuclear negotiations only after an equilibrium had been established at these levels.

As we all know, however, this is not an ideal world, and we must speak in terms of reality. It is the awesome presence of nuclear weapons that underpins NATO's deterrence today, as it has since the dawn of the atomic age.

I believe that the modernization of our remaining battlefield and theater nuclear forces is a necessity. However, we must resist the temptation to use the INF Treaty as the pretext for reviving proposals for nuclear systems which could not pass muster before. We must not forget that every conventional platform and delivery system which is now given a nuclear role effectively removes one more weapon from NATO's conventional order of battle.

Tactical nuclear weapons serve valid deterrent functions. But as we conduct needed modernization in these forces, we must not give the impression that a "nuclear fix" is the answer to all of NATO's deterrent woes. Let me emphasize this point—our goal is to raise the nuclear threshold in Europe, not to lower it.

Second warning sign on "Slippery Slope Road:" Changed public attitudes toward the United States and the Soviet Union. A poll last year suggested that while 55% of the German public thought the Soviet Union was a threat five years ago, only 24% think so today. Another poll shows that by an overwhelming margin, most Europeans think that the Soviet Union, and not the United States, deserves the credit for recent progress in arms control. Still other polls portray a growing skepticism in Europe of the credibility of the U.S. nuclear guarantee to NATO. Fortunately, we as politicians realize that polls can quickly change.

When the United States puts new nuclear weapons into Europe, many Europeans fear that our intention is to confine a nuclear war to European soil and thereby decrease the likelihood that our central strategic forces would ever be employed. When the United States takes nuclear weapons out of Europe, many Europeans fear that our intention is to avoid a U.S. nuclear response to Soviet aggression and thereby decrease the likelihood that our central strategic forces would ever be employed. Some pundits have suggested that whether we are putting nuclear weapons in or taking them out, European ministries should save money by simply installing tape recordings that say, "the Americans are decoupling!".

Over the years, European apprehension over American nuclear intentions has provided a growth industry for psychiatrists. But for every psychiatrist employed in Europe, there is another hard at work in America analyzing our apprehension over European commitment to the conventional component of flexible response. Occasionally, both groups of psychiatrists are dealing with the same problem, such as the state of shock many of us were in after the Reykjavik Summit.

While conceding that Reykjavik justified at least a few sessions on the psychiatrist's couch, I would counsel that our European friends should try to be a bit more reassured about U.S. willingness to shoulder nuclear responsibilities. To those who remain skeptical, I would point to Article XI of the INF Treaty, which provides for the establishment of a U.S. inspection camp right outside the gate of the Votkinsk mobile missile final assembly facility in the middle of the Soviet Union. The point of this inspection, I would remind my European friends, is to ensure that any missiles coming out of that gate are not SS-20s capable of hitting Paris, Bonn or London, but rather SS-25s capable of hitting New York or Washington.

My point is this: the United States is committed to the defense of Europe. As President Reagan said in 1981, "Europe's shores are our shores; Europe's borders are our borders." In the era of Gorbachev, NATO cannot afford public confusion and mistrust over this fundamental premise. It is not enough for NATO to be sure of our policies and our goals. We must be sure of ourselves.

Third warning sign on "Slippery Slope Road:" U.S. and European fiscal and budget realities. Our failure to get our fiscal houses in order means that NATO will have to improve its defense capabilities without increasing the amount of money available for this purpose. It is possible that misplaced euphoria in the wake of INF could further erode public support for essential force improvements in Europe.

If the U.S. Congress perceives that the allies are going backward, rather than forward, in correcting glaring conventional deficiencies (what I have termed "automatic escalators") then the debate over U.S. troop levels in Europe will be revived. In the final analysis, the future of this issue depends on the perception that we are all equally committed to a credible conventional defense in accordance with NATO's flexible response strategy. That was the measuring stick when I introduced what in Europe is known as the "Bad Nunn Amendment of 1984." It remains the measuring stick today.

There can be more than one kind of slippery slope. There is a slippery slope that leads to denuclearization. There is another slippery slope that leads to a disillusioned America because of the absence of long-overdue improvements in NATO's conventional defense capabilities. The challenge is to avoid both slippery slopes and seek firm, level ground.

Fourth warning sign of "Slippery Slope Road": NATO's reluctance to think boldly in the area of conventional arms control. For too long, we have placed the highest priority in arms control on strategic forces—where the balance is in rough parity—while allowing ourselves to be content with a sterile, and increasingly irrelevant arms control approach with respect to conventional forces. One of the ironies in conventional arms control is that it was the Soviet Union and its allies in Eastern Europe—and not the West—that took the initiative in making far-reaching proposals, even though they enjoy a decided military advantage in this area. There are some rent indications that various allied positions on the new Conventional Stability Talks have begun to converge. It remains to be seen, however, whether the Alliance is capable of uniting behind a bold and innovative proposal.

Fifth warning sign on "Slippery Slope Road": a continuing failure of political will in getting the most out of our collective defense resources. One of the more frustrating realities of our Alliance is that even though NATO spends more on defense than does the Warsaw Pact, the Pact consistently produces more military hardware than NATO. In Tom Callaghan's phrase, the Alliance is headed down a path toward structural disarmament; that is, ever-higher-cost weapons leading to ever-smaller purchases of those weapons.

The problem has been compounded by our inability to translate innovative technological advantages to the conventional battlefield. As one cynic observed, if we can confine the next war to a laboratory, NATO will win.

THE ROAD TO SOLID GROUND IS CLEARLY MARKED

We are perhaps fortunate that the warning signs on the slippery slope road are so unmistakable. If we view these warnings as trends that need to be reversed rather than as milestones on a one-way road to our ultimate demise, NATO can persevere. There is another road NATO can and must follow: a road that leads to a strengthened deterrent and an improvement in our ability to safeguard freedom and preserve peace, a road that will ensure that the INF Treaty reinforces rather than weakens Western security.

I believe that the roadmap to firm, level ground requires a "three track" approach:

(1) Revolutionary conventional force improvements;

(2) Bold and innovative conventional arms control proposals;

(3) Vigorous public education, including clear explanations of our military needs and our arms control rationale.

TRACK ONE: IMPROVEMENTS IN CONVENTIONAL DEFENSE CAPABILITIES

NATO's goal must be to reverse General Bernard Rogers' well known admonition that in the event of Soviet attack, NATO would have to resort to the use of nuclear weapons in a matter of "days, not weeks or months." I believe NATO should be able to defend conventionally for "weeks, not days."

There are a number of steps NATO must take if it is to get on the road toward achieving this goal. First, we must eliminate the automatic escalators—that is, the critical deficiencies in NATO's conventional warfighting posture which could force an early choice between surrender or escalation to the use of nuclear weapons. Among the most glaring deficiencies are our allies' low rate of sustainability in ammunition stockpiles and the inadequate number of shelters and refuel/reload capabilities for U.S. aircraft which would deploy to Europe in a crisis. Some, but not enough, progress is being made in this regard. Second, we must continue to pursue the Balance Technology Initiative, which seeks ways to exploit the West's advantage in technology to render Soviet tank armies obsolete. Third, we must expand existing programs of Co-operative Research and Development. These programs, together with side-by-side testing of U.S. and allied weapons, can be a turning point in reversing the trend toward structural disarmament and in redressing the conventional imbalance.

Ambassador Abshire has recently outlined a number of other no cost or low cost steps for improving NATO's conventional defenses, including:

A high-level NATO/Warsaw Pact net assessment to pinpoint specific conventional vulnerabilities;

A thorough review of NATO's crisis management capability;

A study of ways to correct NATO's vulnerability in the Northern Army Group (NORTHAG) sector;

New trade-offs with the allies; for example, the provision by the United States of less-preferred ammunition in return for consolidation of our allies' national logistics infrastructures and additional European efforts toward defensive terrain preparation;

A renewed effort on armament cooperation; and

A mandate for longer-range discussions involving governments and industry for better use of defense resources.

These and other proposals for getting the Alliance—in Phil Karber's words—to "think smarter, not richer" deserve careful consideration.

TRACK TWO: BOLD AND INNOVATIVE CONVENTIONAL ARMS CONTROL PROPOSALS

In formulating our proposal for the Conventional Stability Talks, we must recognize that the root of military instability in Europe lies not in the Warsaw Pact's modest numerical advantage in troops in the Guidelines Area. It lies in the Pact's capability for a potentially decisive short-warning attack against NATO. Our aim in conventional arms control ought to be identical to the aim of the Balanced Technology Initiative: to effectively deny to Soviet ground forces forward-deployed in Eastern Europe their ability to threaten NATO with a short-warning offensive capability. This necessarily entails reductions in Soviet tanks, artillery tubes, maneuver battalions, and the like, not just manpower.

I believe the goal of a stable, non-threatening conventional balance would be promoted by the negotiated withdrawal of about half of the U.S. and Soviet ground forces in the NATO Guidelines Areas or by reductions by both NATO and the Warsaw Pact to common ceilings. Under either approach, we should be guided by the following objectives:

withdrawal as complete combat units, including the appropriate slice of helicopter aviation assets;

withdrawal of forces to beyond the "Atlantic to the Urals" region;

withdrawal of equipment to distances that would equalize reinforcement times; and

establishment of an intrusive verification regime to ensure that those withdrawn units remain withdrawn, and to provide reliable early warning of Soviet mobilization of its ground forces.

Let me elaborate on each of these points.

Objective One: Withdrawal of combat *units*. Verification is greatly simplified by the withdrawal of entire, discrete combat units—divisions, regiments and battalions. Merely reducing, say, the number of tanks on each side to some common ceiling imposes much more difficult verification problems. The same applies to manpower ceilings—as we painfully learned in MBFR.

Objective Two: Units should be withdrawn from designated garrisons and reassigned to designated new locations in the rear areas. Withdrawal by units then enables one to monitor both the known site from which the unit was removed and the known site to which they have been relocated. If tanks and artillery pieces are simply withdrawn from front-line troops as part of an equipment reduction plan, and that equipment is simply scattered back into the Soviet Union, the likelihood of detecting a slow but steady drafting back of those weapons is remote.

Objective Three: Units should be withdrawn to far enough distances that their return would be a difficult and time-consuming process. The objective of conventional arms reductions must be to achieve a stable balance at the inter-German border areas. Thus, potential reinforcements need to be based far enough away to ensure the *early* detection by either alliance of a mobilization decision by the other side. With U.S. troops returned to CONUS, even if their equipment remains prepositioned somewhere in Europe, we are looking at 10 days to two weeks for their return—at best. Thus we need to be sure that if withdrawn Soviet forces are not demobilized, they are at least relocated far to the east of the current Western Military Districts. Otherwise we may negotiate asymmetric force reductions that reduce the security of the Alliance.

Objective Four: Open monitoring and challenge inspections. Clearly, if we must verify that units withdrawn to remote locations have not been returned either wholly or piecemeal, roving inspector teams, designed along the lines of our current Military Liaison Mission, and challenge inspections, designed along Stockholm (CDE) lines, must both be employed. Those inspectors must have much less restricted, routine access to forward garrison areas to perform equipment counts, and much better challenge access to potential hiding places, such as large warehouses.

These steps should, in my opinion, be complemented by far-reaching Confidence and Security-Building Measures (CSBMs) to increase the transparency of the Warsaw Pact's military posture, increase the amount of warning available to NATO prior to a Soviet attack, and reduce the possibility of an inadvertent war should both sides decide to mobilize in a crisis. NATO's objective in the so-called CDE II negotiations should be to buy time for allied leaders to decide to react and to accomplish that reaction. To achieve these objectives, NATO needs to know about Soviet operational movements in peacetime and about Soviet operational readiness.

A word of caution is in order: Confidence and Security-Building Measures are not a panacea. Unless coupled with measures to shorten NATO's reaction to warning time, its mobilization time, and its reinforcement time, improved warning time is of marginal value. The well-established rule that the defense should prevail even if the attack-to-defense ratio is about 3:1 only works if the defending side detects the attacker's preparations, makes the correct decisions, gets its units to their correct wartime locations and digs in.

In formulating our position for CDE II, NATO should not be limited either in its imagination or its boldness. If the Soviet Union is prepared under the terms of the INF Treaty to allow Americans at Votkinsk and to open its SS-25 garages to overhead U.S. reconnaissance six times a year, then we should not shirk from proposing innovative schemes for on-site access to militarily significant nodes in the Warsaw Pact's mobilization infrastructure. These could include airfields, railroad yards or even headquarters.

The objective of efforts both on the arms control track and the force improvement track ought to be a stable, non-threatening balance of conventional forces in Europe. As in the case of the INF dual track, we should view each of these undertaking not as a mutually exclusive endeavor, but rather as parallel and mutually reinforcing tracks toward the same destination.

TRACK THREE: PUBLIC EDUCATION

The first two tracks, taken together, are crucial to the structuring of the Alliance's response to Soviet invitations, offers, and propaganda. They also form the framework for my third track, a major public education program. We cannot generate the needed public support for a sensible approach to redressing the imbalance without a much better public understanding of these issues. We, the attendees at this conference, have crucial roles to play in that public education process—we must all become more active and outspoken about the opportunities and

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the challenges facing the Alliance, about why we must do some things and must not do others.

CONCLUSION

Moving away from the slippery slope road and following and roadmap to solid ground will not be easy or quick. It will require alliance solidarity, public education, and bipartisan commitment throughout the alliance. But this is a road which must be followed.

Force improvements, conventional arms control, and public education must each be on the agenda for the forthcoming NATO Summit. In addition, the Heads of State should consider other essential elements of a coherent conceptual framework for ensuring allied security into the next century. The NATO Summit should be the occasion for a solemn reaffirmation of the U.S. commitment to the Alliance in both its nuclear and conventional components. It should also be the occasion for a solemn reaffirmation on the part of our allies to take conventional defense seriously and to share equitably the burden of collective defense.

NATO has kept the peace for forty years because we have had leaders of vision. The Allied Heads of State who will gather at the Summit this spring will be judged against this high standard. While our values and our goals are constant, our challenges are new and we must think anew. The future of NATO is in our hands.

RECESS UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 10:46 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DODD].

ORDER FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for transaction of morning business not to exceed beyond 1 hour, and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LEAHY. Mr. President, today I wish to commend the distinguished majority leader, Mr. BYRD, who recently led a stellar group of Senators to NATO capitals for discussions on the INF Treaty. He brought together people who have the utmost responsibility on this matter. I look forward to reviewing the report this fine group will present to the Senate. However, today, Mr. President, I would like to share impressions gained from my own trip with my colleagues who will soon be debating ratification of the INF Treaty on the Senate floor.

NATO AND THE INF TREATY

Mr. LEAHY. Mr. President, in January I visited several NATO capitals to discuss the views of the allies on the INF Treaty. I was particularly interested in how they saw the treaty affecting NATO's capabilities to deter intimidation or aggression from the Warsaw Pact, its implications for the security ties between the United States and Europe, and what they believe NATO should do next. In many respects, the most important question relating to the INF Treaty is not the particular impact of the treaty itself, but what NATO's next steps in arms control and defense should be.

The central issues of the treaty impinge directly and immediately on the political and military solidarity of the Alliance, and the Senate has an obligation to understand fully what this treaty may mean to the long-term strength of NATO before it gives its advice and consent.

A full listing of my meetings in Europe is appended to this statement. Let me just state here that among my meetings were discussions with the British, Belgian, and Italian Foreign Ministers, the British and German Defense Ministers, and the Chief of Staff of SHAPE and his chief military assistants. In addition, I met with American Ambassadors in Britain and Italy, and our charges in Germany and Belgium, as well as the United States Permanent Representative to NATO.

To avoid problems of confidentiality, I have not attributed statements or points of view to individuals. But, I have tried to reflect as accurately as possible the spectrum of opinion I heard from all these meetings.

It will be noted, Mr. President, that my meetings were in the four key countries hosting U.S. Pershing and cruise missiles, and the countries where virtually all remaining United States nuclear weapons in Europe are based. These are the countries most directly affected by the INF Treaty, and who will be integral to decisions the Alliance must make about a future where arms control is likely to lead to continued reductions of strategic and theater nuclear weapons.

This is a lengthy statement, Mr. President, so let me first summarize my conclusions.

CONCLUSIONS

The Senate must act promptly to ratify the INF Treaty, and do so without adding "killer amendments" that would cause the Soviets to reject it.

Senators should not in their zeal for NATO insist on adding conditions to ratification of the INF Treaty that would create serious political controversy and division in the Alliance. The more specific and binding the Senate is about measures it believes the Alliance must take in force modernization or arms control, the greater the problems it will cause the allies.

The INF Treaty is irreversible no matter what the Senate does. Politically, there is no chance that INF deployments could be resumed if the treaty is rejected. In fact, there is a strong probability that INF systems already deployed would have to be removed. If we are to avoid the Soviets retaining their SS-20's while NATO loses Pershing and GLCM, the Senate must give its advice and consent to this treaty.

Our allies are willing to make and carry out difficult decisions on force improvements, including modernizing short-range nuclear weapons, but should not be forced into premature, highly public debates. The United States, as leader of the Alliance, has an obligation to use the consultative machinery of NATO to reach decisions that take into account the special situations of each country.

The allies unanimously support prompt conclusion of a START Agreement. However, there remains a legacy of deep concern about long-term United States intentions in extending its nuclear umbrella over Europe. These concerns were exacerbated by the far-reaching goals announced by President Reagan at Reykjavik—complete elimination of nuclear missiles—and the absence of consultations with the allies about such goals. The damaging impact on allied confidence in the United States of the Reykjavik summit must not be underestimated. A challenge to American leadership is to allay these profound concerns so heedlessly stimulated.

There is no Alliance consensus on what to do next on arms control in Europe. There is support for moving on to talks on conventional force reductions—though an underlying concern persists that such talks could lead to potentially dangerous U.S. conventional force reductions. A serious disagreement among the allies is possible on whether, when and with what goals further talks on remaining nuclear weapons in Europe should begin. Unless managed skillfully by the United States, this potential disagreement could lead to the isolation of the Federal Republic of Germany over a core Alliance security issue. This should not be allowed to happen, not with a steadfast ally like Germany.

In grappling with all these major issues about where NATO goes next, the present and successor administrations should look back to the model followed by the Carter administration in reaching NATO's December 1979 "dual track" decision. That step-by-step process successfully dealt with some of the most potentially divisive issues ever faced by the Alliance, and NATO came out of it stronger and more united than ever before. Above all, the allies should not be forced by the domestic political needs of an outgoing administration or individual Members of the Senate into premature decisions on such profoundly important security questions.

TREATY RATIFICATION

There have been some claims by treaty opponents that our allies, all of whom have formally endorsed the INF Treaty, were pressured by the Reagan administration to support it against their private inclinations. According to this claim, the allies are appalled at the zero option outcome, never expecting the United States would actually agree to remove all INF missiles from Europe. The theory goes on that the allies really wanted an agreement that left a clear, though reduced, capability based in Western Europe to strike into Soviet territory. This line of argument says the allies would have preferred an INF Treaty closer to the so-called walk in the woods proposal of 1984. Senators will recall that this proposal by Ambassador Paul Nitze would have left each side with 100 INF missile warheads.

Let me first state emphatically, Mr. President, that none of the allied foreign or defense ministers or NATO military officers with whom I spoke voiced any reservations whatsoever about the urgency and importance of ratification of the INF Treaty. They professed astonishment that anyone in the United States would make such claims. All stressed emphatically that the treaty should be ratified without conditions that would make it unacceptable to the Soviet Union. So far as I can tell from extensive discussions with the British, Belgian, German and Italian foreign and defense ministers or senior ministery officials, as well as top NATO military leaders, the Alliance unanimously wants prompt ratification of the INF Treaty, and would regard delay, defeat or derailment through unacceptable conditions a political and military disaster for NATO of very great magnitude.

So there can be no misunderstanding, I will repeat, Mr. President. Our allies want the Senate to give its advice and consent to the President to ratify the INF Treaty promptly and without conditions which would force a renegotiation of any portion of the agreement.

That said, Mr. President, I will also tell my colleagues that there are some influential figures among our allies who are not unreservedly happy with the complete removal of the INF missiles. Through the early 1980's the allies withstood intense political pressure in allowing these missiles to be based in their countries. They did so because NATO concluded in 1979 that it needed a capability in Europe to launch nuclear retaliation deep into the Warsaw Pact, including into Soviet territory, as part of the strategy of flexible response. Under that strategy, the Alliance must have a full range of capabilities to respond to any level of Warsaw Pact aggression from the conventional through the theater nuclear up to strategic nuclear war.

It seemed clear to me that at least some allied leaders wish that the outcome of the negotiations had been partial removal of the INF missiles, with a core deep strike missile capability remaining to maintain the deterrent credibility of flexible response. On the other hand, a cardinal principle of the Alliance is shared burdens and shared risks, and this principle would have been hard to maintain with an INF force cut to only 100 warheads. As a practical matter, these residual warheads would have had to have been concentrated in one or two countries, with possibly severe political problems for those countries being so singled out.

However, no allied leader with whom I spoke argued that the INF Treaty was disadvantageous to NATO, and all urged its prompt ratification. Almost all did say that the INF Treaty, by itself, means little from a military or arms control point of view—though they stressed its great political importance—and must be complemented soon by a strategic arms reduction treaty. Otherwise, the Soviets will quickly replace SS-20 warheads with more strategic missile warheads, as on the SS-25.

NEXT STEPS IN FORCE IMPROVEMENTS AND ARMS CONTROL

All allied leaders with whom I spoke pointed to remaining NATO deep strike forces, primarily dual capable aircraft, as preserving for the alliance the capability to present to the Soviet Union a credible risk of nuclear attack from within Europe. However, most conceded dual capable aircraft do not present the same deterrent risk as missiles. NATO's flexible response strategy remains fully valid, but the Alliance does need to examine thoroughly and systematically what further measures, both in arms control and in defense improvements, are needed to maintain high quality deterrence in the INF Treaty era. All accepted the obvious point that elimination of INF highlights Soviet conventional force advantages, but several emphasized that these Soviet advantages are not nearly as pronounced as many, especially in the United States, like to claim.

In all capitals, I found the allies willing to consider in the NATO framework what additional force improvements may be needed. All reaffirmed the 1983 Montebello decision that NATO should modernize its short range nuclear systems. All expressed a willingness to look at conventional force improvements. But, Mr. President, it was made very clear to me that the allies do not want to be stampeded into a public debate over what specific steps each country should take in force improvements. Even as I was in Europe for these meetings, I saw evidence why our allies should feel these concerns. There were press reports of senior administration civilian officials and U.S. military leaders talking about the importance of NATO deploying an extended range Lance missile. Of introducing a standoff nuclear missile for use on dual capable aircraft, and of upgrading the large NATO nuclear artillery force. There was a perception in Europe that the administration is already trying to push key allied countries toward early decisions on specific modernization programs before NATO has worked out a combined action plan for its next steps in force improvements and arms control—and before the allies have had an opportunity to work out a political consensus in their own countries about how to proceed.

The allied leaders with whom I spoke were invariably polite. But it was quite clear to me that underneath their courteous phrases were real concerns that the administration, in its need to demonstrate "strength" during the INF Treaty debate, will press them on modernizing short range nuclear forces. Also, frankly, I think they are worried that their friends in the Senate, in their zeal to show Alliance security is not compromised by the INF Treaty, may try to add conditions about NATO nuclear and conventional force modernization and improvements to the treaty. The more specific and binding these Senate conditions, the more problems they create for our allies.

I am confident, after these discussions, that all our allies are prepared to do what is necessary, within the political and fiscal realities of each partner, to maintain the strength and cohesion of NATO and the validity of Flexible Response. But, they want to use the NATO consultative machinery to work out specific steps, with due regard to the special sensitivities and political conditions of each country. The allies definitely do not want the Alliance consultative mechanism shortcircuited—as it disastrously was at the Reykjavik Summit. Nor do they want to be forced into a highly controversial public debate over specific force modernization measures, as they were during the neutron bomb fiasco.

Mr. President, let me interject a personal observation here. My sense from these conversations and from a broader acquaintance with NATO, one that I fostered over my 14 years in the Senate, is that politically and financially our allies cannot afford to do major things in force improvements—conventional or nuclear. They face many of the same fiscal and economic problems we do, and realistically they are not going to significantly expand defense spending, for that matter is the United States. Therefore, the more we claim NATO is at severe disadvantage in certain kinds of forces and the more we insist great efforts are needed to rectify imbalances, the more we foster perceptions of weakness. This simply undermines Western will and solidarity. It will not, whatever the doom and gloom crowd may think, stimulate our allies into greater defense efforts.

Therefore, Mr. President, during the INF Treaty debate and afterward, I hope the administration and individual Senators will keep calls for NATO defense efforts reasonable and within the bounds of political and fiscal reality. Let us not set up the Alliance as weak, when it is immensely strong, and let us not call for spending and deployments we will not accomplish.

The same concerns hold for the arms control dimension of NATO's overall political and military strategy for maintaining stability in relations with the East. Just as there is as yet no clear consensus among the allies on the question of precisely what force improvements to undertake, when and by whom, so there is no agreement on what to do next on arms control.

All those with whom I spoke were united in urging rapid conclusion of a START agreement reducing strategic offensive forces. That is the logical priority after ratification of the INF agreement. Allied leaders were clear that the INF agreement, while it is primarily important for political reasons, will be militarily meaningless without strict limits on Soviet strategic forces. Otherwise, as I noted earlier, the SS-20 warheads the Soviets will eliminate under the INF Treaty will be easily replaced by additional strategic ballistic missile warheads, such as the SS-25's.

Beyond that, there is no unanimity of view on what NATO's arms control priority should be. Most told me they strongly favor making major asymmetric conventional force reductions by the Warsaw Pact NATO's next goal. Others said they would add a ban on chemical weapons—to eliminate what some feel are significant Soviet advantages—though many conceded there are serious verification problems with verification of a chemical weapons ban.

Most allied leaders told me they wanted no further steps by NATO on its remaining theater nuclear arsenal. They believe INF and START treaties are as far as the Alliance should go in eliminating or reducing nuclear weapons, at least for now. They emphasized time and again that nuclear weapons are an integral part of NATO's deterrent strategy of Flexible Response, and the Alliance must take care to deflect the longstanding Soviet goal of the denuclearization of Europe. This would leave Western Europe naked before Soviet and Warsaw Pact conventional force advantages. "Decoupling" or the withdrawal of the American nuclear umbrella from Europe remains a nightmare to all our allies.

However, Mr. President, German leaders across the political spectrum, as well as opposition party figures in Britain—argued to me that NATO must move promptly to negotiations on short or battlefield range systems, of which NATO will retain well over 4,000 even under the INF Treaty. Most insisted the goal should not be a "third zero,"—elimination of all remaining nuclear systems in Europe. The aim should be reductions in short range nuclear systems to equality at some lower number (the Soviet Union is variously estimated in public literature to have some 6,000 short range warheads in Europe).

Our German friends, certainly the Government, share absolutely the position that NATO must retain nuclear weapons. However, antinuclear sentiment is extremely strong in Germany, and the German Government must be sensitive to pressures to go beyond the INF Treaty. Most of the remaining NATO nuclear arsenal is based in Germany, and if ever used, most would explode on German soil. German interest in negotiations on short range nuclear systems is understandable, and the Alliance has an obligation to consider the German point of view carefully.

THE CONSULTATIVE PROCESS AND THE CHALLENGE TO NATO

Allied leaders were highly complimentary of the Reagan administration's use of NATO consultative machinery during the INF negotiations. I heard no concerns expressed about the ability of the allies to present their views on the negotiations and to have them taken into account in the formulation of U.S. positions. There were some concerns expressed about the rapidity of the negotiations in the closing phases. It seemed to me that some allied leaders felt that the administration's initial proposal for a zero option in Europe was not serious, and the allies were somewhat surprised at the Soviet acceptance of the zero outcome. However, the allies all indicated they had had ample opportunity to consult with the United States during the negotiations, and all declared the zero-zero result was acceptable to them (although, as noted earlier, some said the zero-zero outcome did create new problems for the Alliance).

Much more serious concerns were voiced about indications the administration may pressure the Alliance to make quick decisions about specific conventional nuclear force modernization actions, and about what to do next in arms control. One allied leader was quite blunt in criticizing actions by the administration that circumvent established NATO consultation and decisionmaking procedures. All allies told me they want NATO to study next steps very carefully, making full use of Alliance mechanisms. Insofar as it is possible, they want to address issues of force modernization—and even arms control steps—out of the public limelight. They reminded me how well the process leading to the December 1979 dual track decision worked and said we should use the same model.

Specifically, the Germans fear the administration is going to spark a highly visible debate on modernizing and extending the range of the Lance battlefield missile, on deploying a tactical air launched missile on dual capable aircraft, and on modernizing NATO's nuclear artillery. The Germans are not ready for such a public debate, which would be highly divisive in their country. They need to make use of the NATO consultative machinery to deal with the issues of nuclear—and conventional—force modernization. Some spoke of using the consultative process to work out a new "dual track" strategy of short range nuclear modernization in the framework of a new nuclear arms control proposal.

In most meetings, allied leaders spoke of their shock at the President's actions at the Reykjavik summit, where he appeared to jettison 40 years of NATO strategy of integrating nuclear weapons into its overall deterrence posture. They said nothing in recent years had "jolted" them so much as this evidently casual, almost offhand agreement by the President to pursue the goal of a complete elimination of nuclear missiles. The damage of the administration's conduct of the Reykjavik summit should not be underestimated.

As an interesting demonstration of how closely the allies follow developments here, several times allied leaders raised the study by Dr. Fred Ikle and others entitled "Discriminate Deterrence." They saw this study as another bit of evidence, together with the Reykjavik summit, the zero/zero option, star wars, and other strategic actions of the Reagan administration, of a gradual loosening of the U.S. commitment to nuclear deterrence in Europe. They fear the United States is looking for ways to reduce the risk of nuclear war beginning in Europe and spreading to the intercontinental level—or conversely, that the United States is looking for ways to confine any nuclear exchange to Europe, sparing the American homeland. I sought to reassure them on this point, referring to the Ikle study as a classic example of the many "file and forget" papers that are done by our strategic community. Nevertheless, to have this study raised with concern is a needed reminder that the allies study our actions in much the same way as our kremlinologists or sinologists "read the tea leaves" to try to predict future directions of Soviet or Chinese policy. We ought to be more aware of how such essentially peripheral exercises

feed into allied anxieties about where we may be going in security policy.

SCHEDULE OF MEETINGS

The following is a list of my meetings on INF and related issues in Europe. I also had a separate schedule of meetings with EEC and host country officials on agriculture trade matters, which will be dealt with in a separate report.

LONDON

Ambassador Charles Price, U.S. Embassy.
DCM Ray Seitz, U.S. Embassy.
Alexander Vershbow, U.S. Embassy.
Sir Geoffrey Howe, Foreign Secretary.
George Younger, Minister of Defense.
Gerald Kaufman, Labor Party Foreign Policy Spokesman.

BRUSSELS

DCM Ronald Woods, U.S. Embassy.
Alexander Leibowitz, U.S. Embassy.
Leo Tindemans, Foreign Minister.
Ambassador Alton Keel, U.S. Mission to NATO.
Political Adviser Robert Gray, U.S. Mission to NATO.
John Kornblum, U.S. Mission to NATO.
Steven Geis, U.S. Mission to NATO.
General Robert Reed, Chief of Staff, SHAPE.
Donald Gelber, Political Adviser to SACEUR.
General Lutz Moek, Deputy Chief of Staff, Operations.
Admiral Fiorenzo Rosso. Deputy Chief of Staff, Support.
General Michael Nelson, Asst. Chief of Staff, Operations.
Air Comm. John Willis, Chief, Special Weapons Branch.

BONN

DCM James Dobbins, U.S. Embassy.
Felix Vargas, U.S. Embassy.
Manfred Woerner, Defense Minister (and soon to be Secretary General of NATO).
Helmut Schaefer, State Minister for Foreign Affairs.
Voker Ruehe, CDU Foreign Policy Spokesman.
Willy Wimmer, CDR Defense Spokesman.
Ortwin Lowack, CSU Foreign Affairs Spokesman.
Karl Lamers, CDU Arms Control Spokesman.
Michaela Geiger, CSU Spokesman on U.S. Affairs.
Dr. Werner Hoyer, FDP Defense Spokesman.
Dr. Horst Emke, SDP Foreign Policy Spokesman.
Dietrich Stobbe, SPD U.S. Affairs Expert.
Dieter Boden, FRG Foreign Service, aid to Dr. Emke.

ROME

Ambassador Maxwell Rabb, U.S. Embassy.
DCM John Holmes, U.S. Embassy.
John Tefft, U.S. Embassy.
Guilio Andreotti, Foreign Minister.
Guiseppe Pisanu, Undersecretary of Defense.

Finally, Mr. President, I also wish to take this opportunity to commend the majority leader on the new schedule that we have. There has been a great deal of interest in Vermont on the INF Treaty and other matters pending here. Usually, I would only be able to travel to Vermont on weekends. Last week, however, I was able to schedule meetings all over the State to discuss not only the trip that the leader was having, a trip that was carried prominently and clearly in the Vermont press, but also to discuss my trip and the legislative calendar.

Everywhere I went, Mr. President, throughout the State, I heard over and over again from Vermonters, ranging from schoolchildren to senior citizens, that they were delighted to see we actually had a schedule which enabled them to hear from us directly. I hope that Senators will cooperate with the leadership in making this new schedule possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished assistant Republican leader as to whether or not Calendar Order No. 527 on the Calendar of Business has been cleared on his side of the aisle.

Mr. SIMPSON. Mr. President, I advise the majority that, indeed, that has been cleared on our side of the aisle.

Mr. BYRD. I thank the assistant Republican leader.

GEOTHERMAL STEAM ACT AMENDMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 527.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1889) to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Geothermal Steam Act Amendments".

SEC. 2. The following [subsection is] *subsections are* inserted at the end of section 2 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1001):

"(f) 'Substantial investment' means expenditures at an amount per acre as specified by the Secretary. Such expenditures shall be made on one or more of the following: drilling exploratory, development, or temperature gradient wells; geological, geochemical, or geophysical surveys; environmental studies; architectural and engineering services procured in connection with design of generating facilities; or other expenditures approved by the Secretary.".

"(g) 'Significant thermal features within units of the National Park System' shall include, but not be limited to, the following: (1) thermal features within units of the National Park System designated as significant in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148 Fed. Reg. 28790); and (2) Crater Lake National Park.".

SEC. 3. Section 6 of the Geothermal Steam Act of 1970 as amended [(30 U.S.C. 1005(a))] *(30 U.S.C. 1005)* is amended by striking subsection (a), and inserting in lieu thereof, the following:

"(a) Geothermal leases shall be for a primary term of ten years. If geothermal steam is produced or utilized in commercial quantities within this term, or any administrative extension thereof as provided under subsection (c), such lease shall continue for so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional forty years.".

SEC. 4. Subsection 6(c) of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1005(c)) is amended by designating the current language as paragraph 6(c)(1), and by inserting the following as a new paragraph 6(c)(2):

"(c)(2) Any geothermal lease issued pursuant to this Act and in effect on or after the date of enactment of the Geothermal Steam Act Amendments [of 1987] shall be extended for successive five-year periods, but totaling not more than fifteen years, if—

"(i) the lessee has submitted a report to the Secretary detailing bona fide efforts to bring such lease or approved cooperative or unit plan of development into commercial production, given the then current economic conditions, and either;

"(ii) actual drilling operations, to a depth specified by the Secretary, were commenced prior to the end of its primary term and prior to the end of each successive five-year extension period and such drilling operations have not been used in obtaining a prior extension on any other lease and are being actively pursued on the lease to be extended or on another lease where, at the time application for extension is made and such drilling occurs, such leases are included in the same approved cooperative or unit plan of development or operation; or

"(iii) in the opinion of the Secretary, substantial investment has been made during the primary term and during each successive five-year extension on such lease or on another lease where, at the time the substantial investment is made, such leases are included in the same approved cooperative or unit plan of development or operation and such expenditures have not been used to obtain an extension on any other lease.".

SEC. 5. Section 6(d) of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1005(d)) is amended by striking subsection 6(d), and inserting in lieu thereof the following:

"(d) For purposes of subsection (a) of this section, the term "produced or utilized in commercial quantities" includes the comple-

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tion of a well capable of producing geothermal steam in commercial quantities.".

SEC. 6. Section 18 of the Geothermal Steam Act of 1970 as amended (30 U.S.C. 1017) is amended by inserting the following new paragraph after the first full paragraph of that section:

"No more than five years after approval of any cooperative or unit plan of development or operation, and at least every five years thereafter, the Secretary shall review each such plan and, after notice and opportunity for comment, eliminate from inclusion in such plan any lease or part of a lease not regarded as reasonably necessary to cooperative or unit operations under the plan: *Provided*, That such elimination is based on scientific evidence, and occurs only when it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any lease or part of a lease so eliminated would be eligible for an extension under section 6(c) of this title within two years if it separately meets the requirements for such an extension.".

[SEC. 7. For purposes of section 115(2)(a) of Public Law 99-591, significant thermal features within the national park system shall include, but not be limited to, the following thermal features designated as significant in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148 Fed. Reg. 28790).

[SEC. 8. The first sentence of section 115(2)(d) of Public Law 99-591 is amended to read as follows:

["(d) With respect to all geothermal leases and drilling permits issued, extended, renewed or modified, the Secretary shall include stipulations in leases and in drilling permits necessary to protect significant thermal features listed pursuant to subsection (a) of this section where a determination is made based on scientific evidence that the exploration, development, or utilization of the lands subject to the lease or drilling permit is reasonably likely to adversely affect such significant features.".

[SEC. 9. As part of the monitoring program required by section (2)(b) of Public Law 99-591, the Secretary of the Interior shall establish a research program to collect and assess data on the geothermal resources within units of the National Park System with significant thermal features. Such program shall begin with the collection and assessment of data for significant features near current or proposed geothermal development.

[SEC. 10. (a) The United States Geological Survey, in consultation with the National Park Service, shall conduct a study of the impact of present and potential geothermal development in the vicinity of Yellowstone National Park on the thermal features within Yellowstone National Park. The area to be studied shall include the lands within the Corwin Springs Known Geothermal Resource Area as designated in the July 22, 1975 Federal Register (Fed. Reg. vol. 40 No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

[(b) Any production from existing geothermal wells or any development of new geothermal wells or other facilities related to geothermal production is prohibited in the Corwin Spring Known Geothermal Resource Area until one hundred and eighty days after the receipt by Congress of the study provided for in subsection (a) of this section.

[(c) If the Secretary determines that geothermal drilling and related activities within the area studied pursuant to subsection (a) of this section may adversely affect the thermal features of Yellowstone National Park, the Secretary shall include in the report required under subsection (a) of this section recommendations regarding the acquisition of the geothermal rights necessary to protect such thermal resources and features.

[(d) The Secretary may not issue, extend, renew, or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) in the Corwin Spring Known Geothermal Resource Area until one hundred and eighty days after the receipt by Congress of the study provided for in section 10(a) of this Act. This section shall not be construed as requiring leasing subsequent to the one hundred and eighty days after study submittal.

[(e) Nothing contained in this Act shall affect the ban on leasing under the Geothermal Steam Act of 1970, as amended, with respect to the Island Park Geothermal Area, as designated by the map in the "Final Environmental Impact Statement of the Island Park Geothermal Area" (January 15, 1980. p. XI), and provided for in Public Law 98-473.]

SEC. 7. The Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001-1025) is amended by adding the following new section 28:

"SEC. 28. (a) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.

"(b) As part of the monitoring program required by subsection (a) of this section, the Secretary shall establish a research program to collect and assess data on the geothermal resources within units of the National Park System with significant thermal features. Such program shall begin with the collection and assessment of data for significant features near current or proposed geothermal development.

"(c) Upon receipt of an application for a geothermal lease the Secretary shall determine on the basis of scientific evidence if exploration, development, or utilization of the lands subject to the geothermal lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within units of the National Park System. Such determination shall be subject to notice and public comment. If the Secretary determines on the basis of scientific evidence that the exploration, development or utilization of the land subject to the geothermal lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within units of the National Park System, the Secretary shall not issue such geothermal lease. In addition, the Secretary shall withdraw from leasing under this Act those lands, or portion thereof, subject to the application for geothermal lease, the exploration, development, or utilization of which is reasonably likely to result, based on the Secretary's determination, in a significant adverse effect on a significant thermal feature within units of the National Park System.

"(d) With respect to all geothermal leases and drilling permits issued, extended, renewed or modified, the Secretary shall include stipulations in leases and in drilling permits necessary to protect significant thermal features within units of the National Park System where a determination is made based on scientific evidence that the exploration, development, or utilization of the lands subject to the lease or drilling permit is reasonably likely to adversely affect such significant features. Such stipulations shall include, but are not limited to—

"(1) requiring the lessee to reinject geothermal fluids into the rock formations from which they originate;

"(2) requiring the lessee to report annually to the Secretary on its activities;

"(3) requiring the lessee to continuously monitor geothermal production and injection wells; and

"(4) requiring the lessee to suspend activity, temporarily or permanently on the lease if the Secretary determines that ongoing exploration, development, or utilization activities are having a significant adverse effect on significant thermal features within units of the National Park System until such time as the significant adverse effect is eliminated.

"(e) The Secretary of Agriculture shall consider the effects on significant thermal features within units of the National Park System in determining whether to consent to leasing under this Act on national forest or other lands administered by the Department of Agriculture available for leasing under this Act, including public, withdrawn, and acquired lands.".

SEC. 8. (a) The United States Geological Survey, in consultation with the National Park Service, shall conduct a study of the impact of present and potential geothermal development in the vicinity of Yellowstone National Park on the thermal features within Yellowstone National Park. The area to be studied shall be the lands within the Corwin Springs Known Geothermal Resource Area as designated in the July 22, 1975, Federal Register (Fed. Reg. vol. 40 No. 141). The study shall be transmitted to Congress no later than December 1, 1990.

(b) Any production from existing geothermal wells or any development of new geothermal wells or other facilities related to geothermal production is prohibited in the Corwin Springs Known Geothermal Resource Area until one hundred and eighty days after the receipt by Congress of the study provided for in subsection (a) of this section.

(c) If the Secretary determines that geothermal drilling and related activities within the area studied pursuant to subsecton (a) of this section may adversely affect the thermal featurs of Yellowstone National Park, the Secretary shall include in the report required under subsection (a) of this section recommendations regarding the acquisition of the geothermal rights necessary to protect such thermal resources and features.

(d) The Secretary may not issue, extend, renew, or modify any geothermal lease or drilling permit pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) in the Corwin Springs Known Geothermal Resource Area until one hundred and eighty days after the receipt by Congress of the study provided for in section 8(a) of this Act. This section shall not be construed as requiring leasing subsequent to the one hundred and eighty days after study submittal.

SEC. 9. The Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001-1025), is amended by adding the following new section 29:

"SEC. 29. Nothing contained in this Act shall affect the ban on leasing under this Act with respect to the Island Park Geothermal Area, as designated by the map in the 'Final Environmental Impact Statement of the Island Park Geothermal Area' (January 15, 1980. p. XI), and provided for in Public Law 98-473.".

SEC. 10. To the extent that any provision in this Act is inconsistent with the provisions of section 115(2) of title I of section 101(h) of the Act Making Continuing Appropriations for fiscal year 1987, Public Law 99-591 (100 Stat. 4431-264 through 100 Stat. 4431-266), this Act shall be deemed to supersede the provisions of section 115(2) of title I of section 101(h) of the Act Making Continuing Appropriations for fiscal year 1987, Public Law 99-591 (100 Stat. 3341-264 through 100 Stat. 3341-266).

Mr. HECHT. Mr. President, I am pleased that the Senate is about to take action on S. 1889, a bill introduced by Senator MELCHER and myself to promote geothermal energy development in the United States. Geothermal energy is the most promising form of alternative energy currently available in our country.

Geothermal energy already provides electricity for hundreds of thousands of people, and its significance is growing day by day. Geothermal energy can also be used for space heating and industrial processes.

My own State of Nevada has truly immense geothermal potential. It has been estimated that Nevada's geothermal energy reserves can offer the equivalent of the full electric production of four nuclear powerplants. Geothermal energy may also prove a boon to the booming gold mining industry in Nevada, where the hot water may improve the efficiency of mining operations and turn seasonal operations into year-round ventures.

Ever since I came to the Senate I have worked hard on the legislation that is now before us. I have introduced bills in each of the recent Congresses to allow for the extension of geothermal leases for up to 15 years when temporary market conditions prevented a lease from being fully developed during its primary term.

As ranking minority member of the Mineral Resources Development and Production Subcommittee of the Committee on Energy and Natural Resources, it has been my pleasure during this Congress to join forces with my subcommittee chairman, Senator MELCHER, on the legislation now before us. I thank him for his leadership and his cooperation on this legislation.

I would also like to salute the father of geothermal energy in Nevada, former U.S. Senator Alan Bible, for his early and farsighted efforts in support of geothermal energy. Many years ago Senator Bible recognized the potential of this form of energy. I am pleased to be able to follow in his legislative footsteps, to continue the work he started, which will have significant value for our State and our country.

Mr. President, we have before us S. 1889, a bill introduced by Senator MELCHER and myself to amend the Geothermal Steam Act of 1970. A number of geothermal lessees have made substantial investments, in their leases during the primary term of their leases, but for a number of reasons will not be able to bring those leases into production during the primary term of the lease. This legislation allows for lease extensions when the Secretary of the Interior determines that the lessee has made a substantial investment in the lease or related lease in an approved cooperative or unit plan of development or operation and such investment has not been previously used to obtain an extension of another lease.

A lease held by the State of California, CA 5632, in Lake County, the so-called Binkley Leasehold, would appear to me to be covered by this bill. Over the last 10 years the State has spent about a million dollars on this lease for such things as legal expenses, economic analyses, permits, environmental studies, surveys, design work, and assorted consultants. The State is serious about eventually producing energy from this lease, and is hopeful that the provisions of this bill relating to substantial investment would allow California to receive an extension for this lease.

Without prejudicing in any way the authority of the Secretary under this bill to decide what constitutes substantial investment in a given situation, I would like to state my expectation as one of the sponsors of this legislation and the ranking minority member of the subcommittee of jurisdiction, that the Binkley lease would qualify for a lease extension under the substantial investment provision of the bill, assuming that the lessee meets all the other terms and conditions necessary for a lease extension.

Thank you, Mr. President. I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. Are there further amendments? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GAUCHER'S DISEASE AWARENESS WEEK

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 122.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 122) entitled "Joint resolution to designate the period commencing on October 18, 1987, and ending on October 24, 1987, as "Gaucher's Disease Awareness Week", do pass with the following amendments:

Page 2, strike out lines 3 through 8, and insert: *That the week beginning October 16, 1988, is designated as "Gaucher's Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.*

Amend the title so as to read: "Joint resolution to designate the week beginning October 16, 1988, as 'Gaucher's Disease Awareness Week'.".

Mr. BYRD. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I would like to inquire of the assistant Republican leader as to whether or not Calendar Order No. 517 on the executive calendar under Department of Defense has been cleared for action on his side of the aisle.

Mr. SIMPSON. Mr. President, I advise the majority leader that that item, Calendar No. 517, has been cleared on this side of the aisle.

Mr. BYRD. I thank my friend.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Ronald F. Lehman II, of Virginia, to be an Assistant Secretary of Defense, vice Richard N. Perle, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

DEPARTMENT OF DEFENSE

The assistant legislative clerk read the nomination of Ronald F. Lehman II, of Virginia, to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, may I respectfully inquire of the majority leader whether it might be possible to go to the consideration of Calendar Item No. 507 on the Executive Calendar, the nomination of Wade Brorby, of Wyoming, to be United States Circuit Judge for the Tenth Circuit.

Mr. BYRD. Mr. President, we have a hold on our side of the aisle on the other nominees to the judiciary. On that one nomination, the distinguished assistant Republican leader discussed this matter with me earlier. The Senator who has exercised his right to place some holds on some nominees has been contacted. I certainly want to be as accommodating as I can be to the distinguished assistant Republican leader. By virtue of his efforts and his great interest in this nomination, we are prepared to proceed with the consideration of the nomination at this time. I yield to the Senator from Wyoming to make the motion.

Mr. SIMPSON. Mr. President, I deeply appreciate that, and I certainly understand the concern of my colleague on the other side of the aisle with regard to the other nominations. I understand the nature of the hold on those other nominees. I hope that can be resolved soon. I do want to thank the majority leader. I realize fully that this is a personal accommodation. I accept it as that. I am very gratified at that.

I have known Wade Brorby since we attended law school together at the University of Wyoming. There were only a small number of students in our graduating class, and I had the opportunity to get to know Wade very well. He graduated with high honors from the University of Wyoming Law School. A superb lawyer he is.

But my long personal acquaintance with him is not the reason that he was being considered for this position. He has been selected entirely "on the merits". The entire Wyoming congressional delegation, under the fine leadership of our senior Senator, MALCOLM WALLOP, and with the able assistance of our congressman, DICK CHENEY, set up a "blue ribbon" merit selection committee of well respected and seasoned lawyers to evaluate individuals for this judgeship. Wade Brorby was the very first choice of this impartial panel.

I have known Wade to be an outstanding member of the legal community in Wyoming. He has practiced law in the city of Gillette, WY, following his law school graduation and after a three-year stint in the Air Force. Not only has he actively, avidly and successfully practiced law, he has also been a very active member in the Gillette community and a member of the board of directors of many Campbell County and Gillette service clubs and organizations.

Wade has consistently handled himself with distinction. He is a "class guy" in every respect. In his law school days he was on the editorial board of the Wyoming Law Journal and on the dean's list. He even edited my law review articles—and they were dazzling pieces! His practice of law and his association with the legal community and Gillette community also exemplify his character and fitness to be a judge. He and his lovely wife, Miriam, are delightful people whom Ann and I are very honored to count among our fine friends. I heartily and earnestly support him as the nominee for the Tenth Circuit Court of Appeals and unhesitatingly commend him to you. I do appreciate the leaders expeditious handling of his nomination by the Senate.

This nomination has been "in the pipeline" for many months. The Tenth Circuit Court of Appeals seat for which Wade is nominated, has been vacant since April 8 of last year. A second Tenth Circuit Court of Appeals seat has now been vacant for over 3 years. The backlog in caseload is becoming more than an embarrassment, it is a disservice to the administration of Justice. The addition of Wade Brorby, who thoroughly thrives on hard work, will go a very long way in resolving that situation. There simply could not be a finer selection.

I thank my colleagues on both sides of the aisle for their assistance in confirming this fine nominee.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Executive Calendar Order No. 507.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

THE JUDICIARY

The assistant legislative clerk read the nomination of Wade Brorby, of Wyoming, to be U.S. circuit judge for the Tenth Circuit.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, let me thank the majority leader for the extraordinary courtesy in allowing me to make that motion as a member of the minority party. That was very uncommon but it is very deeply appreciated.

Mr. BYRD. Mr. President, I thank the distinguished Senator. He is very welcome. I am pleased to be of assistance and I always want to be of assistance where I can be.

Mr. President, I ask that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that on February 5, 1988, he had approved and signed the following enrolled bill:

S. 825. An act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 9, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 402. Joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week".

Under the authority of the order of the Senate of February 3, 1987, the enrolled joint resolution was signed on February 9, 1988, during the adjournment of the Senate, by the President pro tempore (Mr. STENNIS).

MESSAGES FROM THE HOUSE

At 2:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5) to improve elementary and secondary education, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Education and Labor, for consideration of the House bill, and the Senate amendment (except section 7003), and modifications committed to conference: Mr. HAWKINS, Mr. FORD of Michigan, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. HAYES of Illinois, Mr. PERKINS, Mr. SAWYER, Mr. SOLARZ, Mr. WISE, Mr. RICHARDSON, Mr. ROBINSON, Mr. VISCLOSKY, Mr. ATKINS, Mr. JEFFORDS, Mr. GOODLING, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BARTLETT, Mr. FAWELL, Mr. HENRY, and Mr. GRANDY.

From the Committee on Energy and Commerce, for consideration of section 7003 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. MARKEY, Mr. SWIFT, Mr. RINALDO, and Mr. BLILEY.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2515. A communication from the United States Trade Representative transmitting, pursuant to law, a report identifying foreign export subsidies and opportunities where U.S. export subsidies can be used most effectively; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2516. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, notification of funding sources prior to any transfer of funds in support of the Nicaraguan Democratic Resistance; to the Committee on Appropriations.

EC-2517. A communication from the Secretary of Defense transmitting, pursuant to law, certification of production facilities for the Bigeye Binary Chemical Bomb; to the Committee on Armed Services.

EC-2518. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation "To amend title 10, United States Code, to provide authority for the Armed Forces to recover and examine certain remains"; to the Committee on Armed Services.

EC-2519. A communication from the Secretary of Transportation transmitting a draft of proposed legislation "To make two technical amendments to laws relating to drug interdiction"; to the Committee on Armed Services.

EC-2520. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, a report on the stockpiling of strategic and critical materials; to the Committee on Armed Services.

EC-2521. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification that the Navy intends to sell certain naval vessels to the Government of the Arab Republic of Egypt; to the Committee on Armed Services.

EC-2522. A communication from the Deputy Assistant Secretary, Department of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of the commissary resale warehouse function at Offutt Air Force Base, NE, to performance under contract; to the Committee on Armed Services.

EC-2523. A communication from the Secretary of the Army transmitting, pursuant to law, a report on the determination and findings for other than full and open competition for evaluation of service of 24th Infantry Regiment; to the Committee on Armed Services.

EC-2524. A communication from the Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a report on supplemental contract awards for the period January 1, 1988, to February 29, 1988; to the Committee on Armed Services.

EC-2525. A communication from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation "National Bank Regulatory Simplification Act of 1988"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2526. A communication from the Secretary of Transportation transmitting, pursuant to law, a report detailing the activities undertaken by the Department of Transportation to implement the Commercial Space Launch Act of 1984; to the Committee on Commerce, Science, and Transportation.

EC-2527. A communication from the Secretary of Energy transmitting, pursuant to law, the Eleventh Report entitled "Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities"; to the Committee on Energy and Natural Resources.

EC-2528. A communication from the Assistant Secretary (Land and Mineral Management) of the Department of the Interior transmitting, pursuant to law, a report entitled "Report of Review and Revision of Royalty Payments for Fiscal Years 1985 and 1986 for Federal Onshore and Outer Continental Shelf Oil and Gas Leases"; to the Committee on Energy and Natural Resources.

EC-2529. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report concerning the impact on competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2530. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on financing, supply, and installation activities of public utilities in connection with the Residential Conservation Service Program; to the Committee on Energy and Natural Resources.

EC-2531. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report entitled "The Impact of State Hospital Payment Ratesetting Systems"; to the Committee on Finance.

EC-2532. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, the 52d quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-2533. A communication from the Secretary of Commerce transmitting, pursuant to law, monthly reports on imports during July, August, and September, 1987, of strategic and critical materials from countries of the Council for Mutual Economic Assistance; to the Committee on Foreign Relations.

EC-2534. A communication from the Secretary of Commerce transmitting, pursuant to law, a monthly report on imports during June 1987 of strategic and critical materials from countries of the Council for Mutual Economic Assistance; to the Committee on Foreign Relations.

EC-2535. A communication from the Assistant Secretary (Legislative Affairs), Department of the Treasury, transmitting, pursuant to law, a report analyzing the impact of IMF-supported economic adjustment programs implemented during 1985 on the provisions of basic human needs in program countries; to the Committee on Foreign Relations.

EC-2536. A communication from the Assistant Secretary (Legislative Affairs) of State conveying a Honduran National Congress resolution expressing support for the Esquipulas II accords and for democratization in Central America; to the Committee on Foreign Relations.

EC-2537. A communication from the Secretary of State transmitting, pursuant to law, a report with respect to U.S. security assistance programs; to the Committee on Foreign Relations.

EC-2538. A communication from the Chairman, Board for International Broadcasting, transmitting, pursuant to law, its annual report covering the period from October 1, 1986, through September 30, 1987; to the Committee on Foreign Relations.

EC-2539. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-132, adopted by the council on January 5, 1988; to the Committee on Governmental Affairs.

EC-2540. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-133, adopted by the council on January 5, 1988; to the Committee on Governmental Affairs.

EC-2541. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-134 adopted by the council on January 5, 1988; to the Committee on Governmental Affairs.

EC-2543. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-137, adopted by the council on January 5, 1988; to the Committee on Governmental Affairs.

EC-2544. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-136, adopted by the council on

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January 5, 1988; to the Committee on Governmental Affairs.

EC-2545. A communication from the President of the Export-Import Bank of the United States transmitting, pursuant to law, a report containing a statistical summary of performance under the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC-2546. A communication from the Secretary of Education transmitting, pursuant to law, the annual report of the Advocate for Competition for the Department of Education; to the Committee on Governmental Affairs.

EC-2547. A communication from the Assistant Secretary (Administration), Department of Transportation, transmitting, pursuant to law, a report for the alteration of four Saint Lawrence Seaway Development Corporation systems of records; to the Committee on Governmental Affairs.

EC-2548. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report entitled "Review of Boxing and Wrestling Commission Chairperson's Travel Expenditures for Fiscal Years 1982 Through 1987"; to the Committee on Governmental Affairs.

EC-2549. A communication from the Chairman of the Federal Trade Commission transmitting, pursuant to law, the annual report of the Federal Trade Commission for the fiscal year 1987; to the Committee on Governmental Affairs.

EC-2550. A communication from the Vice President, C&P Telephone Co., transmitting, pursuant to law, a report containing a statement of receipts and expenditures of the Chesapeake and Potomac Telephone Co.; to the Committee on Governmental Affairs.

EC-2551. A communication from the Chairman of the U.S. Merit Systems Protection Board transmitting, pursuant to law, the Board's annual report regarding the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-2552. A communication from the Chairman, Commission on Intergovernmental Relations, transmitting, pursuant to law, the 29th annual report of the Advisory Commission on Intergovernmental Relations; to the Committee on Governmental Affairs.

EC-2553. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-138, adopted by the council on January 5, 1988; to the Committee on Governmental Affairs.

EC-2554. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Nuclear Regulatory Commission's "Annual Report on Competition"; to the Committee on Governmental Affairs.

EC-2555. A communication from the Controller, Washington Gas Light Co., transmitting, pursuant to law, a report containing a certified copy of a balance sheet of the company as of December 31, 1987; to the Committee on Governmental Affairs.

EC-2556. A communication from the Secretary to the Board, U.S. Railroad Retirement Board, transmitting, pursuant to law, a report on the Board's fiscal year 1987 activities to increase competition; to the Committee on Governmental Affairs.

EC-2557. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, an annual report on competition; to the Committee on Governmental Affairs.

EC-2558. A communication from the Chairman of the Equal Employment Opportunity Commission transmitting, pursuant to law, the Commission's third annual report on competition; to the Committee on Governmental Affairs.

EC-2559. A communication from the Director of the National Science Foundation transmitting, pursuant to law, a report on competition for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2560. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, the (VA) annual report on procurement competition, pursuant to section 21 of the Competition in Contracting Act (CICA); to the Committee on Governmental Affairs.

EC-2561. A communication from the Executive Secretary, Federal Reserve Employee Benefits System transmitting, pursuant to law, the annual report for the plan year ending December 31, 1986; to the Committee on Governmental Affairs.

EC-2562. A communication from the Director, Administrative Office of the United States Courts transmitting, pursuant to law, a report on 15 positions (grades 16, 17, and 18) allocated by statute to the Administrative Office of the U.S. Courts as of December 31, 1987; to the Committee on Governmental Affairs.

EC-2563. A communication from the Chairman of the Copyright Royalty Tribunal transmitting, pursuant to law, the annual report for the fiscal year ending September 30, 1987; to the Committee on the Judiciary.

EC-2564. A communication from the Chief Immigration Judge, Department of Justice transmitting, pursuant to law, a report on grants of suspension to section 244(a)(1) and section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

EC-2565. A communication from the Assistant Attorney General of the United States (Legislative Affairs) transmitting, pursuant to law, a certification indicating whether any part of section 8142 of House Joint Resolution 395 will interfere with any ongoing criminal investigation; to the Committee on the Judiciary.

EC-2566. A communication from the Secretary of Education transmitting, pursuant to law, notice of final funding priorities for rehabilitation research and training centers for fiscal year 1988 under the National Institute on Disability and Rehabilitation Research; to the Committee on Labor and Human Resources.

EC-2567. A communication from the Chairman of the Intergovernmental Advisory Council on Education transmitting, pursuant to law, the report and recommendations of the Council for the improvement of the educational system in the area of job training and retraining; to the Committee on Labor and Human Resources.

EC-2568. A communication from the Administrator of the Task Force on Environmental Cancer and Heart and Lung Disease transmitting, pursuant to law, the annual report of the task force for 1986; to the Committee on Labor and Human Resources.

EC-2569. A communication from the Director of the National Science Foundation transmitting, pursuant to law, a report entitled "Women and Minorities in Science and Engineering; to the Committee on Labor and Human Resources.

EC-2570. A communication from the staff director of the Commission on Education of the Deaf transmitting, pursuant to law, a report entitled "Toward Equality: Education of the Deaf," a report on the quality of education of deaf persons in America; to the Committee on Labor and Human Resources.

EC-2571. A communication from the Deputy Assistant Secretary of Defense (Systems) transmitting, pursuant to law, the report on performance of Department of Defense commercial activities for fiscal year 1987; to the Committee on Armed Services.

EC-2572. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to authorize a scholarship program for selected junior military officers and defense force leaders with similar status from the countries of the Americas, other than the United States and Canada, to attend educational institutions in the United States which host, or have an agreement with, a Senior Reserve Officers' Training Corps (ROTC) unit; to the Committee on Armed Services.

EC-2573. A communication from the Assistant to the President for Legislative Affairs transmitting, pursuant to law, notice that the information asked for on the current method of estimating yields of Soviet underground nuclear tests to determine compliance with the 150 kiliton limit will be forthcoming with the President's report on Soviet noncompliance with arms control agreements; to the Committee on Armed Services.

EC-2574. A communication from the Secretary of Defense transmitting, pursuant to law, the annual report of the Reserve Forces Policy Board for fiscal year 1987; to the Committee on Armed Services.

EC-2575. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the interim report on the Transitional Housing Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2576. A communication from the Director of the Office of Management and Budget, Executive Office of the President transmitting, pursuant to law, the third annual report on the impact of offsets in defense-related exports; to the Committee on Banking, Housing, and Urban Affairs.

EC-2577. A communication from the Acting Secretary of Commerce transmitting, pursuant to law, the annual report of the Export Administration for fiscal year 1987; to the Committee on Banking, Housing, and Urban Affairs.

EC-2578. A communication from the Assistant Secretary of Commerce transmitting, pursuant to law, notice of the National Oceanic and Atmospheric Administration's intention to award a contract for performance of certain commercial-type functions at John F. Kennedy International Airport, NY; to the Committee on Commerce, Science, and Transportation.

EC-2579. A communication from the Assistant Secretary of Commerce transmitting, pursuant to law, notice of the National Oceanic and Atmospheric Administration's intention to award a contract for the performance of certain commercial-type activities at LaGuardia Airport, NY; to the Committee on Commerce, Science, and Transportation.

EC-2580. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on railroad financial assistance for fiscal year 1987; to the Committee on Commerce, Science, and Transportation.

EC-2581. A communication from the Secretary of Commerce transmitting, pursuant

to law, the annual report on ocean pollution, monitoring, and research for fiscal year 1986; to the Committee on Environment and Public Works.

EC-2582. A communication from the Chairman of the United States International Trade Commission transmitting, a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1989; to the Committee on Finance.

EC-2583. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, the annual report on the status of DOD guaranty loans for fiscal year 1987; to the Committee on Foreign Relations.

EC-2584. A communication from the Assistant Legal Advisor for Treaty Affairs transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to February 4, 1988; to the Committee on Foreign Relations.

EC-2585. A communication from the Chairman of the Farm Credit Administration transmitting, pursuant to law, the third Farm Credit Administration report required by the Competition in Contracting Act; to the Committee on Governmental Affairs.

EC-2586. A communication from the Assistant Secretary of Transportation (Administration) transmitting, pursuant to law, notice of proposed changes to certain Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2587. A communication from the Administrator of General Services transmitting, pursuant to law, a report on the donation of surplus personal property for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2588. A communication from the Chairman and the General Counsel of the National Labor Relations Board transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1987; to the Committee on Governmental Affairs.

EC-2589. A communication from the Acting Assistant Secretary of the Treasury (Management) transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2590. A communication from the Assistant Secretary of Agriculture (Administration) transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2591. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, copies of D.C. Act 7-140 adopted by the council on January 5, 1988; to the Committee on Governmental Affairs.

EC-2592. A communication from the Chairman of the Occupational Safety and Health Review Commission transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-2593. A communication from the Director of the Federal Bureau of Investigation transmitting, pursuant to law, notice of a delay in the submission of a report on the effect of recruitment, retention, and operations of the New York field office caused by the unusual living expenses of the area; to the Committee on the Judiciary.

EC-2594. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of the decision granting defector status to a certain alien under section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2595. A communication from the Counsel to the Pacific Tropical Botanical Garden transmitting, pursuant to law, the audit report of the Pacific Tropical Botanical Garden for calendar year 1986; to the Committee on the Judiciary.

EC-2596. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Library Research and Demonstration Program; to the Committee on Labor and Human Resources.

EC-2597. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Regional Resource and Federal Centers Program; to the Committee on Labor and Human Resources.

EC-2598. A communication from the Secretary of Education transmitting, pursuant to law, notice of final funding priority for fiscal years 1988 and 1989—Teachers as Researchers; to the Committee on Labor and Human Resources.

EC-2599. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Financial Audit—Senate Building Beauty Shop Statements—6 Month Period Ended 12-31-86"; to the Committee on Rules and Administration.

EC-2600. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Financial Audit—Senate Building Beauty Shop Statements—4 Month Period Ended 6-30-86"; to the Committee on Rules and Administration.

EC-2601. A communication from the Executive Secretary, Office of the Secretary of Defense transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for October through November 1987; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-403. A resolution adopted by the California Republican Party relative to fair trade; to the Committee on Finance.

POM-404. A resolution adopted by the California Republican Party relative to the Alaska Boundary Negotiations; to the Committee on Foreign Relations.

POM-405. A resolution adopted by the Commission of the City of Miami, Florida relative to funding for international refugee assistance programs; to the Committee on the Judiciary.

POM-406. A resolution adopted by the City Commission of Port Isabel, Texas relative to the serious needs of veterans in the Rio Grande Valley; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, without amendment:

H.R. 3025. A bill to grant the consent of the Congress to the Appalachian States Low-Level Radioactive Waste Compact (Rept. No. 100-285).

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, without amendment and an amended preamble:

S.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating June 6-12, 1988 as "National Fishing Week."

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 206. Joint resolution to declare Dennis Chavez Day.

S.J. Res. 218. Joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S.J. Res. 222. Joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week."

S.J. Res. 223. Joint resolution to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week."

S.J. Res. 224. Joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."

S.J. Res. 245. Joint resolution to designate April 21, 1988, as "John Muir Day."

S.J. Res. 246. Joint resolution to designate the month of April, 1988, as "National Child Abuse Prevention Month."

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 4, 1988, the following reports of committees were submitted on February 11, 1988 during the adjournment of the Senate:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1904. A bill to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce (with minority views) (Rept. No. 100-284).

EXECUTIVE REPORTS ON COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Sydney J. Olson, of Virginia, to be an Assistant Secretary of Health and Human Services.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCLURE:

S. 2055. A bill to designate certain national forest system lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain national forest system lands, and to release other forest lands for multiple-use management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 2056. A bill for the relief of Sascha Glade Weinzheimer, Jean Weinzheimer Jansen, Doris Alexa Weinzheimer, Walter Richard Weinzheimer, and the estate of Walter Weinzheimer; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 2057. A bill to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURDICK (for himself, Mr. DOLE, Mr. INOUYE, Mr. GRASSLEY, Mr. STENNIS, Mr. McCLURE, Mr. SIMON, Mr. SYMMS, Mr. EXON, Mr. BOND, Mr. GORE, Mr. DURENBERGER, Mr. BUMPERS, Mr. NUNN, Mr. SHELBY, Mr. SANFORD, Mr. RIEGLE, Mr. LUGAR, Mr. McCAIN, Mr. ROCKEFELLER, Mr. HOLLINGS, Mr. BOSCHWITZ, and Mr. KARNES):

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as National Health Awareness Week;" to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE:

S. Res. 378. A resolution to refer S. 2056 entitled "A bill for the relief of Sascha Glade Weinzheimer, Jean Weinzheimer Jansen, Doris Alexa Weinzheimer, Walter Richard Weinzheimer, and the estate of Walter Weinzheimer" to the Chief Judge of the U.S. Claims Court for a report thereon; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLURE:

S. 2055. A bill to designate certain national forest system lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulas for certain national forest system lands, and to release other forest lands for multiple-use management, and for other purposes; referred to the Committee on Energy and Natural Resources.

IDAHO WILDERNESS LEGISLATION

Mr. McCLURE. Mr. President, today I am introducing the Idaho Forest Management Act of 1988, legislation that will finally resolve the longstanding difficult issues surrounding the remaining forest wilderness in my State of Idaho. A product of many weeks of negotiation between Idaho Governor Cecil Andrus and myself, this legislation will chart a positive future for the management of Idaho's extensive national forests.

We are blessed in Idaho with an abundance of natural resources. The Gem State is the most heavily forested of the Rocky Mountain States. We have more than 16,000 miles of rivers and nearly 2,000 natural lakes. Idahoans can boast, and rightly so, that they live in one of the most beautiful States of the Republic, from Mount Borah's Peak 12,600 feet above sea level to the floor of Hell's Canyon, a gorge deeper than even the Grand Canyon. We have an abundance of minerals such as gold, silver, copper, iron, lead, and zine. From the pristine alpine forests and wildflower-filled meadows surrounding trout-filled Kelly Creek, to the barren and desolate beauty of the craters of the Moon, our natural resources provide outstanding recreational opportunities as well as an economic foundation for our communities, including jobs and taxes.

The majority of these resources occur on Idaho's vast public lands. The output of goods and services from these lands is determined through management practices established either by Federal legislation or administrative regulation. Out of Idaho's 53 million acre land base, more than 33.5 million acres is managed by the Federal Government. More than 20.5 million of that is national forest land of which approximately 13 million acres is, by definition, roadless. The legislation I am proposing today creates new wilderness within the boundaries of nine national forests in Idaho, including the Boise, Caribou, Challis, Clearwater, Panhandle, Payette, Salmon, Sawtooth, and the Targhee, and would increase the current wilderness system in Idaho from 3,969,757 million to nearly 5.4 million acres, which is more wilderness than in any other State in the lower 48, and second only to Alaska.

Over the years, I've hiked through much of the wild country of Idaho and fished some of the best streams and lakes in the Nation. Like most Americans, I treasure these experiences and feel real gratitude in knowing that my grandchildren will have ample opportunity to enjoy them as well. Whether they enjoy the solitude of a wilderness setting or the convenience of a recreation area with road access, Congress has provided such opportunities for generations to come.

At the same time, however, it is important to note that these public lands also provide a resource base for the traditional Idaho industries of timber and mining, cattle ranching, and energy development. Some of Idaho's most avid sportsmen are lumberjacks and miners by trade. Their livelihoods as well as their recreational pursuits are in large part dependent upon national forest resources.

The Forest Service has been studying and evaluating roadless areas in Idaho for potential wilderness designation for more than 20 years. The first mandated roadless area review and evaluation—rare I—was begun in 1972, and the second such review, rare II, was conducted in the late 1970's In 1979, the Carter Administration made its recommendations to Congress on which lands out of a possible 62 million acres nationwide should be designated wilderness. Since that time, wilderness bills have been enacted in States from coast to coast. Only Nevada, Montana, and my State of Idaho still face difficult wilderness questions.

The Idaho Forest Management Act I am introducing today will bring a degree of certainty to the management of these roadless areas that has been so desperately needed for such a long period of time. Governor Andrus and I, and indeed several elected officials within the Idaho delegations of past and present have worked diligently over a very long period of time trying to resolve this complex and difficult matter. Numerous meetings and hearings, including four days of hearings of the U.S. Senate Committee on Energy and Natural Resources during the late summer of 1983, have been conducted in an attempt to find the best solution—from all perspectives—to this issue. We have sifted through hundreds of pages of testimony and thousands of pieces of written correspondence, and, we have reviewed any number of resource statistic and forest management documents in our attempt to craft this wilderness legislation.

It is important to note parenthetically that Governor Andrus and I have known each other since the early 1960's when we served together in the Idaho Legislature. In spite of the fact that we are from different political parties, a mutual trust resulting from our long association, our experience with public lands issues, and the trust the Idaho people have placed in us offered us a rare opportunity to resolve this issue. With this as background, we approached the crafting of this bill in a unique way. Rather than begin negotiations with a target plan based on a predetermined number of acres, we started from scratch and discussed the best use of each area of the national forest individually. While such details of our negotiations may seem superfluous, they are essential to understanding our proposal. The final product includes a chain of delicately balanced resource tradeoffs. Virtually every decision to allow timber harvesting has been balanced by another decision to protect fish and wildlife habitat. Every decision to allow motorized access to a specific area has been balanced by another decision to set aside an area where motorized vehicles will be prohibited. To add or to delete from our proposal could do great damage to the balance we have so carefully constructed.

I am pleased to say that Governor Andrus and I believe this legislation considers the needs of both current and future generations. It also strikes a balance between the economic requirements of the State and the desire to set aside lands for nondevelopment. It proposes over 1.4 million acres of new wilderness, creates special management areas in nearly 611,000 additional acres, and finally addresses the future management of those roadless areas not designated as wilderness. It proposes many more acres than a great many Idahoans have been willing to accept yet also proposes considerably fewer acres than a great many Idahoans have pushed for. It is in every sense of the word a compromise; albeit a reasonable, workable compromise for Idahoans all of whom, one way or another, are dependent on the State's national forests and the goods and services they provide. From our public school system, which is supported by Forest Service timber receipts, to our outfitters and guides, who introduce the rest of the world to Idaho's back country, this bill provides the true balance of wilderness and multiple use management on which our future planning and growth must be based.

Several years ago I came across an article in the Wall Street Journal which addressed the wilderness issue and the philosophies behind it. While we have made many decisions with respect to this Nation's wilderness system over the past few years, I believe this article written by Vermont Royster, one of this country's most celebrated newspapermen, bridges what still is a very large gap between wilderness and nonwilderness advocates. It is the job of Governor Andrus and I to bridge that gap in our home State, but it is imperative that we also bridge that gap here in Washington in order to reach an equitable resolution of this matter. I'd like to share with my colleagues a portion of Royster's article in the hopes that it will motivate some recognition of the poet that exists on both sides of this issue:

> Poets, to be sure, have always found romance in wilderness, and perhaps today's environmentalists are poets at heart. But is there not also a touch of the poet in those who look at barren land and see it plowed with growing fields of grain? Or in those who dig the earth in search of oil to fuel homes and factories or give electricity to light the night? Yet to hear some people talk, it's a sacrilege to cut down a single tree. . . . It's wicked to drill through frozen tundra or clear forest land for man's habitation.
>
> For my own part, I would like to see some untamed land kept to remind us of Eden lost, where those who will may visit to escape our concrete cities and the maddening crowd. Our spirit as well as our flesh needs its respite. Still, we, the human species would never have moved out of the Mesopotamian Valley to spread ourselves over the whole Earth except that we tamed wilderness for man's use . . . only thus were we able to be fruitful and multiply.

Mr. President, let me emphasize my commitment to diligently pursue the resolution of this issue before the end of the year. We in Congress have what I believe is a unique opportunity to finally put to rest this important wilderness legislation which has been so difficult for us in the past. Passage of this bill will provide the Forest Service in my State of Idaho with the legislative direction and stability they require in order to most effectively perform the very important task of managing our National Forest System, and it will provide pleasures and benefits for this and many future generations of Idahoans and, indeed, all Americans. I strongly urge my colleagues to support me in pushing for quick passage of this important wilderness legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Idaho Forest Management Act of 1988".

TITLE I—FINDINGS, PURPOSES, WILDERNESS AND SPECIAL DESIGNATIONS

SEC. 101. (a) The Congress finds that—

(1) certain areas of undeveloped national forest lands in the State of Idaho possess outstanding natural characteristics giving them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) review and evaluation of roadless and undeveloped lands in the national forest system of Idaho have identified those areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the national forest system's share of a quality National Wilderness Preservation System; and

(3) review and evaluation of roadless and undeveloped lands in the national forest system in Idaho have also identified those areas which should be specially managed under a prescribed formula designed to allow timber harvesting while protecting and mitigating damage to fish and wildlife resources and also identified other areas which should be specially managed for recreational access only; and

(4) review and evaluation of roadless and undeveloped lands in the national forest system in Idaho have also identified those areas which should be available for multiple uses other than wilderness, subject to the Forest Service's land management planning process and the provisions of this Act.

(b) Thé purposes of this Act are to—

(1) designate certain national forest system lands in Idaho for inclusion in the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people;

(2) designate certain National Forest system lands in Idaho for special management under prescribed formulae designed to allow timber harvesting while protecting and mitigating damage to fish and wildlife resources and to designate certain other lands for special management to allow recreational access only;

(3) withdraw, subject to valid existing rights, National Wilderness Preservation system lands in the State of Idaho, including those so designated by this Act, from operation of the general mining and mineral leasing laws in order to protect the physical characteristics and wilderness values which motivated the Congress to include these lands within the System;

(4) require appropriate inventory to assess and document the minerals potential of National Wilderness Preservation System lands in the State of Idaho in order to enhance the data base; and

(5) insure that certain national forest system lands in the State of Idaho be made available for multiple uses other than wilderness in accordance with applicable national forest laws and planning procedures and Title II of this Act. The lands referred to in this paragraph may be managed for a wide variety of uses, depending on their unique characteristics, including but not limited to fish and wildlife protection management, developed and undeveloped recreation, scenic enjoyment, preservation of natural characteristics, range management, grazing, timber harvesting, watershed and vegetation management, energy and minerals exploration and development, and other uses.

SEC. 102. In furtherance of the purposes of the Wilderness Act (78 Stat. 890), and to end the dispute regarding the RARE II studies of the Forest Service lands, subject to valid existing rights, the following national forest system lands in the State of Idaho, comprising approximately one million four hundred two thousand three hundred (1,402,300) acres and generally depicted on maps appropriately referenced, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(a) certain lands in the Idaho Panhandle National Forests which compromise approximately twenty two thousand six hundred (22,600) acres as generally depicted on a map entitled, "Salmo-Priest Wilderness-Proposed", dated December, 1987, and which shall be known as the Salmo Priest Wilderness;

(b) certain lands in the Idaho Panhandle National Forests which comprise approximately fifty four thousand eight hundred (54,800) acres as generally depicted on a map entitled, "Selkirk Crest Wilderness-Proposed", dated December, 1987, and which shall be known as the Selkirk Crest Wilderness: Provided that if all of any portion of lands owned by the State of Idaho

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comprising approximately fifteen thousand four hundred forty (15,440) acres as generally depicted as "proposed legislative exchange" on such map are acquired by exchange by the Secretary, they shall become part of the Selkirk Crest Wilderness and the Secretary shall modify the boundary of the area accordingly;

(c) certain lands in the Idaho Panhandle National Forests which comprise approximately fourteen thousand nine hundred fifty (14,950) acres as generally depicted on a map entitled, "Scotchman Peak Wilderness-Proposed," dated December, 1987, and which shall be known as the Scotchman Peak Wilderness;

(d) certain lands in the Idaho Panhandle National Forests and the Clearwater National Forest which comprise approximately one hundred sixty one thousand one hundred (161,100) acres as generally depicted on a map entitled, "Mallard-Larkin Wilderness-Proposed," dated December, 1987, and which shall be known as the Mallard Larkin Wilderness. The previous classification of the following is hereby abolished: The Mallard Larkin Pioneer Area;

(e) certain lands in the Clearwater National Forest which comprise approximately one hundred forty two thousand two hundred fifty (142,250) acres as generally depicted on a map entitled, "Kelly-Cayuse Wilderness-Proposed," dated December, 1987, and which shall be known as the Kelly-Cayuse Wilderness;

(f) certain lands in the Payette National Forest which comprise approximately two hundred sixty three thousand one hundred (263,100) acres as generally depicted on a map entitled, "Secesh-Payette Crest Wilderness-Proposed," dated December, 1987, and which shall be known as the Secesh-Payette Crest Wilderness;

(g) certain lands in the Boise National Forest which comprise approximately nine thousand three hundred (9,300) acres as generally depicted on a map entitled, "Snowbank Wilderness-Proposed," dated December, 1987, and which shall be known as the Snowbank Wilderness;

(h) certain lands in the Boise National Forest which comprise approximately sixty six thousand two hundred (66,200) acres as generally depicted on a map entitled, "Red Mountain Wilderness-Proposed," dated December, 1987, and which shall be known as the Red Mountain Wilderness;

(i) certain lands in the Boise and Challis National Forests which comprise approximately one hundred two thousand four hundred (102,400) acres as generally depicted on a map entitled, "Sawtooth Additions-Proposed," dated December, 1987, and which shall be known as the Sawtooth Additions and which are hereby incorporated in and shall be deemed to be part of the Sawtooth Wilderness and are to be managed by the Sawtooth National Recreation Area;

(j) certain lands in the Boise National Forest which comprise approximately forty seven thousand six hundred (47,600) acres as generally depicted on a map entitled, "Trinities Wilderness-Proposed," dated December, 1987, and which shall be known as the Trinities Wilderness;

(k) certain lands in the Sawtooth National Recreation Area which comprise approximately one hundred thousand two hundred (100,200) acres as generally depicted on a map entitled, "White Cloud Wilderness—Proposed," dated December, 1987, and which shall be known as the White Cloud Wilderness and shall be administered in accordance with the Wilderness Act (78 Stat. 890) as provided in section 103 of this Act, or the Act of August 22, 1972 which established the Sawtooth National Recreation Area (Public Law 92-400), whichever is more restrictive: *Provided*, That nothing in this Act shall affect the value of any valid existing rights which may have existed under the mining laws of the United States prior to August 22, 1972;

(l) certain lands in the Challis National Forest which comprise approximately one hundred fifteen thousand six hundred (115,600) acres as generally depicted on a map entitled, "Pioneer Wilderness-Proposed," dated December, 1987, and which shall be known as the Pioneer Wilderness;

(m) certain lands in the Challis National Forest which comprise approximately fifty four thousand five hundred (54,500) acres as generally depicted on a map entitled, "Borah Peak Wilderness-Proposed," dated December, 1987, and which shall be known as the Borah Peak Wilderness;

(n) certain lands in the Targhee National Forest which comprise approximately fifty four thousand six hundred (54,600) acres as generally depicted on a map entitled, "Italian Peaks Wilderness-Proposed," dated December, 1987, and which shall be known as the Italian Peaks Wilderness;

(o) certain lands in the Targhee National Forest which comprise approximately sixteen thousand three hundred (16,300) acres as generally depicted on a map entitled, "Lionhead Wilderness-Proposed," dated December, 1987, and which shall be known as the Lionhead Wilderness;

(p) certain lands in the Targhee National Forest which comprise approximately three thousand five hundred (3,500) acres as generally depicted on a map entitled, "Winegar Hole Addition-Proposed," dated December, 1987, and which are hereby incorporated in and shall be a part of the Winegar Hole Wilderness;

(q) certain lands in the Targhee National Forest which comprise approximately one hundred fifty five thousand two hundred (155,200) acres as generally depicted on a map entitled, "Palisades Wilderness-Proposed," dated December, 1987, and which shall be known as the Palisades Wilderness. Within the Palisades Wilderness, on and immediately around Palisades Peak, the Secretary shall permit helicopter landings for recreational skiing as if the area had not been designated wilderness. Such landings shall continue either under permits issued to the existing permittee, or to such other permittee or permittees as the Secretary may authorize; and

(r) certain lands in the Caribou National Forest which comprise approximately eighteen thousand one hundred (18,100) acres as generally depicted on a map entitled, "Mount Naomi Wilderness-Proposed," dated December, 1987, and which shall be known as the Mount Naomi Wilderness.

SEC. 103. (a)(1) There is hereby established the Bonner's Ferry Special Management Area (hereinafter in this paragraph referred to as the "area"), located in the Idaho Panhandle National Forest, and comprising approximately eighty nine thousand eight hundred (89,800) acres, as generally depicted on a map entitled "Bonner's Ferry Special Management Area" and dated December, 1987. Notwithstanding any other provision of law, the Secretary shall manage the area designated "A" on the above described map so as to provide 3.5 million board feet additional allowable sales quantity of timber annually above the allowable sale quantity level for that area in the forest plan for the Idaho Panhandle National Forests at the date of enactment of this Act; *Provided, further,* that the allowable sales quantity in the Bonner's Ferry District of the Idaho Panhandle National Forests shall be not less than 40.5 million board feet annually for the first planning period and the allowable sales quantity for the entire Idaho Panhandle National Forest shall be not less than 283.5 million board feet annually for the first planning period.

(2) There is hereby established the Clearwater Special Management Area (hereinafter in this paragraph referred to as the "area"), located in the Clearwater and Idaho Panhandle National Forests, and comprising approximately fifty thousand six hundred sixty (50,660) acres, as generally depicted on a map entitled "Mallard-Larkin Special Management Area-Proposed" and dated December, 1987. The areas which are composed of Foehl Creek, Minnesaka Creek, Bear Creek, Bacon Creek, Yankee Point-Neversweat, and Skull Creek-Copper Creek, shall be managed permanently as a "C8S" area as described in the Forest Plan. Clearwater National Forest dated September 1987. The goals of this "C8S" management prescription shall be to manage these areas to maintain high quality wildlife and fishery objectives while producing timber from the productive Forest land. In managing these areas, the Secretary shall meet the goals by resource as set forth in section C of the "C8S" management area prescription contained in the Plan. The Secretary shall achieve these goals by managing the areas pursuant to the standards by resource set forth in section C of the "C8S" management prescription, and the minimum forest standards in section E of Chapter II, of the Plan.

(3) There is hereby established the East Weitas Special Management Area, (hereinafter in this paragraph referred to as the "area"), located in the Clearwater National Forest, comprising approximately twenty six thousand one hundred (26,100) acres, as generally depicted on a map entitled "East Weitas Special Management Area" and dated December, 1987. The area shall be managed permanently as a "C8S" area as described in the Forest Plan, Clearwater National Forest dated September, 1987. The goals of this "C8S" management prescription shall be to manage these areas to maintain high quality wildlife and fishery objectives while producing timber from the productive Forest land. In managing these areas, the Secretary shall meet the goals by resource as set forth in section C of the "C8S" management area prescription contained in the Plan. The Secretary shall achieve these goals by managing the areas pursuant to the standards by resource set forth in section C of the "C8S" management prescription, and the minimum forest standards in section E of Chapter II, of the Plan.

(4) There is hereby established the Cook Mountain Special Management Area, (hereinafter in this paragraph referred to as the "area"), located in the Clearwater National Forest, comprising approximately seventy seven thousand one hundred (77,100) acres, as generally depicted on a map entitled "Cook Mountain Special Management Area," dated December, 1987. The area shall be managed permanently as a "C1" area as described in the Forest Plan, Clearwater National Forest dated September 1987. The goal of the "C1" management prescription for the Cook Mountain area shall be to manage the area to maximize big-game

summer habitat potential without building new roads; to provide for short-term livestock grazing where compatible with elk habitat management; and to provide for high quality dispersed recreation in a semi-primitive motorized setting. In managing these areas, the Secretary shall meet the goals by resource as set forth in section C of the "C1" management area prescription contained in the Plan. The Secretary shall achieve these goals by managing the areas pursuant to the standards by resource set forth in section C of the "C1" management prescription, and the minimum forest standards in section E of Chapter II, of the Plan.

(5) There is hereby established the French Creek Special Management Area (hereinafter in this paragraph referred to as the "area"), located in the Payette National Forest, and comprising approximately one hundred fifty seven thousand (157,000) acres, as generally depicted on a map entitled "French Creek Special Management Area-Proposed" and dated December, 1987. The goal of this management prescription is to improve wildlife and fishery resources while producing timber from the productive Forest land. The Secretary shall take specific actions to protect, maintain and improve calving areas, summer and winter range, and habitat for elk and other big game. New roads may be constructed for the purpose of timber harvest and management: *Provided* That any such roads shall comply with road density standards for the Elk Management Unit in which they are to be constructed and such roads shall be closed to public motorized use. Grazing lands within the area shall be subject to extensive management and, where appropriate to protect fish and wildlife habitat on a site specific basis, to intensive management practices. Fish habitat and water quality within the area shall be maintained or improved.

With respect to wildlife and big game habitat, the Secretary shall consult with the Idaho Department of Fish and Game in developing management and monitoring practices. The Secretary shall comply with the following standards:

(i) Management activities shall be concentrated within the smallest possible area and shortest period of time practical for the completion of each project within a timber sale area.

(ii) Logging shall not occur simultaneously on adjacent timber sale areas.

(iii) Ecotones shall be created in timber sale units by unit design and by interspersing successional stages.

(iv) Big game wallows and licks identified as key habitat by the Secretary shall be protected from disturbance and hiding cover shall be maintained immediately adjacent thereto. No timber harvest of any kind shall occur near wallows or licks during the "rut."

(v) Timber harvest shall not occur in calving and fawning areas, identified by the Secretary between May 1 and July 1, or any time when such areas are being used by big game for such purposes.

(vi) Big game hiding and thermal cover shall be provided around a minimum of 50 percent of the perimeter of meadows greater than five (5) acres where existing conditions make this viable. Cover areas shall be no less than two elk site distances wide and contain no less than a ten acre stand."

The Secretary shall set such additional standards as may be necessary and prudent with respect to cultural, recreational, wildlife, range, timber, soil, water, air, research natural areas, and resource protection as may be necessary to meet the goal of this management prescription.

(6)(A) There is hereby established the South Fork Special Management Areas (hereinafter in this paragraph referred to as the area), located in the Payette National Forest, and comprising approximately fifty four thousand two hundred (54,200) acres, as generally depicted on a map entitled "South Fork Special Management Areas-Proposed" dated December, 1987. The area shall be administered by the Secretary to allow no harvesting of timber or other commercial activity in the area designated "A" on the above described map, which area is generally one half mile in both directions from the center of the South Fork of the Salmon River from the confluence with the East Fork of the South Fork, south to the Payette National Forest boundary.

(B) The Secretary shall allow timber harvesting in areas outside of area "A" but within any drainage of any tributary which flows into that reach of the South Fork of the Salmon which lies within area "A" (hereinafter the "reach system") only to the extent such harvesting results in no net increase in sediment deposit in the reach system. Such timber harvesting shall occur only upon the following conditions:

(i) Sediment deposited in the reach system shall be mitigated;

(ii) Mitigation shall occur by removal of deposited sediment or by prevention of sedimentation, in an amount equal to, in volume, the total amount of the sediment to be deposited in the reach system as a result of commercial activity associated with timber harvesting within the sale area as predicted by the BOISET sedimentation model, or any state-of-the-art reach system specific replacement;

(iii) Mitigation by removal of deposited sediment shall occur before, during or immediately after commercial activity associated with timber harvesting within a sale area commences. Mitigation by removal shall occur, to the extent reasonably practicable, in locations within the reach system in the following priority order: stretches downstream from the commercial activity that are significant to anadromous fish; stretches upstream from the commercial activity that are significant to anadromous fish; other downstream stretches; and other upstream stretches;

(iv) Mitigation by prevention shall occur in areas within the reach system that are significant to the anadromous fishery in stretches of the reach system before mitigation by prevention is conducted in other areas;

(v) The Secretary shall monitor sedimentation from all commercial activities, and if such monitoring shows that commercial activity associated with timber harvesting in a sale area is resulting in sediment deposits in the reach system which are materially and consequentially in excess of that predicted by the BOISET sedimentation model or its replacement assuming normal activities and conditions, the Secretary shall require such commercial activity to cease. The activity may resume only if the Secretary ensures that such additional action as may be necessary to prevent or mitigate the increase in sediment deposits are undertaken by the commercial operator, or other appropriate entity; and

(vi) Mitigation must begin prior to or during the season in which timber harvesting resulting in sedimentation commences.

(C) The Secretary shall consult with the Idaho Department of Fish and Game in identifying stream sediments or areas of significance to the anadromous fish or fishery for purposes of mitigation by removal or prevention. The Secretary shall schedule and manage mitigation activities in order to avoid disturbance of anadromous fish or damage to fish habitat."

(7) There is hereby established the Lime Creek Special Management Area (hereinafter in this paragraph referred to as the "area", located in the Sawtooth National Forest, and comprising approximately forty thousand five hundred (40,500) acres, as generally depicted on a map entitled "Lime Creek Special Management Area—Proposed" and dated December, 1987. The use of motorized recreational vehicles is prohibited within the area except on trails designated for such use. The Secretary shall designate certain trails in the area for use solely by motorized vehicles and shall designate certain other trails on which motorized recreational vehicles shall be prohibited. Such use or prohibition may be either permanent or for specific periods. The Secretary may not construct any new trails within the area: *Provided*, that relocation of any portion of any existing trail to alleviate resource damage shall not constitute construction of a new trail if the existing portion is thereafter closed.

(8) There is hereby established the Smokies Special Management Area (hereinafter in this paragraph referred to as the "area", located in the Sawtooth National Forest, and comprising approximately one hundred fifteen thousand six hundred (115,600) acres, as generally depicted on a map entitled "Smokies Special Management Area—Proposed" and dated December, 1987. The use of motorized recreational vehicles is prohibited within the area except on trails designated for such use. The Secretary shall designate certain trails in the area for use solely by motorized recreational vehicles and shall designate certain other trails on which motorized vehicles shall be prohibited. Such use or prohibition shall be either permanent or for specific periods. The Secretary may not construct any new trails within the area: *Provided*, That relocation of any portion of any existing trail to alleviate resource damage shall not constitute construction of a new trail if the existing portion is thereafter closed.

(b) The Secretary shall administer the areas designated by this section to achieve the purposes for which each area was established and in accordance with the laws and regulations applicable to the National Forest System.

(c) Land and resource management plans for the affected national forests prepared in accordance with the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, shall emphasize achieving the purposes for which the areas are designated.

SEC. 104. (a) As soon as practicable after the enactment of this Act, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall file the maps referred to in section 102, section 103, and section 309 and a legal description of each area designated by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each map and legal description shall be on file and available for public inspection in the office of

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the Chief of the Forest Service, Department of Agriculture.

(b) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 890) governing areas designated by that Act as wilderness areas, except that, with respect to any wilderness area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be reference to the effective date to this Act.

TITLE II—RELEASE OF LANDS FOR MULTIPLE USE MANAGEMENT

Sec. 201. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest system roadless areas in Idaho and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than Idaho, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Idaho;

(2) with respect to the national forest system lands in the State of Idaho which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Idaho reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Idaho are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Idaho for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revisions" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to—

(1) those national forest system roadless areas in the State of Idaho which were evaluated in any unit plan or which are being managed pursuant to a multiple use plan; and

(2) national forest system roadless lands in the State of Idaho which are less than five thousand acres in size.

TITLE III—MISCELLANEOUS PROVISIONS

GRAZING IN WILDERNESS AREAS

Sec. 301. The grazing of livestock and all grazing allotments on lands designated as wilderness in section 102 and special designations in section 103 in this Act where established prior to the date of enactment of this Act shall be continued together with such motorized vehicular access and water developments as may be in use on such lands. Predator control methods shall be continued as currently practiced on such lands. This section shall be considered in accordance with section 4(d)(4) of the Wilderness Act.

STATE WATER ALLOCATION AUTHORITY

Sec. 302. (a) Within the State of Idaho, nothing in the Wilderness Act nor this Act nor any other legislation designating lands as wilderness or Special Management Areas shall constitute or be construed to constitute either an express or implied reservation of water or water rights for any purpose. The United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness or Special Management Areas pursuant to the substantive and procedural requirements of the laws of the State of Idaho. This section shall not affect any reserved water right which the United States may have previously acquired within the State of Idaho with respect to any lands designated as wilderness or Special Management Areas by this Act or any other Act for the primary purposes for which such lands had been originally withdrawn from the public domain.

(b) As provided in section 4(d)(7) of the Wilderness Act of 1964, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Idaho with respect to wildlife and fish in the national forests in Idaho.

(c) Within areas designated as Wilderness by this Act, the Forest Service is directed to utilize whatever sanitary facilities are necessary, including but not limited to vault toilets which may require service by helicopter, to insure the continued health and safety of the communities serviced by the watersheds in Wilderness areas in the State of Idaho; furthermore, nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those minimum maintenance activities necessary to guarantee the continued viability of whatsoever watershed facilities currently exist or which may be necessary in the future to prevent the degradation of the water supply in wilderness areas within the State of Idaho.

(d) Within areas designated wilderness or Special Management Areas in the State of Idaho by this or any other Act, the Secretary is directed to allow helicopter access by Federal and State agencies for emergency purposes and to State agencies for fish and wildlife purposes: Provided that this subsection does not authorize the construction of any new landing areas. Access shall be allowed only in existing landing sites, whether previously constructed or natural.

PROHIBITION OF BUFFER ZONES

Sec. 303. No protective perimeters or buffer zones around any wilderness areas are necessary or authorized to protect any wilderness areas within the State of Idaho or may be established pursuant to this or any other law. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

MINERAL RESOURCES

Sec. 304. In furtherance of section 4(d)(2) of the Wilderness Act and the policies of the National Materials and Minerals Policy, Research and Development Act (94 Stat. 2305), the Secretary of the Interior shall continue to make assessments of the mineral potential of national forest wilderness areas in the State of Idaho, on a recurring basis, using environmentally compatible methods, in order to expand the data base with respect to the mineral potential of such lands.

LANDING OF AIRCRAFT

Sec. 305. Except as otherwise specifically provided in this act, the landing of aircraft on lands within the State of Idaho designated as wilderness or Special Management Areas, where this use has become established prior to the date of enactment of this Act shall be permitted to continue and the Secretary shall not permanently close and shall maintain any aircraft landing strip in use on national forest lands in Idaho on the date of enactment of this Act. On lands acquired after the date of enactment of this Act the Secretary may close any aircraft landing strip only with the express written concurrence of the agency of the State of Idaho charged with evaluating the safety of bankcountry airstrips.

INVENTORY OF STRUCTURES WITHIN WILDERNESS AREAS

Sec. 306. (a) Within two years from the date of enactment of this Act, the Secretary shall cooperate with the Secretary of the Interior and with agencies and institutions of the State of Idaho in conducting an inventory of the ranch, homestead, trapper, and other cabins and structures within areas designated as wilderness in section 102(a) of this Act and submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives a report on—

(1) the location of these structures;

(2) their historic significance, if any;

(3) their present condition;

(4) recommendations as to which of these structures should be—

(A) stabilized;

(B) restored;

(C) maintained; or

(D) removed;

(5) the estimated cost of such stabilization, restoration, maintenance, or removal; and

(6) the suitability of any of these structures for inclusion in the National Register of Historic Places.

(b) Until such time as the study under this subsection is completed and the required report submitted to the committees, the Secretary shall not knowingly permit the destruction or significant alteration of any historic cabin or other structure on national forest land within the areas designated as wilderness in section 102(a) of this Act.

LAND ACQUISITION

Sec. 307. The Secretary shall promptly identify all lands within the areas designated in sections 102 and 103 of this Act which are not owned by the federal government and shall acquire such lands by exchange where such lands are held in public ownership by the State of Idaho or a unit of local government or by purchase on a willing buyer-willing seller basis, donation or exchange where such lands are privately held.

OUTFITTER CAMPS

Sec. 308. (a) With respect to outfitter and guide camps and practices as assigned and allowed by permit prior to the date of enactment of this Act on lands within the State of Idaho designated as wilderness or as Special Management Areas by this or any other Act, the Secretary shall permit, subject to reasonable regulation to insure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities. Such facilities and equipment shall be constructed, used, and maintained in a manner consistent with the protection of the area in which they are located. All new facilities shall be constructed of materials which blend with, and are compatible with, the immediately surrounding landscape. Upon termination of such activities and uses (but not upon regular or seasonal cessation), such structures or facilities shall, upon written request, be removed from the area by the permittee.

(b) Notwithstanding the foregoing provisions, the Secretary may determine, after adequate notice, that the establishment and use of such new facilities or equipment would constitute a significant expansion of existing facilities or uses which would be detrimental to the purposes for which the affected conservation system unit was established, including the wilderness character of any wilderness area within such unit, and may thereupon deny such proposed use or establishment.

(c) The Secretary shall not prohibit the continuance of any commercial outfitting and guide camps and practices subject to this section without the express written concurrence of the agency of the State of Idaho charged with the regulation of the outfitting and guide industry.

ROADS

Sec. 309. (a) For the purposes of this Act, any parallel track together with an area measured by 50 feet to each side from the center line of such track which was in use prior to the enactment of this Act in areas designated by section 102 and which may be traveled by four wheel vehicles licensed for highway use by an appropriate state agency is hereby defined as a road.

(b) The designation of lands in section 102 by this Act does not include any roads as defined in subsection (a) nor any improved (such as gravel or paved) roads, and the Secretary shall indicate such roads on the maps and shall revise the boundaries on such maps to exclude such roads on the maps as required in section 104.

By Mr. BRADLEY (for himself and Mr. Lautenberg):

S. 2057. A bill to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes; referred to the Committee on Energy and Natural Resources.

NEW JERSEY COASTAL HERITAGE TRAIL

● Mr. BRADLEY. Mr. President, today I am introducing legislation to establish a New Jersey Coastal Heritage Trail. This trail will provide a tour route to highlight the natural, cultural, and historic aspects of the New Jersey coast in an innovative way. The coastline of New Jersey offers an enormously rich and diverse array of resources. The objective of this proposal is to create a path using publicly-owned roads in order to enable people to more easily appreciate and understand these tremendous resources.

My proposal calls upon the National Park Service [NPS] to lay the groundwork for this effort. Although the proposal does not prejudge the sites or resources to be included in the trail, I envision that it will extend roughly from Sandy Hook down to and around Cape May and up into the Delaware Bay region. The NPS will prepare an inventory of the important resources along the trail route. It will also solicit and ensure active public involvement and consultation with the State and local municipalities as well as any other appropriate Federal agencies.

The purpose here is to put a mechanism in place to ensure that the Federal, State and local governments, as well as private citizens, work as partners to develop a blueprint to emphasize the interrelationship of New Jersey's natural and cultural resources.

The trail will focus on existing sites—interpreting, restoring, and protecting them in the future, if necessary. We hope to highlight the ecological significance and distinctive cultural and historical elements of New Jersey's coastal area. Many types of resources merit inclusion. For example: national recreation areas, wildlife refuges and bird sanctuaries, marine mammal sanctuaries, national monuments, historic shipwreck sites, historic lighthouses, historic communities, and the cultural aspects of the Pinelands. The key is to tie together the elements that comprise the richness of the New Jersey coast. To do so will require the efforts of a wide variety of people at all levels of Government as well as the interest and commitment of individual citizens.

The New Jersey Coastal Heritage Trail proposal authorizes no acquisitions, condemnations, or any other type of taking. Its purpose is to link resources that already exist and to interpret the significance of those resources.

Mr. President, there exists a plethora of possible sites which could be included in the trail. I would not prejudge the work of the National Park Service, but some representational possibilities might include: historic towns and communities, such as Salem, Bridgeton, Cape May, Ocean Grove, and Smithville; wildlife refuges, such as the Edwin B. Forsythe Wildlife Refuge, the Stone Harbor Bird Sanctuary and the Marine Mammal Stranding Center; abandoned shipwreck sites, such as the site of the Alexander Hamilton—a paddle wheel steamer built in 1924—off Monmouth County; historic sites, such as Hancock House or Barnegat Light; examples of our rich cultural heritage, such as the cranberry industry in the Pinelands or the oyster industry around Millville or even folklore such as the Jersey Devil; and national recreation areas, such as Sandy Hook.

It is obvious that, in addition to some of the loveliest beaches along the eastern seaboard, the coastal area of New Jersey offers rich and exciting possibilities for learning about our history, experiencing our culture, and exploring the natural beauty of our parks, wildlife refuges, and other wild areas. I hope that this trail will make that diversity a part of our national heritage.●

By Mr. BURDICK (for himself, Mr. Dole, Mr. Inouye, Mr. Grassley, Mr. Stennis, Mr. McClure, Mr. Simon, Mr. Symms, Mr. Exon, Mr. Bond, Mr. Gore, Mr. Durenberger, Mr. Bumpers, Mr. Nunn, Mr. Shelby, Mr. Sanford, Mr. Riegle, Mr. Lugar, Mr. McCain, Mr. Rockefeller, Mr. Hollings, Mr. Boschwitz, and Mr. Karnes):

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week"; to the Committee on the Judiciary.

NATIONAL RURAL HEALTH AWARENESS WEEK

Mr. BURDICK. Mr. President, as cochairman of the Senate Rural Health Caucus, I am pleased to introduce National Rural Health Awareness Week. Since the Senate Rural Health Caucus was founded in 1985, we have seen enormous progress in the area of rural health policy. While important gains have been made, our work will not be finished until rural Americans have access to the same high quality health care service as other Americans.

In rural communities today, there remains a health care crisis. The health status of rural Americans remains significantly lower than that of urban Americans, with rural Americans showing disproportionately higher rates of maternal and infant mortality, higher injury rates, higher rates of chronic illness, and more poor and uninsured. In addition, rural areas face acute shortages of health professionals, including nurses, psychologists, physicians, and allied health professionals. Many rural hospitals and other health care facilities are closing across America. This has a severe impact on our rural communities.

The first step in addressing the rural health crisis is to focus attention on the special health care needs of rural Americans and rural communities. That is why I am introducing this resolution designating the week of May 15 to 21, 1988, as "National Rural Health Awareness Week."

I strongly encourage my colleagues to join me in recognizing the importance of the health of rural Americans and improving the health care delivery systems in rural America.

● Mr. DOLE. Mr. President, I am pleased to join with Senator Burdick to introduce a bill designating the week of May 15-21, 1988, as "National Rural Health Awareness Week."

This legislation will bring attention to the special needs of the 40 million Americans who depend on health services in rural areas.

Though we have made some progress in improving our ability to deliver health care to these regions, we still face enormous problems.

I trust that the observance of "National Rural Health Awareness Week" will awaken all people to the special health needs of rural America.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. Moynihan, the name of the Senator from Connecticut [Mr. Dodd] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 533

At the request of Mr. Thurmond, the names of the Senator from Louisiana [Mr. Breaux], the Senator from Texas [Mr. Bentsen], and the Senator from Vermont [Mr. Leahy] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 698

At the request of Mr. Thurmond, the name of the Senator from Montana [Mr. Melcher] was added as a cosponsor of S. 698, a bill to amend title 17, United States Code, to prohibit the conveyance of the right to perform publicly syndicated television programs without conveying the right to perform accompanying music.

S. 824

At the request of Mr. Specter, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of S. 824, a bill to establish clearly a Federal right of action by aliens and U.S. citizens against persons engaging in torture of extrajudicial killing, and for other purposes.

S. 1162

At the request of Mr. Mitchell, the names of the Senator from Alabama [Mr. Shelby], the Senator from New Mexico [Mr. Bingaman], the Senator from Hawaii [Mr. Inouye], the Senator from Illinois [Mr. Simon], the Senator from Indiana [Mr. Lugar], and the Senator from Montana [Mr. Melcher] were added as cosponsors of S. 1162, a bill to amend chapter 89 of title 5, United States Code, to provide authority for the direct payment or reimbursement to certain health care professionals; to clarify certain provisions of such chapter with respect to coordination with State and local law; and for other purposes.

S. 1370

At the request of Mr. Bumpers, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 1370, a bill to provide special rules for health insurance costs of self-employed individuals.

S. 1567

At the request of Mr. Bumpers, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of S. 1567, a bill to provide for refunds pursuant to rate decreases under the Federal Power Act.

S. 1678

At the request of Mr. Hatch, the name of the Senator from Minnesota [Mr. Durenberger] was added as a cosponsor of S. 1678, a bill to establish a block grant program for child care services, and for other purposes.

S. 1761

At the request of Mr. Durenberger, the name of the Senator from Indiana [Mr. Lugar] was added as a cosponsor of S. 1761, a bill to amend the Internal Revenue Code of 1986 to provide that a decedent's spouse may enter into a cash lease of farm and other real property with family members and still qualify for the special estate tax valuation of the property.

S. 1776

At the request of Mr. Armstrong, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from New York [Mr. Moynihan], the Senator from Michigan [Mr. Riegle], the Senator from North Dakota [Mr. Conrad], and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of S. 1776, a bill to modernize U.S. circulating coin designs, of which one reverse will have a theme of the bicentennial of the Constitution.

S. 1817

At the request of Mr. Kennedy, the names of the Senator from California [Mr. Wilson], the Senator from Connecticut [Mr. Weicker], the Senator from Utah [Mr. Garn], the Senator from Massachusetts [Mr. Kerry], and the Senator from Florida [Mr. Chiles] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1830

At the request of Mr. Sanford, the name of the Senator from Nevada [Mr. Hecht] was added as a cosponsor of S. 1830, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition—and a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers born in years after 1916 and before 1930—and related beneficiaries—and to provide for increases on their benefits accordingly, and for other purposes.

S. 1833

At the request of Mr. Chiles, his name was added as a cosponsor of S. 1833, a bill to make grants from amounts appropriated from the Federal hospital insurance trust fund under title XVIII of the Social Security Act to test the cost-effectiveness of innovative nursing practice models under the Medicare Program.

S. 1848

At the request of Mr. Wilson, the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of S. 1848, a bill to authorize a Minority Business Development Administration in the Department of Commerce.

S. 1877

At the request of Mr. Bradley, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of S. 1877, a bill to restore balance among sources of supply for the Nation's sweetener needs, and for other purposes.

S. 1897

At the request of Mr. Thurmond, the name of the Senator from Virginia [Mr. Warner] was added as a cosponsor of S. 1897, a bill to recognize the organization known as the National Association of State Directors of Veterans' Affairs, Incorporated.

S. 1910

At the request of Mr. Chafee, the name of the Senator from Vermont [Mr. Stafford] was added as a cosponsor of S. 1910, a bill to provide financial assistance to local educational agencies to demonstrate the advantages of implementing plans to reduce class size.

S. 2024

At the request of Mr. Baucus, the name of the Senator from South Carolina [Mr. Thurmond] was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2033

At the request of Mr. Thurmond, the names of the Senator from Wyoming [Mr. Simpson], the Senator from Kentucky [Mr. Ford], and the Senator from New Hampshire [Mr. Humphrey] were added as cosponsors of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2036

At the request of Mr. Thurmond, the name of the Senator from Idaho [Mr. Symms] was added as a cosponsor of S. 2036, a bill to redefine "extortion" for purposes of the Hobbs Act.

S. 2042

At the request of Mr. Durenberger, the names of the Senator from Nevada [Mr. Hecht], the Senator from Wisconsin [Mr. Proxmire], and the Senator from Alaska [Mr. Stevens] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2051

At the request of Mr. McClure, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 2051, a bill entitled the "Prohibition of Undetectable Firearms Act."

SENATE JOINT RESOLUTION 59

At the request of Mr. Thurmond, the names of the Senator from New York [Mr. Moynihan], the Senator from Delaware [Mr. Biden], and the Senator from Georgia [Mr. Fowler] were added as cosponsors of Senate Joint Resolution 59, joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 147

At the request of Mr. Levin, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from New Mexico [Mr. Domenici], the Senator from Utah [Mr. Garn], the Senator from Iowa [Mr. Grassley], the Senator from Utah [Mr. Hatch], the Senator from Arizona [Mr. McCain], and the Senator from Pennsylvania [Mr. Specter] were added as cosponsors of Senate Joint Resolution 147, joint resolution designating the week beginning on the third Sunday of September in 1987 and 1988 as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. Thurmond, the name of the Senator from Arizona [Mr. McCain] was added as a cosponsor of Senate Joint Resolution 182, joint resolution to authorize the National Committee of American Airmen Rescued by General Mihailovich to erect a monument to Gen. Draza Mihailovich in Washington, District of Columbia, or its environs in recognition of the role he played in saving the lives of more than 500 United States airmen in Yugoslavia during World War II.

SENATE JOINT RESOLUTION 199

At the request of Mr. Byrd, the names of the Senator from Kentucky [Mr. Ford], the Senator from Delaware [Mr. Roth], and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of Senate Joint Resolution 199, joint resolution to designate the month of May 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 214

At the request of Mr. Lautenberg, the name of the Senator from Delaware [Mr. Biden] was added as a cosponsor of Senate Joint Resolution 214, joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

SENATE JOINT RESOLUTION 218

At the request of Mr. Lautenberg, the name of the Senator from Montana [Mr. Melcher] was added as a cosponsor of Senate Joint Resolution 218, joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 223

At the request of Mr. Nunn, the name of the Senator from Louisiana [Mr. Johnston] was added as a cosponsor of Senate Joint Resolution 223, joint resolution to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week."

SENATE JOINT RESOLUTION 229

At the request of Mr. Warner, the names of the Senator from Kentucky [Mr. Ford], the Senator from South Dakota [Mr. Daschle], the Senator from Alaska [Mr. Stevens], the Senator from Minnesota [Mr. Boschwitz], the Senator from Washington [Mr. Adams], the Senator from Michigan [Mr. Riegle], and the Senator from California [Mr. Wilson] were added as cosponsors of Senate Joint Resolution 229, joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day."

SENATE JOINT RESOLUTION 237

At the request of Mr. Dole, the names of the Senator from New Mexico [Mr. Domenici], the Senator from Hawaii [Mr. Inouye], the Senator from Indiana [Mr. Quayle], the Senator from Pennsylvania [Mr. Heinz], the Senator from Utah [Mr. Garn], the Senator from Texas [Mr. Gramm], the Senator from New York [Mr. Moynihan], the Senator from Maryland [Ms. Mikulski], the Senator from Arizona [Mr. DeConcini], the Senator from Kentucky [Mr. Ford], the Senator from Connecticut [Mr. Weicker], the Senator from Michigan [Mr. Riegle], the Senator from Virginia [Mr. Trible], the Senator from New York [Mr. D'Amato], and the Senator from Maryland [Mr. Sarbanes] were added as cosponsors of Senate Joint Resolution 237, joint resolution to designate May 1988 as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 240

At the request of Mr. Biden, the names of the Senator from Michigan [Mr. Levin], the Senator from New York [Mr. Moynihan], the Senator from South Carolina [Mr. Hollings], the Senator from New Jersey [Mr. Lautenberg], the Senator from New Jersey [Mr. Bradley], the Senator from Hawaii [Mr. Matsunaga], the Senator from Arkansas [Mr. Pryor], the Senator from North Dakota [Mr. Burdick], the Senator from Florida [Mr. Chiles], the Senator from Tennessee [Mr. Gore], the Senator from Hawaii [Mr. Inouye], the Senator from Ohio [Mr. Metzenbaum], the Senator from Alabama [Mr. Heflin], the Senator from Rhode Island [Mr. Pell], the Senator from Michigan [Mr. Riegle], the Senator from Arizona [Mr. DeConcini], the Senator from Arkansas [Mr. Bumpers], the Senator from Mississippi [Mr. Stennis], the Senator from Alabama [Mr. Shelby], the Senator from Nevada [Mr. Reid], the Senator from Washington [Mr. Adams], the Senator from North Dakota [Mr. Conrad], the Senator from California [Mr. Cranston], the Senator from Georgia [Mr. Fowler], the Senator from Massachusetts [Mr. Kennedy], the Senator from Vermont [Mr. Leahy], the Senator from North Carolina [Mr. Sanford], the Senator from Idaho [Mr. McClure], the Senator from Missouri [Mr. Bond], the Senator from California [Mr. Wilson], the Senator from New Mexico [Mr. Domenici], the Senator from Utah [Mr. Hatch], the Senator from Minnesota [Mr. Durenberger], the Senator from Wyoming [Mr. Simpson], the Senator from Kansas [Mr. Dole], the Senator from Delaware [Mr. Roth], the Senator from Pennsylvania [Mr. Specter], the Senator

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from New Hampshire [Mr. HUMPHREY], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New York [Mr. D'AMATO], the Senator from Nebraska [Mr. KARNES], the Senator from Connecticut [Mr. WEICKER, the Senator from Nevada [Mr. HECHT], the Senator from Virginia [Mr. WARNER], the Senator from Washington [Mr. EVANS], the Senator from Virginia [Mr. TRIBLE], the Senator from Wisconsin [Mr. KASTEN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Texas [Mr. GRAMM], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 240, joint resolution to designate the period commencing on May 16, 1988 and ending on May 22, 1988, as "National Safe Kids Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. SARBANES, the name of the Senator from Iowa [Mr. HARKIN] was withdrawn as a cosponsor of Senate Joint Resolution 242, joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. BRADLEY, the names of the Senator from New York [Mr. D'AMATO], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. DECONCINI], the Senator from Oregon [Mr. PACKWOOD], the Senator from Michigan [Mr. RIEGLE], the Senator from Oklahoma [Mr. BOREN], the Senator from Utah [Mr. HATCH], the Senator from Virginia [Mr. WARNER], the Senator from Washington [Mr. ADAMS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 247, joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. GRASSLEY, the names of the Senator from Kansas [Mr. DOLE], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Concurrent Resolution 32, concurrent resolution to express the sense of Congress that volunteer work should be taken into account by employers in the consideration of applicants for employment and that provision should be made for a listing and description of volunteer work on employment application forms.

SENATE RESOLUTION 377

At the request of Mr. LUGAR, the names of the Senator from Nebraska [Mr. KARNES], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Resolution 377, resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SIMPLE RESOLUTIONS

SENATE RESOLUTION 378—TO REFER S. 2056 TO THE CHIEF JUDGE OF THE U.S. CLAIMS COURT FOR A REPORT THEREON

Mr. INOUYE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 378

Resolved, That the bill (S.   ) entitled "A bill for the relief of Sascha Glade Weinzheimer, Jean Weinzheimer Janzen, Doris Alexa Weinzheimer, Walter Richard Weinzheimer, and the estate of Walter Weinzheimer" now pending in the Senate, together with all the accompanying papers, is referred to the Chief Judge of the United States Claims Court. The Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity and the amount, if any, legally or equitably due to the claimants from the United States.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Wednesday, March 2, 1988, on a new proposal by the Forest Service to govern administration of the Small Business Timber Sale Set-Aside Program. The hearing will be held in room 428A of the Russell Senate Office building and will commence at 2 p.m., for further information, please call Chuck Culver of the committee staff at 224-3188 or Deborah Merrick at 224-4843.

SUBCOMMITTEE ON INNOVATION, TECHNOLOGY AND PRODUCTIVITY

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee's Subcommittee on Innovation, Technology and Productivity will hold a hearing on Tuesday, March 1, 1988, at 9:30 a.m., on the use of advanced manufacturing technologies by small business. The hearing will be held in room 428A of the Russell Senate Office building and will commence at 9:30 a.m. For further information, please call Scott Hibbard of the committee staff at 224-3052.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Thursday, February 18, 1988, beginning at 2 p.m. in Senate Dirksen 628, on S. 1703, the Indian Self-Determination Act Amendments—section 209, and for other purposes.

Those wishing additional information should contact the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 16, 1988, at 2 p.m., to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 16, 1988, at 9:30 a.m. to hold oversight hearings on the return of the space shuttle to flight status.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BLUEGRASS MUSIC IN UPPER EAST TENNESSEE

● Mr. SASSER. Mr. President, Tennessee's heritage of bluegrass music is a nationally known treasure. In particular, the tricities region of Tennessee has played a central role in the growth and development of bluegrass. The tricities region of upper east Tennessee was recently highlighted in Bluegrass Unlimited for its many contributions to bluegrass music. I commend this publication to my colleagues for a fascinating glimpse into the history of this art form.

The magazine points out that this center of musical creativity has been home to many bluegrass greats, and was host to some of the very first commercial country music recordings in 1927.

Whether playing in local music establishments such as A.P. Carter's store and the Down Home or on a number of earlier popular radio shows, bluegrass entertainers continue to rely on this upper east Tennessee area as a springboard to greater fame. The tricities area is home to bluegrass greats such as Earl Scruggs, the Stanley Brothers, Jim and Jesse, Mac Wiseman, Red Rector, Ricky Skaggs, Jethro Burns, and many others. The beautiful setting and warm hospitality of this region has allowed this distinctive musical form to flourish as it has evolved from its Appalachian beginnings.

Appropriately, East Tennessee State University, located in Johnson City in the heart of upper east Tennessee, offers a number of courses on the history and heritage of bluegrass music. Through the work of Dr. Richard Compton, chairman of the East Tennessee State University Music Department and Dr. Richard Blaustein, director of the Center for Appalachian Studies and Services, a variety of bluegrass classes and fellowships related to bluegrass culture are offered. The Center for Appalachian Studies and Services funds projects related to bluegrass culture. Dr. Blaustein, the director of this center, plays in a bluegrass band, the Dixie Dewdrops, himself.

In addition, ETSU sponsors its own bluegrass band, giving students an opportunity to display their musical talents. By exposing students to the east Tennessee bluegrass heritage, the students are able to gain an indepth understanding of this musical heritage and interest in bluegrass music is ensured through the generations.

I am pleased that Bluegrass Unlimited has taken the opportunity to honor the special role that upper east Tennessee plays in both the past and future development of bluegrass music. It is heartening to know that there are so many individuals, such as Dr. Compton and Dr. Blaustein, who have taken an interest in preserving this important aspect of our Appalachian heritage and passing the love and talents of bluegrass music onto our youth. While the entire issue is dedicated to the tricities bluegrass scene, I want to share with my colleagues the lead article entitled "Rock Me in the Cradle of Bluegrass." I believe this article will entice many of my colleagues to read the remainder of this fascinating journal and discover the joys brought to us by those associated with bluegrass music in the tricities region of upper east Tennessee. Mr. President, I ask that Tim Stafford's article be included in the RECORD at this point.

The article follows:

BLUEGRASS MUSIC IN THE TRI-CITIES REGION OF UPPER EAST TENNESSEE

(By Tim Stafford)

I caught bluegrass in 1974. I was a high school freshman. Two guys in my concert choir class were playing guitar and mandolin. I'd never seen a mandolin before, and I'd never heard of the kind of music they were playing.

Bluegrass? Yeah, one of them said, and after a while they pointed out the window to a house below the hill: that's Doyle Lawson's parents' house. Who's Doyle Lawson? They laughed. He's the best. At what? One pointed to the mandolin. By the end of the day I knew all about Doyle and the Country Gentlemen, A.P. Carter's Store, other staples of the music littered around the area like mute artifacts, and I knew I wanted to play.

I'm sure my experience is similar to those of other young people who've caught the bluegrass bug. Within a year, I'd begged my parents to purchase a cheap banjo and guitar, and was dreaming of playing in a band. But it seemed so natural then, I never thought of it happening any other way.

Later on, I spent two years in Southwestern Ohio in graduate school. Every morning, there was bluegrass on the radio—WPFB and Moon Mullins from Middletown, mainly—and on the weekends, Janice McLaughlin's excellent Oak Street Ramble on WMUB-FM reminded me of home, yet beyond the group of eight or so musicians who irregularly got together on and off Miami University's campus, there didn't seem to be much going on in bluegrass.

As a matter of fact, there is as much excitement over the music in Ohio as anywhere, and not only because so many Appalachian people settled there after World War II. But it didn't seem so to me because bluegrass reminded me of home.

Home is the Tri-Cities (Kingsport, Bristol and Johnson City) area of Upper East Tennessee, perhaps the center of the area which served as bluegrass's "incubator." Although today a growing area for industry and the 93rd largest population expansion in the nation, the Tri-Cities remains primarily an agricultural, rural area, the same area in which Flatt and Scruggs, the Stanley Brothers, Jim and Jesse, Mac Wiseman and virtually all the others who popularized the Monroe sound found their greatest early market.

Of course, bluegrass wasn't "born" in the Tri-Cities, if it was "born" anywhere, but it was nurtured here, and it's possible that without such tender care in the cradle, the baby might not have survived. Yet, it did, and the most ironic thing of all is that almost no one here now seems to realize that, even though the reminders are all around.

The old schoolhouse are still here; many of the old radio stations still function, although their programming is now oriented mainly toward country-pop and the live radio show has disappeared, except for WBBI's Bluegrass Saturday Night for Abingdon, Virginia. But you can still find bluegrass here. How else could a fourteen-year-old high school freshman have been turned on to it so much thirteen years ago?

As performance centers, most of the dance halls and schoolhouses have been replaced by regular music establishments like the A.P. Carter's store and the Down Home, while bluegrass via the airwaves has retreated—or advanced, depending on your orientation—in a developing trend nationally, to public radio.

But every bluegrass fan and musician knows there are two faces to the music; public and private. The thousands of back-porch pickers form an informal network which coalesces into an even higher organization with the many bands who play only irregularly but make up a private bluegrass community. This is why it isn't hard, notwithstanding most of the population of East Tennessee's ironic apathy towards bluegrass music, for any young person in the area to learn about bluegrass and catch its contagiousness.

On a larger scale, there are really three levels of bluegrass here: first, the big-time groups and musicians like Doyle Lawson (see interview in this issue) who travel the festival circuit and are well known throughout the country; second, the local groups who are well known here and perhaps occasionally outside the area; and third, the legions of "just for fun" pickers who don't come close to forming bands or achieve excellent musicianship, but who occasionally see members of the first two levels locally and outside the area.

Of course, the Carter Family, from Maces Springs, Virginia, just over the Virginia line, once existed in and beyond all three levels. The roots of traditional country music in all forms go very deep here. Its past and present merge effortlessly into a seamless whole.

Perhaps that's why most natives take it for granted. I was born and grew up perhaps five miles from Maces Springs, and never heard about traditional music until high school. Oh, we had all heard the banjo, mainly on *The Beverly Hillbillies* and other things, but to me, like most of the kids in my peer group, pop music reigned in the early seventies and country music was still very much sugar-coated with the Nashville Sound.

It's taken years, but now, with the valuable experience of graduate school and living outside the area, I think I know why the music has stayed with me and why there is so little attention paid to it here. The music is inextricably bound up with the culture. Bluegrass can travel anywhere and still be valid and exciting, but for some reasons I don't understand, it is simply *part* of this area.

When I travel the backroads and hear Flatt and Scruggs pounding over the cassette to the beautiful scenic backdrop which might have provided the inspiration for whatever tune I'm hearing, it is as natural as anything can be. And if someone who I've never seen before throws his hand up in greeting and smiles, that's part of it too—never expected, unappreciated, but inextricably part of the culture.

Caught in between broad cultural generalizations and my wonderment over the music's connection to this area are the hard facts of its history and continuance here. It's really quite remarkable how many influential people in the history of bluegrass and country music were born near the Tri-Cities area. In fact, if you could draw a circle with a 100-mile radius around Kingsport, Johnson City and Bristol, it would encompass the homes of people like Earl Scruggs, the Stanley Brothers, Jim and Jesse, Mac Wiseman, Don Reno, and scores of others.

Earlier, it was only natural that some of the very first commercial country music recordings were made in Bristol. In 1927, Ralph Peer and his RCA Victor cronies recorded the Carter Family, Mom and Pop Stoneman and Jimmie Rodgers on State Street in that city bisected by the Tennessee/Virginia state line. (A local musician/artist has recently commemorated this event with a mural on a downtown Bristol building: see figure two.)

Most musicologists and country music scholars recognize these seminal discs as the most important early country music recordings; they literally began the country music recording industry. In addition, this early exposure in part helped to make possible the growth of the country and later bluegrass scene in the Tri-Cities region.

[Editor's Note: The Country Music Foundation Records has a 2-LP set of "The Bristol Sessions" slated for release September 25th featuring many of the artists who made their recording debut or continued rising recording careers in Bristol. Those included on this set are the Carter Family, Jimmie Rodgers, Stoneman Family, Tenneva Ram-

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blers, Blind Alfred Reed, Henry Whitter, and many more. A celebration in Bristol is slated to follow the album's release on September 26th.]

And, indeed, radio stations such as WOPI and WCYB in Bristol and WJHL in Johnson City soon blossomed into major performance and listening centers. After World War II, shows such as WCYB's Farm and Fun Time offered free publicity for practically every important early bluegrass entertainer at some point in the 1940s and '50s (see Jack Tottle's interviews with Ralph Stanley and Mac Wiseman in this issue). And, even after the advent of local labels, such as Jim Stanton's Johnson City-based Rich-R-Tone, WCYB served as a recording studio for many groups such as the Stanley Brothers, whose recordings there capture the spirit of the times and are classics of recorded bluegrass.

In addition, the Stanley Brothers, Flatt and Scruggs, Jim and Jesse and countless others promoted various products on early morning shows on other stations in the area. The obvious reason for this was the market for bluegrass in the Tri-Cities area. The early morning, noon-day and evening shows on WOPI, WCYB and other stations actually paid performers very little; their main function was to offer a rostrum for the groups which would allow the performers to be heard by potential promoters and simultaneously promote their public appearances. Consequently, shows such as Farm and Fun Time remained major spawning grounds for bluegrass talent.

As a result, many bluegrass musicians made their homes in the Tri-Cities area and the place-names of the bluegrass heartland made their way into the iconography of the bluegrass repertoire. And, with the spread of the music in the sixties and seventies, places such as Flint Hill, Roane County, Clinch Mountain, Pike County and Kingsport became familiar to bluegrass fans throughout the world.

Jack Tottle noted that Japanese pickers he'd met knew which sidemen had recorded on Stanley Brothers' albums cut in the area in the 1950s. One Japanese banjo player I met in Lexington, Kentucky, in June 1985 knew only a few words of English, but "Kingsport" was among them.

Obviously, he was familiar with one of native Joe Greene's fiddle tunes. Kingsport is also the home of Doyle Lawson, one of the country's most popular and successful bluegrass artists (see my interview with Doyle in this issue). Recently, Doyle moved back to the Tri-Cities area, and is now booking many more shows in the region.

The availability of such shows is evidence of the continuing appeal of bluegrass and related music here. One of the best places to hear the music today is the Down Home in Johnson City, long recognized as one of the premiere acoustic clubs in the country (see interview with co-owner Phil Leonard also in this issue).

There are several other places in the Tri-Cities area which feature bluegrass, old-time and acoustic music, including the Carter Fold in Hiltons, Virginia. Located just over the Tennessee line in Poor Valley near the Maces Springs homeplace of the Carter family, the fold is run by Janette Carter, Sara and A.P.'s daughter.

Every Saturday night, huge crowds jam the fold to watch both local and nationally-known bands. With its rustic setting, the fold (sometimes called "Carter's Store" because the Carters initially had music at a grocery store near the site) is a tourist attraction in its own right, a "no-miss" chance for travelers to sample the music of the bluegrass heartland and the Southern Appalachian culture with which it is so closely bound.

But surprisingly enough, one of the focal points of bluegrass in the Tri-Cities today is the region's only four-year university, East Tennessee State University in Johnson City. The Center for Appalachian Studies and Services, WETS-FM (the university's public radio station), and the Music Department all offer unique support to bluegrass-related happenings.

Dr. Richard Blaustein, director of the Center for Appalachian Studies and Services (CASS) at ETSU, is well-known to many fans of old-time music. He performs regularly with the Dixie Dewdrops band and has written extensively on old-time fiddlers contests and the region's treasure-trove of musicians. Since the beginning of his tenure at CASS, which was set up under Tennessee's Better Schools Program in 1984 and last year became one of the top five "Centers of Excellence" in the state, Blaustein has re-directed the course of the organization.

CASS offers fellowships which fund projects related to all aspects of Appalachian culture, including music. For example, CASS fellow Tommy Bledsoe used his support to produce an album by 94-year-old fiddler Uncle Charlie Osborne on the June Appal label. A CASS fellowship was also awarded to Phil Leonard, program director of WETS-FM and co-proprietor of the Down Home, to produce his Down Home Music series (see interview this issue).

Blaustein has also revived the popular Homefolks Festival which was a tradition on the ETSU campus from the sixties, and features many local bluegrass and old-time bands. Those interested in past Home Folks Festivals can listen to recordings of Flatt and Scruggs and other bands made at ETSU in the sixties at the Archives of Appalachia, also a part of CASS. The Burton-Manning folksong collection housed at the archives is one of the richest compilations of folk tunes and traditions in the nation.

CASS's triennial magazine, Now and Then, has featured issues on Appalachian music including bluegrass. (For more information write to: Center for Appalachian Studies and Services/Institute for Appalachian Affairs, Box 19180A, East Tennessee State University, Johnson City, TN 37614-0002, or call 615-929-5348, 4498).

WETS-FM, the University's public radio station, includes in its programming a number of acoustic and bluegrass-oriented shows. In addition to nationally-syndicated weekend programs such as A Prairie Home Companion, Our Front Porch, and the station's own Down Home Music, Phil Leonard programs an hour-long "acoustic review" Tuesday through Friday and supports Jack Tottle's excellent Bluegrass Heartland show on Monday afternoons. Local bluegrass aficionados have learned that WETS-FM's 60,000 watt signal offers perhaps as much of their kind of programming as any station in the area.

The Music Department itself at ETSU has recently decided to give bluegrass a fair hearing. Thanks to chairman Richard Compton and others, students at ETSU can now enroll in classes such as "The History of Country and Bluegrass Music," "Bluegrass Guitar," and "Bluegrass Ensemble (The ETSU Bluegrass Band)."

Rounder recording artist Jack Tottle designed and teaches all these courses. It is somehow appropriate, because of the lack of indigenous interest, that an outsider who appreciated the historical importance of this region for bluegrass was able to convince the Music Department that such courses belong in the curriculum. Since moving to the Tri-Cities five years ago, Jack has become an ardent supporter of music from the cradle of bluegrass.

There are other organizations here which promote bluegrass actively. The East Tennessee Musicians' Cooperative is an inter-form group which has been presenting opportunities for local groups for the past several years. Many local bluegrass and old-time groups are members of the "Co-op," as it's called.

Every Fourth of July weekend, the Co-op supplies entertainment for the Jonesborough Days Celebration in Tennessee's oldest town. Also in Jonesborough every year, the Co-op hosts the Old-Time Radio Reunion, a chance for veterans of the many historically important local radio shows to mix with the younger musicians and perform over WJCW-AM radio and for a live audience. The Co-op also sponsors a live bluegrass radio show over WJCW-AM from time to time called the "Rocky Top Roundup."

Over in Bristol, The Appalachian Music Association was organized in 1982 out of the Bristol Country Music Foundation. This organization provides informal gatherings for bluegrass musicians, such as the Slater Community Center dancing and jam session every week in Bristol, and holds formal events such as the annual Appalachian Music Days Festival at the Steele Creek Park and the State Street Music Festival downtown annually.

The existence of such organizations is proof that bluegrass is still very much alive in its cradle. Quality-wise, the music is just as vibrant today here as it was thirty or forty years ago. There are acres of good bluegrass bands around today in the Tri-Cities literally carrying on the tradition.

Perhaps a glance at the results of SPBGMA's 1987 International Bluegrass Band Competition held at the Mariott in Nashville earlier this year even better illustrates the vitality of the music in East Tennessee. No less than five bands from this region made the final fifteen cut in the contest, and three of those finished with prize money. Incidentally, these were the only five bands from the area entered in the contest.

The continuity of bluegrass as a band-oriented event in the Tri-Cities region is perhaps even more revealing considering the surprising lack of steady work for bluegrass musicians in the area. Maybe that's because so many of these bands are simple extensions of "level one": the myriad of back-porch pickers. But maybe it's because most of the local bands are family affairs. In fact, it's hard to find a local band that isn't made up of relatives of some sort here.

And that goes back to the nature of bluegrass music in the Tri-Cities and its unique connection to the area. It's almost as if bluegrass belongs here; not that it's really any better here than anywhere else or that there aren't other places where it "belongs," (like D.C., for example) but it simply fits here, like cab drivers in New York City, or other community-inherited traits.

Hopefully, it will continue. I sense a transformation here, a drastic moving away from the things which used to give the music its identity; but I also sense a pride usually reserved for families among the musicians. I think bluegrass is safe in its cradle for the time being, but wouldn't it be ironic if it

died out here? Perhaps the lesson can be applied everywhere: the music will live and grow as long as people support it, thus the parameters of our task. The Tri-Cities was an efficient nanny, but now the baby is grown and still requires care, perhaps now as never before.●

INTERPLAY BETWEEN CAPITAL GAINS TAX AND THE FINANCIAL MARKET

● Mr. BOSCHWITZ. Mr. President, once again I would like to address what President Reagan considers "the most important piece of unfinished business" of 1986 tax reform: that is, reducing the capital gains tax.

While the 1986 Tax Reform Act lowers income tax rates substantially, the maximum tax rate on long-term capital gains increases from 20 to 33 percent. That's a 65 percent increase. Significantly, such an increase in the capital gains rate will reduce the venture capital needed to start up new businesses that create more and better jobs and pay taxes.

At this time I would like to put into the RECORD an article by Louyis Rukeyser. Mr. Rukeyser recognizes the negative impact of increasing the capital gains tax and makes a plea for the tax to be reduced in order to restore a more efficient market.

As my colleagues recall, an objective of tax reform was to let the market, not tax considerations, influence investment decisions. Mr. Rukeyser points out to us how this objective has not been realized. When tax rates are relatively high, there is an incentive for investors to hold assets or not to invest. Even as the stock market skyrocketed up until the October 1987 crash, punitive tax considerations led investors to hold on to their investments.

Mr. Rukeyser perceives that the high tax on capital gains interfered with normal financial market signals. He believes the tax could have been a major contributor to the crash. Investors held on to their investments, whereas normally, as the market went up they would have sold assets to lock in profits. Rather than supporting investment and innovation, the economy was faced with a crisis situation.

Mr. Rukeyser also touches on my point regarding revenues. History shows that increasing the capital gains rate results in a loss of revenue. In contrast, lowering the tax rate on capital gains has consistently resulted in an increase in tax collections for the Treasury. That's because the capital gains tax is unique—the taxpayer only incurs the tax when an asset is sold. If the capital gains tax is high, the taxpayer has no incentive to dispose of assets and incur a tax.

Again, I urge my colleagues to join me in the effort to reinstate an exclusion for long-term capital gains. I have introduced legislation, S. 444, which would provide a 40-percent exclusion for assets held 1 year and a 60-percent exclusion for assets held 3 years or more. Mr. President, it's time to complete the unfinished business of tax reform. Doing so will be a major step toward more orderly markets and higher tax revenues.

The article follows:

[From the Plain Dealer, Dec. 6, 1987]

REDUCING U.S. TAX ON CAPITAL GAINS COULD RESTORE FINANCIAL CONFIDENCE

(By Louyis Rukeyser)

NEW YORK.—Hye there, Congress, how would you like a cheap and sensible way to restore confidence to the nation's financial markets?

If you guys are serious, you could work wonders simply by enacting a quick and needed reduction in the capital gains tax.

Ironically, unlike some other kinds of tax cuts, this one would lead not just to a happier economy, but to higher, not lower tax receipts.

A year ago, Congress outdid itself in the stupidity sweepstakes by raising the capital gains tax from a maximum of 20%, many small investors paid less to 28%, a whopping 40% increase.

Although few people in Washington have been willing to admit it publicly, this may have been a significant contributing factor to the Crash of '87.

The capital gains tax, you see, is a unique levy. It's the only one taxpayers decide when to pay. As long as an investor holds onto his investment, there's no tax.

Ordinarily, when a market skyrockets as this one did between January and August, investors would be selling heavily at every attitude, to lock in profits. This year, though, taxpaying investors faced a double whammy. Not only was the rate on long-term gains way up, but the tax on short-term profits was due to taxable next January. Any way you looked at it, the tax incentives were to hold on and hope.

So investors did just that. Before the market collapsed Oct. 19, the Dow Jones industrials did not have a single important sell-off, indeed, the Dow had by then gone an extraordinary 3½ years without so much as a normal 10% correction.

Had such adjustments occurred this year, there would not have been so much steam in the market to be let out with the first grant pinprick. By holding on abnormally, investors helped assure that the inevitable correction would itself be abnormal.

Nor is there anything new to the discovery that raising capital gains rates has widespread deleterious effects. The national interest lies in efficient, responsive capital markets. Were there no capital gains tax whatsoever, investors would buy and sell at every price level based solely on their financial rather than tax judgments.

Most serious students of the tax (notably including Federal Reserve Chairman Alan Greenspan) believe that eliminating it entirely would significantly promote more and better jobs, and higher living standards generally.

Given this conviction, and the certainly that the government would thus collect higher revenues further down the economic stream, why did Congress last year move in precisely the opposite direction?

Clearly, because legislators were sold on the idea that raisng the capital gains tax was "soaking the rich," and thus potitically (if not not economically) irresistible.

The only trouble with this cynical conclusion is that it happens not to be true. For history tells us that every reduction in the capital gains tax dramatically including the last two in 1978 and 1981, resulted in more, not less, capital gains revenue.

Those hostile to capital formation, and those who do not understand its irreplaceable role in raising everybody's living standards, are perenially baffled by the phenomenon of lower rates producing higher revenue.

The reason is simple. When rates come down, people are wilIng to take capital gains, whereas, as in 1987, when rates go up, people avoid realizing paper profits.

Much has been made of the increased market role of tax-free institutions, such as pension funds, and many have bewailed the lack of greater individual participation.

Slashing the capital gains rate immediately, at least to the 15% minimum rate on other income scheduled for next year, would send an immediate positive signal to individual investors, as well as producing both higher revenues and more orderly markets.●

THE MEDICARE NURSING PRACTICE AND PATIENT CARE OF 1987

● Mr. CHILES. Mr. President, on October 30, 1987, Senator DURENBERGER introduced S. 1833, the Medicare Nursing Practice and Patient Care Improvement Act of 1987. I am pleased to join my colleague in cosponsoring this measure.

Our Nation is facing a shortage of nurses that seriously threatens the delivery of safe and quality health care to patients. According to the 1986 nursing supply survey conducted by the American Hospital Association, the vacancy rate for registered nurses in U.S. hospitals has more than doubled between 1985 and 1986—from 6.3 percent to 13.6 percent. Not only are there more vacancies for qualified nurses, but hospitals and other health care providers are reporting that it is taking longer to fill those vacancies. Recent data indicate that many hospitals need 60 or more days to recruit qualified nurses, especially in specialty areas such as intensive and critical care.

The shortage of professional nurses to render quality health care deeply troubles me. While there have been nurse shortages in the past, this one seems to be more serious. According to Connie Curran, executive director of the American Organization of Nurse Executives, this shortage "* * * involves all types of nurses in all kinds of hospitals and in all regions of the country." Even more troubling is the fact that there is no indication that the situation is improving. Even though the number of nurses educated has doubled over the past 30 years, demand for registered nurses is increasing. The Bureau of Labor Statistics has forecast a 33-percent increase in the number of positions between

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1985 and 1995, from 1.4 to about 1.8 million. At the same time, fewer people are choosing to be nurses, as evidenced by declining enrollments in nursing education programs.

Over the past few years, various studies, commissions, and forums have focused on the nursing shortage in an attempt to identify why our Nation is experiencing a problem in this area. One factor cited is that the appeal of nursing as a desirable career seems to be waning. Many people who might have chosen nursing as a profession are opting to pursue other careers with better salaries and advancement potential.

Among the other reasons that nurses given for leaving the profession are: increased severity and intensity of care in hospitals, poor staffing ratios, undesirable working hours, and a lack of administrative support. More significant, however, is professional dissatisfaction which results because the specialized abilities of registered nurses are more often than not fully utilized. Under current management practices, highly trained and skilled professional nurses are often inhibited in their ability to provide high quality, cost-effective care because they are required to perform nonclinical, nonnursing related tasks. This underutilization of professional talent results in wasted resources, disappointment, apathy, and an eventual migration from nursing.

What can be done to solve our nursing shortage problem? One approach is to promote new, unique and innovative methods to recruit and retain nurses. S. 1833 contains important provisions which, I believe, will accomplish this, and I am proud to be a cosponsor of this measure.

The bill authorizes the funding of projects to demonstrate and evaluate innovative nursing practice and management models which are designed to link case management with patient care, increase the nurse's role in administration, improve working conditions to attract and retain the highest quality staff, and improve the cost-effectiveness and quality of patient care.

Projects which may be funded include initiatives to: promote more effective utilization of nurses; study patient outcomes of nursing care, including nursing diagnosis and treatment; support the establishment of professional collaborative relationships between nurses and physicians; develop or expand career progression opportunities for nurses; and, improve working conditions for nurses, in an effort to promote professionalism and retain the brightest and best in the profession.

Mr. President, we cannot neglect to address the shortage of nurses that threatens the delivery of quality health care services to our citizens. What is needed now are innovative approaches which will not only serve to abate the problem before us, but also encourage practice models that will result in the best and most cost-effective health care.●

THE JAMES B. TAYLOR, JR., MEMORIAL AND CARRIER AVIATION TEST PILOTS HALL OF HONOR

● Mr. **McCAIN.** Mr. President, I recently became aware of a new activity that pays tribute to a small but elite band of Americans whose heroic accomplishments in advancing naval aviation are virtually incalculable.

I refer to the professional test pilots involved in the experimental flight testing of U.S. Navy aircraft designed for carrier operations. Historically these pilots, unsung and unheralded, have faced risks as challenging and hazardous as combat flying itself.

Thanks to a dedicated group of Navy veterans and aircraft industry executives, the most outstanding of these pilots will be memorialized now and forever in a new chamber aboard the U.S.S. *Yorktown* CV-10, the famous "Fighting Lady."

The *Yorktown* today is a public museum at Patriots' Point in Charleston Harbor, SC. The ship's new chamber is called the "James B. Taylor, Jr. Memorial Room and Carrier Aviation Test Pilots Hall of Honor." It is here that the test pilot will be recognized for his work in naval aviation.

I am just one of the thousands of former naval aviators who owe a deep debt of gratitude to those whose labors of love and flying skills have enabled the rest of us to perform at peak efficiency.

In a day when the word "hero" has lost much of its true meaning, it is refreshing indeed to see some real American heroes honored in this way. The following is a brief report on this new activity which I recommend to all my colleagues, and I ask that it be printed in the RECORD.

The report follows:

THE JAMES B. TAYLOR, JR., MEMORIAL ROOM AND CARRIER AVIATION TEST PILOTS HALL OF HONOR

(By James R. Greenwood)

Last fall in a little known ceremony aboard the U.S.S. Yorktown (CV-10) at Charleston, SC, the first nine in a select group of American test pilots were honored for their significant contributions to the development of United States Navy carrier aviation.

The ceremony, conducted by the U.S.S. Yorktown CV-10 Association & Foundation, followed the dedication of the famed ship's new "James B. Taylor, Jr. Memorial Room and Carrier Aviation Test Pilots Hall of Honor." The room is named for the late Lt. Cdr. James B. Taylor, Jr., U.S. Naval Reserve, a naval aviator and test pilot in two world wars.

In addition to Commander Taylor, eight other pilots, four living and four deceased, were enshrined in the new Hall of Honor. And in the years to come still others will be selected and inducted in like ceremonies.

Among the nation's shrines of flight, the new James B. Taylor, Jr. Memorial Room and Carrier Aviation Test Pilots Hall of Honor is truly unique. It is the only place in the country that honors aviators who helped build American air power by test flying carrier-based naval aircraft.

More than a few of these experimental test pilots have paid the highest price in the pursuit of their profession. One of them was "Jimmie" Taylor, an early pioneer in aeronautical development.

Commander Taylor learned to fly in 1914. When the United States entered World War I he quit Princeton and joined the Navy, soon winning his wings as Naval Aviator Number 437. In the words of aviation authority Harry Bruno, he was "one of the greatest test pilots in American history."

During an active aviation career spanning more than 25 years, both as a naval aviator and a "free-lance" civilian contract test pilot, Jimmie flew, tested or demonstrated 461 different makes and models of aircraft. This could well be a world record for the most aircraft flown by one pilot.

He evaluated some of the most advanced military fighter and attack designs of their day—planes built by Douglas, Boeing, Brewster, Grumman, Seversky, Curtiss and Vought. He was one of the very few pilots qualified to perform terminal velocity dives and other high stress maneuvers.

But his value to naval aviation went far beyond his skill as a pilot. His expert assessment of the European air industry in 1937, for example, revealed dramatic gains in aircraft technology abroad. His informative report drew high praise from the Navy's Bureau of Aeronautics.

He was also instrumental in bringing about constructive changes in the Navy's requirements for testing new aircraft. And he was one of the first to urge the consolidation of all naval flight test activities for greater efficiency, a plan which ultimately resulted in the establishment of the Naval Air Test Center at Patuxent River, Maryland.

In 1918, as a young ensign, he flew the initial flight of the Loening M-2 Kitten, the Navy's first monoplane. the next year he became one of the first pilots to fly scout planes from platforms built over the gun turrets of battleships.

He was also one of the first naval aviators to test new types of landing and launching gear on the U.S. Navy's first aircraft carrier, the U.S.S. Langley.

Jimmie Taylor left the Navy in 1922 and became a contract test pilot for a number of early aircraft manufacturers. On April 3, 1939, while diving a Curtiss XSBC-4 Helldiver for the Navy, he lost parts of his plane and nearly blacked out in a violent 13.5-G pullout. He may have been the first pilot in history to fly a plane over 500 mph and live.

In 1940, some 16 months before Pearl Harbor, the Navy recalled him to active duty. Tragically, he was killed on May 25, 1942, when a new electric control mechanism he was flight testing on a modified Grumman XF4F-6 Wildcat fighter suddenly failed and the plane crashed.

For his "heroism and extraordinary achievement" as an experimental test pilot, he was awarded the Distinguished Flying Cross posthumously by a grateful nation. The citation accompanying the medal states in part:

"Lieutenant Commander Taylor's superb airmanship, great personal valor and fearless devotion to duty were responsible in large measure for the rapid advance of military aviation and in keeping with the highest traditions of the United States Naval Service."

About Jimmie Taylor, Senator John McCain of Arizona, himself a highly decorated former Navy combat pilot, recently wrote: "Because of his dedication and love for aviation, he exemplified the true spirit of the test pilot. The risks he encountered to ensure the safety of others is the utmost sacrifice in the service of our country."

Commander Taylor's pioneering work paved the way for better and safer airplanes. He pushed planes beyond their limits. And in the process he helped develop a whole new technology for proving new concepts in aircraft design. The highly sophisticated flight test operations we know today are a living tribute to the legacy of Jimmie Taylor.

Candidates for enshrinement in the new James B. Taylor, Jr. Memorial Room and Carrier Aviation Test Pilots Hall of Honor are chosen for their exceptional performances in the field of carrier aircraft flight testing. The other eight test pilots inducted in the Yorktown ceremonies October 10, 1987, were:

Eugene B. Ely of the Curtiss Exhibition Company, who in 1910 and 1911 successfully landed and took off from wooden ramps erected on Navy ships. The feats marked the beginning of naval aviation. Later in 1911 Ely died in a plane crash.

Theodore G. Ellyson, Naval Aviator Number One, who tested the first Navy aircraft, the Curtiss A-1. The first Navy pilot to fly at night, he also flew the initial tests on the Navy's first flying boat, the C-1. Commander Ellyson lost his life in a 1928 aircraft accident.

Vice Admiral Frederick M. Trapnell, a pioneer in naval flight test. He was also a leading force in moving the Navy into jets. He also commanded the U.S.S. Coral Sea. Admiral Trapnell retired in 1952 and died 23 years later.

Major Gen. Marion E. Carl, USMC (Ret.), first Marine Corps combat ace in World War II. A veteran naval test pilot, he had a key role in testing jets for carriers. He also flew jet and rocket-powered research vehicles in which he set speed and altitude records.

Lt. Col. Charles A. Sewell, USMC, a veteran of Korea and Vietnam combat who became chief test pilot for Grumman Aerospace where he flew first tests on a number of carrier aircraft, among them the A-6 Intruder and F-14A Tomcat. He was killed in a plane crash in 1986.

Robert M. Elder, one of the first naval aviators to test jet aircraft and later flight operations director for Northrop Corporation. He is the only pilot ever to land a P-51 on an aircraft carrier. In 1948 he flew the first Navy carrier suitability tests on the FJ-1 Fury, the first jet fighter to go to sea.

James L. Pearce, a Navy fighter ace in World War II who flew tests on some of the earliest jet aircraft designed for carrier operations. While at North American Aviation he tested the AJ Savage, FJ Fury and A-5 Vigilante, a Mach 2 carrier-based attack aircraft.

Robert O. Rahn, a former U.S. Army Air Forces test pilot who flew America's first jet, the Bell XF-59 Airacomet. At Douglas Aircraft he performed tests on some of the Navy's most successful carrier aircraft, including the AD Skyraider, F3D-1 Skynight, F4D Skyray, A4D Skyhawk and F5D Skylancer.

It is fitting that "The Fighting Lady" was selected as the permanent site for memorializing pilots who have achieved distinction flight testing carrier-based naval aircraft. From her decks, and the decks of her sisterships, some of the best and bravest pilots in the world racked up victory after victory in the defense of freedom.

Commissioned in 1943, the Yorktown CV-10, namesake of the first Yorktown (CV-5) which was sunk at Midway in 1942, fought many historic battles in World War II. It also saw action in Korea and Vietnam. A museum since 1975, it serves today as a national monument to carrier aviation.

The new James B. Taylor, Jr. Memorial Room and Carrier Aviation Test Pilots Hall of Honor was first proposed by James T. Bryan, Jr., executive director of the U.S.S. Yorktown CV-10. Association & Foundation and the ship's ordnance officer during the war.

Much of the credit for transforming an idea into reality goes to James B. Taylor, III, chairman of Gates Learjet, his brother David and sister Aileen Butler. They are the sons and daughter of the man in whose memory the new shrine is named. The two brothers had followed in their father's footsteps—both became naval aviators in World War II.

The honorees were chosen by a selection committee which included A. Scott Crossfield, a former test pilot now serving as technical consultant to the House Committee on Science, Space and Technology, and Albert W. Blackburn, also a former test pilot and now associate administrator for policy and international aviation, Federal Aviation Administration.

Other panel members represented a broad spectrum of the air industry and the U.S. Navy. Nominations were submitted by senior naval officers, by fellow test pilots and by the chief executives of airframe companies engaged in the manufacture of carrier aircraft, past and present.

Periodically in the future other experimental test pilots will be similarly honored and their names and deeds added to the roster of airmen previously inducted. Such well-deserved recognition will go far in preserving America's proud heritage in naval aviation.●

JEWISH COMMUNITY HOUR RADIO SHOW CELEBRATES TWENTY-FIFTH YEAR

● Mr. **DIXON.** Mr. President, the Jewish Community Hour, a Chicago area radio show, celebrates its 25th consecutive year of being on the air in February 1988. I would like to take this opportunity to congratulate the show and its producer, Bernard Finkel, for providing the Chicago area with an extraordinary radio program for the past two and a half decades.

The Jewish Community Hour first aired in mid-February, 1963, and has since been a variety show of music, commentary, humor, special features, interviews, weather reports; and news from Israel and the Chicago area Jewish community. The show has continued to provide something for everyone, regardless of age or religious inclination under the guidance of producer and host for the past 12 years, Bernard Finkel.

The Jewish Community Hour has been recognized for its community public service by various area organizations. The Jewish Community Hour is the only show of its kind in Chicago and the only radio show in the area to receive such prestigious community endorsements.

Mr. President, I would like to bring attention to this radio show and congratulate it and its producer, Bernard Finkel, on reaching such a milestone. I wish the Jewish Community Hour the best, and thank everyone connected with the show for their dedication.

THE RETIREMENT OF FRANK S. SATO, INSPECTOR GENERAL OF THE VETERANS' ADMINISTRATION

● Mr. **MURKOWSKI.** Mr. President, I rise to pay tribute to Frank S. Sato, who recently retired as Inspector General of the Veterans' Administration.

An Air Force veteran, Frank Sato was appointed Inspector General of the Veterans' Administration by President Reagan on July 31, 1981, after confirmation by the U.S. Senate. He was responsible for all audit and investigative activities within the Veterans' Administration.

As former chairman, and now ranking minority member of the Committee on Veterans' Affairs, it was my good fortune to have had the opportunity to work closely with Frank. The second IG in the history of the Government's largest independent agency, his accomplishments are truly remarkable. Under his leadership, potential monetary recoveries and cost efficiencies identified in audit reports totaled $1.1 billion in 1986 alone. During his 6-year tenure, actual monetary recoveries and cost efficiencies totaled over $2.7 billion.

Mr. Sato's investigations into fraudulent situations have had significant impact on reducing fraud and improving the service to veterans and use of taxpayers' dollars. In 1986, for example, 422 indictments were issued on IG cases referred for prosecution. Investigations in the VA's Loan Guaranty Program disclosed that veterans' properties were being fraudulently obtained and rented out until foreclosure, without relieving the veteran of mortgage liability; those investigations helped lead to legislation which changed the rules on assumptions of VA loans.

I particularly remember Frank for the time he took to investigate an issue critical to the veterans of Alaska. After a comprehensive report and despite a burdensome schedule, Mr. Sato personally took the time to work closely with me in order to assist Alaska veterans to continue to receive the best medical care in the most cost-effective manner.

During his more than 32 years of Federal service, Mr. Sato was also known for his governmentwide contributions, including service as Chair of the President's Council on Integrity and Efficiency Audit Committee. He received the Association of Government Accountants Distinguished Leadership Award in 1978, the Department of Defense Distinguished Civilian Service Award in 1979, and the Association of Government Accountants Gold Medal Award in 1981. Most recently, Mr. Sato was selected to receive a distinguished award from President Reagan for his outstanding work at the VA.

Frank Sato's lifetime of public service is even more remarkable when we recall that he was incarcerated with his family from 1942–45, along with 120,000 Japanese-Americans. It was this experience, he told me, that forged his civic involvement and commitment to responsible Government.

We were fortunate to have had the benefits of Frank Sato's service. I wish him nothing but the best and thank him again for his service to veterans and his country.●

WELFARE REFORM

● Mr. MITCHELL. Mr. President, I would like to have an article, which appeared in the February 1, Washington Post, inserted into the public record. The article is entitled, "Public Beliefs on Welfare Challenged" and stems from a speech our distinguished colleague from New York, DANIEL PATRICK MOYNIHAN, delivered on the Senate floor last week.

PAT MOYNIHAN has spent the last three decades studying and working with welfare reform in a number of capacities. There is no one currently in the Congress who has been more involved with examining the welfare system than the Senator from New York.

To address a situation in our country where one in every five children is living in poverty, we implement two programs; SI and AFDC. But while the majority of children receiving SI are white, the majority of children receiving AFDC are black or Hispanic.

The Post article highlights statistics from PAT's research and hands-on experience: Since 1970 the provision for children receiving survivors insurance [SI] has increased in real terms by 53 percent, while the provision for children receiving AFDC benefits had declined by 13 percent.

And, as a result we have a system where the Government tries to alleviate poverty for one group of children while wholly ignoring the children living in poverty in the other group.

Most Americans assume that welfare benefits are at least generous enough to rescue from poverty people who are too young, too old, or too sick to work. This is false. Few States have ever provided benefits generous enough to remove families from poverty, even when the value of food stamps and subsidized housing are taken into consideration.

Welfare reform is not a new objective. It has frustrated both Congress and the White House for decades. The players are different now, but the issue remains the same. What's wrong is not that we have too many benefits or not enough variation among States, but that we've failed to offer a genuine way to become self-supporting.

During this Congress, I believe we are taking the right approach. PAT MOYNIHAN has drafted legislation that will fundamentally change the welfare system. Fifty-five of us, more than half the Senate, have cosponsored the bill and are working with PAT to enact effective changes.

For the first time, we are seeing Democrats advocating work requirements for welfare recipients, and Republicans are starting to endorse Federal funds for child care and transportation allowances. With the wealth of information available from recent studies and the bipartisan support apparent for welfare reform, this Congress may actually achieve true reform.

PAT MOYNIHAN wrote in his book, "Family and Nation,"

> A commonplace of political rhetoric has it that the quality of a civilization may be measured by how it cares for its elderly. Just as surely, the future of a society may be forecast by how it cares for its young.

As the welfare reform debate continues and as welfare reform is considered on the Senate floor, I urge you to join with PAT and the 55 of us who have cosponsored the Family Security Act. Our children are our future.

The article follows:

PUBLIC BELIEFS ON WELFARE CHALLENGED

(By Spencer Rich)

Are welfare benefits so high they discourage work?

Do most people stay on welfare for eight or 10 years or more?

Do young women have babies just to qualify for welfare?

Is a tendency to go on welfare passed down from generation to generation?

Two leading figures in the national welfare policy debate addressed such widely held public beliefs about the welfare system last week.

On the Senate floor, Daniel Patrick Moynihan (D-N.Y.) making a pitch for his bill to revise the welfare system, showered the Senate with statistics challenging the notion that welfare benefits are excessively high and have grown rapidly over the past decade or so.

In 1970, said Moynihan, the average person on Aid to Families with Dependent Children (AFDC)—which has about 3.8 million women and more than 7 million children on the rolls—received a benefit of $140 a month, measured in 1986 dollars.

Sixteen years later, in 1986, that benefit, in the same constant dollars, had dropped to $122.

By contrast, Moynihan said, another public support system for children who have lost the support of a father—Social Security survivor insurance—rose from $222 month per child in 1970 to $339 in 1986, measured in constant dollars.

Noting that most children who receive Social Security survivor benefits are white, while the majority of those who receive AFDC are black or Hispanic, Moynihan told the Senate, "We have created an extraordinary institutional bias against minority children." He added in an interview, "Built into our Social Security system is discrimination between majority white children growing up with one parent and minority black children growing up with one parent."

In an article in Science magazine, Greg J. Duncan of the Institute for Social Research at the University of Michigan, with colleague Martha J. Hill and Saul D. Hoffman of the University of Delaware, summarized some of the findings from various welfare studies and from his pioneering longitudinal studies of income in welfare families.

Contrary to a widespread belief that many people stay on welfare almost forever, Duncan and his coauthors said that of all people on AFDC, about 30 percent receive welfare for one or two years, 40 percent for three to seven years and only 30 percent for eight years or more.

Welfare does have some inhibiting effect on work, reducing work effort for female heads of families 180 hours a year on average, according to one recent study, Duncan and his colleagues wrote.

They said a recent comprehensive study suggests that the "amounts of AFDC payments have no measurable impact on births to unmarried women, and only a modest effect on rates of divorce, separation and female head-of-household status."

One finding addresses the popular notion that welfare dependency is handed down from generation to generation.

Based on a 19-year study of the fortunes of representatives families, Duncan and his coauthors reported that in families that had not been dependent on welfare while the child was growing up, 91 percent of the daughters were not on welfare when observed later at the ages of 21 to 23.

Where the parents had been moderately dependent on welfare while the child was growing up, 62 percent were not on welfare when observed at the same ages.

Even where the family had been highly dependent on welfare when the child was young, 64 percent of the daughters were not on welfare when observed at ages 21 to 23.

The House passed its welfare overhaul bill, the Family Welfare Reform Act of 1987, on Dec. 16 after weeks of controversy and lobbying by Democratic leaders. The five-year, $5 billion measure would convert AFDC into a program that places adult participants in education and job training programs while providing benefits to their families.

Moynihan's measure, which will be taken up by Senate panels this year, is expected to cost about half as much as the House bill because it does not attempt to increase welfare benefits. Like the House bill, it would create mandatory education, work and job training programs. It also includes several provisions aimed at children's needs.●

LITHUANIA'S DECLARATION OF INDEPENDENCE

● Mr. BOSCHWITZ. Mr. President, I rise today to recognize the 70th anniversary of Lithuania's Declaration of Independence. In 1920, the Soviet Union recognized Lithuanian sovereignty for "all time." Unfortunately, that lasted about as long as it took Stalin to work out a deal with Hitler, and in 1939, Soviet troops invaded Lithuania and ended its independence.

The United States has never recognized Lithuania's annexation into the U.S.S.R. and despite the long Soviet occupation, the Lithuanians continue to resist incorporation into the Soviet Union. Today, they are coming together in their country's capital, Vilnius, and in its second largest city, Kauna, to commemorate that Declaration of Independence of 70 years ago. They do so at great personal risk, because public celebration of Lithuania's Independence Day is considered a criminal offense by Soviet authorities.

Americans of all political persuasions stand behind this noble effort, and I am joining my colleagues in a petition on behalf of the Lithuanian people, asking the Soviet Union to allow them to demonstrate peacefully on this anniversary. I salute these valiant people as they struggle to regain a voice in shaping their own destiny and that of their country.●

CONGRATULATIONS TO AUGUSTINE GURROLA

● Mr. REID. Mr. President, I am proud to congratulate Mr. Augustine Gurrola, who has been chosen to receive the 1988 New Mexico Club of Nevada Distinguished Award. Mr. Gurrola will be honored at the annual installation banquet on February 26, 1988, at the Elk's Lodge in Las Vegas, NV.

Mr. Gurrola, a native of Gallup, NM, received his bachelor of science degree from Notre Dame University and his masters degree in civil engineering from the University of Southern California. He has more than 25 years experience in management, engineering, and design and construction projects such as testing support structures, highways, utilities, airports, and housing. Much of this outstanding work has been in support of the Nuclear Weapons Testing Program at the Nevada test site.

As vice president and general manager of the energy support division of Holmes and Narver, Augustine Gurrola is responsible for management of the A&E contract between his distinguished firm and the Nevada office of the Department of Energy. This contract includes engineering, surveys, inspection and special studies for the Nevada test site, and operations and maintenance on Johnson Island in the Pacific area.

Mr. Gurrola is currently the chairman of the opportunity development council, consisting of companies under contract to the Department of Energy. The ODC has actively supported such organizations as the National Association for the Advancement of Colored People, the Nevada Association of Latin Americans, and the Latin and Black Chambers of Commerce. He also serves as a director in the Latin Chamber of Commerce.

Always a leader in providing business and educational opportunities for young people in southern Nevada, Mr. Gurrola is currently working with the Department of Energy and the University of Nevada-Las Vegas to establish a minority engineering program at the university. The Student Intern Employment Program managed by Mr. Gurrola at Holmes and Narver has been very ambitious, employing 30 summer students in 1987.

Since the inception of the Magnet School Program in Las Vegas, Augustine Gurrola has spearheaded his firm's partnership with Chaparral High School. The Magnet Program ended, but Mr. Gurrola's commitment remains strong. Holmes and Narver has raised funds yearly for student scholarships at UNLV, assisted in student science fairs, and contributed technical publications.

Recognizing his dedication, the Clark County School District asked Mr. Gurrola to be a member of a strategic team whose goals are to provide better educational facilities and reduce the high school dropout rate. He is an active participant in the professionals and youth building a commitment program for the school district. PAYBAC counsels youths on the benefits of education and provides guidance in career selections.

Augustine Gurrola's professional achievements and outstanding record of service to the community are an inspiration to us all. Once again, I offer him my congratulations.●

LITHUANIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, it is a great honor for me to join with more than 1 million Lithuanian Americans in celebrating the establishment 70 years ago of the Republic of Lithuania. On this day, February 16, it is customary for those of Lithuanian heritage and their friends and supporters to commemorate the proclamation of a progressive and independent Lithuania which, for its all-too-brief life of 22 years, was a beacon of democracy. Today all Americans are afforded the opportunity to reflect on the proud heritage of our fellow citizens of Lithuanian descent and to renew our dedication to the principles of freedom and liberty for which this important day stands.

The continuing unity of the Lithuanian people is based on a common heritage dating back many centuries. In the more than 700 years since the original formation of a united Lithuania, the history of this valiant nation has been marked by constant struggle against aggressors. Through countless invasions Lithuanian defenders stood resolutely against their foes and demonstrated their commitment of freedom. After well over a century of domination by Russia, the people of Lithuania proclaimed their independence and reestablished their sovereignty as a nation on February 16, 1918. Years of repression ended with the adoption of a constitution in 1922, which granted to the Lithuanian people the basic freedoms of speech, assembly, and religion. For more than two decades the young nation prospered economically and lived at peace with its neighbors. Yet this brief period was terminated in 1940, when Soviet forces occupied and annexed Lithuania in violation of their peace treaty of 1920. The Soviets to this day continue to control the land and its people, an occupation the United States has never recognized.

Remarkably, the brave Lithuanian people have withstood centuries of relentless pressure to abandon their religion, their culture, and their language. Their success in preserving that culture as immigrants to the New World has not only guaranteed their cohesion as a community, but has produced innumerable contributions to American society. In the last century Lithuanians joined in the building of our new land as foundrymen in western Pennsylvania; weavers in New England and New Jersey; tanners in Philadelphia; dockworkers in Cleveland; and tailors in Baltimore. Today their descendants are leading members of the professional, business, artistic, and academic communities. Lithuanian Americans have greatly enriched America's culture with their longstanding tradition of self-help and voluntarism, as shown by the more than 2,000 Lithuanian charity and mutual aid organizations in the United States today.

On this 70th anniversary of the Republic of Lithuania's restoration, we must also pay tribute to the brave men and women whose visions of freedom and whose sacrifices of the past and present continue to guide the Lithuanian people. Our thoughts turn to Viktoras Petkus, founder of the Lithuanian Helsinki Monitoring Group, who has served more than 20 years in prisons, labor camps, and internal exile. We think of Balys Gajauskas, who has spent more than half his life in prison for his human rights activities. Bishop Julijonas Steponavicius has been in exile since 1961, and Father Alfonsas Svarinskas and Sigitas Tamkevicius will remain in exile until 1993. These

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men have risked their lives for the rights and freedoms we, as Americans, enjoy and cherish, and their strength and steadfastness of purpose serve as a bright ray of hope for all of us.

Mr. President, Lithuanians gather today in their capital, Vilnius, and around the world to commemorate the 70th anniversary of the establishment of an independent Lithuanian Republic. Despite the violent disruption of their peaceful gatherings just last August and November, they will not be deterred from demonstrating their continuing commitment to freedom. We in the United States stand with them on this important occasion, and share in the hope that the day is near when their dream of independence once again becomes a reality.●

COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

● Mr. EXON. Mr. President, I rise today to honor the people of Lithuania, an independent nation that for too long has been illegally occupied by the Soviet Union. Today, February 16, marks the 737th anniversary of the founding of this heroic nation and the 70th anniversary of the restoration of the independent state of Lithuania in 1918. On this memorable day, the world should pause to honor the noble people of Lithuania.

Many of the visitors in the Senate gallery today are probably too young to recall the recent tragic past of Lithuania. This tiny nation on the Baltic coast in Europe has long been occupied and victimized by more powerful neighbors. It enjoyed a brief freedom beginning in 1918 only to lose that freedom in a brutal Soviet occupation in 1940. At the same time, the Soviet Union also illegally swallowed the tiny neighboring nations of Latvia and Estonia. In a world distracted by the larger horrors of World War II, nothing was done to reverse this outrage.

Yet our Nation has never recognized the Soviet occupation and to this day we view Lithuania as an independent nation illegally occupied by the Soviet Union. In this way, we continue to press for the withdrawal of Soviet forces and the liberation of the Baltic States.

Similarly, Lithuanians around the world, including in my home State of Nebraska, have never given up the struggle for the freedom of their homeland. Nor should they. Indeed, all free people should join them in their effort to free the land that is rightfully theirs. For if we ignore this encroachment of sovereignty and tolerate the illegal occupation of lands, no matter how tiny or remote, then freedom is doomed. This is the lesson we must all understand. We ignore it at our own peril.

Mr. President, we are witnessing all kinds of wondrous changes within the Soviet Union. I submit, however, that until the Soviet Union undoes the injustice it has done to Lithuania, those changes will be revealed as cosmetic and propagandistic. As long as the Baltic States remain enslaved, we should not be distracted by meaningless Soviet gestures and fooled by the smiles of new Soviet leaders.

The Lithuanian people need our continued support if their dream of a free homeland is to ever occur. These proud and energetic people deserve our commitment to their independent future. I hope that free people everywhere will join me today in paying a special tribute to the Lithuanian people as we renew our commitment to their freedom.●

LITHUANIAN INDEPENDENCE DAY

● Mr. DIXON. Mr. President, February 16, 1988, marks the 70th anniversary of the Declaration of Independence of Lithuania.

June 14, 1988, will mark the 47th anniversary of the date on which the Soviets, acting on the Molotov-Ribbentrop Pact and in collusion with Nazi Germany, began their occupation of the then sovereign State of Lithuania and the deportation of thousands of Lithuanian citizens to Siberia, few of which never returned.

The people of Lithuania and their relatives worldwide, many of whom reside in Illinois, have been peacefully resisting Soviet occupation of their land, deportation of their peoples and russification of their culture.

I heartily commend the people of Lithuania for their nearly half-century of gallant and peaceful resistance to Soviet domination and occupation. The most recent example of peaceful resistance occurred on August 23, 1987, when some 10,000 Lithuanians, Estonians, and Latvians gathered in the streets of Tallinn, Riga, and Vilnius to commemorate Soviet occupation. My hope is that General Secretary Gorbachev will allow these ceremonies to continue unimpeded again this year.

I am completely committed to freedom, independence, and self-determination for Lithuania. We must never forget the Lithuanian struggle. When we support the people of Lithuania, we support the pursuance of freedom and liberty in the United States and everywhere. And when we continue our support of Lithuania, we know that one day freedom will come to Lithuania. Tegyvuoja Laisvoji Lietuva! (May Lithuania be free!)●

CIVIL RIGHTS RESTORATION ACT

● Mr. INOUYE. Mr. President, I wish to clarify the remarks pertaining to the Civil Rights Restoration Act that I entered in the RECORD of our proceedings on February 1, 1988. My statement concerned a proposed amendment denying people with infectious diseases protection under the Rehabilitation Act of 1973. It was inadvertently printed under the title "Statement on Amendment No. 1396 to the Civil Rights Restoration Act." However, my comments did not refer to amendment No. 1396, which is completely harmonious with the Arline decision.

I supported the amendment numbered 1396, as adopted. It does not reduce the scope of the act or eclipse the Arline decision. It simply emphasizes that neither the Rehabilitation Act nor the Arline decision requires employers to hire individuals who directly threaten the safety of others or are incapacitated by their illnesses. Consequently, it is entirely consistent with the intent of section 504 of the Rehabilitation Act, as interpreted in Arline.●

175TH ANNIVERSARY OF LIVINGSTON TOWNSHIP

● Mr. BRADLEY. Mr. President, February 13 marked the 175th anniversary of the founding of Livingston Township. I call upon my colleagues to join me in commemorating this historic occasion.

Since its formation in 1813, Livingston has enjoyed a history marked by remarkable growth and progress. It began as a small farming community and by the latter part of the century became the home of various industries. The shoemaking trade employed about 10 percent of the township's residents, with many others involved in the dairy business. Business boomed for shoemakers during the Civil War as the demand for soldiers' shoes increased dramatically. After the war, the sizing industry—part of the hatmaking trade—flourished until about 1910. The standard of living in Livingston was given a further boost in the late 1800's when "Livingston Accommodation," a stage coach line, began operating. It quickly became one of the largest public transportation systems in northern New Jersey, marking an end to the years of isolation that plagued the township.

Throughout this century, growth in Livingston has increased rapidly. There has been a tremendous building boom and influx of new residents, along with considerable progress in transportation, education, and various municipal services—all of which have contributed to making Livingston one of the finest communities in New Jersey today. After 175 years, Livingston is no longer a small farming community, yet the feeling of pride and cooperation among the residents, remains one of the township's greatest assets.

Livingston celebrated its 175th anniversary on February 13 with a series of special events. I join the residents of Livingston in celebrating 175 years of progress, and I extend my best wishes to them for continued success in the future.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, I rise to join the people of Lithuania in commemorating the 70th anniversary of Lithuania's Declaration of Independence.

On February 16, 1918, Lithuania's independence was proclaimed, and for two decades the sovereign nation flourished. However, the signing of the Molotov-Ribbentrop Pact in 1939 and the subsequent Soviet occupation of the Baltic States ended that period of independence.

Although the Lithuanian people no longer enjoy the freedoms they once knew as a sovereign nation, their memories of independence remain strong. The Soviets have stolen Lithuanian independence, but they have not stolen hopes and dreams of freedom and sovereignty. Those remain strong in the hearts of Lithuanians and their relatives abroad.

Today, Lithuanians intend to meet in their capital, Vilnius, and the country's second largest city, Kaunas, to commemorate the occasion. Some 200 Lithuanians contacted General Secretary Gorbachev informing him of their intentions to commemorate the day with flower-laying ceremonies. Others plan to commemorate the day by attending services in churches throughout Lithuania.

In the Senate, we have encouraged General Secretary Gorbachev to permit desiring Lithuanians to participate in these peaceful ceremonies commemorating Lithuanian Independence Day. Senators RIEGLE, DURENBERGER, and I circulated a letter in the Senate, signed by 29 of our colleagues, which sent that message to the Soviet Union. I ask that a copy of the full text of the letter be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, February 11, 1988.

Hon. MIKHAIL S. GORBACHEV,
General Secretary of the Communist Party,
The Kremlin, Moscow, U.S.S.R.

DEAR MR. GORBACHEV: This year marks the 70th anniversary of the restoration of Lithuanian independence and the establishment of independent nation-states in Estonia, Latvia and Lithuania. We have received reports that citizens of Estonia and Lithuania intend to honor their independence days, which occur this month, with public ceremonies.

From a series of peaceful demonstrations which took place in the Baltic States last year, we know that national feelings run strong and deep among the Baltic peoples. This was made especially clear to us and to people throughout the United States when on Auguat 23, 1987, some 10,000 Balts gathered in the streets of Tallinn, Riga and Vilnius to peacefully commemorate the 1939 Molotov-Ribbentrop Pact and its secret protocols, which led to the occupation of the Baltic States by the U.S.S.R.

Prior to that August demonstration, many of us wrote to you urging you to prevent any official disruption of these peaceful gatherings. We were encouraged by the fact the August demonstrations were allowed to proceed, and hope your government will similarly respect the rights of the Lithuanian and Estonian people to mark their independence days in whatever peaceful manner they choose.

In Lithuania, we understand that 200 Lithuanians have written a letter informing you of their intention to commemorate their independence day on February 16 with flower-laying ceremonies at various sites of historical and national significance in Vilnius and Kaunas. The letter appealed for your assurances that the ceremonies be allowed to proceed unimpeded. However, one report reaching the west indicates that Soviet authorities may move to block these peaceful ceremonies.

We have also learned that 41 Lithuanian citizens, including 10 priests, have issued an appeal to other Lithuanians to join them in commemorating their Independence Day at religious services to be held in churches throughout Lithuania.

In Estonia, in addition to public demonstrations held on February 2nd, citizens there have announced the formation of the Estonian National Independence Party, to promote human rights and self-determination of the Estonian Republic.

In the past, we have been greatly concerned over the official harassment and abuse directed against individuals who have participated in public demonstrations.

Indications are that those who participate in this year's commemorations may face similar reprisals. We are particularly concerned over the January 29th "Pravda" report stating that Communist Party leaders in Lithuania had decided to intensify their efforts against "bourgeois nationalism and clerical extremism." We are also disturbed by the news that Ms. Nijole Sadunaite, a leading Lithuanian dissident and demonstration organizer, was assaulted on the streets of Vilnius on February 6 in a apparent attempt to intimidate her.

We therefore write today to urge you not only to allow the Lithuanian and Estonian people to peacefully honor their national independence days, but also to take all necessary measures to guarantee that they do not become targets of state-sponsored harassment before or after these commemorations.

In your November, 1987 speech marking the 70th anniversary of the Bolshevik revolution, you referred to the "enormous and unforgivable" crimes of Stalin, and you asserted that Soviet foreign policy under your leadership has remained in concert with the "basic course worked out and charted by Lenin." As you know, when Lenin was at the helm of the Soviet Union's Communist Party, the U.S.S.R. signed peace treaties in 1920 with each of the three Baltic States, renouncing claims to their territory in perpetuity. Two decades later, Stalin violated this solemn commitment. We sincerely hope that the course set by Lenin will be the one which guides your response to the Baltic peoples as they seek to peacefully express their aspirations for human rights and self-determination.

Sincerely,

David F. Durenberger, Frank R. Lautenberg, Donald W. Riegle, Jr., Dennis DeConcini, John Heinz, Bill Bradley, John Glenn, Christopher J. Dodd, Dale Bumpers, Quentin N. Burdick, George J. Mitchell, Carl Levin, Paul Sarbanes, Paul Simon, Richard G. Lugar, William Proxmire, David Pryor, Lowell P. Weicker Jr., Brock Adams, Rudy Boschwitz, Thomas Daschle, Alan J. Dixon, Bob Graham, Barbara A. Mikulski, David K. Karnes, Daniel P. Moynihan, Arlen Specter, Frank H. Murkowski, Paul S. Trible, Harry Reid, Timothy Wirth, Pete Wilson.

Mr. LAUTENBERG. Mr. President, last August, the Soviets demonstrated a willingness to allow Baltic citizens to participate in peaceful demonstrations. But on other occasions, individuals who have participated in public demonstrations have been the targets of official harassment and abuse. In the true spirit of glasnost, I hope the Soviets will permit today's demonstrations to proceed without incident.

Mr. President, today and every day Congress should join the people of Lithuania in their struggle for freedom and independence. We must continue to elevate their quest for sovereignty international attention on every occasion.

I urge my colleagues to join me today in commemorating the 70th anniversary of Lithuanian independence.●

THE 70TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

● Mr. BRADLEY. Mr. President, 70 years ago on the 16th of February, the brave Lithuanian people declared independence from Russia and established the Lithuanian Republic. The freedom of speech, freedom of assembly, freedom of religion, and self-determination enjoyed by the citizens of Lithuania was short-lived. Life as an independent republic ended in 1940 when the Soviet Government forcibly annexed Lithuania and her sister States of Estonia and Latvia.

On this day of commemoration, I applaud the strength and spirit of the Lithuanian people. They continue to struggle for the freedoms they enjoyed only too briefly. During the past 48 years they have endured many hardships under Soviet occupation. Basic human rights that we, as Americans, hold so dear are being violated and repressed in Lithuania as well as Estonia and Latvia. Under Soviet rule, drastic actions have been taken to eradicate Lithuanian language, cultural values, artistic traditions, and religious freedoms.

Despite the attempts of the Soviet Union to dominate the Lithuanian people, they have not lost their love of freedom, pride in their identity, or national spirit. The Lithuanians courageously continue to resist the russification of their homeland. Here in the United States, Americans of Lithuanian descent look to the land of their fathers in the hope that self-determination can be restored.

The United States must continue to recognize the plight of the Lithuanian people and actively demonstrate against Soviet domination. We, as a nation, must not forget our struggle for freedom, and on this 70th anniversary, let us rededicate ourselves to the cause of freedom. I join my colleagues in praising the spirit of the Lithuanian people and in deploring human rights violations inflicted on these courageous people in their quest for freedom and dignity.●

ORDERS FOR WEDNESDAY

RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, following the prayer tomorrow and the recognition of the two leaders or their designees under the standing order, there be a period for the transaction of morning business, not to extend beyond 20 minutes and that Senators be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF S. 2

Mr. BYRD. Mr. President, will it not be the case that upon the completion of morning business tomorrow, the Senate will resume consideration of the unfinished business, S. 2?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I thank the Chair.

Mr. President, does any other Senator wish to seek recognition?

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. McClure's remarks appear in today's Record under Statements on Introduced Bills and Joint Resolutions.)

MUTUAL LEGAL ASSISTANCE COOPERATION TREATY

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Mutual Legal Assistance Cooperation Treaty with Mexico (Treaty Document No. 100-13), transmitted to the Senate on February 11, 1988, by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the Record, as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty on Cooperation between the United States of America and the United Mexican States for Mutual Legal Assistance, signed at Mexico City on December 9, 1987.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter more effectively trans-border criminal activities. The Treaty should be an effective tool to combat a wide variety of modern criminals including members of drug cartels, "white-collar criminals," and terrorists. The Treaty is self-executing and utilizes existing statutory authority.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) the taking of testimony or statements of witnesses; (2) the provision of documents, records, and evidence; (3) the execution of requests for searches and seizures; (4) the serving of documents; and (5) the provision of assistance in procedures regarding the immobilizing, securing, and forfeiture of the proceeds, fruits, and instrumentalities of crime.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *February 11, 1988.*

ORDER FOR RECORD TO REMAIN OPEN UNTIL 5 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senators may have until 5 o'clock p.m. today to have statements inserted in the Record, and that they may have until 5 p.m. to introduce bills and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BYRD. Mr. President, I inquire of the assistant Republican leader if he has anything further he wishes to say.

Mr. SIMPSON. Mr. President, I have no further business on this side of the aisle, and none that I am aware of.

Mr. BYRD. I thank my friend.

Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10:30 a.m. tomorrow.

The motion was agreed to; and, at 2:50 p.m., the Senate recessed until tomorrow, Wednesday, February 17, 1988, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 5, 1988, under authority of the order of the Senate of February 3, 1987:

DEPARTMENT OF JUSTICE

DEBORAH J. DANIELS, OF INDIANA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS, VICE JOHN D. TINDER, RESIGNED.

GROVER W. GARRISON, OF LOUISIANA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS, VICE JAMES L. MEYERS, RETIRED.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH & IMPROVEMENT

FRANCES MATHEWS, OF COLORADO, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1990, VICE ELAINE Y. SCHADLER, TERM EXPIRED.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

HOWARD W. CANNON, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM OF 4 YEARS, NEW POSITION.

Executive nominations received by the Senate February 16, 1988:

THE JUDICIARY

THOMAS S. ZILLY, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE WALTER T. MCGOVERN, RETIRED.

DEPARTMENT OF COMMERCE

PAUL FREEDENBERG, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, NEW POSITION.

MARC G. STANLEY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE GERALD J. MCKIERNAN, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MARK E. BUCHMAN, OF CALIFORNIA, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, VICE GLENN R. WILSON, JR., RESIGNED.

DEPARTMENT OF ENERGY

ERNEST C. BAYNARD III, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENT, SAFETY AND HEALTH), VICE MARY L. WALKER, RESIGNED.

CORPORATION FOR PUBLIC BROADCASTING

LESLEE KATHRYN ALEXANDER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING MARCH 26, 1991, VICE HARRY O'CONNOR, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

RICHARD C. CRAWFORD, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1993, VICE ROBERT MICHAEL ISAAC, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

JOHN E. HIGGINS, JR., OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF 5 YEARS EXPIRING DECEMBER 16, 1992, VICE DONALD L. DOTSON, TERM EXPIRED.

U.S. POSTAL SERVICE

TIRSO DEL JUNCO, OF CALIFORNIA, TO BE A GOVERNOR OF THE U.S. POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 1991, VICE JOHN R. MCKEAN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 824, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

GREGORY J. AARON, 459-86-0865
JAMES E. ABBOTT, 459-66-0444
STEVEN L. ABBOTT, 416-68-7006
RICHARD A. ACETO, 045-48-1782
WILLIAM A. ACREE, 240-74-0605
JOHN R. ADAMS, 528-68-6781
TERRY R. ADAMS, 574-20-6674
DAVID J. ADERHOLD, 248-86-7893
DAVID A. AGEE, 218-54-9095
JOSE R. AGOSTO, 584-30-5493
WILLIAM D. AIRMAN, 147-42-6010
HIROSHI AJAS, 243-80-6570
ORLANDO J. ALBANI, JR., 022-40-0539
CECILIA C. ALBERT, 266-02-5832
TIMOTHY S. ALBIN, 260-78-9363
FRANKLIN J. ALBRECHT, 078-42-7436
JAMES E. ALBRITTON, 467-84-8171
STEPHEN D. ALDERMAN, 014-40-7704
ANTHONY A. ALDWELL, 564-72-9285
GLEN B. ALEXANDER, 227-74-0815
DENNIS L. ALFORD, 347-44-9903
DANIEL P. ALFSON, 572-78-7729
CRAIG E. ALLEN, 227-74-5939
JIMMY R. ALLEN, 514-52-2790
JULIAN D. ALLEN, 426-96-1277
RALPH E. ALLEN, 226-78-3725
SCOTT C. ALLEN, 253-82-9841
ALBERT A. ALLENBACK, JR., 214-48-5280
SUSAN E. ALTEN, 148-38-1354
PAUL G. AMRHEIN, 392-38-3175
BARBARA B. ANDERSON, 073-38-5214
CARL E. ANDERSON, 037-34-0979
ERIK C. ANDERSON, 410-92-7334
JAMES R. ANDERSON, 421-60-9305
KENNETH R. ANDERSON, 527-82-1460
TOMMY S. ANDERSON, 585-18-3331
WARREN L. ANDERSON, 014-40-9356
JON T. ANDRE, 018-42-1418
DENNIS A. ANDREW, 516-60-4375
THOMAS L. ANDREW, 150-34-6145
ILDIKO E. ANDREWS, 208-36-6196
JAMES L. ANTENEN, 325-46-0166
JAMES A. ANTILLA, 309-46-2986
THOMAS P. APOLLONIO, 140-40-8999
RANDOLPH G. ARBEITER, 543-56-3522
MARTIN F. ARCE, 527-80-5342
RICHARD C. ARCHIBALD, 546-78-5999
WILLIAM P. ARD, 231-62-9315
GARY A. ARMISTEAD, 252-88-3779
ANITA M. ARMS, 390-48-7056
DAVID H. ARTMAN, JR., 288-50-9730
JOHN B. ASHCRAFT, 264-80-7395
MICHAEL D. ASHER, 313-50-8279
JEFFREY C. ASHWORTH, 236-76-6709
MICHAEL J. ATHERTON, 339-42-4464
SCOTT T. ATKINS, 314-48-1495
DENNIS L. AUSTIN, 473-56-8107
GEORGE L. BACH, 283-50-6376
BRIAN R. BADGER, 526-94-0891
ANTHONY G. BADOLATO, JR., 171-40-3547
DARRELL J. BADUREK, 547-80-1692
JACK L. BAILEY, JR., 219-50-4224
RICKY L. BAILEY, 417-62-8572
ROSANNE BAILEY, 356-40-5417
STANLEY D. BAILEY, 508-62-5310
DANNY J. BAIRD, 466-84-7487
RICHARD R. BAIRD, 008-40-0185
CRAIG M. BAKER, 270-50-1109
DEAN L. BAKER, 518-62-6521
RICHARD J. BAKER, 523-56-2103
STANLEY L. BAKER, 308-50-7887
STEPHEN L. BAKER, 308-50-1378
TERRY L. BAKER, 277-46-0452
GARY A. BALDWIN, 399-54-9833
RICHARD W. BALDWIN, 264-11-7194
JO ANN BALL, 553-66-6246
PETER J. BALZLI, 572-70-2417
JANET E. BARALLI, 335-42-9041
LEONARD F. BARBEE, 578-60-5274
BENJAMIN H. BARNARD, 430-92-8872
JAMES H. BARNES, JR., 230-72-1027
RANDALL T. BARNES, 251-86-6091
JOHN J. BARNOSKI, 024-36-3703
THOMAS L. BARR, 261-86-3127
CHARLES W. BARRETT, JR., 317-50-7779
ROBERT J. BARROW, 422-72-0274
BARBARA A. BARTLEY, 531-50-7571
THOMAS L. BASS, 546-70-9051
LEONARD C. BATES, 485-60-5143
THOMAS R. BATTISTA, 075-42-6961
MICHAEL E. BAUM, 003-38-3796
GARY P. BAUMGARTEL, 016-36-7520
GARY D. BAXTER, 431-78-8723
DAVID M. BEAN, 266-96-0548
EVERETT L. BEASLEY, JR., 411-80-7479
ROGER A. BECK, 491-52-1777
WILLIAM C. BECK II, 558-74-9333
EDWARD J. BECKETT, 464-66-4753
WILLIAM R. BEECHEL, 572-84-0281
ROBERT R. BEERMANN, 505-58-5224
RONALD L. BEESLEY, 441-52-3412
DONALD E. BELCHE, 228-64-8304
RONALD E. BELK, 355-38-4577
DAVID G. BELL, 451-92-9204
JOSEPH A. BELLABONA, 018-36-3417
DUANE E. BENDER, JR., 550-74-0938
BRUCE A. BENNETT, 551-72-8642
DOUGLAS L. BENNETT, 465-84-4661
KEITH A. BENNETT, 007-44-3898
ROSS E. BENNETT, 436-60-8141
STEVEN E. BERENDT, 521-70-5974
THOMAS M. BERES, 553-84-1434
THOMAS E. BERGAM, 041-40-0583
DONALD R. BERTOLDO, 564-64-0850
MICHAEL P. BESS, 424-66-1725
ROBERT P. BESSEL, JR., 047-42-8212
GERALD R. BESSETTE, 501-56-5189
EUGENE S. BEST, 251-88-9224
THOMAS H. BETHART, 078-38-8885
CALVIN T. BETZ, 369-48-4110
MARTIN J. BIANCALANA, 344-40-2064
THOMAS M. BIBBY, 148-44-8637
ROBERT E. BIEHL, 304-48-5346
WILLIAM J. BIERCK, JR., 585-24-5207
BRIAN A. BINN, 152-42-9769
EDWARD P. BIRKETT III, 103-40-1980
JOHN D. BIRKHIMER, 315-48-9153
JAMES R. BJORK, 311-48-9847
ROBERT H. BLACK, 261-82-6405
GARY F. BLANK, 201-42-4980
JIM A. BLEDSOE, 518-56-0651
WILLIAM R. BLEY, 532-48-6726
WILLIAM K. BLOCHER, 513-52-1524
LEROY A. BLOCK, 353-42-9319
JAMES P. BLOOM, 349-38-3193
JOHN E. BLUME, JR., 261-80-3230
DARYL G. BODEN, 522-60-8087
MICHAEL P. BOEHME, 561-64-7359
STEVEN C. BOEHMER, 275-48-2871
VINCENT A. BOGDANSKI, 261-11-9854
DWIGHT R. BOGGS, 218-60-2934
LYMAN M. BOLES, 442-50-2863
GREGORY G. BOMBINSKI, 321-40-5827
JAMES R. BONE, 556-54-7579
JOEL D. BONEWITZ, 425-94-0934
ALAN L. BONNER, 445-46-5355
GEORGE C. BONNETT, JR., 299-46-4399
HOLLIS E. BOOKER, 413-84-8082
WILLIAM H. BOOTH, 559-60-4156
MARVIN L. BORGMAN, 479-50-0395
MICHAEL D. BORYSEWICZ, 069-42-4710
DENNIS A. BOSSEN, 543-48-4463
BARRY F. BOST, 250-80-5532
JOHN R. BOSTICK, 407-62-4045
ROBERT N. BOUDREAU, 022-42-1548
DONALD R. BOUTIN, 024-28-6710
WILLIAM F. BOWLIN, 190-40-2176
DAVID M. BOWMAN, 534-54-6069
MARGARET A. BOWMAN, 088-40-7208
ANNE W. BOYD, 539-40-8929
HAROLD S. BOYD, 415-74-2829
THOMAS J. BOYD, 160-38-0280
GARY D. BOYLAN, 544-50-7531
DAVID R. BOYLE, 293-40-6624
HARRELL W. BOYLES, 430-92-4545
DAVID G. BRADFORD, 216-54-3073
ROSS L. BRADIE, 265-74-6920
THOMAS P. BRADY, 408-82-1686
TERRY W. BRANSON, 528-82-7524
DAVID W. BRAUN, 299-44-9462
DONALD L. BRECHTEL, 426-94-5151
RICHARD R. BRIGHAM, 455-80-1281
DAVID L. BRITT, 392-52-4528
EDWARD J. BRITTON, 204-36-6780
JOHN T. BROCK, 256-80-7527
KENNETH F. BRODA, 276-50-9400
MICHAEL D. BRODERICK, 326-44-8278
RANDALL E. BROOKS, 278-50-0576
RAYMOND W. BROW, JR., 285-50-8533
DOUGLAS R. BROWER, 364-56-5485
JOHN S. BROWER, 546-88-3734
CHARLES D. BROWN, 485-64-1265
EDWARD M. BROWN, 236-72-6096
HENRY H. BROWN, 261-02-5634
KATHRYN A. BROWN, 267-84-7304
KENNETH R. BROWN, 560-76-8027
LARRY J. BROWN, 479-64-4240
PAUL T. BROWN, JR., 250-94-6985
RALPH B. BROWN, JR., 167-42-6345
ROBERT W. BROWN, 353-44-6925
SAMUEL BROWN, JR., 224-54-5084
THOMAS E. BROWN, 162-42-7788
WILLIAM J. BROWN, 247-86-9450
DREW W. BROWNING, 437-78-7586
CHRISTOPHER D. BRUCE, 122-36-0596
LESLIE A. BRUCE, 490-52-7578
JEROME P. BRUMBY, 255-84-5134
CHARLES H. BRUMFIELD, JR., 439-72-5959
WALTER F. BRYCE, JR., 261-96-1801
GALE R. BUCHHOLTZ, 388-56-0686
RICHARD L. BUCK, 474-54-6739
JOHN P. BUCKNER, 160-42-5690
MICHAEL L. BUMPAS, 432-86-1303
RANDLE K. BUNNER, 325-46-9141
GEORGE V. BUNUAN, 549-58-1506
MICHAEL A. BURCH, 464-76-7607
JOHN D. BURGAR, 459-72-7073
LEGAND L. BURGE, JR., 442-50-6183
DANIEL L. BURKETT, II, 505-66-2819
PATRICK A. BURNS, 520-50-9945
JAMES M. BURSON, 284-48-9236
STEPHEN P. BUSCH, 255-74-1387
MICHAEL D. BUSH, 416-56-6110
MOLLY K. BUSH, 251-84-3802
WILLIAM D. BUSS, 228-72-2527
BRETT M. BUTLER, 262-94-1044
GERALD J. BUTLER, 506-64-6224
JEFFREY C. BUTLER, 244-78-8277
EDWARD G. BUTTNER, 097-36-7770
JOHN L. BUZZATTO, 178-40-1930
LARRY L. BYRD, 302-46-3634
DENNIS P. CAHILL, 110-38-1408
MICHAEL D. CALLAGHAN, 002-38-0046
PAUL J. CALLAHAN, 022-42-1318
TIMOTHY P. CALLAHAN, 380-50-6905
PAUL H. CALVERT, 413-86-2780
ENRIQUE CAMACHO, 437-64-0294
HAROLD J. CAMACHO, JR., 552-82-5377
STEPHEN P. CAMANN, 066-44-3948
MICHAEL A. CAMPANO, 147-42-3916
PAUL C. CAMPBELL II, 570-76-6969
REGIS CANNY, 188-42-3636
WILLIAM CANNY, 197-40-1348
FRANCIS X. CANTWELL, 026-38-9081
ROBERT C. CAPES, 298-48-2763
ROCKY P. CAPOZZI, 066-46-6800
BERNARD P. CAREY III, 206-42-8113
BRUCE J. CAREY, 416-72-2685
DAVID A. CARLSON, 105-40-7942
ROBERT D. CARLSON, 030-40-1145
JAMES W. CARLTON, 349-42-5349
ROBERT A. CARNAHAN, 497-46-8789
STEPHEN W. CARROLL, 054-38-4305
WILLIAM B. CARROLL, 460-76-4149
BRIAN E. CARRON, 479-66-0207
CHARLES E. CARTER, JR., 438-76-8402
DALE K. CARTER, 532-52-9286
JOHN H. CARTER, 561-74-5846
ROBERT F. CARTY, 230-72-1115
JOHN W. CARVER, 218-46-8644
RICHARD J. CASEY, 010-44-7432
BURTON A. CASTEEL, JR., 267-64-4318
GEORGE L. CASTLE, 585-30-4785
STEPHEN R. CASTO, 297-48-0283
KIRT R. CATTRON, 523-58-5153
ERWIN C. CATTS III, 421-60-8396
RALPH S. CERNEY, JR., 550-72-9959
KURT T. CHAMBERLIN, 520-58-0753
THOMAS W. CHAMBERS, 057-42-8014
MARVIN C. CHAMPION, 417-66-0487
LESTER K. C. CHANG, 575-56-9570
ROBERT M. CHAPMAN, JR., 420-70-6453
LINWOOD N. CHAYER, 007-48-5704
RICHARD S. CHENEY, 559-74-4256
PATRICK J. CHESTERMAN, 481-66-4508
STEPHEN D. CHIABOTTI, 470-60-5797
CHARLES L. CHIESA, 135-40-9689
ERIC W. CHILDRESS, 306-50-3766
KEVIN P. CHILTON, 550-88-6603
JOSEPH W. CHRIST, 433-62-6073
PAUL CIACCIA, 178-36-4865
DANIEL C. CLARK, 447-50-5200
ROBERT E. CLARK, JR., 434-66-2380
STEVEN P. CLARK, 562-88-0500
PETER M. CLEPPE, 540-54-5403
KEVIN S. CLIFFORD, 230-78-5685
SCOTT S. CLINE, 012-40-2546
JAMES D. CLOPPAS, 231-66-8199
BILL L. COCHRAN, 259-64-5862
BARBARA E. COFFEY, 354-38-5980
RICHARD F. COLARCO, 123-40-6883
DOUGLAS L. COLE, 045-40-0218
WESLEY D. COLE, JR., 434-82-3867
CHARLES M. COLEGROVE, 270-46-7812
DENNIS K. COLEMAN, 552-68-5988
WILLIAM T. COLEMAN, 252-70-2344
FRANK B. COLENDA; 228-72-3416
DALE H. COLLINS, 209-40-9302
PATRICK J. COLLINS, 110-40-2062
ROBERT J. COLLINS, JR., 510-56-9626
ROSS B. COLLINSWORTH, 527-70-5626
NICHOLAS E. COMBS, 262-86-0682
ALBERT G. CONNER, 293-50-3151
JAMES B. CONNORS, 132-40-7450
JAMES G. CONROY, 286-48-0238
CANDICE L. COOK, 555-80-5122
CURTIS R. COOK, 496-52-0641
JIMMY D. COOK, 432-82-5671
ROBERT W. COOK, 503-60-1787
EARL M. CORNETTE, JR., 436-80-5448
CHARLES L. CORNWALL, 266-82-5115
JOHN J. CORRADETTI, JR., 083-40-6030
WILLIAM B. CORROW, 071-38-4798
BRIAN J. COTE, 062-42-4091
WILLIAM O. COTTINGHAM III, 225-64-9170
PHILIP J. COUGHTER, 047-44-5061
PATRICK M. COULLAHAN, 136-44-6469
DENNIS M. COULTER, 570-86-0097
DONALD R. COUNTS, 241-78-8210
DAVID A. COURSON, 333-38-0369
CHARLES M. COURT, 351-40-0004
C. DOUGLASS COUTO, 482-62-3736
JERRY R. COWING, 504-50-2816
GARY P. COX, 258-72-0780
LELON S. COX, 284-48-6185
ROBERT S. COX, 224-68-0823
STEVEN M. COX, 470-60-8546
GARY L. COY, 311-56-8228
DENNIS B. CRAIG, 410-90-5358
ROBERT G. CRAIG, 449-68-6179
CAMERON M. CRAWFORD, 521-66-5902
ROBERT D. CRAWFORD, 263-02-9354

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JAMES A. MCCLURE, 283-50-6649
DAVID B. MCCOY, 408-86-6559
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JOHN P. NELSON, 436-70-8823
ERNEST H. OERTLI, III, 453-82-8348
JOHN E. PETERS, 285-44-8838
GARRETT D. POLHAMUS, 587-80-7108
RICHARD C. POSTLEWAITE, 539-48-1933
RICHARD L. PRICE, 465-66-8674
STEVEN R. SEM, 516-52-3923
CARL J. TULLIO, 207-38-0817
CHARLES A. WATKINS, III, 576-50-6222
RAYMOND D. WILKINS, 462-64-0438
WILLIAM E. YORK, 244-82-2708
DALE A. YOUNG, 569-62-2653

CONFIRMATIONS

Executive nominations confirmed by the Senate February 16, 1988:

DEPARTMENT OF DEFENSE

RONALD F. LEHMAN II, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

WADE BRORBY, OF WYOMING, TO BE U.S. CIRCUIT JUDGE FOR THE 10TH CIRCUIT.

HOUSE OF REPRESENTATIVES—*Tuesday, February 16, 1988*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 16, 1988.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

Bishop Paul A. Baltakis, bishop for the spiritual assistance of Lithuanian Catholics living outside of Lithuania, Brooklyn, NY, offered the following prayer:

Almighty Ruler of all nations, we thank You for the democratic system of government with which You have blessed us, and of which this august House is an integral part. Bless the deliberations of its Members in these troubled times. The world looks to the decisions made here for sustenance, for encouragement, and for example, including the Lithuanian nation, which celebrates today the 17th anniversary of the restoration of its independence, of which it has been deprived more than half that time. We thank You for the Lithuanian Catholic Religious Liberty Group in the House, and we pray Your merciful blessing on the Lithuanian people.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1226. An act to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrrence of the House is requested:

S. 557. An act to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964;

S. 908. An act to amend the Inspector General Act of 1978;

S. 1579. An act to amend the Public Health Service Act to revise and extend the block grant program, and for other purposes;

S. 1726. An act to amend the Public Health Service Act to promote employee health and disease prevention, and for other purposes;

S. 1968. An act to amend the Public Health Service Act to make certain technical amendments, and for other purposes; and

S.J. Res. 243. Joint resolution relating to Central America pursuant to H.J. Res. 395 of the One Hundredth Congress.

PRIVATE CALENDAR

The SPEAKER pro tempore. Today is the day for the call of the Private Calendar.

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

BISHOP PAUL A. BALTAKIS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, it is a genuine pleasure for me to welcome to our Nation's Capital, Bishop Paul A. Baltakis, bishop for the spiritual assistance of Lithuanian Catholics living outside of Lithuania, who offered the opening prayer.

Bishop Baltakis was born in Troskunai, Lithuania on January 1, 1925, and attended the Seminary and Franciscan Formation in Belgium. He witnessed first hand the brutality of the Nazis when he was arrested in 1944, and spent 1 year in forced labor as a prisoner of war in Finland and Norway. In 1946, he entered the Franciscan order in St. Truiden, Belgium, and he was ordained to the priesthood in 1952.

In 1953, he became associate pastor of the parish of the Resurrection in Toronto, Ontario, and ultimately was elevated to the position of local superior, Franciscan Friary of the Resurrection. Eventually, he moved to New York, where from 1969 to 1979, he served as the director of the Lithuanian Cultural Center in Brooklyn. From 1973 to 1979, he was the local superior of the Franciscan Friary of Saint Casimir in Brooklyn, and from 1979 to 1984, he served as provincial of the Lithuanian Franciscan Vicariate of Saint Casimir.

Because of his commitment and dedication to the spiritual needs of Lithuanian Catholics, Pope John Paul II nominated him to be the titular bishop of Egara for the spiritual assistance of Lithuanian Catholics living outside of Lithuania.

I want to thank Bishop Baltakis for being with us today, and to wish him continuing success in his dedicated work in the church.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1054, RELATING TO CRIMES AGAINST THE UNITED STATES FOR NEGLIGENT MEDICAL CARE

Mr. BONIOR of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until 7 p.m. this evening to file a privileged report providing for the consideration of H.R. 1054, relating to claims against the United States for negligent medical care provided members of the armed services. This legislation is scheduled for the House floor tomorrow.

Mr. Speaker, this request has been approved by the minority leadership.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONDEMNING THE CRUELTY AND INHUMANITY OF THE ETHIOPIAN DICTATORSHIP

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, last week in Ethiopia troops came into a small

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

community that many of the Members in this Chamber have visited, a place called Korem. Ethiopian soldiers rounded up some 3,000 men, women, and children. The next morning they ordered these people to cram into 17 trucks. When the crowd refused, the soldiers fired into the crowd killing 30 and wounding many others.

My colleagues, when is this Congress going to speak up and say enough is enough? How much more evidence do we need to say that this is one of the most inhumane, cruel governments of anywhere in the world?

Name any freedom and it does not exist in Ethiopia.

There is a positive response. If we are looking for a positive vehicle to strike a blow against this injustice, I invite my colleagues to join me in cosponsoring H.R. 588 which condemns the cruelty and inhumanity of the Ethiopian Government.

IN COMMEMORATION OF SUSAN B. ANTHONY'S BIRTHDAY

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. SLAUGHTER of New York. Mr. Speaker, as the only woman Representative from the State of New York, I rise today to remind my colleagues that yesterday, February 15, marked the 168th birthday of Susan B. Anthony. I am proud to be a Representative of the city of Rochester, NY, where Ms. Anthony spent much of her life and where she is buried at Rochester's Mount Hope Cemetary.

Susan B. Anthony, an early abolitionist, dedicated her life to the cause of women's suffrage. Today, in the midst of the Presidential primaries, it is appropriate to reflect on the courage of Ms. Anthony who over 100 years ago became the first woman ever to vote in a national election when she registered and voted in Rochester in 1872. She was promptly arrested, with 15 others, for violating the law. In a test of the legality of the 14th amendment, which guarantees equal protection under the law, Ms. Anthony lost her case due to a manipulative judge who would not allow the jury to be polled and imposed a fine of $100. Ms. Anthony refused to pay the fine and never did. As there was no attempt made to enforce the sentence, she was prevented from taking the case to the Supreme Court as she had hoped to do.

Though at the time of her death, only four States had granted women the right to vote, Ms. Anthony had led the way for universal suffrage. Fourteen years later, the 19th amendment, granting women the right to vote, was added to the Constitution.

I might not be standing before you today as an elected Representative of the people of the 30th Congressional District of New York if not for the extraordinary efforts of this remarkable woman. Susan B. Anthony's vision of equality for all helped make it possible for women and minorities to participate in the political process.

A TRIBUTE TO THE LATE PRESIDENT CHIANG OF TAIWAN

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the late President Chiang Ching-kuo was a very much beloved leader of the Chinese people. After 1949, he directed all his energies into making Taiwan an economic power. In 1987, the per capita income of the Taiwanese was nearly $6,000 and foreign-exchange reserves stood at $76 billion. Today, Taiwan is a medium-sized economic power in the world.

Chiang not only made Taiwan a miracle of economic success, he also instituted many political reforms such as abolishing martial law and most foreign exchange controls, as well as allowing Taiwan citizens to visit their relatives on mainland China. In short, Chiang made it possible for democratization to take root in Taiwan.

The Chinese people in Taiwan lost their leader, and the United States lost a trusted ally and friend. We, however, believe the friendship between the Republic of China and the United States will continue to grow under the leadership of President Lee Teng-hui. We wish President Lee the best of luck while we mourn the passing of President Chiang Ching-kuo, one of the most important leaders of the free world.

DEVELOPING A BUY-AMERICAN TRADE POLICY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last year I offered several Buy-American amendments. Many Members claimed they were too protectionist.

So, what has happened since then? Japan buys CBS Records, Japan buys Shearson and Lehman, Japan buys Westin Hotels and Resorts, Japan buys Bank America. Japan bought recently the Dunes Casino in Vegas, the Alladin Hotel and Casino Hotel and complex in Vegas as well. Japan is buying all of our new and exciting technology companies.

The problem is America has not developed a Buy American program. Japan has developed an intensive Buy-American program, the most intensive in world history.

But what are we doing down here? Where is our trade bill? We are still afraid of being called protectionist, so what do we do? We let the most protectionist nation in the world's history, Japan, not only steal our jobs, but buy our country right out from under our noses. It is getting that bad.

In my area it is so bad if our kids want a piece of the rock they are going to have to import a boulder from Mt. Fujiyama. Where is our trade bill? Let us make this President veto it, but let us stand our ground, and let us get a trade law that America can be sound and solvent with.

THE 50TH WEDDING ANNIVERSARY OF MR. AND MRS. WILLIAM T. FLINN

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, it is my great pleasure to bring to the attention of my colleagues a very special occasion that few of us are fortunate enough to experience. I am particularly pleased and privileged to have the opportunity to commend Mr. and Mrs. William T. Flinn on the occasion of their golden wedding anniversary.

Now living in Rolling Meadows, Illinois, Margaret and William were married in Chicago on October 16, 1937. On October 16, 1987, they joined the ranks of those who have loved, endured, agreed, and disagreed for five decades. They can look back on those years with a sense of great pride and accomplishment.

William was born in Chicago, IL, and has served the public and his community for many years by working in the railroad and transportation industries, and by coaching youth football and baseball. Margaret was born in Milwaukee, WI, and has also served the public for many years as a registered nurse. Together they have raised two children, Judith Jean and Janice Louise, and have been blessed with five grandchildren.

The commitment of William and Margaret to each other and to their family is impressive and, especially in today's world, deserving of special recognition and honor. I congratulate the Flinn's on the recent celebration of their 50th wedding anniversary, and I join with their family and friends in wishing them many more years of happiness together.

□ 1215

LEGISLATION TO LIMIT FUTURE INCREASES IN MEDICARE PART "B" PREMIUMS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, today I am introducing legislation which would limit future increases in Medicare part B premiums. The January 1988 increase in Medicare part B premiums, 38½ percent increase, bears no relationship whatsoever to the 4.2-percent cost of living adjustment which was received by Social Security beneficiaries. This needs to be corrected. My bill would make that correction.

The Social Security Amendments of 1983 which I proudly supported, and most of us in this Chamber supported, would have limited future Medicare part B premium increases to the cost of living adjustment, the rate of the cost of living adjustment in Social Security checks. That was to be effective in 1989. However, because of a law signed last December by the President, that was extended to 1990.

My bill, if passed, would return it to the effective date of 1989. These Medicare premium hikes have a devastating effect on people living in Louisville and Jefferson County and around the Nation. Not only are health care costs going up, but food costs, utility costs, telephone service, transportation, they are all on the increase.

For these reasons, Mr. Speaker, I hope my bill will become law in 1988.

Our senior citizens need the assurance that next January their Medicare part B premiums, if increased, will increase no more than the rate by which their checks for Social Security increase as well. This is an important bill and I hope it passes this Congress.

THE PRESIDENT SHOULD GIVE UP HIS FRUITLESS EFFORTS TO SLASH ECONOMIC DEVELOPMENT AND EDUCATION ASSISTANCE

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, later this week the President will submit his budget for next year. For developing areas of the Nation such as my congressional district in southwest Virginia, the President can make his last budget his best budget.

Since 1981, President Reagan has waged a war on the Federal agencies that are assisting the lesser developed parts of the country become economically self-sufficient. The Appalachian Regional Commission, the Economic Development Administration, Federal UDAG Program have continuously been slated by the President for elimination.

Federal vocational education funding would have been abolished while the cooperative extension service and student loan programs were targeted for major reductions.

Congress has successfully defended these agencies against the President's proposals. This year the President should call a truce. He should give up his fruitless efforts to slash economic development and student aid. He should recognize the wisdom of investing in our human resources.

COMMUNICATION FROM THE HONORABLE BYRON L. DORGAN, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. Foley) laid before the House the following communication from the Honorable Byron L. Dorgan:

House of Representatives,
Washington, DC, February 9, 1988.

Hon. Jim Wright,
Speaker of the House,
Washington, DC.

Dear Mr. Speaker: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that an employee in my office has been served with a subpoena issued by the District Court for the Northeast Central Judicial District of the State of North Dakota.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

Byron L. Dorgan,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

EARTHQUAKE HAZARDS REDUCTION ACT OF 1977, AUTHORIZATIONS FOR FISCAL YEARS 1988, 1989, AND 1990

Mr. ROE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1612) to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

That (a) section 7(a) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)) is amended by adding at the end the following:

"(7) There are authorized to be appropriated to the Director, to carry out the provisions of sections 5 and 6 of this Act, $5,778,000 for the fiscal year ending September 30, 1988, $5,788,000 for the fiscal year ending September 30, 1989, and $5,798,000 for the fiscal year ending September 30, 1990.".

(b) Section 7(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by striking "and" after "1986;"; and

(2) by inserting immediately before the period the following: "; $38,540,000 for the fiscal year ending September 30, 1988; $41,819,000 for the fiscal year ending September 30, 1989; and $43,283,000 for the fiscal year ending September 30, 1990".

(c) Section 7(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking "and" after "1986;"; and

(2) by inserting immediately before the period the following: "; $28,235,000 for the fiscal year ending September 30, 1988; $31,634,000 for the fiscal year ending September 30, 1989; and $35,454,000 for the fiscal year ending September 30, 1990".

(d) Section 7(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking "and" after "1986;"; and

(2) by inserting immediately before the period the following: "; $525,000 for the fiscal year ending September 30, 1988; $525,000 for the fiscal year ending September 30, 1989; and $525,000 for the fiscal year ending September 30, 1990".

Sec. 2. Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended by adding at the end the following:

"(j) Cost Sharing.—(1) In the case of any State which has voluntarily engaged in cost sharing by matching Federal grants from the Federal Emergency Management Agency for activities under this Act over the three-fiscal-year period ending September 30, 1987, any such cost sharing that may be required for the fiscal year ending September 30, 1988, or the fiscal year ending September 30, 1989, shall be at a level no higher than the State's average level of such cost sharing over such three-year period.

"(2) In the case of any State which has not engaged in cost sharing by matching Federal grants from the Federal Emergency Management Agency for activities under this Act over such three-fiscal-year period—

"(A) no such cost sharing may be required for the fiscal year ending September 30, 1988; and

"(B) any such cost sharing that may be required for the fiscal year ending September 30, 1989, shall be at a level no higher than 25 percent of the cost of the activities involved.

"(3) Nothing in this subsection shall be construed to prevent a State, voluntarily and at its option, from engaging in cost sharing at a level higher than the maximum level which may be required of it under paragraph (1) or (2).".

The SPEAKER pro tempore. Is a second demanded?

Mr. LUJAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. Roe] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr.

Lujan] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. Roe].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is imperative that our Nation continue an effective Federal Earthquake Reduction Program. The Federal Emergency Management Agency [FEMA] currently estimates there is a 2 to 5 percent probability per year of a catastrophic earthquake in California, and greater than 50 percent probability in the next 30 years. Such an event could cause $15 to $70 billion in direct property damage and 3,000 to 13,000 fatalities. Proper prediction and response planning would substantially reduce these losses and provide for rapid and economic recovery of any impacted community.

The Earthquake Hazards Reduction Act established a national program to coordinate Federal efforts to reduce future losses of life and property from earthquakes. It was also designed to prevent the severe socioeconomic disruption that a catastrophic earthquake could cause. Achievement of these goals depends on the combined and coordinated actions of all governmental units—Federal, State, and local—as well as the private sector.

Before going on, let me thank Chairman Udall and ranking Republican member, Don Young, of the Committee on Interior and Insular Affairs for helping to bring this bill to the floor for final passage.

The bill before us represents a compromise which was worked out between the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science, Space, and Technology and Interior and Insular Affairs. I would like to briefly explain the bill before us, as passed by the Senate on December 22, 1987.

This agreement between the House and Senate committees authorizes a total of $73.078 million in fiscal year 1988, $79.766 million in fiscal year 1989, and $85.060 million in fiscal year 1990 for the Earthquake Hazards Reduction Act. The agreement does the following:

Retains the House provision to restore the State and local assistance program at the Federal Emergency Management Agency [FEMA], which would have been cut in half by the administration's request;

Maintains the House provision to reduce slightly the administration's proposed earthquake budget for the National Science Foundation in fiscal years 1988–90;

Retains the Senate's provision which increases the U.S. Geological Survey's program in fiscal year 1988 by $2 million to fund the study of earthquakes in the Eastern United States and to support university research in the field of engineering seismology. Support for both initiatives is doubled in fiscal year 1989 and increased by 3.5 percent in fiscal year 1990;

Accepts the Senate version of the provision, which was similar to that of the House, to prohibit FEMA from requiring a 50–50 cost sharing match for States participating in FEMA's State and local assistance program until 1989.

All other provisions are identical to provisions in the House-passed bill.

Mr. Speaker, the agreement reached, which is reflected in the bill, provides for an adequate national effort to protect our citizens from impending earthquakes. The bill maintains current State and local support activities, while it bolsters basic university research and seismic field monitoring and prediction efforts. This earthquake bill and the knowledge generated by it will save billions of dollars in property losses and countless lives.

As recognized by the Congress a decade ago, earthquakes are a national problem. The problem intensifies each year as areas become more vulnerable and densely populated.

I urge my colleagues to adopt H.R. 1612, as amended.

SENATE-HOUSE COMPROMISE—H.R. 1612, EARTHQUAKE HAZARDS REDUCTION ACT BUDGET

[In thousands of dollars]

Agency	Fiscal year 1986— Authorization	Fiscal year 1986— Appropriation	Fiscal year 1987— Authorization	Fiscal year 1987— Appropriation	Fiscal year 1988 request	Fiscal year 1989 H.R. 1612	Fiscal year 1988–89, H.R. 1612, as reported 1988	Fiscal year 1988–89, H.R. 1612, as reported 1989	Fiscal year 1988–87 request +/− appropriation	Fiscal year 1988–89 request +/− H.R. 1612, as reported 1988	Fiscal year 1988–89 request +/− H.R. 1612, as reported 1989
FEMA	5.596	5.254	5.848	5.778	5.313	5.322	5.778	5.788	−0.465	+0.465	+0.466
USGS	35.578	34.332	37.179	[1] 34.775	32.540	33.679	38.540	41.819	−2.2350	+4.000	+4.140
NSF	27.760	22.750	29.009	25.100	28.700	32.100	28.235	31.634	+3.6	−.465	−.466
NBS	.499	.499	.521	.499	.525	.525	.525	.525	[2] +.026	0	0
Total	69.433	62.835	72.557	66.152	67.078	71.626	73.078	79.766	+.926	+4.000	+4.140

[1] $1,5[illegible],000 fiscal year 1987 reprogramming request for retirement benefits.

[2] Over[illegible].

Note.—Amendment (H.R. 1612, Union Calendar No. 72) Science Committee and Interior Committee fiscal year 1990 authorization (thousands): FEMA, $5.798; USGS, $43.283; NSF, $35.454; NBS, $0.525; total, $85.060.

Mr. Speaker, I reserve the balance of my time.

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking Republican member on the Science, Space, and Technology Committee, and as the senior Republican member of the Committee on Interior and Insular Affairs—the two committees of jurisdiction for this legislation—I rise in support of H.R. 1612, as amended by the Senate. This legislation reauthorizes the National Earthquake Hazard Reduction Act of 1987.

A 3-year reauthorization bill originally passed the House under suspension of the rules on June 3, 1987, by a voice vote, and it has been amended by the Senate to reflect an agreement reached between the committees of jurisdiction of the two bodies. This 3-year renewal will provide necessary stability to these vital programs.

The Earthquake Hazards Reduction Act was originally constructed to coordinate the Federal research and earthquake mitigation activities of four Federal agencies: The National Science Foundation [NSF], the National Bureau of Standards' Center for Building Technology [NBS-CBT], the U.S. Geological Survey [USGS], and the Federal Emergency Management Agency [FEMA].

H.R. 1612, with the Senate amendments, will provide for a total authorization of $73.078 million for fiscal year 1988, $79.766 million for fiscal year 1989, and $85.060 million for the programs in fiscal year 1990. The Science Committee has been interested in a comprehensive multiyear, 50-State approach to the national program. Among other activities, we view the next 3 years as a test for incorporating earthquake monitoring stations located east of the Rocky Mountains—originally operated by the Nuclear Regulatory Commission—into permanent USGS data-gathering facilities. Further, the expansion of earthquake research activities to universities across the country, in order to study both known and potential seismically active areas nationwide, will broaden the knowledge base and professional training for Earth scientists beyond just the west coast, where much of the research program has been concentrated in the past.

A 3-year reauthorization will provide FEMA, State agencies, and State legislatures adequate time to work out cost-sharing arrangements for State and local emergency management planning. Currently, the Federal Government provides planning grants with no requirements for States to provide matching resources. However, California has voluntarily elected to cost share. Under H.R. 1612, beginning in 1989, cost-sharing requirements will be extended to all States who receive Federal moneys. We believe this is a reasonable approach, both to aid in dealing with the Federal deficit and to help maintain a proper balance between Federal and State responsibilities.

Mr. Speaker, I urge passage of H.R. 1612, as amended.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. Walgren] who is the chairman of our Subcommittee on Science, Research and Technology.

Mr. WALGREN. I thank the gentleman for yielding me a little time on this bill, only to really recommend it to my other colleagues in the House of Representatives.

Earthquakes are a problem that it is hard to be really serious about because they are not with us right today. Yet when we look at the immediate past history and see the damage that was done in Mexico City, the damage that was done in southern California, this is clearly the kind of problem that we have to be serious about.

The testimony to our subcommittee was essentially that without a full Federal role both in the science and the understanding in terms of research, but also in terms of supporting the community effort of awareness and planning, this is a problem that would be put off to a rainy day and never really dealt with seriously.

That is why I think this is such a good bill. When you realize that we are authorizing and appropriating something in the range of $68 million in fiscal year 1987 and we bring this to $73 million in 1988 and up to something in the range of $85 million in 1990, you realize that we are as a Congress being serious about the effort that must be made in this country to prepare for earthquakes.

There are lots of new things being understood about earthquakes. We found in the last surprise in southern California that it was not along the fault line that the earthquake happened, it happened along a fold rather than a fault. That opens up a whole new area of understanding how these events happen in the Earth. We know that engineering buildings with earthquake safety built into them enables them to do wonderfully well even under great stress.

Stanford University that I graduated from, just threw its president out of the president's house and emptied one of the dorms in that university because the buildings were not earthquake sound.

□ 1230

It is important that we have the awareness to build these things into our communities from now on so that if we are lucky enough that we have a cycle time before the next major earthquake hits, we will then have protected our population in advance.

So I want to commend this bill strongly to the House. It is a good compromise between several committees, each of which has a piece of the action, and it shows to me that we can work together among the various committees of the House and the Senate and come out with a good program in the public interest.

Mr. Speaker, I thank the committee chairman for yielding this time to me.

Mr. LUJAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. Boehlert].

Mr. BOEHLERT. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I rise in support of H.R. 1612. The programs authorized in this bill are varied and complex, but they have a single, simple purpose—to save lives and property.

The earthquake last year in Whittier, CA, provided graphic proof of the progress our national hazards reduction program has made, but also of how much we have left to learn.

On the one hand, lives were saved by preparedness procedures and building reinforcement. On the other hand, the quake was caused by a fault scientists had not even mapped.

We must continue the program so the next quake can come as less of a surprise and cause less damage.

I hesitate to cite the example of California because I fear it will just increase the complacency of my colleagues from the East. Let me assure you, this measure is not some kind of special favor for the west coast.

A majority of the States in this country face a threat from earthquakes. Some of the most powerful quakes in the Nation's history occurred in Missouri and South Carolina.

This bill would enable several important projects for the study of eastern quakes to continue.

It provides adequate funding for the U.S. Geological Survey to take over eastern earthquake monitoring from the Nuclear Regulatory Commission. It provides continued financing for the National Science Foundation's Earthquake Engineering Research Center in Buffalo, NY. And it provides enough money to prevent the Federal Emergency Management Agency from imposing cost-sharing requirements on States this fiscal year.

This 3-year reauthorization is a sign of congressional support for this important program. Our committee will be monitoring it carefully throughout this period to ensure that it continues to improve safety and advance science.

Mr. ROE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from West Virginia [Mr. Rahall], who is chairman of the Subcommittee on Mining and Natural Resources of the Committee on Interior and Insular Affairs.

Mr. RAHALL. Mr. Speaker, I thank my distinguished colleague, the gentleman from New Jersey [Mr. Roe], the chairman of the full Committee on Science, Space, and Technology, and I commend him, as well as the ranking minority member, the gentleman from New Mexico [Mr. Lujan], for not only their efforts to ensure funding for the very important program but also their diligent efforts at reaching a compromise with the other body as far as the funding levels are concerned.

Mr. Speaker, I rise in support of H.R. 1612, the Earthquake Hazards Reduction Act Reauthorization.

This important legislation represents an agreement between the House and Senate on funding for the National Earthquake Hazards Reduction Program as carried out by the Federal Emergency Management Agency, the U.S. Geological Survey, the National Science Foundation, and the National Bureau of Standards.

H.R. 1612 authorizes funding for these four agencies for fiscal years 1988, 1989, and 1990. This 3-year authorization, instead of a 2-year authorization as in past practice, will add stability and strength to this important national program.

H.R. 1612 also provides a funding increase for the USGS to undertake a study of the earthquake potential in the Eastern United States and to support university research in engineering seismology.

Again, Mr. Speaker, H.R. 1612, as agreed to between the House and the Senate, will provide adequate funding for research and hazard mitigation so that our citizens will be protected from the dangerous effects resulting from earthquakes. I urge my colleagues to accept this important legislation.

Mr. LUJAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. Emerson], a member of the Committee on Interior and Insular Affairs.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of this legislation to amend the Earthquake Hazards Reduction Act Amendments. I also want to commend the leadership of my colleagues on the Interior and Science, Space, and Technology Committees for moving this legislation forward.

Perhaps many do not realize it, but earthquakes pose a threat, in varying severity, to virtually the entire United States. More than 75 percent of our States have some portion of their boundary in a region classified as having major or moderate seismic risk. The purpose of this legislation is to reduce the potential loss to life and property from future earthquakes, and the establishment and maintenance of an effective earthquake hazards reduction program is indeed an important priority for much of our country.

The four principal agencies funded in this legislation provide vital data in terms of identifying high risk areas, vulnerability analysis, construction standards, earthquake prediction, preparedness and response planning, and perhaps the most important aspect—public education about earthquakes.

In my congressional district in Missouri, there lies a substantial portion of one of the largest fault lines in the United States, the New Madrid Fault. One of the most significant earthquakes in the continental United States occurred in 1811-12 along this fault line, and the threat of another major quake in this area is of vital concern to us. In order to minimize the impact of future quakes in my area, as well as around the Nation, it remains vitally important that the Federal Government continue to coordinate efforts to enhance public safety in the event of damaging earthquakes.

We have all seen first hand the destruction that can occur from earthquakes. We know that we are delinquent in our knowledge of earthquakes, how to predict them and minimize their effects. I advocate preparedness, and this legislation goes a long way toward helping us meet that objective.

Mr. LUJAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

Mr. CRAIG. Mr. Speaker, I rise in support of the Senate amendments to H.R. 1612, the Earthquake Hazards Reduction Act Amendments. I believe that the Senate amendments adequately address questions raised by the members of the Interior Committee.

The Earthquake Hazards Reduction Act of 1977 clarifies and coordinates the authority of the U.S. Geological Survey, the Federal Emergency Management Agency, the National Science Foundation, and the National Bureau of Standards in their efforts to develop a program to predict earthquakes and to minimize the destruction they cause. This is an ongoing scientific process which requires long-range planning. The Senate amendments to H.R. 1612 assists this planning in that it provides for a 3-year reauthorization. Previously, the Congress reauthorized the program annually, or for 2 years, which sent mixed signals to the scientific community.

Additionally, the Senate amendments to H.R. 1612 retains the Federal and State cost-sharing provisions of the House bill.

H.R. 1612 represents consistent scientific policy, good fiscal policy, and furthers the policy of federalism. I urge my colleagues to support the Senate amendments to H.R. 1612.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1612.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMEMORATING THE 25TH ANNIVERSARY OF THE CERRO TOLOLO INTER-AMERICAN OBSERVATORY

Mr. ROE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 369) honoring the 25th anniversary of the Cerro Tololo Inter-American Observatory.

The Clerk read as follows:

H. RES. 369

Whereas the Cerro Tololo Inter-American Observatory located northeast of La Serena, Chile, at one of the recognized prime clear air sites in the southern hemisphere, is the only United States national observatory in the southern hemisphere;

Whereas the Cerro Tololo Inter-American Observatory continues to be a model for United States-Chilean scientific cooperation, as well as for Latin American cooperation;

Whereas the Cerro Tololo Inter-American Observatory is one of the world's most modern and well-equipped major international research centers for frontier research in ground-based astronomy and recently celebrated its twenty-fifth anniversary on January 20-22, 1988;

Whereas the Cerro Tololo Inter-American Observatory serves more than two hundred visiting international scientists and students from more than fifty institutions worldwide each year;

Whereas the Cerro Tololo Inter-American Observatory has provided new insights into births, lives, and deaths, structures and chemistry of stars and galaxies, and the age and fate of the universe; and

Whereas the Cerro Tololo Inter-American Observatory has been effectively managed by past directors of the facility, the present Director Robert Williams, and presidents of the Association of Universities for Research in Astronomy (AURA), Incorporated, under contract with the National Science Foundation: Now, therefore, be it

Resolved, That the House of Representatives honors and applauds this observatory for its enormous contributions to world scientific activities in science, space, and technology, as well as to international scientific cooperation and interaction, and supports those future efforts in land and space based astronomy designed to maintain a United States leadership position in astronomical research and technology.

The SPEAKER pro tempore. Is a second demanded?

Mr. LUJAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. LUJAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Congress debates and makes its upcoming determinations in the trade bill, it is extremely important to note that the United States has lost more than its domination of global trade in recent years; it has also lost its unparalleled leadership in science, space, and technology. Nations of the developing world are looking more and more to Europe and Japan for technical training and education and for cooperation in scientific projects. These trends are to be expected, and are caused in part by the growing diversity of scientific talent across the Western alliance. But, they may also be traced to another, more disturbing cause—the increasing reluctance of the United States to foster close scientific and technical links with many nations of the developing world, especially those in our own hemisphere, particularly in South America. The Committee on Science, Space, and Technology recently visited South Africa to try to address this problem.

We were told repeatedly by the scientific leaders of South America that our visit was very welcome but most unusual; these leaders were used to receiving delegations from Japan, Germany, and France, but not from the United States.

The purpose of our trip was to re-invigorate scientific and technical relations between South Africa and the United States. One specific approach that we discussed in Brazil, Argentina, and Chile was Pan-American cooperation in the launching and tracking of an Argentine scientific satellite in the early 1990's. This proposal, which was received with great interest, could ultimately lay the groundwork for establishing a Pan-American Space Agency to plan and conduct Latin American space activities in cooperation with the United States and other countries. Closer United States/Latin American cooperation in space activities would be particularly welcome in light of the fact that the major space activity currently conducted in South America is European—the European Space Agency's launch facility in Kourou, French Guiana.

We discussed other promising areas particularly in training and education, for enhancing linkages with South America. We plan that, within the next several weeks, the committee will develop a variety of joint cooperative efforts that it will pursue to strengthen our cooperative scientific and technical activities with Latin America. The first initiative has resulted in this resolution, House Resolution 369.

The purpose of House Resolution 369 is threefold: to honor the Cerro Tololo Inter-American Observatory during its 25th year of operation; to recognize the observatory for significant contributions to international scientific activities in science, space, and technology; and to express support for future efforts in land and space based astronomy designed to maintain a United States leadership position in both astronomical research and associated technology and to share that leadership with our South American neighbors.

As the resolution states, the Cerro Tololo Inter-American Observatory, located near La Serena, Chile, is one of the world's most modern and well-equipped major international research centers for frontier research in ground-based astronomy. This observatory funded in part by the National Science Foundation is the only U.S. observatory in the Southern Hemisphere. In addition, this observatory is a model for United States-Chilean scientific cooperation, as well as for Latin American cooperation.

The development of the Cerro Tololo Inter-American Observatory began in 1963. The location of the observatory was selected so that the singular astronomical objects of the Southern Hemisphere, such as the magellanic clouds, would be accessible for study by Northern Hemisphere astronomers. Prior to construction of the Cerro Tololo Inter-American Observatory, there were no southern observatories located in areas of atmospheric excellence and the technical capabilities of available telescopes had not kept pace with the telescopes operated north of the equator.

Twenty-five years later, the ideal climatic conditions surrounding La Serena, Chile, coupled with modern instrumentation and facilities, provide astronomers around the world the opportunity to study the unique astronomical objects of the Southern Hemisphere. This facility strengthens our bonds with South America and the 24 Nations, 80 universities, and 150 scientists who conduct research there.

During the Science, Space, and Technology Committee's recent review of scientific cooperation, facilities, and accomplishments in South America, our delegation participated in the ceremonies honoring the 25th anniversary of the only national observatory in the Southern Hemisphere—the Cerro Tololo Inter-American Observatory. The inaugural ceremony, held in 1967 when the first telescope became operational, was also attended by a congressional delegation. As we continue to provide this facility with leading edge technology which will advance the frontiers of science and assist the United States in maintaining a leadership position in astronomical research, I believe a tribute should be paid to the observatory and the accomplishments of astronomers around the world. The Science, Space, and Technology Committee urges our colleagues to join in this tribute through passage of House Resolution 369 in honor of the 25th anniversary of the Cerro Tololo Inter-American Observatory.

Mr. Speaker, I reserve the balance of my time.

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on December 2, 1962, atop a remote mountaintop near La Serena, Chile, the United States joined with our Latin American neighbors to raise the American and Chilean flags over the property known as CTIO—the Cerro Tololo Inter-American Observatory. Today, we bring to the House floor a resolution celebrating CTIO's 25th birthday. It is a proper time to stand back and admire the contributions which Cerro Tololo has made to astronomy and to Pan-American harmony.

CTIO is one of three facilities under the National Optical Astronomy Observatories [NOAO], funded by the National Science Foundation [NSF]. Its sister observatories include the national solar observatory in my home State of New Mexico and the Kitt Peak National Observatory in Arizona. Dr. Sidney Wolff is the current Director of NOAO.

The Committee on Science, Space, and Technology had the opportunity last month to visit th CTIO facilities and participate in a symposium commemorating their 25th anniversary. Dr. Wolff and Dr. Robert Williams, Director of CTIO, conducted a tour of the facilities for us and briefed us on the exciting research currently going on at the only U.S. National Observatory in the Southern Hemisphere. I draw your attention to an article published in Science magazine on July 3, 1987 on one of CTIO's most recent discoveries—the supernova named 1987a.

Premier among CTIO's telescopes is their 4-meter reflector, the largest telescope in the Southern Hemisphere and the fifth largest in the world today. However, I note that the capabilities of this huge telescope are now being challenged by advancing mirror technology in the 8-meter range. Indeed, the European Southern Observatory [ESO] recently announced plans to construct four 8-meter telescopes atop La Silla, a mountaintop in Chile near CTIO. The Europeans have committed $250 million to this effort. Our future plans presently include interest in constructing two 8-meter telescopes, one for installation at CTIO in the Southern Hemisphere and one in the Northern Hemisphere. I anticipate our committee will be reviewing proposals to fund these new telescopes in the near future.

The strength of CTIO lies not only in its scientific and technical expertise but also in the strong international bonds which it has generated. The permanent scientific staff at CTIO consists of 14 astronomers and physicists from the United States and approximately 100 Chileans who make up the support staff. Originally, the university consortium managing CTIO—the Association of Universities for Research in Astronomy [AURA]—signed an agreement with the Government of Chile which mandated that any staff vacancy be filed with a Chilean citizen. CTIO is now considered one of the most desirable employers for technical skills within Chile. It also attracts renowned scientists from not only the United States and Chile, but from all over the world to use its telescopes.

Mr. Speaker, it is certainly fitting for the Congress to pay tribute to our astronomical crown jewel in the Southern Hemisphere. I urge my colleagues to join me in wishing CTIO a happy birthday and in commending all those whose efforts have made it the world-class research facility which it is.

Mr. ROE. Mr. Speaker, I yield myself an additional 1 minute.

I do that, if I may, to pay my high respects to our distinguished minority leader, the gentleman from New Mexico for the outstanding job he did in representing our country, our government, and the committee for the work done in Cerro Tololo. I was highly impressed.

We, of course, have not had all the training the gentleman has had. He has been very interested and been a leader in the developing of our relationships with South America, and he was able to deliver his remarks in fluent Spanish. I just wanted to compliment him for the great job he did in behalf of the committee.

□ 1245

Mr. LUJAN. Mr. Speaker, if the gentleman will yield, I thank the gentleman for his leadership in those Latin American efforts. I think they will bear fruit and will be good for both the Latin American countries and the United States.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I rise today in support of House Resolution 369 which applauds and honors the enormous scientific contributions of the Cerro Tololo Inter-American Observatory in Chile and joins the Association of Universities for Research in Astronomy [AURA] in celebrating the observatory's 25th anniversary.

Mr. Speaker, I have recently been fortunate to personally visit this facility with a number of my colleagues. I return from that visit convinced of the desirability of congressional support for Cerro Tololo, the only U.S. National Observatory in the Southern Hemisphere.

Without this facility a number of celestial objects would be completely hidden from the view of American researchers in the north. Over 200 researchers from the United States, Latin America, Canada, and Europe take advantage of Cerro Tololo's facilities every year.

Of course, what makes an observatory valuable to researchers besides its location, is the quality of its telescopes. The observatory currently operates several telescopes ranging in size from 0.6 to 4 meters. The latter is the largest telescope in the Southern Hemisphere and the fifth largest in the world.

Today, we can look back and appreciate the vision exhibited by the National Science Foundation, the Ford Foundation, AURA and the Presidents of Chile and the United States who strove to fund and install the 4-meter scope and insure the success of Cerro Tololo in the years to come. In 1976, 10 years after that decision was reached, the mirror was finally installed and the 4-meter scope became operational.

It has now been over 20 years since the Congress has displayed that type of dedication and vision to the possibilities inherent in operating a Southern Hemisphere observatory. Technology has given us the capability to see more clearly.

Mr. Speaker, the occasion of the 25th anniversary of the Cerro Tololo Observatory allows us to reflect upon the successes of the past and peer into the future of this facility. When the time comes, I hope Congress will share our researchers need to see more clearly and show our renewed support for our Southern Hemisphere observatory.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. Roe] that the House suspend the rules and agree to the resolution, House Resolution 369.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1612, and on the resolution, House Resolution 369, just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TECHNICAL AMENDMENTS TO COMMERCIAL FISHING INDUSTRY VESSEL ANTI-REFLAGGING ACT OF 1987

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3923) to make a technical correction to section 8103 of title 46, United States Code.

The Clerk read as follows:

H.R. 3923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 89103(b)(3) of title 46, United States Code, is amended by striking "subsection," and substituting "section,".

The SPEAKER pro tempore. Is a second demanded?

Mr. SAXTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. Jones] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. Saxton] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. Jones].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us makes a technical but necessary change to a law recently enacted by Congress. On January 11, 1988, the President signed H.R. 2598, the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987. That bill is now Public Law 100-239.

The main focus of the law deals with the reflagging of commercial fishing industry vessels. The law also deals with the U.S. citizenship requirements for the manning of U.S.-flag vessels, including offshore supply vessels and mobile offshore drilling units operating beyond the American Outer Continental Shelf. Inadvertently, the amended section 8103(b)(3) of title 46, United States Code, contains the word "subsection" as opposed to the word "section."

The change proposed will serve to avoid harming the competitiveness of a significant number of U.S. vessel owners who are involved in the international offshore energy service industry. American owners of offshore supply vessels or mobile offshore drilling units working overseas operate out of a foreign port for long periods of time, or, in the case of drilling units, may even be attached to the continental shelves of other nations. Unlike merchant vessels which only call in offshore ports as part of an international voyage, these offshore service industry companies are often forced to hire members of the local work force and to abide by coastal State laws and regulations.

The wording as it now stands makes it possible for the U.S. Coast Guard to waive U.S. citizenship requirements only as to unlicensed seamen, as opposed to our original intent to ensure that the Coast Guard can remain flexible when it comes to the manning requirements imposed upon offshore supply vessels and mobile offshore drilling units when they are employed beyond the American Outer Continental Shelf.

H.R. 3923 would correctly permit the U.S. Coast Guard to issue a waiver from the U.S. citizenship requirement as set forth in section 8103 of title 46 of the United States Code for both licensed and unlicensed seamen. This change will permit the Coast Guard to exercise the necessary discretion in implementing U.S. citizenship requirements for the crews of certain U.S.-flagged vessels.

To fail to act to clarify the application of section 8103 would subject U.S. companies to exclusion from working in areas of the world where they pioneered offshore development. The vacuum left by the withdrawal of American companies would soon be filled by foreign competitors. The loss of important overseas markets would cause the loss of American jobs both in the offshore service industry itself and in the steel, shipyard, equipment manufacturing, and other companies which supply their needs.

Let me emphasize that we are talking about offshore supply vessels operating from a foreign port and mobile offshore drilling units operating beyond the U.S. Outer Continental Shelf.

I know of no controversy about this bill. It will not cost the Federal Government anything. I urge prompt House approval of H.R. 3923.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3923, a noncontroversal bill to make a one word technical correction to section 8103, title 46, United States Code amended by H.R. 2598, the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987, Public Law 100-239, signed into law on January 11, 1988. That bill dealt with the reflagging of commercial fishing vessels and also contained a section setting forth U.S. citizenship requirements for the manning of all U.S.-flag vessels. Public Law 100-239 made significant advances for U.S. fishing, shipbuilding and labor interests.

When the Merchant Marine and Fisheries Committee approved the bill, we intended to allow the Secretary to waive manning requirements for both licensed and unlicensed seamen for fishing industry vessels as well as offshore supply vessels and mobile offshore drilling units. However, due to a simple proofreading error, the word "subsection" was inserted instead of the word "section" at a key point in the manning provision. The effect of that was to limit the waiver ability to only unlicensed seamen. Making this amendment corrects this inadvertent error.

Mr. Speaker, there is no controversy over this technical change and I urge our colleagues to approve this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. Jones] that the House suspend the rules and pass the bill, H.R. 3923.

The question was taken; and (two-thirds having voted in favor thereof) the rule was suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3923, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

INTRODUCTION OF LEGISLATION TO ESTABLISH THE DELAWARE AND LEHIGH NAVIGATION CANAL NATIONAL HERITAGE CORRIDOR IN THE COMMONWEALTH OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvaina [Mr. Ritter] is recognized for 5 minutes.

Mr. RITTER. Mr. Speaker, today, it is my pleasure, along with Congressman Kostmayer, to bring an important historical and environmental treasure to the attention of my colleagues and the Nation. This treasure is part of an elaborate national canal and river-based transportation system which provided the infrastructure for supplying our developing Nation with the coal that fueled its factories and heated its homes. The proposed Delaware and Lehigh National Heritage Corridor is that treasure.

In the Lehigh Valley, the corridor, rooted in the Lehigh Canal and the Lehigh River, weaves its way through the region like a thread joining the fabric of adjacent communities. This corridor, beyond even its vast historical significance, allows us to finally bring a regional focus to the Lehigh River and its surroundings; the corridor will allow us to coordinate the many parties interested in furthering our No. 1 natural resource. Several years ago I brought together a group of public officials and private citizens from county executives to shad fisherman; from history buffs to business people; from bankers to boaters. We sought to develop a focus, an agenda, and a plan for bringing the Lehigh River back to its days of glory. We sought to help this beautiful natural resource to once again live up to its potential, an appropriate 1980's version of the halycon days when the river and the canal were king.

Those efforts can serve as the groundwork for future action. Mr. Speaker, I am happy to say that the proposed Delaware and Lehigh Navigation Canal-National Heritage Corridor gives the citizens of the Lehigh Valley that common ground.

In an era of rapid growth and changes, the corridor will allow us to build bridges between the various governmental entities—the counties, the municipalities, the boroughs and the townships along the length and breadth of the river. Cooperation on issues which involve the canal and river offers unique opportunities to citizens of the Lehigh Valley to boost regionalism and proactively build the kind of community we want. The canal, the Lehigh River, the corridor can serve as a unifying force bringing our communities together, not only over historic preservation but recreation, conservation, sportsmans' activities, creative economic and residential development, the environment and tourism. This corridor, and the regional approach it entails, have the distinct potential for enhancing the quality of life in the Lehigh Valley.

Approximately 375 historic and archaeological sites exist within the total corridor and symbolize, in physical form, the naturally formed ecosystems of the area, creating the backbone of a potential recreational trail/corridor. This corridor would also interconnect with other national and regional recreation sites; the Appalachian Trail at the Lehigh Gap, the Lehigh County Saylor Cement Kilns, Lehigh Gap State Park, the Hugh Moore Park and Canal Museum, the Delaware and Raritan Canal State Park at New Hope/Lambertville, the Delaware Water Gap National Recreation Area, the proposed Upper Delaware National Scenic Recreational River, and the planned Morris Canal County Park in Warren County, NJ.

The Delaware and Lehigh Navigation Canal, which opened for regular commercial navigation in 1834, provided an early and essential link in a 4,000 mile national transportation route and helped to transform Pennsylvania from an agrarian region to the center of an industrialized society.

In 1855, the peak year for the transportation of goods by canal, 1,276,000 tons of coal moved down the Lehigh Canal to Easton, and the Delaware Canal, which supported the Lehigh Canal, carried 755,000 tons of coal. Much of that coal went to firing the furnaces of the Nation's emerging steel industry—what later became the Bethlehem Steel Corp.

The Lehigh and Delaware Canal served as the primary means for transporting coal and other bulk goods from the "Anthracite Region" of Pennsylvania to New York, New Jersey, Philadelphia, and other industrial centers as far away as Europe.

The route of the Delaware and Lehigh Navigation Canal parallels stagecoach routes and the trails of the Lenni-Lenape Indians, and passes numerous 18th, 19th, and 20th century sites of National and State historical significance.

The Delaware Canal was declared a National Historic Landmark in 1978 by the National Park Service at the request of the Commonwealth. The National Park Service declared the Lehigh Canal a National Historic Site and placed it on the Register as a National Historic Trail also in 1978 at the request of the Commonwealth. This bill will designate both canals together as a National Heritage Corridor.

Mr. Speaker, I, along with Representative Kostmayer, am introducing a bill tomorrow to establish the Delaware and Lehigh Navigation Canal National Heritage Corridor.

The purpose of this legislation is to assist in preserving, in Pennsylvania, the unique and significant contributions to our national heritage of certain historic waterways and structures surrounding the Delaware and Lehigh Canals. A cooperative Federal, State and local approach is proposed.

The bill would establish the Delaware and Lehigh Navigation Canals National Heritage Corridor Commission. The commission shall assist appropriate Federal, State, and local authorities in the development and implementation of an integrated resource management plan for the corridor.

The membership of the commission shall be composed of 20 individuals. They will include, the Director of the National Park Service (or his delegate), the secretary of the Pennsylvania Department of Environmental Resources, the executive director of the Pennsylvania Historical and Museum Commission, and the executive director of the Pennsylvania Department of Commerce/Economic Development Partnership. There will be eight representatives of local governments from the Commonwealth, (nominated by the Governor and appointed by the Secretary of the Commonwealth) four of whom shall be representatives from the Lehigh Navigation Canal region and four shall be representatives from the Delaware Canal region.

It will also be composed of eight individuals from the general public who are citizens of the Commonwealth, (again, nominated by the Governor and appointed by the Secretary of the Commonwealth) four of whom shall be residents of the Lehigh Navigation Canal region and four shall be residents of the Delaware Canal region.

Their appointments shall commence not later than 6 months after the date of enactment of the legislation and shall be for terms of 3 years after which they may be reappointed. The commission would be established for 5 years, and there may also be a 5-year extension.

This bill authorizes $350,000 annually to the commission to carry out its duties under this act, except that the Federal contribution to the commission shall not exceed 75 percent of the annual costs to the commission of carrying out those duties.

Corridors, such as the one we are proposing today, have been successfully established. One, in Massachusetts and Rhode Island, is known as the Blackstone National Heritage Corridor and the other, in Illinois, is known as the Michigan and Illinois Heritage Canal Corridor. It is an effective way for the Federal Government via the National Parks Service to parlay limited expenditures of resources, technical expertise and a national historical stimulus into more extensive local and regional efforts to rebuild and reclaim treasures, providing for industrial and economic redevelopment, tourism and historical, recreational and environmental enhancement.

I would like to invite my colleagues to cosponsor this legislation which is a step toward enlightening our citizens about the historical roots of our industrial democracy. I would also like them to consider visiting the beautiful, interesting, and friendly Lehigh Valley of Pennsylvania, which through the workings of this legislation will be made even more so.

A TRIBUTE TO THE LATE HONORABLE DAN DANIEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. SISISKY] is recognized for 60 minutes.

Mr. SISISKY. Mr. Speaker, I have asked for this special order today because many Members have indicated to me that on the 1 hour of January 28 of this year in memory of our colleague, Congressman DAN DANIEL from Danville, VA, that we would take a special order out. Some of the Members are not able to be here and I will ask for a motion later on to allow Members to put other material in; but I think it is important today, just about 3 weeks after the death of our dear colleague, to talk a little bit about this great gentleman from Virginia.

How great was he? To those who attended his funeral in Danville, VA, I think we found out how great he was. Almost one-fourth of the entire House of Representatives attended the funeral, some 200 miles away from Washington.

□ 1300

It was a cold harsh day, and all of us came away with the observance of how his people thought about him, people who were at the airport, people who were lining the streets, flags at half mast, policemen all around; the sadness of that day struck us all.

But what really happened was that Members from this body, and, yes, some from the Senate, who were completely remote from the values that DAN DANIEL held as a political philosophy, and I think DAN would never make an apology that he was a great conservative in this country, that this funeral was attended by not just conservatives, but by very liberal Members of this House who had a lot of respect for this gentleman and were paying tribute to him by attending his funeral.

Last night at 11 p.m. I returned to this country from a 6-day trip to the nation of Japan. I flew in from Tokyo nonstop into New York, and we were there on Armed Services Committee business. An amazing thing happened, an amazing thing. In two instances, as we were looking at post exchanges, and commissaries, and bowling alleys that were there for our troops in Japan, in two instances it was commented to me by people who run these places or are in charge of them, what a great tragedy and what a loss to the quality of life to our service people the loss of DAN DANIEL was. And to me that was the greatest tribute.

All of us who knew DAN DANIEL knew that peace through strength was not just an idle thought, that it is what he honestly believed. And he will be remembered by that, but I think what he will be remembered by even more than that is the fact that he believed that the troops, those who served this Nation, both male and female, of those who serve this Nation and all the services believe that DAN DANIEL was a friend, that DAN DANIEL believed because you were in the service to your country that the quality of your life should never diminish, and to me this is a tribute to this wonderful gentleman from Virginia.

I will say more later on, but at the present time I will be glad to yield to any Members that are here today.

Mr. OLIN. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Virginia.

Mr. OLIN. I thank the gentleman for yielding. I would like to congratulate him for taking out this special order. It is extremely important that we have this opportunity to reflect on the service of DAN DANIEL, our recently departed dean of our Virginia delegation, and I appreciate the opportunity to take part in this ceremony.

I got to know DAN DANIEL for the first time when I decided to run for Congress, and I found out that the city of Lynchburg was in the district I chose to represent. I did not know DAN DANIEL at that time. But on my first trip to Lynchburg I sure got to know him. He was not there, but his reputation was there, and I found out that every member of the chamber of commerce was on his side. I found out that the people in the city knew him, loved him, and I found a level of respect, an appreciation and loyalty that I had not experienced often in my life in anybody. That feeling that I got from my first visit to Lynchburg has continued since that time.

DAN DANIEL's district is the neighboring district to my district as it is to, I am sure, the gentleman from the Tidewater area and others. I have got three or four counties that border on his district. I drive through part of that district on my way to Washington and back home.

DAN has become very, very close to me in the 5 years that I was privileged to serve with him. When I got to Washington, having been elected, I called on DAN, and in fact I talked to him before that, but I called on him again, and he offered me all the help that he could possibly give me. He introduced me to his extremely capable administrative assistant, Fred Fletcher, and Fred in turn offered me any help that he could give. Fred had been there even longer than DAN, is an extremely capable person, took care of most constituent service problems, and Fred was extremely helpful to me in getting my office established and learning what to do as a Congressman. Shortly after we were there DAN held a little luncheon for the new Members from Virginia, at least the Democrats. I guess it was only Democrats at that luncheon, but three of us got elected in that year, 1982, and he had a little luncheon to welcome us to the Congress.

My relationship with him continued over the 5 years. We had a number of overlaps, but being in adjoining districts we had a portion of the national

forest that we both shared and bordered on, and we had a number of problems there that DAN turned out to be extremely helpful on.

I would not be able to add comments with regard to DAN's service on the Armed Services Committee and the Intelligence Committee beyond what those that have known him longer can add and those that have served with him on those committees, but it is well known throughout the Congress, throughout the Commonwealth of Virginia and certainly in his district that he made substantial contributions to the future strength and stability of our Nation through those efforts to which he was extremely dedicated.

Last year when DAN began to have the problem that showed up in various ways he took trips out to Houston to the heart center out there. I along with others questioned DAN about how things were coming along. We found out a little bit about his situation. He would not talk about it much. It was very evident, I think, to all of us that the problem was of some magnitude, and we all hoped for him that he would be able to serve out his time in Congress the way he intended to do.

As we all know, DAN decided to retire from the Congress at the end of the present Congress. He made that decision on Tuesday, January 19, last month. After that all of us, and I was included, prepared press releases and testimony with regard to our feelings about DAN DANIEL and commenting on the service that he had rendered. On the day before he died, Friday, January 22, he visited the editorial board of the Lynchburg newspaper and gave them a long interview with regard to his total congressional service. I think it is quite evident that he felt that even though his health condition was serious that it would not prevent him from completing his term this year.

As we all know, DAN died the next day, on Saturday January 23. It was a terrible shock to all of us that have known him. It is going to be a tremendous loss to Congress and a loss to the Commonwealth and the Nation.

Typical of DAN DANIEL is the letter I got from him, and maybe others had the same thing. When I got back to Congress the Monday or Tuesday after he died I received in my mail a letter written by DAN on January 22. That was that Friday, the same Friday he had the interview with the newspaper. It said:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 1988.

Hon. JIM OLIN,
U.S. House of Representatives, Washington, DC.

DEAR JIM: Thanks so much for your thoughtful remarks to the press regarding my retirement announcement.

Obviously, I view the idea of leaving Congress with mixed emotions and reached my decision only after much soul searching.

With kind regards and best wishes,
Very sincerely,
DAN DANIEL.

It was signed by DAN. That is typical of the kind of man DAN DANIEL was. He had all kinds of good qualities, loyalty, perseverance, responsibility, but I think that his relationships with people were maybe among the greatest talents that he had. He paid attention to his constituents. He paid attention to his friends. And this little letter he had written right before he had died, he was in bad shape at that time, but he saw to it that he got that letter out not knowing what might happen to him. He got it out promptly, and it expressed the warm feelings that DAN DANIEL had for everybody that he ever associated with. He was a great man. He is going to be missed. It was a horrible shock the way he died as he did.

Mr. SISISKY. I thank the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Virginia.

Mr. PARRIS. I thank the gentleman for yielding.

With the passing of DAN DANIEL I became the senior member of the Virginia delegation, and I understand full well the enormity of the job to fill the shoes of our recently departed friend. DAN DANIEL was my friend first and foremost as a colleague in the Congress, and, as a defender of all Virginians, DAN DANIEL was a man of honor, talent and a tenacious will to fight the tough battles, the sometimes awesome responsibilities that we often face in this, the Congress of the United States. DAN was a man who knew his priorities. His loyalties were not determined so much by the typical partisan divisions that frequently occur here on Capitol Hill, but rather he determined his loyalties by the desires and aspirations of his constituents.

DAN was a Democrat, but it was not infrequent to see him voting with me and with my other Republican colleagues on important issues to his constituents, to his Nation, regardless of what I am sure was partisan pressure from time to time. This is all consistent with the finest traditions of the Commonwealth of Virginia which he knew so well and cherished so greatly.

Another example of DAN DANIEL's dedication to service was his fierce commitment to our national defense. At a time when some Members of Congress were looking for military contracts to take home to their districts as a form of pork barrel DAN fought tirelessly and frequently for a stronger America without ever favoring amendments or legislation that might benefit him politically or be of assistance to his district. His was a fight based on the knowledge that a weak America is not only provocative and, therefore, dangerous for ourselves, and our children and our children's children, but a threat to the aspirations and hopes of all freedom-seeking people around the world. His efforts to improve readiness in the military not only made America stronger, but it also protected the men and women, the individuals, operating in combat by improving the quality of their equipment and their ability to sustain a combat effort that they might be asked to undertake on behalf of this Nation at any time.

Like other great Americans remembered in the long history of great Virginians DAN DANIEL believed that America is the "last hope for man." He was a patriot whose loyalty was based on his insights into the character, the inherent decency and the fighting spirit of the people he grew up with and whom he represented so ably in the Congress. It was a deeply rooted faith in the average American that inspired DAN DANIEL to fight for those causes necessary to strengthen freedom and give birth to democracy and freedom around the world.

When Henry David Thoreau was dying a friend asked him if he had made his peace with God, and Thoreau replied, "We have never quarreled."

Well, with DAN DANIEL's life of honesty, and vigilance and courage I am sure that as he meets his Creator he indeed will be made most welcome.

I along with all of my colleagues will miss DAN DANIEL and the wisdom and the knowledge that he shared so freely with all of us and which inspired us all.

I thank the gentleman for yielding.

Mr. SISISKY. I thank our senior Member of our delegation very much for his comments.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I want to thank NORM SISISKY for taking this time today to pay tribute to our beloved colleague, DAN DANIEL. DAN was one of my closest friends. We served together in this Chamber for 18 years and I sat next to DAN on the Armed Services Committee for many years.

DAN was an inspiration to me and to others. He was so patriotic. He believed in a strong military and his commitment to a strong defense made all of us work harder on defense issues.

He is one of the few people I know in Washington who could quickly summarize an issue. He had the ability to get right to the heart of the matter. He said in one sentence what it takes most of us three or four paragraphs to say. Though he was not a college graduate, DAN was very well read, and he was an excellent speaker. Often in remarks, he would quote, from memory, a passage from a book or the words of a famous person that would help him get his point across.

DAN DANIEL was also an inspiration in the way he lived his private life. He rose through the ranks in a cotton mill in Danville, VA, to become one of the chief executive officers of the company. He was very active in the American Legion and served as its national commander. He was a great friend of the veteran and was a veteran himself.

DAN had strong religious beliefs. He was president of our House Prayer Breakfast group. We have had one of our best years under his leadership. Attendance is up. We now have as many as one-tenth of the entire House of Representatives at our Thursday morning breakfast meetings.

I think DAN may have had a feeling something might happen to him. As president of the Prayer Breakfast, he was to be on the program at the National Prayer Breakfast on February 4. But he declined that opportunity. He wanted someone else to do it. He only requested that we sing his favorite song, "How Great Thou Art." His other favorite song was "Amazing Grace"—which our colleague BILL HEFNER sang at Greenbriar after we learned of DAN's death.

He did some other things to make me think he knew his health problems were very serious, but through it all, DAN continued his everyday activities. He played golf whenever he could and he never backed off from his work as chairman of the Readiness Subcommittee.

I would hope we will be able to come up with a proper way to honor DAN DANIEL and the contributions he made to help keep our military strong. Perhaps we could name a program or a military facility after DAN; something that will serve as a lasting tribute to the work he did for our military during his years in the Congress.

DAN was proud of his family. He talked many times about his wife, Ruby and son, Jimmy, as well as his three grandchildren. I think he was particularly proud of the fact that one of his grandsons had joined the military.

DAN was a great friend. He was a patriot. We all will miss him.

□ 1315

Mr. SISISKY. Mr. Speaker, I yield to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr Speaker, I thank the gentleman from the Fourth Congressional District of Virginia, Mr. SISISKY, and thank him further for having taken out this special order in order that we who knew, loved, and served with DAN DANIEL might come here and express our sense of loss and regret at him no longer being with us.

For me, my associations with DAN go back to January of 1968 when I first came as a member of the General Assembly of Virginia, where DAN was a very respected member of the house of delegates. I came to know DAN then. And as a matter of fact, it would have been impossible not to come to know him because he was a very respected member of our State legislative body. But beyond that, DAN made it a point to get to know the new members of the general assembly, to welcome them, to make them feel at ease in order that they might take up their roles in that body and perform their services better.

Mr. Speaker, I found that same spirit very much a part of my experience when I came to the Congress when DAN, of course, had been here already for many years when I arrived in 1982.

As before, he was extremely helpful to me in his advice. He was always willing to take of his time to consult with you, to try to be of assistance to you.

Many people have said of DAN, since his unfortunate death, that he was the epitome of a Virginia gentleman. I think DAN would like very much to be remembered in those terms because it is a term or a phrase that would be particularly meaningful to him.

He was, indeed, a Virginia gentleman.

He also embodied, through his life and his work, one of the very highest, if not the highest of traditions of people of the Commonwealth of Virginia, and that was the tradition of public service, the sense that every citizen has an obligation to give of himself in a significant way to serve the community, the State and the Nation of which they are a part.

In every respect, DAN DANIEL has done that. He was a distinguished State legislator. He has been a remarkably effective contributor as a member of this body through the 19 years that he served here.

Like the gentleman in the well, the gentleman who preceded me, I served with DAN on the House Committee on Armed Services. I know the respect with which he was held by the full membership of that committee. He was an outstanding member. His dedication to the idea of peace through strength was unwavering throughout all the years that he was here. In the years when the defense budgets were being savaged and our military capability significantly diminished, through the years of our efforts to rebuilt our national defenses, DAN was never reluctant to be a very vital part of those in the Congress seeking to do better by our national defense and particularly for the people in the uniformed services who are the very touchstone of how strong and secure we can be.

DAN, as chairman of the Subcommittee on Readiness of the Committee on Armed Services has made invaluable contributions, which have been mentioned here.

He also did something else through the years of his service here in the Congress and that was to preside over the Oversight Committee and the morale and welfare activities within the Department of Defense. This was one of his major concerns, how to serve, how to benefit, how to make service in the uniform of our country more attractive, more meaningful and to make a better life for our people in the military services.

Obviously, he was a kind and a caring person. His having brought himself to a position as one of the most distinguished Members of this body, his prior legislative service in the State legislature, and having risen from menial positions in the mill in Danville, his hometown, to a position of great leadership within that mill, are all things that attested to an unusually good mind, to a desciplined mind, the hallmark of a person who not only cares but who is steadfast, hard working and who is willing to give the best of himself in all that he did.

Through all these years he had the companionship and the devotion of the remarkably gracious lady, Ruby Daniel, who has meant so much to my wife, Laura, and me. She and DAN through all these years that we have known them were very, very great friends. We look forward to seeing Ruby and doing anything that we can to make her life an easier and more pleasant one. We look forward to her being back in Washington in the next few weeks and to the opportunity to be with her then.

We send our love to her as we extend our respect and admiration to our very dear friend, DAN DANIEL.

Mr. SISISKY. Mr. Speaker, I yield to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, DAN DANIEL is no longer with us in this body. We will greatly miss his friendly greetings, his cheerful conversations, and his wise counsel. He will not be watching the House proceedings from the rail or seated near the center aisle as he was oftentimes. We will not see him walking briskly in the tunnel between the Rayburn Building and the Capitol. Mr. "D," as some of us called him, will not be presiding over the Readiness Subcommittee of the House Armed Services Committee he chaired nor will he be speaking from the House floor for the men and women of our uniformed services. The reality of seeing him whack a little white pellet

right down the middle in his favorite pastime of golf will not be there. Fond memories these are of this great man. They will linger on for those who knew and loved DAN DANIEL.

Though he will not be physically present with us, he made his mark and left an influence that will not be forgotten soon. Our country and we as individuals have been richly blessed because he came our way.

That DAN did not attend college would be surprising to most. He was certainly educated, and I gather it was through the so-called school of hard knocks. DAN had risen through the ranks to a high position in Dan River Mills in his hometown of Danville, VA, before coming to Congress. He was chosen for leadership positions in many organizations.

DAN DANIEL was truly American in every respect—patriotic in thought and in action. He once served as the national commander of the American Legion, and he was respected by everyone for his patriotism.

DAN's passing is a personal loss for me. For the past several Congresses, I have been the ranking majority member on his Readiness Subcommittee and have worked with him very closely. DAN seemed to have a knack of cutting through the rhetoric and getting to the meat of a matter. I think without a doubt that he has done more for the improvement and readiness of our armed services than anyone in Congress. I understand that it was he who, several years ago, was responsible for getting operation and maintenance as a line item in the budget. He saw clearly that all kinds of sophisticated planes, ships, tanks, and guns are useless unless spare parts are available and proper maintenance is done. DAN was always in the forefront in seeing that our service people were provided for, not only in their work but also in their off-hours with their families. He headed the morale, welfare, and recreation panel for years and supported the use of nonappropriated funds for worthy purposes.

DAN DANIEL was one of the chief architects of the new U.S. Special Operations Forces Command, which holds great promise in helping our Nation deal with terrorism and low-intensity conflict. Some 3 years ago, he appointed me as chairman of the special operations forces panel under the Readiness Subcommittee. It was a pleasure to work under his leadership.

DAN was blessed with a wonderful family and many friends, as evidenced by the large turnout of people at his funeral. My wife, Nancy, and I extend our deepest sympathy to Ruby and their family. Yes, we will miss DAN's physical presence in our lives, but the cherished memories of DAN DANIEL will linger on.

Mr. SISISKY. I thank the gentleman for his remarks.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. I thank the gentleman, my colleague from Virginia, for taking this time in memory of our dear departed friend, DAN DANIEL.

I want to express my condolences to Mrs. Daniel and to the family and to say that we are going to miss DAN very, very deeply.

Many fine things have been said about him by people who have known him longer than I have. But certainly things come to mind, as I knew DAN DANIEL: that he was a gentleman's gentleman, probably one of the more highly respected Members of this body by those who came in touch with him.

□ 1330

In the way he conducted himself here on the floor and the way he conducted himself in the Halls, he certainly stood out as a man among Members of this body. To say that he was self-made is one of the highest accolades. As was pointed out by our dear colleague, the gentleman from Florida [Mr. HUTTO], he was a man who came here with no formal education, but yet you might have thought he was a doctor or lawyer or that he had some great degree of education.

DAN DANIEL was a man of great integrity, superior character, and high moral principle.

His participation in our Thursday Prayer Breakfast was very quiet, not shown to the public, but those of us who participated and attended always left there feeling much the better about ourselves for having known him.

DAN will be deeply missed but certainly not forgotten by those of us who had the opportunity to work with him, to observe him, and to call him our friend.

Again, Mr. Speaker, I want to give my condolences to the family. I know that they can have peace of mind knowing that he is in Heaven with his Maker and watching us as we deliberate here in the days and years ahead.

Mr. DARDEN. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Georgia.

Mr. DARDEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, our good friend DAN DANIEL epitomized, in my mind, the best traditions of the American south.

Anyone who knew Chairman DANIEL would, I am sure, agree with the description of him as "courtly," He was tall and lean, with that snowy white hair and that great, rugged face.

His voice was the soft, dignified song of old Virginia. He carried himself with an air of confidence, and yet no one would have called him haughty or arrogant.

His manner—whether in a small group of intimate friends or among the ranks of the great and powerful—always was one of warmth and friendliness.

Chairman DANIEL—like any great southern gentleman—was a man of his word. You could depend on what he told you to be the truth, and you could depend on him to keep the promises he made.

Most importantly, he held fast to the southern traditions of duty to family, God, and country. Those traditions guided him through two decades of distinguished service in this HOUSE.

When I came to this body more than 4 years ago, Chairman DANIEL was among the first people to greet me, and to offer his help in learning the ways of the House. He knew of the important role of military affairs in the Seventh District of Georgia, and he immediately invited me to join the Readiness Subcommittee of the Armed Services Committee.

I can say with absolutely no reservation that it was an honor and a privilege to serve on that subcommittee under such a distinguished and dedicated gentleman as Chairman DANIEL.

He was steadfastly devoted to ensuring that America's Armed Forces are prepared to defend freedom against any foe, at any time, anywhere in the world. In presiding over the subcommittee and its staff, he always welcomed new ideas and new opinions which enhanced the readiness of America's military.

I must add a personal note about something Chairman DANIEL did, a few months before his death, to help resolve an issue of major concern to the people of the Seventh District of Georgia.

There was considerable public concern about proposals to allow joint military and civilian use of Dobbins Air Force Base in Marietta, GA. I was concerned, personally, that the introduction of civilian air traffic at Dobbins might adversely affect the readiness of the Reserve and National Guard units there.

Chairman DANIEL quickly agreed to my suggestion that the Readiness Subcommittee conduct a field hearing to assess the situation. Not only that, he promised to take a major personal role in examining the issue.

All of us knew then that Chairman DANIEL was experiencing some very serious health problems. And, although I greatly appreciated his help in organizing the hearing, I really doubted that his health would allow him to travel to Marietta.

But, as I said a moment ago, DAN DANIEL was a man of his word. On the day of the hearing, he was there presiding. And, when other members of the subcommittee had to return to Washington, he stayed on—making sure every argument was heard and every possibility was considered.

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Under his guidance, the subcommittee came to its conclusion that, indeed, joint use could endanger the readiness of the Armed Forces units at Dobbins. It was, as I have pointed out to a number of my constituents, a perfect example of Congress at work—gathering information, deliberating, and then setting policies which serve the greatest interests of the Nation.

Mr. Speaker, I am proud to have counted among my friends and colleagues a man such as Dan Daniel, who was the gentleman from Virginia in the truest sense of the word. I will miss him greatly, both as a colleague and as a friend—and I hope it is some comfort to his family, and his other friends, that so many others in this Chamber share that emotion.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to my colleague, the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I thank my colleague, the gentleman from Virginia [Mr. Sisisky], for taking this time to recognize a truly outstanding man, a dear friend of us all.

I did not know Dan Daniel prior to coming to Congress except by reputation as one of the outstanding Members and senior Members of the Virginia delegation. I had not had the privilege of serving with him in the general assembly, as others indeed have had. But I had hardly arrived here when Dan took me under his wing and helped educate me into the intricate workings of this great body and helped to advise me, particularly on national security issues.

We have heard much talk about his service on the Armed Services Committee and as the chairman of the Readiness Subcommittee of that committee, and they were indeed important tasks and he filled them most ably. But I think one of the most important things in his mind was his service on the Select Committee on Intelligence. He really worried constantly about the security of this country and took it very much to heart. You could always count on him to be in the forefront in defense of the great liberties that we so often take for granted.

I remember also observing what a humble person Dan was. He once shared with me this story: While commander of the American Legion, he had an opportunity to visit Rome, and the group had an audience with the Holy Father. With him in that group was the then Speaker of the House of Representatives, John McCormack, and the Holy Father came in, and the Holy Father's assistant said, "Who is in charge of this group?"

Dan Daniel, without hesitating, even though he was commander of the American Legion and this group was the American Legion group, turned and said, "John McCormack is in command of this group."

The Speaker never forgot that. That was the kind of a person Dan was.

I think we can really say that Dan was a Virginia gentleman in the tradition of Thomas Jefferson, and there are precious few of them left.

I would like to extend, on behalf of Mary Virginia and myself, our heartfelt condolences to Ruby and the rest of the family. Again I commend my colleague, the gentleman from Petersburg, VA, for bringing this special order to the floor at this time, and I thank him for yielding to me.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Virginia for his remarks.

Mrs. BYRON. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to my colleague, the gentlewoman from Maryland.

Mrs. BYRON. Mr. Speaker, let me also thank my colleague for giving us this opportunity to participate on this very sad occasion today, but it is, I think, so important for us to reflect back on the contributions of Dan Daniel. Almost everyone has made the comment that the gentleman from Virginia, in a true sense of the word, was "The gentleman from Virginia."

Often we come on the floor and we look for a colleague. We all have our habits, and we know where we are going to go. If you needed to look for Dan, he was usually back there on the rail. He always was leaning on the rail or sitting in one of the chairs next to the rail. He was quiet, but he was very strong. He was not flashy. I do not think anybody could think of Dan Daniel as being flashy, and he was so respected. He did not have a college degree. We all wondered and were amazed at what achievements he had made as he moved forward. But he had ability, and that ability showed through time and time again.

He loved Virginia. He really did love Virginia, but I think he loved his country more. I do not think there was ever a question that when an issue came up, Dan looked at it in the light of what would be the best for his country and for the Nation. He was a strong family man, and he loved his family dearly. But he loved his country. I think when we stand here and look at the Members who are coming along, many of us feel with a great deal of warmth and respect that we were lucky to have known an individual such as Dan Daniel.

I know how difficult it is for his family and for Ruby. A quick loss is one that is hard to understand. He had made his conscientious decision not to seek reelection. It was very difficult for him to decide not to seek reelection again because of health reasons. Yet I do not think anybody thought his passing would be so quick. But Dan was a Member of this body, and I guess if he could not be a Member of this body, there would be other places he has been called to.

Mr. Speaker, to Ruby, to his son and his grandchildren, we say we are pleased to have known him.

Mr. SISISKY. Mr. Speaker, I thank the gentlewoman from Maryland.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I want to thank the gentleman for taking time out for this special order.

As I was listening in my office and as I have listened here, I think most of the things have been said. I do want to relate a few comments of my own, first, to express my sympathy and condolences to Dan's wife Ruby and to his son Jimmy.

Second, I want to make the comment, as I think one other Member did, about the diverse group that attended his funeral. I have not been to a lot of congressional funerals, if you will, but it was so impressive, as I heard the gentleman from Virginia say, to reflect on how the people of Danville and the people of his congressional district were at the funeral, and also the diverse nature and the political differences of the people there. They included perhaps some of the more liberal Members of the House and some of the more conservative Members of the House, and there was such a large number from the House. One individual who was there made the comment that they had never seen such a diverse congressional delegation attend a funeral. I think that is a tribute clearly to Dan Daniel and to the service that he had in the House.

Second, Dan was extremely well respected. That is indicated, as everyone has said, in how well he served his district. He was a Virginia gentleman. He was very, very courtly. I never heard him raise his voice.

Clearly, it would be accurate to say that he was a great patriot. He served his Nation well as military personnel, and he was the president of the American Legion. One of the principles that that organization of veterans of our Nation subscribes to is the motto, "For God and Country." I think these words, "for God and country," sum up Dan Daniel's service here in this body.

In closing, my other comments would be that it is unfortunate that we seem to wait until after somebody has passed away before we say all these wonderful things. Perhaps this is an indication that in the future, when we feel something about somebody, about how much we respect them or how much we think of them, we should perhaps tell them before they pass away and not wait until the end.

Mr. Speaker, I want to just close by expressing my sympathy to Ruby and his entire family and letting his congressional district and the people of Virginia know that they have had clearly one of the finest Members ever to serve not only the State of Virginia but the entire country.

Mr. Speaker, I would like to join with my colleagues in remembering our late colleague Dan Daniel and appreciate my Virginia colleague Norm Sisisky for his efforts in arranging this special order.

It was my honor and privilege to serve in this House with Dan Daniel and to be a part of the Virginia delegation with him for 8 years. Many people have described Dan Daniel as a real gentleman and there could be no truer way to describe him. Dan possessed the highest qualities of honor, courtesy, civility, decency, and patriotism.

Serving in this House we have the opportunity to work with many people and there was no finer public servant than Dan Daniel. While we were from different sides of the aisle, Dan was a conservative and we found ourselves aligned on many issues, especially the importance of maintaining a strong national defense. His work on the Armed Services Committee reflected his commitment to our national security, and as a strong voice for the men and women who serve in the Armed Forces, he made certain that we didn't forget those who serve.

While he was dedicated to serving his country, he was also dedicated to serving those he represented in the 5th District of Virginia and he leaves a record of exemplary constituent service.

I am reminded of Dan's service as national commander of the American Legion and one of the principles by which that organization of veterans of our Nation subscribes: "For God and Country." To me, those few words sum up Dan Daniel's life: to serve God and country.

He was a great American and a great friend and this House will not see his equal again. Our sympathy goes to his wife and son and his family and many friends.

Mr. STOKES. Mr Speaker, will the gentleman yield?

Mr. SISISKY. I am delighted to yield to the gentleman from Ohio.

Mr. STOKES. Mr. Speaker, I join today with the gentleman in the well and all of my colleagues in this eulogy to our friend Dan Daniel. He and I were classmates. Both of us came to the House in the 91st Congress, so we have known one another for 19 years. During the greater part of that time Dan and I knew one another, but had never worked together on a committee until we both went on the House Intelligence Committee. At the time of his passing, Dan was still a member of this committee which I now chair. It is our service together on the House Intelligence Committee which gave me the opportunity to really know Dan Daniel. He was a unique man in many respects. One of his most admirable traits was timeliness. I never knew Dan to be late for any of our committee hearings. If our hearings started at 9 a.m. Dan was always there ahead of time. I can't ever recall starting a hearing at 9 a.m. without Dan being present. On occasions he would have to leave our committee to attend Armed Services Committee meetings. Whenever this occurred, he was always apologetic about having to go to his other committee meeting. Additionally he would always say, "Now, Lou, if you need me, you call me, and I'll be back." Thus, in this manner, he demonstrated how conscientiously he undertook his committee work. Dan was not only conscientious about his attendance at our meetings, but he spent a lot of time with our staff in preparation for our hearings. It was Dan's unflexing commitment to a strong national defense that made him devote untiring energy to the work of the Intelligence Committee. He brought to our committee an enormous amount of expertise gained from his service on the Armed Services Committee and particularly his chairmanship of the Readiness Subcommittee. I never saw him in action on his other committee but on our committee he loved to ask questions. In doing so he was always a gentleman. He was also artful in getting a little more time as his time for questions was expiring. I can hear him now in that soft gentle southern Virginia accent inquiring "if my time has not expired would the chairman indulge me in one more question." Who could turn down a gentleman like Dan Daniel? I certainly couldn't. I admired Dan for many things but mostly for the way he represented his district. There were a few issues on which Dan and I were miles apart philosophically. When those issues came up I would still approach him about his vote. Dan would always say, "Mr. Chairman, I can't go with you on that." Then he would always explain his reason by referring to his constituents as "my people." He would say, on many occasions, "Lou, my people want me to vote for this or my people want me to vote against this." He always used the term "my people." He knew his district—he knew his people—and he represented them in the way they wanted him to represent them. For this I admired him. On Tuesday of the week following his death, Dan was scheduled to accompany me and other members of the Intelligence Committee on a factfinding trip to Honduras on the President's request for additional aid to the Contras. Instead, this trip was canceled due to his death and on that Tuesday a delegation from the House went to Danville, VA, to pay our last respects to our colleague. I mention this to demonstrate how right up to his death Dan Daniel was working on the hottest issue in Congress in order to properly represent his people when this issue came to the floor. His plans for this trip had been made even though he had announced his intention to retire from Congress.

In fact, in our last conversation, about a week prior to his death, when Dan called me in Cleveland, he advised me of his decision to retire. He explained that he based his decision upon his medical problems which no longer enabled him to give 100 percent of himself to his job. At Dan's funeral our colleague, Bill Nichols, spoke words of commendation. In one of the most eloquent eulogies I have ever heard, he crystallized the life of our friend Dan by referring to him as a real gentleman. He was indeed the epitome of a gentleman. Additionally, Dr. Howard W. Lee, who provided words of praise at Dan's funeral, was equally eloquent in commending Dan's family and the families of other public persons for the sacrifice these families make in order for public officials to serve their country. We are all enriched by the sacrifices made by the Daniel family which enabled him to serve in this body. Dan Daniel gave this Nation, his family, his people, and his friends, 100 percent.

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Mr. SISISKY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Virginia [Mr. Slaughter].

Mr. SLAUGHTER of Virginia. Mr. Speaker, I thank my colleague for yielding and for arranging to have this special order relating to our late friend, Dan Daniel, a Member of Congress from Virginia.

All who have known Dan Daniel, whether it be Members of Congress or members of the general assembly of Virginia that he served with, or the people in his community, know that the outstanding characteristic of Dan Daniel was his distinguished character. He was beyond reproach in all of his dealings with his fellow man, whether in his community or in public service or otherwise.

He was a devoted family man and had the devotion of his friends and family.

In his community, he was outstanding. He started out working for the Dan River Mills. He started at the bottom and he came right up into a position as one of the principal executives of Dan River Mills.

He had only gone through the seventh grade in education, but all of us who served with him know that he educated himself and was a well-educated man, as shown by his service in the general assembly and in the Congress.

I had the good fortune to serve on the Education Committee with him in the House of Delegates in Virginia, as well as on the Privileges and Elections

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Committee, and in both committees he made great contributions to Virginia.

He was interested in, and very active in, the founding of the community college system.

He served during the constitutional session of 1968 when the Virginia Constitution was extensively revised, and in particular his service on the Privileges and Elections Committee had an important part in that task.

In every respect, he was outstanding as a member of the General Assembly and in representing the people of his district.

He was the beneficiary, of course, of this confidence that he had built up when he ran for Congress and being elected the first time, he was rarely opposed from then on.

We all knew that Dan had the public confidence and he had our confidence. We will miss the wise counsel and distinguished service that he has rendered to his country.

In the Congress he served on the Committee on Armed Services and the Select Committee on Intelligence, and in these capacities he contributed enormously to the security of this country. He was vitally concerned with our national defense, our national security, and he contributed more than many Members of Congress have in a long career to that purpose.

Dan Daniel will always be remembered in his community and in Virginia for the fine service he rendered in the legislature, and he will always be remembered there and here in the Congress as long as those Members survive who had served with him, for his great, patriotic, unselfish, wise, and distinguished service to the people of this country.

Mr. SISISKY. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. Rowland].

Mr. ROWLAND of Connecticut. Mr. Speaker, I thank the gentleman for yielding. I want to join my colleagues in offering our prayers and thoughts to the Dan Daniel family.

Unlike many of my colleagues who had known Dan for many, many years, I came to know Dan just recently. Approximately a year ago I was appointed to the Armed Services Committee. I was fortunate to be appointed to Dan's subcommittee. Much unlike other committees in the U.S. Congress, Dan Daniel was the type of chairman that aggressively sought out the participation of the younger junior Members on both sides of the aisle and, to put it in a word, to share the spotlight. I think we find in most instances with the chairman and subcommittee chairman there is a tendency for them to carry the legislation and not share the work and spread the participation around.

It was Dan who always worked and looked out for the younger and more junior Members.

I also got to know Dan in the Prayer Breakfast in which I participated and found him to be a tremendous spiritual leader to everyone on both sides of the aisle.

I am sure it has been said a number of times already today that he was a gentleman in the truest sense of the word. He loved Congress. He loved his friends, of which he had so many. He loved his family.

Again I wish his family the best. He will be missed by all of us in the Congress. I am sure he will be missed, as the gentleman from Virginia, Mr. French Slaughter, just said, by his people.

Mr. SISISKY. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. Duncan].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for taking this special order.

Mr. Speaker, I probably knew Dan Daniel longer than any other person that I have known in the House of Representatives. Back in the middle 1950's, Dan was elected the National Commander of the American Legion. I was the State Commander of the American Legion in Tennessee. Dan came to me and he said, "It's time that we put a World War II veteran in as chairman of my National Legislative Program."

Consequently, I accepted that, and we were in Washington conferring with the veterans committees.

At various times Dan came to my home and spent many an evening. He loved the war veterans more than anybody I know and always believed that whatever they got they had earned and justly deserved.

He worked hard. He loved everybody, really. He loved the people of his district in Virginia.

As has been said earlier, he was a quiet sort of individual, but he could say more in 1 minute than most of us could say in 5 or 10.

Of course, I offer my condolences again to his family. We will all miss Dan Daniel very much.

Mr. SISISKY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. Valentine].

Mr. VALENTINE. Mr. Speaker, I have prepared remarks, but I understand time is short. I was delayed en route back to Washington, but I wanted to take just a minute or two to add my expression of sympathy to his family and my expression of appreciation for having had an opportunity to know this distinguished American for only a short period of time.

Mr. Speaker, I know I speak for Members of the House on both sides of the aisle and from all parts of the country in expressing my personal sense of loss at the death of our colleague from Virginia, Dan Daniel.

Because my congressional district in North Carolina lies adjacent to the Fifth District of Virginia, which Dan Daniel represented, I was privileged to work closely with him on matters of regional interest. In all of my contacts with Dan Daniel, whether on issues of concern mainly to North Carolina and Virginia or on matters of national importance, he was always a forthright, well informed, and effective advocate.

As a senior member of the House Armed Services Committee, Dan Daniel's major legislative interest was national security. No Member of this House was more passionately devoted to the cause of a strong national defense.

Dan Daniel was not a Member who often sought the public spotlight. Even his specific area of interest and expertise—military readiness—lacks the glamour of the more visible defense issues such as strategic nuclear weapons or seapower. But it is no less important. As chairman of the Subcommittee on Readiness, Dan Daniel was dedicated to ensuring that American military personnel have the equipment and resources they need to do the vital job we have entrusted to them.

Dan Daniel was a vigorous proponent of a strong defense. But he was equally determined to make certain that the American taxpayer receives maximum value for each and every defense dollar expended. He worked with members of all philosophical and political viewpoints as a champion of procurement reform to make that goal a reality.

Dan Daniel's legacy as a member of the Armed Services Committee—an unwavering commitment both to capable military forces and responsible use of Federal money—provides a guiding beacon for all of us as we face some of the most formidable challenges in our Nation's history.

Mr. Speaker, one of the greatest personal benefits of service in the House of Representatives is the opportunity to forge friendships with outstanding elected officials. In this case, I was doubly fortunate. Not only did I come to know Dan Daniel well, but my duties in the House have also enabled me to work closely with his brother, Reuben.

Reuben Daniel is the former sheriff of Halifax County and the former mayor of Roanoke Rapids, NC, both of which are located in my district. Like Dan, Reuben exemplifies the best qualities of public service, and I am proud to call him my friend. Reuben and his family have my deepest sympathy at the loss of his brother.

Mr. Speaker, Dan Daniel was a credit to this House, an excellent representative of Fifth District citizens, and a devoted servant of the United States. He is already missed. I hope that we will retain some of his experience and wisdom as we tackle the difficult tasks ahead.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from North Carolina. I thank all my colleagues today who spoke about this wonderful gentleman from Virginia.

You know, he has been described as a patriot, a Virginia gentleman, a humble man, a man of God, a man of family, dependable, conscientious, of high character, a hard worker and many other things, and it is all true.

To Ruby and to Jimmy Fox and to Dan's three grandchildren, may I on behalf of the Congress of the United States extend our heartfelt sympathy and, of course, our heartfelt thanks.

Mr. Speaker, in all those descriptions that I have described about Dan, the one that I left out was the respect of his peers, those of us who are on an equal level with him, the respect of his peers.

We thank the family of Dan for the sacrifices they made in allowing this great gentleman to serve this Nation, and we also thank the people of the Fifth District of Virginia for ten times bringing Dan to serve his Nation in a way that he would want to serve it.

Mr. Speaker, I yield to the gentleman from Florida [Mr. Gibbons].

Mr. GIBBONS. Mr. Speaker, I thank the gentleman very much for yielding this time.

I have listened to the gentleman's very fine and moving words. I found myself wanting to express myself as well as did the gentleman. Like the gentleman, I admired and loved Dan Daniel. He was as straight as an arrow and as honest as the day is long. He was a great American patriot. He was a kind friend, a willing worker. I can remember so many quiet walks back and forth between the House Chamber and the Rayburn Building with him counseling about his love for our country, his love for his family and his love for his game of golf and his deep interest in the security of this Nation.

Mrs. Gibbons and I miss him. We wish his family the best of everything.

I thank the gentleman for allowing me to participate in this special order.

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Mr. SISISKY. Mr. Speaker, I thank the gentleman from Florida [Mr. Gibbons] for his remarks.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. Mr. Speaker, I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I appreciate the gentleman from Virginia [Mr. Sisisky] taking this special order and yielding me this time. In just a short tribute, let me say that when Dan Daniel left, I felt as though I lost not only the chairman of the Subcommittee on Readiness, and I think the country lost a great patriot, but I lost a very good friend. He was a guy who I would visit on a regular basis and get advice from him. We have some of the greatest people in the Congress on the Committee on Armed Services, the gentleman from Mississippi [Mr. Montgomery], the gentleman from Alabama [Mr. Nichols], and the gentleman from New York [Mr. Stratton], and there are so many good people, including the gentleman from Florida [Mr. Bennett], but Dan Daniel was one of the giants in the Committee on Armed Services and I feel a great sense of personal loss at not having him with us anymore in body. I think his spirit is here. I think it will continue to be.

Dan Daniel represents really what that Committee on Armed Services is all about, love of country, and respect for his fellow man. I had the great privilege to be able to work with him just not on the Subcommittee on Readiness, the subcommittee he loved so much, but on the Subcommittee on Special Forces. He probably cared more about that than anything else in the Congress in his last few years. I make a commitment along with the gentleman from Florida [Mr. Hutto] and the gentleman from Massachusetts [Mr. Mavroules] that we are going to make sure that the Special Forces operations are going to be what Dan Daniel always wanted them to be, very effective in serving this country.

Mr. Speaker, I can only say that I hope that when I complete my tenure in office I can be just half the kind of a Congressman that Dan Daniel was. He really is the epitome of what the American public wants to have in their public officials.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Ohio [Mr. Kasich] for his eloquent remarks.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SISISKY. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I know time is short but I would just like to thank the gentleman from Virginia [Mr. Sisisky] for taking this special order today.

Dan Daniel was a very special Congressman, and he was a giant in this Chamber.

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Indiana [Mr. Burton] for his comments. Mr. Speaker, I also extend my appreciation to all the Members who have participated in my special order.

Mr. BOUCHER. Mr. Speaker, I rise today to honor the memory of the late Virginia Member of the House, Dan Daniel. I share the deep sorrow felt by my fellow Virginians at this loss.

Dan Daniel was a man deeply respected by his colleagues and by his constituents.

Whether he was working to improve our Nation's military preparedness or attending to the needs of his rural district, Dan demonstrated the qualities of a gentleman and a statesman.

As he gained stature as the dean of the Virginia Congressional Delegation and as chairman of the Readiness Subcommittee of the Armed Services Committee, Dan never forgot his roots. He never lost sight of the upstanding, hardworking people of Virginia—their hopes, their dreams and their day-to-day struggles.

Mr. Speaker, the people of Virginia and the Members of this body have lost a friend, a leader, and a statesman. But Dan's accomplishments will stand as a living reminder of his contribution to our great Nation.

Mr. ANDERSON. Mr. Speaker, our late distinguished colleague from Virginia, the Honorable Dan Daniel, served his State and Nation with distinction throughout his political life. Many tributes will be offered in memory of Dan on that basis. I, however, would like to take note of the fact that Dan Daniel and I came to Congress together in 1969, and since that time I have considered him not only to be my colleague, but to be my friend. He was above all else a good, gentle, and decent human being. Although I note the passing of a distinguished Congressman, of greater significance to me, I mourn the passing of a good friend. My wife Lee joins me in extending our deepest sympathy to Dan Daniel's wife Ruby and his son Jimmy.

Mr. DICKINSON. Mr. Speaker, I have had the distinct pleasure of knowing Dan Daniel since he came to Washington in 1969. Having served on the Armed Services Committee and traveled the world with Dan for some 20 years, I will greatly miss him.

As the chairman of the Readiness Subcommittee, he provided excellent leadership in providing for the needs and demands of meeting our national security requirements; including his stalwart support of the MX Missile Program, and his determination to standardize nato military equipment to the highest caliber.

Not only was Dan interested in the overall picture of our defense posture, but he was equally concerned with the adequate funding of the readiness and conventional weapons programs for the welfare of the soldier.

Every service member who has ever shopped at a military PX our commissary owes a debt of gratitude to Dan Daniel. He made a conscientious effort and commitment to ensure that all military personnel and their families were afforded the best life style available.

A true southern gentleman, and a tireless supporter of democratic freedom fighters, Dan Daniel was a tremendous asset to the House of Representatives. He represented the Fifth District of Virginia admirably, and was committed to the soldier, his family and their quality of life.

Mr. BENNETT. Mr. Speaker, I rise to express my sorrow on the death of Representative Dan Daniel, an outstanding legislator and a personal, trusted friend. He loved our Nation and dedicated his life to its service. He was a pleasure to be with in all circumstances. He was a man whom we all loved and we send our love and sympathy to his beloved family.

Mr. BLAZ. Mr. Speaker, we have lost a colleague and a friend, and a great American.

Dan Daniel was a man who made a big difference. In the State of Virginia, here in the

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Congress, and in our national leadership, this quiet, hard working, exceptionally effective man engendered in all of us a sense of admiration and pride. He was an outstanding American, a man whom we hold up as an example, a model of what we would like to be and what we would like our children to be.

A member of the Virginia House of Delegates since 1959, DAN DANIEL was first elected to Congress in 1968 and served 10 terms, 20 years of much honored and much respected work.

This 100th Congress has lost a pillar. I worked with DAN on the House Armed Services Committee where I was able to better appreciate the esteem and respect this man commanded by his values and efforts. He was devoted to the defense of this Nation and as chairman of the Subcommittee on Readiness played the key role in ensuring that the Armed Forces of the United States had the support needed to maintain the best defense for this Nation.

Our Nation has lost a true patriot and leader of the highest caliber. My heartfelt condolences go out to his family. He will be greatly missed, but fondly remembered and always an inspiration.

Thank you, Mr. Speaker.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with Congressman SISISKY and my colleagues in the House of Representatives in paying tribute to the Honorable DAN DANIEL, whose death on January 23, was a tremendous loss to the people of this Nation.

DAN DANIEL began his career of public service when he was elected to the Virginia House of Delegates in 1959. He was first elected to the Fifth Congressional District of Virginia in 1968, and he had ably represented his constituents during the 20 years he served as a Member of the House of Representatives.

Congressman DANIEL compiled an outstanding record of excellence and creative accomplishment as the chairman of the Subcommittee on Readiness of the House Armed Services Committee, and as a member of the Subcommittee on Program and Budget Authorization of the House Permanent Select Committee on Intelligence.

As dean of the Virginia delegation, DAN DANIEL gained the respect of his colleagues for his knowledge and expertise in defense and intelligence matters. Congressman DANIEL was a fine legislator, and a dedicated and devoted American, who will be sorely missed by all of those who have had the opportunity to know him and to work with him in the Congress.

Mrs. Annunzio and I extend our deepest sympathy to his wife, Ruby, and the other members of his family who survive him.

Mr. McCURDY. Mr. Speaker, the death of our colleague, DAN DANIEL, has saddened all of us. He served our Nation, this House, and especially the people of Virginia's Fifth Congressional District with great distinction.

It was my honor and pleasure to serve with DAN DANIEL on the Committee on Armed Services. No Member of the House was more determined to see the United States remain strong as a means to assure our continued freedom and to maintain peace. He was confident of the path he walked for his country and his God.

DAN DANIEL exemplified the word gentleman in every good sense. He was truly kind, thoughtful, and civil in his relationships with his associates. His unfailing courtesy towards every Member of this House was a constant reminder of the greatness of the Office we hold. Whatever personal failings we might have, Mr. DANIEL addressed us with the respect he believed was due to any person elected by the people of this Nation. That respect was ultimately a mark of his love for his country and his devotion to this institution.

DAN DANIEL held our esteem not only as a distinguished representative of Virginia but as a fine and decent person. I will miss his guidance in the work of the House, and I will miss his presence among us.

Mr. BROOMFIELD. Mr. Speaker, it is with great sorrow, and a deep sense of personal loss, that I rise today to pay tribute to a good friend and colleague, the Honorable DAN DANIEL of Virginia, who died on January 23, 1988.

DAN was a great American in the truest sense of the word and perhaps one of the best Members this body ever had. In the 20 years that I served with him in this great body, I have never seen anyone so devoted to this country and its welfare.

As a senior member of the House Armed Services Committee, he consistently supported a strong national defense for our Nation, and regularly put aside partisan considerations to do what was best for America. Even though we were from opposite sides of the aisle, we often voted the same way on many important issues.

DAN was a fine "Southern Gentleman" who never stopped doing the best he could for his district, his State, and his country. In fact, he even decided to retire rather than keep doing a job he could not do 100 percent. That shows the kind of person he was.

My wife joins me in extending our sincerest and deepest sympathies to DAN'S wife, Ruby, and their son and grandchildren. I know I speak for all of us when I say that DAN will be sorely missed around here.

Mr. CHAPPELL. Mr. Speaker, I join my colleagues in expressing deep sorrow at the passing of our distinguished colleague, DAN DANIEL, and in extending heartfelt condolences to his wife Ruby, his son, grandchildren, other members of his family and his staff.

DAN was a patriot, gentleman, and an outstanding legislator.

DAN and I came to Congress at the same time. He was a natural leader, and I had the unusual honor of nominating him to the Presidency of our 1969 freshman class.

He was a stalwart defender and fighter for a strong national defense.

A finer personality I have never known, compassionate, understanding, patient, hard working, devoted to high principle.

Our Nation has lost a great American. We have lost a dear friend and colleague. We shall all miss him deeply.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to my good friend DAN DANIEL, a very fine gentleman, who passed away Saturday, January 23.

DAN was in my prayer group and I always enjoyed his company. I could always count on DAN to tell me to some new jokes to share with my constituents down in Alabama.

DAN and I served together since he was elected to Congress in 1968. He did an outstanding job for his constituents. He also served his Nation with a very deep sense of dedication.

As a senior member of the House Armed Services Committee, DAN DANIEL advocated a strong defense. He was a very able and diligent chairman of the Subcommittee on Readiness.

I will miss DAN DANIEL. This Congress and this Nation will miss DAN DANIEL. We have lost one of our truest patriots, but his good deeds will not be forgotten.

Mr. MOAKLEY. Mr. Speaker, I rise to offer my condolences on the passing of our colleague Representative W.C. DAN DANIEL. DAN was elected to the House 4 years before I was, and we came to be good friends. He was as our Speaker has said, a true Virginia gentleman. He was passionate about defense issues, and he taught me a great deal about these issues.

As a member of the Committee on Armed Services, DAN was one of the staunchest advocates for a strong defense in our party. Although I may have disagreed with him from time to time on our levels of defense spending, DAN was a true gentleman that one could disagree with without ever finding him disagreeable.

I shared with him my support for defense readiness, and I know of the fine work he did in this area to ensure the proper maintenance for our Armed Forces facilities and equipment. As chairman of the Armed Services Subcommittee he worked hard to ensure our readiness in both personnel as well as parts. He realized the importance of ordinary manpower in order to preserve our national security. More than anything else, he worked to help the average soldier's job in defending our country. He strengthened their morale and worked hard to improve their daily needs.

He shared with the average soldier his dedication to the military many years after his service in World War II had ended. He was a national American Legion commander where he continued his passionate work in the defense of our country.

DAN was a man of great character, never complaining about his illness even though he was hospitalized many times in the last year. He continued to carry on his business in the House to the best of his ability and continued to yield his advice about legislation and golf. He was a good friend both in the Chamber and on the golf course and I can say from personal experience that he truly led by example in both places. I mourn his passing, and extend my sincerest condolences to his wife and family.

Mr. DYSON. Mr. Speaker, today I rise to extoll the life and work of our recently departed colleague, DAN DANIEL. DAN DANIEL was the truest form of a Virginian, and, though a true gentleman, he was a determined and, if necessary, a stubborn man.

DAN DANIEL never lost sight of the basic values which have made Virginia what it is today and upon which our forefathers established this great Nation. DAN DANIEL was a page of American history. But he always looked toward the future and strived to improve this great land of ours. Throughout his long and distinguished career, he maintained the ability to adapt to the situation at hand and address problems with that fixed purpose which attends any successful endeavor. Whether confronted by difficulties in Virginia's Fifth District, as chairman of the Readiness Subcommittee or in the House Armed Services Committee, DAN DANIEL handled himself with poise and did the job right.

These are the qualities for which we, DAN DANIEL'S colleagues, will remember him most: His ability to focus on the problem at hand and to implement a solution without alienating those with whom he disagreed.

The people of Virginia's Fifth District will remember DAN DANIEL for his unflagging concern for them and his tireless dedication as their representative. They will recognize him, and rightly so, as the local boy who went far but never forgot why he was there and whom he was there to serve. He is truly a man in whom all citizens of the Old Dominion can take pride and to whom they can look for an example.

No one should overlook DAN DANIEL'S work as chairman of the Subcommittee on Readiness. To DAN, nothing was as important as a strong national defense based on the readiness and preparedness of its armed services. He realized that without national security all domestic affairs can become subject to the whim of other nations. He was steadfast in his work to ensure the readiness of our men and women in the armed services. Despite the awesome size of our Armed Forces, DAN DANIEL was always quick to remember the individual wearing the uniform and to recognize that Government must tend to his or her needs. We will long remember DAN DANIEL for his ability to provide balance between all perspectives. I, his colleague, have surely learned from him and can continue to look upon his example for guidance.

One of our distinguished colleagues, the Honorable SONNY MONTGOMERY, has suggested that we memorialize DAN DANIEL'S contributions to this country's defense preparedness by naming some part of that defense complex after him. I agree. DAN DANIEL would be proud to have us use his name in that way, and, as a member of the House Armed Services Committee, I will urge my colleagues on the committee to join us in this honorable tribute. I would like to offer my heartfelt condolences to the beloved family and many friends of DAN DANIEL. While we mourn the loss of a distinguished colleague, I am heartened by the certainty that his legacy will continue to positively influence our work in Congress for years to come.

Mr. PICKETT. Mr. Speaker, throughout our history, Virginians have taken enormous pride in a tradition of producing, and of sharing with the Nation, some of America's finest public servants.

Congressman DAN DANIEL is an extension of that tradition.

This son of sharecroppers from southside Virginia faced more than his share of obstacles, but he always managed to overcome them. He rose from a job as an hourly employee at one of Virginia's largest textile mills to become the mill's top executive. He served as a past national commander of the American Legion, and he was the first enlisted man ever to hold that position. He was a distinguished member of the Virginia House of Delegates. And for the past 19 years, he made an enormous contribution to his country as a Member of this House.

DAN will probably best be remembered for his outstanding work on the House Armed Services Committee, where he was an unwavering champion of America's men and women in uniform. In a time of tight budgets and big, sophisticated weapons systems, the Nation's sailors and soldiers were indeed fortunate to have Chairman DANIEL making certain that they were not short-changed when it came to basic weapons, supplies, and proper support.

Beyond his enormous contributions to our work here, we will also remember DAN, very simply, for the kind of gentleman he was. Always kind and courteous; always willing to help a colleague or a constituent; and always doing his level best for this country: that is the kind of man DAN DANIEL was.

It has been said often since his untimely death, but I think it bears repeating today: DAN DANIEL was the epitome of the Virginia gentleman.

DAN DANIEL will be missed, but he will be remembered always as another great Virginian who served so well when his country needed him.

I thank my distinguished colleague from Petersburg, Mr. SISISKY, for organizing this special order

Mr. MICHEL. Mr. Speaker, I join with all our colleagues in paying tribute to DAN DANIEL of Virginia, our esteemed colleague, who died on January 23, 1988.

He was the very model of a Virginia gentleman, courteous in debate, unyielding in principle, and dedicated to our country. As a member of the House Armed Services Committee and the Intelligence Committee he never let partisanship stand in the way of patriotic duty. When it came time to vote on legislation that would strengthen the security of our Nation and that of our allies, DAN DANIEL was in the lead, showing the way through his calm, persuasive, persistent advocacy of what is needed for the defense of freedom. That is why he was so highly respected in the House.

Those of us on the other side of the aisle recognized DAN as a leader in the struggle for freedom. We knew that when it came to the crunch, we could count on DAN voting for this Nation's interests.

We hear the slogan, "Give peace a chance." I have always believed that the best way to give peace a chance is to give freedom a hand. DAN DANIEL's career in the House was marked by exactly that quality—giving a hand to the defense of freedom. We will miss DAN, but I know his example will continue to inspire those of us who were fortunate enough to know and work with him.

Mr. SPENCE. Mr. Speaker, I commend the gentleman from Virginia [Mr. SISISKY], for taking a special order to honor our dear friend and colleague, the late DAN DANIEL. His untimely death leaves an incredible void here in the House that will be felt for many years to come.

DAN DANIEL succeeded the legendary Gov. William Tuck as the Congressman from Virginia's Fifth District, and like Governor Tuck, DAN DANIEL achieved an enviable record as a friend of the American taxpayer and an effective spokesman for a strong national defense.

DAN DANIEL preceded me in the House by one term, and from the very beginning of my service I developed a friendship and admiration for him that was solidified by our close working relationship on the House Armed Services Committee.

It would be hard to imagine anyone not liking DAN DANIEL. He was a person without guile or mean spirit, and his courtly manners were truly reminiscent of a time when courtesy and the Golden Rule were the accepted norm rather than a convenient and temporary gesture. He believed in people, and people believed in him as evidenced by the overwhelming vote he always received in his bid for reelection.

I was always impressed by the fact that DAN DANIEL took his job as a public servant seriously. As a senior member of the Armed Services Committee and the chairman of the Subcommittee on Readiness, he showed keen and exceptional insight into the defense needs of America. He believed in military preparedness based upon giving the fighting man serviceable and operational equipment as opposed to Taj Mahal weapons systems that Einstein at his best would not understand. In fact, it was largely through his efforts that standardization of arms used by the United States and its NATO allies became a fait accompli several years ago.

DAN DANIEL was not a self-serving person. He was not given to arrogance or pretentiousness. He was not born with a silver spoon in his mouth, and like the very best in the American character, he was the epitome of the self-made man. He was proud of the fact that as a youth he worked his way up by the bootstraps, and by the time he was elected to Congress, he had become a corporation executive by hard work, dedication and commitment to the American dream.

I shall miss DAN DANIEL. We will all miss his wisdom, counsel and dedication to high ideals. He was a great patriot, a wonderful friend and a gentleman of the first order. To his wife Ruby and his son I extend my heartfelt condolences and admiration for a husband and father who served his State and Nation with distinction and honor.

Mr. JONES of Tennessee. Mr. Speaker, I join with my colleagues in the House in mourning the death of our colleague DAN DANIEL. He was a man we all admired—a man who set personal and professional standards we all strive to emulate.

DAN and I came to the House of Representatives about the same time. We shared many of the same philosophical views of how to best serve our district and our country. He was deeply committed to reflecting the views of the people who elected him to serve in the Congress.

In doing that, DAN DANIEL conducted himself with integrity and dignity at all times. He was a man of his word and a man whose opinions were highly respected. He never

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failed to provide me with well reasoned and candid counsel on issues of mutual concern.

I also came to respect Dan Daniel as a man of firm principles and high values. Through our mutual participation in the weekly meetings of the Congressional Prayer Breakfast, I came to appreciate Dan's deeply held spiritual values. I am certain that it was those values that formed the foundation upon which he lived his life.

There are many words of praise heaped upon Members of Congress. In my mind, there are none more eloquent to describe Dan Daniel than to simply say that he was a good man who served his people with distinction. We shall all miss him greatly.

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to express my sorrow at the passing of my colleague and friend, Dan Daniel. Over the years I have always considered it a privilege to call Dan my friend.

He leaves an outstanding legacy of 19 years of service in the U.S. Congress. Dan served the people of the Fifth District of Virginia. He labored long and hard, giving his all to those he represented. So it was not really a surprise that when Dan recently announced his retirement from Congress, the reason he cited was that his health would no longer enable him to give "100 percent * * * [and that] would be inconsistent with [his] basic work ethic." Dan Daniel would not think of giving less than his best to those he served.

For those of us here in Congress, we will most remember Dan for his work on the Armed Services Committee. As chairman of the Subcommittee on Readiness, his role in maintaining and developing the military preparedness of this country cannot be understated. However, his association with the armed services began long before he reached Congress. In World War II he served in the Navy. After the war, he became active in several veterans' organizations and served for a period as the national commander of The American Legion. As both a veteran and a member of the Armed Services Committee, Dan brought unique insight and knowledge to those issues which came before his subcommittee. I know we in Congress will miss his expertise as well as his friendship.

Mr. Speaker, I would like to extend my condolences to the Daniel family. We will truly miss Dan Daniel in this Chamber.

GENERAL LEAVE

Mr. SISISKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

LITHUANIAN INDEPENDENCE DAY

The SPEAKER. Under a previous order of the House, the gentleman from Illinois [Mr. Annunzio] is recognized for 60 minutes.

Mr. ANNUNZIO. Mr. Speaker, it is a privilege for me to reserve this special order in commemoration of the 70th anniversary of Lithuanian Independence Day. I would like to take this opportunity to thank all of the Members of the House of Representatives who are joining with me today in drawing attention to the plight of the courageous people of Lithuania who are attempting to preserve their national identity and heritage in the face of Communist tyranny and oppression.

February 16 is a special day in man's historic struggle for self-determination. It was on this day 70 years ago that the Lithuanian people proudly proclaimed their independence, and began to reestablish their democratic institutions after the devastation of World War II.

The Lithuanian people worked diligently at safeguarding their newly won freedom, and began to enjoy the rewards of their own efforts in preserving their democratic form of government. Unfortunately, the fruits of liberty were short-lived, and with the outbreak of World War II, Lithuania was savagely invaded by Stalin's Red army. The Communists began arresting and executing Lithuanian patriots. Thousands of Lithuanians lost their lives or were forcibly relocated to distant parts of the Soviet Union, as the Communists attempted to destroy the culture, religion, and national identity of the Lithuanian people.

The Lithuanian people have remained strong in their resolve to resist the oppression of the Communists, and our own country has never recognized the forced incorporation of Lithuania into the Soviet Union. Many members of the Lithuanian American Council, Inc., are here today in the House of Representatives to participate in commemorating the 70th anniversary of Lithuanian Independence Day.

The Lithuanian American Council selected Bishop Baltakis to be guest chaplain this year in the House of Representatives as a part of our commemoration. The names of the officers of the Lithuanian American Council follow:

National President, Grozvydas J. Lazauskas.

Vice Presidents: Stanley Balzekas, Petras Buchas, Povilas P. Dargis, Alexander Domanskis, Esq., Leonas Kriauceltunas, D.V.M., Viktoras Naudzius, Casimir Oksas, Mykolas Pravevicius, Secretary, Stasys Dusauskas. Treasurer, Daina Danilevicius-Dumbrys.

Members: Irene D. Blinstrubas, Vytautas P. Dargis, M.D., Vanda Gasparas, Ramune Kelecius, Vida Jonusas, Birute Skorubskas, and Morkus Simkus. Council's Representatives in Washington, DC, Jonas B. Genys, Ph.D., Milda Vaivada. Director of Information, Msgr. Joseph Prunskis: J.C.D. Office manager, Nijole Gierstikas. Trustees: Vytautas Abraitis, Algirdas Budreckis, Ph. D., Kostas Burba, and Vytautas Yucius.

Honorary President, Kazys C. Bobelis, N.D. Honorary Members of the Board: Stephen Bredes, Jr., Alena Deventis-Grigaitis, Msgr. Joseph Prunskis, J.C.D., Anthony J. Rudis, Teodoras Blinstrubasa and Vladas Simaitis, J.D.

Also, the Lithuanian Council of Chicago commemorated this 70th anniversary with a program at Maria High School auditorium on Sunday, February 14. The officers of this organization include:

President, Matilda Marcinkus. Vice Presidents: Petras Buchas, Edmundas Jasiunas, Teodora Kuzas, and Vladas Soliunas. Secretary, Vytautas P. Dargis, M.D. Recording Secretary, Angele Katele. Treasurer, Oskaras Kremeris. Financial Secretary, Jura Jasiunas. Trustees: Ignas Andrasiunas, Juozas Bagdzius, Julias R. Kuzas, and Valeria Stanaitis.

The members of the Lithuanian Council of Chicago are as follows:

Christina Austin, Antanas Beleska, Juozas Blazys, Edvardas Boreisa, Helen Buchinskas, Mecys Buzenas, Elena Cizauskas, Stephanie Jonutis, Sabina Klatt, Veronika Lenkevicius, Stasys Mankus, Euphrosine Mikuzis, Petras Noreika, Casimir C. Oksas, Mykolas Pranevicius, Kazys Rozanskas, Vincent Samaska, Irena Sankus, Justinas Sidlauskas, Morkus Simkus, Joseph Stanaitis, and Edward Stockus.

Mr. Speaker, the Soviets have been brutal in their treatment of Lithuanians who have worked to preserve their cultural and religious heritage. Many times Soviet authorities have subjected religious and political dissidents to psychiatric abuse by incarcerating them in mental illness facilities and forcing them to take mind altering drugs. In January of this year, the Soviet Union announced that it had adopted new legal rights for mental patients, and I joined with my colleagues in cosigning a letter to the head of the psychiatric section of the Soviet Ministry of Health, to express my concern and outrage over seven Lithuanian dissidents who have been victims of psychiatric abuse at the hands of the Communists. A copy of the text of that letter follows:

February 16, 1988.

Dr. Churkinu, A.A.,
SSSR, RSFSR, 103051 Moskva, Rakhmanovsky pereulok, 3, Ministerstvo zdravookhraneniya SSSR, Glavnomu spetsialistu po psikhiatricheskim delam.

Dear Dr. Churkinu: We are members of the United States House of Representatives who were pleased to learn of the statute promulgated on January 4th by the Presidium of the Supreme Soviets, giving more legal protection to mental patients in the USSR. We welcome the news that the so-called "special" psychiatric hospitals previously controlled by the Interior Ministry have been transferred to the jurisdiction of the Health Ministry.

The January 4th statute gives us cause to hope that the internment of individuals in psychiatric hospitals for their religious and/or political views will become a thing of the past in the USSR.

In that regard, we are appealing to you on behalf of seven Lithuanian individuals who

have been forcibly detained in psychiatric hospitals for what we believe to be purely political reasons. Their names and brief descriptions of their cases follow:

Jonas Bagdonas: Interned since 1962 in Sychovka Special Psychiatric Hospital for participation in the Lithuanian national movement.

Arvydas Cekanavicius: Committed in 1979 to Chernyakhovsk Special Psychiatric Hospital, apparently for signing a petition urging Soviet troops to leave the Baltic states.

Vilius Dogilis: Sent in January 1987 to Vilnius Psychiatric Hospital for speaking freely to a Soviet journalist about his conversion from drug addiction to Pentecostalism.

Voldemaras Karoliunas: Interned since 1977, now in Kaunas Psychiatric Hospital, and given drugs to "cure" him of his religious and national beliefs.

Henrikas Klimasauskas: Committed since 1976 for possessing underground Catholic publication, interned in Ziegzdriai Republican Psychiatric Hospital.

Vytautas Lazinskas: Sent to Vilnius Psychiatric Hospital in 1972 for erecting a cross.

Petras Lukosevicius: Committed to Vilnius Psychiatric Hospital in 1981 for writing his memoirs about time spent in labor camp and for possessing underground literature.

We would like to know whether any of these individuals have been discharged from psychiatric hospitals and, if so, when they were released. For those individuals who remain incarcerated, we urge you to order an immediate review of their cases and to implement whatever procedures are necessary to expedite their release.

We look forward to receiving your reply.

Mr. Speaker, this year also marks a milestone in the history of Lithuania—the 600th anniversary of the erection of the Cathedral in Vilnius, Lithuania. This cathedral has served for centuries as the symbolic center of religious life for Lithuanian Catholics. However, the Soviet Union nationalized all church property when it invaded Lithuania in 1940, and seized and desecrated this sacred building. Recently hundreds of priests in Lithuania joined together to petition the Soviets for the return of the Vilnius Cathedral. It was a privilege to join them in this worthy cause by adding my name as a cosponsor of House Resolution 300, a bill to express the strong opposition of the House of Representatives to the continued control of this cathedral. A copy of that resolution follows:

H. Res. 300

Whereas 1988 is the 600th anniversary of the erection of the cathedral in Vilnius, Lithuania;

Whereas the site on which the Vilnius Cathedral stands was once the location of a pagan temple and has served for centuries as the symbolic center of religious life for the people of Lithuania;

Whereas the founding and erection of the Vilnius Cathedral is closely related to the conversion of Lithuania from paganism to Christianity in 1387, and the Vilnius Cathedral is called the "cradle of Lithuania Christianity";

Whereas the Vilnius Cathedral is both a religious and a national shrine, and the remains of prominent religious and secular rulers of Lithuania have been interred in the cathedral, including the remains of the patron saint of Lithuania, Casimir, and the greatest ruler of Lithuania, Grand Duke Vytautas;

Whereas, despite the numerous natural and man-made disasters that caused the partial or complete destruction of the Vilnius Cathedral, the religious faithful in Lithuania always rebuilt it;

Whereas the Soviet Army invaded Lithuania in June 1940, and the Soviet Government incorporated Lithuania into the Union of Soviet Socialist Republics;

Whereas the Soviet Government nationalized church property in Lithuania, seized scores of churches, and converted them to other uses against the wishes of the Roman Catholic community in Lithuania;

Whereas Soviet officials, over the protests of the Roman Catholic Church leadership in Lithuania, announced in 1950 that the Vilnius Cathedral would be transferred to Government control and transformed the cathedral into an art gallery in 1956;

Whereas the seizure and desecration of the Vilnius Cathedral by the Soviet Government violates the provisions on religious liberty contained in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe;

Whereas Roman Catholics in Lithuania have never reconciled themselves to the loss of the Vilnius Cathedral;

Whereas in 1985 the Lithuanian Christianity Jubilee Committee, led by Bishop Juozas Preiksas, applied to the Soviet Government for the return of the Vilnius Cathedral and two other churches as part of the 600th anniversary of the Christianization of Lithuania;

Whereas over the last few years hundreds of priests in Lithuania, including 60 percent of the priests in the Vilnius Archdiocese, have publicly petitioned for the return of the Vilnius Cathedral; and

Whereas Soviet authorities have met such petitions with either silence or outright refusal: Now, therefore, be it

Resolved, That in observation of the 600th anniversary of the erection of the cathedral in Vilnius, Lithuania, the House of Representatives—

(1) expresses its deepest concern over the refusal of the Government of the Union of Soviet Socialist Republics to return to Vilnius Cathedral to the control of the Roman Catholic Church;

(2) voices its support to the Lithuanian people in their efforts to secure—

(A) the return of the Vilnius Cathedral, and

(B) the right to exercise fundamental religious rights so long denied them;

(3) calls upon the President and the Secretary of State to—

(A) raise the issue of the return of the Vilnius Cathedral in meetings with Soviet officials, and

(B) direct representatives of the United States Government at international human rights forums to speak out forcefully for the return of the Vilnius Cathedral;

(4) strongly encourages Members of Congress who visit the Union of Soviet Socialist Republics to include the return of the Vilnius Cathedral on the agenda in discussions with Soviet officials; and

(5) urges the Soviet Government to—

(A) reverse its policy of denying to Roman Catholics in Lithuania the right to worship in the Vilnius Cathedral, and

(B) return the cathedral to Roman Catholic Church control before the end of 1988.

Mr. Speaker, on this occasion of the 70th anniversary of Lithuanian Independence Day, I am honored to join with Lithuanian-Americans in my own 11th Congressional District of Illinois, and Americans of Lithuanian descent all over this Nation, as we assure the brave people of Lithuania that our country continues to support their aspirations for freedom and independence. We express our hopes and our prayers that one day the Lithuanian people will once again achieve liberty, and determine the course of their own destiny in a free homeland.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore [Mr. Montgomery]. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIPINSKI. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. Mr. Speaker, I am happy to yield to my distinguished colleague, the gentleman from Illinois [Mr. Lipinski], who represents one of the largest Lithuanian districts in the United States.

Mr. LIPINSKI. Mr. Speaker, I appreciate the gentleman from Illinois [Mr. Annunzio] taking this special order. I appreciate this opportunity to speak on the subject of the Lithuanian Independence Day. I am not quite so sure if I have as many Lithuanians in my district in Chicago as the gentleman from Illinois [Mr. Russo] has in his district, but it is fairly close. He has a few more than I have.

Mr. ANNUNZIO. If I might reclaim my time for a moment, we are very happy to have the Lithuanians living in Chicago and we are very happy to have a large Lithuanian community in Chicago.

Mr. LIPINSKI. Yes, and I would venture to say that the Lithuanian community in the city of Chicago is fourth or fifth as far as ethnic Americans within Chicago in the Cook County area behind two groups which the gentleman from Illinois [Mr. Annunzio] knows extremely well, Polish-Americans and Italian-Americans who probably run first and second as ethnic Americans in the Cook County area.

Mr. Speaker, I appreciate the gentleman from Illinois taking this special order.

On this day in 1918 Lithuania declared its independence and enjoyed more than 20 years of freedom as a sovereign nation. Lithuania became an integral part of the world community,

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while its culture and traditions flourished at home. Unfortunately, this did not last very long. During World War II the Soviet Union seized Lithuania in an illegal pact with Nazi Germany. Since that time the Soviet Government has instituted a program that has systematically deprived the Lithuanian people of their freedom, independence, culture, and heritage.

This insidious process of russification, characterized by sanctions for practicing religion, severe limits on migration out of the Soviet Union, and strict and often violent repression of Lithuanian demonstrators, reveal the disgraceful behavior of the Soviet Union toward the Lithuanians in the last 50 years.

It is remarkable that despite all the oppressive power of the Soviet Union, the spirit of the Lithuanian people both in their homeland and here in the United States, is as strong as ever.

This year, Lithuanians are gathering again to commemorate their independence day even though their celebration is a criminal offense in the Soviet Union.

In America, Lithuanian-Americans are marking Lithuanian Independence Day and strengthening the bonds that link them with their brothers and sisters in Lithuania.

If Secretary Gorbachev is sincere about glasnost, he should allow the Lithuanian people to commemorate their once-sovereign nation without fear of arrest, imprisonment or bodily harm. Instead, Soviet authorities have cut the telephone lines of dozens of local activists and threatened anyone who dares take part in the independence day remembrance. According to one activist, there are, "policemen and vigilanties gathering in the streets. Nobody is allowed to do anything. But we will try."

Mr. Speaker, we must support these brave people in their defiant attempt to remember their independent homeland. I urge all of my colleagues to cosponsor the bill offered by the gentleman from Illinois [Mr. RUSSO] which officially sets aside this day as Lithuanian Independence Day, and I want to commend my very good friend from Chicago, the gentleman from Illinois [Mr. ANNUNZIO], for holding this special order on this very important day.

Further, Mr. Speaker, I would like to say that I had the opportunity last Sunday to speak at Maria High School in the heart of the Lithuanian community in Marquette Park in the city of Chicago. There were over 900 people in attendance. The program put on there was a great testimonial to the people of Lithuanian-American heritage's love for their homeland of Lithuania.

Mr. Speaker, there were over 900 people there and I was invited to speak by the Reverend Edward Prunskis, one of the leaders in the Lithuanian community in the United States and in the city of Chicago. Father Prunskis had fled Lithuania back in 1940 when the Germans marched in and took over Lithuania from the Russians.

Unfortunately, he has not been back there since. He did succeed remarkably so 4 years ago in getting the Soviet authorities to release his 94-year-old mother who came to the United States to spend her last years on Earth with him in the city of Chicago.

At that time I commemorated with the Lithuanian-American people about Lithuania, and I also spoke to them about the great contribution that Lithuanian-Americans have made in this country.

In comparison to some other ethnic groups that have come to this country, Lithuanian-Americans are not that large of a group, but because of their tremendous belief in education, because of their tremendous work ethnic, they have achieved great things in the United States of America such as today a gentleman of Lithuanian extraction happens to be the Federal prosecutor for northern Illinois, Anton Bolukis. His father is an outstanding judge in the great county of Cook back in the State of Illinois. There are countless other Lithuanians who have accomplished great things in education, in science, in business, and other areas in the United States, and I think that we should be very proud of that fact. They are an extremely important part of our ethnic heritage in this country.

Mr. Speaker, I appreciate this opportunity today to pay tribute to the Lithuanian people in this country and also to Lithuanian Independence Day that we will celebrate here on the House floor.

Mr. ANNUNZIO. Mr. Speaker, I very much appreciate the comments of the gentleman from Illinois [Mr. LIPINSKI].

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. Mr. Speaker, I am happy to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois [Mr. ANNUNZIO] for taking out this special order in commemoration of Lithuanian Independence Day. As a co-sponsor of the legislation commemorating Lithuanian Independence Day, which has become Public Law 100-247, having been approved by President Reagan on February 11, 1988, I am especially pleased to add my voice to those recognizing this 70th anniversary of the establishment of Lithuania.

Our observance of Lithuanian Independence Day symbolizes our identification with the Lithuanian people's strong desire for democracy and freedom shared by people all over the world. For more than a century, the Lithuanian people suffered under foreign domination, trying vainly to win their independence. On February 16, 1918, Lithuania was finally able to do just that.

This independence was soon followed by German occupation during World War I, but, thereafter, and for the next 20 years, until 1938, the Lithuanian people were free. That small nation then came under Soviet domination during the course of World War II, and in 1940, Lithuania was declared a constituent Republic of the U.S.S.R.

Thereafter, during World War II, Germany occupied this land once more, for another 4 years until the end of the war. Unlike other nations after the war, Lithuania was unable to return to independence, and was, by 1945, firmly incorporated into the Soviet Union where it remains to this day. While Lithuania lost its independence, as did many other Eastern European nations, the Lithuanian people lost neither their desire for freedom, nor their strong culture. It is for these reasons that we recognize Lithuanian Independence Day and celebrate it for those who cannot. With this celebration, we are reminding the Soviet Union that we have not forgotten their inadmissible policies with respect to Lithuania and confirm to them our nonrecognition of Lithuania's incorporation into the Soviet Union. We must continue to work and remember the millions of people who are denied their basic human rights behind the Iron Curtain just as the Lithuanians are denied their independence.

Mr. Speaker, Lithuanian Independence Day is also a day for Americans of Lithuanian descent to celebrate their ethnic heritage and point with pride to their contribution to American society. We celebrate with them and at the same time share their concern over the plight of their loved ones living in Europe. While the plight of Lithuania and her people shows us how fortunate we, in the United States and other free nations are, it also serves to renew our obligation to all people who desire freedom and democracy.

Mr. Speaker, I include the full text of Public Law 100-247 in the RECORD at this point:

Whereas this year marks the 70th anniversary of the establishment of the Independent Democratic Republic of Lithuania by the Lithuanian National Council on February 16, 1918;

Whereas the Government of the Soviet Union recognized the sovereignty and independence of the Republic of Lithuania in the peace treaty of July 12, 1920;

Whereas the United States does not recognize the illegal incorporation of the free and independent Republic of Lithuania into the Union of Soviet Socialist Republics in 1940;

Whereas the United States continues to provide accreditation to the Charges d'Affaires of the Republic of Lithuania;

Whereas the United States remains firmly committed to the principle of self-determination as contained in the Final Act of the Conference on Security and Cooperation in Europe (also known as the 'Helsinki Final Act'), an agreement to which the Soviet Union is a party;

Whereas the people of the Republic of Lithuania struggle every day under Soviet domination;

Whereas the United States condemns the Soviet policy of forced Russification, ethnic dilution, and religious and political persecution; and

Whereas it is appropriate that the people of the United States, who so strongly cherish the principles of independence and self-determination denied the Lithuanian people by the Soviet Union, join with the people of the Republic of Lithuania to demonstrate our common desire to advance the cause of freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the 70th anniversary of the renewal of Lithuanian independence, February 16, 1988, is designated as "Lithuanian Independence Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

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Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. ANNUNZIO] my full committee chairman, my close friend from Chicago. He has done this on a yearly basis. It is my personal privilege to serve with him on the Committee on House Administration that touches so many things, and I am not amazed that he takes time on this very important subject to do this every year.

Mr. Speaker, let me say for the record that I have read in full his prepared remarks, part of which he has given today, and the rest will be inserted in the RECORD, and I wish to be associated with those remarks on the record because I think they tell the story as it is.

As far as my district is concerned, we have meaningful enclaves, Lithuanians that had settled and worked in the western Pennsylvaina and Pittsburgh district the last 50 to 75 years and probably longer than that. They are respected as a group. They have integrated into the Pittsburgh mosaic, for want of a better decriptive term, because we have many communities there of ethnic backgrounds that have all worked together and intermarried, and they have all become an affirmative aspect of the great Pittsburgh story.

Mr. Speaker, I heard mention of work ethics, and I must say I do in great affirmation say that is one of the greatest contributions made by the Lithuanian ethnic group. They are the hardest workers in our area. Their church and customs, their intermingling into activity is second to none except by some stretch of the imagination, if they were eliminated from our district, I would have to say that the Pittsburgh district would have lost something of great value. They are so inculcated into the American dream and the American picture, and so knowing this and having lived this for many, many years, as long as I have been down here in Congress and before, and knowing the Lithuanian group as an individual ethnic representation of where they came from, their fatherland, I want to say this: They are the most valued group, they have worked into our scene, as I have mentioned before, into the Pittsburgh scene. This probably cannot be measured as far as value, and I consider this a personal privilege at this time under these circumstances in conjunction with my good friend and mentor from Chicago to take part in what I think is one of the most important special orders, to pay tribute to a group of this caliber.

So I want to conclude by thanking our good friend for taking this time.

Mr. ANNUNZIO. Mr. Speaker, I want to thank the gentleman from Pennsylvania for his outstanding contribution.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Chicago for this special order.

From Merrillville, IN, the district I think of the next speaker, a letter was published in the Indianapolis Star this morning that bears upon this special order, and I thought since the gentleman who wrote the letter, Mr. Vincent Gumulauskis, I think since his letter was so well written it deserved to be read into the RECORD because it has to do with the Lithuanian slavery issue, and the letter is entitled "48 Years of Soviet Slavery."

And he says:

Feb. 16, 1918, is a very important date for many Lithuanians worldwide. Lithuania is one of three Baltic states which were free and independent nations, members of the League of Nations.

Lithuania's freedom lasted only 22 years to 1940, when the imperialist armed forces of the Soviet Union invaded the Baltic states. Sad to say, all three Baltic states had signed a "treaty of friendship" with the Soviet Union, as worthless as the paper on which it was written.

By June 1940, without any trials or due process of law, many Lithuanians were tortured, murdered and deported to the wastelands of Siberia. Many were never heard from since. Yet the Soviet Union claims to expound "human rights."

What happened to Lithuania was pure genocide, and the free world has done very little to help the freedom-loving people of the Baltic states.

The recent missile treaty signed between the United States and the Soviet Union may build hope for peace between both nations. But just remember, the Soviet Union is building modern nuclear powered aircraft carriers, as well as submarines and an army equipped with tanks for chemical warfare.

Why is a small country like Nicaragua building such large airfields and a deep water submarine base? Who will be using these facilities in the future, if not the Soviet Union?—Vincent Gumulauskis, Merrillville.

Mr. Speaker, I think this gentleman of Lithuanian descent states the issue very well. They enslaved Lithuania, and, if we let them, they will do it in Central America.

Mr. Speaker, I thank the gentleman from Illinois [Mr. ANNUNZIO] for his time.

Mr. ANNUNZIO. Mr. Speaker, I yield to the gentleman from Indiana [Mr. VISCLOSKY] my friend and neighbor.

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman from Illinois for yielding and also for his leadership on this issue. I might also add as a neighbor I thank the gentleman for all of the tremendous good works he has done both in the Congress and in the organized labor movement to make a condition of the people I represent in the northwestern corner of Indiana a much brighter picture.

Mr. Speaker, I rise today, as I have in previous years, to mark the anniversary of Lithuanian independence. On February 16, 1918, Lithuania, a small yet fearless nation, declared its independence from the historical domination of the U.S.S.R. and Germany. However, in 1939, in an effort to counter the Nazi presence in neighboring Poland, Soviet troops were permitted to establish a garrison in Lithuania. This led to its forced incorporation into the Soviet Union in 1940. Twenty-two years of independence had come to a devastating end.

I am proud to note that the United States, then and now, has refused to recognize this conquest and Lithuania is still designated as a captive nation.

I am fortunate to have a significant Lithuanian population in my district. Through them, I have come to know that they are a proud, hard-working people who continue to work for an independent Lithuania. It is my hope that my colleagues in Congress who are not familiar with the Lithuanian struggle, will come to appreciate the desires and dreams they have for their native land.

Soviet repression and violence toward Lithuanians continues today in many forms. It has recently been brought to my attention that seven Lithuanian dissidents are being held in Soviet psychiatric hospitals for participating in Lithuanian national movement activities. I urge my colleagues to join with me in cosigning a letter to the Soviets protesting these incarcerations.

The people of Lithuania never asked to be annexed; they were forcibly incorporated by the U.S.S.R. I commend and salute all Lithuanians for their continued, peaceful efforts to

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eradicate the Soviet occupation of their land. As we mark the 70th anniversary of Lithuania's Declaration of Independence, I say "Dieve palaimink Lietuva"—God bless Lithuania.

I would only add again, Mr. Speaker, as an aside, that it warms my heart to be on the floor with an Italian Member, a Slovak Member, a Polish Member to honor essentially a Lithuanian national heritage, and I do think it is that characteristic of the United States where all of us have come from someplace else that makes our Nation so great.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman for his most valuable contribution.

Mr. LIPINSKI. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. Mr. Speaker, once again, I yield to the gentleman from Illinois [Mr. Lipinski].

Mr. LIPINSKI. I thank the gentleman for yielding once again.

The Congressman from Indiana mentioned being on the floor with a Polish Congressman and an Italian Congressman, and I thought it would be only fitting to make mention of the fact that there is a tremendous affinity between the Polish people and the Lithuanian people, and when Poland and Lithuania a couple of hundred years or so ago were actually one nation and the name of it was Poland, the vast majority of the kings, the princes, the dukes, et cetera, who were the rulers of the country actually came from Lithuania, and when Poland had its brief period of independence in recent history from 1919 to September 1, 1929, the gentleman most responsible for leading Poland in that period of time, Josef Pilsudski, the marshal of Poland, was actually born, raised, and educated in Lithuania, so there is a tremendous camaraderie between the Polish people and the Lithuanian people, and I think I would have been remiss if I had not made mention of that here today.

Mr. ANNUNZIO. I thank the gentleman. You are absolutely correct about the affinity that the Slovak people have for each other especially those that are behind the Iron Curtain, and I know every year we have that great captive nations parade in Chicago where they all assemble. I am always happy to participate either as a marshal or a speaker at the program, but I know that this fight will never end. It will never end until one day the people of Europe and other peoples throughout the world who are being held against their own will in slavery do have the benefits of the human rights that we have in the United States, and then this period, that this chapter in world history, will one day come to a close.

Mr. RITTER. Will the gentleman yield?

Mr. ANNUNZIO. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. Ritter] my distinguished friend.

Mr. RITTER. Mr. Speaker, many Americans recognize the contributions that Lithuania has made to Western civilization. For 500 years in alliance with Poland the Lithuanian people contributed to the growth of the ideas and the ideals of Western civilization. It is a great culture; it is an old culture.

In 1918, as a result of the redrawing of boundaries at the end of the First World War, Lithuania became an independent country. It retained that independence until 1940, when because of the Molotov-Ribbentrop Pact, it was painfully taken away. Many Americans do not realize that the Soviets were in partnership with Nazi Germany in the first invasions of World War II.

As we all know, through the ensuing World War, and eventually onto peacetime—for the rest of the world—Lithuania was never again to achieve her rightful independence.

I think of when it all began, on that fateful night of June 14, 1941, a night engraved on the memory of I'm sure many that are here today, when Soviet troops forced more than 50,000 Baltic men, women, and children, kicking and screaming, into railroad cattle cars, and sent them off to an uncertain fate in far off and inhospitable Siberia.

During the next 10 years, as the Soviets eliminated more than 600,000 Baltic citizens, fully 10 percent of the total population of those nations, we saw the beginning of the Soviets goal: to create a Lithuania cast in the image of the Soviet Union. Critical in achieving this goal, was the wiping out of all vestiges of Lithuanian independence, religion, and culture.

At first, as I've already mentioned, the Soviets used deportations and outright murder to achieve their goal. The method later changed to an intense Russification campaign. Churches were closed, Christian education was stifled, Lithuanians were denied freedom of the press, citizens were prohibited from assembling together freely, books and papers printed in the west were strictly forbidden, in an attempt to break the Lithuanian people and ease all vestiges of their culture. Add to this, a huge, Soviet directed, influx of Russian emigres and the manipulation of all schools, newspapers, radio and TV by Soviet propagandists and we see the totality of the situation.

However, the Lithuanians have vigorously resisted the stifling of their uniqueness and will not crumble to the dominance of the Russian majority. The nationalization of Lithuanian industry, the collectivism of its agriculture, and the Sovietization of its economy have stripped Lithuania of its rightful heritage. Yet, the strong voice of Lithuanian Americans—and our last census reported that there are over 800,000 ethnic Lithuanians living in the United States—reminds us and encourages us that, Lithuanian culture will not be trampled under the Soviet boot, and the Lithuanian people are as determined as ever to reestablish an independent Lithuania.

Today is an important day because it marks the anniversary of Lithuania Independence Day. And, throughout Lithuania, particularly in the cities of Vilnius and Kaunas, the Lithuanian people had planned to commemorate their independence, to celebrate their independence. The Lithuanian people intended to take wreaths of flowers and lay them at the feet of monuments to their national heritage, their unknown soldiers at churches and at cemeteries. The Lithuanian people had hoped to, in a peaceful, not violent way, call attention to their rightful heritage.

An appeal from Lithuania, signed by 41 clergy and lay leaders in Lithuania, which reached the West January 30, states, in part:

> We appeal to believers world-wide, asking them to support us with their fervent prayers that Lithuania regain its religious, spiritual and national freedom and that it rise from its great moral decline.

Soviet officials had allowed peaceful demonstrations in Lithuania, Latvia, and Estonia, on August 23, 1987, the anniversary of the Nazi-Soviet Pact which led to the occupation of the Baltic States by the Soviet Union, punishing suspected organizers and participants later.

It was therefore thought there was hope for today's demonstrations.

However, yesterday we learned that 10,000 auxiliary police were mobilized to break up today's ceremonies. We learned they had been issued rubber truncheons, that ambulances had been readied, and that the doctors were on call and the hospitals alerted. Observers called the preparations a "military alert."

At this late hour I have learned that the planned Lithuanian demonstrations, demonstrations that should have been allowed if glasnost or openness were real, have been prevented. In what can only be called an atmosphere of terror, the Lithuanian people have been prevented from peacefully asking for self-determination.

Apparently, groups of armed thugs and militia-men patrolled the streets in a fantastic display of force, and leading dissidents were put under house arrest.

Father Casimir Pugeviclus, director of Lithuanian Catholic Religious Aid said, "this will be an acid test of glasnost." Yes, today was a test of glasnost and glasnost has failed.

I stand here today, in solidarity with the Lithuanian people. I stand here to tell them and their Soviet captors that we will never forget them nor will we forget their cause. The Soviets may have prevented a demonstration today, but they will never extinguish the Lithuanian hope for freedom nor silence our voices that speak on their behalf.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman for his comments.

Mr. MICHEL. Mr. Speaker, I am glad once more to join with our colleagues in marking Lithuanian Independence Day. February 16, 1988, is the 70th anniversary of that nation's declaration of independence.

As you know, the United States has never recognized the Soviet Union's takeover of Lithuania. The implications of this decision are clear: The people of Lithuania, as well as of Estonia and Latvia, their Baltic neighbors, have a right to self-determination, the United States officially recognizes that right and that right has been taken away from them by force.

In 1939, the leaders of the two most powerful totalitarian powers of the time—Hitler in Germany and Stalin in the Soviet Union—joined in a bloody pact of fellowship in order to pursue their imperialistic aims. One result was the illegal and brutal occupation and, eventually, domination of, the Baltic States by the Soviet Union. One partner of that pact was defeated in World War II, while the successors of the other treaty partner now rule in the Soviet Union, never having repudiated the Baltic Nations' takeover.

The people of Lithuania today retain their love of freedom, even under harsh repression from the Soviet Union, whose troops still illegally occupy it and whose government still claims to represent its people.

I salute the brave people of Lithuania today and commend them for resisting Soviet rule.

Mr. MOAKLEY. Mr. Speaker, I am truly honored to join my colleague Frank Annunzio for today's special order commemorating Lithuanian Independence Day.

The small Baltic State of Lithuania will never surrender to the Soviet oppression that has dominated its people for many decades. The citizens of Lithuania are subject to continuing attacks on their religious and individual freedoms by the Soviet forces still existing in their homeland. In spite of this constant persecution, the people of Lithuania have never lost their will to regain their liberty and freely practice their unique and wonderful culture once again.

The Members of this Congress and the people we represent must support the return of independence to Lithuania and condemn without reservation the continuing occupation by the Soviets. We will continue our effort until Lithuania and her neighboring Baltic States are free from Soviet dominance and are members of the community of free nations.

Mr. STRATTON. Mr. Speaker, I rise today to commemorate the 70th anniversary of the Lithuanian Declaration of Independence and to call the attention of all free people to the human rights atrocities perpetrated on the Lithuanian people since the conclusion of World War II.

Each year in Congress we stand to honor the short-lived independence of the Lithuanian nation. Still, the details bear repeating. It was 70 years ago today, on February 16, 1918, that Lithuania's National Council proclaimed independence. The Soviet Union recognized that independence for all time in the peace treaty of 1920. But by 1940, as a result of the Nazi-Soviet Pact, Soviet troops had occupied Lithuanian soil and forceably annexed the nation. Since that time, simple, basic freedoms—fundamental to all human beings—have been denied to the Lithuanian people.

It is our duty to remain steadfast and to assist our friends in their struggle to regain those human rights: speech, religion, and self-determination. The voices of the Lithuanian people have been repressed, and we must make certain that, through us, they are heard by the Soviet Union and the rest of the world.

Mr. Speaker, a new and refreshing wave of optimism has taken hold of many Americans in light of our recently improving relations with the Soviet leaders. Key Soviet words such as "glasnost" and "perestroika" have become a common part of our American vocabulary. But, I ask you, has the word "glasnost" brought a feeling of openness to our friends' struggle in Lithuania? How do Lithuanian dissidents feel about "perestroika" and its new beginnings while suffering under the same intolerable denial of human rights that they have for almost a half century?

Words alone will not quell the Lithuanian people's desire for freedom, nor will words relax our commitment to assist in the struggle of all freedom-loving people throughout the world.

Mr. HYDE. Mr. Speaker, today I join my colleagues in commemorating the 70th anniversary of the Lithuanian Declaration of Independence. This body joins the more than 1 million Americans of Lithuanian descent in celebrating the 22 years of Lithuanian freedom and in recognizing the contributions and accomplishments of the Lithuanian people. Together, as well, we mourn the brutal subjugation of their homeland.

The Lithuanian people are noted for their rich culture and their religious devotion. This is an affront to totalitarian conformity, and so, for almost 50 years now, the Soviet Union has tried to eradicate all vestiges of an independent Lithuania. The Soviet Union has failed, and will continue to fail, until it realizes that it can imprison a people, but it cannot imprison their spirit.

The history of Lithuania is the history of this spirit. It is not a story of military successes or political power, but of a proud and unyielding people. A people, unfortunately, who have rarely known freedom.

In 1795, the Lithuanians were conquered by czarist Russia. On three occasions they rose in revolt, only to be defeated each time. Yet while the nation was conquered, the people endured. They endured the sabers of the Cossacks and the russification campaigns of the czars, maintaining their cultural identity if not their freedom. When, in 1918, they saw an opportunity in the wake of the First World War, they broke their shackles. On February 16, 1918, the Council of Lithuania declared Lithuanian independence. After several years of struggle with the Soviets, independence was realized.

It was tragically short-lived. On June 15, 1940, the Soviet Union forced the Lithuanians to form a friendly government and subsequently occupied the country. As many as 350,000 citizens were arrested and deported to Siberia. Many thousand more fled to safety in the West. The United States has never recognized this brutal, unjustified occupation.

Lithuania's membership in the League of Nations gives ironic testimony to the failure of that organization to preserve peace and justice in the world. As the Second World War proved, no nation is secure when nations devour their neighbors. Regrettably, we live in a world in which the only real insurance against aggression lies in the possession of a strong defense.

But Lithuanian history offers more than a lesson in the need for military preparedness. It dramatizes the spirit that motivates ordinary men and women to risk death or imprisonment as they struggle for the right to worship as they please, to speak the language of their parents, to exercise national self-determination.

It is often said that when freedom is diminished anywhere, it is diminished everywhere. In the name of freedom I call upon General Secretary Gorbachev to withdraw all Soviet personnel from Lithuania and allow its citizens to exercise the national self-determination that is the birthright of all peoples. I ask this in the name of glasnost. I ask this in the name of the Lithuanian people who are even now crying to be free.

Mr. SOLOMON. Mr. Speaker, I rise today for the purpose of honoring Lithuania, one of the great nations in the history of Eastern Europe, and to support its struggle for true national self-determination. The key role Lithuania has played in the history and culture of the Eastern European region is too often overlooked. In fact, not only did Lithuania exert a tremendous influence over the history of the region, but we can find a great deal that can be admired in the role the Lithuanians played as the nations of that area reached new levels of maturity in early times.

Certainly, we can admire the Lithuanian nation's march from the Baltic Sea coast to challenge the oppressive occupation of Eastern Europe by the Mongol Horde in the 14th century. But we can also respect that the nation's early and free acceptance of Christianity to replace an ancient paganism, and also its willingness to honor the language and customs of those who came under its rule. Above all, it is noteworthy that in the evolution of the Lithuanian Grand Princes into monarchs who granted rights and privileges to their aristocracy and self-governing towns, we can see much the same development that took place among the nations of Western Europe of that time, a development that for us would lead to the parliamentary system of government we enjoy today.

Today we address the specific issue of Luthuanian independence, and in reviewing the history of these great people, it is impossible to sense their strong feeling of national identity. While agreeing to merge their ruling

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dynasty with that of neighboring Poland in the earliest days of their kingdom, the Lithuanian people insisted on maintaining their independent standing. Under a Federal system adopted in the 16th century, this independent status was formalized through the recognition of the Grand Princedom, or Grand Duchy, of Lithuania within the Kingdom of Poland. Despite the absorption of Lithuania and Poland into the Russian empire two centuries later, the Lithuanian people never lost this sense of national identity. In fact, as the 19th century progressed, they began to seek a renewal of the strength of this identity, and at the beginning of this century, demanded from the Russian tsar autonomy for their nation.

The chance for true independence came, however, 13 years later, and at the end of the First World War, the Lithuanian people took the opportunity to begin the difficult task of rebuilding their nation amid the political upheavals and economic depression that characterized those times. Unfortunately, as we now know, their strong efforts were to be quickly thwarted by the duplicity of the Soviet Union, which, while solemnly signing the treaty recognizing Lithuania's independence and while proposing the 1929 treaty that outlawed war between the two states, merely awaited the chance to regain control of the Lithuanian nation.

While the treachery of the Soviets' 1940 invasion of Lithuania has led to the imposition of Communist tyranny upon that nation, that treachery has not destroyed the striving of the Lithuanian people toward true self-determination. Given Lithuania's long and proud history, and given the efforts being made by Lithuanian nationalists even as we speak, I doubt that Soviet efforts to submerge the Lithuanian nation will succeed in the long run, and I know that the American people command and support the Lithuanian people in this worthwhile struggle to regain what is rightfully theirs.

Mr. ROE. Mr. Speaker, February 16, 1988 marks the 70th anniversary of the establishment of the independent Republic of Lithuania. For the following 22 years, the Lithuanian people experienced freedom. During this time, Lithuanians took advantage of their independence. A land reform program was successfully instituted, industrialization progressed and education became available to the masses. Additionally, Lithuanian culture flourished. Writers found inspiration in their native folklore and achievements were also made across a broad spectrum of cultural activities.

The much cherished independence of the Lithuanian people was short lived. In 1940, Soviet troops marched in, forced the resignation of the coalition government and installed a Soviet empowered government. To this day, Lithuania remains under control of the Soviet empire.

Our Nation has never recognized the forced incorporation of Lithuania into the Soviet Union; instead, we maintain diplomatic relations with representatives of the former independent government. It is important that the Lithuanian people know that we support their struggle to achieve basic, fundamental human rights.

As we pause to mark a grave injustice that is perpetuated across the ocean, we must also recognize the hundreds of thousands of Americans of Lithuanian descent who have made important contributions to their adopted homeland.

It is imperative that free people everywhere, and Americans in particular keep the aspirations for freedom alive by rendering moral and spiritual support to those who have lost their freedom.

Mr. HOWARD. Mr. Speaker, February 16, 1988 will mark the 737th anniversary of the establishment of the State of Lithuania in 1251. It will also commemorate the 70th anniversary of the declaration of Lithuanian independence from the Soviet Union. Although the first date is an occasion for celebration, the latter marks a tragic episode in Lithuanian history.

Due to the Nazi-Soviet Pact of 1939, Lithuania, along with Estonia and Latvia, was annexed into the Soviet Union. Lithuanian freedom fighters courageously tried to resist this incorporation and repel the Soviet army. Unfortunately, this battle was lost and 50,000 Lithuanian lives were lost.

Lithuanians have continued to sacrifice and risk their lives in defiance of the Soviet regime. On May 14, 1972, a young Lithuanian boy named Romas Kalanta burned himself as a martyr in protest of Soviet denials of political and religious freedoms and human rights. Dramatic events such as this, demonstrate the Lithuanian people's hunger for freedom and independence.

The Soviet Union claims that Lithuania asked to join the Union of Soviet Socialist Republic. History does not contain many occurrences of nations that emerge from colonial rule and refuse their right to independence and self-determination.

The extraordinary will to be free that the Lithuanian people possess in spite of communist rule serves as a model to all oppressed people in the world. They have maintained the faith, heritage, and culture of their forefathers.

Though Soviet authorities consider such actions illegal, native Lithuanians will unite in two of Lithuania's largest cities, Kaunes and Vilnius, to celebrate the 70th anniversary of their declaration of independence. Let us join Lithuanians across the globe to commemorate this anniversary and remember the loss of their freedom to Soviet imperialism. My hope is that Lithuania will someday regain its self-government, freedom and permanent independence.

Mr. DONNELLY. Mr. Speaker, today I join my colleagues in marking the 70th anniversary of the establishment of the Independent Republic of Lithuania. I wish to take this opportunity to pay tribute to Lithuanian people everywhere who share in the common goal of liberty, freedom and self determination for this nation rich in culture and heritage.

We are all aware that Lithuanian independence was short-lived. In 1940, Soviet troops forced the coalition government to resign and put in its place a Soviet-monitored government. Lithuania still remains under Soviet control.

As the Soviet Union struggles with the enormous task of withdrawing troops from Afghanistan, we must reaffirm our pledge for Lithuanian independence and turn-up the volume on our call for the return of individual freedoms and self-determination to this enormously proud nation, the Republic of Lithuania.

I am pleased to recognize the contribution of the many Americans of Lithuanian descent, including a very active Lithuanian community in my district, who continue to yearn for the day when the Republic of Lithuania will once again enjoy the freedom and independence that all Americans cherish.

Mr. HORTON. Mr. Speaker, I join my esteemed colleagues in commemorating the 70th anniversary of the declaration of independence of Lithuania, a country that has been virtually denied its right to exist.

On February 16, 1918, the Council of Lithuania, a 20-member body, founded the country by issuing a declaration of independence. For 2 years after that, they had to fight off the Soviet Bolsheviks. Finally, they signed a peace treaty in 1920, and Lithuania was again recognized as a free nation. Even the Soviet Union had agreed to respect the newly independent nation. In 1921, Lithuania joined the League of Nations. As a sovereign nation, Lithuania was thriving culturally, economically, and educationally. Freedoms of religion and of the press were enjoyed by the people just as we do in the United States.

But, the agreement known as the Soviet-Nazi Pact of 1939 allowed the Soviet Union to annex the country of Lithuania. The virtually defenseless country was invaded by the Soviet Union in 1940, and her citizens were stripped of their freedom. The Soviets today are continuing to attempt the russification of Lithuania by preventing Lithuanians from speaking the Lithuanian language in schools, screening clergy members who wish to practice their religion, and other various means of depriving these innocent people of their basic human rights.

The people of Lithuania have endured much repression by the Soviet Union, but they do not give up. As Americans, we appreciate their hunger for freedom, as well as the great contribution Lithuanian Americans have made to our Nation.

Mr. Speaker, we remember the plight of the Lithuanian nation and pledge neither to forget their hopes nor to give up pressing for their freedom.

Mr. ATKINS. Mr. Speaker, I rise today with several of my colleagues to pay tribute to the Lithuanian people on the 70th anniversary of Lithuanian Independence Day.

Today, millions of Lithuanians will celebrate their independence—but the celebration will not be as festive as our own Fourth of July. Unlike the American Independence day, which is marked by joy and happiness, Lithuanian Independence Day will be marked only by hope and resolve. For the Lithuanian people are not free, and the Lithuanian people cannot bask in the pride of self-government. Instead of celebrating what they have, the Lithuanian people will celebrate what they once had, and unite in their determination to regain their independence.

When the Lithuanian Council threw off the shackles of foreign domination and declared its independence 70 years ago today, it had every hope that its declaration would be a permanent one. For 21 years, Lithuania did flourish in the glow of independence and economic success. But on the eve of World War II, a secret agreement between Nazi Germany and Soviet Russia cleared the way for a Soviet invasion of Lithuania, and its sister states of Latvia and Estonia. Today, all three countries share the suffering of unwanted foreign rule.

But the Baltic people have never relinquished their hope or resistance. Through years of terror marked by alternating Nazi and Soviet rule, the brutal collectivization policies of the Stalin dictatorship, and continued Soviet domination and oppression, these people have held on to their faith in religion and their determination to rule themselves. Today, this faith and determination is characterized by the efforts of Lithuanians living in the Free World, who have formed agencies and organizations to remind the world of illegal Soviet occupation, and to ensure that this issue remains on the international agenda. Of course, it is also characterized by the unyielding resistance of those living in Lithuania, Estonia, and Latvia, who continue their fight for freedom.

We continue to hear talk of a new "openness" emanating from the Soviet Union. However, in Lithuania this talk continues to be just that. Today, Lithuanian nationalists plan to lay wreaths at historic sites in Vilnius and Kaunas, but they have already been met with charges of "extremism," and threats of violence.

Mr. Speaker, I ask how the Soviet leadership can speak of openness, but refuse to allow a proud people not only its right to self-government, but its right to celebrate an important date in its history. I hope that I speak for all of my colleagues in urging the Soviet Union to allow this celebration to take place in peace, and to remove its iron grip from a proud, peaceful and determined people.

I am honored to represent the many Lithuanians in the Fifth Congressional District of Massachusetts, and I am proud to take part in the celebration of Lithuanian Independence being held this month by the Lawrence Chapter of the Lithuanian American Council. I am similarly pleased to be a cosponsor of a House resolution designating February 16, 1989, as "Lithuanian Independence Day." I know that the Lithuanian people and their friends will continue their struggle for independence until this hope becomes a reality. On this day we observe this struggle, and renew our vows to make it end in fruition.

Mr. CLINGER. Mr. Speaker, today I join many of my colleagues in commemorating the anniversary of Lithuanian independence. And on this occasion, I'm sure that all Members of the House join with us in honoring Lithuanians and their struggle for freedom.

In 1918, the people of Lithuania broke free from the yoke of oppression and became an independent and free nation, seeking to advance their culture and take a rightful place among the international community. For the next 22 years, they built their country and forged ahead to what looked like a bright future.

However, in 1940, the Soviet Union, under the leadership of Joseph Stalin, brutally took away the freedom of Lithuania and subjected the nation to political and cultural oppression. The Soviets violated a treaty signed by them in 1920 in which they guaranteed the right of Lithuania to self-determination.

On almost a daily basis, the language and culture of these brave people is under siege because the Soviets prefer to have uniformity among the nations they have annexed. They want the sparks of independent culture to die and with it the desire for an independent nation. I say today, that this must not be allowed to happen.

To many in the West, it seems as though a new age in dawning in the Soviet Union. General Secretary Gorbachev talks of glasnost and peristroika; he says that now is the time for openness and equality in this often brutal Communist state. Now is the time for them to prove what they say, and a good place to start is with Lithuania.

As a Member of the U.S. Congress, I am proud that we do not recognize this illegal annexation of Lithuania. By continuing to do so, we state that the domination of a Communist state over a people wishing to be free is never acceptable.

Today, on the anniversary of Lithuania independence, I pledge my support in efforts to liberate these oppressed people from Soviet domination and to ensure that their culture and history live on in a free nation.

Mr. COURTER. Mr. Speaker, today marks the 70th anniversary of the day in 1918 when the people of Lithuania, speaking through their national council, proclaimed the independence of their nation. Because it was hard-pressed by many nations opposed to Communist rule, the Soviet Government acknowledged the sovereignty of Lithuania. Only later, when the U.S.S.R. and Nazi Germany were dividing peoples and countries between them in the great land grab that preceded World War II, did the nation of Lithuania once again lose its independence.

So determined is the Kremlin that the people of occupied Lithuania forget their past and their destiny that this year, as the 70th anniversary approached, the Central Committee of the Lithuanian Communist Party issued an official warning that "any commemoration of February 16 for a Soviet citizen is an anti-Soviet act." What kind of place is it where the act of recollecting one's birthright become a crime?

But the people of Lithuania have little interest in seeing their day of independence forgotten. They do not intend for the past to disappear down some Orwellian "memory hole." They intend to carry out peaceable demonstrations, and to place flowers at the gravesites of their martyrs, described by the Government as "religious fanatics" and "bourgeois nationalists."

I welcome the anniversary. While I do not expect it to bring freedom from the claws of totalitarianism, I do expect that it will bring hope.

Mr. Speaker, I ask that the Record for today include information released from the Lithuanian Information Center in New York about an attempt to deter one of the more heroic living Lithuanians—a nun named Nijole Sadunaite, who was recently assaulted in Vilnius. Why was she assaulted? Because she refused to forget.

Mr. Speaker, I am proud of the fact that our Government still refuses to recognize the annexation of Lithuania and the other Baltic States, and I salute all those, such as the Joint Baltic American National Committee, who keep alive the embers of memory and the flames of hope.

[Press release of the Lithuanian Information Center, Feb. 10, 1988]

Prominent Dissident Beaten in Vilnius

One of the leading dissidents of Lithuania was beaten last Saturday, learned Lithuanian Information Center in a phone call to the victim, Nijole Sadunaite.

Sadunaite was assaulted by two men in the capital city of Vilnius, near the Adomas Mickevicius monument, where she led a demonstration last August calling for Lithuanian freedom. One of the men had been tailing her all morning, said Sadunaite, who has been under intensive KGB surveillance since announcing plans for Lithuanian independence day demonstrations next week. Civil and religious ceremonies are planned for February 14, and 16, the day Independence was declared in 1918.

The 49 year old nun was placing a call from a public phone when she was first confronted by her "tail," as she put it, who demanded that she stop smiling and then, in a fit of anger, threatened to kill her. Sadunaite and a friend nearby began walking away, but were confronted soon thereafter, at approximately 11 am, by the same man and another, who swooped down on them from behind and singled out Sadunaite. The man who had threatened Sadunaite earlier began pummeling her stomach with his fists. The two assailants ran away when a car and its passengers driving by stopped at the side of the road to intervene.

From her Vilnius apartment, Sadunaite said she was still feeling discomfort and pain, but was in "good spirits." The independence day ceremonies will proceed as planned, said Sadunaite, who is one of the organizers. "We will not be provoked," she emphasized. If the sites of the flower-laying ceremonies are cordoned off, "we will not force our way—we will go to church instead."

"If they kill me as they promised," she continued, "or if they plan an 'accident,' have no doubt that it was the work of the KGB."

The morning of the assault, Sadunaite planned on attending religious services outside of Vilnius, in Rudamina, marking the 2nd anniversary since the death of leading religious rights activist, Fr. Juozas Zdebskis. The Catholic priest died under suspicious circumstances in a car accident widely believed to have been staged by the KGB. He, like Sadunaite, had received similar death threats.

Mr. YOUNG of Florida. Mr. Speaker, the people of Lithuania, and of Lithuanian descent, today celebrate the 70th anniversary of the declaration of independence of their homeland, with similar ceremonies to be held February 24 to mark the 70th anniversary of Estonia's independence.

Unfortunately, for the people of these countries and all the Baltic States, these will be muted celebrations because for the past 48 years the Soviet Union has denied freedom and independence to these brave people. During its occupation of the Baltic States, the Soviets have overtaken a continuous campaign to virtually eliminate the cultural heritage, traditions, languages, and religion of the Lithuanian, Estonian, and Latvian people.

In recognition of the denial of human rights to the Baltic people, I am reintroducing today two resolutions calling for full freedom and independence of the Baltic States and expressing the sense of the Congress that our Nation should do everything possible through diplomatic channels to see that Soviet personnel are removed from these occupied lands.

These resolutions reaffirm the policy of the United States to refuse to recognize the unlawful Soviet occupation of the Baltic States and to continue to maintain diplomatic relations with the independent Republics of Lithuania, Estonia, and Latvia as independent states.

Soviet leaders have widely publicized their new policy of glasnost with the announced intendion of expanding the freedoms and rights of the Soviet people. If the Soviet Union is sincere in this regard, it should immediately grant the long denied independence to the peaceful and freedom loving people of the Baltic States who pose no security risk to the Soviet Union. The resolutions I introduce today, the text of which follow my remarks, encourage the President to enter into discussions with Soviet leaders to end Soviet occupation of these lands, release Baltic political prisoners, and restore the self-determination of the Baltic people.

Mr. Speaker, through our efforts to recognize the independence of Lithuania, Estonia, and Latvia we call world attention to the Soviet denial of human rights and freedom to the people of these nations for almost half of this century. The Baltic people are proud and strong and will never relinquish their quest to regain the independence that has been stropped of them by the Soviet Union and they are deserving of our moral and diplomatic support to help them achieve their dream of the reestablishment of thre truly independent states of Lithuania, Estonia, and Latvia.

H. Con. Res. 244

Whereas the United States, since its inception, has been committed to the principle of self-determination;

Whereas this essential moral principle is also affirmed in the Charter of the United Nations;

Whereas the Union of Soviet Socialist Republics is, according to its Constitution, a voluntary federation of autonomous republics;

Whereas the three Baltic Republics (the Republic of Lithuania, the Republic of Latvia, and the Repubic of Estonia) did not become member republics of the Union of Soviet Socialist Republics voluntarily, but rather were occupied militarily by Russian Armed Forces in the early days of World War II and subsequently incorporated by force into the Union of Soviet Socialist Republics and have since been governed by governments approved by, and subservient to, the Government of the Union of Soviet Socialist Republics;

Whereas the ethnic makeup of the Baltic peoples (the Lithuanians, Latvians, and Estonians) is distinctly foreign in language, culture, common traditions, and religion from that of the Russian people;

Whereas, by deportation and dispension of the native populations of the Baltic States to Siberia and by a massive colonization effort in which Russian colonists replace the displaced native peoples, the Soviet Union threatens complete elimination of the Baltic peoples as a culturally, geographically, and politically distinct and ethnically homogeneous population;

Whereas, despite such treatment, the spirit of the citizens of the Baltic States is not broken and the desire of the citizens of the Baltic States for national independence remains unabated;

Whereas the United States has consistently refused to recognize the unlawful Soviet occupation of the Baltic States and has continued to maintain diplomatic relations with representatives of the independent Republics of Lithuania, Latvia, and Estonia; and

Whereas the United Nations and the United States delegation to the United Nations have consistently upheld the right of self-determination of the people of those countries in Asia and Africa that are, or have been, under foreign imperialist rule: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the President and the Secretary of State should take all necessary steps to bring the Baltic States question before the United Nations and to urge that the United Nations request the Soviet Union—

(A) to withdraw all Russian and other nonnative troops, agents, colonists, and controls from the Republics of Lithuania, Latvia, and Estonia, and

(B) to return all Baltic exiles from Siberia and from prisons and labor camps in the Soviet Union;

(2) until the Baltic States become independent, the Secretary of State should, through such channels as the United States Information Agency and other information agencies of the United States Government, do his utmost to bring the matter of the Baltic States to the attention of all nations by means of special radio programs and publications;

(3) the United States should not agree to the recognition, by any international conference, of the Soviet Union's unlawful annexation of Lithuania, Latvia, and Estonia, and it should remain the policy of the United States not to recognize in any way the annexation of the Baltic States by the Soviet Union;

(4) the President should require that all government map publishers, and should request that all private map publishers, show, on all maps of Europe, the Republics of Lithuania, Latvia, and Estonia as independent states, with a footnote explaining that the military occupation and forced incorporation into the Soviet Union of Lithuania, Latvia, and Estonia has never been recognized by the United States;

(5) the right of self-determination should be returned to the peoples of Lithuania, Latvia, and Estonia through free elections conducted under the auspices of the United Nations after Soviet withdrawal from the Baltic States; and

(6) the right of self-determination should be made a prime political objective of the United Nations and should be accorded through free elections under the auspices of the United Nations to all peoples now involuntarily subjugated to Soviet communism.

H. Con. Res. 245

Whereas the United States does not recognize the illegal annexation by the Soviet Union of the Baltic nations of Estonia, Latvia, and Lithuania;

Whereas the United States as a member of the United Nations has pledged to uphold the ideals of the United Nations Charter and "to take joint and separate action" to promote "universal respect for, and observance of, human rights; and fundamental freedoms for all without distinction as to race, sex, language, or religion";

Whereas during the 83rd Congress, the Select Committee to Investigate Communist Aggression of the House of Representatives thoroughly investigated the seizure of the Baltic nations by the Soviet Union and, in its Third Interim Report, concluded that the "evidence is overwhelming and conclusive that Estonia, Latvia, and Lithuania were forcibly occupied and illegally annexed by the Union of Soviet Socialist Republics";

Whereas the United States, as a signatory to the Final Act of the Conference on Security and Cooperation in Europe, endorsed Principle VIII, concerning equal rights and self-determination of peoples, which states "all peoples always have the right, if full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development" and the "participating States . . . also recall the importance of the elimination of any form of violation of this principle"; and

Whereas the House of Representatives in the 96th Congress, by adopting H. Con. Res. 200, reaffirmed the United States policy concerning the Baltic nations and thereby urged positive actions: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should—

(1) enter into discussions with the Soviet Union—

(A) for the withdrawal of all non-Estonian, non-Latvian, and non-Lithuanian military, political, administrative, and police personnel from Estonia, Latvia, and Lithuania, respectively, and

(B) for the release of political prisoners of Estonian, Latvian, or Lithuanian nationality from prisons, labor camps, pyschiatric institutions, and other detention centers within the Soviet Union and their return to Estonia, Latvia, and Lithuania, respectively;

(2) instruct the United States delegation to each review meeting of the Conference on Security and Cooperation in Europe to seek consideration of the following matters:

(A) the illegal annexation of Estonia, Latvia, and Lithuania by the Soviet Union, and

(B) the denial of self-determination and territorial integrity of Estonia, Latvia, and Lithuania by the Soviet Union; and

(3) Make every effort to gain the support and cooperation of all nations to achieve the objectives of the discussions under paragraph (1) and the consideration of the matters under paragraph (2).

Mr. FEIGHAN. Mr. Speaker, I want to commend Representative ANNUNZIO for leading this special order today on Lithuanian Independence Day. It's absolutely critical that Members of the United States Congress show their strong and unwavering support for the people of Lithuania—especially on this historic date.

As we know, Catherine II annexed Lithuania to Russia in 1795. The Lithuanian people rose up against the Russian Army in 1794, 1831, and from 1863–64, always refusing to reconcile themselves to being part of the Russian empire. In 1918, Lithuanians declared their independence after 123 years of occupation.

From 1918 until 1939, Lithuania remained an independent state. Tragically, it lost its independence when it was occupied by 300,000 troops of the Soviet Army in June 1940. During that year alone, 6,000 Lithuanians were killed and another 30,000 Lithuanians were sent to Siberia. Even though Lithuania was a noncombatant during World War II, more than one-third of its people were lost—a loss greater than that suffered by any other country. Tens of thousands were killed. Tens of thousands were taken to concentration camps. Nearly 400,000 Lithuanians were exiled to Siberia.

Despite the past 48 years of occupation and repression, the spirit of freeodm has survived in the hearts of the Lithuanian people. Lithuanian activists planned peaceful demonstrations to take place in Lithuania's two largest cities, Vilnius and Kaunas, for this past Sunday, as well as for today. At least 200 residents signed a petition to Mikhail Gorbachev, declaring their intention to proceed with peaceful demonstrations throughout Lithuania on those days and urging him to prevent the harassment of participating. Flower-laying ceremonies were planned for various national sites, including the Tomb of the Unknown Soldier, the Vilnius Cathedral, and the statue of the poet Adomas Mickevicius.

Soviet authorities have been afraid, however, to allow even these peaceful demonstrations to take place. Workers were told to avoid demonstration sites or else they would be placing themselves in grave danger. This past Sunday, organizers of the demonstrations were placed under house arrest and prevented from attending religious services at their local churches where they had planned to observe Lithuanian Independence Day. The telephone lines of key activists throughout the country were cut. Uniformed and plainclothes police surrounded key demonstration sites.

In spite of these tactics, nearly 100,000 Lithuanians attended Masses throughout the country on Sunday where they sang national hymns. In Kaunas, Lithuania's second largest city, violence broke out when 4,000 worshippers left the cathedral for the monument of the priest-poet Maironis, singing Lithuania's national anthem and refusing to disperse. Militiamen then charged the crowd with rubber truncheons and arrested several leaders.

Mr. Speaker, I salute the courage and determination of the Lithuanian people. Over the past year, Representative JOHN MILLER and I, as cochairman of the Lithuanian Catholic Religious Liberty Group, have tried to focus the attention of the United States Congress on human and religious abuses taking place in Lithuania. I pledge today to continue with our efforts throughout the coming year and to support these brave people as they struggle to regain their religious and political freedoms and their basic human rights.

Mr. ROWLAND of Connecticut. Mr. Speaker, I am privileged today to join my esteemed colleague from Illinois in commemorating the 70th anniversary of Lithuanian independence from German and Soviet oppression. It is with sadness that I, however, that this commemoration can be held most anywhere in the world, except in the state of Lithuania.

For centuries, Mr. Speaker, the peoples of present-day Lithuania played an integral role in this birth and development of modern Europe. Indeed, without the merchants of Lithuania, and the Baltic region in general, many of European history's successful and powerful principalities, dukedoms, kingdoms, and nations would never have been. At the same time, these historically energetic and industrious people have also been the victims of some of the most brutal and horrific regimes mankind has even known. Perhaps no better example of this has been the savage oppression of the Lithuanian people at the hands of the Nazi Germans, and today the ongoing oppression by the Soviet Union.

On February 16, 1918, a very determined and courageous Lithuanian Council proclaimed Lithuania's independence. This announcement was soon followed by membership in the League of Nations and recognition by the world community, including Germany and Russia. These early days of independence were all too brief, however, in the shadow of the infamous Molotov-Ribbentrop Pact of 1939, which led to the occupation and illegal annexation of Lithuania by the Soviet Union. This insidious agreement between Hitler and Stalin, in fact, has marked nearly 50 years of mankind's most shameful episodes of oppression and barbarism. Literally hundreds of thousands of Lithuanians were sent to certain death in Soviet slave-labor camps. Those who remain in Lithuania are denied even the most basic freedoms that we take for granted in this country. Throughout this time, however, the Lithuanian people, both in Lithuania and around the world, have never lost sight of their dream; that one day Lithuania will again be free.

As a native of Waterbury, CT, an area that many Lithuanians who fled their homeland settled in, I have witnessed and felt the faith and conviction of the Lithuanian people's dream. As a Roman Catholic, I have shared in the unbreakable bonds of this faith. American-Lithuanians are a shining example of the opportunities this country has given to ethnic groups from the four corners of the globe. They are a bright example of the American dream realized. How sad it is that those who remain in Lithuania are not able to contribute the same energy and spirit to their own homeland. The dreams of opportunity should be the right of all peoples.

I am pleased to see Mr. Gorbachev's policy of glasnost being implemented. Promises of openness and the withdrawal of troops from Afghanistan are laudable goals. However, the United States cannot forget the plight of Lithuanians, Latvians, and Estonians who have yet to taste the benefits of glasnost; have yet to see Soviet troops withdrawing from their lands; and have yet to be allowed to openly express their faith. On this 70th anniversary of independence, let us proclaim loudly the contributions of Lithuanians in America, but let us also proclaim our determination to share in their dreams for the same opportunities to contribute to exist in Lithuania. We in Congress today, and succeeding generations, should set a goal. We should strive to achieve in our lifetimes the celebration of Lithuanian independence in Lithuania.

Again, Mr. Speaker, I would like to thank Mr. ANNUNZIO for organizing this commemoration of Lithuanian independence. More importantly, however, I would like to thank the Lithuanian people in my district, in this country, and around the world for reminding us of their kinsmen's plight, and for urging us to help continue the struggle for freedom around the world.

Mr. DWYER of New Jersey. Mr. Speaker, I rise today to join with my colleagues to commemorate Lithuanian Independence Day. I would like to express my gratitude to Congressman ANNUNZIO for arranging this special order to provide us with the opportunity to once again call attention to the ongoing struggle of the Lithuanian people.

Seventy years ago today, the Lithuanian nation declared its independence, a goal toward which it has been striving while under more than a century of Russian domination.

For 22 years, the people of Lithuania enjoyed the freedom so many of us take for granted. In 1940, the Soviet Union occupied the country and subsequently incorporated it into the U.S.S.R.

The United States has never recognized the usurption of the Lithuanian people's right to self-determination. We have, and will continue, to maintain diplomatic relations with the representatives of the former independent government.

This year, on the 70th anniversary of the declaration of Lithuanian independence, 125 citizens of that nation have issued an appeal to Mr. Gorbachev urging the Soviets to allow the commemorative ceremonies to procede without interference. In the spirit of the Soviet-proclaimed policy of glasnost, the ceremonies most certainly should be allowed to proceed unimpeded. The eyes of the world should be focused on Lithuania and the Soviet response to the ideals this commemoration represents.

Mr. Speaker, today we join with the Lithuanian people in show of support for their cause; in recognition of their right to independence and as a pledge that we will not abandon their struggle to be free.

Mr. HUGHES. Mr. Speaker, I am very proud to join with my many colleagues who have spoken this week to commemorate the 70th anniversary of Lithuanian Independence Day.

Lithuania formally broke free from extended Russian domination and brief German occupation on February 16, 1918. On that date, a 20-member elected council proclaimed an independent Lithuania, bounded by ethnographic frontiers and governed by democratic principles. The Nascent government had to endure a Soviet invasion in 1919, but Lithuanians rose to the challenge and expelled their oppressers in 1920, forcing the Soviet Union to legally recognize "without any reserve the sovereignty and independence of the state of Lithuania * * * and forever (renounce) all sovereign rights possessed by Russia over the Lithuanian people and territory."

In 1940, however, after 22 years of freedom, the promise of Lithuanian autonomy was broken by the Soviets. During World War II, the Republic of Lithuania was invaded by Soviet forces, occupied, and incorporated into Soviet boundaries. Russian oppression caused an abrupt halt to the strides which the tiny republic had made both economically and culturally in this short period of time.

It is a tribute to justice and courage that the people of Lithuania still refuse to relinquish their national spirit. Despite attempts at russification, the Lithuanians continue to use their own language, and have retained their unique cultural heritage. In support of the continuing Lithuanian struggle for autonomy. the United States Government refuses to acknowledge the permanent incorporation of the Republic of Lithuania into the U.S.S.R. While the Russians continue to control Lithuanian territory, the people of this courageous nation steadfastly adhere to their national identity.

On this occasion, we salute the determination of the people of Lithuania, and join in solidarity with them in their continuing opposition to tyranny, and their enduring quest for true human rights. The strength of the Lithuanian dissidents truly serves as a beacon to oppressed people throughout the world.

Mr. MANTON. Mr. Speaker, I am honored to join with my colleagues in commemorating the 70th anniversary of the Declaration of Independence of Lithuania, which took place on February 16, 1918. Today we remember the struggle of the Lithuanian people and remember our obligation to continue to work for their freedom.

For the past 70 years, the sovereignty of the Lithuanian people has been denied. Since the Soviet occupation in 1940, the people of Lithuania suffered the loss of their religious freedom and of their fundamental human rights. Furthermore, thousands of Lithuanians have been forced from their homeland. Between 1945 and 1951, an estimated 350,000 Lithuanians, or 10 percent of the present population were arrested and deported. The Soviet Government continues a campaign and repression against the Lithuanian Catholic Church. The Government strictly controls the training of clergy and the printing of religious literature, including the New Testament.

The Soviet Union's continued repression of Lithuania and the sovereignty of the Lithuanian people cannot be forgotten. There are more than 1 million people of Lithuanian descent living in the United States today who are dedicated to a free Lithuania. We in the Congress must also remain dedicated to the cause of a free and sovereign Lithuania. I join my constituents from the Ninth Congressional District of New York in honoring those who have fought and continue to fight against Soviet oppression.

Mr. Speaker, the United States has never recognized the Soviet's illegal annexation of Lithuania. As we honor the brave people of Lithuania today we also rededicate ourselves to their struggle for freedom. The people of Lithuania can be assured that we will continue to fight for their right of self-determination. They have my support and my prayers that one day Lithuania will again be a free and sovereign nation.

Mr. MORRISON of Connecticut. Mr. Speaker, I am proud to join my many colleagues in commemorating the 70th anniversary of the restoration of Lithuanian independence.

After 500 years as a free and sovereign nation, Lithuania was occupied by Russia in 1795. They remained occupied by the Russians and later by the Germans, until February 16, 1918, when the Lithuanian people declared their country a united and independent republic.

Sadly, Lithuania's independence lasted a mere 22 years. In 1940 the Soviet Union demanded the formation of a Soviet-controlled government as part of the Nazi-Soviet pact, and held a one-party election. The Soviet Union annexed its tiny, heroic neighbor 1 month later. Occupied by Germany for most of World War II, it was reoccupied by the Soviet Union at the war's end.

The people of Lithuania have a long, rich cultural and religious heritage. Under Soviet occupation this proud nation has been put through the severest of tests. Untold thousands of Lithuanians have been killed, imprisoned, or deported for fighting to preserve their culture and their political independence. Hundreds of thousands of Lithuanians have been forced to flee their native land. The Catholic Church, by far the dominant religion of the Lithuanian people, is officially outlawed, and has been the target of particularly harsh treatment.

Lithuanians treasure their heritage, and despite the brutality of the Soviet occupation, their will has remained strong. Their belief in traditional values and their desire to once again live a life of freedom and self-determination have given Lithuanians their spirit and strength.

The United States has never recognized the unlawful occupation of Lithuania and its neighbors, and continues to maintain diplomatic relations with the representatives of the independent Republic of Lithuania. We honor Lithuanians around the world today on the anniversary of their independence, but we should also remember their struggles each day. We must not rest until Lithuanians, and oppressed people everywhere, have succeeded in their quest for freedom.

Mr. COUGHLIN. Mr. Speaker, over the last 212 years Americans have often been reminded that freedom can carry with it a very high cost.

Other people, by virtue of their own bitter experiences, appreciate only too well how precious a commodity liberty is. Such is especially the case today in the Baltic republics.

Mr. Speaker, February includes two dates of particular importance to the people of the Baltic States. Today, on February 16, we commemorate Lithuanian Independence Day, noting the 70th anniversary of Lithuania's declaration of independence. Later this month, on February 24, we will likewise mark the 70th anniversary of freedom's call in Estonia.

Tragically, however, these dates will not be celebrated in these two Baltic nations this year. As is the case in neighboring Latvia, the peoples of Lithuania and Estonia can only aspire to freedom once again this February, because the security and military organs of the Soviet Union continue to victimize the Baltic States. The forced incorporation of these separate nations into the U.S.S.R. in 1940 by dictator Joseph Stalin, in collusion with Nazi Germany, continues to plague these countries even today. The United States, properly, has never recognized this illegitimate annexation of terrority.

In recent days many citizens of the Baltic nations have openly displayed their contempt for Soviet rule, through demonstrations for rights and freedom. They have done so in the face of hostile propaganda and threats by the KGB, and under these circumstances they reveal the true depth of their commitment to justice and liberty.

It has been said that "no one can be perfectly free till all are free." Democracy continues to be trampled underfood in Lithuania, Estonia, and Latvia. So long as this is the case, we must consider the very notion of freedom to be endangered. As Americans, we owe to all who struggle for liberty our solidarity and our special tribute.

Mr. Speaker, the peoples of Lithuania, Estonia, and Latvia face great odds in challenging the Soviet regime. But challenge it they must, for it has usurped legitimate authority in those nations. Today we join voices with those aspiring to freedom in the Baltic States, and together we will help ensure that the dream of freedom one day becomes a reality there.

Mr. MILLER of Washington. Mr. Speaker, 70 years ago on this day, out of the ruins of World War I, a council of 20 members elected from a Lithuanian congress declared an independent Lithuanian state based on democratic principles. Today we mark that occasion both with sorrow and hope. For on our country's Independence Day, we can freely celebrate and enjoy the freedom and liberty that democracy brings to the people. But, Lithuanians today gather at their own peril to remember the independence which was taken away from them.

For nearly two decades Lithuania was a growing prosperous democracy. As with any young democracy it had its problems. But they were growing and prospering. Land reform opened up farming to the people. Industrialization spurred the economy. Labor control laws such as the introduction of the 8-hour day improved the average Lithuanian's way of life. Improvements in education substantially raised the country's literacy rate. And in this atmosphere literature and art and religious life flourished.

But in 1939, the so-called nonaggression pact between Nazi Germany and Communist Russia destroyed what we commemorate today—the independence of Lithuania. Forty-seven years ago, the Government of the Soviet Union began the mass deportation of hundreds of thousands of Estonians, Lithuanians, and Latvians. This was the latest in a series of genocidal tactics used by the Soviets to legitimize their annexation of the Baltic States and to erase from the Earth all traces of the people, the cultures and the countries of Estonia, Lithuania, and Latvia.

All private institutions were nationalized, farms were collectivized, and the wealth of the people became state property. The Soviets assumed control over the production and distribution of all goods and products, over all means of transportation, over communications, printing, and the press. Those who escaped deportation or prison were forbidden to leave their countries and were barred from all coastal towns and border areas. Religious liberties were trampled, native languages banned, cultures denigrated.

Through the decades, the Soviets have been ruthless and relentless in their efforts to eradicate all traces of the Baltic States. They have failed. The Soviets have failed because Estonians, Lithuanians, and Latvians all over the world have been equally relentless in their efforts to restore their homelands and to never let the world forget the horrible events of the last four decades of Baltic history. In the past year, Lithuanians have once again shown their courage. Last August 23, they gathered to commemorate the victims of the Molotov-Ribbentrop Pact. Last November they gathered to mark the 125th anniversary of Lithuania's priest-poet, Maironis. And just a few weeks ago they gathered in support of Petras Grazullis, a prisoner of conscience who refused to take part in a 3-month military exercise on grounds that the Soviet Army was occupying his country.

The Lithuanians have not forgotten. Today, Americans are showing that we, too, will not forget the plight of the Lithuanians. We will continue to work for the day when once again Lithuania will be an independent and free country.

Mr. HENRY. Mr. Speaker, I rise today to pay tribute to the Lithuanian people on the occasion of the 70th anniversary of the independence of the Republic of Lithuania. Lithuania has a proud history which goes back many centuries; unfortunately, during much of that history, Lithuania was under the domination of foreign powers. After more than a century of Russian domination, on February 16, 1918, Lithuania declared its independence from Soviet Russia. The Red army then invaded Lithuania, but the brave Lithuanian people were able to expel the aggressors and forced Soviet Russia to sign a peace treaty which recognized Lithuania's right to exist as a free and independent nation. Lithuania was recognized by the United States and other nations and it became a member of the League of Nations.

This independence lasted a short 22 years. The Lithuanian people during this time had developed a strong economy and industry. Their culture and national unity flourished. Most importantly, Lithuanians had freedom. All of this ended in June of 1940, when Stalin demanded a Soviet-installed government in Lithuania and sent his army into Lithuania to enforce his wishes. One month later the Soviet Union annexed this heroic nation into its empire. Thousands of Lithuanians died while fighting for their freedom from the Soviet Union and more were killed when Hitler turned on his former ally and invaded the Soviet Union through the Baltic States. Many thousands of Lithuanians were herded into cattle cars for the long journey across the Soviet Union to labor camps in Siberia. When the Red army returned in 1944 they continued to suppress the Lithuanian freedom fighters until the early 1950's. Today Lithuania is still a colony of the Soviet empire.

The Soviet Union since this time has attempted a "Russification" of the Lithuanian people. The Soviet Government has denied the Lithuanian people their basic human rights, including the right to self-determination; the Catholic Church, to which the majority of Lithuanians belong, is harassed; and the culture and language of the Lithuanians is repressed.

But Lithuanians have never wavered in their resolve to maintain these ties that bind them together and today we salute them as they continue to struggle against Soviet imperialism. The United States has never recognized the brutal takeover of the Baltic states, and the American people support the cause of freedom and sovereignty for the Lithuanian people. The Government of the Soviet Union must know that Americans are aware of the atrocities which they perpetrate against the Lithuanian people and we will continue to pressure the U.S.S.R. to implement the United Nations Declaration on Human Rights and the Helsinki accords. As Americans we must never forget the importance of freedom and human rights for all peoples, and we join with Lithuanians all over the world to celebrate Lithuanian Independence Day as a symbol of our determination that Lithuania once again be a free, independent, and sovereign nation.

Mr. RUSSO. Mr. Speaker, It is an honor to be a part of the commemoration of the anniversary of the declaration of independence of Lithuania. I welcome the opportunity to express my hope and confidence in the efforts of the people of Lithuania. This anniversary is a poignant reminder and celebration of the courage of the Lithuanian people.

It was February 16, 1918, that the brave citizens of Lithuania, after centuries of domination, united and declared themselves to be a free and independent nation. This assertion of self-determination by the people of Lithuania is a declaration dear to the hearts of Americans. We know the sound of it, the courage of it. It is our own story.

And for Lithuania, the period that followed that historic February was filled with the accomplishments that we would expect from a proud and free people—progressive social legislation, thriving art and literature, high educational attainment and significant economic progress.

Tragically, peace and freedom were replaced by war and oppression during World War II and the brave land was incorporated—illegally, immorally—into the Soviet Union. The freedom-loving people in Lithuania have continued to be deprived of their human rights. Yet, this tragedy has never overshadowed their spirit.

The Soviet Union has never been successful in extinguishing the desire for freedom among the people. The Soviet Government has been ruthless in its efforts to deprive the Lithuanian people not only of their sovereignty, but also of their national, cultural, and religious identity. But all their trickery and ruses notwithstanding, they have not been able to hide the strong nationalistic and religious movements in Lithuania. The Lithuanian people remain courageous and determined.

Today, Lithuanians are united in their country's capital, Vilnius, and its second largest city, Kaunas, to commemorate their days of independence in anticipation of those to come. They are gathering despite the fact that public celebration of Lithuania's Independence Day is considered a criminal offense by Soviet authorities.

The repercussions and Soviet authority violence toward demonstrators who gathered in Lithuania's capital city of Vilnius on August 23, 1987, to commemorate the victims of the Molotov-Ribbentrop Pact of 1939 were distressing. Government actions following the November 1, 1987 gathering in Kaunas, where 8,000 people gathered to mark the 125th anniversary of Lithuania's priest-poet, Maironis, are equally disturbing.

This is indeed a people to be honored, and I am grateful for the opportunity to speak in recognition of their story of courage. In a world beset by doubts and struggles, the Lithuanian determination is a source of inspiration and a reminder of the indomitable human spirit—a spirit that struggles for liberty and justice even under the oppressive yoke of an unyielding, totalitarian authority.

I also take pride in mentioning that I have sponsored legislation that would designate February 16, 1989, as Lithuanian Independence Day for next year. Many of my colleagues in the House have already joined me by cosponsoring, and I urge all my fellow Representatives to join with me in remembering the courage of the Lithuanian people.

What we can give to the people of Lithuania in return is the acknowledgment that we are with them as they hold to the cherished hope of an independent Lithuania. By paying tribute to and recognizing their strength, we remain true to our own American moral and political ideals, and say to the world "These people, too, must be free."

Mr. ACKERMAN. Mr. Speaker, I rise with my colleagues to commemorate Lithuanian Independence Day. On February 16, 1918, Lithuania began 22 short years of national sovereignty, until it was annexed by the Soviet Union in 1940. As we all know, Lithuania has suffered great religious and national injustices during these years of occupation. I have often spoken out against Soviet persecution of Jews—in fact I marched in the recent Freedom Sunday demonstration for Soviet Jewry and have written countless letters for the release of refusniks. But I strongly believe that religious persecution, especially as it is practiced in the Soviet Union, knows no difference between Jews and Catholics, between Moslems and other believers. All religious groups suffer in the U.S.S.R.

Ironically, today is also a time of great optimism in the Soviet Union. I am heartened by Mikhail Gorbachev's succcess in liberalizing and opening up his country. Glasnost presents tremendous opportunities for arms control treaties between our two nations, as well as an increased exchange of goods and ideas. A freer, more liberal Soviet Union is certainly in the interests of the United States. But we must not be so taken by the promises of glasnost that we forget the atrocities Mr. Gorbachev continues to commit. In 1987, the 600th anniversary of Christianity in Lithuania, religious crimes continued despite glasnost. A prominent Catholic activist was arrested in Vilnius; despite the plea of 100 members of Congress, Bishop Steponavicius is still in internal exile after 26 years; western visitors were prevented from attending the anniversary celebration, and religious publications continue to be suppressed. Just this weekend, three organizers of the independence day celebration were placed under house arrest for, among other things, organizing a flower-laying ceremony in Vilnius and Kaunas. This litany of crimes graphically demonstrates the limits, even the hypocracy, of Gorbachev's glasnost.

In the face of these abuses, we must continue to speak out against all forms of religious persecution. We must continue to commemorate Lithuanian Independence Day, we must remember that from 1918 to 1940 Lithuania was an independent state, and we cannot doubt that with our help and perseverance Lithuania will once again enjoy freedom in the near future. Finally, we must realize that we do not stand alone in our pleas. On Sunday 100,000 people observed independence day in religious services throughout Lithuania. Nationalism is alive and well—we can only help the cause by raising our voices with thousands of others today.

A COMPREHENSIVE TRADE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. Gaydos] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, as we begin the new year, I will repeat what I have said since I came to Congress 20 years ago—the United States needs a comprehensive trade policy.

Regardless of what the optimists within the administration say, American manufacturers are in trouble and our Nation's trade balance sheet is bloody with red ink.

Last year's trade deficit is projected to be a recordbreaking $170 billion, and it reminds us that America is becoming more and more dependent upon foreign goods at a time when too many of our manufacturers are closing their plants.

If the trade deficit continues to rise, the United States will become an economic satellite of Europe and East Asia. We'll have fewer manufacturing jobs; real wages will decline; and we'll lose our economic and political standing in the world. This sad fate would surely be an unfortunate end to our years of leadership in the world market.

Since the dollar started losing value on the world market in early 1985, officials within the administration have been trying to convince Congress and the American people that the falling dollar will make our exports affordable for foreign buyers. They claim it's only a matter of time before the balance of trade tips in our favor again as foreign consumers buy our exports.

Well, you can't fool all of the American people all of the time. Tinkering with the value of the dollar shifts people's attention away from real issues—issues such as declining productivity, unemployment, plant closings, and the decline in the standard of living in this country.

Instead of letting our economy slide any further, however, we first need to look at the problems of the past so we can avoid them in the future, and then we need to draft a reasonable and comprehensive strategy for our Nation's future economic growth and expansion.

Steel is one American business which has certainly had its problems in the last decade and which has been gravely hurt by foreign imports. In 1977, many of my colleagues and I founded the Congressional Steel Caucus because we felt the need to focus our time and attention on the U.S. steel industry.

And, while we thought the industry was in trouble then, things have only gotten worse in the past 11 years. When the caucus was founded in 1977, foreign steel captured 19.3 percent of the U.S. steel market. Right now imports take about 22 percent.

In 1977, the steel industry had 452,000 workers on the payroll. Right now there are only about 170,000 steelworkers.

In 1977, the United States had the capacity to produce 162 million tons of raw steel. Right now the most we can make is about 93 million tons.

In 1977, the United States produced 125 million tons of raw steel. Last year we produced about 88 million tons.

In 1977, there were 51 foreign countries which exported steel to the United States. Last year, about 73 countries sold us their steel.

Whether anyone will admit it or not, one reason the steel industry started losing its share of the world market was that the different groups which make up the steel industry didn't stick together.

At various times, the specialty steel producers, the tube and pipe companies, and the giant integrated producers each individually argued for import controls and quotas for their part of the steel market. Sometimes they got what they wanted, and sometimes they didn't. Obviously, each one of them should fight their own battles against low-priced imports, but they should also stick together on the general problem of steel imports.

When the industry was riding high, too many steel producers spent their profits instead of investing some of those dollars in modernizing their plants. This, of course, has significantly reduced U.S. steel productivity and made American steel less competitive. The failure to modernize also contributed to the closing of more than 700 American steel companies, plants, and facilities since 1971.

The cost of these plant closings is high. It means less American steel and fewer American steelworkers. In my congressional district alone, 40,000 steelworkers have lost their jobs during the last 11 years because of layoffs and plant closings.

Today, at the same time that American steel companies have been laying off workers and closing plants, Japanese firms have been investing hundreds of millions of dollars in our steel industry. They've been either buying into U.S. companies or entering into joint ventures with U.S. companies to produce steel made in America.

One American steel company jointly owned by the Japanese is National Steel Corp., which is half owned by Japan's Nippon Kokan Corp. National Steel employs 12,500 workers, has assets of $1.7 billion, and last year had about $2.4 billion in sales.

Another major United States steel company that is 10 percent owned by the Japanese is the Wheeling-Pittsburgh Steel Co. It employs 6,600 workers, has assets of $1 billion, and had sales of $1.1 billion in 1987.

These two large and powerful steel companies only begin to show the impact of the $23.4 billion which the Commerce Department says Japan has invested in the United States.

In just the past year, Sony paid $2 billion to buy CBS Records, Nippon Life Insurance Co. bought $538 million in Shearson Lehman Brothers stock, and an American chemical company, was acquired by a Japanese chemical firm in a $540 million unfriendly takeover.

Overall, according to an official at a New York bank which specializes in Japanese investments, Japanese companies showed a preference for high-technology and biotechnology companies. We must follow this trend very closely, because these are two industries where America still enjoys an edge over our foreign competitors. This gap is narrowing, and it will close more quickly if foreign owners are allowed to export our industrial secrets.

Unfortunately, there's been very little control or monitoring of foreign investments in steel companies, and we're not sure of the total amounts involved or the affect it has on American workers. But, if this trend continues, Japanese investors might control these steel companies and be able to determine American steel policies.

Some of these jointly-owned steel companies may decide to locate in States with laws which discourage union organizing and collective bargaining. These laws lower their labor costs and increase their profits. The result, of course, is that these companies can undersell unionized steel companies.

Unless we monitor or control Japanese and other foreign investment, we may see lower wages and higher unemployment in joint-venture industries.

At the same time that the Japanese are investing in the United States steel industry, they're making mills in Japan smaller, more efficient, and less labor-intensive. They have also limited our ability to sell American steel in Japan.

The Japanese steel market is effectively controlled by trading companies which buy from steel producers and sell to consumers. Steel made outside Japan must be sold through these middle men, but there are many pressures limiting foreign steel sold in Japan. Large Japanese steel companies are very jealous about their market share and they pressure the middle men not to let imports into the Japanese market.

In fact, between 1963 and 1978, less than 1 percent of the steel used in Japan came from outside of their country. Since then, the percentage has crept higher, but it is still below 10 percent, and far below the 22 percent level of steel imports we suffer from in the United States.

Since the United States helped rebuild Japan after the Second World War, the first key to their economic success is a result of one fundamental concept—cooperation.

In Japan, there is a high degree of cooperation between their businessmen and their government. Unlike free-wheeling and independent Americans, the Japanese are not free traders. They never have been, and they never will be.

When the Japanese talk with us about their wish for free trade, they're playing a game—a game called the free trade charade.

Another secret of Japan's success is a mixture of cooperation and controlled competition. For example, in the race to develop superconductor technology, the Japanese formed a committee bringing together top minds from Japan's universities, government, and private companies to trade ideas and discuss commercial applications and government research funding.

Japanese firms and their government will cooperate to develop the fundamentals of this technology and then the firms will branch off and develop superconductor products based on their shared initial research.

In America, many Members of Congress would like to adopt a similar approach to the development of superconductor technology, but the White House opposes any centralized Government role in assisting commercial research. In fact, an administration official said that free-market competition is our "secret weapon that will overwhelm the [Japanese] process" of developing new technology.

I'm afraid our secret weapon hasn't been working very well, but Japanese cooperation between business and government has helped them develop into an industrial giant second only to the United States.

Our trade deficit with Japan in 1986 was $58.6 billion, and when the 1987 figures are released, this deficit is expected to be even higher. What better evidence than this do we need to prove that they have more effective trade policies and a much stronger exporting economy?

Another reason the Japanese are winning the international trading game is that they carefully study their competition. They've been watching the United States political and business scenes for decades, and they understand how we operate.

They know that the administration's "get tough" semiconductor tariff was just a temporary measure. It was temporary even though the late Commerce Secretary Baldridge said Japan's trade tactics put a number of United States semiconductor companies out of business and cost the jobs of 30,000 to 40,000 Americans.

The Japanese knew that the semiconductor tariff wouldn't be permanent, and that it was designed to appease protectionist Members of Congress and to decrease the momentum of pending trade legislation.

The Japanese have known for years that we've never been serious when we talk about reducing our trade deficit by limiting imports.

They know that in today's complex world economy, the quest for free trade is elusive, at best. The Japanese are too sophisticated to think that we should all compete on the fictitious level playing field. In fact, the only nations which tell us they fully support free trade are also the same nations who are eagerly waiting to flood our markets with their goods.

They know that in spite of our complaints about the flood of Japanese steel, cars, textiles, and consumer electronics, the most we'll do is scream, yell, wave the flag—and eventually give up when consumers and businesses complain that defending our industries will raise prices and cut profits.

Just as the Japanese have flooded our markets with foreign steel, our whole domestic market economy is also being flooded with all kinds of inexpensive Japanese goods. And yet, their market is limited or closed to American exports such as beef, rice, ketchup, processed cheese, and oranges.

The Japanese markets have not only limited foreign goods in their country, but services as well. The most striking example is the new $8 billion airport that is being built 300 miles south of Tokyo. Japanese firms were presented with initial outlines of the project ten years ago, but foreign firms were not included in this notification.

American firms did not receive sufficient information about construction plans and schedules to allow them to prepare their bids in a timely and effective manner. This unfair bidding system was weighted against non-Japanese firms and has prevented construction companies from other nations from working on the $8 billion dollar project.

Although Prime Minister Takeshita recently proposed to open up Japan's public works projects to American construction and engineering firms, it remains to be seen if U.S. companies get more than a nominal share of the $80 billion in contracts that will be offered during the next 10 years.

I would welcome the opportunity for U.S. builders and engineers to work in Japan, but I wonder if it's ever going to happen. History seems to indicate that free, fair, and open competitive bidding in Japan is a privilege enjoyed by very few foreigners.

Instead of allowing the Japanese and our other trading partners to continue taking over our market while we're barred from selling our goods in their country, we need to level out the trade balance.

That's one of the main reasons my colleagues and I introduced H.R. 3, the omnibus trade bill.

The bill strengthens the authority of the U.S. trade representative to retaliate against the unfair trade practices of our trading partners and it will help identify nations which limit our access to their markets.

The trade bill also provides almost a billion dollars for retraining workers who have lost their jobs. This money will help ensure that the skills of productive workers are not wasted and it will allow us to train workers for new, productive positions.

H.R. 3 will also require foreign companies and individuals to provide information on their investments in our country. It's vitally important to understand exactly where foreigners invest their money. Obviously, the hundreds of millions of dollars that the Japanese are investing in our steel companies affect U.S. business policies.

Foreign investment information will also help us determine how foreign investments affect American workers—do they cost jobs and lower wages and worker benefits? Are other nations investing just in our traditional basic industries, like steel, while they develop their own futuristic high-technology industries?

Enactment of H.R. 3 will give us this information on foreign individuals and corporations and it will help us learn how much control they have over our Nation's economy.

At the same time that we work toward making the trade bill law, we need to adopt some of the economic strategies that have proven so successful for the Japanese.

In the steel industries, we should modernize and streamline our factories, monitor new foreign steelmaking techniques, and improve cooperation and communications among the steel management, steelworkers, and all levels of government. Together, they need to develop policies and strategies which benefit all of the groups involved.

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Workers may need to make wage concessions, management may need to make benefit concessions, and the government may need to make tax concessions. But, the goal should always be to produce the best product at the most reasonable cost.

Mr. Speaker, cooperation is one of the hallmarks of the Japanese system, and it is one we will do well to adopt. Management, labor, and the government no longer have the luxury of stubbornly opposing one another. The reality of last year's $156 billion trade deficit means we're in a fight for the economic life and strength of our Nation.

Passage of this year's trade bill is the most important step we can take to begin the process of strengthening America's exporting capacity, reducing our dependence on foreign goods, and improving our access to foreign markets.

Passage of H.R. 3 will signal to the Japanese and our other trading partners that we're finally serious about implementing a comprehensive trade policy, and that our new mobilization for competitiveness has begun.

Congress needs to exert its leadership and exercise the power to regulate foreign trade which was given to us 200 years ago by the framers of the Constitution.

We can't wait for the administration's voodoo economics to take effect, because its policy of devaluating the dollar on world currency markets is sapping the strength of our economy.

I urge all of my colleagues to continue to support the omnibus trade bill because I believe its enactment will improve the health of our economy and our future position in the international marketplace.

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GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE DEPOSITORY INSTITUTIONS REGULATORY MODERNIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 60 minutes.

Mr. KLECZKA. Mr. Speaker, I intend to introduce legislation later this week which, in a three-step process, would merge the Federal deposit insurance funds and consolidate the Federal financial regulatory agencies.

While there has been a staggering amount of testimony in Congress on the need to modernize existing banking law to meet the needs of the modern-day financial marketplace, discussion about the collateral need to update an outmoded regulatory structure has been notable by its absence. As Congress responds to the entreaties of private interests it would be well advised to strengthen the public role in banking regulation as well.

My legislation, the Depository Institutions Regulatory Modernization Act, is designed to initiate discussion of the public interest in Federal financial regulation. Title I of the three-part bill would establish common management of the various deposit insurance funds beginning January 1, 1989. Title II would merge the deposit insurance funds beginning January 1, 1993. Title III would bring about the consolidation of the various Federal financial regulatory agencies by January 1, 1997.

I will today describe the first two titles of the bill, titles which deal with the bedrock of Federal regulation of financial institutions, which is deposit insurance. During special orders tomorrow, I will speak in detail on title III of the legislation.

Title I requires that the three Federal deposit insurance funds—the Federal Deposit Insurance Corporation [FDIC], the Federal Savings and Loan Insurance Corporation [FSLIC] and the National Credit Union Share Insurance Fund [NCUSIF]—be managed by a single governing board. Such a board could manage any interfund borrowing which may be necessary in the interim period before a merger of the funds.

At this point, I include in the RECORD a chart which describes the characteristics of the various deposit insurance funds as of September 30, 1987.

CHARACTERISTICS OF DEPOSIT INSURANCE AS OF SEPT. 30, 1987

[Dollars in billions]

	FDIC	FSLIC	NCUSIF [1]
Number of insured institutions	14,336	3,178	14,460
Amount of total assets in insured institutions	$3,200	$1,219	$161
Amount of insurance fund reserves	$18.3	$(8.9)	$1.6
Amount of deposits in insured institutions	$2,468	$909	$148
Insured deposits	$1,571	$790	$146
Uninsured foreign deposits	$344		
Uninsured domestic deposits over $100,000	$524	$119	$2.0
Insured deposits as a percentage of:			
Total deposits (percent)	64	87	99
Total assets (percent)	49	65	91
Insurance fund reserves as a percentage of:			
Insured deposits (percent)	1.16	([2])	1.10
Total deposits	.74	([2])	1.08
Total assets	.57	([2])	.99

[1] 1987 credit union industry figures are as of June 30, 1987.

[2] Percentages not computed because fund resources are negative.

Of the three titles in the bill, title I is, at this point, the least controversial. A realistic look at the condition of the FSLIC, and an equally realistic assessment of the thrift industry's reluctance to pay additional funds toward recapitalization, reveals that current conditions require a merger of the administrative boards of the funds.

The underfunded FSLIC recapitalization measure approved by the Congress last year simply will not restore confidence in the thrift deposit insurance fund. It appears Congress sharply underestimated the cost of resolving the outstanding FSLIC problem cases. According to a draft FDIC internal report I have obtained, "Available estimates * * * of present value cost are between $23 billion and $45 billion, and the evidence presented in this report suggest that $23 billion may well be too low."

Perhaps the most ominous conclusion of the FDIC draft report was the following:

> Assuming that future FSLIC and FDIC premium income will be needed to resolve as yet unknown future problems, the implication is that a taxpayer bailout is required. If borrowings are made against future insurance fund income (that is FSLIC recapitalization), the bailout may be postponed but probably not avoided.

At this point, I include in the RECORD charts which indicate the annual insurance and assessment costs for the various funds and the condition of the deposit insurance fund reserves:

ANNUAL INSURANCE AND ASSISTANCE COSTS, 1979–86 AND FOR THE FIRST 9 MONTHS OF 1987

[Dollars in millions]

	FDIC	FSLIC	NCUSIF [1]
1979	[2] ($13.1)	$39.8	$6.4
1980	[2] (34.6)	23.2	32.5
1981	720.9	936.1	43.9
1982	869.8	865.3	79.3
1983	834.0	1,018.4	55.6
1984	1,848.0	2,113.5	28.1
1985	1,778.7	3,414.3	25.5
1986	2,824.5	13,269.7	37.9
1987 [3]	2,277.5	4,252.1	55.7

[1] NCUSIF totals are for the fiscal years ending September 30.

[2] FDIC recovered more from adjustments to prior years' losses than it spent on insurance and assistance in 1979 and 1980.

[3] FDIC and FSLIC figures are for the 9 months ending September 30. These amounts are from unaudited financial data reported by these funds. Also, FSLIC 1987 figure includes FADA.

DEPOSIT INSURANCE FUND RESERVES IN RELATION TO ASSETS OR DEPOSITS AT FISCAL YEAR END 1985 THROUGH 1987 [1]

	Fund reserves as percent of insured deposits	Fund reserves as percent of total deposits	Fund reserves as percent of total assets
FDIC:			
1985	1.20	0.78	0.61
1986	1.12	.74	.58
1987	1.16	.74	.57
FSLIC:			
1985	.63	.55	.43
1986	.47	.40	.31
1987	([2])	([2])	([2])
NCUSIF:			
1985 [3]	1.01	1.00	.92
1986 [4]	1.04	1.03	.95
1987 [5]	1.10	1.08	.99

[1] FDIC and FSLIC fiscal years end on December 31. NCUSIF fiscal year ends September 30.

[2] No ratios were computed because FSLIC's fund reserves are negative.

[3] Percentages shown for NCUSIF for 1985 were computed using fund reserves for the fiscal year ending Sept. 30, 1985.

[4] Percentages shown for NCUSIF for 1986 were computed using fund reserves for the fiscal year ending September 30, 1986, and industry data as of Dec. 31, 1986.

[5] Percentages shown for NCUSIF for 1987 were computed using fund reserves for the fiscal year ending September 30, 1987, and industry data as of June 30, 1987.

Obviously, the first step to revitalize Federal deposit insurance is common management of risk. This means common management of the various funds. Accordingly, I will ask the House Banking, Finance and Urban Affairs Committee to include title I of this legislation in the comprehensive banking bill now under consideration.

Title II provides for the actual merger of the deposit insurance funds. The legislation retains insurance coverage of up to $100,000 per depositor for deposits in banks, savings and loans and credit unions under a Federal Deposit and Savings Insurance Corporation [FDSIC]. The assets of the Federal Savings and Loan Insurance Corporation [FSLIC] and the Federal Deposit Insurance Corporation [FDIC] would be transferred to the FDSIC effective January 1, 1993, and those of the National Credit Union Share Insurance Fund [NCUSIF] effective January 1, 1994.

While this legislation is the first of its type to be introduced in this House in recent years, I am not the first to advocate a merger of Federal deposit insurance funds.

Legislation to consolidate the FDIC and the FSLIC was first introduced in 1963. The House bill introduced in that year, H.R. 729, would have created the Federal Deposit and Savings Insurance Board to manage Federal deposit insurance funds.

In 1971, the President's Commission on Financial Structure and Regulation, popularly known as the "Hunt Commission," proposed the establishment of a Federal Deposit Guaranty Administration which would have incorporated the FDIC, the FSLIC and the NCUSIF under one agency while retaining separate funds.

In 1975, the "Financial Institutions and the Nation's Economy [FINE]" study recommended that all functions of the Comptroller of the Currency, the FDIC, the Federal Home Loan Bank Board and the National Credit Union Administration, and the regulatory and supervisory functions of the Federal Reserve Board, be combined into a single "Federal Depository Institution Commission."

In 1982, section 712 of the Garn-St Germain Depository Institutions Act—Public Law 97-320—directed each of the three Federal deposit insurance agencies to study, among other things, "* * * the feasibility of consolidating the three separate insurance funds."

In response to that directive, the FDIC in 1983 recommended an FDIC/FSLIC merger. In its recommendations, the FDIC made an observation that rings with more resonance today than it did then:

> Separate regulatory and insurance systems for savings and loan associations and banks are becoming intolerable from the standpoint of competitive equity among like firms and from the standpoint of fostering the most effective and efficient regulatory system and the strongest possible insurance system . . . The future of the financial services industry will require a larger, better diversified insurance fund and greater flexibility in dealing with troubled or failed institutions, particularly cross-industry takeovers.

While FDIC no longer argues in favor of merger, former chairman William Isaac continues to be a strong advocate.

A 1984 Brookings Institution staff study noted that a consolidation of Federal deposit insurance funds could save money through a basic economy of scale. According to the study:

> When a resource such as an insurance fund reserve is subject to random demands, the principle of economies of massed reserves may apply. At a larger size, it is easier to meet fluctuations of demand: The greater the number of firms that are served, the more likely it is that random claims will occur at a steady and predictable rate. Thrift and bank claims have a lower correlation between industries than within industries, implying a lower variance for a combined fund than for separate funds. Thus the balance tips in favor of consolidation.

In March 1985, then Federal Reserve Board Chairman Paul Volcker, noting the growing propensity of thrifts to exercise essentially bank-like functions, indicated that he could also support a fund merger.

The fund merger option was a recurrent topic in the questioning of witnesses in recent Banking Committee hearings. Interest in the subject was such that the chairman of the committee, Mr. ST GERMAIN, and two other committee members, Mr. PARRIS and Mr. BARTLETT, joined me in requesting the GAO to study the administrative and procedural aspects of a merger of the three funds. That study is now underway. The GAO findings should be of great assistance to the Congress on this matter.

While some may differ on the timing for a merger, there is a growing consensus that a fund merger is inescapable. Robert Gaiswinkler, the former chairman of the National Council of Savings Institutions, a major thrift trade group, suggested in a press account that a fund merger is inevitable after the FSLIC is recapitalized and made healthy. James Cirona, president of the Federal Home Loan Bank of San Francisco, observed: "The merger will take place simply because it has to happen."

A merger makes sense for several reasons.

MARKETPLACE CHANGES

First, the financial marketplace has changed. This is the 1980's, not the 1930's. While banks, savings and loans and credit unions had distinct, individual characteristics when their respective insurance funds were created, times have changed. Savings institutions now engage in commercial lending and all institutions compete for consumer business. Interindustry mergers, the breakdown of geographic barriers and changes in product lines reflect the change.

As the FDIC noted in its recommendations to Congress in its 1983 report to Congress:

> It is difficult to argue that the insurance funds of the FSLIC and the FDIC should be separately maintained when the functions of the thrift institutions and commercial banks are so similar that virtually the only distinction that can now be found in present law between the two types of institutions is in the nature of the insurance attached to the liabilities of each. Not only are the depository institutions involved now almost indistinguishable in the powers they possess, but they are also beginning to come together, in some instances, in larger financial organizations, a trend that doubtless will accelerate in the future.

One large, well-staffed and flexible deposit insurance fund could anticipate changes in the financial marketplace rather than simply respond to changes as they occur.

PUBLIC CONFIDENCE

Second, public confidence in Federal deposit insurance would be strengthened. Bailing out the FSLIC, especially in the stop-and-go manner provided in the FSLIC recapitalization legislation, does not inspire public confidence in Federal deposit insurance. It inspires public trepidation. Consider the text of an advertisement placed in a Wisconsin newspaper by an FDIC-insured bank last year. The text reads:

> FDIC Reserve Fund—$18.2 billion or FSLIC Reserve Fund—$2.7 billion. Which one would you rather have insuring your money?

While recapitalization of the FSLIC was a short-term necessity, it has the unfortunate effect of encouraging public comparisons of the "healthy fund" with the "sick fund."

Columnist Jack Anderson gave the following advice to the millions of readers of Parade magazine on September 20, 1987. Under the heading of "What You Can Do to Safeguard Your Deposit," Mr. Anderson and his coauthor, Michael Binstein, wrote:

> Keep your money in a federally-insured bank. Its deposits are protected by the Federal Deposit Insurance Corporation, which has $18.4 billion to back its guarantees. In contrast, the Federal Savings and Loan Insurance Corp. is down to about $500 million, which is all it has to back about $900 billion in savings and loan deposits.

Merger of Federal deposit insurance funds would preclude such confidence-sapping comparisons.

AVOIDING A TAXPAYER BAILOUT

Third, a merger would lessen the chances that taxpayers will be called on to bail out one fund or another. At the minimum, it should decrease the amount of any bailout.

A June 1985 internal FDIC draft staff study on an FDIC/FSLIC merger, while noting administrative roadblocks which might hamper consolidation, nonetheless acknowledged that "merging the insurance agencies may be the only viable solution to the S&L problem." On the subject of a taxpayer bailout, the study very astutely observed:

> The Treasury could infuse cash into the FSLIC. This alternative, however, would be detrimental to the banking system in that it would contribute to the impression that banking is a public utility and it would not solve one of the major problems of the industry: regulatory standards that are driven more by the necessity of preserving what is probably an inadequate fund, rather than by a direct attempt to solve the underlying problems of the industry.

For those who doubt that a massive taxpayer bailout of the FSLIC may be in the cards absent a merger of the funds, consider the following:

In mid-November 1987, the newly elected Chairman of the U.S. League of Savings Institutions alerted Congress that the industry had already contributed enough to FSLIC recapitalization. According to Mr. Theo H. Pitt, Congress should enter into a "sharing of responsibility" arrangement to rebuild the fund. Translated, that means "taxpayer bailout." Former league Chairman Gerald Levy amplified that view by saying "We're going to pay our fair share, but its impossible for us to pay the full bill."

Last December, Treasury Under Secretary George Gould conceded that taxpayers may be asked to bail out FSLIC. He thoughtfully suggested that "we should try to keep as much of it off the back of the taxpayer as possible."

RISK EXPOSURE

Fourth, a merger would reduce risk exposure for the Federal Government. For Federal deposit insurance, commercial bank risk involves such factors as loan losses and the level of bank and nonbank competition. Savings institutions, on the other hand, are extremely sensitive to changes in the interest rate. Thus, the larger number and more varied type of institutions insured by a consolidated fund would broaden risk and limit exposure. Had the FDIC and FSLIC been merged in 1984, the number of financial institutions deemed "too large to fail"—institutions with assets which total 50 percent or more of the reserves of their respective funds—would have declined from [illegible]2 to 27, decreasing exposure and increasing stability in the deposit insurance system.

POLICY COORDINATION

Fifth, regulatory policies could be better coordinated. The General Accounting Office pointed out in its excellent September 1986 study, "Deposit Insurance: Analysis of Reform Proposals," that a merged fund would provide a single focus for evaluating the deposit insurance risk to which the Federal Government is exposed. Consolidation would also enable coordination of closure and liquidation procedures as well as capital and accounting requirements. With a larger and more diverse membership in the fund, the options available for merging troubled and healthy institutions would broaden.

EQUITABLE INSURANCE ASSESSMENTS

Sixth, a Federal Deposit Insurance Fund merger would put an end to the ridiculous situation in which healthy thrifts play one regulator against another by threatening to switch charters, thereby escaping the steep FSLIC insurance premiums.

The economic incentives for well-capitalized thrifts to play this game are powerful. A healthy, FSLIC-insured thrift now pays roughly two-and-one-half times as much for deposit insurance as a comparable FDIC-insured commercial bank. An exodus of healthy thrifts from the FSLIC threatens the current recapitalization effort and weakens the authority of regulators.

There is reason to believe that healthy thrifts may exercise their option to leave the FSLIC when the congressionally mandated moratorium on fund-switching expires later this year. According to the draft FDIC memorandum, nearly 900 thrifts now qualify for FDIC insurance on the basis of capital ratios and earnings.

The recent signal from the Federal Reserve Board that it is willing to allow banks to acquire healthy thrifts should be a warning sign. The FSLIC may be lemonized sooner rather than later as healthy thrifts leave the fund with the assistance of an acquiring commercial bank.

According to the FDIC memorandum, an additional 540 thrifts might meet FDIC insurance standards with a slight capital increase, an increase that would be readily available upon acquisition. It should be noted that if all institutions are treated alike for purposes of deposit insurance, as my legislation provides, the incentive to play one regulator against another will decline markedly. At some point in the post-merger period, the Board of the FDSIC might propose to the Congress risk-based deposit insurance assessment. We would no longer, however, be faced with a situation in which a well managed, conservatively run thrift is forced to pay substantially higher deposit insurance premiums than a comparable commercial bank.

OTHER ARGUMENTS FOR MERGER

More than two-thirds of all federally insured deposits, including a portion of the thrift industry, are now insured by one fund—the FDIC.

When all is said and done, it is the full faith and credit of the United States which stands behind the deposit insurance guarantee. This means that the ultimate guarantors of confidence in the banking system are the taxpayers. In this scenario, it makes little sense to stand behind three funds when one fund would be more efficient.

If Congress is to protect the accounts of depositors, ensure the safety and soundness of the financial system, and prevent an eventual end-run on the Federal Treasury by lenders looking for a bailout of a particular deposit insurance fund, the groundwork for a merger should be laid.

LAYING THE GROUNDWORK

The purpose of this legislation is to begin laying that groundwork. There are technical and administrative questions which will arise in any discussion of a merger, questions which can be resolved, I believe, in the course of Banking Committee hearings on the subject and through consultation with the various deposit insurance agencies and the General Accounting Office.

There are serious public policy questions which must be examined as well. In any discussion of a Federal Deposit Insurance Fund merger, the question inevitably arises: should not the various federally chartered institutions be regulated in a similar manner? The crazy-quilt regulatory system by which the Federal Government protects the interest of depositors and ensures the stability of the financial system is an inefficient product of another era. Title III of my comprehensive bill would provide for the logical next step by bringing about a merger of the Federal financial regulatory agencies following the orderly merger of the Federal Deposit Insurance Funds.

The question Congress faces is not one of technique or administration, but of political will. On the matter of a merger of the deposit insurance funds, it is no longer a matter of whether to consolidate the funds, but in what manner and at what pace.

Let us begin the debate. A large-scale revision of our deposit insurance system requires constructive suggestions from all parties involved, especially those in the financial services industry.

I would hope that those in the lending industry who have doubts about a merger of the deposit insurance funds will not oppose this idea simply for the sake of opposition. History suggests that outright industry opposition to congressional initiatives in the area of deposit insurance can be less than fruitful.

Between 1921 and 1933, more than 12,000 banks failed, putting millions of depositors at risk. Yet in 1933, after a failure of 40 percent of the Nation's banks, major segments of the lending

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community opposed a congressional initiative to create a Federal Deposit Insurance Agency. The president of the American Bankers Association opposed congressional deposit insurance authorization legislation, contending that deposit insurance was "unsound, unscientific and dangerous."

Fortunately, Congress and the President ignored that advice and created the agency that was to become the FDIC. In a period of crisis, Congress looked to the needs of individual depositors and rejected parochial industry arguments.

Turf-oriented arguments will not prevail today any better than they did in the 1930's. The trend in Federal deposit insurance is clearly toward a merger of the funds, not the retention of separate funds regardless of marketplace changes, fiscal circumstances or administrative efficiency. We will certainly see a merger of the funds before one nickel of taxpayers' money is appropriated to bail out a bankrupt fund, notwithstanding arguments from special interests to the contrary.

The inevitable resolution to the current deposit insurance crisis rests with the creation of a single Federal Deposit Insurance Agency—well staffed, well capitalized and subject to regular and diligent oversight by the Congress.

During special orders tomorrow, I will describe in detail title III of the legislation, which would consolidate the existing Federal financial regulators.

At this point, I include in the RECORD several charts which include a profile of the institutions insured by the various deposit insurance funds:

PROFILE OF FEDERALLY INSURED FINANCIAL INSTITUTIONS, YEAR END 1985–86 AND AS OF SEPT. 30, 1987

[In billions of dollars]

Commercial banks	Dec. 31, 1985	Percent	Dec. 31, 1986	Percent	Sept. 30, 1987	Percent
Number	14,404		14,200		13,850	
Asset:						
Loans	$1,607.6	59	$1,727.7	59	$1,750.7	60
Cash and securities	474.6	17	521.4	18	509.1	17
Reserves	26.2	.96	41.2	1	30.1	1
Other [1]	622.1	23	650.8	22	653.0	22
Total	2,730.5	100	2,941.1	100	2,942.9	100
Liabilities/capital:						
Deposits	2,117.9	78	2,283.5	78	2,266.6	77
Borrowings	317.4	12	356.1	12	364.9	13
Capital	169.2	6	182.3	6	180.4	6
Other [2]	126.1	5	119.2	4	131.0	4
Total	2,730.5	100	2,941.1	100	2,942.9	100

[1] Includes currency and coin, balances with other banks, and cash items in process of collection.

[2] Includes acceptances from other banks and customers, accounts payable, interest, taxes, other expenses, and cash dividends declared but not yet paid.

PROFILE OF FEDERALLY INSURED FINANCIAL INSTITUTIONS, YEAR END 1985–86 AND AS OF SEPT. 30, 1987

[In billions of dollars]

Savings and Loan Association	Dec. 31, 1985	Percent	Dec. 31, 1986	Percent	Sept. 30, 1987	Percent
Number	3,246		3,227		3,178	
Asset:						
Loans	$695.1	65	$706.6	60	$742.3	61
Cash and securities	252.4	24	322.6	28	355.8	29
Other	121.9	11	136.1	12	121.2	10
Total	1,069.4	100	1,165.3	100	1,219.3	100
Liabilities/net worth:						
Savings	843.9	79	889.9	76	908.9	75
Borrowings	156.7	15	196.5	17	234.9	19
Net worth	46.8	4	53.1	5	50.9	4
Other	22.0	2	25.8	2	24.6	2
Total	1,069.4	100	1,165.3	100	1,219.3	100

PROFILE OF FEDERALLY INSURED FINANCIAL INSTITUTIONS, YEAR END 1985–86 AND AS OF JUNE 30, 1987

[In billions of dollars]

Credit unions	Dec. 31, 1985	Percent	Dec. 31, 1986	Percent	June 30, 1987	Percent
Number	15,045		14,693		14,460	
Assets:						
Loans	$73.9	62	$85.5	58	$90.3	56
Investments	39.5	33	54.5	37	66.0	41
Other	6.2	5	7.7	5	4.3	3
Total	119.6	100	147.7	100	160.6	100
Liabilities/equity:						
Shares/savings	109.5	91	136.0	92	148.3	92
Notes/accounts payable	2.4	2	2.5	2	2.5	2
Reserves	4.6	4	5.4	4	4.2	3
Other	3.1	3	3.8	2	5.6	3
Total	119.6	100	147.7	100	160.6	100

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CONTRA AID—PAY NOW OR PAY LATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, one of the things that I do very infrequently is read things that I have read in the paper to my colleagues who may be watching in their offices. Today on my way back from Indiana I read a column by Cal Thomas of the Los Angeles Times Syndicate on "The Price of Freedom: Pay Now or Pay Later." I thought it was very important that this be conveyed to my colleagues, so I brought it here to read to them today.

Mr. Thomas says that:

> The TV commercial for an oil filter carries a message that can be applied to the recent House vote denying more aid to the Nicaraguan freedom fighters. In the commercial, an auto mechanic, touting the benefits of the company's product, says, "You can pay me now or you can pay me later." He means that, if you don't invest in the oil filter now, you'll probably have to pay far more later for an engine overhaul.
>
> By refusing to approve continued aid to the Contras, House Democrats are setting the stage for much more serious trouble down the road. Just as important, the vote marks a dangerous resurrection of the spirit of isolationism which appears stronger now than at any time in the last 70 years.
>
> Costa Rican President Oscar Arias has been widely quoted as saying that he believes you can kill a vampire with a crucifix, by which he means, in the case of Nicaragua's communist leadership, with the power of moral persuasion. He is as poor a student of horror stories as he is of communism. A crucifix merely repels a vampire. It takes a stake in the heart to kill one. Wielding the foreign policy stake is a move free countries are increasingly reluctant to make.
>
> The history of this century has repeatedly demonstrated that, like the person who put off buying the oil filter, those who refuse to oppose tyrants only delay the day of reckoning.
>
> A long-ago incident illustrates the problem.
>
> On May 7, 1915, a German U-boat torpedoed and sank the Lusitania off the coast of Ireland. More than 1,100 civilians, including 128 Americans, were killed. It was the most blatant of a series of German provocations against the United States and its allies.
>
> Even so, President Woodrow Wilson spoke for the isolationists, who apparently believed that cowardice would preserve them, when he said, "There is such a thing as a man too proud to fight." Yes, and for such men the synonyms for coward were created, none of them tasteful: chicken-hearted, lily-livered, faint-hearted, fearful and gutless.
>
> In his The Oxford History of the American People, historian Samuel Eliot Morison writes that the sinking of the Lusitania ". . . might have been the best moment for the United States to have entered the war. Had she been able to bring her strength to bear in 1916, the war would probably have been over within a year; the disastrous loss of life and breakdown of civilized standards would have ended two years earlier than it did, and the Russian revolution would not have taken place, at least not then."
>
> Quite a price to pay for isolationism, procrastination and faintheartedness.
>
> After he had helped sow the seeds for a much larger harvest of war than might have been necessary had he acted sooner, President Wilson used a biblical text to justify a program of American preparedness.
>
> On Nov. 4, 1915, following months of warnings and public criticism from Theodore Roosevelt, Jr. and others, Wilson authorized the creation of a cadre of trained officers for the new army by quoting the prophet Ezekiel: "But if the watchman see the sword come, and blow not the trumpet, and the people be not warned . . . his blood will I require at the watchman's hand."
>
> Already the ideological grandchildren of those pre-World War I isolationists are trying to invoke a Wilsonian defense for their refusal to help others fight for freedom. Writing from Tegucigalpa, Honduras, James LeMoyne of The New York Times appears ready to concede not only Nicaragua to the communists, but all of Central America: "To decide whether Central America really matters to the United States, the United States has to decide what it really values and feels it must defend, Washington does not want to remain a stick-wielding imperalist. In fact, it could probably tolerate a hostile and even pro-Soviet Central America."

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Can my colleagues imagine a writer writing that? That is in direct violation of the Monroe Doctrine.

He went on to say: "It would be very uncomfortable, and it would force a rethinking of American security plans. But it would be done."

We could accept a completely Communist, Soviet dominated Central America just south of Mexico. I cannot believe anyone would put that into print, because it jeopardizes our soft underbelly, the Mexican-American border. We cannot even keep illegal aliens out. We are getting as many as 10,000 a day crossing that border.

If the revolution Daniel Ortega founded spreads throughout Central America and up into Mexico, it is estimated that we will get at least 10 million refugees and probably more like 20 million fleeing the progression of communism throughout Central America and Mexico, and we are going to have to feed, clothe, house, and educate those people, and they will be able to work for much less money, thus taking jobs away from Americans. For each 1 percent of unemployment, it costs the taxpayers of this country $35 billion. So if we increase unemployment by 5 to 7 percent, as is expected, if we get this migration of refugees, then we are looking at another $150 to $200 billion in unnecessary expenditures. We cannot afford that. We cannot even balance the budget now. What are we going to do if we have to expend that additional amount of money?

Nevertheless, there are those in this Chamber who have the Wilsonian attitude of isolationism, the head in the sand syndrome, the ostrich syndrome, if you please, just leave them alone and they will go home wagging their tails behind them. But communism will not do that, not on your life.

The Soviets sent 18,000 tons of war materials into Nicaragua, and 2 years before they sent 23,000 tons of war materials into Nicaragua, and last year they sent 33,000 tons of war materials into Nicaragua. Daniel Ortega and his brother, Humberto, admit that they want a 600,000-man army. And Daniel Ortega has been out in the world market trying to get 3 million rifles, automatic rifles. What in the world is he going to do with 3 million rifles when there are only 3 million people in the whole country? He wants to export revolution. He said recently in an article in November of last year he would like to be doing, if he had his druthers, what Chez did, Chez Guevarra, the Cuban who was killed exporting the Communist revolution in Latin America, and what he did Ortega wants to do. And if we continue to cut off additional aid to the Contras in Nicaragua, he will have his way, and he will be able to do just that.

The problem is that down the road we will have to pay the piper, just as Wilson did back in 1916, 1917, and 1918 when we had to go into World War I, because appeasement policies and backing down to tyrants only leads to war.

Winston Churchill talked about World War II in these terms. He said if we had used the common sense found in the ordinary English household, World War II could have been averted. But not Lord Chamberlain. Lord Chamberlain flew to Munich in August of 1938, and with hat in hand he said to Herr Hitler, "What do we have to do to have peace, peace at any price?" And Herr Hitler said, "Give me the Sudetenland, give me half of Czechoslovakia." Can my colleagues imagine anyone who would give away the freedom of half a country? But Lord Chamberlain did that, and he flew back aboard his trimotor airplane to Heathrow Airport, and he got off the airplane to tumultuous applause. If there had been a Gallup poll conducted, he would have had a 99-percent approval rate. And when Winston Churchill went to the House of Commons to protest, he was shouted down and they would not even let him talk, yet a couple of years later they made Winston Churchill Prime Minister because Hitler had violated every single agreement he had made, and because he viewed the appeasement of Lord Chamberlain as an invitation to further aggression.

That is the same thing we face in Central America today, the same thing Wilson faced in 1916, and yet we do not pay attention and it is on our front door. England was an ocean away, but this is at our front door.

The border between the United States and Mexico is 2,000 miles long, exactly, 1,980 miles long. It is the soft underbelly of America, not unlike the soft underbelly of Europe that Winston Churchill talked about in World War II.

But this is on our border, and the Soviets have been sending Hind M-24 helicopters down there, flying tanks, and they have sent billions, 2 billion dollars' worth of war materials in there. And we have stood idly by and let it happen. And on this side of the aisle the preponderance of the Members, the vast majority of the Members, not my colleague in the chair because he was with us, but the vast majority of Members on this side of the aisle voted against helping the freedom fighters in Central America, and that will lead to the inevitable involvement of the United States of America down there unless we reverse that.

President Azcona of Honduras told me in his Presidential home in Tegucigalpa less than 3 months ago that, if the peace process fails, and if we cut off aid to the Contras and they die on the vine, that he is going to request 50,000 U.S. troops in his country alone, and he is going to ask for $250 million in additional military support. That does not include El Salvador, that does not include Guatemala, does not include Costa Rica where President Arias of Costa Rica only had 10,000 people in his police force. He has no army, and they are all going to be asking for U.S. troops when the Communists make good on their promise to export that revolution throughout Central America, and they told us time and again very clearly that they plan to do that.

Tomas Borge said in a Playboy interview about 2 years ago, he said that the question was: Will you respond to the question that Nicaragua is the first domino in Latin America, that after that will be El Salvador that will fall to the Communists, then Guatemala, then Honduras, then ultimately Mexico, and the foreign minister down there said, the Minister of Interior said, and I quote, "That is one historical prophecy of Ronald Reagan that is absolutely true," so they told us what they planned to do, but we would not listen.

The Senate listened. They voted for aid to the Contras, but in this body we lost by eight votes, and those people might very well die on the vine in the next few months and with them the hope of freedom in Nicaragua, and with them dying goes the consolidation of power for the Communists in Nicaragua and the more rapid exportation of Communist revolution into El Salvador, Guatemala, and Honduras, and ultimately Mexico. They have been exporting revolution already, but you can bet your bottom dollar that if Daniel Ortega gets 3 million rifles that he is trying to buy, the exportation will increase at a rapid rate.

Cal Thomas, when he finished his piece, concluded it this way: He said Central American blood is now on the hands of most congressional Democrats, and if the day comes, as it surely will, when American blood must be spilled to undo the damage caused by last week's House vote, that blood will also be on their hands. We have failed to pay for freedom in Nicaragua now. We will have to pay a lot more later with interest.

Mr. Speaker, I submit to my colleagues who may be watching this in their offices who voted the wrong way last week to listen to what this writer has written because he is accurate.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will have to remind the gentleman from Indiana that it is against the rules of the House to refer to Members in their offices pertaining to television.

Mr. BURTON of Indiana. Mr. Speaker, I appreciate that. I will just speak to my colleagues wherever they may be. I hope that they will think about what they did last week and relent and consider the facts, and, when we have another vote on Contra aid, as I am sure we will, that they will reverse themselves, and I am not talking about a piece of legislation that will pass, that will give some aid to the Contras from a purely humanitarian standpoint at predescribed locations where when we drop the aid in the Communists will know it is coming and they will be able to pick up the Contras one by one and pick them off and eliminate them as a viable force against the Communists down there. It is going to have to be true aid truly in support of freedom.

Mr. Speaker, I would like to read one other thing before I leave. It is from a person in my district. He wrote a letter to the Indianapolis Star, and I think it bears repeating and reading here today. He calls it a history lesson in the Contra vote. He said:

> I am beginning to wonder how much history the present Democratic members of the House have read.
>
> The Contra bill vote gave me the same sick, sinking feeling I had back in 1939 when a gentleman with an umbrella and a piece of paper stepped from an airplane and declared, "Peace in our time!"
>
> Not too surprisingly, four years later in 1943 I was wounded and disabled in the "peace" near a town in Italy called Cassino. Most of my generation knew that the gentleman was wrong, and knew it was a matter of time until we had to either give up entirely or fight a war.
>
> How many lives would have been saved if we had called Hitler's bluff? Would we have had the Holocaust?
>
> These congressmen are very naive if they believe they can accomplish a just settlement by their oratory. No communistic or totalitarian form of government ever has lived up to any treaty or promise. A recent Star editorial about Ortega listed all the promises he has failed to keep.
>
> One of their credos is that the end justifies the means. Do any of these congressmen understand the totalitarian definition of peace?

The Soviet word incidentially for peace is mir, m-i-r, and what it means is peace after the goals of the revolution have been achieved. When we think of peace, we think of peace as the absence of war, but their definition of peace is peace after the goals of the revolution have been achieved. That means after they have enslaved a nation. Then there is peace.

My definition of peace is the same as I alluded to just a moment ago in Webster, but I have a Burtonism for those who care to listen, and it is this: And that is that peace without freedom is not peace. It is slavery. Peace without freedom is not peace, it is slavery, and that is what many of my colleagues advocate for Central America.

He went on to say:

> "Does it mean living with the Four Freedoms, or does it mean "rest in peace" as we say at funeral services? Right at the moment I feel our educational system has failed if these congressmen do not understand history.
>
> Added to the vote is the censorship imposed by the TV networks on the President's speech. I am sure they have another word for it, but the definition remains the same. A rose by any other name still smells the same.

Bill Jackson of Indianapolis wrote that.

I would like to conclude my special order, Mr. Speaker, by saying this is a very perilous time for the people of Central America, that it is an equally perilous time for the people of the United States of America. We must not bow to the pressures exerted on us by the Soviet Union or her surrogates. We must do what is necessary to stand up to the tyrants of this world. In Afghanistan we have helped the freedom fighters, in Angola we have helped the freedom fighters, and we must help the freedom fighters in Central America and in Nicaragua that is on our front doorstep for, if we do not, it is going to come back to haunt us in the years to come, and like the appeasement that came back to bite Lord Chamberlain and Wilson, our President, the appeasement will come back to bite my colleagues on the other side of the aisle, and it will bite the boys who are sent down there to fight in an unnecessary war. We must not allow that to happen.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hastert) and to include extraneous matter:)

Mr. Coats, for 60 minutes, on February 25.

Mr. Broomfield, for 60 minutes, on February 17.

Mr. Porter, for 60 minutes, on February 17.

Mr. Shumway, for 60 minutes, each day on March 1, 2, and 3.

Mr. Burton of Indiana, for 60 minutes, today.

Mr. Ritter, for 5 minutes, today.

(The following Members (at the request of Mr. Sisisky) and to include extraneous matter:)

Mr. Owens of New York, for 5 minutes, today.

Mr. Annunzio, for 60 minutes, today.

Mr. Kleczka, for 60 minutes, today.

Mr. Gaydos, for 60 minutes, today.

Mr. Kleczka, for 60 minutes each day, on February 17 and 18.

Mr. Gaydos, for 60 minutes, on February 17.

(The following Members (at the request of Mr. Kleczka) to revise and extend their remarks and include extraneous material:)

Mr. Stratton, for 5 minutes, today.

Mr. Sunia, for 5 minutes, on February 17.

Mr. Hutto, for 5 minutes, on February 17 and 15 minutes on February 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Hastert) and to include extraneous matter:)

Mr. Frenzel.

Mr. Henry.

Mr. Horton in two instances.

Mr. Conte.

Mr. Madigan.

Mr. Lewis of Florida.

Mr. Ritter.

Mr. Gilman.

Mr. McEwen in three instances.

Mr. Rinaldo.

(The following Members (at the request of Mr. Sisisky) and to include extraneous matter:)

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Lipinski.

Mr. Hoyer.

Mr. Traxler.

Mr. Stokes.

Mr. Montgomery.

Mr. Mazzoli.

Mr. Atkins.

Mr. Torricelli.

Mr. Ackerman.

Mr. Levine of California.

Mr. Lantos in two instances.

Mr. Fascell.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 908. An Act to amend the Inspector General Act of 1978; to the Committee on Government Operations.

S. 1579. An Act to amend the Public Health Service Act to revise and extend the block grant program, and for other purposes; to the Committee on Energy and Commerce.

S. 1726. An Act to amend the Public Health Service Act to promote employee health and disease prevention, and for other purposes; to the Committee on Energy and Commerce.

S. 1968. An Act to amend the Public Health Service Act to make certain technical amendments, and for other purposes; to the Committee on Energy and Commerce.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On February 5, 1988:

H.R. 1983. A bill authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, Florida, and for other purposes;

H.R. 2566. A bill to amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes; and

H.R. 3884. A bill to rescind certain budget authority recommended in Public Law 100-202.

On February 10, 1988:

H.J. Res. 402. Joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week".

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes p.m.) the House adjourned until tomorrow, Wednesday, February 17, 1988, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2875. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of February 1, 1988, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 100-165); to the Committee on Appropriations and ordered to be printed.

2876. A letter from the Assistant Secretary (Comptroller), Department of Defense, transmitting the Department's listing of contract award dates for the period March 1, 1988 to April 30, 1988, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

2877. A letter from the Deputy Assistant Secretary (Systems), Department of Defense, transmitting the Department's report on commercial and industrial-type functions performed by Department of Defense contractors for fiscal year 1987, pursant to 10 U.S.C. 2304 nt; to the Committee on Armed Services.

2878. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting a report analyzing the impact of IMF-supported economic adjustment programs implemented during 1985 on the provision of basic human needs in program countries, pursuant to 22 U.S.C. 286e-9(b); to the Committee on Banking, Finance and Urban Affairs.

2879. A letter from the First Vice President and Chairman, Export-Import Bank of the United States, transmitting the Bank's report involving U.S. exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(iii); to the Committee on Banking, Finance and Urban Affairs.

2880. A letter from the Controller, Washington Gas Light Co., transmitting a certified copy of the Company's Balance Sheet as of December 31, 1987, pursuant to D.C. Code section 43-513; to the Committee on the District of Columbia.

2881. A letter from the Secretary of Education, transmitting a copy of final regulations—Regional Resource an Federal Centers Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2882. A letter from the Secretary of Education, transmitting the Department's tenth annual report on the implementation of the Education of the Handicapped Act, pursuant to 20 U.S.C. 1418(f)(1); to the Committee on Education and Labor.

2883. A letter from the Associate Director, Bureau of Education and Cultural Affairs, U.S. Information Agency, transmitting the Office of Private Sector Programs report for calendar year 1987, pursuant to 22 U.S.C. 2460 nt.; to the Committee on Foreign Affairs.

2884. A letter from the Director, Administrative Office of the United States Courts; transmitting actuarial reports on the judicial survivors' annunities system and the judicial retirement system for the year ended December 31, 1986, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2885. A letter from the Administrator, Environmental Protection Agency; transmitting the agency's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2886. A letter from the Chairman, Federal Labor Relations Authority; transmitting the agency's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2887. A letter from the Administrator, General Services Administration, transmitting the agency's report on donation of surplus personal property for fiscal year 1987, pursuant to 40 U.S.C. 493; to the Committee on Government Operations.

2888. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the agency's report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2889. A letter from the General Counsel, National Labor Relations Board, transmitting a copy of the fiscal year 1987 FMFIA report on internal control and financial systems provided to the President of the United States, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2890. A letter from the Administrator, Panama Canal Commission, transmitting the Commission's annual report, fiscal year 1987, on actions taken to increase competition for contracts. pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2891. A letter from the Secretary of Energy, transmitting the Department's annual report, fiscal year 1987, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2892. A letter from the Acting Secretary of the Land and Minerals Management Service, Department of the Interior, transmitting notice on leasing systems for the Beaufort Sea, sale 97, scheduled to be held in March 1988, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

2893. A letter from the Acting Attorney General, Department of Justice, transmitting a report on the U.S. Trustee System Fund for the period October 1, 1986 to September 30, 1987, pursuant to Public Law 99-554, section 115(a) (100 Stat. 388); to the Committee on the Judiciary.

2894. A letter from the Director, Office of Personnel Management, transmitting the fiscal year 1985 report on the implementation of the Federal Equal Opportunity Recruitment Program, relative to minorities and women, pursuant to 5 U.S.C. 7201(e); to the Committee on Post Office and Civil Service.

2895. A letter from the Secretary of Transportation, transmitting a report on "Highway Resurfacing, Restoration and Rehabilitation Practices", pursuant to 23 U.S.C. 109 nt.; to the Committee on Public Works and Transportation.

2896. A letter from the Secretary of Health and Human Services, transmitting a report on rural teaching hospitals and referral centers, pursuant to Public Law 98-21 (97 Stat. 167), (97 Stat. 157); to the Committee on Ways and Means.

2897. A letter from the Secretary of Health and Human Services, transmitting a report on "Evaluation of the Rural Hospital Swing-Bed Progam", pursuant to Public Law 96-499, section 904(c) (94 Stat. 2617); to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALL of Ohio. Committee on Rules. House Resolution 375. Resolution providing for the consideration of H.R. 1054, a bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care (Rept. 100-505). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRANK:

H.R. 3943. A bill to provide law enforcement authority for the Federal Protective Service, and for other purposes; jointly, to the Committees on Public Works and Transportation and the Judiciary.

By Mr. HOLLOWAY (for himself, Mr. Vander Jagt, Mr. Dannemeyer, Mr. Dornan of California, Mr. Livingston, and Mr. Petri):

H.R. 3944. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against tax to taxpayers for dependents who have not attained the age of compulsory school attendance as prescribed by the law of the State in which the taxpayer residents, and to repeal the credit for expenses for child care services necessary for gainful employment for expenses with respect to such dependents; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 3945. A bill to amend XVIII of the Social Security Act to limit the rate of increase of the part B Medicare premium to the rate of increase in Social Security benefits; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MOODY (for himself and Mr. Aspin):

H.R. 3946. A bill to suspend temporarily the duty on piperonyl butoxide; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 3947. A bill to reopen the base membership roll of the Pascua Yaqui Indian Tribe of Arizona; to the Committee on Interior and Insular Affairs.

By Mr. BOEHLERT:

H.J. Res. 455. Joint resolution designating the week beginning April 10, 1988, as "National Medical Laboratory Week"; to the Committee on Post Office and Civil Service.

By Mr. MICA:

H. Con. Res. 243. Concurrent resolution calling for the resignation of General Noriega as the commander in chief of the Panamanian Defense Forces, a position from which he has functioned as the de facto ruler of Panama; to the Committee on Foreign Affairs.

By Mr. YOUNG of Florida:

H. Con. Res. 244. Concurrent resolution calling for full freedom and independence for the Baltic States; to the Committee on Foreign Affairs.

H. Con. Res. 245. Concurrent resolution expressing the sense of the Congress that the United States should seek, through diplomatic channels, the withdrawal of certain personnel of the Soviet Union from Estonia, Latvia, and Lithuania and the release by the Soviet Union of political prisoners of Estonian, Latvian, or Lithuanian descent; to the Committee on Foreign Affairs.

By Mr. ASPIN (for himself and Mr. Dickinson):

H. Res. 376. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Armed Services in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. STOKES:

H. Res. 377. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Permanent Select Committee on Intelligence in the 2d sess. of the 100th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

265. By the SPEAKER: Memorial of the Senate of the State of West Virginia, relative to the sovereignty of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

266. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to American clock and watchmakers; to the Committee on Post Office and Civil Service.

267. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to the Bureau of the Census; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BONIOR of Michigan introduced a bill (H.R. 3948) for the relief of Hyong Cha Kim Kay; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 130: Mr. McCloskey.

H.R. 245: Mr. DeWine, Mr. Pepper, and Mr. Thomas of California.

H.R. 470: Mr. Shays.

H.R. 537: Mrs. Saiki.

H.R. 539: Mr. Henry.

H.R. 633: Mr. Nielson of Utah.

H.R. 709: Mr. Evans.

H.R. 807: Mr. Fuster.

H.R. 969: Mr. Oxley.

H.R. 1017: Mr. Dyson.

H.R. 1213: Ms. Snowe, Ms. Oakar, Mr. Bates, Mr. Ford of Tennessee, and Mr. Lehman of Florida.

H.R. 1352: Mr. Grant.

H.R. 1604: Mr. DioGuardi, Mr. Blaz, Mr. Swindall, Mr. Borski, Mr. Saxton, Mr. Wise, Mr. Shays, Mr. Courter, Mrs. Meyers of Kansas, and Mr. de Lugo.

H.R. 1632: Mr. Miller of Washington.

H.R. 1721: Mr. Wilson and Mr. Inhofe.

H.R. 1779: Mr. Gregg and Mr. Daub.

H.R. 1801: Mr. Tallon and Mr. Clarke.

H.R. 1899: Mr. Thomas of California.

H.R. 1923: Mr. Borski.

H.R. 1961: Mr. Manton.

H.R. 1962: Mr. Manton.

H.R. 2311: Mr. Edwards of Oklahoma.

H.R. 2487: Mr. Slaughter of Virginia, Mr. Weiss, and Mr. Whittaker.

H.R. 2517: Mr. Gejdenson.

H.R. 2580: Mr. LaFalce.

H.R. 2632: Mr. Weiss, Mr. Boucher, Mr. Chandler, Mr. Fish, Mr. Hyde, and Mr. Dorgan of North Dakota.

H.R. 2680: Mr. Marlenee, Mr. Inhofe, Mr. Bryant, Mr. Murphy, Mr. Montgomery, and Mr. Walgren.

H.R. 2707: Ms. Snowe.

H.R. 2724: Mr. Markey.

H.R. 2768: Mr. Hertel.

H.R. 2859: Mr. McGrath and Mr. Oberstar.

H.R. 2943: Mrs. Bentley, Mr. Kennedy, Mr. Owens of New York, Mr. Lehman of California, Mr. Pashayan, Mr. Young of Alaska, and Mr. Oberstar.

H.R. 2944: Mr. Dyson, Mr. Mollohan, Mr. Clarke, Mrs. Bentley, Mr. Kennedy, Mr. Owens of New York, Mr. Lehman of California, Mr. Pashayan, Mr. Young of Alaska, Mr. Oberstar, and Mr. Fuster.

H.R. 2999: Mr. Carper.

H.R. 3032: Mr. Shays.

H.R. 3045: Mr. Rowland of Georgia.

H.R. 3132: Mrs. Kennelly.

H.R. 3133: Mr. Ford of Tennessee, Mr. Rodino, and Mr. LaFalce.

H.R. 3265: Mr. Lancaster.

H.R. 3317: Mr. Martinez and Mr. Gray of Pennsylvania.

H.R. 3323: Mrs. Kennelly and Mr. Frenzel.

H.R. 3330: Mr. Robinson, Mr. Rodino, Mr. Roybal, Mrs. Collins, Mr. Wise, Mr. Richardson, Mr. Visclosky, Mr. Wyden, Mr. Gephardt, Mr. Howard, Mr. Torres, Mr. Lowry of Washington, Mr. Kennedy, Mr. Flake, Mr. Dellums, Mr. Panetta, Mr. Tallon, Mr. Udall, Ms. Pelosi, Mr. Mineta, Mrs. Kennelly, and Ms. Oakar.

H.R. 3371: Mr. Kastenmeier.

H.R. 3440: Mr. Torricelli.

H.R. 3480: Mr. Sawyer.

H.R. 3482: Mr. Levin of Michigan and Ms. Snowe.

H.R. 3511: Mr. Bates and Mr. Rodino.

H.R. 3518: Mr. Wheat.

H.R. 3519: Mr. Sundquist, Mr. Ford of Tennessee, Mr. Towns, Mr. Williams, and Mr. Eckart.

H.R. 3533: Mr. Berman, Mr. Fazio, Mr. Hawkins, Mr. Kildee, Mr. Leland, Mr. Miller of California, Mr. Scheuer, Miss Schneider, Mr. Studds, and Mr. Udall.

H.R. 3579: Mr. Kildee, Mr. Dingell, and Mr. Pursell.

H.R. 3716: Mr. Horton, Mr. Daub, and Mr. Lancaster.

H.R. 3757: Mr. Miller of Ohio, Mrs. Morella, Mr. Lowery of California, Ms. Oakar, and Mr. Dymally.

H.R. 3766: Mr. Murphy, Mr. Fauntroy, Mrs. Collins, Mr. Lehman of Florida, Mr. Oberstar, Mr. Martinez, Mr. Fazio, and Mr. Crockett.

H.R. 3781: Mr. Hughes, Mr. Vento, and Mr. Lehman of California.

H.R. 3784: Ms. Kaptur and Mr. Owens of Utah.

H.R. 3787: Mr. Frank.

H.R. 3791: Mr. Blaz, Mr. Lagomarsino, and Mr. Foglietta.

H.R. 3806: Mr. Petri, Mr. Wortley, Mr. de Lugo, Mrs. Morella, Mr. Horton, Mr. Brown of California, Mr. Lancaster, Mr. Ackerman, Mr. Pepper, Mr. Sabo, and Mr. Miller of Ohio.

H.R. 3814: Mr. Hyde, Mr. DeWine, Mr. Lancaster, Mr. Coble, and Mr. Marlenee.

H.R. 3842: Mr. de Lugo, Mr. Dornan of California, Mr. Hayes of Illinois, Mr. Owens of New York, Mr. Regula, and Mrs. Lloyd.

H.R. 3844: Mr. Hansen, Mr. Slattery, Mr. Gekas, Mr. McEwen, Mr. Michel, Mr. Chapman, Mr. Dowdy of Mississippi, Mr. Gunderson, Mr. Kastenmeier, Mr. English, Mr. Thomas of California, Mr. Burton of Indiana, Mr. Nielson of Utah, Mr. Montgomery, and Mr. Spratt.

H.R. 3854: Mr. Dornan of California, Mr. Duncan, Mr. Tauke, Mr. Wortley, Mr. Davis of Illinois, Mrs. Johnson of Connecticut, Mr. Fawell, Mr. Oxley, and Mr. Kemp.

H.R. 3859: Mr. Smith of Florida, Mr. Horton, Mr. Hertel, Mr. Upton, and Mr. Williams.

H.R. 3870: Mr. Rose.

H.R. 3893: Mr. Olin, Mr. Weber, Mr. Gilman, Mr. Hiler, Mr. Foley, Mr. Henry, Mr. Barnard, Mr. Hall of Texas, Mr. MacKay, Mr. Hamilton, Mr. Coble, Mr. Mrazek, and Mr. Chapman.

H.R. 3907: Mr. Volkmer, Mr. Barnard, Mr. Hatcher, Mrs. Byron, Mr. Dickinson, Mr. Roberts, Mr. Boulter, Mr. Gilman, Mr. Hansen, Mr. Herger, and Mrs. Johnson of Connecticut.

H.R. 3914: Mr. Sisisky, Mr. Ackerman, Mr. Gilman, Mr. Dymally, Mr. Smith of Florida, Mr. Howard, Mr. Sabo, and Mr. Miller of California.

H.R. 3936: Mr. Pepper.

H.R. 3937: Mr. Thomas of Georgia.

H.J. Res. 140: Mr. Rinaldo, Mr. McEwen, Mr. Hochbrueckner, Mr. Schumer, Mr. Owens of Utah, Mr. Moakley, Mr. Flippo, Mr. Stratton, Mr. Applegate, Mr. Whittaker, Mr. Gephardt, Mr. Wilson, Mr. Weiss, Mr. Dowdy of Mississippi, Mr. Mollohan, Mr. Mavroules, Mr. Synar, Mr. Sisisky, Mr. Kanjorski, Ms. Snowe, Mr. Lancaster, and Mr. Eckart.

H.J. Res. 244: Mr. Fuster, Mr. Lehman of Florida, Mrs. Roukema, Mr. Denny Smith, Mr. Morrison of Washington, Mr. Horton, Mr. Dornan of California, Mr. Kostmayer, Mr. Roe, Mr. Mrazek, Mr. Wortley, Mr. Smith of Florida, Mr. Pepper, Mr. Fazio, Mr. Hatcher, Mr. Wolf, Mr. Lagomarsino, Mr. Coyne, Mr. Anderson, Mr. Rodino, Mr. Traxler, Mr. Sunia, Mr. Dwyer, of New Jersey, Mr. Rowland of Georgia, Mr. Vento, Mr. Borski, Mr. DeWine, Mr. Lantos, Mr. Conte, Mr. Bonior of Michigan, Ms. Oakar, Mr. McCollum, Mr. Callahan, Mr. Owens of New York, Mr. Hughes, Mr. Martinez, Mr. Kasich, Mr. Dickinson, Mr. Hall of Ohio, Mr. Lewis of Georgia, Mrs. Bentley, Mr. Hansen, Mr. Guarini, Mr. Volkmer, Mr. Conyers, Mr. Pashayan, Mr. Gunderson, Mr. Brown of California, Mr. Daub, Mrs. Collins, Mrs. Patterson, Mr. Towns, Mr. McMillen of Maryland, Mr. Torricelli, Mr. Foglietta, Mr. Espy, Mr. Fish, Mr. Carper, Mr. Fawell, and Mr. Lewis of California.

H.J. Res. 373: Mr. Moakley, Mr. Panetta, Mr. Crockett, Mr. Chandler, Mr. Miller of California, Mr. Miller of Washington, Mr. Darden, Mr. Stark, Mr. Borski, Mr. Stump, Mr. Mineta, Mr. Dymally, Mr. Kasich, Mr. Waxman, Mr. McCloskey, and Mr. Owens of Utah.

H.J. Res. 374: Mr. Lent, Mr. Oberstar, Mr. Harris, and Mr. Fauntroy.

H.J. Res. 386: Mr. Biaggi, Mr. Borski, Mr. Brooks, Mr. Bunning, Mr. Conyers, Mr. Dixon, Mr. Edwards of California, Mr. Fawell, Mr. Kolter, Mr. Rowland of Georgia, Mr. Stark, Mr. Tallon, Mr. Thomas of Georgia, and Mr. Waxman.

H.J. Res. 415: Mr. Bunning, Mr. Bevill, Mr. Rahall, Mr. Lipinski, Mr. Leach of Iowa, Mr. Kostmayer, Mr. Wortley, Mr. Garcia, Mr. Neal, Mr. Barnard, Mr. Swindall, Mr. Owens of New York, Mrs. Boxer, Ms. Snowe, Mr. Walgren, Mr. Fawell, Mr. Staggers, Mr. Kasich, Mr. Foglietta, Mr. Chappell, Mrs. Roukema, Mr. Waxman, Mr. Skelton, Mr. Atkins, Mr. Berman, Mr. Akaka, Mr. Anderson, Mr. Biaggi, Mr. Nelson of Florida, Mr. Coyne, Mr. Smith of New Hampshire, Mr. Towns, Mr. Donnelly, Mr. Crockett, and Mr. Hatcher.

H.J. Res. 420: Mr. Lagomarsino, Mr. Hefner, Mr. Coble, and Mr. Jones of North Carolina.

H.J. Res. 429: Mr. Sikorski, Mr. DeWine, Mr. Jontz, Mr. Wyden, Mrs. Boxer, Mr. Torricelli, Mr. Waxman, Mr. Smith of New Jersey, Mrs. Bentley, Mr. Bliley, Mr. Towns, Mr. Schumer, Mrs. Byron, Mr. Houghton, Mr. Eckart, and Mr. Courter.

H.J. Res. 438: Mr. Weiss, Mr. Volkmer, Mr. Erdreich, Mr. Dornan of California, Mrs. Morella, Mrs. Saiki, Mr. Bilbray, Mr. Lancaster, Mr. Ritter, Mr. Mrazek, Mr. Howard, Mr. Dymally, Mr. DeFazio, Mr. Walgren, and Mr. McGrath.

H.J. Res. 440: Mr. Emerson, Mr. Lagomarsino, Mrs. Lloyd, Mr. Fuster, Mr. Jontz, Mr. Owens of New York, Mr. Stump, Mr. Espy, Mr. Roe, Mr. Bilbray, Mr. Garcia, Mr. Solomon, Mr. Smith of Florida, Mr. Florio, Mr. Wolf, Mr. Hayes of Illinois, Mr. Horton, Mr. McDade, Ms. Snowe, Mr. Hawkins, Mr. Schuette, Mr. Lehman of California, Mr. Perkins, Mr. Hyde, and Mr. Ford of Tennessee.

H.J. Res. 447: Mr. Dymally, Mr. Coleman of Texas, Mr. Grant, Mr. Dwyer of New Jersey, Ms. Oakar, Mr. de la Garza, Mr. Scheuer, Mr. Hall of Texas, Mr. Boehlert, Mr. Coble, Mr. Bonker, Mr. Callahan, Mr. de Lugo, Mr. Barnard, Mr. Akaka, Mr. Mfume, Ms. Kaptur, Mr. Matsui, Mr. Ray, Mr. Kastenmeier, Mr. Valentine, Mr. Espy, Mr. Moakley, Mr. Dowdy of Mississippi, Mr. Volkmer, Mr. Jones of North Carolina, Mr. Lent, Mr. Walgren, Mr. AuCoin, Mr. Visclosky, Mr. Sawyer, Mr. Skaggs, Mr. Hatcher, Mr. Clarke, Mr. Swindall, Mr. Tauzin, Mr. Hoyer, Mr. Smith of Iowa, Mr. Rowland of Connecticut, Mr. Tallon, Mr. Harris, Mr. Stark, Mr. Jeffords, Mr. Chandler, Mr. Frenzel, Mr. Wolf, Mr. Young of Alaska, Mr. Rhodes, Mr. Oxley, Mr. DeLay, Mr. Tauke, Mr. Davis of Michigan, Mr. Clinger, Mr. Erdreich, Mr. Lott, Mr. Sundquist, Mrs. Bentley, Mr. Kasich, Mr. Ballenger, Mrs. Vucanovich, Mr. Hiler, Mr. Schuette, Mr. Frost, Mr. Buechner, Mr. Blaz, and Mr. Hunter.

H.J. Res. 448: Mr. Sunia, Mr. Henry, Mr. Roe, Mr. Wortley, Mr. Owens of New York, Mr. Feighan, Mr. Lowery of California, Mr. Donnelly, Mr. Dannemeyer, Mr. Annunzio, Mr. Clarke, Ms. Slaughter of New York, Mr. Mrazek, Mr. Hochbrueckner, Mr. Kemp, Mr. Hayes of Illinois, Mrs. Roukema, Mr. Howard, Mr. Gunderson, Mr. Fazio, Mr. de la Garza, Mr. McDade, Mr. Thomas of California, Mr. de Lugo, Mr. Hoyer, Mr. Smith of New Jersey, Ms. Oakar, Mr. Cardin, Mr. Miller of Washington, Mr. Moody, Mr. Applegate, Mr. Erdreich, Mr. Hertel, Mr. Stratton, Mr. Torricelli, Mr. Porter, Mr. McEwen, Mr. Schuette, Mr. Towns, and Mr. Pepper.

H. Con. Res. 152: Mr. Applegate.

H. Con. Res. 169: Mrs. Byron, Mr. Stratton, Mr. DeWine, Ms. Slaughter of New York, Mr. Feighan, Mr. Rhodes, and Mr. McEwen.

H. Con. Res. 229: Mr. DeWine.

H. Con. Res. 238: Mr. Kolbe and Mr. Nielson of Utah.

H. Res. 300: Mr. Smith of New Jersey, Mr. Gilman, Ms. Oakar, Mr. Archer, Mr. Hertel, Mr. Smith of Florida, Mr. Lancaster, Mr. Towns, Mr. Howard, and Mr. Ritter.

PETITIONS, ETC.

Under clause 1 of rule XXII,

122. The SPEAKER presented a petition of Mr. Steve Wool, Baltimore, MD, relative to constitutional rights; which was referred to the Committee on the Judiciary.

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EXTENSIONS OF REMARKS

TRIBUTE TO DICK CRONIN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. CONTE. Mr. Speaker, it is an honor for me to participate in a tribute to the best State fish and wildlife director in the country, Dick Cronin.

Recognized as a leader in Massachusetts, throughout New England and across the country, Dick Cronin has spent the last 38 years protecting the environment, speaking for sportsmen and preserving our natural resources for generations to come. On February 19, 1988, his friends and colleagues will honor him at a dinner in Boston.

Over the years, Dick has been an inspiration for me in my work in the Congress. His passion and energy is unmatched. His dedication and sense of fairness is inspiring to all who know him. And his work as director of the division of fisheries and wildlife is at a rare level of excellence. Whether working tirelessly to secure a better deal for Massachusetts sportsmen or speaking forcefully against unwise development, Dick Cronin is respected and effective.

The inspiration of Dick Cronin is not only grounded in his current work as director, but his life, his career path is a model for our young people to emulate. Dick has always had a love for the outdoors, and he began his professional service in fisheries and wildlife management during his college days at the University of Massachusetts-Amherst. He had a summer job working on a wood duck survey.

Graduating from UMASS in 1951, Dick joined the division of fisheries and wildlife and worked his way up the ladder. He was a fisheries manager in the Berkshires; he served as a district manager, a superintendant of field operations and public relations officer. Nine years ago, after holding practically every job in the division from laborer to the top, Dick was appointed director of the Massachusetts Division of Fisheries and Wildlife.

Over the years, I've worked with Dick on many, many projects. We worked to kill the Dickey-Lincoln Dam. We fought for ratification of the interstate Atlantic salmon compact. We stopped a potentially devastating development project on the Merrimack River at Sewalls Falls. We've fought to provide adequate funding for fish and wildlife programs, with Dick working the State government like a master. His skill in Boston, in and throughout the bureaucracy and with the State legislature, is well known and respected.

In an article that I will include for the Record, Frank Sousa, a good friend and excellent outdoor writer, wrote of Dick Cronin:

> Cronin is the Tip O'Neill of the outdoor field. I mean, if you do not think you have to be a politician to survive in the political jungles of Boston—and survival means winning for sportsmen and wildlife what is rightfully theirs and vital—then I have a rivet from the old Brooklyn Bridge for you and for only $500, cash money.

From my days in the State senate and as a good friend of Tip O'Neill, I can appreciate Frank Sousa's observation about Dick's skill and respect on Beacon Hill.

Just a few weeks ago, this respect was manifested in a rare show of affection by the Massachusetts House of Representatives. A resolution was passed unanimously by the house and signed by every member. Speaker George Keverian commented at the presentation ceremony that in all his years in the house, he had never seen another resolution signed by every member. In addition, the house recently passed a bill designating the division of fisheries and wildlife's new field headquarters in Westboro as the Richard Cronin Building. This bill was signed by 127 members of the house and senate. In all my days on Beacon Hill and since then, I've never seen such admiration, respect and unity by the Massachusetts Legislature. It is a genuine tribute to a great man for a lifetime of work and achievement.

Mr. Speaker, Dick Cronin's work as a professional fish and wildlife manager is well known and respected around the country. I'm honored to work with him in my official capacity as a Member of Congress, but Dick has also been a great friend. Over the years, we've spent a lot of time together. He is a regular at my annual fishing derbies at Onota Lake in Pittsfield. He has been there with advice and counsel many times. For me, Dick Cronin is a one-of-a-kind professional with heart, compassion and dedication. He's a good friend, and he's a great human being.

Mr. Speaker, I would ask that two newspaper articles be included in the Record at this point. In the Berkshire Eagle, Lisa Capone wrote an excellent article which appeared on February 3, 1988. Frank Sousa, in his column "All Outdoors," wrote a piece that was printed in the January 31, 1988, edition of the Springfield Union News.

[From the Berkshire Eagle, Feb. 3, 1988]

For Cronin, the Job is Just Like a Hobby

(By Lisa Capone)

Boston.—Enter Richard Cronin's office, and the first thing he points out is the view from the 19th floor of the state's Saltonstall Building—the outdoors.

After working for the state Division of Fisheries and Wildlife for 38 years, the last nine as its director, Cronin says the time he spends out of doors is unfortunately not enough.

But he compensates by decorating his office with the surroundings he prefers to bureaucratic papers: mounted animals, such as wood ducks, a sparrow hawk, a flying squirrel and a ring-necked pheasant, and wall prints depicting a salmon, a bald eagle on the Merrimack River and a heath hen—a now extinct species last spotted on Martha's Vineyard.

"I'll tell you, the job has been a hobby," the 61-year-old Cronin said in a recent interview.

"I've held every job from laborer up to the top job. You have to resign yourself to the fact that you're a bureaucrat here, when you finally take this job. The ideal job in this outfit is in the field."

Cronin, who has been fighting cancer for the past two years, say he'll continue to direct the department's 143 employees until his health dictates otherwise.

IN THE BERKSHIRES

His career with the Division of Fisheries and Wildlife began in his college days with a summer job on a wood duck survey. He graduated from the University of Massachusetts in 1951 with a degree in wildlife management and was assigned to the western wildlife management district, headquartered in Pittsfield. He worked in the Berkshire area for four years on a wide variety of projects.

Since then, he has held the jobs of fisheries manager for the northeast district, district manager, superintendent of field operations and public relations officer.

"It was a career path since the 8th grade," he said. "I can recall that they gave a test in the 8th grade on career development. I got the highest mark I ever got in school. They never got a higher score of somebody who wanted the out of doors—and many of the teachers remarked on it when I got into the field."

The Massachusetts House of Representatives presented a resolution to Cronin four weeks ago congratulating him on his lifework. At the ceremony, Speaker George Keverian pointed out that, in all his years in the House, he had never seen another resolution signed by every member. Two weeks ago almost as many legislators—127 members of the House and Senate—signed their names to a bill that would designate the Division of Fisheries and Wildlife's new field headquarters at the old Lyman School for Boys in Westboro the Richard Cronin Building.

LONGTIME GOAL

Cronin said he has spent the past decade seeking to secure the Lyman School property for the division, and he was finally successful when legislation passed in December authorizing the sale.

"He's sort of an inspiration," said Fisheries and Wildlife Commissioner Walter Bickford, who has known Cronin since the 1970's.

"Professionally, his whole life is fisheries and wildlife. He's a true environmentalist."

Cronin commutes to Boston daily from rural Harvard, where he lives with his wife and serves as town moderator. He said his life has been split between a career in wildlife management and time spent bringing up two daughters and a son, now a major in the Army at Fort Devens.

"The highlight of my career was when I was a district manager and fisheries manager buying land," Cronin recalled. "Land that I purchased in those days for $100 an acre is worth $10,000 in some cases—or more—today, and to be able to drive by today and know that that's in public ownership—it leaves a mark."

According to Cronin, about 17 percent of Massachusetts' 5.5 million acres of land is owned by the public or conservation groups, "but we need considerably more." He lauded the Legislature's approval last year of a $500 million bond package allowing agencies such as his own to purchase open space for wildlife and public recreation, but he indicated more money will probably be needed shortly.

"I think they're going to have to evaluate it in two or three years and see how well it's been spent. My feeling is that, sure, these are bonds that are going to be paid for by my grandchildren and their kids, but the point is that they're not making any more land. And if it is not secured—the choice pieces secured—in public ownership, it is so tragic."

BIGGEST THREAT

Cronin said that the greatest threat to wildlife continues to be encroachment by humans, construction and loss of habitat.

He said he favors the concept of a Massachusetts land bank that would enable cities and towns to finance open-space purchases with money raised through real estate transfer taxes. And he said the state should consider giving tax breaks to property owners who agree to keep their land undeveloped and open for public recreation.

He said such a program could work along the same lines as the state's agricultural preservation program, which offers financial rewards to farmers who agree not to sell their land to real estate developers. The lack of a similar tax policy on open spaces, he said, forces people into selling house lots.

[From the Union (MA) News, Jan. 31, 1988]

State Wildlife Director Always Loaded for Bear

(By Frank Sousa)

It has never ceased to amaze me that when two people have a difference of opinion, many perceive them as enemies.

Not so, especially if both are thinking men, and double especially when they believe in the same thing.

I sincerely believe in Fisheries and Wildlife as the guardians of our fish and wildlife, sportsmen's rights.

So does director Dick Cronin.

The difference is that Dick believes 100 percent in the division, while I'm only 99 and 44/100 percent sure in my belief.

It's difficult to fault someone who believes in his mission as completely as Richard and is willing to stand up and be counted, even if it means standing up to be knocked down and be counted over, repeatedly.

Of course this big redhead doesn't go down all that easily and that's why I never hesitated to swing from the heels at the well jutted jaw whenever we saw different things from different views.

That's as it should be.

I would guess the supreme compliment I can give a 66/100 of a percent opponent and 99 and 44/100 percent ally is that both of us honestly believed we were right and fought for this belief; and while the admiration might be given grudgingly at times, it is given.

Many, perhaps all, forget that when the directorship was open that I was Cronin's supreme backer.

And why?

This man said in personal conversation, and I believed him then, that he would finish out his career in the Massachusetts Division of Fisheries and Wildlife and not move on to bigger and better offerings as each and every director in the past several decades had done.

And while I did not come here to praise Cronin, I did not come to slay him, so just consider these following feelings slippage, slippage being something that happens out of your control.

Yes, Rich has been good for the division; I consider it a supreme compliment to him that after family and friends, the division was most important in his life.

I think he thinks of the division being the fish and wildlife and habitat under his protection and the sportsmen.

One of his problems is that Dick works like I play hockey, a ton of heart skating on two broken ankles.

But we both get there eventually; and I like his "I don't know how we're going to get there but we're going to get there," approach.

Yah, Cronin's heart is with the Massachusetts Division of Fisheries and Wildlife, our natural resources, with our sportsmen, and in his job.

The dope. He could have taken an easier path than locking horns with politicians, sportsmen, writers.

But he never let the "you fool with the bull, you get the horns" stop him from doing what he believed in.

Yah, he had me hooked when I first went out on a limb for his appointment and he has me hooked, even now.

Of course he had me hooked even when he looked me in the eye and said "here's my chin, sock it in; but I'm going forward."

Of course, there were times I wanted to replace my clean swing at the jutting jaw with a blow below the belt . . . but you do not take a low blow shot at enemy or ally who is willing to be carried off on his shield for what he believes in.

I didn't know all of Dick's abilities when the directorship was up for grabs a decade ago. For instance, I didn't know that Rich was a big bear, as well as a dedicated lifetime division man, and that his wrestling matches with that other big bear of the division, Jack Swedberg, registered a 7.9 on the Richter Scale of earthquake measurement.

And it is good that he be a big bear. There are guys in the division that need a big bear, cuddly or rough, to motivate them.

But it doesn't end there.

Cronin is also the Tip O'Neil of the outdoor field. I mean, if you do not think you have to be a politician to survive in the political jungles of Boston (and survival means winning for sportsmen and wildlife what is rightfully theirs and vital) then I have a rivet from the old Brooklyn Bridge for you, and only for $500, cash money.

Dick used this cuddly bear/Boston Irish politician route on me a number of times, and his argument was hard to dispute, except at times, when it was very disputable. His approach was, "Frank, if you write it, there will be more harm than good done to the outdoors and sportsmen."

And he wasn't just trying to win an argument or good press, he meant it.

He meant it because he never sent out smoke so he couldn't be tracked; in fact his "don't blame my biologists, blame me, I'm the room at the top," gave you the feeling that if you had to have someone in the foxhole to your right in the pitch black with the enemy sneaking around, that you would not okay to have the redhead there.

You knew he'd would still be there when it got down and dirty and bayonets were fixed and everyone was terrified, and many fled.

It was with great regret that I found that it was me attacking the Cronin foxhole at times, and I never did it with relish.

I felt like brother against brother in the Civil War, knowing full well that this blood would not run away when fighting for what he believed in . . . the betterment, perhaps even the survival of the Mass. Division of Fisheries and Wildlife.

No way am I going to outline the legendary things he has given the division, let him break out his own press clippings. If he has 'em.

I get the feeling that he is more apt to have battle plans involving wildlife, the division, sportsmen than me me clippings.

This is not an apology on my part. I have neither the guts for a public apology nor feel I owe one. Rich is a lifetime professional fish and game man and I'm a lifetime professional outdoor columnist.

We both have our own minds and opinions and neither should apologize to the other for honest beliefs.

But what I see through the smoke of part time friction is a friend and fellow individual interested in our outdoors and the animals and humans that use it.

And I know he'd have it no other way.

I felt this from the first day we met when he said, "My God, an outdoor writer who looks like an outdoor writer!"

I'm not sure that was a compliment.

It was with interest I read about the bill finally giving to the Division of Fisheries and Wildlife the 85 acres and buildings that it had made its home for years.

During the signing of the bill the House also approved a resolution unanimously honoring Cronin for his 38 years of service, this unanimous action being a near "no no" for this august body.

The House followed up with a two minute standing ovation for Dick.

And Rich was touched; but in his wry way, I'm sure he laughed to himself, "If I'm so great why did I have to fight so long and so hard, for everything." And while the public applause was appreciated by this loving family man and proud professional (who wrestles bears like Swedberg behind closed office doors to prepare for the bumps and lumps of being a Fish and Games director); I'm sure it is the unheard applause of the sportsmen who chin to each other. "Our deer herd is the best ever," "Can you imagine our hunting turkeys again in this original land of the Pilgrims," "Fishing's pretty good today," "What does that jerk, Sousa know about pheasant? Even his hunting dogs are cross eyed."

Sousa says, "Cross eyed! Oh, ya, Cronin, I'll sock you in the soup. . . ."

"Oh, ya, Sousa, try it. But I won't swing back. But beware of my bear hug, buster."

And a hell of a bear hug it is, whether it be family, friends, the division, sportsmen, wildlife, or writers. Buddy, you know you've been hugged.

THE UNIVERSITY OF AKRON'S COMMITMENT TO EXCELLENCE IN EDUCATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. STOKES. Mr. Speaker, one of the greatest problems facing our Nation is the education of our youth. Disadvantaged students suffer even greater from this national crisis. I am proud to report, however, that one institution of higher education, the University of Akron, is confronting this challenge head on.

The university recently hosted its annual Dr. Martin Luther King, Jr., celebration. It was a fitting occasion for me to witness first hand the efforts of President William V. Muse to accomplish Dr. King's dream of quality education for all Americans. Under his leadership, Dr. Muse and his dedicated faculty have instituted a quest for excellence for disadvantaged students.

To accomplish this goal, Dr. Muse created an office of minority affairs to monitor the hiring process, recruitment, and retention of minority students at the university. This office, under the direction of Dr. Sebetha Jenkins-Leggette instituted programs such as the Black Academic Bowl, Peer Counselor Program, and STEP—Strive Toward Excellence Program—to address the academic problems of minority students.

Mr. Speaker, I would like to share with my colleagues a series of articles concerning Dr. Muse and the University of Akron's response to this critical problem. I would also like to commend Dr. Muse for the stance he has taken in making minority education a priority of his administration. I hope other universities will follow the excellent example he has set.

Minority Enrollment Shows Dramatic Gains at the University of Akron

At a time when fewer and fewer Blacks are going to college, how can a predominantly white university attract and retain more minorities? The answer has eluded many institutions, yet the University of Akron, Ohio's third largest university with a fall enrollment of 27,069, has achieved dramatic gains.

Black enrollment at UA has jumped 18 percent—from 1,710 students last fall to 2,024 this fall. UA's freshman class of Black students alone is up 13 percent—from 803 to 910.

UA's increase is a significant contrast to nationwide statistics. Despite the fact that more Blacks are graduating from high school than ever before, an American Council on Education report released in October notes that the percentage of 18- to 24-year-old Blacks entering college dropped 7 percent from 1976 to 1985.

When Dr. William V. Muse became president of UA in the fall of 1984, he mandated that increases in minority enrollment and hiring were to be top priorities of his administration. At the time, minority enrollment was declining, and there were only eight full-time Black faculty and one Black administrator.

"We recognized that making the University of Akron more attractive to Blacks would require a comprehensive commitment by every segment of the campus," notes Muse. "We also realized that we needed to work more effectively with the Black community."

Muse's first step was to create an Office of Minority Affairs to monitor the hiring process and the recruitment and retention of minority students. A nationwide search for a director culminated in the hiring of Dr. Sebetha Jenkins-Leggette, a Black woman who was previously assistant to the president at Mississippi State University. Coming to Akron in mid-1986, Jenkins-Leggette also was named assistant to President Muse and became a member of his cabinet.

Since then, she has developed unique, grassroots programs for UA. Church and family are vital components.

"We're reaching out to Black students and their parents not through the high schools, but through the churches." explains Jenkins-Leggette. "When the minister stands up in front of the congregation and tells the parents. 'I want you to get involved in your children's education,' they listen. The ministers have become valuable liaisons between the University and Black parents."

Jenkins-Leggette has used that connection to create UA's Black Academic Bowl. Begun this fall, the program brings church-sponsored teams of sixth, seventh and eighth grades to campus on Saturdays to compete in tournaments that test their knowledge of Black history, Black adhievements and related topics. Well attended by parents, the Saturday programs include sessions about preparing for college both academically and financially.

Black parents are also involved in their children's education through UA's Parent Advisory Board. Formed during Black Freshmen Orientation this fall, the board is comprised of some two dozen parents.

UA's Peer Counselor Program—the focus of the University's efforts to retain Black students—is now in its second year. Designed to help Black students socially adjust to college life—particularly life on a large, urban campus such as UA—the program pairs selected upper-classmen with incoming freshmen. Last year, about two dozen juniors and seniors worked with 161 freshmen; this year, the program has grown to include 45 juniors and seniors and 200 freshmen.

"When I came to UA, there was talk about starting a peer tutoring program for Black freshmen," recalls Jenkins-Leggette. "I pointed out that we already had trained tutors—what these students need are friends who can help them feel comfortable on campus by taking them to athletic and social events, by giving them extra, caring support."

The peer counselors are trained to deal with a wide range of problems their freshmen may encounter. "Our counselors are always there for the freshmen, even if it's something as basic as calling early in the morning on a snowy day to offer a ride or a cup of hot coffee before class," notes Jenkins-Leggette.

Another program fostering a sense of belonging and school pride is UA's Black Student Leaders Advisory Board. Some 30 presidents and vice presidents from such campus groups as Black United Students and the National Society of Black Engineers meet monthly for breakfast and to exchange information about their organizations's events and programs.

Reaching beyond campus is UA's Black Community Leaders Advisory Group, comprised of about 25 ministers, teachers, politicians and business people. The group regularly meets with Muse, University administrators and faculty for what Jenkins-Leggette calls a "frank exchange."

Muse points to other efforts that he believes have contributed to UA's 18 percent minority enrollment increase and the University's improved image in the Black community. In June, UA established the Janet B. Purnell and W. Howard Fort Scholarship Fund for academically talented Black students. Named for two Black former members of UA's Board of Trustees, the scholarships go to 36 full-time undergraduates each year.

Also this summer, the federally-funded Upward Bound program moved to UA from Western Reserve Academy in Hudson, and brought with it 80 teenagers from Akron and East Cleveland who lived on campus for six weeks. The gifted high school students participated in a rigorous academic program designed to strengthen skills in English composition and literature, reading, mathematics and laboratory sciences. Now that summer is over, Upward Bound is continuing with Saturday sessions that offer career and college guidance workshops, goal-setting seminars, and tours of universities in Ohio and beyond.

Muse is also making good on his pledge to hire more minorities. In the past year and a half, three of four deans' positions—in the College of Education and College of Fine and Applied Arts and the School of Law—have been filled by Blacks.

About one-third of the clerical and staff positions at UA have been filled with minorities during the year, bringing the total percentage of minorities on the non-academic staff to 15.1 percent. There are now 18 full-time Black faculty, and Black graduate assistants now number 58 up significantly from 13 last year.

"We've put together a systematic, broad-based plan to improve minority enrollment, retention and hiring on this campus," says Muse. "What we're doing is very practical very grass-roots oriented.

"At a time when the statistics for minorities in higher education are on a downhill slide, it feels really good to be part of an effort that's making gains," he adds. "Now, we need to meet the challenge of doing even better."

UA Receives Record $3 Million From Firestone for STEP Program

A $3 million gift to help economically disadvantaged students succeed in college was given to the University of Akron in December by The Firestone Tire and Rubber Company. The largest in US's 117-year history, the gift is also believed to be the largest of its kind ever given in the country. The University will use the gift to develop the "Strive Toward Excellence Program"—STEP—a far-reaching academic, scholarship, and guaranteed admission program.

The gift was presented to UA President William V. Muse by George W. Aucott, executive vice president of Firestone; Benjamin G. Ammons, vice president of Firestone and chairman of UAs Board of Trustees; and Michael J. Connor, chairman of the Firestone Trust Fund.

STEP will bring academically talented youngsters in grades 6 through 12—called Firestone Fellows—to UA's campus for workshops and classes throughout the entire year. Then, when, the Firestone Fellows graduate from high school and STEP, UA will guarantee their admission to the University. One-third of the Firestone gift—

$1 million—will be used to endow scholarships for the STEP graduates.

The first class of 40 Firestone Fellows will begin the program this summer. Youngsters who have completed the sixth grade will be chosen from nominations by Akron area principals, teachers and guidance counselors. Forty more students will be added each year.

"Recruiting and retaining more black students is a top priority at this University," explained Muse. "With Firestone's generosity and our commitment. UA will have one of the best programs of its kind in the United States aimed at inspiring, encouraging and preparing minority and economically disadvantaged students to succeed in college," he said.

In making the presentation for Firestone, Aucott noted that STEP will provide the support system that will permit many economically disadvantaged young men and women to obtain college educations. "This experience will not only change their lives, but the lives of their children, too," he said. "The University of Akron is uniquely positioned to implement this program with the Akron area public schools."

Unlike some other university minority programs that offer summer workshops, UA's STEP will be year-round. The six-week summer curriculum will focus on creative writing, mathematics, science, drama, culture and dance. Then, on Saturdays during the academic year, the Firestone Fellows and their parents will attend workshops on preparing for college. Topics will include financial aid, career and college selection, positive self-concepts, and junior and senior high school curriculum choices.

"A unique strength of this program is the involvement of parents," said Muse. "The key is for parents to receive the same information and guidance as their children so they can provide at-home support for education." He noted that STEP also calls for mentors from the University and community to participate in workshops and serve as role models by enabling the Firestone Fellows to "shadow" them at their places of employment.

STEP will join other UA programs aimed at attracting and retaining more minorities. They include UA's Peer Counselor Program, UA's Black Academic Bowl, UA's Black Parents Advisory Board, UA's Black Student Leader Advisory Board, and Upward Bound.

TRIBUTE TO WILLIAM J. NAWROCKI

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. TORRICELLI. Mr. Speaker, I rise to pay tribute to William J. Nawrocki, who is retiring after a long and distinguished service as postmaster of Hackensack, NJ.

Bill was born and raised in Jersey City, where he attended parochial and public schools, graduating from Lincoln High School. He attended the College of Engineering, NYU, and in June 1935, received the degree BS in civil engineering and was commissioned a second lieutenant, CE, U.S. Army Reserve. At college, he played varsity basketball, receiving three letters, was a class officer and active in the student council.

In November 1940, he was called into the Armed Forces. At Fort Belvoir, VA, he served with the engineer school, the ERTC, and the engineer board, which is the research and development center of the Corps of Engineers. He was reassigned to the R&D Division, ASF, the Pentagon, and became Chief, Engineer and Transportation Section. He represented the CG, ASF on the Joint Chiefs of Staff Subcommittee for Beach and Underwater Obstacles. He received a commendation for his services in research and development. His active duty was completed in August 1946, with the rank of lieutenant colonel. He remained active in the Army Reserve and retired in June 1963, upon graduating from the Command and General Staff College, Fort Leavenworth, KS, and completing 28 years of service.

In civilian life he was employed as an engineer on various construction projects. After the war, he became associated with the NYC architectural firm of Voorhees, Walker, Foley and Smith, as assistant chief engineer, mechanical department, and then as project manager and chief, office services.

In February, 1964, he was appointed Acting Postmaster of Hackensack, and in August, 1965, he was confirmed by the U.S. Senate and received his Presidential Commission. He received an award from the Director, Philadelphia region, for having the best group 2 Post Office in the Philadelphia region. The Postal Reorganization Act eliminated the Post Office Department and established the U.S. Postal Service. This restructure set up management sectional centers in 1972, and Bill was assigned as the MSC Manager/Postmaster, Hackensack.

Bill is active in community life. He was formerly chairman of the Hackensack Housing Authority; Commander of the MOWW, northern New Jersey chapter; president, Batory Group, Association, Sons of Poland; chairman, Hackensack Area Community Chest; president, Hackensack Kiwanis Club; treasurer, Boy Scouts, Tindai district; deputy commander, the American Legion; and chairman, Bergen County Cultural and Heritage Commission. He is a member of the advisory board of the Salvation Army, Hackensack. In 1974, he received the "Man of the Year Award" from the Bergen AMPOLS for his outstanding service to the Bergen County community. He has been serving for many years as the grand marshall, Memorial Day parade, Hackensack.

Bill is married to the former Marion E. MacEwen of Boston, MA, and has 5 daughters and 10 grandchildren.

Mr. Speaker, I join Bill Nawrocki's friends and associates in wishing him all the best in the years ahead.

A LETTER FROM NEW JERSEY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. COURTER. Mr. Speaker, on February 3 the House narrowly defeated a motion for further aid to the Nicaraguan resistance. But the issue will return, since the contest between freedom and tyranny in Nicaragua is still going on, and I cannot believe this House wishes to permit the latter to prevail.

I take this opportunity to enter into the RECORD an exceptional letter I received from a constituent, Mr. Drew Gibson of Morristown, NJ. It makes the case for the Nicaraguan resistance clearly, soberly, and sympathetically. When I read his letter, I was prompted to recall how the authors of the Federalist papers set for themselves this task: "to refine and enlarge the public view." Surely elected officials should strive to do the same. And yet, as Mr. Gibson's letter shows, the perennial challenge to those of us sent here to Washington is to be as refined and as broad in our views as are the people we represent.

The letter, dated January 22, 1988, follows:

JANUARY 22, 1988.

DEAR CONGRESSMAN: As a resident of the State of New Jersey I urge you, most emphatically, to support President Reagan's upcoming request for more military and humanitarian aid to the Nicaraguan Contra Rebels.

I urge this despite my own solid liberal background: I marched against Vietnam, I volunteered for McGovern in Massachusetts, and I voted for Jimmy Carter. But over the last six years I have been studying history and have become disturbed by what happens to a country when dominated by a Marxist-Leninist minority.

As a product of the Sixties and Seventies, the idea of having my own life controlled by an authoritarian, Leninist state is absolutely horrifying, and I think most Americans—regardless of their political affiliation—share that view. I think it nothing less than creeping racism to assume that the people of Nicaragua find this prospect in their own future any less frightening.

The only chance the future generations of Nicaragua have for lives of individual freedom is if they physically resist now the control being forced upon them by Soviet-, Cuban-, and East European-trained cadres. But in an age of helicopter gunships and automatic weaponry it is naive to think that farmers and shopkeepers have any chance to resist sophisticated efforts to control them without help from outside. Please help the people of Nicaragua to help themselves, and please use my tax dollars to do it.

Sincerely,

DREW GIBSON.
Morristown, NJ.

HONORING JAY AND DEBBIE SCHECHTER

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize the current president of Young Israel of Flatbush and his wife, Jay and Debbie Schechter.

Jay and Debbie have a 20-year affiliation with Young Israel of Flatbush. Before that, their parents and grandparents have been members since 1938. Jay has served in numerous offices including his current post of president throughout those 20 years. In addition, he serves as the chairman of the board of education of the Yeshiva of Flatbush. His outstanding ability and service to the community were recognized in 1979 when President Carter named him to the National Holocaust Commission. Jay is not the only bright star in the Schechter family. His wife Debbie has also served Young Israel with consistent dedication and skill. She has been an active member of Young Israel of Flatbush and been of great assistance to Jay.

On March 1 the congregation will honor this dedicated couple at its annual dinner, and I would like to add my personal congratulations. No tribute is more greatly deserved.

OWEN B. BUTLER: GREAT CINCINNATIAN, GREAT AMERICAN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. McEWEN. Mr. Speaker, later this month, a friend and one of our Nation's leading citizens will be honored by the Greater Cincinnati Chamber of Commerce by receiving the "Great Living Cincinnatian Award." Mr. Owen B. Butler is truly deserving of this distinction. He joins over 50 others in the history of the city who have ever received the award.

As a leader in the Cincinnati community for the past three decades, Brad Butler epitomizes what this award is all about. He was chosen by the executive committee for his outstanding community service, his monumental business and civic achievements, his forceful leadership, and his compassion and commitment to betterment of all Cincinnatians.

Mr. Speaker, I would like to commend to the attention of my colleagues a brief biography of Mr. Butler which details his many achievements:

BUTLER NAMED GREAT LIVING CINCINNATIAN

CINCINNATI, OH, January 18, 1988.—Owen B. Butler, retired chairman of the board of The Procter & Gamble Co., is this year's recipient of the Great Living Cincinnatian Award presented annually by the Greater Cincinnati Chamber of Commerce.

Butler joins 50 prior recipients of the award, which was first presented in 1967.

Recipients are chosen by the executive committee of the Chamber's board of trustees based on the following criteria: community service; business and civic attainment on a local, state and national or international level; leadership; awareness of the needs of others; and distinctive accomplishments that have brought favorable attention to their community, institution, firm or organization.

The award will be presented at the Chamber's Annual Dinner Feb. 19 at the Hyatt Regency Cincinnati.

Owen B. "Brad" Butler, 64, was born in Lynchburg, Va., and has been part of the Greater Cincinnati community since 1957.

After joining The Procter & Gamble Co. as a salesman in 1945, Mr. Butler held a number of positions of increasing responsibility in sales management before he became sales manager of Procter & Gamble's U.S. soap and detergent business in 1960. In 1968 he rose to vice president of sales for the entire corporation. He joined the board of directors in 1972 and was named executive vice president in 1973, supervising Procter & Gamble's operating staff departments. He was named vice chairman in 1974.

Brad became chairman of the company in 1981 and retired from the post in 1986. One of his most visible achievements during his five-year tenure was construction of the company's 800,000-square-foot, twin-towered headquarters building in downtown Cincinnati.

A graduate of Dartmouth College, Brad has placed a high priority on education since childhood. Beginning in 1982, he chaired both the design committee and the full subcommittee of the committee for Economic Development. In its 1985 report, "Investing in Our Children: Business and the Public Schools," the CED made well-publicized recommendations for making students employable. The CED's second policy statement, "Children in Need: Investment Strategies for the Educationally Disadvantaged," calls for a national campaign of early and sustained involvement in the lives of disadvantaged children.

He recently accepted an appointment to head a State of Ohio commission on education.

Brad is a member of the "Y Group" on business-government relations, and he participates in House Wednesday Group meetings.

Mr. Butler serves as senior adviser for Daiwa Securities America, Inc., and as chairman of the Cincinnati Branch Board of the Federal Reserve Bank of Cleveland. He is currently director of Northern Telecom, Ltd., Hospital Corporation of America, Deere & Co. and EQUICOR-Equitable HCA Corp.

Brad and his wife, Erna, have lived on their farm near Morrow, Ohio, since 1957.

THE MOST IMPORTANT SPECIAL INTEREST OF THEM ALL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. PORTER. Mr. Speaker, I would like to submit for my colleagues attention the text of my recent Washington Report, which was printed in the January 28, 1988 edition of the News/Voice. It addresses the issue of special interests which Congress and the administration must courageously deal with if our budget deficits are to be reduced and controlled:

THE MOST IMPORTANT SPECIAL INTEREST OF THEM ALL

How many of these abbreviations do you recognize: ADA, ACU, ANEC, CFA? If you can't identify them don't feel badly. These public interest groups and scores of others are best known in Washington. There they work to influence Congress on issues of concern to them, including, of course, the funding they favor.

Virtually every special interest in our nation now has an organized lobby to promote its goals—and I do not use the term "special interest" in a pejorative sense. "Special interests" are the handicapped, educators, union members, businesses, veterans, and many others. Congress has responded well to their concerns, but in doing so we have lost the bottom line and have failed to add up the burden this places on our economy and on the American people.

Every lobbying group advances a compelling argument that its cause is just, and therein lies the problem. As our society has grown in size and complexity, demands for federal funding have far outstripped our economic resources. In the scramble for a piece of those resources, individuals have increasingly sought political power by identifying themselves as members of a particular interest group—seniors, veterans, business, students—rather than Americans in a larger sense.

Reflecting that political power, Congress has become a battleground, where victories for those specific interests often supersede the larger concerns of the nation. Our federal budget process in particular is regularly ignored and abused; again this year, the Congress produced a massive and shameful omnibus continuing resolution (CR) to fund the entire federal government that contains everyone's favored spending. You've no doubt heard of some of the pet projects in the latest $603 billion CR, which according to Newsweek "was passed in such haste that the Office of Management and Budget is still trying to find all the special interest baubles hidden in the fine print of its thousand pages."

Special interest pressure was never more evident than during November's overwhelming House vote to create a cabinet-level post for veterans. As the vote rolled up, everyone around me on the House floor said it was a terrible idea . . . but practically every member voted for it.

Why? Because the Congress is gripped in the craven fear of special interests. In particular, members are wary of the ratings these groups regularly release reporting whether a member was "right" on selected votes. These fears of receiving an unfavorable rating or report have undue influence on the way many members vote.

Although it was difficult, I voted against the VA cabinet-level proposal. My vote was not anti-veteran in any way, but rather a vote against expanding the cabinet with a new department at a time when deficits have reached crisis proportions. I think of myself as second to none when it comes to supporting our veterans; I respect the commitment they made to our country and probably represent more veterans than most other members of Congress. But faced with massive deficits, the need to control federal spending must be the higher priority.

Following that vote, I said that it's time for courage, time to end business as usual in Washington and risk offending the lobbyists in order to come to grips with the crisis that is upon us. But in our political system, that means the American people must demand that change. They must send a message to Congress: "Get our budget and deficits under control. If necessary, I'm willing to freeze or trim my favorite program as long as everyone else is willing to do the same."

While the many interest groups that represent our diverse society will always be a force on Capitol Hill, their influence should be tempered by larger concerns. We cannot forget that while we may be Social Security recipients or veterans or businessmen or government employees, before anything else we're Americans—the most important "special interest" of them all.

BLACK HISTORY MONTH, 1988

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. LANTOS. Mr. Speaker, "Black History Month" this year got off to an unusually rousing start when Doug Williams and the rest of the World Champion Washington Redskins were feted in the Nation's Capital by 500,000 joyous fans and a reception at the White House. All Americans, of every color, could be proud of this young man's record-shattering performance, that of the first black to quarterback any team in the Super Bowl.

Unfortunately, the annals of blacks in America do not read like Williams'. It has been only a generation since the last legal barriers to black equality were removed, and the vestiges of inequality linger. Yet if one looks at the whole of black history, one cannot help appreciate what blacks have done for themselves in the middle and final decades of this century.

Their ancestors were rounded up in Africa, traded for manufactured goods from Great Britain and elsewhere, loaded into slave ships with inadequate food and water and shipped across the ocean. "Tight packing" was the preferred method because while more slaves died during the voyage, more survived to labor in the fields of their masters.

During the height of the Atlantic slave trade, roughly from the 1500's to the 1800's, 10 to 20 million blacks were transported into slavery in various countries around the world. Let me repeat—10 to 20 million. Of that total, 400,000 to 1.2 million wound up in North America, to swelter amid flies and disease on the plantations of the Carolinas or Georgia or Alabama or Virginia.

During the first two centuries of slavery in America, everything went against the slave. In the eyes of the law in most Southern States, blacks were "antimate chattel," without rights in the Nation that had just drawn up a Constitution and Bill of Rights beginning with "We the people.* * *"

Imagine the most intelligent, respected leaders in our society today. Now imagine people of equal stature, back in 1850, actually debating over whether Missouri should be admitted to the Union as a slave State or a free State. Or whether Dred Scott still belonged to his owner if he fled to another State. Or whether constitutional guarantees for all, on our planet's last best hope for democracy, could be fulfilled by hopelessly flawed reasoning, supported by many black leaders of the day, called separate but equal.

Not until this century did anything resembling legal progress for blacks begin materializing, and not until 1954—just 34 years ago—did school integration become the law of the land. Not until the 1960's were blacks legally allowed to sit at lunch counters with whites in the South. There are many blacks in their late 30's and early 40's today who remember traveling through Georgia with their parents in the late 1950's, only to be told by the Holiday Inn manager that there were no rooms for the family there that night.

Now, in 1988, things are better, although, to be sure, nowhere near Nirvana. In corporations, blacks are not promoted as quickly as whites. In many U.S. communities, segregated housing is still the norm, despite laws against it. If you are a young, uneducated black male in an American city, your chances of getting a job and living any sort of decent life are not good. If you are a young, uneducated, black, pregnant woman, you face despair, a life of perpetual winters.

But we do have black astronauts reaching for the stars, black women lawyers arguing cases, black athletes excelling, black bankers and businessmen closing deals. Perhaps most important, we have Bill Cosby, whose sitcom is the most popular on American television, where color is never mentioned. Black talent is being discovered and nurtured, though not to the extent that it should be.

Mr. Speaker, in another generation, we have hopes that even the vestiges of racial hatred will disappear, that Martin Luther King's dream will become reality. For now, we have "Black History Month"—a time to ponder the past, learn its lessons, appreciate progress and move forward, perhaps to a day when a black history month is no longer necessary.

HONORING LOUIS HEIMBACH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. GILMAN. Mr. Speaker, permit me to call to my colleagues attention the stellar public service performed over the past 17 years by Orange County's executive, Louis Heimbach, of Middletown, NY.

Lou, who was first elected town supervisor of the town of Wallkill in 1971, brought his years of experience as a successful farmer to the management of town government. Lou was so proficient that his townspeople reelected him as their supervisor to two additional terms. By then, having earned his reputation as an effective administrator, he became a leading candidate for the office of county executive of Orange County.

The executive form of county government was still in its infancy stage when Lou Heimbach became our second county executive. It had only been a few years before that our Orange County charter had been revised to provide for a county executive and a county legislature. During his 11 years in office, Lou performed a masterful job in keeping the complex wheels of our county government functioning.

Lou Heimbach, a graduate of Middletown High School, received both his bachelor of science degree and a masters in business administration from Cornell. An Air Force veteran, Lou resides in the Middletown area with his devoted wife Catherine and their sons, David and Jonathan.

On February 20, the GOP committee of the town of Newburgh, NY, is honoring Lou Heimbach as the 1988 Republican "Man of the Year." I invite my colleagues to join in saluting this fine example of public service.

HONORING LOUIS HEIMBACH

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. FISH. Mr. Speaker, I rise today to pay tribute to Louis Heimbach, a friend and constituent from the 21st District of New York. Lou will be honored for his years of government and community service as the town of Newburgh Republican Committee's "Man of the Year." Lou's commendation will come at the committee's annual Lincoln Day Dinner on February 20. After hearing mention of only a portion of Lou's community and political involvement, I am sure you will understand why he is a natural choice.

Lou serves the local community in the third year of his third term as Orange County executive, which follows the three terms he served as supervisor of the town of Wallkill. He chairs the Hudson Valley Economic Development District Board, which is the economic branch of a seven-county consortium that consults with local municipalities on development concerns. Lou is also a member of the Stewart Airport Commission, an organization designed to expand the airport while preserving the quality of life in the area.

On the State level, Lou has served as the president of the New York State County Executives Association, and he is presently vice chairman of the New York State Association of Regional Planning and Development Organization. He has served as a member of the State Civil Service Commission and was chairman of the New York State Association of Counties Blue Ribbon Task Force on Physically Handicapped Children.

A former president of the National Association of County Executives, Lou has been recently appointed vice president of the National Conference of Republican County Officials.

As you can see, Lou, who has his bachelor's and master's degree from Cornell University, does not spend his time idly. Lou's dedication and his contributions are felt throughout the Hudson Valley.

WASHINGTON, SAVE YOUR CHILDREN!

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. STOKES. Mr. Speaker, I read with great concern a recent article in the Washington Post entitled, "Washington, Save Your Children!" The author, Joyce A. Ladner, Ph.D., a prominent sociologist at Howard University, describes the bleak outlook on life held by many of today's youth. This view on life, she writes, has led to an outbreak of violence never before experienced in our communities.

Mr. Speaker, our Nation prides itself as a leader in global affairs. Yet, what future can we envision when our most valuable resource—our children—are dying before our eyes?

I would like to encourage my colleagues to read this important article. We cannot afford to ignore Dr. Ladner's message and the implications it holds for our Nation:

Washington, Save Your Children! We Have Created a Blood-Soaked Wasteland of Despair, Where Our Kids Feel Worthless

(By Joyce A. Ladner)

As the black mother of a 13-year-old son, I am chilled by the murders of children in the District. As a sociologist who has spent a great portion of my career trying to find solutions to the problems facing poor blacks, I find myself trying to explain a new kind of terror, pain and confusion.

Like many District mothers and fathers I have talked to, I have reached my boiling point and I say enough is enough. We cannot continue to allow young men to maim, to kill and to be killed. Their lives are worth far more than the jackets and radios that often spark these fatal fights—even if some of these young people no longer believe this to be so.

The senseless killings and permanent maimings of black teen-agers by their peers have caused a crisis in our community. Dramatic action is needed to resolve it. But apart from a protest demonstration organized by the mother of one of the dead youths, the killings have been met with far less response than one would expect. I'm not hearing what I'd like to hear from the political leaders of this community.

The violence has escalated to the level where young black men are being killed almost routinely by other blacks. Some neighborhoods in the District are so terrorized by the violence that we are rapidly approaching street anarchy. Just this week police took a 9-mm semiautomatic handgun from a child of 12, the 178th weapon confiscated in this month alone.

What has happened to our city's youth to make them behave like this? In recent weeks I have talked to community leaders, youth workers and the young people themselves. I found much that is chilling, much that is sad. But I also found at least some grounds for hope.

A young man, elegant in Timberlane boots and silver chains, swaggered into one youth center I visited. "I hear there is someone here who wants to talk to an authority on the street," he said. "I'm an authority. What do you want to know?"

This handsome teen-ager is not someone you would want to cross. He, and others like him, can be dangerous. Yet, by the time I finished talking with him about how he viewed life and death on the streets, he was laughing shyly, looking like the child that, in many ways, he still is.

In my conversation with this young man and others, I was astonished at how little hope they have for the future. In one group of over a dozen poor teen-ages I talked to, only one was optimistic that the killings can be stopped. "I would put a police trailer on every corner where they sell drugs, because the drugs are the problem," he said. The other accept the violence as an inevitable fact of life. One 15-year-old said, "Nothing will stop it unless those who are doing it are locked up in Lorton or are six feet under." My "street authority" said he would buy three Uzis, go to each corner and mow down all the drug dealers.

Anyone who reads the newspapers knows what the problem is: In little over a month Kendall Merriweather, a 17-year-old Ballou High School student, was shot over his boom-box. Mark Setties was shot at the tender age of 12, allegedly by his uncle, and his German Shepherd was found shot dead beside him. The crowning blow for me came when 15-year-old Sean Smith was murdered over his jacket.

A lot of young people accept this violence as almost normal because they are faced with it in their homes, where they have grown up seeing relatives argue and fight. Limited verbal skills, high levels of stress and the frustration that come from a lifetime of extreme poverty in the midst of a wealthy society lead many of these youths to resort to violence to release pent-up anger. Many now feel they have to arm themselves in self-defense. As a teen-age girl put it, "Everybody else has a gun, so you'd better have one if you want to protect yourself." A 19-year-old male told me, "You can get shot and killed without selling drugs or from being a high-school drop-out. Nobody is safe even if you have a gun. The police are not that safe. Anytime people kill you over jackets and radios, they'll kill you over anything. Life doesn't mean anything."

Some young black women arm themselves with large knives in self defense. A director of a program for at-risk youths gave me a lethal-looking hunting knife with a four-inch blade. The knife was one of several the director had confiscated from a group of girls who, at a Halloween party she gave, had tried to drag one of their pregnant peers to a nearby graveyard. They meant to beat the girl up to "teach her a lesson" for having caused another of their friends to miscarry by a similar beating.

Sadly, self-defense for any of these youths means they may stab or shoot someone for calling them an insulting name, or someone accidentally pushes against them in a crowd. A counselor at a youth center said, "They feel they have to defend their pride, their sense of self and what they own against insults most of us would ignore." With the availability of guns and the devaluation of human life, fist-fights have been replaced by shoot-outs. As a Houston teen-ager said, "It's better to kill someone than to have to fight it out all night."

Still, the picture is not all dismal. Somehow, miraculously perhaps, some inner city youths manage to stay relatively untouched by the turmoil and decay all around them. They stay in school, go on to college, get and hold decent jobs. A still larger, middle group of youngsters could go either way. They would like to avoid the street gangs and drop-outs but they are unsure of the way. And even among those who have dropped out, many don't want to be what they are. I asked the "street authority" what he wanted to be. "A construction worker," he said. Then he laughed at the impossibility of his aspiration.

The vulnerability of these young people was driven home to me by the director of a program for at risk youth who mentioned to me that many kids in the program did not receive a single present for Christmas. Even the poorest family will manage to buy a toy for a toddler—not to mention the foodbasket, free-toy circuit that reaches welfare families with small children. But these teenagers are not on anyone's list. And it hurts. They talk tough, but you can see the hurt in their eyes, the director said. One teenager even admitted he had cried. A Christmas present may seem like a penny-ante concern. But such things are critical for the human spirit. It's another blow to an already fragile sense of self-worth.

The despair that has enveloped many poor communities is, however, a relatively new phenomenon. Back in the '60s I conducted research on poor black girls and found they shared the same hopes and aspirations as girls in the middle class. What they lacked were the foundations and pillars that middle class youths take for granted—decent clothes, educated parents, a secure home environment and role models.

I do not know what happened to these girls, but the chances are slim that they achieved their middle-class dreams. The children in Washington who are killing and being killed are the children of these poor black girls of the '60s—a generation that had fewer foundations and supports to hinge their dreams on than any other in recent memory. That generation reached adulthood when there were fewer jobs available for unskilled workers. Extended families and tightly-knit neighborhoods were rapidly disappearing. That generation had no civil rights or black-power movement to give it hope, pride and a strong sense of self-worth. Middle-class prosperity helped the few lucky ones to move to the suburbs. Many of the visible role models who had served as living proof that one could rise above poverty left with them.

The invasion of drugs into poor black neighborhoods did more than anything else to destroy the traditional values and hopes of families already weakened by joblessness and severe poverty. This modern-day plague created an unprecedented level of black-on-black crime where the elderly are preyed upon and children are recruited to buy and to sell drugs.

Although many parents of violent youths are working poor rather than welfare families, they find themselves unable to prevent their children from making quick and easy money by selling drugs, especially when they don't have the money to buy them the expensive clothes, jewelry, boom-boxes and cars that are popular among their peers. The parents' authority is further undermined by the tremendous amount of violence their children see in the streets and in the media.

The 19-year-old "street authority" said if he is away from home for several days during which there is a new report of a killing of an unidentified young black male, his mother is sure it's him until he returns home. Do her fears upset him? "Yes," he said, "it bothers me a little but I can't stay away [from the streets]." As a middle-class parent, it is hard for me to even imagine what it would be like to have to cope with the routine worries of his mother.

Yet, despite these enormous problems, I have not met a poor black mother over the past 20 years who did not want her children to do better in life then she did. Unfortunately, children aren't influenced that much by their parents' dreams unless the parents can help them to achieve them. Poor children soon realize their parents cannot afford to send them to college if they can't always pay the rent or keep the food from running out before payday. A 17-year-old told me he stopped dreaming of going to college when he turned 16. "By then I knew it was all over," he said.

Dashed dreams lead quickly to cynicism, hopelessness and despair. Unable to climb the ladder of legitimate success, young people are more easily lured into the fast lane of selling drugs for quick cash. Expensive Gor-Tex Jackets ($100 and up), Timberlane boots ($145), gold chains, and BMWs help to boost the flagging self-esteem of young people who feel they cannot achieve otherwise and who find reinforcement for

that belief in the materialistic values of the larger society.

The sanctity of human life has always held special value for a people who held on to life with such tenacity through the long, hard years of slavery. It is one reason why young mothers in the black community resist putting their babies up for adoption. But the old values regarding the sanctity of human life have clashed head-on with a new culture in which life is up for grabs.

I find it hard to believe, much less accept, the wanton disregard some of today's youths have for human life. How can they boast of being able to kill someone without getting their clothes bloody, or brag that they do contract killings for $200? How can their consciences let them sleep at night? When I was a child, my 9-year-old cousin accidentally killed another cousin while playing with a gun. I remember feeling sorrier for my surviving cousin than for my cousin who had been killed because I knew his conscience would bother him for the rest of his life.

But those inner-city youth who perpetrate today's violence grow up in a subculture where they make their own rules, where nothing is sacred. All too many of them know, personally, inmates serving prison sentences, intravenous drug abusers dying of AIDS, friends or relatives who have been treated for gunshot or stab wounds, or who have suffered from drug overdoses. When I asked some of these teenagers how it feels when one of their friends is killed, they shrug. "That's just what happens." But when you press them, they admit that "it hurts." Still there is the sense of hopelessness. "What can you do?" Only a great change in their own personal circumstances would spark a new optimism and hope in them.

I am tired of seeing Washington ambulance workers load bullet-riddled corpses of young black men into ambulances on the evening news. But, unlike some people with whom I have talked, I do not intend to become so desensitized to the problem that I will start turning off the television set to avoid the problem.

There are no simple and magical solutions to this complex problem. But there are many proven ways for dealing with important parts of it. We do not need yet another blue-ribbon panel to study the problem or lay out a 15-point program for action. Instead all of us in this community must pitch in to do everything we can to help, no matter how small our efforts seem. As a first step, we must accept the fact that we are faced with a major crisis that threatens the entire city. The most dramatic action, short of calling out the National Guard, is needed.

Here are some ways to begin: The first is stepping up efforts to take guns away from teen-agers. The police can't do this alone. They need strong community support, concern and vigilance. One way to provide it is by recruiting young black men to form neighborhood-watch programs as an adjunct to the police.

Next we need better ways to deal with high-school drop-outs—and to keep that critical middle group of kids from making the wrong choices before it's too late. There are models to draw upon from other cities and experimental federal programs, such as alternative schools and modified Job Corps programs. As Lee Brown, Houston's chief of police points out, "We will not be successful in diverting them away from crime unless decent-paying, meaningful jobs are made available to them."

More churches, schools, recreation centers and other institutions need to open their doors for after-school "learning centers" where youths can have a structured place to do their homework and enjoy recreational activities under the supervision of caring adults recruited from those communities. Many adults who have already successfully raised their own children have much to offer to such programs.

Parents, schools, churches, recreation centers and other institutions and individuals have to do more to teach young people how to handle conflict and stress without resorting to violence—again there are models from other cities. Many young people I talked to said that the few adults who do talk to them are not seriously interested in their views and, more often than not, talk down to them. We should set up youth forums and enlist the many young black leaders in our community as peer counselors to help these young people air their views.

Houston's Chief Brown also suggests that black leaders call a national summit on crime to share experiences and begin to develop new approaches. But first and foremost, there must be a call to arms to restore order in the streets and to make them safe again. If we do not act now, the cost in lost human life and potential will be incalculable. Washington must not become another Detroit, the teen-age murder capital of the world. We must find ways for our teen-agers to achieve their potential without being dragged down by the undertow of crime and violence.

CONGRATULATING MALCOLM A. BORG ON HIS 50TH BIRTHDAY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. TORRICELLI. Mr. Speaker, I rise today to congratulate Malcolm Austin Borg on the occasion of his 50th birthday on January 28. Malcolm has been an outstanding community leader in my district, the Ninth District of New Jersey, for over 15 years. His 50th birthday offers an appropriate occasion to mark Malcolm's accomplishments.

Malcolm ("Mac") began his career in communications as a general assignment reporter in 1960 and is presently the chief executive officer of Macromedia, the holding company for the Record, New Jersey's largest evening newspaper. While turning the Record into one of the Nation's most profitable daily newspapers, Mac, to his credit, has produced a paper with editorial integrity and honesty.

Mac's corporate success has not diminished his compassion to help his fellow man. While continuing to run a successful newspaper, Mac has still been able to become a community leader in New Jersey. He was chairman of the New Jersey Health Care Administration Board from 1974 to 1976, trustee of the Health Facilities Planning Council of New Jersey from 1965 to 1969, trustee of the Hackensack Area Community Chest from 1968 to 1971, and is currently the president of the Palisades Interstate Parkway Commission. In return for his altruistic dedication, he received the Service to Others Award from the New Jersey Salvation Army and a honorary doctorate from Ramapo College of New Jersey.

I hope Mac continues to help our community because everyone who has met him has been warmed by his compassion for his fellow man. His long list of accomplishments only marks the beginning of what Mac will do in the future. It will be a pleasure, as it always has been, to work with Mac. In conclusion, I would like to thank Mac for all he had done and wish him a very happy 50th birthday.

THE SELLING OF SAVIMBI?

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. COURTER. Mr. Speaker, Soviet communism is fighting rear-guard battles in many places in its empire, but few freedom fighters have actually "rolled back" Marxist imperialism as well as Dr. Jonas Savimbi. An important resistance figure in the fight against Portuguese colonialism, Dr. Savimbi (and the organization called UNITA) have been fighting ever since the departure of the Portuguese for the second decolonization of Angola. Already they have secured some one-third of their country from the MPLA and all of its Cuban, East European, and Soviet advisors and troops. UNITA asks for national reconciliation and elections; the MPLA and its imperial masters naturally have little interest in sharing their power over Angola.

As the fight for freedom goes on, however, an editor of the Arizona Republic returns from Angola deeply disturbed that the United States might be involved in preparing a false peace settlement in Angola. I would like today's RECORD to include his very interesting recent editorial.

[From the Arizona Republic, Feb. 4, 1988]

THE SELLING OF SAVIMBI

Is the U.S. Department about to snatch defeat from the jaws of victory in Angola? It is not unimaginable, given Foggy Bottom's well-known love affair with diplomatic equivocations.

While the White House fumbles and stumbles and Congress hems and haws over communist influence in Central America, the so-called "Reagan Doctrine" is succeeding spectacularly in Angola.

After six months of intense fighting, Jonas Savimbi's National Union for the Total Independence of Angola has delivered a resounding defeat to the pro-Soviet Marxist government in Luanda. Supported by South African long-range artillery and air cover, UNITA has driven the government army halfway back to its capital, despite the resistence of 40,000 Cuban troops.

Not only did UNITA stop the long-awaited government offensive dead in its tracks; it also destroyed the sprawling Cuban-Soviet air base at Cuito Cuanavale and has laid siege to the vital Benguela railroad. UNITA is now fighting closer to Luanda than it is to its provisional capital of Jamba in the remote southeast.

With only modest U.S. support—including Stinger anti-aircraft missiles—Savimbi is in a stronger position today than at any time since, after Portugal pulled out of its former colony in 1975, the Marxist regime seized power with Soviet and Cuban support. While not even Savimibi would claim UNITA is about to stroll victoriously into Luanda—the Soviets have lavished $1 billion in weaponry annually on their stooges, paid for with American oil revenues—Savimbi's goal of national reconciliation through a negotiated cease-fire and democratic elections is closer than ever.

That is why the recent activites of Chester Crocker, undersecretary of state of African affairs, is mildly troubling. Returning from talks in Luanda, Crocker announced that the Marxist government finally had agreed "in principle" to the total withdrawal of all Cuban troops. Crocker wants to broker a regional settlement whereby South Africa would pull out of Namibia (South-West Africa) in exchange for the removal of the Cubans from Angola.

The State Department is playing it coy, however, as to what else is on the table. Is the United States committed to supporting UNITA until a political settlement is reached? Will UNITA, an indigenous Angolan nationalist movement, be included in the talks along with the Cubans? What about the Soviet and Eastern bloc advisers in Luanda? Are they to come out along with the Cubans? Will Washington demand free and fair elections?

Getting firm answers to these questions has proved virtually impossible, even for Arizona Sen. Dennis DeConcini, who has played a prominent role in U.S.-Angola policy and who has helped abort previous grand solutions that might have sold Savimbi down the river.

To be sure, a regional settlement is desirable, and South Africa should pull its military out of Namibia. But South African fears of a Soviet client state in Angola and a pro-Soviet state in Namibia on its west and northwest flanks are legitimate. And a settlement in Namibia should not come at the expense of UNITA and freedom for Angola.

GOING BEYOND THE ISSUES

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. SCHUMER. Mr. Speaker, in its January 18 issue, Newsweek featured a piece in "My Turn" by Marshall Manley regarding the qualities he seeks in a Presidential candidate. Mr. Manley is the president and CEO of the Home Group, a New York based financial services company which includes one of the Nation's leading property and casualty insurance companies.

Among his many activities, Mr. Manley is a member of the Advisory Board of the Federal Home Loan Mortgage Corporation—Freddie Mac—chairman of the business committee of the New York Zoological Society, a trustee of the American Museum of Natural History, an associate of the Hayden Planetarium, and a member of the business committee of the Metropolitan Museum of Art.

Mr. Manley has substantial ties to Brooklyn. He received a BA from Brooklyn College in 1962 and graduated cum laude from the New York University School of Law. He is the president of the Brooklyn College Foundation. In 1987, Brooklyn College named him "Alumnus of the Year" and awarded Mr. Manley an honorary doctorate of humane letters.

Given Mr. Manley's impressive background, his insights into the selection of a President merit serious attention. I would like to share with my colleagues Marshall Manley's article in Newsweek, and ask that it be printed in the RECORD.

GOING BEYOND THE ISSUES

(By Marshall Manley)

For the life of me, I can't understand Gary Hart's fixation, and the fixation of many media people, on "the issues." When his integrity and deepest values were called into question by the Donna Rice scandal, Hart acted as if the whole episode had been trumped up to divert the public from something he called "the real issues." Hart left the race because of the character question. Now he has re-entered it for the sake of his "new ideas."

Issues are also the primary focus of many media commentators. And specific issues, they warn, are often obscured by the spotlight on a candidate's personality, or on his problems. They said this after Sen. Joseph Biden ended his campaign and when the Rev. Pat Robertson's claim of combat duty in Korea was challenged. I expect they will also say it now that Vice President George Bush's role in the Iran-contra affair has raised questions about his credibility.

But wait just one minute. Of course, issues are important. Of course we need to know what the candidates think about narrowing the deficit, improving international trade, defending vital interests and dealing with the Soviets. But can any issue be more important in a presidential election than character? Surely a campaign is something more, and something deeper, than a debate about the specifics of public policy.

In the final analysis, no matter how much we know about a candidate's views on specific issues, we can't really predict how he, or she, will react to the shifting demands and crises of an actual term in office. In 1932 there was little in Franklin Delano Roosevelt's conservative campaign rhetoric to suggest the innovative, experimental, even radical New Deal leader he would become in 1933. And it was FDR who became the great commander in chief of World War II after campaigning in 1940 (sincerely, I believe) on a categorical promise that "your boys are not going to be sent into any foreign wars."

Because a president's actual behavior in office is unknownable in advance, most voters wisely look beyond a candidate's stand on the issues to something more important: qualities of mind and character. And now that the first round of caucuses and primaries is almost here, and the candidates of both parties are fanning out across the country in the quadrennial ritual that has been called "the dance of democracy," I find myself measuring each one for five qualities that seem to me essential in a president. There may be others, of course, but these are the things I look for.

A president must be trustworthy. Integrity is hard to define. But as Justice Potter Stewart once said about pornography, "I know it when I see it." I can be only slightly more specific about the attribute of integrity. Though a white lie, or a lie told long ago, might not prevent a candidate for city hall or Congress or the Senate from getting my vote, I don't think we can afford to have serious doubts about the trustworthiness and integrity of the person who is the nation's chief executive.

A president must be tough. But this I don't mean harsh or ruthless. I mean he must have courage, stamina, a certain steely determination. I mean the capacity to endure exhausting days, moments of crisis and years of unremitting controversy without flinching. Journalist Ben Wattenberg says that a president needs to "wear steel tips in his shoes," and I agree. I want my president to be taught enough to face an adversary across the negotiating table without giving too much away. And I want my president to be tough enough, when he deems it wise to yield something in negotiations, to face the controversy that will inevitably follow. (A couple of questions come to mind: is George Bush's resolute loyaly to President Reagan a sign of toughness or of wimpishness? Are Bob Dole's war record, and the wounds he brought back from World War II, proof of courage—or just bad luck in combat, I don't really know. But both candidates, in my opinion, seem to have the backbone that is necessary for the job.)

A president must be gregarious. I can't think of a successful modern president who was a chilly loner except, perhaps, Woodrow Wilson. Politics is a communal and communitarian enterprise. It requires coalition building and consensus shaping. The gifts it demands are largely social gifts. And so as I study the candidates this year, I'll listen and look for reports from their colleagues: was candidate A a leader in Congress? How did candidate B work with his peers in his last job?

A president must have a sense of history. Harry Truman never went to college. But as he went through life and held positions of ever-increasing responsibility, he amazed his colleagues with the breadth of his scholarship. As a combat artillery officer in World War I, he displayed a knowledge of military tactics and leadership that came from his readings in history and the classics. As senator, vice president and president, he knew the troubles his predecessors faced—and the answers they found. Without a grounding in history, he might have been just another ward politican; with it he was, at the very least, a near-great chief executive.

A president must show a capacity for love. Sentimental as it may sound, I can't think of a better word—love of country, love of family, love of the rough and tumble of politics. Charles de Gaulle, whose love of France was magnificently public, was also driven by intense private love as well. He cared tenderly for his retarded daughter Anne. "No matter how busy he was in wartime London," a friend recalled, "he would try to be there when she was being put to bed, would hold her hand and tell her stories till she fell asleep." In a very different context, Ronald Reagan, whether gazing fondly at his wife or standing mournfully at attention on the beach at Normandy, has made it obvious that he's a man of tender feeling. I would want the next president to show a similar capacity for deep feeling.

I know that these qualities may not be sufficient to ensure that a candidate will be great, or even good, as president. But they do seem to be necessary. To me at least, questions of character are as important as any position a candidate might take on "the issues."

A TRIBUTE TO OLIVER W. WADDELL

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. McEWEN. Mr. Speaker, later this month Mr. Oliver W. Waddell will retire as chairman of the Greater Cincinnati Chamber of Commerce. His leadership and commitment to the greater Cincinnati business and civic community will be remembered for years to come.

Mr. Waddell's distinguished career has been a source of pride to Cincinnatians for a long time. He is one of our Nation's foremost financial leaders.

Mr. Speaker, I would like to command to the attention of my colleagues a brief biography of Mr. Waddell which details his many achievements and contributions:

OLIVER W. WADDELL

Graduate of Duke University. Law Degree from University of Kentucky.

Oliver W. Waddell has been a member of the staff of The First National Bank of Cincinnati since 1957, when he joined the Bank as a Management Trainee. In 1964 he was elected an Assistant Cashier and made Manager of the Hyde Park Office. In 1965 he became Assistant Vice President. In 1969 he left the Hyde Park Office to join Branch Administration. In 1971 he became Vice President and head of Branch Administration. In August, 1976, he was made a Senior Vice President.

He remained in that position until January 8, 1980, when he was made President and a Director, and in January 1982, Chief Executive Officer. On June 12, 1984, he became Chairman and Chief Executive Officer of The First National Bank of Cincinnati.

He was made a Director of First National Cincinnati Corporation in September, 1982, Vice Chairman in April, 1983, and Chairman and Chief Executive Officer on October 1, 1983.

Past member: Management Assistance Program, Community Chest, Neighborhood Community Development Task Force, Junior Achievement (Board of Directors), Shriners Hospital for Crippled Children, Inroads, Board of Directors, College of Mount St. Joseph, Trustee, Family Service of Greater Cincinnati.

Board of trustees: Berea College, Christ Hospital, Cincinnati Council on World Affairs, Cincinnati Music Hall Association, Cincinnati Zoo. Greater Cincinnati Center for Economic Education, Greater Cincinnati Chamber of Commerce, Greater Cincinnati Foundation, Ohio Public Expenditure Council.

Board of directors: American Red Cross, Cincinnati Chapter, Boy Scouts of America, Myers Y. Cooper Company, Ohio National Life Insurance Company.

IN MEMORY OF KATHERINE ARPEE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. PORTER. Mr. Speaker, Katherine Arpee, a member of one of the founding families of Lake Forest, IL, died recently after a brief illness at the age of 84. Her passing is truly a sad moment in our area's history, for she was a woman of outstanding character and compassion and she was loved and cherished by all who knew her.

She was a granddaughter of Calvin Durand, one of the founders of Lake Forest, and attended Ferry Hall, Dobbs Ferry and Smith College. She was also one of the first couriers from the Chicago area in the Frontier Nursing Service of Andover, KY, and was active in the First Presbyterian Church of Lake Forest, the YMCA, and the Lake Forest-Lake Bluff Historical Society.

As a lasting tribute to a great lady, I would like to submit the following thoughts recently published in the Lake Forest newspaper by Lake Forest resident Susan Dart, a director of the Lake Forest-Lake Bluff Historical Society and local columnist:

Katherine Arpee died on February 1, 1988 in Washington D.C., which is somewhat ironic because she was born and lived all her life in Lake Forest. She had gone to her son's home temporarily to recouperate from a broken hip, but she had every intention of returning to Illinois to live out the rest of her life.

Her body will be returned to Lake Forest Cemetery where she will be buried beside her husband, Edward Arpee.

To say that Katherine Arpee was beloved in this town simply does not convey how people felt about her. We liked her as well as loved her, and that's important.

She was fun to be with. She was bright and she had a good sense of humor. She had friends of all ages, many of them considerably younger than she was, but any age gap vanished in seconds. She was Katherine, or Kate, to almost everyone.

And how she worked for the things she believed in—the Presbyterian Church and the Lake Forest-Lake Bluff Historical Society, to name just two. Her last work, almost completed, was a supplement to her husband's book, "Lake Forest, Illinois, History and Reminiscences."

She was, in fact, on a research errand for the supplement when she fell for the first time. But a broken hip hardly slowed her down. She pursued the task from her hospital bed and stuck with it almost to the end so that the work can probably be completed by others. But nothing can make up for her not being here with us in person.

Katherine, we miss you.

TRIBUTE TO EDWARD V. HICKEY, JR.

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. CONTE. Mr. Speaker, 2 weeks ago this Nation lost a dedicated servant. Two weeks ago the President and his wife lost a very dear friend. Two weeks ago, seven young men lost their father. And Mr. Speaker, 2 weeks ago Barbara Burke Hickey lost her husband of 28 years. Edward V. Hickey, Jr., meant a lot to many people and we will all miss him.

Mr. Speaker, Ed Hickey was enjoying some of the most wonderful years in his life when he died at age 52. He had seven sons he couldn't stop talking about. He took pride in each of them and their newly emerging careers. As these young men began moving from their parents' home, he was looking forward to spending more time with his beautiful wife, Barbara. And as Chairman of the Federal Maritime Commission his own career was in full swing.

Ed's death was unexpected and abrupt and we will miss him sorely. Yet, Ed was a man who had taken time with those he loved. He asked questions of his sons. He let them know how much he cared. Fortunately for his friends and particularly for his family, Ed Hickey did not put his career before his loved ones. He didn't wait for retirement to spend time with his family and friends. And that makes his death just a little less painful.

Mr. Speaker, Ed Hickey was proud of his family. He enjoyed watching his sons confront life's experiences—partially because of the fond memories he had of his own life as a young man. In fact, judging by the stories he used to tell, some of his most happy years were spent as a young man at Boston College. I shared this experience with Ed and in fact, it was in the context of Boston College that I first met Ed. For Ed, graduation from Boston College marked the beginning of a lifelong commitment to the institution.

But perhaps no relationship was more significant for Ed, than his love for the Catholic Church and his Lord. He nurtured that relationship in every way. He was a member of the Catholic University of America's Board of Regents and was invested by Pope John Paul II as a Knight of Saint Gregory.

In Washington, Ed Hickey was best known as a distinguished public servant. After serving with the Secret Service, the California State Police, the State Department, and various positions within the Reagan administration, Ed Hickey became the Chairman of the Federal Maritime Commission. In 1985 he was the recipient of the Defense Department's highest civilian award, the Distinguished Public Service Medal.

But no matter how high the position or how lofty the title, Ed Hickey never forgot two very important things—his sense of humor and his appreciation of the "little guy." Ed Hickey always made the people who worked for him feel important. And he always shared a laugh with everyone he met.

Mr. Speaker, Ed Hickey was a good man, a good servant, and a good Christian. He has left all of us with fresh perspectives, valuable lessons, and wonderful memories.

A TRIBUTE TO NEW HAMPSHIRE'S FAMILY WEEK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. LANTOS. Mr. Speaker, as we all know from reading statistics these days, the American family is under attack as never before—from divorce, from economic pressures that force mothers to go to work just to make ends meet, from excessive attention to the rights of individuals over their responsibilities as members of society.

I am happy to report that New Hampshire Gov. John Sunumu has declared a "Family Week" in his State, typically and appropriately observed around Thanksgiving, to honor the American family. His resolution setting up the week reads, in part, as follows:

> Whereas, the family unit remains the basic strength of this great society and is essential to shaping the individual's character, happiness and future success; and
>
> Whereas, the State of New Hampshire derives much of its strength and prosperity from the home and family, and will continue to do so in the future; and
>
> Whereas it is fitting that official recognition be given to the importance of family loyalty and ties . . . (I) urge each family member to join together to strengthen their home life through devotion, love, understanding and the enjoyment of working and living as a family unit.

Mr. Speaker, I believe the Governor has made an important statement on behalf of the family, and I enter it into the RECORD proudly. Whatever is lacking in family life—and there are perhaps some things—is no excuse to denigrate the institution that has built America.

TRIBUTE TO CHARLES S. LUBETKIN

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. TORRICELLI. Mr. Speaker, I rise to pay tribute to Charles S. Lubetkin, president of Brick Church Appliance, Inc., on the occasion of his being honored by the United Jewish Appeal Consumer Electronics—Major Appliance Division.

A native of Newark, Chuck Lubetkin was educated at the Newark College of Engineering, where he received the degree of bachelor of science in civil engineering in 1953. Chuck served in the U.S. Air Force, where he saw duty as a fighter pilot in Germany and attained the rank of first lieutenant.

Since 1956, Chuck has been employed by Brick Church Appliance, in Orange, NJ.

Brick Church Appliance, Inc. was founded by industry pioneer, Moe Zimmerman, in 1932. Moe began the business by supplying New Jersey's apartment house owners with everything from soap to nuts and bolts. When Moe received a number of requests for "ice boxes," Brick Church was born.

Under the guidance of president, Charles Lubetkin, and executive vice president, Stephen Weintraub, Brick Church has become the largest audio video, television and appliance chain in New Jersey. Brick Church stores now cover most of New Jersey and the Hudson Valley area of New York, perhaps the most active and competitive market in the Nation. Now encompassing 22 outlets, Brick Church has prospered by offering its valued customers the lowest prices guaranteed while providing a level of service unparalleled in the industry.

With the advent of third generation management by Jay and David Lubetkin, Brick Church has implemented an aggressive yet measured business plan that has yielded substantial sales increases. This growth coincides with Brick Church's substantial commitment to the audio and video specialty market.

During 1987, Brick Church reemphasized its superior sales training program and also installed a fully integrated point of sale computer system. By these measures, together with the refixturing of its older locations, and the opening of new superstores, Brick Church has positioned itself for market superiority through the remainder of the decade and beyond.

In addition to his professional career, Chuck has taken an active role in numerous community activities. He was the first chairman of the Economic Development Committee of Orange, and was appointed to the New Jersey Economic Development Council by Governors Byrne and Kean. Chuck has also served on the Newark Private Industry Council.

Mr. Speaker, it gives me great pleasure to recognize Chuck Lubetkin for his contribution to business and communal endeavors and to wish him and his family much success in the years ahead.

HONORING RALPH OPRE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. SCHUMER. Mr. Speaker, I would like to recognize today Mr. Ralph Opre for his years of dedicated service to the community.

For decades, Ralph Opre has been a leader in Brooklyn. He is a past president and active member of the Marine Park Civic Association. He is a former chairman and remains a member of Community Board No. 18. His voice and effort have been felt on nearly every major issue affecting my district in Brooklyn.

Ralph has recently decided to step down from the community board. The community that he has worked so hard for will salute him at a testimonial dinner on March 2. With an immense admiration and not without a certain regret at his departure, I join in that tribute. I wish him the best for his future; I know he has done his best for Brooklyn.

WILLIAM D. ATTEBERRY, A GREAT CINCINNATIAN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. McEWEN. Mr. Speaker, for the past 21 years, the Greater Cincinnati Chamber of Commerce has selected outstanding individuals in the community to receive their "Great Living Cincinnatian Awards." Later this month, Mr. William D. Atteberry will be the recipient of this most deserving distinction.

The board of directors of the chamber selects honorees based on a set of criteria including community service, business and civic achievements, leadership and distinctive accomplishments. Mr. Atteberry's accomplishments and commitment to the Cincinnati community makes him a most deserving recipient of this award.

Mr. Speaker, I would like to commend to the attention of my colleagues a brief biography of Mr. Atteberry which details his many achievements:

ATTEBERRY NAMED GREAT LIVING CINCINNATIAN

CINCINNATI, OH, January 18, 1988.—William D. Atteberry, retired chairman of the board of Eagle-Picher Industries, Inc., is this year's recipient of the Great Living Cincinnatian Award presented annually by the Greater Cincinnati Chamber of Commerce.

Atteberry joins 50 prior recipients of the award, which was first presented in 1967.

Recipients are chosen by the executive committee of the Chamber's board of trustees based on the following criteria: community service; business and civic attainment on a local, state and national or international level; leadership; awareness of the needs of others; and distinctive accomplishments that have brought favorable attention to their community, institution, firm or organization.

The award will be presented at the Chamber's Annual Dinner Feb. 19 at the Hyatt Regency Cincinnati.

Atteberry, 67, a native of Decatur, Ill., and a resident of Cincinnati since 1952, is well known for his contributions to the success of Eagle-Picher Industries, Inc.

Early in his career, Atteberry worked as an engineer for the P.R. Mallory Co. in Indianapolis and co-founded Western Lead Products Co. in Los Angeles. He served in the U.S. Marine Corps during World War II and earned a bachelor's degree in mechanical engineering at the University of Southern California.

Atteberry joined Eagle-Picher in 1952 as an engineer. After serving as production manager, division manager and executive vice president of the company, he was named president in 1967. The following year he was named chief executive officer, and 1977 he was elected chairman of the board, the position he held until his retirement in 1985. He continues his relationship with Eagle-Picher as director and as chairman of the executive committee.

Under his direction, Eagle-Picher made a number of significant acquisitions that enhanced its technological leadership. Those acquisitions included Hillsdale Tool and Manufacturing Co., Ross Aluminum Foundries, A.D. Weiss Lithograph Co. and Cincinnati Industrial Machinery.

Atteberry serves on the board of trustees of the Boys Club of Cincinnati. He has served Bethesda Hospital as a board member, board chairman, board vice chairman and committee chairman. He served as associate director of the Greater Cincinnati Foundation from 1979 through 1987 and now serves as director of the organization, which distributes funds from gifts and bequests to meet philanthropic, cultural, scientific and educational needs.

He is currently a member of the board of directors of Eagle-Picher, The Fifth Third Bank, The Kroger Co., Empire District Electric Co. and Vulcan Materials Co. As a member of the Cincinnati Business Committee, he served as co-chairman of the Local Government Task Force.

Atteberry and his wife, Doris, live in Indian Hill.

THE DEATH OF CHIANG CHING-KUO

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. PORTER. Mr. Speaker, on January 13 of this year the President of Taiwan, Chiang Ching-kuo, sadly passed away. His lasting legacy of a strong democracy was evident with the peaceful, orderly, and constitutional transition of power that followed his death. Thanks to Chiang Ching-kuo, the new President, Lee Teng-hui, will now preside over a country which is a free and peaceful democracy.

President Chiang Ching-kuo's last year was perhaps his most productive and successful. It was during this year that martial law was finally lifted, political parties were allowed to form, and the streets of Taiwan saw their first lawful public demonstrations in over a decade. Judicial rights were simultaneously restored and many political prisoners were released.

Over the course of his tenure, President Chiang Ching-kuo succeeded in depoliticizing the military. He also delicately balanced his fervent anticommunism with the desire of many of his citizens to visit family members on the mainland. By allowing these visits, the President displayed his humanitarian instincts at the same time he reasserted his belief that China would some day be reunified as one free and open democracy.

The new President, Lee Teng-hui, has big shoes to fill. It was Mr. Chiang Ching-kuo who set in motion the reforms which can eventually lead to complete democratic freedom. I trust that the new President will ensure that the political liberalization set in place by the late President will continue unabated.

UNION LODGE B'NAI B'RITH CITIZEN OF THE YEAR

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. RINALDO. Mr. Speaker, on March 13, 1988, Dr. Nathan Weiss, president of Kean College, Union, NJ, will receive the Union Lodge B'Nai B'rith Citizen of the Year Award.

Dr. Weiss joined the faculty of Kean College in 1961 and after 8 years of teaching assumed the presidency of the college.

His record of achievements during the past 18 years is commendable in all respects. He directed the transition of the school from teacher education to a multipurpose institution including four schools specializing in liberal arts, business, the sciences and education.

The college now offers 39 undergraduate major programs and 15 graduate degree programs ranging from computer science and health professions to technology and fine arts.

The growth of Kean College is attributable to the outstanding leadership and managerial capabilities of Dr. Weiss. In addition to his administrative responsibilities, Dr. Weiss continues to teach in the master of public administration and master of arts in liberal studies programs, specializing in government organizations.

He also has distinguished himself as a leader in numerous professional affiliations including the chairmanship of the New Jersey Association of Colleges and Universities.

His achievements in education have been recognized by several State and local organizations and he was named Outstanding Administrator by the American Society of Public Administration in 1985.

His selection as Citizen of the Year by the Union Lodge B'Nai B'rith is richly deserved, and I am proud to salute this outstanding individual for his contributions to higher education in our State.

IN HONOR OF THE SOUTH HILLS ELKS LODGE

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. WALGREN. Mr. Speaker, today, the Pittsburgh South Hills Elks Lodge will be celebrating the 120th anniversary of the founding of this order. Because of the Elks' diverse services offered to communities throughout the country, the value of this organization can be measured in countless ways. One of their most valuable assets is the strong example of patriotism that is the cornerstone of their organization. What a wonderful role model they are to all Americans.

I take great pride in sharing with my colleagues the following background information on the Elks.

THE ELKS

The Benevolent and Protective Order of Elks is one of the oldest and largest fraternal organizations in the United States. The first formal meeting was held on February 16, 1868 in New York City. Fifteen persons turned out, most of them young, undiscovered but budding artists who had gathered for companionship and to help their other out-of-work peers.

The idea caught on and spread to other groups and other cities. As it grew, the new organization broadened its membership base to include businessmen, professionals, farmers and representatives from other occupations.

Today there are more than 1.6 million members of the Elks in 2,280 local lodges found throughout all 50 States and the District of Columbia. Over the years, these lodges have evolved into the primary building blocks of the highly decentralized Elks organization. They provide recreational facilities for the entire family, but the lodges are also the focal point for the many community service and charitable programs that have become an Elk tradition.

Early in its history, the Elks supported groups such as the Salvation Army and the Red Cross. In 1871, they staged a benefit for the victims of the great Chicago fire. They raised money for victims of the Seattle fire and the Johnstown flood in 1889. Today, disaster relief continues to play an important part in Elk activities.

Patriotism has also been a hallmark of the Elks. In 1907, the Elks became the first fraternal organization in the Nation to mandate observance of June 14 as Flag Day. More than 40 years later, fellow Elk, President Harry S. Truman signed an order declaring Flag Day as an official national holiday.

The Elks National Foundation, the philanthropic arm of the organization, was created in July 1929 as an income-producing fund to help support national Elk projects and to supplement programs at the State and local lodge levels. Each year, scholarships are awarded to 500 outstanding high school students across the Nation. Emergency education grants are also provided to children of members who have died or been disabled.

Foundation support of State association projects is based on a revenue sharing concept. Funds are provided to each State in proportion to the level of contributions made by individuals in the State. The Elks contributed $39 million in 1983 to support cerebral palsy, veterans' hospitals, child care for retarded children, wheelchairs, recreational facilities, and other aids to the handicapped.

The Elks devote a great deal of attention to youth programs. Lodges and individual members sponsor more than 1,000 Boy Scout troops and 3,000 Little League teams, as well as Boys' Clubs and Camp Fire Girls' Club.

One of the most important youth programs in recent years has been the annual "Elks Hoop Shoot," a national free-throw shooting contest, for boys and girls from ages 8 to 13. Over 3 million youngsters from all 50 States participate yearly in the "Hoop Shoot" from local contests to the national finals where six champions were named.

The program, begun in 1972 on a national basis, provides spirited competition and the chance for youngsters to develop new friendships. Winners and their families also travel to State, regional, and national competition courtesy of the Elks.

I commend the South Hills Elks Lodge for their dedication to their country and their many contributions to their community.

ECONOMIC VICTORY OVER SOCIALISM-COMMUNISM

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. LEWIS of Florida. Mr. Speaker, a constituent and good friend of mine from Florida, Mr. Arthur Burck, recently wrote an article for the Palm Beach Post newspaper entitled, "Bureaucratic Tangles Hinder Soviet Industry," which I would like to share with my colleagues.

In his article, Mr. Burck correctly points out an important truth which, in this era of glasnost, goes largely unnoticed. This tremendously relevant fact is that economically, the Western democracies have scored a total and complete victory over the Socialist-Communist totalitarian states.

I commend Arthur Burck for his insightful analysis and encourage my House colleagues to take the time to read his article to gain a broader perspective of this crucial facet of East-West relations.

Mr. Speaker, I ask that the full text of this article be inserted into the CONGRESSIONAL RECORD at this point:

BUREAUCRATIC TANGLES HINDER SOVIET INDUSTRY

(By Arthur Burck)

The visit of Soviet Premier Mikhail Gorbachev should remind us that in this fast-changing world so filled with immediate problems, it is easy to overlook what historians may eventually assess as the most significant development of our times. It is that on the economic front there has been complete and total victory over socialism and its offshoot, communism.

It was not always clear that victory would be ours. Those who grew up in the Great Depression remember the arguments from a surprisingly large and varied section of American life that communism was the wave of the future. With 25 percent unemployment and "a third ill-fed, ill-clad, and ill-housed," many dedicated Americans then flirted with the untried promises of communism.

PRIVATIZATION WINS

Indeed, as recent as the early 1980s, socialism was still on the move; the socialist government of France then took over 95 percent of the banking industry as well as many giant industrial firms so that government was in control of most of the 20 largest corporations. Moreover, 17 of the 50 largest industrials in Western Europe—and of course everything in Eastern Europe—were government owned.

In recent years the tide has turned. France, Britain and other nations have been busy returning many of these big companies to private ownership—"privatization." Why? Big businesses, already burdened by huge and inflexible bureaucracies, became even more stagnant under the heavy hand of government bureaucrats.

In the first several decades of the postwar period, the vigor of the Soviet economy surprised many Western economists.

Soviet Premier Nikita Khrushchev in the early '60s confidently thundered to American diplomats that, on the economic front, "We will bury you."

But over the past decade the Soviet economic engine has been malfunctioning. Today the Achilles' heel of the U.S.S.R. is its stagnating economy. Soviet industry is choked by a massive government bureaucracy that, like bureaucracies everywhere, tends to stifle innovation and needed change.

Gorbachev therefore faces the mind-boggling task of implementing a thorough reorganization of Soviet industry, a job of unprecedented difficulty and seemingly insuperable challenges.

However, Gorbachev has yet to make the crucial decision: To open up to free enterprise, significant sectors of the economy, as has been done in other communist countries such as Hungary, Yugoslavia, and more recently, China. It is unlikely he every will.

Why? Because once the gates are open and the public tastes the advantages of free enterprise, can the tide be stopped?

But before we write off the U.S.S.R., we should focus attention on our own economy to make sure we are not making the same mistakes.

Bureaucracy is inherent in communism. The free-enterprise system, on the other hand, thrives best when businesses are dynamic, nimble, and creative—where bureaucracies are minimal.

Yet the natural flows of events is toward ever-enlarging bureaucracies. America is entangled amid the bureaucracies of three intermingled areas: big business, big government and big labor.

Just as the U.S.S.R. has erred in building its economy around big, burgeoning bureaucracies, so to a degree we have done likewise. In America the giant corporation dominates most industrial activity. That was all right when American industry dominated world markets with its mass-produced products, but the world is now one of fast-moving change. Nimble small competitors, usually foreign, have been able to run rings around our giants that are hindered by slow-moving bureaucracies.

COMPETITION BEST

In view of the wreckage we now see on our industrial scene, we now have ample proof that the huge industrial bureaucracies have outgrown their day of usefulness in a hotly competitive world where innovation is the name of the game.

The clear lesson is that in today's changed cirumstances the nation is best served when there is the largest possible number of viable, independent companies engaged in vigorous competition.

THE NATION NEEDS THE VA IN THE CABINET

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. MONTGOMERY. Mr. Speaker, in the days since President Reagan's endorsement of legislation to upgrade the Veterans' Administration to a Cabinet-level department and the subsequent overwhelming passage of that legislation in the House, many large city newspapers have expressed opposition to the change. In fact, the primary opposition has come from this one camp—large city newspaper editorial boards.

It is interesting to note, however, that the daily and weekly newspapers of some of our smaller cities and towns are taking a different position, perhaps a result of having carefully reviewed the facts.

The views of the Journal-Advocate of Sterling, CO, are typical of those I have seen recently from other smaller newspapers throughout the country.

VA CABINET POSITION MERITS SERIOUS THOUGHT

There is much pride among the United States population of service veterans, and with good reason. America's veterans have fought to preserve freedom within their own nation and abroad.

The sacrifices made by American servicemen and women are appreciated around the globe by the people who cherish liberty and morality as we do.

Although pride and morality may be among the reasons to elevate the Veterans Administration to a cabinet-level position, there are other good reasons as well.

Right now, when America is trying to meet its obligations to all of its citizens, while recognizing it must come to grips with the federal deficit, veterans across the nation are offering sound support for their cabinet position wishes.

The proposal to elevate the VA to cabinet status has been approved by the House of Representatives and has the backing of President Reagan. It now is being considered by the United States Senate.

The Veterans Administration impacts virtually every American family. Consider these facts when regarding the Veterans Administration, and whether the cabinet decision might make good sense:

The VA is the second-largest federal employer and third largest component of the federal budget.

It is the national resource which is involved in health care, defense, our national economy and is an integral part of the social fabric of our nation.

The VA is already larger than most cabinet-level agencies—State, Interior, Labor, Commerce, Education, Transportation, Energy, Justice, and Housing and Urban Development.

It administers the largest health care system in the free world; including 172 hospitals, 229 out-patient clinics, 117 nursing homes and 16 domiciliaries.

The VA has as its mission the provision of medical care to our nation's veterans and is the first line backup to the Department of Defense during times of national emergency.

It is the largest trainer of health care manpower in the U.S—with nearly half of the physicians in the U.S. today having received all or part of their training through the VA.

It provides innovative programs that affect millions of Americans, such as GI Home Loan and GI Bill Programs (which have improved the economy and have provided educational and training opportunities.

It undertakes medical research. The VA ranks second in size to the National Institutes of Health, and is working to confront the AIDS crisis and the mysteries of Alzheimer's Disease.

The VA administers America's largest vocational rehabilitation and training programs, with results in job opportunities, and employment for veterans with a disability.

It holds so many insurance policies that the VA would qualify to be one of America's largest insurance companies.

Yet, in spite of the above, it has been suggested the "elevation" only will benefit America's 27 million veterans.

This assumption is incorrect, as illustrated by these examples, which clearly indicate elevating the VA to cabinet-level status would not only benefit veterans, but would also assist most every citizen.

With these things in mind, perhaps it's time we welcome one more agency into cabinet ranks and help the VA perform the services it has been charged to deliver. Our veterans have made the sacrifice. It's time we acknowledge that.

THE 50TH ANNIVERSARY OF THE FEDERAL CROP INSURANCE CORPORATION

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. JONES of Tennessee. Mr. Speaker, today marks the fiftieth anniversary of the Federal Crop Insurance Corporation. In providing insurance protection for a rewarding but risky profession, the Federal Crop Insurance Corporation has come between disaster and millions of farm families over the last half-century.

The Federal Crop Insurance Corporation was created in 1938 during a year of major reorganization at the U.S. Department of Agriculture. Fifty years later, the Federal Crop Insurance Corporation is one of the few agencies created in that year that is still around—and has changed neither its name or its purpose.

That's because crop insurance was a good idea then and it's a good idea now. It offers affordable catastrophic insurance on crops damaged by weather, insects, diseases, and other adverse conditions. Crop insurance provides protection up front—before disaster strikes—and the policy is designed for the production and needs of the individual farmer.

Through the years, the Federal Crop Insurance Corporation has tried to balance the farmer's need to contain inherent agricultural risks with an actuarially sound program. And that balance is being perfected. 1988 marks two significant firsts in the Federal Crop Insurance Corporation: It is the first year that Federal crop insurance is being offered in all 50 States; and it is the first year since its major expansion—beginning in 1981—that insurance premiums are expected to be greater than losses.

This program not only provides the insurance protection the farmer needs, but something else even more valuable during the stressful times in which we live: peace of mind. When your cornfield is left looking like a rice paddy, you won't be wondering which Federal disaster program—if any—your farm qualifies for.

Mr. Speaker, please join me in extending my warmest congratulations to the Federal Crop Insurance Corporation—and especially, Mr. Speaker, on this occasion, to Mr. Frank Willard of Ottawa County, KS. Back in 1938, Mr. Willard signed a Federal Crop Insurance Corporation policy, and retained crop insurance on his farm until his retirement in 1980. As a member of the Ottawa County Agriculture Committee, he also sold FCIC policies until 1983, and for 45 years has advanced his community's economic stability through crop insurance.

Through this type of dedication, the Federal Crop Insurance Corporation has provided protection and peace of mind for half a century to American farmers. On behalf of those American producers, we express our appreciation today.

SURVEY SHOWS SHAREHOLDERS AND PUBLIC OPPOSE HOSTILE TAKEOVERS

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. THOMAS A. LUKEN. Mr. Speaker, I want to bring to the attention of my colleagues the following report of a survey conducted recently by Penn and Schoen Associates that demonstrates that large majorities of the American public—including shareholders—believe hostile takeovers are bad for the economy. As Congress considers legislation affecting takeovers, I believe it is imperative that we be aware of all the data available. I commend my colleagues to review this timely report.

SHAREHOLDERS AND PUBLIC OPPOSE HOSTILE TAKEOVERS

INTRODUCTION

This report summarizes the results of a national survey of 800 respondents who said that they were familiar with the issue of hostile takeovers of American corporations. Interviewing was done February 13th and 14th by our trained professional staff from our central telephone facility in New York. The sample was selected through the use of random digit dialing, which gives every American with a telephone a theoretically equal chance of being selected. The sampling error for this survey is 4.5 percent.

SUMMARY OF MAJOR FINDINGS

The survey found that a large majority of the American people believe that hostile takeovers are bad for the economy (63 percent), cause people to lose their jobs (71 percent), and result in additional speculation and stock market volatility (72 percent).

Only slightly more than one-quarter of our respondents say this type of takeovers make money for shareholders and help the economy by turning around poorly managed companies while more than three-fifths say this type of takeover forces companies to operate for short term results and benefits those who are in for quick profits.

Further, almost four-fifths of the sample favor legislation that would make takeovers more difficult and two-thirds believe that states should be permitted to continue to adopt laws making it more difficult to take over a company while only one-quarter want the federal government to stop states from passing this type of legislation.

Finally, solid majorities of the American people believe that corporations should have the right to engage in specific practices that make takeovers more difficult and less than one-third think the federal government should stop states from giving corporations these rights. Among the actions we tested in the survey were allowing corporate Boards of Directors to make takeovers more difficult; allowing shareholders of a corporation the right to vote to approve or disapprove a takeover; and allowing corporations the right to issue new stock and issue stock with different voting power as a means of blocking a takeover.

DISCUSSION

Initially, we told our sample that the questions would concern takeovers of corporations which their managements opposed. We further explained that these were what have been described as hostile takeovers. We only interviewed respondents who told our interviewers that they had heard something about takeovers of this type.

The first question raised the general issue of whether takeovers of this type were good or bad for the economy. As table 1 shows, a clear majority of all respondents, those who own stock, and those who participate in a pension plan said takeovers of this type were bad for the economy.

TABLE 1.—TAKEOVERS GOOD OR BAD FOR ECONOMY?

[In percent]

	Good	Bad	Don't know
All	15	63	22
Own stock	15	59	25
No stock	16	66	18
No pension	15	65	20
Has pension	16	61	23
Public pension	12	65	23
Private pension	18	59	23

The second question presented two alternative arguments about hostile takeovers to our respondents. The first was whether takeovers of this type make money for shareholders and help the economy by turning around poorly managed companies. The second was whether this type of takeover forces companies to operate only for short term results and benefits only those who are in for quick profits. We asked respondents to tell us which position was closer to their view. As table 2 shows, by better than a 2:1 margin, our sample, shareholders, and participants in a pension plan all said that this type of takeover forces companies to operate for short term results and benefits those who are in for quick profits.

TABLE 2.—TAKEOVERS MAKE MONEY FOR SHAREHOLDERS/IMPROVE ECONOMY OR FORCE COMPANIES TO OPERATE FOR SHORT-TERM RESULTS AND BENEFIT THOSE WHO SEEK QUICK PROFITS?

[In percent]

	Make money/improve economy	Short term/quick profits	DK
All	27	62	11
Own stock	27	63	10
No stock	27	62	11
No pension	26	62	12
Has pension	29	62	9
Public pension	33	58	9
Private pension	27	61	10

We next asked our sample whether takeovers of this type caused people to lose their jobs. On this issue, our sample was very clear in suggesting that they do. Overall, 71 percent said that this type of takeover caused people to lose their jobs while only 22 percent said they did not cause people to lose their jobs. Those who own stock (71

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percent) and those who have pensions (70 percent) agreed that this type of takeover resulted in people losing their jobs.

We followed up by asking whether takeovers of this type added to either stock market speculation or volatility. Seventy-two percent of our sample said they did add to stock market speculation or volatility while only 12% said they do not. Again, those who own stock (75 percent) and those with a pension (71 percent) said that takeovers of this type increased speculation and volatility on Wall Street.

The next question concerned whether certain persons who claim to represent shareholders' or pension plan participants' interests do in fact do so. We told our sample that some who claim to represent shareholders' interests and certain pension managers want laws passed to make takeovers easier and more frequent. We also explained that others who claim to represent shareholders' interests and certain other pension managers want laws passed to make takeovers more difficult and less frequent. We asked our sample to tell us which position was closer to their view. As table 3 shows, by about a 6:1 margin, all respondents, stock owners, and pension holders said that takeovers should be made harder and less frequent rather than easier and more frequent.

TABLE 3.—TAKEOVERS SHOULD BE EASIER AND MORE FREQUENT OR HARDER AND LESS FREQUENT?

[In percent]

	Easier and more frequent	Harder and less frequent	DK
All	12	79	9
Own stock	13	77	11
No stock	11	82	7
No pension	12	74	14
Has pension	12	82	6
Public pension	14	81	5
Private pension	11	83	6

We went on to ask whether our sample believed states should continue to be permitted to adopt laws making it more difficult to take over a company or whether the federal government should stop states from adopting laws making it more difficult to take over a company. As table 4 shows, two-thirds of our sample believe that states should continue to be permitted to adopt laws making takeovers more difficult while one-quarter believe the federal government should stop states from adopting this type of legislation.

TABLE 4.—SHOULD STATES CONTINUE TO PASS LAWS MAKING TAKEOVERS MORE DIFFICULT OR SHOULD FEDERAL GOVERNMENT STOP THIS TYPE OF LEGISLATION?

[In percent]

	States continue to pass laws	Fed. gov stop legislation	DK
All	66	25	9
Own stock	68	23	10
No stock	65	27	9
No pension	64	26	10
Has pension	67	24	9
Public pension	60	28	12
Private pension	71	22	7

Finally, we asked our sample about a series of actions some states now allow corporations to take as a means of deterring takeovers. We asked our sample whether states should be continued to allow corporations to take each action or whether the federal government should stop states from allowing corporations to take each action.

As table 5 shows, solid majorities of our respondents believe that states should allow corporate Boards of Directors to make takeovers more difficult; believe shareholders should have the right to vote to approve or disapprove a takeover offer; believe corporations should have the right to issue new stock at a discount to current shareholders to block takeovers; and believe corporations should have the right to issue stock with different voting power as a means of blocking a takeover.

TABLE 5.—SHOULD STATES CONTINUE TO ALLOW CORPORATIONS TO ENGAGE IN CERTAIN ACTIONS TO BLOCK CORPORATE TAKEOVERS OR SHOULD FEDERAL GOVERNMENT STOP STATES FROM ALLOWING THIS PRACTICE?

[In percent]

	States allow practice	Federal Government stop	DK
Shareholders have the right to approve or disapprove a takeover	79	14	7
Corporate board of directors can make takeovers more difficult	59	30	11
Corporation can issue stock at a discount to make takeovers more difficult	58	27	14
Corporation can issue stock with different voting power to block takeovers	56	29	14

ABOUT PENN & SCHOEN ASSOCIATES

Penn & Schoen Associates Inc. is a diversified opinion research firm with offices in New York and Washington. The firm has conducted research for clients such as Texaco, Amerada Hess, Pepsico, Philip Morris, the Avis Rent-a-Car system, and General Foods. Also, PSA has provided research and strategic assistance to former Vice President Mondale, as well as Senators Edward Kennedy, Frank Lautenberg, Daniel P. Moynihan, Jay Rockefeller, and Richard Shelby. In addition, the firm has also conducted research for approximately 20 members of the U.S. House of Representatives.

A TRIBUTE TO LUCIA MENDEZ—MR. AMIGO 1987

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Ms. Lucia Mendez, the newly selected Mr. Amigo.

Every year, members of the Mr. Amigo Association, who represent the city of Brownsville, TX, travel to Mexico City to select a new Mr. Amigo to serve as honored guest of Charro Days. Charro Days is a 4-day event in which the United States and Mexico are joined in celebration of the cultures of these neighboring countries. During Charro Days, which originated as a prelenten festival, Brownsville citizens participate in a series of parades, dances, and parties to demonstrate the goodwill of both countries. It is a well-planned, major function which is enjoyed and eagerly anticipated by many native south Texans as well as our winter visitors.

Mr. Amigo is selected on the basis of his or her contribution to international friendship and development of mutual understanding and cooperation between Mexico and the United States. It is for these reasons that Lucia Mendez is an excellent choice for this year's award.

Although primarily recognized in Mexico, her native country, as a singer and recording artist, Lucia Mendez has become a performer of truly international appeal. In addition to her singing career, Lucia Mendez has starred in 10 motion pictures and hosted her own television program. She is also known internationally as an accomplished model for her modeling appearances in American, Latin American, and French magazines.

In 1985, the Arts and Phonographic Sciences Academy of the United States nominated her to receive a Grammy Award in the category of "The most popular latin record of the year."

She has toured extensively in both the United States and Latin America and enjoys a record of sold out performances in New York, Los Angeles, Chicago, Miami, and San Juan.

Some of her outstanding achievements include her "Silver Goddess" award for her work as a movie actress; Heralds and Azteca de Oro Awards for her success as the most relevant personality in her genre; and Gold and Platinum Records for her high-selling musical recordings. In 1972, she was named "El Rostro mas Bello del Ano," which means "The Most Beautiful Face of the Year." In 1986, she also served as a judge in the Miss Universe Contest.

As Mr. Amigo, Lucia Mendez will receive the red-carpet treatment when she visits Brownsville as the city's honored guest during the upcoming Charro Days fiesta. During her 3-day stay on the border, she will make personal appearances in the Charro Days parades and at other fiesta events. Official welcome receptions will be staged by Cameron County, TX, and the cities of Brownsville and Matamoros, Mexico. The entertainer will also be the special guest at the Mr. Amigo Association luncheon and the president's party.

I ask my colleagues to join me in extending congratulations to Lucia Mendez for being honored with this special award.

A CONGRESSIONAL SALUTE TO STAN B. BOSLER, UPON HIS RETIREMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to bring to my colleagues' attention the long and distinguished career of an outstanding educator in my area, Stan Bosler. Stan will be the guest of honor at a retirement dinner on February 28, 1988, at the Cockatoo Inn in Hawthorne. This auspicious occasion gives me an opportunity to express my appreciation for his dedicated service on behalf of my hometown of Hawthorne and the surrounding community.

A lifelong resident of southern California, Stan graduated from Inglewood High School and began what would prove to be a successful career in education and community service.

Seizing opportunities for education and personal growth, he received a B.A. and a masters degree from California State University, Los Angeles. This was to be the pattern Stan would continue throughout his life, continuing after his college graduation to be involved with numerous community improvement projects and other civic-minded pursuits.

Stan began his career working for Trans World Airways in 1951 and continued with the company until he began teaching at Lennox High School in 1958. Besides teaching business related subjects, Stan also served as director of student activities and the business department. He has also volunteered his services to the athletic department, the student store, counseling programs for students with drug related problems, and was honored by the State of California for starting a business occupations laboratory. In 1973, Stan moved from Lennox High to Hawthorne High School where he continued his career in education. Since that time, he has been involved in a whole host of extracurricular activities. Among the long list of Stan's impressive accomplishments: Work experience coordinator; teacher of the month; recipient of the Air Force's "Technology 2001" award; and was responsible for starting a Career Center Program, a Military/Aviation Career Day, and an Exploratory and Work Experience Program.

While dedicated to a career in education, Stan has given an enormous amount of his time and energy to various civic duties. In addition to his participation in professional organizations, such as the California Work Experience Association and the California Business Educators Association, which he served as southern section president and vice president of legislation, Stan has also been active in the California Teachers Association and the National Education Association. He has made significant contributions of time and energy to the U.S. Forest Service, the Southern California Regional Occupational Center, the U.S. Olympics, the advisory committee for a civic auditorium, and the YMCA. In addition, he has held major leadership posts in the Hawthorne DeMolay and has had the distinction of receiving their highest honor, the degree of Chevalier. On top of all these civic activities, Stan has found the time to become an accomplished author. He has published numerous articles in the Heritage Quest magazine and is currently writing a book on geneology.

It gives me great pleasure to recognize and pay tribute to Stan Bosler on the occasion of his retirement from a long career of service to the education community in California. Clearly, Stan's numerous accomplishments highlight the truly remarkable contribution he has made during his long and distinguished career. My wife, Lee, and I would like to extend our gratitude to Stan for his civic sprirt and contributions to our community, and wish him all the best in the years ahead.

WHO WON'T VOTE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. FRENZEL. Mr. Speaker, on Saturday, February 6, the Washington Post editorialized about a recent study done by the Committee for the Study of the American Electorate about voter registration laws and voter turnout.

The Post was on target when it suggested that methods like election day registration and licensing deputy registrars might not work for all States, and that mandated Federal systems might not be appropriate in all instances. Congress should take a look at low voter turnout, registration laws, fraud, and state purging practices but we should exercise extreme caution before legislating in an area that has been traditionally a State perogrative.

But, Mr. Speaker, one area of election law which surely screams for reform is the presidential primary matching fund system. The State-by-State expenditure limitation is a sham.

Timely enforcement of the law is a joke—the Federal Election Commission still has cases pending from the 1984 election. Congress created an unnecessary barrier of State expenditure limitations which candidate's committees have regularly circumvented with cute gimmicks like: First, staying in Massachusetts instead of New Hampshire or flying out of Iowa after 4 days because on the 5th day of a trip, the expenses are counted against the limitation; second, advertising in one State messages aimed at another; third, calling advertising expenses general fundraising expenses; and fourth, letting personal PAC's pick up expenses.

Mr. Speaker, the window for reforming the Presidential system will be 1989. By 1990 the potential candidates will start organizing out in Dubuque again. We ought to be ready to act by next year.

WHO WON'T VOTE

In the 1984 presidential election, 80 million adults Americans didn't vote. Next fall the number almost certainly will be higher. Voter turnout, as a percentage of eligibles, was only 53 percent, a slight rise from 1980; but the turnout rate in the 1986 off-year election was down from four years before. Ours is the lowest turnout rate of any advanced democracy in the world, and no one is quite sure why.

In the 1970s low turnout seemed a plausible consequence of the widespread negative attitudes and pessimism among voters and nonvoters alike. In the 1980, when opinion has been more positive and sometimes almost sunny, you could argue that turnout is low because many Americans think things are going fairly well and see no urgent reason to vote. Yet even if you take that view, you probably find it perplexing that only a bare majority of Americans vote in our presidential general elections, and only minorities vote in other contests.

Can anything be done about low turnout? A recent study by Curtis Gans' Committee for the Study of the American Electorate provides modest but useful suggestions. New laws and regulations, it points out, cannot do much to change the attitudes—angry alienation or soggy satisfaction—that have accounted for most of the decline in turnout over the past 20 years. But they can do something to raise turnout at least marginally. Drawing on the experience of various states, the committee estimates that allowing voters to register on Election Day, as they can in Minnesota, would raise national turnout by 6 million over four years. Allowing citizens to register when they get their drivers' licenses, as they can in Michigan, would raise it some 800,000. Other methods are estimated to produce increases of different size: increasing the number of deputy registrars (2 million), having uniform registration hours and days (1.4 million), refraining from purging those who don't vote from the rolls (1.3 million), door-to-door registration (1.1 million), mail registration (only 255,000).

Not all these methods strike us as good ones. A state with a history of vote fraud should be reluctant to license deputy registrars or allow Election Day registration, for example. And a state must always be careful about tampering with an often fragile system of registering voters and regulating elections: this is one system where having zero defects is important. For that reason we're skeptical about federal legislation such as that sponsored by Sen. Alan Cranston and Rep. John Conyers mandating national mail and Election Day registration. Nor do we think most states will want to go as far as North Dakota, which has no voter registration at all. But we do suspect that many state legislatures can make registration and voting easier, without seriously increasing the risk of fraud. This is a good time, well before next fall's elections, for them to think about it.

TRIBUTE TO FATHER "MAC" OF LANSING

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. TRAXLER. Mr. Speaker, I rise today in recognition of a unique American, a man who touched the lives of many in the mid-Michigan area, Rev. Msgr. Jerome V. MacEachin. Father "Mac," as he was affectionately known by so many, served as pastor of St. Thomas Aquinas Parish in East Lansing from 1943 until 1978, when he became Pastor Emeritus. Father Mac died on December 4, 1987, just 4 days before his 83d birthday.

Father Mac grew up in Ubly, MI, and entered the Sacred Heart Seminary in 1920. Ordained in 1932, Father Mac also earned his master's in education from the Catholic University of America in 1938. He served several parishes: Owosso, Battle Creek, and Charlotte, before coming to East Lansing.

Known for the twinkle in his eye, the shenanigans pulled to reach out to old and young, the magic tricks that delighted eager students, the devotion to his fatherland of Scotland, and the masterful way he could tell a story, Father Mac was also famed for his habit of approaching many a non-Catholic by telling them: "You are now an honorary Catholic."

Serving Michigan came easy for Father Mac. He served as State police chaplain from

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1960 on. He was also active in the Greater Lansing Social Service Committees for Crippled Children and Mental Health, the Red Cross Executive Committee, and the National Youth Administration, to name only a few. Father Mac was also instrumental in establishing Lansing Catholic Central High School. Catholic Central recently received the Award for Excellence from the Department of Education.

Lansing Bishop Kenneth Povish, in eulogizing Father MacEachin, described him in four ways. "He was, first and always, a Catholic priest in every sense of the word. He was a sterling citizen, too. The entire Lansing area was his parish. Father Mac was next a Michigan State University Spartan * * * who promoted MSU at every opportunity. And finally, Father Mac was a unique human being, being an incurable optimist."

Father Mac's ties to Michigan State University will long be felt. He served as pastor to Catholic students, helped form the Cardinal Newman Club, was an unpaid lecturer in Catholic theology, and helped establish the St. John's Student Center. In 1978 the MSU Board of Trustees recognized Father Mac's 35 years of outstanding service to the university and to the East Lansing community.

Father Mac also served the MSU Spartan football team as Chaplain, a post he held since 1954 when his good friend Duffy Daugherty was coach. Coach Daugherty also died recently. Having traveled to three Rose Bowls, Father Mac told friends that he would be watching the 1988 Rose Bowl with Duffy, in heaven. I have no doubt they both enjoyed the outcome.

BICENTENNIAL OF SOUTHEAST

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. FISH. Mr. Speaker, I rise on this occasion to speak to this Chamber about a community in my home district, the town of Southeast, which is celebrating its bicentennial in 1988.

A Bicentennial Commission of Southeast, comprised of 60 members of the community and representing a broad cross section of the townspeople, is organizing a year of celebration and special observances. The town of Southeast, established by an act of the State legislature on March 7, 1788, plans the opening event of the bicentennial year to take place on Sunday, March 6. On that day a ceremony will be held at Electrazone Field, which has a gazebo and is the location of the town's veterans memorial.

On the afternoon of March 6, opening festivities will include a brief history of the town of Southeast presented by town historian Suzanne Truran which will be followed by an address by John Dunford, chairman of the bicentennial commission and former deputy supervisor of the town of Southeast. Dunford will explain to all those assembled at Electrazone Field how the town expects to celebrate the year of its 200th birthday.

That evening there will be a series of theatrical performances written by nationally renowned playwright Louise Bisonga and featuring school children from the Brewster School system. The night of theater will present in a musical-narrative genre a history of Southeast correlated with a history of the United States. The town of Southeast Bicentennial Choir will also perform that evening.

In April, a program entitled, "The Blessings of Liberty" will be held in the old town hall on Main Street, Brewster an incorporated village in the Town of Southeast. This is a display on the Constitution and its formation. Besides celebrating the bicentennial of their town, my constituents in Southeast are celebrating our Constitution.

The bicentennial commission has arranged for the Big Apple Circus to visit the town for a week and provide performances under the big top, which will be set up on the Brewster High School field.

The year of celebration will come to a close in March of 1989 with a bicentennial ball being put on by the commission and the Brewster Volunteer Fire Department. This grand finale is a fitting conclusion to a year filled with parades, plays, and picnics.

I am extremely proud of the spirit that exists in the town of Southeast. All those on the bicentennial commission and all others who will give of their time and energy can take pride in their efforts. The town of Southeast is an example for communities everywhere.

LIMIT MEDICARE PART B PREMIUM INCREASES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. MAZZOLI. Mr. Speaker, today I am introducing legislation which would limit future increases in Medicare part B premiums to the rate of adjustment for Social Security cost of living.

The January 1, 1988, increase in Medicare part B premiums—38.5 percent—bears no relationship to the 4.2-percent cost-of-living adjustment for Social Security benefits. This needs to be corrected. My bill would make this correction.

The Social Security amendments of 1983—which I proudly supported—contained a provision which would have limited future Medicare part B premium increases to the cost-of-living rate. This provision was to be effective in 1989. However, a law President Reagan signed in December delayed this to 1990. My bill returns the effective date to 1989.

These Medicare premium hikes have a devastating effect on senior citizens who live in Louisville and Jefferson County and around the Nation as well. Not only are health care costs on the rise, but food, utilities, telephone service, and transportation are going up as well.

For all these reasons, I hope my bill will become law in this session. Our senior citizens need the assurance that next January their part B Medicare premiums will not increase more than the rate of increase they will get in their Social Security checks.

COMMEMORATING JOSEPH AND MARY HELEN BLASCO UPON THEIR INCLUSION INTO THE ORDER OF THE GAEL

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. BILBRAY. Mr. Speaker, I rise today with great admiration and respect to pay tribute to two outstanding Nevada citizens, Joe and Mary Helen Blasco. On Tuesday, February 23, Joseph and Mary will be included in the Order of the Gael during ceremonies conducted by Bishop Gorman High School.

During the sixth annual "Knight of the Gael" ceremonies, Joe and Mary will receive a well-deserved honor for their many contributions as outstanding citizens of Nevada and Las Vegas. Dedicating themselves to serving Nevada's youth, Joe and Mary have given of their time, of their energy, and of their resources toward the betterment of youth in a measure equaled by few.

Married in 1938, Joe and Mary are the proud parents of 5 and grandparents of 16. In 1953, after making numerous contributions to the construction industry in California, the Blasco family moved to Las Vegas. The Blasco Development Co. served as an essential part of the development of a booming Las Vegas, building apartment housing, warehouses, stories, mobile home parks, and fulfilling other critical infrastructure needs. The Blasco family's firm all the while made significant contributions to the national defense, including important work at the Yucca Flats area of the Nevada test site.

While serving his community and State in a variety of capacities including as a special assistant to then-Governor Paul Laxalt, Joe gave generously of his time and efforts in the construction of St. Anne's School. Mary has served as an indispensible member of the Blasco family's efforts, raising five children and leading the family in three tours around the world. She is an exceptional golfer—a skill to which Joe can attest, having yet to defeat her on the links.

The Blascos have been instrumental in the construction and development of the Spanish Trail project in Las Vegas. Few facilities in the world can match the quality of the homes and course found in this magnificent southern Nevada community.

For these reasons and for numerous others too lengthy to detail, Mr. Speaker, I ask my colleagues to join with me today in acknowledging the tremendous contributions of Joe and Mary Blasco to Nevada and our Nation.

HONOR RELIGIOUS RIGHTS OF SOVIET CITIZENS

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. SYNAR. Mr. Speaker, throughout 1988 special ceremonies and church services will

be held in the Soviet Union to commemorate the introduction of Christianity into Kievan-Rus', from which Ukrainians and many Russian Christians trace their rich religious and cultural heritage.

While the current Soviet regime sanctions this historical observance, there is compelling evidence that the officially atheistic government of the U.S.S.R. continues to violate the religious rights of its citizens, not only of Christians, but of Jews, Muslims, and others, as well. Severe restrictions are imposed on worship, religious education, evangelism, and the availability of religious literature. Additionally, there is a growing and apparently officially sanctioned anti-Semitism evident in Soviet society.

Glasnost does not yet extend to religious believers in the Soviet Union.

Some believers are imprisoned or confined in psychiatric hospitals as political dissidents because of their beliefs and conscientious convictions. Other acts of harassment, discrimination in housing, education, and employment, denial of emigration visas, and control of religious bodies by the State are all clearly incompatible with the free exercise of religious rights specified in the Universal Declaration on Human Rights and even recognized by the Constitution of the U.S.S.R.

Both the United States and the Soviet Union are signatories to the Helsinki accords of 1975, article 18, which reads as follows: "Everyone has the right to * * * manifest his religion or belief in teaching, practice, worship, and observance."

I recently joined with my colleagues to introduce legislation calling upon Soviet leaders to comply with its international obligations and allow religious believers to practice their faith freely.

House Concurrent Resolution 223 expresses the sense of Congress that in 1988, in celebration of the millennium of the evangelization of Kievan-Rus', the Soviet Union should proclaim a general amnesty for Christians imprisoned for their faith, permit unlimited public distribution and importation of religious materials, allow closed churches to reopen, new churches to be built, and theological seminaries to open or expand, and recognize the religious rights of all Soviet citizens.

Abraham Lincoln, speaking at Independence Hall in Philadelphia, referred to "that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but hope to all the world for all future time."

Lincoln's words enunciate the rationale of U.S. leadership in protecting liberty and standing firm in opposition to human rights abuses, wherever they occur.

In the Declaration of Independence, human rights are regarded as divinely "endowed" and "unalienable," thus transcending the powers of the state. The American tradition therefore regards freedom of religion as fundamental to human rights. The Soviet tradition, in contrast, regards human rights as granted by the state, and thus not having autonomy from the government which grants them. From this distinction stem the differences between the United States and the Soviet Union in practices regarding human rights, including their respective policies regarding freedom of religion.

The present mood of glasnost in the Soviet Union offers a new opportunity for active intervention on behalf of human rights. It is not enough merely to raise the issue of human rights. Our strategy for the protection of human rights will be most effective when linked to arms control and trade agreements.

Human rights interests cannot be separated from national security interests. Respect for human rights guarantees every nation's security and a peaceful and stable world. The Universal Declaration of Human Rights states: "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world."

U.S. interests are best served when our domestic and foreign policies support the values embodied in the founding documents of our Nation: the Declaration of Independence and the Constitution. These values of individual liberty, freedom of expression, freedom of association and security of the person rightfully stand enshrined in the heritage of this country. We identify ourselves and our Government as instruments to promote and protect these rights.

Since 1988 marks the 1,000th anniversary of the introduction of Christianity into Kievan-Rus', it is particularly appropriate that at this time the United States call upon Soviet leaders to release those imprisoned for their faith and to recognize the religious rights of all people in the Soviet Union.

TRIBUTE TO CHARLES P. PIZZI

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to Charles P. Pizzi, an outstanding public official, a great Philadelphian, and a very good friend.

After 12 years of public service, Charlie Pizzi is leaving the government arena. I want to take this opportunity to bring to the attention of Congress the many contributions that this man has made to the city of Philadelphia, and to the Delaware Valley.

As director of commerce for the city of Philadelphia since October 1986, Charlie Pizzi has lead the economic development effort for the mayor. During his tenure, Mr. Pizzi has attracted new businesses to the city, helped many organizations remain in the city, and set in motion a number of exciting economic development projects. Philadelphia is enjoying an economic resurgence, and Charlies Pizzi has played a major role in this positive trend.

The projects that Charles Pizzi has been active in include Penn's Landing, which will provide Philadelphia with one of the east-coast's premier waterfront attractions. Also under Charlie's tenure, the city broke ground for a new $77 million international terminal at Philadelphia International Airport. Mr. Pizzi has also attracted significant foreign investment to Philadelphia, including IKEA and Agusta Aviation. He has implemented such successful neighborhood development projects as the Ogontz Avenue Shopping Center and the Strawberry Square Shopping Center. In addition, Mr. Pizzi has been involved in a record number of sales of commercial and industrial properties, leading to the creation of thousands of jobs for Philadelphians. Most recently, Charlie was instrumental in persuading Cigna Corp. to remain in the city. After 4 months of negotiation, he successfully shaped a proposal which convinced Cigna to keep its corporate headquarters and 4,400 jobs in Philadelphia. It has been estimated that this action means a $340 million impact on the economy of the city.

Mr. Pizzi's many responsibilites on behalf of Philadelphia have brought him to Washington on many occasions. Charlie has testified before a number of congressional committees in support of legislation that benefits our Nation's cities. He has also been instrumental in securing million of dollars in new Federal funds for the city. From center city to the airport to the riverfront to Northeast Philadelphia and all over the city, Charlie Pizzi has left a mark on Philadelphia that will endure for many years to come.

I know that I share the sentiments of many, many people in Philadelphia when I say that he has earned the gratitude of our citizens for a job well done. We will all miss his capable talents in government. I want to wish Charlie Pizzi and his family—his wife, Elise, and their children, Justin, Gabriel, Christian, and their newborn son Keith—the very best in future endeavors.

GREENHOUSE EFFECT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. GREEN. Mr. Speaker, last week, Dr. Stephen H. Schneider, the head of the National Center for Atmospheric Research's climate system program, presented to members and staff an overview of the level of current scientific understanding of the greenhouse effect. He emphasized that the mechanisms of greenhouse heating of the atmosphere are well understood and that scientists agree that if carbon dioxide and other greenhouse gases continue to be released at current levels, an increase in global temperature is inevitable.

Researchers however, disagree as to the extent, rate and effect of future temperature increases. Such increases will depend, of course, on many factors, but especially on the level of fossil fuel use. Researchers generally predict, however, that we have already committed ourselves to an increase in temperature of 1.5–4.5 C in the next 100 years. Possible effects of this increase include shifts in the world's grain belts, coastal flooding and increased mortality due to heat.

Dr. Schneider explained that natural climactic variations have occurred throughout the history of the Earth. The danger of man induced greenhouse warming, however, is not only in the change itself, but in the rate of change. Given time, man, undoubtedly, would adapt to a warmer world. But the predicted

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rate of change due to greenhouse warming is about 10 times that of the natural rate of change since the last ice age. It is unlikely that man could adapt so quickly without substantial economic, social, and political dislocation.

What steps, then, can be taken to minimize greenhouse warming? Is there some principle that can help us choose which problems to spend our resources on? Dr. Schneider proposed a tie-in strategy in which those actions are taken which would provide widely agreed societal benefits even if greenhouse warming did not occur. For instance, one of the principal ways to slow down the rate of greenhouse warming is to invest in the efficient use of energy. Energy conservation would not only reduce the amount of carbon dioxide emitted into the atmosphere but also would reduce acid rain, negative health effects in urban areas from air pollution and dependence on foreign sources of fuel. Another tie-in strategy is the development of alternative energy technologies, as is the development of alternative crop strains more resistant to heat and dry soils.

Dr. Schneider emphasized that more and better data is needed for greenhouse effect climate models, especially data on tropical and global rainfall. The only method of obtaining comprehensive rainfall data is from space. It is unfortunate that existing satellites do not have the rainfall measurement capabilities that Dr. Schneider and his fellow climate scientists need to improve the accuracy of their models. Let us hope that NASA and the Congress will be responsive to the needs of greenhouse effect research efforts when planning for future space missions.

TRIBUTE TO DANIEL P. GALLAGHER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. ACKERMAN. Mr. Speaker, it is my great pleasure to rise today to recognize the 43 years of dedicated service Daniel P. Gallagher has provided to the U.S. Postal Service.

Dan's entire adult life has been devoted to Government service. In 1943, Dan began his postal career with the U.S. Postal Department as a "war service indefinite" clerk, while pursuing his high school education. After serving his country in the Army, Dan resumed his work in the post office as a subcarrier in the Madison Square Station, and, in 1951, he became a full-fledged carrier.

In 1966, Dan became a leader when he entered the supervisory ranks as a foreman at the Grand Central Station. Within 2 years, Dan was promoted to tour superintendent at Radio City Station. Never being a person who was content to stay put, Dan was promoted to superintendent of collection in 1973; in 1977, he attained the position of tour superintendent of operations; and, since 1980, he has served as operations manager at Madison Square Station.

Mr. Speaker, during Dan's long and dedicated postal career, he has served Branch 100 of the National Association of Postal Supervisors as secretary, executive vice president, and, since 1980, as president. Daniel Gallagher has accumulated numerous awards and commendations during his almost half-century career with the Postal Service.

Daniel Gallagher is representative of the over 800,000 hard-working postal employees who strive every day of the year to provide letter-perfect service to the citizens of our Nation.

On the occasion of his retirement, Dan's wife of 36 years, Gene, his children, and his extended family of members of Branch 100 of NAPS, can reflect on his achievements and be confident that in his years of retirement Dan will continue to have a positive impact upon his colleagues, friends, and family.

CHILD CARE

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. HOLLOWAY. Mr. Speaker, we have heard much about the need for action on the issue of child care. One question that I keep hearing is, "What role should the Federal Government play?", and "How can the Government respond to the needs of families while treating all women equally?"

Today, I am pleased to introduce legislation which would address the child care needs of all American families with preschool children. By eliminating restrictions on the current dependent care tax credit, not only will full-time mothers qualify for the dependent care tax credit, but working mothers will be allowed greater freedom of choice over who cares for their children.

As now written, the child care tax credit is restrictive, unwieldy and unfair, because parents who need it most don't qualify.

My proposal would establish child care tax credits of a fixed dollar amount, to be determined by a family's—or single parent's—earned income. This will give everyone with qualifying children the opportunity to make use of the tax credit regardless of whether the parents work. Caring for children is costly to both homemakers and working parents alike.

My proposal will allow families to fashion the child care arrangement that best meets their needs. This, Mr. Speaker, is sound policy. I believe that this proposal is the most realistic, effective, and efficient solution to the daycare dilemma facing American families, and I hope that my colleagues will join me in this effort.

FOUR CHAPLAINS HONORED

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today to commemorate the heroic acts of four chaplains who sacrificed their lives during World War II.

The story of these four brave men is well-known. At around midnight on February 8, 1943, the ship they were on, the U.S.S. *Dorchester*, was torpedoed by an enemy submarine while most of the 900 troops on board lay in their bunks. As fire engulfed the ship, the chaplains offered reassurance and encouragement to the frightened soldiers, distributed life preservers, and helped the men into lifeboats. When the supply of life preservers was exhausted, the chaplains gave their own lifejackets to others, and then remained with the burning ship as it went down.

The four chaplains, George L. Fox, Alexander D. Good, Johnny P. Washington, and Clark V. Poling each received the Purple Heart and the Distinguished Service Cross posthumously for their extraordinary heroism. In addition, on July 14, 1960, Congress awarded each man with this Nation's highest distinction, the Congressional Medal of Honor.

Mr. Speaker, I am pleased to announce two services being held in my district to honor these brave men. The first memorial mass will be held on February 11 by the Murray-Reynolds American Legion Post 76 in North Haven, CT. The second mass will be held by Milford American Legion Post 34 in Milford, CT, on February 24. All of us owe a debt of gratitude to the members of Murray-Reynolds Post 76 and Milford Post 34 for perpetuating the spirit of these four men, and for reminding us of our capability as human beings for acts of heroism and bravery.

Mr. Speaker, I urge my colleagues and all our citizens to join me in paying tribute both to the valor of these four men, and to the people at American Legion Post 76 and Post 34 who have kept their memory alive.

NATIONAL MUSIC IN OUR SCHOOLS MONTH

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. PURSELL. Mr. Speaker, I rise today to inform my colleagues in the House of Representatives that the month of March 1988 has been designated by the Music Educators National Conference as National Music in Our Schools Month. This observance is in honor of the 150th anniversary of American music education.

Whether through the inspiration of a school marching band, or through the sophistication of a school symphony, music influences the lives of millions of people who participate in performing and listening experiences developed through school music programs.

Being a member of the Labor, Health and Human Services, Education Appropriations Subcommittee, I have the great fortune of working with a variety of educational organizations from the college and university level, to grade school. It is truly a pleasure to see how music education develops sensitivity, esthetic awareness, and intellectual powers in young people.

Mr. Speaker, Music in Our Schools Month is a special opportunity for citizens to understand and support music education. I ask my

colleagues to join me, and the Music Educators National Conference, in proclaiming March 1988 as Music in Our Schools Month.

FIFTY YEARS OF CROP INSURANCE

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. MADIGAN. Mr. Speaker, the inability to control or accurately predict the behavior of the weather has always been one of the major risks faced by farmers. Drought, floods, hail, cold, and heat have plagued farmers since the beginning of time. Up until 50 years ago there was little farmers could do to protect themselves against the devastation of a drought or flood. On February 16, 1938 the Federal Crop Insurance Corporation was created to begin a program which would help the American farmer control the risk of weather and other nature related crop disasters.

Beginning with a pilot program for wheat growers in 1938 the program grew slowly covering certain commodities in selected counties. By the late 1970's, the program had expanded coverage to 27 commodities in 1,700 counties. The 1980 Federal Crop Insurance Act accelerated the expansion of crop insurance by authorizing an all-risk, all-crop nationwide program. By crop year 1982, nearly every county with acreage in wheat, corn, barley, grain sorghum, cotton, and rice had a crop insurance program. For crop year 1988, all-risk crop insurance is available for 54 types of crops in more than 3,000 counties throughout the United States.

While the crop insurance program has had its share of problems, some of which were related to the accelerated expansion of the program following implementation of the 1980 act, it serves a vital function in helping to protect thousands of farmers and millions of acres of cropland from the risks of weather related and other natural disasters. I am confident that the people of the Federal Crop Insurance Corporation are working diligently to make the program work better for the American farmer.

Mr. Speaker, I would ask my colleagues to join with me today in extending congratulations to the dedicated staff and employees of the Federal Crop Insurance Corporation on the occasion of the 50th anniversary of the creation of the Federal Crop Insurance Corporation.

THE 50TH WEDDING ANNIVERSARY OF MR. AND MRS. PETER SALOMONE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. LIPINSKI. Mr. Speaker, it is my pleasure to bring to the attention of this Congress two fine constituents from my district, Mr. and Mrs. Peter Salomone. This year the Salomones celebrate their 50th wedding anniversary.

During their years together, they have been blessed with 4 children, 11 grandchildren, and 1 great-grandchild. Mr. and Mrs. Salomone's marriage is a tribute to the strength and stability of family life. In a time when many marriages are short-lived, it is encouraging to see such a wonderful example of love and commitment.

I am sure that my colleagues join me in congratulating Mr. and Mrs. Salomone on this joyous occasion.

IN HONOR OF 100 YEARS OF ADULT EDUCATION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. LEVINE of California. Mr. Speaker, this school year we are celebrating the 100th anniversary of adult education in Los Angeles. Over the years the adult schools of Los Angeles Unified School District have done an excellent job of offering the finest education possible to the adults of the greater Los Angeles area. The mission of adult school is to provide quality, life-long educational opportunities and services, responding to the unique needs of the individuals in the various communities it serves.

In 1887 the first night school in Los Angeles was opened in a public school building. It had 30 students. The curriculum was literacy. The year 1890 saw business courses introduced into evening school and in 1896 Superintendent J.A. Foshay introduced cookery, sewing, and manual training into the Los Angeles night school curriculum. In 1899, as a service to the public, the first lecture series was given. In 1902 Marcus C. Bettinger was appointed assistant superintendent, with the direction of the "night schools" as one of his responsibilities. In 1903 evening Americanization and citizenship classes were opened at Polytechnic High School. This was followed in 1911 by the organization of the first day class for "foreign women" at Macy Street School. This marked the beginning of the neighborhood adult school.

In 1949 the first gerontology class was opened by Franklin Adult School at Monte Vista Elementary School. This class and the many that followed help to meet the educational needs of our rapidly growing older adult population. Rapid advances in technology during this century mandated that our high school and adult population have access to centers where training or retraining in the newest vocational skills can be obtained. To meet this need, central city occupational center—Abram Friedman Occupational Center—was founded in 1963. It was determined at that time that the many members of our community were not receiving the type of education and/or training required to enable them to take advantage of the employment opportunities available. The adult education division was able, because of its unique ability to institute new programs, to have Watts, Pacoima, and East Los Angeles skills centers, which offer short term intense job training programs, functioning in 1966. By 1976 there were six of these very special employment preparation centers available to the people of the Los Angeles Unified School District.

A great deal has happened since one adult class with its 30 students was begun in 1887. As of last year, 1986–87, the district had 27 community adult schools, five occupational centers, six skills centers and its newest school, opened in 1986, the business school which prepares adult and high school students to meet the challenges of this age of technology.

In contrast to the 30 students in that first class in 1887, 446,132 students were served during the 1986–87 school year. As we enter our second century, adult educators look forward to even greater accomplishments sure that in the future as in the past the quest for learning never ends.

It is an honor to share the history of the Los Angeles Unified School District adult education program with my colleagues in the U.S. House of Representatives.

FRUITLESS ENDEAVORS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. SMITH of Florida. Mr. Speaker, I have learned that the study mandated by the 1987 highway bill to identify measures that may improve the safety of schoolbus transportation will be fruitless. Despite my urging, the National Academy of Sciences [NAS] will not include crash testing in this study to determine the potential for future legislation requiring seatbelts on schoolbuses.

The NAS was directed to conduct a comprehensive study and investigation of the principal causes of fatalities and injuries to children riding in schoolbuses and the use of seatbelts in schoolbuses and of other measures that may improve the safety of schoolbus transportation. I informed NAS of my interest in crash testing and included a copy of the floor colloquy I had with Mr. ANDERSON, chairman of the Subcommittee on Surface Transportation.

But NAS simply will review existing studies without conducting crash tests or generating any new information. Opponents of my seatbelt bill cited this NAS study as the determining factor in the veracity of seatbelt legislation. In fact, some thought my bill was premature without the results of this study. Unfortunately, the study will not bring us one step closer to the truth that seatbelts belong on schoolbuses. Through crash testing, we would have learned, I believe, that seatbelts are the best safeguard against injuries sustained in schoolbus accidents.

The safety of our children who ride schoolbuses will be undermined by the unwillingness of the NAS to include realistic crash tests in this study. Crash testing in the NAS study would have provided the most up to date and critical information for the seatbelt in schoolbuses debate. Without crash testing of any sort, NAS will give us no new pivotal information.

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TRIBUTE TO F. RITTER SHUMWAY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. HORTON. Mr. Speaker, F. Ritter Shumway, a close personal friend of mine and a man who has contributed much to this country through his work in civic and national organizations, is being honored by the Rochester Power Squadron in Rochester, NY, on February 20. He is being honored for his substantial contributions to boating, and to safe boating in particular. I would like to insert in the RECORD a letter I am sending to pay tribute to this great American. I am indeed privileged to count such a man as Ritter Shumway as among my closest friends:

Tonight the Rochester Power Squadron of the United States Power Squadron celebrates the 50th anniversary of your founding and you honor an outstanding American, and your founder; F. Ritter Shumway. For decades, Ritter has worked tirelessly on behalf of the Greater Rochester area and of the people of this country. He has distinguished himself time and again and has served in a number of capacities, including the President of the United States Chamber of Commerce.

Tonight he is being honored for his contributions to safe boating. And how appropriate. For who has contributed more in the Rochester area than Ritter. Few have contributed more nationally. From his founding of the Rochester Power Squadron in 1938, to his serving as Chief Commander of the U.S. Power Squardons in 1948, Ritter Shumway continues his active interest in boating, boating safety and in bringing the pleasures of this great sport to more and more people.

Ritter Shumway feels strongly about boat safety and has overseen programs that have provided thousands of boaters with essential boat safety knowledge. We can assume from this training of novice and advanced boaters alike that hundreds of accidents have been prevented.

In his work with the U.S. Power Squadrons, Ritter has earned 50 Merit Marks. A Merit Mark is the only "pay" that a member receives for active contibutions of time to the workings of the U.S.P.S. Ritter personifies the spirit of volunteerism which is so essential to our society.

Finally, Ritter is a good and trusted friend, and a man who has played a key role in my Congressional career. Ritter, tonight I join your many boating friends in paying tribute to you and your work. Were it not that my schedule has me out of the country, I would be there personally. Nancy and I send our very best wishes for continued health and prosperity.

With kindest personal regards,

Sincerely,

FRANK HORTON.

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UNITED STATES OF AMERICA

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PROCEEDINGS AND DEBATES OF THE *100th* CONGRESS
SECOND SESSION

VOLUME 134—PART 2

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(PAGES 1467 TO 3053)

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, SECOND SESSION

SENATE–*Wednesday, February 17, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Our Heavenly Father, our hearts are saddened at the news of the death of Vividell McDonald. We thank You for her amazing service in the Senate dining room and ask Your blessing and comfort upon those who mourn her loss.

God of Abraham, Isaac, and Israel, the word of Moses to his people commands our attention: "Beware that thou forget not the Lord thy God * * * Lest when thou hast eaten and art full, and hast built goodly houses, and dwelt therein; And when thy herds and thy flocks multiply, and thy silver and thy gold is multiplied, and all that thou hast is multiplied * * * Then thine heart be lifted up, and thou forget the Lord thy God * * *."—Deuteronomy 8:11–14.

Gracious God, help us hear the words of President Abraham Lincoln, setting apart a day for National Humiliation, Fasting, and Prayer: "It is the duty of nations as well as men to owe their dependence upon the overruling power of God * * * and to recognize the supreme truth announced in Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord * * * intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the Lord that made us * * * we have grown in numbers, wealth, and power as no other nation has grown—but we have forgotten God * * * it behooves us then to humble ourselves, to confess our national sins, and to pray for clemency and forgiveness."

So help us God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 17, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. PROXMIRE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

OUR CHAPLAIN'S REMINDER

Mr. BYRD. Mr. President, I thank the Chaplain for his reminder to us that the Nation is blessed when it puts its faith in the Lord—blessed is the nation whose God is the Lord—and when he also boldly stated the truth that this Nation has forgotten God.

> Except the LORD build the house, they labour in vain that build it: except the LORD keep the city, the watchman waketh but in vain.

I am thankful that we have men like the Chaplain of the Senate who constantly remind us of the need for depending upon God, looking to him for guidance, placing faith in him, and following his precepts and his teaching, remembering, too, that had 50 righteous men been found in Sodom, God would have spared it; had 40 been found, He would have spared it; had 30 been found, He would have spared it; had 20 been found, He would have spared it.

He has spared America. And who are we to say that it is not because there are those who are still praying, God-fearing people, who at night, while some of us may be sleeping, are praying so that God may have mercy upon our land. So even though they may be the minority, it may be that that minority is keeping America within the good graces of the Creator of all things, He who rules in the destinies of men and nations.

I thank the Chaplain again.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing rules the Republican leader is recognized.

Mr. SIMPSON. Mr. President, I thank the majority leader. I am always stunned by the ability he has to recall phrases and philosophies in the past and his remarkable memory and the rich faith of the majority leader that I have seen on more than several occasions.

VIVIDELL McDONALD

Mr. SIMPSON. Mr. President. I, too, thank the Chaplain for his remarks as we deal with the shocking news of our friend Vividell, which is truly just that, and an unknown, hideous tragedy. She was such a spirited lady, so courteous and kind and friendly to us all.

Many of us attended her lovely wedding within this year.

Her death is an appalling thing, unknown.

So, as the fine Chaplain says, and I would paraphrase that certainly, we end up knowing where to turn when we do not know where to turn, and that is to a faith in a higher being.

So certainly we must draw deeply on that in times of tragedy and in times of turmoil as we grapple with the issues of this country.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

God bless her family.

CAMPAIGN FINANCING REFORM

Mr. SIMPSON. Mr. President, I just have a comment. I have been greeted in the morning papers from Wyoming with a full-page ad—which at least does not show me without my hairpiece—and it says "Senator SIMPSON," and it is full page "Stop blocking campaign finance reform."

One would never dream that my friend Archibald Cox would be up to that, but there is Archie's face which is in a rather strained condition there. I would not want to show this.

This is the top of the page, "Senator SIMPSON" and then, the evils of your loyal correspondent, "Stop blocking campaign finance reform."

It surprises me that Arch would do that. He was my professor in labor law at the University of Colorado when I took some extra hours on the GI bill. He is a good softball player. We had a lot of fun together. I have had some nice visits with him since I came to Washington, and he is a splendid man—he really is—and a spirited man, and he is the chairman of Common Cause. But on this one somehow his zeal has overcome his intellectual capabilities.

That is a statement in itself, because there is no one brighter, no one more honest, no one who I think commands the respect of the American people more than Arch Cox, of Watergate fame and labor law fame and who was my professor at Colorado University during a summer session.

But there is a reason, a very simple reason why some of us on this side of the aisle are blocking campaign reform. To us, it is a matter of survival. Let us forget some of the other aspects of it.

We can all talk about campaign reform. I am for campaign reform. I have worked on that. There are Members on both sides of the aisle who have worked for campaign reform. It would be very unfortunate to portray this as a Republican-Democrat issue.

The differences on what is "reform" are what has caused the controversy here. Supporters of this bill are claiming some kind of exclusive knowledge as to what is reform and they support S. 2 and nothing more. I do not think that is the way we do our business. We have never done it here before.

S. 2 is seriously flawed. And if we want to get down right to the nub of it—and I like to do that with my friend the majority leader and he does that with me—if this bill passed in its present form, there will never be another Republican majority in the Senate for 40 years. Now that is a good reason for us to hang on by our thumbs.

So forget all the romance of what it is and Arch Cox and the national ads. The issue is the Republican Party, this side of the aisle, will not achieve a majority in this body for 40 years. Well, we tasted a little of that majority. We loved it. It was a rich wine. We would like to do that again sometime and maybe we will have the opportunity. But we will never have it under S. 2. Now that is the way it is. So you can forget all the other stuff as we talk about corruption and scandal and hideousness and the whole works.

And the other issue is public financing. Public financing is not "public financing." It is, that is, "taxpayer financing." I do not get a lot of mail from my consituents telling me to go spend taxpayers' money to send me back here. They are not really interested in that.

Look at what we are spending on the Presidential campaigns. That is taxpayer financing. It is not public financing. It is you out there.

The limitations in this bill, there is a limited expenditure in it. How much can you spend? We already had a Supreme Court decision that said you can spend anything you want of your own to get elected under the first amendment, believe it or not. I thought that was a stitch.

But I am ready to take PAC's down a long way, take them from 5 to 3 to 2. But look at S. 2. We gave up talking about PAC's. That was originally the pitch. The pitch was PAC's. Forget PAC's. There is nothing in there that takes PAC's down in any sense at all. I am ready to do that. Take them down to 1,000; take them down to 2. Raise an individual's limit. Let an individual give 10 grand or 15 grand, list his name, address, business, what is in it for him. Let him contribute. That would be better than what we do now with $1,000 each.

Now, that is the problem we started with, was PAC's. And there is so little in here about PAC's that it ought to be an embarrassment.

But the other issue is very simple. You are going to do a number on the Republicans with regard to limiting the amount of expenditure and assuring that we will never have an opportunity to come back here, because this is an incumbent's blue plate zephyr special. And at least maybe we will get 46 of them that will wind up in here because that is what we have now. This is an incumbent's dream.

All I am saying to you, if those on the other side of the aisle, Democrats and Republicans alike—there are both sides; this is not a partisan issue. Hear that. Do not be duped by that. They want to then deal with soft money which is an egregious caper that we go though in this Nation. If they want to deal with in-kind contributions and phone banks and the things that wipe us out and wiped out three of our people the last time—2 days before the election, when suddenly the phone banks cranked up and, on three of our incumbents, the phone visit was very simple: "You wouldn't vote for a man that took away your Social Security, would you?" And that was the end of that. Three of our incumbents are out doing other work. Now that is what we are talking about.

If they will get serious with us on soft money, in-kind contributions, we will get serious with them on taxpayer financing and limiting PAC's. It is called fairness. It is called debate. It is called honesty.

Mr. BYRD. Will the Senator yield?

Mr. SIMPSON. Yes, I would certainly yield to the majority leader.

Mr. BYRD. Would he also get serious with us on limiting overall campaign spending?

Mr. SIMPSON. Mr. President, certainly. We can deal with that if we deal with others. Overall campaign expenditures is not off the table. We will put everything on the table.

I will submit to the majority leader, I know he is working toward a compromise or at least toward debate, and I will present on behalf of the minority leader today a list of four persons from the other side of the issue who are ready to sit down and talk—people of thoughtful mien and demeanor. We will present those and I hope that the majority leader might. I think this was a seed of the majority leader. We will present our 4 and 4 from that side of the issue and see if we cannot sit down and see what we are going to do.

Because another vote right now would likely have the same result as it has had seven times—seven times we have done this exercise. And we are going to do it an eighth.

I appreciate the majority leader not calling for cloture at this time because I think that the 4 on 4 group will make some progress. At least that is my sincere hope.

I thank the majority leader sincerely.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

I think the arguments have shifted here. First, it was public financing that was the problem with Senate Republicans. And then, when Senator BOREN and others and I modified our approach to eliminate a very high percentage of that so-called public financing, we still got nowhere. We did not pick up a single additional vote from the other side of the aisle.

Then the minority position was taken that the objection was still public financing, and there would be no give by the Republican conference on the point of limitation of campaign spending. And I have not seen any evidence of any give on that point yet.

Now we hear from my good friend, the distinguished Republican leader, who is not here today but he has said

before, that the problem with this bill is that it would bring about the extinction of the Republican Party in the Senate. Now that is a strawman, that is a bugaboo. And we will be discussing this in its greater entirety today and in the days ahead.

But I say to my dear friend on the other side of the aisle that if the Republicans in the Senate want to discuss the other items to which he has referred, then let us vote for cloture. Let us get on with the debate.

One of the important reasons why we need to invoke cloture on this measure is so that we will eliminate nongermane amendments. Right now we have an amendment pending that would provide, I believe, up to $270 million in Contra aid. Imagine that amendment on this bill. And then there is an amendment to that amendment that has to do with the Monroe Doctrine. So if we could invoke cloture, we would rid the stage of nongermane amendments and get on with dealing with the real subject matter of the bill before us.

As far as I am concerned, I am going to do my best in trying to reach out across the aisle. I shall appoint Senator BOREN, Senator MITCHELL, Senator EXON, and Senator LEVIN as the four Senators on this side to discuss with four Senators on the other side of the aisle any areas of possible accommodation. But in the final analysis, I have to say that there can be no genuine campaign financing reform unless and until there is a cap put on campaign expenditures. There has to be a limitation put on campaign expenditures.

Let us, then, proceed and make the case today and tomorrow. I have been in no hurry to offer a cloture motion, and I do not intend to offer one today or tomorrow; and I would like to bring this matter to a conclusion as early as possible within the bounds of reasonable debate.

I welcome the opportunity to debate this matter. I think it is one of the most important issues facing the country today. I am not sure that the American people have yet become fully alerted to the danger that the present system poses to the legislative branch of our Government and to the system of representative democracy. But when they do become fully alert to these dangers, there are going to be some changes made.

We saw the changes made with respect to Presidential campaign financing reforms, and there is going to be a groundswell of hue and cry from the people of this country to reform of campaign financing of congressional elections.

Now, whether it will happen in this instance I do not know. I hope it will. But whether or not it does, the American people at some point are going to rise up and say: "We have had enough. We have had enough of this."

They perceive us all as being beholden to the special interest groups that make contributions to our election and reelection efforts and they see that increasingly. I can understand how they would perceive it in that way.

The Senator from Wyoming and I and our colleagues are victims of the present system. We have to live with the present system. If we hope and expect to continue in public service—and some of us do want to continue in public service—we have to live by the system as it is. But we need to try to change it, and the opportunity is here to change it. Senator BOREN and others and I are not saying that this bill is the 100-percent solution; or that there should not be a word in this bill changed; or that it is the perfect response to the problem. We do not say that.

We do say, let us invoke cloture, avoid the nongermane amendments of the nature that I mentioned a moment ago, and get on with trying to work together among ourselves and within both parties to find a solution to this nagging problem which is getting worse, not better, and which will continue to get worse, not better.

Mr. SIMPSON. Mr. President, let me certainly ascribe to what the majority leader has said, that it is more, indeed, than a nagging problem. It is an embarrassment to us all.

I am going to present those four names a little later in the morning. I have another person to contact while the minority leader is now in Washington.

True reform has to deal not just with money. It has to deal with process and who benefits from the PAC's? In the House, we have people who seem to benefit much more from PAC's than those of us over here. PAC money goes into the House by the metric ton and it preserves the seat. I think only 9 percent of the incumbents were overturned the last time in the House of Representatives; 7 or 9 percent. The majority leader knows those figures, as he prepares for the introduction of the bill. That is wrong. But true reform is an all-encompassing thing.

Not only have the arguments shifted, the whole bill has shifted because the first Boren PAC bill curtailed PAC's and so it did again in the last Congress, it did curtail PAC's. But not this time when it came out of committee. It did not curtail PAC's.

So I think, too, Mr. President, we ought to consider the issue of honorariums. They have become quite pervasive. You now can walk through a building, shake a few hands, and pick up $2,000 and legitimately so under the law as a maximum honorarium.

Those ought to be addressed. I think they are just as bad in the course of things as PAC contributions or individuals contributions.

(At this point Mr. BYRD assumed the chair.)

Mr. SIMPSON. Mr. President, when the majority leader assumes the chair, it is time to terminate the remarks of the assistant minority leader.

Therefore, I have concluded my remarks.

MORNING BUSINESS

The PRESIDING OFFICER. The time for the two leaders has expired. Under the order there will now be a period during which morning business will ensue and Senators will be permitted to speak for not to exceed 5 minutes.

The Chair recognizes the Senator from Wisconsin [Mr. PROXMIRE].

NUCLEAR ARMS CUT OF 50 PERCENT OR MORE: THE CONSEQUENCES

Mr. PROXMIRE. Mr. President, can we progressively reduce the number of nuclear warheads in our deterrent and still maintain the credibility of that deterrent? Here is a critical upcoming issue in arms control. Our nuclear deterrent has kept the peace. It can continue to keep the peace for many years in the future. For 42 years there has been no war in Europe. There has been no superpower war. Why? One simple reason. Because countries armed with nuclear power today fully understand that a nuclear war would mean a certain double knockout. Both sides would lose. Both sides would be totally devastated. Both sides would sacrifice most of their population. Indeed, before it were finished, a nuclear war could destroy civilization.

All this is certainly true in a world in which both the United States and the Soviet Union each have more than 10,000 strategic warheads. The National Academy of Science recently announced that if 1 percent, that is 100 of these U.S.S.R. nuclear warheads struck American cities, we would instantly suffer the worst human disaster in history—35 to 50 million Americans would die. It is worse. The more nuclear weapons possessed by each side, the greater the likelihood of an accident. Thousands of these nuclear weapons are deployed, ready to fire within minutes, on order. Yes, both sides have, indeed, imposed tight, centralized control. But it is control by all too fallible human beings. For years we have been living with the danger that on one side or the other the control would be breached. In the United States or in France or in the United Kingdom and, of course, in the Soviet Union, every day, 24 hours a day, marvelous, complex technologies scan the skies in search of a missile that may be on the way: All nuclear powers are ready to respond instantaneously and in kind to nuclear attack. There have been reliable reports of close calls. We have been hours, maybe minutes away from incineration. What can we do to reduce danger of accidental war? Consider: we could reduce the number of nuclear weapons on both sides. Indeed, both President Reagan and Secretary Gorbachev have agreed in principle to follow the INF Treaty with an agreement to cut both nuclear arsenals roughly in half. That would seem to be a big first step in diminishing the terrrible prospect of an accidental nuclear war. Would it?

Unfortunately, the reduction of the number of nuclear weapons would have to be accomplished in a way that would not reduce the credibility of either the deterrent of the United States or the U.S.S.R. In an excellent article in the January 11, New York Times, Kosta Tsipis spells out how this could be done. Dr. Tsipis is the director of the program in science and technology for international security at MIT. He writes that our sea-based deterrent currently stands at 5,620 warheads. Those warheads are on only 31 submarines, nearly 200 per submarine. Tsipis argues that since only half of our submarines are safely at sea at any time, we should not limit the number of submarines carrying warheads. Since our subs carry up to 192 warheads, and since agreements must assume that each sub carries the maximum number of warheads for which it has been designed, a reduction of the number of our missiles much below 50 percent would mean the retirement of most of our submarines. Our sea-based deterrent is the most credible leg of our nuclear triad. It would lose much of its credibility if we cut the number of submarines at sea at any time from 15 down to 7 or maybe 5. It would be at least conceivable that the U.S.S.R. could track and destroy almost simultaneously such a small fleet. They don't have the technology to do this now. They could conceivably develop such a technology in a decade or so.

For this reason Dr. Tsipis recommends we promptly halt production and deployment of MK's and Trident submarines. He recommends we start two research programs: first, on a small, single warhead, silo-based ICBM; second, on a "small, quiet, missile-carrying submarine with advanced nonnuclear propulsion to carry no more than one-thirtieth of the total sea-based missiles." Tsipis wants the total number of subs to be 30 so that at least 15 are always at sea.

The Tsipis plan makes sense. But it also suggests a caution. What is the prime reason for reducing the colossal size of the superpower arsenals? Certainly the reduction of the prospect of accidental nuclear war is such a reason. But do we reduce the prospect of accidental nuclear war when we have far fewer warheads, but about the same number of silo-based ICBM's and submarines? The number of nuclear weapon deployments would be about the same. The only difference would be that each deployment would have fewer warheads. Tsipis argues that the reductions he suggests would have little or no effect on the defense budgets. The additional cost of research, development production and deployment of the new fewer warheads deployments would be offset by the savings in operations and maintenance cost for the older more numerous warheads.

This Senator agrees with Kosta Tsipis that we can and should tailor our deterrent to the limitations imposed by major reductions in the number of warheads permitted to both sides. But we should be aware that this adjustment to maintain the credibility of our deterrent is only bought at the price of sharply reducing progress toward the prime purpose of nuclear arms reduction—the diminution in the prospects of accidental nuclear war.

Here's why: we might sign an agreement with the Soviet Union eventually to cut nuclear warheads by 50 percent or 70 percent or even more. But since we would continue with the same number of submarines—each with fewer warheads than at present, and land-based silos—each with a single warhead, we would not reduce the number of individual people each of whom would be in a position to make the fatal error that could kick off the holocaust.

Mr. President, I ask unanimous consent that the article to which I referred from the January 11 New York Times entitled "If Arms Were Cut 50 Percent" by Kosta Tsipis be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Jan. 11, 1988]

If Arms Were Cut 50 Percent

(By Kosta Tsipis)

Cambridge, Mass.—So great are the excesses of the era of nuclear overkill that the American and Soviet strategic nuclear arsenals can be reduced by 50 percent—and more—without risking security. Political, military and psychological reasons strongly point toward the wisdom of reductions; the time appears propitious on both sides.

But some experts are nervous about deep cuts—and they are right. Cuts must be made carefully, as in cancer surgery, rather than amputation.

The closer we come to the minimum numbers of nuclear explosives needed for deterrence, the closer attention we must pay to the characteristics of the nuclear arsenal. An arsenal of 6,000 warheads or less must be structured differently from an arsenal of 12,000 warheads if an equal deterrent is to be maintained.

The key is crisis stability. To achieve that, nuclear arsenals must be structured so that neither nation could hope to destroy with a surprise attack more of the other side's warheads than the number of warheads it would itself expend in attacking.

How should a United States nuclear arsenal drastically reduced by mutual agreement with the Soviet Union be structured? Quite simply, it should contain no multiple-warhead, land-based intercontinental ballistic missiles, and its sea-based warheads should be carried on small submarines bearing only a few missiles with a few warheads on each.

A land-based missile in a concrete silo is a fixed target. It takes two or at most three warheads per target to guarantee a reasonable probability of knocking out a missile in a silo. So a land-based ICBM with more than two warheads is, in principle at least, an attractive target and, therefore, destabilizing in a reduced strategic arsenal. The MX missile, with 10 warheads, is out of the question.

Our sea-based deterrent currently stands at 5,620 warheads on 31 submarines. If we agree to cut back our total of 12,000 warheads by more than 50 percent, and we want to maintain the balance of the three legs (air, land and sea) of our strategic triad, we will have fewer warheads to deploy at sea. Since only half of our submarines are safely at sea at any one time, we must take care not to limit the number of submarines carrying those warheads.

By previous agreement with the Soviet Union—and for eminently sensible reasons—a missile on a submarine is counted as carrying the maximum number of warheads that it has ever been tested with. Our Trident and Poseidon submarines carry up to 192 warheads. Therefore, our current subs are not suitable carriers for the sea-based leg of a reduced strategic nuclear arsenal: They place too many eggs in each basket, which means too few baskets when the total number of eggs is cut.

If the Administration is serious about significant nuclear reductions, it should begin to restructure our deterrent even while negotiations are underway. Toward this end, it should take these steps:

Halt all development, testing, procurement, production and deployment of the MX's and Tridents.

Start research on a small, single-warhead silo-based ICBM so that the arithmetic alone would discourage a pre-emptive attack.

Begin research on a small, quiet, missile-carrying submarine with advanced non-nuclear propulsion able to carry no more than one-thirtieth of the total sea-based missiles. That is, the total number of submarines must be about 30, so that at least 15 are always at sea.

For example, if our long-range goal for the era of reductions beyond 50 percent cuts were a nuclear arsenal with 360 of its warheads based at sea, then we should design (and test) the new, small submarine to carry four missiles with three warheads each. If we choose to plan for 600 sea-based warheads, each submarine should be designed to carry no more than 20 warheads, etc. By comparison, Trident submarines now in our arsenal carry almost 200 warheads.

In building a new, small submarine, we should have a strategic plan. Some experts on the Soviet Union have said that the Soviet Union aims ultimately for arsenals of 600 total warheads (a more than adequate deterrent, given the small number of nuclear weapons required to destroy either country).

Our own strategic goal should be clearly in mind as we plan for security during the

negotiation period and flexibility for the possibility of drastic reductions.

Two completely new classes of weapons carriers have been recommended here to reduce the nuclear arsenals without jeopardizing our national security, risking the invulnerability of our deterrent forces or increasing the temptation for a Soviet first strike.

Will these reductions then increase our defense budget?

Not at all. The costs of research and development on the single-warhead ICBM and the small submarine would about equal the $2 billion savings from canceling further production of the MX and the Trident submarine.

When production is in sight, of course, costs will rise. But by then, if all goes well, many of our older weapons will be retired, which will represent a substantial savings in operations and maintenance costs.

With historic reductions in nuclear arms within our grasp, we must quickly develop new approaches to security. It isn't too soon to start.

WHY CONGRESS SHOULD ENACT GLASS-STEAGALL REPEALER

Mr. PROXMIRE. Mr. President, on February 8, the U.S. Court of Appeals for the Second Circuit rendered a landmark decision, Securities Industry Association versus Board of Governors of the Federal Reserve.

In short, this decision underscores the need for this Congress to enact comprehensive financial regulatory reform legislation. And I think the decision argues specifically for the type of solution that I, along with Senator Jake Garn, have crafted in the Financial Modernization Act.

To review, the court affirmed the Federal Reserve Board's orders of April 30 and May 18, 1987, which held that bank holding company affiliates, not principally engaged in securities activities, could, to a limited extent, underwrite and deal in certain classes of securities for which banks are otherwise ineligible under the Glass-Steagall Act: municipal revenue bonds, mortgage-related securities, and commercial paper.

The court's decision, and the Federal Reserve Board orders upheld by the decision, merit serious attention by the Senate for four reasons:

First, the decision establishes that moving beyond the Glass-Steagall policy of separating securities and banking businesses involves no radical change in the law. On the contrary, the court has found that it is embodied in current law. The change has already been made. The regulators and the courts have recognized that, due to worldwide technological and commercial realities, securities and banking have to a significant extent converged. Under these circumstances, perpetuating the arbitrary and partial separation inherent in keeping Glass-Steagall on the books defeats the very policies it was originally designed to promote, for it weakens the competitiveness and financial soundness of banks while it denies consumers of financial services the benefits of free competition. As the Fed stated in the decision affirmed last week by the second circuit:

> The proposed de novo participation [of bank subsidiaries] would have the beneficial effect of substantially increasing competition, particularly in the highly concentrated commercial paper market, with the substantial expected public benefits of lowering financing costs as well as providing greater convenience to customers and increased efficiency in the proposed services.

Second, in its orders, the Federal Reserve Board properly imposed a "firewall" to isolate a bank holding company's securities and banking activities. Many of these safeguards, which the second circuit's decision has now affirmed, are the same as those contained in S. 1886. Specifically, both the affirmed Federal Reserve Board orders and the Proxmire-Garn bill require separation of banking and securities affiliates; a series of protections against interaffiliate lending and sharing of customer information; and full disclosure of the relationship between banking and securities affiliates to customers and other interested parties. The Financial Modernization Act, then, is not a radical departure from the current legal and regulatory structure governing U.S. financial institutions. The legislation is clearly in line with the types of safeguards which the Federal Reserve Board has adopted in its orders over a period of several years.

Third, the decisions of the Federal Reserve and the court thoroughly considered, and specifically rejected, each of the arguments made by the Securities Industry Association, not only in their briefs to the Fed and the court, but in their testimony before the Senate Banking Committee. In opposing new competition, the SIA and its allies have pointed to asserted potential conflicts of interest, asserted damage to public confidence in the safety and soundness of deposits, and alleged unfair competition from bank affiliates. I urge my colleagues to consider carefully the Federal Reserve Board's findings rejecting the entire cornucopia of these charges, as we address the question of legislative restructuring.

Fourth, we need to review these regulatory and court actions because, while they highlight the need and the proper approach to reform, they show that only through comprehensive statutory change can we assure that the benefits of reform are distributed promptly, broadly, and fairly.

The limited classes of securities underwriting authorized for bank affiliates under the new decision will primarily, and perhaps exclusively, benefit the customers of only a handful of very large banks based in New York City. Due to peculiar quirks in the Glass-Steagall provisions at issue, as interpreted by the Fed, no more than 5 percent of the bank holding company affiliate's gross revenue may be generated by the new securities activities. Because many local and regional bank holding company affiliates do not generate sufficient revenue to yield a profit on this small percentage of revenue permitted for the new securities activities, the local and regional companies are likely to pursue these new lines of business.

Moreover, the decisions authorize the bank entry into only specified securities markets. These do not include some of the markets potentially most important to nonmoney center banks, their customers, and the economy as a whole—underwriting corporate debt and equity issues. In order to help businesses around the country have access to capital through their commercial banks as well as far-off investment banks, complete repeal of Glass-Steagall is needed.

Because of the many changes in our financial marketplace, and in anticipation of court action, I have joined with the ranking member of the Banking Committee to craft comprehensive legislation. I believe that S. 1886, the Financial Modernization Act, represents a sound approach to financial law.

LITHUANIAN INDEPENDENCE DAY

Mr. PROXMIRE. Mr. President, today marks the 70th anniversary of the declaration of independence of Lithuania. This land is filled with people whose national feelings run strong and deep, but whose country has been occupied by the Soviet Union since 1940. This action by the Soviet Union was sanctioned in the Molotov-Ribbentrop Pact and its secret protocols. Since this date the Soviet Union has refused to allow Lithuania and the other occupied Baltic States to function as free and independent nations.

Today, the approximately 1 million Americans of Lithuanian descent in the United States will celebrate this anniversary without fear of reprisal or harassment. In Lithuania, however, those who are planning to take part in the peaceful demonstrations to commemorate this day must fear retribution from the Soviet Union. In the past those who have participated in public demonstrations have been harassed and abused. This situation is deplorable.

The brave people of Lithuania are not allowed to practice religious and political freedom because they are subject to Soviet domination. Since Soviet leader Gorbachev has remarked on the "enormous and unforgivable" crimes of Stalin, I call on him to renounce Stalin's decision to occupy Lithuania and the other Baltic States end its occupation of these nations, and recognize the right of these states to function freely and independently.

A PRESIDENTIAL FIELD TO TAKE PRIDE IN

Mr. PROXMIRE. Mr. President, both the Democratic and Republican candidates for President this year have gotten a bad rap. Somehow there is a general public perception that the candidates of both parties running for President represent a weak conglomeration of mental midgets, dull, dumb, and grossly underqualified. Is that wrong? It's ridiculously wrong. In fact this may be the best qualified field of people who have run for our highest office in many years. The many debates have been deeply impressive. Here are candidates who know what they are talking about. They understand the issues that confront the country. They discuss them sensibly. Of course, many of their answers to tough questions are unsatisfactory to many of us. In many cases any, and I mean any, answer to the tough questions of fiscal and trade policy and war and peace would be unsatisfactory to many and in some cases to most of us.

The fact is that this country is blessed this year—1988—with a field of brilliantly qualified men. Any one of them could make a good, perhaps a very good, President. Considering the enormous challenge and difficulty of serving as an effective President of the United States and the crucial importance to our country of electing a President who can do this difficult job, the fact is that America is lucking out. We are on our way to electing a President who will certainly make mistakes, who will surely disappoint many people but who will give us the kind of leadership we yearn for.

For these reasons, Mr. President, I ask unanimous consent that an article by Robert Keith Gray, who was secretary of the Cabinet in the Eisenhower administration, headlined "A Presidential Field To Take Pride In," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Feb. 22, 1988]

A PRESIDENTIAL FIELD TO TAKE PRIDE IN

(Robert Keith Gray)

On the night of Nov. 8, 1988, amid crumpled speech texts, spent confetti and chants of triumph, one of the current candidates for President will stand victorious. His motives will have been challenged, his integrity questioned, his human shortcomings revealed, but he will have survived, having passed all the moral litmus tests by which we now measure candidates. But if we truly seek to measure their abilities to lead the nation and solve its pressing problems, we should give that moral yardstick a rest.

In a startling opinion poll recently, respondents said they would like the next First Family to emulate the values and integrity of the Huxtables of television's "Cosby Show." It may be that the public looks to the candidate to embody the dramatized, principled dignity of a popular television family. Unfortunately, political reality does not operate like a sitcom.

Pity today's candidates. They face media that have assumed a lofty judgmental position and a public that equates political reality with television fare aimed at a couch potato.

If the original field of presidential candidates had been a trio, I suppose someone would have referred to them as "The Three Wise Men." With far less accuracy, the Democrats' entries were collectively dubbed "The Seven Dwarfs."

That does the whole system a disservice. Who can remember an election in which both parties offered voters so great a choice among candidates with good backgrounds, yet discernible differences and proposed directions for change? When was the last time Republicans and Democrats could have been consoled if they thought their second or even third choice might win?

Nearly 20 years ago, a U.S. senator was ridiculed when he tried to defend the qualifications of a Supreme Court nominee with the statement that "mediocrity deserves representation, too." I believe he was attempting to suggest the value of identifying with the foibles and flaws inherent in some measure in all of the 239 million of us who together form this country. The candidates before us have their personality and characteristics. But mediocre they are not.

Today's field stands on established records of service. In some cases, that service is measured in decades, in a variety of jobs which they have sometimes carried out under considerable fire. Among the candidates of both parties, three graduated Phi Beta Kappa, two *magna cum laude*. Three have been governors; four, senators; eight, U.S. representatives. All but one are college graduates and the one exception, Paul Simon, has authored 10 books, has an exemplary record of 30 years in elective office and his prolific mind is evidenced in a weekly newspaper column.

Five have been successful businessmen. There have been six lawyers, three authors, two chairmen of their national political parties. One was an all-star professional quarterback. Seven have served on presidential commissions. One was supreme allied commander, White House chief of staff and Secretary of State; one a vice-presidential candidate and both majority and minority leader of the U.S. Senate. They have seen service in the National Guard, the Army, the Marines, the Navy and at West Point.

Many totalitarian countries give their citizens the vote, but no choice of candidates. This year, we have a dozen who are willing to face grilling media, grueling schedules and a mercurial public. We have a group willing to place personal and political reputations on the line. We are well served by their efforts.

The next President of the United States is among these candidates. While we are entitled to our preferences—I certainly have mine—I think we can be proud of a field that demonstrates both the variety and the strength of the national talent pool.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SHELBY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Four minutes remain for morning business under the standing order.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SENATORIAL ELECTION CAMPAIGN ACT

The PRESIDING OFFICER. The clerk will report the unfinished business.

The legislative clerk read as follows:

A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

(NOTE.—When the Senate resumed consideration of the bill on February 1, 1988, an incorrect version of the bill was printed in the RECORD at page S 331, in that the bill was star printed by order of August 7, 1987. Therefore, the Senate proceeded to consider the bill as star printed on August 7, 1987, the text of which is as follows:)

That this Act may be cited as the "Senatorial Election Campaign Act of 1987".

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act, except the provisions of section 301(9)(B)(vi), apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(6) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(7) the term 'general election period' means the period beginning on the day after the date of the primary or runoff election, whichever is later, and ending on the date of such general election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(8) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(9) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(10) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(11) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office, or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(12) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(13) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(14) the term 'Senate Fund' means the Senate Election Campaign Fund maintained pursuant to section 506 by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(15) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"SEC. 502. (a) To be eligible to receive benefits under this title, in addition to the requirements of subsection (d), a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the day of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or $150,000, whichever is greater, up to an amount that does not exceed $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate from such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(4) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the authorized committees of such candidate—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the amount of the limitation on expenditures established in section 503(b), unless otherwise provided in this Act;

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(8) notify the Commission of their intention to make use of the benefits provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2)(B) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(d) In addition to the requirements of subsection (a), to be eligible to receive benefits under this title a candidate shall, on the day such candidate files as a candidate for the primary election—

"(1) file with the Commission a declaration of whether or not—

"(1) such candidate and the authorized committees of such candidate intend to make expenditures, for the primary election, more than an amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(2) such candidate and the authorized committees of such candidate intend to make expenditures, for any runoff election, more than an amount equal to 20 percent of the general election spending limit applica-

ble to such candidate pursuant to section 503(b); and

"(3) such candidate and the authorized committees of such candidate intend to make expenditures, for the general election, more than an amount equal to the general election spending limit applicable to such candidate pursuant to section 503(b).

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who is entitled to a benefit in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate who is entitled to a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million, plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population of 4 million or less, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election as determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(e) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) such fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total amount of contributions to, and expenditures from, such fund do not exceed 10 percent of the limitation on expenditures for the general election as determined under subsection (b); and

"(C) no transfers may be made from such fund to any other accounts of the candidate's authorized committees, except that the fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any money remaining in such fund when the candidate decides to terminate or dissolve such fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the primary and runoff period portion of the two-year election cycle preceding the candidate's general election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made, or are obligated to be made, in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsections (d) and (e), as they apply to such candidate, shall be increased for that primary or runoff election in an amount equal to the amount of such expenditures made during the period covered by such election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(B) mailing rates provided in section 3629 of title 39 of the United States Code; and

"(C) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any person in opposition to, or on behalf of an opponent of such eligible candidate, as such expenditures are reported by such person or determined by the Commission under subsection (f) of section 304;

"(2) if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election—

"(A) an eligible candidate who is a major party candidate shall be entitled to receive a payment under section 506 in an amount equal to—

"(i) two-thirds of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 100 percent of such limitation determined under section 503(b); and

"(ii) one-third of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 133⅓ percent of such limitation determined under section 503(b); or

"(B) an eligible candidate who is not a major party candidate shall be entitled to matching payments under section 506, equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions required to be raised under section 502(a)(1) shall not be eligible to be matched; and

the total amount of payments to which a candidate is entitled under this subparagraph shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate.

"(b) A candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c)(1) A candidate who receives benefits under this section may make expenditures for the general election without regard to the provisions of subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of 133⅓ percent of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to the provisions of subparagraph (C) of section 502(a)(7) if any major party candidate in the same general election is not eligible to receive benefits under this section, or if and when any other candidate in the same general election who is not eligible to receive benefits under this section raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such benefits shall not be used (1) to make any payments, directly or indirectly, to such

candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any benefit made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such benefit.

"(d) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and ~~such~~ candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which such candidate is entitled or knowingly or willfully use such benefits for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by any candidate, or the authorized committees of such candidate, who receives benefits under this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": *Provided*, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(6) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of such Act and such candidate is identified or identifiable during 50 percent of the time of any broadcast of a political announcement or advertisement by such candidate;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(6), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for the United States Senate who qualifies for the ballot for a general election, as such term is defined in section 501(6)—

"(A) who is not eligible to receive benefits under section 502, and

"(B) who either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election, and thereafter shall file additional reports with the Commission within 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made which aggregate an additional 5 percent of such limit. Such reports shall continue to be filed pursuant to the provisions of this section until such candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures equal to 133⅓ percent of the limit provided for such State pursuant to section 503(b).

"(2) The Commission, within 24 hours after each such report has been filed, shall notify each candidate in the election involved who is eligible to receive benefits pursuant to the provisions of this title under section 504, about such report, and after an opposing candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures in excess of the limit provided for such State pursuant to section 503(b), the Commission shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(6), who is not eligible to receive benefits under section 504, has raised aggregate contributions or made or has obligated to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(6), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph, made by the same person in the same election, shall be reported within 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. The Commission shall, within 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C) of this Act, about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(6), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).

"(j) Within 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend from his personal funds, and the funds of his immediate family, and incur personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle.

"(k)(1) Any candidate for the United States Senate who expends from his personal funds and the funds of his immediate family, and incurs personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle, shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported within 24 hours after each time the aggregate of such expenditures or loans exceeds $10,000.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504 about each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of the immediate family of such candidate or incurred personal loans in connection with his campaign aggregating in excess of $250,000, or thereafter in increments of $10,000 during the election cycle. The Commission within 24 hours after making such determination shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about each such determination.".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or the making of, or obligating to make expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and

(j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

SEC. 13. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

provided that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the amount which is applicable to such candidate pursuant to section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

BROADCASTING ACCESS PROVISIONS

SEC. 14. (a) Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended by—

(1) striking out "or" at the end of paragraph (6);

(2) striking out the period at the end of paragraph (7) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(8) for willful or repeated discrimination against such a candidate in the amount, class or period of time made available to such candidate on behalf of his candidacy.".

(b) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by adding at the end the following:

"(e) In providing access to use of a broadcasting station with respect to a campaign, a licensee shall give priority to legally qualified candidates for public office in connection with their campaigns.".

DISCLOSURE

SEC. 15. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by—

(1) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has not agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

POLITICAL COMMITTEE POSTAL RATES

SEC. 16. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

CONSTITUTIONAL AMENDMENT

SEC. 17. (a) The amendments made by section 2 of this Act shall cease to be effective, as provided in subsection (b), if an amendment to the Constitution of the United States permitting the Congress to establish spending limits for Congressional election campaigns is ratified as part of the Constitution.

(b) The amendments made by section 2 of this Act shall be repealed and cease to be effective for any Federal election held after such Constitutional amendment is ratified as part of the Constitution, or 22 months after such ratification, whichever is later.

(c) Upon repeal of such section 2, the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"SEC. 324. (a) No candidate in a general election for the United States Senate shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate in a general election for the United States Senate shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) No candidate in a general election for the United States Senate shall make expenditures for the primary election, which in the aggregate exceed an amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(d) No candidate in a general election for the United States Senate shall make expenditures for a runoff election, if any, in an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(e) For purposes of this section, the amounts set forth in subsections (b), (c), and (d) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"SEC. 325. (a) In the absence of a constitutional statutory limitation on the amount of independent expenditures that may be made in a Senate election, notwithstanding the provisions of section 17(b) of the Senatorial Election Campaign Act of 1987, the provisions of section 2 of such Act which provide conditions for the eligibility for matching payments to be made to a candidate in the case of independent expenditures made by any person in opposition to, or on behalf of the opponent of, such an eligible candidate, and which provide for matching payments to be made to such eligible candidates, shall remain in effect.

"(b)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal to 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.".

SEVERABILITY

SEC. 18. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 19. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

MOTION TO RECOMMIT WITH INSTRUCTIONS TO REPORT BACK WITH AMENDMENT NO. 1403

Mr. BOREN. Mr. President, I send a motion to recommit to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] moves that the bill be recommitted to the Committee on Rules and Administration to be reported back forthwith with the following amendment numbered 1403.

Mr. BOREN. Mr. President, I ask unanimous consent that further reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed under Amendments Submitted.)

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 1404

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1404 to Amendment No. 1403.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed under Amendments Submitted.)

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1405

Mr. BOREN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] proposes an amendment numbered 1405 to Amendment No. 1404.

Mr. BOREN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed under Amendments Submitted.)

The Senator from Oklahoma.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. BYRD. Mr. President, I wish to thank my friend from Oklahoma [Mr. BOREN] for offering the motion to recommit with instructions, and I thank Mr. SIMPSON and Mr. MCCONNELL for their understanding of the actions that we have taken.

I have indicated to the distinguished assistant Republican leader the motions and the amendments that Mr. BOREN and I had planned to make. I thought it only fair to acquaint the leadership on the other side of these actions that we were going to take, and Mr. SIMPSON and Senators on that side of the aisle fully understood after the explanation. So that the actions that were planned have now been concluded.

What has happened here is that as the matter stood before today, the distinguished Senator from North Carolina [Mr. HELMS] offered an amendment to the modification that was at that time pending and which had been developed by Mr. BOREN and others and myself over a long period of time. There has been more than one modification to bring us to that point.

Mr. HELMS' amendment, which would provide, I believe, something like $270 million in Contra aid, was topped with an amendment in the second degree by Mr. SYMMS. It is an amendment, I believe, having to do with the Monroe Doctrine. Of course, both of these amendments are very much in the nongermane category.

So it was the plan of Mr. BOREN and myself to reinstitute the posture of the Boren, and others, amendment before the Senate. We have done that by moving to fill up the tree in the line of recommital and then moving to amend the instructions of that motion in such a way that now the Senate has before it the Boren, and others, amendment which originally was before the Senate.

So we have a line of amendments here which cannot be amended at the moment until action is taken on the second-degree amendment.

The Senate now has before it the matter which we want to debate and does not have before it nongermane amendments. That was the purpose of the actions that have been taken.

I shall not hold the floor any longer. I again thank all Senators who have been involved in this effort.

Mr. SIMPSON. I thank the majority leader. He is very forthcoming as to his approach here. He notified our side of the aisle. It is something he could have accomplished without that notification.

So I am going to yield the floor, but say, indeed, the majority leader has related what has occurred. We have not only filled the tree; we have replaced branches and placed birds upon the boughs. Joyce Kilmer would envy the tree we have constructed here, and now it is up to us to begin to deal with it.

I, therefore, appoint Senators MCCONNELL, PACKWOOD, STEVENS, and BOSCHWITZ as the four Members on the opposition side of S. 2 to complement Senators BOREN, MITCHELL, LEVIN, and EXON. While the debate proceeds, we will count on these eight Senators for progress in this area.

I yield the floor, and I thank the majority leader, and I thank the Senator from Oklahoma for his willingness to proceed.

Our fine and able leader in this area, Senator MCCONNELL, is ready to sit down and do what is done in a legislative body, and that is compromise and see if we can come up with something sensible.

Mr. McCONNELL. Mr. President, I thank the distinguished assistant Republican leader and the majority leader for the cooperative spirit in which we began this debate this year. I might say to my friend from Oklahoma we had some spirited discussions over the course of the month last year and seven cloture votes.

It seems to me, based upon the discussions which we had here before the debate begins this morning, that we are for the first time really serious about sitting down and writing a memorable piece of legislation that can truly change the way campaigns are handled and financed in this country.

So for that spirit of cooperation, I commend both the majority leader and my friend from Oklahoma. We look forward to the discussions that will go on among the eight of us to see if we can come up with a bipartisan campaign finance bill that will go zipping through this body 90 to 10 and not be tilted in either direction, and be good for the process in America.

With that, I yield the floor, Mr. President.

Mr. BOREN. Mr. President, I thank my colleague from Kentucky for his kind remarks, and I thank the distinguished acting Republican leader. Of course, I thank the majority leader for his continued leadership on this very important matter which confronts us. I look forward to having the group of eight that has been designated by the two leaders to proceed with dispatch, to see if we an come to grips with this problem that confronts our country, a problem that confronts this institution.

I hope we can find a formula that will enable us to come forward with a bill that will be true reform and one that will have the strong bipartisan backing of a vast majority of the Members of the U.S. Senate, and ultimately the House of Representatives and the President, as well, because the problem with which we grapple is not one that should divide itself along partisan lines.

We are not dealing with a Democratic problem or a Republican problem. We are dealing with a fundamental American problem that must be addressed for the sake of the future of our political system, in which all of us participate and attempt to serve.

Mr. President, I will not go into all the arguments here, but there are two fundamental problems with our present election financing system.

First of all, more and more of the money to finance campaigns is coming not from contributors at the grassroots but from special interest groups which rate Members of Congress, usually on a narrow range of issues which affect only the economic or political interest of that particular group, instead of on the total record of service of that individual.

Very often, these interest groups have little or no contact with the State or district from which the Member of Congress is elected.

Sadly and tragically for this country, in the last election, 196 people elected to Congress received more than half of all of their campaign contributions not from the people back home in their home States, not from the grassroots contributors, but from political action committees, principally controlled here in Washington, DC, who supplied the funds.

The system is out of balance. The concept of grassroots democracy and representation is being threatened. I am not saying that all political action committees are evil. I am not saying that it is wrong for people to get together for the sake of joining to serve a common political purpose. That has always been part of the American tradition. I am saying that something is wrong and something is out of balance when almost half the people elected to Congress are getting more than half of their campaign funds from these groups instead of from the people back home.

That is the first serious problem confronting our electoral system today.

The second problem, simply stated, is that it takes too much money to run for office today. The high offices of this land are being put on the auction block for sale to the highest bidder. Too often, the outcome of campaigns depends upon which candidate can raise the most money instead of upon which candidate is best qualified and has the best ideas to serve this country.

The cost of campaigns is skyrocketing at an alarming rate. When I first was elected to the Senate about 10 years ago, the average cost of campaigning for the U.S. Senate was a little less than $600,000.

In the last election cycle it was well over $3 million.

Mr. President, let us reflect upon that for just a minute. If it takes the average Member of the U.S. Senate over $3 million, from just the average size State—there are States we know where the costs have gone from $15 million to $20 million—just in the average size State, if it takes $3 million to run a successful race and that Senator serves for a 6-year term and you multiply it out, what it means is that every Senator serving here, to be successful for reelection, has to raise on the average of $10,000 each and every week, week in and week out, for 6 years, every single week for 6 years, $10,000 on the average in campaign contributions, in order to have enough money to run a successful campaign for election or reelection.

Mr. President, that is not healthy for our political system. It distracts us. It conveys an image to the public that we are being unduly influenced by those who are in position to give large campaign contributions, and the time that should be spent in these challenging days in which we live, in which we grapple with ways to restore the competitive and productive ability of this country so that we will not become a second-rate economic power, these times in which our educational system cries out for reform and overhaul and adequate financial support, these times in which we have not been able to form a consensus to get our own budgetary house in order, these days in which the international course of events moves in ways that are important to the future of our national security and our alliances in NATO and other parts of the world, we should be devoting the time and attention of the Members of the U.S. Senate to do the job that the people elected us to do instead of spending our time day in and day out raising $10,000 in campaign contributions every single week for the 6 years that we serve.

Mr. President, something is wrong. We know it. There is not a single Member of the Senate who thinks that the system is working as it should. We know something is wrong and the people know it and it threatens the future of our political system.

We must not close our eyes to it. We are trustees of this constitutional system. We are trustees for the next generation.

Those who are here today serving us as pages in the U.S. Senate, who themselves may someday aspire to serve as Senators in this body, should not be confronted with the terrible fact that if we do not slow down the rate of increase in campaign spending by the time they have reached the constitutional age to run, 12, 13, or 14 years from now, at the current rate of increase instead of costing $3 million to run for the U.S. Senate it will cost $15 million to run for an average race for the U.S. Senate.

Young people of this country in the next generation who want to serve the people, who want to serve the Government, should not be confronted with the task of trying to raise $15 million if they want to render public service in the U.S. Senate.

So we have a heavy obligation, Mr. President, to do something about it.

I do not think there is anything more fundamentally important that we can do this year than enact a bill that brings about genuine reform, but it will have to have two main features. It will have to restore the balance so there is more grassroot participation in the financing of campaigns from individual contributors from the home States and home districts. Restore that balance, and it will have to do something to stop the rapid escalation of campaign costs.

Within those two fundamental principles, many changes and modifications can perhaps be made for myself let me say I will work as hard as I know to try to find a bill around which we can gather that kind of consensus to solve this fundamental American problem.

Mr. President, last year, changes were made to S. 2—through negotiation with many Members of the Senate who could not support the revised S. 2 as reported out by the Rules Committee last spring. By addressing the concerns about direct partial public financing of Senate general elections, two more revisions were made.

In the process 5 Senators, previously opposed to the bill, agreed to become cosponsors: Senators EXON, BENTSEN, GLENN, DODD and BREAUX. Additionally, two more Members agreed to vote for cloture—reserving their right to oppose the final, amended version of the bill.

At this point 52 Senators, over half of the Members of the Senate, are cosponsors of S. 2 as revised under the last modification made in the bill as we previously considered it.

As it has been just over 5 months since S. 2 was temporarily laid aside, I would like to walk through what exactly the bill does in its current form and how it works to refresh the memories of my colleagues.

This bill contains the three essential elements of comprehensive reform: One, an overall limit on spending; two, an aggregate limit on PAC contributions; and, three, protections against so-called "independent expenditures."

Over 10 years ago, the Supreme Court in the Buckley versus Valeo case said that mandatory limits on Federal campaign spending are against the first amendment rights. The Court in their decision was unable to distinguish the overriding public good of putting a limit on excessive campaign spending to "buy" an election, with the need to protect the free speech rights of the candidate. While it was a very complex case, the result of that decision was to wipe out a previous law which put mandatory limits on congressional campaign spending. So, the only way to keep within the decision and achieve campaign spending limits, is to set up some kind of a voluntary system which is a strong inducement for candidates to participate with "voluntary" limits. This is what our bill tries to do.

Here is how the system works.

A candidate has the option to decide whether or not he or she wishes to participate in the system through a certification process. Once a candidate is his or her party's nominee, that candidate becomes eligible for certain benefits, assuming that the candidate has met a specific criteria:

First, the candidate has raised a threshold amount of individual contributions, primarily from in-State contributors. This shows the candidate is no marginal candidate simply trying to get benefits with no true show of grassroots support. This threshold ranges from $150,000 for the smaller States to $650,000 for the larger States. It must be made up solely of contributions from individuals. Seventy-five percent of the total money must be from in-State contributors. Finally, only the first $250 of a contribution can qualify for purposes of the threshold requirement.

Second, the candidate cannot have spent an amount greater than two-thirds of the general election limit during the primary. For a State with a $1-million general election spending limit, for example, the candidate must show that no more than $667,000 was spent in the primary election.

Third, the candidate cannot use more than $20,000 of his or her personal funds—or that of the immediate family of the candidate—as a contribution to his or her campaign. This is to prevent people with enormous personal wealth from buying or attempting to buy elections.

Fourth, the candidate must agree in writing that he or she will comply with the general election limit.

If a candidate has met that criteria, he or she is qualified for certain benefits. Now, Mr. President, let me list the benefits for which a candidate who has been qualified will be eligible.

First, candidates are eligible for the "lowest unit broadcast rate"—which currently all candidates may receive in terms of radio and television advertising. This benefit has no cost as it would only repeal the requirement on the broadcaster to give this preferred rate to all candidates. Under this bill—it would be for those candidates who complied with the spending limits who receive the lower rate.

Second, eligible candidates would receive a preferred mail rate. The candidate could receive a 5½-cent first-class rate or a third-class rate equal to 2 cents below the current third class rate. To pay for this privilege, we would repeal the current mail preference that national party committees receive. Also, this privilege is capped by limiting its value to only 5 percent of the general election limit. In a $1-million spending limit State—this privilege would be worth $50,000.

So I have indicated there is no cost to this provision because we pay for it by repealing the current mailing privileges that are given to all political parties, even fringe parties, even Marxist parties that are on the ballot.

Third, a candidate would also be eligible for protection from independent expenditures. If an outside group or PAC or wealthy individual paid for a media campaign above a $10,000-threshold level, against a candidate who complies with this system, that candidate is eligible for matching funds from the voluntary tax checkoff fund to combat it. In most cases, Mr. President, I think my colleagues would agree that if a group knew that the candidate they were trying to defeat would have the immediate resources to combat the attack—it would be highly unlikely that they would try to do so.

So people would know that there would be a checkoff payment to offset these independent attacks and would be very unlikely to launch the kind of independent negative attacks we have seen typify elections in the past.

And let me also say that this element of the bill is essential for it to work. The bill provides for an aggregate limit on the amount of money all candidates—House and Senate—can receive from political action committees. Under S. 2, the $45 million of PAC funds contributed to Senate candidates in 1986 would have been reduced to $16 million at a maximum—nearly a two-thirds cut. Other so-called PAC reform proposals which have been introduced since S. 2's consideration would only affect what an individual PAC could give. This would affect only about 6 percent of all PAC contributions to simply lower the PAC limit from $5,000 to $3,000.

We must have an aggregate limit on what candidates can receive from PAC's to have effective legislation.

The basic need for protection against independent expenditures, Mr. President, is due to the fact that with nearly $30 million taken out of the process—there is a legitimate fear that much of that money will go independent—financing mainly negative attacks.

We are trying to protect against the possibility that if you squeeze $30 million out of the system that it might pop up elsewhere under independent expenditures. So we have closed out that possibility by our provision against independent expenditures.

In addition to these benefits, in the hopefully rare case that a candidate does not agree to abide by these spending limits, all of his ads would have to carry a disclaimer—much like a Surgeon General's cigarette warning that "this candidate does not comply with campaign spending limits."

It would have to be on all avertising—direct mail and every piece of campaign literature.

I see the Senator from Nebraska has come on the floor, my good friend, Senator EXON. Let me say that that proposal was a contribution which he made to this legislation, a proposal which he made to us. I think it is a very good one and will have a very, very wholesome effect on the way that campaigns are conducted.

It is important to point out, Mr. President, that it would only be if a candidate chose not to follow these guidelines, would his or her opponent qualify for funds from the voluntary tax check-off fund.

If both Senate candidates agree to follow these limits, there would be no public funding, no public financing of elections under this bill.

If neither Senate candidate agreed to follow these limits—no public funds would be used.

So the way the compromise is now drawn would provide the public financing would come into play if one candidate agreed to limit and the other candidate decided to go over the limits and tried to spend an excessive amount of money on the campaign.

Again, take a State with a $1 million spending limit. Assume that candidate A chose not to comply with the limits and candidate B did. At the point that candidate A raised or spent 75 percent of the limit—$750,000—in the general election—he would be required to begin reporting contributions to the FEC in 5 percent increments of the limit—to monitor his activities. This would also serve as a signal for candidate B to begin raising funds above the spending limit to be used when and if the noncomplying candidate A goes above the limit.

At the point candidate A does in fact raise or spend above the $1 million limit—candidate B becomes eligible for a grant equal to two-thirds of the spending limit, in this case, $667,000.

So one candidate in any campaign accepts the $1 million limit. The other candidate does not. When the candidate that does not accept the limit gets up to $750,000 in spending, he or she must report every 5-percent increase increment of additional campaign funds raised and then when that candidate finally goes over the $1 million mark, the candidate that accepts the voluntary spending limit would get a checkoff payment of $667,000.

This is a strong inducement for candidates to participate and, hopefully, we would never have to see one penny from the checkoff fund actually used.

Should candidate A continue to raise or spend above the limit and does so by an additional one-third of the limit—candidate B is eligible for another grant equal to one-third of the limit.

This allows for a very limited role of partial public financing in the election process.

Mr. President, true reform of this complex system of congressional campaign finance cannot be achieved by piecemeal revisions. It requires instead a way to deal with the two fundamental problems—overall spending and PAC money influence. Many of the same opponents of S. 2 opposed my bill last year—the Boren-Goldwater legislation—which dealt only with PAC's. They claimed at that time that PAC's were not the only problem and that a broader reform effort was needed.

S. 2 gives such a broader approach.

Mr. President, I will be the first to admit that there are perhaps other fine tuning and other modifications that can be made which to make this bill better and to close possible loopholes in the system. I again extend the hand of compromise today in offering to listen to any Member of the Senate—Democrat or Republican—who can find a better way to achieve spending limits while passing constitutional muster and making it work.

Many meetings and negotiating groups have discussed this bill and other bills and how to pass a strong reform package. However, Mr. President, 52 Senators support this package—55 have voted at one time or another to limit debate on it thus allowing us to amend and improve the bill—but under Senate rules—that is not enough.

Again, I appeal to my colleagues to join in the effort to clean up this system and help us preserve the most essential element of representative democracy—the integrity of the election process itself.

So, Mr. President, this is an historic opportunity for this body to deal as one people, as Americans across party lines in the U.S. Senate, with a serious problem that confronts our Nation and confronts our constitutional institution.

Mr. President, my good friend from Nebraska is here. I know that he has an appointment waiting for him in his office. I know the Senator from Kentucky also desires to speak. I wonder if we might allow the Senator from Nebraska to speak briefly. I will yield for that purpose.

Mr. McCONNELL. That is perfectly all right with this Senator.

Mr. EXON. Mr. President, I thank the Chair and I thank my colleague from Oklahoma and my colleague from Kentucky for their usual courtesy.

Although I do have another appointment, Mr. President, I think that this is a tremendously important bill. I do not think it is an overstatement to say that this probably is the most important bill that will come before the 100th Congress, at least as it affects the ongoing sanctity of our elective process.

Mr. President, I applaud the majority leader for bringing campaign finance reform legislation back before the Senate. Perseverance is the mark of champions and Senators BYRD and BOREN have been champions in this regard.

Let me say at the outset that I did not support last year's original bill put forward by my two distinguished colleagues because it called for automatic public financing of Senate elections.

That original proposal would have cost $76 million for the current election cycle. Given our current and future Federal deficit difficulties, I could not support such an additional outlay. However, I know that the chase for campaign funds had to stop somehow.

We entered into negotiations and found a solution which has enabled me to cosponsor the revised bill. The revised campaign finance reform legislation before the Senate today is a radically changed bill. Automatic public financing is out. There are State spending limits for primary and general elections which vary by population.

If each candidate limits himself or herself to these limits for each State, then no taxpayer financing of Senate elections will occur.

The tie to public financing is necessary because of a 1976 Supreme Court decision which said Congress cannot set mandatory spending limits. The decision also stated that to set voluntary spending limits Congress must provide an inducement, such as partial public financing. I have cosponsored Senator HOLLINGS' constitutional amendment to overturn that Supreme Court decision; however, we need action now—not years from now when a constitutional amendment would be ratified.

Again, Mr. President, this legislation contains voluntary spending limits for each State based on population. Public financing would only occur as compensation to a candidate whose opponent breached those voluntary limits. Such funding would come from an income tax check off system similar to that used for Presidential elections. We hear the term "level playing field" used in Washington a lot these days. Well, if a bill ever created a "level playing field," this one certainly does so. Incumbents and challengers alike would be subject to the same limit, which is certainly more reasonable than the "sky's the limit" system we have today.

The current version, realizing that it is too late to apply to this election cycle, would be effective with the 1990 election cycle. Candidates who comply with the voluntary spending limits will have the added benefits of receiving the lowest unit rate advertising cost on television and radio as well as preferential mailing rates. The provision of third-class mail rates now available to political parties would be repealed to offset any incidental costs incurred in this bill. Candidates who do not accept the voluntary spending limits must place on all advertisements and announcements a disclaimer acknowledging that they are not abiding by the limits.

In that way the voters will know who has caused the expenditure of public funds. Additionally, political action committee [PAC] contributions would be limited to 20 percent of each State's general election limit.

Mr. President, this is fair legislation. I cannot understand any reason to oppose it; however, last year, it was filibustered. Seven times we attempted to break the filibuster. Unfortunately, seven times we came close but failed to obtain the 60 votes required for cloture. Clearly, if the filibuster can be broken this legislation will pass because we now have 52 cosponsors in the U.S. Senate.

Therefore, Mr. President, the majority of this body very clearly indicated that they think this is the time, and action is required now. I hope that the minority in the Senate will allow us to proceed, to express the will of this body.

Mr. President, how long will the minority in the Senate thwart the will of the majority in this body? How long will the minority in the Senate thwart the will of the majority of the American people who I believe want campaign finance reform?

Each of us in the U.S. Senate knows that we spend far too much of our time raising phenomenal sums of money to run for re-election. The money chase diverts us from the jobs we were elected to do. Without reform, it will only get worse.

When I hear talk of the possibility of a $5-million campaign for the 1988 Nebraska Senate seat up for election this year, it brings home how out of whack our electoral system has become. A $5-million Nebraska Senate campaign means spending over $3 for every man, woman, and child in my State.

Mr. President, enough is enough.

I have listened with great interest to the comments by my friend and colleague from Oklahoma. The majority leader has asked me to join with him and a few other Senators to try and carry the message and carry the ball; to work out compromises and differences where they might occur so long as we do not detract or deter from the basic message of this Campaign Reform Act which basically says it is time we become reasonable.

We are going to see it become even more difficult down the road to do our work here if we are spending as much time raising funds for re-election as we are using that time to the betterment of our constituents, our State, and this Nation. I do not want to overplay the issue, Mr. President, but I think we are at a critical time. I think we are

right on the verge of major distrust taking over on the part of the citizens of this country, when they see the money game that is now being played. I appeal, as has my colleague from Oklahoma, to all of the Members of the Senate. We ask a time for a coming together, if you will. Let us sit down and work out any legitimate complaints that there are in the present bill. No measure before the U.S. Senate has ever been a perfect one. No measure before the U.S. Senate is so well written and so well thought out that no changes can be made. We are extending the hand of welcome once again to the 48 Members of the U.S. Senate who are not currently cosponsors of this legislation, to please sit down with us, see the light, come to the realization that now is the time that we are required to act because we are trying to be reasonable.

I do think it is fair to say that those of us who are fundamental concerned about this issue are determined, we are dedicated, we are ready to take whatever steps are necessary within the rules of the Senate to see that this matter is brought to a vote.

I do not think this is the time for recriminations. I do not think this is the time to throw about or castigate others who do not agree with us. We hope that, if possible, 100 Members of the U.S. Senate, regardless of their political affiliation, can see the light, can see the difficult road where there is only darkness ahead and disrespect for the very system that we are here to protect unless we have the courage to make some changes and make them now.

Mr. President, once again, I emphasize that we want cooperation and not confrontation, but if we cannot get compromise, if we cannot get something reasonable, then confrontation is going to be before this body on this issue in the very near future.

Let us see if we cannot work together to solve this knotty problem and put it behind us once and for all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

(The remarks of Mr. DIXON pertaining to the introduction of legislation will be found later in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SUPERCONDUCTING SUPER COLLIDER

Mr. DIXON. Mr. President, I rise today to bring to my colleague's attention an article that appeared in Wednesday's USA Today about the suprconducting super collider.

A recent poll found that 58 percent of 1,200 citizens throughout the United States are "favorably disposed" to the construction of the super collider. Further, 67 percent favored the SSC when told that the Soviet Union and Japan have plans to construct similar projects.

My friends, the significance of these findings is important to us as legislators. Our constituency wants our country to construct the super collider. In fact, Robert Berrier, the Wirthlin Group pollster, said, "We found that the more people know about it, the more favorably disposed they are."

I would like to also mention that in April of last year, Northern Illinois University in De Kalb, IL, conducted a survey among residents in Illinois to determine public reaction to the super collider.

The survey concluded that "the more citizens know about the SSC, and the more information they have about the nature of the project, the more supportive they are."

We need to listen to what the people are saying. They want the super collider built in the United States!

The super collider will be the largest research project ever built, costing an estimated $6 billion. It is definitely big science.

Since the President's approval of the super collider more than a year ago, we here in Washington have discussed and debated about the costs of the project.

The reality: it is not a small cost—but it is a small price to pay to ensure our Nation's lead in scientific research.

We have virtually ignored the most important issue in considering the construction of the super collider—its significance to the United States in maintaining our competitive edge in high-energy physics.

Congress failed to authorize the construction of the superconducting super collider last session.

We must join the people of the United States in supporting this program by approving the construction of the SSC this session.

The competition for the siting of the super collider has been narrowed down to a short list of seven States. I am happy to say that my State of Illinois is on this list, as are Arizona, Colorado, Michigan, North Carolina, Tennessee, and Texas. The Department of Energy will make its final recommendation of the best qualified site to President Reagan by the end of this year.

Congressional interest in the super collider was at a peak 6 months ago as States prepared their site proposals. In fairness to our country and to its citizens, we must recognize that the SSC is a national project that still demands all of our support.

I believe that the United States should go full speed ahead with the construction of the super collider. It is also no secret that I hope to see it in my State of Illinois. But, I am very much aware of my responsibility to my country.

Let me go on record saying that even if Illinois was not on this short list, I would still be committed to this very viable project.

The super collider is a project for our entire Nation, belonging to all of us, and we cannot let the threat of parochial interests undermine the best interests of the Nation.

I urge each of you to join me in supporting the construction of the superconducting super collider.

Mr. President, I ask unanimous consent that the article to which I referred as it appeared in USA Today, February 3, 1988, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[USA Today, Feb. 3, 1988]

POLL FINDS WIDESPREAD SUPPORT FOR COLLIDER

(By William Dunn)

"Supercollider" isn't a household word—but when the giant atom smasher is explained to people, a majority favor it, says a poll out today.

"We found that the more people know about it, the more favorably disposed they are," says Wirthlin Group pollster Robert Berrier.

Texas—competing for the $4.4 billion project with Arizona, Colorado, North Carolina, Michigan, Illinois and Tennessee—ordered the pool of 1,200 nationally, 600 more in Texas.

Findings:

After the collider was explained, 58 percent were "favorably disposed." In Texas 81 percent approved.

Nationally, 67 percent favored the collider when told Soviets and Japanese are considering similar projects.

Don Morris, Arizona's collider team manager, said the poll shows "we have to inform the public of the benefits not just the cost."

Mr. DIXON. Mr. President, I thank my distinguished colleagues, the distinguished manager of the bill, S. 2, which I support and will speak upon later, the distinguished Senator from Oklahoma [Mr. BOREN], and my friend, the senior Senator from Kentucky on the other side, Senator McCONNELL, for yielding this time.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I ask unanimous consent that I may proceed as in morning business for a brief period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STRATEGIC AIR COMMAND ALERT FORCE

Mr. EXON. Mr. President, most Americans do not give frequent thought to our Armed Forces until that time when a national emergency arises or Americans lives are in danger in some remote corner of the world. Otherwise, most Americans think our Armed Forces do not do much more than carry out routine peacetime training.

Nothing is further from the truth with the Strategic Air Command. Every day since October 1, 1957, the men and women of the Strategic Air Command have been on alert, manning and supporting our missiles and bombers, guarding this Nation against a Soviet nuclear attack. They are on a higher level of alert than most of our other military forces. Their responsibility is awesome; their performance is consistently impressive.

The task is not an easy one. Continuously maintaining a complex organization of bombers, their supporting tankers, and missiles is in itself challenging. Being constantly ready to respond to a nuclear attack is extremely demanding.

From Offutt Air Force Base in Nebraska, the headquarters of SAC, to Andersen Air Force Base on Guam, the Strategic Air Command maintains its guard. This means that in all climates and weather, SAC must be able to respond within minutes to any hint of aggression.

The men and women assigned to the Strategic Air Command are an elite. They must be in order to handle the tremendous responsibility of maintaining, operating, and protecting nuclear forces that are the heart of our Nation's deterrent to nuclear aggression.

For over 30 years, the Strategic Air Command alert force has admirably carried out this vital mission of nuclear deterrence. As the chairman of the Senate Armed Services Subcommittee on Strategic Forces and Nuclear Deterrence, I am proud to pay tribute to the men and women of SAC.

Mr. President, history will reveal down the line that we have an outstanding American in the person of Gen. John T. Chain, Jr., the head of the Strategic Air Command with headquarters in Omaha, NE.

I have recently received a communication dated February 8, 1988, from my friend and colleague, General Chain, with whom I work very closely in my capacity as a member of the Armed Services Committee of the Senate, particularly with regard to my position as chairman of the Strategic Subcommittee thereof on all of the matters including the nuclear deterrent.

General Chain authored an article entitled "The Year of the SAC Alert Force."

In order that all Americans may come to better understand the importance of the Strategic Air Command, I ask unanimous consent that the letter and a statement on the SAC alert force by the Commander in Chief of the Strategic Air Command, Gen. Jack Chain, entered in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS STRATEGIC AIR COMMAND, OFFICE OF THE COMMANDER IN CHIEF,
Offutt Air Force Base, NE,
February 8, 1988.

Hon. J. JAMES EXON,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR EXON: Strategic Air Command bomber and tanker crews began alert more than 30 years ago, around the clock every hour of every day. Then and now, SAC alert crews form the cornerstone of America's deterrence.

We are very proud of our accomplishments as we enter the fourth decade of providing deterrence for this nation—and we look with confidence to the challenges of the future. We believe it is important that the American public understands what SAC alert crews do for them and for our nation. Therefore, in an effort to reaffirm the importance and enhance the prestige of SAC alert, we have designated 1988 "The Year of the SAC Alert Force."

I have enclosed a copy of an article I have written to the men and women of Strategic Air Command concerning the importance of the alert mission. I would be very grateful if you would consider inserting the article in the Congressional Record. It would mean a great deal to SAC people and would assist in our efforts to inform the public that SAC provides the deterrent shield that guards America's freedom.

Best wishes,

JOHN T. CHAIN, JR.,
General, USAF,
Commander in Chief.

THE YEAR OF THE SAC ALERT FORCE

(By John T. Chain, Jr.)

When our Secretary of State, George Shultz, visited SAC headquarters recently, he paid this command an enormous compliment. He said that among the many things that impressed him, the thing that impressed him most was that "SAC is ready to go to war today, while most other military organizations are training to go sometime."

It is that theme—being ready to go at a moment's notice to defend this great nation of ours—that I want to address here.

Being ready to respond immediately is a critical part of our deterrent mission. We must be so visibly ready—so professional—so capable—that our adversaries know beyond a doubt that an attack on us would subject them to immediate, devastating retaliation. Throughout the years SAC's alert force has been the cutting edge of our "ready to go" capability.

I can testify from personal experience that alert duty is a tough, demanding job. It involves sacrifices from the crews, from the people who support them, and from the families who endure the long hours, understand the pressures, and share those sacrifices. But no job in the military is more important. Deterrence—keeping the peace—is built on the shoulders of our alert force.

The SAC alert force began standing guard for this nation on Oct. 1, 1957. We have maintained the vigil for more than 30 years . . . more than 11,000 days . . . 24 hours a day, every day. During good times and bad, it has been the vigilance, dedication, and strength of SAC's alert force which have allowed Americans to live in freedom.

So, it is essential that the importance of alert duty is fully recognized: by the people who pull it; by their colleagues in SAC and in the other commands and military services; and by the American people who owe the SAC alert force so much. To help recognize the importance of SAC alert, I have declared 1988 to be the "Year of the SAC Alert Force."

During 1988, we're going to reaffirm the importance of SAC alert, enhance the prestige of the alert force, and upgrade the alert force environment. Within this command, this observance is to express our gratitude to the families, support personnel and crew members who have made great sacrifices in years past, and to salute those who stand guard today.

We do a lot of things in SAC that are important, but nothing is more important than our alert commitment. Our adversaries know the importance of the SAC alert force. They know that if they start a fight with us, they will have to deal with the awesome retaliatory capability of the finest military force on the face of the earth. Our president knows the importance of the SAC alert force. He recently wrote a letter to the men and women of Strategic Air Command in which he said ". . . SAC's demonstrated readiness has been a cornerstone of peace and security for the free world." And, the American people increasingly know that it is the dedication and vigilance of the SAC alert force that safeguard the freedom and security of our nation.

Should deterrence fail, SAC is indeed ready to go to war today. We are confident we can carry out our mission, anytime, anywhere. The people who pull alert, and those who support them, guard this nation on freedom's front line. I'm enormously proud of our alert force. I look forward to celebrating the "Year of the SAC Alert Force" with the men and women of our alert team who serve our nation so well.

Mr. EXON. Mr. President, I thank the Chair and I thank the managers of the bill. I yield the floor.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m. today.

There being no objection, the Senate, at 12:24 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. HARKIN].

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with consideration of the bill, S. 2.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, in the discussion of S. 2, I think it would be well that we talk about some of the practical problems that we face.

There has been, during the past year, a lot of discussion about the technicalities of this law, what it would do and and what it would not do. But I would like for a short time, Mr. President, to talk about some of my experiences running for the U.S. Senate.

I served in the House of Representatives before being elected to the Senate. When I made the decision that I was going to run for the U.S. Senate, I met with some of my colleagues who had been in a similar position, people who had served in the House of Representatives and were elected to the U.S. Senate. I spent some time and they told me about the difficulty of a campaign. One thing they all agreed on was that a campaign for the U.S. Senate took a great deal of money.

They also told me that I would spend a significant amount of my time raising money to run the Senate. One Senator told me that I would spend 80 percent of my time raising money to run for the U.S. Senate. Remember, I come from a State that is small in population. There are probably only 10 States that have fewer people than we do. But we are a State and we have the bright lights of Las Vegas and Reno and Lake Tahoe. I said to myself, "I'm not going to spend 80 percent of my time raising money to run for the Senate. Why, I have people that have helped me when I was elected to the House and State legislature and Lieutenant Governor. I have people that I know that will help me."

He was right; I was wrong. I may not have used 80 percent of my time, but I used a significant amount of my time, far over 50 percent of my time, raising money to run for the U.S. Senate.

I should have been, during that period of time, visiting schools, speaking to government classes, going to universities, reviewing their engineering programs, doing things that would acquaint me with the problems of the State of Nevada. I should have been going to industrial plants determining how, for example, in southern Nevada, they produce titanium. I should have been going to dairy farms in the northern part of the State trying to understand some of the problems with dairy production. But, what I was doing was spending an inordinate amount of my time calling people on the telephone trying to arrange meetings to see if they would be willing to help me financially to run for the U.S. Senate.

I should have been going to the hotel employees throughout the State of Nevada—there are hundreds of thousands of those people—meeting with them to find out what their problems are. But, what I was doing was trying to arrange times to meet with people to raise money.

None of us, Mr. President, is proud of that. None of us is proud of the fact that rather than going to a high school civics class we are meeting with people to try and see if they will give us $500 to help us with our Senate campaign. None of us is proud of the fact that is what we do. But that is what we do. In a small State like Nevada I had to raise over $2 million to be competitive. Now my opponent outspent me significantly, but I had to raise $2 million to be competitive.

That is what S. 2 is all about. It is not some pie in the sky.

We are talking about reality—100 U.S. Senators spending an average of $3 million on a Senate race. That is what we are talking about. We are talking about someone that wants to run for the Senate, that person, that man or woman, must recognize that unless they are individually wealthy, and I mean real wealthy, that they have to go out and ask people to give them a lot of money.

There is nothing wrong with asking people to give you money. But, enough is enough. Should we not set some boundaries and guidelines? That is what S. 2 is all about.

Not only do we have that problem, that it just takes a great deal of money, but, in addition to that, S. 2 does some other things that I think are important, Mr. President. S. 2 addresses some problems that you do not see at first glance.

I thought if I raised enough money to be competitive, that would solve my problems. But that is not how it is. There are all kinds of ways to deviate from the law.

I will never forget one of the most amazing things that ever happened to me. Senator Laxalt announced in August that he was not going to run for reelection. I decided shortly thereafter that I would try to fill the open seat of Senator Laxalt, so I worked basically from September through March getting ready to run for the Senate, which I learned included raising money.

What I did not realize, Mr. President, was that there are ways that people can raise money that are so easy, so devious, for lack of a better word. There are ways that people can raise money that are not in the framework of the law as we think it should be.

S. 2 addresses a problem and that is something called bundling, and I will talk more about that. Bundling, Mr. President, is a situation where, for example, the Republican Senatorial Campaign Committee solicits money for itself. What I found in my case is those moneys did not go to the Republican Senatorial Campaign Committee. They just were there for a short period of time until they went to my opponent. So on something that I spent 6 months doing, he did in a matter of a few minutes by just the RSCC redirecting some money.

There are also a lot of other things that this bill addresses. Expenditures by political parties.

Another interesting thing that happened to me, talking about how a campaign really works, I woke up one morning and learned that in the State of Nevada, the seventh largest State in the Union, 72 million acres, was covered with signs, political signs, thousands of 4 by 8 signs saying vote for my opponent. Well, I thought to myself, "That takes a lot of money," and I knew about how much one of those signs cost. And I thought, "Well, I do not think he is spending his money very wisely."

It took a few days before I realized he did not pay for the signs. They were paid for by the State party. That was a way to circumvent the law. I do not know how much they cost—hundreds of thousands of dollars. They went through the State party.

I came to realize very quickly that that is not the only thing they did to try to get around the law. What else did they do? They paid for advertisements on radio that were directed against me. But they were used that way so that they would not be expenditures of the candidate himself.

So, Mr. President, this law addresses real problems. It does not address hypothetical situations that may occur sometime in the future. It addresses real problems. And let us go over them again just very briefly.

It addresses a Senate candidate who is told that he or she is going to have to spend a significant amount of time, far over 50 percent of it, raising money to run for that office. It addresses problems that deal with bundling, conduiting, it deals with expenditures by State parties.

S. 2 is not a perfect law. We all know that. But it certainly attempts to address the problems that face each and every Senator in this Chamber and we have to do something about them.

Henry Clay said, many, many years ago, Mr. President, that government is a trust and the officers of the government are trustees and both the trust and the trustees are created for the benefit of the people. He said that in 1829 and it certainly applies to what we are trying to do today. It holds as true today because we are the trustees, the same as Henry Clay was a trustee back in 1829, and we bear to the people the highest possible level of duty to fulfill that trust.

Of late, however, Mr. President, I fear we have most grievously failed in that trust. For the past few elections it has become increasingly clear that the election code we created to ensure fair proceedings in Federal campaigns simply is not doing the job. There are loopholes in this law that now governs

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elections that you could drive 15 freight trains through. I only mentioned a few of them.

I do not mention any of the things that happened in my race in acrimony. I won the race. I was fortunate to do so with all the loopholes that were in the law. I bring it to the attention of this body and the American people because I think we have to know that this law applies to real problems that face each and every person that is elected to the U.S. Senate. I am confident that S. 2, the Boren-Byrd bill, sufficiently dams the torrent that is passed through these loopholes. The American people want this bill. They want campaign reform. They want an end to the spiraling cost of campaign spending and to the campaigns that begin the day after the election. Campaigns now begin, and we can look at the Presidential scene to recognize that, the day after the election.

Mr. President, I made a point. I said the American people want this bill. Is there any proof of that? I brought with me only a little bit of the proof of that; only a little bit of the proof of that. But I want to bring to this body's attention some of the reasons that I feel the American people do support this legislation. I want to bring to the attention of the Members of this body and the American public the fact that it is something the American people want.

I brought, this afternoon, only a few of the editorials that have been written in newspapers all over this country and I show you, Mr. President, this bundle of editorials. I mean, it is 2 or 3 inches thick. These are editorials from all over the country. I only brought part of it.

These editorials are not from one part of the country. These editorials are from all over this Nation:

The Morning Call; Allentown, PA.
The Daily Astorian; Astoria, OR.
Athens Daily Review; Athens, TX.
Kennebec Journal; Augusta, ME.
The Bakersfield Californian; Bakersfield, CA.
Bangor Daily News; Bangor, ME.
Bluefield Daily Telegraph; Bluefield, WV.
The Boston Globe; Boston, MA.
Daily Camera; Boulder, CO.
Bozeman Daily Chronicle; Bozeman, MT.
The Brookings Daily Register; Brookings, SD.
The Buffalo News; Buffalo, NY.
South Idaho Press; Burley, ID.
The Burlington Free Press; Burlington, VT.
Nevada Appeal; Carson City, NV.
The Chandler Arizonan; Chandler, AZ.
The Daily Mail; Charleston, WV.
Chillicothe Gazette; Chillicothe, OH.
The Messenger; Clemson, SC.
The Plain Dealer; Cleveland, OH.
The Columbia Record; Columbia, SC.
News; Cumberland, MD.
Dallas Morning News; Dallas, TX.
Dallas Times Herald; Dallas, TX.
The News-Times; Danbury, CT.
The Danville News; Danville, PA.
News-Journal; Daytona Beach, FL.
The Denison Herald; Denison, TX.
The Courier-Express; Du Bois, PA.
The El Dorado Times; El Dorado, KS.
The Register-Guard; Eugene, OR.
The Evansville Press; Evansville, IN.
Times-West Virginian; Fairmont, WV.
Northwest Arkansas Times; Fayetteville, AR.
The Fresno Bee; Fresno, CA.
Gainesville Sun; Gainesville, FL.
The Gardner News; Gardner, FL.
Great Falls Tribune; Great Falls, MT.
The Record; Hackensack, NJ.
The Hartford Courant; Hartford, CT.
The South Dade News Leader; Homestead, FL.
Herald-Dispatch; Huntington, WV.
The Clarion-Ledger; Jackson, MS.
Kenosha News; Kenosha, WI.
Record-Courier; Kent-Ravenna, OH.
Valley News; Lebanon, NH.
Leesburg Commercial; Leesburg, FL.
The Tribune; Lewiston, ID.
The Lewiston Daily Sun; Lewiston, ME.
The Sentinel; Lewistown, PA.

I could go on for an hour reading the places from which the editorials come. Just the places. Not the content of the editorials.

It is significant that in my State of Nevada we have editorials from all over the State.

Mr. President, I bring to this body's attention an editorial from the Reno newspaper, the Reno Gazette Journal, Wednesday, February 25, 1987, and part of what is said in this:

> This bill would limit candidates and their families from spending, and limit overall spending depending on the size of the State.

Skipping down:

> The bill would limit total PAC contributions to a maximum in the Senate and the House, depending on the size of the State.

No one here—well, I should not say that. I am not here to beat up on PAC's. I think political action committees serve a valuable purpose and I am not here to in any way berate political action committees. I am here though, Mr. President, to indicate that we have an overall spending problem as pointed out in the editorials from the State of Nevada and around the rest of this country.

This is from Carson City, NV, the capital of our State. It says a number of things. It says, for example: "Senators complain about becoming panhandlers." That is a word that I am not familiar with, but it is certainly descriptive of some of the problems that we have.

The editorial states, among other things:

> Campaign reform simply will not happen without spending limits. The Supreme Court has ruled that there must be some form of public benefits in order to establish a system of voluntary campaign spending. The spending limits contained in S. 2 are reasonable and voluntary, as required by the Supreme Court. If Presidential elections are a reliable guide, S. 2 will provide for competitive elections; neither party will be at a disadvantage.

It states here:

> Senator Dole and his fellow filibusters need to step aside and give the reform legislation the chance to slay the campaign monster. In doing so, they would be helping restore the integrity of our representative form of government.

This is from the Carson City newspaper, the Nevada Appeal, dated July 2 of last year.

But it is not related only to the northern part of the State. The major population of the State of Nevada, an area of the State that has about 60 or more percent of the people of the State of Nevada, also cares about campaign reform. The Las Vegas Sun Newspaper, on the 29th day of December of last year, just a few weeks ago, wrote an editorial that, among other things, related to another issue that this S. 2 addresses, that is independent expenditures.

I am sure that most Senators who came to this body this year—there are 13 new Senators—I know of 11 Senators who, with rare exceptions, had independent expenditures against them. There is no way of attributing from where the money comes; no way of having the people who contribute to those independent expenditures listed on your expenditure or anybody's expenditure listing at the end of the year or during the year. These are independent expenditures that come from we do not know where.

The Las Vegas Sun newspaper indicated that NCPAC, the Virginia-based National Conservative Political Action Committee, spent better than $200,000 to help defeat incumbent Senator Howard Cannon approximately 5 years ago.

The editorial further states:

> Byrd's—

referring to our majority leader—

> Byrd's goal was to convince the Nation that Republicans were blocking campaign reform.
>
> Byrd said, "The Senate will revisit the measure next session." When S. 2 is brought up again before the Senate, you will face a choice of continuing to protect a campaign financing system that is fundamentally corrupt or helping to restore integrity in a representative form of government. So said Commom Cause president Fred Wirtheimer after the comments by Senator Byrd.

The editorial further states:

> Yes, the candidates are spending too much money on their campaigns. Yes, there ought to be limits on how much they can spend. That would make it more attractive for equally well qualified people to seek elective office, and it would shorten the amount of time they spend away from their legislative desks seeking money for their next campaign.

Mr. President, these are three editorials that are from newspapers in the State of Nevada during the past few months. As I indicated in reading just a few of the places from where they come, there are a lot more.

I am going to spend just a minute to direct this body's attention to some of

the other editorials around the country. I picked just a few out of the hundreds.

I want to point out, Mr. President, as I indicated from where these editorials come, that these are not editorials from the New York Times only, these are not editorials only from the Washington Post, these are not editorials from the Los Angeles Times, the big, big newspapers. These are editorials from small newspapers, some of them weekly publications, concerned about what is happening to our country.

The Allentown, PA, newspaper called the Morning Call last year said, among other things:

> Not so long ago it was a widely held belief that in a democratic society long periods of governance were interrupted by a fine-tuning process known as elections. But that belief has been a fiction in American politics for decades. The fact of political life in today's America is that for the most part our political leaders are engaged in a continuous political campaign. No sooner are the victors of November rejoicing over their victory than they start fattening up the war chest for their next campaign. In the case of the House of Representatives, Representatives, who serve 2-year terms, their round-the-clock campaigns do not end until death, defeat, or retirement.

Among other things, the Allentown Morning Call said:

> There are two ways to break the back of interminable campaigns and their multimillion dollar price tags. The first is to limit the length of campaigns.

I am totally in favor of that and I think most are. But they state that is almost an impossibility in our system.

> The second possibility, campaign finance reform, though, is possible. That is, if the politicians will it. Right now, Senate Republicans have bottled up a bill that would provide public financing of Senate campaigns—an improvement over the present vested interest—financed campaigns.

Mr. President, there has been a good faith attempt by the majority leader of the Senate to have this issue decided on its merits. This bill holds the record for cloture votes. If I am not mistaken, there were seven cloture votes. It breaks the record in the 200 years of this Republic. This bill broke the record trying to stop debate seven times and we were not able to do so. We could not get the necessary 60 votes. We got 55 votes. But as the Allentown Morning Call said, "Something must be done."

We switch from that part of the country now to the State of Maine. In Augusta, ME, there is a newspaper called the Kennebec Journal. This newspaper said:

> The good news is that reform of congressional campaigns, with their vicious television commercials and exorbitant cost, is possible this year. The bad news is that the debate is proceeding along partisan lines, with Senate Democrats almost unanimously in favor of a public financing plan, and the Republicans opposed. The Senate is fertile ground for reform.

Earlier it was stated this should not be a partisan issue. Mr. President, it should not be a partisan issue. There is no reason that campaign reform be a partisan issue. The American public wants reform and as indicated in the newspaper from Augusta, ME, the Senate is fertile ground for reform.

Bozeman, MT, has a newspaper called the Daily Chronicle. The newspaper in the great State of Montana, the beautiful State of lakes and mountains, among other things said:

> Only the most naive believe that money has little influence on political decisions. That influence must be controlled and the Senatorial Election Campaign Act is a worthwhile place to begin the job.

That was the Bozeman Daily Chronicle.

Brookings, SD, has a newspaper called the Brookings Daily Register. It said, among other things:

> This past fall, South Dakota finished first in something, but it was a rather dubious distinction.

This State, the State of South Dakota, holds the distinction for spending more than any other State in the Union per vote. Part of what the editorial says is that more than $7 million was spent electing a Senator from South Dakota.

The State of South Dakota is a very, very sparsely populated State. The State of South Dakota has about 500,000 people, give or take a few; $7 million?

In a statement made in April, Tom Daschle, a brilliant Senator from the State of South Dakota, said, and this talks a book even though the Senator said it in a sentence or two:

> More than any other single factor, it is this unlimited funding that is a problem. If we are ever to get a handle on the multiple maladies that afflict our campaign financing system, our very first step must be to limit spending.

That was Senator Tom Daschle. He was in the pits fighting. He is not talking as a theoretical approach to how Government should be run. He was there. He was elected in the same class I was elected. We went through the same program. It was tough. Why? Because of campaign financing.

The Brookings Daily Register further said:

> In South Dakota that limit would be $950,000 on the general election per candidate and $636,500 in the primary.

That is per S. 2.

It ends its editorial by saying:

> We don't need $7 million to get the message of candidates to the people of South Dakota. If we don't limit campaign spending soon, what the voters of our State think won't matter much anymore.

I thought the West should be represented, Mr. President, in going through these newspaper editorials, and so I have already talked about Nevada, the papers there. But to show that other Western States feel strongly, let us talk about Chandler, AZ, a newspaper called the Chandler Arizonian.

> The Senatorial Election Campaign Act has cleared the Senate Rules Committee—

This editorial was written last summer—

> but faces the roadblock of a Senate filibuster unless integrity wins out over greed in the hearts of some members of the Senate. Among those in opposition to the Senate Campaign Reform Act are such big gun PACs as the American Medical Association and the National Association of Homebuilders. Supporters of the legislation include the American Association of Retired Persons and the International Association of Chiefs of Police.

Skipping to another part of the editorial:

> In the 1976 election, it took an average of $610,000 to win a Senate race.

Ten years later, Mr. President, in 1986, it took $3 million—$610,000, which is a huge amount of money, but 10 years later, the average Senate race cost $3 million. The editorial finishes by saying:

> Election campaigns are too expensive and financed to too great a degree by PACs. The Senatorial Election Campaign Act is long overdue.

Mr. President, I also wanted to refer to the southern part of this country because there are editorials from all over the South. The Clarion Ledger from Jackson, MS, is the last editorial from which I will read.

> A comprehensive campaign finance bill has surfaced in the U.S. House of Representatives, a good sign that some reform will come to Congress soon. The House bill would establish a voluntary system of overall spending limits and prescribe limits on the use of personal wealth in campaigns along with providing partial public financing.

And as we know, Mr. President, that basically has been eliminated from the bill in an effort to work some compromise.

> It would also limit the total amount of political action committee contributions a congressional candidate can accept. A host of Members in the Senate—

And I think this is so significant—

> including the President pro tempore of the Senate, John C. Stennis (D. Mississippi), introduced their plan for campaign finance reform but have gained little ground due to a filibuster lead by Republicans. The stall tactic forced supporters of the Senate reform bill to introduce a new proposal that limits campaign spending and puts an aggregate limit on the total amount of political action committee contributions candidates may accept. The new proposal eliminates the controversial public financing for Senate elections except in very rare circumstances. Both plans are fair and reasonable. The key is to limit campaign spending which has gotten out of control and to set confines on contributions from political action committees.

Mr. President, before leaving the Clarion Register, I think it is so important to recognize that John Stennis, somebody who we all look up to, somebody who is history himself, spent so much time, 40-odd years in the Senate. He is my chairman, chairman of the Appropriations Committee. He is a man we all love and respect. He has seen it all. Here is this very, very brilliant man, with a history that is unsurpassed in Senate politics, who has been involved in some of the most controversial battles ever to take place in this Chamber, saying something must be done about campaign spending, and this is recognized in his own State of Mississippi.

Mr. President, I have referred to a few editorials from around the country. As I indicated, there are hundreds of editorials from around the country on this issue. To get the flavor of these editorials I have quoted the substance of a few of them to give a geographical representation, that this is not only one part of the country that is concerned about campaign reform but the whole country is concerned about campaign reform.

What I want to do now, so you get an additional flavor of what the editorials are saying from around the country, is refer to the title of these editorials. The titles say a lot, and I think it should get the attention of Members of Congress, not only of the Senate but Members of Congress:

"Campaigns: New Models Needed; Substantial Beginning; Congress Ponders Its Own 'Filthy Lucre'; Campaign Reform Needs GOP Boost; Campaign Financing; Time To Stop Stalling: Send PACs Packing; Campaign-Finance Curbs; Limit Campaign Spending; A Dubious Distinction; Congress Should Adopt Election Spending Curbs; Effort On To Cut Power of PACs; Democrats' Bill To Blunt PACs Worth Passing; Campaign Finance Reform Due; PAC Reform" is the title of the Charleston, WV, Daily Mail. "Campaign Reform; Campaign Act Needed To Curb Spending; Congress Ponders; The Mugging of S 2" is the name of the editorial from the Cleveland Plain Dealer. The Columbus Record: "PAC bill 'Damndest Arrogance'; Campaign Cash Concerns Senate; Campaign Financing Senate Republicans Should End Filibuster."

This from the Dallas Morning News: "Time To Send PACs Packing; Campaign Financing; Senate PAC Limits Bill Deserves a Chance; Congress Ponders 'Filthy Lucre' "—different newspaper, basically the same title. The Courier-Express from Du Bois, PA, entitles theirs "Campaign Monster; Congress Has Money Scandal of Its Own." The El Dorado Times from El Dorado, KS; "Slay the Monster; Real Reform Needed; Campaign Reform Bill Deserves a Chance; Money Business; Talking Reform to Death, The GOP Obstructionists; Congress Ponders Its Own 'Filthy Lucre' "—the third time in these editorials that newspapers in different parts of the country have used the same term of art, "filthy lucre." "Election Spending Limits Are a Must; Where Cash Is King; Senators Tested on Election Spending; Does the Senate Want Reform?; Congress Ponders a Financing Scandal; Time To Stop Stalling; Campaign Spending Should Be Curbed; Finance Reform; Less Money; All Up in Knots; Campaign Spending; Senate Should Adopt Proposal To Restrict Campaign Spending; Campaign Theatrics; Curbs Are Needed on Campaign Costs; Muting the Voice of Money; Why Not Voluntary Campaign Spending Limits; Limiting Political Bucks" is the title from the Courier-Journal from Louisville, KY.

"Cap Campaign Spending; Campaign Spending Limits; Let's Slay It," is the title of the editorial from the Marion Star in Marion, OH. "Get Them; Limits Are Needed; Maybe a Chance To Thwart the PACs; The Auction Block; The Issue That Won't Die; Blocking Reform; Campaigns; Time To Cap Costs; Chance To Break PAC Chains; Campaign Spending Is Out of Control and Change is Needed; Let's Buy Congress Back; Election Reform; Campaign Spending Reform Badly Needed; Limit Campaign Spending; Now is the Time." And who is this? This is Barry Goldwater. Barry Goldwater. This is not a liberal issue. This is not a conservative issue. This is an American issue. We need to do something about campaign spending.

Mr. President, I will not read more titles, but I think we get the idea of what people around this country are saying.

It was only yesterday that the New York Times had an editorial that I think sums up titles: "The Political Clean Air Act of 1988." We really need to do something, Mr. President, because this has gotten out of hand.

Mr. President, the process by which Americans elect their Government has always been in continuous flux, and that since the time of ratification of the Constitution first set it in motion, and as problems with the system became apparent, the Congress and ultimately the people have developed solutions.

Those changes in our system have been as fundamental as the extension of voting rights to minorities and women, as radical as the direct registration centers by the people, and as complex as the system of laws which now control all Federal elections.

Simple or complex however through each of these changes run a common thread. Each was a response to a perception by the public and the Government that the system was not properly functioning. The last major reform involved the manner in which we elect our President. From the middle of this century foward it became increasingly apparent that money was having too much impact on Presidential elections. In the early 1970's a system was created which we all know—as a result of the New Hampshire primary last night—has made Presidential political campaigns far from perfect but has certainly made them, I believe, more competitive.

I think what has gone on in recent months has indicated that campaigns have become more competitive. Well, with the reform as suggested in S. 2 we are not asking that there be public financing of elections. Even though that is a red herring that has been thrown out, that has been withdrawn from this legislation. Only in the rare circumstance would that ever come to be. That is, if one person simply refused to follow the campaign spending rules as set forth in this legislation.

But I think we need to look at the Presidential election process and learn something from it because certainly it is an improvement over what used to take place.

Mr. President, I remember in an election I was involved with about 3 years ago going to a man who was a very prominent man in the American scene, a great inventor. He was responsible for an airplane that is an airplane. When you mention the word everybody recognizes what it means. He had over 100 patents. He was a great scientist and he was a man of some means.

When I met with him in 1974 he was concerned about the tremendous amount of money that could be given to a Presidential candidate. And he gave huge sums of money to the past Presidential candidates. As a result of great Americans like him complaining about the system, the way we elect Presidential candidates changed and rightfully so.

The time has come for us to step forward and change the present means by which we elect Members of Congress. No one wants to take away anyone's constitutional rights. But why should we spend these huge sums of money as indicated in Nevada and South Dakota, two relatively small States? Can we not improve the system? Of course we can.

I have talked a little bit about some of the problems with the system and there are many. Bundling I have talked about. It is bundling and using conduits. I gave an example of that. Those practices are an invitation to abuse, and that invitation has been repeatedly accepted. The invitation to abuse has been accepted graciously by some and wrongfully.

During the past senatorial campaigns there is irrefutable evidence that arose that massive amounts of money were improperly infused into campaigns. And as I indicated I have talked about that in my previous statement, and we do not need to rehash

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the 1986 elections. But I think we can learn from the 1986 elections to prevent future problems. As long as money can be collected by an outside central group and passed on to individuals the temptation to juggle the books to help a favored candidate sometimes becomes irresistible. Let us remove the temptation by simply forbidding bundling and using conduits altogether. Party passthroughs, I talked about that. Pundits of political science have just appeared by the thousands overnight.

Another example of a problem which must be addressed is the ability of State parties to pass money through to candidates in the form of certain materials. I gave an example of that. Again, using the 1986 campaign, that law was abused all over this country, and it is wrong—statewide mailings, radio announcements, even television in various places. Frankly, even though I personally believe under the present law those actions were illegal, the FEC tends not to move on them for a lot of reasons. But even if they were not, they certainly are wrong and we should stop the practice altogether.

Mr. President, I think the important thing that we understand—and I heard Senator BOREN talk about that. I heard a colloquy this morning between the acting minority leader and our majority leader. I heard them talk about the need for compromise. Perhaps there is a need for compromise.

As you will recall, Mr. President, this bill has been modified significantly since it was first introduced by Senators BOREN and the majority leader. It has been significantly altered because of questions raised by the opponents to the legislation. Senator BYRD and Senator BOREN, in an effort to try to work things out, changed things. They did not pick up a single vote in the cloture votes. With all these changes they made they did not pick up any votes.

I would suggest that compromise is a two-way street. Prior to coming to the Congress I was a trial attorney. You cannot settle a case if only one party wants to settle. To settle a case takes both parties. You cannot have compromise if only one party is compromising. To compromise you need both parties willing to compromise.

Now we have only had a one-sided effort at compromise. I am very happy that Senator SIMPSON, the acting minority leader, the Senator from Wyoming, has appointed through the minority leader four individuals to work with four individuals on this side to see if there can be something worked out. I would certainly hope so.

We all know that politics is the art of compromise. Almost any piece of legislation that passes this body or the other body is something that came out in a different form than when it was introduced. That is a fact of life. And there will be compromise in S. 2, too. I would like to think perhaps there will be more compromise than there already is. But that is fine. But I think we have to have a good faith effort to compromise this. It takes two sides to compromise. Remember, I repeat again, politics is the art of compromise.

This body and the other body always do best when we act in a bipartisan fashion. The best legislation that comes out of this body, out of the Congress generally, is legislation that is passed in a bipartisan fashion. That is why we now have two distinct groups, eight individuals, four on each side, that are going to sit down and see if they can work something out. I hope so because that is the best type of legislation. That is the best kind of politics. That is when it is done in a bipartisan fashion. I would hope so because I heard the Senator from Wyoming this morning speak about his acknowledging that there is a problem, his acknowledging that there is a need to do something about campaign spending.

So we all recognize there is a problem. And therefore we must work together to solve that problem.

Compromise does not however, Mr. President, mean in any fashion that we have to ignore problems or surrender principle. Some think that when you talk about compromise you think of, well, he is giving up. Quite to the contrary. I think the change that has been made in this bill to this point is certainly acceptable. I like the changes made in this bill that have been made since the bill was originally introduced. And the bill perhaps can be made even better than it is now. I believe so. But that will only come to be if the Members of this body recognize that there must be compromise and in doing so we need not ignore or surrender certain principles.

On certain issues we must resolve existing problems and not just paper over them because I have no doubt in my mind, Mr. President, as was said by Henry Clay in 1829, "Government is a trust and the officers of the government are trustees, and both the trust and the trustees are created for the benefit of the people."

I yield the floor.

Mr. McCONNELL. Mr. President, we have gotten off to an entirely different start this year on this most important issue. At the outset of the discussion, from the point of view of this side, I commend the majority leader and the assistant Republican leader for putting together a bipartisan group for the purpose of writing a bipartisan campaign finance reform bill.

Just a bit of recent history on this issue: many of us on this side have been calling for a step like this since last May. It is obvious that some form of campaign finance reform is needed, is desirable, and ought to go forward; but not just any bill. It needs to be a bill that is crafted in a manner that does not discriminate against either party, does not attempt to tilt the playing field, if you will.

Many in my party have felt that the basic thrust of S. 2 is to construct a system under which the Democratic Party could prevail more often, and I might remind my colleagues that they prevail more than 50 percent of the time, anyway. They have a fairly substantial majority in the House and, once again, a majority in the Senate.

Those who have studied this issue have felt that with the kind of system that S. 2 seeks to construct, my party would be a perpetual minority, in the high twenties or low thirties in this body.

I make these points to state the obvious: That we are not going to willingly participate in the construction of a system of campaign finance reform which is designed to annihilate the Republican Party. That is not bipartisan campaign finance reform.

I think I can safely say, on behalf of the Republicans in this body, that is not going to happen. So the question is, what kind of a system should we construct; what changes are appropriate and in order at this juncture in our history?

Much was said last year during the course of the debate, and we had a lengthy debate, occupying some 22 days and seven cloture votes. We have had ample opportunity for discussion, and much has been said in particular about the Presidential system, especially from the other side of the aisle.

A number of people have said, "Well, all we're seeking to do here is to construct and establish a system that is similar to the Presidential system," which has, of course, served us so well since 1976.

I think it appropriate that we begin this discussion on the day after the Nation's first Presidential primary, and take a look at this Presidential system which many have lauded.

A couple of things are obvious. This Presidential system that some seem to revere so deeply is making cheaters out of everyone who runs for the office.

In addition, one out of every four campaign dollars is given to lawyers and accountants, to deal with a law that is so complicated it is virtually impossible to comply with. It is a system that micromanages each individual campaign by telling each campaign how much it can spend in this State or in that State.

Of course, every campaign spends a good amount of time trying to figure out how to get around those limits, and most creative candidates do get around the limits. Many of them, however, end up getting caught by the press on the FEC.

What we have done here in the Presidential system is create an environment that encourages everyone to cheat, encourages everyone to find some way around the law, and, it seems to me, that is not necessarily progress. The last thing we ought to do is create for congressional races the same kind of nightmarish result that we have had in Presidential races since the new law was enacted in 1974.

Mr. President, I would like today, by way of introduction to this issue from this side of the aisle, to talk about the Presidential system under which we have been operating since 1974, to point out some very obvious shortcomings of that system, and to suggest that the last thing that we want to do in campaign finance reform for congressional elections is to emulate the Presidential system.

First, in terms of cost to the taxpayers, the Presidential system, in 1988 alone, has cost $40 million—all tax dollars. The grand total over the last three Presidential elections has been a third of a billion dollars—all tax dollars, the public's money.

What has that money bought for the taxpayers? First, Mr. President, there has been a proliferation of fringe candidates. The system encourages extremist candidates to squander taxpayers' dollars and spread views that many Americans, while quite tolerant of, certainly do not agree with and are not particularly interested in financing with their tax dollars.

For example, in 1984, Lyndon LaRouche received a half million dollars, from the American taxpayers. This year, Federal funds for this particular candidate have so far been withheld because some contributors may have been defrauded.

Then, Mr. President, there is a Lenora Fulani—a household word in American politics. She is a psychologist from New York. Three weeks ago, $200,000 went to Lenora Fulani, the New York psychologist, to run her campaign for President—tax dollars, 200,000 of them. Good luck, Lenora. We are picking up the tab for part of your race.

I think it is safe to say that spending and contribution limits promote the kind of extremist candidates that I have just discussed. Certainly, everybody has a right in America to run for President, and many do. No American would argue with that, but I do not think we ought to have to fund it. If the Presidential system has encouraged that kind of proliferation of fringe candidates, which we finance with our tax dollars, can you just imagine the field day we would have if we extended that system to congressional races? Why, my goodness, we would have a lot of people out there running for the Senate and for the House with our tax dollars. We would be picking up the tab, literally, for a tremendous variety of extremist candidates to take their point of view to the American public, all at taxpayers' expense.

What else is going on under the hallowed Presidential system that we all keep referring to, and that some would like to emulate?

For one thing, the Presidential campaigns are choked with red tape, strangled in trying to comply with the law that many have argued cannot be complied with.

In 1980, the Reagan and Carter campaigns both budgeted one out of every four campaign dollars for legal and accounting expenses.

We have gone out in the name of reform, Mr. President, and constructed a system under which one can run for President of the United States. We have partially funded it with taxpayers' dollars, and one out of four of those dollars are being budgeted for lawyers and accountants, in order to comply with a law that many argue cannot be complied with.

That is reform? That is a disaster.

Total spending in 1980 of all candidates on lawyers and accountants—this is how much all the candidates spent in 1980 on lawyers and accountants—was $21.4 million, as much as was spent overall on the most expensive Senate race in history. Just in case anybody missed it, I am going to say it again. In 1980 all the candidates for President, collectively, spent $21.4 million on lawyers and accountants, more than was spent overall on the most expensive U.S. Senate race in history—all in what some would argue was a futile attempt to try to comply with a ridiculous law.

In 1984, Reagan and Mondale spent $1 million each on compliance costs, which means crack teams of lawyers and accountants who can find new loopholes and creative accounting methods.

We constructed a system, Mr. President, which benefits lawyers and accountants, and tells them, "Go out and figure out some creative way to deal with this ridiculous law so that I still can take my case to the American people."

We did that in the name of reform? It is a disaster.

I am told that in 1988, the Bush campaign staff processed each contribution through over 100 steps to ensure compliance with a maze of regulations. And my suspicion, Mr. President, is that that same or similar system is being applied by all of the candidates, to comply with this law we passed back in 1974 that everybody called progress. It is a disaster.

Mr. President, a blue ribbon panel of campaign experts found that the Presidential system which many in this body would like for us to emulate and apply to congressional campaigns, this system restricts campaigns in a way that unduly dictates their political strategies. What should remain political decisions have become accounting decisions.

That is progress? Do you want to carry that any further through our Federal system? Of course not.

In Presidential politics today it does not matter any more who has the best ideas or the most support. It is who has the best lawyers and the most accountants—the tragic, unintended consequences of a well-intentioned change in our system of electing Presidential candidates.

And some would have us construct such a system for congressional races? It would be a disaster.

Next, Mr. President, I think it is important to note that taxpayer financing and spending limits have not dented spending. That presumably was to be the virtuous result of the new system for Presidential elections. The whole idea was to limit spending and have the public pay for part of the tab.

That is not what has happened, Mr. President.

Professor Arterton, of Yale University, has said that "Trying to put a dollar figure on the money spent in Presidential contests is akin to figuring out how much the outlaws carried away from a train robbery. There are just too many pockets to add up."

The Kennedy School of Government at Harvard found that spending limits and taxpayer financing in Presidential elections have not stopped—I repeat—have not stopped the exponential growth of spending in campaigns.

(At this point Mr. REID assumed the chair.)

Mr. McCONNELL. Now, Mr. President, after a temporary setback in 1976, the money flowing into Presidential politics is increasing—I repeat, increasing—at approximately the same rate as was the case before spending limits and taxpayer financing were instituted.

As a matter of fact, Mr. President, we cannot even be sure anymore how much spending is growing, because the spending limits are forcing money into soft money and internal communications, all unreported to the FEC. And cheating, Mr. President, is rampant, and this is not a criticism of any particular candidate. We are talking here about the system, the system under which we elect the President of the United States today.

The cheating goes on like never before. The number of Federal Election Commission enforcement actions has grown exponentially. FEC actions for substantive violations of Federal election law have been filed against every major candidate since the system was instituted in 1976. Let me repeat that. FEC actions for substantive violations of Federal election law

have been filed against every major candidate for President since 1976.

The simple fact is, Mr. President, that spending limits are not working. They are merely an invitation for abuse, fraud, and disrespect for the law.

We want to bring that system down to congressional elections? We want to take this marvelous system which rewards lawyers and the accountants and encourages cheating and disrespect for the law, we want to take that and apply to congressional races as well and call that progress? I do not think that is what we ought to be doing.

That is an invitation to disaster.

As you know, Mr. President, under the Presidential system there is a limit on spending per State. At least, that is what the law says.

We all know that candidates spend money on TV ads in Massachusetts to reach voters in New Hampshire. I do not suppose anybody did that over the last week or so. I do not suppose anybody did not do it.

The mail sent to Iowa from New York is charged to New York.

Incumbents use funds allotted to their primary to prepare for the general election contest.

Let us take 1984, and I single out the Democratic candidate—not to be partisan—but there is a quote from Bob Beckel, a campaign staffer for the nominee, that is irresistible. According to Bob Beckel, then senior staffer on the campaign in 1984, the Democratic nominee spent about $2 million in New Hampshire alone. Mr. President, the limit in New Hampshire was $400,000 that year.

The campaign finally got caught when it charged $56,000 to its Massachusetts and Minnesota budgets for rented cars that never left Iowa or New Hampshire.

This is reform? This is not reform. We created a system in the name of reform that seeks to micromanage every campaign for President, saying, "We know best for you what you ought to spend in State X or State Y. It is not a strategy decision you can make. We are going to tell you what to do."

And so they all spend a huge amount of time trying to figure out some way to get around it.

Or, you can cheat on overall spending limits with delegate committees. Back in 1984, one campaign used its delegation selection committees to circumvent spending and contribution limits—and the nominee's own promise not to accept PAC contributions. Campaign lawyers found that delegate committees were "a loophole big enough to drive a truck through." Overall, those committees raised and spent $750,000, including contributions from "maxed-out" donors.

I left out the name of the candidate because that is not the issue here. The issue is a system which makes a cheater out of every candidate who runs for President of the United States, and forces his helpers to scurry around trying to figure out some way to get around a ridiculous law. And some say we want to apply that to congressional elections and call that reform? It would be a disaster, just like it has been a disaster at the Presidential level.

If we have any interest around here in making constructive changes in the law, we ought to be looking at the Presidential system and trying to do something about that disaster, rather than applying it to elections for Congress.

Now, there is another way—of course, there are plenty of creative ways—to get around the Presidential system. Cheating on limits with precandidacy committees has become an all-time favorite. From 1981 to 1984, one partisan committee raised and spent $5 million, but gave away only $380,000—less than 8 percent—to other candidates. This was, pure and simple, a precandidacy committee. Since 1980, nearly every contender formed a precandidacy committee for the supposed purpose of opposing other candidates. Instead, these committees are creatively used to buy political favors for candidates and spread their names all across the country, all outside the legal spending limits.

I say this not to criticize a single candidate who did that, but to make the point once again that the system is so absurd that everyone who seeks this office spends a huge amount of time trying to find some way to circumvent what was intended.

Other ways of getting around the Presidential system: Have labor groups pay the deposit cost for phone banks; share office space with special interests and save on rent; get friendly banks and corporations to extend generous credit accounts with skimpy collateral; use personal credit cards to loan money to campaign after you exceed the personal $50,000 limit.

All of those things have been tried by some on both sides. And we want to bring that to congressional campaigns and call it reform? I do not think so. It has been a disaster.

What we have created here is a cesspool of abuses which breeds disrespect for law and for the election process. The Kennedy School of Government at Harvard warned that "creative accounting spawned under the Presidential system is stimulating overwhelming cynicism about campaign reforms." Hardened campaign staffers admit that one of the top planning priorities for a campaign is to identify in advance ways to circumvent the limits and rules.

Top priority. You are going to run for President. What is the first thing you do? Figure out what you stand for? Size up the opposition? No, you get an army of lawyers and accountants to tell you how to get around the law. This law is about as ridiculous as prohibition was. Prohibition did not work and we repealed it.

Bob Beckel, again, is a respected figure in Democratic Presidential campaigns. You see him interviewed on television all the time. He helped run Walter Mondale's campaign. A direct quote from Bob: "I think this whole FEC thing is a sham. If you're not finding every loophole that's available, you're not doing your job."

A quote from an honest man about the net effect of what we did to the process of electing Presidents of the United States when we passed this law.

Further, Mr. President, there has been a surge of undisclosed, unlimited, special interest support. Let us take soft money. In 1980, organized labor provided an estimated $11.1 million in soft money support, all unreported and all unlimited, completely outside of the spending limits that we have in the Presidential race.

Why did that happen? That happened because putting a clamp on legitimate expenditures made the candidates and their supporters seek other ways of getting around the law.

In 1984, labor and other special interests spent $30.4 million in soft money to suport the Democratic nominee. I would say this even if they had done it to support the Republican nominee. That is not the issue, who they supported. What was happening, of course, was a massive attempt to get around the spending limits. This $30.4 million included a $1 million ad campaign run by the AFL–CIO, which sharply criticized Reagan's policies, but did not mention either candidate by name. That is one of the ways you get around the limit.

Ronald Brownstein of the Paducah Sun in my State, wrote that labor's soft money campaign in 1984 became "an electoral jihad." In Ohio, alone, the AFL–CIO set up 80 phone banks and paid unemployed members $4 an hour to make 10,000 calls per day—without advocating a specific candidate. The Teamsters spent $2 million and provided services worth $6 million to benefit the other guy, Ronald Reagan.

After the 1976 election, Michael Malbin wrote—after the 1976 election, the first time we tried this reform legislation—Michael Malbin said:

> The biggest winner of the Presidential system was organized labor. Public financing shut off private contributions . . . Party contributions also were limited . . . In contrast, labor could spend as much as it wanted in communicating with union mem-

bers, registering them to vote, and getting them to the polls.

Malbin continued:

> When labor unites behind one candidate, as it did in 1976, a system in which private contributions are prohibited leaves it in a position no other groups can match. Little wonder that labor calls the campaign finance experiment a success.

A success.

This has been the overall increase in soft money spending. Since special interest soft money is under the table, no one knows for sure how much is spent. But the rate of increase for soft money spending is about—as best we can tell—400 percent each election cycle—a 400-percent increase each election cycle in soft money spending. There was a 400-percent increase each election cycle in soft money spending.

Communications to members. In 1984, special interests reported to the FEC spending $4.7 million on political communications to members. Ninety percent of this spending was by labor organizations. Many analysts say this is only "the tip of the iceberg" since loopholes let most communications go completely unreported.

Further observations, Mr. President, about this Presidential system that some think is so wonderful and would like to apply—at least in principle—to congressional races. Let us look at independent expenditures.

In 1980, special interests and single-issue groups spent $13.7 million to support or oppose a candidate. By 1984, that kind of uncontrolled, unaccountable spending ballooned to $17.4 million, a 30-percent increase in one cycle; a 30-percent increase on one cycle.

Now remember, Mr. President, this is under the system that we have for electing the President of the United States, under which, we say there is a spending limit, not only overall but State-by-State. There is no spending limit. Spending has ballooned under the spending limit law.

Tax-exempt organizations. In 1984 about $6.7 million was spent by 85 tax-exempt organizations to conduct "nonpartisan" voter drives. All of these operations were undisclosed and outside of legal limits, yet the funds raised and spent by these organizations were carefully directed by operatives in political parties in Presidential campaigns.

This kind of activity has thrived under the system that we refer to, which is supposed to impose spending limits in Presidential races. All of these activities have developed because the system did not work.

Let us look at total outside, noncandidate spending. Before spending limits and taxpayer financing, outside spending constituted less than 10 percent of overall spending. Less than 10 percent. In 1980 and after, special interest spending to influence elections has represented at least one-quarter of all moneys spent on behalf of candidates. Mr. President, if you add in party spending, then about one-third of all expenditures now made in Presidential elections are outside of the control of the two candidates. Let me repeat that. Again, we are looking at the system under which we currently operate that has been lauded and applauded by so many in this body. Under that system which we call a spending limit system—not only overall but State-by-State one-third of all expenditures now made in Presidential elections are outside the control of the two candidates. This is progress? Do you want to apply this system to congressional races? It is a disaster.

Under the Presidential system, we also have seen a return to the fat cats. We are all familiar with the term "fat cat." In the old days, you know, they could ante up a huge amount of money for their favorite candidate. It was thought, under this Presidential system of spending limits, we would get rid of the fat cats.

In 1983, political activist Stewart Mott bailed out a struggling Democratic contender by allowing him to charge $131,000 to his direct mail fund, and then holding a $500-a-person fundraiser to help him pay the bill. Mott did the same thing in 1980, by extending half a million dollars worth of credit to John Anderson, who ran as an Independent. This enabled Mott to boast, "I figured out how to be a fat cat again."

`I figured out how to be a fat cat again, and I have done it under this new system that we set up for Presidential elections, which is supposed to have an overall spending limit, and a per State spending limit, and will hold down the cost of campaigns. Well, it has done nothing, none of those things. It has just encouraged creative spending and other ways around the system.

The Kennedy School of Government at Harvard, Mr. President, I think, is an interesting source of a lot of critiques of the Presidential system. These are folks there who study it, who have the statistics, who understand what have been the implications of this new system for our political process. The Kennedy School of Government at Harvard, reporting on noncandidate political spending in 1982, said as follows: "A more serious consequence of the growth of money in Presidential elections has been the effort by political forces to expand the flow of money outside the constricted budgets of the actual contenders. These funding sources are all less accountable to the electorate than are the candidates. This constitutes," the Kennedy School concluded, "a failure of the act's orginial purpose."

What did those folks at the Kennedy School of Government recommend? It recommended that "an effort should be made to bring into public record a better accounting of the money spent by labor unions and others"—evenhanded here—"for election-related communications with Members."

Well, there you have how it has worked in a lot of respects, Mr. President. It has been a real jewel, that Presidential election system that we have lauded and applauded in this body. It has been a winner. One out of every $4 raised is given to lawyers and accountants. We have turned a bunch of honest people into cheaters. We have spent half our time trying to figure out how to get around a ridiculous law. And what else has happened? Well, there are some other interesting conclusions.

Voter turnout. One of the things that was said back before this was passed, was, well, we are going to put a spending limit on and put some public money in, and voters are going to get real excited about the process again. They are going to come out in hordes because we will have cleansed the process. The voters will come out in hordes.

Well, voter turnout has stagnated. It was at 55 percent in 1972, before we passed this law, and it was at 53 percent in 1984, after we had had three elections under it. I, frankly, do not think how we fund campaigns has much to do with turnout one way or another, but it certainly did not turn the voters on in such massive numbers that they wanted to come out and participate in the process, because we had somehow "cleansed" it by putting on limits that nobody would follow.

Grassroots politics in campaigns. With the possible exception of Iowa, which is a caucus State, why, it has dried up. In all the noncaucus States, politicking "ain't what it used to be."

David Broder, probably the most respected political reporter in America, in the Washington Post, said:

> There is a cost to public financing. Public financing in Presidential campaigns has meant a virtual shutdown of local headquarters financed by small contributions.

David Broder said further:

> Grassroots democracy has died.

It has died.

That is what we did. We said we are going to limit spending; we are going to cleanse the system; and we created an approach which killed off grassroots democracy.

There is less connection now between the candidates and the voters. Broder further said in the Post:

> There is a political risk in dipping into the Treasury for campaign funds, even though a voluntary checkoff. The only applause from the tourists in gallery came when Senator GRAMM of Texas called taxpayer financing of congressional campaigns a total alien idea to American democracy.

And at the other end of the political spectrum, that well-known conservative, Senator Eugene McCarthy, testified against public financing. Senator Eugene McCarthy, one of the great liberals of all time, said as follows:

> The isolation of political leaders from the influences of individuals sounds like, and is, totalitarianism.

That is what Senator Eugene McCarthy had to say about this system under which we have been operating in Presidential elections since 1974. It is totalitarianism.

What kind of conclusions is it safe to draw, Mr. President? If we want to know how S. 2 would work in practice, we know there has been a lot of speculation here on the floor. I engaged in some of it and the Senator from Oklahoma and others engaged in it, but we have a model. If we want to know how S. 2 would work in practice, we ought to look at the Presidential system of spending limits and taxpayer financing. In all, this system is just another failed welfare program, a multimillion-dollar failure—a multimillion-dollar failure—at reducing spending, curbing scandal and fostering respect for the law and the election process.

We should not be trying to put an arbitrary clamp on citizen participation in politics. That is all a spending limit is. It says to the candidate, at least in terms of the cash contribution, and I have mentioned all the other ways to get around it, "You cannot get any more support than this. This is the limit on your support."

It is a great idea? Terrific. Tell the candidate how much support he can get.

We should not be trying to put an arbitrary clamp on citizen participation in politics. Instead, we should restrict the special interests input, enforce contribution limits, and require more disclosure. As Justice Brandeis said, "sunlight is the best disinfectant."

What were the findings of the Kennedy School of Government at Harvard?

Well, in 1982, Mr. President, the Senate Committee on Rules and Administration asked the Kennedy School of Government to study the post-Watergate campaign finance reforms and to recommend changes. This is what the study group concluded and reported to the Senate Rules Committee:

> Among the problems of the post-Watergate reforms, the most troublesome are related to the attempt to restrict the money spent in Presidential campaigns.

I repeat:

> The most troublesome problems of the post-Watergate reforms are related to the attempt to restrict the money spent in Presidential campaigns.

The report went on:

> Candidates are not allowed to spend enough money. The expenditure limits have spawned a whole series of serious problems of definition, allocation, and enforcement.

"On the other hand," the Kennedy School of Government report continued:

> The effort to control total spending has not succeeded. Those involved in Presidential politics are able to raise and spend unlimited amounts of money through conduits other than the candidates' campaign committees.

The Kennedy School report goes on:

> To make matters worse, most of the other means through which money is now being poured into Presidential politics are inherently less accountable to the electorate and should not be encouraged by the campaign laws.

Here you have it, Mr. President, the clincher from the Kennedy School of Government at Harvard's principal conclusion:

> Thus, our most important recommendation is to eliminate the limitations on expenditures made by candidates.

The principal recommendation of the Kennedy School of Government at Harvard was as follows, and I quote:

> Thus, our most important recommendation is to eliminate the limitations on expenditures made by candidates. Spending limits have proved undesirable for a variety of reasons.

Here are some of them identified by the Kennedy School:

"The spending limits fail to equalize resources of different candidates;

"The spending limits fail to curtail the growth of money in Presidential politics;

"The spending limits fail to shorten the overall lengths of campaigns;

"The spending limits fail to reduce the emphasis on early primaries;

"The spending limits intrude unduly into campaign strategies;

"And the spending limits created thorny problems with arbitrary definitions, creative accounting, and entangle enforcement."

Finally, the Kennedy School of Government at Harvard said:

"The spending limits foster disrespect for the law."

Mr. President, that measure was enacted in the name of progress. That measure was enacted allegedly to cleanup the Presidential system. Clearly, by any objective standard, and it is particularly timely to note this today, the day after the New Hampshire primary during this Presidential season, what a disaster it has been. It demeans the process. It should not be extended any further down the Federal system.

Mr. President, I would ask unanimous consent to insert several things into the RECORD at this point. These are articles on how the Presidential system has eroded public confidence in the electoral process.

First, a Washington Times article headlined "$28.7 Million Sent to 1988 Campaigns."

Second, a New York Times article entitled "Minor Candidate Gets U.S. Funds."

A third New York Times article with the headline: "Presidential Candidates Find No Cure for 'Absentee Elector Syndrome'."

Fourth, a Washington Times article: "Jackson Campaign Fined" for underreporting spending receipts by a million dollars, taking contributions from corporations, and taking contributions in excess of legal limits.

And a Wall Street Journal article called it "Marathon Men."

All of these articles tell the real story, the real story of what Presidential politics has been like since the "reform legislation."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, Jan. 5, 1988]

$28.7 MILLION SENT TO 1988 CAMPAIGNS

(By Amy Bayer)

The U.S. Treasury poured $28.7 million in public financing into the war chests of 12 presidential candidates yesterday, with the Republican Party's top contenders far outscoring the Democrats in fund-raising totals.

Vice President George Bush, the front-runner for the GOP presidential nomination, led the pack in campaign fund raising, pulling in a total of $18.7 million by the end of 1987. The Bush campaign qualified for an initial $5.8 million check from the Federal Election Commission, which disburses the money.

The campaign of Pat Robertson, the ex-television evangelist who this year raised $14.1 million, will be another $4.5 million richer when the federal contribution comes through this week. Mr. Robertson, who qualified for matching funds but has expressed opposition to federal funding of presidential campaigns, initially asked the FEC last week to delay his check, then changed his mind by week's end.

Senate Minority Leader Robert Dole of Kansas, who nearly doubled his campaign chest in the last three months, raised $14.3 million in 1987. His campaign will receive $4.3 million in matching funds.

The three top GOP fund-raisers should have no problem accumulating the maximum $27 million the FEC will allow a presidential candidate to spend, campaign aides said.

Rounding out the GOP fund-raising sweepstakes are Rep. Jack Kemp of New York, with $7.5 million; former Delaware Gov. Pete DuPont, $4.6 million; and Alexander Haig, $1.5 million. All three campaigns will receive federal matching funds this week. Mr. Kemp's will get $3 million; Mr. DuPont's $1.9 million; and Mr. Haig's, $274,000.

On the Democratic side, Massachusetts Gov. Michael Dukakis left his rivals far behind in the race for funds, raking in $10.6 million last year, at least twice the amount raised by any other Democrat. The Dukakis campaign will receive $3.5 million from the FEC.

Rep. Richard Gephardt of Missouri, Sen. Albert Gore of Tennessee and Sen. Paul Simon of Illinois each raised around $4 million last year. Mr. Gephardt's campaign will receive $1.7 million in matching funds; Mr.

Gore's, $1.5 million; and Mr. Simon's, $1.4 million. Arizona Gov. Bruce Babbitt's campaign, which raised $1.8 million, will receive $719,000.

Jesse Jackson, who raised $1.7 million by the end of last year, has not yet qualified for federal funds because of problems with bounced checks and incomplete documentation in his application. According to the FEC, Mr. Jackson's campaign aides are working this week with the FEC to iron out the problems. If ruled eligible, Mr. Jackson's campaign could receive federal funds within a month.

Gary Hart's campaign, which aide Dale Reed admitted was "run on a shoestring," will receive $100,000—the smallest slice of the matching funds pie. Mr. Reed could not provide current fund-raising figures.

The presidential election campaign fund—first used in the 1976 elections—gives eligible candidates federal funds on a matching dollar-for-dollar basis for individual contributions up to $250. Candidates must raise at least $5,000 in individual contributions from each of 20 states—for a total exceeding $100,000—to be eligible for federal funds.

Candidates who accept federal funds must agree to FEC-determined spending limits and audits.

Taxpayers voluntarily support the program by checking a box on their tax return that directs one dollar of their tax payment to the campaign fund—a pool of money set aside in the Treasury.

Candidates can apply for additional matching funds once each month throughout the primaries. During this time, candidates are barred from spending more than approximately $22 million, up to half of which is eligible for matching funds. The FEC estimates $65 million will be paid out to candidates during the primaries.

In addition, the Republican and Democratic nominees will receive another $47 million each to spend on the general election.

Mr. Bush thus far has been able to run a campaign much larger in scope than his rivals, giving him the financial muscle to staff 32 offices in 25 states, more than any other candidate, according to campaign spokeswoman Barbara Pardue.

"We can raise the money because Bush has the qualities of leadership people can identify with, or they wouldn't make a financial investment in his campaign," Miss Pardue said.

But other GOP candidates with smaller bank accounts are keeping their chins high.

"We refuse to be intimidated by George Bush's money," said John Buckley, press secretary for Mr. Kemp, who has borrowed heavily against the $3 million FEC check due this week.

Mr. Buckley said the Kemp campaign will "max out" in Iowa and New Hampshire—meaning it will spend the maximum allowed for those races.

"All the king's horses and all the king's men can't spend more than the limit," Mr. Buckley said. "So if Bush is spending what Kemp is spending, it doesn't really matter if George Bush has $9 million waiting in the bank."

Similarly, the Simon campaign will fight the Dukakis campaign through "worth, not money," according to spokesman Jim Killpatrick. "We're running the campaign we set out to run," he said. "[Mr. Dukakis] has a lot more offices and a lot more paid staffers, but as we see it, he'll need a lot more."

The Simon campaign borrowed $800,000 against the $1.4 million it will receive from the FEC. When that debt is paid, the campaign will have approximately $800,000 cash on hand, according to Mr. Killpatrick.

WHAT THE CANDIDATES HAVE RAISED

[Presidential campaign contributions raised and matched by the Federal Election Commission. In millions of dollars]

	Money raised (as of Dec. 30)	Federal matching funds approved (as of Jan. 4)
Republicans:		
Bush	$18.7	$5.8
Dole	14.3	4.3
DuPont	4.6	1.9
Haig	1.5	0.3
Kemp	7.5	3.0
Robertson	14.1	4.5
Democrats:		
Babbitt	1.8	0.7
Dukakis	10.6	3.5
Gephardt	4.4	1.7
Gore	3.8	1.6
Hart [1]	2.2	0.1
Jackson	1.7	([2])
Simon	3.8	1.4

[1] As of Sept. 30.

[2] The Jackson campaign has not yet been ruled eligible to receive Federal money.

Source: Federal Election Commission.

Minor Candidate Gets U.S. Funds; Decision on LaRouche Is Delayed

(By Richard L. Berke)

Washington.—The Federal Election Commission today grappled with whether to grant public matching funds to Presidential campaigns of two minor candidates who received donations from people who the commission feared might not have realized they were contributing to a political campaign.

The commission approved $205,565 in matching subsidies for the campaign of Dr. Lenora B. Fulani, a Manhattan psychologist who is running as an independent. Her campaign collected a large amount of money at two fund-raising concerts last year, but the commissioners had expressed concern that donors might not have known that their money was for a political candidate.

FUNDS FOR FULANI CAMPAIGN

But the commission deferred a vote on whether to grant matching funds to the campaign of Lyndon H. LaRouche Jr., the political extremist who is seeking the Democratic Presidential nomination, after the commission's legal staff expressed concern that some contributions to the LaRouche campaign might have come from people who thought their money was to be used to help stop the spread of AIDS.

The commission and the campaign agreed to send letters to about 1,000 contributors asking them to clarify the conditions under which they made their contributions.

In Dr. Fulani's case, the commission said it was satisfied that her campaign did not try to mislead the public about the nature of the concerts.

The commission voted, 5 to 0, to grant the funds to the Fulani campaign, but Commissioner Joan D. Aikens abstained, saying he was concerned about minor party candidates' receiving Federal subsidies before the general election campaign.

Major party contenders who get less than 10 percent of the vote in their party's primaries, Ms. Aikens noted, can be disqualified from receiving matching funds. "It is granted every citizen's right to run for President," he said. "But it is not every candidate's right to receive public funds."

All campaigns, whether of a minor party candidate or a major party candidate, must meet the same requirements to qualify for matching funds. These include raising $5,000 in individual contributions of $250 or less in each of 20 states. Campaigns must also prove that their candidates are actively seeking the Presidential nomination and are trying to get on the ballot in more than one state. In the past, campaigns of most minor party candidates have had difficulty meeting those requirements.

The only other minor party candidate ever to receive matching funds in a primary season was Sonia Johnson, a feminist who was excommunicated from the Mormon Church because of her views. The campaign of Ms. Johnson, who ran on the Citizens Party platform, recieved $193,735 in Federal money in 1984.

Presidential Candidates Find No Cure for "Absentee Legislator Syndrome"

(By Clifford D. May)

Washington.—In May, the House of Representatives voted on an amendment to establish a bipartisan commission empowered to close unneeded military bases.

How did Representative Richard A. Gephardt, Democrat of Missouri, vote on this key legislation with implications for both the Federal budget deficit and United States security?

He did not vote.

In June, the House voted on an amendment to bar travel by United States citizens to Central America for the purpose of assisting the military operations of the Nicaraguan Government.

How did Jack F. Kemp, Republican of upstate New York, a fiery opponent of the Managua regime, vote on this issue?

He did not vote.

Mr. Kemp has missed more than 200 votes since the beginning of the year, and Mr. Gephardt has failed to participate in more than 250, far more than is usual for lawmakers. Instead, the bulk of their time and energy has been invested in the race for their parties' Presidential nominations.

DOLE IS THE EXCEPTION

The attendance record is not much better for the other legislators who are Presidential candidates. Senator Paul Simon, Democrat of Illinois, has missed more than 150 votes this year. Senator Albert Gore Jr., Democrat of Tennessee, has been absent for about 125. And the percentage of votes all these candidates have missed has been increasing sharply as the primary season draws near.

The one exception among the Presidential contenders has been the Senate minority leader, Bob Dole, who has missed only 11 votes since last January. However, Mr. Dole, a Kansas Republican, officially announced his candidacy only on Nov. 9.

Vice President Bush does not vote except to break ties in the Senate.

A CONTINUING PROBLEM

The conflict between legislating and running for office is not new. Each Presidential year, candidates who hold public office face the challenge of balancing the demands of their work in Washington with the call of the hustings and the campaign trail. The latter usually takes precedence, a fact that may come to haunt their later political careers.

But while the "absentee legislator syndrome" is well know, it is not something that the candidates are eager to talk about. Mcst did not return phone calls on the subject, nor did they allow their spokesman to discuss the subject for them.

One who was willing to discuss the matter was Mr. Kemp. "I'm representing my district," he said. "I'm earning my keep."

His constituents, Mr. Kemp went on, knew when they elected him that he was going to run for higher office; he said he was serving them better by pounding the pavement and pressing the flesh in Iowa and New Hampshire than by resting on his laurels in Washington.

THAT MEANS MISSING VOTES

James Kilpatrick, press secretary to Mr. Simon, acknowledged that the Senator's absence from the Senate floor had been a sensitive issue back home. "The Chicago papers are very good about pointing out who votes and who doesn't, and you get a lot of letters to the editor when votes are missed" he said. "But it just isn't possible to do everything. We decided way back when that if Paul was going to run, he was going to run and that means missing votes."

Mr. Kilpatrick noted, too, that when votes or other events considered especially important have taken place, like the battle over the Supreme Court nomination of Robert H. Bork, Mr. Simon, a member of the Judiciary Committee, canceled campaign events to participate.

Theodore J. Lowi, senior professor of American institutions at Cornell University, said: "It really isn't possible anymore for a politician to both run for office and do his job effectively. This is an important characteristic of contemporary politics."

KENNEDY OFTEN ABSENT

He and several other experts on the Presidency speculated that the problem of conflicting duties might be one reason no incumbent officeholder since World War II, with the exception of John F. Kennedy, has been elected to the Presidency.

"Eisenhower, Nixon, Carter, Reagan, all were out of office at the time they ran for President and won," noted William Schneider, a political analyst with the American Enterprise Institute, a Washington research organization. Truman, Johnson and Ford were all Vice Presidents who acceded to the Presidency rather than being elected.

As for Kennedy, he was "notorious for his absences" from the Senate floor when he was running for office, Professor Lowi said.

Henry Graff, an expert on the Presidency at Columbia University, said that the voters might prefer candidates who are not in office. "They enjoy an advantage because they're not in the muck and slime of the daily activities of governing," he said.

Whatever the comparative advantages, changes in the way candidates have been nominated since 1972 have tended to encourage a broader range of officeholders to run for President, Professor Lowi said, even though none of them has been elected. "They system has become wide open," he said. "The key is the decline of the political parties and the loss of control of the nominating process."

This more open system, with its emphasis on a few early primaries and its de-emphasis on party power brokers, "means that even young members of the House can now get into the race, which was not always the case," Professor Lowi said. "But it also means that a candidate has to start early and spend more time paying dues out there. So you have to be away from Washington and the work you're getting paid to be do there. I don't want to forgive anybody, yet I'm sympathetic. It's inevitable."

LATER, POSSIBLE PROBLEM

None of the experts thought it likely that chronic absenteeism would become an important issue in the current Presidential campaign. "Al Gore is not going to lose the Tennessee primary because he missed a lot of votes in Washington," Mr. Schneider said. But several said that the issue might come back to haunt the candidates later. "Those, whose campaigns are unsuccessful—and most will be, after all—may find their standing at home eroded," Mr. Schneider said.

He cited Senator Alan Cranston of California, whose unsuccessful run for the 1984 Democratic Presidential nomination, rebounded in 1986, when the absentee issue contributed to an uncharacteristically close re-election race.

"When they run for re-election," Mr. Schneider said, "their opponents will be able to depict them as national figures who ignored their states in order to try to fulfill a vain ambition to be President. And their records of absenteeism will be used as a potent symbol of that."

Jackson Campaign Fined

The Federal Election Commission has fined Jesse Jackson's 1984 presidential campaign committee $13,000 for under-reporting his funds and for failure to provide adequate detail on contributions.

Mr. Jackson's campaign agreed to pay the fine, announced Monday by the FEC, but maintained that the reporting problems were inadvertent and eventually corrected. The FEC action came following a routine audit the commission conducts on all presidential candidates who receive federal matching funds.

The FEC alleged Mr. Jackson's campaign under-reported spending by $1.09 million and receipts by $825,959, accepted contributions from 29 individuals that were each over the $1,000 limit, accepted contributions totaling $5,850 in the form of loans from a corporation and failed to itemize $58,049 in contributions. Election law requires that all contributions in excess of $200 be itemized.

FEC records show Mr. Jackson raised and spent more than $8.2 million on his 1984 campaign, said FEC spokeswoman Karen Finucan.

Mr. Jackson's campaign treasurer, Emma Chappell, said in a letter to the FEC that mistakes in financial reporting "reflected the technical inexperience of local dedicated grass-roots volunteers" and were not willful and deliberate violations.

The fine, while larger than most the FEC levies on various enforcement actions, was less than some others. the 1984 committee of Walter Mondale paid $726,640 in fines and repayments for various violations.

The Marathon Men—In the Race for the Ultimate Prize, It's on Your Mark, Get Set, Raise Money

(By Brooks Jackson)

To get to the White House, follow the rules: Spend lots of time being nice to rich people, especially New Yorkers and Californians. Photocopy your checks in alphabetical order. And look for loopholes.

At least since the Civil war, the road to the White House has been paved with money. Modern campaigns cost tens of millions of dollars, but it must be raised and spent under intricate rules that are supposed to prevent scandals.

The rules work up to a point. Nobody has recently been caught paying hush money with leftover campaign cash from a White House safe, as happened during the Watergate scandal. Nor has anyone been caught selling off government oil reserves to a millionaire who picked up the markers of the president's political party, as happened in the Teapot Dome scandal of the 1920s.

But the rules also make presidential campaigning a bureaucratized, regulated business run by lawyers, accountants, and political marketers. Here is how the system works:

RULE NO. 1: FIND SOME FAT CATS, QUICK

Starting a presidential campaign requires an immediate jolt of big money. Long before a candidate declares for the White House, there are staff people to hire, offices to rent, telephones to install, computers to lease, airline tickets to buy, and lots of stuff to print.

Vendors want deposits or payment up front. Federally regulated telephone companies and airlines can't legally give credit to candidates anymore. Businesses all over Iowa and New Hampshire have learned, to their sorrow, that U.S. senators will write rubber checks when infected by White House fever. Federal Express kept Vice President Bush waiting for weeks before agreeing to set up a charge account.

The law forbids donors from giving more than $1,000 each, or $2,000 a couple. So candidates look for a chief money collector with lots of rich friends. Vice President Bush would have been perfect for the job if he weren't running himself. Sen. Robert Dole, after years on the tax-writing Finance Committee, seems to know half the corporate CEOs in the country. So the Bush and Dole campaigns are well fixed. But others need outside help.

Democratic hopeful Bruce Babbitt, from a wealthy family himself, tapped a rich Chicago commodity trader, Richard Dennis, to scout up donations. Gov. Michael Dukakis landed Robert Farmer, a fellow Harvard man who made a fortune publishing training materials for corporate managers. Sen. Albert Gore's chief fundraiser, Washington real estate developer Nathan Landow, shopped around for a presidential aspirant to back while claiming the ability to scare up $4 million from personal contacts.

RULE NO. 2: GO WHERE THE MONEY IS

A modern presidential campaign is designed to suck money out of New York and California and spend it in Iowa and New Hampshire. In the 1984 election, New York and California supplied nearly one-third of all donations exceeding $500 to presidential candidates of both parties. Those two states plus Texas and Florida supplied 49%, though the four together contain only 29% of the U.S. population.

Texas used to supply even more money before the slump in the oil industry. On the other hand, well-heeled Massachusetts, ranked seventh last time, most certainly will move up because of its prospering economy and the White House bid of its incumbent governor, Mr. Dukakis.

Candidates spend as much of their time campaigning for dollars in the money states as they do campaigning for votes in the early-primary and caucus states. Sen. Paul Simon's chief fundraiser, former Rep. Bob Edgar, calls New York, California and Illinois—Sen. Simon's home state—his "first tier" states. Florida, Texas and the lobbyists' haven, Washington, D.C., are "second tier."

"For every two days you spend in California, you spend a day in Texas," Mr. Edgar says. Sen. Simon makes at least one trip a month to New York, California and Illinois. Mr. Edgar estimates his candidate spends half his campaign time scouting for money.

RULE NO. 3: TAP FEDERAL SUBSIDIES

Even conservatives who despise the idea take federal campaign subsidies. Candidates can get U.S. Treasury checks matching every dollar raised from a private donor, up to $250 a donor. But taking the subsidies means agreeing to spending limits.

Donation limits apply to everybody, but those who take subsidies must also agree to spend no more than about $28 million (depending on an inflation adjustment) to get their party's nomination. It is legal to spend any amount if it all comes from private donors. But just raising $28 million would take the equivalent of 28,000 people all writing $1,000 checks, or 280,000 giving an average of $100. So nearly everyone accepts the subsidies. The only major candidate to try the non-subsidy, no-limit route before this campaign was John Connally in 1980.

The subsidies produce some queer economics. Reacting to a news story suggesting their campaign was broke, Jack Kemp's campaign manager Charlie Black recently issued a news release insisting "the Kemp campaign is not in the red"—even though it had only $40[illegible],000 in cash to cover $1.4 million owed to banks and vendors. Mr. Black's statement pointed out that future subsidies amounted to a hidden asset. He said donations already received would qualify the campaign for $3 million to be paid next year.

Raising small donations requires expensive, computer-addressed mass mailings. But candidates will gladly spend $1 to raise a $1 donation, because it can be "matched" with the additional $1 in federal money. A big list of small donors is also especially valuable late in a campaign, when it can be milked again and again for additional gifts. Too many "maxed-out" donors, who have given the legal limit of $1,000 each, can become a dead asset when their money is spent and more is needed.

Rep. Kemp, incidentally, is pursuing more small donations than his rivals because he has a relative shortage of rich backers. Republican Barry Goldwater did the same thing for the same reasons in 1964, as did Democrats George McGovern in 1972 and George Wallace in 1976 and Republican-turned-third-party candidate John Anderson in 1980.

RULE NO. 4: FLASH A BIG ROLL

Against all reason, money has become the measuring stick by which the media judge candidates during the early going, before anybody votes in primaries or caucuses.

In truth, while having no money is fatal to a campaign, spending a lot of it doesn't affect presidential voters very much because the races are dominated by lavish television, magazine and newspaper coverage. At the end of 1975, Jimmy Carter had eked out less than $1 million, far behind Sen. Henry Jackson's $[illegible]6 million and Gov. Wallace's nearly $3 million. Running for re-election in 1980, Mr. Carter outspent Sen. Edward Kennedy $722,2[illegible]2 to $215,050 in the crucial Pennsylvania primary, where he hoped to deal the challenger a fatal blow. Mr. Carter lost anyway. The same year, Mr. Connally spent $13,69[illegible],056 to win a single Republican convention delegate.

Nevertheless, until the first votes are cast in Iowa and New Hampshire next year, reporters have little to count but the money. Consequently, candidates contend to have the healthiest bank balance "showing" on their reports. "The first 'primary' was June 30, and we won," declares Mr. Farmer, Gov. Dukakis's fundraiser. On that cutoff date for disclosing campaign funds, the Dukakis campaign had raised a total of $4.6 million, outdistancing the nearest Democratic rival by more than $1 million. Reporters quickly began treating Gov. Dukakis as the front-runner, though he still trailed Jesse Jackson in public-opinion polls.

RULE NO. 5: GET USED TO BUREAUCRACY

Gone are the carefree days of cash-filled briefcases. Presidential campaigns these days have to be run like any regulated business, with yards of red tape to deal with.

The Bush campaign employs about a dozen staff aides just to telephone donors who failed to list their occupation or employer, information that campaigns must put on disclosure reports. And when preparing an application for matching funds, the Bush staff takes more than 100 different steps to verify each check submitted to the Federal Election Commission's green-eyeshades brigade. Every check must then be copied, in alphabetical order, to facilitate the commission's spot-checking for accuracy.

The FEC wasn't always so fussy. In 1976, the presidential campaign of Pennsylvania Gov. Milton Shapp got $299,061 from the Treasury based on fraudulent applications that weren't uncovered until too late. Gov. Shapp later repaid the money, and some campaign workers were convicted of criminal charges.

RULE NO. 6: CHEAT

Candidates who take subsidies next year can't legally spend more than $780,000 in Iowa or $465,000 in New Hampshire. There are limits for all other states, too, but they are high enough that they don't matter. The state limits are a colossal legal and accounting nuisance; the FEC regularly recommends that they be abolished, and Congress is expected to rescind them the next time it gets around to amending the law. Meanwhile, though, nearly everybody cheats. Jimmy Carter, Edward Kennedy, Ronald Reagan, Walter Mondale—all have been cited.

Mr. Mondale's 1984 campaign was by far the most flagrant. "All activities around New Hampshire probably cost us $2 million," boasts Robert Beckel, who was a top staff operative in the campaign; the limit at the time was $404,000.

The Mondale campaign used a lot of legitimate loopholes. It bought television time on Boston stations and charged 90% of it off against the Massachusetts limit, even though the only viewers who mattered resided in New Hampshire. Mr. Beckel describes other tactics that seem questionable but weren't challenged by FEC auditors. Out-of-state printing, postage and telephones were targeted on Iowa or New Hampshire but charged to the state where they originated. The campaign was caught and fined when it charged $56,000 worth of rental cars off against the budgets for Massachusetts and Minnesota even though they were actually used in Iowa and New Hampshire.

The winner in the general election used some creative methods, too. Ronald Reagan's campaign registered voters for the general election campaign using $2 million charged to his uncontested renomination. The staff of the election commission challenged that and recommended that $778,000 in federal subsidies be repaid to the Treasury. But the auditors were overruled by a 4-to-1 vote of the commission, in which all Republican members sided with the president.

In the current campaign, questions have been raised already about various gimmicks used to finance the search for Michigan delegates by Messrs. Bush and Kemp and by Pat Robertson. More questions are sure to arise as the campaign heats up. Equally sure is that the FEC won't be able to do much until long after the election is over.

"I think this whole FEC thing is a sham," declares Mr. Beckel, reflecting a widespread attitude among presidential campaigners. "If you're not finding every loophole that's available, you're not doing your job."

I thought it appropriate, Mr. President, by way of opening remarks on this issue on this side of the aisle, that we take a look at the Presidential system, what it has done to Presidential elections in this country, and ask ourselves, truly ask ourselves do we want to extend that nightmare to any more races in this country?

Mr. McCONNELL. Last year we spent all of our time in a very partisan manner posturing back and forth on this issue. We had seven cloture votes. They were essentially party-line votes.

We are starting differently this year. The distinguished majority leader and the assistant Republican leader have taken a much needed and desirable step in the direction of passing a truly bipartisan campaign finance reform bill. The committee of eight will meet perhaps as soon as tomorrow. We will have a chance to see whether it is possible to construct the kind of measure that ought to be constructed, that could pass this body 90 to 10.

There are some changes that need to be made, Mr. President. Too many millionaires are buying office. I say that with all due respect to some of those in this body who have been able to do that. As you know, it is not easy to cure that problem. The Supreme Court in Buckley versus Valeo said it was unconstitutional to tell a candidate how much he or she could put of personal money into a campaign. Thus, it left a gaping loophole in the process.

But there are some other ways of getting at it. There are at least two proposals for which I think we could get bipartisan support.

One was in a measure that I introduced last year with a number of cosponsors, which had a provision—originated by Senator Domenici of New Mexico—which said that if you were going to spend in excess of a quarter of a million dollars of your own money in a campaign, you would so notify your opponent at the beginning of the election contest, certifying that fact to the Federal Election Commission. Having done that and having notified your opponent that the ground rules were going to be substantially different for you and for him, the limit on what he could accept from individuals would go up from $1,000 to $10,000. It would not totally level the playing field, but at least it would give the opponent of the rich candidate a chance to keep up in the spending derby.

Since the last year, I have thought of another approach that I think might help, and I will be introducing shortly a bill that says essentially this, Mr. President: Under the Constitution we cannot tell you how much of your own money you can spend or how much you can borrow. But under my bill, if it became law, you could not get it back. You could not ante up a huge amount of money, go out and buy public office, and then spend the first 6 months in office going around shaking down every special interest in town to get yourself paid back. So it would test the true conviction of the millionaire candidate. I do not suppose it would keep the big, big bucks people out of the race, but somebody who is just a little bit rich, just a little bit wealthy, might think twice if they thought there was no hope at all of retrieving that advance, once the decision was made to ante up a significant amount of their own money.

Under this system, you would not only trigger for your opponent an opportunity to get a larger individual contribution but you also would know you were going to have to eat it. If you spend $5 million on your race, you are going to be $5 billion poorer when it is over. That is just another way of doing something to diminish the growing tendency to "buy" public office in this country. And by the way, none of the versions of S. 2 do anything about that problem. The wealthy candidate can simply ignore the proposals in Byrd-Boren III and go out and buy their office.

The statistics indicate that wealthy candidates who spend their own fortunes has been one of the major driving forces in the increase of campaign spending.

A second driving force in the increase of spending is political action committees. Mr. President, as you know, I was the original sponsor of a bill last year that would have eliminated the political action committee altogether. Most people around the country, when they think of campaign finance reform, think of PAC's. That is what they are thinking about, not spending limits or taxpayers' dollars. They are thinking about PAC's.

I did not get a whole lot of interest in that bill, so I suppose that there is not much sentiment for eliminating PAC contributions, but we could do this: we certainly could lower them. Senator Boren and Senator Goldwater, 2 years ago, had a proposal to lower political action committee contributions I think from $5,000 to $2,500 per election. That is the kind of measure, it seems to me, we could agree on on a bipartisan basis. PAC spending certainly has increased and it is one of the principal things driving up the cost of campaigns.

Another force driving up the cost of campaigns, Mr. President, is how much we have to pay for TV. Television is the magic medium. You cannot get elected to public office in this country, at least not a major public office, without effective use of television. That is not going to change. We are not going to go back to the horse and buggy. We are not going to go back to the courthouse rally. We are not going to go back to meaningless handshakes. You can shake hands your entire life in the State of California and never meet half the voters. And even if you did meet them, you would say, "Hi, how are you?," which is not exactly a very enlightening political interchange.

So we are not going to go back to the dark horse—but this could be done: there has been a tendency across the land on the part of television stations to raise the lowest unit rate available during the election season. The current rule is that the stations must sell us the time at the lowest unit rate available for any customer. I think the following measure might be appropriate. We could include in some bipartisan campaign proposal a measure that required the stations to sell us the time at the lowest unit rate available for the preceding year. That would be, in most States, a nonelection year. It would eliminate the rather pronounced tendency to, during the election season, raise the lowest unit rate for everyone so that you can zap it to the candidates for those 60 days that you have got them. Stations know they have us during that period, so they raise the lowest unit rate and we are forced to run around raising the money to pay for that.

Those three things have driven up the cost of campaigning significantly: More and more millionaires buying office, an increase in the total amount of PAC contributions, and the soaring costs of television.

I think it is quite possible we could agree on a bill that did something about all three of those areas. That is the kind of bill, it seems to me, we might be able to pass through this body 90 to 10. Those are the kinds of proposals that the group of eight will be considering, starting as early as tomorrow.

The Senator from Kentucky would not argue that the current system is perfect. It is not. But the two important principles of the post-Watergate legislation which apply to congressional races remain sound, and those principles were these: Limits on individual contributions and full public disclosure. The only thing which distorted that process was the millionaire's loophole, through which the individual could spend a huge amount of money in his own behalf, and the advent and proliferation of PAC's. If we had a handle on television costs, if we lowered PAC contributions somewhat, and if we put some encroachments—which we can do constitutionally—on the ability of millionaire candidates to pay themselves back after the election, then I think we can make an improvement in the process.

But finally, let me say, Mr. President, it is not an improvement in the process to go out and imitate the Presidential system.

For all of the reasons that I have just covered, that system needs fixing.

The changes that we need to make in congressional campaigns are small modifications. The changes that we ought to make in the Presidential system are major adjustments. We do not want to create a similar system for congressional races. We do not want to encourage cheating. We do not want to make work for more lawyers and accountants. We want a system that embodies the two post-Watergate principles of limits on contributions and full disclosure. When you do that, Mr. President, you have brought light into the process.

Sure, people do not like to spend time raising money. But we have made some steps in that direction already. The majority leader has instituted a very enlightened system, in my judgment, under which we are in session 3 weeks and out of session 1 week. This gives us an opportunity to go home and to conduct the public's business here. No longer should any Senator say to the majority leader, "Well, I have a fundraiser tonight. I don't want to vote after a certain period of time." No longer should any Senator say that to the majority leader. We know in advance now when we can do it. He has given us a week, a month with wide discretion to see our constituents, raise money, and do whatever we want to do during that period. So that excuse is eliminated. No longer will that problem complicate his life, or certainly he has an answer if somebody tries to use that excuse to get him to "let us get out at a certain time because I have to go hither or yon for a fundraiser." We do not have to do that any more. We have a time for fundraising.

Second, if we want to cut down the time for fundraising—in addition to making campaigns less expensive by reducing PAC contributions, cutting down on the cost of television, and doing something about the millionaire problem—another way to get at it is to raise the limit on individual contributions. I have not advocated that in the past, but one of the reasons it takes a while to raise money is when you are limited to $1,000 per contributor, you have to have more of them.

That limit serves a good public purpose, by the way. It requires you to have a very wide base of support. In order to get there, to raise a reasonable amount of money, to pay the TV stations, you have to get a lot of people.

But if we are concerned about the time involved, we can raise the contribution levels somewhat. It has not been raised since 1974. It has been $1,000 since 1974. The cost of television has not been stagnant since 1974, or the cost of consultants, or the cost of direct mail, or the cost of telephone banks, or any other campaign expense. What is happening is an escalating cost for campaigns, but the contribution limits have remained without even an inflationary adjustment.

So, we have two things in the mill here that we can do on the question of time required for raising money. First of all, all fundraisers should be in the week that the leader has given us to do other things, rather than simply being involved directly in the floor business in the Senate. And second, if we still find it time consuming, we can simply adjust up the level of individual contributions. Believe me, it does not take you as long to get there if you can get, say, $2,000 per contributor, as opposed to $1,000 per contributor.

Also, I think it would be pretty hard to argue that a $2,000 contributor was going to have a disproportionate influence on you, since the typical Senate campaign is a couple of million dollars. I do not think going from $1,000 to $2,000 is going to give that individual contributor any greater hold on you. So those are adjustments that we can make, Mr. President—all I think we can agree to on a bipartisan basis.

I look forward to sitting down with the committee of eight to discuss all of those proposals and others.

Again, I commend the leadership for establishing the committee of eight. I think it is clearly the way to go, and that we have a good chance of passing a bipartisan campaign finance reform bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, today I want to talk a little bit about campaign politics, money, special interests, and all those kinds of subjects.

We know at the outset what we have seen in regard to the tremendous increase in the cost of campaigns. That has changed dramatically since I came to the Senate. We used to talk, in terms of spending, about a huge campaign in the State of Florida being if you spent $1 million. That was one in which it was funded to the hilt. I think I spent $230,000 when I was elected to the Senate. That was a campaign on the cheek at that time because I did not have the ability to raise big money. My campaign contributions were limited not at that time by any particular choice that I had made. The people sort of limited it for me. They just did not contribute any big money.

So I had a campaign of walking the State and people responded to that. And I did get elected, as I say, with an expenditure of a little over $200,000.

Six years later, campaigns were well over $1 million then. Probably approaching the $2 million or $2½ million mark would be again a well-funded, well-heeled campaign. And I was able to limit my contributions to $10 and raise $380,000 by getting 38,000 people to give me $10. It proved to be successful. I had sort of an army of people out there that were cheering me on in that work.

Then along comes political action committees and along comes negative campaigning that worked, and we began to see the negative PAC's, NCPAC and other negative groups, as well as the influence of the PAC contributions.

Mr. President, I remember when we had an amendment up here when we were just going into the legislation on PAC's and the Senator from Florida proposed that we not allow them to contribute directly to Senators, and that amendment failed narrowly on a motion to table. I think we literally had a tie vote and it failed by one or two votes. Well, that day is probably past here now, because we see the PAC's have grown larger and larger and the effects that they have in campaigning have grown at the same time.

Now, if someone talks about running a campaign in Florida, they talk in terms of needing to have $9 million to $12 million. So we see how that has gone over a period of some 18 years from $1 million being the well-heeled campaign to now somewhere in the neighborhood of $9 million to $12 million.

Mr. President, it seems to be a progression that has no stopping place. And it is growing on a basis, and it is a geometric sort of congressional growth that it makes. And my feeling is and what I have noticed along with that growth of spending—and I think many of us have felt the same thing—is the sort of distrust that has grown along with that on the part of the voters.

They feel that they know something is wrong with the system. Many of them have turned off the system and do not participate and feel that there is no way they can have an input.

I have to say about PAC's that I can understand how, defensively, a lot of them have started. Once you say you are going to have a PAC, then those on the labor side say they have to have it, and those who are contrary have to have them. The optometrist has to have one to compete with the ophthalmologist, and you go on and on, for reasons people set up.

I think many people feel that in joining a PAC, "I may be leveraging my money, and I can have more say or more influence." I think they are saying exactly that. Money is influence, and we know that is true.

Talk about it all you want: See where the PAC's contribute, look at where the committee assignments are, and they match along with that. You look along where the kind of support comes, and you see that that matches along with it, too.

The danger, as I see it, is that John Q. Citizen says: "If I'm not a part of this huge combine that can put together big money, if I can't make the big contributions, then my voice is not going to be heard and I can't participate, so I turn off the system, and I distrust it as well."

I see that being very dangerous to us, because the whole theory on which we think this democracy works, representative government, is that the majority of people, when fully informed, will make the right decisions.

It was Hamilton's philosophy that you had to have the elite. It was Jefferson and the others who felt that, innately, if you really could inform the majority, just as we believe in the jury system, we believe that that majority will make proper choices. I think it has proved to serve us well over a period of time.

I look at some of the elections now, and I wonder whether that works. In my State—well, in a lot of States, I think—less than half the people are registered to vote, and you have to be registered in my State to vote. In some turnouts, we see 30 percent to 40 percent of those registered participating in voting, and it takes only a majority of the 30 percent. Then I wonder if Jefferson would agree that we have the majority of the people making a decision.

Also, you have the 30-second commercial, and you have negative advertising, and you have one side, perhaps, having tremendous contributions, either because they are the incumbent or they have been selected by the PAC's—and remember, Mr. President, that the PAC's now run in packs. They are no longer single in many instances. They are industry or they are a philosophy PAC. They sit down and make decisions in which they have no emotions. They are able to move funds, in some instances, in the $200,000 to $300,000 range. It can be a positive movement or a negative movement: "We are going to put that much against someone; we are going to put that much for someone."

Mr. President, that influences votes. We know it. All of us here know it. I know that all of us here feel that the worst thing we have to do in this job is to go out and raise money. I hear everybody talking about that. None of us likes to go out and try to raise money.

The amount we have to raise, the time we have to spend to raise that money, and the fact that we have to think about every vote we cast, as to whether that PAC combine is going to look at those votes when they assess what their contribution is going to be—that is corrupting the system, and that is endangering the thing we hold so dear, the form of government and the democracy we have.

Mr. President, I think I have been singularly fortunate through a change of circumstances. It was not anything I planned to start with. As I said, the fact that I could not raise any money perhaps set me to think of a crazy idea that turned out to be a walk across the State, which everybody now thinks is a brilliant piece of strategy. At the time, even my friends thought it was crazy, but I did not know what was happening. Because of that, I got elected the first time, feeling that I did not owe anybody anything except those people I met along the road, the people I told I was going to be different. However, that influenced me to limit by contributions to $10 the next time and $100 the time after that.

Because of that, Mr. President, I think—no, I do not think, I know—I enjoyed a kind of relationship with the people of Florida in which they would forgive a vote I would cast with which they disagreed; and they would tell me they disagreed with it, because they never had a feeling that I had to cast one of those votes because of some contribution, because it was something that helped me be elected, or that I owed something to someone.

So I do enjoy a unique relationship, and it is one that I enjoy very much. It is interesting, because people say, "That is fine, and you can do it for a time." Each time I would run, people would say, "You can't do that again." This time when I intended to run, they said that. Again, I limited my contributions to $100, and I was raising more money than I had ever raised before. We were well on our schedule and raised well over a million dollars—$1.2 million. People who were first-time contributors were sending money to me because they said, "I feel that I could be the largest contributor, that you had limited your contributions, and I really could have a voice with you. That is something that influenced me to make a contribution to you."

For those reasons, Mr. President, I am very much on the side of a limitation that tends to limit the influence of large contributions and to put some kind of rein on the PAC's—as I say, running in packs—and in trying to give back to the American people the feeling that their Government has to be responsive to them and that they make a difference, that by their vote they participate in the electoral process.

There are two things you need. You need not only their vote, but also, you need them to participate in that process. That truly makes a difference. I think the time is very short. We are endangering the fabric that makes our system work, and I think we need to come to grips with that. I feel that the legislation we have before us is an attempt in that regard. For that reason, I certainly think we should try to get on with this legislation. If there are flaws let us find ways to amend it or find those flaws. Let us not kill this off or keep this from the light of day.

I think the people are demanding that we deal with the subject, and they are going to hold us accountable if we fail to do so. I hope they will.

For that reason, Mr. President, I certainly support the vote on cloture and the attempt to go in the direction of this legislation.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. Dixon) The Senator from Maine.

Mr. MITCHELL. Mr. President, there are few public policy issues which have been debated as much as campaign finance reform. Certainly the legislation before us today has been thoroughly debated by this body. There were 14 days of debate last year. The Senate has voted seven times to cut off debate on this legislation which a clear majority of the Senate supports. Seven times the opponents of campaign finance reform have defeated the will of the majority.

The bill has undergone major modifications on the floor to respond to every argument opponents have raised about campaign finance reform. The time is now for the Senate to approve this legislation.

The method by which we finance campaigns for Federal office goes to the very essense of our governmental system. While the authority of our Government is based on the written Constitution, the legitimacy of Government powers depends ultimately on the continuing trust of the people. And if the American people do not have faith that their Government fairly represents them in the overall best interests of the Nation, the authority of the Government is undermined.

There is no more certain way for Government to lose the public confidence—and with it the substance of its authority—than for Government to appear to be beholden to narrow, special, and favored interests, separate from the common good.

Nowhere in Government do we risk eroding public faith and undermining public confidence more than through the manner in which we finance our election campaigns.

With each successive election cycle, the public and Members of Congress alike see a degeneration of the process. The system is out of control. The modern campaign for the Senate has in some cases become virtually a non-stop fundraising effort.

That spectacle erodes public faith, both in election campaigns as contests based on issues, and ultimately in the legislative product as well.

Each year, Senators must devote more and more time to financing campaigns for ourselves and our colleagues. The process is disliked by all participants: Members of Congress on whose time fundraising imposes enormous demands; voters who wonder whether their small contribution or volunteer effort or vote means anything at all; and even lobbyists themselves, who are forced to bid against each other in an ever-rising cycle of contributions.

Something must be done to reform the manner of raising funds and to control the costs of running for elective office. The legislation before us today offers a fair and effective solution which imposes no cost on the Treasury, gives no party an advantage over the other, and gives far greater opportunities for challengers to win elections.

The essential element of campaign finance reform is an overall limit on the amount of money which may be spent to run for elective office. Unfortunately, the Supreme Court decided in the case of Buckley versus Valeo that the Constitution does not permit Congress to impose mandatory spending limits on campaigns for Federal office.

I disagree with that decision. I believe it to be one of the most loosely-reasoned and poorly written opinions ever by any Supreme Court, but it is the law of the land and unless and until it is changed by proper constitutional procedures we must obey it. Therefore, such limits can be imposed only on a voluntary basis. That has left Congress with only one alternative—to provide public financing as an inducement for candidates to agree to overall spending limits.

Opponents of this legislation have decried the use of any Federal funds, no matter how minor, in the Senate election process. That argument ignores the substantial Federal moneys used in the Presidential election processed financed from the voluntary income tax checkoff. In my opinion, the nominal funds required to publicly finance Senate election campaigns would be well worth the cost if it restores even a small measure of public confidence in our election system.

Nevertheless, in an attempt to meet every objection by opponents of this legislation the bill has been amended to remove all public financing from Senate election campaigns unless an opponent exceeds the spending limits in the law. Even this minimal cost would be fully financed, however, by repealing certain preferential mailing rates for political parties.

Opponents of this legislation have also raised the false argument that it is somehow designed to keep the Democratic Party a majority in the Senate. This argument evidently relates to claims that public financing of Senate campaigns protects incumbents. I hesitate to legitimize these assertions by even responding to them but they should not go unanswered.

Public financing of congressional campaigns enjoys widespread and bipartisan public support, and it has for years. Senate Democrats, including myself, have worked for years to put in place a system of public financing that would limit spending for Senate campaigns. We did this while we were the minority party in the Senate and we have continued now that we are the majority party.

Why? Because public financing is in the national interest. There are a number of Senators on the other side of the aisle who agree but they have been constrained by their leadership to stay away from this legislation, not because this bill would confer some special advantage to the Democratic Party but because it could limit an advantage the Republican Party now enjoys.

The assertion that public financing of Senate elections is somehow going to protect incumbents is always offered as a reason to oppose campaign finance reform. In theory that could be true if the limits on campaign spending are set so low that a challenger to an incumbent would not have the ability to get his or her name across. But that is not the case with this legislation. In many States the spending limits have been set so high that some observers have questioned whether the bill goes far enough to control costs. I for one would have liked to see more stringent spending limits but I recognize the importance of giving challengers sufficient funds to mount a challenge.

Under the current system, incumbents have an overwhelming advantage in raising campaign funds over their challengers. And I say that as an incumbent who is now engaged in that very process. Every political action committee can attest to that. They simply will not give contributions to challengers to run against an incumbent who votes almost every day on legislation affecting the interests of that political action committee.

The numbers, the evidence, bear this out. In the last Senate election in 1986, incumbents raised almost twice as much as challengers in total campaign receipts. Incumbents raised almost 2½ times as much from political action committees as did challengers. And, most of that PAC money was raised by candidates who are incumbent Members of the House of Representatives and thus more able to count on PAC's than challengers who are not in Congress.

Of the 68 candidates for the Senate in the last election, 42 were sitting Members of either the House or Senate; 39 of those 42 incumbents raised more contributions from PAC's than would be permitted under this legislation. In contrast, of the 26 challengers running for the Senate who were not then sitting Members of Congress, only 10 raised enough contributions from PAC's to be affected by the limits in this bill.

Those numbers bear repeating. This bill would have reduced the PAC contributions received by 93 percent of the incumbents running in the last election. However, it would have limited the PAC contributions of only 38 percent of the challengers.

How, then, can anyone seriously argue that the bill would help incumbents?

The same story can be told by comparing the spending limits in this bill to the actual amount spent in the 1986 Senate elections by incumbent Members of the House and Senate running for the Senate and their challengers. Of the 42 incumbents running for election to the Senate, 31 spent more than permitted by this legislation. In other words, 74 percent of the incumbents would have been limited by this bill. In contrast, only 6 of the 26 nonincumbent challengers—23 percent—would have been limited by the bill.

How, then, can anyone seriously argue that this bill would help incumbents?

The conclusion is inescapable if one looks at the evidence. The spending limits in this legislation will not protect incumbents. This legislation will restore a balance to the election process by imposing far tougher limits on the spending of incumbents than on the spending of challengers.

Opponents of campaign finance reform have proposed alternative legislation which they claim represents true reform. Those substitutes have been offered in order to give opponents what appears to be a positive alternative to campaign finance reform. One measure proposed by the Senators from Kentucky and Oregon purports to solve problems with the current system while in fact it would further liberalize current restrictions, create new loopholes, and lead to increased spending.

Two provisions are essential to any meaningful campaign finance reform: limits on the overall amount of spending in campaigns, and limits on contributions that can be received from political action committees. S. 2 would do both. The substitute offered by the Senators from Kentucky and Oregon would do neither.

The substitute purports to eliminate PAC contributions to candidates while requiring the full disclosure of soft money contributions. Neither claim is accurate and I just want to spend a moment to discuss these two issues.

The substitute would eliminate only direct contriubtions by PAC's to candidates. It would make lawful the bundling loophole that is increasingly being used to evade the present limits on PAC contributions. This loophole occurs when PAC's or other intermediaries collect checks from their members made payable to a particular candidate. The checks are then "bundled" and forwarded on to a candidate. Current law does not count the "bundled" contributions against the $5,000 contribution limit of the PAC.

If "bundling" is used today by candidates to evade the $5,000 per election contribution limit on PAC's in current law, it would be used to an even greater degree to evade the purported contribution ban in the McConnell-Packwood proposal. PACs would change their method of making contributions to candidates but would not reduce their giving. The McConnell-Packwood PAC restriction is made meaningless by the "bundling" loophole.

In contrast, S. 2 would close the bundling loophole by counting "bundled" contributions against the limit of the individual or committee serving as the intermediary which forwards the contributions to the candidate. McConnell-Packwood purports to close this loophole but in fact it would legitimize the practice by requiring only that the "bundled" checks be made out directly to a payee.

If the substitute had any teeth—if it would actually result in the elimination of all PAC contributions to candidates—I believe it goes overboard. S. 2 does not eliminate PAC's. It doesn't suggest that PAC's are not a legitimate part of the campaign finance process—only that there should be limits on such contributions. A balance is struck. S. 2 limits campaign spending and provides for public financing but the role of individual and PAC contributions is preserved.

There has been considerable discussion on this floor about the evils of soft money. To hear the Senators from Oregon and Kentucky speak, one would think they have proposed tough new restrictions on soft money which represent significant reform. In fact, they are proposing the exact opposite.

"Soft money" is money donated by individuals, PAC's, corporations, and labor organizations to State and national party committees which is used for certain exempt Federal election activities or non-Federal election activities. Such money is exempt from the contribution and expenditure limitations and restrictions of the present campaign finance laws.

The substitute to S. 2 purports to reform this area by requiring that all "soft money" contributions be reported to the FEC. In fact, it would open up major new loopholes for the national party committees by exempting from the law's restrictions their administrative-solicitation costs and by extending the present volunteer activity exemptions to the national party committees.

The McConnell-Packwood proposal would require that such contributions be disclosed. That is appropriate; S. 2 would do the same and, in fact, go much further by requiring such disclosure for all party committees including those at the state, local and national level. The McConnell-Packwood proposal would only require, however, that "soft money" contributions to the national party committees be disclosed. This is artfully designed to minimize the impact of the proposal because the bulk of such contributions would begin flowing to the state party committee level. Thus, under the substitute, most "soft money" would continue to not be disclosed.

Another part of their proposal would open up a major new loophole by permitting "soft money" to fund the administrative and solicitation costs of political parties. In other words, for the first time a national political party, or a state or local committee of the party, could accept unlimited contributions from any corporate, labor or individual source to fund its general operations.

This would severely undermine the current contribution limits for individuals and PAC's, the flat ban on corporate funds in Federal campaigns that has existed since 1907, and a similar flat ban on labor union funds that dates back to 1947. These bans were enacted to reduce the potential for corruption posed by the direct use of corporate or labor union funds in Federal elections.

This proposal represents an unprecedented invitation to corporate and union support for party organizations, and it will further contribute to an accelerated level of spending through national party organizations for Federal election purposes. The disclosure requirement will not sanitize this major new loophole.

The substitute from the Senators from Kentucky and Oregon is a ploy to create the appearance that a vote for their proposal is a vote to clean up the campaign finance mess.

For the last several months there has been considerable debate about the merits of the proposal reported out of the Senate Rules Committee. The modified bill now before this body is an attempt to respond to all of those arguments. In my judgment, S. 2 is a good bill that will restore confidence in our election system by removing the taint of undue influence.

It is a carefully constructed proposal that represents many months of hard work to produce a balanced bill which is neutral both as to political party and incumbency.

Campaign finance reform enjoys widespread and bipartisan public support, and it has for years. Yet, there has been what we call around here extended debate on this bill. That is, an attempt keep talking to prevent enactment of campaign finance reform even though a majority support its enactment.

Why? Not because the Members of this body are not in agreement that the current system is out of control and badly in need of change. But because each of us perceives this issue through the prism of our personal interest or what we believe to be the interest of the political party of which we are members. Because the stakes are so great, there is a fear of change.

But this issue demands more. We must put aside our self-interest and act for the common good. We have an opportunity in this 100th Congress to restore public confidence in the election process. We must not again let that opportunity pass.

I conclude by saying, 10 years ago Democrats failed. They made a serious error. Because Democrats were in what they perceived to be a position of comparative advantage, controlling the Presidency, the Senate, and the House, they failed to confront this issue as it should have been.

And in what I believe to be one of the great ironies of history, Republicans in the Senate are now making the same mistake that Democrats made a decade ago. Because they perceive themselves to be in a position of comparative advantage in fundraising, they do not want a change. The reality is that mistake came back to haunt the Democrats and this mistake will come back to haunt the Republicans.

I believe and I hope that our mistake will not be repeated by our colleagues and friends and that we place the national interests above the political interests that we perceive at the time. If we do that, almost invariably the political interests are better served.

Mr. President, I yield the floor.

Mr. McCONNELL. Mr. President, will the Senator from Maine stay on the floor for just a few moments? I would like to make a couple of observations if he has a minute.

Mr. MITCHELL. I have a 3:30 meeting with a group of my constituents, but I will be very happy to listen to the Senator's observations for a few minutes.

Mr. McCONNELL. I was not going to enter into a lengthy colloquy.

I look forward to serving on the committee of eight with my friend from Maine. I think the establishment of the committee of eight is a first indication since last spring that we are truly interested in passing a bipartisan campaign finance bill.

I would just like to say that I would differ, as you know, as to what the mistake was that was made 10 years ago. I think the mistake was the Presidential system that we constructed. I just finished making what probably was too lengthy of a speech on the failing of that system under which $1 out of every $4 is spent on lawyers and accountants and under which candidates of all parties have broken out of the spending limits over the last elections that have been under that system under which it has been rampant to cheating and disrespect for the law on all sides.

I hope as we sit down we will not consider that necessarily progress because it clearly, in many respects, has not been, and try to work out something that we think will be a true improvement on the current campaign finance system.

As you know, I think we could do something about PAC's. I think we could do something about the cost of television. I think we ought to do something truly significant about the millionaire problem. More and more people are going out and buying public office.

I have a proposal which I have not introduced that you might be interested in. As you know, you cannot solve the problem entirely because of the Supreme Court decision. But I am going to have a bill that essentially would not allow anyone who puts up either his own money or borrows the money to get it back. In other words, he could not go down and shake down every special interest in town to try to get his money back. Maybe it would not keep the big millionaires out of the process, but the little millionaire might decide if there is no prospects for recovery it might not be a good idea.

So there are a number of things I hope our group of eight will take a look at and improve the system and maybe it will sail through here 90 to 10.

Mr. MITCHELL. If I may respond to my colleague, I have had the pleasure of discussing this issue with the distinguished Senator from Kentucky on the Senate floor, off of the Senate floor, in other public forums, and in private meetings. I know that he is without a doubt one of the most knowledgeable Members of the Senate on this entire subject and is a very articulate exponent of the point of view which he holds.

We do disagree on several things, but I have the greatest respect for the Senator.

I want to say that I do look forward to serving on that committee of eight and share your hope that we can develop something that improves the process.

I have neither the time nor the ability at this moment to debate the Presidential election process, but I would leave you with this thought: I do not for a moment dispute the assertions you have made regarding the problems that arise.

But in assessing those, remember, let us compare it to what would be the case had there not been a law based upon the experience that we had in the early 1970's which led to the creation of the law. It is surely an imperfect process and there are surely abuses and a need for changing the law to correct those abuses. But I think that sets an example of how overall the process can be improved. I hope we draw from that and I look forward very much to working with the Senator.

I thank the Senator.

Mr. McCONNELL. Mr. President, there have been a number of speakers on the other side on this issue. I see that we now have some here on our side. I would like to yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, I wanted to make a few comments about S. 2, and to raise some additional questions. I hope that we can, in this body, come to an agreement within fairly short order to get on with considering it on its merits and that we will not go through the process of a long filibuster, which strikes me as a useful device and one that I would not want to see us abandon, but we went through this last year with what might be called a gentleman's filibuster. In the process I think we have demonstrated to the public that we do not much care about all of the ills, of the abuses of campaign financing. Well, we do care and I think we care on both sides.

I think the American public cares. I think the very fact that this particular piece of legislation has had such widespread support—I do not want anybody to be frightened because I am not going to propose putting this in the RECORD. It may almost all be there anyhow. But I was impressed just a few minutes ago when this was delivered to my office. It is a reprint of editorials in support of S. 2, in support of limitations on campaign expenditures. We have here 513 editorials in 280 newspapers in support of S. 2, meaning that most of these newspapers have written at least two editorials on the question.

So there is such widespread support that I certainly hope now we can bring this to a head; we can vote on it; and that we will not put this Senate in the position of dilly-dallying and delaying and wasting our own time and wasting the taxpayers' time and talking endlessly to delay something when we could get on and decide it. I do not think it gives the right kind of impression, one that I would like to see the public have. And this is not something that goes unnoticed.

These editorials, it seems to me, speak to the point. This is really just a very simple issue. It is a question of shall we stop the rapid climb of compaign expenditures? I have heard people here say when I first ran I spent $1 million. That was a lot of money. Now you have to start talking about $5 and $6 million to mount a compaign almost anywhere.

I remember in the great old days when I managed the senatorial—successful I might say—senatorial campaign for Kerr Scott from North Carolina, in 1954. In 1954 we spent $60,000. We have one television show in that $60,000, and that was a hard sum of money to get up. Today it would have to be $6 million. It has just reached the limits that are absolutely outrageous, disgraceful; they are a reflection, in my opinion, on democratic government.

I think it does, indeed, destroy the faith of the voters. The very idea that it takes so much money that you buy elections; and people begin to get disillusioned with the democratic process. Why can we not just look at people, listen to them, vote for them; why does money have to be such an overwhelming influence?

I think right now it is a disgraceful commentary on the process that after the vote in New Hampshire people are saying, pundits, so-called, are saying: Well, so and so cannot make it any further. He has not got any money. Or so and so is out of it because he did not do very well here and he might do well somewhere down the road, but he does not have enough money to hang on.

Too long, money is being equated with winning in the democratic process and that is simply not good for the kind of faith that we ought to be developing in the democratic process.

So I hope that we can all agree that it is a fairly simple proposition that it ought to be limited.

Now, where the limit is we can debate, but it ought to be limited, the expense of running for public office and, in this case, the expenses of running for the U.S. Senate.

I do not think that a great deal is to be gained by reflecting on the arguments of others, but I think we have been subjected to a fair degree of smokescreening here. I think, first of all, we went through a long period where people stood up on the other side and decried the use of tax money for our elections; kind of a cute slogan: The taxpayers do not want to pay for our campaigns. Well, of course, the taxpayers do not want to pay for our campaigns and that bill did not specifically provide that taxpayers would pay for our campaigns, but nevertheless that argument was rolled over and over and over.

It may very well be that the taxpayers, if they were asked, do not want to pay for Senator DOLE's campaign or the other Presidential campaigns or the contributions they make. But whether they want to or not, it is good public policy.

We have decided that it is good public policy and public funds are, indeed, being used to finance the Presidential elections. Granted, that is not necessarily a parallel situation to the U.S. Senate. I do not propose, nor does this bill propose, that we finance it in the same day.

But it does propose that we do it in a constitutional way. Everybody understands that it is not a question of using public money in order to reduce the burden of raising money by individual senatorial candidates.

It is the case of using enough public money to get past the constitutional test because we cannot just limit expenditures; we have to have some kind of incentive to limit expenditures. The only incentive so far that has come up has been some kind of use of some public money.

I have a better way of doing it without any money.

But the fact of it is it is not a question of tax money or no tax money. It is a question of limiting expenditures and doing it in a way that is constitutional. If it is going to be constitutional, as it has been seen so far, then it has to be done with some expenditure of public money or, as the bill now suggests, the threat of the use of public money.

So if nobody violates this, there will not be a necessity for spending any public money. It simply says here is the limit. We will stay within the limit. If anybody gets out of the limit, then we will use some of this checkoff money to make the playing field level again; to give the candidate against whom overexpenditures were spent an equal amount. That ought to keep it down.

The truth of the matter is that if candidates who are running for this great body observe the law, observe the rules, then it will not be necessary to spend any public money.

It has also occurred to me that if we can get an agreement that there ought to be an agreement on expenditures,

there are several other ways to do it. What bothers me is that the Republican group that is opposing this, and not all Republicans by any means, but primarily the opposition that is there, have said over and over again that they do not want any limitation on expenditures for campaigning for the U.S. Senate.

I must say that I was considerably surprised by that admission. I thought that was what they really believed all along. I thought that they believed that you could win campaigns if you had enough money and if they can get more money than the Democrats, they could win more elections and in that way they could continue to dominate in the Senate. Probably a good many people listening to this would think that the Republicans did not say that, but the Republican leader, Mr. DOLE, said on June 16, 1987, on this floor:

> I would aiso say as a Republican we are trying to build our party in certain parts of the country and putting on campaign expenditure limits is, in effect, putting a brake on our growth. I would like to say we want to be the majority party. If we start accepting expenditure limitations, we cannot keep on winning elections.

Well, I do not know that money is going to win elections. It is going to corrupt the process, but I doubt if it is going to win elections.

Of the new Democratic Senators arriving in this body, arriving for the 100th session, every single one was outspent by the Republican opponent. So money did not win that election, but they spent too much money. Democrats spent too much money. Far too much money was spent collectively to the point that I think was truly a national disgrace.

What we want to get settled, what I would like to see the Republican opponents to this bill agree to, is some limitation, that they cannot go on year after year building up higher and higher costs in order to run for public office.

I do not think it is corrupting, not yet, but it will reach the point when it is corrupting. It certainly right now is disconcerting. It certainly is diverting the attention of Members of this body who must go out and spend so much time raising money. I think there has to be a limit, and I think probably, looking at it in my own State, the limitation is about what it ought to be. You can hardly use any more money than that in presenting a reasonable television series or television program. In any event, we have to first agree on the basic proposition that expenditures ought to be limited.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. SANFORD. Yes.

Mr. McCONNELL. I gather the crux of the remarks of the Senator from North Carolina is that he applauds and approves the Presidential system that we implemented in 1976, which encompasses, as we all know, a combination of public financing.

Mr. SANFORD. I would have done it differently. I think it has a lot of flaws. But I think the idea of providing some of those funds is a good public policy. I was not really prepared to debate that. I simply wanted to mention that we do have that precedent. It does not necessarily follow that it is tax appropriated money.

Mr. McCONNELL. I am not speaking so much about public money, but I was curious when the Senator from North Carolina was explaining that law that defined spending as limited spending.

Mr. SANFORD. I have written a book about the Presidential process. I think it is one of the worst processes we have in the country. That is all tied up in it. I think spending as much money as was spent in Iowa, the unbelievable amounts spent to date in the Presidential primary elections, is outrageous. That is one small part of a bad problem.

No, you did not understand me to defend any part of that system, including the financing.

If we are talking about financing the general election, I think that is much easier to justify.

Mr. McCONNELL. I think my observation would be to request the Senator to explain how the spending limits would be complied with. As the Senator knows, almost every candidate has violated those limits, almost State by State; $1 out of over $4 goes to accountants and lawyers seeking to comply with the impossible. I wonder if the Senator is leading up to the argument that we need a similar system of limits for congressional races so we can spend a lot more money.

Mr. SANFORD. We have another piece of legislation here that several of us have signed that relates to that problem. We would speed up the enforcement process of the Federal Election Commission so that you could immediately question an opponent who violated the law. Right now, as the Senator knows, I do not doubt for a second there have been violations, but this election will be long gone and past by the time the FEC ever gets around to looking at it.

If we have a process that can enforce the law, then I think it would work. But right now the big problem is that you can violate it and know that the election will be gone and you will have won and if a little bit of cheating helped you win, it was worth it. So by the time they catch you, it will not make any difference because you will be in there and they cannot do anything to you.

Mr. McCONNELL. What kind of penalty would the Senator refer to?

Mr. SANFORD. I will give you a copy of the legislation that Senator REID and others have put in. It is a fairly detailed thing.

Mr. McCONNELL. What kind of penalty in the Senator's judgment would make a candidate comply with spending limits? We have had no compliance with the Presidential system, let us say. Would we take the office away from them if they go a dollar over the limit? What kind of penalty would there be if they exceed expenditures?

Mr. SANFORD. I think now the limitation is at the most $10,000, or the amount that was expended, and this goes to the Treasury. This piece of legislation would make it a very severe financial fine. It might run up to a quarter of a million dollars. It will be a multiple of the amount that was illegally spent, and the opponent could bring an action. And under this legislation the procedures would be such that the FEC would have to take notice of it immediately. That is simply irrelevant to this.

Mr. McCONNELL. I do not want to dominate the Senator's time but I want to make sure I understood the Senator is arguing that it is possible to have a spending limit system that, in his judgment, will work.

Mr. SANFORD. Oh, yes, I think we can. I think if we took a position that we could not pass a law that could not be enforced, we ought to go home. Everyday we pass laws. Certainly they are not always all going to be enforced, but men and women of goodwill will make it self-enforcing. But by the same token, they will not all be of goodwill, and I do not doubt for a minute that we can build in the teeth. I think we have to.

I thank the Senator.

Mr. McCONNELL. I say to the Senator my suspicion is it will largely be like prohibition, just as the Presidential system has been.

Mr. SANFORD. I think we can enforce the Presidential system and I think it is outrageous that the FEC does not enforce it.

Well, this sort of illustrates the point I wanted to make, if my distinguished colleague from Kentucky will yield, and that is we get off on too many rabbit paths here and do not stick to the main point: Do we want to find a way to put a reasonable lid on campaign expenditures for the Senate?

Today I heard the Senator talk very eloquently about a great number of things, and I sat here and thought, well, now, they are not quite on point. We are talking about Presidential races We are talking about Stewart Mott. We are talking about PAC contributions. The Senator did not mention NCPAC, but he might well have mentioned that. I think the expenditures of third parties is something that needs somehow to be dealt with, and some effort is made here, but that is a side issue. I will be glad to yield for a question.

Mr. McCONNELL. On the question of PAC contributions, I introduced a bill last year that would eliminate PAC contributions altogether, and I would be happy to add the Senator from North Carolina as a cosponsor of that bill. I would be happy to see the PAC contributions eliminated altogether. But most people in the land, when they talk campaign finance reform, are not talking about spending limits; they are talking about PAC's.

Mr. SANFORD. As the Senator knows, S. 2 treats that and drastically cuts the amount that can be given.

Mr. McCONNELL. It has an aggregate limit on PAC contributions. But if we are saying that PAC contributions are somehow undersirable, why not just eliminate them altogether?

Mr. SANFORD. I did not say they were undesirable. I do not think they are undesirable. I think that they have been used in a way that they have become somewhat undesirable. I do not think it was anticipated—as a matter of fact, PAC's were enacted as a piece of reform legislation, to limit that kind of giving and to permit various people to accumulate their money in smaller amounts to make contributions. The trouble is that then we got into a pack of PAC's.

My opponent, for example, was a splendid representative and he had served well an important element of the economy and brought it to North Carolina, and that is the electrical generating business. Now, if he had received $1,000 from each of the two companies in North Carolina, from their PAC's, that would have been a good and proper use of PAC's. That is about what he would have had to have limited it to given the others available and given the limitation that would have been put on North Carolina, which would probably be somewhere around $225,000 or $250,000.

What happened, quite properly, quite legally, and without any complaint from me, some $85,000 came in from the electric power companies, the pack of PAC's from all over the country. I think that is a bad turn of events. I would be perfectly willing to do away with all of them. But I think if we put a ceiling on it, we are still going to permit the good aspects of PAC's, letting people accumulate their money and then giving it as an organization, and that is not bad. But I think the unlimited use of PAC's is very, very bad and it has led to all kinds of abuses. I agree with the Senator.

Mr. McCONNELL. I might say to my friend from North Carolina, there are three things essentially that have driven the cost of campaigns over the years, and by the way, the cost of campaigns is not rising like it was for a while.

One of them is the growing influence of PAC contributions, one of them is the cost of television, and one of them is people with a lot of money putting their own money into races.

I am wondering how the Senator from North Carolina would feel about a measure that I intend to introduce shortly which would say this to the person who exploits the millionaire's loophole, that is, the person who says I am going to take advantage of Buckley versus Valeo and I am going to put everything I want to of my own resources into a campaign. I have got a bill that I am introducing which says you can do that because the Constitution and Supreme Court say you can, but you cannot pay yourself back. You cannot ante up all this money in advance and then go around after the election and repay yourself by requesting the money from individuals or PAC's.

How would my friend from North Carolina feel about a measure like that?

Mr. SANFORD. I will go along with that if the Senator will go along with limiting overall expenditures.

Mr. McCONNELL. Of course, the Senator knows there is no way that we would go along with that because it will not work. As a matter of fact, what you have had with the only system of spending limits available in the country today is no limit on spending. Soft money has gone wild. Exploratory committees have gone wild.

Mr. SANFORD. PAC committees have gone wild.

Mr. McCONNELL. People have encroached the limits.

Mr. SANFORD. We must regulate the limits.

The PRESIDING OFFICER. I wonder if the Senators would be kind enough in their attempt to settle the whole dispute here and find a bill we can all agree upon to decide who has the floor.

Mr. McCONNELL. The Senator from North Carolina has the floor.

Mr. SANFORD. I have the floor.

The PRESIDING OFFICER. Does the Senator from Kentucky have another question?

Mr. McCONNELL. The Senator from North Carolina has the floor. There is no question about that.

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. McCONNELL. I would be happy to talk but I would be happy to shut up if he does not.

Mr. SANFORD. Please, ask the question.

Mr. McCONNELL. My observation was that——

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. SANFORD. The Senator from North Carolina has the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky to ask the Senator from North Carolina a question, may I say to the Senator from North Carolina.

Mr. McCONNELL. The point I want to make is that I am trying to understand that the Senator from North Carolina did feel the system of spending limits can work, and my reaction to the Senator's observation that it can work is that the only experience we have had with such a system in this country has been an abysmal failure and that has been the Presidential system. I just wonder how in the world we can expect that it will work.

Mr. SANFORD. I think that is a good point and I think it has an adequate answer. I think the answer is that the FEC has not enforced that law and I think when we pass S. 2, we have to pass adequate machinery, adequate teeth for the FEC, to insist that they enforce the law.

Mr. McCONNELL. Some have argued that the law is so unrealistic that no one is complying with it, similar to the prohibition analogy that I used, and therefore for the FEC to truly comply with it, they would eliminate almost every one.

Mr. SANFORD. I cannot really argue anything except that no law is going to work automatically, that this is a terrible abuse, it is getting worse year after year, and we ought to be trying to do something about it.

Now, I do not think that this is going to solve all of the problems. I do not think it is going to take care of—well, let us just take a favorite organization of the Senator's and mine, the National Rifle Association. They come in and spend wads of money and they have no accountability for it. That is just one example. The national realtors organization this time came into North Carolina, and I am sure other places, and spent a quarter of a million dollars on my opponent. It was not very well spent. It did not do much good. But they were not accountable for it. Now, I would like to see those limited.

Mr. McCONNELL. I say to my friend from North Carolina I could not agree more. As the Senator knows, there is, however, a constitutional problem with that.

Mr. SANFORD. Correct.

Mr. McCONNELL. We cannot by statute cure a constitutional problem.

Mr. SANFORD. So we ought to try to do what we can do by statute and we ought to get the Senators put in a position where they do not have to knock themselves out raising money, where they can stay here and help get on with the business; they do not have to run off to a fundraiser every weekend. I think it is demeaning. I think it is disgraceful. I think it is a sorry commentary on the democratic system.

Now we cannot cure everything all at once but I do think we can take new steps which would put the Senators themselves and the candidates for the Senate in a better more decent position simply by saying you cannot. We cannot judge what third parties do. We cannot totally control that. But we can control what the Senator and I do, and he and I could enter a personal agreement if we were running against each other that we would not spend but $3 million. And we would lie up to it. I think we can do that and get that part of the problem solved. That is what S. 2 proposes to do.

Mr. McCONNELL. The observation the Senator just made about the time spent on fundraising, of course, has been solved now by the majority leader without changing the law. He has simply constructed a system of operation in the Senate under which we are in the Senate 3 weeks, and we are off 1 week to do what we choose to do during that week. I would think it would no longer be a legitimate excuse for any Senator to go to the majority leader and say, "Please let me out of here by 6 o'clock tonight because I have a fundraiser." There is time to do that now.

Mr. SANFORD. I think it is outrageous that the Senator and I have to go home and raise money or go off to Texas to raise money, or New York. We ought to be there talking to constituents about rural development. We ought to be talking to constituents about the price of corn. We ought to be down there talking to people and carrying on our business and not out all over the world raising money.

Mr. McCONNELL. I could not agree more. Of course nobody is making us do that. Senators do that at their own risk because their opponent can make an issue out of it next time if they choose to.

Mr. SANFORD. Nobody makes us do that except our opponent.

Mr. McCONNELL. No. Absolutely not. There are a number of Senators in this body as, the Senator knows, who choose as a matter of strategy not to raise money. That is their option.

Mr. SANFORD. Three, I think.

Mr. McCONNELL. Well, a number.

Mr. SANFORD. Well, I thought about that and the Senator from Kentucky has probably thought about making a $10 limitation on the contribution.

Mr. McCONNELL. Then we would have to spend a lot of time on fundraising.

Mr. SANFORD. I believe I would rather go ahead and work in the tortured system than take that chance. But I had to raise money because my opponent was raising money. I said publicly two or three times early in the game—and maybe he did not know whether I could raise as much money as he. I said "Let's put about a $2 million cap on what we will spend on television. That is one thing we could monitor." I do not think he said anything. But, he did not limit it. We had to keep on raising money.

I just think it tends to corrupt the system. This is one piece of it we can get a hand on it, and now is the time to put a hand on it. Then we will pay attention to these other things which are quite legitimate concerns that the Senator and I have. But right now we have something before us that is going to be a start on a good path to the reform of the kind of abuse that we have all talked about.

I would be glad to yield for another question. Or I will be glad to proceed with the main body of my speech.

Well, the main body of my speech is about completed.

I think we are down to just one simple issue. That is whether or not we are going to vote, as Mr. DOLE has suggested, to put no limit on it because the Republican Party, in order to become as strong as they want to be, has to have money to win elections.

I made a little speech over here last spring or last summer in which I pointed out that is not even a good strategy for the Republican Party. I am not here to advise the Republican Party. But that is not a good strategy for the Republican Party; that the Republican Party ought to try to win elections like the Democratic Party wins elections. That is by talking to the people about their needs, their hopes, and their aspirations. That is the best way to win elections. We would welcome that kind of competition from the Republican Party.

Mr. President, I certainly hope that this body—which now has focused on an issue that is extremely important to people all over this country—however we vote on it, we can get on with the business of voting, that we can demonstrate to the people of America that when there is a job to be done, and an issue to be decided we can bring it up, debate it fairly, decide it, and that we are not going to delay the public's business by a long drawn out filibuster. I hope we can do better than that.

I thank the Chair.

Mr. McCONNELL. Mr. President, the Senator from Pennsylvania wished the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I continue to oppose S. 2 because it includes substantial public financing and excludes important reforms on counting soft financial contributions. Now that S. 2 is on the Senate's agenda for the first time in the 2d session of the 100th Congress, I believe it is worthwhile to comment again on this bill.

When I voted against the first motion to limit debate in the 1st session of the 100th Congress on June 9, 1987—CONGRESSIONAL RECORD S7863—I stated that:

> I believe that further debate is necessary with the attendant opportunity, once cloture is defeated, to work out a compromise on reforming campaign financing.

I am glad to see that eight Senators have recently been appointed by the Democratic and Republican leadership to try to arrive at such a compromise.

In opposing cloture back on June 9, 1987, I stated:

> I am convinced that reform of the current system on campaign financing is necessary to address a variety of issues:
>
> First, elimination of the perception of improper influence of campaign contributions with special concern for political action committees;
>
> Second, limitation on total expenditures;
>
> Third, public policy considerations on public spending; and
>
> Fourth, use of the time/energy of Senate and House Members to raise money.

At that time I said, and today reiterate, that I support legislation which would totally eliminate PAC contributions. While I do not believe that political action committees improperly influence Members of Congress, I do believe that there is sufficient public concern about the appearance of influence so that PAC's should be totally eliminated.

Again, as I said on June 9 and reiterate today, I favor a constitutional amendment to limit the amount of money an individual may spend on his/her campaign. The only way to limit total campaign expenditures, in light of the decision by the Supreme Court of the United States in Buckley versus Valeo, is to amend the Constitution to review that decision. Earlier in the 100th Congress, in my capacity as ranking Republican on the Constitution Subcommittee of the Judiciary Committee, I met with Senator CRANSTON, assistant majority leader, and Senator SIMON, chairman of that subcommittee, and agreed to cooperate on prompt subcommittee action on a constitutional amendment.

As to the time/energy which fundraising takes from a Member of the Senate or House, my own experience is that appropriate fundraising can be accomplished with ample time to do the work of the Senate both in Washington, DC, and in my home State of Pennsylvania. However, to the extent that fundraising can be curtailed, it would be desirable.

As a matter of public policy, I continue to believe that public financing of Senate and House campaigns is unwise at this time because of the national debt and deficit. Our national debt approximates $2,500 billion and the deficit for fiscal year 1988 is currently projected in excess of $150 billion.

In its original form, S. 2 would have provided up to $5 million in public funds for in a U.S. Senate campaign in Pennsylvania, and up to $135 million nationwide, every 2 years, for Senate elections. While S. 2 does not include public financing of House campaigns, applying the same sort of rules to House elections could be expected to raise the total figure to $310 million. The current version of S. 2 would permit up to $2,875,000 in public funds to be spent in a Senate race in Pennsylvania, and up to $50 million nationwide. If it include House elections, up to $115 million in public funds could be expended every 2 years.

I believe it is unwise to embark on an expensive new program to provide for public financing of congressional elections at a time when there is inadequate Federal funding for important programs including, but not limited to, eduation, housing, job training, community development block grants, urban development action grants and farm programs.

I also oppose S. 2 because I believe that real campaign finance reform must include soft contributions where organizations or individuals provide personnel and other campaign services. Those contributions do not count in the current limitations on campaign financing, and any reform legislation, to be fair, should include such contributions.

Beyond expressing my views on S. 2, I believe it is worthwhile to comment on the recent advertising campaign conducted by Common Cause against a number of Senators, including myself. According to a report in the February 23 edition of the Allentown, PA, Morning Call, Common Cause ran full page advertisements on February 11, 1988, in 14 Pennsylvnaia, Delaware, Maine, and South Dakota newspapers. Full page advertisements directed against me personally were published in Pennsylvania in the Erie Times, Harrisburg Patriot, Pittsburgh Press, and Scranton Times, in alphabetical order.

I was surprised by these full page ads which were misleading and published without prior notice. I have always been available to Common Cause, had met on prior occasions with its chairman, Mr. Archibald Cox, and had written to its president, Mr. Fred Werthemer, on February 5, 1988, restating my position that I continued to support campaign reform finance legislation which would totally eliminate PAC contributions and change the law on the amount an individual could spend of his/her money and to provide for limits on overall campaign spending. The advertisement was misleading in implying that I had not fulfilled commitments concerning PAC contributions, limiting the use of a candidate's personal wealth, and overall campaign spending limits.

The 1986 Common Cause questionnaire had two questions:

> 1. Do you support or oppose legislation establishing an overall limit on the total amount of PAC contributions an individual candidate for the U.S. House or Senate could accept?
>
> Support X Oppose ___.

As noted, my position goes beyond "an overall limit" in agreeing to eliminating PAC contributions totally.

The second question was:

> 2. Do you support or oppose legislation to establish a campaign finance system for Congressional elections that would provide an overall campaign spending limit and a limit on the use of a candidate's personal wealth, along with partial public funding?
>
> Support X Oppose ___.

As noted, my position would limit the use of a candidate's personal wealth as the constitutional basis for providing overall campaign spending limits. While I did indicate support—in response to a compound question that lumped together several very different ideas—for "partial public funding," I do not believe public funding is appropriate in the context that the targets in the 1985 deficit reduction law were not met in 1987 and the deficit has continued to rise at the expense of other important social programs.

Accordingly, I would respectfully suggest that Common Cause reconsider its position on public funding in light of the current budget constraints. Common Cause's objectives can be obtained without public funding even though it may take longer through the process of constitutional amendment. The amendment process need not take unduly long given the substantial public interest in this important subject.

In addition to urging Common Cause to reconsider its position on public funding, I would also suggest, respectfully again, that Common Cause reconsider its tactics of targeting Senators for full page advertisements. In raising this issue, I realize the high public regard for Common Cause. I share that high regard. As noted above, I have welcomed meetings with Common Cause, I have spoken at its membership meetings and have been in agreement, much more often than not, with Common Cause's positions.

So I add these comments on Common Cause's full-page tactics with reservations, but do so because of the importance, as I see it, of undue influence or unfair pressure on public officials whether by PAC's, special interest groups, genuine public interest groups like Common Cause or anyone else. Recognizing that any individual or organization has the absolute right to speak out and that robust advocacy is the essence of our system, I question Common Cause's approach in singling out Senators because they have supported reforms in the past. As reported in the February 12, 1988 edition of the Allentown Morning Call:

> Randy Huwa, a Common Cause vice president, said the four Senators were singled out because they have supported reforms in the past. "They are among the Senators who we think we have the best chance with on this issue." Huwa said.

That selection system hardly encourages Senators' interest in reform.

Respecting Common Cause's right to publish its full page advertisements, a further question may be raised about the propriety or basic fairness of that pressure, especially in the context of its putative effort to eliminate undue influence and pressure on officeholders. Common Cause decries the pressure/influence of PAC contributions. The maximum PAC contribution of $10,000—primary: $5,000; general: $5,000—constituted less than .0014 of my campaign costs in 1986.

Contrast that with Common Cause's expenditure of more than $20,000 for full page ads in Pennsylvania newspapers alone and Common Cause's obvious effort to exert sufficient pressure to change Senators' specific votes.

I realize the difference in seeking to arouse public sentiment which may, in turn, seek to influence Senators, but I question the propriety of that procedure.

Mr. President, my vote is not determinable—for sale to PAC's or others—at any price. Similarly, my vote is not determinable—by Common Cause or others—by any amount of pressure. My constituents have the right to expect, and in any event have gotten and will continue to get, my best judgment regardless of contributions or pressure.

Discussion and compromise, rather than purchase or pressure, will lead to appropriate reform of campaign financing. The rules of the U.S. Senate on cloture were established to allow 41 objecting Senators to keep debating in order to obtain compromise on issues they consider to be of sufficient importance.

The principle of 41 objecting Senators has been established in this Chamber, this Congress, and this country for good and sufficient reason on many, many subjects of great importance. The Senators who are exercising that right, I submit, do so out of conviction and real purpose on this important public question.

As I said on the first cloture vote in the First Session of the 100th Congress, a compromise on reforming campaign financing can be worked out once it becomes clear that cloture is and will continue to be defeated.

It has been so far and I believe it will be on any subsequent cloture vote. The recent appointment by the Democratic and Republican leadership of eight Senators to try to work out such a compromise offers, in my judgment, the best prospect for meaningful campaign finance reform. I urge them to proceed with their work with all due diligence which I know they will undertake and I think they will be successful.

Mr. President, at this time I ask unanimous consent that the text of my letter of February 5, 1988, to the President of Common Cause; the full text of the Common Cause full page advertisement of February 11, 1988; and my letter to the President of Common Cause dated October 3, 1986, be printed in the RECORD. I ask unanimous consent because of the advantage of having them so printed without my reading them at this time on the Senate floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 5, 1988.

Mr. FRED WERTHEIMER,
President, Common Cause,
2030 M Street, NW., Washington, DC.

DEAR MR. WERTHEIMER: Earlier in the 100th Congress, as you know, representatives of Common Cause, and I met to discuss the subject of campaign finance reform; and I believe it would be useful to give you my thinking on the subject at this time as we begin the new session and Senator Byrd has made Senate Bill 2 the pending business on February 16, 1988.

I continue to support changes in PAC contributions for Congressional candidates as I said in my letter to you dated October 3, 1986; and I am prepared to vote to eliminate PAC contributions completely. Similarly, I believe that there should be a limit on a candidate's use of his or her own finances even though that may require a constitutional amendment.

On the subject of public financing, I do not think it is wise to make such additional federal expenditures in light of the budget constraints and the sharp spending limitations which are likely to be imposed on very important programs in the 100th Congress and thereafter.

As you know, there have been extensive discussions to try to work out some modifications and a compromise version Senate Bill 2. As I see it, real campaign finance reform must include soft contributions where organizations or individuals provide personnel and other campaign services which do not come within the current dollar limitations.

There is no doubt that the increasing cost of Congressional campaigns places an inordinate burden on candidates generally and on the time of incumbents. While I do not believe that Members of Congress are improperly influenced by campaign contributions, I do believe that there is sufficient public concern about the appearance of influence that PAC's should be totally eliminated.

I am hopeful that acceptable campaign reform legislation can be crafted on this session, and I stand ready to work with my colleagues in the Congress, your organization and others to pass such appropriate legislation.

Sincerely,

ARLEN SPECTER.

STOP BLOCKING CAMPAIGN FINANCE REFORM

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: The way our congressional campaigns are financed is a national scandal. As The Washington Post has written, our congressional campaign financing system is "fundamentally corrupt. Every citizen knows that. So does every legislator."

During your 1986 Senate campaign, you agreed on the need to reform our congressional campaign financing system in a signed response to a Common Cause questionnaire.

You said you support legislation to establish an overall limit on the amount of PAC contributions a congressional candidate could accept. And you said you support legislation to establish a campaign finance system for congressional elections that would provide an overall campaign spending limit and a limit on the use of a candidate's personal wealth, along with partial public financing.

But instead of meeting your 1986 campaign commitment, in 1987 you voted seven times to block the Senate from acting on the basic reforms you say you support.

Had S. 2, the bill your filibuster blocks, been in effect during the 1986 election, PAC contributions to Senate candidates would have been reduced from $45 million to $16 million. Your own PAC receipts of $1.2 million for the 1986 election would have been cut to $572,000.

Fifty-five Senators are on record in favor of acting on this bill. Some 270 newspapers across the country, including Pennsylvania papers, have editorialized in favor of the legislation. And more than 70 diverse national organizations representing millions of citizens have joined in support of this legislation which is absolutely essential to restoring honesty and integrity in government.

Senator Specter, most scandals involve broken laws. In this case, the laws are the scandal—and they must be changed.

S. 2 is once again before the Senate and, shortly, you will have another opportunity to meet your campaign commitment.

Won't you please stop backing the filibuster that is protecting the current corrupt campaign financing system. Let the Senate act on S. 2.

Sincerely,

ARCHIBALD COX,
Chairman, Common Cause.

Mr. FRED WERTHEIMER,
President, Common Cause,
2030 M Street, NW, Washington, DC

DEAR MR. WERTHEIMER: Thank you for the opportunity to express my views on campaign finance reform. My responses to the Common Cause questionnaire are indicated below.

1. Do you support or oppose legislation establishing an overall limit on the total amount of PAC contributions an individual candidate for the U.S. House or Senate could accept?

Support: X
Oppose:

2. Do you support or oppose legislation to establish a campaign finance system for Congressional elections that would provide an overall campaign spending limit and a limit on the use of a candidate's personal wealth, along with partial public funding?

Support: X
Oppose:

Again, thank you for the opportunity to comment on the issue of campaign financing.

Sincerely,

ARLEN SPECTER.

Mr. McCONNELL. Mr. President, will the Senator yield?

Mr. SPECTER. I do. I yield the floor.

Mr. McCONNELL. I commend my friend from Pennsylvania for his leadership on this issue all along the way. He has been one of the most knowledgeable and effective spokesmen and also someone who truly understands what we are talking about here.

I think it is particularly unfortunate that Common Cause, whose tactics, it seems to me, off and on during this whole debate have been outrageous, has targeted the Senator from Pennsylvania and others. It makes no sense to me in terms of an attempt to influence our decisionmaking here, and we all know that the Senator from Pennsylvania certainly is not going to be influenced by those tactics.

In any event, I commend the Senator for an outstanding speech.

Mr. SPECTER. I thank the distinguished Senator from Kentucky.

I raise only the questions with Common Cause's tactics. I appreciate the breadth of the first amendment and I appreciate the work of Common Cause. But I do think it appropriate to raise those questions, notwithstanding Common Cause's very unique public position.

These are matters about which we can all think and ponder, and I have done a good deal of thinking on this issue.

I am well aware of the public policy considerations on public financing. I am very well aware of the constitutional limitations on this subject, and I regret that there has not been an effort and a movement to respond to my offer to move ahead with hearings on the constitutional issues. Certainly we could be simultaneously moving ahead with the underlying issue in Buckley versus Valeo.

The opinion in that case surprised me when it came down. I was in the middle of a primary election, having assessed my own financial capabilities within a $35,000 limitation in Pennsylvania in 1976 when Buckley versus Valeo came down.

It surprised me at the time and it continues to surprise me. In a context where there are limitations on what people may contribute to candidates, it seems to me that it is preeminently sound and would have been a sound constitutional decision not to allow individuals to spend unlimited sums of money. But the Supreme Court has the final word, and I respect that far beyond my own views on any subject.

There are, however, procedures for making those modifications and they can start in the Constitution Subcommittee. I would work every diligently to achieve that objective and the objectives of those who urge campaign reform without becoming involved with public financing and with a campaign finance reform law that includes soft contributions and is fair to all parties concerned.

Mr. McCONNELL. There is no question that the Senator has put his finger right on one of the principal factors driving the escalating costs of campaigns. There is a dramatic increase in the amount of money that individuals are putting into their own use, the so-called millionaire's loophole. There is a dramatic increase in the amount of total PAC contributions. And there is a dramatic increase in the cost of television. We have suggested and the Senator from Pennsylvania has cosponsored bills that have done something about all portions of that.

I might mention to the Senator, before he leaves the floor, that I have another bill that I intend to introduce shortly which might at least provide some deterrent to the millionaire who is not real wealthy and that would be this: that we could not consistent with the Constitution limit what you can put into your own race or what you could borrow but we could, I am confident, constitutionally keep you from recovering it by going around after the election and recouping the amount of money you put up in order to buy the office from PAC's or individuals or anyone else.

So clearly we need to address as best we can consistent with the Constitution that millionaire's loophole problem because it is a growing problem in this body.

Mr. SPECTER. I thank the Chair and yield the floor.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. Thank you, Mr. President.

Mr. President, once again, as we have returned to the consideration of this important legislation, the bill to reform campaign financing, I want to commend the Senator from Oklahoma [Mr. BOREN] and the distinguished majority leader for their cosponsorship of this enormously important piece of legislation and also for their persistence in continuing to push on this.

The issue of campaign finance reform is one that the American public has been slowly but surely coming to understand, and the time has come for us in the U.S. Senate and the U.S. House of Representatives to act and to act carefully, thoroughly, and expeditiously on this legislation.

I do not think there is any doubt that the great majority of those who have been involved in campaigns in recent years are sick and tired of the overinflated role that money is playing in American campaigns and the amount of time and attention that has to be devoted to raising the money to pay for increasingly expensive campaigns.

Things are completely out of control on this front, not only from the perspective of those who have to run for public office, but clearly, also, I think, from the perspective of those who are on the other end of it—those who are giving this money, making the contributions. They also are sick and tired of the current process that we have.

What is all of this doing to the whole process of public debate? I think public debate in the campaigns is diminishing as candidates for the House and candidates for the Senate are finding themselves spending more and more time just going about the process of raising the money necessary to fuel this huge machine. Even in the brief span of 13 years that I have been in public office, I have noted the decline in the time elected officials spend talking to the public, talking to voters and debating issues. The time for that has gone down every year—in a direct relationship to the time that has gone up as those elected officials and candidates for public office have had to spend raising these enormous amounts of campaign funds.

Are the American people well served by this process? I think not. I think the American people would certainly like to see us spending our time and focusing our attention on the debate of the great issues of our time, rather than moving from one kind of a fund-raising event to another to try to keep up with the other guy just to neutralize the opponent's spending.

Each of us is in a zero-sum game. I spend, you spend, he spends, she spends; the amount goes up, goes up, goes up, and all we are doing is neutralizing each other's funding; kind of a Parkinson's law going on here in which one candidate raises a certain amount of money, then the other candidate for the same office has to raise the same amount and this continued spiral goes on, up and up and up.

The time has come to say: "Let's stop this. Let's put a lid on this. Let's insert some rationality into the whole process."

The question then, of course, is how to best go about accomplishing this? Is it possible to obtain universal or even substantial purely voluntary restraint? I fear not. Can we legislate mandatory limits on campaign spending? No—the Supreme Court has ruled that the only way we can secure limits on campaign spending is to provide incentives that will be sufficient to obtain widespread voluntary compliance. That, of course, means some form of public financing or other legislated benefit for those who comply voluntarily.

All who have observed this debate over the past several years—and, in particular, the debate on S. 2 throughout the year last year here on the Senate floor—have seen opponents claim that doing this is tantamount to public officials making a very thirsty trip to the public trough.

Let's slow down a moment, and review what that particular criticism means. We might look back to the early 1970's and look at all of the abuses of the financing of Presidential campaigns. I cannot imagine that there are many who were old enough to remember significant events of that period who do not recall the Watergate episode, and the array of problems and abuses that occurred during the 1972 Presidential campaign. Incredible sums were being raised and spent on the campaign. Money was being transported in suitcases to pay for questionable expenses and absolutely illegal expenses as well as for legitimate campaign costs.

And the funding of those campaigns was coming from a very, very small group of people who thus were having inordinate influence over the affairs of the Nation.

After the revelations of Watergate, the Nation said: "Enough is enough. Let's put a lid on this. Let's slow this down. Let's develop a more rational process."

The Nation said at that point, in legislation enacted in 1974: "Let's develop a process that produces the public discourse voters need to make decisions, but which does not turn elections for public office into bazaars where the office is for sale to the candidate who can raise the most outrageous sum of cash." And, at the Presidential level, we did precisely that, Mr. President. We enacted landmark legislation that moved us to a form of shared public-private financing of campaigns with voluntary spending limits. And it has worked beautifully.

Three of our colleagues in this body right now are taking advantage of that and using that very good benefit. Three of our colleagues right now, two on the Democratic side and one on the Republican side, are using precisely that kind of shared public-private. We

have not heard them complaining about it. I think they have used that very well. I think it has worked very well.

We are now in the middle of a Presidential campaign in which precisely that kind of a shared balance appears to be working and working very well. So if we can do it at the Presidential level, why can we not do it at the Senate and House level? Why can we not raise the level of debate? Why can we not limit the enormous amounts of influence from a handful of individuals as we used to have in the Presidential race in the Senate and House races as well? It is a perfectly reasonable question and it seems to me that the answer we find is that in the Presidential campaigns there is a model. Let us use that here.

The dollar-checkoff on the Federal income tax form is familiar to most taxpayers—and millions of Americans have voted by use of that checkoff to contribute a dollar of their taxes to finance Presidential campaigns in order to prevent the abuses of the past.

What has happened since the 1972 campaign, Mr. President? I think what we have seen is a campaign finance system for the presidency that is back in control. I do not think that anybody would argue that since we changed the rules for Presidential campaigns in the mid-1970's that there have been significant abuses of campaign financing at the Presidential level.

The only mistake that we made in the mid-1970's was not including congressional election campaigns in that campaign finance law at that time.

Unfortunately, in the 12 years since, we have seen a dramatic escalation of campaign financing for campaigns for election to the Senate and the House that I referenced earlier in my remarks.

The time has come, Mr. President, for us to follow the very good and sound precedent of public financing at the Presidential level—and apply it to House and Senate races as well.

The bill which is before us today—and which the Senate spent a great deal of time considering last year—is a very appealing, very carefully constructed vehicle to do precisely that.

It complies with the Supreme Court's stipulations on the way in which it is permissible to obtain campaign spending limits. It returns proportion and balance to the role Political Action Committees play in congressional elections. It will provide candidates who are the subjects of opposing independent expenditures the ability to respond to the charges for which those independent expenditures were paid. It will prohibit the practice of "bundling" contributions as a way around various contribution limits.

In short, this is a strong, well-constructed, worthwhile answer to the problems every Member of this body knows to exist in the way we now finance congressional campaigns.

And it is a way of preparing a little therapeutic medicine here. It is cutting off what is going to be someplace shortly down the line an enormous scandal. There is just too much money floating around this business, Mr. President, too much money, and, if we do not do it now, that scandal is going to hurdle us into action of some kind and probably that action will not be as well considered and as well thought out as the legislation in front of us.

We have debated long enough. The opponents have prevented action long enough. Now, while the Nation is focused on our vital political process in this election year, is the time for us to act. I hope we will see broad support for this legislation when the next vote on it occurs—from both sides of the aisle.

Both sides have benefited in Presidential campaigns from this shared public-private responsibility. It seems to me as both sides have benefited from that at the Presidential level, both sides have a responsibility to address this issue at the Senate level and the House level and do it responsibly, do it carefully, and be consistent with what we have done at the Presidential level.

I thank the Chair and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

CHARLES L. CRAMER

Mr. BOND. Mr. President, I rise to offer my thanks, best wishes, and congratulations to a native Missourian, Charles L. Cramer who has just retired from his position as St. Louis branch manager of USF&G Corp. In everything that Chuck has done, whether it is professional, civic, or charitable, he has served with distinction.

In fact, in the past year alone, the Independent Agents Association of Missouri and the Insurance Council of St. Louis named Chuck the "insurance person of the year." He is also a past chairman of the Missouri FAIR plan, a former secretary and now treasurer of the board of directors for the Missouri Insurance Guaranty Association, a past president of the Insurance Executives Association of St. Louis, chairman of the American Insurance Association's Missouri Conference Committee, and a member in good standing of the Missouri Insurance Institute's Advisory Committee and the Insurance Services Office Advisory Committee.

Chuck is a graduate of the University of Missouri and the Kansas City Law School. As a businessman, attorney, and leading citizen, he has been involved in many of the more vexing and important issues facing the State of Missouri and this Nation. For example, he was appointed by my successor to the Governor's Task Force on Liability Insurance. He has also served on Missouri's Arson Advisory Committee.

In addition, Chuck gives generously of himself. Since 1980, he served first on the board of directors for the St. Louis Christian Home for Children, now known as ECHO or the Emergency Children's Home of St. Louis and is now serving as its president.

Now that Chuck has supposedly retired, I know his wife, four children and five grandchildren hope that they will see more of him. However, I know that this retirement will not end his service to the State and St. Louis.

Thanks for all your work Chuck and best wishes.

BRET BERLIN

Mr. DASCHLE. Mr. President, just about the time one begins to wonder who among our young will one day be there to take the reins of responsibility to lead this Nation in the next generation reassurance is provided.

Such reassurance comes in my frequent conversations with our Senate pages. Their enthusiasm, their interest in the process, and their responsiveness gives me great confidence that the leaders of tomorrow are preparing themselves well.

The preparation continues beyond the experiences gained as Senate pages.

This week, a former Senate page, Bret Berlin, was inaugurated as a new senator at the University of Florida. I am informed that Bret, a freshman, received more votes in his election than any other candidate running. Given his 37,000 constituents attending the university, that is a remarkable achievement for a freshman student.

I know Bret to be a remarkable, young American leader. As a Senate page, as a high school student in Israel, as an ardent student of American politics and government, he is a convincing example of the caliber and character to be found in the next generation.

I congratulate him on his accomplishment. I encourage him and those who are not our proficient Senate pages to persevere. We welcome them and look forward to their increasing involvement in politics and government with great expectations.

A TRIBUTE TO LEE J. FREMSTAD, AWARD-WINNING CALIFORNIA JOURNALIST

Mr. WILSON. Mr. President, California recently lost one of her finest and most-loved journalists, Sacramento Bee reporter Lee J. Fremstad.

Lee was an award-winning reporter who covered dozens of political campaigns, including the Presidential campaigns of Californians Ronald Reagan and Jerry Brown. He was a talented and prolific writer, whose vivid copy enlivened the pages of not only the McClatchy papers, but also the California Journal, Esquire, and many other magazines over the years.

Lee was also devoted to advancing his profession and improving his community. He participated in many professional journalism organizations, including a stint as president of the Sacramento Press Club. He was a member of Amnesty International and volunteered his time helping prisoners on parole.

Mr. President, I would like to extend my deepest sympathies to Lee's family and his colleagues. He will be remembered fondly.

I ask unanimous consent to have printed in the RECORD the Bee's farewell to its long-time reporter, Lee J. Fremstad.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sacramento (CA) Bee]

27-YEAR BEE REPORTER, LEE J. FREMSTAD, 55

(By Steve Gibson)

Lee J. Fremstad, an award-winning reporter who covered a wide range of stories for The Sacramento Bee for 27 years, died Thursday after a long illness. He was 55.

Mr. Fremstad, who wrote about scores of state and national politicians when he worked in The Bee's state Capitol bureau from 1971 until 1981, was respected by co-workers for his ability to work well under pressure, his writing skill and unfailing good humor.

Troubed by poor health, he had been scheduled to begin disability retirement from The Bee today.

"Lee was a talented journalist who contributed much to this newspaper and this community," said Gregory Favre, executive editor of The Bee. "He will be missed."

"Lee was a nice man in a business that often isn't characterized by niceness," said Ted Sell, editor of McClatchy New Service.

Bud Lembke, a former Los Angeles Times reporter who worked with Mr. Fremstad on dozens of major stories, added, "Good writers can make their copy sing. Lee Frenstad was in the Metropolitan Opera category in that regard.

"He had other dominant qualities essential to good reporters: He liked people and they liked him," Mr. Lembke said. "That's what made his copy come alive and caused reporters to say, 'I wish I'd written that.' "

On April 12, 1967, he began his story of the last execution in California this way:

"Aaron Mitchell, 37-year-old murderer of Sacramento Police Officer Arnold Gamble, broke the unofficial moratorium on the death penalty in California today by dying in the San Quentin gas chamber.

"The potassium cyanide pellets plunked soundlessly into a vat of acid at 10:04 a.m., sending their lethal but colorless fumes into the lungs of the condemned man."

On Dec. 9, 1985, he began a story on Bhagwan Shree Rajneesh this way:

"What if they opened a commune and everybody left?

"That would be Rajneeshpuram—once an experiment in group living, now another page in the colorful history of the West. Its guru: Bhagwan Shree Rajneesh, once the resident leader of thousands in his own city, now an admitted ex-felon reflecting on it all somewhere in the Himalayas."

A native of Minneapolis, Minn., Mr. Fremstad served in the Navy aboard aircraft carriers during the Korean War. After leaving the Navy, he received a journalism degree from the University of Minnesota.

His career in daily journalism began with a stint as night wire editor on the Daily People's Press in Owatonna, Minn. Later, he worked for the Decatur, Ill., Herald & Review as a reporter. In 1959, he moved to Salt Lake City as a reporter and rewriteman for United Press International.

Shortly after coming to The Bee, he met the woman who became his wife, Virginia "Nita" Hanna, who was secretary to Keith Fuller, The Bee's industrial relations manager.

Mr. Fremstad later became active in The Newspaper Guild, serving as the Sacramento local's president in 1966, and faced Mr. Fuller across the bargaining table.

"I have a great deal of respect for him," Mr. Fuller said. "He was a man of great integrity."

"He was a conciliator by nature," said Martin Smith, McClatchy Newspapers political editor.

Mr. Fremstad was a member of the McClatchy 25-Year Club, the Society of Professional Journalists/Sigma Delta Chi, the Capitol Correspondents Association, the San Francisco Press Club and a past president of the Sacramento Press Club. He also was a member of Amnesty International and Volunteers in Parole, a group that helps former prison inmates.

He loved sailing, skiing, photography, jazz and sports cars. For years, he drove a Maserati Sebring 3500 GT.

While covering state politics for The Bee, he also served as Sacramento stringer for Newsweek, the New York Times and the London Daily Express.

A prolific writer, he turned out articles for The California Journal, Esquire, Argosy, Ski Magazine and Road and Track Magazine.

He once taught part-time in the journalism department at California State University, Sacramento.

As a political reporter, he covered the Republican National Conventions in 1972 and 1980. He covered the gubernatorial and presidential compaigns of Ronald Reagan and Jerry Brown. He also covered the California campaigns of Jimmy Carter, Robert Kennedy, John Anderson and Eugene McCarthy.

He was the recipient of the California Taxpayer's Association's best reporting award in 1973 and 1977.

In addition to his wife, he is survived by his mother, Florence Fremstad of Minneapolis, son, Erik, and daughter Britt, both of Sacramento; a brother, Ronald Fremstad of Minneapolis; and a sister, Joanne Hudson of Seattle.

A memorial service is scheduled for 1 p.m. Tuesday at W.F. Gormley & Sons Funeral Home, 2015 Capitol Ave. The family requests that any remembrances be sent to the Sacramento Journalism Foundation, c/o Lillian Hickey, Sacramento Bee, P.O. Box 15779, Sacramento 95852.

BICENTENNIAL MINUTE

FEBRUARY 17, 1906: "TREASON OF THE SENATE" SERIES BEGINS

Mr. DOLE. Mr. President, 82 years ago today, on February 17, 1906, the March issue of Cosmopolitan magazine arrived on the Nation's newsstands, with the first in a series of nine articles entitled "Treason of the Senate."

For several decades prior to the appearance of the series, the Senate had come into public disrepute through the intimate association of some of its Members with large corporate interests. At a time when Senators were still elected by State legislatures, there were ample grounds for concluding that the industrial capitalists who influenced the State houses also exercised great power in the selection of some Members. Only weeks before the Cosmopolitan series began, two Senators had been convicted on charges of taking fees from corporate clients for interceding on their behalf with Federal agencies.

Publisher William Randolph Hearst had hired popular novelist David Graham Phillips to prepare an investigative series. Employing the innuendo and overstatement typical of other so-called muck-raking writers of the day, Phillips selected 21 Senators for particular attention. His first installment included the following typical statement: "Treason is a strong word, but not too strong, rather too weak to characterize the situation in which the Senate is the eager, resourceful, indefatigable agent of interests as hostile to the American people as any invading army could be, and vastly more dangerous."

Phillips overplayed his hand. Although his series initially doubled the magazine's readership, it soon backfired. Genuine reformers feared that his carelessly researched articles would seriously harm their own efforts. When the series concluded in November, Phillips gladly returned to writing novels. In spite of its limitations, the series hastened adoption of a constitutional amendment providing for direct election of Senators.

A CENTURY OF ADULT EDUCATION—LEARNING NEVER ENDS

Mr. CRANSTON. Mr. President, today I want to join in commemorating the 100th anniversary of the Los Angeles Unified School District Division of Adult Education. I would like to share briefly with my colleagues the immeasurable contribution that this program has made to quality education in Metropolitan Los Angeles over the past 100 years.

In 1887 the first night school in Los Angeles was opened in a public school building. It had 30 students. The curriculum was, simply, literacy. A great deal has happened since the one adult class began 100 years ago. In time, the program developed business, homemaking, Americanization, parent education, and vocational classes for the adult community of the Los Angeles area.

These classes and others have helped to meet the educational needs of a rapidly growing adult population. The program has responded to the rapid advances in technology which mandates that our high schools and adult students have access to training or retraining in the newest vocational skills. Social unrest such as the 1965 riots demonstrated—among other things—that many members of our community were not receiving the type of education and/or training required to enable them to take advantage of the employment opportunities available in the Los Angeles community and elsewhere. The adult education division was able, because of its unique ability to institute new programs, to establish skills centers in Watts, Pacoima, and east Los Angeles in 1966. By 1976, the program started three more such centers which offer short-term intense job training.

As of last year, 1986–87, the district had 27 community adult schools, 5 occupational centers, and 6 skills centers. In addition, the program's newest school, opened in 1986, is the business school which prepares adults and high school students to meet the challenges of this age of technology.

The mission of adult education is to provide quality, lifelong educational opportunities and services, responding to the unique needs of the individuals in the various communities. In contrast to the 30 students in that first class in 1887, the program served 446,132 students during the 1986–87 school year. As the Adult Education Program of the Los Angeles Unified School District enters its second century of public service, I wish to thank and commemorate those who have made the program such a success.

ROBERT E. LEWIS

Mr. INOUYE. Mr. President, I would like for my colleagues to take note of the dedication and accomplishments of Mr. Robert E. Lewis, an outstanding Hawaii businessman who recently completed a whirlwind year as chairman of the board of the American Trucking Associations. The ATA is the largest representative of the American trucking industry and its 7 million men and women.

Robert Lewis is president of American Pacific Transport Co., Ltd., which is headquartered in Honolulu. A self-made man, he founded that company in 1971 with four rented trucks and a small facility.

Mr. Lewis was perhaps the most active association chairman in the Nation, traveling hundreds of thousands of miles, to 33 States, to Europe and Australia. Often accompanied by his wife, Sylvia, he spoke before civic groups and the media, and delivered to the American people the industry's message of safety, professionalism, and pride.

Mr. Lewis is a former president and chairman of the Regional and Distribution Carriers Conference, and president of the Hawaii Transportation Association.

Mr. President, Robert E. Lewis possesses not only an outstanding record of achievement in business, but also the spirit of patriotism and pride that compelled him to give something back to the vital American industry he cares about so deeply. I invite my colleagues to join me in congratulating him on his impressive year as chairman of the board of the American Trucking Associations.

MESSAGES FROM THE HOUSE

At 11:50 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1612) to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990.

ENROLLED JOINT RESOLUTION SIGNED

At 3:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 122. Joint resolution to designate the week beginning October 16, 1988, as "Gaucher's Disease Awareness Week".

The enrolled joint resolution was subsequently signed by the Deputy President pro tempore [Mr. MITCHELL].

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Priscilla L. Buckley, of Connecticut, to be a Member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1989;

Tom C. Korlogos, of Virginia, to be a Member of the U.S. Advisory commission on Public Diplomacy for a term expiring July 1, 1990;

Hershey Gold, of California, to be a Member of the U.S. Advisory Commission on Public Diplomacy, for a term expiring July 1, 1990;

Donley L. Brady, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1989;

Mitchell E. Daniels, Jr., of Indiana, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1989;

David C. Miller, Jr., of the District of Columbia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 1983;

Jay Kenneth Katzen, of Virginia, to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring February 9, 1990;

William F. Burns, of Pennsylvania, to be Director of the Arms Control and Disarmament Agency;

Milton Frank, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Kingdom of Nepal.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Milton Frank, Colonel, USAF (Ret.)

Post: U.S. Ambassador to the Kingdom of Nepal.

Contributions, amount, date, and donee.

1. Self: $27,265, 1981–1987.

Republican National Committee: 1981, $115; 1982, $700; 1983, $100; 1984, $100; 1985, $250; 1986, $250; 1987, $100; total $1,615.

Reagan-Bush 1984: $2,100.

GOP Victory Fund: 1981, $100; 1982: $275; total: $375.

Citizens for the Republic 1983: $150 1985: $5,000 (Statesman member); 1986: $5,000 (Statesman member); 1987: $750. Total: $10,900.

Ronald Reagan Presidential Foundation: 1986; $1,000.

The President's Dinner: 1986, $1,500; 1987, $1,500; total $3,000.

Republican Senatorial Inner Circle: 1985, $1,000; $50; 1986: $50; 1987: $1,000; total: $2,100.

Presidential Task Force: 1981, $120; 1982, $75; 1983, $290; 1984, $120; 1985, $70; 1986, $340; total: $1,015.

National Republican Senatorial Committee: 1983, $125; 1984: $328; total: $453.

National Republican Congressional Committee: 1981–85, $1,350; 1986, $100; total: $1,450.

United States Senatorial Club: 1984, $99.

Senator Jesse Helms: Helms for Senate, $292.84; Jesse Helms Senatorial Club, $182.84, Jesse Helms Legal Defense Club, $50. Fairness in Media, $200; total: $725.68.

By year: 1983, $25; 1984, $85; 1985, $215; 1986; $175.68; 1987; $225; total: $725.68

California Republican Party: 1983, $50; 1984, $75; 1986, $100; $50; 1987; $50; total: $325.

Republican Shareholders Convention: 1981, $20.

Republican Associates (California): 1984, $85; 1985, $85; 1986, $85; total: [1] $255.

Congressional Majority Committee: 1984, $50.

Citizens for America: 1984, $20; 1985, $20; 1986; $20; Total: $60.

California Unity Fund: 1986, $1,000.

The Kerry Committee: 1984–86, $100.

Jack Kemp: 1984, $20.

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[1] Plus, travelling with this group to Washington, D.C. for the President's Inauguration.

Goldwater For Senate: 1982, $25; $25; $50; $50; $50; $50; 1983: $50; total: $300.

Herschensohn Debt Reduction Fund: 1986, $100.

Laffer for Senate: 1984-5, $200.

2. Former spouse: Mary Rose (Carroll) Duffield; Mrs. John Richard Duffield (divorced more than 10 years).

3. Children and spouses names: Christopher Duffield (not married) (was adopted by stepfather), none.

4. Parents names: Milton and Hannah Charlotte (Politz) Frank. Both have been deceased more than 10 years), none.

5. Grandparents names: Goedfrey and Bertha Politz (Mother's parents). Leon and Elizabeth ("Betty") Franck (Father's parents) All have been deceased more than 30 years, none.

6. Brothers and spouses names: Not applicable; no brothers.

7. Sisters and spouses names: Merle (Frank) Schneider, (deceased more than 20 years); Husband: William A. Schneider, deceased more than 5 years. Leone Frank (not married), none.

Richard Huntington Melton, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Richard H. Melton.

Post: Managua, Nicaragua.

Contributions, amount, date, and donee:

1. Self: Richard H. Melton, none.

2. Spouse: Margaret A. Melton, none.

3. Children and spouses names: Craig H., Cathleen M., and Pamela M. Melton, none.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: John W. Melton and Quintana Melton, none.

7. Sisters and spouses names: None.

Charles Franklin Dunbar, of Maine, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Yemen Arab Republic.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Charles Franklin Dunbar.

Post: Ambassador to Yemen.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Nelia Walker Dunbar, Andrew Barbey Dunbar, Charles Matthew Dunbar, none.

4. Parents names: Charles Franklin Dunbar (deceased), Katherine Barbey Dunbar (deceased).

5. Grandparents names: Frank A. Barbey, Mary Barbey (both deceased); William Harrison Dunbar (deceased), Mrs. William H. Dunbar (deceased).

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, and Mr. Hollings):

S. 2058. A bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DIXON:

S. 2059. A bill to amend title 18, United States Code, to punish as a Federal criminal offense the crimes of international parental abduction; to the Committee on the Judiciary.

S. 2060. A bill to to provide assistance for small communities with ground water contamination, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRANSTON (for himself, and Mr. Burdick):

S. 2061. A bill to establish national standards for voter registration for elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Mr. NICKLES:

S. 2062. A bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax; to the Committee on Finance.

By Mr. DURENBERGER:

S. 2063. A bill to amend the Internal Revenue Code of 1986 to provide that income of a child on investments attributable to the child's earned income shall not be taxed at the parents' rate of tax; to the Committee on Finance.

By Mr. SANFORD:

S. 2064. A bill for the relief of Cecilia Chikoby Ogugua; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, and Mr. Specter):

S. 2065. A bill to recognize the organization known as "Veterans of the Vietnam War, Inc."; to the Committee on the Judiciary.

By Mr. ROTH:

S. 2066. A bill relating to the ocean dumping of municipal sludge; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself, and Mr. Burdick):

S. 2067. A bill to amend the Internal Revenue Code of 1986 to permit farmers to purchase tax-free certain fuels for farm use, and for other purposes; to the Committee on Finance.

By Mr. MITCHELL (for himself, Mr. Chafee, Mr. Bentsen, Mr. Johnston, Mr. Inouye, Mr. Moynihan, Mr. Sanford, Mr. Cohen, Mr. Lautenberg, Mr. Bradley, Mr. D'Amato, Mr. Matsunaga, Mr. Warner, Mr. Sarbanes, Ms. Mikulski, and Mr. Graham):

S. 2068. A bill to amend the Marine Protection, Research and Sanctuaries Act to protect marine and near-shore coastal waters through establishment of regional marine research centers; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 2069. A bill to amend title 37, United States Code, to authorize the payment of incentive special pay for nurses in the Armed Forces; to the Committee on Armed Services.

By Mr. GARN (for himself, Mr. Bond, Mr. Boschwitz, Mr. Chafee, Mr. Cochran, Mr. D'Amato, Mr. Danforth, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Evans, Mr. Gramm, Mr. Grassley, Mr. Hatch, Mr. Heinz, Mr. Humphrey, Mr. Kasten, Mr. Lugar, Mr. McCain, Mr. McClure, Mr. Murkowski, Mr. Nickles, Mr. Quayle, Mr. Stafford, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Wallop, Mr. Warner, Mr. Weicker, Mr. Wilson, Mr. Adams, Mr. Bentsen, Mr. Bradley, Mr. Bumpers, Mr. Burdick, Mr. Chiles, Mr. DeConcini, Mr. Dodd, Mr. Exon, Mr. Fowler, Mr. Glenn, Mr. Gore, Mr. Heflin, Mr. Hollings, Mr. Inouye, Mr. Johnston, Mr. Kennedy, Mr. Lautenberg, Mr. Levin, Mr. Metzenbaum, Mr. Mitchell, Mr. Moynihan, Mr. Nunn, Mr. Reid, Mr. Sanford, Mr. Sarbanes, Mr. Shelby, Mr. Simon, Mr. Stennis, and Mr. Simpson):

S.J. Res. 255. Joint resolution to authorize and request the President to issue a proclamation designating April 24, through April 30, 1988 as "National Organ and Tissue Donor Awareness Week"; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. Lugar, Mr. Dixon, Mr. Bentsen, Mr. Bradley, Mr. Pell, Mr. Stennis, Mr. Boren, Mr. Murkowski, Mr. Burdick, Mr. Thurmond, Mr. Wirth, Mr. Pryor, Mr. Breaux, Mr. Domenici, and Mr. Heflin):

S.J. Res. 256. Joint resolution to designate March 18, 1988, as "National Energy Education Day."; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. D'Amato, Mr. Moynihan, Mr. Bradley, Mr. Armstrong, Mr. Glenn, Mr. Kerry, Mr. Durenberger, Mr. Dole, Mr. Symms, Mr. Bumpers, Mr. Hecht, Mr. Gore, Mr. DeConcini, Mr. Wallop, Mr. Wilson, Mr. Murkowski, Mr. Simon, Mr. McClure, Mr. Boschwitz, Mr. Karnes, Mr. Riegle, Mr. Proxmire, Mr. Trible, Mr. Biden, Mr. Chafee, Mr. Lugar, Mr. Domenici, Mr. McCain, Mr. Pryor, Mr. Quayle, Mr. Lautenberg, Mr. Dodd, Mr. Dixon, Mr. Rockefeller, Mr. Shelby, Mr. Helms, Mr. Boren, Mr. Burdick, Mr. Grassley, Mr. Pressler, Mr. Nickles, Mr. Hatch, Mr. Cochran, and Mr. Graham):

S.J. Res. 257. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. Pryor, Mr. Levin, Mr. Helms, Mr. Hollings, Mr. Domenici, Mr. Gore, Mr. Mitchell, Mr. Kasten, Mr. Proxmire, Mr. Bingaman, and Mr. Durenberger):

S.J. Res. 258. Joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself and Mr. Hollings):

S. 2058. A bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

CHARLES PINCKNEY NATIONAL HISTORIC SITE

Mr. THURMOND. Mr. President, today I am introducing legislation which will authorize the establishment of the Charles Pinckney National Historic Site. Charles Pinckney was one of our country's finest founding fathers. His estate, known as Snee Farm, is one of only eight actual primary dwellings left that can be directly associated with a signer of the Constitution, and it is the only one that is currently threatened due to plans to develop the Snee Farm property.

The Snee Farm home is a simple one and one-half story, clapboard structure that was built in 1754 by Col. Charles Pinckney, father of the signer of the Constitution. The farm house is the center piece of a serene 21-acre tract of land outside Charleston, SC. George Washington, after a visit to the estate, referred to Snee Farm as "the County seat of Charles Pinckney."

Mr. President, as we celebrate the signing and ratification of the bicentennial of the Constitution, it is fitting to preserve the home of one of the most prominent figures at the Constitutional Convention. Charles Pinckney began a career of dedicated service to his country by serving in the Revolutionary War. He rose to the rank of lieutenant and was captured and held as a prisoner of war after the fall of Charleston in 1780.

One of Charles Pinckney's greatest contributions to our country was his service as a delegate to the Constitutional Convention. Although he was the second youngest delegate, Pinckney has been credited with being one of the most influential members. He attended full time, spoke often and effectively, and contributed immensely to the final draft and to the resolution of problems that arose during debate. Pinckney also authored a draft of the Constitution, known as the Pinckney draft. It is believed that as many as 31 provisions of his draft were later adopted into the Constitution.

After working to ensure ratification of the Constitution by South Carolina in 1888, Pinckney continued a distinguished career in government. He served four terms as Governor of South Carolina—1789-92, 1796-98, 1806-08—and served in the South Carolina General Assembly from 1810 to 1814. He was elected to the U.S. Senate in 1798; and in 1801, Pinckney was appointed as U.S. Minister to Spain by President Thomas Jefferson. He finished his public service in the U.S. House of Representatives serving from 1819 to 1821. Charles Pinckney's long and distinguished career as a public servant clearly makes him worthy of this tribute by authorizing the Charles Pinckney National Historic Site.

Mr. President, the legislation I am introducing authorizes the Secretary of the Interior to accept the donation of the Snee Farm property. An effort, by a group of citizens known as Friends of Snee Farm, is underway to raise private funds to purchase the property. The fundraising project is being spearheaded by such able individuals as Mrs. Ernest F. Hollings, the wife of my distinguished Senate colleague from South Carolina; former South Carolina Governor Robert McNair; and Mrs. Ann Edwards, wife of former South Carolina Governor and former U.S. Department of Energy Secretary, Dr. James Edwards. In addition, my wife, Nancy, is chairperson of the Snee Farm Children's Education Committee. The commitment to raise funds by these highly respected individuals makes it probable that Snee Farm will be privately purchased and then donated to the Interior Department.

Mr. President, this worthy effort has been noted by Mr. William Penn Mott, Jr., the Director of the National Park Service, who has stated, "The National Park Service is proud to count Snee Farm on its list of national historic landmarks and fully supports your efforts to save this historic site. We believe that Snee Farm's destruction would be a tragedy for the Nation and an insult to the memory of one of the greatest of the Founding Fathers."

Mr. President, this is a very worthy proposal, and I urge my colleagues to give this measure prompt and favorable consideration. I ask unanimous consent that this bill appear in the Record immediately following these remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION TO ESTABLISH SITE.

In order to protect and interpret for the benefit of the people of the United States the home of Charles Pinckney, signer of the United States Constitution and author of the document known as the "Pinckney Draft" of the Constitution, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") is authorized to designate such of the lands, interests in lands, and improvements thereon as comprise the property in the vicinity of Charleston, South Carolina, known as "Snee Farm" which he deems necessary and appropriate for establishment and administration as a national historic site.

SEC. 2. LAND ACQUISITION.

(a) Authority To Acquire Land.—Within the area designated by the Secretary pursuant to section 1 of this Act, the Secretary is authorized to acquire lands, interests in lands, and improvements thereon by donation, purchase with donated or appropriated funds, or exchange. The Secretary may also acquire, by the same methods, personal property associated with and appropriate for interpretation of the site.

(b) Establishment of Site.—When the Secretary determines that real property sufficient to constitute an efficiently administrable unit has been acquired by the United States for the purposes of this Act, the Secretary shall establish the Charles Pinckney National Historic Site by publication of a notice to that effect in the Federal Register. The Secretary may thereafter continue to acquire property for the site in accordance with the provisions of this Act. Pending such establishment and thereafter, the Secretary shall administer real and personal property acquired for the purposes of this Act in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461).

(c) Report to Congress.—Within 3 complete fiscal years from the date of enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the national historic site, prepared in accordance with section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a1-1a7). Such plan shall identify appropriate facilities for proper interpretation of the site for visitors.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. HOLLINGS. Mr. President, I rise together with my distinguished senior colleague from South Carolina to introduce legislation to authorize the National Park Service to acquire and administer historic Snee Farm in Charleston County, SC. This bill would work the will of lowcountry Carolinians and historical preservationists across America who have been shocked by developers' plans to bulldoze this pre-Revolutionary estate into yet another chock-a-block suburban housing subdivison.

Mr. President, outside of academia, I know of no other group in America that can rival the Members of this Senate in their knowledge of history and the Constitution. Many of our colleagues are familiar with Snee Farm as the home of Charles Pinckney, signer of the Constitution and renowned as one of its principal drafters. Charles Pinckney's distinguished career included service as an officer during the Revolutionary War, four terms as Governor of the State of South Carolina, Member of the United States Senate and House of Representatives, and Minister to Spain.

The Pinckney homestead at Snee Farm is 1 of only 13 that survive in America that can be directly associated with a framer of the U.S. Constitution. It was visited by George Washington in 1791. The 233-year-old house and its surrounding acres are recognized by the National Park Service as a national historic landmark, a designation reserved for the Nation's most important historic and cultural treasures. Yet this distinguished history offers no protection whatsoever from the depredations of development. Indeed, the current owner of Snee Farm has thumbed his nose at history and heritage by announcing a plan to build 41 single-family luxury homes on the site. Just last week, the National Park service listed Snee Farm as one of the Nation's most "threatened" landmarks.

Mr. President, citizens across South Carolina and around the Nation have mobilized to acquire funds to purchase the Pinckney estate. Already, some $600,000 of the $2 million needed to acquire the property has been raised. So chances are that no expenditure of Federal money will be required. Nonetheless, the National Park Service requires congressional authorization in order to acquire and administer the Snee Farm property, and that is precisely the purpose of this bill. I urge my colleagues to give it their undivided support.

By Mr. DIXON:

S. 2059. A bill to amend title 18 of the United States Code to punish as a Federal criminal offense the crimes of international parental abduction; to the Committee on the Judiciary.

INTERNATIONAL PARENTAL ABDUCTION

Mr. DIXON. Mr. President, I rise to introduce legislation designed to fill the vacuum in current Federal law which allows the unabated international parental abduction of more than 400 children each year. The victims are children from every State of this country, who have been kidnaped and are being held hostage in countries around the world. International parental child abduction is a crime, and it should be recognized as such. This bill makes it a Federal felony.

The magnitude of this problem is shocking. The State Department has recorded over 2,500 of these cases since 1975, but many experts believe this number is low. We simply do not know how many cases have not been reported. Some people believe the total is closer to 10,000. The rate at which this crime is increasing is disturbing. Since May 1983, the number of cases known to the State Department has jumped 84 percent. Last year, in my home State of Illinois alone, the number shot up 60 percent.

Who is hurt by international abduction? First, the child. Child psychologists from the Illinois State Police assert that the trauma associated with an abduction of this kind, and the subsequent deprivation of one parent's love, is one of the most horrendous forms of child abuse. After they are kidnaped, the children are frequently told that their other parent has abandoned them, hates them, and never wants to see them again.

Second, the left-behind parent suffers as well. They are left with an empty life, deprived of the children they loved and that gave them reason to live. Certainly, this experience is one of the most tragic any parent can suffer.

Yet, while the majority of the States recognize this crime as a felonious offense, the Federal Government still does not. The absence of Federal legislation denies the victim parent Federal assistance and allows the abductor to escape Federal prosecution.

There are at least four reasons this legislation is so urgently needed. First, it will provide a necessary deterrent to parents contemplating an abduction. Currently, the abducting parent can flee to safe havens around the world knowing that the U.S. Government will not pursue them. While this law will, obviously, not prevent every abduction, each abduction deterred is extremely significant for both the young child and their American parent.

Second, without Federal criminal charges, extradition of these abductors is not possible. This legislation will enable the United States to extradite parental child abductors in many cases where extradition treaties currently exist.

Third, the criminalization of international parental child abduction will strengthen the hand of the State Department when negotiating for the return of these children.

Let me elaborate on this point. Last fall, I met with Joan Clark, the Assistant Secretary of State for Consular Affairs, to impress upon her my deep concerns about the lack of assistance this Government provides parents whose children have been abducted. I am sorry to say that the State Department has been little more than a legal referral service. They only conducted a "whereabouts and welfare search," and provided a list of attorneys working in the country to which the children were taken. That is all they did. They were simply a source of information. Nothing was done to help the custodial parent bring their child home.

Mr. President, the problem of international parental child abduction was such a low priority at the State Department that there was not one person in any U.S. Embassy, any where in the world, specifically assigned the job of trying to resolve these cases and recover these young American citizens. Furthermore, the State Department did not even have a central desk in Washington to assist in handling these cases. Instead, victim parents faced an endless line of new faces. Again and again they had to fully explain their problem and ask for help getting their children. Almost every time they heard the same answer, "There is nothing we can do."

Mr. President, through my office I heard the same story from hundreds of frustrated and distraught parents. "There is nothing we can do" is just not good enough, not from a country as great, and with as much influence in the world, as our own. So I met with Assistant Secretary Clark to see what could be done.

Since my meeting with Assistant Secretary Clark, the State Department has announced a number of significant improvements in the way it handles international parental child abduction cases. First, the Department established a unit within the consular affairs office to coordinate and direct action on these cases. Second, they are in the process of assigning one person in each U.S. mission around the world to be responsible for actively working on behalf of American parents to get these children back. At last the State Department has introduced some accountability into the system. There is someone in Washington, and someone in each country of the world, that is responsible. Someone that you can call, or I can call, or any constituent can call to aks how a particular case is progressing. If nothing is happening, someone must now say why.

Further, Ms. Clark has written every U.S. Ambassador to emphasize the importance of international abduction cases. The Ambassadors have been instructed to use every avenue, including legal and diplomatic, to pursue the return of these children. Finally, each post has received a list of the cases in that country.

Mr. President, I am pleased that the State Department has made these important changes, and I credit Assistant Secretary Clark for personally directing this restructuring. However, the proof is in the pudding. These structural changes must be matched by commitment within the Department to aggressively pursue these cases. I hope each person charged with that responsibility will do so with all the resourcefulness and vigor they posses. I want to commend Hume Horan, our Ambassador to Saudi Arabia, for exhibiting the type of personal involvement and diligence victim parents deserve. I will continue to watch carefully, and hopefully.

This brings me back to one of the reasons Congress needs to criminalize

international parental child abduction. The State Department cannot do this job alone. Congress must do its part as well. This legislation will put an important new tool into the hands of State Department officials. If this bill passes, a U.S. Ambassador will be armed with a Federal warrant when asking a foreign government to intervene and assist in the return of an American child. This will greatly strengthen our negotiating position.

Finally, by passing this measure, we will send a strong message to the international community that the United States views international parental child abduction as a serious crime, and will not tolerate the kidnaping of its young citizens.

Mr. President, every month, 30 to 40 more young Americans are kidnaped and held hostage in countries around the world. Last year, the Senate responded to this tragic problem by passing, without opposition, language identical to this bill as an amendment to the Foreign Relations Authorization Act. Unfortunately, this measure was dropped in conference. Our colleagues on the House Judiciary Committee insisted on holding hearings before agreeing to this legislation, and I respect their desire to carefully examine such a significant change in the law. Now, I urge both the House and the Senate to act swiftly to honor the commitments made at that time to consider this legislation expeditiously. It is time for Congress to act. Each week, eight more children are abducted. How many of those could be prevented by this bill?

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. OFFENSE.

(a) Chapter 55 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1204. International Parental Child Abduction

"(a) For purposes of this section—

"(1) the term 'child' means a person under the age of 18 at the time the offense occurred;

"(2) the term 'detains' means taking or retaining physical custody of a child, whether or not the child resists or objects; and

"(3) the term 'lawful custodian' means—

"(A) a person or persons granted legal custody of a child or entitled to physical possessions of a child pursuant to a court order; or

"(B) the mother of the child when the parents have not been married, the father's paternity has not been established by a court of law, and no other person has been granted custody of the child by a court of law.

"(b) Whoever—

"(1) intentionally removes a child from, or conceals or detains a child outside the jurisdiction of the United States without the consent of the person who has been granted sole or joint custody, care, or possession of the child;

"(2) intentionally removes a child from the jurisdiction of the United States in violation of a valid court order which prohibits the removal of the child from a local jurisdiction, State or the United States;

"(3) intentionally removes a child from, or conceals or detains a child outside the jurisdiction of the United States without the consent of the mother or lawful custodian of the child if the person is a putative father who has not established paternity of the child:

"(4) being a parent of a child born out of wedlock if the paternity of the father has been established by a court of law but there has been no order of custody, removes a child from, or conceals or detains a child outside the jurisdiction of the United States without the consent of the child's other parent;

"(5) intentionally removes a child from, or conceals or detains a child outside the jurisdiction of the United States after filing a petition or being served with process in an action affecting marriage or paternity but prior to the issuance of a temporary or final order determining custody;

"(6) being a parent of the child, and if the parents of such child are or have been married and there has been no court order of custody, conceals the child for 30 days outside the jurisdiction of the United States, and fails to make reasonable attempts within the 30-day period to notify the other parent to the whereabouts of the child or to arrange reasonable visitation or contact with the child;

"(7) being a parent of the child, and where the parents of the child are or have been married and there has been no court order of custody, conceals or detains a child outside of the jurisdiction of the United States when the child was taken with physical force or the threat of physical force;

"(8) at the expiration of visitation rights outside of the jurisdiction of the United States, intentionally fails or refuses to return or impedes the return of the child to the jurisdiction of the United States;

"(9) conceals, detains, or removes the child outside the jurisdiction of the United States for payment or promise of payment at the instruction of a person who has not been granted custody of the child by a court of law;

"(10) being a parent of the child, instructs another person to conceal, detain or remove a child when that act when committed by the parent would be a violation of this Act; or

"(11) aids or abets any person violating paragraphs (1) through (10),

shall be guilty of child abduction and shall be fined in accordance with this title or imprisoned not more than 3 years or both.

"(c) It shall be an affirmative defense under this section that—

"(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody of visitation rights and that order was in effect at the time of the offense;

"(2) no court within the United States could exercise jurisdiction to determine custody of the child pursuant to the provisions of the Uniform Child Custody Jurisdiction Act;

"(3) the defendant has physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made a reasonable attempt to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible; or

"(4) the defendant was fleeing an incidence or pattern of domestic violence.

"(d) If upon sentencing, the court finds evidence of any of the following aggravating factors:

"(1) that the defendant abused or neglected the child during the concealment, detention, or removal of the child or placed or caused the child to be placed in the care of another person who abused or neglected the child;

"(2) that the defendant inflicted or threatened to inflict physical harm on a parent or lawful custodian of the child or on the child with intent to cause such parent or lawful custodian to discontinue criminal prosecution of the defendant under this section;

"(3) that the defendant demanded payment in exchange for return of the child or demanded that the defendant be relieved of the financial or legal obligation to support the child in exchange for return of the child;

"(4) that the defendant has previously been convicted of a State or Federal child abduction offense; or

"(5) that the defendant committed the abduction while armed with a deadly weapon or the taking of the child resulted in serious bodily injury to another,

the sentence imposed by the court in accordance with this title shall be more severe than in the absence of such factors.

"(e) There is criminal jurisdiction over conduct prohibited by this Act if the court has jurisdiction to determine custody of the child subject to the prohibited conduct pursuant to the provisions of the Uniform Child Custody Jurisdiction Act.".

"(b) The table of sections for chapter 55 of title 18, United States Code, is amended by adding at the end there of the following new item:

"1204. International parental child abduction".

SEC. 2 EFFECT OF PRIOR REMOVAL.

If a child was removed from the jurisdiction of the United States prior to the date of enactment of this Act, charges under section 1204 of title 18, United States Code, as added by this Act, may be approved only in cases involving the concealing or detaining of the child in violation of a court order that existed at the time of the child's removal from the jurisdiction of the United States.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days from the date of enactment of this Act.

By Mr. DIXON:

S. 2060. A bill to provide assistance for small communities with ground water radium contamination, and for other purposes; to the Committee on Environment and Public Works.

RADIUM REMOVAL DEMONSTRATION PROJECT

Mr. DIXON. Mr. President, I rise today on behalf of the small communities all across America. These communities are making good faith efforts to come into compliance with Federal mandates to remove excess levels of radium from their ground water. Unfortunately, many of these communities lack the ability to pay for improvements: improvements that can cost as much as $150,000 to $15 million.

Radium is a naturally occurring carcinogen for which the EPA has determined maximum contaminant levels. These communities did not cause radium to be in their drinking water. Nor did they ask the Federal Government to remove it. No, the Government told them they must remove it. If it is the obligation of the Federal Government to assure that every American has safe water to drink—and I believe it is—it must also make sure small communities will have the tools necessary to clean up their water.

The bill that I am introducing today will assist local communities in radium abatement at very little cost to the Federal Government. The $14 million this bill authorizes over 3 years would not be outright grants. Instead, recipients would be able to use the money to provide insurance and prepay interest for local obligations. By reducing the overall financial burden on municipalities, each Federal dollar used maximizes what a local government can afford to pay. In a period of scarce budget dollars, this seem a judicious allocation of our resources.

I urge my colleagues to join me in helping small communities help themselves to obtain safe drinking water.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

RADIUM REMOVAL DEMONSTRATION PROGRAM

Section 1. The Administrator of the Environmental Protection Agency, in cooperation with State public authorities, may assist local governments in demonstrating mitigation of radium contamination in ground water. Upon application of any State public authority, the Administrator may make a grant to that authority for such purposes. Assistance provided pursuant to this section shall be used for financing the acquisition and installation of ground water treatment technologies needed to remove radium from ground water used as a source of public drinking water for residents of small communities under the jurisdiction of such local governments.

LEVEL OF CONTAMINATION

Sec. 2. A grant may only be made under section 1 for removal of radium from ground water if the level of contamination from such radium exceeds the maximum contaminant level for radium established under title XIV of the Public Health Service Act (relating to safe drinking water).

PURPOSES OF GRANTS

(1) Providing insurance or prepaying interest for local obligations issued by a local government to finance the acquisition and installation of treatment technologies described in section 1.

(2) Paying for the costs of administration for establishment and operation by such authority of a program to provide financing for such acquisition and installation.

DEFINITIONS

Sec. 4. For purposes of this Act, the term—

(1) "small community" means a political subdivision of a State the population of which does not exceed 20,000 individuals; and

(2) "State public authority" means an agency or instrumentality of a State which is established for the purposes of assisting local governments in financing capital improvements on a statewide or regional basis.

AUTHORIZATION OF APPROPRIATIONS

Sec. 5. The following sums are authorized to be appropriated to carry out this Act:

Fiscal Year:	*Amount*
1988	$4,000,000
1989	5,000,000
1990	5,000,000.

By Mr. CRANSTON (for himself and Mr. Burdick):

S. 2061. A bill to establish national standards for voter registration for elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

UNIVERSAL VOTER REGISTRATION ACT

Mr. CRANSTON. Mr. President, today I am introducing the Universal Voter Registration Act of 1988. The distinguished senior Senator from North Dakota [Mr. Burdick] joins me in sponsoring this legislation. This act is similar to legislation that I introduced last November. Since the legislation was introduced in November it has been endorsed by over 100 national citizens organizations. Other organizations, while endorsing the concepts incorporated in the bill, made suggestions to improve the legislation. This new bill incorporates many of the suggestions which were made. These changes have made a strong piece of legislation even stronger.

Mr. President, in just 10 months millions of U.S. citizens will go to the polls to vote for a candidate for our Nation's highest office. Millions will vote for candidates for the Senate and House of Representatives, for Governor, and for other State, county and municipal offices.

Mr. President, there also will be millions of Americans who do not vote in 1988, just as there were millions of Americans who did not vote in 1986 and 1984. Turnout in the 1984 Presidential election barely exceeded 50 percent of the eligible electorate. Only 37 percent of those citizens eligible to vote did so in the 1986 congressional elections.

Mr. President, not all of the reasons for low voter turnout are subject to legislative remedies. But the structural barriers to registration can be corrected by legislative action. By establishing election day registration, mail registration and registration in public agencies for Federal elections, the legislation which I am introducing today will remove the structural barriers to registration which exist in this country.

Mr. President, this legislation will expand the opportunities for registration significantly. The easier it is for people to register, the more likely it is that people will vote. The majority of people who register do vote. But until we expand registration opportunities, the United States will continue to have the lowest voter turnout of any industrial democracy.

The Senate Rules Committee will hold hearings on this legislation this spring. I urge the committee to report the legislation to the full Senate for consideration this year.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Universal Voter Registration Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) the right to vote is fundamental in a democracy, and it is the duty of the Federal, State, and local governments to maximize the exercise of that right in elections for Federal office;

(2) the Congress has authority to regulate the time and manner in which citizens may register for, and vote in, elections for Federal office;

(3) the establishment of national standards for voter registration with respect to elections for Federal office would facilitate the participation of citizens in the electoral process and would remove barriers to, and maximize, such participation;

(4) restrictions on the ability of citizens to register have a direct and damaging effect upon voter participation in elections; and

(5) restrictions on the ability of citizens to register have disproportionately harmed voter participation by various groups, including racial minorities.

(b) Purposes.—The purposes of this Act are—

(1) to establish national standards which will increase registration of eligible citizens in elections for Federal office in order to maximize voting participation;

(2) to provide financial and other assistance to enable States to provide expanded opportunities for voter registration before and on the date of elections for Federal office and to modernize the administration of elections and voter registration; and

(3) to create an affirmative duty on the part of the Federal, State, and local governments to maximize the voting participation of eligible citizens in elections for Federal office.

SEC. 3. NATIONAL STANDARDS FOR VOTER REGISTRATION.

Notwithstanding any other provision of law, any individual who is eligible to register shall be entitled to apply for registration for any election for Federal office—

(1) by mail;

(2) in person—

(A) at a place designated for this purpose for the current address of such individual;

(B) at any Federal, State, county, or municipal agency that serves the public directly; or

(C) at any private agency that voluntarily agrees to register voters; or

(3) on the day of the election, at the polling place designated as the appropriate polling place for the current address of such individual.

SEC. 4. STATE PLANS.

(a) Requirement.—Where a State establishes and maintains a system of voter registration, the State shall allow an individual to register to vote for elections held on the date of elections for Federal office, in the manner provided by a State plan which has been approved under this Act.

(b) Contents.—The State plan shall include—

(1) the voter registration form to be used for mail registration;

(2) provisions to allow for the widespread distribution of such registration forms, including provisions for access to registration forms to individuals or organizations requesting them;

(3) election day registration of voters;

(4) voter registration in Federal, State, county, and municipal agencies which serve the public directly and at any private agency which voluntarily agrees to register voters;

(5) provisions for the prompt notification of registration acceptance;

(6) provisions to provide registrants with information on voting places and times;

(7) registration confirmation to insure accurate, inclusive, and uniform voter registration lists;

(8) provisions for procedures and basis for registration challenges; and

(9) a description of State efforts to actively increase voter registration.

SEC. 5. MAIL REGISTRATION, CONFIRMATION, AND ELECTION-DAY CHALLENGES.

(a) Development of Form.—The chief State election official of each State shall develop and submit to the Federal Election Commission for its approval a voter registration form which allows for the registration of voters in person or by mail. Such form may be similar to or identical with the official postcard application form prescribed under section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), and shall—

(1) require the signature of the individual who is registering to vote;

(2) provide for Federally postage paid return delivery of the completed form to the appropriate State or local election official;

(3) require such data as will enable the appropriate State or local election official to identify and assess the eligibility of an individual applying to register in order to minimize or prevent fraudulent registrations;

(4) include a statement of penalties provided by law for attempting fraudulently to register under this Act;

(5) comply with the Voting Rights Act of 1965 (42 U.S.C. 1973aa et seq.); and

(6) contain any other matter or information that the Commission deems appropriate to carry out this Act.

(b) Year-Round Registration.—Notwithstanding any other provision of law, all Federal, State, county, and municipal agencies and any private agency that voluntarily agrees to register voters shall, during the entire year, offer nonpartisan voter registration services, including distributing voter registration forms, answering questions, assisting in completing such forms, and collecting and forwarding completed registration forms to the proper local election officials.

(c) Availability of Forms.—State and local election officials shall provide for the preparation of sufficient quantities of registration forms to accommodate an individual, group, or organization requesting such forms for the purpose of conducting or participating in a voter registration program.

(d) Confirmation of Registration.—The chief State election official of each State shall establish a program to confirm the registration of voters of such State. Such a program shall include—

(1) automatic notification systems whereby State and municipal agencies which, in the regular course of business, receive information about deaths, and the United States Postal Service which, in the regular course of business, receives information about changes of address, shall provide such information to the appropriate election officials;

(2) provisions assuring that no voter will be removed from the list of eligible registered voters unless such voter has—

(A) died;

(B) moved, more than 30 days previously, from the voting jurisdiction which maintains the voter registration list for the place in which the voter was previously registered;

(C) been convicted of a criminal offense which, under State law, results in the denial of the right to vote, and all appeals have been exhausted;

(D) been institutionalized for mental incapacity which, under State law, results in the denial of the right to vote; or

(E) requested that their name be removed from the voter registration list; and

(3) provisions whereby the voter registration list shall be comprised of—

(A) eligible voters;

(B) with special notation, individuals whose registration cannot be confirmed and whose eligibility may be challenged on election day; and

(C) with special notation, individuals who have been removed from the list of eligible voters not more than 4 years before the date of the election.

(e) Election-Day Challenges.—(1) All challenges to the qualifications of voters shall be made by election officials, challengers, or poll watchers, as provided by State law. The reasons for the challenge shall be those provided in the approved State plan and shall be clearly posted by local election officials using uniform State forms at each polling place.

(2) Challenged individuals who have sufficient documentation, such as a driver's license, proof of residence, or other means established by the chief State election official, shall be allowed to vote as if previously registered and no challenge shall be made unless the person being challenged is made fully aware by local election officials of all procedures by which the registration may be verified.

(3) Challenged individuals who do not have sufficient documentation shall be allowed to vote at their polling place by affidavit ballot in such a form that their vote remains secret.

(4) As used in this section, the term "affidavit ballot" means a document or set of documents including—

(A) a statement, made under penalty of perjury as provided by the applicable State or Federal law, signed by the affiant—

(i) certifying that the affiant is qualified to vote in that election;

(ii) providing the address for which the affiant was most recently registered to vote; and

(iii) providing the affiant's current residence address; and

(B) a ballot for the appropriate election—

(i) which will be separated from the statement described in subparagraph (A) once the voter qualifications have been determined as prescribed in subsection (d);

(ii) which contains no information by which the identity of the voter may be determined; and

(iii) which is designed and handled in such a way as to preserve the complete security of the ballot.

(5) Challenges to voters shall be recorded in writing by election officials who shall inform challenged voters of the reasons for the challenges and of their right to vote an affidavit ballot. The validity of the challenge shall be determined within 10 days after the polls close and those persons eligible to vote shall have their votes added to the official tally.

(6) Where a voter's eligibility is affirmed, the voter's name shall be added to the registration list for the appropriate jurisdiction.

(f) Exemptions for States.—(1) The Commission may provide by regulation that this section shall not apply to any State which—

(A) provides for voter registration procedures which meet or exceed the standards set forth in section 4(b) and any rules or regulations prescribed by the Commission, and for purposes of this Act—

(i) a provision shall be deemed to exceed a provision set forth in section 4(b) if its substance is more apt to result in the registration of citizens to vote in elections for Federal office than the national standard; and

(ii) a provision shall be deemed to meet a provision set forth in section 4(b) if its substance is the same as, or the equivalent of, the corresponding national standard;

(B) does not require voter registration; or

(C) adopts the Federal postcard application form prescribed under section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)) and provides for election day registration in the manner specified in section 6.

SEC. 6. ELECTION DAY REGISTRATION.

(a) In General.—(1) Each State and unit of general local government shall permit any individual who is eligible to register to vote in any election for Federal office under the laws of the State involved, or under any applicable Federal law, to register and vote on the date of the election involved at the appropriate polling place.

(2) For purposes of this section, the appropriate polling place is the polling place at which such individual would have been permitted to vote if such individual registered to vote before the date of such election.

(3) Notwithstanding paragraph (2), if a registered individual has changed residence by moving to a different State within 30 days before such election, and because of

such change in residence is not eligible to vote at the polling place for such new residence but is otherwise eligible to vote, such individual shall be allowed to vote at such new polling place.

(4) Each State and unit of general local government shall maintain and maximize efforts to encourage registration by individuals before the date on which an election for Federal office is held.

(b) Establishment of Voter Identity.—(1) Any individual who registers to vote at a polling place on the date of any election for Federal office in accordance with subsection (a) shall establish such individual's identity, place of residence, and qualifications at the time of such registration—

(A) by completing a voter registration form; and

(B) by submitting either—

(i) a form or forms of identification, which have been approved by the Commission, establishing the identity and place of residence of such individual; or

(ii) an affidavit in a form which has been approved by the Commission and which includes on its face a summary of the penalties under section 12 and by any applicable State law, attesting to the identity and place of residence of the individual desiring to register to vote under this section, which is executed by a person who (I) has registered to vote at the polling place involved on a previous date, (II) is present at such polling place with such individual, and (III) has personal knowledge of the actual residence of the individual seeking to register to vote.

The requirement of the submission of such an affidavit shall not be considered to be a test or device within the meaning of the Voting Rights Act of 1965 (42 U.S.C. 1973aa et seq.).

(2) A State or unit of general local government may require an individual to submit more than one form of identification under paragraph (1)(B)(i) only if the identification submitted by such individual does not contain both the identity and place of residence of that individual.

(3) The effective period of any registration made by any individual under subsection (a) may not be less than the effective period applicable to any registration made by any other method or procedure which is permitted by the State or unit of general local government involved.

(4)(A)(i) Each State and unit of general local government shall provide at each polling place a means of processing individuals registering to vote, as provided in this section, separately from individuals voting at such polling place who registered to vote before the date of the election involved. Such means shall be conspicuously publicized inside and outside each polling place on election day.

(ii) The ballots of those registering on election day shall be kept separate from those previously registered and voting, until such time, not to exceed 10 days, as the registration of each such person voting on election day at such polling place has been checked and it is determined that all such votes have been cast properly by qualified registrants, or the votes not properly cast have been identified and separated. All necessary precautions shall be taken to assure that all ballots and votes remain secret.

(B) The Commission may, upon application or by general rule or regulation, exempt any State or unit of general local government from the application of subparagraph (A) with respect to any polling place at which the Commission considers the separate processing required by such subparagraph to be impracticable or unnecessary.

(C) All individuals who register on election day shall be mailed a nonforwardable registration verification card. Cards which are returned as nondeliverable shall be forwarded to election officials for inquiry. Such officials shall forward a case to the appropriate United States Attorney if such officials determine that the returned card is not a result of misdelivery or clerical or similar error and the case cannot be otherwise be resolved.

SEC. 7. RESPONSIBILITY OF THE FEDERAL ELECTION COMMISSION.

(a) Administration of Act.—The Federal Election Commission is authorized to administer this Act and to make such rules, regulations, and orders as it deems necessary or appropriate for the efficient and expeditious administration of this Act.

(b) Advice and Technical Assistance.—The Commission shall provide advice and technical assistance to States in developing voter registration plans and in establishing and maintaining voter registration systems in accordance with national voter registration standards.

(c) Report.—The Commission shall report to the Congress every 2 years on—

(1) the effectiveness of efforts to establish and maintain voter registration procedures that broaden the American electorate;

(2) the administration of voter registration programs; and

(3) recommendations to the Congress on action regarding national voter registration standards.

(d) Judicial Review of Orders.—Any order of the Commission under this Act shall be reviewable, by the United States court of appeals for the circuit in which the State involved is located, on the filing of a petition by any aggrieved person. The appellee shall not be liable for costs in such court.

(e) Assistance to States.—The Commission shall make grants to the chief State election official of each State in order to assist States and units of general local government in establishing voter registration programs under this Act after such State has a plan approved by the Commission. Such grants shall be made in a manner designed to facilitate the establishment of such programs for use in the first general election for Federal office held after the date of the approval of the State plan and in each applicable election thereafter. Such grants shall be made to enable and encourage States to computerize voter registration lists and to undertake alternative methods of voter registration, including—

(1) door-to-door registration; and

(2) voter registration accomplished simultaneously with an application for a driver's license and other human services in the State.

(f) Advisory Council.—The Commission may establish an advisory council of State and local election officials to advise States about voter registration systems.

(g) Allocation of Funds.—Except as provided in subsection (h), in submitting voter registration programs to the Commission, each State desiring funds also shall submit a request for funds to implement such programs, including a description of the intended uses of such funds. The Commission shall develop a formula for the allocation of funds to the States and shall allocate funds to the States. In allocating funds, the Commission shall take into account the voting age population of the State, as established by the current population survey of the Bureau of the Census, the percentage of registered voters in the State, and the current voter registration programs in the State.

(h) Reallocation.—If the Commission determines that any amount made available to a State will not be required by that State or that a program proposed by a State does not qualify under this Act, the amount not used shall be available for reallocation as determined by the Commission, except that the Commission shall deposit in the Treasury, as miscellaneous receipts, any amount that is unused at the end of the fiscal year for which such amount was appropriated.

SEC. 8. STATE ADMINISTRATION OF GRANTS.

(a) Reports.—The chief State election official of each State shall administer grants made to that State under this Act and shall make such reports with respect to grants as the Commission may prescribe by regulation.

(b) Allocation to Sub-Units.—Each State may allocate any part of a grant under this Act to a city, county, or other political subdivision of such State if such subdivision conducts voter registration.

SEC. 9. FEDERAL CLEARANCE.

(a) Submission of State Plan.—(1) Within 2 years after the date of enactment of this Act the chief State election official of each State shall submit to the Commission for its approval a State plan for voter registration. Such plan shall be submitted in accordance with this Act and shall contain the national standards set forth in this Act.

(2) Nothing in this subsection shall be construed to affect any procedures required by the Voting Rights Act of 1965 (42 U.S.C. 1973aa et seq.) and any preclearance or other requirement of such Act shall be complied with prior to the submission of such State plan to the Commission under this subsection.

(b) Decision by Commission.—The Commission shall, within 120 days after the date required for submission of a plan under subsection (a), approve or disapprove such plan or portion thereof. The Commission shall approve such plan if it determines that it was adopted after reasonable notice and hearing and includes provisions which meet or exceed the substance of each provision set forth in section 4(b).

(c) Application of Plan.—Once the State plan has been approved by the Commission, such plan shall apply to the first general election for Federal office following approval, and to all elections for Federal office thereafter.

(d) Changes in Plan To Be Approved.—Any change to a State's voter registration plan after the plan has been approved by the Commission shall be submitted to the Commission for approval.

SEC. 10. COMMISSION ENFORCEMENT.

The Commission shall, after consideration of any State hearing record, prepare and publish proposed regulations, within 120 days, setting forth an implementation plan, or portion thereof, for a State if—

(1) the State fails to submit a State plan for voter registration, pursuant to section 9(a), which meets the requirements of this Act; or

(2) the plan, or any portion thereof, submitted for such State is determined by the Commission not to be in accordance with the requirements of this Act or any rules or regulations prescribed by the Commission and such State fails, within 90 days after notification by the Commission, to revise a State plan for voter registration as required by the Commission.

SEC. 11. FEDERAL ENFORCEMENT PROCEDURES.

(a) Notification.—Whenever, on the basis of any information available to it, the Commission determines that any person, State or other governmental body is in substantial violation of any requirement of a voter registration plan, the Commission shall notify such person, State or governmental body, and the State in which the plan applies, of such finding. If such violation extends beyond the 30th day after the date of the notification, the Commission shall—

(1) issue an order requiring such person, State or governmental body to comply with the requirements of such plan; or

(2) bring a civil action in accordance with subsection (b).

(b) Commission's Civil Action.—The Commission may commence a civil action for a permanent or temporary injunction against any person, State or other governmental body that—

(1) violates or fails or refuses to comply with any order issued under subsection (a) of this section; or

(2) violates any requirement of a voter registration plan more than 60 days after being notified by the Commission under subsection (a)(1) of a finding that such person, State or body is violating such requirement.

Any action under this subsection may be brought in the district court of the United States for the district in which the violation occurred or in which the defendant resides, and such court shall have jurisdiction to restrain such violation, to require compliance, and to assess a civil penalty.

(c) Preventive Relief.—Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by this section, the Attorney General or any aggrieved person may institute an action for preventive relief, including an application for a temporary or permanent injunction, or a restraining order.

(d) Actions by Governmental Bodies.—(1) Except as otherwise provided in subsection (c), an aggrieved person may commence a civil action—

(A) against any person, including the United States or any State, or other governmental instrumentality, who is alleged to be in violation of a voter registration plan or the national standards as set forth in section 4(b);

(B) against the Commission where there is alleged a failure of the Commission to perform any act or duty under this Act which is not discretionary with the Commission.

(2) The district courts shall have jurisdiction, without regard to the amount in controversy, to enforce such an approved State plan or national standard, or to order the Commission to perform such act or duty, as the case may be.

(e) Limitation on Commencement of Action.—No action may be commenced—

(1) under subsection (d)(1)(A) of this section—

(A) before 60 days after the plaintiff has given notice of the violation (i) to the Commission, (ii) to the State in which the violation occurs, and (iii) to any alleged violator of the plan or national standard; or

(B) if the Commission or State has commenced a civil action to require compliance with the plan or standard, but is delinquent in prosecuting such action, the aggrieved person may intervene as a matter of right; or

(2) under subsection (d)(1)(B) of this section before 60 days after the plaintiff has given notice of such action to the Commission.

Notice under this section shall be given in such manner as the Commission shall prescribe by regulation.

(f) Intervention by Commission.—In any action under this section, the Commission, if not a party, may intervene as a matter of right.

(g) Attorney Fees.—(1) In any action or proceeding under this Act, the court shall allow any prevailing plaintiff (including an intervening plaintiff), other than the United States, a reasonable attorney fee, together with reasonable costs of litigation.

(2) Fees incurred in complying with the notice requirements of this section or in pursuing the vindication of rights protected under this Act through administrative proceedings, shall be recoverable by a prevailing party.

SEC. 12. PROHIBITIONS AND PENALTIES.

(a) First Offense.—Any person, including any election official, who knowingly and willfully—

(1) registers, or attempts to register to vote under this Act for the purpose of voting more than once in any election for Federal office;

(2) conspires with any person for the purpose of enabling such person to make false registration to vote in an election for Federal office or for the purpose of enabling or encouraging any individual to make such false registration to vote in an election for Federal office;

(3) falsifies any information for the purpose of establishing eligibility to register to vote under this Act;

(4) takes action which results in the improper removal of any voter from the list of eligible voters based on race, color, membership in a language minority, sex, religion, political affiliation, or for nonvoting; or

(5) intimidates, threatens, or coerces any person for (A) voting or attempting to vote, (B) urging or aiding any person to vote or to attempt to vote, or (C) exercising any right under this Act, or attempts to do so;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(b) Second or Subsequent Conviction.—In the case of any second or subsequent conviction under this section, the person convicted shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both.

SEC. 13. SAVINGS PROVISION.

Nothing in this Act shall be construed to restrict any right which any person may have under any statute, the common law, or the Constitution, to seek enforcement of any voter registration requirement or to challenge any voter registration requirement or plan, or to seek any other relief.

SEC. 14. DEFINITIONS.

As used in this Act, the term—

(1) "approved State plan" means a State plan for voter registration which has been approved by the Commission as in accordance with national standards established by this Act;

(2) "Commission" means the Federal Election Commission;

(3) "local election official" means the individual who exercises primary responsibility with respect to the registration of qualified voters in a unit of local government;

(4) "chief State election official" means the official, agency, or board of a State who exercises primary responsibility with respect to the registration of qualified voters or with respect to the conduct or supervision of any election for Federal office, or any election to a statewide office in such State, as certified to the Commission by such State;

(5) "election" has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431);

(6) "Federal office" has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431);

(7) "national standards" means the substance of all the provisions set forth in section 4;

(8) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States;

(9) "unit of general local government" means a city, county, town, parish, village, or other general-purpose political subdivision of a State; and

(10) "voter registration list" means the list of all voters registered and eligible to vote in an election for Federal office on the date of such election.

By Mr. NICKLES:

S. 2062. A bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax; to the Committee on Finance.

STATE AND LOCAL GOVERNMENT EXEMPTION REAFFIRMATION ACT

Mr. NICKLES. Mr. President, today I am introducing legislation which would relieve State and local government entities from an enormous burden imposed on them by the Tax Reform Act of 1986. This burden emanates from the Tax Reform Act requirement that State and local governments pay State and local gasoline excise tax at the front end, that is at the time of purchase. This is contrary to prior law which enabled these governmental entities to claim exemption from the tax at the time of purchase.

These State and local governments, after paying this tax, would have to apply for rebate by showing the IRS that they used the gasoline for their own exclusive needs. Rebates can be paid back to the State and local governments on a quarterly basis if the tax paid is over $1,000 a quarter. If not, the rebate would be paid back at the end of the year.

This paperwork burden alone is enough to rescind this ridiculous law, but what is even more absurd and unfair is that for all this extra work, State and local governments will receive no interest on the money that they float to the IRS. According to the National Association of Fleet Administrators, each governmental unit will pay an average of about $125,000 per year for this tax. In the meantime, they must absorb the economic strain of having to do without these funds, and in some cases must seek loans from other sources to compensate for the revenue lost.

The cost created by this new rebate system will likely exceed any possible revenue benefits to the U.S. Treasury. We should not ask our already overburdened State and local governments to help fund the U.S. debt by participating in this scheme.

If you have not heard from your local cities and counties and States and universities, you will, because the net effect of this is, beginning January 1, they began paying Federal excise tax on gasoline for which they will eventually get a refund. But they are going to have to compile enormous amounts of paperwork.

In other words, for the city of Louisville, KY, the fire department is going to have to collect records of what they will have to pay in excise taxes; the police department will; the city managers will; and eventually, they will get all that paperwork together, figure out how much gasoline tax they paid, and at the end of the year ask for a refund. I find that to be absurd.

We did not require payment of that tax before. It should be rescinded.

In my State of Oklahoma, the State government has estimated that they would pay a tax of $771,000 per year, which would have to be refunded. Oklahoma City, with a population of about 445,000, would end up paying a tax of about $145,000; and, every quarter would accumulate all of the records and then they would be refunded.

Smaller cities, such as Guymon, would end up paying a tax of $6,800, and they are going to have to have some clerk putting this all together file for a refund and eventually get the refund.

This is an unneeded tax, one that we should repeal; not impose this additional fiscal burden on the States, the cities, counties, the local governments.

I hope that my colleagues will join me in repealing this tax.

I know that many of my colleagues who went home during the recess heard from their farmers and ranchers about a tax very much along the same lines dealing with Federal excise tax on diesel fuel.

Beginning April 1 the IRS is requiring farmers and ranchers to pay that tax, and again at the end of the year they can file for a refund. I know that my colleagues are hearing about that. I hope that we will be successful in repealing both of these unwarranted provisions of the Tax Code.

Mr. President, I would like to ask unanimous consent to insert into the Record a table showing the impact of this tax on some Oklahoma cities and towns of various populations. I hope my colleagues will use this table to get some idea of how much their own cities and towns are paying.

Mr. President, I want to thank my colleagues again.

There being no objection, the table was ordered to be printed in the Record, as follows:

FEDERAL GAS TAX AND OKLAHOMA CITIES

City	Population	Gasoline consumption gallons	Gas tax at 9 cents per gallon
Oklahoma City	445,799	1,592,000	$144,872
Tulsa	360,919	1,742,072	158,528
Moore	40,239	150,000	13,500
Muskogee	40,011	329,670	30,000
Ponca City	28,616	143,000	12,870
Duncan	23,226	130,000	11,700
McAlester	18,418	100,000	9,000
The Village	11,983	62,000	5,580
Guymon	8,833	76,000	6,840
Grove	4,055	16,000	1,440
Total			

Source.—National League of Cities as part of "1987 Fiscal Conditions Survey" and cities of Oklahoma City, Tulsa and Muskogee.

By Mr. DURENBERGER:

S. 2063. A bill to amend the Internal Revenue Code of 1986 to provide that income of a child on investments attributed to the child's earned income shall not be taxed at the parents' rate of tax; to the Committee on Finance.

TAXATION OF INCOME EARNED BY CHILDREN UNDER 14 YEARS OF AGE

● Mr. DURENBERGER. Mr. President, I rise to introduce legislation that would correct an unfair penalty tax that is now being imposed on children under 14 years who have earned money from various types of work and then invested their earnings in a bank account, mutual fund, or in another investment.

Although the Tax Reform Act of 1986 sought to prevent wealthy parents from shifting taxable investment earnings from their high tax brackets to their children's lower brackets, the tax law has the unintended effect of penalizing children who have earned money and sought to invest that money to meet their future educational expenses.

Let me give you an example of how the tax law works to discourage children from saving their earings, and instead encourages them to spend what they earn. A recent edition of Money magazine features a story about one of my constitutents, 12-year-old Molly Montgomery of Edina, MN. For several years, Molly has been earning money as a child model. In 1987, she earned about $600 modeling and $1,050 in interest and dividends from investments derived solely from her past earnings.

Under the current tax rules, $500 of Molly's investment earnings are taxable at her 11 percent tax rate. The remaining $550 is taxed at her parents' 28 percent rate. Had her investments returned her $2,050 instead of $1,050, the result would be that $500 would have been taxed at her 11 percent rate, while $1,550 would have been taxed at her parents' 28 percent rate.

Mr. President, it just does not seem fair that when a young child goes out and learns the importance and dignity of work, and then decides to invest his or her earnings to meet future expenses, that the Federal Government has the right to penalize those investments by taxing a portion of those earnings at a level far higher than would ordinarily be justified.

The legislation I am introducing today would rectify this problem. It provides that a child's earnings from investments derived from the child's work would not be taxed at parents' tax rates. This legislation does not exempt children's investment earnings from tax. It merely makes a distinction between investment earnings derived from gifts and investment earnings derived from the child's own labor.

I ask unanimous consent that the bill I am introducing be included in the Record along with an article entitled "The Kiddy Tax Nips the Wrong Family."

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARENTS' TAX RATE NOT TO APPLY TO CHILD'S EARNINGS ON EARNED INCOME.

(a) In General.—Clause (ii) of section 1(i)(4)(A) of the Internal Revenue Code of 1986 (defining net unearned income) is amended by striking out the period at the end thereof and inserting ", plus", and by adding at the end the following new subclause:

"(II) the portion of the gross income referred to in clause (i) attributable to a qualified segregated earned income asset."

(b) Qualified Segregated Earned Income Asset.—Section 1(i) of such Code (relating to certain unearned income of minor children taxed as if parent's income) is amended by adding at the end thereof the following new paragraph:

"(7) Qualified segregated earned income asset.—For purposes of this subsection—

"(A) In general.—The term 'qualified segregated earned income asset' means any asset the entire amount of which is attributable to—

"(i) the earned income (as defined in section 911(d)(2)) of the child to whom this subsection applies, and

"(ii) income from assets meeting the requirements of clause (i).

"(B) Identification requirements.—An asset shall not be treated as a qualified segregated earned income asset unless such asset is identified as such an asset before the later of—

"(i) the due date (with extensions) for filing the return of the child's tax for the taxable year in which such asset was acquired, or

"(ii) the due date (with extensions) for filing the return of the child's tax for the child's first taxable year which begins after December 31, 1987, and for which such a return was required.

"(C) Additions or acquisitions may not exceed earned income.—If the aggregate amount of acquisitions of, or additions to, qualified segregated earned income assets for any taxable year exceeds the earned income (as defined in section 911(d)(2)) of the child for such taxable year, paragraph (4)(A)(ii)(III) shall not apply to gross income attributable to such excess (or income on such income). For purposes of the preceding sentence, acquisitions or additions attributable to income described in subparagraph (A)(ii) shall not be taken into account."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

The Kiddie Tax Nips the Wrong Family

(By Andrea Rock)

Molly Montgomery has the kind of happy, freckled, raised-in-the-heartland face that rouses nostalgic visions of childhood and makes you almost swear you have seen her somewhere before. Odds are you have.

Like her four brothers and three sisters before her, 12-year-old Molly of Edina, Minn., a Minneapolis suburb, is saving money for college by working as a child model. You may have spotted her in a Sears poster, on a Trix cereal box, a Hi-C fruit drink label, or in scores of ads she has done since her debut at nine weeks of age.

But this year, for the first time, Molly will have to hand over a portion of her income to the Internal Revenue Service—some of it taxed at her parents' 28% rate, rather than at her own 11% rate. Like an estimated 250,000 other youngsters with earnings from jobs or investments, Molly is getting nicked by the new kiddie tax. This tax reform provision, expected to raise a rather piddling $60 million in 1987 compared with the $150 billion deficit, was designed to close a loophole that allowed wealthy parents to duck taxes on investment income by placing it in their children's names. Instead, say the Montgomerys and other parents, the kiddie tax discourages middle-class parents from setting aside even modest funds for their children's future, leaving the truly well-heeled free to use several other tax breaks. "This is just the latest example of how our tax policy stupidly discourages personal savings when it should do just the opposite," says Molly's father, Donald, a 54-year-old business consultant who recently completed his first novel, a suspense tale titled the Krasnodar Affair.

The kiddie tax was originally proposed by the Reagan Administration. Money sought comment from eight of the congressional leaders who enacted it, but no one wanted to be quoted. "Tax policy always takes in some people it wasn't intended to," observed an aide to Republican Senator Bob Packwood of Oregon. "No one will ever be fully happy."

Before tax reform, a child could earn $1,080 from interest, dividends or other investments each year tax-free—and any investment income above that was taxed at the child's rate. Now, a child under 14 can exclude from tax only $500 in investment income. The next $500 is taxed at the child's rate: 11% if his total 1987 taxable income is $1,800. But any investment income over $1,000 must be taxed at the parents' rate. Moreover, the parents must calculate their rate by including in their taxable income the child's investment earnings over $1,000 (see the Chalk Talk on page 64).

In a case like Molly's, where investment income is combined with wages, the tax situation gets even trickier. Normally, a child can exclude from tax up to $2,540 in job earnings simply by claiming the standard deduction. A child who makes that much or less solely from a job need not even file a return. But if a child under 14 has income from both a job and investments, the standard deduction—the amount excluded from tax—is limited to whichever of these two is higher: either the work earnings up to $2,540 or income from all sources up to $500. (After age 14, income of any type above $500 is taxed at the child's rate.)

Consider how the kiddie tax affects Molly: In 1987 she earned about $600 modeling, and $1,050 in interest and dividends from $10,250 of past job earnings invested in utility stocks, bonds and bank money-market and savings accounts. Under the new law, her standard deduction is set by her job earnings: $600. She may use $500 of that to offset investment income and the remaining $100 as a deduction against her modeling fees. That brings her taxable job earnings down to $500, subject to her 11% levy. Her investment earnings become $550, of which $500 is taxed at 11% and the rest at her parents' 28% rate. Molly therefore owes $124 in federal tax—a modest bite, to be sure, but significant considering the paperwork and the fact that she did not even have to file a return last year.

"No matter what gyrations you go through, the bottom line is that any dependent with more than $500 in unearned income (interest, dividends or other investment earnings) is going to owe tax, and that means a lot of kids who have never paid taxes are going to start now," says Dudley Ryan, director of tax services at Larson Allen Weishair & Co. in Minneapolis.

HOW TO CUT HER TAXES

At Money's request, Ryan reviewed Molly's finances with an eye toward reducing the 1988 tax burden for her and others in similar situations. The first consideration: Would investments that pay tax-deferred income, such as municipal bonds, offer more attractive after-tax yields? The main elements of Molly's portfolio are a 100-share block of Ohio Edison preferred stock (worth $3,900 in early January) paying an annual dividend of $3.92 a share and about $4,000 worth of Ryland Acceptance Corp. debt issues the mature in 2013 and yield 12.25% annually.

Ryan advises Molly to keep both. The kiddie tax would knock 1.35 percentage points off the yield of the Ryland issues. But their after-tax yield of nearly 11% is still better than the current average 7.9% yield in the muni market. She should hold on to Ohio Edison because its yield is pretty good, and she would have to pay capital-gains tax on sale of the stock.

Molly should also transfer the $2,500 she now keeps split between a bank money-market account and a savings account to a tax-deferred investment. That would reduce her taxable investment income by about $150 eliminating the portion subject to her parents' bracket.

Making that switch early last year would have saved her a small but consoling $20 in 1987 taxes. But her savings next year from making the move now will be offset by the fact that the 11% minimum tax is going up to 15% in 1988. Result: Molly would pay about $165 in taxes next year, assuming her other income remains the same.

What galls the Montgomerys is that tax-saving options are more numerous for relatively well-to-do parents—the ones the kiddie tax was aimed at. Each parent can still give a child $10,000 annually without paying a gift tax. The simplest way is to set up a custodial account under the Uniform Gifts to Minor Act or the Uniform Transfers to Minors Act; the catch is that UGMA and UTMA investment income is now subject to the kiddie tax.

SET UP A TRUST ACCOUNT

A more sophisticated way to avoid taxes is to have an attorney set up an irrevocable trust—either a minor's trust or a Crummey trust. But neither option makes sense unless the account approaches $50,000 or so. For smaller accounts, the legal and tax reporting fees may outweigh any savings.

In a minor trust, also known as a 2503(c) trust, the trustee—typically a parent—controls the income and principal until the child turns 21. The trust can be structured so that if the child does not demand the assets within two to three months after that, the principal remains in trust for as long as the trustee desires while its income is distributed annually to the child. The tax allure is that the first $5,000 of income is taxed at only 15%. Amounts above that are subject to a 28% levy.

The Crummey offers the same tax benefits as a minor's trust and operates much the same way, except that the child cannot take over the funds at age 21. Instead, the child is limited to yearly withdrawals of an amount set by the trustee, who remains in control of the trust until he dissolves it.

Neither escape route is suitable for Molly, of course, since her savings total is far less than $50,000. That fact leaves her parents steaming. "The lesson this kiddie tax teaches kids is that if you work hard and put your money away for the future. Uncle Sam is going to grab it," says her mother, Donna, 52, also an author (*Surviving Motherhood*) and business manager to her eight children, ages 12 to 27.

Molly, on the other hand, takes the injustice in stride. She's more interested in the lessons she's taking from a former Bolshoi Ballet dancer and the possibility that her past earnings may help launch her dance career. Then, barring further IRS ambushes. Molly may charm us from a stage, rather than just from a cereal box.●

By Mr. HEINZ (for himself and Mr. Specter):

S. 2065. A bill to recognize the organization known as the "Veterans of the Vietnam War, Inc."; to the Committee on the Judiciary.

VETERANS OF THE VIETNAM WAR, INC.

● Mr. HEINZ. Mr. President, Congress has, for excellent reasons, granted Federal charters to a number of veterans service organizations. At this time I rise to introduce legislation granting a Federal charter to a very worthy organization—Veterans of the Vietnam War, Inc.—an organization dedicated to not only the needs of the Vietnam-era veteran, but also the needs of the veterans community as a whole.

Veterans of the Vietnam War, Inc., is based in Wilkes-Barre, PA, with chapters throughout the country. When I introduced a similar bill in February 1986, VVW had a membership of 15,000. Today, that membership has doubled to approximately

30,000 members in over 150 chapters. Since the granting of their charter under the laws of the Commonwealth of Pennsylvania 8 years ago, VVW has consistently acted to benefit our Nation's veterans.

Veterans of the Vietnam War, Inc., currently provides services such as counseling and job placement assistance to veterans. They have been very active in the areas of disability and compensation claims, and have provided representation for veterans before appeals boards. In addition, VVW is at the forefront in working to assist our Nation's Vietnam-era veterans in such critical areas as agent orange-related illnesses, post-traumatic stress, and support for those with loved ones still missing in Southeast Asia.

I would like to emphasize that VVW is far more than a regional organization. Veterans of the Vietnam War, Inc., has posts throughout the United States. In providing VVW with a Federal charter, its role as a truly national entity will be increased. Use of VA offices as well as participation in forums limited to chartered organizations would be among the benefits of receiving a Federal charter. More importantly, however, VVW would receive the recognition it has earned in years of service to America's veterans.

The granting of a charter, therefore, is an effective way of enhancing VVW's support of our Nation's veterans.

Mr. President, I ask unanimous consent that this legislation granting VVW, Inc., a Federal charter appear in the RECORD at the conclusion of my remarks. I urge my colleagues to join in cosponsoring the measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GRANT OF CHARTER

SECTION 1. Veterans of the Vietnam War, Inc., organized and incorporated under the laws of the Commonwealth of Pennsylvania, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. Veterans of the Vietnam War, Inc. (hereafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation including—

(1) to support and promote the Constitution of the United States;

(2) to better the condition and benefits of all veterans and their heirs; and

(3) to advance the health, welfare, social, charitable, and educational opportunities of its members and to ensure justice for all.

MEMBERSHIP

SEC. 4. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 5. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 6. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 7. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the Commonwealth of Pennsylvania.

LIABILITY

SEC. 8. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SERVICE OF PROCESS

SEC. 9. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(74) Veterans of the Vietnam War, Inc.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

TERMINATION

SEC. 16. If the corporation fails to comply with any of the restrictions or other provisions of this Act, the charter granted by this Act shall expire.●

By Mr. ROTH:

S. 2066. A bill relating to the ocean dumping of municipal sludge; referred to the Committee on Environment and Public Works.

OCEAN DUMPING LEGISLATION

● Mr. ROTH. Mr. President, I rise today to introduce legislation which takes a reasonable approach to the termination of ocean dumping. The manner that I propose is quite similar to the manner which the Environmental Protection Agency in region III used to get the cities of Camden, NJ, and Philadelphia, PA, to phase out their ocean dumping. I think it is time that the Congress puts its foot down for once and for all and tells those communities that the ocean is not a cesspool of unlimited proportions, where we can dump our sewage sludge and think that the problem that man creates will go away and will take care of itself.

In brief, this legislation calls for a complete ban on dumping to be imposed by the end of this year. The ban is not as strict as this may sound because the Administrator of the EPA can renew the permit for up to 5 years. This will only occur if a community that is currently dumping and the EPA can come up with an agreement, a system design and a schedule—by the end of this year—which describes how the town is going to stop dumping, and what alternatives they will use. Because this proposal will guarantee the implementation of the ocean dumping alternative, within preestablished guidelines, we can be confident that ocean dumping will be terminated.

To encourage compliance with the law, we will fine those towns that do not work with the EPA to come up with an alternative plan, as well as those towns that do not meet the compliance dates in a reasonable fashion. These staff fines will not be less than $5,000 and not more than $10,000 per wet-ton dumped. All fines will be placed into a newly created "clean oceans fund," which can then distribute the money to the EPA and NOAA for enforcement, monitoring, and research activities related to ocean dumping.

The legislation is identical to Congresswoman CLAUDINE SCHNEIDER'S House legislation, H.R. 3938. Both of us have been working on this bill together for quite some time.

I do not make accusations lightly, but I find it quite perturbing when cities like New York say they cannot find alternatives to dumping in the ocean when Philadelphia, PA, and Camden, NJ, and Glen Cove, NY, a neighbor of New York City and all former ocean dumping culprits, have found alternatives. These cities and region III of the EPA should be commended.

Because I am concerned that our continuation of ocean dumping may create ecological imbalances which are leading to changes in our food chains, I have come to the conclusion that it is in the best interest of the United States to get out of this bad habit. The longer dumping is allowed to continue, the more we hurt ourselves and our future.

Dumping began in our inland rivers and they were ruined. Then it spread to our estuaries and they were ruined. Then to the bights, and they were ruined. And now more than 100 miles offshore, and hundreds of dead white sided dolphins have already washed up. In the period of November 26, 1987, through January 28, 1988, 21 dead whales—and this is a conservative number—have washed up on our shores. Our fish markets are handling less fish. Soon we will not be able to eat our bluefish and stripers anymore. We have already had a public health advisory on the consumption of mackerel. And last but not least, we had a red tide take place in the inland bays of Delaware—something that has never happened before.

Though we cannot prove that the dumping caused the dolphins' deaths, we do know that they had all come from the New York Bight. Though we cannot prove that the reduced fish handling at our markets is due to the possible contamination of the fish, we can be sure that it does not help the matter. We know that the whales died a rapid respiratory arrest when their lungs stopped working. They often were feeding on mackerel. We also know that the mackerel had concentrations of the biotoxins in their liver and flesh. Mr. President, I know much of what I am telling you are scientific hypotheses. So is the weather forecast and we all carry umbrellas. We must prepare with the knowledge we have. And we cannot allow this activity to continue. Now is the time to end ocean dumping once and for all. The U.S. Senate has an interest to make sure it is done properly and in a speedy fashion.

My legislation will accomplish this goal. I urge my colleagues to study this bill and lend me their support. I ask that it be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 104A(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1414a(b)) is amended to read as follows:

"(b)(1) As used in this subsection—

"(A) The term 'approved site' means—

"(i) the site designated under section 102(c) and known as the '106-Mile Ocean Waste Dump Site' (as described in 49 F.R. 18005); or

"(ii) any other site that may be designated under section 102(c) after the date of the enactment of this subparagraph as an alternative to the 106-Mile Ocean Waste Dump Site for the dumping of municipal sludge.

"(B) The term 'effective period' means the period of time specified in a permit during which the dumping, or transportation for the purposes of dumping, of material into ocean waters is permitted.

"(C) The term 'municipal sludge' means solid, semisolid, or liquid waste generated by—

"(i) a waste water treatment plant of any sewerage authority or other unit of State or local government; or

"(ii) any privately-owned or operated waste water treatment plant which treats predominantly domestic sewage;

whether or not such waste may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, and economic potential.

"(2) Except as provided in paragraphs (3), (4), and (5), after December 31, 1988, the dumping, or the transportation for the purposes of dumping, into ocean waters of—

"(A) municipal sludge; or

"(B) any other form of sewage sludge, whether or not such sludge may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, and economic potential;

is prohibited.

"(3) The Administrator may issue or renew permits under this title which authorize eligible authorities within the meaning of subsection (a)(1)(C), to dump, or to transport for the purposes of dumping, municipal sludge at the approved site.

"(4) No permit issued or renewed for an eligible authority under paragraph (3) may have an effective period that extends past December 31, 1988, unless before that date the eligible authority and the Administrator enter into a compliance agreement or within 30 days after that date the eligible authority and the Administrator enter into a court ordered consent decree incorporating such a compliance agreement that contains the following:

"(A) A plan of the eligible authority that will, in the opinion of the Administrator, if adhered to in good faith result in the design, construction, and placing in full operation, not later than the 5th anniversary of the date on which the compliance agreement is entered into, of a system (hereinafter in this subsection referred to as the 'alternate system') for the disposal of the municipal sludge of the eligible authority other than by dumping into ocean waters.

"(B) A schedule that, in the opinion of the Administrator, specifies reasonable dates by which the eligible authority must complete the various activities that are necessary for the timely implementation of the alternate system under the plan. The activities for which scheduling under this subparagraph is required include, in addition to such other activities that the Administrator considers necessary or appropriate—

"(i) the determination of the kind of alternate system that will be implemented;

"(ii) the preparation of engineering designs and related specifications;

"(iii) compliance with appropriate Federal, State, and local regulatory requirements;

"(iv) site and equipment acquisitions;

"(v) construction, testing, and shake-down operations; and

"(vi) operation at full capacity.

"(5) If a compliance agreement is entered into under paragraph (4) before January 1, 1989, the Administrator shall extend the effective period of the permit issued or renewed for the eligible authority under paragraph (3) until the earlier of—

"(A) the 5th anniversary of the date on which the compliance agreement was entered into; or

"(B) the date on which the alternate system is scheduled under the agreement to commence full operation.

"(6)(A) During the extended effective period of a permit under paragraph (5), it is unlawful for the eligible authority to dump, or to transport for the purposes of dumping, municipal sludge at the approved site unless—

"(i) the eligible authority first notifies the Administrator of its intent to carry out such dumping or transportation; and

"(ii) the Administrator determines that the eligible authority is, at the time of notification under subparagraph (A), fully in compliance with the schedule included in the compliance agreement under paragraph (4)(B).

"(B) The Administrator may treat the substantial compliance of an eligible authority with the schedule included in the compliance agreement as being full compliance, for purposes of subparagraph (A)(ii), if the eligible authority can show that circumstances beyond the control of the authority resulted in only substantial compliance being achieved.

"(C) The Administrator shall make biannual reports to the Congress regarding the extent of compliance by eligible authorities with compliance agreements entered into under paragraph (4).

"(D) Clauses (i) and (ii) of subparagraph (A) are in addition to any other prohibition, limitation, or condition that may be imposed on eligible authorities under this title, or under regulations issued under the authority of this title, with respect to the dumping of, or transportation for the purposes of dumping, municipal sludge into ocean waters.

"(7) In lieu of the maximum $50,000 civil penalty provided for under section 105(a), any person that—

"(A) violates paragraph (6)(A) (i) or (ii); or

"(B) dumps, or transports for the purposes of dumping, municipal sludge into ocean waters at a site other than the approved site;

shall be liable for a civil penalty, to be assessed by the Administrator in accordance with section 105, of not less than $5,000, and not more than $10,000, for each wet ton of municipal sludge that is dumped, or transported for purposes of being dumped, into ocean waters.

"(8)(A) There is established in the Treasury of the United States the Clean Oceans Fund.

"(B) There is appropriated to the Clean Oceans Fund moneys in an amount equal to the civil penalties collected by the Administration for violation of paragraph (6)(A) (i) or (ii) or (6)(B).

"(C) The moneys in the Fund shall be available, to the extent provided for in advance in appropriation Acts, for expenditure by—

"(i) the Administrator for carrying out monitoring and enforcement functions under this title; and

"(ii) the Secretary of Commerce for carrying out monitoring and research under section 201.

The moneys received under this subparagraph shall be treated as being supplemental to, and not in lieu of, any other funding that is authorized or appropriated for the purposes referred to in clauses (i) and (ii).".●

By Mr. CONRAD (for himself and Mr. Burdick):

S. 2067. A bill to amend the Internal Revenue Code of 1986 to permit farmers to produce tax-free certain fuels for farm use, and for other purposes; to the Committee on Finance.

FARMER FUEL TAX RELIEF ACT

● Mr. CONRAD. Mr. President, today I am introducing legislation to provide farmers with a clear exemption to Federal diesel and gasoline excise taxes on fuel they purchase for off-road use.

A provision of the budget reconciliation bill enacted last December will inadvertently cause considerable inconvenience and financial hardship for farmers across the country. In an effort to curb evasion of fuel excise taxes—a significant problem in urban areas, the collection point for the Federal excise tax on diesel fuel was shifted from the retail level to the refinery. The diesel provision paralleled a section of the 1986 tax law which similarly changed the collection point for the gasoline tax.

Federal fuel excise taxes pay for our highways. The law has consistently granted farmers an exemption from these taxes for fuel purchased for their tractors and other off-road vehicles. Neither the budget reconciliation legislation nor the 1986 act removed this exemption for farmers. But as a result of shifting the collection of the taxes to the wholesaler, farmers will have to pay the Federal diesel taxes up front when they purchase fuel and then apply for a refund later.

I believe this requirement poses considerable difficulties for farmers—and that it can be changed without undermining the effort to improve collection of these excise taxes. Farmers are not the ones evading the taxes, and because they're entitled to refunds on the fuel taxes which relate to nonhighway operations, restoring the full exemption should not cause much loss of revenue.

The diesel tax provision will take effect on April 1 of this year.

The bill I am introducing today is a companion to legislation introduced by Representatives Dorgan and Daub on January 25. I urge my colleagues on the tax-writing committees to address this matter promptly, so that the problem can be corrected before this provision goes into effect.●

By Mr. MITCHELL (for himself, Mr. Chafee, Mr. Bentsen, Mr. Johnston, Mr. Inouye, Mr. Moynihan, Mr. Sanford, Mr. Cohen, Mr. Lautenberg, Mr. Bradley, Mr. D'Amato, Mr. Matsunaga, Mr. Warner, Mr. Sarbanes, Ms. Mikulski, and Mr. Graham):

S. 2068. A bill to amend the Marine Protection, Research and Sanctuaries Act to protect marine and near-shore coastal waters through establishment of regional marine research centers; to the Committee on Environment and Public Works.

MARINE RESEARCH ACT

● Mr. MITCHELL. Mr. President, today I am introducing legislation to protect our Nation's marine and coastal waters through increased scientific research and assessment.

The "Marine Research Act of 1988" amends the Marine Protection, Research and Sanctuaries Act to create 10 multistate, regional marine research centers around the country. These research centers will be made up of existing marine research institutions in each region and will provide an important regional focus for planning, coordinating, and conducting marine scientific research. This new critical focus is intended to complement existing Federal support for marine research and protection.

I am pleased that 15 of my colleagues are joining me in sponsoring this important legislation, including Senators Chafee, Bentsen, Johnston, Inouye, Moynihan, Sanford, Cohen, Lautenberg, Bradley, D'Amato, Matsunaga, Warner, Sarbanes, Mikulski, and Graham.

The Nation's marine waters are vital and productive natural resources. Marine and near-shore coastal waters support extensive recreational and commercial activities. Commercial fisheries alone have an estimated value of over $5 billion annually. Maintenance and protection of the environmental quality of these waters is essential to their productivity.

The quality of our coastal waters has received increasing attention over the past several years. A number of major scientific reports have been issued recently, providing valuable new data on the health of the Nation's coastal waters.

In April 1987, the Office of Technology Assessment [OTA] issued a report titled "Wastes in the Marine Environment" that concluded the overall health of many of our estuaries and coastal waters "is declining or threatened."

The OTA report concluded that even full implementation and enforcement of existing regulations would not be sufficient to maintain or improve the health of these waters. The report states:

> In the absence of additional measures to protect our marine waters, the next few decades will witness new or continued degradation in many estuaries and coastal waters around the country.

The report recognized that the different marine ecosystems must be better understood in order to evaluate the potential effects of proposed activities on marine waters and resources. It is important to understand the physical and chemical characteristics of the waters and the sediments, as well as the biological relationships. The report states:

> More research needs to be conducted on changes over relatively large scales—for long periods of time and for entire ecological communities. While some marine waters have received adequate attention, other waterbodies have not, including some that * * * are now threatened.

Also last spring, the National Oceanic and Atmospheric Administration [NOAA] published the results of the first year of a national program to monitor toxic chemicals at 50 coastal and estuarine sites from Maine to Alaska.

While this report represents only 1 year of data, it provides some early indications of the magnitude of coastal contamination problems. Quoting the agency's summary of the report.

> Initial results show a complex, varied picture of environmental quality around the Nation's coast. A number of sites revealed relatively high levels of toxic contaminants. For example, sediment concentrations of toxic trace metals, aromatic hydrocarbons, DDTs, PCBs and sewage-derived material from northeastern Atlantic coast sites in Boston Harbor, Salem Harbor, and Raritan Bay are among the highest values measured nationally.

Concern for the quality of our coastal and marine waters has been reflected in the popular press. Most of us recall the coverage of the mysteries of dolphins dying off the Atlantic coast and the discovery of a 12 mile square dead zone in the Gulf of Mexico. And there has been extensive regional press coverage of coastal pollution issues, such as sewage dumping, and the efforts to clean up vital resources ranging from Chesapeake Bay to Puget Sound.

Many of the marine and coastal environmental issues were effectively summarized in a recent cover story report in Business Week magazine titled Troubled Waters. Mr. President, I ask unanimous consent that this article be printed in the Record at the conclusion of my remarks.

The Congress has begun to respond to warnings about the quality of our marine waters.

At the beginning of this Congress, we passed amendments to the Clean Water Act establishing a National Estuaries Program at the Environmental Protection Agency [EPA]. The amendment authorizes establishment of management conferences to identify pollution problems in specific estuaries and develop response plans to clean up the problems. Management conferences are already underway in several areas including Puget Sound, Long Island Sound, and Albemarle/Pamlico Sounds.

In addition, a wide range of bills addressing coastal and marine issues have been introduced in this Congress. For example, bills to reduce plastic pollution in the oceans, to restore and protect wetlands and other resources in the Gulf of Mexico, to control the use of toxic boat paints, to ban ocean dumping, and to create a national oceans policy commission, were all introduced last session.

My home State of Maine especially shares this national concern for understanding and protecting our marine waters.

The Gulf of Maine is a resource of tremendous value to the State of Maine, both in economic terms, and as a rich, natural ecosystem. It is vitally important to the State's fishing industry. In 1986, total fisheries landings in Maine were about 166 million pounds, valued at over $108 million. The waters of the gulf also provide a variety of recreational opportunities and play a role in commerce and related industries.

Given the value of the Gulf of Maine, any threat to its enviromental health demands immediate attention. The recent NOAA report included tests from several sites along the coast of Maine and concluded:

> Somewhat surprisingly, an otherwise "clean" reference site for the northeast region, Casco Bay, Maine, had a level of aromatic hydrocarbons in sediments that was the fourth highest nationally.

The presence of this known carcinogen in such elevated concentrations, in addition to other research results from the early 1980's, documenting high levels of trace metals and PCB's in Penobscot Bay and deeper regions of the Gulf of Maine, are early warning indicators of potential long-term risks.

In response to the growing evidence of threats to the environmental quality of the Gulf of Maine, I chaired a field hearing of the Senate Environmental Protection Subcommittee in Portland this past September. The purpose of that hearing was to learn more about the environmental conditions and trends in the gulf and the potential need for greater scientific research and monitoring efforts.

The general conclusion of the hearing was that the Gulf of Maine is still very clean, and does not face the serious marine pollution problems of many of our coastal waters. There also was agreement, however, that prevention of problems will require first-rate science and monitoring programs.

Witnesses at that hearing, including research scientists, representatives of the commerical fishing industry, and environmentalists, identified a need for expanded and strengthened marine research, looking at the entire ecosystem of the Gulf of Maine.

Witnesses suggested that, rather than calling on a Federal agency to come in and do a study, we should provide that research be managed at the regional level and be planned and conducted by the full range of existing, local research institutions.

And, witnesses at the hearing pointed to a need for reliable and sustained Federal assistance to supplement existing funding sources and to support the full range of marine research activities at the regional level.

Taking the suggestions of the witnesses at the Portland hearing, I started working with my colleagues in the Senate and with interested Federal agencies to develop legislation to respond to the need for expanded marine research.

In this effort, I discovered that the Gulf of Maine provides a useful example of conditions and research needs of the other coastal regions. I found strong support in many other parts of the country for expanding and strengthening marine research programs; for focusing research on an entire regional ecosystems; for allowing existing research institutions to manage the research; and for assuring sustained and reliable Federal assistance to support this effort.

The bill we are introducing today amends the Marine Protection, Research and Sanctuaries Act to provide general authority to establish multistate regional marine research centers. The basic objective of the marine research centers is to support and coordinate marine research at the regional level.

The centers will be made up of marine research institutions working in the region, including universities, States agencies, and private laboratories.

Each center is to develop a 3-year research plan which sets the goals and priorities for research and monitoring in the marine and near-shore coastal waters of the region.

Regional research plans can include marine research projects ranging from basic oceanographic research to more specific, applied research activities.

The centers will be eligible for basic support grants of $3 million per year. The bulk of this funding, at least $2.5 million, will be used directly by participating research organizations to carry out the research and related activities identified in the 3-year research plan. Centers may use up to $500,000 for activities including development of plans, sponsoring technical seminars, and publication of reports and studies.

The fishing community and other interested parties will participate in the development of plans through a formal Research Advisory Group.

The bill also provides authority for the regional centers to conduct baseline monitoring and assessment of marine environmental quality. The centers are to submit general reports to the State Governors and the public on trends and conditions in the region.

The bill identifies 10 marine regions around the country. The regions represent relatively distinct marine ecosystems and are based on biological and geographic divisions suggested by Federal agencies.

Regions identified in the bill include the Gulf of Maine, the Greater New York Bight, the Mid-Atlantic Bight, the South Atlantic Bight, the tropical region, the Gulf of Mexico, the southern California Bight, the North Pacific region, the Gulf of Alaska, and the Insular Pacific region.

The Federal Government would play a general, but limited, oversight role through a research coordination board. The Board is made up of interested Federal agencies and representative of each regional center.

A total authorization of $29.5 million is provided for each of 5 years. This figure includes $3 million for each region except the tropical region, which is eligible for $1.5 million, and $1 million to support the activities of the Federal Board.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill and copy of the bill be printed in the Record at the conclusion of my remarks.

I would like to offer several general observations on the goals and objectives of this legislation.

First, this bill is intended to strengthen our Marine Research Program, rather than add to our existing regulatory programs. I believe that, by improving our research program and building our knowledge of the marine environment, we will be taking a significant step toward protecting this resource and preventing the development of major, costly pollution problems.

Second, it is important to put this legislation in the context of our broader Marine Research Program. While we have growing evidence of threats to the enviornmental quality of marine resources, overall funding for marine research has declined by about one-third since 1982.

It is essential that we reverse the declines in marine research funding and assure that presently authorized programs operate effectively. In addition, if we are to keep pace with the growing threats to the marine environment, we must consider ways to expand and build on these existing programs where appropriate.

Third, a major objective of this legislation is improved planning and coordination of marine research projects. Improved planning will help avoid duplication of research, focus limited funds on the most crucial projects, and generally improve the effectiveness and efficiency of marine research efforts. In other words, this approach will help us get a "bigger bang for our buck."

Fourth, the bill calls for an increase in' marine research at the multistate, regional level. Regional research institutions are an underutilized resource which have a great potential to make an increased contribution to marine research. Regional research centers can address issues common to an overall marine ecosystem. Regionally based research can contribute to development of badly needed baseline data on the marine environment which is beyond the reach of Federal agencies. And, regionally based research can be better tied into State and local agencies which can respond to pollution or related problems.

Finally, the research program proposed in this legislation will complement, not compete with, existing marine research programs. I want to specifically address coordination of this legislation with the Sea Grant Program and the National Estuaries Program.

I consider the Sea Grant Program to be an essential and fundamental program for understanding and assessing the quality of the marine environment. It is crucial that we continue to support this program and expand it as appropriate. And, under no circumstances should we fund new initiatives in marine research at the expense of the Sea Grant Program.

The regional research centers proposed in this legislation have different objectives than the Sea Grant Program in several ways. The regional centers will address research in an entire, multistate region, rather than a single State. The regional centers will involve a full range of research institutions, other than simply sea grant colleges. And, finally, the regional centers have a clear mandate to develop overall, long-range research plans and to coordinate research activities in a marine region.

This legislation also will complement projects under the National Estuaries Program at EPA, initiated last year under the Clean Water Act amendments. The regional centers address geographic areas which are much larger than the estuaries addressed in the Estuaries Program. The regional centers address research while the estuaries program has a broader mandate for management and pollution control. And, the regional centers address all areas of the coast, while the Estuaries Program focuses on water bodies which are already facing severe pollution problems.

I am confident that the regional approach I am proposing is reasonable, workable, and badly needed. I also believe that the legislation probably can be improved further. I look forward to working with my colleagues to explore ways to refine and strengthen the bill.

It is, above all, critical that we focus our efforts on the marine environment and begin the debate on how best to protect this resource.

In response to this need to understand and assess threats to the quality of the marine environment, the Subcommittee on Environmental Protection, which I chair, will hold a series of hearings on marine environmental issues over the next several months.

The first hearing, scheduled for February 18, will address issues relating to ocean dumping under title I of the Marine Protection, Research and Sanctuaries Act. This hearing will be held jointly with the Subcommittee on Superfund and Environmental Oversight, chaired by my colleague Senator LAUTENBERG. The hearing will focus on ocean disposal of sewage sludge off the New Jersey coast and related ocean disposal issues.

The second hearing will address the extent and seriousness of threats to the quality of the Nation's marine environment. The Environmental Protection Subcommittee will hear testimony from Federal agencies and other parties on the nature of marine environmental problems and possible steps to address these problems.

A final hearing will review the marine research legislation we are introducing today. The subcommittee will hear from the scientific community, Federal agencies, and other groups active in marine research issues at the national level.

In conclusion, Mr. President, there is growing evidence of threats to the quality of the marine environment. It is essential that we assess the seriousness and extent of this problem and consider appropriate response measures. An important first step in protecting the marine environment is to strengthen and expand marine research at the regional level. This effort is essential if we are to keep pace with the growing threats to marine environmental quality and assure that this resource is protected for future generations.

I hope my colleagues will join me in supporting this legislation and working to improve our understanding of our rich, diverse marine resources.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. (a) TITLE.—This Act may be cited as the "Marine Research Act of 1988."

(b) TABLE OF CONTENTS.—

Sec. 401. Findings.
Sec. 402. Purpose.
Sec. 403. Definitions.
Sec. 404. General Authority.
Sec. 405. Regional Research Plans.
Sec. 406. Research, Support and Equipment Grants.
Sec. 407. Monitoring and Regional Assessment.
Sec. 408. Marine Research Coordination Board.
Sec. 409. Authorizations.

AMENDMENTS TO THE MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT

SEC. 2. AMENDMENT.—The Marine Protection, Research and Sanctuaries Act is amended by adding at the end thereof the following new title:

"TITLE IV—REGIONAL MARINE RESEARCH CENTERS

"FINDINGS

"SEC. 401. FINDINGS.—The Congress finds that—

"(1) the Nation's marine and near-shore, coastal waters are a resource of tremendous value;

"(2) marine waters, including estuaries, are vital and productive natural ecosystems;

"(3) marine and near-shore coastal waters support commercial fisheries with an estimated value of over $5.5 billion per year, and recreational fisheries with an estimated value of over $7.5 billion per year;

"(4) marine and near-shore coastal waters support extensive recreational activities and related support services;

"(5) maintenance and protection of the environmental quality of the Nation's marine and near-shore coastal waters is essential to the commercial and recreational activities they support;

"(6) recent studies and reports provide evidence of growing threats to the environmental quality and ecological integrity of marine and near-shore coastal waters;

"(7) a report by the Congressional Office of Technology Assessment found that the overall health of coastal waters is declining or threatened;

"(8) studies by the Environmental Protection Agency and the National Oceanic and Atmospheric Administration have identified unexpectedly high levels of contaminants in a number of coastal areas;

"(9) expanded and improved research and monitoring of marine and estuarine ecosystems is needed to gain a more complete understanding of these ecosystems, how they function naturally, and how human activities may be affecting them;

"(10) on-going changes in world climate will alter regional weather and oceanic processes in ways which will affect the distribution and abundance of marine organisms;

"(11) there is a need to develop marine research programs which take a comprehensive approach to marine ecosystems in the various coastal and marine regions of the Nation;

"(12) there is a need to improve the extent of coordination among various marine research activities at the regional level and provide for long-range planning of research and related projects;

"(13) significant improvements in marine research can be accomplished through expansion and support of research at the regional level;

"(14) there is a need for sufficient and sustained Federal support for research and monitoring to protect the Nation's marine and coastal environment;

"(15) there is a need for comprehensive and periodic reports to the Congress on conditions and trends in marine environmental quality, research needs, and response programs;

"(16) the results of marine and near-shore research are valuable to developing and implementing marine and coastal environmental protection programs at the Federal, State, regional and local levels.

"PURPOSE

"SEC. 402. PURPOSE.—The purposes of this title are to—

"(1) establish regional marine research centers to protect the Nation's marine environment;

"(2) provide sufficient and sustained funding for these regional centers to develop comprehensive, long-range research plans, and coordinate and support marine research and related activities;

"(3) establish within the Federal government the capability to provide effective oversight of regional marine research; and

"(4) provide for periodic, comprehensive reports to Congress concerning conditions, trends, research needs, and response programs in the Nation's marine environment.

"DEFINITIONS

"SEC. 403. DEFINITIONS.—For purposes of this title—

"(1) the term 'Board' means the Marine Research Coordination Board established pursuant to section 408 of this title;

"(2) the term 'region' means a Marine Research Region designated in section 404(f) of this title;

"(3) the term 'Federal agency' means any department, agency or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation;

"(4) the term 'local government' means any city, town, borough, county, parish, district, or other public body which is a political subdivision of a State and which is created pursuant to State law; and

"(5) the term 'nonprofit organization' means any organization, association or institution described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation pursuant to the provisions of section 501(a) of such Code.

"REGIONAL MARINE RESEARCH CENTERS

"SEC. 404. (a) GENERAL AUTHORITY.—There is authorized to be established within each region, as defined under subsection (f), a regional marine research center.

"(b) PURPOSES.—Regional marine research centers established pursuant to this section are intended to—

"(1) set overall goals for an integrated, long-term program of research and monitoring of marine and estuarine environmental quality in the region;

"(2) develop comprehensive, long-range plans which identify the specific needs and priorities of research and monitoring activities and projects;

"(3) assure coordination of research among State agencies and other organizations involved in marine research in the region;

"(4) monitor environmental quality conditions of marine and near-shore coastal waters and assess the impacts of proposed activities in these waters;

"(5) provide a forum for review and comment on research plans from affected user and interest groups, such as commercial fisherman, other marine industries, and environmental organizations;

"(6) provide a forum for coordinating research among research institutions, with other regions and with neighboring countries;

"(7) make public reports on the environmental quality conditions in the region; analyze and interpret research data and information at the request of the relevant State and local agencies in the region for their application in environmental protection programs; and make such scientific recommendations to local, State, and Federal agencies on design of effective programs to address identified problems as may be necessary.

"(c) AUTHORITIES.—Each regional marine reseach center shall be authorized to—

"(1) support basic and applied research, investigations, monitoring, and assessment activities through its members organizations and agencies in the estuarine, near-shore coastal and offshore environments of the region;

"(2) cooperate with Federal agencies, with State and with local government entities, interstate and regional agencies, other public agencies and authorities, nonprofit institutions and organizations, or other persons, in the preparation and support of marine research in the region;

"(3) enter into contracts, cooperative agreements or grants to member organizations, and to other State and local governmental entities, other public agencies or institutions, and nonprofit institutions and organizations for purposes of carrying out the provisions of this Act;

"(4) collect and make available through publications and other appropriate means, the results of, and other information pertaining to, the research conducted in the region;

"(5) support development of effective and practical methods and techniques for the detection and assessment of contamination in the marine environment;

"(6) hire staff and equip them as may be necessary to carry out the provisions of this Act, including the ownership and operation of research vessels and construction of necessary vessel-related support structures;

"(7) call conferences on regional marine research and assessment issues, giving opportunity for interested persons to be heard and present papers at such conferences;

"(8) support, in consultation with the Department of State, joint marine research projects with foreign nations;

"(9) utilize facilities and personnel of existing Federal agencies, including scientific laboratories and research facilities;

"(10) accept, and for all general purposes of this Act, utilize funds from other sources, including but not limited to State and local funds, university funds, and donations;

"(11) accept donations of equipment if such equipment benefits regional marine research programs, with appropriate tax deductions available; and

"(12) acquire secret processes, inventions, patent applications, patents, licenses, and property rights, by purchase, license, lease, or donation.

"(d) AREAS OF INVESTIGATION.—In carrying out the purposes and authorities of this section, regional research centers may support or assist research, investigations, studies, surveys, or demonstrations with respect to, but not limited to—

"(1) baseline assessment of marine environmental quality, including chemical, physical, and biological indicators of environmental quality;

"(2) basic oceanographic and biological conditions and processes;

"(3) effects or potential effects of contaminants, including nutrients, toxic chemicals and heavy metals, on the environment, including marine and aquatic organisms;

"(4) inventory of pollutant sources and pollutant discharges into the coastal environment;

"(5) transport, dispersion, transformation, and fate and effect of contaminants in the marine environment;

"(6) marine and estuarine habitat assessment, protection, and restoration;

"(7) methods and techniques for modeling environmental quality conditions and trends;

"(8) methods and techniques for sampling of water, sediment, marine and aquatic organisms, and demonstration of such methods and techniques;

"(9) the effects on human health of contaminants or combinations of contaminants at various levels, whether natural or anthropogenic, that are found in the environment;

"(10) assessment of potential effects of major coastal and offshore development projects in the region;

"(11) assessment and monitoring of the effects of climate change on marine resources in the region; and

"(12) analysis and interpretation of research data for the benefit of State and local environmental protection and resource management agencies in the region.

"(e) CREATION OF REGIONAL CENTERS.—(1) The Governors of a majority of the States in a region, as defined in subsection (f), may develop and submit for approval to the Marine Research Coordination Board a combined, interstate proposal for a Regional Marine Research Center.

"(2) Proposals for establishment of a Regional Marine Research Center—

"(A) identify the goals and objectives of the Center;

"(B) identify the research organizations that will participate in the Center, including State agencies, research laboratories and organizations, academic institutions, and others;

"(C) identify the organizational structure and authority of the Center, including establishment of a Board of Directors, creation of an Executive Director position, and provision for professional staff and management support;

"(D) identify the research capabilities and experience of the member organizations and how such experience will be coordinated and maintained; and

"(E) provide for a Research Advisory Group to include representatives from affected user and interest groups, including the commercial fishing industry, other marine industries, and environmental organizations, that will advise the Board of Directors in the conduct of authorized activities.

"(3) Any proposal developed pursuant to subsection (1) shall be submitted to the Marine Research Coordination Board for review and approval.

"(4) Within 90 days of receipt of a proposal, the Board shall hold a public hearing in the region to hear comments on the proposal.

"(5) Within 180 days after receipt of a proposal, the Board shall approve or disapprove the proposal on consideration of the following criteria—

"(A) inclusion as members of the Center, or other provision or mechanism for full coordination and cooperation with, relevant State agencies, marine research organizations or institutes, and universities with marine programs in the region;

"(B) demonstrated capability in sufficient disciplines to successfully mount a multidisciplinary research program;

"(C) sufficient resources, including laboratory, library, computer and support facilities;

"(D) a commitment from the member institutions to the support and continuation of an effective marine research program; and

"(E) establishment of an Advisory Group pursuant to paragraph (2)(E), and commitment to adequate procedures for effective consultation with such group.

"(6) In the case of disapproval of a proposal, the Board shall notify the Governors of the submitting States in writing, stating in detail the revisions or modifications necessary to obtain approval of the proposal. The Governors of the interested States may, not later than 90 days following such notification, submit such revisions and modifications as they deem appropriate. The Board shall approve or disapprove the revised proposal within 90 days of receipt.

"(7) Representatives of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, designated by the senior administrative official, shall serve as ex officio members of each regional center.

"(f) Marine Research Regions.—For purposes of this Act, marine research regions are defined as follows:

"(1) Gulf of Maine Region, comprised of the marine and near-shore coastal waters off the States of Maine, New Hampshire and Massachusetts (north of Cape Cod);

"(2) Greater New York Bight Region, from south of Cape Cod to Cape May, comprised of the marine and near-shore coastal waters off the States of Massachusetts, Rhode Island, Connecticut, New York, and New Jersey;

"(3) Mid Atlantic Region, from Cape May, New Jersey, to Cape Lookout, comprised of the marine and near-shore coastal waters off the States of New Jersey, Delaware, Maryland, Virginia, and North Carolina;

"(4) South Atlantic Bight Region, from Cape Lookout to the Florida Keys, comprised of the marine and near-shore coastal waters off the States of North Carolina, South Carolina, Georgia and Florida (Atlantic coast);

"(5) Tropical Region, comprised of the marine and near-shore coastal waters off Puerto Rico and the U. S. Virgin Islands (and to provide for broader international research coordination, representatives from the nations of the Caribbean region may serve as ex officio members of this region);

"(6) Gulf of Mexico Region, comprised of the marine and near-shore coastal waters off the States of Florida (Gulf coast), Alabama, Mississippi, Louisiana, and Texas;

"(7) Southern California Bight Region, comprised of the marine and near-shore coastal waters off the State of California from Point Conception south;

"(8) North Pacific Region, from Point Conception to the Canadian border, comprised of the marine and near-shore coastal waters off the States of California, Oregon and Washington;

"(9) Gulf of Alaska and Arctic Seas Region, comprised of the marine and near-shore coastal waters off the State of Alaska; and

"(10) Insular Pacific Region, comprised of the marine and near-shore coastal waters off the State of Hawaii, Guam, American Samoa, and the Northern Mariana Islands.

"REGIONAL RESEARCH PLANS

"Sec. 405. (a) Regional Research Plans.—Each Regional Marine Research Center, approved under section 404, shall develop a three-year marine research plan for the region.

"(b) Contents of Plan.—Such marine research plan shall include—

"(1) an overview of the environmental quality conditions in the near-shore coastal and marine waters of the region and expected trends in these conditions;

"(2) a description of the research needs, goals, and priorities in the region over the upcoming ten-year period;

"(3) a comprehensive inventory of all Federally-funded marine research and monitoring activities expected to be conducted during the three year term of the research plan, including, but not limited to, projects funded under:

"(A) this Act;

"(B) the National Sea Grant Program;

"(C) sections 319 and 320 of the Federal Water Pollution Control Act;

"(D) the Fish and Wildlife Act of 1956; and

"(E) the Magnuson Fishery Conservation and Management Act of 1976.

"(4) discussion of the mechanism for coordination with the activities identified in paragraph (3) to avoid duplication and assure effective use of resources;

"(5) description of research projects, areas, and programs anticipated to be assisted with funds provided under section 406 of this Act in the three year period covered by the plan, including:

"(A) identification of the responsible organization, laboratory(s) or principal investigator(s);

"(B) estimated budget and equipment needs;

"(C) schedule of major activities;

"(D) final products of the project; and

"(E) relationship to research needs and priorities identified in paragraph (2) and to other projects identified in paragraph (3).

"(6) an inventory of supplies and equipment used commonly for research projects on the region.

"(c) Plan Review and Approval.—(1) The research plan shall be submitted to the Marine Research Coordination Board for review and approval.

"(2) The Board shall approve or disapprove the research plan within 90 days of receipt.

"(3) In review of research plans, the Board shall consider the degree to which the plan addresses the elements identified in subsection (b) of this section.

"(4) In the case of disapproval of a research plan, the Board shall notify the Board of Directors of the Regional Research Center in writing, stating in detail the revisions or modifications necessary to obtain approval of the proposal. The Center shall, not later than 90 days after such notification, submit such revisions and modifications as they deem appropriate. The Board shall approve or disapprove the revised proposal within 90 days of receipt.

"(d) Plan Revision.—The research plan shall be updated at least every three years and resubmitted to the Board for review and approval under this section.

"RESEARCH, SUPPORT AND EQUIPMENT GRANTS

"Sec. 406. (a) Support Grants.—(1) A regional marine research center for which a proposal has been approved pursuant to section 404, may submit to the Board an application for a support grant on an annual basis.

"(2) The application may provide for funding of basic functions of the Research Center including—

"(A) cost of facilities, offices, and related equipment;

"(B) salaries and expenses of staff and other personnel services;

"(C) reasonable maintenance costs of equipment, including vessels, as determined by the Board; and

"(D) other overhead costs including costs of publications, development of research plans, operation of the Board of Directors, and conduct of scientific and related meetings and seminars.

"(3) The application shall be for a period of a fiscal year and shall be in such form as may be required by the Board.

"(4) In no case may the total Federal grant under this subsection be in excess of $500,000 per fiscal year.

"(5) The Board shall approve an application which is consistent with the requirements of this subsection within 90 days of receipt.

"(b) Research Grants.—(1) A regional marine research center for which a research plan has been approved pursuant to section 405 may submit to the Board an application for implementation of that research plan on an annual basis.

"(2) The research grant application shall provide funding, to the extent available under section 409(a)(2)(A)(ii), to member organizations and agencies for research projects identified in the research plan, as needed and appropriate, to be conducted during that fiscal year.

"(3) The Board shall review grant applications and shall fund the application within 90 days of receipt of the application if the application is consistent with the approved research plan.

"(4) The Research Advisory Group of the research center shall have an opportunity to review and comment on the annual grant application and the Board shall consider the comments of the Advisory Group in reviewing grant applications.

"(c) Equipment Support.—(1) Any research center with an approved research plan pursuant to section 405 of this Act may submit to the Board an application to purchase equipment necessary for the research provided for in the approved research plan and funded under subsection (b), to the extent funds are available under section 409(a)(2)(B).

"(2) Equipment eligible for support under this section includes, but is not limited to—

"(A) monitoring and sampling equipment;

"(B) computer hardware or software;

"(C) scientific measurement and analytic equipment; and

"(D) necessary vessels and related support craft.

"(3) In review and approval of applications under paragraph (2)(D), the Board shall evaluate the following—

"(A) a clearly demonstrated need for the equipment in the region to support identified research projects;

"(B) adequate provision for maintenance and full utilization of the equipment, including loaning of equipment to organizations participating in another marine research center; and

"(C) consultation with the Federal Fleet Coordinating Council and the University Oceanographic Laboratory System (UNOLS) to determine the need for vessels or support craft.

"(4) Regional centers shall report annually to the Board on the status and disposition of any equipment funded under this subsection and shall give notice of 90 days prior to any sale of such equipment.

"(d) Reporting.—Any Regional Marine Research Center that receives a grant under this section shall report to the Board not later than 18 months after award of the grant on accomplishments made pursuant to this subsection. Such report shall include narrative summaries and technical data in such form as the Board may require. Such report shall be provided to the Governor of each participating State and to the Research Advisory Group for the region.

"(e) Management.—For administrative purposes, the grant funds and grant award process pursuant to this section shall be managed by the Environmental Protection Agency.

"MONITORING AND REGIONAL ASSESSMENT

"Sec. 407. (a) Monitoring and Assessment.—Each Regional Marine Research Center established in accordance with section 404 and receiving funds pursuant to section 406 and 409 of this Act shall, consistent with its research plan developed under section 405—

"(1) support baseline monitoring of fundamental marine environmental conditions in the region, in accordance with criteria, measurement standards and quality assurance techniques required by the Board; and

"(2) prepare periodic assessments of the status of marine environmental quality and resources.

"(b) Regional Assessment Report.—(1) The Regional Assessment Report mandated under this section shall—

"(A) provide an overview of environmental quality in the region using such information as is obtained pursuant to paragraph (A) of subsection (a);

"(B) describe trends in natural resource and environmental quality conditions;

"(C) summarize the activities and research projects of the center and identify future needed projects; and

"(D) provide recommendations for improvements in the design or implementation of Federal, State or local programs for the protection of environmental quality in the region.

"(2) A draft of the Regional Assessment Report shall be reviewed by the Research Advisory Group for their comments and input before final submission.

"(3) The Regional Assessment Report shall be drafted in nontechnical style and made available to the public, as well as to local, state and Federal regulatory and management agencies. The Regional Assessment Report shall be submitted to the Governors of each State in the region.

"(4) Reports under this subsection shall be submitted to the Board on a schedule to be determined by the Board. To the extent practicable, the Board shall provide for reports beginning three years after the date of establishment of each center and every three years thereafter.

"MARINE RESEARCH COORDINATION BOARD

"Sec. 408. (a) Establishment of Marine Research Coordination Board.—(1) There is authorized to be established a Marine Research Coordination Board to manage and coordinate the efforts of the regional marine research centers authorized under section 404 of this Act.

"(2) The members of the Board shall be representatives of the following Federal agencies, designated by the senior administrative official of each agency—

"(A) the Environmental Protection Agency,

"(B) the National Oceanic and Atmospheric Administration,

"(C) the National Science Foundation,

"(D) the U.S. Fish and Wildlife Service,

"(E) the Minerals Management Service,

"(F) the U.S. Army Corps of Engineers,

"(G) the U.S. Navy, and

"(H) the National Academy of Science.

"(3) The executive director of each Regional Marine Research Center, approved pursuant to section 404(e), or the director's official designee, also shall serve as full members of the Board.

"(4) The representative of the Environmental Protection Agency shall serve as chair of the Board.

"(5) The Board shall organize its internal structure and functions as it deems necessary to best fulfill its responsibilities.

"(b) Functions and Authorities.—(1) The Board shall be responsible for the following—

"(A) review and approval of proposals for Regional Marine Research Centers, including conducting a public hearing in the region, in accordance with the provisions of section 404;

"(B) review and approval of the three-year research plans submitted by Regional Marine Research Centers, in accordance with section 405; and

"(C) approval of grant applications from the Regional Marine Research Centers, in accordance with section 406.

"(2) The Board is authorized to—

"(A) hire professional and support staff to carry out the provisions of this section;

"(B) hire an Executive Director at the Senior Executive Service (SES) level;

"(C) expend funds authorized under subsection (d) as required to carry out the provisions of this section; and

"(D) make grants to the Regional Marine Research Centers, pursuant to sections 406 and 409.

"(c) Report to Congress.—(1) The Board shall make periodic reports to Congress on the health of the Nation's near-shore coastal and marine waters, and on activities and accomplishments of the Regional Marine Research Centers.

"(2) Reports under this subsection shall be made within 180 days of the receipt of reports required under section 407 (b) of this Act.

"(d) Funding.—The activities of the Board shall be supported with funds available under section 409 of this Act.

"AUTHORIZATIONS

"Sec. 409. Authorizations.—(a)(1) For the purpose of carrying out the activities authorized by sections 404, 405, 406, and 407 of this Act there are authorized to be appropriated $29,500,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

"(2) Such funds shall be allocated as follows—

"(A) grants to regional marine research centers established pursuant to section 404: *Provided* That—

"(i) such research centers has submitted a proposal which has been approved pursuant to section 404 of this Act;

"(ii) no annual grant to such center shall exceed $3,000,000; and in the case of the Tropical Region, no annual grant to such center shall exceed $1,500,000.

"(B) grants for purchase of equipment under section 406: *Provided* That such sums are not alloted for use under subparagraph (A).

"(b) For the purpose of carrying out the activities authorized by section 408 of this Act there are authorized to be appropriated $1,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.".

SECTION-BY-SECTION ANALYSIS—MARINE RESEARCH ACT OF 1988

Sections and 1 and 2: Establish the title of the bill, the "Marine Research Act of 1988", and create a new Title IV of the Marine Protection, Research and Sanctuaries Act.

Sections 401, 402, and 403: Establish the findings, purpose and definitions of the Act.

Section 404: Provides general authorities of regional marine research centers to coordinate and support research, monitoring and assessment in marine and coastal waters.

Proposals to establish regional research centers may be submitted by Governors to identify the goals, membership, organizational structure, and research capabilities of the centers.

Ten regions are identified including the Gulf of Maine, Greater New York Bight, Mid-Atlantic Bight, South Atlantic Bight, Tropical, Gulf of Mexico, Southern California Bight, North Pacific, Gulf of Alaska and Arctic Seas, and the Insular Pacific.

Section 405: Provides for development of regional research plans identifying research needs and priorities for a 3-year period. Plans are to be submitted to the Marine Research Coordination Board, established by section 408, for approval.

Section 406: Provides for grants to the regional marine research centers for research and administrative costs, and for support for special research equipment needs.

Section 407: Provides that regional research centers are to conduct baseline monitoring and assessment of marine resources. Also mandates assessment reports to be made available to the public as well as local, State and Federal agencies.

Section 408: Establishes a Marine Research Coordination Board at the Federal level to manage and coordinate the efforts of the regional centers. Member agencies are the Environmental Protection Agency, National Oceanic and Atmospheric Administration, National Science Foundation, Fish and Wildlife Service, Minerals Management Service, Corps of Engineers, Navy, the National Academy of Sciences. Representatives of regional centers also are members of the Board.

Section 409: Authorizes $29.5 million annually for the regional centers, as provided under section 406. Annual grants to each center are limited to $3 million. Also authorizes $1 million annually for the Marine Research Coordination Board, as provided under section 408.

Troubled Waters—The World's Oceans Can't Take Much More Abuse

The last day of the summer season dawned gray and drizzly on the New Jersey coast. But instead of rushing for home, many departing vacationers went down to the sea. In some beach communities they formed small knots, in others lines more than a mile long as they silently linked hands and stared out at brown-tinged waves. They had come to pray for the ocean.

For those thousands of tourists, resort owners, and residents on the 127 mi. of coast known simply as The Shore, there was little doubt that the ocean needed help. During the summer, hundreds of dead dolphins, raw sewage, tar balls, and even used syringes washed ashore. Many beaches closed because of the pollution. Local papers trumpeted cases of illnesses caught from swimming—even, some said, from simply breathing the salt spray. "The pollution has got to stop," declares Linda S. Hasbrouck, who heads "Save our Shores," the local environmental group that organized the Labor Day event. "It's so bad you don't know what's coming in with the next tide."

HAMMERED HOME

All along the U.S. coast, unpleasant surprises rode in on the summer surf. Parents on Massachusetts' South Shore were appalled when children began decorating sand castles with plastic tampon applicators that drifted ashore from garbage dumped in Boston Harbor. On Long Island Sound, millions of dead fish washed up—killed by a total lack of oxygen in the water. Another giant dead zone formed at the mouth of the Mississippi. Near Corpus Christi, Tex., litter from ships and offshore drilling rigs covered the beaches at Padre Island National Seashore. Algae blooms—red and brown tides—tainted waters along the Atlantic coast.

The Adriatic and Aegean, the Mediterranean, the Baltic, the Irish Sea, and the Sea of Japan are not faring much better. In August an 18-m sailboat dubbed the Goletta Verde—the Green Schooner— completed a much-publicized two-month trip around Italy to assess coastal pollution. What it found wasn't pretty. From Trieste to Genoa, the waters of the Mediterranean are murky with sewage and industrial waste. Some of the world's most spectacular beaches were bespoiled by garbage. Even the legendary beauty of the isle of Capri was marred by flotsam from nearby Naples. The Bay of Naples was fouled with such "incredibly high levels of raw sewage that it's on the outer limits of the imaginable," says Claudio Pirro, a marine biologist from Rome's Weltman Laboratories, who made the voyage.

This summer of 1987 hammered home a point that some scientists have been making for years: The world's coastal waters are in trouble, deep trouble. The seas' capacity to absorb a lethal cocktail of industrial, urban, and agricultural wastes is being exceeded. And when those overstressed ecosystems are exposed to natural insults, such as unusually warm weather, they collapse. "All our coastal systems are damaged, some so badly that we can't use them anymore," sighs Joseph A. Mihursky, a professor at the University of Maryland's Chesapeake Biological Laboratory.

Ironically, concern over ocean pollution is coming on the heels of a decade of steady progress toward cleaning up U.S. inland waters. But cleaning the fouled seas is a gargantuan task by comparison, and it is likely to become one of the most pressing environmental issues of the next decade—and beyond.

While discharges from factories and municipal sewage plants are part of the problem, much of what ends up in the sea simply washes off the land—from farms, lawns, and city streets. To protect fragile marine environments, legislators will almost certainly have to tighten controls on sewage treatment and industrial discharges. But that won't be enough to cope with runoff—so-called nonpoint pollution. Everything from pet waste to crankcase oil drained in the driveway or fertilizers used on lawns contributes. Curbing it will require fundamental changes in residents' habits—and sweeping new laws that will restrict coastal development.

The price of inaction is enormous. Jolting changes in the coastal ecology affect a critical part of the food chain—and ultimately human health. Toxic chemicals and heavy metals such as cadmium and lead are picked off bay bottoms by small organisms that fish and shellfish eat. Disease organisms from raw sewage thrive. Cases of human illness, including hepatitis, from eating seafood have risen drastically since the early 1980s, according to the National Marine Fisheries Service. "Poisoning the sea will inevitably poison us," warned oceanographer Jacques-Yves Cousteau a decade ago.

DEAD OYSTERS

The poisons in the waters already are jeopardizing the $6 billion U.S. commercial and recreational fishing businesses. In Boston's south shore suburb of Quincy, a sign off a spit of land called Hough's Neck proclaims it "The Flounder Fishing Capital of the World." No more. Today, most flounder that survive the polluted waters of Boston Harbor are hardly table grade. "If you did fish here, the first thing you'd notice is fin rot," explains Steve Hunt, director of Boston's Save the Bay—Save the Harbor. And if you gutted a fish, you'd probably find white liver tumors.

Less anachronistic are "No Fishing" signs that are cropping up all along the nation's coasts. This year a shocking 33% of U.S. shellfish beds are closed. The annual harvest from Long Island's rich clam and scallop beds, worth $110 million in the 1970s, has plunged to less than half that. The watermen of Chesapeake Bay are raking up dead oysters, killed by a mysterious disease called MSX. At Matagorda Bay in Texas, seafood wholesaler Emery Waite says: "You can't find enough oysters to make a stew."

Finfish are no different. The harvest of striped bass from New York's waters, which stood at 14.7 million lb. in 1973, is now zero. Bass fishing was banned in 1986 because the fish, which spawn in the Hudson River, were contaminated with dangerous levels of polychlorinated biphenyls (PCBs)—a toxic chemical that was dumped into the river years ago by General Electric Co. Today health officials in New York warn recreational fishermen not to eat bass, carp, sunfish, catfish, or walleye from the Hudson.

Even so, commercial fishermen continue to make money. Demand for seafood has never been higher—ironically, because many consumers consider fish healthier than red meat—and prices are spiraling upward. Last year the nation's fishing industry landed 6 billion lb. of fish, worth $2.8 billion. Meanwhile, imports have more than tripled in the past decade, to $7.6 billion last year.

The numbers tell only part of the story. In the U.S., catches are climbing because fishermen are overfishing declining supplies of some prime fish, such as flounder, halibut, striped bass, and cod. And they are keeping—and selling—the "junk" fish, such as mako shark, that they once threw back as inedible. "Supply is down, and demand is so high that the price keeps going up," says Robert Morris, who owns a 40-ft. trawler that he sails from Newport, R.I.

Yet Morris and others know that all is not well at sea. The "draggerman" used to fish in water from 30 to 50 ft. deep. But lately, Morris' nets are clogged with seaweed. He blames the nutrients from detergents for the rapid seaweed growth. So, he is venturing deeper—down to 300 ft. "Pollution is affecting how I make a living," Morris says.

Fishermen—and many scientists—believe that rampant development of the shoreline is the source of much of the pollution that threatens coastal waters. By 1990, 75% of the U.S. population will live within 50 mi. of the shore, compared with 40% in 1984, according to the U.S. Census Bureau. "We've been hell-bent on development at all costs," says James I. Jones, director of the Mississippi-Alabama Sea Grant Consortium, a national program of colleges with marine studies.

The problem is that sea life likes to live near the shore as well. The deep oceans are still relatively clean, but most fish breed in the increasingly endangered coastal shallows, especially tidal marshes and estuaries where the nutrients washed from the land create a rich variety of life—and food for larger organisms. In addition, the coastal wetlands act as a natural filter to trap pesticides from farms, waste from urban runoff, and chemicals from industry.

But those wetlands are being destroyed at an alarming rate. In Florida, marinas and condominiums are replacing mangrove swamps. Louisiana is losing its wetlands at the rate of 50 sq. mi. a year to development and oil and gas exploration. At this rate, none will remain in 100 years. As the wetlands disappear, raw sewage flows unfiltered into the gulf. So since 1982 about 70% of the state's oyster beds have been closed for up to six month a year. "If you ask where you can eat an oyster and not get sick, I can't think of any place," says James Cosgrove, an official at the Louisiana Health Dept.

Toxic chemicals from coastal industry also take their toll. Even though existing environmental laws have forced industry to reduce its discharges, more than 1,300 major industrial facilities still have federal permits to dump their wastes into estuaries. Along the Texas coast, the oil industry has 2,000 permits to discharge wastewater from drilling, which contains lead, cadmium, and other toxics, into the water. Near Clear Lake, Tex., Brian W. Cain, an environmental specialist with the U.S. Fish & Wildlife Service, plunges the handle of an old fishing net into one canal's dark green water. A large bubble burps out, and a knot of oily chemicals spreads on the surface. The air quickly turns fetid. "There's nothing growing along here," Cain says.

Industrial pollution, however, is far easier to control than runoff. What happens when it rains? Wastes are flushed by the ton from city streets into the water. "Toxic runoff from the streets is a major contributor," says Gordon C. Colvin, director of marine resources at New York's Environmental Conservation Dept.

Inform Inc., an environmental research group based in New York City, compared government data on Hudson River pollution in 1982 from all identifiable sources. What it found was disturbing indeed. The amounts of 26 toxic chemicals added to the river from runoff, including PCBs and mercury, far exceeded those from other sources. Runoff contributed more than 182,000 lb. of lead, for example, compared with only 240 lb. from other sources.

The most deadly contribution from runoff is not toxic chemicals, however. It is nutrients. These can concoct the deadly "algae blooms," such as red tide, that rob the waters of life-giving oxygen. That happens because the nutrients from fertilizer or sewage cause certain microorganisms to multipy at an explosive rate, using up oxygen in the water. When they die and sink to the bottom, they decompose—sopping up even more oxygen. When levels of dissolved oxygen are very low, scientists call the condition hypoxia. When there is none at all, it's called anoxia.

"CEMENTIFIED"

That's what caused this summer's fish kills in Long Island Sound. On July 21 and 22 oxygen below the top layer of water completely disappeared. Then, for the next week, dissolved oxygen levels were less than 1 mg per liter of water. Anoxia can occur naturally, of course. But Barbara L. Welsh, an associate professor of oceanography at the University of Connecticut who is studying historical data on oxygen levels, believes that "back in the days of the Indians" it was unlikely oxygen levels ever got below 3 mg per liter.

In the Mediterranean, sewage is the culprit. An estimated 90% of the sewage generated around its coast is still dumped raw into its waters. Along the French Riviera, the word for many is: Go to the beach, but don't go swimming. Yvonne P. Tilleard, a part-time caterer who has vacationed in Cannes for the past 20 years, says her children "wouldn't go near the water." She says that local pediatricians warn parents not to allow young children to swim.

In addition, the sea's European coasts are fast becoming what environmentalists call "cementified" by runaway development. "In the past few years, what virgin coastline was left has been disappearing at an alarming rate," says Costanza Pera, an official in Italy's newly created Environment Ministry. "The risk that the whole Mediterranean basin will be ringed by cement is very real."

Nor are the seas spared the threat of radioactive waste. Low-level radioactive wastes were dumped in the 1960s and 1970s in deep waters off the coast of Spain by Britain, Belgium, the Netherlands, and Switzerland. Although a moratorium took effect in 1983, the British have recently discussed burying low-level radioactive wastes in caverns beneath the Irish Sea.

The Irish, in fact, are skirmishing with the British over a nuclear reprocessing plant at Sellafield on England's West Coast. That facility, which turns spent reactor fuel into uranium and weapons-grade plutonium and is authorized to dump a limited amount of nuclear waste into the Irish Sea, has been responsible for numerous pollution incldents since it opened in the 1950s. Just four years ago divers for Greenpeace, an international environmental group, had to be decontaminated after they discovered unauthorized radioactive discharges. Greenpeace claims Sellafield has dumped more radioactive wastes into the Irish Sea than have been disposed of in all the world's oceans combined.

Pollution is beginning to affect the open seas as well. Ships, including those of the U.S. military, always pitch anything they don't want over the rail. Overall, about 6 million metric tons of litter are tossed overboard annually.

Plastics, however, do not sink into Davy Jones's locker. They float—and they don't disintegrate. Sooner or later, anything that floats on the sea comes ashore. According to the National Academy of Sciences, fishermen lose some 136,000 tons of plastic nets, lines, and buoys a year. Tons of waste from offshore oil rigs, everything from chemical drums to food wrappers, washes up on the Gulf Coast. An international law banning dumping plastics at sea is nearing approval by the U.S. Senate.

A recent study of Laysan albatross chicks on Midway Island in the Pacific found that 90% of them had plastic residues in their digestive systems. It is estimated that 1 million birds and 100,000 marine mammals die yearly because they stuck in plastic refuse or they swallow it and choke.

Oil pollution is a particular problem, especially along the tanker lanes from the Mideast to Europe, Japan, and the U.S. Scientists generally agree that 3 million to 6 million tons of oil are dumped into the oceans from land and sea sources each year. Most of this is not accidental. It is the residue of petro-chemical operations, at-sea dumping, and general sloppiness.

HEAVY METALS

Healing the seas may be an enormous task. "Once the condition of the waters deteriorates, it's very difficult to halt the decline," warns Gary Mayer, associate director of environmental studies at the National Sea Grant Program. And the path to a cleanup is enormously costly and riddled with political pitfalls.

Take Boston. Some 6,000 factories discharge oil, grease, heavy metals, and acids into its 50-sq.-mi. harbor, rendering it one of the most polluted in the country. But the city and state governments, began taking steps only when ordered to by a federal court in 1983—and the bureaucracy made no move to comply until 1985. Now scientists estimate that it will take at least 12 years before Bostonians will be able to stick a toe in the water. Fishing in the harbor, now outlawed, may never come back. The cost? More than $3 billion to upgrade waste-disposal facilities, which will quadruple the water and sewage bills of the 43 municipalities that use the harbor for waste disposal.

Nationwide, it would cost an estimated $76 billion just to overhaul municipal waste-treatment plants, which produce 70% of all effluent discharged deliberately into coastal waters. Today one-third of the nation's sewage-treatment plants, including San Diego's Point Loma and Boston's Deer Island, still remove only half of all solids from human wastes. And many large cities are resisting the expense of adding so-called secondary treatment plants, like New York's North River facility, which remove 90% of the solids. In February, it took a congressional override of a Presidential veto to devote $18 billion to such projects.

Then there is runoff. Scientists are just beginning to understand how big a problem it is. And they still have no firm conclusions about what should be done to control it—or what that might cost. They suspect, for example, that it has something to do with MSX disease, which is killing oysters in the Chesapeake, but they don't know what. And so far the government has been parsimonious about handing out the money needed to answer those and other questions about complex marine ecosystems. Richard F. Delaney, director of the Massachusetts Coastal Zone Management Program, told Congress in May: "We cannot even answer basic scientific questions."

Last year the Environmental Protection Agency mounted a "near-coastal waters" program to coordinate state and federal efforts at tackling coastal pollution. But so far that effort is long on paper and short on funds. This year, in renewing the Clean Water Act, Congress allocated $12 million for a two-year study of six estuaries, including Long Island Sound and Galveston Bay. "We spend a tiny amount of money trying to protect the natural environment when you place it against what is spent detracting from it," says Craig R. O'Conner, regional director for the National Marine Fisheries Service.

IRATE BEACHGOERS

The summer's pollution problems have drawn the attention of key lawmakers, however. Senator George Mitchell (D-Me.) is preparing legislation that would finance a study of pollution in the Gulf of Maine. The four senators from New Jersey and New York want a similar study of the near-coastal waters of their states. Bills to ban dumping of plastics at sea and to finance marine research, meanwhile, are being considered in both houses. And Senator Frank R. Lautenberg (D-N.J.) is introducing a bill to require federal permits for garbage barges.

In addition, some states, faced with irate public beachgoers, increasingly militant fishermen, and billions in tourist dollars hanging in the balance, are taking steps on their own. This year, Maryland, Virginia, Pennsylvania, and the District of Columbia agreed to reduce the amount of nitrogen and phosphorus flowing into Chesapeake Bay by 40% by upgrading sewer plants and managing development and agricultural runoff. Some states, including Florida, Maryland, and North Carolina, have passed laws controlling coastal development.

Still, the piecemeal nature of these efforts worries some legislators, who feel the problem requires a more comprehensive approach along the lines of the 1970s attacks on water and air pollution. Representative Gerry E. Studds (D-Mass.), chairman of the House merchant marine, environment, and fisheries subcommittee, plans hearings on how to devise such a program. "To solve this problem requires an all-out, multifaceted program of prevention and enforcement," agrees Senator Lautenberg.

That day can't come soon enough for Fort Lauderdale diving-shop owner Brian Brooks. He recalls when visibility in nearby waters was 100 ft. and snapper and grouper were easily speared in offshore waters. Now 60 ft. is considered good, and only the colorful tropical fish can be found. The snapper and grouper have fallen victim to overfishing and coastal development. "It's still beautiful, and we could still protect it," Brooks says. "But we're running out of time."

(By Tim Smart in Washington and Emily T. Smith in New York, with Todd Vogel in Houston, Corie Brown in Boston, Karen Wolman in Rome, and bureau reports.)●

● **Mr. CHAFEE.** Mr. President, it is with great pleasure that I join with my colleague from the Environment and Public Works Committee, Senator MITCHELL, to introduce the Marine Research Act of 1988. The distinguished Senator from Maine has been a champion of clean water, not only in our lakes and streams, but also in our bays, estuaries and near coastal waters. This legislation is a reflection of his continuing commitment to protecting our aquatic resources.

Our oceans are beginning to show signs of stress. Agricultural runoff, ocean dumping of sludge, and municipal effluent are invading our marine environment on a daily basis. We may be experiencing a rise in the global sea level, which could have potentially significant effects. Too many fishermen trying to harvest too few fish could be exacerbating the problem of declining fish populations.

Each of these problems raises a multitude of questions—questions which need to be answered with reliable, accurate scientific information. The purpose of the Marine Research Act is to establish an independent marine research board, which will coordinate and amplify the ability of existing research institutions to provide scientific data of the highest quality to address these questions.

It is not possible to address the deterioration of the Nation's bays and estuaries, and the decline in quality of our near coastal waters, on a piecemeal or State-by-State basis. In order to effectively confront problems in the marine environment, it is necessary to respond to the urgent need for expanded, regionally directed marine research. Pollution problems are not confined by State boundaries. The Office of Technology Assessment recently issued a report which emphasizes the need for sustained, focused scientific research on a total ecosystem basis. The Marine Research Act will accomplish this.

The legislation will establish a Marine Research Program which takes a broad, national view of trends in the marine environment, but will be directed and managed by research scientists within each region. The argument for organizing a Marine Research Program along these lines, rather than simply for the Federal Government to conduct research, is compelling: Oceanographers, such as those located at University of Rhode Island's graduate school of oceanography, are most familiar with the ocean environment in a given region. The Marine Research Program created by this legislation, instead of duplicating ongoing efforts at these institutions, will play a coordinating role.

Specifically, the legislation will create 10 coastal regions based on geographic conditions, including one which extends from Cape Cod, MA, to Cape May, NJ. The bill establishes regional councils charged with coordinating and planning marine research in each region. A primary responsibility of the councils will be to conduct baseline monitoring and assessment of marine environmental quality within each region.

The legislation authorizes $3 million annually for each region to conduct research and assessment activities. These funds will be used to establish marine research centers in each region, which will report regularly to State Governors, Federal policymakers such as the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, and the public on marine trends in the region.

The invaluable information which will be provided to policymakers as a result of this legislation will encourage the making of informed, intelligent decisions about our marine environment. This legislation will enable us to answer crucial questions which must be addressed if we are to adequately protect the ocean and its resources.

I hope that my colleagues will join with me in supporting this necessary and forward-looking legislation.●

● **Mr. BRADLEY.** Mr. President, I am pleased to join with Senator MITCHELL in introducing legislation which will increase our basic understanding of the needs of our coastal environment. The Marine Research Act of 1988 will establish marine research centers in 10 regions around the Nation's coastline. These centers will support the research institutions in the region—including State agencies, universities, and independent laboratories—and will help to coordinate their efforts. These efforts enhance our knowledge of the changes which are taking place in our marine and estuarine waters, what these changes mean, and what we can do about them.

Last summer, Mr. President, we in New Jersey became more sensitized than ever before to the vulnerability and the value of our precious coastline. We faced a barrage of coastal assaults over a 2-month period. Garbage washed ashore, dolphins beached and died, the beaches were closed. We became painfully aware of the serious problems we face.

Last year the Office of Technology Assessment reported that our mid-Atlantic coastal waters were experiencing particularly serious pollution problems. The OTA study only confirmed what every New Jerseyan already knew. New Jerseyans strongly support action to remedy this problem.

New Jersey has a fine marine protection and research center in Brigantine, NJ. The Marine Mammal Stranding Center rescues, rehabilitates, and releases stranded or otherwise distressed marine mammals (whales, dolphins and seals) and sea turtles that come ashore. The center, which—along with the Smithsonian Institution's Marine Mammal Laboratory—discovered the outbreak of unusual dolphin deaths last summer, relies chiefly on volunteer help to perform its valuable work—including research and education. I hope that the bill we are introducing today will help the center and other research institutions to continue and expand their valuable work to enhance our understanding of the coastal environment and its inhabitants.

Another New Jersey marine research center is the National Marine Sciences Consortium, an alliance of 30 colleges and universities in New Jersey, New York and Pennsylvania. The consortium, which manages research efforts for those institutions and runs educational programs for every level from grade school through graduate studies, is privately funded. This legislation should enable the consortium's unique efforts to be disseminated widely and coordinated with research being conducted elsewhere.

The legislation we are introducing today will provide one more positive step to preserve, restore, and protect our sensitive shoreline. Last year, we took other steps to try to protect our coastal waters. We enacted legislation for an expanded study of the New York Bight, which extends from Cape May to Montauk Point. This study will also recommend steps which are needed to restore the bight. We also enacted legislation to combat plastic pollution, and we ratified and enacted legislation to implement the MARPOL treaty to outlaw dumping of plastic pollution from international vessels. I also cosponsored shore protection legislation to ensure good waste handling practices for vessels towing garbage between ports.

The Environmental Protection Agency is also moving ahead on a request I made to establish better ways to track hospital waste from cradle to grave, and the Commerce Department has established an interagency task force to look at the feasibility of using remote sensing for environmental enforcement. I look forward to the results of their efforts.

Under the Marine Research Act, New Jersey will be covered by two of the regional designations: the Greater New York Bight Region and the Mid-Atlantic Bight Region. The separate designations will allow each regional research center to focus its efforts on

problems that are common and sometimes unique to the specific regional ecosystem.

I believe that a strong marine research effort will help us to understand the state of our coastal environment today and guide our efforts in the future so that we can protect one of our most precious and fragile resources.

● **Mr. D'AMATO.** Mr. President, I rise today as an original cosponsor of the Marine Research Act of 1987. I would like to commend my distinguished colleague from Maine for introducing this timely legislation.

The health of our coastal waters is in jeopardy. Our oceans are being used as a dumping grounds for everything from garbage to plastics to sludge. Ocean pollution caused the shut down of numerous beaches on Long Island this past summer. On June 23, 1987, local health officials in Nassau County were forced to close down the shorefront at East Atlantic Beach due to garbage that washed ashore. The refuse was identified as hospital waste and included blood vials, surgical tubing, and discarded syringes with needles attached. Again on June 24, a total of 10 beaches in Hempstead Harbor were closed after the waste treatment plant serving the village of Rosslyn began dumping untreated sewage into the harbor at the alarming rate of 5,000 gallons per hour. The affected areas extended the length of the harbor from Bar Beach to the privately owned IBM beach on the west shore and from Tappan Beach to Morgan Park Beach on the eastern shore of the harbor. Can we allow our children to swim in waters that contain this kind of pollution?

I believe that we can take a significant step toward protecting the marine environment by expanding and strengthening our marine and estuaries research program. The Marine Research Act is intended to fulfill these very objectives.

This legislation establishes 10 regions which would be responsible for coordinating and supporting the efforts of organizations and agencies in the region including State agencies, universities, and other laboratories. The bill also provides for 3-year regional research plans and grant assistance to carry out research and related activities. A Federal coordinating board is also created. The region that would serve the New York area is called the Greater New York Bight region.

These research centers will provide information as to the source and types of pollutants that are fouling up the marine environment. It is essential to know what causes the problem before we seek remedies. This legislation is a necessary step in preserving one of our greatest resources—the ocean.

I urge my colleagues to study this important legislation and to work towards its swift passage.●

By Mr. INOUYE:

S. 2069. A bill to amend title 37, United States Code, to authorize the payment of incentive special pay for nurses in the Armed Forces; to the Committee on Armed Services.

INCENTIVE SPECIAL PAY FOR NURSES

Mr. INOUYE. Mr. President, today I am introducing legislation to amend title 37 of the United States Code to authorize the payment of incentive special pay [ISP] to those nurse specialists which the Department of Defense deems of a critical shortage.

Presently, physicians providing these services do receive incentive special pay and in my judgment, it is appropriate to provide the Department with the administrative flexibility to award similar economic incentives to those professional nurses who provide the same type of services.

Mr. President, I ask unanimous consent that a memorandum submitted to the service secretaries by Dr. William Mayer, Assistant Secretary for Health of the Department of Defense, describing the shortage of nurse anesthetists and the text of my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCENTIVE SPECIAL PAY FOR NURSES

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302c the following:

"§ 302d. Incentive special pay: nurses

"(a)(1) Subject to paragraph (2) of this subsection and subsection (b) of this section, an officer who—

"(A) is an officer of the Nurses Corps of the Army or the Navy or an officer of the Air Force designated as a nurse; and

"(B) is on active duty under a call or order to active duty for a period of not less than one year,

may be paid incentive special pay, in an amount determined by the Secretary concerned, for any twelve-month period.

"(2) An officer is not eligible for incentive special pay under paragraph (1) of this subsection unless the Secretary concerned has determined that such officer is qualified as a nurse.

"(b)(1) An officer may not be paid incentive special pay under subsection (a) of this section for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

"(2) Under regulations prescribed by the Secretary of Defense under section 303a(a) of this title, the Secretary of the military department concerned may terminate at any time an officer's entitlement to the incentive special pay authorized by subsection (a) of this section. If such entitlement is terminated, the officer concerned is entitled to be paid such incentive special pay only for the part of the period of active duty that he served, and he may be required to refund any amount in excess of that entitlement.

"(c) Special pay payable to an officer under subsection (a) of this section shall be paid annually at the beginning of the twelve-month period for which the officer is entitled to such payment.

"(d) An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (a) of this section shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.

"(e) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under subsection (b)(2) or (d) of this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302c the following:

"302d. Incentive special pay: nurses.".

(b) CONFORMING AMENDMENTS.—Section 303a of title 37, United States Code, is amended by inserting "302d," after "302c," each place it appears.

THE ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, April 16, 1987.

MEMORANDUM FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS

Subject: Wartime Shortages of Nurse Anesthetists.

In the event of full mobilization, the medical support provided will be hampered by a continuing shortage in such critical skills as anesthesiologists, orthopedic surgeons, general surgeons, operating room nurses and nurse anesthetists. At present, the Military Departments have a shortfall of over 1,700 nurse anesthetists. Despite the projected impact of various recruiting, retention and educational incentives, targeted primarily at the Reserve Components, a shortfall of nearly 200 nurse anesthetists is still estimated in 1992.

Recently, I signed a memorandum of understanding (MOU) with the American Association of Nurse Anesthetists (AANA). The MOU permits our use of AANA supplied data to contact AANA members who might be interested in joining the active or reserve forces or who might volunteer in advance to provide part time services in local military hospitals if military mobilization has caused nurse anesthetist shortages there. In addition to information on their membership, the AANA has willingly agreed to publicize the role, opportunities and need for military nurse anesthetists in their journals.

As you continue to increase the number of authorized nurse anesthetist positions in both the active force and selected reserve, the support of the AANA will be of immeasurable help in fully utilizing these positions. We, in Health Affairs, are developing a plan in conjunction with the Military Departments to put the AANA's assistance to full use.

In addition to their peacetime role, nurse anesthetists provide key contributions to our wartime medical mission. I therefore welcome the recognition, support and professionalism of the American Association of Nurse Anesthetists. Resolution of all critical specialty shortfalls must travel on parallel tracks. Such an approach will ensure that not only is the physician shortage being corrected, but the shortage of nurses is being addressed as well. Your continued support is necessary.

William Mayer, M.D.

By Mr. GARN (for himself, Mr. Bond, Mr. Boschwitz, Mr. Chafee, Mr. Cochran, Mr. D'Amato, Mr. Danforth, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Evans, Mr. Gramm, Mr. Grassley, Mr. Hatch, Mr. Heinz, Mr. Humphrey, Mr. Kasten, Mr. Lugar, Mr. McCain, Mr. McClure, Mr. Murkowski, Mr. Nickles, Mr. Quayle, Mr. Stafford, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Wallop, Mr. Warner, Mr. Weicker, Mr. Wilson, Mr. Adams, Mr. Bentsen, Mr. Bradley, Mr. Bumpers, Mr. Burdick, Mr. Chiles, Mr. DeConcini, Mr. Dodd, Mr. Exon, Mr. Ford, Mr. Fowler, Mr. Glenn, Mr. Gore, Mr. Heflin, Mr. Hollings, Mr. Inouye, Mr. Johnston, Mr. Kennedy, Mr. Lautenberg, Mr. Levin, Mr. Metzenbaum, Mr. Mitchell, Mr. Moynihan, Mr. Nunn, Mr. Reid, Mr. Sanford, Mr. Sarbanes, Mr. Shelby, Mr. Simon, and Mr. Stennis):

S.J. Res. 255. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week"; referred to the Committee on the Judiciary.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

● Mr. GARN. Mr. President, I am introducing today a resolution to proclaim April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week." I am pleased that 60 of my colleagues have joined as cosponsors to this bill. I also would like to thank the staffs of these Senators for the prompt and positive response they gave my office in preparation of the resolution. Congressman Sid Morrison of Washington is introducing companion legislation today in the House of Representatives.

It has been a year and a half now since I found myself lying in a hospital bed in Georgetown University Medical Center. I remember being wide awake and apprehensive about the fact that the next morning I would go into surgery to donate a kidney to my 26-year-old daughter, Susan Garn Horne. Sue had lost most of her renal function as a result of a long-term diabetic condition. As I look back, I was apprehensive that night because I was unsure about what the consequences of the surgery might be for me. Until then, I hadn't thought much about those consequences. Once I learned I was a good donor match for Sue, my only thought had been, "She needs my kidney, I am going to give it to her, and that is all there is to it."

In recognizing my own apprehension and fear, I realized the significant impact that National Organ and Tissue Donor Awareness Week can have. Too many people are either fearful of the prospects or ignorant about the process of freely giving an organ to someone else. As a result, many people are dying, or at the very least continuing to suffer, every day because of a failure to obtain a needed organ for transplant.

I can understand that fear among those who are eligible to be living related donors. They can't help but wonder about the impact their donation might have on their own life. I certainly had those apprehensions, although I now know that the impact is minimal, if even noticeable. What I cannot understand is why anyone would be reluctant to authorize the donation of any of their vital organs or "transplantable parts" after they are dead. Of what use are those parts to them then? And what could they possibly have to fear?

I can't help but believe that if people could understand the need for organ donors, enough of them would voluntarily sign donor authorization cards and get "donor" stamped on their driver's licenses, that there would be an adequate supply of organs for those in need. For example, if only one out of four brain-dead people in the Intermountain area authorized the donation of their organs, they would meet the transplant needs of the entire region. Only one out of four.

People need to understand that they literally may give someone else the "gift of life."

During an interview in the hospital, the day before Sue and I were discharged, a reporter asked me how my donation of a kidney to my daughter compared to other so-called notable things I had done in my public and personal life. I didn't even have to think about the answer. There is simply no other thing I have ever done that has given me greater satisfaction. Donating a kidney to Sue was something I was able to do entirely alone, and it gave me immense personal satisfaction to be able to do that. It gave me an opportunity to express in actions, even beyond words, my love for my daughter and for all my children, since I would have done the same thing for any one of them, if I were a suitable donor.

What began as a personal struggle for Sue and for me has become a positive crusade. What we viewed as the gift of a kidney, we now see as a gift of life and renewed vitality, and it is something we simply must share with others.

I have challenged each Senator in this body to think carefully about his or her willingness to donate a lifesaving organ and to sign a donor card. I pass that challenge on to the Senators' staffs as well. I have also challenged my own staff to consider signing a donor card and to let their families know of their wishes. Donor cards are available in my office for anyone who is interested.

By reviewing our personal feelings about organ donation, we will become more aware of the potential to improve and save others lives. I am hopeful that as National Organ and Tissue Donor Awareness Week approaches, we will be leaders in spreading the word about the gift of life.●

By Mr. WARNER (for himself, Mr. Lugar, Mr. Dixon, Mr. Bentsen, Mr. Bradley, Mr. Pell, Mr. Stennis, Mr. Boren, Mr. Murkowski, Mr. Burdick, Mr. Thurmond, Mr. Wirth, Mr. Pryor, Mr. Breaux, Mr. Domenici, and Mr. Heflin):

S.J. Res. 256. Joint resolution to designate March 18, 1988, as "National Energy Education Day"; to the Committee on the Judiciary.

NATIONAL ENERGY EDUCATION DAY

Mr. WARNER. Mr. President, I rise to bring to the attention of my colleagues the importance of energy education in our Nation's schools, and to ask that they join me in designating March 18, 1988, as "National Energy Education Day."

The task of increasing our student's awareness of energy issues and conservation efforts will be a long one, but one to which we must dedicate ourselves.

This important commemorative day will bring deserved attention to the growth of energy education during the past year.

Our Nation's schools are best equipped to accomplish this goal, and many have taken an innovative step and included energy education programs in their curriculum.

I expect that approximately 10,000 schools across the country will culminate months of planning and preparation with several days of activities celebrating the NEED 1988—theme, "Expanding America's Energy Horizons."

Through energy education and a better understanding of the many choices and limitations that face our energy future, our children will be more prepared to make informed choices to promote our energy independence and security in the years ahead.

Since Congress started NEED in 1980 to highlight the importance of energy education, thousands of schools have benefited from the yearly program.

A network of thousands of State, regional, and local NEED committees have organized to provide energy educators with information on energy issues and to encourage and recognize their efforts.

Mr. President, I urge my colleagues to join me in cosponsoring this resolution so that we may spread the work of the NEED program through celebrations and activities on March 18, 1988.

By Mr. HUMPHREY (for himself, Mr. D'Amato, Mr. Moynihan, Mr. Bradley, Mr. Armstrong, Mr. Glenn, Mr. Kerry, Mr. Durenberger, Mr. Dole, Mr. Symms, Mr. Bumpers, Mr. Hecht, Mr. Gore, Mr. DeConcini, Mr. Wallop, Mr. Wilson, Mr. Murkowski, Mr. Simon, Mr. McClure, Mr. Boschwitz, Mr. Karnes, Mr. Reigle, Mr. Proxmire, Mr. Trible, Mr. Biden, Mr. Chafee, Mr. Lugar, Mr. Domenici, Mr. McCain, Mr. Pryor, Mr. Quayle, Mr. Lautenberg, Mr. Dodd, Mr. Dixon, Mr. Rockefeller, Mr. Shelby, Mr. Helms, Mr. Boren, Mr. Burdick, Mr. Grassley, Mr. Pressler, Mr. Nickles, Mr. Hatch, Mr. Cochran, and Mr. Graham):

S.J. Res. 257. A joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; referred to the Committee on the Judiciary.

AFGHANISTAN DAY RESOLUTION

● Mr. HUMPHREY. Mr. President, on behalf of 44 colleagues, and on my own behalf, I am introducing a resolution authorizing the President to designate March 21 as "Afghanistan Day."

The purpose of Afghanistan Day is to commemorate the valiant struggle of the Afghan people against the vicious Soviet occupation. It is my hope that this is the last such resolution that the Congress will have to consider. However, I am confident that so long as Soviet troops occupy Afghanistan, the American people and Congress will continue to show unwavering support for their cause.

December 27, 1987 marked the eighth anniversary of the Soviet invasion of Afghanistan. According to a recent report financed in part by the French Government, more than 1.24 million Afghans have died as a result of Soviet policies in Afghanistan. Last October, the Congressional Task Force on Afghanistan held an exhaustive hearing on human rights in Afghanistan. We learned that despite the much heralded Soviet policy of "national reconciliation," the situation with regard to human rights in Afghanistan continued to deteriorate in 1987.

On the battlefield, the Afghan freedom fighters have performed with greater and greater effect. The past year saw a series of successive resistance victories. Due to the unwavering determination of the Afghan people, Soviet leader Mikhail Gorbachev has publicly announced that he may withdraw his troops as early as May 1988. However, at this critical juncture, we must ensure that any negotiated political settlement does not jeopardize the hard fought gains of the Afghan freedom fighters.

The Soviet Union has repeatedly stated its willingness to withdraw troops from Afghanistan. In the past, the Soviets have even staged false troop withdrawals. These deceptive charades have been unanimously denounced by both Houses of the U.S. Congress.

In our eagerness to see Afghanistan free from Soviet occupation, we must ensure that we proceed very cautiously. Specifically, we must ensure that the United States does not abandon the Afghan resistance prior to the complete withdrawal of Soviet troops from Afghanistan. I would call to the attention of my colleagues editorials from the Washington Post, the New York Times, the Washington Times, and the Wall Street Journal. Each of these editorials states that we should not cease all aid to the Afghans as the first Soviet soldier leaves Afghanistan. We have no right to endanger the gains the Afghans have made at a terrible price to their nation.

Mr. President, this is an extremely important resolution. At this critical time, we must show our unanimous solidarity with the struggle of the Afghan people. I hope that each of my colleagues will add their names as cosponsors to this resolution.

I ask unanimous consent that the editorials I have mentioned be reproduced in the Record along with the text of my resolution.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.J. Res. 257

Whereas more than eight years after the Soviet invasion, more than one hundred and twenty thousand Soviet troops are waging war against the Afghan people, with 30,000 more positioned in contiguous areas of the Soviet Union, available for use against the Afghan population;

Whereas the United Nations General Assembly by increasing majorities has in nine annual resolutions called for the "immediate withdrawal of foreign troops from Afghanistan";

Whereas Soviet policies in Afghanistan are directly responsible for driving more than five million Afghans into foreign exile, creating the largest refugee population in the world, and for the deaths of more than one million Afghans;

Whereas a recent report of the Independent Council on International Human Rights, as distributed to the United Nations by the United States Mission as an official document, finds "there is considerable evidence that genocidal acts have been committed against the Afghan people by the combined forces of the DRA (Democratic Republic of Afghanistan) and the Soviet Union";

Whereas Kabul regime aircraft violated Pakistan's airspace more than 574 times during 1987, killing more than 183 innocent people and wounding more than 437;

Whereas over 450 Soviet and Kabul-inspired terrorist incidents took place in Pakistan during 1987, in circumstances calculated to cause the deaths of innocent civilians;

Whereas Public Law 100-204 declares it to be the policy of the United States to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time frame based solely on logistical criteria; and to communicate clearly to the government and people of the Soviet Union the necessity of a Soviet withdrawal from Afghanistan as a condition for better relations between the United States and the Soviet Union;

Whereas on May 16, 1985, the Afghan Resistance took an historic step by forming the Islamic Unity of Afghan Mujahideen, representing a unified coalition of the major Afghan organizations dedicated to ending the Soviet occupation;

Whereas, as enunciated by the President of the United States following a meeting with the President of the Afghan Resistance Alliance, any negotiated settlement to the war in Afghanistan that is unacceptable to the Resistance is destined to fail;

Whereas the Afghan Resistance continues to control more than seventy-five percent of the territory of Afghanistan, despite more than eight years of brutal warfare;

Whereas in a statement on November 12, 1987 the President stated: "The support that the United States has been providing the Resistance will be strengthened rather than diminished, so that it can continue to fight effectively for freedom";

Whereas, since the Soviet invasion of Afghanistan, the Congress has in numerous resolutions declared the solidarity of the American people with the struggle of the Afghan people against the Soviet invaders;

Whereas the people of Afghanistan observe March 21 as the traditional start of their New Year and as a symbol of their nation's rebirth: Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 21, 1988, as Afghanistan Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

[From the Washington Post, Jan. 10, 1988]

Let Soviet Withdrawal Begin

The talk is that the Soviet Union is ready to cut its losses and pull out of Afghanistan later this year without waiting to set up a government in which the place of local communists would be ensured. Good. Let the withdrawal begin. Up to now the Soviets have stated a determination to create a "coalition" and to promote "national reconciliation" among warring Afghans before departing. These euphemisms for ensuring a place for local communists have been a mask for staying on. If the Kremlin has dropped the mask and is prepared to leave its clients in Kabul to contend for what power they can earn with their own resources, termination of the Soviet invasion is within sight, though the war of the Afghans may go on longer.

A certain equation is made between Soviet support of one set of Afghans and Americans support of another, and on this basis some people expect the United States to conduct a matching cutoff of aid to the resistance. But the basis for a cutoff should be a Soviet withdrawal making moot the purpose—repelling an invasion—for which aid is rendered. Practically speaking, aid should taper off as withdrawal progresses. The American purpose is not to harass or further humiliate the departing Soviets but to make sure they don't change their mind. As we note, Afghans may have scores to settle among themselves. Both sides have stockpiled weapons against the day that Soviet troops leave and American and other foreign aid ends. How they use these weapons may not be much influenced by outsiders' exhortations for peace.

Something basic needs to be better understood here. Afghanistan is a Soviet-American "regional dispute" in the sense that it's in a region and is in dispute between the great powers, but it's *not* a regional dispute in the sense that the Soviet Union has a right to claim for its proxies some share of the power. The Kremlin was wrong to invade Afghanistan eight bloody years ago, and it has no right to demand any particular internal result. If fairness were the measure of these things, Afghans would have a right to demand far-reaching internal changes in the Soviet Union to prevent another invasion.

The Soviet Union says it does not seek a pro-Soviet regime and asks the United States to say it does not seek a pro-American regime. This is fine. The "free, nonaligned and neutral" Afghanistan Moscow says it wants is what Washington wants. The way to get from here to there is for Soviet troops to withdraw.

[From the Washington Post, Dec. 13, 1987]

OUT OF AFGHANISTAN

In a midsummit interview, President Reagan suggested that Mikhail Gorbachev had abandoned the Soviet Union's traditional global ambitions. But you can't yet prove it in the Persian Gulf, where Mr. Gorbachev turns his back on his pledge to penalize Iran for its thwarting of peace, and least of all in Afghanistan, where he evaded Mr. Reagan's call to set a date for full expeditious withdrawal of the 120,000 Soviet occupying troops. Instead, he inserted the unacceptable condition that, as withdrawal begins, the United States must start cutting off arms and "financial supplies" to the resistance. Moscow's own Afghan clients would evidently continue to be eligible for arms and aid.

The two men were at pains to emphasize that the line between them remains open on the Afghan question. Their readiness to keep talking about issues that resist solution was one of the more satisfying results of the summit. Openness to discussion, however, cannot conceal Mr. Gorbachev's persisting refusal to face up to the mistake the Kremlin made—and, more important, the crime it committed—in invading Afghanistan. It is not simply that the Soviet army has been mauled and pinned down by guerrillas, but that the Soviet army has no right to be in Afghanistan. It is committing aggression. It has spent eight years killing and uprooting the Afghan people and destroying their land.

This is why the face-saving exit Mr. Gorbachev may well be looking for probably doesn't exist. Face-saving requires setting up a new government, or interim government, that, as he said in Washington, is neither pro-Soviet nor pro-American, that is nonaligned, neutral. On superficial reading, it may sound fine to some. But, unsurprisingly, there apparently is nothing in the Afghan spectrum that could be called pro-Soviet in the sense of an element that could survive without heavy armed guard. That is why so far all Soviet withdrawal formulas rest on a demand for military advantage to offset political weakness. Sometimes "communists" and "fundamentalists" are posed as matched extremes that might be traded off against each other. But fundamentalists have a following that equips them for a political role, and communists, discredited by their tie to a brutal foreign invader, do not.

Diego Cordovez, the United Nations' mediator, is hunting for a political way out. Maybe he will find one. It remains to be shown, however, that Mr. Gorbachev has any option that does not proceed from Mr. Reagan's promise to play a helpful role if the Soviets will but get out.

[From the New York Times, Feb. 12, 1988]

THE GREAT GAME GOES ON

(By A.M. Rosenthal)

Mikhail Gorbachev faces a challenge entirely worthy of his abilities as a master politician.

The task before him is to make sure that a withdrawal of Soviet forces from Afghanistan, if it takes place, does not diminish full Soviet control of the country.

His predecessors spilled Soviet blood to invade Afghanistan. Mr. Gorbachev will build on what they achieved—Soviet domination of Afghanistan for the first time in history. He will struggle to keep Soviet control without more cost in Soviet lives. If he succeeds he will be a hero at home and in the world and still maintain Soviet power in South Asia.

You do not have to be a cynic or even particularly skeptical about Mr. Gorbachev to realize that this is his immediate goal. He already has established much of the political and military structure in Afghanistan necessary to achieve it. This will be left behind when Soviet troops march out.

He would fail in his duty as guardian of Soviet power if he did not at least try. He would be turning his back on what Moscow historically has believed are deep Russian interests in Afghanistan. He would be betraying the Soviet Army's sacrifices. He could not last long in power if he just gave up and walked away from Afghanistan.

For almost 200 years, Russian rulers, Czarist or Bolshevik, have tried to conquer Afghanistan. Kipling called it "the Great Game."

Now, control of Afghanistan puts the Soviet empire at the doors of the Indian subcontinent. Moscow need not invade Pakistan and India. All it has to do is knock firmly; it will be heard.

Afghanistan also puts Soviet power within tank distance of the warm waters of the Indian Ocean. From Afghanistan, the Soviet Union can move deep into Iran. A true prize, Afghanistan, for a great imperial power.

But the Afghan resistance made Moscow pay a price: 10,000 Soviet lives, a wound that never was stanched, bitterness in the mouths of Soviet parents. Mr. Gorbachev is flexible enough to see that perhaps control can now be maintained without the Red Army and that in the future only Afghan blood need be shed.

Soviet troop withdrawal will leave behind a puppet Government whose ministries are laced with Soviet "advisers." This regime has international recognition. It also has a well-trained army, years of military supplies, and a Soviet-created air force. It has a powerful secret police with close ties to the K.G.B. It has the prospect of unending Soviet-bloc economic assistance.

The Afghan resistance will find itself alone, with the U.S. military assistance that has kept it fighting. It will be under pressure to join a Communist-dominated government. If it does not the world will shake its finger, call them naughty and turn away.

One million Afghans have died. Five million, a third of the nation, are in exile. The Afghans deserve an honorable peace. It is up to the United States, which profited from the stunning bravery of the Afghan resistance, to struggle for it.

1. Moscow must agree to meet with the Afghan resistance. Three countries—the U.S., Pakistan, the Soviet Union—are determining the fate of a fourth. Something like this happened once before, in 1938, in Munich.

2. The U.S. should try to wiggle out of its incredible commitment to end aid to the resistance when the Russians begin to pull out, replacing it with a phased cutoff.

3. The withdrawal agreements should remove not just Soviet troops but the small army of "experts."

4. The powerful Soviet air and communication bases must be dismantled, not turned over to Kabul and the "experts."

5. Territory along the Soviet-Afghan frontier that has been annexed de facto by Moscow should be returned. So should the 10,000 Afghan children in the Soviet Union.

6. The secret police should be disbanded.

7. Afghanistan should be ruled not by the Kabul regime but by an interim government selected by a traditional council of elders in which Kabul would be a participant—along with resistance politicians and military leaders and representatives of Afghan clans and refugees. The permanent government should be chosen by an election in which the Communists can run, after the millions of refugees return.

This would mean a concession by the resistance, which loathes the Communists and wants them out or dead, preferably both. It would also mean the end of total Soviet domination.

It would be a new, more difficult challenge for Mr. Gorbachev—to show whether in the end he will choose peace for Afghanistan or is just playing another card in the game.

[From the Washington Times, Dec. 28, 1987]

AFGHANISTAN, EIGHT YEARS LATER

Yesterday marked the eighth anniversary of the Soviet Union's invasion of Afghanistan. During the eight-year war of conquest, the Soviets have killed 1.2-1.5 million Afghans, roughly a tenth of the pre-war population. Another 5 million people have been driven from Afghanistan and an additional

1.5 million are refugees within their own country.

But despite the modern weaponry of the Red Army and the genocidal tactics of killing combatants and civilians alike, the Soviets have failed to defeat the freedom fighters and win control of Afghanistan. Moscow's recent diplomatic overtures have caused some to believe that Mr. Gorbachev is seeking a face-saving way out, while others suggest that the party of Lenin is trying to win diplomatically what it has been unable to achieve militarily.

The State Department has been working strenuously for a political settlement. Under-secretary of State Michael Armacost has indicated that the main sticking point is the development of a firm timetable for the removal of the 115,000 Soviet troops in the country. The Soviets, who took just two weeks to invade Afghanistan, say they will need 12 months to pull out. But they want the United States to cut off all arms to the Afghan resistance at the outset—not the conclusion—of their withdrawal.

This formula would turn the resistance into sitting ducks. The Soviets have given assurance that they would cease attacking the resistance on the first day of the withdrawal period and would only fight in self-defense. But the Soviets have in the past found pretexts to describe offensive moves as "defensive." And the present assurances of withdrawal from Afghanistan bear more than a passing similarity to statements made since 1980—by Soviet leaders from Brezhnev to Gorbachev—about Kremlin decisions to withdraw.

President Reagan, in an interview just before the summit, rejected even a temporary cutoff of aid to the Afghan resistance so long as "the puppet government that has been left there has a military." Mr. Reagan's statement described a sound policy. Unfortunately, Mr. Armacost and other State Department officials, as they quickly pointed out, don't consider that to be their policy.

Mr. Armacost says the United States is committed to the "understandings" being negotiated between Pakistan and the Kabul puppet regime in Geneva. Translated, that means that the resistance would get cut off on the first day of the withdrawal period.

Congressional sources, smelling a sellout, say that although portions of a draft agreement have been initialed in the U.N.-sponsored Geneva talks, the resistance has never been shown the documents or been adequately briefed. As his recent policy "misstatement" confirms, Mr. Reagan has also been kept in the dark. Deputy Assistant Secretary of State Robert Peck reluctantly admitted in congressional testimony last year that although the State Department has offered to guarantee an agreement reached in Geneva with a U.S. arms cutoff, this was done without the awareness of the President—but with the approval of Secretary of State George Shultz.

President Reagan's sound instinct is that America's policy must be to end the Soviet invasion of Afghanistan on terms set by the freedom fighters, not by Moscow. But State Department policy toward the Afghan freedom fighters appears to be based on a bizarre form of "linkage." A memo written earlier this year by Richard Solomon, State's director of policy planning, reportedly argues that to achieve arms control agreements with the Soviet Union, the United States must work to resolve regional conflicts in which we support anti-Soviet guerrillas. This precisely reverses past American policy, which tried to make arms control agreements contingent upon Soviet good behavior—cutting ties with proxy armies throughout the globe, elimination of Soviet funding for terrorist groups, etc. Mr. Solomon undoubtedly sought to pursue reverse linkage when during the summit he had talks on "regional questions" with Yevgeny Primakov, a senior adviser to Mr. Gorbachev on Afghanistan.

The Afghan freedom fighters have not battled and suffered for eight years in order to become a "regional question" resolved in bilateral superpower talks from which they are excluded. Instead, the Afghanistan experience should demonstrate the grave and very real limits of glasnost. If indeed the Soviet Union is ready to embark upon a new path as a constructive world power, it will stop financing terror and totalitarian rule throughout the world. But as the flow of arms and money to places like Nicaragua, Angola and Afghanistan show, Mr. Gorbachev remains a "traditional" Soviet leader in the sense that he still pursues the Leninist aim of world revolution.

Mr. Gorbachev can solve his Afghanistan problem tomorrow. He can leave. If he wants to arrange an orderly exit, he should negotiate with the freedom fighters he has been killing. The resistance, wisely, will not agree to give up its weapons before all the Soviet invaders have left. Ronald Reagan obviously has believed that this was his policy all along. He should mark the eighth anniversary of the Afghanistan invasion—and honor the millions who have died in the quest for freedom—by ordering his State Department minions to make it their policy, too.

[From the Wall Street Journal, Dec. 30, 1987]

THE AFGHANS STRIKE BACK

The Red Army is celebrating its eighth anniversary in Afghanistan this week by attempting to relieve a besieged Soviet garrison at Khost, near the Pakistan border. Even with hundreds of trucks and several thousand soldiers, the Soviets reportedly still haven't broken through Afghan resistance after three weeks. Is what we're hearing the sound of a crack forming in the Soviet empire?

The quick answer is certainly no. The Soviets will eventually open the road to Khost, and even if they don't they will retain an overwhelming advantage over the mujahadeen in firepower. In the longer run, however, the heroic struggle waged by the Afghan freedom fighters these past eight years sends the world the powerful message that Soviet power can be resisted successfully. The very least the U.S. can do is to resist dubious Soviet promises to "withdraw" from Afghanistan if the U.S. will stop aiding the freedom fighters.

The long battle for Khost is one indication of a startling change in the Afghan war—if the Soviets aren't yet losing, they are clearly bleeding more heavily. Armed with Stinger antiaircraft weapons supplied by the U.S., the rebels have challenged Soviet air superiority. By some accounts, the Soviets are losing a plane or helicopter nearly every day. The rebels (perhaps as many as 150,000 in the field) are also better organized and trained than ever. Morale is high, according to accounts from Afghanistan by our own William McGurn and others.

The 115,000 Soviet troops, on the other hand, have had to retreat to their earlier tactic of traveling mainly in heavily armed convoys. They remain secure inside garrisons like the one at Khost, but even these strongholds would be threatened if the rebels had access to mine-clearing equipment and long-range mortars. Since late November, the U.S. has supplied some rebels, on an experimental basis, with a mine-clearing device known as primacord. Essentially a long rope with an explosive charge, the device could clear paths through the mine fields that now protect the garrisons. To our mind, the only question is why this equipment wasn't supplied to all the rebels years ago.

The increase in Soviet casualties is getting noticed in Moscow, too. The press, which once ignored any news about Afghanistan, now talks about veterans and even current battles. Most intriguing of all, a Soviet peace movement seems to have sprung up. Last weekend, the KGB broke up antiwar demonstrations in Moscow and Leningrad. The protesters, who said they were denied a permit but marched anyway, carried banners that read, "Bring our children back alive from Afghanistan" and "Peace on earth and Afghanistan." Discovering the limits of glasnost, most were arrested and beaten.

All of which brings us back to the Soviet desire to "withdraw." No doubt Mr. Gorbachev is sincere in describing Afghanistan as a "bleeding wound," but that's a long way from letting Afghans determine their own future. As a good Leninist, Mr. Gorbachev understands that an empire built on force begins to crumble the moment its subjects no longer fear its power. He knows, and fears, the kind of message an unconditional Soviet withdrawal would send to Poles, Estonians, Moslems in Central Asia, and others intimidated by the Red Army. Mr. Gorbachev may want to bring the boys back home, but only if any government left behind in Kabul is subservient to the Kremlin.

Indeed, by some accounts the Soviets have worked steadily since 1979 to ensure Soviet influence even without troops. In a recent speech, Elie D. Krakowski, the Pentagon's director of regional defense, noted that in the northern provinces and major cities, the Soviets have stressed economic investment, cultural exchanges and the common ethnic heritage of the Tajiks and Uzbeks on both sides of the Soviet border. Only closer to the border with Iran and Pakistan—where most of the war has been fought—have the Soviets pursued their terror policy of razing villages to encourage refugees.

As Moscow dangles hope of "withdrawal," the U.S. should keep in mind what the Afghan resistance is willing to accept. The latest Soviet proposal is for its troops to take a year to withdraw, though it took them only a week to invade. Mr. Gorbachev also wants all foreign aid to the resistance ended before his troops go home. The resistance rightly considers this a formula that would guarantee the Soviets a monopoly of power in any government transition.

A few critics insist the U.S. is too eager to "fight to the last Afghan," but the point to remember is that it is the Afghans themselves who want to fight. U.S. support for their resistance is a rare case in contemporary Washington of a successful bipartisan policy. It would be a tragedy, both strategic and moral, if we abandoned their cause before every member of the Red Army had left their country.●

By Mr. THURMOND (for himself, Mr. Pryor, Mr. Levin, Mr. Helms, Mr. Hollings, Mr. Domenici, Mr. Gore, Mr. Mitchell, Mr. Kasten, Mr. Proxmire, Mr. Bingaman, and Mr. Durenberger):

S.J. Res. 258. Joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States; to the Committee on Commerce, Science, and Transportation.

URGING CONSUMERS TO BUY AMERICAN-MADE GOODS AND SERVICES

Mr. THURMOND. Mr. President, today I am introducing a joint resolution to promote the purchasing of American products. Senators Pryor, Helms, Hollings, Gore, Proxmire, Bingaman, Kasten, Levin, Mitchell, Durenberger, and Domenici have also joined me as original cosponsors. As we all know, foreign imports have captured a large percentage of the American market, as evidenced by our evergrowing trade deficit. This deficit has led to the loss of over 2 million vital jobs in this country between 1981 and 1987.

Foreign countries realized years ago the potential buying power of the American public. They have flooded our markets with products that are oftentimes subsidized and produced at minimal wages.

We must now remind the American public that products made in the U.S.A. provide us with our most treasured asset—jobs. Each time we purchase a product that is manufactured in this country, we are providing a boost to our economy and are helping prevent the exportation of American jobs.

Mr. President, the principle this joint resolution is based upon is quite simple and common: "Do not bite the hand that feeds you." If the American manufacturing base continues to decline due to lack of sales, so will employment and the high standard of living we all enjoy.

However, I feel if the American people become aware of the impact each purchase can have, they will begin checking each and every label and thereupon make the right choice.

Mr. President, I strongly urge my colleagues to adopt this joint resolution.

Mr. PRYOR. Mr. President, recently during my travels around Arkansas I met a man outside a hardware store in the eastern part of the State. He appeared to be in his late forties and as I talked with him I learned that he had lost his job at an apparel plant that had closed down the year before and had been unable to find permanent work elsewhere. This gentleman was not well-educated and would not be a candidate for a high-tech type of job. As a result, he had been trying to make do with a series of low-paying, temporary jobs.

His story was not unusual. A number of textile, apparel, and shoe plants have had to close their doors in Arkansas over the past few years, reducing the number of jobs available and flooding the market with experienced workers.

On one day alone late in 1984, my State lost 1,886 jobs when textile plants in two towns on opposite sides of the State were shut down. Unfortunately, these closings had become an all too common occurrence in Arkansas. Since 1982 we have had textile, apparel, and footwear plant closings in Brinkley, Conway, Heber Springs, Tyronza, Little Rock, Stuttgart, Batesville, Crossett, Dermott, Forrest City, Leachville, Marianna, Mayflower, Beebe, Mena, Arkadelphia, Star City, Osceola, Piggott, Paragould, Monticello, my hometown of Camden, Hampton, Augusta, Morrilton, Menifee, Manila, Paris, and Pine Bluff.

In 1970, Arkansas firms employed 4,200 textile workers, 16,000 apparel workers, and 7,590 shoe workers. Last year that number had shrunk to 1,800 textile workers, 10,700 apparel workers, and 4,920 shoe workers.

In addition, the agricultural, timber, and oil sectors of our economy have become depressed and offer little or no employment opportunity.

The gentleman I talked with in Arkansas was typical of many of the recently unemployed. He was not looking for sympathy or a hand out, but he did have a number of very sensible questions concerning our trade policy: Did I think it was fair that U.S. workers were competing against foreign workers who received only a few dollars a day and worked under sweatshop conditions? Were the TV reports true that other countries were keeping U.S. goods out of their markets? Finally, he politely asked the bottom-line question. What was our Government going to do about it?

The joint resolution we are introducing today does not solve all these problems. It is not a substitute for a comprehensive trade bill which I hope we will adopt soon. However, this joint resolution recognizes the natural patriotism of the American people and their concern and desire to do something about our national trade problem given the opportunity.

Our joint resolution would ask public officials, civic leaders, and organizations to educate the American people on the importance of "Buying American"; whenever feasible.

To be honest, it's not an idea that's original to those of us introducing the joint resolution today. In Arkansas we've already seen the Buy-America concept instituted and proven by the man just recently listed as the richest man in America. Sam Walton of Bentonville, AR, the founder and chairman of Wal-Mart stores, announced in March 1985 his own Buy-America program. Mr. Walton has worked with American manufacturers to provide the leadtimes, specifications, levels of cooperation, and assured markets necessary to them to install the improved equipment and machinery necessary to increase their productivity and product quality while offering the lowest possible price. He has proven the value of working to develop American suppliers rather than turning automatically to those overseas. The idea of a national Buy-America resolution was first brought to me earlier this year by another Arkansan, Mr. Harold Jinks of Piggott, AR, who has dedicated his adult life to public service.

Our joint resolution is a simple one. It calls on the President, the Governors, and the mayors to promote the "Buy-American" concept by issuing proclamations calling on the American people to support American manufacturing and service providers. It also requests civic leaders, consumer organizations, the mass media, and manufacturers to do all they can to promote awareness of the origin of goods and services and the importance of selecting American-made goods and services.

As I said before, we realize that such a joint resolution cannot by itself erase our trade deficit. However, we believe the American people are patriotic and are concerned about doing their part to protect American industries and jobs. When given the choice, our people want to be able to buy an American product.

Whether it be an automobile or a blouse, a television set or a tractor, the American consumer makes millions of purchases each day. We hope you will join us in our campaign to influence these purchase decisions and thus save the jobs of thousands of working men and women in this country.

ADDITIONAL COSPONSORS

S. 675

At the request of Mr. Mitchell, the names of the Senator from New Hampshire [Mr. Rudman], the Senator from Rhode Island [Mr. Pell], the Senator from South Dakota [Mr. Daschle], and the Senator from Connecticut [Mr. Weicker] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990 1991, and 1992.

S. 714

At the request of Mr. Specter, the names of the Senator from Alabama [Mr. Shelby] and the Senator from California [Mr. Wilson] were added as cosponsors of S. 714, a bill to recognize

the organization known as Montford Point Marine Association, Inc.

S. 783

At the request of Mr. Heinz, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of S. 783, a bill to amend the Tariff Schedules of the United States to correct the tariff rate inversion on certain iron and steel pipe and tube products.

S. 1052

At the request of Mr. Specter, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of S. 1052, a bill to establish a National Center for the U.S. Constitution within the Independence National Historical Park in Philadelphia, PA.

S. 1505

At the request of Mr. Lautenberg, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of S. 1505, a bill to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience and for other purposes.

S. 1522

At the request of Mr. Riegle, the names of the Senator from North Dakota [Mr. Burdick], the Senator from New Jersey [Mr. Lautenberg], the Senator from Missouri [Mr. Danforth], and the Senator from Florida [Mr. Graham] were added as cosponsors of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

At the request of Mr. Riegle, the name of the Senator from New Jersey [Mr. Bradley] was withdrawn as a cosponsor of S. 1522, supra.

S. 1586

At the request of Mr. Kerry, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 1586, a bill to provide financial assistance under the Education of the Handicapped Act to assist severely handicapped infants, children, and youth to improve their educational opportunities through the use of assistive device resource centers, and for other purposes.

S. 1595

At the request of Mr. Domenici, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 1595, a bill to amend title 5, United States Code, to provide for the establishment of a voluntary leave transfer program for Federal employees, and for other purposes.

S. 1673

At the request of Mr. Chafee, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 1785

At the request of Mr. Dixon, the names of the Senator from Tennessee [Mr. Gore], the Senator from Massachusetts [Mr. Kennedy], the Senator from Nevada [Mr. Reid], the Senator from North Dakota [Mr. Burdick], the Senator from Massachusetts [Mr. Kerry], the Senator from Louisiana [Mr. Breaux], the Senator from Montana [Mr. Melcher], and the Senator from Alabama [Mr. Heflin] were added as cosponsors of S. 1785, a bill to amend section 601 of title 17 of the United States Code, the Copyright Act.

S. 1830

At the request of Mr. Sanford, the names of the Senator from Mississippi [Mr. Cochran] and the Senator from Alabama [Mr. Heflin] were added as cosponsors of S. 1830, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition—and a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers born in years after 1916 and before 1930—and related beneficiaries—and to provide for increases on their benefits accordingly, and for other purposes.

S. 1969

At the request of Mr. Heinz, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 1969, a bill to provide improved programs for training and self-employment in the case of unemployment compensation.

S. 2003

At the request of Mr. Gramm, the names of the Senator from Iowa [Mr. Grassley], the Senator from Mississippi [Mr. Cochran], the Senator from Colorado [Mr. Armstrong], the Senator from Louisiana [Mr. Breaux], the Senator from Kansas [Mrs. Kassebaum], the Senator from California [Mr. Wilson], the Senator from Virginia [Mr. Warner], and the Senator from Utah [Mr. Hatch] were added as cosponsors of S. 2003, a bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes.

S. 2009

At the request of Mr. Dole, the name of the Senator from New Mexico [Mr. Domenici] was added as a cosponsor of S. 2009, a bill to establish a national advisory council on children's issues, to provide a Federal-State Child Care Grant Program, and for other purposes.

S. 2015

At the request of Mr. Kennedy, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 2015, a bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program.

S. 2042

At the request of Mr. Durenberger, the names of the Senator from Tennessee [Mr. Gore] and the Senator from Oregon [Mr. Packwood] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

SENATE JOINT RESOLUTION 197

At the request of Mr. Dole, the name of the Senator from Washington [Mr. Evans] was added as a cosponsor of Senate Joint Resolution 197, a bill to designate the month of April 1988, as "Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 199

At the request of Mr. Byrd, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of Senate Joint Resolution 199, a joint resolution to designate the month of May 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 212

At the request of Mr. Dixon, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from Minnesota [Mr. Durenberger], the Senator from North Carolina [Mr. Sanford], the Senator from Missouri [Mr. Bond], the Senator from North Carolina [Mr. Helms], the Senator from Michigan [Mr. Levin], the Senator from Iowa [Mr. Grassley], the Senator from Georgia [Mr. Nunn], the Senator from Rhode Island [Mr. Chafee], the Senator from Idaho [Mr. McClure], the Senator from Maine [Mr. Mitchell], the Senator from Virginia [Mr. Warner], the Senator from Missouri [Mr. Danforth], the Senator from Vermont [Mr. Stafford], the Senator from Arizona [Mr. DeConcini], the Senator from California [Mr. Wilson], the Senator from Florida [Mr. Chiles], the Senator from Illinois [Mr. Simon], the Senator from Mississippi [Mr. Stennis], the Senator from Alabama [Mr. Shelby], the Senator from Colorado [Mr. Wirth], the Senator from Connecticut [Mr. Dodd], the Senator from Virginia [Mr. Trible], the Senator from West Virginia [Mr. Rockefeller], the Senator from Montana [Mr. Baucus], the Senator from Ohio [Mr. Glenn], the Senator from South Carolina [Mr. Thurmond], the Senator from Arkansas [Mr. Pryor], the Senator from Kansas [Mr. Dole], the Senator from Connecticut [Mr. Weicker], the Senator from New York [Mr. Moynihan], the Senator from South Carolina [Mr. Hollings], the Senator from Hawaii [Mr. Inouye], the Senator from Washington [Mr. ADAMS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Texas [Mr. BENTSEN], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Georgia [Mr. FOWLER], the Senator from New Mexico [Mr. DOMENICI], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Delaware [Mr. ROTH], the Senator from Idaho [Mr. SYMMS], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 212, a joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week."

SENATE JOINT RESOLUTION 224

At the request of Mr. HECHT, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DECONCINI, the names of the Senator from Montana [Mr. MELCHER], the Senator from Tennessee [Mr. GORE], the Senator from Virginia [Mr. TRIBLE], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 244

At the request of Mr. EXON, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from New York [Mr. MOYNIHAN], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 244, a joint resolution to designate the month of April 1988 as "National Know Your Cholesterol Month."

SENATE JOINT RESOLUTION 246

At the request of Mr. DECONCINI, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution to designate the month of April 1988 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 247

At the request of Mr. BRADLEY, the names of the Senator from Maine [Mr. MITCHELL], the Senator from South Carolina [Mr. THURMOND], the Senator from Washington [Mr. EVANS], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 247, a joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

SENATE JOINT RESOLUTION 248

At the request of Mr. QUAYLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 249

At the request of Mr. RIEGLE, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arkansas [Mr. BUMPERS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Florida [Mr. GRAHAM], the Senator from Nevada [Mr. REID], the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Jersey [Mr. BRADLEY], the Senator from Indiana [Mr. LUGAR], the Senator from Michigan [Mr. LEVIN], the Senator from Vermont [Mr. LEAHY], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Delaware [Mr. ROTH], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], the Senator from California [Mr. WILSON], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Utah [Mr. HATCH], the Senator from Tennessee [Mr. GORE], the Senator from Nebraska [Mr. EXON], the Senator from Arkansas [Mr. PRYOR], the Senator from Nebraska [Mr. KARNES], the Senator from Washington [Mr. ADAMS], the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. MCCAIN], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Vermont [Mr. STAFFORD], the Senator from Virginia [Mr. TRIBLE], the Senator from Connecticut [Mr. WEICKER], the Senator from South Dakota [Mr. DASCHLE], the Senator from Utah [Mr. GARN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Massachusetts [Mr. KERRY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. THURMOND], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. D'AMATO], the Senator from Maryland [Ms. MIKULSKI], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. MOYNIHAN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Idaho [Mr. MCCLURE], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Joint Resolution 249, a joint resolution designating June 14, 1988, "Baltic Freedom Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. BURDICK, the names of the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Ohio [Mr. GLENN], the Senator from California [Mr. WILSON], the Senator from Michigan [Mr. LEVIN], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Nevada [Mr. HECHT], the Senator from South Dakota [Mr. DASCHLE], the Senator from Virginia [Mr. WARNER], the Senator from Texas [Mr. BENTSEN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Florida [Mr. CHILES], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. FOWLER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Arkansas [Mr. PRYOR], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Oklahoma [Mr. BOREN], the Senator from South Carolina [Mr. THURMOND], the Senator from Colorado [Mr. WIRTH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Vermont [Mr. LEAHY], the Senator from Wisconsin [Mr. KASTEN], the Senator from Maine [Mr. MITCHELL], the Senator from Wyoming [Mr. WALLOP], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 254, a joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week."

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. HUMPHREY, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. ADAMS, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Vermont [Mr. LEAHY], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Carolina [Mr. SANFORD], the Senator from Hawaii [Mr. INOUYE], the Senator from Nebraska [Mr. EXON], the Senator from New York [Mr. MOYNIHAN], the Senator from Michigan [Mr. LEVIN], the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Connecticut [Mr. WEICKER],

and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Concurrent Resolution 97, a concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes.

AMENDMENTS SUBMITTED

SENATORIAL ELECTION CAMPAIGN ACT

BOREN AMENDMENT NO. 1403

Mr. BOREN proposed a motion to recommit the bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; with instructions to report back forthwith with the following amendment:

Strike all after the enacting clause and insert the following "That this Act may be cited as the "Senatorial Election Campaign Act of 1987".

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC MATCHING PAYMENTS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'contribution' includes a payment described in section 301(8)(B)(x), made by a State or local committee of a political party, if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(8)(B)(x) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(5) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, such term shall begin on the first day following the date of the last general election and ending on the date of the next election;

"(6) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive payments under this title;

"(7) the term 'expenditure' includes a payment described in section 301(9)(B)(viii), by a State or local committee of a political party if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(9)(B)(viii) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(8) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(9) the term 'general election period' means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved and ending on the date of such election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(10) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister, of the candidate and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(11) the term 'major party' means 'major party' as defined in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(12) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(13) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(14) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(15) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(16) the term 'Senate Fund' means the Senate Election Campaign Fund maintained by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(17) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, as determined by the Commission—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the date of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or at least equal to $150,001, whichever is greater, up to an amount that is not more than $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate by such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended and will not expend, for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b) or more than $2,750,000, whichever amount is less, unless such amount is increased pursuant to section 503(g);

"(4) certify to the Commission under penalty of perjury that such candidate has not expended and will not expend for runoff elections, if any, more than 20 percent of the maximum amount of the limitation applicable to such candidate as determined under section 503(b), unless such amount is increased pursuant to section 503(g);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved in excess of the limitation on expenditures established in section 503(b);

"(D) will deposit all payments received under this section at a national or State bank in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on such account;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission;

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(G) will not use any broadcast station, as such term is used in section 315 of the Communications Act of 1934, for the television broadcasting of a political announcement or advertisement during which reference is made to an opponent of such candidate unless such reference is made by such candidate personally and such candidate is identified or identifiable during at least 50 percent of the time of such announcement or advertisement, if such opponent has agreed to the requirements of this title or has received funds pursuant to the provisions of this title; and

"(8) apply to the Commission for payments as provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election for the office of United States Senator no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who receives a payment for use in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $20,000, during the election cycle.

"(b) Except as otherwise provided in this Act, no candidate who receives matching payments for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends, for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less, except as provided in subsection (g).

"(e) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b), except as provided in subsection (g).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) Notwithstanding the provisions of subsection (b), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(3) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) the Fund contains only contributions (including contributions received from individuals which, when added to all other contributions and matching payments, exceed the limitations on expenditures) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total of contributions to, and expenditures from, the Fund will not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers may be made from the Fund to any other accounts of the candidate's authorized committees, except that the Fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the Fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any funds left when the candidate terminates or dissolves the fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the two-year election cycle preceding the candidate's election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsection (d) and subsection (e), as they apply to such candidate, shall be increased in an amount equal to the amount of such expenditures.

"(h) If the provisions of section 506(c) apply and such candidate does not receive his full entitlement to matching payments, such candidate may accept aggregate contributions in an amount which, when added to the aggregate expenditures made by such candidate do not exceed the limitation on expenditures applicable to such candidate pursuant to section 503.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) eligible candidates shall be entitled to matching payments under section 506 in an amount equal to the amount of each contribution received by such candidate and such

candidate's authorized committees, provided that in determining the amount of each such contribution—

"(A) the provisions of section 502(b) shall apply; and

"(B) the contributions required by section 502(a)(1) shall not be eligible for matching payments under this title; and

the total amount of payments to which a candidate is entitled under this paragraph shall not exceed 50 percent of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1);

"(2)(A) an eligible candidate who is a candidate of a major party shall be entitled to a payment under section 506 in an amount equal to the amount of the limitation determined under section 503(b) with regard to such candidate, if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election;

"(B) an eligible candidate who is not a candidate of a major party shall be entitled to matching payments under section 506, equal to the amount of contributions received by such candidate and the candidate's authorized committees if any candidate in the same general election not eligible to receive payments under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions matched under subparagraph (A) of this paragraph or required to be raised under section 502(a)(1) shall not be eligible to be matched under this paragraph; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate;

"(3) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(B) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved by any person in opposition to, or on behalf of an opponent of, such eligible candidate, as reported by such person or determined by the Commission under subsection (f) or (g) of section 304.

"(b) A candidate who receives payments under paragraph (2) or (3)(B) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c) A candidate who receives payments under this section may receive contributions and make expenditures for the general election without regard to the provisions of subparagraphs (A) and (C) of section 502(a)(7) or subsections (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes aggregate expenditures for such election which exceed twice the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Payments received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such payments shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"(e)(1) Except as provided in paragraph (2), a candidate eligible to receive payments pursuant to this title shall be entitled to matching payments equal to the amount of contributions eligible to be matched which are received from individuals in amounts of $250 or less, to be paid in—

"(A) multiples of $20,000 under section 506, if, with respect to each such payment, the eligible candidate and the authorized committees of such candidate have received, in addition to the amount of contributions certified by the candidate to the Commission under section 502(a)(1), contributions aggregating $20,000 which have not been matched under this section and which qualify for matching funds; and

"(B) a final payment (designated as such by the candidate involved) of the balance of the matching funds to which such candidate is entitled under this section.

"(2) The total of the payments to which a candidate is entitled under paragraph (1) shall not exceed 50 per centum of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1).

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive payments under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall, from time to time, deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate for the next presidential election. The monies designated for such account shall remain available without fiscal year limitation.

"(b) Pursuant to the priorities provided in paragraph (3) of subsection (c), upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"(3) If the provisions of this subsection apply and the monies in the fund are not sufficient to satisfy the full entitlement of all candidates, in addition to the procedures provided in paragraph (2), the Secretary shall give priority to general election payments and pay such payments, or portions thereof, before other payments made pursuant to this title.

"(d) On February 28, 1993, and each February 28 of any odd-numbered calendar year thereafter, the Commission shall determine the total amount in the Fund attributable to amounts designated under section 6096 of the Internal Revenue Code of 1986 and evaluate if such amount exceeds the total estimated expenditures of the Fund for the election cycle ending with the next Federal election. If it is determined that an excess amount exists, the Secretary of the Treasury shall transfer such excess to the general funds of the Treasury of the United States.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign account of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any payment made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such funds.

"(d) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure up to an amount not in excess of the payments received pursuant to section 504.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept payments under this title in excess of the aggregate payments to which such candidate is entitled or knowingly or willfully use such payments for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any payment under this title, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any payments received by any candidate who receives payments under this title, or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any payments received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or payment received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": *Provided*, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(8) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of such Act;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(8), each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for United States Senator who qualifies for the ballot for a general election, as such term is defined in section 501(8)—

"(A) who is not eligible to receive payments under section 502, and

"(B) who either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. If such total is less than two times the limit, such candidate thereafter shall file a report with the Commission within 24 hours after either raising aggregate contributions or making aggregate expenditures for such election which exceed twice the amount of the limitation determined under section 503(b), setting forth the candidate's total contributions and total expenditures for such election.

"(2) The Commission, within 24 hours after such report has been filed, shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504, about each such report, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(8), who is not eligible to receive payments under section 504, has raised aggregate contributions or made aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election or exceed double such amount. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive payments under section 504 about each such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(8), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph made by the same person in the same election shall be reported, within 24 hours after, each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. If any such independent expenditures are made during the general election cycle, and if such candidate is eligible to receive payments pursuant to title V of this Act, the Commission shall, within 24 hours after such report is made, notify such candidate in the election involved about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(8), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive payments under section 504 about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(l) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or making of expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multi-candidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEVERABILITY

SEC. 13. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 14. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

BYRD AMENDMENT NO. 1404

Mr. BYRD proposed an amendment to the motion to recommit with instructions proposed by Mr. BOREN to the bill S. 2, supra; as follows:

In the instructions strike all after "SEC. 2" and insert the following:

The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC MATCHING PAYMENTS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'contribution' includes a payment described in section 301(8)(B)(x), made by a State or local committee of a political party, if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(8)(B)(x) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(5) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, such term shall begin on the first day following the date of the last general election and ending on the date of the next election;

"(6) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive payments under this title;

"(7) the term 'expenditure' includes a payment described in section 301(9)(B)(viii), by a State or local committee of a political party if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(9)(B)(viii) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(8) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(9) the term 'general election period' means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved and ending on the date of such election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(10) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister, of the candidate and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(11) the term 'major party' means 'major party' as defined in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(12) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(13) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(14) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s)

should be certified as nominee(s) for the Federal office sought;

"(15) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(16) the term 'Senate Fund' means the Senate Election Campaign Fund maintained by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(17) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, as determined by the Commission—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the date of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or at least equal to $149,000, whichever is greater, up to an amount that is not more than $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate by such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended and will not expend, for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b) or more than $2,750,000, whichever amount is less, unless such amount is increased pursuant to section 503(g);

"(4) certify to the Commission under penalty of perjury that such candidate has not expended and will not expend for runoff elections, if any, more than 20 percent of the maximum amount of the limitation applicable to such candidate as determined under section 503(b), unless such amount is increased pursuant to section 503(g);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved in excess of the limitation on expenditures established in section 503(b);

"(D) will deposit all payments received under this section at a national or State bank in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on such account;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission;

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(G) will not use any broadcast station, as such term is used in section 315 of the Communications Act of 1934, for the television broadcasting of a political announcement or advertisement during which reference is made to an opponent of such candidate unless such reference is made by such candidate personally and such candidate is identified or identifiable during at least 50 percent of the time of such announcement or advertisement, if such opponent has agreed to the requirements of this title or has received funds pursuant to the provisions of this title; and

"(8) apply to the Commission for payments as provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election for the office of United States Senator no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who receives a payment for use in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $20,000, during the election cycle.

"(b) Except as otherwise provided in this Act, no candidate who receives matching payments for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends, for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less, except as provided in subsection (g).

"(e) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b), except as provided in subsection (g).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) Notwithstanding the provisions of subsection (b), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(3) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) the Fund contains only contributions (including contributions received from individuals which, when added to all other contributions and matching payments, exceed the limitations on expenditures) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total of contributions to, and expenditures from, the Fund will not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers may be made from the Fund to any other accounts of the candidate's authorized committees, except that the Fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the Fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any funds left when the candidate terminates or dissolves the fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the two-year election cycle preceding the candidate's election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsection (d) and subsection (e), as they apply to such candidate, shall be increased in an amount equal to the amount of such expenditures.

"(h) If the provisions of section 506(c) apply and such candidate does not receive his full entitlement to matching payments, such candidate may accept aggregate contributions in an amount which, when added to the aggregate expenditures made by such candidate do not exceed the limitation on expenditures applicable to such candidate pursuant to section 503.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) eligible candidates shall be entitled to matching payments under section 506 in an amount equal to the amount of each contribution received by such candidate and such candidate's authorized committees, provided that in determining the amount of each such contribution—

"(A) the provisions of section 502(b) shall apply; and

"(B) the contributions required by section 502(a)(1) shall not be eligible for matching payments under this title; and

the total amount of payments to which a candidate is entitled under this paragraph shall not exceed 50 percent of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1);

"(2)(A) an eligible candidate who is a candidate of a major party shall be entitled to a payment under section 506 in an amount equal to the amount of the limitation determined under section 503(b) with regard to such candidate, if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election;

"(B) an eligible candidate who is not a candidate of a major party shall be entitled to matching payments under section 506, equal to the amount of contributions received by such candidate and the candidate's authorized committees if any candidate in the same general election not eligible to receive payments under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions matched under subparagraph (A) of this paragraph or required to be raised under section 502(a)(1) shall not be eligible to be matched under this paragraph; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate;

"(3) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(B) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved by any person in opposition to, or on behalf of an opponent of, such eligible candidate, as reported by such person or determined by the Commission under subsection (f) or (g) of section 304.

"(b) A candidate who receives payments under paragraph (2) or (3)(B) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c) A candidate who receives payments under this section may receive contributions and make expenditures for the general election without regard to the provisions of subparagraphs (A) and (C) of section 502(a)(7) or subsections (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes aggregate expenditures for such election which exceed twice the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Payments received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such payments shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"(e)(1) Except as provided in paragraph (2), a candidate eligible to receive payments pursuant to this title shall be entitled to matching payments equal to the amount of contributions eligible to be matched which are received from individuals in amounts of $250 or less, to be paid in—

"(A) multiples of $20,000 under section 506, if, with respect to each such payment, the eligible candidate and the authorized committees of such candidate have received, in addition to the amount of contributions certified by the candidate to the Commission under section 502(a)(1), contributions aggregating $20,000 which have not been matched under this section and which qualify for matching funds; and

"(B) a final payment (designated as such by the candidate involved) of the balance of the matching funds to which such candidate is entitled under this section.

"(2) The total of the payments to which a candidate is entitled under paragraph (1) shall not exceed 50 per centum of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1).

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive payments under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall, from time to time, deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate for the next presidential election. The monies designated for such account shall remain available without fiscal year limitation.

"(b) Pursuant to the priorities provided in paragraph (3) of subsection (c), upon receipt

of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"(3) If the provisions of this subsection apply and the monies in the fund are not sufficient to satisfy the full entitlement of all candidates, in addition to the procedures provided in paragraph (2), the Secretary shall give priority to general election payments and pay such payments, or portions thereof, before other payments made pursuant to this title.

"(d) On February 28, 1993, and each February 28 of any odd-numbered calendar year thereafter, the Commission shall determine the total amount in the Fund attributable to amounts designated under section 6096 of the Internal Revenue Code of 1986 and evaluate if such amount exceeds the total estimated expenditures of the Fund for the election cycle ending with the next Federal election. If it is determined that an excess amount exists, the Secretary of the Treasury shall transfer such excess to the general funds of the Treasury of the United States.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign account of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any payment made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such funds.

"(d) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure up to an amount not in excess of the payments received pursuant to section 504.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept payments under this title in excess of the aggregate payments to which such candidate is entitled or knowingly or willfully use such payments for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any payment under this title, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any payments received by any candidate who receives payments under this title, or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any payments received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or payment received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": *Provided*, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(8) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of such Act;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(8), each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for United States Senator who qualifies for the ballot for a general election, as such term is defined in section 501(8)—

"(A) who is not eligible to receive payments under section 502, and

"(B) who either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. If such total is less than two times the limit, such candidate thereafter shall file a report with the Commission within 24 hours after either raising aggregate contributions or making aggregate expenditures for such election which exceed twice the amount of the limitation determined under section 503(b), setting forth the candidate's total contributions and total expenditures for such election.

"(2) The Commission, within 24 hours after such report has been filed, shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504, about each such report, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(8), who is not eligible to receive payments under section 504, has raised aggregate contributions or made aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election or exceed double such amount. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive payments under section 504 about each such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(8), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph made by the same person in the same election shall be reported, within 24 hours after, each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. If any such independent expenditures are made during the general election cycle, and if such candidate is eligible to receive payments pursuant to title V of this Act, the Commission shall, within 24 hours after such report is made, notify such candidate in the election involved about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(8), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive payments under section 504 about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or making of expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multi-candidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

Sec. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirect'y, to or on behalf of a particular candidate, tnrough an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

Sec. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

Sec. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

Sec. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

Sec. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

Sec. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEVERABILITY

Sec. 13. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

Sec. 14. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

BOREN AMENDMENT NO. 1405

Mr. BOREN proposed an amendment to amendment No. 1404 proposed by Mr. Byrd to the motion to recommit with instructions proposed by Mr. Boren to the bill S. 2, supra; as follows:

In the amendment strike all after the word "Federal" on line 3 and Insert the following:

Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC MATCHING PAYMENTS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"Sec. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'contribution' includes a payment described in section 301(8)(B)(x), made by a State or local committee of a political party, if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(8)(B)(x) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(5) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, such term shall begin on the first day following the date of the last general election and ending on the date of the next election;

"(6) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive payments under this title;

"(7) the term 'expenditure' includes a payment described in section 301(9)(B)(viii), by a State or local committee of a political party if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section

301(9)(B)(viii) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(8) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(9) the term 'general election period' means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved and ending on the date of such election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(10) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister, of the candidate and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(11) the term 'major party' means 'major party' as defined in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(12) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(13) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(14) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(15) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(16) the term 'Senate Fund' means the Senate Election Campaign Fund maintained by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(17) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, as determined by the Commission—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the date of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or at least equal to $150,000, whichever is greater, up to an amount that is not more than $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate by such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended and will not expend for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b) or more than $2,750,000, whichever amount is less, unless such amount is increased pursuant to section 503(g);

"(4) certify to the Commission under penalty of perjury that such candidate has not expended and will not expend for runoff elections, if any, more than 20 percent of the maximum amount of the limitation applicable to such candidate as determined under section 503(b), unless such amount is increased pursuant to section 503(g);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved in excess of the limitation on expenditures established in section 503(b);

"(D) will deposit all payments received under this section at a national or State bank in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on such account;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission;

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(G) will not use any broadcast station, as such term is used in section 315 of the Communications Act of 1934, for the television broadcasting of a political announcement or advertisement during which reference is made to an opponent of such candidate unless such reference is made by such candidate personally and such candidate is identified or identifiable during at least 50 percent of the time of such announcement or advertisement, if such opponent has agreed to the requirements of this title or has received funds pursuant to the provisions of this title; and

"(8) apply to the Commission for payments as provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election for the office of United States Senator no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who receives a payment for use in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $20,000, during the election cycle.

"(b) Except as otherwise provided in this Act, no candidate who receives matching payments for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends, for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less, except as provided in subsection (g).

"(e) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b), except as provided in subsection (g).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) Notwithstanding the provisions of subsection (b), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(3) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) the Fund contains only contributions (including contributions received from individuals which, when added to all other contributions and matching payments, exceed the limitations on expenditures) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total of contributions to, and expenditures from, the Fund will not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers may be made from the Fund to any other accounts of the candidate's authorized committees, except that the Fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the Fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any funds left when the candidate terminates or dissolves the fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the two-year election cycle preceding the candidate's election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsection (d) and subsection (e), as they apply to such candidate, shall be increased in an amount equal to the amount of such expenditures.

"(h) If the provisions of section 506(c) apply and such candidate does not receive his full entitlement to matching payments, such candidate may accept aggregate contributions in an amount which, when added to the aggregate expenditures made by such candidate do not exceed the limitation on expenditures applicable to such candidate pursuant to section 503.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) eligible candidates shall be entitled to matching payments under section 506 in an amount equal to the amount of each contribution received by such candidate and such candidate's authorized committees, provided that in determining the amount of each such contribution—

"(A) the provisions of section 502(b) shall apply; and

"(B) the contributions required by section 502(a)(1) shall not be eligible for matching payments under this title; and

the total amount of payments to which a candidate is entitled under this paragraph shall not exceed 50 percent of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1);

"(2)(A) an eligible candidate who is a candidate of a major party shall be entitled to a payment under section 506 in an amount equal to the amount of the limitation determined under section 503(b) with regard to such candidate, if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election;

"(B) an eligible candidate who is not a candidate of a major party shall be entitled to matching payments under section 506, equal to the amount of contributions received by such candidate and the candidate's authorized committees if any candidate in the same general election not eligible to receive payments under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions matched under subparagraph (A) of this paragraph or required to be raised under section 502(a)(1) shall not be eligible to be matched under this paragraph; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate;

"(3) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(B) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved by any person in opposition to, or on behalf of an opponent of, such eligible candidate, as reported by such person or determined by the Commission under subsection (f) or (g) of section 304.

"(b) A candidate who receives payments under paragraph (2) or (3)(B) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c) A candidate who receives payments under this section may receive contributions and make expenditures for the general election without regard to the provisions of subparagraphs (A) and (C) of section 502(a)(7) or subsections (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes aggregate expenditures for such election which exceed twice the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Payments received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such payments shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"(e)(1) Except as provided in paragraph (2), a candidate eligible to receive payments pursuant to this title shall be entitled to matching payments equal to the amount of contributions eligible to be matched which are received from individuals in amounts of $250 or less, to be paid in—

"(A) multiples of $20,000 under section 506, if, with respect to each such payment, the eligible candidate and the authorized committees of such candidate have received, in addition to the amount of contributions certified by the candidate to the Commission under section 502(a)(1), contributions aggregating $20,000 which have not been matched under this section and which qualify for matching funds; and

"(B) a final payment (designated as such by the candidate involved) of the balance of the matching funds to which such candidate is entitled under this section.

"(2) The total of the payments to which a candidate is entitled under paragraph (1) shall not exceed 50 per centum of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1).

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive payments under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall, from time to time, deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate for the next presidential election. The monies designated for such account shall remain available without fiscal year limitation.

"(b) Pursuant to the priorities provided in paragraph (3) of subsection (c), upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"(3) If the provisions of this subsection apply and the monies in the fund are not sufficient to satisfy the full entitlement of all candidates, in addition to the procedures provided in paragraph (2), the Secretary shall give priority to general election payments and pay such payments, or portions thereof, before other payments made pursuant to this title.

"(d) On February 28, 1993, and each February 28 of any odd-numbered calendar year thereafter, the Commission shall determine the total amount in the Fund attributable to amounts designated under section 6096 of the Internal Revenue Code of 1986 and evaluate if such amount exceeds the total estimated expenditures of the Fund for the election cycle ending with the next Federal election. If it is determined that an excess amount exists, the Secretary of the Treasury shall transfer such excess to the general funds of the Treasury of the United States.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign account of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any payment made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such funds.

"(d) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure up to an amount not in excess of the payments received pursuant to section 504.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept payments under this title in excess of the aggregate payments to which such candidate is entitled or knowingly or willfully use such payments for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any payment under this title, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any payments received by any candidate who receives payments under this title, or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any payments received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or payment received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": *Provided,* That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(8) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of such Act;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(8), each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for United States Senator who qualifies for the ballot for a general election, as such term is defined in section 501(8)—

"(A) who is not eligible to receive payments under section 502, and

"(B) who either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. If such total is less than two times the limit, such candidate thereafter shall file a report with the Commission within 24 hours after either raising aggregate contributions or making aggregate expenditures for such election which exceed twice the amount of the limitation determined under section 503(b), setting forth the candidate's total contributions and total expenditures for such election.

"(2) The Commission, within 24 hours after such report has been filed, shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504, about each such report, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(8), who is not eligible to receive payments under section 504, has raised aggregate contributions or made aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election or exceed double such amount. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive payments under section 504 about each such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any (including those described in subsection (b)(6)(B)(iii)), made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(8), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph made by the same person in the same election shall be reported, within 24 hours after, each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(8)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. If any such independent expenditures are made during the general election cycle, and if such candidate is eligible to receive payments pursuant to title V of this Act, the Commission shall, within 24 hours after such report is made, notify such candidate in the election involved about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(8), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive payments under section 504 about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or making of expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multi-candidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEVERABILITY

SEC. 13. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 14. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS

MELCHER AMENDMENT NO. 1406

(Ordered to lie on the table.)

Mr. MELCHER submitted an amendment intended to be proposed by him to the bill (S. 1703) to amend the Indian Self-Determination and Education Assistance Act, and for other purposes; as follows:

Section 209 of S. 1703, as reported, is amended by deleting Section 209 in its entirety and the following new section is substituted in lieu thereof:

TRIBAL SELF GOVERNANCE PLANNING PROJECT

(1) Notwithstanding any other provision of law, the Bureau of Indian Affairs shall administer the $1,000,000 provided for a "Tribal Governance Demonstration Project" in the Continuing Resolution making appropriations for FY 88 according to the following criteria:

(a) The agency shall award competitive grants to tribes which submit applications for the purpose of planning tribal budgets according to tribally determined priorities.

(b) The Secretary shall determine the amount of grant award based upon the budget justification proposed by each tribe.

(c) At least one grant shall be awarded to a tribe in each of the 12 areas of the BIA.

(d) None of the formula education funds for: (1) tribally controlled community colleges under the authority of P.L. 95-471 as amended; (2) BIA funded elementary and secondary schools under the authority of P.L. 95-561; (3) Johnson O'Malley funds shall be included in the consolidated grant planning process.

(e) The Secretary shall only approve legal and consulting fees which are based upon actual billable hours; but in no event shall such fees exceed 10% of the total grant.

(f) In order to be eligible to apply for grants under this section, a tribe must be able to document that it has had no significant audit exceptions for the two fiscal years immediately preceding the application date.

(g) Each tribe which applies for a grant under this section must agree to conduct a public hearing within the reservation boundries to provide tribal members the opportunity to recommend and comment on the proposed tribally determined budgets; and further, any objection to the tribal plan registered by a tribal program be noted in the final plan.

(h) Each tribe which applies for a grant under this section shall be required to submit a tribal council resolution approving such application.

(i) A copy of each plan developed by the tribes receiving grants under this section shall be submitted by the BIA to the Select Committee on Indian Affairs and to the House Interior and Insular Affairs Committee.

(2) Within three months of enactment, the Secretary shall provide the following information to Congress and to each tribe that receives a planning grant under this section (1):

(a) All financial and program data, for the two previous fiscal years, including direct and indirect program accounts, which relate to the provision of services and benefits to each tribe which receives a grant under this section;

(b) A statement explaining the impact which the consolidated block grant funding will have upon the trust responsibility for tribes which would implement a consolidated block grant budget;

(c) A statement of how consolidated block grant funding would affect the tribe's periodic needs for special assistance from the BIA including, but not limited to the following areas; litigation support, construction, and technical assistance for economic development;

(d) A statement on the methodologies which the BIA is utilizing to determine the direct and indirect program funds and accounts which are related to the provision of services to the tribes which receive planning grants under this section and how such funds would be transferred to the tribes;

(e) A statement on how the consolidated block grant funding would relate funds for facilities management of federal buildings and staffing patterns at the BIA agency and area offices;

(f) A statement explaining how the budgets for consolidated tribal budgets would be presented to the Congress for appropriations purposes and how this would relate to the appropriations made for categorical programs; and

(g) A statement explaining how federal regulations would be applied to tribally prioritized budgets.

Mr. MELCHER. Mr. President, I am offering an amendment to S. 1703, the Indian Self-Determination and Education Assistance Act Amendments of 1987 as reported by the Select Committee on Indian Affairs.

I am offering this amendment to the bill, because of the numerous recommendations and concerns which have been expressed to me by Indian tribes and the Indian educational community about a consolidated tribal block grant initiative in relationship to S. 1703.

During the committee's consideration of S. 1703, section 209 was added to establish a limited demonstration project whereby tribal governments would plan tribally prioritized budgets based upon the total tribal and BIA funds dedicated to a particular tribe. The idea, as I understand it, is to see if the tribes can do a better job of planning programs which are more responsive to tribal needs than the Federal Government has done. I think that this concept should be explored and, in all likelihood, there are tribes which could do a better job of designing tribal budgets than the BIA, IHS, and Congress have done. On the other hand, there are many unanswered questions about the concept. These questions include how trust responsibility would be impacted; what the role of the BIA would be for a tribe which implemented block grants; and how the BIA and Congress would handle appropriations requests for tribes under a block grant program.

I have serious reservations concerning the initiative as it has evolved over the past few months. I strongly objected to the inclusion of section 209 in S. 1703 because there are too many unanswered questions which could result in the bill being held up, either in the Senate or the House.

However, since the select committee reported the bill in December, the continuing resolution for fiscal year 1988 included a $1 million appropriation for a tribal governance demonstration project. The conference report identified 10 tribes which are to receive grants of $100,000 apiece for the purpose of planning tribally determined budgets. I understand that these tribes were selected because they were present at a hearing held by the House Interior Appropriations Committee when the Assistant Secretary for Indian Affairs announced the tribal governance demonstration in concept only. The 10 tribes which were at the hearing expressed a willingness to enter into a demonstration project, provided that funds were made available and were subsequently predesignated for funding under the project.

This provision was included in the appropriations bill even though it has not been considered by the authorizing committees. The wheels are being set into motion to forge ahead with a new policy without the benefit of the deliberations of either Congress or the Indian tribes. The tribal governance demonstration project is a complex proposal which I believe should be in authorizing legislation. That is why I am introducing this measure today.

To be fair to the approximately 275 other federally recognized tribes which did not have an opportunity to be at the hearing nor to express an interest in the demonstration project in establishing the program, Congress should allow all interested tribes to submit proposals to the BIA.

Recently, Senator INOUYE and Senator EVANS introduced an amendment to S. 1703, at the request of the 10 designated tribes, listed in the continuing resolution. This amendment would strike section 209 from the bill and substitute a new section 301. It would establish a 5-year tribal governance demonstration project for the 10 tribes. It would extend the planning grants to 2 years; authorize implementation of the tribal budgets without further scrutiny by Congress; exempt the tribes from Federal program regulations; and subject all the funds—including formula education grants and BIA administrative funds—to a block grant budget which each tribe would administer as it sees fit. That compounds the problem by creating a lot of uncertainties.

These developments compel me to offer an amendment as an alternative to the Inouye/Evans proposed amendment. My amendment could be considered as an amendment to S. 1703. I am offering it today so that it can be considered at the hearing which the Select Committee on Indian Affairs will be holding on this issue on Thursday, February 18.

My amendment would: First, require the BIA to utilize the $1 million appropriation for competitive grants for which any interested tribe could apply. The 10 tribes identified in the conference report for the continuing resolution would also have to apply for funds, but I assume that they would be in an excellent position to compete; second, it would establish certain criteria for the grant awards; third, it would exempt formula educational grants from the block grant planning process, a provision which is an absolute bottom line to the Indian educational community and has been requested by many Indian educational groups; fourth, require the tribes to include public participation by their members in the development of proposed tribal budgets; fifth, require congressional review prior to implementation; and sixth, require the BIA to provide a report to Congress and the tribes about the potential impact of block grants on trust responsibility and other pertinent issues.

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Mr. President, the concept of block granting Federal funds is not new—the potential benefits and shortcomings of the concept as it applies to State and local governments have been vigorously debated in Congress. I hope my colleagues will agree that it is the responsibility of Congress to prudently examine the tribal governance demonstration project before moving forward to implementation of block granting Bureau of Indian Affairs funding for tribes. We should not rush headlong into a concept which has not been fully considered by the substantive committees of Congress nor by the tribes. Under my amendment, the tribal plans would be thoroughly reviewed, and the Department of the Interior's role in the process would be clarified. This course of action is necessary and prudent.

I ask unanimous consent that a letter of support from the American Indian Higher Education Consortium, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN INDIAN HIGHER
EDUCATION CONSORTIUM,
Washington, DC, February 16, 1988.

Hon. JOHN MELCHER,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR MELCHER: On behalf of the American Indian Higher Education Consortium (AIHEC), I am happy to hear that you are preparing an amendment to S. 703 which would make clear that funds received by the tribally controlled community colleges under the authority of P.L. 95-471 as amended, would be exempt from the tribal block grant demonstration projects currently being considered by Congress.

Please understand Senator, that AIHEC does not wish to preclude tribes from participating in a block grant funding approach if this is the wish of tribal governments. We do however, have great concern with the idea that education formula funds received by education institutions such as tribal colleges under separate statute be made a part of such a block grant. The principle of block granting education funds to a governmental entity, be it a tribal government or a state government which detracts from a specific formula allocation developed by federal statute directing federal dollars to schools or students is one that represents a real danger to the education community—Indian and non-Indian alike.

The language you offer to S. 1703 is a commonsense approach which AIHEC supports totally. Please know we stand ready in anyway to assist you in this endeavor.

Sincerely,

JOHN FORKENBROCK,
Acting Director, American Indian Higher Education Consortium.

BUREAU OF THE MINT AUTHORIZATION ACT

GRAMM AND PROXMIRE AMENDMENT NO. 1407

Mr. KASTEN (for Mr. GRAMM, for himself and Mr. PROXMIRE) proposed an amendment to the bill (H.R. 2631) to authorize appropriations for the Bureau of the Mint for fiscal year 1988, and for other purposes; as follows:

Strike section 2.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that three hearings have been scheduled before the full Committee on Energy and Natural Resources.

The first hearing will take place Tuesday, March 1, 1988, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this hearing is to consider the President's proposed budget for the Department of the Interior for fiscal year 1989.

The second hearing will take place Tuesday, March 1, 1988, at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this hearing is to consider the President's proposed budget for the Department of Energy for fiscal year 1989.

The third hearing will take place Thursday, March 3, 1988, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this hearing is to consider the President's proposed budget for the Federal Energy Regulatory Commission for fiscal year 1989 and to consider the President's proposed budget for the Forest Service for fiscal year 1989.

For further information, please contact Betsy Moler, senior counsel, at (202) 224-0612.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 17 to hold a hearing on Treaty Document 100-10, the Ozone Treaty; and at approximately 11 a.m. to hold a brief business meeting. (Agenda attached).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources full committee be authorized to meet during the session of the Senate on Wednesday, February 17, 1988, for a full committee business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 17, 1988, to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 17, 1988 to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Government Affairs, be authorized to meet during the session of the Senate on Wednesday, February 17, 1988, to hold hearings on S. 2037, the Presidential Transition Effectiveness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, February 17, to conduct a hearing on S. 1804, a bill to amend the Refuge Administration Act to designate the coastal plain of Arctic National Wildlife Refuge as wilderness, and related matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WARWICK, MASSACHUSETTS CELEBRATES 225TH BIRTHDAY

● Mr. KENNEDY. Mr. President, I would like to bring to your attention today a small but prominent Massachusetts town which is a monument to its heritage. Today, February 17, 1988, Warwick, MA, celebrates its 225th birthday.

The name "Warwick" originated with Guy, Earl of Warwick who played a prominent role in the colonization of New England. The first official census was taken in 1765 and the population then was 191. Today the town has grown to 603 citizens.

In 1735 a grant of the township was made by the Province of Massachusetts Bay. One hundred years after the Pilgrims landed at Plymouth, settlers had gradually moved westward to the area. Some were veterans of the Canadian campaign of 1690 under

Captain Gardner of Roxbury. The town was first known as Gardner's Canada and it grew rapidly during the French and Indian Wars.

Warwick and its people have met with difficult circumstances overcoming declining population and industry. The town was historically bypassed by modern transportation on account of its rugged, picturesque terrain. It has survived the test of time, preserving its proud heritage and identity amidst the growth of surrounding towns and cities.

Warwick has been blessed with beautiful mountain vistas provided by Mount Grace, and the verdant forests in surrounding parks are a haven for those who love the outdoors. The fishing, hunting, and winter sports are a source of recreation for the residents of the area.

Twenty-five years ago, the 200th anniversary was celebrated under the direction of Fred Harris, a descendant himself of the proud pioneer settlers. The Labor Day event was capped by a parade attended by a crowd of 15,000 who gathered to commemorate the town's birthday.

I am proud to join with its distinguished citizens in celebrating the 225th birthday of Warwick, MA.●

THE UNIVERSITY OF KENTUCKY CHEERLEADERS

● Mr. McCONNELL. Mr. President, I rise today to praise the extraordinary accomplishment of the cheerleading squad at the University of Kentucky. At the annual National College Cheerleading Championship in San Diego last month, the University of Kentucky squad won their second consecutive national championship and third in 4 years. This is significant in that no other squad in the country has ever won two championships.

Major college cheerleading has evolved into more than just the impetus for igniting enthusiasm at campus sporting events. Cheerleading has become a sport of its own, combining dance and gymnastics into a brilliantly choreographed display of enthusiasm.

The cheerleaders, in addition to devoting time to their studies, spend exhaustive hours practicing and working out. I happen to know that many of them continue practicing their drills on their own free time. This dedication has produced cheerleaders who are talented athletes committed to being the best.

In addition, as celebrities in the central Kentucky area, the University of Kentucky cheerleaders spend much time in service to their community by attending charitable events. I commend this activity and join all Kentuckians in expressing sincere pride in the many achievements of this outstanding group of young people.

Mr. President, I would like to have the names of the cheerleading squad printed in the RECORD so that my colleagues can join me in extolling their unique contribution to their campus and community.

They are as follows: Cocaptain Barry Applegate; Jeff Baker; Rebecca Bach; Evan Elliot; Stewart Haven; John Jackson; Cocaptain Lori Gooch; Chance McGuire; Tracy Neal; Bobbi Wilson; Shawn Tackett; Rick Dynis; Donna Parsons; and their adviser, Mr. T. Lynn Williamson.●

LITHUANIAN INDEPENDENCE DAY

● Mr. BUMPERS. Mr. President, as an American, it never really comes as a surprise for me to hear the word "freedom" used in any number of ways, by any number of people, on any given day. For us, the images the word brings to mind are ingrained deep in the American soul, creating broad mental landscapes which constitute the entire sum of the American experience. It is all too easy for us, however, to become complacent about our freedom, and to take all that is good for granted. One of the best antidotes for this complacency is to remember those for whom freedom is only a word, not an experience which marks each living day.

For the great many people who have never experienced the unrestricted freedom that our country enjoys, freedom exists as a dream, tangible without being real, desired by people confined and restricted by unwanted governments armed with ideologies of oppression, and constitutions demanding subservience. These are the nations that serve, however unwillingly, as teachers for the rest of the free world, nations which make us appreciate our own freedom.

Consequently, it is with pride and pleasure coupled with frustration and sorrow, that I recognize the 70th anniversary of the Nation of Lithuania—a nation born in freedom, a people who to this day fight to regain their independence.

On February 16, 1918, Lithuania proclaimed its independence to the world. In so doing, the message of freedom's inherent worth and the objective right of all people of all nations to continue in their quest for self-governance, resounded throughout our world.

Like all things worthwhile, Lithuania's independence came with great hardship. The birth of the nation came in 1251 when King Mindaugas was baptized as king of a united Lithuania. Lithuania remained a free state until 1795 when it came under the control of czarist Russia. It was not until 122 years later, at the end of World War I, that Lithuania was once again permitted to establish itself as a nation possessing the skills and desires to become a self-governing state. In 1920 an accord was signed by the Soviet Union with Lithuania recognizing Lithuanian sovereignity for all time. For 20 years Lithuania flourished economically and politically as a self-governing entity. Like all free people, Lithuanians planted the seeds for democracy, and tasted the sweet fruits of freedom that democracy yields.

In 1940, however, the Soviet Union proved to the world what the world had always suspected, that freedom held no place under Stalinist totalitarianism. The Soviets violated the treaty they signed with the Lithuanians, and a forced annexation of the Lithuanian state followed. Once again the people of Lithuania were forced to adhere to a system of government to which they did not consent, a system of tyranny that answered protestation with banishment and imprisonment.

Indeed, time and time again, case after documented case of Soviet violence toward peaceful Lithuanian protest has been made known to the free world. The world has responded by calling on Soviet leaders to recognize the rights of Lithuanians and to grant independence to the Lithuanian nation. Thus far all words have fallen on deaf ears. And yet the people of Lithuania and their relatives in this country continue to hope and pray. In Hot Springs, AR, where there is a strong constituency of Lithuanians, cries for freedom can still be heard.

I want to say to all free Lithuanians and to all Lithuanians still living under Soviet domination: Take heart, hope is present, especially today. We must continue to press General Secretary Gorbachev to carry out his policy of glasnost and apply it to Lithuania. Mr. Gorbachev, if you are truly committed to the basic rights with which all people are endowed, give back to Lithuania the right of self-determination. Give back to Lithuania the promise that your own government signed in 1920, the promise that fulfills every person's greatest yearning. Give them freedom.●

LEWIS L. JUDD, M.D. NEW DIRECTOR OF THE NATIONAL INSTITUTE OF MENTAL HEALTH

● Mr. DOMENICI. Mr. President, while we were engrossed in the year-end legislative rush last December, a soft-spoken and accomplished scientist assumed the reins of control at our country's National Institute of Mental Health [NIMH]. Dr. Lewis L. Judd was appointed to this key post by Secretary of Health and Human Services, Dr. Otis R. Bowen.

I bring this distinguished man to the attention of my colleagues for many reasons. Most importantly, he is a major contributor to the scientific revolution that is rapidly pushing back our curtain of ignorance about mental illnesses.

Dr. Judd adds a new feeling of excitement and hope in our nation's battles against depression, schizophrenia, drug and alcohol abuse, and the homeless who are mentally ill.

Nancy Domenici joined me and several key Senate staff members earlier this month to discuss Dr. Judd's first major initiative—a national plan for schizophrenia research.

True to his reputation, Dr. Judd is leading us in a new scientific direction. He has worked hard to establish the tie between behavioral and biological phenomena in schizophrenia. Much of the high regard among his colleagues comes from his work to establish this vital linkage.

Dr. Judd's new plan for schizophrenia research will go much farther. If adopted in whole, this plan will enable us to achieve the benefits of coordinated research. The plan for coordinating this complicated subject will allow NIMH to investigate the genetics of schizophrenia; conduct studies of viral factors as they affect the immune system; examine brain pathology; and add a healthy dose of brain chemistry as well as data from the behavioral sciences.

There are very few, if any, scientists as well qualified as Dr. Lewis L. Judd to lead our Nation into the inner realms of our own brains and neurological systems. Allow me to quote University of California at San Diego [UCSD] Chancellor Richard Atkinson, upon Dr. Judd's appointment to head NIMH:

> Lewis Judd has made brilliant contributions to the field of psychiatry. He has also been a superb chairman of the department of psychiatry at UCSD. Given this track record, I expect him to be a truly distinguished director of NIMH. These are challenging times filled with opportunity for the Institute and I can think of no better leader.

Another colleague, Dr. David Kupfer, chairman and professor of psychiatry at the University of Pittsburgh, said,

> Everybody in the academic world—that is, among university departments of psychiatry—is extremely excited about this appointment.

Dr. Lew Judd "is perceived as an extraordinarily able leader in academic psychiatry," said Dr. Melvin Sabshin, medical director of the American Psychiatric Association. "He has built the—UC San Diego—department into a model academic department."

A review of Dr. Judd's vitae gives the reader a strong feeling of confidence in the new director's grasp of the subject matter. His accomplishments are very impressive.

Dr. Judd's concern for the real world application of the latest scientific knowledge is evident throughout his career. He has worked as Chief of Psychiatry Service for the Veterans' Administration in San Diego, director of the UCSD Drug Abuse Program, member of the Scientific Council for the National Alliance for Research in Schizophrenia and Depression, member of the NIMH Board of Scientific Counselors, and supervisor of psychiatric service for the adolescent outpatient unit of the Marion Davies Pediatric Clinic at UCLA.

It is my impression that Dr. Judd's compassionate concern for the victims of mental illness has served to inspire his academic and scientific work on their behalf. His publications cover a very broad range of relevant subjects such as:

The obsessive compulsive neurosis in children;

Chromosomal analysis in adult schizophrenics;

A technical report on pornography for the Commission on Obscenity and Pornography;

Research on heroin and marijuana;

Brain dysfunction in chronic sedative users;

Effects of lithium on normal subjects and alcoholics;

Studies on the multisubstance abuser;

Psychopharmacological studies of many modern drugs;

Biological and neurological basic research; and

Effects of antipsychotic drugs.

Dr. Lew Judd is described as a scientist who manages to "combine the best of two worlds—the more traditional psychodynamic and psychosocial view of psychiatric illness, and a newer biological viewpoint recognizing such things as genetic factors and the role of new drugs."

In Dr. Judd's own words, as reported in the Los Angeles Times:

> We are at the beginning of a golden age in understanding how to treat the mentally disordered. The next two decades are going to be incredibly exciting, with many new discoveries in molecular biology that will advance our understanding of how the brain functions. We now realize that if there is a major disturbance in behavior, that is observable, then, intuitively, there is a dysfunction in the biology of the brain itself. This will have enormous relevance for precise treatments of various disorders as we link behavioral aspects to the biology.

In closing this introduction of Dr. Judd to the U.S. Senate, Mr. President, I would simply like to encourage my colleagues to take note of this very special man. We in the Senate would be well advised to take good advantage of his excellent knowledge base and his plans for expanding it. If we work well together, we may be able to help him to help us speed up the scientific advances we hope and pray will be available to treat the mentally ill.

Dr. Judd reminds us that:

> The numbers show us that 20% of the American population will have a disorder at some point in their life, such as depression, or anxiety, as well as more serious ones. So all families will have some experience with either a relative or friend. So we have to destigmatize the view that these disorders are something to be ashamed of, change the idea that they are something brought upon the self and have people understand they are brought on by a combination of genetic and environmental events.

Today, he says:

> Some 80 percent of disorders can be managed so that they do not distort a person's life in perpetuity, that we can plan appropriate treatment and have available many more medications and therapeutic approaches.
>
> And I believe that soon we will be able to deliver even more innovations.

Mr. President, I urge my colleagues to consider the merits of helping Dr. Judd and the fine staff of the National Institute of Mental Health to deliver more innovations. We can have more positive impact on such difficult problems as the homeless mentally ill, drug and alcohol abuse, manic depression, schizophrenia, and other serious mental illnesses. These illnesses affect the well-being of millions of Americans who will thank us one day for our commitment to relieving their mental anguish.●

FEDERAL CHILD CARE AND CHILD DEVELOPMENT ACT

● Mr. DOMENICI. Mr. President, I am pleased today to add my name as a cosponsor of S. 2009, Senator Dole's "Federal Child Care and Child Development Act of 1988."

The need for more, better quality child care opportunities is finally being recognized. There are now over 53 million women in the work force, half of whom have children under 6 years of age.

While some working mothers are employed out of choice, for many it is an economic necessity.

Some argue that a Federal presence in this issue is not appropriate. While I agree that many aspects of this problem do not require Federal involvement, I do believe we cannot turn our backs on the needs of low- and moderate-income individuals to help ensure that their children will receive appropriate care.

Senator Dole's bill is a carefully balanced approach to the problem. The legislation has two purposes: First, it sets up a National Council on Children's Issues. The role of the Council is to act as an advocate for children and examine existing Federal programs that benefit children to determine how effective they are and where we need to focus our attention in the future.

Second, the bill sets up a grant program to the States, funded at $300 million in fiscal year 1989 and $400 million a year for the next 3 years. Grants could be used to provide child

care services to low- and moderate-income parents for: First, establishing and operating neighborhood child care centers, after-school child care programs and startup costs of on-site child care offered by small businesses; second, recruit and train senior citizens to work in child care operations; and third, assist providers in meeting licensing standards.

That covers what the bill does, but perhaps a few words should be said on what the bill does not do. The bill does not set Federal standards or dictate how facilities should be run. I do not believe that is an appropriate role of the Federal Government. As the sponsor of the bill, my able leader describes the role of the Federal Government—"it is the role . . . to facilitate—not mandate—the provision of child care services."

Mr. President, this is a reasonable, responsible bill that addresses the shortage of quality child care available to low- and middle-income families. I am pleased to add my name as a cosponsor.●

FRAUD OF THE DAY—PART 27

● Mr. HEINZ. Mr. President, today's fraud is not one but many. It is a report on the aggregate number of customs fraud cases from October 1987, through December 1987. There were 1,233 open fraud cases during this period. Customs Fraud Investigation Center statistics show that one-third of these cases involve copyright or trademark violations, while textiles and steel cases together take up more than one-fourth.

The total domestic value of Customs commercial seizures during this period for copyright and trademark violations alone amount to $3,848,998. Confiscated toys and apparel values each surpassed the $1 million mark. Traders involved with Taiwan, South Korea, and Hong Kong are responsible for over two-thirds of the customs copyright and trademark crimes, with a total of over $2 million in fraudulent goods from those countries seized during this brief period. This figure demonstrates the need to put this part of the world under much closer scrutiny, and it explains a part of our constantly rising trade deficits with these countries.

Textile seizures are particularly significant. During fiscal year 1986 there were 581 seizures valued at $28,492,413, while there were 708 seizures in fiscal year 1987 valued at $48,282,693. So far, there have been $13,800,675 worth of textile seizures in a total of 287 cases in the initial quarter of fiscal year 1988, which at an annual rate would mean another sizable increase in fraud over each of the preceding 2 years. This is dramatic and startling evidence of the willful misconduct of foreign textile and apparel manufacturers in seeking effectively to destroy the American industry by any means they can—fair or foul. Their tactics in these cases make clear their contempt for our law and for the international agreements that are the foundation of the world's textile and apparel trade policy. Senators might disagree about that policy, but there ought to be no disagreement that commitments made and agreements entered into ought to be kept, and that our law must be respected and enforced. Not to do so calls into question our credibility and will on the entire range of trade policy issues.

A private right of action provision would be a significant aid to the Customs Service in enforcing these laws and agreements. And believe me, Mr. President, down in the trenches of the Customs Service—the people on the front line of enforcement—they welcome this amendment. They welcome it because they recognize the help it will give them in obtaining greater adherence to the law through increased importer/retailer accountability and responsibility. And that is what we all want—not more litigation, but greater respect for and adherence to U.S. law.●

ESTONIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, February 24 will mark the anniversary of the proclamation of Estonian Independence in 1918. Along with the citizens of the Baltic Republics of Lithuania and Latvia, the Estonian people plan to commemorate the 70th anniversary of their independence by holding peaceful, public demonstrations.

Last week, in anticipation of the first of those commemorations, which occurred yesterday in Lithuania, 31 Senators joined me in sending a letter to Chairman Gorbachev. In that letter, we urged the Soviet leader to allow the Lithuanian people to mark their independence day with flower-laying ceremonies at various sites of historical and national significance in Vilnius and Kaunas.

Despite our pleas, news reaching us from Lithuania is that those demonstrations were blocked by a heavy Soviet police presence and harsh warnings from local Communist authorities.

According to today's Washington Post, which noted that Soviet authorities had placed heavy restrictions on press coverage of the events in Vilnius:

> Patrols of uniformed policemen and civilian auxiliaries have been circulating in the Lithuanian capital of Vilnius since the weekend, stifling any spontaneous protests . . . Local authorities reportedly preempted the demonstrations with police patrols and other measures, including placing some activists under house arrest.

Despite these developments, indications are that the Estonian people will attempt to mark their own independence day on the 24th with peaceful demonstrations, similar to those which occurred earlier this month in Estonia. On February 2, the anniversary of the 1920 peace treaty between the Soviet Union and Estonia, a number of large demonstrations occurred in Tartu. Several thousand Estonians reportedly participated in the commemoration, despite efforts by Soviet authorities to block the nationalist events by staging their own "official" commemoration.

Perhaps the biggest challenge to Soviet rule in the Estonian Republic is the recently announced formation of the Estonian National Independence Party—the first independent political party in the Soviet Union—whose purpose is to promote human rights and self-determination in the Estonian Republic.

Already, 2 of the 16 Estonians who founded the new political party, Vello Vaartou and Eke-Part Nomm, have been expelled from Estonia. Both have reportedly been accused by Soviet authorities of "promoting anarchy" and of complicity in planning demonstrations for Estonian Independence Day on February 24.

Despite glasnost, Soviet authorities have stated that they will not tolerate any show of nationalist sentiment.

Mr. President, in the nearly five decades since the people of the Baltic States have been under Soviet control, they have looked toward the day when their lost freedoms would once again be returned to them.

The new, rising level of activism among the Baltic peoples is, I believe, ushering in a new chapter in the history of their countries. Within the past year, three major public demonstrations occurred there. That is an indication to me that the Baltic people have transformed their strong sense of outrage toward their Soviet oppressors into a new level of public effort to push for national identity and greater freedom.

Mr. President, the Estonian people have undertaken great risks in an effort to bring greater freedom to their Republic, and they are prepared to do more. Their public activism has demonstrated the strength and vitality of the anti-Soviet movement in the occupied Baltic nations. Soviet suppression of the peaceful demonstrations has made a mockery of the Kremlin's professed interest in promoting greater openness in Soviet society, and has hightened public awareness of the oppression and denial of human rights in the Baltic States.

What the Estonia, Lithuanian, and Latvian people are calling for is real glasnost—not simply a public relations phrase, but a policy which actually brings greater freedom to the oppressed in the captive nations. As the Estonian people prepare to celebrate the 70th anniversary of their independence day on February 24, they must know that we support them in their struggle for freedom.●

● Mr. DeCONCINI. Mr. President, if an employer promises his workers a great new retirement plan with a series of benefits and then only gives them 9 days to decide to join, the employees will begin to question the boss.

If an employer promises his workers job security and then attempts to contract other people to the same jobs more cheaply, the employees may start to wonder why they are working for that particular employer.

And, if an employer promises regular pay and retirement increases then does all he can to cut pay and COLA's so that his workers are lagging behind their counterparts in similar jobs by more than 20 percent, the employees might begin looking elsewhere for work.

I would not blame them. But this is what the Congress is doing to the women and men who work for the Federal Government. Granted, President Reagan and his people at the Office of Management and Budget have prepared these cuts, but let's be honest, Congress must shoulder its share of the responsibility.

Congress has consistently changed its mind and reneged on the commitments it made with the Federal work force. This past year was an especially telling one for enhancing distrust on the part of the Federal employees. The new Federal employees retirement system [FERS] was unveiled in 1987 and more than 2 million civil service retirement system [CRS] employees were eligible to transfer to the new FERS system. Of the large population which could have transferred, less than 2 percent decided to transfer.

Why did so few people who could have moved to the new FERS system, with all of its attractive features, actually transfer? The mail I have received from my constituents and the newspaper and employees' newletters I have read indicate that the reason is a simple one—they do not trust their employer.

Federal employees had 6 months to make their decision. They were blitzed with information from the Office of Personnel Management [OPM] and their personnel offices. The Subcommittee on Treasury, Postal Service and General Government, of which I am chairman, provided OPM with additional funds to accomplish this task. There were television programs and mailings and meetings. All of this information was provided to assist in the decisionmaking process, but many waited for Congress to tie up a few loose ends. Unfortunately, these outstanding questions were not resolved until December 22—just 9 days before the deadline.

This was insufficient time for people to evaluate the last minute changes Congress enacted and make a responsible choice. Nagging questions such as removal of the antidiscrimination rules—which prevented high income employees from participating in the attractive and important thrift savings plan [TSP] and revision of the public pension offset—which is applicable to retirees who draw Social Security, were only answered at the 11th hour. It does not matter that Congress was aware of these questions at the beginning of 1987. It took Congress nearly 12 months to act. This left only 9 days for Federal employees to react. This should never have occurred.

On Thursday, President Reagan submits his budget for the next fiscal year. There should be few surprises in this package because many of the difficult issues were resolved during the budget summit late last year. As Congress tackles the Federal budget deficit and implements the results of the budget summit, strong action will need to be taken to remedy this fiscal crisis. Creative—and difficult—solutions will need to be found to cope with these problems. But, when we ask Americans to tighten their belts, let us make certain that Federal and postal employees are not asked to tighten their belts by more notches than their counterparts in the private sector. We must ensure that the burden is equally shared by all Americans—including Congress.

I also believe, however, that Congress can make a good faith effort at remedying some of the problems it created and perhaps mollify a portion of the distrust its workers feel toward their employer. I recommend that the appropriate committees take rapid action and consider another open season for Federal employees to switch their retirement plans. Now that the employees have had the opportunity to examine the changes Congress made, they can make the best choice for themselves and their families.

I urge the Senate Governmental Affairs and House Post Office and Civil Service Committees to aggressively pursue the possibility of turning back the clock and offering employees the chance to make a fully informed choice. My staff and I will work with those committees to take this first step in restoring the trust and positive working relationship which should exist between Congress and this Nation's Federal employees.●

A TRIBUTE TO DOUG HEIR

● Mr. LAUTENBERG. Mr. President, I rise today to honor Doug Heir, a paralyzed athlete, who has overcome great physical and mental challenges on his way and is an outstanding community achiever.

Almost 10 years ago, Doug dove into a pool in response to a child's cries for help. The child was only playing but Doug broke his neck in the dive and was paralyzed. From that point, he was to spend his life in a wheelchair. But that has not kept Doug Heir down.

In 1987, the U.S. Jaycees honored this Cherry Hill man as 1 of 10 Outstanding Young Americans. This award is only one of many given to Doug for his achievements.

Doug has graduated from Rutgers Law School. He has written a book and acted in rock video. In 1984, he was named World Overall Best Wheelchair Athlete. He has achieved and surpassed goals he set for himself. Doug has shown others, handicapped or not, the will of an individual is strong enough to overcome great adversity. What makes him special is the effort he has made to spread this message to others and to inspire them to their own personal triumphs.

Doug Heir is an exceptional young man. It gives me great pleasure to recognize Doug for his outstanding achievements.●

INDIANA TRIO PROGRAMS CITED

● Mr. LUGAR. Mr. President, February marks the third observance of National TRIO Day, enacted by the Congress to annually draw attention to the importance of federally supported initiatives which assure equal opportunity in postsecondary education.

TRIO programs, formally called Special Programs for students from disadvantaged backgrounds include, Upward Bound Programs, Student Support Services Programs, and Talent Search Programs.

In honor of this occasion, I am pleased to call to the attention of the Senate, Indiana's TRIO Programs for their commitment to service to the students of Indiana, and their continued contributions to the goal of equal opportunity in higher education.

Last year, Indiana's programs served over 10,000 students from across the State. Over 650 high school students were prepared for graduation and matriculation to a college or university through the Upward Bound Programs at Indiana State University, Indiana University-Bloomington, Purdue University-Calumet, University of Notre Dame, and Vincennes University. There were 6,784 students assisted by Talent Search Programs offered by ALFE, Inc., Gary Community School Corp., Indiana State University, Purdue University Calumet, Oakland City College, University of Notre Dame, Vincennes University, and the National Cuban American Community Based Center which all provided the essential services of identifying and assisting high school students, graduates, and dropouts for entry into a college or university.

Student Support Service programs at the Indiana Institute of Technology, Indiana State University, Indiana University-Bloomington and Richmond, Marion College, Oakland City College, Purdue University-West Lafayette and North Central and Vincennes University provided services to 2,739 college and university students which enabled them to complete their academic programs.

These fine Indiana institutions and organizations have contributed greatly to the betterment of our State's population. Their efforts are most noteworthy ones as they have provided opportunities to many students and adults who would not have had the opportunity to attend a college or university without their help.

I commend these organizations for their accomplishments and on behalf of the citizens of the State of Indiana offer my thanks and best wishes for continued progress in this important endeavor.●

UNIVERSITY OF SOUTHERN COLORADO

● Mr. ARMSTRONG. Mr. President, the University of Southern Colorado in Pueblo has recently received nationwide recognition for its ability not only to encourage change and creativity, but to thrive on it. The American Association of State Colleges and Universities awarded its 1987 Mitau Award to the University of Southern Colorado during a highly touted awards ceremony in New Orleans, LA.

The overall success of the institution in gaining this award was a result of the cooperative spirit of the entire university community, including the administration, staff, faculty, and students.

It is gratifying to see this national honor come to USC, which richly deserves for the rest of the country to know what many of us in Colorado have known all along about the high quality of this institution. It is with great pleasure and pride that I commend the University of Southern Colorado for this well-deserved award. I ask, Mr. President, that this description of the award appear in the Record at this point, and I call it to the attention of my colleagues.

Mission, Goals, and Priorities, 1985–90

Three years ago, the University of Southern Colorado community embarked on a comprehensive program review of the entire university.

Today, as a result of that effort, the university is benefiting significantly from a clarified mission, a distinctive role, a new direction in academic programming, and a substantial reallocation of internal resources—the four components of an innovative approach to institutional change.

The participatory process began in fall 1984. Three task forces composed of representatives from the faculty, administrative staff, and the student body, were selected to examine all academic programs, administrative offices, and student activities and athletic programs. Each task force worked from the basic assumptions that the university's role in the state system needed to be differentiated and that the range of programmatic emphases was too broad given available resources.

Relying on a criterion-referenced, evaluative approach, the task forces made difficult judgments about the institution's future and identified the programs to be enhanced, maintained, reduced, and eliminated. Recommendations were reported to the university's president within approximately four months. Six weeks later, the president presented a five-year strategic plan to the governing board for review and consideration.

Upon approval by the governing board in April 1985, the university had a staff, students, and members of the community. They conducted seven surveys to gain information about the university's programs and needs. The Task Force on the External Environment conducted an environmental scan of national, state, and regional trends expected to affect the university.

The final report of the Commission on the Future contained 169 recommendations. To ensure that the recommendations in the report would be addressed, each of the recommendations was referred by the president through a member of the president's council to the appropriate individual, committee, or governance body for review and action. Members of the president's council will report to the university's governing board in February 1988 on the status of the recommendations. The commission report has contributed to the internal planning process by identifying concerns and offering recommendations for various administrative units of the university to consider as they formulate plans and establish priorities.

Asking people from outside the University community to make recommendations on the future of the institution was indeed risky. The University had little direct control in the scope of the various task force investigations or in formulating the recommendations. In choosing this approach, the University opened itself to criticism in an unprecedented way. The University, however, thought that the positive benefits of so much creative capital would more than offset the potential negative consequences from such close external scrutiny. It also demonstrated the confidence that the University had in itself and in its ability to adapt to the future.

That confidence proved to be justified. The commission members, most of whom had ties to the university, region, or state, were genuinely pleased to be asked to be a part of the process. They were critical, but in a constructive way. Their recommendations supported the current move to improve academic excellence and to expand public service activities to the region. Most of the recommendations are already being addressed and implemented by the individuals or administrative groups responsible on the campus.

In addition to providing support for current and future directions of the University, the planning process succeeded in building a needed base of support. Commission members are now serving as consultants to various university programs, most specifically in the areas of sports training, human resource development, use of electronic technology in the academic programs, and regional economic development. They are also working with university faculty and staff to create an internship program in Washington, D.C. for students interested in the political process.

Commission members are advising the newly created office of International Studies which has been established to provide students with opportunities for study-aboard programs.

They are providing political support for university programs on the state and federal levels. They are assisting staff members of the Admissions Office in recruiting new students. Alumni activity has increased throughout the nation with the creation of several new alumni chapters in areas such as Honolulu, Phoenix, Los Angeles, and New York City. Contributions to the development efforts of the university more than doubled in the last three years and a 45 percent increase in 1986 alone, and plans are being made for a capital fund-raising campaign.

Commission members have developed a deep and continuing interest in our programs and services and they know that their work will make a difference in the life and future of the university.

Through the work of the Commission on the Future of Northern Michigan University has been helped in shaping its destiny. The risks are great but so were the rewards.●

INFORMED CONSENT: OKLAHOMA

● Mr. HUMPHREY. Mr. President, I ask that the letter of Jana Robinson of Oklahoma be printed in the Congressional Record. Ms. Robinson has written to my office to express her support for S. 272 and S. 273, bills requiring informed consent prior to abortion. She shares my belief that women must be given the facts on the procedures, risks, and alternatives to abortion. Without this information, the freedom of choice is no freedom at all.

The letter follows:

February 19, 1987.

Dear Senator Humphrey, About 11 years ago, I was a college student and ended up pregnant. I was alone (the father transferred to another college) and scared. I went back to the man that I thought I loved and he refused to help me. I did not want to get married just because I was pregnant, but I did not know what to do. Having confronted my parents about the situation, I found no help at all, the decision was mine to make. I had "shamed" my parents and boyfriend.

On the morning I was to go back to the doctor, I was driving down the highway and saw a billboard advertising abortions. I gave the number a call. To make the story short, I went through with the abortion alone because I knew no different. The doctor did not sit down with me to tell me what was going to happen. No one told me that I would be scarred for life.

Senator Humphrey, I hope this letter will help you in the passage of your bill. I hope you receive thousands of letters from other aborted women. Abortion does not solve the problem, instead it brings another problem to one's life.

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Thank you for helping the unborn child.
In God's love.

JANA ROBINSON.

A SPECIAL THANKS TO NORTHWEST AIRLINE

● Mr. BOSCHWITZ. Mr. President, I rise today to bring to my colleagues' attention a marvelous new program undertaken by Northwest Airline. As the first major carrier to participate in UNICEF's "Change for Good" Program, Northwest is lighting the way for other airlines to join in a program that can really make a difference to the world's children. The program raises money for UNICEF's Child Immunization Program by asking passengers abroad airline flights to donate unused foreign coins.

The beauty of the "Change for Good" Program is that it works. Virgin Atlantic, a small British airline, has been active in the program since last July. I was very pleased to hear about the project's success and was thrilled to learn that Northwest Airline, a good Minnesota firm, had agreed to bring the program to the United States. "Change for Good" is unique, very clever and has a very low overhead. The flight attendants volunteer their time to explain the program, Northwest is working on a video, and to collect the money. Since banks in the United States will not exchange foreign coins, they have little worth to the traveler—but they are worth their weight in gold to the world's children.

Over the past 50 years, largely as a result of vaccine immunization programs, the developed Western nations have seen a marked decline in the infant mortality rates resulting from diseases such as polio, diphtheria, whooping cough, tetanus, and measles. Tragically, the same can't be said for the children of the Third World—where 40,000 children die daily of these preventable diseases, malnutrition and infections. UNICEF calls this the "silent emergency" and it is time that we brought it out in the open and eliminate it. The level of childhood mortality in developing countries signals both alarm and opportunity—alarm because of its sheer numbers; opportunity because we have the means at hand to dramatically reduce child mortality.

For the past 2 years, Congress has appropriated funds to help in the United Nations' effort to immunize all the world's children and provide them with a sugar and salt oral-rehydration remedy, at 10 cents per child, for diarrhea by 1990. I am proud to say that I have cosponsored this important legislation each year. Worldwide, 77 countries with more than 99 percent of the developing world's children, have expressed a commitment to immunize their children. It costs $5 per child to provide immunizations for diphtheria, tetanus, measles, polio, tuberculosis and whooping cough. Our appropriation helps save the lives of $3.5 million children each year.

The immunization program has been successful and I know it will be even more successful now that Northwest has announced it will help out. We need to urge other airlines to join the program quickly. UNICEF estimates that if all international air carriers participated, UNICEF could collect $40 million a year! Mr. President, today I join Northwest Airline in inviting all U.S. international airlines to participate in UNICEF's "Change for Good" and to help save a child's life and I applaud Northwest Airline for its critical participation in a very worthwhile humanitarian project.●

MEDICAID HOME AND COMMUNITY QUALITY SERVICES ACT

● Mr. RIEGLE. Mr. President, I join today as a cosponsor of S. 1673, the Medicaid Home and Community Quality Services Act. After long and careful consideration of this important proposal, I have concluded that it is a needed reform which directs Medicaid resources toward more appropriate care for individuals who are mentally or physically disabled.

This legislation will restructure the current system of funding Medicaid services for people with disabilities in order to increase their independence, productivity and integration into the community. This bill will help families stay together by giving States the flexibility to provide community and in-home care, in addition to already established institutional care.

The bill removes the institutional bias from the current Medicaid funding program. That bias pushes the funding of services for developmentally disabled individuals toward large institutions. S. 1673 expands the available options by providing assistance for living in community based settings.

This bill is an historic proposal in the evolution of policy for the developmentally disabled. How we treat individuals with disabilities is an issue which deeply touches their lives and their families, and reflects on the values we stand for as a nation.

In recent years, care for these individuals has been shifting from institutions to community-based settings. This legislation embodies the best hopes for all of those who have promoted that trend. It seeks to readjust governmental patterns of financial support in recognition and encouragement of these changes.

Mr. President, I am proud to note that the State of Michigan has been a pioneer in the effort to provide community care for disabled citizens. Over the past 10 years, the percentage of individuals in institutions in Michigan has declined significantly. This legislation will support these efforts, and encourage further progress.

Earlier versions of this legislation created concerns among some parents groups, caregivers and others that residents might be inappropriately forced from current care situations, and that operating institutions with a record of quality care would lose needed support. Senator CHAFEE listened to those concerns. He reintroduced an amended bill in this Congress which goes a long way toward meeting them.

Yet parts of S. 1673 can be significantly improved, and I intend to work closely with the Finance Committee and with Senator CHAFEE to resolve certain issues.

S. 1673 does not adequately address programming and staffing requirements for Medicaid eligible facilities. I intend to work on clarifying provisions of the bill to train and protect direct care staff so that they are not adversely affected by the changes proposed in the bill. We need to ensure that quality staffing is maintained as we shift the focus of Government resources, so that residents in large and small settings are provided consistent, quality care.

In addition, we must protect the access of developmentally disabled persons to a full continuum of services where appropriate and needed. While I agree with the focus of this bill on expanding options available in the community, I think it is also important to continue our support for facilities which have demonstrated a record of comprehensive, quality care.

Mr. President, I am pleased to join as a cosponsor of this important reform legislation. I look forward to working toward its passage in the Finance Committee and the full Senate.●

ORDERS FOR THURSDAY

RECESS UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders are recognized under the standing order on tomorrow morning, there be a period for the transaction of morning business not to extend beyond 9:30, and that Senators may speak during that period for morning business for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. KASTEN, as to whether or not the following calendar order numbers have been cleared on his side of the aisle and are ready for action: Calendar Order Nos. 529 through 537.

Mr. KASTEN. If the majority leader will yield.

Mr. BYRD. Yes.

Mr. KASTEN. We have no objection. Those are cleared on our side.

Mr. BYRD. I thank the Senator.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the foregoing calendar orders, that they be considered en bloc, that where amendments to preambles or amendments may be shown they be agreed to, that the resolutions—they are all resolutions—be agreed to en bloc, spread upon the record severally, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

DENNIS CHAVEZ DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 206) to designate April 8, 1988, as "Dennis Chavez Day."

Mr. DOMENICI. Mr. President, late last year I introduced Senate Joint Resolution 206, along with my colleague from New Mexico, to declare April 8, 1988 as "Dennis Chavez Day."

This joint resolution was reported by the Senate Judiciary Committee on February 4, 1988.

April 8, 1988 marks the 100th anniversary of Dennis Chavez's birth.

As the first native-born Hispanic elected to the U.S. Senate, Senator Chavez served as New Mexico's Senator for 27 years, from March 11, 1935, until his death on November 18, 1962. He also served in the House of Representatives for 4 years.

Dennis Chavez was more than a U.S. Senator. He provides a symbol of opportunity found only in America.

Senator Chavez grew up in a poor household, too poor to even attend high school. Yet he eventually passed a special entrance exam to Georgetown Law School.

Senator Chavez never forgot his roots. He made it a top priority to improve the lot of the poor and the oppressed. For example, while a member of the New Mexico State Legislature, Dennis Chavez introduced the first bill to provide free textbooks to New Mexico's students.

Many commemorative events are planned in the State of New Mexico as part of the Dennis Chavez centennial, including an exhibition at the State Capitol, a special mass in Albuquerque, and essay contests at many schools throughout the State.

Support for this resolution would indicate the Senate's appreciation for Senator Chavez's hard work. More importantly, it would serve as a reminder of how a person can achieve anything he or she desires, regardless of the odds, and how privileged we all are to live in this great land of opportunity.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 206

Whereas the Honorable Dennis Chavez was the first native-born Hispanic elected to the United States Senate;

Whereas Dennis Chavez served the State of New Mexico and his country in a most distinguished manner, serving as a United States Representative for four years and a United States Senator for twenty-seven years until his death in office;

Whereas Dennis Chavez was the highest ranking Hispanic in the Federal Government for over thirty years;

Whereas Dennis Chavez was too poor to attend school, but later passed a special entrance exam to attend Georgetown Law School;

Whereas Dennis Chavez provided a source of pride and inspiration to the underprivileged;

Whereas Dennis Chavez served as a spokesman for the poor and oppressed;

Whereas Dennis Chavez exemplifies the true public servant;

Whereas Dennis Chavez provided an everlasting symbol of opportunity found only in America; and

Whereas 1988 marks the centenary of the birth of Dennis Chavez: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 8, 1988 is designated as "Dennis Chavez Day", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

GREEK INDEPENDENCE DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 218) to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

Mr. LAUTENBERG. Mr. President, I rise in support of Senate Joint Resolution 218, a joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The resolution also asks the President to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

March 25, 1988, marks the 167th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. It is fitting that we celebrate this day together with Greece in order to reaffirm the common democratic heritage of Americans and Greeks.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the people. As Aristotle said, "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost."

Because the concept of democracy was born in the age of the ancient Greeks, all Americans, whether or not of Greek ancestry, are kinsmen of a kind to the ancient Greeks. America's Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our Government. For that contribution alone, we owe a heavy debt to the Greeks.

The common heritage which we share has forged a close bond between Greece and the United States, and between our peoples. And it is reflected in the numerous contributions made by present day Greek Americans in New Jersey and across the country to our American culture.

I urge my colleagues to support this joint resolution as a tribute to these contributions, past and present, which have greatly enriched American life.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 218

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1988, marks the one hundred and sixty-seventh anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1988, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

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NATIONAL OLDER AMERICANS ABUSE PREVENTION WEEK

The joint resolution (S.J. Res. 222) to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 222

Whereas each year an estimated 550,000 to 2.5 million elders are the victims of physical and emotional abuse, neglect, and denial of fundamental civil rights;

Whereas these elders represent every racial, religious and socioeconomic class;

Whereas the suffering of these elders poses a threat to our families and to our society as a whole;

Whereas in most instances this neglect and abuse stems from the lack of information on intervention and prevention;

Whereas the health and well-being of our elders is, and must be, one of our Nation's highest priorities;

Whereas May, 1988, has traditionally been designated as "Older Americans Month", and provides the ideal opportunity for the people of the United States to become educated and aware of the welfare of the elderly; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of elderly abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 1, 1988, and ending on May 7, 1988, is designated as "National Older Americans Abuse Prevention Week", and the President is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe such period with appropriate programs, ceremonies, and activities.

NATIONAL PRODUCTIVITY IMPROVEMENT WEEK

The joint resolution (S.J. Res. 223) to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 223

Whereas the economic stability and growth of this Nation relies largely on the collective industry and endeavor of its working citizens;

Whereas the time-honored tradition of American leadership in work-related ingenuity and know-how has brought about great strides in productivity;

Whereas growth in productivity in turn improves the standard of living for United States citizens;

Whereas public awareness of the economic importance of productivity will promote individual and collective ideas and innovations for productivity improvement; and

Whereas a conscientious effort to improve productivity will foster a better standard of living for all citizens and reduce the level of inflation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of providing for a better understanding of the need for productivity growth and of encouraging the development of methods to improve individual and collective productivity in the public and private sectors, the period commencing on April 10, 1988, and ending on April 16, 1988, is designated as "National Productivity Improvement Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies and activities.

NATIONAL SCHOOL DROPOUT PREVENTION WEEK

The joint resolution (S. J. Res. 224) to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S. J. Res. 224

Whereas the number of students who drop out of school nationwide is reaching epidemic proportions;

Whereas maintaining America's competitive posture in the world economy demands an educated and highly skilled workforce;

Whereas drop out of school severely diminishes an individual's opportunity to become self-sufficient through employment to compete effectively in the modern world;

Whereas the cost of secondary school dropouts adversely affects society as a whole, costing our Nation approximately $77,000,000,000 each year in lost tax revenues, welfare, and crime prevention; and

Whereas reversing the trend of school dropouts requires an increased awareness of the dimensions of the problem and the mobilization of Federal, State, family, community, and school resources in implementing preventative measures: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on September 5, 1988, and ending on September 11, 1988, is designated as "National School Dropout Prevention Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to support school dropout prevention programs implemented in their communities and to encourage students to complete their education by graduating from high school.

PUBLIC SERVICE RECOGNITION WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 242) designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week,"

Mr. SARBANES. Mr. President, as the sponsor of Senate Joint Resolution 242, it gives me great pleasure to have it acted upon today. Senate Joint Resolution 242, a joint resolution designating the week of May 2–8, 1988 as "Public Service Recognition Week" was introduced to honor and thank the men and women who work in those jobs that are so important to the strength and vitality of our Nation. I would like to commend the chairman and ranking minority member of the Judiciary Committee for such prompt action on this joint resolution and also extend my appreciation to the 55 cosponsors.

Public servants have been an integral part of America's work force and I am indeed proud to salute the men and women who have made numerous contributions toward our Nation's prosperity. They have invested many dedicated years to serving our Government and the people of this Nation, and in doing so have developed the expertise and experience necessary to ensure that our State, local and Federal governments function effectively and efficiently. Public employees administer our public school systems, deliver our mail and provide services effecting the elderly, handicapped, and disabled. They are responsible for fire protection, managing our parks and recreation areas as well as contributing to important medical and scientific research efforts. These are just a few of the many contributions made by public employees. They deserve to be recognized for their achievements and I am quite pleased today to have the support of so many of my colleagues in passing this joint resolution.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preample was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 242

Whereas the remarkable range of skills and unceasing dedication of government employees has supported the United States' leadership position in the world;

Whereas government employees have helped make the United States a global leader in industry, health care, agriculture, and defense by developing some of the world's most important technologies;

Whereas career government employees provide the Nation's defense, carry out the laws of the land, ensure environmental protection, maintain transportation systems, guard the Nation's borders to stem the flow of illegal drugs, administer Social Security, support health programs, provide policy direction for the education of the Nation's children, and provide countless other crucial public services;

Whereas government employees perform their demanding duties in exchange for compensation which is often far less than that received by their private sector counterparts; and

Whereas government employees are a valuable national resource, fulfilling the needs and desires of the American people as expressed through their elected representatives in the executive, legislative, and judicial branches of government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 2–8, 1988, is designated as "Public Service Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

JOHN MUIR DAY

The joint resolution (S.J. Res. 245) to designate April 21, 1988, as "John Muir Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 245

Whereas April 21, 1988, marks the one hundred and fiftieth birthday of the great American conservationist John Muir, heralded worldwide for his dedication to the preservation of wilderness in this country;

Whereas generations of Americans have reveled in the wonders of Yosemite, the Grand Canyon, and other parklands set aside by past Presidents and Congresses at the urging of the Scottish-born naturalist;

Whereas a system of natural, cultural, historical, and recreational national parks which John Muir helped pioneer has grown in size to almost eighty million acres symbolizing the stewardship Americans demonstrate for their precious public resources;

Whereas John Muir was the cofounder and first president of the Sierra Club, an organization which contributes in making this Nation a leader in the global environmental movement;

Whereas the John Muir National Historic Site, in Martinez, California, one of three hundred and thirty-seven units of the National Park Service, was set aside by Congress in 1964 as a monument to the wild lands crusader and was the site from which Muir wrote books celebrating the natural beauty and wildlife of the United States, books that are still widely read and treasured by people of all ages; and

Whereas the important role of an ecologically sound environment in the quality of life for all people was proselytised by the tireless voice and pen of John Muir: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21, 1988, is designated as "John Muir Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

NATIONAL CHILD ABUSE PREVENTION MONTH

The joint resolution (S.J. Res. 246) to designate the month of April 1988, as "National Child Abuse Prevention Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 246

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated four million children become victims of child abuse in this Nation each year;

Whereas an estimated five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including Child Help U.S.A., Parents Anonymous, the National Committee for the Prevention of Child Abuse, the American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages of abuse and neglect and to help child abusers break this destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations such as Parents Anonymous, and other members of the National Child Abuse Coalition, are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April, 1988, is designated as "National Child Abuse Prevention Month", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

NATIONAL FISHING WEEK

The joint resolution (S.J. Res. 190) to authorize and request the President to issue a proclamation designating June 6–12, 1988, as "National Fishing Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The joint resolution, and the preamble, as amended are as follows:

S.J. Res. 190

Whereas the United States Bureau of the Census reported that fifty-four million residents of our country participated in sport fishing in 1980;

Whereas sport fishing is a family oriented, outdoor, recreational activity that provides therapeutic rewards and enjoyment to people of all ages;

Whereas the demands for goods and services by sport fishing participants is estimated to generate $25,000,000,000 in economic activity and employment for an estimated six hundred thousand individuals each year;

Whereas fishing promotes respect for Nation's marine, estuarine, and fresh waters, and their associated plant and animal communities; and

Whereas our country's league of fishing enthusiasts represent a constituency that seeks to prevent the degradation of our Nation's diverse aquatic habitats: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is requested and authorized to issue a proclamation designating June 6–12, 1988, as "National Fishing Week" and calling upon Federal, State, and local governments agencies, and the people of the United States to observe the week with appropriate programs and activities.

BUREAU OF THE MINT AUTHORIZATION ACT, FISCAL YEAR 1988

Mr. BYRD. Mr. President, does the acting Republican leader have any objection to the Senate proceeding to the consideration of Calendar Order No. 496?

Mr. KASTEN. I have no objection.

Mr. BYRD. Mr. President, I thank the Senator.

I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 496.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2631) to authorize appropriations for the Bufreau of the Mint for fiscal year 1988, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 5132(a) of title 31, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraphs:

"(2) Not more than $46,511,000 may be appropriated to the Secretary for the fiscal year ending September 30, 1988, to pay costs of the mints. Not more than $965,000 of amounts appropriated pursuant to the preceding sentence shall remain available until expended for research and development.

"(3) Of amounts appropriated pursuant to paragraph (2), not more than $75,000 may be expended for the purpose of hosting the International Mint Directors' Conference in the United States in 1988, including reception, representation, and transportation expenses.

"(4) Notwithstanding sections 3302 and 9701 of this title, the Director of the Mint may—

"(A) collect from participants at the International Mint Directors' Conference reasonable amounts imposed as fees and other assessments in connection with such conference;

"(B) hold and administer the amounts referred to in subparagraph (A); and

"(C) spend on behalf of the United States the amounts referred to in subparagraph (A) to pay expenses incurred in connection with such conference, including reception, representation, and transportation expenses.".

SEC. 2. PROFITS ON SALE OF NUMISMATIC ITEMS AVAILABLE ONLY TO REDUCE NATIONAL DEBT.

(a) In General.—Subsection (b) of section 5111 of title 31, United States Code, is amended by striking out the last two sentences and inserting in lieu thereof the following new sentences: "The Secretary shall charge the coinage profit fund with waste incurred in minting coins, costs incurred in distributing coins, and costs incurred in connection with the preparation and sale of numismatic items, including the value of gold certificates (not exceeding forty-two and two-ninths dollars a fine troy ounce) retired from the use of gold contained in any numismatic item. The Secretary shall credit amounts received from the sale of numismatic items to the coinage profit fund. Excess amounts in the coinage profit fund shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

(b) Technical and Conforming Amendments.—

(1) Paragraph (1) of section 5132(a) of title 31, United States Code, is amended by striking out the second sentence.

(2) Subsection (g) of section 5112 of title 31, United States Code, is amended by striking out "of section 5132(a)(1)".

(3) Paragraph (3) of section 5112(i) of title 31, United States Code, is amended by striking out "of section 5132(a)(1)".

(4) Subsection (f) of section 2 of the Gold Bullion Coin Act of 1985 is hereby repealed.

SEC. 3. REDESIGNATION OF ASSAY OFFICES AS MINTS.

(a) San Francisco.—Section 5131(a)(4) of title 31, United States Code, is amended by striking out "assay office" and inserting in lieu thereof "mint".

(b) West Point.—Section 5131(a)(3) of title 31, United States Code, is amended by striking out "assay office at New York" and inserting in lieu thereof "mint at West Point".

(c) Technical and Conforming Amendments.—

(1) The first sentence of section 5131(b) of title 31, United States Code, is amended by striking out "and assay offices, except that only bars may be made at the assay offices".

(2) Section [5132(c)] *5131(c)* of such title is amended by striking out "and the assay office at New York have" and inserting in lieu thereof "has".

(3) Section 5132(b) of such title is amended by striking out "and assay offices".

(4) Section 5133(a)(1) of such title is amended by striking out "and the assay office at New York and the officer in charge of the assay office at San Francisco" and by striking out "or officer".

(5) Section 5133(a)(2) of such title is amended by striking out "and the officer" and by striking out "or officer".

(6) Section 5133(a)(3) of such title is amended by striking out "and the officer".

(7) Section 5133(b) of such title is amended to read as follows:

"(b) Settlement of Accounts.—

"(1) In general.—At least once each year, the Secretary of the Treasury shall settle the accounts of the superintendents of the mints.

"(2) Procedure.—At any settlement under this subsection, the superintendent shall—

"(A) return to the Secretary any coin, clipping, or other bullion in the possession of the superintendent; and

"(B) present the Secretary with a statement of bullion received and returned since the last settlement (including any bullion returned for settlement).

"(3) Audit.—The Secretary shall—

"(A) audit the accounts of each superintendent; and

"(B) allow each superintendent the waste of precious metals that the Secretary determines is necessary—

"(i) for refining and minting (within the limitations which the Secretary shall prescribe); and

"(ii) for casting fine gold and silver bars (within the limit prescribed for refining), except that any waste allowance under this clause may not apply to deposit operations.".

(8) Upon the enactment of this Act, the superintendent of the United States Assay Office at New York, New York, shall assume the position of superintendent of the Mint at West Point, New York.

(9) Section 5133(c) of such title is amended by striking out "and assay offices".

(10) Section 5133(d) of such title is amended—

(A) in the first sentence, by striking out "and assay office"; and

(B) in the [second] *third* sentence, by striking out "and assay offices".

[SEC. 4. PROTECTION OF INTEGRITY OF COINAGE MANUFACTURE.

[Section 5111(c) of title 31, United States Code, is amended to read as follows:

["(c) Procurements Relating to Coin Production.—

["(1) In general.—The Secretary may make contracts, on conditions the Secretary decides are appropriate and are in the public interest, to acquire articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) necessary to produce the coins referred to in this title.

["(2) Domestic control of coinage.—In order to protect the national security through domestic control of the coinage process, the Secretary shall acquire only such articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) for the production of coins as have been produced or manufactured in the United States unless the Secretary determines it to be inconsistent with the public interest, or the cost to be unreasonable, and publishes in the Federal Register a written finding stating the basis for the determination.".

["(3) Determination.—

["(A) In general.—Any determination of the Secretary referred to in paragraph (2) shall not be reviewable in any administrative proceeding or court of the United States.

["(B) Other rights unaffected.—This paragraph does not alter or annul any right of review that arises under any provision of any law or regulation of the United States other than paragraph (2).".]

SEC. 4. PROTECTION OF INTEGRITY OF COINAGE MANUFACTURE.

Section 5111(c) of title 31, United States Code, is amended to read as follows:

"(c) Procurements Relating to Coin Production.—

"(1) In general.—The Secretary may make contracts, on conditions the Secretary decides are appropriate and are in the public interest, to acquire articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) necessary to produce the coins referred to in this title.

"(2) Domestic control of coinage.—(A) Subject to subparagraph (B), in order to protect the national security through domestic control of the coinage process, the Secretary shall acquire only such articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) for the production of coins as have been produced or manufactured in the United States unless the Secretary determines it to be inconsistent with the public interest, or the cost to be unreasonable, and publishes in the Federal Register a written finding stating the basis for the determination.

"(B) Subparagraph (A) shall apply only in the case of a bid or offer from a supplier the principal place of business of which is in a foreign country which does not accord to United States companies the same competitive opportunities for procurements in connection with the production of coins as it accords to domestic companies.

"(3) Determination.—

"(A) In general.—Any determination of the Secretary referred to in paragraph (2) shall not be reviewable in any administrative proceeding or court of the United States.

"(B) Other rights unaffected.—This paragraph does not alter or annul any right of review that arises under any provision of any law or regulation of the United States other than paragraph (2).

"(4) Nothing in paragraph (2) of this subsection in any way affects the procurement by the Secretary of gold and silver for the production of coins by the United States Mint.".

SEC. 5. STANDARDS FOR GOLD COINS.

(a) Fineness.—Section 5112(b) of title 31, United States Code, is amended by inserting the following sentence before the last sentence: "In minting gold coins, the Secretary shall use alloys that vary not more than 0.1 percent from the percent of gold required.".

(b) Weight.—Section 5113(a) of title 31, United States Code, is amended by adding at the end thereof the following new sentence: "Any gold coin issued under section 5112 of this title shall contain the full weight of gold stated on the coin.".

SEC. 6. GOLD SALES TO BE USED SOLELY TO REDUCE NATIONAL DEBT.

The second sentence of section 5116(a)(2) of title 31, United States Code, is amended to read as follows: "Amounts received from the sale of gold shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

SEC. 7. BULK SALES OF SILVER BULLION COINS.

Section 5112(f) of title 31, United States Code, is amended to read as follows:

"(f) Silver Coins.—

"(1) Sale price.—The Secretary shall sell the coins minted under subsection (e) to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and promotional and overhead expenses).

"(2) Bulk sales.—The Secretary shall make bulk sales of the coins minted under subsection (e) at a reasonable discount.

"(3) Numismatic items.—For purposes of section 5132(a)(1) of this title, all coins minted under subsection (e) shall be considered to be numismatic items.".

[SEC. 8. PUBLIC SALES OF UNITED STATES GOLD AND SILVER COINS.

[Section 5112 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

["(j) Public Sales at Mint Facilities.—In addition to other means of marketing coins minted under paragraph (7), (8), (9), or (10) of subsection (a) or subsection (e), the Secretary of the Treasury shall make such coins available for sale directly to the public at such facilities of the Bureau of the Mint as the Secretary determines to be appropriate. The Secretary may limit the number of such coins which may be sold to any person, or in any single transaction, at any such facility.".]

The amendment was agreed to.

The amendment was ordered to be engrossed, the bill was read the third time, and passed.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, as ordered reported by the Banking Committee, H.R. 2631 would authorize the appropriation of not more than $46,511,000 for fiscal year 1988 for the salaries and expenses of the U.S. Mint. Of that amount, $965,000 may be used for research and development. The Mint is also authorized to expend $75,000 in appropriated funds to host the International Mint Directors' Conference, as well as use fees collected from conference participants to offset expenses. This is the first time the International Mint Directors' Conference will be hosted by the United States, to be held in Washington, DC in May of this year. The purpose of this conference is the exchange of information common to the participating mints throughout the world. There are approximately 31 member mints, another 22 observer mints, and over 100 industrial observers who are expected to participate in this conference. This is an excellent chance for American industry to present their latest developments in coin related equipment and manufacturing techniques.

The act redesignates the San Francisco and West Point Assay offices to the status of mints because of their increased production activities. Each new mint will have a superintendent and assayer appointed by the President, by and with the advice and consent of the Senate.

An amendment adopted in committee would require domestic control of the coinage process by stipulating—under specified circumstances—the acquisition of American produced goods and services, unless the Secretary determines it to be inconsistent with the public interest or the cost unreasonable. This section in no way changes current law with regard to the procurement and use of gold and silver for coinage, bullion, or medallic purposes.

One of the most successful programs the mint has undertaken is the American Gold Eagle Bullion Program. This program was created by Congress to offer the American public an alternative to the South African Krugerrand and other foreign gold. The American Gold Eagle Program has captured 65 percent of the domestic gold bullion market, far surpassing sales for Canadian maple leafs and Chinese pandas, among others. Since the program began in October of 1986, the mint has sold over 3 million ounces of gold coins and purchased over 2.9 million ounces of newly mined American gold. This has provided a vital new market for the domestic gold industry and has helped support the expansion of jobs in American gold mining and related industries. In addition, an estimated $187 million in profits were deposited in the Treasury to help reduce the Federal deficit. It is anticipated that 1988 will be as good a year for the American Gold Eagle Program.

AMENDMENT NO. 1407

(Purpose: To subject numismatic programs of the Mint to budgetary control and oversight)

Mr. KASTEN. Mr. President, I send an amendment to the desk on behalf of Senator Gramm, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. Kasten], for Mr. Gramm, proposes an amendment numbered 1407.

Mr. KASTEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 2.

Mr. GRAMM. Mr. President, the amendment that I am offering today will ensure that Federal budgetary control continues over the coinage fund and numismatic programs of the U.S. Mint. Section 2 of the bill would allow the mint's coinage profit fund to be used to finance the operational expenses of the Mint's Numismatic Program instead of having the program funded throught the appropriations process. This change would undermine the budgetary and appropriations process over these programs. It would also exempt the Mint's Numismatic Program from sequestration under the provisions of the Balanced Budget and Emergency Deficit Control Reaffirmation Act, agreed to by the Congress just last year. As we all know, to the degree that the sequestration base is reduced, greater cuts have to be made in the remaining Federal programs. The amendment that I am offering would delete from the bill the section creating this exemption.

This amendment is supported by the administration, and I ask unanimous consent that the statement of administration policy on this legislation be included in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

H.R. 2631—Authorization of Appropriations for the United States Mint

The Administration opposes enactment of H.R. 2631 for the following reasons.

First, by permitting the Mint's coinage profit fund to be used for financing the operational expenses of the Mint's numismatic program, section 2 of H.R. 2631 is contrary to sound budget and accountability principles. Ordinary expenses of this nature should be budgeted for in the customary manner and should be subject to appropriations review. Further, the Mint's appropriations account should be reimbursed from the proceeds of the Mint's sales, as appropriate.

Second, section 2 of the bill would also have the practical effect of exempting the Mint's numismatic program from sequestration under the Balanced Budget and Emergency Deficit Control Act ("Gramm-Rudman-Hollings"). Such as exemption would be most unwise. Attempts to exempt programs from sequestration must be strenuously resisted in order to prevent a flood of requests for similar treatment in other programs.

Third, the bill's "buy America" provision (section 4) could cause the United States to violate the Agreement on Government Procurement under the General Agreement on Tariffs and Trade. The provision would invite retaliation and would raise unnecessary questions about the willingness of the United States to honor its international commitments.

The President's senior advisors would recommend disapproval of H.R. 2631 if presented to the President in its current form.

Mr. PROXMIRE. Mr. President, I have checked with both the majority and minority, and there is no objection to the amendment to H.R. 2631 offered by the Senator from Texas.

Mr. KASTEN. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Texas [Mr. Gramm].

The amendment (No. 1407) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2631), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. BYRD. Mr. President, the Senate is about to go out for the day. There will be no rollcall votes, of course, this day.

The Senate will come in tomorrow at 9 o'clock a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

The period for morning business will end no later than 9:30 a.m. at which time the Senate will resume consideration of S. 2, and the pending question will be on the adoption of the amendment in the second degree to the amendment in the first degree to the motion to recommit with instructions to report back. And debate will continue thereon.

It is not my plan to have an early rollcall vote on tomorrow. Tomorrow at around 11:30 a.m. Chancellor Helmut Kohl will be a guest in the Capitol. It is now my intent to recess the Senate for circa an hour so that all Senators on both sides of the aisle may have the opportunity to meet with, and hear Chancellor Kohl in room S-207. I invite all Senators to be present.

It was my pleasure and privilege to meet with Chancellor Kohl last week, along with Senator Boren, Senator Nunn, Senator Pell, and Senator Warner, as we traveled as a delegation to various NATO capitals. And Chancellor Kohl was very gracious to us. We had a long meeting with Chancellor Kohl, and I think Senators will be eager to hear what he has to say.

Of course, if they have questions, time permitting, I am sure Chancellor Kohl would welcome their questions.

I hope we will show this head of state, a very valuable and reliable ally, our warmest hospitality, and show him a good attendance of Senators. It will be worthwhile for all concerned.

Following that meeting, the Senate then will reconvene and continue its debate on the pending campaign finance reform bill. Meanwhile, the two groups that have been selected by the Democratic and Republican leadership will meet to discuss the pending bill and those areas of disagreement to see if there is room for any accommodation and resolution.

Mr. President, does the distinguished acting Republican leader have any further statement he would like to make or any business he would like to transact?

Mr. KASTEN. I do not.

Mr. BYRD. I thank the Senator.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and, at 5:16 p.m., the Senate recessed until tomorrow, Thursday, February 18, 1988, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 17, 1988*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, offered the following prayer:

We place before You, O God, the petitions of our hearts and souls, asking You to bless us when we need help, to forgive us when we do wrong, and to assure us of Your abiding spirit. We admit, gracious God, that our efforts sometimes go astray and too often our actions do not keep pace with our words. Strengthen us, we pray, to do those things that are righteous and good, for ourselves and for those we seek to serve. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1889. An act to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the bill (S.J. Res. 122) entitled "An act to designate the period commencing on October 18, 1987, and ending on October 24, 1987, as 'Gaucher's Disease Awareness'."

VETERANS' HOME LOAN PROGRAM EMERGENCY AMENDMENTS OF 1988

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2022) to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to the distinguished gentleman from Mississippi [Mr. Montgomery], chairman of the Veterans' Affairs Committee for an explanation of the bill.

Mr. MONTGOMERY. Mr. Speaker, prior to adjournment last year we sent to the President a major veterans' housing reform bill. The other body proposed that individuals purchasing VA foreclosed homes to pay a 10-percent downpayment. We attempted to make the argument that this would limit VA's ability to move hard-to-sell properties and would make the agency noncompetitive with FHA.

In order to get the reform bill enacted, we agreed to a compromise of 5 percent downpayment. We now have learned that the provision is creating a hardship on the VA and this bill is designed to eliminate that problem.

The distinguished chairwoman of our Subcommittee on Housing and Memorial Affairs is on the floor and I would ask the gentleman to yield to her for a more detailed explanation of the bill.

I urge the adoption of the bill.

Mr. Speaker, the gentlewoman from Ohio [Ms. Kaptur] is the chairwoman of the Subcommittee on Housing and Memorial Affairs, and she handled this housing bill last year.

Mr. SOLOMON. Mr. Speaker, as ranking member of the Veterans' Affairs Committee, I rise in strong support of S. 2022, which would authorize certain reductions in the current 5-percent downpayment required for vendee loans used to finance the sales of foreclosed properties held by the VA.

Mr. Speaker, Mr. Montgomery and Ms. Kaptur have explained clearly the provisions of this relatively simple bill.

The Senate has already passed it, and we propose to pass it without amendments.

The Senate calls this an emergency bill and I would be inclined to agree.

The recently enacted Public Law 100-198 requires a 5-percent downpayment on vendee loans which the VA makes to buyers for purchases of foreclosed properties in the VA's inventory.

It has quickly become apparent to everyone that the downpayment requirement on vendee loans was a mistake, particularly because in areas where real estate markets are depressed, the downpayment requirement has further reduced sales of already difficut to sell foreclosed properties.

The Senate Veterans' Affairs Committee has acted quickly and responsibly to remedy the problem created by the downpayment requirement.

Senator Cranston, chairman of the Senate Veterans' Affairs Committee, and Senator Murkowski, the ranking member, have taken the lead in getting the provision in question changed and I take my hat off to them for their expeditious action.

While we certainly will be taking a further look at improving the Home Loan Guaranty Program, this body should act now on S. 2022, without amendments, lest we be justly accused of fiddling while Rome burns.

Mr. Speaker, here in our own body, my good friend, Sonny Montgomery, the exceptionally able chairman of our committee, has wasted no time in moving S. 2022.

Our chairman always puts the needs of veterans above politics, and it is a pleasure for me as ranking member to work with him. Marcy Kaptur, chairwoman of the Subcommittee on Housing and Memorial Affairs, and Dan Burton, its ranking member, have played essential roles as well in this bipartisan legislation, and I commend them, too.

Mr. Speaker, I urge all of my colleagues to act favorably on this emergency bill.

It is needed right now to prevent financial losses to the VA's Home Loan Guaranty Program and to help keep this essential program viable for America's veterans.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield to me again?

Mr. SOLOMON. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I certainly want to give credit to the gentlewoman from Ohio, Ms. Marcy Kaptur, who has worked very hard on this veterans' housing legislation. It had not been amended in 30 years, and with her hard work and diligent effort we have passed fine legislation. It will make it easier for veterans to purchase veterans' homes, and again I thank the gentleman for yielding.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Mississippi for his remarks.

Mr. Speaker, let me also commend the gentlewoman from Ohio [Ms. Kaptur], as well as the gentleman from Indiana, Dan Burton, the rank-

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ing Republican as well as the gentleman from Texas, Mr. Tom DeLay, who I know wants to speak on this issue. He was also instrumental in helping to draft this vital legislation.

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield again, the gentleman from Texas, Mr. Tom DeLay, sent a letter out to all Members of Congress, and basically this is what we are doing, correcting this situation.

Mr. SOLOMON. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Ohio [Ms. Kaptur] the subcommittee chairman.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding and also for his help on this bill, and also thank the gentleman from Mississippi [Mr. Montgomery] chairman of the full committee for his expeditious movement of this bill.

Mr. Speaker, on December 21, 1987, the President signed H.R. 2672, the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987—Public Law 100-198.

This was a major housing reform bill designed to carefully preserve the program's basic intent of providing homeownership for this Nation's veterans, offer creative approaches to some of its present-day problems and set it on a sound footing for meeting veterans' future needs.

The bill contained a provision that required a 5 percent downpayment requirement for vendee loans made after January 21, 1988. A vendee loan is one made by the VA to finance the sale of a foreclosed property. These loans may be made to veterans and nonveterans alike.

In the Senate version of H.R. 2672, which passed on October 30, 1987, the downpayment would have been 10 percent. Although the House bill had no similar requirement, the other body insisted that some downpayment be required. In a spirit of compromise, we accept 5 percent.

What we had feared when we opposed the Senate provision has happened. We have now found that imposing even a 5 percent downpayment requirement substantially hampers the Veterans' Administration's ability to sell foreclosed properties. In Houston, where the VA has 7,700 foreclosed properties in inventory. Due to the economic situation there, the downpayment requirement has had a serious adverse impact. We also believe that throughout economically depressed areas of the country, the VA will experience difficulty selling certain properties in neighborhoods where real estate prices are depressed.

On February 1, 1988, the Senate passed S. 2022 to authorize the Administrator to make loans up to the market value of the property if necessary to market the particular property involved. This is sound policy because it gives local VA officials flexibility in marketing properties.

Mr. Speaker, although we applaud the Senate's efforts to soften this 5 percent downpayment requirement by providing the VA with the authority to reduce or waive it where it is necessary for the VA to competitively market such properties, we are concerned by the comment on the Senate floor that "when market conditions do not prohibit it—as will be the case in most areas of the country—the 5 percent downpayment would continue to be required to help reduce defaults on vendee loans."

Mr. Speaker, we do not believe that exceptions should be viewed only from regional perspectives. Rather, this authority should be considered for use on a case by case basis since the marketing of properties differs not only in different regions but even within neighborhoods in one city. For example, the Washington area has experienced VA foreclosures in Southeast Washington as well as in some more affluent areas such as Watergate at Landmark. Obviously, these properties have different marketing requirements. Therefore, we believe that this provision should be applied on a case by case basis.

Mr. Speaker, it is our intent that the Administrator delegate the authority to set downpayments for vendee loans to loan guaranty officers at VA regional offices. We expect that regional office personnel, in consultation with local real estate professionals involved in the sale of VA-acquired properties, will carry out the function of setting competitive downpayment levels on individual properties, in line with local market conditions and general policy guidelines issued by the Administrator.

The second provision of the bill corrects an inequity in the calculation of a veteran's remaining guaranty entitlement, should he have used a portion previously.

Public Law 100-198 changed the loan guaranty formula from 60 percent of the loan up to $27,500 to 50 percent of the loan up to $45,000 and 40 percent of the loan above $45,000 with a maximum guaranty of $36,000. In the past, when the guaranty amount was increased, it resulted in an addition to whatever amount of entitlement the veteran had available. This increased entitlement could then be applied to any new loan. This bill ensures that the veteran continues to be fully entitled as he has been in the past.

Mr. Speaker, I urge favorable consideration of S. 2022.

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman from Ohio for her remarks.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. DeLay].

Mr. DeLAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I stand in strong support of this bill. It will correct a senseless piece of recent legislation which unnecessarily costs the Federal Government, in the 90-county area of south Texas alone, $150,000 a day and threatens to expand its costly black hole to suck up nearly $300,000 a day. On August 3, 1987 we passed by voice vote a small provision in the Veteran's Housing Rehabilitation and Program Improvement Act which requires a 5 percent downpayment on the purchase of all VA repossessed homes.

In economically troubled areas such as Texas, Oklahoma, and Colorado, this provision is devastating. It is devastating to the first time home buyer interested in purchasing a Government-owned home. It is devastating to the employed, yet borderline, buyer who can't come up with the 5 percent downpayment. It is devastating to the sales agents eking out a living in distressed markets. And it is devastating to the Veterans' Administration which must pay dearly to maintain these unused and frequently vandalized homes in its inventory.

In a 90-county area of south Texas, there are currently 8,050 repossessed homes in the VA's inventory. An additional 15,853 are pending foreclosure. These numbers represent only south Texas. There are similar sums in central Texas and Oklahoma. By conservative estimates, it costs the VA $18 a day to carry each repossessed house. Simple arithmetic suggests that we are wasting about $50 million a year, and that if all the pending foreclosures occur we'll be wasting $150 million. The most remarkable aspect of this spending is that absolutely no one benefits from it.

The vast majority of these homes are in the economically distressed areas of Texas, Oklahoma, and Colorado, the oil belt. Other mass volume home sellers in these areas require little if any downpayment. For example, HUD requires only $100 down on purchases of its repossessed homes. The VA's new 5 percent downpayment requirement effectively prices VA repossessed homes out of the market in these economically distressed area. In fact, since the 5-percent downpayment provision went into effect on January 21, the number of bids on VA-owned homes had decreased to less than a third of the original number. The houses remain vacant and open to vandalism, and the Government is forced to waste vast sums of money to carry them.

I introduced legislation to correct this costly problem; legislation that would give the Administrator of the VA the ability to issue a waiver of the 5 percent downpayment provision for economically distressed area. This bill

does not repeal the 5 percent down provision which we passed last year, it simply introduces needed flexibility into the law. Our Government must begin to act in a competitive manner. And we must begin to eliminate wasteful spending. I urge my colleagues to step beyond the rhetoric about wasteful Government spending and support this bill which actually eliminates a wasteful Government policy.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Texas for his input.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Indiana [Mr. Burton] the ranking Republican on the subcommittee for his remarks.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as ranking member of the Subcommittee on Housing and Memorial Affairs, I rise in strong support of S. 2022. In economically depressed areas, depreciating property values and large increases in the foreclosure rate have resulted in an increase in the number of unsold foreclosed properties in VA inventories.

The mandatory 5-percent downpayment, required to purchase one of these properties, prevents the VA from competing with private lenders in depressed areas of the Nation. In order to sell properties, many private lenders are using attractive financing packages which include low- or no-downpayment loans. The impact on the VA—and eventually the taxpayers—of a slowdown in VA sales would be catastrophic. The income generated by these sales is crucial to the Home Loan Guaranty Program. In order to compete with these other sellers, the VA must be able to offer similarly attractive financing.

S. 2022 would allow the VA to waive the requirement for a 5-percent downpayment on vendee loans in cases where the VA deems it necessary in order to compete with alternative financing packages.

Mr. Speaker, the VA Home Loan Program has helped millions of veterans achieve home ownership. The bill before us is good legislation which only acts to strengthen the VA Home Loan Program. I urge my colleagues to support S. 2022.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Indiana for his remarks.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in strong support of S. 2022, the Veterans Home Loan Program Emergency Amendments of 1988. This legislation is urgently needed to ensure the continued stability of the Veterans' Administration Housing Program.

The chairwoman of the Subcommittee on Housing and Memorial Affairs, Marcy Kaptur, and Dan Burton, its ranking member should be commended for bringing this important veterans bill to the floor in an expedited fashion. And of course, all of this has proceeded under the leadership of our chairman, Sonny Montgomery.

Mr. Speaker, when a foreclosure occurs on a VA-guaranteed home loan, the VA has the option of paying the lender the unpaid loan balance and reselling the property. In reselling the property, the VA can finance the new loan. Under current law, a 5-percent down payment is required on the property.

This 5 percent down payment requirement was initially approved to help reduce the number of foreclosures on VA properties. However, in certain economically depressed regions of the country, most notably Houston, TX, this requirement has made it much more difficult for the VA to sell foreclosed properites. Given the market conditions in certain regions of the country, this requirement has proved to be counterproductive and the effect it has had was never intended by Congress.

S. 2022 would give the Veterans' Administration authority to waive the 5-percent requirement in regions where it is having an adverse effect on the VA's ability to sell foreclosed properties. This waiver is essential to maintaining the financial integrity of the VA housing program.

I strongly encourage all of my colleagues to support this important bipartisan legislation.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Home Loan Program Emergency Amendments of 1988".

SEC. 2. DOWNPAYMENT REQUIREMENTS FOR VENDEE LOANS.

Section 1816(d)(4)(B) of title 38, United States Code (as amended by section 6(b)(1) of Public Law 100-198, is amended—

(1) by inserting "(i)" after "(B)"; and

(2) by adding at the end the following new division:

"(ii) A loan described in subparagraph (A) of this paragraph may, to the extent the Administrator determines to be necessary in order to market competitively the property involved, exceed 95 percent of the purchase price.".

SEC. 3. AMOUNT OF GUARANTY ENTITLEMENT.

(a) Conventional Housing.—Section 1803(a)(1) of title 38, United States Code (as amended by section 3(a)(1) of Public Law 100-198) is amended to read as follows:

"(a)(1)(A) Any loan to a veteran eligible for benefits under this chapter, if made for any of the purposes specified in section 1810 of this title and in compliance with the provisions of this chapter, is automatically guaranteed by the United States in an amount not to exceed the lesser of—

"(i)(I) in the case of any loan of not more than $45,000, 50 percent of the loan; or

"(II) in the case of any loan of not more than $45,000, the lesser of $36,000 or 40 percent of the loan, except that the amount of such guaranty for any such loan shall not be less than $22,500; or

"(ii) the maximum amount of guaranty entitlement available to the veteran.

"(B) The maximum amount of guaranty entitlement available to a veteran under section 1810 of this chapter shall be $36,000 reduced by the amount of entitlement previously used by the veteran under this chapter and not restored as a result of the exclusion in section 1802(b) of this title.".

(b) Manufactured Housing.—Section 1819(c) of such title (as amended by section 3(b) of Public Law 100-198) is amended—

(1) in paragraph (3), by amending the first sentence to read as follows: "The Administrator's guaranty may not exceed the lesser of (A) the lesser of $20,000 or 40 percent of the loan, or (B) the maximum amount of guaranty entitlement available to the veteran.";

(2) in paragraph (4), by amending the first sentence to read as follows: "The maximum amount of guaranty entitlement available to a veteran under this section shall be $20,000 reduced by the amount of any such entitlement previously used by the veteran."; and

(3) by adding at the end the following new paragraph:

"(5) The amount of any loan guaranteed under this section shall not exceed an amount equal to 95 percent of the purchase price of the property securing the loan.".

(c) Effective Dates.—The amendments made by this section shall apply to loans which are closed on or after February 1, 1988, except that they shall not apply to any loan for which a guaranty commitment is made on or before December 31, 1987.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2022, the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

☐ 1415

LEGISLATION TO CORRECT IMBALANCES IN FISCAL YEAR 1988 DOD BUDGET

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, today, I and 19 of my colleagues are joining Congressman Jim Hansen, our distinguished colleague from Utah, in introducing legislation to correct imbalances in the fiscal year 1988 DOD budget.

This bill is vitally needed in order to give the Secretary of Defense the flexibility he needs to meet the fiscal problems which have been caused in the Department of Defense by the fiscal year 1988 budget cuts.

This legislation, if passed, will require the Secretary to transfer funds into depot maintenance and civilian personnel salaries, in order to prevent adverse personnel actions during this year. It will also require him to reduce the backlogs which are expected in our depots DOD wide.

In order to do this, the legislation gives Secretary Carlucci $4 billion in transfer authority. This increase is needed because of the imbalance that now exists in the fiscal year 1988 DOD budget, due to the tremendous cuts O&M had to take in order to meet the Gramm-Rudman outlay targets.

Mr. Speaker, we have to protect O&M and the logistics pipeline which is the core to readiness. As we face a flat defense budget over the next few years, our focus must be on maintaining a force that can defend and protect the interests of this country. This legislation emphasizes our determination that operations and maintenance and personnel not be sacrificed for procurement and research and development.

I urge my colleagues to consider this legislation and join us in this effort.

WELCOME DÉTENTE BETWEEN GREECE AND TURKEY

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, we had good news last month from Switzerland. Two of the distinguished participants in the World Economic Forum were Prime Minister Turgut Ozal of Turkey and Prime Minister Andreas Papandreou of Greece. The two leaders met and talked about problems endangering relations between these two NATO member countries, both good friends of the United States.

The results were unexpectedly positive. The two Prime Ministers agreed to hold summit meetings at least once a year. They will appoint a committee to discuss stubborn mutual problems and explore possible solutions. They will set up another committee to promote economic and cultural cooperation, which can help break down suspicion and mistrust on both sides.

Officials of both governments were reported jubilant. Ozal and Papandreou agreed that it was a breakthrough. In their joint communique they said that "creation of improved relations and confidence would require resolve, time and hard work."

Mr. Speaker, the Greek and Turkish governments have no illusions about the difficulty of solving their thorny and complex differences, but they have taken the first steps. We wish them well.

RELEASE KORNEL MORAWIECKI

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, Congressman Courter and I have initiated a letter to the Polish Government requesting the release of Kornel Morawiecki. He is the founder and chairman of a group known as Fighting Solidarity and is the last well-known figure linked to the martial-law upheaval in late 1981.

We believe the arrest of this man on November 9, 1987, was politically motivated and might represent a setback in the improved relations the United States and Poland have experienced in recent months.

Back in September 1986 the Polish Government released all 225 of the country's political prisoners. We all applauded this action and felt it contributed greatly to the current thaw in relations.

With the arrest of this man, however, the Polish authorities may be reverting back to a policy of jailing political opposition figures. I sincerely hope not.

What worries me, Mr. Speaker, is the fact that no one has had any contact with him since his arrest. His own daughter was denied permission to see him on December 11, 1987.

He has been at-large for over 6 years and may face especially cruel retribution at the hands of Government security forces. From what I've heard, Soviet KGB agents have been sent in to help conduct the interrogation.

His ostensible crime is that he was caught smuggling and using false identity cards. I believe he was exercising his right to freedom of association and expression—rights guaranteed under the U.N. International Covenant on Civil and Political Rights and the Helsinki accords. Both of these documents were signed and ratified by Poland.

I urge my colleagues to join with me and Congressman Courter in sending this letter. At the very least, we have an obligation to make sure this freedom fighter in Poland is not being ill-treated during his incarceration.

WHEELS OF MISFORTUNE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the Japanese trade surplus with the United States continues to bear fruit as yesterday another plum dropped off the American corporate tree when Bridgestone, a Japanese company, bought the tire division of Firestone.

This was just another daily episode of the show "The Wheels of Misfortune." But this should surprise nobody: For years, the U.S. trade policy has been conducted with a game show mentality.

We buy Japanese products; they buy United States assets. The Firestone tire division was a steal at $1 billion.

But it's only a game! And we play games according to Hoyle, which obviously has not been translated into Japanese. Why else would there still be trade barriers when the Japanese have a $59.8 billion trade surplus? Why should it matter that they're winning—it's only game show money.

U.S. contestants buy letters, spin the wheel, and go bankrupt. The Japanese don't have to spin the wheel; they know the answers; they buy the prizes.

And you know the rules: You must buy the prizes offered, and corporate and real estate America are the prizes.

American players bought a,g,h,n,m and went bankrupt, the Japanese instantly knew this to be hangman, and unfortunately, we've been hung out to dry.

A PRIVATE BILL FOR THE RELIEF OF T.W. ROUNDS CO.

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, today I am introducing a private bill for the relief of the T.W. Rounds Co. of Providence, RI. Let me explain why Congress should provide overdue relief denied by the U.S. Customs Service in this classic case of injustice at the hands of Government bureaucrats.

In May 1985, Mr. Chester Myers, of the T.W. Rounds Co., was coming back from a buying trip in Europe carrying name brand luggage he is authorized to import into the United States. Upon arrival at Logan Airport, Mr. Myers was prepared, as usual, to pay the duty owed on his merchandise which was worth $6,144. However, it was Memorial Day and Mr. Myers was told he would have to leave his merchandise with Customs for formal entry at a later date. He was given a receipt. Nearly 3 years later, Mr. Myers has neither his merchandise nor compensation for his company's loss.

After 2½ years of letters, telegrams, attorneys, and one embarrassingly inadequate Customs investigation, Mr. Myers asked me for help. After yet another investigation, the Customs Service finally admitted they had made a mistake. Mr. Myers' merchandise, it seemed, had been improperly released to a representative of a third party. The third party denied that the recipient was employed by them, but the third party claimed to have returned the merchandise to Customs which still did not have the merchandise. Confused? Well, it doesn't really matter because the law says the Government doesn't have to pay if Customs loses your merchandise.

Mr. Speaker, this law is absolutely outrageous. If the Government admits they lost a taxpayer's property through negligence, the Government should have to provide compensation. This private relief bill provides the T.W. Rounds Co. with this compensation—just compensation which I hope Congress will approve without further delay.

MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

The SPEAKER. For what purpose does the gentleman from California seek recognition?

Mr. DANNEMEYER. Mr. Speaker, I have a motion at the desk to instruct conferees.

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. Madigan] rise?

PARLIAMENTARY INQUIRIES

Mr. MADIGAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADIGAN. Mr. Speaker, it was my understanding that before any consideration would be given to a motion to instruct conferees that the Speaker was going to conclude the 1-minute speeches.

The SPEAKER. The Chair would like to accommodate Members seeking to be heard on the 1-minute rule but under the rule a motion such as would be proposed, as the Chair understands it, to instruct conferees would take precedence if a Member sought to press that matter at this time and under the rule would be more privileged.

Mr. DANNEMEYER. Mr. Speaker, that is my request.

Mr. MADIGAN. Further pursuing my parliamentary inquiry, Mr. Speaker, does the Chair then as a matter of custom in the House recognize people on the basis of seniority with regard to committee assignments on matters such as this?

The SPEAKER. The gentleman is correct. If two or more Members seek recognition for motions of equal privilege, it would be the custom of the Chair to recognize the Member most senior on the committee of jurisdiction.

Mr. MADIGAN. Mr. Speaker, the Speaker has just described my situation. I am the senior member and pursuant to a previous order of the House I have a motion at the desk.

Mr. DANNEMEYER. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DANNEMEYER. Since the Speaker previously recognized his Member and this Member responded that I have a motion at the desk to instruct conferees and I choose to go forward with it at this time pursuant to a unanimous-consent request of last week, does that not give this Member since I was recognized for that purpose priority to proceed at this time?

The SPEAKER. Well, the gentleman is correct, the gentleman did seek recognition for the purpose of making a motion and then the gentleman from Illinois rose with a parliamentary inquiry and the Chair recognized the gentleman from Illinois for that purpose. And it is the Chair's understanding that each of the two gentlemen standing desires to offer a motion to instruct conferees. Is that correct?

Mr. DANNEMEYER. That is correct, Mr. Speaker.

Mr. MADIGAN. That is correct, Mr. Speaker.

The SPEAKER. Well, the Chair, under those circumstances, following the general precedents of the House would recognize the more senior minority member of the two minority members on the committee of jurisdiction.

Mr. DANNEMEYER. Mr. Speaker, I have a further parliamentary inquiry. I appreciate that the Speaker is hesitating a little with respect to his tentative decision, but this Member actually was recognized before my colleague from Illinois was recognized and I would think on that basis that this Member should have priority for making this motion.

The SPEAKER. The gentleman's motion had not been placed before the House. The gentleman had sought recognition and the Chair had said, "For what purpose does the gentleman seek recognition?" The gentleman from California had said, "For the purpose of offering a motion to instruct conferees."

Mr. DANNEMEYER. That is correct, Mr. Speaker.

The SPEAKER. And the Chair was about to ask the Clerk to report the motion when the gentleman from Illinois stood and sought recognition. The Chair said to the gentleman from Illinois, "For what purpose does the gentleman rise?"

Mr. DANNEMEYER. If I may further be heard on my inquiry, if I understand the gentleman from Illinois correctly, he achieved recognition on the basis of a parliamentary inquiry.

The SPEAKER. The gentleman is correct.

MOTION OFFERED BY MR. MADIGAN

Mr. MADIGAN. Mr. Speaker, pursuant to a previous order of the House, I offer a motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

> Mr. Madigan moves that the managers on the part of the House appointed for consideration of section 7003 of the Senate amendment to H.R. 5 be instructed to agree to language that offers a solution to the dial-a-porn problem.

PARLIAMENTARY INQUIRIES

Mr. DANNEMEYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DANNEMEYER. Mr. Speaker, when a motion to instruct conferees is pending, as is the situation with the gentleman from California having made such a motion, is it in order for the House to then consider another motion to instruct conferees?

The SPEAKER. Is the gentleman asking would it be in order for him to offer an amendment to the motion?

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The Chair is advised that the gentleman from California could offer an amendment to the motion of the gentleman from Illinois but only if the previous question were voted down. If the previous question on the motion of the gentleman from Illinois should be ordered, then his motion would have to be voted upon without intervening motion.

☐ 1430

Mr. DANNEMEYER. Mr. Speaker, if I might be heard further on my parliamentary inquiry, I do not quite see how we could get to the point where we could consider the motion offered by the gentleman from Illinois to instruct conferees when, at the time the gentleman from Illinois is making his motion, there is already a motion by this gentleman from California to instruct conferees pending at the desk. And I have not withdrawn that motion.

The SPEAKER. The motion of the gentleman from California had not been stated and was not pending before the House. The gentleman had sought recognition for the purpose of offering a motion to instruct conferees. The gentleman from Illinois asked, on a parliamentary inquiry, in a situation involving two minority Members, each seeking recognition for the purpose of offering a motion to instruct conferees, as to which of the two Members under the precedents would be recognized. The Chair replied that the senior of the two on the Committee of Jurisdiction, under the precedents, would be recognized, and the gentleman from Illinois offered a motion, he being the senior of those seeking recognition for the purpose of offering a motion.

Mr. DANNEMEYER. Mr. Speaker, I wonder if I could ask the indulgence of the House for the purpose of having the record read back for the purpose of determining whether this gentleman from California was recognized for the purpose of making a motion to instruct conferees.

Mr. DINGELL. I would have an objection, Mr. Speaker. I would have to observe that I think that is a unanimous-consent request, and it is taking a great amount of the time of the House at a time when we have other business pending. I would have to object.

The SPEAKER. The Chair has recognized the gentleman from Illinois, and the gentleman's motion has been read and is now pending before the House. The gentleman is entitled to 1 hour on the motion.

Mr. DANNEMEYER. I have a further parliamentary inquiry, Mr. Speaker.

What happened to my motion?

Mr. MADIGAN. It was never read.

Mr. DANNEMEYER. Yes. it was.

Mr. SOLOMON. Mr. Speaker, he was recognized for the purpose of offering an amendment, and the record will show that.

The SPEAKER. The Chair will state again the situation.

The gentleman from California sought recognition. The Chair asked the purpose of his seeking recognition, and he said he sought recognition for the purpose of offering a motion to instruct conferees. The motion was not made prior to the rising of the gentleman from Illinois to ask by unanimous consent if it were proper to entertain such a motion before the completion of the 1-minute unanimous consent requests. The Chair replied that the Chair would prefer to accommodate Members seeking to be heard under the 1-minute rule first and then entertain the motion, but that the motion really does have priority under the rules to a unanimous-consent request to be heard for 1 minute, and that if the gentleman insists upon offering the motion at that time, the Chair would entertain the motion.

Then the gentleman from Illinois asked if two Members, each desiring to offer such a motion, were simultaneously to seek recognition, which of two Members should be recognized under the precedents of the House, and the Chair replied: The senior of the two on the Committee of Jurisdiction.

Mr. DANNEMEYER. At that point, Mr. Speaker, on the basis of the Chair's own analysis, with all due respect, when I stood for recognition, there was not someone else asking for recognition. It was not done simultaneously.

Mr. DINGELL. Mr. Speaker, may I call for the regular order?

The SPEAKER. The Chair is trying to preserve the regular order and thinks that the Members are entitled to understand exactly what is going on and are entitled to ask questions and to be accommodated to the extent of the Chair's ability to accommodate them.

The fact is that two Members sought recognition for the same kind of motion, for a motion to instruct conferees. The motions having equal precedence and priority, the question arose as to which of the two Members should be recognized for the purpose of making a motion. The Chair replied that the precedents hold that the senior of the two or more Members seeking recognition is entitled to be recognized. The gentleman from Illinois asked then to be recognized for the purpose of offering that motion. The Chair recognized the gentleman from Illinois. The motion has been read. The motion offered by the gentleman from Illinois to instruct conferees on H.R. 5 is the pending order of business.

The gentleman from Illinois [Mr. Madigan] is recognized for 1 hour.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset I would like to explain to the Members of the House that the gentleman from California [Mr. Dannemeyer] and this gentleman from Illinois, along with the gentleman from Virginia [Mr. Bliley] and the gentleman from Michigan [Mr. Dingell], who are here on the floor, are all members of the same committee and all interested in the same issue. We are members of the Energy and Commerce Committee, and we are interested in the dial-a-porn problem, this business of young people being able to pick up a telephone, dial a number, hear a pornographic recording, and sometimes do that on a long-distance basis, with their parents ultimately being responsible for that long-distance charge. All of us are interested in dealing with that problem.

In the other body an amendment was adopted to section 7003 of the bill, H.R. 5, and that amendment dealt with the dial-a-porn problem in a manner which many of us considered to be of constitutional legitimacy. We are concerned that because of the constitutional questions associated with the Senate language, the conferees might choose to drop that language rather than proceed with something that, on the face of it, clearly seems to be unconstitutional.

So I am offering here a motion to instruct conferees to simply agree to language that offers a solution to the dial-a-porn problem. I offer this language as a senior member on my side of the aisle of the Energy and Commerce Committee, and on behalf of myself and on behalf of the gentleman from Virginia [Mr. Bliley], another member of the committee to whom I wish to yield at this point.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, let me say to my colleagues, and in particular to my friend, the gentleman from California, and my other colleagues on the Energy and Commerce Committee, that the motion that he had wished to make addresses an amendment put on by the other body that is identical to a bill of which I am the chief cosponsor in the House.

Now, Members may wonder why I would be here speaking in favor of this motion. The reason is this, Mr. Speaker: I have been trying, along with others, including members of this committee, a majority of whom are cosponsors of my bill, to deal with this problem for 5 years. In the meantime, children have been making these calls continually, and if we were in conference to agree to the language of the other body and if the bill comes back and is approved by this body and the other body and goes to the President and becomes law, we would still not be closer to a solution of the problem, because immediately the purveyors of these messages would go into court and get a restraining order, and then it would be litigated for not days or months but years before we got a solution, and maybe we would get the one we sought and maybe we would not.

I have continued to work on this problem, and I must say we have made a lot of progress. I think that we will, under the language of the gentleman's motion to instruct in the conference, be able to work out whereby we will solve the problem through technical means without getting into any first amendment considerations. I think that is what we would all like to see happen, and I think we would cut the ground out from under the people who would go into court. They may go into court on other grounds, but they would not be able to use the first amendment.

Mr. Speaker, that is what it is all about, and that is why we need this language.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield so I may ask a question of the gentleman in the well?

Mr. MADIGAN. I yield to the gentleman from Indiana for the purpose of debate only.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

The question I have is that regardless of whether the motion of the gentleman from California were to prevail or the motion to instruct offered by the gentleman from Illinois, it seems to me that these purveyors of smut are going to take the final result to court anyhow, so the stronger language, it seems to me, would be the right course of action, because we want to stop this stuff from getting to our children.

Mr. BLILEY. Mr. Speaker, will the gentleman yield further?

Mr. MADIGAN. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the difference is that they may well go to court, but if we are successful in working out the language, as I think we will, they will not be able to go to court on first amendment grounds. They would have to go to court on some other grounds, and thereby we believe and the lawyers who have advised me believe that they would not have a strong case. That is the reason for this motion, I say to the gentleman from Indiana.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask that the gentleman from Virginia stay in the well, please, for just a moment, just so we can get a little background on what this issue is and how we got to this point. As the gentleman from Virginia has pointed out, for the last 5 years he has worked passionately in the Subcommittee on Telecommunications and Finance to find some resolution on this issue.

The problem has been that almost every formulation which deals with this issue from an obscenity perspective or indecency standpoint has been challenged and challenged successfully in the courts of this country.

The gentleman from Virginia and I met in September of last year in my office, and I agreed to work with the gentleman from Virginia to construct a regulatory and technological solution to his problem which would be able to overcome the first amendment objections and at the same time still create difficult barriers for any child to gain access to this dial-a-porn service without the permission of their parent by giving to the parent an access code or setting up some other technological barrier so that the child would have to get from the parent if they were going to dial it; otherwise the service would not be available to the home.

We have been working hard over the last 5 months to construct a compromise solution. We at this point have an understanding in principle among the ACLU and the Citizens for Decency, along with the gentleman from Virginia, the gentleman from Michigan, and myself, to try to resolve the first amendment issues while at the same time creating this technological bar of children gaining access without their parents' permission, thereby circumventing the first amendment problem while at the same time dealing with people's primary concern, which is children's access to this service without the parent's consent.

The gentleman has thoughtfully illuminated a dilemma. We have a real world solution which we are considering in the context of the conference committee, and the type of instruction which we are potentially presented with by the gentleman from California is one that again raises the specter of first amendment problems that again brings us right down the same road that has given us all these difficulties over the last 5 years.

This is an issue that we want to deal with on a bipartisan basis. There is uniform concern in the House over this issue, and I believe the motion offered by the gentleman from Illinois is one that is reflective of our general sense that we want to get a bipartisan resolution of the issue.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to my colleague, the gentleman from California, for the purpose of debate only.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I think it would be helpful for the Members of the House to understand what this squabble is all about and where we are. The issue involved in this squabble is whether or not we in the House today are going to vote on the issue of banning dial-a-porn in America. That is the issue. I happen to believe that the people of this country are outraged at what has developed in the telephone industry.

They are making millions of dollars out of this trash. There are powerful forces at work in this country that can keep open the window for the continued availability of dial-a-porn. I am not suggesting that my colleague, the gentleman from Illinois [Mr. Madigan], or the chairman of the committee, the gentleman from Michigan [Mr. Dingell] are in that group. They are not. These two gentlemen, along with my good friend, the gentleman from Virginia [Mr. Bliley], have been working diligently to provide a vehicle for following constitutional muster but narrowly restricting the availability of dial-a-porn so as to preclude its availability to kids.

☐ 1445

That is what they are struggling to do and I commend them for it. They have been struggling to reach this compromise for over a year. I hope they will continue with that struggle, because like anything else around this place, issues are not resolved today. They come up tomorrow, but this issue today will permit those of us who believe that dial-a-porn does not belong in the culture of America to say so with our votes.

This place is supposed to be built on accountability. The Senate has already voted 98 to nothing to implement what I seek to do here today in my motion to instruct. If I were successful in offering my motion to instruct, the effect of it would be that the authorization for dial-a-porn would be stricken from the Federal law which we adopted in 1983. That is the reason it is on the books today. It would just say it will be no more, whether it is for adults or kids, and I think that is the proper course.

The compromise that my good friends are seeking to adopt would, if I understand it, permit a telephone subscriber as a condition precedent to notify the telephone company that they want to get dial-a-porn. Now, what does that do?

Mr. MADIGAN. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my friend, the gentleman from Illinois.

Mr. MADIGAN. There is no language like that here. What I am offering is a motion that says: "Mr. Madigan moves that the managers on the part of the House appointed for consideration of section 7003 of the Senate amendment to H.R. 5 be instructed to agree to language that offers a solution to the dial-a-porn problem."

If I might continue, the reason I am doing that and the only reason that I am doing that is because the language adopted in the Senate, which the gentleman from California would like to adopt here in the House in a motion to instruct conferees, has been called into question by many of the lawyers here in the House and in the Senate and other constitutional authorities, saying that language simply goes beyond anything that would be found to be constitutional in a court challenge.

So we are hoping to have the opportunity to resolve this issue in the conference between the two bodies in a way that would not be found to be unconstitutional, and that is what the language of my motion does, and it does not say anything about access buttons or access codes or anything like that.

Mr. DANNEMEYER. I agree. The motion does not relate to that language, but the compromise agreement that was discussed here on the floor before this squabble developed contained an element whereby a telephone subscriber would be able to tell the telephone company that they wanted a continuation of subscriber services of this nature, the affirmative action of the subscriber, and that is the defect in it, because how would the occupant of the home, the parents, know what their kids are doing?

Mr. MADIGAN. Mr. Speaker, if the gentleman will yield again, and the gentleman knows we have plenty of time. I have yielded to the gentleman and if I am interrupting his train of thought, I apologize; but the language

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the gentleman would offer includes such references as "indecent language."

Now, I do not know how—that is going to be a very subjective judgment and I do not think that 218 Members of the House could agree on what is indecent language, and the court has already indicated in past sessions that they are unable to agree on something like that; so I think the gentleman begs a court reversal of what he attempts to do, unless the gentleman gives us some opportunity to work this thing out in a way that would be found to be constitutional.

Mr. DANNEMEYER. May I respond?

Mr. MADIGAN. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, let me respond to that.

The existing language of the law says that any obscene or indecent communication—that is the disjunctive—and admittedly the word "indecent" has different meanings in our court system, but the word "obscene" has a definite understanding in constitutional law. It has been proscribed. It is not constitutionally protected and the amendment that I am offering would have the effect of continuing the utilization of the word "obscene" in the statutory law of the country that would effectively prohibit dial-a-porn.

Mr. Speaker, do I have the time? Could I yield to the gentleman?

Mr. MADIGAN. No, I have the time, and I have other Members who have previously asked for recognition. I have yielded to the gentleman from California and would appreciate if he would continue and conclude his thoughts.

Mr. DANNEMEYER. I just have a comment that I would like to make here.

This incident occurred on July 26, 1987. It came from a parent talking about what happened in its family.

> "Dial-A-Porn" has deeply affected my family and friends. My 13-year-old son, Kevin called the 900 number. Kevin's friend Don, 15, was over and they were listening to the prerecorded messages. Later when I arrived home from work I immediately made them hang up. Unknown to me, Kevin's 14-year-old brother was listening on another line with his two friends. They continued to listen passing it back and forth. Their sister Jacqueline, 10 was also listening on her extension.
>
> Within 48 hours Don and his 11-year-old brother molested my daughter Jacqueline. The Clio Vienna Township Police were notified and in their investigation revealed the fact that Jacqueline had encouraged them by asking them to touch her and "Do it with her"—phrases she heard on the "Dial-a-porn". Later the same day I learned that Kevin had sexual intercourse with a girl. His response when asked why was "it sounded like fun." I asked him, "What sounded like fun?" and he said "You know the phone call, the $74 phone call."
>
> This phone call has damaged our lives. It has caused strain and distrust in our family. We have had conflict with our neighbors when we had to inform them of their children's involvement. Most of all the permanent damage it's done to our daughter. Somehow the proper steps must be taken to eliminate this diseased pornography that is so readily available to children. Please help our children to prevent such occurrence again.

My point is that even with the compromise that has been talked about on the floor, not a part of the gentleman's motion to instruct conferees, it would still make dial-a-porn available to kids in those homes who had opted to provide, or as a subscriber asked for the availability of dial-a-porn. I do not think as a policy that is the direction Congress should be taking. I think we should be voting here today to eliminate dial-a-porn from the culture of America.

I intend to ask for a roll call vote on the previous question. For those Members who choose to vote yes on the previous question, that means they are voting for the continued availability of dial-a-porn in America. If you vote no on that previous question, that means you will be given a chance to vote on the motion that I would like to make, and but for the intervention of my distinguished senior member on the committee, the gentleman from Illinois [Mr. MADIGAN], I would have been able to make and would say that there will be no more dial-a-porn in America.

I ask for the ability of the House to make that motion so that we can express ourselves on this sensitive issue in the culture of America today.

I thank the gentleman for yielding me the time.

Mr. MADIGAN. Mr. Speaker, just very briefly reclaiming my time, in response to the gentleman from California who just spoke, a vote on the previous question will not be the vote that the gentleman describes at all. The vote on the previous question will be a vote on the previous question on my motion to instruct the conferees from the two bodies to agree to language that offers a solution to the dial-a-porn problem.

It is not a motion to postpone this until some future time. It is a motion to instruct the conferees to find a solution to it in this conference and to come back from that conference to this body and the other body with that solution.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. DINGELL], the chairman of the Energy and Commerce Committee.

Mr. DINGELL. Mr. Speaker, I want to thank the distinguished gentleman from Illinois for yielding to me. I want to commend him for his leadership in this matter.

As the chairman of the House conferees, I will accept his instruction.

I want to commend the gentleman from Illinois [Mr. MADIGAN] for his long effort on this matter and for the leadership he is showing today.

Dial-a-porn is one of the most obnoxious and contemptible forms of constitutional abuse which we find today. It is a perversion of free speech. It is the sale of some of the vilest and ugliest kinds of human behavior and human emotions for money. I want to commend the gentleman for his instructions, because I believe that this obnoxious practice should be limited to the fullest extent permitted by the Constitution.

Now, I gather that there is some difference over the precise form of the motion to instruct. I want to observe that the gentleman from Illinois has come forward with an excellent instruction to the conferees. I want to tell my colleagues that his instruction will be accepted by the conferees and that we will go as far as we can while remaining faithful to the Constitution in bringing this obnoxious practice to a halt. We will see to it that our young people are protected from this ugly and improper practice to the fullest extent possible within the limits of the Constitution.

The gentleman from Illinois is providing leadership and he is supporting the leadership of the distinguished gentleman from Virginia [Mr. BLILEY] who has long been interested both as a decent Christian and a fine human being, in preventing this kind of practice on publicly licensed and regulated facilities.

I believe the fact that the gentleman from Illinois [Mr. MADIGAN] has made it possible today for the House to express its thoughts on this issue of great importance and will assure us that we have the support of the House when we go to conference with the Senate on this question.

We should not quibble about the precise instructions to the conferees. It is plain that the conferees are going to go to the Senate and try on behalf of the House to achieve the best possible resolution of this issue. This resolution, which will remain within the framework of the Constitution, should assure that the necessary statutory steps are taken to bring this obnoxious practice to a halt.

I think that we should vote yes on the previous question. We should not quibble. In addition, we should not allow a situation where the question of constitutional inhibitions should be used to prevent the strongest possible interdiction by Federal statute against this practice of dial-a-porn.

The gentleman from Illinois [Mr. MADIGAN] has provided us with valuable leadership. I urge my colleagues to vote yes on the previous question and on the instruction. I urge them to recognize that the gentleman from Illinois, the gentleman from Virginia [Mr. BLILEY], and the gentleman from

California [Mr. DANNEMEYER] will be working with other Members of the House who can bring this practice to a halt and move forward on this business which is of great importance to every American.

Mr. MADIGAN. Mr. Speaker, I yield to another member of the Energy and Commerce Committee, the gentleman from Illinois [Mr. COATS] who has been working on this problem for some time.

Mr. COATS. Mr. Speaker, I thank the gentleman from Illinois for yielding.

I regret, Mr. Speaker, that we are here today arguing with each other in this fashion, because I do not believe there is a Member of Congress on this floor who supports what is going on with dial-a-porn. We had hearings before our Energy and Commerce Committee in which many of us sat and listened to the presentations that were made about the problem of dial-a-porn, about the impact it is having on our society, and the evil impact it is having on our young people. As we sat through these hearings, we struggled with how to best deal with this problem. We have constitutional problems. We have court problems.

No one has been more vociferous or more tenacious on this issue, than the gentleman from Virginia [Mr. BLILEY]

I regret that we find ourselves in a position today that because the gentleman from Virginia [Mr. BLILEY] has come up with a solution which he believes will stand court muster. However, this is not accepted by some other members of our committee. They say that a vote for the Madigan motion in a sense is a vote for dial-a-porn and that a vote against is a vote against dial-a-porn. I do not think that is the case. That is not what the gentleman from Illinois has in mind. It is certainly not what the gentleman from Virginia has in mind. He has worked diligently for more than 1 year on this issue, trying to bring about a compromise that will stand court muster, that will eliminate dial-a-porn, eliminate access to dial-a-porn for our young people and deal effectively with this problem that we have all been struggling with for so long.

☐ 1500

The marketing of this dial-a-porn program is obnoxious, it is not discriminatory, and it is not directed just to adults. Members of my staff have received solicitations through the mail, attached to their windshield wipers, distributed on their doorsteps which have said, "If you want to make love with Susie, call this number," and so forth. I will not go into all of the graphic detail as I did in committee. This is the kind of thing that falls in the hands of our young people. It is very tempting to our young people. A simple phone call brings them this kind of indecency, and none of us wants to support that.

But what we are struggling with here, and what the gentleman from Virginia is attempting to do, is to come up with a solution that will not throw the issue into the courts. They have not been successful in dealing with this issue for year after year after year and leave us in limbo on this situation.

I wish the phone companies would have had the courage, would have the guts to come forward and say we are not going to offer this kind of service and we will go forward and stand the court test, and we will fight this. I think they would have been on the side of the people. They would have been on the side of decency, and I regret that in some cases perhaps profit motive has directed them into not taking the stand they should have.

However, despite what their lawyers tell us, there are constitutional problems, court problems, and legal problems. Legal scholars have come before the committee and told us there are constitutional problems and that if we go ahead with the solution the gentleman from California [Mr. DANNEMEYER] proposes, we will simply end up in the courts. We will not stop dial-a-porn, we will not impose a solution to the problem of having dial-a-porn impact on our young people, and we will be fighting this battle on legal grounds for months and years to come.

The gentleman from Virginia [Mr. BLILEY] has come forward with what he thinks is a technological solution to the problem. I say let us give it a shot.

These Members appointed as conferees have pledged to us here today that they are going to vigorously pursue this effort and that this is not a compromise. This is a different solution. We are not compromising on this issue. No Member is standing here compromising on the issue. We are trying to find a compromise on the solution. One that will bring about a resolution of the problem.

I hope that is what we can accomplish. If we cannot, I will be the first one to come back here and support the gentleman from California [Mr. DANNEMEYER] whose position I support 100 percent. Everything he said about dial-a-porn, I agree with. I will be the first one back here to say, "BILL, the other one did not work; let us go your way, take our chance with the court and try to put it in place."

I thank the gentleman from Illinois for his efforts in this regard and I particularly thank the gentleman from Virginia for his efforts and I regret that he is being cast in a light of compromising on an issue he feels so deeply and strongly about.

Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. MADIGAN. Mr. Speaker, I thank the gentleman from Indiana for his contribution, and for purposes of debate only I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are dealing with a filthy, filthy business here, and it seems to me that there is nothing that we can do in this body that would be too tough in terms of ending this filthy, filthy business. And the fact is for all of the constitutional arguments that we have heard on the floor here in the last few minutes, the other body has in fact acted 98 to nothing on precisely the language the gentleman from California would have us approve. It seems to me if there were serious constitutional problems that maybe somebody over there would have found some of those serious constitutional problems before they voted 98 to nothing for this particular proposition.

What the gentleman from California is trying to do is make certain that the elimination the folks in the other body thought was important in fact gets acted on by the conference. So that is the real question, it seems to me, that is posed before us.

Do we take the weak approach, not that the people who are acting here are acting in bad faith, but the approach that they are asking us to take is a weaker approach than what the gentleman from California wants us to take, because what we would have before us in the motion offered by the gentleman from Illinois is a proposition that the conference committee ought to discuss a solution.

What the gentleman from California is saying is let us eliminate the problem. I think that we ought to vote with the gentleman from California. Vote no on the previous question so that the gentleman from California can offer his amendment that will say to the conferees eliminate the problem, get rid of this filthy, filthy business, and then the courts will do what the courts are going to do. But I would suggest that this constitutional argument that all of a sudden has been thrown into the middle of this debate is in fact something that was not given very serious consideration in the other body and that our position ought to be let us at least be as tough as they were on the other side of the Capitol. Let us just get tough here, and let us eliminate this filthy business.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I am glad to yield to the gentleman from New York, my colleague.

Mr. SOLOMON. Mr. Speaker, I would just like to point out the point the gentleman is making, and with all due respect to my good friend, the gentleman from Illinois [Mr. MADIGAN] who I know is sincere on this issue, and especially to the gentleman from Michigan [Mr. Dingell] chairman of the committee whom I have defended on attacks by the New York Times time and again, I have deep respect for him, but let me just say if there is sincerity on the part of all of the people who are supporting this, let us withdraw the Madigan motion and let the gentleman from California [Mr. Dannemeyer] offer his motion. Then there is no question the conferees will accept this because the Senate has passed it 98 to nothing. This House will instruct the conferees to support it and then we will ban dial-a-porn.

If there is a question in any of my colleagues' minds as to whether this is constitutional, and I have heard no constitutional lawyers, including my good friend, the gentleman from Illinois, Henry Hyde, raising any objections on this side of the aisle because I think it is constitutional, if there is a question then let us put our money where our mouth is. Let us pass the Dannemeyer motion to instruct. Then let us pass the gentleman's amendment, his motion to instruct in the form of legislation. Let us put them both on the desk of the President, and let us have them both signed into law. Then we will ban dial-a-porn forever.

If it is found unconstitutional, here is the backup piece of legislation.

I recall to my colleagues what happened to the Solomon amendment 5 years ago when similar arguments were made when I tried to offer amendments on this floor to ban Federal aid from going to draft dodgers, to young men and women who refused to register for the draft. Many people, including Paul Simon, who is running for President of the United States, said that is unconstitutional, and for months and months they blocked my amendment, until we finally passed it. It went to the President. He signed it, and it went to the Supreme Court, was tried, brought by an action by the University of Minnesota. The Supreme Court upheld the so-called unconstitutional Solomon amendment by a vote of 7 to 2. So much for unconstitutionality.

That solves both your problems. Let us support the gentleman from Michigan [Mr. Dingell], let us support the gentleman from Illinois [Mr. Madigan], and let us support the gentleman from California [Mr. Dannemeyer]. Let us pass both of these and test them in the courts.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Michigan, chairman of the subcommittee.

Mr. DINGELL. Mr. Speaker, I think the gentleman from Illinois [Mr. Madigan] has shown extraordinary statesmanship and patience in connection with this debate. It appears that we are in the midst of a monstrous quibble. It has been said there is some legislative language that can be voted on. However, as we have not yet gone to conference there is no specific language to consider at the moment. We will be going to conference soon and I have already made a pledge concerning the goals of the conferees. I am sure the conferees, including myself, the distinguished gentleman from Massachusetts [Mr. Markey], the chairman of the subcommittee, as well as the other conferees, the three Democrats and two Republicans, will be given ample opportunity to participate. We are going to work together and write strong language to deal with this problem.

I think rather than getting ourselves in an enormous dialectical hassle over how many angels can dance on the head of the pin, or who is most opposed to dial-a-porn, we should simply support the previous question, as well as the motion to instruct the conferees offered by the gentleman from Illinois [Mr. Madigan]. We should recognize that this is a motion offered in good faith. We should also recognize the comments made by those of us who will be participating in the discussions with the Senate, and recognize that we are going to find the strong and most effective way to bring to fruition the long efforts of the gentleman from Virginia [Mr. Bliley] and others who have been seeking to bring this obnoxious practice to a halt. I assure my colleagues we will make our best effort toward that end, and I thank my dear friend from Illinois for yielding.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I am happy to yield to the gentleman from Massachusetts, chairman of the subcommittee.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, I want to make one thing very clear here, and that is that all of the conferees have every intention of being tough in terms of resolving this issue, but at the same time we intend on being smart. We want to resolve the issue in a way which effectively solves the problem at hand. We do not want to pass legislation which brings us years of litigation, and on an issue in which we know that just 3 weeks ago the second circuit court recognized the constitutional problem and decided that Congress may not ban indecent telephone language and in which we know from testimony before our own subcommittee just 4 months ago by the U.S. attorney from Utah, the chief prosecutor of these cases who testified before our subcommittee that the Helms language is, in his opinion, on its face, unconstitutional, that it will just buy us years of trouble, years of litigation, and ultimately have us engaging in further futile activity.

The gentleman from Virginia [Mr. Bliley] is the single most sincere Member of Congress in terms of his desire to see a resolution of this issue. He is telling us that the message that is delivered by the gentleman from Illinois [Mr. Madigan] in his instructions to the conferees will give us the latitude to produce for the House a resolution of this issue.

I promise the gentleman from California that all of us, the gentleman from Michigan, the gentleman from Massachusetts, all of us have an interest in resolving this issue now. And if we can stand together, I give my colleagues my promise, and the chairman of the committee, the gentleman from Michigan, I know shares my view that we will do everything in our power to resolve this issue as part of this conference and to give my colleagues something that will stand constitutional questions and challenge.

The motion offered by the gentleman from Illinois should be supported. A yes vote is the correct vote if Members of this body seek to find a constitutionally passable piece of legislation which will deal once and for all with this question of pornography being in fact made available to minors without the permission of their parents. We think that we are very close to resolving that issue, and if the motion offered by the gentleman from Illinois [Mr. Madigan] is accepted, I think we have a very good chance of delivering that to the House.

Mr. MADIGAN. Mr. Speaker, in summary I would like to say that I have offered this motion on behalf of the gentleman from Virginia [Mr. Bliley] and the gentleman from Indiana [Mr. Coats] who are both members of the appropriate subcommittee of the Committee on Energy and Commerce which has been involved in this dial-a-pornography over the telephone business for some number of years, now almost 5 years, I believe. Those two gentlemen have had the opportunity over a period of 5 years in that subcommittee to hear a lot of testimony from various constitutional scholars, prosecutors and others as to what kind of language would be found to be constitutional by the Highest Court in this land, and what kind of language would not be. Clearly these two gentlemen, the gentleman from Virginia [Mr. Bliley] and the gentleman from Indiana [Mr. Coats] are saying that the language the gentleman from California [Mr. Dannemeyer] would like to offer is language that has been said to be by all the expert witnesses that have come before their subcommittee language that would be found to be unconstitutional. Even the U.S. Department of Justice has raised questions about the constitutionality of the language that would be offered

here if my motion to instruct conferees were not to be successful.

The motion that I have offered to instruct conferees says the conferees are instructed to agree to language that offers a solution to the dial-a-porn problem. The conferees would include the gentleman from Virginia [Mr. Bliley] who has been active in this issue for over 5 years, who is a parent, who is a devout member of his church and whose conservative credentials have never been questioned by any Member of this assembly on either side of the aisle.

This language requires that the dial-a-porn issue be resolved now and not be put over to some future time and place. The language provides the flexibility that is needed to resolve legal and constitutional issues. It is language that I hope the Members of this House will support.

Mr. Speaker, I move the previous question on my motion to instruct.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 200, nays 179, not voting 54, as follows:

[Roll No. 8]

YEAS—200

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Baker
Bates
Beilenson
Berman
Bliley
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bustamante
Campbell
Cardin
Carper
Carr
Chandler
Clarke
Clement
Clinger
Coats
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
Crockett
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Evans
Fascell
Feighan
Fish
Flake
Florio
Foglietta
Foley
Frank
Gallo
Garcia
Gaydos
Gejdenson
Gonzalez
Gordon
Gradison
Grant
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hertel
Howard
Hoyer
Jacobs
Jeffords
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McDade
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Oxley
Panetta
Pease
Pelosi
Pepper
Perkins
Pickett
Pickle
Price (IL)
Rahall
Ray
Rhodes
Richardson
Rinaldo
Rodino
Roe
Rogers
Rostenkowski
Roybal
Sabo
Savage
Sawyer
Saxton
Schneider
Schroeder
Schumer
Sharp
Shays
Shuster
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (VA)
Smith (FL)
Solarz
St Germain
Staggers
Stokes
Studds
Swift
Synar
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NAYS—179

Armey
Badham
Ballenger
Barnard
Bartlett
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Broomfield
Brown (CO)
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Chapman
Chappell
Cheney
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Craig
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeLay
Derrick
DeWine
DioGuardi
Dorgan (ND)
Dornan (CA)
Duncan
Dyson
Edwards (OK)
Emerson
English
Erdreich
Espy
Fawell
Flippo
Frenzel
Gallegly
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Grandy
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (SD)
Kasich
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Lewis (CA)
Livingston
Lloyd
Lowery (CA)
Lujan
Lukens, Donald
Marlenee
Martin (NY)
McCollum
McCurdy
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Myers
Nelson
Nichols
Nielson
Owens (UT)
Packard
Pashayan
Patterson
Penny
Petri
Porter
Price (NC)
Quillen
Ravenel
Regula
Ridge
Ritter
Roberts
Robinson
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Schaefer
Schuette
Sensenbrenner
Shaw
Skeen
Skelton
Slaughter (NY)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wolf
Wylie
Yatron
Young (FL)

NOT VOTING—54

Applegate
Biaggi
Bilirakis
Boehlert
Boggs
Boulter
Clay
Courter
Crane
Daub
Dickinson
Dowdy
Dreier
Dymally
Fazio
Fields
Ford (MI)
Ford (TN)
Archer
Frost
Gephardt
Gray (IL)
Gray (PA)
Hansen
Horton
Johnson (CT)
Kemp
Kennedy
Kolbe
Lantos
Leath (TX)
Leland
Lent
Lewis (FL)
Lightfoot
Lott
Barton
Lungren
Mack
Mica
Mollohan
Parris
Pursell
Rangel
Roemer
Saiki
Scheuer
Schulze
Shumway
Smith (IA)
Stark
Sweeney
Wortley
Young (AK)

□1530

Messrs. COMBEST, JOHNSON of South Dakota, ROBERT F. SMITH, BARNARD, ROSE, BEVILL, RITTER, PORTER, THOMAS of Georgia, TAUKE, HOCHBRUECKNER, HUGHES, DERRICK, STRATTON, GLICKMAN, and RIDGE changed their votes from "yea" to "nay."

Mr. CARR and Mr. TRAFICANT changed their votes from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. Panetta). The question is on the motion to instruct offered by the gentleman from Illinois [Mr. Madigan].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MADIGAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 51, as follows:

[Roll No. 9]

YEAS—382

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clement
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Coyne
Craig
Crockett
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Feighan
Fish
Flake

Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (SD
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kenneily
Kildee
Kleczka
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Latta
Leach (IA)
Leath (TX)
Lehman (CA
Lehman (FL
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowery (CA
Lowry (WA)
Lujan

Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)

Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NOT VOTING—51

Barton
Biaggi
Bilirakis
Boehlert
Boggs
Boulter
Chapman
Clay
Coble
Courter
Crane
Daub
Dowdy
Dreier
Dymally
Fazio
Fields

Ford (TN)
Frost
Gephardt
Gray (IL)
Gray (PA)
Hansen
Horton
Johnson (CT)
Kemp
Kennedy
Kolbe
Lantos
Leland
Lent
Lewis (FL)
Lightfoot
Lott

Lungren
Mack
Mica
Parris
Pursell
Rangel
Roemer
Saiki
Scheuer
Schulze
Shumway
Smith (IA)
Stark
Sweeney
Wilson
Wortley
Young (AK)

☐ 1545

Ms. PELOSI changed her vote from "nay" to "yea."

So the motion to instruct was agreed to.

. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3378

Mr. THOMAS of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill (H.R. 3378) to require National Park Service to reintroduce wolves into Yellowstone National Park.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CLAIMS AGAINST THE UNITED STATES FOR NEGLIGENT MEDICAL CARE PROVIDED MEMBERS OF THE ARMED FORCES

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 375 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 375

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1054) to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments, as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. Hall] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. Latta], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 375 is an open rule providing for the consideration of H.R. 1054, the bill to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule also makes in order the Judiciary Committee amendment in the nature of a substitute now printed in the bill as the original text for the purpose of amendment under the 5-minute rule. Each section of the substitute shall be considered as having been read.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 1054 would amend the Federal Tort Claims Act to allow active duty military personnel to sue for damages that arise from medical malpractice. It is a narrowly drawn measure which does not permit medical malpractice suits resulting from medical treatment furnished overseas or during combat situations.

Although active-duty military personnel represent only about one-third of those served at military medical facilities, they currently are the only category of patients at such facilities who cannot sue for medical malpractice. In fact, even Federal prisoners can sue for medical malpractice in Government-operated facilities. This legislation would correct these inequities under present law.

Mr. Speaker, I am not aware of any objections to this open rule. I would urge my colleagues to adopt this rule so that we can move on to the consideration of this legislation.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in recent months I do not know of anyone who has not spoken out against the deficit, how we

have to control it, et cetera, et cetera, et cetera, but now we come with a bill today that opens up a whole new category of claims on the Federal Treasury. It will allow active duty military personnel to sue the United States for damages for personal injury or death resulting from negligent medical or dental care provided in fixed medical facilities operated by the Department of Defense or the United States.

While the estimated cost of this bill is $25 million per year, the truth of that it is very difficult to predict the cost of medical malpractice awards. It would not surprise me if the actual cost of this legislation turned out to be a major budget figure.

Mr. Speaker, it should be noted that the administration opposes this bill and does so very strongly. According to a policy statement provided in the Rules Committee, the President's senior advisers would recommend that he veto the bill if presented to him in its present form as it is before us today.

The administration finds this bill objectionable because it would legislatively limit the Supreme Court's longstanding Feres doctrine, which holds that "the Government is not liable under the Federal Tort Claims Act for injuries to servicemen where the injuries arise out of or are in the course of activity incident to service." There already exists a separate, uniform, comprehensive, and no-fault compensation process for military personnel.

The administration also objects to this bill because it would involve the courts in the review of military command decisions, thereby weakening military discipline and disrupting the unique relationship between servicemen and the military.

☐ 1600

Another problem is that the bill will result in an inequity by permitting service-incident claims to be determined by nonuniform local laws. The administration suggests that if Congress concludes that additional compensation should be available to service personnel injured by military medical malpractice then the administration would not object to the establishment of an administrative medical malpractice compensation program under the operation of the Military Claims Act.

This alternative would ensure an unbiased review of these claims without requiring the judicial branch to second guess military decisions.

For all these reasons, Mr. Speaker, the bill made in order under this rule should not and undoubtedly will not be enacted into law

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. Porter].

Mr. PORTER. Mr. Speaker, this is an acceptable bill from my point of view in one respect—it allows members of the Armed Forces the right to recover in court damages incurred by malpractice.

There is nothing wrong with this, of course, except that it does not really address other aspects of the malpractice crisis gripping this country, and does not go far enough to limit the Federal Government's potential monetary exposure.

The bill does attempt to limit so-called noneconomic damages by defining the word personal injury to preclude mental or emotional disability that is not a direct result of the injury.

The problem with this—and the lawyers here in this body all know it—is that it is not very tough to convince a judge that an emotional damage of one kind or another—so-called pain and suffering or noneconomic damages—is a direct result of some physical injury.

So my concern, then, is that the bill really doesn't preclude the danger of the Federal treasury being tapped for large pain and suffering awards as a result of military medical malpractice.

Is this a genuine concern? I think that it is.

In 1985, I commissioned a comprehensive GAO study of closed malpractice claims for the year 1984. That study revealed a number of important things.

One thing the study turned up is something which I call a "money spike."

Of all claims, only about 40 percent result in a payment of any kind.

But of those claims that pay, 60 percent of the total money paid out goes to only 9 percent of the claimaints—and all of that is in amounts exceeding $250,000.

In other words, about 4 or 5 claims out of 100 pay big money; the rest either don't pay much or don't pay at all.

Turning to the analysis of payments solely for noneconomic damages—for pain and suffering—we see the same money spike dynamic.

In this case, 60 percent of the money paid out for pain and suffering went to only 2 percent of all claimants—all in amounts exceeding $200,000.

The point of my bringing this up is to alert the Members to the reality that we risk opening the door through this legislation to huge payouts by the government for pain and suffering.

Let's remember, too, that the judge will be deciding the case and fixing awards with the knowledge that Uncle Sam's deep pockets will be footing the bill.

My fear then, quite simply, is that the payouts will be large, the money spike, if you will, will be huge. When a sympathetic judge discovers it will be the Federal Government paying—the sky will be the only limit. The Federal Government will finance numerous multimillion dollar settlements and the costs of this bill will far exceed the $25 million that CBO has ball-parked it at. It will be an unimpeded tap into the Federal Treasury for plaintiff's attorneys, and if we thought some judgments were large when the insurance company's were paying them, wait until we see those against Uncle Sam.

I considered offering an amendment to this bill to cap noneconomic payouts at $300,000. I understand my able colleague from Illinois [Mr. Davis] will offer such an amendment, and I certainly will support it.

Malpractice is a complex issue. As I said at the outset, I have no problem with allowing active duty members to sue, but that is only part of the solution. Preventing occurrences is also vital.

We need comprehensive risk management in our military—computerized tracking of outcomes, extensive peer review, rigorous credentialling. We probably need better compensation for these doctors. And we need patient education on risks and exposures.

And again, we the government, the taxpayers in this case, we the payors of judgments—ought to protect ourselves against large Federal expenses by imposing some kind of limits on pain and suffering damages beyond those contemplated in this legislation.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. Dickinson].

Mr. DICKINSON. Mr. Speaker, I am going to vote against the rule because I am against the bill. I think it is a bad bill. I think that the gentleman from Illinois [Mr. Porter] has pointed out most of the things in the way of inequities and fallacies involved in the bill. What we are doing is great for trial lawyers, and it is great for the ACLU, and it is great for people who want to sue the Government, as if we did not have enough of that already.

We have a good system now, we have a system of compensation for those who have been injured who have not been adequately taken care of, but there is no reason to impose this additional burden on the military at a time when the Department of Defense and the defense dollar is under attack. This would open sort of a Pandora's box so that everybody who wants to sue the Government can file suit. We have already seen how litigation has mushroomed in the civilian sector. We have seen doctor after doctor go out of business. We have seen obstetricians quit their practice because of malpractice suits.

Mr. Speaker, at least those physicians in the military had some protection. As a matter of fact it helped in recruitment of physicians for the military because they did not have to

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spend $75,000 up to $200,000 a year for premiums for liability insurance. Now they want to take away that indemnity, this protection for our military doctors.

As the gentleman from Illinois [Mr. Porter] has pointed out, this is just saying OK everybody, anybody that has a claim real or imagined has a free chance, Uncle Sam has the deep pocket here and it is going to hurt military medicine, it is going to hurt the Department of Defense, and I just think it is a bad bill.

Mr. Speaker, for that reason I would vote against the rule and vote against the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. Frank].

Mr. FRANK. Mr. Speaker, there are several misstatements of fact that I want to address.

First, there are no jury trials involved here. This is under the Federal Tort Claims Act and there will be no jury trials. There has been a suggestion that there would be a problem with jury trials, and that simply is not the case.

Mr. Speaker, there are a lot of controversial aspects to the tort system. The Federal Tort Claims Act, which is what is at issue here, does not have many of those that are most controversial so it was wrong for my colleagues to state that there would be jury trials.

Mr. Speaker, it is incorrect to suggest, as a previous speaker did, that this would come out of the Department of Defense budget.

Relatively small amounts come out of the Department of Defense budget, but under the Federal Tort Claims Act larger judgments have $2,500 come out of the claims fund that is through the Department of Justice. So this would not be true.

The total that the Congressional Budget Office estimated of $25 million virtually none of that would come out of the Department of Justice.

It is also a mistake to suggest as the previous speaker just suggested, that we would be taking away the indemnity for the doctors in the military. We simply do not do that. This does not change the indemnity as to doctors in the military. It allows a member of the military to sue the Federal Government without a jury trial, without a possibility of punitive damages, but only for physical injury and resultant problems of a physical injury, and the funds if there is a settlement above $2,500 would not come out of the Department of Defense budget.

Mr. Speaker, I just want to point out to the Members who are reacting to this in terms of their general view on tort law should understand that this is a much more limited right than one generally has in tort law.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. FRANK. Mr. Speaker, I would be glad to yield to the gentleman from Missouri, a distinguished lawyer and member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to point out that I do support this measure. This sort of law should have been passed some time ago. It is one that is limited in scope, it is one that will give the opportunity for adequate compensation in the correct tribunal and I am sure that there are those that have a proper tort claim whether it be personal injury or otherwise who will be compensated under this, whereas otherwise they would not be so compensated.

I think it is absolutely the right thing to do. I commend the gentleman from Massachusetts [Mr. Frank], he is on the right path. I compliment not only him but I compliment the Committee on the Judiciary on putting this out, and I wholeheartedly endorse this proposal.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. FRANK. Mr. Speaker, I am happy to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. Frank] for yielding me this time. The gentleman from Massachusetts is the author of this legislation and is the expert. Let me say that some years ago I authored a bill in order to place the service physicians, service doctors on the same footing as the HEW doctors, Veterans' Administration hospital doctors, whereby in a suit for malpractice they would have on a personal basis where the suit was directed to them individually, and where they would be individually responsible, and with them having very limited means of legal advice, we approved the legislation that would put them on the same footing with HEW doctors. To the surprise of the Committee on Armed Services' chairman, he did not realize that that did not exist.

We finally had it signed into law and it provided that resource to the service doctors and medics.

Does this bill in any way affect that?

Mr. FRANK. Mr. Speaker, I thank the gentleman from Texas [Mr. Gonzalez] for asking this question. The answer is that it does not. It leaves the individual doctors exactly as they were. There is no need for malpractice insurance, there is no need for them to be indemnified. They are not individually sued.

The Federal Government is sued. The doctors are not individually liable.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. Panetta). Pursuant to House Resolution 375 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1054.

□ 1613

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1054) to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, with Mr. Hall of Ohio in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Massachusetts [Mr. Frank] will be recognized for 30 minutes, and the gentleman from Florida [Mr. Shaw] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. Frank].

Mr. FRANK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a fairly straightforward and limited issue. This is a bill which previously passed the House in the previous Congress by a vote of 317 to 90. It has been opposed by the Department of Justice particularly and I think incorrectly so. I think that in a recent Supreme Court case involving the extension of this doctrine, while the five-member majority said not that they thought it was a good idea, but that they simply declined to alter it and left it to Congress to do that because it was a doctrine of long standing.

Judge Scalia speaking for the minority very vigorously said he thought it was a bad decision in the first place and ought to be modified to this extent.

□ 1615

The Federal Tort Claims Act gives people a very limited right of suit against the Federal Government compared to the general right that a person has under tort law. There is no jury trial. There is no provision for punitive damages. Those are two of the elements which taken together have led to some controversy about general tort law.

We have a system compensating members of the armed services for

some injuries, but some very important issues are left. We had uncontroverted testimony of a young woman in the armed services, who as a result of blatant malpractice, and I am not arguing here there is any different level of medical malpractice in the armed services than anywhere else, that is not the argument. The argument would have to come from others who apparently argue that there never is malpractice in the armed services because while you can be compensated for lost wages and inability to earn at a certain level, but if you lose the right to bear children, as this young woman did because of medical malpractice, there is under current law no way in the world for her to be compensated for that. There is no way to be compensated for the enormous pain and no real way I believe to be compensated for loss of earning capacity over a period of years.

It has been suggested there are alternative ways to do that and that we can change the compensation system. Let me say, Mr. Chairman, after the House passed this bill there was never any interest on the part of either administration of either party to change it. When the House passed the bill 2 years ago and began to be serious about it, people in the Defense Department said what about amending the compensation system so that we can deal with that. We said we would be glad to look at that if they had something. I believe they were overruled by the Justice Department. Their position was leave it alone. If a pregnant woman loses her ability to have children, do not compensate her for that. That is not a partisan issue because that is the previous Justice Department as well.

What we are saying is if young people who serve in the armed services of this country meet the burden of showing that a medical doctor mistreated them in a blatant way and caused damages that they should be able to be compensated for those damages, not with a jury and not with anything punitive. That seems to us to be a fairly limited right.

The ranking minority member of the subcommittee, the gentleman from Florida, [Mr. Shaw] and myself, think that the entire tort system ought to be looked at. We have a hearing scheduled to look at the Federal Tort Claims Act, to look at whether there ought to be some changes in the way in which we deal with that. But we do not think it is fair to say we will have one right for every citizen of the United States except members of the armed services who are on active duty, that anybody else, prison inmates, private citizens, Federal employees, retirees, they can use the following procedures, but no procedure at all will be available to those who serve in the armed services. That is our point.

We are prepared, as I said, to look at whether we ought to change it for everybody. But we do not think we ought to single out members of the armed services.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I am glad to yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I want to ask the gentleman from Massachusetts if he would respond to a question. As I understand it, under present law the dependents of military personnel who are treated in a medical facility, operated by the Government, have a right of action.

Mr. FRANK. This is correct.

Mr. HUGHES. So that the dependents of a soldier whose family has been subject to malpractice can sue on behalf of that dependent, but if it is the soldier himself or herself who is the victim of an act of malpractice, there is no remedy?

Mr. FRANK. The gentleman is exactly right.

Mr. HUGHES. I also understand, if the gentleman will respond, that about two-thirds of patients who are treated at many of the military hospitals around the country are basically not soldiers or sailors or members of the military?

Mr. FRANK. They are dependents and retirees, the gentleman is correct.

Mr. HUGHES. So we are talking about about one-third of the persons or patients treated at these military facilities, and we are only denying the right to sue for malpractice to the military personnel?

Mr. FRANK. The gentleman is absolutely correct.

I regard this, as many others do, as a very promilitary measure. I should say that the members of the armed services regard it as that.

The argument against it, I should point out, is that it would undermine military discipline. This is the only argument we get from the Defense Department.

By the way, because we are dealing with the Federal Tort Claims Act, this does not apply outside the United States. It does not apply because we say a fixed medical facility, to medical treatment you get on a ship. It only applies in noncombat situations, in a hospital in the United States.

The question was raised that if a young woman loses her ability to bear children and 5 months later she sues the captain who performed the operation that that will undermine military discipline. To the extent that it might have shaken her faith a little bit, I think the fact that she has lost her ability to bear children probably had more of an impact on her than her ability to sue the doctor. I think it is a specious agrument.

Mr. HUGHES. If the gentleman will yield further, I want to congratulate the gentleman from Massachusetts and the gentleman from Florida [Mr. Shaw] the ranking Republican for their excellent bill. It is very narrowly drawn to deal with a basic inequity that makes no sense. In fact, when we look at that 1950 decision, I believe it was United States versus Feres, one has to wonder on what basis first of all that exception was carved out, because certainly it was not found in the statute. Would the gentleman from Massachusetts agree?

Mr. FRANK. The gentleman is correct, as Justice Scalia pointed out, and we are now by statute trying to restore the bill to its original meaning.

Mr. HUGHES. I want to congratulate the subcommittee for an excellent job. We are talking about a very basic inequity, and I would urge my colleagues to support the bill.

Mr. FRANK. I thank the gentleman.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1054. As the ranking member on the Subcommittee on Administrative Law and Governmental Relations which has jurisdiction over this legislation, I had a firsthand opportunity to observe the witnesses for and against this legislation. I am aware of the administration's opposition to the passage of this bill and particularly the concerns of the Department of Justice and the Department of Defense.

Mr. Chairman, as you know, the U.S. Government is immune from legal redress unless it consents to be sued; that theory is known as the theory of sovereign immunity. As you also know, in the mid-1940's, the U.S. Government decided to create an exception to the sovereign immunity theory regarding suits against the U.S. Government and enacted the Federal Tort Claims Act. Simply put, the Federal Tort Claims Act made the U.S. Government amenable to suit in the same manner and to the same extent as a private individual under like circumstances. In 1950, however, the U.S. Supreme Court in the case of Feres against United States, determined that although the Federal Tort Claims Act provided for a right of action by private U.S. citizens against the U.S. Government, that our military men and women did not fall into that category of private U.S. citizens. Consequently, the Court in that case excluded military personnel from the right to sue the U.S. Government for negligence. The theory surrounding that case has become known as the Feres Doctrine.

The result of the Feres Doctrine has been to leave our military men and women with no recourse against our Federal Government should they be the victim of negligent medical care by a military medical facility. H.R. 1054 would overturn the Feres case and

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change the application of the Federal Tort Claims Act to provide that our military men and women have some recourse against our Government should they become the victim of negligent medical care.

The approach of this legislation is simple. H.R. 1054 adds a new section to the Federal Tort Claims Act creating a right for active duty military personnel to sue the United States for personal injury or death due to negligent medical or dental care provided in a fixed medical facility operated by the United States. It is important to note, Mr. Chairman, that two important exceptions already found in the Federal Tort Claims Act will also apply to this new section; namely, that no cause of action is provided against the United States for a claim arising out of combatant activities during a time of war and no cause of action will lie for any claim arising in any foreign country. Due to these restrictions, the new exception created by this legislation will have limited application.

I understand the concerns of the Department of Justice and the Department of Defense. I too am concerned about the medical malpractice liability crisis facing our country today; however, I do not believe that this legislation will have an adverse effect on the medical malpractice liability circumstance that we find our private sector medical community in today. It is important from that perspective to emphasize that under the Federal Tort Claims Act there is no right to a jury trial and punitive damages are not allowed. I further believe that medical services rendered by our military are unique enough in character not to be used as a springboard for future legislation creating further causes of action in negligence against the authority of our armed services.

In short, Mr. Chairman, while I have some reservations about this legislation, in my opinion they are greatly outweighed by the unfair circumstances created for our military men and women when they are left with no recourse against what is sometimes crippling negligent medical care. If there exists a group of people who should be excluded from recourse for negligent medical care, it should not be our men and women who serve in our military forces.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. Evans].

Mr. EVANS. Mr. Chairman, as chairman of the Veterans Subcommittee on Oversight and Investigation, I spend a lot of my time looking out for the interests of former members of our armed services who have not been able to enjoy the medical attention and benefits which they so deserve.

It is just as important, however, to ensure that active duty members of the armed services are provided the adequate and responsible medical service to which they are entitled. By providing the young people who risk their lives on our behalf the same limited right to sue for malpractice that every other resident of the United States enjoys, the military malpractice bill being debated on the floor today goes a long way toward providing members of our Nation's armed service community the adequate, professional attention they truly deserve.

Just as I have been battling to give our Nation's veterans the basic right to due process and judicial review when seeking much-deserved benefits from the Federal Government—rights already afforded to Social Security recipients, illegal aliens, and even convicts, I completely embrace today's efforts to allow active members of our Armed Forces the right to sue for damages arising from medical or dental malpractice. Simply put, there is no sense in denying these people a right which every other person in the United States possesses.

Like most all of us in Congress, I am keenly aware of the need to maintain a strong and capable national defense. Although I am encouraged by the level of morale which exists in our armed services, we in Congress can make it even higher by simply acknowledging the deficiencies in our country's current medical malpractice policy for active duty personnel. We in Congress need to look out for our country's loyal and dedicated military; by supporting H.R. 1054, we can do exactly that.

Mr. Chairman, I sincerely urge my fellow Members of the House to vote in favor of H.R. 1054.

Mr. SHAW. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. Durbin].

Mr. DURBIN. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Mr. Chairman, I would ask the gentleman from Massachusetts to answer a question or two.

Mr. Chairman, I have read over this bill and there are several parts of it that I am a little bit confused about. Let me give the gentleman a hypothetical situation. Let us assume at a local Air Force base here there happens to be some traffic on the base and there is an accident, two vehicles collide and some people are injured in the accident. A doctor responds from the clinic at the Air Force base to the scene of the accident, the emergency scene of the accident, misdiagnoses the condition of the patient causing that patient harm or death. Let us assume in the worst case the patient dies on the scene as a result of the medical negligence or malpractice.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I can answer the gentleman's hypothetical. That doctor is in the clear and no claim would arise from that hypothetical.

On page 4 of the bill, lines 14 through 20 it states: "The personal injury or death referred to * * * must have arisen out of medical or dental care furnished the member of the Armed Forces in a fixed medical facility operated by the Secretary of a military department."

The reason for that is that we recognize in the nature of that case there will be emergency medicine administered much more frequently because there are people who are scrambling, who are doing these kinds of things. No one is suing Hawkeye. There will be no suits because of things that happened in the field. It has to be in a fixed medical unit. As I pointed out, if someone is injured on a ship and is tended to by the doctor on ship, and that would have been malpractice, no claim would arise. It has to be in a hospital.

Mr. DURBIN. I think there is an inconsistency, and I understand the gentleman is trying to draw a reasonable line here. If that person is brought in from the scene of the accident on the base, inside the door of the emergency room of the clinic or hospital, and then the malpractice occurred, clearly there would be a claim. If it happens outside the door of the hospital there is no claim, and I do not think that is very consistent.

□ 1630

And I do not think that is very consistent. Let me ask the gentleman another question. Let us assume that someone is injured or damaged and the root cause of it appears to be the wrong prescription, the wrong drug was given to the individual. Let us assume then that that individual or his survivor, family, would sue the drug company. Let us assume that the drug was administered and given in a fixed medical facility and the like. Would the drug company, the defendant in the lawsuit, have the right under this law for a third-party action against the Federal Government, arguing perhaps that the doctor incorrectly diagnosed or incorrectly administered the drugs that were in question.

Mr. FRANK. If the gentleman would permit me to answer the question with regard to the inconsistency, I agree. I have never brought a piece of legislation to this floor that did not leave an inconsistency somewhere, someplace. This "ain't" a consistent world and I have not the ability to make it consistent.

The biggest inconsistency it seems to me right now is the inconsistency of being a member of active duty armed services who cannot sue and everybody else in America who can. Now we will be diminishing the inconsistency but not removing it. So I plead guilty to diminished inconsistency.

Second with regard to this, we have had situations where this particular doctrine has in fact operated as not a sword, but a shield in Feres cases where members of the armed services have sued either while in the armed services or subsequently and they have sued private contractors who have invoked the Feres doctrine and have mooted lawsuits which may have had a good argument.

So what we have had is the reverse situation where private contractors have been able to hide behind the Feres doctrine and the courts have permitted it and dismissed law suits.

In the other situation, I believe, though I am not an expert on how the Federal tort claims act works, the injured individual would have a right to sue the Government if he or she was the victim of a misprescription by the doctor in a fixed medical facility, and the company. Whether or not the company would have a right, the gentleman is asking me about a point of contract law that I am not familiar with; I do not believe that in and of itself this changes that. But it would specifically change the situation where third parties who have been guilty of negligence in the medical area, vis-a-vis members of the armed services, have been able to avoid being held liable from making any compensation because of the Feres doctrine.

Mr. DURBIN. I think it is an important point and I want it clear in my own mind.

Is the gentleman suggesting then that this new bill would not create third-party actions against the Federal Government by any person other than the person who might have a right in the first instance to sue the Government?

Mr. FRANK. I would say this, it was not our intention, I would tell this to the gentleman, this bill has not gone to the Senate; I would give the gentleman the undertaking that if the Senate should happen to take the bill up—which with the Senate is never anything that one can count on and this is not a criticism but just a factual statement——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FRANK. Mr. Chairman, I yield myself 5 minutes in order to continue a colloquy with the gentleman from Illinois.

Mr. Chairman, it is not our intention to do that. It is our intention, as I said for this not to be a shield. We are not intending it to be a sword. I would give the gentleman the undertaking that if the Senate took the bill up we would agree with the Senate that it should be dealt with, as he suggests, and we would certainly agree to that in conference.

Mr. DURBIN. Mr. Chairman, I have two additional questions of the gentleman from Massachusetts if the gentleman would allow me.

Mr. FRANK. I yield to the gentleman from Illinois.

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Chairman, the term "personal injury" according to the definition says "does not include mental or emotional disability unless it is the direct result of a physical injury." I would like to ask the gentleman to clarify the term "direct result."

Under tort law in my home State and in most jurisdictions, the question brought to the jury is whether or not the action was a proximate cause of the injury, not the proximate cause, but a proximate cause.

Can the gentleman from Massachusetts explain to me whether the words "direct result" change that definition?

Mr. FRANK. No. The reason we put them in, they were put in as I remember at the insistance of the former ranking minority member, the gentleman from Ohio, [Mr. Kindness]. We wanted to make it explicit that you could not sue because you have been denied a promotion and were suffering psychiatric distress or if you were denied hardship leave to attend a funeral of a relative or that you had been denied a transfer.

So we are not seeking to change the law with regard to physical injury as it exists for everybody under the Tort Claims Act. We wanted it clear that as part of our limiting of this right that as a member of the armed services, there would have to have been a physical injury that is the cause and in that sense however it is denied under the act. The gentleman knows under the Federal Tort Claims Act you use substantive State law. That is one of the things we are going to look at.

But this was meant to exclude any possibility—and I am glad the gentleman is giving us a chance to put this in the Record—of a claim coming out of a denied promotion. We do not want the discretionary decision of a superior officer as to the appropriate disposition of resources in any way to give rise to any kind of a claim of psychiatric distress.

Mr. DURBIN. Could the gentleman tell me where the CBO estimate of $25 million was derived from?

Mr. FRANK. Yes. The gentleman from New Jersey indicated before the basis for that. We now get $50 million, basically, out of the judgment fund for malpractice. The people who can now sue for malpractice constitute two-thirds of those upon whom there is medical malpractice and they just did a straight-line extrapolation. Those who would be covered under this bill are one-third of the total patient load so they just took and expanded it by one-half from $50 to $75 million.

Mr. DURBIN. If I may make one last observation. I do not quarrel with the gentleman's premise that members of the Armed Forces should not be denied their basic rights to recover for acts of negligence. And I supported this bill when it was introduced I believe last year. I would just say I think there is some inconsistency again that we should address. That is the fact that in the worst case scenario, some doctor or dentist at a medical fixed facility should perform an act of malpractice because, let us say, that person was under the influence of alcohol or drugs and that caused harm to an individual, that individual would have a right to file a claim under this statute we are now considering.

However, the same circumstance, if it applies and an individual under the influence of drugs or alcohol got on a bus and got involved in an accident because of his negligence causing the same or greater harm to the individuals on the bus, they would have no cause of action to recover. The injury, the death resulting is the same. The right to recover is being limited only to areas of medical malpractice. I think it is probably a mistake for us not to do this in a comprehensive fashion. I know the gentleman is trying to apply this effort to a very specific area and is perhaps opening up a larger dialog on the question. But it troubles me that we are being very specific.

Mr. FRANK. I would respond to the gentleman in this way: We wanted very much not to impinge on command decisions. We wanted very much not to impinge. The fact that you are in the Armed Forces you are volunteering today to give other individuals a degree of command over your life that nobody else does. Once you get out of that fixed medical facility where you have voluntarily gone in and there is a doctor there, et cetera, you get into very difficult questions of command discretion.

When the general said that you should take him into the process, whatever, yes; I think we have an inconsistency there. I think we have diminished the inconsistency, not abolished it. But the problem is you go beyond that and we will have to look at this further; we are being very careful in this bill not to trench in any way on the essential element of discretion that is a necessary part of the military command.

Mr. DURBIN. I thank the gentleman for the colloquy and I thank the gentleman from Florida for yielding.

Mr. FRANK. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. Glickman].

Mr. GLICKMAN. I thank the gentleman for yielding.

I would like to touch for a moment on what the gentleman from Illinois raised. I was chairman of the subcommittee when we heard this issue in hearings. We heard witness after witness come down and testify about negligent medical care practiced upon active members of the armed services at a variety of armed services health care facilities.

The story about the man who was improperly diagnosed for a sinus condition, ended up with a massive plate in his head and is virtually immobile; the many stories about women who are treated at naval facilities who are rendered impotent, unable to have children; improperly compensated under current compensation conditions; a variety of these kinds of stories occur.

So we came to the conclusion that if a spouse and a child of an active duty military person can go into a hospital and, under these circumstances, sue for malpractice, why should not the active duty person himself or herself not be eligible for that same thing?

If I were active duty military and my wife goes into Bethesda Naval Hospital and a doctor performs an operation on her and does it negligently, she can sue the United States of America. But if I go in and have a similar surgery performed negligently as an active duty member I cannot. That seems to be unfair.

That is the kind of situation which we are trying to take care of in this circumstance.

I believe a general proposition health care in the military is good. But over the last 5 years we have found serious deficiencies and in many areas it needs to be improved.

The purpose of this bill serves not only to compensate active duty military for health care negligence but also to provide an incentive on the part of the Pentagon to insure that their health care is the best in the country.

Now let us talk about the difference between health care and driving a bus. If you are in the military and you go in for a health care service it is a right allowed to you as any individual in our society going in and having that health care done. That is not a military function.

If you need a D&C if you are a woman and if you need an appendectomy, if you need a cardiac bypass operation, you need that operation irrespective of whether you are in the military or not. All we are saying is that that person should have the same rights as any other individual or his or her spouse or daughter.

Mr. Frank referred to something which is very important too. This is an all-volunteer military now. A military job is much more equivalent to a civilian job than it has ever been before in the history of this country.

So you are attracting people in great numbers, paying them in some cases competitive salaries to what they would get in the private sector. By not allowing that particular individual the same rights in medical malpractice that he would have if he were in the civilian sector I think would be a disincentive for him to go into the military in the first place.

But above everything else this is a matter of fundamental fairness. Our hearings showed case after case after case where there was a negligent and improper administration of health care. Now that may not be routine in the military but where it exists should provide compensation. In the case of the military if you are active duty the compensation is inadequate. If you are a child or a spouse of an active duty military person, of course, your compensation is appropriate pursuant to the law and pursuant to being able to sue under the Federal Tort Claims Act.

So for those of you who believe that our military personnel should have the same rights in terms of medical malpractice as their civilian counterparts, I urge you to vote for this bill.

Mr. SHAW. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland [Mrs. Byron].

Mrs. BYRON. I thank the gentleman for yielding time to me.

Mr. Chairman, as chairman of the Subcommittee on Military Personnel and Compensation, I rise in opposition to H.R. 1054. I fully share the desire of the gentleman from Massachusetts [Mr. Frank] to ensure that our young men and women in uniform receive only the highest quality medical care, but I do not believe that his bill will make a significant contribution toward achieving that goal.

Let me say at the outset that the issue before us is not whether victims of military medical malpractice should be compensated. Rather, the question before us today is whether the existing system to compensate anyone injured on active duty is adequate and fair for the victims of medical malpractice and what alternatives to the current system exist.

Currently, under the Federal Tort Claims Act, dependents of active duty personnel, retirees, their dependents and survivors may sue the Government for malpractice at military medical facilities in the United States. If the alleged malpractice occurred in a military hospital overseas, the Military Claims Act provides an administrative process for malpractice settlements. Active duty personnel, however, are barred from suing the Government by a 1950 Supreme Court decision, Feres versus United States. Instead, active duty victims of medical malpractice, like other service members injured or disabled in the line of duty, receive either military disability retired pay or disability compensation from the Veterans' Administration.

Critics believe that these levels of compensation are inadequate, particularly in view of the large medical malpractice awards made by many civilian courts, and have urged that active duty personnel be accorded a similar right to sue the Government in the case of medical malpractice. H.R. 1054 would authorize such suits.

If I thought that the passage of H.R. 1054 would guarantee that no active duty service member would ever again suffer medical malpractice, I would vote for it. I am afraid that is not the case, however. There appears to be little correlation between large malpractice settlements in the civilian sector and improvements in the quality of care provided. As we are all too well aware, however, the malpractice crisis is one of the major dilemmas facing American medicine today with the cost of malpractice insurance continuing to skyrocket. The primary beneficiaries of the civilian malpractice crisis appear to be the trial lawyers who garner large contingency fees. I believe we should expect the same result from H.R. 1054.

In mid-July, the Subcommittee on Military Personnel and Compensation held a hearing to explore a possible alternative mechanism to compensate active duty personnel who are victims of medical malpractice by utilizing the administrative settlement procedures of the Military Claims Act currently applicable to military medical facilities overseas. That is by no means a perfect solution; it creates a distinction between active duty personnel who are victims of negligence on the operating table and those who are injured as a result of some other type of negligence. That distinction, however, reflects the unique position which our society today assigns to cases of medical malpractice. I know that the gentleman from Massachusetts considered the Military Claims Act alternative but opted to keep H.R. 1054 in its original form. I believe the Military Claims Act mechanism is preferable and, for that reason, intend to vote against the bill.

In conclusion, let me say that, during my years in Congress, I have visited a number of military hospitals and have talked with many physicians and patients. I firmly believe that the vast majority of military medical providers are capable and hard working. They deserve our deep appreciation for a job well done under often difficult and trying conditions. That doesn't mean that there have not been

problems nor does it mean that the Congress does not have a responsibility—indeed, an obligation—to ensure that only the best quality care is provided. Following press reports of incidents of substandard care in some military hospitals, both the Department of Defense and the individual services in the past few years have established a number of procedures to more adequately track quality of care through identification of providers, facilities, and incidents of care that fail to measure up to accepted norms. Clearly, this will not be an easy or a simple task to accomplish. The subcommittee, therefore, asked the General Accounting Office to undertake an ongoing audit of the development and implementation of these quality assurance initiatives. This is not the sort of work that generates headlines. It is, however, the type of long-term oversight that is essential to maintaining the forward momentum in the area of quality assurance that has gotten underway in the past few years, and I want to assure my colleagues that it is an effort that has only just begun.

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Mr. GLICKMAN. Mr. Chairman, will the gentlewoman yield?

The CHAIRMAN. The time of the gentlewoman from Maryland [Mrs. Byron] has expired.

Mr. FRANK. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. Glickman].

Mr. GLICKMAN. Mr. Chairman, I appreciate the statement of my colleague, the gentlewoman from Maryland, but let me give her a couple of examples of what we heard at hearings that tell us why the current compensation system is not adequate.

There was the case of a woman who was improperly diagnosed in connection with a gynecological condition. I believe this occurred at the Portsmouth Naval Hospital. That woman was young, and because of that improper diagnosis and an infection that had set in, she was rendered sterile and could have no children. She was allowed a 10-percent disability, less than $100 a month, to compensate her for inability to have any children whatsoever. There is an example where that kind of disability payment cannot possibly repay that woman for her inability during her entire life to have any children at all.

Here is my second example. If you are career military, as I understand it—and I am not as schooled as the gentlewoman from Maryland is on these points—if you are career military and let us say you are the victim of medical malpractice and you are near the end of your 20 years of active duty service, and if at the end of that 20th year you are misdiagnosed in a military hospital and negligence results in damages for you, you can retire and collect your retirement, but you cannot collect your disability from that malpractice at the same time; you have to waive that disability.

There are two examples of how the current system prejudices people in the military who have encountered malpractice situations. I am not saying there are not any ways to improve the disability system, but I am saying that in the case of that young woman who was rendered impotent and unable to have children and who was given a 10-percent disability, or in the case of that man at the end of 20 years who has to choose either his retirement or his disability because of malpractice, we have a bad problem here.

Mrs. BYRON. Mr. Chairman, if the gentleman will yield, let me say, first of all, that we have heard over the last year and a half about many of the cases the gentleman has just cited. I think, when we look at the Veterans' Administration, it seems to me that there could be some amendments offered that can clear up some of the language in this bill. But they are not attached to the bill, and, therefore, I have to oppose it in its current status.

Mr. GLICKMAN. Mr. Chairman, I thank the gentlewoman from Maryland.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think that those who are opposed to this legislation, Members such as the gentlewoman from Maryland, have made some very good points and some very telling points, but I think the overall situation that must be corrected by this legislation is to even out the playing field for our service men and women in the military, and I think that is the argument that overrides the other arguments that have been made by each of the speakers. I particularly at this time refer to the gentlewoman from Maryland. I know of their deep concern for our military people, and I think that the points they made have been well made, and I certainly can understand where they are coming from.

Mr. RODINO. Mr. Chairman, today we have an opportunity to remedy a basic unfairness to active duty members of the Armed Forces by enacting into law H.R. 1054, which would allow members of the military to sue for medical malpractice in Government operated hospitals.

In 1946 when the Congress enacted the Federal Tort Claims Act which established a limited waiver of sovereign immunity by the United States, there was no provision excluding the military from negligence suits against the Government in peace time, noncombat situations. The Supreme Court in 1950 in Feres versus United States held that active duty military personnel may not use the Federal Tort Claims Act to sue the Government for medical or dental malpractice. This rule of law has become known as the Feres doctrine. There is no justification for the Feres doctrine which does not equally apply to military retirees and dependents using the same facilities. Two-thirds of the people treated in Government operated hospitals have the right to sue for malpractice under the Federal Tort Claims Act. The active duty military person in the next bed should also have this right. In fact, even Federal prisoners who are victims of medical malpractice in Government-operated hospitals are allowed to sue. Every day men and women in the military risk their lives for their country, but it is simply asking too much to expect them to have no redress for injuries received as a result of medical malpractice when others using these same hospitals do.

H.R. 1054 adds a new section to the Federal Tort Claims Act. This section will permit Armed Forces personnel the right to assert claims for medical or dental malpractice under the Federal Tort Claims Act. I want to point out that the new section is subject to all the restrictions found in the Federal Tort Claims Act. The Federal Tort Claims Act does not permit suits for combat activities or claims which arise in foreign countries. Also excluded are suits for intentional torts. In addition, the Federal Tort Claims Act limits attorneys fees to 25 percent, provides no right to a jury trial and imposes a 2-year statute of limitations. Suits brought under the section are subject to the substantive tort laws of the State in which the injury occurs.

The bill also provides that claims are limited to those that arise out of medical or dental care furnished to military personnel in a "fixed medical treatment facility." This would exclude claims resulting from medical treatment in military situations, in field hospitals, or on ships.

The legislation states that personal injury does not include mental or emotional disability unless these conditions result from a physical injury. This provision prohibits suits under the new section for any damage to the status or duty assignment of military personnel resulting from a negligent misdiagnosis or malpractice action.

Another section of the bill prohibits the Government from paying twice for the same injury. It requires an offset of any settlement or judgment by reduction of the amount of benefits paid to a service member under military or V.A. disability.

Mr. Chairman, the Judiciary Subcommittee on Administrative Law and Governmental Relations held extensive hearings on this legislation in both the 99th and 100th Congresses. Many witnesses came forward to describe horrible injuries due to military medical malpractice and they have no judicial recourse. Other Members of Congress like Representative Steny Hoyer and Representative Clarence E. Miller have told the committee of the problems experienced by their constituents with medical neglect in the military. Representative Miller told us about Sgt. Timothy J. Adkins, USMC, who died 16 days after a tooth extraction at the Branch Dental Clinic, Marine Corps Air Station, Beaufort, SC. The report of the Department of Defense Inspector General indicates the followup care was substandard. His young widow and sons had no right to sue the Government for this tragic event.

I submit that the committee fully agrees with the Supreme Court and Departments of Defense and Justice that military personnel should not be allowed to sue the Government for negligence relating to the performance of military duties. However, we sharply disagree that allowing military personnel to sue for medical or dental malpractice will result in any breakdown of military discipline. Testimony indicated that this legislation can result in improved morale within the military establishment.

I would like to commend my colleague, the gentleman from Massachusetts, the chairman of the Subcommittee on Administrative Law and Governmental Relations, for introducing this bill, holding hearings and bringing it to the attention of the Committee on the Judiciary. I also want to thank my colleagues on the other side of the aisle, especially the ranking Member, the gentleman from Florida who has been supportive in seeing this legislation proceed.

Mr. Chairman, I urge all my colleagues in the House to vote in favor of this much needed legislation to give military personnel basic redress in our courts.

Mr. KOLBE. Mr. Chairman, I rise in strong support of the legislation, H.R. 1054, allowing members of the Armed Forces to sue the United States for damages in medical malpractice cases. I'm proud to be a cosponsor of this badly needed reform, which repeals the so-called Feres doctrine as it pertains to medical malpractice. That doctrine—a result of the Supreme Court's 1950 decision in Feres versus United States—shields negligent or incompetent government doctors from being sued for medical malpractice by active duty military personnel.

My interest in H.R. 1054 goes beyond tort reform. A resident of my district—Dorothy O. Meagher of Bisbee, AZ—has been fighting the Feres doctrine for more than 14 years, at a cost of hundreds of thousands of dollars and incalculable personal anguish. On January 17, 1974, her son, Jerry G. Meagher, walked into a naval hospital in San Diego to have a cyst removed from his left arm. It was Jerry's 22d birthday, but the events that followed would mark it forever thereafter as the greatest tragedy of his life. Due to the negligence of his doctors, Jerry suffered a cardiac arrest that resulted in permanent brain damage. To this day, medical experts believe Jerry will never recover.

In testimony submitted to the Judiciary Committee of the other body in October 1985—following the overwhelming passage of a bill similar to H.R. 1054—Dorothy Meagher describes her son's condition: "Jerry fights each day to survive. He continues to require 24-hour-a-day total care, he can't talk, eat by mouth—he's fed through a stomach tube—or turn himself over in bed. He was a bright—honor student all through school—healthy young man when he walked in that military hospital in 1974. When they carried him out on a stretcher 5 months later, he was a severely brain damaged quadriplegic. I watch him struggle daily to bring his hand up to scratch his nose or wipe his mouth."

It is impossible to imagine Dorthy Meagher's horror when she learned that a 1950 court decision prevented her son from suing the Government for medical malpractice. "When I first learned of the Feres doctrine, I couldn't believe a law like that could exist in this country," she told the Judiciary Committee. In a letter she sent me last year, Dorothy wrote: "I'll continue to keep my promise to Jerry and fight to amend the Feres doctrine for as long as I live, sometimes I think this is what his life is all about."

In 1977, Dorothy Meagher attempted to bring her son's case to the Supreme Court. The Ninth Circuit Court of Appeals denied her petition in Meagher versus United States, writing, "We do not perceive any significant distinction between this case and Feres versus United States. The result is extremely harsh, but unless and until the Supreme Court overturns or modifies Feres, we are compelled to follow it."

The Supreme Court refused to hear Dorothy Meagher's case on behalf of her son. Clearly, it is up to Congress to act.

Private legislation to help Jerry Meagher is not enough. Thousands of other men and women in uniform have suffered because of the Feres doctrine. They need our help. I urge my colleagues to support H.R. 1054 and to work for its speedy passage. To do less will only prolong a travesty of justice.

Mr. HOYER. Mr. Chairman, I rise in strong support of H.R. 1054, a bill to allow members of the Armed Forces to sue the United States for damages for personal injury or death caused by negligent medical care. First, I would like to compliment our colleague, Congressman BARNEY FRANK, the sponsor of this measure and the distinguished chairman of the Judiciary Subcommittee on Administrative Law and Govemmental Relations. Congressman FRANK is to be commended for his insisting on improvements in the medical care furnished to active-duty military personnel and for his seeking the right for our soldiers, sailors, airmen, and marines to sue for compensation under the Federal Tort Claims Act.

It is a travesty that the brave men and women who proudly and courageously wear our country's uniform have too frequently fallen, not from hostile fire, but because of medical incompetence. Medical malpractice, in general, is a serious problem. It is particularly tragic when active-duty military personnel are denied the right to sue under the Federal Tort Claims Act and the Supreme Court's Feres Doctrine for damages for personal injury or death resulting from negligent medical or dental care in military facilities.

One of my constituents, Maj. David Brown of Seabrook, MD, served two tours in Vietnam during the course of a 14-year career in the U.S. Army. Major Brown received the Bronze Star and the Purple Heart as well as a number of combat citations and glowing recommendations. Unfortunately, Major Brown's bright and promising military career ended early. He did not suffer injuries in any enemy ambush or a firefight. Instead, Major Brown entered the Womack Army Hospital at Fort Bragg, NC, in May 1980 for elective surgery to correct a fertility problem. During this surgery, Major Brown experienced a drop in blood pressure, leading to depressed breathing and a severely diminished oxygen intake. Major Brown suffered permanent brain damage and other mental and physical disabilities.

What was once a promising and successful military career ended when the Army transferred Major Brown to the Walter Reed Army Medical Center. The Army found him unfit for further military service and involuntarily retired Major Brown with a 100-percent disability rating.

Major Brown cannot sue the Federal Government for compensation for his injury—an injury directly attributable to medical malpractice. This legislation does not help Major Brown because H.R. 1054 would be effective upon enactment, not retroactively.

However, I join with Congressman FRANK and the other proponents of this legislation in hoping for an immediate improvement in the quality of the care and treatment provided to active-duty military personnel. It is too late for H.R. 1054 to help Major Brown. It is also too late for this measure to help the many other active-duty military personnel who have been injured or killed as a result of medical malpractice.

But, it is not too late to help those who currently serve in the military or those who will on day defend their country. By passing H.R. 1054, the House of Representatives can demonstrate its commitment to the men and women of our armed services and can signal clearly and unmistakably that our military personnel should receive the best possible medical care and treatment. Our service men and women deserve nothing less.

Mrs. SCHROEDER. Mr. Chairman, I support Representative BARNEY FRANK'S bill, H.R. 1054, to give active duty members of the armed services the right to sue the Federal Government for medical malpractice. Our soldiers should have the same rights that civilians enjoy.

The Department of Defense opposes H.R. 1054, arguing that allowing soldiers to sue for medical malpractice would impede the performance of the military in combat. DOD's argument is wrong, because the bill is limited to medical malpractice that occurs at fixed medical facilities within the United States. Medical activities in combat zones are not covered by the bill.

The military should be just as responsible as its civilian counterparts for medical malpractice. Essentially H.R. 1054 is about fairness, and that is why I am voting for the bill.

Mr. SHAW. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FRANK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

Mr. FRANK. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be open to amendment at any point and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. CLAIMS FOR IMPROPER MEDICAL CARE.

(a) COGNIZABLE CLAIMS.—Chapter 171 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 2681. Certain claims arising out of medical care provided members of the Armed Forces

"(a) CLAIMS AUTHORIZED.—Subject to the provisions of this chapter, claims may be brought under this chapter for damages against the United States for personal injury or death of a member of the Armed Forces serving on active duty or on full-time National Guard duty (as defined in section 101(42) of title 10), under the conditions prescribed in this section.

"(b) LIMITATION TO MEDICAL CARE IN FIXED FACILITIES.—The personal injury or death referred to in subsection (a) must have arisen out of medical or dental care furnished the members of the Armed Forces in a fixed medical facility operated by the Secretary of a military department or any other fixed medical facility operated by the United States.

"(c) REDUCTION OF AWARDS OR JUDGMENTS BY OTHER GOVERNMENT BENEFITS.—The amount of an award or judgment on a claim under this section for personal injury or death of a member of the Armed Forces shall be reduced by the agency making the award, or the court entering the judgment, as the case may be, by an amount equal to the total amount of other monetary benefits received or to be received by the member and the member's estate, survivors, and beneficiaries, under title 10, title 37, or title 38 that are attributable to the personal injury or death from which the claim arose. If the amount of future benefits cannot be determined because the benefits are provided under an annuity or other program of periodic payments, the amount of the reduction with respect to such future benefits shall be the actuarial present value of such future benefits.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'fixed medical facility' means a medical center, hospital, or clinic that is located in a building, structure, or other improvement to real property; and

"(2) the term 'personal injury' does not include mental or emotional disability unless it is the direct result of a physical injury.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 171 of title 28, United States Code, is amended by adding at the end the following new item:

"2681. Certain claims arising out of medical care provided members of the Armed Forces.".

SEC. 2. EFFECTIVE DATE.

Section 2681 of title 28, United States Code, as added by section 1, shall apply only with respect to personal injuries or deaths occurring on or after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLILEY: Page 6, lines 1 and 2, strike out "the date of the enactment of this Act" and insert in lieu thereof "January 1, 1986".

Mr. BLILEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Chairman, H.R. 1054 is a bill whose time is long overdue. It allows American service men and women and their families to enjoy the same right to take part in our judicial system as is given to every other citizen in the case of medical malpractice.

It is a sensible piece of legislation that recognizes the special nature of the military in time of conflict and combat. This bill restores justice yet keeps military discipline intact.

Today, I offer this amendment—to make the provisions of H.R. 1054 retroactive to January 1, 1986—in memory of my constituent, SR James Briggs Friend III.

James Friend was a wonderful example of the vitality and commitment of American youth. He proudly answered the call to serve his country and enlisted in the U.S. Navy. While stationed in San Diego, James Friend proved to be an exemplary recruit, earning a citation as the most outstanding in his company. James Friend was going to be the kind of sailor that makes this Nation proud.

Tragically, James Friend never had the chance to receive his award; he never had the chance to fulfill his commitment to his country. Two days before his graduation, while completing his last run, James Friend suffered a heat-exertion injury. Seven days later, SR James Briggs Friend III, was dead.

You see, James Friend carried the sickle cell trait, a condition that is proven to be a serious complication to this type of injury. Though this condition was noted in his medical profile, why wasn't his training modified to compensate? Why were the emergency corpsmen not notified of his condition? Why were they ignorant of the importance of this condition to the treatment of his injury?

Yet this tragedy of James Friend's death does not end with ill-equipped, unnotified emergency corpsmen. Because as James Friend lay in Balboa Naval Hospital, struggling for his life, a travel weary, shaken family was given a nonprocedural oral briefing on James' medical status. The doctors, in noncompliance with naval medical policy, interpreted remarks by Mr. and Mrs. Friend as consent for a "do not resuscitate" order. Later, the decision to discontinue all lab work and the use of blood products was made solely by the attending physician with no expressed consent by the family. For a patient in this state, discontinuing blood products is tantamount to allowing the patient to bleed to death.

James Friend has been dead for nearly 2 years; however, his family has been unable to come to terms with his death. They have too many questions to which the law prevents them from finding answers. Ladies and gentleman, my amendment allows a grieving family to learn the truth of their son's death. And this truth will help prevent any further needless deaths. I ask for your support of my amendment.

Mr. FRANK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the concern that the gentleman from Virginia is showing on this general issue, and we understand the advocacy he is giving in the case of the people he represents. I wish it were possible for me to vote in favor of the amendment. Unfortunately, it is fairly settled and, I think in this case, settled with good reason.

The practice here is not to do retroactivity in cases like this because we have no way of knowing how many cases we would reopen. There would be an inequity with any date we might set of retroactivity, but the worst problem is that we could be opening up an innumerable set of cases. There are times when evidence has not been preserved, and the ability of the government to defend and the ability of plaintiffs to prevent cases, all of those things would be very difficult.

I do think that the gentleman has performed an important service, because he allows me the opportunity to do something that I think is very important. We want to make it very clear that in passing this bill we are not acquiescing in the position that the Feres case was correctly decided in the first place. People like those who have been wrongfully treated, people like those the gentleman from Virginia speaks on behalf of, have in the past gone to the courts, and they will in the future. The most recent Supreme Court decision regarding Feres is 5 to 4. They were one vote away from substantially voting in this doctrine.

We are passing this because the Supreme Court has said they are not going to change unless Congress says they have to. We do not mean by this to say that Feres was rightfully decided; many of us think that Feres was wrongfully decided. But the policy problems against retroactivity apply with great force.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to my friend, the gentleman from Virginia.

Mr. BLILEY. Mr. Chairman, I thank the gentleman for yielding.

I appreciate the gentleman's comments. I only wish it were possible that he could support the amendment. I understand where he is coming from, but I still wish that he could support the amendment.

Mr. FRANK. Mr. Chairman, I thank the gentleman. As I said, I admire his consistency on this issue, and I appreciate his support for the bill in general.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. Bliley].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Davis of Illinois: Page 5, insert the following after line 9:

"(d) Limitation on Noneconomic Damages.—Any liability on a claim brought under this section shall be limited to not more than $300,000 for losses other than economic losses.".

Page 5, line 10, strike out "(d)" and insert in lieu thereof "(e)".

Mr. DAVIS of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Chairman, when the distinguished gentleman from Massachusetts [Mr. Frank] first brought this bill to the Subcommittee on Personnel and Compensation of the Committee on Armed Services, of which I am a member, I kind of agreed with the chairman, who spoke recently on the bill in opposition. I said, why do we need to be expanding this doctrine of malpractice while the Feres decision seems to adequately take care of it?

But as the discussion and dialog that continued through the very long and protracted hearing and as I had a chance to ask a number of questions, I began to agree that equity and simple fairness probably dictated that the inclusion in the Federal tort law probably is an inadequate one for equity in the case of active duty personnel. However, there were also some discussions that related to how all that would be applied, since my main objection to its inclusion was the tort liability crisis throughout the land and all of the States looking to Washington for a resolution, which we do not seem to have, and all of them making their own adjustments, and with the insurance industry in turmoil, and a lot of other things that are going on. So we discussed a lot of different avenues of approaching this particular bill, and I am not sure any of them are adequate from my point of view. Nevertheless, I intend to support the bill if it is properly amended, and I consider my amendment a good amendment to make the bill actually better.

□ 1700

If you look at the areas of tort law in general throughout the States, joint and several liability is not included, of course, in Federal tort law because the Federal Government is the Big Mama with deep pockets anyway.

Punitive damages are not allowed under tort law. This bill does provide for offsetting awards in a compensatory damage award.

Frivolous lawsuits are not addressed and probably should have been. Noneconomic losses are not addressed and structured verdicts probably ought to be addressed and that would seem to be a simple thing to do in a disability pension system of the Army. They are not and I hope the conference committee will go range afield when they get this, if it should pass both Houses and get to that point, to address those particular issues; but this particular amendment I think goes to the heart of the problem of basic equity in tort law.

It says very simply you ought to limit the amount of noneconomic losses to a figure. I really do not care what the figure is, although in this case we picked the surrounding several States that have passed the kind of figure that was able to pass those legislatures, and I picked $300,000.

I think it is a good amendment. I think the reason it ought to be done primarily is that there is a control group setting here in military medicine of retirees and dependents, a control group that has not had this amendment in it, retirees and dependents, that will now have this particular provision put into the law and you will have an opportunity to compare then what happens when it is there in the awards system and what happens when it is not there in the awards system, with very recent history. That in and of itself, for no other reason, is a very good reason to do this.

So I would offer this amendment and hope that the House will vote for it, Mr. Chairman.

Mr. SHAW. Mr. Chairman, will the gentleman yield to me?

Mr. DAVIS of Illinois. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to commend the gentleman for his amendment. I think it is most responsible and I think it would give us an opportunity here in the Congress to say that enough is enough with a lot of these malpractice cases going over the top, that there has to be some reasonable extent of liability for noneconomic damages.

I think also it is important to note when you are thinking about the extent of liability and the amount of damages under the Federal Tort Claims Act itself, attorneys' fees are limited to 25 percent of recovery, which I think certainly makes this cap most adequate.

Mr. Chairman, I plan to support the amendment and ask my colleagues to do likewise.

Mr. FRANK. Mr. Chairman, I rise to oppose the amendment.

I appreciate the constructive spirit in which my colleague, the gentleman from Illinois, has worked on this and like him and like my colleague, the gentleman from Florida, I think we should be looking at the whole tort system.

My objection, to be honest, is not so much to the principle of some form of cap. In fact, I think it is an advantage in the Federal tort claims system that we do not have the punitive damage situation which is so often abused when we are dealing with the Government, because I do not think punitive damages are a relevant concept.

I do not like the idea of giving to our armed services personnel less of a right than others.

The cases in which this cap would be exceeded I think would be relatively infrequent. The figures are not available to me right now as to how often that cap has been exceeded in other cases of medical malpractice. I do not believe it happens very often, and the most egregious kinds of cases many of us have heard about have been the punitive damage situation.

It does become very subjective as to how you get to this. The fact that there is, as I am reminded by my able staff, no jury trial in this situation is also a safeguard; so while I do not object in principle to what the gentleman is saying, I do not think we should address it here. I think that should be left to the general hearing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. Davis].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Mavroules], having assumed the chair, Mr. Hall of Ohio, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1054) to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, pursuant to House Resolution 375, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the

Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 61, not voting 60, as follows:

[Roll No. 10]

YEAS—312

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Baker
Barnard
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bliley
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hochbrueckner
Hopkins
Houghton
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lagomarsino
Lancaster
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowery (CA)
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Porter
Price (IL)
Price (NC)
Quillen
Rahall
Rangel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Rodino
Roe
Rogers
Rose
Roth
Rowland (CT)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stokes
Studds
Swift
Swindall
Synar
Tauke
Tauzin
Thomas (CA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—61

Archer
Armey
Badham
Bartlett
Bateman
Bentley
Broomfield
Byron
Callahan
Combest
Darden
DeLay
Dickinson
Dornan (CA)
Dyson
Gallegly
Gekas
Gregg
Gunderson
Hammerschmidt
Henry
Herger
Holloway
Huckaby
Hunter
Hutto
Inhofe
Ireland
Jenkins
Konnyu
Kyl
Latta
Leath (TX)
Lujan
Lukens, Donald
Marlenee
Montgomery
Mrazek
Myers
Nielson
Packard
Pickle
Ravenel
Ray
Ritter
Roberts
Robinson
Rowland (GA)
Shuster
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tallon
Taylor
Thomas (GA)
Walker
Whittaker

NOT VOTING—60

Applegate
Ballenger
Barton
Biaggi
Bilirakis
Boehlert
Boulter
Brown (CA)
Cheney
Clay
Courter
Craig
Crane
de la Garza
Dowdy
Dreier
Dymally
Fazio
Fields
Flippo
Ford (TN)
Frost
Gephardt
Gray (IL)
Gray (PA)
Hansen
Hiler
Horton
Hyde
Johnson (CT)
Kemp
Kennedy
Kolbe
Kolter
Lantos
Leland
Lent
Lewis (CA)
Lightfoot
Lott
Lungren
Mack
Mica
Mollohan
Parris
Pursell
Roemer
Rostenkowski
Roukema
Saiki
Scheuer
Schulze
Sharp
Shumway
Smith (IA)
Stark
Sweeney
Wilson
Wortley
Young (AK)

□ 1715

Mrs. VUCANOVICH changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend chapter 171 of title 28, United States Code, to allow claims against the United States under that chapter for damages arising from certain negligent medical care provided members of the Armed Forces.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. Mavroules). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN H.R. 1054, CLAIMS AGAINST THE UNITED STATES FOR NEGLIGENT MEDICAL CARE PROVIDED MEMBERS OF THE ARMED FORCES

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the Clerk may be allowed to make technical and conforming changes in H.R. 1054, the bill just passed.

The SPEAKER pro tempore (Mr. Mavroules). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this 1 minute for the purpose of inquiring of the distinguished majority leader the program for the balance of the week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to the distinguished majority leader.

Mr. FOLEY. Mr. Speaker, I think the Members may be interested in the announcement of the schedule for the remainder of the week and for next week so that they may be advised with respect to their own plans.

The House will meet at 11 a.m. in pro forma session tomorrow and will not be in session on Friday.

We will adjourn Friday to meet at noon on Monday, February 22, 1988 in pro forma session.

□ 1730

On Tuesday, February 23, the House will meet at noon and will consider three bills under suspension of the rules. Recorded votes on those suspensions will be postponed until after debate on all suspensions.

They are an unnumbered House bill, technical corrections to the Agriculture Credit Act of 1987; House concurrent resolution, unnumbered, to condemn the bombing of the Korean Airline flight 858; and H.R. 3689 to designate the "H.R. Gross Post Office" in Waterloo, IA.

On Wednesday, February 24, the House will meet at 2 p.m., and we will announce the schedule subsequently.

The House will consider on Thursday, February 25, and Friday, February 26, an unnumbered H.R. bill to provide assistance to support the peace process in Central America, subject to a rule being granted.

Mr. MICHEL. Mr. Speaker, what did I hear the majority leader say about Wednesday?

Mr. FOLEY. Wednesday we have yet to announce the program.

Mr. MICHEL. Will we come in at 2 o'clock or noon on Wednesday?

Mr. FOLEY. The House will meet at 2 p.m. on Wednesday.

Mr. MICHEL. I thank the gentleman.

I think the gentleman just indicated on Thursday we would probably have before us assistance to Nicaragua?

Mr. FOLEY. We will probably take up the Nicaraguan assistance legislation and that may be concluded in 1 day. In that event we would probably not have a Friday session. But we are currently listing Thursday and Friday for that legislation. I assume it might be possible to finish that on Thursday and not have a Friday session next week.

Mr. MICHEL. I thank the gentleman.

ADJOURNMENT TO MONDAY, FEBRUARY 22, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 18, 1988, it adjourn to meet at noon on Monday, February 22, 1988.

The SPEAKER pro tempore (Mr. MAVROULES). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule shall be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

IN CELEBRATION OF BLACK HISTORY MONTH

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, throughout the course of history, black Americans have made grand and outstanding contributions to the development of the United States. Black Americans helped build this country, not only through our manual labor but through our intellectual, creative, and spiritual contributions as well.

Our contributions are often left out of the history books. While the painful episode of our enslavement in America is documented and remembered, the brighter moments of our heritage are often overlooked, undercounted, or passed over. Black History Month is therefore an opportunity to turn the spotlight on the black American success story.

Let us look, for example, at the success of black American inventors who are credited with thousands of inventions which range from items of household convenience to items of vital importance to business and industry. Black Americans have invented hundreds of devices and techniques, revolutionizing industry, and improving not only their own lives but the lives of all Americans and other people throughout the world.

Lewis H. Latimer, the son of a former slave, was a member of the "Edison Pioneers," the group of scientists and inventors who worked with Thomas Edison. Latimer invented the incandescent light bulb with a carbon filament and in 1882 he received a patent for an improved process for manufacturing carbon filaments used in light bulbs. Because he was a skilled draftsman, Latimer was asked to draw the plans for Alexander Graham Bell's telephone patent. In 1884, while working for the Edison Co., Latimer supervised the installation of electric light systems in New York, Philadelphia, Canada, and London. Lewis Latimer contributed significantly to America's industrial revolution.

Latimer and Americans such as Granville T. Woods, Garrett Morgan, Frederick M. Jones, Benjamin Banneker, and Elijah McCoy shaped American history in such a way that made this Nation a pioneer in science and industry.

Just as the benefits of the contributions of black Americans reach beyond the black community, recognition of these contributions should reach beyond the month of February to each month in which history is studied by our schoolchildren and each day in which we are thankful for the Nation our forefathers built for us.

PERSONAL EXPLANATION

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, on rollcall vote No. 9 I was unable to vote. Had I been present and voted I would have voted "aye."

TRIBUTE TO WAYNE AND NATALIE SEYBOLD, OLYMPIC PAIRS SKATERS

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, today I rise to pay tribute to a couple of very special young people from Marion, IN. They are Wayne and Natalie Seybold, the brother and sister ice skating pair representing our country at the 1988 winter Olympic games in Calgary, Canada.

Wayne and Natalie won the hearts of Americans last night as they skated to a 10th place finish in the pairs competition. It's probably the first time many people have heard their names, but my constituents in Marion have watched these two talented skaters for a long time. Wayne and Natalie finished second in the U.S. Nationals in 1985, and third in 1986. Their participation in the 1988 Olympics is the pinnacle of an already outstanding ice skating career.

The parents of Wayne and Natalie have contributed a great deal toward the success of their children. Instead of buying a new house, they sacrificed by keeping their home in a more modest trailer so they could pay for skating lessons.

The people of Marion can also take credit for the support they have given Wayne and Natalie, including $37,000 raised to help pay traveling and training expenses.

Mr. Speaker, Wayne and Natalie Seybold represent what is best about America's youth. They have given their best on behalf of our country, and even though the judges scored them 10th, they have won the gold medal in the hearts of the people of Marion and our Nation.

EMERGENCY MEASURE TO EXPAND PRESIDENT'S ABILITY TO RESCIND FUNDS

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, I think all Members share my frustration over the budget process. Congressional and White House leaders worked hard following the Wall Street crash for a 2-year budget agreement.

Yet CBO now estimates that the Federal deficit will rise much faster than we expected just 2 months ago. In 1989 we will be $30 billion to $40 billion above the Gramm-Rudman deficit reduction goal. We are heading in the wrong direction.

Therefore, to permit the new President to have every rational tool to fight these deficits I am introducing today an emergency measure to expand the President's ability to rescind funds. This bill will go into effect on the first day of the new Presidential term and would end with that term 4 years later. My bill would change the current process by requiring that Congress vote to disapprove any rescission request within 45 days. Otherwise the rescission goes into effect. This would permit a statutory short-term emergency equivalent of the line-item veto.

It is time we take control of our deficit and restore world confidence in our ability to balance the budget. The October stock market crash was a warning that we must act. We face an emergency situation that requires our immediate attention.

TRIBUTE TO SHIRLEY R. GRANT

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, the Washington Post used six lengthy paragraphs last Wednesday to announce the passing of a prominent Alexandria, VA, church and civic leader.

The Washington Post is quoted:

> Shirley R. Grant, 65, a Washington area resident since 1944 who was active in Catholic and community organizations, died of cancer Feb. 8 at Mount Vernon Hospital.
>
> In 1975 Mrs. Grant became the first chairwoman of the United States Catholic Bishops' Advisory Conference.

Shirley Grant was so active, popular, and honored in the Catholic Church that a great tribute and complimentary eulogy for her was given at her funeral by the Most Reverend Walter F. Sullivan, bishop of Richmond, VA.

A large crowd of 600 people filled the St. Louis Catholic Church in Alexandria for her funeral last Thursday. It was the largest crowd I've ever seen at a funeral.

Her survivors include her husband, my friend Ed Grant, and four children, including Lorraine Grant, my talented and efficient administrative assistant and a member of my staff for the past 13 years in our Washington office.

As Bishop Sullivan said of Shirley Grant last Thursday:

> We come to thank the Lord—because of her—we find that each of us is a better person for having experienced her faith, her commitment, her caring and her love.

Last, Mr. Speaker, my wife Carol and I extend to the family of Shirley Grant our sympathy and prayers.

Other family members include Shirley Grant's daughter, Eileen A. Kirsch, of Columbus, OH, and two sons, Edmund J. Grant, of Dayton, OH, and David A. Grant, of Red Bank, NJ.

INTRODUCTION OF LEGISLATION MAKING REFORMS IN SUPPLEMENTAL SECURITY INCOME PROGRAM

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, earlier today I introduced legislation, along with my colleagues from Massachusetts, Mr. ATKINS and Mr. FRANK, to overturn a counterproductive aspect of the Supplemental Security Income Program. The SSI program requires that parents' income be deemed to a disabled child. Therefore, disabled children living at home whose parents are above the income cutoff point cannot qualify for SSI or Medicaid.

Recently in Massachusetts we had a case of a child who was severely disabled and hospitalized. When she was in the hospital she qualified for SSI and Medicaid because her parents' income was not deemed to her, but when the child returned home, where it was easier, cheaper and more humane to care for her, the benefits were stopped.

Massachusetts has allowed this little girl to stay on Medicaid, but a change in Federal law is needed to qualify her for SSI. Our bill will make that change in the law. Public assistance programs should encourage parents and children to stay together. A change in the SSI deeming rules is not only cost effective, but most importantly it is the right thing to do.

SATELLITE HOME VIEWER COPYRIGHT ACT OF 1987

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, during the past decade, we have seen the emergence of a new form of television delivery which holds great promise for all Americans, especially those who reside in rural areas. The phenomenon to which I refer is home satellite television, a technology that enables virtually every American to receive and enjoy the broadest range of entertainment and educational programming.

Currently, home satellite viewers are able to subscribe to and receive network and independent superstation signals. However, due to uncertainty under the existing Copyright Act, the ability to continue receiving those signals is threatened.

Last year, I, and several of my colleagues introduced legislation to eliminate that uncertainty and ensure continued access to such programming. That legislation is H.R. 2848, the Satellite Home Viewer Copyright Act of 1987. I want to thank Congressman SYNAR, Congressman BOUCHER, and Congressman MOORHEAD for their assistance on this legislation. We believe that the bill is a fair and measured response to this problem, drawing a balance between the needs of home satellite viewers and rights of program copyright holders.

The bill creates a statutory licensing system over a 4 year period with copyright royalty rates set at a flat fee of 12 cents per month per subscriber for each superstation signal received. During the second 4 years, rates would be set by negotiation and binding arbitration. At the end of 8 years, the entire legislative package would be terminated by a sunset provision. The bill addresses only the retransmission of signals by satellite carriers and the delivery of those signals to Earth station owners.

Not only will H.R. 2848 assure that all Americans have access to this important programming, but it will also enable the infant home satellite television industry to grow and compete on even terms with other delivery technologies.

The subcommittee I chair—the Subcommittee on Courts, Civil Liberties and the Administration of Justice—has held 2 days of hearings on H.R. 2848. The hearing process is now completed, and we are readying ourselves for markup which will occur in the near future.

The bill enjoys the support of the Register of Copyrights, Ralph Oman, the Satellite Broadcasting and Communications Association, the National Cable Television Association, NRTC, Turner Broadcasting, the common carriers, Satellite Broadcast Network, Netlink USA, and the Motion Picture Association of America, among others. While some issues remain, I am confident that reasonable compromise can be reached, and a bill will ultimately pass.

I urge my fellow Members to recognize the need for all citizens of our Nation to be assured of access to network, independent, and public broadcasting programming and I call upon them to join me in supporting this important legislation.

□ 1745

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3835

Mr. MORRISON of Washington. Mr. Speaker, I ask unanimous consent to remove Mr. DEFAZIO as a cosponsor of H.R. 3635.

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Washington?

There was no objection.

CONGRATULATIONS JILL WATSON AND PETER OPPEGARD

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, I rise proudly today to celebrate and commend the wonderful performance of 24-year-old Jill Watson a native of Bloomington, IN, who teamed with Peter Oppegard Tuesday night to bring home America's first Olympic medal in the pairs figure skating competition.

Jill and Peter earned their Bronze Medal with a brilliant performance of Madam Butterfly. Jill demonstrated her dedication and perseverance with a dramatic comeback from an early fall with a stunning execution of the pair's trademark move the swoop.

Indeed, Watson and Oppegard's unique and daring style is a fitting representation of American values and perseverance. As Hemingway would say, the definition of guts is "grace under pressure."

Jill's performance was also a fitting tribute to her father, Dean Watson who celebrated his 60th birthday Monday. Jill's parents, all Hoosiers and all Americans are extremely proud of her. I wish the Watson family every continued success.

CONGRATULATIONS TO THE 325TH CIVIL ENGINEERING SQUADRON AT TYNDALL AIR FORCE BASE

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I rise to pay tribute to the 325th Civil Engineering Squadron [CES] at Tyndall AFB, Panama City, FL. The 325th Civil Engineering Squadron was recently acclaimed the winner of the Robert H. Curtin Award. This award is named after Maj. Gen. Robert H. Curtin and is given to the most outstanding civil engineering unit in the Air Force.

The unit is commanded by Col. Richard Aldinger and has as one of its primary missions the responsibility to provide civil engineering support to the Air Defense Weapons Center [ADWC], which is commanded by Maj. Gen. Clifford (Ted) H. Rees, Jr. Many in this body will remember Gen. Ted Rees as a recent Director of Legislative Liaison for the Office of the Secretary of the Air Force.

The 325th CES has some of the most dedicated and talented men and women that we have in the Air Force. The entire Tyndall and Panama City communities benefit greatly from the contributions of the outstanding personnel assigned to this unit.

DISH ANTENNAS ARE EXTREMELY IMPORTANT TO RURAL STATES

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, I had intended to wait for the gentleman from Virginia's special order which will take place later with respect to those people who own dishes who try to take a look at television. I come from the small State of Vermont, the most rural State in the Nation I believe. I do not think there is hardly an issue more important to my State, to the people of rural areas than the one Mr. OLIN will bring up.

Mr. Speaker, we have snow 8 months out of the year, but when you turn on your television you have snow for 12 months out of the year. It is pretty tough.

Then you get the dishes that come in and give you good reception and you get the good educational programs and all of a sudden, bingo, it all goes off and you are back into the snow again.

So I urge the support of some legislation to try to take us out of this very difficult problem.

Mr. Speaker, I commend the gentleman from Virginia for bringing this special order up later.

UNITED STATES RELATIONSHIP WITH FIJI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. SUNIA] is recognized for 5 minutes.

Mr. SUNIA. Mr. Speaker, I rise today as a Member of Congress from the Pacific islands, a region where there is deep concern about our Government's relationship with Fiji. There is clear evidence that Fiji is back on the road to reestablishing a democratic form of government. The United States can best contribute to that process by recognizing the new government of Fiji, and I commend the State Department on yesterday's announcement to reactivate its relationship with Fiji.

The interim government has the confidence and support of a broad spectrum of Fiji's population. It has also won the formal recognition from many of its traditional friends in the international community, including Australia, France, the United Kingdom, Papua New Guinea, the Marshall Islands, and Japan. At the same time, most donor nations that suspended economic assistance at the time of the first military coup in May 1987 have announced their intention to resume assistance to Fiji.

Under the leadership of President Ganilau and Prime Minister Mara, the interim government has publicly committed itself to the return of a constitutional, elected government. There is no better combination of two more able and trusted leaders in that country than these two men. President Ganilau has vowed the return of a government of law under a constitution to be approved by the people.

He has also promised efforts to a return to the British Commonwealth of Nations. As a traditional leader, Ratu Ganilau has played an important role in holding the country together. Behind the scenes, he has exerted wisdom in calming the tides of anguish and frustration amongst the traditional leaders, the indigenous Fijians, Indians, and the military.

Ratu Sir Kaimisese Mara is a well-recognized global leader known throughout the South Pacific. He alone has served as Prime Minister since independence was granted to Fiji 17 years ago. In true allegiance to his homeland, he has agreed to resume this leadership role upon the condition that the country hold democratic elections within 2 years.

These are positive steps taken by honorable men, leaders enlightened through formal training in government and seasoned with years of on-the-job experience. These are Fijians of the highest order, born of past rulers of their islands. Their love for their home islands and for their people has mandated their return, in spite of the extenuating circumstances that prevail.

I sincerely hope that we not try to impose our brand of democratic wisdom on these Pacific islanders. I say that we should let them work out their internal problems for themselves. I am positive that, given time, the Fijians will devise their own meaningful and practical solutions within the boundaries of acceptable democratic principles.

Fiji's economy suffered severe dislocation because of the military coups. These economic problems have only delayed Fiji's ability to restore a more democratic government. United States assistance, plus that of other countries who have pledged resumption of assistance, therefore, will allow Fiji's leaders to put these economic problems behind them so that they may concentrate on rebuilding their democratic institutions. Assistance at this time will also help deflect criticism from radical elements who may prefer

a return to military rule. The United States acted yesterday as a true leader in the Pacific by taking steps to recognize one of its allies and friends.

But, Mr. Speaker, after the May 1987 military coup, $1.3 million in United States economic assitance to Fiji was suspended. Now is the time for this body to recognize the progress that has been made in Fiji and to offer concrete evidence of its desire to encourage the steps that the interim government has already taken. We should undertake, with our colleagues in the Senate, the steps necessary to promptly remove these legislative prohibitions against economic aid to Fiji.

Mr. Speaker, as a Pacific islander myself, I have every reason to believe that this action would be welcomed not only in Fiji, but also in all of the island nations of the region.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK (APRIL 24–30, 1988)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. MORRISON] is recognized for 5 minutes.

Mr. MORRISON of Washington. Mr. Speaker, I am again privileged to introduce a joint resolution authorizing and requesting the President to issue a proclamation designating April 24 through 30 of this year as "National Organ and Tissue Donor Awareness Week." I am delighted to be joined by over 120 of my colleagues as original cosponsors, most of whom have joined me in successfully sponsoring this important resolution for the past 5 years.

Medical advances make it possible to transplant a number of human organs and tissues—but much of the battle now is finding enough suitable donors. The American Council on Transplantation tells me that more than 17,000 people in our country are on waiting lists for kidney, heart, heart-lung, liver, pancreas, cornea, and bone marrow transplants.

Since enactment of this resolution and the National Organ Transplant Act of 1984, attention has been increasingly focused on the need for organ and tissue donors. Twenty percent of all Americans, age 18 and over, now carry an organ donor card and health care providers are finding that 70 percent of all Americans will donate if approached.

Mr. Speaker, I recognize that organ donation often comes at the most difficult time in the life of a family—the passing of one of its members. Through increased awareness, however, more families can come to realize and even take comfort in the heroic gain that can result from such a tragic loss. As individuals, we may come to accept that the tragedy of life is not death, but what dies inside of us while we're still living.

Recent efforts in Congress requiring participation in the Medicare and Medicaid Program to include the establishment of written protocols for identification of potential organ donors have helped increase the supply of vitally needed organs. But we can do more. Thousands of additional lives could be saved each year if more folks understand that they truly can give someone the "gift of life."

Mr. Speaker, so that we may again draw public attention to the need and opportunity for organ and tissue donors, I encourage my colleagues to join me in sponsoring "National Organ and Tissue Donor Awareness Week."

□ 1800

GENERAL LEAVE

Mr. MORRISON of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the subject of the special order today by the gentleman from Illinois [Mr. PORTER].

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Washington?

There was no objection.

COAST GUARD BICENTENNIAL COMMEMORATIVE STAMP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 5 minutes.

Mr. HUTTO. Mr. Speaker, on August 4, 1990, the U.S. Coast Guard will celebrate its 200th birthday.

The Coast Guard is the oldest continuous seagoing service of the United States, and Coast Guard personnel have fought alongside the Navy in every war since the United States' conflict with France in 1799.

All Americans benefit from the services of the men and women of the Coast Guard, whether it be directly as the result of search and rescue missions, or indirectly through enhanced port security, the cleanup of oil spills, the safe transport of consumer goods made possible by the Coast Guard's system of aids to navigation, or the interdiction of illegal drugs plaguing our Nation.

The many missions of the Coast Guard are critical to the health and safety, as well as the national security, of our Nation. As the fifth branch of our Nation's Armed Forces, the Coast Guard is a 24-hour-per-day, 7-day-per-week service whose personnel put in 96-hour work weeks, without overtime pay, if that's what it takes to get the job done. Despite ever-increasing missions and cuts in their funding, the dedicated men and women of the Coast Guard continue to live up to their motto—Semper Paratus—Always Ready.

The members of the House Merchant Marine and Fisheries Committee have recommended to the Citizens' Stamp Advisory Committee that a commemorative stamp be issued in 1990 in recognition of the bicentennial of the Coast Guard.

Today we are also introducing a resolution directing the Postmaster General to issue a Coast Guard commemorative stamp, and would be pleased to have all Members of the House join us as cosponsors of this resolution honoring the Coast Guard.

THE SUPERCONDUCTING SUPER COLLIDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RITTER] is recognized for 5 minutes.

Mr. RITTER. Mr. Speaker, I rise today to offer compelling evidence that the people of this country, especially those who are faced with the global challenge in technology and industry, are mobilizing to reject the super budget-busting "quark barrel" project known as the superconducting super collider. We have all heard of it, the SSC.

Now that the Department of Energy has eliminated all but seven States from the site selection process, we will begin to see that the elected representatives from districts which no longer are eligible for this science gravy train will join a number of the Members of this House who oppose SSC in recognizing the superconducting super collider for what it is—a $6 billion assault on the Nation's science priorities and science budget.

Scientists in many fields already fear that the twin blows of the stock market drop and the ongoing effort to slay the deficit monster will force cuts in their programs, existing programs, important programs. Well, they are right. Just look at what has happened to the 1988 National Science Foundation budget. It has been severely cut. Committing a significant portion of the science budget to the superconducting super collider, the SSC, would adversely affect major projects to which we are already committed such as the space station and even the space shuttle program itself.

When important projects in areas such as semiconductors, superconductivity, photonics, biotechnology, manufacturing sciences, and so many others must go unfunded or underfunded because of the superconducting super collider, we must ask ourselves whether our competitiveness as a nation would be seriously hampered.

That is why I wrote a letter to the president of the Industrial Research Institute [IRI], Dr. S. Allen Heininger of the Monsanto Corp. asking for the IRI members to contact me with their views on the SSC. I might say to my colleagues that this organization [IRI] is the key research and development group which represents a cross section of American industry—some 250 firms that are vitally interested in making their companies and their country more competitive. The response from the Industrial Research Institute members, has been sobering. Many of those members express their concern for the future of science in this country if the superconducting super collider is allowed to be built.

Let me say to my colleagues that the story is out. The private sector, the sector responsible for our jobs, our standard of living, and our competitiveness as a nation, has not been consulted in developing the SSC proposal. It appears that the only companies consulted were those with a stake in it's construction. Let me quote from some of the IRI member letters.

Dr. Kumar Patel, the executive director of research for AT&T Bell Laboratories, the flagship private sector research facility in America, writes that "our Nation's international status in manufacturing sciences * * * is slipping." To regain preminence, Dr. Patel says, we do not need the SSC—we need investment in scientific disciplines which have direct relevance to products and applications which revitalize our economy and make us more competitive. Now, this is a quote by Dr. Patel:

> High energy experimental particle physics has not and will not contribute much to the science and technology of manufacturing.

That is where we have fallen behind. That is where we need to make major strides. SSC or superconducting super collider supporters have argued that the technological spinoffs from building the SSC will contribute to our competitive strength as a nation. Dr. Patel and others reject that argument as "patently unjustified." He concludes his letter to me with the view that the superconducting super collider "is a distortion of the Nation's priorities."

Mr. Speaker, I have received, and continue to receive, many more responses like these. Initially, literally hundreds of Members of Congress thought they had a chance to get the SSC in their districts or in their States. These Members thought they had a chance to attract the jobs and Federal dollars which the SSC represents. Now with only 7 sites remaining, I invite them, as well as other Members interested in budget sanity and in a competitive future for America, to consider these voices from the private sector plus voices like Nobel Laureates Phillip Anderson of Princeton University and Arno Penzias of Bell labs, and join me and other Members like Buddy McKay of Florida and Claudine Schneider of Rhode Island, in taking a stand against further funding for this project. We can't afford it financially; we can't afford it scientifically.

I'd like to share with my colleagues a sampling of the responses that I received from the IRI members.

The responses follow:

Mr. Richard I. Mateles, vice president-research, Stauffer Chemical Co.

"High energy particle physics is certainly an intellectually stimulating field, but it is not more important than super-conductivity, robotics, photonics, super-computing, or numerous other areas."

". . . other areas are going to see a decrease as the funds are moved from other programs into the SSC."

Mr. F. Thomas Krotine, senior vice president, corporate research and development, The Sherwin-Williams Co.

". . . the potential for flow-through of science from SSC is not apparent."

"I believe that the SSC is a poor choice compared to other U.S. priorities."

"I am most concerned about the potential for draining more scientists and engineers from the talent pool in a period when university output is diminishing."

Dr. J.J. Wise, vice president-research, Mobil Research and Development Corp.:

"It is highly speculative whether the SSC will ultimately provide new information and understanding of particle physics that can be translated into benefits to industry and the nation as a whole."

"Considering the trade-offs that would have to be made to pursue the scientific possibilities of the SSC, I do not feel that the construction of the SSC can be justified at this time."

Mr. Patrick J. Carroll, director, corporate R&D, machinery and defense operations, FMC Corp.:

"It is my opinion . . . that the SSC should be postponed by several years and short term emphasis be placed on programs that address the productivity of the U.S. manufacturing base."

Dr. John N. Dempsey, vice president, science and technology, Bemis Company, Inc.:

"The value of SSC from a practical standpoint in terms of benefits to the average man in the street, industrial competitiveness, [is] very far in the future—that's a given."

"I feel that SSC should be delayed until we sort out the priority programs that bear on the very survival of our country. Until we fund those programs adequately, there is no room for SSC."

Mr. I.G. Snyder, Jr., vice president, Dow U.S.A., director of applied R&D, Dow Chemical Co.:

"It seems our nation needs to reassess our mechanisms for priority setting in the total R&D budget process."

"Your position on the SSC is very appropriate."

Dr. Chester D. Szymanski, corporate vice president, research and development, National Starch and Chemical Corp.:

"There are clearly other research areas in need of additional funding where the practical and economic gains will be greater and can be measured in lives saved or in quality of life improvements or simply jobs created for our people, rather than scientific advancement in a narrow area and the possibility of Nobel Laureates."

"The area of particle physics research is requiring increasingly greater erxpenditures for more difficult explorations with diminishing returns."

Mr. D.B. Rogers, general director, research and development, Dupont Electronics:

"The price tag [for SSC] is unconscionably high."

"It is difficult for me to understand how the SSC could rank on a national priority list that includes biomedical research, superconductivity, photonics, high density semiconductor integration and interconnection, structural composites, fossil fuel recovery, alternate sources of energy factory automation, etc."

Mr. Walter L. Robb, senior vice president, corporate research and development, General Electric Co.:

"Investing more heavily in this area, when there are so many other high priority items that need to be funded, simply does not make good sense."

Mr. F.B. Sprow, vice-president, corporate research, Exxon Research and Engineering Co.:

"With a 'zero sum' budget, this [the SSC] hurts much of the effort that I believe is most important to progress on the competitiveness issue in this country."

Dr. S. Allen Heininger, corporate vice president, resources planning, Monsanto Co.:

"It is my conclusion that undertaking a new initiative of the magnitude of the SSC * * * would not serve the national interest at this time.

Dr. Grady W. Harris, vice president, research and development, Hollister Co. (Libertyville, IL):

"We should not build the S.S.C. at this time."

"I feel that the proposed S.S.C. should be postponed, and that higher priority research areas such as AIDS, superconductivity, and supercomputing should receive the funding instead."

A PENNY SAVED IS A PENNY EARNED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. Annunzio] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, many people complain that pennies can't buy anything anymore, that they are just not worth the trouble to make or to keep. Warren Holdread of Elkhart, IN, has proven these naysayers wrong. Those pennies that most toss aside have provided a unique form of savings for Mr. Holdread.

Frugality is a difficult task for many, many people. In this era of overspending and overextended credit, it is difficult to imagine paying cold, hard cash for a major purchase. Instead, most people turn to credit for assistance, either by using credit cards or obtaining loans. This habit has led us to the individual debt problem which this Nation is now experiencing.

Mr. Holdread found a way to avoid the need for credit when he recently purchased a new car. His solution was cold, hard cash. He paid for it with pennies.

A retired jailer, Mr. Holdread has saved more than 500,000 pennies over the past 15 years. He saved more than that, but used them to buy a pickup truck in 1972.

The simple gesture of tossing pennies into a jar may be viewed as an antiquated form of savings, but Mr. Holdread has proven that it can be a worthwhile endeavor. Mr. Holdread has set an excellent example of how one can pinch pennies without ever feeling the pain. His story reminds us that even the smallest effort can help to alleviate dependence on credit.

I am submitting an article about Mr. Holdread which appeared on the Associated Press newswire on December 21, 1987, with the hope that others will resolve in this new year to dig themselves out of debt. Mr. Holdread has shown that even small yet consistent efforts toward saving money can actually pay off in the long run.

The article follows:

RETIRED JAILER SAVES A PRETTY PENNY TO BUY A CAR

ELKHART, IND.—A retired jailer has spent the past several days carting at least 500,000 pennies saved over 15 years to a waiting armored truck at a dealership where he traded the coins for a new car.

"Honest to goodness, I have not spent a penny in 40 years," said Warren Holdread, who spent a half-million pennies to buy a pickup truck at the same dealership in 1972.

Holdread purchased a Chevrolet celebrity. Del Richardson, President of Tom Naquin Chevrolet, says Holdread brings in more fun than profit.

"It will cost three-and-a-half cents a roll to have them wrapped. That's 7 percent," Richardson said. "But it's a lot of fun. People said it could happen only once in a lifetime, but this proves them wrong."

Holdread has been tossing spare pennies into a 10-gallon milk can in his den, then emptying the can into a 55-gallon drum in his garage. He estimates the total number of coins could run as high as 700,000.

John Killelea, vice president of First National Bank of Elkhart, said the pennies will be taken by armored truck to a Chicago bank. "It would probably take us at least four or five days to count them all," he said.

Holdread says his penny saving habit began as a kid with a paper route. Friends in adulthood made the habit even easier. "The word gets out that you save them," he said. "Friends will say, 'Here's 10 pennies,' and I just throw them in the can."

Holdread says he'll write a check to cover the differences if his pennies don't add up to the purchase price. And he says his penny-pinching days are over.

"There was no way in the world you could move that barrel, and my wife is tired of working around it," he said.

BLACK AND BEAUTIFUL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. Flake] is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, a study of our history as black people in America, as we come to this period in February, Black History Month, should not be limited to February. We do not need to be designated a day or a month to allow us to look at our glorious past. Rather, let us make this month an opportunity, as a new beginning, to look at ourselves, to look at our heritage, to call on our brothers and sisters of all racial and ethnic persuasions to an understanding that we are all American citizens, that we all share the same common dream, that we all share the same blood.

We are not a race of former slaves; we are the descendents of kings and queens. We represent a people who were brilliant scholars, skilled craftsmen, gifted innovators, artists, and statesmen. Our history reaches back beyond the slave ships that carried us here to the moment when we first as human beings stood and walked upon the face of the Earth.

The time from that moment to the present has been filled with the legacy of greatness our forebearers left to us. We must look forward to a time when our children know they are born of a race of great human beings, and that their potential is unlimited. We can achieve this by learning all we can, not only about slavery, we can achieve this by learning all we can about a people who came not of their own desire but ripped from the bowels of Africa, a people who have been able to survive, a people who have been able to achieve, a people who have been able to accomplish, not because of but in spite of, a people who to this day look for the means by which they might develop the economic, the educational, and the community development techniques and skills that are necessary to rebuild urban America.

Black History Month is not just a month. Black History Month ought to be every day. Black History Month ought to be a time when every day of our lives during the course of a year we commit ourselves and rededicate ourselves not to look down on a race of people simply because of their color but to look to them realizing that together we can realize the dream of fulfilling the kind of unity this country will need if it intends to continue to be competitive in the worldwide marketplace.

America is great. Black Americans have helped to make it great. The challenge then before the Nation is to realize the benefits and contributions of black Americans and understand that they reach beyond the black community. Recognition of these contributions should reach beyond February of each year. Rather, there should be an understanding on the part of all school children through our educational processes that black children and white children and all children who are Americans must be able to live together, to grow together, to work together.

The challenge, therefore, of this Black History Month is to sound a signal and the alarm that it is time for a new beginning. This Nation can no longer tolerate racial intolerance, it can no longer tolerate injustice, it can no longer tolerate two separate societies moving in different directions. It is time for us not to set aside moments when we celebrate our ethnicity but, rather, understand that there is a greater claim, and that is that we all labor under the banner of being citizens of this Nation and citizens of this world.

I challenge everyone, then, to become informed about blacks and about black history. You may do so by contacting the Schomburg Center for Research and Black Culture and the Moorland-Springarn Research Center at Howard University in Washington, DC, or you may do so by going to your library and studying the historical contributions of a people who seek nothing more than to be accepted, not on the basis of color but on the basis of the content of their character.

HAITI, A NEW CENTER FOR DRUG ACTIVITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. Owens] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, Haiti, a country of 6 million people just 90 miles from the shores of the United States, is now under the domination of the second largest power or second strongest power in the Western Hemisphere, the South American drug mob. The commissar for the South American drug mob in Haiti is Col. Jean-Claude Paul.

We should not be surprised that there are countries in this hemisphere under the domination of the South American drug mob. There is the highly publicized General Noriega in Panama. It is quite obvious he is one of the commissars in Bolivia and in some other South American countries, including Peru. There is tremendous intimidation by the South American drug mob.

The South American drug mob is a threat to the United States of America. We and our families and our children are threatened by the ability of this mob to penetrate our borders at will and keep the flow of narcotics going. The tremendous amount of money that they have is a corrupting influence throughout the whole hemisphere, and now they have total control over the whole operation through Col. Jean-Claude Paul, who is the real power behind the Haitian regime.

☐ 1815

Last December it was reported by United Press International correspondent Neil Roland that senior Haitian army officials were linked to the

November 29 election day massacres. The most notable official, the man in charge, was Col. Jean-Claude Paul. Jean-Claude Paul heads the semiautonomous Dessalines Battalion, a battallion which consists of hundreds of Tonton Macoute terrorists personally recruited by Colonel Paul. Colonel Paul was also being investigated by the U.S. attorney's office in Miami for drug trafficking. He was said to have assisted in the smuggling of Colombian cocaine into the southern United States, but the Haitian authorities took no action. In fact, they blocked the investigation of Colonel Paul. A Haitian effort to investigate the colonel 2 years ago was halted by the leader of Haiti's ruling military junta, Gen. Henri Namphi.

Mr. Speaker, I will submit for the RECORD a copy of Neil Roland's article in the San Francisco Examiner of December 14, 1987, as follows:

[From the San Francisco Examiner, Dec. 14, 1987]

ARMY OFFICIALS LINKED TO HAITIAN TERROR

(By Neil Roland)

WASHINGTON.—Senior Haitian army officials linked to deposed dictator Jean-Claude Duvalier may have instigated attacks that left as many as 80 people dead and halted Haiti's first presidential election in three decades, State Department and congressional sources say.

A State Department official, who asked not to be identified, said "numerous" reports filed with the department alleged "the central involvement" of Col. Jean-Claude Paul, commander of the Haitian army's largest battalion, in the Nov. 29 violence.

Department officials also have made these reports available privately to Congress.

Congressional aides said the reports provided further evidence that the army-dominated provisional government of Lt. Gen. Henri Namphy may have tried to sabotage the nation's transition to civilian rule.

Until now, administration spokesmen have repeatedly voiced the belief that the violence was organized by civilian thugs known as Tonton Macoutes, made up of former Duvalier guards.

Assistant Secretary of State Elliott Abrams said in an interview that "some Haitian army soldiers apparently were involved in the shooting."

Paul heads a semiautonomous, 1,000-man military unit that has been accused of torturing political dissidents. He also is the target of a drug-trafficking investigation by the US attorney's office in Miami, department officials said.

The State Department has relayed to the Haitian government allegations that Paul has aided smuggling of Colombian cocaine into the southern United States, the officials said. But the Haitians have taken no action.

"Paul appears to be too powerful," one official said.

A State Department official who asked not to be identified said the department had received reports that Paul "was involved in plans" for the violence and "approved and organized" the attacks.

The official said Paul's battalion, the Casernes Dessalines, was reported to have been involved in numerous Election Day attacks around the Haitian capital of Port-au-Prince. The official declined to identify the sources of the reports.

Paul comes from a family with close ties to the Duvalier dynasty, which ruled the nation from 1957 to 1986.

His father, "Boss" Paul, served on the staff of Francois Duvalier, the Haitian dictator from 1957 to 1971. Paul's brother, Alexander, served as a consul in the Bahamas and the United States under both Duvaliers, Haitian and congressional sources said.

Abrams, the senior department official for inter-American affairs, and other department spokesmen declined to discuss Paul's role in the attacks.

The Haitian Embassy did not respond to requests for comment.

US officials have in recent weeks rebuked the Haitian army for "not creating a secure environment" for the elections.

But Newsweek magazine reported Sunday that the US Ambassador to Haiti, Brunson McKinley, had discounted repeated staff warnings that the military-led government was orchestrating a terror campaign to undermine the Nov. 29 elections.

Citing unnamed key aides at the US Embassy in Port-au-Prince, Newsweek said McKinley had ignored reports of the return of the Macoutes and of army involvement in the death squads.

"He didn't want to hear the negative side," Newsweek quoted one US Embassy official as saying.

"It was a judgment call and in hindsight it was probably wrong," another embassy aide told Newsweek.

Mr. OWENS of New York. Also, Mr. Speaker, I would like to submit two recent articles, one by E.A. Wayne which appeared in last Thursday's Christian Science Monitor, and one by Jerry Seper in today's Washington Times.

[From the Christian Science Monitor, Feb. 11, 1988]

DRUG CHARGES HIT TOP HAITIAN OFFICER

(By E.A. Wayne)

WASHINGTON.—United States attorneys in Miami are preparing to indict a senior Haitian military figure on drug trafficking charges, according to US and Haitian exile sources.

Col. Jean-Claude Paul, commander of the powerful Dessaline Battalion in Haiti's capital, has been under suspicion of drug smuggling since 1986, sources say, but only recently have investigators compiled enough evidence to proceed with grand-jury activity and possible indictment.

He would apparently be charged with aiding the flow of Colombian cocaine to the US and of arms from the US to Colombia, sources say. Some sources say an indictment is imminent, but given secrecy of the process, others are unsure.

If Colonel Paul is indicted, the case will severely challenge Haitian President Leslie Manigat, who has pledged a crackdown on drug smugglers.

Though US officials were unwilling to discuss the judicial investigation, they said an indictment could call into question the arrangements by which Mr. Manigat came to power, if he tries to fire Paul. US congressional sources say that will view this as a "serious litmus test" of civilian control in Haiti and of how the US should deal with the new regime.

Paul's unit is viewed as the most important in the country, and his troops are "fiercely loyal" to him, US officials say. This makes it very difficult for Haiti's President or Paul's nominal military superiors to move against him. Well-informed Haitians say Paul has warned that he will not go down alone, if others try to remove him.

Paul allegedly played a major role in directing violence that upset the November elections in Haiti, because of close ties to the Tonton Macoutes, the secret police created during the Duvalier dictatorship. The violence and killing paved the way for Manigat's election last month.

Paul is seen as very close to the Gen. William Regala, who was No. 2 man in Haiti's transitional junta and may be named defense minister. "He is the muscle and Regala is the brain," says a Haitian opposition source.

But Paul has an independent power base. Since becoming commander of the Dessaline barracks in early 1986, he has assiduously wooed his troops—dining with them, wearing fatigues like theirs, supplementing their pay with bonuses (allegedly funded from drug trafficking), Washington sources say. "They will kill at his command," a Haitian opposition source says.

Paul has also reportedly incorporated several thousand Tonton Macoutes into his unit making it even more formidable, U.S. officials say. "He's got all the guns," one US specialist says.

Washington first raised reports of Paul's activities in the transitional Haitian government in 1986, but received no satisfactory reply, officials say.

After the initial U.S. complaints, an internal Haitian military investigation was launched, Haitian exile sources say. The final report reportedly confirmed the charges and included aerial photos of Paul's "farm" with a private landing strip. But after the Army chief of staff presented it to Gen. Henri Namphy, the then-acting head of government, the investigating officers were reportedly transferred and accused of plotting a coup. The Army chief of staff and the colonel in charge of the investigation were subsequently forced to retire.

U.S. officials could not confirm the Haitians' charges. While stressing their lack of knowledge of the U.S. judicial investigation, they say earlier U.S. intelligence indicates Paul is alleged to have taken over parts of the drug-trafficking ring once reportedly run by the father-in-law of Mr. Duvalier. Paul's brother Alexander, former Haitian consul in Miami, is reported to have been in that earlier operation and the current one, they say. Colombian cocaine and marijuana were reportedly the staples of this trade.

Informed Haitians here say that Paul is well tied into the Tonton Macoutes, in part because his father was in the personal entourage of François Duvalier, who founded the group to keep the military and opponents in line.

Paul's reported ill deeds go beyond drugs. A Reuter dispatch from Haiti reports that he and his two brothers arranged to receive the 4,000 tons of waste from the city of Philadelphia dumped on the Haitian coast line near the port of Gonäives, in January. Haiti opposition sources have provided the Monitor with what appears to be an import authorization from Haiti's minister of commerce for the Paul brothers to import 20 million kilograms of U.S.-origin ash, free of inspection.

Unloading of the ash stopped after local residents vigorously complained, news reports from Haiti indicate. The waste may contain high levels of dioxin, press reports

say. The Paul brothers reportedly received $200 a ton to accept the ash.

Washington will be watching carefully how the Haitian government reacts, if the indictments are issued. The U.S. has cut off all but humanitarian aid and antidrug cooperation with Haiti until democratic elections are held. Senior U.S. officials have made clear that they will judge the new government by its acts.

U.S. officials believe Manigat was elected after striking a deal with the military. Reports from Haiti, sources say, indicate General Namphy, who headed the transitional government, will be named chief of staff, and General Regala, who was Namphy's No. 2, will become defense minister. Martial Celestine, an associate of Manigat, was named prime minister Tuesday.

U.S. officials and congressional activists doubt that Manigat can move against Paul alone. They also wonder if Namphy and Regala have the will or courage to act against their powerful colleague. But if the Haitian government does move against Paul, the ball will be back in Washington's court, and it will be hard to avoid expressing thanks in some way, an official says.

[From the Washington Times, Feb. 17, 1988]

HAITIAN COLONEL FACES U.S. DRUG INDICTMENT

(By Jerry Seper)

MIAMI.—A senior Haitian military commander is expected to be indicted by a federal grand jury here in connection with a multimillion-dollar cocaine-smuggling operation, sources said yesterday.

Army Col. Jean-Claude Paul, who is in charge of the largest military battalion in the Haitian capital of Port-au-Prince, allegedly was involved in the shipment of several hundred pounds of cocaine from Colombia to the United States during the past two years, the sources said.

The cocaine, belonging to the infamous Medellin Cartel in Colombia, allegedly entered this country through Florida by way of the Bahamas.

The expected indictment would follow similar action taken Feb. 4 against Panamanian strongman Gen. Manuel Antonio Noriega, who was indicted by a federal grand jury here on 12 counts of drug trafficking, money laundering and racketeering.

The Paul indictment, according to the sources, is based in large part on secret testimony given last month by a Miami businessman, Osvaldo Quintana, 35, who reportedly told the grand jury that he personally arranged with Col. Paul for the shipment of more than 200 pounds of cocaine to the United States in December 1986.

According to federal sources and others, Mr. Quintana told the grand jury that the cocaine—worth about $1.5 million—was flown from Colombia to a landing strip on Col. Paul's ranch near Port-au-Prince and then transported by boat through the Bahamas to Florida.

Mr. Quintana, according to the sources, also testified that Col. Paul met with him and others to discuss the alleged deal and gave drug smugglers directions to an isolated landing strip on his ranch.

The sources said Mr. Quintana also testified about other top Haitian officials, including members of the government's ruling council, who allegedly were involved in drug-smuggling activities. Names of the other officials were not disclosed.

The sources said, however, that Mr. Quintana told the grand jury that high-level Haitian officials recruited him into their drug-smuggling operation.

The indictment, according to the sources, could be the first major test for Haiti's new civilian government, headed by Leslie Manigat, who was elected president in January. Mr. Manigat, who won in a second round of voting widely believed to have been rigged in his favor by the military, has pledge to crack down on drug trafficking. The first round of voting was marred by violence.

Col. Paul could not be reached yesterday for comment. He is commander of the 1,000-man Dessaline Battalion, which is considered the most important military unit in the country. His troops, according to the sources, are believed to be "fiercely loyal."

A move by Mr. Manigat to remove Col. Paul from his post could prove to be a serious test of civilian control in Haiti.

According to the sources, Col. Paul is believed to have played a major role in directing the violence that upset the November elections—because of his alleged ties to the Tonton Macoutes, the secret police created during the dictatorship of Jean-Claude Duvalier. A total of 34 people were killed in two days of rioting.

Mr. Paul's ex-wife, Marie Mireille Delinois, 39, was indicted last March in Miami on drug trafficking charges. She vanished soon after she was released in Miami on $250,000 bond and was declared a fugitive.

Mr. Quintana is a Cuban exile who ran a seafood business in Miami before turning to smuggling, according to the sources. He reportedly began cooperating with U.S. authorities following his arrest last year by federal drug agents on cocaine-smuggling charges.

In January 1987, the sources said, Mr. Quintana became a Drug Enforcement Administration informant and secretly recorded conversations he had with alleged drug traffickers operating out of Haiti.

His lawyer, Ellis Rubin, confirmed yesterday that his client had testified before the grand jury and that he had outlined alleged drug-smuggling activities involving Col. Paul and others. He said he has been told by federal authorities that the Paul indictment is expected next Wednesday.

Mr. Rubin also said the Justice Department had promised to protect his client against possible retaliation by others involved in the alleged smuggling operation, but that federal authorities had not made good on the promise.

"Mr. Quintana is not safe and the Justice Department knows that," Mr. Rubin said. "They are not doing anything to protect him. It's been promised, but it just hasn't been forthcoming."

Mr. Rubin said he was trying to arrange for Mr. Quintana to testify before the same U.S. Senate committee investigating alleged drug smuggling by Gen. Noriega. "If we go public on this matter, it may be the only way we get the protection we need," he said.

John Russell, a Justice Department spokesman, said yesterday he knew nothing about any pending indictment against Col. Paul.

Officials at the U.S. Attorney's Office and the DEA in Miami also have declined to comment on the matter.

Federal drug agents have long viewed Haiti as a busy way station for the shipment of cocaine and marijuana to the United States and privately have complained over a lack of cooperation from Haitian officials.

Mr. OWENS of New York. The two articles, one by E.A. Wayne which appeared last Thursday in the Christian Science Monitor, and one by Jerry Seper in today's Washington Times, say that the U.S. Government will indict Colonel Paul for drug trafficking. The Washington Times article says the indictment may occur next Wednesday. The Christian Science Monitor article said the indictment will challenge the newly installed government of former political science professor Leslie Manigat. Manigat is thought to have made a deal with the all-powerful Haitian military in order to win the Presidency in the January 17 elections which were marked by bribery and fraud. These elections, of course, took place after they had destroyed the November 29 legitimate elections.

The U.S. State Department had received reports about Colonel Paul long before the November 29 election. The U.S. State Department was well aware of the influence that Colonel Paul exercised over the present Haitian Government, yet our State Department, with our intelligence sources, which know better, continue to counsel some kind of approach to the present Haitian Government.

By all accounts Colonel Paul is a very dangerous man. He has a long history of criminal activity. Colonel Paul comes from a family with close ties to the Duvalier regimes. His father, "Boss" Paul served on Francois Duvalier's staff from 1957 to 1971. The Colonel's brother, Alexander, served as consul in the Bahamas and in the United States under both Duvalier regimes. Colonel Paul is very close to Gen. William Regala, a key figure in the ruling military junta. William Regala is now slated to become Defense Minister in the Manigat government. It is also said that Colonel Paul took over parts of the drug operation once run by Jean-Claud Duvalier's father-in-law.

Colonel Paul has a power base in his Dessalines Battalion. He is feared by the rest of the army. He is feared by the government. He has won his soldiers' unquestioned loyalty by giving them pay bonuses from funds that are raised through his drug operations. They do not care whether we cut off aid or not to pay the soldiers of Haiti. They have plenty of money from the second greatest power in this hemisphere, the South American drug mob. Some say that Colonel Paul's troops would kill at his command, and indeed they have killed at his command.

Colonel Paul and his brothers are not even above jeopardizing the health of fellow Haitians. Recently they arranged for the receipt of 4,000 tons of toxic waste from Philadelphia. They dumped it on the Haitian coastline, or attempted to dump it on the Haitian coastline near the Port of Gonaives last month. Only an effective protest by the residents in that area stopped the dumping of the ash, which contained high levels of dioxin. The Paul brothers reportedly received $200 a ton to accept this waste. While Colonel Paul continues to intimidate and to gain greater control, the State Department is considering restoring aid to Haiti.

Why do we not just say "no"? Nancy Reagan wants to stop drugs along with the rest of us. Why does not this administration just say "no" to all aid to Haiti? Why do we not support the democratic opposition in Haiti which is still strong? Let us support the democratic opposition. Let us say "no" to restoring aid to Haiti. Let us say "no" to Colonel Paul. Let us stop the second greatest power in this hemisphere from expanding its octopus tentacles over the rest of the hemisphere. Let us stop the drug trade now. Let us stop it in Haiti by saying "no" to any further aid to Haiti.

Mr. Speaker, finally, I submit an article by James Dorsey from the Washington Times of February 12, 1988.

Aid to Haiti Hinges on Leader's Independence

(By James M. Dorsey)

Haitian President Leslie Manigat will have to demonstrate his independence from the island nation's armed forces before the Reagan administration resumes aid, according to officials and sources close to the administration.

The administration is drafting a series of conditions that Mr. Manigat would have to meet to qualify for the $80 million a year in economic aid suspended after the Haiti's first attempt at democratic elections in 30 years was smothered in blood Nov. 29 by soldiers and unidentified gunmen.

Mr. Manigat was inaugurated Sunday, three weeks after he won elections organized by the military-dominated government of Lt. Gen. Henri A. Namphy.

Mr. Manigat is hiring at least two Washington public relations firms in an effort to improve Haiti's image and persuade the administration to restore the aid.

"Getting Western donors to turn on the aid is crucial to Haiti's survival," one official said.

Haiti's main benefactors have been the United States, France, Venezuela and Canada, with the lion's share of the aid coming from Washington.

"It's clear that Manigat thinks he can do it. He has spent his years of exile in three of the four crucial countries. He has lived in Washington, in Paris and in Caracas," one official said.

Some officials and analysts said Mr. Manigat was endorsed by the Haitian military because he had pledged to persuade the United States to resume aid.

The Reagan administration has been careful not to accept the legitimacy of the election that brought Mr. Manigat to power, but has said it would deal with his government.

The State Department's Human Rights Report, submitted to Congress Wednesday, blamed the armed forces for the death of 34 persons during the aborted November elections.

An investigation by U.S. attorneys into drug-related charges against Col. Jean-Claude Paul, commander of the Haitian armed forces' powerful Dessaline Battalion, could further complicate Mr. Manigat's task.

An indictment of Col. Paul could put Mr. Manigat in the same position as Panamanian President Eric Arturo Delvalle, who appears to be incapable of acting against Panama's armed forces chief, Gen. Manuel Antonio Noriega. Gen. Noriega was indicted last week by two Florida grand juries on drug-related charges.

Stephen Cook, executive vice president of Edelman Public Relations, said he had forwarded a plan to Haiti on Wednesday aimed at improving the nation's image and getting aid resumed.

"We traveled to Haiti, were there during the inauguration and gave them the plan yesterday," Mr. Cook said.

A spokesman for Miner, Fraser and Gabriel said the company was negotiating a contract with Haiti.

"If Manigat wants to gain independence from the military, he needs our conditions stated to him both publicly and privately," a source close to the administration said.

Officials fear a repetition in Haiti of events in Panama, where Nicolas Barletta was brought to power in elections rigged by the military and forced to resign a year later when he attempted to chart a course independent from the armed forces, the source said.

The officials and sources said among the conditions being considered are:

An attempt to bring opposition leaders into the Cabinet.

Early legislative elections.

Development of an independent police force.

A program to professionalize the armed forces.

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. Stokes] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, it is an honor to reserve this special order this evening in commemoration of Black History Month. I want to thank those colleagues who have joined me this evening to participate in this commemoration.

As we celebrate Black History Month, the logical question asked is why do we celebrate Black History Month? When we look at America's history, we can find thousands of books offering information on the subject; yet in many of these books the history of blacks in America is either omitted or receives only cursory coverage. Moreover, in many of our Nation's schools contributions made by blacks to our Nation are only reviewed during the 28 days of February.

Black Americans have a magnificent history, a history which is inherently woven into the economic, social, cultural and political fabric which distinguishes our Nation from all others. Therefore, until we commit ourselves to acknowledging this historical fact, the black men and women who have made great contributions to our Nation's progress, our Nation will never be able to realize the basic tenet of our democracy, which is that all men and women are created equal. In 1926, the late Dr. Carter G. Woodson clearly understood that black Americans were not receiving recognition in history for their contributions. This occurrence disturbed him deeply. He once said that a race without a recorded history "becomes a negligible factor in the part of the world. It stands the danger of being exterminated."

Therefore, he proposed the idea of setting aside one week of each year to commemorate the achievements of black Americans.

Mr. Speaker, in light of the lateness of the hour, I want to defer further remarks on my special order and begin yielding to some of my distinguished colleagues who have other engagements this evening.

Mr. Speaker, I yield to the distinguished gentleman from North Carolina [Mr. Lancaster].

Mr. LANCASTER. Mr. Speaker, it is a great privilege for me to join my colleagues in commemorating Black History Month. Because the late Dr. Carter G. Woodson had the foresight and perseverance to establish, in 1926, the Association for the Study of Negro Life and History, his dream, to inspire in blacks, themselves, a sense of racial pride and a knowledge of the rich heritage as a people, and to provide other Americans with an opportunity to learn, recognize, accept, and appreciate the role blacks have played in the development of this great Nation, continues to be realized each year.

The State of North Carolina has officially designated February as Black History Month and each year this designation results in numerous activities: workshops, seminars, speeches, exhibits, and celebrations sponsored by schools, colleges, universities, and religious and social organizations throughout the month. The celebrations, Mr. Speaker, really begin on January 15, the birthday of Dr. Martin Luther King, Jr., and continue throughout the month of February. I look forward to participating in many of these celebrations. Each celebration adds to my book of knowledge and jogs my memory again and again that the goal we all are working for is peace and justice for all Americans.

Many extraordinary contributions continue to be made by blacks in North Carolina and I am proud to bring to your attention a great American, born in eastern North Carolina, now a part of my congressional district, Rosindale in Bladen County. George Henry White, the last black to serve in Congress from North Carolina, was born on December 18, 1852, and attended the public schools of Bladen County. He graduated from Howard University in 1877. He studied law and was admitted to the bar in 1879 after which he began his practice

in New Bern, NC. He served as principal of the State Normal School of North Carolina; was a member of the State house of representatives in 1880; served in the State senate in 1884; served as solicitor and prosecuting attorney for the second judicial district of North Carolina from 1886 to 1894; was a delegate to the Republican National Conventions in 1896 and 1900; and was elected as a Republican to the 55th and 56th Congress—March 4, 1897, to March 3, 1901. He was not a candidate for renomination in 1900 to the 57th Congress and resumed the practice of law and became involved in banking. Congressman White died in Philadelphia, PA, on December 28, 1918.

I also salute the hundreds of black Americans who never served in Congress, but whose contributions will be recorded in the local histories of such towns as Trenton and Burgaw, NC. The contributions of these black Americans can never be overlooked or forgotten.

I look forward to the day when black history will be a truly integral part of the study of American history. However, until that day, the Nation's youth—our children—must know and recognize the achievements of black Americans and the major role they have played in shaping this country.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentleman for his contribution.

Mr. Speaker, I yield to the distinguished gentleman from Wisconsin [Mr. Roth].

Mr. ROTH. Mr. Speaker, I thank my good friend for yielding to me.

I very much appreciated the gentleman's opening remarks when he quoted from our Declaration of Independence that all men are created equal. I think that is something we always want to remember, not only in words, but as a fact.

We all are proud of our American citizens and, yes, our black citizens, when we take a look not only at athletes, politics, medicine, but every profession in every line of work in the United States, our black citizens are an example to all of us.

There are so many people that we could refer to. As a real young tyke I remember Joe Louis, the great fighter, and how proud he made all of us. It is people like that who have been a real role model and people we have looked to that have made us proud to be Americans.

We have some of our most outstanding students at the military academy, our service academy now, and some of our black students and some of our leading people in our Armed Forces that help to keep this country free and to make this country free. They are a great example to all of us.

We all of us are Americans and I hope before too long we will have a black President, and when we have that then I think we will have achieved as role models and as a people what we can all do as Americans and as one Nation.

So I thank the gentleman for allowing me this time to say a few words, because we want to remember all of our citizens, especially those citizens serving in our Armed Forces and doing such a great job keeping us free.

Again, I thank the gentleman very much for yielding.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague for his participation and for his excellent remarks.

Mr. Speaker, I yield to our distinguished colleague and friend, the gentleman from Illinois [Mr. Hayes].

Mr. HAYES of Illinois. Mr. Speaker, today I am proud to join with my distinguished colleagues in commemorating Black History Month. Indeed 1988 is a historical year for black Americans, especially those living in my hometown, the great city of Chicago.

As many Americans know, not long ago, Chicago suffered a tremendous loss with the death of Mayor Harold Washington. As Chicago's first black mayor, Harold has opened the door for other qualified black administrators to take his place as the chief executive of the Nation's third largest city. As the former congressional Representative from the south side of Chicago, which is formally called the first congressional district in Illinois, it was only fitting that he became Chicago's first black mayor. Any discussion of black political history in Chicago must deal with the south side.

This congressional district has the longest continuous tradition of black representation in the Nation. In 1928, residents of the south side of Chicago elected the first black Member of Congress since reconstruction, Oscar Depriest. In those days, the Republican Party was the party of Abraham Lincoln, and it symbolized freedom for former slaves and their descendants. But as the Democratic Party of Franklin Delano Roosevelt began to promote jobs for working people—black and white—politics in the district began to change.

Eleanor Roosevelt was out among the people and she was showing that she had no personal prejudice. The 19th amendment had just been ratified in 1920, and women had just gotten the vote. I can remember sitting at the dinner table when my mother told my father that she was going to vote Democratic in the next election. My father was so angry—all of us had been Republican as far back as we could remember—that he stood up and told her this was proof that women getting the vote was a major mistake. Later, of course, when the Federal Works Programs created by the Roosevelt administration brought employment to my father, he not only changed his mind, he changed his party registration, too.

A lot of black voters changed their registration, and that was the beginning of the end for Depriest. In 1934, Arthur Mitchell made history when he won that seat. Representative Mitchell was the first black Democrat to serve in the U.S. House of Representatives. Oscar Depriest was to become—so far—the last black Republican with voting privileges to serve in the House.

In 1942, William L. Dawson succeeded Representative Mitchell. Not only did he become the first black Member of Congress to chair a committee—the Committee on Post Office and Civil Service—but he became a political power broker in the city of Chicago. He was a ward committeeman and the leader of the black faction of the vaunted Chicago Democratic machine. While he endorsed civil rights measures promoted by leaders such as A. Phillip Randolph, he was firmly committed to working within the system. He viewed his real role as providing patronage jobs and democratic nominations to his political supporters, again a tradition in Chicago. He retired in 1970, and died at the age of 84.

He was succeeded by Ralph Metcalfe, a one-time Olympic sprinter. Ralph was elected as a machine man too, however, he soon broke with the machine over the alleged beating of two black dentists by a Chicago policeman. When Mayor Daley refused to come to Congressman Metcalfe's office to discuss the matter, the independence of the south of Chicago from the machine was insured.

Despite being one of the most Democratic congressional districts in the Nation, in 1984, it was the most Democratic, voting 95 percent for the Democratic ticket and only 5 percent for Ronald Reagan. But in 1972, there was significant ticket-splitting, as machine-backed candidates lost to liberal, reform Republicans. In 1978, however, Metcalfe died, and the machine temporarily retained the seat by appointing Bennett Stewart. Even then, the community rebelled, and an upstart reform Republican got 41 percent in the general election. In the next primary, the independent forces nominated Harold Washington, another former machine-elected official. Harold, a supporter of Metcalfe, was a seasoned Illinois State senator, and had been a founder of the Illinois legislative black caucus. He won a four-way primary with nearly 50 percent of the vote; Stewart finished a distant third with less than 20 percent of the vote.

Harold Washington, of course, is most famous for becoming Chicago's first black mayor. That victory was made possible because he was an elected official with strong ties to both the black community and the independent political movement. His insistence on political reform and his advocacy of civil rights and fairness for all are what enabled him to lead a multiracial coaliton that captured city hall. Despite the intense opposition that he encountered, he opened city hall for all the people of Chicago in a way that had never been done before. It was just before his death, however, that he was finally beginning to control the reins of city government. The dreams and ideals that Harold helped champion were not limited to Chicago.

The movement and evidence of its far-reaching effect can be seen right here in Congress. Our own colleague, Congressman Mike Espy, is a beneficiary of the type of reform politics that Harold pushed for. The success of Mayor Wilson Goode in Philadelphia is another example of this movement at work. Indeed, Harold has left a proud and brilliant legacy with which we can work with and build upon.

I was the next person elected to follow in this illustrious line of elected officials. While I feel honored to be a part of this historic line of representation, I believe that it will be best if I let history be my judge. In any event, in some ways history has already been made. Before being elected to Congress, I spent my life working in the labor movement. I was one of the founders of the coalition of black trade unionists [CBTU] and was an international vice president of the United Food and Commercial Workers and international vice president of the Illinois State AFLC-CIO. I am the highest ranking trade unionist ever elected to the Congress, and I view my role as a Representative of working people, and for people who want to work.

Black Americans have much to be proud of during this Black History Month celebration. I salute not only my predecessors and the meaningful contributions they have given our great Nation, but also their legacy—a legacy which is benefiting the entire Nation. And while February is the time set aside for celebrating black history, in fact it is a continuous event that each of us should celebrate each and every day in American society.

Mr. STOKES. Mr. Speaker, I yield to my distinguished friend and colleague, the gentlewoman from Cleveland, OH [Ms. Oakar], with whom I share the representation of Cleveland, OH.

Ms. OAKAR. Mr. Speaker, I thank the dean of my delegation for yielding and compliment him on having this special order.

Mr. Speaker, I think of so many contributions to the development of our Nation, and as a woman I am especially pleased to note some of the heroines that I have come to know through history, Sojourner Truth, Harriet Tubman, and Rosa Parks come to my mind. They were the ones, Tubman and Truth, who led hundreds of slaves to freedom along the Underground Railroad, which coincidentally did come through Cleveland, OH; as a matter of fact, in my own neighborhood where I was born and raised.

Of course, all of us think of Dr. Martin Luther King. I think of him really as being very much alive today, because I think Dr. King's wisdom and example and action in promoting a nonviolent approach toward peace and human rights was what we needed not only in our own country, but indeed throughout the world.

So the legacy of black Americans indeed has been with us since revolutionary times in this country.

But I want to talk a little bit briefly about my city of Cleveland. As you know, a lot of times you hear of the civil rights movement being focused on the South; but frankly, black achievement is not confined to just the cities of the South. The city of Cleveland has always been proud of its contributions. Although many of us are familiar with the great Jackie Robinson, the Cleveland Indians outfielder, Larry Doby, was the first black in the American League. He went on to become a league manager.

□ 1830

In the literary community, Clevelander Charles Chesnutt became one of the first black novelists, paving the way for growth among other aspiring writers. In 1915, the Playhouse Settlement, later called the Karamu House, opened its doors as a center devoted to the field of the fine arts and the development of the potentialities of black Cleveland artists. The Karamu Players continue to present exciting theatrical productions of the finest quality, and Cleveland continues to bask in the glow of this historical company.

Politically speaking, Cleveland has been in the forefront of black civil rights, and much of this is due to the efforts of the Stokes brothers. In 1967, Carl Stokes became the first black American to be elected mayor of a major city. He is now a respected judge on the municipal bench in Cleveland.

His brother, and my friend and colleague, Louis Stokes, made history when he became the first black American in Ohio to win a seat in the U.S. House of Representatives. As dean of the Ohio delegation, he has faithfully served his city and the Nation as a whole for the past 20 years.

Black History Month is a time to honor all those who have enhanced America's dreams of freedom and equality, and I commend my colleague from Ohio for his leadership in organizing this special order on its behalf.

I think as Americans we look forward to enhancing the great American dream of freedom and equality not only for our own people but for the entire world.

Mr. Speaker, I want to compliment my good friend and colleague, the gentleman from Ohio [Mr. Stokes], for his leadership and say to him and to my distinguished black colleagues in the House of Representatives what a wonderful example they are to the youth of today. I do not know if my colleagues realize how important their representation is to so many young people. I know this is especially true in the case of Carl and Lou and others in greater Cleveland, so I hope that we not only will commemorate this great sense of history this month but indeed throughout the year.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague, the gentlewoman from Ohio [Ms. Oakar], for her very warm and generous remarks and for her participation in this special order.

Mr. Speaker, I am delighted to yield to my distinguished friend and colleague from New York [Mr. Rangel].

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Ohio [Mr. Stokes] for yielding me this time. I congratulate my friend and colleague from Ohio for taking out this special order and giving us in the House of Representatives an opportunity to participate in Black History Month.

When we think about history, it is not just a beautiful story that someone would want to tell but is a story to tell us where we have been and to inspire us to bring out the best in us either as a person, as a people, or as a nation to do better. That is why I believe it was such a cruel hoax to play on the slaves who helped to build the economy of this country to really cut out as a part of American history the history of black folks in this country. It had such a damning effect that when I was a kid on the streets of Lenox Avenue in Harlem, to call someone an African or to call someone black was an insulting remark because we only had the images that were given to us in the Tarzan movies and we had to rely on our families to fill us in on the rich traditions of where we had been.

Sometimes when we have seen the St. Patrick's Day parade, or the Jewish parades, or the Polish parades, black folks always felt that we were the only people in this great Nation that really had no place to send a Care package, had no hometown that we could visit or would want to take our parents and our grandparents to. That is why it is so important that we as a people share our rich heritage not only with our families and our communities but with this entire country so that we can bring out the strength of Americans, not just for their love and affection for America, because we

have demonstrated that by pouring our blood on every battlefield that our country has been involved in, even when German prisoners were being treated better as prisoners of war than the warriors who made it possible for us to win in World War II. But I think that we all will have to agree that no matter how much one loves their home country or where their forebears came from, that they are better Americans because they understand the strength of their people and I think that as we tell black and white kids alike how great black warriors have been as scientists and educators that we make our small contribution to the great history of this country, and I think that because we have this time to share these feelings, that this record will be straight as completed by Members of Congress.

Mr. STOKES. Mr. Speaker, I thank the gentleman from New York [Mr. Rangel] for his very fine remarks.

Mr. Speaker, I am happy to yield now to the gentleman from Kentucky [Mr. Mazzoli].

Mr. MAZZOLI. Mr. Speaker, I am proud to join my colleagues in the House in commemorating February as Black History Month.

The United States recently observed the national celebration of Martin Luther King, Jr.'s, birthdate. I was a proud cosponsor of the resolution which established Dr. King's birthday as a national holiday. But, Dr. King is not the only black achiever in America's history. Far from it.

The contributions of black citizens to our Nation are legion, and it is fitting that a month be set aside to recognize these many and significant achievements.

In 1926, Dr. Carter G. Woodson—known as the father of black history—established Negro History Week because he recognized the importance to all men of publicly acknowledging the history, achievements, culture, and current status of black people. In 1976, during the Bicentennial celebration, this week was extended to a month.

We in Louisville and Jefferson County, KY, which I am privileged to represent in Congress, can boast many individuals who deserve to be recognized during Black History Month.

But, there is one person who is preeminent in his fields of endeavor and who is particularly fitting for recognition: Dr. Lyman Johnson.

I have included, at the end of my statement, a biography listing Dr. Johnson's complete accomplishments and honors. A few deserve special mention here.

Dr. Johnson is a graduate of Virginia Union University in Richmond, VA—class of 1930. He went on to receive his advanced degree from the University of Michigan at Ann Arbor.

Dr. Johnson then moved to Louisville where he began a distinguished career in education in the community. For 33 years, he taught at Central High School and for 7 more served as assistant principal in other schools.

In addition to his role as an educator, he also became an important leader in civil rights activities. In fact, Dr. Johnson served as the president of the NAACP on four separate occasions. He was a plaintiff in a Federal court action which opened the University of Kentucky to black students.

Even today, at age 81, he is still active in our community, and is currently serving his fourth year on the local human relations commission.

Dr. Johnson is truly a remarkable man, and I am proud to have this opportunity to recognize his lifetime achievements. I can think of few others who have done so much to help us make progress in erasing the inequities and injustices in our society.

Mr. Speaker, I include for the Record the biography of Lyman T. Johnson:

On May 13, 1979, Lyman T. Johnson was awarded the Honorary Doctor of Letters from the University of Kentucky. That proud day culminated the career of a man whose life has spanned 74 years, 40 years of dedicated teaching service, and hundreds of awards and citations. He has felt and fought discrimination and hatred. And he has mounted and won battles for human rights many times over the last 50 years. If nothing else, Lyman Johnson is a survivor.

Born in Columbia, Tennessee on June 12, 1906, Mr. Johnson attended Columbia Public Schools and Knoxville College Academy. His hard work and dedication at Virginia Union University earned him high marks and an A.B., majoring in Ancient Languages, History and English. Graduate work at the University of Michigan resulted in a M.A. degree in History and Political Science. He has completed additional graduate work at the University of Wisconsin, University of Kentucky, and Union College.

He joined the Louisville Public School system in 1933. In 1936, Mr. Johnson married the former Juanita Morrell. At Central High School he served as a teacher of social studies, chairman of the social studies department, athletic and business manager, and faculty sponsor of Youth Speak, Inc. for over 33 years. He also served as Assistant Principal at Flaget High School. In addition, he had been a part-time instructor at Kentucky State University and Spalding College.

His role of social activist has led him to be the plaintiff in a Federal Court Action against the University of Kentucky. His suit was instrumental in opening the University to black students. Also, he was a major plaintiff in the Federal Court Action for "merger and desegregation" of Louisville and Jefferson County Public Schools.

Mr. Johnson has been a member of many social and professional organizations including the American Federation of Teachers, the Kentucky Education Association, U.S. Selective Service Board, NAACP, Kentucky Commissions on Corrections, Louisville and Jefferson County Community Action Agency; the Board of Governors of General Hospital, Urban League and the Kentucky Civil Liberties Union. He has served in a leadership role in almost all of them. He served as President of the Louisville Branch NAACP for a total of 7 years over periods starting in 1943.

His list of awards and citations is entirely too long to publish in this program. But, among them are honors from Louisville Mayors Kenneth A. Schmied, 1969; Frank W. Burke, 1970 and 1973; and Harvey I. Sloane, 1977; Jefferson County Judge L.J. Hollenbach, 1977; and Kentucky Governors A.B. Chandler, 1956; Wendell H. Ford, 1972; and Julian Carroll, 1978; the University of Louisville, the University of Kentucky; and Bellarmine College.

Mr. Johnson's accomplishments over the years have given him much satisfaction and happiness. He remains an integral part of the education system in Jefferson County and the State of Kentucky.

He currently resides at the J.O. Blanton House, 850 W. Muhammad Ali Boulevard, in western Louisville.

Mr. VISCLOSKY. Mr. Speaker, will the gentleman yield?

Mr. STOKES. Mr. Speaker, I am happy to yield to the gentleman from Pennsylvania [Mr. Visclosky].

Mr. VISCLOSKY. Mr. Speaker, I would like to commend and thank the gentleman from Ohio for setting aside time today for this special order recognizing Black History Month.

The history of blacks in America is a far-reaching and rich one that should not be overlooked. Black History Month affords all Americans the opportunity to pay tribute to black Americans whose, struggles, sacrifices, and achievements have helped to build this great country.

People such as Harriet Tubman and Nat Turner revolted and fought against the established order and risked their lives so that others could gain their freedom.

Benjamin Banneker, an 18th century astronomer, mathematician, and mapmaker made many important contributions and was known as the "Black Ben Franklin." During the late 1700's and early 1800's Jupiter Hammon and Phillis Wheatley were recognized for their outstanding contributions in poetry. After the Civil War, black Americans continued to explore and advance in areas where they had been previously excluded.

In this century, we celebrate the achievements of the distinguished Shirley Chisholm, the first black woman elected to Congress; Adam Clayton Powell, Jr., who for six years chaired the House Education and Labor Committee; and Andrew Young, the first black Ambassador to the United Nations.

The arena of public service represents only one peak where black Americans have reached great heights. In the field of medicine Dr. Charles R. Drew helped save thousands of lives during World War II by developing the first blood plasma bank. It was Dr. Daniel Williams, a black surgeon, who was the first American to perform a successful operation on the human heart.

The music world is also an area where black Americans have made memorable contributions. Talented musicians and singers such as Louis Armstrong, Ella Fitzgerald, Billie Holiday, Thelonius Monk, and Stevie Wonder have added to our culture with their incomparable style of music and song.

And in the world of sports, athletes such as Henry Aaron, Wilt Chamberlain, Althea Gibson, and of course more recently, Doug Williams, have proven their talents with their extraordinary physical and mental capabilities, power, and grace. Record books and sports fans everywhere will always remember these and the thousands of other athletes who have practiced long and hard to attain their goals.

Finally, the observation of Black History Month would not be complete without mention of those who sacrificed and fought to gain equality and justice for all. Who can forget Rosa Parks, who, in December 1955, refused to give a white man her seat on a bus in Montgomery, Alabama. Her action prompted a year-long protest that ultimately resulted in the abolishment of a segregation statute.

The courage, strength, and leadership of others such as A. Philip Randolph will always be remembered and respected for their dedication to the civil rights cause.

The struggles, perseverance, and leadership of one man in particular, the Reverend Dr. Martin Luther King, Jr., is indelibly etched in the minds of all Americans. Dr. King's valiant struggle to achieve equality was a nonviolent one in which strength through numbers, dignity, and discipline were stressed. We will be forever grateful for his achievements.

Too often the accomplishments, talents, and contributions of black Americans have been overlooked. During Black History Month we should work to ensure that the lessons of history are not forgotten and that the success of those we recall today will be remembered as but the first light of a new dawn in black achievement across our land.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Pennsylvania for his contribution.

Mr. Speaker, I am pleased to yield to the distinguished gentlewoman from California [Ms. Pelosi].

Ms. PELOSI. Mr. Speaker, first I would like to thank my distinguished colleague from Ohio, [Mr. Stokes] for organizing this special order on Black History Month. Mr. Stokes has made us all proud, most recently by his contribution to the Iran-Contra hearings. He clearly and articulately said what many Americans were thinking about this sad episode in American history. I am proud to participate in this special order.

Recognizing the history of black people in the United States is important, for the impact of black people on the growth of America is immeasurable. This has certainly been the case in San Francisco, from the late James E. Stratton, the first black president of the San Francisco Board of Education who made great strides in improving the educational system in San Francisco, to the current leadership of blacks which has had a positive impact on millions of lives in the State of California as well as on the national scene. And from my native city of Baltimore, I must recognize the contributions of Clarence and Juanita Mitchell who worked with my family over the decades for the human and civil rights of blacks. Yet the history of black people in America has been a painful history.

Which brings me to the point of what I believe Black History Month is all about. All Americans must be made aware of what blacks have experienced in this country for the past 300 years. We must remember not only the contributions of people like George Washington Carver to the advancement of the United States, but also the blacks' bone-weary struggle for equality that continues today in 1988. Black History Month, then, is a vehicle for focusing on the past, present, and future of the black fight for social justice in our country. It cannot be forgotten that this fight is far from being over. One need only look at the small number of blacks in positions of authority in the United States or the inordinately high unemployment rate among black teenagers to see that the fight must be continued.

I am pleased to be invited to serve as a member of the Black Caucus. Working with the caucus in Congress I hope that as a fitting legacy of Black History Month we can pass legislation for an economic agenda which provides job opportunities for all Americans, provides education to benefit all of our children and guarantees them quality health care. In celebrating Black History Month, let's let people of all colors know that the struggle continues today and that it will not be over until all black people gain an equal footing in American society.

□ 1845

Mr. STOKES. Mr. Speaker, I thank the distinguished gentlewoman from California for her contribution and participation in this special order.

Mr. Speaker, I am pleased to yield to the distinguished gentleman from Mississippi [Mr. Espy].

Mr. ESPY. Mr. Speaker, I would like to thank the gentleman from Ohio for reserving this time to commemorate Black History Month, a special time we set aside to recognize and celebrate the heritage, achievements, and contributions of black Americans in the development of this Nation.

While the history of black Americans should never be separate and apart from the other major historical events of this country's evolution, celebrating black history during the month of February is an attempt to focus on the events, the people, and the places affecting black Americans that traditional education has overlooked.

I pray for the day when black history will become so inextricably woven into the minds of our young people that we will no longer need to call it "black history," but America's history. Today, however, we must draw special attention to the accomplishments of black Americans so that one day students will know that just as Paul Revere rode through the night to warn settlers that the British were coming, Crispus Attucks, a black man, was the first American to die in the Revolutionary War. They will know, not only about Abraham Lincoln's Emancipation Proclamation, but about Harriet Tubman and Sojourner Truth's lifelong dedication to bring about freedom for their brothers and sisters.

The list of black Americans who deserve to be in the history books of this great Nation is endless. Their contributions are found in all segments of society: education, public service, science, medicine, arts, sports.

I, however, would like to focus today on the achievements and sacrifices made by a special group of black Americans; those born and raised in my home state of Mississippi. Many of these great Americans made it possible for me to be here today. They involved themselves in activities which caused them emotional and financial stress; they risked their lives; they died in order to ensure justice and equality in this country.

A year ago, it took me only about 10 seconds to stand in the well on this House floor, place my left hand on the Bible, raise my right hand to Almighty God and swear to uphold and defend the Constitution of the United States. It only took about 10 seconds for me to utter those words which would convey the privilege of membership to this body and become the first black Congressman from Mississippi since Reconstruction. But we all know that in reality it took us generations to get here.

I believe my election to Congress is one solid indication of the change that has begun in Mississippi. We are still far from the dream Dr. King revealed in 1963 when he spoke of a Mississippi transformed into an oasis of freedom. But I can see a change in the eyes of my children and other children, black and white. They recognize a change has come to our State.

So when I give speeches to young students in Mississippi I tell them about Fannie Lou Hamer, a black Mississippian. She was sick and tired of being sick and tired. Though beaten in the jails of Mississippi, she always got up and kept moving forward and pushing and doing the kind of things that she knew had to be done.

The daughter of sharecroppers from Sunflower County, MS, she shook the conscience of America at the 1964 Democratic National Convention in Atlantic City with her testimony before the credentials committee about beatings she had suffered because of her attempts to register herself and others to vote. Ms. Hamer later ran for the congressional seat which I hold today and for the Mississippi Senate. She helped to establish several self-help projects in the Mississippi Delta as well.

I tell the young people of Mississippi about Medgar Evers, who as president of the State NAACP chapter, struggled to work peacefully with everyone in his efforts to improve the quality of life for all Mississippians. Knowing that he would be killed one day, he kept pushing forward while looking down the barrel of an assassin's rifle.

And there are so many others. So many anonymous faces and names; people who bled and toiled and died and struggled just so we would have the right to be here. And we pay homage to them as well, countless thousands of our heroes, some whose names we don't know.

There is one name I would like to mention, an 85-year-old woman named Annie Lee Tidwell. I think she was a heroine in her own right.

She has her own story to tell. She lived in a small town in Mississippi called Grenada. On the day of my election in 1986, she was too sick and ill to get out of bed. I am told that she voted by absentee ballot and, as she signed her name for perhaps the last time, she said some things that will be forever etched in my mind. Rosie Tidwell died that night.

She said:

> You tell that young man I hope he wins. You tell that young man that I hope my vote will count. You tell that young man that I want him to go up there to Washington and do us some good.

Do us some good. Do us some good. Now that's really what it is all about. We must keep that command—do us some good—constantly before us.

This is the challenge to young blacks today who will one day find their place in the history books of America. They will be there not because they are black, but because they contributed to our society. Until that day, I will continue to salute those black Americans who took bold and decisive steps to enrich the lives of all Americans.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentleman from Mississippi.

Mr. Speaker, I am pleased to yield to our distinguished colleague, the gentleman from Michigan [Mr. Levin].

Mr. LEVIN of Michigan. Mr. Speaker, I am pleased to join my colleagues today in commemorating Black History Month.

I come from the Detroit area, was born and raised in Detroit. Black history there is everywhere one walks, where one goes out to Belle Isle in the homes we visit. It is all there in a sense at our fingertips, but it is often forgotten, and in Black History Month, the purpose of it is to remind us, and it serves a number of purposes.

First we recall black Amerians' past struggles for freedom and equality. Also we celebrate the achievement of the black pioneers who blazed the first trail in their respective fields. And further we rededicate our resolve to overcome the struggles they have had for improved race relations and economic advancement.

Because of their enslavement black Americans confronted far more obstacles to equality than any other minority group in our country's history. This is a fact we must always remember. In 1849 Harriet Tubman, known to her people as Moses, turned or at least tried to turn obstacles into opportunity, an opportunity for freedom. She brought together northern abolitionists as well as other freedom fighters and was instrumental in laying the tracks for the underground railroad, as we know. Many came North, and many stayed in the South, and we commemorate black history today throughout this country.

In my lifetime in Michigan there are so many events and people to commemorate that I think that I will just mention a few. The Paradise Theater, the music that resounded in that hall, now through the efforts of the citizens we have saved it so that the music can continue to ring as it did there in the forties by black musicians. Joe Louis, who is a hero not only to black Americans but to, I hope and I think, millions of white Americans as someone who came from Detroit and represented the struggle forward.

Talking about music, the bringing forth of Motown from the homes and the talents of Detroiters should be mentioned, and in recent times with the breakthrough politically of blacks within Michigan, I think all of Michigan, in the election of a former colleague of mine in the State senate, Coleman Young.

There are many other events and people that should be mentioned. I will not because of time and the fact that others are waiting.

Let me close by saying we commemorate Black History Month as we look to future priorities at home. Economic advancement and improved race relations must top the agenda. And abroad our fight to end apartheid in South Africa will never cease, our resolve never diminish, so let us use this period appropriately both to celebrate and also to rededicate.

Once again I thank my colleague and my friend, Mr. Stokes, from the neighboring State of Ohio, for making this special order possible.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend from Michigan for his excellent contribution to this special order.

Mr. Speaker, I am pleased to yield to my distinguished friend and colleague, the gentleman from Maryland [Mr. Hoyer]. The gentleman from Maryland each year has his own very special celebration in honor of Black History Month when he has all of his constituents in Maryland come down to the House here, and they enjoy a beautiful breakfast with excellent participation, excellent speakers, and I have had the privilege of participating over several years. So I am pleased to yield to my distinguished friend.

Mr. HOYER. Mr. Speaker, I am pleased to join my colleagues in commemoration of the vast contributions black Americans have made to our country. I am particularly grateful to my good friend Louis Stokes for organizing this special order.

Black History Month is a celebration and commemoration by our Nation's black population and rightfully so. It is, however, a celebration for all Americans. Black history is America's history. The people, places, and events that you have heard about and will hear about are the history of America made by Americans who happen to be black.

While recognizing inspirational Americans such as Dr. Martin Luther King, Benjamin Banneker, Shirley Chisholm, and others, it is important to reflect on the goals and dreams which flourished in these leaders. The making of a legend is based on his or her belief of freedom, peace, and love for all.

It seems, at times, that we forget the reason for this celebration of black history, concerning ourselves with the present and immediate future, giving only a moment of thought to the achievements of the past. During this month we acknowledge those achievements and celebrate those that have bounded forward in their beliefs for our future as a peaceful human race.

In tracing American history, it may not be evident to some the vast impact black Americans had in developing our new world. During the violent era of European exploration, black slaves, seamen, and servants played an important role in American history. Few, however, of these heroes are given the recognition they deserve.

Black explorers played a significant role in Western expansion. One such man was Jean Baptiste Pointe Du Sable, who traveled through the Louisiana Territory and explored the Great Lakes. He established a trading post at the mouth of the Chicago River which eventually developed into a frontier settlement. This settlement grew into a city, Chicago. We now recognize that the first white man in Chicago was really a black man.

The adventuresome spirit of the frontier attracted many adventurers. The freedom of the frontier attracted John P. Beckwourth, a black explorer, who, in 1850 risked a tricky passage through the Sierra Nevada—now the Beckwourth Pass. He eventually settled with the Crow Indians, and dedicated his life, with hope and energy, to pioneering in the West.

We also know that blacks participated in every war beginning with the American Revolution and the death of Crispus Attucks in the Boston Massacre. We as a country should ask ourselves why did they participate. In at least four of our wars blacks were slaves. In others, they were discriminated against in every facet of American life, including in the service of their country. And finally, there were still problems during the Korean and Vietnam conflicts.

We must assume that they believed in the American dream. They believed unlike all other Americans, a dream that was truly only a dream for them. They gave their lives in order that all of us could be free without any assistance that black Americans would benefit from the sacrifices they made.

Today we celebrate these men, men with hopes and dreams for the future, futures in which they have participated, and a world for which they have pioneered and fought. Their determination and their faith in God was their strength; this led to achievement. We can commend these black Americans, but more importantly, we can learn from them. We can learn from their sense of adventure, determination, commitment, and their willingness to take risks.

These men and women were courageously persistent. It was Dr. Martin Luther King who said:

> Without persistent effort, time itself becomes an ally of the insurgent and primitive forces of irrational emotionalism and social destruction. This is no time for apathy or complacency. This is a time for vigorous and positive action.

We all recognize that our Nation is facing some serious challenges. These black Americans and the others that have been and will be mentioned by other speakers have led by example.

It is now our time to act. We must strive to keep the dreams of these black Americans alive. Through their inspiration and our sincere efforts and commitment, we can take steps to make their dream a reality, and reward ourselves and this Nation in the process.

I want to thank Mr. STOKES again for organizing this special order.

□ 1900

Mr. Speaker, I thank the gentleman for yielding to me this time.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague and friend, Mr. HOYER, for his very eloquent statement.

Mr. Speaker, we appreciate his participation.

I am pleased now to yield to my good friend from the Virgin Islands, Mr. DE LUGO.

Mr. DE LUGO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this month, the U.S. Virgin Islands has joined in the national celebration of Black History Month, when we recall the contributions of black people who have helped build this Nation. In our schools and university classrooms and discussion in the media, our people have been making their history come alive again.

For in this U.S. territory—where roughly 80 percent of the population is black West Indian—our history is rich with accounts of people who have overcome adversity, who have achieved great things, and who have used their talents to reach their ambitions and enrich their community.

In recalling this history, we are finding new inspiration for achievements in business, government, academia, the arts and every facet of society. In recalling this history, we also are educating a new generation of Virgin Islanders who are setting their goals and looking for their place in our society.

In the U.S. Virgin Islands, our modern political history has been a story of progressive movement toward self-government. That has been a story of our native West Indian people taking over the institutions of their own society as we have moved from our position as a Danish colony until 1917 to our current status as a largely self-governing territory.

Black history in the Virgin Islands also is the story of the blending of cultures from Africa, Europe, the United States, and the entire Caribbean. In recent decades, the Virgin Islands has become a magnet for West Indians from throughout the Caribbean. They have come by the thousands from Tortola, St. Kitts, Antigua, St. Martin, Guadeloupe, and every other island in the region. They have made tremendous contributions to our economy, our culture, and our society. And many of them are now coming into their own, becoming full U.S. citizens and successful enterpreneurs. When future generations look back at the recent history of the Virgin Islands, they will see it as a period of creative blending of black Caribbean histories and cultures.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend from the Virgin Islands for his contribution to this special order.

Mr. Speaker, earlier on in my remarks I made reference to Dr. Carter G. Woodson.

Mr. Speaker, considered by many to be the "Father of Negro History," Dr. Woodson was one of nine children. His parents had been slaves. As a youth, he had neither money nor opportunity to attend school. So, he was not able to complete high school until he was 22 years old. Despite the hardships faced by Woodson during his early years, he went on to finish Berea College in Kentucky. Later, he went to the University of Chicago, where he received a bachelor's and master's degree, and in 1912, he received a Ph.D. from Harvard University. Born in poverty and having worked as a coal miner, Dr. Woodson was undaunted by strife and struggle; and, he achieved his accomplishments the hard way—the same way that so many great black Americans have had to come.

In 1915, Dr. Woodson almost singlehandedly created the Association for the Study of Negro Life and History and the prestigious Journal of Negro History. Not content with these achievements, he ventured into the field of mass education, initiating the observance of Negro History Week, which in 1976 was changed to Black History Month.

Today, let us take a few minutes to acknowledge those accomplishments by black Americans which are too often forgotten, or which are unknown.

First, let us remember those black persons who fought and died for America. Last summer, during the Iran-Contra hearings, I had the opportunity to remind Lt. Col. Oliver North that he is not a lone soldier in our country's fight for freedom, and that there were others who had made major sacrifices for this country. People like Oliver North help to create the distortions which have helped to leave most Americans oblivious to the contributions made by blacks in the defense of their country.

When we take a close look at history, we see that, from the very beginning, black Americans have fought in our country's battle for freedom. At least 5,000 blacks joined the fight to free this Nation from the grip of British control. In fact, during the Revolutionary War, Crispus Attucks, a black man, was one of the first soldiers to give his life for freedom.

In World War II, our country took its first step toward moving away from the discriminatory practices of consigning the black soldier to segregated labor battalions. In 1940, Benjamin O.

Davis, Sr., became the first black general to serve in the U.S. Army. And today, I am proud to recognize that distinguished 50-year career of General Davis who, during his life time, served in the Spanish-American War, World War I, and later served as an instructor of the 372d Infantry of the Ohio National Guard in Cleveland.

During the years preceding World War II, the military had candidly rationalized its racially discriminatory practices with pronouncements which endorsed the notion of black inferiority. The appointment of General Davis marked a move by President Franklin Delano Roosevelt to enhance and increase the participation of blacks in the Armed Forces. At the beginning of the start of the selective service, less than 5,000 of the 230,000 men in the Army were black, and there were only two black combat officers. By the time World War II approached an end, approximately 880,000 black men and 4,000 black women had served in this war.

One of the most notable contributions made by an American soldier during this war occurred when Dorey Miller, a black mess stewart in the then segregated U.S. Navy saved his fellow crew members from certain death on the U.S. battleship *West Virginia* docked at Pearl Harbor. When the Japanese began their surprise attack on Pearl Harbor, Dorey Miller came up from the mess hall, manned artillery and singlehandedly shot down two Japanese airplanes.

A few years after this war, as our Nation worked to maintain world peace, it was the negotiation efforts of Ralph Bunche which led to an armistice between the Arabs and Israelis in 1949. For his efforts, Bunche won the Nobel Peace Prize in 1950.

Orphaned at the age of 13, Bunche went on to win the Phi Beta Kappa key, and was the first black to receive a Ph.D from Harvard University's Government Department. In later years, he helped to author the United Nations Charter, and then went on to be an international civil servant of the highest rank when he joined the United Nations Secretariat.

Despite the contributions made by blacks in World War II, the institutionalized Jim Crow practices within the military did not officially end until after the Korean war. In fact, during the Korean war, it was the U.S. Army's last all black 24th Infantry Regiment which was the principal force behind the United Nation's initial victory over the North Koreans at Yechon, one of the roughest and bloodiest encounters of the entire conflict. Dispite their vital contributions, military records characterize their contributions as poor.

Today, now that the branches of our Nation's military are no longer segregated, black Americans are receiving acknowledgment for their contributions. For instance, Lt. Col. Guion Bluford, was the first black astronaut to fly in space aboard the space shuttle, *Challenger*. And, 2 years ago, black astronaut Ron McNair gave his life as the *Challenger* attempted to make another journey into space.

Black Americans have fought many other battles and have helped to pioneer may other frontiers. When we look at the pages which preface the creation of our democracy, we see how black slaves, beaten and shackled, plowed, seeded, and harvested our Nation's fields.

In looking at the early years of our Nation's history, we also see how Frederick Douglass, Sojourner Truth, Nat Turner, and John Brown had to work to free their black brothers and sisters in slavery. Harriet Tubman helped to free over 300 slaves via the underground railroad. Tubman often told slaves—you will be free or you will die. White slave owners were so afraid of Tubman, they had a $40,000 price on her head in the 1800's.

Almost a century after our Nation had tired of and ended slavery's tyranny, Dr. Martin Luther King, Jr. entered the civil rights horizon as one of history's premier advocates for equal rights. Dr. King was the champion of the civil rights movement in the 1950's and 1960's. Armed only with his principle of nonviolence, Dr. King stirred our Nation's conscience and liberated America from bigotry and discrimination in the same manner that Ghandi liberated India from British control.

The moral and political leadership offered by Dr. King is indicative of a role which often has been assumed by black ministers. The black minister and the black church have played a pivotal role in the development of the black community and America. Some of the major black leaders' political beginnings originate in the black church. Former pastor of the Abyssinia Baptist Church in Harlem, Adam Clayton Powell served in the U.S. House of Representatives; Rev. Jesse Jackson, former aide to Dr. King and president of operation PUSH continues to make history as he seeks the Democratic Party nomination for the Presidency; and Andrew Young, also a minister and former aide to Dr. King was elected to the Congress, and later became the U.S. Ambassador to the United Nations and currently serves as the mayor of Atlanta. And today, in the House of Representatives, we see a number of black political leaders who are also ministers. Walter Fauntroy, Edolphus Towns, John Lewis, and Bill Gray are all ordained ministers.

Black Americans also have made unparalleled contributions in the area of art, entertainment, and literature. From the poetry of Phyllis Wheatly, to the literary genius of Ralph Ellison; from the talented tenor Roland Hayes, to the gifted Leotyne Price, black Americans have excelled in the music and entertainment world.

Taking a close look at black history and the arts, I am reminded of how during the 1940's and 1950's, Paul Robeson, singer, actor, scholar, and athlete was not only the first black, in the history of English theater, to play the leading role of Shakespeare's Othello, but he also played a leading role as an advocate of the oppressed. He challenged the racism of this country to its foundation and compared the struggle of black Americans to that of oppressed people everywhere.

A man of tremendous stature, both physically and intellectually, Robeson is often referred to as the "Black Warrior." Six feet, three inches tall, and almost 220 pounds, Robeson was one of the greatest football players of all time. He also was one of the first blacks ever to attend the prestigious Rutgers University. While attending that university, he won Phi Beta Kappa honors in his junior year, was valedictorian of his graduating class, was a debating champion, and won 13 varsity letters in four sports.

Unfortunately, the significance of Robeson's contributions have never been fully acknowledged. In fact, the experiences of Paul Robeson sadly exemplify the racial bigotry to which some of our Nation's most talented minds have been subjected. Consider, for example, that in the 1940's our Government led a massive campaign to silence him. Labeling Robeson a Communist, our Government revoked his passport and prevented him from traveling outside the United States.

In 1947, at a hearing of the House Committee on Un-American Activities, a Congressman from California asked a star anti-Communist witness how he identified Communists. The witness replied that among the surest criteria for identifying someone as a Communist, would be to observe to see if they applauded at a Paul Robeson concert, or owned a Paul Robeson recording. The record shows the witness was Adolphe Menjou—a prominent film actor; the Congressman was none other than Richard Milhous Nixon.

When we review those pages which outline the history of much of the music originating from our country, we see a predominant black influence. In 1914, W.C. Handy fathered the blues with "St. Louis Blues." Handy and other jazz greats such as Louis Armstrong, Duke Ellington, and Cab Calloway helped to make jazz America's first native music form.

During the 1920's, 1930's, and 1940's, Marian Anderson, the legendary contralto, helped to pave the way for other black classical artists. Born in Philadelphia, PA, Ms. Anderson left the United States to travel throughout Europe during the 1920's and 1930's.

To have stayed in the racially segregated United States during these years would have meant certain death to her career.

However, in 1939, Ms. Anderson returned to this country surrounded by controversy. The Daughters of the American Revolution refused to let her sing at Constitution Hall, the famous concert hall located in our Nation's Capitol. The world was shocked by such conduct. Dignitaries, government officials, journalists, and private citizens rose in protest. After the DAR steadfastly refused to budge, the U.S. Department of the Interior invited her to sing on the steps of the Lincoln Memorial.

On Easter Sunday of that year, Ms. Anderson astounded the Nation, as well as the 100,000 or so persons who gathered at the steps of President Lincoln's Memorial to listen to her sing. When Harold Ickes of the Department of the Interior introduced her, he said: "Genius, like justice, is blind * * * genius draws no color line."

In 1955 Marian Anderson became the first black singer to perform at the Metropolitan Opera, portraying Ulrica in Verdi's "The Masked Ball." Three years later she was named to the U.S. delegation to the United Nations. And, in 1963, President Lyndon B. Johnson awarded her the Freedom Medal.

In looking at the origins of more contemporary sounds, we see that without Little Richard, Chuck Berry, or Chubbie Checker, neither the Beatles, Elvis Presley, nor the Rolling Stones would have been able to help make rock-n-roll what it is today. Consider, for example, that it was Little Richard, who gave the Beatles one of their first breaks by allowing them to tour with him as the opening act.

In the area of the visual arts, many of my constituents in Cleveland, OH, can take pride in celebrating the talents of one of the city's famous, local artists—Malcolm Brown. Malcolm Brown is one of two black artists who are members of the highly prestigious American Society of Watercolorists.

Like the contributions blacks have given to our Nation's art and entertainment, the achievements of blacks in sports are impressively overwhelming. And, just a few weeks ago, black athletes added another page to our Nation's history.

Doug Williams was the first black quarterback to play in the Super Bowl. Williams played an integral role in helping his team win the game and in helping to execute the Redskins' seven record-breaking plays. When interviewed Williams repeatedly said that he went into the game to do his job as a quarterback, not as the "first black quarterback." Also this year, during the winter olympics, Debi Thomas was the first black to represent our Nation in the singles figure skating competition.

In addition to these recent developments, in the area of athletics there has been: Jackie Robinson, Satchel Page, and Hank Aaron in baseball; in tennis, Arthur Ashe, Althea Gibson, Lori McNeal, and Zena Garrison; in track, Jesse Owens, Edwin Moses, Carl Lewis, and Wilma Rudolph; in basketball, Wilt Chamberlin, Abdul Kareem Jabbar, Magic Johnson, and Michael Jordon. And, the list could go on and on.

Outside the area of athletics, blacks have been among the Nation's most respected scientists and inventors. The expression, "the real McCoy" came from Elijah McCoy, a black inventor. Benjamin Banneker produced the first almanac and surveyed the street plans for Washington, DC. Norbert Rillieus revolutionized the refining of raw sugar in the 1840's and some 40 years later, Granville T. Woods patented many electrical and railroad devices. Dr. George Washington Carver, founder of Tuskegee Institute, revolutionized agriculture in the South with his pioneering research on the peanut.

In the area of exploration, Matthew Henson traveled with the Admiral Peary expedition to the North Pole. Henson was the first man to stand, literally, on top of the world. Hensen did the work. But, until recently, Peary was given all of the credit.

In medicine, black men and women have excelled for generations beginning in 1800 with Dr. James Durham, the Nation's first black physician. Daniel Hale Williams, a black physician performed the first open heart surgery. A black woman, Dr. Jane Wright today is one of the most respected cancer researchers in the world.

Dr. Charles Drew developed the first blood plasma bank which saved numerous lives and enabled hospitals to store blood for longer periods of time. The plasma bank he organized in 1938 became the model for the system used by the American Red Cross. Ironically, Charles Drew died because, as a black man, the nearest hospital did not treat blacks.

In the area of law and politics, black Americans have played an active and necessary role in challenging and ending our Nation's discriminatory practices. Recent probes into the annals of black American history have disclosed a number of people of interest and importance whose achievements have been omitted from many of history's pages. In particular, there is one individual whose contributions have not yet received the prominence they deserve in our national record. Mr. Speaker, I am referring to the multitalented John S. Rock.

Starting out with the humblest of beginnings, Rock rose by hard work to positions of recognition in the abolitionist movement and three professions: dentistry, medicine, and law. From 1844 to 1848, he spent 6 hours a day teaching, 8 hours in study, and 2 in tutoring. Many believe that the subsequent deterioration of Rock's health was a result of carrying such a work load. Once his health began to deteriorate, it became difficult for Rock to attend to his patients. So, he began the study of law.

In 1861, he was admitted to the Massachusetts Bar. In 1865, after Salmon P. Chase became Chief Justice, Rock was the first black person to be admitted to practice before our Nation's Supreme Court. That same year, he became the first black man to be received in these Chambers. Yes, Mr. Speaker, Mr. Rock was the first black man to be received on the floor of the House of Representatives. In 1866, shortly after beginning the practice of law, Rock died at the young age of 39.

Decades after Rock had broken these color barriers in the practice of law, men like Charlie Houston and Thurgood Marshall continued the legal fight against racial discrimination. During the 1930's, 1940's and 1950's these men catalized change, by arguing a litany of cases before the Supreme Court. Eventually, their efforts opened up a vista for blacks and culminated in the desegration of our Nation's schools via Brown versus Topeka Board of Education in 1954. In ruling on this case, the U.S. Supreme Court overruled Plessy versus Ferguson, the case which had established the doctrine of separate but equal. By putting the separate-but-equal doctrine to rest, the Supreme Court allowed black students across the Nation, as well as the children of Topeka, KS, for the first time in our Nation's history, to attend integrated public schools.

And, it was after having won many battles in our Nation's courtrooms, that black Americans made significant gains in winning battles at the polls. Most specifically, I remember when in 1967, in Cleveland, OH, my brother, Carl, became the first black mayor of a major American city. At that time, Cleveland was the eighth largest city in the United States and was only 37 percent black. Today there are 303 black mayors in America.

Mr. Speaker, I have just touched the tip of the iceberg in terms of reciting some of the contributions blacks have made to our Nation's development. In commemorating and reviewing just a few of these contributions, the words of Dr. Woodson take on special meaning. He said that once we dispel the myths that blacks have never contributed anything to the progress of mankind, "the achievements of the Negro properly set forth will crown him as a factor in early human progress and a maker of modern civilization."

Mr. FROST. Mr. Speaker, it is important for us to take time each year, if not each day, to highlight the important contributions of black Americans to the development of our great Nation.

Today, I rise to honor a black Texan who by capturing black history in photographs made black history. R.C. Hickman was born more than 60 years ago in the small north Texas town of Mineola. He acquired his photographic skills in the South Pacific during World War II as an official Army photographer.

His true career began when he returned to Dallas as a photographer for the Dallas Star Post, the local black paper. His work for the paper and his freelance work for Jet and the NAACP placed him in the unique situation of capturing for posterity the black community in the three turbulent decades following the war. His work preserves the visual evidence of racial segregation and the struggle to end it in north Texas. His photographs documenting public demonstrations against racial segregation are especially valuable because Dallas' major news media generally refused to report these events.

But more than chronicling an important time in our Nation's history, he captured on film the daily life of black Americans. And it is these photographs which illustrate the similarities of experience of all Americans. Looking at photos of kids dressed up for Halloween, the local newsboy, a Navy son returning home, workers at a gas station, and a high school student receiving a scholarship evoke memories for everyone. All of us can recall such events from our lives.

It is that ability to capture not only the unique black experience, but the actions of everyday life which indebt us to R.C. Hickman. For now we can relive through his photos the experiences of a group of Americans—black Americans.

Luckily for us the 3,000 negatives of R.C. Hickman's life work are preserved at the Barker Texas History Center at the University of Texas at Austin. Selections from the collection have been displayed in Austin and in Dallas at the Hall of States, making this body of work accessible to many.

As I said earlier, it is important for us to honor the work of men like R.C. Hickman. For in honoring him we recognize the contribution of the average American—the true American—the black American in the development of our Nation. I ask you to join me in saying thank you to R.C. Hickman—chronicler of black history.

Mr. BRYANT. Mr. Speaker, black history in Texas began more than four and a half centuries ago—long before it did in any other part of what is now the United States. Blacks were preceded in Texas only by Indians. As we celebrate Black History Month, it is important that we recall some interesting facts about the rich history and important contributions of black Texans to our State and Nation.

The first black person to land in Texas was a moor of Azamor in Northern Africa's Morocco—a man named Estevan. Part of a Spanish expedition to Florida under the direction of Panfilo de Narvaez, Estevan was among a small group of men who survived a storm in the Gulf of Mexico on a makeshift boat. After reaching land, they were captured by coastal Indians for whom they were compelled to work for about 5 years before finally achieving freedom, largely as a result of Estevan's talents. Because he had a gift for languages, Estevan became more of a partner than a slave to his master, Capt. Andres Dorantes.

In 1691, a black bugler accompanied Domingo Teran on the second Spanish missionary expedition to convert east Texas Indians.

By the 1790's—only 20 years after Crispus Attucks, a fugitive slave, was killed in the Boston Massacre, one of the first to die in the American colonies' struggle for freedom from England—blacks made up at least 15 percent of the population in what would become Texas.

Prior to the end of Mexican rule over Texas in 1836, most free black immigrants came to Texas as farmers—like Emanuel Hardin of Brazoria County and Jean Baptiste Maturia of Nacogdoches in the 1820's. A few pursued other occupations. In 1831, for example, Robert Thompson became a rancher in Montgomery County, James Richardson sold oysters and refreshments between Velasco and San Luis on the coast, and Greenbury Logan moved here from Missouri as a blacksmith.

William Goyens, a black born in North Carolina in 1794, became one of the first rich Texans through his work as a blacksmith, wagon manufacturer, freight hauler, mill owner, land speculator, and planter in and around Nacogdoches between 1820 and his death in 1856.

Perhaps the first blood shed in Texas' fight for independence from Mexico was that of Samuel McCullough, Jr., a volunteer who was crippled for life by a shoulder wound sustained in a battle at Goliad in October 1835.

After 1836, under a provision in the Republic of Texas' Constitution, free blacks who wanted to move here had to appeal to the Republic's Congress for permission. As a result of limitations on black immigration, the free black population of Texas declined from 397 in 1850 to 355 in 1860.

In the days before the Civil War—in which about 5,000 blacks served in the U.S. Army and Navy, some commanding units—60 to 70 percent of the black populations achieved literacy, despite the fact that only 20 black students in 1850 and 11 in 1860 could find teachers to educate them. This commitment to self-improvement allowed some blacks to thrive and prosper—like Aaron Ashworth, a wealthy landowner who owned 2,570 cattle, the largest herd in Jefferson County in 1850—even in the face of adverse circumstances.

Milton M. Holland, born in 1844 on a small farm near Carthage in Panola County, was the first black Texan to win the Congressional Medal of Honor, our Nation's highest military award. As Sergeant Major of Company "C," Fifth U.S. Colored Troops, he won the distinction by leading his unit in the most brilliant and daring fight of its career outside Richmond, VA, in September 1864.

Although President Lincoln signed the Emancipation Proclamation on January 1, 1863, freedom did not come for Texas blacks until Gen. Gordon Granger landed in Galveston on June 19, 1865—the day the State of Texas now officially celebrates as Juneteenth—and read a statement:

> The people of Texas are informed that in accordance with the proclamation from the executive of the United States, all slaves are free, which involves the absolute equality of people of personal rights and rights of property between former masters and slaves. * * * .

Mr. HALL of Ohio. Mr. Speaker, I would like to thank Congressman STOKES for sponsoring this special order honoring those men and women who have helped make America such a great nation. February has been designated "Black History Month." It is a time when blacks, as well as all who comprise this great melting pot of ours, pause to honor great accomplishments by blacks in America.

From the Nation's inception, blacks have played an integral part in building the framework of the United States. They have provided free as well as paid labor, while enduring a brutal form of discrimination and inequality. Despite seemingly insurmountable odds, many blacks have succeeded in making notable contributions to society. Sweeping changes in conditions over the years have occurred as a result of much struggle.

Looking back, the 1960's proved to be a turbulent time for all Americans. The country witnessed the emergence of a new form of leadership in the struggle for freedom. Dr. Martin Luther King, Jr., the great leader in the struggle for peace and freedom, was the most important figure in the civil rights movement. Many of the gains blacks presently enjoy can be attributed to the peaceful resistance strategies utilized by Dr. King. Unselfish, persevering efforts subsequently offered blacks in America a new day with new opportunities.

Some 29 million blacks reside in America, making them the largest minority in the country. More liberal voting rights have increased the number of blacks participating in the government process. At the end of last year, blacks held 6,681 of the approximately 500,000 elective offices in the United States; the largest number to hold public office since Reconstruction. Presently, blacks hold key positions in Congress, as well as the President's Cabinet. Also noteworthy are the increasing numbers of blacks serving as mayors of large metropolitan areas. Presently 10 large cities are headed by blacks with those numbers projected to rise as the population of blacks residing in urban areas increases. I am certain these accomplishments are ones never before dreamed of by the forefathers of those who now serve in the Halls of Congress.

Despite these accomplishments by a few, a large percentage of the black population still does not enjoy the fruits of the labor of those who fought such a relentless fight for equality. Unfortunately, racial discrimination remains an intrinsic part of American society. It continues to rear its ugly head far too often, in too many places. Poverty remains rampant in the inner cities. According to a recent report issued by the National Urban League, "The real income of the lowest fifth of the population, adjusted for inflation, declined between 1979 and 1986 by $663 per family * * *" Black unemployment stands at about 12 percent, while the rate among black teens is almost double that of whites. Cuts in Federal college aid have had a sweeping negative effect on the number of black youth who attend college. The school dropout rate among blacks is reported to be as high as 50 percent in some urban areas.

The study of black history in America is essential. The current state of black America is indicative of a pressing need for continued commemoration of "Black History Month." Studying black history offers black youth the opportunity to reflect upon their part of a rich heritage. It also serves as a constant reminder of the struggles and hardships their forefathers endured so that they might enjoy a life of freedom and equality.

The University of Dayton, in my district, offers a typical observance of Black History Month. During February, UD will show a film series, hold an antiapartheid rally, conduct religious services, hold discussions, and sponsor an open sing with the university gospel choir. Wright State University, in the Dayton area, also will hold a series of speakers, films, performances, and cultural events.

Black History Month is also a time to reflect upon those who are presently making contributions to society. Many great men and women continue to serve as role models for those who have not yet realized the dream of Dr. Martin Luther King. It is therefore imperative that this important culture be preserved and commemorated. All citizens of the United States must continue to view "Black History Month" as a time when people of all races in the melting pot realize they have important roles in maintaining the strength of our Nation. February as "Black History Month" should also be a time for Americans to examine themselves, and remember that we must all remain "* * * one nation under God, indivisible, with liberty and justice for all."

Mr. HORTON. Mr. Speaker, first of all I would like to thank my colleague LOU STOKES for requesting this special order. It is essential that all Americans are knowledgeable on the contributions that black Americans have made to this country. From colonial times, blacks have had a positive role in the shaping of our country. Until recently, school textbooks did not recognize these contributions and significant events, such as black participation in the fighting of the Civil War, were glossed over.

Even our relatively recent history needs to be studied. Those graduating from high school today were not even born when Martin Luther King struggled to win rights for the black community that the white community takes for granted. Those of us who lived through that difficult period in our history tend to assume that all Americans share the same memories of the courageous struggle by blacks and whites against ignorance and prejudice. We must focus our attention on the young so that they may finish the work that needs to be done to bring true equality to women, minorities, and others who are victims of prejudice.

The contributions that blacks have made to our society are cause for celebration. From business to science and arts to athletics black Americans have been leaders that we all can admire. In many cases, they had the added burden of prejudice to overcome. We can all take pride in their achievements.

Again, I thank my colleague from Ohio for requesting this time and I join him in saluting the achievements of black Americans.

Mr. DERRICK. Mr. Speaker, by designating February as "Black History Month," we are taking the time to honor those who have struggled through long years of oppression, and have triumphed in the face of incredible odds. Black Americans are better able to move into positions of leadership than they were 25 years ago due to the spirit and drive of those who forged the civil rights movement. The major civil rights legislation—the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968—have served to open the doors to blacks in terms of making equal treatment the law, but these acts alone were not enough. Justice and equality are not just terms that can be placed into the law books, they must be integrated into attitudes, and black Americans must be commended for their strides in light of the negative attitudes which persisted even after laws were made.

In my home State of South Carolina, black citizens have persevered, and today hold prominent positions within their communities such as: city councilmen, school board trustees, hospital board members, and planning commissioners. These citizens should be lauded for their dedication and ambition. We must, however, not allow ourselves to become content with the successes at present; let us instead view this as a new plateau from which we will begin another climb. Hope lies in the future.

By observing the past we are able to realize just how far this country has come in changing attitudes toward people of color. Prior to 1960 only two people of color held appointments on public bodies in the State of South Carolina, and since the era of reconstruction there had been no blacks holding any elected or appointed positions. Since 1960, however, 501 black South Carolinians have been elected to serve in many different levels of government. By observing "Black History Month," we are able not only to learn the history of black Americans, but also to recognize just how far they, and we, as a nation have come.

The earlier mention of civil rights legislation must also be combined with educational opportunities that have allowed blacks the chance to move ahead. In 1980, there were more than a million young blacks enrolled in American colleges, as compared to only 600,000 a decade earlier. Also, black studies programs have emerged as part of college courses of study, thus allowing blacks and whites to learn an important part of their heritage.

Mr. Speaker, in commemorating "Black History Month," we are looking back and realizing how far blacks, as well as all Americans have come in establishing justice for all.

Mr. CLAY. Mr. Speaker. I am pleased to join my colleagues in this special observance of Black History Month. Through the commemoration of Black History Month we hope to inspire black Americans to develop a better sense of purpose and pride in our rich heritage and we seek to inform white Americans about the long and distinguished role blacks have played in the development of our great Nation. Both objectives must be reached if our Nation is to realize its commitment to the equal rights of all people.

The month of February was selected to celebrate black history because two great crusaders for the rights of blacks were born this month: Frederick Douglas and Abraham Lincoln. Douglas' and Lincoln's efforts to promote civil rights are well known. But traditionally, historians have ignored, down-played, denigrated, distorted, or diminished the achievements of black Americans. Today, most Americans believe that the first blacks to arrive in this country came on slave ships. But, in fact, we were here before the pilgrims. Most Americans know something about Christopher Columbus and the Nina, the Pinta and the Santa Maria. But, few Americans have heard that the Nina was owned and captained by a black man named Peralonzo Nino. And it is not often recorded that the shot heard around the world, starting the Revolutionary War, killed a black man, Chrispus Attucks. Nor is it well known that over 5,000 free blacks fought in the Revolutionary War or that more than 200,000 blacks fought on the side of the Union during the Civil War.

I could continue sharing many more tales—such as that Deadwood Dick was none other than a black man named Nat Love or that Casey Jones, the famous railroad fireman was also a black man—because black Americans have a rich and glorious past which has long been neglected. But, as William Jennings Bryan said, truth crushed to the ground will rise again. As a lifelong student of history, I know that over the past 15 or 20 years a truer American history is beginning to take shape and to replace the mythology of traditional American history. I am happy to recognize this change and to join my colleagues in this important celebration of Black History Month.

Mr. LELAND. Mr. Speaker, it is a honor to have the opportunity to join my colleagues in participating in this special order commemorating Black History Month 1988. I want to thank the gentleman from Ohio for providing the leadership needed for this special order. Each year, since 1976 we have designated the month of February to pay tribute to the achievements of black Americans. Its conception dates back to 1926 when Dr. Carter G. Woodson first proposed the idea of a national commemoration of the accomplishments of black Americans.

I am particularly honored to bring to your attention the recent outstanding achievements of black Americans such as Reginald Lewis, who completed the largest leveraged buyout by a black entrepreneur with the acquisition of Beatrice International Foods Cos.; Barry Rand, as president of the U.S. Marketing Group of the Xerox Corp., managing 34,000 employees and generating over $4 billion in revenues; Doug Williams, the first black quarterback to win Superbowl XXII; Debi Thomas, skating into world class Olympic competition; Lt. Gen. Colin Powell, the first black National Security Adviser; and Delano Lewis, Chesapeak & Potomac Telephone executive and first black president of the D.C. Board of Trade.

In my own State of Texas, John Hall, the first black senior deputy land commissioner manages a $1.5 million portfolio, with a $20 million operating budget grossing $400 million in revenues. The first black city manager of Dallas, Richard Wright represents the seventh largest city with a combined operating and capital budget of over $1 billion. The first black city manager of Galveston, Douglas

Matthews manages a combined operating and capital budget of $40 million. I can never forget and I am always proud to acknowledge my fellow Texan and former Representative of the 18th Congressional District, Barbara Jordan, the first black Representative from Texas.

My Presidential choice, Rev. Jesse Jackson is an inspiration to all black Americans demonstrating that no barriers or boundaries should inhibit an individuals' ambitions. Reverend Jackson will work endlessly to serve the legitimate interests of all Americans and make the American dream possible for all individuals.

I have briefly touched on the accomplishments of a few black leaders. Black Americans have been involved in every aspect of the history of the United States. Our history and culture is inextricably woven into the fabric of this country. Black Americans have played an integral role in the development of this Nation and our contributions no doubt will continue to shape this great Nation. Let us, therefore, in this celebration of life commit ourselves to remove the blemishes of racism left on society. I urge you to work with me in writing a new history for the United States of America.

Mr. SIKORSKI. Mr. Speaker, mention "Minnesota" and "civil rights" in the same breath and most people think of one man: Hubert Humphrey. They hear his magnificent words ring through that 1948 National Convention and written into a host of civil rights laws. On another giant of the civil rights movement and tireless champion of civil rights was also Minnesota raised: Roy Wilkins.

Black History Month is a particularly appropriate time to honor and remember Americans like Roy Wilkins. His dedication to justice and his commitment to principle are inspiration to us all. His accomplishments as executive director of the NAACP for over 20 years, and in all his undertakings, spurred the cause of civil rights in this country. From the labor camps of the Mississippi Delta to the school houses of Topeka, KS to the lunch counters of Jackson, MS to the March on Washington, and to the American armed services around the world—Roy Wilkins led the fight for freedom and justice for all Americans.

Roy Wilkins was born August 30, 1901, in St. Louis, MO. At the age of 4 his mother died of tuberculosis and he was sent to live with relatives in St. Paul. He grew up in a poor predominantly Scandinavian neighborhood. He worked his way through the University of Minnesota as a porter, dining-cars waiter and stockyard worker.

In Minnesota Roy Wilkins edited his school magazine, took journalism courses at the University of Minnesota, was night editor of the university newspaper and was editor of a black weekly, the St. Paul Appeal. Later he was managing editor of the Kansas City Call, a leading black weekly, and editor of the Crisis, the official NAACP organ.

In Minnesota, Roy Wilkins also began a half century affiliation with the organization with which his name is synonymous—the NAACP. For 22 years he served as executive director of the NAACP. In 1954 he accomplished his crowning glory: planning a case argued by then-NAACP special counsel Thurgood Marshall to test the Supreme Court doctrine of separate but equal: Brown versus Board of Education.

Arnold Aronson, secretary of the Leadership Conference on Civil Rights, stated in his eulogy of Roy Wilkins in 1981, "He was the living embodiment of that human dignity that is the birthright of every man and woman."

If I can paraphrase Mr. Aronson: "Thanks for passing through, Roy. Minnesota, America, and all of us are enriched by your having spent time with us."

Mrs. COLLINS. Mr. Speaker, this month our Nation celebrates the numerous contributions of black Americans to American life. From the scientific and literary contributions of George Washington Carver to the trailblazing exploits of Washington Redskins quarterback Doug Williams, blacks have served as our Nation's pioneers and conscience in the development of American society.

Observing Black History Month provides a welcome opportunity for each of us to increase our awareness of the enormous contributions and achievements black Americans have made to America. The observance of "Negro History Week" began in 1926 by Dr. Carter G. Woodson, a noted black historian and founder of an association dedicated to the study of black history. Dr. Woodson felt there was a need to acclaim and honor famous and lesser known blacks for their achievements in the arts, sciences, literature, law, medicine, human rights, sports, and politics.

With the expansion of Black History Month throughout our Nation, February has become not only a month to learn new facts and appreciate the old, but it has become a month not only to reflect on our contributions and recommit our efforts to the ongoing struggle for equality and justice.

I was proud to be the sponsor of the Black History Month resolution in the 100th Congress, and I am pleased that so many institutions throughout the United States have set aside time to learn about the great many black men and women who have had such a positive impact on the development of mankind.

As we join our neighbors and friends in celebrating Black History Month, we should not forget that this commemoration is important because it serves as a source of cultural pride not only to black Americans but all Americans. We should also never forget that without the contributions of black Americans such as Harriet Tubman, Frederick Douglas, Paul Lawrence Dunbar, Scott Joplin, Dr. Martin Luther King, Jr., and Whitney Young, America could never have achieved its present stature. By celebrating Black History Month, we help insure that these people, and others, are recognized, and that the struggle for civil rights will continue to remain vital throughout the United States.

Mr. TOWNS. Mr. Speaker, I rise today to join my colleagues in commemorating Black History Month, the annual celebration of the achievements, accomplishments, and contributions of black people to our Nation and to the world.

Mr. Speaker, while I join in the celebration, I also look forward to the day when such a celebration will not be necessary. When the achievements, accomplishments, and contributions of black Americans will be so readily accepted and acknowledged as a ligitimate portion of American history that they will need no separate recognition.

Inasmuch as 1988 is a Presidential election year, I would commend to my colleagues the reading of an article which I recently wrote entitled: "Countdown to the Presidency '88: The African American Agenda." Certainly the topic is both pertinent and timely.

The article follows:

> As the November 1988 Presidential Elections draw closer, it becomes increasingly urgent that we, as African Americans, develop our own agenda. Clearly, with the powerful African American vote being diligently courted by twelve (at last count) presidential hopefuls, a well thought out and developed African American Agenda will become the touchstone by which all of the candidates must pass.
>
> What will this Agenda do? What will be its purpose? Simply this. Our Agenda will clearly outline those issues which we as the African American community see as priorities—from education to employment to South Africa. Having our own Agenda will help to ensure that our concerns are addressed, not overlooked or ignored. And because an election year approaches, our Agenda will help us to judge those who want our vote. Obviously, if a candidate—be it on the local, state, or federal level—can not see his or her way clear to—at a minimum—address our Agenda, then we must not see our way clear to vote for him or her.
>
> The mass voter registration and education drive which took place during 1983 and 1984 resulted in a greater number of people coming to office because of an overwhelming African American voter turn-out. The power of the African American vote elected four new African American Representatives to the United States Congress, including Mike Espy—the first African American elected to Congress from Mississippi since Reconstruction. The power of the African American vote returned the Senate to Democratic control, which, in turn resulted in the defeat of the nomination of Judge Robert Bork to the U.S. Supreme Court. (Just imagine how different the scenario might have been had Republican Senator Strom Thurmond been Chairman of the Senate Judiciary Committee instead of Democratic Senator Joseph Biden!)
>
> It is to our advantage, then, that we develop an Agenda which defines our priorities, and works for our interests. Clearly, our single most important concern is the future of our children. Our children are our most valuable asset. And we must, therefore, take steps to ensure that their future is secure. That they are properly educated. That they are healthy and drug-free. That they have adequate employment opportunities. That their world is free of racism and sexism. That their world is safe from crime and the threat of nuclear war.
>
> So our Agenda is for our children. Because we realize that our children are our future. They represent boundless opportunity and limitless potential. But unless we begin forcing substantial changes in society as we knew it today, we run the risk of these opportunities and potential never begin realized. We will surely face untold numbers of future generations living in an unending cycle of hopelessness and despair. We must demand change—for our children's sake. And as we make improvements in our chil-

dren's future, we inevitably better our present situation.

At the top of our Agenda must be education. "A Nation At Risk," a study by the National Commission on Excellence in Education, warned that a "tide of mediocrity" was overtaking our nation's public schools. The study urged "fundamental reform" of the education system by renewing America's "commitment to schools and colleges of higher quality throughout the length and breadth of our land".

Since "A Nation At Risk" was published in 1983, there have literally been hundreds of state commissions and blue-ribbon task force reports calling for raised academic standards, tighter discipline, and incentives to improve teaching. While these goals are certainly admirable, the great education reform movement has not emphasized the "unfinished task of offering every child—Black, Hispanic, Native American, Asian, and white—a fair chance to learn and become a self-sufficient citizen", according to the National Board of Inquiry. In fact, we find that the educational equity debate has slowly been moved away from the disadvantaged population.

Even the National Board of Inquiry has stated that "judging by the disproportionate numbers of such children who are excluded and underserved by the schools . . . minority children do not matter as much as non-minority children do to some school officials". Poor students also seem less important than middle-class students judging from the difference in funding levels for school financing in different districts.

The impact in numbers of "lost souls" tells a disturbing tale. One in four students enrolled in the ninth grade drops out. The dropout rate of Black students is nearly twice that of white students. Black students have lower standardized test scores and lower grades. Black students are more than three times as likely to be in a class for the mentally educable retarded than white children, but only half as likely to be placed in a gifted and talented class. And while the college enrollment rate of white high school graduates is just under 60%, that of Black high school graduates remains just over 40%. The implications of these appalling statistics are, in and of themselves, frightening: a study published by the Children's Defense Fund indicates that during 1982-1983, in families in which both parents were high school graduates, 7% of the children were poor. Where only one parent had a high school diploma, 20% of the children were poor. And in families where neither parent had completed high school, 39% of the children were poor. And the figures were even higher in single parent households where the parent was not a high school graduate—81%.

What this means is that unless we can find ways to encourage our children to stay in school—through college—we will face a continuing cycle of poverty. But we must also find ways to improve our nation's schools so that our children will want to stay in school.

We need increased funding for the Head Start child development program for disadvantaged children. Studies have shown again and again that Head Start participants are more likely than other children to complete high school, go to college or vocational school, and ultimately enter the workforce.

We must fight for the Title I—Compensatory Education program. Title I, which specifically targets disadvantaged elementary and secondary school children, has been highly successful in improving reading and mathematics achievement levels for poor and minority children. However, more than 50% of those children eligible for the services provided by Chapter I are—due to lack of resources—denied access to the program.

A relatively new program—Effective Schools—also deserves our support. The Effective Schools Act provides funds to "instructionally effective" schools to help them expand their programs. This movement, promoted by George Weber and the late Ronald Edmonds, assumes that while public schools can't control what happens in their surrounding communities, they can control what happens within their four walls. It encourages schools to develop those characteristics which often distinguish effective schools: strong school leadership, an orderly school atmosphere conducive to learning and teaching, high expectations for the children, an emphasis on the development of basic skills, and individualized student performance evaluation.

We also need a strong drug education program. We cannot continue to lose our children, our brothers, our sisters, and our entire communities to the scourge of drug abuse. We must fight for the development of a comprehensive drug abuse and control strategy. One which not only focuses on education and prevention, but which also addresses the issue of interdiction. We are urgently in need of a strategy which will reduce the demand and the supply.

Every day our country is flooded with illegal narcotic substances, which inevitably find their way into our neighborhoods. The latest figures indicate that 100,000 metric tons of cocaine, 6-8 metric tons of heroin, and 9,000-10,000 metric tons of marijuana found their way into our country in 1986 alone. It is unfathomable that we, the great western superpower, are helpless to stem the tide of illegal drugs flooding our country.

Certainly, the African-American community remains one of hardest hit by drug abuse. With our future in America at stake, we need our best mind- and man-power at our disposal. Having so many of our people high on drugs is a luxury we simply cannot afford.

If we are concerned about our children, then we must be concerned about the thousands of our children who live in poverty. While we recognize that the vast majority of our nation's poor are white, the African-American community remains disproportionately affected by poverty. Fifteen percent of white children are poor compared to 43% of African-American children.

We have already seen the cyclical effect of poverty. We must, therefore, place high on our Agenda the sensitive issue of welfare reform. We must develop a strategy which will encourage those on the welfare rolls to develop a view toward eventually becoming totally self-sufficient.

Underlying any reform effort must be the premise that a family which works should be better off than one which doesn't. According to the Bureau of the Census, the typical African-American working woman can expect to earn just $9416—only $900 more than the typical African-American woman receiving welfare. Taking into account the aggravation often associated with finding affordable child care, and a well-paying job, there is clearly little incentive to get off welfare and become self-sufficient.

Any welfare reform initiative must include an education and job training component. And it obviously must also include an adequate child care assistance program. We cannot expect women who currently head households to just go to work without any consideration for the care of their children.

Similarly, we must support initiatives which will encourage families to stay together. Currently, in twenty-five states, two parent families, no matter how poor they are, cannot receive public assistance. This phenomenon has led to the break-up of innumerable African-American families.

Beyond social programs, the African-American community must be very concerned about our country's economic policy and budgetary priorities. We live in a country that ranks number one in arms exports, and number ten in education expenditures. We cannot continue to allow our government to spend 30% of the budget on defense, 4% on health programs (excluding Medicare), and a paltry 1.5% on education.

We cannot continue to sit back and allow others to make budgetary decisions which will inevitably affect our people, for better or for worse. We must get involved in the budget process and make our voices heard. We must force our government to develop a budget which more accurately reflects what our priorities should be.

I am not advocating a complete disregard for the defense of our country. Obviously defense is important. However, I am of the opinion that you only need enough guns to kill everyone once; you don't have to kill people fifty times. After all, dead is dead. Besides, what is the point in having so many arsenals of weaponry if there aren't enough people around who can read the instruction manuals on how to use them.

We must advocate implementation of a budget and economic policy which will educate our people, which will provide adequate goods and services for our people, and which will ensure sufficient employment opportunities for our people.

Unemployment remains one of the greatest obstacles in the African-American community. The lack of adequate employment can be found at the root of so many of the problems in our neighborhoods, including poverty, drug and alcohol abuse (as a means of escape), and crime, to name just a few. Most importantly, perhaps, is the lack of self-esteem which all too often results from unemployment. Unfortunately, our society is one which connects a person's worth to his ability or inability to provide the basic necessities of life for himself and his family. It is this lack of self-esteem and self-worth which is most dangerous to the future of African-Americans. If I do not care about myself, then I will not care about my children, and I definitely will not care about your children. I will not care about the drug problem; I will not care about teenage pregnancy; I will not care about crime. And I most certainly will not care about improving my community for future generations.

What is needed, then, is a viable, comprehensive program which will create and sustain meaningful jobs for our people. This is imperative.

Finally, our Agenda would not be complete without an expression of concern for our brothers and sisters in other parts of the world. As Dr. Martin Luther King, Jr. said: "injustice anywhere is a threat to justice everywhere". How comfortable could we, as African-Americans, ever be, knowing that our brothers and sisters in South Africa suffer under the inhumanity which is apartheid? That our brothers and sisters in the Caribbean live in abject poverty? That our brothers and sisters in many parts of Africa live under constant threat of starvation?

As we struggle for our rights here in the United States, we must also struggle for our people all over the world. Next year, our government will spend several billion dollars on foreign aid. As long as this money is going to be spent, we might as well make sure that some of it goes to countries with which we feel a familial connection.

Nowhere is interest group politics more in evidence than with U.S. foreign policy. For example, Greek-Americans greatly influenced our decision to end assistance to Turkey after that country invaded Cyprus and we can certainly see that the influence of Jewish Americans largely determines our Mid-East policies. When African-Americans have decided to use their political clout within the foreign policy arena, we have been successful. Let me cite a few examples to illustrate my point.

The "Free South Africa Movement" was the driving force behind Congress adopting economic sanctions legislation against South Africa. That movement, as you know, was led by African-Americans. The crisis in Haiti has been monitored by the Congressional Black Caucus since 1979. Despite recent tragic events, we are confident that we can continue to have a positive impact on U.S. foreign policy toward that country. On the issue of increasing development dollars to the Caribbean and Africa, it has largely been through the Black Caucus' initiatives that we have been able to obtain an $85 million authorization for sub-Saharan Africa and a million dollars for Black-led government of Belize in Central America. These success stories suggest that African-Americans have a significant role to play in shaping our country's policies toward the Caribbean and Africa. Certainly any African-American political agenda must include a focus on a progressive foreign policy toward the developing world, with a particular emphasis on Africa and the Caribbean.

This Agenda, as I have outlined it, is by no means the last and definitive word. Obviously, there are many other issues which need to be addressed. My objective, however has been to outline those issues which are most critical to the survival and future of African-Americans.

It remains our responsibility to make our voices heard. No one can address our needs if no one knows what they are. We must continue to exercise our right to vote as a means toward social parity and economic stability. We must demand that any candidate for public office address our Agenda. We must force those who are already in office to be responsive and attentive to us and our Agenda.

Mr. MFUME. Mr. Speaker, as part of the yearly ritual, Americans of all races are celebrating "Black History Month." Initiated in 1926 by historian and educator, Carter G. Woodson, as "Negro History Week," the observance was later expanded to encompass the entire month of February.

Being that our origins date back to the beginnings of human kind, setting aside 1 month to acknowledge the history and achievements of Americans of African descent increasingly proves inadequate. We are a proud, determined, and cultured people, replete with a history that cries to be acknowledged continually.

We expect our schools—from Head Start to college level—to play a leading role in keeping the African American experience in the forefront of our intellectual development on a daily basis. American literature students—regardless of race—need to be familiar with the works of black authors and poets. Those in the medical field should know also of the contributions made by great physicians from Dr. Charles Drew, of Washington, to Dr. Levi Watkins, of Baltimore.

During our times of greatest adversity, religious institutions have always been there as keepers of the culture. A unanimous "amen" is due to those members of the clergy who regularly use the pulpit and church bulletins to remind their congregations about our triumphs.

While their efforts are well-intended, our Nation's cultural centers must abandon policies of February-only tributes to African Americans. The National Museum of American History's popular "Field to Factory: Afro-American Migration (1915–40)" exhibition is a step in the right direction. Consisting of more than 400 artifacts, a documentary film, photographs, a tenant farmhouse from southern Maryland, and the recreation of a Philadelphia rowhouse, rarely has there been better use of museum floor space.

Originally scheduled for only 13 months, "Field to Factory" was recently designated to be a permanent part of the museum's collection. Its tremendous success is proof to curators and scholars that the public hungers for more projects of a similar nature.

The African American family must continue to overcome great odds to remain an ongoing foundation for us. Any efforts to further strengthen and enhance these special family units must always be encouraged. The National Council of Negro Women is carrying the torch in the eighties with its spring through autumn, city to city, black family reunion celebrations.

The Schomberg Center for research in black culture has gotten this year off to a sensational start. The Baltimore Museum of Art, the Enoch Pratt Free Library, schools, churches, and countless community groups have scheduled special exhibits, lectures, symposiums, and theatrical productions in the coming days. But, as we flip our calendars on the 29th, let us all be reminded that the celebration has only just begun.

Mr. DELLUMS. Mr. Speaker, I rise today to speak in commemoration of Black History Month.

History is much more than the remembrance of things past. However, it will continue to be little more than footnoted nostalgia—unless we as a nation make a concerted effort to understand the consequences of past actions and act collectively and constructively to actualize for all Americans the promises made in the Declaration of Independence and the Bill of Rights.

Those of us in the legislative branch—especially so members of the Congressional Black Caucus—have a special responsibility to use the tragedies, the lessons, and the missed opportunities of history to forge a new national agenda that will make the promise of America a reality for all, regardless of race, color, gender, age, or economic status.

We have much to learn from black lives lived in commitment and courage—from Frederick Douglass and W.E.B. DuBois, from Harriet Tubman and Sojourner Truth, from Robert Weaver and Mary McLeod Bethune, from Fannie Lou Hamer and Martin Luther King, Jr., and especially from the millions of unsung heroes and heroines who daily struggled to make a better world for their children, in slavery and in freedom.

We must make certain that their efforts were not in vain. It is for us, the living, to carry on in their footsteps, "to make of this old world a new world". It is for us, especially the members of the Congressional Black Caucus, to raise the levels of historical awareness and concern, not only in the black community but all across this Nation, about the unfinished agenda for making America a better society for all.

That unfinished agenda includes a redefinition and expansion of the Bill of Rights to guarantee for all, regardless of race, gender, or economic status, the right to everyone: to have adequate housing from the moment of birth; to have full preventive and curative health care from the moment of conception until death; to have full access to comprehensive education that challenges and maximizes the latent talents within each of us; the right to have a job that provides true dignity through a living wage that will support the wage earner, his or her family, and other persons who may be dependent upon him or her for their very survival; and the right to be a full participant at every level of the political process in determining the destiny of neighborhood, community, State, and Nation.

Finally, we must not only revere the past, we must learn from it. We must use it to make our own history, rather than having it dictated to us by those who control the levers of economic and political power in this society. We in the Congressional Black Caucus have a special challenge—and opportunity—to show the way, through the example of our collective commitment to making this unfinished agenda a reality for our children and our children's children. Let us not be found wanting by future generations.

Mr. FLIPPO. Mr. Speaker, each year Black History Month allows us to reflect on the many contributions that black Americans have made to our society.

Dr. Carter G. Woodson, a distinguished historian and author, started Black History Week in 1937, because of the lack of information available to students. He, along with other scholars, brought to the forefront the accomplishments of black Americans in the fields of science, agriculture, education, and public policy. In 1976 the observance was changed and expanded to make the entire month of February Black History Month.

My State of Alabama can take great pride in the fact that many past and present black American leaders have lived and worked in our State. The Tuskegee Institute, founded by Booker T. Washington in 1881, has long been recognized as a bastion of excellence in education and technical training for black Americans.

In my own congressional district, another distinguished institution, Alabama A&M University, was founded in 1875 by William H. Councill, a former slave. For almost 35 years of continuous struggle Dr. Councill's leadership and perseverance kept the institution open and growing. His dream of education and equality for all people is the keystone of the university.

In addition to recognizing black leaders who have leapt large hurdles to reach the top of their professions, hurdles made greater by racial considerations, we should look to the future and provide young black people with the encouragement which they need to succeed.

It is true that, thanks to some brave and dedicated men and women active in the civil rights movement, life for black Americans is better than it once was. Blacks can now go into restaurants with whites, stay in the hotels of their choice, and sit where they like in buses. The strict legal segregation enforced by sheriffs and the courts is gone.

However, race still remains a major disadvantage. A third of black Americans live in poverty or near poverty. Blacks have higher unemployment and less income than whites. The era of dejure segregation is over but the civil rights movement has evolved into a political and economic struggle. Only 2 percent of the Nation's politicians are black, and blacks own less than one twelfth of the white equity in the Nation's wealth (real estate, business ownership, stock and bonds).

Greater educational opportunity is the key to a better life for blacks. Black achievement benefits not only blacks, but the Nation as a whole. Therefore it is in the interest of all Americans to support efforts to help young people of every race to develop their talents to the fullest.

Black History Month gives us a greater awareness of how far we have come and how far we have to go. We pause to acknowledge the many contributions of black Americans, and the great potential for future contributions. I am sure my colleagues share my belief that we must continue to work to help bring the American dream of equal opportunity closer for all citizens—young or old, rich or poor, black or white.

Mr. JONTZ. Mr. Speaker, I too, would like to join my colleagues in commending the gentleman from Ohio [Mr. STOKES] for reserving this special order to honor the contributions of black Americans to our Nation's history.

In commemorating Black History Month, we are observing the great achievements of many prominent black Americans who have influenced the course of our history. Rev. Martin Luther King, Jr., civil rights activist; Thurgood Marshall, the first black Associate Justice of the Supreme Court; Crispus Attucks, a patriot who was slain in the Boston Massacre of 1770; Frederick Douglass, who started the abolitionist newspaper, the North Star; these are just a few great black Americans who helped to shape our history.

I would like to take a minute to pay tribute to some of Indiana's own great black Americans.

The first election of a black mayor in a major northern city occurred in 1967, when Richard G. Hatcher overrode the regular local party machine to win the top municipal post in Gary, IN. Also, out of that city came Michael Jackson, the first person to show America how to moon walk on Earth.

In 1949 Indiana University coach Branch McCraken recruited the first black basketball player to play in the Big Ten Conference of the NCAA, Bill Garrett. He led Indiana in scoring three consecutive seasons and was the team MVP in 1951. Another great black basketball player to come out of Indiana was Oscar Robertson. He led Indiana's first black high school, Crispus Attucks, to two consecutive State championships. The "Big O" also had an outstanding 14-year career in the NBA.

Indiana has also been the home of a great champion of racial justice. Robert Lee Brokenburr. The son of a former slave, Brokenburr was the first black elected to the Indiana State Senate. During his 24 years in the Senate he authored two civil rights bills that were passed by the Indiana General Assembly.

Indiana has also been home of one of the most successful black businesses in the United States, the Walker Manufacturing Co., located in Indianapolis. Madam C.J. Walker, a pioneering black businesswoman, was president and sole owner of the company. Her hairdressing business came to employ over 3,000 people. Madam Walker was a generous woman, making substantial gifts to the National Association for the Advancement of Colored People, and to homes for the aged in St. Louis and Indianapolis.

Mr. Speaker, I join my colleagues in recognizing Black History Month. I hope that in some way our comments today will help to promote a greater recognition and awareness of the contributions that black Americans have made to our Nation.

Mr. TALLON. Mr. Speaker, it is a great honor for me to join my colleagues for this special order commemorating Black History Month. The achievements and contributions of black Americans are endless and far-reaching. I would like to thank my colleague LOUIS STOKES for inviting me to participate in this special order.

As we pause today to lift up the accomplishments of black Americans, I hope we will be mindful of our duty to make sure that the history of our time be recorded accurately and fairly. To include the stories and contributions of all who toiled to make this a more perfect Union. I have never been more mindful of how important this is than in my efforts to prepare my remarks for today's special order.

Mr. Speaker, I am very proud to pay tribute today to the first black Member of the U.S. House of Representatives, Joseph Hayne Rainey. Unfortunately, there isn't much information available on Mr. Rainey. There is no full-length biography, but rather several accounts and sketches of his life. I sincerely hope the time will come when history will be all inclusive, but until then, we will have to work a little harder to make sure that we tell the story as accurately and completely as possible.

Joseph Rainey was born on June 21, 1832, in Georgetown, SC, which is located in the district I represent, South Carolina's Sixth. Mr. Rainey served in this body from 1870–79.

Joseph Rainey's parents, Edward L. and Gracey, were slaves. Edward Rainey purchased his family's freedom sometime between 1840 and 1850. Edward Rainey was able to establish himself as a relatively prosperous barber in Georgetown. He passed this vocation onto his son, Joseph, who later established himself as a barber in Charleston, SC.

Joseph Rainey was drafted by the Confederacy to work on military fortifications in the Charleston Harbor and from there managed to escape to Bermuda in 1862 with his wife Susan. At the end of the Civil War, the Raineys returned to South Carolina.

Joseph Rainey became active in the Republican Party, serving as Republican county chairman and as a member of the Republican State executive committee from 1868 to 1876. Rainey was elected to serve as a delegate to the State constitutional convention from Georgetown in 1868.

Shortly after adjournment of the convention, Rainey was elected to the State senate, where he served as chairman of the important Finance Committee. He resigned from the senate in 1870 to fill the unexpired term of Benjamin F. Whittemore, who had been forced to resign because he had sold West Point cadet appointments.

Rainey was reelected to four consecutive terms. He was defeated in the 1878 election by Democrat John S. Richardson. While in Congress, Rainey was a ardent supporter of the Civil Rights bill of 1875. He made impressive speeches in favor of legislation to enforce the 14th amendment and the Ku Klux Klan Act. Having personally experienced discrimination in public accommodations on numerous occasions, he was a very strong proponent of civil rights legislation, including the integration of public schools. In debate, Rainey was described as "courteous and suave rather than aggressive," but he was said to possess the ability to defend himself well when necessary.

After leaving Congress, he was appointed a special agent of the treasury department of South Carolina, where he served until he resigned in 1881. Rainey failed in his efforts to become the first black Clerk of the U.S. House of Representatives. He tried to start a note brokerage and banking business in Washington, but this venture failed. In the spring of 1887, Rainey returned to Georgetown where he died of congestive fever on August 1, 1887.

Mr. Speaker, Joseph H. Rainey was well thought of by his colleagues and respected by his political enemies for undisputed integrity. He was the first black man to serve in this body and he served this country and the people he represented with honor and distinction.

I am very proud today to recognize Joseph Hayne Rainey and the countless other black Americans who have labored tirelessly and unselfishly to help make this country better and stronger. In paying tribute to Joseph Rainey, I can't help but think of the contributions of my colleagues of the Congressional Black Caucus.

Joseph Rainey, Robert Brown Elliott and Robert Smalls are just a few of the forerunners—they served here early on, but they have been followed by men and women of equal greatness and stature—the current members of the Congressional Black Caucus.

Mr. Speaker, as we pay tribute today to the achievements and contributions of black Americans, we can't help but be proud to serve with the talented and dedicated individuals who comprise the Congressional Black Caucus.

Members of the caucus hail from all across the country, often from regions or States with competing interests and priorities. But the Congressional Black Caucus has a national constituency—they represent black Americans from the East to the West, from the North to the South. They have not shirked this awesome task, but rather embraced it and very ably given voice to the aspirations, the anxieties—the fears and frustrations of millions of Americans of color. The Congressional Black Caucus has compiled an impressive record of outstanding contributions and accomplishments on behalf of all Americans. I am proud to serve and work with these men and women in their struggle to make ours a truly great Nation "with freedom and justice for all."

Mr. WEISS. Mr. Speaker, it is with great pleasure that I join today in the commemoration of Black History Month. I would like to thank my colleague, Mr. STOKES, for once again organizing a special order, giving us the opportunity to come together and share with each other our thoughts and hopes during this very special celebration.

History is not simply what happened, but how it is remembered. For centuries in this country, the contributions of black citizens have been ignored, glossed-over, and even undermined by historians, teachers, and the public at large. Whether by the distortion that comes from naivete, outright racism, or simply lack of information, our country's history books have excluded the outstanding contributions that black Americans have made in the building of our Nation.

Recognizing that an enormously important part of American history might be lost forever, Dr. Carter Woodson, a renowned historian, created the Association for the Study of Negro Life and History and the prestigious Journal of Negro History in 1915. And, in 1926, to broaden his audience and educate the American public, Dr. Woodson proposed that the week between Abraham Lincoln's birthday and Frederick Douglas's birthday in February be set aside to recognize the vital role played by blacks in American history. In 1976, realizing that a week was much too brief, Congress set aside the entire month of February to celebrate and commemorate black history.

So, it is at this time that we honor those hardworking and proud black Americans who, in spite of hostility and oppression, devoted their lives to forwarding our great Nation. And, it is a time for black Americans living today to bask in the glow of their rich and enduring heritage.

It would be impossible for me to name all of the black men and women who contributed significantly to our country's history; but, it should be recognized that those roles go back to the discovery of this continent by Christopher Columbus in 1492. Of course, we all learned about the historic ocean crossing by Columbus, but how many of us were told that the captain of the Nina was a black man? And, how many learned that a black man named Matthew Henson reached the North Pole before Robert Perry? It is also significant that Daniel Hale Williams, a black doctor in Cook County Hospital, performed the first open-heart surgery in 1893, and that research on plasma and blood transfusion by Charles Drew, a black Washingtonian, has been instrumental in saving millions of lives.

This month is also a time to reflect on the pivotal role that black people have played in the struggle for freedom and democracy—to recall that Crispus Attucks, a black man, was the first to die for freedom at the Boston Massacre, and that two blacks were with George Washington when he crossed the Delaware. It is a time to reflect on the bravery of Sojourner Truth and Harriet Tubman, who risked their lives to transport slaves to the North where they could be free.

And, this month is an appropriate time to remember the dignity and bravery of Rosa Parks and Linda Brown, Mary McLeod Bethune and W.E.B. DuBois, Martin Luther King, Jr., and Paul Robeson—and to note the ongoing contributions of our fellow Americans such as Thurgood Marshall and Andrew Young, Doug Williams and Debi Thomas. Surely, we in Congress need not look any further than our own Chamber to note the crucial role black Americans play in our Nation's governance.

Black History Month is a time for all of us to recognize what came before and to look forward to a prosperous and inclusive future.

By reclaiming black history, our Nation is both rectifying the omissions of the past and enriching our national heritage with the brilliance, the dignity, and the unshakeable commitment to freedom of black America.

Mr. DIXON. Mr. Speaker, I rise on this occasion to join my other colleagues in saluting Black History Month. Throughout the month of February millions of Americans across the United States are gathering to commemorate Black History Month.

In 1926, Dr. Carter G. Woodson, founder of the Association for the Study of Negro Life and History, first proposed the idea of observing the achievements of black Americans each year. First observed as Negro History Week and now as Black History Month, the occasion has come to be much of what Dr. Woodson wanted—a chance for all Americans to learn more about the vast contributions by black Americans to our Nation's history.

As part of this month-long remembrance, I recently had the distinct privilege of attending a presentation of "Eyes on the Prize." This critically acclaimed series, which was shown in my district in Los Angeles, on February 11 at the Afro American Museum, details the spirit, stories, and events of the civil rights struggle in America during the critical years of 1954–65. I commend the Public Broadcasting System for its timely airing of this enlightening series and other well documented programs during Black History Month. It is a fitting and welcome addition to the body of knowledge illuminating the black experience in America being celebrated this month.

But, Mr. Speaker, Black History Month is about more than the presentation of television programs—however valuable they may be in detailing the black experience in America—and paying tribute to our ancestors for their accomplishments. Black History Month is also about the reaffirmation by each and every black American of the three intangible qualities—pride, perseverance, and dignity—that serve as vital building blocks in our heritage.

Can any of us imagine how far Marcus Garvey, W.E.B. DuBois, Sojourner Truth, Martin Luther King, Jr., Phyllis Wheatley, or Madame C.J. Walker would have gotten in their individual struggles had they not had ample reserves of these character traits to draw upon?

And, more recently, what of Doug Williams—quarterback of the world champion Redskins? Mr. Williams, as the Nation and the world recently witnessed, is a modern day embodiment of these three character traits. Today, he sits atop the professional football world.

Mr. Speaker, as we round out this month's commemoration of Black History Month, I hope, as Dr. Woodson hoped, that all Americans—regardless of race, creed, or color—will take the opportunity to learn about and reflect upon the significance of our contribution to the Nation's history. Then, as we move further along the path our forefathers forged for us, our understanding of each other—our history, our way of thinking—will lead us closer to the state of true brotherhood.

Mr. GUARINI. Mr. Speaker, I am delighted to draw to the attention of the United States, the 62d celebration of National Black History Month, a time to reflect on the many contributions of blacks to America. I think it is entirely fitting that we join Congressman STOKES in commemorating this occasion, to honor those past and present who have helped make this Nation so great. This year's theme, the Constitutional Status of Afro-Americans into the 21st Century, is very appropriate since the promise of equality remains elusive.

In the struggle for freedom, Afro-Americans have made significant contributions to our culture, even though a horrible practice called slavery was in force during early times. The very first blacks to settle in America may have arrived with expeditions led by Christopher Columbus, starting in 1492. The most noted, however, was Estevanico, who crossed what are now Arizona and New Mexico on an expedition sent by Antonio de Mendoza. In later years, Crispus Attucks, a freed slave, would lead the protest against British injustices that became known as the Boston Massacre in 1770. Attucks gave his life for American independence.

An escaped slave, Frederick Douglass, was one of our Nation's most influential diplomats and journalists during the 19th century. Also, Harriet Tubman and Sojourner Truth went beyond the call of duty to inspire their brothers and sisters and push for freedom. Booker T. Washington urged blacks to concentrate on economic advancement, spend wisely and respect hard labor, while W.E.B. DuBois dedicated his life to the advancement of black people. George Washington Carver's discoveries revolutionized southern agriculture. Mary McLeod Bethune, U.S. diplomat Ralph Bunche, and Robert C. Weaver made major contributions to the fields of education and political science.

Granville T. Woods, the inventor of air brakes and other equipment that made rail travel safe, Jan Matzeliger, who revolutionized the shoe industry, and Lewis H. Latimer, Thomas Edison's assistant, were best known for their magnificent work during the industrial revolution. Their contributions helped the United States during its most significant period of Industrial expansion.

After World War II, the new movement for civil rights lead to innumerable achievements in black history. Decisions such as Brown versus Board of Education of Topeka are milestones forever etched in the minds of black Americans. During the same era, Rosa Parks became a leading symbol by refusing to ride the back of the bus. Another great leader in American history, Rev. Martin Luther King served as a drum major for justice, peace, and righteousness.

During the early 1960's, Dr. King's efforts and the work of countless leaders and civil rights groups helped put an end to discrimination in public places such as restaurants, hotels, and theaters. At the same time, many blacks continued to achieve a number of firsts, in the areas of art, entertainment, and sports. Black Americans have demonstrated the ability to endure the battle against racial prejudice, and that endurance will remain a standard for future economic and social progress.

Mr. DWYER of New Jersey. Mr. Speaker, it is a distinct honor to join with my good friend and colleague, Mr. STOKES, in commemorating Black History Month.

Looking back on the history of blacks in America, the first word that comes to my mind is courage. In the face of often crushing odds, individual black Americans took a stand for justice and the rights guaranteed every American under our Constitution.

The list of such courageous Americans is at once long and distinguished, led by the Reverend Martin Luther King, Jr. This year, we will note the 20th anniversary of his tragic death. This country lost a great leader, but Dr. King's legacy of justice and peace will endure forever.

Black History Month reminds us of the many battles for justice that have been waged and won over the years, through the dedication and bravery of those who fought to end discrimination, outlaw segregation, and secure the right to vote. The first black American to cast a vote—Thomas Peterson—was from the city of Perth Amboy, NJ, which is in my congressional district. Mr. Peterson has been the focus of numerous tributes and a source of great pride for our city and State.

As we look back on the countless black Americans who have worked so honorably for a better and more just society, we must also look at the present and future for black Americans. While tremendous progress has been made, there is no question that more must be done.

Minorities in this country still suffer from discrimination and higher rates of unemployment and poverty than their white counterparts. We must work cooperatively and aggressively to combat poverty, to lower infant mortality rates and increase the participation of blacks and other minorities in higher education.

As we work to address these problems—knowing that all Americans will benefit from this united effort—we can learn a great deal from those individuals who have dedicated themselves to equal opportunity and civil rights.

During Black History Month, it is their powerful example which we salute. The legacy of these brave men and women can help guide us in our efforts to fully realize Martin Luther King's eloquent and historic dream of freedom and justice for every American.

Mr. RODINO. Mr. Speaker, the celebration of Black History Month in February is a time to acknowledge the notable achievements of black Americans and to recognize the contributions that blacks in every field have made to enrich the fabric of American life. By paying special tribute to black Americans, we ensure that the full scope of American history is presented today and passed on to future generations tomorrow.

But Black History Month is much more than a celebration of the past. It also provides a unique opportunity for all Americans to reflect upon the long struggle for freedom in our Nation, to appreciate the indomitability of the human spirit and to renew our commitment to the goals of a fairer and more just society.

Blacks have been at the forefront of our national struggle for freedom from the very beginning. One of the first Americans to give his life for freedomn was a black man. Crispus Attucks died at the hands of British troops in the Boston Massacre in 1770. He spilled his blood for liberty—despite the fact that it would be almost another 100 years before slavery was abolished.

The freedom cry sounded by Crispus Attucks was loudly echoed in the words and deeds of Frederick Douglass, Dred Scott, and Harriet Tubman as they courageously sought to end the stain of slavery. When abolition did not bring true equality, the mantle of justice was carried forward by such pioneers as James Weldon Johnson and W.E.B. DuBois.

In our lifetime, black Americans such as Mary Bethune, A. Philip Randolph, Vernon Jordan, and most notably—Dr. Martin Luther King, Jr.—led America toward, what Dr. King called, the "sunlit path of racial justice." They aroused the conscience of America and inspired us to achieve our true greatness as a nation. The milestones along this path, which I was proud to help erect, were the Civil Rights Acts, the Voting Rights Act, the Fair Housing Act, nutrition and education programs, legal services, to name but a few. What these black Americans brought about was a social revolution in our country as their struggle became everyone's struggle and their achievements became America's achievements.

What we learned from this enduring legacy was that the human spirit cannot be imprisoned by any man-made barrier. Against the obstacles of slavery, injustice, and discrimination, black Americans fought for equality with courage and dignity. Marches, demonstrations, sit-ins, countless hardships, and imprisonment were part of the long battle and the deep wounds suffered by blacks. Many risked—and sometimes gave up—their lives in this noble cause. Yet in triumph and in tragedy, the fight for equality continued.

Black History Month also reminds us that the struggle is not over. The preservation of civil rights is threatened, while poverty and hunger reflect economic equality. We must remain vigilant in protecting the accomplishments of the past by reaffirming our commitment to true equality today. Our responsibility for building a fairer and more just society remains as strong as ever.

For all of these reasons, Black History Month is a special occasion to acknowledge and honor the countless contributions of black Americans. At the same time, we cannot separate black history from the history of our country. The struggle of black Americans serves as an inspiration and a reminder; their courage is a cherished tribute to the human spirit and the profound changes in our Nation wrought by blacks continues to benefit us all.

Mr. Speaker, millions of Americans are joining in thousands of cities and towns across the United States to celebrate Black History Month. I am particularly proud of the many activities in my own congressional district. With your permission, I would like to include in my remarks the following highlight of the special Black History Month celebrations in the 10th Congressional District.

[From the East Orange Record, Feb. 4, 1988]

CULTURAL EVENTS WILL HIGHLIGHT BLACK HISTORY MONTH

(By Michael A. Wattkis)

Local community groups and centers, universities and museums early this week kicked off February as Black History Month in honor of America's black culture with an educational and entertaining array of lectures, seminars, dance, music and theatre.

Private and state universities will highlight the month-long celebration with a focus on the past and present contribution of black America, the civil rights movement and early black American history.

Cultural groups, art centers and museums will showcase Afro-American culture with dance, music and poetry.

"We have a true potpourri of Black cultural activities, ranging from poetry to music, to fine photography," said Celeste Bateman, supervisor of the Newark Division of Cultural Affairs.

The celebration of black culture was initiated about 1915 by noted black scholar and editor of the Negro History Journal, Carter G. Woodson.

The celebration began as a week-long event around the birthday of the "Great Emancipator" Abraham Lincoln and gradually grew to its month-long length.

New Jersey Network, Channel 50, throughout the month will present a compelling series of programs that explores the contributions, achievements, struggles and triumphs of black America. The programming includes a series of specials, documentaries and films.

A special encore presentation of the award-winning, six part documentary, "Eyes on the Prize" opens the special programming schedule. On Feb. 9, 10 p.m., two episodes will be aired and the others Feb. 16, 23, and March 1.

The documentary, narrated by Julian Bond, chronicles the "events, struggles and undaunted spirit" of the civil rights movement in America between 1954 and 1965. Contemporary interviews are mixed with actual film footage depicting this turbulent period. It also depicts the emergence of the civil rights leaders such as the Rev. Dr. Martin Luther King, Jr. and the "awakening of black America as a political force."

Other programs on NJN include "Cissy Houston: Sweet Inspiration," Feb. 10, 10 p.m. This feature chronicles Houston, mother of popular pop artist Whitney Houston of East Orange, early singing career as a member of a gospel quartet to her days with nieces Dionne and Dee Warwick up to her formation of her singing group Sweet Inspiration.

On Feb. 25, 8 p.m., the station will also present "In Remembrance of Martin," an hour-long tribute to the late civil rights leader and winner of the Nobel Peace Prize. Rarely seen footage of King is combined with excerpts from the January 1986 ceremony that marked the first national to honor his birthday.

NJN's "State of the Arts" program will dedicate all of its programs throughout the month to the cultural heritage of blacks.

On Feb. 20, WABC-TV's News Anchor Roz Abrahams will be the special guest at the Fifth Annual Black History Month Breakfast at Scott's Manor, Orange. The 10 a.m. breakfast is being sponsored by the National Council of Negro Women of the Oranges and Maplewood.

In East Orange, The Bookstore & Company will sponsor a poetry reading, entitled "Rhymes and Reasons" on Feb. 6, from 5 p.m. to 8 p.m.

Featured poets are Layding Kaliba, Jeleelah, Linda A.H. Walker, Sandra West and Guy Whitlock. The Bookstore is located at 263 Central Avenue, near Munn Avenue.

Additionally, Clifford Scott High School has a month long series of events planned honoring the achievement and history of Afro-Americans.

"The Jimmy Heath Quartet" will inaugurate the Newark Museum's series, "Black in the Arts," Feb. 7, 3 p.m. at the Second Presbyterian Church at the corner of Washington and James Street, downtown Newark.

A composer and conducter, more than 50 of his works have been recorded by numerous jazz artists. Television reporter Gill Noble, host of WABC-TV's "Like It Is," will talk to Health about his career and music. The discussion will be interspersed with musical compositions and examples. Admission is free.

The museum will host a free Children's Live Theatre, Feb. 6, 1:30 p.m. in Program Hall. Edmund Feliz and Hilary Bader will perform "African Folk Tales," a potpourri of stories, dance, mime and music.

At Rutgers University on Feb. 19, a panel of scholars—Basil Davidson, Robert Farris Thompson and Sterling Stuckey—will discuss the Transatlantic Slave Trade in the Paul Robeson Student Center from 9:30 a.m. to 5 p.m. Admission is $5 for the public and $3 for students.

Seton Hall University began its celebration with a candle light vigil in honor of Dr. King earlier this week and will continue a menu filled with events.

This afternoon at 7 p.m. in the Student Lounge, the Rev. David Lee will lecture on "Aids in the Black Community." Then on Feb. 7, 3:30 p.m. in the Main Lounge, Rockaway Review, a traveling senior citizens group, will present "On the Road Again." Admission is $6.

Then from Feb. 8-26, the Pallotine Institute for Lay Leadership and Apostlic Research, in conjunction with the Archives of Seton Hall and the Archdiocese of Newark, will present an exhibit entitled "A Statement of Need: Black Catholic Evangelization."

Mr. YATES. Mr. Speaker, Black History Month is a very significant event and I am encouraged by the growing national support that we see for this observance in the media, in school curricula and events, and in community activities. Today's special order is a part of that growing tradition and I am very pleased to be a part of it.

It is impossible to discuss the lives and contributions of individual black Americans without feeling a sense of genuine gratitude and pride. The process makes our history more valid, accurate and humane and that is a very good thing for all of us. It is also the reason I am enthusiastic about Black History Month and its many contributions, both direct and subtle, to decency, scholarship and basic citizenship.

The current issue of Dial magazine has a very eloquent article by Wallace Terry on Black History Month. I recommend the entire article to everyone and I ask that the first part of the article be printed at this point in the RECORD.

BLACK HISTORY MONTH

(By Wallace Terry)

I grew up believing the worst that I could about myself—that I was inferior to whites—largely because I didn't know much about black history, which is to say, about the true role of black people in *American* history.

Hollywood had conspired with my textbooks to hide my black heritage, one as glorious as any other. In the process, like most everyone else white or black, I was made woefully susceptible to the shame, shibboleths and sins of propagandistic myth.

Oh, I cheered Joe Louis and Jackie Robinson, listened to Nat "King" Cole and Duke Ellington. Of course there is nothing wrong with running fast and having rhythm, unless that is the limit of your own and others' perceptions of the black contribution.

If anyone had told me that black bandits rode with Billy the Kid or that a black army scout died in the arms of Chief Sitting Bull after the Battle of the Little Big Horn, I would have called him a fool. "If you were black, get back," we used to say. Hollywood was white and right. There were no blacks around when Jane Russell nursed Jack Beutel's Billy the Kid in *The Outlaw*. Only whites died with their boots on when Errol Flynn played Custer making his last stand.

The only blacks we saw in the movies had names like Buckwheat and Butterfly, Mantan ("Feets Do Your Duty") Moreland and Steppin' Fetchit. They spent their screen time running around pantries and jumping wide-eyed from haunted houses. No one let them near a gun, much less a role with dignity and self-esteem. They didn't even have a good shot at losing a battle (unless Tarzan turned the elephants loose on some blood-thirsty Watts-grown black savages) or at being rounded up by Hopalong Cassidy.

The textbooks were little better. When I looked up Civil War, I found images of grinning pickaninnies picking massa's cotton. I thought we had sat out that war. And that, of course, is what was wanted: to keep blacks looking down, because you cannot rise up looking at your feet, nor think well of yourself without knowing the truth.

I grew up believing Victor Mature crossed the Alps. Liz Taylor ruled Egypt. Charlton Heston and Yul Brynner turned the elite British troops back at New Orleans. Gary Cooper—no one black—made the world safe for democracy. And John Wayne won World War II single-handedly.

My school books seemed to see my history the same—without me. Washington crossed the Delaware in a lily-white boat. Grant led a "whites only" army south to save the Union and free the slaves. Whites alone ran down Geronimo. Whites chased up San Juan Hill. Whites were invincible. Blacks were invisible.

In truth, black men fought in black Hannibal's armies, and in Alexander's and Caesar's, too. One-quarter of ancient Egypt's population was pure black, as were several of her Pharaohs. But I never heard about that when I studied the classics. Nor did I learn in religion studies at Brown University that there were black Popes in the Roman Catholic Church. No one explained why there were Olmec heads—colossal stone figures with features like Louis Armstrong—in Mexico 2,000 years before Columbus. Until I read J.A. Rogers' histories, no one told me Aesop and Akhenaton were black. And Alessandro de Medici and Chevalier de St. Georges and Aleksander Pushkin and Alexandre Dumas and Samuel Taylor Coleridge, too.

In truth, black men marched to the Brandywine, Yorktown, the Bulge and trod the Burma Road. And across the true pages of American history we see explorers and inventors, scientists and artists as well: Manuel Camero joining the original settlers of Los Angeles. Jean Baptist Point DuSable starting a settlement that became Chicago. Jim Beckwourth finding the pass for the Gold Rush. Jan Matzeliger building a shoe lasting machine. Lewis Temple developing a revolutionary harpoon. Elijah McCoy inventing a device to lubricate moving trains. Norbert Rillieux revolutionizing sugar refining. Lewis Latimer working with Edison on the first carbon-filament electric light bulb. Percy Julian finding a drug to relieve arthritis. Ira Aldridge performing Othello in St. Petersburg. Henry Ossawa Tanner painting in Paris. Selma Burke designing the Roosevelt dime.

"You gotta be the Indian," some white kid would tell me. "You gotta be the Jap." Why? "'Cause you're a darky just like them." Black children grew up for so long in America losing even at the games children play. In high school, a Jewish classmate asked me why my ancestors didn't rise up against slavery as hers had against Pharoah. I didn't know what to say, because I didn't know about Nat Turner, Denmark Vessey and 300 recorded slave insurrections. I didn't know about 200,000 blacks who fought in Union blue and 200,000 more who foraged for food, carried messages, built roads and camps. I didn't know my own great-great uncle was a drummer boy for the famed 54th, the black regiment that marched from Massachusetts to meet the Confederates at Ft. Wagner, South Carolina. I didn't know about the Buffalo Soldiers—so named by foes in the Indian wars—who rode from the Dakotas to the Rio Grande to win the West for a white America that was not always grateful. Blacks started the charge up San Juan Hill that Teddy Roosevelt's Rough Riders would get credit for, and black regiments won the Croix de Guerre from France in World War I. I didn't know my own uncles fought the Germans in Italy.

I know better now. And others should, too, in large measure because of Black History Month, our annual reminder that we should correct Hollywood and a thousand history books. Black History Month has raised the national psyche and my own black psyche. And I hope it will ever decrease racial ignorance and racial arrogance until the time comes when all history is one.

Mr. PEPPER. Mr. Speaker, this is Black History Month, a time for Americans of all races to pause and celebrate the special contributions of blacks to our Nation. There are many such individuals starting with Crispus Attucks who was killed by the British in the Boston Massacre of 1770 and continuing on to the present generation of educators, entertainers, athletes, writers, civil rights leaders, scholars, and other professionals. Today I would like to recognize a great Floridian, Mary McLeod Bethune who overcame the dual handicaps of being born both black and female to leave a lasting legacy.

She was born on July 10, 1875, the daughter of former slaves, and grew up in Mayesville, SC. She studied at Scotia Seminary in North Carolina and was graduated from the Moody Bible Institute in Chicago. She dreamed of being a missionary but when her application for a post in Africa was turned down by the Presbyterian Board of Missions, she channeled her formidable energies into educating young people.

In 1904 she founded the Daytona Educational and Industrial School for Negro Girls in Daytona Beach, FL. It merged with Cookman Institute and she became president of Bethune-Cookman College.

Herbert Hoover noticed her remarkable talents and asked her to help with the White House Conference on Child Health and Protection in 1930. Franklin Roosevelt also called on Mary McLeod Bethune. She served on the advisory committee of the National Youth Administration that granted funds to deserving students, especially blacks, for graduate study. At the same time she was appointed to head the Office of Minority Affairs, the first black woman to administer a Federal agency.

During World War II she was special assistant to the Secretary of War, helping to select officer candidates for the Women's Army Corps. Afterward she served as a consultant on interracial relations at the San Francisco conference which established the United Nations.

Mary Bethune founded the National Council of Negro Women in 1935, the same year she was awarded the Spingarn Medal, and later was elected vice president of the NAACP.

She died on May 18, 1955 in Daytona Beach but her memory survives in the generations of men and women who owe their ability to receive an education to her exceptional leadership.

☐ 1915

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Ohio?

There was no objection.

SOAPY WILLIAMS: A MAN TO BE REMEMBERED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BROOMFIELD] is recognized for 60 minutes.

Mr. BROOMFIELD. Mr. Speaker, I rise today to join my Michigan colleagues and others in paying tribute to a legendary former Governor of Michigan, G. Mennen "Soapy" Williams, who died 2 weeks ago.

Soapy Williams as he was affectionately known, was an institution in Michigan politics, and someone whom I had a great deal of respect for, despite the fact that we came from different political parties and often did not agree on the issues. Soapy Williams was perhaps one of the best known and best liked public figures Michigan has ever produced, serving as its Governor, as a U.S. Ambassador, and as a Michigan Supreme Court judge.

Governor Williams and I got to know one another during our years together in Lansing, MI. He was first elected Governor in 1948, the same year I was elected to the Michigan House of Representatives, and we served together there the 8 years I served in the legislature.

He was responsible for a massive State building and highway expansion program, and perhaps is best known for the completion of the Mackinac Bridge, which connects lower and upper Michigan.

In later years, we kept in touch with each other here in Washington. When Soapy was then serving in the Kennedy administration as Under Secretary of State for African Affairs, he would often testify before our House Foreign Affairs Committee. He always approached his job at the State Department with the same boundless enthusiasm as when he was Governor, and I found his testimony to be eloquent and forthright.

Soapy Williams added so much color to politics with his magnetic personality and green bow tie. He was truly an outstanding public figure and vote getter in Michigan.

My wife, Jane, and I want to extend our deepest sympathies to his lovely wife, Nancy, and their children.

Mr. FORD of Michigan. Mr. Speaker, G. Mennen Williams was a giant in the history of the State of Michigan. Few men have contributed more to their State and country than Soapy Williams contributed to Michigan and our Nation. He was a gifted leader, statesman, and jurist who was far in advance of his times.

Governor Williams was one of those rare men born into wealth who had an instinctive common touch. He was unique in having the strength and understanding to meet and exchange concerns with the poorest and the most powerful. Throughout his long and distinguished career he used both his talents and his high station to improve the lot of those who were less fortunate than he.

Soapy Williams was not just a six-term Governor of Michigan, not just a visionary leader who helped unite the people of Michigan around a progressive political program—as he united the two peninsulas with the Mackinac Bridge. Soapy was an inspiration.

For my generation, Governor Williams set the kind of example that John Kennedy set for my children. Like JFK, he proved by his idealism and his deeds that public service is an honorable commitment, that there is a higher calling than personal gain.

Soapy's governorship was remarkable achievement, the culmination of an outstanding career for most men. But Governor William's contributions to Michigan had only begun.

After distinguished service in the U.S. State Department, Governor Williams became Justice Williams and, finally, Chief Justice Williams. His training for the State's highest court was the best possible. After graduating first in his class at the University of Michigan Law School, the young Soapy Williams clerked for the U.S. Supreme Court. The Justice he served was Frank Murphy, Michigan's only U.S. Supreme Court Justice.

Justice William's two 8-year terms on the court were marked by his brilliant intellect, his deep experience and understanding of government and the law, and his great compassion.

The people of Michigan mourn the loss of this man and his abiding sense of civic duty and pride. We will miss Soapy William's boundless energy, his wide smile, his enthusiasm, and his leadership.

And I will never forget the honor and the pleasure of joining Soapy in so many campaigns as he plunged into a crowd, always instantly recognized and joyously received. I will miss him.

Mr. BROOMFIELD. Mr. Speaker, I yield to the dean of the Michigan delegation, the gentleman from Michigan [Mr. DINGELL].

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I want to thank my very dear friend, the gentleman from Michigan [Mr. BROOMFIELD], with whom I have always worked very closely and very happily and in the greatest spirit of mutual respect and esteem on behalf of the projects and matters of concern to our State. He is a great Member of this body and is properly respected both here and at home.

Mr. Speaker, today I, my colleagues of the Michigan delegation, and fellow House Members who are familiar with the many accomplishments of Soapy Williams, pay tribute to one of this Nation's great public servants. G. Mennen Williams, better known throughout his career as "Soapy," passed away February 2, at St. John Hospital in Detroit. Soapy approached life with vigor and enthusiasm. Daily he would rise at 6:30 to exercise and take long strolls with his wife Nancy. At the age of 76 he was a member of

the faculty at the University of Detroit Law School and working on plans for a trip to the Soviet Union with other lawyers and judges.

Soapy brought to his career as a public servant the same vigor and enthusiasm so evident in his personal life. In 1948 he mortgaged his Grosse Pointe home and set off with his wife in their convertible DeSoto, determined to become the Governor of Michigan—a goal he had envisioned since his college days at Princeton. He achieved that goal in 1948. He was elected Governor of Michigan for six consecutive terms, winning the approval of the Michigan voters more times than any other Michigan Governor who had preceded him.

In 1961 Soapy Williams accepted a post in the Kennedy administration as Assistant Secretary of State for African Affairs. Despite Soapy's lack of experience in foreign affairs, he worked hard—bringing the same vitality to his role as Assistant Secretary of State as he had brought to his role as Governor. He advanced the policy of encouraging independence movements in colonial African countries, becoming in the eyes of former Secretary of State Dean Rusk, "one of the best appointments" that President Kennedy made.

In 1966 Soapy relinquished his post with the State Department to run for a seat in the U.S. Senate. Regrettably, Soapy suffered from health problems during his campaign and suffered his first and only defeat at the polls. In 1969 he accepted the ambassadorship to the Philippines under President Johnson, a position he held for 1 year before returning to Michigan. After his return Soapy was elected to the Michigan Supreme Court for an 8-year term. He was reelected to the post in 1978 and served the maximum statutory tenure until 1986, serving his last 3 years on the court as chief justice. He was a strong advocate of individual rights and, as chief justice, expedited court cases at both the trial and appellate levels.

But we are here today not only to list the many accomplishments of Soapy Williams. We pay tribute to the man. Soapy Williams was, above all, a man of the people, a man who wished to be remembered as one, "who brought government to the people and who worked with the public to get them involved in government." He was a man of honor and great integrity—and it showed. People were drawn to Soapy Williams as a man they could trust and as a man who truly cared about them. On the campaign trail, and in the many posts he held throughout his distinguished career, Soapy Williams always went the extra mile. It went well beyond shaking hands and making speeches. He was deeply concerned about the people of Michigan.

In his youth, Soapy first decided to make his career one of helping those less privileged than himself. It is a course which he never abandoned during his 50 years as a public servant. Soapy's record on civil rights and assistance to the poor is to be commended. He appointed the first black judge in Michigan and also was the first Michigan Governor to name blacks to State government posts. Always he showed himself as a champion of the working class and racial harmony.

Soapy was a family man and a man of God. He was above all a father, a grandfather, and a loving husband—a caring generous man in every respect. Soapy was also a leading member of the Cathedral Church of St. Paul whose religious convictions helped shape his sense of public duty. When unable to make up his mind politically, Soapy would fall back on his moral sense. He called this simply, "the right thing to do."

There was one aspect of politics which never came easy to Soapy—the art of compromise. He once called compromise, "a word that didn't fit into my vocabulary very well." To compromise was to betray the vision he held for the State of Michigan and the proper way for people to live together everywhere. The proclamation, "Africa for Africans" got Soapy barred from the country of South Africa and earned him a punch in the jaw from a man in Rhodesia. But to not say it would have been a compromise of his conviction.

Soapy also never backed down from what he felt was right for the people of Michigan. Some called the Mackinac Bridge project "Soapy's folly" but when construction was completed in 1957 it was hailed as an engineering miracle with countless benefits for the people of Michigan. He improved staffing in schools and mental hospitals and did much to establish Michigan's four-land freeway system. He was instrumental in implementing civil rights legislation and improving housing, education, and youth corrections programs. These are but a few of the monuments to the vision of Soapy Williams—a vision which is evidenced in so many of Michigan's accomplishments over the past 50 years.

Soapy. He was ridiculed by the press for his green and white bow tie and so it became his trademark. He liked it for the instant recognition it gave him. He was probably the only Governor who called as many square dances on the campaign trail as he gave speeches. I know that as a friend, as well as a colleague, I shall miss Soapy much. He served in so many ways; at the State level, as a diplomat, and even as a decorated Navy flier in World War II. He brought his love of life to every challenge he ever undertook and won the respect and admiration of many along the way. His warm, folksy style endeared him not only to the people of this Nation, but also to many on the continent of Africa and in the islands of the Philippines. I know I speak for many in sending out to Soapy's family and his loved ones my deepest heartfelt condolences. He was our friend and he made us feel good about ourselves, about our Government, and about our world. That was Soapy, always presenting us with new goals to strive for and new ideals to embrace. He embodied the spirit of the people and we shall miss him dearly.

Mr. Speaker, I yield to my dear friend, the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to express my appreciation to my colleagues, the gentleman from Michigan [Mr. DINGELL] and the gentleman from Michigan [Mr. BROOMFIELD], for asking this special order this evening and providing all of us an opportunity to pay tribute to the memory of G. Mennen Williams, and also to extend our deepest sympathy and our heartfelt thanks to Nancy Williams and to the entire Williams family for sharing "Soapy" with all of us.

"Soapy Williams was an extraordinary man. He was a 6-term Governor of the State of Michigan, Under Secretary of State for African Affairs, Ambassador to the Philippines, State supreme court justice, and chief justice. These are the highlights of his professional life, a life committed to public service, a life with a passion for social justice, a life that touched so many and that truly made a difference.

But "Soapy" Williams was more than his accomplishments. He was a loving husband, a caring and sensitive father, and to an entire generation he was an example, a mentor, a teacher.

He showed us that public service was an honorable undertaking. He taught us that no one, regardless of sex, color, or nationality, could be left out of the political process. He set the highest possible standard, and he challenged us all. He was a man of great depth and unequaled compassion. He was basically a shy man, but he loved people and that love was always returned.

Men like "Soapy" Williams do not come along very often. We shall miss his presence, his patience and his passion. We shall miss his ready smile, his polka-dot bow ties, and his leadership. But his imprint on our lives is indelible, and his legacy shall forever be our inspiration.

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from Michigan.

Mr. Speaker, I now yield to my good friend, the gentleman from Michigan [Mr. SCHUETTE].

Mr. SCHUETTE. Mr. Speaker, much has been said about "Soapy" Williams, the Governor of our State of Michigan from 1949 to 1961, about his service at the State Department, as Ambassador to the Philippines during the late 1960's, and certainly for 15 years on the Michigan Supreme Court with 3 of these years as chief justice.

I never had the opportunity to meet "Soapy" Williams personally. That is my loss. But he certainly has been a legend in our State politically, and in terms of the government and history of modern day Michigan. He truly, to me and, I think, to others in my generation, is a model and has been a model of integrity, of duty, and of strong character and commitment to Michigan and commitment to our country. I think those are the key traits that "Soapy" Williams stood for and for which he will be remembered for years to come.

Mr. Speaker, I thank my dear friend, the gentleman from Michigan [Mr. Dingell] for yielding.

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from Michigan [Mr. Schuette].

Mr. Speaker, I yield to the distinguished gentleman from Michigan [Mr. Levin].

Mr. LEVIN of Michigan. Mr. Speaker, I thank the dean of the delegation, who is such a good friend to us.

I have so many memories, as so many do, of "Soapy." In a political sense, I remember his razor-thin victories. There were 2 of them, within a few thousand votes. He had a bit of good luck, but he had even more in the way of a strong effort, and he earned those close victories.

I remember, when I was only in my teens and early twenties, his fight for better education, and it was with a legislature that was so badly misproportioned. It was hard for him to get any legislation through, but he fought on.

I remember well his fight for better mental health facilities. In those days he was kind of a voice in the wilderness, but it was a voice that would not be still. I remember well his fight for civil rights that was so badly needed in our State.

Again the reception was not always very warm within my State, but that did not dim his voice. In all of these areas he was ahead of his time, very much ahead of his time.

On a personal note, I also remembered when he appointed my father, my brother, Carl, and my sister to the Corrections Commission of the State of Michigan.

I remember how much our father enjoyed his service there and how interested "Soapy" was in modernizing correction facilities and, even more importantly, the corrections practices.

But I think, most of all, if I had to pick out one trait that I remember of "Soapy" it was integrity and a premium on honesty. He made public service a noble profession. In that and what he stood for, I think he was beyond comparison.

I remember well the stories Neil Stabler used to tell me—I succeeded him in the State chair, so we got to know each other very well—about the early days of "Soapy's" efforts and his struggles, first to be elected, and then his efforts and his struggles to be reelected. There were not in those days fancy public opinion polls, and there were not lots of PAC's. It was tough going even for an incumbent Governor. But "Soapy" had a standard, and that was to cut no corners, to always maintain and nurture pride in being in public service.

I see my colleague from Kalamazoo here, and also my colleague from the Pontiac area. They are a bit younger than I am. The chairman of our delegation is a bit older. But I think for all of us, it is true that "Soapy" paved the way. He was a beacon for the next half generation and indeed for the next full generation. It is up to us to sustain the strength of that beacon. So I am here today to pledge to Nancy, to pledge to the children, and to pledge to the grandchildren, the heirs of the Williams tradition—I had a chance to meet them before the funeral—that we will not let this beacon be extinguished.

Mr. Speaker, I pledge on behalf of myself and, I think, many others, that we will broaden the beacon, if at all possible. I pledge that while in one sense "Soapy" Williams is gone, he is still very much with us in spirit.

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from Michigan [Mr. Levin].

Mr. Speaker, I yield now to my dear friend, the gentleman from Michigan [Mr. Carr].

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Mr. CARR. Mr. Speaker, I applaud the gentleman from Michigan and our good friend Congressman Broomfield for taking this special order to allow us to express our deep regrets at the passing of G. Mennen "Soapy" Williams and to extend to his lovely wife, Nancy, and their children our deepest condolences.

Soapy Williams was a very special person, as everyone here has said. He made the world a better place in very tangible terms, and while I think most all of us assessing our own mortality would like to do something to leave the world a better place, in truth very few have the significant impact that Soapy Williams and people like him have had, and similarly, those of us who were privileged to know him feel that we are better people for having had that privilege.

"Soapy" Gehard Mennen Williams, Governor, Ambassador, judge, those words remind us of his tireless work in public service. Generous, caring, champion of the people. Those words barely describe the individual. He was the kind of leader and person that rarely comes along and we in Michigan were blessed to have him with us for 76 years.

As Governor, Mennen Williams looked ahead. He saw the need for civil rights legislation, health care, and workers compensation. But unlike many who simply talked about those issues—he pushed substantive legislation to bring about change.

Change is a word that often scares people in public service. Change never scared the Governor. As Governor, Ambassador or judge, change meant working for the betterment of Michigan and our country. If change meant risk, so be it. If change meant being out front on a new issue—he was there. He did what needed to be done and he championed change for the right reason—for the people.

As a campaigner—he hit the road running—wearing out drivers half his age. Heir to a fortune—he square danced from the U.P. to Benton Harbor. With his trademark green and white polka-dotted bow tie, he probably shook hands with more people in Michigan than any other elected official. And, the voters responded—making him their chief executive for six terms. From there, his ability and compassion stretched out across the Nation to Africa and then the Philippines. Finally, back home to Michigan to the Supreme Court where his desire to make the state judicial system easier for the people became a reality.

I consider it an honor to have known Governor Williams. The State of Michigan owes him much—our country benefited from his leadership and ideas. The world is a better place because of him.

"Soapy." We will miss him.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman from Michigan for his valued contribution.

Mr. Speaker, this is one of many occasions on which citizens of Michigan and other good friends of Soapy Williams gather together to express the affection and respect and esteem in which they held this great son of our State.

It is interesting to note that when the funeral service was conducted, it was called by Soapy's wife, Nancy, and by those of his friends who assembled from all over, not a funeral, but a service of thanksgiving, a celebration of the goodness and the greatness of this wonderful man.

All who knew Soapy had cause to respect him for his integrity, for his decency, for his dedication to the public good and for his vigorous attention to the rights of his fellow citizens, his fellow men.

He was a churchman, a scholar, executive, politician, and as my colleague, the gentleman from Michigan [Mr. Carr] observed, he was a man who brought distinction and credit on that great calling. He brought respect and esteem to that calling that it deserves.

There were many attributes of Soapy Williams which can be described tonight; his integrity, his goodness, his love for his fellow men, his great integrity, his love of his God, his vigorous and faithful devotion to his church.

One of the things which was known by all and recognized was his great personal integrity and the fact that at every turn he and his administration were totally without blemish and totally without stain, and never once was a question raised either as to the integrity or the decency, the propriety of his behavior or that of any member of his administration.

Indeed, at that time in Michigan this was something of a unique criterion and unique qualification for the body of which he was the head, which was the longest up to that time administration of continuous service to the people of the State of Michigan.

He personified not only goodness and decency in public service, but in private life. He left a family which grieved for his departure, but which cherished rich memories of happy associations with a fine and a decent human being.

I have mentioned many of his old friends who assembled, the body that assembled in the Cathedral Church of St. Paul, which was the church to which he so proudly and so faithfully belonged, was composed of persons of all walks of life in our State and persons of great personal distinction, persons of the most humble origins and estate; all were united in one great outpouring of affection and thanksgiving for the service of a great man.

Mr. KILDEE. Mr. Speaker, few people in Michigan politics have left such a rich and enduring legacy as G. Mennen "Soapy" Williams. Soapy Williams was both a personal friend and mentor to me. His life embodied the Christian principle of service to all, especially the downtrodden and the poor. He was a champion of the civil rights movement, appointing minorities to the State cabinet and to the courts in Michigan during his tenure as Governor from 1949–61. In addition he helped implement improvements in housing, education, and youth correction programs.

Often at odds with the State legislature during his time as Governor, Williams was able, nevertheless, to implement a strong liberal agenda against great opposition. This agenda included a comprehensive civil rights program, a tremendous increase in social programs and a massive state building and highway expansion program. Perhaps one of the most lasting economic developments that Williams left to the State of Michigan was the Mackinac Bridge, connecting the two peninsulas. The Mackinac Bridge stands as a physical reminder of Williams' achievements. However, I'm sure that he will be remembered not for the physical bridges he built, but the moral bridges he built that brought people together—bridges that spanned the chasm of injustice, prejudice, bias, and deprivation.

Williams also recognized that every human being has dignity and government's role is to protect that dignity. Theodore White, in his book "The Making of the President 1960," recounted how one of John F. Kennedy's lieutenants reported that Williams was a "man of strong convictions. He is a devout Episcopalian* * * [with] a strong religious drive which is completely intermeshed with his personal ambition." The reprot went on to say that Williams felt he should "* * * put the Sermon on the Mount into governmental practice." However, he never imposed his beliefs on those who did not share his views. His faith was the basis for his struggle for human dignity for all people. Everyone benefited from this approach—Christians, Jews, Muslims, people of all beliefs.

As the State Department's Assistant Secretary of State for Africa during the Kennedy administration, Williams encouraged then-emerging independence movements in colonial African countries by uttering "Africa for Africans" in Kenya in 1961. White-ruled South Africa banned him. Dean Rusk once said Williams was "one of the best appointments" President Kennedy made.

In 1970, Williams returned to Michigan and was elected a supreme court justice. He became chief Justice in 1983 and retired in 1986. When he retired Williams said he wanted to be remembered as a man "who brought government to the people and who worked with the public to get them involved in government."

The men who played an important role in my own personal formation were my father, the rector of the seminary I attended, House Speaker Thomas P. O'Neill and Governor G. Mennen Williams. Indeed, while studying in the seminary, it was Williams who helped me more fully understand that politics should be founded on strong moral principles.

Although my own children never knew Williams personally, they recognize that Williams contributed greatly to their father's understanding of human dignity and the necessity to promote, protect, and defend that dignity.

We all seek to leave this world a little better for our efforts, and to pass on to our children a world which is in some way better than the one we inherited from our parents. G. Mennen Williams certainly has left our State, our Nation, and our world a better place by his efforts and achievements.

Mr. CROCKETT. Mr. Speaker, I rise today in honor of G. Mennen "Soapy" Williams, one of the great progressive leaders of our time. In the last of his many public endeavors, he was one of Michigan's great supreme court judges; and he served ably as chief justice before retiring in 1986. I met him quite frequently at our judicial conferences and seminars while I served on the bench in Michigan. I remember the keen interest he took in revising the Michigan rules of criminal procedure and the rules of evidence.

On a more personal note—I recall a visit to the Williams home. He was a great admirer of African culture and had literally converted the basement of his house into a museum of African art.

But Soapy Williams will be best remembered by the millions of Americans of African descent for being the most effective and durable defender of a new approach to Africa. From 1961 to 1966, Soapy Williams served this country as Assistant Secretary of State for African Affairs. When it was announced that President Kennedy was naming him to that position, some argued that the Governor had no experience in foreign affairs. But I would argue that he did more to change the course of United States policy toward Africa and to point it in the right direction than anyone who has since held that job.

In 1961, Soapy Williams had the courage to call for an American pledge to help achieve the complete independence of all Africa by 1970. As Williams declared in the early 1960's in a memorable speech given in Nairobi, Kenya, "Africa [was] for Africans." He challenged President Kennedy to endorse "self-determination everywhere"—not just in Europe.

He had the wisdom to recognize the fallacy of a distorted United States policy toward African independence, based almost exclusively on East-West concerns. So, he urged the President to stand with African nationalists fighting for independence in Angola and Mozambique—not with their Portuguese overlords. Under his leadership, the Africa Bureau in the State Department established a scholarship program for Portuguese-speaking African refugees. And he called upon this country to "reestablish and expand our contracts with [African nationalists], overtly as well as covertly."

In 1959, before his tenure as Assistant Secretary, Williams told an African Freedom Day rally in New York that American "must exert leadership against the policy of apartheid." He had the foresight as early as August 1962 to oppose United States investment in South Africa because: "Apartheid," he said, "is so pervasive throughout the society that any assistance given to South Africa helps to support it directly or indirectly." And he told Congress that an arms embargo against South Africa, was "the least that the United States [could] do."

If Soapy Williams were Assistant Secretary of State for African Affairs today, the current fight over additional sanctions against South Africa wouldn't be necessary.

If Soapy Williams were Assistant Secretary of State for African Affairs today, Namibia would be free of South Africa's illegal occupation.

If Soapy Williams were Assistant Secretary of State for African Affairs today, this country would have normal and mutually beneficial relations with Angola—instead of siding with South Africa in its support of Jonas Savimbi's brutal destabilization of that country.

The last time I saw Soapy Williams, we were sharing a platform at a meeting sponsored by black lawyers to protest United States policy toward South Africa. At that meeting, he still clearly demonstrated the insight, the ideals, and the boundless enthusiasm that this country will so sorely miss. We could certainly use his kind of leadership today.

Mr. HERTEL. Our late President John F. Kennedy wrote in his book, "Profiles In Courage":

> For without belittling the courage with which men have died, we should not forget those acts of courage with which men have lived * * * A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of human morality.

One such man was G. Mennen "Soapy" Williams of Michigan. He was a man of courage who always did what he must in spite of personal consequences to fulfill his desire to be remembered, in his own words, "for being concerned with trying to help my fellowman."

Unfortunately, we lost this great public servant from Michigan suddenly, February 2, 1988. Thousands of people in Michigan, throughout the country, and even around the world mourn his passing.

Born of wealth with the opportunity to lead an easy life, Soapy chose instead to help people whose circumstances were less fortunate than his. He decided early in life that he could best fulfill that goal by becoming involved in Democratic politics and public service.

He helped to breathe new life into a faltering Michigan Democratic Party when, in 1948, he ousted the Republican Governor and went on to serve an unprecedented six terms as Governor of the State of Michigan. In the tradition of his hero, Franklin Delano Roosevelt, he did whatever he could to expand the idea of the possible. G. Mennen Williams recreated the two party system in Michigan with door-to-door campaigning. As Governor, he opened public service and politics to minorities. He always tried to take action with an eye toward the future. As a personal testimonial to his vision, the Mackinac Bridge links Michigan's upper and lower peninsulas in vital interdependency—a project that was labeled "Soapy's folly" at the time Governor Williams proposed its construction.

He gave a personal touch to his public service. His ever-present green polka dot bow tie was a symbol that became well-known not only in Michigan and national political circles, but also to the residents of many newly forming African nations who came to know him as the Assistant Secretary of State for African Affairs under President Kennedy. The bow tie, the warm smile, the firm handshake, they were always there for everyone he met.

I'll never forget the first time I shook Soapy's hand. I was only 12 years old when I saw him riding with John Kennedy during a campaign swing along Eight Mile Road. Soapy went out of his way to meet people, he remembered them and I know, personally, that people remembered him.

Soapy Williams was always a real person as much at home as a square-dance caller as he was heading the Michigan Supreme Court. His goal was always good government. Soapy's public and personal conduct were a reflection of that goal, he listened to all views, held to his convictions and, while he may have vigorously attacked the issues, he never attacked the people who espoused those issues. Soapy Williams was a man of integrity and warmth with a spirit of dedication that is often rare in this day and age.

Like the thousands and thousands who knew him, I shall miss him tremendously, not only because he was a great leader but also because he was a personal friend who chose to reside within the boundaries of my congressional district. Soapy was always ready to give his advice and support to someone who grew up in his shadow. He was never heavy handed in his guidance though he easily could have been given his credentials. He was always willing to help in any way that he could.

Soapy Williams never stopped serving the public despite his official retirement from public office in 1986. He remained active, lecturing, traveling, attending meetings, and lending his support to charitable causes. Together with his beloved wife, Nancy, he remained a vital force in Michigan politics to the end.

Soapy Williams will long be remembered as a man who lived a life of courage and did what he must in spite of obstacles and dangers and pressures. We are all better for having known Soapy Williams and we will long reap the fruits of his legacy.

Mr. ANDERSON. Mr. Speaker, the list of public accomplishments of the late G. Mennen "Soapy" Williams will be mentioned many times here today by colleagues of Soapy who served with him in one capacity or another over the years. I take due note of those accomplishments and add my words of praise for the distinguished record compiled over so many years by one of Michigan's most eminent statesmen.

There is another level of the man, however, that I fondly recall today. In the 1960's, while serving as Acting Governor of California, it was my duty, a very pleasant duty, to preside over the festivities surrounding the Rose Bowl game. Michigan State was the opponent of UCLA, my alma mater, that year. My wife, Lee, is a native of Michigan so my loyalties to alma mater were a little strained, as you can imagine. Much of the strain was relieved by the visiting Governor of Michigan, Hon. G. Mennen Williams.

Serving as hosts to the Governor and his guests, we were charmed by the affable and gracious manner of this fine gentleman. Outgoing and quick-witted he charmed all who met him, not the least of whom were the Andersons. A wonderful day of warmth and good humor became a magic memory that is bright for Lee and me to this very day. Soapy Williams is remembered by us both with deep affection and it is with a feeling of gratitude for his friendship that I rise to extend the condolences of Mrs. Anderson and myself to his family, his friends, and to his beloved Michigan.

Mr. CONYERS. Mr. Speaker, I rise today to join my colleagues in mourning the loss of former Governor, Michigan Supreme Court Chief Justice and Ambassador G. Mennen "Soapy" Williams. Although he was born an heir to the Mennen toiletries empire, he dedicated his life to public service, and forever changed the face of Michigan politics.

Mennen Williams was undoubtedly one of the giants of the Michigan political and judicial life in the 20th century. He was elected to an unprecedented six 2-year terms as Governor, during which time this liberal Democrat broke the Republican stronghold on Michigan State politics. Ironically, he had to overthrow his own party's established leadership to gain the party nomination, and then upset GOP Gov. Kim Sigler.

He soon came to personify Michigan Democratic party ideals. His tenure as Governor helped to bring Michigan into the 20th century by increasing social programs, by implementing civil rights laws, and by constructing much of Michigan's highway system and the Mackinac Bridge. Moreover, according to Attorney General Frank J. Kelley, when Soapy became Governor, Michigan became a corruption-free State. He brought honor and integrity to State politics.

Governor Williams never really sought the White House; he was a favorite son candidate in 1952 and 1956, and he stepped aside for then-Senator John F. Kennedy during his historic 1960 Presidential campaign. But his 12-year stewardship in Michigan was a forerunner to JFK's "New Frontier."

After his tenure as Governor, Soapy accepted President Kennedy's offer to join the State Department's African post. He plunged into the job, by encouraging the emerging independence movements in Africa. His wholehearted support for these movements, along with his declaration of "Africa for the African," prompted the apartheid regime in South Africa to ban him from the country and caused an enraged white Rhodesian to attack him physically. But he stayed true to a path which was far ahead of his time. As then-Secretary of State Dean Rusk once said, Soapy was "one of the best appointments" President kennedy ever made. President Johnson later appointed Soapy Ambassador to the Philippines.

Later, Governor Williams returned to Michigan where he was elected a supreme court justice, and rose to be Chief Justice. During his 16 years on the State's high court, he pioneered the innovative comparative negligence standard, which allows people who are only partially responsible for an injury to sue other responsible parties. He was also a strong advocate of individual rights, and efficient judicial administrator, a supporter for legal services for the poor, and a chairman of the task forces studying racial, sexual, and ethnic bias in the Michigan courts.

As an ever constant friend of the arts, he donated more than 400 objects of art collected during his diplomatic stints in Africa and Asia to the Detroit Institute of Arts, the University of Michigan, Michigan State University, the Muskegon Museum, and other public institutions. He championed the appreciation of African art, and worked tirelessly to promote it among art institutes throughout the State.

His career has spanned a third of Michigan's statehood. So I would like to join Gov. James Blanchard, Detroit Mayor Coleman Young, former Gov. William Milliken, and my colleagues here in the House of Representatives in paying my respects to this truly great man.

Mr. GRANT. Mr. Speaker, on February 2, America lost a distinguished public servant and statesman, G. Mennen "Soapy" Williams.

Mr. Williams led a life of service to his country and to the great State of Michigan that

almost defies description. From a distinguished World War II military career until his retirement from the Michigan Supreme Court in 1986, he consistently put duty above self interest. In doing so, he created a lasting model for the rest of us to emulate.

During his military service with the Navy during World War II, Mr. Williams earned 10 Battle Stars, the Legion of Merit, and 3 Presidential unit citations. A Princeton graduate, Mr. Williams went on to a distinguished career combating crime as the Assistant Attorney General of Michigan and as the executive assistant to the U.S. Attorney General.

The wise citizens of Michigan picked Mr. Williams as their Governor in 1949. He served until 1961, when he was chosen to be the Assistant Secretary of State for African Affairs by President John F. Kennedy. That was followed in 1968 with his appointment as Ambassador to the Philippines.

Mr. Williams returned to serve his State in 1971 as a member of the Michigan Supreme Court. He served 3 years as its chief justice before retiring in 1986. Even after leaving the bench, Mr. Williams dedicated his time to training future attorneys at the University of Detroit law school.

Soapy Williams was a man of many accomplishments, but one goal; to improve the society in which he lived. His life is a source of inspiration to those of us in Congress and to every young person contemplating a career in public service. I believe is altogether fitting that we pay tribute to a great American, G. Mennen "Soapy" Williams, today.

Mr. BONIOR of Michigan. Mr. Speaker, I rise today to pay tribute to a great Michigan statesman, the late G. Mennen "Soapy" Williams. I knew him well and greatly respected him as a person and as a statesman. Few persons have spent as many valuable years in public service to their State and country as Soapy Williams did. Few have been so well loved.

Soapy served Michigan as Governor and chief justice of the Michigan Supreme Court. He served his country as a civil servant during the Depression as a naval officer in World War II, as an Assistant Secretary of State, and as a U.S. Ambassador. Throughout his career, he fought for social justice and civil rights in Michigan and the United States.

Soapy was born in Detroit in 1911, the son of a successful pickle manufacturer. He earned his nickname "Soapy" from the fact that he was the grandson of the founder of the Mennen Co. which sold soaps and toiletries.

Soapy himself was an entrepreneur of a different sort than his father and grandfather. Born into a wealthy family, Soapy was a man who could have rested on the fortune he inherited but instead actively pursued a career of public service.

In 1936, in the middle of the Great Depression, Soapy took his new law degree from the University of Michigan and his many talents to Washington, DC. There he helped to draft the briefs which insured that the U.S. Supreme Court would uphold the Constitutionality of the Social Security Act. Over the next few years, he served as Michigan's Assistant Attorney General and, in 1939, as executive assistant to the newly appointed U.S. Attorney General, former Governor Murphy of Michigan.

When World War II broke out, Soapy served his country honorably and well on naval aircraft carriers in the Pacific. He achieved the rank of lieutenant commander in the Navy and was discharged in 1946.

During the next 2 years, friends and fellow Democrats in Michigan convinced him to run for Governor. And, in a surprising upset, he won the first of six consecutive, 2-year terms as Governor of Michigan—more terms than any other Michigan Governor.

Gov. Soapy Williams took seriously his role as Governor of all of Michigan. He recognized the role of minorities in Michigan and appointed blacks to positions in the State cabinet and the courts. Despite opposition, he instituted a comprehensive civil rights plan in Michigan which included laws prohibiting discrimination in employment and housing. At the time, he was considered a radical. Today we regard him as a man of great foresight, a forerunner of the generation which fought and won equal rights for all Americans.

After turning down the chance to run for a seventh term as Governor, Soapy was named Assistant Secretary of State for African Affairs by President John F. Kennedy. Soapy became not only an effective member of the Department of State but an outspoken critic of the colonialization of Africa. Again, his ideas caused critics at the time to label him a radical. But, again, time has proven that his belief that Africans should be allowed to govern themselves is both a correct and just one.

After 5 years, Soapy returned home to Michigan to make what turned out to be an unsuccessful bid for the U.S. Senate. Undaunted, Soapy went on to serve as Ambassador to the Phillipines from 1968 to 1969 during the last year of Lyndon Johnson's Presidency.

Soapy again returned home to Michigan. In 1971, he became a State supreme court justice, and, in 1983, his peers elevated him to chief justice. Even on the court, he continued his efforts on behalf of all people as he worked to establish uniform standards in all State courts. He retired from the Court in 1986, but remained active, teaching at the University of Detroit Law School.

Soapy was an intellectual, a master politician, a civil rights spokesman, a public servant who wore many different hats in his lifetime. Above all else, Soapy was loved, admired and respected by the people who knew him personally or as a statesman; the people who agreed with his policies; and, the people who disagreed with his policies. He genuinely cared about other people and, in turn, most people came to genuinely care for him. Certainly this is the greatest achievement of this lifetime—that he was loved and appreciated by so many of the people whom he served.

Mr. Speaker, I am proud to join with my many colleagues in remembering Soapy Williams. I would like to extend my warmest condolences to his wife Nancy and to his family. His life was an example to me as a young man growing up in Michigan, and I am proud to follow in Soapy's footsteps as a fellow public servant from the great State of Michigan.

Mr. PURSELL. Mr. Speaker, let me take this opportunity to join my colleagues in honoring the memory of one of Michigan's truly outstanding statesmen, G. Mennen Williams.

A generation of Michigan citizens grew up knowing only one Governor—Soapy Williams. His familiar trademark bow tie and good will passed through every Michigan city and town at one time or another.

Soapy Williams served our State and Nation well and will be missed by anyone and everyone that had the good fortune to be with him.

On behalf of my constituents in the second Congressional District I send my best wishes to his wonderful wife Nancy who was such an important part of the Williams team.

Mr. HENRY. Mr. Speaker, in the years to come, many in Michigan will fondly remember G. Mennen "Soapy" Williams as the politician who sported a green polka dot bow tie, campaigned tenaciously, and saw to it that the lower and upper peninsulas of Michigan were united by the 5 mile long Mackinac Bridge. Those in Washington international circles may recall the evening he hosted a State Department squaredance—"do-si-do for diplomats"—at his own personal expense, while serving as Assistant Secretary for African Affairs. More importantly, however, we stand here today to remember and commend Soapy Williams for a lifetime of selfless devotion to public service.

The credentials accumulated during his lifetime are expansive and impressive. To highlight the early years of his career: Assistant Attorney General of Michigan, executive assistant to the U.S. Attorney General, lieutenant commander during WW II, deputy director of the Michigan Price Administration Office and Michigan Liquor Control Commissioner.

As Governor, Soapy was the first one in history to hold office for six consecutive terms. Despite his obvious popularity, Soapy was not one to stop mixing with the multitudes. He loved to shake hands and visit with individuals whether it be at a farm picnic, union hall, or on the street corner. Though he continued to rise in prominence, he maintained an open door policy.

Soapy's enthusiasm and concern for his fellow man crossed domestic borders. He served as Assistant Secretary of State for African Affairs from 1961–66. During 1968–69 he was U.S. Ambassador to the Philippines.

Upon returning to Michigan, Soapy was elected to the supreme court in 1971. He became chief justice in 1983, residing in that chamber until 1986. And most recently, at age 76 while most individuals would be enjoying a well-deserved retirement, Soapy could be found teaching at the University of Detroit Law School.

As one long-time associate commented, "people could debate about his politics, but he was the quintessential public servant." We lament his loss. However, we are thankful for those numerous years in which he unceasingly toiled on behalf of the people of Michigan and of our country.

Mr. DE LA GARZA. Mr. Speaker, with the recent passing of G. Mennen Williams our Nation has lost a great leader and Michigan one of its greatest public servants. A man whose career was nothing less than brilliant, Soapy Williams was for decades a distinguished leader.

Governor of Michigan, Assistant Secretary of State for African Affairs during the Kennedy administration, Ambassador to the Philippines during the Johnson administration, member and Chief Justice of the Michigan Supreme Court—these are all positions he held. Each in itself is an accomplishment of which to be proud. Cumulatively they serve as testimony to the vision of a man who leaves behind him a tremendous monument of good works.

G. Mennen Williams served with candor, integrity, selflessness, and devotion to the principles of good, honest, clean and effective government for all people. A man of quality, a man of leadership, and a man who felt that the care of human life and happiness was the first and foremost objective of good government, G. Mennen Williams will be missed by all who have had the privilege of knowing him.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all of my colleagues be afforded 5 legislative days in which to revise and extend their remarks, if they like, on this subject of this special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TELEVISION PROGRAM ACCESS FOR SATELLITE DISH OWNERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. Olin] is recognized for 60 minutes.

Mr. OLIN. Mr. Speaker, before I begin to say what I have to say tonight about the need for legislation to really take care of the needs of the people in rural America that have satellite dishes and for the last 2 or 3 years have been finding more and more of the programs that they enjoy scrambled, I would first like to make this unanimous-consent request.

GENERAL LEAVE

Mr. OLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. OLIN. Mr. Speaker, I would also like to make note of the fact that there were roughly 20 Members of Congress who had planned to be at this special order. I am not so sure that we are going to have any of them showing up except myself, but I am prepared to cover the subject adequately, I think.

I would like to call attention to the fact that we were delayed this evening long beyond the time that we had expected and the Members who had intended to be here for one reason or another were called upon to meet prior commitments and are not here.

I would like to call attention to the fact that a large number of Members were here and a number of them submitted their statements. The gentleman from Louisiana, Mr. Billy Tauzin, was here, and the gentleman from Washington, Mr. Al Swift, who has worked hard on that committee; the gentleman from Wisconsin, Mr. Bob Kastenmeier, the author of another of the bills, the gentleman from Tennessee, Mr. Jim Cooper, the gentleman from Vermont, Mr. Jim Jeffords, the gentleman from South Carolina [Mr. Spratt], the gentleman from New York [Mr. Martin], and presiding tonight as Speaker is the gentleman from Kentucky, Carroll Hubbard. Were that gentleman not sitting in the presiding chair, he would be speaking on this special order also.

I will mention to those who are picking this program up off the satellite and watching it at home that we are going to schedule an additional special order on this subject in the next couple weeks to enable those Congressmen and women who wanted to be here and recognize this as a very important subject in their areas to have a chance to talk to you personally about it, so do not feel that you are not going to have a chance to hear from these Congresspeople, as well as to read what they had to say in the Record.

Mr. Speaker, this special order is for the purpose of calling to the attention of the Members of Congress and their constituents the need to move the legislation that would make it possible for rural America, those living in mountainous and remote areas, to be able to enjoy the benefits of the wide range of television programming enjoyed by our urban areas, and at a fair and reasonable price.

I look forward to the comments of my colleagues who will be joining me at the next special order and would have been here this evening have to say. I look forward to their testimony on how critical it is that we move the two bills that will help bring fairness and equity to the millions of rural Americans who have made substantial investments in their satellite dishes. These Americans should not be denied the pleasure and educational value of the broad range of television programming that is now on the air.

Now, let me review how this situation developed and how it appears to me that it can be alleviated. Over the past decade, many rural Americans have invested, as we all know, in home satellite dishes. This number has jumped even more dramatically in the last 4 or 5 years. There are really two reasons for this. One is that the dishes are now more affordable because of technological advances and, of course, by the increased use of satellite signals by broadcasters. Tens of thousands of rural citizens began to enjoy the benefit of dishes, many of them were able to get programming for the first time. They saw no harm in this, because they knew that the United States had always believed that information broadcast over the air was free for all. This was an American tradition, a tradition that went back into the early days of radio. Never before has it been violated.

In order to get programming, rural families purchased dish equipment, spending generally between $2,000, $3,000 and $5,000 for their equipment. This worked out fine, except that the producers of pay TV who had developed the business of selling their specialized programs, known as premiums, to local cable companies felt that the ability of the dish owners to obtain their programming free was unfair. The premium programmers financed the cost of their business through the rents paid by cable subscribers, not through the broad-based advertising used by commercial stations. These programmers feared that they would lose their business if dish owners were intending to get this programming free. In order to prevent free access, the premium programmers encrypted or scrambled their signals. The first programmer to scramble was the Home Box Office, the HBO, which began scrambling in January 1986. Other broadcasters soon did the same thing and scrambling created the issue that we are addressing today.

Dish owners really only want to know what their options are. They want to know how far scrambling will go. They would like to know will their investments in dish equipment be wiped out. Home dish owners have accepted the right of the private broadcasters who own copyright programs to receive payments for their products. That is reasonable, but dish owners want the right to buy the programming and they want to be treated fairly in a manner similar to that of the cable customers, and not to have to pay more.

Dish owners also want to be able to purchase packages of programs, like the cable customers, at an equitable price, and dish owners also want to be sure that the means of scrambling and descrambling signals is standardized so that they can purchase one descrambler box to descramble all the signals they want to purchase. They do not want to have to buy 30 descramblers in order to get 30 signals.

Mr. Speaker, I am going to stop my story right here and welcome a gentleman who is joining us, the gentleman from New York [Mr. Martin]. I yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Speaker, I want to thank my colleague, Representative Jim Olin, for requesting time for this special order so that we can draw attention to an issue of great importance to the hundreds of thousands of individuals across the country who are unable to receive normal television reception and have no access to a cable television system.

I heard the gentleman saying about the rural nature of his district. From time to time, particularly the first year I was here in the Congress, people assumed that being from New York, I was from a large metropolitan area. I want to point out that the 26th Congressional District in New York is somewhat bigger than eight States in the Union, so by any standard we are considered rural.

The right of satellite dish owners to receive satellite signals was clearly set out in the Cable Communications Policy Act of 1984. That law provides a conditional statutory right to backyard dish owners to watch cable programming being carried by unencrypted satellite signals. However, if the owners to the rights in such programming establish a marketing system to sell viewing rights the dish owners are obligated to purchase.

That may be all well and good—as far it goes. The operative word here is "marketing system." Unfortunately, when popular satellite program services began to scramble their signals early in 1986, there was no effective marketing system in place. At that time, along with a number of my colleagues, I became a cosponsor of legislation providing for a 2-year moratorium on the scrambling of satellite signals carrying cable programming. Such a moratorium would have permitted a reasonable time period in which an effective marketing system could have been developed to permit private viewing of satellite transmissions at fair and reasonable rates.

When it became clear that such legislation would not be acted upon by Congress, and after considerable study, I became a cosponsor of another piece of legislation permitting the scrambling of satellite television signals only after certain conditions had been met. Much to my disappointment, Congress again failed to take action to correct the situation.

Consequently, when new legislation was introduced early in 100th Congress, this Congress, I joined in supporting, through my cosponsorship, H.R. 1885, the Satellite Television Fair Marketing Act. As introduced, the proposal is designed to ensure competition in the marketplace by requiring that those scrambling satellite services intended for private viewing must make those services available to home satellite dish owners and provides the Federal Communications Commission with the authority to establish uniform standards for encryption.

□ 1945

The FCC would be required to develop a proposal to facilitate the provision of network television signals to persons living outside the reach of broadcast stations and to investigate the pricing and distribution terms of sellers of satellite television programming to antenna owners to determine whether the marketplace is developing competitively. It places prohibitions on the encryption of that part of the Public Broadcasting Service which is intended for public viewing television broadcast stations. Persons harmed by a violation of the act would be permitted to bring a civil action in a U.S. district court.

Tens of thousands of residents in my own nine-county rural congressional district in northern New York are unable to obtain adequate reception of television broadcasts or unable to receive the services of cable television. My constituents are not greedy. They would willingly subscribe to cable service if it were available to them. However, this is just not the case. Take, for instance, the couple who wrote to tell me that "we invested in a satellite dish because the cable company which ends one-quarter mile from our home would not bring services to us." Or the individual who advised me that "many years have passed in the struggle to have cable TV up our rural road. When the time did come, they stopped four-tenths of a mile down the road." Or the constituent who tells me that cable service is available to within a quarter mile of his home to the east and to three-quarters of a mile on the west, but that the local cable company says it would be too expensive to service the 14 houses between these points.

I certainly understand the cost. I understand the line has to come from somewhere, but it is more than frustrating for somebody to be able to look out their window and see their neighbor is entitled to this service which they are paying for and for which this person is willing to pay for and they are just not able to bring it to them.

What we are saying is give them the opportunity to get these services at a reasonable price. These are not people looking for something for nothing. They are merely seeking to have access to programming to which a vast majority of this country already has or will have and at fair and reasonable rates.

I want to take this opportunity to strongly urge congressional action to address the situation and alleviate the problem and to take such action now. I encourage approval of H.R. 1885 or similar legislation which would make the rules fair. I, and the thousands of satellite viewing constitutents which I represent, would be most appreciative.

I want to thank my colleague and my good friend from Virginia [Mr. Olin] for taking out this special order this evening. As to those who intended to be here, they have every good reason for schedules changing, and prior commitments, and I guess it is a way of life with us here when we do not know what will be happening in the next 10 or 15 minutes. But for the gentleman from Virginia [Mr. Olin] who put this special order together, I salute him and thank him very much and I want to express my appreciation to the gentleman in the chair, the gentleman from Kentucky [Mr. Hubbard], who I know also supports what we are trying to do.

Mr. OLIN. Mr. Speaker, I want to thank the gentleman from New York [Mr. Martin] for his very, very fine statement. I come from a mountainous and rural part of Virginia, but I know that there are mountainous and very rural parts of New York State as well.

Mrs. VUCANOVICH. Mr. Speaker, would the gentleman yield?

Mr. OLIN. Mr. Speaker, I very much appreciate the opportunity to yield to the gentleman from Nevada [Mrs. Vucanovich].

Mrs. VUCANOVICH. Mr. Speaker, I am a strong supporter of the effort to ensure fair access to television programming for those who, like many in my district, live in rural areas where many cannot receive normal television transmissions and access to cable is limited or absent.

Many of my constituents have invested literally thousands of dollars in satellite dishes so that they can enjoy the same television programming that urban dwellers take for granted.

Several developments have made it difficult for the owners of home satellite dishes to view regular television programming. Although satellites are used to transmit television programming to local stations, which in turn retransmit the programming to local viewers, these transmissions can also be received by home satellite dish owners. In an effort to receive compensation for the viewing by home satellite dish owners, some satellite signals are scrambled, and then made available to home satellite dish owners for a charge. Descramblers are sold to the home dish owners so that they might decode the scrambled programming.

Unfortunately, this system means that after viewers have paid over $1,000 for a home satellite dish, they must then purchase not one, but often three or four, separate descramblers to be able to view the programming they desire. This is certainly prohibitive and seems patently unfair.

I want my constituents to have access to these programs at a cost that is reasonable and fair. I want a distribution system that does not discriminate in prices or in terms or conditions. I want reasonable, affordable access, and I want fairness.

Mr. Speaker, I have joined as a cosponsor on legislation which would help to ensure that satellite dish owners, like my constituents in Nevada, would be able to have reasonable access to the television programming they wish to see. I am here today to stress the importance of fair program access and of this legislation designed to ensure it.

Mr. Speaker, the legislation I support is well thought out and fair to both programmers and to satellite dish owners like so many of my constituents. For example, programmers who choose to scramble services which are otherwise offered to cable customers must be willing to sell programming to home dish owners.

Further, although programmers may continue to scramble, they will have to meet certain FCC standards so that home dish owners will not be forced to purchase a myriad of different decoders for different programs. Also, standards for making programming available to home dish owners must be fair and reasonable.

Mr. Speaker, although this legislation has 125 cosponsors, and is widely supported by our constituents, it has yet to move to the full Energy and Commerce Committee. It is time to move this legislation to the floor. I urge you, Mr. Speaker, to do all in your power to see that this legislation moves to the floor of the House so that we might have an opportunity for full debate and a vote. We need a fair chance for satellite dish owners to access regular programming and this legislation will give it to them.

There is strong support for this type of legislation. There is an urgent need to it, and our constituents deserve it. There is no reason for any further delay. We are anxious for the committee to finish its work with this legislation and move it to the floor of the House. Mr. Speaker, esteemed colleagues, let's get this legislation moving quickly, so we can act on it and pass it into law.

Mr. OLIN. Mr. Speaker, I want to thank the gentlewoman from Nevada [Mrs. Vucanovich] for her fine remarks. I would just comment that I hope that the result of this special order will be that we will have gotten the attention of more of the Members of the House, particularly the members of the two committees and two subcommittees that are involved on this issue so that they will really understand better the importance of moving this legislation. I think that there will be some people that are listening to this program via satellite on their home dishes and I hope that they will help us by trying to make known to their Congressmen or Congresswomen the importance of moving this legislation. Maybe out of this we can move these two bills that are not going to hurt anybody, but they are very much needed by people in rural areas.

Mrs. VUCANOVICH. Mr. Speaker, I hope that that can happen. I certainly agree with the gentleman from Virginia [Mr. Olin].

Mr. OLIN. Mr. Speaker, I would now proceed and continue the story that I was telling about the situation and then I want to talk about those two bills a little bit more.

Today the situation facing dish owners is slightly improved. Most of the scrambling is being standardized using video cycle two system. Dish owners can buy some programs and some program packages are being put together but in many cases it is still very difficult to get those problems and packages, even get them at all. And of course getting them at the proper cost, which is a cost comparable to what cable subscribers get, is still a little bit far away.

Just last month Richard L. Brown, who represents the Home Satellite Television Association, testified before the Subcommittee on Courts, and he stated that dish owners have to pay between 800 and 1,000 percent more than the wholesale price paid by cable companies. Of course to a broadcaster the homeowners, the rural dish, is not basically different than the dish of the cable company and as far as the broadcaster is concerned he has the same problem and one would think that the price paid by the cable company to receive the signal should not be too much different than the price paid by the homeowner to receive the signal. But in many cases the price paid by dish owners is more than that paid by retail cable subscribers.

One of my constituents compared the retail price between dish owners and cable customers in his area and found out that the dish owners were paying at least twice what cable subscribers were paying. I have more to say on that with specific examples later in my special order.

The issue for Congress is to make the policy changes needed to permit rural America to be treated fairly. This is the reason for the two bills before Congress.

As I have said, one of these bills is H.R. 2848, the Satellite Home Viewer Copyright Act. The second bill is H.R. 1885, the Satellite Television Fair Marketing Act. These bills are complementary, and we need both of them passed. Each bill does a little different thing. If we get them both passed we are going to achieve some very, very meaningful objectives and my understanding of these bills is that they basically are going to accomplish the following policy goals.

First, they are going to encourage development of a market structure that will enable people to put together program packages of more varieties and closer to the market for the home dish market.

Second, they are going to encourage competition so that a reasonable pricing system will most likely develop.

Third, they are going to protect the property rights of the copyright owners and establish a method for those copyright people to be paid.

Last, and perhaps most importantly, they are going to establish the principle that the dish owners have a right to buy programming, that that programming ought to be at a fair price.

□ 2000

If we can get these two bills moved, passed by the House, passed by the Senate, signed by the President, we are going to go a long-way toward bringing fairness in TV availability to rural America.

Now let me tell you a little bit more about these two bills. They are complex, and I cannot get into the minute detail of them, but it is important to recognize some of their details.

The first bill, which is Mr. Kastenmeier's bill, H.R. 2848, is in the Subcommittee on Courts, Civil Liberties and the Administration of Justice. The gentleman from Wisconsin [Mr. Kastenmeier] has had hearings, and he is hoping to get this bill out of his subcommittee in 2 weeks, and he is reasonably confident that he will move it in the Judiciary Committee.

Now what this bill does is this: This bill would modify the copyright law to ensure that superstation programming, which is retransmitted by common carriers, could be legally sold to dish owners. It is very important. Right now there is a big question about that. It also provides a system by which the holders of copyrights will receive their due payment. Since the network broadcasters are also planning to scramble in the future and they are negotiating with common carriers right how to market their programs, H.R. 2848 is all the more needed because this might be the only way to ensure that rural dish owners will have access to regular network broadcasting in the future after those signals are scrambled.

This is a very, very important bill. It established the right to buy, and it takes care of the question of reasonable and proper compensation of copyright holders. It handles all the aspects of that.

It does, however, only apply to superstations. It does not apply, for example, to premium TV.

Mr. Speaker, the other bill, which is sponsored by Billy Tauzin, and Billy very much regrets his inability to be here tonight, that bill basically is a bill that says this: That if anybody broadcasts a signal and there encrypts that signal; in other words scrambles the signal, if he sells that scrambled signal to anybody, he has to be willing to sell it to everybody that asks for it. That is the basic thing about that bill. It also has a second provision, and that is that the Federal Communications Commission is given the authority to establish and monitor a fair pricing and pricing policies, and I would like to read a little bit out of this bill, H.R. 1885. I will read the major parts. This is on page 3 of the bill.

> "(3) Any person who encrypts any satellite delivered programming for private viewing shall—
>
> "(A) make such programming available for private viewing by home satellite antenna users;
>
> "(B) when making such programming available through any other person, establish reasonable financial and character criteria under which distributors may qualify to distribute such programming to home satellite antenna users and not discriminate in price, terms, or conditions among different distributors offering similar distribution services to the consumer;

Mr. Speaker, what this basically means is that, if the broadcaster who is sending our encrypted signals makes a signal available to anybody that wants to buy it, that that person that buys it, if it is another distributor, and of course the originator cannot discriminate in pricing materials or conditions between different distribution channels, so that would mean that the dishowner is going to get the same kind of a treatment that a cable subscriber gets, and that is really the gut of the bill. That is one of the things that is wrong with what is presently in existence.

Mr. Speaker, those are the two bills, and now I am going to, before I get into the pricing, just read to my colleagues one thing. I have received an awful lot of mail from my constituents with regard to this whole subject. I have got thousands, and thousands and thousands of dishes in this area, and these are all people that live over the mountain, and they cannot get an ordinary broadcast signal. But one of my cities is Clifton Forge, VA, and it is right in the center of the Alleghany Highlands, and I have got a lady that wrote to me on December 22, and I am not going to indicate her name, but I would like to read her letter. It is interesting. She is obviously an older woman, retired, and probably lives alone, and she says this. Her language is sort of interesting.

> Clifton Forge,
> *Friday, December 22, 1987.*
>
> Dear Congress Olin: I am very Desopinted the way the goverment has let the people Scramble our chanels on our Seatlite. As we are Senior Citisons and are on Social Securty And do not have that much money to waist. We need Something to enjoy in our Old days. After all our Tax dollords put those Salite up there.
>
> Now here come Cable Vision and other Station took that away from us. Now they come up with got have 5 hundred For a Box to unscramble plus the monthy cost. Which we do not have. It sure(ought) to be look(ed) in to. Preasheat(appreciate) any thang you can do about it. A Conceran citison.
>
> Thank you So much.

Mr. Speaker, I thought that was very, very typical of the situation of people who are living in these areas. They need and want this kind of television programming just like people who live in a more condensed urban area and have access to cable or the direct signals, and they do not object to paying a reasonable amount for what they get. They are perfectly willing to do that. They are willing to make the investment in their home equipment, which of course is far more than a subscriber to a cable network pays for. And yet it is just aggravating that the marketplace and the people that are in the market and the Congress have been unable to come up with a scheme of handling this within the free enterprise system that results in real fairness and equity to these people who live in rural areas.

Mr. Speaker, this may be the last item I want to cover, but let me give you some examples of this pricing question. Here is some information from the Roanoke, VA, area. I am told that the cable; that is, an installed cable basic program, costs the subscriber $12.45 a month, and, if you have a dish in that area, the basic dish program is also priced at $12.40 a month. But a dishowner can only get the same price as cable first by paying 1 year in advance; that is $12.45 times 12 in advance, and also the basic package for the dishowner only contains half as many programs as are basic for the cable, so in a sense maybe you can say that the dish people are paying twice as much. When you are talking about premium programs, cable offers premium programs for $10 a month to buy them alone, and for the dishowner instead of $10 it is $14 to $15.50 depending on which premium program it is, and that money must be paid in advance for a year.

Now constituents in the Waynesboro area; Waynesboro, VA, another mountainous area; they report that the cable basic price is $12.75 per month, and the dish basic price right outside of the town area is not $12.75, but $19 a month, and again the dish basic is available only if 1 year's advance payment is made of $228. Now if you have cable and you want an add-on package of 15 channels in Waynesboro, that costs $5.95 a month, but if you are a dishowner, your add-on package of 14 channels will cost you $20 a month, and again that is only available if you pay $240 in advance, a whole year's worth of pay.

Mr. Speaker, I am informed by the National Rural Cooperative Association, an agency trying to become a distributor in this business, that on the average around the country this cable service, the cable basic of 24 channels, costs about $13 a month. On the contrary the dish basic involves only 8 channels. It sells on the average for $17.95 a month, so that is about 50 percent more for one-third the channels and again a year's worth of rent of $192 must be charged, must be paid in advance, in order to get that service.

Now these comparisons indicate that for one reason or another this market and the marketing scheme has not developed enough competition so that the price has found a reasonable level, and the purpose of these bills, if you take out all the special language, is to get that rectified. We are not doing this by having the Government engage in direct price fixing. One of these bills does have some guidance by the FTC, but basically we are looking at trying to improve the marketing structure and establishing the fundamental values that a rural dishowner should have, and that value is basically that if there is a signal coming through the air that is being sold to anybody, this kind of a signal, that it needs to be sold to them, too, and that that sale must be without discrimination. It must be fair.

Mr. Speaker, I am just hoping that through this special order and the interest that we know there is in the Congress on this subject that we can first of all, as I said a little earlier, get the attention of the Members of these key committees, and we are talking about the Energy and Commerce Committee and the Subcommittee on Telecommunications and Finance of that committee. That is involved with bill No. 1885. The Members of that committee have got to get this message better than they have got it before. I hope we have helped them to do that.

The second bill, which is 2848, that is in the Judiciary Committee, and it is in the Subcommittee on Courts, Civil Liberties and the Administration of Justice. That bill needs to move. Now it seems to be moving a little bit better, and maybe it will come out of committee this year, but let us not forget that even when we get these two bills out of the House that we have still got to get the Senate to act on them.

Mr. Speaker, let me just mention, and this may be as my last point, that the Senate does have a bill, S. 889 which is sponsored by Senator Gore, and it is a companion to the House bill, H.R. 1885. That bill is actually out of the Senate committee. It is out of the whole Committee on Commerce, Science and Transportation of the Senate. Hearings have been held on the bill and the bill that was marked up, but it has not been reported to the Senate Chamber as a whole for a vote.

So those of you that have Senators that are interested in this subject, if you could get them pepped up a little bit and get the Senate to put out and pass and send over to the House S. 889, that would sure help us get a little movement on H.R. 1885. In fact we might be able to just take up the Senate bill and consider it, pass it.

So that is the story of this special order. We are hoping that those of you that may be watching this program over satellite on your home television will appreciate what we have said and recognize the need to write your Representatives, write your Senators and see if you cannot help get across the message that this is an inequity, it is a problem, it is unfair, and needs to be fixed. The sooner we get it fixed, the better it is going to be.

Mr. DAUB. Mr. Speaker, I am pleased that my colleague from Virginia is taking this special order today so that Members can air their views on satellite communications legislation.

As a strong supporter and cosponsor of H.R. 1885, I would like to add my comments to the record and urge quick action regarding this legislation. H.R. 1885, the Satellite Television Fair Marketing Act, is aptly named—in essence, it deals with the issue of fairness.

In the ideal world, sellers and buyers of a product naturally come to mutually agreeable commitments regarding the price and distribution of that product. Unfortunately, the satellite television industry falls short of this description. Instead, we continue to find a lack of real commitment when it comes to the sellers of encrypted signals.

This bill remedies the situation. First, it gives dishowners, who reside in mostly rural areas, the ability to shop for signals in a more competitive and open environment. By allowing third-party programmers to distribute a wider variety of packages at reasonable prices, dishowners can share in the benefits of this technology and be given equal access to satellite services at a fair price.

Second, the bill authorizes the Federal Communications Commission to develop uniform standards of encryption and rulemaking that would extend network television beyond limited geographical areas.

Public broadcasting remains public in a third provision, which prohibits both the encryption of PBS programming intended for public use and Armed Forces television and radio programming abroad.

Finally, the bill allows citizens harmed by violations of this act to bring suit in a U.S. district court.

In conclusion, passage of this bill will ensure that equal access to quality programming from more than just a few vendors will be maintained. Thus, H.R. 1885 is a needed catalyst in a market with players that seem to be enjoying their freedoms to the detriment of millions of dishowners.

Mr. VOLKMER. Mr. Speaker, I am proud to add my support to those of my colleagues who are speaking on behalf of satellite dishowners. We are one voice calling for fairness.

There are many in my Missouri district who rely on their dishes for communication with the outside world. I'm not talking about their desire to receive MTV, or old movies, or "The Honeymooners." I'm talking about network news, about weather reports, about educational television. But for many these programs are not available without outrageous amounts of money to pay for additional fees and descrambling devices.

I support legislation, as many in this body do, that would allow dishowners to receive signals at a fair and reasonable price. We aren't asking for handouts, for freebies, for special treatment. We ask only for fairness.

Many of my constituents have invested thousands of dollars in their satellite dish equipment so that they may receive the same television programming taken for granted by urban dwellers. But scrambling has left the viewers in the dark, or facing these expensive additions and fees.

What we want is simple. We want to know that private viewing programming is made available to home satellite dishowners; that pricing and distribution of these services be studied; that public service broadcasting not be scrambled and that dishowners have a judicial avenue available if programmers violate these rights.

It's simple, Mr. Speaker. Dishowners want to be treated fairly.

Mr. BARNARD. Mr. Speaker, I would like to take a moment to address the issue of equal access to television programming. Like many other Members of Congress who have taken an interest in this subject, I represent a district that is largely rural. The satellite dish has allowed many of my constituents to benefit from television programming once available only to urban residents. Scrambling of signals has endangered this access to programming and has threatened to render valueless all the equipment in which my constituents have invested so that they will have the same advantages as their counterparts in nearby cities.

While the marketplace has resolved some of our earlier fears, the price and availability of decoders for example, dishowners still face enormous obstacles in their efforts to take full advantage of television programming. Equal access for rural citizens increases in importance as our society becomes more dependent on broadcasting as a means of information gathering. This reorientation is evidenced by the use of television as a primary means of communication during the current Presidential elections.

Rural dwellers have traditionally been the last segment of our society to reap the advantages of technological advances. The satellite dish reverses this unfortunate trend. Equal access to television programming through the use of satellite dishes can prevent our rural constituency from being second-class citizens.

Mr. SYNAR. Mr. Speaker, I wish to thank you for this opportunity to address a topic of great interest and concern to me: legislation to help those Americans who enjoy and rely upon home satellite television. I also would like to thank Congressman OLIN for his effort in organizing this special order.

The advent of the home earth station and direct satellite broadcasting has created the opportunity for all Americans, no matter how remotely located, to share in the great range of entertainment, educational, sports, and news programming offered on satellite. Previously, much of that programming had been accessible only by those living in our Nation's cities and towns. I know that there are many in my home State of Oklahoma who rely completely upon their home satellite dish for reception of television. And, after having been involved with the issues surrounding satellite television for several years, I can assure nearly all of my fellow Members that they too have constituents in like circumstances.

However, the development and growth of this technology has not been easy, and the satellite television industry and its customers continue to face hurdles which can be overcome only with the help of Congress.

One particularly dark cloud hanging over home earth station owners is the uncertainty of continued access to network programming and the independent, so-called, superstations. In an effort to remove that cloud and guarantee that those television signals remain available, I have joined with Chairman KASTENMEIER, Mr. BOUCHER, Mr. MOORHEAD, Mr. HUGHES, and Mr. GARCIA in introducing H.R. 2848, the Satellite Home Viewer Copyright Act of 1987. This bill assures that TVRO viewers will continue to have access to the same programming as is enjoyed by those served by cable and off-air broadcast signals. The bill is measured and balanced, reflecting concern for the rights of earth station viewers and recognition of need to fairly compensate the copyright holders.

H.R. 2848 is of vital importance. Not only does it further our Nation's interest in making communications services available to all the people of the United States, but it also helps to assure that direct satellite broadcasting will continue to grow and prosper, and thus become a viable and competitive system of television delivery.

I call upon my colleagues to join me in recognizing the importance of this emerging technology and the rights of all Americans to share in the full wealth of communications which this country has to offer. I urge them to lend their full support to H.R. 2848.

Mr. SUNDQUIST. Mr. Speaker, I want to thank the gentleman from Virginia for bringing the issue of satellite home-viewer rights before this body today. It is high time that a fair and equitable solution be reached on this issue.

Mr. Speaker, my district in middle west Tennessee is mostly rural. The only access most of my constituents have to television service is with the assistance of a satellite dish. However, their access is being limited by the scrambling of signals by cable companies and the networks.

Let me point out that my constituents aren't looking to get something for nothing by using satellite dishes. On the contrary, they are more than willing to pay for the programs, as indeed the programmers deserve payment. But the conditions, terms, and prices must be reasonable and fair, and the only way to accomplish this is with a legislative solution that prevents monopolistic behavior by the cable industry, and ensures a competitive environment.

My constituents are only seeking a service, at a reasonable rate, that is not otherwise available to them because they reside in rural areas, beyond the reach of normal broadcast or cable signals.

I would like to urge my colleagues—particularly the members of the Energy and Commerce Committee—to take quick and positive action on two bills I have cosponsored: H.R. 1885—the Satellite Television Fair Marketing Act—and H.R. 2848—the Satellite Home Viewer Copyright Act.

Both pieces of legislation present a fair and reasonable solution that will balance the needs of both the programmers and the satellite dish owners by assuring reasonable rates for superstation and other cable programming, and by ensuring that fair marketing practices prevail for all encrypted satellite-cable signals.

Mr. STALLINGS. Mr. Speaker, I would like to thank my colleague from Virginia, Congressman OLIN, for sponsoring this special order today. I also appreciate the work Congressman TAUZIN has done on this issue.

I join with these gentlemen in expressing concern for the residents of our States who live in rural areas and do not have access to normal television transmissions or cable.

Idaho, the State I represent in Congress, is a large, rural State. Many of its residents do not live in towns and cities. As one resident of my State said recently, residents of the remotest areas of our State receive the same telephone service as the residents living in Boise, our capital. It is our responsibility, I believe, to see that other services we deem as necessities are provided as well.

Since coming to Congress a little more than 3 years ago, I have heard from many of the more than 10,000 home satellite dishowners in Idaho who have expressed concern and frustration. Many have invested thousands of dollars for satellite dish equipment to have access to basic local news programs as well as the incredibly diverse television programming previously available only to those wired to a cable system—but basic local news programs.

When I first came to Congress, my constituents were worried about plans by cable programmers and networks to scramble their signals. The overwhelming majority of these dishowners were willing—and continue to be willing—to pay a reasonable fee for satellite-transmitted programming. They recognized that they were receiving a service for which cable subscribers were paying. As programmers began to scramble, concerns turned to the availability and cost of decoders. Many believed that the costs to subscribe to these services would be significantly higher than those paid by subscribers in areas where cable service is available without dishes.

In fairness, I think it's important to realize that some of these concerns are being addressed. Decoders, for instance, which were not in ample supply initially, now are being built into the dish. Lease and purchase plans are available for existing dishowners. Cable companies claim that the rates for packages for dishowners are now being offered at a rate less than is charged cable customers. While that may or may not be the case, we must remember that satellite dish owners have had to make a substantial initial investment in hardware.

I am a cosponsor of H.R. 1885—the Satellite Television Fair Marketing Act—to encourage fair marketing practices for satellite communications. While I believe the marketplace is working in some areas—and this is certainly the preferred route—we must continue to be sensitive to the concerns facing these residents of our States. For example, satellite dishowners in Idaho tell me one problem they continue to face is the necessity of calling several places to secure the services they want. Others are concerned about scrambling public broadcasting programs, intended for public viewing.

In short, I believe we are beginning to see some progress made. However, based on frequent discussions with Idaho dishowners, I know frustrations remain. We must, as a body, continue to look for responsible ways to help these residents of our States.

Mr. TALLON. Mr. Speaker, it is with great pleasure that I rise today to speak again on behalf of the many television satellite dishowners in the Sixth District of South Carolina.

This district, like many others across the United States, is a beautiful rural area, containing many farms and small towns. In many of these towns, as is the case in outlying areas, cable television is not available. In fact, good reception of some nearby broadcasts is sometimes difficult. This need for better reception and expanded programming has led to the great increase in satellite television dishes—well over 2 million units—at substantial cost to the rural viewer.

Congress needs to act now to insure that the rights of the rural viewer and his investment are protected. Residents of populated areas have long enjoyed extensive programming with good reception through their cable television hookups. It is only right that residents of rural areas who own satellite dishes have similar programming available to them at a fair and comparable price.

The technology is available for rural dishowners to receive this programming. Legislation has been introduced to achieve this result. Let's push for action on these important bills and stop depriving a large segment of American citizens the freedom to receive information simply because they live and work in rural areas. The time has come to pass this home satellite television legislation.

Mr. CRAIG. Mr. Speaker, I would like to thank Mr. OLIN for this special order today, to discuss an issue that is important to many Idahoans. Access to television programs for satellite dishowners has been an ongoing concern both for the satellite dish industry and its customers. The people in Idaho face a problem not uncommon in the West and in rural areas throughout the country: access to television signals. There is strong movement toward the scrambling of satellite programming, and many owners of dishes are concerned about their access rights. People in remote areas cannot receive typical television transmissions; they also have no access to cable. The only alternative for them is to purchase a satellite dish. Mr. Speaker, I can certainly understand the desire of satellite cable programmers to protect their satellite programming from unauthorized use. I also understand their need to be compensated for dishes that receive their signals. But the current marketing and pricing plans that cable programmers have developed have given rise to some very genuine concerns of home dishowners. For example:

First. Noncable interests would like to distribute cable programming. Why is it that no independent third-party distributor has been authorized to market the dozen or so scrambled services?

Second. Are rates artificially high for programming?

Third. Does the lack of manufacturers of descramblers create a slump in the home dish industry?

Fourth. Why is there a lack of package programming for channels that are scrambled?

These are some of the issues that need immediate attention. That is why I am here today to voice my support for a bill my colleague, Mr. TAUZIN, has introduced, to ensure that the viewing rights of home satellite dishowners are protected and that dishowners are not locked out of receiving broadcasts.

Although many Members in the past have expressed concern for the reasonable access and pricing of programming in the dish market, no clear consensus has been reached on the issue. I believe Mr. TAUZIN's bill incorporates many of the good ideas that have been presented in the past. The legislation is designed to ensure that programming will be made available to dishowners under a distribution system that does not discriminate in prices, terms, or conditions. Home satellite owners should be able to gain access to pay services at a fair and reasonable price. I also believe this legislation encourages a marketplace resolution. It requires that the marketplace for purchase of such services be open and competitive.

There are nearly 2 million home-satellite earth-station owners across the Nation. They are in need of some action that will give them a fair shake on programming. I appreciate the opportunity to help raise the issue today so that we can do something to remedy the problems that currently exist.

I would again like to thank Mr. OLIN for providing us this time to discuss this important issue.

Mr. SPRATT. Mr. Speaker, when the gentleman from Virginia invited me to speak today in support of H.R. 1885, I welcomed the opportunity. I know how important this bill is to the citizens living in rural areas of my district in South Carolina.

A few weeks ago, I had the privilege of speaking to a high school class in my district about the U.S. Constitution. And after spending a good 30 minutes explaining how the framers built into our Government a system of conflict between the executive and legislative branches, I opened the floor to questions. My first question: "Where do you stand on scrambling?"

Today, over 2 million Americans receive their television programs directly from satellites. They depend on these signals to bring them the TV programs so many of us take for granted. For rural Americans, a satellite dish in the back yard is essentially important: for these Americans, an antenna on the roof does little good, and cable service stops at the city limit.

The scrambling of satellite-transmitted TV signals is therefore a real and understandable concern: dishowners are afraid they will be denied access to some programs altogether, that they will have to pay unreasonable fees for others, or purchase more than one expensive descrambler.

H.R. 1885 speaks to these concerns. This bill would ensure that dishowners have access to scrambled programming—at fair and reasonable rates.

Surely, access to television—at rates that are fair—is not too much to ask. I urge the House Telecommunications Subcommittee to move swiftly in approving H.R. 1885.

Mr. ROTH. Mr. Speaker, I appreciate the opportunity to participate in this special order, specifically to discuss fair marketing practices for satellite dishowners through the enactment of H.R. 1885, the Satellite Television Fair Marketing Act. I am proud to cosponsor this legislation.

Many of my northeast Wisconsin residents live in rural areas without access to cable television systems. As a result, many of them are investing in home satellite dishes, the only means available to receive the extensive programming services to which cable subscribers have access. H.R. 1885 does much to ensure the rights of those dishowners and to see that they are not victims of discrimination.

H.R. 1885 will prohibit the encrypting, or scrambling, of satellite programming from the taxpayer-supported Public Broadcasting Service and the Armed Forces Radio and Television Service. Further, it requires that any broadcasting service which encrypts programming for private viewing must make the same programs available to home satellite owners at a price not exceeding rates charged to cable subscribers.

The need for this legislation stems from the continuing development of new and different decrypting devices needed to view a scrambled signal. The programming industry commonly requires the purchase of these new decoders, resulting in persistently rising costs for satellite dish owners. This is blatantly unfair and discriminatory.

H.R. 1885 addresses this problem by seeking the establishment of an FCC-approved encryption system for all satellite television programmers. Anyone scrambling commercial satellite programming would be required to encrypt it in line with FCC specifications. This universal encryption system will expedite the creation and marketing of a standard signal decoder, eliminating the need for satellite dish owners to constantly buy new decoders.

This legislation will also require the Federal Trade Commission to conduct a study to determine whether the programming market is developing competitively and to take necessary steps to ensure competition. This is a positive step.

I urge my colleagues to join me in supporting this long-overdue protection for satellite dish owners, particularly those in rural areas who currently have no option but to accept the current restrictive practice by some commercial programmers.

Mr. ROGERS. Mr. Speaker, I want to begin by thanking the gentleman from Virginia [Mr. OLIN] for taking the time today to talk about this issue, which is extremely important to me and to many of my constituents.

In particular, I want to speak about the need to pass a bill I have cosponsored for two Congresses, H.R. 1885. This legislation is extremely vital for our satellite dish owners, and let me briefly explain why.

First, this bill would guarantee that dish owners would not be denied access to satellite programming. It would prevent programmers from ignoring the satellite dish market and would authorize the setting up of distribution systems to make sure that these programs are available to all who want them.

Second, this legislation will involve the FCC in making sure that a single descrambling device is used for all channels, and that any fees charged for watching satellite programming are fair and reasonable. This is very important in our rural areas, particularly for senior citizens who live on fixed incomes and who must depend on a dish for their link to the outside world.

Finally, this bill would ensure access to the commercial networks and to public broadcasting.

Mr. Speaker, I have heard from hundreds and hundreds of my constituents. They live in rural Kentucky, in the mountains or in remote areas of the State. They often cannot get cable service because of their location. A satellite dish is their only hope of viewing television programming. We must do all we can to ensure that these people have continued access to satellite programming, and I would urge the Telecommunications Subcommittee to move as soon as possible to mark up H.R. 1885. This bill, along with its companion legislation in the Senate, will provide us the means of solving many of the problems now faced by satellite dish owners in my district and all around the country.

I again thank the gentleman from Virginia for his taking this opportunity on the floor to discuss this issue.

Mr. EMERSON. Mr. Speaker, residents who own satellite dish receivers in rural Missouri and across the Nation are asking for our help with an inequitable situation—they are being cut off from television programming by scrambled TV signals.

In rural Missouri—in towns like Thayer, Hayti, and Ellsinore—access to most television program signals is limited, if it is even available at all. These residents cannot receive regular television programming the way most of the Nation can. Moreover, it is impractical for cable companies to run cable into these very sparsely populated areas. To remedy this problem, many of these rural residents have purchased, at great expense, a satellite dish to receive television programs, only to find out later that the television signals they were told they would be able to receive are not going to be scrambled.

Satellite dishes are very often a necessity—not a luxury—to those in rural America who want to get network and news programming. These people have bought their satellite dishes in good faith, only to find out that the equipment is virtually useless unless they now purchase additional descrambling devices—usually with a hefty price tag. But they have no choice if they want to receive television news and entertainment programming.

Many satellite dish owners believe—as I do—that the additional costs of purchasing descrambling equipment above a nominal fee is unfair. Not surprisingly, this dispute has been delivered to the doorsteps of Congress and I think it's time that Congress respond to this situation.

I have heard from hundreds of Missouri residents in the Eighth District who are concerned about the occurring and impending scrambling. Eighth District satellite dish owners are willing to pay for the programs they receive. However, they are not willing—and understandably so—to pay an unreasonable, inequitable price for the service available more cheaply to those who are able to subscribe to cable service—especially when they have already gone to the considerable expense of purchasing a satellite dish.

It is time to get down to business and put the finishing touches on legislation that will protect the viewing options enjoyed by those who have purchased dishes. Satellite dish owners are calling for congressional action on satellite dish legislation. They are not asking for anything more than equity with those who are able to receive cable television at a reasonable fee. Satellite dish owners are asking for consumer protection under the law. Let's stop our foot dragging in Congress, and finish the job. I call on the chairmen and ranking members of the Energy and Commerce Committee and the Judiciary Committee to move forward with legislation to address the very legitimate concerns of our satellite dish owners.

Mr. BLILEY. Mr. Speaker, I rise to express my concern over the satellite dish legislation being advocated today. As my colleagues know this legislation is currently pending in the House Energy and Commerce Committee's Subcommittee on Telecommunications and Finance. The Senate Commerce Committee recently reported similar legislation to the full Senate. In an effort to provide some balance to the discussion I offer the thoughtful additional and minority views of Senators INOUYE and STEVENS, which were included in the Senate report on that bill, and associate myself with their remarks.

ADDITIONAL AND MINORITY VIEWS OF MESSRS. INOUYE AND STEVENS

Despite the efforts of the authors to make positive changes, S. 889, the Satellite Television Fair Marketing Act, is bad legislation. Its foundation rests on circumstantial, anecdotal, and unproven claims. Its edifice contains ill-conceived and expensive remedies. Its precedential value is troublesome. We urge our colleagues either to improve it by amendment or reject it outright.

The television receive-only (TVRO) satellite dish market was created by a decision of the Federal Communications Commission (FCC) about 10 years ago. The Commission permitted persons to own these dishes but without any guarantee that reception would be protected from interference. These TVRO owners, moreover, still had to comply with the illegal interception language in the Communications Act (section 705) and the copyright laws, as well as other pertinent federal, state and local laws, such as zoning requirements.

With this decision and the lowering of TVRO prices, this market burgeoned, and today there are about two million TVRO owners. During this growth period, the questions of illegal interception and copyright remained, and in 1984, the Congress, in the Cable Telecommunications Act, passed a new section 705 that permitted the reception of unscrambled satellite programming under certain conditions. The rationale for this law was that programmers should only be able to control products where they make the effort—by scrambling—to do so.

Soon after this law was passed, programmers either began to scramble or announce their intention to do so. They could no longer afford to give their product away to such a large market without harming their basic business. At the same time, TVRO sales were escalating. The difficulty was that many TVRO sellers were not telling buyers that scrambling was coming and that they were not entitled under law to receive such programming. A recent survey in Satellite Orbit magazine showed that over one-half the TVRO owners said they were not so informed. When these TVRO buyers were eventually informed, they were not surprisingly angry, but not at the sellers who misrepresented the product. Rather, they were angry at the programmers who had a perfect right to scramble in order to protect their product. It is this situation that the Congress has been called upon to address.

There are also other related issues before the Committee. The proponents of S. 889 argue that the programmers and cable companies are engaged in anti-competitive acts. If such acts have occurred, we would be greatly troubled and would be the first to urge governmental action. But, as we will discuss below, the Committee has no proof of such acts.

S. 889 gives TVRO owners a right of access to cable programming delivered via satellite. The authors of this legislation compare this to the compulsory copyright license that permits cable operators to import broadcast signals at certain rates. In other words, the proponents argue that cable operators have a government-given right to retransmit and air broadcast signals, and TVRO owners should be able to do likewise with cable programming delivered via satellite.

This analogy has basic defects. Broadcast signals are shown for free, without restriction. The local broadcaster has no intent to control its signal. In fact, because it is advertiser driven, the larger the audience the better. In contrast, cable programming delivered via satellite is a wholsale product for use by cable systems. There is a definite intent in this case to limit the audience. The more appropriate analogy would be to television network signals sent for use by affiliates or other efforts to wholesale programming. It is important to note that in the case of television network signals, this legislation does not provide for a right of access.

A second concern with the provision of a right of access is that it applies to programming delivered for use by cable systems and not to programming sent via satellite for other uses. The sole exception to this policy is for public broadcasting and that is based on its government support. The authors' rationale for not applying this policy to television network programming is the need to protect local television affiliates. However, this bill does not provide people living outside of local affiliiates' broadcast areas with a right of access to television network programming. It only requires the FCC to look into this matter. As for all other current and potential uses of satellites to deliver programming, the bill is silent. But what happens if the movie industry decides to send its films via satellite rather than ship copies to each theater? What about new technologies, such as direct broadcast satellites, and their programming?

The authors' limited and somewhat arbitrary viewpoint in determining what programming TVRO owners should have a right to view leads to a fundamental problem with this bill. Just because a signal goes via satellite, the authors permit a right of access. However, what if programmers choose to send their product via microwave or optic fiber cable? Should we give people a right to access these signals too? At one time, programming was sent by these media, and there are plans to resurrect them. The Bell Telephone Companies are now considering an optic fiber system and may have it in place in 2 years. Where will TVRO owners be in such an event?

To construct policy based on the type of transmission media used makes little sense. Voice, data, and even video transmission sent through telephone circuits may go by landlines, terrestrial microwave routes, or satellites; yet, we have never constructed a different right of access policy for these transmissions depending upon the medium used. While some may argue that telephone transmissions are intended to be private, this misses the point. After all, cable programmers could then use the telephone circuits—even over satellites—and the right of access policy would not apply.

This legislation rests on a distinction without a difference. It bases its policy of a right of access on a transient market phenomena—that is, cable programmers' predominant use of satellite delivery—and not on what makes most sense over time. In doing so, it skews the marketplace by providing an incentive for cable programmers, and only these programmers, to use other transmission media.

RIGHT TO BECOME A DISTRIBUTOR

The heart of S. 889 is the so-called third party distribution provision. This provision requires programmers who distribute through a second party to establish reasonable criteria for all other persons (third parties) to become distributors and not to discriminate between distributors. The rationale for this provision is that no cable programmer currently uses a non-cable related distributor and that this results in higher prices and a lack of program packages. The authors believe that by forcing programmers to employ new distributors, these problems will evaporate.

As stated earlier, there is a basic problem with the evidence used to support this provision. Just because programmers distribute either themselves or only through cable co-operators does not mean that a competitive marketplace does not exist. The evidence, in fact, is to the contrary.

Program packages are available, and the prices paid by TVRO owners are the same as, if not less than, those paid by cable subscribers. For example, the average monthly price paid by cable subscribers for a premium movie service is $10.31. A TVRO owner paying an annual fee can obtain this type of service for $9.72/month (HBO). If the TVRO owner does not wish to pay annually and chooses two premium movie services (HBO and Cinemax), the price is $19.95/month or $9.98/month/service. If a TVRO owner wishes to subscribe to basic cable programming services, a package of 10 services can be purchased for $10.95/month, 14 percent less than the average monthly price paid by cable subscribers.

It should be noted that cable subscribers must first subscribe to basic services before being able to buy premium services. TVRO owners face no such requirement. In addition, there are over 75 program signals that are unscrambled and that TVRO owners can receive free of charge.

As for programming packages, they are available from a number of sources, including HBO, Showtime, Netlink USA, Skycable, and Rural TV. (Advertisements for some of these packages are included at the end of my views.) Thus, there is no evidence that TVRO owners do not have program choices or pay a higher price. The evidence presented by the bill's authors that cable programmers and cable operators continue to control the offering of these services is not only not surprising—it is an accepted business practice—but also of circumstantial merit. There is no hard evidence that anti-competitive practices have occurred. Under the antitrust laws, such practices are not per se violations, and evidence of harm must be produced. A similar burden should lie here. To impose the drastic remedy employed in S. 889 is simply not warranted.

In addition to lacking support, the third party distributor provision will result in numerous problems. First, it will foster endless litigation. Imagine a person seeking to become a distributor being rejected because the programmer claims to already have a reasonable number of distributors or because the programmer is unsure of the person's financial or character qualifications. Court is an obvious next stop, particularly in light of the liquidated damages provision of up to $500,000. To determine what are "reasonable financial and character criteria" and what is "discrimination" will take many years and many lawsuits. It is likely that these matters will still be unsettled when the provision terminates in five years. We all know that the laws we enact end up in court from time to time, but to create laws that are so prone to court challenge is something we should avoid. It demonstrates that the law is vague and the remedy uncertain.

Second, while the objective of the authors is to create new program packages, the result may likely be just the opposite. Rather than permitting their programming to be used in packages where they lack control, programmers may decide to sell only directly. Packagers with whom programmers may want to deal will then be unable to market this programming. While some might argue that programmers will not take this route, the decision for a programmer to market directly is not a remote possibility. Many do so today.

Finally, the authors want to create competition to distribution by cable operators, but the third party provision will, in fact, strengthen the hand of cable operators who want to become distributors of certain programming. While cable operators now distribute some programming to the TVRO market, programmers have the ability to withhold their product. With S. 889, programmers will lose this ability. Moreover, since cable operators are now distributing programming to the TVRO market, they will have a headstart over new distributors. This advantage coupled with the financial resources of certain large cable operators may well result in these operators dominating the TVRO market, which runs counter to the intent of the third party provision.

It is clear from these problems that the third party distributor provision has fundamental flaws. The authors seem to admit their approach has problems and have included in this legislation an investigation by the Federal Trade Commission on the very matter on which we are legislating. We agree that an investigation by an expert agency is the proper route. We can then know whether there is a genuine problem.

CONCLUSION

There may come a day when we need to legislate in the area of TVRO's. We supported the Congress's efforts to do so in the Cable Telecommunications Act of 1984. We would again support Congresssional intervention if, for instance, there was greater proof of anticompetitive conduct. That, however, is not the case here. We are moving forward based not on what exists but on what some claim exist. Such a foundation cannot long endure.

Mr. JEFFORDS. Mr. Speaker, I commend the gentleman from Virginia, [Mr. OLIN] for reserving this special order today. Access to reasonably priced satellite programming is an issue of utmost concern to thousands of dish owners in Vermont.

Satellite dish technology has opened up a whole new range of news, education and entertainment programs for residents of rural America. Americans who never got any educational or network television broadcasts now have a wider selection of programming than many of their urban counterparts.

I should point out that in Vermont, one of the most rural States in the Nation, it is not a question of satellite dishes replacing cable television or displacing local network broadcasts. In many areas of my State, residents are lucky to receive one or two channels. Cable will probably never be available in these areas, so there are simply no altematives other than satellite dishes.

The promise of this new technology prompted numerous Vermonters to invest over $1,000 each on satellite dish receivers. Aside from movies and other entertainment, satellite dishes brought news, C-Span, educational and artistic programming into their homes.

Access to satellite programming, however, is threatened as more and more programmers scramble their signals. When the scrambling movement caught on back in 1985, I received many letters from dish owners. Almost across the board, they wanted access to programming at reasonable prices—prices which recognize the substantial investment that dish owners have already made.

Satellite dish owners are not looking for a free ride. They want to be treated fairly, and that is what this issue is all about—fairness.

I cosponsored legislation in the 99th Congress that would offer protection for satellite dish owners. This legislation has since been refined and reintroduced by my colleague, Mr. TAUZIN. It is called—appropriately—the Satellite Television Fair Marketing Act.

This legislation seeks to accomplish four main goals:

First, it requires programmers scrambling their services to make those services available to home dish owners.

Second, it directs the Federal Communications Commission to establish uniform standards for encryption of signals.

Third, in order to ensure the development of a competitive marketplace, H.R. 1885 requires an investigation of the pricing and distribution terms of persons selling satellite television programming to dish owners.

Fourth, it prohibits the scrambling of Public Broadcasting Service or Armed Forces Television programming intended for public viewing by television broadcast stations.

Legislation to protect home satellite dish owners has been pending before the Telecommunications Subcommittee since 1985. I join with others today in urging Chairman MARKEY to bring this legislation to the House for a vote.

Rural Americans deserve to be treated fairly, and the Satellite Television Fair Marketing Act would help ensure that they are.

Please join me in supporting this legislation.

Mr. SCHAEFER. Mr. Speaker, it's time to let the marketplace work. Too often we intervene in our economy at the first sign of difficulty; usually creating a worse problem than originally existed. We seem to forget that legislation should be a last resort—enacted only when a market has obviously failed. Few times, however, have we been more premature than in our consideration of scrambling legislation.

Scrambling is not a ploy to undermine the satellite dish industry: it is a justifiable means for cable programmers to protect their product. One need not be an economist to determine that a business will likely not flourish if a good number of consumers receive its product free of charge. It is true that scrambling provides the opportunity to deny programming to dish owners or to charge them exorbitant rates; in such cases, legislative intervention may be necessary. The facts point out, however, that this is simply not occurring.

Rather, a number of sources—including the Federal Communications Commission and the relevant committee in the other body—have concluded that cable programming can be purchased by dish owners at prices comparable or less than those being charged cable subscribers. As for availability, not only are all major networks available to dish owners, about 100 services are currently not scrambled and can be received by satellite dishes at no cost. It is interesting to note that this includes nearly 50 cable networks which offer programming that subscribers pay for. While it may be argued that not enough programming packages are currently available to dish owners, this can be attributed to the fact that so few services are scrambled. As more programmers scramble, more packages will result.

I would hope we all agree that without evidence of misconduct or harm to consumers, Government regulation is unwarranted. I urge my colleagues to examine the facts before again intruding into the marketplace. Mr. Speaker, we are already faced with a shortened legislative session—let's not waste time considering issues which are better left to resolve themselves.

Mr. MONTGOMERY. Mr. Speaker, I want to thank Representative OLIN for taking this time to talk about television programming access for satellite dish owners. This issue has sparked a lot of interest in my State, just as it has in other parts of the country.

Many people across the State of Mississippi do not have access to cable television. In order to tune in news, sports and movie channels, they bought satellite dishes and related equipment. Now that they have invested a great deal of money in this equipment, they find that most of the channels have been scrambled. Mr. Speaker, Congress has an interest in making sure all Americans have the opportunity to receive the wide-ranging types of programming available by satellite.

Most dish owners have said they are willing to pay a reasonable rate to be able to receive these services. They simply want to have access to the same kinds of programming enjoyed by others who have chosen to live in more urban areas, where cable television is offered.

The pending legislation will help restore fairness and will clear up confusion that has gone on too long. The bill we have cosponsored provides for a competitive rate structure and will make sure the process meets government standards. I hope Congress will be able to move ahead with this legislation in 1988.

Mr. UPTON. Mr. Speaker, there are over 56,000 people in the State of Michigan who have invested thousands of dollars in home satellite dishes. Many of these people are from middle and lower income groups, and have very little extra money. Most of these people live in areas that are unable to receive normal television transmissions and have no access to cable.

Yet, because these people want to communicate with the outside world like the rest of us, their only recourse is to invest their hard-earned money in a satellite system. They have to go to enormous effort just to receive the television coverage that most Americans take for granted. However, even after taking the initiative to purchase a satellite dish, people are not assured of the television reception they desire.

Because of a struggle among the big communications companies, many home dish owners still are denied the reception they thought they had purchased. As the various programming industries argue among themselves about new technologies and market shares, the average satellite dish owner is left out in the cold.

Whether we like it or not, television plays an extremely important role in our lives. T.V. is the prime source for news and entertainment for most Americans. It follows, then, that people who are unable to receive this service, are missing out on a vital aspect of American culture. This just doesn't seem fair, and I believe Congress has a responsibility to explore potential remedies to this situation.

That's why I support the efforts of the gentleman from Virginia [Mr. OLIN] to address this situation. That's also why I have decided to cosponsor H.R. 1885, the Satellite Television Fair Marketing Act. The purpose of this legislation is to allow home dish owners to buy programming at fair prices. It is not anticable; it merely allows programmers to be fairly paid for their services, and gives satellite customers the opportunity to purchase the television services that the rest of the country enjoys.

I pledge to do what I can to push for passage of this legislation, and I urge my colleagues to do likewise.

Mr. HAMMERSCHMIDT. Mr. Speaker, I join today with several of my colleagues to bring the plight of satellite dish owners to the floor of the U.S. Congress. The people of northwest Arkansas, whom I represent, have a very strong interest in having access to the airwaves. My district covers a wide area which

includes the Ozark Mountains and its accompanying valleys. Most sections are quite removed from metropolitan areas. As a result, they are unable to receive television signals from the larger cities.

Many have come to rely on their satellite dish as their window to the world. For example, in some areas there is a 3-day lagtime between publication and delivery of the daily newspaper. However, with a satellite dish individuals are able to watch the nightly news that same day. Others are several hundred miles from the nearest major league sports teams and their satellite dish provides a way for them to enjoy real time major sporting events. Some are simply unable to receive the simple day-to-day programming that most of us take for granted.

Conservative industry estimates place the number of satellite dish owners nationwide between 1.5 and 2 million. However, those numbers represent households—in actuality that means 7 to 8 million individuals.

This country has always held that access to the airwaves is a fundamental right. To deny this right to a group of American citizens is wrong.

When Congress enacted the 1984 "Cable Communications Policy Act," it was hoped that it would both ensure competition in the marketplace and thereby ensure program accessibility to the satellite dish owners. However, this has not proven to be the case.

Nevertheless, I understand that the broadcasters have legitimate concerns. They have a right to sell their products, namely satellite transmissions and programs. Further, they have a right to make a profit from their property.

That is why I am a cosponsor of H.R. 1885, the Satellite Television Fair Marketing Act, which provides for a compromise between all sides involved. The bill allows programmers to be fairly paid for their property, through scrambling and sale of their services, but the legislation further mandates that the marketplace be truly open and competitive. For satellite dish owners, the bill mandates that broadcasters scrambling satellite services intended for private viewing make those services available to home television viewers. This legislation does not prohibit scrambling. However, it does require that programmers deal fairly with the dish owners.

I would encourage my colleagues who serve on the Energy and Commerce Committee to continue their work on this bill and to report the legislation favorably as soon as possible.

Mr. NICHOLS. Mr. Speaker, about one-half of Alabama's Third Congressional District, which I represent, is located in the foothills of the Appalachian mountains. Within this gorgeous terrain, areas exist where, with a 100-foot antenna, one might receive one or two television stations. In these mountains, our cable companies cannot operate profitably, therefore, with the exception of some towns, cable television does not exist.

The only way many of my constituents can receive national programming of the variety we get in this city, is to purchase an expensive satellite dish. This represents quite an investment for a family and I have received hundreds of letters over the past 2 years from dish owners, complaining about the networks scrambling their signals and charging excessive fees for monthly access when decoders were not even readily available. Our constituents believe, and correctly so, that their tax dollars financed the research that allowed the satellites to be launched in the first place. They realize that certain satellites are owned by private enterprise but they also believe that they have every right to benefit from these satellites, and they are willing to pay a reasonable access fee for this service.

I was hopeful that the Federal Communications Commission might mediate a solution to this problem some months ago but this has not been the case. If the FCC is not going to take care of our constituents through regulation, then the Congress needs to act in providing some relief so that rural America may benefit from the television coverage that we here in Washington take for granted.

For this reason, I join with other Members of Congress in cosponsoring legislation which permits dish owners to have access to the same programming that is available to cable television subscribers.

I want to commend my friend and colleague, Congressman OLIN of Virginia, for organizing this special order so that we can express our concern for this real problem. Mr. OLIN'S district in the foothills and mountains of Virginia, is similar to the topography in my district in Alabama. Our people experience the same problems in television reception and I deeply appreciate his calling for this special order to address this problem. Thank you.

Mr. BRENNAN. Mr. Speaker, I rise today as a cosponsor and strong supporter of H.R. 1885.

H.R. 1885, the Satellite Television Fair Marketing Act, would ensure that scrambled satellite signals are provided to home satellite dish owners under fair terms and for fair prices. This bill does not prohibit scrambling; it merely ensures that the market that the cable companies virtually control, develops competitively. By allowing the cable companies control over the satellite market, we are denying the most needy people this service.

Home satellite dish owners are being discriminated against. This problem is particularly prevalent in rural areas where there is no alternative access to cable or any other broadcasting service.

Based on nationwide statistics, Maine has approximately 9,000 home satellite dish owners. Many of these people live in rural areas of the State with no other broadcast signals. They depend on access to these satellite signals. I am concerned about these people and I believe that they have a right to access to broadcasting signals for a fair price. Television should not be an unobtainable luxury for these people.

I join with my colleagues in support of H.R. 1885 to ensure home satellite dish owners access to scrambled satellite signals.

Mr. LOTT. Mr. Speaker, I am pleased to join this special order of the gentleman from Virginia [Mr. OLIN] on the issue of television program access for satellite dish owners. I want to commend the gentleman for taking this time to call attention to the nature of the problem and to demonstrate the degree of support in this Congress for an acceptable legislative solution.

As most of my collegues are well aware from their constituents, satellite dish owners are rapidly losing access to more and more programs due to the scrambling of TV signals. This is particulary disruptive for people living in rural areas, as in much of my own State of Mississippi, who are far removed from the signals of metropolitan TV stations and who have no access to cable. They are dependent on their satellite dishes as their sole means of receiving TV programming.

Mr. Speaker, to remedy this problem, I have joined with my good friend and colleague from Louisiana [Mr. TAUZIN] in cosponsoring H.R. 1885, the "Satellite Television Fair Marketing Act of 1987." I am pleased that this legislation now enjoys the strong support of 125 of our colleagues in the House.

This bill would require those who scramble satellite services intended for private viewing to make it available to satellite dish owners. If they sell their programming through others, the bill would require that they must also establish reasonable business criteria so others may qualify to distribute their programming.

The bill would further give the FCC authority to establish uniform standards for scrambling and initiate rulemaking to facilitate the provision of network television signals outside the range of broadcast station signals.

The FCC would also be charged with investigating the pricing and distribution terms of persons selling satellite programming to home satellite antenna owners to determine whether the market place is developing in a competitive fashion.

Mr. Speaker, I am greatly encouraged by the fact that the Senate Commerce Committee last fall reported a nearly identical bill to the Tauzin bill, requiring that programmers who scramble signals to cable owners make it available to dish owners. I am hopeful this action will prompt our own Energy and Commerce Committee to report H.R. 1885 in the very near future so that satellite dish owners will no longer be relegated to the status of second class citizens by mere fact of their geographic situation.

PERSECUTED SOVIET CHRISTIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 60 minutes.

Mr. PORTER. Mr. Speaker, as you well know, this year marks the millenium of Christianity in Kievan-Rus, which is now part of the Soviet Union. Today, on Ash Wednesday, countless Soviet citizens are denied the opportunity to observe this holy day with the dignity and ceremony and passion it merits.

The Soviet Union is a signatory to the Helsinki Accords, the International Covenants on Human Rights, and the United Nations Universal Declaration of Human Rights. The Soviet Union's own Constitution guarantees freedom of religion. It is, Mr. Speaker, a sorrowful reality that Soviet words are not followed by Soviet actions. Over 160 known Soviet Christians languish inside Soviet prisons and psychiatric hospitals for simply teaching religion to the young or distributing the Bible.

Changes in the Soviet Union since Gorbachev came into power are, unfortunately, largely cosmetic. Although I welcome the reforms and am encouraged by the expansion of permissible dissent, I fear that these changes are not felt outside Moscow and Leningrad. I am concerned that the improvements in Soviet human rights in 1987 are not being reinforced by substantive policy changes that ensure the continuance of those improvements in 1988, 1989, 1990, 2000 and thereafter.

Ash Wednesday is the beginning of Lent when we are asked to give up something to mark the crucifixion. It is ironic that Soviet Christians are asked not to give up something symbolic but their religion itself. After 1,000 years, Christians throughout the Soviet Union struggle for the right to practice their religion openly.

This year provides an excellent opportunity for the Soviets to demonstrate their commitment to human rights by providing a general amnesty to the over 250 prisoners and exiles held solely for their religious beliefs.

Mr. Speaker, upon request of the Soviets, the Helsinki Commission recently met with Soviet legislators to discuss a formal body, including Members of Congress and Members of the Supreme Soviet, which will focus on congressional human rights concerns. You can be sure that the plight of Soviet Christians will be high on the agenda.

Mr. LANTOS. Mr. Speaker, today in this country and throughout the world, Christians celebrate Ash Wednesday—the beginning of Lent. In the Soviet Union, this period also marks the 1,000th anniversary of the introduction of Christianity in Kievan Rus. Despite its long and glorious history and its lasting impact upon Russian culture, Christianity in the Soviet Union today faces persecution that some liken to the earliest martyrdoms.

In our great country, religious freedom has always been, and continues to be, a right which all Americans accept and cherish, although we are frequently divided over how to interpret nuances of the First Amendment's prohibition against the establishment of a state religion and its guarantee of free religious expression. On the other hand, in the Soviet Union there is no debate, there are no constitutional protections, there is no religious freedom. Soviet communism is a jealous god, tolerating no others.

There is a very conscious effort on the part of Soviet authorities to stifle religious practices in their own country. For instance, Soviet criminal law specifically prohibits formal religious instruction to children under 18 years of age, it requires the registration of all religious organizations—including the names of individual members of the organization—and it prohibits the defense of religious institutions in the face of incessant atheistic propaganda. In addition, Soviet authorities also invoke a host of seemingly unrelated antiparasitism and prohibited trade laws to discourage and dissuade those who wish to practice their religion.

Incredibly, religious detainees often spend longer terms in prison than individuals guilty of violent crimes, because they refuse to sign statements retracting their beliefs, which are required for early release. Currently, we know of at least 169 such prisoners of conscience in the Soviet Union, imprisoned for their religious beliefs and practices.

Perhaps more threatening to religious individuals than imprisonment or public harassment, is the prospect of losing their children to the state. Authorities in the Soviet Union have invoked the Soviet Family Code to forcibly break up families under the code's provision mandating that parents raise their children as "worthy members of socialist society."

The Soviet Union has pledged in international agreements to recognize basic human rights. To satisfy these international obligations the Soviet Union should make the following changes: (1) churches and religious societies should be granted legal status; (2) church property must be controlled by churches, not the Government; (3) religious organizations should be allowed to counter atheistic propaganda; (4) religious instruction should be freely available and groups must be free to form without registering; and (5) religious individuals should be allowed to emigrate.

If the Soviet Union is serious about expanding thought, criticism, and creativity, if glastnost is to be interpreted as openness and not as simply improved public relations, then let the Soviets prove this by granting Soviet citizens basic religious freedoms.

Mr. Speaker, I would like to call to the attention of my colleagues one specific victim of religious repression in the Soviet Union, Viktor Samuilovich Walter. Mr. Walter is a Pentecostal pastor of the unregistered church in Chuguyevka. He has been imprisoned since November 1985 for keeping his children from school, where they suffered persecution for their religious beliefs. Mr. Walter is serving a 5-year sentence and wants to emigrate from the Soviet Union with his wife and seven young children following his prison term. I urge the Soviet Government to release Mr. Walter and permit him and his family to emigrate.

Mr. Speaker, I call upon my colleagues in the Congress to join us in marking this day in celebration of the season and by calling attention to the continued repression of churches and religious individuals in the Soviet Union.

Mr. GILMAN. Mr. Speaker, I would like at the outset to thank my colleagues on the human rights caucus, Congressman LANTOS, Congressman PORTER, and Congressman BOULTER, for arranging today's special order. It is an important issue which deserves our timely attention.

Although we have been led to believe that the Soviet Union is an atheistic society, the truth is that there are many millions of faithful believers who adhere to the tenets of a particular church or religious philosophy. Because of their faith, Christians in the Soviet Union who depart from official registration are frequently the target of official reprisals against them. These take many forms, including the restriction of religious materials, the appropriation of church buildings for museums, the discrimination of adherents in the areas of education, employment, and housing, and the arrest and imprisonment of many priests and other religious leaders.

Those who belong to a group which has been officially allowed to register with the Ministry for Religious Affairs find their lives governed by officially sponsored and approved religious leaders who take their orders from the Ministry. The freedom to worship in the manner which they desire is therefore set by Soviet authorities. Those who refuse to conform to the religious standards set by the state are then subject to harassment and possible arrest.

This year Soviet Christians will be celebrating 1,000 years of Christianity in Russia. They deserve our support for their efforts to practice their religion freely. The Soviet Union is signatory to the Helsinki Final Act, which specifically guarantees citizens of signatory nations the "freedom of thought, word, religion or deed." Glasnost notwithstanding, Soviet Christians continue to face severe obstacles in their pursuit of religious freedom. Therefore, it is our moral responsibility as Americans who believe in freedom of religion to support these men and women in their attempts to promote Soviet compliance with this principle of the Helsinki Final Act.

Mr. Speaker, last month I had the opportunity to spend several days in Moscow. While there, I had the opportunity to meet with a group of Evangelical Christians, who relayed to me the ongoing obstacles to their freedom of worship. They and many other Christians, including Pentacostalists and Baptists, Catholics and many others, continue to suffer for their religious beliefs. Today's special order is our message to them that they are not alone. We know of their plight, and we support them as they continue their struggle for religious freedom in the Soviet Union.

Mr. WOLF. Mr. Speaker, there is a provision in our Constitution whereby our Founding Fathers guaranteed religious rights for all Americans. Americans have incredible opportunities every day to express or not to express their religious desire. We can ride down the street and see many places of worship and are free to enter them or not. We are free to worship as we please and free to speak and meet with the religious liberty we possess.

There are Christians, however, who are imprisoned and persecuted in the Soviet Union for practicing their faith. Communism, as an ideology, holds no guarantee for religious rights. Josef Stalin said in 1927 that:

> The Communist Party cannot be neutral toward religion. It stands for science, and all religion is opposed to science.

This has been the mindset of the Soviet Communist Party, from Lenin to Gorbachev, toward religion.

Religion and communism have been historical enemies and Communist officials have been intolerant toward expressions of religious faith. While we hope that the reforms taking place in the Soviet Union can change inherent attitudes in Soviet political culture, the persecution and antagonism of Christians and Christianity in the Soviet Union is embedded in the doctrines of the Communist Party and was articulated by Karl Marx in 1844:

> The abolition of religion as the illusionary happiness of the people, is the demand of real happiness . . . the imaginary flowers of religion adorn man's chains. Man must throw off the flowers, and also the chains.

Present Soviet policy puts pressure on all religious believers despite the Soviet Union's signature on such international affirmations of religious freedom as the U.N. Charter, the Universal Declaration of Human Rights, the U.N. Declaration of Religious Intolerance, and the Helsinki Final Act. In fact, at this very moment we find Christians who are persecuted and incarcerated in gulags and psychiatric hospitals for their religious activities, unregistered or unofficial churches are closed and their members harassed, and Christians are unable to join the Communist Party and are excluded from the privileges of special jobs and apartments that this status brings. In the Soviet Union Bible production and distribution and the training of seminarians and pastors lags far behind the need of the Soviet population, and religious gathering of any kind outside the official churches is strictly prohibited.

We have seen some movement on behalf of the Soviets to address the problems of their religious population. Our colleague CHRIS SMITH and I attended a recent conference in the Netherlands where we talked to the Soviet delegation and submitted a list of Christians still imprisoned in the Soviet Union. We pushed the Soviet delegation for a general amnesty of Christians and specific religious liberty issues. While dialog such as this is always promising there remain many persecuted and imprisoned Christians in the Soviet Union.

One such imprisoned Christian is Vasily Shipilov, who is a 65-year-old Russian Orthodox believer who has spent 47 years in a Soviet psychiatric hospital. He was arrested in 1939 as a 17-year-old seminarian and sentenced to 10 years of hard labor. He was released in 1949 but was arrested again the same year for preaching his faith. Since that time he has been diagnosed as schizophrenic and confined to psychiatric hospitals. In 1979, Shipilov was discharged from his psychiatric imprisonment but because he had no living relatives he could not leave and remains confined in his hospital prison.

Vasily Shipilov's case has been taken up by the Reverend Doctor Richard Rodgers. Reverend Rodgers is a man whom I would like to recognize as someone whose commitment to Soviet Christians is extraordinary. The Reverend Rodgers is this very day beginning a demonstration in London's Trafalgar Square. He will spend the season of Lent—Ash Wednesday to Easter—in a cage, with his head shaved and eating only bread and water to simulate the conditions Vasily Shipilov has to endure because of his faith. Reverend Rodger's commitment to Christians is most commendable. His actions have graphically brought to the world's attention the horrors faced by prisoners of faith in the Soviet Union.

What is needed is commitment similar to that exhibited by Reverend Rodgers and rekindled interest, by Christians of all denominations, churches, church organizations, and schools, in religious liberty and Christians imprisoned in the Soviet Union. Keston College, the foremost authority on imprisoned Soviet Christians, has documented a list of 168 Christians who have been imprisoned for their faith. While religious freedoms in the Soviet Union are restricted the religious community in the United States has been strangely silent in this regard.

The Jewish community in the United States is highly motivated on behalf of Soviet Jewry. My wife, Carolyn, and I attended the December 7, 1987, march for Soviet Jewry and were impressed by the numbers of people that attended and the lengths they traveled to get to Washington, DC, for the march. If Protestants and Catholics were equally motivated on religious liberty issues, the march assembled in Washington could potentially be one of the largest in the world. Soviet Christians and religious liberty issues, however, do not elicit the same emotional response in this country as Soviet Jewry. Fellow Christians in the United States have simply not taken up the cause.

There are specific actions Christians and those interested in religious rights in the Soviet Union can take to help believers in the Soviet Union. Letters and cards to the prisoners and the prisoners family and letters to Soviet officials, including General Secretary Gorbachev, will alert Soviet authorities that the believers in the United States have not forgotten their Soviet brethren.

Some of my colleagues and I have sponsored a project called the Christian Adoption Program where Members of Congress "adopt" individual prisoners. The man that I have adopted is Viktor Petkus. Viktor is a 57-year-old Lithuanian Roman Catholic who has been arrested three times because of his efforts on the Helsinki Human Rights Monitoring Group and his fervent activities in religious youth work. He was tried in 1978 and sentenced to 3 years prison, 7 years strict regime camp, and 5 years of exile under Soviet law 241/3 which prohibits involving minors in criminal activity. Viktor's crime was his religious work with Lithuanian young people. In adopting Viktor, my staff and I have written to Viktor and have circulated and signed letters with other Members of Congress asking General Secretary Gorbachev for Viktor's release.

Letter campaigns, persistent attention to Soviet Christians and religious liberty issues, and the "adoption" of individual churches and prisoners in the Soviet Union will keep Soviet Christians and religious persecution at the forefront of the United States Soviet dialog and will contribute immensely in gaining the freedom of Soviet prisoners of faith.

If we are serious about helping our fellow brothers and sisters in the Soviet Union there are organizations to contact for information. If anyone would like to know how to adopt a Soviet Christian who is being persecuted for religious beliefs or otherwise help Soviet Christians who are imprisoned the "Coalition for Solidarity with Christians in the USSR" which is located at 729 15th Street, NW., Suite 900, Washington, DC, 20005, and "Open Doors International" whose address in Box 27001, Santa Ana, CA 92799, are ready and willing to help direct those interested in helping Christians in the Soviet Union.

This year is the millennium of Christianity in the U.S.S.R. The 1,000 years that Christianity has survived in the Soviet Union amidst the turmoil and change illustrates the deep-rooted faith of the Russian people. We have had dialog with, and promises from, Soviet officials concerning Christians in the Soviet Union. Members of Congress, the religious community, and all Americans interested in human and religious rights have the unique opportunity to bring to the attention of General Secretary Gorbachev and President Reagan, at their upcoming summit in Moscow, the plight of Christians in the Soviet Union. Glasnost gives us a chance for frank and open dialog with Soviet officials at the highest levels on human rights and religious liberty. We must seize this opportunity for Vasily Shipilov, for Viktor Petkus, and all persecuted Christians and Christianity in the Soviet Union.

Mr. BOULTER. Mr. Speaker, I rise today to take part in this special order and to make my colleagues and the American people aware of my concern about a specific Soviet Christian, Vasili Shipilov, who has spent 47 of his last 48 years in incarceration.

In 1939, Vasili was arrested during the Stalinist purges of the 1930's for his religious convictions while studying as a committed Russian Orthodox believer at the Clerical Seminary. After his release in 1949, he was again arrested on charges of anti-Soviet propaganda, but was declared mentally incompetent, diagnosed as schizophrenic, and placed in the special psychiatric hospital in Kazan. As a result of beatings and insulin injections, he began to suffer from convulsions. The diagnosis was changed to epilepsy and they began to treat him for the convulsions. For over 29 years Shipilov was constantly beaten for crossing himself and for fasting. He was pressured to renounce his religious convictions. In 1960, Shipilov was confined to the Sychevka SPH where the head of section 9, Yelena Masimova, repeatedly told him, "You will be here until you renounce your faith, unless you're killed first." Serbsky Institute Prof. Yelizaveta Kholodkovskaya, who headed the commission for discharges, constantly told Shipilov that no one knew about him and no one would ever know, and therefore "anything might happen" to him.

In August 1977, Shipilov was released from the Sychevka SOA and sent for compulsory treatment to a general psychiatric hospital in the settlement of Poimo-Tiny.

Vasili has no family; most of his relatives were shot or died in labor camps between 1937 and 1947.

With the celebration of the millennium of Christianity's arrival to Kievan-Rus in 988 to be commemorated this year, I am sending a letter to General Secretary Gorbachev signed by a number of my colleagues requesting that the Soviets release Vasili and truly grant him the right to live and worship as he chooses. The Soviet Constitution and various international human rights accords, to which the Soviet Union is a signatory, guarantee the exercise of religious freedoms. This is an ideal year for the Soviets to prove to the world that their policy of glasnost truly extends to allow Christians in the Soviet Union like Vasili to freely worship and practice their faith.

Further, the general characteristics of Soviet repressive psychiatry represented in Vasili's case are alive and well amidst the present clamor over glasnost and perestroika. The Soviets are talking about cleaning up their widespread psychiatric abuses. I, for one, look forward to seeing some real action behind this talk to stop one of the most egregious Soviet violations of international human rights—for Christians, Jews, and all prisoners of conscience within the Soviet Union.

Mr. HENRY. Mr. Speaker, clearly, winds of change are blowing across the Soviet Union. But only time will tell if they are the warming winds of freedom and human rights or the old cold winds of the Siberian north. While we welcome the promise of glasnost, we must not be beguiled into thinking that promised change necessarily indicates a firm commitment to changed conditions—only carefully monitored changes in government policy and performance make such a determination.

Roughly one-third of all religious and political dissidents imprisoned in the Soviet Union today have been sent to jails, prisons, labor camps, and psychiatric institutions since Secretary Gorbachev came to power. The Soviet Union still refuses to allow legal personhood to religious communities. Religious adherents are still imprisoned or even placed in psychiatric institutions—a practice so abhorrent that the Soviet Union has been forced to withdraw its membership from the World Pyschiatric Organization.

While it is true that there have been well-publicized individual releases of religious dissidents in the Soviet Union in recent months, of those prisoners which have been released, most have not had their sentences commuted, nor received pardons. Many were simply released on "orders from a higher authority." A few had been warned that if or when things change, they would be picked up again to finish their term of sentence. While Soviet authorities are reported to be currently reviewing their entire set of interlocking criminal codes, the additions to the criminal code in 1983 which placed greater restrictions on believers and in many cases lengthened sentences, still remain law.

Over 2 months ago, a letter addressed to Secretary Gorbachev and signed by 257 of my colleagues was delivered to the Soviet Embassy. In an effort to remind the Soviets of their obligations under the Helsinki accords which states that: "Everyone has the right to * * * manifest his religion or belief in teaching, practice, worship and observance," this letter outlined 17 broad categories of the types of religious oppression and repression which Soviet citizens face. We have yet to receive any type of acknowledgement or response to this letter.

The State Department's "Country Report on Human Rights for 1987" states that "prison and camp conditions have not improved this year; they may have grown worse, owing to more consistent regulations which are harsh. Life in prison continues to be marked by isolation, poor diet and malnutrition, compulsory hard labor, beatings, frequent illness, and inadequate medical care."

1988 marks the millennium of the celebration of the Russian Orthodox Church. Nothing would be more fitting in a way of recognizing this event than the release of and general amnesty for all Christians who have been persecuted and imprisoned for their acts of faith. Meanwhile, we will continue to press for the promises of glasnost to become reality for these individuals.

Mrs. ROUKEMA. Mr. Speaker, we in the United States hear quite a bit these days about openness in the Soviet Union, about new freedoms and rights under the rubric of glasnost. And when we do hear about Soviet oppression it is most often in reference to Jewish refuseniks who remain heavy on our minds and hearts because we care so deeply about their cause and their fate. But we should not forget other Soviet citizens who endure oppression for their religious convictions.

Today, we commemorate and draw attention to the Soviet Christian whose plight is less famous but no less tragic. The Soviet Union is still a country where religious freedoms are not recognized, nor permitted. Take the case of Stepan Mefodyevich, a 56-year-old Baptist man who was arrested in April 1986 for violating the laws on separation of church and state, infringement of the person and rights of citizens under the guise of performing religious rituals, and slandering the Soviet state and social order. Stephan Mefodyevich was sentenced to 5 years' strict regime camp plus 3 years exile. He is a man with nine children, four of which are minors, and for his so-called crime, he must wait until 1994 before he can hope to be with his family once again.

Religious tolerance is one of the most fundamental rights known to man, and yet it is not recognized in the Soviet Union. I join my colleagues in commemorating the 1,000 years of Christianity in Russia by urging Soviet Leader Gorbachev to begin the process of glasnost by releasing Stephen Mefodyevich and acknowledging religious freedoms and tolerance in his country.

Mr. HOYER. Mr. Speaker, as chairman of the Helsinki Commission, I am pleased to take part in this special order on the plight of Soviet Christians in the Soviet Union. I commend my colleagues John Porter, also a member of the commission, Tom Lantos, and Beau Boulter for their initiative in bringing this issue to the attention of Congress and the American people.

In May 1986, the Soviet journal Our Contemporary published a piece by the prominent Russian writer Viktor Astafyev entitled "Who Stole Our Soul?" I would like to quote from parts of that article:

"What happened to us? * * * who hurled us into the depths of evil and misfortune, and why? Who extinguished the light of goodness in our soul? Who blew out the lamp of our conscience, toppled it into a dark, deep pit in which we are groping, trying to find the bottom, a support and some kind of guiding light to the future?

"* * * they stole it from us and did not give anything in return, giving rise to unbelief, an all encompassing unbelief * * *

"To whom should we pray? From whom should we ask forgiveness?"

Mr. Astafyev knows the answer although he doesn't come right out and say it. The party stole that guiding light to the future when it declared war on religion. Stalin intensified the war in 1929 by a murderous attack on religion that resulted in the deaths and imprisonment of thousands of priests and ministers. Mr. Khrushchev assaulted religion in the early 1960's when churches all over the Soviet Union were closed, and religion was savaged in the press. Although General Secretary Brezhnev signed the Helsinki accords in 1975, during the Brezhnev era thousands of believers were imprisoned or otherwise persecuted for attempting to practice the religious freedom guaranteed them under the accords.

But now, under Mr. Gorbachev, a few perceptive writers such as Mr. Astafyev and others, have begun, if only indirectly, to publicly criticize the Soviet Government for repressing religion. They have begun to admit the truth of what the psalmist said over 2,000 years ago when he wrote: "Except the Lord build the house, they labor in vain that built it. * * *"

But this truth has also been raised in the past by individuals who have not been fortunate enough to be published in the Soviet press. Indeed, some of them are in prison for expressing similar thoughts. I am thinking in particular of Fathers Sigitas Tamkevicius and Alfonsas Svarinskas who, from their pulpits in churches in Lithuania, exposed the effects of enforced atheism on their people: the alcoholism, the crime, the indifference to human dignity, the deep cynicism, and untruthfulness that pervades so much of Soviet society. They are now in Perm Camp 35, serving long sentences for "anti-Soviet agitation and propaganda."

Father Viktor Rusak, a Russian orthodox priest, attempted to "fill in the blank spots" as General Secretary Gorbachev would say, on the Soviet Government's long history of repressing Christianity. Father Rusak shares Perm Camp 35 with Fathers Tamkevicius and Svarinskas.

In Latvia, a number of Lutheran priests have been actively attempting to reinstill religious faith in their people after years of stagnation and indifference. Regrettably, the hierarchy of the Lutheran Church has chosen not to support these pastors, but rather to deprive them of their parishes and fire them from their positions at the Theological Institute. The Ukrainian Church, outlawed at an illegal synod in Lvin in 1946, remains illegal. Dozens of Baptists, Pentecostals, and Jehovah's Witnesses remain imprisoned.

Mr. Speaker, there have been some positive changes in the Soviet Government's attitude toward religion. Perhaps, as Mr. Gorbachev attempts to reinvigorate the Soviet economy, he and his policymakers have come to realize the importance of religious invigoration. From approximately 270 Christians in labor camps and exile about 1 year ago, the number now, according to Keston College, is around 150.

Nevertheless, men like Fathers Tamkevicius, Svarinskas, and Rusak, and many other devoted Christians still languish in labor camps or exile. Last year, Konstantin Kharchev, chairman of the Soviet Council on Religious Affairs, told Senator Lugar that "all prisoners of faith" would be released by November 1987. This has not taken place. In this year of Christianity's millennium of Kievan Rus', I call upon the Soviet Government to release the remaining prisoners of faith and allow them to continue their Christian witness to their fellow citizens.

Mr. MRAZEK. Mr. Speaker, as we commemorate the millennium of Christianity in

Kievan Rus', which is now part of the Soviet Union, it is important to acknowledge how difficult it is for many Soviet Christians to openly practice religion. Unfortunately, the much discussed policy of glasnost—openness—has done little to provide religious liberty in the Soviet Union.

For instance, Ivan Plett, a Baptist that I have adopted as a Soviet Christian, was arrested in July 1986 for the third time. Soviet authorities had been confiscating religious literature during searches in the homes of several members of his church. Ivan had been working underground for the church, in order to sustain the church in some way. He has since been sentenced to 5 years in a strict regime camp.

No one in the Soviet Union or any nation should be in Ivan's situation. Like Ivan, many are there because they organized religious classes for children or read the Bible. Unfortunately, there are nearly 200 believers of many religions in psychiatric hospitals, prisons and labor camps in the Soviet Union today. And those in psychiatric hospitals are forced to renounce their belief in God, when promises of immediate release are brought forth.

This repressive policy must stop. I strongly encourage the Soviet Union to grant general amnesty to all Christians who have been imprisoned because of their religious beliefs. The distribution of Bibles and other religious materials should not be a crime. To worship or teach one's faith in church or at home should be permitted without question. I believe that now is the time for a strong Soviet commitment to comply with its obligations under the Helsinki Final Act of the Conference on Security and Cooperation in Europe and other pertinent agreements.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in support of the powerful statement which will be made in the coming 40 days of Lent by Englishman Dick Rodgers. Dr. Rodgers is an orthopedic surgeon who is an Anglican priest and has now committed his life work on behalf of the Christians imprisoned in the Soviet Union. Today in London's Trafalgar Square in a makeshift prison—designed to highlight conditions in a Soviet prison—Dr. Rodgers began his 40-day bread and water only fast.

Mr. Speaker, Dr. Rodgers is focusing on the specific case of Vasili Shipilov, but joins us in spirit in calling for the release of all Christians imprisoned in the Soviet Union because of their religious convictions. Mr. Shipilov was first arrested at the age of 17 and has since spent 39 years in labor camps, prisons and psychiatric hospitals. In a remarkable testimony to the power of faith and human courage, Mr. Shipilov tenaciously clings to his faith. Currently he is in a psychiatric hospital in Siberia. His "crime" was preaching the gospel and denouncing the horrific tactics of the Stalinist regime. His story is only one of the nearly 200 cases of imprisoned Christians about which we have specific information. These are only the cases about which we have detailed, reliable information; responsible human rights activists have suggested that there are many, many more.

Mr. Speaker, I believe our concerted efforts in calling for an amnesty for these religious men and women is an issue whose time has come. This is not an emigration issue—and certainly that issue is important—Mr. Speaker, but this is a call for religious liberty and freedom for those who are tortured for their faith. In December, I was joined by my good friends, Beau Boulter, John Porter, Tom Lantos, Frank Wolf, and Paul Henry, introducing a resolution which outlines our concerns. The initiative, House Concurrent Resolution 223, now has about 140 cosponsors and we've only just begun to organize congressional support. I ask unanimous consent to include the text of the resolution in the Record following my comments here on the floor today.

Mr. Speaker, in early January, my good friend Representative Frank Wolf and I had the opportunity to raise the matter of religious freedom and the imprisoned believers with Feodor Burlatskij, chairman of the newly formed Soviet Commission on Human Rights. The frank exchanges which we had with Mr. Burlatskij helped underscore the growing concern in the United States and in the West for religious freedom. We presented lists of specific prisoners to Mr. Burlatskij and we expect a followup to our discussions in the near future.

A couple of weeks ago I had the opportunity to present again our grave concerns to Soviet officials with respect to the peoples of all faith in the U.S.S.R. In a panel discussion with Vasiliy Zakharov, Soviet Minister of Culture, I made it clear that the prerequisite for respect and trust by the West, and especially the United States of America, was authentic protection of human rights for all Soviet citizens—including the freedom to worship and practice one's faith in homes and in churches.

Over the last few weeks, Mr. Speaker, I was pleased to hear from a number of top-level administration officials, including Secretary George Shultz, Ambassador Richard Schifter and Deputy Secretary John Whitehead that the release of the imprisoned Christians, and people of other faiths, is very high on the U.S. priority list.

Mr. Speaker, I believe the Congress and the administration and all who negotiate on our behalf with the Soviets should continue stressing the U.S. connection between international security measures and human rights. We must continue to raise a unified voice of concern for not only the specific Christian individuals included in this list but all people of faith—Christians, Jews, Muslims, and others—in the Soviet Union who have a well-founded fear of harassment, repression and imprisonment.

Mr. Speaker, all denominations are subject to the harassment. This list includes Baptists, Georgian Orthodox, Lutherans, Pentecostals, Russian Orthodox, Roman Catholics, Seventh Day Adventists, and Ukrainian Catholics. The charges range from treason and anti-Soviet propaganda to hooliganism, parasitism or involving minors in criminal activity. Nonetheless, the underlying "problem" in the eyes of the Soviet authorities is the practice of one's faith.

During this time of change and reform in the Soviet Union, there are systemic changes—the elimination of certain laws and regulations—which must be made by the Soviet authorities to ensure true religious liberty. I would like to take this opportunity to outline a number of recommended changes which I believe would indicate the Soviet Union's genuine respect for religious freedom.

The freedom to worship according to one's conscience and belief is a fundamental human right enshrined in such international agreements as the United Nations Charter, the Universal Declaration of Human Rights, the Helsinki Final Act, and the U.N. Declaration on Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. These international covenants, which the Soviets have signed and pledged to uphold, inextricably tie international peace and security to the protection of basic human rights. The specific reforms which I have listed below would bring Soviet state policy and practice toward religious communities and believers in line with international agreements on human rights and religious liberty.

In order to conform to the international agreements cited above, as well as in the interest of "glasnost" and "perestroika," I urge the Soviets to effect the following reforms:

First, release all prisoners of conscience who have been convicted because of their religious activities and beliefs. In other words—declare an amnesty. I am distressed that many individuals, such as Lithuanian Catholic priests Rev. Alfonsas Svarinskas and Sigitas Tamkevicius, Ukrainian Baptist Nikolai Boiko, and Russian Orthodox Deacon Vladimir Rusak are currently serving long terms in labor camps for the expression of their religious beliefs. Ironically, the activities for which they were sentenced would no longer be considered crimes under "perestroika" and "glasnost." We are particularly concerned about the individuals who have been confined to psychiatric hospitals because of their religious activities, such as Ukrainian Catholic Hanna Mikhailenko, Lutheran Gederts Melngailis and Russian Orthodox Vasili Shipilov.

Second, end harassment of religious activists who have been released from confinement. While I am pleased to note that some religious prisoners have been freed within the last year, I have seen substantial evidence of ongoing harassment on the part of government authorities of persons who continue to express their faith. This harassment has ranged from difficulties in finding employment and housing in a city of their choice to beating and forced relocation, as in the case of the Baptist Barats family.

Third, institute legal and constitutional changes that guarantee religious liberty. The Criminal Code of the U.S.S.R. contains articles that specifically restrict religious activity, the existence of which directly contradicts sections of various international human rights agreements. In particular, I am referring to articles 142 and 227, pertaining to the separation of the church from the state and the performance of religious ceremonies, respectively, of the Criminal Code of the RSFSR and the equivalents in the criminal codes of the other republics of the Soviet Union.

These articles should be repealed, as well as the March 18, 1966, decree of the RSFSR Supreme Soviet Presidium "on the application of article 142 of the RSFSR Criminal Code" and "on the administrative liability for the violation of the legislation on religious cults" and the equivalent decrees adopted by the Supreme Soviet Presidia of the other union republics; the decree of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR of April 8, 1929, and its equivalents in other Soviet republics as amended by a decree of the RSFSR Supreme Soviet Presidium of June 12, 1975; and the equivalent laws "On Religious Associations" adopted in other Union republics.

Finally, I understand that secret or only partially published decrees and directives exist that delineate structure and policy for the Council of Religious Affairs of the U.S.S.R. Council of Ministers. It is our belief that such orders should be made public and subject to discussion with the participation of representatives of all religious groups.

Fourth, legalize religious groups that currently are forbidden to practice their faith openly, such as the Ukrainian Catholic and Orthodox Churches. The Ukrainian Orthodox and Catholic Churches, which, with the help of government authorities, were forcibly liquidated and incorporated into the Russian Orthodox Church, in the 1930's and 1940's respectively, should be given the opportunity to exist as legal entities within the Soviet system. True religious freedom requires that each individual be allowed to worship according to his or her own conscience and belief. Arguments that these groups are historically members of the Russian Orthodox Church are not only inaccurate, but also irrelevant if individuals consider themselves adherents of the Ukrainian Catholic or Ukrainian Orthodox faiths. Legalization should include the restoration of churches and all other confiscated property.

Fifth, abolish the requirement that all religious groups must officially register with the state and have all their activities approved by government authorities. Compulsory state registration constitutes government interference in the activities of religious communities that is prohibited by the U.N. Declaration Against All Forms of Religious Intolerance.

Sixth, allow religious instruction for both adults and children. Fundamental to the idea of religious liberty is the ability of religious communities to educate their members. Clergy should be allowed to provide religious instruction outside the public school.

Seventh, lift restrictions on the importation and the free dissemination of religious literature and objects. While a relatively large quantity of Bibles and religious instructional materials have now been permitted to enter the Soviet Union, these do not come close to filling the needs of many believers who speak many different languages in many different areas of the Soviet Union. Neither should there exist restrictions on the publication and dissemination of religious publications.

Eighth, end government restrictions on the education of clergy. Seminaries that have been closed should be reopened and allowed to function without government interference in admissions, faculty appointments or curriculum. Clergy should be allowed to maintain free and open contacts with their coreligionists around the world.

Ninth, allow religious groups to engage in private charitable activities. The ability to provide spiritual and material assistance to other human beings is a fundamental aspect of many religions. Though there has been some progress in this area, it is important that government officials do not place limitations on the types of private charitable activities in which religious groups may engage.

Mr. Speaker, we believe that one of the truest tests for Mr. Gorbachev's glasnost and perestroika will be seen during this year of the millennium celebration of Christianity's arrival in Kievan Rus', now part of the Soviet Union. As men and women of all faiths, and especially the Christians throughout the world join in the celebration, the focus will be on those who can only celebrate in a Soviet prison, a psychiatric hospital or labor camp. On one hand, changes in the criminal code as suggested would require a little time, the release of the Christians listed here could be expedited by the stroke of a pen. What have the Soviets and Gorbachev got to lose? And yet, they have much respect to gain from human rights activists in their own country, in this country and throughout the world.

For the RECORD, I include a copy of my resolution, House Concurrent Resolution 223.

H. CON. RES. 223

Whereas the Grand Prince of Kiev established Christianity as the official religion of Kievan-Rus' in 988 A.D. and invited priests of the Byzantine Church to instruct his people in the teachings of Christianity;

Whereas Christian churches have been instrumental in sustaining the faith of the believers and in developing the religious culture of the region for the past one thousand years;

Whereas the Christianization of Kievan-Rus' has made outstanding contributions to world literature, music, folk art, customs, and places of worship;

Whereas, although the Constitution of the Soviet Union guarantees religious freedom, Soviet leaders, over the past 70 years, have sought to dissolve many forms of religious witness in the Soviet Union and replace them with Marxist atheism;

Whereas the Soviet Union is signatory to the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Madrid Concluding Document and has an obligation to comply with the United Nations Universal Declaration of Human Rights;

Whereas the Soviet Union is committed under Principal VII of the Helsinki Final Act to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.";

Whereas in the Soviet Union it is illegal to formally teach religion to persons under 18 years of age;

Whereas openly distributing Bibles or other religious materials has been restricted in the Soviet Union and in some cases has been the basis for imprisonment and harassment;

Whereas thousands of churches have been closed and confiscated in the Soviet Union during the last seven decades, and the Soviets have severely restricted the number of theological seminaries; and

Whereas there are at present nearly 200 Christians who are known to be serving prison sentences, are in exile, or are confined in psychiatric institutions in the Soviet Union because of their religious beliefs, including Balys Gajauskas, Viktoras Petkus, Pastor Ivan Antonov, Pastor Nikolai Boiko, Semyon Skalich, Lev Lukyanenko, Father Vladimir Rusak, and Victor Walter: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that in 1988 in celebration of the millennium of the Christianization of Kievan-Rus'—

(1) the Soviet Union should comply with its obligations under the Helsinki Final Act of the Conference on Security and Cooperation in Europe, the Madrid Concluding Document, and the United Nations Universal Declaration of Human Rights and allow Christians to practice their faith without interference, persecution, or harassment;

(2) the Soviet Union should grant a general amnesty for all Christians who have been imprisoned because of their religious beliefs;

(3) the Soviet Union should allow religious believers of all ages to worship and practice their faith without restrictions in their homes and churches;

(4) the Soviet Union should permit unlimited publication, distribution, and importation of Bibles and other religious materials in all languages; and

(5) the Soviet Union should allow churches that are closed or used for secular purposes to reopen, allow new churches to be built when needed, and allow theological seminaries to open or expand in order to insure an adequate supply of priests and pastors for the parish churches.

Mr. STOKES. Mr. Speaker, as a member of the Congressional Human Rights Caucus I am pleased to participate in this special order on the persecution of Soviet Christians. We remain deeply concerned about the systematic violation of religious freedom in the Soviet Union.

The plight of Soviet Christians is especially grave. United States authorities and human rights organizations have documented evidence of over 250 known Soviet Christians imprisoned solely for their religious beliefs. In addition, Soviet authorities continue to interfere in the governance of religious organizations, to close down religious institutions and to discriminate against religious adherents in educational, employment and housing opportunities.

Mr. Speaker, we are concerned for those convicted of religious crimes under Soviet law. These individuals, along with political activists, are incarcerated in strict labor camps, prisons and psychiatric hospitals. These prisoners of conscience are subjected to inhumane conditions and agonizing persecution. They are often faced with death if they do not renounce their religious beliefs.

These practices must not continue. We cannot lessen our commitment to individual human rights. I would like to again commend the Human Rights Caucus for addressing this fundamental issue and pledge my continued support.

Mr. HALL of Ohio. Mr. Speaker, I rise to call attention to a pressing human rights issue which we often do not hear much about: the unjust persecution of Christians in the Soviet Union.

This year, 1988, is the millennium celebration of the establishment of the Orthodox Church in Russia. Yet, despite this long religious tradition, at least 170 people are in exile for crimes against the state dealing directly with religion. In the midst of recent focuses on

glasnost and freedom I would like to urge Congress to encourage Soviet Secretary General Gorbachev to apply his new openness to the Christians in prison.

In particular I would like to address the imprisonment of Tatyana Mikhailovna Velikanova, a 56-year-old mother of one and Orthodox Christian. In 1980, Soviet authorities sentenced her for anti-Soviet agitation and propaganda to 4 years of strict regime camp and 5 years of exile, with a release date of November 1, 1988.

With the renewed emphasis on human rights in the Soviet Union, I hope Mr. Gorbachev will apply his policies consistently and address the problem of Christians, like Mrs. Velikanova, who have been wrongly imprisoned and persecuted.

Soviet officials promised total freedom for all prisoners of faith and the construction of 12 new Catholic churches that were to open last September. However, these guarantees fell through.

As one who has visited the Soviet Union and met with those seeking greater freedom during this period of glasnost, I urge the Soviet Government to free those imprisoned for their faith. I again call for a general amnesty for all Soviet prisoners of conscience, especially Christians, during this year of the 1,000-year celebration for the Russian Orthodox Church.

Mr. KEMP. Mr. Speaker, First of all, let me thank my very good friends and colleagues, the gentlemen from Illinois and from California. Their unflagging dedication to the cause of human rights is a key factor in keeping this cause in the forefront of the minds of the American people and the U.S. Congress.

I would also like to commend Dr. Ernest Gordon of CREED, Christian Rescue Effort for the Emancipation of Dissidents, a keeper of the conscience of Americans concerned about Soviet Christians. My wife, Joanne, and I are founding members of CREED, and, while we wish Dr. Gordon well now that he has moved CREED's headquarters to Princeton, we miss having his wise presence nearby.

My friends, there was much speculation before Mr. Gorbachev arrived about what part of the United States Mikhail Gorbachev should see. Well, the rally for Soviet Jewry on Freedom Sunday in December was the America I wanted Mr. Gorbachev to see. This is the America which is not deceived by slick TV performances, by skilled propaganda, or by silken words. Bitter experience has taught us that when a tyrant comes wearing an olive branch—check what's in the other hand.

Mr. Gorbachev, your glasnost and your perestroika and your television interviews cannot drown out the cries of 400,000 refuseniks. We hear the anguish of each individual, Jew or Christian, who asks only for the right to worship God and live as a full human being.

We are not deceived by a few token gestures. We are glad but we are not deceived when a few prominent dissidents are set free. While Sharansky and Feltsman and Slepak and Nudel have been released in the full glow of Western TV cameras, the new Soviet emigration law makes it harder, not easier for 95 percent of those left behind.

The new emigration law allows only those with a relative abroad of the first degree—parents, children, or siblings—to apply for visas. We rallied on December 6 and we participate in this special order today to tell Mr. Gorbachev, to tell the Kremlin, and to tell the world that we are their relatives of the first degree, because we are their brothers and sisters.

Ours is a large family. It includes the mujahidin of Afghanistan, the workers of Poland, the fighters in Nicaragua, the refugees of Asia, and lovers of freedom around the world. Wherever people yearn for freedom, we have brothers and sisters. Maria Slepak has said, "if we close our eyes, they will cease to exist."

We will not close our eyes, Masha. But we should close our checkbooks. We should not be lending money to the Soviets with few or no questions asked. To exercise some control over United States bank lending to the Soviet Union, I have introduced a bill which gives the President discretionary authority to restrict loans to the Soviets if their record on human rights violations does not improve.

I have also adopted Vasili Gritsenko, a persecuted Soviet Christian. Vasili is a young family man with five young children. Vasili is typical of the Christian dissidents in the Soviet Union. Like his fellow Christians in the Soviet Union, Vasili loves his country and does not wish to leave, but only to be able to practice his Baptist faith without fear of reprisal.

Vasili has been imprisoned for nearly 3 years for allegedly organizing actions which disrupt public order; in the Soviet Union, prayer meetings fall into this category. Vasili has since been rearrested for similar activities while in prison, and has been transferred to another prison.

Vasili's fate is uncertain, as is that of his family. But those of us in the United States, in the free world, have helped by keeping our eyes and our hearts open and our hands extended. Vasili's doom would be sealed if we did not maintain our constant gaze upon the Soviet's treatment of their peaceable religious dissidents.

The torch of freedom lights the world, even into the darkest corners of the gulag. However, without our constant care and attention that light will go out. My commitment is firm that I shall always do everything within my power to keep that light shining, always a beacon of hope to those who would otherwise be in darkness.

Mr. DWYER of New Jersey. Mr. Speaker, I would like to thank Congressmen PORTER, BOULTER, and LANTOS for reserving time this evening to allow Members of the House to again raise the issue of religious persecution in the Soviet Union.

As a member of the Congressional Human Rights Caucus, I have been associated with many efforts on behalf of Soviet citizens who are suffering only because they have religious beliefs which the Soviets feel are incompatible with that Government's way of life.

United States authorities and nongovernmental organizations have documented evidence of over 250 known Soviet Christians imprisoned solely for their religious beliefs. One such prisoner of religious persecution is Ivan Antonov.

Mr. Antonov is the 68-year-old pastor of Kirovograd Church in the Ukraine and is a member of the ECB Council of Churches. Mr. Antonov was arrested in May 1982 and charged with infringement of the person and rights of citizens under the guise of performing religious rituals. He was sentenced to 5 years of strict regime camp and 5 years' exile plus the confiscation of property. His release date is May 14, 1992. Mr. Antonov is married and the father of two daughters. With the confiscation of the property, his family is now destitute.

The Russian Government continues to try and eradicate religious activity by closing religious institutions, banning religious education, restricting the availability of religious material and imprisoning those, like Ivan Antonov, who cannot be suppressed. Still, Christianity lives in Russia.

We must continue to keep the plight of Soviet Christians before the world's eyes. And we must continue to press the Soviet leadership to release those unjustly imprisoned and allow them to lead their lives without fear of further harassment simply because they believe in God.

Mr. WEBER. Mr. Speaker, I am a member of the Soviet Christian Adoption Program which in a congressional bipartisan effort to work on behalf of persecuted Christians in the Soviet Union. The plight of religious believers in this country continues to be serious, even as we hear the media report about the promised openness under the rule of Soviet leader, Mikhail Gorbachev. If Mr. Gorbachev is serious about opening up Soviet society, then he will have to improve the treatment of the religious community.

As a member of the Adoption Program, I am a sponsor of Ivan Fyodorovich Kovalenko, a Ukrainian who was arrested for the fourth time in 1982 and charged under the Soviet criminal code for "infringing persons and rights of citizens under the guise of performing religious rituals, and disrupting the public order." He was sentenced to 5 years in prison and 5 years in exile.

Mr. Kovalenko was not endangering Soviet society but practicing his religious beliefs. His years in imprisonment are an ugly example of the reality of Soviet society. However, he is a courageous example for those facing repression and internment for their faith.

It is vital that we in the free world not forget that elsewhere people are suffering and dying for their spiritual rights. The upcoming 1,000th anniversary of Christianity in Russia offers us the opportunity to speak out for the innocent victims of religious persecution that are unable to speak for themselves. I urge my colleagues to remember Mr. Kovalenko and others who are persecuted for practicing their religious beliefs.

THE DEPOSITORY INSTITUTIONS REGULATORY MODERNIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 60 minutes.

Mr. KLECZKA. Mr. Speaker, I intend to introduce legislation tomorrow which would merge the Federal deposit insurance funds and consolidate the principal Federal financial regulators into a single Federal agency.

A Congress which considers the sweeping changes in our financial system now under discussion must also be ready to mandate an equally comprehensive overhaul of our creaky Federal financial regulatory system. As the financial marketplace changes, so should the method by which we regulate marketplace participants.

In a special order yesterday, I described titles I and II of the bill. Today I will describe title III, which would consolidate the Federal financial regulators into one agency.

This overdue action, a long-sought goal of banking reformers, would enhance the ability of regulators to deal with failed or failing institutions. In addition, it would promote more efficient operation of the Federal financial regulatory apparatus, bring about uniform treatment of similar financial institutions and increase the accountability of financial regulators to the public and to the Congress. Federal financial regulator consolidation would follow the merger of the Federal deposit insurance funds provided for by titles I and II of the Depository Institutions Regulatory Modernization Act.

Mr. Speaker, the current system of Federal financial regulation was perhaps best described by Federal Reserve Board Chairman Arthur Burns in 1974 as "a jurisdictional tangle that boggles the mind." He accurately observed to the American Bankers Association in that year that the structure of the Federal regulatory apparatus was "the most serious obstacle to improving the regulation and supervision of banking."

In 1975, James L. Pierce, the Director of the House Banking Committee's groundbreaking study, "Financial Institutions and the Nation's Economy [FINE]," had a dire warning to the Financial Institutions Subcommittee about what the practical results of the jurisdictional tangle might mean. Speaking about the blurring of lines among banks and other financial institutions, he said:

> As these institutions become more like banks, we run the real danger that regulation will become even more diffuse and fragmented. Unless the regulatory agencies are combined, we could have a situation in which institutions that provide roughly the same services are regulated by any one of five federal agencies. This situation would be impossible.

The indistinct lines of 1975 are in many instances nearly blurred to point of nonexistence today. As predicted, the regulatory situation is becoming increasingly impossible.

Consider the increasingly familiar circumstance of a bank merger. Who regulates?

If the surviving bank is a national bank, the Comptroller of the Currency has jurisdiction. If the surviving bank is an insured nonmember of the Federal Reserve System, the FDIC is in charge.

If the surviving bank is a State member of the Federal Reserve System, the Federal Reserve has responsibility. The players in the regulatory game know the rules and take advantage of that knowledge. The public, however, is often the loser as "competition in laxity" develops among regulators who begin to view the financial institutions they regulate as constituents to be served.

If we did not have the current hodge-podge of Federal financial regulation, it is difficult to imagine a Congress of rational men and women devising such a bewildering system. We now have a system, unique within the Federal Government, in which the object of regulation can choose its own regulator. As a 1984 Brookings Institution staff study concluded:

> Federal regulation of depository institutions should be consolidated and centralized, and the more so the better.

THE CURRENT SYSTEM

At this point, a brief description of our current regulatory system might be worthwhile.

Banks, thrifts, and credit unions can be chartered at either the Federal or State level, a circumstance which has brought about the term "dual regulation." For certain institutions, this provides a choice among several regulators.

Commercial banks have several options. National banks are chartered by the Comptroller of the Currency and subject to regulation by that office. As a national bank, the institution must be a member of the Federal Reserve System and be subject to regulation by the Board of Governors of Federal Reserve Board. To be a member of the Federal Reserve System, the bank must be insured by the FDIC and, therefore, be subject to regulation by that agency.

A State chartered bank has other options. It can decide to be a member of the Federal Reserve System and be regulated by the Federal Reserve Board of Governors. Or it may choose to be regulated by its primary State regulator while enjoying the benefits of Federal deposit insurance. In this instance, the State-chartered, FDIC-insured institution would be subject to FDIC regulation.

Federally chartered thrifts, which include savings banks and savings and loan associations, are chartered and subject to regulation by the Federal Home Loan Bank Board. Federally chartered thrifts must carry FSLIC deposit insurance and be members of the Federal Home Loan Bank System. State chartered thrifts, on the other hand, may be subject to primary regulation only by the State chartering authority but may, if they so decide, become members of the Federal Home Loan Bank System and the FSLIC. At this point, they become subject to regulation by the Federal Home Loan Bank Board and the FSLIC.

Federally chartered credit unions are regulated by the National Credit Union Administration [NCUA] and are required to be insured by the National Credit Union Share Insurance Fund [NCUSIF]. A State chartered credit union which opts for the NCUSIF becomes subject to Federal regulation.

The commercial bank examination process reflects the vagaries of discrete regulation. The Federal Reserve does not generally examine national banks even though it requires them to keep non-interest-bearing reserves. The FDIC requires State member banks to pay fees to it even though primary examinations of these banks are the duty of the Federal Reserve.

Writer Curtis Seltzer described how this curious system of regulation can contribute to a major bank disaster. In the September 1983 issue of Washington Monthly, he wrote:

> Witness the financial disaster set in motion by Penn Square. The Dallas regional Office of Comptroller (of the Currency) knew that the bank was in trouble, and that it was selling its bad loans to other banks. But the Comptroller never thought of making a few calls to his regulatory cousins to contain the damage. The Federal Reserve, for example, may have warned off banks like Chase Manhattan and Continental Illinois, who were getting knee-deep in Penn Square's bad paper. But the Office of the Comptroller never told about its problems upstream. The Comptroller also neglected to call the Federal Deposit Insurance Corporation, which usually tries to merger a floundering bank with a healthier one to stave off a disaster. No such luck . . .

Mr. Speaker, this ramshackle system of regulation is ill-prepared to protect the public interest in a financial system poised to enter a 21st-century marketplace.

Mr. J.L. Robertson, a former member of the Board of Governors of the Federal Reserve System, had some astute observations about the financial regulatory system when he observed:

> It is reflexive and not creative. It responds; it does not lead. The true strength of a regulatory system is not the speed with which it responds to financial catastrophes, but the skill and foresight by which it prevents them . . . Our present arrangement is a happenstance and not a system. In origin, function and effect, it is an amalgam of coincidence and inadvertence.

EFFICIENT REGULATION

This Congress can modernize financial regulation so that the Federal Government spends less time fielding mopup crews in financial disasters and acts instead with the skill and foresight envisioned by Mr. Robertson.

A single, well-staffed financial regulatory agency—a superagency—is essential if the Federal Government is to move from a reactive to an active participant in the financial marketplace. If we are to make our banks more efficient and powerful, as some suggest, so should we act to ensure that our regulators are equally efficient and powerful.

As the FINE study recommended more than a decade ago, my legislation would merge the regulatory and supervisory functions of five agencies—the Comptroller of the Currency, the FDIC, the Federal Home Loan Bank Board, the Federal Reserve, and the National Credit Union Administration—into one agency. Federal Reserve duties would be limited to its principal mission, the conduct of monetary policy. The Bank Board would continue to administer the system of Federal Home Loan Banks.

A consolidated Federal financial regulator is overdue. With such a structure, the Federal Home Loan Bank Board, for example, would never be asked to act as a client of the savings and loan industry as it attempts to regulate that industry.

For regulators, private interest would be less likely to crowd out public interest in a single agency which regulates diverse types of financial institutions.

A unified regulatory agency would also provide more efficient operations. Legal and research staffs could be reduced, regional office and headquarter staffs consolidated and training systems coordinated. The reporting requirements for commercial banks could be streamlined, which should mean a reduction in costs for administering, processing and publishing such reports. Instead of allocating senior staff time simply to find out what another financial regulatory agency is doing, a consolidated agency could devote resources to more productive regulatory concerns.

A single regulatory agency would enhance bank holding company regulation. The Federal Reserve is now charged with regulating bank holding companies, but often is precluded from directly regulating individual banks within the holding company. This schizophrenic relationship may be worsened if Congress broadens the powers of banks to engage in relatively risky securities activities through the bank holding company structure. If new powers are to be granted, Federal financial regulation of component banks and the holding company itself should be centered in one agency. No longer would a bank holding company seeking expanded powers face delays as it seeks approval first from the agency supervising the bank subsidiary, then from the Federal Reserve.

PROBLEM INSTITUTIONS

Consolidation of Federal financial regulation will make it easier for the Federal Government to deal with problem institutions early on. While each institution has a primary regulator, a failing commercial bank can, in some instances, draw the attention of the three Federal bank regulators. When three agencies with inevitably differing regulatory goals become involved in a case, the process just as inevitably slows. The 1984 Brookings Institution staff report noted that unnecessary problems arise when two or more agencies share safety and soundness responsibility for a particular institution, with regulatory gaps occurring when one agency asserts control. Such interagency conflict can lead to extra costs and delays for both the agencies and financial institutions involved. A unified agency would eliminate the need for time-consuming coordinating activities.

A unified Federal financial regulator would provide a single focal point for public and congressional inquiries in matters of bank regulation and supervision. The alphabet soup of regulatory names roll easily off the tongues of those who know how to use the system but oftentimes perplex the average depositor. A consolidated agency would lessen the confusion for most consumers. As the National Consumers League has testified to the Financial Institutions Subcommittee:

> The present complicated regulatory structure is particularly frustrating to consumer groups, lacking in organization, sophistication and financial endowment, who wish to understand or influence some aspect of financial policy . . . The consolidation of the agencies could enable consumer representatives to focus on one regulatory policy on any given issue.

Finally, a consolidated Federal financial regulator would make it easier to ensure uniform treatment of similar financial institutions. Since I first suggested a merger of the Federal deposit insurance funds late in the 99th Congress, I have had numerous discussions with lenders on the subject. Quite frankly, some bankers are less than enthusiastic about the merger idea. I have been impressed, however, at the number of bankers who argue that they would be willing to accept a merger of the funds if all financial institutions were regulated uniformly. A chronic complaint is that standards of safety and soundness vary sharply from one agency to another. A consolidated Federal financial regulator would limit laxity encouraged by disparate financial regulators.

I urge my colleagues to support this legislation.

At this point I include in the RECORD a chart which outlines FDIC insurance fund assets available for assistance and articles which describe the views of former Fed Chairman Paul Volcker on merging insurance funds.

FDIC INSURANCE FUND ASSETS AVAILABLE TO FINANCE ASSISTANCE TO TROUBLED OR FAILED INSTITUTIONS

[Dollars in billions]

Year end	FDIC fund assets		FDIC cash and U.S. Treasury securities as percentage of total bank liabilities
	Cash and U.S. Treasury securities [1]	Other FDIC assets	
1980	$9.4	$1.1	0.50
1981	10.1	1.2	.53
1982	13.3	2.0	.60
1983	13.8	2.9	.59
1984	14.4	6.9	.58
1985	16.5	6.3	.60
1986	17.5	5.8	.78
1987 (9/30) [2]	17.3	5.5	.76

[1] U.S. Treasury securities are shown at market value. Because of high interest rates in 1980 and 1981, the book value of FDIC's portfolio was $1,048 million higher than the market value on December 31, 1980, and $1,095 million higher on December 31, 1981. If these investments had not declined from book value, the ratio of cash and securities to total bank liabilities would have been 0.56 percent and 0.58 percent for those years. In subsequent years the respective market and book values of FDIC investments have not been so significantly different.

[2] Unaudited statement.

[From the New York Times, Mar. 28, 1985]

VOLCKER FOR BANK INSURANCE MERGER

(By Nathaniel C. Nash)

WASHINGTON, March 27—Paul A. Volcker, chairman of the Federal Reserve Board, told a House panel today that he would favor merging the two government agencies that insure deposits at the nation's banks and thrift institutions.

"I would lean in that direction," Mr. Volcker said when asked if he would support the consolidation of the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation.

Mr. Volcker's remarks came at the second day of hearings held by the House Government Operations Committee's Subcommittee on Commerce, Consumer and Monetary Affairs on proposals to restructure the banking regulatory agencies. The proposals have been put forward by the Task Group on Regulation of Financial Services, headed by Vice President Bush.

It is the first time that the Fed chairman had publicly expressed his views on combining the F.D.I.C. and the F.S.L.I.C., and his remarks came at a time when banking and thrift unit regulators are concerned about the financial strength of the thrift insurance fund.

The F.S.L.I.C. lost money for the first time last year and its usable assets have fallen to about $4.7 billion, according to estimates from the Federal Home Loan Bank Board, the agency that supervises the fund and oversees thrift units.

Moreover, bank and thrift unit regulators have predicted that a growing number of thrift institutions will fall this year, placing greater strain on the fund.

EARLIER TESTIMONY

Mr. Volcker's preference for merging the two agencies echoed the positions of both the Comptroller of the Currency, C. Todd Conover, and the F.D.I.C. chairman, William M. Isaac, in earlier testimony.

"As the lines blur between banks and thrifts, they should have one regulator," Mr. Conover said today.

"We would recommend that the F.D.I.C. and the F.S.L.I.C. be merged," Mr. Isaac said on Tuesday.

However, Edwin J. Gray, chairman of the bank board, rejected in testimony Tuesday the notion of merging the two funds. "I strongly oppose the idea," he said. "The ability of the bank board to deal with a problem directly and not have to negotiate with another agency is vital.

BLUEPRINT FOR REFORM

"I see the S.&L.'s and savings banks as they are now exercising essentially bank-like functions." Mr. Volcker said today, "I think they've reached that stage where they could be under one insurance fund."

The Fed chairman said that he generally supported the recommendations of the Bush group. The final proposal, called a Blueprint for Reform, would transform the Comptroller's office into a new Federal Banking Agency to regulate most national bank holding companies plus the national banks it now monitors. The new agency would also be able to decide which new activities banks could enter, now the purview of the Fed.

While the Fed would give up some regulatory authority over bank holding companies whose primary subsidiary is a national bank. It would continue to oversee the nation's large international banks, plus, regulate all state-chartered banks and their holding companies.

The F.D.I.C. would give up all regulation of state-chartered banks and concentrate on examining and monitoring troubled banks that pose a threat to the insurance fund.

[From the Bank Letter, Dec. 22, 1986]

VOLCKER TALKS OF FDIC-FSLIC MERGER

Federal Reserve Chairman, Paul Volcker is now beginning to say privately that merging the Federal Savings and Loan Insurance Corp. into the Federal Deposit Insurance Corp. may be the only way to save the ailing thrift fund. Indeed, in recent days he has said the proposed FSLIC recapitalization may not ward off such a merger and instead may be necessary only as a short-term bridge to tide the fund over until a merger can be completed. These comments came in meetings with stunned industry representatives. A Fed spokesman declined to comment on the private conversations of the chairman.

Until now, Volcker has joined with the Reagan Administration and the heads of the two congressional Banking Committees in trying to solve the thrift crisis through the recapitalization plan. Several years ago in abstract testimony on the future of banking regulations, Volcker did say he would prefer to have the funds merged. But that testimony was before the thrift industry's massive problems lowered the fund to just over $1 billion.

Now, however, Volcker is predicting merging the funds may well be forced onto the agenda of Congress. Incoming Senate Banking Committees Chairman William Proxmire (D-Wisc.) has said nearly the same thing (BL 12/15). And indeed, Senate aides confirm that Proxmire and Volcker met on Dec. 8 on Capitol Hill, and the day after that meeting Proxmire said publicly for the first time that a merger of FDIC and FSLIC ought to be considered—notwithstanding the conventional wisdom that politically this is impossible.

The bankers who have had confidential briefings from Volcker do not want to be identified, but one banking group heard him predict generally in October that a merger might come up in the new Congress. This month over industry representatives were surprised when in a 10 minute audience they were granted with Volcker, he suddenly launched into an unexpected discussion of how a recapitalization could be the spring-board to merging the funds.

RECAP DOOMED?

What's causing not only Volcker and Proxmire but much of the rest of the Washington banking establishment to talk merger now, sources say, is a sense that recapitalization itself perhaps is already too little and too late. Even when first brought forward by Treasury early this year, the plan to borrow $15 billion in the market was sharply criticized as too small. Since then the problem has grown bigger. At some point, especially if Congress is tardy in passing the bill as seems quite possible, the problem could overwhelm this particular solution. The original game plan called for FSLIC to combine its regular income with $15 billion of borrowing to fund in a massive liquidation effort that could cost $25 million.

But says a source close to this issue, "Treasury is aware that there is a limit to how many bonds they can sell or the market absorb. If it takes $40 billion, not $25 billion—and the $25 billion estimate is a squishy number—then merging the funds may begin to look inevitable."

The fact that the U.S. League of Savings Institutions and the National Council of Savings Institutions both are increasingly hostile to the borrowing plan makes some suspect that all the talk of merger is a bluff to frighten them with something they live even less. But other sources say the logic of merger is written now into the arithmetic of the S&L crisis. They say the League, by opposing recapitalization, will not have political clout to block merger legislation. Said a source close to American Bankers Association, "I think ABA would be extremely upset. But it would have no choice but to buy [a merger], largely because the League would not be a potent ally anymore."

[From the Los Angeles (CA) Times, Jan. 6, 1987]

Volcker Plans to Push Merger of FSLIC, FDIC

(By James S. Granell)

Federal Reserve Board Chairman Paul S. Volcker has told banking and savings institution regulators that he plans to take a more active role in supporting a proposed merger of the government's two big deposit insurance agencies—the Federal Savings and Loan Insurance Corp, and the much healthier Federal Deposit Insurance Corp.

Volcker's views, disclosed in a letter written by George D. Gould, under secretary of the Treasury, became known as the Reagan Administration again proposed to Congress that the FSLIC be recapitalized with up to $15 billion from industry contributions and bond sales.

The House and the Senate each passed its own version of a recapitalization bill last fall, but an effort to reconcile the differences failed in the waning hours of the 99th Congress. The same bill is to be reintroduced today, Gould said Monday.

Volcker supported the recapitalization bill last fall and is likely to do so again—at least as a short-term solution before an eventual merger of the two funds, said Joseph Coyne, a spokesman for Volcker. Coyne acknowledged that Volcker now feels "more strongly" about the need to merge the two funds than he has previously.

The FDIC and the FSLIC impose on banks and savings and loan firms, respectively, a series of regulations, examinations and, if needed, orders as conditions for providing federal insurance of $100,000 on every depositor's account.

A merger of the two funds has been an on-again-off-again controversy in the industry, partly because new laws have blurred the distinction between banks and S&Ls and partly because numerous failures in recent years have cut the FSLIC's reserves to about $1 billion.

Many government officials favor a merger to simplify regulation and administration of the nation's banking system. The savings and loan industry has resisted the effort on grounds that the financing of homes is critical to the American economy and deserves its own system of regulation and support.

Volcker was reported Monday to have voiced his support in mid-December at one of the occasional and informal breakfast meetings held by the nation's top four banking and S&L regulators. Gould and another Treasury official also usually attend. Gould was not at the December meeting, he said, but was briefed by his Treasury colleague.

Besides Volcker, the regulators attending were Federal Home Loan Bank Board Chairman Edwin J. Gray Jr., Comptroller of the Currency Robert L. Clarke and FDIC Chairman L. William Seidman.

Gould said he wrote the letter to Volcker to emphasize his own view that the recapitalization bill ought to be the top priority and that a merger of the funds should come only if the bill fails. He said passage of a recapitalization bill would be likely to kill talk of a merger.

Volcker has testified before various congressional committees, in the past that a merger is worth considering, Coyne said, and he is likely to be questioned about it again during hearings to be held later this month by the Senate Banking, Housing and Urban Affairs Committee.

Sen. William Proxmire (D-Wis.), the committee's new chairman, also has "floated" ideas about merging the funds, a congressional staff worker said. Congressional leaders have said the recapitalization bill failed last fall partly because the S&L industry did not fully support the plan. Industry leaders have been divided over regulatory issues and over their increasing assessments to pay for FSLIC's operation of failed S&Ls.

Some legislators also were wary of entrusting up to $15 billion to the FSLIC and its parent agency, the Federal Home Loan Bank Board, whose chairman, Gray, is under fire from some industry members for his strict and allegedly heavy-handed procedures and for accepting reimbursement for some questionable expenses.

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THE PLIGHT OF SOVIET CHRISTIANS

The SPEAKER pro tempore (Mr. Hubbard). Under a previous order of the House, the gentleman from Washington [Mr. Miller] is recognized for 20 minutes.

Mr. MILLER of Washington. Mr. Speaker, today there have been entered into the Record statements by several of my colleagues on the status and plight of Soviet Christians.

I would like to at this time add to those statements put into the Record by my good colleagues, Congressman Porter, Congressman Lantos and others, and recount for my colleagues a very special personal experience that I had on a recent trip to Moscow with two Soviet Christians.

Their names were Pastor Serge Lamekin and Alyosha Zavrujnov.

My wife, Congressman Ben Gilman, and I just a few weeks ago met with these two individuals and others in a Moscow apartment. The pastor, Serge Lamekin, had been a priest in the Russian Orthodox Church but he had been defrocked, thrown out of the church. He had been thrown out of the church because he was not content to just come to the weekly services and perform a priest's duties at the weekly services. He insisted on going out and trying to spread the faith outside the church, organizing study groups, distributing Christian literature.

That is crossing a very sharp dividing line in the Soviet Union. As we found out, you were all right if you go to church and synagogue, but if you try to do something outside the church or synagogue such as organize a Sunday school or study group or distribute literature, then you get into trouble.

Pastor Lamekin got into trouble. He has been arrested. He has been expelled from the Orthodox Church.

The second gentleman I mentioned is Alyosha Zavrujnov. Alyosha is a young man who was arrested just this past year—we are not talking 10 or 20 years ago—but the year 1987, arrested in the Soviet Union on the charge of being a religious fanatic.

Alyosha is also a Christian. He was arrested because he was involved in distributing Christian literature and in organizing Christian study groups.

I asked Alyosha what happened to him after he was arrested on this charge of being a religious fanatic. He told me that he had been taken to a psychiatric hospital, that is right, to a psychiatric hospital. And at that psychiatric hospital he was injected with drugs.

I suppose that effort was made to overcome his resistance, to change his feelings.

He said that it reminded him of what Goebbles had done in Nazi Germany.

Well, Alyosha is out of the psychiatric hospital. He was released. He was able to talk with us in Moscow.

He still is a Christian and a believer.

We came back from Moscow and last week I phoned Alyosha to find out how he was doing. He told me that the day after our meeting in Moscow at the apartment of his friends, the day after that meeting upon returning to his own apartment he had been accosted by several men who he assumed were KGB agents and they beat him. And they said, "So you want to meet with a Congressman."

Such is the price today of being a religious believer in the Soviet Union.

Now while we were there we talked with many officials and the officials talked of human rights and they talked of religious freedom and they talked of changing Soviet attitudes toward the church. These officials that we talked to may or may not mean what they say, but all I can tell you, my colleagues, is that regardless of what they said or are saying, that today down at the grassroots, down with the everyday people, in the Soviet Union being a religious believer is very, very hard and very, very tough.

I know that my colleagues join me in wishing the best to Pastor Lamekin and Alyosha. The two of them who so much want to exercise their religious rights, who so much want to be practicing Christians in the Soviet Union, are now so discouraged that they want to emigrate.

I know my colleagues join me in hoping that they will get their wish, hoping that they will remain personally safe, that they will not suffer any more physical or other harassment and in hoping that they and their brethren, Christians and Jews and other religious believers will some day be able to enjoy full religious freedom in the Soviet Union.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Lewis of Florida (at the request of Mr. Michel) for today on account of official business.

Mr. Bilirakis (at the request of Mr. Michel) for today on account of official business.

Mr. Fazio (at the request of Mr. Foley) for today on account of an illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Coble) to revise and extend their remarks and include extraneous material:)

Mr. Morrison of Washington, for 5 minutes, today.

Mr. Burton of Indiana, for 60 minutes, today.

Mr. Gilman, for 60 minutes, on February 24.

Mrs. Bentley, for 60 minutes, on February 23, 24, 25, and 60 minutes on March 1, 3, 9, and 10.

Mr. Ritter, for 5 minutes, today.

(The following Members (at the request of Mr. Visclosky) to revise and extend their remarks and include extraneous material:)

Mr. Hubbard, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Montgomery, for 5 minutes, today.

Mr. Flake, for 5 minutes, today.

Mr. Coyne, for 5 minutes, today.

Mr. Owens of New York, for 5 minutes, for today and February 18.

Mr. Pease, for 5 minutes, today.

Mr. Bruce, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. Miller of Washington, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Coble) and to include extraneous matter:)

Mr. Clinger.
Mr. Broomfield in two instances.
Mr. Michel in two instances.
Miss Schneider in two instances.
Mr. Badham.
Mr. Miller of Washington.
Mr. Donald E. Lukens.
Mr. Dannemeyer.
Mr. Gekas in three instances.
Mr. Lowery of California.
Mr. Bliley.
Mr. Emerson.
Mr. Gilman.

(The following Members (at the request of Mr. Visclosky) and to include extraneous matter:)

Mr. Dixon.
Mr. Montgomery.
Mr. Mfume.
Mr. Crockett.
Mr. Lehman of Florida.
Mr. Obey.
Mr. Fascell.
Mr. Frank.
Mr. Ray.
Mr. Kleczka.
Mr. Dwyer of New Jersey.
Mr. Schumer.
Mr. Guarini.
Mr. Stark in three instances.
Mr. Jones of North Carolina.
Mr. Matsui.
Mr. Biaggi in two instances.
Mr. Miller of California.
Mr. Tallon.
Mr. Kostmayer.
Mr. Richardson.
Mr. Boucher.
Mr. Florio in two instances.
Mr. McMillen of Maryland.
Mr. Applegate.
Mr. Moakley.
Mr. Wolpe.
Mr. Fauntroy.
Mr. Mazzoli.
Mrs. Collins.
Mr. Eckart.
Mr. Bruce.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1889. An act to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 122. Joint resolution to designate the week beginning October 16, 1988, as "Gaucher's Disease Awareness Week".

ADJOURNMENT

Mr. MILLER of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Thursday, February 18, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2898. A letter from the Under Secretary of Defense (Acquisition), transmitting the annual report on Chemical Warfare—Biological Defense Research Program obligations, October 1, 1986 through September 30, 1987, pursuant to 50 U.S.C. 1511; to the Committee on Armed Services.

2899. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of the Defense Logistics Agency's decision to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General from a proposed contract with the Government of Egypt/National Service Project Organization for fuel and related services in support of U.S. military exercises in Southwest Asia, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

2900. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-143, "Fire Alarm Systems Regulations Amendment Act of 1987" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2901. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-142, "Neighborhood Municipal Off Street Parking Facilities Amendment Act of 1987" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2902. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-141, "Commercial Bicycle Operators Licensing Act of 1987" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2903. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-144, "District of Columbia Smoking Restriction Act of 1979 Amendment Act of 1987" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2904. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting the 1[illegible]th annual report of the Advisory Council on Education Statistics, pursuant to 20 U.S.C. [illegible]221e-1(d)(1); to the Committee on Education and Labor.

2905. A letter from the Chairman, National Advisory and Coordinating Council on Bilingual Education, Department of Education, transmitting the 11th annual report of the Council on the condition of bilingual education in the National and on the administration and operation of the Bilingual Education Act, pursuant to 20 U.S.C. 3262(c); to the Committee on Education and Labor.

2906. A letter from the Chairman, National Advisory Council on Women's Educational Programs, Department of Education, transmitting the Council's 12th annual report, 19[illegible]7, pursuant to 20 U.S.C. 3346(c)(i) and (4); to the Committee on Education and Labor.

2907. A letter from the Executive Director, Intergovernmental Advisory Council on Education, transmitting the fiscal year 1986 annual report of the Council, pursuant to 20 U.S.C. 34[illegible](b)(1)(D); to the Committee on Education and Labor.

2908. A letter from the Chairman, National Council on Educational Research, transmitting the Council's fiscal year 1986 report, pursuant to 20 U.S.C. 1221e(c)(3); to the Committee on Education and Labor.

2909. A letter from the Chairman, National Council on Vocational Education, transmitting the Council's 1986 annual report, pursuant to 20 U.S.C. 2431(g); to the Committee on Education and Labor.

2910. A letter from the Secretary of Education, transmitting a copy of final regulations—Procedures for the Robert C. Byrd Honors Scholarship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2911. A letter from the Secretary of Education, transmitting copies of the fiscal year 1986 reports of the Department's advisory committees, pursuant to 20 U.S.C. 1233b(a)([illegible]); to the Committee on Education and Labor.

2912. A letter from the Secretary of Education, transmitting the annual program site reviews for fiscal year 1985-86 under part A of the Indian Education Act, pursuant to 20 U.S.C. 241aa nt.; to the Committee on Education and Labor.

2913. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1987 of the Administration on Aging, pursuant to 42 U.S.C. 3018; to the Committee on Education and Labor.

2914. A letter from the Assistant Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting the Corporation's annual legislative report on rail passenger service for fiscal year 1987, pursuant to 45 U.S.C. 644(2)(C); to the Committee on Energy and Commerce.

2915. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting notification of the proposed alteration of several Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2916. A letter from the Chairman, National Endowment for the Humanities, transmitting the 1987 report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2917. A letter from the Secretary of Commerce, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2918. A letter from the Acting Assistant Secretary of Land and Minerals Management Service, Department of the Interior, transmitting notification of leasing systems for the central Gulf of Mexico, Sale 113, scheduled to be held in March 1988, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

2919. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2920. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2921. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2922. A letter from the Secretary of the Interior, transmitting a report on the status of the revenues from and the cost of constructing, operating and maintaining each lower basin unit of the Colorado River Basin project for the year ended September 30, 1968, pursuant to 43 U.S.C. 1544; to the Committee on Interior and Insular Affairs.

2923. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the fourth quarter report on waivers granted from certain admissibility requirements for refugees for fiscal year 1987, pursuant to 8 U.S.C. 1157(c)(3); to the Committee on the Judiciary.

2924. A letter from the Clerk, District of Columbia Circuit, U.S. Court of Appeals, transmitting a copy of the notification by the Acting Attorney General, pursuant to 28 U.S.C. sec. 592(b)(i), regarding the preliminary investigation concerning former Assistant Attorney General Douglas H. Ginsburg, and certain related materials, released by the Division for the Appointment of Special Counsels, U.S. Court of Appeals; to the Committee on the Judiciary.

2925. A letter from the Acting Secretary, Department of Agriculture, transmitting the second quarterly commodity and country allocation table showing current commodity programming plans for food assistance under title II of Public Law 480 for fiscal year 1988, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES (for himself, Mr. Howard, and Mr. Saxton):

H.R. 3949. A bill to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONYERS (for himself, Mr. Fish, Mr. Horton, Mr. Coelho, Mr. Udall, and Mr. Kennedy):

H.R. 3950. A bill to establish national standards for voter registration for elections for Federal office, and for other purposes; jointly, to the Committees on House Administration and the Judiciary.

By Mr. BOUCHER (for himself, Mr. Watkins, Mr. Bryant, Mr. Fascell, Mr. Smith of Florida, Mr. Sisisky, Mr. Neal, Mr. Tauzin, Mr. Barnard, Mr. MacKay, Mr. Fields, Mr. Leland, Mr. Dowdy of Mississippi, Mr. Hopkins, and Mr. Shaw):

H.R. 3951. A bill granting the consent of Congress to the Southern States Energy Compact, and for related purposes; to the Committee on Energy and Commerce.

By Mr. CAMPBELL:

H.R. 3952. A bill to increase the amount authorized to be appropriated for construction of the closed basin division of the San Luis Valley project in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. DONNELLY (for himself, Mr. Atkins, and Mr. Frank):

H.R. 3953. A bill to amend title XVI of the Social Security Act to provide that the existing requirement for deeming a parent's income and resources to his or her children under age 18 shall not apply in the case of certain severely disabled children, and for other purposes; to the Committee on Ways and Means.

By Mr. FISH (for himself, Mr. Hughes, Mr. Moorhead, and Mr. Feighan):

H.R. 3954. A bill to amend the Clayton Act regarding interlocking directorates and officers; to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mr. Ray, Mr. Nielson of Utah, Mr. Owens of Utah, Mr. Fazio, Mr. Matsui, Mr. Bustamante, Mr. Gonzalez, Mr. Watkins, Mr. Edwards of Oklahoma, Mr. McCurdy, Mr. Smith of Texas, Mr. McEwen, Mr. Kasich, Mr. DeWine, Mr. English, Mr. Hall of Ohio, Mr. Rowland of Georgia, Mr. Miller of Ohio, Mr. Thomas of Georgia, and Mr. Wolpe):

H.R. 3955. A bill to increase the authority of the Secretary of Defense to transfer unobligated balances between accounts of the Department of Defense for fiscal year 1988 and to require the Secretary to use a portion of that authority to provide needed funds for depot maintenance activities and civilian personnel salaries; jointly, to the Committees on Appropriations and Armed Services.

By Mr. JEFFORDS (for himself, Mr. Stangeland, Mr. Obey, Mr. Gunderson, Mr. Hopkins, Mr. Coelho, Mr. Applegate, Mr. Towns, Mr. Gilman, Mr. Boehlert, Mr. Martin of New York, Mr. Penny, Mr. Gejdenson, Mr. Kastenmeier, Mr. Lagomarsino, Mr. Wortley, Mr. Chapman, Mr. Horton, Mrs. Johnson of Connecticut, Mr. AuCoin, Mr. Fauntroy, Mr. Roth, Mr. Petri, Mr. Weber, Mr. Oberstar, and Mr. Clinger):

H.R. 3956. A bill to amend section 201(d)(1)(D) and (E) of the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. KOSTMAYER (for himself and Mr. Ritter):

H.R. 3957. A bill to establish the Delaware and Lehigh Navigation Canal National Heritage Corridor in the Commonwealth of Pennsylvania; to the Committee on Interior and Insular Affairs.

H.R. 3958. A bill to direct the Secretary of the Interior to rehabilitate and preserve the Delaware Canal and the Lehigh Canal in the Commonwealth of Pennsylvania in accordance with the provisions of the Historic Sites Act; to the Committee on Interior and Insular Affairs.

By Mr. OWENS of Utah:

H.R. 3959. A bill to amend the Impoundment Control Act of 1974 to provide that a rescission of budget authority proposed by the President take effect unless Congress specifically adopts a joint resolution disapproving the proposed rescission; jointly, to the Committees on Government Operations and Rules.

By Mr. RAVENEL (for himself, Mr. Tallon, Mr. Spratt, Mr. Derrick, Mrs. Patterson, and Mr. Spence):

H.R. 3960. A bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONYERS:

H.R. 3961. A bill to require each State that receives a grant for adult education pursuant to section 304(a) of the Adult Education Act to reserve not less than 10 percent of funds provided under the grant for corrections education and education for other institutionalized individuals; to the Committee on Education and Labor.

By Mr. HUTTO (for himself, Mr. Jones of North Carolina, Mr. Davis of Michigan, Mr. Biaggi, Mr. Anderson, Mr. Studds, Mr. Hubbard, Mr. Hughes, Mr. Lowry of Washington, Mr. Tauzin, Mr. Foglietta, Mr. Hertel, Mr. Dyson, Mr. Lipinski, Mr. Borski, Mr. Carper, Mr. Bosco, Mr. Tallon, Mr. Thomas of Georgia, Mr. Ortiz, Mr. Bennett, Mr. Manton, Mr. Pickett, Mr. Brennan, Mr. Hochbrueckner, Mr. Lent, Mr. Shumway, Mr. Fields, Mr. Bateman, Mr. Saxton, Mr. Miller of Washington, Mrs. Bentley, Mr. Coble, Mr. Sweeney, Mr. DioGuardi, Mr. Weldon, Mrs. Saiki, Mr. Herger, Mr. Bunning, and Mr. Konnyu):

H.J. Res. 456. Joint resolution to direct the Postmaster General to issue a commemorative stamp to honor the 200th anniversary of the U.S. Coast Guard; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia:

H.J. Res. 457. Joint resolution designating April 17-23, 1988, as "National Minority Cancer Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. THOMAS A. LUKEN (for himself and Mr. Hamilton):

H.J. Res. 458. Joint resolution to designate October 6, 1988, as "German-American Day"; to the Committee on Post Office and Civil Service.

By Mr. MILLER of California (for himself, Mr. Hawkins, Mr. Roybal, Mr. Dymally, Mr. Martinez, Mr. Matsui, Mr. Waxman, Ms. Pelosi, Mr. Mineta, Mr. Coelho, Mr. Panetta, Mr. Fazio, Mr. Lantos, Mr. Edwards of California, Mr. Berman, Mr. Stark, Mr. Bosco, Mr. Coleman of Texas, Mr. Richardson, Mrs. Patterson, Mr. Dornan of California, Mr. Porter, Mr. Kostmayer, Mr. DeFazio, Mr. Hayes of Illinois, Mr. Beilenson, Mr. Horton, Mr. Frenzel, Mr. Lehman of California, Mr. Wilson, Mr. Brown of Colorado, Mr. Smith of Florida, Mr. Roe, Mr. Sawyer, Mrs. Boxer, Mr. Neal, Mr. Mrazek, Mr. Vento, Mr. Wyden, Mr. Howard, Mr. Hughes, Mr. Lipinski, Mr. Hoyer, Mr. de Lugo, Mr. Buechner, Mr. Kolbe, Mr. Shumway, Mr. Frost, Mr. Sikorski, Mr. Owens of Utah, Mr. Kastenmeier, Mr. Harris, Mr. Fish, Mr. Lowery of California, Mr. Torricelli, Mr. Dellums, Mr. Lehman of Florida, Mr. Owens of New York, Mr. Campbell, Mr. Morrison of Connecticut, Mr. Dixon, Mr. Rodino, Mr. Hochbrueckner, Mr. Lowry of Washington, Mr. Towns, Mr. Pepper, Mr. Green, Mr. McHugh, Mr. Gordon, Mr. Kolter, Mr. Rahall, Mr. McCloskey, Mr. Murtha, Mr. Lagomarsino, Mr. Kleczka, Mr. Boucher, Ms. Oakar, Mr. Jenkins, Mr. Levine of California, Mr. Cardin, Mr. Jontz, Mr. Wortley, Mr. Weiss, Mr. Garcia, Mr. Lent, Mr. Tauke, Mr. Brown of California, Mr. Flake, Mr. Dwyer of New Jersey, Mr. Jacobs, Mr. Staggers, Mr. Bilbray, Mr. Tallon, Mr. Tauzin, Mr. Evans, Mr. Fawell, Mr. Leland, Mr. de la Garza, Mr. Walgren, Mr. Yates, Mr. Chandler, Mr. Thomas of California, Mr. Weldon, Mr. Erdreich, Mr. Anderson, Mr. Clarke, Mr. Borski, Mr. Moody, Mrs. Collins, Mrs. Bentley, Mr. Murphy, Mr. Conyers, Mr. Henry, Mr. Nichols, Mr. Pashayan, Mr. Durbin, Mr. Darden, Mr. Johnson of South Dakota, and Mr. Gejdenson):

H.J. Res. 459. Joint resolution to designate April 21, 1988, as "John Muir Day"; to the Committee on Post Office and Civil Service.

By Mr. MORRISON of Washington (for himself, Mr. Barnard, Mr. Bennett, Mr. Berman, Mr. Bevill, Mr. Bliley, Mr. Boland, Mr. Boucher, Mr. Brooks, Mr. Buechner, Mr. Callahan, Mr. Carper, Mr. Chandler, Mr. Chapman, Mrs. Collins, Mr. Crockett, Mr. Dicks, Mr. Dorgan of North Dakota, Mr. Dornan of California, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Dyson, Mr. Emerson, Mr. Fawell, Mr. Fazio, Mr. Feighan, Mr. Fish, Mr. Flippo, Mr. Florio, Mr. Foley, Mr. Frenzel, Mr. Fuster, Mr. Garcia, Mr. Gejdenson, Mr. Gekas, Mr. Gray of Illinois, Mr. Green, Mr. Harris, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Hefner, Mr. Horton, Mr. Howard, Mr. Hubbard, Mr. Hyde, Mrs. Johnson of Connecticut, Mrs. Kennelly, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lehman of Florida, Mr. Lent, Mr. Levine of California, Mr. Lewis of California, Mr. Lewis of Florida, Mr. Lipinski, Mr. Livingston, Mrs. Lloyd, Mr. Lott, Mr. Lowry of Washington, Mr. McDade, Mr. McGrath, Mr. McHugh, Mr. McMillen of Maryland, Mr. MacKay, Mr. Martin of New York, Mr. Miller of California, Mr. Miller of Washington, Mr. Moakley, Mr. Molinari, Mr. Montgomery, Mr. Morrison of Connecticut, Mr. Murphy, Mr. Murtha, Mr. Neal, Mr. Nelson of Florida, Mr. Nichols, Ms. Oakar, Mr. Oberstar, Mr. Owens of New York, Mr. Panetta, Mrs. Patterson, Mr. Pepper, Mr. Ravenel, Mr. Rhodes, Mr. Rinaldo, Mr. Roberts, Mr. Robinson, Mr. Rodino, Mr. Roe, Mr. Rostenkowski, Mrs. Roukema, Mr. Rowland of Georgia, Mr. Russo, Mrs. Saiki, Mr. Saxton, Mr. Schuette, Mr. Denny Smith, Mr. Smith of Florida, Mr. Smith of New Hampshire, Mr. Solarz, Mr. Spence, Mr. Spratt, Mr. Staggers, Mr. Stenholm, Mr. Sunia, Mr. Tallon, Mr. Tauke, Mr. Towns, Mr. Traficant, Mr. Traxler, Mr. Valentine, Mr. Vander Jagt, Mr. Walgren, Mr. Weiss, Mr. Wilson, Mr. Wolpe, Mr. Wortley, Mr. Wyden, Mr. Yatron and Mr. Young of Alaska):

H.J. Res. 460. Joint resolution to authorize and request the President to issue a proclamation designating April 24, 1988, through April 30, 1988, as "National Organ Tissue Donor Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. TAUKE (for himself, Mr. Hall of Texas, Mr. Chapman, Mr. Pickle, Mr. Whittaker, Mr. Emerson, Mr. Sikorski, Mr. Hatcher, Mr. Grant, Mr. Roberts, Mr. Boucher, Mr. Tallon, Mr. Stenholm, Mr. Schuette, Mr. Weber, Mr. Hutto, Mr. Daub, Mr. Coleman of Missouri, and Mr. Jontz):

H.J. Res. 461. Joint resolution designating the week beginning May 15, 1988, as "National Rural Health Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. Fascell, Mr. Broomfield, Mr. Leach of Iowa, Mr. Atkins, Mr. Sunia, Mr. Torricelli, Mr. Ackerman, Mr. Blaz, Mr. Lagomarsino, Ms. Snowe, and Mr. Solomon):

H. Con. Res. 246. Concurrent resolution condemning the bombing by North Korean agents of Korean Air Lines flight 858; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Res. 378. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the Judiciary in the 2d session of the 100th Congress; to the Committee on House Administration.

By Mr. HUNTER:

H. Res. 379. Resolution condemning the Soviet Union's and the Democratic Republic of Afghanistan's policies of repression of accurate news coverage of the war in Afghanistan and for other purposes; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

268. By the SPEAKER: Memorial of the General Assembly, Commonwealth of Pennsylvania, relative to a stamp commemorating the 50th Anniversary of the Pennsylvania Turnpike; to the Committee on Post Office and Civil Service.

269. Also, memorial of the House of Representatives, Commonwealth of Pennsylvania, relative to amending the Budget Reconciliation Law of 1987, to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY:

H.R. 3962. A bill for the relief of Cornel H. Petrassevich; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 3963. A bill for the relief of the T.W. Rounds Co. of Providence. RI; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 80: Mr. Kanjorski.

H.R. 341: Mr. Feighan.

H.R. 606: Mr. LaFalce.

H.R. 817: Mr. Hansen, Mr. Sundquist, Mr. Bunning, Mr. Huckaby, Mr. Lott, and Mr. Weldon.

H.R. 1115: Mr. de Lugo.

H.R. 1143: Mr. Manton.

H.R. 1342: Mr. Manton.

H.R. 1516: Mr. St Germain.

H.R. 1546: Mrs. Byron.

H.R. 1583: Miss Schneider, Mr. Weber, Mr. Schumer, Mr. Sundquist, Mr. Sweeney, Mr. Mack, Mr. AuCoin, Mr. Sharp, Mr. Gunderson, Mr. Dannemeyer, Mr. Miller of California, Mr. Bunning, Mrs. Roukema, Mr. Green, Mr. Brown of Colorado, and Mr. Miller of Washington.

H.R. 1604: Mr. Sundquist, Mr. Thomas of Georgia, Mr. Boland, Mr. Cardin, Mr. Horton, and Mr. Campbell.

H.R. 1638: Mr. Moakley, Ms. Oakar, and Mr. Feighan.

H.R. 1692: Mr. Mazzoli, Mr. Schaefer, Mr. Mack, Mr. Flake, Mr. Nelson of Florida, Mr. Applegate, Mr. Murtha, Mr. Miller of Ohio, Mr. Oxley, Mr. Bunning, Mr. Bilirakis, and Mr. Thomas A. Luken.

H.R. 1769: Mr. Towns.

H.R. 1917: Ms. Pelosi.

H.R. 1971: Mr. Mineta.

H.R. 1975: Mr. Bliley.

H.R. 2125: Mr. Bateman.

H.R. 2246: Mr. Swindall, Mr. Foglietta, Mr. de la Garza, Mr. Schuette, and Mr. Traxler.

H.R. 2260: Mr. Rhodes, Mr. Lehman of Florida, Mr. Gekas, and Mr. Durbin.

H.R. 2357: Mr. Davis, of Illinois, Mr. Campbell, Mr. Martinez, Ms. Kaptur, Mr. Conyers, Mr. Lancaster, Mr. Stokes, Mr. Buechner, Mr. Mazzoli, and Mr. Sunia.

H.R. 2532: Mr. Bonker.

H.R. 2621: Mr. Miller of Washington, Mr. Carper, Mr. Wolpe, Mr. Shays, and Ms. Pelosi.

H.R. 2707: Mr. Sundquist and Mr. Levine of California.

H.R. 2793: Mr. Craig.

H.R. 2988: Mr. de Lugo, Mr. Darden, Mr. Packard, Mr. Dowdy of Mississippi, Mr. Hammerschmidt, Mr. Craig, Mr. Robert F. Smith, and Mr. DeFazio.

H.R. 3054: Mr. Gejdenson.

H.R. 3065: Mr. McEwen, Mr. Flippo, Mr. Gordon, Mr. Davis of Michigan, Mr. Jeffords, Mr. Price of North Carolina, Mr. Towns, and Mr. Hefley.

H.R. 3071: Mr. Smith of Florida.

H.R. 3133: Mr. Smith of Florida, Mr. Dixon, Mr. Lehman of Florida, Mr. Mrazek, Mr. Florio, Mr. Moakley, and Mr. Fauntroy.

H.R. 3241: Mr. Gray of Illinois.

H.R. 3250: Mr. Lagomarsino, Mr. Natcher, Mr. Coyne, Mr. Shumway, and Mr. McEwen.

H.R. 3280: Mr. Smith of New Hampshire.

H.R. 3375: Mr. Moody.

H.R. 3410: Mr. de Lugo and Mr. Hyde.

H.R. 3455: Mr. Fuster, Mr. Rodino, Mrs. Lloyd, Mr. Owens of New York, Mrs. Morella, Mr. Horton, Mr. Roe, Mr. Skelton, and Mr. Lewis of California.

H.R. 3467: Mrs. Roukema.

H.R. 3505: Mr. Buechner and Mr. Crockett.

H.R. 3511: Mr. Howard, Mr. Gonzalez, and Mr. Hall of Ohio.

H.R. 3523: Mr. Synar.

H.R. 3553: Mr. Foglietta, Mr. Skeen, Mr. Lujan, Mr. Hughes, Mr. Hayes of Illinois, Mr. Murphy, Mr. Towns, and Mr. Thomas of California.

H.R. 3565: Mr. Bereuter, Mr. Upton, and Mr. Nielson of Utah.

H.R. 3635: Mr. Fazio and Mr. Williams.

H.R. 3660: Mr. Whittaker, Mr. Konnyu, Mr. Johnson of South Dakota, Mr. Mazzoli, Mr. Glickman, Mr. Hochbrueckner, Mr. Chapman, Mr. McMillen of Maryland, Mr. Shays, Mr. Conte, Mr. Boland, Mr. Mavroules, Mr. Tallon, Mr. Hertel, Mr. Ortiz, and Mr. Boehlert.

H.R. 3669: Mrs. Boxer.

H.R. 3671: Mr. Biaggi, Mr. Cardin, Mr. Crockett, Mr. de la Garza, Mr. de Lugo, Mr. Edwards of California, Mr. Gonzalez, Mr. Levin of Michigan, Mr. McMillen of Maryland, Mr. Owens of New York, Mr. Rodino, Mr. Traficant, and Mr. Weiss.

H.R. 3769: Ms. Pelosi.

H.R. 3791: Mr. Wortley, Mr. Smith of Florida, Mr. Ravenel, Mr. Chapman, Mr. Gallo, Mrs. Byron, and Mr. Myers of Indiana.

H.R. 3792: Mr. Bennett, Mr. Lent, Mr. Morrison of Connecticut, Mr. Lancaster, Mr. Ackerman, Mr. Gordon, Mr. Schumer, Mr. Conte, Mr. Levin of Michigan, Mr. Garcia, Ms. Pelosi, Mr. Owens of New York, Mr. McGrath, Mr. Harris, Mr. Manton, and Mr. Martinez.

H.R. 3814: Mr. Coughlin, Mrs. Vucanovich, and Mr. Darden.

H.R. 3830: Mr. Horton, Mr. Ackerman, Mr. Hughes, and Mr. Shaw.

H.R. 3841: Mr. Schuette and Mr. Hyde.

H.R. 3844: Mr. Hammerschmidt, Mr. Grandy, Mr. Leach of Iowa, Mr. Sweeney, Mr. Davis of Michigan, and Mr. Henry.

H.R. 3850: Mr. Bilbray, Ms. Kaptur, Mrs. Boxer, Mr. DeFazio, Mr. Sharp, Mr. Lewis of Forida, Mr. Bustamante, Mr. Hopkins, Mr. Hiler, Mr. Hamilton, Mr. Fazio, Mr. Applegate, Mr. Derrick, Mr. Rowland of Georgia, Mr. Jacobs, Mr. Gray of Illinois, and Mr. Nielson of Utah.

H.R. 3865: Mr. Spratt, Mr. Wilson, Mr. Stangeland, Mr. Shumway, Mr. Davis of Michigan, Mr. Martin of New York, Mr. Ortiz, Mr. McEwen, Mr. Burton of Indiana, Mr. Hiler, Mr. Bustamante, and Mr. Hastert.

H.R. 3870: Mr. Hughes.

H.R. 3878: Mr. Gilman.

H.R. 3879: Mr. Ackerman, Mr. Moakley, Mr. Owens of New York, Mr. Penny, Mr. Mfume, Mr. Solarz, Mr. Hayes of Illinois, Mr. Hall of Ohio, Mr. de Lugo, Mr. Gilman, Mr. Horton, Mr. Dorgan of North Dakota, Mr. Berman, Mr. Towns, Mr. Kostmayer, Ms. Pelosi, Mr. Fauntroy, and Mr. Weiss.

H.R. -3883: Mr. Borski, Mr. Penny, Ms. Kaptur, Mr. Tallon, Mr. Sunia, Mr. Matsui, Mr. Hayes of Illinois, Mr. Sikorski, Mr. Florio, Mr. Gray of Illinois, Mr. Dornan of California, Mr. Craig, Mr. Morrison of Washington, Mr. Dymally, and Mr. Wyden.

H.R. 3888: Mr. Johnson of South Dakota.

H.R. 3893: Mr. Kleczka, Mr. Coats, Mr. Hammerschmidt, Mrs. Roukema, Mr. Ritter, Mr. Derrick, and Mr. Quillen.

H.R. 3907: Mr. Brown of Colorado, Mr. Synar, Mr. Dowdy of Mississippi, Mr. Sweeney, Mr. Hammerschmidt, Mr. Richardson, Mr. Sharp, Mrs. Martin of Illinois, Mr. Jones of Tennessee, and Mr. McDade.

H.R. 3914: Mr. Lewis of Georgia, Mr. Lagomarsino, Mr. de Lugo, Mr. Hoyer, Mr. Fauntroy, Mr. Dixon, Mr. Green, and Mrs. Boggs.

H.R. 3936: Mr. Chappell.

H.J. Res. 192: Mr. Schuette.

H.J. Res. 377: Mr. Biaggi, Mr. Bosco, Mr. Derrick, Mr. Dowdy of Mississippi, Mr. Foley, Mr. Hansen, Mr. Leach of Iowa, Mr. Miller of California, Mr. Waxman, Mr. Miller of Ohio, Mr. Moakley, and Mr. Morrison of Connecticut.

H.J. Res. 383: Mr. Bennett, Mr. Packard, Mr. Hall of Texas, Mr. Hall of Ohio, Mr. Chapman, Mr. McCloskey, Mr. Obey, Mr. Whittaker, Mr. Crane, Mr. Synar, and Mrs. Patterson.

H.J. Res. 398: Mr. Donnelly, Mr. Henry, Mr. Jones of North Carolina, Mr. Wyden, Mr. Moody, Mrs. Lloyd, Mr. Lipinski, Mr. Smith of Florida, Mrs. Roukema, Mr. Horton, Mr. Kasich, Mr. Bilbray, Mr. McCloskey, Mr. Fazio, Mr. Bliley, Mr. Foglietta, and Mr. Matsui.

H.J. Res. 428: Mr. Levin of Michigan, Mr. Broomfield, Mr. Henry, and Mr. Martinez.

H. Con. Res. 232: Mr. Konnyu, Mr. Holloway, Mr. Brown of California, Mr. Solomon, Mr. Oxley, Mr. de la Garza, Mrs. Roukema, Mr. Bennett, Mr. Pepper, and Mr. Tauzin.

H. Con. Res. 237: Mr. Lehman of Florida, Mr. Dwyer of New Jersey, Mr. Edwards of California, Mrs. Boxer, Mr. Shays, Mr. Swindall, Mr. Lewis of Georgia, Mrs. Byron, Mr. Hayes of Illinois, Mr. Rinaldo, Mr. Bates, Mr. Borski, Mr. Jacobs, Mr. Beilenson, Mr. Schaefer, Mr. Tallon, Mr. Levine of California, Mr. Russo, Mr. Gallegly, Mr. St Germain, Mr. Fascell, Mr. Pickle, Mr. Fuster, Mr. Kennedy, Mr. DeFazio, Mr. Staggers, Mr. Owens of Utah, Mrs. Lloyd, Mr. Traxler, Mr. Ford of Tennessee, Mr. Mazzoli, Mr. Chandler, and Mr. Lujan.

H. Con. Res. 238: Mr. Penny.

H. Con. Res. 241: Mr. Weiss, Mr. Scheuer, Mr. Oberstar, Mrs. Boxer, Mr. Fauntroy, Mr. Martinez, Mr. Miller of California, and Mr. Jontz.

H. Res. 225: Mr. Hutto and Mr. Vander Jagt.

H. Res. 272: Mr. Rangel, Mr. Chapman, Mr. Bunning, Mr. Bateman, Mr. Ortiz, Mr. Swindall, Mr. Traficant, Mr. Fish, and Mr. Edwards of Oklahoma.

H. Res. 300: Mr. Inhofe, Mr. Bliley, and Mr. Hughes.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. R. 3378: Mr. Thomas of Georgia.

H. R. 3635: Mr. DeFazio.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

123. By the SPEAKER: Petition of the county council of Hilo, Hawaii, relative to improvements to Saddle Road, to the Committee on Armed Services.

124. Also, petition of the city council of Pittsburgh, PA, relative to the Community Housing Partnership Act; to the Committee on Banking, Finance and Urban Affairs.

EXTENSIONS OF REMARKS

WOMEN FOR A MEANINGFUL SUMMIT

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Miss SCHNEIDER. Mr. Speaker, while President Reagan and General Secretary Gorbachev met in Washington late last year to discuss a wide range of issues concerning the superpowers, women legislators from around the world were meeting here as well to lend their voices to the cause of global peace. I was a proud participant in that meeting, Mr. Speaker, and am happy to commend to my colleagues these selected exerpts of our own summit, as prepared by the international women's organization, Women for a Meaningful Summit, which sponsored the meetings.

On Friday, December 4, hearings were organized by Women for a Meaningful Summit which included four Members of the U.S. Congress: Claudine Schneider, Patricia Schroeder, Barbara Kennelly, and Constance Morella. The hearing was chaired by former New York Congresswoman Bella Abzug and Senator Silvia Hernandez of Mexico, who is also president of World Women Parliamentarians for Peace. The panel also included legislators from 11 countries. It heard testimony from foreign and American women who voiced their ideas for promoting international peace and speak on behalf of U.S. ratification of the INF Treaty.

The hearings turned out to be the only occasion for WMS to communicate its views to the superpower leaders. Neither leader was able to meet with a WMS or other peace delegation, but copies of the testimony presented at the hearing were delivered to George Arbatov, for General Secretary Gorbachev's attention, and to Deputy Assistant Secretary of State Thomas Simons for President Reagan.

WMS also was in touch with Mrs. Reagan and Mrs. Gorbachev. Although neither could attend, WMS was able to call attention to women's strong interest in advancing peace.

This concern was expressed in many different voices at the hearings. Among them were spokeswomen from world women parliamentarians and other international delegates, and from leaders of the six American women's peace organizations as well as other U.S. women's groups like the YWCA, National Institute for Women of Color, and the American Association of University Women. Sara Harder, president of the AAUW and Chair of the WMS/USA Executive Committee, established a theme for the meeting when she quoted a Chinese proverb, "Women hold up half the sky."

Margarita Papandreou, wife of the Prime Minister of Greece, testified. She is the international liaison from Women for a Meaningful Summit and president of the Women's Union of Greece. She was part of a delegation of 41 foreign participants from 26 nations who are striving toward peace. An exerpt of her testimony follows:

Mrs. Papandreou. I want to mention that we have been getting letters of support from wives of leaders all over the world, Luxembourg, Finland, Czechoslovakia, East Germany, New Zealand, Hungary, the Gambia and India. I think it is important that wives of leaders of countries feel very impelled to show their solidarity with our efforts here. Being the wife of a Prime Minister is sometimes an awkward kind of a role, but it does have a certain power-derived power, you might say—and it can be used in a good way. Someone asked me after a speech in Europe, in the Netherlands, I think it was, whether I thought it was appropriate and proper for the wife of a leader to be engaged in such a political activity as disarmament and issues of peace. I said it wasn't a question of being proper, but a duty, and I thought that every wife of every leader should be involved in such an activity.

The global network, Women for a Meaningful Summit, believes that a meaningful summit here in Washington must carry with it not only an agreement of nuclear missiles reduction, but an expression of political will by both superpowers to continue the process and to state in specific terms what this means.

We would wish, also, that women were at the negotiating table to have the opportunity to help shape the world's future in peace and welfare, in solidarity and dignity. This wish is something we are striving to turn into an actuality and it will become just that in the not too distant future.

A panel of three women who are technical experts on arms control as well as leaders of U.S. organizations gave their views on progress toward peaceful relations between the superpowers. The women experts were Dr. Anne Cahn, Director of the Committee for National Security; Randall Forsberg, founder of the Nuclear Freeze movement and Director of the Institute for Defense and Disarmament Studies; and Dr. Betty Lall, academician and expert on verification of treaties for the Council on Economic Priorities.

Two excerpts of Dr. Cahn and Ms. Lall's testimony follow:

Dr. Anne Cahn. Pat Schroeder was very apt in calling the Summit, the forthcoming Summit, "Base Camp 1," because indeed the INF Treaty really is just a first step. The administration has used that phrase, "a first step," because they found out that it sold well to focus groups, but I think it is an apt phrase because the INF agreement is militarily and strategically insignificant and politically very, very important.

Militarily, of course as you all know, it very much favors the United States. Under the terms of the agreement, the U.S. will dismantle 364 nuclear warheads of intermediate range and the Soviet Union will dismantle 1,435 warheads of intermediate range plus another 140 of shorter range. After the United States and the Soviet Union withdrawals are completed, West Germany will then deactivate 72 Pershings I-A. Those warheads represent about 4 percent of the totals in the inventories of the two superpowers.

Another reason that the treaty is militarily and strategically insignificant is that the treaty can be very easily circumvented. For one thing, the treaty leaves the United States with 12,000 and the Soviet Union with 11,000 strategic warheads in their inventories, which can, in the course of an hour, be retargeted to aim at the same targets as those being removed by the INF Treaty. Second, because the United States has abandoned the SALT II treaties, the Soviet Union, if it wished to do so, would be free to build up its strategic warheads, which are not covered by the treaty, back up to the amount of the 1,400 that they are taking down for the INF.

However, I think that politically the INF treaty has tremendous importance, and that is really for three reasons. First, it will fulfill a long-standing United States assurance to our allies that the United States and Soviet arms control agreements will not leave European concerns aside. Second, I think the treaty is important politically because it will demonstrate that the United States can follow through on commitments, and I would think that to renege or not to ratify the treaty would destroy any credibility on the part of the United States with our allies or with the Soviet Union. Third, and most important of all, I think that the treaty is of tremendous political importance to the two leaders.

Ms. Betty Lall. This agreement encompasses the most comprehensive verification measures that have ever been in any agreement and, hopefully, it will go a long way to put to rest the argument of many, particularly in my country, that constantly states, "Well, you cannot reach an agreement because verification is impossible. The Soviets will not agree." This time the Soviets have been, in many ways, more open than the United States in wanting verification, so as you will see when the Treaty is released, there are many aspects of the verification problem that have been solved, opened up by the parties.

This agreement is very important because it for the first time begins to denuclearize Europe. Europe, as we know, is the most heavily nuclearized place in this world, and if we tried to put as many weapons—particularly nuclear weapons—that are in Europe in the United States, throughout our major cities and throughout our manufacturing centers, I believe there would be a huge political cry, but Europe has had this for years and years.

Now let me also emphasize one other important aspect of this agreement that begins to attack a very fundamental part of this arms race, and that is where technology leads strategy. Think what has happened in building Pershings and cruise. We have our scientists and engineers think of things to do, and they devise technologies, and once those technologies are devised, then we say, "Well, what kind of a strategy will we have to fit them?" We must keep in mind that we must reverse this technology first and strategy second. Let us decide what are our pure defense needs and then decide what kinds of weapons, if any, do we want to have to guarantee our security.

Now let me talk now about a nuclear weapons test ban, because if we want to think of one next step after this agreement that will do more than anything else to denuclearize the world, it is achieving a ban on nuclear weapons testing. If you cannot test, you cannot make new weapons. If you cannot test there will be other countries that cannot make nuclear weapons, and so we have in front of us as an important next goal both the stopping of the vertical proliferation on the part of the United States and the Soviet Union and other nuclear powers, and stopping the horizontal proliferation among many other countries of the world. That if it once starts, will be extremely hard to stop. The technology is there, the material is there, and if there is political will to move toward nuclear weapons, that will go forward. A test ban would stop both kinds of proliferation.

It is an honor for me to participate in Women for a Meaningful Summit's hearing and represent women's hopes that summit meetings between the United States and the Soviet Union will produce arms agreement leading to global security and to coordinate peace efforts among women's peace groups and organizations. Women for a Meaningful Summit is supported by American foundations, among them the Dana McLean Greeley Foundation of Concord, Massachusetts.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A CONGRESSIONAL SALUTE TO AFRO-AMERICAN ARCHITECTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FAUNTROY. Mr. Speaker, the history of the Afro-American architect in this Nation has been one which is characterized by tenacity of purpose and pursuit of opportunity and excellence. The achievements of these professional individuals in architectural practice, government, education, and allied endeavors have been stellar even in the very early days when formal education in architecture was not available in historically Afro-American institutions of higher education.

On February 9, 1911, the trustees of Howard University approved degree studies in architecture, thus creating what was to become a premier academy, the Howard University School of Architecture and Planning. The legacy of this school and its faculty, students, and alumni is replete with distinctions that are well known and revered in the architectural community and the community at large.

A measure of the greatness of an institution is often the extent to which it acknowledges both those who contributed to its stature and those who labored in competition with it, but always to the same end. In this context, the Howard University School of Architecture, as a component of its Black History Month Celebration, will honor 10 architects who have made significant contributions to the participation of Afro-Americans in the profession. Among the nine men and one woman, are four professors emeriti of Howard, seven fellows of the American Institute of Architects, early faculty members of the architectural programs at Hampton and Tuskegee Universities, a principal of the oldest continuing Afro-American architectural firm in the Nation, and the first Afro-American woman to be elected to the College of Fellows of the AIA. The celebration's theme is "The Afro-American Architect: A Search for Opportunity and Excellence" and it will occur on Friday, February 26, 1988.

I share with you and our country profiles of the 10 honorees:

Leon Brown, FAIA; BA arch, Georgia Institute of Technology, 1929, M arch, University of Pennsylvania, 1933; professor of architecture, 1947-1972, Howard University; fellow, American Institute of Architects; partner, Brown and Wright, Architects; past president, D.C. Board of Examiners and Registrars of Architects; past president, Washington Metropolitan Chapter, American Institute of Architects.

Leroy J.H. Brown, AIA: BS arch, Howard University, 1944, MS arch, Catholic University, 1950; professor of architecture, 1945-1977, and chairman, Department of Architecture, Howard University; principal, Leroy J.H. Brown and Associates; past president, D.C. Board of Examiners and Architects.

Granville W. Hurley, Sr., FAIA: BS arch, University of Pennsylvania, 1933, M arch, University of Pennsylvania, 1934; professor of architecture, 1935-1972, Howard University; fellow, American Institute of Architects; former acting chairman, Department of Architecture, Howard University.

Louis E. Fry, FAIA; BS arch, Kansas State University, 1927, M arch, Kansas State University, 1930; professor of architecture, 1947-1971, Howard University; fellow, American Institute of Architects; past member, D.C. Board of Examiners and Registrars of Architects; partner, Fry & Welch Architects; nominee, AIA Gold Medal; designer, Main Gates, Founders Library, Douglass Hall at Howard University.

Robert P. Madison, FAIA: B arch, Case Western Reserve, 1948, M arch, Harvard University, 1952; president and founder, Robert P. Madison International, Inc., Architects; past chairman, AIA Jury of Fellows; doctor of humane letters, Howard University; fellow, American Institute of Architects.

William D. McKissack: B arch, Howard University, 1951; principal, McKissack, McKissack and Thompson, oldest continuing Afro-American-owned architectural firm in the Nation; outstanding alumnus, Howard University.

William H. Moses: BS arch, University of Pennsylvania, 1933; professor of architecture, 1934-1965, and founder, architectural degree program, Hampton University.

Norma M. Sklarek, FAIA: B arch, Columbia University, 1950; first Afro-American female fellow, American Institute of Architects; formerly, vice president, Welton Beckett Associates; founder, Seigel, Sklarek and Diamond Architect.

John Sulton, FAIA: B arch, Kansas State University, 1941; founder, Sulton and Campbell Architects; fellow, American Institute of Architects.

John Welch, FAIA: BS arch, Howard University, 1930, M arch, Catholic University, 1952; professor of architecture and dean, School of Applied Science, Tuskegee University, 1957-1974; partner, Fry and Welch Architects; fellow, American Institute of Architects.

GREECE AND TURKEY: ARE THEY BREAKING THE ICE?

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BROOMFIELD. Mr. Speaker, I am encouraged by recent indications that relations between Greece and Turkey may be improving. While major disagreements still divide those two nations, some progress is being made in setting a new tone in their relationship. Prime Minister Ozal and his Greek counterpart, Andreas Papandreou, are to be commended for taking this brave step on the road to peace in the Aegean. Now is the time for the Turkish Government to show its commitment to peace by removing Turkish troops from Cyprus.

In the past few days, the Prime Ministers of Greece and Turkey announced that they had agreed to work toward "lasting peaceful relations" between their two countries. They issued their joint communique after a 2-day meeting that marked the first direct contact between the two countries in a decade. Their meeting reportedly took place in an "atmosphere of understanding and good will."

The two leaders agreed to make reciprocal visits to each other's countries at least annually. They also agreed to set up two committees. One group will explore areas of possible economic cooperation while the other group will determine how to resolve longstanding problems. They also agreed to "initiate, encourage and increase contacts among civilian and military officials, members of the press and businessmen."

While we can all be hopeful that relations between the two countries will improve, there are many areas of disagreement which still divide those two guardians of NATO's southern flank. Greek and Turkish leaders take conflicting positions on the issues of sharing Aegean seabed mineral rights, control of Aegean airspace, the limits of territorial waters and the militarization of Greek islands near Turkey's Aegean coast. The most controversial issue concerns the illegal Turkish occupation of the northern half of Cyprus. Since 1974, over 30,000 heavily armed Turkish soldiers have occupied the northern tier of that once-peaceful island. Little progress has been made in resolving that longstanding tragedy for the people of Cyprus.

I am greatly disappointed that the Turkish Prime Minister, Mr. Turgut Ozal, apparently avoided substantive discussions concerning the Cyprus issue when he met with his Greek counterpart. I believe that all of us agree that the Cyprus problem must be resolved quickly and fairly. Prolonging the ongoing Cyprus problem will only lead to further frustrations and tensions in the Aegean. Disagreements over this and other unresolved issues have brought the two nations to the brink of war twice in the past 20 years. America does not need a further weakening of the vital southern flank of NATO.

While the recent meetings between Prime Minister Ozal and the Greek President did not produce dramatic results, it was a positive and encouraging development, and confidence-building measures were agreed upon. I encourage the Turkish Prime Minister to take the initiative before the window of opportunity closes on this important issue. Withdrawing Turkish soldiers from nothern Cyprus now would be a prudent step to take in helping those two nations resolve their differences.

A BAD WEEK IN ANGLO-IRISH RELATIONS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BIAGGI. Mr. Speaker, over the long and difficult history of Northern Ireland there have been few weeks in recent memory that have been more troublesome than last week. There have been few weeks where prospects for achieving a just political solution were dealt more setbacks than last week.

There have been few weeks when the actions of the British Government were so inimical to the goal of justice and peace for all the people of Ireland than last week.

First, the British Attorney General announced in the House of Commons that all further prosecutions of the members of the Royal Ulster Constabulary [RUC] involved in the so-called shoot to kill policy were ended. Just 4 days later a British appeals court refused to set aside the conviction of the so-called Birmingham Six despite years of sustained efforts by those from Ireland, Europe, and the United States to have the case reopened.

As the article from the Boston Globe of Monday, February 1 indicates these dual actions have enraged the Irish Government of Charles Haughey as well as those in the United States who have been advocating on these two causes. No group has been more concerned with these matters than the ad hoc Congressional Committee for Irish Affairs.

We have been pushing for a full and independent inquiry into the RUC shoot to kill allegations and have been deeply involved in the efforts to reopen the Birmingham Six case. It should be noted that a leading member of our committee the gentleman from New York, Mr. GILMAN attended the opening session of the Birmingham Six case before the court of appeals.

As chairman of the ad hoc committee I feel strongly that the United States must utilize its good offices whether through private diplomacy between the President and Mrs. Thatcher or some other avenue to gain reconsiderations of the British decision on both these matters. The RUC probe termination is especially troubling to me because it bears so directly on the issue of human rights.

As some of my colleagues recall, more than 7 years ago, the State Department suspended all future sales and shipments of arms to the RUC pending a full review of U.S. policy. This was due to documented reports that the RUC had been violating the human rights of prisoners and suspects under their control. This suspension has remained in effect today. Meanwhile in a new and even more dangerous policy the RUC is alleged to have had a shoot to kill policy against certain civilians in Northern Ireland which has produced deaths and maimings of innocent people.

We cannot continue to send economic assistance to Northern Ireland without some assurance that the British Government will conduct a new, independent, and public probe of these allegations. Failure to do this could constitute a serious inconsistency in the law authorizing the U.S. assistance.

At this point in the RECORD I wish to insert the article from the Boston Globe entitled. "British Actions Strain Anglo-Irish Ties."

The article follows:

[From the Boston Globe, Feb. 1, 1988]

BRITISH ACTIONS STRAIN ANGLO-IRISH TIES

(By Carole Craig)

DUBLIN.—The British legal system delivered a body blow to Anglo-Irish relations last week, shaking the foundation of two years of cooperation on the problems of Northern Ireland.

The British government announced last Monday that it would not prosecute police allegedly involved in a shoot-to-kill policy in Northern Ireland. Four days later a British appeals court refused to set aside the conviction of the so-called Birmingham Six, six Irish men accused of planting bombs in English pubs in 1974 that killed 21 persons and injured 160.

The British judges rejected claims by the Irish that they had been physically assaulted by police in order to obtain confessions. The six yesterday reiterated their innocence.

One Irish political commentator called it the worst week for relations between Britain and Ireland since the Irish state was founded.

Ireland's prime minister, Charles Haughey, accused the British government of breaching the Anglo-Irish Agreement. The two-year-old treaty forms the basis of the joint attempt to end 20 years of paramilitary violence in the six Northern Ireland counties.

The agreement gives the Irish government a "consultative role" in Northern Ireland affairs. Haughey told his Parliament that no such consultation had taken place over the decision not to prosecute the Northern Ireland police.

"PUBLIC INTEREST"

The Irish government claims it heard of the decision when the British attorney general, Patrick Mayhew, announced to the House of Commons that despite sufficient evidence, there would be no prosecution of the suspected police officers. He said the decision was based on "public interest and national security" concerns.

Mayhew's statement caused an uproar in the British Parliament, leading to the expulsion of one member who accused the attorney general of being an "accomplice to murder."

The controversey is over a case involving the shooting of six unarmed Roman Catholics by police in November and December 1982 in circumstances that have not been fully explained.

Haughey said Mayhew's decision not to take further legal steps in the matter had done the gravest damage to confidence in the ability and intention of authorities in the North to administer justice fairly. He canceled a meeting between the heads of the Irish and Northern Ireland police forces and called for a special meeting under the Anglo-Irish Agreement. The meeting is scheduled for tomorrow.

Almost simultaneously with Haughey's speech to the Irish legislators the three British appeal judges announced their verdict in the bombing case.

Reflecting widespread opinion in Ireland that the six are innocent, the Irish justice minister, Gerry Collins, said he was "amazed" and "saddened" by the verdict.

CAUSE CELEBRE

The Birmingham Six have become a cause celebre in Ireland. During the five-week appeal late last year, the longest appeal in British legal history, Irish newspapers ran daily full-page accounts of the proceedings.

A key contention in the appeal was that confessions from four of the six men were obtained after they had been beaten by the police. The defendants offered photographic evidence and witnesses to support their claim.

The judges dismissed the possibility that beatings had played a role in extracting any of the confessions.

A member of Parliament from the ruling Fianna Fail party, David Andrews, who was present in court when the appeal judgment was delivered on Thursday said. "This blow today added to Monday's cover-up is certainly a very sad day in the history of Anglo-Irish relations. It occurs to me that Monday is a black day and Thursday is a black day and two days in one week is a bad record for British justice in the Irish context."

Despite the two British actions, an official Irish source said Dublin is not about to give up the Anglo-Irish Agreement. "It gives us things we don't want to lose, for instance the stated right to be there," he said.

But he added, "The British government has signed the agreement and thinks that is enough. It thinks the letter of the agreement is enough and ignores the spirit."

SUPPORT FOR ISRAEL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. RICHARDSON. Mr. Speaker, America's longstanding support for Israel rests on our understanding of Israel's value as a strategic asset and a democratic bulwark. The depth of this understanding, not merely by the political leadership in Washington but by people across the country, is manifest during good times and difficult times.

A survey by the polling firm of Penn and Schoen Associates, engaged by the Anti-Defamation League of B'nai B'rith, and conducted between January 20 and 24—the height of the disturbances on the West Bank and in Gaza—reveals once again this steadfast support for Israel by the American people. As in the past, the public was more sympathetic to Israel than to the Arabs by a ratio of almost 4 to 1. It is fascinating and heartening that the public is able to look beyond the TV images and see the whole picture.

There are problems, certainly, but Israel in the mind of America remains a friend, a democratic standard, and a nation defending itself against those who would attack her.

Below is the summary of the survey:

This survey is intended to answer two basic questions:

(1) Has there been erosion in support for Israel since unrest began on the West Bank?

(2) What has been the reaction of the American public to what is going on in the Middle East?

DISCUSSION

On the first question, it seems clear that there has been little erosion in support for Israel. To test this proposition, we compared the results of our recently completed survey with those we compiled when we polled during a period of relative harmony in August, 1981. Those figures are presented to give you a frame of reference for what follows.

On the basic questions of who Americans support, sentiment is overwhelmingly with Israel. Table 1 shows the figures.

TABLE 1.—*Sympathies more with Israel or Arabs?*

	Percent
Israel: 1988	47
Arabs: 1988	14

Moreover, on the question of to whom the United States should give stronger support, Israel retains a significant advantage over the Arab nations.

TABLE 2.—*To whom should U.S. give stronger support?*

	Percent
Israel:	
1981	47
1988	43
Arabs:	
1981	11
1988	11

There is also clear recognition that the Reagan Administration is still sympathetic to Israel. Overall, 61 percent say the Reagan Administration's sympathies lie with the Israelis, while 12 percent say the Reagan Administration sympathizes with the Arab nations.

The American people continue to believe that the United States' strongest ally in the Middle East is Israel. In 1981, 41 percent took this position, now 47 percent say Israelis are America's strongest ally.

Nor, has there been any increase in sentiment that Israel is the greatest threat to peace in the Middle East. In 1981, 7 percent said Israel was the greatest threat to peace in the region. Now, 4 percent took this position. Forty-nine percent now say that Iran is the greatest threat to peace, and 14 percent said the PLO is the greatest threat to peace.

Further, Israel is still perceived as the strongest opponent of Soviet expansionism in the region, with 29 percent taking this position and 31 percent having offered it in 1981.

Finally, only 3 percent now said that Israel is the greatest threat to U.S. interests in the Middle East.

So it is clear that Israel has retained its bedrock support with the electorate. Indeed, follow-up questioning shows that there has actually been an improvement in the perception of Israel as a reliable ally of the United States.

TABLE 3.—*Israel a reliable ally of U.S. or do its actions threaten American interests in Middle East?*

	Percent
Reliable:	
1981	45
1988	52
Threaten United States:	
1981	35
1988	28

Also, there is a perception that Israel is a military and strategic asset to the United States. Overall, 57 percent said this was the case, while 30 percent disagreed.

Sentiment toward the Palestine Liberation Organization remains negative. In 1981, 7 percent were favorable while 58 percent were unfavorable. Now, 9 percent are favorable and 51 percent are unfavorable. Among those that were familiar with the PLO, only 23 percent said it represents the Palestinian people while, 61 percent said it does not represent them. Further, only 17 percent described them as a liberation organization, while 66 percent said they were a terrorist group. Finally, only 18 percent said Arafat and the PLO are sincere about wanting to make peace with Israel, and 65 percent say they are not sincere.

But, despite these feelings, 48 percent favor the U.S. having direct contact with the PLO and 42 percent oppose it. Thus, the American people support the idea of negotiations in the abstract, even if those discussions are held with groups they deeply distrust.

Thirteen percent said they wanted a Palestinian state set up on the West Bank and in Gaza under the PLO, while 31 percent opted for a state federated with Jordan. Twenty-six percent opposed the creation of any Palestinian state.

We also asked those that favor a Palestinian state federated with Jordan, whether they would still favor it if it meant the state was ruled by the PLO. Overall, 35 percent said they would favor it, while 53 percent said they would oppose it.

Responses were mixed on the issue of the role of the settlements on the West Bank and on the impact of a Palestinian state. Thirty percent said that Israeli settlements help protect the country's security while 47 percent indicated they contribute to greater instability in the region. But, while there is sentiment against the settlements, there is also recognition that a Palestinian state would be a threat to Israel's existence. Overall, 48 percent said such a state would be a threat, while 32 percent said it would not be a threat.

There was also a perception that neither side is willing to negotiate. Only 29 percent said the Arab nations are willing to negotiate directly with Israel, while 44 percent indicated they would not be willing to negotiate. However, the American public also believes that Israel is unwilling to negotiate with the Arab nations. Thirty-five percent said they are willing to negotiate and 40 percent said the Israeli's are not willing to negotiate.

We then presented the facts as they exist, with the Arabs refusing to negotiate unless the PLO is part of the process, and the Israelis refusing because of the PLO's call for Israel's destruction. Given that information, 43 percent said Israel should negotiate with the PLO and 46 percent said they should not.

We then turned to the unrest on the West Bank. We found that there was widespread recognition that there has been violence, and blame for it is placed on the PLO. To be sure, there is some sense that the Israeli reaction has been too extreme. But our sample does not believe the problem is Israel's alone or that the unrest is caused by legitimate grievances of the West Bank and Gaza Strip Arabs.

Overall, 72 percent have heard about violence and unrest in the Middle East, and 52 percent could point to the conflict on the West Bank and in Gaza. Thirty-six percent said Israel's reaction to the demonstrations has been too harsh, 12 percent said it has not been harsh enough, and 29 percent indicated it was appropriate under the circumstances. Twenty-three percent had no opinion.

Responsibility for the unrest lies with the PLO, according to our sample. Overall, 43 percent said they were responsible, while 16 percent each chose Israel and the West Bank Arabs.

Thirty-three percent said the West Bank Arabs were demonstrating because they have legitimate grievances against Israel, while 39 percent said they have been mobilized for political reasons by the PLO. Further, 15 percent said responsibility for the Palestinians is Israel's alone, while 56 percent said it was the responsibility of both the Arab states and Israel.

There was a consensus (78 percent) that an international peace conference should be convened. Only 15 percent opposed this idea. Also, 74 percent of those who favor the idea believe the PLO should be invited to participate, while 24 percent oppose the idea.

Finally, 49 percent said the United States did the right thing in voting for a U.N. resolution condemning Israel for its deportation of 9 Palestinian Arabs, while 33 percent said the U.S. did the wrong thing in voting to condemn Israel.

ABOUT THE SURVEY AND THE FIRM

The survey was conducted by Penn & Schoen Associates, Inc., a national public opinion research firm between January 20th and January 24th, from our central telephone facility in New York. A total of 810 interviews were conducted with a randomly selected sample of Americans. The level of error for the survey is plus-or-minus 4.5 percent.

Penn & Schoen Associates is a nationally known research firm that has worked for candidates such as former Vice-President Walter Mondale, Senator Edward Kennedy, Senator Daniel P. Moynihan, Senator Jay Rockefeller, Senator Frank Lautenberg, and 20 members of the House of Representatives.

The firm has also worked for a wide variety of corporations including Texaco, Amerada Hess, Philip Morris, Pepsico, General Foods, and Citibank.

FLORIO PAYS TRIBUTE TO KNIGHTS OF COLUMBUS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FLORIO. Mr. Speaker, I'd like to bring to the attention of my colleagues an important event taking place in Camden County, NJ.

As you know, the Fraternal Order of the Knights of Columbus has provided extraordinary service to our Nation for over 100 years. Their record of civic and charitable involvement stands unparalleled. Likewise, the fourth degree of the order, known as the patriotic order, has worked unceasingly to foster patriotism and community pride throughout the county.

Camden County, in my congressional district, is the home of the Bishop V.J. Eustace Assembly, namesake of the first bishop of the

Diocese of Camden and an organization that has continued the fine tradition of charitable and civic service that has so characterized the entire order. On Friday, February 19, 1988, the Bishop V.J. Eustace Assembly will honor 50 years of loyal and outstanding service to Camden County, to the State of New Jersey, and to our Nation. This commemorative event will take place at the Garden Park Hotel, Cherry Hill, N.J.

I am proud to have such an outstanding organization in my congressional district, and am equally proud to be a member. I congratulate the Bishop V.J. Eustace Assembly, Knights of Columbus of Camden County, on 50 years of charity, community service, and patriotism, and wish them the best on their next 50 years.

LUNCHEON FOR THE CONGRESSIONAL COMPETITIVENESS CAUCUS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Miss SCHNEIDER. Mr. Speaker, as part of the ongoing activities of the congressional competitiveness caucus, distinguished speakers knowledgeable in areas of international trade, the economy, education, and science and technology address members of the caucus to inform us on the issues of the day. On February 2, 1988, we were privileged to have as our speaker, Dr. John Brademas, president of New York University and a former distinguished member of this body. Dr. Brademas shared with us his assessment of the role of higher education in enabling America to compete effectively in the world marketplace. I found Dr. Brademas' remarks to be particularly valuable. His assessment of the immediate needs of colleges and universities provided specific recommendations that deserve congressional attention. I am providing the text of Dr. Brademas' remarks in the hope that my colleagues will take a moment to reflect on his insights.

The text of Dr. Brademas' remarks follow:

REMARKS OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

It is a great pleasure and, indeed, an honor for me to speak at this luncheon sponsored by the Congressional Economic Leadership Institute.

I should like to extend warm greetings to the distinguished members of the Congressional Competitiveness Caucus, especially the Chairmen, Senators Baucus and Chafee, and Representatives Schneider and MacKay.

Indeed, I offer all Members of Congress here this afternoon my best wishes as you embark on the second session of the 100th Congress.

It is, of course, a particular personal pleasure for me to be here because, as you know, I served in Congress for 22 years, years I regard as among the most gratifying of my life.

So I am here as one who wears several hats: that of a former Member of Congress; President of the largest private university in the world, New York University; and one who now through service on a variety of both public and corporate boards devotes some attention to issues of the economy.

All of us are aware of the recent flood of reports that underscore the close connection between higher education and the country's future.

Here I note that last year I served on the Commission on National Challenges in Higher Education, sponsored by the American Council on Education and chaired by William Friday, President-emeritus of the University of North Carolina. In December, this 33-member Commission, composed of college and university presidents and business and labor leaders, issued a "Memorandum to the 41st President of the United States."

Our message urged the next President to place the problems and perspectives of higher education in the context of the formidable challenges confronting the entire nation. For we who lead America's colleges and universities must play our part in helping our country cope with the demands of the next decade and the next century.

Among the challenges that our Commission believes the United States will face, and that higher education can help meet is that of revitalizing the American economy. Clearly a crucial determinant of our economic strength between now and the year 2000 and beyond will be our colleges and universities.

In our report, members of the Commission called on the next Chief Executive of the United States to reinvigorate the historic partnership between higher education and the national government.

Indeed, in making this statement, we joined a swelling chorus of voices pressing greater attention to education and research as essential to strengthening America's competitive position in the world. Among the most prominent of those pressing this case are a panel of the White House Science Council; the Business-Higher Education Forum; Erich Bloch, Director of the National Science Foundation; the National Governors' Association; and, of course, your own group. In fact, many of the views I express today are in harmony with recommendations made by the bipartisan Congressional Competitiveness Caucus.

For it must be clear that at a time when more and more Americans perceive the necessary link between a vibrant system of higher education and a robust economy, we continue to pursue public policies that all too often are at odds with this connection.

Let us look, for example, at the impact on America's colleges and universities of the Federal budget for fiscal 1988. I cite three areas obviously critical to our competitive strength as a nation—student aid, graduate fellowships, and research and development.

STUDENT AID

First, student aid. As you all know, the Administration sought to slash student assistance by an astonishing 45 percent below the amount Congress voted for fiscal 1987. Although, I congratulate both Democrats and Republicans in Congress rejecting these drastic proposals, although funds for most student aid programs in the FY 1988 budget did fall below the levels for FY 1987. I am well aware that the big exception was the Pell Grant program, which received a major increase.

Certainly, as a former Member of Congress, I understand what a difficult problem all of you in Congress faced in writing the budget. Yet I must make clear that in my view Federal assistance to students is absolutely critical to winning the war for American competitiveness in the world. Here I draw your attention to an article in today's Washington Post (February 2, 1987), entitled, "Wanted: More Engineering, Science Majors," in which Erich Bloch, director of the National Science Foundation, warns that the health of science and engineering in the United States is threatened by a shrinking percentage of young Americans going into the fields and by tightening federal budgets that impede efforts to reverse the trend.

Mr. Bloch calls particular attention to the need to attract more women and minorities to science and engineering. He also points out that more and more, foreign students are earning doctorates in science and engineering at American universities. "It is bad policy to depend on a resource we cannot control," said Mr. Bloch in commenting on this growing U.S. dependence in these fields on students from other countries.

GRADUATE FELLOWSHIPS

If the fate of students aid was a mixed one, final figures on graduate fellowships represented a heartening gain for American competitiveness. Support for these programs nearly doubled with monies channeled for the first time to important new graduate programs for minorities and for advanced study in areas deemed critical to national need—science and engineering, foreign language and area studies.

RESEARCH AND DEVELOPMENT

Let me turn now to the research and development front. Once again, both Democrats and Republicans in Congress are due praise for fending off the Administration's attempts to reduce funds for the National Institute of Health and for giving NIH a $700 million increase over last year's appropriation. As you know, however, even with this increase, another half billion dollars may be needed to keep current services going.

As you are also aware, the hefty boost slated for basic research at the National Science Foundation disappeared into the machinery of the budget process. Last year, a recommendation to double basic research at NSF, proposed by President Reagan and endorsed by leaders of Congress, became one rallying point for a commitment at the Federal level to enhance competitiveness. Nevertheless, by year's end, an anticipated increase for such purposes of 17 percent had dwindled to 3.3 percent.

In the wake of the stock market crash, the pressure to reduce the deficit intensified, making the fiscal 1988 budget battles over research and education monies even more difficult than usual, as all of you know better than I.

Given the uncertain economic outlook and the towering Federal deficit, budget austerity is likely to be with us for a long time to come. But the deficit, I may observe, is certainly not the consequence of wild-eyed spending on education!

TAX POLICY

Now many of you have heard me before express my concern about tax legislation that can have the effect of undermining our capacity to develop American brainpower. I cite here by way of example:

Increased taxation of scholarships and fellowships;

Discontinuance of deductibility for interest on student loans;

Imposition of a $150 million ceiling per institution on access to tax-exempt financing by private but not public colleges and universities.

As you take up your responsibilities in the next few weeks, I would call upon you to remember the indispensable role of colleges and universities—a role that all of us in higher education want to play—in achieving a stronger economy.

Allow me then to propose a higher education agenda for American competitiveness. If the nation's colleges and universities are effectively to help prepare America for the economic challenges of the coming decades, we must, I believe, take several actions:

Ensure support to talented students, who, because of financial need, might otherwise be denied a college education.

No qualified, motivated student should be prevented from going to college solely because he or she cannot afford it. I urge members of the 100th Congress to rejuvenate and strengthen the bipartisan coalition in support of student financial aid that characterized my own years in Congress.

Strengthen the nation's capacity for advanced training and research, essential to producing the experts in fields vital to our national interest.

Five years ago, I served on the Bipartisan National Commission on Student Financial Assistance, and I chaired its Subcommittee on Graduate Education. Our report was issued in 1983.

The Commission—which was composed of 12 persons, four each appointed by President Reagan, then House Speaker Thomas P. O'Neill, Jr., and the Senate President Pro Tempore, Strom Thurmond—found many "signs of trouble and erosion" in graduate education, including a pattern of declining Federal support for graduate fellowship and student assistantships.

I commend members of Congress for their strong endorsement of graduate fellowships in the FY 1988 budget, and urge you to continue to increase such support. Here let me say how pleased I am that Congressman Major Owens' bill to increase minority access to graduate study and Congressman Tom Coleman's bill to strengthen graduate fellowships in areas of national need were both approved.

Let me speak of research. I quote from Mr. Bloch: "The United States has not invested in R and D in recent decades at the rate that sustained growth in a modern society requires."

My recommendation here is simple and straightforward: the Federal government must clearly strengthen its support for research and development, particularly for civilian purposes. This means substantially increasing the research budgets for the National Science Foundation as well as for the federal mission agencies.

Advance word has it that the Administration will propose a 20 percent increase in funds for NSF in its budget for fiscal 1989. As the budget process unfolds this year, we must be clear about our spending priorities and protect these levels of funding for NSF.

Tax policy is another important component of the national R and D picture. Here I urge the following steps as an important part of your agenda:

First, remove the $150 million cap on tax-exempt bond issues by independent colleges and universities, a provision that threatens research at universities that rely on these bonds to build and renovate laboratories and facilities. I assure you that we in the realm of private higher education are desperate for research facilities and that tax-exempt financing is the key.

Second, make permanent the new tax credit to encourage private companies to finance basic research at universities.

Third, reexamine those provisions of the tax code that tax scholarships and fellowships and that deny deductions for the interest paid on student loans.

And finally and most urgently, I hope you will reauthorize Employee Education Assistance—Section 127 of the Tax Code—which enables employers to work with colleges and universities to upgrade the skills of employees and helps us in higher education finance graduate teaching assistants and research assistants. I am glad to say that more than half the Members of the House of Representatives are co-sponsoring the bill, introduced by Representatives Frank Guarini and Charles Rangel, both New York University graduates, by the way!—to achieve this goal.

Rebuild the eroding physical infrastructure of colleges and universities to provide adequate libraries and modern laboratories and equipment.

The material needs of advanced scientific investigations are vast, growing, and in some cases, extremely expensive. Yet our investment in equipment and facilities has been dangerously deficient. To replace and renew the physical plant of our colleges and universites will cost—I don't enjoy telling you this, but these are the facts—an estimated $10 to $20 billion.

To meet this requirement, Federal assistance is essential, and I remind you that we are talking here about the needs not of one state or region but the entire nation.

As you may know, legislation to provide new support for facilities is under consideration in both the House and the Senate. In developing these initiatives, I believe we must attend to the vital infrastructure—both physical and intellectual—of those research and graduate institutions from which most of the innovations and discoveries have flowed.

Maintain at both undergraduate and graduate levels faculties of high quality.

Another problem facing colleges and universities is to assure a continuing supply of professors of high quality. In areas such as engineering and computer science, particularly computer engineering solid-state electronics, and digital systems, faculty vacancies are already a serious problem.

To attract and retain talented young faculty, particularly in the endangered specialists, the report of the Graduate Education Subcommittee recommended an initiative similar to the Presidential Young Investigators Program first proposed by President Reagan in 1981 to support young faculty researchers. You should increase funds for such programs.

Expand Federal support of international education and exchange programs.

Our capacity as a nation to understand, communicate and conduct business with other peoples and nations is gravely threatened by our lack of knowledge of languages and cultures different from our own.

Title VI of the Higher Education Act provides funds for research and instruction in modern foreign languages, university-based national resource centers, fellowships, and independent research projects as well as a small number of undergraduate programs. It deserves continued and expanded support.

You should also support international education initiatives to provide for new university-based Centers for International Business Education, which would serve as regional resources for business. I understand that the trade legislation now being considered in House-Senate conferences will, happily probably include this provision.

Devise ways of encouraging partnerships between and among business, government, and institutions of higher education to design the technologies and develop the skills necessary for a competitive America.

Here I would single out for mention two areas. One involves joint university-industry cooperative research efforts. The goal here is to marry the resources of these two sectors in carrying out both basic and applied research and then more rapidly transferring the discoveries of the laboratory to the private sector. I hope that you in Congress will pass legislation to encourage rather than discourage such developments.

The National Science Foundation has undertaken such an initiative with its engineering research centers, which are based at universities, focus on problems of genuine interest to industry and include private-sector jobs. Last year, NSF proposed significant expansion of this concept, but these plans were slowed by the reduction in the anticipated increase in funds for that agency.

The second area calling for cooperation on the part of higher education, government, business, and industry is the retraining of workers because of market changes or desire to learn new skills to enter new careers.

Here I believe the 100th Congress should make permanent existing individual exemptions for employer-financed education and training, which expired last year. I have earlier referred to legislation to accomplish this objective, and I note that such a bill has been introduced in the Senate by Senator Moynihan. Your Caucus has, I am pleased to note, endorsed such a measure.

This then constitutes some of the principal terms of my agenda to restore America's competitiveness.

Clearly, if our Republic is to survive—nay more, to flourish—we must invest more than we have been doing in educating men and women, and in the ideas and discoveries generated on our campuses.

I conclude my remarks with the solemn but eloquent words of Alfred North Whitehead: "In the conditions of modern life, the rule is absolute. The race which does not value trained intelligence is doomed."

Well, I do not believe the American race is doomed . . . so long as the American people and the men and women they choose to lead them acknowledge the value of such intelligence and insist on the resources to support it.

SUCCESS IN THE PERSIAN GULF?

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BROOMFIELD. Mr. Speaker, despite its many detractors, the administration's policy in the Persian Gulf is beginning to convince the skeptics.

I like many others had reservations when the administration announced its plan to place some Kuwaiti-owned tankers under the United States flag, and provide naval protection for them during their runs through the Persian Gulf. In fact, the continued presence of major

U.S. military forces in the gulf continues to cause legitimate concerns.

It is clear, however, that the U.S. naval deployments in the gulf have had several highly desirable effects. For example:

They have filled a military vacuum that threatened to be entered by Soviet forces.

They have helped build Arab and gulf state solidarity in opposing Iranian political and military objectives.

They have reasserted United States and Western influence in the gulf and reassured the Arab world of United States commitment to the region.

Despite these gains, critics of the administration—particularly in Congress—have raised procedural issues concerning the applicability of the War Powers Resolution and on the role of Congress in approving U.S. military deployments overseas.

Nothing would be more counterproductive to the objectives that are being realized in the gulf as a result of administration policy than to invoke the War Powers Resolution or set the stage for further congressional debate on the administration's decision to deploy additional forces there.

Such action by Congress would cause a divisive debate in the United States over issues that are truly secondary. It would transmit a message of uncertainty to our allies and friends abroad, as well as to our enemies and antagonists in the gulf region.

Mr. Speaker, I ask to insert in the RECORD at the conclusion of these remarks two articles which have appeared in the press which take note of the successful results of the administration's policy on the Persian Gulf. The first, an editorial from the September 5, 1987, issue of the Economist, was an early example of appreciation for the positive aspects of the administration's actions. The second is an oped article from the January 27, 1988, New York Times on the same subject.

[From the Economist, Sept. 5, 1987]

IN ITS WAKE

It was peace of a sort, but it lasted only six weeks and then the oil burned again. Within five days nearly 20 tankers had been hit in the waters of the Gulf, oil prices had risen 5 percent, and both Iran and Iraq were threatening mayhem against any tankers they deemed fair game. There may be more, and worse, to come. But if the West thinks shrewdly about its interests in the Gulf, and acts coolly to protect them, it faces opportunities as well as risks in the wake of the tanker war.

The reopening of the sea war was probably inevitable. The occasional mine aside, attacks on shipping had stopped for 40-odd days because of a general cease-fire call contained in a United Nations Security Council resolution passed on July 20th. Iraq accepted the resolution; Iran dithered. Iraq was meanwhile bullied and charmed into stopping its attacks on shipping. Iran, grateful for the chance to get its oil out unhindered for once, followed suit. Yet the chance of Iraq's patience lasting was slimmer than that of a polar bear surviving on the shores of Hormuz. The Gulf war itself started seven years ago; Iraq began the tanker war in 1984 because it was slowly being pushed back in its ground battles with Iran. Iraq had superiority in the air, and used it to try to strangle Iran's financial lifeline: the oil it sends out through the Strait. Iraq was not about to allow a ceasefire to endure in the Gulf, where it has the upper hand, while Iran remained free to strut on land.

Nor should bystanders be surprised by what has happened to them this week. Since 1984 nearly 300 ships have been hit in the Gulf, perhaps 200 of them tankers. The oil markets, insurers, shipowners and even crews learned to live with this constant threat. The volume of this week's attacks has been unusually high; even so, a world awash with oil need not be unduly troubled by them.

THE KIND OF PEACE THE WEST NEEDS

The Gulf is nonetheless a more perilous place today than it was during earlier bouts of the tanker war. Two things have changed. One is that the Gulf now swarms with warships and mine-sweepers of both superpowers and, increasingly, with those of Britain and France as well. The other is that the conflict between non-Arab and Shia Iran and the largely Sunni Arab world has greatly sharpened because of last month's carnage at Mecca. With each new incident there is a chance that America will be drawn into a full-blown battle with Iran; and the possibility of the war widening to include the Arab states of the Gulf is far higher than it was.

Of the many countries involved, the United States has the most vital calculations to make. Its ill-prepared entry as protector of Kuwaiti tankers reflagged with the Stars and Stripes was of doubtful merit; but it has brought benefits as well as some unexpected drawbacks. One of the benefits is the (so-far) intimidatory effect of America's warships on Iran. The Khomeini regime is capable of wildness at any time (in their frenzy, seaborne Revolutionary Guards even attacked a vessel carrying Iranian oil on September 3rd). But it has not yet been willing to risk the extreme damage that American retaliation could inflict on its air force and oil installations; the Gulf belongs less to Iran than its bluster had made it seem. The other benefit is that the opening Russia has espied for increasing its influence with the Arabs of the Gulf has been closed. It was a case of pure power politics. The solution was a sloppy one; but it mattered more that there was some solution than that it should be elegant—something that Britain and France, their own naval ships now steaming towards the Gulf, have also recognized.

The biggest unacceptable price for these benefits has been to make the United States something of a prisoner of the war-fighting strategy of Iraq's President Saddam Hussein. One reason Iraq felt comfortable about resuming the tanker war was that it could count on Iran's reluctance to counter-attack against any vessels under American protection. Iraq's friend Kuwait and Iraq itself have long had an interest in bringing the West into the war; the Americans are now getting uncomfortably close to fighting Iraq's war for it.

As the tanker war resumes, America's task is to build on the strengths of its position while ridding itself as much as it can of the weaknesses. The West's interests are to preserve freedom of navigation in the Gulf and the flow of oil from a region that contains more than half of the world's known oil reserves; to keep the Soviet Union from wedging itself into any openings there; and to get the Gulf war ended on terms that do not amount to an Iranian victory—meaning on terms that do not lead to the collapse of Iraq, the destabilization of the Arab Gulf and the waxing of Iranian power.

The first way for America to serve those interests is to finish what it set out to do in the reflagging operation. The United States must make it clear that it, and not Iran, is the power to be reckoned with in the Gulf. This requires it to retaliate with military force against Iran if the mullahs defy its role in the Gulf. The resumption of the tanker war makes it likelier, but not inevitable, that America will have to do so.

Second, the West should encourage the stiffening of Arab spines now that the fight between Saudi Arabia and Iran over the Mecca pilgrams' deaths has begun. The Gulf states have in the past been too reluctant to stand up to Iran—or to back those, like America, that were willing to. A change would be welcome not just for its immediate effect on the course of the war. If Iran does eventually beat Iraq, the Gulf states need to be stronger than they now look if they are to put up a fight against what would come next.

The West's main aim, however, must be to end the war as soon as possible without an Iranian victory. Unhappily, there are few tools available for achieving this. It is worth pressing for an arms embargo, though the odds of such a resolution getting through the Security Council over Russia's and China's reservations are long. When opportunities for a negotiated end to the war do appear, one thing must be kept in mind. The West has a vital interest in the survival, intact, of Iraq. But Iraq started this war, and will have to pay a price for ending it. If that price is Saddam Hussein's head, it is no business of the West's to say it should not be paid.

[From the New York Times, Jan. 27, 1988]

DOING SOMETHING RIGHT IN THE GULF

(By Michael Sterner)

WASHINGTON.—Is it possible, just possible, that the Administration has done something right in the Middle East for a change?

After the string of policy failures we have suffered—the Iran-contra affair, our precipitate withdrawal from Lebanon and a chronic inability to get negotiations under way on the Arab-Israel issue—it seems difficult to believe.

But nine months after our decision to put Kuwaiti tankers under the American flag, and six months since we deployed a fleet to escort these ships, one must tentatively conclude that our Persian Gulf policy has been a success.

Consider the following accomplishments.

Our policy has been crucial to the rebuilding of the Gulf Arabs' confidence—battered by our failures in Lebanon and by Irangate—that they do not stand alone in defending themselves against any Iranian effort to threaten their territorial integrity and political independence.

Without such support, the Gulf Arabs would be forced to accommodate to the Islamic Republic's pressures—accommodations that cannot serve the interests of the Western powers.

Our commitment in the Gulf has closed down Iran's options to outflank the impasse it faces on the battlefield, and has marginally increased the pressure on Iran to give up its war against Iraq. Its top leadership has not brought itself to the point of adopting a policy that would be tantamount to abandoning its declared war objectives. But there is a growing sense in Teheran of the fruitlessness of continued conflict.

Our naval deployment in the Gulf is balanced by a political effort at the United Nations, supported unanimously by the Security Council, to offer Iran a way out of the conflict. Teheran's failure thus far to negotiate seriously on the basis of that offer has dramatized Iran's isolation, has increased the difficulty and expense it is having in acquiring arms and has helped to internationalize both the political effort and the naval presence in the Gulf.

American policy has put the Soviet Union in a quandary. While cooperating up to a point with the international consensus at the United Nations, the Soviet Union is dragging its feet on a follow-up resolution that would impose sanctions on Iran.

The Kremlin hopes to win favor in Teheran—a goal that Moscow now perceives as especially important as it worries about the nature of an Islamic regime in Afghanistan following a Soviet military withdrawal. But this attempt to have it both ways has not really paid off: The Iranians show little sign of warming toward the Soviet Union, and, in the meantime, Soviet-Arab relations are being strained over this issue.

Moreover, the Soviet Union must know that pursuit of an obstructionist policy in the Gulf will not improve Washington's disposition to help the Kremlin find a way out of its predicament in Afghanistan.

There are wider implications as well for America's success in the Gulf. Since the Vietnam War, this country has struggled to show the world that while it absorbed important lessons from that conflict, it could still use its military strength in effective ways to support well-chosen political strategies.

Aside from Grenada—the policy equivalent of spearing fish in a barrel—we have not had many success stories. The United States' performance in the Gulf has helped to restore confidence that it has the will and tenacity to decide on a course involving reasonable risks and see it through.

So far there has been no formal change of Iranian policy, and perhaps this will have to wait Ayatollah Ruhollah Khomeini's departure from the scene. In the meantime, Iran can no doubt maintain some level of belligerency indefinitely, but with each passing year the chances of achieving a decisive breakthrough against Iraqi forces are diminishing.

Iraq, with higher oil exports, relatively secure oil pipelines and greater international financial backing, is now in a better position than Iran to withstand the economic impact of continued conflict.

Iran's blunders, such as promoting disturbances in Mecca, have brought the Arabs together and drawn Egypt into being an active participant in the Gulf Arabs' defense. Its indiscriminate attacks on shipping have had the effect of multinationalizing the naval presence in the Gulf. Iran can continue these sporadic attacks, but it does not have the capability to bring about a serious interruption in the flow of oil from the Gulf.

The strategic balance is shifting against Iran, a reality that Ayatollah Khomeini and the hardliners may not want publicly to acknowledge but one that sooner or later is bound to impose itself and lead to policy change. We can afford to await that day as the Western powers both maintain pressure and keep diplomatic doors open. America's Persian Gulf policy is working, and we should persist in it.

TRIBUTE TO ESTHER K. BROWN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GEKAS. Mr. Speaker, on January 31, 1988, the Hummelstown Community Library held an open house and reception to pay tribute to Esther K. Brown on the occasion of her retirement after 32 years of service to the library.

She began her career with the library as a volunteer in 1956. She became a staff member in 1970. A lot has changed at the Hummelstown Community Library during Mrs. Brown's tenure as a library assistant. For instance, the library has grown from a collection of a few hundred books in the basement of a restaurant to its present capacity of more than 22,500 volumes.

Mr. Speaker, I want to take this opportunity to wish Mrs. Brown a happy and healthy retirement. Even though she has retired from the library the good news is that she plans to do some volunteer work for her community in the future. Mrs. Brown, thanks for many jobs well done.

THE STORY OF ALBERT STREM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BIAGGI. Mr. Speaker, it is with great pride that I bring to the attention of the House the story of Albert Strem, a man whose record of service to New York is rivaled by none.

Albert Strem has been an auxiliary police officer in New York City for more than half of his life. What makes Albert's story so special is that he is 80 years young and still works as an effective auxiliary police officer in New York City.

Strem, a strikingly handsome gentleman who still looks great in a uniform, by most accounts holds the longevity record for service to the voluntary police force. He's reached the rank of an inspector—the highest rank for that force—in charge of four precincts in upper Manhattan. Strem began as a reserve officer in the 1940's and joined the formal auxiliary force begun in 1951. In 1972, when he reached the mandatory retirement age, Strem was given the usual fanfare that accompanies retirement—a farewell party and a gold badge. However, the Manhattan patrol chief, who knew Strem's love of the force unretired him a week later. In Strem's own words, "When I got the call to come back, I lived again."

Albert Strem came to the United States from a village in Austria in 1928 and learned the English language at night school. He began to earn his living working in various nightclubs and restaurants in the Latin Quarter in New York and even rubbed elbows with the stars. His life's experiences have been most exciting, and his apartment he shares with his wife, Rose, of 55 years is lined with plaques, citations, commendations and awards from police agencies throughout the city. Albert lives in my congressional district, which makes me very proud, and in addition, I had the privilege of patrolling with Albert when I was a member of the Police Department of New York so many years ago.

As a 23-year veteran of New York's police force, I am so proud to share Albert Strem's story with you. Although Albert does not patrol on foot anymore, he puts in 3 nights a week supervising some 300 auxiliaries in the Morningside Heights, Harlem and Washington Heights neighborhoods in Manhattan. Albert Strem serves as an inspiration to us all—to the auxiliary police officers he has commanded, to the countless number of citizens he has helped and especially to all senior citizens across our Nation.

I salute Albert Strem and wish him many more satisfying, successful years on the force. We in New York need him, and we thank him.

RITA LEZENBY HONORED IN RETIREMENT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues a citizen who resides in the First District of New Jersey, Mrs. Rita Lezenby of Mantua.

Recently, the Gloucester County Board of Chosen Freeholders honored her with a proclamation attesting to the years of dedication that she has demonstrated during the many years of service to her community.

In recognition of those years and the contributions from those years, I am including below the proclamation by the Gloucester County Board of Chosen Freeholders, eloquently describing the commitment to excellence Rita brought to all of her endeavors, both public and private:

Whereas, Rita Lezenby was hired as the County's first Sanitary Inspector for the Gloucester County Health Department in 1969; and

Whereas, Rita Lezenby, through her hard work, dedication and standards for excellence, earned the title of Environmental Health Coordinator for the County of Gloucester in 1974; and

Whereas, Rita Lezenby, having served the County of Gloucester for years, to ensure our citizens an environmentally sage quality of life, will be sorely missed by both the Board of Chosen Freeholders and all recipients of her outstanding services.

Now, therefore, I, John R. Maier, as Director and on behalf of the Board of Chosen Freeholders of the County of Gloucester do hereby commend and recognize Rita Lezenby for her exceptional services to the County of Gloucester and extend this Board's sincere best wishes for a fulfilling retirement.

In witness thereof, the Director and Clerk have caused these presents to be executed and the Seal of the County of Gloucester to be affixed this 21st day of October, 1987.

LITHUANIAN INDEPENDENCE DAY

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. DioGUARDI. Mr. Speaker, today marks the 70th anniversary of Lithuania's declaration of independence. Lithuanians will unite in the two largest cities, Vilnius and Kaunas, to commemorate the memory of a day of freedom. Looming over this normally festive occasion, however, was the grim shadow of subjugation. The Lithuanian people must celebrate their independence in a nation annexed 48 years ago by the Soviet Union: they celebrated illegally in their own county.

On February 16, 1918, Lithuania declared its independence and flourished in the freedom that it promised. For nearly two decades the land blossomed: more children went to school and learned to read and write, national culture found its niche and thrived, religion was protected and respected under the law, the economy boomed following land reform that fostered a system of privately owned farms, and the country entered the international community in 1921 with its membership to the League of Nations.

Sadly, the sickle of repression never reaps far behind the promise of freedom. The signing of the Soviet-Nazi Pact of 1939 gave Moscow a carte blanche to march into Lithuania, and in 1940 the Red army began a bloody pattern of brutality and invasion. The people were forced to vote in single-slate elections that were marked by intimidation and terror. The election results, moreover, were altered to show a landslide for the official slate a full day before the polls were closed. Lithuania's fleeting taste of a freedom long deserved suddenly came to an end.

The Lithuanian people have never given up their peaceful struggle against domination and suppression, and Americans too must struggle to bring the cause of Baltic self-determination to the attention of the world community. Let us recognize the courage of those who gathered in Vilnius and Kaunas yesterday, and let us look forward to the day when Lithuanians may celebrate their independence in freedom untainted by totalitarianism—freedom without limits, freedom without contingency.

BARRY A. RODEMAKER HONORED

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GEKAS. Mr. Speaker, Saturday, February 20, 1988, will be remembered as a very special day in the life of one young man from my district, Barry A. Rodemaker. Barry, son of Ken and Iva Rodemaker, has earned Boy Scouts' top honor—the Eagle Award—which he will receive before family, friends, and his Congressman during a ceremony at the East Hanover Township Municipal Building in Grantville.

Barry, a member of Troop 27—Mount Calvary United Methodist Church of Harrisburg, is a proven leader and hard worker in Scouting and his community.

I would like to extend my congratulations to Barry and ask that my colleagues in the U.S. Congress join me in paying tribute to him on this very special occasion.

THE NATIONAL CORRECTIONAL EDUCATION ASSISTANCE ACT OF 1988

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. CONYERS. Mr. Speaker, I am today introducing legislation that is intended to address one of the most significant crime problems that we as a nation face: the lack of education and basic vocational skills for our prison inmates and the attendant high recidivist, or repeat offender, rate.

The legislation, known as the Correctional Education Assistance Act of 1988 provides that 10 percent of State adult education programs be devoted to the education and basic training of those incarcerated. In so doing, it offers the hope of rehabilitation, as an alternative to mere incarceration.

Correctional education is more necessary today than ever before. Nearly 1 out of every 3 adult males—approximately half a million Americans—are under some type penal detention. The number is growing by 1,000 prisoners weekly and the number of female prisoners has doubled since 1980. Nearly 95 percent of them do not possess the basic skills needed for the most menial employment. Ninety percent did not even finish high school and over half cannot read and write. That is why, in part, the recidivist rate is over 60 percent. Prison is currently little more than a classroom for criminal behavior, and the entire idea and opportunity for rehabilitation has been ignored.

The most practical rehabilitative tool is education. Education socializes and provides a positive self-image to youthful offenders. Mere confinement without education or job training simply delays the time when these offenders return to the streets without addressing the issues which caused them to break the law initially.

And rehabilitation is less expensive than incarceration. It costs between $50,000 and $100,000 to build one new prison bed; and it costs an additional $20,000 each year to feed and house an inmate. Tuition at the most expensive and prestigious colleges in America are just a fraction of those costs. As former Chief Justice Warren Burger stated:

> * * * to confine offenders behind walls without trying to change them is an expensive folly with short-term benefits—a winning of battles while losing the war.

Rather than simply warehousing offenders, we should try to replicate successful rehabilitation programs at the state level. For example, the Berrien Country, MI Juvenile Center provides a full range of educational and vocational programs resulting in a 50 percent success rate. And studies have shown that parole failure rates decrease by more than 33 percent for participants in correctional education programs.

That is why I am sponsoring the National Correctional Education Assistance Act. The bill would allow states to increase the funding for their education and vocational training programs, particularly the programs which are the most effective. I urge my colleagues to support this effort as the first step in rehabilitating offenders, because this is the most humane and least expensive approach to our crisis in incarceration.

PROTECT CHILDREN FROM DIAL-A-PORN

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. KOSTMAYER. Mr. Speaker, I rise to support efforts to address the problem of "Dial-a-Porn" services.

Recently constituents of mine in Bucks and Montgomery Counties were flooded with solicitations urging people to call an obscene recording and speak to someone named "Monique." Many of my constituents, Mr. Speaker, were understandably upset about receiving such an unsolicited mailing, particularly because it was susceptible to being opened by children.

I thereupon joined my colleague, Congressman CURT WELDON, of Delaware County, PA, in writing to Gilbert A. Wetzel, president of Bell of Pennsylvania. We expressed our concerns about the availability of adult telephone services being so easily accessible.

I am pleased to announce, Mr. Speaker, that Mr. Wetzel and Bell of Pennsylvania promptly responded to our concerns and took action severely limiting access to recorded adult telephone services.

I would like to share with my colleagues, Mr. Speaker, Mr. Wetzel's letter to me, and ask that it be printed in the RECORD at this point.

BELL OF PENNSYLVANIA,
Philadelphia, PA, February 5, 1988.

Hon. PETER KOSTMAYER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KOSTMAYER: I have received your letter of January 25, 1988, expressing your concerns and those of your colleagues in the Pennsylvania Congressional Delegation over "adult" programs provided over the 976 network.

As you most likely know, Bell of Pennsylvania announced on Wednesday, February 3, a series of new steps it was taking to provide customers with greater control over the use of their telephones for calling recorded 976 "adult" programs and all live programs. Our actions are the latest in a series of steps we have taken to give our customers more control over access to message services provided by independent vendors.

Bell of Pennsylvania will split existing 976 services into two categories. Vendors who provide services such as sports and financial information will continue to offer their programs on the 976 exchange. However, vendors who provide "adult" and live programs will offer their services under a new three digit prefix.

After these actions are implemented, customers' telephones cannot be used to call these "adult" and live programs until Bell of Pennsylvania receives proper, written authorization from an adult subscriber. Once authorization is received, we will unblock, free of charge, the customer's line to permit these calls. Blocking currently is available and will continue to be available for all 976 services. Charges for calls to "adult" and live programs in the new prefix will be separately identified in customers' telephone bills. Also, calls to "adult" and live programs will not be completed from our public telephones or by our operators.

I sincerely hope that you concur in my assessment that these steps represent a bold and innovative response to the concerns voiced by our customers over "adult" and live telephone message services.

Very truly yours,
GILBERT A. WETZEL.

The example set by Bell of Pennsyllvania is a good and responsible one, Mr. Speaker, and Bell of Pennsylvania's policy is one that I hope will be followed by other telephone companies around the country. Under Bell of Pennsylvania's policy, customers' telephones cannot be used to call adult programs unless and until Bell of Pennsylvania receives written authorization from an adult subscriber. Therefore, there is no chance, even through a public pay telephone, for a child to unwittingly place a call to an adult program.

I commend Bell of Pennsylvania to my colleagues and hope that other phone companies will act expeditiously to address this problem.

WASTEFUL SPENDING MUST STOP

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. HUBBARD. Mr. Speaker, I received an excellent January 12 letter from one of my constituents, Ann Edwards of Paducah, KY, which I believe my colleagues should read.

Ann Edwards' comments about the 2,000-page spending bill recently passed by Congress are timely and worthy of consideration. Indeed, her views are shared by many western Kentuckians. I urge my colleagues in the U.S. House of Representatives to think about the exorbitant spending policies of the past and remember how very harmful they are to each one of us in America. It's time to halt this wasteful spending.

The letter to me from Ann Edwards follows:

PADUCAH, KY,
January 12, 1988.

U.S. Representative CARROLL HUBBARD,
Representative from Kentucky,
Washington, DC.

DEAR SIR: I am writing in regard to the 2,000-page spending bill recently passed by the Congress. I am angry as I hope many other American people are. The national debt needs to be brought down. Everyone knows that but the representatives in Congress keep saying that the American people want things but don't want to be taxed to pay for them. Can one really blame us for doubting that more money is needed when so many Senators and Representatives added their personal riders to the bill—things of particular interest to them or their constituents or friends. For example, money for France to help build Jewish schools at the request of Senator Inouye so he could help one of his financial backers; Senator Burdick's sunflower subsidy project; Senator Kennedy's pet New England "Star Schools" program; and on and on. In addition, how is it possible for one man to get added on to another Senator's section of the bill a self-serving piece of legislation he wanted to punish a political adversary such as Senator Kennedy did without the rider being debated in conference or on the general floor. The Paducah Sun had a good editorial about this matter on Monday, January 11, 1988.

We have a right to expect our representatives to be honest and at least follow their own rules for how the laws should be made. As the Paducah Sun said, "* * * The point is that Sen. Kennedy alone, with the help of Sen. Hollings, managed to manipulate the passage of a law to punish a political adversary without any hearings, debate or even the knowledge of congressmen. Whether he's right or wrong about what the FCC might have done, this is not the way laws are supposed to be adopted in a free country.

"This is simply a disgrace, and it is due to the shocking refusal of Congress to follow its own rules. The budget process, which is supposed to provide an orderly and rational way for Congress to consider and allocate resources, instead has come down to this disorderly grab-bag of special interest handouts.

"One of the things voters should demand this year is that congressmen pledge to restore order and responsibility to its procedures."

Sincerely yours,
ANN EDWARDS.

WRONG AGAIN, JUDGE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mrs. COLLINS. Mr. Speaker, a recent editorial in the weekly telecommunications publication Telephony discusses the continued burdens of the modified final judgment [MFJ] on the American consumer by limiting industry competition and making fewer telephone-related services readily available to them.

One of the major obstacles to MFJ relief is U.S. District Court Judge Harold Greene. As Energy and Commerce Committee Chairman JOHN DINGELL complained when Judge Greene handed down his order on September 10:

> I continue to be offended by the fundamentally antidemocratic process whereby a single unelected, unaccountable Federal judge has transformed himself into a regulator without portfolio, arrogating the power to determine whether and when the American people will be allowed to receive the advanced new services that are already widely available in countries with more enlightened telecommunications policies. It is my hope that this Star Chamber type of proceeding will at last produce a consensus on the need for legislation.

Mr. Speaker, Chairman DINGELL'S words are right on the mark. It's time that Congress again begins to set telecommunications policy in this country. At this point, I would like to include the December 14, 1987, Telephony editorial in the RECORD for the benefit of all our colleagues:

WRONG AGAIN, JUDGE

Judge Harold Greene hit two new lows on December 3.

The overworked, overexcited federal judge ruled that the Bell regional holding companies are barred by the Modified Final Judgment from participating in product research and development.

As Telephony's readers know only too well, the MFJ embodies the agreement that ended the Department of Justice antitrust suit against AT&T. The deal was between AT&T, the parent company of the integrated Bell System, and the DOJ. One result was the divestiture by AT&T of the Bell operating companies and the creation of seven independent RHCs.

The basis of the antitrust suit, of course, was the argument that AT&T and the Bell System stifled competition. Divestiture would promote true competition, its heralds proclaimed.

One evil of the Bell System, its critics argued, was that in joining manufacturing and service provisioning at the hip it denied the industry and the public the benefits of competition. The December 3 ruling, based on the fear of vertical integration, equates manufacturing and R&D, and bans RHC R&D accordingly. The RHC's are once again condemned to death by analogy.

Does an idea carry the faintest echo of the old Bell System? If it does, the judge will rule against it every time.

The bitter irony, of course, is that the most recent ruling tremendously benefits AT&T, the parent of the former Bell System and still the largest manufacturer in the industry. And remember that AT&T, unlike the RHCs, which did not exist before divestiture, did craft the original agreement.

The judge's heavy hand is being exerted on behalf of AT&T and all manufacturers to limit competition. His policy protects entrenched suppliers, singles out seven young corporations for selective and punitive treatment, and deprives the industry and public of the blessings of competition.

The December 3 action was further highlighted by the judge's exaggerated attack on Federal Communications Commission Chairman Dennis Patrick, who the judge seems to have confused with a pin-striped Robespierre. Patrick, the judge charged wildly, is "exhorting" RHCs to defy his court. The judge warned that Patrick's alleged "incitement to non-compliance" could lead to "serious consequences."

The judge compared himself to heroic federal judges of the past who stoutly stood up to evils like racial segregation.

This was a significant comparison, given the judge's penchant to reason by analogy. There have been heroic judges in the fight against segregation. But other federal and state judges, of course, earlier had codified and institutionalized segregation. Heros and villains alike wear long, black robes. The robe itself proves nothing.

Judges must be judged individually, not by reference to self-serving historic analogies. They must be judged by reference to the lawfulness, logic and utility of their work.

Greene's work on the MFJ cannot be definitely criticized on legal grounds, at least until it is tested in a higher court, a test which may come sooner rather than later. But it certainly can be criticized by reference to logical and utilitarian standards.

Now it is not just the content of the judge's pronouncements that is profoundly disturbing. His very language has become destructive.

THE HOTEL DEL CORONADO: CENTENNIAL CELEBRATION

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. LOWERY of California. Mr. Speaker, this year, the Hotel del Coronado, one of the world's most famous and luxurious resorts, is celebrating it's 100th anniversary. Since 1888, this splended Victorian retreat has treated thousands of celebrities, business travelers, and tourists to gracious service in an atmosphere of elegant indulgence. Today, no other hotel in North America—perhaps in the world—more richly deserves the notoriety enjoyed by "The Del."

The yearlong 1988 anniversary will come to be known as one of the Nation's most extravagant celebrations ever, including a celebrity-studded Hotel del Coronado Centennial Gala—February 19–21—featuring a weekend of grand festivities, sumptuous cuisine, and superstar entertainment.

In addition to the delights of today, visitors throughout the year may enjoy a taste of the past as actors portraying the hotel's most famous visitors entertain daily. Guests may view hotel memorabilia in the new History Gallery and stroll along the Centennial Pavilion, a large beachside structure reminiscent of the quaint "Tent City" era. At the turn of the century, the hotel set up an array of tents to accommodate guests during extensive renovation. The temporary shelters created a carnival-like atmosphere and, until 1939, Tent City survived as a celebrated beachside playground.

The rich and colorful history of the Hotel del Coronado began in 1885 when Elisha Babcock and H.L. Story purchased 4,100 acres of land on the Coronado peninsula, across the bay from the small California port of San Diego. Railroad tycoon Babcock had a dream of building a resort hotel which would be the "talk of the Western World." Construction of the mammoth wooden structure began in March 1887.

Eleven months later, on February 19, 1888, the elegant Victorian masterpiece opened its doors. Built in the days when the American West was still rough and untamed, the Hotel del Coronado soon established itself as a plush oasis of European grace, charm, and cuisine.

In addition, it was the largest structure outside of New York City to be illuminated by electricity. Reportedly, Thomas Edison personally supervised the installation of his incandescent lamp invention. It is also said he pulled the switch on the hotel's first electrically lighted Christmas tree.

The original powerplant was the first to be installed in California, providing residential and street lighting for the entire city until 1922. Today, a new cogeneration power system supplies more than half of the resort's electrical needs and most of the hot water for its spas, laundry facilities, and room heat.

The original five-story structure remains in use today, complemented by two newer sections close to the beach. While the 700-room hotel has undergone only minor structural changes since its opening, each of the original rooms in the main building—about 400—has been continually renovated to maintain the comfort of the modern visitor.

The Hotel del Coronado has become a living legend, populated by thousands of celebrities, politicians including 12 U.S. Presidents, foreign dignitaries and travelers from around the world. President Benjamin Harrison was the first head of State to visit, arriving in April 1891. The hotel also was the site of a banquet honoring one of America's greatest heroes, Charles Lindbergh, following his solo flight over the Atlantic.

In September 1970, the main banquet hall was the setting for a dramatic state dinner hosted by President Richard M. Nixon for Mexican President Gustavo Diaz Ordaz. Nine years later, President Jimmy Carter hosted a reception in the grand ballroom. President Ronald Reagan, a frequent hotel guest, hosted a minisummit conference and luncheon with Mexican President Miguel de la Madrid in late 1982. And in January 1986, the hotel was chosen by the U.S. Trade Representative to be the site of a world trade summit, only the third such gathering ever held in the United States.

Probably the most infamous visitor was the Prince of Wales, who later became King Edward VIII and then the Duke of Windsor. In 1920, Edward visited the Hotel del Coronado. Sixteen years later, Edward abdicated his throne to marry the woman I love, former Coronado housewife Wallis Simpson. Although married to a U.S. naval officer at the time of the Prince's visit, it is likely she met her prince for the first time in the hotel ballroom.

The rich historical tapestry of the Hotel del Coronado also includes the glitz and glitter of Hollywood. The hotel is a familiar sight to movie and television audiences as one of the entertainment industry's most popular filming locations. Marilyn Monroe was a guest when the hotel served as the primary setting for the late 1950's film hit "Some Like It Hot" with Jack Lemmon and Tony Curtis. In addition, the Academy Award-nominated movie "The Stunt Man," starring Peter O'Toole, used the hotel for part of its production.

The magnificence of the hotel's architecture inspired the movie "Somewhere in Time" and, it is said, the enchanting Emerald City in the timeless classic, "The Wizard of Oz." More recently, the hotel has served as the site of such television hits as "Hart to Hart," "Simon and Simon," and "Lifestyles of the Rich and Famous."

In addition to welcoming foreign dignitaries and superstar entertainers, the hotel has hosted hundreds of charitable events, including a benefit dinner for Sail America, the fund raising arm of Skipper Dennis Conner's successful effort to regain the America's Cup. Since 1963, Chairman of the Board M. Larry Lawrence has guided the Hotel del Coronado through a carefully planned program of renovation and expansion, expertly weaving the beautiful historic structures of the old hotel with elegant new facilities. Nestled on 33 beach-front acres and basking in some of the finest sunshine the world over, the Hotel del Coronado remains a resort of unique historical significance and unquestionable splendor.

I extend my hearty congratulations to the Hotel del Coronado on 100 years of excellence and best wishes for a bright and successful future.

COMMENCEMENT EXERCISE FOR ARCH

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FAUNTROY. Mr. Speaker, I would like to take this opportunity to commend to my colleagues an outstanding vocational educational training program for young adults in the District of Columbia who desire to enter the construction building trades industry.

Action to Rehabilitate Community Housing [ARCH] is a program which operates under the Cooperative Employer Education Program [CEEP] in conjunction with the division of career and adult education in the District of Columbia Public Schools. As a building trades training program, ARCH provides two 26-week carpentry/drywall and weatherization mechanic programs, a 47-week Housing Rehabilitation Specialist Program, or a 16-week Gas/Heat Maintenance and Repair Program. In addition to these skills, the curriculum focuses on cultivating good work habits—ethics—healthy employer/coworker relationships, tutoring in basic skills and oral and written communication.

Any unemployed or underemployed resident of Washington, DC, male or female, 18 years of age or older who has been out of school or unemployed for 30 days or more, may apply.

On February 4, 1988, ARCH will hold its second commencement exercise and will award certificates to 37 trainees who have successfully completed the prescribed course of study. These young adults, having taken advantage of this vocational training program, which combines hands-on craft skills with classroom theory, will be in a better position to enter the highly competitive job market in this metropolitan area.

The ARCH Program will have a continuing obligation to its graduates as they pursue a career.

ARCH encourages graduates to return their services to the community through employment with community-based organizations and to thus create a complete community support system. An additional feature of the community support system includes helping small contractors by providing business consulting services, sharing capital equipment and establishing a warehouse of rehabilitation items for use by nonprofit organizations.

Mr. Speaker, I am proud to bring this worthwhile program to your attention, and I want to express the gratitude of the citizens of the District of Columbia to the D.C. government, the D.C. Public School System, Potomac Electric Power Co. [PEPCO], and the Private Industry Council for their continued support and dedication to this project. Action to Rehabilitate Community Housing is the kind of program that other cities might choose to emulate as a training model.

CONGRATULATIONS TO DONALD E. FOREMAN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GEKAS. Mr. Speaker, Donald E. Foreman, of Selinsgrove, PA, will receive his Eagle Award on Sunday, February 21, 1988, at the Sharon Lutheran Church in Selinsgrove before family, friends, and his Congressman.

Donald, son of Donald and Gladys Foreman, joined Boy Scout Troop 419 in August 1982 at age 12. He has always been a hard worker in Scouting and in his community. Donald has also proved his leadership abilities by serving as a patrol leader and senior patrol leader. He is a member of the Arrow and a former crew leader of the Troop contingent to Philmont Scout Ranch in New Mexico in July 1987.

For his Eagle project, Donald coordinated the delivery of life emergency tags. The tags were distributed so that parents of children 14 years or younger could sew the tag on their child's shoe or clothing. The tag would contain the child's name, address, doctor's name, allergies, and the parent's signature giving permission to take emergency action to save the child's life. The tag could also be used for identification purposes if the child is lost or missing. Over 1,000 tags were distributed in the community.

Mr. Speaker, I would like to take this opportunity to extend my personal congratulations to Donald on this very special occasion. He is excellent proof that America's future will be in great hands.

FOREIGN TRADE ZONE HELPS LAWRENCE COUNTY

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BRUCE. Mr. Speaker, Lawrence County residents and the residents of nearby communities received great news for the area's economy last week. After 2 years of work on its application, the county's foreign trade zone has been approved.

With Indianapolis and St. Louis being the nearest communities to also have FTZ's, there is tremendous potential to lure new business. This is welcome news for citizens of Lawrence County, who have actively sought help expanding their economy for at least 9 years.

In the past, Lawrence County has been supported by the oil and agricultural sectors, both of which lagged behind but are showing signs of recovery.

But the economy still needs to diversify. With the foreign trade zone, they will be able to compete for new industries and new jobs. For every job created in the FTZ, two will be created outside. In 1984, nearly 60,000 jobs were located in FTZ's around the country.

This is great news for the Lawrence County area and I would like to commend all of those involved in bringing the FTZ to our area. I would also like to insert into the RECORD this article from the Lawrence Daily Record which discusses the benefits of foreign trade zones.

NEW ECONOMIC TOOL READY FOR LOCAL USE

(By Daily Record Staff)

It is still a little early to assess, but local industrial leaders and industries are trying to weigh the benefits of Lawrence County's recently approved Foreign Trade Zone.

Sean Fitzgerald, manager of Lawrenceville-Vincennes Municipal Airport, where the FTZ is located, said the zone will directly benefit the business end of the facility.

"Hopefully, some businesses will want to lease some ground from us and put up a few storage buildings," he said. "This will directly help us. Plus, with more air traffic, fuel sales and services should increase."

Lawrence County Industrial Development Council Director Alfred Casals said the FTZ is "a powerful tool."

"It is an added incentive to pursue major corporations involved in international trade," he said. "It is a milestone for the county."

Casals said the next step is to hire an operator for the FTZ. A list of potential candidates has been compiled by FTZ committee chairman A.J. "Burr" Bowman. The operator will be well-versed in the operations of an FTZ and in charge of running it.

"What this means is, a lot of people are going to go to work now," IDC member Allen Kull said.

U.S. Rep. Terry Bruce, who has actively pursued the FTZ for Lawrence County, said this was "a culmination of a lot of work by a lot of people. It will be a very big boost to Lawrence County and the surrounding area."

Bruce, reading from a 20-page book on FTZs, said there are a number of benefits.

"FTZs first started in 1934 to stimulate foreign trade and create U.S. jobs," he said. "This allows companies to import and export and not go off-shore. It allows parts of products to be flown in and stored here or assembled here without worrying about paying the duty until it leaves."

Bruce also pointed out:

In 1971, there were 795 U.S. jobs directly related to FTZs, but by 1984 that figure rose to 58,895.

For each job inside the FTZ, it creates two more jobs on the outside. There are about 60,000 jobs inside and more than 120,000 related to the FTZ on the outside.

70 percent of the firms located in FTZs are small businesses—the types most likely to settle in Southeastern Illinois.

FTZ shipments have grown considerably in the past few years. From 1978 to 1982, the dollar value of the shipments rose from $743 million to $3.9 billion.

Bruce explained if an area companny wants to bring in a $100,000 component to a large machine from overseas, it can fly it into Lawrence County, assemble the finished product and export that product outside the United States without paying any duties.

"For a small or struggling business, this is a very big incentive," he said. "Look at the advantage. Without an FTZ thousands of parts can come in and the company must pay a duty on those items before they can be claimed.

"Say we're talking about bicycle forks for a bicycle plant. With an FTZ, the forks can be flown in, assembled with the rest of the bike parts and begin delivery to Sears before the duty is paid. That makes a big difference. You don't have to tie up all the money in the meantime.

"Also, with an FTZ, you don't have to worry about going to the claims office in Chicago, paying the duties and all that sort of thing," Bruce added.

Bruce said another big benefit is that the FTZ creates local jobs and does not expend any tax dollars. Plus, millions of dollars from outside the country is invested in U.S. companies dealing with the FTZs.

"It is very possible Lawrence County can become a distribution center for a number of companies," Bruce said. "Companies can store their overseas goods or goods to go overseas within the FTZ and distribute them when they need to.

"I know several companies in the Olney area are very excited about this FTZ," Bruce said. "This will help both communities."

Lawrenceville Mayor Gerald Harper said, "The FTZ was first started by former state Rep. Glen Bower and is a culmination of that nine-year effort.

"It's got to be a shot in the arm for the county's economy. With this tool, you can pursue foreign investors which can use Lawrence County as an assembly point.

"This is just a start. Now we have to make it profitable."

WELCOME TO OUR NEWLY NATURALIZED CITIZENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the residents of New York's 22d Congressional District who have chosen to become citizens of the United States with all the privileges, freedoms, and responsibilities that American citizenship entails.

Our beautiful Hudson Valley region in New York State is proud of its newest citizens, and I invite my colleagues to join me in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

Pietro Anselmo, Nita Aya, Prosper Azoulay, Eric Blanchno, Pearl Boothe, Sevinc Bridges, Sara V. Estacio, Idalia Garcia, Mario Garcia, George Hsu, Nicola Isenia, Marie Jacques, Philip Kim, Sarah Kim, Margheruta Kiselak, William Kwan, Carole Lartigue, Caroline Lee, Mi Lee, Terrence Lee, Carmen E. Lopez, and Jacqueline Montane.

Angel Urena Munoz, Yefim Myshalov, Maria Sindico Pineda, Nydia Pitta, Suresh

P. Rajpara, Zu-Pan Shih, Keisuke Shodai, Kinue Shodai, Barry Skurnik, Ronit Skurnik, Vladimir Slep, Maria E. Smith, Alfredo Somera, Sara Stancu, Joseph Steel, Andree Sterlin, Cesar Sutil, Anna Swammy, Malta Szrebrodolszki, Kornelia Szwarc, Michal Szwarc, Hong Ta, Jenny Tan, Triumfando Tan, Virginia Tan, James Thomas, and Rachel Thomas.

Whitley Thomas, Michele Toussaint, Pablo Trujillo, Fotis Tsekouras, Simon Tung, Eugene Turnier, Jorge Urra, Marie Valbrun, Lourdes Veras, Norma Victorino, Simon Vitz, Vitaly Volkov, Jeffrey Walker, Ingrid Westridge, Sylvia Whitman, Richard Winkler, Dennise Wint, July Young, Zena Zabludovsky, Nadege Zamor, Andrew Ziolkowski, Halina Ziolkowski, and Colette Zylberman.

LITHUANIAN INDEPENDENCE DAY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. PEPPER. Mr. Speaker, February 16, 1988 marks the 70th anniversary of Lithuania's Declaration of Independence.

Lithuania's independence was proclaimed on February 16, 1918. In 1920, the Soviet Union recognized Lithuanian sovereignty for all time. In 1921, Lithuania joined the League of Nations and flourished in independence and economic growth: schools were built—including special schools for the country's ethnic minorities—and the nation's literacy rate increased substantially; the agricultural system was reorganized to allow for private farms; cultural centers thrived; religious life prospered. For nearly two decades, the country blossomed.

Then, in 1939, the Soviet-Nazi Pact paved the way for Soviet troops to enter the country whose independence it had recognized forever only a short time ago.

Although TASS, Moscow's news agency, announced the results of the single-slate elections—which proceeded under conditions of intense intimidation and secret police terror loosed upon the population—the facts and figures quoted were erroneous. TASS reported that 95 percent of those eligible to vote has cast a ballot, and that 99.19 percent of the voters had chosen the official slate. Unfortunately, the proclamation was published before the elections had concluded; they had originally been scheduled for July 14, but had been extended for an additional day due to an embarrassingly low turnout.

The people of Lithuania never asked to be part of the Soviet Union; they were illegally and forcefully annexed by the U.S.S.R. Since its occupation in 1940, the Lithuanian nation has continued to resist its unlawful incorporation into the Soviet Union.

Today, Lithuanians are uniting in their country's capital, Vilnius, and its second largest city, Kaunas, to commemorate their days of independence in anticipation of those to come. They are gathering despite the fact that public celebration of Lithuania's Independence Day is considered a criminal offense by Soviet authorities.

The repercussions and Soviet authority violence toward demonstrators who gathered in Lithuania's capital city of Vilnius on August 23, 1987 to commemorate the victims of the Molotov-Ribbentrop Pact of 1939 were distressing. Government actions following the November 1, 1987 gathering in Kaunas, where 8,000 people gathered to mark the 125th anniversary of Lithuania's priest-poet, Maironis, are equally disturbing.

As an American, I commend the Lithuanian nation for its peaceful resistance to Soviet rule. We, too, should not rest in our effort to bring the cause of Baltic self-determination to the world community's attention. The Baltic States were our equals in the League of Nations, and we will continue to help them in their struggle to regain their rightful place in the world community as a sovereign nation.

And to those who gather in Vilnius and Kaunas today to mark the 70th anniversary of Lithuania's Declaration of Independence, I say, "Dieve palaimink Lietuva"—God bless Lithuania.

LITHUANIAN INDEPENDENCE DAY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. COYNE. Mr. Speaker, February 16, 1988, marks the 70th anniversary of the independence of Lithuania. In 1918, Lithuania declared itself an independent nation, ending more than a century of domination by the Russian empire. I am pleased to join with my colleagues in saluting Lithuania and her citizens and commemorating this important event, acknowledging the right of humans everywhere to freedom and self-determination.

However, as you all know, Lithuania's independence was short-lived. In 1938, Lithuania was occupied by Germany. Two years later, Soviet troops occupied this independent nation and annexing it as a republic of the Soviet Union.

Fifty years later, the Lithuanian people are still struggling to regain their rights to exist as a free nation. My colleagues and I wish to send these people the message that we support them in their struggle. We have not forgotten them. The United States has never acknowledged the authority of the Soviet Union to annex the Baltic nations against their will. We will never abandon our commitment to the people of Lithuania to aid them in their quest for freedom and independence.

I join with my colleagues in commemorating the Lithuanian Independence Day of 1918 and in reaffirming our commitment to work toward Lithuanian independence in the future.

GREEK AND TURKEY PRIME MINISTERS MEET

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FASCELL. Mr. Speaker, in a world struggling for a lasting peace, it behooves us to take note of any significant move, particularly by our allies, to resolve their long-standing differences.

Such an event occurred recently when Turkey's Prime Minister Turgut Ozal and Greek Prime Minister Andreas Papandreou sat down in Davos, Switzerland and discussed their historic problems.

At this time, I want to share their joint communique which, I believe, bears reading by all of us.

THE TEXT OF THE PRESS COMMUNIQUE RELEASED FOLLOWING THE MEETINGS BETWEEN TURKISH PRIME MINISTER TURGUT OZAL AND THE GREEK PRIME MINISTER ANDREAS PAPANDREOU

1. The Prime Ministers of Greece and Turkey met twice in Davos, Switzerland, on January 30-31, 1988, and discussed issues of mutual concern in an atmosphere of understanding and goodwill.

2. The Prime Ministers observed that cumulated problems created in time due to different approaches are, at times, exploited by certain circles. It is imperative that this should not be permitted. They agreed that closing the gap between these differences will require time, goodwill and hard work.

3. The Prime Ministers gave their views of Turco-Greek relations, starting from a historic perspective and their deterioration in time. They further elaborated on the recent crisis in the Aegean which brought the two countries to the brink of war, expressed at the same time their optimism introduced as a consequence of exchange of messages between them. They agreed that from now on such a crisis should never be repeated and both sides must concentrate their efforts for the establishment of lasting peaceful relations.

4. The Prime Ministers agreed that rigid frames of mind have been created in various segments of their societies in relation to existing issues. They noted that this is the case even in textbooks. They noted also with regret some recent statements of officials not conducive to an improvement of relations between the countries.

5. The Prime Ministers reiterated their respective positions on issues of bilateral and regional interests.

6. They nevertheless underlined that a thaw and rapprochement between the two countries would require determination, sustained efforts and building of confidence for which two sides should move to a common ground, in order to create an environment conducive to working out lasting solutions.

7. The Prime Ministers agreed to establish two committees: one to explore the areas of cooperation such as economic cooperation, joint venture trade, tourism, communications, cultural exchanges and one to define the problem areas, explore the possibilities of closing the gap and move towards lasting solutions, the progress of which will be reviewed by the two Prime Ministers. In this regard, they agreed to initiate, encourage and increase contacts among civilian and

military officials, members of the press and businessmen and to establish a business council or a joint chamber of commerce and industry.

8. The Prime Ministers also accepted to meet at least once a year and to make reciprocal visits to their countries and agreed to set up a direct telephone line. They also agreed that the Ambassadors of the two countries to international organizations should increase contacts with a view to improving cooperations.

9. Finally, both Prime Ministers expressed their satisfaction in the frank and open discussions which took place among themselves and reiterated their conviction that creation of improved relations and confidence would require resolve, time and hard work".

NEED TO INVESTIGATE USE OF EXPERIMENTAL DRUG ON VIETNAM VETERAN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. STARK. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD an excellent article by Bill Wallace in the San Francisco Chronicle of February 10, 1988, discussing the case of a Mr. Michael Rego and the failure of the various Government agencies to protect Mr. Rego from a potentially deadly drug.

The Veterans' Administration and the Food and Drug Administration need to thoroughly investigate this case, to make sure that people have not been improperly tested with this drug and that they are aware of the dangers of the drug, and of possible symptoms of delayed, adverse reaction to the drug.

The article follows:

[From the San Francisco Chronicle, Feb. 10, 1988]

EXPERIMENTAL DRUG USE ON VETERAN PROBED

(By Bill Wallace)

Federal authorities are investigating a Bay Area veteran's complaint that he contracted a deadly nerve disease after being treated with an experimental drug in a Veterans Administration hospital, The Chronicle has learned.

At the request of U.S. Representative Fortney Stark, D-San Leandro, investigators from the U.S. Food and Drug Administration have visited the Bay Area in recent weeks to examine medical records associated with the study. Two congressional subcommittees have also begun preliminary inquiries into the study.

The investigators are trying to learn whether VA patients were unknowingly exposed to 6-aminonicotinamide (6-AN), an experimental chemical that has been found in some cases to damage the nervous systems of humans and animals.

The 6-AN drug is related to niacinamide, a B vitamin that is used in the treatment of the skin disease pellegra. It was first used experimentally in the 1950s as a possible treatment for cancer and later attracted interest as a potential treatment for psoriasis and related skin conditions.

Stark believes the chemical may have induced symptoms of amyotrophic lateral sclerosis (ALS) in Michael Rego, a Vietnam veteran who lives in San Leandro. ALS is a deadly degeneration of the nervous system known as Lou Gehrig's disease.

"The literature on the testing of this drug on animals points to serious side effects—the same types of symptoms that one of my constituents who was tested with this drug now displays," Stark said in asking for the FDA probe. He said he fears that others who were tested with the drug "may be being misdiagnosed."

Experimental studies using 6-AN were conducted in the 1970s and 1980s by Dr. Herschel S. Zackheim at Fort Miley Medical Center, a Veterans Administration hospital in San Francisco's Richmond District, Zackheim and Veterans Administration officials deny that Rego's ailment is related to the experimental research.

"To our knowledge, there is no medical evidence which links ALS" and 6-AN," said Dr. Daniel H. Winship, a deputy chief medical director at the Veterans Administration.

Stark's interest in the research was sparked by Rego, who said he was diagnosed with ALS two years after he participated in Zachkeim's study.

Rego received 6-AN while being treated in 1962 for a severe skin rash he evidently developed after he was exposed to a chemical fire in Vietnam.

When conventional treatment at Fort Miley did not help, Rego was referred to Zackheim. From June 1982 until the end of that year, Rego estimates, he rubbed nine pounds of 6-AN into his skin. When his hair follicles became infected, he said, Zachkeim told him to stop using the compound.

In the years after he stopped using 6-AN, Rego began experiencing spasms that made his leg muscles twitch, and he occasionally lost feeling in his limbs. The symptoms eventually were diagnosed as ALS.

Rego said he did not connect the ALS to the 6-AN treatments until last year, when his wife found a book on herbicides that mentioned 6-AN's toxicity.

In an interview, Zackheim said there is no evidence that Rego's illness is related to the 6-AN treatments. "Obviously, anybody can claim whatever they like, but nobody knows the cause of ALS," he said.

He said his study of 6-AN had shown it to be an effective treatment in difficult psoriasis cases.

He acknowledged that 6-AN is toxic to nerve tissue but said Rego did not report any of the symptoms associated with the toxic side effects of 6-AN while he was using the chemical.

There were 40 other investigators involved in this study, and close to 500 people were treated with this drug," he said. "No major toxicity has been reported."

Rego said he did complain of some symptoms associated with 6-AN toxicity—nausea, headaches, dizziness and diarrhea—but believed they were caused by other medications he was taking, including another medicine prescribed for his skin rash.

Zackheim stressed that he instructed Rego to take daily doses of niacinamide to counteract the potentially toxic effects of the 6-AN, but Rego says he did not take it because no one told him it was supposed to prevent nerve damage.

"I thought it was just a vitamin that prevented ringing in the ears," Rego said. "I never had any problems with ringing in my ears. . . . I was taking a lot of other stuff, so I never used it."

He said he was not informed that the 6-AN study was experimental and did not learn of the risks until 1983—after he stopped using the compound.

Zackheim said all participants in the study were briefed on possible dangers and each signed a consent form before getting the drug. Neither Zackheim nor VA officials could produce any such paper signed by Rego, and Rego denies that such a document exists.

FBI: THE PRESS WAS ASLEEP DURING WEBSTER'S WATCH

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. OBEY. Mr. Speaker, recent news stories have clearly demonstrated that the FBI has once again been trampling on people's constitutional rights. The FBI certainly has an obligation to investigate realistic threats of subversion, but these most recent stories indicate that once again it appears to have overstepped the bounds and has surveilled or harrassed many people whose only crime was to disagree with established government policies.

An excellent article appeared in the Washington Post on this subject by Nat Hentoff a week ago and I commend it to my colleagues.

FBI: THE PRESS WAS ASLEEP DURING WEBSTER'S WATCH

(By Nat Hentoff)

As the press gives prominent play to the FBI's five-year dragnet surveillance of dissenters against the president's Central American policies, there is an obbligato to the coverage: a motif of the trusting press having been betrayed. No public figure in recent years has been held in such reverence by the press as former FBI director William Webster. Now it turns out that most journalists were asleep during his watch.

In 1974, Justice Lewis Powell said what the press likes to hear: "By enabling the public to assert meaningful control over the political process, the press performs a crucial function in effecting the societal purpose of the First Amendment." Yet, largely unknown to the public, there was abundant, continuing evidence during Judge Webster's tenure that the "new" FBI still operated on its vintage principle, most gracefully phrased in modern times by Attorney General Edwin Meese: "If a persson is innocent of a crime, he is not a suspect."

When Webster ascended to the CIA, variations of a headline in The Washington Post, "Webster Restored FBI's Image," could be found in just about every paper in the country. Yet in 1984, Rep. Don Edwards' subcommittee on civil and constitutional rights issued a long, carefully detailed report, "FBI Undercover Operations," which focused on the bureau's all too frequent indifference to the most basic constitutional rights of anyone who got in the way of its scams and stings—let alone the rights of its sometimes dimly selected targets.

One section of Edwards' report told of Operation Colcor in North Carolina. Setting out the honey pots for possibly corrupt politicians, undercover agents manipulated the holding of a referendum in a small town on whether liquor should be sold by the drink. The agents then covertly lobbied for its passage, spreading some cash around. In shock and outrage, the North Carolina State

Board of Elections wrote Webster to stop his operatives from corrupting the democratic processes.

There is much more in the Edwards report, including an account of great damage to the reputations of several innocent judges in Cleveland during another FBI scam. This scam was so bungled that the agents, conned by a hustler they had hired, were then fooled by fake judges using the names of real judges. But the FBI leaked the names of the real judges to the press. One of the real judges, whose record was as clear as country water, later told me: "When the FBI hurts people, the hurt them forever." He also said the FBI has never apologized.

But the report by the Edwards subcommittee was a one-day story. Except for "60 Minutes," which did occasionally explore the differences between the Webster myth and actual raw operations by the bureau, the press—in a prototypical example of herd journalism—had decided the FBI was clearly and wonderously rehabilitated. And so wrote.

Meanwhile, however, the kinds of people who were of consuming interest to J. Edgar Hoover's FBI knew a lot more than the press. In 1986, the Sojourners, a group of Christian nonviolent peace activists, noted in their magazine that "if your congregation is engaged in social justice issues, the possibility of a federal agent secretly taping everything that is said in a worship service or meeting is very real."

As the FBI record has shown for some years, the Sojourners were hardly paranoid. They were reporting facts.

In FBI documents during the Hoover era, the director used to tell his foot soldiers that those people out there demonstrating and signing un-America petitions must be made to feel as if the FBI were everywhere—an agent behind every bush is a phrase I remember. That's the way a good many nonviolent, nonconspiratorial dissenters felt in the Webster years too, and they still feel that way.

Their photographs and license-plate numbers and names are still in the files under new FBI Director William Sessions. And Sessions, even before completing his own inquiry into the documents obtained by the Center for Constitutional Rights, has declared that, as a whole: "I think that what we will find will be quite proper."

The press so far has been most respectful of Judge Sessions. But his haste in exculpating his predecessor is hardly reassuring in the face of these internal documents, which make it clear that Webster himself was pressing the field offices to find something, anything, on groups whose ideology was not to his taste. Why else go after the Fellowship of Reconciliation, one of the oldest traditional pacifist organizations in the United States? Even Hoover might have shied away from that one.

The FBI, as is its custom, is now hiding behind its classifed guidelines for these investigations. This is a venerable secret-police tactic for being able to deny any wrongdoing, while keeping the targets of controversial investigations under dark suspicion. Why must these guidelines be secret? I don't mean that methods of operation should be revealed. I mean that in a nonpolice state, the very criteria by which, say, the Women's Rape Crisis Center gets into the FBI's files on Central America matters—and stays there—should be known. Even the press ought to be curious about that.

HAITI HAS SUFFERED LONG ENOUGH

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. CROCKETT. Mr. Speaker, our Nation faces the difficult question of what to do about Haiti, where a military government rules behind a civilian facade erected through fraudulent elections.

A recent op-ed piece by Abraham F. Lowenthal and Peter Hakim—executive director and staff director, respectively, of the Inter-American Dialogue—provides useful guidance. I urge my colleagues to give careful consideration to this thoughtful article.

[From Los Angeles Herald Examiner, Jan. 22, 1988]

HAITI'S SUFFERED LONG ENOUGH

(By Abraham F. Lowenthal and Peter Hakim)

Last Sunday's "elections" in Haiti decided nothing. Run by a discredited military regime and boycotted by all the leading candidates, they were a sham. Leslie Manigat, the "victor," is a decent and intelligent man, but he does not have the power base or the legitimacy needed to govern effectively. The Haitian people are likely to face continued political repression and civil violence, not an end to their sad ordeal.

The United States and the other nations of the hemisphere thus need to develop a coherent and constructive policy toward Haiti, one that looks beyond the elections to the future of the hemisphere's poorest country. Our aim should be to promote a more humane and decent society for Haiti's long-suffering population—not for reasons of power politics or superpower rivalry, but because we really care.

The first step toward such a policy would be to recognize that Haiti is in dire economic and social straits. Thirty years of the Duvalier family tyranny has left the country's economy in a shambles, impoverished most of the population and stunted the development of even rudimentary institutions of modern society. Under the best of circumstances, it would be difficult to avoid grave human suffering in Haiti.

But Haiti is not devoid of hope. A year ago, Haitians brought about the downfall of the Duvalier dictatorship. In a national referendum, they overwhelmingly approved a new democratic constitution. Later, they registered in great numbers to vote for a new president. Last November, in the face of murderous violence, they turned out to cast ballots in the early morning hours of election day, before the election was sabotaged. Sunday, with impressive courage, most of Haiti's population boycotted the bogus election.

Haiti has a democratic political opposition that, although fragmented and without strong institutional roots, commands wide popular support with its goal of ending military rule. And the commission mandated by the constitution to oversee the electoral process last November carried out its task with energy and integrity—earning the respect of democrats worldwide. All this underscores the fact that the people of Haiti want democracy.

Democracy cannot be brought to Haiti by Lt. Gen. Henri Namphy and his henchmen, who themselves undermined the November elections; they are not reliable partners for the United States. Any American effort to cooperate with Namphy, or with the regime that emerges from Sunday's farce, would dishearten the democratic opposition in Haiti, diminish U.S. influence in that country and raise suspicions about our commitment to democracy there. The United States thus should join with Haiti's democrats in withholding recognition of the illegitimate government of Haiti. We should use what leverage we have to press General Namphy and Manigat to restore an independent electoral commission that can oversee genuinely free elections.

The Reagan administration was right to cut off economic and military assistance to Haiti's government and armed forces. The more difficult decision is whether or not to halt aid to the country's poor majority, and perhaps even impose a trade embargo. Such moves would further damage Haiti's shaky economy and might well weaken Namphy's grip on power. But they would also impose great hardships on desperately poor Haitians, with no certainty at all that they would lead to the desired changes. The United States should consider such drastic measures only if we are joined by other countries and if there is a clear consensus among Haiti's democratic opposition that economic sanctions would help achieve a political opening.

American policy must also be concerned with longer-term issues. Even at best, democracy will not emerge full blown in Haiti anytime soon. A long building process—of a decade or more—will be needed to create a viable economy, root out corruption and incompetence and establish effective representative government and develop the strong non-governmental institutions essential for a functioning democracy. The United States should make an extended commitment to assist Haiti to recover from its tragic legacy and construct a more just and productive society.

Finally, the United States should make every effort to engage the inter-American community in a concerted approach toward Haiti. We should undertake immediate consultations with Latin American and Caribbean governments to develop a joint strategy involving political, diplomatic and economic measures. If it could be accomplished, cooperative regional action would place maximum continuing pressure on Namphy and his cohorts. This would also facilitate the organization of an international peacekeeping effort that might be needed in Haiti if public order further disintegrates.

Haiti is a test case for the United States and other Western Hemisphere democracies. National security is not the issue. The East-West conflict is virtually irrelevant. The Soviet Union and Cuba have no influence in Haiti, and there is no significant internal threat from communism. What is clearly at stake is the future of Haiti's people. That should be enough to engage our concern and that of other democratic nations.

COMMEMORATING THE 150TH ANNIVERSARY OF JOHN MUIR'S BIRTHDAY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MILLER of California. Mr. Speaker, today I am introducing a House joint resolution to designate April 21, 1988, as "John Muir Day." This day marks the 150th anniversary of the birth of John Muir. I am pleased that 119 Members join me in cosponsoring this resolution.

John Muir is one of the truly great conservationists of all time. Through his books and writings John Muir taught us much about the beauty of this country and the importance of protecting our wild and special areas for future generations. Part of the strong commitment we, as a nation, have toward conservation can be traced to the inspiration and teachings of John Muir.

Because of John Muir's vision, we are blessed today with a vibrant park and wilderness system. Indeed, John Muir is often referred to as the "father" of our National Park System and he was influential in efforts leading to the creation of the National Forest System. He was largely responsible for the establishment of such great national treasures as Yosemite, Sequoia, and Grand Canyon national parks.

John Muir was also a .cofounder and first president of the Sierra Club. The Sierra Club strongly supports passage of this resolution. I am attaching a copy of their recent letter to me on this subject.

Like many Californians, I have a special feeling for John Muir. The John Muir National Historic Site is located in my district in Contra Costa County. In California, I believe there are more sites named after John Muir than for any other single person. We have the John Muir Trail, the John Muir Wilderness, Mount Muir, and Muir Grove to name just a few.

We owe much to John Muir. Designating April 21, 1988, as "John Muir Day" is but one small act which we can take to express our appreciation for the work of this great American. I urge those of my colleagues who haven't already done so to join with me in sponsoring this resolution.

The text of the resolution follows:

H.J. RES. 459

Whereas April 21, 1988, marks the 150th birthday of the great American conservationist John Muir, heralded worldwide for his dedication to the preservation of wilderness in this country;

Whereas generations of Americans have reveled in the wonders or Yosemite, the Grand Canyon, and other parklands set aside by past Presidents and Congresses at the urging of the Scottish-born naturalist;

Whereas a system of natural, cultural, historical, and recreational national parks which John Muir helped pioneer has grown in size to almost 80 million acres symbolizing the stewardship American's demonstrate for their precious public resources;

Whereas John Muir was the co-founder and first president of the Sierra Club, an organization which contributes in making this Nation a leader in the global environmental movement;

Whereas John Muir National Historic Site, in Martinez, California, one of 337 units of the National Park Service, was set aside by Congress in 1964 as a monument to the wildlands crusader and was the site from which Muir wrote books celebrating the natural beauty and wildlife of the United States, books that are still widely read and treasured by people of all ages; and

Whereas the important role of an ecologically sound environment in the quality of life for all people was proselytized by the tireless voice and pen of John Muir: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21, 1988, is designated as "John Muir Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

SIERRA CLUB,
Washington, DC, February 12, 1988.

Hon. GEORGE MILLER,
U.S. House of Representatives,

DEAR REPRESENTATIVE MILLER: On behalf of the Sierra Club, I want to express our deep appreciation to you for your resolution to designate April 21, 1988 as "John Muir Day," in commemoration of the 150th anniversary of our founder's birth.

Beyond his founding the Sierra Club in 1892, we feel that John Muir should be recognized for his tireless work to instill a conservation ethic in the fabric of this society, and for his efforts to preserve natural areas which he viewed as important to our heritage.

John Muir was largely instrumental in building early support for the National Park idea, and for including such important national treasures as Yosemite, Sequoia and the Grand Canyon in the National Park System. Moreover, he saw the need for preserving numerous forest reserves and influenced government officials to set these areas aside; these reserves later served as keystones for our National Forest System.

It is to John Muir's credit that we as a nation have continued to carry on his tradition and worked to protect other areas of natural beauty; the park and wilderness system which Muir helped to establish has now grown to nearly 80 million acres.

We are pleased that Americans will have an opportunity to pay tribute to John Muir's work in the conservation field, and we are most grateful to you and your staff for your efforts to make this resolution a reality.

Sincerely,
LAWRENCE D. DOWNING,
President.

VFW RESPONDS TO EDITORIALS AGAINST UPGRADING THE VA

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MONTGOMERY. Mr. Speaker, on November 10 of last year, the President heartily endorsed our bipartisan effort to upgrade the Veterans' Administration to a cabinet-level department. Since that day, many of the Nation's newspaper editorial boards have taken it upon themselves to challenge this long-overdue action. Their reasons are unclear since their arguments are based on inaccuracies, misconceptions, distortions, or a combination of the three.

There is no hidden motive behind upgrading the VA; it would simply afford veterans access to their Government at its highest level and would afford the White House a valuable untapped resource for setting health care, housing, education, insurance, rehabilitation, and employment policies for the general citizenry.

Mr. Speaker, I am pleased to share with my colleagues the response of the Veterans of Foreign Wars to these editorials. Tne comments of VFW Commander in Chief Earl L. Stock, Jr., as published in the February issue of VFW magazine, provide a refreshing examination of the facts in contrast to the murky rhetoric of these incredibly misleading editorials.

LIES ABOUT VA AND THE CABINET

(By VFW Commander-in-Chief Earl L. Stock, Jr.)

In rare agreement, the Administration, Congress, Veterans Administration, the Veterans of Foreign Wars and all the other major veterans' service organizations support designating the VA as the Department of Veterans' Affairs.

Proposals to make the VA a cabinet-level executive department have been introduced in every Congress since at least the 88th.

Now at last, it would appear this long sought goal is to be realized. There is unanimity among experts that elevating the VA to an executive department is a good idea.

Despite this strong agreement among experts on veterans' matters, people have suddenly come on the scene who are as vehement in their opposition to the proposal as they are misinformed and misguided in their thinking.

These instant experts are shrilly voicing their distorted views in commentaires and editorials in newspapers throughout the nation.

Incredible as it may seem, they argue that veterans do not deserve or need to be represented at the highest level of government.

So I'm going to show you what some of these misguided and misinformed naysayers have been foisting on the public over the past several months.

The Washington Post revealed its opposition on the day after Veterans Day. It decried veterans' programs as "excessive" and "disproportionate to either need or just claims for past service."

Inaccurate and insulting to the nation's veterans, its assertion that too many federal dollars are spent on veterans flies in the face of the facts. As a percentage of total federal outlays, the money spent on veterans' entitlements and services has declined to only 2.6 percent as compared to 4.4 percent only ten years ago. Furthermore, when adjusted for inflation, the VA budget for health care has not increased in more than 10 years. When compared to federal outlays for health, the VA health care budget has shrunk from 11.4 percent in 1977 to 8.4 percent in 1987. This has been accomplished while providing a consistently high level of care to an increasing number of veterans.

The Washington Post also argues against payment of pension benefits to low income veterans in need. It would shunt them off to the county welfare office for help while denying these veterans VA health care and forcing them to turn to Medicaid and Medicare. This proposal is an absolute outrage. Not only would this shut out hundreds of thousands of veterans because they bear no physical evidence of the terrible sacrifices they have made on behalf of the nation, but it would place them in direct competition for scant federal and state health care dollars with other needy individuals.

A Washington Times article entitled "No Pork for Vets" presents the murky argument that ". . . a Department of Veterans' Affairs comes at a time when the President has signed a treaty he says would make war less likely than ever before . . . and the veterans' communities are enjoying long denied public support." Why the signing of an arms limitation treaty would justify cutting veterans' services, as the Times article suggests, is absolutely beyond me. The assertion that the veterans' community is now enjoying public support is dubious at best. This same Washington Times article also asserts this nonsense:

"A new department for veterans would do one thing. It would create a bureaucracy dependent on taxpayers' money and determined to spend increasing amounts of that money."

Making the VA an executive cabinet-level department is clearly not an example of government expansion. The Congressional Budget Office has stated that no significant costs are involved in upgrading the VA to a department and estimates a need for $30,000 for pay increases for top officials. The VA would simply be redesignated as the Department of Veterans' Affairs, and its principal officers would be designated without changing or expanding the VA's current internal structure. No new positions would be created. Certain positions already in existence would simply be upgraded.

An unexpected source of opposition is the Army Times. In a Nov. 30 editorial entitled "Who Needs the Flattery?", it is argued that the bipartisan effort to create a Department of Veterans' Affairs is nothing other than "shameless political pandering." The article intimates that veterans who do not support the Army Times's wrong-headed contention constitute "just another yapping, me too interest group." This point of view is both condescending and wrong. The Army Times would seem to have lost track of the fact that the VA is now assailed at every turn by Office of Management and Budget bureaucrats who have demonstrated time and time again that they care little about the history and purpose of the VA or the services it provides to this nation's deserving veterans.

Other unexpected articles and editorials against the creation of a Department of Veterans' Affairs have appeared in newspapers across the country.

An article appearing in the American Statesmen of Austin, Texas, is entitled "Cabinet Level Spot for VA Completely Without Merit." One in the New York Times is called "Veterans Stampede Congress." The Detroit News says, "Reagan Panders to Special Interests" and another one in the New York Times asserts "The End of The Affair," lamely arguing that President Reagan's support of elevating the VA to Cabinet status constitutes some kind of betrayal of his principles.

The sorry list goes on and on. But what is certainly one of the most vehement and scurrilous of these anti-veteran outpourings is an oped piece by Daniel S. Greenberg in the Nov. 20 Los Angeles Times.

This article represents itself as mere commentary on the proposal to elevate the VA. But Greenberg's is an appallingly distorted and inaccurate attack on the VA health care system. It is a misleading and mean-spirited attempt to depict this nation's largest integrated health care system as an "archiac hospital system" and a "backwater of medical service" which is "too expensive and enlists little praise." Well, let's allow the facts to speak for themselves.

The VA is clearly in the mainstream of modern medicine. The VA's 172 medical centers are engaged in more than 400 agreements to share medical research with community and military hospitals around the country. Some 19,000 private physicians regularly serve as consultants to the VA, making more than 200,000 paid visits to VA hospitals each year. VA medical centers are affiliated with 102 U.S. medical schools. Through these affiliations, the VA has provided some or all the training for half the country's practicing physicians, as well as significant numbers of allied health personnel.

From this so-called backwater have come medical advances that have revolutionized modern medicine. The VA is responsible for the scientific basis for CT scanning and the cure for tuberculosis. It pioneered kidney and liver transplants, cardiac pacemaker implant and hundreds of other developments.

Further, Greenberg's shrill contention that VA care is expensive is also totally at odds with the truth. Through the hard work and dedication of VA personnel, the VA has consistently provided more service for fewer dollars. A review based on Diagnostic Related Groups (DRG) indicates VA's per patient cost for acute care is about 15% lower than it is in community hospitals. This is especially significant in light of the fact that the VA cares for a higher percentage of expensive long-term severely and terminally ill patients than does the private sector.

The appropriateness of making the VA a Cabinet-level department, becomes clearly evident to anyone who has taken the time seriously to consider the facts.

NEW STRATEGIES FOR NECESSARY PUBLIC FACILITIES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FRANK. Mr. Speaker, one of the most serious problems that affects governments at all levels in this country today is the difficulty we face in physically locating various facilities that are necessary of the public good. Public unhappiness with proximity of hazardous waste dumps, subsidized housing developments, medical facilities of various sorts, treatment plants of one sort or another for dealing with various forms of waste, et cetera, become controversial when we seek to place them in particular locations. Often, the residents who live near the sites proposed have valid arguments to make against the disruption that these projects will cause for them, especially since we in the public life have not always funded these various facilities adequately, nor run them well. In other cases, the fears that are expressed, while sincere, are unfounded. One of our most pressing responsibilities of elected officials is to deal with this problem. And one of the ways in which we should be responding to it is to use the principle of compensation.

In many cases, there will inevitably be some disruption to those who have to live near these facilities. One thing we can do is to fund the facilities adequate and run them with the best possible care. But often, other things must be done if we are to serve the dual purposes of fairness to all citizens, and advancing the important public goals that these facilities represent. In this regard, compensating communities and nearby residents for the inconvenience that may result when facilities are placed in their midst is an important principle that we have availed ourselves of too infrequently.

Thus, I was particularly pleased to read an article in the Sunday Boston Globe about the great progress that is being made by the Massachusetts Water Resources Authority, under Executive Director Paul Levy, in dealing with this problem. The Massachusetts Water Resources Authority has recently concluded agreements with two communities in the Greater Boston Area which have facilitated the placement of entities necessary if we are to proceed with the important task of cleaning up Boston Harbor, while meeting some of the legitimate needs of the people in those communities. I congratulate the Massachusetts Water Resources Authority, and its executive director, for their initiative, and I congratulate the local officials in the communities involved who have responded in the way they have.

I ask, Mr. Speaker, that the article from the Boston Globe about this be printed here, so that the excellent example which is being provided today in Massachusetts can be widely known, and, I hope, emulated.

WATER AGENCY'S NEW STRATEGY WINNING FRIENDS

(By Larry Tye)

Last year Paul Levy, the Boston Harbor cleanup chief, faced the same scene in each community he visited: Angry mayors, selectmen, legislators and citizens vowing to keep out sludge disposal or other cleanup facilities.

Last week, the scene was decidedly different: Quincy and Winthrop officials, who had been Levy's severest critics, were all smiles as they dropped their opposition to cleanup plants.

The key to the transformation was simple: Good will, backed by hard cash.

Acknowledging that the sewage and sludge plants will generate traffic, noise, odors and other problems, Levy and his agency agreed to compensate the two communities. Winthrop will get $24 million, Quincy will get $1 million a year for at least six years, and both will reap other rewards from programs to limit traffic, control odors and pay back taxpayers for fire and other services.

The arrangements, specialists say, could provide a model for resolving battles raging across New England over where to put incinerators, hazardous waste plants, or other facilities to treat, store or dispose of pollutants.

"We've got to break the back of the not-in-my-backyard syndrome, and this is a sensible way to do it," said Michael Deland, head of the Environmental Protection Agency's Boston office. "Compensating the communities makes sense."

With Winthrop and Quiney, however, feelings ran so deep that it took years for the parties to even begin talking.

Winthrop is home to the Deer Island sewage treatment plant and will house a new, multibillion-dollar treatment facility; Quincy claims the Nut Island sewage plant and a temporary sludge treatment facility planned for a portion of the old General Dynamics shipyard. Both communities also face increased traffic and pollution during and after the $6.6 billion harbor cleanup project.

When Levy took over at the Massachusetts Water Resources Authority last year, he made it a priority to work out agreements with the two communities. His board of directors made clear they would authorize the necessary funds.

Last Wednesday, the authority signed an agreement to pay Quincy $1 million a year outright and another $600,000 for traffic, fire and other services. The funding will begin in late 1989, when the sludge treatment is due to start operations at the shipyard, and will run at least through 1995.

And on Friday, the authority agreed to pay Winthrop $24 million over 12 years to insulate houses from the noise of nearby construction, build recreation facilities and otherwise make the sewage project easier to bear. It also agreed to restrict the movement of heavy trucks, ferry in construction workers to limit traffic and limit odors from the plant.

"It's a wonderful agreement," said Margaret Riley, a water authority board member from Winthrop, who has spent more than a decade pushing for her town to be treated fairly. "I always hoped we could get the powers to be to build things in a fashion that would not destroy the quality of life in our community, and now I believe that will happen.

"This is one of the most unprecedented things that has ever been done between a community and a state agency."

Levy agreed, saying, "we have an obligation to be good neighbors and recognize that some of the activities we're doing are not particularly neighborly. We have an obligation to make up for that."

Ratepayers in the 41 other communities served by the water authority, as well as those in Qunicy and Winthrop, will pay for the new programs through sewer and water charges. But Levy insisted they may save money in the long run since Quincy and Winthrop could have forced expensive delays in the harbor cleanup.

"Every week we are set back on the sewage treatment plant costs $2 million in inflation," he said. "So in Winthrop's case, if having a cooperative relationship means saving 12 weeks . . . then this agreement pays for itself."

Minnesota, Washington state and Rhode Island are also trying creative approaches to winning support for controversial environmental projects, but none appears to have shown this kind of quick and dramatic result.

POWER TO RAISE REVENUES

Part of the reason for his success, Levy explained, is that the Legislature authorized the water authority to raise its own revenues for such programs without requiring it to go through the time-consuming state budget process each time it wants to strike a deal.

Douglas Foy, director of the Conservation Law Foundation, called the water authority's apppoach "the first truly successful effort that has overcome the not-in-my-backyard principle"—but he warned there may be pitfalls.

HONORING MRS. LAVERNA WILLIAMS JOHNSON

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. RAY. Mr. Speaker, I want to recognize Mrs. Laverna Williams Johnson, a distinguished lady from the Third District of Georgia who is celebrating her 50th year as a member of Alpha Kappa Alpha Sorority. I had the privilege of participating in a ceremony commemorating Mrs. Johnson's service. This ceremony was held at the Ward Chapel African Methodist Episcopal Church in Columbus, GA, which is pastored by an outstanding minister, the Reverend R.B. Bass. It was a pleasure for me to participate in an event at this historic and dynamic church.

I include for the RECORD a text of the remarks which I made at this service:

REMARKS BY CONGRESSMAN RICHARD RAY, CEREMONY FOR MRS. LAVERNA WILLIAMS JOHNSON, FEBRUARY 14, 1988

It is a pleasure to be with you today as we pay tribute to Mrs. Laverna Williams Johnson for her fifty years of service to Alpha Kappa Alpha Sorority. I am proud to join with you in honoring this dedicated woman who has played such a prominent role in this community. I also want to thank the members of Alpha Kappa Alpha Sorority for inviting me to speak at this service. Lynda McNealy of my Washington staff, who is from the Columbus area, is a member of this sorority, and she does a fine job for me. This organization's record of community service is well-known, and I want to commend them for the fine volunteer work they do.

Mrs. Laverna Johnson was born and raised in Muscogee County and has spent a majority of her life here. To say that she has been active in civic and charitable activities in the Columbus area would be an understatement.

She has demonstrated a strong record of leadership throughout her life. She helped to organize the local chapter of the Alpha Kappa Alpha Sorority over forty years ago after becoming active in the organization during her college years at Alabama State University. She has held leadership positions in numerous organizations including the American Cancer Society and the NAACP. In addition, she has been active in supporting the USO, the YMCA, the medical center, and especially this church.

Mrs. Johnson spent 34 years as a caseworker for the Muscogee County Department of Family and Children Services which she also supervised for a period of time. She made a career of caring about people and trying to help them.

It is appropriate that we pay tribute to Mrs. Johnson on this day, Valentine's Day. This is the day that we are supposed to take the time to tell those people whom we love and care for that we love them and appreciate them. Mrs. Johnson has spent her life—through her work and her volunteer activities—telling people that she cared. I am proud to join the members of Alpha Kappa Alpha in telling you, Mrs. Johnson, that we love and care about you, and we are all thankful for your lifetime of service.

TRIBUTE TO MARIA FERNANDEZ

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. LEHMAN of Florida. Mr. Speaker, I have found that most Federal employees are hard-working, dedicated people who want to provide good service to their communities. Sometimes, this calls for special effort. This was certainly so in the case of Maria Fernandez, a letter carrier who lives in North Miami in our 17th Congressional District.

Maria was on her Hialeah postal route delivering mail when her quick action and selfless disregard for her own safety helped save the life of a man whose clothes had caught on fire.

This is service above and beyond the call of duty, and it is yet another instance in a long line of such acts by south Florida letter carriers who are a daily presence in our neighborhoods. Our community very much appreciates your efforts.

I would like to commend Maria Fernandez for her courage and her caring. A news article describing this incident is reprinted below.

CARRIER EXTINGUISHES MAN IN FLAMES

Maria Fernandez was delivering her Hialeah, Florida route recently when she smelled smoke and saw fire shooting from a nearby house. As she ran to the scene, a man engulfed in flames suddenly bolted from the house.

Acting quickly, the South Florida Branch 1071 carrier, aided by two passersby, smothered the flames with a jacket. Fire officials say the prompt action spared the man's life.

He had been installing formica panelling in his home when the pilot light on the gas stove ignited contact cement fumes. To exit the house, he was forced to run through the flames.

The city of Hialeah and USPS plan a commendation ceremony for Fernandez, a carrier for just over a year.

ATOMIC ENERGY LAW ENFORCEMENT ACT OF 1988

HON. HOWARD WOLPE

OF MICHIGAN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. WOLPE. Mr. Speaker, we recently joined with a bipartisan group of House Foreign Affairs Committee members—including Representatives DON BONKER, CHRIS SMITH, JOHN MILLER, BOB DORNAN, and HOWARD BERMAN—to introduce the Atomic Energy Enforcement Act of 1988, H.R. 3905.

Identical legislation is sponsored in the Senate by Senators CRANSTON, MURKOWSKI, PELL, HELMS, and others.

H.R. 3905 was introduced in order to insure that Congress has an opportunity to vote on the Proposed Agreement for Nuclear Cooperation with Japan before it takes effect. It would not stop the agreement from taking effect, but would simply require that the President resubmit the agreement to Congress under conditions requiring congressional approval, as the majorities of both the House Foreign Affairs and Senate Foreign Relations Committees have requested.

The agreement itself is extremely complex. The case for congressional approval, however, is quite simple. This agreement would radically change current U.S. policy on the oversight of the shipment and use of nuclear materials and would thereby violate the Nuclear Nonproliferation Act. It would give the Japanese a 30-year blanket approval for reprocessing spent nuclear fuel and using the nuclear bomb grade plutonium recovered from it. In short, it provides a nuclear carte blanche for the processing and use of plutonium, even in facilities that have not yet been built, and for which adequate safeguards do not exist.

The Defense Department under Caspar Weinberger and the Nuclear Regulatory Commission have opposed this revolutionary shift in policy. It is ridiculous to imagine that Congress would simply act as a rubber stamp for such a radical change in policy. We have both a right and a responsibility to address the viability of this agreement directly.

I insert the January 30, 1988, Newsday editorial "Don't Abandon U.S. Restraints on Nuclear Fuel," in the RECORD.

DON'T ABANDON U.S. RESTRAINTS ON NUCLEAR FUEL

For many years, the United States has tied strings to nuclear materials sold to other countries. Now the administration wants to make a serious exception to the rule for the Japanese. That would be a mistake—possibly a disastrous one.

Under existing policy, explicit U.S. consent is required for anything done with spent reactor fuel. That's because plutonium, which can be extracted from the waste to make more fuel, is also the stuff of nuclear bombs. So this country wants to be sure that physical security is adequate if fuel is moved from one place to another or put to new uses.

But the Reagan administration is unwisely calling for a reinterpretation of the Atomic Energy Act under which the government reviews transfers. In the past, exceptions had been granted on a case-by-case basis.

With applause from the U.S. nuclear industry, last November the administration signed a nuclear cooperation agreement with Japan that has the effect of relinquishing U.S. control of the fuel for 30 years. If Congress goes along, it would allow the Japanese, who have received most of their nuclear materials from the United States, to engage in some highly dubious nuclear commerce.

What the Japanese have in mind is to send the dregs of U.S.-supplied nuclear fuel to reprocessing sites in Europe for recovery of the plutonium. Tons of plutonium would be returned by air across Canada and Alaska, both of which take a dim view of the project. Plutonium is hard to handle and dangerous enough so that the United States produces it only at military installations for use in weapons.

Japan wants plutonium as part of a vast expansion of its nuclear industry. But the United States always has discouraged the widespread use of plutonium and has no reason now to depart from this sound policy. Certainly there's no compelling economic need. Far less dangerous uranium is widely available in the world and so are enrichment services to turn it into reactor fuel.

More important, there are just too many unsolved problems about physical security for comfort about the prospect of having plutonium shuttling around the world. Crash-proof containers haven't been invented. Measures to guard against the diversion of plutonium haven't been developed. And a recent review of security measures conducted by the Pentagon points to an increasing risk that commercial nuclear materials being transported between nations will fall into the hands of terrorists.

Both the Defense Departments and the Nuclear Regulatory Commission have opposed the cooperative agreement on national security grounds. Congress should add itself to the list of opponents and see that this pact does not go forward in its present form.

CONTRA AID

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MOAKLEY. Mr. Speaker, our colleague from Arizona, Congressman MO UDALL, has long been a leader in the fight for justice and peace in Nicaragua. He has correctly asserted that further aid to the Contras would only result in more killing and bloodshed. A far better course for the United States would be to get fully behind the Guatemala peace accord.

Mr. Speaker, since the Congress will revisit this issue shortly, I urge my colleagues to read the following article that Congressman UDALL wrote for the Arizona Daily Star explaining the folly of further Contra aid:

CONTRA AID, CONTINUED FUNDING WOULD UNDERCUT CENTRAL AMERICAN PEACE PLAN

(By Morris K. Udall)

Tomorrow, the House will be asked to vote on President Reagan's request for $36.25 million in aid for the Nicaraguan Contras. The outcome will likely determine whether or not Central America can try for peace or will enter another cycle of war and destruction.

Nicaragua is the largest country of Central America in territory, but it is the least densely populated. Its population is about 3.37 million, roughly the same as Arizona's population today. Nicaragua obtained its independence from Spain in 1821 and from neighboring countries in 1838, but its history since then has been marked by long periods of internal strife, foreign domination and domestic dictatorship.

The United States has intervened in Nicaraguan affairs at least since the 1850s, when the American adventurer William Walker raised an army and made himself the country's president. Closer to our own day, the United States dispatched Marines to Nicaragua in 1909 under President William Taft and again in 1927 under President Calvin Coolidge. Even after the withdrawal of these troops, the United States maintained close relations with the strongmen who ruled the country.

The Somoza family ruled Nicaragua from the 1930s until it was overthrown in 1979. Its administrations were marked by corruption, oppression and a systematic abuse of national resources to benefit the Somozas. Although the Somozas cultivated the United States to get aid and support, revelations about their misrule generated a good deal of sympathy among the American people for the Nicaraguan people.

In 1979, after a decade of struggle, the anti-Somoza Sandinistas succeeded in taking power. Their general orientation was Marxist, and they had some ties to Cuba, but their public commitment was to democracy. Their definition of democracy differs from our own, and although they held elections, these seemed designed to keep them in power. As the Sandinistas faced a counterrevolutionary threat of their own, the regime also receives support from the Soviet Union in the form of economic aid and weaponry.

As the character of the Sandinista government became apparent, an armed opposition force, which we now call the Contras, came into existence. This group was a motley collection of brutal ex-Somoza backers, disaffected Sandinistas and poor peasants recruited in the countryside. It is this group of anti-Sandinistas, the Contras, which the Reagan administration has repeatedly termed "freedom fighters."

One of the great problems in considering the Nicaraguan conflict is that neither side has much about it to like. But the primary concern for the United States is not to find attractive allies, but to decide whether we have a good enough cause to support one side in a war against the other.

In August, the five countries of Central America—Guatemala, El Salvador, Costa Rica and Honduras, in addition to Nicaragua—signed a regional peace accord in Guatemala City. This plan, backed by Costa Rican President Oscar Arias, provided a series of steps designed to get peace on a regional basis. These steps included amnesty for political dissidents, cessation of support for the armed opposition and internal democracy.

To date, the five countries have worked to implement these provisions. Several of them, including Nicaragua, have not yet fulfilled all conditions in the peace plan, but nevertheless, all seem to be working toward full compliance.

One key aspect of the peace plan is that countries outside the region must also stop their support for armed opposition groups.

As I see it, the United States has three choices.

First, we can give the administration what it wants, the money to finance, train and direct the war against the Sandinistas. If I thought this funding would end the war and give people a little freedom and stability, I might be willing to consider it. But, in my judgment, this would only mean that the factions in Nicaragua would go on killing each other.

Second, we could escalate the war. The United States, as it did in Vietnam, could send in its own military forces or at least advisers and technicians. We did this twice in this century in Nicaragua. In 1983, we did it in Grenada. But this would mean we would have to stay in Nicaragua until our visions for it were achieved, and that would be an exceedingly long time. I don't think America is ready to face the heartbreak of casualty reports again. This choice is even worse than the first.

Third, we can change our policy. The administration's policy is to have the present

government eliminated. But better than this, we can use our resources to encourage the nations of this troubled region to work together to find ways to resolve the conflict. This would end our active involvement, with its threats of escalation, and would keep the way clear for the Central American peace plan to go to work.

If we continue to support the Contras, we will be promoting a renewed cycle of violence and destruction in Nicaragua. The Contras will persist in their struggle—a fight in which both sides manage quite well to devastate the people in the countryside, but seem unable to win any substantial victory against each other. They are effectively stalemated.

Continued war will not only devastate the people of Nicaragua, it will destroy many of the resources necessary to future development of the country.

A decision to continue supporting the Contras will affect not just Nicaragua but the entire Central America region. The peace plan would almost surely collapse. War would continue in Nicaragua and El Salvador, and in time, possibly spread to the nations on their borders. This region, close to our own territory and an important trading area for the United States, will stay in a constant state of turmoil.

On the other hand, if the United States decides to stop sending aid to the Contras, they will probably cease to be a fighting force. They will, however, have the chance to become an opposition political party within Nicaragua and contest for power peacefully. This would, in fact, be a good test of their support among the people.

This would also give the Sandinistas a chance to make good on their professed desire to make their country more democratic. It is difficult to understand how harassing a country by military means will show it the wisdom of democracy or teach it tolerance for opposition parties. However, if freed from military pressure, they will have to open up their political processes or face considerable international condemnation. Both the United States in Vietnam and the Soviet Union in Afghanistan have found in our time that even the superpowers cannot impose solutions on people caught up in bitter war.

Ending aid to the Contras would help the peace process along. It would give the Central American people the opportunity to work out their own future without our military interference. This course of action cannot guarantee peace, but it can give peace a chance.

If we end our support of the Contras, the Soviets may also be willing to stop their support of the Sandinistas. I think the recent indications are that the Soviets dislike the heavy burden of providing economic and military aid to Nicaragua and would welcome an excuse to desist. This problem would be solved much easier by negotiations if we stop supporting the Contras.

However much we disagree with the government of Nicaragua, we must realize that it is unlikely to be much of a threat to us or even to its neighbors in the near future. In addition to the devastation caused by the current war, the country has longstanding economic and social problems which should occupy the attention and energy of the regime in Managua for many years to come.

Cessation of aid to the Contras, lethal and the so-called "humanitarian," and support of the Central American peace plan does, of course, involve some political risks. But the alternative course most certainly leads to more war and more destruction. The risks are well worth taking.

CAPTIVE EUROPEAN NATIONS

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. DONALD E. LUKENS. Mr. Speaker, for almost forty years, the Assembly of Captive European Nations, composed of the democratic politicians of Eastern and Central Europe forced into emigration by the Communist regimes, has been a beacon of commitment and hope for freedom and democracy for the region dominated by the Soviet Union.

The assembly has recently passed the following resolution on what could be done in the present circumstances to promote freedom and democracy:

RESOLUTION CONCERNING THE CAPTIVE EUROPEAN NATIONS

Whereas the following European nations: Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania, with an aggregate population of over 100,000,000 people, are deprived of the right to exercise the free choice of their governments in a democratic pluralistic system;

Whereas the present undemocratic ruling governments of the aforementioned nations were established and are upheld by the U.S.S.R. political control and military occupation thus establishing a new form of colonialism;

Whereas in the Trilateral Agreement of February 11, 1945, in Yalta, "The right of all people to choose the form of government under which they will live, the restoration of sovereign rights and self-government of those people who have been deprived of them by aggressor nations" was solemnly guaranteed;

Whereas on December 10, 1988 will be 40 years that the United Nations adopted the Universal Declaration of Human Rights which affirms the inherent dignity and equal and inalienable rights of all people, and so far the people of the Captive Nations were unable to exercise the most fundamental right: the self-determination.

Whereas the Secretary General of the Communist party of the USSR launched a new, so called "Glasnost" policy, which means that the rigid dictatorship will be eased for the benefit of the people.

The first significant sign of this policy should be to terminate the absolute archaic neo-colonialism over the Captive Nations, which has not any reasonable cause except to strengthen the "socialist imperialism": Now therefore be it

Resolved, That in order to achieve compliance with the terms of the agreement of February 11, 1945 in Yalta and the spirit of the Universal Declaration of Human Rights, leading to restoration of freedom, independence and democratic system of government in the afore-mentioned Captive European Nations, the Foreign Relations Committee of the House consider of paramount importance the following recommendations:

(1) The question of the Captive European Nations should be an integral and permanent item on the agenda of the General Assembly of the United Nations until the people of the Captive Nations be able to exercise their right of self-determination.

(2) The present and future international status of the Captive European Nations should be made the object of permanent consideration at the proceedings of the Decolonization Committee.

(3) The Freedom and Independence of the Captive European Nations should be part and parcel of the agenda at the next meeting of the Helsinki signatory states.

It is the sense of the Foreign Relations Committee of the House that in the future summit the President of the United States should impress upon the leader of the Soviet Union that the respect and adherence to the tenets of the Yalta agreement is the first realistic step of the "Glasnost" and should lead to mutual understanding and lasting peace.

PRESERVING AMERICA—THE DELAWARE AND LEHIGH CANALS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. KOSTMAYER. Mr. Speaker, today I am introducing two bills to preserve, renovate, and rehabilitate the Delaware Canal, an important historic, cultural, and recreational resource located almost entirely in my district in southeastern Pennsylvania.

The 60-mile-long Delaware Canal is a unique environmental landmark signifying a very important period in Pennsylvania's history. It runs from Easton in Northampton County to Bristol in Bucks County, PA.

Opened in 1832, the Delaware Canal became a major transportation route and helped to transform southeastern Pennsylvania from an agrarian to an industrial region.

Today, the Delaware Canal constitutes the only fully watered towpath canal still in existence in the United States. In 1978, the canal was declared a national historic landmark. The canal flows through Roosevelt State Park, parallel to the Delaware River through some of America's loveliest countryside.

Despite efforts by both the Commonwealth and private organizations, the Delaware Canal is in dire need of repair and without some Federal assistance, we risk losing this cultural and historical resource of national significance.

The first bill I am introducing is a cooperative effort with my colleague DON RITTER. It would designate both the Delaware Canal and the Lehigh Navigation Canal in Northampton County as a single "National Heritage Corridor." Under this legislation, a commission would be established to develop a management plan for the corridor formed by the two canals as well as their surrounding environs along the Delaware and Lehigh Rivers. This commission would be made up of Federal, State, and local officials, as well as area residents. A master plan for the management of the Delaware Canal has been developed. This plan could in fact serve as the blueprint for a more comprehensive corridor management plan for the entire corridor to be made up of both canals. Implementation of the management plan would involve extensive input from private citizens and would ensure a cooperative effort from all members of the community and their elected officials.

The second bill I am introducing with my colleague DON RITTER would authorize an appropriation of $1 million under the Historic Sites Act to be divided evenly between the Delaware and Lehigh Canals. Although this represents only a small portion of what is required to rehabilitate the canals, it symbolizes the national interest in restoring these important landmarks and will help to stimulate support at the state and local level.

These two bills together constitute a "preservation package" for the Delaware Canal and will establish the necessary framework for the continued protection and restoration of this important national landmark.

I encourage my colleagues in Pennsylvania and across the country to support this preservation effort. People throughout the Delaware Valley have an intense interest in preserving the scenic and historic character of their communities.

Today's effort—along with my efforts which resulted in President Carter signing into law legislation to preserve the upper third of the Delaware River as part of the Nation's National Wild and Scenic River System—is symbolic of a larger effort to preserve the Delaware River corridor between Pennsylvania and New Jersey.

Other initiatives I have taken in this regard, Mr. Speaker, include H.R. 569, a bill to designate an additional 21 miles of the middle Delaware from Uhlerstown to Washington Crossing as part of the National Wild and Scenic River System.

Second, as another component of this preservation package, I've requested the National Park Service to conduct an inventory and study of the Delaware River Islands. More than 50 islands totalling over 2,400 acres constitute an important national resource that needs to be preserved.

Mr. Speaker, the only other existing national heritage corridors are the Blackstone River Valley corridor in Massachusetts and Rhode Island and the Michigan and Illinois Canal corridor. The Delaware and Lehigh Canals if designated will become the third national heritage corridor created by Congress. Because of rapid population growth in the New York-Philadelphia corridor we must do all we can to preserve and protect these natural areas still unspoiled.

This plan to preserve and protect much of the Delaware River, its islands, and the Delaware and Lehigh Canals can go a long way toward saving a piece of America.

SALUTING THE YOUNG HEROES FROM THE NAVAL AVIATION DEPOT IN CHERRY POINT, NC

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. JONES of North Carolina. Mr. Speaker, today I rise to honor a very select group of young heroes from the Naval Aviation Depot in Cherry Point, NC.

Heroes emerge even in times of peace. This group, despite adverse weather conditions, was willing to accept the challenge and responsibility of rescuing and repairing a crash-damaged LC–130 in Antarctica. Subsequent to their arrival in Antarctica, they were faced with a tragedy of immense proportions when another LC–130 crashed and erupted into flames about 1 mile from their base camp.

I believe the successful completion of this mission, coupled with their bravery in saving human lives, is so historic that a complete description of these events deserve to be carried as part of our RECORD. I am proud and honored to have the opportunity of sharing this important story with my colleagues and fellow citizens for their thoughtful reflection and future reference.

When the 14-member field team from the Naval Aviation Depot left for the white continent of Antarctica last November 14, the only rescue mission on their agenda was the repair of an LC–130 Hercules aircraft that crashed more than 16 years ago.

Little did they expect, however, that during their sojourn to the bleak, hostile environment, they would be making another rescue—this time, not of a stranded aircraft, but the rescue of human life from a fiery aircraft crash.

Having arrived at their base camp, known as D–59, on November 28, the men slowly began to settle in and were becoming accustomed to their harsh environment. D–59 is approximately 750 miles from the nearest U.S. air base, McMurdo Station.

Yet, their world was suddenly jolted with tragedy when on December 9 another LC–130 plummeted into the snow, bursting into flames, just about a mile from their base camp. The cargo plane, which was flown by the Navy's Antarctic Development Squadron—VXE–6, was making a routine fly over from McMurdo Station to D–59 to drop off aircraft parts, food, and supplies to the field team. Nine passengers survived and two died in the crash.

NADEP field team members and the only other people at D–59—three Lockheed Corp. representatives, a Navy corpsman, and six Antarctic Services, Inc., personnel, who provided base camp support services—rushed to the crash site. Through their heroic efforts, they helped sustain the lives of those who survived the crash.

NADEP employees helped pull the injured from the burning wreckage and then placed their coats on top of the crash victims who laid in the snow, awaiting to be taken to the base camp for treatment. Field team members also laid on top of the victims to help prevent shock and hypothermia, according to C.D. "Cannonball" Barker, NADEP field team supervisor. Victims were transported slowly one by one back to the base camp on a bobsled pulled behind a snowmobile. One field team member estimated that he laid on top of one survivor over an hour to keep him warm.

With the assistance of the Navy corpsman who had been assigned to the base camp, Brad Honeycutt, field team member and also a NADEP emergency medical technician, instructed other field team members in how to prepare splints, bandages, and the treatment of shock and hypothermia. "Without the help of everyone pulling together, the field team, the Lockheed people, the Antarctic Services, Inc., people, we would not have had as many survivors as we did," Barker recounted.

After approximately 8 hours, another LC–130 picked up the injured and transported them to McMurdo Station for further treatment.

The LC–130 which the field team had been sent to repair belongs to the National Science Foundation. It crashed in 1971, after the Navy's Antarctic Development Squadron—VXE–6 dropped off scientists to perform research. During takeoff, one of the JATO jet assisted take off—bottles broke loose from the left side of the fuselage and propelled itself upward, hitting the No. 2 engine. The aircraft was forced into a nose-down landing and damaged extensively.

Drifting snow over the years had almost completely buried the aircraft, all except for a small portion of the tail fin. Antarctic Services, Inc., dug it out of the snow in January of 1987. At that time, the damages were reevaluated and it was determined that the aircraft could be repaired. According to the NSF, the cost of a new replacement aircraft would have been $35 million. NSF's estimated final cost for the recovery operation and update modifications of the aircraft to current standards will be between $10 to $12 million.

Surprisingly, when the field team first arrived at D–59, the aircraft was again entombed with snow. According to Barker, the plane was surrounded by 8- to 10-foot drifts of snow. "Our journey began with the unexpected, and the unexpected was the predominant theme throughout the entire time we were there. About the only thing that did not surprise us was our successful repair mission of the aircraft. That expectation was right on target," Barker said.

"Not only did we successfully repair the aircraft, but we managed to complete the repairs 5 days ahead of schedule," he added.

The field team used the snowdrifts to its advantage, according to Barker. The snow served as a barrier to the prevailing 20 to 30 knot winds. The team worked on the aircraft in the hole dug around the aircraft for 3 weeks making all necessary structural repairs and installing three of the aircraft's four engines. On December 21 at midnight, the airplane was finally pulled out of the hole.

Other repairs following this included the replacement of flight controls, ailerons, flaps, the fourth engine and prop, main landing gear skis, two forward main landing gears, the nose landing gear and ski assembly. Following this, aircraft work leader Ed Foreman made operational checks on the flight controls, complete high power checks on all engines, and taxi checks.

The crew worked up to 16 hours a day, 7 days a week when the weather cooperated. The field team was deployed to Antarctica during the summer months, with daylight prevailing 24 hours a day.

The cold weather slowed down the work efforts, however, according to Barker. Team members could not work for extended periods of time without required safety breaks. Yet, said Barker, the team was equipped very well with warm clothing.

Despite the chilling temperatures, team members did on occasion have to remove their gloves to start some hardware work operations. This had to be done very quickly because if the team members left their gloves off too long—more than 60 seconds—they could easily get frostbitten. In these situations, everything needed to do a job was laid out and ready to go before team members removed their gloves.

The field team lived and slept in two 40- to 50-foot-long structures called Jamesways which were constructed at the work site by Antarctic Services, Inc., before their arrival. The Jamesways are constructed out of wood and vinyl-like material, and they are shaped similar to quonset huts.

Weather conditions varied from day to day. The coldest day they saw at the worksite was minus 72 degrees Fahrenheit with the wind-chill factor. The average temperatures were minus 15 to minus 20 degrees.

The Jamesways reached 67 degrees inside at times. They were heated by space heaters that burn diesel fuel made especially for use in Antarctica. For recreation, the men watched videotapes, read, listened to tape players and played board games. They ate in a third Jamesway called the galley.

The only communication the field team members had with the outside world was through letters from home which were periodically flown over by VXE–6, or through radio conversations they had with personnel at McMurdo Station.

On January 1, 1988, the men were presented with another unexpected challenge. A treacherous arctic snow storm, called a whiteout hit the base camp. Lasting for 5 days, drifts of snow, 12- to 14-feet deep, were piled around and on top of the Jamesways.

The snow forced the huts' doors shut. "We had to actually dig tunnels from the galley through the snow to get to the Jamesways. We dug for about 7 straight hours before we got to see daylight," said Steve Teague, another field team member.

"We also had to keep the stove pipes beat out in the huts to prevent ice build-up, which could result in carbon monoxide poisoning in the huts. It was an experience we will never forget. If we had not worked together as a team, I don't know how we would have survived. I have to give the men the credit for staying cool," Barker boasted.

After all the repairs were completed on the stranded aircraft, Jim Herman, a NADEP engineer flew to the base camp on January 7, to inspect and certify that the aircraft was safe for flight.

Finally on January 10, a chilling Sunday afternoon at 6 p.m., the repaired aircraft was air borne. Destination: McMurdo Station. "At that point, our mission was accomplished," said Barker. "As we flew in the chase plane beside it, the emotions I felt just cannot be described. And when we saw it finally land at McMurdo, that was perhaps the most exciting moment of the whole trip," Barker concluded.

The repaired aircraft, according to Barker, arrived at Christchurch, New Zealand, January 16 where it will undergo additional repair. "I'd say there is a good possibility that it will finally make its way back here to Cherry Point for additional modifications since we have LC–130 cognizance. Then it would be returned to VXE–6 again for operation," Barker added.

Prior to the rescue of aircraft bureau number 148321, the NADEP had two past successes in Antarctica in 1975 and 1976, when it repaired two other LC–130's for the NSF.

NADEP field team members included: C.D. "Cannonball" Barker, Donald Crumbacker, Teddy McNeal, Haywood Mills, Joe Cartisano, Ashley Garner, Johnny Howard, Billy Weeks, Steve Teague, Durwood Vinston, David Fair, Robert Eggers, Brad Honeycutt, and Ed Foreman.

According to Col. Jerald B. Gartman, NADEP commanding officer, the depot field team demonstrated through their efforts "the ability of this depot to respond to fleet needs in our never-ending quest to provide service to the fleet. Each member of this team fully demonstrated all these characteristics of service above and beyond that required to make this a very successful operation—each one is commended for a job well done."

FUTURE OF THE COASTAL PLAIN OF THE ARCTIC NATIONAL WILDLIFE REFUGE

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MILLER of Washington. Mr. Speaker, one of the most difficult questions before Congress concerns the future of the coastal plain of the Arctic National Wildlife Refuge, or ANWR as it is commonly known.

As a member of the Committee on Merchant Marine and Fisheries and its key Subcommittee on Fisheries, Wildlife Conservation and the Environment, I have participated in almost a dozen hearings and subcommittee meetings on three bills presently before Congress. I have also spent 2 days touring Prudhoe Bay and ANWR.

For every point made in favor of one position, a well reasoned counterpoint can be presented. Congressman UDALL introduced a bill making this area a national wilderness area. Congressman DON YOUNG has introduced a bill which would permit exploration and, if commercial quantities of oil are found, development of this area. Last, Congressman WALTER JONES has introduced a bill which would allow limited exploration within the coastal plain and establish special protection for the wildlife which live there.

The debate on the future of ANWR, however, is presently couched in either or vocabulary. We either preserve forever this fragile coastal plain or we make an irrevocable decision to permit exploration and development there. In this context, we must choose wisely because our choice will become national policy. Our choice of a national policy in this context is, however, not based on a clear set of facts or a clear understanding of alternatives. We have, as several of my colleagues on the Merchant Marine and Fisheries Committee have noted, been skirting the task of putting the three bills before us into the context of our national energy needs.

If we are going to justify sacrificing a vital oil reserve or despoiling a unique wilderness area on the basis of our national energy needs, we should know what those needs are. The distinguished senior Senator from Washington, DAN EVANS, has prepared an amendment for consideration before their Energy and Natural Resources Committee which cuts to the heart of this question of need. Senator EVANS correctly points out that we do not have the information we need to project national energy needs.

Senator EVANS points out that the Department of the Interior's report on developing the coastal plain does not provide adequate energy policy information for Congress to determine whether there should be oil and gas development. His alternative requires that the Secretary of the Interior submit to Congress within 2 to 3 years a study which includes: a statement of energy policy objectives; an analysis of the Nation's demand for petroleum; an estimate of domestic petroleum supply from the Arctic region, including costs of exploration, development, mitigation and reclamation; an estimate of petroleum available from ANWR, making similar comparisons to the data on the Arctic region; an indication of available alternative fuels; and an indentification of energy efficiency measures.

Under Senator EVANS proposal, the Secretary would rank all alternatives and identify the least costly alternative or alternatives.

Mr. Speaker, this proposal not only asks many important questions about our national energy policy and the future of the coastal plain of ANWR, it is also an approach used in the Pacific Northwest to help us manage our electricity needs. Senator EVANS knows this process well because he served with distinction as the first chairman of the Northwest Power Planning Council. He has applied the experience of putting the Northwest Power Act into place and helping our region manage its electricity resources. He has applied his considerable skill and knowledge to the challenge of meeting our national petroleum needs. He deserves our applause and our support.

The Merchant Marine and Fisheries Committee will be holding at least four more hearings on ANWR in February and March. The hearing on March 31 will focus on national energy policy. I intend to raise many of the questions posed in Senator EVANS' amendment at that hearing.

Mr. Speaker, there is an old expression about looking before we leap. Senator EVANS deserves credit for asking the questions which will help us see the issues raised in the current debate over the future of ANWR more clearly. I intend to pursue the same approach as a member of the Committee on Merchant Marine and Fisheries.

TRIBUTE TO DAVID L. GLENN AND RABBI MURPHY SALTZMAN

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MFUME. Mr. Speaker, on February 25, David L. Glenn and Rabbi Murphy Saltzman will be presented with the Baltimore Urban League's 1988 Equal Opportunity Awards. In all of Baltimore, there are few people more deserving of such recognition than this year's honorees.

David L. Glenn's association with the BUL dates back to 1952 when he was the secretary for the industrial relations division. His determination to expand employment and equal access opportunities has been manifested through his service as the executive secretary of the Baltimore Equal Opportunity Commission, special assistant to Mayor Theodore McKeldin, director of the Baltimore Community Relations Commission, assistant secretary for program coordination for the department of human resources, and most recently as the director of the Maryland Commission on Human Relations.

His current organizational memberships include the board of the National Conference of Jews and Christians, the Governor's Task Force on the Investment of State Pension Funds in Companies doing business in South Africa, and the YMCA of Metropolitan Baltimore.

Mr. Glenn's previous organizational affiliations include the American Council on Human Rights, the United Way of Central Maryland, the Governor's Task Force on AIDS, the Leukemia Society of Maryland, and the Baltimore Association for Retarded Children.

In addition, from 1968 to 1974, he hosted the "Opportunity Line" television program, which served as an important information source about job opportunities in the Baltimore metropolitan area.

Rabbi Murray Saltzman has been the spiritual leader of the Baltimore Hebrew congregation since 1978, and has always been a champion of better understanding and positive relations between racial and ethnic groups. A prolific writer, Rabbi Saltzman has published dozens of his works about Judaism and Jewish values in journals and magazines. In addition, his oratory skills have made him a popular guest lecturer at many colleges and universities.

Rabbi Saltzman serves as president of the Baltimore Board of Rabbis, chairman of the Black-Jewish Relations Task Force of the Synagogue Council of America, and cochair of the Maryland Coordinating Committee for the Martin Luther King, Jr. holiday.

He is also on the boards of the Rabbinic Cabinet of the State of Israel Bonds, the American Jewish Congress, and, like David Glenn, the National Conference of Jews and Christians.

Being that violence directed at racial and ethnic minorities has always been of major concern to Rabbi Saltzman, he cofounded the Coalition Opposed to Violence and Extremism [COVE]. In addition, he is an active member of the Center for Democratic Renewal which identifies organizations prone to violence.

Through their years of selfless public service, David L. Glenn and Rabbi Murray Saltzman have embodied what the Baltimore Urban League stands for—a commitment to achieving equal opportunity and freedom for all citizens. Their impressive credentials also show that both men have worked unceasingly to cultivate much-needed harmony between African Americans and the Jewish community.

I commend the Baltimore Urban League, Inc., for paying tribute to these two gentlemen, and congratulate the recipients. The pride of the occasion will also be shared by family members: Mr. Glenn's wife, Ruth, and their daughters, Connie and Sharon; and Rabbi Saltzman's wife, Esther, and their children Josh, Debra, and Oren.

The world is a much better place because of David L. Glenn and Rabbi Murray Saltzman. I ask my colleagues to join me in giving them the recognition they so richly deserve.

H.R. 5, THE SCHOOL IMPROVEMENT ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mrs. COLLINS. Mr. Speaker, one of the most serious and troubling issues we face today is child abuse. According to the Select Committee on Children, nearly 2 million cases of child abuse were reported in 1985.

I am pleased that we now have a chance to reverse this problem. The Education and Labor Committee has included language in H.R. 5 that I authored, encouraging States to use a portion of their chapter II funds for the development of child abuse curricula.

These funds will address the fact that to the extent possible, children need to know how to protect themselves by learning, for example, what is proper and improper touching; and teachers must be better-equipped to identify and deal with the problems of child sexual abuse. In my home State of Illinois, there were over 4,000 reported cases of child sexual abuse over the past 11 months.

I am not alone in advocating the need to end this tragic situation. According to the National Committee on Child Abuse Prevention, "the approach we believe will be most effective in eliminating child sexual abuse is mandated child abuse training for all educators and curriculum-based prevention education that teaches personal safety skills to all school-age children."

Indeed, this is the exact approach which is being taken in my community today. The Chicago Public Schools system has implemented a program to make all 27,000 elementary teachers better aware of children who may have been abused. In addition, all children in kindergarten through eighth grade will be educated on how they can avoid potentially abusive situations.

I hope these types of programs can be adopted nationally. And I think this goal can now be achieved if States follow the committee's recommendation, and set aside a portion of their chapter II funds for the development of child abuse curricula.

If we do this, we will go a long way toward eliminating the tragedy of child abuse. I want to commend the members of the committee and its distinguished chairman, Mr. HAWKINS, for their endorsement of my proposal. I strongly urge that the House conferees insist on the inclusion of current child abuse language in the enrolled version of this measure.

REASON MUST PREVAIL IN SOUTH ASIA

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. DWYER of New Jersey. Mr. Speaker, I would like to take this opportunity and a few moments of my colleagues time to discuss an issue which has been raised frequently before on the floor of the House. That issue is the sad state of affairs in the Punjab region of India.

For the last 4 years, we have been hearing a constant stream of stories of violence against the Sikhs and by the Sikhs. History teaches us that when the perpetrators of violence have the sympathies of the people, repression simply cannot normalize the situation.

The tragic results of Operation Blue Star suggest that the Sikhs may not be able to live peacably under a regime which tramples upon the sanctity of its holiest temple. Clearly, the state of events in the Punjab is no "internal affair."

The turmoil in the Punjab is increasingly causing tensions between India and its neighbors. American interests for peace in south Asia are vital. We cannot allow for clashes there to become an excuse for further Soviet intervention in the region.

For these reasons, beyond the very basic human ones, I would urge the administration to convey to the Indian Government the need to renounce violence and find an early, democratic solution. We have heard for a long time that the separatists are extremists. Perhaps it is time to test that theory with a test of the popular will.

As an alternative, serious consideration could be given to permitting the Amristar area to become a "state within a state," along the lines of the relationship between our ally, Italy, and the Vatican.

The present situation in this distant part of the world remains extremely volatile, possessing the potential to explode at any time, with almost any spark. Yet, as active participants in the greatest democracy the world has ever known, we must remain optimistic that reasonable men and women can reach a solution which ends the bloodshed, respects human dignity and religious freedom and allows the people of the region to resume a normal and prosperous existence.

TRIBUTE TO JUDGE BENJAMIN F. NOLAN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. SCHEUER. Mr. Speaker, this week marks the retirement of an outstanding New York jurist, Judge Benjamin F. Nolan.

Judge Nolan has spent 16 years on the bench as judge of the civil court, acting justice of the supreme court and supervising judge of the Bronx civil and housing courts.

First elected in 1972 after serving as an assistant U.S. attorney and chief counsel to the New York State Commissioner of Investigation, Judge Nolan's abilities as a jurist and legal scholar were recognized by the citizens of New York, who reelected him in 1982 as the candidate of all four major political parties.

During his judicial career, Judge Nolan also achieved preeminence as a writer and lecturer. For the past 10 years, Judge Nolan conducted monthly seminars on housing issues and problems for judges from throughout New York City. He has also served as a regular panelist at annual seminars for New York City civil court judges and an instructor for judicial training programs.

The people of New York will not lose the benefits of Judge Nolan's keen legal mind, despite his retirement. Judge Nolan plans to continue in the court system, on a limited basis, as a judicial hearing officer, and he also will engage in the private practice of law.

Even with his hectic judicial schedule, Judge Nolan still finds time for civic involvement. As the founder of the Van Nest Little League and the first president of the Van Nest Civic Association and the Bronx Heights Civic Association, Judge Nolan's civic efforts were recognized by the community. His recent honors include the Brotherhood Award of the National Professional and Business Council, the Interfaith Award, and Van Nest Citizen of the Year.

Mr. Speaker, as Judge Nolan embarks on a new facet of his career, I want to congratulate him on a job well done and wish him and his family the best of luck for the future.

TRIBUTE TO FOUR MEMBERS OF THE U.S. AIR FORCE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to four distinguished members of the U.S. Air Force, SrA. Diane C. Sims, T. Sgt. Deborah L. Bates, M. Sgt. John H. Wallace, Jr., and SM. Sgt. Robert L. Burton, on their acceptance as Mather Air Force Base's annual enlisted award winners. It is an honor to salute these fine servicemen and women.

SrA. Diane C. Sims is an explosive detector dog handler assigned to the 323d Security Police Squadron, Mather Air Force Base. During her enlistment, she has distinguished herself as a superb leader and an efficient law enforcement specialist. Before tonight, she has received numerous other citations including the Air Force Achievement Medal.

T. Sgt. Deborah L. Bates is an aircraft maintenance technician with the 232d Organizational Maintenance Squadron, 323d Flying Training Wing, Mather Air Force Base. Technical Sergeant Bates list of achievements are most impressive. After serving at Wright Patterson AFB, OH, she was posted at Mather where she has received the outstanding NCO of the quarter and is president of the unit advisory council.

M. Sgt. John H. Wallace, Jr., is the avionics maintenance superintendent in the 323d Field Maintenance Squadron, 323d Flying Training Wing, Mather Air Force Base and has spent over 20 years in the Air Force. He has traveled all over the world and served his country in Vietnam. During his career Master Sergeant Wallace has been awarded some of the Air Force's most coveted distinctions including the Air Force Achievement Medal and the Air Force Commendation Medal with two Oak Leaf Clusters.

SM. Sgt. Robert L. Burton is the first sergeant assigned to the deputy commander for operations, 323d Flying Training Wing, Mather Air Force Base. Senior Master Sergeant Burton has served as the resident of the Strategic Air Command NCO Academy and the Senior NCO Academy. He is also actively involved in community activities serving as president of the Mather Top Three Association and as a permanent trustee of the Noncommissioned Officers Association. He has also received the Air Force Commendation Medal with two Oak Leaf Clusters.

Mr. Speaker, on behalf of the city of Sacramento and the State of California, I want to congratulate these four men and women for a tremendous job. Their dedication and devotion to our country is an example for us all, and I wish them the very best in their future endeavors.

SALUTING RED BARBER ON HIS 80TH BIRTHDAY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. SCHUMER. Mr. Speaker, today, February 17, 1988, we commemorate the 80th birthday of Red Barber—who, for the past 50 years, has probably been the foremost sports announcer in America. Red is still active today in Tallahassee, FL, where he does a segment for National Public Radio every Friday.

Red was in his heyday as the Brooklyn Dodgers announcer from 1939 through 1953. Among the many famous games he announced was the game in which Jackie Robinson walked onto Brooklyn's Ebbets Field and became the first black major league baseball player in history.

Red was also the first to receive the Broadcaster's Award for the Baseball Hall of Fame. Always well-prepared, his objective and unbiased announcing set high standards for all those following in his profession. Today, Americans of all generations should salute one of Brooklyn's favorite adopted sons, Walter Lanier "Red" Barber, on this, his 80th birthday.

AMENDMENTS TO THE COMPACT OF THE SOUTHERN STATES ENERGY BOARD

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BOUCHER. Mr. Speaker, today I am introducing legislation to amend the interstate compact of the Southern States Energy Board [SSEB]. Fourteen members from throughout the Sun Belt have joined with me in cosponsoring this measure.

Enactment of amendments to SSEB's compact requires approval by both the Congress and a majority of the SSEB's 17 member States. Sixteen of the seventeen States have approved these changes. Only congressional concurrence is needed for the amendments to become effective.

The SSEB provides research and information on energy and environmental issues from a southern perspective to its member States and the general public. The States which are members of the SSEB are: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

This legislation would grant the consent of Congress to the following amendments to SSEB's compact:

First. Change the name from the Southern Interstate Nuclear Board to the Southern States Energy Board;

Second. Specify that SSEB's scope of responsibility includes both energy and environmental policy areas; and,

Third. Change the SSEB's membership composition from one member from each State to three from each State, including representatives from States' legislatures.

As a simple ratification of action already taken by the Sun Belt States, this legislation is noncontroversial in nature. I urge my colleagues to join with me in supporting this measure.

THE UNIVERSAL VOTER REGISTRATION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. CONYERS. Mr. Speaker, I am today introducing with HAMILTON FISH, FRANK HORTON and TONY COELHO, MO UDALL, and JOE KENNEDY in the House, and Senator CRANSTON in the Senate, major voter registration legislation that could bring millions of new voters—Republican, Democratic, and independent—into the electoral process.

This legislation, the Universal Voter Registration Act, H.R. 3950, which has the support of over 150 voting and civil rights and public interest organizations, would allow for registration by mail, on election day, and at agencies that serve the public directly. Numerous States have already used many of these registration methods with great success.

The vigor of any democracy is most closely related to the health of the electoral system. The authority to govern is derived not from any divine right or from the sword but from the fact of election. Elections are what ensures that government responds to the people. Voting is also a fundamental and undeniable American right.

Between 35 and 40 percent of eligible Americans are unregistered to vote. For every voter that votes for the next President of the United States, two will stay at home. Studies and surveys consistently show that registering unregistered voters is the key to increasing participation—that over 80 percent of those registered to vote actually cast their ballot on election day.

In addition to new registration methods, the legislation also proposes new and comprehensive provisions to guard against voter fraud. These provisions, which go beyond the antifraud provisions that most States currently use, include comprehensively mail confirmation and followup investigatory procedures, computer cross references, strong penalties for voter fraud, fair and thorough challenge procedures, requirements for identification of eligibility, and other measures.

While the United States has extended the franchise in the 20th century more extensively than perhaps any other country, onerous voter registration requirements still keep almost half the eligible citizens from the polls. The United States is the only Western democracy that does not make registration compulsory or otherwise initiate voter registration.

THE HEART AWARD

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BADHAM. Mr. Speaker, today I am pleased to tell my colleagues about one of Orange County's finest citizens. Thomas A. Fuentes is a community leader, a selfless volunteer and a great Californian. On February 25, he will be honored by the Costa Mesa Chamber of Commerce with the 1988 Heart Award.

Tom's service to his community spans a broad area, from religion to charity, from politics to business. To name just a few examples, he is director of communications for the Roman Catholic Diocese of Orange and chairman of the board of the Food Distribution Center, an organization dedicated to using surplus food to feed the hungry. He is chairman of the Republican Party of Orange County and senior vice president of Robert Bein. William Frost & Associates.

President Reagan appointed him a member of the U.S. Selective Service System Appeals Board for California in 1981 and he served as a special representative for the Senate Local Government Committee of the California State Legislature.

He has been a city chairman for the Orange County Christmas Seals drive and a member of the board of directors of the Orange County Chapter of the American Lung Association. He has been a member of the board of directors for the United Way of Orange County North/South and of the Saddleback Community Hospital.

Tom is known in our community as someone who gets things done. He has dedicated himself to serving his neighbors and is especially deserving of the Heart Award. I am proud to pay tribute to him today in the House of Representatives and offer him congratulations for this award and thanks for the role he plays in making Orange County a better place to live.

TRIBUTE TO THE 100TH ANNIVERSARY OF ADULT EDUCATION IN LOS ANGELES

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. DIXON. Mr. Speaker, it is with great pride and honor that I rise to pay tribute to the Los Angeles Unified School District's Adult Education Division as it celebrates its 100th anniversary. On March 5, the California Council for Adult Education—Los Angeles Metropolitan Section will sponsor an educational conference, the annual Tenacious Teacher Conference. Over 300 adult education teachers, administrators, and classified personnel are expected to attend the event at the Roosevelt Community Adult School.

Since 1887, the Los Angeles Unified School District has been serving the adults of the Los Angeles community with the highest level of adult education possible. As the numbers of new residents coming into the Los Angeles area continues to increase, the importance of ready access to continuing education has become evident to the citizens of our community.

For our new citizens, prospective citizens, and for those requiring the development of additional skills, adult education may be the only route available to a better life. I am pleased to say—and 100 years of operation confirms—that the Adult Education Division of the Los Angeles Unified School District not only has met the requirements of the adults of our community, it has excelled in its performance.

I want to take this opportunity to commend the Los Angeles Unified School District for the excellent service they have rendered to the adult residents of our community, and wish them all continued success in their future service to the community.

MOTION TO INSTRUCT CONFEREES ON H.R. 5 RETAIN SENATE DIAL-A-PORN LANGUAGE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. DANNEMEYER. Mr. Speaker, by adopting this motion, the House would direct the House conferees to agree to the Senate language prohibiting dial-a-porn operations.

For over 4 years, many of us in Congress have attempted to protect children from gaining access to obsenity and indecency over the telephone. This type of communication, commonly known as dial-a-porn, has been a heartache to parents who feel helpless responding to the threat it poses to their children. In response to this problem, my colleague, TOM BLILEY, introduced, and I cosponsored H.R. 1786, the Telephone Decency Act, to prohibit the transmission of obscene or indecent communications by means of telephone for commercial purposes. The Senate dial-a-porn amendment to H.R. 5, the School Improvement Act of 1987, is identical to this bill.

Legislative action to prohibit dial-a-porn began in 1983 and has continued to this day. Currently the House bill has the support of 163 cosponsors. Among these are 27 out of 42 members of the Energy and Commerce Committee which has jurisdiction over this legislation.

The original section 223,as passed in 1968, prohibited obscene, lewed, lascivious, filthy, or indecent communications by means of telephone. The law did not state that the maker of the comment must also be the maker of the call, so the dial-a-porn service, in which a caller accesses by telephone a recorded message of a sexually explicit nature, was clearly covered by the language of the statute. However, because dial-it services did not exist when the law was enacted, the FCC claimed uncertainty concerning its ability to act on complaints against these services.

A current provision in section 223(d) of the Communications Act of 1934 affirmatively authorizes the operation of dial-a-porn for consenting adults. The problem is that the telephone number for this pornography service is widely circulated among young people and widely utilized.

The Senate amendment basically removes a loophole in current law which permits dial-a-porn to operate. The loophole has two parts. The first part is that the portion of section 223(b)(2) makes dial-a-porn criminal only if it goes to a person under 18 years of age or to a person who has not consented to receive the message. Therefore the Senate amendment makes the prohibition against dial-a-porn apply to everyone, not just minors and consenting adults.

The second part of the loophole which is eliminated by this amendment is a portion of section 223(b)(2) which provides:

> It is a defense to a prosecution under this section that the defendant restricted access to the prohibited communications to persons 18 years of age or older in accordance with procedures which the Commission shall describe by regulation.

For this reason, the Energy and Commerce Committee adopted an amendment to section 223 of the Communications Act to give the FCC unquestionable authority to impose sanctions on telephone pornographers. In November 1983, a largely modified version of this language was incorported into the FCC reauthorization legislation, H.R. 2755. This language, a mistaken attempt at compromise, legalized dial-a-porn for adults while prohibiting communications to children.

Dial-a-porn first became available in March 1983. It should have been prosecuted under existing Federal law (47 U.S.C. 223) which provided that:

> Whoever in . . . interstate or foreign communication by means of a telephone makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent . . . shall be fined not more than $500 or imprisoned for not more than 6 months or both.

The FCC and DOJ declined to enforce section 223 because they interpreted the law to apply only to persons who utter obscene words during calls that they place.

Congress became frustrated with the lack of legal action taken against dial-a-porn and in late 1983 amended section 223 making it a crime to make "any obscene or indecent communication for commercial purposes to any person under 18 years of age or to any other person without that person's consent." The FCC was charged with the duty of compiling regulations which would deny access to dial-a-porn to persons under 18. Attempts by the FCC to issue regulations have been totally unsuccessful and have been struck down as unconstitutional. Therefore, there is presently nothing in law or regulation which restricts access to minors.

The tragedy of dial-a-porn is particularly evident in the case of Brian T. and Rebecca C. in California. Opponents of this amendment claim that the law prohibits these communications except to "consenting adults." The problem with that logic is that it has proven impossible to stop children from calling these widely advertised numbers and the consequences have been devastating.

Note the following examples:

The first incident occurred on July 26, 1987, and is related below in a letter addressed to a member of Congress:

> "Dial-A-Porn" has deeply affected my family and friends . . . My 13-year-old son, Kevin called the 900 number. Kevin's friend Don, 15, was over and they were listening to the prerecorded messages. Later when I arrived home from work I immediately made them hang up. Unknown to me, Kevin's 14-year-old brother was listening on another line with his two friends. They continued to listen passing it back and forth. Their sister Jacqueline, 10 was also listening on her extension.
>
> Within 48 hours Don and his 11-year-old brother molested my daughter Jacqueline. The Clio Vienna Township Police were notified and in their investigation revealed the fact that Jacqueline had encouraged them by asking them to touch her and "Do it with her"—phrases she heard on the "dial-a-porn". Later the same day I learned that Kevin had sexual intercourse with a girl. His response when asked why was "it sounded like fun." I asked him, "What sounded like fun?" and he said "You know the phone call, the $74 phone call."
>
> This phone call has damaged our lives. It has caused strain and distrust in our family. We have had conflict with our neighbors when we had to inform them of their children's involvement. Most of all it has done permanent damage to our daughter. Somehow the proper steps must be taken to eliminate this diseased pornography that is so readily available to children . . . Please help our children to prevent such occurrence again.

A similar incident occurred in Hayward, CA, in 1987 when Brian T. filed a lawsuit against dial-a-porn alleging that defendants exposed 12-year-old Brian T. to 2½ hours of their sex message products by means of a telephone for commercial purposes. That intensive exposure incited and caused plaintiff Brian T. to act on those sex message products and on/or about June 22, 1987, in the city of Hayward, he engaged in unlawful sexual contact with 4-year-old plaintiff Rebecca C. including but not limited to compelling her to orally copulate him.

These incidents can only be called a tragedy.

In the more than 4 years during which dial-a-porn has purportedly been illegal, this service has thrived and spread from New York to many other major cities around the United States. At least five of the seven major telephone companies carry this dial-it service. According to Telemarketing, Inc., dial-a-porn telephone sex has achieved astonishing financial growth during the second Reagan administration and now grosses $2.4 billion a year. In addition, half of all phone calls using California's 976 extra-billing prefix are for pornographic taped messages or live pornographic discussion. According to the CA Public Utilities Commission, of the $64.2 million collected by Pacific Bell between July 1986 and May 1987 for 976 calls, $40.1 million went to adult services. The PUC is considering methods for complying State legislation mandating that customers be allowed to block the service from their phones for a minimal fee. Pacific Bell has refunded more than $2.3 million this year to customers who say 976 calls from their phones were made by a minor, an unathorized person, or a caller without knowledge of the extra billing.

CONSTITUTIONALITY OF THE AMENDMENT

The first objection that will be leveled at this amendment is that it violates the customer's first amendment right to receive dial-a-porn messages. This objection is without merit.

The Supreme Court has firmly established that obscenity is not protected by the first amendment—*Miller* v. *California* (1973). While the mere possession of obscene material in the home cannot be made a crime *Stanley* v. *Georgia*, (1967), there is no correlative right to purchase obscenity in the marketplace or have it distributed to your house through commercial channels—*U.S.* v. *12 200-ft Reels*, 413 U.S. 123 (1973). The Court has clearly held that there is no right to "receive" obscenity in "the privacy of the home" and no right to use "common carriers in interstate commerce" for delivery of obscene material to the home—*U.S. v. Orito*, (1973). In addition, in *FCC* v. *Pacifica Foundation* (1978), the Court specifically held that radio and TV do not have a right to broadcast indecent material into the home and rejected the contention that an individual has a right of access in the home to indecent broadcasts. In so holding, the Court reasoned that such broadcasts are "uniquely accessible to children" and that the Government interest in protecting the "well-being of its youth" justified the regulation of otherwise protected speech.

In addition, it cannot be argued that *Butler* v. *Michigan,* (1957) protects dial-a-porn. The principle enunciated in that case states that a "harmful to minors" standard cannot be applied to adults and children alike because then it would reduce the adult population to hearing only what is fit for children. This standard is inapplicable to dial-a-porn because it only applies to cases where the distributor of indecent material can readily distinguish between adults and children. This clearly cannot be done when a child calls a tape-recorded message.

Even assuming that the distribution of dial-a-porn to children could be prevented, the Supreme Court has rejected the contention that the distribution or transmission of obscene materials between consenting adults is constitutionally sanctioned. In *Paris* v. *Adult Theatre* v. *Slaton* (1973) the Court held that:

> We categorically disapprove the theory that obscene, pornographic films acquire constitutional immunity from state regulation simply because they are exhibited for consenting adults only . . . We hold that there are legitimate state interests at stake in stemming the tide of commercialized obscenity, even assuming it is feasible to enforce effective safeguards against exposure to juveniles and to passersby. Rights and interests other than those of the advocates are involved.

The Senate amendment to H.R. 5 passed the Senate 98 to 0 and will have the effect of stopping this abuse if retained. The changes it makes are simple and take into consideration Supreme Court decisions regarding obscene and indecent speech. The amendment does nothing more than restore the original intent of the 1983 amendment which purportedly clarified the law. It was not until 1983 that obscene and indecent communications over the phone became legal. The purpose of the amendment is to restore, not change.

SUPPORT FOR H.R. 5

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. CHAPMAN. Mr. Speaker, I rise today in support of H.R. 5, the School Improvement Act of 1987. This legislation will provide much needed improvements to the education system of this Nation. I would also like to take this opportunity to support language inserted in the bilingual portion of this legislation which would put an end to the practice of dial-a-porn, that hideous industry that preys upon the sexual curiosities of both adults and children with sexual messages which are often violent and depraved. The fact that any individual who can operate a telephone can have access to this exploitive practice is an outrage that can no longer be tolerated.

Mr. Speaker, I am a proud cosponsor of H.R. 1786, the Telephone Decency Act here in the House of Representatives. I am cosponsoring this legislation because I recognize the need to terminate dial-a-porn. Because of Congress' jurisdiction over interstate wire communication, we must correct this terrible problem. The dial-a-porn industry is still in its infancy and yet there have already been far too many instances of violent, sexual crimes committed by individuals incited by dial-a-porn phone calls. We must decide when enough is enough, and the language inserted into the School Improvement Act provides us with an opportunity to rid this Nation of this disgusting and dangerous industry.

Mr. Speaker, I call on the conferees to allow the House to send a message by retaining the language to end dial-a-porn. By including the antidial-a-porn language the conferees can provide us with an opportunity to terminate this industry. By doing so we will be protecting the children of this Nation, we will be protecting the adults of this Nation and we will be protecting the moral decency of this great Nation.

OUTSTANDING GROUP OF STUDENTS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. CLINGER. Mr. Speaker, I rise today to pay tribute to an outstanding group of students from Penn State University. From February 19 through the 21st, abut 270 couples will dance against cancer during the school's Interfraternity Council Dance Marathon. The number of people involved and the amount of money raised makes this event the largest and most successful student run philanthropic event in the Nation.

In addition to the marathon, students will be standing on street corners and at intersections throughout the Commonwealth of Pennsylvania "canning" for donations. The money collected coupled with dance pledges is the major source of funds for the event.

Over the past 10 years, the students involved in this project have collected over $1 million; this year they hope to raise over $300,000. They have shown their awareness of the emotional heartache and financial burden placed on families who have children with cancer.

All funds raised will be used to support the Four Diamonds Fund which helps children with cancer by providing financial support for treatment, social services, research and family educational programs. The fund was established by the Penn State board of trustees in 1973 to financially assist families whose children are being treated at Penn State's University Hospital, the Milton E. Hersey Medical Center.

Mr. Speaker, the initiative and caring shown by this outstanding group of students should make all Americans proud. It is my privilege to formally recognize their efforts in the U.S. Congress.

MARCH 1988—NATIONAL EYE DONOR MONTH

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GUARINI. Mr. Speaker, imagine how life would be if you always had to wear steamed-up glasses—and you could not wipe them off. That is how life is for the more than 35,000 Americans, and hundreds of thousands of others from around the world, who suffer from corneal blindness each year. Vision is always severely affected and often eliminated in these individuals if the cornea—the clear surface at the front of the eye—becomes cloudy through or from swelling, injury, infections, chemical burns, or congenital disease.

There is a cure. By being an organ or tissue donor, the lives of the suffering are renewed. Thanks to medical advances and increased national awareness of the benefits or organ and tissue donation, last year more than 35,000 Americans were restored to useful vision through corneal transplants.

This procedure has a 90 percent success rate in improving sight and only can be done with donated eye tissue. The procedure helps a wide spectrum of society. Those given this precious gift and who can see today as a result range from a 9-day-old infant to a 103-year-old great-great-grandfather. However, thousands more people without vision could benefit from this operation but are not being helped because of a shortage of eye donations.

A united national effort exists to eliminate this shortage. The 93 eye banks in 42 States, Puerto Rico, the District of Columbia, and Canada belonging to the Eye Bank Association of America are committed to the goal of having a cornea readily available for anyone suffering from corneal blindness. Celebrating the 26th anniversary year of the EBAA, these eye banks are intensifying their work to preserve medical standards of the highest quality, to promote organ and tissue donation, and to encourage research into the prevention and treatment of eye disease and injury.

The major barrier to the elimination of waiting lists for corneal tissue is the lack of public knowledge about organ and tissue donation. In particular, many citizens do not realize that all eyes are acceptable for donation, regardless of the donor's age or quality of vision. There is no substitute for human eyes. No synthetic cornea currently is effective. Thus eyes not suitable for transplant are used for research projects so valuable information can be gained to help the thousands of others with diabetes, glaucoma, retinal disease, and other eye problems.

Therefore, as we in Congress have done the last 5 years, it is fitting that we once again inform the public of the need for eye donations and encourage more Americans to become organ and tissue donors. By doing so, we designate March 1988 as "National Eye Donor Month" and call on all our citizens to support this humanitarian cause with appropriate activity.

INTERIM RELIEF PLAN NO CURE FOR RETIREES' PENSION WOES

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. KLECZKA. Mr. Speaker, today I would like to draw my colleagues' attention to a courtroom and a situation which will affect more than 4,000 retirees of the financially beleaguered Allis-Chalmers Co., residing in Wisconsin's Fourth Congressional District.

I would like my colleagues to know that for more than a century, the labor and sweat of thousands of men fueled the Allis-Chalmers profit-making machine. And, though once a giant among America's industrial producers, Allis-Chalmers has shrunk to a mere shadow of its former self. As foreign competition corroded America's industrial economy, years of lamentable management led Allis-Chalmers to disclosing massive financial deterioration in July 1985, when the company filed for reorganization under chapter 11 of the United States Bankruptcy Code.

Now the creditors are picking at the carcass of the wounded Allis-Chalmers. The company has already sold most of its assets, and has reduced its unionized work force to roughly 100 workers. But these "11th hour" efforts could not insulate Allis-Chalmers from first quarter 1987 losses which were double those incurred at the end of the same period in 1986. And now sources reveal Allis-Chalmers may be unable to repay its insurers. Past and future debts are overwhelming Allis-Chalmers; distress and uncertainty are the only commodities available wholesale at this once prosperous company.

Even today, the cash registers are ringing as Allis-Chalmers sells off its few remaining assets. However, the thousands of retired workers—from whose labor the company's strength was built—are unlikely to see more than a few pennies of these proceeds. Instead, the banks and financial institutions insuring Allis-Chalmers will benefit from the millions of dollars collected through asset sales. For, as secured creditors, financial institutions are at the very front of the creditors' line.

But retirees, with little or no other income apart from their employer-provided pensions, are driven to the end of the creditors' line. They have no Federal reserves or insurance to rely upon during times of adversity. The collectively bargained contracts which they signed in good faith with the company will not protect them during bankruptcy proceedings. Not even the Pension Benefit Guaranty Corporation is capable of fully protecting their pensions and health plans.

Only permanent legislation protecting their pensions and health plans against termination will ensure retirees receive a fair share during bankruptcy proceedings.

Which brings me to the reason for these remarks. Today Judge Burton R. Lifland of the U.S. Bankruptcy Court in New York City is expected to approve a petition for "interim relief" filed by Allis-Chalmers. The Retirees' Committee and the United Auto Workers, representing union and nonunion retirees, accepted the company's plea for modification of health and life insurance plans as the lesser of many evils. For, it is clear that unless retirees accepted the burden of lower benefits, they would have faced termination of essential benefits, as a result of the probable liquidation of Allis-Chalmers' remaining assets. Please note that these reductions in benefits given as "interim relief" are, in effect, an interest-free loan from the retirees to the company. The modification plan provides for "repayment" of the "loan" upon successful reorganization of Allis-Chalmers.

But even court approval doesn't bind Allis-Chalmers to its promise. In fact, the company has conveniently forgotten its promises before. Final enactment of legislation such as H.R. 2969 would ensure companies in bankruptcy act upon their promises to retirees.

H.R. 2969 is long overdue. As you know, this legislation would prevent employers from revolving retiree benefits during bankruptcy proceedings, and would support modification of those benefits if and ony if it were necessary to permit a successful reorganization of the distressed company. Congress has approved temporary legislation during the past 2 years while drafting permanent pension protection legislation. And, on October 13, 1987, this Chamber passed Chairman Rodino's bill—which was then appoved but modified on October 30 by Senator Metzenbaum in the other Chamber. Now his bill is languishing in limbo. No conferees have been appointed to draft a final version of this legislation. No conference is scheduled. And Allis-Chalmers retirees are facing what could be permanent reduction of their health and life insurance benefits.

The differences between House and Senate versions of pension protection legislation must be addressed now * * * I urge Chairman Rodino to renew efforts to schedule a conference on H.R. 2969 as soon as possible. We stand together and fall together over this issue, for what is happening to the retirees of the once mighty Allis-Chalmers Co. could easily happen to the workers and retirees living in your district, too.

IN HONOR OF MR. WILLIAM C. LAKIOS

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. APPLEGATE. Mr. Speaker, today I would like to pay tribute to Mr. William C. Lakios, an outstanding citizen of the 18th Congressional District in Ohio. Mr. Lakios will be honored on February 20, 1988, for his outstanding achievements in the Order of AHEPA [the American Hellenic Educational Progressive Association]. AHEPA was founded in 1922 to help educate Greek immigrants and has developed into the conscious of Greek Americans in all matters of international affairs.

Mr. Lakios is being honored for his many philanthropic projects throughout the Jefferson County area. He has served as the president of the Holy Trinity Greek Orthodox Church, the supreme president of the Pan Icarian Brotherhood, the Worshipful Master of the Masonic Order, Lodge No. 45 and has been president of the AHEPA Stanton Chapter No. 92 of Stuebenville for the past 13 years.

Mr. Lakios was born in McKeesport, PA, but has lived in Stuebenville most of his adult life. He is married with two children and five grandchildren. he served in World War II in the U.S. 5th Army Military Police and was discharged in 1945. He attended Kent State University where he received a degree in education. He is currently an instructor at Kent State University branch in East Liverpool, OH.

It is a pleasure to honor Mr. Lakios as a man who has given so much of his time and energy to help other Greek Americans and those of his community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 18, 1988, may be found in the Daily Digest of today's Record.

Meetings Scheduled

FEBRUARY 19

9:30 a.m.
Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Judiciary
Business meeting, to consider pending calendar business.
SD-226

10:00 a.m.
Foreign Relations
To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

10:30 a.m.
Judiciary
To hold hearings on S. 1851, to implement the International Convention on the Prevention and Punishment of Genocide.
SD-226

1:00 p.m.
Joint Economic
To hold hearings on the 1988 Economic Report to the President.
SD-628

2:00 p.m.
Foreign Relations
To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

FEBRUARY 22

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on the drug interdiction efforts of the Bahamas and Puerto Rico.
SD-192

10:00 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Nuclear Regulatory Administration.
SD-406

Special on Aging
To hold hearings on the Social Security "notch" issue, and possible solutions thereto.
SD-628

2:00 p.m.
Office of Technology Assessment
The Board, to meet to consider pending business items.
EF-100, Capitol

FEBRUARY 23

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.
SD-106

9:30 a.m.
Environment and Public Works
Hazardous Wastes and Toxic Substances Subcommittee
Water Resources, Transportation, and Infrastructure Subcommittee
To hold joint hearings on S. 20, S. 1105, and H.R. 791, bills to provide for the protection of ground water through State standards, planning, and research activities.
SD-406

Select on Indian Affairs
To hold oversight hearings to review the barriers to Indian participation in government procurement contracting.
SR-485

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture.

SD-138

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study on S. 1989, to provide for various measures in connection with the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the United States, and S. 1695, to extend, under the Fisherman's Protection Act, provisions for certain reimbursements to owners of commercial fishing vessels seized by a foreign country.

SR-253

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 2042, to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

SD-366

Foreign Relations

To resume hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-range and Shorter-range Missiles (Treaty Doc. 100-11).

SH-216

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on child abduction issues.

SD-226

2:30 p.m.

Labor and Human Resources

To hold hearings on proposed legislation to establish a national early childhood development and education program.

SD-430

FEBRUARY 24

9:00 a.m.

Rules and Administration

Business meeting, to consider S. Res. 41, to provide for germaneness or relevancy of floor amendments, S. Res. 42, to limit legislative amendments to general appropriations bills, S. Res. 43, to establish a procedure in order to overturn the Chair on questions of germaneness under cloture, S. Res. 274, to limit sense of the Senate or Congress amendments, S. Res. 277, to require that amendments must be offered to a bill, resolution, or other measure in the order of the sections of that bill, resolution, or other measure, and other pending legislative and administrative business.

SR-301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.

SR-325

9:30 a.m.

Judiciary

Constitution Subcommittee

To hold hearings on a proposed amendment to the Constitution relating to a Federal balanced budget.

SD-226

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.

SD-538

2:00 p.m.

Small Business

To hold hearings on S. 1929, to create a corporation for small business investment.

SR-428A

Select on Intelligence

To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 25

8:00 a.m.

Veterans' Affairs

To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

9:00 a.m.

Rules and Administration

To hold hearings on S. Res. 260, to amend the Standing Rules of the Senate to revise current committee structure and designations, and S. 1835, to establish a procedure for consideration of conference reports on a bill or joint resolution making continuing appropriations for a period of 30 days or more.

SR-301

Select on Indian Affairs

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on Indian programs.

SR-485

9:30 a.m.

Judiciary

To hold hearings on the nomination of Bernard H. Siegan, of California, to be United States Circuit Judge for the Ninth Circuit.

SD-226

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.

SD-538

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on S. 1979, to establish the Grays Harbor National Wildlife Refuge in the State of Washington.

SD-406

Finance

To hold hearings on the nomination of Mark Sullivan, of Maryland, to be General Counsel for the Department of the Treasury.

SD-215

2:00 p.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Transportation.

SD-124

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on speed limit issues.

SD-406

Small Business

To resume hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.

SR-428A

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 26

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Customs Service.

SD-116

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

10:00 a.m.

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on the use of the Interstate Highway System right-of-way for magnetic levitation high speed transportation systems.

SD-406

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 1512 and S. 1515, bills to prohibit injunctive relief, or an award of damages, against a judicial officer for action taken in an official capacity.

SD-226

FEBRUARY 29

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for

fiscal year 1989, focusing on the Federal Highway Administration.

SD-406

2:00 p.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on S. 1014, to increase civil monetary penalties based on the effect of inflation.

SD-342

MARCH 1

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Department of the Interior.

SD-366

Judiciary

Antitrust, Monopolies and Business Rights Subcommittee

To hold hearings to review competitive issues in the cable television industry.

SD-226

Small Business

Innovation, Technology and Productivity Subcommittee

To hold hearings to examine the use of advanced manufacturing technologies by small business.

SR-428A

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, and the Extension Service.

SD-138

2:00 p.m.

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Department of Energy.

SD-366

Select on Intelligence

To resume hearings on S. 1818, to make requirements for the preparation, and transmittal to the Congress, of Presidential findings for certain intelligence operations, to provide mandatory penalties for deceiving Congress, and to establish an Independent Inspector General for the Central Intelligence Agency.

SD-562

MARCH 2

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1989 for the National Aeronautics and Space Administration.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.

SD-406

Judiciary

Constitution Subcommittee

To hold oversight hearings to review bail reform issues.

SD-226

Select on Intelligence

To resume closed hearings on U.S. monitoring and verification capabilities with respect to the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles.

SH-219

2:00 p.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.

SD-406

Small Business

To hold hearings on proposed legislation to govern administration of the small business timber sale set-aside program.

SR-428A

MARCH 3

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Forest Service, and the Federal Energy Regulatory Commission.

SD-366

Veterans' Affairs

Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection Service, and the Agricultural Marketing Service.

SD-138

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of Defense.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Highway Administration, and the National Highway Traffic Safety Administration.

SD-124

Commerce, Science, and Transportation

To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.

SR-253

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To resume hearings on S. 1301 and S. 1971, bills to implement the Berne Convention for the Protection of Literary and Artistic Works.

SD-226

1:00 p.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Election Commission, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.

SD-116

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands, and H.R. 2652, to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.

SD-366

Select on Indian Affairs

Business meeting, to mark up S. 721, to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian owned business enterprises and to stimulate the development of the private sector of Indian tribal economies, S. 1236, to authorize funds for fiscal year 1988 for housing relocation under the Navajo-Hopi Relocation Program, and S. 802, to transfer ownership of certain lands held in trust for the Blackfeet Tribe.

SD-628

MARCH 4

10:00 a.m.

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 1608, to amend the Federal judicial code with respect to the administration of the U.S. Claims Court, and the salaries and benefits of Claims Court judges.

SD-226

MARCH 8

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.

SD-106

MARCH 14

10:00 a.m.

Finance

Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee

To hold hearings on the reform of Internal Revenue Service code penalties.

SD-215

MARCH 15

9:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1991-1993 for the Corporation for Public Broadcasting.

SR-253

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.

SD-138

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Army.

SD-192

MARCH 16

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study to review Federal enforcement of foreign fishing activities in the Bering Sea.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

MARCH 17

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Air Force.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Transportation Safety Board, and the Research and Special Programs Administration.

SD-124

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1508, S. 1570 and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.

SD-366

MARCH 18

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.

SD-116

MARCH 21

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.

SD-116

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for military construction, focusing on base rights and burdensharing.

SD-192

MARCH 22

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (Public Law 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.

SD-138

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Navy, and the U.S. Marine Corps.

SD-192

MARCH 23

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SR-253

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to examine Health Care Financing Administration's management of medical laboratories.

SD-342

MARCH 24

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to review federal collection activities of information relating to foreign investment in the United States.

SR-253

Governmental Affairs

Oversight of Government Management Subcommittee

To continue oversight hearings to examine Health Care Financing Administration's management of medical laboratories.

SD-342

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.

SD-138

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the National Guard and reserve programs.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (Amtrak).

SD-124

MARCH 25

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the National Archives and Records Administration, U.S. Secret Service, Administrative Conference of the United States, and the U.S. Postal Service.

SD-116

MARCH 28

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Management and Budget (OMB), and the Office of Federal Procurement Policy.

SD-116

MARCH 29

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for force structure programs.

SD-192

MARCH 30

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.

SD-138

Appropriations

Military Construction Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for military construction and family housing programs.

SD-192

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 314, to require certain telephones to be hearing aid compatible.

SR-253

MARCH 31

9:00 a.m.

Veterans' Affairs

To hold hearings on proposed legislation relating to agent orange and related issues.

SR-418

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Strategic Defense Initiative.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Aviation Administration, and the General Accounting Office.

SD-138

APRIL 12

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.

SD-342

APRIL 13

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.

SD-342

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.

SD-138

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for reserve components' military construction and defense agencies' military construction and family housing programs.

SD-116

APRIL 14

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Urban Mass Transit Administration, and the Washington Metropolitan Transit Authority.

SD-124

APRIL 15

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the General Services Administration and the Executive Office of the President (with the exception of OMB).

SD-116

APRIL 18

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury.

SD-116

APRIL 19

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-138

APRIL 20

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Army military construction and family housing programs.

SD-124

APRIL 21

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.

SD-138

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Transportation, and the General Accounting Office.

SD-124

APRIL 26

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

APRIL 27

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Navy military construction and family housing programs.

SD-124

APRIL 28

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Coast Guard.

SD-124

APRIL 29

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Personnel Management.

SD-192

MAY 11

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.

SD-124

CANCELLATIONS

MARCH 16

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold oversight hearings on activities of the Federal Aviation Administration.

SR-253

19-059 O-89-8 (Pt. 2)

HOUSE OF REPRESENTATIVES—*Thursday, February 18, 1988*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. COELHO].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 18, 1988.

I hereby designate the Honorable TONY COELHO to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May our eyes be open, O God, to the wonders of Your creation and the opportunities of every day. Teach us not to wait till the twilight of life to look back and appreciate the gifts of love and friendship and kindness. May we, gracious God, be aware of these daily gifts and may we be thankful for Your grace that is new every morning. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On December 16, 1987:

H.J. Res. 425. Joint resolution making further continuing appropriations for the fiscal year ending September 30, 1988, and for other purposes.

On December 17, 1987:

H.J. Res. 412. Joint resolution to congratulate King Bhumibol Adulyadej of Thailand on his 60th birthday on December 5, 1987.

On December 18, 1987:

H.J. Res. 199. Joint resolution designating April 1988 as "Actors' Fund of America Appreciation Month."

On December 20, 1987:

H.J. Res. 431. Joint resolution making further continuing appropriations for the fiscal year ending September 30, 1988, and for other purposes.

On December 21, 1987:

H.J. Res. 426. Joint resolution authorizing the hand enrollment of the budget reconciliation bill and of the full-year continuing resolution for fiscal year 1988;

H.J. Res. 427. Joint resolution to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes; and

H.R. 2872. An act to amend title 38, United States Code, to modify the amount of the Veterans' Administration home loan guaranty and to make other improvements in the loan guaranty program, and for other purposes.

On December 22, 1987:

H.J. Res. 395. Joint resolution making further continuing appropriations for the fiscal year ending September 30, 1988, and for other purposes;

H.R. 1191. An act for the relief of Jose Maria Vas;

H.R. 1390. An act for the relief of Chu Pei Yun (Zhu Bei Yun);

H.R. 1777. An act to authorize appropriations for fiscal years 1988 and 1989 for the Department of State, the U.S. Information Agency, the Voice of America, the Board for International Broadcasting, and for other purposes;

H.R. 2325. An act to authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas;

H.R. 3319. An act for the relief of Susan A. Sampeck; and

H.R. 3545. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988.

On December 23, 1987:

H.J. Res. 376. Joint resolution to designate the Clarks Hill Dam, Reservoir, and Highway transversing the dam on the Savannah River, Georgia and South Carolina, as the J. Strom Thurmond Dam, Reservoir, and Highway;

H.R. 1863. An act for the relief of Helen Ying-Yu Lin;

H.R. 1994. An act to amend the boundaries of Stones River National Battlefield, TN, and for other purposes.

H.R. 2416. An act to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes.

H.R. 3700. An act to designate the Federal building located at 600 West Madison, Chicago, IL, as the "Harold Washington Social Security Center;" and

H.R. 3712. An act to designate the U.S. Livestock Insects Laboratory in Kerryville, TX, as the "Knipling-Bushland Research Laboratory."

On December 24, 1987:

H.J. Res. 255. Joint resolution designating the third week in May 1988 as "National Tourism Week;"

H.R. 390. An act to provide that a special gold medal be presented to Mary Lasker for her humanitarian contributions in the areas of medical research and education, urban beautification and the fine arts, and for other purposes;

H.R. 2121. An act to authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia;

H.R. 2639. An act to repeal the Brown-Stevens Act concerning certain Indian tribes in the State of Nebraska; and

H.R. 2689. An act to amend the Arms Control and Disarmament Act to authorize appropriations for the fiscal years 1988 and 1989 for the Arms Control and Disarmament Agency, and for other purposes.

On December 29, 1987:

H.J. Res. 430. Joint resolution calling upon the Soviet Union to immediately grant permission to emigrate to all those who wish to join spouses or fiances in the United States;

H.R. 519. An act to direct the Federal Energy Regulatory Commission to issue an order with respect to Docket No. EL–85–38–000;

H.R. 3289. An act to amend the Export-Import Bank Act of 1945;

H.R. 3427. An act to allow the obsolete submarine U.S.S. *Blenny* to be transferred to the State of Maryland before the expiration of the otherwise applicable 60-day congressional review period;

H.R. 3492. An act entitled the "Rural Crisis Recovery Program Act of 1987;"

H.R. 3674. An act to provide congressional approval of the Governing International Fishery Agreement between the United States and Japan; to implement the provisions of annex V to the International Convention for the Prevention of Pollution from Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets; and for other purposes; and

H.R. 3734. An act to recognize the significance of the administration of the Federal-Aid Highway System and to express appreciation to Ray A. Barnhart for his dedicated efforts in improving the Federal-Aid Highway System.

On December 30, 1987:

H.R. 2310. An act to amend the Airport and Airway Improvement Act of 1982 for the purpose of extending the authorization of appropriations for airport and airway improvements, and for other purposes; and

H.R. 2974. An act to amend title 10, United States Code, to make technical corrections in provisions of law enacted by the Military Retirement Reform Act of 1986.

On December 31, 1987:

H.R. 403. An act to establish the El Malpais National Monument and the El Malpais National Conservation Area in the State of New Mexico, to authorize the Masau Trail, and for other purposes;

H.R. 2583. An act to authorize additional appropriations for the San Francisco Bay National Wildlife Refuge; and

H.R. 2945. An act to amend title 38, United States Code, to provide a 4.2-percent cost-of-living adjustment in the rates of Veterans' Administration disability compensation for veterans and dependency and indemnity compensation for survivors and an increase in the number of vocational-training evaluations of veteran-pensioners; and to amend the Veterans' Job Training Act to extend the deadline for veterans to apply for participation.

On January 2, 1988:

H.J. Res. 438. Joint resolution providing for the convening of the 2d sess. of the 100th Congress.

On January 5, 1988:

H.R. 1454. An act to permit certain private contributions for construction of the Korean War Veterans Memorial to be invested temporarily in Government securities until such contributed amounts are required for disbursement for the memorial;

H.R. 2401. An act to extend the authorization of the Renewable Resources Extension Act of 1978, and for other purposes; and

H.R. 3435. An act to provide that certain charitable donations, and payments for blood contributed, shall be excluded from income for purposes of the Food Stamp Program.

On January 6, 1988:

H.R. 3030. An act to provide credit assistance to farmers, to strengthen the Farm Credit System, to facilitate the establishment of secondary markets for agricultural loans, and for other purposes; and

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes.

On January 8, 1988:

H.R. 145. An act to provide for a computer standards program within the National Bureau of Standards, to provide for Governmentwide computer security, and to provide for the training in security matters of persons who are involved in the management, operation, and use of Federal computer systems, and for other purposes;

H.R. 1162. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order;

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture, and for other purposes; and

H.R. 3395. An act making technical corrections relating to the Federal Employees' Retirement System, and for other purposes.

On January 11, 1988:

H.R. 2598. An act to limit the ability of foreign-built vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes.

On February 3, 1988:

H.R. 278. An act to amend the Alaska Native Claims Settlement Act to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the Act, and for other purposes.

CONTRIBUTIONS TO TAX-EXEMPT CHARITABLE ORGANIZATIONS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I have noticed in the Washington Post and the New York Times that Contra leaders are asking supporters to make contributions to two organizations they have setup here in Washington.

They have pledged to use these donations in a legal fashion, and only for nonmilitary aid.

I must raise a word of caution.

Last year, the Ways and Means Subcommittee on Oversight looked into the Federal tax rules governing the lobbying and political activities of tax-exempt organizations. We found a situation where donors and organizations either didn't bother to find out what the tax laws were, or didn't adhere to them. As a result, Congress strengthened those rules as part of the Omnibus Budget Reconciliation Act of 1987 by requiring those groups which are not eligible to receive tax-deductible contributions to clearly state this fact on their fund-raising solicitations.

Anyone who considers donating to these organizations should be very cautious. Donors should ask questions and be sure of the tax status of any such group before assuming the contributions are tax deductible.

And the organizations themselves should be forewarned that they must follow the letter of the law, dot every "i" and cross every "t." In order for these groups to maintain their tax-exempt status, according to the law, these contributions can only be spent for "charitable purposes," and not any form of military assistance.

I am not suggesting that people should not give money to these tax-exempt groups. However, Mr. Speaker, Congress and the administration should keep a close watch on these organizations to make sure they abide by the law. Based on our past experience in this area, we cannot take anything for granted.

A TRIBUTE TO WAYLAND BAPTIST UNIVERSITY'S WOMEN'S BASKETBALL TEAM

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COMBEST. Mr. Speaker, A journey of a thousand wins must begin with a single basket.

And so it began back in 1948 in Plainview, TX, at a college known as Wayland Baptist University, the home of the oldest continuous women's basketball team in the country.

The Flying Queens began a 39-season winning streak that culminated in their 1,000th win on February 5, 1988.

My congratulations to these 10-time national champions who have won twice as many games as any other women's collegiate basketball team in history.

As all basketball fans know, the record of the most successful men's team in America is only 17 wins per season. The Flying Queens win an average of 25 games per season, have been members of 22 national teams, and have won 143 separate all-American recognitions in these years.

Through hard work and dedication, the Flying Queens have flown into the record books, dribbled their way to stardom and slam-dunked pride into the hearts of all West Texans and Wayland Baptist University.

CHILD CARE POLICY

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, as more and more mothers enter the labor force, the American family has taken on a new definition. While we can be proud of the fact that these women are taking on positions of great responsibility, we must also accept the new burden of acceptable and affordable child care.

Family issues are quickly emerging as an important national concern. In our rush to address the situation, however, it is imperative that we focus on the individual nature of the child care issue. I believe that child care policy should evolve from the bottom up, using Federal funding to support and involve parents, religious groups, businesses and local government in day care. The answer to the child care dilemma is highly individual and is best addressed by families and businesses that are most familiar with circumstances and solutions. Creating a huge social spending bureaucracy that throws money at child care from the top is neither appropriate in this day of budgetary awareness nor adequate to address the individual nature of child care.

As a participant in the child care challenge of 1987, I recently canvassed employers in my district to determine the availability of day-care facilities at places of business. I was pleased to find several facilities offering innovative programs, including those at the Santa Barbara Cottage Hospital, Santa Maria's Marion Hospital, and Ventura's Patagonia Corporation. I hope that these facilities will serve as models for other employers and encourage businesses to look at the benefits of having a child care center on-site.

The answer to the dilemma of inadequate child care is not an easy one to determine. We cannot afford, however, to lose sight of our primary objective of providing easily accessible, quality day care. Our children are our most precious resource and our future depends on them.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN PRAISE OF THE PRESIDENT'S RECORD

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, almost everything that goes wrong with our country or in our country at any given point is blamed on the President of the United States. Maybe that is a proper way in our democracy, but the legislature ought to be balanced from time to time, so here we are again noting that in our economy unemployment is down just as the President of the United States promised it would happen when he became President, inflation is down with one of his targets right at the moment when he took office, the trade deficit is coming down with better news now than ever before, sales are up, personal incomes are up, and the Wall Street aberration that occurred last fall has not crimped the style of the American consumer or the American investor. So while those who want to blame the President for what goes wrong may have their say once in a while, those of us; that means the substantial majority of Americans, have a lot to thank the President for in staying the course of the recovery which is still with us.

PERSONAL EXPLANATION

Mr. HILER. Mr. Speaker, on rollcall No. 10 I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. Speaker, I ask unanimous consent that my statement appear in the permanent RECORD.

The SPEAKER pro tempore (Mr. RAHALL). Is there objection to the request of the gentleman from Indiana?

There was no objection.

LET US GIVE THE WHOLE STORY OF THE KILLINGS IN CENTRAL AMERICA

(Mr. COATS asked and was given permission to address the House for 1 minute.)

Mr. COATS. Mr. Speaker, during the recent Contra debate there were references often made to civilian casualties. Pictures were held up, and there were descriptions, some of them very graphic, about injuries and death to civilians. Sometimes the impression was left that the only civilian casualties were those caused by the Contras' indiscriminate activity in Nicaragua and that cessation of United States aid to the Contras would end civilian deaths and injuries in Central America.

Mr. Speaker, today's Washington Post details another tragic story of civilians dying, however this time not by the Contras, but civilians killed by a rebel Marxist-led Sandinista supported attack on an outpost in El Salvador by the FMLN. It seems that some of their mortar shells fell short destroying several homes, killing and wounding many civilians. Among those killed were an entire family of seven, four of them children, one 6 months old.

Mr. Speaker, as we look at what is happening in Central America let us remember that there are civilians being killed on both sides. As we present the story of what is taking place in Central America let us make it the full story. Let us detail those civilians that are dying because of Nicaraguan Sandinista supported rebel activity not only in El Salvador, but in other parts of Central America. Let us give the full story.

THE BUDGET

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, there's good news and bad news in the President's proposed budget. The good news is that the budget is not dead on arrival. The bad news is that parts of the budget are seriously ill and need major surgery.

Some of the budget is worth commending. For the first time the President recognizes the need for real increases in domestic programs, such as education and AIDS research. The budget also provides proof that when the President is willing to sit down and negotiate with Congress, progress can be made on reducing the deficit.

But we cannot ignore the fact that President Reagan's proposal is, as usual, heavily one-sided and blatantly political. We cannot ignore the facts that President Reagan's budget devastates America's cities, while letting others off easy.

We cannot ignore the fact that the President has again saved his deepest slashes for his favorite whipping boy—urban America.

At the summit, Congress and the President settled on a 2-percent increase in spending on nondefense programs. That figure is below inflation; it's reasonable given the need to reduce the deficit. A 2-percent increase is something urban America can live with.

But urban America cannot live with the President's proposed cuts:

A 23-percent cut in funds for low-income energy assistance.

A 24-percent cut in funds for elderly housing.

A 42-percent cut in public housing modernization.

A 100-percent cut in mass transit operating assistance.

As bad as the President's cuts are on paper, they would be worse in the cities.

Take housing—on paper, the President's cuts are partially offset by a doubling in funds for vouchers. In other words, President Reagan's housing program calls for giving low-income Americans slips of paper and sending them out to find a home. But in much of urban America rents are high and vacancies are few, and there are no homes for vouchers to find.

We need a budget that helps provide cities packed with working poor the bricks and mortar to build homes. The President offers pieces of paper, suggesting, I suppose, that homeless Americans burn them to keep warm.

Mr. President, urban America is willing to share the pain. But urban America is not willing to bear the burden alone.

□ 1115

ESTABLISHING SNEE FARM AS A NATIONAL HISTORICAL SITE IN SOUTH CAROLINA

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, yesterday I was proud to join my colleagues from South Carolina in introducing a bill companion to one introduced by our colleagues in the other body. These bills authorizes and establish as a national historical site the property in the vicinity of Charleston, SC, known as Snee Farm.

Snee Farm was the country home of Charles Pinckney, a scion of the famous Pinckney family of South Carolina. Charles Pinckney was a signer of the U.S. Constitution and the author of the document known as the Pinckney Draft of the Constitution.

This property is one of only eight that has a primary dwelling left which is directly associated with a signer of the Constitution, and the only site that is currently unprotected. The surrounding acreage, also, is important as a reminder of our southern agrarian tradition. It would be unthinkable for all this to be loss.

Additionally, our bill authorizes the Secretary of the Interior to take such actions as he deems necessary to administer this treasure as a national historical site.

TRIBUTE TO DOROTHY GOLDBERG

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, I rise in tribute to a true, modern American heroine, Dorothy Goldberg, and to extend our sympathies to her husband, Arthur Goldberg, and to the other members of her family.

Dorothy Goldberg used her considerable talents as an artist, as a literary light and as a person skilled in organization, in conjunction with her husband's great assignments as Secretary of Labor, as Associate Justice of the Supreme Court, and as our Ambassador to the United Nations, to uplift the quality of life of all Americans.

When he was the Secretary of Labor, she had a program called Widening Horizons, for the poor and underprivileged. When he became Associate Justice of the Supreme Court she formed the Friend of the Juveniles, in the courts. And when he became U.N. Ambassador, she organized a whole area of the U.N. network, so that families and spouses who had never really met each other before, in an American contingent, were working together as great Americans in the United Nations.

Her work was recognized in the 1970's when she became a U.S. delegate to the Belgrade Conference. She followed through on all of the conferences subsequent to it in the field of human rights.

We salute this great American woman, and we are proud that she was among us.

NOW, NOT LATER: BUILDING A UNITED STATES-MEXICO FREE MARKET

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, today I am introducing a House concurrent resolution, expressing the sense of Congress that the United States and Mexico should negotiate a free trade agreement. Such an agreement, similar to that recently concluded with Canada, would reduce and ultimately eliminate tariffs and other trade barriers between Mexico and the United States.

My colleagues who have joined as original cosponsors range across the political and geographic spectrum of our country. Their sheer diversity shows that United States-Mexico trade cannot be dismissed as a "border issue" of parochial interest to a handful of Southwestern States. The facts make a very different case. Mexico is our country's third largest trading partner. Millions of American workers depend on trade with Mexico to support themselves and their families. For many of their counterparts in Mexico, doing business with the United States isn't an option. It's survival.

But a free trade agreement cannot be a one-way street. Both sides must benefit—and they will. A free trade agreement will help United States companies sell more goods and services in Mexico—and enable them to bring the productive resources of both countries to bear against competition from Southeast Asia and the European Community. A free trade agreement will help Mexico repay its overwhelming $110 billion foreign debt, much of that owed to United States banks stretched thin by the Latin American debt crisis. A free trade agreement means stronger political ties between the United States and the second most populous nation in North America.

Above all, a United States-Mexico free trade agreement would be a major step toward recognition of Mexico as a coequal economic and political partner. It would recognize Mexico's progress toward creating a freer, more open economy, an economy that can help the Mexican people bring out the best in themselves. Helping Mexico raise its standard of living is not only proper but necessary if we are to have lasting peace on this continent. But economic liberty will not be the only result. Economic liberty is a powerful engine for social change. Freedom of any kind can be contagious, and a free trade agreement with the United States cannot help but encourage Mexico to open its society in other areas.

There are people in both countries who support the concept of a United States-Mexico free trade agreement but dismiss its actual negotiation as "premature." I'll be the first to admit that it's a long way from here to there, from now to then. But I also believe we have a responsibility to look beyond the status quo, to see the United States-Mexico relationship not just as it is, but as we'd like it to be in the next century and beyond. Without that vision, the momentum both countries have worked so hard to achieve will be lost.

For many, many years, United States policy toward Mexico was characterized by benign neglect, punctuated at odd intervals by a mixture of cruel indifference or even hostile intervention. In this decade, we've set a new tone for a better, more productive relationship. Mexico has set a new tone, too. It joined the GATT [General Agreement on Tariffs and Trade], and eliminated hundreds of tariffs, quotas, and licensing requirements. Most recently, Mexico joined the United States last November in signing the most sweeping trade agreement in our history, setting up negotiations in everything from steel to textiles, from computers to copyrights.

In sum, both nations have made a new beginning that is truly remarkable. But we've still got a long way to go. I ask you: Will we go backward, or will we dare to move ahead? This generation has it in our power to decide. But we must chart our course by setting goals.

Our trade competitors are already setting goals of their own. The nations of the European Community [EC], are pressing ahead with their self-imposed plan of negotiating a Western European free trade agreement by 1992. A free market of 323 million Western Europeans would create a giant capitalist economic power, larger in population than either North America or Southeast Asia. The idea of European free market is as old as the EC itself. Yet momentum for its actual negotiation is building rapidly. Why? According to the British magazine the Economist:

> The simple expedient of setting a date to achieve it (is) working wonders. The minds of European governments are increasingly concentrated on ensuring that their countries are ready to compete in the community's open "internal market."

With plans for an economic "Fortress Europe" already well underway, a United States-Mexico free trade agreement is an idea whose time has come. Together with the similar agreement recently negotiated with Canada, the United States can take the lead in building a North American free market to challenge that of Western Europe.

There is nothing premature about letting Mexico and the rest of the world know the United States is serious about competing not just in this century, but in the next as well. What is premature is complaining that a United States-Mexico free trade agreement can't be done, while doing nothing to bring it about. It can be done, but we must begin today. This Nation wasn't meant to sit on the sidelines. Let's anticipate the future and prepare for it—not simply react as the rest of the world goes on without us.

MR. CANDIDATE: WHAT ARE YOU GOING TO DO ABOUT THE DEFICIT?

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, yesterday we had the first of our budget hearings and the Acting Director of the CBO appeared and began what I would presume will be the tack that is going to be taken by most of the witnesses that will appear from both the congressional and executive branches. And I think it is what one would phrase the "conspiracy of ostriches." That is that we had the leadership of both sides at the other end of Pennsylvania Avenue saying "Well, we cut a deal at the end of 1987; we have got a budget fix, a Gramm-Rudman fix, and we are going to stick to that deal. We don't have to worry about coming up with any new cuts or freezing any programs. We can have business as usual."

I would just warn the American public that I think those ostriches are wrong and that we are going to have to take some long, hard looks at what the exact fiscal state of this country will be, not just for 1988, but for 1989 and 1990, because I think there are some hard choices that are going to have to be made.

As everyone stomps out of New Hampshire down to Super Tuesday, we are going to hear people say "We can give you more, we won't raise taxes, we can give you this, we can expand programs, we fixed Gramm-Rudman, everything is fine." That is a myth. It is an illusion. It is a mirage.

We are going to have to get together and recognize that we have got to pull the tail feathers out of those ostriches and make them pull their heads out of the sand, and the American public must be prepared to ask their candidates for President and their candidates for all public offices: "What are you going to do about the deficit?"

It is not enough to say "it is fixed," it must be permanently repaired.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER pro tempore (Mr. Rahall) laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

Committee on
Merchant Marine and Fisheries,
Washington, DC, January 27, 1988.

Hon. Jim Wright,
Speaker of the House,
Washington, DC.

Dear Mr. Speaker: Pursuant to Public Law 301 of the 78th Congress, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as Members of the Board of Visitors to the United States Coast Guard Academy for the year 1988:

The Honorable Earl Hutto of Florida;

The Honorable William J. Hughes of New Jersey; and

The Honorable Robert W. Davis of Michigan

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am

Sincerely,

Walter B. Jones,
Chairman.

APPOINTMENT AS MEMBERS TO REPRESENT HOUSE AT CEREMONIES FOR OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

The SPEAKER pro tempore. Pursuant to the order of the House of February 9, 1988, the Chair announces that the Speaker appoints the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on February 22, 1988:

Mr. Wolf of Virginia; and Mr. Sisisky of Virginia.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 194 of title 14, United States Code, the Chair announces that the Speaker appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House:

Mr. Gejdenson of Connecticut; and Mrs. Johnson of Connecticut.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 4355 of title 10, United States Code, the Chair announces that the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House:

Mr. Hefner of North Carolina; Mr. Pickett of Virginia; Mr. Fish of New York; and Mr. Lowery of California.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. NAVAL ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 6968 of title 10, United States Code, the Chair announces that the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House:

Mr. Wilson of Texas; Mr. McMillen of Maryland; Mr. Skeen of New Mexico; and Mrs. Bentley of Maryland.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 1295 of title 46, United States Code, the Chair announces that the Speaker appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House:

Mr. Manton of New York; and Mr. Bunning of Kentucky.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 9355 of title 10, United States Code, the Chair announces that the Speaker appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House:

Mr. Dicks of Washington; Mr. Barnard of Georgia; Mr. Lewis of California; and Mr. Hefley of Colorado.

REPORT ON RESOLUTION TO ACCOMPANY HOUSE RESOLUTION 380 IN THE MATTER OF REPRESENTATIVE MARIO BIAGGI

Mr. DIXON, from the Committee on Standards of Official Conduct, submitted a privileged report (Rept. No. 100–506) to accompany House Resolution 380 in the matter of Representative Mario Biaggi, which was referred to the House Calendar and ordered to be printed.

BUDGET OF THE UNITED STATES GOVERNMENT—FISCAL YEAR 1989 MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100–152)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, February 18, 1988.)

□ 1200

GREATER INDEPENDENCE FOR THE NATIONAL PARK SERVICE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. VENTO. Mr. Speaker, today I'm introducing legislation that will provide for greater independence for our National Park Service [NPS]. This measure has been discussed before, but it has never been more important than it is today. Our national parks embrace the most outstanding natural, cultural, historic resources in our Nation. The 100-year effort to preserve and protect these resources manifested in the NPS creation in 1916 should be constant and insulated from the micromanagement of political appointees in the Department of the Interior or any other such executive political interference.

The Director of the NPS must be free to advocate, to speak up and represent the best interests of the National Park resources so revered by our Nation. Too often in the recent past numerous assistant secretaries in the Department of the Interior have un-

dercut and confused a coherent NPS policy path, reorganizing the NPS without the approval or active participation of the Director of NPS. Interference with legitimate science, censorship of employees and even congressional witnesses. This serious political interference must end if the NPS is to effectively function and the creation of a Director nominated by the President and confirmed by the Senate for a 5 year term will be an important step to deal with a myriad of past problems dealing with the professionalism of the NPS. My proposal envisions a three member board for the NPS as well to provide balance and along with the independent Director to recommend budget, designation and enforcement of the policies articulated in the numerous laws governing the NPS and its 339 separate units.

Mr. Speaker, we owe a debt of gratitude to the National Parks and Conservation Association [NPCA] for the study which they have recently released, it is an extremely valuable report and study on the status of our national parks and many key issues that must be addressed.

Mr. Paul Pritchard, the president of the NPCA and his staff and the many volunteers have provided a remarkable study which will serve as a catalyst to spur on a renewed emphasis on good public policy as a solid framework upon which to enhance and protect our greatest natural and cultural treasures. The following is an outline of the NPCA study to guide our thinking and focus the debate on the future of our National Park System:

The National Park System Plan: A Blueprint for Tomorrow

The "National Park System Plan: A Blueprint for Tomorrow" is the product of three years of work by the National Parks and Conservation Association. The Plan came about as a result of a recommendation from the national State of the Park Conference held in September, 1981. At that time, then Director of the National Park Service Russell E. Dickenson noted that the NPS could not undertake such a project without its policy recommendations and the basic underlying philosophy being captured and politicized by whichever Administration was in power at the time. As a consequence, NPCA decided to prepare such a comprehensive long range Plan for the future of the national park system, and to seek review, reaction, and response to it by the Congress, the National Park Service and the public.

During the course of the Plan's preparation, hundreds of conservation professionals, citizen activists, NPS employees, academics and others have participated, providing much of the information and opinion on which the Plan's conclusions and recommendations are based. In the final analysis, however, NPCA, its Board and staff, are responsible for the over 150 specific recommendations made in the Plan.

The Plan is divided into nine major subjects, each presented in a separate Volume, with all nine Volumes summarized in an Executive Summary, entitled "Investing in Park Futures." The nine Volumes cover the following major topics:

(1) Resources management and protection.

(2) Research.

(3) Visitor use.

(4) Interpretation.

(5) Boundaries.

(6) Planning and public involvement.

(7) Land acquisition.

(8) New parks.

(9) The National Park Service, its organization and personnel.

Among the more significant recommendations of the Plan are proposals for specific boundary changes at over 200 of the 341 units of the System (with maps); 86 new areas identified and described which should be added to the System; legislative mandates for both research and interpretation by the NPS; significant increases in staffing and funding for research and resource management; and independent agency status for the National Park Service.

ECONOMIC DEVELOPMENT ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. Daub] is recognized for 5 minutes.

Mr. DAUB. Mr. Speaker, today I am introducing the Economic Development Act of 1988, which is a comprehensive attempt to deal with the complexity of the changing economic environment in the United States. The goal of this legislation is to sustain capital formation, facilitate educational development, and continue research and development.

A popular buzzword of the eighties is change. American business, large and small, require certain tools in order to adapt to change. The Economic Development Act of 1988 contains the following tools of economic success: a capital gains tax reduction, employee educational assistance, employee educational development, and research and development incentives.

To begin with, title I of my bill contains two provisions which reduce the capital gains tax for individuals and businesses. First, it restores individual incentive to invest through the creation of special gains treatment for individuals. Second, it allows closely held businesses to reinvest in another business or in an individual retirement account [IRA] without recognizing the gain. These provisions are necessary in order to eliminate onerous capital gains taxes which discourage individual and corporate investment and essentially hamper economic growth.

Moreover, capital gains tax revision, such as title I of my bill, would provide the impetus necessary for financial market stability through long-term investment, rather than short term speculative, investment. Furthermore, sustained economic growth requires a ready pool of venture capital which a revision of the capital gains tax would provide. This capital can be used to advance technology, create new jobs, and fine tune American competitiveness.

Next, economic growth depends on an educated work force. As technology changes, the educational requirements for workers change. If industry and government are unable to adapt, then American productivity will continue to deteriorate, businesses will search abroad for educated and skilled workers, unemployment will rise, and economic malaise will become the rule, not the exception.

By allowing employers to provide their employees with tax-free educational assistance, title II of my bill will encourage an educated and skilled work force. Additionally, title III of my bill will amend the hardship exception of the Tax Reform Act of 1986 to include any distribution that will be used for a qualified educational or retraining program upon a termination from employment. In essence, title III is an educational IRA which can be used to retrain a worker in times of unemployment and hardship.

Educational development and assistance is synonymous with the growth and success of our economy. Without it, America is destined to the position of a second rate economic power.

Finally, the goal of a truly competitive American economy, able to weather the storms of economic change, may not be realized unless industry continues to spend money on research and development.

Title IV of my bill contains a provision to extend the research and development and basic research tax credit and would revise the research and development requirements of section 1.861–8 of the Internal Revenue Code regulations. Section 861–8 requires U.S. companies with foreign operations to allocate a portion of their domestic R&D expenditures to their foreign operation. The end result of these requirements is an increase in a firm's worldwide tax liability and a disincentive to the performance of R&D in the United States.

A revision of 861–8 would eliminate a disincentive to the performance of R&D in the United States which would lead to a more competitive economy. Most importantly, the permanent extension of the research and development and basic research tax credit would allow business to proactively adapt to change.

A recent Newsweek edition has the following subtitle on its cover, "Is America in Decline?" My answer is a resounding, "No" However, complacency and inaction threaten to freeze economic growth in the United States. A capital gains revision, employee educational assistance and development, and a revision of research and development tax requirements, are small steps in America's marathon toward continued worldwide economic dominance and viability. The time is now for change and Congress must be the catalyst.

CREDIT CARDS ARE NOT A GAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. Annunzio] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the debt crisis in this country permeates not only our national budget, but also threatens the stability of family budgets. Yet, consumers continue to spend beyond their means with the assistance and encouragement of creditors. Credit cards are becoming more available to consumers, and the promotion of such gimmicks as so-called affinity credit cards only exacerbates this situation.

Of the more recent affinity cards to be introduced is the National Football League credit card. A consumer may now obtain a card sporting the logo of their favorite football team, and with that card, may purchase NFL merchandise at a discount. Sounds innocent and kind of fun, right?

I do not feel that obtaining and using credit is a game. This promotion sets a bad example for people regarding the seriousness of being in debt. The fun and games will be over when creditors insist upon payment.

Perhaps this gimmick will be a rousing success and, at the same time, will bring happiness to consumers who wish to show their support for their team. However, I believe that the consumers must be reminded of the responsibility involved in utilizing credit. Consumers should take much more into consideration when choosing a credit card than the picture on the front of it. Interest rates are important, as well as the annual fees and grace periods.

An article appeared on the Associated Press newswire on February 10, 1988, which makes good observations and offers sound advice about affinity credit cards. I am inserting this article into the CONGRESSIONAL RECORD to draw attention to the need for a serious attitude about credit. I ask my colleagues to consider the problems of over extended credit as we review legislation affecting consumers of banking services.

CREDIT CARDS PLAY ON AFFINITY THEME

(By Chet Currier)

NEW YORK.—A credit card isn't a proper credit card any more, it would seem, unless it bears the emblem of your union, your college, or your favorite social cause or football team.

In the past couple of years, "affinity" credit cards have become one of the hottest ideas since banks first figured out how to get people to buy things with plastic instead of paper money.

"Burgeoning is the word" to describe this phenomenon, says Robert Heady, a North Palm Beach, Fla., publisher of several banking newsletters. "Before long, we're going to have a card for left-handed welders living east of the Monongahela."

Recently, consumers have been bombarded with advertisements for Citibank's Visa cards carrying pictures of the helmets of National Football League teams.

"It's the most fun you can have with plastic," the ad declares.

The idea carries echoes of the credit union movement, in which people with a common interest join together to seek favorable financial terms for themselves. Some of the best affinity cards appear to go a long way in that direction.

To some observers, the idea also carries echoes of toaster giveaways and other marketing gambits used by banks and other institutions to sell financial products with an appeal to the emotions instead of the brain.

"The name of the game isn't whose helmet you carry on a credit card," said Heady. "It's the interest rate, the annual fee, and the grace period," which is the time between when a purchase is made and interest charges start to be imposed.

The Citibank Visa-NFL card program, in particular, has been singled out for criticism by such consumer groups as the Bankcard Holders of America.

NFL Properties Inc. has countered by pointing out that the interest rate charged on its cards, 17.8 percent, is lower than the going rate for standard cards at many institutions.

By the latest tally of Heady's Bank Rate Monitor, the nation's 50 largest banks and savings institutions have an average interest rate of 18.21 percent, with some still as high as 21 percent. But some others in various areas of the country have been cutting rates to 12 percent, 13 percent or 15 percent.

The NFL cards also give holders the right to obtain NFL merchandise such as jackets and helmets at a 20 percent discount, or at no charge, depending on the amount of other merchandise bought with the cards.

Credit cards with airline affiliations, similarly, offer holders a chance to collect frequent-flyer points.

And cards sponsored by religious, charitable or social organizations typically channel some of the revenue generated to those groups.

These "associated goodies and freebies," as Heady describes them, may have some real psychic value to cardholders. But like the toasters given to bank depositors, they can also distract from the most important questions involved in the deal.

"Figure out what the card will cost you per year," Heady says. That computation, as with all credit cards, must give consideration to how you use the card.

If you are a heavy borrower, for instance, the interest rate is likely to be the prime consideration. If you use the card mainly for convenience, paying each monthly bill in full, the grace period and the annual fee are the most important questions.

Even if you are attracted by a card affiliated with a group that has a social, charitable or religious mission, advisers say, there may be an appealing alternative: Survey the whole field of credit cards for the one that costs you the least.

Then use the money you save to make a direct contribution—quite possibly subsidized by a tax deduction—to the cause you want to support.

THE DEPOSITORY INSTITUTION REGULATORY MODERNIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 60 minutes.

Mr. KLECZKA. Mr. Speaker, I am today introducing legislation, the Depository Institution Regulatory Modernization Act, which would revise and update our system of Federal deposit insurance and depository institution regulation.

There has been much discussion in the Congress recently about the need to enhance bank powers.

There has been far too little discussion about the need to enhance Federal regulation of institutions which we would make more powerful, or of the need to strengthen our system of Federal deposit insurance.

Addressing that need is the purpose of this legislation.

Title I of this three-part bill would establish common management of the three Federal deposit insurance funds, efffective January 1, 1989.

Title II would merge the deposit insurance funds, beginning January 1, 1993.

Title III would establish the Federal Depository Institutions Commission to assume administration of all laws relating to banks, thrift institutions and credit unions, effective January 1, 1997.

I have described the details of the bill at some length during Special Orders this week.

At this point, I would like to include in the RECORD a section-by-section summary of the legislation:

SECTION-BY-SECTION SUMMARY OF THE DEPOSITORY INSTITUTION REGULATORY MODERNIZATION ACT OF 1988

INTRODUCED BY CONGRESSMAN GERALD D. KLECZKA, FEBRUARY 18, 1988

Title I: Common Management of All Federal Deposit Insurance Funds

Section 101. Would transfer, on January 1, 1989, management of insurance operations, including all regulatory functions under various sections of the National Housing Act, from the Federal Savings and Loan Insurance Corporation (FSLIC) to the Board of Directors of the Federal Deposit Insurance Corporation (FDIC) and require it and the Federal Home Loan Bank Board (FHLBB) to cooperate with each other in carrying out their duties.

Section 102. Would require the FDIC Board of Directors, after December 31, 1988, to succeed the National Credit Union Administration (NCUA) Board as manager of the National Credit Union Share Insurance Fund (NCUSIF) and would require it and the NCUA to cooperate in carrying out their duties.

Title II: Combining Federal Deposit Insurance Funds and Amending the Federal Deposit Insurance Act

Section 201. Would entitle Title II the "Federal Deposit Insurance Merger Act."

Section 202. Would clarify amendments within subtitle A as amendments to the Federal Deposit Insurance Act.

Section 211. Would establish the Federal Deposit and Savings Insurance Corporation (FDSIC) as insuring deposits of institutions eligible under the legislation.

Section 212. Would define depository institutions eligible for FDSIC insurance in terms of their connection with FDSIC or other federal regulatory agencies, including the Comptroller of the Currency (OCC).

The Corporation would be authorized to limit the aggregate amount of public funds permitted to be invested or deposited in time and savings deposits in any insured depository institution by a Government depositor on the basis of the total assets of the institution except with respect to deposits for which the Government depositor has pledged collateral required as security for such deposits.

The section would also preserve prior rights and obligations relating to the terminated Federal Savings and Loan Insurance Corporation or National Credit Union Share Insurance Fund that arose before the effective date of the termination of that Corporation or Fund.

Section 214. Would amend the FDIC Act with respect to definitions of "bank," "state bank," "District [of Columbia] bank," "national member bank," "state member bank," "national nonmember bank," and "state nonmember bank." It would define "depository institution," "insured depository institution," "noninsured depository institution," "insured state depository institution," "federal depository institution," "new depository institution," "bridge depository institution," "deposit" (in relation to banks, savings and loan associations, and credit unions, respectively), "domestic branch," "foreign branch," "federal branch," "state branch," and "insured branch."

"Appropriate federal regulatory agency" is defined in terms of OCC for national banks, District banks, and federal branches or agencies of a foreign bank; the Fed, for state member insured banks, branches or agencies of a foreign bank for purposes of applying certain provisions of the Federal Reserve Act, foreign banks not operating an insured branch, any agency or commercial lending company other than a federal agency, and any institution to which jurisdiction under certain provisions of the International Banking Act of 1978 apply; the FDIC, for any depository institution not otherwise designated to an appropriate federal regulatory agency; the FHLBB, for any federal savings and loan association; and the NCUA, for any federal credit union.

Also defined would be "federal savings and loan association," "federal association," "state savings and loan association," "savings and loan association," "federal credit union," "state credit union," "credit union," and "foreign bank."

Section 215. Would define, within the context of the former Federal Deposit Insurance Act, "Federal savings and loan association," to include savings and loan associations chartered under section 5 of the Home Owners' Loan Act of 1933, certain thrift institutions incorporated under the laws of the District of Columbia, and federal savings banks. Would also define within that context: "State savings and loan association," "savings and loan association," "Federal credit union," "State credit union." "credit union," and "foreign bank."

Section 216. Would amend the FDIC Act as of January 1, 1993. In addition to making conforming amendments to section 8, 9, 10, 11, 13, 18, 20, 21, 22, 25, and 27 and repealing section 26 (regarding conversion of state-chartered mutual savings banks) of the FDIC Act, the legislation would, with respect to insurance premium assessments, require the OCC, the Fed, any federal reserve or home loan bank, and the NCUA to release to the FDSIC, upon request, any report with respect to a regulated institution. It would authorize the FDSIC to accept such reports from the appropriate state supervisory agencies and to furnish other depository institution regulatory agencies with such reports as it possesses.

The legislation would require each insured depository institution to make four reports annually to its appropriate regulator, the dates for which are to be established by joint action of the regulators and to be the same for all institutions, two in each half of the calendar year. The reports shall address deposit liabilities and shall have their accuracy declared, in writing, by an officer of the institution and attested to by at least two directors. A copy of every report is to be given the FDSIC. It would specify that this reporting requirement is not to be construed as inhibiting the authority of the regulators to require other reports. There is also a provision that would allow the regulatory agencies to differentiate between domestic and foreign institutions in these reporting requirements to avoid hardship if such can be done without substantially increasing the risk to the insurance fund.

The measure would require the FDSIC each year to transfer 40% of the net assessment income for the year to its capital account and credit to the insured depository institutions that paid the year's assessment the balance on a pro rata basis to be applied to future semiannual assessments. "Net assessment income" would be defined as the total assessments due in any year less the total operating costs and expenses of the FDSIC during the year, plus the aggregate amount added during the year to the FDSIC Fund, and the aggregate amount of insurance losses in the year or carried forward from previous years, and the aggregate net lending costs of the year, together with any loss from previous years carried forward under a special rule applicable in case of net assessment income. 'Net lending costs" would be defined in terms of the difference between the actual interest earned and that which would have accrued during the year on loans made, after January 1, 1982, under section 13 of the FDIC Act if the interest rate were that on certain Treasury obligations for the period (with special rules for reduction in reserve and net negative assessment income in any calendar year). Certain adjustments to capital would be authorized: (1) if the ratio between the capital account and insured deposits is less than 1.1%, net investment income to be transferred to capital may be increased up to 50%; (2) if ratio of capital to insured deposits is greater than 1.25%, the net investment income to be transferred may be lowered to whatever percentage the FDSIC determines sufficient to maintain a capital-to-insured deposits ratio at least 1.25%; and if the ratio of capital-to-insured deposits is more than 1.4% the FDSIC is to reduce the percentage of net investment income to be transferred to whatever percentage the FDSIC determines sufficient to maintain a capital-to-insured deposits ratio of not more than 1.4%.

This section would also make provisions for conduct of business by insured depository institutions in the case of lack of a quorum or suspension of directors, define the powers of temporary directors, and define the effect of termination of insured status. If insured status is terminated, in the case of a national bank the OCC is to appoint a receiver in the manner provided for closed banks, in the case of a federal association the FHLBB is to appoint a receiver in the manner provided for a closed association, in the case of a federal credit union the NCUA is to appoint a receiver in the manner provided for a closed credit union, and in the case of a state member bank the Fed is to terminate membership and appoint a receiver according to the terms of section 9 of the Federal Reserve Act. The receiver in all these cases is to be the FDSIC. If membership in the Federal Reserve System ceases and insurance is not to continue, insured status ceases as of the date the bank ceases to be a member bank.

The measure would provide for appointment of the FDSIC as receiver of any insured state depository institution closed because of inability to meet depositor demands, if the depository institution were closed by its board of directors or by the state supervisory agency authority, and the appointment were tendered by the state supervisory agency and permitted under state law. It would also require the FDSIC to pay insured depositors of any institution closed because of inability to meet depositor demands. Such payment would be in cash or in the form of transferring to an insured deposit account in a new depository institution or, in the same community, another insured depository institution. Before paying such claims the FDSIC is to require proof, which proof may, if the FDSIC is not satisfied, be tested in a court of competent jurisdiction before payment. If payment is to be made to an insured depositor of a closed federal depository institution, the FDSIC is to be subrogated to all claims of the depositor against the institution; if payment is made to an insured depositor of a closed state institution, there is to be no payment of depositor claims until the right of the FDSIC to the same type of subrogation is established by express provision of state law, by the allowance of claims by the state supervisory agency, by assignment, or by any other method found sufficient by the FDSIC. Subrogation is to include the right to receive proceeds of the assets of the institution or any recoveries on account of the liability of stockholders as would have been payable to the depositor. The FDSIC may waive subrogation rights to the extent that a claim exceeds the amount remaining unpaid upon the stockholder's shares in the institution, the waiver does not increase any proceeds or recoveries of claims to which the FDSIC is not subrogated, and the waiver is made in favor of the depositor who could assert the claim. Aside from this subrogation, state law is to determine depositor and other creditor rights.

With regard to issuance of capital stock for a new depository institution, the legislation would remove the current requirement in 12 U.S.C. 1821(h)(4) (12 U.S.C. 1821(k), prior to its redesignation by Pub. L. 100-86, Sec. 503) that a "new bank" (to be changed to "new depository institution") be required to have capital stock at least equal to that required of national banks under R.S. 5138, 12 U.S.C. 51, and the requirement that the stockholders of the closed institution be given the first opportunity to purchase the stock of the new depository institution. It would modify section 19 of the FDIC Act, 12 U.S.C. 1829, by confining disqualifying offenses for employment in insured institutions to those felonies (rather than any offense), i.e., punishable by more than one-year's imprisonment, involving dishonesty or a breach of trust and limiting disqualification to positions of director or officer (rather than any employment).

Section 217. Would add a new section to the FDIC Act authorizing time and savings deposits of insured depository institutions as securities for all public funds of the United States and all fiduciary and trust funds under the authority or control of the United States or any officer thereof as well as all corporations organized under the laws of the United States (subject to any regulatory authority which might apply) without regard to any limitation of law relating to the investment of such funds or the acceptance of security for the investment or deposit of such funds. It also would provide that any insured depository may be a depository of public money and employed by a fiscal agent of the United States, subject to the regulatory authority of the Secretary of the Treasury and required to perform such duties as a depository of public monies or fiscal agent of the United States as the Secretary of the Treasury may require, including collection of taxes.

Section 218. Would make the effective date of subtitle A of Title II (secs. 211-218) of the bill January 1, 1993.

Section 221. Would terminate FSLIC as of January 1, 1993, and require the FHLBB to transfer its assets, liabilities, property, or records to the FDSIC. It provides authority for continuing existing regulations and lawsuits after FSLIC's termination. It would also terminate the authority under which FHLBB formed the Federal Assets Disposition Authority, by repealing subsection (a) of section 406 of the National Housing Act, 12 U.S.C. 1729(a).

Section 222. Would make technical and conforming amendments to section 408 of the National Housing Act, 12 U.S.C. 1730a, including requiring registration of new Savings and Loan Holding Companies within ninety, rather than 180, days, and requiring the FHLBB, to inform the FDIC in certain instances requiring a determination of an insurance risk.

Section 223. Would make the effective date of subtitle B of Title II (secs. 221-223) Jan 1, 1993.

Section 231. As of January 1, 1994, would terminate the National Credit Union Share Insurance Fund and transfer to the FDSIC its assets, liabilities, property, and records related to operation of the fund and any function assumed by the FDIC, with provision made for preserving third party rights, regulations, and ongoing suits. Title II of the Federal Credit Union Act, 12 U.S.C. 1781-1790 would be repealed.

Section 232. Would specify that the effective date of subtitle C of Title II (secs. 231-232) would be January 1, 1994.

Title III—Merger of Federal Banking and Thrift Institution Regulatory Agencies

Section 301. Would denominate the title as the "Federal Depository Institutions Commission Act."

Section 302. Would redesignate the Federal Deposit Insurance Act as the "Federal Depository Institutions Act."

Section 303. Would clarify denomination of amendments to the Federal Deposit Insurance Act.

Section 311. Would establish a Federal Depository Institutions Commission.

Section 312. Would set up the Commission with five members appointed by the President, with Senate advice and consent, and one appointed by the Chairman of the Board of Governors of the Federal Reserve System, from among the members of the Board, with 7-year terms, and with various limitations applicable to members.

Section 313. Would grant the Commission various corporate and administrative powers and would grant the United States district courts jurisdiction over all cases to which the Commission is party with certain exceptions relating to cases involving the Commission as a receiver of a state depository institution or certain rights or a State depository institution under state law.

Section 321. Would, as of January 1, 1997, transfer all functions of the Comptroller of the Currency relating to national banks to the Commission.

Section 322. Would enact technical and conforming amendments to various statutes relative to the transfer of functions of examination and supervision of national banks from the Comptroller of the Currency to the Commission. Included in these would be the authority to require reports, to be published in local newspapers, of the condition of any national bank.

It would also enact a National Bank Receivership Act authorizing the Federal Depository Institutions Commission, when acting as receiver of a national bank, to use the assets of the institution to purchase property in which the institution has an interest, if the property is being sold under any execution, foreclosure decree, or court order.

Section 331. Would, as of January 1, 1997, transfer functions of the Board of Governors of the Federal Reserve System and of the federal reserve banks, relative to the regulation of state member banks, to the Commission. Exempted would be the authority to suspend member banks' use of the Federal Reserve System credit facilities and to permit state banks to subscribe to the stock in a federal reserve bank.

Section 332. Would enact technical and conforming amendments that would substitute the Commission for the Board of Governors in statutes dealing with the transferred functions.

Section 341. Would transfer to the Commission, effective January 1, 1997, all functions of the Federal Deposit Insurance Corporation relating to the examination, supervision, and regulation of state-chartered non-member insured banks.

Section 351. Would transfer to the Commisson, on January 1, 1997, Federal Home Loan Bank Board functions relating to chartering, regulating, and examining depository institutions.

Section 352. Would make related technical and conforming amendments.

Section 361. Would transfer to the Commission, on January 1, 1997, all functions of the National Credit Union Administration Board with respect to chartering, regulating, examining, and insuring credit unions.

Section 362. Would make such technical and conforming amendments as are required to effectuate such transfer.

Section 371. Would provide for establishment of Federal Depository Institutions Commission in advance of the effective date of the legislation to carry out such functions as are necessary to be prepared to function as of the effective date of the legislation and require such Commission to consult with other federal agencies regulating depository institutions.

Section 372. Would terminate the Federal Deposit Insurance Corporation as of January 1, 1997, and authorize the Federal Deposit Insurance Corporation to conclude any of its functions; it would also effectuate administrative transfers and preserve existing rights, duties, claims, obligations, and regulations, and lawsuits.

Section 373. Would terminate the National Credit Union Administration as of January 1, 1997, effectuate administrative transfers, and preserve existing rights, duties, claims, obligations, regulations, and lawsuits.

Section 374. Would require the Commission to take any necessary action to ensure the efficient transfer of functions of the Comptroller of the Currency to the Commission as of the effective date and would preserve existing rights, duties, claims, obligations, regulations, and lawsuits.

Section 375. Would require the Federal Depository Institutions Commission to take any necessary action to ensure the efficient transfer of functions to be transferred from the Federal Reserve Board and would preserve existing rights, duties, claims, obligations, regulations, and lawsuits.

Section 376. Would require the Federal Depository Institutions Commission to take any necessary action to ensure the efficient transfer of functions to be transferred from the Federal Home Loan Bank Board and would preserve existing rights, duties, claims, obligations, regulations, and lawsuits.

Section 381. Would specify that the amendments made by this title would take effect on January 1, 1997.

UNITED STATES-TAIWANESE RELATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. Hutto] is recognized for 15 minutes.

Mr. HUTTO. Mr. Speaker, a few days ago, I was invited to be a part of the delegation representing the President and the American people at the funeral of the late President Chiang Ching-kuo of the Republic of China. This was an honor which I gladly accepted.

Heading the U.S. delegation as chairman was former Attorney General William French Smith and included were: Senator Malcolm Wallop, of Wyoming; Senator Frank Murkowski, of Alaska; former Senator Paul Laxalt; Congressman Bob Livingston, of Louisiana; Congressman Bill Thomas, of California; Dr. David Laux, chairman and managing director of the American Institute in Taiwan; and myself.

Taipei, Taiwan had not had a clear day for some time with cloudy skies and a heavy smog shrouding the city. But, as if in answer to prayer, the dawn of January 30 brought forth clear blue skies for the funeral service. Surprisingly, in a land which predominantly worships Confucius, Buddha, or ancestry, the ceremony was a beautiful Christian service and although it was in Chinese, the very familiar hymns were easily recognizable.

President Chiang Ching-kuo was, apparently, a very popular leader of Taiwan. He had been the President of Taiwan since he succeeded his father, the late President Chiang Kai-shek, when he died in 1975. President Chiang was elected to a second 6-year term in 1984 as President. He was serving concurrently as chairman of the KMT or National Party and had presided over an era of economic growth in Taiwan. The late President had moved Taiwan toward more democratization as during the past year, he had overseen the repeal of martial law as well as a new national security law. Chiang had also led the change to allow additional political parties and also to allow visits to mainland China for humanitarian reasons.

In addition to the United States delegation, there were many other delegations from nations around the world, and the funeral was attended by apparently all of the Government officials of the National Government in Taiwan. Thousands of people lined the streets and highways as the 60-vehicle funeral procession proceeded through Taipei's streets and then along the Sun Yatsen Highway to the burial site about 4 hours away. Many of those along the way openly wept for their fallen leader.

While in Taiwan, we had the opportunity to visit with several of the leaders in the Government, including the new President Lee Teng-hui, and Premier Yu Kuo-hwa. Dr. Lee, who ascended from the Vice Presidency, is the first Taiwanese-born President. Dr. Lee is a very impressive individual. He is rather large in stature at 6 feet and appears to be in exceptionally good health at the age of 65. He is an avid golfer with a handicap of eight.

A one-time farm boy, Dr. Lee became outstanding first in agrarian education and then in public administration. Before his candidacy for

the Vice Presidency, he served as Minister without portfolio, mayor of Taipei, the Governor of Taiwan Province. A diligent student, he graduated with honors from high school before attending Kyoto Imperial University in Japan. At the end of World War II, he returned home to continue his studies at National Taiwan University, where he majored in agricultural economics. From his graduation in 1948 until 1952, he was an instructor at the university. He attended Iowa State University in 1952-53, again majoring in agricultural economics. Upon return to Taiwan, he went back to teaching at NTU and also served as a research fellow at the Taiwan Provincial Cooperative Bank from 1955 to 1957.

In 1957, Dr. Lee began his public service as specialist for the Joint Commission on Rural Reconstruction and served later in a number of other capacities and took time out to earn a Ph.D. at Cornell University in 1968.

As mayor of Taipei, Dr. Lee sought to build a great and progressive city by pioneering new programs and organizational methods. As Governor of Taiwan Province, the new President of Taiwan concentrated on solving administrative problems and introduced regional planning. His efforts led to a wide range of agricultural reforms, renovation of villages and construction of sewer and irrigation systems.

Dr. Lee is described in the Government-issued biography as a devout Christian, who often visits local churches as guest speaker. He appears to be very popular with the people.

The delegation's visit with President Lee was very cordial, and he was very gracious in accepting our condolences on the loss of their leader. He is obviously very pro-American and under his leadership, we will see a continued close relationship.

We had a very good visit also with Premier Yu Kuo-hwa, who, essentially, is head of the Cabinet in Taiwan. Mr. Yu, although 74, appears to be in excellent health. He speaks fluent English and our discussion with him, I believe, was quite fruitful. As are the other members of the leadership in Taiwan, Premier Yu is an avid supporter of the United States of America. He has two sons, who hold Ph.D.'s from Stanford University and who are currently living in Taiwan, working for U.S. companies.

In discussions with President Lee and Premier Yu, we spoke to each one of them very frankly about the problem of our trade imbalance. We were assured by both, as well as others in Taiwan, that Taiwan is very much aware of this problem and, unlike other nations, they are working very hard to help us overcome it. In addition to the exchange rate, which would help on the imbalance, Taiwan, last year, reduced tariffs on over 3,000 items and is planning to reduce tariffs on another 1,700 items this year. They realize that their economy, like so many others, is tied to the economy of the United States and as a very friendly trader, they have a strong desire to help the United States.

In closing, I believe strongly that the Taiwanese Government, under its new leader, President Lee Teng-hui, is going to continue to be a very close friend of the United States and will continue to lead that nation forward as a very productive society. Although because of recognition of the Government of mainland China in 1979, we cannot have official relations with Taiwan, it is good to know that through the American Institute in Taiwan, under law passed by Congress and signed by the President in April 1979, we can still maintain the closeness that existed before derecognition. I believe that all Americans appreciate the fact that Taiwan abhors communism, perhaps more than any other nation. Freedom is something very precious to these people.

DIAL-A-PORN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. Eckart] is recognized for 15 minutes.

Mr. ECKART. Mr. Speaker, yesterday was a rather interesting day on the floor of the House, and my constituents noticed with interest our debate concerning the issue of dial pornography. Sometime long before this House began its debate yesterday there was a young lady in my district, who goes by the name of Monique, who through the courtesy of a direct mail firm has flooded my constituents' homes with postcards and harassed them with blatant telephone calls soliciting her services of telephone pornography. In recent months this has not only been true in my district, but in others as well. These kinds of direct exploitation that offend so many of us on this floor have indeed also been found to be offensive to tens of thousands of our constituents in homes all across the United States.

It is absolutely imperative, from my perspective, that we act quickly to suppress this kind of sleazy solicitation, the kind of solicitations that we find offensive and that jeopardize the standards that we strive to have within our own homes. Even more unfortunately we find that through the facilities of the postal service and direct-dial computer-aided telephone services these sordid solicitations work their way into our homes without any kind of parental review.

Mr. Speaker, I am deeply concerned about this. Telephone pornography threatens and very much undermines parental authority within the home. Dial-a-porn services have already taken a terrible toll in the most valuable and vulnerable part of our society, our children. As the father of an 8-year-old boy I am particularly sensitive to it.

Mr. Speaker, two recent circumstances frighten me even more. There is the story of a 12-year-old boy who sexually assaulted a 4-year-old girl after hearing these telephone messages; a 4-year-old girl. In my own district, as reported by the Associated Press, a 15-year-old boy forcibly broke into the neighbor's home for the sole purpose of using their telephone to make a "976" Monique call. The owner just happened to walk in and catch him.

That is why I cosponsored, as many of us did, legislation by the gentleman from Virginia [Mr. Bliley] in which he has already invested 5 long years of his effort to prohibit and campaign against this growing menace.

It amazes me how we can continue to haggle and argue for years as to whether the FCC is to blame or whether Judge Green is to blame or whether this or that answer is good or better or best overall. I believe that my constituents demand that we act now, as well and effectively as we can. We must move forward quickly and decisively given what I view to be an almost silly Federal Appellate Court decision which struck down the language that the FCC had attempted to impose. This decision, which casts a constitutional shadow on the language proposed by the Senator from North Carolina and the Congressman from Virginia, means that Congress must move forward. While our constituents are burning over this issue, we are perceived to be fiddling. More delay would only encourage further the spread of these sexually explicit services.

Mr. Speaker, the vote yesterday, 382 to nothing, on a motion to instruct the conferees to deal with this in every manner within their power, to stop both the solicitations and the practice of 976 telephone pornography was a very strong message. We are determined to root out this problem. Most of us would like to ban it outright this afternoon. None of us acting alone is in any position to do that. But what the conferees must understand, and what I understand as a Member of the Energy and Commerce Committee and the Subcommittee on Telecommunications and Finance is that we want something we can vote for soon. My constituents will not tolerate more postcards, more computer-dialed phone calls or more haggling and arguing over what works and what does not work to stop these solicitations.

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I am reminded of Franklin Delano Roosevelt's response at a press conference almost 50 years ago when asked whether one of his peculiar legislative solutions would fix a problem that was perplexing America at the time. He said, candidly, that he was not sure. "But we will try it. And if that doesn't work, we'll try something else."

Well, that is how I view yesterday's vote here on the floor. Our colleagues, Mr. Bliley and Mr. Madigan, who have worked hard on this issue for a long time, acknowledge as I do that there are probably several ways to stop the problem. But we must act now. Further debate, further constitutional consultations, further delay only further allows those who profit from pursuing this sexually explicit material to establish and entrench themselves.

Our vote yesterday was a vote to stop this practice. Our vote was a vote for sanity and sensibility and an attempt to preserve and protect the integrity and the sanctity of our homes.

HUMAN RIGHTS SITUATION IN ROMANIA—AN UPDATE

The SPEAKER pro tempore (Mr. RAHALL). Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. I thank the Speaker.

Mr. Speaker, the reason that I am speaking again today is just to update for the American people, but more importantly for everyone who is interested—and I hope that is all the American people and all the Congress and all the people in the administration—some of the latest happenings in Romania.

As the Speaker knows, this Congress proudly and rightfully so has gone on record both in the House and in the Senate to suspend the Most Favored Nation status, we give most favored nation status to Romania which is a special trade advantage, a special benefit. It will be decided by the Reagan administration whether or not they go along with the Congress, with the House, with the Senate, to suspend, to abolish or eliminate most-favored-nation status that we currently give to Romania.

Now as the Speaker knows, we had a vote in this House which passed by 49 or 50 votes, overwhelmingly bipartisan, both Republicans and Democrats. The amendment was supported by, in the lead, Congressman TONY HALL of Ohio, a Democrat, Congressman "CHRIS" SMITH of New Jersey, a Republican, and myself. And in the Senate it is cosponsored and pushed by Senator "BILL" ARMSTRONG, a Republican from Colorado, Senator "CHRIS" DODD, a Democrat from Connecticut.

So we are really talking about a bipartisan, in the truest sense of the word, a bipartisan amendment that knocks out the most-favored-nation status for Romania.

So the purpose of this special order is to update the Congress on where we are.

Now just the other day, Mr. Speaker, the State Department came out with this document, "Country Reports on Human Rights" submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations in the U.S. Senate by the State Department.

It is an indepth report on the human rights conditions around the country, around the world and of course it specifically mentions Romania.

I would like to submit, if I may for the RECORD, what this report says with regard to Romania and I would like that to appear, the complete report section on Romania, to appear at this point.

The section referred to is as follows:

ROMANIA

Romania is a highly centralized Communist state. The Constitution describes the Romanian Communist Party as "the leading political force in the whole of society." Nicolae Ceausescu, Secretary General of the party, is also President of the Republic, Chairman of the Council of State, and Chairman of the Romanian Defense Council. Through the Government, the party seeks to control every significant aspect of the country's life.

The Ministry of Internal Affairs administers the powerful Department of State Security, among whose major functions are providing security for the leadership and suppressing dissent and opposition of any kind.

Pursuing President Ceausescu's policy of repaying Romania's foreign debt obligations as soon as possible, the Government in 1987 continued to make drastic efforts to increase exports and reduce imports. A program of harsh austerity was enforced domestically, causing great hardship for the population. Shortages of food and consumer items were widespread and particularly severe during the winter months. Basic foodstuffs continued to be rationed but were frequently unavailable. Electricity was rationed, and stiff surcharges were assessed if usage exceeded prescribed limits, while cooking gas and heating facilities often ceased to function at all in many areas. Austerity on this scale, combined with wage reductions when industrial production targets are not met, appears to be causing serious damage to the physical and psychological health and welfare of the population.

The poor human rights picture in Romania in 1987 showed no improvement. Although the Constitution provides for freedom of speech, assembly, and the press, it states that these freedoms may not be used "against the Socialist order or the workers' interests." Vigorous use of these open-ended limitations by the authorities together with constant harassment by security forces have stifled formation of any opposition or dissident groups which might take issue with or question party policy.

Religious practice, although widespread and growing, is controlled and circumscribed by the enforcement of regulations governing the licensing of pastors, the importation and distribution of religious materials, and the granting of church building permits. The Government approved some applications, albeit after a lengthy and difficult process, for the construction of new churches or the renovation of old ones, while withholding approval in other cases. It also permitted, as promised, the delivery of 5,000 Cornilescu Bibles to the Baptist General Union.

Members of the Hungarian ethnic minority in Transsylvania continued in 1987 to object to government policies designed, in their view, to promote the minority's assimilation. The Government countered that it does not discriminate against member of the Hungarian minority.

The Government permitted 16,543 Romanian citizens to emigrate to the United States, Israel, and the Federal Republic of Germany in 1987, an increase over the 15,222 who emigrated to these three countries in 1986. At the same time, Romania continued to be granted Most-Favored-Nation (MFN) tariff treatment for its exports to the United States under the terms of the Jackson-Vanik amendment (1974 Trade Act) which ties MFN to the country's performance on emigration. A special case was that of Ioan Ruta who, in the opinion of outside observers, was convicted unfairly of accepting bribes and imprisoned in 1986 after applying to emigrate. Released in July 1987, he was permitted to join his wife and daughter in the United States. The Government's October 1987 amnesty may benefit some persons imprisoned on political grounds.

On the whole, despite Romania's adherence to various international accords related to human rights, its human rights abuses remained pervasive.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political killing

There were no substantiated claims of political killings during 1987. However, allegations continue to be made that prisioners are mistreated, sometimes to the point of causing their death.

b. Disappearance

There have been some unconfirmed reports of politically motivated disappearances. Family and friends of persons arrested on political charges are frequently left unaware of their arrest, their circumstances, and their location for long periods of time.

c. Torture and other cruel, inhuman, or degrading treatment or punishment

There were numerous reports that persons are mistreated while in Romanian prisons or police custody and that police authorities act brutally to obtain information. Romanian authorities also use physical and mental degradation to intimidate those caught or suspected of wrongdoing. Persons detained for questioning are often held incommunicado and kept for long perios without sleep, food, or access to toilet facilities. Those caught attempting to leave the country illegally, for example, are reportedly subject to physical and mental harrassment, often prior to being given only relatively light sentences if they are first offenders. Reliable witnesses also report incidents in which police administered severe beatings to persons being arrested for minor infractions.

The most common complaints about mistratment cite long periods of isolation, excessive use of force by guards, cells which are badly ventilated and poorly heated, bad food in small quantities, difficult working conditions, and segregation of prisoners deemed "dangerous to the State" because of their religious beliefs or for other reasons.

Political prisoners who do not cooprate with their jailers reportedly are treated with great cruely. They are generally kept apart from other offenders and restricted to their cells. Prison guards are said to engage in abusive behavior and allow, and in some cases even encourage, favored prisoners to punish those less favored. While most political prisoners are reportedly kept in local jails and released when authorities believe their behavior has been correced, those who are not cooperative are kept for longer periods of time.

Amnesty International reported ("Romania—Human Rights Violations in the Eighties," July 1987) that there has been a decline in the abuse of psychiatric treatment as a form of punishment in recent years. Other sources, however, note that the practice continues, in particular through administration of drugs to prisoners. Some prisoners claim that they have been denied needed medical treatment; the evidence suggests that medical care in prisons is poor at best.

d. Arbitrary arrest, detention, exile, or forced labor

Romanian law provides for either a judge or a prosecutor to issue an arrest warrant. Once arrested, a person may be held without trial for up to 1 month before a hearing, but the prosecutor may obtain an extension for an additional 3 months. After this, the court may order further extensions in 30-day increments. There is no limit set by law on the cumulative length of time a person may be held prior to trial. There is no provision for bail.

The law also provides for preventive detention. Reasons detained for investigation often are held incommunicado. they are detained for varying periods of time, usually a matter of hours, and then released without charge. Such arbitrary detention may be repeated several times, and subjects may be called back for additional lengthy interrogation and threatened with further harassment or punishment. This treatment is particularly common for religious activists. Among those detained in December were Radu Filipescu and Doina Cornea, reportedly for having spoken out concerning the state of human rights in Romania on a French television program.

Romanian citizens are required to perform involuntary labor, but for the most part this seems to fall within the area of "civic obligations." For example, a 1971 law, amended in 1985, required up to 6 days' unpaid labor per year from each citizen, although an additional tax may be substituted for labor. Some men have reportedly been called up to work in undersirable industrial or agricultural jobs for periods of from 4 to 6 months, apparently in connection with each male citizen's duty to serve in the military and remain in the reserves.

e. Denial of fair public trial

Most trials are held in public, though secret trials are common where state security is involved and may also be permitted in certain other cases. The law states that a trial may be held in secret if a public trial would be contrary to the interests of the State, Socialist morals, or the dignity of the individual. Some former prisoners have reported they were tried in secret by military courts on essentially political charges.

The ability of an accused individual to defend himself effectively can be severely limited, especially in politically sensitive cases. Acquittals in such cases are extremely rare. Defendants are often represented by state-appointed attorneys whose role appears to be that of apologizing for defendants' offenses. The law requires in most cases that a defendant be represented by counsel, although some sources claim that defendants do not always have an opportunity to consult with their attorneys before trial. The court may appoint an attorney to represent a defendant. The defendant has the right, in theory, to choose another attorney, but in practice this right is severely restricted. When defendants pursue their right to appeal, they sometimes receive longer prison terms from the higher courts, thus discouraging defendants from exercising this right. In the past, Western observers have also reported clear cases of suborning and intimidating witnesses by prosecuting attorneys, although no such cases were reported in 1987.

In 1987 one case reflecting apparent abuse of the right to a fair trial was that of Victor Opris. Opris, a Pentecostal pastor from Satu Mare, was initially imprisoned in 1985 on charges of bribery after he allegedly assisted four members of his congregation who were attempting to leave the country illegally. Sentenced to 5 years' imprisonment, Opris benefited from the June 1986 amnesty and was released from prison. However, in January 1987, he was retried on the same charge, reportedly by a military court, and was sentenced to 9 years' imprisonment. His case has been appealed to the Supreme Court. Many who are familiar with the case maintain that Opris was retried and given a harsh sentence because he was a popular, active pastor, suspected by the Government of involvement in smuggling Bibles and other unauthorized activities.

A number of Romanian criminal laws are open-ended enough to insure that persons coming under official scrutiny may be charged with some offense. Examples of typical charges are "defaming the Socialist order" for speaking frankly to a foreigner; "disturbing the peace" or "illegal" assembly for private prayer meetings in the home; "social parasitism" if unemployed but technically guilty of no other offense; or "distributing literature without a license"—a felony—if caught attempting to transport or hand out free Bibles. Although a June 1986 presidential decree, which granted amnesty for certain offenses to most Romanians sentenced to prison terms of less than 5 years, freed a number of persons imprisoned on relatively minor charges related to their religious activities, some of those released have reportedly been retried and again imprisoned.

It is impossible to estimate accurately the number of political prisoners in Romania. Some former prisoners have estimated the number at several hundred. If the estimate includes those tried with apparent political motivation for common crimes and those convicted of attempting to leave the country illegally, the number could be several thousand.

On October 26, 1987, a new amnesty was announced, in honor of the 40th anniversary of the proclamation of the Republic. Those sentenced to less than 3 years' imprisonment, or a fine, were amnestied, and those sentenced to up to 5 years had their sentences remitted. Other sentences were shortened. Certain categories of violent and economic crimes were excluded, such as deadly assault, robbery, influence peddling, and giving or receiving bribes. It is not yet clear how many prisoners may be affected by this amnesty, or if it will affect people who could be considered "political prisoners."

f. Arbitrary interference with privacy, family, home, or correspondence

Romanian laws and regulations governing the security apparatus sanction a high degree of interference with the individual and the family. The interference is somewhat mitigated by the limitations on the resources of state security forces, by uneven application of regulations, and by official corruption.

Deliberate and arbitrary interference with the privacy of the family, home, and correspondence is a frequent occurrence. Searches are made of private homes, persons, and personal effects without search warrants or probable cause that a crime may have been committed. The authorities occasionally enter homes on the pretext of looking for building code violations, excessive consumption of electricity, illegal use of electrical appliances, etc. These searches facilitate the discovery of other items, such as forbidden books and publications, religious materials, or any other evidence of "wrongdoing." Militiamen at checkpoints located on most roads leading out of the cities and at major highway intersections in the countryside randomly stop and search vehicles as a matter of course.

Violation of privacy of the person also arises from the antiabortion campaign. Regular pregnancy tests and physical examinations are mandatory every 2 months for many female workers in order to insure that pregnancies are discovered and carried to term.

Complaints about interference with both domestic and international correspondence continue. Letters to or from persons of interest to the authorities often never arrive at their destination. People have reportedly been questioned by the security police about topics discussed in letters which were delivered seemingly unopened. On other occasions, people have been questioned about statements made in letters sent abroad but never received by the addressees.

The Government has the capability to monitor domestic and international telephone calls and appears to do so frequently.

Section 2. Respect for civil liberties, including

a. Freedom of speech and press

These freedoms are severely restricted. Public expression of viewpoints at variance with official policy is almost always severely punished. While the Constitution provides for freedom of speech and press, it prohibits their use for any purpose "hostile to the Socialist system and the interests of the working people," as defined by the State and party. Similarly, the penal code prohibits "propaganda with a Fascist (as defined by the State) character delivered in public by any means . . . (or) . . .the undertaking of any action for the changing of the Socialist system. . . ." It also prohibits acts "which would result in a danger to state security." These offenses are punishable by prison terms of up to 15 years.

The Government seeks to control the domestic dissemination of information in a variety of ways. Although official censorship was abolished some years ago, all media are state owned, rigidly controlled, and used primarily as vehicles for government and party propaganda. Publications from the West or from other Communist countries are not generally available, although foreign cultural centers and libraries are open to the public and are allowed to distribute limited quantities of Western periodicals with government approval. The unauthorized importation or distribution of foreign publications is forbidden. In 1987 there were frequent reports of confiscations of foreign-source materials, especially religious materials, at the border. Tourists from the West regularly report that customs officials have confiscated video and audio cassettes. Romanian libraries carefully control access to "restricted" materials such as prewar historical texts. For live theater, official boards must approve all new productions before the opening performance. Serial numbers and type-face samples of all typewriters must be registered with the authorities, and the use of duplicating machines is strictly regulated.

On the positive side, Western radio broadcasts in the Romanian language are not jammed and are a major source of both foreign and domestic news for the Romanian people.

b. Freedom of peaceful assembly and association

The Government attempts to control all group activity. No organization independent of government or party influence is permitted to exist. Peaceful assembly and association without permission are usually short-lived and may bring severe penalties to those involved. Citizens are required to obtain permission in advance to attend functions held by non-Romanians. Secret decrees promulgated late in 1985 (never officially published and often not obeyed) further discourage contacts with foreigners and strengthen the requirement that all such contacts be reported to the authorities within 24 hours. In particular, Romanian writers, scientists, and professionals are reportedly forbidden to speak with their foreign counterparts without government permission.

The Constitution stipulates the right to join a union. As noted earlier, however, it also enshrines the Communist party as "the leading political force in the whole of society," which applies with respect to unions and other "mass and public organizations." Trade unions independent of the party are thus prohibited, and workers do not have the right to form their own associations, elect representatives, or affiliate with international organizations except through the official unions.

Workers do not have the right to organize or bargain collectively. While they nominally have a direct voice in the management of the workplace through the unions that all must join, in most factories the union's chief executive is also the senior party official, and a primary function of the unions is to channel party doctrine and directives to the workers. Unions also dispense social benefits, such as vacations at union-owned hotels (for which the member pays only a fraction of the real cost), low-interest loans, and access to cultural, educational, and other leisure activities.

Romania's labor code is silent on the right to strike, except to elaborate procedures by which the union leadership is required to mediate disputes between the workers and management, with recourse to the courts when the dispute cannot be settled. In practice, sanctions available to the party and the union make it unlikely that such disputes will reach the courts. In the past, the Government's reaction to actual strikes, or to advocacy of the worker's right to strike, has been harsh repression.

Brutal suppression of miners' strikes in the late 1970's led to an investigation by the International Labor Organization (ILO). Inadequate responses, failure to respond further to charges, and refusal to accept a direct-contact mission led the ILO to find Romania substantially in violation of generally accepted labor standards.

In 1987 Romania lost its eligibility for the U.S. Generalized System of Preferences (GSP) tariff treatment after the U.S. Government found under the standards of revised legislation that Romania was not taking steps to afford its workers internationally recognized workers' rights.

The institution of unrealistic production and sales quotas and penalties in the form of salary deductions for failure to meet them has increased worker dissatisfaction. In November several thousand people, led by industrial workers in Brasov, demonstrated in the main square in protest against sharp pay cuts as a result of production shortfalls and stiff new restrictions on the use of gas and electricity. With frustrations high because of the harsh austerities enforced by the Government, the demonstration turned violent. Scores of workers were reportedly detained after the demonstrators were dispersed. More minor incidents were reported in other Romanian cities.

c. Freedom of religion

The Constitution provides for freedom of conscience, and the penal code prescribes a penalty of up to 6 months' imprisonment or a fine for anyone who impedes or disrupts any recognized religious sect. However, the Communist Party officially promotes atheism, and the Government exercises broad control over religious practice. Although many Romanians fear the open exercise of their beliefs would inhibit chances of social or professional advancement, religious practice remains very active throughout the country and at all levels of society. These are 14 recognized religions, of which by far the largest is the Romanian Orthodox Church, to which about 80 percent of the population belongs. The Government subsidizes clerical salaries (which some denominations do not accept), issues licenses to preach, controls permits for church construction or renovation, severely limits the number of new admissions to seminaries, and controls the importation and printing of religious materials, including Bibles. These powers are often used arbitrarily, especially against groups that arouse official concern.

Government restrictions are applied more severely to groups whose beliefs, in the Government's view, inspire "antisocial" or "antigovernment" behavior. Several of these are unrecognized religious groups, such as the Nazarenes and Jehovah's Witnesses. In 1987, however, there were no reports of significant restrictions on meetings held by these groups. But local and national newspapers carried articles criticizing these groups and alleging that, outside Romania, some of these sects are involved in intelligence-gathering for foreign intelligence agencies or in drug trafficking.

The Government does not recognize the Uniate Church, also known as the Catholic Church of the Byzantine Rite. This branch of the Catholic Church was outlawed in 1948, and many of its leaders were imprisoned. Despite its unrecognized status, there remain adherents to this faith throughout the country. The Government also has taken active measures to suppress a revival movement within the Romanian Orthodox Church known as "The Lord's Army." Members of this group often meet in small gatherings for prayer and Bible study, and they report being fined for holding illegal assemblies. They also report being subject to other harassment, such as loss of jobs or surveillance.

The Government remains in disagreement with the Roman Catholic Church, most of whose members are ethnic Hungarians, on a number of issues, and the church technically remains without a government-approved charter. However, the church enjoys de facto recognition and operates as if it were fully recognized.

The rapid growth of evangelical denominations has led to pressures for more religious training, more printing of religious materials, and the expansion and construction of more churches. Conflicts between evangelical groups and the authorities have arisen frequently, and the Government's response has at times been harsh. Activists who are vocal are kept under surveillance and often are subject to loss of jobs and social benefits, police intimidation or arrest, and in some cases beatings. In December, Nelu Prodan, a Baptist lawyer who had defended those accused of illegally distributing Bibles and had helped church groups obtain building permits or avoid demolition of their churches, was arrested and held for about 2 weeks before being released. He remains under threat of being charged with accepting bribes. Prodan and his wife had been repeatedly warned by officials to stop involving themselves in the legal problems of church members.

The 1986 amnesty led to the release of a number of religious activists from prison, and some of them have been allowed to emigrate. Others, like Victor Opris, however, reportedly have been retried and imprisoned again. Still others, like Ilie Neamtu, an elder of the Ploiesti Evangelical Brethren Church, are still awaiting permission to emigrate.

Five thousand Protestant Bibles were printed for the Baptist General Union, the first such printing since 1921. Negotiations have begun regarding another printing. The shortage of religious materials overall has led some Romanians to risk severe penalties for smuggling Bibles and other religious literature.

Many religious denominations are able to publish a newspaper or newsletter on a regular basis. They are also permitted from time to time to publish other religious materials, although usually in small quantities.

All religious groups continue to be concerned over issues of maintenance, repair, and construction of church buildings. Extensive urban renewal projects undertaken in Bucharest and other cities, have resulted in demolition of a number of churches of various faiths. Several noted Romanian Orthodox churches in Bucharest of historic and cultural significance were demolished, including Sfintu Vineri and the 18th century Sfintu Spiridon. Members of the congregations and other citizens protested these actions.

The Government has often been slow to approve the purchase or construction of replacement buildings for the affected congregations. A large Seventh-Day Adventist congregation in Bucharest, whose church was demolished in August 1986, has still not received approval for a new site and has had to meet in a temporary, tent-like structure inadequate to its needs. The Government claims the church leaders have not yet proposed a suitable new site, although in fact over a dozen suitable alternatives have been proposed. The Government's Department of Religious Affairs gave oral approval for one site in April but has not followed through on its commitment.

The country's largest Baptist church, in Oradea, was not demolished, as had earlier been threatened, but approval previously granted for construction of a new church on land purchased by the congregation was revoked, leaving the several-thousand-member congregation in an overcrowded building with a decaying foundation.

Any repair or addition to a church building requires a building permit approved by both the local city council and the Government's Department of Religious Affairs. Church members state there are unreasonable delays in obtaining these approvals. A church may be demolished, or the congregation fined large sums, for infractions of the

building codes. In past years, churches of various denominations have been demolished or threatened with demolition under these regulations.

Reconstruction of the Baptist church in Bistria was started. The authorities did not proceed with demolitions begun or approved in the cases of the Pentecostal church in Bistria or the Baptist church in Hilpiceni, thus giving the congregations time to negotiate a more moderate solution. A Baptist congregation in Timisoara was given permission to purchase a new and larger replacement for its current church, and a new Baptist church to serve ethnic Hungarian members opened in Tirgu Mures. Another Baptist church, in a Baia Mare, underwent significant renovation and enlargement. The congregation of a Hungarian Reformed church in Oradea, which had faced destruction as a result of urban renewal, was allowed to "trade" its old building for a new and larger one.

Seminary admissions remain extremely limited. In 1987 the Baptists were allowed only four new students. Admissions for the Seventh-Day Adventists and Pentecostals are similarly restricted. By comparison, the Baptists were permitted an average of 40 per year in the late 1970's. Their current needs are estimated at over 100 new seminarians each year.

There is an active Jewish community organization which provides religious education to its members and enjoys relatively unrestricted freedom of emigration. Jewish leaders also continue to be able to travel freely outside Romania. Jewish leaders emphasize that, due to the level of emigration to Israel permitted by the Romanian Government, their numbers are declining, and they are permitted to maintain enough synagogues to meet their needs.

Leaders of religious denominations generally receive permission to travel abroad on official business without difficulty, and most visitors to Romanian churches in 1987 were able to travel around the coutry without interference.

d. Freedom of movement within the country, foreign travel, emigration, and repatriation

Except for certain very limited military or other restricted areas (access prohibited) and border areas (access limited to residents of the areas and those with economic need to travel there), there are no official restrictions placed on travel within Romania. Most foreigners, including Western diplomats, are permitted to travel freely but often are kept under surveillance.

The right of a citizen to change his place of residence is restricted. All citizens are required to have residence permits and may not legally move from one town to another, or between districts within a city, without official permission. Implementation of residence permit regulations and antiunemployment laws has had the effect of diluting the ethnic mixture of the population in parts of the country with a heavy concentration of ethnic minorities, especially Hungarians. Workers are technically free to change jobs, although antiunemployment laws and government controls limit this freedom in practice.

Travel outside Romania is treated as a privilege, frequently arbitrarily withheld, even for those who can "guarantee" their return by leaving a close family member behind. Older persons wishing to visit their children resident abroad generally have few problems.

In principle, the Government continues to oppose emigration for any purpose but family reunification and seeks to discourage those wishing to emigrate. The waiting period for Romanian emigration approval is still long: successful applications generally take between 1 and 5 years. The authorities sometimes refuse arbitrarily to accept emigration applications from some Romanians. However, the Government has permitted significant numbers of citizens to emigrate to the United States, Israel, and the Federal Republic of Germany. In 1987 emigration from Romania to these three countries increased to 16,543, as compared to 15,222 in 1986.

Section 3 Respect for political rights: The right of citizens to change their government

Though the Constitution assures the right of Romanians to change their government and leaders, in practice the individual citizen has virtually no voice in shaping public policy or choosing public officials. The Romanian Communist Party, led by the President and a few advisers, rules the country. No actual or potential alternatives to this present rigidly centralized control are apparent, and no meaningful opposition exists or would be tolerated. Public criticism of the President, the Government, the party, and the state leadership is forcefully suppressed.

The Communist Party comprises about 13.5 percent of the total population of the country. Women officially represent 52 percent of the general membership, and minorities are reportedly represented in proportion to their numbers within the general population but they are underrepresented at the middle and higher levels.

National parliamentary elections by secret ballot are held every 5 years. For about 60 percent of the positions, there are two candidates, both of whom are chosen by the Front for Democracy and Social Unity, a large organization whose president is Nicolae Ceausescu. Over 75 percent of its officers are members of the Communist Party's Central Committee. The Parliament approves the President's decisions by unanimous vote.

In Romania, the chief party executive for each city, county, or enterprise is also the chief civil executive. Internal party elections were held for the new Communist Party leadership late in 1984. Though these preceded the national general election by several months, those chosen for senior party posts the previous fall were universally "elected" to the corresponding government or enterprise posts the following spring.

In November, elections for city councils were held throughout the country; 80 percent of the seats being sought were contested by two or more candidates. However, actual differences on policy among the candidates were negligible.

In 1987 there was at least one attempt to revive one of Romania's historical political parties. A former leader of the outlawed National Peasant Party, Ion Puiu, wrote to President Ceausescu and to Western media, urging that the National Peasant Party be allowed to reemerge as a loyal and democratic opposition to the Communist Party. Puiu has been arrested twice within the past year, most recently immediately before the visit of Soviet General Secretary Mikhail Gorbachev in May. The purpose of his arrest was reportedly to prevent him from communicating with the Soviet leader. Puiu was released after about 1 month, but he has been prevented from contacting foreigners since then.

Section 4 Governmental attitude regarding international and nongovernmental investigation of alleged violations of human rights

There are no human rights monitoring organizations operating in Romania. The Government has not commented officially on reports issued by governmental or nongovernmental organizations such as the Council of Europe, Amnesty International, or Freedom House, all of which have been critical. Romania continues officially to proclaim that discussion and examination of its human rights situation is "unwarranted interference in domestic affairs," despite its professed support for human rights standards embodied in the United Nations Charter and the Final Act of the Conference on Security and Cooperation in Europe (CSCE). At the same time, discussion of human rights issues is a regular feature of diplomatic exchanges between the U.S. and Romanian Governments. In August Romania received a delegation from the U.S. Congress' CSCE Commission, which was invited to certain areas with high concentrations of ethnic minorities and which met with national and local officials, as well as with individuals concerned with human rights issues.

Section 5 Discrimination based on race, sex, religion, language, or social status

According to official figures, about 12 percent of the country's population of nearly 23 million are members of ethnic minorities, including Hungarians, Germans, Gypsies (Csangos), and many smaller groups. These total about 2.7 million, with Hungarians, according to the Government, comprising the largest group at 1.7 million. The Government takes its figures from a 1977 census based on self-declaration. Various Hungarian sources claim that the true figure for the Hungarian minority is actually between 2 and 2½ million.

Most minority groups are concentrated in Transylvania, the central and northwestern part of Romania. In recent years, opportunities for minorities to have periodicals, theaters, and schools in their natives language have been eroding. The ability of members of the minority groups to visit friends and relatives in nearby countries is limited. Minority groups protest that government controls and restrictions constitute discrimination. Many observers maintain that the Government is pursuing a program of "Romanianization" in order gradually to absorb the minority groups into one unified Romanian culture, although the Government denies this.

While the economic situation of the Hungarian minority in Romania is difficult, especially by comparison with that of Hungarians in Hungary, a pattern of economic discrimination against ethnic Hungarians as a group is not evident.

There are no longer any television or radio broadcasts in the Hungarian language. Most Hungarian-language theaters now have Romanian-language sections, and some ethnic Hungarians claim that Romania eventually will replace Hungarian completely.

In the field of education, primary schooling remains available in Hungarian and German, and even in the native language of tiny minorities, such as the Czechs in western Romania, although opportunities are shrinking. The number of ethnic Hungarian children being enacted in the Hungarian language has declined significantly. Several German-language high schools still operate, although declining enrollment due to emigration may soon compel a change in their language of instruction. Several sources indicate that Hungarian-language sections in Romanian high schools have largely replaced entirely Hungarian-language high schools. Students can no longer take university entrance examinations in minority languages, except in a few faculties, and the opportunities for university study in Hungarian have also gradually decreased. Babes-Bolyai University in Cluj, formerly a Hungarian-language institution, has increased its intake of ethinc Romanian students over the years and made Romanian the language over the years and made Romanian the language of instruction in most subjects.

Members of the Hungarian minority claim that the Government uses its controls over residence permits, employment, and study opportunities to dilute the concentration of the Hungarian population in its traditional centers. The Government maintains that demographic changes in Transylvania are natural and result on part from increased industrialization which has drawn ethnic Romanian workers into urban areas formerly inhabited predominantly by ethinc Hungarians.

The Government recently released from prison several ethnic Hungarians, including Erno Borbely, Laszio Buzas, and Bela Pal, who were reportedly imprisoned for promoting minority rights. On the other hand, the authroites in 1987 prevented foreign diplomats from making any contact with Karoly Kiraly, a former senior party official and leading defender of Hungarian minority rights.

Women are constitutionally accorded the same rights and privileges as men. The Government seeks to upgrade the role of women in society with specific policies in the areas of education, access to employment, and comparable wages. As a result, women are employed in virtually all sectors of the economy, and there is equal opportunity in education, but at the senior levels of responsibility and authority, they appear in far smaller numbers. The higher ranks of the party are occupied predominantly by male Romanians.

CONDITIONS OF LABOR

The Constitution stipulates the right to work. Unemployment is a crime ("social parasitism"). The Government closely controls the labor market, sets the wage rates for different occupations, and claims that there is no unemployment. A number of sources note, however, that economic dislocations and shifts may require transferring workers from one factory or region to another, with attendant long periods of inactivity among large numbers of workers.

The Constitution provides for an 8-hour workday (or a 6-hour day for arduous occupations), a 24-hour rest period each week, paid vacations, and the "right to leisure." Labor law elaborates these promises but allows employers to override them "if conditions warrant." In 1987 there were widespread reports of workers required to perform extra, uncompensated labor to make up for lagging production or for official holidays. During two important national holidays (May 1-2 and August 23-24), many were required to report to work as factories and stores were kept open. Workers also reported that wages and salaries were cut, when an enterprise failed to meet its production quota, even though production shortfalls were often due to the lack of raw materials or insufficient electrical energy.

There is no specific minimum employment age, although Romanian law requires schooling to the age of 16. Exceptions, however, are allowed for youths 14 years of age in temporary jobs and for youths of 15 employed in industrial work, so long as the employer provides continuing educational opportunities and shows that the work being performed is "appropriate for the age and condition" of the employee. In such cases, the law limits work to 6 hours per day. Children from age 11 may work in the fields or in other "patriotic work," usually as part of a school or other group activity.

The labor code ensures Romanian workers a safe environment. The Ministry of Labor has established safety standards for most industrials and is responsible for enforcing these standards. In practice, however, observers report that conditions in many factories present substantial health and safety hazards. Although management is reportedly aware of these deficiencies in most cases, government emphasis on meeting production goals clearly takes precedence over safety and health factors in light of the party leadership's insistence on rapidly paying off the foreign debt and on pursuing industrial and economic development at all cost.

Let me just highlight a couple of the sections for the Members who are listening back in their offices. It says, "Religious practice, although widespread and growing, is controlled and circumscribed by the enforcement of regulations governing the licensing of pastors, the importation and distribution of religious materials, and the granting of Church building permits," meaning that nothing happens without the Government being involved. It went on to say, "On the whole, despite Romania's adherence to various international accords," meaning it signs the Helsinki accords and is signatory to others, "related to human rights, its human rights abuses remained pervasive," pervasive.

It went on to say, "There were numerous reports that persons are mistreated while in Romanian prisons or police custody and that police authorities act brutally to obtain information. Romanian authorities also use physical and mental degradation to intimidate those caught or suspected of wrongdoing. Persons detained for questioning are often held incommunicado and kept for long periods without sleep, food or access to toilet facilities. Those caught attempting to leave the country illegally, for example, are reportedly subject to physical and mental harassment, often prior to being given only relatively light sentences if they are first offenders. Reliable witnesses also report incidents in which police administered severe beatings to persons being arrested for minor infractions."

It went on to say, "The law also provides for preventive detention. Persons detained for investigation often are held incommunicado. They are detained for varying periods of time, usually a matter of hours, and then released without charge. Such arbitrary detention may be repeated several times, and subjects may be called back for additional lengthy interrogation and threatened with further harassment or punishment."

Mr. Speaker, just to digress for a moment, it is shocking and disappointing that the U.S. Government, our Government, gives most-favored-nation status, special trade advantages, special trade benefits to a country that holds its people incommunicado, beats them and does all of this.

The report says, "in 1987 one case reflecting apparent abuse of the right—" you know, Mr. Speaker, sometimes we think in terms of generalities. I want to talk about a specific person. To repeat, "In 1987, one case reflecting apparent abuse of the right to a fair trial was that of Victor Opris. Opris, a Pentecostal pastor from Satu Mare, was initially imprisoned in 1985 on charges of bribery after he allegedly assisted four members of his congregation who were attempting to leave the country illegally. Sentenced to 5 years, imprisonment, Opris benefited from the June 1986 amnesty and was released from prison. However, in January 1987, a little over a year ago, he was retried on the same charge reportedly by a military court. You cannot even get into these courts to find out what is going on. He was sentenced to 9 years. Nine years of imprisonment; I would like to urge all the Members to think of how old they are today and add 9 years to it and think of how old they are going to be then, and that is how long this Pentecostal minister is going to have to stay in prison for doing nothing but being a minister of the Gospel. His case has been appealed to the Supreme Court. Many who are familiar with the case maintain that Opris was retried and given a harsh sentence because he was a popular, active pastor, suspected by the government of involvement in smuggling Bibles and other unauthorized activities.

So I think the Members of the Congress should consider this, and the administration, and all the editorial writers and people in this great country, about people like Victor Opris who are being persecuted and at the same time we are giving most-favored-nation status for Romania. Shame, shame.

It went on to say—and we should remember, Mr. Speaker, that this is not just some group that is saying this, this is the U.S. Government, the State Department that is saying this.

It went on to say, "Deliberate and arbitrary interference with the privacy of the family, home, and correspondence is a frequent occurrence. Searches are made of private homes, persons, and personal effects without search warrants."

Boy, it is great to live in America but can you imagine if the Government could come into your house today, Mr. Speaker, and just search whatever they wanted to, to look wherever they wanted to, to find these things and persecute you and put you in prison because you had a Bible? Just shocking. Yet here we give most-favored-nation status, benefits, special trade benefits, special benefits by the U.S. Government to this country that does these things.

It says, "The authorities occasionally enter homes on the pretext of looking for building code violations, excessive consumption of electricity," excessive consumption of electricity meaning they leave the lights on too long, "illegal use of electrical appliances." "Hey, you left the toaster on too long." Then they send them to jail.

Mr. Speaker, I will not read all of these. There are so many more I am going to just submit the entire segment, this entire section in the CONGRESSIONAL RECORD so all the Members can read it tomorrow and the people who are interested in Romania can look at it to see what the State Department said in its very well done "Country reports on Human Rights Practices" for 1987.

Mr. Speaker, I am not talking about things that happened in 1981 or 1982 or 1983. These are things that happened in 1987. So we will submit that for the RECORD.

Now, Mr. Speaker, I would like to cover a few other items about Romania. There was a New York Times article Monday, February 15 which I would like to submit for the RECORD that says, "President Nicolae Ceausescu's bristly stand toward his allies in the East and friends in the West has led Rumania to what Western and Communist analysts here say is virtual isolation." Gorbachev is saying this and the West is saying this, both sides now agree that this is a country that is isolationist and very, very oppressive, "Several Western diplomats spoke of Rumania's 'Albanization,' likening its developing attitude toward the world outside to the reclusiveness of Albania, long considered Europe's most isolated country."

It goes on to say, "There is a whole range of other things in the human rights area that are repugnant to Americans." Very interesting article which I will not take the time of the body to read but would like to submit for the RECORD.

The article referred to is as follows:

[From the New York Times, Feb. 15, 1988]

FOR BUCHAREST, A GREAT LEAP BACKWARD

(By Henry Kamm)

BUCHAREST, Rumania, February 11.—President Nicolae Ceausescu's bristly stand toward his allies in the East and friends in the West has led Rumania to what Western and Communist analysts here say is virtual isolation.

Several Western diplomats spoke of Rumania's "Albanization," likening its developing attitude toward the world outside the reclusiveness of Albania, long considered Europe's most isolated country.

Soviet and other East European diplomats, speaking in a week of interviews, expressed similar views of increasing estrangement. They said Moscow felt powerless to change Mr. Ceausescu's course.

RULED FOR 23 YEARS

The 70-year-old Rumanian Communist Party leader, who has ruled unchallenged for 23 years, was described by analysts from both camps as totally convinced of the correctiveness and ideological purity of his policies. They said only his wife, Elena, appeared to have any influence over him, and her views coincided with her husband's. She holds high Government and party positions and is the second most powerful person in the country.

Mr. Ceausescu has offended the Soviet Union since the 1960's by refusing to follow Moscow's lead in some aspects of foreign, military and economic policy. Since Mikhail S. Gorbachev introduced economic transformation and greater openness in the Soviet Union, Mr. Ceausescu has widened the distance by rejecting such policies and reiterating his belief in central economic planning and opposition to free market principles.

HALVED THE FOREIGN DEBT

Rumania's estrangement from the West, which rewarded its earlier distancing from the Soviet Union with closer ties, resulted from President Ceausescu's decision in 1983 to liquidate a foreign debt of more than $10 billion. He has halved it by a drastic lowering of his citizen's standard of living.

The resulting material deprivation of Rumanians, which recalls conditions in Europe just after World War II, is part of what the United States Deputy Secretary of State, John C. Whitehead, said was "the general repression of the population, the squeezing of every one."

"There is a whole range of other things in the human-rights area that are repugnant to Americans," Mr. Whitehead, who met with Mr. Ceausescu on Feb. 5, said in an interview.

Mr. Whitehead told an airport news conference that he left Rumania disappointed because Mr. Ceausescu had refused in a three-hour meeting even to listen to his explanation of Washington's concern over human rights and had resented the very mention of the subject.

Last month, the West German Foreign Minister, Hans-Dietrich Genscher, had a similarly fruitless discussion with Mr. Ceausescu. The Rumanian President refused to increase the yearly total of 12,000 ethnic Germans allowed to emigrate and angrily rejected Mr. Genscher's proposal that private German organizations be allowed to send food and other necessities to deprived Rumanians. He said, contrary to all evidence, that Rumanians had enough of everything.

Diplomats speak of Mr. Ceausescu's increasing tendency to persist in his views despite contrary evidence. When the visiting head of a Canadian company building Rumania's first nuclear power plant told Mr. Ceausescu that its first unit would be operational in two or three years, the President insisted that he expected it to operate this year. Mr Ceausescu continues to repeat the assertion that nuclear power will be available this year.

Rumanian analysts call Mr. Ceausescu's self-willed leadership feudal, nepotistic and corrupt.

The trend to reclusion is also reflected in Rumania's steady cutback of its academic and scientific contacts with both East and West. Soviet and Western diplomats said the Rumanian authorities increasingly refused to let students and scholars take advantage of academic opportunities abroad and had reduced the number of foreigners allowed to teach or study here.

NO LOVE FOR REPORTERS

American lecturers under the Fulbright program have dropped from 10 to 5. Rumanian lecturers and researchers in the United States numbered 38 in 1979, declined to 7 in 1985-86 and are down to 2 now. France spent only 30 percent of its allotted budget for travel by Rumanian scholars to France last year.

Rumania has sharply reduced the number of foreign correspondents it sends abroad. None are in the United States. Since last year, about 10 Western journalists have been expelled or refused entry on arrival, and those allowed in are given virtually no access to officials. Visits to critically minded Rumanians are prevented by the police guarding their houses.

In eight days, this correspondent was allowed to meet only two Foreign Ministry officials and, despite two months' notice, was granted none of the interviews requested on political and economic subjects.

Since 1982, Mr. Ceausescu has reduced Rumania's foreign debt from more than $10 billion to about $5 billion. This is a singular achievement in a period in which many debtor countries find it hard even to meet interest payments.

Yet Mr. Ceausescu has won no praise, either from his own people or the rest of the world. Not only has the financial achievement been bought at the price of depriving the 23 million Rumanians of many of the necessities and most of the pleasures of life, but it has also starved the economy of the investment capital and imports needed to keep it competitive.

Foreigners said that in several export fields Rumania remained competitive. The petrochemical industry delivers large quantities of refined products to the West. Steel, bulk chemicals, cement, textiles, furniture and food products also sell well.

A Western official said Rumania, a member of the Warsaw Pact, has for years been selling gasoline and meat products to the American armed forces in West Germany.

Rumania's indebtedness to the West derives from the machines and other manufacturing equipment that Mr. Ceausescu bought on credit in the first decade of his leadership, starting in 1965. They were to serve as the foundation for rapid industrial development.

But because of a lack of modernization and maintenance, a drastic cutback in imports and poor performance by a labor force to which little incentive is offered, production rarely attains world-market standards. The output is sold largely in the Communist bloc, which cannot pay in hard currency, and in the developing world, which does not always pay its debts.

Moreover, since Mr. Gorbachev came to power, Moscow has made clear that it will not indefinitely accept inferior Rumanian equipment in return for commodities that can be sold for hard currency. The Soviet

Union is Rumania's biggest trading partner and the source of much of its petroleum.

Western experts also reported that failure to import pesticides and weedkillers represented a serious hazard to Rumania's grain harvest.

"It's all going backward by leaps and bounds," a Western official with extensive business contacts here said. "It will soon be an underdeveloped country with a pastoral economy. If you like the 19th century, this will be the place."

Mr. Speaker, I have another article by Jackson Diehl, Washington Post Foreign Service in the Washington Post of February 2, 1988, which I would like to also submit for the RECORD but would read a couple of excerpts to my colleagues.

It says, "Dissident activists in Poland, Hungary, Czechoslovakia and the Soviet Union," which are all Communist countries, Mr. Speaker, "staged demonstrations and issued statements today protesting repression in Romania in an unprecedented instance of coordination among Warsaw Pact opposition movements." Here we have Communist countries, human rights activists in Poland, Hungary, Czechoslovakia and the Soviet Union criticizing the activities of the Romanian Government. It says, and I repeat, "protesting repression in Romania in an unprecedented instance of coordination among Warsaw Pact opposition movements."

As I know my colleagues know, the Warsaw Pact is a Communist group of countries, with individuals in those countries protesting repression which is going on in Romania.

It says, "In Warsaw and Budapest, hundreds of persons gathered outside the Romanian embassies in midday rallies, while in Prague, about 60 people carried out a 24-hour hunger strike. Activists in all three capitals switched off lights in their apartments in a symbolic protest of the drastic economic austerity suffered by the Romanians. The protest actions were supported in a statement by Soviet human rights activist Andrei Sakharov that was endorsed by four other Soviet dissidents." Mr. Speaker, we have human rights activists in the Soviet Union, in Poland, and in other Communist countries standing tall for human rights in Romania, objecting to the repression and yet our own country, the United States Government, Mr. Speaker, the United States Government is giving special trade benefits to Romania. I do not understand that. I am just almost to the point that here we have dissidents, activists in Communist countries who are willing to risk imprisonment and do all of this to demonstrate in solidarity with the 23 million Romanian people who have been persecuted.

So I hope this Congress and I know Congress will, if this House and the Senate are given an opportunity to vote on this, that we will send a clear message to the administration, to the White House certainly, and to the Romanian Government.

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But, more importantly, we will send a message to the Romanian people, the 23 million Romanian people, that we care, that we stand in solidarity with human rights people around the world condemning this activity.

The article went on to say this " 'We know * * * the enormous price you must pay for fighting for the right to human dignity and the right to live free of hunger and terror,' said a statement addressed to Romanians and signed by 49 Polish activists, including leaders of the banned Solidarity trade union. 'We believe deeply that our shared dream for a free and democratic central Europe will be fulfilled.' "

Mr. Speaker, if people behind the Iron Curtain feel that way, obviously and hopefully everybody in the Congress and everybody in the administration will come together. I think by doing that, we can send a message through Radio Free Europe and through the grapevine to the Romanian people that we in the United States, the Reagan administration, the State Department, and the Republicans and Democrats in the House and the Senate, stand in solidarity with the Romanian people, making sure we will do everything we can to foster human rights in Romania and, for that matter, around the world.

Mr. Speaker, I submit the full text of that article from the Washington Post of February 2, 1988, for the RECORD:

[From the Washington Post, Feb. 2, 1988]

East Bloc Activists Coordinate Protests—Dissidents Hold Demonstrations Against Repression in Romania

(By Jackson Diehl)

WARSAW, Feb. 1.—Dissident activists in Poland, Hungary, Czechoslovakia and the Soviet Union staged demonstrations and issued statements today protesting repression in Romania in an unprecedented instance of coordination among Warsaw Pact opposition movements.

In Warsaw and Budapest, hundreds of persons gathered outside the Romanian embassies in mid-day rallies, while in Prague, about 60 people carried out a 24-hour hunger strike. Activists in all three capitals switched off lights in their apartments in a symbolic protest of the drastic economic austerity suffered by Romanians.

The protest actions were supported in a statement by Soviet human rights activist Andrei Sakharov that was endorsed by four other Soviet dissidents, Lev Timofeyev, Sergie Kovalyov, Raisa Gogaroz and Naum Meiman. The East European groups also issued statements, and Polish activists unsuccessfully attempted to deliver a petition to Romanian Embassy officials.

"We know . . . the enormous price you must pay for fighting for the right to human dignity and the right to live free of hunger and terror," said a statement addressed to Romanians and signed by 49 Polish activists, including leaders of the banned Solidarity trade union. "We believe deeply that our shared dream for a free and democratic central Europe will be fulfilled."

The various activities, which led to the arrest of more than a dozen protesters in Warsaw, marked the first time that East Bloc dissidents in several countries have organized simultaneous demonstrations and underlined the growing links among the region's independent political movements.

During the last 18 months, organizations in Eastern Europe promoting human rights disarmament, democratic opposition to communist rule and even environmental protection have begun contacting one another and organizing activities ranging from multinational declarations and petitions to independent peace conferences and clandestine strategy sessions along international borders.

The initiatives have been facilitated in part by the climate of increased political tolerance in Hungary and Poland as well as by greater opportunities for international telephoning and travel in most Warsaw Pact countries. Contracts for events such as today's protest have been routed through foundations and exile groups in Western Europe, which translate and distribute documents and relay messages.

Key organizers of the joint actions say the development of the Soviet leadership of Mikhail Gorbachev has given Eastern European activists more common goals to pursue even as it has lessened the risks of repression.

"For the first time there is the chance of a region-wide movement for reform rather than a process in just one country like Czechoslovakia in 1968 and Poland in 1980," said Miklos Haraszti, a leading Hungarian activist, in an interview last year.

While dissident groups in Poland, Czechoslovakia and Hungary have maintained loose contacts for a number of years, the communication gained new momentum in late 1986. In October, a statement on the 30th anniversary of the Hungarian revolution was drawn up and signed by more than 125 persons from five Warsaw Pact countries, including 54 Hungarians, 28 Poles, 24 Czechoslovaks, 16 East Germans and several Romanians.

One month later, a large number of East European and Soviet activists joined West European and U.S. peace and human rights workers in signing a special memorandum to the Conference on Security and Cooperation in Europe on "giving real life to the Helsinki accords," the 1975 agreement sealing the detente process between East and West and containing a number of joint commitments on human rights.

Since then, the East Europeans have worked on several other joint statements and independent peace activists have managed to gather for two independent conferences in the last year, one in Warsaw and one in Budapest.

Today's demonstrations were prompted by an appeal last month by Charter 77, which acted following reports of rioting by workers in the Romanian city of Brasov in November. The rebellion was one of the most serious shows of protest by Romanians against the neo-Stalinist regime of President Nicolae Ceausescu, which in recent years has imposed austerity on the country while maintaining the East Bloc's most repressive security apparatus.

Only in Poland did government security forces attempt to halt the demonstrations. Militia and secret police quickly seized demonstrators when they sought to lift banners calling for "human rights for Romanians and Solidarity." Among those detained were Warsaw Solidarity chief Zbigniew Bujak and Jan Jozef Lipski, head of the illegal Polish Socialist Party.

Mr. Speaker, I would also like to submit an article called "Charter 77 Document" of the Charter 77 Group in solidarity with the people in Romania. The text of that article is as follows:

Charter 77 Document: A Call for Solidarity With Romania

These day, the governments of Europe, various organisations as well as many ordinary citizens, are contemplating the future of our continent, the prospects for peace in Europe, ways of overcoming the division of Europe into political blocs, and the extent and type of human rights enjoyed by the populations of various European countries. Conferences are frequently held on these topics.

All this is to the good and very important.

What is less good is that the delegates at these conferences, sitting in well-heated and well-lit conference halls tend to forget there is a country in Europe where people have neither heat nor light.

In Romanian flats and offices, the temperature in winter rarely rises above ten degrees Celsius. Each flat is allowed a maximum of two forty-watt bulbs to be burning at any given time. In Romania, basic foodstuffs, such a flour, sugar and meat are—forty-three years after the war—either being rationed or not available at all.

After twenty-two years of rule, the Romanian leader offers the people of his country only one thing: the ostentatious cult of his personality.

It is a sense of total dispair that has driven Romanian workers to demonstrations.

Romania is a curious country; not only does its government deny to its citizens elementary liberties to an extent which has no parallel in any other Soviet bloc country, but it is not even capable of ensuring what the communist regimes call their 'greatest achievement', the basic material and job security, which these regimes use as a means of self-legitimation.

We wish to hold to their word all those Europeans who feel enthusiastic about Gorbachev's statement that we all live in one European house. We call on them to realise that in this rich house there exists a nation which is forced to live in fear of cold and hunger.

This is not only a Romanian affair. Just as the peace and the freedom of Europe are common and indivisible issues of concern to all Europeans, the situation in Romania is equally of common concern. And just as the freedom of those who are indifferent to the enslavement of their neighbors becomes uncertain, the certainty of being able to rely on heat and light also becomes doubtful, if it is connected with indifference to the plight of those who are forced to live in the cold and in the dark.

We therefore call on the European public to remember Romania. We appeal to you to show publicly your solidarity with the plight of the citizens of that country. We suggest to all Europeans that on 1st February 1988 they should express their solidarity with the Romanian people by any means available to them. Let us attempt, at least for a single day, to live in an unheated and badly lit flat. Let us try to deny ourselves at least for a single day, all those things that form our material living standard and that are permanently denied to the Romanians. Wherever this may be possible, let us stage peaceful protest demonstrations in front of the Romanian Embassies. Let us appeal to our governments to help the Romanian people. Let us look for ways in which each of us could personally help.

We call on the Europeans to join Charter 77 in expressing publicly, on 1st February 1988, their solidarity with suffering Romanian society and their revulsion against the despotic ruler responsible for this suffering.

We are aware that one day of solidarity will not solve the Romanian crisis. But we are convinced that it can contribute towards its solution.

The last article that I would like to submit is the New York Times article of Sunday, February 7. I want to commend the New York Times and the Washington Post. These are two newspapers that have done extensive coverage on this issue. For some unknown reason, this issue is not being very well covered by the American press throughout the United States. It is a big issue, one that is well covered by the Western press in Europe, but for some reason, other than the Wall Street Journal, the New York Times, and the Washington Post, it just seems to be a story that is not being very well covered here in the United States.

This is a very important article, Mr. Speaker, I hope that the Members will focus on it and get a chance to read this whole article. I will not go into it in detail, but it is about the meeting that our Undersecretary, John Whitehead, had a week and a half ago with President Ceausescu when he was in Romania.

Under the dateline of Bucharest, February 6, the article says:

After meeting with President Nicolae Ceausescu for nearly 3 hours today, a visiting United States official said he had found the Romanian leader unwilling to listen to American concerns about Romania's human rights policies.

The article goes on:

"I must say in all candor that I ws disappointed at not being able to convey successfully to President Ceausescu the deep feelings that my country has about human rights and the importance of individual freedom," Mr. Whitehead said.

Mr. Speaker, the American people, as we know, have deep feelings. Sometimes when we go to these foreign countries that oppress their people, they do not understand why we are interested in human rights. They ask, "Why are you interested in this?"

We tell them that we are interested in it because the American people are good and decent people and care very deeply, and when someone is persecuted in a foreign land, whether it be Asia or eastern Europe or wherever, we care very, very deeply in this country.

Mr. Whitehead said that he was unable

To convey successfully to President Ceausescu the deep feelings that my country has about human rights and the importance of individual freedoms . . . He seemed to resent my mention of these subjects.

Are we going to continue, Mr. Speaker, giving MFN to a man who resents our raising the question of human rights? Are we going to continue to give them most favored nation status? Clearly the answer has to be no.

The article goes on as follows:

In an interview, Mr. Whitehead cited as the areas of American concern the "general repression" of the Rumanian people, including restraints on freedom of religion, speech and the press.

Speaking at the airport, Mr. Whitehead complained specifically about events at a reception for what he called nonofficial Rumanians, held at the United States Ambassador's residence.

Meaning that the United States Ambassador and Secretary Whitehead, appropriately so, invited unoffical Romanians, the average Romanian people, to come to the American Embassy.

The article goes on to state:

"A number of guests were discouraged by the police from meeting with me and gained access to the residence only after considerable difficulty," he said, adding that "others were prevented from coming at all."

Mr. Speaker, I want to commend Secretary Whitehead for his position here and for his toughness in standing up to President Ceausescu and letting him know the concern the American people and the American Government and the American Congress have on this question of human rights.

Mr. Speaker, I include this article from the Sunday, February 7, 1988, edition of the New York Times as follows:

U.S. Envoy Is Critical of Rumania on Rights

(By Henry Kamm)

BUCHAREST, RUMANIA, Feb. 6.—After meeting with President Nicolae Ceausescu for nearly three hours today, a visiting United States official said he had found the Rumanian leader unwilling to listen to American concerns about Rumania's human rights policies.

The American official, Deputy Secretary of State John C. Whitehead, set aside diplomatic protocol to turn his airport departure statement into a blunt official American denunciation of Rumania's human-rights record.

"I must say in all candor that I was disappointed at not being able to convey successfully to President Ceausescu the deep feelings that my country has about human rights and the importance of individual freedoms," Mr. Whitehead said. "He seemed to resent my mention of these subjects."

"This was particularly disappointing to me," Mr. Whitehead said, "since I have found a positive response to such concerns in other East European countries."

In an interview, Mr. Whitehead cited as the areas of American concern the "General repression of the Rumanian people, including restraints on freedom of religion, speech and the press.

Speaking at the airport, Mr. Whitehead complained specifically about events at a reception for what he called "nonofficial Rumanians," held at the United States Ambassador's residence. "A number of guests were discouraged by the police from meeting with me and gained access to the residence only after considerable difficulty" he said, adding that "others were prevented from coming at all."

Once major issue in American-Rumanian relations involved the American practice of granting most-favored-nation trade status to nations that allow free emigration. Last year, both houses of Congress voted against President Reagan's recommendation to continue the trade advantage for Rumania, but the legislation remains in committee.

Although Rumania has been comparatively liberal in allowing Jews and ethnic Germans to leave, Mr. Whitehead said that since Oct. 31 no exit permits had been issued. "That, of course, is disturbing," he said. "Whether they like it or not, that is our law, and the President will evaluate their performance by this standard. And there are a whole range of other things in the human rights area that are repugnant to Americans."

Rumania and the United States have enjoyed relatively close ties in the past, based mainly on Rumania's willingness to pursue a foreign policy independent of the Soviet Union. Rumania did not break diplomatic relations with Israel in 1967 and it refused to participate in the Soviet-led invasion of Czechoslovakia in 1968.

Mr. Whitehead said in his statement that common views continued to exist "on a large number of issues."

Mr. Speaker, I am going to end this special order but, there is one other subject which I may make really the center of a whole different special order, and that is a new book by Nicolae Ceausescu that has come out. There is a public relations firm and lobbyist in town that has been paid—I repeat, paid—by the Romanian Government to sort of flack for the Romanian Government here in town. I find it offensive when an American company and an American citizen, paid for by a Communist government, comes up and tries to put an image on for Nicolae Ceausescu and a Romanian Government which is repressing its people and trying to give the impression that things are different. Fortunately, we have this document here. I wish that everyone would read this document, "Country Reports" by the State Department. It just repudiates all the rhetoric and the public relations press releases that come out by people who are paid by the Romanian Government. This document by the State Department and by our Assistant Secretary, Mr. Schifter, who does an outstanding job in human rights, tells the true story.

I would just urge all Members, as they are sifting through their mail and seeing these books that come in by Nicolae Ceausescu about what a great government they are, would know that a number of foreign government leaders who are quoted in that book have called and complained about the quotes that are in there, saying that they are quoted inaccurately and that they were used in an inappropriate way. I think that should be the subject perhaps of another special order.

In summary, Mr. Speaker, I just want our colleagues to know that things are not better in Romania. I got back last month from visiting Romania. I went there with the idea that hopefully maybe things had gotten better and we could drop our amendment to suspend MFN. But I am disappointed. I am disappointed to report that not only are things not any better, but they are worse.

So I hope that all the Members listening know that if we ever have to vote again on this question in the Congress, we must stand with the human rights activists in Poland and Czechoslovakia and Hungary and Russia, that we stand with Andrei Sakharov, and that we stand with Victor Opris and we stand with good and decent people of all religious beliefs and religious faiths in Romania who are being persecuted, and that we do everything we can to make sure that until there is substantial and major improvement, we can no longer give-most-favored nation status to Romania.

So, Mr. Speaker, I thank my colleagues for their time, and I yield back the balance of my time.

ASSISTING MILITARY PERSONNEL WITH HOUSING

The SPEAKER pro tempore (Mr. RAHALL). Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation which directs the Secretary of Defense to establish a permanent program involving military personnel and their civilian landlords. This program will remove perhaps the largest financial burden on our military families.

This legislation makes permanent the pilot program which has been in effect at Fort Ord over the last 15 months. The program has been implemented with a high degree of success resulting in the solution of problems with military residents with respect to payment and landlords obtaining guarantees on security deposit payments.

I would like to take a few minutes to describe what this legislation would do. First of all, it authorizes the Secretary of Defense to make the program permanent. Each military service would then have the option of whether, and at which installations, to institute participation in this program in the United States. Second, civilian landlords who rent to military personnel would agree to waive security deposits when renting housing units to military personnel for the guarantee of rental deposit security from the military.

In return, the military post would agree that if for any reason the service member leaves without making final payments for rent or damage, the post would make such final payments. These payments could not exceed the amount of an ordinarily required security deposit. Any outlays of the military post would then be deducted from the service member's paycheck.

For example, a service member wants to rent an apartment for $500 per month. Under this legislation, the landlord would agree to accept only a first month's rent without any required security deposit or last month's rent. Right away, we are saving the service member up to $1,000. If the service member is transferred to another post or is assigned to on-post housing and leaves his apartment without paying his last month's rent, the post to which he is assigned would meet the last month's rent payment of $500. This $500 would then be deducted from the service member's paycheck.

All of my colleagues are aware of the tremendous financial and emotional pressures inflicted on our military personnel and their families. This already tense situation is made even worse during a permanent change of station move. Travel and relocation expenses come out of the pockets of our servicemen and women. Reimbursement comes later, although in the past only $1 out of $4 spent on a PCS move has been reimbursed according to an Air Force study. And when the military families arrive in a new location, they must meet the immediate costs of security deposits, first and last month's rent, utility deposits and more. Before you can even blink, a military family can be thousands of dollars in debt. And 2 years later, the entire process is repeated.

It is important to note that no appropriation of funds is necessary because the service member would be ultimately responsible for meeting the costs of any damage or breach of lease.

I know that the landlords on the Monterey Peninsula have benefited from the pilot program. The favorable comments from the civilian landlords show that the vacancy rate has dropped considerably in their particular apartment complexes since participating in the program. Also, a housing referral office representative available when requested during move-out inspections provided the verification necessary to resolve any disputes or misunderstanding that arose at that time.

They realize the hardships imposed on the military family and they understand the program guarantees payment for damages and breach of lease, up to the amount of the usual security deposit. This program gives landlords one point of contact for all their military tenants and a source of information regarding military personnel who may soon be transferred, thus enabling landlords to prepare for a change in the lease.

Soldiers have been very happy with the program because without it, they could not afford a place to live and would, therefore, be forced to live apart from their families until on-post housing became available. The program has also kept soldiers from getting into serious financial difficulties which is often associated with a PCS move.

I believe the success of this pilot program should be carefully considered in implementing this servicewide legislation. This measure should solve one of the major problems facing our military personnel, and do away with certainly one of their largest financial burdens. What is more, no one loses in this program; everyone wins. Landlords are guaranteed payment, our military personnel are able to use their hard-earned dollars for necessities, and the services are guaranteed reimbursement for any outlays to landlords.

When the House voted in the 99th Congress to accept many proposals to ease the burdens on our military personnel, servicemen and women all over the world breathed a sigh of relief. But this legislation will now resolve one of the most pressing and financially disabling issues by making permanent this highly successful pilot program. I urge my colleagues to support it so that one day our military men and women will not look on military service as a financially crippling experience.

H.R. 3975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOUSING LEASE INDEMNITY PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§2835. Rental housing lease indemnity program

"(a) The Secretary of Defense may carry out a program under which the Secretary of a military department may guarantee compensation of any person who leases a rental unit to any member of the Armed Forces under the jurisdiction of the Secretary for any breach of any lease or any damage to the rental unit by the member.

"(b)(1) In accordance with action taken by the Secretary of Defense under subsection (a), the Secretary of each military department shall carry out the program established under subsection (a).

"(2) For purposes of carrying out this section, the Secretary of a military department, to the extent funds are provided in advance in appropriation Acts, may enter into an agreement with any person who leases a rental unit to any member of the Armed Forces under the jurisdiction of the Secretary. Any agreement under this paragraph shall provide that—

"(A) the term of the agreement shall not be for more than one year;

"(B) the member shall not pay a security deposit;

"(C) the Secretary (except as provided in subparagraphs (D) and (E)) shall compensate the lessor for any breach of the lease by the member and for any damage to the rental unit caused by the member or by any guest or dependent of the member;

"(D) the total liability of the Secretary for any breach of the lease or for any damage described in subparagraph (C) shall not exceed an amount equal to the amount that the Secretary determines would have been required by the lessor as a security deposit absent the agreement authorized in this paragraph;

"(E) the Secretary shall not compensate the lessor for any breach of the lease or for any damage described in subparagraph (C) until the lessor exhausts any remedies available to the lessor against the member for the breach or damage; and

"(F) the Secretary shall be subrogated to the rights of the lessor in any case in which the Secretary compensates the lessor for any breach of the lease or for any damage described in subparagraph (C).

"(3) Any authority of the Secretary of a military department under this section shall be exercised under regulations prescribed by the Secretary of Defense.

"(c) RECOVERY FROM MEMBER.—Any Secretary who compensates any lessor under subsection (b) for any damage to a rental unit or any breach of a lease by a member of the Armed Forces may issue a special order under section 1007 of title 37, United States Code, to authorize the withholding from the pay of the member of an amount equal to the amount paid by the Secretary to the lessor as compensation for the breach or damage.".

(b) CONFORMING AMENDMENT.—The table of contents of such subchapter is amended by adding at the end the following:

"2835. Rental housing lease indemnity program.".

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ARMEY) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 60 minutes, today.

Mr. DAUB, for 5 minutes, today.

(The following Members (at the request of Mr. HUTTO) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ECKART, for 5 minutes, today.

(The following Member (at the request of Mr. WOLF) to revise and extend his remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ARMEY) and to include extraneous matter:)

Mr. SMITH of New Jersey.

Mr. BROOMFIELD.

Mr. LAGOMARSINO.

Mr. RITTER.

Mr. COURTER.

(The following Members (at the request of Mr. HUTTO) and to include extraneous matter:)

Mr. YATRON.

Mr. SMITH of Florida.

Mr. LIPINSKI.

Mr. RODINO.

Mr. MRAZEK in two instances.

Mr. RAHALL.

Mr. GUARINI.

Mr. DORGAN of North Dakota.

Mr. MARKEY.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, February 22, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2926. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to repeal the authority for special pay for psychologists in the commissioned corps of the Public Health Service; to the Committee on Energy and Commerce.

2927. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a copy of the Portugal Economic Report which discusses economic conditions prevailing in Portugal that may affect its ability to (a) meet international debt obligations and (b) stabilize its economy, pursuant to 2 U.S.C. 2346 nt; to the Committee on Foreign Affairs.

2928. A letter from the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, transmitting a report of the committee's activities under the Freedom of Information Act during the calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2929. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2930. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2931. A letter from the Chairman, Merit Systems Protection Board, transmitting a report by the Board entitled, "Expanded Authority for Temporary Appointments: A Look at Merit Issues," which reviews the effects of a significant expansion of Federal agencies' authority to hire temporary employees, pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

2932. A letter from the Chairman, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting a report providing comments and recommendations on several NRC research efforts, pursuant to 42 U.S.C. 2039; jointly to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DIXON: Committee on Standards of Official Conduct. H. Res. 380. In the matter of Representative Mario Biaggi (Rep. 100-506). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VENTO:

H.R. 3964. A bill to establish a National Park System Review Board, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROOMFIELD:

H.R. 3965. A bill to increase the criminal penalty for disorderly conduct and certain related offenses committed in the Capitol; to the Committee on Public Works and Transportation.

By Mr. BRYANT (for himself, Mr. Bruce, Mr. Coelho, Mr. Cooper, Mr. Leland, Mrs. Collins, Mr. Eckart, Mr. Waxman, and Mr. Markey):

H.R. 3966. A bill to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BYRON:

H.R. 3967. A bill to amend the Department of Defense Authorization Act, 1985, to extend medical benefits for certain former spouses; to the Committee on Armed Services.

By Mr. DAUB:

H.R. 3968. A bill to amend the Internal Revenue Code of 1986 to provide for economic development; to the Committee on Ways and Means.

By Mr. DYSON (for himself, Mr. Bateman, Mr. Grant, Mr. Sweeney, Mr. Sisisky, Mr. Donnelly, Mr. Callahan, Mr. Lancaster, Mr. Mfume, Mr. Thomas of Georgia, Mr. Smith of Florida, Mr. Cardin, Mr. Borski, Mr. Saxton, Mr. Roe, Mr. Morrison of Connecticut, Mr. de la Garza, and Mr. McMillen of Maryland):

H.R. 3969. A bill to establish a program to provide financial assistance for research relating to oyster diseases; to the Committee on Merchant Marine and Fisheries.

By Mr. KLECZKA:

H.R. 3970. A bill to provide common management for the Federal deposit insurance funds, effective January 1, 1989, to merge such funds and abolish the Federal Savings and Loan Insurance Corporation, effective January 1, 1993 (January 1, 1994, in the case of the National Credit Union Share Insurance Fund), to establish the Federal Depository Institutions Commission to assume the administration of all Federal laws relating to banks, thrift institutions, and credit unions, effective January 1, 1997, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LANTOS:

H.R. 3971. A bill to establish procedures to implement the 1980 Hague Convention on the Civil Aspects of International Child Abduction, and for other purposes; to the Committee on the Judiciary.

H.R. 3972. A bill to facilitate the implementation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 3973. A bill to allow for judicial review of civil penalties imposed under the Export Administration Act of 1979, and for other purposes; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. MRAZEK (for himself, Miss Schneider, Mrs. Roukema, Mr. Weiss, Mr. Green, Mr. Miller of Washington, Mr. Smith of Florida, and Mr. Feighan):

H.R. 3974. A bill to amend title 18, United States Code, to prohibit the manufacture, importation, sale, possession, transfer, receipt, shipment, or delivery of not readily detectable firearms; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 3975. A bill to amend title 10, United States Code, for the purpose of making permanent a rental housing lease indemnity program; to the Committee on Armed Services.

H.R. 3976. A bill to modify the navigation project for Morro Bay, CA, to direct the Secretary of the Army to extend and deepen the entrance channel for Morro Bay Harbor to a depth of 40 feet, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. RAHALL (for himself, Mr. Udall, and Mr. Emerson):

H.R. 3977. A bill to authorize appropriations for the Mining and Mineral Resources Research Institute Act for fiscal years 1990 through 1993; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Florida:

H.R. 3978. A bill to amend title 18, United States Code, to prohibit certain handguns which are unsuitable for lawful sporting purposes; to the Committee on the Judiciary.

By Mr. DeFAZIO:

H.J. Res. 462. Joint resolution to amend the War Powers Resolution; jointly, to the Committees on Foreign Affairs and Rules.

By Ms. SNOWE (for herself, Mr. Whittaker, Mr. Matsui, Mr. Roe, Mr. Tallon, Mrs. Bentley, Mrs. Boxer, Mr. Crockett, Mr. Dwyer of New Jersey, Mr. Fish, Mr. Fuster, Mr. Gallo, Mr. Dymally, Ms. Oakar, Mr. Smith of Florida, Mr. Kastenmeier, Mr. Bliley, Mr. Foglietta, Mr. Ackerman, Mr. Atkins, Mr. Barnard, Mr. Blaz, Mr. Borski, Mr. Campbell, Mr. Chandler, Mr. Bevill, Mr. Clinger, Mr. Coats, Mrs. Collins, Mr. Coyne, Mr. Bustamante, Mr. Dowdy of Mississippi, Mr. Saxton, Mr. Schumer, Mr. Skelton, Ms. Slaughter of New York, Mr. Solarz, Mr. Stark, Mr. Studds, Mr. Coleman of Missouri, Mr. Craig, Mr. Flippo, Mr. Florio, Mr. Gephardt, Mr. Guarini, Mr. Hall of Texas, Mr. Lehman of Florida, Mr. Carper, Mrs. Patterson, Mr. Porter, Mr. Price of Illinois, Mr. Rangel, Mr. Rowland of Georgia, Mr. Sunia, Mr. Tauzin, Mr. Towns, Mr. Traficant, Mr. Traxler, Mr. Valentine, Mr. Walgren, Mr. Weiss, Mr. Weldon, Mr. Wilson, Mr. Wortley, Mr. Wyden, Mr. Wylie, Mr. Yatron, Mr. Young of Alaska, Mr. Hammerschmidt, Mr. Hayes of Illinois, Mr. Dorgan of North Dakota, Mr. Espy, Mr. Grandy, Mrs. Morella, Mr. Boucher, Mr. Gunderson, Mr. Henry, Mr. Denny Smith, Mr. Kolter, Mr. Wise, Mr. Wolf, Mr. Fawell, Mr. Owens of New York, Mr. Lipinski, Mr. Bilbray, Mr. Horton, Mr. Lagomarsino, Mr. Dornan of California, Mr. Daub, Mr. Sawyer, Mr. de la Garza, Mr. Levine of California, Mr. Ford of Tennessee, Mr. Gray of Pennsylvania, Mr. Kasich, Mr. Biaggi, Mrs. Roukema, Mr. Schuette, Mr. Mrazek, Mr. Erdreich, Mr. Smith of New Hampshire, Mr. Hatcher, Mr. McCloskey, Mr. Upton, Mrs. Kennelly, Mr. Neal, Mr. Owens of Utah, Mr. Rinaldo, Mr. Rodino, Mr. Lehman of California, Mr. Leland, Mr. Lewis of Florida, and Mr. Martin of New York):

H.J. Res. 463. Joint resolution designating November 20-26, 1988, as "National Family Caregivers Week"; to the Committee on Post Office and Civil Service.

By Mr. WYDEN (for himself, Mr. Valentine, Mr. Solarz, Mr. Berman, Mr. Walgren, Mr. Waxman, Mr. Levin of Michigan, Mr. Sikorski, Mr. Markey, Mr. Matsui, Mr. Moody, Mr. Coyne, Mr. Madigan, Mr. Morrison of Washington, Mr. Bates, Mr. Stark, Mrs. Morella, Mr. Levine of California, Mr. Ackerman, Mrs. Roukema, Mr. Carr, Mr. Jeffords, and Mr. Lantos):

H.J. Res. 464. Joint resolution to designate the week beginning October 2, 1988, as "Mental Illness Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. KOLBE (for himself, Mr. Udall, Mr. Gray of Illinois, Mr. Penny, Mr. Schulze, Mr. Skeen, Mr. Fawell, Mr. Lancaster, Mr. Dannemeyer, Mr. Kemp, and Mr. Lowery of California):

H. Con. Res. 247. Concurrent resolution expressing the sense of the Congress that the President should immediately enter into negotiations to establish a free trade area between the United States and Mexico; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SWIFT introduced a bill (H.R. 3979) to provide for the compensation of the Clallam County Historical Society for its participation on the construction of the Pioneer Memorial Museum at Olympic National Park, WA; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 190: Mr. Lewis of California and Mr. Miller of California.

H.R. 939: Mrs. Smith of Nebraska.

H.R. 975: Mr. Coughlin and Mr. Mazzoli.

H.R. 2283: Mr. Lancaster.

H.R. 2647: Mr. Eckart and Mr. Levine of California.

H.R. 3382: Mr. Coleman of Missouri and Mrs. Smith of Nebraska.

H.R. 3593: Mr. Sunia, Mr. Gejdenson, Mr. DeFazio, Mr. Eckart, and Mr. Bonker.

H.R. 3603: Mr. Lowry of Washington, Mr. Ford of Tennessee, and Mr. Staggers.

H.R. 3816: Mr. Mineta, Mr. Bates, Mr. Hayes of Illinois, Mr. Biaggi, Mr. Horton, Mr. Lipinski, Mr. Ackerman, and Mr. Atkins.

H.R. 3866: Mr. Madigan, Mr. Jones of North Carolina, Mr. Hefner, Mr. Carper, Mr. Volkmer, Mr. Stenholm, Mr. Jones of

Tennessee, Mr. Bustamante, Mr. Ortiz, and Mr. Rose.

H.R. 3883: Mr. Jones of Tennessee, Mr. Panetta, Mr. Wolpe, and Mr. Daub.

H.J. Res. 383: Mr. Atkins, Mr. Grant, and Mr. Nichols.

H.J. Res. 386: Mr. Bruce, Mrs. Byron, Mr. Cardin, Mr. Evans, Mr. McCloskey, Mr. Montgomery, and Mr. Schuette.

H.J. Res. 388: Mr. Buechner, Mr. Bunning, Mr. Clay, Mr. Darden, Mr. Davis of Illinois, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Jenkins, Mr. Nichols, Ms. Oakar, Mr. Owens of New York, Mr. Oxley, Mr. Parris, Mr. Perkins, Mr. Quillen, Mr. Regula, Mr. Roberts, Mr. Rowland of Georgia, Mr. Russo, Mr. Schaefer, Mr. Shuster, Mr. Skelton, Mr. Solomon, Mr. Towns, Mr. Upton, Mr. Weldon, Mr. Whitten, and Mr. Young of Florida.

H.J. Res. 418: Mr. Annunzio, Mr. Buechner, and Mrs. Meyers of Kansas.

H.J. Res. 432: Mr. Flake, Mr. Quillen, Mr. Vander Jagt, Mr. Derrick, Mr. English, Mr. Bosco, Mr. Ford of Tennessee, Mr. Foglietta, Mr. Foley, Mr. Boland, Mr. Erdreich, Mr. Fields, Mr. Anthony, Mr. Hutto, Mr. Emerson, Mr. Tallon, Mr. Kolter, Mr. Bliley, Mr. Dornan of California, Mr. McCloskey, Mr. Petri, Mr. Hayes of Louisiana, Mr. Flippo, Mr. Spence, Mr. Coble, Mr. Chappell, Mr. Robinson, Mr. Lancaster, Mr. Gingrich, Mr. Sunia, Mr. Hammerschmidt, Mr. Wyden, Mr. Rahall, Mr. Kasich, Mr. Synar, Mr. Grant, Mr. Hefner, Mr. DioGuardi, Mr. Hochbrueckner, Mrs. Lloyd, Mr. DeWine, Mr. Bateman, Mr. Montgomery, Mr. Callahan, Mr. Carper, Mr. Bennett, Mr. Brooks, Mr. Bevill, Mr. Stangeland, Mr. DeLay, Mr. Espy, Mr. Boucher, Mr. Coats, Mr. Lagomarsino, Mr. Weldon, Mr. Lott, Mr. Applegate, Mrs. Meyers of Kansas, Mr. Young of Alaska, Mr. Roth, Mr. Barnard, Mr. Ford of Michigan, Mr. Bonker, Mr. Dingell, Mr. Hayes of Illinois, Mr. Davis of Illinois, Mr. Dwyer of New Jersey, Mr. Dickinson, Mr. Gunderson, Mr. Mack, Mr. Howard, Mr. Thomas of Georgia, Mr. Donnelly, Mr. de Lugo, Mr. Dymally, Mr. Brown of Colorado, Mr. Akaka, Mr. Owens of New York, Mr. Stump, Mr. Sisisky, Mr. Manton, Mr. Wilson, Mr. Smith of Florida, Mr. Bilbray, Mr. Bonior of Michigan, Mr. Neal, Mr. Volkmer, Mr. Levin of Michigan, Mr. Clay, Mr. Schaefer, Mr. Miller of Washington, Mr. Roe, Mr. Biaggi, Mr. Traxler, Mr. Lowry of Washington, Mr. Kostmayer, Mr. Nowak, Mr. Berman, Mr. Dowdy of Mississippi, Mr. Coelho, Mr. Green, Mr. Lehman of Florida, Mr. Murtha, Mr. Studds, Mr. Schuette, Mr. Courter, Mr. Sundquist, Mr. Whittaker, Mr. Pursell, Mr. Gallo, Mr. Hatcher, Mr. Fascell, Mrs. Boxer, Mr. Kanjorski, Mr. Livingston, Mr. Gilman, Mr. Dixon, Mr. Fuster, Mr. MacKay, Mr. Horton, Mr. Henry, Mr. Martin of New York, Mr. Pashayan, Mr. Richardson, Mr. Blaz, Mr. Borski, Mr. Frenzel, Mr. Gray of Illinois, Mr. Morrison of Washington, Mr. Clinger, Mr. Hughes, Mr. Towns, Mr. Savage, Mr. Rowland of Georgia, Mr. Jenkins, Mr. LaFalce, Mr. Lipinski, Mr. Jontz, Mr. Kildee, Mr. Jeffords, Mr. Robert F. Smith, Mr. Saxton, Mr. Pickett, Mr. Crane, Mr. Lewis of Florida, and Mr. Craig.

H.J. Res. 445: Mr. Johnson of South Dakota, Mr. McDade, Mr. Bilbray, Mr. Boucher, Mr. de la Garza, Mr. de Lugo, Mr. Yatron, Mr. Richardson, Mr. Wolpe, and Mr. Bliley.

SENATE—*Thursday, February 18, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN BREAUX, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*The Lord is my shepherd; I shall not want * * * though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; * * * Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever.*—Psalm 23:1, 3, 4, and 6.

Let not your heart be troubled: ye believe in God, believe also in me. In my Father's house are many mansions: I go to prepare a place for you. And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also.—John 14:1-3.

Our Father which art in heaven we thank You for these comforting words from King David and Jesus which remind us that we are never alone—not even in death. Whether suddenly—unexpectedly—or anticipated, death always surprises us, but we are never alone. "So teach us to number our days, that we may apply our hearts unto wisdom. O satisfy us early with Thy mercy; that we may rejoice and be glad all our days."—Psalm 90:20 and 14. Hear us—help us—keep us in Your loving care, O Lord our God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 18, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN B. BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. BREAUX thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Chair recognizes the majority leader.

THE CHAPLAIN

Mr. BYRD. Mr. President, I thank the Chaplain again for one of the most beautiful prayers that I have heard.

I, as one Senator, receive a great deal of spiritual sustenance from these prayers. They are strengthening, and I need them.

The Chaplain is reaching out to millions and performing a service in his great mission, reaching those whom he will never see and planting in their hearts a seed that may grow to a fuller, more meaningful life.

I love the Scriptures that he has quoted this morning, from the 23d Psalm. That was the favorite Scripture of my dead grandson, and it always touches me when I hear it spoken. It has brought succor and comfort to me, and, I know, to millions of others over the years, and it will always.

And then his promise that "I go to prepare a place for you and if I go and prepare a place for you I will return again," and his promise that "In my Father's house are many mansions."

There are some Bibles that have changed those beautiful words to many "dwelling places." I will take it the way that the King James version spells it out in beautiful unmatchable English.

That is the book that my mother read to me when I was at her knee. It said, "In my Father's house there are many mansions."

I do not need any revised versions to make the language better understood. My problem is not so much in failing to understand the Scriptures. There are many scriptural passages that I do not understand. My problem is in not living up to the Scriptures that I do understand. That is my problem.

And so, I hope the Chaplain will continue to read from that inimitable King James version of the Bible. I am not here to tell him how to say his prayers. I just want to commend him and thank him. Our country needs more of that Bible.

Last night, I passed beside the blacksmith's door,
  And heard the anvil ring the vesper chime,
And looking in, I saw upon the floor,
  Old hammers worn with beating years of time.
"How many anvils have you had," said I,
  "To wear and batter all these hammers so?"
"Only one," the blacksmith said, then with twinkling eye,
  "The anvil wears the hammers out, you know."
And so the Bible, the anvil of God's word,
  For centuries, skeptic blows have beat upon,
But, though the noise of falling blows was heard,
  The anvil is unharmed, the hammers gone.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 9:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes.

The Chair recognizes the Senator from Wisconsin, Senator PROXMIRE.

HOW WOMEN HAVE IMPROVED THE AMERICAN MILITARY

Mr. PROXMIRE. Mr. President why shouldn't far-and-away the biggest employer in the United States give women an equal opportunity with men to work? It doesn't. Not by a country mile. Who is the biggest single employer in this country? It is the Defense Department. In all fairness, recently the Defense Department has done far better than it has ever done before in providing jobs for women. It has also done far better than military departments in any other country in the world have ever done or do now. But it is not nearly enough. Women still have only about 10 percent of the more than 2 million active duty, full-time, uniformed jobs in the U.S. military. Mr. President, just consider how outrageous this is. The military is not just some powerful private employer out of the reach of Federal Government nondiscrimination laws. The makeup of our military personnel is entirely within the control of the Federal Government. How deep is the prejudice against women? Women suffer a 10-to-1 discrimination prejudice in hiring because the Federal Government still follows policies to make our Armed Forces a nearly exclusive men-only club.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Oh, yes, indeed. Lately there has been progress in overcoming this prejudice. The Air Force, the Army, and lately the Navy have begun to open up a more complete array of assignments to women, including combat jobs. And women have not only been coming into the services in greater numbers. They have been doing extremely well. Surprsingly, on virtually every standard of comparison women as a group have actually been doing better than men. But they still face cruel and truly nasty discrimination and prejudice.

A prime example of this sadistic cruelty appeared in an article in the Washington Times on Monday, February 15, from a shocking source. Edwin Feulner is a man I have admired and respected. He is a brilliant man. He heads a great organization.

Feulner is the president of the Heritage Foundation. His article on women in the military is the most sexist, insulting, vicious, mean, and thoroughly dishonest this Senator has read and I've read plenty on this subject. I must say for Feulner he knows how to strike low blows exactly where the victim is most vulnerable—below the belt. Feulner goes for the groin like a well-trained pit bull. He never lets up. For Feulner the trouble with women in the military is that they get pregnant. The Washington Times dresses this phoney argument up in the most lurid of peek-a-boo come-ons by accompanying the article with a cartoon. In the cartoon a woman enters a travel agency office. She asks: "How can I arrange a cruise on the Love Boat?" The travel agency receptionist doesn't even look up from the headline in the paper she's reading which announces: "Naval Pregnancies Perplex Pentagon." While staring at the headline, the receptionist responds: "See your Navy recruiter."

Mr. President, this is worse than a very sick and cruel joke. It propagates the nonsense that American women who serve in the military, especially if they serve at sea spend their time in illicit casual sexual relations, frequently become pregnant out of wedlock, and then take the taxpayers' money in pay and costly prenatal, delivery, and postnatal care while being absent from duty for many months at a time.

Is there truth in this savage attack on women in the military or it is strictly a phoney appeal to the prurient? The answer is that the Feulner article is from first to last a phoney. What has been the effect of pregnancy on female attrition and absenteeism in the military? The one comprehensive study of unauthorized absenteeism by both sexes in the Navy was made in 1978. The study considered the effect of pregnancy, as well as drug and alcohol abuse, for lost time for hospitalization including pregnancy, convalescent leave, awaiting physical evaluation boards, confinement, and unauthorized absence. What did it show for women, compared to men? Mr. President, this study was a real eye opener. It showed the unauthorized absence per 100 women—and this includes pregnancy was 442 days compared to 703 days per 100 men. Now think about this for a long minute. This study showed that women were absent from duty for all reasons including pregnancy far, far less than men were absent from duty for all reasons. In fact men were absent more than 50 percent more than women. These facts should put to rest this sleezy locker room libel for American women in the military.

Some critics persist in extending this libel to women requesting and securing discharge from the military in droves because of pregnancy. Mr. President, a more recent study shows this charge too is a gross exaggeration. Here are the figures for the past 3 years for enlisted Navy women. In 1985, 1986, and 1987 there was an attrition that is a discharge before the end of the term of enlistment for cause that is for misbehaviour, alcohol abuse, drug abuse, or court martial that was two to three times higher for men than for women. Now what happens when pregnancies are added as a reason for discharge? Including pregnancies the total figure for those 3 years show that the discharge of women was less than 20 percent higher than the discharge for men. In the case of both sexes the discharge before the end of term of enlistment for all causes was substantially less than 10 percent in any year.

Now let's put the total figures together. Women do much better including—I stress including—absence for pregnancies than men during their tour of duty. Men do slightly better in serving out their full term of enlistment. So in conclusion, it is clear that the Feulner snickering that, "That real problem with women in the military is that too darn many of them are getting, to put it politely, with baby," is a cruel, unfair, and dishonest attack on women who have, in fact, greatly improved the morale, the intelligence level, the skill, and the effectiveness of our military forces. Whatever view one takes in criticizing or championing our military, it is clear that in the past 7 or 8 years women have entered the military in unprecedented numbers and the military personnel has improved by every objective criteria: intelligence tests, educational attainment, AWOL record.

That is why, Mr. President, fairness and justice to women in providing opportunities with this country's biggest single employer also serve our national interest in providing a stronger and more efficient military force.

Mr. President, I ask unanimous consent that the article from the Washington Times to which I have referred sneeringly headlined, "Lullaby With Drums and Bugles?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 15, 1988]

LULLABY WITH DRUMS AND BUGLES?

(By Edwin Feulner)

A friend of a friend is an enlisted woman in the Navy.

For the past couple of years she has been living in an apartment in a Washington suburb, drawing full pay while attending a two-year junior college. The Navy (read that: taxpayer) has been picking up two-thirds of her tuition. Presumably, the Navy feels this enlisted woman will be more valuable to the service after she receives her associate degree.

Now she's pregnant. She plans to have and keep the baby. The Navy has been providing prenatal care, and Navy doctors would have delivered the baby and taken care of the new mother had she not decided to have a home delivery, performed by a midwife. Nevertheless, this June, after the able-bodied seababy is born, mother plans to return to active duty.

I tell you this story—which is absolutely true, unlike the Janet Cooke composite of Little Jimmy the drug addict in The Washington Post a few years back—because there is new interest these days in the subject of women in the military. Is it a good idea or bad?

Despite my presumed bias, I really don't have any problem with women in the military—up to a point. Women can, and on a daily basis do, perform most of the tasks performed by men. They can operate radar, push buttons, heal the sick, shoot rifles, march in formation, salute, type, boss people around, shuffle papers, weld, paint, and practically anything else their male counterparts can do.

There are some exceptions, such as heavy lifting. And call me a sexist: but if push comes to shove, if I had to slosh through the jungle for a month with a pack and an M-16, I'd rather have guys march beside me.

There's one thing in particular that women can do that men can't: have babies. And that's what's causing lots of problems in the military—morale problems, readiness problems, economic problems.

With women-in-the military a fact of life, the debate unfortunately has focused on women in combat. As nationally syndicated military affairs columnist Henry Mohr, a retired Army general and much-decorated combat veteran, put it recently, "Nobody questions their courage, patriotism or willingness to fight if necessary." He suggests, however, that combat "discipline" would break down if men and women were fighting side-by-side—not because of any defect in the women, but because, boys being boys, the men might go out of their way "to keep an eye out for the women in their units," losing sight of the larger military objective.

This brings me back to my friend's friend. This hand-combat business is a nice diversion, but the real problem with women in the military is that too darn many of them are getting, to put it politely, "with baby."

According to a Defense Department study, uncovered by Professor Jean Yarbrough of Loyola University, Chicago, for an article in Policy Review, "Ten percent of the women in the Army are pregnant at any given time. Over the course of the year, it is estimated that 17 percent of the Army's female personnel will have been pregnant."

Whether they are radar operators, guided-missile technicians, bomb putters-together, or clerk-typists in somebody's office, it cannot be good for America's fighting machinery to have so many people unavailable for rapid mobilization and deployment to God knows where to do Heaven knows what.

This is no way to run an Army. Or a Navy.

GAO STUDY ON GLASS-STEAGALL

Mr. PROXMIRE. Mr. President, on February 10, Comptroller General Charles A. Bowsher released the results of research conducted by the U.S. General Accounting Office into many of the most critical financial institutions regulatory issues currently before the Congress.

To date, this report has been hastily considered, and misrepresented. The GAO, as it should have done, has addressed all potential problems with the repeal of Glass-Steagall, the law that separates banking and securities firms. Naturally, critics of the repeal initiative have seized upon these few passages.

But just as GAO's stature is good cause for us to weigh with gravity its concerns about repeal, it is also important for us to consider the balance of the report. To be sure, GAO's findings, set out in nine appendices and a report by the agency to the House Subcommittee on Telecommunications and Finance, parallel those underlying my decision to sponsor the Financial Modernization Act.

I think it is important that we consider this report carefully, and take special note of some of these key findings by the GAO. These include:

> *Ad hoc* integration of the banking and securities businesses has created a need for a new legal and regulatory structure * * * to better reflect the realities of today's financial marketplace * * *.
>
> The data we have reviewed indicate that both households and businesses are likely to benefit from lower prices and enhanced services, as long as the safeguards we suggest elsewhere in this report are put in place.
>
> If banks are allowed to underwrite securities in the United States, we anticipate that some business will reenter this country. This process would enhance the competitiveness of the U.S. capital markets.
>
> The repeal of the Glass-Steagall laws should increase competition in both the banking and securities industry.
>
> Although critics of Glass-Steagall repeal have expressed concerns that deregulation will prejudice small banks to the benefit of large institutions, the evidence is not compelling. Indeed, small-instate banks in Maine and Georgia have thrived following approval for out-of-state banks to enter those markets.
>
> If commercial banks can successfully enter investment banking, concentration should be reduced in that industry. For example, concentration is currently lower in those segments (such as municipal general obligation bonds and Eurodollar securities) where commercial banks are currently permitted to compete.

The GAO research also indicated that all "tiers" of the banking industry, large money-center banks, "regional banks," "community banks," and banks in "even smaller size categories could * * * benefit from repeal of the Glass-Steagall Act." The report details the particular types of new services that each "tier" of the industry could, after entry restrictions are lifted, efficiently provide to its business, governmental, and individual customers.

Finally, the report takes note of the speed with which de facto breaching of the traditional Glass-Steagall separation is occurring in the marketplace, with arbitrary and inequitable consequences, and notes the urgency of the need for statutory reform: "[I]f we delay too long, we run the risk of perpetuating inequities."

The report, and Comptroller General Bowsher's statement accompanying the report, contain several policy recommendations concerning possible specific elements of reform legislation, many of which are reflected in the Financial Modernization Act, and some of which Senator GARN and I have not adopted. However, the importance of this new GAO report is precisely the facts contained in it, and the strong confirmation they provide of the need for comprehensive Glass-Steagall reform linked to efficient and effective safeguards.

BANKS AT RISK

Mr. PROXMIRE. Mr. President, "Banks at Risk," writes the Miami Herald in one of two editorials that I submit for the RECORD. The solution, advises the editorial writers, is to modernize banking law. The advice is well taken. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Aug. 13, 1987]

BANKS AT RISK

There's no need to panic, but there's cause for concern: That's a conclusion any prudent person might reach after reading David Satterfield's Herald series, "Banks at Risk."

Athough most banks remain sound, many are in trouble—some innocently, others because of questionable practices. Worse, the Federal insurance funds that back deposits are in poor shape despite recent bailouts. In a crisis, then, the taxpayers would have to pick up the tab.

Inevitably these concerns bring calls for a return to a more-placid era. Long before automated tellers and interstate banking, smiling local bankers gave away toasters and other "gifts" because the Government capped interest rates.

The American economy does not exist in a vacuum, however. Already U.S. banks, still hobbled by anachronistic regulations, have lost ground to aggressive foreign competitors eager to supply the world's capital needs. Turning back to Depression-era policies is thus not a practical option for the 1980s. Rather, the U.S. banking system must move ahead confidently. For this to occur, the Government must take several steps.

First, economic deregulation ought to be completed, not reversed. Insurance companies and other firms now offer banking services; banks ought to be able to compete. In addition, Congress needs to eliminate other outdated regulations that place banks at a competitive disadvantage.

Second, regulations to be retained—those related to fiscal soundness—should be enforced better. This entails giving the regulatory agencies enough trained personnel to do the job.

Finally, deposit-insurance funds ought to conform to the practice in virtually every other field of insurance: link rates to risk. As things now stand, a troubled bank has every incentive to take extra risks as it struggles to survive.

Government action alone can't prevent a banking crisis in bad times. The banks themselves must act as well. Those saddled with bad loans overseas, for instance, need to show more willingness to renegotiate the terms.

Banks also need to show restraint in this debt-saturated economy. Otherwise, in their eagerness to extend credit to every comer, they may create a crisis that would make the Latin-debt problem seem like a routine car-loan default.

[From the Miami Herald, Feb. 19, 1987]

PASS BANK REFORMS

The last time Congress undertook a major overhaul of the basic laws that govern banks, Franklin D. Roosevelt was President and the nation's financial system was near collapse.

The Banking Act of 1933 served the nation well for awhile. Conditions change, however. Now there's mounting evidence that new changes are needed to let America's banks compete effectively in a radically different world.

What's in doubt is whether another crisis must occur before Congress will act. Already warning signals abound. Bank failures reached 138 last year, the most since the Depression. Worse, the insurance funds for banks and thrift institutions are suffering. The Federal Deposit Insurance Corp. (FDIC) expects a loss of $1.28 billion this fiscal year. The Federal Savings and Loan Insurance Corp. (FSLIC) is even worse off.

How can this be happening in a time of general prosperity? And if it's happening when times are good, what will happen when there's a slump?

Financial experts say there's no mystery. The banks have become victims of a law intended to protect them. They've been kept from entering fields that were considered too risky back in 1933. Meanwhile, new players—from stock firms to department-store chains—have begun offering financial services once available only from banks.

The same anachronistic restrictions put American banks at a disadvantage in international finance. Today only three of the world's 25 largest banks are based in the United States. Some of America's largest banks—Chase Manhattan, for instance—have considered forfeiting their bank charters so that they may compete more freely here and abroad.

A major overhaul of Federal banking laws is overdue. President Reagan has recommended it. So has Vice President Bush's task force on the regulation of financial services. And so has Federal Reserve Board Chairman Paul Volcker.

Bills have been introduced in the House (HR 50) and Senate (S 60) to modernize Federal laws governing a business already revolutionized by changes in technology and world trade. These bills face formidable opposition from competitors prospering at the banks' expense. Yet if Congress doesn't act, a crisis seems inevitable. That's why banking reforms ought to be a major goal for Congress in 1987.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HELMUT KOHL

Mr. BYRD. Mr. President, today, at 11:30 a.m., the West German Chancellor, Mr. Helmut Kohl will be in room 207, and I hope that we will have excellent attendance from all Senators on both sides of the aisle to hear Chancellor Kohl. He has been a leader, a strong leader, in the alliance. He has stood firm at times that were critical to the alliance. He has stood firm against tremendous opposition from within his own country; and I am referring to the decision that was made to deploy the Pershing II missiles.

The alliance agreed upon deployment. Chancellor Kohl had political problems within his own country, but he made the decision, he stuck by it, and because of this unison on the part of the alliance, it was possible to reach agreement on an INF Treaty.

The Soviets once walked away from the negotiation. But when the alliance went right ahead, made the deployment, the Soviets came back and the dual track approach worked.

So, Chancellor Kohl will have something, I am sure, that we will all want to hear. It was my privilege, and that of Senators NUNN, PELL, WARNER, and BOREN last Tuesday, the day before yesterday, to have a visit with Chancellor Kohl in Bonn, and the Chancellor talked with us for 2 hours. It was very interesting and informative, what he had to say.

So, we owe the Chancellor the courtesy. This is a strong and dependable friend and a strong and dependable ally within the NATO alliance, and I hope that Senators, as I say, will adjust their schedules in such a way that they can attend this conference.

ORDER FOR MIDDAY RECESS

Mr. BYRD. Mr. President, in the light of what I said, I ask unanimous consent that the Senate stand in recess today between the hours of 11:30 a.m. and 1 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

MEASURING THE EUROPEAN CONVENTIONAL BALANCE

Mr. WIRTH. Thank you, Mr. President. As the country is absorbed in the changing nature of our relationship with the Soviet Union and the INF Treaty, one of the significant issues that we face is the question of conventional arms control and I would like again this morning to share another good analytic piece with Members of the Senate on the conventional balance. This is Barry Posen's piece, "Measuring the European Conventional Balance," found in International Security, the winter of 1984–85 edition.

Barry Posen of the Woodrow Wilson School, Princeton University, sees static "bean count" analyses of the European conventional balance as being dangerously simplistic, and calls for a more realistic balance assessment to better understand why recent military history yields examples of armored forces both succeeding and failing in the type of blitzkrieg attack threatening NATO from the East. For Posen, the answer to this anomaly, as well as to the state of the conventional balance, lies in a closer examination of the "breakthrough" battle, in which armored attackers concentrate their best resources on narrow sectors of the front in order to effect a rupture in the defensive line. Because the Warsaw Pact's quantitative advantage is not large enough to permit it to overwhelm Western forces everywhere, a successful breakthrough battle is the key to a quick pact victory. NATO's ability to prevent such a breakthrough could not only prove decisive in war, but also significantly enhance overall deterrence in peacetime.

NATO and the pact employ radically different military doctrines. The Soviets and their allies prefer large numbers of weapons and formations to NATO's logistics, command, control, communications, and intelligence, as well as ground forces to tactical aviation. The pact extols the offensive, while NATO tries to incorporate the advantages of both the offensive and defensive. The result of these differences is that, at first glance, Warsaw Pact forces appear to be quite formidable relative to the West. However, NATO's higher military expenditures are directed to less visible but equally important fighting capabilities. In effect, NATO structures its own forces and priorities according to its own theory of victory, even though many analysts have measured the conventional balance according to Warsaw Pact criteria, under which NATO forces have no chance of reflecting their true strength. Therefore, the most important question to ask is not whether NATO has as much firepower in a certain category as its adversaries, but rather to what extent the theoretical underpinnings on which it bases its military strategy are valid.

At this point, Posen lists other variables which he feels must be taken into account to reasonably appraise battlefield capabilities. These factors, ranging from density ratios, tactical air strength and military capabilities over time to density ratio and attrition, exchange, and advance rates, lead in turn to an analytical model underscoring NATO's definite ability to deter and defend. The avoidance of overly pessimistic portrayals of NATO's abilities not only prevents the spending of scarce resources in wasteful ways, but allows the West's political leadership to respond to the Soviets in time of crisis with a full and accurate view of all policy options and military capabilities.

Mr. President, I ask unanimous consent to have a précis of Posen's "Measuring the European Conventional Balance" included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEASURING THE EUROPEAN CONVENTIONAL BALANCE

(Barry R. Posen)

If NATO is to invest its scarce resources wisely in the coming years, if it is to choose intelligently from the menu of possible conventional improvements, it must begin with a careful assessment of the current NATO-Warsaw Pact military balance in Central Europe. Such assessments can only provide useful program guidance if they focus on the most dangerous threats faced by the Alliance, and capture as fully as possible the efforts NATO has already made to deal with those threats. Most assessments, unfortunately, are too simplistic, relying heavily on simple "bean counts" and failing to take adequate account of the many other variables involved.

The distinctive characteristic of military competition in Central Europe is the large concentration of mechanized ground forces on both sides, supported by substantial numbers of attack helicopters and fighter aircraft. Most assessments give the Warsaw Pact credit for quantitative superiority in these assets. These are the same kinds of forces that are associated with the major blitzkrieg operations of the last half-century: the German invasion of Poland, France, and the Soviet Union in World War II; the Israeli victory over the Arabs in 1967; and the Israeli counterattack across the Suez Canal in 1973.

Western scholars and political leaders have tended to fixate on the powerful offensive potential of Soviet armored forces, thus creating fears that a conventional war in Europe could end in a quick NATO defeat. If the Soviets believe that they can achieve victory with conventional forces alone, then overall deterrence of Soviet aggression is surely undermined. As John Mearsheimer has pointed out, in the world of conventional deterrence, it is confidence in quick, cheap victory that causes the aggressor to attack. In NATO's case, Soviet confidence in a speedy conventional victory may also undermine the deterrent effect of the Alliance's nuclear weapons, providing hope to the Pact that NATO could be overrun before a decision to use nuclear weapons were taken.

In spite of the prevailing fears and perceptions, however, not all of the military history of the last fifty years confirms the hypothesis that armored forces enhance the offense's chances of success. Individual battles such as Kursk and the Bulge in the Second World War and the Israeli defense of the Golan Heights in 1973 all suggest that armored assaults can be stopped—that mechanized defenders can also turn in impressive performances. Indeed, the German army's overall performance during the second half of World War II, when it was substantially outnumbered, is testimony to the defensive potential of even partially mechanized forces.

A survey of the history of armored warfare also suggests that the place to begin any assessment of the current NATO-Warsaw Pact military balance is the so-called "breakthrough" battle. Armored attackers customarily have concentrated their best resources on narrow sectors of their enemy's front, hoping to achieve a degree of quantitative superiority that could cause a major rupture in the defense line * * *

Most analyses of warfare in the Central Region of Europe correctly assume a front of roughly 750 kilometers (km) and further assume that the Soviets will attempt to break through in a small number of areas where the terrain and the road net are particularly suitable for armored warfare. Most analysts agree that the Pact will mount at least one major attack in the North German plain, considered to be the best corridor. One will almost surely be launched in the Fulda Gap, if only to tie down the powerful U.S. V Corps. The Cottingen corridor running through the German III Corps sector just north of the Fulda Gap is somewhat more attractive as a third choice than the Hof corridor. Each of these corridors is roughly 50 km wide.

In spite of the often cited Soviet numerical superiority in Europe, most analyses of potential Soviet attacks expect that the Pact will have to concentrate its efforts on these three or four rather well-defined breakthrough sectors since the Pact's quantitative advantage over NATO is not great enough to permit it to greatly outnumber Western forces everywhere. Thus, the successful breakthrough battle is the key to a quick Pact victory, and thwarting Pact breakthrough efforts becomes NATO's primary conventional military task. If NATO can achieve this in war, it may ultimately be able to mobilize its superior economic power against the Pact. If the Soviet Union can be made to believe in peacetime that NATO has this capability, then overall deterrence is enhanced * * *

The Warsaw Pact's and NATO's military doctrines, which determine how each alliance builds and organizes its military forces, are quite different from each other. At the most general level, the Pact prefers large numbers of major weapons and formations (often called "tooth") over training, the experience of military personnel, logistics, and the command, control, communications and intelligence (C^3I) functions broadly defined. (Logistics and C^3I are often referred to as "tail".) Additionally, it prefers ground forces to tactical aviation, although the Soviet Union does have substantial tactical air capability. NATO, on the other hand, prefers a more balanced mix of tooth and tail, shows greater interest in the training and experience of its personnel, and places greater emphasis on tactical airpower.

In terms of military operations, Pact doctrine tends to extol the advantages of the offense. This is fairly explicit in Soviet military writings. On the other hand, partly as a function of the Alliance's political orientation but also because of the lessons it has drawn from the school of military experience, NATO tends toward a more balanced view of the relative advantages of defensive and offensive tactics. This view is more implicit that explicit in NATO doctrine, which as a whole tends to be less formal that of the Pact. Particularly at the level of the small unit engagement, Western military thinkers have long held that the defense has substantial advantage—one that can be turned into an overall strategic defensive advantage through careful planning and the skillful conduct of military operations.

The net result of these differences is that the Warsaw Pact generates military forces that, at least at first glance, look substantially more formidable than those of NATO. Although official comparisons of NATO and Warsaw Pact defense spending have consistently shown NATO outspending the Pact by varying degrees ($360 billion vs. $320 billion in 1982 according to a recent Department of Defense estimate), the tendency in both official and unofficial balance assessments has been to highlight Pact advantages in tanks, guns, places, or divisions. The possibility that NATO's higher spending might be generating less visible, but equally important, elements of military capability seldom receives much consideration. Instead, NATO's superiority in the spending comparisons and apparent equality or near-equality in manpower are ignored, or explained away with relatively cursory arguments.

In effect, then, NATO tends to buy military forces according to its own theory of victory, its own military doctrine. Analysts, however, have tended to assess the military balance according to a different—the Soviet—theory of victory. Adopting Soviet criteria for measuring the balance will always make the West look bad in comparison to the Pact, short of very substantial increases in NATO defense spending and manpower, because NATO organizes and procures its forces according to quite different criteria. Indeed, if NATO were to try to build a military force that would redress the imbalance portrayed by its current assessments, yet build that force according to its own military doctrine, it would have to increase its spending lead over the Pact still further, and probably keep even more men under arms. The fact that the Reagan Administration's substantial increases in defense spending have done very little, and will do very little, to chance the numbers of tanks, guns, and planes in military units that have provided the basis for so many pessimistic assessments of the balance in Europe supports this judgment.

NATO's political and military leaders consistently have allocated scarce economic and demographic resources according to a particular military doctrine. In spite of assaults by dedicated military reformers, this pattern of resource allocation continues. The only conclusion that can be drawn from this situation is that NATO planners believe that their theory of military outcomes is correct. It may be prudent planning to ask what could happened if most of NATO's fundamental decisions about the allocation of its military resources proved to be wrong, and to buy some insurance against this possibility. Absent convincing arguments that most of NATO's military decisions have been wrong (and I believe that the arguments that have been made fall well short of this standard), these "worst-case" analytical exercises should never stand alone. Rather, they should accompany analyses that capture the expected positive military impact of the fundamental doctrinal assumptions that guide NATO's defense decisions. If they do not, they portray such pessimistic outcomes of a NATO-Pact conflict that they make improvements in conventional capabilities seem pointless, and, if believed by NATO's adversaries, may undermine the conventional component of its deterrent posture. Therefore, estimating the consequences for NATO if its current military doctrine is correct is as important to a comprehensive assessment of the military balance as assessments that assume the superiority of Pact doctrine. Moreover, by disaggregating NATO's relatively inexplicit military doctrine into subcomponents directly related to military outcomes, critical attention can be better focused upon them. Such attention will permit clearer thinking about the adequacy of NATO's current doctrine and may reveal that some aspects seem less plausible than others.

FACTOR IN THOROUGH BALANCE ASSESSMENT

Public discussion of the conventional balance in Europe often focuses on simple force comparisons that fail to include factors that will be vital to the outcome of any real battle. The Secretary of Defense's [1984] Annual Report, for example, asserts that: "Measures of total combat potential, which take into account both numbers and quality of weapons, show that Warsaw Pact forces in the Central Region of Europe have improved by more than 90% from 1965 to the present, while NATO forces advanced by less that 40%. * * * Overall, the shift in the conventional balance has posed new challenges to our ability to offset the Soviets' quantitative superiority, and has raised serious questions about our ability to halt a Soviet advance." Such simplistic analysis represents only the beginning of a complete threat assessment. At least six other variables must be taken into account before we arrive at a reasonable appraisal of relative battlefield capabilities. Analyses that exclude these factors are incomplete and unrevealing, and provide no meaningful basis for NATO planning. These variables are:

(1) Relative military capabilities over time. At what rate can both sides move military forces into the battle area along the inter-German and Czech-West German border? What is the likely combat capability of these forces when training, maintenance,

command and control, leadership, and quantity and quality of weaponry are taken into account?

(2) The effect of tactical air forces on the ground battle. Many public assessments of the balance simply leave out "tacair," and official assessments often given each side equal credit for tactical air effectiveness. In either case, possible advantages that NATO might hold in this area are unaccounted for.

(3) Force-to-space (and hence force-to-force) ratios. Implicitly, or explicitly, the adversary is often given credit for an ability not only to close his many divisions to the battle area quickly, but to actually concentrate them on small segments of the front to achieve the very high local offense-to-defense force ratios that could produce breakthroughs. Yet, historically, armies have found that there is a limit to how much force can be concentrated in a given space. If NATO can achieve some level of density of its ground forces across the front, then it should be difficult for the Pact, even with more forces overall, to achieve very high ratios in selected breakthrough sectors.

(4) Attrition rates. At what "pace" or "level of violence" will the battle proceed? What kinds of casualties is the adversary willing to take? Does "friction" place some limits on the pace at which the battle can be forced? Historically, short periods of very intense combat can be identified in which one side or both suffered 10 percent or worse attrition to armored fighting vehicles per day. On the other hand, rarely are battles of this intensity sustained for more than a few days.

(5) Exchange rates. How many destroyed armored fighting vehicles must NATO suffer in order to kill a Pact vehicle? Given the Pact superiority in numbers of major weapons, NATO must achieve favorable exchange rates in order to defeat the Pact. If the exchange rate is not in the 2:1 range in NATO's favor, then the Alliance could find itself in trouble. Favorable exchange rates are not uncommon for defenders fighting on their own ground, particularly if that ground has been prepared with field fortifications, obstacles, and mines. Indeed, an often quoted rule of thumb suggests that the defender can hold at an engaged force ratio of 3:1 in favor of the offense. This would be consistent with a 3:1 exchange rate.

(6) Advance rates. There is a tendency to assign fairly fast advance rates to Pact forces, several tens of kilometers per day in some cases. Some of this tendency can be attributed to Soviet military literature, which calls for very high advance rates. There has also been a tendency to simply assume that the high advance rates characteristic of armored warfare's headier historical successes would be replicated by the Soviets. Finally, crediting the Pact with very large forces and very high force ratios in breakthrough sectors tends to produce relatively fast forward movement according to some widely employed dynamic analytical techniques, such as the Lanchester square laws. On the other hand, even with armor pitted against armor, and often with high force ratios, modern mechanized armies have frequently found forward movement against determined defenders to be very difficult.

Under relatively conservative assumptions, NATO's forces appear adequate to prevent the Pact from making a clean armored breakthrough. The ground forces of the Alliance seem large enough to hold the Pact to break-through-sector force ratios that are much lower than those that soldiers and military commentators have though necessary to produce success. If the Pact is given credit for an ability to make NATO withdraw at a slow pace that is consistent with the low force ratio, and Pact units are forced to pay a relatively modest price to do so (i.e., a two-to-one exchange rate), NATO still appears capable of containing the penetrations and preventing breakthroughs. Moreover, as was noted earlier, NATO still would have sizable uncommitted reserves for much of the battle, which could counterattack a successful breakthrough if occurred.

Clearly, if NATO's doctrine is correct (and I have tried to show that this is at least plausible), its forces are much more likely to defend successfully than is widely perceived to be the case. The question then is whether NATO has chosen the correct doctrine. If not, then huge new investments spent the same old way cannot rectify whatever defense problems the Alliance may actually have. If the doctrine is correct, then major new investments in capabilities may not be necessary. Rather, investments should be carefully directed towards buying more insurance in the areas of greatest uncertainty.

The practice of building forces according to a theory of victory that NATO's military planners apparently believe and then assessing their capabilities according to a very different theory of victory can only confuse NATO's political leaders and publics about the state of the military balance and what should be done to improve it. The principal result of this practice is that NATO's current position in conventional forces is made to appear very poor and the investments needed to repair the situation are made to appear very great. While this behavior might help promote some extra investments that could ultimately provide a useful margin of military safety, they may also obscure the progress that NATO has already made, and make modest improvements that lie within the realm of political and economic feasibility appear pointless to those who must find the resources. Similarly, the practice also inhibits clear thinking about NATO's future military efforts. Pessimistic portrayals of the military balance may divert scarce political and economic resources to speculative military ventures that promise quick and easy solutions to NATO's seemingly insurmountable difficulties. To some extent, NATO is already falling victim to these pitfalls.

Finally, one-sided portrayals of the conventional balance may have a pernicious effect in political crises. It is surely true that, if the Pact mobilizes, trains, and assembles its Category II and III divisions and NATO does not respond in some fashion, then the Alliance will shortly find itself in a very dangerous military situation. If, however, NATO's political leaders are convinced that no amount of mobilization will make the Alliance competitive with the Pact, then they will be more inclined to delay in a crisis, out of fear than any military action will not only appear provocative, but will not improve NATO's chances in war anyway. In short, whatever the motives, failure to account fully for the Alliance's current military effort in a NATO-Pact balances assessment has costs. These costs are not always immediately visible, nor are they necessarily incurred by those who engage in such assessments, but they are real—and they may be high.

Mr. QUAYLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

A TRIBUTE TO WAYNE AND KIM SEYBOLD, OF MARION, IN, FOR THEIR SKILL, EXCELLENCE, AND TRUE OLYMPIC SPIRIT

Mr. QUAYLE. Mr. President, the State of Indiana is truly well represented at the 1988 Olympic games in Calgary, Alberta, Canada. A unique brother and sister figure skating team from Marion, IN, has captured the hearts and minds of their fellow Hoosiers and indeed the whole world. Their story is both touching and compelling.

Wayne and Kim are the children of Jean and John Seybold, of Marion, IN. They first began as rollerskaters in their youth and demonstrated their skill by winning the State rollerskating championship. In 1976, the brother and sister team tried ice skating for the first time. Just 3 months later the Seybolds placed second in a Midwest ice skating competition.

The Seybold family has given its all to the success of Wayne and Kin. Three times a week the family traveled 112 miles to the nearest skating rink to sharpen their skills. The rewards for this hard work began to be realized when they won the junior pairs championship in 1982 before a friendly home State audience in Indianapolis.

Their success on ice was almost halted by a series of misfortunes. Wayne suffered from asthma as a young boy and teen. His condition was so bad that at times he required the attention of a physician. In 1983, Wayne experienced yet another medical setback. While working with a circular saw he nearly severed his thumb.

Despite these serious occurrences the Seybold family persevered and fought on. Three months after surgery saved Wayne's thumb, he and Kim were back on the ice.

Continued competition was financially expensive. The Seybold's made every sacrifice in order to keep the brother and sister tandem skating. The city of Marion responded when the need became desperate. Residents and friends of the family raised more than $23,000 to meet the costs of further competition.

Mr. President, Wayne and Kim Seybold have skated their way into the hearts and minds of the world. Their story of dedication, hard work, and overcoming tremendous obstacles is an inspiration to us all. Their spirit of competition follows in the true Olympic tradition and they and their family can be proud of their outstanding performance.

IN RECOGNITION OF JILL WATSON, A NATIVE OF BLOOMINGTON, IN, FOR HER OLYMPIC EXCELLENCE AND SPORTSMANSHIP

Mr. QUAYLE. Mr. President, it gives me great pleasure to bring to the Senate's attention an outstanding athlete whose skill and grace have been recognized not only by her fellow Americans, but by the entire world.

Jill Watson, a native of Bloomington, IN, is one of many winter olympians representing the United States at the 1988 games in Calgary, Alberta, Canada. On February 16, Miss Watson and her skating partner, Peter Oppegard, last night were awarded the bronze medal in the pairs figure skating competition. This is the only medal won thus far by U.S. athletes in these winter games.

This Olympic win was the product of years of tireless practice, dedication, and persistance in the true sportsman fashion. At the age of 12, Miss Watson witnessed the Olympic thrill firsthand by attending the training at the 1980 games. in Lake Placid. From then on she knew that she wanted to compete in her own right in the Olympics.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SENATORIAL ELECTION CAMPAIGN ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the pending business, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Boren motion to recommit the bill, with instructions to report back forthwith, with Boren amendment No. 1403, in the nature of a substitute.

Byrd amendment No. 1404 (to amendment No. 1403), of a perfecting nature.

Boren amendment No. 1405 (to amendment No. 1404), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, the group of four on each side of the aisle, appointed by the joint leadership, will be meeting this morning to determine whether or not there is room for accommodation between the two sides; hopefully, to find some way in which we can agree on a package and passage, a package that deals with campaign financing reform.

I hope that they will not only meet this morning, but meet again this afternoon. I hope that they will meet tomorrow, if there is any hope at all in reaching an accommodation, each with the other.

I want to extend every opportunity for compromise, meaningful compromise. I do not intend to open up an avenue for delay, but I think there is every reasonable reason, every reasonable hope, at this point, that the two groups working together, representatives of the positions taken by the minority and the majority in this Chamber, can find a way to come together and support meaningful campaign finance reform.

In my judgment, there cannot be genuine campaign finance reform unless there is a limitation on campaign expenditures—and it must be an enforceable limitation—and the limitation on aggregate PAC expenditures.

Mr. President, we have been debating the question of whether to move forward on campaign financing reform for over a year now—since S. 2 was introduced at the very beginning of the 100th Congress. In April of 1987, the Committee on Rules and Administration, chaired by the distinguished Senator from Kentucky [Mr. FORD], reported landmark legislation. That legislation would have accomplished a great deal in a number of areas to give the people of this Nation reason to believe in the integrity of campaigns for the Senate and to believe in the integrity of this institution, the lasting integrity of this institution, when all is said and done, there are two essential and fundamental ingredients of S. 2, without which there can be no true campaign financing reform. First, we must halt the staggering growth of campaign spending, which itself leads to so many other of the system's problems. We must devise spending limits which will work.

The need for this is self-evident. Campaign expenditures for general election House and Senate candidates rose from $321 million in 1984 to $390 million in 1986. Senate general election candidates spent nearly half of this amount, $182 million, up a dramatic 23 percent over 1984. The average expenditures in the years 1985 and 1986 of candidates for the Senate in the 1986 general election were nearly $3 million. Of course, in many States they were much higher than that. That was the average.

Three out of four candidates for the U.S. Senate in 1986 spent in excess of $1 million and more than one in three spent in excess of $3 million. If we project in a straight line to 1988, we can expect the average campaign to cost nearly $3.7 million.

It is instructive to note that from 1972 to 1984, the cost of congressional elections rose a staggering 485 percent, while between 1976 and 1984, the cost of Presidential campaigns under a system of voluntary spending limits linked to public financing rose only 10 percent.

Second, we must limit the role which political action committees [PAC's] are permitted to play in our system. Between 1980 and 1984, PAC contributions roughly doubled, rising by $50 million in 4 years. If PAC contributions rise at the same rate between 1986 and 1988 as they did between 1984 and 1986, we could project a $55 million increase between 1984 and 1988, raising the total in 1988 all the way to $156 million.

Mr. President, I want to interject emphatically here that I do not believe that PAC's, those who establish them, those who contribute to them, or those who run them are inherently evil. I do not believe that. Nobody maintains that. PAC's and those who contribute to and through them, have a place in the American political system; I do not believe it would be fair or desirable to eliminate the PAC construct as a means of political expression in this Nation. PAC's and their contributors are entitled to a voice just as are others. But in too many campaigns PAC's are playing a disproportionate role. Equally important is the fact that the rapid growth in the proportion of campaign funding contributed by PAC's has led to a public perception that offices in this body are for sale to the highest special interest bidder. Mr. President, when a perception like that takes hold there is an imperative to act, and the imperative rests upon us, this body. The objective is not to obliterate or emasculate PAC's, but to regain a sense of balance—so that PAC's do not exert, and are not seen by Americans to exert undue, disproportionate influence over the American political process.

I sense from all four corners of our Nation a deep-seated, emotional mandate for the Congress to address these two matters immediately and effectively.

The American people are fed up with how much money is spent on campaigns—especially given that so much of it is spent on negative advertising and mud-slinging which provide them with no help in determining which candidate is best equipped to undertake the vital work done in the people's name, and especially given that so much of the incredible sums that are spent comes from special interest groups which are seeking to mold legislation to the benefit of their members.

It is a curious argument that opponents of this bill make when they argue that a special interest group that contributes nearly $3,000,000 in a single election cycle expects nothing in return. The public knows better, and we know better.

What has been the fate of S. 2 since it was brought to the floor? A majority of Senators have demonstrated, by supporting the motions to invoke cloture, that they want to stop the filibuster being waged by some on the other side of the aisle—that they want to debate and act on amendments and then to pass a bill that truly reforms our system of campaign financing.

Sadly, a minority of Senators has chosen to try to prevent the Senate from taking such a course. We came to the very unfortunate point last year where, after a number of the members of their party spoke time and time again ostensibly in favor of campaign financing reform, the Republican conference voted to oppose not just public financing of campaigns—against which they had been arguing for several days—but also to oppose any—a-n-y—campaign spending limits.

The sad state of our system of financing Senate campaigns is not a Democratic debacle. It is not a Republican debacle. It affects all of us. It affects all citizens, regardless of party allegience. There can be no solution that does not involve the support of a number of Senators in both parties.

We cannot break this filibuster with Democrats alone. We do not have enough Democrats. We need more votes from the Republican side of the aisle. We have had three thus far. And we cannot break this filibuster unless additional Senators come forward and say it is time, it is time to vote.

One reason why we need to invoke cloture is to preclude nongermane amendments. There is one amendment pending that would provide for Contra aid, I believe, something like $270 million.

In any event, it deals with Contra aid. There is another amendment dealing with the Monroe Doctrine. Well, these amendments have absolutely nothing to do with campaign financing reform, and so cloture would rid this bill of being a target for nongermane, nonrelated amendments such as those two to which I have alluded.

Mr. President, either a Senator wants true campaign financing reform or he does not. Either he is willing to support steps that will rectify the current situation and put our campaign financing house in order, or he is not. If a Senator does truly want campaign financing reform, he will support equitable but effective campaign spending limits. That is the essence. This is the matter which separates those who are serious from those who are not serious on this issue: spending limits.

To those who have disagreed with the details of S. 2, or other components of the bill, we have offered every olive branch we know how to offer.

During earlier debates on S. 2, several Senators sought to find calamity for the union in the amount of public dollars that would be devoted to campaign financing under S. 2, as reported by the Rules Committee—despite the fact that all such funds would come from an increase in the voluntary checkoff of only $1 per taxpayer. Mr. President, let me repeat: $1 per taxpayer—and only from those who voluntarily, of their own free will, choose to check off the $1.

Nevertheless, in response to that line of criticism, Mr. President, Senator BOREN and other Senators and I determined to show our good faith, and so we devised a substitute amendment which cut the amount of public financing by more than half. By switching from a grant system of public financing to a matching system, the maximum proportion of his general election spending any candidate could receive in public funds was reduced to 40 percent, and only rarely would a candidate receive the maximum. Forty percent from what it was in the bill that was originally reported from the Senate Rules Committee.

Those of us who were sponsoring the legislation were unable to perceive any movement whatsoever on the other side of the aisle from our efforts to reach out and make this accommodation.

In the face of continued resistance after we had advanced that compromise proposal, Senator BOREN and other Senators and I devised yet another version of S. 2. This, the current version—which the Rules Committee agreed to substitute for its originally reported version of August 7, 1987 eliminates the concept of providing public financing to every Senate candidate who abides by spending limits. Instead, public funds are provided only to those candidates whose opponents exceed the State spending limits established by S. 2.

But I regret to say that our good faith attempts at compromise have not been met by the same kind of willingness on the part of S. 2 opponents to achieve a true compromise.

S. 2 establishes voluntary spending limits for the entire Senate campaign cycle in each State. These assure that the inexorable growth curve of campaign expenditures will be halted. Neither the Dole nor the McConnell/Packwood bills limits spending. Inextricably connected to these spending limits, of course, by dictum of the Supreme Court's decision in Buckley versus Valeo, is a system of public financing; that decision held that only in the context of public financing are voluntary expenditure limits acceptable.

Direct PAC contributions to congressional races increased by more than 1,000 percent between 1974 and 1986. Perhaps more important, PAC's recently have begun to heavily use sophisticated "bundling" techniques allowing the aggregation of individual contributions.

S. 2 establishes an aggregate PAC limit covering the 6-year Senate election cycle in each State, set as a percentage of the primary election spending limit and, therefore, sensitive to State population differences. It sets similar aggregate limits for PAC contributions to party committees, congressional campaign committees, and State or local party committees. S. 2 takes another very important step with respect to PAC's: It closes the "bundling" loophole by prohibiting PAC's or those associated with them from collecting or delivering any aggregate of contributions in excess of the PAC's own limit of $5,000.

The McConnell/Packwood bill eliminates direct PAC contributions to candidates, and the Stevens bill decreases the amount of direct PAC contributions permitted from $5,000 per election ($10,000 per cycle) under current law to $2,500 per election ($5,000 per cycle).

The Stevens bill which permits PAC contributions to candidates, however, fails to establish an aggregate PAC contribution ceiling for each candidate. A proliferation of PAC's could make the reduction in limits for per-PAC contributions which the Stevens bill contains totally ineffectual. More distressingly, both bills open wide the floodgate for PAC's to bundle unlimited amounts to candidates. The direct contribution limit included in each bill thus becomes meaningless.

The Dole bill reduces the amount each PAC can contribute to a candidate in each election from $5,000 to $3,000, $6,000 per cycle, but fails to establish an aggregate PAC contribution ceiling for each candidate, which makes the PAC limitations potentially ineffectual as I have described. The Dole bill does seek to curtail the practice of bundling.

None of the three proposals of S. 2 opponents deals as directly or effectively as does S. 2 with the matters of independent expenditures or the so-called millionaire's loophole whereby wealthy candidates can contribute unlimited amounts to their own campaigns. S. 2 provides the resources for candidates who are confronted by heavy negative advertising paid for with independent expenditures, or by massive spending from a wealthy opponent, to get their responsive messages to the voters. That would occur under none of the other proposals.

S. 2 was neither designed nor intended to be a partisan bill. Those of us who support it do not intend for the debate to be a partisan exercise. We just want the Senate to be permitted to get on with this vital work, consider and act on amendments, germane and relative amendments, and pass a true reform bill. If those who believe there are preferable ways to address campaign financing reform over those embodied in the current version of S. 2 will offer their proposals as amendments, then let the Senate act. That is the way the process is supposed to work.

I have some considerable confidence, Mr. President, that the attempt by some strong opponents of S. 2 on the other side of the aisle to enforce the opposition of virtually all Republicans, is doomed to failure.

I do not believe that all of our friends on the other side are at ease with that kind of posture. But the Republican conference has said no limitations on campaign expenditures.

I hope there are some on the other side of the aisle, in addition to the two original cosponsors and the third who voted for cloture in September, who are sufficiently committed to real campaign finance reform—and, in particular, to achieving reasonable limits on campaign expenditures—that they are ready and will vote to permit consideration of and action on S. 2 in its most recent form.

So, Mr. President, it is "get off the dime time" on S. 2. We had a gentlemanly 3 months of consideration last year—extending every courtesy to those who said they had problems with S. 2 and wanted to discuss those problems. It now is time to get down to business—to consider and act on any amendments—any germane amendments—to S. 2 that Senators want to offer, and then to take final action on S. 2 and send it to the House.

I hope 1988 will be the year that congressional campaigns are reformed, and that 1988 go down in history as equal in significance to the successful reform of Presidential elections and campaign financing following the sordid revelations of abuses which culminated in Watergate.

Senator Boren and I and other S. 2 proponents stand ready to meet at any time with those who have problems with some of S. 2's features.

This is an idea whose time has arrived, Mr. President. And it is only a matter of time before the Congress passes true campaign financing reform legislation like that currently pending before the Senate. I hope that time will be this year.

The American people are not going to put up with much more of the way we finance campaigns. They are not going to put up with much more of the amount of time we, their elected representatives, spend in fundraising. They are not going to put up with much more of the way special interests now are permitted to excessively affect the system of electing Members of the Senate and the House. They rebelled against the continued revelation of abuses and excessive spending in Presidential campaigns. The people rebelled against the continued revelation of abuses and excessive spending in Presidential campaigns. And once they are fully aware of what is going on, they will rebel against the same in congressional campaigns. And any Senator or any Congressman would be unwise not to recognize the early signals and to act on them.

I urge all Senators who have not yet supported S. 2, or who have not supported at least permitting the Senate to act on S. 2 by voting for cloture, to permit the Senate to invoke cloture, prohibit nongermane and irrelevant amendments, and act on campaign financing reform legislation now. There is no time like the present for the Senate to do something positive in this 200th year of the existence of the U.S. Senate to confront and remedy a situation that is simply unacceptable to this Nation, to its citizens, to this institution, to ourselves and to our families.

Mr. President, I hope that other Senators will come to the floor and debate this measure. The Senate will be recessing at 11:30 until 1 o'clock to permit Senators to appear with Chancellor Helmut Kohl who will be in room S-207. I should say to Senators that I do not anticipate any rollcall votes today. I want to give Senators ample time to lay on the Record their case for and against this legislation, and to lay on the Record their proposals for changes that they would like to make for the Record.

I also want to give the four Senators on each side of the aisle, selected by the leadership, to discuss among themselves any areas of possible compromise and accommodation so that we will exhaust every possibility and every opportunity to join hands across the aisle and come up with a measure that will hopefully have the bipartisan support of Senators.

That may be impossible. As I have indicated, I think genuine campaign finance reform has to have a limitation on overall spending, a workable limitation, and a limitation on aggregate PAC contributions.

So, Mr. President, I do not intend to offer a cloture motion today. I do not intend to have any rollcall vote unless Senators are ready for a vote on the pending amendment. I do not anticipate that will occur today.

So I think I should state that I do not foresee any rollcall votes today. I hope we will continue with those meetings, however, between ourselves and Senators on the other side of the aisle who are opposed and who have, thus far, been opposed to S. 2. I would hope the meetings would continue throughout the day and tomorrow, so that it cannot be said that we were unwilling to talk, we were unwilling to explore, we were unwilling to probe for a possible resolution of differences.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Graham). The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I rise today to reiterate my strong support for S. 2, the Senatorial Election Campaign Act of 1987, of which I am an original cosponsor. I believe this is legislation that has been needed for several years, and as we approach another congressional election, the need has never been more apparent. I hope its time for passage and enactment has finally arrived.

Every Member of this body is now thoroughly aware of the incredible growth over the last decade of both campaign costs and political action committee contributions to Federal campaigns. From 1976 to 1986, the average expenditures spent by winning Senate congressional candidates has soared from $609,100 to over $3 million. This is an increase of 400 percent in unadjusted current dollars—a truly mind-boggling rise in campaign spending. The number of federally registered PAC's has skyrocketed from 608 in 1974 to 4,157 in 1986. This has led to a corresponding rise in PAC contributions. The nearly $140 million given to congressional candidates in 1986 is nearly twelvefold increase over 1974.

I believe we need to act now to control this tremendous rise in both total spending and PAC contributions, or we soon will lose control of our entire political election process. This is why I strongly endorsed the Campaign Finance Reform Act sponsored by Senators Boren and Goldwater that passed the Senate in 1986 by a vote of 69-30. This bill would have established these limits. Unfortunately, the measure never won final passage. I was pleased, therefore, that Senator Boren reintroduced this bill as the Senatorial Election Campaign Act of 1987 at the start of the 100th session of Congress. I am proud to join our distinguished majority leader, Senator Byrd, and 45 other Senators in cosponsoring this important legislation. The number of cosponsors in my view, is a clear signal of the substantial desire in this body for real campaign reform.

Although this measure has undergone several transformations since its introduction, its essential purpose of bringing the election process and campaign spending back under control have remained constant. As it current stands, the legislation would improve

our currently election campaign laws in four basic ways, and I would like to review those very briefly.

First, it would establish specific spending limits in each State for both primary and general U.S. Senate elections and congressional elections. These limits would vary depending upon the population of the State but in no case would they exceed $2.75 million for a primary election or $5.5 million for a general election. For my own State of New Mexico, for example, the limits would be $636,500 for the primary and $950,000 for the general election.

Second, the measure would establish aggregate limits on the total amounts of contributions candidates could accept from PAC's. Again, these limits would be based upon the State's population but could not exceed $825,000 for Senate candidates or $100,000 for House candidates. These limits would dramatically reduce PAC contributions. If these limits had been in effect during the 1986 congressional elections, they would have cut PAC donations by over two-thirds.

Third, the measure would establish benefits for candidates who voluntarily meet these campaign limits. These would include substantial reductions in mailing rates and lowest unit television rates. In addition, public funds would be available to these candidates if their opponents refuse to meet these limits and actually exceed the specified caps on spending and PAC contributions. Candidates who refuse to abide by this measure would also be required to include a message on all their advertisements that they have refused to meet the limits established by this legislation. Finally, public matching payments would also be available to participating candidates to respond to significant "independent" expenditures such as we have seen in quite a few recent elections.

Fourth and last, the legislation also includes important provisions to improve requirements on so-called soft money and other campaign expenditures, and to prohibit destructive financing processes such as "bundling." I believe the "antibundling" provision is of particular importance. It is necessary to ensure that PAC's, despite the direct limits placed on their contributions, are not able to circumvent these rules by "bundling" funds contributed by their officers or employees. This bill would not only prohibit the earmarking or "bundling" of contributions by PAC's, but also by their officers or employees, or the officers or employees of a connected organization or political party committee. I believe this provision will help ensure that loopholes do not exist through which PAC's can avoid the limits placed on their contributions.

Mr. President, I cannot stress enough the essential need for this legislation. Year by year, election by election, we are losing control of our political election process. Political influence in this country is shifting further toward well-financed special interest groups represented by PAC's and away from individuals. It is also clear that Members of Congress are spending ever-increasing amounts of their time raising funds for their campaigns and less time working on the crucial issues facing this country.

As we all know, despite a record-breaking seven cloture attempts, proponents of this measure were unable to break the filibuster that kept the Senate from acting upon or even considering this important legislation, in the first part of this 100th Congress. This year, I hope we can put partisan politics aside and work together for a measure that is in the best interest of every Member of this body and in the best interest of the entire Nation. I urge my colleagues to support the legislation.

Thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico has yielded the floor.

The Senator from South Carolina.

Mr. HOLLINGS. I thank the Chair.

Mr. President, on matters of partisan politics,

I go on record as a proud Democrat, one who has held public office for four decades, and one who adamantly opposes S. 2. I do not however oppose my distinguished leader's effort to bring S. 2. to a vote. In fact, I have agreed to vote for cloture so that Senators can formally pass judgment on the merits of S. 2's approach to campaign finance reform. But, in the same breath, let me state my intention to oppose S. 2 as vigorously as I know how.

I oppose this bill for much the same reason that a substantial number of very thoughtful Senators on both sides oppose it. We realize that in reality the cure provided by S. 2 is worse than the ailment it seeks to remedy.

Why are we tied in knots on this issue of campaign finance? We are tied in knots because of the very distorted, contorted decision of Buckley versus Valeo. The fact is, Mr. President, that back in 1974, Congress enacted the Federal Election Campaign Amendments. I would say a good 50 percent of the debate and the central thrust of that landmark initiative was to end the practice of wealthy candidates' upping the ante of campaign spending and, in effect, buying public offices.

We have Senators in this body from small States who have spent many millions of their own money to get here. Up until 1986, this Senator never spent more than $600,000 in a campaign. But these days a Senator doesn't dare enter a race with such modest funding. Opposition candidates have perfected a last-minute, guerilla, tackling - you - from - behind strategy whereby you don't know what to expect until the last 2 weeks of the campaign when the public is finally paying attention to the election. At that point, the opposition unloads, as the Republicans did in the past election, with upwards to $1 million poured in by Washington-based groups, and they overwhelm the incumbent. If you want a tutorial on this strategy, ask our good friend and former colleague from Kentucky, Dee Huddleston. On the first of October, 1984, he had a 25-point lead and by the fourth of November he was a former Senator. The Republican committee swamped Kentucky with money and overhauled poor Dee like a Bronx street gang strips a Mercedes. The techniques and technologies of these 11th-hour blitzes are amazing. Before you can counterattack with TV ads of your own, election day has passed and you are history.

The good-government crowd preaches a saintly, turn-the-other-check response. They say "Don't respond in kind.

"Don't get down in the gutter. The people don't like negative campaigns." And so on.

Don't fall for that bafflegab. You hear all kinds of nonsense: "Forget about the money. You have got an insurmountable lead. Don't sweat it."

Well, few candidates these days are allowed that luxury. Instead, the imperative is to raise huge warchests and to be ready with film in the can to counter any kind of negative assault, even on trivial nonissues such as how many votes you missed or how many trips abroad you took or whether your grandfather consorted with horse thieves.

But, in any event, in 1986 I had to collect and spend $2.2 million. Senator Thurmond spent a similar amount 2 years earlier and we have yet to see hide nor hair of his opponent.

My point is simply that the villain of this piece is not the people, it is the mechanism. The devices, the strategies, the techniques have overtaken us all and no one dares to conduct a modest, down to earth campaign.

Indeed, our best efforts back in 1974 to control the rich from buying office have all been for naught. And they certainly will not be remedied by S. 2, Senator Byrd's and Senator Boren's bill.

The Supreme Court's distorted Buckley versus Valeo decision equated money with speech. That's fine and dandy and true, because if you don't have money you don't get on TV, and if you don't get on TV, you don't have free speech. If you have money, you have plenty of freedom and if you do not have money, you have freedom to shut up. A candidate with $1 million has a lot of freedom. A poorer candidate with $10,000 will appear disinterested in his own candidacy, because he won't appear on TV.

But the Court did not draw the logical implication of equating money and speech. Justice Marshall remembers that Buckley versus, Valeo was a divided decision, with four justices offering spirited dissents. Justice Marshall and three other justices understood the problem.

They said, "Wait a minute, we're saying you can't limit freedom of speech, that a person can spend as much money as he wants. But then we're turning around and limiting the freedom of speech of the contributor. You can't have it both ways." If money is equated with speech, it is illogical to control the free speech of the contributor but to hold sacrosanct and uncontrolled the free speech of the receiver, the candidate.

That is the distortion in the decision. It is absolute nonsense, and everyone realizes it. And this must be the focus of our legislative remedy. Accordingly, I advocate a one-line constitutional amendment which says that the Congress of the United States is hereby empowered to control expenditures in Federal elections. This will address our first amendment sensitivities, and then we can move ahead with campaign spending limits that actually enhance rather than restrict freedom of speech.

Regrettably, we witness the spectacle of the distinguished majority leader in the well of the Senate this morning pleading for compromise S. 2. There should not be compromise and diluted remedies, because the problem is real. Regrettably, S. 2 fundamentally fails to address it.

The sponsors of S. 2 have tried all manner of contortions as devices to entice candidates into accepting limits in return for Federal financing. You do not entice the rich. John Connolly and others have said, "I don't want your money. I've got plenty of my own." The landscape is chock-a-block with millionaires to whom the enticement of Federal funding means nothing.

It's a kind of renegade golden rule: He who has the gold ignores the rules. You just do not control these people. Nonetheless, S. 2 gives it the old college try, with its ancillary amendments about bundling, and with its stripped-down, foot-in-the-door Federal funding, all designed to induce and seduce. But they are all doomed to failure.

When the original S. 2 came before us, we said, "Wait a minute. In 1986, the Federal Election Commission reported that congressional candidates spent a total of $450 million." So that is the bare minimum cost of S. 2, and a more likely price tag is half-a-billion bucks. The inflation from that baseline will be explosive in years to come.

Senator BOREN and Senator BYRD listened to these objections. They maneuver well: "We will cut the Federal funding down. We will cut this provision and we will cut that provision." I have given up trying to keep up with all the bobbing and weaving and "provided, howevers" because it just does not get to the root of the problem.

It does not impose spending ceilings as we intended in 1974. All it does is create a new spending program to finance politics in America.

This is unconscionable, in light of all the problems and unmet needs we have in America. Consider the homeless people on the grates we pass as we ride home late at night in this town. Surely, for starters, we should fund programs for the homeless before we fund welfare for politicians.

This Republic has prospered for 212 years without a Federal financing program for congressional campaigns. We have gotten good people for office. We have gotten good leadership. We are not going to buy a better Congress with public money.

Spending limits should be low, as our former colleague, the Senator from Louisiana, said, so that every mother's son can afford to run. You cannot just provide matching funds, because the original amounts rise so high that the ordinary American is dealt out of the game. Likewise, the various strictures and bounds of S. 2 will not cage the beast.

I know politicians. I understand our skill at sniffing out loopholes and stretching those elastic clauses. S. 2 will not work in its current form, but it will put us on the slippery slope toward automatic Federal funding for all comers. Then you will see Federal financing for every young law graduate who wants to get his name recognized. He will go to this or that special interest group and he will say: "If you all will raise $35,000, $40,000, $50,000 for me, I will run for office because I can get the Federal moneys. I can publicize your issue and myself at the same time." Then every mother's son will be offering himself for public office.

Will this enhance the body politic? I doubt it very seriously. That is why, in a nonpartisan fashion, many thoughtful Senators oppose S. 2. I have, from the very beginning, agreed with Senator BYRD and Senator BOREN on the problem. The problem, of course, is that there is too much money sloshing around in congressional campaigns, and candidates spend too much of their time and energy raising it.

I have run for statewide office many times. You establish a certain campaign routine. My standard campaign circuit includes the change of the Lyman mill shift, Greer, then the big country store outside of Belton on the way into Anderson County. Over the years, they look for you. They say: Hey, here he comes again. It must be election time. We haven't seen him in so many years. Of course, they are exactly right. With Senate sessions running right up to Christmas Eve, we do not have a chance to get home.

They say we have caught Potomac fever. In fact, we have caught stupidity fever around here. We cannot pay our bills, we cannot conduct our business efficiently, and yet we keep patting each other on the back about how hard we are working. It is nonsense.

The mill visits, the visits to the country stores, they become a luxury and a casualty of the system. There is no time for them.

In 1986, I did not have the time. Instead, I found myself collecting money to get on TV to collect money to get on TV to collect money to get on TV. It is a vicious cycle. Last year, after the election, I held a series of town meetings across my State, and my friends said: "Wait a minute, why are you doing all these town meetings? You just got elected. You have got 6 years."

I said, "I'm doing it because it's my first chance to get back home and meet the people who just elected me." I did not get a chance to see them during the campaign. During the campaign, the rule was, if you had money, I had time. And that is how I had to do it, because South Carolina is a poor State and it is particularly poor for Democrats. We do not have a rich Boston. We do not have a Chicago. We do not have a St. Louis. We do not have an Atlanta. The small financial centers we have in South Carolina can be slim pickin's for Democrats.

So, if you are going to raise a large sum of money you have got to put in a lot of work. We have some 12,000, 13,000 individual small contributions in a small State, and I am proud of that. I am not complaining. In our poverty is our wealth.

Nonetheless, it troubles me that in order to run for re-election in 1992, which I will do if the Lord is willing, I must begin to collect money in 1988.

I remember Dick Russell said: "They gave you a 6-year term in this U.S. Senate: 2 years to be a statesman, the next 2 years to be a politician, and the last 2 years to be a demagogue." Well, we are no longer afforded even 2 years as a statesman. We proceed straight to demagoguery right after the election because of the imperatives of raising money.

You always are traveling. You help your colleagues. Your colleagues help you. I have just come back from a west coast trip to raise money for the campaign ticket. I enjoy doing that, but we continually are having dinners and fundraisers and meetings with PAC's.

On that score, permit me a word in defense of PAC's. I said during the 1984 Presidential campaign that between Fritz Mondale and Fritz Hollings, this was the Fritz who accepted PAC money. I will never forget my Junior Chamber of Commerce community training. We put on countless programs to encourage participation in Government and we said: "Come on out and register; come on out and vote; make your voice heard."

Mr. President, you have been a jaycee and I have been a jaycee. We would visit schools and clubs and meetings in our effort to get people interested and involved in the political process. Now we have political participation by all kinds of previously uninvolved people and groups. A single teacher's $10 contribution does not speak very loudly. But pool the contributions of 1 million teachers and suddenly you have a political voice.

We live in the real world. There is nothing wrong with PAC's. In fact, I actively solicit PAC's. I value PAC's and think they ought to be respected rather than demonized around here.

PAC's have brought people into the political process: nurses, educators, small business people, senior citizens, unionists, you name it. We have encouraged them to participate, and now that they are participating we turn around and say: "Oh, no, your influence is corrupting, your money is tainted." This is a gross injustice.

There is nothing wrong with PAC's. Our friends in Common Cause, they do not give you money. They just give you the dickens. Obviously, they would like to do away with all the other PAC's so that they would end up the only PAC left, sitting pretty with their mailing privileges and tax-deductible contributions and shelters, shouting from the high rooftops that PAC's are corrupting. We recognize Common Cause's scheme, and understand it. But let's not scapegoat the PAC's. If you limit spending as does Senate Joint Resolution 21, my Senate joint resolution to amend the Constitution, you put the absolute cap on it, so much per voter, and put in the penalties, we will do like we did in Iowa and live over in another State, registered in a hotel under an assumed name. You see the pressure is for that more and more. We saw it just 2 or 3 weeks ago now.

Senate Joint Resolution 21, my proposed constitutional amendment would discipline any alleged abuses by PAC's. Once we impose overall spending limits, then it matters little whether you get all the money from the textile industry, whether you get it all from PAC's or whether you get it all from individuals; it is still a modest amount any way you cut it.

Under my constitutional amendment, Congress could impose a spending limit of, say, $700,000 per Senate candidate in a small State like South Carolina. That's a far cry from $2.2 million I spent in 1986. We can impose a strict ceiling and have it all out in the open, every dollar in and every dollar out. That will attack the root of the problem.

I repeat: PAC's are a healthy phenomenon. They have not caused the current evil. The evil is not in the total amount of participation, it is in the total amount of money. And the aggregate spending is not controlled by S. 2.

S. 2 encompasses a piecemeal, shotgun approach with gerry-built restrictions on PAC's, on bundling, on third-party expenditures, and so on. Why all those contortions and complexities? In contrast, Senate Judiciary Resolution 21, by permitting overall spending limits, will largely eliminate the whole range of abuses and excesses in the current system.

The reality is that S. 2 has become a legislative quagmire, and all the compromise and watering down in the world will not rescue it. What's more, it would be vulnerable to Presidential veto.

Again Senate Joint Resolution 21 avoids these pitfalls. It is not subject to veto. We can pass the joint resolution and submit it to the States and have it ratified. It will become the law of the land.

Incidentally, Mr. President, the chances are that we can ratify this amendment faster than we can patch together a legislative fix along the lines of S. 2.

We have bipartisan support for Senate Joint Resolution 21, with 16 cosponsors. Senator BYRD has been kind enough to agree to cosponsor this constitutional amendment. And once he gets a vote on S. 2, then we can bring up Senate Joint Resolution 21. We have support on the House side. The President does not get the chance to veto the constitutional amendment. If we submit it to, the States, in the coming months, we have it in place to govern the 1990 elections.

Mr. President, let me note that the last five amendments to the U.S. Constitution took an average of 17 months to be ratified. So let us not hear the argument, that the constitutional amendment approach takes too long.

Takes too long? We have been fooling with this issue since early 1970. It has been 18 years now.

Mr. President, we also hear the argument that spending limits will give an unfair advantage to incumbents, because challengers need to spend more money to make themselves known. Nonsense. The distinguished Presiding Officer knows the limits of incumbency.

In 1986, North Carolina replaced the incumbent; Georgia replaced the incumbent; Florida replaced the incumbent; Washington replaced the incumbent. There were others, as well.

I agree wholeheartedly with Senator BYRD and Senator BOREN on the evil of the current system. I think all of us agree. There must be limits. But S. 2 fails to right the wrong of Buckley versus Valeo, and therefore it fails to address the core problem. With all due respect to Senators BYRD and BOREN, I say that the trick is not to find "less corrupting" ways of raising the obscene sums that fuel our campaigns. The trick is to place absolute limits on how much total money can be spent by a candidate. Once you go to the root by capping spending, the various subsidiary abuses will largely take care of themselves.

You have to be King Solomon to beat the politicians. And, Mr. President, S. 2 is a gaudy tapestry of loopholes. What's more, S. 2 is an open-ended spending program whose final price tag no one dares predict. In contrast Senate Joint Resolution 21 does not cost a dime, does not cost a nickel. And in the single sentence that comprises this constitutional amendment, there are no if, ands, or buts. It is not subject to the infinite creativity of sharp lawyers.

Mr. President, the cost of S. 2 is no small matter. Out of every dollar this Government spends, we now borrow some 20 cents. We can't pay the bills. Yet S. 2 would pile on yet another siphon for borrowed dollars.

Mr. President, permit me a disgression on the matter of the budget, a digression directly relevant to the issue at hand. In the current budget debate, we are playing a fanciful game.

In the domestic summit last November, we agreed to put a cap on domestic and defense spending. We agreed to $36 billion in entitlement increases. We agreed to pay the interest cost of $150 billion. We agreed to reduce the deficit to $136 billion for fiscal year 1989, though CBO says it will be $176 billion.

In short, we need an additional $40 billion in order to get the deficit down to $136 billion.

So, Mr. President, we will now be engaged in the battle of the budget throughout 1988, and the No. 1 priority of the President and the Congress will be to mask the gap between reality and what was agreed upon. We will, along with CBO and OMB, give you the doubletalk and tripletalk, with no one understanding what we are saying. There will be the usual smoke and mirrors of asset sales and stricter tax enforcement.

We have had a 7- or 8-year exercise in spending cuts by Ronald Reagan. If you can find somebody who believes more in the elimination of the Federal Government than Ronald Reagan, then you are a magician.

So we have had the No. 1 budget cutter in the White House. Yet he still ends up with a $1.1 trillion budget and he is only willing to collect some $800 billion in taxes. We are lagging some

$200 billion to $300 billion in the red by the time you eliminate all sleight-of-hand.

Of course, it's a charade to claim even that the deficit is $176 billion. To reach that number, we have to steal from the trust funds that Gramm-Rudman-Hollings put off budget, like Social Security and Medicare.

So we have really a $240 billion deficit. But we will all keep quiet, pass our appropriations bills, and avoid arguments. This is an election year. We'll sneak home on the 1st of October and let a new administration clean up the mess in January.

We are witnessing the "Phantom of the Budget," which, in essence, really is better than the "Phantom of the Opera." Our actors have been practicing now for 7 years and they are expert performers. I admit to joining them from time to time. But for heaven's sake, amidst the carnage and wreckage of the deficits, let's not pile on yet another open-ended spending program in order to entice candidates into limits. Instead, go right to the source. Score a bull's eye by reversing the error of Buckley versus Valeo. Let us pass a constitutional amendment that empowers Congress to legislate campaign spending limits. They let us put before Congress a bill that, once and for all, addresses the campaign finance scandal simply, directly, and with finality. Then we can look around the floor of this Senate and see who truly is for campaign reform and who is not. That will be a bright day in the history of the U.S. Congress.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

SYSTEM OF REGIONAL PRIMARIES

Mr. DIXON. Mr. President, while reading yesterday's USA Today, I noticed an article entitled "The Way USA Picks Presidents is 'Insane.'" I am glad to see someone else agrees with me!

For the article, USA Today interviewed Mr. David Garth, a well-known political consultant. He believes the current front-weighted system which places such great emphasis on the results of Iowa and New Hampshire is insane. He says, "The idea that Iowa and New Hampshire can set the process for the country is ludicrous." "It just throws the entire thing out of focus."

David Garth is right. Allowing Iowa and New Hampshire to weed the field before the rest of the country gets a chance to hear from them is a crazy way to nominate our Presidential candidates.

These two States, ranking 23d and 44th in population respectively, weed out a slate of national candidiates largely on the basis of parochial concerns. This system develops candidates who are, as Mr. Garth says, "Different from the personalities of both parties."

We need to change this system. We need to establish a process which develops candidates who reflect the personalities of both parties! We need to establish a process or system or regional primaries.

A regional primary system would guarantee that the major regions of this country would be included in our Presidential nominating system. A regional primary system would guarantee that the eventual nominee's are truly national candidates.

Last October, I introduced S. 1786, the Regional Presidential Primaries Act of 1987. My bill would provide the reform our nominating system needs. It would establish a series of six regional primaries. The primaries would be held every 2 weeks and the Federal Elections Commission would draw straws every election year to decide the order of the primaries.

Will it sell in Peoria? Yes. The Peoria Journal Star, one of Illinois' great newspapers, editorialized last week that "Regional Primaries Have a Lot of Appeal." The commentary states:

> The regional approach would keep some of the small-time appeal of the single-state launch, while permitting a more representative assessment of the candidate's merits than we get in the Iowa-New Hampshire one-two.

I have requested my good friend, Senator FORD, and his distinguished colleagues on the Rules Committee to hold hearings on this matter as soon as possible Now is the time to reform our nominating system.

Mr. President. I ask unamious consent that Peoria Journal Star Editorial and the USA Today article both be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as folllows:

THE WAY USA PICKS PRESIDENTS IS INSANE

USA TODAY. Voter attention shifts to the Super Tuesday primaries on March 8 now that New Hampshire is over. Will Super Tuesday uncomplicate things for the voters?

GARTH. Our primary system of picking a president is insane. It is the only single election in which you don't have the entire universe voting in the primary. It just throws the entire thing out of focus. It tends to be different than the personalities of both parties.

USA TODAY. What do you mean?

GARTH. To get the Democratic nomination, you steer on the left-hand side of the road, and for the Republican nomination, you steer on the right-hand side of the road, even though both parties may be a lot more centrist. So what you have after the primaries is each candidate struggling to get back to the center. The idea that Iowa and New Hampshire can set the process for this country is ludicrous.

USA TODAY. So Super Tuesday is a good idea?

GARTH. It is a step in the right direction because at least it's not just a Southern primary; you're getting a couple of New England states in there also. And it comes the closest to a national or a regional primary system.

USA TODAY. Why do you prefer national or regional primaries?

GARTH. It only makes sense that you can have primaries the same day. It's much more costly this way. And with all the cliches about pressing the flesh, there were 13 candidates running in Iowa. With 13 candidates, only 22% of the people actually saw any of the candidates. So much for pressing of the flesh.

USA TODAY. Weren't they everywhere?

GARTH. They only seemed like that.

USA TODAY. What sort of strategies should the candidates be using for Super Tuesday? Should they change for the Southern states?

GARTH. I don't think that you can change the strategies. I think you really have to be very, very careful about delivering a different message.

USA TODAY. Why?

GARTH. With things like CNN and network news and C-SPAN, and superstations and your papers, the candidates' messages are carried all over this country. If somebody really changed the hard message, it would be noticed by the press and it could hurt the candidate.

USA TODAY. What kinds of advertising would be most effective? How do you feel about negative ads?

GARTH. My feeling is that negative advertising—which the press is in love with because it's something exciting to write about—works against you in a long series of primaries. Don't get me wrong: Winning is not to be sneezed at. But in the long run, you really want to come up with a pretty good, favorable point of view. And I don't think you do the vicious kind of stuff, not for any hyperextended moral reason, but because it's not smart politics.

NO MORE IOWAS

There is a good chance that 1988 will be the end of the Iowa caucuses, at least as we have come to know them. We hope so.

The idea that one small and unrepresentative state should take on the role of kingmaker has been on the verge of self-destructing for some time now. It was fun while it lasted, but the more we have seen of what has taken place in Iowa, the less we like it, and we suspect many Americans agree.

Based on the preferences of 14 percent of registered voters in a state with less than 1.5 percent of the nation's population, the analyst already have decreed that Gary Hart and Bruce Babbitt are finished and that Vice President George Bush, a serious candidate with a long record in government, is badly wounded. He was done in by a TV evangelist who has never held public office

and stands no chance of being elected, but who managed to inspire a disproportionate share of religious fundamentalists to come to the caucuses.

If that's not good old Iowa hogwash, it ought to be.

Although he hasn't said that in so many words, Sen. Albert Gore Jr. thinks it is. He long ago gave up on Iowa and more recently on New Hampshire, the next stop on the road to the presidency, though still smaller and less representative than Iowa. Gore instead has invested his time and money in the 14 states which will choose more than 35 percent of delegates to both party conventions March 8, Super Tuesday. Two-thirds of these states are in the South, which permits Gore, a Southerner, his unorthodox move.

"I think people have caught on to the distortions in the process that are caused by the Iowa caucuses," said the Tennessee Democrat. "It shouldn't be magnified into the decisive moment of the 1988 campaign.

A victory on Super Tuesday would prove Gore a superb strategist, would indicate that Iowa may be akin to the emperor without clothes—and would strengthen the argument for reforming the system. A brokered convention on either side would just about guarantee a change.

The best arguments for opening the presidential race in a single small state are twofold: (1) Because population and size are manageable, voters have a good chance of getting to know the candidates, not just their TV images. (2) For the same reasons, candidates do not need a large campaign warchest, or even a big name, to test their appeal.

But one needs only to turn on the television or open a newspaper to realize that, good intentions aside, the media continued to set much of the agenda in Iowa. One needs only to look at the millions of dollars spent by almost every candidate (Paul Simon's tab was over $4 million) to appreciate that running for president remains incredibly expensive, regardless where the campaign begins. And one needs only to have watched the presidential contenders, working the crowds as if they were running for county supervisor, to conclude that this is not the way to judge those who would seek the highest office in the land.

So what system might be better?

Regional primaries have a lot of appeal. A half-dozen could be organized throughout the country, one week apart, with the order determined by lottery.

The regional approach would keep some of the small-time appeal of the single-state launch, while permitting a more representative assessment of a candidate's merits than we get in the Iowa-New Hampshire one-two. It wouldn't prevent, but it would lessen the showtime approach that a single national primary would guarantee.

A lottery would keep one region from setting the agenda every time. If we did not make the draw until, say, three months before the first primary, we would limit the amount of time that could be spent in significant campaigning—an important goal for any reform effort. Carter won Iowa in 1976 because he'd spent three years campaigning there; George Bush did the same and triumphed in 1980. Neither was in office at the time, which was the only reason they could devote that much time to the campaign. Sitting governors can't do that, and sitting congressmen shouldn't.

We also like the idea that those who know the candidates best should have a greater role than they presently do in the selection process. In our 1960's haste to give more power to ordinary people, rather than to politicians meeting in smoke-filled rooms, we created a method of nomination that dissuades many of our best potential nominees from even running for office and rewards qualities which serve us well on the campaign trail, but not necessarily in the White House.

We need to try something else.

THE PLIGHT OF THE ALEXANDER PYATETSKY FAMILY

Mr. DIXON. Mr. President, I rise today on behalf of myself and my distinguished colleague, Senator PAUL SIMON of Illinois, to bring to your attention the plight of the Alexander Pyatetsky family in Kiev. They are the relatives of our constituents, Sarra, Michael, and Mark Pyatetsky in Chicago.

Alexander has been a refusenik for more than 13 years. Throughout this period, the only reason given for this continual denial was that he once had a security clearance. This security clearance was for a very short period of time over 15 years ago. On April 24, 1987, Alexander's security clearance was finally lifted.

Although it seemed as if the final obstacle had been removed, Alexander received another refusal from OVIR. Furthermore, he was told not to reapply until 1990.

Recently, in December, a well-publicized phone call was made by Senator SIMON to Alexander while the family was present in Chicago. We do not believe that it is a coincidence that 4 days after the call was placed, word came through from OVIR that visas had been issued for the family. Happy news, yet one essential element turned it into a mixed blessing; permission was granted to everyone in the family except Alexander.

To use Alexander's own words:

> Making their decision this way they are trying to persuade us to separate our family one more time. To tear my children away from their father and my wife from her husband. And the time when they are going to permit me to be reunited with family is not even defined. I haven't seen my own parents for more than 7 years and my only brother for 14 years. I want to see them. This is groundless, lawless and inhumane. It's not a fair decision. It is a mockery. Even Mr. Gorbachev said once that 5-10 years is quite enough but not in my case. It seems 14 years for them is not enough even when the security clearance is lifted.

The Pyatetsky family has now made its decision; Alexander's wife and two children will leave the Soviet Union without him. It is inconceivable to us that such a situation should be allowed to exist. We urge our colleagues to join us in protesting this intolerable situation. We urge that Alexander Pyatetsky be allowed to emigrate with his family.

May I say, Mr. President, that my colleague, Senator PAUL SIMON, feels very deeply about this. He asked me to personally deliver this message on the floor on his behalf, and, Mr. President, I am delighted to accommodate my friend and distinguished junior colleague in that regard while he is otherwise involved in other places.

DECLARATION OF INDEPENDENCE OF LITHUANIA

Mr. DIXON. Mr. President, on Tuesday, I spoke before the Senate in commemoration of the 70th anniversary of the Declaration of Independence of Lithuania. On Tuesday, however, the Soviet Government quelled the planned peaceful demonstrations in Lithuania. Thus, Mr. President, I ask unanimous consent that this editorial from today's Chicago Tribune to further expose the tyranny of the Soviet action be spread upon the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A SILENT OBSERVANCE IN LITHUANIA

A massive police presence in Vilnius, the capital of Lithuania, ensured that there would be no news Tuesday from that small but grand old nation, no demonstrations to mark the 70th anniversary of its independence—a freedom wrested away by the Soviet Union in 1940.

But protests of Lithuania's cruel fate were held in Chicago, Washington and New York, and across Western Europe. They served notice that the wellsprings of liberty still flow stubbornly in the face of history's dislocations.

There is a lesson in this that runs far deeper than the pallid, cynical whining of those who accept that power grows mainly from the barrel of a gun. The lesson was taught by Poles who regained their independence early this century, after 125 years in a partitioned wilderness, and will do it again someday. It is taught over and over—in Tibet, in Afghanistan, in the other Baltic republics and everywhere in the world where the strong of heart defy tyranny.

The capacity of the human spirit to cherish freedom and resist oppression is fathomless and implacable. Among us there will always be men and women, and children, waiting for the right moment to take charge of their own destinies. From Lithuania and elsewhere, that is the real, enduring news.

Mr. DIXON. Mr. President, I thank you. I thank my colleagues for this time. I yield the floor.

Mr. ADAMS. I thank my colleague, Mr. President.

The PRESIDING OFFICER. The Senator from Washington is recognized.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with consideration of the bill.

Mr. ADAMS. Mr. President, I have arrived on the Senate floor today to speak in favor of S. 2, the Senate campaign reform bill, which we were unable to pass because of the filibuster last year.

Mr. President, last year we talked about campaign funding reform, and we talked and talked but we could never break the filibuster. And as we talked and talked, millions of Americans have been demanding we do more than talk. They have been demanding we actually do something about reform of the system.

Mr. President, as you sit in the chair today, and as I rise on this floor to speak on campaign spending reform, we do not talk about this as somebody who views it in a theoretical fashion.

We have just been through campaigns, and today I want to talk about our present system, which prevents a contest; and I want to talk about S. 2 in terms of credibility of the American system. I want to talk about the fact that without a credible system, the American people will not believe in it. I want to talk about our producing a system which S. 2 is directed toward, to prevent the forcing of a candidate out of a contest because he has small money resources and, thus, is told that he is not a credible candidate, or she is told there is no real contest because "you do not have the money resources."

Here we are again at the beginning of the election cycle, both for the Presidency and for the U.S. Senate and House of Representatives. We have a chance to act. We have a chance to vote out a good bill. It is not a partisan bill. It is not an incubent's protection act.

S. 2 is an opportunity for all of us to stand up and say, "Too much money is being spent on Senate elections in this country."

Campaign finance reform is an opportunity for us to stand up and say we should spend more time legislating and less time raising money.

Campaign finance reform is a chance for us to stand up and say the electoral process belongs to the American people, not to special interests and not to simple political action committees.

A number of us who were elected in the last senatorial election did not approach this issue from a theoretical or even from an objective perspective. Last year, as we were debating this bill, I stood up and said, "The memories of what I had to do to get here are still too fresh." I have been here a year and those memories have not faded.

Let me be frank, Mr. President. It would be very easy for me to stand up here as an incumbent and say the system works. After all, I got elected—and I probably can be reelected—but I do not think that any candidate, challenger or incumbent, Republican or Democrat, should have to go through what I went through and what my colleagues in this freshman class went through last year.

From the first day of my campaign to the last, the most serious problem I faced was raising enough money to be considered a credible candidate, to simply get into the contest. What occurs in this is that they do not cut off your ideas; they cut off your money and, therefore, you never arrive at the point where you can debate the issues. Your are not considered to be in a contest.

To me, this game is an experience that I think should be shared with the American public. My case should be used as a classic example of how a candidate has an incredible problem of being considered credible, just being in the contest.

I spent 35 years in public life. I have been a U.S. district attorney under Kennedy; a Congressman from the center of the largest city in our State for 12 years; a Cabinet Secretary, the only one in living memory from my State, and I did not believe that I was a stranger to the traditional support that candidates running on the Democratic ticket in my State would have.

I found, however, that political contributors, particularly PAC's and those worried about offending the incumbent, simply cut off the money. In fact, this reluctance to offend the incumbent created a whole new campaign tactic, which is to cut off the opponent's money rather than cutting off the opponent's ideas.

I never imagined how much of my personal time would be spent in fundraising. Whether it was personal phone calls asking for contributions, meeting with potential donors of fundraising receptions in and out of the State, I spent at least 50 percent of my time simply raising money to be credible—not to overwhelm my opponent, not to match dollar for dollar, simply to have enough money so that people in the political process said, "Well, he will appear on television at the time of the final so that at least people will see it and remember and listen." Here was a candidate with some public exposure and experience and certainly someone who had spent all of his life in the State, and you who would think that fundraising would be easy, but it was not.

My mornings would begin in Seattle, west coast time, very early, to get people in their office at 9 o'clock on the east coast, with fundraising calls. Most of the time I was not talking to just constituents about contributions. I was talking with people all over the country who were removed from the voters of the State of Washington. I had to. I called all the people in the State of Washington. We had large numbers of small contributions; but because I faced an opponent who had started with nearly a million dollars in the bank and access to enormous amounts of money, I had to raise enough money, because they would report month by month whether or not I was going to have enough money to arrive at a September primary and be in the race.

Let us not kid ourselves. When I was talking to those PAC's, I was talking to individual contributors and I was talking to people who had given a few dollars in some common interest, and often to idealistic people, but far more often, I was talking to professional political people, people who made their living by figuring the odds, by looking at the reports of how much has he raised and how much does his opponent have in the bank and bidding on the percentages.

I am grateful to those who stood in and contributed to me, particularly the individual contributors and those idealistic people who really do run some idealistic PAC's, who said, "Well, we won't just go with the political pros; we think you have really got a chance and we'll give you some money."

I am grateful to the Democratic Senate Campaign Committee, which did not have any money and had to go out and borrow money to give me enough at the end to run a set of television ads.

I did win, but I wish I had been able to do it by debating the issues with my opponent rather than debating my prospects with potential fundraising political bankers. We all know how it works, and we all know we spend too much time asking for money because campaign costs have escalated beyond all reason. We need spending limits which allow us to communicate our message.

S. 2 is a bill that is built simply to provide incentives to keep the spending down and to see that there is a credible contest at the end, that the ideas of the two opponents appear at some point before the voters, and that means, in this age of electronics, some television time at the end.

This should not be a race to see who can collect the most money and who can collect it first. My opponent spent almost twice as much money as I did. At least, that is what we could count. We both could have spent a lot less and still had a vigorous campaign; but this is not just a bill to make lives of politicians easier, or lives of statesmen, if you have been here long enough to not be a politician and become a statesman. It is a bill designed to make our politics better. Our constituents look around—they saw Watergate, they see Irangate; they hear rumors and they read stories about elected officials. The net result is that our constituents believe we are a body that is up for sale. I do not believe that a single one of our colleagues would "sell" a vote for a campaign contribution. It just is not done. But as the amount of money we raise grows and grows, so does the preception that all those folks must be getting something for all the millions they contribute to campaigns.

I get letters in my office everyday from constituents who believe that any PAC that gave me $5,000 has more influence on me than they do. The point is not my honesty or objectivity—I feel comfortable with that. The point is that too many people are being turned off in the electoral process because they are not comfortable with the system. They are not comfortable with the way that the elections are run. Those letters are not an attack on my credibility—they are an attack on the credibility of our political process. And I tell you, this country cannot afford to weather many more of those attacks.

I believe that S. 2 is an important step toward true, bipartisan reform of a system, that has gone amuck. I hope that we will rise to the challenge and look beyond our interests to the general interest. We have too many people now who are not participating in the political process either by joining into the campaigns or even by voting. We have got to turn that around. We have a historic opportunity and we owe it to our constituents, to the people all throughout America, that we use this opportunity and reform a system that serves nobody.

Mr. President, I would prefer absolute limits on the amount that can be spent. The decision of the U.S. Supreme Court prevents that. It says that an individual can spend all of his or her own money that he or she wants. It is a matter of free speech.

So, therefore, this bill has had to be crafted to create incentives not to spend that money. The only reason for spending any Federal or tax moneys is to create the disincentive to prevent somebody from spending a lot of their own money or to just raise overwhelming amounts and force a candidate out.

What this bill will do in its simplest explanation, Mr. President, is to be certain that if one candidate is trying to drive another out with money instead of ideas, that the other candidate will have enough money to at least appear on the public media and present the ideas that that candidate stands for. He or she should be able to be certain that at the end of the contest, whether it be the primary or the final, the ideas of two sides are presented.

Mr. President, this is the only way that a democracy with many different currents of thought, many different constituencies, can be certain that the elected officials are representing those currents of thought and constituencies.

If we get to this point, and we are rapidly approaching it, where money is the main and only factor in some cases in the election, then we will end up with a one-party system or we will end up with a system that is always way behind the people because new ideas will never be able to be presented, and the arguments and the debates will be very limited in scope because the candidates with a lot of money will try to limit those debates and will buy their own air time, knowing they can overwhelm the other side.

Mr. President, you and I both come from small Western States. In these States the Senate seats are incredibly important because the Senate seats stand for the fact that we have wide geographic and population diversity. In these States relatively small amounts of money compared to large population States can overwhelm an opponent.

All we are asking in the formulas that are in S. 2 is that this not happen. This would probably be against the interests of an incumbent like myself, but I think it should be. I think there should be an opportunity so that the parties arrive at the election with the ability to say what they believe in, what they stand for, and what the issues facing the country are.

Mr. President, I hope we will pass S. 2. If we have to break a filibuster by the other side, I hope we break it. I hope the other side joins us. I think that they should. I hope they will, because seven times we have brought this up to try to break a filibuster before. I hope we do not have to. I hope that this time there will be agreement and we can pass the bill, but if not, I hope that we pass cloture, stop the filibuster, pass this bill, and give the electoral process back to the people of America.

Thank you, Mr. President, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

The PRESIDING OFFICER. Under the previous order, the time of 11:30 having arrived, the Senate stands in recess until 1 o'clock today.

Thereupon, the Senate, at 11:30 a.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Boren).

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. Mikulski). Without objection, it is so ordered.

MOTION TO RECOMMIT WITH INSTRUCTIONS TO REPORT BACK FORTHWITH WITH AMENDMENT NO. 1403, AS MODIFIED—AMENDMENT NO. 1405, AS MODIFIED

Mr. BOREN. Madam President, I have modified my pending motion and my pending amendment (No. 1405) with changes I now send to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his motion and his amendment, and they will be so modified.

The motion to recommit with instructions to report back forthwith with amendment No. 1403, as modified, is as follows:

S. 2

I move that the bill S. 2 be recommitted to the Committee on Rules and Administration to be reported back forthwith with the following amendment:

Strike all after the enacting clause and insert the following: "That this Act may be cited as the 'Senatorial Election Campaign Act of 1987'."

Sec. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"Sec. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act, except the provisions of section 301(9)(B)(vi), apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(6) the term 'general election' means any election which will directly result in the election of a person to the office of United

States Senator, but does not include an open primary election;

"(7) the term 'general election period' means the period beginning on the day after the date of the primary or runoff election, whichever is later, and ending on the date of such general election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(8) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(9) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(10) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(11) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office, or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(12) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(13) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(14) the term 'Senate Fund' means the Senate Election Campaign Fund maintained pursuant to section 506 by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(15) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"SEC. 502. (a) To be eligible to receive benefits under this title, in addition to the requirements of subsection (d), a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the day of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or $150,001, whichever is greater, up to an amount that does not exceed $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate from such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(4) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the authorized committees of such candidate—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the amount of the limitation on expenditures established in section 503(b), unless otherwise provided in this Act;

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(8) notify the Commission of their intention to make use of the benefits provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2)(B) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(d) In addition to the requirements of subsection (a), to be eligible to receive benefits under this title a candidate shall, on the day such candidate files as a candidate for the primary election—

"(1) file with the Commission a declaration of whether or not—

"(1) such candidate and the authorized committees of such candidate intend to make expenditures, for the primary election, more than an amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(2) such candidate and the authorized committees of such candidate intend to make expenditures, for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b); and

"(3) such candidate and the authorized committees of such candidate intend to make expenditures, for the general election, more than an amount equal to the general election spending limit applicable to such candidate pursuant to section 503(b).

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who is entitled to a benefit in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate who is entitled to a benefit for use in a general election under this title shall make expenditures for such

general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million, plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population of 4 million or less, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election as determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(e) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) such fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total amount of contributions to, and expenditures from, such fund do not exceed 10 percent of the limitation on expenditures for the general election as determined under subsection (b); and

"(C) no transfers may be made from such fund to any other accounts of the candidate's authorized committees, except that the fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any money remaining in such fund when the candidate decides to terminate or dissolve such fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the primary and runoff period portion of the two-year election cycle preceding the candidate's general election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made, or are obligated to be made, in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsections (d) and (e), as they apply to such candidate, shall be increased for that primary or runoff election in an amount equal to the amount of such expenditures made during the period covered by such election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(B) mailing rates provided in section 3629 of title 39 of the United States Code; and

"(C) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any person in opposition to, or on behalf of an opponent of such eligible candidate, as such expenditures are reported by such person or determined by the Commission under subsection (f) of section 304;

"(2) if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election—

"(A) an eligible candidate who is a major party candidate shall be entitled to receive a payment under section 506 in an amount equal to—

"(i) two-thirds of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 100 percent of such limitation determined under section 503(b); and

"(ii) one-third of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 133⅓ percent of such limitation determined under section 503(b); or

"(B) an eligible candidate who is not a major party candidate shall be entitled to matching payments under section 506, equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions required to be raised under section 502(a)(1) shall not be eligible to be matched; and

the total amount of payments to which a candidate is entitled under this subparagraph shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate.

"(b) A candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c)(1) A candidate who receives benefits under this section may make expenditures for the general election without regard to the provisions of subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of 133⅓ percent of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to the provisions of subparagraph (C) of section 502(a)(7) if any major party candidate in the same general election is not eligible to receive benefits under this section, or if and when any other candidate in the same general election who is not eligible to receive benefits under this section raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such benefits shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any benefit made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such benefit.

"(d) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which such candidate is entitled or knowingly or willfully use such benefits for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by any candidate, or the authorized committees of such candidate, who receives benefits under this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": Provided, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(6) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of such Act and such candidate is identified or identifiable during 50 percent of the time of any broadcast of a political announcement or advertisement by such candidate;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(6), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for the United States Senate who qualifies for the ballot for a general election, as such term is defined in section 501(6)—

"(A) who is not eligible to receive benefits under section 502, and

"(B) who either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election, and thereafter shall file additional reports with the Commission within 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made which aggregate an additional 5 percent of such limit. Such reports shall continue to be filed pursuant to the provisions of this section until such candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures equal to 133⅓ percent of the limit provided for such State pursuant to section 503(b).

"(2) The Commission, within 24 hours after each such report has been filed, shall notify each candidate in the election involved who is eligible to receive benefits pursuant to the provisions of this title under section 504, about such report, and after an opposing candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures in excess of the limit provided for such State pursuant to section 503(b), the Commission shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(6), who is not eligible to receive benefits under section 504, has raised aggregate contributions or made or has obligated to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(6), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph, made by the same person in the same election, shall be reported within 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom *the independent expenditures are actually intended to help elect or defeat. The Commission shall, within 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C) of this Act, about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.*

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(6), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).

"(j) Within 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend from his personal funds, and the funds of his immediate family, and incur personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle.

"(k)(1) Any candidate for the United States Senate who expends from his personal funds and the funds of his immediate family, and incurs personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle, shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported within 24 hours after each time the aggregate of such expenditures or loans exceeds $10,000.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504 about each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of the immediate family of such candidate or incurred personal loans in connection with his campaign aggregating in excess of $250,000, or thereafter in increments of $10,000 during the election cycle. The Commission within 24 hours after making such determination shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about each such determination.".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or the making of, or obligating to make expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multi-

candidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

Sec. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

Sec. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

Sec. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

Sec. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

Sec. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

Sec. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

Sec. 13. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

provided that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the amount which is applicable to such candidate pursuant to section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

BROADCASTING ACCESS PROVISIONS

Sec. 14. (a) Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended by—

(1) striking out "or" at the end of paragraph (6);

(2) striking out the period at the end of paragraph (7) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(8) for willful or repeated discrimination against such a candidate in the amount, class or period of time made available to such candidate on behalf of his candidacy.".

(b) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by adding at the end the following:

"(e) In providing access to use of a broadcasting station with respect to a campaign, a licensee shall give priority to legally qualified candidates for public office in connection with their campaigns.".

DISCLOSURE

Sec. 15. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by—

(1) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has not agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

POLITICAL COMMITTEE POSTAL RATES

Sec. 16. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

CONSTITUTIONAL AMENDMENT

Sec. 17. (a) The amendments made by section 2 of this Act shall cease to be effective, as provided in subsection (b), if an amendment to the Constitution of the United States permitting the Congress to establish spending limits for Congressional election campaigns is ratified as part of the Constitution.

(b) The amendments made by section 2 of this Act shall be repealed and cease to be effective for any Federal election held after such Constitutional amendment is ratified as part of the Constitution, or 22 months after such ratification, whichever is later.

(c) Upon repeal of such section 2, the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"Sec. 324. (a) No candidate in a general election for the United States Senate shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate in a general election for the United States Senate shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) No candidate in a general election for the United States Senate shall make expenditures for the primary election, which in the aggregate exceed an amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(d) No candidate in a general election for the United States Senate shall make expenditures for a runoff election, if any, in an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(e) For purposes of this section, the amounts set forth in subsections (b), (c), and (d) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"Sec. 325. (a) In the absence of a constitutional statutory limitation on the amount of independent expenditures that may be made in a Senate election, notwithstanding the provisions of section 17(b) of the Senatorial Election Campaign Act of 1987, the provisions of section 2 of such Act which provide conditions for the eligibility for matching payments to be made to a candidate in the case of independent expenditures made by any person in opposition to, or on behalf of the opponent of, such an eligible candidate, and which provide for matching payments to be made to such eligible candidates, shall remain in effect.

"(b)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal to 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.".

SEVERABILITY

Sec. 18. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

Sec. 19. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

AMENDMENT NO. 1405, AS MODIFIED

The text of amendment No. 1405, as modified, is as follows:

In the amendment strike all after the word "Federal" on line 3 and insert the following:

Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"Sec. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act, except the provisions of section 301(9)(B)(vi), apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(6) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(7) the term 'general election period' means the period beginning on the day after the date of the primary or runoff election, whichever is later, and ending on the date of such general election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(8) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(9) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(10) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(11) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office, or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(12) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(13) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(14) the term 'Senate Fund' means the Senate Election Campaign Fund maintained pursuant to section 506 by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(15) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"SEC. 502. (a) To be eligible to receive benefits under this title, in addition to the requirements of subsection (d), a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the day of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or $150,001, whichever is greater, up to an amount that does not exceed $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate from such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(4) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the authorized committees of such candidate—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the amount of the limitation on expenditures established in section 503(b), unless otherwise provided in this Act;

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(8) notify the Commission of their intention to make use of the benefits provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2)(B) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(d) In addition to the requirements of subsection (a), to be eligible to receive benefits under this title a candidate shall, on the day such candidate files as a candidate for the primary election—

"(1) file with the Commission a declaration of whether or not—

"(1) such candidate and the authorized committees of such candidate intend to make expenditures, for the primary election, more than an amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(2) such candidate and the authorized committees of such candidate intend to make expenditures, for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b); and

"(3) such candidate and the authorized committees of such candidate intend to

make expenditures, for the general election, more than an amount equal to the general election spending limit applicable to such candidate pursuant to section 503(b).

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who is entitled to a benefit in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate who is entitled to a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million, plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population of 4 million or less, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election as determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(e) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) such fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total amount of contributions to, and expenditures from, such fund do not exceed 10 percent of the limitation on expenditures for the general election as determined under subsection (b); and

"(C) no transfers may be made from such fund to any other accounts of the candidate's authorized committees, except that the fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any money remaining in such fund when the candidate decides to terminate or dissolve such fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the primary and runoff period portion of the two-year election cycle preceding the candidate's general election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made, or are obligated to be made, in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsections (d) and (e), as they apply to such candidate, shall be increased for that primary or runoff election in an amount equal to the amount of such expenditures made during the period covered by such election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(B) mailing rates provided in section 3629 of title 39 of the United States Code; and

"(C) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any person in opposition to, or on behalf of an opponent of such eligible candidate, as such expenditures are reported by such person or determined by the Commission under subsection (f) of section 304;

"(2) if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election—

"(A) an eligible candidate who is a major party candidate shall be entitled to receive a payment under section 506 in an amount equal to—

"(i) two-thirds of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 100 percent of such limitation determined under section 503(b); and

"(ii) one-third of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 133⅓ percent of such limitation determined under section 503(b); or

"(B) an eligible candidate who is not a major party candidate shall be entitled to matching payments under section 506, equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions required to be raised under section 502(a)(1) shall not be eligible to be matched; and

the total amount of payments to which a candidate is entitled under this subparagraph shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate.

"(b) A candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c)(1) A candidate who receives benefits under this section may make expenditures for the general election without regard to the provisions of subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of 133⅓ percent of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to the provisions of subparagraph (C) of section 502(a)(7) if any major party candidate in the same general election is not eligible to receive benefits under this section, or if and when any other candidate in the same general election who is not eligible to receive benefits under this section raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such benefits shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which *constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.*

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any benefit made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such benefit.

"(d) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which such candidate is entitled or knowingly or willfully use such benefits for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by any candidate, or the authorized committees of such candidate, who receives benefits under this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": Provided, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(6) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of such Act and such candidate is identified or identifiable during 50 percent of the time of any broadcast of a political announcement or advertisement by such candidate;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(6), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for the United States Senate who qualifies for the ballot for a general election, as such term is defined in section 501(6)—

"(A) who is not eligible to receive benefits under section 502, and

"(B) who either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election, and thereafter shall file additional reports with the Commission within 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made which aggregate an additional 5 percent of such limit. Such reports shall continue to be filed pursuant to the provisions of this section until such candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures equal to 133⅓ percent of the limit provided for such State pursuant to section 503(b).

"(2) The Commission, within 24 hours after each such report has been filed, shall notify each candidate in the election involved who is eligible to receive benefits pursuant to the provisions of this title under section 504, about such report, and after an opposing candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures in excess of the limit provided for such State pursuant to section 503(b), the Commission shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(6), who is not eligible to receive benefits under section 504, has raised aggregate contributions or made or has obligated to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(6), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter,

independent expenditures referred to in such paragraph, made by the same person in the same election, shall be reported within 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. The Commission shall, within 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C) of this Act, about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(6), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).

"(j) Within 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend from his personal funds, and the funds of his immediate family, and incur personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle.

"(k)(1) Any candidate for the United States Senate who expends from his personal funds and the funds of his immediate family, and incurs personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle, shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported within 24 hours after each time the aggregate of such expenditures or loans exceeds $10,000.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504 about each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of the immediate family of such candidate or incurred personal loans in connection with his campaign aggregating in excess of $250,000, or thereafter in increments of $10,000 during the election cycle. The Commission within 24 hours after making such determination shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about each such determination.".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or the making of, or obligating to make expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

SEC. 13. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

provided that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the amount which is applicable to such candidate pursuant to section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

BROADCASTING ACCESS PROVISIONS

SEC. 14. (a) Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended by—

(1) striking out "or" at the end of paragraph (6);

(2) striking out the period at the end of paragraph (7) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(8) for willful or repeated discrimination against such a candidate in the amount, class or period of time made available to such candidate on behalf of his candidacy.".

(b) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by adding at the end the following:

"(e) In providing access to use of a broadcasting station with respect to a campaign, a licensee shall give priority to legally qualified candidates for public office in connection with their campaigns.".

DISCLOSURE

SEC. 15. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by—

(1) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has not agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

POLITICAL COMMITTEE POSTAL RATES

SEC. 16. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

CONSTITUTIONAL AMENDMENT

SEC. 17. (a) The amendments made by section 2 of this Act shall cease to be effective, as provided in subsection (b), if an amendment to the Constitution of the United States permitting the Congress to establish spending limits for Congressional election campaigns is ratified as part of the Constitution.

(b) The amendments made by section 2 of this Act shall be repealed and cease to be effective for any Federal election held after such Constitutional amendment is ratified as part of the Constitution, or 22 months after such ratification, whichever is later.

(c) Upon repeal of such section 2, the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"SEC. 324. (a) No candidate in a general election for the United States Senate shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate in a general election for the United States Senate shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) No candidate in a general election for the United States Senate shall make expenditures for the primary election, which in the aggregate exceed an amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(d) No candidate in a general election for the United States Senate shall make expenditures for a runoff election, if any, in an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(e) For purposes of this section, the amounts set forth in subsections (b), (c), and (d) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"SEC. 325. (a) In the absence of a constitutional statutory limitation on the amount of independent expenditures that may be made in a Senate election, notwithstanding the provisions of section 17(b) of the Senatorial Election Campaign Act of 1987, the provisions of section 2 of such Act which provide conditions for the eligibility for matching payments to be made to a candidate in the case of independent expenditures made by any person in opposition to, or on behalf of the opponent of, such an eligible candidate, and which provide for matching payments to be made to such eligible candidates, shall remain in effect.

"(b)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal to 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.".

SEVERABILITY

SEC. 18. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 19. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

AMENDMENT NO. 1404, AS MODIFIED

Mr. BYRD. Madam President, I modify my amendment No. 1, which I offered yesterday and I send the modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and the amendment will be so modified.

Amendment No. 1404, as modified, is as follows:

In the instructions strike all after "SEC. 2" and insert the following:

The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act, except the provisions of section 301(9)(B)(vi), apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(6) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(7) the term 'general election period' means the period beginning on the day after the date of the primary or runoff election, whichever is later, and ending on the date of such general election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(8) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(9) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(10) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(11) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office, or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(12) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(13) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(14) the term 'Senate Fund' means the Senate Election Campaign Fund maintained pursuant to section 506 by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(15) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"SEC. 502. (a) To be eligible to receive benefits under this title, in addition to the requirements of subsection (d), a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the day of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or $149,999, whichever is greater, up to an amount that does not exceed $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate from such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(4) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the authorized committees of such candidate—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the amount of the limitation on expenditures established in section 503(b), unless otherwise provided in this Act;

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(8) notify the Commission of their intention to make use of the benefits provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2)(B) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(d) In addition to the requirements of subsection (a), to be eligible to receive benefits under this title a candidate shall, on the day such candidate files as a candidate for the primary election—

"(1) file with the Commission a declaration of whether or not—

"(1) such candidate and the authorized committees of such candidate intend to make expenditures, for the primary election, more than an amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(2) such candidate and the authorized committees of such candidate intend to make expenditures, for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b); and

"(3) such candidate and the authorized committees of such candidate intend to make expenditures, for the general election, more than an amount equal to the general election spending limit applicable to such candidate pursuant to section 503(b).

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who is entitled to a benefit in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate who is entitled to a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million, plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population of 4 million or less, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election as determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(e) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) such fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total amount of contributions to, and expenditures from, such fund do not exceed 10 percent of the limitation on expenditures for the general election as determined under subsection (b); and

"(C) no transfers may be made from such fund to any other accounts of the candidate's authorized committees, except that the fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any money remaining in such fund when the candidate decides to terminate or dissolve such fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the primary and runoff period portion of the two-year election cycle preceding the candidate's general election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made, or are obligated to be made, in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsections (d) and (e), as they apply to such candidate, shall be increased for that primary or runoff election in an amount equal to the amount of such expenditures made during the period covered by such election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(B) mailing rates provided in section 3629 of title 39 of the United States Code; and

"(C) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any person in opposition to, or on behalf of an opponent of such eligible candidate, as such expenditures are reported by such person or determined by the Commission under subsection (f) of section 304;

"(2) if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election—

"(A) an eligible candidate who is a major party candidate shall be entitled to receive a payment under section 506 in an amount equal to—

"(i) two-thirds of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 100 percent of such limitation determined under section 503(b); and

"(ii) one-third of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 133⅓ percent of such limitation determined under section 503(b); or

"(B) an eligible candidate who is not a major party candidate shall be entitled to matching payments under section 506, equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions required to be raised under section 502(a)(1) shall not be eligible to be matched; and

the total amount of payments to which a candidate is entitled under this subparagraph shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate.

"(b) A candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c)(1) A candidate who receives benefits under this section may make expenditures for the general election without regard to the provisions of subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of 133⅓ percent of the expenditure limit applicable to

such candidate under section 503(b) for such election.

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to the provisions of subparagraph (C) of section 502(a)(7) if any major party candidate in the same general election is not eligible to receive benefits under this section, or if and when any other candidate in the same general election who is not eligible to receive benefits under this section raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such benefits shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any benefit made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such benefit.

"(d) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which such candidate is entitled or knowingly or willfully use such benefits for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is

transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by any candidate, or the authorized committees of such candidate, who receives benefits under this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": Provided, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(6) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of such Act and such candidate is identified or identifiable during 50 percent of the time of any broadcast of a political announcement or advertisement by such candidate;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(6), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for the United States Senate who qualifies for the ballot for a general election, as such term is defined in section 501(6)—

"(A) who is not eligible to receive benefits under section 502, and

"(B) who either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election, and thereafter shall file additional reports with the Commission within 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made which aggregate an additional 5 percent of such limit. Such reports shall continue to be filed pursuant to the provisions of this section until such candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures equal to 133⅓ percent of the limit provided for such State pursuant to section 503(b).

"(2) The Commission, within 24 hours after each such report has been filed, shall notify each candidate in the election involved who is eligible to receive benefits pursuant to the provisions of this title under section 504, about such report, and after an opposing candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures in excess of the limit provided for such State pursuant to section 503(b), the Commission shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(6), who is not eligible to receive benefits under section 504, has raised aggregate contributions or made or has obligated to make aggregate expenditures for such election which *exceed the amount of the limitation determined under section 503(b) for such election. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such candidate is entitled.*

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(6), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph, made by the same person in the same election, shall be reported within 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. The Commission shall, within 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C) of this Act, about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(6), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).

"(j) Within 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend from his personal funds, and the funds of his immediate family, and incur personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle.

"(k)(1) Any candidate for the United States Senate who expends from his personal funds and the funds of his immediate family, and incurs personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle, shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported within 24 hours after each time the aggregate of such expenditures or loans exceeds $10,000.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504 about each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of the immediate family of such candidate or incurred personal loans in connection with his campaign aggregating in excess of $250,000, or thereafter in increments of $10,000 during the election cycle. The Commission within 24 hours after making such determination shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about each such determination.".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph

(B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or the making of, or obligating to make expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

SEC. 13. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"**§ 3629. Reduced rates for certain Senate candidates**

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

provided that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the amount which is applicable to such candidate pursuant to section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

BROADCASTING ACCESS PROVISIONS

SEC. 14. (a) Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended by—

(1) striking out "or" at the end of paragraph (6);

(2) striking out the period at the end of paragraph (7) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(8) for willful or repeated discrimination against such a candidate in the amount, class or period of time made available to such candidate on behalf of his candidacy.".

(b) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by adding at the end the following:

"(e) In providing access to use of a broadcasting station with respect to a campaign, a licensee shall give priority to legally qualified candidates for public office in connection with their campaigns.".

DISCLOSURE

SEC. 15. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by—

(1) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has not agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

POLITICAL COMMITTEE POSTAL RATES

SEC. 16. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

CONSTITUTIONAL AMENDMENT

SEC. 17. (a) The amendments made by section 2 of this Act shall cease to be effective, as provided in subsection (b), if an amendment to the Constitution of the United States permitting the Congress to establish spending limits for Congressional election campaigns is ratified as part of the Constitution.

(b) The amendments made by section 2 of this Act shall be repealed and cease to be effective for any Federal election held after such Constitutional amendment is ratified as part of the Constitution, or 22 months after such ratification, whichever is later.

(c) Upon repeal of such section 2, the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"SEC. 324. (a) No candidate in a general election for the United States Senate shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate in a general election for the United States Senate shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) No candidate in a general election for the United States Senate shall make expenditures for the primary election, which in the aggregate exceed an amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(d) No candidate in a general election for the United States Senate shall make expenditures for a runoff election, if any, in an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(e) For purposes of this section, the amounts set forth in subsections (b), (c), and (d) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"SEC. 325. (a) In the absence of a constitutional statutory limitation on the amount of independent expenditures that may be made in a Senate election, notwithstanding the provisions of section 17(b) of the Senatorial Election Campaign Act of 1987, the provisions of section 2 of such Act which provide conditions for the eligibility for matching payments to be made to a candidate in the case of independent expenditures made by any person in opposition to, or on behalf of the opponent of, such an eligible candidate, and which provide for matching payments to be made to such eligible candidates, shall remain in effect.

"(b)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal to 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.".

SEVERABILITY

SEC. 18. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 19. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

Mr. BOREN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

MORNING BUSINESS—RECESS UNTIL 2 P.M.

Mr. BYRD. Madam President, I understand that Senator SASSER is expected on the floor at any moment. He wishes to speak as if in morning business. Has the Pastore rule run its course for the day?

The PRESIDING OFFICER. It has not yet run its course.

Mr. BYRD. I thank the Chair. I therefore ask unanimous consent there be a period for morning business not to extend beyond 1:30 p.m., and that the Senate then stand in recess until 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LEGAL RIGHTS OF ACTIVE DUTY MILITARY PERSONNEL

Mr. SASSER. Madam President, yesterday the House of Representatives again showed its strong support for protecting the rights of active duty military personnel. By an overwhelming, bipartisan vote of 312 to 61, the House passed H.R. 1054, legislation modifying the so-called Feres doctrine. By this action the House went far in promoting active duty military personnel from their current status as second-class citizens by allowing them to sue for military medical malpractice.

My colleagues will recall that the Feres doctrine, established by a 1950 Supreme Court decision, prohibits all active duty members of the Armed Forces from suing the Government for injuries they suffer during the course of their military service. As a result, active duty personnel are denied basic civil rights guaranteed to all citizens. I submit that this sweeping restriction has created a military medical system which lacks total accountability. That lack of accountability poses a grave threat to all active duty personnel, who comprise about one-third of all those who rely on the military medical system.

I introduced legislation in 1985 and again in January 1987, S. 347, which would amend the Federal Tort Claims Act to allow active duty members of the Armed Forces to sue the Government for injuries or death caused by negligent medical care at military medical facilities during peacetime.

I want to emphasize that, Madam President: They will only be allowed to sue the U.S. Government for medical malpractice performed on themselves or on their relatives during times of peace.

This proposal enjoys bipartisan support. Indeed, the broad base of support for this type of proposal is evident in the House of Representative's overwhelming vote yesterday.

By moving to protect the rights of active duty personnel, the House has again done its part in rectifying what all parties agree is an intolerable situation—inadequate avenues of relief for victims of military medical malpractice. It is my hope that this year will be the year that the Senate will do its part in fashioning a remedy. We simply cannot afford to ignore this very real problem.

Those of us who have worked on this issue know all too well the human suffering which has gone without redress as a result of the Feres doctrine. One tragic case which illustrates this point is that of a Navy petty officer from Memphis, TN, who suffered from a heart condition. He died after being given improper medication by military doctors. This particular petty officer suffered from a heart condition. He was given a medical preparation that was contraindicated for individuals suffering from his type of heart illness, and it was the proximate cause of his death. His family was barred from bringing any legal action. They were forced to make do with a small and inadequate award given by a board of arbitration.

Another case which comes to mind is that of Doyle A. Stanley, another Navy man, who is also from my native State of Tennessee. Doyle lost a portion of his skull due to an infection which he charges had been mistreated by Navy doctors.

I might say that his allegations were backed up by very respected and distinguished physicians in the private practice. Again, Mr. Stanley was barred from having his day in court. He is forced to live out the rest of his days wearing a protective helmet-like device. Should he bump his head at night getting out of bed, there is no frontal bone, nothing to protect his brain from the blow and he could be killed.

These are just two of the many cases across the country of alleged medical malpractice which can be traced to negligent treatment of military personnel.

In each of these cases, active duty personnel are prohibited by the Feres doctrine from bringing nil in a court of law where they could get adequate compensation for the previous damages that they have sustained.

This legislation that I have introduced would rectify this situation. S. 347 will allow lawsuits only for medical malpractice in time of peace—an important point to stress for those who contend that my legislation would undermine military discipline. Indeed, I think my legislation would improve military morale. My legislation, further, provides that the suit is to be brought against the U.S. Government, not individual physicians, nurses, or other personnel for noncombat medical damages in peacetime.

I have the utmost respect for our Armed Forces, and I am sure I speak for other supporters of this legislation when I say it is not my intention to disparage the importance of military discipline in defending this Nation and its interests. That would be foolish.

But quite frankly, I have yet to hear a convincing argument that my legislation would adversely affect military discipline. By contrast, as the cases I mentioned illustrate, I have heard very convincing arguments from my constituents and constituents of many of my colleagues—and I speak as a former member of the U.S. Marine Corps Reserve—that the quality of military medical care is inadequate on occasion and that confidence in the military medical system is very low and for very good reason in many instances.

I am encouraged by the recent efforts of the Department of Defense to improve the military medical system, and I think substantial progress is being made. We are seeing the beginning of efforts to increase accountability and to improve the quality of military medical care, and, quite frankly, we have many outstanding physicians in the military medical system.

The PRESIDING OFFICER. Will the Senator withhold?

The majority leader had obtained unanimous consent for the Senate to recess at 1:30 and to reconvene at 2 p.m. Does the Senator have a request of the Chair?

Mr. SASSER. I request unanimous consent that I be allowed to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Madam President, I want to commend the Department of Defense for the efforts they are making. However, such improvements do not speak to the separate issue of legal rights of our active-duty military personnel. We cannot continue to deny the men and women who defend the free world the right to seek legal redress—a right which other American citizens have—when they are victims of malpractice in the military medical system in time of peace.

I will continue to press for Senate action on my proposal or on the House-passed bill. We cannot be satisfied so long as active-duty military personnel are relegated to the status of second-class citizens. I urge my colleagues to join me in assuring that active-duty military personnel have the right to their day in court.

Madam President, I yield the floor.

RECESS UNTIL 2 P.M. TODAY

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, at 1:33 p.m. the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DIXON].

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, the time has come for the Senate to act on campaign finance reform. When the campaign finance reform bill was introduced in January of last year, it contained, among other things, a provision to limit the total amount of expenditures made by Senate candidates in each State. This was—and I believe still is—the overriding goal of campaign finance reform.

The amount and sources of money spent in Senate campaigns is an embarrassment to our country and it is a blot on the integrity of the Senate because of the appearance of impropriety. I do not believe that anyone who cares about democracy and the integrity of this body can honestly disagree with the premise that some limitation must be placed on campaign expenditures.

In order to achieve the goal of limited campaign expenditures, Senate bill 2 embraced the concept of public financing. This was required by the fact that the U.S. Supreme Court has ruled that campaign expenditures are protected by the freedom of speech guarantee of the first amendment of our Constitution and can only be limited by the voluntary action of the candidate.

To entice candidates to voluntarily limit campaign expenditures, Senate bill 2 offered full public financing to any candidate in the general election who reached a private fundraising threshhold. The estimated cost of this provision to the Federal Treasury was approximately $38 million per year through fiscal year 1992.

Many Members of this body were concerned about requiring the taxpayers of the United States to foot the bill for Federal election campaigns.

In a good faith attempt to meet the legitimate concern about the cost of public financing, the sponsors of Senate bill 2 offered a sensible compromise. This first attempt at compromise with the opponents of public financing would have granted dollar for dollar matching funds to candidates who met the private fundraising threshhold rather than granting total public funding. This proposal would have cut the cost of this legislation in half.

While this offer of compromise would have done much to meet the concerns about the cost of public financing, many Members of this body still objected.

In a second attempt to compromise with opponents of public financing, the sponsors of Senate bill 2 have proposed yet another alternative. As I understand it, this proposal would set State-by-State voluntary spending limits based on population. A candidate who agrees to this limit will get reduced television advertising and postal rates.

In addition, if one candidate agrees to abide by the campaign expenditure limit but his opponent does not, the candidate who agrees to the restriction will receive public funds. Once his opponent exceeds the expenditure limit.

I believe this is a workable compromise. This proposal would limit campaign expenditures voluntarily and would not contribute public funds unless one candidate refused to abide by the restrictions.

Mr. President, I believe it is time for us to lay all our cards on the table. This proposal meets the legitimate concerns of those Members who do not want the taxpayers of this country to be required to pay for our campaigns. The public financing portion of this bill now has been tailored so that public funds will not be used unless one candidate insists on exceeding reasonable expenditure limits.

Mr. President, I do not believe there is any subject that we have before us, and we have had it before us for several years, that reaches further in connection with our constitutional government and with the election of the individual persons who are going to serve than the growing costs of conducting political campaigns.

I say "growing costs" with great emphasis because I am familiar with it. I have seen it, year after year, grow to what is now enormous proportions and is somewhat out of control.

This problem is becoming more and more challenging and grave, affecting the very heart and soul of the election of our public officials. To the U.S. Senate and the House of Representatives.

I have observed in amazement, during the years that I have been here, the rapidity with which this problem was growing. It is more and more of a problem in each State.

It has not been ignored. There has been a great deal of effort to get a practical plan that will work and ensure fairness to all parties; fairness to any aspirant who wants to offer himself for office; and a soundness of application and a soundness of enforcement. Those that will not voluntarily live up to it will have to pay the price of being prosecuted, if necessary.

I noticed an intensity in the debates here not just for a year or two or a term or two but over and over on this subject. The problem has become greater from year to year while the scarcity of effective remedies has grown.

I remember well in 1974 we tried to bring forward an effective plan to regulate campaign financing in Federal elections, and for the first time started putting the possible penalties of a rather severe nature on those who did not obey.

The 1974 act provided that a part of the costs of Presidential campaigns would be paid out of the National Treasury, that the taxpayers would be allowed to check off a portion of their taxes to be placed in a campaign fund that would be distributed to the Presidential candidates.

I did not like that idea at all. I did not realize it might be necessary to frame a voluntary compliance mechanism to avoid the Supreme Court's prohibition on mandatory limits on campaign expenditures. So I voted to take public financing out of the bill.

I have watched the problem and I have lived to see now that my vote was a mistake. I believe that was a mistake, to try to run entirely clear of public funding in order to strengthen the law and fashion a better solution.

So I announced on the floor here some 4 years ago that I had changed my mind in the light of experience, and believed that we were going to have to resort to public financing even though we did not like it.

But after all, it is not an individual's campaign. It is a campaign for public office and we certainly are justified, as I see it now, in trying to protect that highly important phase of our system of electing Members of the House of Representatives and the U.S. Senate.

I have been proud of the way the matter has been developed and the way some Members, particularly, have exhausted their energy trying to bring about passage of this law. I have conferred with the majority leader, Senator BYRD of West Virginia—Not that I have been one of the main workers—but I have seen him as he carried on his tremendous job here on this issue as well as many others. I am proud to see him manifest such an interest, as well as a determination.

I say without any limitation, something has to be done about this problem. There has to be a plan worked out that will retain for the people back home—the people back in these districts that the Members of the House of Representatives serve and the people in the States where the Senators serve—the selection of those officers in a clean and fair manner under control of the law. We must prevent anyone coming in to a community or county or district or a State, and with the manipulations and maneuvers of money, regulate or control the election and determine their choice in a campaign.

There is just no tolerance to be had of any practice like that. Eventually, if not controlled and exterminated, it is certain to finally spoil and destroy the very spirit of the system that we have in determining a clean election, one controlled by the voters of the local area. That is a highly important point, in my view, because if you do not have the interest in that election predominating and controlling the atmosphere of things in the area for which the officer is being elected, then the process is going to fail. The process will not function. It will not result in the election of a suitable person. Such a result will be the breaking point of our system.

If we allow someone to come in from some other areas of the Nation, or some other area of a State, and in any way, with money or the effects of money, control that election, one of the bad things that will happen is that the local people feel that they are losing control over their own ballot boxes.

This local participation is the salvation of the electoral process. If the local people are not interested enough to participate in those elections themselves, then they will not prevail long and the system will not prevail long either. Just as certain as night follows day, a gradual day-to-day, year-to-year, decade-to-decade practice of what we have going on now in some places will result in the invasion of large sums of money with which the local people cannot compete with. They will not be able to control their elections because of this larger and larger money payment that comes in from other sources.

In my own State, and I have the privilege of being one of its Members here, this law has brought about a change in attitude in elections as far as money is concerned. You can just feel the prospects of more and more outside influence, even though, frankly, there has not been any great imposition yet of the will of outsiders, of someone beyond the communities or the State.

One of the most precious parts of the entire system is the idea that the people choose their own officers.

I remember in 1913 when the law was changed, when the Constitution of the United States was amended. The people of the Nation as a whole amended that Constitution, placing with the people the direct power to choose the Members of this body, the Senate, to choose them directly by their own ballot. Prior to 1913, the Constitution, as written by the great originators of that provision of the Constitution, the power to select U.S. Senators was not close enough to the people.

As time went on, decade after decade, with a long debate over it, the people had a feeling they wanted that power brought closer to them. That was not a child's thought. That was deliberate, sound judgment, repeated over and over and over. Finally there was a change in the law by amending the Constitution of the United States providing that the people should choose the Members of this body. They would no longer allow the Members of the State legislatures to choose the Senators from that State. The amendment provided that the people, in exercising their rights of citizenship, should have the power to go to the polls and make their choices.

There is not any doubt that they were pleased to respond and did respond with the utmost interest.

I am talking about things that I remember and had explained to me as a young boy. I thought it was a great triumph, a victory. It was, but I realized far more later when I saw the actual operation and the success of the plan and was myself elected and chosen directly by the people. That plan has worked wonderfully well. But it is a challenge.

We are trying to amend the law now to eliminate the problem of excessive campaign spending. It is a challenge to the entire system, to the voter who has the privilege of marking a ballot. But the use of money—money daytime, nighttime, any time, all the time, over and over again—does not mean that every candidate that uses it is a crook, not by any means. There is a great deal of money in a campaign that must be used. It takes a great deal of money on the other side to contest it. But excessive campaign money is gradually moving elections beyond the control of the people who live in those precincts.

They realize it more and more. But just as certain as night follows day, we are traveling a road now that will lead to serious disaster if not attended.

Let us tend to it now. Let us put down some rules that are fair and impartial and practical and workable and just say that there will be a limit on the amount of money that can be spent. My point is this matter cannot continue on now neglected; we disqualify a higher and higher percentage of our people who are eligible to fill these offices with distinction because we rule them out to start with, men and women, because they do not have independent means to pay for their campaigns. The results go from bad to worse.

Mr. President, we will regret the day that we continued to neglect this situation. Nobody is a criminal in the membership. I do not mean that. I mean the very opposite of it. If all the things that have made the spirit and the meaning of our citizenship and our government sound are attacked at one time—and this procedure we are now slipping into is attacking all of them—there is bound to be a wreck along the way and I am afraid it will come far sooner than we now realize.

So, Mr. President, I find concern in the hearts and minds of not only the new membership but those who have been here for years and years. Realizing what is happending and what could happen, let us clean our own house now. Let us pass an effective measure. I think this one is effective. Let us make a start and get a better law on the books. The operation of the new law will disclose any defects. Then, if necessary, we can pass it in a better form. But just as certain as night follows day, we are going to have to provide a remedy, we have to take this thing more seriously. We have to protect that which is ours by birth, that right of suffrage; the right to cast a vote which belongs to every citizen.

But the campaign financing system that is destroying the right to freely choose elected officials in our great system of government is the thing we must protect against. No one is going to do that except ourselves, and it is the responsibility of the Congress to take the lead in a way that is solid, sound, and workable, that protects the people, both the voter and the candidates and our system then will survive. Otherwise, we are flirting with a very serious chance that we could let the system itself get so far neglected, not protected by adequate law as to seriously challenge the continuation of our Government.

So with others, who are concerned about this problem, East, West, North, South I trust that the leadership here will continue the battle in reaching for the solution to these problems. If the first law we pass does not work right, does not meet the ends needed, then we will try it again.

We are going to protect the right of suffrage in this the 200th anniversary of the beginning of our constitutional Government. Just think of that. Two hundred years is a long time in many ways. The ballot has been in contention some but as a whole it has been protected, it has been utilized by the people, and by and large they have been wise in their use of that great privilege. That is the basis of our system of government.

Mr. President, I believe we must return the Senate elections to the people. We must return to the principles of constitutional democracy and we must restore the integrity of the Senate. May God help us find our way.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the chairman of the Appropriations Committee, Senator STENNIS, for that very good statement. Senator STENNIS is a Member of this body whom we all, on both sides of the aisle, admire, very much. All of us are hard-pressed to think of any Senator that we know or have known, either a sitting Senator or a prior Member of this body, who has greater integrity and a greater sense of what is best for this institution and for this country. I am honored to be associating myself with the remarks of the chairman of the Appropriations Committee. He is a tremendous man.

Mr. President, I want to take up where the Senator left off and echo albeit perhaps without the same sense of vision and history as the Senator from Mississippi, some of his concerns. I believe that campaign finance reform is one of the most important measures that this Senate can enact this year. In fact, I will go farther. I think it is the single most important measure that we can enact this year. The Senator from West Virginia, Senator BYRD, along with the Senator from Oklahoma, have taken a giant step forward to educate the country and in many respects educate the other side of the aisle about the long-term importance of limiting the excessive number of dollars that are fueling and lubricating our political system today and are slowly, perniciously, taking it down.

From 1976 to 1984 spending on House and Senate elections rose from $115 million to almost $400 million. And the average cost of winning a Senate election rose from about $600,000 to practically $3 million.

In addition, we all know how much political action committees or PAC contributions have risen. When the Federal Election Campaign Act was enacted in 1974 there were only about 608 registered PAC's. They contributed about $12 million to congressional races. A couple of years ago there were over 4,000 registered PAC's. Just think of that, over 4,000 registered PAC's. And those PAC's, political action committees, contributed about $105 million to congressional races. PAC spending has risen faster than overall campaign spending, which itself has risen much faster than we possibly could have predicted. PAC's made 15 percent of all contributions in 1974 but double that, 30 percent, in 1984. This dramatic increase in congressional campaign spending and contributions has obviously created many deep problems.

First, Senators and challengers must spend so much time and energy raising money that they cannot focus enough on their jobs. Senators are becoming, as the Senator from West Virginia once said, part-time legislators and full-time fundraisers. That is a very significant problem.

I frankly believe that we risk undermining the stature of this body. With advances in communications technologies and other kinds of technologies, we are becoming glorified messenger men and women. And we spend less and less time addressing fundamental problems facing this country—education, foreign policy in Central America, the Mideast, competitiveness, trade legislation, and arms control.

We tend to spend too much of our time on the periphery, on the minor details, which do not get at the heart of the matter. I think Senators by and large will—I will go farther than that. Senators want to serve their country. That is why they run for office. That is why they run again for office. But it takes so much time to do so. So much of that time is spent raising contributions that we can spend even less time trying to make sense out of the deep problems that face this Nation, particularly as the world gets more and more complicated. That is the pernicious effect of all of the additional dollars necessary to campaign.

Given the current cost of campaigns, the average Senator today must raise $10,000 a week during each of the weeks of the 6-year term. That is just an average—$10,000 each week for each week of the 6-year Senate term.

I have talked to Senators from some States who tell me when they run for election in the last year they had to spend 50 percent of their time on the telephone asking for money—50 percent.

That is more true in heavily populated States because dollars are even more important there than they are in the more thinly populated States.

Let me mention another problem. That is getting good people to run for office. A few years ago I called various people around the country encouraging them to run for the Senate. We found a lot of very good people, highly intelligent, deeply dedicated to their States and to our country, who said yes, we are excited about running for office. But when they thought about how much it would cost, how much money they would have to raise, and as they were not millionaires in their own right, they began to back away.

I can tell you from personal experience most of the first people I called that I thought would be the best candidates eventually decided they would not run because it costs so much. They could not afford it. They did not want to take the time to raise the money, all the time it would take. They could see the writing on the wall and the effort was not worth it. We are losing very good people because the present system shuts them out. They do not want to spend the time and effort to raise the money, and therefore do not serve their country.

In addition, Mr. President, this intense fundraising pressure that all incumbents face makes Senators more susceptible to appeals from special, well lubricated, interests.

As Senator Eagleton, former Senator from this body, said last year, all of that money does not come from the Little Sisters of the Poor. We all know that. Maybe it is easier for Senators in more thinly populated States to have an absolute 100 percent open-door policy for all of their constituents. I know it is easier for me to do that in my State of Montana because there are not as many folks as there are in the State of New York, or Florida, or Pennsylvania, or California. In those States money tends to speak more loudly because it is more difficult for Senators to individually talk to every citizen of their State who wants to talk to them and see them. It is just more difficult.

Mr. President, I compliment Senator BYRD and Senator BOREN for their bill. They have worked long and hard. They thought about this problem. They are trying to come up with a concrete solution with no gimmicks. It is no smoke and mirrors. I think it is a very good first step.

In 1986, for example, we took an important step and the Senate approved Senator BOREN's amendment limiting overall PAC contributions and reducing the maximum contribution amount from $5,000 to $3,000. That was a couple of years ago. That was a good first step. What happened? Nothing.

It is unfortunate that even though this body approved that limitation, as small as it is, it ultimately was not even enacted into law. What's more, it really did not begin to scratch the surface.

I think we should not kid ourselves. No matter what we do about PAC's, we will not achieve meaningful campaign finance reform unless we solve the root problem, namely the escalating cost of congressional campaigns and the intense fundraising pressures that it generates.

The bill before us, the Senate Campaign Act, S. 2, as has been modified by Senators BOREN and BYRD, goes a long way. It would dramatically improve our campaign finance system. I do not stand here to say it is going to solve all the problems. I have been around here long enough to know the ways of men and women who want to get around something. They tend to find a way to do it.

Nevertheless, it is a tremendous advance over the current situation. As President Harry Truman once said, try something. If it works, great. If it does not work, try something else. Try again. But at least go with what you have. In that vein, this bill is a significant improvement on the current system which will not solve all the problems but it will go a long way.

I strongly encourage Senators on both sides of the aisle to approve it.

Mr. President, we are in kind of an awkward situation here. I think it is clear that Senators on this side of the aisle, with maybe a few exceptions, want this bill enacted. I think it is even more clear that the people of the country want this bill enacted.

There are some Senators on the other side of the aisle who threaten to talk ad nausem, to filibuster. They claim in speeches and arguments that the bill before us is going to perpetuate the present system, it is going to protect incumbents, et cetera. I think if everyone looks closely and looks clearly at what is happening here, they will realize that it is the present system which protects incumbents, not this bill.

The other side of the aisle has raised far, far more money in financing campaigns and has a lot more money at its disposal, so they like the current system. It is in their best interest to keep the current system.

There have been some negotiations. Senators on the other side of the aisle have spoken with some Senators on this side of the aisle, particularly with Senator BOREN and Senator BYRD. I hope they work out a meaningful resolution, but I underline the word "meaningful."

It would be a disservice for the Senate, just for the sake of agreement, to accept a watered-down, washed-out version of Senate campaign finance reform legislation. It would be such a disservice that I think the American people would become even more disgusted than some of them are with the present political process.

I strongly encourage the Members of this body to work for a meaningful resolution. I hope that the Senators on the other side of the aisle do not try to kill this bill with a filibuster, because I think that they will be hurting themselves if they do, they will be hurting their party, and, more important, they will be hurting this country.

I do not often get too worked up about things, but I am about this. It is critical that this Senate, this Congress, significantly limit the dollars in our political process today.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

(Mr. BAUCUS assumed the Chair.)

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I have no prepared remarks, but I feel moved to make some remarks about the pending legislation, S. 2.

I appreciate the very sound statement made by my distinguished colleague from Montana. I want to join him in expressing my profound regard for the distinguished President pro tempore, the senior Senator from Mississippi. The benefit of his political experience concerning the problem of campaign finance is enormous.

Everything he said ought to be seriously considered by Members of this body. His statement accurately reflects the condition of political affairs in this country. The escalating costs of election present a threat to everyone in public service. As the Senator from Mississippi pointed out, if we do not shortly respond in a significant way, these costs will lead us to tremendous political scandals.

I would like to state for the record that I have held elective public office continuously since the age of 21 when I was elected police magistrate of my hometown in April 1949.

In that time I have stood for election, in primaries and in generals, 29 times. I have seen the evolutionary process of politics and money unfolding in my State, and to some extent in this country, over this approximately 39-year period.

Some things have changed for the better, Mr. President, and that is a development worth remarking about.

When I was a very young man in public life back in Illinois, there were no election controls of any kind over the expenditure of public funds. I remember as a very young man in public life when contributions were generally in cash for those who sought public office. And I can remember as a very young man when precinct committeemen were paid substantial amounts of money in cash to produce the vote in their precincts, particularly in the substantially organized areas like East St. Louis and Chicago. This kind of funding led to a great many terribly, terribly serious abuses in the political process. Anyone who says that money cannot lead to abuses in the political process has not seen the political process as it really works in this country. Because I can tell you when I was a young man, illegal gambling flourished in certainly my State and many other parts of the country, largely by virtue of the fact that cash was used in those days in the political process.

I remember when Senator Estes Kefauver, who I am sure the distinguished Senator from Mississippi served with, came to St. Louis to hold hearings. PAUL SIMON, as a young reform newspaper editor, and ALAN DIXON, as a friend of his in public service, went to those hearings. The sheriff of my own county testified under oath in the Federal building in St. Louis that he did not know that a bookie shop existed across the public square when you could look out the window of the sheriff's office and clearly see it. Those kinds of things really occurred, Mr. President. Those things really occurred.

I can remember when we lost a statewide election in Illinois and the majority leader of the U.S. Senate was defeated in Illinois largely by virtue of the fact we had a candidate for sheriff on our ticket in Cook County who, before the Kefauver Committee developed, was the richest cop in the world. That scandal, Mr. President, caused the majority leader of the U.S. Senate—and this is factual; the Senator from Mississippi knows it—to lose his seat in this body not for what he had done but because he was on the ticket.

Scandals arise from the improprieties inherent in money's use in politics!

My State passed laws to control the amount of money received by candidates. Now there are reporting requirements in my State as is probably true in the rest of the country. And as a response to Watergate, the Senator from Mississippi and others affected reformation of the Federal laws. Many of these reforms worked well. Some were not so good. But the important thing is that through the evolutionary process we have now come to the place where we can see that the current law is not adequate.

My friend from Mississippi, who has seen so much, pointed out that it is not adequate any more. We all know this is true.

I cannot remember who the Congressman is, but some Congressman in the House spent $21 a vote in his district. This is indicative of a serious, serious political disease spreading in the country due to money. It will lead to scandal if it is not addressed to the shame of all of us. It is going to happen. My friend from Mississippi has pointed it out.

How can anyone legitimately argue there ought not to be a limit? You might legitimately argue how high the limit ought to be. But surely everyone would agree that you should not to be able to buy a seat in the Senate of the United States, the most powerful democratic institution in the world. There ought to be some limit.

All the arguments about not having the taxpayers pay for this are a sham. Anyone making that argument will admit, privately in the cloakroom, that it is a sham. This bill does not say that any more. If you comply with this law, there is no public taxpayers' money involved at all. Let us get that on the record.

All we are talking about here is answering the Supreme Court's statements about the right of free speech by figuring out some way to put a limit on spending.

I looked at the bill as it affects my State. I expect the Senator from Montana looked at the bill as it affects his State, the Senator from Mississippi looked at the bill as it affects his, because each of us knows our own place best. I know Illinois pretty well, Mr. President, having run a good many times in that State. I would be tempted to assert I know it as well as anyone.

The limits for my State, I say for the record, are eminently fair. The limits for my State are higher than this Senator spent in winning against the Reagan landslide when we became a minority party in 1980 and less than this Senator spent to be reelected 2 to 1 in 1986.

Now, if I can do that under the limits set in this bill, I challenge anybody to explain why there is something unfair about these kinds of limitations.

I am not one of the people working out a compromise here, but I expect most on this side are open to fair accommodations. So if anybody would say, "Look, this number is not fair," whether it would be for the smaller States like Montana or Wyoming, or for the biggest, like California, I think we are open to compromise.

I think the distinguished minority leader made a valid point last year that is entitled to be considered, States where the registration is substantially out of whack, you know, a State where there are five times as many registered Democrats or four times as many Democrats registered as Republicans need different limits. OK. I do not know many of those States. I have no doubt there are a few, Mr. President, but you take a State like Illinois, a State like Ohio, a State like New York, a State like Pennsylvania, California—I am going down the list—in most of them the registration is pretty close and everybody knows it is the independent voters who make the difference anyway. About half the people in my State holding elected offices at the county, district, and State levels are Republicans and the other half Democrats. I think we are maybe a slight majority, I will admit that, but not by much.

So if there are things like that that need to be discussed, they ought to be discussed.

But money will lead to abuse in the political process. Extraordinary amounts of it, gross amounts of it, are a cinch to lead to abuse.

We are debating this now for the second year and I think this body is at risk. I think every Member who does nothing to achieve some kind of accommodation to get a bill is personally at risk, and I hope that my colleagues, all being fair people, on both sides of the aisles understand what is at risk. Let me say, as a man in public life, I do not have any problem with somebody wanting a little political advantage. I understand that. We all want a fair advantage in golf or politics.

But I think when you come down to the basic essence of this question as to what is fair for the voters and the people of this country. The voters of this country have a right to have integrity in their system.

I am not one of those Simon pure people who says that there should not be money in politics. Obviously, it takes money to be elected to office. But what I have argued here—and I hope it has made some sense—is that there has to be some kind of limit.

I am not married to anything in this bill. There is not any word in here, comma or period, that could not be changed, or altered. My friend from Kentucky and others have made a valid case about some of the things they objected to. I give him great credit for it. I think that the first bill probably needed some working over. Some good has been accomplished here.

The only thing I am saying on this Thursday is we are getting down to the point where pretty soon either this place is going to explode in a filibuster or something frightful is going to happen that will not lead to any good and desirable result. I hope that honorable people on both sides of the aisle—and everyone here, I know, fits that definition—would work toward some kind of an honorable compromise.

I thank the Chair and I thank him very much for substituting for me for a brief period while I made these brief remarks and I thank him for his learned remarks.

I particularly thank my revered friend, one of the great Senators of all time, a man who will always be regarded as one of the giants of this body, the distinguished President pro tempore, for his very fine remarks.

I thank the Chair and I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

(Mr. CONRAD assumed the chair.)

Mr. McCONNELL. Mr. President, I listened with interest to the remarks of my friend from Illinois and thank him for his interest in this most important subject. I wish to briefly give an update on the "group of eight" meeting which occurred this morning.

As my friend from Illinois will probably recall, one of the open offers that has been made on this side of the aisle since May of 1987 was that we have a leadership group on a particular issue sit down and try to write the kind of bipartisan campaign finance bill that could go through this body 90 to 10. This morning we had the first meeting. We met in Senator BOREN's office. It was a good meeting; a frank meeting. I would say that this Senator has some optimism that we can reach some accommodation.

I would say, however, that there is one fundamental difference that divides us, Mr. President, and that is the question of the virtue of expenditure limits. We already have one major election in this country which operates under a system of expenditures limits.

I listened to my friend from Illinois talk about lack of integrity in the system. In my judgment, Mr. President, the only election in this country that is totally without integrity is the Presidential election. It is the one major election we have that does have expenditure limitations; the one major election in this country that is partially publically funded.

And, as this Senator pointed out in remarks yesterday that probably went on entirely too long, it is a disaster. Every candidate for President since 1976 has cheated. I say that kindly. It applies to both sides. It is sort of like prohibition. The Presidential system has about as much success in controlling expenditures as prohibition had controlling consumption of alcohol and the making of alcohol. It just simply has not worked. Not only has spending increased dramatically, but $1 out of every $4 spent has gone to lawyers and the accountants trying to keep them straight under the limits.

I quoted the distinguished American Bob Beckel who staffed Vice President Mondale's campaign in 1984. He said that they spent $2 million in New Hampshire. The spending limit there, of course, is $400,000. I cited him not to single him out. Everybody has done that sort of thing. Spending limits will not work. All they will do is create an atmosphere in which candidates running for public office are compelled to cheat. That is not progress. That is a disaster.

Now, the current system is not without its flaws, but it does embody two principles that seem to me to make a lot of sense. One is a limitation on individual expenditures: How much I can give you if you are running for office.

Since 1974, when we passed the post-Watergate legislation, the limit has been $1,000 in the primary, $1,000 in the general; and for political action committees, $5,000 in the primary and $5,000 in the general. All of those contributions are fully disclosed. A limit on how much we can receive from an individual or a PAC, and full disclosure, so that if our opponent wants to make an issue over the fact that we got a contribution from the Arkansas chicken growers' PAC, feel free; put it in your commercial; go for it.

The system is not without integrity. It has a very high level of integrity. It spreads the contributions into a broad base because there are limits on contributions, it has full disclosure, and it has not made every candidate seeking the U.S. Senate or House of Representatives spend half his time trying to look for ways to get around the law.

It has accepted the principle that there is nothing inherently evil about money in politics. There is nothing inherently evil about that, any more than in any other aspect of a capitalistic society. Provided there are limits on what the individual can contribute, so that you know he does not have a disproportionate influence on the candidate receiving the contribution, and provided it is fully disclosed, so the public can check on the process, there is nothing inherently evil about that. So the current system is, in many respects, the right system.

So, Mr. President, I think that the philosophical point of departure in our group of eight is whether money is evil and whether we ought to put a limit on how many individuals can get involved in the political process.

As I said yesterday, the base of our party, the Republican Party, is the little businessman or physician or dentist all across America who is out there creating wealth, hiring people, making things happen in this society. This person is not the kind of person who has a lot of time to go to a telephone boiler room or walk door to door. But he cares about what happens in this country, cares about what kind of system we are going to have. The way he participates is to write out his check for 200 bucks and send it to his favorite candidate, and many of those people have sent it to candidates running on this side of the aisle. There is nothing at all evil about that.

To the extent that there is an appearance of evil in the system, it comes from the political action committees. The Senator from Kentucky last year introduced a bill that would eliminate political action committees altogether and could only get 15 sponsors. That is the kind of contribution that raises the question of undue influence on the system, not these thousands of individual contributors out there in America doing their thing by participating in the political process in that way.

So let us talk about what we ought to do. What we ought to do is do something about the cost of television. I have suggested that we require the stations to sell us the time for the last 60 days of the election at the lowest unit rate for the preceding year, the nonelection year. Because, as we know, what they typically do when you get into the election season, they raise the lowest unit rate for all the advertisers so they can take good care of us going down the home stretch, make a lot of money off of us, and as soon as the election is over, they lower the rates again.

Second, one of the growing scandals in this country is the millionaire's loophole. More and more people are going out and buying public office. You cannot entirely close that loophole because of Buckley versus Valeo, but there are some things that can be done.

No. 1, we could require a millionaire running for Congress, if he is going to spend, for example, in excess of $250,000, to so certify that to the Federal Election Commission at the beginning of the campaign, so that his opponents know what they are going to be up against. Once that certification occurs, we could provide the opportunity for the opponent to get more than $1,000 in that election from individual contributors. It would not entirely level the playing field, but it would give him a chance.

No. 2, we could, constitutionally, legislate that a person could not recover his own money once he ponied up a large amount to buy the election; whether he borrowed it or he went into his account and laid it out, he is going to have to eat it.

He cannot go out and win the election and then shake down every special interest in town and anybody he can find across the country to pay himself back after it is all over. Both of those, I would say to the occupant of the chair, might have a little impact. Maybe if the guy has all the money in the world, it would not deter him. But if you are just a little bit rich, you might think twice before putting $3 million, $4 million, $6 million in your own campaign.

Those kinds of reforms can make a difference in this body without putting a limit on the number of individual contributors who can participate in the political process, something that in my judgment is fundamental and that is what an expenditure limitation is all about. It is saying you cannot have any more than this many people participate. If we can get over that hump, then I think we can make some progress.

It has been said by several people that the cost of campaigns continues to rise. Well, it does, but not like it used to. The trend of increase is in fact slowing down. From 1976 to 1978 we went from $115.5 million to $194.8 million, a 70-percent increase from one cycle to the next in the late seventies. We do not know whether that was a real increase. We just had better reports then because of the post-Watergate legislation. But in any event, from one cycle to the next, 70 percent.

From 1980 to 1982, we went from $239 million to $342.4 million, a 43-percent increase. From 1984 to 1986, the increase was down to 20 percent.

The rate of increase has dropped over 70 percent. It is still going up, but it is not going up like it was, and we all know that what is driving that, of course, is the cost of television, and I have just suggested how we could have an impact on the cost of television without impairing the right of individual candidates to go out and get as much support as they can muster.

We have heard from Senators on this side of the aisle who have 20,000 or 25,000 contributors. There is nothing wrong with that. That should be applauded, not condemned.

That is a form of participation. Whoever thought that was evil? It is not.

So that is the nub of this debate. Do we think that money in and of itself is inherently evil and corrupts the systems? Do we think there ought to be a limit on the ability of a candidate to get as many supporters as he can, provided it does not go above the individual contribution limit?

It is the judgment of virtually all the Senators on this side of the aisle that that is the kind of activity that ought to be encouraged. When you talk about how much money has been spent, another way to look at it is how much has been raised and how many people have participated. It is not easy to raise all that money at $1,000 a pop. It comes from a whole lot of people who care enough about the political process to participate.

Another erroneous statement that is typically made is that somehow money is turning people off. I did not enter it into the Record today, but I will shortly—we have done research that shows the more money spent, the more people vote. There is a direct correlation between money spent and voter turnout, because the money is spent in the races that are contested.

When you have two good candidates who have got some support and are able to raise money, they are going to have a good, hotly contested race, and the reaction to that of the people in those States is to come out and contribute and vote. There is a direct correlation between money spent and voter turnout.

So, exactly the opposite is the result. Rather than what has been suggested, that somehow the expenditure of money is turning everybody off, it is turning everybody on. It is turning on not only those who are contributing and participating in the process, but also those who are viewing the television ads and receiving the direct mail and getting the telephone calls that are direct result of the expenditure of those dollars on behalf of those candidates.

So, in the process of trying to reach some accommodation, there are some things that just simply are not negotiable. I hope we can get beyond that and treat some of the real problems. We can do something about the cost of television. We can do something about the millionaire's problem. We can do something about political action committees. All of those would add up to truly significant landmark campaign finance reform legislation. We ought to get about doing it.

We can pass that kind of bill out of here 90 to 10 and be proud of it.

Mr. President, the Senator from Mississippi would like to be recognized on another subject, and I will be happy to yield to him at this point.

(The remarks of Mr. Cochran pertaining to the introduction of legislation will be found in the section of today's Record entitled "Statements on Introduced Bills and Joint Resolutions.")

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I rise to speak in favor of S. 2. It somewhat surprises me that now, almost a year and some months later, we are back here on the same subject which all of us know is a matter of enormous urgency to people in this country. But unfortunately, for reasons that are both difficult to figure out and yet at the same time fairly clear, our friends across the aisle seem unwilling to permit this matter to come to a vote.

They talk about furthering democracy and they talk about the need not now to have campaign reform that somehow upsets democracy, and yet democracy, while it works in many ways, and certainly filibuster is one of those ways, I think we have to agree that democracy is not furthered when a majority of the U.S. Senate cannot proceed to have a vote on a matter as fundamental as campaign finance reform.

In 1974, the country made clear in the wake of Watergate that we needed campaign finance reform, and so we had limits on the amount of money that could be contributed from one individual. It used to be that an individual could put $100,000 into a campaign. We decided that was undemocratic, that that did not further the interests of the democratic and electoral process. So people were limited in 1974 to $1,000 in the primary and $1,000 in the general election. At that time most people thought that reform had worked its will and the process had been improved.

Now, here we are in 1988. In the 1986 cycle, the Democratic Senator from California, Alan Cranston, raised some $14 million in his race for the Senate. That is more money than any Democrat has ever raised in history in running for the Senate. But he was outspent by his Republican opponent.

In countless races across this country—I think in the Chair's own race—the Democrats found themselves unable to raise the kinds of money that Repulicans had available to them. We were outspent in race after race. For new Senators coming into the Senate in 1986, I think almost all of them were outspent by at least $1 million. I know that in 1984, when this Senator ran for the Senate, he was outspent by the sum of two to one.

Now, people would say, "Well, it did not seem to make a difference; you folks got elected anyway." But that is not the point. The point is that there are races in which those distortions are felt, the distortions that are created by massive expenditures of money and, more importantly, we are dealing with perceptions. We are supposed to be, as public servants and as elected officials and as legislators, sensitive to the public will. It is clear that the public has come to perceive, perhaps wrongly, in many cases rightly, that money was an overbearing influence on the political process. More importantly, many people have come to feel—and I think unquestionably so—that while they might be able to contribute $10, $15, $25, they are not going to get the same response as the person who can contribute $1,000, or "max out" as we say in the terminology, or certainly not have the same clout as someone who can contribute, through a committee or otherwise, $5,000, $10,000, $15,000. I have seen countless of my colleagues come to the floor and say, quite honestly, if they had a list of telephone messages in front of them and they knew that the first of the 50 messages was the person who had raised $25,000 and contributed a "max out" to them, that is going to be the first call that gets returned—a natural instinct, a normal response to the process.

Equally as important as the perceptions that have been created by the process of increased campaign money dependency is the fact that each of us as legislators have been taken away from our duties. We saw in very dramatic terms the President of the United States at the State of the Union Message heftily lifting 43 pounds of documents and complaining about the fact that these documents got to him so late that it was a last-minute legislative process, and indeed it is.

It is, Mr. President, because so many of us on Fridays are struggling to get to California, to get to New York, to get to Miami, to get to the centers of money dependency for politics in this country so that we have the ability to raise money for campaigns, money which each and every year is driven up extraordinarily by virtue of the increase in the cost of media. It is not the increase of organizational effort that has driven these costs. It is not the increase of the efforts of individual candidates to go out and shake more hands. It is not even direct mail, though the postage has gone up, and so forth. It is the cost of television and the perception, the belief by consultants and candidates alike that if they spend a lot of money and just inundate with message, they are going to get elected.

Now, we have seen that kind of turnaround as a result of media exposure. The distinguished minority manager of the bill, the Senator from Kentucky, knows that in his own race against Senator Huddleston at the last minute there was an enormous turnaround; there was an extremely effective bloodhound advertisement which was seen on television in his State which had enormous impact.

Now, all I am saying is that I think in this process of the marketing of ideas through electronic media, whether radio, television, whatever, as well as the buying of newspaper ads, the country and the process would be better served if we were to equalize that message process. For those who talk about saving democracy, and somehow intone that Senate 2 would threaten democracy, I ask them to consider this:

If one as a candidate cannot rely on as much expenditure to buy radio and television, how will you then best serve the interests of your election? The answer is very simple. You are going to try to get to as many meetings as you can, you are going to try to meet as many voters as you can. you are going to get out to the grassroots.

I would respectfully suggest that nothing could do more to strengthen the democratic process of this country than to get us back to the ability to not be in States that are funding us, where we do not specifically represent the electorate, but get us back to our own States. Give us the ability to spend more time in our States meeting, talking, answering questions, and contributing to a personal kind of dialog that really ought to be the essence of American politics and which more and more has been voided by virtue of our ability to continually look to the imagemakers and the television and radio process to not only put out a message, but frankly to distort other messages, as well.

I hear my colleagues on the other side, and I think I am quoting fairly accurately the distinguished minority leader, the Senator from Kansas, who said, "My god, if you put a limit, a cap on campaign financing, it would be the end of the Republican Party." That is a very, very interesting comment. A fair expenditure, a cap, the same expenditure by both sides, is held by many on the other side to be of such threat that it could be the end of their party. Why?

One can only assume that there is a direct correlation in their minds between money they can spend and the ability to win votes. If that is true, Mr. President, that means there is a reliance on literally buying Senate seats, on the ability to know that if they can spend the money, then they can win the seat because they cannot organize, they cannot win on the power of the idea, they cannot go out and meet enough people and win in other ways.

I would suggest, Mr. President, that we have to literally turn away from that.

The other argument I hear is that it is unconstitutional. You cannot limit it. Well, I heard the distinguished Senator from Pennsylvania say we have to have a constitutional amendment. Well, Mr. President, respectfully, the process of the constitutional amendment is such that that is really an invitation to no campaign finance reform at all.

Second, a reading of Buckley versus Valeo indicates that it should be voluntary which is the essence of the Supreme Court's decision. If an individual has the right to spend their own money for their campaign, then they are not constitutionally restricted and that is their right. They can spend however many millions of dollars they want of personal funds. There is nothing in this legislation that limits that except a voluntary—I underscore that "voluntary"—commonsense decision.

If they spend millions of their own dollars, the candidate running against them has the right to get an equalized expenditure which will be supported by public financing. So the commonsense portion of this is, gee, it may not make so much sense to spend my millions because I am not really going to buy myself an advantage by doing it. But, if that person believes those millions are essential to that person's election and they want to spend it anyway, then they can go ahead and spend it.

Mr. President, if they decide not to spend it because of that, I cannot think of anything that is a greater argument for the process of equalization. If they decide, well, it is not worth my spending all this extra money because the other person gets to spend the same, that is in fact an admission as to the value of the equalization process. And that is precisely what this bill is seeking to achieve—equal opportunity, fairness. That is supposed to be the essence of the democratic process.

And I think Americans are sick and tired of the notion that people can go out, raise millions of dollars, hoard it in, and that somehow they have to be bombarded by this massive media exchange and pretend that is true democracy. I do not think this country would be one iota inhibited in the democratic process. Rather I think it would be encouraged if we were to have that limitation.

Mr. President, what astounds me is that I keep hearing people say, gee, I do not think we ought to have Federal dollars expended in the electoral process. We have even heard that from the distinguished Senator from Kansas who is right now busy running for the high office of the President of the United States using Federal dollars which he himself signed a letter requested that he be able to use under the law as part of the Presidential matching program.

Right now we have a system in this country for President of the United States where we think it is OK for each nominee to get a fixed number of millions of dollars and use that fixed number and go out and run for President.

And we have a basic assumption about the process that says they are going to get enough exposure, there will be enough free television time, and enough interest that their campaigns will be adequately covered and exposed.

Mr. President, that is absolutely true about a Senate campaign. There is a U.S. Senate campaign in this country that has to depend exclusively on private money in order to be able to reach the public and make people aware of that electorial process. It is only that candidates want to buy that additional advantage. That is the distortion in the process.

And I believe it is high time that finally we recognize that this is an opportunity to be able to deal with the problem of the public perception and encourage democracy.

I also hear people say, well, if you have a cap on the amount of money that you can put in, people are going to rush to contribute, you will have a distortion in the contributing process, and you will limit some people from contributing. Mr. President, that does not have to happen.

The distinguished senior Senator from Florida, who this year is retiring, even without this bill intended to run for the U.S. Senate with a limitation of $100 per person for contributions, and indeed, he had raised almost more than $1 million, $1½ million or so, by contributions from people with a limit of $100 each. It seems to me that is democracy. And there is nothing to stop any Senator or nothing to stop us as the Senate as a whole from even putting a limit on the total amount of money that people can contribute as part of their total cap.

Finally, Mr. President, we have heard from colleagues on the other side how any involvement of Federal dollars at a time that we have this budget crisis and even otherwise is a violation of the whole concept of Federal involvement, and that you should not have that expenditure. The fact is, Mr. President, that most of the Senators who were here at the time voted for a provision that gave a tax credit for contributions. And it was only last year with the tax bill in 1986 that we gave up that tax credit, which was costing the Federal Treasury $530-some million per election cycle.

So most people have been living with the system that for a long time was twice as expensive in terms of Federal participation in expenditures—twice as expensive as the entire cost of every single House and Senate seat in the entire election cycle cumulatively.

So there is a hypocrisy here. For years we had a Federal giveaway program which incidentally was only used by 5 percent of the American electorate. Five percent of the American electorate got the benefit of that credit which cost us twice as much as every election in the Nation, and now all of a sudden when you are going to have a voluntary system which might cost you a few million dollars for that person unwise enough to want to contain their own funds we are suddenly crying, oh, no, the Federal Government cannot be involved.

Well, Mr. President, I hope that before we have an enormous scandal in this country such as the Watergate which prompted the last reform we will make the judgment ourselves that the time has come to make a decision about campaign finance reform that will respond to the needs of the country, respond to the needs of this institution, respond to the needs of democracy as well as of the political process in other respects and put our campaign funding system on an appropriate and I think dignified footing which is appropriate not only to the nature of the process we are engaged in but would greatly enhance democracy in the United States.

I see my colleague is on the floor. I do not know if he wants to question everything I said but just part of it. I am delighted to yield.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I listened with great interest to the Senator from Massachusetts. I am like a kid in the candy store. I do not know really where to start. Why do I not start with the Presidential system that the Senator from Massachusetts lauds and applauds in his comments?

He is correct, of course, that the system that S. 2 seeks to create will be in many respects very similar to the Presidential system. The Senator from Massachusetts said there is scandal waiting to happen.

Yes, I think so, but it is under the Presidential system, not the congressional system. If there is going to be a scandal, it is going to be there because it has made cheaters out of everyone who has run for President since 1976. One out of every $4 spent has been spent on lawyers and accountants.

The Kennedy School of Government at Harvard had some interesting observations about the Presidential spending limit system that the Senator from Massachusetts seems to think has served us so well. I would like to go over them, because I think it provides some interesting observations on how that works.

In 1982, the Committee on Rules and Administration asked the Kennedy School of Government to study post-Watergate campaign finance and recommend changes. This is what the study group concluded and reported to the Senate Rule Committee. It said:

> Among the problems [of the post-Watergate reforms], the most troublesome are related to the attempt to restrict the money spent in Presidential compaigns.
>
> Candidates are not allowed to spend enough money, [and] the expenditure limits have spawned a whole series of serious problems of definition, allocation, and enforcement.
>
> On the other hand, the effort to control total spending has not succeeded. Those involved in Presidential politics are able to raise and spend unlimited amounts of money through conduits other than the candidates' campaign committees.
>
> To make matters worse, most of the other means through which money is now being poured into Presidential politics are inherently less accountable to the electorate and should not be encouranged by the campaign laws.
>
> Thus, our most important recommendation [is] to eliminate the limitations on expenditures made by the candidates. Spending limits have proved undesirable for a variety of reasons.

And then they tick them off one right after the other:

> Failed to equalize resources of different candidates.
>
> Failed to curtail the growth of money in Presidential politics.
>
> Failed to shorten the overall length of campaigns.
>
> Failed to reduce the emphasis on early primaries.
>
> Intrude unduly into campaign strategy.
>
> Created thorny problems with arbitrary definitions, creative accounting, and entangled enforcement.
>
> Fostered disrespect for the law.

Well, that is the Presidential system and, boy, it sure would be progress to go out and imitate that.

Among the other points the Senator from Massachusetts made that I would like to respond to is the question of the fillbuster. I point out to the Senator from Massachusetts that if cloture were invoked, most of the amendments that people on this side think are good would not be germane. Lower contribution limits for PAC's would not be germane. An amendment to provide adequate reporting requirements for soft money would not be germane. Closing the millionaire's loophole would not be germane.

Most of the things many of us think could be done we could not do in that environment.

My friend from Massachusetts decried the amount of time spent on fundraising. I suggest that now that we have 3 weeks on and 1 week off, no one should say to the majority leader again, "I need to get out tonight; I've got a fund raiser." The majority leader has set up a schedule that will allow us to plan our time in advance. That excuse should no longer be used. We have a week to do a variety of different things—visit our constituents, raise money, if that is what we choose to do, whatever. That excuse, I am sure, will not be used in the future.

The Senator from Massachusetts decries the cost of television. That is the one thing he said that I agree with. The way to get at it is not to restrict how much we can raise but to lower the cost of television. The way you do that, in my judgment, is to require the stations to sell us the time at the lowest unit rates for the preceding year—that would be a real break—and prohibit them ripping us off as we come down to the finish line by raising the lowest unit rate for all advertisers and, thereby, sticking it to us until the election is over and then lowering it back again.

It seems to me there was a strong sense in the remarks of my friend from Massachusetts that television somehow is not good, that what we need to do is get back to the grassroots.

Those who are fortunate enough to represent a very small State have that opportunity now. The occupant of the Chair represents a relatively small State. Presumably, if he goes home and spends a week, he can see a high percentage of his constituents. I think that is terrific.

I must say I can shake hands all day for the next 3 years and I will never come close to meeting the 3½ million people I represent.

Then there are California, Texas, New York, Florida, and Georgia—and, yes, Massachusetts. My goodness, how long would it take to have a meaningful exchange with those constituents? None of us would live long enough to accomplish that.

We must not forget that modern means of communications are here. We cannot put that genie back in the bottle, nor should we.

Effective use of television is a modern means of communication. Any political candidate should be able to do that, as well as any commercial advertiser or anybody else who wants to use the most effective means to reach the people of this country.

A final observation I would make is that there is the notion that somehow a cash contribution is inherently evil and that it is OK for volunteers to come to a telephone bank or to go out and walk door to door in behalf of a candidate, but it is somehow evil or corruptive if someone makes a financial contribution to a candidate. We do, after all, live in a capitalistic society, and under the post-Watergate reforms, there is a pretty severe limit on what one can contribute anyway—$1,000 per election by an individual, $5,000 per election by a PAC. By the way, speaking of PAC's, if there is any interest out in the land in campaign reform—and my own judgment is, other than Common Cause, there is almost no interest—if we want to deal with the question of the appearance of undue influence, why do we not eliminate PAC's? We are prepared to pass that today, to just eliminate PAC's because that is the only kind of cash contribution in this country today that has the appearance of undue influence.

As far as cash contributions from individuals are concerned, what is wrong with that? An awful lot of people in this country want to participate in the process, and they are too busy to go down to the telephone bank or to walk door to door. They are trying to start a small business, trying to keep people employed, trying to create wealth and, yes, pay taxes to fund the myriad of Government programs that we have in this country—including taxpayer financing of Presidential races.

Their form of participation, admittedly, is not very time-consuming, but it surely is not inherently evil. Most of us on this side of the aisle do not feel that there is any evil there that ought to be treated, and if there is a sick system at work in this country today that corrupts the process, it is the Presidential system. We see it unfolding before us. It is a disaster, and the last thing we want to do, I say to my friend from Massachusetts, is to extend that kind of system down to congressional races.

Mr. KERRY. Mr. President, will my distinguished colleague yield?

Mr. McCONNELL. I yield.

Mr. KERRY. With respect to the Presidential race, I appreciate the Senator's turning to the Kennedy School in Massachusetts as a source; but I think that what the Kennedy School is referring to—and I happen to agree there are all those problems—but the point that is being made is that those problems exist and are equally accentuated when you have an open-ended Presidential funding system at the same time.

You still have soft money. Soft money goes to the parties and the fact is that hard money, so-called dollars that are recorded under the Federal system, are the only dollars that can be contributed to a Federal candidate—Presidential, Senate, Congress.

So even if you have a candidate for the President of the United States and a candidate for the Senate receiving dollars under the Federal election system, which are called hard dollars, you still have the ability of people to raise $1 million—$100,000 from one individual, even from a corporation—and it is called soft money, and it can be put into so-called get-out-the-vote efforts, polling efforts, party structure efforts.

Whether or not you allow an open-ended Presidential system, the things that are mentioned by the Kennedy School as problems will still exist as problems.

Ask any of the Presidential candidates; I have. There is not one Presidential candidate who will not tell you that his life has been made easier by virtue of the fact that he does not have to go on an endless merry-go-round for money; that there is $18 million they raise in the primaries, and half of that, or close to half, coming from the Federal match. It is their knowledge that they can target $10 million or so and have the Federal match that allows them to go out and do the retail politics.

On the question of the State, the Senator mentioned that the State of Massachusetts has over 6 million people, twice the size of the State of the Senator from Kentucky.

I am satisfied to live with a cap. I believe that I can get around the State and by going to radio stations, by going to TV stations, by doing Sunday afternoon interviews on the television shows, by going out to the chambers of commerce, and so forth, I could reach the people, by virtue of not having to be in these other places raising money, that I could do a better job of representing my State certainly, and I would rest assured on my ability to be able to reach them with that amount of money.

Now, the third point, under this cap there is not one of us in the U.S. Senate who would not have the ability to spend as much money as we spent to get here. I spent I think close to $3 million, and under this particular plan I would still get to spend about $3 million, and it would be indexed according to the increase in costs, et cetera. So as costs go up I know I am going to have that threshold level of ability to be able to campaign.

I think it is fair to assume that the system is frankly improved by that.

I agree with my distinguished colleague, and I think we ought to try to deal with the cost of campaigning.

I sit on the committee that has jurisdiction over the FCC and the communications process, and it is incomprehensible to me that we are involved in licensing them, that we grant them the access to the airwaves, that we are the ones who give them the right to take this entity and asset of the United States of America and become millionaires on it and yet we turn around and pay a premium price in order to have access on it at a later time as part of the democratic process.

If we cannot turn around and fix that one then maybe we ought to consider whether or not we ought to be running again and raising this money.

In addition to that, I just want to come back and ask my colleague if he would explain to me where he sees the retention of the millionaire's loophole in this current bill as it is written.

Mr. McCONNELL. Because you simply opt against the system and go privately and put everything you have into it.

There are only two things in my judgment that you can constitutionally do to cure the millionaire's problem and it will not entirely cure it, and I have suggested them both.

One is to require an individual who is going to pony up to say a quarter of a million dollars or not to so notify the FEC at the beginning of his campaign so that his opponent would know what he is up against. That in turn would trigger for the opponent the opportunity to receive campaign contributions in greater amounts than under the current law, which is $1,000 in primary and $1,000 in general. The second thing——

Mr. KERRY. An assumption my colleague makes.

Mr. McCONNELL. Let me finish.

Mr. KERRY. All right.

Mr. McCONNELL. The second thing that can be done which I am advocating, and this would not entirely cure it, because you cannot constitutionally cure it, would be to say that you cannot recover it. If you are going to put your own personal money into it or if you are going to borrow and put money into a campaign that is it. You are going to have to eat it. You cannot after the election is over go around and shake down every PAC committee and special-interest group and individual in the country and pay yourself back.

That might not deter the guy with huge bucks. But for people who are just a little bit wealthy, they might think twice if they know that they are really going to have to spend it and not get it back.

So both of those I think are measures that would have some impact on the millionaire loophole problem. S. 2, 1, 2, and 3, or we are on 4 now—I am not quite sure—son of S. 2 still does not solve that problem because, of course, you have the constitutional option to choose to go privately. If you decide to just want to buy public office, you just simply choose not to do that and you write out a check for it.

So your proposal does not really do anything to solve that problem.

On the question of the Presidential system and the noncash contribution, the Kennedy School conclusion was that what was forcing money off into the other areas was the spending limits. The Kennedy School said a more serious consequence of the growth of money in Presidential elections has been the efforts by political forces to expand the flow of money outside—I repeat—outside the constricted budgets of the actual contenders. These funding sources are all less accountable to the electorate than are the candidates. The constitutes a failure of the act's original purpose.

In other words, when you put a cap on the cash contribution it pops up over here or over here—soft money, independent expenditures, exploratory committees, multicandidate PAC's. In fact, there is not any way to completely eliminate money even if you thought that were desirable, and the Senator from Kentucky does not. There is not any way to completely eliminate that from the process.

The beauty of post-Watergate legislation for congressional races, not the Presidential, but congressional races, there is a limit on individual contributions and full disclosure.

It seems to me that is a perfectly sound approach.

Mr. KERRY. Let me address if I can my colleague's comment because I think it is very important here. Two things are important: The Senator from Kentucky asserts that the millionaire's problem is not involved in this bill because the millionaire can still spend money. This Senator would argue that that depends on how you define the millionaire's problem.

The millionaire's problem is not whether or not the millionaire can spend the money. The problem is whether or not he gets the advantage by spending the money.

Now if the millionaire can spend all the money that he wants but there is no advantage because the Federal Government is going to equalize it for his opposing candidate, most millionaires by virtue of commonsense are going to say to themselves, "I am not sure I am getting my value for my expenditure." And if they are getting it at least you know his opponent is also getting it.

Now, I believe that eliminates the problem. The problem is not the expenditure, per se. The problem is the advantage that accrues to the millionaire by virtue of the expenditure.

And I believe that this does solve that problem because I cannot imagine spending $25 million if you know your opponent is going to get $25 million and spend it against you. You hardly are buying much for your expenditure unless that kind of exposure is what it takes to get you elected.

Mr. McCONNELL. I might say to my friend from Massachusetts I think he essentially misunderstands the bill he supports. Let us take his case for example.

If you were running against a millionaire under S. 2, all you would get to do battle would be a modest mail subsidy and a maximum of $2 million in taxpayers' money. You better be running against a poor millionaire, because you are held to the $2 million max there, and so if somebody wants to ante up $10 million you are out of luck.

Mr. KERRY. I understand that, but I am just using a figure of speech. The cut in is at $20,000 and that is automatic. The moment you spent $20,000 there is a cut in of equal amount up to $2 million. The key is threshold, and I think the Senator knows that.

In 1986 the key to candidates across the country at least on the Democratic side was their ability to guarantee that they had enough to be able to get that threshold message out and, indeed, in every State where they were outspent two to one by virtue of having met the threshold, they got elected.

So I think that there is a telling argument about a failure of——

Mr. McCONNELL. That is a strong argument for not tampering with the current system, it seems to me.

Mr. KERRY. On the contrary, because I think every one of those Senators has come to this Senate committed to the notion that what they went through was degrading, what they went through was overly time consuming and what they went through denigrated the democratic process itself, and there is not one of those new Senators, incidentally, who came in on the Democratic side who is not supportive of this bill and strongly advocating that we ought to have finance reform.

I think there cannot be a greater statement about the need for it than that.

(At this point Mr. LAUTENBERG assumed the chair.)

Mr. McCONNELL. Just let me say I have some constituents I want to say "Hello" to.

Mr. KERRY. This Senator has an appointment.

Mr. McCONNELL. There are a substantial number of Members of this body who do not consider it degrading or inappropriate to receive cash contributions from the voters of this country.

Mr. KERRY. That is not what I said. I have long advocated broad participation and contributions by the voters, but there are not a lot of homeless, there are not a lot of hungry, there are not a lot of unemployed, there are not of kids who are able to contribute $1,000, and there are not a lot of people who are of the unenfranchised constituency financially in this country who have the ability to match the dollars and get the access that comes through them.

And what I am saying is that this Senator does not take PAC money. I came to the U.S. Senate without taking it, and I have not taken it. I am one of three Senators who does not.

I think there are ways to go out and raise money by going to coffees and going to people's living rooms and by reaching out. That takes a small amount of money to do that.

Now, I think that is important. I am not suggesting, nor is any one of my colleagues suggesting, that there is not a value to Americans contributing money to the process. I think there is.

Mr. McCONNELL. If the Senator does not accept PAC money, I wonder if he would be willing to support my bill to eliminate PAC's altogether.

Mr. KERRY. If the Senator will stop filibustering and move this process along and allow us to have a vote on this and get out S. 2, I will be happy to join with him.

Mr. McCONNELL. I will tell the Senator from Massachusetts that the process is going forward. We had a meeting this morning of the group of eight. We are trying to work out the differences. We have urged that since last May. The process now, more than any other time since we have been on this measure, is making a genuine attempt to move forward.

Mr. KERRY. I respect that and I understand that. I am aware of the meeting and I am aware there is now an effort to discuss it.

But I do also remember last year when we were on the floor trying to move forward that we kept saying "Give us an alternative; give us an alternative," and we could never get off the need to eliminate the cap as a starting position for any discussion. So I am delighted that, in fact, we are proceeding forward now and I hope we are going to produce some progress.

Mr. McCONNELL. I do, too.

Mr. KERRY. I thank the distinguished Senator for his participation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. McCONNELL. Mr. President, S. 2 has followed a rather twisted path to this day. S. 2, the Senatorial Election Campaign Act of 1987, is, in one important aspect, the most notorious bill to ever come before the Senate. No other measure has been taken to seven cloture votes. And we are informed that there may be others, and that is fine. Now, S. 2 threatens to become not just notorious, but infamous.

Mr. President, there have been several occasions when no one knew what version of the bill was pending before the Senate, nor what version the sponsors wished to have us adopt. Let me give you a brief history of S. 2.

The bill was introduced January 6, 1987 and ordered to be printed. It was printed incorrectly. On February 17, a star print of the introduced version appeared. On May 14, 1987, the bill was printed as reported, with an amendment. On August 7, the reported version was modified by the chairman and another star print appeared.

On February 1, 1988, the Senate proceeded again to S. 2. The clerk reported a version of S. 2 that appears in the Record on page S331. That version was incorrect.

Yesterday, on February 17, what we take to be the correct version was printed in the Record on pages S786 to S794. A note on page S786 explained that the version of February 1 was in error.

Then Senator Boren moved to recommit the bill, to be reported back forthwith with amendment 1403. The distinguished majority leader moved to amend No. 1403 with amendment 1404 and Senator Boren proposed amendment 1405 to amendment 1404.

I had thought from the statements in yesterday's Record that the purpose of the motion to recommit, and amendments 1403, 1404, and 1405, was merely to strip off the Helms and Symms amendments and return the Senate to the version of the bill that was last before the Senate, the August 7 committee modification. The August 7 version is the official latest version that had to be reprinted in yesterday's Record.

It now turns out that amendment 1403, in the Record at S854-61; amendment 1404, in the Record S861-68; amendment 1405, in the Record S868-75; do not seem to track the August 7 version, but earlier versions of S. 2.

The following entire sections from the August 7 version appear missing from yesterday's Boren-Byrd amendments; section 13, preferential rates for mail; section 14, broadcast rates; 15, disclosure; 16, political committee postal rates; 17, constitutional amendment.

There are other differences as well.

The sponsors of yesteday's motion to recommit and related amendments have subsequently cured it. At 1:03 p.m. today Senators Byrd and Boren modified their amendments. It has been an interesting path to where we are, Mr. President. Perhaps this debate might have ended earlier, if we knew which bill we were arguing about.

I want to take a few moments, since we have no other speakers at the moment, and talk a little bit more about the system we seek to imitate, which is the Presidential system of expenditure limitations.

There was an interesting article in the Federal Bar News and Journal on page 70, an article by Lyn Oliphant, who served as deputy general counsel for the Mondale/Ferraro Committee. Prior to joining the committee in 1984, she was special assistant general counsel, in the Office of General Counsel, at the Federal Election Commission. She joined that staff in 1976.

A coauthor of the article is Pat Fiori, who also worked on the Mondale/Ferraro Committee. From 1978 to 1982 she served on the staff of the Federal Election Commission as assistant general counsel for regulations, and subsequently as executive assistant to Commissioner John Warren McGarry. From 1973 to 1978 she was a legislative attorney with the Congressional Research Service.

The other coauthor of this article is Michael Berman, who was at the time and may still be a partner in the firm of Kirkpatrick and Lockhart here in Washington. Berman served as treasurer of the Mondale-for-President Committee. He also was counsel and deputy chief of staff to Vice President Mondale.

I will subsequently put this entire article in the Record, but I want to read certain parts of it. This is an article where the authors describe their own personal experiences with the law that we seek to emulate and in many respects apply to congressional races. I want to read certain parts of this revealing article about the authors' experiences with a system of spending limits and public finance. The article begins:

The date is January 3, 1987. It is four years from the day that the Mondale for President Committee registered with the Federal Election Commission (FEC) and 26 months since the campaign was over.

Inside a small office, piled high with files and boxes, sit two deputy counsels of the Mondale campaign. A few miles away in another office the committee's treasurer periodically meets with his lawyers and reviews documents passing to and from the Federal Election Commission. These three people (the authors of this article) plus a part-time controller and a part-time secretary are all that is left of the Mondale for President campaign, a campaign which for most people has been long since over.

In the past, we have all been reasonably confident that the Federal Election Commission Act (FECA) is a workable solution to the admitted and potential problems which plague the area of the campaign financing. Now we are troubled by a campaign finance law which is used as a campaign weapon; spawns "creative" efforts to comply with—really evade—its limits; has made presidential campaign fundraising increasingly burdensome; and has led to rules which in our view sometimes make no sense and inhibit healthy campaign activity.

For those of us responsible for the campaign's compliance with the Federal Election Campaign Act of 1971, as amended, the path from registration of the committee in 1983 until today has been a long and frustrating one. It is our hope that by sharing some of our experiences and highlighting some of the unresolved questions, the trail will be easier for future campaigns.

Mr. President, I am skipping over here and just reading pertinent parts, but as I indicated, I will put the entire article in the Record at the end of my observations.

The authors, again people still working for the Mondale for President Campaign, which has been over for 3 years, proceed:

Campaign organizations tend to push the limits of permissible election finance activity. Practices and legal interpretations adopted in one presidential cycle become the new jumping off point for the next cycle, raising new questions concerning the reach of the federal election laws.

1.—DELEGATE COMMITTEES

Frequently these new frontiers of campaign activity are the subject of FEC compliance actions, often when a candidate's opponent files a complaint. This happened to the Mondale campaign and the much-publicized delegate committees.

Skipping over, Mr. President, the authors continue:

Under the regulations, delegates may make expenditures for grassroots activity such as the production of literature which advocates their own selection as delegates and also advocates the election of their candidate. These expenditures are not considered contributions to the candidate, nor are they subject to the candidate's expenditure limit. The Commission had previously issued an advisory opinion interpreting the grassroots activity provision as applicable to individual delegates and delegate committees. However, in this instance in considering the delegate committee complaint the FEC was unable to reach a consensus as to whether the activity of the Mondale delegate committee fell within the parameters of the regulation.

Skipping over:

REDESIGNATION OF EXCESSIVE CONTRIBUTIONS

Another issue that was unresolved prior to the 1984 campaign and remains unresolved concerns the disposal of excessive contributions to the primary campaign.

Skipping over:

SOURCES OF FUNDS FOR REPAYMENTS AND PENALTIES

Neither the FECA nor the regulations make clear what funds can be used to make required payments of public funds. The issue has been before the Commission on several occasions since 1976, yet remains unresolved.

Skipping over again, they talk about draft committees.

Through no fault of the FEC, the status of draft committees remains unresolved.

Persons involved in the Draft Kennedy movement prior to the 1980 presidential campaign refused to comply with subpoenas issued by the FEC on the grounds that the activity of the draft committees was beyond the purview of the FECA.

The authors go on:

Congress, despite the FECA's repeated recommendations, has not chosen to take further action, leaving the FEC essentially powerless to extend its control over draft committees.

Under contribution limits, the authors point out that:

The FEC limits contributions by individuals to $1,000 per election.

Presidential elections.

Fundraising is no longer a test of viability, it is a test of stamina. Candidates are forced to divert attention from issues and campaigns to raise money. Because of the limits, potential candidates for President have turned to vehicles other than campaign committees to finance activity at the very early stages. First, it was the creation of independent multi-candidate political action committees (PAC's), which may accept $5,000 per year from individuals. PAC expenditures do not count against any limit. Now, it is the organization of think tanks, which are tax exempt, tax-deductible foundations.

The FECA does not serve its goals, and the real public interest does not benefit, when unrealistically low limits cause candidates to wear themselves out with fundraising and finding new vehicles to attract and spend money. Respect for the law and confidence in the integrity of campaigns is in no way enhanced by these activities.

If we are not careful, over time the FECA will go the route of all those campaign finance laws which preceded it.

Skipping over again, Mr. President, the authors point out:

Presidential candidates should not be constrained by the campaign finance laws from beginning their campaigns early if they so choose. A candidate should be permitted to begin a campaign 2 or 3 years before the general election year if he or she is willing to register a committee at that time.

The authors make some interesting points about the State-by-State spending limits under the Presidential Act.

The Presidential Primary Matching Payment Account Act and the FECA limit the amount that can be spent in each state by a presidential primary candidate who has opted for matching funds.[31] These state-by-state expenditure limits create an accounting nightmare, serve no useful purpose, and have no practical effect except in Iowa, New Hampshire, and perhaps, in Maine. These states have political and media importance well beyond their size but expenditure limits commensurate with their size.

If a candidate wants to spend every nickel he or she can raise, in a small, early state on the theory that a win there will carry him or her much farther than a war of attrition, that should be his or her choice. These limits spawn the most creative efforts to evade the spirit, if not the letter, of the Act.

The authors talk about grassroots expenditures.

Provisions permitting certain grassroots activities by state and local party committees were added to the FECA in 1979.[32]

Moreover, the requirements of this law are so difficult to follow that they curb healthy campaign activity. Add to this the fact that state laws and federal laws usually differ. It is easy to see why well-meaning volunteers get frustrated, and much spontaneous participation, so important to the process, is lost.

A couple of final observations:

The fact of the matter is that no campaign treasurer can maintain sufficient day-to-day control over the operation of a large campaign spread over 50 states, so as to assure that no provision of federal law is violated.

Anyone who accepts the position of treasurer should assume that there is a better than 50/50 chance that he or she will at least be cited in his or her official capacity, for violating the FECA. The day may come when no reasonable person will accept this responsibility.

CONCLUSION

Eventually, every campaign completes its responsibilities under the Act, the last report is filed, the last box of records is placed in storage and it is over. In our case that may well occur just about the time this article is published.

For us the bottom line is very simple. The time has come for the Congress to take a hard look at the way in which we are regulating presidential campaigns, or one day we may find that these laws have in fact subverted the process.

Mr. President, I ask unanimous consent that this excellent article by three distinguished Americans and active Democrats who have been trying for 3 years to finally close the account of the Mondale committee, be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

COUNSELING A PRESIDENTIAL CAMPAIGN

(By Lyn Oliphant*)

The date is January 3, 1987. It is four years from the day that the Mondale for President Committee registered with the Federal Election Commission (FEC) and 26 months since the campaign was over.

Inside a small office, piled high with files and boxes, sit two deputy counsel of the Mondale campaign. A few miles away in another office the committee's treasurer periodically meets with his lawyers and reviews documents passing to and from the Federal Election Commission. These three people (the authors of this article) plus a part-time controler and a part-time secretary are all that is left of the Mondale for President campaign, a campaign which for most people has been long since over.

In the past, we have all been reasonably confident that the Federal Election Commission Act (FECA) is a workable solution to the admitted and potential problems which plague the area of the campaign financing. Now we are troubled by a campaign finance law which is used as a campaign weapon; spawns "creative" efforts to comply with—really evade—its limits; has made presidential campaign fundraising increasingly burdensome; and has led to rules which in our view sometimes make no sense and inhibit healthy campaign activity.

For those of us responsible for the campaign's compliance with the Federal Election Campaign Act of 1971, as amended,[1] the path from registration of the committee in 1983 until today has been a long and frustrating one. It is our hope that by sharing some of our experiences and highlighting some of the unresolved questions, the trail will be easier for future campaigns.

A BROAD RANGE OF ISSUES

A broad range of legal issues arises throughout the course of a presidential campaign. While the primary emphasis is on election law, there are a number of other legal matters that also require attention; for example, tort liability, contracts, equal employment opportunity laws, corporate law, copyright questions and communications law. These problems range from weighty legal questions to those that sound more like the script of a television sitcom.

For example, during 1984, Mondale staffers and volunteers backed a rented truck into a cathedral in San Francisco, damaging both; clipped a wing off an airplane with another truck; broadsided a cow with a rental car (the cow was held liable); and drove another rental car the wrong way down a one-way street into an oncoming fire engine with its siren on and lights flashing. A routine day also included a request for permission to market a "Gerry" wig.

With such a range of legal problems, it is important for a campaign treasurer and the campaign's counsel to find as much volunteer legal help as possible. There is a need for those who may be able to spend large amounts of time and those with critical expertise, but who are only available for telephone consultations and an occasional meeting.

When the campaign is in full swing, in-house lawyers and campaign management can easily lose perspective. Invaluable to us were two seasoned practioners who were there to reason with or pitch in during times of crises.

One of the key questions confronting the treasurer is how to structure the internal campaign organization in order to facilitate compliance with the law. From a legal standpoint, the treasurer is the key person in the campaign because that person is responsible for FECA compliance.[2] The treasurer is, in essence, the client and, for this reason, the jobs of treasurer and counsel should never be filled by the same person.

A second key element in fostering compliance is a good accounting system. It should be in place before any financial activity occurs. Whether to maximize matching funds[3] or to stay within expenditure limits,[4] a solid accounting system is essential.

UNRESOLVED QUESTIONS

Campaign organizations tend to push the limits of permissible election finance activity. Practices and legal interpretations adopted in one presidential cycle become the new jumping off point for the next cycle, raising new questions concerning the reach of the federal election laws.

1.—Delegate Committees

Frequently these new frontiers of campaign activity are the subject of FEC compliance actions, often when a candidate's opponent files a complaint. This happened to the Mondale campaign and the much-publicized delegate committee.[5] One of the central questions posed in that matter before the FEC concerned the permissibility of delegate committees engaging in the same activities as individual delegates under the FEC's delegate regulations.[6]

Under the regulations, delegates may make expenditures for grassroots activity such as the production of literature which advocates their own selection as delegates and also advocates the election of their candidate.[7] These expenditures are not considered contributions to the candidate, nor are they subject to the candidate's expenditure limit. The Commission had previously issued an advisory opinion interpreting the grassroots activity provision as applicable to individual delegates and delegate committees.[8] However, in this instance in considering the delegate committee complaint the FEC was unable to reach a consensus as to whether the activity of the Mondale delegate committee fell within the parameters of the regulation.

The issue was not resolved in this matter because the campaign entered into a conciliation agreement with the Commission.[9] In late 1986, the Commission considered proposed staff revisions[10] to the regulations intended to clarify this question, but it has never adopted a notice of proposed rulemaking. Thus it is entirely possible that the ambiguity of these delegate regulations will not be resolved before the next campaign counsel must render advice on this question.

2.—Redesignation of Excessive Contributions

Another issue that was unresolved prior to the 1984 campaign and remains unresolved concerns the disposal of excessive contributions to the primary campaign.

Campaigns frequently receive aggregate contributions from an individual in excess of the $1,000 limit.[11] One option available to the campaign is to simply return the excess amount in a timely fashion.[12] This is not the most desirable course of action if there is some other lawful way in which the funds might be used by the campaign. A second option is to redesignate the excess amount to a general election compliance fund.

The FEC manual for publicly financed campaigns[13] published in 1983 does not address the question of what procedure a campaign must use to redesignate excessive primary contributions to the general election compliance fund. Unfortunately, the FEC did not resolve this question in its regulations in time for the 1984 campaign.

The issue is whether a campaign may simply notify a contributor that the excessive amount of his or her contribution is being redesignated by the campaign or whether the contributor must sign a form agreeing to the redesignation. Both options were used by different campaigns in 1984.

Footnotes at end of article.

*Footnotes at end of article.

In our view the most sensible resolution is to permit redesignation with notice by the campaign so long as the contributor is given a period of time to request a refund.

If the FEC fails to resolve this issue, campaigns might consider including language in the original solicitation and on the contributor card specifying how excessive contributions will be redesignated or allocated.

3.—Sources of Funds for Repayments and Penalties

Neither the FECA nor the regulations make clear what funds can be used to make required payments of public funds.[14] The issue has been before the Commission on several occasions since 1976, yet remains unresolved.

In the aftermath of the 1984 campaign, the FEC took the position that repayments are neither qualified nor nonqualified campaign expenses.[15] Unless the Commission makes clear from what funds repayment may be made, candidates in 1988 will not know whether they will be able to make repayments from their regular campaign accounts, which include a mix of private and public funds.

The Commission has taken a clear position that civil penalties can only be paid publicly-funded campaigns from sources which do not include public funds.[16] Similarly, the Commission should take a position on the repayment question.

4.—Draft Committees

Through no fault of the FEC, the status of draft committees remains unresolved.

Persons involved in the Draft Kennedy movement prior to the 1980 presidential campaigns refused to comply with subpoenas issued by the FEC on the grounds that the activity of the draft committees was beyond the purview of the FECA.[17] Meanwhile, the Congress made a minor change in the FECA's reporting requirements. The federal appellate courts confirmed the lower court decisions and interpreted the change in the law as subjecting draft committees to the reporting requirements but not the contribution limits.[18]

Congress, despite the FEC's repeated recommendations,[19] has not chosen to take further action, leaving the FEC essentially powerless to extend its control over draft committees.

CURRENT STATUTORY AND REGULATORY DILEMMAS

In certain respects the FECA was not designed nor has it been modified to deal with the passage of time. Certain of the regulations adopted by the FEC seem to deny the realities of modern-day campaigns, while others beg for a rationale. The net result is that the law has become substantially more burdensome than it needs to be to meet its overriding goals.

1.—Contribution Limits

The FECA limits contributions by individuals to $1,000 per election.[20] Had the contribution limits been indexed in the same manner as the expenditure limits, the individual limit in 1984 would have been more than $2,000. Fund raising is no longer a test of viability, it is a test of stamina. Candidates are forced to divert attention from issues and campaigning to raising money.

Because of the limits, potential candidates for president have turned to vehicles other than campaign committees to finance activity at the very early stages. First, it was the creation of independent multi-candidate political action committees (PAC's), which may accept $5,000 per year from individuals.[21] PAC expenditures do not count against any limit. Now, it is the organization of think tanks, which are tax-exempt, tax-deductible foundations.

The FECA does not serve its goals, and the real public interest does not benefit, when unrealistically low limits cause candidates to wear themselves out with fund raising and finding new vehicles to attract and spend money. Respect for the law and confidence in the integrity of campaigns is in no way enhanced by these activities.

If we are not careful, over time the FECA will go the route of all those campaign finance laws which preceded it.

2.—Primary Matching Funds

Under the Presidential Primary Matching Payment Account Act,[22] a candidate seeking nomination by a political party may opt to accept public funding to match contributions which the candidate raises privately. After meeting certain threshold requirements, private contributions are matched with public funds up to the first $250 received from each individual, up to an aggregate amount equal to one-half of the expenditure limit.[23] The $250 matching amount has not increased since the 1976 campaign. The amount of matching funds the candidate may receive has doubled.[24]

Currently, contributions cannot be matched unless they are made and received after January 1 of the year before the election and before Decemnber 31 of the election year.[25] No matching funds are distributed to candidates until after January 1 of the election year.[26]

Presidential candidates should not be constrained by the campaign finance laws from beginning their campaigns early if they so choose. A candidate should be permitted to begin a campaign two or three years before the general election year if he or she is willing to register a committee at that time.

The end of the period during which private contributions are eligible for matching, December 31 of the election year,[27] is unrealistically short. Many candidates finish the primary season in debt. The period between the national conventions, which mark the end of the primary season, and the general election is the most difficult time for most candidates to raise primary funds. Candidates who have not met the eligibility threshold for matching funds should be allowed to continue to raise contributions that qualify for primary matching funds until all debts, and winding down costs, have been met. At a minimum, the matchability period should be extended for a full year after the election.

Campaigns must be particularly mindful of the current limitations as they accumulate debts during the later stages of the primary campaign.

3.—Expenditure Limits

A presidential candidate who accepts public funds for the primary or general election is limited in the amount he or she can spend in those campaigns.[28] These limits are adequate to enable a candidate to mount a viable campaign. However, the FECA creates one limit on general campaign activity[29] (in 1984, $20.2 million) and a separate limit for fund-raising[30] (in 1984, just over $41 million).

The separate limit for fundraising serves no useful purpose. It greatly complicates record-keeping and compliance. And, candidates are encouraged to devise ways to bypass it. For example, when using the mail as a persuasion device to reach large numbers of voters, the inclusion of a pitch for funds transforms the cost of the letter into a fund-raising expense.

One limit combining the amount allowed for general campaigning with the amount allowed for fund-raising is more realistic, would void the need for such "creative" devices and, of equal importance, would ease bookkeeping.

4.—State-by-State Limits

The Presidential Primary Matching Payment Account Act and the FECA limit the amount that can be spent in each state by a presidential primary candidate who has opted for matching funds.[31] These state-by-state expenditure limits create an accounting nightmare, serve no useful purpose, and have no practical effect except in Iowa, New Hampshire, and perhaps, in Maine. These states have political and media importance well beyond their size but expenditure limits commensurate with their size.

If a candidate wants to spend every nickel he or she can raise, in a small, early state on the theory that a win there will carry him or her much farther than a war of attrition, that should be his or her choice. These limits spawn the most creative efforts to evade the spirit, if not the letter, of the Act.

5.—Grassroots Expenditures

Provisions permitting certain grassroots activities by state and local party committees were added to the FECA In 1979.[32] Essentially, they permit political parties to engage in traditional party volunteer activities without the expenditures for those activities counting against the candidate's limits.

Some have suggested that the current grassroots provisions are being exploited as a loophole. Moreover, the requirements of this law are so difficult to follow that they curb healthy campaign activity. Add to this the fact that state laws and federal laws usually differ. It is easy to see why well-meaning volunteers get frustrated, and much spontaneous participation, so important to the process, is lost.

6.—Use of Private Aircraft

The FEC's regulations controlling the use of private, nonscheduled aircraft by federal campaigns are something to behold. By careful choice of airports and selection of aircraft based on who owns the plane (regular charter company or other corporation), the amount which a candidate pays for a trip may vary by tens of thousands of dollars.[33]

REVISION OF PUBLIC FINANCING REGULATIONS

The Commission is considering significant revisions to its public financing regulations.[34] Some of these changes can have significant impact on the audit process and on the ultimate financial position of the campaign. The proposed changes to watch include:

Shifting the burden to candidates to prove that reallocations by FEC auditors are incorrect[35]

Requiring that taxes paid on any income earned from funds invested by the campaign be counted as expenditures subject to the overall expenditure limit[36]

Considering expenditures incurred before the date of ineligibility[37] as non-qualified expenses if the goods or services are received after the date of ineligibility[38]

Considering the costs of preparing the matching fund submissions as a fund-raising cost rather than a compliance cost[39]

Requiring a campaign to have all assets appraised at the time of acquisition and at the time of disposal[40]

Using the last-in-first-out method for determing when a candidate no longer has matching funds in his or her account[41]

Changing the treatment of loans to publicly financed campaigns by various alternatives such as requiring certain types of security for such loans[42]

Requiring a 100 percent repayment of non-qualified expenditures paid after the date of ineligibility.[43]

THE COMMISSION AND STAFF

At one time or another every presidential campaign will deal with the Commission, the General Counsel's office and Audit Division.

In each instance in which the Commission, itself, has considered matters specifically relating to our campaign, its decisions have been fair and reasonable. This is not to say that we like the outcome of every encounter with the Commission. It is to say that the results were reasonable in the circumstances.

Throughout the campaign, our lawyers, talking with the General Counsel's office, and our accountants, talking with the Audit Division, were accorded courteous and helpful treatment. We encourage every campaign to establish these lines of communication. However, you must keep in mind that your comments during these communications may be noted for the record by FEC personnel and used during an audit or investigation.

The Commission and its staff acted expeditiously during the campaign, when time was of the essence, in such things as certifying and delivering matching funds. However, the post-election audit process dragged on longer than should be necessary.

It is not clear to us whether the length of the post-campaign audit process is a function of the experience (or lack thereof) of some of the auditors, their practice of going beyond sampling in reviewing certain kinds of transactions, a lack of funding, or the propensity of the audit staff to constantly be searching for new theories under which transactions are/can be deemed improper. Whatever the cause, there has to be some way to complete it more quickly.

There are several changes that would likely speed up the process. First, the FEC should adopt regulations and require adherence to strict time deadlines for the completion of audit work and the staff review. Second, the audit should not be commenced and, at least, shouldn't be brought to even a preliminary close until the bulk of the financial activity has been completed. In no case should the audit of a successful primnary candidate begin until after the general election. Third, allocate less time to state limits. As much as 50 percent of staff audit time may be devoted to the state limits, which essentially means reviewing expenditures in Iowa, New Hampshire and Maine.[44] While the Commission does have an obligation to enforce the state limits, this does not seem like an appropriate allocation of audit time, given the size of the total campaign.

Because presidential campaigns are a unique animal in the election law firmament, perhaps the Commission and the campaigns would be well served by using major accounting firms to handle this audit under the supervision of the Audit Division.

SERVING AS TREASURER

The FECA requires that a campaign have at least one officer, a treasurer.[45] No contribution can be received or expenditure made when that post is vacant.[46] Oftentimes the title of treasurer is given as an honor to a prominent supporter. However, in our view, treating the job of treasurer as an honorific rather than as an operating position is a mistake for the campaign and for the individual seeking or accepting the "honor."

Treasurers will be found by the Commission to have violated the Act, in their official capacity, if the campaign committee is found to have violated the law, whether or not the individual has taken any specific action which violates the law.[47] The Commission's theory seems to be that some individual must be accountable for the activities for the campaign. With that theory as a premise, the only alternative to holding the treasurer liable would be to hold the candidate liable, and that policy would not likely last longer than the time it took the ink to dry on the document proposing it.

The fact of the matter is that no campaign treasurer can maintain sufficient day-to-day control over the operation of a large campaign spread over 50 states, so as to assure that no provision of federal law is violated.

Anyone who accepts the position of treasurer should assume that there is a better than 50/50 chance that he or she will at least be cited in his or her official capacity, for violating the FECA. The day may come when no reasonable person will accept this responsibility.

CONCLUSION

Eventually, every campaign completes its responsibilities under the Act, the last report is filed, the last box of records is placed in storage and it is over. In our case that may well occur just about the time this article is published.

While we have written about many of the problems and frustrations inherent in financing a presidential campaign, the fact of the matter is that with thoughtful planning and diligent efforts by all concerned you can avoid adverse consequences to the operation of the campaign by complying with the FECA.

For us the bottom line is very simple. The time has come for the Congress to take a hard look at the way in which we are regulating presidential campaigns, or one day we may find that these laws have in fact subverted the process.

FOOTNOTES

*Lyn Oliphant is currently Deputy General Counsel for the Mondale/Ferraro Committee. Prior to joining the Committee in 1984, she was Special Assistant General Counsel in the Office of General Counsel at the Federal Election Commission. She joined that staff in 1976. Patricia Fiori is also currently with the Mondale-Ferraro Committee. From 1978 through 1982, she served on the staff of the Federal Election Commission as Assistant General Counsel for Regulations and, subsequently, as Executive Assistance to Commissioner John Warren McGarry. From 1973 to 1978, she was a Legislative Attorney with Congressional Research Service. Michael Berman is currently a partner in the firm of Kirkpatrick and Lockhart, Washington, D.C., and treasurer of the Mondale-for-President Committee. He was counsel and deputy chief of staff for Vice President Mondale.

[1] 2 U.S.C. § 431.

[2] 2 U.S.C. § 432(a).

[3] 26 U.S.C. § 9034.

[4] 2 U.S.C. § 441a(b); 26 U.S.C. § 9035(a).

[5] FEC MUR's 1667, 1704.

[6] *Id.*

[7] 11 C.F.R. § 110.14(d)(2).

[8] AO 1980-5.

[9] MUR 1704.

[10] FEC Agenda Doc. 1986-94.

[11] 2 U.S.C. § 441a(a)(1).

[12] 11 C.F.R. § 103.3(b).

[13] FEC, Manual for Candidates Receiving Presidential Primary Matching (1983).

[14] 26 U.S.C. § 9038(b); 11 CFR §§ 9038.2, 9038.3.

[15] Brief for the Federal Election Commission in Mondale for President v. FEC, No. 85-1338 (D.C. Cir.)

[16] 11 C.F.R. § 9038.4(b)(4).

[17] FEC v. Florida for Kennedy Committee, 492 F. Supp. 587 (S.D. Fl. 1979); *rev'd*, 681 F.2d 1281 (11th Cir. 1982), *reh. denied*, No. 80-6013 (11th Cir. Oct. 8, 1982); FEC v. Citizens for Democratic Alternatives in 1980, 655 F.2d 397 (D.C. Cir.) *cert. denied*, 454 U.S. 897 (1981); FEC v. Machinists Non-Partisan League, 655 F.2d 380 (D.C. cir.), *cert denied*, 454 U.S. 897 (1981).

[18] *Id.*

[19] FEC Legislative Recommendations, FEC Annual Reports, 1980 to 1985.

[20] 2 U.S.C. § 441a(a).

[21] 2 U.S.C. § 441(a)(1)(c).

[22] 26 U.S.C. § 9031; 11 C.F.R. Parts 9031–39.

[23] 26 U.S.C. §§ 9033(b), 9034; 11 C.F.R. § 9033.2.

[24] 2 U.S.C. § 441a(c).

[25] 26 U.S.C. § 9034(a); 11 C.F.R. § 9034.2(c)(4). The starting date of the period is set by statute, the closing date by FEC regulation.

[26] U.S.C. §§ 9032(6), 9033(c); 11 C.F.R. §§ 9032.6, 9037.1.

[27] 11 C.F.R. § 9034.2(a)(4).

[28] U.S.C. § 441a(b).

[29] *Id.*

[30] 2 U.S.C. § 431a(b)(vi).

[31] 2 U.S.C. § 441a(b)(1)(A).

[32] 2 U.S.C. §§ 431(8)(B)(X), (xii).

[33] *Cf.* 11 C.F.R. §§ 114.9(e), 9034.7(b)(7).

[34] 51 Fed. Reg. 28154, August 5, 1986. These proposed revisions were pending before the FEC at the time of drafting this article.

[35] Proposed § 106.2(a)(1).

[36] Proposed § 9034.4(a)(4).

[37] Under FEC regulations, candidates are no longer "eligible" to receive matching funds: (1) when they became inactive; (2) when they fail to receive at least 10 percent of the votes in two consecutive primaries; or (3) at the end of the matching payment period (for major party candidates—the date of nominations). 11 C.F.R. §§ 9033.5(a), (b), (c).

[38] Proposed § 9034.4(b)(3).

[39] Proposed § 9035.a(c)(1). This addition to the regulations would essentially ratify the approach used by the auditors in 1980 when the regulations were silent as to treatment of the costs.

[40] 51 Fed. Reg. 28154, August 15, 1986.

[41] *Id.*

[42] *Id.*

[43] *Id.*

[44] FEC Written Responses to Questions by Congressman Al Swift Concerning Fiscal Year 1987 Budget Request, February 18, 1986.

[46] *Id.*

[47] Agenda Doc. 84-79, adopted at Open Session held on May 24, 1984.

Mr. McCONNELL. Mr. President, to briefly conclude this observation, the reason the Senator from Kentucky has made several remarks about the Presidential system is simply because, A, it is timely, it is happening now before us. The New Hampshire primary was 2 days ago. And, B, it is the law often cited as the reason we should go forward with expenditure limitations and public finance for congressional races.

As I have said previously, Mr. President, the law has simply made shooters out of everyone who has run for President. It has simply ended up costing $1 out of every $4 raised to pay lawyers and accountants.

It has, in every respect, been a failure, and it seems to me it would not be in any way progress to extend that kind of nightmare any further and apply it to 535 races for the U.S. Congress. In fact, we ought to be debating changes in the Presidential campaign system.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader if the following nominations on the Executive Calendar have been cleared for action on his side of the aisle: Wendy Lee Gramm, of Texas, to be a Commissioner of the Commodity Futures Trading Commission and to be Chairman of the Commodity Futures Trading Commission, vice Susan Meredith Phillips, resigned; and Sydney J. Olson, of Virginia, to be an Assistant Secretary of Health and Human Services, vice Dorcas R. Hardy, resigned.

Mr. COCHRAN. Mr. President, if the distinguished majority leader will yield, I am pleased to assure him that both of these nominations have been cleared on this side of the aisle. We appreciate his turning to the Executive Calendar to take these nominations up.

Mr. BYRD. I thank the distinguished Senator.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Sydney J. Olson, Calendar Order No. 518, and the nomination of Wendy Lee Gramm en bloc; that the nominations be agreed to en block; that they be spread severally upon the record; that the motion to reconsider be laid on the table; and that the President of the United States be immediately notified of the confirmation of the nominees.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The nominations considered and confirmed en block are as follows:

COMMODITY FUTURES TRADING COMMISSION

Wendy Lee Gramm, of Texas, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 1990.

Wendy Lee Gramm, of Texas, to be Chairman of the Commodity Futures Trading Commission.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sydney J. Olson, of Virginia, to be an Assistant Secretary of Health and Human Services.

NOMINATION OF WENDY L. GRAMM

Mr. LEAHY. Mr. President, today the Senate considers the nomination of Wendy L. Gramm as Chairman of the Commodities Futures Trading Commission.

Since the stock market and the futures market decline the week of October 19 last year, a great deal of attention has been focused on this agency which has been without a permanent Chairman since last July. I commend the Acting Chairman, Kalo Hineman, for a job very well done.

I feel strongly that the agency needs a permanent Chairman to make long-term commitments and give the Commission the direction and leadership needed during this turbulent period in all of our markets.

The many important decisions which will be made in the coming months by the Chairman of this agency will affect not only our domestic financial markets but all foreign markets as well.

Taking these responsibilities of the new Chairman under consideration, the Senate Committee on Agriculture, Nutrition, and Forestry has voted unanimously to approve the nomination of Dr. Gramm as Chairman of the Commodity Futures Trading Commission.

Dr. Gramm has an extensive academic and public service background holding positions as the Director of the Bureau of Economics at the Federal Trade Commission as well as the Administrator of the Office of Information and Regulatory Affairs at the Office of Management and Budget. Certainly both positions will contribute to the needed administrative and regulatory experience necessary to assume the chairmanship of the Commodity Futures Trading Commission.

During her confirmation hearing, I expressed some concerns about how Dr. Gramm's lack of experience in the financial and commodities markets could affect her leadership of such an important agency during a very critical period. However, her testimony last week before the committee satisfied me that she could fulfill her responsibilities. Dr. Gramm expressed an understanding and a keen awareness of the major issues and challenges that face the Commission at this time. Dr. Gramm assured the committee of her commitment to fully maintaining the Commission's position as the expert Federal agency with regulatory authority over all futures markets. These statements and answers, along with her previous experience as an administrator and regulator at other Government agencies, have convinced me to support her nomination as Chairman of this very important agency.

NOMINATION OF SYDNEY J. OLSON

Mr. BENTSEN. Mr. President, the Finance Committee recently voted unanimously to send to the floor the nomination of Ms. Sydney J. Olson as an Assistant Secretary of the Department of Health and Human Services. She is well prepared to take on this assignment, having previously worked 5 years as an able staff member on the Finance Committee.

In her job as head of the Office of Human Development Services, she will be responsible for many of the same programs she worked on while with the Finance Committee. I know that the distinguished Republican members to whom Ms. Olson was responsible—Senators DOLE and PACKWOOD—agree that she is a very good choice.

Mr. President, I urge Senate confirmation of this nomination.

Mr. COCHRAN. Mr. President, if the distinguished leader will yield, let me again simply say that on the matter of the confirmation of Dr. Wendy Lee Gramm we especially appreciate taking that matter up since it had not officially been printed on the calendar. Dr. Gramm appeared before the Agriculture Committee just the other day at a hearing and performed beautifully. I think the vote was unanimous to recommend her confirmation to the Senate from the Committee on Agriculture. We especially appreciate his taking that matter up today.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I should state for the record, I did not intend to but I shall state for the record that I made a telephone call to Senator LEAHY, the chairman of the Committee on Agriculture and Forestry. That was the reason I had been waiting to go to the Executive Calendar. I wanted to clear with Mr. LEAHY the nomination. I talked with Mr. LEAHY on the telephone and he graciously agreed to give his approval of my going ahead with the nomination today even though it is not on the Executive Calendar.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESSING FORWARD ON FAMILY WELFARE REFORM

Mr. COCHRAN. Mr. President, 2 weeks ago the Committee on Finance held hearings on S. 1511, the Family Security Act of 1987, of which I am a cosponsor with Senator MOYNIHAN and others. At that time I testified that we have a unique opportunity this year to reform the welfare system.

I think a consensus has developed on the need for reform. There is agreement on the importance of parental support for children, the value of work, and the primary responsibility of the individual for himself; and

there is also agreement on the responsibility of Government to provide adequate and sensitive help to those who are unable to provide for their own needs. I think we should take advantage of this concensus and legislate some needed changes in the welfare system.

I represent a State where an estimated one of every four citizens receives some type of welfare assistance. In Mississippi, as in many other States, we have far too large a percentage of our total State population who are potentially productive citizens but who are living and raising their children in poverty and in an environment where it is unlikely that they will gain an appreciation of the value of a job or enjoy the personal satisfaction and confidence gained from being self-sufficient. Most who are living under these conditions want a much different life for themselves and their children. But, until now, there has been little encouragement, and, for some, there was no hope at all. It is that human condition of despair and hopelessness that we must work to change.

The fundamental goal is independence. There is general agreement that continuing dependency among welfare participants is a serious problem, and that incentives, encouragement, and reform, are needed to make the transition from dependency to self-sufficiency a more likely possibility.

Doing that takes commitment—commitment of the Federal Government to set some reasonable national standards; commitment by Federal and State governments to provide sufficient funding; commitment to create better training and education programs and provide access to day care services; and commitment of welfare recipients to take advantage of the new opportunities.

Today, I am speaking for the welfare recipients in my State who want to be more self-sufficient and who want their children to have a better chance then they did; and I am also speaking for the other citizens of our State who know all too well that Mississippi's economic future depends on this change.

We start by placing primary responsibility upon parents to support their children. Too many welfare cases involve children who are not getting any support from their fathers. Of the 174,638 child support cases referred to our State welfare department, 73 percent do not have any paternal child support obligation whatsoever.

In the Nation as a whole, there are about 8.7 million mothers raising children on their own, a 300-percent increase since 1970. About 53 percent of these children receive no money from the fathers. The automatic wage withholding requirement in the bill makes a needed statement, loud and clear, that this Nation expects fathers to help support their children.

In the work training, and education component of the bill, flexibility is given to the States to design a program to fit the needs of the individuals to be served. Nationwide, about 25 percent of all welfare benefits go to young, single mothers with little education or job skills. This bill is structured to target this group and to provide them with new skills and training for a more productive life.

I think the child care provisions in this bill are very important. The child care barrier to work and education is very real, and it is essential that there be a child care component in the welfare reform effort.

Needless to say, the issue of expanding benefits has been a big part of the discussion of welfare legislation, particularly in the other body. For many in my State the cash benefits are inadequate. In Mississippi, a three-person family receives only $120 per month in cash assistance. Other noncash benefits have kept better pace with costs of living. Especially helpful are the nutrition assistance and housing programs. In some States these noncash benefits amount to over $400 per month for a family of four.

Mr. President, I believe this legislation will prove to be a big step forward in improving our Nation's social policy. I strongly urge that we consider this bill this year and work to iron out differences with the other body and the Administration to work with him and other sponsors to try to get a bill so a bill can be signed by President Reagan before the 100th Congress comes to a close.

AMBASSADOR MIKE MANSFIELD HONORED

Mr. BAUCUS. Mr. President, I want to take a moment to bring to the attention of my colleagues an honor that recently was bestowed on our former majority leader and current Ambassador to Japan, Mike Mansfield.

Last week, Mike was presented with the Joseph C. Wilson Award for outstanding achievement in international affairs. The Wilson Award is given by the Rochester Association for the United Nations in memory of Joseph Wilson, the first chairman of Zerox Corp. and a well-known humanitarian and civic leader.

The Wilson Award is just one of many expressions of honor and appreciation that have come Mike's way.

For example, the Maureen and Mike Mansfield Foundation has become a living monument to Mike and is a source of pride for all of us who are involved with it. The foundation supports the activities of two important centers. The first is the Mansfield Center at the University of Montana—an academic program that brings together scholars, government officials and others to enhance the study of modern Asia and to further an understanding of ethics in government and public affairs.

The second major activity of the foundation is the Mansfield Center for Pacific Affairs—a resource center that explores the relationship between the United States and Pacific Rim countries and works toward more productive partnerships.

Awards and centers are wonderful tributes, but we all know the greatest accolades come from the people we serve. In Mike's case, these have been the people of Montana. As Missoula, MT, newspaper columnist Evelyn King pointed out in a recent article, "no matter how prominent and busy Mike became, his concern for his people never wavered."

King is compiling stories from her readers about Mike Mansfield. She cites one story in which a visiting Montana teacher was hurt in a fall while touring the Pentagon. The tour went through a dark area where the teacher tripped on a curb. As King recounts the story, the teacher went to Mike's office. He listened to her story, sent her to his own doctor for help and then proceeded to remedy the lighting problem at the Pentagon.

This is just one small example of why Mike Mansfield has become a hero to many Montanans. For years they have been honoring him in their own personal way. That is good. But it is also appropriate that we take note in this body, where he served for so many years, of the public awards he justly deserves.

Unfortunately, Mike was unable to attend the Wilson ceremony last week because he is still recovering from heart surgery. However, I am sure I express the feelings of the award sponsors as well as all my colleagues when I say, "Congratulations, Mike. No one deserves the honor more than you."

DEFENSE ACQUISITION

Mr. GRAMM. Mr. President, we have seen an unprecedented amount of change to the defense acquisition system since the spare parts horror stories of 1983. Both the Congress and the Department of Defense have contributed to the complete transformation of the defense procurement environment. Many of these changes, such as the increased emphasis on competition, have been long overdue and promise to save the taxpayers billions of dollars over the next several years. Nonetheless, there is a growing concern that the piecemeal nature of these initiatives may cause serious imbalances in the priorities underlying our procurement of goods and services for the military. For example, some have questioned whether the increased emphasis on price competition is being implemented at the expense of quality. Questions have been raised regarding our ability to attract competent professionals to manage the defense acquisition process. Finally, industry representatives have questioned the long-term ability of the defense industry to remain innovative and profitable.

What is clearly needed is an assessment of where we are heading in the new defense acquisition environment. We need to develop a consensus on the measures necessary to ensure that our people in the military have the very best equipment at affordable prices.

A major obstacle to the development of this consensus has been the very great deterioration of Government-industry relations over the last 4 years. Recently the Congress has virtually been cast in the role of mail carrier as the dialog between the industry and the Department of Defense has broken down.

In order to begin to reach the needed consensus, Senator JEFF BINGAMAN and I sought the advice of an ad-hoc industry advisory panel, which was constituted under the leadership of John Rittenhouse, senior vice president of General Electric's RCA Aerospace and Defense Group last summer. This group of high-level industry executives and procurement experts has met repeatedly with the Senate Armed Services Subcommittee on Defense Industry and Technology throughout the fall of 1987 to help us identify the areas where the subcommittee should focus its attention. On February 5, 1988, the advisory group gave us a report on the issues which they considered to be the most critical to the preservation of our industrial and technology base.

We have sent out this report for widespread public review and comment. I am confident that it will serve as the point of departure for the debate necessary to reach the consensus we so desperately need on defense acquisition policy.

The 13 members of the advisory group are to be commended for giving us the time from their busy schedules for their contributions in the public interest. The subcommittee chairman, Senator JEFF BINGAMAN, is also to be commended for initiating this innovative approach to bringing consensus to a difficult and controversial set of issues.

The members of the Ad-Hoc Advisory Group are: John D. Rittenhouse, chairman GE/RCA Aerospace and Defense; Norman R. Augustine, Martin Marietta Corp.; Kent M. Black, Rockwell International Corp.; Robert A. Fuhrman, Lockheed Corp.; Paul J. Gross, Rexnord; Clifford Hall, Sunstrand Corp.; William R. Hoover, Computer Sciences Corp.; Fred Israel, Israel & Raley Chartered; Frank J. Palwlowski, Essex Electro Engineers, Inc.; William J. Perry, H&Q Technology Partners; Warde F. Wheaton, Honeywell Aerospace & Defense; Donald H. White, Hughes Aircraft Co.; Earle C. Williams, BDM International, Inc.

REPORT OF THE DEFENSE INDUSTRY ADVISORY GROUP TO THE SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. BINGAMAN. Mr. President, as chairman of the Subcommittee on Defense Industry and Technology of the Senate Armed Services Committee, I have been particularly concerned about the importance of ensuring the long-term technological superiority of the United States over potential adversaries and promoting the effective application of that technology to meet national defense needs. Last spring, our subcommittee held comprehensive hearings on the industrial and technological bases, and on the vitality of our defense industries.

The deterioration in Government-industry relations was a recurring theme throughout our hearings. There will always be points of disagreement when the Government is a major consumer in a free market economy. In recent years, however, we have seen the healthy, creative tensions which improve the system deteriorate into a hostile, adversarial relationship. As examples of this situation, witnesses before the subcommittee cited the negative impact on our industrial and technological bases resulting from practices such as reductions in profit policy, delayed and reduced progress payments, excessive and duplicative audit and oversight activities, fixed price contracts involving significant cost-sharing on high-risk R&D projects, long stretchouts in the contract awarding process, and competition focusing almost solely on price rather than on quality.

We found in our oversight hearings that the procurement system was suffering from regulatory overload—and a number of warning flags were being raised across the broad front. Implementation of changes at the field level was still underway, and there was substantial confusion and inefficiency in both industry and government resulting from proliferation and instability of rules and paperwork requirements.

Despite the eagerness of many to cure the ills of the acquisition system through further major reforms, last year we determined that the system was most in need of an opportunity to catch its breath—to implement and evaluate the numerous changes still in the regulatory pipeline. As a result, we actively sought to keep legislative changes to a minimum, focusing only on some necessary adjustments to previous legislation regarding rights in technical data, special tooling costs, small business programs, and the Truth in Negotiations Act.

Although we minimized our legislative changes, we also determined that the subcommittee should take the initiative in restoring an appropriate balance in Government-industry relationships by fostering a dialog between industry and Government. We set a goal of determining whether a consensus could be achieved as to necessary changes in statutes, regulations, and policies which would foster an acquisition system more in tune with our national strategy of relying on long-term technological superiority to overcome the numerical superiority of our potential adversaries. Last August, as a first step, we established an Ad Hoc Defense Industry Advisory Committee with a view toward identifying issues worthy of consideration.

Our work with the Advisory Committee has been a bipartisan endeavor, and I have had the close cooperation of our ranking minority member, Senator PHIL GRAMM, in this effort.

We asked the members of the Advisory Committee to identify those aspects of the acquisition process that stifle innovation, drain good talent away from the defense industries, and threaten the technological and industrial lead that underpins our Nation's security. On Friday, February 5, the subcommittee received the Advisory Committee's written report.

The report examines the acquisition process in terms of three themes:

First. The people—looking for ways to enhance the quality of the Government's procurement workforce.

Second. The process—doing more with less by cutting out the nonvalue added aspects of our procurement system, while maintaining—and increasing—our investment in the types of research and development that will enhance our technological advantages over potential adversaries.

Third. Restoring trust—creating a sense of trust and confidence in Government-industry relationships in an environment that establishes clear lines of responsibility and firm procedures for accountability.

Under these broad themes, the Advisory Committee has set forth specific recommendations for legislative, regulatory, and policy changes.

The Advisory Committee has discussed each of the issue papers in the Report, but has not sought to reach agreement on the merits of either the analysis of the recommendations in the issue papers. Each paper simply represents the views of one or more members on a subject which the group as a whole has deemed worthy of wider discussion and debate.

On Monday, February 8, Senator GRAMM and I sent the report out for comment to a broad array of individuals in government, industry, and academia. We also circulated a separate document listing illustrative legislative changes that might flow from the report.

In making this report immediately available for comment, we should note that it has been approved in whole or in part by the full subcommittee or its individual members. We have endeavored to avoid passing judgment on the merits of any of the issues discussed in the advisory group, because our goal is to promote a wider dialog within industry, and between industry and DOD, before we formally review these issues in Congress.

I want to emphasize that Senator GRAMM and I are looking for as much consensus as we can develop in this process. Having fought to give the acquisition system a breather from further legislation last year, the last thing we want to do is have ourselves become part of the problem. Our hope is that both DOD and industry now have sufficient experience with the legislation on the books that they can identify those parts of the system where improvements can be made.

The Advisory Committee's report provides a useful first step in this process. But there are many other individuals in industry, government, and academia who have much to contribute in this area, and we are looking for a broad range of comments on the report. Anyone who has not received the report and would like a copy should contact Andrew Effron or Jon Etherton of the staff of the Armed Services Committee.

In order to provide ample time for review of the Advisory Committee's report, while ensuring that we will complete our analysis before we mark up the defense authorization bill in mid-April, we have established the following schedule:

Comments on the Advisory Committee's report will be most useful to the subcommittee if received by the beginning of March.

In early March, we will review the comments with a view toward introducing any necessary legislation by mid-March. We also intend to encourage broad discussion and comments on the proposed legislation.

Hearings on the legislation will be held at the beginning of April.

Mr. President, I would like to express my personal appreciation to all the members of the Advisory Committee for their hard work and dedication. They have taken considerable time from their very busy schedules in order to participate in Advisory Committee's meetings and to prepare their report. I would particularly note the contribution of John Rittenhouse of General Electric, who took on the most arduous and time-consuming job of chairing the Advisory Committee. He and his colleagues have performed a distinct public service.

Mr. President, I ask unanimous consent that the Advisory Committee's letter of February 5 to Senator GRAMM and me be printed in the RECORD at the end of my remarks. As I said earlier, anyone wanting the complete report should contact the Armed Services Committee staff.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GE AEROSPACE,
Cherry Hill, NJ, February 5, 1988.

Hon. JEFF BINGAMAN,
Chairman,
Hon. PHIL GRAMM,
Ranking Minority Member, Subcommittee on Defense Industry and Technology, Senate Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATORS BINGAMAN AND GRAMM: The members of your Ad Hoc Industry Advisory Committee are pleased to present to you the Advisory Committee's first report.

Our purpose is to provide your Subcommittee with advice on how the problems of defense acquisition can be resolved in what we believe to be the best interest of our nation. To do this, we found it necessary to first define the goals of defense acquisition and from them derive the issues which should be of greatest concern to Congress, the Defense Department and Industry.

We believe the basic goals of defense acquisition are to provide for the needs of our armed forces in peace or war and to ensure the continued advancement of technology and industrial productivity necessary to national security. Further, those goals must be achieved within the fiscal constraints which exist. Finally, and of utmost importance, public policy must impose and maintain controls which ensure that the fiduciary relationship between government, industry, and the taxpayer is guarded carefully. There is an urgent need for Congress, DoD, and industry to reestablish a more open and collaborative (rather than adversarial) climate to achieve these objectives.

In this first report the Ad Hoc Committee has focused on those issues which can prevent our nation from achieving these goals. We have addressed eighteen issues encompassed by three basic themes: (a) people: the procurement work force, and organizational relationships within DoD; (b) the process: streamlining and stabilizing the process, including issues of contractor financing and investments; and (c) trust: the relationship among all three; Congress, the Executive branch, specifically DoD, and industry.

Within those three basic themes, our report identifies areas in which stability and reasonableness can and should be restored. We believe, collectively, that industry, Congress, and DoD must make the tough choices and commit to the difficult actions which can take these solutions and make them work.

Our issue papers focus upon some fundamental questions of how DoD should do business:

The most essential business equation, in which measurable risk is balanced by profit potential, no longer describes defense business. How can this balance be restored?

Current policies discourage investment in technology and productivity. How should they be changed?

Small manufacturing firms are forced to pay a high price for participating in the government market by having to give up the fruits of their innovation. What effect does this have on competition?

How can the quality of leadership and professionalism in the procurement work force be assured?

How can we improve our working relationships, reestablish trust and cooperation between government and industry, and make the self-governance principle really work?

We have presented both our view and the historical concerns of those who may disagree. Neither the issues stated, nor the solutions proposed, necessarily represent the unanimous view of the members of your advisory committee. We expect that some in industry, DoD, and Government will disagree with both the issues identified and the solutions proposed. We do not presume to say that the issues we have identified are the only ones which should concern the Subcommittee. We claim only the intent to identify issues which can be solved in a businesslike manner; by measuring the costs to the government and the benefits to the government of each of the solutions we propose for the benefit of America's security and the Americans we serve.

Our industry has a responsibility to the nation. We take this responsibility seriously and offer our counsel and our personal commitment to reaching the goals of public policy in which we all share. We look forward to continuing working with your Subcommittee during this important year.

Sincerely,

John D. Rittenhouse, Chairman, GE/RCA Aerospace and Defense; William R. Hoover, Computer Sciences Corporation; Norman R. Augustine, Martin Marietta Corporation, Fred Israel, Israel & Raley Chartered; Kent M. Black, Rockwell International Corp.; Frank J. Pawlowski, Essex Electro Engineers, Inc.; Robert A. Fuhrman, Lockheed Corporation; William J. Perry, H&Q Technology Partners; Paul J. Gross, Rexnord; Warde F. Wheaton, Honeywell Aerospace & Defense; Clifford Hall, Sundstrand Corporation; Donald H. White, Hughes Aircraft Company; Earle C. Williams, BDM International, Inc.

FIREFIGHTER PAY AMENDMENT

Mr. DOMENICI. Mr. President, toward the end of last session, as many of us were working through the 11th hour to assure our Government had the wherewithal to keep its doors open, I introduced an amendment to the 1988 continuing resolution that provided for the equitable compensation of those courageous and dedicated men and women who fell victim to unjust pay limitations while participating in one of the most serious forest fire seasons in modern times.

Mr. President, as you are aware, current law prescribes maximum earning limits on federally employed firefighters. This meant that approximately 2,000 of our firefighters, from 48 States, would not be paid for a large share of the overtime they spent in combating these forest fires.

Firefighting is not a 9 to 5 job. Overtime was absolutely essential to containing the blazes and ultimately saving thousands of acres of precious forest and range resources.

I'm particularly proud that this body supported the effort to pay these people for their hard work through unanimous adoption of my amendment for a one-time exemption from the pay period maximum earnings limitations for Federal firefighters.

Mr. President, I am here today to inform you that the agencies responsible for paying these firefighters are working diligently to assure that all those who qualify receive their back pay. We are hopeful that the checks will be mailed within the next 30 days.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

BUDGET OF THE U.S. GOVERNMENT FOR FISCAL YEAR 1989—MESSAGE FROM THE PRESIDENT—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on the Budget and the Committee on Appropriations:

THE BUDGET MESSAGE OF THE PRESIDENT

To the Congress of the United States:

As we consider the state of our Nation today, we have much cause for satisfaction. Thanks to sound policies, steadfastly pursued during the past 7 years, America is at peace, and our people are enjoying the longest peacetime economic expansion in our Nation's history.

By reordering priorities so that we spend more on national security and less on wasteful or unnecessary Federal programs, we have made freedom more secure around the world and have been able to negotiate with our adversaries from a position of strength. By pursuing market-oriented economic policies, we have uncorked the genie of American enterprise and created new businesses, more jobs, improved production, and widespread prosperity. And we have done all this without neglecting the poor, the elderly, the infirm, and the unfortunate among us.

SEVEN YEARS OF ACCOMPLISHMENT

Let me note a few of the highlights from our Administration's record of accomplishment:

The current expansion, now in its sixty-third month, has outlasted all previous peacetime expansions in U.S. history. Business investment and exports are rising in real terms, foreshadowing continued economic growth this year and next.

Since this expansion began, 15 million new jobs have been created, while the unemployment rate has fallen by 5 percentage points—to 5.7 percent, the lowest level in nearly a decade. By comparison, employment in other developed countries has not grown significantly, and their unemployment rates have remained high.

Inflation, which averaged 10.4 percent annually during the 4 years before I came to office, has averaged less than a third of that during the past 5 years.

The prime interest rate was 21.5 percent just before I came into office; it is now 8.5 percent; the mortgage rate, which was 14.9 percent, is now down to 10.2 percent.

Since 1981, the amount of time spent by the public filling out forms required by the Federal Government has been cut by hundreds of millions of hours annually, and the number of pages of regulations published annually in the *Federal Register* has been reduced by over 45 percent.

Between 1981 and 1987, changes in the Federal tax code, including a complete overhaul in 1986, have made the tax laws more equitable, significantly lowered earned income tax rates for many individuals and corporations, and eliminated the need for 4.3 million low-income individuals or families to file tax forms.

At the same time, real after-tax personal income has risen 15 percent during the past 5 years, increasing our overall standard of living.

The outburst of spending for means-tested entitlement programs that occurred in the 1970's has been curbed. Eligibility rules have been tightened to retarget benefits to the truly needy, and significant progress has been made in improving the efficiency and effectiveness of these programs.

We have begun the process of putting other entitlement programs on a more rational basis. This includes medicare, which was converted from cost-plus financing to a system that encourages competition and holds down costs.

Federal spending for domestic programs other than entitlements has been held essentially flat over the past 5 years, while basic benefits for the poor, the elderly, and others in need of Federal assistance have been maintained. This is a dramatic improvement over the unsustainably rapid annual growth of these programs that prevailed before 1981.

The social security system has been rescued from the threat of insolvency.

Our defense capabilities have been strengthened. Weapons systems have been modernized and upgraded. We are recruiting and retaining higher caliber personnel. The readiness, training, and morale of our troops have been improved significantly. Because we are stronger, enormous progress has been achieved in arms reduction negotiations with the Soviet Union.

Federal agencies have undertaken a major management improvement program called "Reform '88." This program has two main objectives: to operate Federal agencies in a more business-like manner, and to reduce waste, fraud, and abuse in government programs.

Some functions of the Federal Government—such as financing waste treatment plants—are being transferred back to State and local governments. In other instances—such as water projects—State and local governments are bearing a larger share of costs, leading to more rational decision-making in these areas.

Finally, we have made real progress in privatizing Federal activities that are more appropriate for the private sector than government. Notable examples include the sale of Conrail, the long-term lease of National and Dulles Airports, and the auction of billions of dollars in loan portfolios.

Related to this shift away from the Federal budget are our achievements on cost sharing and user fees, shifting the cost of projects and programs where appropriate to non-Federal sources.

While we have reason to be proud of this record of achievement, we must be vigilant in addressing threats to continued prosperity. One major threat is the Federal deficit.

DEFICIT REDUCTION, THE AGREEMENT, AND G-R-H

If the deficit is not curbed by limiting the appetite of government, we put in jeopardy what we have worked so hard to achieve. Larger deficits brought on by excessive spending could precipitate rising inflation, interest rates, and unemployment. We cannot permit this to happen, and we will not.

BUDGET SUMMARY

(In billions of dollars)

	1987	1988	1989	1990	1991	1992	1993
Receipts	854.1	909.2	964.7	1,044.1	1,124.4	1,189.9	1,258.1
Outlays	1,004.6	1,055.9	1,094.2	1,148.3	1,203.7	1,241.0	1,281.3
Surplus or deficit (−)	−150.4	−146.7	−129.5	−104.2	−79.3	−51.1	−23.3
Gramm-Rudman-Hollings deficit targets	−144.0	−144.0	−136.0	−100.0	−64.0	−28.0	0.0
Difference	6.4	2.7	−6.5	4.2	15.3	23.1	23.3

Note.—Totals include social security, which is off-budget.

The Congress acknowledged the pressing need to reduce the deficit when, in December 1985, it enacted the Balanced Budget and Emergency Deficit Control Act, commonly known for its principal sponsors as the Gramm-Rudman-Hollings (G-R-H) Act. This Act committed both the President and the Congress to a fixed schedule of progress toward balancing the budget.

In 1987, the budget deficit was $150 billion—down $71 billion from the record level of $221 billion reached in 1986. This was also a record decline in the deficit. To some extent, however, this improvement represented one-time factors, such as a high level of receipts in the transitional year of tax reform. Economic forecasters predicted that without action the 1988 and 1989 deficits would be higher than the 1987 level. In order to prevent this, and to preserve and build upon the 1987 deficit-reduction progress in a realistic fashion, last fall the Congress modified the G-R-H Act. Specifically, it required that the 1988 deficit target be $144 billion and the target for 1989 be $136 billion.

Last year, members of my Administration worked with the Leaders of Congress to develop a 2-year plan of deficit reduction—the Bipartisan Budget Agreement. One of the major objectives of the budget I am submitting today is to comply with that agreement—in order to help assure a steady reduction in the deficit until budget balance is achieved.

The Bipartisan Budget Agreement reflects give and take on all sides. I agreed to some $29 billion in additional revenues and $13 billion less than I had requested in defense funding over 2 years. However, because of a willingness of all sides to compromise, an agreement was reached that pared $30 billion from the deficit projected for 1988 and $46 billion from that projected for 1989.

In submitting this budget, I am adhering to the Bipartisan Budget Agreement and keeping my part of the bargain. I ask the Congress to do the same. This budget does not fully reflect my priorities, nor, presumably, those of any particular Member of Congress. But the goal of deficit reduction through spending reduction must be paramount. Abandoning the deficit reduction compromise would threaten our economic progress and burden future generations.

This budget shows that a gradual elimination of the deficit is possible without abandoning tax reform, without cutting into legitimate social programs, without devastating defense, and without neglecting other national priorities.

Under the Bipartisan Budget Agreement, progress toward a steadily smaller deficit and eventual budget balance will continue, but this projected decline rests on two assumptions: continued economic growth, and implementation of the Agreement. If the economy performs as expected, and if the Bipartisan Budget Agreement reflected in this budget is adhered to, the deficit should decline to less than 3 percent of GNP in 1989. For the first time in several years, the national debt as a proportion of GNP will actually fall. Reducing the deficit and the debt in this manner would bring our goal of a balanced budget and a reduced burden on future generations much closer to realization.

Moreover, adherence to the Agreement, as reflected in this budget, will ensure the achievement of additional deficit reductions in future years, because in many cases the savings from a given action this year will generate deficit savings in subsequent years. Given the good start made in 1987, we have an opportunity this year to put the worst of the deficit problem behind us.

MEETING NATIONAL PRIORITIES

In formulating this budget, I have endeavored to meet national priorities while keeping to the terms of the Bipartisan Budget Agreement and the G-R-H Act. In essence, the Agreement limits the 1988-to-1989 increase in domestic discretionary program budget authority to 2 percent. To address urgent national priorities insofar as possible within this overall 2 percent limit, my budget proposes that some programs—such as those for education, drug enforcement, and technology development—receive larger funding increases, while others are reduced, reformed, or, in some cases, terminated.

High-priority programs must be funded adequately. One of our highest priorities is to foster individual success through greater education and training opportunities. For example:

I propose an increase of $656 million over the $16.2 billion appropriated for 1988 for discretionary programs of the Department of Education. Although State and local governments fund most educational activity, Federal programs provide crucial aid for the poor, the handicapped, and the educationally disadvantaged.

I have proposed reform of our overcentralized welfare system through State experimentation with innovative alternatives. In addition, my initiative would overhaul current employment and training programs for welfare recipients, and strengthen our national child support enforcement system.

By emphasizing housing vouchers, I would provide housing assistance to 135,500 additional low-income households in 1989—8 percent more than the 125,000 additional households receiving housing subsidies in 1988.

Ineffective programs to assist dislocated workers would be replaced by an expanded $1 billion worker readjustment program (WRAP) carefully designed to help those displaced from their jobs move quickly into new careers.

In addition, I am proposing funds to strengthen U.S. technology and make America more competitive. For example:

I propose a continued increase in federally supported basic research aimed at longer-term improvements in the Nation's productivity and global competitiveness. This budget would double National Science Foundation support for academic basic research, increase support for training future scientists and engineers, and expedite technology transfer of Government-funded research to industry.

I would provide $11.5 billion for space programs, including: essential funding for continued development of America's first permanently manned Space Station; increased support for improving the performance and reliability of the space shuttle; a major new initiative, the Advanced X-ray Astrophysics Facility, for space science; further support to encourage the commercial development of space; and a new technology effort, Project Pathfinder, designed to develop technologies to support future decisions on the expansion of human presence and activity beyond Earth's orbit, into the solar system.

I also recommend $363 million in 1989 to initiate construction of the Superconducting Super Collider (SSC), including $283 million for construction and $60 million for supporting research and development. The SSC as currently envisaged will be the largest pure science project ever undertaken. It will help keep this country on the cutting edge of high energy physics research until well into the next century.

This budget also reflects my belief that the health of all of our citizens must remain one of our top priorities:

I continue to urge enactment of an affordable self-financing insurance program through medicare to protect families from economic devastation caused by catastrophic illness.

To attack the scourge of AIDS, I propose $2 billion for additional research, education, and treatment in 1989—a 38 percent increase over the 1988 level and more than double the Federal Government's effort in 1987. This includes $1.3 billion in funding for the Public Health Service.

Building upon the Nation's preeminence in basic biomedical research, I seek a 5.1 percent increase for non-AIDS research at the National Institutes of Health;

Our fight against drug abuse must continue, as well as our efforts to protect the individual against crime:

For expanded law enforcement, including efforts targeted at white collar crime, organized crime, terrorism and public corruption, I propose $4.5 billion—an increase of 6 percent over 1988.

For drug law enforcement, prevention, and treatment programs, I propose $3.9 billion in 1989, a 13 percent increase over the 1988 level.

To relieve prison overcrowding and adequately house a growing inmate population, I would provide $437 million—more than double the $202 million devoted to Federal prison construction in 1988.

Other areas of Federal responsibility receive priority funding in this budget:

For the Federal Aviation Administration to continue its multi-year program to modernize the Nation's air traffic control systems, I would provide $1.6 billion—a 44 percent increase over the level of 1988.

To improve coordination of Federal rural development programs and to redirect funding toward needy rural areas and program recipients, I propose a rural development initiative to be coordinated by the Secretary of Agriculture.

To carry out the joint recommendations of the United States and Canadian Special Envoys on Acid Rain, I recommend total funding of $2.5 billion for innovative clean coal technology demonstration projects over the period 1988 through 1992.

I also recommend an expansion of hazardous waste cleanup efforts, with an increase in Superfund outlays of some $430 million in 1989.

To continue filling the Strategic Petroleum Reserve [SPR] at the current rate of 50,000 barrels per day, I would provide $334 million in 1989. Contingent upon the enactment of legislation authorizing the sale of the Naval Petroleum Reserves [NPR], I would provide an additional $477 million to bring the fill rate up to 100,000 barrels per day, and an additional $208 million to establish a separate 10 million barrel defense petroleum inventory to offset the disposition of the NPR.

To improve the speed and accuracy of tax processing and expand information services provided to taxpayers, I would provide a $241 million increase for the Internal Revenue Service. These funds are designed to assure smooth implementation of the 1986 tax reforms.

Maintaining peace in a troubled world is the most important responsibility of government. Fortunately, during the past 7 years, our defense capabilities have been restored toward levels more consistent with meeting our responsibility to provide an environment safe and secure from aggression. Specifically, combat readiness has been improved, and our forces have been modernized.

The proposals for national security contained in this budget represent an essential minimum program for keeping America safe and honoring our commitments to our friends and allies. Anything less would jeopardize not only our security—and that of our friends and allies—but also would dim the prospects for further negotiated agreements with our adversaries.

As called for in the Bipartisan Budget Agreement, my budget requests defense funding of $299.5 billion in budget authority and $294.0 billion in outlays for 1989. It also provides for about 2 percent real growth in these programs in future years. Also, as called for in the agreement, my budget requests $18.1 billion in budget authority for discretionary spending for international affairs. This includes $8.3 billion in security assistance to allied and friendly countries where the United States has special security concerns.

NEEDED PROGRAMMATIC REFORMS

Incentives.—It is essential to continue to change the incentive structure for many domestic Federal programs to promote greater efficiency and cost-effectiveness. This budget proposes to create such needed incentives.

Many Federal programs offer payments without sufficient regard for how well taxpayers' money is being spent. For example, farm price support programs, under the Food Security Act of 1985, are much too costly. I plan to continue pushing for the elimination of artificially high price supports, thereby reducing the need for export subsidies. In particular, I plan to propose amendments to the act to modify the counterproductive sugar price support program that currently poses significant problems in the areas of trade policy, foreign policy, and agricultural policy. The importance of agricultural trade to the economic health of the farm sector and the Nation as a whole mandates increased reliance on free markets, not government largess.

The budget proposes certain reforms in the medicare program in order to achieve the savings agreed to in the Bipartisan Budget Agreement. First, as justified by the results of several independent studies, I propose to reduce the add-on payment for teaching hospitals under the prospective payment system [PPS] for indirect medical education from 7.70 percent to 4.05 percent, the best estimate of the added costs incurred historically by teaching hospitals. Second, I propose to limit Medicare overhead payments for graduate medical education and make consistent varying secondary payor enforcement mechanisms. To reduce escalating supplementary medical insurance costs and help slow future increases in beneficiary premiums, I propose to limit payments for certain overpriced physician procedures, limit payments for durable medical equipment and supplies, and eliminate a loophole in the payment process for kidney dialysis. In total, these reforms would reduce spending for medicare by $1.2 billion from the level that would occur if current law were continued. Spending for the Medicare program would still increase by 7 percent from 1988 to 1989.

Although the provision of needed legal services for those who cannot afford them is an important goal in our society, the current system earmarks a large portion of the funding to "National and State Support Centers" that have been criticized for political involvement. I urge Congress to disallow use of Federal funds for such "think tanks" and limit the use of funds to the direct assistance of the poor in need of legal aid.

The Government often continues programs at the Federal level that are no longer needed. This is the case with rural housing programs, the Economic Development Administration, urban mass transit discretionary grants, urban development action grants, sewage treatment, Small Business Administration direct loans, housing development action grants, the housing rehabilitation loan program, and economic development programs of the Tennessee Valley Authority. Efforts to reverse this situation have been undertaken by prior administrations as well as my own, but the limited results to

date indicate the difficulty of curbing excessive government involvement in these areas.

Regulatory Relief.—For 7 years I have worked to reduce the excess burdens of government regulation for all Americans—working men and women, consumers, businesses, and State and local governments. As a result, various departments and agencies have reduced the scope and costs of Federal regulation. Federal approval of experimental drugs has been expedited, making them available to treat serious or life-threatening diseases when other treatments do not work. Excessive burdens on State and local governments are being lifted. Access to goods and services has been made easier, and at less cost. Federal reporting requirements on individuals and businesses have been eased, as well as the paperwork burden on those who wish to compete for contracts with the Federal Government. Under the leadership of the Presidential Task Force on Regulatory Relief, headed by the Vice President, the administration will continue these and other efforts to lessen the burden of excessive government regulation.

As a case in point, my budget proposes termination of the Interstate Commerce Commission, contingent upon enactment of legislation that completes deregulation of the motor carrier industry. There is no justification for continued economic (as opposed to safety) regulation of surface transportation, and there is a substantial argument against it. As a result of economic deregulation of trucking and railroads, consumers save tens of billions of dollars each year, and the industry is healthier, more innovative, and better able to adapt to changing economic circumstances. This is no time to turn back the clock.

Privatization.—The government and the private sector should do what each does best. The Federal Government should not be involved in providing goods and services where private enterprise can do the jobs cheaper and/or better. In some cases, the fact that no private provider exists is a reflection of government policy to prohibit competition—as with first class mail service. In other cases, an absence of private providers reflects a government policy of providing large subsidies—as with uranium enrichment. Invariably, the taxpayer ends up paying more for less.

Accordingly, my budget proposes that a number of Federal enterprises be transferred back to the private sector, through public offerings or outright sales. Following our successful sale of Conrail and auctioning of $5 billion in selected loan portfolios, I am proposing the sale not only of the Naval Petroleum Reserves, but also of the Alaska Power Administration, the Federal Government's helium program, excess real property, and a further $12 billion in loan portfolios. In addition, I have proposed legislation to authorize a study of possible divestiture of the Southeastern Power Administration, and plan to study possible privatization of our uranium enrichment facilities, as well as ways of making the U.S. Postal Service more efficient through greater reliance on the private sector. Such "privatization" efforts continue to be a high priority of this Administration, and I look forward to acting on the final recommendations of the Privatization Commission, which I established last September.

Privatization does not necessarily imply abrogation of government responsibility for these services. Rather, it recognizes that what matters is the service provided, not who provides it. Government has an inherent tendency to become too big, unwieldy, and inefficient; and to enter into unfair competition with the private sector.

The Federal Government should also depend more on the private sector to provide ancillary and support services for activities that remain in Federal hands. Therefore, I am proposing the development of a private mediating institution to reduce the backlog of cases before the U.S. Tax Court. I propose that the private sector be relied upon for booking functions for concessional food programs. I also encourage the complete privatization of wastewater treatment plants, certain mass transit projects, the Department of Agriculture's National Finance Center, and the Rural Telephone Bank.

In addition, our Administration plans to initiate privatization and commercialization efforts involving Federal prison industries, relying on a private space facility for micro-gravity research opportunities in the early 1990's, commercial cargo inspection, military commissaries, Coast Guard buoy maintenance, and the management of undeveloped Federal land. Moreover, my budget proposes that the work associated with certain Federal employment positions be reviewed for the feasibility of contracting their responsibilities out to the private sector as yet another way to increase productivity, reduce costs, and improve services.

One of the best ways to test the worth of a governmental program or a particular project is to shift some of the cost of that program or project to the direct beneficiaries. We have done that, for example, with water resources development projects. As a result, local sponsors and users choose to proceed only on the projects that are most important and most cost effective.

Management Improvements.—As we all know, the Federal Government has a major effect upon our daily lives through the direct delivery of services, the payment of financial assistance through various entitlement programs, the collection of taxes and fees, and the regulation of commercial enterprises. As the 21st century approaches, the Federal Government must adapt its role in our society to meet changing demands arising from changing needs and requirements. At the turn of the century, the U.S. population will exceed 268 million, with a greater proportion of elderly requiring more specialized services. The Nation will operate at a much faster pace as changes in technology and communication link the world's economies, trade, capital flows, and travel as never before.

I have asked the Office of Domestic Affairs and the Office of Management and Budget to work with the President's Council on Management Improvement to conduct an in-depth review and recommend to me by this August what further adjustments in the Federal role should be made to prepare for the challenge of government in the 21st century. This summer I will receive their report, "Government of the Future." I also intend to complete the "Reform '88" management improvement program I started 6 years ago to overhaul the administrative, financial, and credit systems in our Federal Government; to implement productivity and quality plans in each agency; and to examine the needs of the Federal work force of the future. I want to leave a legacy of good management of today's programs, with plans in place to handle tomorrow's challenges.

Efforts to improve the management of the Federal Government must be continued. We have all heard stories of the horrible waste that occurs in the Federal Government. Some of it is obvious—like the billions of dollars in unneeded projects that were included in the thousand-page 1988 spending bill that was dropped on my desk last December. Some are not obvious—like the billion dollars in unnecessary interest expense the government paid, year after year, because it lacked a cash management system, or the billions of dollars lost annually for lack of a credit management process to ensure collection of the trillion dollars in loans owed the Federal Government.

In July 1980, I promised the American people: "I will not accept the excuse that the Federal Government has grown . . . beyond the control of any President, Administration or Congress . . . we are going to put an end to the notion that the American taxpayer exists to fund the Federal Government. The Federal Government exists to serve the American people . . . I pledge my Administration will do that." I have delivered on that promise.

The first step was taken within months after my inauguration when I formed the President's Council on Integrity and Efficiency, composed of the agency Inspectors General. By the time I leave office, they will have delivered savings of over $110 billion in reduced waste, fraud, and abuse to the American people.

Then, in March 1982, I initiated the world's largest management improvement program with these words: "With Reform '88 we're going to streamline and reorganize the processes that control the money, information, personnel and property of the Federal bureaucracy." I told my Cabinet at that time that "we have six years to change what it took twenty or thirty to create—and we came to Washington to make changes!" I have followed up on that commitment. The President's Council on Management Improvement has overseen this effort, and is generating significant results.

These efforts are described in greater detail in my *Management Report*, which is being submitted concurrently. They can succeed only if all Federal managers and employees work together. Therefore, I propose in this budget a new approach to paying Federal employees who increase their productivity. I ask the Congress to modify the current system of virtually automatic "within-grade" pay increases for the roughly [illegible]0 percent of employees eligible each year to one that is based on employee performance. This will give Federal employees stronger incentives to improve service delivery and reduce costs to the taxpayer.

THE BUDGET PROCESS

As I have stressed on numerous occasions, the current budget process is clearly unworkable and desperately needs a drastic overhaul. Last year, as in the year before, the Congress did not complete action on a budget until well past the beginning of the fiscal year. The Congress missed every deadline it had set for itself just 9 months earlier. In the end, the Congress passed a year-long, 1,057-page omnibus $605 billion appropriations bill with an accompanying conference report of 1,053 pages and a reconciliation bill 1,186 pages long. Members of Congress had only 3 hours to consider all three items. Congress should not pass another massive continuing resolution—and as I said in the State of the Union address, if they do I will not sign it.

I am asking for a constitutional amendment that mandates a balanced budget and forces the Federal Government to live within its means. A constitutional amendment to balance the Federal budget—and a provision requiring a super-majority vote in the Congress to increase taxes—would impose some much-needed discipline on the congressional budget process. Ninety-nine percent of Americans live in States that require a balanced State budget, and a total of 32 States already have passed resolutions calling for a convention for the purpose of proposing a balanced budget amendment to the U.S. Constitution.

Also, I am asking the Congress for a line-item veto, so that my successors could reach into massive appropriation bills such as the last one, cut out the waste, and enforce budget discipline. Forty-three State Governors have a line-item veto; the President should have this power as well. As Governor of the State of California (1967-1975), I used the line-item veto 943 times. The California State legislature upheld each of these vetos, even though both Houses were controlled by the opposition party.

In addition, I propose the following further reforms to the budget process:

(1) *Joint budget resolution.* The budget process has so degenerated in recent years that the presidential budget is routinely discarded and the congressional budget resolution is regularly disregarded. As a remedy, I propose that henceforth the Congress and the Executive collaborate on a joint resolution that sets out spending priorities within the receipts available. The requirement of a Presidential signature would force both branches of government to resolve policy differences before appropriations measures must be formulated. The budget process could be further improved by including in the budget law allocations by committee as well as by budget function.

(2) *Individual transmittal of appropriation bills.* The current practice of transmitting full-year continuing resolutions skirts appropriations committee-subcommittee jurisdictions. More importantly, it does not permit the Legislative and Executive branches to exercise proper scrutiny of Federal spending. Therefore, I propose a requirement that appropriations bills be transmitted individually to the President.

(3) *Strict observance of allocations.* During the 1980s, an unacceptable budget practice evolved within the Congress of disregarding congressionally approved function allocations. Funds regularly were shifted from defense or international affairs to domestic spending. I strongly urge that each fiscal year separate national security and domestic allocations be made and enforced through a point of order provision in the Budget Act.

(4) *Enhanced rescission authority.* Under current law, the President may propose rescissions of budget authority, but both Houses of Congress must act "favorably" for the rescission to take effect. In 1987, not a single rescission was enacted, or even voted on, before expiration of the 45-day deadline. I propose a change of law that would require the Congress to vote "up or down" on any presidentially proposed rescission, thereby preventing the Congress from ducking the issue by simply ignoring the proposed rescission and avoiding a recorded vote.

(5) *Biennial budgeting.* The current budget process consumes too much time and energy. A 2-year budget cycle offers several advantages—among them, a reduction in repetitive annual budget tasks, more time for consideration of key spending decisions in reconciliation, and less scope for gimmicks such as shifting spending from one year to the next. I call on the Congress to adopt biennial budgeting.

(6) *Truth in Federal spending.*—As part of my Economic Bill of Rights, I will shortly transmit legislation that will require any future legislation creating new Federal programs to be deficit-neutral. In addition to requiring the concurrent enactment of equal amounts of program reductions or revenue increases, my proposal would require that all future legislation and regulations be accompanied by financial impact statements, including the effect on State and local governments.

Adoption of these reforms should enable the Federal Government to make informed decisions in a deliberate fashion that fosters rational priorities. The American people deserve no less from their elected representatives.

CONCLUSION

Looking back over the past 7 years we can feel a sense of pride in our accomplishments. Important tasks remain, however. The large and stubbornly persistent budget deficit has been a major source of frustration. It threatens our prosperity and our hopes for lessening the burden on future generations.

Two years ago, the Legislative and Executive branches of government responded to this threat by enacting the G-R-H Act, which mandated gradual, orderly progress toward a balanced budget over the next several years. My budget achieves the 1989 target of the amended Act while preserving legitimate programs for the aged and needy, providing for adequate national security, devoting more resources to other high-priority activities, and doing so without raising taxes.

My budget also embodies the Bipartisan Budget Agreement reached last November. In presenting this budget, I am keeping my end of the bargain. I call upon the Congress to uphold its end—by ensuring that appropriations and other legislation are in full accord with the Agreement. By exercising this measure of restraint and self-discipline, we can secure great benefits for the Nation: a lower budget deficit, reduced demand on credit markets, more stable financial markets, a steadily declining trade deficit, and continued prosperity with non-inflationary growth. And, by reforming the budget process, the Congress can improve its decisionmaking and garner the thanks of a grateful public. Surely, these are small prices for what is at stake.

FEBRUARY 18, 1988.

MESSAGES FROM THE HOUSE

At 2:01 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House had passed the following bill, without amendment:

S. 2022. An act to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1054. An act to amend chapter 171 of title 28, United States Code, to allow claims against the United States under that chapter for damages arising from certain negligent medical care provided members of the Armed Forces; and

H.R. 3923. An act to make a technical correction to section 8103 of title 46, United States Code.

ENROLLED BILLS SIGNED

At 2:24 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following bills:

S. 2022. An act to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as a result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments; and

H.R. 1612. An act to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STENNIS).

At 3:29 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 4355 of title 10 of the United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. HEFNER, Mr. PICKETT, Mr. FISH, and Mr. LOWERY.

The message also announced that pursuant to the provisions of section 9355 of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. DICKS, Mr. BARNARD, Mr. LEWIS of California, and Mr. HEFLEY.

The message further announced that pursuant to the provisions of section 194 of title 14 of the United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. GEJDENSON and Mrs. JOHNSON of Connecticut.

The message also announced that pursuant to the provisions of section 6968 of title 10 of the United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House: Mr. WILSON, Mr. MCMILLEN of Maryland, Mr. SKEEN, and Mrs. BENTLEY.

The message further announced that pursuant to the provisions of section 1295 of title 46 of the United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Mr. MANTON and Mr. BUNNING.

The message also announced that pursuant to the provisions of Public Law 301 of the 78th Congress, the chairman of the Committee on Merchant Marine and Fisheries appoints the following members on that Committee to serve as Members of the Board of Visitors to the United States Coast Guard Academy for the year 1988: Mr. HUTTO, Mr. HUGHES, Mr. DAVIS of Michigan, and Mr. JONES of North Carolina, ex officio.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1054. An act to amend chapter 171 of title 28, United States Code, to allow claims against the United States under that chapter for damages arising from certain negligent medical care provided members of the Armed Forces; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, February 18, 1988, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 2022. An act to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments; and

S.J. Res. 122. Joint resolution to designate the week beginning October 16, 1988, as "Gaucher's Disease Awareness Week."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with amendments:

S. 1366. A bill to revise and extend the programs of assistance under title X of the Public Health Service Act (Rept. No. 100-286).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 379. An original resolution to pay a gratuity to Linda G. Mathews.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Wendy Lee Gramm, of Texas, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 1990; and

Wendy Lee Gramm, of Texas, to be Chairman of the Commodity Futures Trading Commission.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BURDICK, from the Committee on Environment and Public Works:

Charles L. Grizzle, of Kentucky, to be an Assistant Administrator of the Environmental Protection Agency.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 2070. A bill to revise and repeal certain labor standards laws applicable to the Department of Defense; to revise the authority of the President to prescribe and modify stockpile goals for strategic and critical materials in the National Defense Stockpile; and to establish the Bipartisan Commission on the Consolidation of Military Bases; to the Committee on Armed Services.

By Mr. METZENBAUM (for himself and Mr. WIRTH):

S. 2071. A bill to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 2072. A bill to amend title 23, United States Code, to authorize the use of rights-of-way along Federal-aid highways for the construction of transportation systems that will be part of the Federal-aid highway system; to the Committee on Environment and Public Works.

By Mr. KARNES:

S. 2073. A bill entitled the "Thrift Charter Enhancement Act of 1988"; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MIKULSKI:

S.J. Res. 259. Joint resolution designating the week of April 24, 1988, through April 30, 1988, as "National Eating Disorders Awareness Week"; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S.J. Res. 260. Joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week"; to the Committee on the Judiciary.

By Mr. PRESSLER:

S.J. Res. 261. Joint resolution designating the month of November 1988 as "National Alzheimer's Disease Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 379. An original resolution to pay a gratuity to Linda G. Mathews; placed on the calendar.

By Mr. MELCHER (for himself and Mr. Heinz):

S. Con. Res. 98. Concurrent resolution to authorize the printing of the annual three volume report "Developments in Aging: 1987" prepared by the Special Committee of Aging; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 2070. A bill to revise and repeal certain labor standards laws applicable to the Department of Defense to revise the authority of the President to prescribe and modify stockpile goals for strategic and critical materials in the national defense stockpile; and to establish the Bipartisan Commission on the Consolidation of Military Bases; to the Committee on Armed Services.

LIMIT AMERICA'S RUNAWAY DEFENSE DOLLARS ACT

● Mr. ROTH. Mr. President, by now it must be clear to all Members of the Senate that, whether we like it or not, the U.S. defense budget has reached its watershed, at least for the foreseeable future. The future holds, at best, very limited growth and, more likely, shrinkage in our defense establishment.

However, I do not believe that those of us who have traditionally supported a strong defense establishment need necessarily despair. My own work on defense spending issues through the Committee on Governmental Affairs has convinced me that it should be possible to make many economies within the Department of Defense without damaging the national security of this Nation. The pending alterations in the DOD budget do not pose the Pentagon a resource problem so much as a management problem.

During the coming years, it will be the duty of the Congress to assist the Pentagon in this management process, not by demanding new, onerous reporting requirements or by creating further complications in an already complex acquisition process. Rather, we should be bending our efforts to simplify the procurement process. In addition, as Members of the Congress, we should sincerely ask ourselves whether, on occasion, the Congress itself has become part of the Pentagon's perennial procurement problem.

Frankly, Mr. President, I believe that we must face up to the fact that the Congress has, indeed, become part of the problem. We have injected arbitrary stipulations and limitations into the defense budget process. These unnecessary and uneconomical restrictions cost the U.S. taxpayer billions of dollars each year. If the Pentagon is to be properly reorganized, if the U.S. taxpayer is to receive true value for his/her defense dollar, the Congress cannot concentrate solely upon the abuses of defense contractors and the inefficiencies of the Pentagon procurement process. It must also pay close attention to the costly problems which emanate from Captiol Hill and move swiftly to remedy them.

Mr. President, to this end I am introducing the Limit America's Runaway Defense Dollars Act of 1988. I shall return on the floor in the near future to make a more detailed analysis of the bill's various provisions.●

By Mr. METZENBAUM (for himself and Mr. Wirth):

S. 2071. A bill to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CHILDREN'S TELEVISION ADVERTISING PRACTICES ACT

● Mr. METZENBAUM. Mr. President, I rise to introduce legislation which would reinstate FCC guidelines limiting commercials aired on children's television. Senator Wirth joins me in sponsoring this important bill, the Children's Television Advertising Practices Act of 1988.

Children's television today is grossly overcommercialized. Flip the dial on your TV set some early morning and you will find toys like Lady Lovely Locks, Thundercats, Inhumanoids, and GI Joe starring in their own television shows.

And the not too subtle message these characters send to the children watching them? Buy me! Buy me!

These television shows are nothing more than full-length commercials, many paid for and created by the toy companies themselves.

It's a disgrace.

In recent years, more than 70 shows have been developed based on stuffed animals, action figures, games, and dolls. One program—Gummi Bears—even bases its characters in sugary candy.

The level of commercialization in children's television has skyrocketed in recent years. The problem was exacerbated in 1984 when the FCC threw out its guidelines limiting the amount of television advertising allowable per hour and included children's television in this decision.

The FCC's hands-off approach to children's television has created an intolerable situation. More commercials—hence more sales pitches—are being aired than before. And in something that's unprecedented in adult television, entire programs have been built around products simply to spur demand for these products in the marketplace. Such sophisticated marketing strategies are not aimed at adults who know better but kids.

That's absurd. That's wrong. And it could get worse.

The newest trend is interactive television. Here a child must have in his or her possession a specific toy or else they can't participate in the program. In Mattel Toy Co.'s syndicated show called "Captain Power and the Soldiers of the Future," a child can interact with characters in the program by shooting a jet-type laser at robots on the screen. The price tag for the laser gun? Around $30 to $40.

Violent and aggressive programs are bad enough. Why add insult to injury by subjecting kids to such crass commercialism? It's hard enough for parents to monitor all their children watch on TV. How can parents cope with kids who are continuously subjected to the hard sell?

These program length commercials are keeping quality programming off the air. Enough is enough. Surely, we can do better.

My bill will reimpose the FCC's 1974 guidelines limiting advertising to 9½ minutes per hour during children's prime time—Saturday and Sunday mornings—and to 12 minutes per hour on weekdays. The measure would preclude program length commercials. Finally, it would codify the FCC's current policy eliminating host-selling and tie-in practices that involve the use of program characters to promote products. There is a similar measure pending in the House.

In June 1987, the U.S. Court of Appeals for the District of Columbia ruled that the FCC had failed to adequately explain why it had lifted the guidelines limiting commercials on children's television. The court mandated the FCC to reexamine the issue and such a rulemaking is underway at the FCC. Mr. President, I hope the FCC, the broadcast industry and the toy companies are getting the message. The amount of advertising children are exposed to on television is shameful. Television should entertain and enlighten children, not just push them to buy.

The airwaves belong to the American people and parents are tired of seeing their children manipulated. The broadcasters should show leadership and voluntarily end the abuses. If the broadcasters don't act, Congress certainly will.

I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Television Advertising Practices Act of 1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) while Government regulation of commercial broadcasting has continuously recognized the need for advertising revenue to sustain a vigorous production of programming, the obligations of users of the public airwaves to operate in the public interest has required the avoidance of abusive advertising practices;

(2) until recently, this obligation was recognized as including the avoidance of certain practices in connection with children's television programming that unfairly take advantage of the lack of sophistication and gullibility of a young audience;

(3) in a 1970 Report to the Surgeon General, Television and Growing Up: the Impact of Televised Violence (vol. IV), it was concluded that special safeguards are required to protect children from overcommercialization and violence on television because television provides access to a younger and more impressionable age group than can be reached through any other medium of mass communication;

(4) the Federal Communications Commission has erred in withdrawing its 1974 Policy Statement concerning children's television guidelines regarding maximum levels of commercial matter on children's programming; and

(5) it is therefore necessary to require the Commission to correct these defects promptly and specifically.

SEC. 3. RULEMAKING REQUIRED.

(a) Rulemaking Required.—The Federal Communications Commission shall, within 10 days after the date of enactment of this Act, initiate a rulemaking proceeding to prescribe standards applicable to commercial television broadcast licensees with respect to advertising in conjunction with children's television programming.

(b) Minimum Requirements for Standards.—The standards required by subsection (a) shall, at a minimum and in a manner consistent with the 1974 Policy Statement, require commercial television broadcast licensees—

(1) to limit the duration of advertising in children's programming [to not more than 9.5 minutes per hour on weekends and not more than 12 minutes per hour on weekdays];

(2) to assure an adequate separation between program content and commercial messages, by use of an appropriate visual, aural, or other device or separation; and

(3) to eliminate host-selling, the promotion of products to children within the body of program content, and tie-in practices and other practices that involve the use of program characters to promote products.

(c) Time for Completion of Rulemaking.—The Commission shall, within 120 days after the date of enactment of this Act, prescribe a final standard in accordance with the requirements of subsection (b).

SEC. 4. DEFINITION.

As used in this Act, the term "1974 Policy Statement" means the report and policy statement entitled "Children's Television Programs: Report and Policy Statement", issued November 6, 1974 (39 Fed. Reg. 39396), as reconsidered and reaffirmed (55 FCC 2d 691, 1975).●

● Mr. WIRTH. Mr. President, as I join my good friend and colleague, Senator Metzenbaum, in introducing the "Children's Television Advertising Practices Act of 1988" today, I have a sense of deja vu. One of the very first issues I addressed upon my election to the House of Representatives in 1974 was that of the fairness of television advertising and other types of advertising directed at our children. At that time, social scientists had just begun to study advertising and its impact on children, and apply their theories of child development to this topic.

Back then, we did not know the full extent of the problem, and we did not know what policies to pursue to best protect our children from advertising abuse. But I do remember reading research that described how young children simply could not tell the difference between television programs and commercials. I remember reviewing research studies that indicated children could not understand that a commercial was trying to sell them something, that it was intended to persuade them to want to buy things rather than entertain them. And I remember thinking that something ought to be done about this situation, because it just didn't seem fair to turn the Madison Avenue advertising machine loose on America's children to do and say whatever the advertising industry or the commercial sponsors choose.

In 1975, therefore, I introduced legislation to create a national research center to examine the effects of advertising practices on children and to develop potential solutions to protect the interests of children, who spend long hours in front of the television screen. Unfortunately, that proposal was never adopted.

So today, I feel a sense of deja vu because we still have not developed a way to effectively protect our youngsters from excessive and aggressive television advertising, even though we now have a much deeper understanding of its powerful influence on children than we did 13 years ago. I fail to understand why anyone would object to this effort to prevent the manipulation of our children. We have many laws on the books to protect children from being taken advantage of by other interests. For example, there are child labor laws and laws to protect our children from pornographic material. And when we deal with television, it is essential to remember that broadcasters are licensed to serve the public interest. How is it in the public interest for television stations to pad profits by squeezing in more and more commercial content during children's programs?

In this case, however, it is not just the advertisers or the broadcasting industry that are responsible for the most recent problems with children's commercials. Once again, the Federal Communications Commission [FCC] has failed to act responsibly in the area of children's television advertising. Perhaps more than anything else, the Commission's actions have created the need for the legislation that we are introducing today. After maintaining limits, for more than a decade, on the amount of commercial content that can be presented during children's programming, the FCC cavalierly discarded this protection in 1984.

How was this decision by the FCC justified? The Commission argued that the unregulated marketplace would serve to limit commercials more effectively than Government guidelines. The FCC told us that viewers would turn the television dial if a station presented too many commercials, and therefore no broadcaster would dare increase their commercial practices for fear of losing audience. Whether or not this logic holds true for adult viewers remains an open question. As far as children are concerned, however, its flaws are obvious.

How can a young child who cannot even tell the difference between a program and a commercial be expected to turn away once the commercial pitches go too far? The FCC's logic doesn't make sense, and neither does its decision in this case. The U.S. Court of Appeals returned a verdict this past summer which held that the Commission had failed to consider the special needs of the child audience in deregulating its children's advertising restrictions. The court returned the case to the FCC for reconsideration, but in the meantime, the previous guidelines on children's advertising practices remain suspended. As it has for years on a number of other children's television issues, the Commission is dragging its feet again on this matter and it is time for us to do something about it.

If the FCC will not take action to protect the interests of young viewers, then the Congress must. The legislation we introduce today will help resolve the current situation which allows broadcasters to present 30-minute commercials to children rather than just 30-second messages. It will place a limit of no more than 9½ minutes per hour of advertising content on Saturday mornings and 12 minutes per hour on weekdays when children's programs are aired. These are the limits that were in effect at the time the FCC rescinded its policies in 1984. More stringent restrictions may be in order, and the record we hope to develop concerning this proposal will explore that question. The legislation also requires the FCC to establish rules to prevent so-called host-selling and other practices that involve the use of program characters to promote products.

The proposed limitations on children's advertising practices are required by the public interest. All television advertising directed at children who are too young to understand and defend against its persuasive effects is inherently unfair. It may be necessary to allow some advertising to children simply to keep children's programs on the airwaves. It is not, however, reasonable to allow stations to provide an excessive amount of commercial content during children's programming. This legislation will help ensure that the interests of children are protected by maintaining reasonable limits on broadcasters' commercial practices during children's programming.

I urge my colleagues to join me in support of this important measure.●

By Mr. KARNES:

S. 2073. A bill entitled the "Thrift Charter Enhancement Act of 1988"; to the Committee on Banking, Housing, and Urban Affairs.

THRIFT CHARTER ENHANCEMENT ACT

● Mr. KARNES. Mr. President, today I introduce a bill that provides for the enhancement of the value of thrift institution charters. The purpose of this bill, the Thrift Charter Enhancement Act, is to create new incentives to investors to place additional private capital in the Nation's thrift industry.

A considerable portion of my professional career before joining the Senate has involved matters central to the thrift industry. As special assistant to the Secretary of the Department of Housing and Urban Development, I was fortunate to have been involved with the formulation and implementation of national housing policies. As special counsel to the Federal Home Loan Bank Board, I developed an insider's understanding of thrift industry regulation, and participated in the development of the secondary market in residential housing loans through my involvement with the Federal Home Loan Mortgage Corporation. Also, as the chairman of the Board of Directors of the Federal Home Loan Bank of Topeka, I became familiar with the important operating concerns of thrift institutions themselves. These experiences have given me a rather unique perspective on the issues facing the industry, the regulator, and the insurance fund, and some insights on promising approaches for resolving those issues.

Mr. President, I have a deep and long-standing commitment to the survival of the thrift industry. Thrift institutions fill important needs by assuring the flow of capital into our Nation's real estate economy, particularly the residential housing sector. The enhancement of thrift charters will serve to promote investment in thrifts and reinforce the commitments of those already involved in the business. New and continued investment will assure the continuation and prosperity of the thrift industry.

Last year this Congress took the necessary and important step of providing the means for the recapitalization of the Federal Savings and Loan Insurance Corporation. It is time now to turn our attention to the equally important task of encouraging the private sector to recapitalize thrift institutions themselves. The studies, investigations, and hearings that led to last year's legislation pointed out the importance, even necessity, of bringing a new infusion of private capital to the thrift industry. Without such private capital there is the very real prospect that the amount we authorized for FSLIC will be insufficient. If needed capital is to be attracted, innovative approaches will need to be taken.

Recent reports on the potential size of the problem facing FSLIC in resolving existing and threatened insolvencies are not reassuring. The bank board's estimates of the cost to FSLIC range as high as $6 to $7 billion for institutions in Texas alone. Chairman Wall of the bank board recently indicated in testimony before the Oversight Subcommittee of the House Banking Committee that the board is searching for appropriate measures to enhance the value of the thrift charter and thereby encourage the acquisition of troubled thrifts. The Congress has taken similar steps in the past, and this bill is intended to be in keeping with those approaches. My purpose in introducing the bill now is to assure a broad discussion and debate of the alternatives.

No one can say with absolute certainty what the ultimate cost will be of resolving the insolvencies of FSLIC-insured institutions. It is, however, clear that the cost will be reduced significantly if the value of the thrift charter can be enhanced. The provisions of the Thrift Charter Enhancement Act are measures that Congress can adopt to achieve that end. In light of the continuing difficulties facing FSLIC, it would be irresponsible for the Congress to ignore opportunities to pursue such measures. I believe we must be willing to consider provisions of this sort in connection with any financial services industry legislation that we act on in this session.

It is my hope that provisions of the bill will not only induce new investors to put capital to work in the thrift industry, but also encourage those already in the industry to continue operating under a thrift charter. The thrift industry has long filled a special role in the delivery of financial services to the American people. Notwithstanding the many changes that have occurred and will continue to occur in financial services, there remains an important role for thrift institutions in the mix. New investors and current shareholders alike can be expected to continue to fill that role only if the thrift charter is economically attractive relative to other investment opportunities.

The bill adopts a two-pronged approach to making the thrift institution charter more attractive to current and potential private sector investors. First, the legislation would provide some relatively limited new investment powers for thrift institutions and thrift holding companies. Second, and more importantly, the bill would remove or reduce some of the more onerous restrictions on thrift operations that exist under current law. All of these provisions have been carefully drafted to avoid changes that could threaten safe and sound thrift operation.

A few examples of these two kinds of provisions may help to characterize the legislation. With regard to investment powers, one of the bill's provisions would increase to a modest degree the authority of a federally chartered thrift institution to invest in service corporation subsidiaries of the thrift. The expanded authority would be well below levels of such investments that many State-chartered thrifts may undertake. Another provision would allow federally chartered thrifts to invest a small portion of their assets in the small business investment companies that Congress has encouraged under the provisions of the Small Business Investment Act. These investments would allow some diversification of the thrift portfolio and further the congressional purpose of making equity capital and long-term credit more readily available to small businesses.

One other provision of this sort would allow thrift holding companies to hold a limited interest in the stocks of nonaffiliated thrift institutions. The bill would allow savings and loan holding companies to acquire up to 5 percent of the voting stock of nonaffiliated thrifts. This level of ownership would allow thrift holding companies to undertake some limited investment in the industry they know best and would put them on a par with the comparable authority of bank holding companies under the Bank Holding Company Act.

As indicated, the bill also contains several provisions intended to relax or eliminate unnecessarily strict limitations on thrift and thrift holding company operational activity, including current limitations on affiliate transactions, restrictions on interlocking directorates with other financial institutions, and requirements for net worth maintenance agreements. Such provisions in the bill are intended to modify these restrictive requirements and thus remove unreasonable burdens on companies investing in the thrift industry and their affiliates. For example, the provisions on interlocking directorates would eliminate some duplicative restrictions in the National Housing Act and would allow a person to sit on the board of more than one financial institution provided there were no substantial lessening of competition. These modest changes would encourage thrift acquisitions by companies that already have experience in the financial services industry.

In addition, the bill would mandate the elimination of discriminatory regulatory requirements on de novo or newly insured institutions once they had satisfactorily established and maintained a safe and sound record of operating experience. Similarly, the bill would eliminate the severe restrictions on debt issuance by nondiversified savings and loan holding companies. There are no similar restrictions on bank holding companies, and such restrictions create significant delays that are a serious impediment to the ability of holding companies to raise funds in volatile markets. Where, as with debt issuance, market forces work well to ensure sound practices, those forces should be allowed to work.

As a final matter, while the various provisions discussed above, as well as others in the bill, are aimed at enhancing the charters of healthy and troubled thrifts alike, the bill includes specific provisions that are directed specifically at enhancing the value—and thus encouraging the acquisition—of troubled thrifts. In each case, new regulatory incentives are provided to those who acquire troubled institutions. First, Federal associations that themselves acquire, or are affiliated with a holding company that acquires, a troubled thrift would be given authority to invest an additional 5 percent of their assets in service corporation subsidiaries. Second, a holding company that acquires at least one troubled thrift would be authorized to own two healthy thrifts and still not be subject to the activities restrictions placed on multiple savings and loan holding companies and their nonthrift affiliates by section 408(c) of the National Housing Act. Third, subsidiaries of a holding company that acquires, or the subsidiary of which acquires, a troubled thrift would be allowed to engage in any transaction with a nonthrift affiliate authorized under sections 23A and 23B of the Federal Reserve Act; such thrifts would not be limited by the tighter affiliate transaction restrictions of section 408(d) of the National Housing Act. Under current law, the more flexible affiliate transaction restrictions of the Federal Reserve Act apply only when the business activities of the nonthrift affiliate in question fall within the scope of section 4(c)(8) of the Bank Holding Company Act. The section would dispense with that requirement in circumstances in which a troubled thrift was acquired by the holding company or its subsidiary.

These provisions, by improving the regulatory climate for those who would acquire troubled institutions, should help FSLIC in disposing of those institutions. As more of us have dealt directly with the problem know, the solution lies not in some magical vent. Rather, it will be achieved through a series of steps, on a number of fronts and over a reasonable time, all aimed at working the problem down to a manageable size. It is hoped that the regulatory incentives provided in the bill will reduce, at least to some degree, the amount of FSLIC financial incentives that are needed to promote thrift acquisitions. To the extent that this can be done, FSLIC financial resources can be conserved and the strain on the FSLIC fund reduced. There is no doubt that additional regulatory incentives, going beyond those included in the bill, could be devised with these objectives in mind. I would very much welcome the development of such additional provisions as this legislation moves forward.

Mr. President, I introduce this bill with the intention of bringing potential means of enhancing thrift charters before the Senate for debate and consideration. I ask my colleagues to join with me in considering these matters in order that we might ensure the continued vitality of a healthy thrift industry. We need to be willing to take a broadened approach, to think in creative ways, and to work together in order to induce substantial new investment in healthy and troubled thrifts, to prevent new failures, and to reduce the cost to FSLIC of current insolvencies. Without such action by the Congress, there is grave danger that we will face the prospect of using taxpayers' dollars to resolve the industry's difficulties. I urge my colleagues to join debating and considering the issues so as to avoid that outcome.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

(a) Short Title.—This Act may be cited as the "Thrift Charter Enhancement Act of 1988".

TITLE I—AMENDMENTS AFFECTING FEDERALLY CHARTERED AND DE NOVO ASSOCIATIONS

Sec. 101. Commercial Lending Authority.—5(c)(1)(R) of the Home Owners' Loan Act of 1933 (12 USC §1464(c)(1)(R) is amended by adding at the end thereof ", except that the aggregate amount of loans under this paragraph made by a savings and loan association or savings bank that has maintained capital for three of the four preceding calendar quarters at a level equal to or greater than that required under the regulations of the Federal Home Loan Bank Board shall not exceed 20 per centum of assets."

Sec. 102. Investment in Service Corporations by Federally-Chartered Savings and Loan Associations.—Section 5(c)(4)(B) of the Home Owners' Loan Act of 1933 (12 USC §1464(c)(4)(B)) is amended to read as follows:

"(B) Service corporations. Investments in the capital stock, obligations, or other securities of any corporation organized under the laws of the State in which the home office of the association is located, if the entire capital stock of such corporation is available for purchase only by savings and loan associations of such State and by Federal associations having their home offices in such State. Investments under this subparagraph may not exceed four percent of assets, except that an additional one percent of assets may be invested under this subparagraph in investments primarily for community, inner-city or community development purposes, and except that an additional five percent of assets may be invested under this subparagraph by a Federal association that has acquired, or the affiliate of which has acquired, an insured institution pursuant to an acquisition under section 408(m) or section 406(f) of the National Housing Act. As used in this subparagraph the term "affiliate" shall have the same meaning as in section 408(a)(1)(I) of the National Housing Act."

Sec. 103. Investment in Small Business Investment Companies.—Section 5(c)(4)(D) of the Home Owners' Loan Act of 1933 (12 USC §1464(c)(4)(D)) is amended to read as follows:

"(D) Small business investment companies. An association may invest in stock, obligations, or other securities of any small business investment company organized pursuant to the Small Business Act of 1958 (15 USC §681 et seq.), provided that the aggregate amount of such investments shall not exceed the greater of one percent of the association's assets or five percent of its capital and surplus."

SEC. 104. DE NOVO INSTITUTIONS.—Section 403 of the National Housing Act (12 USC 1726) is amended by adding a new paragraph at the end thereof as follows:

"(f) DE NOVO INSTITUTIONS.—Following the completion of the initial three years of insured operation substantially in accordance with all material requirements of the Corporation, a de novo or other newly insured institution shall cease to be subject to requirements based on its de novo or newly insured status and shall be subject to the laws, regulations, and policies governing insured institutions in the same manner as all other insured institutions."

TITLE II—AMENDMENTS AFFECTING REGULATION OF SAVINGS AND LOAN HOLDING COMPANIES

SEC. 201. DEFINITION OF AFFILIATE.—Section 408(a)(1)(H) of the National Housing Act (12 USC § 1730a(a)(1)(H) is amended to read as follows:

"(H) 'Subsidiary' of a person means any company which is controlled by such person, or by a company which is a subsidiary of such person by virtue of this subsection (except that for purposes of paragraphs (1), (2), (4) and (6) of subsection (c) of this section, the term 'subsidiary' does not include a service corporation subsidiary of an insured institution or any subsidiary of such service corporation)."

SEC. 202. UNITARY HOLDING COMPANY TREATMENT.—Section 408(c)(3)(B) of the National Housing Act (12 U.S.C. 1730a(c)(3)(B) is amended to read as follows:

"(B) more than 1 insured institution, if—

(i) at least 1 of the insured institution subsidiaries of such company was acquired pursuant to an acquisition under subsection (m) of this section or section 406(f);

(ii) no more than 2 of the insured institution subsidiaries of such company were acquired or established other than pursuant to an acquisition under subsection (m) of this section or section 406(f); and

(iii) all of the insured institution subsidiaries of such company are qualified thrift lenders (as determined under subsection (o))."

SEC. 203. AFFILIATE TRANSACTIONS.—Sections 408(d)(6)(A), (B), and (C) of the National Housing Act (12 USC §§ 1730a(d)(6)(A), (B), and (C)) are amended by removing the phrase "the lesser of" as it appears in each section and placing in lieu thereof the phrase "the greater of."

SEC. 204. ACTIVITIES OF SAVINGS AND LOAN HOLDING COMPANIES.—Section 408(e)(1)(A)(iii) of the National Housing Act (12 USC § 1730a(e)(1)(A)(iii)) is amended to read as follows:

"(iii) to acquire by purchase or otherwise more than 5 per centum of the voting shares of an insured institution not a subsidiary, or of a savings and loan holding company not a subsidiary, or in the case of a multiple savings and loan holding company, to so acquire or retain more than 5 per centum of the voting shares of any company not a subsidiary which is engaged in any business activity other than those specified in paragraph (2) of subsection (c) of this section, except that, notwithstanding any other provision of law, the foregoing shall not prohibit a subsidiary investment banking firm, or broker-dealer in securities, of a savings and loan holding company, from engaging in underwriting, trading, secondary market transactions, or other customary securities activities with respect to voting shares of an insured institution, or savings and loan holding company, which is not a subsidiary of such a savings and loan holding company; or"

SEC. 205. INTERLOCKING DIRECTORS OF SAVINGS AND LOAN HOLDING COMPANIES.—Section 408(i) of the National Housing Act (12 USC § 1730a(i)) is amended:

(1) by adding "or" at the end of paragraph (1);

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 206. AMENDMENTS TO QUALIFIED LENDER TEST.—Section 408(o) of the National Housing Act (12 USC § 1730a(o)) is amended:

(a) in paragraph (5)(B)(iii) thereof by striking the paragraph and inserting in lieu thereof "(iii) liquid assets held by the institution or subsidiary, which shall include assets of the type required to be maintained under section 5A of the Federal Home Loan Bank Act or other assets rated investment grade held for the purposes of both (1) increasing the liquidity of the asset portfolio, and (2) protecting against the interest rate risk inherent in holding home mortgages; and";

(b) in paragraph (5)(B)(iv) thereof by striking "50 percent of";

(c) in paragraph (6) thereof by striking "clauses (iii) and (iv)" and substituting in lieu thereof "clause (iv)";

(d) in paragraphs (1)(A) and (1)(B) thereof by striking "60 percent" and inserting in lieu thereof "the required qualified thrift investment percentage";

(e) in paragraph (2)(B) thereof by striking "60" and inserting in lieu thereof "50";

(f) in paragraph (5) thereof by inserting a new subparagraph (C) to read as follows:

"(C) REQUIRED QUALIFIED THRIFT INVESTMENT PERCENTAGE.—The term 'required qualified thrift investment percentage' means 60 percent in 1988, 55 percent in 1989, and 50 percent in 1990 and all years thereafter."

SEC. 207. CROSS MARKETING PRACTICES OF SAVINGS AND LOAN HOLDING COMPANIES.—Section 408(p) of the National Housing Act (12 USC § 1730a(p)) is amended by—

(a) striking paragraph (2) thereof;

(b) striking "(1) TRANSACTIONS WITH CERTAIN AFFILIATES.—

(c) redesignating subparagraphs "(A)" and "(B)" as paragraphs "(1)" and "(2)", respectively; and

(d) by designating clauses "(i) and (ii)" of subparagraph (A) as subparagraphs "(A)" and "(B)", respectively, of new subsection (p)(1) as amended by this section.

SEC. 208. INVESTMENT ACTIVITY OF CERTAIN AFFILIATES.—The first clause of section 408(p)(1)(A) of the National Housing Act (12 U.S.C. 1730a(p)(1)(A)) is amended to read as follows:

"(A) IN GENERAL.—Transactions between any insured institution subsidiary of a savings and loan holding company and any affiliate (of such insured institution subsidiary) which is engaged only in business activities described in subsection (c)(2)(F)(i) and transactions between any insured institution subsidiary of a savings and loan holding company and any affiliate (of such insured institution subsidiary) where either the insured institution subsidiary or any one of its affiliates has acquired an insured institution pursuant to an acquisition under section 408(m) or section 406(f)—"

SEC. 209. AMENDMENT TO POWERS OF MUTUAL HOLDING COMPANIES.—Section 408(s) of the National Housing Act (12 USC § 1730a(s) is redesignated as section 408(r) and is amended:

(a) in paragraph (5)(B) by adding the words "or stock" after "mutual"; and

(b) by redesignating paragraphs "(7)" and "(8)" as paragraphs "(8)" and "(9)", respectively, and by inserting a new paragraph (7) as follows:

"(7) COMMON STOCK.—A mutual institution that is a subsidiary of a mutual holding company shall have the power subject to regulations of the Corporation to issue to persons other than its parent holding company, an amount of common stock and securities convertible into common stock which in the aggregate does not exceed forty-nine percent of the issued and outstanding stock of the institution. For purposes of this forty-nine percent limitation, outstanding securities that are convertible into common stock shall be considered as issued and outstanding common stock."

SEC. 210. DEBT APPROVAL.—Section 408(g) of the National Housing Act (12 USC § 1730a(g)) is repealed, and subsections "(h)" through "(t)" are redesignated as subsections "(g)" through "(s)", respectively.

SEC. 211. NET WORTH MAINTENANCE.—At the end of section 408 of the National Housing Act (12 USC § 1730a) add a new subsection (t) to read as follows:

"(t) Net worth maintenance. After the date of enactment of this subsection the Corporation may not require, as a condition to the acquisition by any savings and loan holding company of a subsidiary insured institution, the execution by such holding company of an agreement to guarantee for a period greater than three years the maintenance of the reserves or other capital of such subsidiary at a specified level, and all such agreements executed prior to such date of enactment shall terminate and shall have no further force or effect three years after the date of execution of such agreement. Provided, however that if within 60 days of the end of such three year period during which an agreement has been in operation the Corporation finds either that the subsidiary has not been in compliance throughout three of the four preceding fiscal quarters with the reserve requirements established under section 403(b) of this Act and all other capital requirements of the Corporation, or that in the opinion of the Corporation the subsidiary is engaging in unsafe or unsound practices, the Corporation may require such agreement to continue in operation beyond three years until compliance by such subsidiary throughout three of four fiscal quarters is achieved and all unsafe or unsound practices have ceased."

SEC. 212. TRANSACTIONS WITH AFFILIATED PERSONS.—Section 407 of the National Housing Act (12 USC § 1730) is amended by adding at the end thereof the following new subsection:

"(u) Transactions with affiliated persons. The Corporation shall revise its rules and regulations relating to loans and other transactions between an insured institution and its executive officers, directors, insiders and other affiliated persons, to be consistent with rules and regulations relating to such transactions developed by the Federal banking agencies.

TITLE III—AMENDMENTS TO THE DEPOSITORY INSTITUTIONS MANAGEMENT INTERLOCKS ACT

SEC. 301. EXEMPTIONS.—Section 205 of the Depository Institutions Management Interlocks Act (12 USC § 3204) is amended by adding the following new subsections (7) and (8) to read as follows:

"(7) A company that becomes a depository holding company by acquiring an insured institution pursuant to section 408(m) of the National Housing Act (12 USC § 1730a(m)).

"(8) Any depository institution, depository holding company of affiliate thereof, unless the Federal regulator of such institution or holding company, as set out in section 207, determines within 60 days after notice that the interlocking services of a management official with a nonaffiliated depository institution, depository holding company or affiliate thereof would result in a monopoly or substantial lessening of competition, or would lead to substantial conflicts of interest, or if the Federal regulator of the nonaffiliated entity, if different from the Federal regulator of the notifying entity, makes a similar determination."

SECTION-BY-SECTION SUMMARY—THRIFT CHARTER ENHANCEMENT ACT OF 1988

TITLE I—AMENDMENTS AFFECTING FEDERALLY CHARTERED ASSOCIATIONS

Section 101. Commerical Lending Authority

This section would amend section 5(c)(1)(R) of the Home Owners' Loan Act of 1933 to permit a Federally chartered savings and loan association or savings bank to increase its commercial loan limts from 10 percent of assets to 20 percent of assets if it has maintained reserves at a level equal to or greater than those required by the Federal Home Loan Bank Board in three of the preceding four calendar quarters.

Section 102. Investment in Service Corporations by Federally Chartered Savings and Loan Associations

This section of the bill would increase the aggregate investment permissible by Federally chartered savings and loan associations in service corporations from three to five percent. Investment in excess of four percent of assets must be used primarily for inner city and community development purposes.

In addition, associations that themselves acquired, or that were affiliated with a holding company or other holding company subsidiary that acquired, a failed thrift under section 408(m) or section 406(f) of the National Housing Act would be allowed to invest an additional five percent of assets in several corporations for any permissible purpose.

Section 103. Investments in Small Business Investment Companies

This section would permit Federally chartered thrift institutions to invest a limited portion of their assets in all types of small business investment companies permitted under the Small business Investment Act. This would permit investment activity that has proven safe and profitable and would further the congressional purpose of making equity capital and long-term credit available to small businesses.

Section 104. De Novo Institutions

This section of the bill would ensure that "de novo", or other newly insured institutions would receive the same regulatory treatment as all other institutions after successfully complying for a three year period with all material requirements of the Federal Savings and Loan Insurance Corporation.

TITLE II—AMENDMENTS AFFECTING REGULATION OF SAVINGS AND LOAN HOLDING COMPANIES

Section 201. Definition of Affiliates

The purpose of this amendment is to permit multiple savings and loan holding company service corporation subsidiaries whose parent associations are state-chartered, insured insitutions to engage in any otherwise lawful activity.

Since October, 1973, the Federal Home Loan Bank Board has limited, by regulation, the activities of such service corporation subsidiaries to the activities permitted Federal associations under 12 C.F.R. § 545.74 (to the extent the service corporation has independent legal authority to engage in such activities). *See* 12 C.F.R. § 584.2(c). The Bank Board did so by interpreting the term "subsidiary" as it appears in § 408(c) of the National Housing Act to include service corporation subsidiaries. While such interpretation was consistent with the definition of the term "subsidiary" as it appears in § 408(a)(1)(H) of the NHA and was further consistent with a literal reading of § 408(c) of the NHA, nowhere in the legislative history of § 408(c) is there any indication that Congress intended to limit the activities of service corporation subsidiaries of insured institutions. Rather, the thrust of § 408(c) was to limit the activities of the multiple savings and loan holding company and its direct subsidiaries, which prior to enactment of § 408(c), were not subject to any activities limitation.

If adopted, the proposed amendment would alter the definition of subsidiary as it appears in § 408(a) to exclude service corporation subsidiaries for operative subsections of § 408(c). The effect of the amendment will be to put multiple savings and loan holding company service corporation subsidiaries whose parent savings association are state-chartered institutions on the same footing with service corporation subsidiaries of state-chartered institutions which are controlled by a unitary savings and loan holding company or which are not part of a holding company structure as to the activities in which they may engage. There is simply no reason to treat multiple savings and loan holding company service corporation subsidiaries differently from those service corporations of a unitary savings and loan holding company or of an insured institution which is not part of a holding company. Without this amendment, a state-chartered insured institution becoming part of a multiple savings and loan holding company may have to restrict substantially the activities of its service corporation subsidiaries. This becomes particularly important in light of recent amendments to § 408 under the Competitive Equality Banking Act of 1987, which permit new interstate multiple savings and loan holding companies.

Section 202. Unitary Holding Company Treatment

This section would allow a savings and loan holding company to avoid the activities restrictions that are imposed on multiple thrift holding companies even if it owns two healthy thrift subsidiaries, as long as it has acquired at least one failed or failing thrift under the provisions of section 408(m) or section 406(f) of the National Housing Act. Under current law a holding company is subject to the activities restrictions of section 408(c)(1) if it has more than one thrift subsidiary, unless all, or all but one, of its subsidiaries is failed or failing when acquired. The section thus provides an additional incentive for holding companies to acquire troubled thrifts: to be able to operate two healthy thrifts in addition to the troubled thrift and still be free of strict activities restrictions.

Section 203. Affiliate Transactions

This amendment would allow insured institutions held by savings and loan holding companies to engage in somewhat larger transactions with their affiliate companies than under present law. Current law limits such transactions to no more than $100,000, a limit imposed in 1967. This amendment would retain the requirement of prior approval by the FSLIC for transactions in excess of the greater of $100,000 or 0.1 percent of the institution's assets.

Section 204. Activities of Savings and Loan Holding Companies

This amendment would grant savings and loan holding companies the authority to acquire up to 5 percent of the voting stock of an FSLIC-insured institution or its holding company. This places savings and loan holding companies on a part with bank holding companies, which are authorized under section 3(a)(3) of the Bank Holding Company Act (12 USC § 1842(a)(3)) to acquire up to 5 percent of the voting shares of any bank. The amendment would also make it clear that the 5 percent limitation does not apply to a savings and loan holding company affiliate that is an investment banking firm or registered broker-dealer with respect to holding securities in their inventory or conducting other activities with respect to securities in the normal course of their business.

Section 205. Repeal of Interlocking Director Provisions of the Savings and Loan Holding Company Act

This section would repeal paragraph (2) of section 408(i) of the National Housing Act (12 USC § 1730a(i)) which requires FSLIC approval for a director or officer of a holding company or any person controlling more than 25 percent of the voting shares of a holding company to serve as a director or officer of an unaffiliated institution or holding company. Since director and officer interlocks of savings and loan holding companies are also governed by the Depository Institutions Management Interlocks Act, which applies to depository institutions generally, the repeal of section 408(i) would eliminate a duplicate set of restrictions on such activity.

Section 206. Amendment to Qualified Lender Test

This section would modify the qualified thrift lender ("QTL") test that was enacted by section 104 of the Competitive Equality Banking Act of 1987 ("CEBA"), Public Law 100-86. Under the test, a diversified S&L holding company would be limited to activities permitted for bank and multiple S&L holding companies, plus certain other enumerated activities unless the S&L subsidiary meets the QTL test.

To meet the QTL test, an S&L must hold at least 60 percent of its tangible assets in "qualified thrift investments" ("qualified investments") which are basically mortgage loans, assets which meet the liquidity requirements of the Federal Home Loan Bank Act and 50 percent of the dollar amount of residential mortgage loans originated and sold within 90 days.

The amount of liquidity and loan origination investments that can count toward meeting the QTL test, however, is limited to an amount equal to 10 percent of the institution's tangible assets.

This section would amend the QTL test by: (a) providing that qualified liquidity investments of an institution's subsidiary would be counted as part of the institution's liquidity investment for purposes of meeting the QTL test; (b) permitting 100 percent rather than 50 percent of mortgage banking activities to count as qualified investments within the 10 percent basket; (c) removing liquidity from the 10 percent basket so that all of the liquidity of the institution and its subsidiary will be qualified investments under the 60 percent requirement; (d) expanding the scope of liquid assets for purposes of the QTL test to include assets held for the purposes of both increased liquidity and protection against interest rate swings; (e) expanding the scope of liquid assets for purposes of the QTL test to include assets held for the purposes of both increased liquidity and protection against interest rate swings; and (f) phasing in, over a three year period, a reduction in the percentage of tangible assets that must be held in qualified thrift investments from 60 percent to 50 percent.

Section 207. Cross Marketing Practices of Savings and Loan Holding Companies

This section would repeal the cross marketing restrictions on S&L holding companies that were enacted by section 104 of CEBA. That section amended the Savings and Loan Holding Company Act to prohibit an S&L in a holding company structure to market products or services of a holding company affiliate or permit its products to be marketed by a holding company affiliate, unless the offering of such products and services is permissible for bank holding companies or unless such products and services were being offered as of March 5, 1987, and then "only in the same manner in which they were being offered or marketed prior to that date."

Section 208. Investment Activity of Certain Affiliates

This section would authorize the insured institution subsidiaries of a holding company that has acquired, or a subsidiary of which has acquired, a failed or failing thrift to engage in those transactions with an affiliate that are permissible under sections 23A and 23B of the Federal Reserve Act for member banks and their affiliates. This authorization would be provided whether or not all of the business activities of the affiliate are permitted under regulations of the Federal Reserve Board pursuant to section 4(c) of the Bank Holding Company Act. Under current law transactions that are permissible under sections 23A and 23B of the Federal Reserve Act but are impermissible under section 408(d) of the National Housing Act may be undertaken only with an affiliate whose business activities are permitted by the regulations issued pursuant to section 4(c) of the Bank Holding Company Act. The section would relieve that requirement in circumstances in which a troubled thrift is acquired. The section thus provides an additional incentive to acquire a troubled thrift: to obtain more relaxed restrictions on affiliate transactions without submitting to the activities restrictions that are imposed on bank holding companies.

Section 209. Amendment to Powers of Mutual Holding Companies

Subsection (a) would make it clear that a mutual holding company is empowered to acquire a stock FSLIC-insured institution as well as a mutual institution.

Subsection (b) would empower the mutual institution subsidiary of a mutual holding company to issue to the public common stock or convertible securities in an aggregate amount not to exceed 49 percent of its total outstanding stock. The provision would permit the institution to raise equity capital in manageable increments while ensuring that control of the institution remains in the holding company and that the benefits of mutual operation are retained by the holding company.

Section 210. Debt Approval

Under section 408(g) of the National Housing Act, a nondiversified savings and loan holding company cannot incur debt in excess of 15 percent of its consolidated net worth without advance approval from FSLIC. No such restriction exists for bank holding companies, and there is no basis for differentiation. the new provision would repeal section 498(g).

The current debt control limits in the Savings and Loan Holding Company Act are cumbersome and outmoded. They were enacted in 1967 at a time when the Bank Board had no cease and desist powers, civil and criminal enforcement authority, or power to remove S&L officers and directors. The Bank Board now has more efficient tools to deal with any abuses relating to the incurrence of debt than it did in 1967.

More important, however, is the fact that these restrictions make it extremely difficult for nondiversified S&L holding companies to raise funds at a favorable rate in a volatile market, The marketplace is best suited to determine whether a holding company is credit worthy, not the Bank Board staff.

Section 211. Net Worth Maintenance

Under current practice, the Federal Home Loan Bank Board frequently requires a savings and loan holding company, as a condition to its acquisition of a thrift subsidiary, to execute a "net worth maintenance agreement." The agreement requires the holding company to guarantee the maintenance by the thrift of a specified level of net worth. Since the resulting liability on the part of the acquiring company is unlimited as to time, it constitutes a significant disincentive to thrift, and especially troubled thrift, acquisitions and a significant incentive to sell thrifts that were acquired subject to such an agreement. Moreover, the new Bank Board authority to set individual capital requirements on a case-by-case basis makes the potential level of liability under such agreements significantly less predictable and more worrisome.

The new section would place a time limit on such agreements. In the typical case, future net worth maintenance agreements would be limited to three years, and all existing agreements would expire three years after the date of execution. The expiration at the end of three years would be subject to a finding by the Bank Board that the thrift had complied with applicable net worth requirements in three out of the four preceding fiscal quarters and was not engaged in any unsafe or unsound practices. If these conditions were not met at that time, the Bank Board would be authorized to extend the agreement until the thrift's compliance record met the test. By so providing, the section would seek to balance the need for adequate net worth and safe practices on the part of individual thrift institutions with the desirability of removing serious obstacles to thrift acquisitions.

Section 212. Transactions with Affiliated Persons

This section would add new subsection (u) to section 407 of the National Housing Act to require the Federal Savings and Loan Insurance Corporation to conform its regulations relating to transactions with affiliated persons, generally referred to as the "conflicts of interest" regulations, to those developed by the Federal banking agencies. The banking agency rules include, but are not limited to, those issued under Section 5200 of the Revised Statutes, as amended, and sections 22(g) and 22(h) of the Federal Reserve Act relating to loans to executive officers and insiders (12 USC §§ 375a, 375b), and Section 18(j)(2), which applies section 22(h), above, to state nonmember banks.

This section would require the abolition of the confusing and complex limits and filing requirements currently embodied in the FSLIC conflicts regulations and their replacement by the banking agency rules, which preserve the protections of arm's length relationships in a much simpler framework.

TITLE III—AMENDMENTS TO THE DEPOSITORY INSTITUTIONS MANAGEMENT INTERLOCKS ACT

Section 301. Exemptions

This amendment would add new subsections (7) and (8) to section 205 of the Depository Institutions Management Interlocks Act (12 USC § 3204) which sets out exceptions to the interlocks otherwise prohibited by the Act.

New subsection (7) would add savings and loan associations acquired pursuant to the emergency assistance provisions of the Garn-St Germain Act to the list of institutions exempt from the general ban on interlocking directorates among depository institutions. The FHLBB already has discretionary authority to grant a waiver in connection with the acquisition or operation of other insured institutions (12 USC § 3207).

New subsection (8) would authorize the Federal banking and thrift institution regulators to make an exception to the prohibition of the Interlocks Act upon a finding that a particular interlock would not result in a substantial lessening of competition or substantial conflicts of interest.

If the unaffiliated financial institution or affiliate on whose board the intended management officer serves has as its primary regulator an agency other than that of the applicant, that agency would have to make a similar finding as well.

This proposal is based on the premise that most potential buyers of a failing or healthy S&L would have persons on their boards who serve as directors of other depository institutions or their affiliates and whose service on both boards would be prohibited by the Interlocks Act.

That Act currently prohibits among other things, interlocks between an institution with more than $1 million in assets and an institution with over $500 million in assets, or between affiliates of such institutions, irrespective of where the institutions or affiliates are located. As more and more institutions exceed these size thresholds and as holding company structures become more extensive, it will be increasingly difficult to find prospective purchasers that would not have on their board of directors a member who is also a director of another depository institution or affiliate.

Since the activities of a depository institution in a holding company are frequently far removed, both geographically and operationally, or both, from the activities of other affiliates in the holding company, interlocks between these entities will in many cases not result in conflicts of interest, or unsafe and unsound practices, or provide temptation for self-dealing.

This amendment simply gives the regulators a chance to make exceptions to the Interlocks Act on a case-by-case basis. ●

By Ms. MIKULSKI:

S.J. Res. 259. Joint resolution designating the week of April 24, 1988, through April 30, 1988, as "National Eating Disorders Awareness Week"; to the Committee on the Judiciary.

NATIONAL EATING DISORDERS WEEK

Ms. MIKULSKI. Mr. President, I rise today to introduce a joint resolution to declare the week of April 24, 1988 through April 30, 1988, as "National Eating Disorders Awareness Week." Anorexia nervosa—"starvation sickness"—and bulimia—"binge-purge syndrome," the two most common eating disorders, are emotional disorders that can lead to serious physical illness and even death.

Frighteningly, studies over the past decade have revealed that eating disorders are increasing at an epidemic rate. One in seven women between the ages of 12 and 25 suffers from bulimia, and 1 out of every 100 women in that age group develops anorexia. Frighteningly, studies over the past decade have revealed that eating disorders are increasing at an epidemic rate.

Eating disorders usually are secretive behaviors that are difficult to detect and diagnose. An increase in the public's awareness of the problem will lead to more effective detection, diagnosis, and treatment of the problem. It is for this reason that I have introduced this joint resolution.

Mr. President, it is my hope that this resolution will promote continued research into the causes and treatment of eating disorders. In addition, I hope it will create an awareness of these disorders within communities so those in need of treatment may be connected with the appropriate services and support. It is only through public awareness that we can put an end to the personal and family tragedies that result from this sad epidemic.

By Mr. PRESSLER:

S.J. Res. 261. Joint resolution designating the month of November 1988 as "National Alzheimer's Disease Month"; to the Committee on the Judiciary.

NATIONAL ALZHEIMER'S DISEASE MONTH

Mr. PRESSLER. Mr. President, today I am honored to introduce a joint resolution designating the month of November 1988, as National Alzheimer's Disease Month.

Contrary to the belief of earlier generations, Alzheimer's is not a normal part of the aging process. The Alzheimer's dementia is a tragic, progressively debilitating disease. Promoting greater awareness and understanding of this disease, which currently afflicts more than 2½ million Americans, is vital to national efforts in education and research regarding Alzheimer's. Furthermore, a familiarity with Alzheimer's and related dementias provides those who have not been touched by this disease the ability to give compassionate, informed support to others.

Currently, Alzheimer's costs our nation over $40 billion a year—but approximately $70 million is expended for research into the cause and cure of this heartbreaking disease. In this age of modern science, where once fatal diseases have been all but eliminated from the population, I believe we can discover the causes and a cure for Alzheimer's. The Alliance for Aging Research, an organization composed of scientists, industry, and policy makers, released a report last fall entitled "Aging Research on the Threshold of Discovery." In this report, research scientists predicted that we will understand the "underlying genetic mechanism involved in Alzheimer's" in the next 10 years. However, this exciting prospect may not become a reality without increased national awareness of Alzheimer's and greater commitment to research.

National Alzheimer's Disease Month establishes a time for understanding the suffering of Alzheimer's victims and their families. In addition, it provides us with an opportunity to pay tribute to organizations which have developed support networks across the country. Americans should know about the wonderful work of the Alzheimer's Disease and Related Disorders Association, Inc. ADRDA has really taken the lead in providing support for the victims of Alzheimer's and their families, as well as spurring research efforts. Many of my colleagues joined me in cosponsoring a similar resolution last year, which I am pleased to say was signed into law by President Reagan on July 10, 1987. I hope they will join me again this year to battle the disease which has taken the personality, love, memories, and life of too many of the Nation's elderly.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. CRANSTON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 11, a bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes.

S. 58

At the request of Mr. DANFORTH, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 1265

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1265, a bill to amend the Public Health Service Act and the Fair Labor Standards Act of 1938 to provide minimum health benefits for all workers in the United States.

S. 1600

At the request of Mr. FORD, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1600, a bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

S. 1731

At the request of Mr. METZENBAUM, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1731, a bill to amend the Job Training Partnership Act to establish a demonstration program employment opportunities for severely disadvantaged youth, and for other purposes.

S. 1761

At the request of Mr. DURENBERGER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1761, a bill to amend the Internal Revenue Code of 1986 to provide that a decedent's spouse may enter into a cash lease of farm and other real property with family members and still qualify for the special estate tax valuation of the property.

S. 1774

At the request of Mr. PRYOR, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 1774, a bill to promote and protect taxpayer rights, and for other purposes.

S. 1789

At the request of Mr. KASTEN, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1789, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on long-term capital gains of individuals from 28 to 15 percent.

S. 1830

At the request of Mr. SANFORD, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1830, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition—and a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers born in years after 1916 and before 1930—and related beneficiaries—and to provide for increases in their benefits accordingly, and for other purposes.

S. 1929

At the request of Mr. Bumpers, the name of the Senator from New Jersey [Mr. Bradley] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2022

At the request of Mr. Cranston, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 2022, a bill to amend title 38, United States Code, to authorize reduction under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify calculation of available guaranty entitlement and make other technical and conforming amendments.

S. 2041

At the request of Mr. Heinz, the names of the Senator from Maryland [Ms. Mikulski] and the Senator from Connecticut [Mr. Weicker] were added as cosponsors of S. 2041, a bill to amend title 23, United States Code, to reduce Federal highway funds to States that do not enforce the 65-mile-per-hour speed limit.

S. 2054

At the request of Mr. Cranston, the names of the Senator from Connecticut [Mr. Weicker] and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of S. 2054, a bill to amend the Peace Corps Act to authorize appropriations for fiscal year 1989.

SENATE JOINT RESOLUTION 169

At the request of Mr. Moynihan, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from South Carolina [Mr. Hollings], and the Senator from Nebraska [Mr. Exon] were added as cosponsors of Senate Joint Resolution 169, joint resolution designating October 2, 1988, as a national day of recognition for Mohandas K. Gandhi.

SENATE JOINT RESOLUTION 227

At the request of Mr. Hollings, the names of the Senator from Arizona [Mr. DeConcini], the Senator from Delaware [Mr. Biden], the Senator from Arkansas [Mr. Pryor], the Senator from Ohio [Mr. Metzenbaum], the Senator from Arkansas [Mr. Bumpers], the Senator from Mississippi [Mr. Stennis], the Senator from Maine [Mr. Mitchell], the Senator from North Dakota [Mr. Burdick], the Senator from Illinois [Mr. Dixon], the Senator from Tennessee [Mr. Sasser], the Senator from New Jersey [Mr. Lautenberg], the Senator from Maryland [Mr. Sarbanes], the Senator from New York [Mr. Moynihan], the Senator from Maryland [Ms. Mikulski], the Senator from Michigan [Mr. Levin], the Senator from Texas [Mr. Bentsen], the Senator from Nevada [Mr. Reid], the Senator from Alabama [Mr. Heflin], the Senator from Washington [Mr. Adams], the Senator from Nebraska [Mr. Exon], the Senator from Georgia [Mr. Nunn], the Senator from Alabama [Mr. Shelby], the Senator from Hawaii [Mr. Inouye], the Senator from Kentucky [Mr. Ford], the Senator from Kansas [Mr. Dole], the Senator from Indiana [Mr. Lugar], the Senator from Utah [Mr. Hatch], the Senator from Virginia [Mr. Trible], the Senator from Mississippi [Mr. Cochran], the Senator from South Carolina [Mr. Thurmond], the Senator from Nevada [Mr. Hecht], the Senator from Minnesota [Mr. Boschwitz], the Senator from Rhode Island [Mr. Chafee], the Senator from Missouri [Mr. Bond], the Senator from Pennsylvania [Mr. Heinz], the Senator from Arizona [Mr. McCain], the Senator from Idaho [Mr. McClure], the Senator from Idaho [Mr. Symms], the Senator from New Hampshire [Mr. Rudman], the Senator from Connecticut [Mr. Weicker], and the Senator from North Carolina [Mr. Helms] were added as cosponsors of Senate Joint Resolution 227, joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 235

At the request of Mr. DeConcini, the names of the Senator from Florida [Mr. Graham] and the Senator from Michigan [Mr. Levin] were added as cosponsors of Senate Joint Resolution 235, joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 251

At the request of Mr. Hollings, the names of the Senator from Massachusetts [Mr. Kerry], the Senator from Massachusetts [Mr. Kennedy], the Senator from Vermont [Mr. Stafford], the Senator from Illinois [Mr. Dixon], the Senator from Illinois [Mr. Simon], the Senator from Wisconsin [Mr. Kasten], the Senator from Kansas [Mr. Dole], the Senator from Kansas [Mrs. Kassebaum], the Senator from Maryland [Mr. Sarbanes], the Senator from Pennsylvania [Mr. Heinz], the Senator from Pennsylvania [Mr. Specter], the Senator from Nebraska [Mr. Exon], the Senator from Florida [Mr. Chiles], the Senator from Florida [Mr. Graham], the Senator from Virginia [Mr. Warner], the Senator from Virginia [Mr. Trible], the Senator from Utah [Mr. Hatch], the Senator from North Dakota [Mr. Conrad], the Senator from Montana [Mr. Baucus], the Senator from Arizona [Mr. DeConcini], the Senator from Arizona [Mr. McCain], the Senator from Connecticut [Mr. Weicker], the Senator from Connecticut [Mr. Dodd], the Senator from West Virginia [Mr. Rockefeller], the Senator from Idaho [Mr. McClure], the Senator from Idaho [Mr. Symms], the Senator from Iowa [Mr. Grassley], the Senator from Minnesota [Mr. Durenberger], the Senator from Minnesota [Mr. Boschwitz], the Senator from New Mexico [Mr. Domenici], the Senator from Mississippi [Mr. Stennis], the Senator from Mississippi [Mr. Cochran], the Senator from Georgia [Mr. Nunn], the Senator from New York [Mr. D'Amato], the Senator from Arkansas [Mr. Bumpers], the Senator from Arkansas [Mr. Pryor], the Senator from Indiana [Mr. Lugar], the Senator from Indiana [Mr. Quayle], the Senator from Tennessee [Mr. Gore], the Senator from Michigan [Mr. Riegle], the Senator from Oregon [Mr. Packwood], the Senator from South Carolina [Mr. Thurmond], the Senator from Alabama [Mr. Heflin], the Senator from Alabama [Mr. Shelby], the Senator from California [Mr. Cranston], the Senator from California [Mr. Wilson], the Senator from Texas [Mr. Bentsen], the Senator from South Dakota [Mr. Pressler], the Senator from Louisiana [Mr. Breaux], the Senator from Hawaii [Mr. Inouye], the Senator from Delaware [Mr. Roth], the Senator from Missouri [Mr. Bond], the Senator from Washington [Mr. Adams], the Senator from North Carolina [Mr. Sanford], the Senator from Nevada [Mr. Hecht], the Senator from Alaska [Mr. Stevens], and the Senator from Maine [Mr. Mitchell] were added as cosponsors of Senate Joint Resolution 251, joint resolution designating March 4, 1988, as "Department of Commerce Day."

SENATE JOINT RESOLUTION 253

At the request of Mr. Cranston, the names of the Senator from Florida [Mr. Chiles], the Senator from Illinois [Mr. Dixon], the Senator from Georgia [Mr. Fowler], the Senator from Ohio [Mr. Glenn], the Senator from Tennessee [Mr. Gore], the Senator from Alabama [Mr. Heflin], the Senator from Massachusetts [Mr. Kerry], the Senator from Ohio [Mr. Metzenbaum], the Senator from Georgia [Mr. Nunn], the Senator from Rhode Island [Mr. Pell], the Senator from Arkansas [Mr. Pryor], the Senator from Nevada [Mr. Reid], the Senator from North Carolina [Mr. Sanford], the Senator from Maryland [Mr. Sarbanes], the Senator from Alabama [Mr. Shelby], the Senator from Illinois [Mr. Simon], the Senator from Mississippi [Mr. Stennis], the Senator from Louisiana [Mr. Breaux], the Senator from Maryland [Ms. Mikulski], the Senator from Minnesota [Mr.

Boschwitz], the Senator from South Carolina [Mr. Thurmond], the Senator from Pennsylvania [Mr. Heinz], the Senator from Idaho [Mr. Symms], the Senator from Utah [Mr. Garn], the Senator from Wyoming [Mr. Simpson], the Senator from Iowa [Mr. Grassley], the Senator from Kansas [Mrs. Kassebaum], the Senator from South Dakota [Mr. Pressler], the Senator from Texas [Mr. Gramm], the Senator from Idaho [Mr. McClure], the Senator from Virginia [Mr. Warner], the Senator from Virginia [Mr. Trible], the Senator from California [Mr. Wilson], the Senator from Utah [Mr. Hatch], the Senator from New Jersey [Mr. Bradley], the Senator from Arkansas [Mr. Bumpers], the Senator from North Dakota [Mr. Burdick], the Senator from South Dakota [Mr. Daschle], the Senator from Nebraska [Mr. Exon], the Senator from Florida [Mr. Graham], the Senator from New Jersey [Mr. Lautenberg], the Senator from Vermont [Mr. Leahy], the Senator from New York [Mr. Moynihan], the Senator from Michigan [Mr. Levin], the Senator from Louisiana [Mr. Johnston], the Senator from Hawaii [Mr. Inouye], the Senator from Minnesota [Mr. Durenberger], the Senator from Alaska [Mr. Stevens], the Senator from Connecticut [Mr. Weicker], the Senator from Indiana [Mr. Lugar], the Senator from Mississippi [Mr. Cochran], the Senator from Missouri [Mr. Bond], the Senator from Colorado [Mr. Wirth], the Senator from Connecticut [Mr. Dodd], the Senator from Oklahoma [Mr. Boren], the Senator from Indiana [Mr. Quayle], and the Senator from Delaware [Mr. Roth] were added as cosponsors of Senate Joint Resolution 253, joint resolution designating April 9, 1988 and April 9, 1989, as "National Former Prisoner of War Recognition Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. Burdick, the names of the Senator from Ohio [Mr. Metzenbaum], the Senator from Alaska [Mr. Stevens], the Senator from North Dakato [Mr. Conrad], the Senator from Nevada [Mr. Reid], the Senator from New York [Mr. D'Amato], the Senator from Mississippi [Mr. Cochran], the Senator from Oregon [Mr. Packwood], and the Senator from Texas [Mr. Gramm] were added as cosponsors of Senate Joint Resolution 254, joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Health Awareness Week."

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. Humphrey, the name of the Senator from Delaware [Mr. Biden] was added as a cosponsor of Senate Concurrent Resolution 95, concurrent resolution to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

SENATE RESOLUTION 377

At the request of Mr. Lugar, the names of the Senator from Mississippi [Mr. Cochran] and the Senator from Idaho [Mr. Symms] were added as cosponsors of Senate Resolution 377, resolution to express the sense of the Senate regarding negotations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE CONCURRENT RESOLUTION 98—TO AUTHORIZE THE PRINTING OF THE ANNUAL THREE VOLUME REPORT "DEVELOPMENTS IN AGING: 1987"

Mr. MELCHER (for himself and Mr. Heinz) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. Con. Res. 98

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document "Developments in Aging: 1987", a three volume report, as prepared by the Special Committee on Aging of the Senate.

Sec. 2. Such document shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Special Committee on Aging.

Sec. 3. There shall be printed 3,000 copies of volume I of the report, 1,000 copies of volume II of the report, and 5,000 copies of volume III of the report.

SENATE RESOLUTION 379—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO LINDA G. MATHEWS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. Res. 379

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Linda G. Mathews, widow of Nathan V. Mathews, an employee of the Senate at the time of his death, a sum equal to two months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN. Mr. President, I would like to announce that the Governmental Affairs Committee will hold hearings on Tuesday and Wednesday, February 23 and 24, at 9:30 a.m. and 10 a.m., respectively, on H.R. 3400, Hatch Act Amendments. The meetings will be held in SD-342, Dirksen. For further information, please call Len Weiss, staff director, on 224-4751.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a hearing on Thursday, February 25, 1988, in SR-301, Russell Senate Office Building. The committee will be receiving testimony on Senate Resolution 260, submitted by Senators Kassebaum and Inouye, to amend standing rule XXV of the Senate to improve legislative efficiency, and for other purposes; and S. 1835, introduced by Senator Evans, the Individual Appropriations Act, to provide that each title of any bill or joint resolution making continuing appropriations that is reported by a committee of conference and is agreed to by both Houses of the Congress in the same form during a 2 year period shall be presented as a separate joint resolution to the President.

Senators who wish to testify or submit a statement for the hearing record are requested to have their staffs contact Carole Blessington of the Rules Committee staff on x40278. Interested individuals and organizations who wish to submit a statement for the hearing record are also requested to contact Ms. Blessington.

Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, February 24, 1988, at 9 a.m., to consider pending legislative and administrative business. On its legislative agenda, the committee will be marking up several proposals to amend the standing rules of the Senate, that is, Senate Resolutions 41, 42, 43, 274, and 277, and an amendment to Senate Resolution 28—99th Congress, second session—concerning the political use of duplicate tapes of Senate floor proceedings. On its administrative agenda, the committee will be considering the policy for the use of the Senate subway system.

For further information concerning this business meeting, please contact Carole Blessington of the Rules Committee staff on x40278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 18, to take up the nomination of Charles L. Grizzle, nominated by the President to be assistant administrator for Administration and Resources Management, Environmental Protection Agency, and other pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, February 18, 1988, to examine S. 1993, the "Minority Business Development Program Reform Act of 1987"; and H.R. 1807, the "Capital Ownership Development Reform Act of 1987."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Thursday, February 18, 1988, at 2 p.m. to hold a hearing on S. 1703, the Indian Self-Determination Act Amendments, section 209.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 18, 1988, at 1 p.m. in open session to receive testimony on the revised fiscal year 1989 defense authorization request and 5-year defense plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 18, 1988, at 2 p.m. to hold a hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Education, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, February 18, 1988, to conduct a hearing on "National Board for Professional Teaching Standards."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary be authorized to meet during the session of the Senate on February 18, 1988, to consider S. 1301, S. 1971, "Berne implementing legislation."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection and the Subcommittee on Superfund and Environmental Oversight, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on February 18, to conduct a joint hearing on title I of the Marine Protection, Research and Sanctuaries Act, including issues related to ocean disposal at the 106-mile site.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MARGARET JACKS

● Mr. CHILES. Mr. President, I would like to take this opportunity to extend birthday greetings to a very special Floridian. This past Sunday, February 14, 1988, Margaret Jacks celebrated her 80th birthday. It is befitting that a woman who has given so much of herself to others was born on Valentine's Day—a day which is synonymous with "love" and "affection."

Mrs. Jacks, a social worker by profession, has been a formidable and outspoken advocate for elderly Floridians for more than five decades. She started her career as a public welfare social worker and went on to become the first director of Florida's Division on Aging. Since retirement, she has served on countless advisory councils and boards, through which she has influenced public policy which affects the lives of many senior citizens. Even more significantly, she has volunteered hundreds of hours successfully "educating" both the Florida congressional delegation, and the members of the Florida Legislature regarding programs, services, and funds that would benefit our frail elders who are unable to live independently.

Margaret Jacks' many accomplishments have not gone unnoticed—admired and loved by her colleagues and peers, she is an inspiration and role model to younger advocates who would follow in her footsteps. Over the years, she has been recognized for her contributions to public policy by Florida Governors, the Florida Association of Social Workers, the Florida Council on Aging, and many other groups with whom she has been affiliated.

Today, I invite the U.S. Senate to join with me in honoring this very special lady and to extend to Margaret Jacks best wishes on her 80th birthday.●

PAMELA NAIL, OF JACKSON, CROWNED MRS. WORLD

● Mr. COCHRAN. Mr. President, Mississippians are proud that Pamela Nail of Jackson has been crowned Mrs. World in the recently concluded pageant in Brisbane, Australia.

In competition with women from countries around the world, Mrs. Nail reflected great credit on our State and our Nation.

She and her husband, Steve, visited Washington last year after she was selected Mrs. Mississippi and Mrs. America, and I was pleased to be able to go with them to the White House and introduce them to President Reagan.

She is an attractive, charming, and intelligent young woman, and I know she will represent all of us very well.

I congratulate Pamela Nail upon becoming the new Mrs. World and wish her every success during her reign.●

HUNGARIAN HUMAN RIGHTS

● Mr. BRADLEY. Mr. President, within the trade bill lies a provision suspending most-favored-nation status to Rumania. I would like to draw your attention to this provision because it stands as a warning to the Rumanian Government. The United States will not stand idly by while Mr. Ceausesau callously deprives Rumanian citizens of their basic human rights.

Passage of this bill will alert Rumania to the consequences of its prolonged contempt for the rights of its ethnic minorities. Specifically, I am referring to the gross abuses showered upon the 2.5 million Hungarians living in Rumania. It appalls me that a signatory of the Helsinki accord deliberately and maliciously denies its Hungarian citizens the right to live and work together and cultivate their linguistic and cultural heritage. Temporary revocation of its MFN status will notify Rumania that such deplorable conduct is intolerable. I hope the Rumanian Government is receptive to the seriousness with which we issue this warning.

We are aware of the Bucharest government's deliberate policy or repressing the identity and rights of ethnic Hungarians. They have closed the last Hungarian school and abolished all Hungarian-language textbooks from the classroom. They issued a decree requiring all official communications to be conducted in Rumanian. Despite constitutional guarantees to the contrary, failure to speak Rumanian is now regarded as an unlawful act and violators are subject to prosecution.

Furthermore, Hungarians are systematically being dispersed to purely Rumanian regions, prohibited from settling among friends and family. Between September 25 and 27, for example, over 1,500 Hungarian workers were forcibly relocated outside their

native Transylvania. At the same time, ethnic Rumanians were being offered 15,000-30,000 leis as relocation incentive for settling in Transylvania.

These examples comprise but a few of the incidences which have shredded Rumania's moral fabric. The Hungarian Human Rights Foundation reports numerous cases involving suspicious deaths. Julia Kerestely, for example, was a 25 year old biology teacher found dead after complaining that she was prohibited from speaking Hungarian at school. The official cause of death was marked as suicide, however, the arteries in her neck as well as her wrists had been severed. Georg Horn, a young German, was beaten to death by two police officers while trying to arrange for himself and his family to emigrate.

The list of those who have been harassed, tortured and murdered is long. It includes priests and poets, as well as ordinary people who want nothing more than to cultivate their ethnic heritage. President Ceausesau is, unfortunately, the provocateur of these outrages. The Hungarian Human Rights Foundation has described his rule as "tantamount to material, intellectual and moral genocide." But in his attempt to dissipate Hungarian ethnicity he has embarked on the road to self-destruction. By depriving his people of their basic human rights, of freedom and representation, he is fostering both dissent and stagnation. People deprived of a link to their past have difficulty looking forward, for without a past, there is no sense of continuity and purpose.

This deterioration is especially sad to see in a country which prides itself on its independence within the Communist mantle. Still, we can reverse this unseemly trend. By suspending its MFN status we send a message to the Rumanian Government. We would tell them to stop these human rights abuses. It is vital that this message be heard. That is why I hope the conferees on the trade bill will retain the Senate provision with respect to MFN status on Rumania.●

FRAUD OF THE DAY—PART 28

● Mr. HEINZ. Mr. President, following is another golden oldie from my office's ever-lengthening collection of famous frauds. Every fraud I have discussed to date has involved some product which has a substantial domestic industry which was being harmed by the high incidence of fraud. Today I wish to address customs fraud involving a product which is found in every home and every market in the United States, but is not produced in any significant quantity in this country. This product is coffee.

Not long ago, the Customs Service investigated Saks International, an international coffee importer. The Service found that Saks International was guilty of violating the International Coffee Agreement Act. They had been misrepresenting the country of origin in their imports and were therefore evading quota restrictions. The company would illegally claim that its coffee came from a country which had no coffee quota under the agreement, or from a country which had not yet exhausted its quota limits. Saks International paid the government a $3.3 million fine in settlement of all charges. The size of this fine clearly shows the magnitude of the fraud which had been committed.

I cannot say to Senators in this case that domestic producers of coffee were injured. Hawaii is the only State which produces coffee, and it does so at a high quality but relatively low quantity level. Rather, it is our trading partners in South and Central America and Africa that may be injured by customs fraud. This kind of fraudulent act can easily mean that a legitimate exporter could not export his coffee to the United States since the fraudulently imported coffee would register under his country's limit. Obviously, countries with no quota are not injured by such fraud. A private right of action would serve as a deterrent to this type of action, and it would allow the injured parties, if there were any, to gain some form of financial compensation.

As today's example clearly shows, customs fraud is a universal concern which does not prey solely on U.S. companies. Customs fraud has the potential to devastate all industries, both domestic and foreign. It is obvious that something must be done to stop the spread of customs fraud, and I believe that my amendment will be a major step toward accomplishing that.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Joshua Bolten, a member of the Finance Committee minority staff and Minority Trade Counsel, who participated in a program in Turkey, sponsored by the Turkish American Businessmen Association, from December 21-22, 1987.

The committee has determined that participation by Mr. Bolten in the program in Turkey, at the expense of the Turkish American Businessmen Association, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. James T. Bruce III, a member of the staff of Committee on Energy and Natural Resources, to participate in a program in Japan sponsored by State Department and the Japanese National Oil Corp., from February 6-13, 1988.

The committee has determined that participation by Mr. Bruce in the program in Japan, at the expense of the State Department and the Japanese National Oil Corp., is in the interest of the Senate and the United States.●

BICENTENNIAL MINUTE

FEBRUARY 13, 1953: LBJ BECOMES YOUNGEST FLOOR LEADER

(By request of Mr. SIMPSON the following statement was ordered to be printed in the RECORD:)

● Mr. DOLE. Mr. President, 35 years ago this week, on February 13, 1953, Senate Democrats chose the youngest floor leader in the history of this institution. He was 44 years old and still serving in his first term. His name was Lyndon Baines Johnson.

Johnson's quick rise to leadership in the Senate came as a result of a series of events. In 1950, both the Democratic majority leader, Scott Lucas, and the Democratic Whip, Francis Myers, were defeated in their races for reelection. Democrats then chose Ernest MacFarland as majority leader and Lyndon Johnson as Whip. But 2 years later, an Arizona businessman named Barry Goldwater defeated MacFarland for his Senate seat and once again opened up the top post in the Democratic leadership. In addition, Dwight Eisenhower's candidacy in 1952 helped the Republicans win back the majority in the Senate. Senate Democrats now needed to elect a minority leader.

Based on seniority, and respect, the post should have gone to Georgia's Senator Richard B. Russell, by all accounts the de facto leader of his party in the Senate. Yet Russell preferred to exercise his power and influence behind the scenes, within the party machinery, rather than at the leader's desk in the Chamber. The young and ambitious Lyndon Johnson first ascertained Russell's decision not to run, and then gained his endorsement. A challenge from a small group of liberal Democrats proved ineffective, and Johnson swept to an easy victory.

Two years later, with a shift in party control, Lyndon Johnson became majority leader and was viewed as the universally recognized master of the Senate. In another 6 years he was elected Vice President, and within 3 years had become President following the assassination of John F. Kennedy. And in 1964 he won a landslide election over Barry Goldwater, the man who just a dozen years earlier had opened the way for Johnson to become the Senate's youngest floor leader.●

SPENCER ECCLES AND THE FINANCIAL SERVICES INDUSTRY

● Mr. GARN. Mr. President, I wish to call the attention of the Congress to the views of a distinguished leader of the banking industry and a respected member of my own community, Spencer F. Eccles, chairman of First Security Corp. of Utah.

Spencer is a man whose judgment and counsel I respect, and I completely agree with the perspective on the banking industry he expressed in a recent article in the Salt Lake Tribune. I submit these views for the RECORD and emphasize once again that it is time for Congress to foster open, fair, and safe competition in the banking industry.

The article follows:

[From the Salt Lake Tribune, Nov. 28, 1987]

ECCLES SUPPORTS STRONGER BANKS AND LIMITS ON SOCIAL SECURITY

(By Robert H. Woody)

Things to give thanks for?

How about an independent strong central bank system!

The Federal Reserve proved itself in the dreadful hours following Black Monday, Oct. 19.

It provided the liquidity that saved the financial system in its worst crisis since the 1930s, says First Security Corp. chairman Spencer F. Eccles.

Count the Federal Reserve as a sturdy "fourth leg" of government after the Congress, the administration and the judiciary, he says.

He was back in Salt Lake City this week after meetings in Washington, D.C., of the American Bankers Association board of directors. Mr. Eccles is in the final year of a three-year term on the board.

There were separate talks with new securities and exchange commission chairman David S. Ruder and Federal Reserve chairman Allan Greenspan.

Afterthoughts:

"I come back sobered by the severity of the shock . . . and encouraged by the fact the system held up."

"We're not out of the woods yet, but we are finally focusing on remedies. Those will take hard political and economic decisions at national and international levels, and real U.S. leadership.

The president's agreeing to a "budget summit" was a right step. So was the congressional agreement to chop $75 billion from the budget, even though "there is a lot of smoke and mirrors."

But Social Security should not have been excluded from consideration, says Mr. Eccles.

Social Security's cost-of-living provisions are a major budget item. Ignoring that sends the wrong signals to Japanese and European investors: "We lack the discipline to begin living within our means."

But if there is not yet a consensus on how to discipline the spendthrift nation, there was favor from most quarters for providing new powers to banking under the Proxmire-Garn bill.

"It's been a long time coming to 'even the playing field' between banking and its competitors."

The bill, sponsored by Senate banking committee chairman Sen. William Proxmire and former chairman Jake Garn, would provide banking the power to offer the financial products its competitors—particularly the securities industry—have long offered without direct competition of commercial banking.

It would allow banking, through independent affiliates, to underwrite debt instruments, e.g. revenue bonds and commercial paper, and mortgage-backed securities.

"Banking can't remain in its traditional role of taking in money at one price and loaning at another. We have to have sources of revenue to make up for the shortfall caused by deregulation, competition and a soft economic environment."

Banks can underwrite general obligation bonds. But over the years, revenue bonds have become vital in development of municipal entities. To date, a bank may not underwrite these important instruments of change, he said.

The Proxmire-Garn bill in a sense dismantles the Glass-Steagall Banking Act of 1933, which restricted banks from involvement in the securities business, then deemed liable to compromise banking "safety and soundness."

Prior to Glass-Steagall, banks had been able to underwrite debt and equity securities.

While there had been blatant misdeeds, it was not the banks' involvement in the securities business that caused bank failures of the early 1930s, Mr. Eccles, said.

The root cause was lack of liquidity in the financial system following the market crash of 1929. In contrast to its actions in the 1987 "crash," the Federal Reserve in 1929 simply did not provide adequate liquidity.

Under Proxmire-Garn, safety and soundness of commercial banking remains inviolate, says Mr. Eccles.

Bank business would be insulated from underwriting activities.

Regulation of the securities subsidiaries would be under the Securities and Exchange Commission.

Proxmire-Garn would provide more competition and drive down prices in fields where a limited number of players are now allowed and becoming increasingly concentrated because of mergers in the securities industry, he said.

"In our industry there are more than 14,000 banks. More new banks are being formed than are going out of business either by failure or merger."

The Independent Bankers Association is resisting the bill, he said.

But most everyone else—from the administration to the ABA, from the Comptroller of the Currency to the Federal Deposit Insurance Corp., and from the Consumer Bankers Association to the Association of Bank Holding Companies, and the SEC—have given approval.

The IBA fears that big brokerages will acquire banks and begin competing with smaller community banks, he said.

The bill, so far, applies to bank-holding companies and would allow them to enter the now forbidden securities business through formation of independent subsidiaries.

The ABA is recommending that banks not part of a holding company be allowed to enter the securities business through formation of a subsidiary of the bank, and not be forced to form a holding company.

Proxmire-Garn, he said, is another important step in deregulation that began in 1980 by lifting the "Regulation Q" ceilings that had limited what banks and thrifts could pay for deposits.

Geographic deregulation followed, allowing banks to cross state lines in acquisitions of banks in like-minded reciprocity states. Utah—now with reciprocity with a dozen surrounding states, as well as Alaska—opens it borders nationwide Jan. 1.

Proxmire-Garn, he said, provides a long-awaited and long-needed authority for banks to offer financially-related products and services.

"No First Security Bank customer should be forced to walk across the street to get a financially-related product from a non-banking competitor because of a an outdated law passed more than a half century ago!" says Mr. Eccles.●

THE DELAWARE ANTITAKEOVER LAW

● Mr. ARMSTRONG. Mr. President, recently a substantial number of the 695,000 shareholders in my State of Colorado became mere pawns—reduced from their previous status as real participants and owners in America's corporations.

The difference for these shareholders is the fact that the State of Delaware succumbed to the "race to the bottom" and enacted antitakeover legislation that all but ignores the rights of shareholders. Those Colorado citizens holding shares in Delaware corporations have just been denied an effective voice in the decisions of the corporations they have invested in and this has occurred because Coloradans had no say in the deliberations in the Delaware Legislature.

Delaware's decision is an affront to the intent and application of the Securities Act of 1934 and a cave-in to the monarchs of the marketplace—the CEO's of 56 percent of the Fortune 500 companies whose companies are chartered in Delaware.

I hope the Delaware law will be set aside by the courts or by the collective will of the U.S. Congress.

The implication of this statute is disproportionate to its rightful place in this debate because so many major corporations have chosen to be chartered there, even though the headquarters and operations of the companies in question may be elsewhere. Shareholders of Delaware corporations can be found in 50 States and the District of Columbia.

Mr. President, it may not be too much to suggest that corporate Delaware has taken a course that historians might imply looks uncomfortably like nullification—a direct and clear repudiation of Federal law. Clearly they are escaping Federal jurisdiction that is established in law with regard

to the rights of and responsibilities to shareholders during a tender offer.

This action, and to a greater or lesser degree, statutes of some 27 other States demonstrates the wisdom and necessity of a uniform Federal law to protect all shareholders equally, irregardless of what State they may reside in.

Such a law is already in place—the Williams Act—enacted in 1968. It establishes an appropriate policy and process to disseminate information to shareholders to prevent fraud, abuse, and provide the average shareholder an ability to gain the same information as market professionals during a tender offer. The legislation anticipates that the shareholders are to be direct participants in the tender offer process. The Delaware law provides shareholders some rights of participation but only if granted permission by the board of directors. Management is thwarting activity between bidders and shareholders. The express purpose of a tender offer is to permit such direct negotiation between bidders and the true owners of the corporation, the shareholders.

Other methods exist to accomplish a merger with the direct participation of management such as negotiated mergers and proxy contests. In those contests there might be divergent interests between management and shareholder and the advantage has to go to management. That is why the tender offer process was developed—to give shareholders a chance, the option to participate—a right that accompanies the purchase of voting shares of stock, protected by Federal law.

Some 63 legislators and one Governor of just one State will have made a decision that will substantially restrict the rights of some portion of the 47 million shareholders in every State of the Union. This is not going unnoticed in the Nation's Capital and neither is the fact that Delaware ranked 45th in the number of shares held by individuals in 1985.

Every State has a vast number of individual shareholders who, if they own voting shares of Delaware corporations, have something at stake here.

The following is a list of total individual shareowners of public corporations.

Total individual shareowners of public corporations

Delaware	142,000
Connecticut	946,000
Maine	188,000
Massachusetts	1,477,000
New Hampshire	203,000
Rhode Island	206,000
Vermont	92,000
New Jersey	1,905,000
New York	4,954,000
Pennsylvania	2,139,000
D.C	211,000
Florida	2,343,000
Georgia	1,000,000
Maryland	936,000
North Carolina	963,000
South Carolina	406,000
Virginia	1,204,000
West Virginia	257,000
Illinois	2,565,000
Indiana	856,000
Michigan	1,786,000
Ohio	1,939,000
Wisconsin	851,000
Iowa	422,000
Kansas	400,000
Minnesota	794,000
Missouri	939,000
Nebraska	286,000
North Dakota	117,000
South Dakota	103,000
Alabama	483,000
Kentucky	462,000
Mississippi	251,000
Tennessee	655,000
Arkansas	311,000
Louisiana	633,000
Oklahoma	515,000
Texas	3,061,000
Arizona	575,000
Colorado	695,000
Idaho	158,000
Montana	112,000
Nevada	168,000
New Mexico	221,000
Utah	276,000
Wyoming	94,000
Alaska	166,000
California	6,006,000
Hawaii	256,000
Oregon	441,000
Washington	847,000

Source: Shareownership 1985. New York Stock Exchange.

The Supreme Court has passed judgment on only one State antitakeover statute, the Indiana "Control Share Acquisition Chapter" and found it to be consistent with the Williams Act. The Court also found that the law did not violate the commerce clause of the Constitution. It is important for my colleagues to appreciate the drastic differences between the law Indiana has adopted and the law recently enacted in Delaware. For shareholders it is a distinction that has enormous consequences.

The Indiana law survived the review of the High Court, as stated in the decision because:

> * * * it is entirely possible for entities to comply with both the Williams Act and the Indiana Act, the state statute can be preempted only if it frustrates the purposes of the federal law.
>
> * * * the statute now before the court protects the independent shareholder against both the contending parties. Thus the Act furthers a basic purpose of the Williams Act * * *.

The shareholder figured prominently in the Indiana law and just because one State statute has met with success has led other States to follow with statutes of their own with varying degrees of commitment to the shareholders. The Delaware law, in my opinion, provides no assurances to shareholders and cannot be considered in the same category as the Indiana law.

There are other reasons the Delaware law falls short of the Indiana law, and they add to the reasons that the shelter provided by the court to "control share acquisition statutes" should not be extended to "freeze out" statutes as Delaware has now adopted.

The Indiana law is much more precise in its application to corporations. To be covered by the Indiana law corporations must be chartered in that State, a fact pattern that parallels Delaware. But beyond that, the corporation must have its principal place of business, its principal office or substantial assets within Indiana, and, either more than 10 percent of its shareholders resident in Indiana, more than 10 percent of its shares owned by Indiana residents or 10,000 shareholders in Indiana. Few Delaware corporations would qualify for coverage under the Indiana conditions.

The Delaware statute reduces the role of the shareholder to an entirely undeserved level, below that anticipated by Federal law and below that set out in Indiana. The general principle of the law is that a business combination between a bidder and the company in question cannot occur for 3 years unless one of three conditions are met, two of which place the board of directors in between the bidder and the shareholders. The most onerous condition requires that the staff—board of directors—must first give their permission to the real owners of the corporation—shareholders—before they are authorized to vote on the question of a tender offer and then 66⅔ of the outstanding shares must approve it.

If this is shareholder protection our Nation's shareholders are in serious trouble. This is why too many shareholders in our States have been turned into pawns, providing capital to corporations but losing their voice in some very important corporate affairs.●

INFORMED CONSENT: PENNSYLVANIA

● Mr. HUMPHREY. Mr. President, I ask unanimous consent that two letters be entered into the CONGRESSIONAL RECORD. These letters were sent to me by women from the State of Pennsylvania who support my legislation to require informed consent prior to abortion. S. 272 requires informed consent in all HHS-funded facilities. S. 273 requires informed consent in all military treatment facilities. Neither of these bills restrict access to abortion services. They simply ensure that women receive essential information to help them make these difficult decisions.

The letters follow:

AUGUST 1986.

DEAR SENATOR HUMPHREY: As a victim of abortion, I feel the need to make our lawmakers aware of the fact about the practice of the abortion providers and the treatment of their patients. I would like to take this opportunity to share my firsthand experience with you.

I was 19 years old when I acquired my abortion in October of 1976 at a Boston women's clinic. I was living in New York with my boyfriend. I worked as a temporary employee for a large corporation and my boyfriend was in his second year of college.

Because of a lingering illness, my mother insisted that I go to see her physician in Boston. Upon an examination, the doctor determined that I was ten to twelve weeks pregnant. As I sat in his office with my mother, he discussed the difficulties of being an unwed mother, the stress it would put on my boyfriend, and the statistics of divorce in young students with an unplanned pregnancy. Then he simply stated that abortion was a safe, simple procedure and that we could plan a family later.

He then gave my mother the name of a local clinic and told her to call for an appointment today. I never said a word, I was still in shock. My mother made the appointment for the following Saturday and I flew home to talk it over with my boyfriend. He took it very calmly and thought that my parents were very understanding, especially because my father was willing to pay the $500.00 fee. During those 3 days I thought of nothing but the fact that I wanted to have the baby. But no one would listen to me. I did not know that there were places that would help someone in my circumstances. If I had known, I would have sought them out.

Upon arriving that Saturday morning, we discovered that the clinic was being picketed. A woman met us at the curb and asked if we had an appointment inside. We answered yes, and she explained that they were having difficulties at this location. She gave us directions to another facility. If only it would have been a pro-life counselor, I would have gone home and had the baby.

Instead, we followed her directions to an apartment building on Beacon St. The downstairs apartment was vacant except for a few chairs and about 15 women. Behind a desk in the hall, a woman took my check and had me give a nurse my arm to take a blood sample. After waiting a long time, the woman behind the desk called my name along with 10 others. We followed her to an empty room where she instructed us to read a paper and fill in the blanks and sign our names. It asked simple questions like, "How many weeks pregnant do you think you are?"; and, "What kind of birth control do you use?" I read it and signed my name.

She then called us two at a time and led us to a room furnished with 2 cots. She told us to take off our clothes and to put on the gown that was on the cot. She said that when the doctor was ready, she would take us there. She asked if we wanted a shot but warned that it made most of the girls nauseous. When she called my name, I followed her to a room with an examining table, a light, a stool for the doctor, and a cart with instruments. I got on the table and the doctor asked if I would like him to explain the procedure as he went.

He began by inserting rods to dilate my cervix. I started to feel pain and pressure, and then I heard a noise that sounded like a vacuum. Then I passed out. When I woke up, I was in the cot and very dizzy. When the woman came in to tell me to get dressed, I sat up and passed out again. She said I could rest a few more minutes. I forced myself to get dressed and walked to the adjoining room where a woman gave me a cup of juice and a cookie and a packet of pills to take home. I left feeling strange.

We never spoke about that day again. My boyfriend and I got married 6 months later. Since then I have had 3 miscarriages and 4 live births. Two of the births were complicated with premature labor and difficult deliveries. I have experienced guilt, regret, depression and other emotional and psychological effects.

I believe if I had known about the possible complications of an abortion and its affect on subsequent pregnancies, I never would have taken the chance. If this is truly a "free country," then women should have the freedom to have all of the facts on abortion before giving their consent.

ANONYMOUS,
Warren Center, Pa.

FEBRUARY 12, 1987.

DEAR SENATOR HUMPHREY: I read about an informed consent bill you are trying to get passed this year on abortion. I visited a Planned Parenthood clinic back in 1975 for what they termed a "menstrual induction" procedure. I want to let you know that little or nothing was mentioned about the living child within me. They asked me questions to check my emotional stability, possibly 15 minutes worth. Nothing was mentioned about the development of the fetus, or the effect that "scraping my uterus" would have on the baby.

But what upsets me more is what I saw at the "Women's Health Center" in Pittsburgh. I took 2 friends there at separate times for abortions in their third month of pregnancy. They move people in and out of there like an assembly line. Watching the faces of all those women awaiting their abortions, I saw no joy—only anxiety, guilt, and pain. Conversation was subdued, no one laughed—deep down inside everyone knew it wasn't right. Neither of my friends were informed about what state of life their baby was in, the baby was only referred to as tissue or fetus. The procedure was described in scientific terms, nothing being mentioned as to what exactly it would do to the baby.

God has forgiven me for my part in the loss of these children's lives. All of us who know the humanness of the unborn from conception and the pain these children go through in the various procedures before they die must make this information known.

Thank you for your voice and your commitment.

Sincerely,

JOAN TENNERELLI,
Midland, PA.●

LITHUANIAN INDEPENDENCE DAY

● Mr. DECONCINI. Mr. President, February 16, 1988, marked the 70th anniversary of the declaration of Lithuania as an independent nation.

All of us here are familiar with the events surrounding this declaration of independence 70 years ago. Lithuania, free and prosperous, like its Baltic neighbors Latvia and Estonia to the north, was caught in a vise between the two most brutal dictatorships the world has known. The fateful Molotov-Ribbentrop Pact, whereby Hitler gave Stalin a green light to seize the Baltics in return for a free hand in Poland, was followed by the Soviet invasion in 1940, occupation by the Nazis during World War II, the return of the Red army and the illegal occupation that lasts to this very day.

And to this very day, the United States and many of the free nations of Europe do not recognize the illegal seizure and occupation of Lithuania by the Soviet Union.

But over the years following World War II much of the world seemed to forget about Lithuania. Armed resistance was finally quelled in the early 1950's. There would be occasional demonstrations, samizdat publications would reach the West, and occasionally the newspapers would report that another dissident or priest had been jailed on trumped-up political charges. But when the Western press did write about Lithuania it was mainly about one subject: the fact that Lithuania, along with Latvia and Estonia, was the place to which many Russians went in order to pretend they weren't in the Soviet Union. Lithuanians today are known for their deep devotion to their language and culture, the tenacious adherence of both clergy and laity to the Roman Catholic Church in the face of intensive atheist propaganda, the subtle mixture of national pride and European tradition in their everyday lives. In these little ways, the Lithuanian people let the world know that they have not forgotten their past and their longing for freedom.

Last year, however, the world took notice of Lithuania and its Baltic neighbors. On August 23, 1987, the 48th anniversary of the signing of the Molotov-Ribbentrop Pact, Balts took to the streets to condemn the pact, and to commemorate the victims of Stalin's brutality against the Baltics.

In Lithuania, an estimated 5,000 Lithuanians gathered in the Old Town area of the capital, Vilnius, to sing traditional Lithuanian hymns and hear speeches dedicated to the victims of Stalinism.

This year, Lithuanian activists had planned to lay flowers at significant historical sites in Vilnius and the second largest city, Kaunas. Special masses were scheduled in designated churches. Two hundred Lithuanians wrote to General Secretary Gorbachev requesting that the ceremonies not be interfered with.

Unfortunately, these peaceful demonstrations were not allowed to take place. By threats, house arrest, flooding the streets and plazas with police, and busing in progovernment demonstrators for the occasion, authorities managed to stifle the Lithuanian independence ceremonies.

Mr. President, in his book "Perestroika" General Secretary Gorachev writes:

> The new atmosphere is, perhaps, most vividly manifest in glasnost. We want more openness about public affairs in every sphere of life * * *.

Naturally, one might ask: Does that openness include the truth about what happened in Lithuania in 1940 and

under Stalin? Does that openness include the release and rehabilitation of Fathers Sigitas Tamkevicius and Alfonsas Svarinskas, two priests who were calling for moral regeneration among their countrymen long before it became permissible to broach the subject in the central press? Does openness discuss the application of article 72 of the Soviet Constitution, which stipulates the right of each Soviet republic to freely leave the Soviet Union? Does openness include those issues that Lithuanian patriots feel should be raised in public? And does openness include the right of Lithuanians to peacefully commemorate significant dates in their history?

Unfortunately, I think we have just learned the answer. For the people of Lithuania, these actions by Soviet authorities proved what many have feared: that glasnost or openness is nothing more than, to borrow from Shakespeare, "sound and fury, signifying nothing."●

COL. CHARLES H. DOLAN

● Mr. HUMPHREY. Mr. President, I wish to take a moment today to honor a courageous pioneer in American aviation—Col. Charles H. Dolan.

At the age of 21, Charles Dolan joined the French Air Service as a volunteer. He attended several schools for aerial combat and in 1917 he was assigned to the prestigious Lafayette Escadrille. The Lafayette Escadrille was a small, elite unit known for the dashing gallantry of its members. The squadron was also known for its military prowess, with 199 official enemy kills to its credit. Colonel Dolan had two official kills as well as eight probable kills which occurred behind enemy lines.

Today, February 18, 1988, is the 70th anniversary of Charles Dolan's departure from the Lafayette Escadrille. He went on to serve in the U.S. Army in Europe and the Far East where he helped to organize the first Chinese Air Force. Colonel Dolan was recalled to active service in both World War II and the Korean war. After leaving the military, Charles Dolan held various positions throughout America's young aviation industry.

I ask that information I have on Charles Dolan's illustrious career be printed in the RECORD so that others may appreciate his contributions to aviation.

The material follows:

[From the New York Times, Jan. 2, 1988]

CHARLES DOLAN, AVIATOR, DIES; LAST OF LAFAYETTE ESCADRILLE

(By Molly Ivins)

Charles H. Dolan, the last surviving member of the Lafayette Escadrille of World War I, died Thursday in Honolulu. He was 86 years old.

Mr. Dolan was one of the 38 American pilots who served as volunteers in the French air service before the United States entered the war in 1917.

The Lafayette Escadrille was known for its glamour and its gallantry as well as its outstanding military record. The small unit was officially credited with downing 199 enemy planes.

Mr. Dolan was not one of the unit's aces, those who shot down five or more German planes. In world War I, downing an enemy plane was called a "victory" rather than a "kill," as it has been known since World War II.

EIGHT PROBABLE DOWNINGS

Mr. Dolan had two confirmed victories and eight other probable victories, but because he encountered the latter planes behind the German lines they were not confirmed by French ground observers.

Mr. Dolan, a native of Boston, graduated from the Massachusetts Institute of Technology and traveled to Europe in 1915 as an aeronautical engineer.

There Mr. Dolan joined the American unit formed by Norman Prince of Boston in the French air service, which was then part of the French Army. The young pilots were threatened with the loss of their American citizenship for fighting with the armed forces of a foreign nation.

A World War I combat pilot's life span averaged less than 15 hours flying over the lines. Only six of the 38 American members of the Lafeyette Escadrille survived the war.

After the unit's adventures were reported in the American press, its members became heroes at home and the helped turn American isolationalist sentiment toward the Allies.

The unit was normally quartered in elegant villas and was famous for its hospitality. Passing French aviators often visited the Americans to sample the cuisine at the mess, whose cook had been a sauce chef at the Ritz in New York. Visitors were also served Lafayette Cocktails, consisting of equal parts of brandy and champagne.

It was the custom for military units to adopt a mascot, usually a dog. The Lafayette Escadrille acquired two lion cubs, Whiskey and Soda. One pilot once smuggled Whiskey aboard a train with the memorable explanation to the conductor that the animal was "an African dog."

Rear Adm. Edwin C. Parsons once wrote: "I shall never forget my first impression of the Lafayette fliers at the front. These men were of another world. They had fought above the clouds. They had killed Germans in the air. They had survived adventures undreamed of. To my eyes, the board at which they sat was as marvelous as the famed round table of King Arthur and his knights."

In January 1918 the outfit was reorganized in the United States Army as the 103d Pursuit Squadron. After the war Mr. Dolan was sent by the United States Government to Peking, where he helped organize the Chinese Air Force. In 1924, Mr. Dolan and his wife, the former Ramona Frances Morgan of Honolulu, moved to Hawaii where he worked for the Government, mapping possible airport sites.

Mr. Dolan, who was a first lieutenant by the end of World War I, was recalled to active service in both World War II and the Korean War and left the Air Force with the rank of colonel. He became a consultant to airplane manfacturers, a safety investigator and adviser to the United States Senate. He retired to Honolulu in 1969.

Last November, he flew with eight other World War I pilots to special Armistice Day observances in France attended by President Francois Mitterrand.

In a letter written to The New York Times in September 1940, Mr. Dolan provided a list of the original members for the Lafayette Escadrille. By the name of each deceased member he carefully placed an asterisk, and at the bottom of the page, to explain the asterisk, he wrote the euphemism that World War I pilots used for death: "Gone West."●

NATIONAL POISON PREVENTION WEEK

● Mr. McCAIN. Mr. President, the week of March 20-26, 1988, is National Poison Prevention Week. Every year the U.S. Consumer Product Safety Commission [CPSC] and the Poison Prevention Week Council—a coalition of 35 national health and safety groups and industry—urge parents and grandparents to use safety packaging and to store medicines and household products out of sight and out of the reach of young children. This is an important and worthwhile effort.

As the ranking minority member on the Subcommittee on Consumer of the Committee on Commerce, Science, and Transportation, I call my colleagues' attention to a recent Arizona Republic article dated February 7, 1988, by Chairman Terrence Scanlon of the CPSC. The article points out that these poison prevention efforts have dramatically reduced the number of deaths to children under 5 who accidentally swallow medicines and household chemicals. In 1985, there were no aspirin-related fatalities. Two fatalities that occurred in 1986 are under investigation. Deaths associated with other drugs declined from 96 deaths in 1972—when child-resistant packaging was first required—to 27 deaths in 1985. This is an important public health achievement.

I ask that the piece by Chairman Scanlon be printed in the RECORD.

The article follows:

[From the Arizona Republic, Feb. 7, 1988]

REGULATORY SUCCESS: CHILD-PROOF CAPS

(By Terrence M. Scanlon)

WASHINGTON.—Government employees, like their counterparts in the private sector, often suffer for their organization's real or perceived blunders. Our friends from the Defense Department, for example, probably hear more about $600 toilet seats than they'd like to, and Agriculture officials can hardly get out of the house without someone berating them about stockpiled cheese. If you work for Internal Revenue, of course, your life is a war.

Those of us at the Consumer Product Safety Commission take our own lumps. For instance, noted columnist James J. Kilpatrick once made light of the fact that we advised people not to dive into empty swimming pools. That, of course, is very good advice and such accidents have happened, but Kilpatrick had a point. Sometimes government tells people things that they may have already taken into consideration.

Another thing we are known for is child-resistant closures, which again are not universally celebrated. The usual complaint is that the closures are not only child-resistant, but also provide a challenge to people with highly developed manual skills—maybe even safecrackers and concert pianists. There have been slight inconveniences, which are being addressed. But the good news is that the closures have worked. In 1985, the most recent year for which our figures are complete, not one child died from the accidental ingestion of aspirin.

This is a significant victory. In 1940, 140 children died from accidental ingestion of aspirin and other headache medicines. The figure fluctuated, declining to 92 deaths in 1967. Because aspirin was the largest single agent involved in accidental poisonings, it was the first product category required to be in child-resistant packaging. Safety closures for aspirin were first required in 1972, and aspirin-related deaths continued to decline over the next several years. By 1985, we reached the magic number, zero.

The story with other drugs (excluding aspirin) is almost as dramatic. In 1972, 96 children under the age of five died from drug ingestions. Between 1972 and 1974, as use of the safety packaging increased, there was a sharp decline, and by 1984, the toll was down to 11.

There is a school of thought that insists the decline is because of other factors, such as fewer children. But even when demographics are taken into account, the rate has dropped from 5.6 deaths per million children under five in 1972 to 1.7 deaths per million children under five in 1984. Another school of thought points out that changes in the market—such as the shift in consumer purchases from aspirin to aspirin substitutes—accounts for some of the reduction in deaths. But a lot of aspirin still is sold each year, and there were no deaths in 1985. Any way you count it, the closures have been a success.

How do we test the closures to make sure they comply with our regulations? We use testing protocols to assure that most children cannot open the safety closure while most adults can. Some of the child test provisions are described here.

The children, who must have no overt physical or mental handicap or even a significant temporary illness, are taken in pairs to the well-lit testing area. If in rare instances some children become upset, they are replaced.

The supervisor hits the stopwatch, and the test begins. "Please try to open this for me," the tester says while handing identical packages to the children. The children have five minutes to try to open their package. The testers, meanwhile, are careful not to make any expression—physical or verbal—that might discourage the child. Nor can they take their eyes off the children for even a second.

This is not to say the kids can't have fun trying to foil the closures. They are allowed to bang on their package, pry at it, and do pretty much whatever else they could to get inside. If they haven't opened it at the end of five minutes, they are shown how. Then they are asked to try again. If they have not thought to use their teeth, they are told they can if they want to.

Some children are better than others at getting the packages opened. Children in more disciplined schools, for instance, seem to forgo the more spirited strategies, such as banging, smashing and biting.

The result of using child-resistant closures, however, is what counts. Stopping drug-ingestion deaths is the most dramatic example, but the good news doesn't stop there. Deaths involving all household chemicals for children under five have dropped 74 percent since 1972, from 218 that year to 56 in 1985.

TOO SUCCESSFUL?

In fact, some say safety packaging is too successful. Adults, especially older Americans, complain that they too have difficulty opening these protected packages. As a result, safety closures are left off or loose, increasing the potential for a tragic ingestion.

To address this issue, CPSC has funded grants at three universities. The objective of these grants is to develop innovative child-resistant packaging designs that are easier for all adults to use while still maintaining their child-resistant effectiveness. Technical experts from the packaging industry will be invited to participate on a panel to review the innovative designs for commercial feasibility. The designs will be in the public domain and through this cooperative CPSC/industry effort, we hope to see innovative designs in production in the near future.

On Aug. 6, the commission voted unanimously for revisions in the Poison Prevention Packaging Act testing protocols which will also address the difficulty adults have with safety closures. Among the proposals:

Consider three options—five minutes (the current requirement), one minute and less than one minute—for the time allowed adults to open and close the package.

As some of my friends in Congress can attest, mandatory standards are not my first choice in addressing consumer hazards. Regulations are often overreactions to legitimate concerns. In the case of child-resistant packaging, however, we have the right mix.●

INTERPRETATIONS OF THE HUMPHREY-HARKIN AMENDMENT TO S. 557

● Mr. HUMPHREY. Mr. President, on January 28 I joined with the junior Senator from Iowa in sponsoring a compromise amendment to S. 557, the Grove City legislation. This amendment was intended to address concerns regarding the application of the Rehabilitation Act of 1973 to situations where an employee with a dangerous contagious disease could threaten the health or safety of others. Like most compromises, the measure was not entirely satisfactory to either side, rather it sought to strike a balance that would address a legislative problem in a manner acceptable to both sides.

Those of us who drafted the amendment had hoped to avoid unproductive sparring over the fine points of its meaning by presenting a concise colloquy which addressed certain points regarding the amendment. But the intent and effect of the amendment are made quite clear by the specific language of the amendment itself.

The amendment provides that, for purposes of sections 503 and 504 of the Rehabilitation Act as they relate to employment, the term "individual with handicaps" does not include any "individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job."

This means that persons with contagious diseases which threaten the health or safety of others are not classified or treated as "individuals with handicaps" in the employment context for purposes of the Rehabilitation Act. As we stated in our colloquy, the underlying intent of the measure was to "assure employers that they are not required to retain or hire individuals with a contagious disease or infection when such individuals pose a direct threat to the health or safety of other individuals, or cannot perform the essential duties of the job." Obviously, the risk of spreading the contagious disease to others is the kind of threat to health and safety that we had in mind. That much, at least, was clear from the language of the amendment and the colloquy we entered in the RECORD.

A statement placed in the RECORD on February 4 inaccurately assesses the effect of the Humphrey-Harkin amendment. Without going into the details of the statement, which was made by the senior Senator from California, it was asserted that the amendment "should result in no substantive change in the law" and that contagious persons to whom the amendment applies "would have no less protection than anyone else."

Mr. President, the remarks placed in the RECORD by the senior Senator from California do not reflect my intent in offering this amendment nor the actual effect of the language approved by the Senate. If the Humphrey-Harkin amendment had not resulted in some substantive change in the law, it would have been a pointless exercise.

In fact, the amendment did modify substantive law by specifying that persons with contagious diseases creating direct health threats are not to be classified as "individuals with handicaps" under the employment provisions of the Rehabilitation Act. In that respect, I must point out that the language of this amendment is virtually identical to that contained in H.R. 1396, a measure introduced in the House by Representative DANNEMEYER dealing with this same problem of contagious diseases. Neither the Humphrey-Harkin amendment nor the Dannemeyer bill were, or are, intended merely to codify the status quo in this area. The language of these measures is quite clear, and post facto interpretations should not be construed to alter their actual intent or effect.●

BELDING HIGH SCHOOL BAND TO PARTICIPATE IN 1,000TH ANNIVERSARY OF DUBLIN, IRELAND

● Mr. LEVIN. Mr. President, it is with pride that I take this opportunity to pay tribute to the Belding High School Band, from Belding, MI. The Belding High School Band has been invited to share in the celebration of the 1,000th anniversary of Dublin, Ireland, next month.

In March, the band will participate in this once in a lifetime opportunity. The band is going to travel to Dublin, representing with pride its community, State, and country in this celebration.

The band was selected by the National Events Council because of its past accomplishments, and sterling reputation. Mr. President, this is well-deserved recognition.

The band, the band boosters, and indeed the entire community are working to raise the necessary funds to enable the band to travel to Ireland. I commend the members of the band, its director Bob Stiles, and the students and faculty of Belding High School. I am proud that a band from Michigan will be one of the representatives from the United States at Dublin's celebration.

IN RECOGNITION OF WTLC (FM) FOR 20 YEARS OF BROADCAST SERVICE TO INDIANAPOLIS AND CENTRAL INDIANA

● Mr. QUAYLE. Mr. President, this year marks a very special achievement for a unique radio station in Indianapolis, IN. WTLC, 105.7 on the FM band, is celebrating its 20th year of broadcast service to the black community in Indianapolis and central Indiana.

Since first going on the air in 1968, WTLC (FM) has provided more than just musical entertainment. Over the years the owners and managing operators have demonstrated a strong commitment to providing meaningful community services and support to their listeners.

This year, for example, WTLC (FM) is undertaking the ambitious task of providing a year-long focus on infant mortality; a problem of significant concern to the Indianapolis black community.

WTLC (FM) has been recognized on numerous occasions for its creative programming and services. Billboard magazine has honored WTLC (FM) with its Soul Station of the Year Award in 1975 and again in 1981. Also, Black Radio Exclusive magazine named WTLC (FM) as its Radio Station of the Year in 1979, 1980, and 1984.

Mr. President, WTLC (FM) has made many important and thoughtful contributions to Indianapolis radio. As this station celebrates 20 years of broadcast service I extend my sincere congratulations to all those involved and best wishes for continued success.●

LITHUANIAN INDEPENDENCE DAY

● Mr. PRYOR. Mr. President, once again Members of Congress pause to celebrate Lithuanian Independence Day and reflect on its implications in today's world.

Glasnost? How far will the Kremlin go? This month, on February 16 and February 24 respectively, the citizens of Lithuania and Estonia will mark the 70th anniversary of their independence, lost to the Soviet Union in 1940.

In recent years, citizens of the Baltic States have led peaceful public demonstrations honoring these important dates; however, an article in the February 15 Washington Post confirms the belief of many American citizens that, despite the Kremlin's policy of openness—glasnost—there is still great evidence of continued Soviet repression in these nations. Many of the human rights violations now imposed on these countries—freedom of speech, assembly, and religion—will have great difficulty ever being restored during times of continued Soviet control.

From the outset of the Soviet occupation, citizens of the Baltic States have rallied to protest Moscow's actions. Many of these citizens are exiled, imprisoned, tortured, or confined to "psychiatric" institutions for the offense of individual self-expression.

The dream of the restoration of political and human rights and of freedom from Soviet influence lives in the hearts of Lithuanians and Estonians everywhere. Their ambitions, hopes and struggle for freedom are shared by freedom-loving people all around the world.

Mr. President, I ask to insert in the RECORD the Post article of February 15.

The article follows:

BALTIC SEPARATISTS CAUSE NEW CONCERN IN MOSCOW—DEMONSTRATIONS LEAD TO FIERCE CRACKDOWN

(By Gary Lee)

TALLINN, U.S.S.R.—Packed into a small living room in this capital of the Estonian Republic, 70 members of the New World Church spent last Thursday evening in song and prayer, asking God for good health and long life, saving their most fervent plea for last: let the Kremlin free Estonia from Soviet rule.

The church, an unofficial group of 350 Estonian born-again Christians, has long annoyed the secular local Communist Party leadership with its twice-weekly sessions of Bible thumping and gospel singing.

But as nationalist sympathies rise throughout this small republic, occupied and annexed by Kremlin leader Joseph Stalin in 1939, local authorities are even more unsettled by the flat refusal of New World Church members to recognize Estonia as part of the Soviet Union.

The church, under the leadership of two Estonian evangelists, is part of the disparate movement of Baltic Separatists, political activists campaigning for the autonomy of the three republics along the Baltic coast: Estonia, Latvia and Lithuania. All were claimed by the Soviet Union in a secret 1939 pact with Nazi Germany, and all have been the scenes of mass demonstrations for independence in the past year.

While the nationalists were at first allowed to operate quietly under Soviet leader Mikhail Gorbachev's policies of greater openness and democratization, in recent weeks they have been subjected to a fierce crackdown, including media attacks, detentions and expulsions to the West. In anticipation of a demonstration in neighboring Lithuania on Tuesday in commemoration of the republic's declaration of independence 70 years ago, Soviet authorities have cut the telephone lines of dozens of local activists.

"We have even been warned against laying flowers on graves," Nijole Sadunaite, a Lithuanian activist, said in a telephone interview before her line went dead. "There are policemen and vigilantes gathering in the streets. Nobody is allowed to do anything. But we will try."

In the Soviet Union, whose 15 republics are composed of more than 100 ethnic groups, the Baltic separatists represent the tip of an iceberg. In regions such as the Ukraine and central Asia, residents have also been inspired by the Kremlin policy encouraging *glasnost*, or openness, and are increasingly public about the ethnic tensions dividing them.

By most accounts, the Estonian activists are a tiny minority in a small fishbowl, numbering no more than a few hundred in this republic of 1.5 million inhabitants, including 1 million Estonians. But in their opposition to Soviet rule they are nonetheless indefatigable. Last month, 14 Estonians officially applied to form a political party dedicated to the dissolution of the 1939 pact and to a free Estonia. They are seeking to organize another mass demonstration on Feb. 24, the 70th anniversary of Estonia's original declaration of independence. "It's clear now that either the Soviet Union is going to have to set Estonia free, or we will have to leave Estonia," Hubert Jacobs, a New World Church leader, said in an interview after services last Thursday.

Despite their fledgling status, the separatists have apparently caused alarm within the Communist Party leadership in Moscow. In recent months, they have come under heavy attack in the central state-controlled media, and according to unconfirmed reports, the ruling Soviet Politburo passed a resolution last December charging the Estonian Party with ideological shortcomings. This was widely interpreted as an order for local officials to stamp out dissidents, including the movement for Estonian separatism.

Since then, police in Tallinn and other Estonian cities have searched the homes of leading activists, detaining some and ordering others to leave the country. Earlier this month two Estonians seeking to start a new party were expelled to Sweden. When the residents of the Estonian city of Tartu gathered for a demonstration on Feb. 4, they were dispersed by policemen with rubber sticks, dogs, and tear gas, according to witnesses.

One apparent reason for Moscow's harsh response is that calls for Baltic autonomy appear to strike a responsive chord among a wide number of Estonians and other natives of the region. A rally for Estonian independence held here Aug. 23 drew at least 4,000, according to dissident sources, and at least 800 showed up for the Tartu demonstration.

Anti-Soviet sympathies among residents have also apparently been aroused by the recent official publication of descriptions of some of the nasty aspects of early Soviet rule here.

Under the Kremlin policy of *glasnost*, in the past few months Soviet newspapers have for the first time published details about the deportation of Estonians under Stalin's leadership and other long-secret issues. The Estonian public reacted with outrage: in an official meeting of the union of writers late last fall, there were bitter complaints about the mass destruction of Estonian books by Soviet authorities.

Another reason for concern in Moscow is that Estonians have been among the slowest in the Soviet Union to assimilate with Russians, the dominant Soviet ethnic group and the largest minority here.

Despite an official drive to teach the Russian language, for example, only a quarter of Estonians speak the U.S.S.R.'s official tongue fluently, according to the latest official statistics. At the same time, only one of every 10 local non-Estonians speak fluent Estonian. "I would say that these two groups lead their own separate lives," said popular Estonian writer Udo Tuulik at a conference on the Baltics here last week, sponsored by the official Soviet press service Novosti. "Like the Mississippi and the Volga, we just flow in different directions."

With an annual influx of up to 8,000 Russians and other ethnics into the republic, however, native Estonians are beginning to feel they are losing ground to outsiders. In 49 years of Soviet rule, the percentage of Estonians living here has fallen from 92 to 61 percent, according to official statistics. In the past two years alone, the percentage of Estonians living in Tallinn has dropped from 52 to 50, and by the year 2020, the number of Estonians in the republic will likely plummet another 11 percent, according to official estimates.

The need to preserve things Estonian was the main factor motivating residents to try to start their own national independence party, according to Eve Parnaste, one of the founding members.

"With the number of Estonians living here steadily declining," she said in an interview, "there is just a little time left for us to try to return Estonia to what it was and to keep it pure."

The local party, too, has responded to the threat of another surge of outsiders. On Jan. 20 the Estonian Central Committee passed a package of measures to reduce the influx of immigrants from Russia and other parts of the Soviet Union.

The key new regulation requires local firms to pay the state 16,000 rubles for every employee they bring from another republic, and an additional 16,000 for each family member. A family of four moving from Russia to Estonia would cost an Estonian enterprise 64,000 rubles—more than $100,000.

"We probably cannot cut immigration altogether," said Arvo Kuddo, a demographics expert at the Estonian Academy of Sciences, during the Novosti-sponsored conference. "But what we're trying to do is limit it."

According to interviews held last week with Estonians, the new measures may still be insufficient to combat the anti-Russian sentiment here.

Even in the New World Church, with its emphasis on Christian values, separation between Russians and Estonians is strictly observed. Church members shun Russian for instance, preferring English or German when not speaking in Estonian. With the faithful gathered around him in his Tallinn home, New World Church leader Jacobs was asked whether Russians would be allowed to join. "No," he said flatly, "But we would pray for them."

ORDERS FOR FRIDAY

RECESS UNTIL 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, there be a period for morning business not to extend beyond the hour of 10:30 a.m. and that Senators may speak during that period for not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, it will not be my intention on tomorrow morning to have an early rollcall. I want the debate to continue on the campaign financing reform legislation. I hope that Senators will take advantage of the opportunity tomorrow to make their case pro and con. I do not intend on tomorrow to offer a cloture motion.

The group of Senators on both sides of the aisle met today. They are going to meet again Monday morning to see if they can find ways to come together and accommodate their problem areas.

So, for these reasons, I will not, as I say, offer a cloture motion nor will I press for a rollcall vote on this matter tomorrow. But I do hope, as I said before and I will state it again, that Senators will take advantage of this opportunity to make their statements on the bill.

It will be my plan on tomorrow to go out at around 3:30 or 4, give or take. So Senators will be cognizant of the schedule for tomorrow and they may make their plans accordingly.

Mr. President, does the distinguished acting Republican leader have a further statement he would like to make?

Mr. COCHRAN. Mr. President, if the Senator would yield, we do not have any further statements except to thank the leader for his consideration for the schedule tomorrow to accommodate the interest of Republican Senators. We thank you very much for that.

Mr. BYRD. The Senator is welcome.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate—and I see no indication of such—I move, in accordance with the order previously entered, that the Senate stand in recess until hour of 10 o'clock tomorrow morning.

The motion was agreed to; and, at 5:30 p.m., the Senate recessed until Friday, February 19, 1988, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 18, 1988:

AMBASSADOR

DANIEL G. AMSTUTZ, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS CHIEF AGRICULTURAL NEGOTIATOR IN THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS.

DEPARTMENT OF COMMERCE

WILLIAM EVANS, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, NEW POSITION.

IN THE AIR FORCE

THE FOLLOWING CADETS, UNITED STATES AIR FORCE ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 9353(B) AND 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

ALDRU T. AARON, 242-25-0590
JOSEPH D. ABEL, 276-66-3049
TARN M. ABELL, 518-78-1805
JOSEPH A. UY ABRIGO, 230-78-6661
GEORGE C. ADKINS, 333-68-0042
DAVID P. AGA, 482-80-5616
WILLIAM C. AGISOTELIS, 449-53-2685
MARK G. AIKEN, 585-45-8914
ERIC F. ALAFITA, 302-76-5328
KRISTOPHER J. ALDEN, 004-78-2351
ALLISON A. ALEXANDER, 153-56-1951
STEVEN L. ALFASI, 089-60-8514
KEVIN S. ALLEN, 223-98-2383
LAUREL A. ALLEN, 040-44-5376
STANLEY A. ALLEN, 489-82-2289
MICHAEL W. ALLIN, 329-62-6342
DAVID T. ALUMBAUGH, 352-66-9369
ARTHUR W. ANDERSON, 179-82-5795
CHRISTOPHER S. ANDERSON, 385-86-4611
ALAN K. ANZAI, 575-19-3474
LARRETA JORGE L. ARCE, 528-27-3497
DAVID S. ARGYLE, 266-97-1606
NINA M. ARMAGNO, 330-70-3926
STEPHEN D. ARMSTRONG, 451-57-3893
TROY A. ASHER, 541-02-1720
TIMOTHY H. ASHLEY, 245-06-0942
MARY S. AVERILL, 257-45-6927
DAVID P. BACZEWSKI, 235-11-3803
BRYAN J. BAGLEY, 518-90-4106
NANCY J. BALKUS, 252-33-4382
SCOTT K. BALLARD, 423-06-9515
TIMOTHY D. BALLARD, 563-17-1167
JORGE P. FOR BARBOSA, 026-54-3920
RUSSELL W. BARBOUR, 244-88-8350
JAMES A. BARNES, 548-53-0869
MICHAEL J. BARNETT, 504-90-1769
SAM C. BARRETT, 225-90-4813
TYLER S. BARTH, 361-70-5455
REBECCA W. BARTINE, 411-25-3438
BRYAN C. BARTLETT, 269-50-3544
ERIC S. BARTLETT, 554-04-2971
PHILIP A. BASSO, JR, 549-41-3611
MARK J. BATES, 215-92-0975
BRENT R. BAXTER, 524-04-8037
DAVID B. BAYSINGER, 213-84-0143
MATTHEW D. BEALS, 527-39-7486
CHARLES L. BEAMES, 266-15-3913
KEITH L. BEARDEN, 407-02-9072
TRACEY A. BECK, 299-70-6431
MARY A. BEHNE, 268-68-9265
KRIS L. BELCHER, 485-88-1476
BRIAN P. BELL, 290-60-3130
DOVER M. BELL, 524-82-9525
CHRISTIAN P. BENEDICT, 146-66-7074
WARREN L. BENJAMIN, 102-84-4879
CHRISTOPHER J. BEODDY, 522-90-4965
JOHN L. BERGQUIST, 429-51-6803

BRYNNE M. BERGSAGEL, 532-60-6444
KEVIN L. BERKOMPAS, 564-55-9301
VICKI J. BESECKER, 140-64-0601
JAMES A. BESSEL, 056-66-5985
CHARLES E. BESTARD, 087-56-2351
IAN P. BIGGINS, 217-68-9514
DARRIL C. BILL, 190-50-1360
TRENT D. BINGER, 555-75-3369
MARK A. BISSELL, 230-19-7004
JAMES D. BLACK, II, 430-29-9269
JEFFREY D. BLACK, 315-84-6216
MICHAEL D. BLALOCK, 554-62-0851
SONNY P. BLINKINSOP, 533-66-1432
ERIC BLOCK, 143-58-5788
MICHAEL W. BLOCK, 532-90-9657
HEIDI A. BOELTS, 505-92-2476
MATTHEW J. BOHN, 397-62-7168
DANIEL C. BOLAND, 018-38-8908
MARGARET M. BOLDRICK, 504-66-7397
KELLY A. BONDARUK, 521-13-6622
MARK E. BOSS, 351-68-1550
DENNIS D. BOUCHER, 432-41-4015
THOMAS A. BOULEY, 115-52-0235
TERRY L. BOWMAN, 240-25-2711
JONATHAN L. BOWSER, 261-79-9714
LISA A. BOYCE, 236-06-2718
MARCUS A. BOYD, 570-96-7961
KURT M. BOZARTH, 521-13-7491
ROBERT B. BRADY, 231-17-3373
KEITH A. BRAHMS, 568-63-4072
DEAN E. BRAY, 003-60-2907
JOHN M. BREAZEALE, 487-06-9485
SAMUEL R. BREVDEH, 077-44-4695
GREGORY S. BREWER, 415-35-3433
DAVID P. BRIAR, 482-94-6102
DERRELL R. BROCKWELL, 229-84-8364
THOMAS D. BROGAN, 566-53-8787
WILLIAM P. BROOMHEAD, 572-31-7432
CHERYL L. BROWN, 356-58-0274
EARL D. BROWN, JR, 228-19-8842
GERALD W. BROWN, 462-47-7245
HAROLD D. BROWN, JR, 147-72-6508
KEVIN D. BROWN, 023-60-8110
PURCELL N. BROWN, JR, 578-76-2665
WILLIAM J. BROWN, JR, 572-57-8099
BRUCE P. BROWNE, 573-51-6171
STEPHEN M. BROWNING, 223-94-3729
ELIZABETH A. BROXTERMAN, 585-41-9809
LARRY A. BRUCE, JR, 452-48-8821
JAMES P. BUCHANAN, IV, 453-57-5041
ROBERT O. BUCHANAN, 068-62-8730
JOHN T. BUDD, 195-48-5745
ANDREW J. BUESCHER, 496-72-8791
JOHN J. BULA, 321-60-0537
JONATRAN R. BURGWALD, 474-92-0121
KEVIN E. BURNS, 428-29-1295
TIMOTHY E. BUSH, 265-55-6384
JAMES D. BUSHE, 522-13-4354
DEAN E. BUSHEY, 309-66-2309
GREGORY P. BUTLER, 217-94-0092
JEFFREY L. BUTLER, 523-04-5306
JEFFREY T. BUTLER, 561-73-2466
MARGARET C. BUTTERFIELD, 526-33-9642
CARL A. BUTTS, 547-71-4061
JOHN R. BYSTROFF, 559-69-8085
ANDREA D. CADDY, 190-54-3931
BRENT A. CALDWELL, 217-64-7983
KATHLEEN A. CALLAHAN, 568-82-4596
MARLON G. CAMACHO, 467-53-4184
SCOTT C. CAMERON, 330-54-9234
JEFFREY M. CAMPBELL, 370-60-6402
MARK A. CAMPBELL, 561-61-8248
HENRY L. CANADA, 460-35-6770
MICHAEL CANAVAN, 033-52-2086
JAMES L. CARDOSO, 149-52-7195
HARRY A. CARLILE, JR, 527-73-2935
SCOTT A. CARY, 357-42-7036
MICHAEL N. CASIAS, 460-45-4551
WADE K. CAUSEY, 417-06-1854
THERESA L. CAVE, 522-98-9394
EDWARD M. CAVELLO, JR, 337-66-5829
MARC G. CELLERY, 549-65-0200
JOHN W. CHAPMAN, 339-70-1723
KEVIN D. CHAPMAN, 396-84-2447
MARK C. CHARLTON, 436-17-9746
GEORGE P. REN CHASTAIN, 426-23-4680
CHRISTOPHER D. REN CHELALES, 095-62-2008
SOPHELIA E. CHERRY, 228-21-9942
ALLEN W. CHIN, 213-72-2857
PETER W. CHING, 116-54-4309
ANNE E. CHINNERY, 020-60-5648
MARK A. CHISHOLM, 556-71-8891
SCOTT D. CHOWNING, 490-70-3209
CHRISTENSEN, III, 092-42-2956
PATRICK W. HO CHRISTOPHERSON, 398-62-3700
JOHN F. CLANCY, 577-04-7986
MARK A. CLANTON, 410-84-5160
CHRISTOPHER J. CLAY, 484-96-1255
LARRY W. COCHRAN, JR, 257-35-5611
TIMOTHY P. COFFIN, 437-41-0018
ERIC A. COFFMAN, 305-82-9934
DARIN V. COLARUSSO, 028-56-9791
PHILBERT A. COLE, JR, 045-66-5778
WILLIAM L. COLE, IV, 412-27-8373
THOMAS W. COLLETT, 491-66-1188
JON C. COLLINS, 439-43-2517
ROBERT L. COLLINS, 570-65-5337
EDWARD S. CONANT, 259-98-7071
TIMOTHY J. CONKLIN, 009-58-9609
DENNIS R. CONN, 270-74-8172
STEVEN D. CONNER, 571-49-6230
MATTHEW C. CONRAD, 313-76-8105
JEFFREY J. COOK, 395-70-5565
STEPHEN R. COOK, 476-86-5014
BRAD B. COOPER, 506-94-2420
CHRISTOPHER M. COOVREY, 593-10-7360
DAVID D. COPP, 374-72-4107
THOMAS J. CORCORAN, 346-70-8467
ALFRED R. CORRADO, 153-64-2992
ROBERT W. CORRELL, 316-74-0508
KEITH A. COX, 556-02-1785
JEFFERY K. CRAIN, 457-53-3371
SCOTT T. CRASE, 388-66-8853
ROGER W. CREEDON, 558-31-1067
JEFFREY J. CRESSE, 262-95-5781
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GREGORY B. ZEHNER, 005-72-3513
THOMAS ZUPANCICH, 477-82-7071

CONFIRMATIONS

Executive nominations confirmed by the Senate February 18, 1988:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SYDNEY J. OLSON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

COMMODITY FUTURES TRADING COMMISSION

WENDY LEE GRAMM, OF TEXAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 1990.

WENDY LEE GRAMM, OF TEXAS, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

NATIONAL FAMILY CAREGIVERS WEEK—NOVEMBER 20 THROUGH NOVEMBER 26, 1988

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Ms. SNOWE. Mr. Speaker, today I am introducing, along with 112 of my colleagues, a resolution establishing the week of November 20 through November 26, 1988 as National Family Caregivers Week in recognition of the contribution made by the family in maintaining frail and disabled family members in the home.

In 1986, and again last year, Congress passed and the President signed this important bill into law. It is important because it serves to recognize and honor the work of families who provide an essential system of informal care. Indeed, family care is one of the most critical factors in preventing or delaying the need for nursing home care, making family care not only humane, but also cost effective. Recent studies have shown that families provide between 80 percent and 90 percent of the medically related care, personal care, household maintenance, transportation, and shopping needed by older persons. Thus, while the myth has persisted that families have decreased the amount of care they provide, the reality is that the family remains committed to the care of the elderly, often at a great cost both financially and emotionally.

Family caregiving is of particular importance to those of us who are concerned about the growing problem of Alzheimer's disease. Indeed, the management of Alzheimer's disease is one of the great challenges that we face in the future. With Alzheimer's, there are two victims—the person with the disease and the family that must try to cope with it. Generally, one or more family members assume the responsibility of providing care for the Alzheimer's sufferer. In fact, the presence of a family caregiver is the principal reason that those who suffer from Alzheimer's and other debilitating diseases can remain in the community as long as possible.

Last year, the outpouring of support from individuals and professionals was even stronger than in 1986, when National Family Caregivers Week was first introduced. Organizations such as the American Association of Retired Persons, the Older Women's League, the National Council of Catholic Women, the National Council on the Aging, the Jewish Home and Hospital for the Aged, Children of Aging Parents, Southwestern Bell Corp., Avon Products, Inc., the Alzheimer's Disease and Related Disorders Association, the National Association of Area Agencies on Aging, the Brookdale Foundation, the National Coalition of Older Women's Issues, and many others, played an active role in supporting this bill and working on its behalf.

In order to underline the importance of National Family Caregivers Week, in November 1987, Senator JOHN GLENN and I cosponsored an enthusiastically received Policy Forum on Caregiving which was attended by over 300 people. The Director of the National Institute of Aging, Dr. T. Franklin Williams, moderated a panel discussion on the roles of the public, private, and voluntary sectors in assisting the informal caregiver. The panelists were authorities in family caregiving each of whom brought a unique perspective to the needs of caregiving families. The general consensus was that families are the key to long term. Thus, if families are to adequately cope, new approaches must be identified for funding long-term care, for informing families about available supportive services and for providing more training in specific techniques for coping with the care of the very ill or difficult to manage elderly. The panelists were unanimous in their conclusion that solutions must be developed and implemented through the combined initiatives of the public, private, and voluntary sectors.

As a nation, we are finally recognizing the significant contribution of family caregivers. To increase public awareness of the contribution that families are making, I am again proposing that the week of Thanksgiving, November 20 to November 26, 1988, be a national week of celebration and a time to reaffirm the vital role of families in providing care for our elderly. The celebration of National Family Caregivers Week will underscore the important role of families in the care of the frail and disabled and will assure caregivers that we are seeking to identify ways of sharing the care. The text of National Family Caregivers Week follows:

H.J. Res. 463

Whereas the number of Americans who are age 65 or older is growing;

Whereas there has been an unprecedented increase in the number of persons who are age 85 or older;

Whereas the incidence of frailty and disability increases among persons of advanced age;

Whereas approximately 5.2 million older persons have disabilities that leave them in need of help with their daily tasks, including food preparation, dressing, and bathing;

Whereas families provide older persons help with such tasks, in addition to providing between 80 and 90 percent of the medical care, household maintenance, transportation, and shopping needed by older persons;

Whereas families who give care to older persons face many additional expenses, including the costs of home modifications, equipment rental, and additional heating;

Whereas 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, and daughters-in-law, who often must sacrifice employment opportunities to provide such care;

Whereas the role of the aged spouse as a principal caregiver has generally been understated;

Whereas family caregivers are often physically and emotionally exhausted from the amount of time and stress involved in caregiving activities;

Whereas family caregivers need information about available community resources;

Whereas family caregivers need respite from the strains of their caregiving roles;

Whereas the contributions of family caregivers help maintain strong family ties and assure support among generations; and

Whereas there is a need for greater public awareness of and support for the care that family caregivers are providing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 20-26, 1988, is designated "National Family Caregivers Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

SMALL ISSUER BONDS MISUSE

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. JENKINS. Mr. Speaker, a bond provision I sponsored in the 1986 Tax Act has been misused; and, I am announcing today that I will take whatever steps are needed to make sure the provision is only used the way Congress intended. I am refering to the $10 million exemption for bonds issued by small issuers from the provision that otherwise requires banks to forego equivalent interest expense deductions, when they receive tax-exempt interest from bonds.

I sponsored that exemption during the initial Ways and Means Committee markup of H.R. 3838, the 1986 Tax Reform Act. The objective of the exemption was, and still is, to maintain the lowest possible borrowing costs for small localities. It was adopted by the Ways and Means Committee because I, and other committee members, were aware of communities in our own districts which needed to be able to sell their bonds to supportive banks. Many communities are simply too small to enjoy a broad public market in their bonds. They must rely on selling their bonds to banks who are familiar with their finances. Those banks frequently support them out of a sense of community responsibility. Anyone who doubts the committee's concerns or its intentions need only to read the committee report: and, I quote from it:

The Committee was concerned about the effect of the new rules on smaller localities which depend upon local financial institu-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tions to buy tax-exempt bonds for bona fide governmental projects. (p. 589)

The conference agreement on the 1986 Tax Act retained and expanded the House bank deductibility exception for small communities.

I am proud to have had a role in promoting that exception. As a result, small communities in my district and throughout this country have had access to lower cost borrowing than otherwise would have been available to meet their financial needs. I want to protect that exception and would like to create additional exceptions for small communities to give them relief from burdensome bond provisions. Unfortunately, adverse publicity is making my job more difficult.

There has been a lot of recent publicity in the municipal bond community about a transaction which was concluded in Deerfield, IL, in late 1987. As I understand the transaction, Deerfield, IL, had not issued bonds in 1987, so its full $10 million of authority to issue bank-eligible bonds was available. Deerfield is reported to have issued $10 million of its own bonds, then used the proceeds to acquire higher yielding Dade County, FL, airport revenue bonds. Because the Deerfield bonds were governmental bonds which enjoyed the benefit of the exception from the bank deductibility disallowance and the alternative minimum tax, and, because the Dade County airport bonds were private activity bonds which were not eligible for that exception and were subject to the alternative minimum tax, Deerfield, IL, received a profit of $428,000 from the transaction, which it intends to use to finance road improvements.

I have been advised by nationally recognized bond counsel that even if the transaction is legal under Federal tax law, the transaction would not have been regarded as a public purpose under the laws of most States. I also have been told that not all bond counsel would be willing to render an opinion that bonds like the Deerfield bonds are tax-exempt.

Under any circumstance, the Deerfield transaction is contrary to the intent of Congress in making low cost financing available to small communities which were trying to meet legitimate financing needs. No Member of Congress voted for the 1986 Tax Act assuming that it would permit $10 million of tax exempt bonds to be issued to finance $400,000 worth of road improvements by exploiting perceived loopholes in the bank deductibility provision and the alternative minimum tax.

Today, I am asking the Assistant Secretary of the Treasury, Don Chapton, to advise me whether the Treasury Department and Internal Revenue Service interpret the law to permit tax-exempt bonds to be used in this fashion. If not, then Treasury can issue a notice to that effect. If Treasury concludes that the law permits this type transaction or is unclear, then you are on notice that I intend to seek clarification in the pending Technical Corrections Bill to say that the bank eligibility and minimum tax exception was never intended to be used like it was in the Deerfied case. I know that Congress never intended to authorize tax-exempt bonds to be issued for no other purpose than generating an investment profit. Furthermore, I am convinced my colleagues on the Ways and Means Committee would be so outraged at seeing additional transactions like this one that the entire small issuer exception would be jeopardized, if corrective action is not taken immediately.

I want to make it clear, however, that any corrective action I might propose will be narrowly crafted to close perceived loopholes, so it does not affect legitimate investments of governmental bonds proceeds or impede the continued issuance of bonds for legitimate governmental purposes.

I was very pleased that the Ways and Means Committee did approve bond provisions beneficial to small communities, whether it marked up the 1987 tax provision, which were initially incorporated into H.R. 3545, the Budget Reconciliation bill. One provision clarified that the bank deductibility exception was available to certain "issuers" who were not thought to have been included in the original 1986 Tax Act definition. Another provision doubled from $5 million to $10 million the amount of bonds which could be issued annually by communities without complying with the arbitrage rebate provisions of the 1986 Tax Act. I would like to see both of those provisions remain in any 1988 tax legislation.

It has been my experience that virtually every limitation which has been imposed on the public finance industry, since I have been in Congress, has been a response to some perceived or actual abuse of a Federal tax exemption. I believe that most Members of Congress are anxious to support State and local governments in obtaining the lowest possible costs to finance legitimate governmental needs. However, the perception which persists in Congress, and it is beginning to seem rightfully so, is that the public finance industry will abuse any loophole left unplugged in the Tax Code. What is most appalling to me is the public gloating in the trade press by some members of the bond community about Deerfield's flagrant attempt to skirt Federal law. This kind of reaction is unwise and counterproductive.

Let me repeat—persons in the bond industry who persist in this type of activity do not represent the industry at large. In fact, they are the industry's own worst enemy.

I have had the good fortune to work through the years with bond industry representatives whom I respect greatly; and they are as chagrined as I am that others in their industry are unwilling to operate within the clear intent and spirit of the laws. I understand that it is awfully tempting to exploit loopholes, once they are discovered. However, it is extremely naive to think that Congress will do anything other than plug those loopholes, and often do it with a vilifying vengeance. The bond community would be well advised to reflect on the limitations which have been imposed on its industry over the last few years before stimulating any further congressional reactions.

SUPPORT FOR SOVIET CHRISTIANS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. LIPINSKI. Mr. Speaker, I regret not being able to take part yesterday in the special order sponsored by Congressmen PORTER, LANTOS, and BOULTER, but want to commend them for their thoughful action and fully support their efforts.

On the occasion of Ash Wednesday, I rise in strong support of the many Christian believers in the Soviet Union. This year is especially important because it marks the millennium of Christianity in Ukraine.

It is an ironic state of affairs that while the Soviets want to portray this great milestone in Christian history as a purely Russian event, the Soviet Government does not even recognize the legality of Christianity in Ukraine—the Ukrainian Orthodox and Ukrainian Catholic Churches have no legal basis for existence in the country.

Josyp Terelya, a leading Ukrainian Catholic activist and former prisoner of conscience who left the Soviet Union in September 1987, testified before Congress about the continuing repressions against religious believers in Ukraine. He detailed the harassment suffered by Christians and the reasons why over 150 churches since May 1986 have either been desecrated, closed, or destroyed.

Sadly, this oppression of Christians exists in all occupied territories of the Soviet Union. Three witnesses from each of the Baltic countries testified before Congressional Helsinki Commission in October 1987 on the state of Christianity in their lands, among other topics.

Vytautas Skuodis told of KGB infiltration of the church in Lithuania, the difficulty for believers to worship without fear, the refusal to allow new churches to open, and the restrictions on religious instruction for children. Rolands Silaraups related now ministers active in the Latvian Lutheran Church have been systematically relieved of their duties, and how charitable church work is strictly forbidden, And Estonian Tiit Madisson testified on the heavy repression against religious activists in his native land.

Mr. Speaker, I believe religious values have contributed greatly to the moral strength of our country. What we see in the Soviet Union and its occupied territories is the ardent desire of its peoples to practice their faith freely and openly. What we see there is the failure of communism to provide a moral framework for living—for communism operates solely on a material and physical level and has no appeal to the spiritual aspect of mankind.

I urge my fellow colleagues to support House Joint Resolution 429, a bill I introduced which calls on the Soviet Government to recognize the Christian churches in Ukraine, sends greetings to the Ukrainian people as they celebrate this great event in their history, discourages American officials from taking part in Soviet-sponsored millennium events, and makes certain the remembrance of the millennium remains a uniquely Ukrainian

event. Through this legislation, we have the opportunity to go on record supporting Christians who wish to practice their faith in Ukraine.

The text of the joint resolution follows:

H.J. RES. 429

Joint Resolution deploring the Soviet Government's active persecution of religious believers in Ukraine

Whereas 1988 marks the Millennium of the Christianity of Kievan Rus', adopted by Prince Volodymyr in a ceremony on the banks of the Dnieper River;

Whereas today freedom of religion is a fundamental right which is explicitly guaranteed by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe;

Whereas the Soviet Government has violated the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe by engaging in the persecution of religious believers in the Soviet Union, including the systematic liquidation of the historic and national churches in Ukraine;

Whereas the Ukrainian Orthodox and Ukrainian Catholic churches, both forcibly liquidated in the 1930's and 1940's, respectively, have remained outlawed while their clergy and laity have been murdered, imprisoned, or exiled for their religious beliefs;

Whereas, despite decades of severe persecution, Ukrainian Orthodox and Ukrainian Catholic believers to this day continue to practice their faiths clandestinely for fear of persecution by Soviet authorities;

Whereas the Soviet Government has, in addition, sought to restrain and undermine the spiritual mission of the Evangelical Church in Ukraine, and has established restrictive legislation in direct contravention of the Biblical precepts that undergird the evangelical movement;

Whereas many members of the Ukrainian Evangelical churches, in particular unregistered Baptist and Pentecostal congregations, are currently imprisoned and harassed for their faith;

Whereas suspected clergy and lay members of the Ukrainian Orthodox, Ukrainian Catholic, Baptist, and Pentecostal churches are victimized by job discrimination, their access to religious literature is restricted, and they are subject to various forms of harassment such as house searches, interrogations, and arbitrary arrests by Soviet authorities;

Whereas, despite the Soviet government's policies of religious persecution in Ukraine, faith in God is widespread among Ukrainians as evidenced by the underground Ukrainian Catholic movement which embraces hundreds of priests headed by a number of secret bishops assisted by more than 1,000 religious women in orders; and

Whereas Ukrainian Catholic catacomb bishops, priests, and laity have placed themselves in direct danger of persecution by appealing to the Kremlin to end its prohibition of the Ukrainian Catholic Church: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States deplores the Soviet Government's active persecution of religious believers in Ukraine, as well as the forcible liquidation of the Ukrainian Orthodox and Ukrainian Catholic Churches.

SEC. 2. On the occasion of the Millennium of Christianity in Kievan Rus', the Congress of the United States—

(1) discourages official participation by the Government of the United States in ceremonies of the Millennium in the Union of Soviet Socialist Republics, so long as individuals remain harassed and imprisoned for their religious beliefs, are denied access to religious litrature and the opportunity to receive religious instruction, and the Ukrainian Catholic and Ukrainian Orthodox Churches remain outlawed;

(2) sends its greetings to the Ukrainian people as they mark this solemn event in the history of the Ukrainian nation;

(3) voices its concern for those Ukrainian religious believers who are persecuted for attempting to exercise their rights to religious worship;

(4) urges the President of the United States, the Secretary of State, the United States delegation to the United Nations, the United States Delegation to the Vienna Review Meeting of the Conference on Security and Cooperation in Europe to continue to speak out forcefully against violations of religious liberty throughout the Soviet Union and specifically in Ukraine during this anniversary year;

(5) calls upon the Soviet Government to abide by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe, and release all those imprisoned for their religious beliefs; and

(6) urges, the observance of the Christian Millennium, the Soviet Government to legalize the Ukrainian Orthodox and Ukrainian Catholic Churches.

A TRIBUTE TO MR. WALTER LOCKWOOD AND MR. ALBERT V. SAMMIS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Mr. Walter Lockwood and Mr. Albert V. Sammis, two Halesite, NY, volunteer firemen who are being honored for 50 years of active service.

Mr. Lockwood joined the Halesite Fire Department in 1937. For the last 35 years, he has served as the department's sergeant at arms. His father, Frank "Pop" Lockwood, and his two brothers also served in the Halesite Fire Department.

Mr. Sammis joined the Halesite Fire Department in 1938. Since that time, he has served as chief of the department, been president of the Suffolk County Chiefs' Council and served as the fire coordinator for the county of Suffolk and the town of Huntington. In addition, Mr. Sammis was also an original member of the Halesite Fire Department ambulance squad.

Mr. Speaker, these gentleman have provided a great service to their community. For 50 years they have answered the call every time the siren blew. Many times this meant putting their own lives in jeopardy for the sake of others. They did this without hesitation or financial compensation. Many times such dedicated service goes unnoticed. But as Ralph Waldo Emerson once said, "The reward of a thing well done, is to have done it."

Mr. Speaker, I am honored to have the opportunity to pay tribute to these two fine men, and wish them all the best for the future.

TRIBUTE TO THE LATE DAN DANIEL

SPEECH OF

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. SPENCE. Mr. Speaker, I commend the gentleman from Virginia [Mr. SISISKY], for taking a special order to honor our dear friend and colleague, the late DAN DANIEL. His untimely death leaves an incredible void here in the House that will be felt for many years to come.

DAN DANIEL succeeded the legendary Gov. William Tuck as the Congressman from Virginia's Fifth District, and like Governor Tuck, DAN DANIEL achieved an enviable record as a friend of the American taxpayer and an effective spokesman for a strong national defense.

DAN DANIEL preceded me in the House by one term, and from the very beginning of my service I developed a friendship and admiration for him that was solidified by our close working relationship on the House Armed Services Committee.

It would be hard to imagine anyone not liking DAN DANIEL. He was a person without guile or mean spirit, and his courtly manners were truly reminiscent of a time when courtesy and the Golden Rule were the accepted norm rather than a convenient and temporary gesture. He believed in people, and people believed in him as evidenced by the overwhelming vote he always received in his bid for reelection.

I was always impressed by the fact that DAN DANIEL took his job as a public servant seriously. As a senior member of the Armed Services Committee and the chairman of the Subcommittee on Readiness, he showed keen and exceptional insight into the defense needs of America. He believed in military preparedness based upon giving the fighting man serviceable and operational equipment as opposed to Taj Mahal weapons systems that Einstein at his best would not understand. In fact, it was largely through his efforts that standardization of arms used by the United States and its NATO allies became a fait accompli several years ago.

DAN DANIEL was not a self-serving person. He was not given to arrogance or pretentiousness. He was not born with a silver spoon in his mouth, and like the very best in the American character, he was the epitome of the self made man. He was proud of the fact that as a youth he worked his way up by the bootstraps, and by the time he was elected to Congress, he had become a corporation executive by hard work, dedication and commitment to the American dream.

I shall miss DAN DANIEL. We will all miss his wisdom, counsel and dedication to high ideals. He was a great patriot, a wonderful friend and a gentleman of the first order. To his wife Ruby and his son I extend my heartfelt condolences and admiration for a husband and father who served his State and Nation with distinction and honor.

BAYONNE HOSPITAL OBSERVES ITS 100TH ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. GUARINI. Mr. Speaker, I would like to draw to your attention the 100th anniversary of a leading medical institution in the city of Bayonne, which I have the privilege of representing in Congress. I believe the theme of this year centennial celebration, "100 Years of Caring," is entirely fitting in observance of the magnificent job Bayonne Hospital has done. For a century, Bayonne Hospital has provided the highest quality of health care to citizens of the community. Once commonly referred to as Story Hospital, the facility has set the standard for medical technological advancement and continues to meet the special needs of its patients. A diligent hospital staff offers first-rate service to those who are in need of medical care. Because of its achievements in the health field, Bayonne Hospital has enjoyed tremendous expansion, and today it has realized its accomplishments with an eye toward future progress. Many people have given their time to make Bayonne Hospital the success story that it is today. I feel it would be appropriate to acknowledge their efforts by sharing their fascinating history, contained in the following text, with my colleagues. I am sure my colleagues would agree that Bayonne Hospital deserves high praise.

HISTORY OF BAYONNE HOSPITAL, 1888–1988

On February 20, 1988, after many months of soul-searching and discussion, eight courageous physicians, prompted by their dedication to their community and their commitment to their chosen profession, joined forces and executed the articles of incorporation for Bayonne Hospital And Dispensary.

The eight physicians, Doctors Frederick G. Payne, Solon Humphreys, Jacob F. Field, H. Mortimer Brush, John Hickman, David H. Rowland, Ezra B. Ely and Edward H.S. Man, became the members of the first Board of Directors of Bayonne Hospital and filed with the Secretary of State for authorization under the General Hospital Act to establish Bayonne Hospital.

The community, which had approximately 21,000 residents at that time, was forced to travel to Jersey City, if they were in need of hospitalization. That inconvenience, and the custom of treating all illnesses in the patient's home, further confirmed the physicians' belief that Bayonne not only needed, but deserved its own hospital.

Initially, the community was reluctant but as a more modern view of sociological problems evolved, the idea of a hospital for Bayonne was viewed favorably by most of the residents. Perhaps the most tangent evidence of community support was the donation of Story Mansion in 1890. This magnificent structure, surrounded by sloping lawns, was located on Chestnut Avenue, which is now known as East 30th Street. The building was donated in memory of Rufus Story by his daughters, Mrs. Alice Story Rowland and Mrs. Abbey Story Marshall. Rufus Story, who was a New York import-export broker had died the year before the donation. The memory of Rufus Story and the generosity of his family lived on for many years, as Bayonne residents informally referred to the structure as "Story Hospital".

On March 3, 1890, the Bayonne Hospital was officially opened to receive patients. At a cost of $17,000, the hospital was fully equipped and housed a Male Ward, Female Ward, Nursery, Maternity Ward and Dispensary. Over the fireplace hung a simple plaque which stated "In Memory of Rufus Story", and the Story Mansion served well as Bayonne Hospital until 1908.

In 1908, with the population steadily increasing, and the advances in medical technology, it became evident that an addition to the original hospital building was necessary.

The expansion of 1908 was the first of many that the hospital would undergo and provided for two additional wards, an Emergency Room, an X-Ray Room, nine private patient rooms, a Laboratory, a Delivery Room and an Operating Room. Instrumental in raising funds for this project was the Ladies' Aid Committee, which is now known as the Women's Auxiliary Board. The Ladies' Aid Committee, which was organized the same year as the hospital, has always and, in all ways, worked diligently to complement the hospital staff and the Board of Directors in achieving the goals set for the hospital. If sewing of sheets was needed, the ladies would sew; if painting was required, they accomplished that as well, but what they are best known for is the creative ways they raised funds for the hospital—teas, fashion shows, card parties, fairs and in 1959, the Women's Auxiliary Board opened the "Hospitality Shoppe". This shop is the major source for raising funds today.

In 1927, the population of Bayonne reached its peak and the community was a popular site for industry to settle. Once again, in order to meet the needs of an ever-growing population and to implement the many advances in the field of health care, the hospital again expanded. This expansion involved increasing bed capacity to one hundred ninety-one beds, with an Out-Patient Department and a nursery with thirty bassinets. In addition to the new hospital building, the Nurse's Home was erected, which in later years, was referred to as the "School of Nursing".

The School of Nursing was originated in 1891 and the first graduating class consisted of three nurses. Two of these graduates became honorees when the Cairns Pavilion was dedicated in 1970. The Cairns sisters, Margaret and Mary, were two pioneers in nursing in our community. They devoted their lives to Bayonne Hospital and their philanthropy aided in the construction of the pavilion named in their honor.

To this day, the School of Nursing continues the exemplary work started in 1891, and although the building referred to as the School of Nursing no longer exists, the School of Nursing continues in its tradition of training nurses to this very day, housed in the main complex of the hospital.

Again, in 1958, circumstances deemed that yet another expansion of the hospital was needed. And again, the community and industry, through their generosity, made possible an expansion to a two hundred and sixty bed capacity. The expansion of 1970, when the Cairns Pavilion was dedicated, allowed for space for patient services.

As the hospital looked toward the completion of almost a century of serving the community, plans were formulated to prepare the physical structure for the many changes that the challenge of the future would bring about. Disciplines that required extensive space were growing in popularity due to the successes they helped achieve. These areas included Physical Therapy, the Emergency Room, the Laboratory and Clinic Areas.

The President of the Board of Directors, Judge Horace K. Roberson, believed in Bayonne Hospital and the Community it was dedicated to serving. His belief system guided the hospital through the twenty seven million dollar building and renovation program. To acknowledge the more than fifty years of service Judge Roberson had given to the hospital, the new facility was named the Horace K. Roberson Pavilion. A portrait of the now late Judge Roberson welcomes visitors and patients alike from its place of honor in the main lobby.

The award winning edifice increased the efficiency of the hospital tremendously and allowed for the addition of a state-of-the-art fourteen bed Intensive Care/Coronary Care Unit, as well as a Psychiatric Unit.

In 1982, the Bayonne Hospital Foundation was established to assist in raising funds to enable the hospital to continue providing the high quality of health care it was known for. Bayonne Hospital, a nonprofit institution, has flourished for the past one hundred years due to the continued support of the community.

In every department of the hospital, the funds provided to the hospital can be seen at work in the form of the Cat Scan, Gamma Camera, Mammography Machine, Ultrasound Scanners, Cardiac Holter Monitors, Cybex II Machines, a Lazer, Birthing Beds, a Hematology Analyzer and A Plasma Theresis Machine.

Bayonne Hospital is dedicated to the community it serves and as that community has aged, the hospital responded to the needs of those residents who made the hospital's growth possible. The Senior Health Center of Bayonne Hospital, opened its doors in 1987, almost one hundred years after the original Bayonne Hospital opened its doors. Seniors in our community who are in need of rehabilitative medical attention, but not hospitalization, are now able to remain in the community and maintain their usefulness and dignity.

The century of providing health care has been an ever changing endeavor—growth, technology and changing needs. What has remained constant for the one hundred years is the commitment of the staff and the Board of Directors to provide the highest level of quality health care possible. The other constant has been the support the community has shown through their generosity and continued patronage. These two constants have allowed this partnership to maintain its high standards and enjoy a reputation as an outstanding community hospital.

The century since 1888 for the community of Bayonne and Bayonne Hospital has represented one hundred years of reciprocal attention to each other's needs, which is the reason for the Bayonne Hospital Centennial Celebration—"100 Years of Caring".

TV PROGRAM ACCESS FOR SATELLITE DISH OWNERS

SPEECH OF

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. LOTT. Mr. Speaker, I am pleased to join this special order of the gentleman from Virginia [Mr. OLIN] on the issue of television program access for satellite dish owners. I want to commend the gentleman for taking this time to call attention to the nature of the problem and to demonstrate the degree of support in this Congress for an acceptable legislative solution.

As most of my collegues are well aware from their constituents, satellite dish owners are rapidly losing access to more and more programs due to the scrambling of TV signals. This is particulary disruptive for people living in rural areas, as in much of my own State of Mississippi, who are far removed from the signals of metropolitan TV stations and who have no access to cable. They are dependent on their satellite dishes as their sole means of receiving TV programming.

Mr. Speaker, to remedy this problem, I have joined with my good friend and colleague from Louisiana [Mr. TAUZIN] in cosponsoring H.R. 1885, the "Satellite Television Fair Marketing Act of 1987." I am pleased that this legislation now enjoys the strong support of 125 of our colleagues in the House.

This bill would require those who scramble satellite services intended for private viewing to make it available to satellite dish owners. If they sell their programming through others, the bill would require that they must also establish reasonable business criteria so others may qualify to distribute their programming.

The bill would further give the FCC authority to establish uniform standards for scrambling and initiate rulemaking to facilitate the provision of network television signals outside the range of broadcast station signals.

The FCC would also be charged with investigating the pricing and distribution terms of persons selling satellite programming to home satellite antenna owners to determine whether the market place is developing in a competitive fashion.

Mr. Speaker, I am greatly encouraged by the fact that the Senate Commerce Committee last fall reported a nearly identical bill to the Tauzin bill, requiring that programmers who scramble signals to cable owners make it available to dish owners. I am hopeful this action will prompt our own Energy and Commerce Committee to report H.R. 1885 in the very near future so that satellite dish owners will no longer be relegated to the status of second class citizens by mere fact of their geographic situation.

TRIBUTE TO ROY OTWELL

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. JENKINS. Mr. Speaker, often, we pay tribute to community leaders who have excelled in their contributions, but rarely do we have the opportunity to expound on such a legacy as Roy E. Otwell.

When Mr. Roy died February 8 at the age of 93, he was still an active community leader. Through his contributions in public service, politics, philanthropy, and business ventures he touched every life in Forsyth County in this century and into the next century.

He served the community of Cumming and Forsyth County through several political offices, including the board of education, the Georgia General Assembly in both the senate and the house of representatives, and as mayor for 30 years. Through his leadership came the first city water and sewage plant, city hall, fire trucks, hospitals, paved streets and sidewalks, electricity, pavement of major transportation routes into the area, and Buford Dam.

Called a walking chamber of commerce, he convinced doctors, dentists, other professionals, and companies to bring their services and production to Forsyth County, often by furnishing them with living quarters and a building to begin their operations. From his position as president of a local bank, he infused funds into the farming and business community, and retired as its chairman of the board only 3 years before his death.

Roy Otwell not only loaned money for starting businesses, he started a few himself. As a pharmacist, he owned a drugstore. As a car salesman, he owned a car dealership for 53 years. As a newspaperman, he owned and was editor of a local newspaper for 27 years.

And, Roy Otwell was a man of great civic pride. The charter histories of the local Lion's and Kiwanis Clubs and the chamber of commerce carry his name, as do the membership records of the Cumming First Baptist Church since he was 12. A deacon for 70 years, he was active in the Georgia and Southern Baptist Conventions, helping to establish Georgia Baptist Hospital and serving on the board of trustees of Truett McConnell College.

Even though they buried Roy P. Otwell last week, the legacy of the man lives, because he chose to give himself to his community.

THE 40TH WEDDING ANNIVERSARY OF MR. AND MRS. CARL WALKER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. LIPINSKI. Mr. Speaker, it is my pleasure to bring to the attention of this Congress two fine constitutents from my District, Mr. and Mrs. Carl Walker. On November 29, 1987 the Walkers celebrated their 40th wedding anniversary.

Mr. and Mrs. Walker's marriage is a tribute to the strength and stability of family life. In a time when many marriages are short-lived, it is encouraging to see such a wonderful example of love and commitment.

I am sure that my colleagues join me in congratulating Mr. and Mrs. Walker on this joyous occasion.

TRIBUTE TO LT. COL. HAROLD LESCHZINER

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Lt. Col. Harold Leschziner, of East Northport, NY, who was recently awarded the Bronze Star for Valor for his heroic actions during the Vietnam War.

Lt. Col. Leschziner was drafted to serve in the Army in 1950, but was not to report for duty until April 1951. Rather than wait that long for the opportunity to serve his country, he enlisted in the Army in January 1951. This was the beginning of a long and distinguished career of service to his country in three branches of the service: the Army, Air Force, and National Guard.

Lt. Col. Leschziner was a career military man. He saw active duty in both Korea and Vietnam. He has witnessed the horrors of war first-hand, and never hesitated to put his life on the line for the sake of fellow servicemen. To me, Lt. Col. Leschziner is clearly an American hero.

Mr. Speaker, on January 24 in a special ceremony, Lt. Col. Leschziner was awarded the Bronze Star for Valor. I would like to thank the Northport American Legion Post 694 for organizing this event. I know that Lt. Col. Leschziner is truly grateful for the time and effort the post invested to put together this gala ceremony. Although I could not attend, I am proud that my office was able to assist in obtaining the Bronze Star for Lt. Col. Leschziner, as he truly deserves it. Lt. Col Leschziner is a true patriot, and I am proud to have the opportunity to pay tribute to him on this special occasion.

LEGISLATION AMENDING THE EXPORT ADMINISTRATION ACT OF 1988

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. MARKEY. Mr. Speaker, today I am pleased to introduce the Export Administration Judicial Review Act of 1988. This legislation amends the Export Administration Act [EAA] of 1979 to provide for judicial review in certain cases of its violation.

The Export Administation Act was carefully crafted to achieve important national security goals and at the same time uphold the right to due process under the fifth amendment to the Constitution. However, a recent interpretation of an important provision of the 1985 amendments to the EAA has made a mockery of this constitutional right. The Export Administration Judicial Review Act will permit those American citizens who have been denied due process under this interpretation to have their day in court. And it will prevent such abuses from occurring again.

Prior to congressional action in 1985, the Commerce Department's own regulations covered the final disposition of judicial decisions made in cases of violation of the EAA. The options open to the Secretary of Commerce included "affirming, modifying, or reversing the order of the presiding official * * *."

Thus, as it considered EAA amendments in 1985, Congress knew that the Commerce Department's rules gave the Secretary almost unlimited discretion and power to dispose of the decisions of independent judges.

Recognizing the sensitivity of the issues considered under the EAA, Congress continued to leave the final decision in the hands of the Secretary of Commerce. However, with the 1985 amendments, Congress did act to limit the scope of the Secretary's discretion. Specifically, Congress intended to prevent the Secretary from being able to arbitrarily overturn the decision of an administrative law judge.

This intent is made clear in section 13(c) of the EAA Amendments of 1985. Section 13(c) designates that in disposing of the decisions of an administrative law judge the Secretary shall "affirm, modify, or vacate the decision of the administrative law judge. * * * The order of the Secretary shall be final and is not subject to judicial review."

The word "reverse" was dropped from the legislation codifying the Commerce Department's regulations, clearly intending to limit the authority of the Secretary to affirming, modifying, or vacating a judge's decision.

But since the enactment of the 1985 amendments an Assistant Secretary of Commerce has taken the decision of an administrative law judge and reversed it.

This was done in a case where, according to the judge in his written decision, the "record failed to establish any violation of the Export Administration Regulations" by the plaintiff. Even so, the Assistant Secretary of Commerce, in a broad interpretation of the word "modify," summarily reversed the decision and imposed a 15-year denial of export privileges and a $150,000 civil penalty on the plaintiff.

Thus, an American citizen was charged with a violation of the EAA by the Department of Commerce, tried by an administrative law judge, found innocent, and then convicted by the Department, notwithstanding the judge's contrary findings and conclusions of law.

As the EAA now stands, there is no provision for judicial review in such a situation. The Export Administration Judicial Review Act of 1988 addresses this problem. The bll has three major provisions. First, it provides for judicial review in certain cases of violation of the act. The Senate has already passed legislation providing for limited judicial review—it is included in its version of H.R. 3, the Omnibus Trade Act of 1987. My legislation follows the guidelines adopted by the Senate. It gives parties a right of judicial review under the EAA when a civil penalty or other sanction would be imposed for violation of the EAA. Provisions of the EAA touching on national security or foreign policy concerns remain exempt from even this limited right to judicial review. Other sensitive areas such as the Government's right to establish a control list and make licensing decisions are also not subject to review.

Second, my legislation provides that the limited right to judicial review applies retroactively to those cases where the Secretary of Commerce has acted to reverse the decision of an administrative law judge and those cases currently before an administrative law judge which are not specifically exempted. This would not open up the court system to a flood of new litigation. Rather, it would apply to a maximum of five cases and ensure that none of those who have found themselves at a legal dead end is denied their right to due process.

Third, the Export Administration Judicial Review Act clarifies Congressional intent that hearings before an administrative law judge held in accordance with section 13(c) of the act, for purposes of the Equal Access to Justice Act, constitute an adversary adjudication.

I urge my colleagues to support the Export Administration Judicial Review Act of 1988, and prevent further violations of the right to due process.

THE CUYAHOGA COUNTY BAR ASSOCIATION 42D ANNUAL PUBLIC SERVANTS MERIT AWARD RECIPIENTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. STOKES. Mr. Speaker, on February 24, 1988 the Cuyahoga County Bar Association will host its 42d Annual Public Servants Merit Awards Luncheon. This event recognizes the exceptional work and contributions of selected county court system employees. The association has designated its luncheon as the Franklin A. Polk Public Servants Awards salutation in recognition of the 40 years that Attorney Polk served as its chairman.

I would like to salute the Cuyahoga County Bar Association and this year's four public servant award recipients.

The honorees are: Daniel R. Dugan, senior file clerk, probate court; Jon C. Kleri, probation officer, Cleveland municipal court; Brian P. Sexton, legal department, juvenile court; and Dorothy A. Tvergyak, director, index department, county clerk's office.

At this time I am pleased to share the accomplishments of the honorees with my colleagues.

Mr. Daniel R. Dugan joined the probate court 30 years ago, after a 3-year stint at Ohio Bell. His service as keeper of the court's files and records is very important to the smooth operation of the probate division, Judge Francis J. Talty noted in his nomination letter.

Mr. Dugan married Dolores Bysiek in 1975 and they hope their three children, Bonnie Piche, Christine Milburn, and Michael Dugan will be in the audience leading the applause on their dad's day in the community celebration.

Mr. Dugan was born in Baltimore, but he attended local St. Patrick's Elementary and William Dean Howells Junior High. His high school diploma was earned at Gibault, located in Terre Haute, IN.

From 1952 to 1955, Dan Dugan capped his Mediterranean area naval service winning both a National Defense Medal and the Navy Occupation Service Medal embellished with a Europe Clasp.

Mr. Speaker, the second honoree, Mr. Jon C. Kleri, commenced his Cleveland Probation Department employment in 1960, following a 15-month position as an enforcement officer with Ohio's Department of Liquor Control.

For 28 years Mr. Kleri has conducted court-ordered investigations of the social backgrounds of offenders and has participated in recommendations to the Selective Intervention Program, to the court's presentence reports and in some instances to the expungement of past offenses in the final disposition of cases assigned to him.

Mr. Kleri is a graduate of Cathederal Latin High School, 1952, Case Western Reserve University, 1958, and of Cleveland Marshall Law School, 1966. He was admitted to the Florida bar in 1973.

His army service in Okinawa from 1954 to 1956 was distinguished as chief of the fire direction control of its atomic artillery.

Mr. Kleri is the author of the January 1966 law review article at Cleveland Marshall entitled, "Judicial Notice of Scientific Facts". His cultural hobbies lure him to attendance of local productions of live theater, opera, and ballet.

Mr. Brian P. Sexton came to the juvenile court in 1962 as a probation officer and has advanced to the position of administrative assistant of its legal department, as well as acting manager of its intake department.

Mr. Sexton is a graduate of St. Joseph High, where he taught from 1960 to 1962, after earning a bachelor of science degree from John Carroll University in 1960. His legal training was obtained at Cleveland Marshall Law School.

Mr. Sexton married Janet Owens in 1963 and their three children are Daniel, 27, Sheila, 19, and Megan, 11. He was called to service in the U.S. Army as a captain from 1964 to 1966, and returned to the juvenile court upon his discharge.

Mr. Sexton continues his concern for people in his court work as well as in his private life, Judge Kenneth Rocco, his employer, advises:

> He has dedicated himself to helping the children and the families who seek assistance in our court, as well as servicing youth in his community and in his church activities.

Mrs. Dorothy A. Tvergyak, the fourth honoree, began her career in 1960 while Emil J. Masgay was county clerk in the microfilm department. In 1967, Mrs. Tvergyak was transferred to the civil division, legal section, where she worked on journals, certified documents and Soundex—index—requests. Upon Helen Auslander's retirement in 1978, Mrs. Tvergyak

succeeded her as department head. County Clerk Gerald E. Fuerst reports that:

> Mrs. Tvergyak's ability to function in multidepartments on a moment's notice makes her a very valuable employee. She continues to lend an able hand to whatever department happens to be shorthanded. She is dependable, hard working, and is never late for work.

Mrs. Tvergyak is a widow, residing in Garfield Heights. She is a graduate of John Adams High School. Her children are Mrs. Joan Cort, of Miami, FL, Joseph and Mrs. Dorothy Dienes. Besides the joy of nine grandchildren she is most happy when an attorney compliments her for going out of her way to find an answer to a difficult inquiry.

Mr. Speaker, it is a special honor for me to join in the salute to these exemplary public servants. Employees such as Mr. Dugan, Mr. Kleri, Mr. Sexton, and Ms. Tvergyak make the system work for all of the residents of the Cleveland metropolitan area.

I join with the Bar Association, its president, Mr. Martin G. Lentz, and the Merit Awards Committee chairperson, Mrs. Mercedes K. Spotts, in paying tribute to the 1988 Public Servant Award recipients.

SAFETY FOR MORRO BAY HARBOR

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. PANETTA. Mr. Speaker, today I am introducing a bill to direct the Corps of Engineers to take action to remedy an extremely dangerous condition at the entrance to Morro Bay Harbor in California. The bill requires the corps to dredge the harbor to a depth of 40 feet, to modify the entrance to the harbor and to take other actions necessary to make the harbor safe.

This action is critical. Extremely high waves at the entrance to the harbor regularly create dangerous navigation conditions. Since 1964, at least 15 individuals have lost their lives attempting to navigate the entrance. The most recent death occurred on November 9, 1987, and involved a man widely regarded as one of the area's most experienced and careful commercial fishermen. In addition, there have been terrifying accidents in which loss of life has been avoided only by heroic rescue efforts. The most dramatic of these accidents was the capsizing in 1983 of the *San Mateo*, a 45-foot whale-watching vessel carrying 23 schoolchildren and several adults. It is ironic, in light of these deaths and accidents, that Morro Bay Harbor is the only port of refuge between Monterey and Santa Barbara, along the often treacherous waters of the California coast.

The Corps of Engineers is nearing completion of a reconnaissance report on the harbor. It is my understanding that the report will find that dredging to a depth of 40 feet and changes in the configuration of the entrance would be a cost-effective means of improving the safety of the harbor. Under the normal practices of the corps, however, additional studies would be required and work would not begin before 1992.

This delay is not acceptable. Unless remedial action is taken as soon as possible, additional lives will be needlessly lost and endangered. In addition, concern within the fishing and boating community about the dangerous conditions in the harbor may also result in a diminution in use of the harbor, causing economic harm to Morrow Bay and those who depend on the harbor for their livelihood.

The legislation which I am introducing would direct the corps to do the work necessary to make the harbor safe again. It would also remove any doubt as to the corps' authority to do the deeper dredging work. Most importantly, it would restore the harbor as a port which can be safely used and enjoyed, and which can offer refuge to all vessels in distress. I look forward to working closely with my colleagues on the Committee on Public Works and Transportation to ensure passage of this bill.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the navigation project for Morro Bay, California, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 21), is modified to direct the Secretary of the Army, acting through the Chief of Engineers—

(1) to extend and deepen the entrance channel for Morro Bay Harbor to a depth of 40 feet not later than six months after the date of the enactment of this Act and thereafter maintain such channel at such depth; and

(2) to carry out and maintain such other improvements at such harbor as the Chief of Engineers determines to be necessary to allow safe navigation into and out of such harbor.

BLACK HISTORY MONTH

HON. MICHAEL DeWINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. DEWINE. Mr. Speaker, we have all come here today to commemorate Black History Month. It is particularly fitting that we are celebrating Black History Month for the people in my district in Ohio, and across the country, because the National Afro-American Museum and Cultural Center in Wilberforce, OH is making preparations for its grand opening in April.

As you all know, in 1980 Congress passed and President Carter signed legislation to establish a national commission responsible for developing plans to create a national center for the study of Afro-American History and Culture. Since that time, the people of Ohio have done a great deal to make these plans a reality, including contributing $10 million to the project. In addition, the project staff solicited funds from a number of public and private sources to ensure that the museum had the necessary resources to be a truly national museum.

At this point, the first phase of the museum, which contains about 35,000 square feet of space, has been completed. The one-story granite structure will house a number of exhibitions. Three later phases are scheduled to be constructed to house a children's museum, a library and manuscript division, an art gallery, and support facilities.

Wilberforce is a very appropriate location for a museum which details our Nation's black history. Ohio played an important role in the underground railroad which brought black slaves to the North and freedom. Furthermore, Wilberforce has distinguished itself as a center of learning for black scholars for over a century. The museum is located near two fine historically black universities, Central State University and Wilberforce University. Both of these universities have been extremely supportive of the museum, and the presidents of the universities have played significant roles in the development of the museum.

Before now, the national history of 30 million Americans of Afro-American descent has been largely ignored. The museum in Wilberforce will redress this situation because it will be a truly national center for the study of Afro-American history and culture, chronicling the history of Afro-Americans from African villages to present-day American society. The museum will house a collection of documents, photographs, artifacts, and other examples of the Afro-American experience.

It is a project of which many Ohioans are rightly proud. But, when it opens in April, the museum will belong to all of us in this country. During Black History Month, I think it is important not only to celebrate black history, but also to recognize those who are committed to maintaining the memory of that history. Consequently, I want to take this opportunity to thank and salute all of the people who have worked so hard to build the museum and fill it with exhibits so that all of us will be able to have one national center which keeps the memory of American black history and culture alive.

CLAIMS AGAINST THE UNITED STATES FOR NEGLIGENT MEDICAL CARE PROVIDED MEMBERS OF THE ARMED FORCES

SPEECH OF

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1054) to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care.

Mrs. SCHROEDER. Mr. Chairman, I support Representative BARNEY FRANK's bill, H.R. 1054, to give active duty members of the armed services the right to sue the Federal Government for medical malpractice. Our soldiers should have the same rights that civilians enjoy.

The Department of Defense opposes H.R. 1054, arguing that allowing soldiers to sue for medical malpractice would impede the performance of the military in combat. DOD's argument is wrong, because the bill is limited to medical malpractice that occurs at fixed medical facilities within the United States. Medical activities in combat zones are not covered by the bill.

The military should be just as responsible as its civilian counterparts for medical malpractice. Essentially H.R. 1054 is about fairness, and that is why I am voting for the bill.

THE LEGACY OF THE NEW JERSEY SUPREME COURT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. RODINO. Mr. Speaker, the citizens of New Jersey are justifiably proud of the important role that the New Jersey Supreme Court occupies in American jurisprudence. For law students and jurists throughout the United States, the court is an institution respected for being in the forefront of legal scholarship.

Under the leadership of Chief Justice Arthur Vanderbilt and his successor, Joseph Weintraub, the New Jersey Supreme Court's opinions became legal classics and the court emerged as a "bellweather" court for the Nation. In the past 15 years, guided by former Governor and Chief Justice Richard Hughes and current Chief Justice Robert Wilentz, the New Jersey Supreme Court has maintained its national reputation for high-caliber professionalism and leadership.

This respect was clearly evident at the recent American Bar Association Convention in Philadelphia. With your permission. I would like to include in my remarks a Star Ledger article by Herb Jaffe which highlights the enduring contributions of the New Jersey Supreme Court.

HISTORY SERVES OUR TOP COURT QUITE RESPECTFULLY

PHILADELPHIA.—For decades law school students across the country have read about New Jersey in their law libraries, where such best-sellers can be found as the works of the New Jersey Supreme Court during the Vanderbilt years and the Weintraub years, works that are held among the classics when compared to all other state supreme court opinions.

Arthur Vanderbilt, who became chief justice in 1948, and Joseph Weintraub, who followed him in that role, were towering jurists and prominent figures for more than 25 years as the nation's legal minds looked with consistant and enviable respect at the work of the New Jersey Supreme Court.

What some of the most sophisticated court-watchers may not realize is that the work of the New Jersey Supreme Court over the last 15 years, guided first by former Governor and Chief Justice Richard Hughes and for the last eight of those years by Chief Justice Robert Wilentz, is no means the record of a "back-seat" court.

The truth is that despite the New Jersey court's occasional critics, both from within and without the legal profession, the state's Supreme Court is viewed by the legal masses with a degree of respect that possesses little equal.

It only takes attendance at an American Bar Association (ABA) convention to realize the court has retained its high-caliber national reputation as a scholarly tribunal, establishing New Jersey as a "bell-wether" court for the nation.

ABA conventions bring together some of America's best-informed judges and lawyers.

It was in that environment one day last week that Professor George Annas of Boston University School of Medicine announced before a conference of 200 lawyers, doctors, psychiatrists and others, dealing with birth, death and the law: "Three cheers for the New Jersey Supreme Court for being very clear and saying it the way it had to be said."

Annas was referring to the court's Baby M surrogate-motherhood decision. Others attending the ABA-sponsored conference said many states were awaiting the ruling before their courts and legislatures would act on the surrogacy issue.

The special conference, where several participants reacted with similar respect for the way the court handled the Baby M decision—regardless of any personal viewpoints on the issue of surrogacy—drew its audience from every sector of the country and from several nations.

One of the participants was Paul Armstrong, the lawyer who represented Karen Ann Quinlan. She was the comatose young woman who in March 1976, won the right to die with dignity under a landmark decision written by Hughes.

"Do you know what's especially interesting about this whole program?" Armstrong asked of the conference entitled "Birth, Death and Law,"

"This program represents the labors of the New Jersey Supreme Court. Our court was the catalyst for most of these issues," said the attorney from Bridgewater.

"It's not just Baby M and Karen Ann Quinlan either. In 1985 the court came down with the Claire Conroy decision," he added. That ruling dealt with the question of living wills.

And last June the Supreme Court ruled on the "trilogy"—three cases which dealt with the question of whether artificial nutrition and hydration should be provided for permanently comatose patients.

The cases involved Nancy Ellen Jobes, Hilda Peter and Kathleen Farrell, and the Supreme Court said that families and physicians could withhold feeding the permanently comatose.

"All of those decisions have played a major role not only in the formation of this conference, which was about a year in the making, but also in the two days of heavy discussion," Armstrong said.

And certainly Armstrong should know. He is vice chairman of the New Jersey Bioethics Commission, a nationally recognized expert on euthanasia, right to refuse treatment and treatment decision-making, and he was moderator for a conference workshop on euthanasia and mercy killing.

"There is a historic uniformity, from the Quinlan decision right up to Baby M. It is a court whose voice is constantly being heard universally, and it is a court New Jersey can refer to with great pride," Armstrong commented.

"I have traveled to 37 states and six countries to talk about the principles enunciated by the New Jersey Supreme Court, all of which have had enormous impact," he added.

It was no easy task for a judge from New Jersey to restrain himself from commenting on some of the matters discussed during the "Birth, Death and Law" conference, especially if he happended to be Stewart Pollack.

Pollack is an associate justice of the same Supreme Court that rendered the Baby M ruling last week and most of the other decisions referred to by Armstrong. It was only as a result of the court's decision in Baby M one day before the start of the conference that Pollack was able to attend, to avoid any potential conflict.

"I'm here to listen and to be educated on some fascinating subject matter. I avoid all inquiries about any cases that we have decided," Pollack said.

"But I think it's fair to say that I feel genuinely proud of our court. There's no question, we are a bellwether court. Our work has been projected into the forefront at this conference," he added.

Pollack was putting it mildly.

JIM WHITE TO BE HONORED

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. SMITH of New Jersey. Mr. Speaker, on Wednesday, February 24, 1988, Jim White of Hamilton Township, NJ, will be honored at the Bishop Griffin Assembly Patriotic Dinner.

Jim joined the Knights of Columbus in 1971 and is currently a fourth degree member. A past grand knight of Hamilton Council No. 6213, Jim has been very active on various committees. Since 1982, he has served as New Jersey State Council March for Life chairman. In this capacity, he has organized thousands of knights and their families to participate in the annual prolife commemoration of the U.S. Supreme Court's tragic Roe versus Wade decision.

In 1960 Jim married the former Jill McDonough. Since that time, God has blessed them with six children: Mary Jean, John, Stephen, Gregory, Christopher, and Elizabeth. An encountered couple, the Whites are active members of Our Lady of Sorrows Parish where Jim was an extraordinary minister and is past president of the Holy Name Society. Jim and Jill were also on the planning team commissioned by the bishop to aid in the development of a pastoral plan of action for the Diocese of Trenton.

A licensed professional engineer, Jim worked for various civil engineering firms before joining the New Jersey Department of Transportation as a design engineer. After working for several years in design and later in development of computer solutions to design problems, he obtained an MBA from Rider College. Switching to the administrative field, Jim is presently assistant commissioner, management and budget, at the New Jersey Department of Environmental Protection.

In addition to his service with the Knights of Columbus and the Holy Name Society, Jim White has been involved in numerous community organizations. He has been a board member of the Mercer County Catholic Welfare Bureau, president of the Mercer County Right to Life Committee and trustee of Citizens Concerned for Life, New Jersey. Jim has also been a member of the Diocese of Trenton Renew Committee, the Catholic League for Religious and Civil Rights, and the Cook Athletic Assocaition.

Mr. Speaker, I have had the good fortune to know Jim White and his family for many years. Jim and Jill have been tireless defenders of the sanctity of life and have consistently dedicated themselves to serving their community. The Knights of Columbus have chosen well in honoring such an outstanding individual—Jim White.

CLAIMS AGAINST THE UNITED STATES FOR NEGLIGENT MEDICAL CARE PROVIDED MEMBERS OF THE ARMED FORCES

SPEECH OF

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. LATTA. Mr. Speaker, in recent months I do not know of anyone who has not spoken out against the deficit, how we have to control it, et cetera, et cetera, et cetera, but now we come with a bill today that opens up a whole new category of claims on the Federal Treasury. It will allow active duty military personnel to sue the United States for damages for personal injury or death resulting from negligent medical or dental care provided in fixed medical facilities operated by the Department of Defense or the United States.

While the estimated cost of this bill is $25 million per year, the truth of that it is very difficult to predict the cost of medical malpractice awards. It would not surprise me if the actual cost of this legislation turned out to be a major budget figure.

Mr. Speaker, it should be noted that the administration opposes this bill and does so very strongly. According to a policy statement provided in the Rules Committee, the President's senior advisers would recommend that he veto the bill if presented to him in its present form as it is before us today.

The administration finds this bill objectionable because it would legislatively limit the Supreme Court's longstanding Feres doctrine, which holds that "the Government is not liable under the Federal Tort Claims Act for injuries to servicemen where the injuries arise out of or are in the course of activity incident to service." There already exists a separate, uniform, comprehensive, and no-fault compensation process for military personnel.

The administration also objects to this bill because it would involve the courts in the review of military command decisions, thereby weakening military discipline and disrupting the unique relationship between servicemen and the military.

☐ 1600

Another problem is that the bill will result in an inequity by permitting service-incident claims to be determined by nonuniform local laws. The administration suggests that if Congress concludes that additional compensation should be available to service personnel injured by military medical malpractice then the administration would not object to the establishment of an administrative medical malpractice compensation program under the operation of the Military Claims Act.

This alternative would ensure an unbiased review of these claims without requiring the judicial branch to second guess military decisions.

For all these reasons, Mr. Speaker, the bill made in order under this rule should not and undoubtedly will not be enacted into law.

ACCOUNTING FOR FARMERS, WHY MAKE IT DIFFICULT?

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. ROTH. Mr. Speaker, recently I introduced H.R. 3903, the Family Farm Tax Accounting Relief Act of 1988. This measure is designed to restore simplicity and fairness in recordkeeping for our Nation's family farmers.

As the Tax Code stands, farmers raising dairy cows, beef, or horses are literally faced with a recordkeeping nightmare. Under section 263A, farmers have the choice of capitalizing their expenditures for livestock with a preproductive period of more than 2 years or risk a significant penalty for electing to use the cash accounting method. Either way, the farmer loses.

The Tax Reform Act of 1986 was intended to simplify the Tax Code; however, section 263A succeeded in complicating the life of the dairy farmer, cattleman, and horse breeder. In the past, farmers and ranchers were allowed to deduct expenses as they were incurred. To abide by the capitalization requirement, they now must keep detailed records on the feed, housing, utilities, and medical treatment allocated for each individual animal. Expenses for failed inseminations, deaths, and the sale of young male calves will have to be meticulously separated out. Clearly, this is an unwieldy provision which only succeeds in creating more problems for the American farmer.

The option of using cash accounting is available, but at a high cost. If the farmer deducts expenses for young livestock during the year incurred then he is required by law to use straightline depreciation. All the assets of the farm would be subject to straightline depreciation and not just those for replacement livestock. In some instances, tax benefits from first-year depreciation could be reduced by as much as 50 percent.

The intent in crafting section 263A was to limit tax-shelter investors in agriculture who have abused cash accounting. This abuse should be discouraged, but not at the expense of honest family farmers.

H.R. 3903 has two parts. First, it would simply repeal the capitalization requirement of preproduction expenses. Second, to offset the revenue cost of repealing section 263A for animals, estimated at no more than $550 million over the next 3 years by the Joint Committee on Taxation, my legislation would bar the use of cash accounting to farming businesses with annual sales of more than $5 million. Approximately $1.2 billion in new revenue would be generated over the next 4 years by allowing only the small family farmer to use cash accounting.

Establishing a cap of $5 million would be consistent with current tax law governing other businesses. It is reasonable to end the practice by a few large corporate farms of distorting their financial earnings. Cash accounting has provided an inappropriate incentive for large corporate farms, many with annual sales in excess of $100 million, to shelter income at the taxpayers' expense. Eliminating this inequity would be fiscally responsible and fairer for the family farmer.

Cash accounting was originally designed to ease the burden of recordkeeping for small farmers and businessmen by exempting them from calculating any changes in the value of their inventory or nonproductive livestock. It makes little sense to further handicap the small dairy farmer, whose tax liability is already increased with the repeal of the investment tax credit and capital gains exclusion, by requiring the use of a complicated and time-consuming method of accounting.

Mr. Speaker, significant savings would be realized from my proposal and I urge my colleagues to support this needed and responsible change to the tax code.

A MAN OF VISION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. PACKARD. Mr. Speaker, it is indeed rare in today's society when a true man of vision comes along and during the course of his life makes a dramatic impact on his country, his fellow man and his own family.

Fortunately, there are men of the highest caliber who fit the description as men of vision and I am proud to call one such man, Fayette Birtcher, a true friend and adviser.

What makes Fayette—or F.E. as he is known—special, is that this man of vision is legally blind, the victim ol retinitis pigmentosa. In F.E.'s case, victim is not the right word to describe a man who over 60 years ago started a family owned development firm that today ranks 10th in the Nation.

While building the Birtcher Co. to a place of prominence in the United States, F.E. never forgot to help others less fortunate, including counseling those afflicted with retinitis pigmentosa.

Because of his dedication to helping others, Fayette Birtcher has been selected the "1988 Man of Vision" by the Retinitis Pigmentosa International, Orange County chapter. F.E. is the first recipient of this award and he will be honored at a special benefit gala on Saturday, February 27, 1988, in Newport Beach.

One of his favorite sayings, which exemplifies his overall philosophy, is that "blindness is a poor excuse for not trying."

F.E. has accomplished much during the 60 years he has been trying his hand in the development of Orange County. His start in the real estate industry was initiated during the Depression. After studying entomology at Oregon State University and UCLA, the Santa Ana High School graduate decided he wanted a career working in the citrus groves of the county.

When banks began foreclosing on the citrus operators during the Depression, Birtcher was there, ready to buy the groves. Back then 20 acres of land sold for $1,000, a fourth of its value today. He continued operating the groves through World War II when he decided there was a future in real estate development. One major development deal followed another and before long he had built one of the most respected companies in the Nation.

One of the Birtcher trademarks is the beautiful architectural designs incorporated into many of the buildings. Unfortunately, F.E. has not been able to see many of the buildings developed by his company.

During this time he also brought his two sons, Ron and Art, into the business and they, in turn, have continued the tradition by bringing their own children into the company.

Today, F.E. is retired and is enjoying the rewards of his many years of hard work. When he is not supervising the upkeep on the family's beautiful 8-acre Rancho de Dios estate in San Juan Capistrano, the 79-year-old patriarch is on the phone counseling others who have been afflicted with the degenerative, and usually hereditary, disease that causes a progressive loss of vision and eventual blindness.

His message is always the same: Despite the drawbacks of not being able to see, you must move forward and keep on trying. Make the extra effort and you'll find plenty of room at the top.

America is indeed fortunate to have such a man of vision who through his untiring efforts, has made room at the top for not only himself, but many others.

MINING AND MINERAL RESOURCES RESEARCH INSTITUTE ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. RAHALL. Mr. Speaker, in my view, the United States is fast approaching the point of no return with respect to mining and minerals education. Without continued Federal support to institutions of higher learning embodied by the Mineral Institutes Program, originally authorized by the Surface Mining Control and Reclamation Act of 1977 and reauthorized in 1984 by legislation originating in the Committee on Interior and Insular Affairs, I fear the Nation will find itself in a crisis situation in the near future.

Our coal industry continues to struggle with improving its worldwide competitiveness. We continue to be overly dependent on foreign and often politically volatile sources for many strategic and critical minerals. And, there is a great deal of room for improvement in areas involving the health and safety of this Nation's mining work force.

If we are to tackle these issues, efforts must be made today to educate students in the mining and minerals fields so that a body of trained professionals will be available in the future.

In this respect, today I am introducing legislation to reauthorize the Mineral Institute Program for an additional 4 years beyond its current fiscal year 1989 expiration date.

I am especially pleased to note that Committee on Interior and Insular Affairs Chairman Mo Udall is joining in the introduction of this bill as an original cosponsor, as is committee member Bill Emerson.

The Mineral Institutes Program is administered by the U.S. Bureau of Mines. Through annual appropriations, Mineral Institute programs located at 32 colleges and universities are funded as well as 6 generic mineral technology centers. These centers are composed of a consortium of universities which pool their resources in a specific area of research. West Virginia University, for example, is party to the Generic Mineral Technology Center on Respirable Dust as well as the newly established National Mine Land Reclamation Center.

On March 22, the Subcommittee on Mining and Natural Resources will conduct a hearing on this matter. I expect we would then proceed to subcommittee and full committee markup during the month of April.

KIM BRECKINRIDGE "BIKES THE BIBLE"

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. RITTER. Mr. Speaker, Kim Breckinridge of Lower Macungie Township in the Lehigh Valley of Pennsylvania, is a member of Wandering Wheels, a biking club out of Taylor University. With Christian fellowship as the key basis for its founding, Wandering Wheels goes on tours throughout this country and foreign lands as well. Accompanied by professors, and by taking notes and reading about the lands they visit, 80 percent of the student-members take these tours for college credit.

Kim recently took a tour of Israel with Wandering Wheels. The group biked around the perimeter of the country from Jerusalem to the Mediterranean; to the Sea of Galilee; to the Dead Sea; and included a ride to the top of Mount Masada where the remnants of the Jewish nation made their last stand against the Roman army after the destruction of Jerusalem.

Kim relates that the tour brought her and the others close to the land and the people. They traveled through the desert, mountains, tropics, and coastlands and experienced first hand, an intimate relationship to all of these terrains. Kim also reports that the group was continually interacting with both Arabs and Israelis throughout the trip on a very friendly basis. According to Kim, the Wandering Wheels, despite early warnings from their friends as to possible danger, were low-keyed and relaxed, generating good will all along their route where it was just people meeting people in a peaceful setting.

Mr. Speaker, when we consider the turmoil and unrest in that area today, I am sure we all wish we could export the Wandering Wheels to travel regularly throughout the land. Under unanimous consent, I include an article from the February 4 issue of the Allentown Morning Call concerning Kim's trip.

Cyclist Takes Trip of a Lifetime—"Wanderers" Pedal Throughout Israel

(By Melanie Devault)

"Everyone told me 'you're crazy to go to Israel now. There's so much rioting,' " Kim Breckinridge said she was constantly told by friends when she mentioned her planned bicycling tour of that country last month.

"But I said if I don't go because I'm afraid I'll miss out on a lot," the 24-year-old Lower Macungie Township woman answered, time and again, with conviction.

And sitting in her kitchen last week, having just returned Jan. 22 from the three-week trip of a lifetime, Kim said she, indeed, would have missed a lot had she given into fears.

"I would have missed out on so much. The soldiers were so kind—the only time I was afraid was when we were told by our group leaders to call home after a big riot in the country to tell our families we were okay. Then we said, wow, we're in the middle of this!" she said.

According to the United Nations, the Associated Press reported earlier this week, 39 Arabs have been killed by Israeli gunfire since protests began Dec. 8. Palestinians have been demonstrating against the Israeli occupation of lands seized during the 1967 Middle East war.

Kim toured Israel with a bicycling group, Wandering Wheels, out of Taylor University in Indiana. She was the only participant from Pennsylvania (she and a friend from New York decided to make the journey together. The only other easterner was from Maryland).

"I found out about this group in high school," Kim, a long-time bicycle enthusiast, explained. With her husband, Dan, in the Navy, she and a girlfriend had planned to take a cross-country bike trip. "Then I saw this Israel tour. I always wanted to see the Holy Land. And we saw so much by bicycle," she enthused.

"It's hard to describe my feelings about going to Israel," Kim said, explaining that her religious background made the trip very special. She is a member of Faith Evangelical Free Church, Trexlertown.

She and Dan had done short-term missionary work in Japan, and Dan was pretty excited for her to make the trip, she said. Kim's mother, Dottie Brown, commented, "Our family has gone together on missionary work and all of that, I think it has helped Kim to have that adventurous spirit."

Kim and her group of about 45 left for Tel-Aviv Jan. 1, and rented touring bikes

there. They traveled the perimeter of the country, up to 60 miles per day in smaller packs of six, on what she described as very difficult terrain.

"From Tel-Aviv, we were bused to Jerusalem and from there we rode our bikes to the Mediterranean Sea. We followed that north to Akko, and east to the Sea of Galilee. We hit a major windstorm heading to the Sea of Galilee.

"Then we went 100 miles down the West Bank—the rioting everyone here heard about was always behind us. We weren't afraid because we had a big group and our leader called our embassy every day to check that it was safe where we were going. We saw military all the way," she said.

The only trouble the group encountered, she added, was on the West Bank, where some little children threw stones. "One man spit at us after he asked where we were from and we said America—America had just condemned Israel for some decision that day," she said, adding that most of the people, and soldiers, they talked to were extremely friendly.

From the West Bank, the group continued down to the Dead Sea area. Kim found that climbing Mount Masada there, going up snake-like paths carrying bikes, was one of the most challenging parts of the trip.

"We got to the top and all held our bikes up over our heads," she said, pointing to a picture in her scrapbook. Some of the most fun parts of the trip, floating in the Dead Sea and taking the popular mud bath, also took place in this area.

After that, the group headed toward the Mediterranean Sea via a 12-mile uphill hike through desert to Be'Er Sheva, and on to Ashqelon.

The group toured Jerusalem, the Old City, visiting the Church of the Holy Sepulchre, where tradition says Jesus was buried; the Wailing Wall, and the Dome of the Rock (where Jews are not allowed to visit and where much rioting has taken place).

"We rode a camel. We saw the Mount of Olives, and the Israel Museum where we saw the Dead Sea Scrolls. One of the most emotional days was visiting Yad Vashem and the memorial of the holocaust."

What surprised Kim most about the whole trip was "how different one small country can be. You have desert, mountains, tropical land, beach, so much variety as far as land goes. And it's all very rocky. All buildings are rock; it's a law that they use Jerusalem stone."

All in all, she feels that this is the best trip she has ever taken. "And with my family I've been to Costa Rica, Mexico and Canada and with my husband I've been to Puerto Rico, Japan, Hong Kong, China and Korea."

It was undoubtedly the religious nature of the trip that made it so very special, she said.

"This was where Jesus lived. You can picture it in your mind," she opined.

For Kim, the Israel trip may have been one in a million, but the adventure is certainly not over. She will continue to ride her bike as often as is possible before and after work (she started a new job in Emmaus last week), in preparation for a bicycle trip across America this summer.

A TRIBUTE TO MSGR. FELIX A. LOSITO

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the Reverend Monsignor Felix A. Losito of Reading, PA. On March 20, 1988, Monsignor Losito will be honored for 30 years of service in the priesthood and 20 years of service as pastor of Holy Rosary Church in Reading.

Monsignor Losito has had a long and distinguished career. He was born in Matawan, NJ, and grew up in the Philadelphia area. After his junior year in high school, he entered St. Charles Borremeo Seminary and was eventually ordained on May 15, 1948 in the Cathedral of Saints Peter and Paul by John Cardinal O'Hara. Monsignor Losito then celebrated his first mass at St. Patrick Church in Kennett Square, PA.

Monsignor Losito served in several parishes throughout southeastern Pennsylvania and was appointed as pastor of Holy Rosary Church on May 22, 1968. In recognition of his outstanding work, he was named monsignor by Pope Paul VI on May 18, 1977.

In addition to his many contributions to Holy Rosary Church and his parishioners, Monsignor Losito has been active in numerous community activities in our area. He has served as chairman of the Economic Opportunity Council, United Way director, board member of Pennsylvania State University and Alvernia College, and chaplain of the Italian Heritage Committee, Knights of Columbus and the Sons of Italy.

Monsignor Losito remains strongly committed to helping those in need. He is founder and national director of the National Society for Shut-Ins. He is also founder of the St. Joseph Catholic Soup Kitchen and a member of the Reading Shelter, the Greater Reading Council of Churches and the Berks County Food Bank. On the diocesan level, Monsignor Losito has served as regional director of the Family Movement for Berks County, spiritual director of Catholic Charities for Berks County and as a member of the diocesan fund committee.

Mr. Speaker, it is rare for one individual to have had such a profound positive effect on one community. In the Reading area, we have been lucky to have such a man in Msgr. Felix A. Losito. For 20 years, his commitment and dedication have helped brighten the lives of countless citizens in our area. On March 20, 1988, I am pleased that we will have an opportunity to thank Monsignor Losito for his many years of service. I know that my colleagues will join me in honoring Msgr. Felix Losito on this important occasion and in wishing him continued success and good fortune in the years to come.

TRIBUTE TO ASSOCIATE JUSTICE ANTHONY M. KENNEDY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. MATSUI. Mr. Speaker, it gives me great pleasure to rise to pay tribute to Anthony M. Kennedy, who is to be sworn in as an Associate Justice of the U.S. Supreme Court today. This is indeed one of the highest honors that this Nation can bestow upon an individual, and it is a special day for all of us who know Judge Kennedy.

This Nation has placed a great trust in Judge Kennedy. The Supreme Court, as the highest court in our land, must interpret the words of our Founding Fathers, and help guide this Nation into the future. I know that Judge Kennedy's keen intellect and common sense will be of great value to the Supreme Court and to this Nation. As an Associate Justice of the Supreme Court, Judge Kennedy truly represents every American. Throughout his career, Judge Kennedy has been open-minded, and has listened and applied the laws of our constantly changing society. Judge Kennedy is truly deserving of this great honor.

I have had the distinct pleasure of knowing Judge Kennedy for over 30 years. We both grew up in Sacramento and I know that leaving Sacramento to come to Washington will not be easy for Judge Kennedy, his wife Mary, and their family. The McGeorge School of Law, where Judge Kennedy has taught since 1964, held a farewell ceremony, and over 1,500 people came to honor and say goodbye to Tony and his family. To all those who know Judge Kennedy, this outpouring of support comes as no surprise. He has led a distinguished career both as a teacher, lawyer, judge, and community leader.

Judge Kennedy was born in Sacramento in 1936, and he grew up in the same Land Park house where he lives today. He attended public schools in Sacramento, and later attended Stanford University, where he received his A.B. in political science in 1958. Judge Kennedy spent his senior year at the London School of Economics, and he graduated from Stanford with great distinction. He then went to Harvard Law School, where he received his LL.B., cum laude, in 1961. Judge Kennedy returned to Sacramento in 1963 to assume his late father's practice. Just 2 years later, Tony formed the firm of Evans, Jackson & Kennedy, which practiced general and appellate law.

In 1975, Judge Kennedy was appointed to the ninth circuit court by President Gerald Ford. Since that time, Judge Kennedy has distinguished himself as a man of great integrity, as a man who thoroughly reviews each case that comes before him and carefully crafts his position. The respect which he has earned in the legal community was clearly evident during the confirmation process conducted by our colleagues in the other body. Their unanimous vote to confirm Judge Kennedy was a clear indication of the highest confidence that we have in his abilities to serve on the Supreme Court.

Mr. Speaker, I know that I speak for the residents of the Sacramento area when I say how proud we are to see Judge Kennedy sworn in as a Supreme Court Justice. I am confident that Judge Kennedy will distinguish himself as an outstanding member of the Supreme Court, and that he will demonstrate the vision and integrity that have marked his career.

BEST WISHES TO TONY BATTISTA

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. PRICE of Illinois. Mr. Speaker, I would like to take this opportunity to say thank you to Mr. Anthony R. Battista, better known as "Tony." Tony will be leaving the House Armed Services Subcommittee on Research and Develoment after 14 years of dedication and hard work. He served the subcommittee well. I could always count on Tony whenever I needed anything done.

As chairman emeritus of the House Armed Services Committee, I salute you Tony and wish you the best of luck in your new endeavors.

A TRIBUTE TO EDWARD A. HOFFER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. LAGOMARSINO. Mr. Speaker, I rise today to congratulate Mr. Edward A. Hoffer on being awarded the Golden Condor Award by the Boy Scouts of America, Ventura County Council. This award, the highest that the council can bestow, was presented to Mr. Hoffer in recognition of his many years of service to the Boy Scouts.

Mr. Hoffer, a Camarillo businessman, moved to Camarillo in 1963 and has been active in community service ever since. He served as cubmaster and scoutmaster for his son's troops, first in Granada Hills and then in Camarillo. As an amateur magician/comedian, Mr. Hoffer has performed his comedy/magic show dozens of times for various scouting events. In addition, he serves on the council's board of directors and has acted as auctioneer for the annual Boy Scout auction, one of the council's biggest fundraisers, for the past 11 years.

Besides serving on the board of the Boy Scouts, Mr. Hoffer serves on the boards of the American Heart Association, the First Lutheran Church of Camarillo, the Camarillo Trade Club and the Oxnard Union High School District's Education Partnership Program. In addition, he is past president of the local chapter of the American Cancer Society, the Camarillo Noontime and Breakfast Rotary Clubs and the Camarillo Chamber of Commerce. In 1980 he was the Chamber's Man of the Year and is an honorary member of the chamber. Mr. Hoffer is a member of the Magic Castle in Hollywood, an exclusive fraternity of magicians, and is a member of the Academy of Magic Arts.

I request that my colleagues join me today in congratulating my friend Ed Hoffer on receiving the Golden Condor Award, and in saluting his outstanding contributions to the Boy Scouts and the Camarillo community.

HANDGUN VIOLENCE PREVENTION ACT OF 1988

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. SMITH of Florida. Mr. Speaker, today I am introducing the Handgun Violence Prevention Act of 1988. This bill would prohibit the transfer or possession of any new handguns commonly referred to as "Saturday Night Specials."

Let me emphasize that this is not a confiscation bill. It does not affect these cheap handguns legally possessed in the United States. The bill, however, would prevent the sale or transfer of new cheap handguns and would prevent future transfer of existing cheap handguns.

As you know, Saturday Night Specials are cheap, short-barreled, concealable, inaccurate handguns. These handguns statistically are more likely to be used in crimes than average handguns. In addition, assassins favor such weapons. William McKinley, Ronald Reagan, George Wallace, and Robert F. Kennedy were shot with small, short-barreled guns. In fact, since 1835, 10 of the 15 assassination attempts against Presidents or other political figures involved these guns.

Because they tend to be poorly made—often without positive safety mechanisms, these handguns are prone to discharge accidentally without having the trigger pulled. Too often this leads to unintentional injury or death.

Finally, it is illegal to import assembled Saturday Night Specials into the United States. However, because of a loophole allowing component parts to be imported, this prohibition often is circumvented by assembling imported parts in this country and selling the weapon in the United States.

Mr. Speaker, we are approaching the 20th anniversary of the murder of Senator Robert F. Kennedy by an assassin using a Saturday Night Special. If we have the courage to do what is right, we will complete the work that Congress began in 1968 and outlaw Saturday Night Specials once and for all.

STOP DISRUPTIONS IN THE GALLERIES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. BROOMFIELD. Mr. Speaker, I have introduced legislation today that would more than double the maximum penalties allowed for disrupting business in the House of Representatives, because the current penalty levels do not seem to be preventing unruly disruptions in this Chamber.

In recent years, it seems we have seen a rise in the amount of demonstrations in the Capitol, some with a clear violent intent that has threatened the safety of all the Members. Most recently, we all watched with disgust as a small band of demonstrators showed their contempt for the democratic process, and the dignity of the House, by disrupting the important debate on aid to the Nicaraguan freedom fighters.

Furthermore, the security implications of these types of demonstrations should not be overlooked. In an era where security precautions take on greater importance, and where improvements in the security of the Capitol grounds have been made, the penalties themselves must also be upgraded.

In my view, the penalties must be severe enough to decrease the likelihood of any security violations, and should make any would-be demonstrator think twice about violating the dignity and business of Congress.

My legislation would more than double the penalties currently imposed. At present, the penalty for disrupting congressional business is a class B misdemeanor, punishable by a maximum fine of $5,000, or 6 months in prison, or both. My bill would increase the penalty to a class A misdemeanor, punishable by a maximum fine of $100,000, or 1 year in prison, or both.

I believe that passage of this legislation will send a clear signal to those that would seek to disrupt the democratic process that such behavior will have serious consequences and will not be tolerated.

I also hope it will send a signal to the Justice Department that the House of Representatives wants vigorous prosecution of these troublemakers.

I urge my colleagues to join me in cosponsoring this legislation.

IN HONOR OF BLACK HISTORY MONTH

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GRANT. Mr. Speaker, as we celebrate the 62d observance of Afro-American History Month, I am proud to state that Florida A&M University in Tallahasse, FL, has celebrated this occasion since the idea was conceived by Dr. Carter G. Woodson in 1926.

FAMU is the proud home of the Black Archives Research Center and Museum, under the leadership of its founder and director, Prof. James N. Eaton. The Black Archives, in its 12 years, has become the most recognized repository for Afro-American history and culture in the Southeast. More than 1 million documents including rare books, maps, and papers—found nowhere else in the world—form a mecca for scholars and researchers who are interested in the history and culture of the largest minority group in the Nation.

Not only is the Black Archives Research Center and Museum recognized as the "Schomburg of the South," its diversified collection of archival material substantiates the archivist's philosophy that "Afro-American history is the history of America."

The Black Archives serves approximately 12,000 people annually. Its services include providing educational tours and lectures for public and private schools, senior citizen and religious groups, government officials and dignitaries and preparing and implementing traveling tours, exhibits and presentations throughout the State of Florida and the Nation.

As we celebrate Black History Month, I believe it is most appropriate that we recognize the Black Archives Research Center and Museum at Florida A&M University—a very significant Florida resource, providing information that reflects the black presence and participation in Southern, national, and international history.

BLACK HISTORY MONTH

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FORD of Tennessee. Mr. Speaker, black Americans have been an integral part of American history and culture from its beginnings. We were present during the exploration of the American continent and were the first to shed our blood for America's freedom.

Mr. Speaker, our history is long and proud, allowing no single period in the history of America to be void of contributions by black Americans. Black Americans have made extraordinary and significant contributions to the history of America and the world. Ironically, black Americans have been left out of the history books or the importance of their contributions have been grossly diminished.

As a member of the Tennessee delegation and a resident of the city of Memphis, it is indeed an opportune time for me to highlight the contributions of Memphis citizens. To assist me in this endeavor, I have made reference to a noteworthy composition entitled "Nineteenth Century Memphis Families of Color 1850–1900." This composition written by Roberta Church and Ronald Walter and edited by Charles W. Crawford (all Memphians) is an exquisite documentation of the accomplishments of black citizens in Memphis through the difficult times of the decades after the abolition of slavery in the South. This book represents an epoch of great social change and expanded opportunities for all people of color, not only of those persons that happened to be situated in Memphis, but of those persons situated all across America.

Take Ida Bell Wells-Barnett, 1862–1931, a pioneer Memphis female journalist and a courageous activist, who wrote scathing editorials in her newspaper about lynchings and organized boycotts. She led her crusade against lynchings, all across America, investigating them and publicizing her findings in the United States, England, and Scotland through speaking engagements. Among her well known publications was the "Red Record," a booklet which contained a statistical record of lynching in the United States.

When you consider the contributions of black Americans in business, one cannot overlook a self-made man, Robert Church, Sr., 1839–1912 [who] "was said to be the South's first negro millionaire." When the city of Memphis was reduced to a taxing district, as a result of the devastating yellow fever epidemics, Church was the first citizen to buy a bond to restore the city charter. When the Nation was experiencing the money panic of 1907, which brought disaster to many large and well established banks, Church bank, the Solvent Savings Bank & Trust Co., remained just that—solvent.

Mr. Speaker, when the world talks about its many distinctive art forms we in Memphis can lay claim to the birthplace of America's truest art form—The Blues, derived from the innovative genius of a Memphian known as W.C. Handy. In the field of medicine, Memphian Francis M. Kneeland, M.D. was one of the pioneer women physicians of color to practice in the city.

John N. Ruffin, a former Memphis school teacher, was one of the pioneer men of color employed by the U.S. Department of State as Consul in 1890. He served as Consul in Asuncion, Paraguay, from 1897 to 1907. Mr. Speaker, just as these great Memphians have contributed to their city and country, throughout American history, black Americans have extended their creativity to all aspects of American culture. For these reasons we remember great leaders like Dr. Martin L. King and Malcolm X, great barristers like Charles Hamilton Houston and William Hastie, great physicians like Daniel Williams and Charles Drew. We honor those who have given their lives in the protection of their country's security—from Crispus Attucks to "Chappie" James, the first four-star general in the Air Force.

The contributions of these great people are significant in our lives and should foster a sense of pride among us—a sense of pride that enables us not to lament on what has been done to us but rather what we have been able to accomplish in the face of adversity. It is important that we learn more of our past and move forward into an era where the contributions of all our people are recognized as a part of the American heritage. As we look to our past and learn from those events, let us also look to our future and our continued progress.

BLACK HISTORY MONTH

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MAVROULES. Mr. Speaker, I rise today to encourge my colleagues to participate in the celebration of "Black History Month." The purpose of this month is to recognize and celebrate the numerous contributions black Americans have made to our country's culture and society.

Throughout the years, we have acknowledged many notable black citizens. I would like to take this opportunity to celebrate members of the black community, past and pesent, who have contributed greatly to society as a whole.

The fight for racial equality has gone on for centuries. In the 20th century this battle has not gone ignored. We are familiar with the all too brief accomplishments of Martin Luther King, Jr. His leadership and his lessons on nonviolent tactics changed the course of the civil rights movement. It is fitting, however, to also recognize a number of outstanding civil rights leaders and participants who do not have the same name recognition as Dr. King. The civil rights movement began with people like Rosa Parks, Ezell Blair, Jr., Joseph McNeil, David Richmond, and Franklin McCain: Ordinary citizens who stood up for their beliefs and sparked one of the greatest movements in our country.

Working alongside Dr. King were Dr. Benjamin E. Mays, James Farmer, Dorothy Height, John Lewis, Roy Wilkins, Whitney Young, A. Philip Randolph, and James Meredith. With their leadership, the civil rights movement was an organized protest—one that produced results and changed history.

In the field of politics, black Americans have made significant gains and contributions. Mary McLeod Bethune inspired a generation of black leaders by becoming an adviser and official in Franklin Delano Roosevelt's administration. Other notable political leaders have been Shirley Chisholm, the first black Congresswoman, the Reverend Jesse Jackson, Supreme Court Justice Thurgood Marshall, the influential Congressman Adam Clayton Powell, Jr., and the successful U.S. Ambassador to the United Nations and the current mayor of Atlanta, Andrew Young. These figures, as well as many other active political black Americans, have changed the face of American politics.

Black Americans have heavily participated in entertainment and athletics. Joe Louis and Muhammad Ali, two famous boxers, are known not just as athletes but also as activists. When Jackie Robinson became the first black professional baseball player, it marked a permanent change in the role blacks played in sports.

There have been a number of black individuals who have richly contributed to the field of entertainment. Marian Anderson paved the way for future black opera stars. Duke Ellington changed the direction of jazz and brought a new sound to the music world. On the business side of entertainment, Barry Gordy, Jr., founded Motown records and opened up the music industry for a number of black musicians.

This short list of notable black Americans just touches on the contributions they have made to America. Dr. Carter G. Woodson began this black history celebration back in 1926 and now, 60 years later, black history continues to be recognized. I urge my colleagues to join me in this worthy celebration of black Americans.

SATELLITE HOME VIEWER COPYRIGHT ACT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. SKELTON. Mr. Speaker, rural America is the home of approximately 63 million citizens who have chosen to live and work in a rural setting. Many of these citizens cannot receive normal television transmissions and have no access to cable television. Many have already made substantial investments in satellite dish equipment to receive the same television transmissions that urban areas take for granted. Now, with television signals being scrambled, the rural viewers face even more costs.

Currently there are two bills pending in Congress that are important to rural television viewers. H.R. 1885 promotes fair marketing practices of scrambled satellite signals to home dish owners. H.R. 2848, the Satellite Home Viewer Coyright Act of 1987, is designed to solve the copyright problems which affect satellite signal scrambling.

As a representative of a rural district and chairman of the congressional rural caucus, I support both of these measures. It is time for rural Americans, at a reasonable price, to enjoy the same viewing rights as urban citizens.

STATE VETERANS HOMES CELEBRATE CENTENNIAL

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. MONTGOMERY. Mr. Speaker, the Veterans' Administration and the National Association of State Veterans Homes on February 22 will observe the 100th anniversary of the State Veterans Home Program. It will be a celebration of the success of the cooperative Federal/State effort to help veterans who need nursing home, domiciliary or hospital care.

Congress in 1888 established the State Veterans Home Program, which provides Federal financing to individual States to construct and operate homes. Before the program was established, some States had independently built homes to meet the needs of Civil War veterans, patterned after homes for Union soldiers and sailors built by the Federal Government.

The State Veterans Home Program has since grown from 11 homes in 11 States in 1888 to 55 homes in 35 States today.

I am pleased that my home State of Mississippi broke ground in April of last year for a $5.1 million, 150-bed State nursing home that will deliver high-quality, cost-effective long-term health care for area veterans. Furthermore, this project will create 130 full-time jobs for Mississippians and is expected to save the State several hundred thousand dollars annually in Medicaid costs.

VA support of the State Veterans Home Program amounts to as much as 65 percent of the cost of constructing new domiciliary and nursing home buildings or renovating and expanding current facilities. In addition, the VA provides States regular payments to defray the cost of caring for veterans in State homes.

In fiscal year 1987, the VA provided State home support amounting to $40.3 million in construction grants and $66.9 million in veteran support payments.

Mr. Speaker, I know my colleagues will want to join me in recognizing the 100th anniversary of the State Veterans Home Program and the important role the VA has played in this cooperative effort to meet the long-term health care needs of an ever-increasing population of older veterans.

A TRIBUTE TO THE NORTH HUNTERDON HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. COURTER. Mr. Speaker, I rise today to bring to the attention of my colleagues an unusual event which occurred in New Jersey on December 21, 1987. On the date in question, the North Hunterdon High School girls basketball team lost a game.

Why is that unusual? It was unusual because it had not happened for quite some time. In fact, the last time it happened was during the 1985–86 basketball season. Since then, the North Hunterdon High School girls basketball team has won 84 consecutive games. On the way they garnered three Mid-State Conference girls basketball championships, the first one under Coach Pete Catanese, the succeeding two under Coach Bill Snyder.

In this era of professional athletes and million dollar performance incentives, I would like to recognize this achievement. Any team, in any sport, whether professional or amateur, would be hard pressed to match this enviable record. I offer my congratulations to the principal of North Hunterdon High School, Dr. Tom Finnegan, the athletic director, Mr. Robert Hopek, and especially to all of the coaches and players of the North Hunterdon girls basketball team.

A TRIBUTE TO WES UNSELD

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. MAZZOLI. Mr. Speaker, I take this opportunity to pay tribute to Wes Unseld, of Louisville, KY, on his recent induction into the Basketball Hall of Fame.

Wes, whose election came in his first year of eligibility, came out of the University of Louisville to the Washington Bullets of the National Basketball Association in 1968 where his impact was immediate. He became only the second player to win both the rookie of the year and most valuable player awards in the same season. Ten years later, Wes wes named most valuable player of the 1978 NBA championship series won by the Bullets. That victory brought the Nation's capital its first sports championship in 36 years.

But Wes' achievements extend far beyond the basketball court. In 1975, for example, he was the recipient of the Kennedy citizenship award given to the NBA player making the greatest civic contribution to his community.

Now the current and successful head coach of the Bullets, Wes continues to display the qualities of hard-work, determination and class that placed him among high school, college and professional basketball's elite.

It could not have happened to a more deserving person than Wes Unseld. He comes from a very productive, very distinguished Louisville family.

I join every Louisvillian and every Kentuckian in saluting basketball hall of famer, Wes Unseld, and wish the best to him and the team in the years to come.

CONGRESSBRIDGE—CAPITOL TO CAPITOL

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Miss SCHNEIDER. Mr. Speaker, Carl Sagan, one of America's premier scientists and thinkers, recently addressed the need for "new ways of thinking" about United States-Soviet relations. The article, "A Common Enemy," reprinted below, was published simultaneously in popular magazines in both the United States and U.S.S.R.

Three times during 1987, United States and Soviet legislators also explored changing stereotypes and expanding understanding through satellite-linked televised dialogs on important topics, dialogs simultaneously broadcast, live and unedited, in both countries. These televised dialogs were the first product of Congressbridge, a unique information exchange project chaired by Representatives GEORGE BROWN and myself. More Congressbridge dialogs will be scheduled in coming months, and I invite my colleagues to view them with an eye to developing "new ways of thinking," as espoused by Dr. Sagan in the following article.

THE COMMON ENEMY

(By Carl Sagan)

If only, said the American President to the Soviet General Secretary, extraterrestrials were about to invade—then our two countries could unite against the common enemy. Indeed, there are many instances when deadly adversaries, at one another's throats for generations, put their differences aside to confront a still more urgent threat: the Greek city-states against the Persians; the Russians and the Polovtsys (who once had sacked Kiev) against the Mongols; or, for that matter, the Americans and the Soviets against the Nazis.

An alien invasion is, of course, unlikely. But there is a common enemy—in fact, a range of common enemies, some of unprecedented menace, each unique to our time. They derive from our growing technological

powers and from our reluctance to forgo perceived short-term advantages for the longer-term well-being of our species.

The innocent act of burning coal and other fossil fuels increases the carbon dioxide greenhouse effect and raises the temperature of the Earth, so that in less than a century, according to some projections, the American Midwest and the Soviet Ukraine—current breadbaskets of the world—may be converted into something approaching scrub deserts. Inert, apparently harmless gases used in refrigeration deplete the protective ozone layer; they increase the amount of deadly ultraviolet radiation from the Sun that reaches the surface of the Earth, destroying vast numbers of unprotected microorganisms that lie at the base of a poorly understood food chain—at the top of which precariously teeter we. American industrial pollution destroys forests in Canada. A Soviet nuclear-reactor accident endangers the ancient culture of Lapland. Raging epidemic disease spreads worldwide, accelerated by modern transportation technology. And inevitably there will be other perils that, with our usual bumbling, short-term focus, we have not yet even discovered.

The nuclear arms race, jointly pioneered by the United States and the Soviet Union, has now booby-trapped the planet with some 60,000 nuclear weapons—far more than enough to obliterate both nations, to jeopardize the global civilization and perhaps even to end the million-year-long human experiment. Despite indignant protestations of peaceable intent and solemn treaty obligations to reverse the nuclear arms race, the United States and the Soviet Union together still somehow manage to build enough new nuclear weapons each year to destroy every sizable city on the planet. When asked for justification, each earnestly points to the other. In the wake of the Challenger space shuttle and Chernobyl nuclear power plant disasters, we are reminded that catastrophic failures in high technology can occur despite our best efforts. In the century of Hitler, we recognize that madmen can achieve absolute control over modern industrial states. It is only a matter of time until there occurs some unanticipated subtle error in the machinery of mass destruction, or some crucial communications failure, or some emotional crisis in an already burdened national leader. Overall, the human species spends almost $1 trillion a year, most of it by the United States and the Soviet Union, in preparations for intimidation and war. Perhaps, in retrospect, there would be little motivation even for malevolent extraterrestrials to attack the Earth; perhaps, after a preliminary survey, they might decide it more expedient just to be patient for a little while and wait for us to self-destruct.

We are at risk. We do not need alien invaders. We have all by ourselves generated sufficient dangers. But they are unseen dangers, seemingly far removed from everyday life, requiring careful thought to understand, and involving transparent gases, invisible radiation, nuclear weapons that almost no one has actually witnessed in use—not a foreign army intent on plunder, slavery, rape and murder. Our common enemies are harder to personify, more difficult to hate than a Shahanshah, a Khan or a Führer. And joining forces against these new enemies requires us to make courageous efforts at self-knowledge, because we ourselves—all the nations of the Earth, but especially the United States and the Soviet Union—bear responsibility for the perils we now face.

Our two nations are tapestries woven from a rich diversity of ethnic and cultural threads. Militarily, we are the most powerful nations on Earth. We are advocates of the proposition that science and technology can make a better life for all. We share a stated belief in the right of the people to rule themselves. Our systems of government were born in historic revolutions against injustice, despotism, incompetence and superstition. We come from revolutionaries who accomplished the impossible—freeing us from tyrannies entrenched for centuries and thought to be divinely ordained. What will it take to free us from the trap we have set for ourselves?

Each side has a long list of deeply resented abuses committed by the other—some imaginary, most, in varying degrees, real. Every time there is an abuse by one side, you can be sure of some compensatory abuse by the other. Both nations are full of wounded pride and professed moral rectitude. Each knows in excruciating detail the most minor malefactions of the other but hardly even glimpses its own sins and the suffering its own policies have caused. On each side, of course, there are good and honest people who see the dangers their national policies have created—people who long, as a matter of elementary decency and simple survival, to put things right. But there are also, on both sides, people gripped by a hatred and fear intentionally fanned by the respective agencies of national propaganda, people who believe their adversaries are beyond redemption, people who seek confrontation. The hard-liners on each side encourage one another. They owe their credibility and their power to one another. They need one another. They are locked in a deadly embrace.

If no one else, alien or human, can extricate us from this deadly embrace, then there is only one remaining alternative: However painful it may be, we will just have to do it ourselves. A good start is to examine the historical facts as they might be viewed by the other side—or by posterity, if any. Imagine first a Soviet observer considering some of the events of American history: The United States, founded on principles of freedom and liberty, was the last major nation to end chattel slavery; many of its founding fathers—George Washington and Thomas Jefferson among them—were slave-owners; and racism was legally protected for a century after the slaves were freed. The United States has systematically violated more than 300 treaties it signed guaranteeing some of the rights of the original inhabitants of the country. In 1899, two years before becoming President, Theodore Roosevelt, in a widely admired speech, advocated "righteous war" as the sole means of achieving "national greatness." The United States invaded the Soviet Union in 1918 in an unsuccessful attempt to undo the Bolshevik Revolution. The United States invented nuclear weapons and was the first and only nation to explode them against civilian populations—killing hundreds of thousands of men, women and children in the process. The United States had operational plans for the nuclear annihilation of the Soviet Union before there even was a Soviet nuclear weapon, and it has been the chief innovator in the continuing nuclear arms race. The many recent contradictions between theory and practice in the United States include the present Administration, in high moral dudgeon, warning its allies not to sell arms to terrorist Iran while secretly doing just that; conducting worldwide covert wars in the name of democracy while opposing effective economic sanctions against a South African regime in which the vast majority of citizens have no political rights at all; being outraged at Iranian mining of the Persian Gulf as a violation of international law, while it has itself mined Nicaraguan harbors and subsequently fled from the jurisdiction of the World Court; vilifying Libya for killing children and in retaliation killing children; and denouncing the treatment of minorities in the Soviet Union, while America has more young black men in jail than in college. This is not just a matter of mean-spirited Soviet propaganda. Even people congenially disposed toward the United States may feel grave reservations about its real intentions, especially when Americans are reluctant to acknowledge the uncomfortable facts of their history.

Now imagine a Western observer considering some of the events in Soviet history. Marshal Tukachevsky's marching orders on July 2, 1920, were, "On our bayonets we will bring peace and happiness to toiling humanity. Forward to the West!" Shortly after, V.I. Lenin, in conversation with French delegates, remarked: "Yes, Soviet troops are in Warsaw. Soon Germany will be ours. We will reconquer Hungary. The Balkans will rise against capitalism. Italy will tremble. Bourgeois Europe is cracking at all its seams in this storm." Then contemplate the millions of Soviet citizens killed by Stalin's deliberate policy in the years between 1929 and World War II—in forced collectivization, mass deportation of peasants, the resulting famine of 1932-33 and the great purges (in which almost the entire Communist Party hierarchy over the age of 35 was arrested and executed, and during which a new constitution that allegedly safeguarded the rights of Soviet citizens was proudly proclaimed). Then consider Stalin's decapitation of the Red Army, the secret protocol to his nonaggression pact with Hitler, and his refusal to believe in a Nazi invasion of the USSR even after it had begun—and how many millions more were killed in consequence. Think of Soviet restrictions on civil liberties, freedom of expression and the right to emigrate, and continuing endemic anti-Semitism and religious persecution. If, then, shortly after your nation is established, your highest military and civilian leaders boast about their intentions of invading neighboring states; if your absolute leader for almost half your history is someone who methodically killed millions of his own people; if, even now, your coins display your national symbol emblazoned over the whole world—you can understand that citizens of other nations, even those with peaceful or credulous dispositions, might be skeptical of your present good intentions, however sincere and genuine they may be. This is not merely a matter of mean-spirited American propaganda. The problem is compounded if you pretend such things never happened.

"No nation can be free if it oppresses other nations," wrote Friedrich Engels. At the London Conference of 1903, Lenin advocated the "complete right of self-determination of all nations." The same principles were uttered in almost exactly the same language by Woodrow Wilson and by many other American statesmen. But for both nations the facts speak otherwise. The Soviet Union has forcibly annexed Latvia, Lithuania, Estonia and parts of Finland, Poland and Romania; occupied and brought under Communist control Poland, Romania, Hungary, Bulgaria, Czechoslovakia, East Germany and Afghanistan; and suppressed the East German workers' uprising of 1953, the Hungarian Revolution of 1956 and the Czech attempt to introduce *glasnost* and *perestroika* in 1968. Excluding World Wars and expeditions to suppress piracy or the slave trade, the United States has made armed invasions and interventions in other countries on more than 130 separate occasions, including China (on 18 separate occasions), Mexico (13), Nicaragua and Panama (9 each), Honduras (7), Colombia and Turkey (6 each), the Dominican Republic, Korea and Japan (5 each), Argentina, Cuba, Haiti, the Kingdom of Hawaii and Samoa (4 each), Uruguay and Fiji (3 each), Guatemala, Lebanon, the Soviet Union and Sumatra (2 each), Grenada, Puerto Rico, Brazil, Chile, Morocco, Egypt, Ivory Coast, Syria, the Persian Gulf, Peru, Formosa, the Philippines, Cambodia, Laos and Vietnam. Most of these incursions were small-scale efforts to maintain compliant governments or to protect American property and business interests; but some were much larger, more prolonged and on far deadlier scales.

United States armed forces were intervening in Latin America not only before the Bolshevik Revolution but also before the *Communist Manifesto*—which makes the anti-Communist justification for American intervention in Nicaragua a little difficult to rationalize; the deficiencies of the argument would be better understood, however, had the Soviet Union not been in the habit of gobbling up other countries. The American invasion of Southeast Asia—of nations that never had harmed or threatened the United States—killed 58,000 Americans and more than a million Asians; the U.S. dropped 7.5 megatons of high explosives and produced an ecological and economic chaos from which the region still has not recovered. More than 100,000 Soviet troops have, since 1979, been occupying Afghanistan—a nation with a lower per capita income than Haiti—with atrocities still largely untold (because Soviets are much more successful than Americans in excluding independent reporters from their war zones).

Habitual enmity is corrupting and self-sustaining. If it falters, it can easily be revived by reminding us of past abuses, by contriving an atrocity or a military incident, by announcing that the adversary has deployed some dangerous new weapon or merely by taunts of naivete or disloyalty when domestic political opinion becomes uncomfortably evenhanded. For many Americans, communism means poverty, backwardness, the Gulag for speaking one's mind, a ruthless crushing of the human spirit and a thirst to conquer the world. For many Soviets, capitalism means heartless and insatiable greed, racism, war, economic instability and a worldwide conspiracy of the rich against the poor. These are caricatures—but not wholly so—and over the years Soviet and American actions have given them some credence and plausibility.

These caricatures persist because they are partly true, but also because they are useful. If there is an implacable enemy, then bureaucrats have a ready excuse for why prices go up, why consumer goods are unavailable, why the nation is noncompetitive in world markets, why there are large numbers of unemployed and homeless people or why criticism of leaders is unpatriotic and impermissible—and especially why so supreme an evil as nuclear weapons must be deployed in the tens of thousands. But if the adversary is insufficiently wicked, the incompetence and failed vision of government officials cannot be so easily ignored. Bureaucrats have motives for inventing enemies and exaggerating their misdeeds.

Each nation has military and intelligence establishments that evaluate the danger posed by the other side. These establishments have a vested interest in large military and intelligence expenditures. Thus, they must grapple with a continuing crisis of conscience—the clear incentive to exaggerate the adversary's capabilities and intentions. When they succumb, they call it necessary prudence; but whatever they call it, it propels the arms race. Is there an independent public assessment of the intelligence data? No. Why not? Because the data are secret. So we have here a machine that goes by itself, a kind of de facto conspiracy to prevent tensions from falling below a minimum level of bureaucratic acceptability.

It is evident that many national institutions and dogmas, however effective they may once have been, are now in need of change. No nation is yet well-fitted to the world of the 21st century. The challenge then is not in selective glorification of the past, or in defending the national icons, but in devising a path that will carry us through a time of great mutual peril. To accomplish this, we need all the help we can get.

A central lesson of science is that to understand complex issues (or even simple ones), we must try to free our minds of dogma and to guarantee the freedom to publish, to contradict and to experiment. Arguments from authority are unacceptable. We are all fallible, even leaders. But however clear it is that criticism is necessary for progress, governments tend to resist. The ultimate example is Hitler's Germany. Here is an excerpt from a speech by the Nazi Party leader Rudolf Hess on June 30, 1934:

"One man remains beyond all criticism, and that is the Führer. This is because everyone senses and knows: He is always right, and he will always be right. The National Socialism of all of us is anchored in uncritical loyalty, in a surrender to the Führer."

The convenience of such a doctrine for national leaders is further clarified by Hitler's remark: "What good fortune for those in power that people do not think!" Widespread intellectual and moral docility may be convenient for leaders in the short term, but it is suicidal for nations in the long term. One of the criteria for national leadership should therefore be a talent for understanding, encouraging and making constructive use of vigorous criticism.

So when those who once were silenced and humiliated by state terror now are able to speak out—fledgling civil libertarians flexing their wings—of course they find it exhilarating, and so does any lover of freedom who witnesses it. *Glasnost* and *perestroika* exhibit to the rest of the world the human scope of Soviet society that past policies have masked. They provide error-correcting mechanisms at all levels of Soviet society. They are essential for economic well-being. They permit real improvements in international cooperation and a major reversal of the nuclear arms race. *Glasnost* and *perestroika* are thus good for the Soviet Union and good for the United States.

There is, of course, opposition to *glastnost* and *perestroika* in the Soviet Union: by those who must now demonstrate their abilities competitively rather than sleepwalking through lifetime tenure; by those unaccustomed to the responsibilities of democracy; by those in no mood, after decades of following the norms, to be taken to task for past behavior. And in the United States too, there are those who oppose *glasnost* and *perestroika*: Some argue it is a trick to lull the West, while the Soviet Union gathers its strength to emerge as a still more formidable rival. Some prefer the old kind of Soviet Union—debilitated by its lack of democracy, easily demonized, readily caricatured. (Americans, complacent about their own democratic forms for too long, have something to learn from *glasnost* and *perestroika* as well. This by itself makes some Americans uneasy.) With such powerful forces arrayed for and against reform, no one can know the outcome.

In both countries, what passes for public debate is still, on closer examination, mainly repetition of national slogans, appeal to popular prejudice, innuendo, self-justification, misdirection, incantation of homilies when evidence is asked for, and a thorough contempt for the intelligence of the citizenry. What we need is an admission of how little we actually know about how to pass safely through the next few decades, the courage to examine a wide range of alternative programs and, most of all, a dedication not to dogma but to solutions. Finding any solution will be hard enough. Finding ones that perfectly correspond to 18th- or 19th-century political doctrines will be much more difficult.

Our two nations must help one another figure out what changes must be made; the changes must help both sides; and our perspective must embrace a future beyond the next Presidential term of office or the next Five Year Plan. We need to reduce military budgets; raise living standards; engender respect for learning; support science, scholarship, invention and industry; promote free inquiry; reduce domestic coercion; involve the workers more in managerial decisions; and promote a genuine respect and understanding derived from an acknowledgement of our common humanity and our common jeopardy.

Although we must cooperate to an unprecedented degree, I am not arguing against healthy competition. But let us compete in finding ways safely to reverse the nuclear arms race and to make massive reductions in conventional forces; in eliminating government corruption; in making most of the world agriculturally self-sufficient. Let us vie in art and science, in music and literature, in technological innovation. Let us have an honesty race. Let us compete in relieving suffering and ignorance and disease; in respecting national independence worldwide; in formulating and implementing an ethic for responsible stewardship of the planet.

Let us learn from one another. Capitalism and socialism have been mutually borrowing methods and doctrine in largely unacknowledged plagiarisms for a century. Neither the U.S. nor the Soviet Union has a monopoly on truth and virtue. I would like to see us compete in cooperativeness. In the 1970s, apart from treaties constraining the nuclear arms race, we had some notable successes in working together—the elimination of smallpox worldwide, efforts to prevent South African nuclear weapons development, the Apollo-Soyuz joint manned spaceflight. We can now do much better. Let us begin with a few joint projects of great scope and vision—in relief of starvation, especially in nations such as Ethiopia, which are victimized by superpower rivalry; in identifying and defusing long-term environmental catastrophes that are products of our technology; in fusion physics to provide a safe energy source for the future; in joint exploration of Mars, culminating in the first landing of human beings—Soviets and Americans—on another planet.

Perhaps we will destroy ourselves. Perhaps the common enemy within us will be too strong for us to recognize and overcome. Perhaps the world will be reduced to medieval conditions or far worse.

But I have hope. Lately there are signs of change—tentative but in the right direction and, by previous standards of national behavior, swift. Is it possible that we—we Americans, we Soviets, we humans—are at last coming to our senses and beginning to work together on behalf of the species and the planet?

Nothing is promised. History has placed this burden on our shoulders. It is up to us to build a future worthy of our children and grandchildren.

SENATE—*Friday, February 19, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Peace I leave with you, my peace I give unto you: not as the world giveth, give I unto you. Let not your heart be troubled, neither let it be afraid.—John 14: 27

Loving Father in Heaven, there are many hurting in our large Senate family—probably many of whose sufferings we are not aware. We pray that each will experience Your comfort and peace this day. We thank You for the success of Senator BIDEN's surgery and pray for his recovery, that it will be rapid and complete. Strengthen his loved ones and his staff in his absence. We pray for Jeanette White in the tragic death of her son, Gary Robert. May Your peace fill her heart at this time of grief, and we remember all who love Vivadel and ask for Your gracious comfort in their lives. Thank You, Father, in Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 19, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. DASCHLE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

VISIT OF CHANCELLOR HELMUT KOHL

Mr. BYRD. Mr. President, yesterday Helmut Kohl, the Chancellor of the Federal Republic of Germany, visited Members of the Senate in Room S-207, the Mansfield Room. He was our guest for coffee and discussion. He and other members of his party, including Foreign Minister Hans Dietrich Genscher, met with around 50 Senators, and the exchange of views was quite valuable. As the leader of an important NATO ally, Chancellor Kohl's insights are significant, and his counsel is vital to us.

The visit of the Chancellor occurs as we are in the process of considering the INF Treaty in the Senate. He understands the importance of this process and the critical role which the Senate plays under our constitutional system. We benefited from having his views on these important issues.

The INF Treaty, like the deployments of Pershing II and cruise missiles which made it possible, represents a victory for the NATO alliance, for its solidarity and cohesion; for, by standing together, our decisions were implemented, and by engaging in serious, tough, negotiations, the NATO alliance denied the Soviet Union the victories it sought both in the military arena and in the propaganda campaigns.

The steadfastness of the Federal Republic of Germany, and the courage and leadership of Helmut Kohl, were in large measure responsible for these achievements. Without his courage and tenacity, the alliance would not be celebrating its victory today.

Senators PELL, NUNN, WARNER, BOREN, and I had the opportunity to visit last week with Chancellor Kohl in Bonn. Then, as he did yesterday, the Chancellor shared his insights on the position of Germany in the NATO alliance, the importance of maintaining Western unity and—in particular—unity and cooperation between the United States and West Germany as the key to the future of Western security.

The Chancellor spoke eloquently yesterday about his memories of United States-German cooperation in the years after the defeat of Germany in World War II. He recalled favorably the associations with Americans he experienced as a youth in war-torn Germany. He noted the generosity of the Marshall plan, the courage of Konrad Adenauer in binding the Federal Republic of Germany firmly to the West and remember that the hand of friendship that was extended by the United States through the food distribution program led by Herbert Hoover, later to become President of the United States. The Germans have not forgotten that hand of friendship and they are not going to forget it. Chancellor Kohl made that clear last week, that although this new style of Soviet leadership may suddenly, momentarily, and fleetingly have an impact upon the various publics, including the Germans, those German people are not forgetting their American friends who were friends in time of need.

My conversations in Germany last week as well as Chancellor Kohl's remarks yesterday convince me that it is absolutely essential that the alliance begin now, today, to look forward and to plan for the future once the INF Treaty is behind us.

We face challenges in the future as severe as those we have recently surmounted, and we must begin to focus our attention on that future and to look forward, not back at past triumphs.

I am confident, as I reflect on the dialog with Chancellor Kohl and with other leaders in Europe, that the NATO alliance will be more than able to meet any coming challenges.

We must steel ourselves for that task. And in the coming weeks, as this body debates the INF Treaty and its ramifications, we should be mindful that the eyes of the alliance are upon us, and that we have an obligation to live up to the expectations of leadership which are placed upon us.

Chancellor Kohl made no bones about his strong support for the INF Treaty, without amendments. Without question and without reservation, his support for that treaty is clear.

The insights which we gained from the visit yesterday with Chancellor Kohl will, I trust, aid us in that task ahead.

Mr. President, I yield the floor.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is now recognized.

SCHEDULE

Mr. SIMPSON. Mr. President, first, may I thank the leader for accommodating the Republican Members of the Senate, indicating that the Senate will

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

recess at 3:30 today. We have a retreat for Senate Republican Members in Williamsburg, and a train going there for that purpose, and that does accommodate our schedules. I deeply appreciate it, we all on this side of the aisle appreciate that accommodation from the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader. I should say at this point, too, that I expect no rollcall votes today. I want to give Senators on both sides of the aisle every opportunity to lay on the RECORD the case, pro and con, on the campaign financing reform bill, and I also want to give our respective groups that have been appointed by the distinguished assistant leader and myself the opportunity to continue to negotiate and, as I understand it, they will be reporting back to us Monday, as to their conclusions. Hopefully, some accommodation can be reached. I do not want to interfere, meanwhile, in any way with that effort by causing any rollcall votes today.

I thank the assistant leader for giveing me this opportunity to alert our colleagues to the fact that there will not be any rollcall votes today, but I do hope they will come to the floor and make their positions known on the pending measure.

Mr. SIMPSON. Mr. President, I would also add to the remarks of the leader, in the visit with Chancellor Helmut Kohl yesterday, I appreciate his graciousness toward me and toward our Members who had this opportunity to visit with the Chancellor, who certainly presents himself as a very impressive man: strong, firm, and yet compassionate; with a lively good humor, too.

I lived in Germany for 2 years in the last part of the Army of Occupation in 1955 and 1956, and came to know a very remarkable people, the German people. They are creative, loyal, spirited, and are fine allies in NATO.

It is marvelous to have such a fine representative as Helmut Kohl and his very charming wife, a very impressive lady. It is my pleasure to have met both of them. I met the Chancellor before, a while ago.

SENATORIAL ELECTION CAMPAIGN ACT

Mr. SIMPSON. Mr. President, let me just say in the main part of my time that I do repeat my support for the ongoing discussions by the group of four Senators from each party in this attempt to find some middle ground on the issue of campaign reform. I commend them. But I think, unfortunately, in the initial discussions and the reporting of the discussions, there might have been a bit too much emphasis on a portion of my remarks that I think were apparently taken a bit out of context. I did not think they would be picked up and run with, as sometimes happens in this place.

I am referring to my colloquy with the majority leader on Wednesday morning, which is very clear in the CONGRESSIONAL RECORD. In response to a question of the majority leader as to whether expenditure limitations would be "on the table in the discussions", I said that, but the important point to remember that did not get reported about that statement of mine was that it was in the context of a number of items that should be "on the table in the discussions," and also in the context of a full, free, and good faith effort by parties on both sides.

Apparently, someone singled out—not in this body—some have singled out the expenditure—well, some in this body, yes, that is true—some have singled out the expenditure limitation remark and have chosen to ignore the rest of my remarks. I would reiterate clearly what I said earlier about expenditure limitations being "on the table," where indeed I believe they should be, and every single aspect of campaign finance reform must be on the table if we are to make progress in this difficult, complex, and often very contentious issue.

I emphasize most strongly that this statement of mine should only be read in the context of both sides being willing to put it all out there, to push all the chips in, and let us deal with every single aspect of campaign reform.

In trying to reform this campaign financing system, as we all agree is necessary, we cannot look only at the money part of the issue. The Republicans generally have the advantage in fundraising. Let us admit that. Let us get down to the partisan things that are really messing us up.

The Democrats do not like that. Republicans generally have this advantage of fundraising and that should be generally acknowledged. Let us put that there.

We must look at other areas where perhaps the Democratic Party has its advantages. Those areas are soft money, inkind contributions, independent expenditures, independent efforts involving other than direct contributions, phone banks during the night two nights before the election saying, "This is the jerk who took away your Social Security."

Those are things we are interested in finding out about.

In those areas, the Democratic Party may have the advantage.

It would be poor form indeed if we only addressed the one area where the Republican Party has the advantage and left those other important points unattended or uncorrected.

There is another point which must be made regarding my remarks on Wednesday regarding campaign reform. That is that the Republican Party in the Senate—and this is very important for all to recall—in its caucus last year took some official positions regarding campaign reform. That is something that our caucus does not do often. Yet on three aspects of campaign reform, we felt it necessary for the party to go on the record.

We voted to oppose public financing of congressional campaigns, to oppose expenditure limitations, and, too, and this is very important, to apply whatever reforms are ultimately adopted to both House and Senate races, to both bodies.

After those positions were taken, the minority leader, ROBERT DOLE, wrote a letter to the majority leader informing him of those actions of our caucus.

At this point, Mr. President, I ask unanimous consent that the letter from Senator DOLE to Senator BYRD, dated June 11, 1987, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, June 11, 1987.

Hon. ROBERT BYRD,
U.S. Senate, Washington, DC.

DEAR ROBERT: Yesterday at a meeting of the Republican Conference we had the opportunity to discuss in some detail the issue of campaign financing reform.

In considering changes in the bill, I thought it would be helpful for you to know that our caucus was able to reach near unanimous support on three basic issues:

1. Opposition to any public financing;
2. Opposition to any expenditure limitations;
3. Support for applying any campaign financing changes to both the House and Senate.

I am aware that you have indicated an interest in meeting to determine if a consensus can be reached and look forward to doing so at your earliest convenience.

Sincerely,

BOB DOLE.

Mr. SIMPSON. To conclude, Mr. President, I want to make it quite clear that these positions of the Republican caucus were well known by all and that we should all be well able to take my response to the leader's question on Wednesday in the context of both that conversation at the time and this background information which we all have possessed.

I trust that will make clear what should have been clear on Wednesday. I obviously and certainly did not make any commitment that is contrary or opposed to the expressed position of the Republican caucus.

Did I make a commitment to the majority leader on Wednesday that we agreed to review only expenditure limitations? No. We will discuss all aspects in our attempt to resolve this current controversy. That, I believe, is a very proper goal and a very proper position.

Unfortunately, the "spin" put on my remarks in some quarters implied that I had rather casually yielded up one of the more important parts of this issue. That is certainly not the case. I want to take this opportunity to set that record straight.

I continue to hope that we can resolve this matter. I hope that the decisions and discussions will produce some reform that we can all agree upon. But it should have been evident to all at the outset that any progress by this group will have to be presented to all Senators on both sides of the aisle before there can be a final agreement.

Certainly, any package that is contrary to these three expressed positions of our caucus is going to have to be very well crafted and sagely constructed, indeed, to get the members of our caucus to alter their strongly held positions.

I hope that such a thing is possible. I honestly hope it is. It is certainly our duty to try to resolve these issues if we can do so, rather than continue this stalemate on the issue of campaign reform and head down the road to cloture No. 8. That is what looms ahead. That is not good.

I sincerely laud the efforts of the eight who are laboring at this moment, and who will be doing so throughout the day on S. 2, the campaign reform legislation, which we all desire.

Mr. President, I yield back the remainder of my time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin.

ADMINISTRATION UNILATERAL REINTERPRETATION OF ABM TREATY—WRONG

Mr. PROXMIRE. Mr. President, why all the fuss about the testimony of the Nixon administration on the meaning of the ABM Treaty being authoritative and binding? Is the testimony not exactly that? If the testimony of the administration that negotiated a treaty is not both authoritative and binding on the meaning of that 1972 treaty, what testimony is? Does not the prospect that the administration's testimony is not authoritative and binding give the Reagan administration the power to interpret any treaty anyway it wants? Why does the Reagan administration do this?

Answer: This administration has for many months insisted on a reinterpretation of the ABM Treaty. Why? Because the interpretation by the Nixon administration originally offered in their testimony on the treaty in the early 1970's would prevent tests on SDI that the Reagan administration is determined to proceed with. The Senate majority leader, ROBERT BYRD, and the chairman of the Senate Armed Services Committee, SAM NUNN, have declared that in view of this recent experience with the administration on ABM they are determined that in subsequent treaties—beginning with the INF Treaty now before the Senate—the official testimony of administrations on treaties be considered both authoritative and binding. As a Senator, I cannot reach any other conclusion than the conclusion reached by Senators BYRD and NUNN. The Constitution gives the Senate clear authority to ratify or refuse to ratify all treaties. That authority is a critical constitutional right and power of the Senate. On what basis does the Senate decide whether to ratify or refuse to ratify a treaty? The Senate decides on the basis of its understanding of the requirements the treaty imposes on our country and on other signatories of the treaty. The Senate has no alternative in seeking an understanding of a treaty except to rely on the testimony of the administration that negotiated the treaty. After all, if the Senate cannot rely on those with the authority to negotiate the treaty, on whom can it rely?

If a future administration can ignore or deny or flatly contradict the testimony of the administration that negotiated a treaty, how can a Senator know what he is doing when he votes to ratify a treaty? The answer is obvious. The Senate cannot accept a unilateral action by any administration to repudiate or nullify the testimony on the treaty provided by the administration that negotiated the treaty. So, what can an administration do if it is convinced that the original testimony on a treaty is erroneous? How can it correct a previous administration's interpretation? At an absolute minimum such an administration can seek an expression of Senate approval for its reinterpretation. The administration can and should seek to persuade the Senate to pass a sense of the Senate resolution affirming the administration's reinterpretation of the treaty. Unless and until the Senate acts to affirm the administration's treaty reinterpretation, that reinterpretation must be regarded as invalid.

Otherwise, what is left of the Senate's authority to ratify or refuse to ratify a treaty, if an administration is free to unilaterally change the effect of a previous administration's testimony whenever it wishes to avoid the requirements imposed by a treaty? The answer is that Senate treaty ratification becomes nullified if an administration is free to unilaterally repudiate the testimony on which the Senate relied in ratifying the treaty.

The ABM Treaty is a perfect case in point. What was the purpose of this 1972 treaty that the Senate ratified by a smashing 88-to-2 vote? The purpose was clear. It was simple. The treaty was designed for a single purpose. That purpose was to confine both the Soviet Union and the United States to a limited missile defense at two locations. Why did the treaty so sharply limit defense on both sides against intercontinental ballistic missiles [ICBM's]? Answer: Because the United States understood that if the U.S.S.R. proceeded with a nationwide ABM system, such a system would be designed to nullify the United States nuclear deterrent that kept the peace.

Our negotiators persuaded the U.S.S.R. that we would develop and deploy whatever offensive nuclear missiles were necessary to maintain the credibility of our nuclear deterrent. Our negotiators persuaded the U.S.S.R. that we could and would overwhelm any strategic defense initiative [SDI] or star wars they deployed. The ABM Treaty was designed to reinforce the credibility of the nuclear deterrent of both superpowers.

Now the administration is trying to change the interpretation of that treaty to permit us to test our own SDI components so we can make an effective effort to destroy the credibility of the Soviet SDI. Obviously, this turns the ABM Treaty on its head. This interpretation reverses the ABM Treaty.

The honest way for the administration to achieve their SDI purpose is to act under the terms of the treaty. Give 6 months' notice that it repudiates the treaty. Then repudiate it. This Senator would staunchly oppose such action. I am confident that the American people and the leaders of the free world in Europe and Asia would also oppose such repudiation. But it would be direct. It would be honest. It would be in accordance with the terms of the treaty. The administration's attempt to reinterpret the ABM Treaty is none of these things.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR NEXT WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it stand in recess until 10 o'clock on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, Tuesday next, Wednesday next, and Thursday next, it stand in recess until the hour of 9 a.m. on Tuesday next, Wednesday next, Thursday next, and Friday next, respectively.

The ACTING PRESIDENT pro tempore. Is there an objection?

Mr. SIMPSON. Mr. President, reserving the right to object, and I shall not object, I just want to inquire of the majority leader whether the purpose of this is to proceed with S. 2. That is the item of business before this body, and it cannot be removed from being the unfinished business, and therefore we need to press forward; if consensus can be reached or if an agreement can be reached, we will proceed to that. Hopefully that can be done. But, if not, then I assume that it is the intention of the leader simply to fill the day with the activity of the business at hand.

And, of course, the majority leader could on each of those days or the night before each of those days ask unanimous consent for a meeting or convening at 9 o'clock in the morning to which I doubt very much there would be any objection. And there never has been. So he is just going to do that in a package form so that we might know that we will be addressing that issue, and if we reach accord, fine. But if we do not, we will go on to a cloture vote and see what happens. Is that the intent?

Mr. BYRD. Yes. The distinguished assistant Republican leader has put it correctly. And for the record, he is not giving away anything if this request is acceded to, because even if there is an objection to such a request, the motion is not debatable, and I could take it on a daily basis and move to go over.

So the distinguished Republican leader is not giving away anything; he is recognizing the situation for what it is. And he is correct in saying that we will spend our day in the effort to come to conclusions in respect to the campaign financing reform bill.

I would hope at some point that cloture could be invoked, one purpose of that being to preclude nongermane amendments, amendments that are not relative to the bill. It may be that the two sides could agree at some point next week to not offer nongermane amendments, and without cloture proceed to have votes on relative amendments as we attempt to work our way through.

None of us knows what opportunities may present themselves. But this colloquy does alert Senators to the fact that there will be early votes next week, and it will be my plan barring severe weather conditions—I always try to be conscious of the problems of Senators in getting to the Chamber if there are weather conditions that make it difficult. Barring such, I would expect to have early rollcall votes so that Senators on the floor are ready to go early. There will be late sessions if necessary as we proceed. And those could become late, late sessions.

I want Senators to be alert to the possibilities of lengthy sessions and frequent votes next week, not that I am saying they definitely will happen because I do not know what opportunities will present themselves as we proceed. But all Senators should schedule their days next week accordingly.

I thank the distinguished leader on the other side of the aisle for his statement.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SIMPSON. Mr. President, I do very much appreciate that review of our activities next week. Everyone surely now is on notice. It will be a very vigorous week. And there is no question about that. That goes along with our quality of life activity. We are notified of that agenda. That schedule will be adhered to, and that is helpful to us on this side of the aisle. It might not be received with paeans of praise, but it is helpful. I thank the majority leader.

Mr. BYRD. I should also say for the benefit of our colleagues that filibusters in the recent past have been carried on in a rather casual and gentlemanly fashion, and Senators have not been pressed hard to come to a vote. But in this instance, we cannot spend weeks as we did last year on this bill.

It is important to me, and, as I have attempted to explain it many times on the floor to all those of us who support this legislation, it is such that in good conscience we have to make the very best effort that we can possibly make to bring the Senate to a decision. There are those who may feel differently, and they have a perfect right to their viewpoints. They have a right to resort to the rules to keep the Senate from reaching a decision on this matter.

I hope we do not have a filibuster. I hope we can reach some accommodation on these differences that exist. I do not want to see a filibuster. If it comes to that, however, I suggest that Senators be prepared to cancel all evening engagements and to be present as long as the Senate is in session daily and nightly.

If this should develop into a full-blown old-time filibuster situation, then Senators may expect rollcall votes at any hour of the night, and numerous quorum calls, and they should prepare themselves for such an eventuality if it occurs. Hopefully, it will not occur.

But I would be remiss, and I am not saying this as a threat, but I would be remiss not to indicate the firmness on the part of those who want to see a conclusion, hopefully a positive conclusion, to the effort. I say this to indicate the firmness of those of us who will do all that we can to bring this Senate to a decision. All that we can do, of course, may not be enough. But at least we will have tried.

We think this is an idea whose time has come. We believe in the rightness of our cause, and we believe that we have no recourse except to press it as hard as we can to a conclusion. We may fail. But all Senators are now alerted to the possibility of a very difficult week ahead.

I thank the distinguished Senator.

The ACTING PRESIDENT pro tempore. Is there objection? Hearing none, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. If there is no further morning business, morning business is now closed.

SENATORIAL ELECTION CAMPAIGN ACT

The ACTING PRESIDENT pro tempore. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

> A bill (S.2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Boren motion to recommit the bill, with instructions to report back forthwith, with Boren amendment No. 1403, in the nature of a substitute as modified.

Byrd amendment No. 1404 (to amendment No. 1403), of a perfecting nature, as modified.

Boren amendment No. 1405 (to amendment No. 1404), of a perfecting nature, as modified.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. SIMPSON. I thank the majority leader. We had anticipated at this point a speaker on S. 2 on our side of the aisle at 10:30, who was to be myself. I have already rendered my remarks during the leadership time. So we do have, I believe, one of our fine Members, Senator COCHRAN, who may wish to address and continue the debate.

I would share with the majority leader, as to what he said during the posing of the unanimous-consent, agreement, that it will be our hope, too, to remain gentlemanly and gentlewomanly and keep our civility as we get into perhaps "upping the ante" on filibusters.

That is an important thing for a majority leader to be able to do. I hope we can see a positive conclusion. We may differ on what that might be.

I thank the majority leader and yield to the Senator from Mississippi, my friend, THAD COCHRAN.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I think it is interesting for the Senate to observe the situation we are in now in consideration of the proposed S. 2 bill by the distinguished majority leader and others. In looking at the situation confronting what is almost a promise for around-the-clock sessions of the Senate if the committee that has been appointed fails to reach an agreement on legislation that can be recommended to the Senate, the inevitable result of such an event is going to be to attract the attention of the entire country to what amounts to a very partisan dispute between the Democrats and the Republicans in the U.S. Senate, and to bring the other legislative business of this great institution to a halt, over what amounts to really a struggle, a power struggle, between the two national parties over the future control of the U.S. Senate. That is what this is, and everyone ought to know that.

There have been some very good arguments presented to the Senate in support of public financing of congressional and Senate campaigns. For a while, that was the main thrust, as I understood it, of S. 2. It was to change the method of financing of congressional and Senate campaigns from private contributions to public funds to pay for advertising, for direct mail, for most of the campaigning that is involved in Federal elections.

That debate now seems to have shifted, to some extent—at least that is my impression—from public financing, according to the proponents of the bill, to spending limits. Everyone is encouraged now to focus attention on the fact that this new legislation that the Democrats are urging us to adopt involves strict limits on spending that will solve all of the problems and be a better way of handling our Federal election campaigns.

I am told by the Chairman of the Republican National Committee that this would be a death blow to the aspirations of the national Republican Party for control of the U.S. Senate and for control over the U.S. House of Representatives.

I am not smart enough personally to determine whether that is really true or not, but I know that is the assertion that is being strenuously made to those of us on this side of the aisle.

I have a copy of a letter, as a matter of fact, which was written on June 23, 1987, by Frank Fahrenkopf to me, and I assume other Republican Senators received the same letter, saying that such limitations could be lethal for the Republican Party's future.

He goes on to talk about why, in his opinion, equal expenditure limits are not equal for Republicans and Democrats. He makes the observation that in the 1984 Presidential election, which was publicly financed and contained expenditure limitations for both Ronald Reagan, the Republican candidate, and Walter Mondale, the Democratic candidate, labor unions spent $10 million in the primary campaign and $20 million in the general election campaign for Mr. Mondale, expenditures which "do not require disclosure under present law."

Under present law, those expenditures, according to this letter, do not even have to be disclosed, and under S. 2, the new reform bill, they would neither have to be disclosed nor limited. But other expenditures of funds such as those of Ronald Reagan, that were raised by private contributions from individual citizens to his campaign would, under the new proposal—if he were running for the Senate—have to be both disclosed and limited, strictly limited.

So what S. 2 is proposing, as I understand it, if this letter is correct, is to require a limitation of one kind of expenditure—private, voluntary citizen contributions to campaigns—and to not limit in any way expenditures by an organized labor union, as an example of an organization that takes an active part in the political campaign in behalf of a candidate for the Senate or for the House.

The question before the Senate is, is that fair? Is that equitable? My impression is that it clearly is not, and so I am disturbed when we hear arguments advanced in support of S. 2 that it is needed reform and will clean up the Federal election process.

Frankly, I have a hard time justifying support for that legislation based on that specious argument.

What we really have here, Mr. President—if everybody would really take an objective look, which I am not suggesting is possible under the present political circumstances—is an effort to railroad a bill through the Senate with the enthusiastic support of national organizations who identify with the cause, the cause of Senate control by the Democrats, all under the guise of reform of the Federal election process.

It is interesting, too, to take another look at an aspect of this, the involvement of the process by editorial writers around the country.

In June of 1987, when we were debating the same issue, I recall the majority leader putting into the RECORD a stack of newspaper editorials which others claimed were clear evidence of the widespread public support that had spontaneously developed because of the alleged rightness of the cause of the proponents of S. 2.

I am not going to bother the Senate by reading all the editorials, but it is interesting to note that many of them are exactly the same.

Here is an editorial from the CONGRESSIONAL RECORD of June 9, 1987, page S7831. Here is a Pennsylvania paper, the Monessen Valley Independent. This editorial was written on March 19, and it is entitled "Congress Should Rein in the PAC's." It starts off by saying 14 Senators elected in 1986 raised more than $1 million each in political action committee, or PAC, contributions for their Senate campaigns.

If you look through these other pages, both before and after, you will run into the same opening statement in several other editorials.

Here is one from the Lodi, CA, News Sentinel, dated April 3. The title of it is "Boren-Byrd Bill Can Lead to PAC Reforms," and it begins by noting that 14 Senators elected in 1986 raised more than $1 million each in political action committee, or PAC, contributions.

As you look through the RECORD there are others. It leads you to conclude that somebody else wrote the editorials. That is the point. It is pretty clear that you would not have a newspaper editorial writer way out in California repeating what appeared in a weekly paper, maybe a daily, in Pennsylvania, and then the same editorial appearing in New Bern, NC, Sun Journal on April 14. Here is the title of that editorial, "Rein in the PAC's." Does that sound familiar? It starts off "14 Senators elected in 1986 raised more than $1 million each," et cetera, et cetera.

Just wander through the RECORD. It is interesting.

Here is one from the Napa Register in Napa, CA, dated March 16, 1987. The title of this editorial is "Reining in the PAC's." This spontaneity all over the United States based upon the eloquent arguments on the floor of the Senate in support of PAC reform is intersting, is it not? We were being told that we were changing the rules by eliminating political action committee contributions. But do you know, if you looked at the bill, if you read the bill, it did not have anything in it changing the rules about the amount of contributions that could be given to

political campaigns by PAC's. There was nothing whatsoever in the bill changing those rules.

But we observed a nationwide campaign, orchestrated by some national organizations, in league with Senators here who are very interested in perpetual control over the U.S. Senate by one party, the Democratic Party, working to convince the American people through editorials that were being reproduced by people who had not read the legislation and did not know what it said—they knew what someone said it said—trying to convince the American people that they needed to write their Senators, write their Congressmen, threaten them with retaliatory action at the polls unless they supported this needed reform.

I suggest that it is time for us to level with the American people about what the real issue is here in the Senate and what the dispute is all about.

The dispute is about whether or not the Republican minority now in the Senate is going to agree that the Democrats should control the Senate for at least the rest of this century and probably beyond by changing the election law rules to make it more likely that Democrats will win in Senate elections and Republicans will lose, and that is what is happening here. That is exactly what is happening.

So to confront the Senate now with a promise that we will remain in session all night long, all day long, for days on end until we embarrass the Republicans so much by causing this impasse that they will cave in and agree to this change in the law is an interesting tactic. I predict that it will not work, Mr. President, and that enough Senators, incuding perhaps a few Democrats, will resist the efforts that are being made to steamroll this kind of legislation through the Senate.

There were seven votes last year on cloture, whether or not to shut off debate and permit a majority to pass in effect this bill without any further amendments. The effect of a vote for cloture would be to cut off debate without any amendments restricting PAC's or making any other really substantive changes in the legislation. Cloture would enable a simple Senate majority to pass this bill; with the House made up overwhelmingly of Democrats, you can predict that the bill would pass both Houses of Congress.

Mr. McCONNELL. Mr. President, will the Senator yield on that point?

Mr. COCHRAN. I am happy to yield, Mr. President, to the distinguished Senator.

Mr. McCONNELL. Just on that point.

It is important to note that if cloture were invoked an amendment to lower PAC contributions would not meet the germaneness rule. If cloture were invoked, an amendment to provide disclosure of soft money or limitation on soft money would not be germane. If cloture were invoked, an amendment to do something about the millionaires loophole would not be germane.

So the Senator is right on the mark. Cloture simply shuts out the opportunities to offer most of the amendments that those of us on this side feel would be useful additions to the bill.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Kentucky for those observations. I had assumed that was the situation we were in with reference to fundamental differences that exist between Republicans who have offered campaign reform legislation and the provisions of S. 2 offered by the Democrats. There have been Republican initiatives presented to the Senate on this issue that would require disclosure of expenditures that are not now required to be disclosed.

The letter I read from Frank Fahrenkopf indicates the amounts that were spent in the 1984 Presidential election where there were limitations by law on certain kinds of expenditures but not on others; indeed, the law did not even require disclosure of some kinds of expenditures.

The reformers here in the Senate on the Republican side feel very strongly, and I agree with them, that if we are going to disclose expenditures, all expenditures ought to be disclosed. If we are going to limit expenditures, surely you would want to limit all expenditures. But that is not what S. 2 does and to get that issue before the Senate the Senate has to resist cloture.

'That is the situation under the procedure that we find governing the handling of this bill on the floor of the Senate.

So I predict and I fervently hope that the Senate will not cave in and get stampeded by editorial writers scattered all over the country who are being encouraged to reproduce and print in their newspapers editorials somebody else has written on this issue that is so fundamental to the future of American politics and certainly to the future of the U.S. Senate.

There ought to be a way to write campaign reform legislation that draws from the best that is in all of these suggested bills. I am hoping the committee that is meeting will look at some of the suggestions that are contained in the bill introduced, for instance, by the distinguished Senator from Kentucky, Senator MCCONNELL, a very thoughtful piece of legislation. Senator STEVENS, the senior Republican member of the Rules Committee, is the author of a bill for reforming Federal elections as well. I am cosponsoring that bill. I think it is an excellent bill that presents an opportunity for excellent changes in the Federal election process: expenditures, campaign finances, things that do need changing. We all agree on that. That is the point. Republicans are just as interested in campaign reform here in the Senate as Democrats are.

Find that in any of these editorials. Find any description of any of the Republican initiatives—the fact that in some of those bills PAC contributions are done away with, for goodness sake.

And the Democrats have not suggested that. That is not in their bill. I am not saying that ought to be done. I am not cosponsoring that bill, but some Republicans are. They thought it up.

And so when the editorial writer in your home town talks about how Republicans are voting against and resisting the change suggested by S. 2, I hope citizens will inquire a little further and find out why and wonder whether there is an alternative. There are alternatives. And that is one reason why many of us are taking an opportunity to try to express our concerns on the floor of the Senate, in hopes that somebody out there will be listening—somebody who might write about it; it is hard to find in the newspapers of the country the real story that the Republicans are also for reform and that maybe their reform suggestions are better.

Mr. President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. I want to commend the distinguished Senator from Mississippi for his outstanding remarks and hope that he will stay on the floor for a moment and let us discuss it further.

You know, what it really gets down to is an effort on the part of those on the other side to put a limit on a certain kind of participation in our political system. The fundamental, underlying principle of S. 2 is that money in politics is per se evil and every other form of participation is necessarily virtuous. And so it seeks to put a limit on how many individual cash supporters we can get in our campaigns; put a clamp on that.

Now, there is already, under the post-Watergate legislation under which we function, a limit on how much each individual can give us and each political action committee can give us, and that has not been raised in 12 years. So it is pretty hard to argue that any one of those individuals or any one of those PAC's is going to have a disproportionate influence on any one of us because they just do not give a significant portion of what we raise and are spending today.

So the idea is to put a limit on how many contributors we can get. And, as my friend from Mississippi knows, the base of the Republican Party, by and large, across the country is the small businessman—the person who is out starting something, making a product, hiring people, creating wealth, making the system work in America. He does not have time to go down to telephone banks or to go door to door. He is out there making the system in America work. And that has been the base of our party, the growth of our party in your section of the country and my section of the country.

What they are saying to us is, "Well, we are going to let you have so many of those people. We are going to put a lid on how many of those folks you can have."

And as soon as we do that, all the myriad special interest groups that form the base of the national Democratic Party in your State and my State, the State Democratic Party, will be free to thrive and expand and do all of those things that will counter the growing base that we have had.

So I think it is the view of most people on our side of the aisle that money, per se, is not evil. This is, after all, a capitalistic society. A lot of our folks work for a living. They want to participate in the process.

Our colleague, PETE DOMENICI from New Mexico, last year—you may recall that speech—pointed out he had 20,000 contributors.

And, by golly, I agree with the Senator from Mississippi, we will just stay up all night to make the point that the law ought not to tell us how many supporters we can have. We ought to be able to get as many supporters as we can get. There ought not to be any cap on how much support a Member of the U.S. Senate can get. The more the better. After all, it is limited from each individual and it is fully disclosed.

But it is not good public policy to put a cap on how much support a person can have. That is not progress.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. McCONNELL. I yield to the Senator from Mississippi.

Mr. COCHRAN. Mr. President, on that point, I think that is really a central fact that we cannot ignore in all of this, and that is that the legislation would do that.

You know, people forget what this is really about. The Senator from Kentucky, I think, has really attracted our attention to the central point. The provisions of S. 2 put a legal limit, a limit by law, on the number of individuals who can support, with a contribution, the Senate candidate of their choice.

The large States, I am sure, would probably run into difficulties in that area. But I would guess that in States the size of Mississippi and Kentucky and certainly New Mexico, with the statement from Senator DOMENICI, that could be a very serious impediment to a candidate who does have wide-ranging support that he has maybe earned.

You know, it is assumed that financial contributions are somehow tainted with a selfish interest on the part of the contributor. I would think that 99 percent of the individual contributors to Senate campaigns are really trying to express their view and express themselves on the issue of which candidate they think is better for their State and for the country, and that it is an unselfish kind of contribution, a contribution trying to influence the election of someone they think will do something good for their State or for their country. What could be better and more noble than that? That is interesting.

Mr. McCONNELL. Will my friend yield further?

Mr. COCHRAN. I am happy to yield.

The PRESIDING OFFICER (Mr. ADAMS). The Chair recognized the Senator from Kentucky who has the floor and, therefore, the Senator has the floor, the privilege of the floor, and I assume has yielded for a question to the Senator from Mississippi. So the Senator from Kentucky has the floor.

Mr. McCONNELL. I thank the Chair.

Beyond that, it is interesting to note, as the Senator from Kentucky made a speech a couple of days ago that was probably entirely too long about the Presidential system that we seek to emulate. As we just discussed, there is absolutely no good public policy reason for putting a limit on participation.

Well, let us assume we did it. We have an example before us. We have been living with it since 1976. And, just to briefly summarize some of the things I said the other day, every single candidate for President has cheated, Republican and Democrat. All of them. One out of $4 that have been raised has been spent on lawyers and accountants and the money has oozed around the limits into exploratory committees, independent expenditures, this kind of committee, that kind of committee. And what it has turned every Presidential campaign into is an exercise in trying to figure out how to skirt the law.

I entered into the RECORD yesterday an interesting article appearing just this month in the Federal Law Journal from some of the staffers who are still at the Mondale for President Committee, 3 years after that campaign is over, trying to finally wind it down, and a quote from Bob Beckel, who managed the campaign. And I do not want to single out the Democrats. It has just been a problem across the board on both sides. It is endemic. It is a disaster.

S. 2 seeks to take that kind of system and apply it to 535 additional races. The FEC would be as big as the Veterans' Administration. We would have the biggest nightmare in town, a town already full of a lot of nightmares when it comes to Government bureaucracies.

That, in the name of progress? That, to put a cap on how many hard-working individuals can contribute to their favorite candidate and be a part of the American system?

This bill is a disgrace. We will be happy to stay up all night every night if that is what it takes to stand up for the opportunity for people in this country to participate in politics and have as many of them involved in our campaigns as we can get.

Mr. COCHRAN. Mr. President, if the distinguished Senator would yield further?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Mississippi for a question?

Mr. McCONNELL. I yield to the Senator from Mississippi.

Mr. COCHRAN. I thank the Senator. I would like to commend the Senator for the leadership that he has provided in trying to educate us on the failures of some of the provisions of the Presidential election laws. People were assuming, and maybe I was too, to some extent, that that was a new procedure that was working pretty well. Because, I think, those who are advocating the changes contained in S. 2 want us to believe that and I am talking, now, again, about the editorial writers who are reproducing canned editorials and who really are not advising the American people about these deficiencies in the current Presidential election law that ought to be changed as well.

I know this is beyond the scope of the committee that has been appointed on which the distinguished Senator from Kentucky serves, but consideration ought to be given to some reforms in the Presidential election laws as well.

If we are going to have campaign reform, maybe we should include some suggested changes that would improve the Presidential election process as well.

Mr. McCONNELL. I would say to my friend from Mississippi, that is the system we ought to be looking at. That is the one that cries out for improvement. The Kennedy School at Harvard did an excellent review some years ago, and it has only gotten worse since then. They did a study of the system in 1982 and everything has only been exacerbated since then. I mean every one of these categories is just worse, but just to give you a quick summary of what they said back in 1982: so far—and they had been through two Presidential elections—under the spending limits of public finance, failed to equalize resources of different candidates; failed to curtail the growth of money in Presidential politics; failed to shorten the overall length of campaigns—something the Senator from Mississippi has spoken about on a number of occasions; failed to reduce the emphasis on early primaries; intrude unduly into campaign strategy.

For example, why should there be a limit on what you can spend in Iowa? If it is your own decision, as a candidate for President, you want to shoot the works in Iowa, why not spend everything you have raised? History has indicated they will do that anyway.

It created thorny problems with arbitrary definitions, creative accounting and tangled enforcement and most important, fostered disrepect for the law.

That law is about like prohibition; it is about like prohibition.

Mr. COCHRAN. Mr. President, if the distinguished Senator would yield further?

Mr. McCONNELL. I yield for a question.

The PRESIDING OFFICER. The Senator from Kentucky yields to the Senator from Mississippi for a question.

Mr. COCHRAN. I have the recollection as a young lawyer in Mississippi, researching the Federal election law and the State election law relating to congressional campaigns in our State before the 1972 law was enacted. My recollection is that there were very strict limits, by law, on how much congressional candidates could spend; how much in contributions could be accepted. It was one of the most severe restrictions that I can remember in the election laws in my State.

As a matter of fact, they were so severe that I would suggest the same facts applied then to congressional elections that apply now in Presidential elections: That is that there was more circumvention, and with every candidate doing it to some extent or another, than there was compliance.

I can recall being really disturbed when I had to write a letter to a congressional candidate, I recall, to explain what the law said he could raise and spend in his campaign, knowing full well that none of the candidates that year were, probably, obeying that law.

Talking about disrespect for the law, there was no way you could respect a law that you knew was being flagrantly violated every election cycle by all of the candidates in the congressional race.

Mr. McCONNELL. And that is precisely what has developed in the Presidential system. The beauty of the post-Watergate legislation that was enacted that applied to Congress was two important principles: A limitation on individual contributions, so that no individual could have, arguably, a disproportionate effect on us; and full disclosure.

So, if the Senator from Mississippi or the Senator from Kentucky would take a contribution of the chicken growers of Arkansas and somebody finds that offensive, they are free to do a TV commercial and cut us up on it. It is a free society. It is right there on my report. Go for it.

But the theory was that money was not inherently evil, provided that it was limited and disclosed. And that has served us well.

Sure, campaign costs have grown, but they have grown because of three things and most people on our side of the aisle would be willing to treat the three real causes of the increase in campaign spending. There has been a growth in the cumulative contribution of political action committees, and there are several proposals on our side. In the case of the Senator from Kentucky, as you know, I would be more than happy to kiss the PAC's goodbye and do away with them altogether.

The bill of the Senator from Mississippi supports a lower PAC contribution, which would have an effect on cumulative PAC contributions. Second, there is a growing trend for millionaires to buy public office and it has happened here in this body and in the other body. While that is a constitutional problem, there are a couple of things that could be done that would help level the playing field just a bit when you are up against a millionaire.

First, we could require someone who is going to put, say, in excess of a couple of hundred thousand dollars of his own money into his campaign to certify that at the beginning of the process to the Federal Election Commission, thereby notifying his opponent of what is coming, that he is going to do that. When that notification occurs it triggers, for his opponent or opponents, if it is the primary, the opportunity to get larger individual contributions from contributors to their campaign. It would not totally solve the problem, but it would give him a chance.

Second, I have got a proposal that I may offer at some point that would say this: Obviously the Supreme Court has said you can spend everything you have got on your own campaign, but we are going to tell you you cannot get it back after it is over. You cannot go around town and shake down every PAC and every individual and pay yourself back.

That might not take care of the really big millionaire but a fellow or a lady who is just a little bit rich might not want to pony up $2 or $3 million if they knew they would have to eat it. So we intend to offer at some point this measure that would make the millionaire have to really pay for it if he chooses to do it; and not get it back.

The final thing that has driven up the cost of campaigning is the cost of television.

My friend from Mississippi knows what they do to us, all of us, Democrats and Republicans alike. The current rule is they must sell us the time at the lowest unit rate available for any customer. So what is typically done in the last 60 days before a hotly contested primary or a general election is they raise the lowest unit rate for everybody and they rip us off coming down the finish line. As soon as it is over they lower the lowest unit rate.

So I would suggest that we pass a bill requiring them to sell us the time at the lowest unit rate for the preceding year which, in most cases, would gear the lowest unit rate to the year before the election—not in your State or mine, but in most States—so they would give us a break going down to the finish line.

Those are the three things: more PAC's, more millionaires and more expensive television.

That kind of bill would be meaningful campaign finance reform. It would be landmark legislation. But I cannot find anybody on the other side who would want to do that. What they want to do is put a cap on how many people can participate in that process and we are not going to go along with that; are we?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further proceedings under the quorum calls be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, as I walked over here this morning, I could not help but think what Madison, Jefferson, Franklin, and even Lincoln would think about this debate. If they were to walk on to the floor right now, they certainly would not understand the reasons for the debate because they would have absolutely no conception of what has happened to the political process and how we finance the election of candidates.

I suspect that they would be appalled to know that what they thought they had crafted as the ultimate in democracy had literally been corrupted by money. I have not heard anybody in this Chamber say that they think the existing system is just jakie or even close to it. I have heard various Senators say, "Well, I think we ought to cut down on this or limit that." But nobody has really suggested abolishing, which really would be my goal, this corrupting influence that money has. I do not know whether it was H.L. Mencken, or who it was, who said, "You have the best Congress money can buy."

Most of us rather bristle at that because we came to this profession for the most altruistic, ideal reasons. Maybe not everybody, but certainly nobody here is willing to admit they came into this profession for any different reason. And now, for reasons completely aside from this debate, we are about to become the first generation in the history of this country to turn the country over to our children in worse shape than it was then we found it.

I might also say that I guess every Member of the Senate had one or both parents tell them from the age of reason that their principal obligation was to leave this world better than they found it.

Why is this? Why is it that people out on the campaign trail, I think certainly strongly on one side of the aisle and maybe a little more covertly on the other side, say, "I'll never raise your taxes"? Why are they digging a hole as big as this building that will absolutely cut off one of the most significant options they are going to need as we begin 1989?

Well, you and I know why they are saying those things. Bruce Babbitt can tell you what happens to those who say something else. Maybe that is not the total reason that Governor Babbitt did not fare well and had to withdraw. But I can tell you why people are saying "No more taxes ever." One of the reasons is because that fills their coffers. A very famous economist in this country said, "The rich will pull the roof down over their heads before they will allow themselves to be taxed."

I do not wholly subscribe to that. I had 1 of the 10 wealthiest men in this country call me not long ago and suggest that we not lower the tax rates on January 1, 1988. He said, correctly, "What sense does it make for you to be trying to deal with the deficit on the one hand and coming up with $31 billion in taxes and spending cuts and on the other hand giving $17.5 billion away in new tax cuts starting January 1, 1988?"

He said, "It makes no sense to me." But I can tell you that underlying that is this corrupting influence of money on the political process. It is tragic to hear a candidate saying, "I am in debt $500,000 and I have to be realistic. If I don't carry Minnesota, or South Dakota, or both, I am probably going to have to drop out." And I am just using it as an illustration.

Our distinguished colleague, Senator SIMON has not had a chance to campaign very much. In the Middle West in one State, in Iowa, which is sort of his area, he finished in very close second. But he cannot get the money or at least he has indicated he is having a tough time to get enough money to survive running in a region where he feels at least that he can do very well.

This bill is no panacea. It is no cure-all. But I can tell you that candidates in the U.S. Senate, in the U.S. House of Representatives, all of these Presidential candidates often very carefully craft what they say to appeal to certain money interests. I am not denigrating that. I am simply saying that is the system as it exists, and if they want to run and have the money to run, they at least feel that is absolutely necessary. And there is not a person here who has not said, and there is not a person who does not believe that the present system is erosive of the body politic in this country.

How many times have you heard Senators say, "If I can get $3 million in the bank by such and such a date I believe I can scare old so and so out of the race"? That is as much a part of politics as filing, and paying the filing fee. That is to try to get more money in the bank by a certain time than anybody thought you would get and thereby scare off your opposition.

I am an imcumbent. Incumbents always have the advantage. They have the advantage in name recognition, they have the advantage of their record which most of them are proud of, but above all they have the ability to raise money.

I was a challenger when I ran for Governor in my State in 1970 and I was running against one of the wealthiest men in America—incidentally, a man I like and who has been a good Governor in our State. I spent about $300,000 in both the Democratic primaries and in the general election. And he spent close to $3 million. It does not mean that just because you have the money that you are going to win. It takes a little more than that. But when you look down the record and you see—incidentally, you know I think there has been an underlying assumption here that Republicans can always raise more money than Democrats. I think generally that is true. But if you are an incumbent in the U.S. Senate and you are being challenged by a Republican who is virtually unknown, chances are you are going to outraise him unless the national committee and the Republican Committee here in the Senate choose to really bestow a great deal of largesse on that particular challenger.

So I have been on both sides of it. I have been a challenger against unbelievable wealth, and I have been an uncumbent with all the benefits and pertinence thereunto appertaining, as we lawyers say.

Last year when I ran for reelection I spent about $1,500,000. I never dreamed in my wildest imagination that I would ever be able to raise $1.5 million. And here is why. That was the eighth election I have been in since I ran for Governor the first time in 1970, and $1.5 million is precisely twice as much as I had spent in the other seven combined, collectively.

Do you know something else? Our polls showed we were going to win and win rather handily, and I kept telling my staff and my financiers, "Let us save some of that money. We could save $250,000 and have a little nest egg in case I decide to run again, and we can do some really good things with that money between now and the end of the next 6 years." But we did not save it. Do you know why? You do not raise it to save it. You raise it to get reelected and you have this inordinate fear that if you do not spend every dime of it, and say you have $2,000 or $3,000 left in the bag, and you lose, you really look stupid. You say "Well, if I had just spent that last money I could have won."

Mr. President, I am sure I am not saying anything new here that has not been said many times before, but I do not think at this point it would be well to insert these figures in the RECORD again because sometimes it takes a long time for these things to soak in. You can say them and say them and say them and nobody is really paying much attention. But just listen to this.

From 1976 to 1986, a 10-year period, the average cost of winning a Senate campaign went from $600,000 to $3 million—10 years. Ten years and the cost of running a successful campaign went up 500 percent. That is almost—well, it is 50 percent a year, and no end in sight. Everybody that thinks that is a good idea for campaign expenditures to continue to go up 50 percent a year, stand up. We spent a total, both sides of the aisle, of $182 million on Senate elections in 1986—$182 million. I sometimes think if you just turn this crowd loose we could go out and solicit enough money to balance the budget. The Government might not be worth saving after you did it.

Listen to this. Last year, PAC's spent $45 million on Senate campaigns. And in 1976 we spent $5 million. PAC's contributed $5 million. So in that 10-year period PAC contributions went from $5 million to $45 million. And under S. 2 those expenditures would be reduced by two-thirds. Last year's $45 million would have been $16 million. And under the Republican proposal PAC spending would be reduced not 67 percent, but 6 percent.

Now, there is one thing about the original Republican proposal—I do not know whether it is still there or not—that I like, and that was to eliminate

PAC's. I would be perfectly willing to do that.

Let me say at this juncture I do not think S. 2 is a perfect bill. And I heard the Senator from Kentucky go on and on yesterday or day before yesterday about how the Presidential campaign financing leaves much to be desired and has created a lot of lawsuits; and that is to say the laws regulating Presidential campaigns could stand a lot of improvement, "But, Senator, I am not for putting it on this bill. I want to address that separately."

Everybody has figured out some way to beat the Presidential financing campaign law one way or another, to get around it.

PAC's spent a total of $90 million on House and Senate incumbents in 1986. And what do you think their challengers got? I mentioned a moment ago a challenger in Arkansas who spent $300,000 and was outspent by the incumbent 10 to 1, $3 million to $300,000. What do you think it was in the House and Senate races last year between incumbents and challengers? The incumbents in the House and Senate got $90 million, and their challengers got $20 million—450 percent less than the incumbents. Oh, the joy of the incumbents.

According to the Washington Post of February 12, 1988, the 27 Senators running for reelection this year have raised $57.4 million in campaign funds with 30 percent coming from PAC's.

Last year alone, the same 27 incumbent Senators raised $38.7 million, and that is more than two and a half times the amount they accumulated in 1981, and more than $12 million of that came from PAC's—4 times as much as given by PAC's to the same 27 just 6 years ago.

Mr. President, it is no wonder that NBC had the lowest ratings in the history of NBC Tuesday night in their 1-hour show on the New Hampshire primary. People were tearing the knobs off their sets to get back to some movie or the "Cosby Show" or the "Jeffersons" or whatever. NBC had the lowest ratings in their history, trying to enlighten the people of this country about what was going on in the most significant event of this year, of this 4-year period, about the Presidential race in New Hampshire.

In 1986, the number of youngsters between the ages of 18 and 24 who voted was at an all-time low. How do you account for that? How do you account for the fact that probably less than 20 percent of high school graduates across America can name both of their U.S. Senators? Five to ten percent can tell you who the Secretary of State is. You do not have to be broke out with brilliance to understand that. The political process has lost its appeal, and why would it not?

If you were a wage earner and you picked up the Arkansas Gazette or the Washington Post or any other newspaper across the country during an election year, and you looked down the list of contributions people have given to a candidate—our State does not even report contributions of under $500. When I say "our State," I mean the newspapers, in listing those who contributed to various senatorial and House candidates. They do not even get their name in the paper if they do not give 500 bucks. If you were a wage earner out on the assembly line and you thought old DALE BUMPERS was a pretty good candidate, honest, had a good vision for his children, and you would like to send him $10 or $25, would you do it when you look at this long list of people—PAC's who gave $5,000, wealthy people who gave $1,000 or $500?

This is a little personal vignette. My wife, Betty, called me three afternoons ago, and I was out of the office. I called her back about 2 hours later. I said, "What do you want?"

"Well, I wanted to know if it was OK to send a check to so and so," one of the Presidential candidates.

I said, "I don't care who you want to give money to. Give to whoever you want to."

She said, "I got to thinking about it, and I don't feel we can give more than $250, and that just doesn't amount to anything."

We are not poor. We are not rich, but we are not poor. If people in the political process for 17 years, like my wife, have this sort of cynical feeling—what is $250—what do you think the rest of the people out there think?

I hate to keep using personal vignettes, but they are interesting. It is just like gossip; people like to hear it. When I ran for Governor the first time, we took in 27,000 contributions. That was long before you had to report anything, but I just had the feeling—I had always done this in my law practice—that we ought to write down the name and address of every person that gave us a dollar bill, and we did. I knew I would never have to worry about some press guy coming to me saying, "So-and-so said he gave you $10,000. You double-crossed him," all those things that used to go on.

In any event, there were 27,000 contributions, and I think the average contribution was $12. I say to the Members of the Senate, that is healthy. That is one of the healthiest things I have ever seen happen in the political process.

I have never been as exhilarated, of course, as I was when I was elected Governor of my State. I was just a country lawyer. I was pleased by that sort of prairie fire that swept across the State, and people on welfare coming up to me and pressing a $1 bill in my hand, wage earners pressing a $5 bill in my hand. That is when the political process is working. I do not think Thomas Jefferson would be terribly upset about that.

So far as I know, we are the only developed Nation on Earth, the only democracy on Earth that finances campaigns the way we do. It is not all bad. You cannot say it is all bad. There is a better way to do it, and S. 2 is not perfect. I want to make that clear.

I said earlier that I would like to see a lot of changes made in S. 2 because it is not perfect, and it is probably going to generate some lawsuits, just as the Presidential law did.

If you were a wage earner in Wenatchee, WA, or an apple picker, and you saw that list of contributions in the paper, you might ask yourself, "What does that guy who gave him 1,000 bucks or that political action committee that gave him $5,000 get for that?" Your answer is, "They don't get anything; just good government."

I found a lot of people who gave me money that I had never seen before in my life come in and hand me 10 $100 bills when I ran for Governor the first time. I never had more than $20 in my pocket. When I ran for Governor the first time and saw how much cash floats around in a campaign, I was absolutely traumatized. Most of those people would say, "Dale, here's $1,000 or $2,000." You could even take corporate contributions in my State; still can.

They said, "All I want is good government."

After I got elected, I found out some of those people wanted just a little bit more than good government.

So that apple picker out in Wenatchee or the rice farmer in the plains, the prairie of Arkansas, has a very legitimate question in his mind, and he thinks he also knows the answer to that question. What are they getting for all this money? Some say, "Well, I see him; I let him in my door." Is that all they get?

If it comes down to a vote here between a PAC whose interest is adversely affected and they have $5,000 or $10,000 in your campaign, and it is between their interest and a small group of people who never gave you a nickel, it takes a mighty powerful man to say, "I'm going to do what I think is right. I don't care who gave me 10,000 bucks."

Frankly, I think an awful lot of people in this body do that, but why have that temptation out there?

Nobody is immune, but it is not fair in a political process for those who have to be able to protect their interests so totally because of their wealth.

Now that we have this additional question of millionaires spending money, we have 32 millionaires in the Senate, and let me say on the front end that some of the wealthiest people in this body are also the best Senators in this body, and maybe that is because they are not influenced by money because they can finance their own campaigns, but when you have 32 millionaires in the Senate, that is not exactly a microcosm of America either. Thirty-two percent of the people in Arkansas are not millionaires. I would guess that maybe 0.01 percent of the people in my State are millionaires.

But, Mr. President, there are so many things wrong with the system even if we were going to stay with it, even if we were going to continue to allow people to contribute as they have in the past to finance our campaign as we have in the past, we have this problem of soft money. You have this problem of bundling.

The last year when I was running for reelection the report came out, and I do not mean to denigrate my opponent—he is a fine young man—but I look in the paper and he had $127,000 and the list of names where he got the $127,000 was that thick. All the contributions were $10, $15, $20, and all of it from outside Arkansas.

And my question was, What on Earth? How could this guy know these 3,000 people outside Arkansas that all of a sudden sent anywhere from $10 to $50 into Arkansas? The Arkansas Gazette to its eternal credit started calling these people and "Did you send so-and-so, Senator BUMPERS' opponent, $10, or $20?" And they made seven or eight telephone calls and everybody they talked to never heard of my opponent.

That was my introduction to bundling. Does that make sense to anybody? Of course, it does not.

S. 2 removes that.

Mr. President, I see everybody getting a little apprehensive, so I take it I have already spoken past my allotted time.

If I may just close, let me just say that when I was in business I had a fellow who worked for me, and one of his favorite comments was, "Let's do something even if it's wrong."

I am so concerned about the political process and the cynicism that exists in this country toward politics, Congress, and to a lesser extent the President, toward the State legislatures, toward democracy, toward the way this system is not running and not working, I am saying that money is a good big part of the problem.

If you really are serious about trying to instill a sense of pride in Government, with all people, those who can afford to give $10 as well as those who can afford to give $10,000, now is the time to start removing it.

S. 2 is not perfect, but it deserves a chance.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SHELBY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, the proponents of S. 2 have offered so much grist, grist that is easily rebuttable, that I honestly do not know where to start.

But let us start first with the argument about the cost of campaigns, just the sheer cost—not does the money come from political action committees, or is it bundied together from contributors who do not know who they are giving to—just the cost. Realize, of course—and I think the public would understand—that a hotly contested race in a big State will probably cost more than an uncontested race in a small State. You will discover—forget the big State, small State argument—that some of the more expensive races are in medium-sized States where they could be won by a Republican or Democrat, and both candidates raise a fair amount of money.

As an axiom, you can say if the race is uncontested in a big State—I do not mean by uncontested that there are no opponents—anybody who looks at the race, anybody who assesses the race says X is going to win and Y does not have a chance.

If that is the political judgment ahead of time, and it is usually a judgment from the press, ironically, Y has a difficult time raising money; X does not raise very much money, and not much money is spent on the race. If, on the other hand, from a year out, 9 months out, 6 months out the press is saying this is a tight race, Y and X are locked in a tight battle, X and Y both have a fair amount of money.

Having said that, let us take a look at how much it actually costs citizens in this country to support their candidates. Let us take West Virginia, the home of the majority leader, Senator BYRD. The population of the State is 1.9 million people. He spent $1.8 million in his last election. The annual cost, annual, you have to multiply this by six because I am taking an annual cost of a 6-year term, the annual cost of that race comes out to about 16 cents per person in West Virginia. Multiply it by six, it is 96 cents, about a dollar. Over 6 years each citizen in the State of West Virginia on the average would have to put up a dollar.

Is that asking too much of the citizens? Is that saying that is too expensive a race?

Let us compare that to Oklahoma. Senator BOREN is one of the principal sponsors of S. 2. There you have a State of 3.3 million. Senator BOREN had in essence no significant opposition in the last race. He spent $1.2 million, or on an annual basis annual per citizen about 6 cents in Oklahoma.

Yet, interestingly, the annual per capita—I am talking about every man, woman, and child now—expenditures for tobacco in Oklahoma are about $16 a year, cosmetics about $98, alcohol about $235 per citizen.

Is democracy worth 6 cents per citizen?

Take even the most expensive races around—and mine was last year because I frankly spent a great deal of money on direct mail, and direct mail, as the Chair knows, is expensive fundraising. You have to pay for a lot of stamps and postage and letters. I raised about $6.2 million for the race, or on an annual basis 38 cents per citizen. My hunch is mine comes close to being one of the more expensive races. I have not figured the annual per capita expenditure for all other races, but in our small States, and in a very expensive very small State—I mean 1 million, 1.2 million, or 800,000 people—in a hotly-contested race, perhaps the per capita expenditure per citizen was higher. Let us even assume perhaps it reached 60 cents per citizen a year in one State or $3 for a 6-year term per citizen to support the process.

Is that excessive spending for democracy? I do not think so.

So let us for the moment put aside the argument about excessive spending. I do not think that argument is proven, at least in comparison to other things, that we voluntarily spend money on that probably are not as critical to the governing of free men and women as are free and open and fair political races.

Now, let us take the argument of where the money comes from because clearly it does not come in my State at 38 cents per citizen or in Senator BOREN's State at 6 cents per citizen per year. The argument is raised the money comes from powerful interests, that is, political action committees.

I could make an extended debate as to whether or not political action committees are evil or are not evil. Most of them, with very few exceptions, most of them raise their money, the political action committees, from thousands or in the case of larger organizations hundreds of thousands of contributions of relatively small amounts from the employees of the company or the members of the trade association. It is a very unusual political action committee that is supported by large donations.

Take some of the big ones, the realtors, labor, American Medical Association. The average contribution to those PAC's is relatively small. They just happen to have hundreds of thousands of members who are willing to put up a small amount of money.

Now, the real concern about the PAC's stems not from where do they

get their money, but, rather, if a political action committee can give you $5,000 in the primary and $5,000 in the general election, are you so beholden to the lobbyist who gave it to you—and usually the lobbyist or the president of the trade association are the contributors—are you the candidate then so beholden to that person because he or she has given $5,000 in the primary and $5,000 in the general election, that you will make a pact with the Devil and sell your soul for that?

Bear in mind that is the most they can give you. And if these races are costly, that is, $1 million, $2 million, $3 million, $4 million, $5 million, is the fact that you received $10,000 from a political action committee going to be a disproportionate influence?

I might add as an aside here, Mr. President, there are very few political action committees that give you $10,000. It is, on average, more likely $1,000 or $2,000.

If your answer to that question is, yes, then for the moment I will argue the case that if you are going to be unduly influenced by a $5,000 or $10,000 contribution from a political action committee, there is another answer besides having to ask taxpayers to finance elections. The answer to lower or eliminate contributions from political action committees to candidates and parties.

If you want to get rid of the evil influence in PAC's, eliminate them. Pass a law that says they cannot give money to contributions.

In fairness, it should be understood that we cannot constitutionally outlaw or prohibit them from spending money independently—and I mean independently. They do not give it to the candidate, they do not talk to the candidate, there is no connection between the political action committee and the candidate's committee. We cannot constitutionally stop an individual or a committee from spending money as they want against a candidate or for a candidate. Ironically, it is more often spent against than it is for.

And the double irony of it is, with independent expenditures, they are often made by persons of great zeal and commitment who think that the entire public shares their view. And their ads are so obnoxious that it usually rebounds against the candidate that they think they are helping. But, that is another aside.

If we do not want any candidate, if we do not want any committee to receive money from the political action committee, that we can legally stop it now. And I think if that were the issue that the majority is really concerned about, then there would be room for a campaign reform bill on which 60 to 70 to 80 percent of the Republicans and 60 to 70 to 80 percent of the Democrats would join. But I do not think that is the real issue.

Second, if you want to reduce campaign spending, I think you could do that by bringing the contribution limits down. Now, here I do not think you would find many supporters of what I am about to say, but if you wanted to bring the campaign contribution limit down—and this is legal—to not $1,000 for individuals but $100 for individuals, and if you wanted to prohibit what the Senator from Arkansas referred to as bundling so that some organization in Minnesota or Wisconsin did not gather together hundreds of $10 contributions and send them on to a candidate in Arkansas, you could prohibit bundling also.

I would wager to say that if you eliminated the political action committee contributions—realizing again with this caveat, Mr. President, that they can spend on their own independently and that we cannot stop them—and if you limited campaign contributions to $100 or $200 a couple on a joint return, or something like that, you would dramatically cut the cost of campaigning and you would dramatically cut the cost of campaigning for this reason: With the exception of perhaps 5 to 10 Senators who have been in the Senate long enough to have established a record on some particular issues over a long period of time and might be able to raise money nationally by direct mail, most Senators have not established that type of a reputation. It is no fault of theirs; it just takes a long time to do it. Therefore, if a relatively unknown Senator from New Mexico, Arizona, or Oregon tried to raise money by direct mail in West Virginia or Ohio, my hunch would be you would lose your shirt, because they would not know who you were.

So, any money that you are going to raise in small amounts, perforce, you are going to be forced to raise it in your own State where you are known—hopefully you are known and hopefully the challenger is known—and you are going to have to do it not by an extraordinary use of the candidate's time because contributions are limited. Contributions are limited to $100. Candidates could raise money all day and all night and could not raise enough money to run a respectable campaign. The only way you raise that kind of money is with 500 volunteers, 1,000 volunteers, 1,500 volunteers who believe in you and they would go out house to house, block to block, rapping on doors or making telephone calls asking for money on your behalf.

That is not a bad sense of commitment. If people will do that for you, you may not be a bad candidate. And if people will do that for you, it may be a good hallmark of a good campaign. And if people will do that for you in your State, they will take an interest.

Almost all charitable organizations in this country learned long ago that, if they can do it, they are better off to have hundreds or thousands or, in some cases, millions of contributions of $5 and $10 and $20 and $50 rather than a half dozen of $1 million apiece. Because once you have a base of supporters that is not a half a dozen—but 1,000 or 10,000 or 100,000—you are immune from the vagaries that might eliminate one or two of your major donors or political irritations that have been with you all along, yet you cross them on one issue and they leave. Or if you are a charity and the charity has only five or six immense donors, and that charity decides to undertake a particular activity that one or two of the donors do not like and they quit, it absolutely devastates the charity. This does not happen if you have tens of thousands or hundreds of thousands of donors. You might irritate 5 percent, 10 percent. It is not fatal.

So, one, if you want to eliminate the influence of PAC's on committees or campaigns, zero them out. They cannot give. Two, if you want to lower the cost of campaigns, cut down the amount people can give and I think you will automatically cut down the amount campaigns will cost. You will have the additional benefit of most incumbents and all challengers having to raise the bulk of their money in their own States in small amounts with hundreds or thousands of volunteers.

All of that can be done without asking the taxpayers to compulsorily support us.

Now, I know the argument is made that it takes a lot of time to raise money. I am telling you, to raise it in small amounts, it does not take a lot of the candidate's time. It takes a lot of time, but it is not the candidate's time.

I am a little put off by this argument that raising funds takes so much time and I have got to devote a night a month a year at it or two or two nights a month a year or a week a year for 6 years. You know, we all got into this business with our eyes open. Sure it is hard work. No sooner we find how hard we work, then we ask the taxpayer who works hard to trundle up to finance our campaigns.

Any evil that has been alleged by the proponents of this bill can be remedied if they want to remedy it, Mr. President. It can be remedied without asking the taxpayer to pay for our campaigns. And if the majority wants a genuine campaign reform bill, then require what we call soft money to be reported. Soft money is money that organizations pay usually in telephone banks or direct mail campaigns to their members or get-out-the-vote drives to certain geographic areas where you know that those in the geographic area are likely to favor, by 60 or 70 or 80 percent, the candidate that you support. All of this is often done and, under current law, it does not have to be reported.

Is it campaign spending? You bet it is. Is it big money? You bet it is. Is it money spent on occasion by political action committees? You bet it is. It is usually spent by organizations that have immense membership and they will work on their members. They have 500,000, 600,000, 800,000, a million and a half nationwide and spread that around the States. They can make a big difference if they can get their members to turn out 80, 90 percent, when the average turnout might be 50 or 60 percent. And in a close race that can be the difference. Is big money spent on that? You bet it is. Not reported.

I think the majority has a misgiving about wanting to report that kind of money because most of those large membership organizations are more likely to support Democratic than Republican candidates and, therefore, I think, the majority has some misgiving about requiring that money to be reported. But if you want to find out who is spending for what and how much, it should be reported. That can be added to this bill.

Do you want to stop a rich man or woman from paying for their own campaign? Millionaires do not care if they raise any money; they just go out and spend out of their own pockets, and spend $2 million, $3 million, $12 million, $13 million. You can prohibit that in this bill without asking the public to reach into their pockets to finance our campaigns.

You want to improve the turnout? It is interesting to look at the figures in terms of voter participation. You know, the argument has been made that high spending turns off voters. However, it is interesting to look at the last series of Senate races. The top spending States in order also were the top turnout States. South Dakota had a 58-percent turnout. Spending per voter—this is a small State in a hotly contested race—$13.47 per voter; Vermont, $8 per voter, 49 percent turnout; Idaho, $7.86, 55 percent turnout. High turnouts in these States.

The States that had the lowest turnouts also had the least amount of money spent on the races. The reason for this is—and I will go back to my original premise—if it is a hot race, if there is a chance that the challenger can beat the incumbent and everyone knows it from 6 months out, that draws a high turnout and it draws money to the race.

If everyone figures the incumbent is a shoo-in, cannot be beaten, the challenger is a dodo, the result is low turnout and little money is drawn to the race.

Then, Mr. President, often quoted on this floor is the old adage that those who do not remember history are condemned to repeat it. Much of what we now are governed by—and the law is not bad now; it is much better than it was a decade ago—much of the present law comes out of Watergate, the undercover money and the efforts of the Watergate Committee and the reforms that came afterward attempting to ensure that what money was spent was reported, that limits were put on it. If there was any genesis to the way we are now governed in campaigns, it was the Watergate scandals followed by the Watergate Committee Report recommendations.

Let me quote from that report:

> The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.
>
> The Select Committee opposes various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office. While recognizing the basis of support for the concept of public financing and the potential difficulty in adequately funding campaigns in the midst of strict limitations on the form and amount of contributions, the committee takes issue with the contention that public financing affords either an effective or appropriate solution. Thomas Jefferson believed "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."
>
> The committee's opposition is based like Jefferson's upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment.

This is most important:

> Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns.
>
> The abuses experienced during the 1972 campaign and unearthed by the Select Committee were perpetrated in the absence of any effective regulation of the source, form, or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971, in requiring full public disclosure of contributions, the 1972 campaign still was funded through a system of essentially unrestricted, private financing.
>
> What now seems appropriate is not the abandonment of private financing, but rather the reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses of earlier campaigns.

Do you know what ought to be the goal of this Congress? What ought to be the goal of this Congress, at least in Federal campaigns—and I would hope in State campaign, the goal should be to get 20 or 30 or 40 or maybe 50 million people in this country to give $10 or $20 apiece. That would produce more money than has ever been spent in campaigns in this country. Let us average it: If you could get 40 million people to give $20 apiece on the average, you would do more for democracy than all of the laws that we could pass because, if you could get 40 million people to give $20 apiece, they would not only give $20, they would be out telephoning one night a week, they would be out going door to door, they would be out participating in democracy.

I think it is possible to get 40 million people to give $20 apiece. In fact, I am reminded of our former colleague, Senator Long, who retired in 1986. As a matter of fact, Mr. President, he is coming in to see me today. It is the first time since he left because, of course, he was banned from talking to any of the former members of his committee for a year under the ethics laws. He has very properly and scrupulously adhered to that, but he is coming in this afternoon.

I can remember the idea he had, and it is not all that bad an idea, in fact this man seldom had any bad ideas. He was a cornucopia of energy and ideas.

He said, if you want to get people to give, I will tell you how we ought to do it. The problem in asking somebody to give you $20 or $50 or $100 is that the average man or woman cannot afford to take $50 out of his or her pocket and give it to you and then wait. Even if you have a tax credit system, they have to wait until next April to get their money back.

Senator Long said, I will tell you how to do it. We ought to figure out a system where you go up to Johnny or Jane and say, "If you give me $50, I will give you a receipt. You take the receipt down to the bank and get your $50 back that afternoon." He said, with all of these Federal Deposit Insurance Corporations and Federal Reserve Boards, we ought to be able to figure out some way that the average citizen could give money today and get their money back today. I think he was probably right. It is not beyond our capacity to figure that out if that is what you really want to achieve.

But, Mr. President, I think the difficulty in trying to work out a campaign reform bill is that reformers in the Republican Party come at it from a different view than reformers in the Democratic Party. Reformers in the Republican Party would like to have all money that is spent reported, whether it is spent by a political party, spent by a candidate, spent by an organization seeking to influence its members—whether with soft money, hard money—anybody—report it.

Second, I think the Republican candidates would be willing—I cannot speak for all of them—but they would be willing to reduce the amount that political action committees can contribute. For myself, I would be willing to reduce it to zero.

Third, I am not necessarily speaking for others, but for myself, I would be willing to reduce the amount that individuals can give from the present

$1,000 in the primary, $1,000 in the general.

Those reforms would achieve all that the Democratic reformers say they want to achieve. But I think deep down there is an unspoken motive, which is understandable. It is understandable in the sense that I think if the Republicans were in the majority in the country, we might think of the idea. I would still oppose it, but here is why I think the majority of the Democratic Party wants public financing and with it what they call spending limitations. Again, I am going to speak, Mr. President, on averages.

On average, incumbents win. It does not take any great genius to figure that out. You look at the past elections. Most Members of the Senate who run for reelection win. Most Members of the House who run for reelection win.

So, any system that says a challenger can spend no more than the incumbent automatically favors the incumbent if the incumbent starts out ahead to begin with.

Second, on average, people are inclined to vote their party registration. Not all and not as much as they did in the past, but if you look at the polls before elections and look at the polls after elections, polls that all the networks take, Democrats are more likely to vote for a Democrat and Republicans are more likely to vote for a Republican. Whether that is the way you were raised or a personal conviction you came to or you lived in a State where one party was irrelevant for a long time so the only way you could have an effective voice was to vote with the other party or not—there are a dozen reasons, in the last analysis, people are inclined to vote the way they are registered.

In this country, Democrats outregister Republicans on the average, nationwide. I mean registration. I do not mean when the pollsters ask, "Do you regard yourself as a Republican or Democrat?" You might be a registered Democrat but you might say you are Republican. More and more people are beginning to register independent. But for the moment, Democrats outregister the Republicans.

That being true, and if people are inclined to vote their party, then any system which says that the minority party can spend no more than the majority party favors the majority party, all things being equal.

With Democrats being the majority party in the country by about a 3-to-2 ratio, and in the Congress, both House and Senate, more incumbents being Democrat than Republican, couple those two facts together with a system that allows the minority party challenger to spend no more money than the majority party incumbent, and who on the average is likely to win? The incumbent majority party.

So I think what the reformers and the majority party want is a reform that will guarantee their majority status and to do so they are willing to tax the average taxpayer in this country and bundle up enough money to finance all of our campaigns so that the majority party can achieve the one thing it really wants, which is to limit the amounts of money that can be spent on the campaign.

Under the Supreme Court decisions of a decade ago, the only way they can do that is to pass a bill by which the public finances the campaigns, and if the candidates accept public funds, you can then attach a string to it that they can only spend so much.

I will conclude, Mr. President, with this: If what the majority really wants to obtain is reform in the sense of removing big money, that can be done without asking the taxpayers to finance our campaigns.

If what the majority party really wants is to reduce the amount of money that is spent in campaigns, that can be done by the simple expedient of lowering the individual contribution limits. We can do that without asking the public to finance our campaigns.

If what the majority party really wants is to allow the Republicans to spend no more than the Democrats, to allow challengers to spend no more than incumbents, then the only way you can do that is to ask the public to finance our campaigns and say that any candidate who takes public money can spend no more than the others can.

That is a fair argument. It makes a worthy argument in debate. I think that is the issue around which this debate should center.

I think it is unfair to give a majority party incumbent that advantage and I would argue against that unfairness. But I think it is a sham and would be deceiving to argue that the only way—the only way, Mr. President—that we can take big money, PAC money, evil money, selfish money, greedy money, out of the campaigns is to ask the public to finance them.

That big money, greedy money, selfish money, we can take out by amending the present law. If you want to take out the tremendous quantities of money that campaigns receive, we can do that without asking the public to pay for our campaigns. Lower the campaign limits.

I do not think, however, that the bulk of the majority really wants that.

So this debate will continue. For those who want real reform, Republican and Democrat who want real reform, who want to reduce contributions, who want to reduce the influence of PAC's, there is a majority in this body for that reform. But if in the name of reform the real goal is to ask the taxpayers to finance our campaigns, then I do not think there is going to be a consensus and I think this debate is going to go on for a long, long time.

I thank the Chair and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I am pleased that the group of eight negotiating team was able to meet yesterday on the subject of campaign finance reform, and I was pleased that a very frank exchange on the central issue of the debate occurred in that meeting.

It is my hope that before we meet again Monday—and we are scheduled to meet again Monday—the Republican members of the group will meet the challenge which we have given to discuss with their colleagues how we can meet the needs of true reform which we discussed in the meeting. We look forward to getting back together again on Monday to hear additional proposals to see how we can come more closely together.

As I have said before, we are not dealing with an issue that should be a partisan issue. We are dealing with a serious problem for this country, an American problem. It think it is imperative that we get together to work on meeting this challenge together.

I have never sought to make S. 2 into some sort of partisan effort to benefit the Democratic Party. I think the negotiating group knows that. I think there is a genuine feeling on both sides in that group that we should try to come forward with a proposal which will not seek to give an advantage to one political party over the other.

Mr. McCONNELL. Will the Senator yield for a moment on that point?

Mr. BOREN. I will be happy to yield.

Mr. McCONNELL. I second the observations of my friend from Oklahoma. I thought the meeting was very frank, that it was an open discussion, probably the best discussion we have had to date on this issue.

I was encouraged, and I can tell him that we will have a proposal Monday for review, and possibly we can go forward from there.

Mr. BOREN. I thank the Senator from Kentucky. I appreciate the spirit in which he has entered into these negotiations. He is certainly one of those Senators who has spent the most time studying this issue, and I hope we will find a way to work together to solve the problems that we face.

I think we understand we have a sincere desire that we find not a bill which will solve all of the wrongs in the system—it would probably be impossible to do so—not a bill that will make one change in the law that will spark new loopholes and abuses of the system not a bill, as I have said, that carves out either a Republican advantage or a Democratic advantage, but, Mr. President, a bill that is well considered and an honest effort to correct what I believe a strong majority of this body feel: that we are dealing with a real threat to the integrity and fairness of the electoral process itself; that the system is badly out of balance and needs reforming.

I am encouraged that the group will reconvene Monday. It is not going to be an easy process, in all honesty. But I remain hopeful that we can come to some kind of agreement and that there will be a proposal from the other side of the aisle which will address the concerns expressed by the representatives of the 52 cosponsors of the current version of S. 2.

Mr. President, I hope we can come up with a proposal that will somehow address the problem of overall spending limits, and I understand this is a very difficult one. I recall when the Boren-Goldwater bill was offered in 1985—it was a bill that dealt with PAC reform—many of my colleagues felt the bill would create new loopholes. By simply placing an aggregate limit on the amount of PAC funds a candidate could receive, a "pop-up" effect could occur where money that would otherwise be directly contributed to candidates could then be used in a less direct fashion. I am speaking primarily about independent expenditures, bundling, and soft money.

Mr. President, in 1986, Senate candidates received a total of $45 million from PAC's, political action committees. Had S. 2 been the law during the 1986 election cycle, that amount would have been reduced to $16 million. The question becomes, if that were the case and there were no other limitations in place at that time, where would the other $29 million end up going?

I think it is naive to believe that somehow all PAC's would be motivated to invest those remaining funds in voter education programs. I doubt that they would have used those funds to sponsor issue forums and conferences where proponents and opponents of various issues related to that industry or that interest could discuss policy questions before the Congress. Finally, I doubt that, collectively, they would have decided to have returned all the money to those who contributed it. Mr. President, in the competitive environment of giving attention to the concerns represented by the political action committees, my guess is that a great deal of that money would still end up in the campaigns in an attempt to influence elections and to win favor with the elected.

That is why I am concerned about the proposal of my friend from Kentucky and others, which is somewhat similar to the proposal that we originally offered with Senator Goldwater, that we simply do away with PAC's or that we prohibit all direct contributions by PAC's to candidates.

As a Member of Congress who does not accept any PAC money I can only guess that my colleagues would assume that I would enthusiastically embrace such a proposal. For those of us who for years have been sending warnings about the growing dependency of Congress on PAC money it seems superficially to be the ultimate solution. But I am afraid, however, Mr. President, that it is just not that simple, and that such a proposal will not work if it stands alone without other limitations being imposed.

Let me say first that I have never accused all political action committees of being evil nor have I claimed that they do not have a rightful place in our campaign system. I do believe that they have grown so rapidly and wield so much financial power today that they severely threaten our system of grassroots democracy. With 194 Members of Congress depending upon PAC's for over half of their campaign funds I believe it is imperative that we restore some balance with an aggregate limit on how much candidates can receive from PAC's.

We run the risk of having campaigns totally financed with interest groups with little or no compact whatsoever with the home district or home States of those particular Representatives in the House and Senate. And the whole concept of grassroots democracy, the idea that it is the people back home who have representation in Congress, is threatened by the financing of campaigns by those who really have little or no contact with the home States and districts or the Members.

But my real reason for criticism of a ban on PAC's standing alone without other limitations is the impossible nature of addressing only one source of the problem.

Last year, PAC's contributed over $130 million to all congressional races, both House and Senate. Where would that money go if we simply took an action to limit the aggregate contributions of PAC's without putting other limitations in place for a comprehensive reform effort?

Let us say we pass a bill as has been suggested, a bill with no spending limits, no protection against so-called independent expenditure, no provision to stop growth of soft money, but one that bans all PAC contributions to candidates. If such a bill passed today, let us consider the result. Will those PAC's dissolve, laying off their managers, writing prorated checks to the contributors, returning the money? Or instead, might those PAC's become IEC's, independent expenditure committees, whereby they can still influence elections and gain favor with sitting Members of Congress through a $100,000 media campaign for his or her reelection as an independent committee instead of the $5,000 PAC contribution that they can give directly to the candidate at the present time. Or perhaps they would contribute that money to soft money accounts of State or national political committees where it is harder to see, harder to disclose, and harder to limit.

I need not go further with this thought to illustrate how dangerous that proposal could be and how as we are trying to cure one campaign finance problem we might create another absolutely as serious as the one we are trying to cure.

It is a very difficult area, Mr. President. It requires a lot of thought. Undoubtedly, we will not be able to fashion a perfect piece of legislation, but we should take care to close all the loopholes that we can find from our careful study of the issue. And we should do everything we can to not create new ones. We must do everything we can as we squeeze money out of one part of the political process to make sure that it does not pop up somewhere else, but it will be harder to disclose and harder to control and harder to have accountability.

We desperately need and must have reform. I realize that there are perhaps some fundamental philosophical differences between myself and some of the members of the group of eight. Yet, Mr. President, I applaud their willingness to consider the issues we discussed yesterday.

I commend the sincerity of some who feel so strongly that we should have a bill and must have a bill to protect this precious election process from abuse, loopholes and the attendant consequences of years past. I thank them for their time, their interests and their efforts.

I have no doubt that we can pass a bill that addresses the principles which must be in any bill that we pass. These were shared yesterday with the members of the group of eight. These principles were an outline of what 52 Members of this body have agreed to, and what 55 Members believe should have a chance for debate and eventually for a final vote.

I might just mention the principles which we tried to set forth from our side as negotiating principles. First, that there must be some kind of overall spending limits, that there should be a system of overall voluntary spending limits for Senate candidates which meets the constitutional constraints of Buckley versus Valeo. They

must be based on voting age, population, and should be high enough to allow a challenger to adequately run a campaign in that sized State and low enough to represent some constraint and reform.

It is a careful balance that we must strike. If the limits are too low, they certainly will disadvantage those in a minority party. They certainly disadvantage challengers to incumbents. Incumbents are well known. They have access to the media. They have the franking privilege. They are already established. If the spending limits are too low, the challengers simply will not have an equal opportunity to get their message across.

So spending limits must be carefully set, carefully set so that we do not continue the present system which is really an incumbent's protection plan because after all 80 percent of all of the political action committee money ends up going to incumbent Members of Congress. It is not hard to understand why. Those Members are here in Congress. Many of them occupy key positions on subcommittees or chair committees that are of great interest, that have jurisdiction over the interests of those particular groups which are now largely funding the campaigns of Members. Access is important. A sympathetic and a fair hearing is important.

I am not here suggesting that any Member of Congress would directly accept campaign funds in order to influence his or her vote. But it is simply a fact of life that these groups concentrate on incumbents because they are already there and can be of help or at least can grant them access to gain a fair hearing.

There is always the possibility that if the incumbent loses, and we have seen this time and time again, the PAC's are fleet of foot and flexible enough to always help that winning challenger pay off his or her campaign deficit if they happen to have been on the wrong side in the race to start with.

We have seen hundreds of thousands and millions of dollars being contributed to both sides in campaigns, not always simultaneously and sometimes the contributions have been made after the decision has been rendered by the people on election day.

So we must change the system where this bill gives an advantage to incumbents. We have to change the system so that new people with new ideas who want to make a contribution of those talents and ideas in the political system of this country will know that they have a fair chance to contest an incumbent in an open election without having to worry about being submerged by a tidal wave of money coming in at the last minute from outside their home State, and outside their home district having a great influence on the selection of the officeholder in that particular State.

So it has to be fair. We have to change the system. And in changing it and in setting up a mechanism of limits it must not permit weight and advantage for either party that happens to be in a majority in that State or district, or for an incumbent. It must be fair to the majority and minority parties in that particular State and district as well.

The second major principle we set forth was that there must be some sort of enforcement mechanism or an inducement mechanism for spending limits. For such a future limit on spending limits to be effective, there must be benefits to candidates who comply with limits and disincentives for those who do not. There should be aggregate PAC limits.

Mr. President, there may be some hopeful signs on this point. As I have indicated, some agreement might be found. There should be a mandatory aggregate limit on the amount of contributions the Senate and the House candidates can receive from all political action committees, so that we would no longer have the situation where any Member of Congress elected to this body would have received more than half the principal part of all their campaign funds not from the people back home but from special interest groups controlled right here in Washington, DC. It is a matter of returning political power back to the people, where the Constitution intended it to be.

As I told my colleagues last year when we were debating this matter, I attended a meeting a few months ago in Washington, in which one person got up and seriously said: "Don't you think it is a wonderful thing? We were able to raise 80 to 90 percent of the money for campaigns right here in Washington, without the Members of the House or the Members of the Senate being inconvenienced or embarrassed, having to go back to their home districts or home States to ask the people back home to finance their campaigns? We can do all that right here in Washington, raise the money in Washington, without requiring that our elective officials ever go back home to seek financial support from the home folks to finance their campaigns."

My answer to that was, "Thank goodness the Constitution requires that the people back home be inconvenienced actually to vote in elections." Or, we can settle everything in Washington—the money for the campaign and the election itself.

Unfortunately, sadly, as we know, very often the level of spending has a great impact on the outcome of that election; and the matter of the money that can be raised in Washington has an undue impact when it comes to officeholders in other parts of the country.

The fourth matter which we feel must be addressed is protection against independent expenditures. I think there is a broad consensus in the Senate and in Congress, and I think in the country, that, by and large, independent expenditures have not been a positive influence in political campaigns.

They have made it very difficult for the candidates, themselves, to define the issues. They have allowed groups, often faceless groups, at least in the view of the people, to come forward with negative advertising, injecting themselves into campaigns and often making vicious personal attacks, without any candidate who is seeking the votes of the people being held responsible or accountable for the action of these committees. They have not been a welcome development on the American political scene.

Somehow, as we address the need to reform the way campaigns are financed and campaigns are waged in this country, we have to find a way to discourage those kinds of independent expenditures and those kinds of negative attacks. If the groups which make those attacks know they are going to face the use of checkoff funds to candidates who are attacked, so that they will have an offsetting ability to answer such charges, they are very unlikely to engage in those kinds of expenditures, in the first place.

I believe there is a strong consensus on both sides of the aisle around the principle that we must have more disclosure of the so-called soft money. If the people are going to be able to hold their public officials accountable for the ways in which they finance their campaigns, we need to have disclosure that is as full as humanly possible of the source of these funds, and that means also doing something about bundling.

Bundling is a very serious problem in which groups can get around the limits. They can give $5,000 or $10,000 by simply becoming collection agencies, so that they can bundle together the contributions and take those contributions, not $5,000, but $100,000 or $200,000, and curry favor with the candidate, by saying: "We collected all this money for you, and here it is from us." It is a way around the law, it is a loophole in the present law, and that is why S. 2 tries to close that loophole and has effective provisions.

Let me go into some of the arguments that have been raised against S. 2 and examine for a moment the facts and what S. 2 actually does.

It is often said that S. 2 does not do anything about PAC's. That is not true. S. 2 contains a mandatory aggregate limitation on PAC contributions to all candidates for the Senate and the House of Representatives.

The Senate limit is based upon voting age and population, and it ranges from a ceiling of $190,950 for smaller States to a ceiling of $825,000 for a State the size of California. The limit is $100,000 for the House.

In the 1986 elections, as I mentioned, $45 million of PAC money was contributed to Senate campaigns. Had S. 2 been the law, as I said a few moments ago, only $16 million could have been contributed by political action committees to the candidates.

No other bill proposed by those supporting the filibuster of S. 2 has aggregate limits on PAC's. There is simply a proposal to lower the amount PAC's can give from $5,000 to $3,000, or to $2,500. In 1986, that would have affected less than 6 percent of all the PAC contributions. Only 6 percent of the PAC contributions were above those limits. So we would still have had nearly all of the $45 million pumped into the system. We still, theoretically, would have had 196 Members of Congress elected, receiving more than half of all their campaign contributions from political action committees.

So it becomes extremely important that we have aggregate limits, and that is why we listed that as one of the principles around which we should try to craft some kind of bipartisan package.

Second, it is said that it is a Democrat's bill which will ensure the minority status of the other party, the Republican Party, by limiting spending. Besides, the spending limits in S. 2, it is said, do not really cut spending from last year's level. Spending limits under the revised version of S. 2 were purposely put at a high enough level to ensure, as I said a minute ago, the challenger's ability to compete with enough campaign funds. Realizing the advantage of incumbency, this is necessary in order to be fair.

In 1986, over $182 million was spent by all Senate general election candidates in the election cycle—$182 million. Ten of thirty-four States saw candidates remain within the limits of S. 2, while 24 States had at least one candidate who went over the limits set by S. 2. Of course 24, half saw both candidates spend over the limits that would be set in S. 2. Had those limits been in effect in 1986, spending would have been cut 39 percent in those States where candidates exceeded the S. 2 limits.

The goal of the spending limits in S. 2 is to be low enough to ensure that candidates do not compete solely on the basis of who can raise the most money and yet high enough to allow candidates enough recourse to get their message across.

For example, in 1986, the winning candidate in Florida spent $6 million, and the losing candidate spent $6.5 million. Under S.. 2, the voluntary spending limit for that State is $4.6 million.

Most experts would contend that such an amount is certainly sufficient for both candidates to effectively campaign and to get their message across to the people of that State so that they could make a judgment based upon their ability to serve in this body, based upon the ideas they have to contribute to the public policy debate facing this country at this time, so that they can make a judgment based upon their personal abilities, their personal qualification, the levels of personal integrity. Those, after all, should be the standards by which we choose our public officials, not a selection based upon which candidate has the ability to raise the most money, which has little or nothing to do with the ability to make a contribution to public policy in a manner that is badly needed by our country today.

Another argument often raised is that S. 2 does nothing about soft money expenditures, allowing labor unions, for example, to use unlimited influence in congressional elections. What are the facts?

Soft money disclosure provisions of S. 2 affect both State and national party committees, unlike some of the bills proposed by opponents of S. 2. While many have charged that S. 2 does not do anything about labor union soft money, party committees appear to be the most effective place to track the source of those funds.

(At this point, Mr. WIRTH assumed the chair.)

Mr. BOREN. Mr. President, it should be understood that even experts who monitor expenditures which could have an indirect impact on Federal elections lack a consensus on how best to curtail or slow this abuse. Disclosure seems to be the best place to start in addressing the soft money problem.

Again, I think there is a consensus that disclosure of soft money is a very, very important matter.

Many have suggested that actual limits should be put on other entities which make such expenditures, get-out-the-vote efforts, registration drives, phone banks or party-building programs which may be organized by labor, business, or other groups with ideological or economic interests.

It would be very difficult from a free speech perspective to have arbitrary limits imposed. Efforts directly made on behalf of a particular candidate would be considered either in-kind contribution or an independent expenditure.

Again the supporters of S. 2 are open to additional ideas of how to put more constraints on soft money and how to assure more effective disclosure of soft money, and that is certainly something that I hope that the group of eight will be able to consider and find ways in which we can come forward with even a stronger package.

Fourth, as often said as a criticism of S. 2, we cannot afford an expensive public financing system for elections. But I want to point out that the substitute amendment which Senators BYRD, EXON, and I introduced on July 1 of last year and now cosponsored by a total of 52 Senators contains a spending limit provision with no automatic direct public financing. Instead of the grant or matching system previously considered, the bill now calls for limiting public financing from the tax checkoff fund only. Only when one candidate refuses to abide by the spending limits, with that enforcement of spending limits, the system simply will not work.

So when a candidate files for office and accepts voluntary spending limits, that candidate does not automatically get public funding. It is not a situation like we have, for example, in the Presidential election system where if a candidate meets the threshold requirements and other qualifications that candidate automatically qualifies for public financing. That is not true under the version of S. 2 which we are now considering.

The candidate accepts the voluntary spending limits. That candidate does not get 1 penny of public checkoff funds from the voluntary checkoff in the income tax return unless his or her opponent refuses to accept the spending limit and actually then does exceed the spending limit.

So it is only a standby enforcement mechanism and it is only if one candidate refuses to accept the limits and sought to spend an enormous amount of money to have an undue influence on the outcome of an election that any kind of triggering of money from the checkoff fund would occur.

Additionally, we added a new provision in S. 2 which would require that any funds deemed by the FEC and Secretary of Treasury to be in excess of what is needed to allow the system to function properly would be returned to the fund.

I had, in all candor, been a very reluctant supporter of previous versions of direct public financing; however, this proposal is fair, it is balanced, it is bipartisan, and it would end up costing the taxpayers absolutely nothing.

We do provide a reduced mailing rate for a candidate that voluntarily accepts spending limits. That is paid for. However, the cost of that is offset by doing away with the automatic mailing benefit now given to all political parties in this country, even fringe political parties, even Marxist political parties which now get that kind of benefit at the current time.

So we do away with that automatic benefit and use the lower mailing rate to reward those candidates who are willing to compete in our political system as we should compete based upon issues and based upon qualifications rather than simply having competition based upon which candidate can raise the most money, and there is no net cost to the Treasury because we have paid for that lower mailing rate with an offset by doing away with the political parties' current exemption.

So, Mr. President, I think we have before us a fair package and a balanced package. I understand that every Member of the Senate will want to go over this proposal with a fine-tooth comb. I have no doubt that there are ways in which this package can be improved. I think it is only natural that those on both sides of the aisle are going to look at any package, this package or any other package, that the group of eight might devise, with an eye toward trying to determine whether or not it gives an advantage to one political party or another. That is an appropriate concern.

It would certainly be a failure on our part and it would misserve this institution and the integrity of the election process itself, which we are all trying to protect, if we were to use the pressing needs for campaign finance reform to try to gain partisan political advantage for one party or another. That is not our purpose.

Mr. President, again I close by saying we must have reform. We must not just pass a bill for the sake of saying we passed a bill and call it reform. We must have true reform. It must be comprehensive so that as we squeeze money out of one part of the campaign financing process it will not automatically pop up someplace else where it may have an even more pernicious influence than a direct contribution to a candidate will have. We must restore the balance between what the people at the grassroots are going to finance campaigns for their own public officials in their own States and own districts and what are being contributed by interest groups often with a single economic interest or a single ideological perspective who rate the candidates for public office not on the totality on their service, not on whether they are broadly serving the interests of the United States of America but solely on a narrow range of votes to determine whether or not they are serving the economic interests of that particular group.

At a time in which we need to be building consensus in this country we do not need to be financing our campaigns more and more on the basis of how Members respond to the special interests of groups that are narrowly defined and are not looking at the total public service of our public officials. It is simply the wrong way to go.

Finally, we must have some kind of reasonable outer limit on the amount that can be spent.

As I said yesterday, I do not see how anyone really could stand back and say that the current system is working. It is hard for me to understand how anyone can say that it is healthy and that it is good.

We who serve in this body on the average, and some of our colleagues must raise far more than the rest of us, those from the large States with many mediums must raise far more to have the same impact, but just the average Senator has to raise $10,000 in campaign contributions every single week of every single year, 6 years, throughout the entire term, in order to raise the $3 million on the average that it takes to run a successful race for the U.S. Senate.

I do not think we should be spending our time doing that. We should be spending our time dealing with the problems that our constituents sent us here to solve, the challenges that our constituents sent us here to address, and very often the time spent to raise that money, that $3 million, is not even time that we can spend in our home State and in our home districts, particularly in the smaller States, in the States where the economies are economically depressed. It is simply impossible to raise those kinds of dollars necessary to finance a campaign in that State. And so what happens? The Members here who have to raise that $10,000 for that week cannot even go home and talk to their own constituents and listen to their problems and respond to their needs. They are having to go off to some other city, to some other State, 1,500, 2,000, 2,500 miles away from their home States and their home districts to raise the money to try to get reelected.

How does that improve our ability to do our job? How does it give our constituents a greater voice and a more representative voice in this system of democracy if we do not even have time to make those trips home to see them, tell them and to translate to them the issue with which we are interested, to get their input, to hear about their problems first hand because we have to be someplace else raising the campaign money.

And I have had Members, many Members, who served here in this body express their frustration to me about that very fact, that they are having to go all across this country, crisscrossing it north to south, east to west, and they are deprived of time—not only time here in the Senate to do their business, not only of time with their families but they are also deprived of time with their own constituents they were sent here to represent because they have to go out to what Senator BYRD has eloquently called the money chase, chasing after money, money and more money so that they can continue to render public service.

Yesterday, I referred to the young people who ably serve here in the U.S. Senate as pages. There are several Members of the House and the Senate now serving who were pages themselves at one time in their lives. I, myself, had that experience in the House of Representatives for a brief period. It was a wonderful experience. Very often it leads you to have an even stronger desire to serve the public and have an impact on the great issues of the day that determine the future of this country.

You have to stop and reflect, when you look back at the rate of increase of campaign spending over the last decade, and when you do, you realize that if the current rate continued just as it is now—no increase in the current rate of spending; just keep going right on the exact same trend like it is now—that it is going to cost an average of $15 million 12 years from now to run a successful race for the U.S. Senate. In an average size State, $15 million. It is $3 million now and in some States they are spending $20 million. Think what it is going to be in some States if the average will be $15 million. Will it be $60 million? Will it be $70 million?

I do not want the next generation who wants to perform pubic service in this country to have to sit down and start trying to think, when they are 18 years old, if they have an aim some day to serve in this body, about how they will raise $15 million so that they can try to get themselves into public service. What interest groups are they going to have to make contact with? What places are they going to have to travel to outside of their home States and their home districts? What kind of people are they going to have to make obligations to—people that do not even live in their homes States.

I do not want to see that happen. I do not want to see that happen in this country. It is happening too much already.

How much is enough? How much is enough to get a message across in the political campaign? If $3 million is not enough, is $6 million not enough? Is $10 million not enough? Is $50 million not enough? Is $100 million not enough to run a successful campaign for the U.S. Senate, to get your message across?

I heard some people say that are philosophically opposed to any limit whatsoever as a matter of policy on what you spend on campaigns. That means they cannot conceive of any number high enough, not any number can they conceive of high enough in terms of total campaign spending—not $100 million, not $1 billion—that would cause them concern or offend them or cause them to say that spending on elections has gotten out of hand.

Mr. President, I do not really know how to answer that argument. I think I know how the people of this country would answer it if you go up and down the streets, if the Members of Congress had time to go back to their home districts instead of going off to fundraisers in Boston or New York or Miami or Los Angeles or someplace. I think I know how the people would answer it. They would say:

> We want you to spend your time doing your job. We don't want you to have to sit and worry several hours each day or several hours each week on how you are going to raise campaign money. We want you to worry about the future of the country. And when you set your schedule in your office and you know you only have an hour of time to see certain people, we want a situation where you are just as apt to take the time to listen to a case made by a grassroots constituent from your home State as you are likely to spend that precious hour of time you have available listening to the manager of a political action committee that represents a special economic interest group headquartered in Washington, D.C., with no real ties to your home State whatsoever.

Mr. President, we all know there is a problem. We all know that something needs to be done. I know that we have some honest differences of opinion about how to solve the problem. But I do not think there is anyone—I have not heard anyone in this debate—that has not said that we have a problem.

Now, are we going to do something about it? Several of us started talking about this 5 or 6 years ago. Some Members of this body have talked about it before that. The answer always is, "Wait until after the next election. I am running right now. I don't want to offend those groups that contribute that money because I am going to need the money from them for my campaign. So wait until my election is over, then we will reform the system."

That is what was said in 1982. And that is what was said in 1984 when they said, "Wait until '86." And in 1986 they said, "Wait until '88." And now we are in 1988 and now they say, "Wait until '90." And when we get to 1990, they will say, "Wait until '92."

A huge number of people in the Congress—the entire House of Representatives and a third of the Senate, well over 400 Members of Congress—are always within 2 years of an election. But what happens to the system? What happens to the constitutional system that we are sent here as trustees to defend? We take an oath to uphold it. And if we do not assure the integrity of the election process itself, what have we done to the entire democratic system?

It is as fundamental as the principles that we learned in our first elementary school books about American history when those who founded this country raised the cry of no taxation without representation. And what did that mean "without representation?" They meant without having a voice, without selecting people themselves at the grassroots to represent them, to listen to them, to act on behalf of their own interests—the people back home.

And when you start to take control of the funding of campaigns and financing of campaigns out of the hands of the people back home and put in charge those from elsewhere who represent special economic interest groups, you have struck a blow against the integrity of the election system. You have struck a blow against the whole concept of representation. You have undermined public confidence in the political system itself. You have left the people to wonder: Do we really have any voice in our own Government anymore?

It is very hard to draw correlations, but I would imagine, and I think it is logical to assume, that the appearance that the average citizen really cannot have much impact on politics anymore because they do not have a huge amount of money to put in political campaigns, that that perception has caused a lot of people in this country to give up on political involvement. And what a tragedy that is.

So, Mr. President, I close by saying we cannot afford to wait any longer. We waited in 1980, we waited in 1982, and we waited in 1984. We have been waiting and waiting and waiting. We waited for 10 years. And in that 10 years, the cost of campaigns has gone up 500 percent in that decade. Are we going to wait another decade and let it have another fivefold increase?

When are we finally going to do our duty to the people who sent us here and do something to reform the system? Let us do it now. Let us have it written in the history books that, in 1988, the Congress of the United States finally had the political courage to do its duty.

Let us proceed ahead and have an opportunity to vote on this package. Fifty-two Members of the Senate have cosponsored it; over half the Senate. Fifty-five Members of the Senate have voted to shut off prolonged debate so that we can consider it.

We are not saying that we insist on enacting this bill just as it is. All we are saying is, give us a chance to consider it. If you do not like parts of it, come forward with your amendments. Get a vote on your amendments. Try to change it. Try to improve it. But the people should have a right to have their representatives vote on congressional financing reform this year.

Mr. President, I think the people are beginning to watch us on this issue and I think the people ultimately hold us accountable. They should do so. I hope and pray that we will be up to that task.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I know there has been much debate in this body lately of campaign reform, and we are all for campaign reform. But it does not do us much good, I think, to cover up a very political bill under the mantle of reform.

Let us look at the record of this matter. As an incumbent Senator I suppose I should be in favor of the original S. 2 because, under it, I would have received nearly $1 million for my next campaign of public money. I know S. 2 has been changed, thanks to the Senators who have voted consistently against it. But we have been discussing campaign reform.

Is campaign reform spending public money, adding to the deficit? If we had passed S. 2, if we had not had the cloture votes, once we were past cloture the majority party would merely have passed their bill and that would have been a very expensive undertaking, when you take all of the candidates for the U.S. Senate and House. Although the original bill only applied to the Senate, I would like to see it applied to the House.

The fact of the matter is that as S. 2 has changed, it has kept taxpayer financing in it and that means adding it to the Federal deficit. Indeed, now there is talk of a postal subsidy. But a postal subsidy is not free. It will have to be paid for. The Post Office will have to be reimbursed.

Some people say that, well, the example of the Presidential public financing is an example we should emulate. Is it really?

Let me say that I know that the moneys being given to the Presidential candidates are merely added to the Federal debt. All taxpayers are responsible. It is true that when you check off on your income taxes that $1 goes to those campaigns it does not mean you pay $1 more taxes. It means there is that much less revenue so it is being added to the Federal debt. It is being paid for by the taxpayers.

Has it really worked so well? Our two political conventions are paid for out of taxpayers' dollars. Is that necessary? I am for limitations. I am for limiting PAC's. I am for all these limits we are talking about. But why do we have to use taxpayers' dollars? Why do we have to increase the Federal deficit?

Also, let us think for a minute about the Presidential public financing. Has it reduced the power of PAC's in Presidential campaigns? No. It has probably increased them because individuals can give an individual check,

which they know is going to be matched by taxpayers' dollars. Then they can contribute to a PAC which is going to contribute to the campaign, that much more. So it probably has actually increased the power of political action committees in Presidential races because you just use your matching funds to get up to a certain limit and you can have PAC funds in addition to that.

Let me say that I think my good friends Bob Dole, George Bush, Pat Robertson, do not need Federal funds. They could raise sufficient funds. They could be limited and so forth. But the taxpayers end up paying. And it looks like reform.

If we extend this to every House and Senate race in the United States, and what about all the primaries, what about all the parties that would suddenly have candidates for the Senate? You can be assured that there would be a proabortion and an antiabortion candidate in every race in the United States if there were postal subsidies and taxpayers' money given to the candidates.

You can be assured there would be a Socialist-Communist candidate in every race in the United States, because it would be their constitutional right.

How many millions of dollars has Lyndon LaRouche collected of taxpayers' money? Indeed, he is legally entitled to it.

We saw the spectacle of one Presidential candidate reentering this December, I think probably for the sole purpose of collecting $1 million of taxpayers' money. Is that really reform?

Then let us turn to the House and Senate. We are told that this is all going to be very easy; that everybody who runs for the Senate is going to have a postal subsidy. Now the public funds do not kick in until one side exceeds the limit. Let me say that I am speaking as a Senator who has followed limits. I have carefully followed low spending in my race for the U.S. Senate. Indeed, in my last race for the Senate we probably spent, on the campaign, between $500,000 and $600,000, and I spent less than that my first time on the actual campaign.

So I have practiced limited spending and I stand as a Senator who says you can say to your people you are going to practice it, say it to your people and there is a response.

But my spending would be doubled or tripled under these limitations. The spending would be doubled or tripled under these limitations. The spending I could do under these limitations would be much greater. Indeed, under the original S. 2 I would have gotten $1 million of taxpayers' money, twice as much as I have ever spent.

I am all for limitations. I am for limiting total spending. I am for limitations on individual's contributions. I am for a constitutional amendment if we need to have one, if we could get one done as they did several of them within a matter of months or a year or two. But why pass a bill that opens up the Treasury without any need? Why can we not find a way to do this without spending more taxpayers' money?

Every time there is a problem in this country the first reaction is to throw Federal dollars at it. We can limit the amounts given, we can limit PAC's. As far as I am concerned we can eliminate PAC's, although, let us remember, that political action committees were the big reform. When I first came to Congress back in 1974 and 1975, Washington was talking about what a big reform political action committees were. They were a result of the Watergate and some of the scandals. Now we are going to know where the money was coming from.

Then something funny happened. The business community got active and outdid labor, so suddenly PAC's became bad.

Mr. President, let us look at some other history here. How many of us remember the Watergate Reform Commission, Sam Ervin's Commission, the Watergate Senate Select Committee that held hearings and made recommendations? One of their principal recommendations was never to use taxpayers' dollars in House and Senate races. It is recommendation. You can look it up.

The reason is that they were afraid that there would be a Federal Election Commission or Federal Agency deciding who the qualified candidates and who the qualified parties are. For example, let us say that there is a dispute if one side has exceeded the limits. Who is going to decide if the limits have been exceeded? It would be bureaucrats in Washington, DC.

Let us say that some folks in my home State formed a new political party and ran a candidate for the Senate. Who would decide if that candidate were to qualify? Let us say that he represented the Sunflower Seed Growers of America. Would the sunflower party qualify for the $1 million of taxpayers' funds? Who would decide that? It would be a Federal agency in Washington, DC.

What the Watergate Commission said was that the IRS was too powerful at that time and that former President Nixon had allegedly used it to harass some citizens. All the facts that surround that I am not sure, but they simultaneously said that it would be far worse to have a Federal agency deciding which candidates for the House and Senate qualify for Federal funds.

We have a much easier task in the Presidential race because there are matching funds and so forth. But who is to decide about every proabortion and antiabortion candidate for the House and Senate? You can be assured, if there is a postal subsidy for the House and Senate, that all groups such as that will have candidates running to take advantage of the Federal funds? So will the Vietnam veterans of America, of which I am one. So will every other group. There will probably be some parties that will want to field candidates for the Senate, if there are Federal moneys involved.

So let us remember one of the great reform commissions of this time, I think it was 1974 or 1975, when the Ervin committee made that recommendation. We seem to have completely forgotten it. Nobody talks about it.

Mr. President, let me move to another aspect of this S. 2. There has been much sanctimonious talk in this Chamber about reform and so forth. This is a political bill. I am not a very partisan person and I want to have a campaign reform bill. I want to have limits. I do not want to use Federal money. But I will be happy to support a reform bill and I think we are going to pass one in this Chamber.

But let us face it: this bill is supported by organized labor; it is supported by liberal organizations. On the other side of the coin are the conservative organizations, the businessmen and businesswomen, the farmers, the individual contributors. That is the fact of the matter.

Sometimes we try to cover that over. Under the original S. 2 there was a difference in the way organizations, be they labor or large organizations, report. They say that their urging their members to vote a certain way is merely communications among their members, and it should not be counted toward the total.

That is not a fair thing because labor organizations are organized in that fashion and some of these other larger organizations would not have to report political activities on the same basis as the other side. That is just a fact of life here. That is part of the reason for the partisan fight here in the Senate, in case anyone was wondering. But you do not hear very much about that.

Also, Mr. President, another aspect of this are the so-called tax-free foundations that we see so active in politics. For example, Common Cause, is a fine organization. I do not fault it a bit. But does Common Cause report on how much its contributors contribute? Does it report on its expenditures? Can you get a breakout? I do not think so. At least, I have never been able to. Maybe somebody can show me that I am wrong. In my political campaigns, I report everything over $200, I believe, or $100 in contributions and over $200 in expenditures. Granted, these organizations are not running for office, but they are running full-page newspaper ads around the country and they are doing a lot of activities.

They seem to apply a different standard to others than they apply to themselves.

The issue of soft money in political campaigns is what I am talking about. There is no reporting of it. That is a very serious matter.

So, Mr. President, I think we should examine this bill very carefully. I think the public should know what is in it, because it is quite different from this very smooth-talking description we have heard about it being devoted to reform, and so forth.

Also, the structure of the two political parties in our society merits careful analysis. For example, I believe that the passage of the original S. 2 would have guaranteed a permanent Democratic majority in the Senate. The bill did not apply to the House where the Democrats have the majority of Members.

For example, in the South, it is just a fact of life that our party does not have the organizational support of labor, of large party organization, and the Republican candidate normally has to spend more to make up for that disadvantage.

Also, a lot of people who challenge incumbents have to spend more.

So this bill was an imcumbent's dream. It would have guaranteed a permanent Democratic majority here. It would have allowed a different type of reporting so far as labor organizations reporting than do business organizations. And it would not have required that soft money be reported in politics.

So I hope that we look very carefully at this because the ads that are being run in the paper say we are for spending limitations but do not tell you all this other stuff of public financing, taxpayer money, adding to the deficit, different types of reporting, and so on and so forth.

In conclusion, Mr. President, let me say I am for reform. I am for limited spending, and I have practiced it. I have heard about limiting or eliminating PAC's. I will not have a big argument about that. To me personally, it does not make much difference.

I am for all kinds of things that would improve our election system, but I am not for using taxpayers' money; I am not for having a different standard of reporting; I am not for the growing use of soft money which claims to be nonpolitical but turns out to be very political and I think should be reported.

So all those things I am not for. But I do hope that we come up with a good bill. I hope that the group that is working will be able to bring a bill to this floor that amounts to something, that will be true reform. But remember, so often these bills that say reform on them are not reform. Look at the tax reform bill that went through here a few years ago. Look at the other things that have gone through here that have been said to be reform but when they get out to the country and get the regulations on them, they are not reform.

Some say we should pass a bill, the public wants us to pass a bill; we should pass a bill for the sake of passing a bill.

Nothing could be further from the truth. We should do this right because it will go on for a long time. If it takes a constitutional amendment, let us do it. There have been constitutional amendments that have been started and finished in less than 18 months. There are many things that can be done. But let us not do a half-baked job just so we can go out to the country and say we voted for this bill, here it is. Let us do this one right. Mr. President, I yield back the remainder of my time.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I would like to speak to a myth that we have heard regarding political financing in America. That was a myth that involved the U.S. Supreme Court. It is the myth that there is a relationship between increased campaign spending and the exercise of freedom of speech, that if there is more money available there will be freer speech and, therefore, a greater relationship between the candidate and the public whose vote that candidate seeks.

It may be acceptable, Mr. President, though I think it is not, for the U.S. Supreme Court to be so isolated from reality that it would succumb to that myth. It is intolerable for the U.S. Senate to be subject to that basic misunderstanding of contemporary American politics. The reality is that the tremendous increase in campaign spending, an increase which over a decade has resulted in the average campaign for the U.S. Senate moving from $600,000 to over $3 million, has not contributed to an increase in the effective, legitimate use of freedom of speech, but, rather, has resulted in the privatization of political campaigns.

I would like to discuss that privatization in three aspects of reality.

One, what this enormous amount of money allows a candidate to do is to effectively avoid the public.

In my campaign for the U.S. Senate in 1986, we received—we, the incumbent and myself—scores of invitations to meet together, to debate, to participate in open public forums on the full range of issues of interest to the citizens of our State.

When the campaign concluded, there had been one 1 hour of debate. Why? Because it was possible to avoid dealing with the public, avoid answering their questions, avoid having the public placed in the most advantaged position of determining what we stood for, what we were going to accomplish, why we sought the U.S. Senate, because we were able to hide behind a wall of a television studio and lob 30-second television spots on the air.

One debate of 1 hour in a campaign, with $7 to $8 million spent in the production and airing of essentially 30-second television spots.

Second, this enormous amount of money allows the candidates to trivialize the campaign, to render the campaign an ugly event.

A typical strategy, a strategy which is made possible by the tremendous amount of funds available for television, is to start the campaign with an airing of negative spots. These spots not only denigrate the campaign, but they also tend to focus public attention on what, in the sweep of issues, are relatively trivial matters.

Nonissues, by repetition and to the exclusion of what the public is generally interested in, become the focal point of the campaign.

Third, this enormous amount of money has the reality of warping candidate-to-public relationships.

I believe very strongly, Mr. President, that a political campaign is essentially an educational process and it is a two-way process. As candidates, we are trying to educate the public as to who we are, what we stand for, why we deserve this vote. But we should also be prepared to be educated by our public.

If I were a member of a newspaper editorial board or other panel that had the responsibility of recommending candidates, a question that I would ask each of those candidates is, "What have you done, what have you experienced, what have you learned, since you announced your candidacy, that makes you better prepared to serve in that office than on the day you commenced this campaign?"

If a candidate cannot give a responsible answer to that question, that in itself should render the candidate unacceptable for endorsement, because the campaign ought to be a growth experience. If you do not know more about your public, if you do not know more about the variety of economic, cultural, and political needs of the people you want to represent as a result of that campaign, you are not a person who has the necessary attributes to be an effective public official.

I believe an outstanding example of that learning process is represented by my colleague, Senator Lawton Chiles. In 1970, he set about a campaign which many people thought was quixotic, almost foolish, in the extreme, and that was a campaign in which he would walk from the most northwesterly corner of the State to the Florida Keys. As a result of that walk, those of us who had known Lawton appreciated the growth experience that he was gaining. He was not just walking. He was also realizing an opportunity to relate in a very special way to the people of our State. He was going through a personal growth experience, an experience which has made a significant contribution to the effective U.S. Senator he has been for the past 18 years.

The excessive spending which is now available allows candidates to make this educational process a stunted one in terms of the information which candidates provide to the public, an absolutely vacuous one in terms of how we use the campaign to better prepare ourselves for public service.

I believe those are the realities of what excessive spending has done to contemporary American politics. I believe that we, as those who have the responsibility for the protection and the continuation of the political process, because we have been given that right by our people, have a responsibility to deal with what this enormous change in the level of financing has done to the political process in America.

Later in this debate, Mr. President, I hope to offer an amendment which would add a requirement of candidates to participate in a certain number of public forums or debates as a condition of their participation in the benefits which S. 2 would provide. I will reserve the time to discuss that proposal in more detail at a later date.

But the basic responsibility of this Senate is to see that the benefits of democratic representative Government continue to be available. I believe that those benefits are threatened by the circumstances in which each of us participate. If we functioned as if in the marble building to the east of us, the U.S. Supreme Court, we might be able to excuse ourselves in that we were not aware of the reality of what was happening in American politics, and therefore join that slim 5 to 4 majority which reached the conclusion that there was a relationship between greater spending and greater freedom of the press, greater freedom of speech. However, we do not have any excuse to be mesmerized by that myth.

Mr. President, I ask unanimous consent to have printed in the Record an article which I wrote shortly after my 1986 campaign which discusses the issue of the privatization of American politics as a result of the enormous spending which I hope S. 2 will begin to bring under control.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, Dec. 11, 1986]

Campaigns Don't Belong to Candidates

(By Bob Graham)

Tallahassee, Florida.—During one of my political campaigns in Florida, I was marching in a parade and shaking hands with spectators. As I approached a man with a little boy perched on his shoulders, the child looked down and said excitedly: "Daddy! Daddy! There's the man who lives in our TV!"

That could easily have happened to any candidate running for election this year. During the campaign for Florida's United States Senate seat, my opponent and I raised and spent more than $13 million. Most of that money went for television advertising. We have all had to become the person "who lives in the TV."

But for all the money spent, what does the public really know about candidates or where they stand on important issues? It's time to redefine campaigns both to help voters make informed choices and to better prepare candidates for public service.

Congress should set campaign spending limits and provide public financing with the requirement that candidates agree to engage in debates.

Political campaigns belong to the public—not the candidates. By forcing office-seekers to debate in order to receive funds, Congress would provide strong incentive to candidates to better educate themselves about what the voters want.

The cost of running for a Senate seat is out of control. Candidates must raise hugh sums from supporters in a process that has, in effect, "privatized" campaigns, requiring candidates to distance themselves from the public in order to raise money to finance television ads.

TV advertising should be used thoughtfully and responsibly. Some candidates with sizable war chests hide behind prepared TV spots. Their commercials take the place of meeting and listening to people and answering their questions.

In the end, the cost of those commercials compels candidates to assign fund-raising a paramount role in the campaign. Time spent on the telephone asking for money and time spent at fund-raisers is time spent on a very narrow campaign trail.

What's more, the most recurrent criticism of the 1986 campaign was the predominance of negative television advertising. Negative advertising is a direct result of this "privatization" of the campaign process. What people talk about and journalists write about is action, conflict, competition. Far too frequently, however, the only conflict between political rivals is the battle of the 30-second TV spots.

During my senatorial campaign, I gave major policy addresses on more than a dozen issues. The media gave most of those speeches virtually no coverage or analysis. I heard no response from my opponent. By contrast, so-called negative political ads on both sides provided most of the drama and color in the campaign. The ads themselves became the subject of news coverage.

Until we change the rules, campaigns will grow increasingly private and uninformative. A limitation on campaign expenditures would be the single most effective lever to re-establish the public nature of campaigns. Less money to spend means less temptation to take campaigns private and focus on television advertising. That puts candidates back in contact with voters.

We already have limits on the size of individual contributions to Presidential campaigns as a condition for receiving public financing. Those limits were imposed to encourage a broader base of participation and influence. Setting a condition that all candidates for national office appear with their opponents in debates in order to qualify for public financing would open campaigns even more.

This year, TV stations in Florida were willing to run any number of debates for the Senate election. There was one. A single hour to examine the records of an incumbent Governor and an incumbent Senator, to explore the critical issues facing Florida, to explain positions on national and international policy. Multiple debates would have served the voters better.

A political campaign is a public service. It is as much a public service as holding office. It deserves the same level of commitment and respect as the offices we seek.

THE NEED TO REFORM CAMPAIGN FINANCING

Mr. BENTSEN. Mr. President, reforms in our campaign financing laws are long overdue. Campaigns cost too much, and too much time is required to raise the funds necessary to match those everrising costs.

When I ran for reelection in Texas 6 years ago, I was staggered by the $5 million which each major candidate spent, for a total of $10 million. Just 2 years later, the senatorial candidates spent a total of $20 million, a figure exceeded in the most recent gubernatorial election.

The same escalation in campaign spending has been experienced nationwide. In the past decade, spending in House and Senate campaigns has soared 278 percent. Discounting inflation, the figure has still more than doubled.

It takes more money to run for office, more money to conduct an effective many faceted, multimedia campaign, and more money to stay in office once elected.

For all of us, the costs are obscenely high and still climbing. In order to remain competitive, we have to spend inordinate amounts of time simply raising money. That is time we cannot spend on more pleasant and productive activities—with our families, meeting with people in our State, or working on legislation.

The pressure to raise large sums makes us turn to those who can legally provide large contributions, the political action committees. Now, I happen to think that most PAC's are legitimate and honorable participants in the political process. They have served to draw more people into that process and have allowed individuals to augment the impact of their political activity.

Nevertheless, I am concerned that PAC's seem to be paying an ever larger share of campaign costs, over 31 percent in the 1986 congressional elections. I am also concerned about loopholes in current law which permit bundling of contributions in excess of the stipulated contribution limit.

In addition, I have introduced legislation to bar the establishment of PAC's by U.S. companies that are more than 50 percent foreign owned. Soaring foreign investment in our country—more than 600 percent in the past decade—has placed foreign owners in control of major corporations, including ones with 10 percent of all U.S. manufacturing sales and 30 percent of the chemical industry. Many of those companies have PAC's, and contributions from such PAC's to congressional campaigns has doubled in each of the past three election cycles. My legislation would prevent foreign-owned companies from participating in our elections and avoid any potential conflicts of interest between what the U.S. employees might favor and what the foreign owners prefer.

We have come a long way from the bad old days of unlimited contributions, bagmen, laundered money, and unaccounted for cash. But we still need substantial additional reforms.

Time and again, I have supported campaign reform measures. I supported the original legislation in 1974, which included my amendment to bar contributions by foreign nationals. I supported limits on senatorial and Presidential campaign spending. I am a cosponsor of a constitutional amendment to permit expenditure limits. In recent years, I have introduced legislation to offset the impact of destructive negative campaigns by so-called independent groups and I supported the Boren-Goldwater bill, and now S. 2.

I was reluctant to support the far-reaching public financing provisions as originally contained in S. 2, but I can accept the revised version which provides voluntary tax checkoff funds only when a candidate's opponent refuses to accept spending limits and then exceeds the limit set for his State. I strongly support other features of this much needed legislation which limit PAC contributions and bundling and independent expenditures and soft money expenditures.

If this bill becomes law, senatorial campaigns in Texas would be limited to spending a total of $5.8 million during the primary and general elections. That would be about half the total of the most recent such contest. That is still a large amount, but much more reasonable than $10 to $12 million each.

Mr. President, we have to reduce our need for huge campaign war chests and our preoccupation with raising them. We need to devalue the dollar's dominant role in politics so that elections can focus on the more relevant questions of accomplishments, character and issues.

If we can do these things, our electoral contests will be more meaningful to the voters. And once elected, we will be freer to devote full time to our duties as legislators.

Mr. BURDICK. Mr. President, we have now spent hundreds of hours debating campaign finance reform in the Senate.

Our distinguished majority leader has done a fine job calling attention to this issue and trying to work out a bipartisan agreement. I think everyone in this body recognizes that there are problems with our present system, yet it is seemingly impossible for 60 of us to agree on the solutions.

Campaigns have become ridiculously expensive. Political action committees have received a lot of criticism, but they are a natural result of the current rules on campaign financing.

I am a cosponsor of S. 2, the Senatorial Election Campaign Act of 1987, because I have many concerns about our present system of raising money for elections. S. 2 would improve our system of campaigning for Federal office.

Besides lowering the limit on contributions from political action committees, the bill closes several loopholes in the present law. It also establishes voluntary spending limits on $950,000 in small States to $5.5 million in larger States, including a limit of $20,000 of a candidate's own money.

S. 2 provides financial incentives in the form of cheaper advertising and mailing rates for candidates who comply with the spending limits. Candidates would receive public funds if their opponents exceeded the voluntary spending limits, but not otherwise.

As you know, I am one of the Senators up for reelection this year. I am raising money for my campaign under the present rules, knowing that several million dollars was spent in the last Senate campaign in North Dakota.

I remember spending $2,400 on my first campaign for the House of Representatives. I was a struggling attorney with a strong interest in politics. These days, most people with an interest in politics cannot afford to run for Federal office. And that is the shame of our present system.

I have long advocated public financing of elections, since the Supreme Court has said that is the only way to set strict limits on campaign spending. I strongly support legislation calling for a constitutional amendment establishing public financing.

We should have started the ball rolling on this constitutional amendment years ago, to stop the costs of campaigns from the upward spiral.

The $1 campaign check-off on tax returns is working for Presidential elections, and I think it could work for congressional elections. The people of this country do not want to have their choices limited to millionaires of one party or another—they want to be able to choose the best man or woman for the job. That is what public financing would allow.

Again, I want to commend Senator Byrd for his efforts to change the system. I pledge my full support in the effort to make our system of elections work more democratically. Let us continue to be a Government of the people.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Sanford). Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I ask unanimous consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY SECURITY IN EUROPE

Mr. WIRTH. Mr. President, today I would like to proceed in the process that I have been pursuing over the last few weeks of commenting on some of the very good literature in the area of conventional arms control and today to include in the Record an article by Ambassador Jonathan Dean, current arms control adviser of the Union of Concerned Scientists and who was, from 1973 to 1981, the Deputy U.S. Representative and then U.S. Representative to the NATO-Warsaw Pact mutual and balanced forced reductions talks.

These articles have been helped in preparation by Mr. Steve Bowman, of the Library of Congress; and Mr. Michael Zarin and Mr. Joe Freeman.

Mr. President, in laying out his views on the INF Treaty and the prospects for future conventional arms control efforts with the Soviets, Ambassador Jonathan Dean declares that the Warsaw Pact's quantitative advantage in major weapons and troop divisions does not necessarily translate into superiority in actual combat. Dean cites a number of examples in support of this position: According to Ambassador Dean, the post-war era has seen the Soviets squander important political assets in Western Europe as Eastern European armed forces have continued to be of questionable strategic value given their uncertain loyalties.

Moreover, NATO air forces are widely regarded as qualitatively superior and better trained than their Warsaw Pact counterparts.

NATO's defense expenditures have exceeded those of the Warsaw Pact and convey the fact that NATO has made useful improvements in its forces.

For its part, the Soviet Union lacks the combat-ready divisions needed to successfully launch the minimum-preparation attack NATO most fears.

And perhaps more significantly, the second echelon of Soviet troops in the western U.S.S.R. capable of reinforcing such an attack within 2 weeks are not nearly as numerous as is commonly thought.

Given the clear numerical superiority of the Warsaw Pact over NATO in most classes of major conventional armaments, including heavy tanks, self-propelled artillery, attack helicopters and interceptor aircraft, the question we face in 1988 is this: would elimination of American INF weapons increase the possibility of a sudden Soviet attack or a more effective Soviet political intimidation of Western Europe? These possibilities clearly exist. But according to Ambassador Dean, they require a closer look. The real question is whether the Warsaw Pact's superiority in numbers of weapons and troop divisions converts to superiority in actual combat.

Whatever the chances were of a Soviet attack on Western Europe in NATO's formative period in the early 1950's, the passage of time has deprived the Soviet Union of some important potential assets. Moscow can no longer count on the willing assistance of West European Communist Parties. Strong and loyal in the 1950's, these parties are now much weakened—and, as in the case of the Italian Communist Party, disaffected from Moscow. And uncertain loyalities of the armed forces of the Eastern European states have converted them from a meager advantage into a probable hindrance in most potential situations of East-West conflict.

The West's main concern remains the possibility of surprise attack by Soviet forces—or, more precisely, of attack with minimum preparation. Yet Soviet capacity for such an attack may not be as great as feared, according to Ambassador Dean. NATO's expenditures on defense have exceeded those of the Warsaw Pact for more than two decades. While not all these funds have been spent in an optimal way, they have not been wasted, and NATO has made many useful improvements in its forces. In the region from the Atlantic to the Urals, active duty personnel of NATO ground and air forces are just as numerous as those of the Soviet Union and the Warsaw Pact. Exercise after exercise has demonstrated that the Warsaw Pact air forces would be incapable of gaining control of NATO airspace against qualitatively superior NATO air forces; this would be essential for successful attack.

The contingency which continues to cause the greatest concern to NATO leaders is that in the hope of securing their objectives before the United States could become fully involved in conventional battle or decide to use nuclear weapons, the Soviets would launch a minimum preparation attack against NATO's central front in Germany. The Soviet Union has increased the firepower and mobility of its ground forces in the last two decades. But at least half of the pact's numerical superiority in units and major armaments is in reserve divisions which take a month or more to ready for combat. There are too few combat-ready Soviet divisions to permit the U.S.S.R. to launch, with any confidence, the feared minimum preparation attack.

According to Ambassador Dean, only 30 combat-ready Soviet divisions in Eastern Europe are positioned for such an attack; probably a third of these would have other essential missions during the initial phases of a minimum preparation attack against NATO's vital central front. Even if augmented by over half of the East German, Polish and Czechoslovak first-category forces—of uncertain quality and loyalty—the resulting force of some 30-odd divisions would be no larger in divisional manpower than the United States, United Kingdom and Western German ground forces in the area.

The Soviet second echelon in the western military districts of the U.S.S.R., capable of reinforcing a minimum preparation attack within the first 2 weeks, is also surprisingly small—fewer than 10 ground force divisions, according to Ambassador Dean. Soviet tanks in active duty forces in central Europe number only about 8,000, not many more than those of active duty NATO forces, which would moreover have the advantage of defensive positions. The recent landing of a small West German private plan in Red Square—appearing on the front page of newspapers all over the world—flying unscathed through dense Soviet air defenses, once again raises well-documented doubts about the quality of Soviet forces, less well trained and led than those of the West German Bundeswehr and of United States and United Kingdom forces in Europe. The chances of success of a sudden attack would be slight.

Other contingencies, such as that of a slow, full mobilization of East and West, are possible. But the outcome of these is also uncertain, in part because the dimensions of the resulting conflict, including the participation of 10 or more additional U.S. divisions, would ensure that the engagement would be worldwide in scope and make it all the more likely that it would escalate to nuclear war. Soviet leaders fully realize this.

Mr. President, I ask unanimous consent that the text of Ambassador Dean's article "Military Security in Europe" from Foreign Affairs, fall, 1987, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

MILITARY SECURITY IN EUROPE

(By Jonathan Dean)

The spring and summer of 1987 marked the 40th anniversary of the emergence of the cold war—the falling out among the four main Allies after their victory over Nazi Germany—which divided Europe and led to enduring political conflict between East and West.

In the intervening four decades, the NATO-Warsaw Pact military confrontation in Europe has emerged as the largest peacetime military concentration in history. It now comprises over six million men in active-duty military forces on both sides, with an additional four million in organized reserves, over 200 standing ground force divisions, over 100 reserve divisions, 65,000 heavy tanks, 20,000 combat aircraft, over 2,600 naval vessels in the seas bordering Europe, and over 10,000 nuclear warheads for tactical and intermediate-range delivery systems. Adding together the expenditures of both alliances, the European confrontation consumes roughly two-thirds of the world's total annual trillion-dollar expenditures for armed forces.

Over the last couple of decades, much of the ideological steam of the cold war has seeped away. Moscow has lost its monopolistic position as the center of an expanding world network of communist parties, including those of Western Europe. For 30 years, despite persistent effort, the Soviet Union has not been able to convene a comprehensive meeting of these parties.

For the first 20 years of the cold war, the NATO states insisted that any improvement in East-West relations be dependent on progress toward German reunification and other manifestations of Soviet retrenchment in Eastern Europe. In 1975, however, they signed the Helsinki accords acknowledging the postwar boundaries in Eastern Europe and the incorporation of former German territory into Poland and the U.S.S.R. In the 1970s, too, West and East Germany concluded a treaty regulating their relations and even providing for consultation on security and arms control issues at the official level. The United States, the United Kingdom and France concluded the quadripartite Berlin agreement with the U.S.S.R.; it assured ground access to and from West Berlin for West Berliners, West Germans and other nonmilitary travelers, and removed the Berlin issue as a source of daily East-West political confrontation.

But there was no accompanying letup in the military confrontation in Europe. Continuing increases in both the nuclear and the conventional firepower of both alliances made the military standoff appear an enduring, nearly permanent feature of the international system.

Now, rather suddenly, during the past two years, wide-ranging shifts in Soviet positions following Mikhail Gorbachev's designation as general secretary of the Soviet Communist Party have raised the possibility of major change.

Prospective U.S.-Soviet arms control agreements are especially prone to derailment through negative developments in East-West relations. But it is likely that a U.S-Soviet agreement on eliminating intermediate-range nuclear forces (INF) from Europe will be concluded in the near future. In the early months of 1988, a new East-West negotiation to reduce NATO and Warsaw Pact armed forces in the vast area from the Atlantic to the Urals will probably be under way, based on a Soviet proposal of April 1986. A second phase of the European Conference on Confidence-and Security-Building Measures and Disarmament in Europe, called CDE for short, will be launched at the same time. (The first phase of CDE was concluded successfully in Stockholm in September 1986. Initial Warsaw Pact compliance with its provisions for prenotification of large force movements and invitation of observers to military exercises has been good).

Conclusion of an INF treaty during the Reagan Administration may well lead to completion of an agreement on reductions of U.S. and Soviet strategic nuclear weapons, though probably in the succeeding American administration. Agreements to eliminate chemical weapons and to restrict nulear testing are also possible within the next several years. Gorbachev continues to bombard NATO leaders with a surfeit of new arms control proposals, among them bids for the elimination of tactical nuclear weapons, for a mutual force restructuring, for nuclear-free corridors in Central Europe, and for discussion by the rival alliances of their military strategies and doctrines.

II

In the West there is considerable confusion among leaders about how to cope with the strongest, most substantive Soviet "peace offensive" of the entire cold war period. For many of them the central issue posed by these developments is whether Western policy should be based on a calculation that the European military confrontation is entering a genuine phase of de-escalation, or alternatively on the belief that recent proposals are chiefly of tactical significance, and that the confrontation will endure at least until there is profound change in the Soviet system itself.

The question of which view is right will be thoroughly debated—and probably unresolved—for a long time to come. Nevertheless, adherents of both views agree that Soviet willingness to make large-scale reducations in conventional forces of the U.S.S.R., as well as of other Warsaw Pact states, is a valid and necessary test of whether a real break in the cold war has come after 40 years.

An evaluation of the prospects for success of the pending Atlantic-to-the-Urals force reduction talks can suggest a preliminary reply to the question of Soviet willingness to make such reductions. To make this evaluation, we will first take a brief look at the potential effects of an INF agreement on European conventional force concentrations, from the viewpoints both of the proponents of an agreement and of its critics, who argue that an INF agreement will considerably worsen NATO's conventional position.

For proponents, the benefits of an INF agreement are clear: it would be the first U.S.-Soviet agreement providing for a significant reduction of nuclear armaments, and the first agreement providing for reduction of some part of the huge NATO-Warsaw Pact confrontation in Europe. It would also improve the East-West political climate and encourage further progress toward agreement on reducing strategic weapons as well as conventional forces.

The terms of trade in an INF agreement of the kind now under discussion are favorable to the West: the U.S.S.R. would be removing nearly a thousand more warheads than the United States. After eliminating the SS-20s and their precursors, the SS-4s and SS-5s, the Soviet Union will have about 600 fewer intermediate-range delivery systems than it had in 1979.

NATO countries, given continuing increases in British and French nuclear forces, will have many more intermediate-range nuclear warheads at their disposal than they had in 1979 when the initial NATO decision to deploy INF systems was taken. (Pursuant to that decison, the United States has withdrawn 2,400 short-range warheads from Europe.) Technically superior Western fighter-bombers will be untouched by the planned INF agreement. Sea-launched cruise missiles are gradually being introduced on U.S. Navy surface vessels deployed off European shores. The 400-plus Poseidon submarine-launched warheads assigned to NATO through the Supreme Allied Commander in Europe (SACEUR) will be gradually replaced by more accurate Trident D-5 missiles. Both types of missiles will be capable of hitting military installations in the U.S.S.R. currently targeted by the U.S. Pershing 2 and ground-launched cruise missiles in Europe, which would be eliminated in a U.S.-Soviet agreement on INF.

Whatever political solution is found to the complex question of short-range intermediate nuclear forces (SRINF), those of 500-1,000 kilometer range, it is also likely to improve the NATO-Warsaw Pact balance in this particular category. (It appears likely that the number of Soviet missiles of this range will be reduced to zero).

Although the verification measures which the Administration has proposed—and which the U.S.S.R. seems likely to accept—will surely be criticized for not removing all uncertainty, they will break new ground in allowing on-site inspection and will be worthwhile, both for this agreement and for application to future arms control agreements.

The surprising flexibility of the Soviet position on INF has been a source of suspicion to arms control critics in the West, who deeply distrust this sudden Soviet generosity after years of very tight-fisted bargaining. But the critics also have an important substantive worry. For many of them, especially the conservative wing of the German Christian Democrats (which represents about a third of West German public opinion on these issues), the real problem of eliminating INFS is not so much the impact such a ban would have on the overall NATO-Warsaw Pact balance in nuclear arms. It is rather the fear that pulling American Pershing 2 and cruise missiles out of Europe could reduce the possibility that an American president would decide to use nuclear weapons in the event of conflict on the continent. More accurately, it is the fear that both Soviet and West European leaders might *believe* that an INF agreement would reduce the likelihood of such an American decision. For many critics, such as the much-respected SACEUR General Bernard Rogers, just retired, this risk makes concluding an INF agreement undesirable at present. They would prefer to wait at least until the U.S.S.R. first agreed to sizable reductions of its forward-deployed conventional forces.

The critics believe that, ever since the Soviets achieved parity with the United States in all classes of nuclear weapons, the crucial factor that makes the threat of American nuclear retaliation credible to the Soviet leadership—and to West Europeans as well—has been the deployment in Europe of American nuclear weapons, especially those capable of striking military targets on Soviet territory, such as the Pershing 2 ballistic missile. The use of such American weapons against targets in the U.S.S.R. would be nearly certain to unleash strategic nuclear war between the United States and the U.S.S.R., as Soviet leaders have themselves declared. Consequently, deployment of American nuclear missiles in Europe is considered to "couple," or, better, to "lock," the defense of Europe directly into the U.S. strategic nuclear deterrent, and to guarantee, more than any amount of conventional NATO forces, that Soviet leaders will decide not to attack Western Europe.

This firmly held view is based on two major assumptions. The first is that only "visible" land-based deployment of American nuclear weapons in Europe would really convince Soviet leaders that they risked strategic nuclear war if they decided to attack Western Europe. This assumption has always seemed especially tenuous. The decision of an American president as to whether to respond to an overwhelming Soviet conventional attack on Western Europe—including an attack on the more than 300,000 American troops stationed there—with nuclear weapons would not depend solely on the pattern of deployment of U.S. missiles in Europe.

Rather, such a decision would depend primarily on the president's assessment of the overall situation at the time—especially his assessment of the strategic balance between the two countries, and of whether the Soviet attack on Europe signified an ultimate or immediate intention to attack the United States (as it probably would). The president's decision would also depend on many other factors, including his own personality. The presence or absence of land-based American missiles deployed in continental Europe would be a secondary factor in this decision—and, for that matter, in its execution; many other American delivery systems are available for the purpose. As long as the United States maintains a large troop contingent in Europe and maintains rough parity with the Soviet Union in strategic nuclear weapons, prudent Soviet leaders would have to reckon with the possibility that conventional war in Europe could escalate to nuclear war.

The second major assumption of the INF critics is that, were Soviet leaders not deterred from attacking Western Europe by their fear of unleashing total nuclear war, they would either make such an attack as soon as they considered conditions optimal, or would, by implied threats to do so, effectively use their superior conventional strength as a source of political pressure on Western Europe. Given the clear numerical superiority of the Warsaw Pact over NATO in most classes of major conventional armaments, including heavy tanks, self-propelled arillery, attack helicopters and interceptor aircraft, the question is this: Would elimination of American INF weapons increase the possibility of a sudden Soviet attack or a more effective Soviet political intimidation of Western Europe? These possibilities clearly exist. But they require a closer look. The real question is whether the Warsaw Pact's superiority in numbers of major weapons and troop divisions coverts to superiority in actual combat.

Whatever the chances were, in NATO's formative period in the early 1950s, of a Soviet attack on Western Europe, the passage of time has deprived the Soviet Union of some important potential assets. Moscow can no longer count on the willing assistance of West European communist parties.

Strong and loyal in the 1950s, these parties are now much weakened—and, as in the case of the Italian Communist Party, disaffected from Moscow. And uncertain loyalties of the armed forces of the Eastern European states have converted them from a meager advantage into a probable hindrance in most potential situations of East-West conflict.

The West's main concern remains the possibility of surprise attack by Soviet forces—or, more precisely, of attack with minimum preparation. Yet Soviet capacity for such an attack may not be as great as feared. NATO's expenditures on defense have exceeded those of the Warsaw Pact for more than two decades. While not all these funds have been spent in an optimal way, they have not been wasted, and NATO has made many useful improvements in its forces. In the region from the Atlantic to the Urals, active-duty personnel of NATO ground and air forces are just as numerous as those of the Soviet Union and the Warsaw Pact. Exercise after exercise has demonstrated that the Warsaw Pact air forces are incapable of gaining control of NATO airspace against qualitatively superior NATO air forces; this would be essential for successful attack.

The contingency which continues to cause the greatest concern to NATO leaders is that the Soviets, in the hope of securing their objectives before the United States could become fully involved in conventional battle or decide to use nuclear weapons, would launch a minimum-preparation attack against NATO's central front in Germany. The Soviet Union has increased the firepower an mobility of its ground forces in the last two decades. But at least half of the Pact's numerical superiority in units and major armaments is in reserve divisions which take a month or more to ready for combat. There are two few combat-ready Soviet divisions to permit the U.S.S.R. to launch, with any confidence, the feared minimum-preparation attack.

Only 30 combat-ready Soviet divisions in Eastern Europe are positioned for such an attack; probably a third of these would have other essential missions during the initial phases of a minimum-preparation attack against NATO's vital central front. Even if augmented by over half of the East German, Polish and Czechoslovak first-category forces (of uncertain quality and loyalty), the resulting force of some thirty-odd divisions would be no larger in divisional manpower than the U.S., U.K. and West German ground forces in the area.

The Soviet second echelon in the western U.S.S.R. capable of reinforcing a minimum-preparation attack within the first two weeks is also surprisingly small—fewer than ten ground force divisions. Soviet tanks in active-duty forces in central Europe number only about 8,000, not many more than those of active-duty NATO forces, which would moreover have the advantage of defensive positions. The recent landing of a small West German private plane in Red Square, flying unscathed through dense Soviet air defenses, once again raises well-documented doubts about the quality of Soviet forces, less well trained and led than those of the West German Bundeswehr and of U.S. and U.K. forces in Europe. The chances of success of a sudden attack would be slight.

Other contingencies, such as that of a slow, full mobilization of East and West, are possible. But the outcome of these is also uncertain, in part because the dimensions of the resulting conflict, including the participation of ten or more additional U.S. divisons, would ensure that the engagement would be worldwide in scope and make it all the more likely that it would escalate to nuclear war. Soviet leaders fully realize this.

Finally it is argued that there may be increased Soviet political pressures on Western Europe in the event of the elimination of some categories of U.S. and Soviet nuclear weapons. In fact, all past Soviet efforts at political intimidation, which have been numerous, have failed because of close cooperation and understanding between the United States and its European allies. Continued maintenance of close political understanding between European and American leaders and of rough U.S. equality with the U.S.S.R. in strategic nuclear weapons, hopefuly at reduced levels, remains the essential component for future success in this regard. Soviet leaders appear to have realized that their major squeezes on Berlin in the late 1940s and the late 1950s only added to NATO political cohesion and to a determination to strengthen NATO forces.

III

Most NATO commanders agreed that a Soviet attack on Western Europe is improbable. But it cannot be demonstrated that all possiblity of a Soviet attack is excluded. Conflict could be ignited by contingencies other than a deliberate attack motivated by a desire for conquest. There is no guarantee that the decisions of Soviet leaders—or of Western leaders—will always be rational.

A still greater assurance against war in Europe would be provided by gradually building down the military confrontation. To be effective in reducing the Warsaw Pact's potential to attack with minimum warning, however, force reductions must also be accompanied by "constraints"; that is, agreed measures that restrict the deployment and activities of military forces—for example, by limiting the size of out-of-garrison force concentrations. Reductions need to be accompanied by intrusive mutual verification. Neither constraints that leave combat capabilty untouched, nor reductions without constraints, would be adequate in themselves. War could still occur between the rival alliances even if active-duty forces were small and equal, and even if their organized reserves were reduced or eliminated. But there would be an important difference in risk and cost between today's military confrontation in Europe and even a modestly reduced and constrained confrontation.

The first and unsuccessful effort to negotiate reductions in NATO and Warsaw Pact forces, the negotiations for Mutual and Balanced Force Reductions, began in Vienna 14 years ago. These talks are now winding down without prospect of success. Soon after the MBFR talks began in late 1973, the Warsaw Pact proposed an across-the-board 15-percent reduction of ground force manpower and major equipment by both alliances. Under circumstances of a perceived equality in manpower and armaments between the forces of the two alliances in central Europe, the Warsaw Pact's reduction approach would have been the logical one. Instead, the negotiations soon became stalemated over the NATO claim that the Soviet bloc had a considerable manpower superiority which should be reduced to an equal ceiling between the two alliances, and the Warsaw Pact's contentions that the ground force manpower of the two alliances was already roughly equal. This is where the talks stand today.

In the last officially exchanged figures, those of 1980, which remain generally valid, NATO counted its ground force manpower in the area of central Europe at just over 744,000, (including 210,000 troops of the U.S. Army), and its air force manpower at just over 198,000. (50,000 French troops deployed in West Germany are not included in official NATO figures.) It counted Warsaw Pact ground force personnel in central Europe at just over 956,000 (including 475,000 Soviet ground force personnel), and Warsaw Pact air force personnel at just over 224,000. But the Pact claimed it had only slightly more than 815,000 ground force personnel, including 423,000 Soviet ground force personnel, and 182,000 air force personnel.

The discrepancy between the NATO and Warsaw Pact figures on Pact forces in eastern Europe may be caused in part by the deliberate omission by the Pact of certain categories of active-duty personnel from their count. This has already been established through discussion at the negotiating table: some categories of Polish personnel, mainly general-purpose construction units, are excluded. It is also possible that Western figures themselves may not be fully accurate, given that they must be compiled from fragmentary evidence in the face of largely effective Pact efforts over the years to maintain tight secrecy about all aspects of their military forces. In particular, it is possible that first-line active-duty Soviet and other Warsaw Pact units in central Europe are manned at lower levels than the 90 percent of full wartime strength with which Western intelligence experts have credited them.

In December 1985 NATO radically changed its approach to the numbers problem in MBFR: instead of insisting on prereduction agreement on the starting level of Warsaw Pact military personnel in the central European reduction area, NATO proposed that a small reduction (5,000 U.S. and 11,500 Soviet ground personnel) take place first. After that, the data dispute would be resolved on the basis of on-site inspections of the forces of both alliances.

Soviet negotiators failed to show much interest in this new Western proposal, even to the extent of suggesting fewer on-site inspections than NATO's rather high total of 90—enough to inspect each Soviet division in central Europe three times in the proposed three-year period. Six months later, however, the U.S.S.R. did agree in the Stockholm CDE talks to a far smaller quota of three less stringent on-site inspections per year.

Meanwhile the new Gorbachev leadership was turning is thoughts away from MBFR and toward another and different force reduction conference. Among possible reasons for this Soviet shift were Gorbachev's "new broom" approach to Soviet arms control positions—the Vienna MBFR talks were too moribund to provide new interest for the West European public, which was a major target of the Soviet disarmament campaign. France, which had declined to participate in MBFR—ostensibly because the area of coverage was too small—had proposed that force reductions be negotiated in the CDE context and in the wider Atlantic-to-the-Urals area to include French territory, an area of coverage which the Soviets had already conceded for the CDE agreement. In earlier decades, West Germany and other NATO allies had repeatedly criticized the refusal of the Brezhnev leadership to include the western U.S.S.R., with its large contingent of air force units and reserve ground force units, in the more limited area of coverage of the MBFR talks. Now it was Gorbachev's policy to recognize such criticisms when formulating new Soviet positions.

Let us look more closely at the current Soviet position on force reductions in Europe. In a speech in East Berlin in April 1986, Gorbachev proposed new negotiations for substantial reductions in all components of ground and tactical air forces. These include all the Soviet conventional and tactical nuclear armaments stationed in the entire area from the Atlantic to the Urals, more than a thousand kilometers into Soviet territory. Initially reductions would be made in the forces of the NATO and Warsaw Pact alliances. Subsequently the forces of the neutral and nonaligned European states would be covered in reductions. As amplified by the Warsaw Pact Political Consultative Committee at Budapest in June 1986, this proposal foresees that all components of ground forces, conventional armaments, "tactical strike aviation" and tactical nuclear armaments should be covered in agreed reductions. Reductions would be by units, together with their weapons (that is, reductions would focus on combat units), and would be phased on the basis of agreed timetables, to "maintain the present military balance."

The Warsaw Pact proposes that the first reductions should take place within one to two years and should consist of 100,000 to 150,000 men from the forces of each of the two opposing alliances, a reduction roughly corresponding in size to those foreseen in the MBFR negotiations. The second step, to be taken in the early 1990s, would be a further reduction in the forces of both alliances of 25 percent, or a total, according to the Warsaw Pact, of 500,000 men from each alliance. Further reductions of NATO and Warsaw Pact forces would take place later, and this stage would include forces of neutral and non-aligned European countries.

The Warsaw Pact proposal foresees "reliable and effective" verification, to include national technical means and on-site inspections, exchange of data, and an international consultative commission including all participating states. The commission could carry out on-site inspection of reductions and supervise destruction or storage of armaments, and could staff check-points at railway junctions, airfields and ports.

This new proposal has proven attractive to influential members of NATO. It addresses the French interest discussing reduction of armed forces in the second phase of the CDE talks, of which France was an originator. West German officials were especially attracted by the idea of broadening the central European zone of reductions used in the stalemated MBFR talks, to bring France into force reduction negotiations and to extend the area of coverage into the U.S.S.R. The NATO Council signaled its interest in the Pact proposals in the communiqués of its spring and fall 1986 ministerial meetings. In early 1987 preparatory discussion between representatives of NATO and the Warsaw Pact began on the margins of the Vienna Helsinki accords review conference. Within a few months of the conclusion of the conference, which may come by the end of 1987, a new East-West force reduction negotiation is likely to begin.

There has been controversy within NATO about the forum for this new negotiation, over the role of the neutrals and over the linkage between the force reduction negotiations and the recurrent Helsinki accords review conferences. Ultimately, East-West agreement will probably be reached to hold the talks between the two alliances, with some method of informing the neutrals and reporting to the review conferences.

As part of the agreement to proceed with new negotiations, the MBFR talks are likely to be closed down by mutual agreement, without recrimination. It would be in the interest of the new negotiations if, in the concluding phase of MBFR, the participants could reach agreement on the troop count issue, perhaps through a more detailed comparison of figures on Warsaw Pact manpower and a limited number of on-site inspections. The MBFR forum could have further value for stabilizing the NATO-Warsaw Pact confrontation if it were converted to an East-West forum with two purposes: reducing risks (dealing, for example, with the numerous border-crossing incidents by aircraft and also by missiles, preventing them from provoking serious miscalculations), and conducting a dialogue on the defense strategies and deployments of both alliances, such as was proposed by the Warsaw Pact in June 1987. If not in MBFR, these functions should be carried out in the framework of the new Atlantic-to-the-Urals negotiations.

IV

What can be expected from these new negotiations? Will their course provide some clear answer to the question of Soviet willingness to make significant force reductions?

Most of the underlying problems that caused the failure of the existing Vienna force reduction talks will also plague future negotiations. The greatest of these difficulties is the reluctance of military commanders and defense officials of both alliances to reduce their forces.

Today there is even more reluctance in NATO governments to contemplate force reductions than there was at the outset of the MBFR talks. Significantly, the possibility of reducing NATO forces is not mentioned in NATO's December 1986 interim reply to the Budapest proposals, which speaks only of eliminating Warsaw Pact superiorities in individual force components and thus stabilizing the East-West confrontation.

Most NATO governments, especially those with forces in the area of the most intense East-West confrontation, central Europe, do not think they can afford to reduce their forces, which are already spread very thinly over a fixed geographic defense line. Given the understandable worst-case assumption of most senior NATO officers that the NATO-Warsaw Pact military confrontation will continue indefinitely with only minor changes, they want to improve these forces, not reduce them—particularly now, given intensified worries over the post-INF future of American extended deterrence. In the United States, the Joint Chiefs of Staff fear that negotiated American withdrawals from Europe would lead Congress to mandate a reduced personnel ceiling for the entire U.S. Army.

For its part, the willingness of the Soviet Union to reduce will be strongly influenced by the fact that none of the communist governments of Eastern Europe can sustain themselves without the prop of Soviet military forces inside their countries or on their borders. Consequently, Soviet and Warsaw Pact political and military leaders are highly apprehensive about the political effects of large-scale Soviet troop withdrawals—especially from East Germany—on political stability in Eastern Europe. The Soviet system is very far from making the radical changes that would be necessary before Soviet leaders could seriously contemplate relinquishing their control over Eastern Europe.

While U.S.-Soviet negotiations on reduction of strategic armaments start from a basis of rough equality between the two countries, the second basic problem of the new talks, as it was of MBFR, will be that negotiations on NATO-Warsaw Pact force reductions start from a basis of large Warsaw Pact numerical superiorities over NATO in organized combat units and major armaments. When these Eastern bloc superiorities, somewhat exaggerated in their military significance, are taken literally, gun for gun, for negotiating purposes, they lead NATO to urge Warsaw Pact reductions that are much larger than NATO reductions. Whatever else may be said about it, this approach does not conform to customary traditions of equity and quid pro quo in negotiation.

On the other side, the Soviet and Warsaw Pact reduction approaches reflect the Soviet contention that, when all forces are included and qualitative factors taken into account, there is rough equality between NATO and the Warsaw Pact. Consequently the Pact reduction approach uses the present force balance as the basis for equal-number or equal-percentage reductions, as it did in the MBFR talks.

Thus, there is a very wide gap between NATO's insistence on proportionally larger Warsaw Pact reductions and the Pact's equal-number or equal-percentage reduction approach. In fact, NATO participants will be asking for concessions from the Soviet Union while offering little in return, at least in the military sense. Several important aspects of reductions—the amount and nature of the reductions, the manner of disposal of reduced NATO and Soviet arms, the setting of individual national residual ceilings on Soviet but not on West German forces—will require probable Soviet concessions.

Nevertheless, NATO has learned much from a decade of MBFR disputes with the Warsaw Pact over the number of Soviet bloc forces in Eastern Europe. It seems likely to follow its December 1985 approach of forgoing a prior agreement on starting figures, focusing instead on agreed post-reduction levels of forces and arms. However, continued East-West disputes over numbers seem likely, and there will be a need for data agreement of some kind for most types of stringent constraints. There will also be a requirement for intrusive verification. But if there is an INF agreement, its stringent verification requirements should open the way for measures to verify reduction of conventional forces.

V

NATO's stated objective for the new talks, reflected in its December 1986 communiqué, is to "stabilize" ther East-West military confrontation. Given that the force confrontation in Europe is already rather stable, what should this mean in more specific terms? Reasonable general objectives for the new talks would be: (1) to decrease the potential of the Warsaw Pact—and of NATO—for attack with minimum warning; and (2) to reduce the possibility of involuntary, uncontrolled escalation to conflict in the event of political crises or East-West confrontations in non-European areas.

What type of forces should be covered by reductions in a new negotiation covering Europe from the Atlantic to the Urals? In particular, what about nuclear armaments? Given worries over the possible effects of an INF agreement, most NATO countries strongly prefer to await Soviet agreement to significant reductions of the U.S.S.R.'s conventional forces before reducing or eliminating yet another category of nuclear weapons from Europe. This is especially true of France, which is apprehensive that any discussion of reducing tactical nuclear weapons would unavoidably draw in French nuclear forces.

On the other hand, West Germany provides an important exception to this reluctance to reduce tactical nuclear weapons. German public opinion is sensitive as always to the enormous civilian casualties that would result if nuclear weapons were used on the country's densely populated territory and, after disagreements over INF, both the political right and left are pressing for reduction of tactical nuclear weapons. Despite NATO's hesitations, it would be desirable at some point in the new talks to negotiate such a reduction, using some version of the old NATO "mixed package" trade (say, reductions in tactical American nuclear warheads for Soviet Tank withdrawals). Though not successful in MBFR, trading off different armaments is one way to bridge the gap caused by NATO's insistence on larger Warsaw Pact reductions and Pact insistence on equal treatment.

In its June 1986 proposals the Warsaw Pact emphasized reduction of "tactical strike aviation," or fighter-bombers. NATO representatives have long argued in MBFR that aircraft are too mobile for mere withdrawal; in the event of conflict, they can return rapidly to their original bases, although less rapidly if entire units are removed. The U.S. Air Force continues to oppose aircraft reductions and nearly all European NATO air forces appear likely to do so as well, both because of the importance of tactical air forces at the outset of a possible East-West conflict and for institutional reasons: some West European air forces are already so small that reductions could imperil their institutional existence as separate branch of national armed services. So it seems possible that, at least initially, NATO will argue against inclusion of aircraft in reductions.

From the viewpoint of reducing the potential of the opposing forces for attack, this is unfortunate. Moreover, fighter-bombers are expensive, at $40 million apiece in the West, and neither alliance, especially NATO, will be able to maintain present levels indefinitely. In the West, the money and personnel saved from air force reductions or, rather, from cutting back purchases of still more expensive upgraded aircraft as replacements, could be used to strengthen ground forces in a defensive mode through building reserves. Therefore, NATO should give serious study to including reduction of aircraft in the new negotiations, in the context of trade-off of some NATO aircraft for a larger number of Warsaw Pact tanks and armored vehicles.

Another possible way for the West to use its superior military technology to gain negotiating leverage would be to agree to limit deployment of the modernized, improved version of the Lance missile to a low ceiling, equal with Warsaw Pact nuclear-tipped missiles of the under-500 kilometer range; the Pact now has numerical advantage of four or five to one in this category. A further trade-off might be NATO willingness to limit deployment of the new ATACOMS, accurate conventional-warhead missiles of approximately 200-kilometer range scheduled for deployment in the early 1990s, in return for large-scale withdrawals of Soviet tanks, attack helicopters and self-propelled artillery, and a ceiling on Soviet deployment of conventional-warhead missiles of this range.

The priority for ground force reductions in the new talks should be on the combat-ready, active/duty ground forces of both alliances, and should be aimed at reducing the capability for forward-moving attack with the objective of taking and holding terrain. To increase the military effect of reductions and to aid in verification, reductions should be in terms of complete units, with the focus primarily on units equipped with those ground force weapons used to move forward and take ground in an attack—tanks, attack helicopters, and self-propelled artillery.

By way of illustration, one possible reduction approach that seeks to take account of these factors would be reducing heavy armaments assigned to active-duty ground force combat units—say, attack helicopters and main battle tanks—to a lower and equal level in both alliances, with parity in central Europe as a sub-goal. Reductions would be in the form of complete units, which could be as small as battalions. If both alliances reduced the number of their tanks to an equal ceiling level of 20,000, the Pact would have to dispose of some 25,000 tanks, whereas NATO would have to remove only 5,000. In such a case, a reduction of NATO high-tech armaments could be helpful as additional leverage.

There might be other benefits from this approach, assuming Warsaw Pact leaders would be nervous over the impact of large manpower reductions in Eastern Europe. Under one version, there would be no obligatory reduction of less verifiable military manpower. Each participant would be left to decide what to do with the manpower of those heavy armament units that had been reduced; personnel might be reassigned to newly created, less heavily armed, less mobile infantry units—whose establishment would have to be reported to the opposing alliance—or units could be disbanded or reduced to reserve status. This approach could result in some useful restructuring of Soviet forces. An agreement could allow the United States to store its reduced tanks and helicopters in Germany. The agreement should require the Soviets to store their reduced arms beyond the Urals or in the western Soviet Union. However, if it were agreed that there would be equipment storage inside the Atlantic-to-the-Urals reductions area, there could be provision for on-site inspection of such storage sites, or preferably, for their permanent supervision by personnel of the other alliance.

An additional, somewhat different approach, less disproportionate in terms of Warsaw Pact reductions, might involve mutual reduction of those types of units—armored reconnaissance units and mobile antiaircraft units—without whose support heavy armored forces cannot move forward in attack. These units could be replaced on both sides by less mobile infantry and static antiaircraft units, which would effectively replace the reduced units by forces that could be used for defense, but not for attack.

VI

The conclusion of an INF agreement will probably give the proposed force reduction negotiations a new impetus. It is doubtful, nevertheless, that these new talks will make rapid progress. With all their complexity, the negotiations could barely get under way in the closing months of the Reagan presidency and would have to be resumed after review in the next administration. At least at the outset, it is unlikely that the Soviet Union will be prepared to make reduction concessions sufficiently far-reaching to meet probable NATO terms. The experience of the MBFR talks indicates that Soviet leaders and military commanders are too conservative in their assessments to allow potential outside benefits to move them from their habitual insistence on making an equal deal, even when they start with more forces and equipment.

It is possible that, at some point, Gorbachev may adopt a parallel track to his important concessions on INF and strategic reductions and show similar flexibility on conventional reductions. The prospect of reducing huge Soviet expenditures on conventional forces in order to divert resources to the civilian sector, and of improving Soviet access to the economic, technological and managerial resources of Western Europe by assuaging West European fears of Soviet conventional forces, should be attractive to Gorbachev and his advisers. But this reasoning provides no certainty. Soviet leaders have long been unable or unwilling to take actions that undermine well-entrenched Soviet military interests. The Soviet ground forces are the senior and most important branch of the Soviet armed services. Khrushchev's drastic reduction of Soviet ground forces to the benefit of the country's strategic nuclear forces ultimately contributed to his own downfall. And, for Soviet leaders, there remains the problem of political stability in Eastern Europe.

Given the known difficulties on both sides, the prospects for early agreement on large reductions from the Atlantic to the Urals appear limited. A conclusive reply to the question of Soviet willingness to make large-scale reductions in their conventional forces may not be forthcoming anytime soon.

Instead the new force reduction negotiations may result in initial agreement for a program of constraints on military activities. Possible measures include withdrawing major ammunition stocks, attack helicopter units or long-range antiaircraft missiles to a specified distance from the dividing line between the two alliances; restricting the size of out-of-garrison force activities; or restricting the amount of ammunition which can be loaded for pre-announced military maneuvers to a small percentage of the combat level. Each agreed measure would be backed by observers and verification. Faced by the need to choose between force reductions and such constraints, military commanders in both alliances might reluctantly accept the constraints in order to keep their forces intact. Their political leaders, under pressure to achieve some outcome from the negotiations, are likely to accept their advice.

Constraints will not reduce military force levels or budgets. But, if well articulated, they will justifiably contribute to increased confidence and decreased apprehension on both sides and could lead to subsequent, more successful efforts at negotiated reduction. Perhaps the new talks will shake down after a few years and both sides will become more interested in trying reduction approaches hitherto passed over. Moreover, outside the framework of negotiations, there is room for informal East-West trade-offs of Western economic credits and managerial skills for large-scale Soviet force reductions.

In the longer run, the military confrontation in Europe seems as likely to shrink through independent actions on both sides (including abstention from possible force improvements) taken to rationalize forces and to cope with economic stringencies as it is through agreed reductions. Not only the political confrontation in Europe, but the military confrontation, too, appears to have peaked.

Nonetheless, NATO governments need to make a serious effort to achieve agreement with the Warsaw Pact on negotiated force reductions. An overly cautious NATO negotiating effort based on the minimum terms agreed upon among Western governments will not be a valid test of Soviet willingness to make serious force reductions. And a minimalist NATO approach will not long have the support of the already large segment of European public opinion which holds that the threat of Warsaw Pact aggression against Western Europe has sharply decreased and that large NATO forces have become less necessary. Groups holding this view will become still more powerful if peace in Europe continues. Public opinion pressures on NATO governments, especially in Western Europe, and economic pressures on the Soviet Union have both increased since the beginning of the MBFR effort 14 years ago.

The Western coalition now appears to be reeling backward under the impact of each new Soviet arms control proposal, seeking to cope with Gorbachev's peace campaign defensively by making minimum adjustments in the NATO position and by faulting the Soviets as propagandists. Instead, NATO should develop a plan for exploiting fully the potential entailed in current Soviet proposals for lowering, in an orderly and verifiable way, the level of the NATO-Warsaw Pact confrontation in Europe. If this potential cannot be realized, then the responsibility must be shown to rest as clearly as possible on the U.S.S.R., not on the timidity or reluctance of Western governments; any other outcome would have seriously negative effects for Western cohesion. If the potential contained in the Soviet position can be realized, then some further, gradual build-down of the military confrontation in Europe could take place.

Mr. **LEAHY**. Mr. President, Col. Robert W. van de Velde has never cast a vote on the floor of the U.S. Senate.

But I would like to introduce this fine gentleman from Middlebury, VT, to you today—because his friendship and scholarship have guided me so many times when I have had to cast that vote for Vermont.

Professor emeritus of public and international affairs at Princeton University, Colonel van de Velde is an author who still finds time to write a column for a small, Vermont weekly newspaper. I'm sure that more than one visiting dignitary or State Department official on vacation in Vermont has been startled to discover the equivalent of a good State Department briefing in this modest publication.

Recently a biography as modest as the man himself appeared in the Valley Voice. I take a great deal of pleasure in introducing my friend Col. Robert W. van de Velde to you.

There is a great deal to be learned from him.

I ask unanimous consent that the article in the February 8, 1988, edition of the Valley Voice be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

R.W. VAN DE VELDE: A FULFILLING LIFE OF SERVICE

(By Gail Ryan)

In the course of his 76 years, Robert W. van de Velde has worn several hats: husband, father, Army officer, student, professor, and writer, just to name a few. And this man, a Princeton professor emeritus of Public and International Affairs, and frequent commentator on the American political scene was born in Geneva, Switzerland. "My mother and father met on a ship. She was going to France to study French, and he was returning to Belgium after a business trip. They married in 1910 on the isle of Jersey.

"I was born in 1912 and lived in Switzerland for two months; then we journeyed back to the States so that my parents could show me off to various relatives. We came over on a steamer and landed at Montreal. From there we traveled down to Rouse's Point, New York, then finally to Ticonderoga. We visited two aunts of mine, so you can see I've been in the Champlain Valley for a long time," Mr. van de Velde said.

The van de Velde family visited the United States frequently. One of Mr. van de Velde's younger brothers was born in Chicago in 1913 but the family returned to Belgium within a few months. "We went back until World War I broke out. My first childhood memory was of returning to the United States on a blacked-out ship. We settled in Massachusetts, near Boston. We moved to New Jersey [Mr. van de Velde's mother was from New Jersey], where my brother and sister, who were twins, were born. The family moved to Madison [New Jersey], and we lived there until 1934. After that we moved to Wilton, Connecticut," Mr. van de Velde recalled.

A 1933 graduate of Princeton University, Mr. van de Velde majored in French because "I spoke it before I spoke English." But a quality education wasn't the only thing Mr. van de Velde received. He also was an ROTC cadet and he recalled, "I developed a liking for military things and people. Some of my instructors were military people and I developed great respect for them."

After Mr. van de Velde graduated he worked in New York City as an executive trainee for Macy's Department Store. The experience was not a favorable one. Mr. van de Velde said, "I worked in the city during the depths of the Depression and I disliked what I was doing. I stayed with the store for a year; then I worked for Scribner's Books [also in New York City]. They were training me to take over their office in Philadelphia.

"Around that time one of my former Princeton ROTC professors called me and said, 'You know, you wanted to go into the Army, but you couldn't get in. Now you can through a new law about to be passed by Congress, and I suggest you volunteer for active duty for the CCC' [Civilian Conservation Corps]. That was 1935."

Colonel van de Velde [he retired in 1957] was stationed in upstate New York and later on during World War II in Hawaii, Europe, and North Africa. "I was at Pearl Harbor when it happened. My wife and I had a six-month-old son, and Sunday was my day to feed him. I remember the house started bouncing when the Japanese began bombing. I ran out of the house to see what was happening. I ran down the street shooting at the enemy's planes, but I don't think the ground fire did any damage. We expected the Japanese to land so we took up our wartime positions. We charged off, ready to repel the invaders, but they never came," he said.

In 1942 Colonel van de Velde returned to the mainland and was put in charge of training an artillery battalion of the 84th Infantry Division in Texas. Later on he attended the Command and General Staff College at Fort Leavenworth in Kansas during the winter of 1942–43.

"I was then sent to North Africa, just outside of Casablanca. I was there for a month, and I can remember telling my superiors at the month's end that I was going nuts just sitting in a tent, doing nothing in a desert. I was later transferred to Algiers where Allied Headquarters was located. They left me in a room, completely uninformed. They finally came back and told me that I was scheduled to take part in the invasion of Sicily with the U.S. II Corps. But before they told me what my orders were, they had to check and make sure I wasn't a spy," Colonel van de Velde recalled.

Sicily, Colonel van de Velde said, brought war's horrors home to him. "I saw my first dead soldier in Sicily, and I remember being shocked. I had seen some dead people at Pearl Harbor, but this was different. His body lapped up on the shore, and I was amazed that no one removed the body. That's the way war is. You get used to it. War is a filthy, rotten business."

For the next two years Colonel van de Velde was in Italy and Austria. He was assigned for the next two years to the Pentagon and served in the War Department on the General Staff.

In 1947 Colonel van de Velde was sent to Athens to work as an attache. "I was assigned to the American Embassy, and I was supposed to keep track of the Greek military; it was during the civil war and a lot was going on.

"I was next assigned as a military attache to Tel Aviv. That was the most fascinating assignment because it was a brand new state and morale was high. We were in our element and it was a lot of fun," he said. Colonel van de Velde was the first military attache from anywhere to Israel.

Then it was time to return home, but there had been some changes in the colonel's personal life. His first marriage had ended in divorce and in 1949 he married the former Barbara Gray while he was assigned to Fort Meade in Maryland. In 1953 he and Mrs. van de Velde had a son, Rob.

"When I was assigned to Fort Meade I applied for Advanced Schooling. I was sure the Army wouldn't assign me to my first choice, [Yale], but I did get my second choice, Princeton. I got my Ph.D in International Affairs [in 1954], and that's what eventually made me a columnist. By that time I had seen quite a bit of the world, and I thought it needed a lot of help and I thought I could offer some."

In 1955 Dr. van de Velde got his chance to help when he was sent to the U.S. European Command in Paris. His job, Dr. van de Velde said, "was to make friends with the allies. I liked being back in a French atmosphere, but post-World War II Europe was a wreck.

"Two years later Princeton wrote to me and asked if I were interested in joining the Woodrow Wilson School of Public and International Affairs. I was absolutely in seventh heaven when I got that letter because I couldn't stand my boss, a Navy admiral. I asked for retirement and returned home. Princeton kept the position open, and we left France February 1957. I joined the faculty and remained there until I retired in June 1978."

Dr. van de Velde recalled his days at Princeton with mixed emotions: He enjoyed the students and his teaching and administrative duties, but he disliked "all the internal politics that went on. I'm a propagandist at heart. I've been imbued with a sense of public service. I believe in it, and I think that's part of the reason I joined the Army. I feel the same way about teaching. I'm an inveterate do-gooder."

As the mid-1970s approached Dr. van de Velde began a new career: newspaper columnist. One of his senior advisors told Dr. van de Velde about a freshman named Lucy White. Lucy's parents, the senior advisor said, owned a weekly newspaper in Vermont. "I always wanted to own a country newspaper and when I found out about Lucy, I said I wanted to meet her. We had lunch and when she said her parents' newspaper was in Middlebury, I couldn't believe it because that was one of the places I had picked to retire.

"I talked to John Michael and I told him I wanted to write a column called 'It's Worth Thinking About.' He liked the title and said I could do it. Something usually stirs me, whether it's watching the news, reading the paper, or getting into a discussion with people. Politics fascinates me because it's the basis for how we live. I'm interested in people, and politics are the way people arrange their lives," he said.

Dr. van de Velde said he writes his column, known for its in-depth knowledge of the national scene, in the early morning hours, and several re-writes aren't uncommon. "I sit down at 5:30 in the morning and write the column long hand. I never learned how to think on a typewriter, and I write it over half a dozen times.

"I think *The Valley Voice* plays the role John Michael wanted it to and that is to be a vehicle for the different voices in the valley. Basically, it gives other people a chance to be heard."

Since Dr. van de Velde's 1978 retirement from Princeton and his subsequent move to Middlebury, he has gone through some difficult times. His son, Rob, a Middlebury radio reporter, died in 1981 and Mrs. van de Velde died last May. "Our family and friends established an endowed lecture series at Middlebury College. The topic and speaker varies from year to year, but public affairs and broadcast journalism are tied in because Rob was a radio newsman, and he was interested in the world and politics."

Of his retirement Dr. van de Velde said, "It seems that once you're retired at times it looks like you have nothing to do, but somehow the day gets filled up and you keep occupied. Sometimes at the end of the day I ask myself what I've done for today."

According to van de Velde he "walks a lot, writes, and reads. I also maintain a house, and I'm active in the United Way."

Dr. van de Velde was notified early last week that he was nominated to be on the United Way's board of directors. His nomination is expected to be confirmed February 15.

"I'm an eternal optimist, but there are a lot of things in this world that we should not be hopeful about. For instance, those fools in Washington, D.C., are trying to sabotage the Central American Peace Plan. But I've enjoyed the things I've done very much and that satisfies me," van de Velde said.

HUNGER AND HOMELESSNESS IN AMERICA

Mr. LEAHY. Mr. President, 50 years ago, Franklin Delano Roosevelt addressed the Nation. He said that one-third of its citizens were ill-housed and ill-clad and ill-nourished—a nation on the brink of despair.

Almost two decades ago Michael Harrington raised the consciousness of the Nation to what he called "the other America"—the half of America existing in poverty in the midst of plenty.

Today experts are warning us again that there are millions of hungry Americans.

Four days ago I went to New York to survey for myself the extent of hunger in our Nation's richest city.

I was moved by the human dimensions of the hunger I encountered.

Mr. President, I used to be the State's attorney of Vermont's largest county, and I have seen poverty. But in Vermont, the instances of poverty are isolated. In fact, Vermonters often refer to the poor as "the people at the end of the road." Well, in the South Bronx, that road has no end.

In Vermont we know the names of our poor neighbors. In New York City, 1.7 million citizens live in poverty. They stop being names and they become numbers.

The number of individuals living in poverty in the Bronx is five times the population of Vermont's largest city.

As a Senator, I have seen poverty in the Third World that was worse than any I have seen in the United States. But the sense of hopelessness that I encountered in the South Bronx was as deep as any that I have encountered in South America.

I visited with poor families in their apartments, in emergency homeless shelters, and on the streets. Family after family told us they cannot buy enough food, even with food stamps, to feed their children. Let me give you some examples, Mr. President.

Gladys, a mother caring for six children, told me of the shame she feels when she must ask for food from her friends or from her neighbors when her food stamps run out before the end of the month. But, she said, her children's hungry stomachs have no shame.

I also met with Christina Walker, who gave me a citywide perspective on hunger in New York. The hotline she directs receives thousands of calls from food stamp households when they run out of food stamps. That they run out is not surprising. The average food stamp benefit is around 50 cents per person per meal. The maximum benefit is 81 cents per meal.

Just think about that. There is not a single Member who serves in the U.S. Senate who has ever gone hungry except by choice. But think what that means to those people. How many groceries do you buy with 81 cents? Not very much.

In fact, if the person buying those groceries were to spill a carton of milk or drop a carton of eggs, more than that 81 cents is gone.

Over half of the hotline calls in New York are food stamp recipients who want to know where the soup kitchens are or where they can get donations of canned foods. Think about that. They get more calls from people on the Food Stamp Program asking about soup kitchens than from people who are not on the program. And why is that? It is simple. You cannot buy enough food to feed your family with food stamps.

Since 1981, the number of soup kitchens and food pantries in New York has increased from around 30 to over 580. That is a twentyfold increase since 1981. One thousand community groups now distribute surplus commodities. And lines form, lengthy lines form, when there is cheese or butter or nonfat dried milk or rice, flour, when it is distributed.

Some might just dismiss this as a New York City problem. If they do, they are wrong. The U.S. Conference of Mayors has found that the need for emergency food assistance has increased by almost 20 percent in every one of the major cities in our country. That is on top of a 28-percent increase in demand for emergency food assistance in 1986.

What are we doing to meet the needs of the hungry? Well, to meet the needs, to feed the hungry in 1986, the Federal Government distributed nationwide 410 million pounds of cheese; 70 million pounds of butter; 93 million pounds of nonfat dry milk; and millions of pounds of flour, rice, and honey. The demand for these commodities keeps growing. During 1 month in 1986, 15 million persons received these commodities.

I also found out that neighbors are reaching out to neighbors. For example, I visited an outdoor homeless and feeding center, about 30 blocks from Wall Street. Let me tell you what is in this. This is really within walking distance; a long walk, but walking distance from Wall Street.

Volunteers had rounded up scrap wood and large plastic sheets from construction sites. They then made tents out of the scrap plastic sheets for the homeless and they set up an outdoor kitchen and neighbors, local stores and churches, provided food for them to cook. They provide one meal a day at 3 o'clock. One meal. First come, first served, until they run out, and they always run out.

Now, this is something that we see on the evening news when we see Third World nations that are so impoverished. We view these countries with smug satisfaction, saying if they only knew how to run their society like we do. Yet, I can show you the hungry and homeless in New York City and, Mr. President, I suspect I could go to many of our major cities and find the same.

I had lunch with a Sister Kelliher on the Lower East Side. She is a school board member and she is concerned about the 12,000 children in homeless shelters and welfare hotels in New York. The mortality rate of these children is double the national average. One welfare hotel alone contains 1,200 children and they are living in deplorable conditions.

Mr. President, coming from a rural State, these numbers I find staggering. The median community in my State is 2,500 people: Men, women, and children. Twelve hundred children are living in destitution in a welfare hotel in New York City.

How are the children in the rest of America doing? Thirteen million children in the richest, most powerful Nation in the world live in poverty. Forty percent of the poor in America are children.

Mr. President, nobody can stand up and say they chose poverty. Nobody can say that 40 percent of the poor in this country who are children determined that they were going to be poor.

I talked to some homeless families who came to the soup kitchen at the Broadway Presbyterian Church. One woman, Cassandra, had her baby, Amida, with her. Amida is 12 months old, a beautiful little child. Cassandra was very upset because they kept moving her from one emergency homeless shelter to another, and she does not know why. Noboby tells her. They just keep moving her.

She was told that she could not get food stamps because she did not have an address. Of course, she did not have an address because they kept moving her. And because they kept moving her, she could not get food stamps. But even if she got food stamps, she would still have a problem. Those benefits assume that the poor own a stove. Macaroni, dry beans, soybeans, eggs, and flour have to be cooked. But she does not have a stove and the emergency shelters that she goes in do not even allow hotplates because of the obvious fire hazard.

I could not help but think, Mr. President, so often these rules are set up by those of us who live in comfortable middle America. We have stoves in our homes. We have refrigerators. We have basic staples there. I mean, any one of us, if we want to demonstrate how we can go out and live for a few days on food stamps might be able to do so, because we have all the staples already at home; we have the electricity, we have the heat, we have the cooking utensils. When you are moved from one place to another; when you try to sleep in alleyways or in subway stations or in tent cities or on grates, you just cannot survive.

I mentioned one woman earlier, Gladys. She has life easier. She has a stove. But her refrigerator does not work. She cannot afford to fix it. The landlord has not bothered. She said, almost wryly, that there are advantages and disadvantages. The heat was off for 4 days last week. For those of us who live in the Northeast, they know that was a pretty cold time. She was able to keep her milk inside. The whole apartment became a refrigerator.

On Monday when I visited, the milk and the eggs and the other food she had out on the window ledge because the heat was back on. Now she is hoping it would stay cold so the milk would not go bad.

It is almost unbelievable. But she has other worries. She has a 2-month-old baby. The paint is peeling and cracking throughout the apartment. She thinks, quite logically, that it is old, lead-based oil paint.

The woman downstairs, Maria, is upset because her apartment often does not have water and there is a large hole in the bottom of her refrigerator. She is worried that the rats will eat what little food she has.

She applied for food stamps in November. She was sent a notice that she was eligible. So with her children, she went down to pick up the stamps. Then she was told there was a computer error and she would not get any help.

It has been 3 months and she still has not received food stamps for her family.

Mr. President, if I get a computer error on a bill or something, it is an annoyance and we straighten it out. I do not go hungry, but with her, it is life and death.

Today I have painted a bleak portrait of hunger and homelessness in America—How could it get any worse? It will. The U.S. Department of Agriculture has just informed me that they will eliminate cheese and nonfat dry milk distributions in the TEFAP Program for May. And just 6 weeks from now, there will be no more rice.

Surplus commodities have fed up to 15 million persons a month. Millions of Americans rely on them. Cheese provides large amounts of protein—it is the food most desired by recipients.

Let me tell you what this means, and not just in numbers. Let me tell you again what it means in reality.

Earlier, I talked about Gladys. Do you know how she knows there may be commodity foods? Every day she looks out her window and if she sees out that window lines of people, she can tell which of the lines of people are waiting for cheese. There is no notice posted; there is no regularity; you do not know that on the 10th of each month or the 15th of each month, or whatever, there will be these commodities. Somehow they appear, word gets out, crowds form, you see the line, and you go into it.

The commodities, of course, are available only about once every 2 or 3 months in her neighborhood. When she gets them, though, it is a glory day. She no longer has to ration or borrow food for her children or let them go to bed hungry.

When I think of the money this country spends just to store surplus food and then we see these people looking out the window every day hoping that once every couple of months there might be commodities in surplus food, I am very greatly disturbed.

Maria, who is caught and lost somewhere in a computer, did not get her food stamps and she is waiting for the next food distribution. But so are millions of others.

I intend to begin an effort, not just for this year but into the next Congress, and the next. I want to focus attention on the hunger in America. We have a moral obligation to find the solutions.

Beginning on March 1, the Committee on Agriculture, Nutrition and Forestry will hold a series of hearings and meetings on the status of our feeding programs. We need to listen to America—and then work together.

For example, the nutritionist at Public School 63 in the lower east side stated that for a few pennies more, per meal, that she might be able to serve eggs in the School Breakfast Program more than once or twice a week.

She wants Congress to increase the Federal reimbursement for breakfast for poor children.

The Women, Infants and Children Food Program, by USDA admission, only serves 40 percent of those pregnant women, infants and children that would be eligible—Sister Kelliher believes that all those eligible should be served. I agree with her. The evidence clearly shows that healthy pregnant women produce healthier babies.

Even if you did not consider the moral aspects of it, just consider the dollars and cents aspects, if that is the only thing that will get through to the people who determine these programs. It is a lot less expensive for society to have the children healthy in the first place.

Working with Senator HARKIN, the chairman of the Nutrition Subcommittee, I want to increase public awareness of hunger in America, and to involve the public in finding the answers. Already this year, Senator HARKIN held a subcommittee hearing

and gained valuable information on the Child Care Food Program, WIC. The School Lunch Program and other nutrition programs.

In the coming months, through hearings and field investigations, I intend to examine the extent of hunger in other regions of our Nation and develop solutions to the problems that are uncovered.

I know that the budget pressures will remain with us all this year, and for the foreseeable future.

Mr. President, I was brought up in a family where my parents taught us that it was really true what is in the Bible, from those to whom much has been given, much is expected.

Mr. President, much has already been given to us. We are the wealthiest, most powerful Nation in the world. With that comes a moral obligation, to be also the Nation that worries the most about the least fortunate and the least able in our country.

Forty percent of the people in poverty are children. Mr. President, the moral issue is very, very clear. We must protect them.

(Mr. ROCKEFELLER assumed the chair.)

Mr. HARKIN. Mr. President, as chairman of the nutrition subcommittee I would like to join with my esteemed colleague and friend, Chairman LEAHY, chairman of the full Agriculture Committee in condemning a social plight that affects our great Nation and it is called hunger. Whenever hunger raises its ugly head it increases other social outlays such as health care costs and reduces human output and human potential.

I might just add, Mr. President, that at the opening session of the Senate Agriculture Committee last year under the leadership of our new chairman, Chairman LEAHY, in his opening comments in opening the first session of the Agriculture Committee last year Chairman LEAHY talked about the hunger issue and malnutrition in America and the need for us to meet this great unmet need of so many million of our fellow citizens. He indeed made it one of the highest if not the highest priority of our Agriculture Committee.

I want to congratulate and compliment Senator LEAHY on not only his knowledge of this issue but his dedication to eradicating hunger in our country and for his commitment to the programs that we have in place to try to make sure that no American is malnourished or goes hungry.

So I want to join with my distinguished friend and chairman, Chairman LEAHY, in saying that whatever help and support as chairman of the Subcommittee on Nutrition that I can render to him in this regard, I will do. And I am sure I speak for all members of the subcommittee on a bipartisan basis that we all want to make sure that we indeed meet the needs of our fellow Americans who do not have enough food to put on their table and who are facing increasing pressures because of a lack of income.

Mr. President, I wish to point out some of the data that I think is really rather startling: 32.4 million Americans now live in poverty. For a family of four what does that mean? That means an income of $11,600 a year or less, not very much.

Out of those 32.4 million Americans, 13 million are children, and 4.5 million are over the age of 60. Mr. President, 85 percent of the poor people in this country are made up of women, children, the handicapped and the elderly, 85 percent, women, children, and handicapped and elderly. Seventy eight percent of the food stamp families in this country, the families who are on food stamps, 78 percent are single heads of households headed by women, not the so-called able-bodied man that is on the dole and not doing the work.

So what we truly see is what has been termed the feminization of poverty in our country. Twenty percent, one out of five, food stamp recipients in this country are working. They are simply not making enough money to make ends meet and for food stamps, right now food stamps provide 51 cents per meal in this country, 51 cents to try to eradicate hunger.

We have over the years, Mr. President, developed a number of programs to meet the needs of hungry Americans. We are familiar with all of them. The School Lunch Program, the WIC Program, the food stamps, the TFAT programs, Meals on Wheels, programs for the elderly, all of them designed—actually these programs were designed I think on two bases, an idealistic basis and a pragmatic basis; idealistic because we are idealistic people. We want to make sure people do not go hungry. We also have huge agriculture surpluses. What better way to get rid of the agricultural surpluses than feeding the hungry.

Mr. President, we now face a situation that could cause us some real problems in the coming months. The need for food is going up. Our ability to meet that need is going down.

I mentioned that there are 32.4 million Americans living in poverty. Well that is up from 26 million just a decade ago.

At the same time, the surpluses that we have used in the past to feed the hungry have been virtually eliminated.

I just received a letter last week from John Bode, the Assistant Secretary, USDA, for the TEFAP, the Temporary Emergency Food Assistance Program. TEFAP is a good indicator of our surplus situation, because it has no minimal level. When uncommitted surpluses are gone, TEFAP is gone.

Let me quote from Secretary Bode's letter. "Allocation of cheese and nonfat dry milk to the States for use in TEFAP will be made only to April 1988"—a month after next—"and supplies of honey and rice will sustain distribution through March 1988 only."

However, he says, "We will continue to make available flour, cornmeal, and butter at normal levels."

I might also add, Mr. President, that this drop in surplus is going to affect the School Lunch Program, too. Bonus commodities for the School Lunch Program have been capped at 1987 levels, the first time that this program has ever been capped.

In real terms this means a cut in the program. But we do not know yet exactly how this is going to affect the School Lunch Program but actually it is going to have to mean some increase in prices at the local level and what that is going to do with demand I do not know.

We had some experience with this a couple of years ago. I know, as the Senator from Montana knows, they tried to raise the prices, everybody got to pay, if you have money you have to pay for the School Lunch Program. What we found out was because of fixed costs and as students dropped out of the School Lunch Program because of the increased prices the unit price went up and we did not save a darn thing, did not save anything.

I am afraid the same thing may happen here with the lack of bonus commodities that we have to distribute to the School Lunch Program.

So there are some real ominous signs out there.

Now it is hard to believe just a few years ago we witnessed on television these caves and caves full of dry fat milk and cheese. They are all gone down to zero now. We do not have any more and Secretary Bode said they are cutting them off in April 1988, some of them in March, next month.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. HARKIN. I am delighted to yield to my friend and colleague.

Mr. MELCHER. I thank my friend for yielding because we have discussed this, the Senator from Iowa and myself. I have noted not only the letter that Assistant Secretary Bode wrote just in the past week or so, but also a notice that was put in the Federal Register in December which advised the public and States in particular that it would be unlikely that any cheese or dried powder milk would be made available for the TEFAP Program, the commodity distribution program throughout all the States and down to the community level.

However, the projection of the department for a requirement of surplus milk is still at the 7-billion-pound level for the year. That means the CCC will, of course, acquire that much milk and acquire it on the basis of it being converted into either dried powdered milk or cheese or butter.

There are two points that Assistant Secretary Bode made to my office in this past week when he visited with me on this subject, and I want to pass them on to my friend and we briefly discussed this previously.

But the point he made was how much butter do we need. Butter is rather expensive to displace the cheaper product, the margarine product. Perhaps it would be wiser to take more of the accumulated milk surplus in the forms of cheese and dry milk.

Of course, their projections are only that and we will not know exactly how much they will acquire nor will they know how much they will acquire until it actually occurs.

The uncertainty that this leads to for the States that are going to distribute the surplus commodities through TEFAP programs and the community and then the recipients who are the poor who need some food assistance, I believe we ought to remove that uncertainty as much as we can.

One of the things that Assistant Secretary Bode and I discussed was whether the statutory provision—and I was part of making that a statutory provision—that so much milk products would be sold abroad on a subsidized basis, perhaps that statutory requirement laid on the Secretary by actions taken by us in the Agriculture Committee, perhaps that should be altered.

I noted the statement made earlier by our chairman, Senator LEAHY. I appreciate those comments, as well as I appreciate my friend from Iowa's comments on the matter. I hope I can be a part of the working party.

Mr. HARKIN. I just want to thank the Senator from Montana for his contribution. I have known the Senator since I first came to Washington back in 1975 when he was a distinguished Member of the other body. And from the earliest time I knew the Senator from Montana, he was always in the forefront of this fight on the basis of these programs, food programs, making sure our poorest citizens of our country had enough to eat. I compliment him and congratulate him on that.

I know we discussed this situation the other day. What the Senator says about the fact that we have a provision in the law that mandates a certain portion of this has to be sold overseas is true. Obviously, they sell it at rock-bottom prices. I mean, they are not really making anything on it. They get a little bit, but they are not making any money on it. Yet we have people in this country that need it. As the Senator recognizes, that needs to be changed.

Mr. MELCHER. I thank my friend. I want to say that I want to work with the distinguished Senator from Iowa and our distinguished chairman, Senator LEAHY, to do the right thing for our own hungry people here in the United States. They are a high priority. Their nutritional needs are not to be forgotten or set aside for what sometimes some people think is more important business. I think this is about the most important business that we have, to make sure that our own citizens have adequate nutrition.

Mr. HARKIN. I want to pick up on what the distinguished Senator said about the uncertainty out there in the States. Last week, during our senatorial break, I was in Iowa. I am sure all of my colleagues were in their respective States. I spent a workday working with the Upper Des Moines Community Action Agency. It is up in northwest Iowa. I know the Senator is familiar with that area, up near the Sioux City, Spencer, Storm Lake area in northwest Iowa.

I spent the first part of the day weathering some homes. The rest of the day, I think at 10 in the morning they had a food distribution. When I got there at 8 in the morning, it was 4 degrees above zero at the Community Action Agency in Spencer, IA. It was advertised that they were going to distribute the food beginning at 10 in the morning, but at 8 in the morning there was already an elderly woman standing outside in 4-degree weather to get the food at 8 in the morning. She knew it was not going to happen until 10.

I went out and worked on weathering the home. I came back at about 10:15 to help distribute the food because I wanted to see who were these people and how many were coming in. I could not believe the lineup outside, the people in my own State. Iowa is the breadbasket of the world. We grow more food than we can do anything else. People lined up to get food.

Fortunately, we have a private organization called Food for Life. It is a great operation in this county, Clay County, where the farmers have gotten together and they donate animals. Let us say a hog may have a broken leg or something else wrong, they donate it, butcher it, put it in a package, freeze it, and that kind of thing, and they put it in the package of food. It is a great government-private contribution type of a setup.

These people would come in and get a package with maybe some meat in it and they would get donated cheese, some rice, maybe some honey. Already they were out of milk. And, of course, they use powdered milk for cooking and things like that.

So I was intrigued by the people that came in. These are people that came in to get this food because they needed it—single-parent households, mothers with two or three children, a lot of elderly people.

More than one elderly person came in and put down on a piece of paper that their monthly income was $360, $380 a month for Social Security. That is all they had. I remember one woman came in and said it was $340 a month, I think was her total monthly income, and 40 percent of that went for rent. Forty percent of her income went just for rent. So she came in to get food. She got the cheese and she said she had read and heard there was not going to be any more cheese. She said, "Will there be any more next month?" They said, "Well, we do not know. We do not know if we are going to have any more or not."

I tell that story just again to buttress what the Senator from Montana says about the uncertainty out there that these people have about whether or not they are going to get that food next month; whether they are going to have it.

These are not deadbeats. Some are handicapped; mostly elderly; single mothers with children; single-parent households that just could not make ends meet.

I will tell you, when people stand in 4-degree weather to line up to get free food, you know something is wrong. And that uncertainty the Senator spoke about I saw firsthand when people were asking questions about whether there was going to be any more food or not. Because for some of these people, that really fills that gap. They may be on food stamps and they do not get enough food that way. Maybe they are ineligible for food stamps for one reason or another.

We are going to try to address that problem, I hope, this year by breaking down some of the barriers to food stamp participation.

I might just talk about one of those very briefly. You know, we always try to make sure people do not cheat on food stamps and things like that. Sometimes we make it even harder for people to make ends meet. We have a regulation now that, let us say that you are a parent of two or three children. Let us say you have a sister or brother and maybe they have a couple of kids and you can save money by moving in and living together. It happens a lot out in our State. I am sure it happens everywhere else. If you do that, your combined resources are put together and you may be ineligible for food stamps if you live together.

But really what it does is it tears apart families. It makes it harder for families to try to take care of one another because they know if they bring someone in their house they lose the food stamps. So a lot of those things like that are out there and we have to break down the barriers to that participation.

Well, I say that just to again underscore what the Senator said about

that uncertainty. It is devastating out there, not only to the States, but basically to the people that are getting that food.

Again, Mr. President, I compliment the distinguished Senator from Vermont [Mr. LEAHY] for his commitment. He has been a great leader in this. I know he wants to get the Agriculture Committee moving in this direction. Again, I do not want to speak for the Senator from Montana, but I know he will join with us, as he always has in the past, in trying to make sure that the people that have these needs out there get the food they need.

OF LOWER SEX AND THE LINE ITEM VETO

Mr. MELCHER. Mr. President, I want to speak for a few moments this afternoon on the subject of lower sex and the line-item veto.

Do any of us need an example of a likely candidate for the line-item veto power that the President requests?

Let me outline some recent occurrences.

Big media corporations like the Washington Post apparently assume that the Department of Agriculture Honey Program is so insignificant it should not be funded in the President's budget and, if Congress insists on continuing the program, it would likely become an item for the President's line item veto, if he had that authority.

Maybe they think the activities of busy little bees pollinating blossoms and making honey are of little significance. Not so. The annual accomplishment of bees is fundamental to mankind in a form of sexual activity. In this election year, when the national media daily deals with higher forms of sexual activity, perhaps there is room to consider a lower form of sexual activity involving the honey bee.

There are those of us on the Agriculture Committee who, in considering the Honey Program, must endure an occupational hazard in suffering the stings of the pens of pundits who like to wax eloquently about a sweet deal or a honey of a proposition. Even the Posts editorial writer wrote of "a honey-seed cake."

Despite the putdowns, I want to report that honey bees are the key instrument of pollination—for fruit trees, vegetable crops, alfalfa, clover, and flowers of all kinds. The bees bring about the pollination by their activity seeking the nectar from the blossoms.

Come spring, we will be marveling at the beauty of the blossoms of life, renewed after winter dormancy. Many of us will be putting out tomatoes, cucumbers, melons, peas, and beans. When they blossom, as well as cherry and apple trees, in order to bear fruit they must be pollinated. The bee obliges. That is the way nature works, and the honey bee is the principal actor.

While some farmers or fruit producers may raise their own bees for pollination of their own orchards or vegetable farms, the ordinary fruit or vegetable or alfalfa producers do not have their own bees. They depend upon firms that provide bees, and the honey produced by the bees is sold by the firm. We import honey from countries such as China, which subsidizes it down to a cheap price. To offset that, the U.S. Honey Program provides a loan to the bee people at a price level of 60 cents per pound. If the price remains below that level, the Government retains the honey.

At present, honey prices are high enough to have drawn down U.S. stocks. But, to save money in the future, we further reduced the loan level for 1987 through 1990 honey crops but allowed the honey companies to put more honey under loan. It appears that honey prices will be close to the new lower loan rates that we have established in the new law. We expect the market to take the honey at the lower prices, thus actually costing the Government very little. The action that the Washington Post wrote about is a sweeter deal for the taxpayers than it is for honey producers.

The real sting—whether or not there should be a Government Honey Program—is this question: Without honey bees, how do we get the apple and cherry trees, the melons and cucumbers, and the alfalfa and clover all pollinated? The Honey Program is a minor, sexy program that periodically attracts the attention of big city media, only to be quickly forgotten without any practical recommendation for an alternative method to the natural technique of honey bee pollination. Before mankind decided to produce vegetables and fruits in large quantities, bees in the wild kept up. Not so now. These company honey bees are needed more for pollination than they are for their honey.

Nevertheless, this program would be prime bait for a legislative veto, a line-item veto. How many in Congress would take the time, exert the energy and fight to overcome a veto that would end a Government program the public neither understands nor perceives as their concern? Yet the fundamental accomplishment of pollination is the basis for the Honey Program.

If there is a better way, show me. Meanwhile, Congress has reduced the cost of the Honey Program to what appears to be zero, while the busy bee continues the pollination and makes the honey, too.

The PRESIDING OFFICER. The Senator from Oklahoma.

THE DEFICIT

Mr. NICKLES. Mr. President, as all of my colleagues are well aware, the President just submitted his budget for Congress' consideration. I think we have read a lot of articles and heard a lot of statements being made; a lot of people commented on the fact that the President's budget called in 1989 for a deficit of $12.5 billion; he projects the deficit for this fiscal year, 1988, $146 billion.

I wonder, though, if very many of our colleagues are aware of the fact that for the first quarter this year we already have a deficit of $80 billion? Think of that. I talked to Mr. Miller, who is Director of OMB, and made this point. I said I hope the $146 billion is accurate. I am afraid it may be worse than that. Actually, the total deficit last year, if I remember, was right at $150 billion. Again, keep in mind my statement. I ask unanimous consent this be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGET FUNDS AND THE FEDERAL DEBT

[Transactions by Fund Group—in billions of dollars]

	1987 actual	1988 estimate	1989 estimate	1990 estimate	1991 estimate
Receipts:					
On-budget:					
Federal funds	537.8	560.8	593.2	644.8	697.3
Trust funds	216.6	231.5	247.9	261.4	276.8
Interfund transactions	−113.7	−123.0	−134.9	−144.4	−155.6
Total, on-budget receipts	640.7	669.3	706.2	761.7	818.5
Off-budget (trust funds)	213.4	239.9	258.5	282.4	306.0
Total, Federal Government receipts	854.1	909.2	964.7	1,044.1	1,124.4
Outlays:					
On-budget:					
Federal funds	760.9	805.0	835.3	873.1	914.0
Trust funds	163.6	170.8	180.4	195.6	209.2
Interfund transactions	−113.7	−123.0	−134.9	−144.4	−155.6
Total, on-budget receipts	810.8	852.8	880.9	924.2	967.6
Off-budget (trust funds)	193.8	203.1	213.3	224.1	236.1
Total, Federal Government outlays	1,004.6	1,055.9	1,094.2	1,148.3	1,203.7
Surplus or deficit (—):					
On-budget:					
Federal funds	−223.1	−244.2	−242.2	−228.3	−216.7
Trust funds	53.1	60.7	67.5	65.8	67.6
Total, on-budget surplus or deficit (—)	−170.0	−183.5	−174.7	−162.5	−149.1
Off-budget (trust funds)	19.6	36.8	45.1	58.3	69.9
Total, Federal Government surplus or deficit (−)	−150.4	−146.7	−129.5	−104.2	−79.3

Source: OMB budget for fiscal year 1989, page 6d–19.

Mr. NICKLES. This is a summary of receipts and outlays from the U.S. Government, December 1987. In the first 3 months of this fiscal year, the total deficit was $80.3 billion. That is an increase from last year, if you look at last year for the same 3 months, they had a deficit of $64.5 billion.

Last year we ended up with a deficit of $150 billion, so the first quarter, it was $64 billion of that—this year we say we are going to have a deficit of a little less than $150 billion, $146 billion is now the estimate, although we might remember that last year we said that this year it was going to be $123 billion. Now, OMB has revised that and said, well, for fiscal year 1988 it is going to be $146 billion.

But in the first 3 months of this year we have spent $80.4 billion more than we have taken in. So I am concerned and I think it is very important for us to do a good job when we are talking about fiscal year 1987, next year's budget. But I also think it is awfully important for us to look at 1988, the year that we are in. We are about halfway through, now, the 1988 fiscal year, and right now we are on a slope that in my opinion says the deficit is going to be larger than it was last year. I hope it is not the case. I hope I am proven wrong. I asked Mr. Miller—I said, do you think the estimate for this year is still accurate out of $146 billion? And he said yes. And I hope he is right. I hope it comes out less than that.

But my fear is that we have got so bogged down in the process, the summits and so on, and the great compromises, that we really do a very, very poor job of fiscal management. We really do not follow, on a day-to-day or month-by-month or quarter-by-quarter basis, of what the deficit really is. And I think that is a serious problem and we are somewhat inflexible because we are working off baseline projections that are based on 1988 figures projected to increase with inflation and usage and that is what our baseline is, the so-called CBO baseline for 1989. We are missing the 1988 targets by a significant margin.

You might say, well, that is complaining about the problem, and I think all of our colleagues complain about the budget process. I hope so because the budget process, at least in this Senator's opinion, is a disaster. But, hopefully, too, we will learn from it and maybe get some ideas for doing things a little differently and maybe a little better.

I, for one, would like to see us work off of last year's actual outlays, what we actually spent last year instead of what we are projecting we will spend in the coming years, added with inflation. Then, if you make any reduction of that future outlay that already has an inflated amount added in, everybody comes running back to Congress: "Oh, you cut the budget. You cut our funds. You emasculated this particular project which is near and dear to my heart."

If we went back to last year and said: No, we did not cut your funds. You are going to get an increase of 1987 level of so much, a certain percentage. I think that would be a lot easier to explain.

You know, a lot of people talk about COLA's. I wonder how many of my colleagues are really aware of the fact that for 1989 we actually have COLA's not just on the mandated-by-law accounts, we have COLA's in every account. CBO, when they did their baseline, assumed inflation adjustments for every single account in discretionary and nondiscretionary. They assume a COLA adjustment for every account whether it is mandated by law or not.

In my opinion that is a serious mistake. Again, let us go back to last year's figures and if we want to increase last year's actual outlay let us do it. Let us appropriate more money and let us call it an increase instead of building in this inflationary cycle that we are on that will move this spending outlay only upward and then put a whole lot of pressure on an increased deficit, a lot of pressure to increase taxes that may or may not be warranted.

So, I would hope that we would make that fundamental change. It is a simple change. It is what every private sector corporation in the country, probably in the world, would do. They do not work off projected expected increases. They work off of last year's figures.

If you read their accounts in the paper they say, well, Ford has an increase in profits from last year's figures. They did not put down, well, they had a decrease because they hoped they were even going to be higher.

So, it is an important comment.

Mr. President, I ask unanimous consent to enter the summary of receipts and outlays dated December 1987 for colleagues' and other people's information and ask that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 3.—SUMMARY OF RECEIPTS AND OUTLAYS OF THE U.S. GOVERNMENT, DECEMBER 1987 AND OTHER PERIODS

[In millions of dollars]

Classification	Actual this month	Actual this fiscal year to date	Actual comparable prior period	Budget estimates full fiscal year [1]
BUDGET RECEIPTS				
Individual income taxes	36,537	94,005	88,830	396,121
Corporation income taxes	17,748	21.271	17,980	105,413
Social insurance taxes and contributions:				
Employment taxes and contributions (off-budget)	17,880	50,598	47,298	241,180
Employment taxes and contributions (on-budget)	4,855	13,653	12,925	65,126
Unemployment insurance	170	3,792	3,746	22,040
Other retirement contributions	457	1,252	1,266	3,500
Excise taxes	3,838	9,266	8,198	32,733
Estate and gift taxes	540	1,765	1,830	7,917
Customs duties	1,361	3,925	3,512	15,814
Miscellaneous receipts	2,141	5,340	4,428	19,185
Total receipts	85,525	204,866	190,014	909,029
(On-budget)	67,645	154,268	142,716	667,849
(Off-budget)	17,880	50,598	47,298	241,180
BUDGET OUTLAYS				
Legislative Branch	182	463	401	2,215
The Judiciary	90	258	265	1,431
Executive Office of the President	8	32	30	122
Funds Appropriated to the President	341	1,792	3,537	10,656
Department of Agriculture	3,806	16,645	16,896	46,215
Department of Commerce	243	576	561	2,427
Department of Defense—Military	28,356	74,289	66,220	289,277
Department of Defense—Civil	1,797	5,441	5,164	22,270
Department of Education	1,420	4,866	4,815	19,223
Department of Energy	941	2,832	2,783	10,864
Department of Health and Human Services, except Social Security	12,337	37,734	37,472	148,952
Department of Health and Human Services, Social Security	35,270	68,991	49,375	215,299
Department of Housing and Urban Development	1,900	5,283	4,181	19,783
Department of the Interior	439	1,437	1,519	4,598
Department of Justice	529	1,267	1,012	5,827
Department of Labor	1,896	4,510	5,224	24,508
Department of State	479	1,060	826	3,664
Department of Transportation	2,200	6,688	6,662	25,371
Department of the Treasury:				
Interest on Public Debt	30,355	61,093	55,499	204,968
Other	−1,271	−4,300	−4,139	−18,554
Environmental Protection Agency	415	1,210	1,284	4,752
General Services Administration	299	49	12	−385
National Aeronautics and Space Administration	843	2,551	1,998	9,639
Office of Personnel Management	2,324	6,918	6,253	27,115
Small Business Administration	−45	162	236	−393
Veterans Administration	3,771	8,303	7,918	28,486
Other independent agencies	−108	2,553	3,471	10,552
Allowances, undistributed				−686
Undistributed offsetting receipts:				
Interest	−16,649	−19,003	−16,053	−40,592
Other	−2,770	−8,448	−8,817	−45,311
Total outlays	109,401	285,252	254,605	1,032,294
(On-budget)	77,505	220,401	208,297	829,703
(Off-budget)	31,896	64,851	46,309	202,591
Surplus (+) or deficit (−)	−23,876	146,741	−64,592	−123,266
(On-budget)	−9,860	−66,133	−65,581	−161,854
(Off-budget)	−14,016	−14,253	+989	+38,589

[1] Based on the Mid-Session Review of the fiscal year 1988 budget released by the Office of Management and Budget on Aug. 17, 1987.

Source: Financial Management Service, Department of the Treasury.

Mr. NICKLES. Mr. President, also at the hearing we had today we had some other information come up, and this was kind of mindboggling; sometimes kind of confusing. We had several colleagues that made mention of the fact that, well, really the deficit, the operating deficit is a lot worse than even the $150 billion of last year or the $130 billion that we are projecting for fiscal year 1989. Social Security is running a surplus. The Social Security Fund, actually the Social Security taxes, exceed the outlays by a significant amount. Last year it was about $20 billion more that was paid into the Social Security Fund than was paid out. In fiscal year 1989, $45 billion more will be paid into the Social Security Fund than will be paid out. And, so, if you want to take a look at the

deficit picture for 1989, when you hear people say: Well, the deficit is going to be $129.5 billion, you really have to add on at least another $45.5 billion if you do not count Social Security. Really that is only part of the exclusion. We also have other trust funds that are counted, or many times a lot of us do not think of. We have trust funds. We have the highway trust fund, we have an airport trust fund, we have civil service retirement, we have other retirement funds. We also have a hospital insurance trust fund.

For the hospital insurance trust fund, for example, in 1989, the taxes will be $117 billion and the outlays are estimated to be $94.5 billion. That is a surplus in that one trust fund alone of $24 billion.

You have, in Federal Employees Retirement Fund, income coming in of $48 billion and you have outlays at $29.5 billion. So you actually have about a $9.3 billion advantage on that side that somewhat skews the deficit picture.

The point I am trying to make is the deficits are really a lot worse than what anybody in Congress or in the administration has really been openly admitting.

If you add all the trust fund differences, in other words, what is put into the trust fund less what is taken out, you find that the total surplus estimated for 1989 is $112.6 billion.

If you really want to know what the operating deficit for this country is, you have to add that in addition to the projected total deficit, which is $12.95 billion, and you come out with a deficit projected for 1989 of $242 billion. That scares me.

Mr. President, I think far too many of our colleagues maybe do not have an appreciation for that. I think far too many of our constituents do not have an appreciation for that. They seem to think, and I think this is a misguided assumption or presumption, "Wait a minute, we have a Social Security Trust Fund. For 1989, the Social Security amount, and it is off budget—and that means not too much—says we are going to pay $258.4 billion into Social Security and Social Security will pay out $213.3 billion," a difference of about $45 billion. They say, "Well, that goes into the Social Security fund."

It is entered as a Social Security transaction, but all these funds are all commingled, all put into one big pie. They do not have a separate fund where it is invested in a bank and they say this money is invested for Social Security, where another amount is invested for highway funds and for the airport funds. They are nonexistent. The only thing they are is paper entries for accounting purposes. The money is all in one big pot. All Federal money goes into the Treasury, and all the checks are written out of that same account, the exact same account.

I think a lot of people have been confused because we talk about trust funds and everybody envisions the same type of trust funds that maybe you have in your own companies or your own bank accounts, or maybe your wife has an account and you have an account, or maybe you have worked for a company and the company has their general transactions in a general fund and then a retirement fund in a separate bank account, maybe in a separate bank, maybe in a stock market, but it is a separate account.

So when you talk about trust funds, people think that is where the highway money is, the retirement money, the Social Security money, and it is all accumulating and drawing interest.

It may draw paper interest as a transaction, but the facts are we do not have separate accounts that have separate investments that say this money is set aside for this program. That is a little confusing, maybe, but it is a fact, and it is kind of startling.

Mr. President, I ask unanimous consent to enter into the RECORD the table that I am reading from. It came in the President's Special Analyses. It is called the Special Analyses for the Budget for the Fiscal Year 1989. The table is table C-6, Outlays and Receipts of Trust Funds. I will enter that into the RECORD. It is on page C-13.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

OUTLAYS AND RECEIPTS OF TRUST FUNDS

[In millions of dollars]

Description	Outlays			Receipts		
	1987 actual	1988 estimate	1989 estimate	1987 actual	1988 estimate	1989 estimate
On-budget:						
Railroad retirement trust funds	8,620	8,967	9,335	9,277	9,815	9,678
Black lung disability trust fund	643	613	729	642	610	729
Veterans life insurance trust funds	1,074	1,115	1,167	1,408	1,437	1,440
Federal employees retirement funds	26,046	27,587	29,568	44,029	46,563	48,810
Military retirement fund	18,078	19,123	20,320	31,919	33,563	35,060
Unemployment trust fund	20,527	17,500	18,500	27,613	26,200	26,100
Health insurance trust funds	81,640	87,657	94,491	90,532	102,728	117,024
Highway trust funds	13,476	14,219	14,705	14,310	15,506	15,527
Airport and airway trust fund	2,631	3,007	3,858	3,940	4,238	4,580
State and local government fiscal assistance trust fund	76					
Foreign military sales trust fund	9,910	8,572	8,204	8,504	8,417	8,062
Other trust funds (nonrevolving)	2,151	3,050	3,623	3,750	4,244	4,140
Trust revolving funds	−2,037	1,222	−830			
Subtotal	182,836	192,632	203,672	235,925	253,322	271,149
Intrafund receipts from on-budget	−10	−1	−1	−10	−1	1
Intrafund receipts from off-budget	−2,614	−2,890	−3,009	−2,614	−2,890	−3,009
Proprietary receipts from the public	−16,656	−18,913	−20,228	−16,656	−18,913	−20,228
Total on-budget	163,556	170,827	180,434	216,645	231,517	247,910
Off-budget:						
Federal old-age, survivors, and disability insurance trust funds	208,070	220,537	234,544	227,640	257,310	279,682
Interfund receipts from on-budget	−14,205	−17,411	−21,201	−14,205	−17,411	−21,201
Proprietary receipts from the public	−33			−33		
Total off-budget	193,832	203,126	213,342	213,402	239,899	258,481
Total	357,388	373,953	393,776	430,047	471,416	506,391

Source: OMB budget for fiscal year 1989, p. C-13.

(Mr. HOLLINGS assumed the chair.)

Mr. NICKLES. Mr. President, individuals can look and see that it shows what the outlays and receipts are in each one of these individual funds for 1987 and the estimates for 1988 and 1989.

I think it tells quite a picture.

Also, if you look at the picture, it is pretty startling to think that the amount of money going into trust funds exceeds the outlays in 1989 by $112 billion. That is a lot of money. If you discount that out and look at 1988, and I mentioned in 1989 if you added that back in to find out how much the real deficit was, or total operating deficit, it is $242 billion estimated for 1989, for 1988 it was $244 billion and for 1987, and this is actual, not anybody's estimate, $223 billion.

If we actually had separate accounts for each one of these trust funds so we really did have Social Security invested, say, on the stockmarket, or in a separate bank, and we had the black lung and we had the hospitalization, Medicare trust fund, if all of those were invested in separate accounts and could not be touched for anything except those purposes, what those trust funds were created for, the deficit that we actually would have had last year in just operating the Government would have been $223 billion. That is a lot more than $150 billion, which a lot of people think the deficit was last year.

I just hope that maybe when we get on the budget discussions and we talk about trying to reform the process, that we will try to look at the total budget, try and analyze where we are going.

Some people say, "Well, maybe that is OK. Maybe it is all right to have everything in one big pot and not really to have a trust fund set aside for these purposes for which they were created," or at least a lot of people have the impression they were created for.

In Social Security, in spite of the fact that last year the Social Security trust fund in 1987 had $19.6 billion exceeding the outlays, and in 1988 it is estimated to exceed the outlays by $36.8 billion, and next year by $45.1 billion, in 1989, you might say, "Well, that is OK, look at all the money. It has more money going in than the outlays."

But if you look at the demographics, you are going to have a lot of people start retiring maybe after the turn of the century, a lot of people will start retiring and there will not be as many people writing and paying the checks and it will show a reverse. The outlays will greatly exceed the income.

Maybe if these trust funds were real trust funds and really accumulating money and there was actually a fund there, it would lend some protection, but that is not the case. That is not the case.

It is the same thing with hospitalization. You see an increase and it looks like a surplus in hospitalization, but I think all of us are aware of the demographics and the fact that a lot of people will be retiring in the future. The demand on hospitalization will increase and increase at an enormous rate.

I hope, with the attention of the occupant of the chair, that when we look at the deficit and when we talk about maybe making some reforms, we will look at the structural deficit and also look at the surpluses the trust funds are having and maybe get really serious and really honest with the American people and let them know they do not have separate trust funds that are accumulating billions of dollars, that Congress has been spending that money as soon as it gets in, and, as a result, we have been piling up enormous deficits and enormous accrued liabilities for future generations.

Mr. President, this Congress, all of the Congress, Democrats and Republicans, conservatives and liberals alike, are going to have to work together to solve this problem because this is a serious problem. It is a problem that will not get better unless we address it. It will only get worse. The longer we put off this problem, the more significant the problem will be.

I rue the day when our children and our grandchildren are going to be looking at this debt, not just the debt of $130 billion. I will tell the occupant of the chair I am talking of a deficit of $242 billion if you took out the differences in the trust funds. The trust funds have a surplus this year, for fiscal year 1989, of $112 billion. So the net operating deficit of what we are actually running the country on is a negative $242 billion estimated for 1989.

I think that is irresponsible. I do not know that much can be done this year, an election year. I hope we can. I do not care if it is an election year or not. I do not care if it is in the year I am running or not. I personally think we have to make decisions and we have to be more truthful, more direct and forward in dealing with budgetary problems.

I compliment the occupant of the chair, my good friend, the Senator from South Carolina, Senator HOLLINGS, for his leadership in this area and I hope we can work in a bipartisan fashion. This is not a Democrat or Republican problem. This is America's problem. This is a problem that our future generations are going to be paying the bill for. I hate to think of us leaving that type of debt, that type of obligation, for them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTION TO TITLE 46, UNITED STATES CODE

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3923.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3923) to make a technical correction to section 8103 of title 46 United States Code.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3923) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BICENTENNIAL OF THE U.S. SENATE

Mr. BYRD. Mr. President, I send to the desk a Senate resolution and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 380) to amend Senate Resolution 352, agreed to April 11, 1986, relating to the commemoration of the bicentennial of the Senate of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 380) was agreed to.

The resolution reads as follows:

S. RES. 380

Resolved, That Senate Resolution 352, agreed to April 11, 1986 (as amended by S. Res. 166, S. Res. 244, and S. Res. 293, 100th Congress), is further amended in section 6 thereof—

(a) by inserting "(a)" immediately after "SEC. 6.", and

(b) by adding at the end thereof the following new subsections:

"(b) In carrying out its functions, the Commission may, with the prior approval of the Senate Committee on Rules and Administration, procure the temporary (not to exceed one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services.

"(c) In carrying out its functions, the Commission is authorized to engage the services of guest speakers and provide such speakers (other than speakers who are Members of Congress or officers or employees of the United States) with appropriate

honoraria, transportation expenses, and per diem in lieu of subsistence.".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the acting Republican leader as to whether or not the following nominations have been cleared on his side of the aisle:

On the Executive Calendar, they appear as Calendar Order Nos. 508 through 516 on page 2; and on page 4, Calendar Order No. 530.

Mr. NICKLES. Those have been cleared.

Mr. BYRD. I thank the Senator.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the foregoing nominations en bloc, that they be agreed to en bloc, that the motion to reconsider en bloc be laid on the table, that the President be immediately notified of the confirmation of the nominees, and that they be spread severally on the RECORD.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

SUZANNE B. CONLON, NOMINEE FOR THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

● Mr. SIMON. Mr. President, I rise in support of the nomination of one of my distinguished constituents, Suzanne B. Conlon. Ms. Conlon has been nominated to a seat on the U.S. District Court for the Northern District of Illinois and has been favorably reported by the Judiciary Committee.

At the outset I would like to thank both Senator BIDEN and Senator BYRD for moving this matter in a timely fashion. Unfortunately this position has been vacant for far too long as a result of the administration's delay of nearly 2½ years in choosing a nominee. I am very pleased that we are able to take this matter up today so that the vacancy on the court will soon be filled.

Suzanne Conlon has an excellent academic and professional record. After graduating from Mundelein College, she attended the Loyola University School of Law where she distinguished herself by graduating cum laude and ranking third in her class. She then spent 3 years clerking for the former chief judge of the Northern Illinois District Court, the Honorable Edwin A. Robson. Upon completion of her clerkship she worked as an associate in two well-respected Chicago law firms, Schiff Hardin & Walte and Pattishall, McAuliffe & Hostetter.

In 1972, Ms. Conlon moved from private practice to the U.S. Attorney's Office. During her 9 years of service Ms. Conlon developed a reputation as a hardworking and fair individual. I have received letters of recommendation from both a fellow assistant U.S. attorney and defense attorneys praising her for her thoroughness and even temperament. I am pleased to note that in 1980 Ms. Conlon received a special commendation from the former Attorney General Ben Civiletti for successful prosecution of air piracy and kidnap murder cases. This honor, along with her 9 years as an assistant U.S. attorney, reflect Ms. Conlon's commitment to public service, a commitment she can be proud of.

Since leaving the U.S. attorney's office in 1986, Ms. Conlon has worked for the U.S. Sentencing Commission and is currently its executive director.

In closing I wish to note that I am particularly pleased to be able to speak not only on behalf of a fine Illinois citizen, but on behalf of a female nominee to the Federal court. As of September 1987, the Reagan administration had nominated 320 people to the Federal courts. Of these only 5 were black and 25 were women. I find this to be a very sorry record indeed.

In closing I again want to express my support for Ms. Conlon and my hope that her nomination will spark the selection of other talented women for the Federal judiciary.●

Mr. DIXON. Mr. President, I rise today to support the nomination of Suzanne B. Conlon to serve as a judge on the U.S. district court for the northern district of Illinois.

Ms. Conlon graduated cum laude from Loyola University School of Law, where she was also on the editorial board of the law review. Following her graduation, she was law clerk to then chief Judge Edwin A. Robson of the U.S. district court for northern Illinois. During her clerkship, Ms. Conlon was also an assistant professor of law at De Paul University. She taught courses in securities regulation, corporations and unfair trade practices.

In addition to this academic experience, Ms. Conlon practiced law privately for 3 years in the antitrust, trade regulation and civil litigation areas. For 10 years, she was an assistant U.S. attorney in Chicago and Los Angeles. She served as Assistant Chief of the Criminal Division and Chief of the Appellate Division. She has been both trial and appellate counsel in cases involving corruption of public officials, narcotics, air privacy, kidnapping, murder, arson, racketeering, bank robbery and fraud. Ms. Conlon supervised the Chicago phase of an international investigation of a heroin smuggling and money laundering operation conducted by one family based in Sicily, Brazil, Switzerland, and northern Illinois.

In 1980, Ms. Conlon received a special commendation from former Attorney General Benjamin Civiletti for her successful prosecution of two cases. The first trial involved a political terrorist who hijacked a commercial aircraft from Los Angeles to Havana, Cuba. The second case concerned a man who kidnapped and murdered the sister of a Los Angeles businessman. Both the hijacker and kidnapper received maximum sentences.

Since May 1986, Ms. Conlon has been employed by the U.S. Sentencing Commisssion as Deputy General Counsel and then as Executive Director.

Ms. Conlon has also been active in a number of professional organizations, such as the Chicago Bar Association, where she has served as chairman of the Federal Trial Bar Subcommittee. She is on the Board of Directors of the Federal Bar Association and has organized many continuing legal education seminars. She was on the board of editors of the "Chicago Bar Record" for a number of years. She published an article on comparative advertising which was republished in two legal journals.

In addition to her professional credentials, Ms. Conlon has been praised for her honesty and integrity by lawyers who have practiced with her and against her.

Mr. President, this review of Ms. Conlon's career demonstrates her strong qualifications for a seat on the Federal district court. I believe she will be a valuable addition to the Federal bench.

THE NOMINATION OF RICHARD J. ARCARA TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK

Mr. MOYNIHAN. Mr. President, I rise today to support the nomination of Richard J. Arcara to be U.S. District Judge for the Western District of New York. In Mr. Arcara, New York State has a highly capable, dedicated and most qualified candidate to sit on the U.S. District Court.

We have benefited from Richard Arcara's services for almost two decades. He began in 1969 as an Assistant U.S. Attorney, worked his way up to U.S. Attorney in 1975 and in 1982 was elected Erie County District Attorney, the position he holds today. It is no small coincidence that he has been asked to serve on the U.S. District Court. It is indeed a fitting next step.

I would hope that all my colleagues agree on Mr. Arcara's qualifications and that the Federal Government stands to regain much from a man who has served New York State so well.

NOMINEES TO THE FEDERAL COURTS

Mr. LEAHY. Mr. President, on February 4, the Judiciary Committee reported to the full Senate five nominations to the Federal courts. One of these nominees, Wade Brorby of Wyoming, was confirmed by the Senate earlier this week. For the information of my colleagues, who may soon vote on the other four nominations, I offer the following brief summaries of the nominees' qualifications, and the testimony elicited at the hearing and in follow-up questions.

First, Suzanne Conlon has been nominated to be U.S. District Judge for the Northern District of Illinois. The nominee recently completed a 1-year stint as Executive Director of the U.S. Sentencing Commission, where she had previously served briefly as Deputy General Counsel. From 1976–86, Ms. Conlon served as an Assistant U.S. Attorney in Chicago and Los Angeles. She was an associate with two Chicago law firms from 1972–75, and prior to that spent more than 3 years as a law clerk for the Chief Judge of the court to which she has now been nominated. The nominee is a 49-year-old graduate of Mundelein College and Loyola University Law School in Chicago. The committee received a range of reports—positive, mixed and negative—from her professional contacts concerning her professional abilities, though the majority of reports were favorable. The majority of the ABA committee rated her Qualified, with a minority finding her Not Qualified. The Chicago Bar Association endorsed her nomination, while the Chicago Council of Lawyers concluded after an investigation that her professional skills were insufficiently outstanding to merit confirmation.

The nominee's performance at the Sentencing Commission has been particularly controversial, and was the subject of an extensive committee investigation. Committee staff interviewed nearly all the Commissioners as well as numerous present and former senior staff members. Evaluations of her grasp of substantive issues, and of her capacity for objectivity in dealing with divergent viewpoints, varied widely among those interviewed. There was a consensus that the managerial demands placed on the nominee when she was named Executive Director were formidable, and most of those interviewed believed that she had performed competently as a manager despite her lack of managerial experience, although some sources were quite critical of her performance on this score. It was generally agreed that she had competently carried out her responsibilities with respect to training Federal judicial personnel on the new sentencing guidelines.

The Judiciary Committee held a hearing on Ms. Conlon's nomination on January 27, 1988, at which Senator HEFLIN presided. The nominee was introduced by Senator DIXON. She then responded to questions on the following topics: the transition from the role of a prosecutor to that of a judge; her civil litigation experience; the negative evaluation by the Chicago Council of Lawyers; her duties as Executive Director of the Sentencing Commission, and the divergent evaluations of her performance in that role; and the importance of objectivity and listening skills. Following the hearing, the nominee responded to written questions concerning a letter she wrote to a Member of the House of Representatives on implementation of the sentencing guidelines; senior staff turnover at the Sentencing Commission; the problems Federal judges will face in applying the sentencing guidelines; and a confidential question on Sentencing Commission personnel matters. She also answered written questions from Senator THURMOND on judicial temperament and judicial activism.

Second, Paul Niemeyer has been nominated to be U.S. district judge for the district of Maryland. The nominee has spent his entire 22-year career in private practice with a large Baltimore firm, where he has specialized in commercial litigation. Mr. Niemeyer is 46 years old, and is a graduate of Kenyon College and University of Notre Dame Law School. He is a fellow of the American College of Trial Lawyers and the American Bar Foundation, and appears to be highly regarded by his professional colleagues. He was rated Well Qualified by a majority of the ABA Committee, while a minority of the committee rated him exceptionally well qualified.

At the hearing on January 27, Mr. Niemeyer was introduced by Senators SARBANES and MIKULSKI. He was then examined about his work on an extensive revision of the Maryland Rules of Procedure, his lack of experience with criminal law, his approach to sentencing decisions, and his involvement with a controversial case concerning the propriety of attorney advertising. He also responded to written questions about judicial activism.

Third, Richard Arcara has been nominated to be U.S. district judge for the western district of New York. For the past 5 years, the nominee has been district attorney for Erie County, NY. Before that, he served as U.S. attorney and assistant U.S. attorney for the western district of New York and also spent a short time in private practice. Mr. Arcara has been an officer of the National District Attorneys Association, the New York State District Attorneys Association, and several other law enforcement organizations. Although the committee received a number of negative comments from colleagues at the bar about Mr. Arcara's professional ability, a majority of the ABA Committee rated Mr. Arcara well qualified and a minority rated him qualified.

At the hearing on January 27, Mr. Arcara was introduced by Senator D'AMATO. He then responded to questions about his work on a controversial first amendment case, his handling of secret grand jury information, and his experience in dealing with the varied constituencies of a district attorney's office. He also responded to written questions about his prosecution of welfare fraud, his actions in obtaining a wiretap that was later contested, and his views on judicial activism. The committee staff also satisfactorily concluded an examination of several charges of discrimination and misconduct made against the nominee.

Fourth, Edward F. Harrington has been nominated to be U.S. district judge for the district of Massachusetts. For the past 6 years, Mr. Harrington has been in private practice with the Boston firm of Sheridan, Garrahan & Lander, where he has specialized in trial work. He has, however, spent the bulk of his career in public service, including service as U.S. attorney and assistant U.S. attorney for Massachusetts, and as Attorney-in-Charge of the Boston Organized Crime Strike Force. Mr. Harrington also ran unsuccessfully for attorney general of Massachusetts on two occasions and was twice an unsuccessful candidate for appointment to a Massachusetts Superior Court Judgeship. He is 54 years old, and is a graduate of Holy Cross College and Boston College Law School.

Mr. Harrington's nomination was considered by the committee at two hearings and also was the subject of an extensive investigation by the committee staff, which focused primarily on charges of intemperate behavior by the nominee. At a hearing on November 17, 1987, at which I presided, Mr. Harrington was questioned about some of the charges of intemperate conduct as well as about his work on a controversial murder prosecution, several significant organized crime prosecutions, and civil rights matters in the 1960's. At a hearing on December 9, 1987, at which Senator BIDEN presided, the committee heard testimony from two witnesses who charged the nominee with intemperate behavior and, in one case, with prosecutorial misconduct. The committee also heard from four witnesses who testified favorably as to the nominee's temperament, integrity, and ability. Mr. Harrington himself also testified at the second hearing, denying the charges against him.

Taken as a whole, the information the committee received about Mr. Harrington's temperament and professional conduct was mixed. Although a majority of the ABA Committee rated Mr. Harrington as qualifed, a minority of that committee rated him not qualified. In addition to the public witnesses who testified against Mr. Harrington, a number of prominent attorneys reported incidents in which the nominee appeared to lose control of his emotions, used obscene language, and engaged in harsh personal attacks. On the other hand, the committee heard testimony, spoke with attorneys, and received numerous letters vouching for Mr. Harrington's qualifications and temperament. Also, Mr. Harrington pledged in his testimony before the commmittee that he would be "vigilant in maintaining my composure throughout the rest of my career."

Questions were also raised about Mr. Harrington's dealings with women attorneys. The committee received letters from the Women's Bar Association of Massachusetts and the Massachusetts Women's Political Caucus opposing the nominee on the ground that he had engaged in abusive verbal attacks against several prominent women attorneys. On the other hand, half a dozen women attorneys who worked with Mr. Harrington wrote to the committee strongly praising his openness and fairness in dealing with women. One also noted Mr. Harrington's positive record as U.S. attorney in hiring women attorneys.

The committee also received complaints about the soundness and propriety of several actions taken by Mr. Harrington during or shortly before his tenure as U.S. attorney. One attorney charged the nominee with threatening a sequestered witness, a charge as to which the committee received contrary information from Mr. Harrington and others. Several attorneys charged Mr. Harrington with destroying cooperation between Federal and State law enforcement officials in Massachusetts and with misusing the Federal Witness Protection Program, charges which were also disputed by Mr. Harrington and others. Questions were also raised about whether Mr. Harrington while out of Government service, misused confidential Government information in appearing on behalf of a convicted criminal defendant; Mr. Harrington denied using confidential Government information or receiving a fee for such information.

Mr. President, in order to complete the record on the Brorby nomination, I offer the following summary of the issues considered by the Judiciary Committee before it reported his nomination on February 4.

Wade Brorby has been nominated to be U.S. circuit judge for the 10th circuit. The nominee has conducted a private law practice in Gillette, WY, since 1961. He has also served as a part-time prosecutor and county attorney. Mr. Brorby's practice is general, with an emphasis on the defense of civil litigation, oil and gas matters, and representation of banks. The nominee is a 53-year-old graduate of the University of Wyoming School of Law. His reputation among his peers at the bar and in his local community is mixed, but generally good. The American Bar Association's Standing Committee on the Federal Judiciary rated him well qualified for the post to which he has been nominated.

At the hearing on January 27, the nominee was introduced by Senator SIMPSON. Senator HEFLIN then questioned him on the following topics: the need for extra efforts to reduce the case backlog in the 10th circuit; his role in an investigation into alleged drug use by employees at a public hospital he represented, under circumstances that have raised questions of a possible conflict of interest; the general problem of avoiding conflicts of interest, particularly in a small-town practice; his recent litigation experience, particularly in Federal court; and his service on the Wyoming Judicial Supervisory Commission. Following the hearing, the nominee responded to written questions concerning further details of the hospital investigation of alleged employee drug use and of his recent Federal court litigation experience, and concerning his membership in all-male organizations. He also responded to questions from Senator THURMOND concerning legislative intent and constitutional interpretation.

On the whole, the nominee's responses were satisfactory. The nomination to a Federal appellate post of someone who has no prior experience as a judge inevitably gives rise to some questions, especially in light of the somewhat mixed reviews the nomination has received from some lawyers and citizens who are familiar with Mr. Brorby's record. But on balance, the record establishes that this nominee is qualified for the post to which he has been nominated, and the committee reported his nomination favorably.

Mr. President, during this Congress the Senate has confirmed a total of 50 new Federal judges. During the same time period, one nomination has been rejected by the Senate, one has been withdrawn, and one has been returned to the President under Senate Rule XXXI and not renominated. Five judicial nominations are now pending on the Executive Calendar. Twenty-five judicial nominations are currently pending before the Judiciary Committee; approximately an equal number of judicial vacancies stand unfilled, awaiting a nomination from the President. The committee will continue to give each of these important nominations expeditious, but careful and thorough, investigation and scrutiny, and to report to the full Senate on the results.

The nominations confirmed en bloc are as follows:

THE JUDICIARY

Suzanne B. Conlon, of Illinois, to be United States District Judge for the Northern District of Illinois.

Richard J. Arcara, of New York, to be United States District Judge for the Western District of New York.

Paul V. Niemeyer, of Maryland, to be United States District Judge for the District of Maryland.

Edward F. Harrington, of Massachusetts, to be United States District Judge for the District of Massachusetts.

DEPARTMENT OF JUSTICE

Romolo J. Imundi, of New York, to be United States Marshal for the Southern District of New York for the term of four years.

Daniel F. Lopez Romo, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of four years.

Tony Michael Graham, of Oklahoma, to be United States Attorney for the Northern District of Oklahoma for the term of four years.

James Eldon Wilson, of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

Robert J. Kabel, of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1989.

ENVIRONMENTAL PROTECTION AGENCY

Charles L. Grizzle, of Kentucky, to be an Assistant Administrator of the Environmental Protection Agency.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SALUTE TO HOSPITALIZED VETERANS

Mr. CRANSTON. Mr. President, last Friday, February 12, I was delighted to participate in activities at the San Diego Veteran's Administration Medical Center in connection with the National Salute to Hospitalized Veterans.

The national salute is an annual event sponsored by the VA during the week of February 14. It has four purposes: To pay tribute and express appreciation to the hundreds of thousands of veterans hospitalized at VA facilities each year—more than 600,000 last year; to establish and promote a continuing awareness of the patriotism of America's veterans; to increase community awareness of the role of VA medical centers, especially through open house activities which highlight the performance of VA health-care personnel; and to encourage Americans of all ages to join the VA's outstanding cadre of dedicated volunteers whose concern for hospitalized veterans brings them to VA medical facilities week in and week out throughout the year.

Mr. President, at the San Diego VAMC, there were opening ceremonies, during which I made some brief remarks, followed by an open house during which many individuals toured the medical center and visited with hospitalized veterans. I find that visiting a VA medical facility and meeting with patients and staff there is almost always a very satisfying experience. Seeing the fruits of our collective efforts here in the Congress translated so well into action at the point at which benefits and services are actually provided is especially rewarding. The San Diego VAMC is a first-rate health-care facility furnishing good quality health-care services to eligible veterans, and I was very pleased to have had an opportunity to participate in the special events there last week.

Mr. President, I ask unanimous consent that the text of my remarks at the San Diego VAMC be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SALUTE TO HOSPITALIZED VETERANS

(Remarks of Senator Alan Cranston)

Good morning. As the chairman of the Senate Committee on Veterans' Affairs and your Senator, I am truly delighted to join with so many fellow veterans, V.A. employees, and Californians this morning in the national salute to hospitalized veterans. It is indeed a special privilege to be here at the San Diego V.A. Medical Center for today's activities, and I want to join in welcoming the members of the San Diego Chargers and other volunteers who are here to give of themselves to America's veterans.

Although we can never fully repay veterans for their sacrifices on behalf of us all—especially those injured or disabled during service or who made the ultimate sacrifice—it is nevertheless important that we make special efforts to express our gratitude for their service.

The annual national salute to hospitalized veterans is a most fitting way to recognize and express our appreciation to our Nation's veterans for their service. Indeed, this medical center itself and the 171 others like it here in California and across the country are a very tangible way in which we pay tribute to our veterans every day. Although I might be accused of being a booster because I am especially partial to V.A. facilities here in California, I am certain that no one could challenge the notion that this is a first-rate medical facility. Week in and week out, the dedicated staff and volunteers here provide high-quality care and assistance to veterans.

Protecting and improving benefits and services to our Nation's veterans and their survivors has been a top priority for me ever since Californians first sent me to the Senate in 1969. In each of my 19 years as a Senator, it has been my privilege to serve in positions of responsibility for veterans' programs.

I believe—and I know that many Americans fully share my conviction—that the costs of freedom must continue to be paid for long after the sounds of battle subside. But some in our society fail to understand the importance of the V.A.'s mission. One of the messages of our salute to hospitalized veterans should, therefore, be that providing benefits and services to meet the needs of veterans is and must be recognized as a continuing cost of war. This means that:

Adequate compensation must be provided for those with service-connected disabilities.

Health care must be furnished to heal the wounds of war.

Educational support, counseling, and employment assistance are needed to help with the readjustment of civilian life.

Programs to assist the survivors are essential to help reduce their enormous losses in the limited ways we can.

I think we have done well by our veterans over the years. But it has grown more and more clear that ahead lie challenges even greater than those we have already faced. Even in boom times, it is not clear how we might meet all of the coming challenges. But these are not boom times.

The pressure to hold down spending by the Federal Government has been very intense over the past few years, and it will surely increase in the years ahead. I pledge my firm commitment to continue my efforts on behalf of veterans and know that I have the support of all here today.

I will also be continuing my strong advocacy for legislation now pending in the Senate to make the VA a Cabinet-level department and the head of the VA a member of the President's Cabinet, but to do so without over-politicizing the VA and its medical and benefits departments. The VA Administrator has too often been ignored when crucial decisions are being made within the executive branch on government-wide matters, especially on government-wide health and budget issues. Cabinet-level status for the VA could help remedy that failing.

Today, as we pause to pay tribute to hospitalized veterans, I ask each of you to join with me in renewing the commitment to all veterans. Let us accept as our task of educating our fellow citizens that the maintenance of a strong program of veterans' benefits and services—such as is carried out at this fine medical center—is an ongoing cost of defending and preserving our Nation's freedoms and our individual liberties.

SUPPORT FOR LEGISLATION TO ELEVATE THE VA TO CABINET-LEVEL STATUS

Mr. THURMOND. Mr. President, support for elevating the Veterans' Administration to Cabinet-level status continues to grow. Legislation I have introduced to accomplish this end, S. 533, now has 61 cosponsors. Moreover, several editorials have appeared in newspapers across the country endorsing Cabinet-level status for the VA. Accordingly, I am placing these articles in the RECORD for the benefit of my colleagues.

I ask unanimous consent that these articles appear in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Columbia (SC) State, Dec. 6, 1987]

VA PLAN ACCEPTABLE

Normally, we would bridle at the creation of yet another Cabinet office in the sprawling federal bureaucracy. A plausible argument, however, can be made for a separate department to handle veterans' affairs.

The plan to give Cabinet status to the Veterans Administration is an old one. Indeed, it has been offered in each of the last 13 Congresses. Last month, the House passed, 399–17, a bill which removes the VA from under the Office of Management and Budget and establishes a new agency. Given the issue's political sensitivity, the Senate figures to follow suit, and President Reagan will sign the bill into law.

"Veterans' programs are too important to be left to mid-level decision-makers at OMB," complains Rep. G. V. "Sonny" Montgomery, D-Miss., chairman of the House Veterans Affairs Committee.

More important, the establishment of a separate VA, unlike the creation of Cabinet-level departments of Energy and Education under former President Jimmy Carter, would not substantially broaden the bureaucracy in terms of size and cost. The pending legislation would, it is true, make the 240,000-employee VA the second-largest department in the Cabinet behind Defense, but it would mean only an additional $30,000 in salaries. The VA administrator would get a raise from $89,500 to $99,500 to put him on a par with other Cabinet officers and some of his deputies would get higher salaries.

The annual budget for the VA is $27 billion, including more than $15 billion a year in benefit programs. In fact, the VA runs what may be the nation's largest health-care system, including 172 hospitals, 117 nursing homes and 230 outpatient clinics. It has regional offices and centers around the country, including one in Columbia, and operates 111 national cemeteries.

With 80 million veterans and spouses now reaching an age at which they need services and benefits—six times as many as when the VA was created in 1930—there is increasing pressure on Congress and the White House to facilitate delivery of those programs.

Beyond the political realities, however, there is a national obligation which makes the creation of a separate veterans department an acceptable decision at this time.

[From the Montgomery (AL) Journal, Nov. 12, 1987]

REASSURING VETERANS

President Reagan's about-face in favor of upgrading the Veterans Administration to Cabinet level suggests on the surface an addition to the hordes of federal bureaucrats. But it will not be that, according to authoritative sources who also say the change is fully justified.

The reasoning is to give added protection to the rights of those who serve their country in peace and war. It is fitting that the president should concur because his administration has proposed cuts in VA programs. One has already been made.

A blessing from elevating the VA: It would take the agency out from under the Office of Management and Budget. At present its funding is subject to paring by the OMB, which is under the executive branch.

With the change there would be direct access to the Oval Office. Too, there would be a substantial gain in prestige, of status, a gain which could make it easier to deal with Congress and other top levels of government.

In Washington there is a cold-blooded trend to look upon programs for veterans as no different from any others. That is dishonest, a willingness to break faith.

Veterans get benefits through commitments made to compensate them for duty

which, at best, is rigorous, dangerous and dreary. There is little to compare it with in civilian occupations.

Medical benefits are extremely valuable, especially for those disabled while in service. Yet there are attempts in Washington to scale back on hospital care, to eliminate the payment of mileage for VA patients.

There has already been a setback. Because of the Reagan administration some ex-GIs now must pay part of the cost of their treatment at VA facilities.

Congress was already moving briskly toward making the VA into a Cabinet agency before the president switched his thinking. The sentiment is such among lawmakers that the transformation will take place with dispatch.

That transformation will sound a powerful note of gratitude. It will be a reassurance for those who have served and those in time to come who will be asked to stand guard over their beloved homeland.

[From the Lawrence (NY) Oceanside-Island Park Herald, Nov. 11, 1987]

ELEVATE THE VETS

Today, November 11, grateful Americans pay tribute to our nation's 28 million brave men and women who have served our country at home and abroad as we celebrate Veteran's Day.

This year is an especially important one. We celebrate the bicentennial of the Constitution, the document that protects our rights and freedoms, a document that could not have endured without the sacrifices of the millions who have defended it, too often with their lives.

The task of caring for those who have cared for us, the veterans, is charged to the Veterans Administration. The VA is the government's largest independent agency. Only the Department of Defense employs more people. Its constituency is the vets themselves, dependents and survivors of the deceased veterans. They total 79.3 million people who are potentially eligible for benefits, a full third of the nation's population.

Considering not only the size of the VA, but its importance to our nation, we fully support the bill co-sponsored by our local representative in the House of Representatives, Norman F. Lent, which would elevate the VA to Cabinet status.

As Congressman Lent points out, this move is not solely one of image-making. He points out, "In its curent status as an independent agency, the VA's budgetary decisions are determined through the Office of Management and Budget. By giving the VA cabinet-level status, thus making the head of that agency a member of the President's executive cabinet, our nation's veterans will have greater say in the policy and decision-making processes that affect them and their families."

The Representative says that the bill would maintain the current internal structure of the VA, therefore not expanding the size of the federal government or adding any costs to the taxpayers.

We hope that the Congress and the President will heed Representative Lent's words and treat the veterans of our nation with the same unequivocal dedication and commitment with which they have served us all.

[From the News, Longview (TX), Nov. 18, 1987]

VETERANS NEED REPRESENTATION

Now that President Reagan is behind it, there should be no trouble in establishing a Cabinet-level Department of Veterans Affairs. Such a development may give veterans the voice they have been lacking.

While Americans are grateful to the men and women who have served in the military forces, there has been an erosion of benefits—particularly to those who came back from wars impaired in body or mind, and to the families of those who died while serving their country. The nations has obligations to them which should be met.

President Reagan said he supports the proposal because "it's time to give them (veterans) the recognition they so rightly deserve." His press spokesman said the move would give the Veterans Administration "a greater say in the councils of government."

While the Veterans Administration has 240,000 employees and an annual budget of $27 billion, of which more than $15 billion is spent on direct benefits to veterans and their dependents, VA hospitals have suffered budget cuts. The reduction in those medical services indicates that veterans are getting short shrift from the government. A stronger voice may help alleviate that problem.

The some 27 million veterans now living took up arms to defend their nation and freedom throughout the world. They took care of their country; and in the main, they take care of themselves in civilian life. The establishment of a department in Washington will be another indicator that Americans care about the welfare of their veterans.

[From the Post, Bridgeport (CT), Nov. 20, 1987]

NEW CABINET POST?

President Ronald W. Reagan, the consummate actor, still knows how to take his cues. That is why he chose the day before Veterans Day to declare his desire to make the Veterans Administration a Cabinet-level agency.

The idea of a Department of Veterans Affairs has a solid ring to it, particularly considering the fact that the VA is the largest independent agencies within the federal government, with more than 240,000 employees and an annual budget of $27 billion.

The prospects of Reagan's proposal receiving Congressional endorsement are positive. In fact, the House quickly approved legislation toward that end a week after Reagan made his endorsement public.

It is somewhat ironic, but not surprising, that the president should call for the establishment of a new department. He did just the opposite in 1981, when he took office.

Declaring that government was too large and criticizing former President Jimmy Carter for having created the Departments of Education and Energy, Reagan did his best, but failed, to abolish those agencies.

However, Reagan is right in his proposal for a Department of Veterans Affairs.

By having the attention of a Cabinet-level official focused on them and speaking on their behalf, all American veterans should be assured of the consideration and benefits they deserve.

[From the Enquirer & News, Battle Creek, (MI), Dec. 23, 1987]

VETERANS DESERVE VOICE IN CABINET

Every year since 1975, legislation has been introduced to raise the Veterans Administration to Cabinet status. This year, the idea unexpectedly grew wings. Next year, it may even fly.

Well, why not? We wouldn't want an endlessly expanding Cabinet, but there's room around the table for one more chair, and the VA is a legitimate candidate. Making it a Cabinet-level department could improve the quality of services to veterans—without necessarily creating any new costs or bureaucracy.

Elevating the VA to Cabinet status looked like a sure thing this fall after the House approved legislation by a 399–17 vote.

But the issue lost some steam in the Senate. Instead of voting on the bill after hearing earlier this month, senators set further hearings in February. Still, chances of approval remain good.

It's hard to say why this perpetually inert issue suddenly is gathering momentum. The crucial factor may have been President Reagan's decision this fall to support the legislation.

Presumably, any federal agency could be made a Cabinet-level department. So why the VA and not others? Because its size and scope of services merits that status in a way others do not.

The VA's annual budget of $27.6 billion is larger than that of 10 Cabinet-level departments. It employs 240,000 and provides benefits to some 78 million Americans.

What's more the VA would bring a useful new perspective to Cabinet discussions.

Former VA Administrator Harry Walters points out that the United States recently addressed such issues as homelessness, AIDS and long-term care. The VA has significant experience in dealing with all three, but was left out of the debate.

Still, conservatives were stunned by the president's decision. After all, his 1980 campaign pledge was to eliminate two departments—energy and education—not to create new ones.

We think the critics protest too much on this one. The short-term costs of promoting the VA to Cabinet-level are negligible—no more than $30,000 by one estimate.

Of course, its the potential long-term costs that worry some Republicans, and even a smattering of Democrats. They fear Cabinet status would give veterans a greater standing from which to demand endless increases in programs and spending.

We don't deny that's possible. But we don't think it's probable. Nothing says Cabinet status automatically causes a department to bloat. In fact, the Department of Energy has seen its budget cut 6 percent, adjusted for inflation, since it was created in 1977.

America certainly owes a debt to the men and women who have served it in uniform. Our feeling is that, in terms of total federal outlays, the country is meeting that commitment. We suspect many Americans share that feeling and would not support a substantial increase in VA spending—Cabinet status or not.

At the same time, the VA is frequently criticized for the manner in which it delivers services.

Daniel S. Greenberg, editor of *Science & Government Report*, calls the VA's medical empire "the nation's biggest and worst hospital chain." And U.S. Rep. Howard Wolpe, D-Lansing, calls the handling of the Agent Orange issue a "disaster."

One thing Cabinet status would do is expose the VA to greater scrutiny. The result could be a better quality of service to veterans. That alone would be good enough reason to make this change.

[From the Near North News, Chicago, (IL), Jan. 1, 1988]

Veterans Department Needed

We do not understand why some people oppose the creation of a United States department of veterans affairs.

There are more than 28,000,000 living ex-service members in this country. If you add in the members of their immediate families, you have one of the largest blocs in the nation. Certainly these veterans and their dependents are at least as worthy of having the president's ear as are the handful of farmers who are represented by the agriculture department.

During time of war, and pseudo-war, the nation calls for volunteers to take up arms against our enemies. Millions have done so and have died. Millions of others have been drafted, wrenched from their homes and sent to fight our nation's wars. Many of them died in combat or of service-connected wounds. Others will spend the rest of their lives in hospitals.

The veterans administration is one of the largest entities in our government. Giving it cabinet status will merely elevate its influence to the same level as the departments of energy, education and defense. It should have no effect on the expenditure of tax dollars.

Our veterans deserve this recognition.

[From the Wall Street Journal, Feb. 8, 1988]

VA Will Take Its Rightful Place

I take strong exception to Rep. Anthony C. Beilenson's Jan. 14 editorial-page article in opposition to upgrading the Veterans Administration to a cabinet-level department. He is mistaken, but as one of the only 17 members in the House to have opposed the bill (399 to 17), Mr. Beilenson needs everything he can muster up.

He believes the cabinet should be reserved for policy formulation that really needs the president's attention. On this one point we agree, and I am very pleased President Reagan has determined that the head of veterans programs should be in the cabinet to help set national policy.

The Veterans Administration does not exist solely to administer benefits. Cabinet involvement by an agency as diverse and large as the VA, with 244,000 employees, will help coordinate important national activities impacting on a broad cross section of American life. The policy responsibilities of the VA cover many areas, including health care, home loans guarantees, education, life insurance, vocational rehabilitation and employment, as well as disability compensation and pensions.

Almost 80 million Americans, veterans and their survivors and dependents, are potentially eligible for VA benefits. That's about one-third of the total U.S. population. Many of these people are poor and elderly. By the year 2000, two out of three American males over 65 years of age will be veterans, and how the VA meets the challenges of an older population could point the way for the entire country.

In the area of medical research, the VA conducts world-renowned programs that have earned two Nobel Prizes and pioneered many medical advances for the benefit of all Americans. Among these are heart pacemakers, CAT scans, liver transplants and nerve regeneration.

Mr. Beilenson claims that all veterans are entitled to preferences in federal employment. This is not accurate. Veterans with service after Oct. 14, 1976, are not entitled to veterans preference in federal employment unless they have a service-connected disability.

Also, he claims that millions are entitled to disability compensation even if the need for those benefits bears no relationship to their service in the armed forces. This is not accurate, either. By statutory definition, VA compensation is a benefit earned by virtue of a service-related health, medical or physical condition.

When Mr. Beilenson says that benefits are available to veterans who have served only three months, I wonder how much he really knows about veterans benefits. While certain wartime and service-connected benefits are available with relatively short periods of service, most benefits require longer times of active duty.

Finally, he attacks the VA health-care system, stating that it is generally acknowledged as less than first-rate. He shows the weakness of his arguments when he has to cite a study that is 10 years out of date, regardless of the merits of its debatable conclusions. The fact is that all of the VA's 172 hospitals and 229 outpatient clinics are currently accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAH), the nation's most widely accepted measure of health care quality.

By comparision only 75% of private hospitals have attained JCAH accreditation. And one-half of all physicians practicing in the U.S. received all or part of their medical training from the VA. The VA's side of the story isn't told very often because good news doesn't sell, and I appreciate this opportunity to let people know that the VA is providing high-quality, state-of-the-art health care.

Veterans programs grew out of a national will to defend our freedoms and way of life. It is therefore appropriate that matters involving veterans be considered at the cabinet level. Additionally, there is widespread public recognition that service in the national defense is one of the highest fulfillments of citizenship. Our veterans through their loyal military service in war and peace, often at the risk of their lives, have earned the right to be heard at the highest level of government. Rep. Gerald B. Solomon (R., NY). Washington.

DEATH OF DON VANDERZANDEN

Mr. HATFIELD. Mr. President, this past December, Lane County, OR, lost a dear friend and respected citizen, Don Vanderzanden. Besides being a devoted family man, Don was the longtime and effective treasurer of the Eugene Water and Electric Board [EWEB].

Hailing from Forest Grove, OR, Mr. Vanderzanden graduated from Hillsboro High School and earned his B.A. in Business Administration from Portland State University in 1966. He served the EWEB from 1973, first as treasurer and then, beginning in 1984, as treasurer and director of accounting and finance. So excellent was his work that in 1980, Mr. Vanderzanden was awarded the highest financial management honor given by the Northwest Public Power Association for "Outstanding Professional Performance in Utility Financial Administration." In 1986, the Governor appointed him to a 4-year term on the State Bond Advisory Council on which he served until his untimely death.

The loss of Mr. Vanderzanden is deeply felt by his family and the Eugene community. In honor of his memory, the Eugene Register-Guard newspaper took note of his passing in an excellent eulogy that I respectfully request be printed in the Congressional Record.

The Eulogy follows.

[From the Eugene, OR, Register-Guard, Dec. 19, 1987]

EWEB Loses a Leader

The last time we spoke with Donald Vanderzanden was last week, after the Eugene Water & Electric Board had sold $10 million in bonds for its headquarters construction project. We'd heard that the utility had earned the highest bond rating of any utility in the country and called EWEB Treasurer Vanderzanden to learn more.

It was true, Vanderzanden said. The Standard & Poors investment service had given EWEB's bonds its only AA-plus rating. There is a higher rating—AAA—but only insured bonds currently qualify. EWEB and two other utilities once enjoyed AAA bond ratings, Vanderzanden said, and EWEB was the last to lose the top designation. Now it's the only untility on the next rung down.

As a result of the high rating, EWEB's bonds were sold at 7.74 percent interest. That's more than half a percentage point lower than the prevailing 8.25 percent rate for municipal bonds. Anyone who has a home mortgage knows what a big difference one-half a percentage point in interest can make. EWEB's customers will benefit from the high rating throughout the life of the bonds.

The next thing we heard about Vanderzanden was that he had died Saturday of a heart attack. It is a shock when someone dies suddenly and at too young an age—he was 49. Vanderzanden had achieved a lot in the community and in his career, winning some of the highest awards in his specialized profession. But the most meaningful judgment may have been the one delivered by Wall Street just a few days earlier.

A high bond rating reflects investor confidence in an organization's stability and soundness. Vanderzanden had a lot to do with maintaining EWEB as a utility that deserves such confidence. Last week's affirmation of the utility's leading position in the financial comunity was welcome news. The death of a man who helped establish that position is a cause for sorrow.

VIVIDELL HOLMES McDONALD

Mr. SPECTER. Mr. President, to all who knew her, the sudden tragic passing of Vividell Holmes McDonald has brought profound grief. A gracious lady of surpassing dignity, Vividell always had a smile and a kind word for everyone she encountered in her role as hostess in the Senate Dining Room.

Many a dark and difficult day was brightened for those who came within the radiance of her warm personality and unaffected charm.

She will be greatly missed by those of us who daily benefited from her many kindnesses.

TRIBUTE TO PHIL HORNBEIN, JR.

Mr. WIRTH. Mr. President, I rise today to pay tribute to a renowned and distinguished citizen of Colorado, the late Phil Hornbein, Jr., who passed away on November 28, 1987. I am sure I speak for all Coloradans when I say that Phil Hornbein and his contributions to public service will be sorely missed.

Phil was widely known as the dean of labor lawyers throughout the Rocky Mountain region. He left a legacy of service and dedication, extending by a generation of legacy that was passed on to him from his father, Phil Hornbein, Sr. This proud tradition began with the tragedy of the historic Ludlow massacre in 1914 and continued through the early development of the labor movement in Colorado. Phil Hornbein, Jr.'s record of accomplishments in labor law, and his record of devoted service to the working men and women of Colorado over nearly a half century, indicate that he served this great tradition well. Phil's reputation as the advocate for the labor movement in the region was well deserved.

Mr. President, I would like to share with my colleagues the following eulogy that was given at Phil's funeral by his law partner and friend, Mr. Donald P. MacDonald:

Eulogy to Philip Hornbein, Jr., December 1, 1987

Phil Hornbein was born to be a lawyer. He was admitted to practice 49 years ago and, throughout his career, he served with distinction. He received the Bar Association Award of Merit, its highest honor; he was elected a Fellow of the American College of Trial Lawyers; he was the Histadrut Honoree in 1985. Only 72 years old when he died, he was the son of one of Colorado's finest trial lawyers. When his father, Phil Hornbein, Sr., died in 1962, he was described by Gene Cervi as one:

"* * * who embraced the neglected causes of labor, the underprivileged, the disenfranchised, the sick and the lowly.

"He defended the beaten and rejected in bitter labor strifes; he fought management and he fought cruelty and social injustice.

"He was a lawyer's lawyer; * * * the rare man among us who could call his soul his own.

"Denver is a better place to live because of him."

That eulogy describes his son as well. John Carroll, close friend of both, praised both often for their character and integrity.

Phil took pride in never having turned away a person because their cause was lost, their character deficient, or their pocketbook empty. He believed in the right to counsel. He, too, was a lawyer's lawyer.

For years, Phil was the advocate for the labor movement. His reputation as a labor lawyer reached well beyond Colorado. He was, indeed, as his father before him, an advocate for the working man, an opponent of management, uncompromising in his effort to enhance the rights of individuals in the workplace. He was always so determined, so spirited, so inventive, so committed, so respected.

The lawyer we knew and admired is gone. Gone also is the man too few were privileged to know. Let me talk about him in that dimension for a moment, because I was his friend before I became his partner. There is no scarcity of material to convey to you the qualities of the man. The task is to decide what to speak of so that you might know him as I did. I can remind you, but not tell you more, of his love of Anne and of his twin grandchildren, Eric, and Lisa—of his pride in them and theirs in him. Of course, his sister, Marjorie, was also proud of his achievements.

Phil was worthy to be sung of with Parnell—and honored among those who subscribe to the Code of Cadoc, written by the Sixth Century Celt. It is:

"I hate the judge who loves money
and the scribe who loves war . . .
"I hate him who respects not
father and mother—those
who make strife
among friends
"I hate a country in anarchy
lost learning, and uncertain borders
journeys without safety—families
without virtue, lawsuits without reason
"Ambushes and treasons—faults in counsel
Justice unhonored.
I hate a man without a trade
A laborer without choice
"A society without teachers.
Without freedom, a false witness
before a judge—the undeserving
exalted to a high position."

I will close with a few lines from Yeats:

"Think where man's glory
  most begins and ends
And say my glory was
  I had such friends"

Let all of us here join in that thought—and say that we were honored by having Phil Hornsbein as a friend.

TRIBUTE TO MRS. VIVIDELL McDONALD

Mr. THURMOND. Mr. President, I was saddened to learn of the tragic death of Mrs. Vividell McDonald. Vividell was a kind-hearted person and a loyal employee of the U.S. Senate. As hostess for the Senators' dining room, she handled this position in a very professional and efficient manner. I believe each of my colleagues can recall an instance when Vividell went out of her way to make our lives a little easier, whether it was fixing a meal during a late night session or somehow always finding a seat for an additional lunch guest.

Vividell was a native of Laurens, SC. I like to think that is where she cultivated her most endearing trait—her friendly and caring demeanor. Her smile was always a cheery welcome to the Senators' dining room. Moreover, Vividell's courteousness was not only felt by Members of the Senate, but also by our families and staff as she always made a point of extending the same kindness to them.

Mr. President, it is tragic that this unfortunate instance took the life of one so caring. However, we can be thankful for the opportunity we had in knowing Mrs. Vividell McDonald. My family and staff join me in extending our deepest sympathy to her family.

CELEBRATION OF ONE OF CALIFORNIA'S MOST BEAUTIFUL LANDMARKS

Mr. CRANSTON. Mr. President, my home State is known as one of the most beautiful places on Earth. As any Californian will tell you, this is as it should be. But the abundant beauty that the Golden State offers up to residents and visitors alike isn't limited to its coastline, mountains, deserts and valleys.

No. In California, even our buildings are beautiful. Although there are many excellent examples of this, few are better loved, admired and remembered than the Hotel del Coronado on Coronado Island near San Diego. I speak from first-hand experience because I've been fortunate and visited the Del many times. I've enjoyed the hospitality offered so abundantly there, been energized by the rest and recreation opportunities provided by the beautiful beaches, and been endlessly charmed by the details that make the Del so special. Just take the tiny, 19th century elevator—one of first ever made by the Otis Elevator Co.—To see what I mean.

I bring this up because today, February 19, is the 100th anniversary of "the Del," as this extraordinary monument to vacation pleasure is known by all who love her. Few hotels in America—or anywhere in the world—can hold a candle to the Del when it comes to architecture and ambiance. Fewer still could tell the tales of romance and mystery that the Del could.

Just one example involves the origins of what's commonly considered the "romance of the century." I'm speaking of the love affair between Edward, Prince of Wales and Wallis Warfield Simpson. It's long been rumored that the future Duke of Windsor met his future Duchess at a dinner held in his honor at the hotel. Although there's no independent confirmation of this, Mrs. Simpson was a leading socialite in the small community of Coronado at the time and frequented the hotel's events. It's a testament to just how romantic the Del is that such a rumor could persist for over 60 years. Many feel, I think I can say, that if the Duke and Duchess of Windsor didn't meet at the Hotel del Coronado, they should have.

British royalty, present and future, aren't the only bright lights to visit the Del in the last 100 years. Twelve U.S. Presidents have stopped there, beginning with Benjamin Harrison in 1891 and continuing all the way up to and including the current occupant of 1600 Pennsylvania Avenue. I'm glad to be able to report that Republican Presidents aren't the only ones who've enjoyed the hotel's charms. Presidents Wilson, Roosevelt, Johnson and Carter have helped to make sure that Democrats are equally well represented on the Del's guest list.

In addition to heads of state and heads of government, astronauts, authors, actors and inventors have left their mark on the Del. In fact, America's most famous inventor, Thomas Edison, supervised the installation of the hotel's initial electrical system. Edison maintained a soft spot in his heart for Coronado; he returned in 1904 to flip the switch on the west coast's first electrically lit outdoor Christmas tree.

Hollywood's been making movies at the Del since moviemaking began. But perhaps the single most famous film shot at—and one could virtually say starring—the Del is Billy Wilder's 1959 comedy, "Some Like It Hot." More recently, "The Stunt Man," starring Peter O'Toole was shot there, as have episodes of many current television hits. The Del also provided inspiration to author L. Frank Baum, who wrote part of "The Wizard of Oz" at the hotel. If Mr. Baum modeled Oz after California—as several critics have surmised—then the Del deserves definite credit for helping create the magic that inspired Baum and has kept his works alive in the popular imagination for so long.

Years ago, Rand McNally noted that the Hotel del Coronado "enjoys more fame and historical significance than any other hotel in America." That statement is just as true today as it was then. I'm so very pleased to call attention here to the 100th anniversary of the Hotel del Coronado and to extend my very best wishes and congratulations to my friends Larry and Jeanne Lawrence who for the last 25 years have made sure the Del has retained all of her charm and beauty.

Thanks for all your friends the world over.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

ECONOMIC REPORT OF THE PRESIDENT

To the Congress of the United States:

My first *Economic Report*, issued in 1982 after a year in office, could look only to the future for encouraging economic news. The task of rebuilding the economy was just beginning, and hard choices were being made. Inflation had begun to come down from double-digit rates, but America was mired in recession, its second in as many years. Today, however, we can point to real, solid economic progress. The policies of this Administration have spurred and sustained a record economic expansion—the longest in U.S. peacetime. Fifteen million new jobs have been created during this expansion, with strong gains widespread across industries and demographic groups. Real gross national product (GNP) has risen nearly 23 percent during these 5 years of growth.

And the accomplishments are not all in the past. Our policies will continue to contribute to rising standards of living in the years ahead. By enhancing private incentives and opportunities for work, investment, and entrepreneurship, we have laid the groundwork for growth far into the future. To ensure that the renewed energy of the private sector remains a force for growth, we must continue our efforts to bring down the Federal deficit through restraint on spending, to resist the siren song of protectionism, to support policies that foster noninflationary economic growth, and to rein in government when it threatens to make our markets less open, our industries less responsive, or our economy less flexible.

THE ECONOMIC EXPANSION

Since November 1982, the U.S. economy has grown without interruption and without a resurgence of inflation. Only twice before in our Nation's history—but never during peacetime—has recorded economic growth continued for so long. During the current expansion a strong increase in employment, combined with low rates of inflation and higher productivity growth, have meant rising standards of living for the American people.

Employment has increased dramatically, and all demographic groups have benefited. While overall employment has risen about 15 percent since November 1982, employment of blacks has increased by more than 25 percent and employment of Hispanics by more than 40 percent. Correspondingly, unemployment rates—especially among minorities—have fallen rapidly, although those rates are still unacceptably high. I believe that all who want jobs should be able to obtain employment commensurate with their skills and abilities.

As the unemployment rate has declined by almost one-half, some have claimed that the new jobs are low-quality, dead-end positions, while others have argued that booming employment has put us on the verge of another round of inflation. Neither view is accurate. The facts show that the strongest job growth has been in the higher paid, high-skill occupations. The bulk of the new jobs created have been full-time positions in occupations that pay well. While it is true that the number of jobs in manufacturing has risen more slowly than in the service-producing sector of the economy, this is a reflection of the innovation of American business and the skill of American workers, not a sign that the United States is "deindustrializing." The share of manufacturing output in total output actually has risen over the course of the expansion, and it is now above its postwar average. However, rapid increases in manufacturing productivity have meant slower growth in employment in this sector. This strong productivity growth, in combination with the downward adjustment of the dollar's exchange rate, has lifted the competitiveness of our products on world markets. Around the globe, products "Made in the U.S.A." are becoming more common and more sought after.

Moreover, I do not believe that our economy has yet reached its full potential, or that our economic growth threatens price stability. Growth can and should continue. With sound and stable economic policies, saving and investment will be encouraged, and the Nation's productive capacity will continue to expand. I remain committed to the goal of price level stability, and I view the decline in inflation during

my Administration as a major accomplishment. I would not take lightly the prospect of a resurgence of inflation. But economic growth itself will not lead to a spiral of worsening inflation; only irresponsible economic policies would do that.

Our economic projections show inflation slowing during the coming years, even as output grows at a robust average annual rate of 3.2 percent. But continued economic progress requires that policymakers adhere to forward-looking principles, pursuing the long-term best interests of the Nation through a sustained commitment to growth and stability. The prospects for growth in the immediate future have been diminished somewhat by last year's plunge in the stock market, as well as by the increase in interest rates and tightening of monetary policy during 1987. Nevertheless, I anticipate that the U.S. economy will continue to post gains in 1988, as the expansion moves through its 6th year.

The past 5 years have marked an outstanding period of economic growth in the United States. It has been unusual in its longevity, unusual for the fact that inflation has remained subdued, and unusual relative to the performance of other industrial economies. Between 1982 and 1986, American businesses, large and small, created two and one-half times as many new jobs as Japan and the major industrial countries of Europe combined. In 1987 this trend appears to have continued, as the U.S. economy again generated new jobs at a remarkable rate. The U.S. unemployment rate has fallen 5 percentage points, and now stands well below those in most other major industrialized countries, where unemployment rates have yet to recover fully from the last recession. Overall, we have not lost jobs because of foreign trade. Instead, growth-oriented policies of lower and fairer taxes, reduced interference by government, and free and open international trade have been a source of strength for the economy. Indeed, the U.S. economy has flourished, and the outlook is full of promise.

THE ROLE OF GOVERNMENT IN THE ECONOMY

It is hard to believe that at the beginning of the 1980s the prevailing attitude toward the economy could best be described as despair. Inflation and interest rates had ratcheted higher with each successive business cycle, and, as the economy suffered through its second recession in 2 years, the goal of sustainable growth appeared increasingly elusive. Amid double-digit inflation and unemployment rates, there were calls for the Federal Government to do more and more, thereby compounding the failed policies of the past. Instead, I took government policy back to the basics, and the last 5 years of economic growth testify to the vitality of free markets and the productivity of the American people. Government intrusions in the Nation's economic life have been reduced, and the private sector has responded with an explosion of activity, creating new products and new jobs at a very rapid rate.

The Federal Government has an important role to play in the Nation's economy, but it is a limited role. As a general proposition, economic decisions should be left to the private sector, which has been our economy's strength throughout its history, or to State and local governments when the issues cannot be handled satisfactorily by the private sector. Only in issues truly national in scope is there a role for the Federal Government.

We have made efforts to restrain Federal spending, to limit it to only the government's vital functions, and those efforts have borne fruit. Last fiscal year, for the first time in 14 years, Federal outlays, after adjustment for inflation, declined. Government spending on goods and services absorbs resources that might be used better by the private sector, and any Federal outlay must be financed eventually by inflation or taxes. Because there is no free lunch, we must make the hard choices, funding only those programs that are in the best interest of the Nation, not those that happen to have the most influential lobbyists. For example, while a strong national defense is rightly the responsibility of the Federal Government, a continued proliferation of pork-barrel projects is not. America's sense of fair play is violated when hard-earned tax dollars are needlessly turned over to powerful special interests.

In the conduct of macroeconomic policies, we have turned away from the stop-and-go policies of the past. My Administration has adopted a long-term view that fiscal policy determines the division of economic activity between the public and private sectors and is not meant to respond to every rise and fall in the economic data. Similarly, monetary policy should provide adequate liquidity for sustained noninflationary growth. Together, these policies create a stable environment in which individuals and businesses can plan for the future and make the most of their economic opportunities.

For too long the Federal Government has interfered unnecessarily in private economic decisions. There is a legitimate, although limited, role for the Federal Government in certain industries—for example, in ensuring the safety and soundness of the Nation's banking and payments systems. But many government regulations impede the operation of markets, inhibit competition, or impose costs on firms and raise the prices faced by consumers, without providing commensurate benefits. Regulations that interfere with the efficient use of labor, investment, and raw materials ultimately reduce our productive potential, making this country worse off.

While my Administration has been successful in reducing many regulations and intrusions into markets, much remains to be done. We must lessen remaining disincentives to work, diminish the burden of Federal regulations, and dismantle government programs that needlessly subsidize inefficient producers. In particular, we must release financial institutions from outdated legal restraints, eliminate the remaining controls on interstate trucking, deregulate natural gas, and repeal mileage standards for new automobiles. We must resist appeals for even more government intervention that would introduce additional inefficiencies, such as requiring advance notification of layoffs and plant closings. With few exceptions, the private sector is best able to allocate resources to their most highly valued uses, and it should be allowed to do so without excessive paperwork and restrictions. That is why privatization, deregulation, and private sector initiatives have been important elements of my economic program. I believe in the inherent dynamism of the private sector, and I believe that the most constructive thing government usually can do is simply get out of the way.

THE INTERNATIONAL ENVIRONMENT

This Administration has been a force for economic change in the United States and, by our example, in the world at large. Our proven market-oriented policies are being adopted in more and more countries around the globe, as they recognize the high costs of big government and the harmful effects of stifling the entrepreneurial spirit.

In order to enhance growth and economic opportunity, many nations have followed our lead, undertaking reductions in sky-high tax rates that diminish incentives to work, save, and produce. In addition, tax reform is becoming a worldwide movement. Just as in the United States, tax reform abroad promises to end many distortions and inefficiencies, allowing businesses and individuals to make decisions about production and investment in order to increase their economic well-being, rather than simply to reduce their tax bills.

From continent to continent, the benefits of privatization and deregulation are becoming appreciated. Even China, and perhaps now even the Soviet Union, appear to be edging toward freer economic systems. Instead of viewing private enterprise as the adversary, many governments now see it as their best hope for progress and prosperity. Developing as well as industrialized nations are reducing market rigidities and interferences, thereby expanding economic freedom and opportunity for their citizens.

In those developing countries that encourage investment and private enterprise, the ensuing economic growth should contribute to lessening their debt problems. The debt burden carried by developing countries is not just their problem; we all have a vital interest in finding solutions that promote growth and protect open international financial markets. And we will continue to work with all who display a real determination to deal with this difficult issue.

The United States has been a constructive force in the world economy, not only by demonstrating the benefits of private enterprise, but also by our commitment to free trade and international economic cooperation. In addition, this Nation's strong demands for imports helped support output growth abroad during much of this decade. The world economy has become increasingly interdependent, as trade has multiplied and financial markets have become essentially global.

To continue to reap the benefits of an open international trading system, we are committed to reducing further the barriers that interfere with the free flow of goods, services, and capital. To this end, the United States has entered into, and will continue to seek out, bilateral and multilateral agreements to lower impediments to international commerce. The Free-Trade Agreement recently negotiated with Canada is an historic accomplishment. Once the necessary implementing legislation is passed, it will establish the largest international free-trade area in the world. At the same time, in the Uruguay Round of the multilateral negotiations under the General Agreement on Tariffs and Trade, we have been working to lower trade barriers worldwide. In that forum, we have placed special emphasis on eliminating spiraling subsidies to agricultural production and harmful barriers to agricultural imports, on establishing and enforcing adequate protections for intellectual property, on liberalizing trade in services, and on ensuring evenhanded treatment of foreign investment. Through these avenues and others, we will continue to pursue the goal of free and fair trade, which can only expand opportunity and prosperity both at home and abroad.

THE CHALLENGES AHEAD

The American people elected me to this office with a vision of a reinvigorated economy, and I have watched that vision become reality. The resurgence of America has confirmed my optimism. The accomplishments of the last 7 years should inspire us, but not blind us to the important challenges that remain.

Foremost among our challenges is the continued high level of Federal spending and the budget deficit. Federal receipts last year were $255 billion above their level in 1981; nevertheless, the deficit has nearly doubled since then, bloated by a $326 billion increase in outlays. Although we have succeeded recently in slowing the growth of spending, and the deficit declined by $71 billion in the last fiscal year, the deficit is still too large.

Recent progress in controlling Federal outlays notwithstanding, as a percent of GNP, outlays remain well above the postwar average. The government continues to spend too much, absorbing resources that could be put to better use by the private sector. There are several essential functions of the Federal Government, such as providing a strong national defense and ensuring an appropriate safety net for those in need, but in many areas the government's presence is oppressive and unnecessary.

Tax increases are not the key to eliminating the deficit. Some taxes are unavoidable—the necessary functions of the Federal Government must be paid for. But tax reform and the cuts that have been instituted in income tax rates represent successful efforts to find less distorting, less burdensome, and more equitable means of financing government. Undoing tax reform through tax increases would affect economic activity adversely by raising uncertainty about government policy and reducing incentives to work and produce. Rather, in coming years we should look to ways to enhance incentives for investment in future productive capacity, including reducing the tax rate on capital gains.

The Gramm-Rudman-Hollings law and our recent agreement with the Congress on a 2-year budget-trimming package have charted the course for additional deficit reduction. Those are steps in the right direction. But the budget process itself remains a major obstacle to eliminating the deficit. And I am not the only one to have noticed that the budget process is a disaster; a recent survey of Members of Congress identified it as a major source of frustration. The process is not working and it must be reformed; discipline and responsibility must be restored.

Current budget practice is to deliver a pair of mammoth bills that must be passed and signed in a matter of hours—or the government has to shut down. This is not responsible government, and I will not sign another of these behemoths. This budget process does not serve the best interests of the Nation, it does not allow sufficient review of spending priorities, and it undermines the checks and balances established by the Constitution.

So that such massive appropriations bills do not have to be an all-or-nothing proposition, I have asked for the line-item veto, a power that 43 State Governors already have. With a line-item veto, future Presidents could pare away waste and enforce budget discipline. In addition, expanded rescission powers would allow the Executive to cut unnecessary spending on programs that, in many cases, have outlived their usefulness. Finally, to ensure that balanced budgets become a permanent feature of our fiscal landscape, the legislatures of 32 States have asked for—and I endorse—a constitutional amendment to force the Federal Government to live within its means. These steps must be taken, because the current budget process is impeding budget progress. By its very nature, the democratic process is often messy and unfocused. But we know that democracy works and that tough decisions can be made. We must rise to the challenge again and prove that we can craft sound budgets through a sensible process.

We also must resist efforts to push the Nation into protectionism. Our foreign trade deficit is very large, but it has turned the corner in real terms. Last year foreign trade contributed significantly to our economic growth. Moreover, further improvements are on the way. At this point especially, it would be a tragic mistake to attempt to close the trade gap by closing our markets. Isolating U.S. markets could only lead to a global downward spiral in trade and economic activity.

My Administration is committed to working diligently with the Congress to draft responsible trade legislation, but if that legislation is not free of harmful protectionist measures, I will veto it. Our goal is to see the trade deficit reduced in an environment of sustained economic growth and low inflation. To this end, we are working with the other major industrial countries to coordinate economic policies that sustain noninflationary economic growth, encourage an orderly reduction of international imbalances, and thereby foster stability of exchange rates.

We must maintain the confidence of foreigners and our citizens alike in the ability of the United States to generate profitable investment opportunities and to follow responsible economic policies. The vitality of free and open markets, full of opportunity and promise, is the best foundation for investment. We must see to it that our tax structures and regulations do not discourage saving and investing. We must encourage investment not only in plant and equipment, but also in the American people themselves. Education, skills, research and development—these are some of the most fruitful areas for investment; expanded knowledge enhances the productive

potential of our most valuable resource, our people.

CONCLUSION

America is blessed with great gifts—abundant land and natural resources, a diverse and hard-working people, an unshakable tradition of democratic values. My confidence in America has been shown to be well-founded over these past few years. The economy has been revitalized, and the record peacetime economic expansion has brought with it renewed opportunities and enhanced well-being. We set ourselves a formidable task: to reduce and to rationalize the role of government in the economy. That effort has been richly rewarded. During our watch, the U.S. economy again has shown its strength.

But our job is not finished. The Federal budget must be controlled in order to build a solid foundation for future economic growth. And I will not be satisfied until all Americans share in this prosperity; there are still too many enmeshed in poverty and without jobs. We must rise to our remaining challenges, heartened by our triumphs and inspired by the resilience of a resurgent America.

Ronald Reagan.

The White House, *February 19, 1988.*

ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION—MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the requirements of Section 109(e) of the Hazardous Materials Transportation Act (P.L. 93-633), I hereby transmit the Seventeenth Annual Report on Hazardous Materials Transportation for calendar year 1986.

Ronald Reagan.

The White House, *February 19, 1988.*

ANNUAL REPORT ON MINE SAFETY AND HEALTH ACTIVITIES—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 511(a) of the Federal Mine Safety and Health Act of 1977, as amended (U.S.C. 958(a)), I transmit herewith the Fiscal Year 1986 annual report on mine safety and health activities as submitted by the Secretary of Labor.

Ronald Reagan.

The White House, *February 19, 1988.*

SECOND BIENNIAL REPORT OF THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

I am pleased to transmit the second biennial report of the Interagency Arctic Research Policy Committee. The report has been prepared in accordance with Section 108(b) of Public Law 98-373, the Arctic Research and Policy Act of 1984. It is transmitted on behalf of the Interagency Arctic Research Policy Committee, which is chaired by the National Science Foundation. The report and accompanying document, *Arctic Research of the United States,* is a comprehensive statement of activities and accomplishments of the Interagency Committee and the Commission, and covers areas of national security, rational resource development, acquisition of new scientific knowledge in the Arctic, and international cooperation.

Ronald Reagan.

The White House, *February 19, 1988.*

DEFERRAL OF CERTAIN BUDGET AUTHORITIES—MESSAGE FROM THE PRESIDENT—PM 111

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Finance, the Committee on Appropriations, and the Committee on the Budget:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority totaling $3,570,665,449 and ten revised deferrals of budget authority now totaling $4,973,643,337.

The deferrals affect programs in the Departments of Agriculture, Defense—Military, Defense—Civil, Energy, Health and Human Services, and Transportation.

The details of these deferrals are contained in the attached report.

Ronald Reagan.

The White House, *February 19, 1988.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following joint resolutions:

On February 9,1988:

S.J. Res. 196. Joint resolution to designate February 4, 1988, as "National Women in Sports Day."

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger.*

On February 11, 1988:

S.J. Res. 39. Joint resolution to provide for the designation of the 70th anniversary of the renewal of Lithuanian independence, February 16, 1988, as "Lithuanian Independence Day."

S.J. Res. 143. Joint resolution to designate April 1988, as "Fair Housing Month."

S.J. Res. 172. Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Associations Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 100-10. Montreal Protocol on Substances That Deplete the Ozone Layer, done at Montreal on September 16, 1987, to the Vienna Convention for the Protection of the Ozone Layer (Exec. Rept. No. 100-14).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENTSEN:

S. 2074. A bill to authorize the Secretary of the Interior to construct, operate, test, and maintain the Lake Meredith Salinity Control Project, New Mexico and Texas; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. Durenberger, Mr. Roth, Mr. Pryor, Mr. Boren, Mr. Armstrong, Mr. Bumpers, Mr. Exon, Mr. Bingaman, Mr. Wirth, and Mr. Danforth):

S. 2075. A bill to amend the Internal Revenue Code of 1986 to permit tax free purchases of certain fuels, including purchases by farmers; to the Committee on Finance.

By Mr. SPECTER:

S. 2076. A bill to amend the Inspector General Act of 1978; to the Committee on the Judiciary.

By Mr. KASTEN (for himself and Mr. Quayle):

S. 2077. A bill entitled the "Livestock Producers' Recordkeeping Act of 1988"; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Res. 380. Resolution to amend Senate Resolution 352, agreed to April 11, 1986, relating to the commemoration of the bicentennial of the Senate of the United States; considered and agreed to.

By Mr. KERRY (for himself, Mr. Murkowski, Mr. Pell, Mr. Sarbanes, Mr. Cranston, Mr. Dodd, Mr. Simon, Mr. Sanford, Mr. Adams, Mr. Moynihan, Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Boschwitz, Mr. Pressler, Mr. Trible, and Mr. Evans):

S. Con. Res. 99. Concurrent resolution condemning North Korea's support for terrorist activities; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 2074. A bill to authorize the Secretary of the Interior to construct, operate, test, and maintain the Lake Meridith Salinity Control Project, New Mexico and Texas; to the Committee on Energy and Natural Resources.

LAKE MERIDITH SALINITY CONTROL PROJECT

Mr. BENTSEN. Mr. President, today I am introducing legislation to help the people of the Texas Panhandle assure themselves of a reliable supply of quality drinking water. This bill will authorize the Bureau of Reclamation to work with the Canadian River Municipal Water Authority to reduce the salt content of the water supplied to the CRMWA's member cities. Those member cities include Amarillo, Borger, Pampa, Plainview, Lubbock, Slaton, Tahoka, O'Donnell, Lamesa, Brownfield, and Levelland. These towns have a combined population of some 4[illegible]0,000 people.

The Canadian River Municipal Water Authority began delivering water from Lake Meredith to its member cities in 1968, and since the beginning there has been concern about the quality of that drinking water. The salt content has shown a generally increasing trend, with drought cycles producing chloride levels as high as 400 milligrams per liter. Health and environmental agencies generally recommend maximum chloride levels of 250 milligrams per liter for drinking water. Cities which also have ground water available have in some cases mixed it with the lake water to get a more acceptable water supply, but that option is more expensive and is not available to all.

Studies by private consultants and by the Bureau of Reclamation have shown that about 70 percent of the salt entering Lake Meredith originates in a shallow brine acquifer just downstream from Ute Dam near Logan, NM. This brine acquifer is under artesian pressure and is leaking into the river.

In 1980 the Bureau of Reclamation was directed by Public Law 96-375 to study this problem and report on possible solutions. This report, completed in 1985, recommended drilling wells into this acquifer and pumping brine out to reduce the artesian pressure. The most economical method of disposing of this brine is through deep injection wells of the type used in the oil industry, and there appears to be suitable geologic strata for this purpose in the area.

This project is essential if the Texas Panhandle is to have an adequate supply of acceptable quality drinking water for the future of the region. The CRMWA and its member cities are prepared to operate and maintain the project and to pay for the cost of construction, but they need the technical expertise of the Bureau of Reclamation in designing and building the project.

The bill I am introducing today will authorize funds to be appropriated to the Bureau of Reclamation to carry out the preliminary work and to supervise the construction of the project. It will also authorize the Bureau to accept funds from the CRMWA to pay for land acquisition and construction costs. The CRMWA estimates that their part of the costs will total about $6.4 million, with the Federal portion totaling about $2 million. This is a very heavy commitment of non-Federal funds, giving a high degree of leverage to the small Federal investment which will be required if this project is to be successful.

Water is the lifeblood of our country. In west Texas water is especially scarce and valuable. The high value which the citizens of this great area of our country place on a reliable water supply is indicated by their willingness to pay for most of the costs of this project themselves. Last year they got the Texas State Legislature to enact a law enabling the CRMWA to sell tax-exempt revenue bonds to finance this project.

They understand that the alternative is to allow salt pollution of the region's water to continue, possibly rendering Lake Meredith useless eventually. Lack of a reliable water supply will make furture economic growth very difficult, and the loss of Lake Meredith would threaten the existing economic base.

The citizens of west Texas are not asking the Federal Government for a handout. They are not asking the taxpayers to carry them. They are asking the Federal Government to work side by side with them in this endeavor and to share the essential expertise which the Bureau of Reclamation has developed through years of construction projects.

Passage of this legislation will allow this local self-help project to get started. I am pleased to be able to introduce this bill, and I urge its passage by the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION TO CONSTRUCT, OPERATE, TEST, AND MAINTAIN.

The Secretary of the Interior is authorized to construct, operate, test, and maintain the Lake Meredith Salinity Control Project, New Mexico and Texas, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) and the provisions of this Act and the plan set out in the June 1985, Technical Report of the Bureau of Reclamation on this project with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purpose of improving the quality of water to the Canadian River downstream of Ute Reservoir, New Mexico, and entering Lake Meredith, Texas. The principal features of the project shall consist of production wells, observation wells, pipelines, pumping plants, brine disposal facilities, and other appurtenant facilities.

SEC. 2. CONSTRUCTION CONTRACT WITH THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY.

(a) AUTHORITY TO CONTRACT.—The Secretary is authorized to enter into a contract with the Canadian River Municipal Water Authority of Texas for the design and construction management of project facilities by the Bureau of Reclamation and for the payment of construction costs by the Canadian River Municipal Water Authority. Operation and maintenance of project facilities upon completion of construction and testing shall be the responsibility of the Canadian River Municipal Water Authority.

(b) CONSTRUCTION CONTINGENT ON CONTRACT.—Construction of the project shall not be commenced until a suitable contract has been executed by the Secretary with the Canadian River Municipal Water Authority of Texas and the State of New Mexico has granted the necessary permits for the project facilities.

SEC. 3. PROJECT COSTS.

(a) CANADIAN RIVER MUNICIPAL WATER AUTHORITY SHARE.—All costs of construction of project facilities (estimated at an amount not to exceed $6,400,000) shall be advanced by the Canadian River Municipal Water Authority as the non-Federal contribution toward implementation of this Act. Pursuant to the terms of the contract authorized by section 2, these funds shall be advanced on a schedule mutually acceptable to the Canadian River Municipal Water Authority and the Secretary, as necessary to meet the expense of carrying out construction and land acquisition activities.

(b) FEDERAL SHARE.—All project costs for verification, design preparation, and construction management (estimated at an amount not to exceed $2,000,000) shall be nonreimbursable as the Federal contribution for environmental enhancement by water quality improvement to assist in improving a Federally-constructed water supply project, subject to appropriation of funds.

SEC. 4. CONSTRUCTION AND CONTROL.

(a) PRECONSTRUCTION.—The Secretary shall upon entering into a mutually acceptable agreement with the Canadian River Municipal Water Authority proceed with preconstruction planning, preparation of designs and specifications, acquiring permits, acquisition of land and rights, and award of construction contracts pending availability of appropriated funds.

(b) TERMINATION OF CONSTRUCTION.—At any time following the first advance of funds by the Canadian River Municipal Water Authority the Canadian River Municipal Water Authority may request that the Secretary terminate activities then in progress, and such request shall be binding upon the Secretary.

(c) TRANSFER OF CONTROL.—Upon completion of construction and testing of the project, or upon termination of activities at the reqeust of the Canadian River Municipal Water Authority, the Secretary shall transfer the care, operation, and maintenance of the project works to the Canadian River Municipal Water Authority or to a bonafide entity mutually agreeable to the States of New Mexico and Texas. As part of such transfer, the Secretary shall return unexpended balances of the funds advanced, assign to the Canadian River Municipal Water Authority the rights to any contract in force, convey to the Canadian River Municipal Water Authority any real estate, easements, or personal property acquired by the advanced funds, and provide any data, drawings, or other items of value procured with advanced funds.

SEC. 5. AUTHORIZATION.

There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

By Mr. DASCHLE (for himself, Mr. Durenberger, Mr. Danforth, Mr. Roth, Mr. Pryor, Mr. Boren, Mr. Armstrong, Mr. Bumpers, Mr. Exon, Mr. Bingaman, and Mr. Wirth):

S. 2075. A bill to amend the Internal Revenue Code of 1986 to permit tax-free purchases of certain fuels, including purchases by farmers; to the Committee on Finance.

COLLECTION OF DIESEL EXCISE TAXES

● Mr. DASCHLE. Mr. President, I am introducing legislation today to make several important changes in the procedures for collecting the diesel excise taxes.

Last year, in the Budget Reconciliation Act of 1987, Congress altered the way in which the diesel fuel excise tax will be collected. Although farmers remain exempt from the tax where they use the fuel for off-road purposes, they are now required to pay the tax at the time of purchase, then file for a refund from the Internal Revenue Service.

The new system just doesn't make sense. If we are going to continue exempting farmers from the tax where they use the fuel for off-road purposes, we shouldn't ask them to pay the tax up front and then tell them they must file for a refund that they may not receive until more than a year later.

Even more distressing is the fact that farmers may have to incur additional debt in order to cover the increased cost of diesel fuel resulting from the tax. They will pay interest on that debt, yet they will not receive interest from the IRS on the refund of their money months or maybe even a year later.

Current law allows the IRS to set up guidelines for certain other tax-exempt groups, including State and local government entities, which would enable those groups to avoid having to file for a refund. Farmers are not included in the list of discretionary exemptees. My bill would add farmers to that list.

In addition, the legislation I am introducing today would change the wording of the current law provision for discretionary exemptees and make it mandatory for the IRS to issue these guidelines within 30 days of enactment of the bill. The groups listed, including farmers and State and local governments, would then be permitted to file for an immediate refund of amounts they had already paid.

Although I believe an unfair tax procedure should be corrected even when that correction may cost the Federal Government some revenue, I believe equally as strongly that we must continue our efforts to reduce the Federal budget deficit. Therefore, I intend to have the Joint Committee on Taxation prepare a revenue estimate on the separate parts of this legislation.

In the meantime, I urge my colleagues to review this bill closely and lend their support to these essential adjustments to the diesel excise tax collection procedures.●

Mr. DURENBERGER. Mr. President, I am pleased to join the Senator from South Dakota, Senator DASCHLE, in introducing legislation that would correct an unreasonable and illogical tax burden that last year's Budget Reconciliation Act imposes on farmers and small rural community governments.

Last year's Reconciliation Act changed how diesel fuel excise taxes are collected. Under the new method, the responsibility for collecting diesel fuel taxes is shifted from retailers to wholesalers. In shifting this collection responsibility, however, Congress placed an unwarranted additional financial burden on farmers, and a potential financial burden on State and local governments.

Although farmers are exempt from paying the diesel fuel tax for farming purposes, the new law requires them to first pay the tax and then apply for a refund. Mr. President, this new collection method makes absolutely no sense and should not be allowed to go into effect.

By one estimate, a farmer who owns a 300-acre corn farming operation must purchase approximately 8,650 gallons of diesel fuel each year. If he is required to first pay the diesel excise tax and then apply for a refund, he will have to make upfront payments of more than $1,300. Many of the farmers I've talked with in Minnesota just don't have the spare cash to make these additional payments without going into debt.

Is this any way to reduce the budget deficit? In effect, we are asking farmers to go into debt to make payments to the Federal Government for taxes that the Federal Government is not even entitled to. Moreover, even if the farmer could afford to make such payments, he will have to draw on his savings to pay the tax and therefore forego interest that he is rightfully entitled to.

The legislation we are introducing today would require the Secretary of the Treasury to exempt farmers from this senseless pay-and-refund rule. At the same time, the legislation modifies the Reconciliation Act to ensure that State and local governments are also exempts from the pay-and-refund rule. Although the Reconciliation Act gives the Secretary discretion to exempt State and local governments from the rule, we believe that the Treasury Department should not have any flexibility in determining whether a local government should be exempted from this rule. All of them should be exempt.

In recent years, State and local governments, especially in rural areas, have been especially hard hit by changes that have taken place in our economy. In addition, the loss of Federal revenue sharing has been a severe blow to many local government activities.

In our system of government, the Federal Government has no right to collect excise taxes from State and local governments. Requiring these local governments to pay excise taxes and then seek a rebate will only add further strains to these already hard-pressed municipalities.

Finally, Mr. President, this legislation recognizes that Congress may not be able to repeal the pay-and-refund rule before the April 1, 1988 date when the new collection procedure is scheduled to go into effect. Therefore, we have provided a special expedited refund procedure for farmers, State and local governments, and other exempt entities.

It is my hope that we will quickly pass this legislation and obviate the need for the expedited refund mechanism. I want to commend the distinguished Senator from South Dakota for his work on this legislation.

● Mr. PRYOR. Mr. President, I am joining the Senator from South Dakota today in introducing legislation to prevent farmers from having to pay Federal excise tax on diesel fuel and then file for a refund.

The bill would require the IRS to issue guidelines for the exemption of farmers from the diesel excise tax pay-and-refund procedures within 30 days of enactment of the bill. Additionally, if it does not pass before the April 1 effective date, the bill would allow farmers to file for an immediate refund of amounts already paid at the time of enactment of the bill. Any provision which requires hard-working people to pay taxes not actually owed is ludicrous and must be corrected. As chairman of the IRS Oversight Subcommittee, I pledge to keep a careful eye on the IRS to ensure that they administer the exemption properly and on a timely fashion.

In today's economic climate, the family farm is being asked to withstand many hardships. The pay-and-refund procedures of the 1987 act would add to these hardships by significantly increasing capital costs for all farmers.

The passage of this bill should go a long way toward correcting excesses of the 1987 Tax Act. The solution provided for in this bill is practical and moderate, and should not interfere with the original legislative intent of the 1987 act. I hope the Senate will make early passage a priority.●

By Mr. SPECTER:

S. 2076. A bill to amend the Inspector General Act of 1978; to the Committee on the Judiciary.

F.B.I. INSPECTOR GENERAL ACT

Mr. SPECTER. Mr. President, the bill I am introducing today proposes a statutory inspector general for the FBI. This inspector general would be nominated by the President and approved by the Senate, similar to 18 other existing inspectors general in government today, and would have the authority and duty to inspect, investigate and audit—independently—every phase of the FBI's activities. The result of these inspections, investigations and audits would be reported to the Director of the FBI, the Attorney General, and to the appropriate committees of the Congress.

I think this new office will well serve the FBI, by promoting consistency in its interpretation and enforcement of existing guidelines for the investigation of Federal criminal acts and foreign espionage activities. Current allegations that the Federal Bureau of Investigation, in recent years, may have overstepped its bounds by investigating a wide array of lawful domestic political and religious groups raises a fundamental question about the effectiveness of the FBI's current system of internal oversight. After all of the lessons of the Hoover years at the FBI, and all of the lessons of Watergate, it is startling that we still do not have in place a statutory inspector general as we do in so many other branches of government, which in my view is essential to effective oversight.

Episodes like the embarassing one just revealed provide ammunition for critics of the FBI and of the U.S. Government, and realistically viewed undermines the activities of the FBI. We can be sure that the claims being leveled by some against the FBI are being widely circulated in the press in foreign countries and being used to undermine the legitimate activities of the FBI. In Judge Webster, and now in Judge Sessions, we have selected FBI Directors who have a proven understanding of the Constitution and the rule of law, and a demonstrated respect for the principles of individual freedom upon which this country was founded.

But it is not possible for the Director of the FBI or any one individual to manage personally the vast oversight necessary for such an organization. Judge Webster was quoted as saying that the activities involved in the recent criticism of the FBI were not of a sufficient nature to come to his personal attention. That, Mr. President, is why additional oversight within an organization like the FBI is necessary.

I am personalty convinced that, with extremely few exceptions, the men and women of the FBI share that respect for law of men like Judge Webster and Judge Sessions, and that the, men and women are loyal, hardworking Americans who are are dedicated to upholding the laws and Constitution. We owe them a debt of gratitude for their untiring fight against crime, and their enormously successful efforts to counter the growing threat of domestic and international terrorism and foreign espionage.

I personally have had the opportunity to work with many members of the Federal Bureau of Investigation as assistant counsel for the Warren Commission in 1964. I also worked with members of the FBI on the preparation of complex cases as an assistant district attorney in Philadelphia and later for 8 years as district attorney. I know of their competence, their dedication, and their capability.

Sometimes, however, a complex organization does not work as designed because the design itself is flawed. We must build more checks and safeguards into our powerful Government organizations so that we are not relying on one well-intentioned but greatly overburdened official at the top to keep an entire organization on course. We saw the problems of this, with the CIA, in the Iran-Contra affair, and the Congress is now considering an independent IG for the CIA as well. Hearings are now scheduled before the Intelligence Committee on this subject. By creating independent inspectors general, we can protect important agencies like the FBI and the CIA from embarrassing themselves and our entire Government in the process, and from realistically impeding their work.

It seems clear that there was a lack of overall direction in some of the FBI's investigations of domestic political and religious groups over the past several years. As recently as 1984, one FBI document reflected the views of the Denver and New Orleans FBI field offices that "in spite of attempts by the Bureau to clarify guidelines and goals for this investigation, the field is still not sure of how much seemingly legitimate political activity can be monitored." Why was there such confusion and what did the FBI do internally to address it? Who was watching the watchdogs, as they proceeded with their investigations, unsure of the bounds of the law?

The legislative branch plays an important oversight role with respect to the FBI, but usually after the fact. Two congressional committees from each House of Congress have overlapping responsibility for FBI activity. The two Judiciary Committees oversee FBI activity relating to criminal law enforcement, while the two Intelligence Committees oversee FBI activities relating to foreign counterintelligence and international terrorism. The dividing line is not always so neat, however, and many cases involve both of these spheres. The Attorney General's guidelines under which the FBI operates differ significantly depending on whether a criminal investigation or a foreign counterintelligence investigation is involved. The latter guideline is classified, and that is a matter which will be the subject of scrutiny and inquiry by the intelligence committees. The FBI's decision to use one guideline or the other determines which congressional committee will exercise oversight of the FBI involvement.

It is a complicated system, with many opportunities for things to go wrong. As we have seen, they do go wrong, even with strong leadership, and the largely post-facto congressional oversight which realistically viewed is structurally insufficient to catch and correct small errors of judgment and policy before they become on some occasions embarrassing disasters. Simply put, the FBI's authority is so great, its potential for abuse or miscalculation so high, and its organizational structure so complex that independent internal monitoring on a day by day basis is essential. This is the case with 108 other governmental agencies, and perhaps among that list the FBI would rank high in its requirement and the necessity for an independent inspector general.

I feel very strongly that we in Congress should protect our intelligence and law enforcement agencies from being scapegoats for every policy failure or unsuccessful venture by our Government. We can only do this, however, if our constituents are confident that these agencies are adequately monitored—the public confidence is vital—and that we in Congress are willing to take steps to correct mistakes when they are made, and make structural changes in the designs of organizations like the FBI or CIA. The current system of oversight is inherently incapable of providing us with the information we need in order to do this.

Statutory inspectors general already are providing an independent interenal system of checks and balances for more than 18 departments and agencies of the Federal Government. The Comptroller General, who inspects these IG's, has concluded that they are serving the executive and legislative branches far better than the IG's under the previous system, who were beholden to the system which they inspected. It is time to add the FBI to the list.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "F.B.I. Inspector General Act of 1988."

Establishing an office of Inspector General in the Federal Bureau of Investigation.

(1) Section 9(a)(1) of the Inspector General Act of 1978 is amended by inserting after the final subparagraph the following new subparagraph: "of the Federal Bureau of Investigation, the division of that agency referred to as the 'Inspections Division' and, notwithstanding any other provision of law, that portion of each of the divisions or offices of that agency which is engaged in internal audit activities;";

(2) The Inspector General Act of 1978 is amended by inserting at the appropriate place the following new section:

"SPECIAL PROVISIONS REGARDING THE FEDERAL BUREAU OF INVESTIGATION

"SEC. . (a)(1) Notwithstanding any other provision in this Act, the Inspector General of the Federal Bureau of Investigation shall be under the authority, direction, and control of the Director of the Federal Bureau of Investigation with respect to audits or investigations, or the issuance of subpoenas, which require access to information concerning:

"(A) ongoing criminal investigations or proceedings;

"(B) sensitive undercover operations;

"(C) the identity of confidential sources, including protected witnesses;

"(D) deliberations and decisions on policy matters, including documented information used as a basis for making policy decisions, the disclosure of which could reasonably be expected to have a significant influence on national security, or

"(E) other matters the disclosure of which would constitute a serious threat to national security or to the protection of any person authorized protection by section 3056 of title 18, United States Code.

"(2) With respect to the information described in paragraph (1), the Director may prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpeona, after the Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena if the Director determines that such prohibition is necessary to preserve the confidentiality of or prevent the disclosure of any information described in paragraph (1).

"(3) If the Director exercises any power under paragraph (1) or (2), the Director shall notify the Inspector General of the Federal Bureau of Investigation in writing of such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Federal Bureau of Investigation shall transmit a copy of such notice to the Select Committee on Intelligence of the Senate and of the House of Representatives, to the Judiciary Committees of the Senate and of the House of Representatives, and to other appropriate committees or subcommittees of Congress, together with any comments the Inspector General deems appropriate.".

"(b) Section 5315 of title 5, United States Code is further amended by adding at the end thereof the following new items: "Inspector General, Federal Bureau of Investigation".

By Mr. KASTEN (for himself and Mr. QUAYLE):

S. 2077. A bill entitled the "Livestock Producers' Tax Recordkeeping Act of 1988;" to the Committee on Finance.

LIVESTOCK PRODUCERS' TAX RECORDKEEPING ACT

● Mr. KASTEN. Mr. President, today my distinguished colleague from Indiana, Senator QUAYLE and I, are reintroducing a modified version of the Livestock Producers' Tax Recordkeeping Relief Act. This legislation would repeal a provision in the 1986 Tax Reform Act that would require farmers to capitalize the preproductive expenses of raising their livestock.

Mr. President, this new capitalization requirement is a truly burdensome and unfair tax on America's livestock farmers. The 1986 law requires that livestock farmers must capitalize preproductive expenses and depreciate them over the asset's productive life. But the recordkeeping burden involved with complying with the capitalization requirement is staggering. Farmers would have to keep track of all expenses—veterinary expenses, food, shelter, electrical costs—and allocate them to each individual animal.

The impracticalities of this onerous provision are obvious. In many cases, all the bookkeeping would be for naught. First of all, at the time of conception, the farmer doesn't know the sex of the animal. Therefore, the costs associated with male animals must still be capitalized for 9 months before it is known that the calf is a bull and thus cannot be used as breeding stock. Second, replacement animals aren't chosen until they are near breeding age. Typically, only a small percentage of a herd is actually chosen as replacement stock. Yet until that time, the preproductive costs associated with all livestock must be capitalized.

A farmer may elect to expend these costs. But if they elect this option, they would have to depreciate all farm assets related to their livestock business using straightline depreciation. In some cases, this can cut a farmer's tax benefits from first-year depreciation in half—resulting in higher tax bills.

Mr. President, Senator QUAYLE and I introduced this bill on June 11, 1987. The original Kasten-Quayle bill offset the revenue lost associated with the repeal of the capitalization requirement by limiting the use of cash accounting for large farms with annual incomes in excess of $5,000,000. Unfortunately, a version of our cash limitation provisions was included in the Revenue Act of 1987.

Mr. President, the distinguished Senator from Minnesota, Senator DURENBERGER, has been working with us to develop an alternative revenue offset which would be both fair and equitable, and raise the necessary revenue to pay for repeal of the capitalization requirement. We hope to introduce another bill within the next few days.

Mr. President, the Kasten-Quayle bill is oriented toward the family farmer. It eliminates the enormous recordkeeping burden on small to mid-sized family farmers. It is a much-needed improvement to the Tax Code, and I urge my colleagues to join us in supporting it. I ask unanimous consent that the text of the bill be printed into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CERTAIN LIVESTOCK BREEDING EXEMPT FROM RULES REQUIRING CAPITALIZATION OF PREPRODUCTIVE EXPENSES

Subsection (c) of section 263A of the Internal Revenue Code of 1986 (relating to general exceptions to capitalization and inclusion in inventory costs of certain expenses) is amended by adding at the end thereof the following new paragraph:

"(6) LIVESTOCK BREEDING.—This section shall not apply to livestock bred by the taxpayer (other than by embryo transplant).".●

● Mr. QUAYLE. Mr. President, today I am once again joining Senator KASTEN in introducing a version of the Livestock Producers' Tax Recordkeeping Relief Act. The original measure, S. 1353, we introduced on June 11, 1987, to remedy the onerous burden placed on livestock farmers by a provision originally included in the House version of the Tax Reform Act of 1986. The new tax law requires that livestock farmers capitalize the costs associated with their replacement breeding stock at the time of conception. Not only is this an unreasonable burden on livestock farmers, it would result in a great deal of subjective judgment in reporting taxes and thus is poor tax policy.

This new measure differs from the original in that it does not provide an offset for the revenues forgone from repealing the capitalization requirements on replacement breeding stock. The original bill that Senator Kasten and I coauthored placed limits on cash accounting for large agricultural operations as a means to offset the revenue loss of restoring the old law treatment for replacement breeding stock. Cash accounting, however, was used as a general revenue raiser in the reconciliation bill passed by Congress last year and therefore, a new offset must be found. I hope to work with the chairman and members of the Finance Committee to develop an offset for this much needed relief to our Nation's livestock farmers.●

ADDITIONAL COSPONSORS

S. 232

At the request of Mr. Wilson, the name of the Senator from Montana [Mr. Melcher] was added as a cosponsor of S. 232, a bill to permit placement of a privately funded statue of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia.

S. 1522

At the request of Mr. Riegle, the names of the Senator from Nebraska [Mr. Karnes], and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1766

At the request of Mr. Sarbanes, the names of the Senator from Maryland [Ms. Mikulski], the Senator from New Jersey [Mr. Lautenberg], and the Senator from Nevada [Mr. Reid] were added as cosponsors of S. 1766, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1817

At the request of Mr. Kennedy, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from United States savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1839

At the request of Mr. Melcher, the name of the Senator from Minnesota [Mr. Durenberger] was added as a cosponsor of S. 1839, a bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the Medicare Program, and for other purposes.

S. 1851

At the request of Mr. Kennedy, his name was added as a cosponsor of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 1856

At the request of Mr. Sasser, the names of the Senator from Alabama [Mr. Heflin], the Senator from Mississippi [Mr. Cochran], the Senator from Rhode Island [Mr. Chafee], the Senator from Illinois [Mr. Simon], the Senator from Maryland [Mr. Sarbanes], and the Senator from Nevada [Mr. Reid] were added as cosponsors of S. 1856, a bill to amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission programs, and for other purposes.

S. 1869

At the request of Mr. Leahy, the name of the Senator from Maine [Mr. Mitchell] was added as a cosponsor of S. 1869, a bill to amend the Agricultural Act of 1949 to protect the family dairy farm by establishing a regional dairy production stabilization program, and for other purposes.

S. 1904

At the request of Mr. Kennedy, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 1904, a bill to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce.

S. 1929

At the request of Mr. Bumpers, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2024

At the request of Mr. Baucus, the name of the Senator from Iowa [Mr. Grassley] was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2042

At the request of Mr. Durenberger, the names of the Senator from New Jersey [Mr. Lautenberg], the Senator from Nevada [Mr. Reid], and the Senator from Virginia [Mr. Trible] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2062

At the request of Mr. Nickles, the names of the Senator from Montana [Mr. Melcher], and the Senator from California [Mr. Wilson] were added as cosponsors of S. 2062, a bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax.

S. 2065

At the request of Mr. Heinz, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 2065, a bill to recognize the organization known as "Veterans of the Vietnam War, Inc."

SENATE JOINT RESOLUTION 21

At the request of Mr. Hollings, the name of the Senator from Florida [Mr. Graham] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 99

At the request of Mr. DeConcini, the names of the Senator from New Jersey [Mr. Lautenberg], the Senator from Ohio [Mr. Glenn], the Senator from West Virginia [Mr. Rockefeller], and the Senator from Missouri [Mr. Danforth] were added as cosponsors of Senate Joint Resolution 99, a joint resolution to express the sense of the Congress that the Special Supplemental Food Program for Women, Infants, and Children should receive increasing amounts of appropriations in fiscal year 1988 and succeeding fiscal years.

SENATE JOINT RESOLUTION 215

At the request of Mr. Durenberger, the name of the Senator from Wisconsin [Mr. Kasten] was added as a cosponsor of Senate Joint Resolution 215, a joint resolution to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial to women of the Armed Forces of the United States who served in the Vietnam war.

SENATE JOINT RESOLUTION 227

At the request of Mr. Hollings, the names of the Senator from Texas [Mr. Gramm], and the Senator from Florida [Mr. Chiles] were added as cosponsors of Senate Joint Resolution 227, a joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 245

At the request of Mr. Cranston, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of Senate Joint Resolution 245, a joint resolution to designate April 21, 1988, as "John Muir Day."

SENATE JOINT RESOLUTION 246

At the request of Mr. DeConcini, the name of the Senator from Florida [Mr. Chiles] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution to designate the month of April 1988, as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 249

At the request of Mr. Riegle, the names of the Senator from Mississippi [Mr. Cochran], the Senator from Texas [Mr. Bentsen], and the Senator from West Virginia [Mr. Byrd] were added as cosponsors of Senate Joint Resolution 249, a joint resolution designating June 14, 1988 "Baltic Freedom Day."

SENATE JOINT RESOLUTION 250

At the request of Mr. Grassley, the names of the Senator from Wyoming [Mr. Simpson], and the Senator from Nebraska [Mr. Karnes] were added as cosponsors of Senate Joint Resolution 250, a joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988."

SENATE JOINT RESOLUTION 254

At the request of Mr. Burdick, the name of the Senator from Missouri [Mr. Danforth] was added as a cosponsor of Senate Joint Resolution 254, a joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as National Health Awareness Week."

SENATE JOINT RESOLUTION 257

At the request of Mr. Humphrey, the names of the Senator from Wyoming [Mr. Simpson], the Senator from South Dakota [Mr. Daschle], the Senator from Michigan [Mr. Levin], the Senator from Pennsylvania [Mr. Specter], the Senator from South Carolina [Mr. Hollings], the Senator from Missouri [Mr. Bond], and the Senator from Maine [Mr. Mitchell] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

SENATE JOINT RESOLUTION 260

At the request of Mr. Boschwitz, the names of the Senator from California [Mr. Wilson], the Senator from Florida [Mr. Chiles], the Senator from Arizona [Mr. McCain], the Senator from Illinois [Mr. Dixon], the Senator from Washington [Mr. Adams], the Senator from Missouri [Mr. Bond], the Senator from Massachusetts [Mr. Kennedy], the Senator from North Dakota [Mr. Burdick], the Senator from North Carolina [Mr. Sanford], the Senator from Michigan [Mr. Levin], the Senator from Idaho [Mr. Symms], the Senator from South Carolina [Mr. Thurmond], the Senator from Connecticut [Mr. Dodd], the Senator from New York [Mr. Moynihan], the Senator from Florida [Mr. Graham], the Senator from Maine [Mr. Mitchell], the Senator from Alabama [Mr. Shelby], the Senator from Connecticut [Mr. Weicker], the Senator from Rhode Island [Mr. Pell], the Senator from Utah [Mr. Garn], the Senator from Rhode Island [Mr. Chafee], the Senator from South Carolina [Mr. Hollings], the Senator from Colorado [Mr. Wirth], the Senator from Tennessee [Mr. Gore], the Senator from Minnesota [Mr. Durenberger], the Senator from Idaho [Mr. McClure], the Senator from Alaska [Mr. Murkowski], the Senator from Michigan [Mr. Riegle], the Senator from Wisconsin [Mr. Kasten], the Senator from Mississippi [Mr. Stennis], the Senator from Hawaii [Mr. Inouye], the Senator from Arizona [Mr. DeConcini], the Senator from Hawaii [Mr. Matsunaga], the Senator from Massachusetts [Mr. Kerry], the Senator from Delaware [Mr. Roth], the Senator from Indiana [Mr. Lugar], the Senator from North Dakota [Mr. Conrad], the Senator from Alaska [Mr. Stevens], the Senator from Delaware [Mr. Biden], the Senator from Virginia [Mr. Warner], the Senator from Alabama [Mr. Heflin], the Senator from New Jersey [Mr. Bradley], the Senator from Iowa [Mr. Grassley], the Senator from Kansas [Mr. Dole], the Senator from Indiana [Mr. Quayle], the Senator from South Dakota [Mr. Pressler], the Senator from Mississippi [Mr. Cochran], the Senator from Utah [Mr. Hatch], the Senator from Texas [Mr. Bentsen], and the Senator from New Mexico [Mr. Domenici] were added as cosponsors of Senate Joint Resolution 260, a joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week."

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. Melcher, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of Senate Concurrent Resolution 88, a concurrent resolution to facilitate the convening of a Silver Haired Congress.

SENATE RESOLUTION 341

At the request of Mr. Domenici, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of Senate Resolution 341, a resolution to permit amendments to bills implementing trade agreements under section 151(d) of the Trade Act of 1974 if such amendments relate to the domestic or foreign commerce of the United States in uranium, and for other purposes.

SENATE CONCURRENT RESOLUTION 99—CONDEMNING NORTH KOREA'S SUPPORT FOR TERRORIST ACTIVITIES

Mr. KERRY (for himself, Mr. Murkowski, Mr. Pell, Mr. Sarbanes, Mr. Cranston, Mr. Dodd, Mr. Simon, Mr. Sanford, Mr. Adams, Mr. Moynihan, Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Boschwitz, Mr. Pressler, Mr. Trible, and Mr. Evans) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 99

Whereas KAL flight 858 exploded in midair on November 29, 1987, killing all 115 passengers;

Whereas the United States Government has carried out its own investigation of the bombing of KAL flight 858, and concluded that the evidence of North Korean culpability for this action is compelling, and the same conclusion has been reached by the Government of South Korea and other nations;

Whereas North Korea has demonstrated, in incidents from destroying unarmed United States aircraft in the 1960's through raids by assassins and ax murders in the 1970's to the Rangoon, Burma bombing in 1983 which killed four South Korean cabinet ministers and thirteen other South Koreans, a disturbing and continuing pattern of disregard for human life;

Whereas North Korea has sought to disrupt South Korea's efforts to host a safe and successful International Olympics Games in Seoul this year;

Whereas the Secretary of State has placed North Korea on the United States Government's terrorism list by making a formal determination on January 20, 1988, that North Korea is a country which has repeatedly supported acts of international terrorism;

Whereas the Government of South Korea has dealt with these terrorist acts with firm, but proportional and responsible responses;

Whereas the deliberate destruction of civilian airliners is singularly despicable and represents a threat and an affront to all civilized people;

Whereas it is essential that the civilized nations of the world join together in condemning and countering such terrorist threats: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That

(a) the Congress—

(1) condemns North Korea for its bombing of KAL flight 858 and its pattern of engagement in, and support for, international terrorism;

(2) expresses its sorrow and deep sympathy to the family and friends of the 115 victims of the KAL flight 858 bombing;

(3) commends the Government of South Korea for its steadfastness in confronting the menace of North Korean terrorism, and for its many and continuing efforts to ensure a safe and successful International Olympic Games in Seoul this year.

(b) It is the sense of the Congress that—

(1) those responsible for the attack, including accomplices, should be brought to justice in accordance with the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and any nation or individuals with relevant information should cooperate with the appropriate investigating authorities;

(2) the governments of all nations should join in a unified stance against North Korea's actions, express their outrage over the terrorist attack on KAL flight 858, isolate North Korea until it ceases its sponsorship of international terrorism, and undertake appropriate measures against North Korea including the termination of trade and the implementation of sanctions;

(3) those nations with political or economic relationships with North Korea should join in steps, including the use of political and economic measures, to impress upon the Government of North Korea that the world will not accept such terrorist acts;

(4) the International Civilian Aviation Organization (ICAO) and other appropriate international aviation groups should take steps against North Korea, including consideration of efforts to suspend air service to that country;

(5) governments, organizations, and individuals should show their rejection of North Korea's efforts to undermine the International Olympic Games in Seoul by giving their full support to the holding of a safe and successful summer Olympics; and

(6) the Governments of Bahrain and Japan should be commended for their cooperation in the investigation of the bombing of KAL flight 858.

(c) The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit a copy of such resolution to the Secretary General of the United Nations, the President of the ICAO Council, and the President of the Republic of South Korea.

● Mr. KERRY. Mr. President, last November 29, Korean airlines flight 858 en route from Japan to South Korea, exploded in midair over the country of Bahrain. All 115 passengers aboard the plane were killed.

In the weeks following the incident evidence came to light which overwhelmingly pointed to North Korean agents who planted a bomb on the plane. Those agents later attempted to commit suicide, and while one succeeded, the other survived to admit to the bombing and implicate her government. The order to destroy the plane apparently came on instructions from the highest levels of the North Korean regime. It was an attempt by the Government of that country to sabotage the 1988 Olympics which are to be held in neighboring South Korea this summer. North Korea hoped that by blowing up a South Korean commercial airliner, people around the world would decide that it is too dangerous to attend the Olympic games.

This is not the first time that North Korea has engaged in state-sponsored terrorism. They have a sorry record of fostering terrorism through kidnappings and bombings including an attempt to assassinate the President of South Korea during a state visit to Burma in 1983. On that occasion four South Korean cabinet officials were killed. Our Government, under the Export Administration Act, has designated North Korea a state-sponsor of international terrorism.

I believe that this resolution is being offered at an appropriate time: just as the winter games in Calgary come to a successful close. Every 4 years the summer and winter Olympic games remind us that when countries can place their political differences aside in the name of athletic competition, the human spirit is universal.

This resolution not only commends the Republic of Korea for its steadfastness in confronting the menace of North Korean terrorism, and for its many and continuing efforts to ensure a successful 1988 summer Olympic games, but should also be viewed as a show of support for the 161 nations of the world that will participate in the summer Olympics. This peaceful assemblage of nations, this collective display of the human spirit, will not be undermined by a barbaric act of terrorism of an outlaw nation.

Finally, it is particularly important that we move forward on this resolution at this particular time. The International Civil Aviation Organization is scheduled to hold its annual meeting at the end of this month. Hopefully this resolution will encourage the international community to impose sanctions against North Korea during this meeting. We are serving notice that we expect ICAO to take strong action in response to this and other terrorist actions the North Koreans have undertaken.●

NORTH KOREAN BOMBING OF KAL FLIGHT 858

Mr. HELMS. Mr. President, on November 29, 1987, a terrorist bomb exploded aboard Korean airlines flight 858, killing 115 passengers and crew.

This bomb was planted by a trained terrorist who is the 26-year-old daughter of a North Korean diplomat, aided by a 70-year-old male accomplice. Her accomplice committed suicide, but she survived to acknowledge her role in this atrocity. They planted a time bomb aboard the South Korean airliner which was flying from Baghdad to Seoul. The plane exploded near the coast of Burma, causing the deaths of 115 innocent passengers and crew members.

The purpose of this barbaric and outrageous act was to frighten participants and potential attendees of the forthcoming summer Olympic games. This despicable act of terrorism emphasizes that if death flies the airways, then the entire world's system of travel and commerce will fall victim to indefensible terror-violence.

Mr. President, North Korea is a brutal dictatorship which has imposed the harsh and degrading doctrines of Marxism-Leninism upon a captive population. North Korea has committed major aggression in the past. North Korea has turned to assassination and terror-violence in the present. What other kinds of barbarism will North Korea undertake in the future? What does the civilized world intend to do about this Government of gangsters and thugs which seeks to hold the Olympic games hostage to the threat of death and random violence?

We must begin to strengthen international aviation agreements. We must begin to get all nations of the civilized world to quarantine the North Korean barbarians. We must begin to make state sponsors of terrorism pay for their outrageous crimes.

Mr. President, I support the resolution of the distinguished Senator from Massachusetts as an expression of moral outrage and political condemnation. However, the time has come to reevaluate our policies toward criminal governments that prey on innocent victims. I grieve for the passengers and crew of KAL flight 858. I grieve for the innocent victims of terrorism throughout the world. I am angered over the terrorist kidnapping of still another American in South Lebanon. These terrorist thugs must be brought to justice by one way or another. The time has come to deal with terrorists in a way that they will understand and in a way which will make them pay the price for these disgusting crimes.

● Mr. MURKOWSKI. Mr. President, on November 29, 1987, a Korean airlines plane flying from Abu Dhabi to Seoul blew up in mid-air. All on board, 115 innocent civilians, were killed.

The airplane was deliberately sabotaged by an agent of the North Korean Government.

This was merely the latest in a long series of North Korean sponsored terrorist activities.

In October 1983, a group of North Korean terrorists went to Burma to place a bomb designed to kill the President of the Republic of Korea. The bomb exploded prematurely and killed 4 members of the Korean Cabinet and 13 other members of the President's party.

North Korea's terrorist activities have not been confined to carrying out their grudge against the South. North Korea has trained its own agents to operate around the world and has trained terrorists from various troubled nations in its own academies of terror.

According to an article in the January 30, 1988 issue of Jane's Defense Weekly, written by Joseph S. Bermudez, North Korea currently operates an estimated 30 in-country guerilla warfare training facilities, and has a longstanding policy of providing both arms and training to terrorist groups.

Mr. President, I would like to request unanimous consent to have Mr. Bermudez' article printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORTH KOREA'S SPECIAL PURPOSE FORCES

(By Joseph S. Bermudz)

Recent revelations concerning the bombing of Korean Airlines flight 858 have again focused attention on North Korean covert operations throughout the world.

Although the KAL flight 858 operation was apparently conducted by members of the Korean Workers' Party (KWP) Central Committee's Research Department, the Korean People's Army's (KPA) four reconnaissance brigades are typically those who are responsible for conducting 'supra-peninsula' special operations.

These units were first organised during the years immediately after the Korean War with the mission of conducting military/political reconnaissance and raids within South Korea. They have evolved over the years into the elite of the KPA's Special Purpose Forces (SPF), and with their highly specialised skills, equipment and elite capabilities, these units are comparable to US Special Forces and Soviet Spetsnaz.

The chain of command for the reconnaissance brigades extends from the Ministry of People's Armed Forces, through the General Staff Department's Reconnaissance Bureau and VIII Special Purpose Corps, to the individual reconnaissance brigades.

During peacetime these units are subordinate to, and under the operational control of, the reconnaissance section (G-2) of the corps headquarters in which they are deployed. During wartime, control of these units reverts to the VIII Special Purpose Corps.

'Supa-peninsula' operations are normally controlled by the Reconnaissance Bureau and reconnaissance brigade personnel are seconded to the appropriate organisation (KWP Research Department) for the duration of a mission.

Because of the sensitive nature of reconnaissance brigade operations, there exists an intimate relationship between these units and the KWP Research Department, General Staff Department's Reconnaissance Bureau, General Political Bureau and the Political Security Department.

The four reconnaissance brigades have an aggregate personnel strength of approximately 16,800 and are deployed one apiece in each of the four corps bordering the demilitarised zone.

Each brigade has a strength of approximately 4,200 and is organised with a headquarters, rear services, signal company and 10 reconnaissance battalions. The basic element for combat operations is the reconnaissance team/squad of approximately 10 men. During 'supra-peninsula' special operations the basic operational unit appears to be a team of two to six.

Specific elements of each brigade are specially trained and organised for 'direct action' (company?) and diversionary (battalion?) operations. 'Direct action' operations are primarily concerned with the assassination or abduction of enemy personnel and occur both during peace and wartime.

Such operations will almost always be conducted with support from agents of the KWP Research Department or the Political Security Department.

Diversionary operations seek to seize strategic objectives before they can be destroyed, to destroy strategic objectives that cannot be destroyed by conventional means, and to create confusion and panic in rear areas.

These operations will be carried out while brigade personnel are disguised partially or completely in South Korean Army uniforms and civilian clothing. Diversionary units are trained in the use of, and are supplied with, South Korean/US uniforms and equipment.

To further support 'direct action' and diversionary operations, an unknown number of female personnel may be either organic to each reconnaissance brigade or attached from the KWP Research Department or the Political Security Department.

During operations within the Korean peninsula the reconnaissance brigades are responsible for intelligence gathering (military and political) for both the General Staff Department and corps commanders, supporting other SPF operations, and conducting special operations.

Reconnaissance operations consist of a reconnaissance team/squad conducting independent long-range patrols in much the same manner as current US long range surveillance units. They will typically be inserted with the assistance of either the navy or air force.

These teams will provide support for other SPF operations by conducting pre-mission reconnaissance, raids, ambushes, etc. Special operations will primarily consist of 'direct action' and diversionary operations.

'Direct action' teams will attempt to 'decapitate' the South Korean political and military command and control systems by the assassination or abduction of senior leaders. Meanwhile, diversionary troops, posing as South Korean troops, will conduct a variety of operations to assist other SPF operations and to spread confusion and fear throughout the rear areas.

Such diversionary operations will include, but are not limited to, the following:

Posing as military police and routing traffic along the wrong roads and into waiting ambushes.

Posing as reinforcements, these troops will spearhead special operations against airbases, strategic-theatre C^{3}I, and NBC warfare assets.

Capture of militarily strategic points such as bridges, tunnels, dams, hydroelectric plants, etc, before they can be destroyed by South Korean/US forces.

Due to their unique skills and capabilities it is conceivable that elements of the reconnaissance brigades may also be employed in the strategic counter-guerrilla role.

Operations beyond the Korean peninsula are currently concerned with 'direct action' and the provision of military training and assistance to foreign governments, revolutionary organisations and terrorist groups. However, during wartime this will be expanded to include special operations against US theatre global facilities in Japan, Okinawa, The Philippines, etc.

The most widely known reconnaissance brigade operation conducted beyond the Korean peninsula was the 9 October 1983 Rangoon assassination ('direct action') attempt on South Korean President Chun Doo Hwan.

During August 1983 a team from the 62nd Reconnaisance Brigade's 'direct action' unit was assembled to conduct the assassination. The team consisted of three reconnaissance personnel: Maj Zin Mo, commander, Capt Kim Chi-o and Capt Kang Min-chul, both demolition specialists.

Although details of their pre-mission training are incomplete, it is known that they received intensive mission-specific training in the city of Kaesong (II Corps) and could speak Chinese, Russian, English and Korean.

After receiving a final mission briefing by their unit commander, the team boarded the freighter *Tong Gon Ae Guk Ho* at the port of Ongjin, on 9 September 1983.

On 17 September the *Tong Gon Ae Guk Ho* entered Rangoon and five days later the team, dressed as crew members, left the ship. On entering Rangoon the team was met by a woman (possibly a KWP Research Department agent) who guided them to a safe house. On 6 October, they conducted a reconnaissance of the Martyrs Mausoleum and planted three remotely controlled explosive devices.

At 1025 h on 9 October the reconnaissance team detonated the explosives by remote control. However, the team had mistaken Ambassador Lee Kaechul's motorcade for that of President Chum Doo Hwan. Following the explosions the Burmese security authorities initiated an extensive search operation to locate and capture the team.

The next day, Maj Zin Mo was arrested after being spotted swimming across a small river. He lost one eye and an arm when he attempted to kill himself to avoid capture. Two days later, on 12 October, while waiting to rendezvous with the *Tong Gon Ae Guk Ho*, Capt. Kang Min-Chul and Kim Chi-o were located along a river bank. In the subsequent chase and fire-fight, Capt Kang Min-chul was arrested after being wounded while attempting to kill himself to avoid capture.

North Korea has a long standing policy of providing foreign governments, revolutionary organisations and terrorist groups with military training, foreign internal security and defence operations, and arms transfers.

North Korea currently operates an estimated 30 in-country guerrilla warfare training facilities. The course can last from three to 18 months and covers a broad range of subjects including urban or rural guerrilla warfare, counter-insurgency, internal security, VIP kidnap and assassination techniques, psychological warfare, etc.

Since the late 1960s these training facilities have trained in excess of 5000 foreign students. Graduates include members from the African National Congress, Popular Front for the Liberation of Palestine, Baader-Meinhof, Palestine Liberation Organisation, Mozambique Liberation Front, Red Brigade, Sandinista National Liberation Front and others.

Guerrilla warfare training outside North Korea presently consists of military advisory missions (primarily composed of reconnaissance brigade personnel) operating in at least 34 countries in Central and South America, Asia and Africa.

The size of these missions varies from a few dozen to over 100 personnel. The subjects taught are as diverse as are those taught in North Korea, but specifically tailored to the local conditions. For example, in South Yemen a 140-man military advisory mission gives instruction on the use of explosives, bomb and booby trap construction, clandestine organisation and communications, kidnap and assassination techniques, the use of small arms, document forgery, etc.

As an indication of the extent of the North Korea involvement in the international arena, since 1968 there have been almost 7000 KPA personnel dispatched to 47 country areas, and there are 62 nations which have been identified as receiving KPA guerrilla warfare training (25 are located in Africa, 19 in the Western hemisphere, nine in Asia, seven in the Middle East and two in Europe).

While conducting training abroad, the KPA military advisory missions have worked closely with Soviet, Cuban, East German and Chinese counterparts.

The North Korea willingness to support revolutionary organisations and terrorist groups and conduct special operations beyond the Korean peninsula is cause for concern throughout the international community.

The 100-plus North Korea embassies/diplomatic missions, trading corporations, trade and aid missions, and military assistance and advisory teams located throughout the world provide safe havens for these operations and pose a world-wide threat of North Korea support of terrorist activity.

Mr. MURKOWSKI. Mr. President, this latest act of terrorism deserves our most vigorous condemnation, but it demands even greater attention because of its timing.

As we reflect on the great numbers of Americans who are now in Calgary and will be journeying to Korea in September for the Olympics, it is vital that we condemn any attempt to defeat the good which the Olympics can contribute to world peace.

Mr. President, it is important that all elements of this Government condemn the actions taken by the North Koreans and warn them of the dire consequences of interfering with the peaceful conduct of the Olympics. To do less would be to condone their heinous crimes and leave in question the American dedication to the principle of free, unencumbered and safe travel in the air lanes of the world.

Mr. President, I feel strongly about this matter, that is why I have joined my colleague, Senator KERRY in drafting a Senate concurrent resolution condemning this North Korean atrocity. This resolution has been filed today with the cosponsorship of members of the Committee on Foreign Relations. I urge my other colleagues to support us in this effort. Terrorism threatens all Americans and we must condemn it wherever it occurs.●

SENATE RESOLUTION 380—TO AMEND SENATE RESOLUTION 352, RELATING TO THE BICENTENNIAL OF THE SENATE

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. RES. 380

Resolved, That Senate Resolution 352, agreed to April 11, 1986 (as amended by S. Res. 16[illegible], S. Res. 244, and S. Res. 293, 100th Congress), is further amended in section 6 thereof—

(a) by inserting "(a)" immediately after "SEC. 6.", and

(b) by adding at the end thereof the following new subsections:

"(b) In carrying out its functions, the Commission may, with the prior approval of the Senate Committee on Rules and Administration, procure the temporary (not to exceed one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services.

"(c) In carrying out its functions, the Commission is authorized to engage the services of guest speakers and provide such speakers (other than speakers who are Members of Congress or officers or employees of the United States) with appropriate honoraria, transportation expenses, and per diem in lieu of subsistence.".

AMENDMENTS SUBMITTED

POLYGRAPH PROTECTION ACT OF 1987

NICKLES AMENDMENTS NOS. 1408-1410

Mr. NICKLES submitted three amendments, intended to be proposed by him to the bill (S. 1904) to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce:

AMENDMENT No. 1408

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR DRUG SECURITY, DRUG THEFT, OR DRUG DIVERSION INVESTIGATIONS.—This Act shall not prohibit the use of a lie detector test by any employer authorized to manufacture, distribute, or dispense a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the Controlled Substances Act (21 U.S.C. 812) to the extent that—

(1) such use is consistent with—

(A) applicable State and local law; and

(B) any negotiated collective bargaining agreement that explicitly or implicitly limits or prohibits the use of lie detector tests by such employer;

(2) the test is administered only to an employee who has, or a prospective employee who would have, direct access to the manufacture, storage, distribution, or sale of any such controlled substance;

(3) the results of an analysis of lie detector charts are not used as the sole basis on which any employee or prospective employeee is discharged, dismissed, disciplined in any manner, or denied employment or promotion; and

(4) if the test is administered to a current employee—

(A) the test is administered only in connection with an ongoing investigation of criminal or other misconduct involving, or potentially involving, loss or injury to the manufacture, distribution, or dispensing of any such controlled substance by such employer; and

(B) the employee had access to the person or property that is the subject of the investigation.

AMENDMENT No. 1409

On page 28, between lines 14 and 15, insert the following new subsection:

(e) CHILD CARE EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any child care facility. This subsection shall not preempt or supersede any State of local law that prohibits or restricts the use of lie detector tests.

AMENDMENT No. 1410

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR SECURITY SERVICES.—

(1) IN GENERAL.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on employees or prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or politicial subdivision thereof, or the national security of the United States, as detemined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipment or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information or property.

(2) COMPLIANCE.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such employees.

(3) APPLICATION.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the sole basis on which an employee or prospective employee is discharged, dismissed, disciplined in any manner, or denied employment or promotion; or

(B) the test is administered to an employee or prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a hearing during the session of the Senate on February 19, 1988, on S. 1851, the Genocide Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on February 23, 1988, at 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the

Senate on Tuesday, February 23, 1988, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING COLORADO CIVIL RIGHTS ACTIVISTS

● Mr. WIRTH. Mr. President, last month our Nation observed for only the third time the birthday of Dr. Martin Luther King, Jr., our Nation's greatest civil rights leader, as an affirmation of our commitment to the ideal of true equality for all citizens.

In Colorado, the work of three tireless advocates for this ideal, who also fought to establish Dr. King's birthday as a State holiday, must not be overlooked.

In 1975, Wellington Webb, then a member of the Colorado House of Representatives, introduced House bill 1100. He was assisted in this—and in all subsequent efforts—by Sheldon Steinhauser, a member of the Denver contingent in the famous civil rights march from Selma to Montgomery and by his wife—also a State legislator—Wilma Webb.

Despite the dedication of these three tireless advocates, more than five subsequent bills were required to be introduced before their remarkable perseverance was rewarded with enactment of Wilma's House bill 1201 in 1984. That achievement culminated years of hard work and unflagging faith, giving Colorado an opportunity to commemorate this great spokesperson for true justice and equality.

I believe it is fitting to recognize Wellington, Wilma, and Sheldon for their efforts on behalf of all Americans. In the 20 years since the assassination of Dr. King, this Nation has made great progress. Yet, there is still much to be done. There are many young people in our country, born just a few years ago, who have little knowledge of the achievements of Dr. King. Wellington, Wilma, and Sheldon have done much to ensure that his memory—and his dream—are kept alive.

Today we must rededicate ourselves to the cause of equal opportunity for all, to education for those who cannot read, to employment for those without jobs, and to equal justice for every citizen of our land. Wellington, Wilma, and Sheldon have shown consistent leadership and dedication for this cause. I join with the citizens of Colorado in thanking and commending them for their efforts.●

HOTEL DEL CORONADO CELEBRATES ANNIVERSARY

● Mr. WILSON. Mr. President, it gives me particular pleasure to have this opportunity to salute a veritable landmark on the California coastline, the Hotel Del Coronado, as it celebrates its centennial anniversary today.

For 100 years, the Hotel Del has graced the city of Coronado and the San Diego community as a mecca for visitors from around the world, and as the site of countless great events in American history.

Throughout its long and illustrious existence, the Hotel Del has played host to the world, fulfilling its promise of luxurious accommodations, splended tennis facilities, haute cuisine, and the luring sparkle of the Pacific Ocean at its back door. From royalty and presidents, to movie stars and giants in industry, the Hotel Del has offered its renowned hospitality with inimitable style and grace and has succeeded mightily in sustaining its reputation for excellence since its opening 100 years ago.

I join with all Californians and all who have been part of this hotel's colorful history, in celebrating this coastal landmark whose nostalgic journey began a century ago on February 19, 1888. It is my great honor to herald the 100th anniversary of the historic and venerable Hotel Del Coronado today within this Chamber of the U.S. Senate.

THE RULES OF PROCEDURE FOR THE COMMITTEE ON ARMED SERVICES

● Mr. NUNN. Mr. President, Senate rule XXVI.2 requires all committees to adopt rules of procedure and to publish their rules in the CONGRESSIONAL RECORD by not later than March 1 of each year.

I ask that the rules of procedure adopted by the Committee on Armed Services be printed in the RECORD at this point.

The rules follow:

ARMED SERVICES COMMITTEE RULES OF PROCEDURE

(Adopted February 24, 1987)

1. *Regular Meeting Day and Time.* The regular meeting day of the committee shall be each Thursday at 10:00 a.m., unless the committee or the chairman directs otherwise.

2. *Additional Meetings.* The chairman may call such additional meetings as he deems necessary.

3. *Special Meetings.* Special meetings of the committee may be called by a majority of the members of the committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Open Meetings.* Each meeting of the committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. *Presiding Officer.* The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by majority vote the committee provides otherwise.

6. *Quorum.* (a) A majority of the members of the committee are required to be actually present to report a matter or measure from the Committee.

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, seven members of the committee shall constitute a quorum for the transaction of such business as may be considered by the committee.

(c) Three members of the committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy Voting.* Proxy voting shall be allowed on all measures and matters before the committee. The vote by proxy of any member of the committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

8. *Announcement of Votes.* The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the committee. The announcement shall in-

clude a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee who was present at such meeting. The chairman may hold open a rollcall vote on any measure or matter which is before the committee until no later than midnight of the day on which the committee votes on such measure or matter.

9. *Subpoenas.* Subpoenas for attendance of witness and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. *Hearings.* (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the committee shall file with the clerk of the committee a written statement of his proposed testimony at least 24 hours not including weekends or holidays prior to a hearing at which he is to appear unless the chairman and the ranking minority member determines that there is good cause for the failure of the witness to file such a statement.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the chairman.

11. *Nominations.* Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before being voted on by the committee. Each member of the committee shall be furnished a copy of all nominations referred to the committee.

12. *Real Property Transactions.* Each member of the committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the chairman of the committee within thirty (30) days from the date of submission.

13. *Legislative Calendar.* (a) The clerk of the committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the committee. A copy of each new revision shall be furnished to each member of the committee.

(b) Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the committee. Each subcommittee of the committee is part of the committee, and is therefore subject to the committee's rules so far as applicable.

15. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.●

STATE OF THE JUDICIARY

● Mr. **HATCH.** Mr. President, Supreme Court Chief Justice William H. Rehnquist recently issued a year-end "state of the judiciary" report. In it he refers to over 300,000 cases acted on in the past year throughout the Nation's Federal court system.

Not only do these statistics suggest a great deal of work and dedication on the part of the Federal courts, it also shows the massive workload they struggle under—many with inadequate staffing.

Presently there are 48 vacant judgeships, many of which have been vacant for years. If the Federal courts are to receive the help they so desperately need to even keep up with the current caseload, action must be taken now to fill those positions.

In an article taken from the National Law Journal which I will submit for the RECORD, a plea is made to the Senate Judiciary Committee to "suppress its political concerns as much as possible and act in this election year to fill the vacancies that already exist." I heartily second that plea, and urge my colleagues to do likewise.

The article follows:

[From the National Law Journal, Jan. 18, 1988]

AT YEAR'S END

It has become somewhat of a tradition for the chief justice of the United States to issue a year-end "state of the judiciary" report. Such retrospectives are often self-serving, but they also serve an important function for all who practice in the nation's federal courts: The reports give some indication of the priorities that exist for those who set the agenda for change within that system.

Chief Justice William H. Rehnquist's year-ender is no exception. It reviews the accomplishments of the past year—and there were many. For example, he notes that the Supreme Court acted on 4,340 cases; the courts of appeals, 36,010 cases; and the district courts, 238,000 civil and 41,087 criminal cases. That is an achievement of which the judges should be proud. However, the recitation of such numbers points up a problem as well: The nation's federal courts have a massive work load, for which they have inadequate staffing.

There are now 48 vacant judgeships, and it is clear that even more positions should be created. Justice Rehnquist cites 1987 estimates that, in addition to those vacancies, there is a need for 56 district and 13 circuit court judgeships just to handle the current caseload of the federal judiciary. He calls on Congress to act to fill the existing vacancies and to enact a judgeship bill to create the new, urgently needed judgeships. We heartily endorse both moves, and particularly urge the Senate Judiciary Committee to suppress its political concerns as much as possible and act in this election year to fill the vacancies that already exist.

On the other hand, Justice Rehnquist also used his year-end report to refloat a tired idea: the much-discussed intercircuit tribunal. He urges Congress to create this court to resolve disputes among the federal circuits because, in his words, "The Supreme Court does not and cannot consider every conflict among the circuits that reaches its docket for review each year."

As we—and so many others—have said before, there is no need for this court, and its creation would be a mistake. Perhaps if the chief justice would drop this idea, Congress would pay much more attention to the legitimate needs of the judiciary.●

THE KLAMATH INDIANS—A BIRTHRIGHT REGAINED

● Mr. **HATFIELD.** Mr. President, starting in the 1950's, the U.S. Government altered the nature of its relationship with the Indian people of this country. It was reasoned that the best course of action in dealing with the affairs of native Americans was to speed their assimilation into the mainstream of American life. Ignoring the special "trust relationship" that had been established between Indian tribes and the Federal Government, we embarked on a program known as "termination."

Termination did more than speed native Americans into a foreign world that they did not desire and were not equipped to enter. Along with losing their reservations and being cut off from Federal services, terminated tribes were essentially cut off from their Indian heritage. They were no longer recognized as Indians and the treaties that promised them Government support and jurisdictional autonomy became meaningless.

Fortunately, in recent years, we have seen the error of this policy and sought to reverse its disastrous effects. Tribal restoration has renewed the cultural unity of those who once were in danger of losing their identity through termination. By reestablishing the trust relationship with terminated tribes, the Federal Government has attempted to reverse the ill-advised policies of the past. We are once again providing necessary health and educational services, tribal management and economic development funding, housing, elderly assistance, and other essentials to those whom we had earlier turned our backs on.

It is important to note that this turnaround would never have been accomplished without a generation of Indian leaders who fought to reestablish what rightfully was theirs. An example in point is Chuck Kimbol of the Klamath Tribe in Oregon. As tribal chairman, he took his case for restoration to Congress and, in 1986, was successful in seeing a bill to that effect become law.

Catherine Van Horn of Oregon magazine recently did a story on Chuck Kimbol and the Klamath Tribe. It not only reflects upon the adversity that visited the tribe as a result of termination, but also chronicles the events and people that have led to a resurgence of tribal pride and productivity. I ask that the article be printed in the RECORD.

The article follows:

THE KLAMATH INDIANS—A BIRTHRIGHT REGAINED

(By Catherine Van Horn)

Morning has rolled so clean into the Klamath Basin that the smoke from Chuck Kimbol's Marlboro is the only cloud around, a white wisp spiraling against a blue backdrop of sky. Minutes after smoking the cigarette down to a stub and dropping it into the dirt, he reaches for another. He stands there in front of a Chiloquin diner, sending smoke into the sky and scuffing his Nikes in the parking-lot dust as he looks at the land around him.

"You know, the Klamaths have been here a long time, thousands of years," Kimbol says, his voice a slow, soft drawl full of small-town Oregon and the days he spent on the reservations. "We were here even before Crater Lake." As he drops another butt to the ground and heads for the driver's seat of a Bronco, a grin settles easily on his mouth, like a cat curling up in its favorite snoozing spot. "That," says the fifty-four-year-old with characteristic humor, "is why I look so old."

Kimbol, Klamath tribal chairman, and Kathy Hill, the tribal secretary, have offered to play scout across the tribe's former reservation lands. Kimbol revs up the Bronco and aims for the eastern border of the Klamath reservation, a title mostly dead in its meaning but still alwie on Indian tongues.

Klamaths, since before Mount Mazama blew itself into Crater Lake, had ranged over some 20 million acres, and often traveled to points farther north and south. When white settlers began blanketing the area like the water lilies covering Klamath Lake, the Indians agreed to confine their descendants to a little more than a million acres. But later generations found their tribal timberland, and even their ancient culture, whittled away by government agencies and representatives. Eventually, under the Termination Act of 1953 and subsequent legislation, the Klamath reservation was sold away, the rights and services guaranteed by treaty dismissed and the Klamaths themselves declared a terminated people.

Congressional legislation, called the Klamath Restoration Act, recently has begun to reverse its 1950s termination counterpart. Under restoration, the Klamaths once again are a federally recognized tribe and are eligible for all the health, housing, educational and other services tied to that recognition.

It is this bill, submitted by Representative Bob Smith on behalf of the Klamaths and passed in August 1988, that Kimbol keeps circling back to as he treks across his ancestors' land. He knows this land like he knows his nine kids, knows every nuance and quirk and characteristic: the skinny trunks of lodgepole pine reaching for the sky; the tumbling waters of the Sprague River; the spongy grasslands of the Klamath Marsh. Not every association with the land is positive, however. He passes Fort Klamath, where soldiers hung Modoc chief Captain Jack and where Kimbol has never visited. "I have no interest in seeing where [the chief] was hung," he says seriously before adding a lighthearted punchline. "I could be next."

Kimbol points out these landmarks as he drives, showing the Klamath past as he explains how restoration will shore up the future. His loping speech accelerates, gaining force as he discusses the Klamath's coming years and shares his hopes for the next generation. "I don't see anything this tribe can't do now if it sets its mind to it and everybody works together," he says. "And there isn't anybody who can't contribute. I haven't seen the shirt sleeve yet that I couldn't roll up."

But after driving for hours across the former reservation, after peering through sunglasses at the acres of Klamath forest and marsh and sagebrush that no longer belong to the tribe, the trauma of the tribal past briefly suffocates Kimbol's spirit, sedates his wry jokes and soft laugh. Restoration, for all the healing benefits he believes it will bring his needy tribe, can do little to replace these ancestral grounds or ease decades of collective and personal pain.

"I'm no wimp or nothin'," he says, reflecting on what used to be and what is now, "but sometimes you just cry on the inside."

"And," says Kathy Hill softly from the Bronco's backseat, "sometimes you cry on the outside, too."

Ask any Oregon high school student, and he'll probably know who Lewis and Clark were. The name of Doctor John McLouglin likely is stored on his memory discs, as well as that of Fort Astoria and the role of fur trapping in the Beaver State. But quiz him about Oregon's Indian history and his mind may be as blank as a blackboard during summer.

Oregon hasn't scored well in highlighting the history of those who came before the pioneers, even though their legacy is all around us. The Willamette River, Multnomah County, the Siskiyous, the Umpqua—the names are continuing reminders of those whose land this once was. But many Oregonians don't think about these reminders, and given their Indian neighbors little thought unless they visit Kah-Nee-Ta or happen across a pow-wow at the state fair. The irony of this indifference is that while being ignored by the majority on the homefront, the Klamaths often have been under the glare of the federal spotlight.

Termination, a philsophy long before it became law, was during the 1940s the latest governmental solution to "the Indian problem." Earlier versions of the solution called for segregation and isolation on treaty reservations—often in the middle of nowhere—while children as young as four were sent away to Indian boarding schools. After World War II, the latest-model idea said Indians should be assimilated, sent into the white world to make their way.

Klamaths were one of the first Indian tribes terminated, chosen because the reservation superintendent believed the relatively well-off Klamaths were prepared for white America. "The Bureau of Indian Affairs, at least certain government officials, had kind of sold the folks on the idea that it was going to be a panacea. That termination was going to do all these good things. That now you're going to be just as good as anyone else," says Joe Coburn, a blue-eyed, gray-haired tribal member who served as chairman for the restoration committee and now works as the director of research and development for Indian education at Portland's Northwest Regional Educational Laboratory. "And I remember a lot of talk about the Klamaths being first because they're the most civilized. That was the word they used: 'civilized.'" Says Kimbol: "We were the big test case."

Termination, for most tribes, largely meant the federal government no longer assumed responsibility for their social service and other needs, and that the government no longer recognized their treaty. Unlike most other terminated tribes, however, the Klamaths owned one of the largest stands of ponderosa pine in the nation. In legislation unique to the Klamath termination bill, the tribal members also were forced to choose between selling their share of tribal lands and receiving cash or placing their tribal share under what was then an unknown Oregon trustee. Those who voted to sell became withdrawing members; those who put their fate under the new trustee became remaining members. Descendants, those born after the termination bill was signed, would have no choice to make; they would receive nothing for the loss of their ancestral homelands. And no tribal member—remaining, withdrawing or descendant—received any remuneration for the loss of health, education, housing and other services that had been guaranteed them by treaty.

Unsure of the future except for the knowledge that all federal services were gone, but sure of their checkered past under federal trusteeship, 78 percent of the tribe chose to collect the cash. Many of them felt like Irwin Weiser: "When termination came, I thought people wasn't ready for that," says the thin, seventy-nine year old. "But I withdrew because it was the only thing I can do. Because I found out that the U.S. [National] Bank was going to take over the tribe."

Withdrawing members eventually received $43,000 for their share of tribal land. Remaining members, unhappy with their new trustee, voted to terminate that relationship. Some asked for their land back, others hoped the tribe could form its own corporation. Instead, all received cash payments. In a drawn-out affair, remaining members eventually received $275,000. The entire process from 1954 until 1973, for both withdrawing and remaining members, was a fiasco, replete with lawsuits, get-rich schemes at the Indians' expense, and multiple misunderstandings between Klamaths and whites, Klamaths and other Indian tribes, and among Klamath tribal members themselves.

In effect, termination turned the Klamaths into non-Indians.

Restoration, on the other hand, was designed to put the Indian back in the Klamath name. Terminated tribes began seeking restored status during the seventies when the legislation proved to be disastrous for Indians and the political climate had warmed up to their plight. Leading the way, the Menominnees of Wisconsin in 1973, and Oregon's own Sletz tribe in 1976, sought and received restoration and all the rights and services that came with it. The Klamaths won the same in 1988, after ten years of planning and organization centered out of a tiny town that the federal government forgot.

Chiloquin is a town on spindly legs, a place where boarded-up buildings stare with blank faces and traffic jams never happen. The nearest shoe shop, car dealer, movie theater and major grocery store lie thirty miles south in Klamath Falls. What once was the city jail now serves both as city hall and the library.

Even in its heyday as a reservation town, Chiloquin could never be mistaken for a big city. And now, hard hit by recessions, sluggish timber markets and the termination of what was once the second-richest Indian tribe in the nation, Chiloquin seems only a few breaths away from extinction. But on one corner of donwtown Chiloquin, a place that takes longer to say than drive by, there has been much activity.

The Klamath Tribal Fish and Wildlife Office sits on this corner, a faded, old facade stocked with desks, maps, employees and a computer or two. Under this office since 1975, Kimbol and other Klamaths dug themselves out from under termination debris and reorganized their tribal government. They filed law suits to protect tribal hunting and fishing rights on former reservation lands and began a long, convoluted push for restoration that sent Kimbol to see Representative Bob Smith and Senator Mark Hatfield, and that sat him down several times in front of Congress.

Networking with national legislators was a task that crept up on Kimbol. For much of his life, he didn't shake hands well with authority. When he was a child at an Indian boarding school in Albany, he found ways to evade the nuns and made several runaway tries for home. As a teenager, Kimbol and a group of friends, all hidden by masks, handcuffed the reservation's federal police officer to a pole. Then there was the time he rode a horse into the middle of the town's roller rink. "I thought I was Tonto," he says with a laugh.

Further escapades landed him, handcuffed and shackled at the age of fifteen, in an adult federal prison in Colorado. When he left, they told him he'd be back. "I came back to Chiloquin and got married," he recalls. "Otherwise I might have been back."

Marriage and the births of his nine children, coupled with termination and the disintegration of tribal pride and rights, led Kimbol to forgo handcuffs and horses for involvement in city and tribal government.

Kimbol, whose quarter-Klamath blood surfaces in midnight-black hair touched with gray and slicked back on his head, has served as tribal chairman for ten of the past twelve years. With a bottom row of teeth that seem to have been clear-cut on one side, and a manner as gently rustic as the land on which he lives, Kimbol may seem an odd choice for tribal leader. But, say his coworkers, his dedication and strength to see an issue through make Kimbol the right choice to lead the Klamaths out of chaos and into restoration.

"I'll tell you one thing," says Kimbol. "Don't ever tell me it can't be done."

The Klamath push for restoration, like other such attempts elsewhere, was backed by statistics that told a story sad enough to make even Custer cry. "While for other people things were getting better and better, our situation was a mess," says Hill. From 1966 to 1980, more than half—52 percent—of tribal members living in Klamath County died by the age of forty. Forty percent of all deaths were alcohol related. The infant mortality rate was two-and-a-half times that for the rest of the state, equaling the numbers in many developing nations to which the United States sends aid.

Indians flush with money, confused about the loss of their identity and expected to work in a white world that still discriminated against them, often poured their money into booze. "There was a point in time where this whole termination thing really got to me," says Elnathan Davis, once a Weyerhaueser employee, now a retiree taking classes at the local college. "I used to have a nervous stomach all the time. I couldn't sleep and I was a wreck, you might say, until I discovered that if you go down to the bar and you take a shot of whiskey, it would alleviate that."

While some Klamaths invested their money, many more used it for simple subsistence or just plain spent it—down to the last dime. The Bureau of Indian Affairs for years had issued per capita checks to Klamaths, money tribally earned through the sale of reservation timber. Klamaths were used to receiving these moderate amounts periodically, and many were overwhelmed by the size of their termination checks. Little advice on money management was offered.

"Ninety-five percent of all Indians that lived on the reservation were incapable of handling large sums of money because they never had to," says Kimbol, who invested his in homes and property. "You lived in a system where you were doled out per capita. Every transaction that involved you was done by the bureau, whether it was health or whatever. Any kind of major decision dealing with money or anything else was done by the bureau. You went through a lot of eras where you weren't even given money. It was paper purchase order. So you see, we was never really oriented to manage money. You can still see that in a lot of families."

Perhaps the most destructive effect of the Klamath termination was the interpretation of the tribe's actions. Klamath were given no notice about terminations; they simply were given the option to cash out their share or take their chances under a new trustee. But few outside the tribe understood that choice. "I remember when they got their money," says a Medford man who played baseball with some of the Klamath boys. "We were jealous. We were wishing we could have been given such a windfall."

That, says Kimbol, is a crock. "One of the biggest misconceptions of people in this country is that [the federal government] gave us this land," he retorts. "The federal govenment never gave us anything. This land was already ours. And the money we received was simple barebones payment for that land. People thought we were paid off not to be Indian, but we were just paid the appraisal value of the land."

The misconceptions that really wounded, though, were the ones harbored by other Indian tribes. Rayson Tupper, a Klamath cowboy from his boots to his hat, rodeos in his spare time, and he remembers what the rodeo circuit was like after termination. Indians from tribes still recognized by the government verbally spit on the Klamaths. "To have the government tell you you're not Indian is bad enough," he says. "Then to have other Indians tell you you're not Indian, that you sold out, really hurts your heart."

With restoration, the Klamaths have become federally recognized again, able now to participate in a range of programs denied them for thirty years. Tupper's daughter this year enrolled and was voted homecoming queen at Haskell Indian Junior College in Kansas, an Indian school she was not qualified to attend before restoration. Over $400,000 in business development grants given through the Bureau of Indian Affairs ended up on the spreadsheets of Klamath entrepreneurs, grants available only to federally recognized Indians. Last year, Klamath Indians received more than $600,000 in previously unavailable Indian Health Services.

"Restoration," says Tupper on a Saturday morning as he drains a cup of coffee and heads off to a meeting of the Klamath education committee, "is putting us back together again."

Bonnie Weiser's family is one well acquainted with the alcohol, death and poverty rates in the Klamath tribe, and one that restoration—with its goal to turn the Klamaths into a self-sufficient, smooth-running tribal organization—can help. A rounded, gentle woman, framed by dark hair and ample flesh, Weiser surrounds herself with family.

Today, her father sits at the table in her modest home on a Klamath Falls hill. Three of her six children have their own homes, but one grown daughter, Alicia Nieto, is visiting today, leaning forward in her chair, keeping an eye on her kids. Jay, Weiser's eighteen-year-old, football-jock son, sits nearby, holding a sore head bumped in a weekend game. His hair is cut in up-to-the-minute fashion, with Don Johnson-style spikes on top and sergeant stripes buzzed into the back. Other children—sons, nieces, grandchildren—move through the house among much noise and pleasant chaos.

Weiser believes strongly in family affection, probably because her own childhood provided so little. A sister brutally beat her when she was young, making doctors wonder if she would live. An ex-husband did the same. She went into foster care when her father couldn't care for her. As an adult, she once sold drugs and drank often—until the morning she woke up on the couch and found her children gone. "I thought the welfare had got my children," she says. But her children were playing at the park. Weiser quit the hard life. "From that moment on I said forget it. No more for me."

When recalling these episodes, Weiser's eyes are as dry as her bank account. But when she talks about termination killing

her brothers, using alcohol as the weapon, her voice thickens and tears threaten to wet her face. "I've had brothers who died very, very cruel deaths based on house parties and drinking," she says, referring to ongoing parties that lasted for days and even weeks. "I always blamed it on people's depression from being a prosperous, rich tribe and feeling proud, and then going to—what? Just nobody. To not being Indian any more."

During the course of one of these parties, her brother was stabbed. He bled to death. She had another brother, a veteran. "That's one that still hurts," she says. Weakened by a fever and excessive drinking, her brother was resting on her grandmother's couch when an intruder attacked him, beating him to death.

Weiser pauses, tears beginning. Then she goes on. "My other brother was drinking and got rowdy. He had just got a brand new '57 Chevy and he wrecked it. He was my life at that time. I didn't have anybody else."

She wipes the tears away but more fall down her cheeks. With a sob, Weiser finishes her story. "It wasn't just my brothers, but other people. It was other people. My cousins, friends, everybody."

Jay watches his mother cry from the memories, but he has heard this tale before. Weiser shares her past with her children to keep them from following suit. "I hear all the horror stories," says Jay. "And that's what they are, horror stories. My grandpa had ten children. He only has three now. Seven have died."

Jay has entered into affairs of the tribe with an interest rarely seen among the Klamath young. He attends tribal meetings and talks often with Chuck Kimbol. "I told him I was going to apply for a job," Jay says, "and he asked me what kind. I said chairman and Chuck laughed. He said, 'Oh, you're going to fill the man's shoes, huh?' And I said, 'Yah, what size do you wear?' "

Kimbol, Coburn and Hill, as well as Weiser, look to Jay as a leader for the next generation, one that can carry out the restoration mission begun by Kimbol's contemporaries. If that pressure weighs heavily on Jay, he seems to shoulder the burden well. A high school junior, he plans to become a registered nurse and to help in tribal affairs. "I'm the future," he says. "I'm not going to let my children grow up in the atmosphere of the past years."

More than a year has passed since legislators unanimously signed the Klamath restoration bill into law and allocated a total of $1.5 million to the tribe for start-up money. Most of those funds have been plugged into administrative sockets: salary for new employees and for a BIA representative to work out of the tribal office, a time-saving move since Chiloquin is hundreds of miles from the nearest BIA headquarters; money to fund the completion of a needs assessment, a tome of medical, educational and health-related questions given to each tribal member for completion; and the creation of a newsletter to keep tribal members abreast of the times. Start-up money also helped the tribe finance an additional office, a bigger, low-rise building leased on the now-vacant site. The office, full of activity, has become a new tribal home, replacing the agency and the reservation as the gathering place.

With so little money allocated for fiscal year 1987 and money for 1988 just delivered, the tribe has yet to make much visible change. "It's been really hard on our tribe because people, they're so impatient," says Hill. "There's so much poverty, so many health problems. As soon as restoration was signed, they wanted to have everything other tribes have. They want housing. They want education. It's not that easy."

A few tribal members seem suspicious that Kimbol and his "clan" have pocketed restoration monies for a quick trip to Rio instead of plowing them into services. This discord is symptomatic of the disease that could well cripple the restoration effort, leaving the tribe to limp on as it has for the past thirty years.

Factionalism abounds in the tribe, and in fact dates back to the treaty days. In 1864, when the Klamath treaty was signed, a reservation was created not only for the Klamath but also for Modocs and the Yahooskin band of Snake Indians. The tribes had no belief that neighbors should be friends. And hard feelings between remaining and withdrawing members, and between descendants and their termination elders, still exist.

"That has been really tough to deal with," says Kimbol. "But our whole tribe has to be together. In the last four and a half years, there's no one prouder of this tribe than me. They stuck together. Without that, we'd have never got restored. But now we got to keep on sticking together.

"We have to organize ourselves," he says. "We don't have time to go off in the wrong direction."

The right direction slowly will unfold over the next years as Kimbol and the Klamaths probe into opportunities, balance need against want, possibilities against improbabilities. Kimbol hopes to bring in tourism, businesses, government contracts, any kind of economic development that will work for the Chiloquin area and give his tribe jobs. Already, the Klamath tribal fish and wildlife office has begun piecing together a fishery, located on land donated by Kimbol's sister.

Kimbol points out the land on his driving tour, speculating on future land acquisitions and businesses. "I've got a lot of ideas," he says, "but we're just going to have to identify what's going to fit in here."

Kimbol doesn't expect the restoration activities to bring in big money overnight, or even soon meet all the needs that exist among his people. As he winds up his tour across the former reservation, driving past the lakeside home where he was raised, a tiny building now decaying into the ground, he talks about the long road ahead. "I know it's not going to be easy," he says. "It's going to take an awful lot of hard work. Are we going to be self-sufficient in my lifetime? Likely not.

"But twenty years from now, I'm not going to be here. The young people of today, they and the next generation will be a lot better prepared for tribal business or whatever. A lot better prepared to succeed."

Unlike their ancestors, Kimbol believes, the next generation of Klamaths will live in a time when to be Klamath Indian in a white society will be something to celebrate. "To adapt and become a part of another society doesn't mean that you have to sacrifice and give up your own culture. We've learned that you can have both—two worlds. And now white people are even thinking that way."

Later, from his downtown Portland office that looks out both over faded buildings low to the ground and new, many-storied structures that tower above, tribal member Joe Coburn echoes the words of his childhood friend and grown-up colleague. The Klamath tribe once again is learning to be proud of its heritage and to hold on to it. "The tribal pride is back," says Coburn. "It's great to be Indian again."●

BICENTENNIAL MINUTE

FEBRUARY 5, 1862: SENATOR JESSE BRIGHT EXPELLED

(By request of Mr. SIMPSON, the following statement was ordered to be printed in the RECORD:)

● Mr. DOLE. Mr. President, 126 years ago this month, on February 5, 1862, the Senate expelled Indiana's Democratic Senator Jesse Bright on grounds of disloyalty to the United States. Bright, the body's most senior Democratic Member and a former President pro tempore, had earned a reputation for his knowledge of Senate procedures and for his forthright manner. Other Senators regarded him as capable of unswerving friendship to those who shared his proslavery views and as "an enemy who knew how to inflict punishment" to those who did not. One of his key adversaries was Massachusetts Senator Charles Sumner, a dedicated abolitionist. When the Democrats controlled the Senate in the 1850's, Bright as President pro tempore saw to it that Sumner received no committee assignments.

In mid-1861, in the early weeks of the Civil War, Union forces captured a Confederate arms merchant. They found among his belongings a letter of introduction from Senator Bright to "His Excellency Jefferson Davis, President of the Confederacy."

When the Senate convened in December 1861, a resolution was introduced calling for Bright's expulsion. The Indiana Senator argued that he did not recall writing the incriminating letter, but that he considered it appropriate to introduce a man who had been his friend to Davis who had been his Senate colleague. In opposition, Charles Sumner delivered a dramatic and damaging speech, demanding that the Senate purge itself of such traitors.

The proceedings, which had occupied the Senate intermittently for more than 6 weeks, ended on February 5 in a Chamber filled to capacity. Although the Judiciary Committee had recommended that Bright retain his seat, the Senate, by a vote of 32 to 14, disagreed. Of the 15 Senators who have been expelled over the course of the Senate's history, all but 1 were removed during the Civil War as partisans of the Confederacy.●

WOLF RECOVERY PLANS

● Mr. SYMMS. Mr. President, I would like to take this moment to address a Federal action of growing concern to the people who must live and work in the State of Idaho.

I refer to the U.S. Fish and Wildlife Service's "wolf recovery" plans for

Idaho. The supporters of this action have apparently been blinded to the negative effect it would have on local economies, not to mention the chaos it would cause in local ecosystems.

Following this statement, Mr. President, I would like to have inserted into the CONGRESSIONAL RECORD an article written by Marv Taylor, one of my constituents, from the November 19, 1987 Idaho Statesmen. I think that Marv's message provides an insightful look into public opinion on this issue. I urge my colleagues to examine it before jumping onboard the "wolf recovery" bandwagon.

The article follows:

TAKE A CLOSER LOOK AT PLAN FOR WOLVES

(By Marv Taylor)

CHAMBERLAIN BASIN (year 2025).—The trail crosses the creek, meanders across a meadow, and disappears into an aspen grove.

The pack string is only half way through the meadow when the lead rider reins up and points towards the far end of the grassy flat.

"There," he shouts to his companions, "Just to the right of that rock outcropping. Two big bulls."

The couple—a husband and wife in their mid-50s—dismount and set up a tripod and 35mm camera. With a telephoto lens, they leisurely take their pictures. They know they won't have to hurry because the elk are almost as tame as cattle.

After taking their photographs, they walk to the shade of a pair of spruce trees and sit down.

"Just think," the husband tells his wife, "back before the turn of the century, hunters used to come to this meadow in the fall, set up camp, and hunt and kill elk."

"That's right," the guide got into the conversation, "When I was a boy, my father used to bring me on at least one hunt each year. We'd set up camp back down where we first crossed the creek and scout elk through all of the area's meadows."

"When did they stop the hunting?" the wife asks, "And why?"

"I can tell you when—about 2010," the guide answers. "But I can't tell you exactly why."

"It had something to do with protecting an endangered species. After they reintroduced the wolf in Idaho, the state got tighter and tighter with regulations in the recovery area until finally hunting had to be stopped in order to guarantee a sufficient prey base for the several hundred wolves in the area.

When the husband asked why Idaho sportsmen stood by and allowed the federal government to reintroduce the wolf and eventually eliminate hunting, the outfitter didn't have a quick answer.

"I guess," he said after a moment of reflection, "they sort of sneaked up on us."

While the above scenerio may be an exaggeration of the potential impact the so-called Northern Rocky Mountain Wolf Recovery Plan will have on hunting, there are sportsmen in the state who believe, with a deep conviction, that the reintroduction of the wolf is all part of the antihunting conspiracy.

They also believe that the Idaho Department of Fish and Game is either a dupe in the conspiracy or—even worse—a willing partner.

The Fish and Game privately blames the feds—mostly the ultraliberal eastern block.

I've yet to query many who support restocking wolves in Idaho. Stockmen and hunters certainly don't. Business interests who depend on revenues generated from hunting, shouldn't.

If outdoorsmen are eventually restricted to taking photos of their quarry during big game safaris, I can guarantee many businesses in towns like Riggins and Salmon will go under.

There will also be no need for many outfitters and guides. As popular as photography is, and will continue to be, it will always be but a fraction of the pressure hunting is.

To protect their sport of big game hunting, Idaho sportsmen need to let the decision makers know how they feel about the wolf recovery program.

Conceived by the U.S. Fish and Wildlife Service, and members of the various state fish and game agencies, including the Idaho Department of Fish and Game, the plan calls for creation of 10 packs of wolves in each of the three "recovery areas."

The zones consist of approximately two million acres each in northwestern Montana, central Idaho and the Yellowstone area. While not yet precise, the Idaho recovery zone outlined in the rough draft, lies generally east and north of Boise.

Since endangered species needs always preempt all other uses in the area, multiple use—including hunting—would be governed by the attitudes of local government agencies.

There will be those who favor the plan, who deny the charge that big game hunting will suffer if the wolf plan goes through.

They will probably charge that we sportsmen are crying "wolf" once too often.

I'm not entirely sure "once" too often will be enough.

The very least Idaho sportsmen should settle for is an in-depth Environmental Impact Statement, and extensive public hearings on the wolf recovery plan.

At some point, the preservationists who are at the forefront of programs like the wolf recovery plan, must understand that a line must be drawn prohibiting unrealistic restocking efforts.

Thank goodness there aren't enough (any) saber-toothed tigers left. After all, they did roam the North American Continent at one time.●

TRADE ADJUSTMENT ASSISTANCE AMENDMENTS

● Mr. HEINZ. Mr. President, I have previously addressed the Senate on the urgent need to provide meaningful assistance to displaced workers. As I stated earlier, the Senate version of the trade bill contains critical improvements in the Trade Adjustment Assistance Program—improvements which will allow us to return displaced workers to meaningful employment.

Mr. President, in 1986 over 90,000 workers were certified as eligible for trade adjustment assistance benefits, including 2 years of training and 1 year of income support. Yet only 8,000—less than 1 in 10—were able to take full advantage of the program. The reason for this discrepancy is very simple: the Department of Labor's regulations deliberately close workers out of the program.

Under TAA, workers have a brief eligibility period in which to draw their cash assistance. Once that eligibility period ends, most must drop out of training because they have no means of supporting themselves and their families. For the past 7 years the Department of Labor has ruled that the benefit eligibility period begins after a worker's first separation from employment.

Well, what industrial worker is permanently separated after his first layoff? Steel mills and coal mines do not simply close overnight. They fight for dear life, going from overtime, to three shifts, to two shifts, to a skeleton crew, to final closing. This process takes years, and involves repeated layoffs and recalls of workers. In my home State most workers are separated and recalled to their jobs 5 and 10 times before the plant finally closes for good.

But that is not the way the Department of Labor looks at it. When a dislocated worker applies for trade adjustment assistance, the department looks back to his very first layoff, and draws his benefit eligibility period from that time. In this way, a worker who was laid off in 1982, recalled to his plant, and then permanently separated from employment in 1986, is told that his eligibility for trade adjustment assistance began with his 1982 layoff, and expired 52 weeks after that—3 years before he was permanently separated.

Last December I received a somewhat detailed explanation of this bizarre practice from the department's undersecretary. The department claimed that regulations finalized last year cover this matter. The problem is that I can find no statutory basis for the regulation. It certainly was never my intent, as a finance committee member, to draft an adjustment program which has no regard for the needs of trade-impacted workers.

I am pleased to report that the trade bill passed by the Senate would correct the mess down at DOL. That bill requires the Department of Labor to draw the benefit eligibility period from the most recent separation. The Senate trade bill further would make the application of this policy retroactive in order to cover the workers denied benefits by the department's interpretations of the law.

These provisions, known as section 215 of the Senate trade bill, are essential to displaced workers throughout the Nation. Without these provisions workers will continue to be penalized if they worked for a plant which was forced to engage in short-term layoffs.

There is a simple word which describes current polity: Unfair. I hope that all my colleagues will join me, and the other authors of section 215—Senator MITCHELL and Senator ROCKEFELLER—and work to retain this critical amendment in any final conference agreement.●

NICARAGUA

● Mr. SYMMS. Mr. President, in a world where the free and unhindered exchange of information is the exception and campaigns of disinformation seem the rule, it is often difficult to find the truth. Further, when the truth is right before us, we often fail to recognize it as such. In spite of our best intentions in this Congress, we often fail to recognize the truth or the reality of a given situation. This would certainly be the case concerning United States policy toward Nicaragua. Recently, the House voted to delay further aid to the Democratic resistance fighting the Marxist Sandinista regime. This was done under the cry of "let's give peace a chance".

Certainly, peace is a noble and desirable goal, but is it more desirable than freedom? I think those who opposed further aid to the Contras have fallen into a trap of seeing the so-called Arias peace process as a goal in and of itself, and not as a means toward ensuring a free Nicaragua.

Mr. President, I ask that a recent article which appeared in the Miami Herald and written by Ambassador Otto Reich be reprinted in the RECORD. Ambassador Reich well knows the difference between "peace" and "freedom" and how the search for peace by well-meaning men can be subverted by tyrants and commandantes. He also clearly points out how those who seek to dominate others use disinformation and the tactic of the "big lie" until "black becomes white" and "white becomes black." Nowhere is this seen more clearly in the fact that many people view the United States as the "biggest threat to peace in the world today." Such an outrageous situation is the result of years of carefully planned and orchestrated propaganda from the Soviet Union. Propaganda which has been picked up and parrotted by many "blame America first" types here in the United States.

Mr. President, I congratulate Ambassador Reich for his insight into the Nicaragua dilemma and commend his article to my colleagues.

The article follows:

[From the Miami Herald, Jan. 31, 1988]

FROM MUNICH TO MANAGUA

(By Otto J. Reich)

(Ambassador Otto J. Reich is the U.S. ambassador to Venezuela. Reich, whose father was a Jewish refugee from Austria, was born in Cuba, then emigrated to the United States. He wrote this article for The Herald.)

Ever since I found out, as an adolescent, that my grandparents had been murdered by the Nazis, I wondered why reasonable men, acting in concert, had not stopped the Nazis before they could do so much evil. Listening to the current debate in Congress about aiding the anti-Communist resistance in Nicaragua, I think I have found some answers. The differences, of course, are many. 1938 is not 1988, Ortega is not Hitler and Nicaragua is not Germany. But some of the essential political and moral questions about the obligation of those living in freedom, to act in support of others under assault, apply today as they did half a century ago. And the need for the West to show the right amount of resolve and force at the right time to stop brutality is as relevant today as it was then.

This year marks the 50th anniversary of an event that led directly to enabling the Nazis to drag my Austrian relatives from their home in Vienna and ship them by cattle car to extermination camps: That event was the Hitler-Chamberlain meeting at Munich. Today few would defend the actions of that British prime minister who so blindly sought peace that he made war inevitable.

Today there is no politician who would describe his own policy for peace as one of appeasement. Every member of the U.S. Congress today would condemn Chamberlain's actions as naive and self-deceptive. And yet, a large number of such members are following a similar approach when it comes to standing up to totalitarian aggression in Central America.

Again, well-meaning men are desperately trying to find ways to "avoid war," desperately grasping at the straws of Sandinista promises just as Chamberlain grasped at Hitler's. Neville Chamberlain was among the best and the brightest of British society. And yet, among the questions we ask todav of his actions is: "How could he have been so stupid as to believe Hitler?"

Now, as then, the real aggressor finds apologists for his actions. Those trying to help the victim become the "obstacles to peace." Thus, as Winston Churchill carried out his lonely battle to alert the British people and parliament of the danger looming from Germany, Chamberlain could say with all sincerity that "Hitler is not the warmonger, Winston is." But then, how different is that statement from that issued repeatedly by members of the U.S. Congress that it is President Reagan who has prevented peace from coming to Central America?

In their view, the "warmonger" is not the Sandinista regime, which from its very first week in power set out to militarize Nicaraguan society; to bring in Cuban, Bulgarian, Vietnamese, Soviet, North Korean and PLO "advisers." No, the warmonger is the leader of the only democratic nation with the power and the will to stop the crushing of freedom. By their flawed logic, the issue is not the two and a half billion dollars of Soviet weapons in Nicaragua, but, rather, the issue is a fraction of that in U.S. aid to outgunned freedom fighters, largely made up of peasants.

Honest, educated and intelligent people can be very wrong—even dangerously wrong—when they overlook or downplay the actions of the real aggressors, whether in 1938's Europe or 1988's Central America. And the similarities are many: the militarization; the concentration camps for ethnic minorities; the violations of human rights; the suppression of free speech and press; the subordination of all political and civil institutions under the control of the ruling party. Although in power and scale they are very different, the parallels between Nazi Germany in 1938 and Sandinista Nicaragua in 1988 are there. But what is more incredible is the similarity in the response of some political and moral leaders of the Western democracies.

Thus, when the Sandinistas crush civil liberties, administration critics have an explanation: "They are under attack by a foreign power." No, they are under attack by their own people, who have risen in arms against oppression and who are receiving help from abroad just as George Washington's army received foreign assistance. But the apologists are not very original. Fifty years ago, Western apologists justified aggression thusly: "As long as Japan, Germany and Italy feel with reason that they are underprivileged . . . war is ever menacing." So said Father Lawrence Patterson in the Jesuit magazine America.

Some opponents of contra aid labor under the illusion that theirs is the road to "peace." But so did Neville Chamberlain and his cohort in the British Parliament. Some opponents mistakenly believe that stopping contra aid is "moral," but rewarding eight years of Sandinista repression of the Nicaraguan people and aggression against their neighbors is not moral, quite the contrary. Providing lethal aid to combatants is not pleasant to some of our legislators. But stopping that aid now and allowing the Sandinistas to consolidate their Marxist-Leninist dictatorship on the mainland of the Americas is not moral—it is the exact opposite.

The unwillingness of the West's best minds to face reality brought about the most repulsive chapter of modern history—the carnage of World War II and the Holocaust. Where was the morality in the actions of the appeasers? Was it in their intentions, which were no doubt pure? Or in the result, the monuments to which now stand in Normandy, Stalingrad, Dachau, Auschwitz and Hiroshima?

No, 1988 Nicaragua is not 1938 Germany. But the Sandinistas' victims, though far fewer than the Nazis', are just as dead. And not all opponents of contra aid are appeasers or new Neville Chamberlains. But regardless of their motivation, they should be very sure of the potential results of their actions.

My grandparents were not killed by the Nazis alone. Yes, Nazis pulled the trigger, or released the zyklon gas into the chambers. But my grandparents and the millions of others who died under the Nazi boot would not have entered those extermination camps if it had not been for the well-meaning but mistaken leaders of the democratic countries who used every excuse possible to avoid using the right amount of force at the right time to stop aggression. Will Munich be repeated in Managua?●

NATIONAL SAFE KIDS WEEK

● Mr. D'AMATO. Mr. President, I rise today to support a national campaign to prevent accidental injuries among American children. This campaign of training and educational programs is being implemented by the National Coalition to Prevent Childhood Injury, which includes many organizations devoted to the growth and enhancement of our children. We can recognize the important work that these organizations do by bringing their efforts to the attention of the American people. It is for this reason that I am pleased to cosponsor Senate Joint Resolution 240 to designate the week of May 16, 1988, as "National Safe Kids Week."

Accidential injury is the leading cause of death among America's children. It is estimated that 8,000 children lose their lives to unintentional injuries each year in our country. These injuries primarily occur within the home, school, and on our roads. The primary causes of these injuries are motor vehicle accidents, drownings, injuries as a result of falls, burns, and poisoning. Tragically, many of these injuries could have been avoided through better education about accident prevention.

Leading the way in this respect are organizations like the National Safety Council, which advocates safety measures in the home such as keeping hazardous materials away from small children. They encourage parents to designate "safe zones" within the home that are inaccessible to small children. The Boy Scouts of America have likewise been active in reducing childhood injury by promoting bicycle safety, with special emphasis on the use of helmets to prevent head injuries. Also active in childhood safety awareness are the American Red Cross, Girl Scouts, and the American Academy of Pediatrics.

I am pleased that these organizations have united in a campaign to eliminate childhood injury. I commend my colleague, Senator BIDEN, for supporting this campaign by introducing Senate Joint Resolution 240. Our children are our greatest and most cherished resource. I encourage my colleagues to join us in supporting their health and well-being by cosponsoring and passing this needed legislation.●

FRAUD OF THE DAY—PART 29

● Mr. HEINZ. Mr. President, today's fraud reveals some of the creative ways criminals will attempt to smuggle goods past the Customs Service. The deliberate trafficking of counterfeit goods in the case of "Operation Grab Bag" shows that a private right of action provision would provide an effective method of allowing injured parties to seek restitution. While Customs Service enforcement maintains the integrity of our laws, it does not alleviate the injury suffered by the victims of fraud—American workers, consumers, taxpayers, and businessmen.

A copyright/trademark violation was brought to justice in Philadelphia when a shipment of three cabinets with household goods from Korea was inspected. The three cabinets, which contained the household items, had false compartments where the smuggled counterfeit goods were discovered. There were 2,742 counterfeit Luis Vuitton items, valued at $67,570, seized by Customs agents.

Subsequent investigation of the smuggling operation resulted in the conviction of the Sam Wha Sea Transportation Co. of Seoul, Korea, on conspiracy charges. The Lee family of Philadelphia had worked together with the transporters of the illegal imports, and they were also convicted of conspiracy in addition to charges of smuggling and trafficking in counterfeit goods.

Mr. President, that was a small case in dollar terms, but it demonstrates that customs fraud is not a matter of accident or innocent error filling out a declaration form. Unfortunately, we are faced with people both here and abroad who deliberately set out to violate our law for their own personal gain and who are quite creative in pursuing that objective.

Equally unfortunate is the frequently forgotten fact that this is not a victimless crime. In this case it is not only the honest merchant who suffers in competition with the one selling illegal goods, but it is the legitimate manufacturer of the product who suffers the loss of sales and the damage to his reputation in the likely event the counterfeit versions are inferior in quality.

A private right of action against customs fraud, in addition to helping Customs enforcement by providing an added deterrent to breaking the law, provides a way for the injured parties to seek compensation for their losses. Under current law the manufacturers, dealers, and consumers injured by the illegal sales of counterfeit goods have no way to obtain compensation.

Finally, the improved enforcement of our customs laws brought about by this provision will send a clear signal to the world that the U.S. market is open to those who respect our laws and are willing to sell their products honestly.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL

● Mr. DIXON. Mr. President, I am very proud to serve as cochairman of the congressional call to conscience for 1988 with my friend, and distinguished colleague, Senator BOND. Sponsored by the Union of Councils for Soviet Jews, the vigil provides a mechanism by which we, as Members of Congress, can continually call attention to the plight of Soviet Jews unjustly persecuted by their government and seeking to emigrate to the free world.

The recent "thawing" of relations between the Soviet Union and United States has not changed the treatment of Jews in the Soviet Union. The 2 to 3 million Jews living in the Soviet Union are discriminated against in housing, education, and employment. Jewish cultural and religious expression has long been restricted and attacked. Fewer than 60 synagogues remain open; there are no Hebrew or Yiddish schools; Yiddish publications and language instruction are extremely limited.

Constantly faced with government-sponsored anti-Semitism, thousands of Soviet Jews have tried to emigrate. Some have waited, and suffered for over 15 years. The number of long-term refusenik cases is estimated between 20,000 and 60,000.

Eight thousand one hundred and fifty-five Soviet Jews were granted exit visas last year, But this is only a fraction of the 51,000 who were allowed to leave in 1979. While many of the long-term and high profile refusenik leaders have been allowed to emigrate, thousands of others repeatedly apply and are denied the right to leave. Many are dismissed from their jobs, harassed by the police and the KGB, and their children are expelled from schools and universities. It is for each and every one of these individuals, who desire to live in peace and pursue a better life for their children, that we must continue to pressure Gorbachev to respect human rights and allow them to emigrate. We must let these Soviet Jews know that we care, that they have not been forgotten, and that their cause will never be abandoned.

I would like to illustrate the plight of the Soviet Jews by telling you about the case of Gennady and Natasha Khassin and their family. In 1975, Gennady left his post as associate professor of mathematics at the Moscow Pedagogical Institute in order to apply for emigration to Israel. In 1976, he and his family were denied on the basis of "secrets" that Gennady was alleged to possess.

Natasha worked as a computer programmer until 1968. Ten years later, in 1978, she joined "the women's group", the first group to protest against constant refusal. Natasha was very active. She was arrested twice for peacefully demonstrating and received threats from the KGB. That same year, 1978, the Khassins applied to leave for the second time and were refused again, this time on the basis of Natasha's knowledge of "secrets" in relation to the job she left in 1968.

In December 1982, Gennady and Natasha were refused for a third time. They were told that their application was denied on the basis of insufficient kinship, even though Gennady's mother was living in Israel. Natasha was told to never apply again. In 1983, Gennady's mother died making matters more difficult for the Khassin family.

The family received good news on March 12, 1987, when the Khassin's daughter, Helena, and her husband,

Mikhail, were allowed to emigrate to Israel.

But on January 12 of this year, Gennady and Natasha were refused again, for the fourth time. The Moscow "OVIR" told Natasha that the Khassin family was refused on the basis of "secrets." No other explanation was given.

The next day, Natasha went to the all-union "OVIR." She said she did not wish her entire family to be denied permission to emigrate because of her alleged knowledge of "secrets." Therefore, she asked that her husband Gennady and their 11-year-old daughter, Yehudit, be allowed to emigrate without her. They responded, "If we give permission to Gennady and Yehudit, you will complain that we have separated your family." Natasha then signed a statement stating her resolve to allow her family to leave while she remained. However, she asserted that she would continue her efforts to emigrate. The all-union "OVIR" then said they would reconsider the application of Gennady and Yehudit. However, no action has been taken yet.

The Khassin family has waited, and suffered for over 12 years. I call on the Soviet Union to let Gennady and Yehudit go.●

LOUIS HEIMBACH, MAN OF THE YEAR

● Mr. D'AMATO. Mr. President, I rise today to join with the town of Newburgh, New York's Republican Committee to recognize a member of the community who has accumulated a long and impressive record of Government and civic service. I am pleased to honor the committee's man of the year—Orange County Executive Louis Heimbach.

An active participant in community concerns, Louis Heimbach is presently in the third year of his third term as Orange County executive. He is a member of an impressive array of organizations, boards, and commissions on the local, State, and national levels.

Locally, Louis serves as chairman of the Hudson Valley Economic Development District Board as well as the Stewart Airport Commission and the Orange County Economic Development Committee.

However, Louis's influence and efforts reach far beyond the local level. He presently serves as vice chairman of the New York State Association of Regional Planning and Development Organization, vice president of the National Conference of Republican County Officials [NRCO], and as a senior member of the National Association of Counties [NACo] Human Services Steering Committee. In addition, he is the former president of the New York State County Executives Association and the National Association of County Executives, to name but a few of his major accomplishments and contributions to public service.

Louis' years of dedicated and unselfish service have earned him the respect and gratitude of his community. He represents the quality of person and quality of commitment we need most, now and in the years ahead. It is with great pride that I recognize for the CONGRESSIONAL RECORD my good friend, Louis Heimbach, as man of the year.●

NATIONAL TUBEROUS SCLEROSIS WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 212, a joint resolution designating the week of May 8–14, 1988, as "National Tuberous Sclerosis Awareness Week."

Tuberous sclerosis [TS] is a common genetic disease thought to afflict roughly 25,000 Americans. TS appears in all segments of society; it afflicts males and females equally, and occurs in all races.

The symptoms of TS vary widely. They include skin markings, seizures, motor difficulties, mental retardation, tumors, and behavioral abnormalities. In its mildest form, TS often goes undetected. However, in its most severe form, TS can cause serious disabilities, and even premature death. Unfortunately, there is no way to predict the severity of TS in children who are diagnosed with the disease.

Research is currently underway to locate the genetic marker for tuberous sclerosis. Isolating this marker would enable physicians to diagnose TS through a simple blood test. Additional research, directed toward understanding the molecular-genetic aspects of TS, is being conducted under the sponsorship of the National Institutes of Health.

Passage of Senate Joint Resolution 212 will surely reinforce research currently underway, and, more importantly, may stimulate further research into TS. I commend my colleague, Senator DIXON, for his interest in promoting awareness of this disorder, and I urge the prompt passage of his vital resolution.

Thank you, Mr. President.●

RECESS UNTIL 4:30 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 4:19 p.m., the Senate recessed until 4:30; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BYRD].

The PRESIDING OFFICER. The Senator from West Virginia, in his capacity as a Senator, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Oklahoma [Mr. BOREN].

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of S. 2.

Mr. BOREN. Mr. President, as we complete our work this week, I again want to underline the need for progress on the pending legislation on campaign reform.

As I mentioned on the floor earlier today, the group of eight, which has been appointed to negotiate on this matter, to see if we can reach a bipartisan consensus that will enable us to move forward with true reform this year, will be meeting on Monday at 1:30.

I want to assure my colleagues that we will make every effort to try to find a constructive agreement. At the same time, we must remember we should not have a bill just for the sake of having a bill unless it is true reform. To do less than to come forward with true reform would be to fail to meet our responsibility to the American people.

We are not talking here about a matter of party politics. We are talking about the fundamentals of American Government. We are talking about the integrity of the election process itself.

As I said this morning, there are certain principles of reform that simply must be in any legislation for it to deserve that particular label.

If we are to deal with the campaign financing problems of this country, we must have legislation that stops the money chase, that slows down the acceleration of campaign spending in this country. We simply cannot have another decade go by in which we, again, have a 500-percent increase in the average cost of campaigns.

We simply cannot continue to tolerate a situation in which Members of the U.S. Senate each and every week throughout a 6-year term have to struggle to find some way to raise an average of $10,000 of campaign contributions—each and every week, week in and week out for 6 years of a U.S. Senate term.

We must find a way to stop the acceleration of campaign spending. We must find a way to restore the talent, the energies, and the time of the Members of the U.S. Senate to their work here, to take care of the problems and to deal with the issues the people elect us to come here to take care of.

Any measure of true reform must include an effective mechanism for slowing down the rate of increase of campaign spending. That is a principle that has been discussed by those of us on this side of the aisle, those of us who have been cosponsoring this legislation, as we have begun our meetings in the group of eight.

We have also talked about the need in that bill to have an aggregate limit on the amount of money that special interest groups, political action committees, can contribute to candidates. It is simply not healthy for 186 Members elected to Congress this past year to have received more than half of their total campaign contributions, not from the people back home, not from the people in their home districts, not from the people in their own States, but from special interest groups with very little contact with their home States and districts.

As I said earlier in the debate, that trend threatens the very concept of grass roots democracy. We must deal with the problem of independent expenditures, negative advertising by independent groups. It is important that we take steps to provide incentives to stop that kind of practice.

We must deal with the problem of funding. We must find better ways of disclosing so-called soft money contributions. So we have a duty and we have a responsibility. People across the country will be watching to see whether we measure up to the task.

Some of the leading newspapers of the United States, more than 500 of them, across this country have spoken out on this issue. Just in the last few days, on the 15th of this month, for example, the Philadelphia Inquirer wrote a powerful editorial indicating that there is a need for change. They said in their editorial:

> The Senate's gridlock last year over campaign financing, an issue it debates again tomorrow, involved more than the insiders' resistance to anything that might curb their advantages. After due fulmination about escalating campaign costs and the excessive power of political action committees (PACs), there remains the difficulty of writing new rules that bring politicians closer to the grass roots without causing new problems along the way.
>
> Some reformers point to fund-raising mismatches between candidates and want the government to create equality. Yet, as the 1986 elections showed, a candidate with sufficient funds to wage a vigorous campaign can often beat a better-financed opponent. In the 16 tightest Senate races of 1986, Republican candidates raised on average $1 million more than their Democratic opponents, yet the Democrats won 11 of the contests.
>
> That argues for making enough federal dollars available for candidates—once they have displayed some viability by raising a threshold amount in small contributions—to have a solid financial base. But with Republican senators citing the deficit as reason enough to defeat a broad public financing measure, there's no chance of that approach. Thus the Senate Democrats are pushing a sensible alternative: placing limits on total receipts from PACs and recommending voluntary limits on total spending. If any candidate chooses to raise and spend more than the voluntary limit, his or her opponent will then become eligible for public financing.
>
> Such a system would help compensate challengers for the compulsion of PACs, which represent every special interest under the sun, to put their money on incumbents. Senate and House incumbents running in 1986 received more than $90 billion from PACs, while their challengers got less than $20 billion. Under the Senate bill, PACs still would be free to spend money independently in congressional races, but someone targeted by independent negative efforts would get federal money to respond.
>
> The Senate Democrats' bill still would allow candidates plenty of money for making their cases and allow PACs plenty of opportunity for expressing their views through donations. Based on Pennsylvania's population, a Senate candidate could spend a total of $2.8 million on the general election, $1.9 million on a primary fight, and accept just under $572,000 from PACs. That's about half of the PAC money that Sen. Arlen Specter (R., Pa.) got for his $5.4 million re-election in 1986, and it's also less than the nearly $800,000 that Mr. Edgar raised from PACs in his $3.9 million attempt to unseat Mr. Specter.
>
> Admittedly, lawmakers occasionally confound the special interests whose PACs help get them elected. The 1986 tax reform bill was one dramatic example. But this Senate reform is a low-cost, low-risk change to make such events seem less miraculous.

Mr. President, it is time for us to confound those who doubt the will and the courage of people in public office to take steps that are long overdue. It is time for us to measure up to the challenge with a bill which is balanced, as the Philadelphia Inquirer has pointed out, with a bill that makes sense, with a bill that will restore more participation and greater influence to the average American at the grassroots, the average American who may not have huge financial resources but who wants to participate in the political process in a meaningful way.

Passage of this bill will help that American begin to believe once again that he or she can truly make a difference in the future course and direction of this country.

Today too many Americans without the means to make large financial contributions feel compelled to sit on the sidelines as they see the millions and millions of dollars of money that it takes to run campaigns. They begin to ask themselves, "Can we as ordinary citizens make a difference in our own political process anymore?" They begin to become disillusioned.

We have a responsibility. We have sworn to uphold the Constitution and in upholding the Constitution we simply must not avoid violating the letter of that document. We are called upon to keep its spirit vital. We are called upon to keep it alive. We are called upon to keep its institutions workable.

The fact is this country has certainly not been helped by the fact Members of Congress have to spend more and more of their time, devote more and more of their attention to the raising of money to finance their campaigns instead of doing the Nation's work. Here we are at a ctitical period of time in our country. Our people need to hear from their elected representatives. They need to understand the problems. They need to be called upon to bind themselves together in a common consensus. It is the only way we can restore the competitive vitality of this country. It is the only way we can restore the economic productivity of this country.

And at a time in which we need to be listening to the people, understanding their problems, talking with our own constituents, and conveying to them kinds of decisions and sacrifices we are all going to be called upon to make as Americans, if we are going to have the right level of opportunity for the next generation, our own energies and our own time are being spent elsewhere.

I mentioned this morning, and it is a true story, the frustration that one of my colleagues expressed to me a few months ago about the fact that he was having to go all across this country to raise money for his campaign.

We have heard some who say that they are against spending limits, say that we ought to let people spend as much as they want and raise as much as they want in campaigns because that allows the people to participate in the process.

Mr. President, that simply is not true. The raising and spending of money is not the principal way in which we should participate in the political process. Candidates should compete on the basis of ideas, ideals, qualifications, and dedication to public service.

And what happens is this, as this colleague said to me. He said, "I have not really been able to get back home very much. My State is going through difficult times. We simply do not have the financial resources available. We do not have the potential pool of large contributors available for me to raise the money that I must raise to run for reelection to the U.S. Senate. So on those weekends that I would like to be spending either doing my homework in the Senate or spending time with my family, or most importantly, being able to go back home and talk to the small businessman in my home State about his problems and talk to the farmer and the farmer's spouse about the problems on the farm and understand what is going on, and going to the classrooms in the schools in my home State and listening to the aspirations of the young people and talk to people in the church congregations and talk to people up and down the main streets and listen to them, find out what needs to be done, hear about their problems first hand, the time that I ought to be spending making representative democracy work by having a relationship with the people that elected me and sent me here to work for them," he said, "I am having to spend going to Boston, going to New York, going to Miami, going to Los Angeles, going to San Francisco, going thousands of miles in every direction, and I simply do not have the time left to go back home to talk to the people who elected me and sent me to the U.S. Senate because I have to go where I can raise the money and spend my time with those who have the financial resources to help me finance my next campaign or I simply won't be allowed to continue to be here. I cannot be successful without it."

Mr. President, how anyone can say that system is good for America, good for the political process, good for the functioning of this institution, is hard for me to understand.

I hope those who have been saying that they are against any level whatsoever, any limitation whatsoever on campaign spending will ponder that point.

It is the fact that campaign spending continues to escalate really making it more possible for the American people to participate in the political process, or is it depriving them of that oporturity even to have access to their own elected representatives and to have the time to have a two-way conversation with those who are supposed to be representing them here?

Is there no limit? It defies logic, Mr. President, to think that there is no point, no point from a philosophical point of view, at which the spending of more money on campaigns would not become self-defeating. Surely, there is some point at which it becomes a negative factor. Is $10 million enough, $50 million, $100 million? Can anyone really say that if campaign spending went to $100 million that the political process would be enhanced; that this institution would be improved?

So, Mr. President, this is not a matter of politics. And I want all my colleagues to know on both sides of the aisle, as we struggle on Monday, as we meet together, as we prepare to move ahead on the Senate floor on this legislation, we will meet in good faith. We are not seeking legislation that will give one political party a partisan advantage over another. That would be wrong. It would be wrong to use this noble cause of restoring integrity to the election process to try to gain some personal or partisan political advantage. That is not what we are trying to do. We are trying to do something for our country.

Negotiate, we will. Talk and study and reason together, we should do that. But then we must act. We should take adequate time to see if we can reach an agreement, and I hope we can. But whatever happens, we must be prepared to move ahead. We cannot drag our feet. We cannot delay.

I feel strongly, Mr. President, that while we should negotiate in good faith—and we will negotiate in good faith—we will not allow the semblance of negotiations to be an excuse for moving ahead for action. And so we will try to work something out. And I hope we can; and we should for the sake of this country. But we will keep trying and we will keep moving and we will keep pushing until something is done about this problem. The clock is running.

The distinguished occupant of the chair has the responsibility of fixing the schedule of the U.S. Senate. We have only so many weeks and so many months in which we can accomplish our work this year. We have an important treaty to consider. We have a budget to consider. We have appropriations bills to consider. We have several other important pieces of legislation, potentially a trade bill, to consider.

And so we cannot afford to drag our feet. We have to move ahead with dispatch in taking on this challenge of coming up with a bill, a true reform bill to change the disgraceful way that we now finance campaigns in this country.

Mr. President, we will work as hard as we can to meet that challenge and we will be prepared then to move forward and to offer this Senate an opportunity to go on record to the American people as to whether or not it is prepared to confound the experts and to confound the special interests, as the Philadelphia Inquirer said in its editorial, show that we can do something right; that we have the courage to do what is right; that we have the good sense to take this Senate reform, which it calls a low cost, low risk change, for the right of our country and our country's future.

Mr. President, I look forward to working with those on both sides of the aisle on this effort. It is something we should tackle together as Americans.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOREN). Without objection, it is so ordered. The distinguished majority leader.

Mr. BYRD. Mr. President, I have listened to the distinguished Senator from Oklahoma [Mr. BOREN], as he spoke once again on the merits of the legislation pending before the Senate. I thank him for the service that he is performing on behalf of this institution and on behalf of representative democracy.

It was he who first brought this problem to the thoughtful attention of the Senate. It was he who began the process of debating it, offering amendments, offering legislation to do something about what he has very aptly referred to as the "money chase." It is he who has persistently carried on the fight. It is he who has continued to inspire the rest of us to join the fight. I congratulate him and extend to him my deep thanks. It is he who continues to lead this effort.

I listened as he spoke of two of the arguments that are used by those who oppose the legislation. One of the arguments is that there should be unlimited spending because this permits the people to "participate in the process."

Mr. President, that is a phony argument. The 17th amendment was adopted to permit the people to "participate in the process."

The 17th amendment was ratified in 1913. Until that time, the people participated in the process of election of Senators only indirectly through their elected representatives to the State legislatures. The State legislature chose the Senators. And for many, many decades, that was the method of election of Senators.

That was the process that was established by the Framers of the Constitution. But it was shown to be flawed and so, after long years of debate and repeated calls to change that system, the 17th amendment, was ratified in 1913.

Then it was and only then, that the people were given the right to "participate in the process"; directly. Since then, the people have directly elected the Members of this body.

That was when the people really began to participate directly in the process. There was not anything said in that amendment about contributions to campaigns of Senators. There was nothing said in that amendment that, in order to further the ability and the right of the people to "participate in the process," they should contribute large sums of moneys to election campaigns. There was nothing said about special interest groups or

PAC's or whatever, as necessary for the people to "participate in the process" of senatorial elections. The amendment was very simple. It merely opened the door for the people to participate in the process directly of election of their Senators.

That was 75 years ago this year. So, for 75 years the people have been "participating in the process." There was no need to add anything to the 17th amendment that in order for the people to participate in the process they would have to contribute excessive amounts of moneys to Senators' campaigns.

So that is a phony argument: "To permit the people to participate in the process we ought not have a limitation on campaign expenditures."

Then there was the other argument to which the distinguished Senator from Oklahoma made reference, and I have heard it spoken on this floor a number of times; namely, that a limitation on campaign expenditures would give the Democratic Party a political advantage over the Republican Party.

The Senator from Oklahoma appropriately addressed that argument. Mr. President, George Washington's Farewell Address was read to the Senate on Monday of this week by our distinguished colleague, the junior Senator from North Carolina [Mr. SANFORD]. The first President of our country, the Commander in Chief at Valley Forge, the man who presided over the Constitutional Convention in 1787, in his farewell address, warned us about political parties. He spent a great deal of his address in warning us about political parties. He did not think too highly of them.

We hear the argument, now, that we should not have this legislation that would put a limitation on campaign expenditures because it would give the Democratic Party a political advantage over the Republican Party.

The Senator from Oklahoma pointed out that we do not seek, in this bill, to take any advantage over the Republican Party. And so he blew that argument away. Mr. President, there is something more fundamental in our system, more fundamental than political parties and the giving of one party a political advantage over the other. Political parties serve an important function in our system of representative democracy, and George Washington, if he were living today, might recognize in this day and time the functions that are performed by political parties.

But when it is argued that this legislation would give the Democratic Party political advantage over the Republican Party it is an argument that misses the point; a more fundamental point. What the present system does do is give special interest groups a political advantage over the people of the United States; over the people with whom the sovereign power rests.

That great organic document—the Constitution—came from the people. The Senate derives its power, its authority, its very being from the people of the United States through that organic document which created the U.S. Senate.

So, while parties are important, they are not the alpha and the omega, the beginning and the end, the all-important entities in this system of ours. It is the people: Of the people, by the people and for the people; not: Of the party, by the party and for the party. Let us talk about the fundamentals.

The fundamental here is that the people are still the source of sovereign power; they are being served by those of us who are elected; it is in their interests that we serve; and special interests are not to be given "political advantage" over them.

The present system is a source of discouragement to the people, because special interests have influence far and above what the numbers of members in those special interest groups would be entitled to.

We have not yet seen this issue sweep over the country in a great wave of abhorrence at the system. But it will in due time.

I am grateful to the newspapers throughout this country. The distinguished Senator from Oklahoma quoted from the Philadelphia Inquirer. There have been similar editorials all over this country, in West Virginia, in States throughout the Union, pointing to the dangers of the current system, pointing to the flaws in it, emphasizing the need for rectifying the evils in the system. With the continued efforts on the part of the media to bring this matter that cries out for change, through the continued efforts of the media we can have hope that the people of this country will become more aware, alert, and awakened to this creeping disease.

We are much concerned about the horrible disease of AIDS that takes so many lives. The system of campaign financing that presently exists, constitutes a deadly disease of AIDS in the body politic that is going to devour and destroy this institution.

More and more it is taking the time of Senators away from their families, away from their work. Senators are elected to be here in the Nation's Capital when the Senate is in session. They are elected to be in committees, on the floor, in their offices attending to their correspondence, meeting with their people, representing their constituents.

They are not elected to spend their time in raising money. Yet, the average cost in the last election was something like $3 million to a successful Senate candidate. That should be a startling matter to every American when made aware of it.

If the American people generally knew it costs on the average of something like $3 million for the average Senate seat, and in many instances far more than $3 million for a successful Senate campaign they would be shocked. And that figure is going up. If we draw a straight line taking into consideration the increase in the average for the last campaign over what it was in previous campaigns—they would note that the average for this year's Senatorial campaign would probably be something like $3.7 million

In any event, if they would just take out their pencil and compute the amount of money that has to be raised every week by a U.S. Senator if he hopes to continue in public service, in order to meet that average, they would find that over a 6-year period—52 weeks a year, for 6 years—it requires $10,000 a week to raise $3 million. Yes, $10,000 a week.

Mr. President, that is a stunning amount. It takes an inordinate amount of time for a Senator to run here and there and everywhere else, in and out of airports, running to catch their planes, living in and out of a suitcase, going around with their hands out, "Give me, give me, give me, give me, give me your money."

As the Senator from Oklahoma has pointed out, they are not back in the schoolrooms in the States that they represent. They are not back on the street corners of the little rural towns talking with the citizens, listening to what the citizens are saying, explaining to their constituents what the legislation that has been passed means.

No. Instead, they are going all over the country, to Atlanta, to Miami, to Los Angeles, to Chicago, to Denver, to New York. And time and time and time again, they are going not to people who are their constituents but to people who believe in the party, who want to help the party. And they are also leaning heavily upon the special interest groups.

I do not say this in criticism of special interest groups. Special interest groups represent issues that are of importance to the country and are of importance to citizens who are often not members of a special interest group.

But we all know that special interest groups in making contributions, make them in the interest of legislation that they espouse.

So, Mr. President, this is a cancer on the body politic and now is the time to do something about it. It is an idea whose time has come. I hope that those who are attempting to negotiate on the bill will be successful. We will not be able to spend a great deal of time this year on this bill, and it may not happen this year, Mr. President,

but it is going to happen. The American people are going to rise up. They are going to demand action. The Senator from Oklahoma may be a few years ahead of his time, but he is working in the vineyard and he will eventually be successful. The fruit of his labors will one day be harvested and he will have performed a great service to the Senate of the United States, to our system of representative democracy, and to his grandchildren and their grandchildren.

FUNERAL OF VIVIDELL McDONALD

Mr. BYRD. Mr. President, on Monday, February 22, the funeral of Vividell McDonald will occur at 11 o'clock a.m. Vividell McDonald was an employee of the Senate, and she was well liked by everyone—Senators, officers of the Senate, and employees of the Senate. She had a host of friends. The Bible says, "He that hath friends must show himself friendly." Vividell had many friends. She showed herself friendly. She was a dependable employee, a good employee, highly respected by everyone, and we all will miss her. There will be Senators and others who will want to attend that funeral. It will be held at the Baptist church located at 4606 16th Street NW., Washington, DC.

To accommodate those who can attend the funeral, I am going to change the time of convening of the Senate, which had earlier been set for 10 o'clock on Monday morning. This request has been cleared with the Republican leadership.

I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 1 o'clock p.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, in order that the employees of the Senators' Dining Room, who had for so many years worked with Vividell, might also be able to attend, I announce that on Monday, February 22, the Senators' Dining Room in the Capitol will be closed from 10 a.m. until 1 p.m. This will permit those employees likewise to attend the funeral of Vividell McDonald.

RECESS UNTIL 1 P.M., MONDAY, FEBRUARY 22, 1988

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oklahoma for presiding at this hour. I thank all Senators.

If there be no further business to come before the Senate, I move, in accordance with the order previous entered, the Senate stand in recess until 1 o'clock p.m. on Monday next.

There being no objection, the Senate, at 5:25 p.m., recessed until Monday, February 22, 1988, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate February 19, 1988:

THE JUDICIARY

DONALD E. ABRAM, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE A NEW POSITION CREATED BY PUBLIC LAW 98-353, APPROVED JULY 10, 1984.

DEPARTMENT OF DEFENSE

ALAN MARSHALL ELKINS, OF MAINE, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 1993, VICE DAVID I. OLCH, DECEASED.

DEPARTMENT OF TRANSPORTATION

ROBERT EARL FARRIS, OF TENNESSEE, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, VICE RAY A. BARNHART, RESIGNED.

NATIONAL CREDIT UNION ADMINISTRATION

DAVID L. CHATFIELD, OF ALASKA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 2, 1989, VICE P.A. MACK, JR., RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 19, 1988:

ENVIRONMENTAL PROTECTION AGENCY

Charles L. Grizzle, of Kentucky, to be an Assistant Administrator of the Environmental Protection Agency.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Suzanne B. Conlon, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

Richard J. Arcara, of New York, to be U.S. District Judge for the Western District of New York.

Paul V. Niemeyer, of Maryland, to be U.S. District Judge for the District of Maryland.

Edward F. Harrington, of Massachusetts, to be U.S. District Judge for the District of Massachusetts.

DEPARTMENT OF JUSTICE

Romolo J. Imundi, of New York, to be U.S. Marshal for the Southern District of New York for the term of 4 years.

Daniel F. Lopez Romo, of Puerto Rico, to be U.S. Attorney for the District of Puerto Rico for the term of 4 years.

Tony Michael Graham, of Oklahoma, to be U.S. Attorney for the Northern District of Oklahoma for the term of 4 years.

James Eldon Wilson, of Alabama, to be U.S. Attorney for the Middle District of Alabama for the term of 4 years.

Robert J. Kabel, of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1989.

HOUSE OF REPRESENTATIVES—*Monday, February 22, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, for the gift of the family and for the security and love that it represents. We pray that every person would have the opportunity to express the warmth and concern that are shared by those who care for each other. We also remember those separated from those they love—the hostages, the homeless and all who do not know the freedoms we enjoy. May Your spirit, O God, that transcends every human barrier, touch the lives of all people wherever they may be.

In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 39[illegible]3. An act to make a technical correction to section 8103 of title 46, United States Code.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2631. An act to authorize appropriations for the Bureau of the Mint for fiscal year 1988 and for other purposes.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating June 6–12, 1988 as "National Fishing Week";

S.J. Res. 206. Joint resolution to designate April 8, 1988, as "Dennis Chavez Day";

S.J. Res. 218. Joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy";

S.J. Res. 222. Joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week";

S.J. Res. 223. Joint resolution to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week";

S.J. Res. 224. Joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week";

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week";

S.J. Res. 245. Joint resolution to designate April 21, 1988, as "John Muir Day"; and

S.J. Res. 246. Joint resolution to designate the month of April 1988, as "National Child Abuse Prevention Month."

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Thursday, February 18, 1988:

H.R. 1612, an act to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990; and

S. 2022, an act to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives.

WASHINGTON, DC,
February 19, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 12:10 p.m. on Friday, February 19, 1988 as follows:

(1) Said to contain a message from the President whereby he transmits the third special message for FY 1988 under the Impoundment Control Act of 1974;

(2) Said to contain a message from the President whereby he transmits the Seventeenth Annual Report on Hazardous Materials Transportation for calendar year 1986;

(3) Said to contain a message from the President whereby he transmits the Fiscal Year 1986 annual report on mine safety and health activities as submitted by the Secretary of Labor;

(4) Said to contain a message from the President whereby he transmits the second biennial report of the Interagency Arctic Research Policy Committee; and

(5) Said to contain a message from the President whereby he transmits the 1988 Economic Report of the President together with the Annual Report of the Council of Economic Advisers.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Joint Economic Committee.

(For message, see proceedings of the Senate of Friday, February 19, 1988, at page 1862.)

PERMISSION TO INSERT IN THE RECORD REMARKS OF MEMBERS AT WREATH-LAYING CEREMONY FOR GEORGE WASHINGTON'S BIRTHDAY OBSERVANCE AT WASHINGTON MONUMENT ON MONDAY, FEBRUARY 22, 1988

Mr. MOAKLEY. Mr. Speaker, pursuant to the order of the House of February 9, 1988, two Members designated by the Speaker attended the ceremony this morning at the Washington Monument commemorating the birthday of our first President. The two House Members laid a wreath, joining other commemorations of the National Park Service and the Washington National Monument Society.

Mr. Speaker, I ask unanimous consent that the remarks of the two Members made at the ceremony at the Washington Monument this morning be included in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REMARKS OF CONGRESSMAN NORMAN SISISKY AT GEORGE WASHINGTON'S BIRTHDAY CEREMONY, FEBRUARY 22, 1988

Any Congressman who presumes to talk about George Washington on the anniversary of his birthday must do so with an extreme sense of humility, and perhaps a sense of institutional guilt.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I say that because when President Washington celebrated his 65th birthday, the House of Representatives voted 50 to 38 to not allow Members the time to call on the President to express congratulations.

It seems they were angry that an upcoming treaty gave too much power to the President and too much prestige to the Senate. I can understand the feeling.

The more I read about the Founding Fathers, and the more I read about their genius—as well as their shortcomings, the more I am reminded of what Solomon wrote in the book of Ecclesiastes:

"There is nothing new under the Sun."

When people complain that Congress moves too slowly, I am reminded that Washington was prevented from becoming President for nearly 2 months while Congress put off counting the electoral ballots.

Washington finally reached the point where he feared congressional debates would become so devisive that people would lose respect for Congress. I think that happened.

In fact, Washington once became so disgusted after listening to a Senate debate that he was overheard to say he would "be damned if he ever went there again!"

The rise of partisan spirit during Washington's second term ultimately led to the death of Alexander Hamilton in a duel with Vice President Burr. That bullet crossed the dividing line between two major aspects of Washington's political legacy.

It not only killed the author of his farewell address, it bid farewell to whatever consensus may have remained regarding Washington's vision of what the United States should be.

Since that time, we've seen a succession of parties and politicians attempt to reinterpret and redefine Washington's legacy. Obviously, some have done better than others.

Hamilton and Burr represented the tendency of our parties to emphasize Hamiltonian federalism or Jeffersonian democracy, clear cut principals that have tended to polarize our political debates at two extremes.

Like Hamilton and Burr, our parties tend to emphasize liberty at the expense of responsibility, or responsibility at the expense of liberty.

Neither solution is proper. Neither solution is true to the heritage of Washington. George Washington was the indispensable man who bridged the gap between extremes in our society.

When Jefferson told Washington: "North and South will hang together if they have you to hang on", he might well have used any other terms describing opposing sides in our society.

James Flexner wrote that Washington's greatest gift was the ability to bore down through partial arguments to the fundamental principles on which everyone could agree.

In that sense, and despite the fact that Arthur Schlesinger, Jr. used the term quite differently, I think we can also use the term "vital center" to describe George Washington.

Washington represents the "vital center" of all the things America and Americans want to be. In that sense, his monument is the zero milestone by which we measure how close we come, or far we depart from his heritage.

Washington realized that people could not pledge alliegence to both partisan pursuit and national interest, and that liberty could only be sustained by commitment to the Nation.

But even those conclusions point to Washington, the Symbol of American values, rather than Washington the man, Washington the general, and Washington the president.

In concluding that Washington was a fundamentally good and decent man, one biographer wrote:

"In all history few men who possessed unassailable power have used that power so gently and self-effacingly for what their best instincts told them was the welfare of their neighbors and all mankind."

A close look at Washington reveals a man sometimes consumed by doubt, sometimes worried about failing mental powers, and who didn't always exercise perfect judgement. In that sense, he was like other men, both yesterday and today.

But the reason we honor his memory and celebrate his birthday is that he alone, with the possible exception of Abraham Lincoln, had the courage to stand above the partisan strife of his own time and call on us to build a nation committed to both responsibility and liberty.

SPEECH ON GEORGE WASHINGTON'S BIRTHDAY BY CONGRESSMAN FRANK R. WOLF

I am honored to speak today as we commemorate the birthday of a great Virginian and great American.

George Washington is a man immortalized through the many sculptures and portraits rendered of him. The image that has been portrayed is of a man with a stern profile, his eyes always deeply set, staring straight ahead.

Whether it be the painting, "Washington Crossing the Delaware," or the chiseled features of Mount Rushmore, George Washington always is imaged as looking on ahead toward the horizon.

For George Washington, like great leaders before and after his time, his horizon was a vision etched into his soul, a vision he referred to as "the sacred fire of liberty."

Because of his uncompromising leadership, we Americans experience his vision as reality and we who contribute in directing this Nation use this "sacred fire" to light our way.

It is important that we not only hold onto the fire of liberty to light our path, but let it illuminate to help lead other nations, who know only the darkness of no democracy.

George Washington said, "Liberty, when it begins to take root, is a plant of rapid growth." We see the words of George Washington coming to life in many areas around the world. We look at the regions where the rights of citizens are now guaranteed and democracy is beginning.

However, there still remains those nations who have never been lit from the fire of liberty and who have erected barriers to block its roots from spreading to their land.

To these countries, we must be an example. As General Washington said, "Let us therefore animate and encourage each other, and show the whole world that a Freeman, contending for liberty on his own ground, is superior to any slavish mercenary on earth." We must always remember Washington's mandate and work to keep it alive.

This is the year of the Olympics and as we watch the Olympic torch passed from hand to hand and country to country, let us remember the torch of which the father of our country spoke, "the sacred fire of liberty." And may it, too, one day be passed from hand to hand and country to country.

We are here to honor a man who first honored us by being the first to light the way to liberty, who established "one nation under God." What could we do or say to repay this man or to compensate for the bountiful goodness we have experienced because of his vision?

In the 200th anniversary of the Constitution, we are blessed with guarantees protecting our liberty. George Washington fought for these liberties, he initiated them into being in Philadelphia in 1789 and as our first president, he swore to honor and uphold a government unpreceded in the history of the world.

As another whose birthday we celebrate this month, Abraham Lincoln, so aptly stated, "To add brightness to the sun, or glory to the name of Washington, is * * * impossible. Let none attempt it * * * pronounce the name and leave it shining on."

LEGISLATION TO ENFORCE BUDGET DEADLINE

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the budget process has begun all over again, and there are only 306 days left until Christmas. Why do I say that? Because Christmas seems to be the unofficial deadline for the passage of a budget of the Congress of the United States. It has happened so many times in the past, that it is ludicrous to even recount them.

But there are really only 220 days left until the absolute statutory deadline for the passage of the budget; namely, September 30. We have failed constantly every year, every since 1975 or so, to pass a budget by October 1.

My proposal, and it is in the form of a bill, is that unless the Congress follows its own law and passes a budget each year by September 30, that automatically on October 1, there should go into effect the previous year's budget.

That would eliminate all the crisis atmosphere and the last-minute insertions by Members of Congress of hidden projects into a bill the day before Christmas, so that nobody on the floor at 3 a.m., like it was this past year, would know what was happening. That kind of crisis atmosphere and magician's tricks would be eliminated once and for all, if only Congress would adopt my proposal.

SECOND BIENNIAL REPORT OF INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Science, Space, and Technology.

(For message, see proceedings of the Senate of Friday, February 19, 1988, at page 1865.)

ANNUAL REPORT ON MINE SAFETY AND HEALTH ACTIVITIES, FISCAL YEAR 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of Friday, February 19, 1988, at page 1865.)

ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce, the Committee on Public Works and Transportation, and the Committee on Merchant Marine and Fisheries.

(For message, see proceedings of the Senate of Friday, February 19, 1988, at page 1865.)

DEFERRAL OF CERTAIN BUDGET AUTHORITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-166)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Appropriations and order to be printed.

(For message, see proceedings of the Senate of Friday, February 19, 1988, at page 1865.)

□ 1215

UPDATE ON CAMP DAVID MULTINATIONAL FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise today because I have been speaking out since 1982 on the peril confronting some 2,000 of our armed services component in the Sinai Desert in the so-called multinational team, whose purpose has never been satisfactorily explained. The reasons given on the House floor sometime around December 12, 1982, with some 14 Members of us being present, was that it was a request from President Reagan in which he was merely recognizing a signed memorandum or letter that President Carter had addressed to the former head of state of Egypt, Anwar Sadat, and the former head or minister of Israel, Mr. Begin, in which, as a result of the Camp David understanding, President Carter was evidencing his support and our country's full support by promising, if called upon, to name a multination force to make sure that the terms of that agreement were kept.

At that time the record will clearly reveal that I asked several questions on the floor. One primarily was, if these were specifically called military components, combat ready except not supplied with heavy equipment, with no air defense capability and no artillery, what if anything would be the result if one of the two nations, with the United States not being a party signatory to the agreement, accused the other of violating the terms of the agreement? Are we going to march this so-called peacekeeping treaty force or these arrangement-keeping watchdogs into either country? No satisfactory response was given to me on the floor of the House that day. Nevertheless, the Congress for the first time in its history ordered, mandated, and deployed a military contingent. I searched the records and could not find any precedent for that action. Everything lulled along, but from time to time each year I have gotten up, reminded my colleagues that the situation in Egypt and particularly with the ongoing war in the straits there between Arabic and non-Arabic nations; to wit: Iraq and Iran, the Egypt was under very heavy social pressure and that there was a growing antagonism to the United States to the amicable arrangements that had been obtained as a result of the Camp David agreement. With the emergence also of such individuals as Muammar Qadhafi and the President's action taken against him I have felt all along, and I feel strongly today, and this is what impels me to rise to speak up to my colleagues, that those troops together with whatever contingents are present now, originally all we could get was about 1,000 Fiji Island soldiers, but Fiji Island has had its political troubles, and we recalled some. We had 1,000 from Colombia, but since then Colombia had problems, and they called back about 500, but we were committed to 2,000, and they in effect have been dogged by tragedy. It was 248 of those men coming back for Christmas about 3 years ago that died in that airplane crash at Gander which gave rise to another scandal, and that was the method of transportation used and which continues to be used to the detriment and not to the best interest of the Nation. That is a separate point.

At this time, given last week's very, very aggressive utterances by the head of state of Egypt, Mubarak, that he considered the Camp David arrangements literally dead and that a new arrangement would have to be obtained, I considered these men under serious threat of bodily harm or death on account of acts of what we would call terrorists.

A TRIBUTE TO THE HONORABLE LAWSON E. THOMAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, on January 28, Judge Lawson E. Thomas, of Miami, FL, celebrated his 90th birthday. Judge Thomas, who still practices law on a semiretired basis, is a great and noble American with an extraordinary record of public service, a portion of which I would like to share with you and my other colleagues and to have preserved in the CONGRESSIONAL RECORD for posterity.

In 1950 Judge Thomas, being appointed as judge of Miami's new Negro police court, was the first black judge to hold office in the South since the days of reconstruction. In that position, Judge Thomas was responsible for a drastic decrease in crime and juvenile delinquency in Miami's black community. The story of his unique skill in effectively influencing offenders coming before his court and some of his other meaningful accomplishments is well told in a 1951 Reader's Digest article which I respectfully request be printed immediately following my remarks. I know you and every Member of the House of Representatives will share my warm admiration for Judge Lawson E. Thomas.

HIS COURT IS A CLASSROOM

A year and a half ago, in Florida, the most unusual court in the country came into existence. Its mission: to convince 50,000 Negroes that the law means equal justice for all, regardless of color.

Miami's city commissioners knew that they were risking their political careers when they appointed the first Negro judge in the entire South since reconstruction days. Yet today the South's first court run entirely by Negroes fully justifies their courage. Crimes of violence in Miami's Negro areas have fallen by 50 percent; juvenile delinquency has been cut by almost two thirds.

Largely responsbile for these spectacular changes is a small, calm-voiced judge who explains his unorthodox courtroom procedures simply: "I'm not running a court, I'm running a classroom."

Lesson Number One in Judge Lawson E. Thomas's book is the futility of pleading guilty just to get it over with. Haled before a white judge, the southern Negro too often concludes that he stands convicted from the start and almost automatically mutters an abject "Guilty, I guess," hoping the court will trade a lighter sentence in return for the time saved.

To such a plea Judge Thomas replies: "You're in this court to get a trial. And in a trial we can't have guesses; we've got to know, for certain. So if you just guess you're guilty, I'm going to plead you not guilty,

and then we'll hear all about what happened."

It never seems to matter how long it takes, either. Judge Thomas has Job-like patience in fulfilling the law's promise of justice.

Drunkenness cases constitute nearly half of all those that come before his court. If the record indicates a "first-time drunk" the culprit gets off with a short lecture. Court opens especially early on Monday morning so that such original-sinners, having spent the week end sobering up, can be sent off to their jobs before they lose a day's pay.

"Lots of judges forget," Lawson Thomas points out, "that somebody—maybe the kids—won't eat so good if a man is out a day's pay."

Repeater drunks get fined on a rising scale. A man whose drunkenness is not accompanied by violent disorderly conduct is sent to jail only when nothing else helps. The Judge tries especially to avoid jailing youngsters under 21 who get high on two or three drinks. "I'm trying to teach those kids to give up drinking," he says. A man with a jail record—it doesn't matter what for—has to fight it all his life."

Judge Thomas has better ways of convincing his people that excessive drinking doesn't pay. I watched him apply his methods to a youngster charged with being drunk and disorderly.

"Have you got a job?"

"Yes sir."

"Are you sure you still have a job?"

"That's what's worrying me now, Judge."

"That's right. You get drunk on your own time, but you sober up on the boss's time. If I send you to jail you surely wouldn't have a job when you came out, would you?

"But I'm not going to do that," the Judge continued. "I'll sentence you to just four hours; downstairs in a cell with the dirtiest old man you ever saw. You ask him how many times he's been picked up drunk. Ask him why he can't get a job. Ask him why his family left him. And then just look at him—see how his hands shake, how skinny he is and how terribly sad. And then say to yourself, 'That's me, if I keep up this carrying on.'"

As they led the youngster away his face broke into a tentative grin, as if he thought he's gotten off easily. Later that morning, when he left his cell, the grin was replaced by the shaken look of a man who had seen his future and didn't like it.

It was the Judge who smiled now as he nudged me. "That old man is about the worst punishment I've got. I could lecture these young bucks all day and they'd think I was nothing but a mealy mouthed preacher. But that shaking old man makes them think."

For citizens who carry pistols or switchblade knives, Judge Thomas has another—and sterner lesson: 30 days in jail plus fine. "That's one spot where I have a real advantage over the white courts," he explains. "If a white judge gave one of my people 30 days on a concealed weapon charge, he'd think he was being persecuted. But when I do it he knows he's being punished."

Formerly, when a brawl broke out in a Northwest Second Avenue bar, the police would frisk the crowd and be certain of finding a dozen or more spring-action, six-inch knives. But today, thanks to the new court, Miami policemen have a hard time collecting cutlery.

"The community has backed me up," explains the Judge. "Whenever I get such a case I explain to everybody in court—not just the prisoner—that no one can get killed by a pistol or a spring-button knife if no one carries them. In the old days a man would argue that he had to carry a spring-blade because everybody else had one. These days, when a man knows that what fighting he does he'll have to do with his fists, he wants to be sure no one else can spring a knife on him."

At first, members of the Miami bar feared that Negroes would not respect Judge Thomas's informal procedures. What they overlooked was the deep pride his people felt in the advancement the court symbolized for their race.

Judge Thomas has been a long time building prestige. His appointment, in fact, came more than 30 years after he decided to become a judge. As a youngster in Ocala, Fla., Lawson Thomas had been deeply influenced by his high school principal. "When his boy went to the University of Michigan, I had to follow. He took a medical course, so that's what I applied for.

"Then I started thinking. There were already Negro doctors; not enough, but many. I wanted to plow a new furrow, where none of my people had gone before. So I went to the registrar and switched from medicine to law."

Graduating in 1923, Thomas twice took the Florida bar examinations and twice failed. Then he tried in Michigan and sailed through a difficult exam with ease. Ten years later, after his third and successful Florida effort, he discovered the reason for his earlier rejections: an examining judge he had come to know told him the story one of his colleagues had recounted, years before, of a sassy Negro who, at his bar examination, forgot to say "sir" when answering a white man.

"I realized then," Judge Thomas recalls, "that I couldn't carry northern habits back South with me and get along. You can't change the South by wishing it changed. You've got to take it as you find it and try to push it forward from there. That's just as true for whites as it is for Negroes."

In the last 17 years Judge Thomas has been pushing, gently but steadily. He was the first to break the custom among Florida's few Negro lawyers of letting white colleagues do their pleading in court. He fought the salary equalization case of Florida's Negro teachers through to a favorable decision in the United States Supreme Court. A few years later, as defense counsel in a murder case, he raised the question of exclusion of Negroes from jury service. The trial judge sustained his contentions.

Legally Judge Thomas' new court is just another part of Miami's judicial system. In practice it has been confined to disposing of arrests in the city's all-Negro areas. This limitation provokes criticism from some Negro leaders who regard the court as an extension of the segregation system.

The Judge's reply is simple. "Of course, this court is not the final answer to our problem. But we Negroes must use the tools that are at hand. This tool at least gives us a measure of self-government within the bounds of segregation. It makes the Negro a little larger citizen, and that's all to the good."

The court represents the second stage of an experiment initiated in Miami in 1944, when that city—for the first time in the history of the South—appointed Negroes to its police force. The City Commissioners knew that they had to do something to check crime and violence in the shack-crammed blocks into which Miami's ever-increasing Negro population was crowded.

Up to then law enforcement in the area was restricted to two squad cars which seldom strayed beyond the main streets. The addition of five Negro policemen, patrolling their beats on foot, had an instantaneous salutary effect, backed as it was by the wholehearted support of the noncriminal majority. So Miami added more Negroes to its force: they now number nearly 40.

Other southern communities watched the Florida experiment, first with foreboding and then with increasing interest. One by one they began to imitate Miami. Today 77 southern cities employ Negroes on their police forces, and the list is constantly growing. Many of these cities have sent observers to study Judge Thomas's court; several of them are planning to open similar Negro courts.

Judge Thomas welcomes all this, as a Negro deeply devoted to the progress of his people and as an individual. he has no illusions that the credit rests solely on his shoulders. "The old traditions of racial suppression are falling away," he explains, "largely through the efforts of intelligent and enlightened whites. Negroes can hasten the process by pushing for change; but the change itself is inevitable."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DELAY) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 60 minutes, on February 25.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. PEASE, for 5 minutes, on February 23 and 24.

Mr. OWENS OF NEW YORK, for 5 minutes, today and February 23, 24, 25 and 26.

Mr. GAYDOS, for 60 minutes, on February 24.

Mr. OLIN, for 60 minutes, on March 15, 22 and 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DELAY) and to include extraneous matter:)

Mr. GINGRICH.

Mr. MICHEL.

Mr. VANDER JAGT.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Lipinski.

Mr. Ackerman.

Mr. Crockett.

Mr. Traficant in two instances.

Mr. Hamilton.

Mr. Fazio.

Mr. Andrews.

Mr. Fascell in three instances.

SENATE JOINT RESOLUTIONS REFERRED

Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating June 6-12, 1988 as "National Fishing Week"; to the Post Office and Civil Service;

S.J. Res. 206. Joint resolution to designate April 8, 1988, as "Dennis Chavez Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 218. Joint resolution to designate March 2[illegible], 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

S.J. Res. 222. Joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 223. Joint resolution to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week'; to the Committee on Post Office and Civil Service.

S.J. Res. 224. Joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 242. Joint resolution to designate the period commencing on May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 245. Joint resolution to designate April 21, 1988, as "John Muir Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 246. Joint resolution to designate the month of April 1988, as "National Child Abuse Prevention Month"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1[illegible]12. An act to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990; and

H.R. 3[illegible]23. An act to make a technical correction to section 8103 of title 46, United States Code.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2022. An act to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

February 19, 1988:

H.R. 1612. An act to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 23, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2933. A letter from the Deputy Director, Office of Management and Budget, transmitting a report that the appropriation to the Veterans Administration for "Compensation and Pensions" for fiscal year 1988 has been reapportioned on a deficiency basis, pursuant to 31 U.S.C. (b)(2); to the Committee on Appropriations.

2934. A letter from the Secretary of Defense, transmitting the Department's annual report to Congress for fiscal year 1989, pursuant to 10 U.S.C. 113(c), (e); to the Committee on Armed Services.

2935. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report on increasing the use of underutilized minority thrift institutions as depositories or financial agents of Federal agencies, pursuant to Public Law 100-86, section 412(c) (101 Stat. 621); to the Committee on Banking, Finance and Urban Affairs.

2936. A letter from the Secretary of Housing and Urban Development, transmitting an interim report on the Supportive Housing Demonstration Program, pursuant to Public Law 100-77, section 427(1); to the Committee on Banking, Finance and Urban Affairs.

2937. A letter from the Secretary of Education, transmitting a copy of the notice of final funding priorities for NIDRR—research and demonstration—knowledge, dissemination and utilization, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2938. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report entitled, "Results of Research Related to Stratospheric Ozone Protection," pursuant to 42 U.S.C. 7454(e); to the Committee on Energy and Commerce.

2939. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report that a guerrilla unit launched a surprise attack on the El Salvadoran 6th Brigade Headquarters at Usulatan, Usulatan Department El Salvador, pursuant to 22 U.S.C. 2761(c)(2); to the Committee on Foreign Affairs.

2940. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting the semiannual report for the period April 1987–September 1987, listing voluntary contributions by the United States to international organizations, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on Foreign Affairs.

2941. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to Canada (Transmittal No. 1-88), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

2942. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting copies of the original report of political contributions by Daniel G. Amstutz, of New York, for the rank of Ambassador during his tenure of service as chief agricultural negotiator in the Uruguay Round of Multilateral Trade Negotiations, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2943. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting a copy of the Presidential Determination (No. 88-9) that closure of the U.S. diplomatic and consular mission in Antigua and Barbuda is not in the national security interests of the United States, pursuant to Public Law 100-204, section 123; to the Committee on Foreign Affairs.

2944. A communication from the President of the United States, transmitting a report on the activities of the U.S.-U.S.S.R. Standing Consultative Commission [SCC], pursuant to Public Law 100-213, section 3(b) (101 Stat. 1445); to the Committee on Foreign Affairs.

2945. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of reports issued during the month of January 1988, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2946. A letter from the Comptroller General, General Accounting Office, transmitting the GAO's annual report for fiscal year 1987, pursuant to 31 U.S.C. 719(a); to the Committee on Government Operations.

2947. A letter from the Assistant Secretary of Housing and Urban Development, transmitting notification of the proposed alteration of a Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2948. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting notification that the Department's fiscal year 1987 report of actions taken to increase competition for contracts is being finalized and anticipates submitting the report by February 29, 1988, pursuant to 41

U.S.C. 419; to the Committee on Government Operations.

2949. A letter from the Acting Attorney General, Department of Justice, transmitting, a report of the Department's compliance with the competition advocacy program for the period October 1, 1986 through September 30, 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2950. A letter from the Acting Chairman, Federal Maritime Commission, transmitting the 1987 annual report of the Commission's compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2951. A letter from the Secretary of Health and Human Services, transmitting the 1987 annual report of the Department's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2952. A letter from the Secretary to the Board, U.S. Railroad Retirement Board, transmitting the 1987 annual report of the Board's compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2953. A letter from the President, Close Up Foundation, transmitting the first report on the Civic Achievement Award Program in honor of the Office of Speaker of the House of Representatives for the period July 1, 1987 to January 31, 1988, pursuant to Public Law 100-158; to the Committee on House Administration.

2954. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the annual report of the league for the fiscal year ending September 30, 1987, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

2955. A letter from the Under Secretary, Smithsonian Institution, transmitting a copy of the National Society of the Daughters of the American Revolution's "Annual Proceedings of the Ninety-Sixth Continental Congress," pursuant to 36 U.S.C. 18b; to the Committee on the Judiciary.

2956. A letter from the Chairman, Board of Directors, Panama Canal Commission, transmitting a draft of proposed legislation to authorize expenditures for fiscal years 1989 and 1990 for the operation and maintenance of the Panama Canal and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

2957. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on the Delaware River from Philadelphia to Wilmington, together with other pertinent reports (H. Doc. No. 100-167); to the Committee on Public Works and Transportation and ordered to be printed.

2958. A letter from the Administrator, Small Business Administration, transmitting a copy of the findings and recommendations of the National White House Conference on Small Business, pursuant to 15 U.S.C. 631 note; to the Committee on Small Business.

2959. A letter from the Secretary of the Treasury and the U.S. Trade Representative; transmitting information regarding congressional consideration of the United States-Canada Free Trade Agreement implementing legislation; to the Committee on Ways and Means.

2960. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report of the nondisclosure of safeguards information for the quarter ending December 31, 1987, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2961. A letter from the Secretary of Energy, transmitting the annual report on the Office of Alcohol Fuels, pursuant to 42 U.S.C. 8818(c)(2); jointly, to the Committees on Energy and Commerce and Agriculture.

2962. A letter from the Director, U.S. Office of Government Ethics, transmitting a draft of proposed legislation to amend the Ethics in Government Act of 1978, as amended, to extend the authorization of appropriations for the Office of Government Ethics for 6 years, pursuant to 31 U.S.C. 1110; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. de la GARZA:

H.R. 3980. A bill to make technical corrections in the Agricultural Credit Act of 1987; to the Committee on Agriculture.

By Mr. ACKERMAN:

H.R. 3981. A bill to make section 7351 of title 5, United States Code, inapplicable to leave transfers under certain experimental programs covering Federal employees, except as the Office of Personnel Management may otherwise prescribe; to the Committee on Post Office and Civil Service.

By Mr. CRAIG:

H.R. 3982. A bill expressing the sense of the Congress with respect to needed improvements in the coordination and effectiveness of Federal and State regulation of real estate appraisal practices; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

By Mr. MAVROULES:

H.R. 3983. A bill to provide Federal assistance for economic stabilization and local community development in areas affected by defense base closures and the termination of major defense contracts, and for other purposes; jointly, to the Committees on Armed Services; Banking, Finance and Urban Affairs; and Education and Labor.

By Mr. RODINO (for himself (by request) and Mr. Fish):

H.R. 3984. A bill to amend titles 11 and 28 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 3985. A bill to amend the Internal Revenue Code of 1986 to permit farmers to purchase tax free certain fuels for farm use, and for other purposes; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. Dymally, and Mrs. Morella):

H.J. Res. 465. Joint resolution designating 1988 as "Fortieth Anniversary Year of the National Institute of Dental Research"; to the Committee on Post Office and Civil Service.

By Mr. DYMALLY:

H. Con. Res. 248. Concurrent resolution to establish certain basic principles concerning United States policy toward Central America, including any future United States assistance for the Nicaraguan resistance; to the Committee on Foreign Affairs.

By Mr. FOLEY (for himself, Mr. Michel, Mr. Fascell, Mr. Broomfield, and Mr. Lagomarsino):

H. Con. Res. 249. Concurrent resolution expressing confidence that the people of El Salvador will reject efforts to disrupt the election to be held in that country on March 20, 1988, and will avail themselves of the opportunity to vote in that election to the Committee on Foreign Affairs.

By Mr. DINGELL:

H. Res. 381. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in the 2nd sess. of the 100th Congress; to the Committee on House Administration.

By Ms. SLAUGHTER of New York:

H. Res. 382. Resolution expressing the sense of the House of Repesentatives that the Secretary of State should designate a special envoy to negotiate the release of Americans held hostage in Lebanon; to the Committee on Foreign Affairs.

MEMORIAL

Under clause 4 of rule XXII,

270. The SPEAKER presented a memorial of the 19th Guam Legislature of Guam, relative to the passage of H.R. 3471; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. BOXER introduced a bill (H.R. 3986) for the relief of Marco J. Gock; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Ms. Oakar.

H.R. 245: Mr. Weldon and Mr. Kolter.

H.R. 637: Mr. Akaka.

H.R. 898: Mr. Brown of California and Mr. Moody.

H.R. 1072: Mr. Slaughter of Virginia.

H.R. 1352: Mr. Traxler.

H.R. 1959: Mr. Nagle.

H.R. 2213: Mr. Horton, and Mr. Whittaker.

H.R. 2499: Mr. LaFalce.

H.R. 2673: Mr. Watkins.

H.R. 2879: Mr. Gilman, Mr. Nielson of Utah, and Mr. McGrath.

H.R. 2943: Mr. Rodino and Mr. Myers of Indiana.

H.R. 2944: Mr. Dowdy of Mississippi, Mr. Pepper, Mr. Wortley, and Mr. Rodino.

H.R. 3026: Mr. Bliley, Mr. English, and Mrs. Bentley.

H.R. 3057: Mr. Towns, Mr. Lagomarsino, Mr. Hawkins, Mr. Miller of Washington, Mr. Hughes, Mr. Shays, Mr. Sunia, Ms. Kaptur, and Mr. Martinez.

H.R. 3130: Mr. Conyers, Mr. Dellums, Mrs. Morella, Mr. Morrison of Connecticut, Mr. Dymally, and Mr. Donald E. Lukens.

H.R. 3193: Mr. Dymally, Mr. Jeffords, and Mr. Traxler.

H.R. 3304: Mr. Gilman and Mr. Oxley.

H.R. 3440: Mr. Jacobs and Mr. Gibbons.

H.R. 3511: Mr. Florio, Mr. Clay, and Mr. Udall.

H.R. 3589: Mr. Kolter.

H.R. 3600: Mr. MARTINEZ and Mr. HAYES of Illinois.

H.R. 3896: Mr. DE LA GARZA, Mr. FOGLIETTA, Mr. SKAGGS, and Mr. LANCASTER.

H.R. 3742: Mr. STRATTON.

H.R. 3915: Mr. HAWKINS and Mrs. LLOYD.

H.J. Res. 390: Mr. LEVINE of California and Mr. CLINGER.

H.J. Res. 438: NIELSON of Utah, Mr. SCHAEFER, Mrs. MEYERS of Kansas, Mr. ATKINS, Mr. MCDADE, Mr. RODINO, Mr. HASTERT, Mr. FOGLIETTA, Mr. GOODLING, and Mr. MARTINEZ.

H.J. Res. 447: Mr. LAFALCE, Mr. GRAY of Illinois, Mr. PICKLE, Mr. MINETA, Mrs. BYRON, Mr. ALEXANDER, Mr. ROE, Mr. DONNELLY, Mr. MCGRATH, Mr. STRATTON, Mr. HUGHES, Mr. HERTEL, Mr. CARPER, Mr. DORGAN of North Dakota, Mr. SMITH of Florida, Mr. KOSTMAYER, Mr. MCCLOSKEY, Mr. LEVIN of Michigan, Mr. CARR, Mr. HUCKABY, Mr. GUARINI, Mr. FLAKE, Mr. FAUNTROY, Mr. MOLLOHAN, Mr. DEFAZIO, Mr. QUILLEN, Mrs. MORELLA, Mr. BLILEY, Mr. ARCHER, Mr. MCCANDLESS, Mr. HASTERT, Mr. JOHNSON of South Dakota, Mr. CONTE, Mrs. MARTIN of Illinois, Mr. MACK, Mr. BUNNING, Mr. MCCOLLUM, Mr. ROGERS, Mr. HYDE, Mr. LAGOMARSINO, Mr. DONALD E. LUKENS, Mr. DAUB, Mr. FAZIO, Mr. LEACH of Iowa, Mr. PORTER, Mr. PURSELL, Mr. GRANDY, and Mr. SKEEN.

H. Con. Res. 223: Mr. ARCHER, Mr. BORSKI, Mr. CARPER, Mr. CARR, Mr. COATS, Mr. ERDREICH, Mr. FUSTER, Mr. HEFLEY, Mr. HOPKINS, Mr. HOUGHTON, Mr. JONTZ, Mr. KASICH, Mr. LANCASTER, Mr. LEWIS of Florida, Mrs. LLOYD, Mr. MCCURDY, Mr. OWENS of Utah, Ms. PELOSI, Mrs. PATTERSON, Mrs. ROUKEMA, Mr. STAGGERS, and Mr. VOLKMER.

H. Con. Res. 246: Mr. DONALD E. LUKENS, Mr. BILBRAY, Mr. YATRON, Mr. ROTH, Mr. BEREUTER, and Mr. DORNAN of California.

H. Res. 300: Mr. SOLOMON, Mr. MORRISON of Connecticut, Mr. BONIOR of Michigan, Mr. BRYANT, and Mr. LEHMAN of California.

H. Res. 364: Mr. BATES, Mr. NIELSON of Utah, Mr. CAMPBELL, Mr. SLATTERY, and Mr. UPTON.

PETITIONS, ETC.

Under clause 1 of rule XXII

125. The SPEAKER presented a petition of the National Assembly, Republic of Korea, relative to the bombing of Korean Airline Flight 858; which was referred to the Committee of Foreign Affairs.

SENATE—*Monday, February 22, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Make a joyful noise unto the Lord all ye lands.

Serve the Lord with gladness: come before His presence with singing.

Know ye that the Lord He is God: it is He that hath made us, and not we ourselves; we are His people, and the sheep of His pasture.

Enter into His gates with thanksgiving, and into His courts with praise: be thankful unto Him, and bless His name.

For the Lord is good; His mercy is everlasting; and His truth endureth to all generations.—Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 22, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

RESERVATION OF LEADERS' TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders may be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his excellent prayer. His quotation of the Scriptures is very much needed at this time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

INF TREATY LEAVES NATO AMPLY PREPARED TO DEFEND THE FREE WORLD

Mr. PROXMIRE. Mr. President, a leading objection to prompt Senate ratification of the INF Treaty is that it would leave Western Europe open to conventional Soviet attack. For years, we have been hammered with the argument that the Soviets and the Warsaw Pact have a conventional force vastly superior to the NATO forces. We have repeatedly been told that the peace in Europe has been maintained because NATO has a range of nuclear weapons that could stop a Soviet conventional attack without provoking an all-out nuclear holocaust. But we know that U.S. INF weapons have not solely guaranteed Warsaw Pact conventional restraint. Opponents of the INF Treaty pin their main argument against the treaty on the absolute necessity of maintaining U.S. intermediate nuclear weapons on the ground in Europe. They contend that it is exactly these weapons that dissuade the Soviet Union from a Western Europe invasion. They acknowledge that NATO still has enormous strategic nuclear power. They say, "Sure, NATO could indeed retaliate with a nuclear attack that could literally level and devastate the Soviet Union. But the Soviets know that no U.S. President would order such an attack because it would mean a Soviet nuclear retaliation that would in turn utterly devastate the United States. Both sides would certainly lose and utterly lose."

Since the United States knows this, opponents of the INF Treaty contend that the Soviets could launch their conventional blitzkrieg and overrun Western Europe in a matter of a few days and promptly make Communist Russia the dominant military force on Earth.

What's wrong with this analysis? Doesn't the removal of NATO's intermediate nuclear missiles in fact offer the Warsaw Pact an open invitation to sweep through Western Europe with impunity? The answer is a loud, clear "No." The INF Treaty does not seriously weaken the NATO defense. Here's why:

First, NATO will retain its tactical nuclear weapons. These are nuclear weapons with a range of less than 300 miles. The INF Treaty, therefore, does not denuclearize Europe.

Second, NATO also has submarines and bombers with nuclear weapons that could strike Warsaw Pact conventional forces, including tanks, artillery, assembled aircraft or cities, including Moscow.

Third, the agreement to eliminate both Warsaw Pact and NATO intermediate and short-range nuclear weapons did not require either France or the United Kingdom to surrender their intermediate nuclear weapons. The intermediate nuclear forces of both these free countries are within easy range of Warsaw Pact major cities including those in European Russia. Both countries could be expected to use their intermediate nuclear weapons if faced with the imminence of a Soviet force overrunning their homeland.

Fourth, the Soviet Union has now spent 8 long years in a fruitless invasion of primitive Afghanistan. Afghanistan is right on the Soviet border. Soviet supply lines were no problem. Afghanistan has a pathetically weak economy. Their weapons technology is generations behind the Soviets. But after an 8-year struggle, the Soviets are about to quit. They have lost. And they know it. Is it logical that a military force that was unable to bring little neighboring Afghanistan under its heel would be able to take on the might of the free world and win?

Fifth, Senator CARL LEVIN has just issued a thorough report comparing the Warsaw Pact and NATO. It is a shocker, a real eyeopener. The Levin analysis shows that NATO and the Warsaw Pact are roughly a standoff in conventional forces. The Soviets do indeed have more tanks, planes, artillery and personnel. But their tanks are older than NATO's. Many Russian tanks go back 20, 30, and 40 years. Some are actually of World War II vintage. NATO actually has 3,000 more tanks designed and produced in the eighties than the Warsaw Pact. NATO planes are conspicuously superior. In air battles in the Middle East, United States planes piloted by Israelis have overwhelmed Soviet planes piloted by Syrians. In one engagement, 72 Soviet planes were lost. Not a single

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

U.S. plane was shot down. Not one. The quality of training of NATO personnel is much higher, with far more flight time, far more time at sea, much more time in maneuvers than Warsaw Pact troops. And certainly, the morale and dedication to the cause of NATO troops is way ahead of Warsaw Pact troops. This observation is specially true of those Warsaw Pact troops from nations other than the Soviet Union.

The Soviet leaders know all this. So there is virtually no chance that they will try to invade Western Europe just because INF weapons are being removed.

In summary, Mr. President, it appears very clear that the INF Treaty will leave NATO and the free world in a position of solid military strength fully prepared to defend freedom from any assault from the forces of communism led by the Soviet Union.

BANK REFORM

Mr. PROXMIRE. Mr. President, I ask unanimous consent that editorials in the Washington Post calling for congressional action to reform and improve the country's banking legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 4, 1987]

BATTLE OF THE BANKS

The battle of the banks is gathering force. At one level's merely a test of political power between the banks and the securities industry over who can do what kinds of business. But beyond this struggle looms the increasingly urgent need for fundamental reorganization of the whole financial sector—banking, securities, insurance, the works.

Three of the big New York banks appeared before the Federal Reserve Board yesterday to press their applications for the power to engage in several activities at present forbidden to them. They want to underwrite and trade in municipal revenue bonds, commercial paper and mortgage-backed securities—all of which, they convincingly argue, would be less risky than conventional bank lending. But the current rules leave those activities to the securities industry, which naturally enough is vigorously protecting the status quo.

The hearing itself was a sharp and clear example of the way not to proceed with this basic financial reorganization—piecemeal, quarreling over one subcategory of securities at a time, with much attention to narrow legalities and little thought to the broad architecture of the evolving result. The Federal Reserve Board has already said that the expanded powers at issue here are appropriate for banks. As its chairman, Paul Volcker, said, the question isn't what's right but what's legal under the controlling law, written in 1933 in the depths of the Depression. Answers that make sense will require revision of the law, he observed—and that requires action by Congress. The Senate Banking Committee under its new chairman, William Proxmire, has been holding interesting hearings, and it looks as though substantial legislation may at least be introduced this year.

The sense of urgency is rising. The rapid development of the securities markets is making it possible for many big businesses to go directly there for financing rather than depending on the bank loans that were traditionally central to most banks' profits. That's why the banks are trying to fight their way into the securities business. The 1933 law was supposed to keep them separate, but people on both sides have been chipping away at the wall and reaching through the chinks. The radical deregulation of the London financial markets last year has raised the bankers' level of anxiety here. American banks, through their British subsidiaries, can now carry on securities transactions prohibited to them here—and they fear that their business will increasingly drift abroad if the American law is not changed.

Congress usually prefers to move one step at a time in a subject as complex as this one, and that's often the wiser choice. But the restructuring of financial services is an exception. Here the circumstances require change that is profound, rapid and sweeping.

[From the Washington Post, Feb. 11, 1987]

REFORMING THE BANK LAWS

Only one thing is really clear about American regulation of banking: the present rules urgently need fundamental reform. Most of the big banks are frantically at work to find legal ways into other kinds of financial businesses that, they think, will be more profitable than conventional lending. A number of commercial companies such as Sears Roebuck are going as close as the present law allows—and that is very close indeed—to running banks of their own. A bank with a London subsidiary can do all the kinds of securities underwriting and dealing there that American law—most of it written in the Depression—forbids them from doing here. Meanwhile, bank failures continue at the highest rate since 1933, and not all of those failures are little rural banks.

Congress is going to have to act, and soon. But before it begins, it needs a sense of the system as it ought to be. The president of the Federal Reserve Bank of New York, E. Gerald Corrigan, has proposed a structure for the future financial market that splendidly illuminates the key issues.

He suggests dividing the whole financial field into three basic categories of institutions: banks (and thrifts) that take deposits, other financial businesses such as securities firms, and financial subsidiaries of commercial companies such as Sears. As he puts it, the institutions would be "free to choose their own places on the financial landscape." In this plan the distinction between the first two categories is a bit fuzzy, because he would allow banks to go into a broad range of the services now denied to them—in insurance, for example, and in securities. It's the distinction between banking and commerce that he regards as crucial. And that's a major point of difference with the Treasury Department, which sees no reason why commercial companies shouldn't own banks.

If commercial companies were allowed to go into banking, regulation would have to be very complex. Suppose a manufacturing company were to own a bank. Can the bank be prevented, as a practical matter, from discriminating in its lending against the parent company's competitors? The possibilities for conflicts of interest are manifold. Worse, is it really possible to build firewalls strong enough to insulate the subsidiary bank from the troubles of a parent that is failing? The Treasury thinks that adequate firewalls are possible. Mr. Corrigan replies that much experience has shown the great difficulty of keeping the affairs of affiliates separate from those of their parents.

These questions need to be settled on the side of caution, but they need to be settled authoritatively—and soon. The pressures on the financial system are rising. Continuing to procrastinate and muddle through in the manner of the past several years, as Mr. Corrigan also observes, would be highly dangerous to the country's economic health.

[From the Washington Post, Apr. 5, 1987]

BANKERS' LAMENT

The banks' campaign to diversify their business is not going well. They want to get into insurance, real estate and, above all, securities. Their lawyers have been pressing the regulators to let them go ahead. But the Senate has now passed an 11-month moratorium against any further expansion into these greener fields.

The Senate was responding to the shrieks of protest from the people whose turf is threatened—the securities industry, and the insurance and real estate agents. But it is also deeply uneasy about the haphazard and piecemeal way that banks' powers are being redefined. It's happening not by any rational plan but through a process of picking loopholes in obsolete laws. The senators are right to worry about the stability of the result.

The banks argue, with good reason, that conventional lending is becoming less profitable for them. Many borrowers can now raise loans by selling securities directly to investors in Wall Street. That cuts out the banks. They want to follow their customers into the securities market. Fair enough, but there's another side to the case. The economy is now in the fifth year of expansion, interest rates are (by the standards of the 1980s) low, and the stock market is booming. Yet amid all that prosperity, bank failures are currently running at the highest level since the Depression. If that many bankers have got themselves into serious trouble through misjudgments in lending, the part of the business they know best, it's fair to ask whether admitting banks to new and unfamiliar kinds of businesses will necessarily make them stronger and sounder.

In principle, there's a good case for letting the banks go into other financial businesses—but only with certain careful conditions. If banks are to underwrite securities, they should not be permitted to do it with federally insured deposits. Deposit insurance would act as a subsidy to which the other players in the securities game don't have access. The tie-in rules need to be sharper and clearer. A bank should not be permitted to make a loan to a company contingent on, let's say, getting that company's insurance business. And in these exciting new ventures, how safe will the customers' deposits be? In passing the moratorium, the Senate was saying that it hasn't thought its way through these questions. But the financial world is changing and, one way or another, the banks have to respond to those changes.

The House is apparently going to pass a bill with no reference to a moratorium, leaving the final decision on it to the conference committee. The only justification for enacting it into law would be a firm intention in Congress to proceed with broad and substantial banking reform legislation within

the next year. Otherwise, this moratorium would be mere procrastination.

U.S. DEFENSE COSTS OVERSEAS

Mr. SASSER. Mr. President, 7 years ago, Europe and Japan were providing almost 50 percent of total allied defense spending. Today their share is barely 30 percent.

While America devoted financial resources to building up the free world's defense, our allies have concentrated, instead, on building up their own domestic economies.

This trend—the decreasing allied share of the common defense—simply must change in the coming years. The United States can no longer support—unilaterally—the enormous defense expenditures that are necessary to defend democracy and freedom throughout the world.

Certainly, our allies have the economic capacity to carry their fair share of defending our common interests. They are no longer war-ravaged economies. Instead, today, they account for over 52 percent of the free world's gross domestic product.

Mr. President, in past years, senior Pentagon officials have failed to take seriously the issue of defense burden sharing. Instead, they have been satisfied to defend existing levels of allied defense spending.

I am pleased to report, however, that Defense Secretary Carlucci appears to take this issue very seriously.

For the first time, a thorough report on specific burden sharing initiatives to be undertaken in the coming year is being prepared by the Department of Defense and is being fully coordinated with the Department of State and the National Security Council.

I want to commend Secretary Carlucci for his leadership and for the degree of cooperation he is demonstrating in his approach toward securing greater allied defense contributions.

Of course, a great deal remains to be done. We cannot turn around a decade of neglect overnight. But we can initiate new approaches and establish a new outlook toward the burden sharing issue.

The challenge for the next administration is to exert firm diplomatic pressure to convince our free world friends that defending our values and our interlocked economies is a common necessity.

Today, I want to urge that two new burden-sharing initiatives be undertaken.

First, the administration should seek an agreement with our NATO allies—prior to negotiating conventional arms reductions with the Soviet Union—that the United States will receive the largest share of approved weapons and troop cuts in Europe.

Here we are, almost a half century after the Second World War, with 300,000 American military personnel in Europe, supported by over 330,000 civilian employees and dependents. The cost of maintaining this Defense Establishment in Western Europe consumes well over one-third of our total U.S. defense budget.

Our goal in upcoming conventional arms talks must not only be the establishment of a more stable military balance with the Soviets, but we must also seek to reduce costly United States deployments abroad and leave Europe more responsible for the defense of its own territory.

Second, Mr. President, we are currently engaged in several military base rights negotiations, and new base rights negotiations will be undertaken next year.

I firmly believe that base rights are a tangible measure of burden sharing.

But I am sorry to say that the Secretary of State has castigated Congress for cutting foreign aid expenditures. He believes that foreign aid reductions will make base rights more difficult to secure.

Indeed, it does appear that the price of maintaining U.S. military forces in some foreign locations will be higher rent payments in the form of foreign aid.

Mr. President, I believe the time has come for the United States to seek the establishment of a new multilateral defense compact and the creation of a fund for making economic and security assistance payments to the less wealthy countries which agree to the basing of allies troops and equipment on their soil, a burden that will be shared commonly by all of the NATO allies.

Many of our allies demur from expanding their own military capabilities. Frankly, at least in the case of Japan, we do not seek the creation of a potentially destablizing military force in the Far East. Most of the countries in the Far East are not interested in seeing a remilitarized Japan.

But our allies can share in providing foreign aid payments to countries that agree to allied military base rights.

Mr. President, the formal multilateral arrangement I am recommending would operate much as the NATO infrastructure program.

The more wealthy countries would contribute a certain percentage of the cost of foreign aid payments made to the less wealthy countries that agree to maintain military bases on their soil.

Frankly, I do not foresee a public consensus in the United States for larger and larger foreign aid budgets. Quite the contrary. I think there is considerable pressure from the grassroots level of this contry for smaller and smaller foreign aid budgets, and I do not think that the argument that these expenditures are for base rights countries is going to make the argument for more foreign aid any more palatable to the average American taxpayer.

The establishment of a new multilateral financial institution for the purpose of assisting base rights countries is, in my view, a very realistic and appropriate burden sharing initiative for the United States, NATO and Japan.

Mr. President, these two suggestions are intended to be constructive and I hope will serve to urge the administration to take some new, bold, innovative approaches to this issue.

The American people are coming fast to the realization that the United States has been paying more than its fair share for the defense of the free world now over a period of many, many years. It is high time that our NATO allies and others came forward and paid their share of the common defense.

Mr. President, one of the most important tasks facing the next administration is securing a more equitable distribution of the defense burden among our allies.

Seven years ago, our European allies and Japan were providing 47 percent of total allied defense spending. Today, their share is barely 30 percent.

Those numbers tell the story of the 1980's—both in terms of defense and in terms of the world economy. While the American people have devoted their energy and financial resources to building up the free world's defenses, our allies have concentrated on building their own domestic economies.

That not only explains the steady increase of our defense budget, it also explains, in part, the steady decline of our economic might.

In my judgment, the trend of decreasing allied involvement in the common defense simply must change in the coming years.

America can no longer support—unilaterally—the enormous defense expenditures that are necessary to defend democratic freedom in a world that is growing steadily more troubled and steadily more complex.

Clearly, our alllies have the economic capacity to carry their fair share of defending our common interests. They are no longer war-ravaged economies. Instead, today, they account for over 52 percent of the free world's gross domestic product.

For serveral years, the Subcommittee on Military Construction Appropriations, which I chair, has urged the Department of Defense to take specific actions to secure an increase in our allies defense contributions.

But each year, Pentagon officials have failed to take any steps, preferring instead to defend the existing levels of allied defense spending.

Mr. President, I am pleased to report that, from what I have seen so far, Defense Secretary Frank Carlucci takes this issue very seriously. In last year's continuing resolution, my subcommittee made a number of specific suggestions for improving our allies defense contributions. Secretary Carlucci has directed the Pentagon to fully comply with the requirements of the continuing resolution. I am pleased to advise the Senate that, for the first time, a thorough report on specific burden sharing intitiatives to be undertaken in the coming year is being prepared by the Department of Defense and is being fully coordinated with the Department of State and the National Security Council. I want to commend Secretary Carlucci for his leadership and for his very forthright approach to the issue.

Mr. President, Secretary Carlucci has also responded to the requirement of my subcommittee that our NATO allies should pay the cost of moving the F-16 wing currently based in Spain. And during his last trip to Europe, I believe he made substantial progress toward assuring the integrity of the F-16 mission and southern flank defense.

Mr. President, I am pleased with the degree of cooperation and leadership Secretary Carlucci is showing in his approach toward securing greater allied defense cooperation.

Of course, a great deal remains to be done. We cannot turn around a decade of neglect overnight. But we can initiate new approaches and establish a new outlook toward the burden sharing issue.

The challenge for the next administration is to exert firm diplomatic pressure designed to convince our free world friends and trading partners that defending our values and our interdependent economies is a common necessity.

I would urge the administration, that prior to sitting down with the Soviets and Warsaw Pact to negotiate conventional force reductions, that we establish within NATO an agreement that the United States will be able to enjoy the largest share of weapons and troop cuts.

Our goal in upcoming conventional arms talks must not only be the establishment of a more stable military balance, but we must seek to reduce costly U.S. deployments abroad and leave Europe more responsible for the defense of its own territory.

Mr. President, currently we are also engaged in several military base rights negotiations and a number of others must be renegotiated in the coming year.

In my view, base rights are a tangible measure of burden sharing. The Secretary of State has castigated Congress for cutting foreign aid expenditures. He believes that foreign aid reductions will make base rights more difficult to secure. Indeed, it does appear that the price of maintaining U.S. military forces in several foreign locations will be higher rent payments in the form of foreign aid.

Mr. President, I believe the time has come for the United States to seek the establishment of a new multilateral defense compact which creates a fund for making security assistance payments to countries which agree to the basing of allied troops and equipment on their soil.

Many of our allies demur from providing more expenditures and expanding their own military capabilities. Indeed, at least in the case of Japan, we do not seek the creation of a destabilizing military establishment. But our allies can extend increased foreign aid payments to countries that agree to allied military base rights.

Mr. President, I am recommending the establishment of a formal multilateral arrangement, which would operate much as the NATO infrastructure program does. Each country would contribute a certain percentage of the cost of foreign aid payments made to the less wealthy countries that agree to maintain military base on their soil.

Frankly, I do not foresee a public consensus in the United States for larger and larger foreign aid budgets—even if those expenditures are for base rights countries.

The establishment of a new multilateral financial institution for the purose of assisting base rights countries is, in my view, a very realistic and appropriate burden-sharing initiative for the United States, NATO and Japan.

Mr. President, I urge the administration to be very forward thinking in their approach to securing equity in defense spending with our allies.

The suggestions I have made today and the recommendations of my subcommittee are intended to be constructive, and I hope will serve to urge the administration to take some bold, innovative approaches to this issue.

The Subcommittee on Military Construction Appropriations will hold a special hearing on the subject of base rights and burden sharing on Monday, March 21 in Dirksen 192 at 10 a.m. We will be taking testimony from a number of senior defense and military officials.

Mr. President, at this point in the RECORD, I ask unanimous consent to print in the RECORD those portions of the report which accompanied the Senate's military construction appropriations bill dealing with the issues I have been discussing.

There being no objection, the material ordered to be printed in the RECORD, as follows:

DEFENSE BURDEN SHARING

The Committee strongly supports House language that stresses the fact that our allies should assume a greater role in the defense of Europe and should assume a larger share of the financial cost of that defense. The United States also makes considerable investment in other areas of the world such as the Pacific and Southwest Asia, in an effort to promote peace and stability. The latest Department burden-sharing analysis indicates the United States provides 70 percent of total allied defense spending. Other NATO countries and Japan provide only 30 percent although they account for more than 52 percent of allied wealth as measured by gross national product. The United States cannot continue to shoulder such an unequal share of the financial investment required to maintain peace and stability around the world.

Past efforts by the Committee to encourage more sharing of the financial burden of the common defense have yielded little in the way of results. For the past several years, including this year, the Committee has made significant cuts to overseas construction projects. The rationale for these cuts has been, in part, to make the Department attentive to the fact that positive steps should be taken to reduce the cost of defense overseas by (1) encouraging host nations to share the cost, and (2) reducing the base infrastructure overseas. To date, these efforts have not achieved the desired results. Instead, projects previously approved for construction overseas will now cost $700,000,000 more than originally appropriated, due to currency fluctuations; the Department is steadily increasing the overseas base infrastructure; and, most importantly, American military personnel overseas are being subjected to a continual decrease in the quality of working and living conditions. The Committee, therefore, proposes the following actions:

Alternative force structure study.—For the past several years, Congress has supported many new initiatives requested by the Department of Defense to reduce the gap between Soviet bloc and Western conventional defense capabilities.

However, fiscal realities which will be faced in future years must be recognized. The probability of slower growth in future defense budgets indicates that our limited financial resources must be maximized to assure the Nation's defense posture is not eroded, especially our conventional posture, as nuclear weapons reductions are initiated.

Available resources will not likely permit substantial real growth in every mission activity. The Committee, therefore, believes that a reevaluation of the existing force structure should be undertaken by the Department of Defense. The committee believes that fiscal limitations must lead to the consideration of new force structures which provide a force mix designed to maximize defense capabilities at the lowest possible cost to the taxpayer.

The Committee is aware that conventional force enhancements are often more expensive than strategic force enhancements. Thus, in an era of fiscal limits, such enhancements will be difficult to achieve, unless the United States and our allies adopt a comprehensive, coordinated and fairly shared defense strategy.

The Committee, therefore, directs the Department of Defense to provide the Committee with a detailed report by June 15, 1988, which outlines alternative force structures, which will achieve net reductions in defense spending. The Committee directs the study include alternative structures such as reducing the number of active duty units and replacing them with National Guard and Reserve units as allies assume more Active Force military missions abroad.

The Committee believes that alternative force structures will substantially impact the programming, planning and budgeting of military construction projects, particularly overseas and in Guard and Reserve accounts. Therefore, in the formulation of future appropriations bills, the Committee will carefully consider the recommendations made in such a report.

Base closures overseas.—The Committee believes the Department has failed to sufficiently investigate the potential of closing bases overseas. As the Committee pointed out in the report accompanying the supplemental appropriations bill of 1987, the Department of Defense maintains more than 300 military installations, activities and properties in foreign countries. The Committee believes that the "Alternative Force Structure Study" will reveal that some foreign bases can be closed, with significant budgetary savings, as allies assume more military missions and U.S. force structures are changed. Specific recommendations for overseas base closures should be included in that study.

Report on burden sharing initiatives.—Last year the Committee included a general provision requiring a report from the Secretary of Defense outlining specific actions which would be taken during the fiscal year to encourage improved burden sharing by our NATO allies and Japan. That general provision became law. However, the Department failed to adequately comply with this requirement of law. The report submitted failed to identify a single new initiative which would be undertaken to improve allied burden sharing. The failure of the Department to adequately address the concerns of the Congress in this matter is one reason the Committee has substantially reduced the construction request for Germany and Japan and why the Committee has directed an alternative force structure study.

The Committee has again included the general provision in the fiscal year 1988 bill. The House has also included this provision. The Committee expects the Department to take this requirement seriously and directs that the report be forwarded by February 15, 1988.

Family housing and community support.—U.S. military families living abroad provide a substantial economic benefit to host nations. It is very expensive, however, for the U.S. defense budget to finance the construction and operations of family housing and military community support facilities.

The Committee recognizes the political difficulty of securing host nation support to increase U.S. warfighting capabilities in some foreign countries. However, the Committee believes it is appropriate to seek host nation support for U.S. military family housing and community facility construction and operations. The Committee directs the Department to seek bilateral discussions with allied countries aimed at securing such contributions.

NATO out-of-area activities.—The Committee is especially concerned with the failure of U.S. NATO allies to provide adequate support for alliance security interests outside the NATO region. Currently, there is no formal organzation within the NATO structure for developing and coordinating NATO policies outside the prescribed treaty area. The Committee urges the Department of Defense to work with the U.S. Mission to NATO to stimulate discussions within NATO on the creation of a formal consultative group on out-of-area activities.

Reporting requirement.—The Committee directs the Department should make maximum use of alternative funding sources for projects requested in overseas locations, specifically projects which are eligible for NATO Infrastructure, the Japanese Facilities Improvement Program or the Korean Combined Defense Improvement Program [CDIP]. Beginning with the budget request for fisical year 1989, the Department is required to include on the form 1391's for each project requested in Europe, Japan, and Korea, a statement indicating if the project is eligible for NATO, JFIP, or CDIP, the reason is it not eligible if it is not; if it is eligible, when it was submitted for funding; and if it was turned down for such funding, what was the stated reason.

The Committee believes such a reporting requirement will lead to better understanding of the burden sharing issue.

Master restationing plan.—United States Army units in Germany are based primarily in the same locations they were in at the end of World War II. Because many of these locations are not efficient for effectively responding to the modern Warsaw Pact threat, the Committee in 1980 endorsed a master restationing plan [MRP] which would have resulted in the relocation of critical warfighting units to better, more effective locations. Unfortunately, MRP failed to be financially supported by the West Germany Government. The failure of MRP is a glaring example of the lack of support for allied burden sharing measures.

MRP failed, in part, because senior U.S. Government officials did not assign a high enough priority to successfully concluding such burden-sharing arrangements. As a result, many U.S. Army units remain in malpositioned locations.

Since the failure of MRP, the Army has sought to unilaterally fund the modernization portions of the plan. A total $51,400,000 is included in this bill for construction of facilities at Vilseck for that purpose.

The Committee continues to support the primary purpose of MRP. Some U.S. Army units still should be relocated. However, the Committee will not continue to support unilateral U.S. financing for such relocations in future years. The Committee, therefore, urges the Department to again seek bilateral discussions with the West German Government for the purpose of developing a restationing plan which could be fully supported and shared.

Wartime host nation support.—The Committee has approved $4,500,000, the full budget request for wartime host nation support [WHNS]. Funds included in the bill are for phase 2 of a four-phase burden-sharing agreement concluded with the West German Government in 1982. Under this agreement, the Federal Republic of Germany will provide 85,000 reservists to man critical combat and combat support units during crisis or war. The United States agreed to share in the cost 50-50 of constructing facilities to support WHNS operations.

The Committee believes the WHNS agreement represents an appropriate burden-sharing arrangement and urges the Department to explore other similar opportunities for common defense financing.

NATO INFRASTRUCTURE PROGRAM

The NATO Infrastructure Program is the only pure burden-sharing program funded in this bill. It represents the kind of cooperative effort which would become more commonplace between the free world's allies.

The Committee has provided $368,000,000 to support the infrastructure program. The Committee has made a reduction of $10,000,000 as recommended in the Senate authorization bill.

The Committee believes the U.S mission to NATO should seek an additional expansion of the NATO infrastructure program. While the Committee is pleased with the current expanded 6-year slice group, the Committee believes the NATO allies have the economic ability to provide increased contributions over present levels. The Committee would enthusiastically support increased appropriations for the U.S. share of such an expanded program.

The Committee agrees with the House that the U.S. mission to NATO should press for an expansion of NATO funding criteria to reduce the amount of U.S. unilaterally funded construction. Much of the large reduction in U.S. construction in Europe was made because the Committee believes the NATO criteria can and should be expanded.

The Committee opposes any effort to decrease the percentage of infrastructure funds devoted to construction. Since the infrastructure program was first initiated in 1950 as a facilities program, the account has been increasingly utilized to fund what are essentially procurement items. The backlog of specific NATO-eligible construction exceeds $6,000,000,000. Until this backlog is eliminated, facilities should continue to receive priority.

The Committee has included bill language which prevents the U.S. share of NATO infrastructure from being utilized to fund nonconstruction projects whenever the share devoted to construction activities falls below 65 percent. The Committee has also deleted bill language requested by the Department which could be utilized to support expanded nonconstruction activities.

The Committee commends the U.S. Mission to NATO for substantially reducing the backlog of unrecouped prefinanced funds. The Committee continues to oppose prefinancing of NATO-eligible projects, except under the most urgent operational circumstances.

Torrejon Air Base, Spain.—The Committee has approved a general provision expressing the sense of Congress that any facility construction cost associated with moving the 401st Tactical Fighter Wing, based in Spain, to another country should be paid by NATO. This language is identical to language enacted into Public Law 100-71, the Supplemental Appropriations Act of 1987.

In addition, the Committee has approved a legislative provision providing that no funds appropriated to the Department of the Air Force can be spent for facility construction to support a relocation of the 401st.

The Committee believes the 401st Tactical Fighter Wing is important to the defense of NATO's southern flank and does not support its removal out of NATO's theater of operations unless the mission is assumed in full by our NATO allies.

PERSIAN GULF

Since 1980, the Committee has provided almost $1,200,000,000 for construction of facilities necessary to support deployment of forces which would be assigned to the United States Central Command during a Middle East-Southwest Asia crisis. In this bill the Committee is providing another $36,195,000 for construction of regional facilities in Diego Garcia and Oman. The Committee believes another $300,000,000 may be necessary to provide facilities adequate to preposition sufficient assets which would be needed to respond to regional contingencies.

The Committee is concerned that the United States continues to shoulder the primary responsibility of protecting the free world's oil supplies, notwithstanding recent allied willingness to locate minesweeping assets in the lower Persian Gulf and the Gulf of Oman. Europe and Japan have not provided any funding to assist in the development of the United States rapid deployment force or for construction of facilities to provide regional base access.

The economies of our European allies and Japan are much more dependent on Persian Gulf oil than in the economy of the United States. Therefore, our allies should be willing to pay a portion of future regional facility construction or assist financially in other ways, such as providing foreign assistance to partially offset the cost of defending oil supplies and building facilities necessary for regional bases access. The Department is directed to seek the initiation of bilateral discussions with the allies for that purpose.

Recent events in the Persian Gulf demonstrate that U.S. military forces are not guaranteed access to facilities which are sufficient to support contingencies in the region. As a result, throughout the upper half of the gulf, air cover is not available to protect United States naval warships escorting reflagged Kuwaiti oil tankers.

The Committee does not support the establishment of U.S. military bases in the Middle-East Persian Gulf region. However, recent events in the gulf serve to illustrate the need for additional facility access and prepositioned supplies necessary to support a range of regional contingencies. Lack of assured access and prepositioning is an Achilles heel to meeting potential military challenges in the gulf and, therefore, reduces the deterrent value of forces assigned to support the U.S. Central Command.

The Committee believes the Department should continue to seek access and prepositioning arrangements which are consistent with the sovereign interests of host nations as well as the security interests of the United States. The Committee recognizes that regional political realities may occasionally prevent specific detailed agreements from being concluded. Such constraints should not, however, prevent the United States from pursuing informal arrangements which have a significant potential for meeting access and prepositioning requirements.

The Committee also directs the Department to begin submitting construction project wedges for Central Command facility requirements to shorten the time required to accomplish regional construction. The Committee would support appropriations for such project wedges at unspecified locations with the understanding that funds appropriated for that purpose could not be obligated until the Department has notified the Committee of projects to be constructed in specific locations and 21 days have elapsed, providing the Committee review and consideration.

During fiscal year 1988, the Department is directed to utilize emergency construction authority, under existing procedures, to accomplish necessary construction not previously programmed in the Central Command's area of operations.

CONSTRUCTION IN THE PACIFIC

The Pacific region is increasingly important to the United States strategically and economically. The Soviet Union, in recent years, has vastly expanded its military activities in the region, and economic growth in the Pacific Rim has led to expanded United States trade activities. Clearly, the Pacific region is important to the military and economic security of the free world.

As in Europe, however, United States allies, particularly Japan, are failing to provide adequate funds for the defense of the region. Additional assistance must be provided by allies through expanded host nation support, base access or other creative financial arrangements.

Japan.—The Government of Japan continues to provide mimimal funding for its own defense. The Committee does not support a rearmament of Japan but believes Japan can do substantially more to reduce the United States burden of defending Japan and Japan's oil supplies.

The Committee has eliminated most funding for military construction requested for Japan, except for security and quality of life projects for the Marines on Okinawa. The Committee believes the Department should seek new bilateral discussions with Japan for the purpose of securing additional funds to offset the cost of maintaining the United States military presence. Funding from the Japanese Facility Improvement Program [JFIP] especially should be increased.

Philippines.—The Committee continues to support our strategic bases in the Philippines. However, the Committee is concerned with the continued growth of the Communist insurgency. Recent events indicate United States interests in the Philippines are no longer immune from guerrilla activity.

The Committee believes that until future base access agreements are approved and the insurgency controlled, consideration should be given to reducing accompanied tours in the Philippines. For that reason, the Committee has eliminated funding for family housing and replacement hospital construction. The Committee has approved funding only for those projects of an urgent operational or safety nature.

Korea.—Due to constraints, the Committee has reduced funding in Korea by one-third. The Committee continues to oppose increases in the number of accompanied tours in Korea. Such a policy would cost billions of dollars to support. The Committee believes accompanied tours should only be considered if the Government of Korea agrees to provide the full cost of construction and operations of housing and community facilities necessary to support United States military families.

Mr. SASSER. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATORIAL ELECTION CAMPAIGN ACT

The ACTING PRESIDENT pro tempore. The clerk will report the unfinished business.

The legislative clerk read as follows:

A bill (S.2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Boren motion to recommit the bill, with instructions to report back forthwith, with Boren Amendment No. 1403, in the nature of a substitute, as modified.

Byrd Amendment No. 1404 (to Amendment No. 1403), of a perfecting nature, as modified.

Boren Amendment No. 1405 (to Amendment No. 1404), of a perfecting nature, as modified.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, thank you very much.

Once again I am compelled to speak in opposition to S. 2, the bill which would impose taxpayer financing of Senate elections and limit the spending of campaigns. As we all know, adoption of this legislation would radically change the manner in which citizens will be allowed to participate in the election process.

The legislation before us, S. 2, would attempt to standardize Senate campaigns across the country. It would impose spending limits which are calculated only on population of each State. As proud representatives of these States, we should each be ready to defend the unique characteristics which distinguish our respective constituencies.

Every State has a different set of voter demographics and voter attitudes. These differences will vary the effects of election laws and regulations. In addition to population differences, there are also significant differences in media saturation, population density, political culture, and constituent expectations.

This bill, S. 2, fails to address these areas of diversity. What might be too much spending in one State with a given population, would not be enough spending in another State with a similar population.

The U.S. Senate needs valid input from all Senators to best estimate the resulting consequences or benefits of spending limits for political campaigns. The legislation which we finally adopt must represent the best system of campaign finance for the

collective body of U.S. Senators and for the collective population of U.S. citizens.

Though this legislation would standardize the spending constraints of all elections, it would impose a complicated system of regulations. These regulations would only serve the purpose of finding a way to justify taxpayer financing of an election. I really question whether it would be wise to make the election process any more complicated, either for the voter or for the candidates.

The election process is already fairly complicated. United States voters cast ballots for more elected officials than any other country in the world. Collectively, Americans chose half a million public officials through the ballot. From local school board directors, to State representatives, to Members of Congress, the American voter must select the office holder.

Elections and campaigns are also complicated for the candidate. As one example, it is expensive and time consuming for candidates to ensure compliance with FEC regulations. Most Federal level campaigns require at least one full time staff person to ensure that the campaign is complying with FEC reporting requirements. It does not make sense to me that, on one hand, we would want to limit the amount of spending for campaigns, while on the other hand, we would force more expenditures of time and money to make candidates comply with even more extensive regulations.

The complexity of the election process is important, but probably not as crucial as the hard policy considerations of forcing a highly controversial version of "reform" on the citizenry. Congress has been attempting to "reform" campaign finance law for decades, yet never seems to get it quite "right". The result of all of our "reform" legislation has been higher campaign expenditures, not lower.

But what, exactly, makes campaign spending so bad? Is it an evil that constituents seek to join a group to enable them to have access to information regarding candidates and issues? Is it an evil that our constituents seek to express their opinions as part of a collective voice, in addition to their individual voice?

As stated in the decision in the famous Supreme Court case of Buckley versus Valeo:

> For the First Amendment right to speak one's mind on all public institutions' includes the rights to engage in vigorous advocacy, no less than abstract discussion. Advocacy of the election or defeat of candidates for federal office is no less entitled to protection under the First Amendment, than the discussion of political policy generally, or advocacy of the passage or defeat of legislation.

This passage clearly protects the rights of individuals and groups to advocate a candidate or an issue. The decision further reads:

> * * * the First Amendment was designed to secure the widest possible dissemination of information from Diverse and antagonistic sources and to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people.

Let me reiterate part of that passage. "The First Amendment was designed to secure the widest possible dissemination of information * * *". Why is Congress now attempting to restrict the dissemination of information?

The Supreme Court decision continues with the following key point:

> No governmental interest that has been suggested is sufficient to justify the restriction on the quantity of political expression imposed by campaign expenditure limitations * * *.
>
> Moreover, the equalization of permissible campaign expenditures might serve not to equalize the opportunities of all candidates, but to handicap a candidate who lacked substantial name recognition or exposure of his views before the start of the campaign.

The writers of this decision, Mr. President, fully realized that limiting campaign spending will unfairly advantage the incumbent. I will address this issue more fully later in my statement.

I would like my colleagues to bear with me a little bit more as I relate one final passage from the Buckley versus Valeo decision:

> The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution, it is not the government, but the people—individually as citizens and candidates, and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Mr. President I doubt that campaign spending, in and of itself, is the inherent evil of politics. Perhaps contributions from PAC's should be limited further. Politial action committees are not the inherent evil either.

Let me take just a moment to briefly discuss with you the character of PAC's. "Political action committees" are not specific legal creations of Congress. In fact, "PAC" is a layman's expression to reflect the requirements of the Federal statute relating to "political committees," "separate segregated funds," and "multicandidate political committees."

Oh, I know that you all know what political action committees are. But why do I have to remind you that, quite simple, well-financed political interest groups, and their political professionals, will not be kept out of politics; not by any regulation or statute that Congress could write.

You know, the weather can turn pretty dry in Iowa sometimes; I am sure that many of you can sympathize that your home States can get awfully hot and dry, too. When it has been quite awhile without rain, my lawn starts to turn brown. But you know, the grass that grows up in the cracks of sidewalks, that grass that I am always pulling out because I want to get rid of it, never turns brown. The stuff you do not want, it seems, never dies or goes away.

If PAC's are the grass in the cracks of the sidewalk, if contributions from interest groups are the thing the supporters of S. 2 are trying to prevent, I doubt that this legislation will do it. Just like the grass in the sidewalk cracks never turns brown, citizens will always find ways to group together and influence campaigns.

One of the most obvious ways in which interest groups do now, and will continue to do, is to spend independently on a candidate's behalf. S. 2 assumes that campaign spending can be limited by the amount that a candidate reports to the Federal Election Commission. But, limits on contributions and spending will not limit independent expenditures.

I know that S. 2 provides that independent expenditures would trigger a taxpayer financed grant to the opponent of the candidate who benefits from an independent expenditure. But, it seems that this would be easy for candidates and their supportive interest groups to circumvent. Examples might run the gamut from selective voter registration drives to indirect advertising.

Besides, I am not at all sure that we really want to prevent citizens from joining together. I am not all sure that we want to cut ourselves off from comment and input from the people we represent.

Why are we determined to blame persons and associations outside this institution for wanting to influence us? Isn't that more of a reflection on us, that it is on them?

If a Senator thinks that contributions from political action committees are bad, then that Senator may refuse to accept contributions. If the public really believes that PAC contributions are bad and a candidate is accepting large amounts of PAC contributions, then the voters in that election have the opportunity to vote against that candidate.

The voters are the only true judge of the campaign finance activities. Mr. President, I suggest that we defeat this bill. I further suggest that we then let the voters decide what type of campaign financing they would like. I think they will do that in the next election, regardless of what we attempt to do in this Senate.

Mr. President, we have heard hours and hours of debate on this issue. Much of it has been directed on the advantages and disadvantages of taxpayer financing of Senate elections.

Some of my deepest concerns, however, are directed on the effect this legislation would have on the two party system of this Congress.

Thats right. I think adoption of S. 2, the Senatorial Election Campaign Act could just as well be called the Democratic Senators Election Campaign Act. The simple fact remains, and the majority party has not been able to satisfactorily refute it, that this bill would give the incumbent Democratic majority distinct and unfair advantage.

In fact, I have sometimes thought it would be a whole lot simpler and more honest if the majority party would write another substitute amendment that would simply say: "The Republican Party ceases to exist."

The Democratic incumbents' advantage would be realized in the spending limits attached taxpayer financing. Spending limits inherently favor incumbents.

Challengers do not have to spend more money than incumbents to win. But challengers must spend enough money to win. They need to spend at least enough money to bring their case to the voters.

As much as I recognize the hazards in spouting statistics, I simply cannot avoid the data which illustrate the painful truth about campaign spending. Political science research very definitely shows that money has a greater benefit to some campaigns than to others. More to the point, increased spending does not favor incumbents. In fact, political science research indicates that incumbents may actually do worse in elections if they spend too much money.

Money, however, really is the "make or break" component in the campaign of a challenger. There is a very interesting reactive trend to the money raised by an incumbent. And that is, it increases or decreases in response to the challenger. Obviously, incumbent Senators do not have to raise as much money when they do not face formidable opponents. A challenger, however, cannot begin to launch a credible campaign without spending enough money to communicate effectively with the voters.

As described to the Senate Rules Committee by Michael Malbin, professor of political science at the University of Maryland, and author of two books and many research articles on the subject:

> Incumbents are well known, and the marginal utility of a dollar spent by a well known person is less important than a dollar spent by a less well known person. Incumbents are better known than challengers * * *.
>
> It should be clear from the numbers that what separates the few close races from the rest is not the money raised by incumbents, but the amount raised by challengers. Equalizing campaign funds would do nothing to help the vast majority of seriously underfunded challengers, but limits would prevent the best challengers from making their case against incumbents who start off with more than a $1 million advantage in office account funds.

By allowing a challenger to raise enough money to deliver an election message, the better able the voter will be to make a clear cut choice. A choice between candidates, between candidates of comparable visibility and credibility, is one of the most essential components of an electoral democracy.

There is no secret that, for several election cycles, conservative political action committees have targeted incumbent Democratic Senators for defeat. The effects of targeting were very apparent in 1980, for example, when four targeted Democratic Senators were defeated. Obviously, there were many factors contributing to the success of these four Republican challengers, not the least of which is the obvious high quality of the challengers.

Such targeting, however, provides many challengers the seed money needed to initiate a creditable campaign. This is necessary, because contributors tend to direct their resources to candidates with high probability of success. Therefore, it usually takes money to raise more money.

One noted political scientist summarized the effects of incumbency like this:

> Voter "information varies with a number of factors, including challenger spending. We now see that the visibility of the challenger is directly related to the vote. While the question needs more attention, part of the recent upsurge in Senate competition may be a product of increased challenger spending.

Mr. President, the ability of the challenger to spend enough money to provide voters adequate information to make a choice is the only way to maintain the two party system in which our democracy flourishes.

I urge my Senate colleagues to oppose S. 2, the Democratic Senatorial Election Campaign Act.

The PRESIDING OFFICER (Mr. Shelby). The Senator from Iowa.

Mr. HARKIN. Mr. President, debate has been going on for several months now, both on this floor and also in the news media across the country on S. 2, Senatorial Election Campaign Act of 1987. I want to take this time, Mr. President, to give some of my thoughts on this bill and, of course, to urge bringing it to the floor expeditiously so that we can have amendments to it, vote the amendments up or down, and, I hope vote the bill out.

I do not think there is any doubt, Mr. President, that we have the votes to pass the bill. I do not think there is any doubt any longer that the vast majority of the American people support S. 2, and certainly the vast majority of the media, in both printed editorials and editorials on television and radio, support S. 2.

Mr. President, the role of money in politics is an old problem, but the costs have escalated in recent years and, as they have, the problem has intensified to the proportions that I think truly endanger our democratic foundations. Every Member of Congress, just like every citizen, favors honesty and fairness in our electoral system. The debate today is not about honesty and fairness.

After all, like apple pie, motherhood, and education, the need for integrity in our political process is one of those things you not argue against. Sustaining our great system of democracy depends on honesty and fairness and integrity in the electoral process.

Thus, it seems to me that the need to reform our campaign financing system is as crucial as any issue that we face today. We have an opportunity, now, to take a giant step in this direction, a step that could lead not only to a saner and more honest electoral system, but also to a restoration of faith in government and politics.

As one who has been a participant in some form of government service for most of my adult life, I am dismayed by the decline I perceive in public respect for the profession of politics. Every year, it seems, fewer Americans bother to go to the polls to vote. While I am disturbed by this development, I can also understand it. The headlines are always full of stories about how elected officials are failing the American people, but they certainly are not failing the special interests.

Mr. President, it is time that we address this one weak link in our democracy. But there is something even more than just weakness of policy or character that turns people away from politicians. I believe that is that lack of confidence that we have in our electoral process. Because campaigning has become so expensive, time consuming, and almost totally dominant in the whole process of governing, many Americans perceive that government is not responsive to individuals but only to wealthy special interests. We must change both this perception and, indeed, I think, also this reality. We have to bring government back to the people and people back to the government. We can begin to achieve this now by adopting S. 2, the Senatorial Election Campaign Act.

I want to take this opportunity, Mr. President, to publicly compliment the distinguished majority leader, Senator Byrd, who has fought for this bill for a long time and who has gone on the record, time after time, saying that we have to pass this election reform bill. We had the bill before the Senate last year. We were frustrated seven times, I believe, when we tried to vote cloture. We came close, but we didn't get the votes to pass it. Yet the majority leader has hung in there because he truly understands how we must restore the faith of the American people in our electoral process and why this is the best way to do it.

I must say, Mr. President, that I do not think anything short of a national catastrophe, which we all hope is not forthcoming, will bring the American people back to the political process in greater numbers or more rapidly than the passage of S. 2. As I said, I can understand why people stay away, why they do not go to the polls, why they do not get involved in the political process.

Normal, average, working Americans have maybe a few dollars to contribute; maybe they have a little bit of time. But they are overwhelmed by the massive amounts of money that come in through the special interests, through PAC's, through bundling, through all kinds of things. So they say: What do my few dollars count? What good does the little bit of time I can spend doorknocking or down at campaign headquarters do when I am overwhelmed by the forces of special interest money? So that is why this bill is so drastically needed this year—to get the American people back involved in the political process.

Just look at the numbers. I know the numbers have been set forth here time and time again, but they have to be repeated and repeated and repeated until they finally sink in. Spending in Senate races has increased almost fivefold, from $38.1 million in 1976 to $180 million in 1986. A winning Senate candidate spent an average of just over $600,000 in 1976. Ten years later, it costs an average of $3 million

Mr. President, I can tell you in my own race in Iowa in 1984, my campaign spent about $3 million. So I guess I was about the average. My opponent spent about the same. The question is: Do you really need $3 million to run a Senate campaign in the State of Iowa? The answer is: No, you do not need that much money. But if you are going to be competitive, buying media time and having all the ads, you simply have to do it. You have to be competitive. But it does not take that much money. I would say that I could run a very decent, hard-hitting campaign in the State of Iowa in 1990 at half the amount of money we spent in 1984. I have no doubt about it. And I have no doubt that under these spending limits my opponent, whoever that opponent is going to be, will have every bit as much access to the public, to the media, and can make his or her case just as well as I made it against the incumbent in 1984; again, with half as much money.

I will tell you another thing this bill will do, Mr. President. With the limits that it has on it, it will give us a lot more time to go out and make our case to the public. I listened to Senator Reid here the other day, when I was occupying the chair. He was very honest and I compliment him on his honesty. He said he spent 75, maybe 80, percent of his time raising money just to run in Nevada last time. He discussed how once you get elected to office, you have to start raising money again right away. That is true. I daresay it is going to take probably over 50 percent of any Senator's time, at a minimum, just to raise the money necessary to campaign for office.

As Senator Reid so eloquently stated, that is the time we ought to be spending back in our constituencies, meeting with people, understanding their needs, debating, perhaps, with our opponents. Instead we are on the phone, day in, day out, having fundraisers here, calling this PAC, calling that PAC, trying to raise the money to buy the ads on television.

Quite frankly, I do not know anyone that likes the present system. Certainly incumbents do not like it. They spend all that time raising money. Challengers do not like it either because they have to do the same thing. They have to spend just as much time and effort raising money and going to PAC's and such. I do not think the PAC's even like it any longer. I am not saying the PAC's want to be put out of business, but I think it has gotten to the point that they are just overwhelmed by the amount of requests that come in and the amount of money that they have to raise in order to be competitive. Everybody has to be competitive here, so PAC's go out and raise a lot more money because if Senator so-and-so calls, they had better answer.

The whole thing becomes kind of a maelstrom of one person, one entity, trying to outbuy the other; whether it is one PAC or one incument Senator or one challenger. The whole thing has just degenerated into a moneymaking machine.

We have professional organizations out there now that do nothing but raise money for candidates. That is their whole goal, their whole reason for existence. They just raise money. They are professionals at it.

Well, I do not deny anyone the right to engage in a lawful business, and certainly what PAC's do is legal. But again, I have to question just what it adds to our system of government, to have entities out there whose role purpose, sole reason for being, is simply to raise money for challengers or incumbent Senators. I do not mind if they do that, but I really have to question what it adds to our process.

Mr. President, as I mentioned, fundraising does not just take a few months, not even a year. As soon as a Senator is elected here, that Senator better start raising money for the next election 6 years down the pike. Everyone here does it, and to deny that is to deny the obvious and to deny what is also on the record.

I do it. Every other Senator does it. You start raising money right away, as soon as you come here.

I think, as a result, what happens is that qualified men and women who cannot bear these kinds of time commitments and financial risks are driven away from running for office.

We all lose when good people choose not to run for public office. Clearly, we have go to get our campaign spending under control. And at the heart of S. 2 lies a provision that will effectively pull the reins—voluntary spending limits.

I do not need to go through the Buckley versus Valeo decision. I wish the Supreme Court had gone the other way in their 5-to-4 decision. If they had, we probably would have had spending limits right now. But the Supreme Court decided as they did, and so we have to go a different route.

What S. 2 does is confine itself to the constitutional balance by allowing candidates to abide by the spending limits to be eligible for certain benefits, including reduced mailing and telephone advertising rates.

Originally S. 2 provided a system of public financing as an inducement for candidates to limit their spending. As the Presidential public financing system has so well demonstrated, this method can and does work. Not only has it kept campaign spending in check; it has opened the process and broadened the campaign funding base.

Unfortunately, however, in an effort to meet objections to the bill, the public financing portion was diluted.

Now public financing from the tax-checkoff fund will be made available only when one candidate refuses to abide by the spending limits.

Even in this limited form, I think the public financing provision is an important one. I was in favor of the previous bill and the public financing provisions in that bill. I have been in favor of public financing of senatorial and congressional campaigns ever since 1976 when the first public financing for Presidential campaigns went into effect. I really believe that is the way it ought to go. Whether or not we will get to that point sometime, I do not know, but I will continue to argue for that position. I believe what we have in this bill is a good step in that direction.

I do not know if we will ever get to full public financing, probably not, but there should be some form of blended public financing and reduced PAC's.

I think PAC's should be alllowed to give to campaigns, just not as much as they are giving, and, of course, mandating the candidates go out and raise a certain amount of money in small contributions. I think those three aspects combined would perhaps be the best system.

Public financing is not a cost to the American taxpayer. I think it represents a savings. Public financing will save the Treasury and the American people many, many times more than its actual cost through reductions in favorable treatment which contributors might receive through special interest legislation.

The establishment of a limit on the total amount of PAC contributions a congressional candidate may accept is another important limit.

I want to be out front on this. I not only accept PAC money, I am the head of a PAC myself, and I certainly do not believe that PAC's are in any way evil entities.

There is nothing wrong with groups of individuals trying to advance their causes and joining together to do so. It is a first amendment right.

I think PAC's have every legitimate right and a legitimate role in exercising that right, but I do think that the current balance between the influence of PAC's and the influence of ordinary citizens is uneven. The system needs to be leveled out a little bit more in favor of the ordinary citizen.

The bill does this, not by prohibiting people from joining PAC's, not by prohibiting PAC's from giving money, but by limiting the total amount of aggregate PAC money that any one candidate can receive.

An individual PAC can still give $10,000—$5,000 preprimary, $5,000 for the general—but we limit the total amount that a candidate can receive depending upon the population of that State. I think that is an important limitation.

As I said, I do not want to do away with PAC's. I heard the distinguished Senator from Kentucky [Mr. McCONNELL], one of the leading opponents of S. 2, state last week that he had introduced a bill last year, to do away with PAC's. I was wondering why no one joined him on that. Some of us do not believe PAC's are inherently evil. I do not. I think it becomes bad when you do not have any limits. You can look at what happened to PAC's over the last 10 years, how they have grown from just a few PAC's to now thousands of PAC'S. That is really what the problem is.

PAC's ought to be allowed to give money, but there should be a limit on how much you can get as a total aggregate from PAC's. Again, I think that will give the people the right to join together to advance their interests and to donate money to an incumbent or challenger.

I think these provisions, voluntary spending limits and PAC limits, are essential to a meaningful campaign reform bill. In addition to these, the bill contains several other provisions which will fine tune the law.

For instance, the bill protects against the abuse of independent expenditures made against a candidate or for his or her opponent. It prohibits bundling and places disclosure requirements on the use of soft money.

Those three things, Mr. President, are all very important—independent expenditures, bundling, soft money. Those can all come in, and I have seen them used against Democrats, against Republicans, against liberals, and against conservatives. The idea of independent expenditures with some individual, maybe a group of individuals, coming into a State and just dropping a bundle of money in negative advertising against a candidate really ought to be stopped.

Again, there are certain fundamental first amendment rights that cannot be violated, but this bill does protect against the abuse of independent expenditures, and it does it in a meaningful way, and being one that does meet those constitutional guidelines.

The same can be said of bundling or soft money. Another thing that turns off a lot of people in our country is negative campaigning—where a group comes in from another State, and without having any contact with the candidate they want to support, engages in big negative advertising campaign against their candidate's opponent.

Again, I think that turns a lot of people off. There ought to be some way that we can reduce the influence of that. This bill does that.

I think you will find the vast majority of American people supportive of any efforts that we can do to stop that kind of negative campaigning.

Mr. President, I hope campaign reform can finally become a reality. It is an issue whose time has come. In fact, I think it is past due. People all over this country want something done about it.

This bill can be nitpicked and, certainly when it comes on the floor of the Senate, there will be amendments to it. I may have one or two myself. There will be amendments, and we will get a vote on those amendments, and we will fashion a piece of legislation. That is the way it ought to be done. But to hold up the bill through a filibuster so that we cannot even bring it out on the floor to debate it, to amend it, to pass it up or down, I think flies in the face of good government, what the people of this country really want us to do.

I would hope that this filibuster could be called off. I would hope that we could bring the bill out on the floor. Let the chips fall where they will. Those who do not like it can amend it, and we will see how the votes fall. I believe we ought to vote on this bill, and I believe the filibuster ought to be called off.

Mr. President, as the Des Moines Register stated in an editorial in support of S. 2 last spring, the current campaign finance system is not quite what the founders had in mind 200 years ago. I certainly agree with that. I think one of the most appropriate ways to show our respect for the Constitution would be to pass this bill and to restore representative government to fit the dream that our founders envisioned.

Mr. President, I ask unanimous consent that the text of the editorials by the Des Moines Register and the Cedar Rapids Gazette appear at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Des Moines (IA) Register, Sept. 23, 1987]

PERPETUATING A DISGRACE

Campaign-finance reform is dead for this year. There were enough votes to pass it in the Senate. But not enough to shut off a Republican filibuster.

What a bummer! Can't Congress face up to anything?

Can't Congress see how its members appear to be on the take? Can't Congress see how demeaning it is when elections become contests of a raising money from special interests who want something in return? Can't Congress see how democracy is prostituted?

Apparently not. At least not enough members can—and not Iowa Senator Charles Grassley.

Grassley, who is known for the eagerness with which he holds his hand out for special-interest cash, voted with most other Republicans in supporting the filibuster to prevent the reform bill from coming to a vote. It takes a three-fifths majority to end a filibuster.

The reform bill originally would have established a system of partial public financing of Senate campaigns, modeled after the successful presidential campaign-financing system. Candidates would quality for public financing by agreeing to limit their spending.

In an attempt to mollify the opposition, the bill was watered down so candidates would not receive any public funds unless their opponents exceeded spending limits. Candidates would be offered reduced postage and broadcast rates in exchange for abiding by limits, and there would be an aggregate cap on what a candidate could take from PACs.

It was hardly radical reform. It was more like a tentative beginning at addressing a serious problem in the American democracy, but the Republicans chose to obstruct even that.

How much more sleazy will campaign finance have to become before Congress acts? The unseemly scramble by public officials to get cash from special interests is a national disgrace. So is the failure of the Senate to deal with it.

[From the Des Moines (IA) Register, Mar. 26, 1987]

DESTROYING DEMOCRACY

Congress works a three-day week because it's hard to round up enough members to take important votes on Monday or Friday. But that doesn't mean members are loafing. Among other things, they need those four-day weekends to hustle money from special-interest groups.

Money has always been the mother's milk of politics, but to today's politicians it has become an all-consuming addiction. As soon as one campaign ends, money-raising immediately begins for the next one.

It's getting hard to tell who is more obscene—the lobbyists who pay lawmakers with money or the lawmakers who solicit it. Organizations that exercise their right to visit their congressman are often called a few days after the visit and asked for a donation. What price democracy?

Texas Senator Lloyd Bentsen's short-lived plan to charge lobbyists $10,000 for the privilege of chatting with him at breakfast was notable only for its excess. Other members charge less.

The politicians and the lobbyists alike are caught in a vicious spiral. The rise of political-action committees (PACs) in the last decade infused vast new money into political campaigns, but the availability of new money escalated the cost of campaigns.

Candidates in the five costliest Senate contests spent 67 cents a vote in 1974 but spent $7.74 per vote in 1984, and the cost is still rising. Some members of Congress complain that they must spend up to half of their time raising money, and some lobby groups are beginning to complain that $5,000 doesn't buy what it used to. With a proliferation of special interest groups all trying to buy the ears of members, it costs more to buy influence now.

Enough! the money-changers have taken over the temples of democracy. They have bought the right to set the legislative agenda. They undermine public trust in the system. They finance disgustingly negative campaign advertising. They speed the degeneration of the body politic into a grasping aggregation of me-first special-interest groups. They help destroy what's left of the covenant between people and their government.

It's not quite what the founders had in mind 200 years ago, but the genius of the system they established has been the ability to reform itself. Congress needs to reform campaign financing, now.

The best possibility for reform is legislation sponsored by Senators David Boren of Oklahoma and Robert Byrd of West Virginia. Iowa Senator Tom Harkin is a co-sponsor. It would establish a system of public financing for Senate campaigns, modeled after the public financing that has succeeded in keeping presidential campaigns relatively clean.

Candidates—after raising a certain "threshold" of money from private sources, mostly donors from their home states—would be eligible for public financing. Candidates who accepted public financing would be bound by campaign-spending limits; those who didn't agree would be penalized by having their share of public money go to their opponent.

No proposal on such a complex matter is perfect, but the Boren-Byrd bill seems to come closest and is drawn from the proven success of presidential campaign-finance reform.

The strongest objection is the cost, but if it can succeed in reclaiming representative government for the people it would be the best money Congress has spent in a long time.

[From the Cedar Rapids (IA) Gazette, Mar. 17, 1987]

CAMPAIGN FINANCES

Ever since 1867, when it passed a law prohibiting Navy Yard employees from levying assessments for "political purpose," Congress has been scratching its collective head, trying to figure out the fairest way to regulate the financing of federal election campaigns. It's been a constant balancing act. On one hand, the government encourages citizens to donate to political campaigns. On the other, government must keep wealthy individuals and special interests in check and not allow spending to get out of control.

Laws on campaign financing have grown increasingly complex, requiring an increase in the government's regulatory role. In 1972, the federal government decided the best way to ensure fair presidential election campaigns was to subsidize the candidates. It has worked well. Now, it's time to extend subsidies to legislative elections.

The U.S. Senate now faces at least five different campaign-finance reform proposals. The one receiving the most attention is the Boren-Byrd proposal, which outlines a "voluntary" system of public financing.

A public financing scheme, such as the Boren-Byrd proposal, is essential. It is the only way to get congressional campaign spending under control.

Expensive TV commercials and direct mail efforts in recent years have caused campaign spending to skyrocket. In 1980, the median expenditure by a candidate for Senate was $949,992. Last year, it soared to $2 million. There have been individual cases of spectacular excess. Sen. Jesse Helms, R-N.C., set the record by spending $16.5 million in 1984. Sen. Alan Cranston, D-Calif., waged a $10.8 million re-election campaign last year.

Senate Majority Leader Robert Byrd, whose name graces the Boren-Byrd proposal, calls the current finance system "a growing threat to our representative form of government and a growing threat to this institution." It is difficult for him to schedule votes, he said, because senators are often absent on Mondays and Fridays to raise money for their upcoming re-election campaigns.

Candidates are forced to think about cash, even when elections are distant. Iowa Democrat Tom Harkin, who spent $2.7 million to win the 1984 U.S. Senate election, toured the West Coast last month in search of re-election campaign contributions. He doesn't face voters until 1990.

Limits on campaign spending have been attempted before, in 1974, Congress capped the total expenditures a congressional candidate could make during primary and general elections. But the U.S. Supreme Court invalidated the law two years later, saying it violated the candidates' First Amendment rights.

The high court ruling didn't close the door completely. According to the way that Sen. David L. Boren, D-Okla., reads it, spending limits can be re-established if they are "voluntary" and if the government uses campaign subsidies as an incentive.

This is precisely what Boren has written into the Boren-Byrd proposal. To be eligible for public funds, the candidate first must volunteer to limit her spending. Then, if she raises $250,000 in individual contributions, she becomes eligible to receive public subsidy equal to the difference between the $250,000 and the spending limit for the state in which the election is held.

The state limits are based on voting population. In an Iowa senatorial race, for example, the limit would be $1.1 million per candidate. The money for the subsidy would come from a federal checkoff similar to the one on income tax forms for presidential election.

The measure also contains significant incentives. If one candidate eschews public funds and chooses not to limit his spending, then his opponent may become eligible to receive the public campaign money that had originally set aside for, but not used by the non-volunteer.

The Borden-Byrd proposal creates a new campaign finance system that rewards those who run solvent campaigns, punishes excessive spending and checks the influence of special interests. It would be a vast improvement.

[From the Cedar Rapids (IA) Gazette, Mar. 3, 1987]

LIMITS ON PAC's

Sen. David Boren, an Oklahoma Democrat, has long advocated limiting the amount of money congressional candidates can accept from Political Action Committees. He introduced legislation last year stipulating that House candidates could accept no more than $100,000 in PAC money. Senators were to limit total PAC contributions to between $175,000 and $750,000, depending on the population of their state.

The senators liked Boren's general idea. After all, who doesn't view the rapid proliferation of PAC's with suspicion? So they approved the amendment by a lopsided margin of 69-30. But senators disliked the specific proposal. Even as they voted, they knew it had been crippled by an oppostion amendment and would never get to the House.

The reason for the opposition was voiced by Sen. Dave Durenberger, R-Minn. "Reforms that focus first and foremost on limiting the role of PACs in our electoral system are doomed to failure. They will fail because they deal with a symptom, and not the cause, of what ails our political process. The growth of PACs is only a reflection of a fundamental change . . . to entrepreneurial politics."

When Durenberger talks of "entrepreneurial politics," he is referring to today's costly congressional election campaigns and how they have forced candidates to spend inordinate time raising money. The demand for money has helped to create a proliferation of PAC's—from 608 in 1974 to 4,092 last year. During the 1985-86 election cycle, PAC contributions increased 37 percent from the previous cycle. From Jan. 1, 1985, to June 30, 1986, PACs raised $253 million and spent $205 million.

Boren listened to the criticism and this year returned to the Senate with a more ambitious campaign-finance reform bill, the Boren-Byrd proposal. It creates a whole new system of incentives. A candidate who volunteers to limit his campaign expenditures and volunteers to accept limits on the amount of PAC money he accepts, qualifies for public campaign subsidies.

The key incentive is the federal subsidy, which can amount to four-fifths the cost of a general election campaign. Without the subsidy, it is simply impossible to limit PAC contributions. There are too many loopholes.

Let's say Congress attempted to place a $100,000 limit on amount of PAC money any one House candidate could receive. The candidate reaches the maximum amount. Under the current financing system, a PAC can continue to assist the candidate through "independent expenditures." This means a PAC can bypass the candidate's campaign treasury and directly purchases items such as television advertising. The PAC does not have to identify itself on air as the sponsor in the advertisement—so it appears to be a part of the candidates campaign. The candidate's opponent has no recourse other than to spend more of his campaign money to combat the PAC advertising.

With Boren's bill, a candidate who has volunteered to limit expenditures and accept public financing, can use public campaign money to fight and independent PAC attack. If a PAC spends in excess of $25,000 in "independent expenditures," the attacked candidates can apply for and receive matching funds from the government. Furthermore, under the Boren-Byrd bill, a PAC must identify itself as the sponsor of the television advertising.

Boren's proposal, which last year was a weak attempt to limit PAC spending, has blossomed this year into a comprehensive reform measure. It crates a new system of financing campaigns and a new system of incentives to keep expenditures down.

For the most part, PACs represent narrow single interests of our society. With the Boren-Byrd amendment, the financial influence of the PACs will become as narrow as their politics.

[From the Cedar Rapids (IA) Gazette, Apr. 4, 1987]

SWITCH-GIVING

When Sen. Mark Andrews, the North Dakota Republican, ran for re-election last year, he was backed by the American Bankers Association. The PAC donated $10,000 to his campaign. But the warm relationship chilled significantly after Andrews lost to Democrat Kent Conrad. The bankers' PAC suddenly became enamored of the winner. Within 1½ months after the election, the bankers switched sides and give $10,000 to Conrad.

The cynical bankers' PAC did the same thing in Alabama, Washington and Georgia last year. It backed the losing Republican incumbent during the election. After the ballots were counted, it pulled the old switcheroo and contributed money to the campaign chest of the winning Democrat challenger.

The bankers aren't the only ones. Common Cause, the self-styled citizens' lobby, studied this phenomenon of "switch-giving" in seven of last year's Senate races. The group found 150 cases in which PACs backed losers, then switched to winners after the election. Among other flagrant switch-givers: the E.F. Hutton Group Inc., Marine Engineers Beneficial Association, American Hospital Association, National Beer Wholesalers Association and Philip Morris Inc.

"These PACs obviously weren't contributing because of the candidate's philosophy, ideology or political party," says Common Cause President Fred Wertheimer. "They wanted, first and foremost, to ensure that they had bought influence with a U.S. senator. PACs often argue that PAC giving represents citizen participation. Citizens, however, don't vote for both candidates, once before the election and a second time after the winner has been chosen."

It's hard to disagree with Wertheimer's aversion to PACs. Switch-giving is nothing but a shameless attempt to purchase influence in Congress.

A bill is now pending in the Senate that would go a long way toward addressing this problems. It is a comprehensive campaign-finance reform measure that would limit the amount of PAC funds congressional candidates can receive and establish a system of public campaign financing. Switch-giving is one more good reason for Congress put this package of campaign-finance reform on the front burner.

Mr. HARKIN. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I ask unanimous consent that my speech today and any other previous speech on this subject made to date not count as a second speech with respect to the two-speech rule.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. McCONNELL. Mr. President, the group of eight just had a meeting this afternoon. I thought it might be helpful to bring our colleagues up to date on the progress of those discussions. It was another amicable meeting. The Republican members of the group of eight offered a counterproposal which we discussed in detail, and the upshot of the meeting was that the counterproposal would be taken to the Democratic policy luncheon for discussion tomorrow. And on our side of the aisle, we would take to our policy luncheon what we understood to be the overriding interest of the other side: to have some system that imposed expenditure limitations on races for Congress.

But, in any event, it was an amicable discussion, and we will be dealing with that issue in both policy luncheons, and we will see tomorrow where we go from there.

It occurred to me, Mr. President, that those of us on this side of the aisle had not provided for the RECORD and for other Senators an appraisal of the Boren III bill which is currently before us.

As everyone probably knows, it has been modified several times to meet objections of Members on that side of the aisle. Senator BOREN described, I believe on Friday, the details of the most recent version of that bill. I believe it is important to get our assessment of that bill, as we move further into the debate on this issue.

Boren III has been modified several times to try to reduce the cost of the public money in the measure. It is important to have an assessment of what the true cost of Boren III will be.

First, the postal subsidy: We estimate that the postal subsidy will cost approximately $17 million for Senate candidates each cycle. If the measure applied to both Senate and House races, we estimate the postal subsidy to be about $75 million per election. This would not be offset by denying the mail subsidy to political parties, which Boren III also does. That would save about only $10 million annually. It takes the Federal subsidy that goes to the American Communist Party and gives it directly to Communist candidates. In other words, it takes it out of one pot and puts it into another. The additioinal cost would represent to the taxpayers a stamp tax, a postal subsidy which I say with some humor is similar to the one levied on American colonists by the British King in 1776, but in any event, a postal subsidy.

Administrative costs under Byrd-Boren III: The Federal Election Commission estimates an additional $1 million every year for policing Senate races alone; and we think that is a conservative estimate.

Direct public financing, another provision under Byrd-Boren III: Based on CBO's estimates, that 20 percent of the candidates would choose not to participate or would violate the limits; and based on the assumption that there would be at least one third-party candidate in each election—and that is a fairly conservative assumption—S. 2 would trigger payouts from the Federal Treasury of $21 million each cycle for the Senate alone, and $75 million to $100 million for the Senate and House races combined.

There is a further circumstance that triggers a public subsidy: This is the independent expenditure payback. Under this proposal, subsidized candidates are compensated on a dollar-for-dollar basis out of Federal tax coffers, if a private citizen spends large sums to criticize them or support any opponent.

Let us take the 1986 race as an example. In 1986, independent expenditures totaled $5 million in Senate races and $11 million for Senate and House races combined. Since S. 2's contributions limits will force currently disclosed money into this uncontrolled activity, independent expenditures under this system are likely to double or triple. Thus, the drain on taxpayers likely under this particular portion of Byrd-Boren III would likely be upward of $20 million each cycle, if you combine both Senate and House races.

Therefore, looking at all the provisions of Byrd-Boren III that would trigger the expenditures of tax dollars

in political campaigns, the total taxpayer-subsidized costs would be $30 million for the Senate alone, and $130 to $150 million if the bill included both Senate and House races. This would occur for each election cycle, and I might say that both of these estimates are very, very conservative. Both take into account the transfer of mail benefits from parties to candidates.

Further, under Byrd-Boren III there is a public financing penalty provision. Instead of using taxpayer's money as an incentive to follow spending limits, S. 2 punishes candidates and the citizens who support them by giving tax money to subsidized opponents, if the privately funded candidate exercises his constititional right to gather as much support as possible. In other words, the price you pay for choosing to operate outside this system and do it on your own—which the Constitution guarantees you the right to do—is that when you encroach upon a certain level of expenditure, the taxpayers must subsidize your opponent.

S. 2 also forces candidates who want no part of this politicians' subsidy program to declare in their campaign ads that they have refused to comply with the new law. If you do not want to play the game and you put your commercials on television, you have to slap right across that commerical which is attempting to reach the voter of your State that you are not complying with the new law. In my judgment, that would render the ad completely ineffective, which I presume is the reason for the requirement.

The next point I want to make is extremely important. It seems to me, Mr. President, that by and large we ought to take an approach that we in this body do not intentionally pass unconstitutional legislation. Once in a while we may do it unintentionally, but we ought not to do it intentionally. It seems to me that Byrd-Boren III is even more conconstitutional than any of the previous versions by far.

The landmark decision of Buckley versus Valeo makes clear that mandatory spending limits are unconstitutional. I repeat, Buckley versus Valeo makes it clear that mandatory spending limits are unconstitutional. At the same time, the Supreme Court allowed Congress to appropriate funds for Presidential candidates as an incentive to comply; I repeat, as an incentive to comply. But there was no penalty in there for the Presidential candidate who chooses not to participate in the system. He simply has to work harder to make his money. But he is not penalized.

For example, we have had one candidate who resisted the temptation to dip into the Federal Treasury in Presidential races. It did not work out very well. He did not get anywhere. But Governor Connolly, back in 1980, chose not to do it. His decision to choose not to accept Federal dollars did not trigger any tax dollars for any of his opponents. He just had to work harder because he did not get the extra Federal subsidy.

I think it is pretty clear that you cannot use taxpayers' money as a hammer to take away constitutionally protected political rights.

I did not say much last year to challenge the constitutionality of Byrd-Boren I even though there were several penalty aspects in that version as well. With Byrd-Boren I, II, and III, my first objection was to the selfishness and cynicism in starting a welfare program for our own reelections while the Federal deficit crushes us all. But with this most recent version, Mr. President, the one that is currently before us, this unconstitutional aspect is so blatant that it alone demands opposition.

The issue that could come before this body soon is that the invocation of cloture would prevent an amendment to cure this unconstitutionality. If cloture were invoked, this particular violation of our free political rights could not be cured by amendment. To make the third version of Byrd-Boren constitutional under Buckley versus Valeo, we would have to reinstate the taxpayer financing feature as an incentive for spending limits. But such an amendment would be nongermane under strict postcloture rules.

Therefore, for innumerable important reasons, it seems to me that cloture is a poor idea from this Senator perspective, because it eliminates the chance to raise several excellent amendments that could be offered. But we now are pursuing this issue in the appropriate way, which is to negotiate. And we hope that the negotiated settlement of this issue will still allow us to come up with a bipartisan campaign finance bill that can pass this body by an overwhelming margin.

But I think it is important to remember, Mr. President, what we are contemplating doing here to congressional races. We are contemplating creating a system akin to the Presidential system which has been unfolding before our eyes over the last three elections.

Therefore, I think it is important to take a look at the Presidential system which embodies the principles that we are talking about here: spending limitations and public financing.

The overall cost to the taxpayers under this Presidential system has been over $40 million so far in the last 2 months alone, and over a third of a billion dollars in the last three elections. It is clear that pre-system has not done much to curb campaign spending except now, the taxpayers pick up the tab.

It has brought about a myriad of extremist candidates. Half a million dollars went to Lyndon LaRouche in 1984; $200,000 went to psychologist Lenora Fulani to run for President. She just got her check a couple of weeks ago.

We have more bureaucracy, not more democracy, as a result of this system. One out of four campaign dollars has gone to lawyers and accountants under this Federal system for Presidential races. In 1980, in the Presidential race, $21.4 million was spent on compliance alone, as much as the most expensive race in Senate history. Campaigns must process each contribution through as many as a hundred steps. Political decisions become accounting decisions when you run for President.

There has been an unprecedented growth in campaign spending since we have enacted spending limitations. I repeat: an unprecedented increase in campaign spending, after we enacted a system of spending limits. Overall spending now is increasing at the same rate as before spending limits and taxpayers financing. The difference is that far more spending now is done outside the legal limits and disclosure requirements, and therefore is less accountable. We try to put a limit on the spending here, and it is squeezed out over there.

As I indicated last week, we have had as much success in controlling spending as controlling alcohol during Prohibition. It has made every candidate for President a cheater, and that kind of law is never a good idea. Every major candidate since 1976 has been cited for serious violations of the law and has gotten bad press and large fines as a result.

One candidate spent $2 million in a State with a $400,000 limit. Delegate and pre-candidacy committees are "loopholes big enough to drive a truck through"—conduits for millions of dollars spent outside of spending and contribution limits.

Corporations and labor help circumvent the limits by paying for office rents and phone deposits, and giving overly generous loans.

There is growing disrespect for the law in the election process. Campaign managers report that the first planning priority is to identify in advance ways to circumvent limits and rules. A respected political observer and campaign staffer declared: "This whole FEC thing is a sham. It is your job to find every loophole."

Under this Presidential system that we call progress, special interests wield control by spending outside the laws. In the 1984 general election—this is that portion of the process in Presidential elections that is entirely a publicly funded—special interests spent $25 million to oppose Reagan—an amount equal to 62 percent of Reagan's $40 million spending limit.

Nearly half the money spent overall in the 1984 general election—$72 million—was outside of the candidates' direct control.

My goodness, that is not progress. That is simply pushing the money out onto the perimeters of unaccountability. At least one-fourth of the money spent in Presidential races is unreported, unlimited, and unaccountable. Soft money spending roughly triples each election cycle. Commentators are starting to say that Presidential elections look like the uncontrolled, corrupt politics of the prereform era.

Voter turnout has stagnated: It was 55 percent in 1972; it was down to 53 percent in 1984. So it certainly has not done anything to turn on the voters. Several people have argued that with spending limits, you somehow cleanse the process, and the voters come back on board as they become excited about the new regime. That has not happened. Turnout has continued to decline. There has been no correlation between spending limits and turnout, unless it is to bring turnout ever lower.

Grassroot politics and campaigns have died in Presidential races. David Broder, quite possibly the most respected political reporter in America, has said:

> Spending limits and taxpayer financing have shut down local campaigning . . . grassroots democracy has died.

Mr. President, I ask unanimous consent that my speeches today and any other speeches to date on the pending subject not count as a first speech under the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, has the Senator yielded the floor?

Mr. McCONNELL. No, I have not.

Mr. President, there has been a lot of discussion about Buckley versus Valeo. It has been a decision that people have argued both ways since it came down. It was decided on January 30, 1976. I think it is important to remember specifically what the Supreme Court said about spending limits. It said they were unconstitutional.

Let me read pertinent parts of the decision, which I think certainly bear on Byrd-Boren III which, as I said earlier, has a punitive sanction provision against a candidate who chooses—as a matter of strategy or conviction—to opt out of the spending limits and to raise his own money. Once he gets above the spending limit, a significant amount of public money is triggered against him, so that the taxpayers, in effect, are required to punish him, if you will, for his decision to do the very best he can to raise his money and compete in his campaign in his own way.

Buckley versus Valeo in pertinent part said:

> The campaign expenditure ceilings appear to be designed primarily to serve the governmental interests in reducing the allegedly skyrocketing costs of political campaigns.

Further, the decision says:

> In any event, the mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quantity of campaign spending and the resulting limitation of the scope of federal campaigns.
>
> The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise.

Let me repeat, Mr. President. The Supreme Court said:

> The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Now, in a famous footnote, the Court said.

> For the reasons discussed in Part III, infra, Congress may engage in public financing of election campaigns and may condition acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations. Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding.

That implies, Mr. President, a voluntary decision on the part of the candidate.

Clearly, the words of the Supreme Court in Buckley versus Valeo would not sanction a punishment with a Federal subsidy, a punishment against the candidate who chooses as a matter of strategy or conviction not to spend within the expenditure limitation.

An interesting letter was written to the Rules Committee of the U.S. Senate by the Department of Justice on May 4, 1987. It addressed this issue of punitive sanctions for exercising the right to garner as many contributions as you can.

The Justice Department said:

> Although participation in the public funding program and adherence to the expenditure limitations would be voluntary, the bills impose some form of monetary sanction on those candidates who choose not to participate and who raise and expend sums in excess of the limitation applicable to participating candidates.

In other words, the fundamental difference between S. 2 in all its forms and the Presidential system is that if you are running for President and you choose not to accept public funding, you do not get punished. They do not send any of the taxpayers' dollars to your opponents.

But under each version of S. 2, and it is particularly egregious under the third version, the candidate's decision to exercise his first amendment right of free speech, and raise as much as he can from individual donors, triggers a punitive amount of taxpayers' dollars to his opponent.

Clearly that kind of provision fails the consitutional test of Buckley versus Valeo.

Referring, I assume, to S. 2 and companion measures:

> These bills seek to impose such restrictions indirectly, by placing what amounts to a penalty on a candidate's expenditures in excess of his hypothetical entitlement to public funds. This penalty amounts to a matching grant of public funds to his opponent. Expenditures by a candidate thus serve to trigger the subsidization of views with which the candidate presumably does not agree.

It further states:

> . . . the bills "exact[] a penalty," 418 U.S. at 256, for such conduct, by making the size of the public subsidy to the candidate's opponent dependent upon the candidate's own First Amendment conduct. The more the candidate does to promote his own views, the more he fosters the promotion of views he opposes.
>
> In sum, we think that the proposed provisions, by tying a candidate's funding of his own campaign to increased public funding of his opponent's likely represents an unconstitutional infringement on the right to use one's own resources to disseminate political messages.
>
> For many of the reasons outlined above, the bills may also unconstitutionally burden the rights of contributors. Under the bills, contributions to candidates in excess of the statutorily specified amounts result in the payment of additional public funds to their opponent. Thus, contributors see their contributions fostering the spread not only of the ideas they wish to support, but also of those they do not. The predictable result is a chilling effect on the right to contribute.
>
> Accordingly, all of these bills raise serious constitutional questions with respect to the rights of contributors. Since they are not even designed, much less narrowly tailored, to prevent corruption, they appear to us to be inconsistent with the First Amendment.

So, Mr. President, the point the Senator from Kentucky seeks to make today is that Byrd-Boren III, among all its other defects is blatantly unconstitutional as well. It appears to this Senator that it is clearly inconsistent with Buckley versus Valeo, and that alone should warrant a no vote, since it is our duty not to pass in this body legislation that is so blatantly unconstitutional.

Second, I would make the point again, as I have made on several previous days, that if we take a good hard look at the Presidential system of spending limitations and public finance under which we have been operating since 1976, we must conclude that this is not the kind of system we want to initiate in congressional races. It has been nothing short of a disaster.

My goodness, Mr. President, if we do that to 535 additional races, the FEC soon will be the size of the Veterans' Administration. Why, we can create a real bureaucratic monster trying to regulate and micromanage every campaign for Congress in America. That is not progress. That is a step backward.

What we ought to be doing and what I hope the group of eight ultimately will do is pass a bipartisan campaign finance reform bill that will deal with the real problems in the rise of the cost of campaigns in this country, and let me repeat them. These are three things that are driving up the cost of campaigns in America.

First and foremost, the cost of television. We have suggested, some of us on this side of the aisle, that we require stations to sell us television time at the lowest unit rate provided for any commercial advertisers in the preceding year, the nonelection year, so that political campaigns are given a break in the last 60 days of the election campaign.

What happens too often today is that the lowest unit rate is raised during the election period for all advertisers, as a way to make more off of the candidates. Clearly, as the cost of television rises, the cost of campaigns rises.

Second, I think it is important to do something about the millionaire problem. A lot of people in this body are concerned about this, on both sides of the aisle. All of us feel it is inappropriate for any individual, because, of the advantage of great personal wealth, to be able to just buy an office in the U.S. Senate.

One of the unfortunate parts of Buckley versus Valeo is that is held it unconstitutional to tell an individual how much he could put into his own race. It was constitutional to say how much he could put into another's race.

Thus, we cannot get at that problem directly, but there are a couple of things that might help. I have suggested, and this was an idea that originated with the senior Senator from New Mexico, Senator DOMENICI, that if one is going to put, more than a quarter of a million dollars of his own money into a race, he ought to so certify that to the FEC at the beginning of the race. This would provide notice to his opponents of what he intends to do, and give them an opportunity for those opponents to receive contributions from individuals above the current limit of $1,000 in the primary and $1,000 in the general. We have suggested that the limit be raised to $10,000 per election.

It would not entirely counter the millionaire's advantage, Mr. President, but it might help.

Second, I have suggested that we prohibit a candidate who puts his own resources into a campaign, or borrows from the bank and put it into the campaign, to recover it.

All too often, the pattern has been that you pony up a large amount of money to buy the election, and then as soon as your success is assured, you go around town and get repaid by every PAC or individual who will contribute.

So, Mr. President, since we cannot constitutionally keep wealthy persons from buying office, at least we ought to keep them from getting paid back, because it is arguable that special interests would have a disproportionate impact on that particular individual.

Finally, Mr. President, there clearly has been a proliferation of political action committees.

The Senator from Kentucky, along with 14 cosponsors, suggested last year that we eliminate political action committee contributions altogether. Unfortunately, I do not find much support for that position, particularly on the other side of the aisle, since we do not have a single cosponsor from the other side of the aisle on that measure.

But clearly, PAC's have proliferated and PAC contributions have increased dramatically, and I think it is entirely appropriate that we do something about that. Either we lower the amount of money that PAC's can give in a given election, eliminate them altogether, or establish an aggregate limit. It seems to me, Mr. President, when the American people think about this issue, if they think about it at all—and in my judgment it is not an overriding concern out in the land—clearly those who do care about it are thinking about political action committees, because there is at least the appearance of undue influence on all of us. If that appearance exists, why do we not do something about it?

In all three of these categories, we could improve the existing campaign finance laws significantly: Do something about the millionaire's loophole, do something about the cost of television, do something to reduce the influence of PAC's; and further, require reporting or limitations or both on so-called soft money, so that all contributions are treated the same, not just cash contributions.

The problem with S. 2 is that it presumes only cash contributions are somehow corrupt; and all other kinds of contributions are OK. They continue to be unlimited and undisclosed. We ought to address all forms of contributions, and get away from the notion that cash contributions per se are somehow unhealthy.

The beauty of the post-Watergate legislation was that it understood that cash contributions were not automatically unhealthy, that indeed nothing was wrong with them. The post-Watergate reforms limited cash contributions, and required disclosure. And that is the system under which we have operated in congressional races since that time.

So, Mr. President, that concludes my evaluation of that particular measure.

There is one other item I want to touch on before I yield the floor. There has been a good deal of talk about the advantages of incumbency. And there is no question that incumbents have advantages. This Senator is certainly aware of that. As the only Republican challenger in the country who won in 1984, I can tell you that it was not easy. It is pretty hard to beat incumbents. They have a lot of advantages under just about any system you can construct.

I think it is worthwhile, therefore, to take a look at the 1986 Senate elections. Applying the spending limits under S. 2, every single incumbent who spent within the limits set by S. 2 in 1986 won; 10 out of 10 incumbents who spent within the limits set by Byrd-Boren III won.

Ninety percent of the challengers who spent within the limits set by S. 2 lost; 18 out of 20 challengers who spent within the limits established by the most recent version of Byrd-Boren lost. So if we think we are constructing a system here that is going to take away some of the advantages of incumbency, there is no recent example you can cite to make that point.

To the contrary, 72 percent of the challengers who won spent above the S. 2 limits; 5 out of 7 of the winning candidates spent above the limits. And the Senator in the Chair was one of these.

So, clearly, for those challengers in 1986 to have had a shot to make it, they had to be able to spend more than the S. 2 limits, or they would not have gotten here.

The challenger who spent above the S. 2 limit had a 63-percent chance of winning; 5 out of 8 challengers who spent above the limits, in fact, won in 1986. A challenger who spent within the S. 2 limit had a 10-percent chance of winning. 2 out of 20 challengers who kept within the limits won.

So what does S. 2 really stand for? It stands for sealing off the Senate from future successful challengers.

It seems to me, Mr. President, that is not what we ought to be doing here. Incumbents already have a lot of advantages. But Byrd-Boren III certainly will not lessen the advantages of incumbency; it will totally insulate incumbents from successful, aggressive challengers.

Mr. President, that concludes my observations for the day. I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Tennessee, Senator SASSER.

Mr. SASSER. Mr. President, I commend the majority leader for his tenacity on the issue of campaign finance reform.

Bringing up S. 2 early this year underscores both the seriousness of this issue and the resolve of the leadership to do something about it. I further congratulate the majority leader for indicating that he will attempt to break any stalemates on this important legislation this week. I join in that sentiment.

We are all encouraged that negotiations are underway to try to move this campaign reform bill forward, but should those talks break down, the majority leader has served notice that this bill will not be held hostage to filibuster. I applaud him for that move.

I think the majority leader's resolve reflects a very simple fact. Our campaign laws go to the very core of our electoral process. They affect the very heart of our democratic system. Yet with each passing election cycle, we see more and more Americans losing faith in that system because of the growing importance of money in politics. Indeed, I hear more and more every day from constituents and others who are increasingly disenchanted with a system that has been overtaken by the quest for money.

My native State of Tennessee, in recent political events, provides chilling testimony to the increasing importance of money in our political system. In 1976, when I was first elected to the U.S. Senate, spent just over $800,000. I came through two very hard-fought campaigns—a primary and a general election; 6 years later, when I ran for reelection in 1982, I had just one election. That was a hard-fought general election, and I spent $2.1 million in that election.

By 1984, a statewide campaign for the U.S. Senate had escalated to the point in 2 years where it cost my junior colleague, **ALBERT GORE, JR.**, just over $3 million to be elected to the U.S. Senate. By 1986, candidates running for governor in the State of Tennessee on each side spent some $4 million each in their quest to become Tennessee's Governor.

This past year, we witnessed a race in one congressional district in Tennessee where some $4.5 million was spent in a primary and general election.

Those figures are absolutely mind-boggling. What are the prospects that this trend will reverse itself in the upcoming campaign? Not that great in light of the following: Various political arms of the Republican Party, both nationally and in my State, continue to raise vast sums of money for congressional races. Potential opponents of the Republican Party have suggested that they will spend over $2 million in the quest for a Senate seat this year, and, indeed, one well-placed Republican national finance person called an individual in my State and guaranteed him, according to press reports, over $3 million if this individual will undertake a race for the U.S. Senate in Tennessee.

So I foresee another high spending campaign for statewide office in my State of Tennessee in 1988. Quite frankly, Mr. President, I cannot afford to do otherwise under present conditions than to get out and raise as much money as I can if I hope to continue serving the people of Tennessee.

The pressure is there to raise huge amounts of money for the very simple reason that if you do not, your opponent certainly will, and you will be unable to compete on even terms with the well-financed, well-heeled opponent, and the result is this: Candidates spending too much time raising money and too little time talking to voters and letting the voters know what the views of the candidates are on the great issues of the day. This is not good for democracy, and it is not good for the United States of America.

It means that the vital link between the people and their representatives is broken. Democracy is a very fragile thing. It depends not on force of arms, but on faith and trust, trust between the people and their elected representatives, and when that faith is broken, and when that trust is dissolved, then the glue that holds a democracy together fails.

The election process is the very essence of representative democracy.

But if the people have no confidence in the way their representatives are chosen, how can they possibly have any confidence in the policies that those public officials produce?

The money spent on campaigns today—those enormous, exorbitant, obscene sums—threatens to break the link between voter and officeholder.

The average citizen feels that public officials are beholden to special interests and that the voice of the individual cannot be heard above the flutter of checks filling campaign coffers. This sense of alienation, this feeling that the electoral system is no longer their system, is responsible for much of the cynicism and lack of participation by citizens in politics today.

Every election year we see the percentage of those citizens who participate going down, down, down.

The result is there for all to see: a decline in individual contributors, "debate" conducted in 30-second snatches, and wave on wave on wave of nasty and expensive TV commercials.

We saw in the last round of senatorial elections not candidates talking to voters but candidates running all across the country raising money to finance more television ads, with political reporters coming into States not talking to voters but simply looking at the television ads that were being run in those particular States and making their judgments on how the campaigns would turn out, because that is all there was to the campaigns in many States, just television and radio ads.

Well, Mr. President, I, along with many of my colleagues and the majority leader of the Senate, say enough is enough. We simply have to restore public confidence in our electoral system. That, as we all know, is easier said than done.

The last attempt at campaign finance reform arose from the stench of Watergate. Those horror stories of money stuffed in briefcases and safes, handed out at the whim of an anonymous campaign official, usually for projects of dubious propriety, caused people to sit up and take notice.

Watergate reforms were necessary and they were reasonable responses to the circumstances of the time. But in politics, as in human affairs always, every action produces an equal and opposite reaction. And in this case, the reaction was political action committees and skyrocketing campaign spending.

Since 1974, the number of PAC's has grown from less than 600 to over 4,100. In 1974, their contributions to all congressional candidates totaled $12.5 million. By 1986, that had grown to $132.2 million. In 1986, PAC contributions to Senate candidates amounted to almost $45 million and represented an average of 23 percent of a candidate's contributions.

Mr. President, I do not mean to stand here and say that political action expenditures are in and of themselves evil or unwholesome. I think the case can be made that it is perhaps more equitable and more wholesome for the political system to have some political action committees operating rather than have candidates dependent on one single, so-called angel that would write the campaign a check for $100,000 as they did in days of yore.

It is clear that the surge in PAC spending has spurred the skyrocketing cost of campaigns. The total cost of Senate campaigns has doubled in the last 6 years—from $73 million in 1980 to over $182 million in 1986. The average cost of a winning Senate campaign rose from $1.2 million in 1980 to $3.1 million in 1986—almost a 300-percent increase.

The Supreme Court's decision in Buckley versus Valeo severely limits Congress' options on campaign reform. That decision basically said that the only way to limit campaign spending is by voluntary limits. And the facts are that sure voluntary limits simply cannot work. The only way they do work is when there are incentives in the law to encourage candidates to adhere to those limits.

That is precisely what S. 2 would do, Mr. President. It would provide a strong incentive for candidates to abide by the spending limits set forth in the bill.

And let us be clear on one point, especially. This bill does not require public financing of congressional elections. That is a canard, or red herring that has been bandied about to defeat efforts at campaign reform. If both candidates agree to abide by the limits, there will be no public financing. For that matter, if neither candidate agrees to abide by the limits there will be no public financing.

The candidate would decide whether or not to agree to the spending limits. In addition, the candidate would have to meet certain criteria.

First, the candidate would have to raise a certain amount of individual contributions, largely from voters inside his or her State. Seventy-five percent of the total must be from in-State contributors, and only the first $250 of a contribution qualifies for meeting the threshold requirement.

Second, the candidate must not have spent more than two-thirds of the spending limit in the primary election.

Third, the candidate cannot use more than $20,000 of personal or family funds for the campaign. So much for the rich buying a seat in the Senate.

Finally, the candidate must agree in writing to abide by the spending limits.

Once a candidate complies with those requirements, he or she is entitled to certain benefits. First, such candidates would be eligible for the "lowest unit broadcast rate." This is a rate which is now available to all candidates. S. 2 would limit that low rate to those candidates complying with the spending limits.

Second, the candidate would be eligible for reduced mailing rates. This would be offset by eliminating the current reduced rate which the national party committees currently enjoy. Thus, there would be no additional public cost for either of these benefits.

In addition, if a candidate were the victim of media attacks by independent groups, he would be eligible for matching funds from the tax checkoff if the media campaign went above a $10,000 level.

Now, if both candidates have complied with these requirements, there will be no public financing. Only if one candidate insisted on spending exorbitant amounts of money on a campaign would public financing begin.

Mr. President, we have an opportunity here to bring some sanity to the financing of our election campaigns. The Nation is watching what we do here. And we should not let this opportunity pass us by.

I urge our colleagues on both sides of the aisle to join with the majority leader of the U.S. Senate, to join with us who are sponsoring this legislation in achieving at long last some real campaign finance reform.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee yields the floor. Is there further debate?

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, the problem now before us is what to do about restricting campaign expenditures. I am very much concerned about that because I believe they should be restricted. I believe campaign spending on Senate campaigns and House campaigns is out of sight. It is much too high.

I want to tell you why I reach that conclusion, and why I watched with a great deal of concern over the past 4 or 5 years—as a matter of fact, 6 or 7 years since the last time I ran in 1982. I am up again this year. But perhaps my experiences are of some value and I shall outline them because at least it will show my colleagues why I reach the conclusion I do.

When I first started running for public office 35 years ago it was in city government, was nonpartisan, and it was considered as somewhat of a sacrifice to run for it and to serve. I was on the city council, and then I was persuaded to run for mayor. And about all there was to it was putting an ad or two in the local newspaper. And you always paid for that out of your own pocket. It was not a tough deal.

But when I kept on running for public office in the legislature and found out that in order to do that you are supposed to have some campaign literature, and let the folks know that you are in this for serious and go around asking for their vote, I found that I had to overcome my reluctance or bashfulness of knocking on people's doors and say "I wish you would consider my candidacy for the State House of Representatives" or the Montana Senate.

But what I thought was even more humbling was asking people to contribute money to pay for the brochures and to pay for the ads in the newspapers.

I think it discourages a lot of people from becoming involved in campaigns. The cost of financing these campaigns is indeed a detriment to attracting very likely looking candidates for both the House and the Senate. The first time I ran for the House seat it cost $75,000. The last time I ran for a House seat it probably only cost $90,000. So the first time I ran for the Senate in 1976 it was about a half million dollars in costs. In 1982, it was between $800,000 and $900,000. In 1988, we are estimating it will cost for my campaign $1.2 million.

When you consider the average of all the campaigns for Senate votes and all of the States that does not sound bad at all, $1.2 million. But you have to review what the population of Montana is. We have less than a million people. Population-wise, we are one of the smaller States. But I am really thinking about 1976 to 1988 of around half a million dollars in 1976, and 1982, $800,000 or $900,000; in 1988 we are estimating $1.2 million. We may be higher. We are not sure.

In Montana, with less than a million folks, we have eight television markets, we have 25 radio markets, 11 daily newspapers, 56 county newspapers, which is not all that many. But from east to west Montana is 800 miles, beginning from one side of the State and going to the other side. From north to south it is a little over 350 miles beginning on the south side and going to the north side of the State. That is a big area. Seventy-five percent of the eligible voters will probably vote in Montana in 1988.

What do they expect of the candidates? What do the people of Montana really look for from the candidates who are running for the House and Senate this year? It is no different than it has ever been, I do not believe. I believe they want us to come to their town and county, to see their problems, and then to tell them what we stand for as candidates. How is the candidate to get his message before the voter? Well, of course it is advertising. It is using the media, and costs are involved.

Mr. President, I would like to report this whole idea of what are we doing in campaign expenditures over the past 20 years; that is, I think our State and our people have viewed this properly. Before we amended the law or passed a law on campaign reform, in the early seventies Montana had a law requiring reporting of campaign expenditures. And in many respects the Federal law tracks right with our Montana law.

When we had those Federal campaign reform bills before us and successfully passed them in the early seventies. We had all of the debate that goes into why there is a need for having reporting of campaign expenditures, and why there is a need to allow the public to contribute legally in a reportable manner so that everybody can look at those records and determine for themselves whether they think this candidate or all candidates are properly approaching the electorate in an honest manner.

There is not any question, about political action committees which are recognized in the law prior to the passage in the early seventies of the Federal campaign reform. But there is also no question at all that since then PAC's have shot up in numbers, they have matched—some people think they have led, but I think that is inaccurate—in numbers the increased cost of campaigning for either House or Senate seat. Some would argue, well, there are too many PAC's.

How do you tell one group they can have a PAC and tell the other group they cannot have a PAC? I do not know how you do that

Some people argue that we should cut back on what they contribute to each candidate. Fine. I have no problem with that. If that is what it takes to pass a meaningful campaign expenditure restriction in 1988, I am all for it.

Some people complain about bundling. That term refers to a process where some group writes to a group of people and says: "Send this candidate"—or maybe they name two or three candidates—"a check made out to them directly, to their campaign committee, so that they can get reelected," or get challengers elected for the first time. It is legal. Sometimes I hear muttering about that. It raises so much money.

When I hear it from Democrats, I think it is just a natural feeling the Democrats have that Republicans are much better at it. But it is legal.

I do not think the method of getting the money is what is wrong, as long as it is done legally. I think what is wrong is that there is too much money going into it and that it behooves us in the Senate and it behooves the House, likewise, to pass legislation restricting the amount of money that can be spent in these campaigns.

I was quite surprised this morning, in reading in the Washington Post some remarks attributed to my good friend and neighbor, the assistant Republican leader, Senator SIMPSON, of Wyoming, that seemed to indicate that all this bill did was help Democrats somehow. It is hard to draw a conclusion on that, because I can hardly imagine the assistant Republican leader, my friend, AL SIMPSON, saying that the bill is just to harm Republicans. I do not know how it does that.

I think the real problem is that we need a limit on the expenditures and that we need to set it at a reasonable level and get on with the job of making the people more aware that we are not just going to spend our time as candidates 2 or 3 years before election time in gathering up money for the campaign; that we are not going to have to concentrate so much time on being involved with fundraising that we sometimes limit our activities here, taking care of our duties and responsibilities, limit our activities of actually getting out with the folks during campaign time, addressing their concerns, responding to their inquires, setting forth our reasons and our message for attracting their vote, come election day.

If there is something wrong, as perceived by the assistant Republican leader, my neighbor and friend from Wyoming, Senator SIMPSON, or any other of my Republican colleagues in this body, that there is something wrong with the legislation, this proposed bill, that it is better for Democrats versus Republicans, I would like to correct it.

I have heard the debate about the fact that there should not be government involvement with Federal funds. There need not be any Federal funds involved. If both candidates agree that they will not exceed the cap for the limitation, there are absolutely no Federal funds involved. If one candidate will not agree, then there will be some Federal funds involved, but that would be an unusual situation.

Why do we need to involve ourselves with Federal funds? Surely, I do not want any Federal funds involved. However, I have to say that there is a constitutional prohibition against dictating by law that you cannot spend any more than this amount on a campaign, and that constitutional restriction is the right of free speech. So it has to be a voluntary situation, where the candidate says, "I will not spend more than this."

Often, most candidates find themselves in a situation I have found myself in. I cannot tell you exactly how much I am going to spend in a particular race because I am not sure what my opponent is going to spend, and I may find it necessary to match that, to match the amount of advertising. So, to satisfy the constitutional requirement with respect to free speech, it has to be voluntary. In the bill before us, there would be no Federal funds, unless, for some reason, a candidate said, "I won't agree to the voluntary cap." Then it triggers the system for some Federal funding.

There is a way to curb campaign expenditures, and we need to do it. We need a bill that is no more advantageous for Republicans than for Democrats. I say that seriously. I am a firm believer that it is absolutely essential that we have two strong parties.

When the assistant Republican leader, my friend and neighbor, Senator AL SIMPSON, says that somehow this bill would harm Republican chances for their candidates, I want to correct it. I want it fair.

The political process, in my judgment, is warped right now concerning campaign spending for House and Senate seats. So I think it is imperative that we restore public confidence, give some assurance to the electorate of the United States that we are going to limit it, that we are going to hold it down, that we are going to roll it back a little bit. It is out of hand. It would not do any good, I suppose, for this election, this year. I wish it could. I very much wish it could.

I suppose it is too late for that. But it is not too late for the future, for the next election after this one. And we owe it to ourselves, to our constituency, to the people of the United States, to pass a bill this year to limit campaign expenditures.

I say very earnestly and sincerely, to all of my colleagues and most particularly to my Republican colleagues, that if there is any way to make this bill more fair from the standpoint of either party I would like to participate in that process, and then I would hope that we would join forces in prompt passage of the bill.

Mr. President, before yielding the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Maryland, Senator SARBANES.

Mr. SARBANES. Mr. President, I rise to speak briefly in support of S. 2 the bill to reform campaign financing, an issue whose time, I think, came long, long ago. I very much hope that the Senate will be able in short order to come to grips with this matter substantively, that we really will be able to consider possible changes in campaign financing and move the bill towards passage. This, in my judgment, is an issue that must be dealt with, and be dealt with expeditiously.

I want to commend the majority leader, Senator BYRD, for his leadership and perseverance in bringing this matter before the Senate and keeping it on the Senate's agenda. I also want to commend Senator BOREN for his leadership in this effort to enact truly meaningful changes in our current campaign financing system.

Mr. President, last year, during the first session of the 100th Congress, the Senate debated this bill for a total of 14 days. It is an issue that we had taken up in previous years, not in the comprehensive form that is now before us, but many of the matters embraced within this legislation has been considered on past occassions by the Senate. Last year, when we were trying to get the bill before the Senate we were unable to do so. There was difficulty even in adopting the motion to proceed.

As you will recall, we went to a cloture vote a number of times, some seven times, as a matter of fact, and while a clear majority of the Senate was in support of the bill, we were not able to command the extraordinary majority of 60 votes necessary under Senate rules to invoke cloture.

In this session, the majority leader was able to get the matter before the Senate by seeking to proceed to it at a time when there was not a debatable proposition. The matter now before us and we need to address the substance of this issue. I feel very strongly that

we are at the point where we should allow the bill to go forward, consider amendments to it, vote up and down on the amendments, and then proceed to vote a final bill which addresses the very serious problems of campaign reform.

I might note that more than a majority of the Senate is cosponsoring this legislation but we have consistently run into the difficult roadblock of a minority of the Members of the body thwarting action on this very important issue.

Mr. President, let me just address a few of the elements of the legislation to underscore why I think it so important for the Senate to act on this matter. In fact, the legislation has been altered and has evolved in the course of its consideration in an effort to try to take into account objections which have been raised, primarily from the other side of the aisle. Senator BOREN and others have engaged in a good faith effort of discussing those objections and trying to see in what ways accommodations can be made. There is, in fact, now, a group of eight working on this matter. Four of our Democratic and four of our Republican colleagues are trying to see if it is possible to work out a resolution of some of the differences that exist. I wish them well in those endeavors, although I obviously would have to reserve judgment on what they produce until I can see it.

I think it is important to try to address at least four major issues in any campaign finance reform legislation. First of all, I think there need to be some limit on overall spending. Spending on elections continues to escalate by leaps and bounds and, of course, as long as you have the possibility of unlimited expenditures on political campaigns, there is a tremendous impetus for the cost of the campaigns to rise and rise. Of course, that places every Member and every challenger, everyone seeking public office, under tremendous pressure to raise large amounts of money.

Second, within the context of overall limits on total spending, I think there need to be limits on the contributions received from political action committees. The role of those committees has been debated sharply, and that, I think, is a reasonable issue for debate. This legislation does not reach to the underlying fundamental issue. It simply accepts the continued participation of political action committees in the process but places limits upon the amount of money which a candidate can receive from such committees, thereby limiting their rule. So the political action committees are not excluded from the process, an issue of importance for those who make the argument that the committee enable individuals to join together and to work collectively in the process. S. 2 also controls certain practices of the committees which really enable them to get around the statutory framework, including the practice of bundling. Bundling is used even now to circumvent the restraints in existing statutes on the amount of contribution which a political action committee can make.

Mr. President, in considering this question of limits on overall spending, it is important to recognize that the Supreme Court, in Buckley versus Valeo, has placed us in a straightjacket in addressing that issue because what the Court has said is that we cannot simply come in and legislate overall limits. The Court, in effect, has said that there must be some form of public benefits in order to establish a system of voluntary campaign spending limits.

That exists, now, in the Presidential elections. If a Presidential candidate takes the public moneys, he is then under certain limitations, which the Court has upheld in light of its previous case.

This brings us to the question of a component of public financing, which is now a minimal element in the legislation. A criticism had earlier been made about the amount of public funds that would be involved in the public financing of campaigns. The sponsors of this legislation addressed that criticism and came up with a compromise. It sought to maintain the essential legal rationale of this bill so that overall limits could be established with reference to public benefit and, yet, would reduce the amount of public funds that were needed.

The compromise put forward late last year provides that no public financing would accrue to a candidate unless his or her opponent exceeds the State's voluntary spending limit in either fundraising or in campaign expenditures and, of course, this significantly reduced the estimated amount of public funds which would be necessary under the legislation.

In fact, if every candidate agreed to the voluntary spending limitation, there would be no public funds involved at all. If a candidate refused to comply with the spending limits, then the opponent of that candidate would be able to draw on public funds to the extent that the person refusing exceeded the campaign limit.

That seems to me a sensible effort to try to preserve the legal rationale necessary for establishing the overall limits while addressing the objections some have raised regarding the degree of public financing.

Since mandatory spending limits cannot be undertaken with respect to campaigns for Federal office, you have to have voluntary limits and, to structure those, you have to provide an incentive which is, of course, what the public financing aspect of this legislation would do. In other words, it would constitute an incentive for candidates to comply with the voluntary spending limits, which the law provides.

I think those limits are reasonable. They have been adjusted. It is a question one can raise, whether the limits being established constitute a fair competitive environment in a political election, and adjustments have been made in order to address that very question. My own view is that the figures they are now using are certainly within the range of reasonableness in providing a competitive political environment.

Concerning the limitation on the contributions a candidate can receive political action committees, had this bill been in effect during the 1986 elections, the amount of contributions that the political action committees could have given would have been one-third of what was actually given. In other words, they could have contributed about $16 million instead of the $45 million which was contributed in 1986.

There is another issue which S. 2 addresses which I believe is very important. That is the question of independent expenditures. I have firsthand knowledge of the nature of independent expenditures because in 1982, the National Conservative Political Action Committee came into my State and expended almost three-quarters of a million dollars in that election, allegedly as an independent political expenditure in a highly negative campaign which has generally been the hallmark of independent expenditure effort.

This legislation provides that if a candidate complies with the voluntary spending limit and an outside group or a wealthy individual came in with a so-called independent campaign and spent over $10,000 on a media campaign, the candidate would be eligible for matching money to address this attack that was coming from the so-called independent expenditure sources. That, at least, provides some opportunity for a candidate who is under attack, not by the opposing candidate, not by the opposing party, which is the traditional framework in which our political competition has been taking place, but under assault by a so-called independent expenditure committee which simply engages in a negative campaign. At least it would give a candidate under attack some resources to counter that effort.

The legislation also addresses the issue, which a number of people have raised, of the possibility of a wealthy individual simply providing millions of his or her own money to fund the campaign without showing any appeal to a broad cross-section for political resources in order to run an election. S. 2, therefore, places a limitation on the amount an individual can spend of his own money.

Mr. President, I think it very important in addressing this question to recognize that there is a necessity to counter the growing perception of the pervasive and pernicious influence of money in politics. Last year, we marked the bicentennial of the American Constitution. We celebrated 200 years of the anniversary of our basic charter of Government, which provides the framework of our representative democracy, and I think it is important in the immediate aftermath of that bicentennial to take an important step which would greatly restore public confidence in our electoral system.

There is no question that the current system is a tragedy simply waiting to happen, and if every Member will stop and think carefully about the presssures that exist under the current arrangement, the fact that expenditures are unlimited, the sky is the limit, the nature of the pressures to try to raise huge amounts of funds for a political effort and the potential harm which exists in that endeavor, they cannot help but conclude that something must be done.

This is reasonable legislation. It is sensible legislation. The cap which it seeks to place on overall spending would, in effect, structure limits that would reduce much of the pressure that is now present. The control on how much PAC's can contribute, the restraints placed on the so-called independent committees which enter into elections almost as an alien force, not responsible, not themselves going before the electorate for the judgment of the voters, and the restraint it places on wealthy individuals—I think these are all very important.

I believe it provides an assurance to the citizens about the fundamental soundness of the elective process and restores credibility to our campaign financing laws and, therefore, will contribute to restoring credibility to our elections.

A majority of this Senate has again and again indicated its support and the necessity to take legislative action in this area. I hope that the Senate, in short order, will be able to turn its attention to the substance of this legislation and move forward with it, enact it in the near future, send it to the House of Representatives, and move it on its way to its place in the statute books of our country.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FORD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN FREEDOM FIGHTERS

Mr. SYMMS. Mr. President, I want to call to the attention of my colleagues today that I have sent a "Dear Colleague" letter which they will soon receive. It deals with the important question of the victory that the Mujahidin freedom fighters are achieving in Afghanistan. The Soviet Army have been unable to achieve any kind of a military victory. From my own observations in Pakistan about 3 weeks ago, it is safe to say that the Soviet Army is being defeated on the battlefield by the freedom fighters. The Mujahidin have been very emboldened with the advent of surface-to-air missiles and other weapons that have become available to them through our efforts and other friendly nations to freedom.

This is important for the U.S. Senate to speak on.

When I was in Peshawar, Pakistan, I had the opportunity to meet with the Yunis Khalis, who is the leader of the two tribes of Mujahidin. The concern he expressed to me was that he was afraid the United States and the Soviet Union would make a deal, and leave the freedom fighters out of it. The message he wanted to send back to the United States was that the freedom fighters were going to fight on until the last Russian troop and the last vestige of the Soviet influence is pushed back out of their country. The freedom fighters would compromise and settle for nothing less.

They thought it was the responsibility of Afghanistan citizens and people to help get the 3 million refugees back in the country, and restore a government that is suitable to the wishes of the Afghan people—not something that might be suitable to the United States, the Soviet Union, or any other parties; that they wanted it suitable to their own countrymen.

So I have sent a "Dear Colleague" letter out which I ask unanimous consent that at the end of my remarks it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. Immediately following that, I ask unanimous consent to have printed in the RECORD the text of the resolution which I shall introduce.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SYMMS. Mr. President, I will not introduce the resolution today, because it would be my hope that in discussing this issue with the minority and majority leadership, it might be possible for the Senate to vote on this resolution without having it go to committee.

The basic text of the resolution, the action clause, is as follows:

> (b) It is therefore the sense of the Senate that the government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan freedom fighters so long as any Soviet or Soviet-bloc forces remain in Afghanistan.

I think it is important that the Senate speak to this issue. It would send a signal of confidence to those people who are fighting for their freedom in Afghanistan, against the oppression of the Soviet Army. But also for the freedom of all mankind in the world today.

It is interesting to note that the Soviet Army has killed over 10 percent of the population of Afghanistan, but they have not broken the will or the spirit of the Mujahidin. These people are fierce, freedom-loving, and independent, and they deserve the commendation of all people on this Earth.

We can be very proud, as Americans, that we have provided them with the wherewithal to carry on this victory, and we should continue to carry it on. It is a way for us to repudiate the Brezhnev doctrine, to demonstrate to free peoples around the world that if a resistance movement comes into being, we in the United States will stand beside and help them.

I will not make any comments with respect to what happened on the vote on Central America in the House of Representatives, but I think it goes without saying that that sends the wrong signal and that this would send the right signal.

EXHIBIT NO. 1

COMMITTEE ON ARMED SERVICES,
Washington, DC, February 19, 1988.

DEAR COLLEAGUE: I will soon be introducing legislation concerning United States assistance to the Afghan Mujahidin. A copy of the draft legislation is attached for your review.

It is encouraging that arms control discussions have been accompanied by a serious review of regional conflicts and human rights violations. I compliment the Administration on pursuing these very important matters. Moreover, the revelation that the Soviets may soon begin withdrawal of their forces is promising.

However, I am very concerned that the State Department may place U.S. assistance to the Afghan freedom fighters on the negotiating table as a possible "bargaining chip" to foster Soviet troop withdrawal.

I believe there are two reasons the Soviets have begun discussing a timetable to withdraw their forces from Afghanistan.

First, is the courage and determination of the Mujahidin. Their will to bring about a more democratic form of government is applauded by all Western nations. And, despite the overwhelming Soviet-bloc military advantage, the freedom fighters consistently have repelled the communist offensives.

Second, is the United States' support for the Mujahidin. Without our willingness to provide military and humanitarian assistance, their fight for freedom and independence indeed would be extremely difficult and costly. In addition, U.S. support for the

Afghan freedom fighters has provided the impetus for other Western governments to openly endorse the Mujahidin's struggle for freedom.

For these reasons, it is timely and important for the Senate to go on record opposing any effort to cease, suspend, diminish, or otherwise restrict assistance to the Afghan freedom fighters. Ending our military aid to the Mujahidin should come only in response to the total withdrawal of Soviet-bloc troops from Afghanistan.

If you have any questions, comments, or would like to cosponsor this legislation, please contact myself or Andrew Jazwick of my staff at 224-1557.

Sincerely,

STEVE SYMMS,
U.S. Senator.

EXHIBIT 2

(Resolution expressing the sense of the Senate regarding assistance to Afghan Mujahidin)

Resolved,

Section 1. Human Rights in Afghanistan

(a) Congress finds:

(1) that the Soviet Union has currently deployed approximately 120,000 Soviet troops to wage war on the people of Afghanistan;

(2) that the Soviet occupation of Afghanistan, which has continued for over ten years, has resulted in the deaths of over 1,000,000 Afghans, or 9% of the population;

(3) that 46% of all deaths have resulted from aerial bombing of civilian populations, mostly women and children;

(4) that the Soviets have engaged in a persistent pattern of torture and violation of human rights, including beatings, electric shock, cigarette burns, immersion in cold water or snow, and deprivation of water, food, and sleep;

(5) that 2.9 million refugees are currently registered in Pakistan;

(6) that the Third Committee (Human Rights) of the United Nations General Assembly has voted for three consecutive years condemning the violations of human rights in Afghanistan; and

(7) that the violations of fundamental human rights, including the right to life and liberty, represent crimes against humanity.

(b) It is therefore the sense of the Senate that the government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan freedom fighters so long as any Soviet or Soviet-bloc forces remain in Afghanistan.

DEATH OF CHIANG CHING-KUO

Mr. SYMMS. Mr. President, I note with sadness the passing of Chiang Ching-Kuo to his reward recently, after 77 years.

I had the opportunity in 1975, and again in 1982, to meet with President Chiang in Taiwan. I think that he left a legacy to all people to demonstrate how important a free society can be and how much stronger their economy is in free China as opposed to Communist China.

We have watched with great interest and enthusiasm, the last 2 or 3 years, the move toward market ideas on the mainland of China, so to speak, to recognize how well their colleagues have done on the island of Taiwan.

I ask unanimous consent that an article from Human Events, February 6, 1988, by Roger A. Brooks and Richard D. Fisher, Jr., be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. Mr. President, President Chiang was a great friend of America. But, more important, he was a great friend of free people all over the world. His legacy in Taiwan was that it made his nation a model for economic and democratic and political development in the Asia-Pacific region. He ensured that his country remained a close and a loyal friend to the United States, even when the United States betrayed that friendship with respect to the new recognition of the People's Republic of China and expelled free China from the United Nations. But he never ceased his steadfast loyalty for the United States.

As one Member of the Senate—and I know others share this view—I believe that we will be forever indebted to his memory and to his family. We mourn his loss, but we think he left a legacy which will live long past his memory and that it will be an example of freedom in that very important part of the world.

EXHIBIT 1

CHIANG CHING-KUO'S LEGACY FOR CHINA AND THE U.S.

(By Roger A. Brooks and Richard D. Fisher, Jr.)

The passing of Chiang Ching-Kuo at age 77 ends an era for the Republic of China on Taiwan. As president of the ROC since 1978, he made his nation a model for economic and democratic political development in the Asia-Pacific region. He also ensured that his country remained a close and loyal friend of the United States, even when the U.S. betrayed that friendship.

Just as Chiang's passing gives the people of the ROC a chance to review and reaffirm his commitment to economic growth and democratization, so it gives the U.S. the chance to reaffirm its commitment to the ROC as defined by decades of close cooperation and by the 1979 Taiwan Relations Act. It is this commitment which Washington must express forcefully to Chiang's successor as ROC president, Lee Teng-hui.

Chiang Ching-Kuo began the process of democratic pluralism in the ROC after he was named Premier in 1972. He allowed the creation of an opposition party and began recruiting native Taiwanese to join the Kuomintang, the ruling political party. He lived to see the dividends of this policy.

In recent local elections, for example, 80 percent of the candidates were Taiwanese. President Lee himself is native Taiwanese. Then last year, Chiang ended martial law rule. This encouraging ROC development confirms Jeane Kirkpatrick's observation that potential for evolution toward democracy stands a vastly greater chance for success within authoritarian systems than within totalitarian systems.

As the new era on Taiwan begins, Washington must maintain its legal and moral obligations to the people of the ROC. U.S. forces were based in Taiwan until 1979 and the ROC provides an alternative base should U.S. troops be forced to leave the Philippines. In the coming months, the U.S. should:

Assert the primacy of the 1979 Taiwan Relations act over the Joint Communique of 1982.

In 1979, after Jimmy Carter peremptorily broke relations with the ROC, Congress passed the Taiwan Relations Act by staggering majorities. When Carter signed the Act, it became the law of the land. The Act commits the U.S. to sell arms to the ROC indefinitely "in such quantities as may be necessary" and assist the ROC in the event of an attack. This Act, of course, takes precedence over any unilateral statement by the Executive Branch, such as the 1982 U.S.-Beijing Communique committing the U.S. to gradually reduce its arms sales to the ROC.

Maintain free trade between the ROC and U.S.

Despite a population density nine times that of the Chinese mainland and virtually no natural resources, per capita income in the ROC today exceeds $5,000 compared to roughly $400 on the mainland.

Though diplomatically recognized by only 23 states, the ROC trades with over 140 states. The ROC currently is the sixth largest U.S. trading partner. More than most other countries, the ROC is acting to reduce its surplus with the U.S. by allowing its currency to appreciate rapidly, by sending buying missions to the U.S., and by reducing tariffs on 3,500 items. The U.S. and the ROC can improve their trade relations by establishing a U.S.-ROC Free Trade Area, based on the model recently adopted by the U.S. and Canada.

Encourage Taipei and Beijing to determine their own future without outside interference.

The U.S. must remain firm that the eventual reunification of Taiwan with the mainland is a matter of Taipei and Beijing to resolve themselves and do so peacefully. Washington must avoid participation in reunification talks and let the ROC proceed with democratization without interference.

President Chiang last September demonstrated Taiwan's confidence in improving relations with Beijing by announcing the beginning of limited visitation by elderly mainland-born citizens to the People's Republic of China. Already, some Taiwanese journalists have visited Beijing. Indirect trade between the ROC and the mainland exceeds $2 billion annually.

Avoid selling weapons to Beijing that threaten ROC security

Recent arms sales to Beijing by the U.S. and other Western countries are eroding the ROC's military technological superiority that has kept the military balance in the Taiwan Strait. The U.S., in particular, should avoid selling advanced electronics and naval technology to the PRC.

U.S. friendship with the ROC has flourished through 40 years and eight U.S. Presidents. The death of Chiang Ching-Kuo, though a sad event, should provide the U.S. an opportunity to reassert its friendship and reaffirm its support for increased democracy in the ROC.

WHY THE SOVIETS CAN'T WIN QUICKLY IN CENTRAL EUROPE

Mr. WIRTH. Mr. President, continuing with the series that I have been focusing on on conventional arms con-

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trol, I want to speak briefly this afternoon about John Mearsheimer's article, "Why the Soviets Can't Win Quickly in Central Europe," International Security, summer, 1982.

John Mearsheimer, author of the highly regarded book "Conventional Deterrence" provides a seminal analysis of the conventional balance on Europe's central front in terms of the Warsaw Pact's ability to win quickly in a conventional conflict.

Mearsheimer contends that the conventional balance is not nearly as out of balance as is widely perceived. His aim here is to assess the Warsaw Pact's capacity to affect a blitzkrieg against NATO. To measure this capability, Mearsheimer evaluates whether the Soviet Union has the "force structure, the doctrine, and the raw ability" to implement this strategy. He further analyzes NATO's defense capabilities and the theater's terrain in an effort to determine NATO's ability to thwart such a blitzkrieg. His essential conclusion is, that while NATO certainly could not win a conventional war with the Soviet Union, it could deny it a quick victory and then hold out in a war of attrition.

As noted, Mearsheimer evaluates pact force structure, doctrine, and raw ability in his assessment of the pact's capacity for a blitzkrieg attack. Regarding force structure, he contends first, that the pact does not have overwhelming manpower advantages vis-a-vis NATO, and does not have sufficient manpower for a blitzkrieg attack; second, that the pact has irrefutable numerical advantages in weapons, but that NATO's edge in quality and training largely neutralize the pact's strength in numbers; and, third, that, while NATO's mobilization and reinforcement capabilities may not equal the pact's, NATO has the potential to maintain overall ratio of forces very close to premobilization ratios.

Regarding doctrine, Mearsheimer assumes that in a conventional war, the Soviet Union will employ a blitzkrieg attack, that is, they will amass armored forces along one or several points on the defender's front, pierce that front, and rapidly advance to the enemy's rear. What are the prospects for the Soviet Union to achieve this strategy? According to Mearsheimer, one must evaluate two important criteria: First, can the pact achieve the necessary force ratios along the main axes of attack in order to puncture NATO's lines of defense, and second, if the pact can pierce NATO's lines, can the pact then successfully advance to NATO's rear areas. Based on well-known NATO deployment patterns as well as geographic and topographical constraints, and likely Soviet deployment patterns, Mearsheimer concludes that NATO could most likely stop a Soviet blitzkrieg attack and convert the conflict into a war of attrition.

Regarding Soviet and Warsaw Pact raw ability to execute such an attack, Mearsheimer expresses considerable doubt as to the pact's prospects for success. While nothing that pact forces are configured for blitzkrieg, Mearsheimer details weaknesses in Soviet training, in the ability of lower level officers to take initiative, in overcentralized command structures, and in the uncertain reliability of non-Soviet pact forces. He remains skeptical that the Soviet Union would have the requisite ability to execute the complex and difficult blitzkrieg attacks with the necessary precision.

While Mearsheimer believes NATO could successfully meet a pact blitzkrieg attack, he specifies two important caveats for continuing these prospects for success: First, NATO must proceed with ongoing improvements in its force structure, including strengthening the sustainability of forces; and, second, NATO must mobilize, and it must attempt to do so in ways that do not provoke Soviet attack. Mearsheimer, like other analysts, assigns extreme importance to warning time and mobilization. A prerequisite for NATO success in thwarting a pact blitzkrieg is receiving ample warning time and then mobilizing immediately to meet the threat. Even a few days delay could be disastrous for NATO.

Mr. President, I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY THE SOVIETS CAN'T WIN QUICKLY IN CENTRAL EUROPE

(By John G. Mearsheimer)

In light of the emergence of strategic parity and NATO's manifest lack of enthusiasm for tactical nuclear weapons, the importance of the balance of conventional forces in Central Europe has increased significantly in the past decade. Regarding that balance, the conventional wisdom is clearly that the Warsaw Pact enjoys an overwhelming advantage. In the event of a conventional war, the Soviets are expected to launch a blitzkrieg that will lead to a quick and decisive victory.

The implications of this specter of a hopelessly outgunned NATO are significant. Certainly, NATO's behavior in a major crisis would be influenced by its view of the conventional balance. Futhermore, one's preception of the conventional balance directly affects his or her view of the importance of both strategic and tactical nuclear weapons for deterrence in Europe.

The fact of the matter is that the balance of conventional forces is nowhere near as unfavorable as it is so often portrayed to be. In fact, NATO's prospects for thwarting a Soviet offensive are actually quite good. Certainly, NATO does not have the capability to win a conventional war on the continent against the Soviets. NATO does have, however, the wherewithal to deny the Soviets a quick victory and then to turn the conflict into a lengthy war of attrition, where NATO's advantage in population and GNP would not bode well for the Soviets.

The aim of this article is to examine closely the Soviets' prospects for effecting a blitzkrieg against NATO. In analyzing this matter, two closely related issues must be addressed. First, one must determine whether the Soviets have the force structure, the doctrine, and the raw ability to implement this strategy. In other words, do the Soviets, when viewed in isolation, have the capacity to effect a blitzkrieg? Secondly, when NATO's defense capabilities and the theater's terrain are considered, what then are the prospects for Soviet success? It may very well be that the Soviet military is well-primed to launch a blitzkrieg, but that NATO in turn has the capability to thwart it.

Any assessment of the NATO-Pact balance is dependent on certain assumptions made about the preparatory moves both sides take before the war starts. Among the many that might be considered, three scenarios are most often posited. The first of these is the "standing start" attack, in which the Soviets launch an attack after hardly any mobilization and deliver a knock-out blow against an unsuspecting NATO. This is not, however, a likely eventuality.

Secondly, for a war in Europe to become a realistic possibility, there would have to be a significant deterioration in East-West relations. Given such a development, it is very likely that both sides will take some steps, however limited, to increase the readiness of their forces. It is difficult to imagine a scenario where an alert Pact catches NATO completely unprepared.

The second scenario is a more realistic and more dangerous one. Here, in the midst of a crisis, NATO detects a Pact mobilization, but does not mobilize its forces for a fear of triggering a Soviet attack. Surely, if NATO fails to respond quickly to a Pact mobilization as posited in this second scenario, the Pact would soon be in a position to inflict a decisive defeat on NATO.

In the third scenario, NATO's mobilization begins immediately after the Pact starts to mobilize. Here, the Pact does not gain an overwhelming force advantage as a result of NATO's failure to mobilize. It is with this third scenario that I shall concern myself in the present essay. The assumption on which I base the following analysis is that strategic warning and mobilization are acted upon by NATO; the raw capabilities of the opposing forces will thus be examined under those clearly defined conditions.

The Balance of Forces on the Central Front

There are generally two alternative ways of assessing the balance. One is to focus on the manpower on each side, while the other is to compare weaponry.

MANPOWER

Robert Lucas Fischer, in his 1976 study of the conventional balance in Europe (which is, unfortunately, one of the few comprehensive studies done on that subject), notes that NATO has 414,000 men in its divisions, while the Pact has 564,000. With this measure of divisional manpower, the Soviet advantage shrinks to 1.36:1. Fischer calculates that when overall manpower levels on the Central Front are considered, the Pact's advantage shrinks even further to 1.09:1. This is because NATO has traditionally had more men assigned to combat units which are not organic to divisions. Since the study was issued, the Pact has added approximately 50,000 men, raising the overall advantage in manpower to 1.15:1—hardly an alarming

figure. These figures are clear evidence that NATO is not hopelessly outnumbered.

WEAPONS

It is not difficult to compare numbers of specific weapons on each side. Such comparisons, however, do not take into account qualitative differences within the same category of weapons nor do they deal with the problem of comparing different categories of weapons (i.e., tanks vs. artillery).

REINFORCEMENT AND MOBILIZATION

Now, consider the critical matter of comparative reinforcement capabilities. Although NATO's reinforcement capability is not as great as the Soviets' in an absolute sense, NATO has the potential to keep the overall ratio of forces very close to the pre-mobilization ratio. The notion that the Soviets can rely on some massive second echelon that NATO cannot match is a false one. However, the ratio of forces in any future mobilization will be heavily influenced by the timeliness with which each side starts to mobilize. If NATO begins mobilizing its forces before the Pact does, or simultaneously with the Pact, then the force ratios will remain close to the 1.2:1 (in armored division equivalents) and 1.36:1 (in divisional manpower), the ratios which obtained before mobilization. If NATO starts mobilizing a few days after the Pact, then the balance of forces should approach but not exceed a 2:1 ratio in the very early days of mobilization and then fall to a level close to the pre-mobilization ratios. But once the gap in mobilization starting times reaches seven days (in the Pact's favor), NATO begins to face serious problems, problems which become even more pronounced as the mobilization gap widens further.

It should be emphasized that there are definite limits to the utility of measuring force levels. Nevertheless, it is clear that if one side has an overwhelming advantage in forces, that glaring asymmetry is very likely to lead to a decisive victory. The previous analysis of the balance of forces in Europe indicates that the Soviets do not enjoy such an overwhelming advantage. They do not have the numerical superiority to simply crush NATO. In a conventional war in Europe, whether or not the Soviets prevail will depend on how they employ their forces against NATO's defenses. In other words, success will be a function of strategy, not overwhelming numbers.

Doctrine

NATO's forces are arrayed to support a strategy of forward defense. In other words, to meet a Pact offensive, the forces in each of NATO's corps sectors are deployed very close to the border between the two Germanies. How do the Soviets plan to fight a non-nuclear war in Europe? The assumption here is that they will employ a blitzkrieg. This strategy calls for the attacker to concentrate his armored forces at one or more points along the defender's front, pierce that front, and race deep into the defender's rear. The aim is to avoid a broad frontal attack and, instead, to drive a small number of powerful armored columns into the depths of the defense.

To determine whether the Soviets can successfully launch a blitzbrieg against NATO's forward defense, two key questions must be answered. First, can the Soviets achieve the necessary force ratios on their main axes of advance so that they can then open gateways into NATO's rear? In other words, given the deployment of NATO's forces as well as the terrain, how likely is it that the Soviets will be able to repeat the German achievement opposite the Ardennes Forest in 1940? Is it true, as advocates of a maneuver-oriented defense claim, that the Pact can choose any point on the NATO front and achieve the the superiority of forces necessary to effect a breakthrough?

Second, if the Soviets are able to tear open a hole or two in NATO's defensive front, will the Soviets be able to exploit those openings and penetrate into the depths of the NATO defense before NATO has a chance to shift forces and slow the penetrating spearheads? Effecting a deep strategic penetration in the "fog of war," when the defender is doing everything possible to seal off the gaps in his defense, is difficult and requires a first-rate army. How capable is the Soviet Army of accomplishing this difficult task? Although it is not possible to provide definitive answers to these questions, there is good reason to believe that NATO is capable of thwarting a Soviet blitzkrieg and turning the conflict into a war of attrition.

THE INITIAL DEPLOYMENT PATTERNS

When considering Soviet deployment patterns for a conventional European war, the most basic question is: how will the Soviets apportion their forces across the front? More specifically, will the Soviets disperse their forces rather evenly across the front, mounting attacks along numerous axes, or will they concentrate their forces at one, two, or three points along the inter-German border? In many of the accounts by Western analysts, it is assumed that a Soviet offensive will be a multi-pronged one.

It is possible that the Soviets might choose to launch an offensive along multiple axes of advance. This would be consistent with their doctrine for fighting a nuclear war in Europe, where the emphasis is on keeping the attacking forces widely dispersed so that they are not vulnerable to nuclear attacks. However, such a deployment pattern would hardly facilitate employment of a blitzkrieg, simply because it would be virtually impossible for the Soviets, given the present overall balance of forces, to achieve overwhelming force ratios on any of the axes. If the Soviets hope to defeat NATO with a blitzkrieg, they will have to concentrate massive amounts of armor on one, two or, at most, three major axes of advance. This raises the obvious questions: where are those axes likely to be? and how well-positioned is NATO to deal with the most likely Pact deployment patterns?

It is most unlikely that the Pact would place a major axis of advance in either the far north or the far south of the NATO front. In the south, this would preclude a major attack against II German Corps, simply because it would not result in a decisive victory. The Allies could afford to lose almost the entire corps sector, reaching back to the French border, and they would still be able to continue the war. Moreover, the mountainous terrain in this part of Germany is not conducive to the movement of large armored forces. In the north, a major offensive against Schleswig-Holstein is unlikely. Although the terrain is not mountainous in this sector there are still enough obstacles (bogs, rivers, urban sprawl around Hamburg) to hinder the movement of a large armored force. Furthermore, a Pact success in this region would not constitute a mortal blow to NATO. The main body of NATO's forces would still be intact and capable of conducting a vigorous defense.

CHANNELING FORCES: THE PACT'S AXES OF ATTACK IN CENTAG

The Soviets are most likely to locate their main attacks along the front stretching from the I Dutch Corps Sector in the north to the VII American Corps Sector in the south. Let us first consider the three key corps sectors in CENTAG (III German, V U.S., and VII U.S.). Generally, the terrain in the CENTAG area is very obstacle-ridden. Besides being a mountainous region, it has numerous rivers and forests. Consequently, there are a small number of natural avenues of attack in CENTAG. Actually, there are three potential axes on which the Soviets are likely to attack.

The most threatening of the three possibilities would be an attack from the Thuringian Bulge through the Fulda Gap, aimed at Frankfurt. Except for the Fulda River, the terrain on this axis should not greatly hinder the movement of large armored forces. Importantly, this axis cuts across the "wasp-waist" or the narrowest section of Germany. The distance from the inter-German border to Frankfurt is a mere 100 km. Frankfurt, because of its central location in Germany's communications network, would be a most attractive target. Capturing Frankfurt would effectively cut Germany in half, and given the importance of north-south lines of communication, would leave NATO's forces in southern Germany isolated.

The second potential axis of advance is located in the sector covered by the III German Corps. The attacking forces would move through the Gottingen Corridor, just south of the Harz Mountains. The industrialized Ruhr is located due west of Gottingen.

There is a third potential axis of advance in CENTAG, although it is less attractive than the axes which run through the Fulda Gap and the Gottingen Corridor. The axis runs from Bohemia through the area around the city of Hof toward Stuttgart: the Hof Corridor. The terrain that an attacking force would have to traverse there is considerably more obstacle-ridden than the terrain along the other axes. Moreover, Stuttgart is a far less attractive target than either Frankfurt or the Ruhr. Aside from these three axes, there are no attractive alternatives.

NATO's forces in CENTAG should be able to contain a major Soviet attack in this region. There are only a limited number of potential axes of advance, each of which is quite narrow and well defined and each of which NATO is well prepared to defend. Moreover, NATO has contingency plans to shift forces to combat Soviet efforts designed to achieve overwhelming force ratios at the points of main attack. NATO's prospect of successfully halting a Soviet attack are further strengthened by the terrain, which not only limits the number of potential axes, but also channels the attacking forces across the width of Germany. In other words, the potential axes of advance are rather narrow and do not allow the attacker to spread his forces after the initial breakthrough.

THE NORTH GERMAN PLAIN: OPEN ROAD FOR A PACT ADVANCE?

Now, consider NATO's prospects for containing a Soviet attack directed against NORTHAG. It is widely held that NATO is more vulnerable in this region than in CENTAG. The terrain in NORTHAG, because it is not mountainuous and covered with forests, is generally held to be more fa-

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vorable to the movement of large armored formations. Secondly, there are doubts about whether the Dutch and the Belgians, and even the British, have the capability to withstand a Soviet attack. Notwithstanding that NATO is more vulnerable in this region than in CENTAG, the prospects for thwarting a major Soviet attack in NORTHAG are quite good. The terrain is not obstacle-free by any means and, as will become clear, the Belgian and Dutch Corps Sectors are not the weak links that they are often said to be. Approximately one-third of the front is covered by the Harz Mountains, while the terrain throughout the depth of the corps sector is laden with obstacles.

The North German Plain, above the Belgian Corps Sector, is covered by the I British and I German Gorps. There is widespread agreement that the Pact will place a single main axis against NORTHAG and that that axis will be located on the North German Plain. Athough there are no mountains and few forests in this region, there are obstacles in both the German and British Corps Sectors. In the British Corps Sector, there is significant urban sprawl centered on Hannover, which is located in the heart of this corps sector. Armored forces simply will not be able to move rapidly through those urban areas that NATO chooses to defend.

Finally, even if the attacking forces were able to penetrate through this sector rapidly, it is unlikely that NATO would be mortally wounded. Certainly, NATO would feel the loss of the ports in nothern Germany. However, since the attacking forces would exit Germany into the nothern part of the Netherlands, NATO would still have access to the most important Belgian and Dutch ports.

In sum, given the initial deployment patterns of both NATO and the Pact, it appears that NATO is reasonably well deployed to meet a Soviet blitzkrieg. Although both Pact and NATO deployment patterns have been examined, attention has been focused, for the most part, on examining NATO's capability to thwart a blitzkrieg. Now let us shift the focus and examine in detail Soviet capabilities.

Soviet Capabilities for Blitzkrieg Warfare

To ascertain whether the Soviet Army has the capacity to effect a blitzkrieg, it is necessary to examine that Army on three levels. First, one must consider how the Soviet Army is organized. In other words, are the forces structured to facilitate a blitzkrieg? Second, it is necessary to consider doctrine, a subject that has already received some attention. Finally, there is the matter of raw skill. Assuming that the problems with force structure and doctrine are minimal, is the Soviet Army capable of performing the assigned task?

Since almost all the Pact divisions that would be used in a European war are either armored or mechanized infanty, it seems reasonable to assume that the Pact is appropriately organized to launch a blitzkrieg. On close inspection, however, there are potential trouble spots in the Pact's force structure. Over the past decade, Soviet divisions have become extremely heavy units. Western analysts pay a great deal of attention to the large and growing number of tanks, infantry fighting vehicles, artillery pieces, rocket launchers, surface-to-air missiles, air defense guns, anti-tank guided missiles (ATGMs), and assorted other weapons that are found in Soviet as well as other Pact divisions. Past a certain point, however, there is an inverse relationship between the mass and the velocity of an attacking force. As the size of the attacking force increases, the logistical problems as well as the command and control problems increase proportionately. Then, it becomes very difficult to move that force rapidly—an essential requirement for a blitzkrieg, where the attacker is seeking to strike deep into the defender's rear before the defender can shift forces to deal with the penetrating forces.

Consider now the matter of doctrine. As noted earlier, it is not possible to determine exactly how the Soviet plan to fight a conventional war in Europe. This is because the Soviets themselves are not sure; there is presently doctrinal uncertainty in their military circles. Certainly, they continue to emphasize the necessity of rapidly defeating NATO, should a war in Europe break out. The Soviets recognize, however, that it is becoming increasingly difficult to do this, especially because of the proliferation of ATGMs. Moreover, they are well aware of how these organizational problems compound their task. They realize that it will be difficult to effect deep strategic penetrations against prepared defenses. Although there has been a considerable effort to find a solution to this problem, if anything, the Soviets appear to be moving closer to a strategy of attrition. This is reflected in their growing reliance on artillery and dismounted infantry. There is no evidence that the Soviets have made a conscious decision to fight a war of attrition. Instead, it appears that they are being inexorably drawn in this direction by their efforts to neutralize the growing firepower, both ground-based and air-delivered, available to NATO.

SOVIET TRAINING AND INITIATIVE

Finally, there is the question of whether the Soviet Army has the necessary raw skills. An army that intends to implement a blitzkrieg must have a highly flexible command structure as well as officers and NCOs at every level of the chain of command who are capable of exercising initiative. A blitzkrieg is not a steamroller: success is ultimately a consequence of able commanders making rapid-fire decisions in the "fog of battle" which enable the attacking forces to make the crucial deep strategic penetrations. Should the Soviets attack NATO, there is a chance that the Soviets will open a hole or holes in the NATO front. Naturally, NATO will try to close those holes and seal off any penetrations as quickly as possible. The key question is: can the Soviets exploit such opportunities before NATO, which is well prepared for such an eventuality, shuts the door? In this battle, the crucial determinant will not be how much firepower the Soviets have amassed for the breakthrough; success will be largely the result of highly skilled officers and NCOs making the decisions that will enable the armored spearheads to outrun NATO's defenses. A blitzkrieg depends on split-second timing since opportunity on the battlefield is so fleeting.

There is substantial evidence that Soviet officers and NCOs are sadly lacking in individual initiative and, furthermore, that the Soviet command structure is rigid. Their absence is largely the result of powerful historical forces. Fundamental structural change in Soviet society and the Soviet military would be necessary before there would be any significant increase in flexibility and initiative.

Other deficiencies in the Soviet Army cast doubt on the Soviets' capacity to launch a successful blitzkrieg. For example, the Soviets have significant problems with training. Overreliance on training aids and simulators is a factor often cited, and there is widespread feeling that the training process does not satisfactorily approximate actual combat conditions. Training is of special importance for the Soviets since their army is comprised largely of conscripts who serve a mere two years. Moreover, since new conscripts are trained in actual combat units, more than half of the troops in the 19 Soviet divisions in East Germany are soldiers with less than two years of experience. Any one time, a significant number of those troops is either untrained or partially trained. It should also be noted that Soviet soldiers are deficient in map reading, a skill which is of much importance for an army attempting to launch a blitzkrieg.

Finally, one must consider the capabilities of the non-Soviet divisions, which comprise approximately half of the Pact's 57⅓ standing divisions. Although the Soviet divisions will certainly perform the critical tasks in any offensive, the non-Soviet divisions will have to play a role in the operation. Otherwise, the size of the offensive would have to be scaled down significantly. One cannot say with any degree of certainly that the East Europeans would be militarily incapable of performing their assigned task or that they would not commit themselves politically to supporting a Soviet-led offensive. The Soviets, however, would have to give serious consideration to the reliability of the East Europeans.

CONCLUSION

Even if one were to discount these weaknesses of the Soviet Army, the task of quickly overrunning NATO's defenses would be a very formidable one. A Pact offensive would have to traverse the obstacle-ridden terrain which covers almost all of Germany and restricts the movement of large armored units. Moreover, there is good reason to believe that NATO has the wherewithal to thwart such a offensive. In short, NATO is in relatively good shape at the conventional level.

Two very important caveats, however, are in order. First, NATO must provide for the continuation of ongoing improvements in its force structure. There is no evidence that the Soviet effort to modernize her forces in Central Europe is slowing down. Therefore, NATO must continue to make improvements if it is to maintain the present balance. It is absolutely essential, for example, that deployment of the American Corps in NORTHAG be completed. It is also imperative that the Belgians, the British, and the Dutch continue to modernize and upgrade their conventional forces. More specifically, these forces, especially the British, must increase the firepower of their individual brigades. And, the Allies need to place more emphasis on improving the sustainability of their forces. Fortunately, the conventional wisdom is wrong; NATO presently has the capability to thwart a Soviet attack. Unfortunately, too few people recognize this.

The second caveat concerns warning time and mobilization. Given NATO's present intelligence capabilities and the Pact's force structure, there is little doubt that NATO would detect a full-scale Pact mobilization almost immediately. Obviously, NATO must ensure that it maintains this capability. Problems arise, however, in circumstances where the Pact pursues a limited mobilization which is somewhat difficult to gauge. Although there are real limits as to how much mobilization the Soviets can achieve before tipping their hand, NATO needs to

be especially sensitive to such an eventuality. Moreover, NATO must be prepared to respond to a limited mobilization, even if the evidence of such mobilization is somewhat ambiguous. This leads to the critical problem of mobilization.

This article highlights how important it is that NATO mobilize its forces immediately after the Pact begins it mobilization. A favorable balance of forces in a crisis will be a function of political as well as military factors. The real danger is that NATO's leaders will not agree to mobilize in a crisis for fear that such a move might provoke a Soviet attack. The risk of pushing the Soviets to preempt can be reduced, however, by avoiding certain provocative moves and by clearly communicating one's intentions to the other side. Nevertheless, the risk of provoking a Soviet attack by initiating NATO mobilization can never by completely erased. That risk, however, must be weighed against the far greater danger that if NATO does not mobilize, the capability to defend against a Pact attack will be lost. Moreover, once the Pact achieves a decisive superiority because of NATO's failure to mobilize, it would be not only difficult, but very dangerous for NATO to attempt to redress the balance with a tardy mobilization. Seeing that process set into motion, the Pact would have a very strong incentive to attack before NATO erased its advantage. In short, it is essential that NATO plan for ways to mobilize that do not provoke a Soviet attack, but, at the same time, ensure that NATO does not lose its present capability to defend itself effectively against a Soviet offensive.

PANAMA DRUG CERTIFICATION

Mr. D'AMATO. Mr. President, I rise to share with my colleagues my total astonishment about published reports that indicate that the Bureau of International Narcotics matters at the State Department has issued a preliminary report requesting that Panama be certified as having been "fully cooperative" with the United States drug interdiction efforts.

Even though the report admits that Panama has not been cooperative, the International Narcotics Bureau recommends certification for reasons of other national interests.

Mr. President, whose national interest? Just imagine, Mr. President, how confused the people of Panama must be. One week they read that the United States is indicting General Noriega for drug trafficking. The next week they read that the United States is certifying the Government of Panama, a government under the complete control and domination of General Manuel Noriega, in the national interest.

Mr. President, it becomes even more puzzling when you consider that most of the penalties involved in decertification have already been levied against the Government of Panama by act of the Congress of the United States. We cut off aid to Panama, military and economic.

The Panamanian people have become hostages to the Colombian drug cartel; their leader, General Noriega, is a major operative of that cartel; in vivid and explicit testimony recently, it was stated that General Noriega receives $10 million a month just from one of the Colombian cartels.

What kind of policy do we have that says that notwithstanding a nation's failure to cooperate in the effort against international drug trafficking, that we will certify them because there are compelling national interests?

Mr. President, I have to ask, do we have a clear policy on Panama? And the answer is obviously not. The fact of the matter is that Noriega is a threat to the national interests of the United States of America, to his own people, to the free world.

That preliminary report could have the effect of prolonging his embattled rule; it sends just the wrong signal to the people of Panama, to say that on the one hand they indicted Noriega but they really do not mean it because they will have difficulty extraditing him. On the other hand, we sent this report from the State Department, as preliminary as it may be. What is happening with our State Department? What is happening with the very bureau that is supposed to be monitoring our so-called war on drugs?

The recommendation for Panama in this report must be reversed, Mr. President. The United States policy toward Panama must be unambiguous and clear. We have got to do everything to encourage the removal of Noriega and the establishment of democracy.

There have been questions, Mr. President, that the State Department has been involved in a deal to drop the indictments charging General Noriega with money laundering, with drug running, et cetera. I would submit to you, Mr. President, that dropping the indictment would not only be illogical but it would send the wrong signal, the wrong message. The message sent would say that if you are the leader of a drug cartel, if you are a corrupt general in an army, that all you have to do is rise to power, then agree to step aside, and any criminal charges will be laid aside.

Mr. President, given General Noriega's recent rhetoric we have got to be prepared to use any means necessary to protect the security of the Panama Canal and the thousands of Americans currently living in Panama. Certainly that is the kind of message that the State Department should be sending to Noriega. The United States should be prepared to impose a trade embargo on Panama if the situation deteriorates any further.

Earlier this month we began to uncover an incredible tale at hearings before the Senate Foreign Relations Committee of the depths to which the drug cartel has seized this country. Witness after witness detailed the intricate network of narcotic trafficking between Latin American nations using Panama as a major money center, laundering of billions and billions of dollars.

Again, Panama and its people are now under the control of one of the drug czars, General Noriega; one of the drug cartel's major people who was hired, who was paid for, who was bought, and who has delivered.

I think the evidence is overwhelming; so much so, Mr. President, that two grand juries in Florida, not one, indicted Noriega and many of his associates. The Colombian drug traffickers pay him tens of millions of dollars but they get their money's worth because they launder billions of dollars in the Panamanian banks. Now the State Department wants to certify Panama.

Mr. President, let me ask: What are we worried about?

The people of Panama are overwhelmingly opposed to Noriega's dictatorship. His rule now is literally measured in days.

The bravery of the State Department is underwhelming. It is incredible. While they are ready to certify Panama and Mexico, they recommended decertification of Iran, Afghanistan, Syria, Laos and other countries that receive little or no assistance. The recommendations are meaningless; we have no relationships with these countries.

I would suggest that maybe we save some money and eliminate the Bureau of International Narcotic Matters; the very department that is supposed to be monitoring those drug interdiction agreements and accords and leads the battle on our international effort against drug trafficking. The certification of Panama is inexcusable and illogical Mr. President. What we do is send a message around the world that we are really not committed to the war on drugs. If the Government of Panama can be certified, a government which is ruled by General Noriega, who has been proven to be a drug dealer, who has been indicted, why then should any country undertake that incredible, difficult task and battle to fight the drug lords? Why?

Why should those in Colombia who stand imperiled undertake that battle? Why should those in Bolivia? Why should those in other parts of the world? Certainly not because the United States stands up to its word and means it is going to wage a real war. Is this what our so-called war against drugs is, that we have people in the State Department right now, Assistant Secretaries of State, charged with international narcotics matters, ready to certify obviously undeserving countries for reasons of "other national interests?"

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Mr. President, it is an outrage and, I daresay I think the administration would not get one vote in favor of certification of Panama if it were to send that report to the Senate of the United States.

I would hope that that decision would be changed, and changed forthwith. I would hate to think that we would send such a report recommending Panama be certified for "other national interests." It would be a disgrace, and it certainly would underscore that which many think; that the war and the commitment to fight drugs and international drug trafficking, is nothing more than rhetoric.

PLANS TO REINVIGORATE SMALL VEHICLE SPACE LAUNCH PROGRAMS

Mr. THURMOND. Mr. President, The U.S. Air Force and the National Aeronautics and Space Administration [NASA] are preparing to reinvigorate our Nation's capability in the area of small vehicle space launches.

The Scout launch vehicle was the first solid propellant system to place a payload into space. It has been operating successfully for over 25 years and has made 108 domestic and international launches. Between 1967 and 1975 the Scout set a record for NASA launch vehicles of 37 consecutive successes. During the last 20 years the Scout has had a success ratio of 98 percent.

The Scout is manufactured by LTV Missiles & Electronics Group, a fourth of the Missiles Division in Dallas, TX. LTV is now working with an Italian firm to develop an advanced version of the Scout to be known as Scout II.

Mr. President, a recent article on this subject appeared in the December 7, 1988, issue of Aviation Week & Space Technology magazine under the byline of Craig Covault.

I ask unanimous consent that this article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. TO BOLSTER ITS CAPABILITY IN SMALL SPACE LAUNCH VEHICLES

(By Craig Covault)

WASHINGTON.—The U.S. Air Force and NASA are preparing to reinvigorate the U.S. capability for small launch vehicles with new procurement and development, just as the nation's medium- and heavy-booster programs are being revived by the Delta-2, Titan-4 and block-2 medium launch vehicle programs.

NASA expects to initiate a competitive procurement in early 1988 for up to 10 new small launch vehicles. The Air Force is evaluating a small vehicle procurement that in the early 1990s could involve either an existing vehicle or new small boosters, possibly derived from tooling prepared earlier for ballistic missiles such as the Polaris.

An additional element in future NASA-USAF work will be the planned joint development by Italy and LTV Aerospace of an Advanced Scout launch vehicle that would use two Ariane strap-on solid rocket boosters to double the Scout's low-orbit payload capability to 1,150 lb.

LTV briefed USAF Space Div. on the project in Mid-November and NASA has also been kept informed.

The USAF Space Test Program has at least 17 small science payloads, which it either has already developed or would like to develop for flight in the next few years. Those science packages could be deployed as either single payloads or combined in instrument payloads on somewhat larger launch vehicles. Other military programs are examining surveillance, relay and other missions that could be performed with spacecraft in the 500-3,000-lb class.

POTENTIAL COMPETITORS.

The American Rocket Co. Amroc vehicle, the LTV Scout, the Space Services, Inc., Conestoga and possibly others are expected to compete for the NASA procurement set for early next year, according to Paul E. Goozh, who manages NASA's Scout operations.

Any USAF procurement would follow later, and any new launchers developed from the effort would be available for commerical launched operations.

NASA expects to issue a request for proposals by March for competitive procurement of up to 10 Scout-class vehicles to support the agency's Small Explorer satellite program. The small explorers are being planned to help fly small space science instruments for astrophysics and other areas that have been hurt by a lack of shuttle launches and funding cutbacks.

The agency is planning to launch two missions per year during 1991-95, with the likelihood that the program would then be continued indefinitely.

In its procurement NASA will request a performance equivalent at least to the standard Scout vehicle, which can place 565 lb. into an 175-mi orbit. It is hoped the winning contractor would be selected by late 1988.

The Scout is currently the only operational booster in this class, and 10 vehicles are in the inventory. Nine of these vehicles are reserved for launch of spacecraft such as the General Electric Astro Div. Transit navigation satellites and Avco target balloons for USAF antisatellite weapons tests.

The remaining vehicle is set for launch of a NASA space science mission in March from Italy's San Marco Pacific Ocean platform off the west coast of Kenya. The Scout has been lauched on 108 missions since 1960, with 94 successful flights overall and only two failures in the last 54 missions extending back to May, 1967.

LTV believes it is in the best position to compete for the NASA Small Explorer program contract since the Scout is the only operational vehicle available, and the NASA procurement specifications are to be modeled after Scout capability.

The LTV/Italian project has been spurred by European commercial microgravity materials processing research in the absence of a shuttle launch capability. The initial phase of the program would be carried out under the West German-Italian Topas project using the standard Scout booster to carry recoverable reentry capasules with materials processing experiments into orbit from the San Marco platform (AW&ST July 13, p. 133). LTV projects a market for about 12 launches in this program, once it is approved by West Germany and Italy.

The joint Italian/LTV advanced Scout program will offer additional payload capability using a proven vehicle, according to Milton Green, director of space programs for LTV's Missiles Div.

Officials at both NASA and USAF said they have no plans for such a vehicle, but would reexamine their launch requirements when the advanced or "Eagle Scout" vehicle becomes available after 1990.

LTV is teamed in the program with Italy's SNIA BPD. Which builds the solid rocket strap-on boosters used by the European Ariane 3 launch vehicle.

By adding two of the Ariane solid rocket boosters to the standard Scout and replacing its third stage with a SNIA BPD "Mage" higher performance motor, the vehicle can be configured into an advanced Scout capable of carrying a 1,150-lb. payload.

LTV is completing negotiations on a memorandum of understanding with NASA regarding the use of Scout tooling and resources in a joint program with Italy for the advanced vehicle.

In addition, LTV has applied for an export license from State Dept. to allow the project to proceed. The export license process has taken several months and is being reviewed in light of recent U.S. export provisions to guard against the transfer of launch vehicle technology to foreign countries, which conceivably could use the technology to build ballistic missiles.

LTV believe final Italian approval of the project will be given after completion of export approval in the U.S.

Italy has informed NASA it is serious about pursuit of the program as a means of increasing European commercial access to space research.

In the Advanced Scout configuration, the Ariane motors would ignite as the vehicle's first stage, followed by ignition at altitude of the Sourt core vehicle.

A standard Scout mission costs $11-12 million, with about $7 million of this counting toward vehicle hardware cost. An Advanced Scout mission would cost about 50-60% more, meaning a doubling of payload capability for significantly less than doubling the vehicle cost, Green said.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination and a treaty which were referred to the appropriate committees.

(The nomination and treaty received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3923. An act to make a technical correction to section 8103 of title 46, United States Code.

The enrolled bill was subsequently signed by the Acting President pro tempore [Mr. SANFORD].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2602. A communication from the Assistant Secretary of Agriculture (Natural Resources and Environment), transmitting, pursuant to law, the annual report of the Forest Service for fiscal year 1987; to the Committee on Agriculture, Nutrition and Forestry.

EC-2603. A communication from the Acting Secretary of Agriculture, transmitting, pursuant to law, the second quarterly commodity and country allocation table showing current commodity programming plans for food assistance under P.L. 480; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2604. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-2605. A communication from the Assistant Vice President of the National Railroad Passenger Corporation (Government and Public Affairs), transmitting, pursuant to law, the annual report on each route on which the Corporation operated rail passenger service during fiscal year 1987, its 1988 Legislative Report, and its 1987 Annual Report; to the Committee on Commerce, Science and Transportation.

EC-2606. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committe on Energy and Natural Resources.

EC-2607. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2608. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2609. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2610. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2611. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the fiscal year 1987 report on the implementation of the Federal Equal Opportunity Recruitment Program; to the Committee on Governmental Affairs.

EC-2612. A communication from the Secretary of Education, transmitting, pursuant to law, a report on program review of 376 projects funded by authority of the Indian Education Act of 1972; to the Select Committee on Indian Affairs.

EC-2613. A communication from the Executive Director of the Committee for the Purchase From the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report of the Committee under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-2614. A communication from the National Treasurer of the Navy Wives Clubs of America, transmitting, pursuant to law, the annual audit report of the Navy Wives Clubs of America, Inc., for the year beginning September 1, 1986, and ending August 31, 1987; to the Committee on the Judiciary.

EC-2615. A communication from the Commissioner of the Immigration and Naturalization Service, Deparment of Justice, transmitting, pursuant to law, a report on the waiver of certain grounds of admissibility in the cases of certain refugees; to the Committee on the Judiciary.

EC-2616. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the annual report of the Endowment under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-2617. A communication from the Chairman of the State Justice Institute, transmitting a draft of proposed legislation to authorize appropriations for the purposes of carrying out the activities of the State Justice Institute for fiscal years 1989, 1990, 1991, and 1992, and for other purposes; to the Committee on the Judiciary.

EC-2618. A communication from the Chairman of the National Council on Educational Research, transmitting, pursuant to law, the annual report of the Council for fiscal year 1986; to the Committee on Labor and Human Resources.

EC-2619. A communication from the Executive Director of the Intergovernmental Advisory Council on Education, transmitting, pursuant to law, the annual report of the Council for fiscal year 1986; to the Committee on Labor and Human Resources.

EC-2620. A communication from the Chairman of the National Advisory Council on Indian Education, transmitting, pursuant to law, the annual report of the Council for fiscal year 1986; to the Select Committee on Indian Affairs.

EC-2621. A communication from the Presiding Officer of the Advisory Council on Education Statistics, transmitting, pursuant to law, the annual report of the Council for fiscal year 1986; to the Committee on Labor and Human Resources.

EC-2622. A communication from the Chairman of the National Advisory Council on Women's Educational Programs, transmitting, pursuant to law, the annual report of the Council for fiscal year 1986; to the Committee on Labor and Human Resources.

EC-2623. A communication from the Assistant Secretary of Education (Vocational and Adult Education), transmitting, pursuant to law, the Annual Report of the National Center for Research in Vocational Education Advisory Committee for Fiscal Year 1986; to the Committee on Labor and Human Resources.

EC-2624. A communication from the Chairman, National Board Fund for the Improvement of Postsecondary Education, transmitting, pursuant to law, the Annual Report of the National Board of the Fund for the Improvement of Postsecondary Education for Fiscal Year 1986; to the Committee on Labor and Human Resources.

EC-2625. A communication from the Chairman, National Advisory Council on Adult Education, transmitting, pursuant to law, the Annual Report of the National Advisory Council on Adult Education; to the Committee on Labor and Human Resources.

EC-2626. A communication from the Chairman, National Advisory and Coordinating Council on Bilingual Education, transmitting, pursuant to law, the 11th Annual Report of the National Advisory and Coordinating Council on Bilingual Education; to the Committee on Labor and Human Resources.

EC-2627. A communication from the Chairman, National Council on Vocational Education, transmitting, pursuant to law the 1986 Annual Report of the National Council on Vocational Education; to the Committee on Labor and Human Resources.

EC-2628. A communication from the Chairman, National Advisory Board for International Education Programs, transmitting, pursuant to law, the Annual Report of the National Advisory Board for International Education Programs for Fiscal Year 1986; to the Committee on Labor and Human Resources.

EC-2629. A communication from the Chairman, National Advisory Committee on Accreditation and Institutional Eligibility, transmitting, pursuant to law, the Annual Report of the National Advisory Committee on Accreditation and Institutional Eligibility for Fiscal Year 1986; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-407. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Finance.

"RESOLUTIONS MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS TO ENACT LEGISLATION MODIFYING THE SOCIAL SECURITY SYSTEM TO ALLOW FOR HOME-CARE OF SEVERELY HANDICAPPED CHILDREN

"Whereas Federal supplemental security income is denied to those who would care for disabled children at home; and

"Whereas The principle of care at home for children with serious disabilities or chronic illness is a morally correct and efficient alternative to institutional care for handicapped children; Therefore be it

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"*Resolved* That the Massachusetts House of Representatives hereby urges, the President of the United States and the Congress to enact legislation modifying the Social Security System to all for home-care or severely handicapped children; and be it further

"*Resolved* That copies of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, the Presiding Officer of each branch of Congress and to the members thereof from this Commonwealth.

POM-408. A resolution adopted by the Senate of the State of West Virginia; to the Committee on Foreign Relations:

"SENATE RESOLUTION NO. 13

"Whereas the occupations of these sovereign nations by the Russians were termed by Winston Churchill as "acts of aggression in shameful collusion with Hitler" and since Churchill said, "I know President Roosevelt holds this view as strongly as I do"; and

"Whereas during World War II, the peoples of Estonia, Lativa and Lithuania were subjected to purges when invaded by the Russians, then by the Nazis and again by the Russians. "Thus," Churchill said, "the deadly comb ran back and forth, and back again, through Estonia, Latvia and Lithuania"; and

"Whereas the basic human rights of these subjugated people continue to be denied; and

"Whereas General Secretary of the Soviet Communist Party, Mikhail S. Gorbachev's policy of "Glasnost" has supposedly ushered in the new Soviet era of moral and ethical conduct: Therefore, be it

"*Resolved by the Senate*, That the Senate of West Virginia requests that The Soviet Union respect the sovereignty of Estonia, Latvia and Lithuania and free these people; and be it

"*Further resolved*, That the Senate of West Virginia requests an accounting of all the people of the Baltic States purged by Soviet interests as well as the tens of thousands of people herded into railroad cars and shipped to Siberia and never returned to their homelands or their families; and, be it

"*Further resolved*, That duly authenticated copies of this resolution, signed by the President of the Senate, and attested by the Clerk be transmitted to President Ronald W. Reagan, to the leadership of the Congress of the United States, to the Congressional Delegation from this State, to Mrs. Pia Porter and to General Secretary Mikhail S. Gorbachev."

POM-409. A resolution adopted by the Statewide Committees Opposing Regional Plan Areas requesting a redress of grievances against the Advisory Commission on Intergovernmental Relations; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 381. An original resolution authorizing expenditures by committees of the Senate (Rept. No. 100-287).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment and with a preamble:

S.J. Res. 216. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial (Rept. No. 100-288).

S.J. Res. 225. Joint resolution approving the location of the Korean War Memorial (Rept. No. 100-289).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ARMSTRONG:

S. 2078. A bill to amend the Internal Revenue Code of 1986 to require a majority of employees to approve the establishment of an employee stock ownership plan, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS:

S. 2079. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate any portion of any overpayment of income tax, and to contribute others amounts, for payment to the National Organ Transplant Trust Fund; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. BOREN):

S. 2080. A bill to establish an Arms Control Competitive and Economic Adjustment Commission; to provide for the functions, authorities, and obligations thereof, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res. 262. Joint resolution to designate the month of March, 1988, as "Women's History Month."; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 381. An original resolution authorizing expenditures by committees of the Senate; from the Committee on Rules and Administration; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ARMSTRONG:

S. 2078. A bill to amend the Internal Revenue Code of 1986 to require a majority of employees to approve the establishment of an employee stock ownership plan, and for other purposes; to the Committee on Finance.

EMPLOYEE APPROVAL OF ESOP'S

● Mr. ARMSTRONG. Mr. President, self-determination, as a method of decisionmaking in a political or practical sense is an honored and respected tradition in this Nation. Votes, polls, and opinion surveys are some of the ways American's satisfy their need to know what their fellow citizens are thinking. I believe there may be a need to extend the principle of self-determination to some facets of employee benefit decisions—specifically the decision to initiate an employee stock ownership plan [ESOP].

ESOP's were conceived as a means to provide employees with a greater ability to become shareholders in the organizations they work for and both company and employee would benefit. I have come to learn that beyond this threshold there are questions to be answered such as whether a majority of those affected approve of the conditions under which the ESOP is to be adopted?

In Colorado and other States there are cases where some employees are attempting to purchase a controlling interest in the corporation over the objection of other employee groups. The formation of an ESOP is critical to the outcome of such efforts. It is important to realize that the ESOP might be formed as an addition to existing pension rules, in lieu of them or some combination thereof. In some cases the existing pension plan is terminated and excess assets might be used to fund the ESOP. The question for the employees can be quite significant as it applies to their retirement security.

These employees are asking legitimate questions: Is this a good deal? What will the stock be worth when I retire? Would I be better off with a defined benefit plan upon retirement age?

Questions like these are ones I have been asked to consider by the General Assembly of Colorado when they passed the following resolution:

> *Be It Resolved by the House of Representatives of the Fifty-sixth General Assembly of the State of Colorado, the Senate concurring herein:*
>
> (1) That we, the members of the General Assembly, support the application of the principle of "One Person One Vote" to Employee Stock Ownership Plans which would give employees of a corporation the right to cast their votes on issues pertaining to an Employee Stock Ownership Plan.
>
> (2) That we, the members of the General Assembly, urge the Congress of the United States to enact legislation which would require all Employee Stock Ownership Plans to be approved by a majority vote of all employees of a corporation in order to become effective.
>
> *Be It Further Resolved*, That copies of this Resolution be transmitted to members of the Colorado Congressional Delegation, to members of the Labor and Human Resources Committee and the Banking Committee of the United States Senate, and to members of the Banking Committee and the Committee on Education and Labor of the United States House of Representatives, and to the management of United Airlines.

The Employee Benefit Research Institute in a recent publication had this to say about the ESOP's:

> ESOP's can provide employees with substantial financial benefits through stock ownership while providing companies with attractive tax advantages and a powerful financial tool. By making employees part-owners of the business, companies may also

> realize productivity improvements, since workers benefit directly from corporate profitability and are thus working in their own interest * * * [but] there are also risks that should be considered. Because the ESOP is invested primarily in employer securities, the success of the ESOP depends on the long-time performance of the company and its stock.

Authorities, therefore, recognize the risks involved even when the plans are established with the employees best interests in mind. But there is another disturbing development occurring with regard to the establishment of ESOP's and some believe that in these cases employees are just pawns in a larger struggle—the struggle over control of the corporation.

The use of ESOP's in contests for control of a corporation was the subject of hearings in June 1987 by the Senate Committee on Banking, Housing and Urban Affairs. What became clear is this. ESOP's are frequently used in corporate takeovers by any, and every party involved.

ESOP's can be used by existing management and serve their needs by establishing a friendly market for large blocks of stock, providing a source of lower rate financing to defend against takeovers, providing tax deductions, and they can be substituted for other retirement plans.

ESOP's can be used by some or all employees to take the company private in good times and in bad. ESOP's can be used by outside bidders to assist their cause when tender offers are made for shares held by the ESOP.

Unintended though it may be, ESOP's have become a factor in corporate finance and the implication for those employees, for whom the ESOP was established, is not clear. In one instance an outside bidder favored by management was granted what is called a "lock-up" that prevented employee shareholders from entertaining additional or even higher bids from other sources. This example illustrates what little practical influence employees may have when it comes to major decisions with regard to their own shares. It also appears that employee shareholders may be denied their rights as shareholders if the ownership is within an ESOP, rights that would not be denied if they owned those shares directly.

The hearing held by the Senate Banking Committee raised troubling questions regarding the actual value to the employee, for whom the ESOP is established. The benefits can range from very good to very questionable and the committee's attention then focused on what mechanisms exist to provide employees adequate information and influence over the ESOP. The answers were not very reassuring.

The following excerpts from Mr. Randy Barber of the Center for Economic Organizing at the June 26, 1987, hearing on ESOP's provide some indication of what voting rights exist for employee-shareholders, the role of trustees and the board of directors regarding essential decisionmaking activities:

> The Tax Code requires a resolution from a company's board of directors to establish an ESOP, and by definition, only incumbent directors can grant life to an ESOP.
>
> Thus, management and the existing owners enjoy a sort of legislated noblesse oblige with respect to the terms under which they bestow ownership on their employees, even as they use taxpayer concessions to do so.
>
> Although there are requirements that participants be given the right to vote the stock in their accounts on some issues under some circumstances, management still has broad rights to severely limit the authority of participants in determining the future of the company.
>
> For instance, all unallocated stock may be voted by a trustee selected by management. In a leveraged ESOP, this could include the majority of stock in the ESOP for number of years.
>
> A trustee, following the Department of Labor's guidance may override participant votes, and in most cases, will vote unallocated shares in the ESOP as he or she deems appropriate.

The Honorable Russell B. Long, a former colleague and noted authority on ESOP's, provided the Senate Banking Committee with a request to legislate on this matter. Senator Long cited a troubling legal decision that suggests that an ESOP trustee, in responding to a tender offer, may not be permitted to rely on employees' directions. That case is *Danaker* v. *Chicago Pneumatic Tool Co.*, 635 F. Supp. 246 (S.D.N.Y.) and it involved the duty of the fiduciary to accept the highest offer for shares. In his testimony Senator Long objected to this fiduciary standard presuming that employees would favor management's intent to reject such a tender offer. That may well have been the employee position, but unless there is a direct employee-shareholder vote on the matter, free of management pressures, then I am not sure the trustee can really know the wishes of those he serves.

This addresses but one aspect of a larger question of just what is the appropriate role of the employee-shareholder at the time of the creation of an ESOP, during a tender offer and when employees themselves may wish to take a company private.

Mr. President, these statements and the statements of others call attention to the need for Congress to study this matter and determine if the laws and rules in place need to be improved so that existing and potential employee-shareholders can have a more practical role in determining if proposals related to ESOP's are, in fact, in their best interest. This, it seems to me, can only be done on a case-by-case basis which then requires the need to establish a method of effective decisionmaking for the employees.

A majority vote standard to establish an ESOP is one such method of self-determination that may be appropriate and is the method suggested by this legislation. I propose this to my colleagues not as the definitive answer but as a starting point from which more thorough deliberations may take place.

For existing ESOP's there may be other voting methods that might add a degree of fairness to those affected. Proportional voting is a method that would extend the outcome of a majority vote of shares allocated to individuals to those shares that are unallocated and voted by the trustee.

In conclusion, I believe that an effective voting method is the missing essential ingredient of ESOP's and I urge my colleagues to consider the equity that can be achieved by adopting this democratic method of decisionmaking. It will insure that all persistent information is available to employees prior to a vote on the initiation of an ESOP and that ESOP employee-shareholders do not lose rights that are otherwise available to direct shareholders of the company.

This legislation I am introducing amends the Internal Revenue Code to establish that before an ESOP is established that the following must occur:

First, notice must be provided to the employees by the employer explaining all material facts concerning the plan including (a) whether assets will be transferred to the plan from any other plan, and whether the plan will replace such other plan, (b) the terms of the plan, and (c) the terms of the plan from which the assets are being transferred, if any.

Second, a majority of the employees of the employer establishing the plan must approve of the plan by secret ballot within a reasonable time after notification to employees.

Third, the Secretary of the Treasury may deny qualification to an ESOP where the voting rights of the employee-shareholders or beneficiaries are not substantially similar to the voting rights of shareholders who hold the same class of securities directly.●

By Mr. BUMPERS:

S. 2079. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate any portion of any overpayment of income, and to contribute other amounts, for payment to the National Organ Transplant Trust Fund: to the Committee on Finance.

ORGAN TRANSPLANT CONTRIBUTIONS ACT

Mr. BUMPERS. Mr. President, today I am introducing a bill which I first offered in the 98th Congress. This bill is urgently needed by thousands of Americans in crisis—men, women, and children who have been stricken by a debilitating illness and for whom the only available recourse is organ transplant surgery. Though American surgeons are becoming much more adept at performing these complex, often life-saving operations, many Americans cannot pay for this surgery and, therefore, cannot benefit from our rapidly improving technology. The transplant fund established by this legislation will bring the promise of transplant technology to patients who would otherwise be without hope.

I became very interested in the financing of organ transplants after receiving numerous calls from constituents who desperately needed help to pay for organ transplant surgery. These constituents' lives would have been saved by organ transplant surgery, but that life-saving treatment was out of their reach because they had no health insurance; their health insurance did not cover organ transplants; or they had no private resources. I know that every one of my colleagues have received similar pleas for help.

Only one thing keeps these people from having transplant surgery—money. Their only hope is to turn to private charitable sources, and they begin by calling their friends, elected representatives, local paper, church, and other community organizations. Some are successful in raising funds in this way, but many more are not. This is an absolutely intolerable and unacceptable situation for the United States. How can we profess to value the life of every person and then allow people to die because they are not rich enough to live? Nobody's life should depend on success of bake sales.

I believe most Americans would appreciate the opportunity to help such desperately ill persons. My bill would establish a national organ transplant trust fund in the Treasury which would be funded by voluntary contributions made through a checkoff system on the income tax form. I know that makes the IRS cringe, but their cringing is infinitely less important than the saving of lives. Donations made to the fund would represent outright contributions rather than a diversion of normal tax revenues.

The funding provision of this bill is not unique. As I speak here, there are people in the State of Massachusetts who are living proof that a voluntarily funded system such as the one I am proposing can be effective. The Massachusetts program employs a checkoff on the State income tax form, much as my proposed organ transplant trust fund will do, and has already paid out over $70,000 for expenses associated with organ transplants.

Reimbursement is wisely limited to those patients whose transplant surgery is certified as medically necessary and performed at qualified organ transplantation centers with proven track records. And while I am talking about what some of the States are doing, Mr. President, I would like to mention that optional checkoff boxes have become very popular during the past 5 or 10 years. As of 1984, 34 States, or 85 percent of the 40 States which collect income taxes, had added checkoff options to their States' forms. These checkoff programs have raised millions of dollars for worthy causes, ranging from wildlife protection to the U.S. Olympic team, and this has been done without significant difficulty to their respective revenue collection agencies.

In short, optional checkoffs have been widely accepted by Americans from all regions of our country and have proven a viable method of raising funds for worthwhile causes. In my judgment the costs of emergency organ transplantation are as worthy of public attention as the preparation of our Olympic athletes or the preservation of our woodlands.

If we can bring this kind of relief to troubled families throughout the United States without costing the Treasury a penny, then who can be against it?

Although in recent years the extent of public and private insurance coverage of organ transplant medical costs has been steadily increased, many Americans still fall between the cracks. Under the Medicaid Program, 10 States still do not pay for liver transplants, 18 States still do not pay for heart transplants, and 35 States still do not pay for heart-lung transplants. And the recent decision by the State of Oregon to limit Medicaid coverage for organ transplants, in favor of prenatal and neonatal care makes clear that there will continue to be debate on Medicaid coverage issues.

On the private side, companies representing 71 percent of the Nation's group health insurance businesses will pay for kidney transplants, but only 37 percent are willing to pay for pancreas transplants. And then there are thousands of Americans who do not qualify for public assistance such as Medicaid in meeting medical costs yet cannot afford to buy medical insurance, let alone meet the costs of a $35,000 kidney transplant or a $250,000 liver transplant.

These people deserve our help. It is unthinkable that, in a civilized society, one with a value system such as ours, one that values the worth of every human being and says that each one of us counts, such unfortunate patients are allowed to die for lack of money, especially when there is a simple way to match voluntary contributions with needy people.

Mr. President, during the last Congress we passed a law that required hospitals to request the families of deceased patients to consider donating organs of their loved ones so that others might live; in effect, all Americans are being asked to join the potential donor pool. This is a positive step. Once this program is firmly in place we hope no one will die for want of an organ. It is ironic to me, however, that we can ask all Americans to give of themselves to enable another to survive and yet not make a determined and aggressive attempt to ensure that funds are available to take real advantage of that increased organ availability.

The people this bill will help are those who are critically ill, and are thus in no position to withstand a drawn-out bureaucratic process. The Secretary of Health and Human Services would be given authority to establish guidelines for patient selection, and the decisions about patient eligibility would be made fairly and quickly.

Mr. President, my proposal will not cost the Treasury a cent. It will not divert any tax dollars from other programs. It will not increase the national deficit, and it will not take anything from anyone who does not want to give. It will save many lives at a fraction of the cost of one M-X missile. What the organ transplant contributions act will do is save lives and alleviate suffering among patients who need our help. I hope Members will join in cosponsoring this bill.

I intend to have studies done by Health and Human Services and possibly by the General Accounting Office, because it is my belief that you are not talking about a significant amount of money; I would guess between $30 million and $50 million a year. It is my firm conviction that the American people would contribute much more than that on a voluntary checkoff system and then not only would we feel good about honoring our values, not only will our phones quit ringing from people who are desperately in need of $150,000 for some kind of a transplant, but as we move into this program and these surgeries become more commonplace, ultimately insurance companies will pay for them, Medicaid and Medicare will pay for them. But until that happy day, Mr. President, it is a shame of this Nation that anybody that has an organ available that they need must die because they cannot come up with the money.

I ask unanimous consent, Mr. President, the full text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Organ Transplant Contributions Act of 1988".

SEC. 2. STATEMENT OF CONGRESSIONAL FINDINGS AND INTENT.

(a) Findings.—The Congress finds that—

(1) there exists an urgent national health problem in the area of human organ transplantation, and that organ transplant procedures and immunosuppressive therapy can mean the difference between life and death for some patients;

(2) advances in medical science have made organ transplantation an accepted medical treatment in an increasing number of cases, but that the costs associated with such treatment remain beyond the reach of many Americans;

(3) needy patients should neither be allowed to die nor forced into poverty due to lack of adequate funds to pay for an organ transplant, and that the Federal Government should to assist those citizens who are in need of organ transplant surgery and immunosuppressive therapy;

(4) as of this year, all persons in the United States are to be asked to join the national pool of organ donors and therefore should have an equal opportunity to benefit from expanded availability of organs for transplantation;

(5) certain organ transplant procedures are becoming commonly accepted forms of treatment, but that other procedures remain experimental and that further research in these and other methods should be encouraged with a view towards expanding the horizons of medical knowledge and improving the quality of health care; and

(6) a number of States have established programs to assist citizens in obtaining needed transplant procedures, and that a number of charitable organizations are available to assist such persons, but there remains a substantial unmet need in this area.

(b) Congressional Intent.—It is the intent of Congress that—

(1) it is necessary, as a result of the findings in subsection (a), to establish a National Organ Transplant Fund in the Treasury of the United States which shall be used to assist those Americans who are in need of transplant surgery and immunosuppressive therapy and who have insufficient means of paying for such treatment;

(2) the National Organ Transplant Trust Fund be administered under regulations promulgated by the Secretary of Health and Human Services and be funded solely by voluntary taxpayer contributions under a taxpayer checkoff system to be established by this Act; and

(3) the National Organ Transplant Trust Fund be administered by the Secretary of Health and Human Services fairly and expeditiously, taking into account the medical condition of the applicant and the financial resources of the applicant.

SEC. 3. DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR NATIONAL ORGAN TRANSPLANT TRUST FUND.

(a) In General.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end thereof the following new part:

"Part IX—Designation of Overpayments and Contributions for National Organ Transplant Trust Fund

"Sec. 6097. Amounts for National Organ Transplant Trust Fund.

"SEC. 6097. AMOUNTS FOR NATIONAL ORGAN TRANSPLANT TRUST FUND.

"(a) In General.—With respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that—

"(1) any portion of any overpayment of such tax for such taxable year, and

"(2) any cash contribution which the taxpayer includes with such return,

be paid over to the National Organ Transplant Trust Fund.

"(b) Joint Returns.—In the case of a joint return showing an overpayment, each spouse may designate any portion of such overpayment under subsection (a)(1).

"(c) Manner and Time Of Designation.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made on the first page of the return.

"(d) Overpayments Treated as Refunded.—For purposes of this title, any overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed.".

(b) Clerical Amendment.—The table of parts for subchapter A of chapter 61 of such Code is amended by adding at the end thereof the following new item:

"Part IX—Designation of Overpayments and Contributions for National Organ Transplant Trust Fund.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

SEC. 4. ESTABLISHMENT OF NATIONAL ORGAN TRANSPLANT TRUST FUND.

(a) In General.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. NATIONAL ORGAN TRANSPLANT TRUST FUND.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the 'National Organ Transplant Trust Fund', consisting of such amounts as may be appropriated or credited to the National Organ Transplant Trust Fund as provided in this section or section 9602(b).

"(b) Transfer to National Organ Transplant Trust Fund of Amounts Designated.—There is hereby appropriated to the National Organ Transplant Trust Fund amounts equivalent to the amounts designated under section 6097 and received in the Treasury.

"(c) Expenditures From Trust Fund.—

"(1) In general.—The Secretary shall pay, on the order of the Secretary of Health and Human Services, amounts on behalf of eligible individuals to health care facilities specified by the Secretary of Health and Human Services.

"(2) Administrative expenses.—Amounts in the National Organ Transplant Fund shall be available to pay the administrative expenses of the Department of the Treasury directly allocable to—

"(A) modifying the individual income tax return forms to carry out section 6097,

"(B) carrying out this chapter with respect to such Fund, and

"(C) processing amounts received under section 6097 and transferring such amounts to such Fund.".

(b) Clerical Amendment.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9511. National Organ Transplant Trust Fund.".

SEC. 4. ORGAN TRANSPLANTATION PAYMENTS PROGRAM.

(a) Establishment of Program.—

(1) In general.—The Secretary of Health and Human Services shall authorize payments by the Secretary of the Treasury from the National Organ Transplant Trust Fund on behalf of eligible individuals.

(2) Authorization of payments.—Payments under paragraph (1) shall be available—

(A) to pay the costs of organ transplantation procedures and immunosuppressive drugs for such individuals, and

(B) to pay the costs of notifying potential eligible individuals of the availability of the Trust Fund and to solicit contributions to the Trust Fund, except that payments under this subparagraph for any fiscal year shall not exceed 5 percent of the total payments from the Trust Fund for such fiscal year.

(b) Regulations.—The Secretary of Health and Human Services shall prescribe by regulations the procedures which shall be eligible for payment, the maximum amounts payable for each such procedure, and the terms and conditions under which payments will be made on behalf of an eligible individual under this section. Such regulations shall specify, at a minimum—

(1) procedures, terms, and conditions for the verification of the need for organ transplantation by an eligible individual;

(2) criteria for the determination of which individuals are eligible individuals under this section and procedures to verify the eligibility of such individuals;

(3) the types of organ transplantation procedures for which payments may be made under this section; and

(4) procedures for certification of health care facilities as transplant centers authorized to perform transplant procedures on persons eligible for assistance under this Act.

(c) Definitions.—For purposes of this Act, the term—

(1) "eligible individual" means an individual who, as determined by the Secretary of Health and Human Services by regulation, has a medical condition for which a transplant procedure is reasonably medically necessary, and who has no sufficient source of payment for an organ transplantation procedure, including sources of payment such as—

(A) the program established by titles XVIII of the Social Security Act;

(B) a State plan under title XIX of such Act; and

(C) any insurance coverage applicable to such individual;

(2) "organ" means the eye, kidney, liver, pancreas, heart, lung, bone marrow, or any other organ or tissue included by the Secretary of Health and Human Services by regulation;

(3) "transplant center" means a health care facility which has been certified by the Secretary of Health and Human Services as qualified to perform specified types of transplant procedures; and

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(4) "transplant procedure" means the surgical procedures necessary to accomplish the organ transplant, as well as appropriate preoperative and postoperative treatments, including immunosuppressive drugs, approved under the Federal Food, Drug, and Cosmetic Act, furnished by a transplant center, as defined herein, in connection with a transplant procedure, but only if furnished not later than the end of the thirty-sixth month after the month in which the individual receives the transplant for which the drugs are furnished.

SEC. 5. RIGHTS TO SUE OR BENEFIT ENTITLEMENT NOT CREATED BY ACT.

This Act shall not be construed to create any private right to sue by or on behalf of any eligible individual, and shall not be construed to create an entitlement on behalf of any individual.

By Mr. HATCH (for himself and Mr. Boren):

S. 2080. A bill to establish an Arms Control Competition and Economic Adjustment Commission; to provide for the functions, authorities, and obligations thereof; and for other purposes; to the Committee on the Judiciary.

ARMS CONTROL COMPETITIVE AND ECONOMIC ADJUSTMENT COMMISSION ACT

Mr. HATCH. Mr. President, I rise to introduce the Arms Control Competitive and Economic Adjustment Act of 1988. I am pleased that the distinguished senior Senator from Oklahoma, Senator Boren, has agreed to join me in offering this important legislation.

TREATIES NEED WORKABLE VERIFICATION PROCEDURES

Mr. President, the INF Treaty, as we all know well, is a small but first step toward a more lasting peace. The United States-Soviet withdrawal from nuclear brinkmanship at the intermediate range level, we all hope, will be matched by a strategic arms reduction.

The current INF Treaty, and the strategic treaties that may follow, will require workable verification procedures on both sides as part of the compliance regime. Under the INF Treaty, inspectors were placed in each country, one of the major breakthroughs in our long history of negotiation with the Soviets. I am certain that future treaties will replicate this accomplishment. As effective as national technical means [NTM] are, there are some validations that must be done on the spot.

MANY STATES AFFECTED BY THE PRESENCE OF SOVIET INSPECTORS

Even the most cursory review of the treaty, its memoranda of understanding and related protocols, reveals a widespread presence of Soviet inspectors. The MOU designates nine States with installations or private facilities eligible for permanent or spot inspections by accredited Soviet representatives: Maryland, Colorado, Alabama, Oklahoma, Florida, California, Arizona, Texas, and finally, Utah—the only State where a Soviet inspection team will be in permanent residence.

In addition, there are named in the MOU several R&D sites where certain types of related work is or was done and which could be made future inspection sites, these include five States, one territory, and one island nation in free association with the United States: Alaska, New Mexico, Hawaii, Massachusetts, Virginia, the territory of Wake Island, and Kwajalein Island in the Marshals.

In all, 19 actual and potential sites are identified. They include such Federal installations as Pueblo Depot, Redstone Arsenal, Fort Sill, the eastern and western test ranges, and Davis Monthan Air Force Base. And also include such private defense industrial organizations as Martin-Marietta, General Dynamics, and, in my State of Utah, the Hercules plant at Magna where a Soviet team would permanently reside, as I mentioned earlier.

IMPACT OF SOVIET PRESENCE

Mr. President, I have been very concerned about Soviet presence from the earliest indications that the INF Treaty was nearing completion. I have met with the Secretary of Defense, as well as key negotiators and other State, Defense, and Arms Control and Disarmament Agency staff repeatedly over the past 3 months to express this concern.

Let me say for the record, that DOD in particular has responded magnificently; Frank Carlucci has from the outset accepted responsibility for the security of the American defense industrial base. He has taken steps to identify threats to it under the treaty. By consequence, Mr. President, I can stand before this body today and say without reservation that Utah may very well be the most secure place in the world to do business. The threat of potential espionage is fully known, controlled, and the potential targets of such activities "hardened" against exploitation.

My concern extends well beyond my own State, and into the 18 other regions and localities where Soviets could be allowed to visit under the INF Treaty. Again, recognizing that under a future strategic arms treaty, a Soviet presence may become more extensive still, as well as more permanent. And I remind this body, and the American people, Mr. President, of my concern not simply for our defense industries, but for the entire infrastructure of our country, this is what makes for a strong defense—and it embraces the civil governments and facilities that support defense, as well as the people who invest in and earn their livelihoods in this sector.

Who is at risk, and what is the risk if, as I have stated, we appear to have exercised reasonable and prudent precautions. The threat is not necessarily found in the potential for espionage by Soviet inspectors. Rather, a threat to these institutions is one of perceptions.

The perception of a threat posed by a Soviet presence gives rise to the potential for discrimination against firms, installations, persons, and even governments and localities.

WHY DO WE NEED THE ARMS CONTROL COMPETITIVE AND ECONOMIC ADJUSTMENT COMMISSION ACT?

Mr. President, this bill is a confidence-building, as well as preventive measure. It would reduce the prospects of turbulence in the critically important aerospace and related defense subsectors of missiles and missile components. And, it precludes the withholding of contract awards by the Federal Government to otherwise sufficiently competitive and competent persons because of the presence of Soviet inspectors. What I fear, Mr. President, is a DOD contracting officer or other official who resists a contract award because he or she feels that the work could be exploited by a foreign agent.

The aerospace industry is the immediate target under the INF and future treaties. Here we have a great investment—in my State, Hercules has placed almost $250 million into a state-of-the-art plant for the production of large rocket engines. I know that General Dynamics' facilities in San Diego represent an equally great investment. In the past 5 years, according to the Department of Commerce, missile production has increased by 65 percent, with 88 percent of its production going for defense purposes.

Job creation in this subsector has doubled from 60,000 to over 112,000 employees from 1980-85. Overall, defense consumes over 84 percent of all jobs in the missiles and space vehicles' arena.

Even a relocation of facilities offers no answer; rather, it adds to the turbulence since, at some future moment in time, that facility, too, may become a target of the threat from which it originally fled.

To place this sector at risk is to counteract the incentives for such industries to make ever greater investment in plant and equipment, so as to be able to compete not only in the U.S. defense and space markets, but on a global plane as well, where modernized production technologies make the difference.

The legislation being introduced today creates a mechanism to monitor and avert serious economic injuries related to treaty verification procedures. The bill establishes a five-member Commission with the interests of affected parties represented on it. The President, with the advice and consent of the Senate, would appoint one member from an affected State or local government, another from an affected industry, and three others, no more than two of which would be from the Federal Government.

Three broad functions are entrusted to the Commission. First, the Commission would hear claims by persons claiming to have experienced a competitive disadvantage in bidding for Federal Government awards because of a treaty's verification provisions. Second, the Commission would also hear claims from persons suffering a serious economic injury, such as a loss of contract or trade secret. Finally, the Commission could initiate its own investigations, holding informal hearings on issues generally affecting adverse competitive or economic circumstances occasioned by treaty verification procedures.

In the first two instances, the Commission would investigate and adjudicate claims, making monetary awards. The Commission would also make appropriate recommendations based upon its investigations, and in all cases, report on its activities annually to the President.

The Commission would issue written decisions. All Commission determinations would be subject to judicial review in the U.S. Courts of Appeals for the Federal Circuit. The standards by which the Commission would operate are generally those of the Administrative Procedure Act.

I have attached the full text of the bill, outlining in great detail these and other procedures covered by the legislation, and I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE

This Act may be cited as the "Arms Control Competitive and Economic Adjustment Commission Act of 1988".

SEC. 2. PURPOSES

The Congress finds that establishment of an Arms Control Competitive and Economic Adjustment Commission is necessary in order to—

(1) monitor the economic effects on State and local governments, businesses, organizations, and individuals of the verification provisions of arms control agreements;

(2) minimize the competitive disadvantages resulting from the selection of certain localities, businesses, and facilities for verification pursuant to arms control agreements;

(3) ensure that the verification provisions of arms control agreements do not unduly restrict competition for government contracts and subcontracts and thereby deprive the Nation of the benefits of such competition;

(4) compensate persons suffering serious economic injury, including the loss of government contracts or the loss of the opportunity to compete for such contracts, as a result of the verification provisions of arms control agreements;

(5) assist State and local governments, businesses, organizations, and individuals affected by the verification provisions of arms control agreements in making necessary economic adjustments;

(6) avoid litigation concerning whether the placement of foreign personnel or equipment on or near private property pursuant to the verification provisions of an arms control agreement results in the taking of that property without just compensation; and

(7) advise and made recommendations to the President and Congress regarding the economic impacts of the verification provisions of existing and proposed arms control agreements and the measures that could be taken to minimize or to compensate for such impacts.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "agency" means each authority of the Government of the United States, whether or not subject to review by another agency, but does not include—

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

(D) the government of the District of Columbia;

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts martial and military commissions; and

(G) military authority exercised in the field in time of war or in occupied territory;

(2) "arms control agreement" means any treaty between the United States and any other nation or nations relating to the monitoring, control, or reduction of armaments or the components thereof, any protocol, memorandum of understanding, or other agreement related to such treaty, or any other bilateral or multilateral agreement on the part of the United States that relates to the monitoring, control or reduction or armaments or the components thereof;

(3) "competitive disadvantage in the actual or proposed procurement of goods or services by the United States" means any impairment of the ability of a person to submit a bid, offer a proposal, or compete for a government contract, or to be awarded such a contract;

(4) "government contract" means a mutually binding legal realtionship obligating the United States government to an expenditure of funds, and that, except as otherwise authorized, is in writing. In addition to bilateral instruments, government contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. The term "government contract" shall include a subcontract as defined herein;

(5) "government contractor" means the total contractor organization that is bound by the obligations of a government contract as described herein, or a separate entity of the total contractor organization, such as an affiliate, division, or plant;

(6) "person" means an individual, partnership, corporation, association, governmental entity, or public or private organization other than an agency;

(7) "subcontract" means any contract entered into by a subcontractor at any tier to furnish goods or services for the performance of a government contract;

(8) "subcontractor" means any supplier, distributor, vendor, or firm at any tier that furnishs goods or services to or for a government contractor;

(9) "serious economic injury" means the loss of profits or impairment of existing capacity caused by actions taken under U.S. law that will obligate the United States to disarm or to limit the Armed Forces or armaments of the United States; and

(10) "verification provisions" means any provision, including but not limited to a provision governing the actual or potential presence of proximity of foreign personnel, equipment, or facilities, that relates to monitoring, or means of ensuring, compliance with an arms control agreement.

SEC. 4 ESTABLISHMENT AND COMPOSITION OF COMMISSION

(a) There is hereby established an Arms Control Competitive and Economic Adjustment Commission, hereinafter referred to as the "Commission", which shall consist of a Chairman and four other members.

(b) The Chairman shall be appointed by the President, by and with the advice and consent of the Senate, to serve on a full-time basis for a term of five years, and shall be compensated at the rate for level V of the Executive Schedule under section 5366 of Title 5 of the United States Code. The other members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate to serve on a part-time basis for a term of five years, and be compensated on a per diem basis at a rate of compensation equivalent to the daily rate for level V of the Executive Schedule under section 5316 of Title 5 for each day that such member is employed in the performance of official business of the Commission as may be directed by the Chairman. Each member of the Commission shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5 for persons in Government service employed intermittently.

(c) The President shall choose a Chairman and members of the Commission that fairly reflect the interests of persons, including the interests of State and local governments and businesses, affected by the verification provisions of arms control agreements. At least one member of the Commission must be appointed from a sector of the defense industry that is or may be affected by the verification provisions of an arms control agreement, and at least one member must be appointed from a State or local government that is or may be so affected. No more than two members of the Commission may be employed by the United States Government in any capacity other than in his or her capacity as a member of the Commission, and no more than three members of the Commission may be of the same political party.

(d) The Chairman and other members of the Commission may be removed by the President for cause after notice and opportunity to be heard.

(e) Three members of the Commission shall constitute a quorum, and the agreement of a majority of the members present and voting shall be necessary to any and all determinations by the Commission.

SEC. 5. JURISDICTION

(a) The Commission shall investigate, hear, and determine, in accordance with the procedures established in section 6, claims against the United States by any person who has suffered competitive disadvantage in the actual or proposed procurement of goods or services by the United States as a result of the verification provisions of an arms control agreement.

(b) The Commission shall investigate, hear, and determine, in accordance with the procedures established in section 7 below, claims against the United States (other than claims specified in subsection 5(a)) by any person who has sustained serious economic injury because of the verification provisions of an arms control agreement.

(c) In addition to the jurisdiction granted by subsections 5(a) and (b), the Commission shall have jurisdiction to investigate and make recommendations to the President and Congress regarding the economic effects on State and local governments, businesses, organizations, and individuals of the verification provisions of any existing or proposed arms control agreement and the measures that could be taken to minimize or to compensate for those effects.

SEC. 6. COMPETITIVE DISADVANTAGE CLAIMS PROCEDURES

(a) Any person who has suffered competitive disadvantage in the actual or proposed procurement of goods or services by the United States as a result of the verification provisions of an arms control agreement may file a claim with the Commission at any time within one year of the date such competitive disadvantage was or should reasonably have been discovered. The claim shall be in writing and shall specify the actual or proposed procurement involved, the agency that conducted such procurement, the nature of the competitive disadvantage, and the verification provisions of the arms control agreement that allegedly caused such competitive disadvantage.

(b) No later than fifteen days following the receipt of a claim pursuant to subsection (a), the Commission shall notify the affected agency in writing of the receipt of the claim and shall provide the agency with a copy thereof. The agency shall have fifteen days from the date it receives such notification in which to submit a written response to the Commission. The response shall state whether the agency agrees that the claimant has suffered competitive disadvantage in the actual or proposed procurement of the goods or services specified in the claim as a result of the verification provisions of an arms control agreement. In the event the agency does not so agree, it shall state the reasons for its disagreement.

(c) In the event the agency agrees that the claimant has suffered competitive disadvantage in the actual or proposed procurement of goods or services as a result of the verification provisions of an arms control agreement, the Commission shall recommend to the agency the modifications, if any, that could be made to the actual or proposed procurement to reduce or eliminate the problems created by the verification provisions of the arms control agreement. In the event the agency determines that no such modifications could practically be made, or if the contract which is the subject of the procurement has already been awarded, the Commission shall issue the report required by subsection (e).

(d) In the event the agency disagrees with the allegations of the claim, the Commission shall institute an investigation to determine whether the claimant has suffered competitive disadvantage in the actual or proposed procurement as a result of the verification provisions of an arms control agreement. The agency shall cooperate with the investigation by making available to the Commission all relevant documents, by responding to written questions submitted by the Commission, and by making available for interview by the Commission the agency personnel responsible for the procurement.

(e) Following the investigation conducted pursuant to subsection (d), the Commission shall issue and serve upon the claimant and the agency a written report setting forth its findings regarding whether the claimant has suffered competitive disadvantage in the actual or proposed procurement as a result of the verification provisions of an arms control agreement. The report shall include a statement of the bases for the Commission's findings, but shall not disclose without the agency's consent confidential or privileged documents or information provided by the agency.

(f) Within 30 days of receipt of the report specified in subsection (e), the claimant or the agency may submit to the Commission a written request for a hearing for the purpose of presenting evidence regarding the findings contained in the Commission's report and the appropriate remedy or remedies for the competitive disadvantage, if any.

(g) Following the receipt of a request for hearing pursuant to subsection (f), the Commission shall conduct a hearing at which the claimant, the agency, and any other interested person may present testimony and documentary evidence regarding the matters specified in the request for hearing. The Commission may preside over the hearing or may delegate that function to one or more members or to a hearing officer to be designated by the Commission. The hearing shall be conducted in accordance with sections 555 and 556 of Title 5 of the United States Code, except that subsection (b) and (d) of section 556 shall not apply.

(h) In the event a hearing is requested on the findings contained in the Commission's report, the claimant shall bear the burden of establishing by a preponderance of the evidence that it has suffered competitive disadvantage in the actual or proposed procurement as a result of the verification provisions of an arms control agreement. Upon the establishment by the claimant of a prima facie case, the agency shall have the burden of establishing by a preponderance of the evidence that the claimant suffered no competitive disadvantage in the actual or proposed procurement as a result of the verification provisions of an arms control agreement.

(i) Following the hearing provided by subsection (g), the Commission shall determine on the record, in accordance with section 557 of Title 5 of the United States Code, whether the claimant has suffered competitive disadvantage in the actual or proposed procurement as a result of the verification provisions of an arms control agreement. The Commission's determination shall be set forth in a written decision that shall include a statement of the bases for the determination, the appropriate remedy or remedies for the competitive disadvantage, if any, found by the Commission, and the factors considered by the Commission in selecting the remedy or remedies. The Commission shall serve its decision upon the claimant, the agency, and any interested person who participated in the hearing.

(j) As used in this section, the term "agency" shall include the government contractor in the case of a government contract that is a subcontract.

SEC. 7 PROCEDURES FOR DETERMINING OTHER SERIOUS ECONOMIC INJURY CLAIMS

(a) Any person who has sustained serious economic injury (of a type not covered by section 6 of this Act) as a result of the verification provisions of an arms control agreement may file a claim with the Commission within one year of the date such injury was or should reasonably have been discovered. The claim shall specify the nature of the injury sustained and the verification provisions of the arms control agreement that allegedly caused the injury.

(b) No later than fifteen days following the receipt of a claim pursuant to subsection (a), the Commission shall notify the Attorney General of the United States in writing of the receipt of the claim and shall provide him with a copy thereof. The Attorney General shall have sixty days from the date he receives such notification in which to submit a written response to the Commission. The response shall state whether the Attorney General agrees that the claimant has sustained serious economic injury as a result of the verification provisions of an arms control agreement. In the event the Attorney General does not so agree, he shall state the reasons for his disagreement.

(c) In the event the Attorney General disagrees with the allegations of the claimant, the Commission shall institute an investigation to determine whether the claimant has sustained serious economic injury as a result of the verification provisions of an arms control agreement. The Attorney General shall cooperate with the investigation by making available to the Commission all relevant documents and by responding to written questions submitted by the Commission.

(d) Following the investigation conducted pursuant to subsection (c), the Commission shall issue and serve upon the claimant and the Attorney General a written report setting forth its findings regarding whether the claimant has sustained serious economic injury as a result of the verification provisions of an arms control agreement. The report shall include a statement of the basis for the Commission's findings, but shall not disclose without the consent of the Attorney General confidential or privileged documents or information provided by him.

(e) Within 30 days of receipt of the report specified in subsection (d), the claimant or the Attorney General may submit to the Commission a written request for a hearing for the purpose of presenting evidence regarding the findings contained in the Commission's report and the appropriate remedy or remedies for the serious economic injury, if any.

(f) Following the receipt of a request for hearing pursuant to subsection (e), the Commission shall conduct a hearing at which the claimant, the Attorney General, and any other interested person may present testimony and documentary evidence regarding the matters specified in the request for hearing. The Commission may preside over the hearing or may delegate that function to one or more members or to a hearing officer to be designated by the Commission. The hearing shall be conducted in accordance with sections 555 and 556 of Title 5 of the United States Code, except that subsection (b) and (d) of section 556 shall not apply.

(g) In the event a hearing is requested on the findings contained in the Commission's report, the claimant shall bear the burden of establishing by preponderance of the evidence that it has sustained serious economic

injury as a result of the verification provisions of an arms control agreement.

(h) Following the hearing provided by subsection (f), the Commission shall determine on the record, in accordance with section 557 of Title 5 of the United States Code, whether the claimant has sustained serious economic injury as a result of the verification provisions of an arms control agreement. The Commission's determination shall be set forth in a written decision that shall include a statement of the bases for the determination, the appropriate remedy or remedies for the serious economic injury, if any, found by the Commission, and the factors considered by the Commission in selecting the remedy or remedies. The Commission shall serve its decision upon the claimant, the Attorney General, and any interested person who participated in the hearing.

SEC. 8 REMEDIES.

(a) In the event the Commission finds—

(1) pursuant to section 6 of this Act, that a claimant has suffered competitive disadvantage in the actual or proposed procurement of goods or services by the United States as a result of the verification provisions of an arms control agreement, or

(2) pursuant to section 7 of this Act, that a claimant has sustained serious economic injury as a result of the verification provisions of an arms control agreement,

the Commission shall, after consideration of the factors specified in subsection (c) of this section, determine the appropriate remedy or remedies for such competitive disadvantage or serious economic injury pursuant to subsection (b) of this section.

(b) Appropriate remedies shall include, depending upon the factors set forth in subsection (c), one or more of the following—

(1) compensation equal to the economic loss, including the loss of profits (in the case of an individual or business) and the loss of tax revenue (in the case of a State or local government), sustained by the claimant, to the extent such loss can reasonably be measured;

(2) compensation equal to the capital investment made by the claimant in the reasonable expectation that it or another party would be awarded in contract for the goods or services in question or would have the opportunity to compete for a contract to provide such goods or services;

(3) compensation equal to the amount necessary to enable the claimant to reduce or eliminate the competitive disadvantage or serious economic injury as a result of the verification provisions of an arms control agreement; and

(4) in the case of a claimant who is a government contractor, a recommendation to the President that the claimant be given a countervailing competitive advantage in the award of or competition for government contracts of equivalent value to that subject to the actual or proposed procurement.

(c) In determining the appropriate remedy or remedies pursuant to subsection (a), the Commission shall consider the following factors:

(1) The extent of the impact on the claimant of the verification provisions of an arms control agreement;

(2) The economic adjustments made or planned by the claimant as a result of the verification provisions of an arms control agreement;

(3) The types of adjustments available to the claimant to eliminate or mitigate injury resulting from the verification provisions of an arms control agreement;

(4) The magnitude and importance of the government procurement at issue to the claimant's total business;

(5) The likelihood that the claimant would be denied future government contracts or the opportunity to compete for such contracts as a result of the verification provisions of amrs control agreements;

(6) The likelihood that claimant would be able to obtain government contracts or other business to replace the contract (or opportunity to compete for such contract) denied as a result of the verification provisions of arms control agreements; and

(7) The diminution in value of the claimant's property, if any, resulting from the verification provisions of arms control agreements.

(d) A determination by the Commission to award monetary compensation as the appropriate remedy pursuant to subsection (a) shall have the effect of a final judgment of the United States Claims Court, and payment of such an award shall be made in the same manner as is payment of a final judgment of the Claims Court. There is authorized to be appropriated such sums as are necessary to pay for such an award.

SEC. 9. JUDICIAL REVIEW.

(a) Judicial review may be had of a determination or action of the Commission only as provided by this section.

(b) Any person who has requested a hearing pursuant to subsection (f) of section 6 or subsection (e) of Section 7 of this Act, or any interested person that has participated in such hearing, may appeal a determination of the Commission under subsection (i) of section 6 or subsection (h) of section 7 to the United States Court of Appeals for the Federal Circuit within 90 days of the date such determination is issued.

(c) To the extent necessary to decision and when presented, the Court of Appeals for the Federal Circuit shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of a determination made by the Commission pursuant to subsection (i) of section 6 or subsection (h) of section 7 of this Act. The court shall—

(1) compel any action required by subsection (i) of section 6 or subsection (h) of section 7 that is unlawfully withheld or unreasonably delayed; and

(2) hold unlawful and set aside any determination made by the Commission pursuant to subsection (i) of section 6 or subsection (h) of section 7 found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law; or

(E) unsupported by substantial evidence.

In making the foregoing determination, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(d) Any claimant, interested person, or the Attorney General (on behalf of the United States or any agency thereof) may obtain a writ of mandamus from the United States District Court for the District of Columbia to compel the Commission to perform an act that the Commission is required by statute to perform.

SEC. 10. AUTHORITIES

(a) The Commission shall have the power to adopt rules of procedure that are consistent with this Act.

(b) The Commission is authorized, in accordance with civil service laws and with Title 5 of the United States Code, to appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. The Commission is authorized to employ experts and consultants in accordance with section 3109 of Title 5 without compensation or at rates of compensation not in excess of the maximum daily rate prescribed for GS-18 under section 5332 of Title 5. The Commission is also authorized, with the consent of the head of any other department or agency of the Federal Government, to utilize the facilities and services of such department or agency in carrying out the functions of the Commission. Officers and employees of any department or agency of the Federal Government may, with the consent of the head of such department or agency, be assigned to assist the Commission in carrying out its functions, and the Commission shall reimburse such department or agency for the pay of such officers or employees.

(c) The Commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any documentary evidence of any person, and the Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation or hearing by the Commission. Any member of the Commission may sign subpoenas, and members and examiners of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence.

(d) Attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. Any of the district courts of the United States within the jurisdication of which such hearing is carried on may, in case of contumacy or refusal to obey a subpoena issued to any agency or person, issue an order requiring such agency or person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(f) Upon the application of the Attorney General of the United States, at the request of the Commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any agency or person to comply with the provisions of this section.

SEC. 11. REPORTS TO THE PRESIDENT AND CONGRESS

(a) The Commission shall submit a written report to the President and Congress on the first day of March of each calendar year that shall set forth the Commission's findings and views regarding—

(1) the effects of the verification provisions of arms control agreements on state and local governments, businesses, organizations, and individuals;

(2) the adjustments made by State and local governments, businesses, organizations, and individuals because of the verifi-

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cation provisions of arms control agreements;

(3) the Commission's effectiveness in assisting State and local governments, businesses, organizations, and individuals to adjust to the verification provisions of arms control agreements;

(4) the revisions that could be made to this and other statutes to increase the Commission's effectiveness in assisting State and local governments, businesses, organizations, and individuals to adjust to the verification provisions of arms control agreements; and

(5) the likely effects on state and local governments, businesses, organizations, and individuals of the verification provisions of any proposed arms control agreement.

(b) The report submitted pursuant to subsection (a) shall specify the findings made and remedies granted by the Commission with respect to each claim of competitive disadvantage or serious economic injury filed pursuant to sections 6 and 7 of this Act during the one year period immediately preceding the date on which the report is required to be submitted.

(c) The Commission may hold an informal hearing for the purpose of receiving testimony and other evidence relevant to the subjects on which it is required to report to the President and Congress pursuant to subsection (a).

(d) The Commission shall, upon request by the President or any Member of Congress, report to the President and Congress on any matter specified in subsection (a) or on any other matter within its jurisdiction.

SEC. 12. PUBLIC INFORMATION AND RECORDS

(a) Information shall be made available to the public under this Act in accordance with section 552 of Title 5 of the United States Code.

(b) Material submitted by a claimant shall not be withheld from any interested party outside the Government or from any federal agency which may be involved in the claim except to the extent that the withholding of information is permitted or required by law or regulation. If the claimant considers that the claim or related documents contains or involves material which should be so withheld, a statement advising of this fact must be affixed to the front page of the document and the allegedly protected information must be indentied wherever it appears.

SEC. 13. EFFECT ON EXISTING LAWS

(a) Nothing in this Act shall affect in any way the right of any person to protect a procurement action pursuant to Subchapter V of Title 31 of the United States Code of to bring an action protesting such action before the United States Claims Court or of a district court of the United States.

(b) Nothing in this Act shall affect in any way the right of any person to bring an action alleging the taking of property without just compensation pursuant to section 1491 of title 28, United States Code, notwithstanding any other provision of law.

SEC. 14. SEVERABILITY

If any provision of this Act, or the application thereof, is held invalid, the remainder of the Act, or other applications of such provisions, shall not be affected.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS

There are hereby authorized to be appropriated for purposes of this title such sums as may be necessary.

By Mr. HATCH:

S.J. Res. 262. Joint resolution to designate the month of March 1988 as "Women's History Month"; referred to the Committee on the Judiciary.

WOMEN'S HISTORY MONTH

Mr. HATCH. Mr. President, I am pleased to introduce a resolution proclaiming the month of March 1988 as Women's History Month. I believe it is appropriate that we set aside March 1988 to pay tribute to the varied contributions made by women to our society.

Historically women have worked to initiate social reforms and improve the quality of life. Women have expanded their fields of endeavor until, today, we have women honorably serving in all segments of society. It is not uncommon to see women serving not only in traditional roles but as corporate executives, university presidents, or as a Supreme Court Justice. We must not forget the women who made the acceptance of women in these positions possible.

Utah has the honor of having many historical firsts for women. Utah was the first territory to allow women the vote. Utah had the first woman to be mentioned as a candidate for the U.S. Supreme Court, Florence Allen, who was considered by Franklin Roosevelt when he was President. The first woman State senator in the United States was a Utahn, Martha Hughes Cannon. An interesting aside to this election was that her husband ran for the State senate in the same election, but lost.

The first all-woman city government was elected to office in Kanab, UT. The first woman to chair a major political party was a Utahn, Jean Westwood. And the first woman delegate to a national political convention came from Utah, J.M. Cohen. She made the seconding speech for the nomination of William Jennings Bryan and used a well-chosen 55 words for her talk.

Women all across our country have been involved in the shaping of the history of this Nation. These women deserve to be recognized and remembered for their contributions. I urge my colleagues to join with me in supporting this important resolution.

Mr. President, at this point I ask unanimous consent that the text of this joint resolution be printed in full in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S.J. Res. 262

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of the Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in this country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March, 1988, is designated as "Women's History Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 332

At the request of Mr. DeConcini, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 332, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

S. 533

At the request of Mr. Thurmond, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 542

At the request of Mr. Armstrong, the name of the Senator from New Hampshire [Mr. Humphrey] was added as a cosponsor of S. 542, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 552

At the request of Mr. Cranston, the names of the Senator from Texas [Mr. Bentsen], and the Senator from Maryland [Mr. Sarbanes] were added as cosponsors of S. 552, a bill to improve the efficiency of the Federal classification system and to promote equitable pay practices within the Federal Government and for other purposes.

S. 875

At the request of Mr. Mitchell, the names of the Senator from Washington [Mr. Adams], the Senator from Illinois [Mr. Simon], the Senator from Iowa [Mr. Harkin], the Senator from Oregon [Mr. Packwood], and the Senator from Delaware [Mr. Biden] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 1776

At the request of Mr. Armstrong, the name of the Senator from Georgia [Mr. Fowler] was added as a cosponsor of S. 1776, a bill to modernize U.S. circulating coin designs, of which one reverse will have a theme of the bicentennial of the Constitution.

S. 1817

At the request of Mr. Kennedy, the names of the Senator from Iowa [Mr. Grassley], the Senator from Florida [Mr. Graham], and the Senator from Hawaii [Mr. Inouye] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1904

At the request of Mr. Kennedy, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 1904, a bill to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce.

S. 2022

At the request of Mr. Cranston, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 2022, a bill to amend title 38, United States Code, to authorize reduction under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

S. 2067

At the request of Mr. Conrad, the name of the Senator from Kentucky [Mr. Ford] was added as a cosponsor of S. 2067, a bill to amend the Internal Revenue Code of 1986 to permit farmers to purchase tax-free certain fuels for farm use, and for other purposes.

SENATE JOINT RESOLUTION 197

At the request of Mr. Dole, the name of the Senator from Delaware [Mr. Roth] was added as a cosponsor of Senate Joint Resolution 197, a bill to designate the month of April 1988, as "Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 227

At the request of Mr. Hollings, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of Senate Joint Resolution 227, a joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 235

At the request of Mr. DeConcini, the name of the Senator from Ohio [Mr. Glenn] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 247

At the request of Mr. Bradley, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

SENATE JOINT RESOLUTION 250

At the request of Mr. Grassley, the name of the Senator from Vermont [Mr. Leahy] was added as a cosponsor of Senate Joint Resolution 250, a joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988."

SENATE JOINT RESOLUTION 253

At the request of Mr. Cranston, the names of the Senator from Texas [Mr. Bentsen], the Senator from Oklahoma [Mr. Nickles], the Senator from New Mexico [Mr. Domenici], and the Senator from North Dakota [Mr. Conrad] were added as consponsors of Senate Joint Resolution 253, a joint resolution designating April 9, 1988 and April 9, 1989, as "National Former Prisoner of War Recognition Day."

SENATE JOINT RESOLUTION 257

At the request of Mr. Humphrey, the names of the Senator from Rhode Island [Mr. Pell], the Senator from Nebraska [Mr. Exon], and the Senator from South Carolina [Mr. Thurmond] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

SENATE JOINT RESOLUTION 258

At the request of Mr. Thurmond, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of Senate Joint Resolution 258, a joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States.

SENATE RESOLUTION 377

At the request of Mr. Lugar, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of Senate Resolution 377, a resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE RESOLUTION 381—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. Res. 381

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution of 1988."

AGGREGATE AUTHORIZATION

Sec. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized in the aggregate $47,856,813, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of long-distance telephone calls, or (3) for the payments to the Keeper of Stationery, U.S. Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1988 through February 28, 1989, to be paid from the appropriations account for "Expenses of inquiries and investigations".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Sec. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,719,586, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organi-

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zations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4 (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,119,856 of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,490,812, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,690,000, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,022,846, of which amount not to exceed $22,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,379,375, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,446,068, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,381,014 of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the

Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,503,993, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,438,915, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,529,719, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal acitivity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives.

(F) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processing as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(iii) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectivness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the managment of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1988, through February 28, 1989, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 353 of the Ninety-ninth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out is powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1988, through February

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28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,336,859, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act.)

COMMITTEE ON LABOR AND HUMAN RESOURCES

Sec. 15. (a) In carrying out is powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,549,148, of which amount (1) not to exceed $43,200 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,500 may be expended for the training of the professional staff of such committee (under the procedures specified by section 202(j) of such Act).

COMMITTEE ON RULES AND ADMINISTRATION

Sec. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,304,043, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

Sec. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department of agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department of agency.

(b) The expenses of the committee under this section shall not exceed $972,617, of which amount $1,500 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON VETERANS' AFFAIRS

Sec. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,001,553.

SPECIAL COMMITTEE ON AGING

Sec. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,094,591, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SELECT COMMITTEE ON INTELLIGENCE

Sec. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,105,072, of which amount not to exceed $41,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

Sec. 21. (a) In carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Committee on Indian Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,770,746, of which amount (1) not to exceed $205,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,600 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The Special Committee on Investigations (hereafter in this section referred to as the "special committee"), a duly authorized subcommittee of the select committee, is authorized from March 1, 1988, through February 28, 1989, to study or investigate any and all matters pertaining to problems and opportunities of Indians and the Federal administration of mineral resources, including but not limited to resource management and trust responsibilities of the United States Government, Indian education, health, special services, and other Federal programs, and related matters.

(c)(2) For the purpose of this section the special committee is authorized from March 1, 1988, through February 28, 1989, in its discretion (A) to adopt rules (not inconsistent with this resolution and the Standing Rules of the Senate) governing its procedure, to be published in the Congressional Record, (B) to make investigations into any matter within its jurisdiction, (C) to make expenditures from the contingent fund of the Senate, (D) to employ personnel, (E) to sit and act at any time or place during the sessions, recess, and adjourned periods of the Senate, (F) to hold hearings and to take staff depositions and other testimony, (G) to require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, and documents at hearings or at staff depositions, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(c)(3) The chairman of the special committee or any member thereof may administer oaths to witnesses, and, at staff depositions authorized by the special committee, oaths may be administered by any individual authorized by local law to administer oaths.

(c)(4) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman or the member signing the subpoena.

(d) The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate through the select committee at the earliest practicable date, but not later than February 28, 1989.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding the following hearings:

Tuesday, February 23, 1988, beginning at 9:30 a.m., in Senate Russell 485, an oversight hearing on the barriers to Indian participation in Government procurement contracting;

Thursday, February 25, 1988, beginning at 9 a.m., in Senate Russell 485, an oversight hearing on the fiscal year 1989 Budget for Indian programs; and

Thursday, March 3, 1988, beginning at 2 p.m., in Senate Dirksen 628, a markup on S. 721, the Indian Development Finance Corporation Act; S. 1236, reauthorization of the Navajo-Hopi Relocation; and, S. 802, a bill to transfer ownership of certain lands held in trust for the Blackfeet Tribe.

Those wishing additional information should contact the committee at 224-2251.

ADDITIONAL STATEMENTS

CALL TO CONSCIENCE

● Mr. BENTSEN. Mr. President, so long as people in the Soviet Union are denied their basic human rights, we must not forget their suffering. Indeed, we must speak out on behalf of those who cannot freely speak for themselves. Today, I want to add my voice to the Call to Conscience Vigil.

Whatever glasnost and perestroika may mean for the Soviet economy, they have not yet led to openness toward religious expression, nor to a restructing of the police state system. The Soviet Union still deifies atheism and confines clear-thinking dissidents to so-called psychiatric hospitals.

Only in emigration has the situation improved noticeably, to the highest figure since 1981, nine times the number in 1986. Even so, last year's total was only one-sixth the 1979 record. There are still tens of thousands of Soviet Jews who are denied permission to leave, and countless more who would probably apply if they thought they would not be punished for doing so.

The credit for the increases in emigration belongs not to Mikhail Gorbachev, but to the millions of Americans who have shown their solidarity with Soviet Jews. The modest improvements in emigration would not have occurred without the pressure from those of us who have made this issue a high priority in United States/Soviet relations. The 200,000 Americans who marched peacefully in Washington last December bore witness to our continuing commitment to human rights for all peoples.

We want better relations between the nuclear superpowers, but not at the price of religious oppression. We want the Soviet Union to honor its international obligations. We want people everywhere to be free to worship and free to travel and free to unify their families. And until that day arrives, we want all to know that we shall not forget them and their suffering.●

BICENTENNIAL MINUTE

FEBRUARY 20, 1794: FIRST PUBLIC SESSION OF THE SENATE

(By request of Mr. Simpson, the following statement was ordered to be printed in the Record:)

● Mr. DOLE. Mr. President, 194 years ago this weekend, on February 20, 1794, the Senate held its first public session. The Constitution's framers had assumed that the newly created Senate would follow their own practice of meeting in secret. The remarkable feature of the newly created Congress was not that Senate meetings would be secret, but that House meetings would be open.

In the first few years of the Senate's existence, defenders of secrecy looked with disdain on the House where members were tempted to perform for the gallery, whose occupants routinely cheered and hissed as issues were debated. Nonetheless, from the very beginning, some Senators advocated an open-door policy. In particular, minority party members believed public scrutiny would expose various schemes of those in the majority. Also, State legislators realized that they had no way to keep tabs on the behavior of the Senators they elected.

Eventually, the Senate's Federalist majority recognized that their views could more easily win popular support if alred publicly rather than concealed. The spreading notion of the Senate as a lurking hole in which conspiracies were hatched against the public interest had to be put to rest. Additionally, press coverage of the House helped popularize that body's role and the public began to use the words "House" and "Congress" interchangeably. The Senate was in danger of becoming the forgotten Chamber.

A dispute early in 1794 over whether to accept the credentials of a newly elected Pennsylvania Senator provided the shove that opened the Senate's doors. At that time, the capital was located in Philadelphia. Senators recognized the delicacy of moving, behind closed doors, to reject a man just selected by that State's legislature. Consequently, the Federalist majority agreed to open the doors just for that occasion. Shortly afterward, the Senate decided to make the change permanent.●

GUATEMALA

● Mr. HATFIELD. Mr. President, "The savagery for which this country has become infamous still dominates public and private life," writes correspondent Stephen Kinzer in the February 17 New York Times of the desperate country of Guatemala. While we are debating the threat of communism in Nicaragua with myopic and relentless vigor, the people of Guatemala are dying: 170 in December alone, the last month for which this grisly statistic is available.

When Vinicio Cerezo was elected President 2 years ago, the first civilian to occupy the office in several decades of brutal Guatemalan history, we thought things would change. I know, Mr. President, because I was an official observer of the election that brought him to power. We thought the brutal military repression that had plagued the country for so long and had claimed the lives of many thousands of civilians finally would end.

It did not. There have been changes, mostly legal changes that some hoped could strengthen civilian oversight of the military or enhance efforts to investigate past torture, "disappearances," and extrajudicial execution. But as Mr. Kinzer points out, "the number of victims has declined * * * but the pattern remains unchanged." Says a religious worker from the countryside: "Nothing has changed around here. The soldiers are in complete control and no one can question them. Innocent people are still being killed and planes are bombing all the time."

The most amazing thing about all this, Mr. President, is that there are a large number of people in the administration and in the Congress who tell us that the best way to encourage democracy in Guatemala today is to provide military aid. Not humanitarian

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aid—military aid. The administration regularly cites Guatemala as one of this hemisphere's proud democracies when the facts clearly suggest that President Cerezo is serving at the military's behest. To this day, Mr. President, not a single soldier has spent time in jail for the thousands of summary executions in Guatemala.

To those supporters of military aid, I respond with the words of a European ambassador posted in Guatemala: "If there is another country in the world where human life is so cheap, I don't know what country it would be." United States military aid would make it cheaper still.

I ask that Mr. Kinzer's article, "With a Civilian in Charge, Guatemala Still Can't Fully Rein in the Brutality," be printed in the RECORD.

The article follows:

WITH A CIVILIAN IN CHARGE

(By Stephen Kinzer)

SANTIAGO ATITLAN, GUATEMALA, Feb. 12.—Set providentially beside one of the world's most beautiful volcanic lakes, yet shaken by unending cycles of terror and death, the village of Santiago Atitlán is an apt metaphor for Guatemala.

The inauguration in 1986 of a civilian President, Vinicio Cerezo, raised hopes that Guatemala might be emerging from its hell of street-corner murders and midnight abductions. But the new era has yet to dawn, and the savagery for which this country has become infamous still dominates public and private life.

In Santiago Atitlán, a death list with the names of more than 100 local residents began circulating late last year. It was reputedly drawn up by Marxist guerrillas, but many here say they believe it was the work of experienced killers tied to the army or the police.

3 ON LIST ARE KILLED

At least three people whose names were on the list have been killed and others have fled. So many teachers abandoned the nearby hamlet of Cerro de Oro that the school there has been closed.

"There is violence and fear of violence everywhere," said the local school superintendent, Gerardo Méndez Avila, who admits being afraid even though his name is not on the death list. "I just tell myself that my job is to educate children, and I try to do it as best I can under the circumstances."

Across the town square, the Mayor of Santiago Atitlán was less forthcoming and perhaps more prudent. In an interview that he was plainly anxious to end, he said he had not heard of a death list, did not know how many local residents had been murdered this year, could not guess who might be responsible, and had no idea why the school in Cerro de Oro was closed.

Soldiers normally stay off the streets of Santiago Atitlán, an artisan town where foreign tourists often arrive by boat to buy native handicrafts. But a few miles down the dirt highway at San Lucas Tolimán, soldiers dressed in camouflage uniforms and carrying Israeli-made Galil assault rifles are a common sight. Today an army helicopter landed six times on a soccer field there, each time disgorging a full load of supplies while an officer warned a photographer against taking pictures.

Other parts of the country are also heavily militarized. In the northern province of Quiché, a major anti-guerrilla offensive began in October, and more than 2,000 terrified Indians have decended to Nebaj and other towns for fear of what might happen to them in the countryside.

"Nothing has changed around here," said a religious worker based in the area. "The soldiers are in complete control and no one can question them. Innocent people are still being killed and planes are bombing all the time."

The Guatemalan terror has traditionally been a mixture of mass killings in the countryside and selective assassination in cities. The number of victims has declined since Mr. Cerezo took office, but the patterns remain unchanged. A death list began circulating in Santiago Atitlán last year; at least three residents named on the list were killed and others have fled.

Today family and friends buried Ana Elizabeth Paniagua, 25 years old, at a cemetery in the capital. She had been grabbed off the street a few days earlier by armed men driving a van with darkened windows and no license plates. Her tortured body was found in a ravine soon afterward.

Like many victims here, Mrs. Paniagua had been associated with the country's main institution of higher learning, the University of San Carlos, which rightists consider a hotbed of subversion. Labor organizers and school teachers also figure prominently among the disappeared and killed.

MOTHER ACCUSES THE POLICE

Mrs. Paniagua's mother has no doubt who was responsible for the murder. "The men who kidnapped her were members of the national police," she said in a statement before the body was found.

For years, Guatemalan security forces have maintained that they must be able to act freely to combat the guerrilla threat. The scale of that threat is a matter of debate, since even the army agrees that the guerrillas, thought to number fewer than 1,500, are not strong enough to endanger the country's political or economic stability.

Some Guatemalans expected Mr. Cerezo to challenge the power of the army, but instead he has chosen to reinforce it. He is rarely seen in public without at least one officer at his side, and he has tacitly recognized the army's right to set its own standards of conduct.

The Minister of Defense, Gen. Hector Gramajo, confirmed in an interview that the Government was bombing suspected guerrilla hideouts.

"We've done a lot to remove the population that was under guerrilla control," he said. "We are using artillery and we are using aviation. We drop bombs, but only where we know there is no population."

"Even though nothing changes from black to white in a single day, our army is following a new military doctrine," General Gramajo said. "We used to be confused, and we were using the techniques of an occupation army in our own country. When the guerrillas killed one of our people, we would find a collaborator of theirs and shoot him at night. Now we operate strictly within the law."

SUPPORT FROM THE ARMY

In exchange for his vigorous support of the army, Mr. Cerezo has won crucial protection against landowners and businessmen seeking to overthrow his administration. "Every eight days there is an attempted coup," a presidential aide said.

Mr. Cerezo's efforts to revise Guatemala's tax structure have aroused venemous opposition from the well-organized private sector. Despite his success in stabilizing the currency, curbing inflation and starting to bring Guatemala out of its international isolation, many business leaders fear he is opening a door to Marxism.

In an effort to introduce modern police techniques in Guatemala, the Government is retraining police officers and issuing them new equipment. In one case, a local police chief and several officers under his command were dismissed after strong indications that they were involved in killings. But such cases remain the exception.

In December, the last month for which figures are available, there were more than 170 killings in Guatemala, making it the most violent month since Mr. Cerezo assumed the presidency. Human rights workers estimate that one-third to one-half of the killings are political in nature.

Guatemala's campaign to emerge from its notoriety has been hindered not only by the continuing killings, but also by the fact that more than 100,000 refugees, nearly all of them Indians, remain in camps in Mexico, afraid to return to their homes. Most fled during the early 1980's, when a brutal counter-insurgency campaign took more than 10,000 lives and resulted in the destruction of several hundred villages.

REFUGEES URGED TO RETURN

The Government is urging the refugees to come home, and Mr. Cerezo's wife has traveled to camps in Mexico to transmit the invitation personally. A few small groups have returned, including 118 Mam Indians who arrived a few days ago under the auspices of the United Nations.

"We came because we want to be in our homeland, and because the First Lady told us things were different now," said one of the Indians, Jacobo Jiménez Gerónimo, who spent five years in a Mexican refugee camp. "Most of the others are still afraid."

Foreigners who work with the refugees say that some parts of the country are, at least for the moment, safe for those who want to return. But where the army is no longer killing Indians, the age-old question of land, which is a matter of life or death in Guatemala, is still overwhelming. Three percent of Guatemalans own half the country's arable land, which by some estimates makes the distribution of land here more unequal than in any other country in the Western Hemisphere.

When Indians fled to Mexico, much of their abandoned land was given to others, usually impoverished peasants from other parts of the country. As the refugees begin to return, they often find new tenants unwilling to give up the land that now sustains them.

"Many of the villages in the north are heavily fortified, and the refugees are afraid to go back there," a relief worker said. "But in other places, land is even a bigger problem than security."

The town of Auguacatan in the Guatemalan highlands is typical of places where peasants try to eke a living from the rocky and infertile soil that is left to them. Lack of land and a fear of repression are the two dominant facts of life there, according to the Mayor, Gaspar Velázquez Escobar.

'THERE IS NO EXCAPE'

"There have been terrible killings here and almost all the victims were killed by security forces because someone who had a personal grudge denounced them as guerrillas," Mr. Velázquez said. "There is no escape for these people. They have no land here

and nothing else anywhere. If the Government offered them land in some other part of the country, everyone in this town would volunteer to leave immediately."

In the western provincial capital of Hueheutenango, a young businessman named Carlos Palma is trying to build his grandmother's weaving shop into a business that can support his family. He is frustrated with the slow pace of change in Guatemala and, like most of his countrymen, fears the army and the police. But he believes Mr. Cerezo is acting wisely.

"Many people are impatient because the President is so friendly with the army and doesn't seem to be doing much for the poor," Mr. Palma said as he sat surrounded by brilliantly colored fabrics. "But we have to realize that if he moves to fast, he will provoke a reaction and the whole democracy will crash. Then we will be back where we were five years ago."

A European ambassador who has been posted in Guatemala for several years said he had seen "a good deal of progress in human rights" since Mr. Cerezo took office. But he said new attitudes had yet to take root here.

"If there is another country in the world where human life is so cheap," the ambassador said, "I don't know what country it would be."●

BEN F. HALL, PAST CHAIRMAN OF THE NEW MEXICO STATE ASC COMMITTEE

● Mr. DOMENICI. Mr. President, today I wish to share with my colleagues my sincere gratitude for the dedicated service of a fellow New Mexican—Mr. Ben F. Hall.

Ben served as chairman to the New Mexico State Agricultural Stabilization and Conservation [ASC] Committee since 1981. Ben was an excellent chairman. He served unselfishly with New Mexico agriculture's best interest at heart.

During his 7-years tenure, New Mexico agriculture saw good times and bad. Our farmers and ranchers saw drought and flood. They saw profitability and losses. And Ben served through it all in a level-headed and fair manner. He played no favorites and did what he thought was best for all concerned.

In my opinion, New Mexico agriculture will miss his common-sense leadership. I am hopeful that Ben will consider serving New Mexico's agriculture in another capacity when the next opportunity come along.

Ben took over the operaton of his family ranch at age 19. The ranch has been in his family's ownership since 1895. Through his careful stewardship, he has developed a successful ranching operation.

Since 1972, Ben and his wife, Frances, have raised longhorns on their 40,000-acre Canyon Blanco Ranch in Taiban, NM. They have about 140 purebred Texas longhorns and another 150 or so crossed with other breeds. In addition, they run about 600 head of commercial yearling steers.

Ben is a member of the New Mexico Farm and Livestock Bureau, the New Mexico Cattle Growers' Association, as well as the New Mexico and national associations of Texas Longhorn Breeders. Ben is also a very active member of his local Episcopal Church.

He has served as commissioner of De Baca County for the past 12 years and chairman of the board of De Baca General Hospital for the past 38 years. At various times he has also served on the De Baca County ASC Committee, the SCS County Committee, as well as on the local soil and water conservation district board.

Ben is a past chairman of the Republican Party in De Baca County. He served on the school board in Fort Sumner, NM. He also served as warden and on the bishop's committee at St. John's Mission in Fort Sumner.

Ben is currently a director of work at the Scottish Right Consistory in Santa Fe. He is also a 33d degree Mason.

I am sure Ben's wife, Frances, and his children, David, Susan, and Mary, are as proud of Ben as the New Mexico congressional delegation is for all his noteworthy accomplishments and endeavors.

I feel particularity close to the Hall family because of their son, Eddie, who passed away last year. I know Eddie would have been just as proud of Ben.

My congratulations to Ben for a job well done. He served New Mexico farmers and ranchers well for the past 7 years. Ben will be missed but certainly not forgotten.●

THE MINORITY BUSINESS DEVELOPMENT ACT OF 1987

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of the Minority Small Business Development Act of 1987, S. 1848.

Small businesses are the backbone of America. They provide services that are essential to the economy of this country. Having recognized the importance of small business, the Federal Government created the Small Business Administration to help small business development.

Minority small businesses are faced with different concerns than are other small businesses. In 1969, the Minority Business Development Agency was created by executive order under the jurisdiction of the Department of Commerce. S. 1848 would make the MBDA a permanent agency under the Department of Commerce and would better clarify the roles of both the MBDA and the SBA with respect to minority business promotion.

The successes of MBDA are numerous. The services it provides differ from those provided by the SBA. The MBDA operates its minority development through national accounting and business management firms striving for eventual financial independence, while SBA's programs offer no specialized assistance to minority businesses. MBDA also offers assistance to minority firms in identifying potential foreign markets, while SBA does not. In order for the MBDA to continue helping minority small businesses, it needs to be made a permanent agency under the Department of Commerce.

It is clear that MBDA has been a champion of minority small business. A special consideration under MBDA is that it recognizes Hassidic Jews as a socially and economically disadvantaged minority. The Hassidim have been engaged for years in convincing the SBA to follow MBDA's enlightened policy, but to no avail. Recognition by the SBA would allow the Hassidim the opportunity to qualify for the section 8(a) program. Under the auspices of the MBDA, many Hassidic-owned businesses have had the chance to flourish and grow. They have made a real contribution in economic terms and to the quality of life of their community. If the MBDA were to be abolished or transferred to the SBA, the Hassidim would not be availed of all of the opportunities that they now enjoy under the MBDA.

The MBDA is a successful program that deserves a future that is free of uncertainties so that it may best accomplish its mission. S. 1848 is the legislation that will do just that.●

RURAL HEALTH AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of legislation affecting those individuals who live in the rural areas of this Nation. I am pleased to support my colleague from Kansas, Senator DOLE, in an effort to address the health care needs of rural families and individuals.

One-quarter of the population in the United States resides in rural areas. One-third of these individuals are elderly. The elderly are the greatest user of health care services in this Nation.

In addition, there are fewer health care providers in rural areas than in urban areas. This means that access to health care becomes a key issue to those individuals who are seeking health care in rural communities. Many individuals who need health care services must drive hours to see a physician, nurse, or other health care provider.

The numerous problems that are currently affecting our health care industry nationwide seem to have a disproportionately greater affect on our rural communities. The nursing shortage is particularly great in the rural areas, as well as is a lack of obstetric care. Transportation services and costs

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are a major factor affecting access to health care for rural citizens.

I am pleased to support an occasion which acknowledges the importance of such a major issue—the need for all citizens of this Nation, urban and rural, to have access to affordable health care.●

ROBERTA "BOBBIE" MORROW, PAST MEMBER OF THE NEW MEXICO STATE ASC COMMITTEE

● Mr. DOMENICI. Mr. President, today I wish to share with my colleagues my sincere gratitude for the dedicated service of a fellow New Mexican—Mrs. Roberta "Bobbie" Morrow.

Bobbie served as a member of the New Mexico State Agricultural Stabilization and Conservation [ASC] Committee since 1981. Bobbie was an excellent member. She served unselfishly with New Mexico agriculture's best interests at heart.

During her 7-year tenure, New Mexico agriculture saw good times and bad. Our farmers and ranchers saw drought and flood. They saw profitability and losses. And Bobbie served through it all in a level-headed and fair manner. She played no favorites and did what she thought was best for all concerned. In my opinion, New Mexico agriculture will miss her common sense perspective.

Bobbie and her husband, Joe, farm about 520 acres of irrigated land around Hatch, NM. The crops they grow include cotton, wheat, grain sorghum, onions, alfalfa, lettuce, chili, and cabbage. In addition, they own a feedlot for about 2,000 head of cattle.

Bobbie is a member of the New Mexico Farm and Livestock Bureau, as well as the New Mexico Cattle Growers' Association. Bobbie is also a very active member of her local Episcopal church.

She has served on the board of directors of the Hatch Area Health Council. Bobbie is a graduate of Arizona State University with an education degree. She taught first grade in Hatch for 2 years.

Bobbie is presently attending New Mexico State University's business school. She is an avid sportswoman and likes to ski, windsurf, play racquetball, and do aerobics. She also enjoys playing the guitar.

I am sure Bobbie's husband, Joe, and their children, Harvey, Mary Beth, and John, as well as their grandchild, Nicole, are as proud of Bobbie as the New Mexico congressional delegation is for all her noteworthy accomplishments and endeavors.

My congratulations to Bobbie for a job well done. She served New Mexico farmers and ranchers well for the past 7 years. Bobbie will be missed but certainly not forgotten.●

NEUROFIBROMATOSIS AWARENESS MONTH

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 237, a joint resolution designating May 1988, as "Neurofibromatosis Awareness Month." I commend my distinguished colleague, Senator Dole, for promoting a cure for this disorder through greater public awareness.

Approximately 100,000 Americans suffer from neurofibromatosis [NF], a neurological genetic disorder that causes tumors to form on the nerves of those it afflicts. This disease discriminates against no one—striking all races and both sexes. Although it is a genetic disorder, half of those who have NF have no family history of the disease.

Tragically, there is no known cure for NF. The tumors associated with this disease can only be removed through surgery, and, once removed, will usually grow back. The effects of NF range in severity from curvature of the spine to disfigurement, blindness, and deafness. In its most severe form, NF can be fatal.

The Neurofibromatosis Foundation has done outstanding work both in promoting needed research into NF and in providing public education about this disorder. We must assist them in their effort to alleviate the physical and psychological impact felt by the victims of neurofibromatosis.

Mr. President, we need to bring more attention to the need for accelerated efforts toward finding a cure for NF. Through increased biological research, I am hopeful that we will someday develop a cure for NF. I am pleased to join my good friend, Senator Dole, in cosponsoring Senate Joint Resolution 237. I encourage my colleagues to join us in this effort, and I urge the immediate passage of this resolution.●

BALTIC FREEDOM DAY

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a joint resolution, introduced by my good friends, the distinguished Republican leader and the Senator from Michigan, designating June 14, 1988, as "Baltic Freedom Day." The purpose of this measure is to express Congress' outrage over the Soviet Union's continued subjugation, oppression, and Russification of the Baltic people of Lithuania, Latvia, and Estonia.

June 14, 1988, will mark the 48th anniversary of the United States' nonrecognition policy toward the Soviet's illegal occupation of Lithuania, Latvia, and Estonia. This policy shall remain a sensitive issue of United States-Soviet relations until the Kremlin's hegemony of the Baltic States is relinquished. I can only hope that we will continue to be as steadfast in this policy as our Baltic friends have been in their pursuit of freedom.

Lithuania, Latvia, and Estonia each proclaimed their independence in 1918 and for 22 years they nurtured their newly found freedom—a freedom previously denied them for centuries by more powerful, aggressive neighbors. In 1920, the Soviet Union promised to recognize their independence.

By signing peace treaties with each Baltic State, the Soviet Union promised to "voluntarily and forever" renounce its sovereign rights over the territories of Lithuania, Latvia, and Estonia and to recognize without reservation their "independence, autonomy, and sovereignty." The Soviet Union's promise, however, was as hollow as any they have made before or since that time.

In 1940, the Soviet Union began its attempt to smother Baltic freedom. The Red Army stormed into Lithuania, Latvia, and Estonia, and seized control of all three nations. The Soviets established in each nation a puppet regime which unanimously passed a "request" for incorporation into the Soviet Union. Late in 1940, these "requests" were enacted in Moscow.

The Soviet occupation began with a series of arrests and imprisonments that swelled into the tens of thousands. On the evening of June 14, 1941, with the Soviet terror gathering momentum, they began a massive deportation program. Between 1944 and 1949, hundreds of thousands of Baltic people were herded into freight cars and exiled to distant parts of the Soviet Union. Those countless native Balts who were considered potential foes of Soviet imperialism were branded "enemies of the people" and were replaced by new settlers from the Soviet Union.

Under Stalin, Khrushchev, Brezhnev, Andropov, Chernenko, and now Gorbachev, thousands of Lithuanians, Latvians, and Estonians have been slaughtered, deported, exiled, and imprisoned in slave-labor camps or committed to psychiatric institutions. These ruthless dictators have pursued a Russification policy which has denied the Baltic people the most basic of human rights. For the time being, the Soviet Union may have control over the people of Lithuania, Latvia, and Estonia. But, without the consent of these freedom-loving people, the Soviet Union inevitably will regret its illegal and forced incorporation of these proud nations.

What the Soviets have done clearly flies in the face of the United Nations Universal Declaration on Human Rights and the Helsinki Final Act. Despite repeated professions of support for the principles embodied in the final act, the Soviets have continued blatantly to violate the rights of self-determination guaranteed the Baltic people. As this act affirms, "all people

always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social, and cultural development."

While great, the degree and depth of Soviet denial of basic human and civil rights is not as deep as the Baltic people's desire for freedom and independence. The Balts' deeply rooted love of freedom and steadfast belief in the principles of independence have enabled them to endure Communist hegemony and suppression. They have lasted through years of Soviet subjugation, oppression, and Russification. Their spirit will not be broken, and their struggle for self-determination will not subside.

Mr. President, as a member and former chairman of the Commission on Security and Cooperation in Europe, I remain deeply concerned about the Soviet Union's continuing human rights violations in Lithuania, Latvia, and Estonia. As a party to the U.N. Charter and as a signatory of the Helsinki accords, the Soviet Union has pledged its respect for human rights and fundamental freedoms. As such, the Soviet Union must accept the political and legal obligations that these agreements require.

When we celebrate June 14, 1987, as "Baltic Freedom Day," it is fitting and proper that we remind the Soviet Union of these obligations. I urge my colleagues to join me in support of this resolution to reaffirm our love for freedom and our commitment to the principles of independence for all peoples, for ourselves, and especially for our Baltic friends who have been forced to live their absence.●

NATIONAL OSTEOPOROSIS WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of legislation designating the week of May 8–14, 1988, as "National Osteoporosis Prevention Week." I commend my colleague, Mr. Grassley, for promoting increased awareness of this widespread disease.

Osteoporosis is a degenerative bone condition which afflicts more than 16 million Americans. The risk of developing osteoporosis is greater for women than for men, and this risk increases with age. Up to 90 percent of all women in the United States over the age of 75 suffer from some form of osteoporosis.

Individuals afflicted by this condition are highly susceptible to bone fractures. Every year, more than 1.3 million persons age 45 and older suffer a fracture due to osteoporosis. For the elderly, fractures—especially fractures of the hip—can be debilitating, and, in many cases, life-threatening. Approximately 50,000 elderly women die annually due to complications resulting from hip fractures.

Fortunately, osteoporosis can be successfully prevented. Among the primary measures used to combat osteoporosis are estrogen replacement and calcium supplementation, with exercise and nutrition as important adjuncts.

The fact that osteoporosis can be prevented is a compelling reason to support Senate Joint Resolution 250. By designating a "National Osteoporosis Awareness Week," we will help foster the kind of recognition and understanding that can lead to reduced incidence of this widespread condition. I urge my colleagues to join me in this effort.●

IN SUPPORT OF NATIONAL OSTEOPOROSIS PREVENTION WEEK

● Mr. LEAHY. Mr. President, I rise today in support of Senator Grassley's resolution to designate May 8 to 14, 1988, as "National Osteoporosis Prevention Week." Osteoporosis is a major public health problem that affects the elderly population and costs the United States between $7 to $10 billion annually in acute and long-term care. Research shows some of the causes of this debilitating disease. Good nutrition throughout childhood and young adulthood as well as moderate exercise, and heredity are all important factors in this disease.

It is my hope that this resolution introduced by the distinguished Senator from Iowa will help educate and draw national attention to a disease that affects our ever-growing aging population.

Mr. President, I ask that the following letter from a concerned Vermont organization be included in the Record.

The letter follows:

Dairy Council
of Vermont, Inc.,
Williston, VT, February 4, 1988.

Senator Patrick Leahy,
U.S. Senate, Russell Building, Washington, DC.

Dear Senator Leahy: Dairy Council of Vermont urges you to sponsor the proposed bill designating May 8–14 as National Osteoporosis Prevention Week. Because bone disease is very prominent in elderly populations and more people are reaching advanced age, bone health has become an important concern in Vermont and throughout the U.S. Osteoporosis is the most common bone disease. In osteoporosis bone mass is reduced to the extent that risk of fracture is high.

Osteoporosis is 8 times more common in women than men, but fractures occur in both sexes with increasing frequency with advancing age. One out of 4 women over the age of 65 have osteoporosis. It is estimated that 90 percent of all fractures sustained past age 60 are due to osteoporosis. In the United States, 5.3 percent of all hospitalized patients over age 65 have the diagnosis of fracture, and this increases to 10.2 percent after 85. After age 85 nearly 4 percent of the population sustain a serious fracture each year. Over one billion dollars are spent annually in the acute care of hip fractures in the U.S., to which must be added the costs in terms of suffering, physical disability, and mortality associated with the disease.

Because current investigation has begun to show that some of the risk factors for bone loss are amendable to control or change, it is extremely important that we have an osteoporosis prevention week to call the population's attention to those factors. Won't you lend your support to this important endeavor?

Sincerely.

Shirley Prushko, M.S., R.D.●

NATIONAL NHS-NEIGHBORWORKS WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor legislation which would elevate public awareness and increase private sector support for Neighborhood Housing Services [NHS] and its affiliated partnership organizations—neighborhood residents, local governments, and businesses. Together they comprise the neighborworks network which is at work in 239 neighborhoods revitalizing declining neighborhoods and preserving decent affordable housing for low-to moderate-income Americans. This resolution sponsored by the distinguished Senators from Wisconsin and Utah, Senators Proxmire and Garn, would recognize NHS and the neighborhood networks for their extraordinary accomplishments and designate June 5–11, 1988 as "National NHS-Neighborworks Week."

Young people across the country have encountered a phenomenon new to this era—they cannot afford to buy a home. With rising interest rates and a slower increase in income relative to housing costs, individuals and families between the ages of 25 and 40 simply cannot afford to purchase a home in today's market.

The statistics in the New York metropolitan statistical area illustrate this problem. The 1987 median income in the New York area is estimated at $29,500. Assuming a 11-percent interest rate, a 5-percent downpayment, a 30-year term with 25 percent of income available for principal and interest, an individual or family with this income would be able to afford a home which is valued at $68,000. Unfortunately, the average purchase price of a home in this area is over twice this amount—$147,000. Consequently, an individual making approximately $30,000 a year is unable to provide a home for the family. This individual or family is forced to look for rental housing.

One way to alleviate this major problem plaguing our cities is to continue our support of the NHS/Neighborworks Network. With 16 years of

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accomplishments—the network partnerships have reclaimed 60 neighborhoods, are actively revitalizing 230 others, and have leveraged over $4 billion in reinvestment neighborhoods once suffering from severe disinvestment. Local governments and the private sector must work together to keep the neighborworks partnership organizations strong, thus enabling them to serve additional neighborhoods. Recognizing "National NHS/Neighborworks Week" will strengthen this local public/private partnership.

I urge my colleagues to cosponsor this legislation.●

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

GRATUITY TO LINDA G. MATHEWS

Mr. BYRD. Mr. President, I inquire of the distinguished assistant Republican leader as to whether or not Calendar Order No. 540 has been cleared on his side.

Mr. SIMPSON. Mr. President, that calendar item has been cleared on our side of the aisle.

Mr. BYRD. Mr. President, I thank my friend.

I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 540.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 379) to pay a gratuity to Linda G. Mathews.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the resolution.

If there is no further debate, without objection, the resolution is agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 379

Resolved, that the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Linda G. Mathews, widow of Nathan V. Mathews, an employee of the Senate at the time of his death, a sum equal to two months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR STAR PRINT

Mr. BYRD. Mr. President, I ask unanimous consent that report No. 100-284 to accompany S. 1904, the Polygraph Production Act of 1987, be star printed to reflect the change that I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 100-14

Mr. BYRD. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the treaty with Canada on Mutual Legal Assistance in Criminal Matters (Treaty Doc. No. 100-14), transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of Canada on Mutual Legal Assistance in Criminal Matters, with Annex, signed at Quebec City on March 18, 1985. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter more effectively criminal activities. The Treaty should be an effective tool to prosecute a wide variety of modern criminals including members of drug cartels, "white-collar criminals," and terrorists. The Treaty is self-executing and utilizes existing statutory authority.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the treaty includes: (1) the taking of testimony or statements of witnesses; (2) the provision of documents, records and evidence; (3) the execution of requests for searches and seizures; (4) the serving of documents; and (5) the provision of assistance in proceedings relating to the forfeiture of the proceeds of crime, restitution to the victims of crime, and the collection of fines imposed as a sentence in a criminal prosecution.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *February 22, 1988.*

LEAVE OF ABSENCE

Mr. SIMPSON. Mr. President, having consulted with the majority leader, I ask unanimous consent that rule 6, paragraph 2, of the Standing Rules of the Senate, be waived for Senator PHIL GRAMM, for official business, through Friday of this week, to attend the inaugural ceremonies of the new President-elect Roh Tae Woo, of South Korea, at the request of the President of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

RECESS UNTIL 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the convening hour for tomorrow be changed to 10 o'clock from the hour of 9 o'clock as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders, or their designees, are recognized on tomorrow under the standing order, there be a period for morning business for not to exceed 20 minutes and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDDAY RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess on tomorrow from the hour of 12:45 p.m. until the hour of 2 o'clock p.m. to allow for the two party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, does my good friend Senator SIMPSON have anything further?

Mr. SIMPSON. Mr. President, no.

I do hope that the S. 2 eight will continue to labor in their difficult task of trying to resolve and reach an accord perhaps on S. 2, and I know that the four Members from the Democratic side of the aisle and four Members from our side of the aisle I believe are trying diligently to do that.

The majority leader has been gracious in allowing them to continue to do that.

I hope they can reach some appropriate resolve to speed that process through here.

Mr. BYRD. Mr. President, I thank the distinguished assistant leader on the other side of the aisle. I believe that all Senators should be alerted to the possibility that tomorrow will be a very long day; the possibility that we might have a night session tomorrow night, and that we might have future sessions that will run around the clock. This will be in connection with S. 2 in the event we cannot reach a breakthrough by, say, tomorrow at 2 o'clock.

I hope that it will not be necessary to have such lengthy sessions, but it is very clearly a possibility at this point and I should alert all officers of the Senate and all employees of the Senate so that everyone will be prepared.

Mr. President, does the assistant Republican leader have anything further?

Mr. SIMPSON. Mr. President, I know that all of us remember the languid days in August and days in December and January when those particular comments were made and that those days would come, and apparently they are coming. So, enough.

I have nothing further.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-380, appoints the Senator from Michigan [Mr. LEVIN] to the Advisory Commission on Intergovernmental Relations.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and, at 6:10 p.m., the Senate recessed until Tuesday, February 23, 1988, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 22, 1988:

THE JUDICIARY

SHANNON T. MASON, JR., OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA VICE D. DORTCH WARRINER, DECEASED.

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EXTENSIONS OF REMARKS

SCIENCE POLICY AND THE CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. HAMILTON. Mr. Speaker, on February 6, 1988, I addressed the Association of American Publishers on the topic of "Science Policy and the Congress." I would like to insert into the RECORD the text of my remarks:

SCIENCE POLICY AND THE CONGRESS

(Address by Congressman Lee H. Hamilton)

INTRODUCTION

I am pleased to be here today to talk to you about science policy and the Congress.

I am especially pleased to see my good friend, Nick Veliotes. Nick has served our country well in a variety of important positions, both at home and abroad. He has been a true public servant in the very best sense of the word. I have benefitted immensely from his wisdom and counsel over the years. I know he is serving the Association of American Publishers with equal commitment and skill.

I. IMPORTANCE OF SCIENCE TO PUBLIC POLICY

One of the biggest changes I have noticed in the Congress in recent years has been the growing importance of science to public policy. Policymakers are being increasingly called on to make judgements based on fairly technical information, a trend which will only accelerate in the future.

Members of Congress now must deal with policy questions ranging from the impact of biotechnology on farming and of robotics on the workforce, to the feasibility nuclear fusion energy and the software for SDI.

More than ever, Members of Congress are being called on to help shape the advances emerging from science and technology, sort out conflicting scientific assessments, and set funding priorities among worthy science projects.

This presents some real challenges for Members of Congress. Despite the growing complexity of the science policy issues, many of the fundamental concepts and methodologies of science are not well understood by policymakers. Only a handful of Congressmen are trained as scientists, with the vast majority being lawyers and businessmen. Many of the most controversial science policy questions deal with subject matters that have developed since most Members and staffers graduated from college.

To deal successfully with science policy, Members of Congress should not be expected to become science experts, but they do need to develop a basic scientific and technological literacy. I find Members increasingly willing to take the plunge and become knowledgeable about science. The worlds of superconductivity, superstrings, and superclusters may be familiar territory to you, but to many politicians, including this one, this is new ground.

II. IMPORTANCE OF SCIENCE TO AMERICA'S FUTURE

Perhaps the greatest reason why Members of Congress are becoming more interested in science is the importance of science to America's future.

America is in the economic fight of its life. We are beset by a declining international competitiveness that threatens the underlying strength of our economy. In a recent survey of world business executives, America was ranked only the 5th most competitive nation.

There is a broad recognition in the Congress about the importance of science to America's future. As much as one-half of our economic growth over the past several decades can be attributed to scientific and technological advances. Advances in military technology have enabled us to maintain a strong deterrent force, even when confronted with numerically superior forces. Our competitive edge and our national security hinge on a solid foundation of science and technology.

Yet we are starting to lose that edge. We are falling behind in some frontier areas of science; we have fallen behind other countries in developing the commercial applications of our discoveries; and we are devoting a smaller percentage of our gross national product to civilian R&D than our major competitors.

Policymakers are concerned about the training of our next generation of US scientists and engineers. Recent studies indicate that US high school and undergraduate science education is bad and getting worse. Interest among students is flagging: The percentage of freshmen intending to major in science has fallen sharply over the last decade. In many of our universities, well over half of our science graduate students are foreign nationals. University instrumentation and equipment is often obsolete and outmoded—lagging well behind that found in industry or in European universities. We must ensure that there will be future generations of scientists and engineers to bolster America's scientific and technological expertise.

Our long-term strength in the world depends, in a word, on investment. We need investment—both public and private—in research and technology, basic skills, and science education. Investment in our future is probably the most important long-term step we can take to improve US competitiveness.

III. FEDERAL ROLE IN SCIENCE

The Congress supports strong funding for science.

The federal government has a wide variety of science programs. Consider the range of major Science Committee issues likely to be taken up this year: upgrading university laboratories and equipment; improving the transfer of federally-funded technology into the marketplace; assessing the flow of technology out of the US; improving math and science education; rebuilding the space program; monitoring human-induced changes to the global environment; and making funding decisions on the Superconducting Super Collider and the space station.

Yet the largest share of federal science activities involves funding scientific research and development. I want to focus on that topic today—briefly summarizing the scope of federal R&D activities, and then discussing some of the problems science funding is facing.

IV. FEDERAL ROLE IN SCIENTIFIC RESEARCH AND DEVELOPMENT

In 1988, the federal government will provide some $65 billion for scientific research and development, about half of total US R&D expenditures.

Some 14% of federal R&D funds go for basic research in a wide variety of fields, including the physical sciences, life sciences, and the social sciences. The rest is more specific—such as research on missile systems, space transportation, acid rain, cancer, and AIDS.

Investments in scientific research have paid clear dividends. Numerous advances made possible by research—from disease-resistant grains and polio vaccines, to computers and satellites—have boosted our economy and enriched our lives.

Under President Reagan, overall federal research and development funding levels have increased significantly, up 96% since 1981. This is a remarkable increase, occurring at a time when many other areas of federal discretionary spending have cut back sharply.

Yet some areas have fared better than others. The President has generally put more emphasis on military R&D, basic research, and research that will contribute to economic growth, and less emphasis on near term commercialization which he feels the private sector could support.

Surely you would agree with me that the federal government must maintain its strong commitment to science and research. It improves national security, advances the training of science graduate students, enhances national prestige, and drives economic progress. As we face the challenge of maintaining US world leadership in the decades ahead, continued federal funding for scientific R&D is one of the best investments we can make in America's future.

V. MAJOR CHALLENGES TO ADEQUATE FEDERAL SCIENCE FUNDING

Maintaining that investment will not be easy. Let me give an overview of three major challenges the Science Committee faces in trying to provide adequate funding for scientific research.

A. Challenge from overall Federal deficit reduction efforts

The first major challenge is trying to provide adequate science funding during an era of ever-tighter federal budgets. Our federal deficit crisis is a major one. Since 1981, the federal government has annually spent around 20% more than it has raised in revenues. That has increased our national debt from $1 trillion of $2.4 trillion in just 7 years. One out of every seven dollars federal spending now goes just for interest on the national debt—money that could be used for productive investment in our future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Overall, federal funding for scientific research and development has done remarkably well, increasing, as I indicated, 96% since 1981. Yet even science is starting to feel the pinch. For example, last year the President called for doubling NSF's budget by 1992, and he requested a 16% increase for NSF in 1988. The actual increase was 3%. Overall funding levels for federal R&D activities in 1988, which the President initially wanted to increase by 8%, went up 2%.

This year we could face an even tougher problem. We will have to cut $46 billion—and possibly more—in order to reach the Gramm-Rudman deficit target of $136 billion. If we do not meet that target by October, then the Gramm-Rudman across-the-board cuts automatically go into effect. These cuts could be devastating for federal science programs. While 80% of the federal budget is protected from the across-the-board cuts, science programs are not.

Non-exempt programs like science could be very hard hit, with the Congressional Budget Office estimating this week that they could face across-the-board cuts of 13%. We must do all we can to avoid the automatic Gramm-Rudman cuts.

Overall, I am optimistic that we can avoid a Gramm-Rudman sequestration this year. The budget summit agreement reached in November outlined the broad features of this year's deficit reduction package, and it was agreed to by both the President and leaders of the Congress.

Yet federal deficits will pose a major problem for adequate science funding in the years ahead. We are generally not making the structural changes in federal programs needed to get the deficit on a downward path. We are still tinkering with the programs, making changes on the margins, rather than making the tough choices of restructuring or eliminating programs no longer needed. Until we get the deficits under control, it will be very difficult to make the increases in science funding that I believe we need.

A major problem is that too great a share of the federal budget is going for consumption—like pension and social services payments—and not enough is going for long-term investment in America's future—such as for science, education, and infrastructure (highways and water projects). Each time we go into budget negotiations between the President and the Congress, between the House and the Senate, between Republicans and Democrats, each side begins by taking major programs off the table. That approach cannot work much longer. The only way we will get the deficits under control is through a broad package of shared sacrifice.

Overall, I view 1988 as mainly a transition year, without any bold new effort to make structural changes in the deficit problem. The tough choices will be left to the next administration.

Let me make two other observations about science funding:

1. Importance of Stable Funding

First, although I support President Reagan's call for more science funding, what we need is stable and uninterrupted federal funding for science education and scientific research. In the long-run, predictable funding at a reasonable amount is much more beneficial and efficient than peaks and valleys of intermittent support, even if some of the peaks reach extraordinary heights—a lesson hopefully learned from our boom/bust cycles in defense spending.

2. Eliminate Wasteful Science Funding

Second, while we must try to preserve strong levels of science funding, we must not take the position that every federal science dollar is being well-spent. The current deficit crisis should goad us into frankly assessing federal science dollars, and eliminating the waste—whether it be an outdated research program, redundant federal laboratory, or unproductive scholar. We must rein in "pork-barrel" science—doling out research funds as special favors rather than through the traditional peer-review system. And we should do a better job of establishing funding priorities, focussing on areas with the greatest potential impact. By cutting back on the wasteful federal science programs I believe we will be able to disarm program critics and strengthen our case for an overall increase in funding levels.

Science is the keystone of our nation's progress and the backbone of our military security. America's science enterprise is a national treasure and an investment in our future. It warrants strong support from the federal government, even in times of deficit reduction.

B. Challenge from the recent militarization of Federal research and development

Let me now turn to the second main challenge facing continued strong funding for scientific research.

In my view, one of the biggest threats to a strong US science program is the recent militarization of federal research. Throughout the 1970s, federal funding for research and development was basically split 50/50 between civilian and military; today defense R&D outstrips civilian funding by almost 3 to 1. Since 1981, federal support for defense R&D increased by 162% while support for civilian R&D increased only 19%, less than needed to keep up with inflation. Increases in military research have accounted for 90% of the growth in federal R&D since 1980.

Although defense R&D is certainly necessary and has produced important advances, the recent militarization of science can harm our nation's competitiveness in several ways. More of our military research is being done on specific weapons systems, which have limited commercial spin-offs. Much of defense R&D is classified, making it unavailable to American industry. Military R&D in many areas is draining off the best and the brightest of our scientists and engineers.

My basic concern is that while we are developing more and more attention to military research in order to stay ahead of our military competitors, we could get clobbered by our economic competitors. We must recognize that our national security depends not only on military advances but also on economic advances.

Japan, for example, has adopted the position that world influence derives mainly from economic strength. With only minimal military programs to absorb investment capital and scientific talent, Japan is moving toward a position of global economic supremacy. Already, its per capita income is almost double that in the Soviet Union, and by 1990 it could surpass the US in world trade. By some economic indicators, Japan now leads both military superpowers.

In civilian research and development—the key to economic growth, job creation, and productivity gains—we are spending less of our gross national product than our major economic competitors. Moreover, while Japan invests about 4% of its governmental R&D budget on defense-related R&D, and West Germany invests about 12%, some 70% of the US R&D budget goes for defense.

Already we are losing our research lead in key areas, including high-speed electronics and high-energy physics. If we expect to retain our traditional pre-eminence in scientific research, we must maintain a proper balance between our federal civilian and military research efforts.

When the US had a technological edge over its international competition, we could be somewhat more relaxed about diverting investment funds and science talent to military efforts. We cannot afford that attitude today.

Remaining a world leader in defense research is important for our national security, but so is being a leader in civilian research. Both ought to receive equally high national priority.

I am hopeful that we may see a better balance in military and civilian research, though much will depend upon who is elected the next President.

C. *Challenge from Big Ticket science projects*

A third major challenge facing the Science Committee is trying to determine how to pay for several big science projects in the works—projects which could easily cannibalize traditional federal science efforts.

Increasingly, the next generation of major scientific projects involves multi-billion dollar endeavors. Current projects under consideration include: a $4 billion nuclear fusion test reactor to help develop a safe, unlimited source of energy; the $6 billion Superconducting Super Collider to probe the fundamental building blocks of nature; a $3 billion project to map the millions of genes in a human being; a $25-30 billion space station to be in orbit by the late 1990s; and a possible $50 billion manned mission to Mars by the year 2010. In several fields of science today, the days of major advances being made by individual researchers using relatively inexpensive instruments are long gone.

A legitimate case can be made for such big-science projects on the grounds that they will help to revitalize our sagging national science effort, and attract and train our future scientists. Yet their huge costs will put unwelcome strains on federal budgets.

Various big-science projects already account for some $9 billion in the government's $65 billion research and development budget. As large efforts, such as the space station, move into the development stage, their costs will increase significantly. Given current budget contraints, it is difficult to go ahead with these projects while cutting back other important, though less glamorous, programs.

We should try a variety of ways to ease the budget impact of worthy projects, including coordinating the projects so that their major cost years are staggered; accepting assistance from the states wanting the projects based there; purchasing proven technologies from other countries; and adopting the "no-net-cost" approach of finding specific new revenues to pay for particular projects.

One approach increasingly being eyed by US policymakers is pursuing international cooperation in carrying out these ventures. Other countries have similar interests and projects, so it makes sense to consider the possibility of combining efforts.

Such cooperation has been used successfully in the past. We are cooperating with

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other countries on a variety of projects, ranging from space science to AIDS research and pollution control. The value of past foreign contributions to NASA's programs alone has been nearly $4 billion.

International cooperation has several benefits. A major benefit is that it allows the US to go ahead with expensive projects without having to gut the rest of the federal science budget. But is has other benefits. It can: advance important foreign policy objectives—strengthening ties with our friends and lessening tensions with our adversaries; generate foreign interest in US goods and services—as in the case of communication satellites; and keep the United States up to date on many of these technologies in which we have, unfortunately, fallen behind.

Yet we must be cautious about the extent of our cooperation. Although recent studies indicate that little significant technology has been transferred to the Soviets through past scientific cooperation, careful checks must be made against important technology falling into the wrong hands. We must carefully decide whether cooperation with our economic competitors, like the Japanese, could give them commercial advantages. International cooperation must be a two-way street, and the benefits must flow both ways. Overall, we must make sure that international cooperation works for us rather than against us.

My sense is that international cooperation on major scientific projects will increase substantially in the years ahead. As the technological capabilities of the leading nations have become more equal and as the costs and complexity of projects have increased sharply, more cooperation seems inevitable.

The question is not whether we will have international cooperation, but how much we will have—and that will depend to a large extent on how much priority the next President gives to science and technology funding.

CONCLUSION

Science and technology are so much a part of our national life that we have come to take them for granted. We must recognize that they cannot benefit our lives or our nation unless we proceed with a sense of purpose and planning to gain optimum advantage from them.

The years ahead could be tricky ones for federal funding of scientific research and development. Continued strong funding faces major challenges from overall federal belt-tightening, the militarization of federal R&D, and the possibility of being squeezed out by a variety of big-ticket science projects.

Science programs continue to enjoy strong support in the Congress, and my sense is that we will continue to keep science high on the national agenda. Yet it will take some careful planning to ensure that these programs receive the funding they deserve.

CALL TO CONSCIENCE VIGIL: THE LEINS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FASCELL. Mr. Speaker, it is with renewed hope that I join our colleagues today in expressing tribute for the extraordinary spirit of Soviet Jews, who encounter grave difficulties in their efforts to seek freedom and liberty. I commend Representatives COLLINS and MILLER for organizing this special order, and I pledge my continuing support for the aims of the vigil.

Since the first Call to Conscience Vigil, I have worked tirelessly in my efforts to help Vladmir and Maria Slepak receive the right to emigrate. Finally, after 16 years, the Slepaks shall be reunited with relatives in Israel, and I rejoice in their success. The release of the Slepaks has given me new hope for the many other Soviet Jews awaiting permission to emigrate. We must work even harder now in pursuit of our aims, so that it does not take 16 years for every family to be granted the right to live in peace.

Mr. Speaker, I now call the attention of our colleagues to the plight of a valiant and indomitable family, Evgeny and Irina Lein, and their children, Sasha and Alexey. The Leins have been waiting to emigrate since July 1978. Evgeny, a mathematician, and Irina, a chemist, both lost their jobs on the day they applied for permission to leave. They applied to leave because of the anti-Semitism directed at them and because their daughter was not allowed to attend a university. The Lein family has since paid a high price for their efforts to emigrate. They have experienced many acts of anti-Semitism. Evgeny's protests led to his unfortunate arrest and imprisonment in 1981. He was held for 2½ months with no contact with his family, and then sentenced to 3 years of hard labor. Since his release, he has been beaten severely by authorities and was told that if his protests did not cease, his hands would be broken. His son, Alexey, was forced to attend the lowest rated school in the Soviet system, having no chance of acquiring higher education. Alexey was once forced to stand before his class and listen to his teacher's condemnation of his father, Evgeny.

Fortunately, the Leins' daughter, Sasha, her husband and two daughters arrived in Israel in July 1987. It is my hope that perhaps by July 1988, Evgeny, Irina, and Alexey may be reunited with Sasha and her family. We in the Congress must persist in our efforts on behalf of Soviet Jews and all those everywhere who are denied basic human rights. The Soviet Government must come to realize our genuine commitment to this issue. The Soviet leadership must strive to abide by its international responsibilities in the area of human rights.

I join with our many colleagues in reaffirming my support for Soviet Jewry. In the words of Evgeny Lein, "I intend to go to the very end." I pledge to participate in the Call to Conscience Vigil until our goal of freedom for Soviet Jews has been realized.

TRIBUTE TO THE NORTHEAST OHIO ASSOCIATION OF SCHOOL BUSINESS OFFICIALS AND THE GREATER CLEVELAND SCHOOL SUPERINTENDENTS ASSOCIATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I pay tribute to the Northeast Ohio Association of School Business Officials [NEOASBO] and the Greater Cleveland School Superintendents Association [GCSSA].

These two organizations cohosted the School Board Members Night on January 21, 1988. I was honored to have received and accepted their invitation as guest speaker for the evening. Superintendents, businessmen, support personnel, and school board members were among the distinguished persons present.

This annual event serves to honor the Ohio School Board members for their untiring service and dedication to maintaining the quality and integrity of Ohio's school system. Among their many functions, board members oversee the budget, construct school district legislation, and serve as elected officials representing the people of Ohio. I am indeed honored to serve as their representative in Washington.

It is with great pride and appreciation that I pay tribute to the Northeast Ohio Association of School Business Officials and the Greater Cleveland School Superintendents Association.

ALARM OVER FOREIGN INVESTMENT IN UNITED STATES SOUNDED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FLORIO. Mr. Speaker, I would like to call my colleagues' attention to comments of Malcolm S. Forbes, in the January 25, 1988, edition of Forbes magazine.

Citing the large dollar reserves that Japan and other countries have accumulated as a result of America's perennial trade deficit, Mr. Forbes calls for the establishment of "a Presidentially appointed Board of Knowledgeables whose approval would be required before any foreign purchase of any significance would be allowed of any consequential United States company—regardless of size."

Mr. Forbes' concern is well-founded. The House-passed trade bill contains two provisions that would address this problem. First, the bill gives the President much-needed authority to block foreign takeovers of U.S. companies that threaten the national security and essential commerce of the United States. Second, the bill provides for the public disclosure of significant foreign investment in the United States so we can begin to get a better

idea of how and where foreign investment is taking place.

Mr. Speaker, I agree with Mr. Forbes that we need to take action now to ensure that skyrocketing foreign investment in the United States does not destroy the wealth of our economy on which the standard of living for future generations depends. I believe the trade bill provisions that I have referred to are a first step in this direction.

The material follows:

FACT AND COMMENT

(By Malcolm S. Forbes)

Before Japan buys too much of the U.S.A. we must instantly legislate a presidentially appointed Board of Knowledgeables whose approval would be required before *any* foreign purchase of any significance would be allowed of *any* consequential U.S. company—regardless of size.

The President could review their decisions.

And Congress could review his.

The first and instant order of business for the returned Congress is to hammer out the requisite law. While the trade bill now in the works addresses a few aspects of the problem, it doesn't go nearly far enough.

It's one thing for the Japanese and Germans and others to buy U.S. government bonds to finance our huge trade imbalances with them.

But it's a whole and totally impermissible other thing for them to use their vast billions of dollars to buy great chunks of America's big businesses, or take over the high-tech, medical or other strategic, vital U.S. concerns.

Do you realize that, by using just last year's trade surplus with the U.S. of $60 billion, Japan could buy enough stock in a half-dozen of our biggest companies, such as GM, Exxon, IBM, Mobil, Sears, Roebuck and GE, to in effect control 'em?

Japan's investment banks have additional capital resources that could easily pick up dozens more.

American companies don't have free rein to buy Japanese companies.

No one can buy any French company who doesn't have the French government's approval.

It should be likewise in the U.S.A.

BLACK ENGINEER OF THE YEAR AWARDS

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. MFUME. Mr. Speaker, today I pay tribute to the Second Annual Black Engineer of the Year Awards. On February 27, 1988, in Baltimore, MD, the 1988 Black Engineer of the Year Awards will recognize the significant contributions that black engineers have made and continue to make to this ever challenging profession.

While making significant contributions in the field of engineering, blacks account for only 1 of every 25 engineering students. And they receive only 1 of every 35 undergraduate engineering degrees. However, that can change and the Career Communications Group, Inc., of Baltimore—publishers of US Black Engineer magazine—together with the Council of Engineering Deans of the Historically Black Colleges and Universities, and the Mobil Corp. are nobly striving to help inspire and direct more black students toward a career in the exciting field of engineering and are proud sponsors of the annual awards.

The glory and the promise of our Nation has been nurtured and enhanced as a direct result of our engineers and as blacks continue to make their presence felt in the engineering community, the time has come to pause and recognize their achievements. I am pleased to pay tribute to the following Black Engineer of the Year Award winners for 1988:

Black engineer of the year: Erroll Davis.

Outstanding achievement in the government: Commander Anthony J. Watson, USN; Dr. Christine M. Darden.

Professional achievement award: Grady C. Wright, Barbara A. Sanders.

Technical contribution award: Dr. Donald O. Frazier, Dr. Marc R. Hannah.

Student leadership award: Brian M. Argrow, Paula S. Wellons.

Most promising engineer award: Dr. L. Kerry Mitchell, Robert I. Lee.

Entrepreneur of the year award: Eugene Jackson.

Higher education award: Dr. M. Lucius Walker, Jr.

Lifetime achievement award: Dr. W. Lincoln Hawkins, Mr. Cordell Reed.

President's award: Donald Watson.

Outstanding corporate support: Alvin Cooper, Mosetta Blackmon, Donald Washington, Milt Fletcher, Sally Fernandez.

THE PEACE PROCESS IS TRICKLING DOWN

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. CROCKETT. Mr. Speaker, the Government of Nicaragua and YATAMA, the umbrella organization of Atlantic coast indigenous groups in Nicaragua, recently held talks in Managua in order to develop a framework for "reconciliation, a lasting peace, and the development of the Atlantic coast."

The talks were arranged by the Moravian Church and the Evangelical Commission for Relief and Development [CEPAD]. Initial agreements were made, including an agreement to halt offensive military activities while the negotiatons are proceeding.

Mr. Speaker, this process is clearly an offshoot of the Guatemala peace agreement signed by the five Central American Presidents in August 1987. It is important that we continue to support and advance the peace process, but not only the agreements made between governments and military rivals. We should also take note of the efforts being made to promote reconciliation within the region. This is an example of such an effort. I would like to share the entire text of the communique with my colleagues.

From: The Government of Nicaragua and YATAMA.

To: The people of Nicaragua, particularly those of the Atlantic Coast, and the international community.

Aspiring to reconciliation, a lasting peace, and the development of the Atlantic Coast, the Government of Nicaragua and the indigenous organizations YATAMA have held candid, friendly, and cordial peace talks in the city of Managua from January 26 to 28, 1988. These talks are the result of prior arrangements made by the Moravian Church and CEPAD, who established the following framework for these negotiations:

1. To be an effort within the spirit of Esquipulas II.
2. To be conducted bilaterally.
3. To be held with representatives at the highest level from both sides, without preconditions, and with an open agenda.
4. YATAMA to participate in these negotiations as an independent organization, and without ties to other forces.

In the first round of talks we have reached the following agreements:

1. To name a conciliatory commission comprised of the Moravian Church and CEPAD that will have the functions of: facilitating communication, formally chairing meetings, making recommendations, overseeing the positive progress of the talks, and bearing witness to compliance with the agreements.
2. To invite Canada, Costa Rica, Cuba, Denmark, Finland, Holland, Norway and Sweden to witness the implementation of the agreements and give moral and material support to the peace process and the development of the Atlantic Coast. To this end, it was agreed to invite the Ambassadors of said countries or their representatives, to an informal meeting on Thursday, January 28 on the agreements made to date.
3. To respond affirmatively to a call made by the Moravian Church and CEPAD to instruct the respective forces to temporarily halt their offensive military activities while the negotiations are going on.
4. To make a trip to Puerto Cabezas and Bluefields in order to publicize this peace initiative, and the fact that some agreements have been reached regarding the rights of the indigenous peoples and the Atlantic Coast peoples as a whole.

Released in Puerto Cabezas on January 29, 1988.

For the Government of Nicaragua,
TOMAS BORGE.

For YATAMA,
BROOKLYN RIVERA.

THE 40TH ANNIVERSARY YEAR OF THE NATIONAL INSTITUTE OF DENTAL RESEARCH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. HOYER. Mr. Speaker, I am pleased to be joined today by our colleagues MERVYN M. DYMALLY, of California, and CONSTANCE A. MORELLA, of Maryland, in introducing a joint resolution to designate 1988 as the "40th Anniversary Year of the National Institute of Dental Research." The Congress, 40 years ago, approved the National Dental Research Act, and established the National Institute of Dental Research [NIDR].

A military problem led to the passage and enactment of this legislation. Learning that the major cause of rejection of young men for military service was missing teeth, Congress created the NIDR to conduct research to improve the oral health of the American people.

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Because tooth decay was so widespread and serious, NIDR's early research focused on elimination of this problem. NIDR studies led to one of the most successful public health efforts in history—community water fluoridation. This public health program has contributed to as much as a 50-percent decline in tooth decay among the schoolchildren in the United States.

The return to society in financial terms has been tremendous. The decline in tooth decay resulting from the combined use of fluoride and tooth sealants has resulted in an annual savings of $2 billion in the Nation's dental bill. This annual figure represents nearly twice the total budget allotted to NIDR in the past 40 years. As tooth decay has declined, so has the loss of teeth. Indeed, between 1974–81, Americans have saved an estimated $5.5 billion in the cost of what they would have incurred for full or partial dentures.

Dental research has also had a substantial impact on the Nation's oral health in other areas as well. During the 40-year history of the NIDR, dentistry has developed from little more than a trade to a science.

Dentists are no longer simply "drilling and filling." They are now "physicians of the mouth." Our well-educated, well-trained, and highly skilled dentists diagnose and treat a wide range of diseases and conditions with oral and dental symptoms. In addition, dental investigators are researching such diseases and maladies as acquired immune deficiency syndrome, cancer, arthritis, cystic fibrosis, diabetes, herpes, craniofacial anomalies, bone and joint disorders, and pain.

For the future, NIDR will increasingly focus on our older population, citizens whose problems with toothlessness, tooth decay, and periodontal diseases require immediate attention. Research conducted by the NIDR will also center on high-risk individuals, such as those who are handicapped, institutionalized, or most susceptible to developing tooth decay and periodontal diseases.

Mr. Speaker, I am pleased to be the original sponsor of this joint resolution commemorating the NIDR on an outstanding first 40 years of existence. I encourage my colleagues in the House of Representatives to join with us in recognizing the National Institute of Dental Research for its continuing commitment to promoting disease prevention and improving oral health.

The text of the joint resolution follows:

H.J. RES. 465

Whereas the National Institute of Dental Research was established on June 24, 1984, by the National Dental Research Act;

Whereas the National Institute of Dental Research is today the leading Federal agency supporting oral health research worldwide and the third oldest of the National Institutes of Health;

Whereas the National Institute of Dental Research conducts biomedical and behavioral research in its own laboratories and supports the research of scientists in dental schools, universities, medical schools, hospitals, and other public and private institutions;

Whereas the National Institute of Dental Research is the principal source of support for the research training and the research career development of dental scientists;

Whereas the National Institute of Dental Research exercises leadership in the international community of dental research and, as a result, its research efforts have a global impact on oral health;

Whereas the National Institute of Dental Research facilitates international communication by convening assemblies of United States and foreign dental research investigators and by promoting international exchanges of dental research investigators and scientific information;

Whereas research initiated and supported by the National Institute of Dental Research has led to dramatic declines in dental caries in school children and to significant improvements in the oral health of the American public;

Whereas the National Institute of Dental Research initiatives have led to annual savings of several billion dollars in the cost of dental care to the American public, as well as to reduced pain, suffering, and tooth loss;

Whereas the National Institute of Dental Research continues to emphasize research to prevent dental caries, periodontal diseases, and other conditions leading to tooth loss and fosters research to prevent or reverse a wide range of oral health problems, including birth defects, facial injury, chronic pain, soft tissue lesions, oral cancers, bone and joint diseases, and the oral mainfestations or serious systemic disease such as diabetes, rheumatoid arthritis, and acquired immunodeficiency syndrome;

Whereas the National Institute of Dental Research works closely with the American Dental Association, the American Association for Dental Research, the American Association of Dental Schools, and the dental manufacturing industry in promoting the transfer of research findings to dental practitioners and other health professionals and engages in comprehensive oral health promotion and disease prevention activities of direct benefit to the public at large; and

Whereas the long and impressive history of the National Institute of Dental Research in reducing the burden of oral and dental diseases and in development, aging, repair, and regeneration of human tissues is worthy of special commemoration by the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1988 is designated as "Fortieth Anniversary Year of the National Institute of Dental Research", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such year with appropriate ceremonies and activities.

MARKING A NEW COURSE FOR TRADE POLICY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. GINGRICH. Mr. Speaker, Secretary of Treasury James Baker recently indicated an important change in the administration's international trade policy. He suggested exploring a "market liberalization club" approach if the Uruguay round of trade talks aren't successful in bringing down international trade barriers.

He advocates the use of the United States-Canada free trade agreement as a lever to achieve more open trade. I hope all my colleagues will read Secretary Baker's comments on this issue:

REMARKS BY SECRETARY OF THE TREASURY JAMES A. BAKER III, BEFORE THE NATIONAL COTTON COUNCIL OF AMERICA

THE UNITED STATES-CANADA AGREEMENT: MARKING A NEW COURSE FOR TRADE POLICY

This agreement is visionary in aim, but realistic and often incremental in approach. It will assist our two nations in moving toward a more open trading system through a strategy of actions on various international fronts, bilateral and multilateral. As some of these actions bear fruit, they should enhance domestic political support for other actions and thwart defeatist cries for economic retreat. This is the spirit embodied in the Canada-United States Free Trade Agreement. And it could become stronger because of that agreement. The accord accommodates and enhances future trade liberalization efforts in several ways.

First, the agreement respects GATT and is careful not to undermine the successes of the multilateral approach. Canada and the United States are lowering barriers between themselves, not raising barriers to others. As Secretary of State Shultz observed, we are not splintering multilateralism into bilateral agreements. Instead, we are seeking a healthy, dynamic linkage between bilateral and multilateral initiatives so as to prod and reinforce the GATT.

Second, the Canada-United States agreement extends the reach of an open, cooperative system by negotiating solutions in the areas of services, investment, and technology—while respecting national sovereignty. International progress on these fronts is especially important to the United States and Canada because they are areas of likely comparative advantage for our future.

Third, we have lowered the cost of initiating international liberalization in these new areas by breaking ground with only one nation at a time. When more nations are involved, it is often harder to arrange a satisfactory compromise. Each nation prefers to wait for commitments from others, so it can either delay its contribution or, better yet, have a free ride.

Fourth, the rewards of this agreement offer an incentive to other governments. If possible, we hope this follow-up liberalization will occur in the Uruguay Round. If not, we might be willing to explore a "market liberalization club" approach, through minilateral arrangements or a series of bilateral agreements. There are voices in other nations—including Japan, South Korea, Taiwan—that have indicated that they do not wish to be left behind.

Fifth, this agreement is also a lever to achieve more open trade. Other nations are forced to recognize that the United States will devise ways to expand trade—with or without them. If they choose not to open their markets, they will not reap the benefits. By employing this lever together, the United States and Canada may be able to dislodge obstacles in special areas of common concern—such as agriculture.

Sixth, this Canadian-United States accord could prove to be an important catalyst for a domestic political coalition that wants an activist, yet constructive and internationalist, United States trade policy. Indeed, during the final week of negotiation, the encouragement and ideas of a number of Senators and Representatives, Democrats and Republicans, were instrumental in completing the agreement.

This agreement, and others it may engender, has the potential to tap a broad base of support. It attracts those who want government to foster growth and opportunity by breaking down obstacles to achievement and fair competition. In particular, I urge this audience to carefully consider the advantages of this agreement. I hope that having done so you will then lend your influential voices in support, just as leading men and women have inspired landmark progress in our nation's past.

A TRIBUTE TO NYLE ERSKIN

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. VANDER JAGT. Mr. Speaker, 25 years ago, Nyle Erskin was elected clerk for Montcalm County, MI, and every 4 years since that first election he was returned to office to serve the people of the county. On December 31, 1987, he retired as clerk, but his accomplishments have ensured that his distinguished tenure will remain a shining example of what can be accomplished through hard work, dedication, and love of community.

Those that have worked with and know Nyle best see him as a dedicated public servant, a family man, and a leading and energetic force in Montcalm County. As a public servant, he has served long and well. As a family man, he had his wife, Norma, have three children, nine grandchildren, and two great-grandchildren.

I know my colleagues will join me in wishing Nyle Erskin all the best in his future endeavors. I am certain that he will find happiness and great pleasure in his retirement years ahead. The following newpaper article from the Greenville Daily News, Greenville, MI, of January 21, 1988, features some of Nyle's many accomplishments. I commend this article to your attention, Mr. Speaker, and that of my colleagues:

[From the Greenville (MI) Daily New, Jan. 21, 1988]

ERSKIN'S FIRST CAMPAIGN FOR COUNTY CLERK WAS HIS TOUGHEST

(By Sylvia Warner)

STATON.—Nyle Erskin ran for the office of Montcalm County Clerk 25 years ago. That first campaign proved to be his toughest and closest race, even though he has sought election to the same post every four years since.

Erskin's historic career in county government came to an end Dec. 31 when the longtime Vestaburg resident retired from the clerk's office. But that first clerk's campaign in 1952 was not the beginning of his involvement in local government.

Erskin was appointed supervisor of Richland Township in 1953. Later he ran successfully for election to that supervisor's position, and held the post for 10 years.

In 1962, then county clerk, Art Montgomery, decided to not seek reelection, thereby ending his 30-year career in that position.

"In those days the township supervisors sat on the county board and I was chairman," Erskin recalls "Art took me aside and told me he wasn't running again and said he thought I would like the job."

But Erskin had a fulltime business, a grocery store in Vestaburg.

"Just to show you coincidences do happen," he said, smiling, "a fellow I knew came into the store about a week later and asked if I was interested in selling by business; a week later I was out of the business."

After that, Erskin's campaign for county clerk got under way in earnest.

Erskin said the election was actually decided in the August primary since no Democrats were running for the job. One of the two other Republicans Erskin ran against, Riley Clark of Greenville, gave him a tough race, Erskin recalled.

"Election night, the first five precincts to come in (at the courthouse in Stanton) were from Greenville, and Clark won all of those," he said. "I won all the other precincts, but it took all night, until the last two precincts were in, before I moved into the lead in vote totals."

Erskin won the Republican nomination and the clerk's seat by 220 votes.

Although he lost the Greenville precincts, Erskin credits the help he had from residents of the Greenville area with helping his campaign.

Erskin said he spent lots of time on the campaign, including all over the county, usually accompanied by local township folks—both Republican and Democrat—who knew him.

In the Greenville area, his campaign got a boost from Pearl Lewis and her son, Earl Petersen, of the radio station, and present-day commissioner Jack VanHarn, as well as Greeville attorney Robert Price.

"As a result of all that campaigning and help from so many friends," Erskin said, "I was able to get elected and I've never had to campaign that hard since, except just lately when I've had some people like Bob Marston run against me."

All those years as clerk have turned Erskin into a walking encyclopedia of county government information.

There are, he said, more than 2,000 laws determining how the county clerk's office functions and what its duties are. Among the basic constitutional duties defined by state law, the county clerk is required to serve as clerk of county board of commissioner meetings, as clerk of the circuit court, and keeper of all vital records such as birth and death certificates and marriage licenses.

The clerk's office handles half the financial bookkeeping for the county, a duty shared with the county treasurer's office, and is the chief elections officer for the county.

The clerk also is required to serve as secretary to several other county boards, including the allocation board and the board of canvassers.

The office also has a direct link to numerous state offices, such as the Secretary of State Elections Division and the state Department of Public Health in the matter of vital records.

The clerk's office also maintains the circuit court records.

"It's really diversified," Erskin said, "and that's why most clerks are a pretty independent cuss."

And just as in other government offices, the volume of work has increased each year as new laws are written and the number of lawsuits escalate.

"That's the biggest change I've seen in the clerk's office," Erskin said. "There has been a tremedous increase in the volume of work."

He cites such laws as the Campaign Finance Act that requires political candidates to file financial statements with the elections division through county clerk's offices and other court reporting matters that have added to the work load in clerk's offices.

Despite the work load, Erskin said he will miss the job.

"I have felt very fortunate," he said, "to have a job where I could feed my family, accumulate some retirement benefits, and still enjoy what I was doing." Erskin's varied background certainly has contributed to the contentment he feels with what he has accomplished.

Born in St. Louis, Mich., and raised in Vestaburg, Erskin joined the U.S. Navy after graduating from Vestaburg High School. He was sent to Hawaii before being medically discharged after only a few months when doctors discovered a heart murmur. Then he returned to Vestaburg and married his sweetheart, the former Nora Sherwood.

The Erskins have three children, Jane King of Palo, Grace Shaffer of Crystal and Jim of Vestaburg. They also have nine grandchildren and two great-grandchildren.

Over the years he worked in a factory in Lansing, as a meatcutter at a Kroger store in Lansing, and after some schooling was named meat department manager at the store.

Later Erskin worked at the Lansing Motorwheel plant and after World War II was over, spent a year in the trucking business in Ohio.

In 1947, the family returned to Vestaburg and purchased a grocery store. Three years later they sold that store, now known as "The Spot," and purchased a store in the business area of Vestaburg. They operated that business for 12 years before Erskin decided to run for county clerk.

Now that he's retired as county clerk, would Erskin consider running for any other public office? If you ask that question, all you'll get is the famous Erskin grin.

He has, he said, no immediate plans except to get caught up on some work at home, spend a little more time at his favorite sport, bowling, and perhaps do a bit of traveling.

REPRESSION OF NICARAGUAN TRADE UNIONISTS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FASCELL. Mr. Speaker, during the debate on the President's request for additional United States assistance to the Nicaraguan Contras, I noted—in support of the President's request—that the Sandinistas have had it within their power to implement all of their promises under the Central American peace plan since the day Daniel Ortega signed that plan last August. That so far they have failed to live up to their commitments to democratization and full respect for freedom of association and freedom of the press is abundantly clear. Despite the positive impact of the Arias plan, Nicaragua under the Sandinistas is still marked by repression of those patriotic Nicaraguans who refuse to submit to one-party rule.

I want to draw the attention of our colleagues in particular to the treatment of Nicaragua's independent trade unionists, who are

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generally grouped within the ICFTU-affiliated Nicaraguan Confederation of Trade Union Unity [CUS]. Jose Collado, president of the Dade County, FL, Chapter of the Labor Council for Latin American Advancement of the AFL–CIO, recently alleged that the following are examples of arrests and attacks against CUS members after the peace treaty was signed:

First. On August 8, 1987, one day after the signing of the peace accord, 16 members of the CUS were arrested: Ricardo Gutierrez, Juan Gutierrez, Luis Garcia, Eduardo Garcia, Eusebio Garcia, Santurnino Gutierrez, Francisco Garcia, Santos Garaica, Jacinto Olivas, Arnulfo Gonzalez, Solmon Vallecillo, Ronaldo Gonzalez, Concepcion Munoz, Pedro Perez Ricardo Contreras, and Alberto Contreras.

Second. On November 1, Julio Bustamante, of the Office Workers Union of El Viejo, was taken from his home at 10 p.m. by three men in army uniforms and beaten in front of his neighbors.

Third. On November 19, at midnight, Miguel Salas, a CUS machinist union member, was shot four times by a Sandinista official, Wilfredo Dominguez.

Fourth. On December 16, the leader of the CUS retail clerks union was arrested in Chinandega.

As the House continues to debate on United States policy toward Nicaragua, and considers future United States assistance to the Contras, it is important to keep this pattern of continuing repression in mind, as well as the vivid contrast between Sandinista promises designed for consumption abroad and Sandinista actions in Nicaragua.

TRIBUTE TO THE NEW HOPE BAPTIST CHURCH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I stand before you today to pay tribute to the New Hope Baptist Church of Youngstown, OH.

The New Hope Baptist Church, organized in 1918, now celebrates 70 years of community service. This church has the distinguished honor of being one of the first black churches located on the East Side of Youngstown. During the past 70 years, the congregation has built two other churches, the latest structure was dedicated in December 1978.

For 70 years, this institution has been dedicated to serving the surrounding community. Their contributions to the welfare and happiness of the people of Youngstown is greatly appreciated and should be given special recognition. Let the New Hope Baptist Church stand as an example of the giving and caring we are all capable of. I am indeed honored to represent such a fine group of citizens.

It is with great pride and appreciation that I pay tribute to the New Hope Baptist Church of Youngstown, OH. May God's light shine especially bright on their congregation.

ROBERT L. MESSICK, OUTSTANDING BUSINESS AND CIVIC LEADER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FLORIO. Mr. Speaker, I would like to commend a highly respected community leader in the First Congressional District of New Jersey, Mr. Robert Messick. The Camden County, NJ, Democratic Committee will honor this week Mr. Messick for his long and tireless dedication to public service.

As a life-long resident of New Jersey and a graduate of the University of Pennsylvania School of Law, he has earned the well-deserved attention and gratitude of the community in which he has so graciously served and the respect of his colleagues in both public service and the legal profession.

Mr. Messick has maintained for the last 27 years a private legal practice in Camden City and Haddonfield, NJ, and has provided distinguished service to the county of Camden as an assistant prosecutor between 1967 and 1970.

Throughout the many years, Mr. Messick has continually lent his professional expertise to many civic and business organizations. Among those activities are the following:

Chairman of the Camden County Democratic Committee;

Chairman of the Bellmawr, NJ, Board of Education;

Member of the Bellmawr Borough Council; and

Chairman of the board of directors, Continental Bank.

Although these are just a few examples of Mr. Messick's accomplishments, they are reflective of a man who is an outstanding business and civic leader. We, as I am sure I speak for all who have had the pleasure of working with Mr. Messick, owe him a great debt of gratitude.

Mr. Messick will be honored for his many years of service at a dinner sponsored by the Camden County Democratic Committee on Thursday, February 25, at the Woodbine Inn located in Pennsauken, NJ. I am certain that my colleagues will join with me in wishing Mr. Messick many more years of continued service and success.

BLACK MAYORS AND THE CHALLENGE OF URBAN GOVERNANCE

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. MFUME. Mr. Speaker, on February 24, 1988, Morgan State University and the Joint Center for Political Studies are sponsoring a 1-day conference entitled "Black Mayors and the Challenge of Urban Governance." It is with great honor that I rise to pay tribute to our Nation's African American mayors, and to discuss the significance of the event.

In the 23 years since the passage of the Voting Rights Act, African Americans have made significant strides in the political arena. Much of the evidence is in city halls throughout the country. For example, in 1970, there were 48 African American mayors whose combined constituency was 1 million people. Today, there are close to 300 mayors representing 20 million citizens. I am especially pleased that 20 percent of the African American mayors are women.

While their geographic locales and backgrounds may differ, the challenges faced by urban mayors bear important similarities. The February 24 conference will provide an excellent opportunity to examine what we have learned and gained from two decades of African American governance at the municipal level. In addition, it will be a forum to discuss how today's problems are being addressed, and what the expectations and prospects are for African American political leadership in the future.

Hon. Kurt Schmoke, mayor of Baltimore City; Hon. Wilson Goode, mayor of Philadelphia; and Hon. Richard Hatcher, former mayor of Gary, IN, will join leading scholars of urban politics for this timely and intellectually stimulating program.

With its impressive Institute for Urban Research, Morgan State University has always been in the forefront of efforts to bring attention to the problems, concerns, and accomplishments of our Nation's cities. I ask my colleagues to join me in commending the university for combining forces with the Joint Center for Political Studies to make the "Black Mayors and the Challenges of Urban Governance" conference possible.

TURKEY AND GREECE ARE TALKING, GIVING HOPE FOR THE FUTURE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FROST. Mr. Speaker, in the wake of the optimistic, long overdue meeting in Switzerland last month of the Prime Ministers of our NATO allies, Turkey and Greece, we read press reports that Turkish Prime Minister Turgut Ozal will go to Athens this spring for an historic meeting with Greek Prime Minister Andreas Papandreou.

The Turkish Government's position that problems between Turkey and Greece are not of an irreconcilable nature, that they can be solved peacefully and equitably through negotiations conducted in good faith, appears now to have struck a responsive chord in Athens. This is good news for both counties and for Western and regional interests generally.

It is gratifying that Prime Minister Papandreou decided to grasp Prime Minister Ozal's extended hand and take advantage of Mr. Ozal's frequently declared willingness to meet with him "anytime, anywhere" to begin the process of improving relations between their two countries. Prime Minister Ozal, since taking office in 1983, has been emphatic in his conviction that cordial and stable relations

between Turkey and Greece were of utmost importance to each and to Western security.

Both leaders deserve our praise for the efforts. But, we can serve them best in their quest for resolution of their differences by confining our involvement to moral support, and leaving them the responsibility to work out their problems. Any partiality of our part, even the appearance of partiality, could bring to a halt the momentum of the two leaders' search for solutions. Partiality is an incentive for intransigence by the apparent beneficiary.

So, let us cheer our allies on in the hope that they will soon resolve their differences.

Mr. Speaker, I insert in the RECORD and editorial from the Christian Science Monitor of February 18, giving a discussion of the issues confronting these two nations.

[From The Christian Science Monitor, Feb. 18, 1988]

WHEN GREEKS AND TURKS TALK

When feuding neighbors agree to talk things over, it's generally a good sign. The dialogue often eases tension and reduces problems.

The recent summit meeting in Davos, Switzerland, between Turkish Prime Minister Turgut Ozal and Greek Prime Minister Andreas Papandreou marked the first face-to-face talks between the two NATO nation's leaders in many decades.

The results were hardly dramatic. Still, by meeting six times in two days, chatting comfortably with each other in English, and setting a new cooperative tone, the leaders made an important beginning. They agreed to meet at least once a year, and Prime Minister Ozal has already amended his travel plans for the next NATO meeting in Brussels to include a stop on his way home in Athens March 5.

Relations between Greece and Turkey have historically been prickly. A major disagreement has evolved over territorial and mineral rights in the Aegean. Numerous Greek islands lie just off Turkey's west coast. If each island has a right to territorial waters, as Greece claims that international law ensures, Turkey becomes virtually landlocked on the west. Turkey insists the situation is exceptional and wants to divide the Aegean.

Turkey has long been ready to talk. Greece, which has more to lose from a change in the status quo, set conditions for talks: removal of Turkish troops from Cyprus and graphic signs that Turkey is moving toward full democracy. But such criteria were dropped after a heated dispute last March over oil drilling rights almost led to war the two leaders began an exchange of letters which led to the Swiss summit. Mr. Papandreou had added reason to seek a rapprochement. He is running for a third term in June 1989 and wants to be viewed as a man of peace; he also gains new leverage from Turkey's desire to become a member of the European Community.

The leaders set their summit sights on modest accomplishment: They set up a joint economic council to promote trade and tourism, agreed to install a direct telephone "hot line," and vowed that last year's close brush with war must never be repeated.

The Aegean issue, which Greece wants to submit to the World Court, was left largely untouched. So was the dispute over the future of Cyprus, where the Greek majority and Turkish minority live behind sharp dividing lines. Greece wants Turkey's 30,000 occupying troops on the northern side of the island out before the two communities negotiate their future under United Nations auspices. Turkey, which sent its troops in during a 1974 Greek-backed coup attempt, wants an agreement before removing its troops.

Turkey and Greece thus still have much to resolve. But the fact that their leaders are now talking, pledging themslves to a goal of "lasting peaceful relations," can only be seen as a step in the right direction.

CONGRESSMAN DALE E. KILDEE PAYS TRIBUTE TO DR. CLARENCE B. KIMBROUGH, M.D.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. KILDEE. Mr. Speaker, I rise to pay tribute to an extraordinary man of exemplary accomplishments who has given so much of himself to my hometown of Flint, MI—Dr. Clarence B. Kimbrough, M.D. On February 24, the Flint branch of the U.S. Postal Service will host a luncheon to honor this fine man for his many years of leadership and service.

Dr. Kimbrough has been a leader and a pioneer throughout his life, beginning with his college education at Tennessee A&I State University where, as president of the student council, the National Honor Society, and the Alpha Phi Alpha Fraternity, he graduated with the highest honors. He received his medical doctor degree from Meharry Medical College where he graduated with high honors and was elected to the Kappa Pi National Medical Honorary Society.

Dr. Kimbrough continued his pioneering ways while receiving his hospital training at Hurley Medical Center and McLaren General Hospital. He was one of the first black physicians to serve on the house staff at Hurley Medical Center. He was also the first black physician on the house staff at McLaren General Hospital. Dr. Kimbrough has been director of the department of general practice, vice chief of staff and a member of the executive committee at Hurley Medical Center. He has also been an associate professor of community medicine at Michigan State University. Dr. Kimbrough has become an emeritus member of the staff of Hurley Medical Center, St. Joseph and McLaren General Hospitals.

Dr. Kimbrough has been a leader with numerous community organizations such as Mott Children's Health Center, Flint College and Cultural Center, National Association for the Advancement of Colored People, Urban League, Flint Institute of Arts, Flint Institute of Music, Hundred Club, Kiwanis Club and Alpha Phi Alpha Fraternity. He has also received numerous awards for his community involvement, such as the Martin Luther King Drummer Boy Award from the NAACP and the Liberty Bell Award for Community Service from the Genesee County Bar Association.

Dr. Kimbrough was also chairman of the board for the first black-owned radio station in Flint, which was only the second black-owned radio station in the State of Michigan.

Mr. Speaker, in this month of February, as we celebrate Black History Month, it is fitting and proper to honor one of Flint's most prominent black citizens of Flint through his tireless efforts to make Flint a great city.

NATIONAL 1988 BIG BROTHERS/BIG SISTERS APPRECIATION WEEK JACK THOMPSON—BIG BROTHER OF THE YEAR

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FAUNTROY. Mr. Speaker, on February 21–27, 1988, Big Brothers/Big Sisters of America [BB/BSA], and Big Brothers of the National Capital Area [BBNCA], will be celebrating its National Big Brothers/Big Sisters Appreciation Week. This year marks the 85th anniversary of the Big Brothers/Big Sisters of America Movement. Big Brothers of the National Capital Area, an affiliate of BB/BSA, takes great pride in commemorating this week by paying special tribute to the many volunteers and contributors who have helped hundreds of children in Washington, DC, Maryland, and Virginia.

As you know, BBNCA is a nonprofit social agency serving the needs of fatherless boys by matching them, one-to-one, with a positive adult male volunteer who provides friendship, companionship and guidance. BBNCA has been serving the community for over 38 years and has grown into a multibranched organization serving boys in the District of Columbia, Northern Virginia jurisdictions and Prince Georges and Montgomery Counties.

"Big Brothers Appreciation Week" is celebrated annually throughout the United States. Nationally, there are more than 460 Big Brothers/Big Sisters affiliated agencies in 49 States. Locally, BBNCA provides services through more than 1,400 volunteers.

I join with a grateful city in recognizing the Big Brothers/Big Sisters of America Movement, National Appreciation Week, BBNCA's Big Brother of the year Jack Thompson and BBNCA's many years of service to fatherless boys in the metropolitan area. Today because of Big Brothers/Big Sisters there are future teachers, doctors, lawyers, leaders and solid citizens who might never have been if Jack Thompson, and others like him, had not so generously given of their time and talent.

We are indebted to Big Brothers/Big Sisters and the caring hearts that nurture our young and challenge us to continued diligence.

RECOGNITION FOR ROBERT PICCININI

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to recognize Robert Piccinini who will be honored with the Anti-Defamation League's Torch of Liberty Award on March 22. This award is given annually to an individual who has personified the noblest traditions of the United States and the Anti-Defamation

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League, and who has upheld those principles which make our Nation strong. As an active and highly respected member of the Modesto and Central Valley communities, Bob Piccinini clearly fits that definition.

Bob prefers to make his charitable donations anonymously, so it is difficult to enumerate his many contributions to the Modesto community. However, those who know him agree that he is a caring individual who consistently gives back to the community more than he receives. Bob's most notably philanthropic activities—and the few that he will actually acknowledge publicly—have been through his business. He has used to distribute the resources of his business, Save Mart Supermarkets, to distribute food to the less fortunate. Whether through an ongoing surplus giveaway program or through holiday food baskets, Bob's generosity can always be counted on.

Bob Piccinini is president of Save Mart Supermarkets, which was started by his father and uncle in 1952. Bob joined the family business as a courtesy clerk, and worked his way through the various levels of management: store manager, warehouse manager, and manager/developer of all Save Mart real estate. After he was named president in 1980, Bob initiated a massive expansion plan. By 1984, his leadership yielded the biggest growth in the firm's history. If his record thus far is any indicator, he will certainly achieve his goal of expanding Save Mart into the largest and best regional grocery store chain in northern California.

In addition to Save Mart, his business endeavors include Yosemite Express Co., better known as SMART Refrigerated Transport, and Sunnyside Farms Dairy of which he is founding partner and member of the executive committee. Bob is currently director of the Pacific Valley National Bank, officer/director of the California Grocer's Association, director of Pacific Rim Corp., and a partner in La Loma Properties.

Although business and family commitments do not leave him much spare time, Bob has managed to pursue his hobbies. Bob is an avid golfer and automobile collector. His collection includes Mercedes, Porches, a Jaguar, and even an extremely rare 1931 LaSalle Roadster.

Bob has also been involved in a variety of baseball organizations. He was the owner of the Sacramento Solons, Modesto A's, and the Fresno Giants. He served on the board of directors for the Pacific Coast Baseball League and the California Baseball League.

Again, I would like to congratulate Bob Piccinini for being selected for this prestigious award. His energy, leadership, and community service are truly commendable.

BLACK HISTORY MONTH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FASCELL. Mr. Speaker, I would like to join our colleagues in commemorating Black History Month. The month of February is a month of recognition for contributions to the greatness and development of American society, by black Americans. Throughout this month, Americans of all races, colors, and creeds look at their society and remember the accomplishments of black Americans and honor those who may not have been individually recognized for their invaluable contributions.

History is perhaps our best means of education and, by looking back over the past, we gain knowledge from the experiences of others. Future generations will not forget the triumphs of black Americans by recounting events of black history during Black History Month. A milestone in the life of black Americans was the establishment of the National Association for the Advancement of Colored People, founded by W.E.B. DuBois in 1909, to help blacks eliminate racial problems facing them. In the latter half of this century, courageous Rosa Parks took a stand in 1954, for what she felt was injustice; her actions initiated what later became the civil rights movement. People, events, and dates like these are what Black History Month is all about—remembering—so not to forget how our great society developed; remembering those Americans who contributed to the richness of this society.

Without the contributions of the American black community, our society could not have become the great society it is. Each February, we call special attention to the history of black Americans, and how they have enriched our world. Today, their active involvement in American society goes beyond equality; it strives and reaches for new heights in the daily challenges of national problems.

TRIBUTE TO BRIG. GEN. JOHN F. PHILLIPS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. WILSON. Mr. Speaker, on December 15, 1987, the promotion of three outstanding members of the Air Force team to brigadier general was announced. I would like to take this opportunity to recognize and congratulate one of those men, John F. Phillips.

General Phillips is a fellow east Texan, born and raised not too far from my home town. He has had a distinguished career in the Air Force—one that I hope will continue for many years. The entire country can be proud of this man for his service to the United States, but I am sure that this pride and respect is immeasurable among his friends, neighbors, and family back in Anderson County, TX.

Gaining the rank of brigadier general requires many years of hard work, dedication to duty, and exemplary qualities of leadership and character. It is not a prize won easily, it must be earned. It is an honor to know that this Air Force "top gun" is from my district. I am confident that as long as General Phillips and other good men and women like him are in the military, we can feel more secure in a strong future for our country.

SPANISH HERITAGE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. RICHARDSON. Mr. Speaker, I want to bring to the attention of my colleagues the insightful observations of New Mexico's leading Hispanic historian, Edmundo Delgado, in regard to former Secretary of the Interior Stewart Udall's recent book, "To the Inland Empire". Mr. Delgado is a historian of great renown and his comments on the book are both timely and important as Americans begin to recognize the tremendous contributions of Hispanics to the culture and history of the United States. I want to personally commend Mr. Delgado for his foresight in further highlighting these contributions. He is to be complimented for his scholarship and dedication in making all Americans more aware of the rich heritage of the Hispanic culture.

The article follows:

FINALLY, THE TRUTH ABOUT SPANISH HERITAGE: UDALL'S "TO THE INLAND EMPIRE" DECRIES IGNORANCE OF SOUTHWESTERN HISTORY

(By Edmundo Delgado)

Those who have registered the history of Hispanics have been guilty of a deception worse than direct misstatements. Guilty as well are those Hispanics who have failed to respond to these injustices.

The history of the Americas, particularly of the Southwestern United States, generally has been written by individuals who perpetuated the "Black Legend" designed by the Reverend Richard Hakluyt, a 16th-century English geographer who instituted the anti-Spanish campaign from which the world is still reeling.

For those of Spanish heritage, it is providential that just as we near 1992, the most important date in modern Hispanic history, a respected former Secretary of the Interior has written a courageous book which proclaims that the evidence is indisputable that Spanish, not "European," explorations were predominant in the West in the 50-year period that followed the landfall of Columbus.

No historian can afford to ignore "To the Inland Empire," by Stewart Udall, with spectacular photography by Jerry Jacka, published by Doubleday and Company.

The reader is taken across a time portal of history as the author points out the coming together of the Mormons and the Spanish. Udall, himself a Mormon, cries out against the prejudice that made Mormons outcasts and caused the Spaniards to be despised by newcomers because of their blood and religion.

The book is marked with prickly words, which chastise the New England historians who completed the burial of the Spanish heritage with what the author calls "The Yankee Tilt."

Any child who has studied grade school history is familiar with such names as Bancroft, Hildreth, Motley, Parkman, Palfrey and Sparks, who dominated our historical writing in the 19th century.

Udall calls attention to the first English-speaking historian who dared to ignore the "Black Legend" nonsense, W.H. Prescott, who saw the positive accomplishments of the early Spanish settlers.

It is enlightening to read a book wherein an author praises the true American "for having lived face-to-face for over two centuries with the same power that overwhelmed native cultures in Mexico and Latin America." Udall says that in spite of all adversity the American Indians have "maintained the core of their way of life against the inordinate pressures of a dynamic U.S. civilization."

Many authors have written about Francisco Vasquez de Coronado (they even changed his surname from Vasquez to Coronado) and his quest for Quivira, but few have told that by 1540 the Spaniards were following an Indian trail from the Pecos Pueblo to Quivira, which would become the most famous trade path in the West, the Santa Fe Trail.

The author answers penetrating questions, including the fact that some attempted to hide the acknowledgements and contributions made in one of the most important periods of American history, the history of the people with Spanish surnames.

Udall states how this distorted history "resulted in histories that glorified English accomplishments, ignored Spain's climatic epoch and spawned English fables that obliterated Spanish facts."

He points to the concept of a "European experience" that was accepted as truth; for example, English writers who depicted Francis Drake as a contemporary of the Spanish mariners Magellan and Cabrillo apparently did not know Magellan and Cabrillo were dead before Drake was born.

One cannot miss Udall's answer to the early propagandists who claimed that the Spaniards were inherently inhuman. Nor can the reader ignore the fact that only one cultural group forcibly marched our native Americans on to the reservation.

Pineda, Ponce de Leon, Cabeza de Vaca, Esteban, Cabrillo, Melchor Diaz, Vasquez de Coronado, De Soto—they left their footprints on our American soil. When Francisco Vasquez de Coronado set out from Compostela, it was exactly 192 years before George Washington was born.

Udall suggests that the "Mayflower folk move over and allow the authenic first families of our 16th century to share their symbolic front-row pew at our national processionals."

Yes, Mr. Secretary Udall . . . the lion lives!

A TRIBUTE TO CHUCK HAYTAIAN

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. COURTER. Mr. Speaker, I rise today to share special tribute to Chuck Haytaian, the majority leader of the New Jersey Assembly. Chuck Haytaian represents the best of two worlds, combining a successful business career with a true devotion to public service. He epitomizes what is best about a dedicated public servant and what is best about New Jersey. Chuck Haytaian is a man for all seasons.

Born in New York City on January 28, 1938, Chuck Haytaian attended public schools in the Bronx and graduated in 1961 from the University of Alabama, with a degree in electrical engineering.

Chuck Haytaian has had extensive and varied experience in the political arena. He has served on the Mansfield Township Economic Committee, and as an executive committee member of the Warren County Republican Committee. A member of the committee that drafted the 1981 Republican State platform, Chuck was elected a Warren County freeholder in 1976, and served as freeholder director in 1977 and 1980. He was first elected to the New Jersey State Assembly in 1981, where he presently holds the position of majority leader.

These activities have not stopped Chuck Haytaian from making outstanding contributions to many worthy causes. In 1981, Chuck Haytaian served as chairman of the United Way campaign for Warren and Northhampton (Pennsylvania) Counties. He has also played a principal role in the fundraising campaigns of the March of Dimes, the Cancer Society, and the Heart Association.

I realize how important leadership in government can be. Chuck Haytaian exemplifies the principles of good government. His leadership has made the New Jersey Assembly a strong body, responsive to the needs of its constituency. That is why I rise today, to pay tribute to one of our Nation's outstanding State legislators, Chuck Haytaian.

GOOD CORPORATE CITIZENSHIP IN PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FUSTER. Mr. Speaker, I rise to point out to my colleagues a remarkable example of good corporate citizenship undertaken by the Puerto Rico Manufacturers Association that shows what private industry can do when it genuinely wants to get involved in the community and its public school system. In particular, I should like to cite Syntex Puerto Rico Inc., which, under the Puerto Rico Manufacturers Association's "Adopt-a-School Program," has converted the Juan de Dios López Elementary School of Humacao, into a model school.

This is a fine example of civic responsibility. Syntex has not only improved the school physically, making a considerable financial investment in the process, but has also made a commitment to work on a continuous basis with the students, teachers, and parents. This public spiritedness is a good example of how industry can help to solve social problems and indicates again that in Puerto Rico there is a renewed climate in which the public and private sectors are working together for the common good.

Because of the success of the Syntex project, the Puerto Rico Manufacturers Association has encouraged its other members to promote the "Adopt-a-School" concept, noting that "The excellence of public education is necessary to maintain Puerto Rico's economic and social development." Our Commonwealth Department of Education cannot bear the entire burden and still maintain the level of excellence in education needed by society at large. Hence, the "Adopt-a-School" concept.

That concept has obviously worked well with Syntex and the Juan de Dios López School. I am sure my colleagues will join me in congratulating the Puerto Rico Manufacturers Association for this commendable effort of good corporate citizenship.

THE CELEBRATION OF WOMEN'S HISTORY MONTH IN YOLO COUNTY, CA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FAZIO. Mr. Speaker, I rise today to recognize a very special celebration taking place during March of this year in Yolo County, CA. In that county, which I am proud to represent, a variety of people and organizations have come together to honor women, as part of National Women's History Month, "Reclaiming the Past, Rewriting the Future." Throughout the month the people of the county will be listening to lectures, joining in group discussions, watching presentations and sharing other experiences to recognize women and the important role they have played in the history of our Nation and Yolo County.

We must recognize that women from every walk of life helped found this great Nation in countless recorded and unrecorded ways. Women have and continue to play critical economic, cultural, and social roles in every sphere of this Nation's life. In Yolo County, alone, there are thousands of women who are leaders in business, education, medicine, government, and many other fields. Women are heading groups such as the chamber of commerce and the farm bureau, among many others. Women are also leading groups and committees which are tackling numerous social issues and community problems. In Yolo County and across the Nation, women are making history. Yet, despite these contributions, the role of American women in history is often overlooked and undervalued.

Let us hope that the month of March becomes a time to recapture some of that history, but we must not stop there. Let this March be the beginning of a new era in which women are recognized for the history they have made, for the strides they are accomplishing and for the dreams they seek to achieve. And let us congratulate the people of Yolo County for recognizing the importance of such a beginning and for organizing an outstanding array of activities to celebrate this very special time—Women's History Month.

A SPECIAL EVENT FOR ANTONIA MARIA FALINA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to offer my congratulations to Mrs. Antonia Maria Falina of Corona, NY, who will celebrate her 100th birthday on March 5, 1988. Mrs.

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Falina immigrated to the United States from her native Italy in 1907.

Mrs. Falina arrived at Ellis Island after a 23-day boat journey from Naples and with her husband, Antonio, settled in the lower east side in New York City. A few years later, the family moved into a house they built in Corona, Queens County, NY. She has resided in that home for over 75 years.

Mrs. Falina has instilled a deep love and respect for America in her 5 children—Filomena Campanielle, Michael Falina, Daniel Falina, Frank Falina, and Christina DiStasi; 8 grandchildren—Janet Campanielle, Ann Theresa Relyea, Antoinette Scisa, Michael Falina, Jr., Margaret Ann Hanna, Carolyn Salamone, Nicholas DiStasi and Anthony DiStasi; 18 great-grandchilden—Ann Marie Fisher, Bernadette Loheac, Elizabeth Lugo, James Relyea, Raymond Relyea, Patrick Relyea, James Scisa, Kathy Scisa, Paul Scisa, John Scisa, Antoinette DiStasi, Gina Marie DiStasi, Thomas DiStasi, Frank Salamone, Anthony Salamone, Andrew Salamone, James Hanna, and Melissa Hanna; 14 great-great-grandchildren—Danielle Breslin, Jaime Breslin, Theresa Lugo, Christofer Lugo, Patrice Lugo, Jessica Lugo, James Lugo, Bryan Fisher, Brendan Fisher, James Scisa, Michael Scisa, Paul Scisa, Victoria Scisa, and Brad Scisa; and 2 grandnephews—James Golia and Joseph Golia.

She is an unwavering source of inspiration to them and people of all ages.

Turning 100 years old is an extraordinary event. I wish Mrs. Falina many more birthdays celebrated in good health with her loving family and friends.

WAIVER FOR 5 PERCENT VA LOAN DOWNPAYMENT REQUIREMENT

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. ANDREWS. Mr. Speaker, I rise in support of the approval of S. 2022, the Veterans' Home Loan Program Emergency Amendments of 1988. This bill will grant an urgently needed waiver authority from the 5-percent downpayment requirement for vendee loans, which are used for the purchase of foreclosed properties from the Veterans' Administration. This 5-percent requirement became effective January 22, 1988.

This requirement will ruin the VA foreclosure resale market in Houston and other areas throughout the country that have depressed economies. Houston has tens of thousands of homes on the foreclosure market. The intense competition has driven down payment requirements to 3 percent and frequently no down payment.

VA vendee loans will not be competitive. A decline in resales has already started to add more properties to a backlog of over 8,000 properties. The result is that the Federal Government will have to bear millions of dollars in holding costs until local markets improve, which could be months or years from now.

Home buyers, real estate agents, and the communities will also be hurt. VA properties are favored by first time home buyers. Many real estate agents have made VA foreclosure properties their primary business. As the number of unsold foreclosed properties grows in a community, deterioration of these unoccupied homes increases and drags down the value of other homes.

I do not disagree with the intent of the 5-percent requirement. The nationwide foreclosure rate for vendee loans is double to triple the rate for regular VA loans. The drain of these foreclosures on the Federal deficit must be stopped. But a 5-percent requirement in the Houston market at this time does not benefit the buyer, the agent, the community, or the Government.

S. 2022 is a good solution to the varying market conditions in each part of the country. It gives the Veterans' Administration the authority to waive the 5-percent requirement in regions where it is doing more harm than good. I urge the President to sign this bill quickly so that the waiver can be implemented.

A HALF-CENTURY OF VOTING

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. BORSKI. Mr. Speaker, I rise today to congratulate three residents of Northeast Philadelphia who have each voted in over 50 consecutive elections.

One of the great privileges of American life is the opportunity to participate in our democratic process. Unfortunately, fewer and fewer people are taking advantage of that priviliege, and fewer still feel dutybound to vote. It is therefore significant to find one individual—let alone three—who have voted year in and year out for over 50 years.

Edna and James Grant are lifetime residents of Philadelphia. Mrs. Grant first voted in 1937. She has voted in every primary and general election since. In addition, she has been a Democratic committeewoman for the last 6 years.

Edna's husband, James has been voting since 1934. Mr. Grant was a Democratic committeeman for 25 years. Together, Edna and James Grant have been voting for over a century. They cast their first Presidential ballots for Franklin Delano Roosevelt.

Jesse Vanni has compiled an impressive record of citizen participation. Mr. Vanni first voted in 1928, when Alfred Smith ran against Herbert Hoover. He will vote in his 60th election this year, "If," as he says jokingly, "I live long enough." Mr. Vanni has also been a committeeman since 1972.

Mr. Speaker, few in this body knew the candidates which Mr. and Mrs. Grant and Mr. Vanni supported. Most members are familiar with the public officials Edna, James and Jesse cast ballots for only from history books.

I am proud that three residents of my district have been so dedicated to participating in this Nation's democratic process. I am pleased to pay tribute to three patriotic and public-spirited Americans, Edna and James Grant and Jesse Vanni.

FEAST OF SS. CYRIL AND METHODIUS PATRON SAINTS OF THE SLAVS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. LIPINSKI. Mr. Speaker, as cochairman of the Democratic National Committee's Council on Ethnic Americans, I am pleased to commemorate February 14 as the feast day of Cyril and Methodius, the patron saints of the Slavic people.

These brothers were outstanding scholars and linguists. They are credited with creating the Cyrillic alphabet, upon which the modern Ukrainian, Russian, Bulgarian, and Serbian alphabets are based. Their purpose in creating a written version of the Slav's language was to facilitate Slavic Christianization. More than 1,000 years ago, Cyril and Methodius set out upon this task, translating the Holy Scripture into Old Church Slavonic, rather than into the customary Latin.

Mr. Speaker, it is indeed sad that today in most of the countries to which these brothers brought Christianity, their feast day cannot be celebrated. The oppression that prevails in these Eastern European nations prevents Christians from freely worshiping and practicing their faith.

It is fitting that we in this Congress show our support for all persons in oppressed lands. To that end, Senator DECONCINI and I introduced House Joint Resolution 429, deploring the Soviet Government's active persecution of religious believers. I urge all of my colleagues to join us in support of this bill.

SAFETY RECORD OF ILLINOIS-AMERICAN WATER CO., PEORIA DISTRICT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. MICHEL. Mr. Speaker, I'd like to advise my fellow colleagues of a safety milestone reached by the Peoria District of the Illinois-American Water Co. In January of this year, the company completed 2 million man-hours without a lost time accident, a remarkable safety record for a plant in an industry noted for its dangerous work. The average disabling frequency rate for the water utility industry is approximately 34 accidents per million man-hours, with an average of 912 lost time days per million hours worked.

It has taken the plant about 8 years to reach this safety goal, an accomplishment which owes much to the dedication and commitment to the safety management systems employed by the company and its employees. They have set an example to business and industry throughout the State and should, indeed, be commended for their safety efforts and for achieving this important milestone. My sincere congratulations and best wishes to them as they begin their ninth accident-free year.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 23, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 24

9:00 a.m.
Armed Services
To continue hearings on the Intermediate-range Nuclear Forces (INF) treaty.
SR-222

Rules and Administration
Business meeting, to consider S. Res. 41, to provide for germaneness or relevancy of floor amendments, S. Res. 42, to limit legislative amendments to general appropriations bills, S. Res. 43, to establish a procedure in order to overturn the Chair on questions of germaneness under cloture, S. Res. 274, to limit sense of the Senate or Congress amendments, S. Res. 277, to require that amendments must be offered to a bill, resolution or other measure in the order of the sections of that bill, resolution, or other measure, and other pending legislative and administrative business.
SR-301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.
SR-325

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
To hold hearings on the President's proposed budget of the United States Government for fiscal year 1989.
SD-192

Banking, Housing, and Urban Affairs
To hold hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

Foreign Relations
To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Governmental Affairs
To continue hearings on H.R. 3400, to provide for participation of Federal employees in political activities.
SD-342

2:00 p.m.
Armed Services
To resume hearings on strategy and capabilities for NATO defense, including the implications for the Alliance of the Intermediate-range Nuclear Forces (INF) treaty.
SR-222

Small Business
To hold hearings on S. 1929, to create a corporation for small business investment.
SR-428A

FEBRUARY 25

9:00 a.m.
Armed Services
To hold hearings on resource policies for NATO force improvements.
SR-222

Rules and Administration
To hold hearings on S. Res. 260, to amend the Standing Rules of the Senate to revise current committee structure and designations, and S. 1835, to establish a procedure for consideration of conference reports on a bill or joint resolution making continuing appropriations for a period of 30 days or more.
SR-301

Select on Indian Affairs
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on Indian programs.
SR-485

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending Calendar business.
SD-366

Judiciary
To hold hearings on the nomination of Bernard H. Siegan, of California, to be United States Circuit Judge for the Ninth Circuit.
SD-226

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Pennsylvania Avenue Development Corporation, National Capital Planning Commission, and the Holocaust Memorial Council.
SD-192

Banking, Housing, and Urban Affairs
To continue hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

Commerce, Science, and Transportation
To hold hearings to review developments in drug and alcohol testing.
SR-253

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 1979, to establish the Grays Harbor National Wildlife Refuge in the State of Washington.
SD-406

Finance
To hold hearings on the nomination of Mark Sullivan, of Maryland, to be General Counsel for the Department of the Treasury.
SD-215

Foreign Relations
To continue closed hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
S-116, Capital

2:00 p.m.
Armed Services
To hold hearings on compliance with, and enforcement of, the Intermediate-range Nuclear Forces (INF) treaty.
SR-222

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on speed limit issues.
SD-406

Small Business
To resume hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.
SR-428A

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

2:15 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Transportation.
SD-124

3:00 p.m.
Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings on the nomination of Eugene J. McAllister, of Virginia, to be Assistant Secretary of State for Economic and Business Affairs.
SD-419

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FEBRUARY 26

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Customs Service.
SD-116

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

10:00 a.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on the use of the Interstate Highway System right-of-way for magnetic levitation high speed transportation systems.
SD-406

Governmental Affairs
To hold hearings on the nominations of Frank E. Schwelb, to be an Associate Judge of the District of Columbia Court of Appeals, and Cheryl M. Long, to be an Associate Judge of the Superior Court of the District of Columbia.
SD-342

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1482 (Sec. 614), S. 1512, and S. 1515, bills to make certain improvements with respect to the Federal Judiciary.
SD-226

FEBRUARY 29

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Federal Highway Administration.
SD-406

Judiciary
To hold hearings on pending nominations.
SD-226

2:00 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1014, to increase civil monetary penalties based on the effect of inflation.
SD-342

MARCH 1

9:30 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Energy and Natural Resources
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Department of the Interior.
SD-366

Governmental Affairs
To hold hearings on proposals to establish a national nutrition monitoring and related research program.
SD-342

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings to review competitive issues in the cable television industry.
SD-226

Small Business
Innovation, Technology and Productivity Subcommittee
To hold hearings to examine the use of advanced manufacturing technologies by small business.
SD-428A

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, and the Extension Services.
SD-138

2:00 p.m.
Energy and Natural Resources
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Department of Energy.
SD-366

Select on Intelligence
To resume hearings on S. 1818, to make requirements for the preparation, and transmittal to the Congress, of Presidential findings for certain intelligence operations, to provide mandatory penalties for deceiving Congress, and to establish an Independent Inspector General for the Central Intelligence Agency.
SD-562

MARCH 2

9:30 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1989 for the National Aeronautics and Space Administration.
SD-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.
SD-406

Judiciary
Constitution Subcommittee
To hold oversight hearings to review bail reform issues.
SD-226

Select on Intelligence
To resume closed hearings on U.S. monitoring and verification capabilities with respect to the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles.
SH-219

2:00 p.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.
SD-406

Small Business
To hold hearings on proposed legislation to govern administration of the small business timber sale set-aside program.
SR-428A

MARCH 3

9:30 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Energy and Natural Resources
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Forest Service, and the Federal Energy Regulatory Commission.
SD-366

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume hearings on S. 1301 and S. 1971, bills to implement the Berne Convention for the Protection of Literary and Artistic Works.
SD-226

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection Service, and the Agricultural Marketing Service.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Highway Administration, and the National Highway Traffic Safety Administration.
SD-124

Commerce, Science, and Transportation
To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.
SR-253

1:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Election Commission, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.
SD-116

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands, and H.R. 2652, to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.
SD-366

Select on Indian Affairs
Business meeting, to mark up S. 721, to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian owned business enterprises and to stimulate the development of the private sector of Indian tribal economies, S. 1236, to authorize funds for fiscal year 1988 for housing relocation under the Navajo-Hopi Relocation Program, and S. 802, to transfer ownership of certain lands held in trust for the Blackfeet Tribe.
SD-628

MARCH 4

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans' programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

10:00 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1608, to amend the Federal judicial code with respect to the administration of the U.S. Claims Court, and the salaries and benefits of Claims Court judges.
SD-226

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 14

10:00 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service code penalties.
SD-215

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1991-1993 for the Corporation for Public Broadcasting.
SR-253

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Army.
SD-192

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to review Federal enforcement of foreign fishing activities in the Bering Sea.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

MARCH 17

9:30 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for Amtrak.
SR-253

Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans' programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Air Force.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Transportation Safety Board, and the Research and Special Programs Administration.
SD-124

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1508, S. 1570 and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.
SD-366

2:30 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

MARCH 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.
SD-116

MARCH 21

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.
SD-116

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for military construction, focusing on base rights and burdensharing.
SD-192

MARCH 22

9:30 a.m.
Governmental Affairs
To resume hearings on proposals to establish a national nutrition monitoring and related research program.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the De-

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partment of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Navy, and the U.S. Marine Corps.
SD-192

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SD-342

MARCH 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review federal collection activities of information relating to foreign investment in the United States.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.
SD-138

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Guard and reserve programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (Amtrak).
SD-124

MARCH 25

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Archives and Records Administration, U.S. Secret Service, Administrative Conference of the United States, and the U.S. Postal Service.
SD-116

MARCH 28

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Management and Budget (OMB), and the Office of Federal Procurement Policy.
SD-116

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

MARCH 29

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for force structure programs.
SD-192

MARCH 30

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.
SD-138

Appropriations
Military Construction Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for military construction and family housing programs.
SD-192

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 314, to require certain telephones to be hearing aid compatible.
SR-253

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Strategic Defense Initiative.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Aviation Administration, and the General Accounting Office.
SD-138

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

APRIL 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for reserve components' military construction and defense agencies' military construction and family housing programs.
SD-116

APRIL 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Urban Mass Transit Administration, and the Washington Metropolitan Transit Authority.
SD-124

APRIL 15

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the General Services Administration and the Executive Office of the President (with the exception of OMB).
SD-116

APRIL 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury.
SD-116

APRIL 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

APRIL 20

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Army military construction and family housing programs.
SD-124

APRIL 21

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Transportation, and the General Accounting Office.
SD-124

APRIL 26

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 27

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Navy military construction and family housing programs.
SD-124

APRIL 28

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Coast Guard.
SD-124

APRIL 29

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Personnel Management.
SD-192

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10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.
SD-124

CANCELLATIONS

FEBRUARY 24

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on a proposed amendment to the Constitution relating to a Federal balanced budget.
SD-226

2:00 p.m.
Select on Intelligence
To resume closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

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HOUSE OF REPRESENTATIVES—*Tuesday, February 23, 1988*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. Foley].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC,
February 23, 1988.

I hereby designate the Honorable Thomas S. Foley to act as Speaker pro tempore on this day.

Jim Wright,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, for the strength to do the tasks that are before us, aware of our responsibility to use our abilities to ease the hurt of humankind and also aware of Your loving spirit which encourages, directs, and sustains us along life's way. May Your strong hand of grace and peace be upon us and enable us to do the works of justice and of mercy. This we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

APPOINTMENT AS MEMBERS TO THE NATIONAL ECONOMIC COMMISSION

Mr. MICHEL. Mr. Speaker, pursuant to the provisions of section 2101, Public Law 100-203, I have today appointed the following individuals on the part of the House to the National Economic Commission:

From the House of Representatives, Mr. Frenzel, of Minnesota;

And:

Mr. Donald H. Rumsfeld, of Wilmette, IL.

AN INVITATION TO THE ENERGY EFFICIENCY TECHNOLOGY EXHIBIT

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I would like to invite you and other Members to attend the Energy Efficiency Technology Exhibit, displayed this week in the rotunda of the Cannon Office Building. On display are some of the most unique and innovative energy-saving technologies available today, made possible by Department of Energy-sponsored research and development projects. This opportunity for getting hands-on knowledge of energy efficiency technologies, for use in industry and in the home, should not be passed up, especially at a time when energy security is among the top national priorities. Energy conservation, more accurately termed "energy end-use efficiency," is the most cost-effective and fastest growing U.S. energy resource. Energy efficiency improvements over the past decade have reduced America's energy bills an estimated $100 to $150 billion. I urge my colleagues to stop in and view these exhibits, ask a lot of questions, and attend the reception tonight at 6 in 210 Cannon.

CONGRATULATIONS TO BILLY BLOSE OF SAPULPA, OK

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, 9 years ago a baby boy was born to a family in Sapulpa, OK, in my congressional district. Three months later doctors told the parents that their little boy, named Billy, had a serious heart ailment. He needed a pacemaker immediately, the doctors said, but even with the device Billy could not be expected to live beyond the age of 5.

For Billy's sake, and as it turns out for his father's sake, it's fortunate the doctors were wrong about Billy's life expectancy. Last month, 9-year-old Billy Blose, with a pacemaker still regulating his weak heart, rescued his father from a terrible accident.

Billy is a small boy without much physical strength. But his will is strong and his mind is quick. Billy had the presence of mind to disengage the gears of a truck that had pinned his father to a concrete wall near their home. Little Billy saved his daddy.

For his young act of heroism, for his clearness of thinking in a time of tragedy, and for his strength and desire to beat the medical odds, I extend my admiration and praise to Billy Blose.

Mr. Speaker, this young man represents the very best of human nature—the fortitude of spirit, the strength of character—that we should all strive to replicate in our own lives.

Thank you, Billy Blose, for giving us a model of inner strength and outward courage.

RIGHT ON, MR. CARLUCCI

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Secretary of the Navy has resigned. He is mad at Frank Carlucci, the new Secretary of Defense, because he is making cuts at the Pentagon. Thank God.

Let us take a look at the last 7 years. We have an MX missile that cost $21 billion and it cannot fly straight; a B-1 bomber that was shot down by a pelican; $5,000 toilet seats; $700 coffee pots; tanks that hit everything except their targets.

Now I will concede one point. Mr. Webb, it is true we cannot defend America with the Neighborhood Crime Watch, but we must admit that we do not need a nuclear missile for every barroom brawl either.

I say "Right on, Mr. Carlucci; your pragmatic program at the Pentagon will make America safer and stronger."

Good luck, Mr. Secretary, and I hope the President is watching.

And finally, now, maybe we might even get some spare parts for our military.

SUPERCOMPUTER SYSTEMS, INC., CHOOSE EAU CLAIRE, WI

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUNDERSON. Mr. Speaker, the Third Congressional District of Wisconsin is known traditionally as the home of the largest dairy production district in the country, the major boundary of the Mississippi River and a district that is premised on higher education with universities and technical colleges.

Today it is my privilege to share with you the announcement made yesterday by Steve Chen, and Supercomputer Systems, Inc., of their decision to locate their effort to develop the Nation's supercomputer in Eau Claire, WI, within the Third Congressional District and to make us the home of high technology supercomputer industries for all of the United States. Supercomputer Systems, Inc., is engaged in the research, development, production, marketing, and support of the advanced computing systems essential to our national interests.

In essence, what they are trying to do is to develop the first of an entirely new generation of supercomputers. With 64 separate high-powered processors, collectively, these processors could crunch numbers at least 100 times faster than anything that is in use today.

On behalf of all of western Wisconsin, we want to welcome Steve Chen and Supercomputer Systems, Inc., to Eau Claire and staying in our district, and I would like to insert the press release of their decision to stay in western Wisconsin in the Congressional Record at this time.

The document referred to is as follows:

Supercomputer Systems, Inc., Chooses Site

Supercomputer Systems, Inc. announced today the selection of Eau Claire, Wisconsin as the site of its research, development, and manufacturing operations.

"This was a difficult decision because both the Illinois and Wisconsin proposals are excellent and provide the financial assistance we may need," said Steve Chen, President and CEO of SSI. "Our project schedule was the deciding factor. By staying in our existing facility in Eau Claire, we are best able to meet our project goals without disruption during the critical research and development stage."

All SSI members are very grateful for the excellent support provided by Governor James R. Thompson of Illinois, his staff, the University of Illinois, and the cities of Champaign and Urbana. In the future, SSI will pursue a strong relationship in that area, which is a leading center for supercomputing research, application technology, and advanced engineering and science education.

SSI deeply appreciates the warm support of the people of Eau Claire and the outstanding efforts of city officials and leaders from the community and university. We also wish to acknowledge the personal efforts made on our behalf by Governor Tommy G. Thompson, his staff, and our senators and representatives. Dr. Chen said, "This is an unprecedented, unified effort involving the community, state, university, and industry. It establishes a new model of entrepreneurial 'partnership' for pursuing emerging technologies with shared resources and vision. SSI will apply these precious resources efficiency and achieve its product development goal at the earliest possible time. Our success will result in economic benefits that will be shared by all 'partners' at the local, state, and national levels."

Supercomputer Systems, Inc. is engaged in the research, development, production, marketing, and support of the advanced computing systems essential to the national interest.

AUBURN UNIVERSITY FISHERIES DEPARTMENT RECOGNIZED

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, it is my pleasure to come before this body today to announce that the fisheries program at Auburn University. Alabama's largest State university which is located in the Third Congressional District, has been rated as the best warm water aquaculture and fresh water fisheries management program in North America.

Auburn received this recognition from the School of Fisheries at the University of Washington which surveyed 22 institutions that have fisheries teaching programs. The ratings were based on various criteria including publication record of students and faculty, faculty diversity, and background of students from individual schools.

Graduates of the Auburn fisheries program are making significant contributions all over the world. They have played a major role in expanding the aquaculture industry in the United States and they are also helping to improve the quality of life for people in many of the world's developing nations.

Mr. Speaker, I would like to take this opportunity to recognize Dr. E. Wayne Shell, head of the Department of Fisheries and Allied Aquaculture at Auburn, and his very dedicated staff for all the contributions they have made in the field of fisheries management.

I would also like to submit for the Record an article from a recent edition of the Auburn Report, the university's official faculty and staff publication, which further details the recent recognition bestowed upon Auburn University's Department of Fisheries.

Fisheries Program Voted Tops

AU's fisheries program, which emphasizes warm water aquaculture and fresh water fisheries management, has been rated the best of its kind in North America, according to a survey completed recently by the School of Fisheries at the University of Washington.

Washington's program was judged best overall. That program has more than 55 Ph. D. holders on its teaching and research faculty and emphasizes marine fisheries management and cold water aquaculture.

W. Wayne Shell, head of the Department of Fisheries and Allied Aquaculture, said Auburn officials are pleased with the survey and recognition by others in the field, but that he places more emphasis on results generated by his department.

"High rankings are great," he said. "But we are much more pleased that our graduates are making significant contributions literally all over the world, that our research has played a major part in the development of the rapidly expanding aquaculture industry in the U.S. and that our technology transfer program has provided some opportunities for an improved quality of life for people in many of the world's developing countries."

Washington fisheries officials questioned representatives of the 22 institutions listed in Peterson's Guide as having fisheries teaching programs. Responses were based on criteria including publication record of students and faculty, faculty diversity, and background of students from individual schools.

Other institutions receiving high marks include Virginia Tech, Texas A&M, Cornell, LSU, Michigan State, Mississippi State, and Oregon State.

ILLEGAL FISHING PRACTICES COST AMERICAN COMMERCIAL FISHERS MILLIONS OF DOLLARS IN LOST SALES

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Mr. Speaker, in January, the Alaska Factory Trawlers Association provided conclusive evidence of extensive illegal foreign fishing in the North Pacific. These illegal practices are costing American commercial fishers millions of dollars in lost sales and call into question our ability to prevent the theft of one our most important natural resources.

My colleagues from Washington State and Alaska have been trying to figure out how to stop this thievery—how to stop foreign factory ships from slipping into our fishing grounds under cover of darkness. We have considered establishing complicated check point systems. We have considered stepping up Coast Guard surveillance and patrol flights.

But Mr. Speaker, a check point system in the vast waters of the North Pacific would invariably spring leaks. And the Coast Guard already has a full plate and a tight budget. We need a system that works and one that works now.

We do not need new legislation. The best solution already exists. The laws are in place. We now have the right to require transponders—electronic tracking devices—on vessels fishing the North Pacific from nations with which we have governing international fishing agreements [GIFA's]. All nations, including Japan, now fishing in our waters have signed GIFA's containing this provision.

The transponders can be coded so we can track by satellite each individual foreign fishing, fish processing and fish tender vessel. The Coast Guard and National Marine Fisheries Service can monitor the entire foreign fishing fleet with existing resources. Enforcement of the Magnuson Act—the Americanization of our fisheries resource—will be more effective and more efficient.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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And Mr. Speaker, placing these devices is not a matter for negotiation. According to text of the GIFA with Japan, the United States can require that "appropriate position-fixing and identification equipment, as determined by the Government of the United States is installed and maintained in working order on each fishing vessel of Japan." This reference is repeated in annex 1 to the GIFA with Japan. Similar language is contained in other GIFA's with nations fishing the North Pacific. Moreover, no new legislative authority is required from Congress as the Magnuson Fisheries Conservation and Management Act in 16 U.S.C. 1821(c)(2)(C) gives the United States authority to require transponders if they are permitted in GIFA's with other nations.

Mr. Speaker, yesterday, I wrote the Secretaries of Commerce, State, and Transportation urging them to act now. The solution to the problem of illegal foreign fishing is self-evident. The laws are in place. We have but to enforce them to stop the widespread theft of our natural resource.

BILL TO EXEMPT DRIVERS OF FARM VEHICLES FROM OBTAINING A COMMERCIAL DRIVER'S LICENSE

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, today I am introducing legislation that will exempt drivers of farm vehicles from having to obtain a commercial driver's license.

My bill will amend the Commercial Motor Vehicle Safety Act to exclude drivers of registered farm vehicles driven less than 15,000 miles a year from commercial license requirements.

The Department of Transportation's plan to require drivers of farm vehicles to get a commercial driver's license would only inconvenience farm families and overburden State testing stations.

The very nature of family farming means that from time-to-time family members are called on to help. To require every farmer's wife, daughter, or son who lends a hand during harvest to get a commercial driver's license is totally unnecessary.

I strongly support the Department's efforts to improve highway safety. However, further regulation of farm vehicles is not the answer.

Instead of taxing our States' limited resources by requiring unnecessary testing and licensing of farmers, we should be using our resources to keep alcohol and drug abusers off our roads.

BALANCED BUDGET AMENDMENT

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, anniversaries celebrate events; 1987, for example, was the 200th anniversary of our Constitution. The Constitution has remained the cornerstone of our democratic foundation since 1787; 1988 is now the 19th anniversary of the last time this country had a balanced Federal budget.

Unlike the festivities that accompanied the celebration of the Constitution, no one seems interested in rejoicing over the 19 years of deficit spending. In fact, many of us in Congress are doing everything we can to keep the balanced budget year of 1969 from being a once in a lifetime event; 1988 is a year when another special event can occur, the passage of a balanced budget amendment.

The last time we enjoyed a Federal budget surplus was under the leadership of a Republican, and may I add a Californian. Californians are currently enjoying a healthy economy. Part of the credit is due to the fact that the State of California is prohibited from running up unlimited debts. In fact, many other States also have a constitutional requirement for a balanced budget. The time is now for the Federal Government to follow the States' lead and adopt a balanced budget amendment. The time is now to stop the deficit from growing.

AIDS FUNDS OF $715 MILLION WILL NOT BE SPENT IN 1989

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, late last week the President submitted his budget proposal for fiscal year 1989. One item which was touted as a large increase in funding was the newly created consolidated account for AIDS. In fact, several days before the budget's release, administration officials leaked news that the AIDS budget would reach nearly $2 billion in fiscal year 1989. Closer scrutiny revealed that almost $700 million of that figure were Medicaid payments which would be paid regardless of administration action on AIDS.

The sad fact is that even the remaining $1.3 million figure is grossly misleading. Budget documents I have reviewed indicate that the administration intends to spend only about 45 percent, or $585 million, in fiscal year 1989, and to carry over the balance of $715 million for later years. This is a far different story than the White House has publicized.

The American people deserve more than a quick-handed shell game from the White House on AIDS.

In past years the Congress has had to take the lead in the fight against AIDS, at least as to funding levels for Government activities. Each year congressional appropriations have been based on the professional judgment budgets from the Public Health Service, and have far exceeded Mr. Reagan's budget requests.

This year, we may have a tougher time adding to the President's AIDS request due to the numbers games being played by the administration's budgeteers. Nevertheless, I am hopeful that we in the Congress will again be able to provide the resources needed to meet the AIDS challenge. The thousands of people with AIDS and those who will be coming down with the terrible illness should not be subjected to additional suffering because of the budgetary callousness of their Government.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TRAFICANT). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

H.R. GROSS POST OFFICE BUILDING

Mr. McCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3689) to designate the U.S. Post Office Building located at 300 Sycamore Street in Waterloo, IA, as the "H.R. Gross Post Office Building."

The Clerk read as follows:

H.R. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building located at 300 Sycamore Street in Waterloo, Iowa, is hereby designated as the "H.R. Gross Post Office Building". Any reference to such building in a law, rule, map, document, record, or other paper of the United States shall be considered to be reference to the "H.R. Gross Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Indiana [Mr. McCLOSKEY] will be recognized for 20 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I many consume.

Mr. Speaker, this bill, H.R. 3689, will honor the late H.R. Gross, Representative of Iowa's Third District from 1949 to 1975. This legislation provides for the designation of the U.S. Post Office at 300 Sycamore Street in Waterloo, IA, as the "H.R. Gross Post Office Building."

I want to commend the efforts of Chairman BILL FORD and Congressman GENE TAYLOR, the ranking minority member of the Post Office and Civil Service Committee, for their thorough attention to this legislation. In addition, I want to commend Representative DAVID NAGLE from the Third District of Iowa for sponsoring this bill to honor H.R. Gross.

During his 26-year tenure, Congressman Gross earned the reputation of being "the watchdog of the Federal Treasury." H.R. Gross never forgot that every dollar spent by the Federal Government comes from the pocket of the American taxpayer. His colleagues and biographers have estimated that the Iowan representative personally prevented millions of dollars from being spent on unnecessary projects. In each of his 13 terms in Congress, H.R. Gross introduced bills to require a balanced budget and provide for the systematic repayment of the Federal debt.

In addition to being a vigilant overseer of the Treasury, H.R. Gross was a master parliamentarian who insisted that Congress live up to its own rules. Although I never had the honor of serving in the same Congress as Representative Gross, I appreciate his dedication to responsible and thrifty Government.

H.R. Gross never held a chairmanship or other leadership position. He realized when he first came to Congress that he was not going to attain any leadership posts or win any popularity contests if he did the things he felt compelled to do. However his perseverance and intelligence made him a definite force in this House for over two decades. H.R. Gross also earned an unusual measure of affection among his colleagues for keeping them on their toes.

In this current era of fighting the Federal deficit, it is fitting to pay tribute to a man who spent his congressional service challenging unnecessary and wasteful Government spending. Mr. Speaker, I urge my colleagues in the House to support passage of H.R. 3689.

Mr. Speaker, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, all of us who knew H.R. Gross, who sat here for so many years right at the end of this table, know of his sincerety to help protect the integrity of this House and, most important, the country. He was Mr. Conservative. He always made sure that the rules of the House were followed, but, most importantly, he was always concerned about how the taxpayer's dollar was spent.

If he were here today, I know he would say, "Oh, I don't really have it coming to me," because he was a very humble person. But he was a person who certainly did serve his country in many capacities, including his service in uniform for his country and the many years he served here in the House of Representatives.

So, Mr. Speaker, it is altogether proper and fitting that we do honor the memory of a great, great American, one who certainly contributed so much to the House of Representatives.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, Representative Gross was a Member of this House when I first came here. Anyone who knew him, even for a short period of time, will never forget him. As the gentleman pointed out, he was here every day, all day long, making sure that things went the way they were supposed to go. He made a lot of people uncomfortable, but he certainly earned his pay and he certainly made important contributions to his country.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I would like to add my comments and appreciation for this legislation, and I would like to share just one of the many, many encounters that H.R. Gross had with many of us as Members. Mine was a very opportune and favorable one that occurred during a suspension period. The chairman of the subcommittee was called from the Chamber, and he left me here as a very young first termer.

I knew very little of procedure and less of the legislation, and when I moved to suspend the rules, H.R. Gross stood up and started questioning me. So to the first question, I replied , "I don't know." To the second question, I replied, "I don't know." To the third question I replied, "I don't know."

Then he said, "Well, I withdraw my reservation. I appreciate your honesty."

So that is how we passed the bill. From then on we became very good and dear friends.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, anyone who knew H.R. Gross certainly loved him. I know he caused many of us extended hours here, but he always did his homework. He read every bill, every letter of the bill. That is one thing many Members do not do. But H.R. Gross always read thoroughly every bill that ever came to the floor, and he would often bring up questions, and with a little chuckle he would look over and smile a little bit. He would give us a rough time sometimes here on the floor, as the gentleman has said. He always had a smile, and he was friendly about it. He was not vengeful at any time. He was really an outstanding fellow.

If you did not know H.R. Gross and just knew of him, you might not understand him. I know people back home often would tell me, "That guy H.R. Gross, doesn't he cause you lots of problems?"

Well, sure he did, but he kept us honest and he kept this House honest.

I just think this is a very, very important way, but a small way, to remember one of the outstanding Members who has ever served in this House of Representatives.

So, Mr. Speaker, I certainly offer no objection, and I hope everyone who did not know H.R. Gross will take the word of those of us who did. It is certainly altogether fitting that we do this.

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Indiana [Mr. MYERS] for his very appropriate comments about the H.R. Gross Post Office. I did not know the gentleman for whom the post office is being named, but I know that his reputation was such that he was called the conscience of Congress, and I know that at budget time he took the budget book every year with a measure, a ruler, and measured the growth of the budget that way. So I think it is very appropriate that he should have the recognition afforded by this particular piece of legislation in this naming process.

Mr. McCLOSKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. NAGLE], the sponsor of the bill.

Mr. NAGLE. Mr. Speaker, I thank the committee for making this legislation possible.

I am the successor in interest to H.R. Gross, who served from the Third Congressional District of Iowa from 1948 to 1974. Many people do not realize that Mr. Gross had a distinguished career as a journalist prior to coming to this body. He also served in

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the First World War and took part in two of the major battles in France.

H.R. Gross was in politics because he was like all of us: he wished to be liked and he wished to be respected. He wanted the approval of his public and of his peers. That is a characteristic that is consistent with all of us within this body.

What is most remarkable about H.R. Gross, when he came here in 1948, he challenged the conventional wisdom that to get along you had to go along. He stood and questioned very early in his career the procedures on the floor of the House of Representatives, and from that day forward he seemed to have cast himself in a role different from any who had served before him or any who has come since him. He had an ability to stand here and make sure the House followed not only the rules but the best interests, in his judgment, and the best intentions of the country. It is easy to stand and be popular, and it is easy to follow the admonition that to get along you have to go along.

Today we can reflect on his career and reflect on the distinction with which he served and on how much he is respected. But in those dark days, from 1948 to 1970, he was challenged and questioned and condemned and swore at privately under the Members' breath for his conduct of questioning everything that came here. He even voted against the dedication of the eternal flame for President Kennedy after his assassination. Members then did not praise him, but by the time he was done, in the course of his service, through the courage of being able to stand against prevailing winds, when he retired, Members from both sides of the aisle recognized him then, as we do today.

I am of the opposite political party, but I have no hesitancy in recognizing the courage and the capacity of one man from Iowa who on many occasions stood on the floor of this House and saved the U.S. taxpayers literally millions and sometimes billions of dollars with his questioning. We shall not see the likes of him again soon in this House. We need someone like him, and we miss him.

Mr. Speaker, we mourn his passing, and I urge the passage of this bill naming the post office at Waterloo for Mr. Gross. This bill comes from the committee on which he served as ranking member, and it is an appropriate tribute to his memory. I urge adoption of the bill.

Mr. MYERS of Indiana. Mr. Speaker, I yield back the balance of my time.

Mr. McCLOSKEY. Mr. Speaker, I commend the gentleman from Iowa [Mr. NAGLE] for his sponsorship of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. MYERS] that the House suspend the rules and pass the bill, H.R. 3689.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 3689, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AGRICULTURAL CREDIT TECHNICAL CORRECTIONS ACT OF 1988

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3980) to make technical corrections in the Agricultural Credit Act of 1987, as amended.

The Clerk read as follows:

H.R. 3980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Credit Technical Corrections Act of 1988".

SEC. 2. REFERENCES.

(a) FARM CREDIT ACT OF 1971.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(b) THE 1987 ACT.—As used in this Act, the term "the 1987 Act" means the Agricultural Credit Act of 1987.

TITLE I—AMENDMENTS RELATED TO TITLE I OF THE 1987 ACT

SEC. 101. AMENDMENTS RELATED TO SECTION 101 OF THE 1987 ACT.

(a) Section 4.9A, as in effect immediately before the enactment of the 1987 Act, is hereby repealed.

(b) Section 4.9A(a), as added by section 101 of the 1987 Act, is amended by striking out the second sentence.

(c) Section 4.9A(c), as added by section 101 of the 1987 Act, is amended to read as follows:

"(c) INABILITY TO RETIRE STOCK AT PAR VALUE.—If an institution is unable to retire eligible borrower stock at par value due to the liquidation of the institution, the receiver of the institution shall retire such stock at par value as would have been retired in the ordinary course of business of the institution, and—

"(1) during the 5-year period beginning on the date of the enactment of the Agricultural Credit Act of 1987, the Assistance Board shall direct the Financial Assistance Corporation to provide the receiver with sufficient funds to enable the receiver to carry out this subsection; and

"(2) after such 5-year period, the Farm Credit System Insurance Corporation shall provide the receiver with sufficient funds from the Farm Credit Insurance Fund to enable the receiver to carry out this subsection.".

(d) Section 4.9A(d)(2)(B), as added by section 101 of the 1987 Act, is amended—

(1) by striking out "required" and all that follows through "made" and inserting in lieu thereof "issued or allocated"; and

(2) by striking out "4.9B" and inserting in lieu thereof "4.3A".

SEC. 102. AMENDMENTS RELATED TO SECTION 102 OF THE 1987 ACT.

(a) Section 4.14A(a) is amended by striking out "(other than in sections 4.17 and 4.18)".

(b) Section 4.14A(a)(6)(B) is amended—

(1) by striking out "2.3(a)(2)" and inserting in lieu thereof "1.7(b)(1)(B)"; and

(2) by striking out "2.3(a)" and inserting in lieu thereof "1.7(b)(1)".

(c) Section 4.14A(e)(1) is amended by striking out "a qualified" the second place it appears and inserting in lieu thereof "such qualified".

(d) Section 4.14A(g)(1) is amended by striking out "farm credit district" and inserting in lieu thereof "bank".

(e) Section 4.14A(g)(3) is amended by striking out "district board" and inserting "bank board".

(f) Section 4.14A(1) is amended by striking out "Federal intermediate credit bank" and inserting in lieu thereof "Farm Credit Bank".

(g) Section 4.14B(a) is amended—

(1) by amending the heading to read as follows:

"(a) FARM CREDIT BANK.—";

(2) by striking out "a Federal land bank" and inserting in lieu thereof "a Farm Credit Bank"; and

(3) by striking out "the Federal land bank shall" and inserting in lieu thereof ", to the extent provided for in the bylaws of the bank relating to its capitalization, the bank shall".

(h) Section 4.14C(b)(1) is amended by striking out "district board of such district" and inserting in lieu thereof "Farm Credit Bank board".

SEC. 103. AMENDMENTS RELATED TO SECTION 106 OF THE 1987 ACT.

(a) Section 4.14(b)(1) is amended by striking out "by a" and inserting in lieu thereof "before the".

(b) Section 4.14(d)(1) is amended by inserting "or (2)" after "(b)(1)".

SEC. 104. AMENDMENTS RELATED TO SECTION 108 OF THE 1987 ACT.

(a) Section 4.36(b)(2) is amended by striking out "15" and inserting in lieu thereof "30".

(b) Section 4.36(b)(3) is amended by striking out "30" and inserting in lieu thereof "15".

(c) Section 4.36(g) is amended by striking out "former borrower" and inserting in lieu thereof "previous owner".

TITLE II—AMENDMENTS RELATED TO TITLE II OF THE 1987 ACT

SEC. 201. AMENDMENTS RELATED TO SECTION 201 OF THE 1987 ACT.

(a) Sections 6.3(a)(12) and 6.24(a)(12) are each amended by striking out "(as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))" and inserting in lieu thereof "(within the meaning of section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813))".

(b) Sections 6.3(b) and 6.24(b) are each amended by striking out "original" and inserting in lieu thereof "exclusive".

(c) Section 6.4 is amended by redesignating the second subsection (c) and subsection (d), as subsections (d) and (e), respectively.

(d) Section 6.5(d) is amended by striking out "No" and inserting in lieu thereof "Except as provided in section 410(c) of the Agricultural Credit Act of 1987, no".

(e) Section 6.5 is amended by striking out "the appropriate provision of" each place it appears.

(f) Section 6.6(a)(8)(B) is amended by striking out "under sections 5.5 and 5.17(a)(15)".

(g) Section 6.6(a)(9) is amended by striking out "may".

(h) Section 6.6(b)(1) is amended by striking out "(a)(8)" and inserting in lieu thereof "(a)(9)".

(i) Section 6.6(b)(2) is amended by striking out "the appropriate provision of".

(j) Section 6.7(d) is amended—

(1) by inserting a comma after "material"; and

(2) by striking out "under terms" and all that follows through "acceptable" and inserting in lieu thereof "under such terms and conditions, acceptable".

(k) The heading of section 6.9(a) is amended by inserting "ASSETS AND" before "LIABILITIES".

(l) Section 6.9(e)(5) is amended—

(1) by inserting "activation of" after the first comma; and

(2) by striking out the close quotation mark and the period that follows.

(m) Section 6.12 is amended by inserting "to the Assistance Board" after "provided".

(n) Section 6.13(d) is amended by inserting ", for return to the revolving fund established under section 4.0," before "the full".

(o) Section 6.22(a)(1) is amended by striking out "Act" and inserting in lieu thereof "subtitle".

(p) Subsections (c)(2)(D) and (d)(1)(D) of section 6.26 are each amended—

(1) by inserting "and Federal land banks" after "credit banks"; and

(2) by striking out "production credit".

(q) Subsections (c)(2)(D) and (d)(1)(D) of section 6.26 are each amended by striking out "Federal intermediate credit banks and Federal land banks" and inserting in lieu thereof "Farm Credit Banks".

(r) Section 6.26(c)(5) is amended—

(1) in each subparagraphs (B) and (C)(i), by striking out "interest payments" and inserting in lieu thereof "payments under this paragraph"; and

(2) in subparagraph (B), by striking out "issued" under subsection (d)(1)(C) and inserting in lieu thereof "referred to in subsection (d)(1)(E)".

(s) The heading of section 6.26(d) is amended by inserting "; DEFAULTS" after "PRINCIPAL".

(t) Section 6.26(d)(1)(C) is amended—

(1) by striking out "referred to in" and all that follows through "1987," and inserting in lieu thereof "issued to provide assistance under section 410(c) of the Agricultural Credit Act of 1987 and section 4.9A(c) of this Act, or issued to provide funds to cover the expenses of the Assistance Board under section 6.7(a) of this Act,";

(2) by striking out "such principal" and inserting in lieu thereof "such obligation";

(3) in clause (i), by striking out "bank" and inserting in lieu thereof "institution"; and

(4) in clause (ii), by striking out "banks" and inserting in lieu thereof "institutions".

(u) Section 6.26(d)(1)(E) is amended by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)".

(v) Clauses (i) and (iii) of section 6.26(d)(3)(A) are each amended by striking out "this subsection" and inserting in lieu thereof "subsection (c)".

(w) The third sentence of section 6.26(d)(3)(B)(iii) is amended by inserting "is prohibited from redeeming or" after "If such institution".

(x) Section 6.26(d)(4)(B)(iii) is amended by striking out "5.60" and inserting in lieu thereof "5.60(c)(2)(B)".

(y) Section 6.27(a)(1) is amended by striking out "(a) or (b)".

(z) Section 6.27(a)(2)(B) is amended—

(1) by striking out "Reserve Account Board" and inserting in lieu thereof "Farm Credit System Insurance Corporation"; and

(2) by striking out "Board purchases" and inserting in lieu thereof "Insurance Corporation purchases".

(aa) Section 6.27(b) is amended by striking out "subsections (a) and (b)" and inserting in lieu thereof "subsection (a)".

(bb) Section 6.28(b)(2) is amended—

(1) by striking out "this paragraph" and inserting in lieu thereof "paragraph (1) equal"; and

(2) in subparagraph (A), by striking out "subsection (c)(1)(D)" and inserting in lieu thereof "section 6.26(c)(2)(D)".

SEC. 202. AMENDMENT RELATED TO SECTION 202 OF THE 1987 ACT.

Section 4.0 is amended to read as follows:

"SEC. 4.0. REVOLVING FUND.

"The revolving fund established by this section (in effect immediately before the date of the enactment of the Agriculture Credit Act of 1987) shall be available to the Farm Credit Administration and the Assistance Board during the periods, and for the purposes, provided for in sections 6.13 and 6.7, respectively.".

SEC. 203. AMENDMENTS RELATED TO SECTION 204 OF THE 1987 ACT.

(a) Section 4.9 is amended by adding at the end of the following:

"(f) SUCCESSION.—

"(1) ASSETS AND LIABILITIES.—The Corporation shall, by operation of law and without any further action by the Farm Credit Administration, the predecessor Federal Farm Credit Banks Funding Corporation (hereinafter referred to in this subsection as 'the predecessor corporation') chartered under this Act, or any court, succeed to the assets of and assume all debts, obligations, contracts, and other liabilities of the predecessor corporation, matured or unmatured, accrued, absolute, contingent or otherwise, and whether or not reflected or reserved against on balance sheets, books of account, or records of the predecessor corporation.

"(2) CONTRACTS.—The existing contractual obligations, security instruments, and title instruments of the predecessor corporation shall, by operation of law and without any further action by the Farm Credit Administration, the predecessor corporation, or any court, become and be converted into obligations, entitlements, and instruments of the Corporation.

"(3) STOCK.—The stock of the predecessor corporation issued before the date of the enactment of this section shall, by operation of law and without any further action by the Farm Credit Administration, the predecessor corporation, or any court, become and be converted into stock of the Corporation established by this section.

"(4) TAXATION.—The succession to assets, assumption of liabilities, conversion of obligations, instruments, and stock, and effectuation of any other transaction by the Corporation to carry out this subsection shall not be treated as a taxable event under the laws of any State or political subdivision thereof.".

(b) Section 4.9(b)(3) is amended by inserting "predecessor Federal Farm Credit Banks" before "Funding Corporation".

(c) Subparagraphs (B) and (C) of section 4.9(d)(2) are each amended by striking out "Federal Farm Credit Banks Funding".

(d) Section 4.9(e) is amended to read as follows:

"(e) TRANSITIONAL AUTHORITY.—Until a majority of the voting members of the board of directors of the Corporation is elected, which shall occur as soon as is practicable after the enactment of this section—

"(1) the finance committee established under section 4.5 in effect before the date of the enactment of this section, and the fiscal agency established under section 4.9 in effect before such date of enactment, shall continue to operate as if this section had not been enacted; and

"(2) the board of directors of the predecessor Federal Farm Credit Banks Funding Corporation shall be the board of directors of the Financial Assistance Corporation.".

(e) Section 4.2(e) is amended—

(1) by striking out "their" and inserting in lieu thereof "the"; and

(2) by striking out "fiscal agent" each place it appears and inserting in lieu thereof "Federal Farm Credit Banks Funding Corporation".

SEC. 204. AMENDMENT RELATED TO SECTION 205 OF THE 1987 ACT.

Section 5.19(b)(2) is amended by striking out "this section" and inserting in lieu thereof "the third sentence of paragraph (1)".

SEC. 205. AMENDMENTS RELATED TO SECTION 207 OF THE 1987 ACT.

Section 5.17(a) is amended by redesignating paragraphs (9), (10), (11), (12), (13), and (14), as paragraphs (8), (9), (10), (11), (12), and (13), respectively.

TITLE III—AMENDMENTS RELATED TO TITLE III OF THE 1987 ACT

SEC. 301. AMENDMENTS RELATED TO SECTION 301 OF THE 1987 ACT.

(a) Section 301(a) of the 1987 Act is amended—

(1) in paragraph (1)(B), by striking out "be" and inserting in lieu thereof "apply to an institution";

(2) in paragraph (2), by striking out "5.17(b)(2)" and all that follows through "proposed" and inserting in lieu thereof "5.17(c)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2251(c)(2)) with respect to the issuance of the"; and

(3) in paragraph (3), by striking out "(1)(C)" and inserting in lieu thereof "(1)(D)".

(c) Section 4.3A(a)(1)(B) is amended by striking out "4.9B" and inserting in lieu thereof "4.9A".

(d) Section 4.3A(c)(1) is amended—

(1) in subparagraph (D)(i), by striking out the third comma; and

(2) in subparagraph (G), by inserting "voting" before "stock issued".

(e) Section 4.3A(c)(1)(H) is amended by inserting ", except as otherwise provided in this section" after "the borrower".

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(f) Section 4.3A(c)(1)(I) is amended by striking out "standards issued under".

(g) Section 4.3A(d)(1) is amended—

(1) by striking out "and in section 4.9A"; and

(2) by striking out "or allocated equities".

SEC. 302. AMENDMENTS RELATED TO SECTION 302 OF THE 1987 ACT.

(a) Subparagraphs (A) and (B) of section 5.51(3) are amended to read as follows:

"(A) on or before January 5, 1989, on behalf of any System bank; and

"(B) after such date, which, when issued, is issued on behalf of any insured System bank."

(b) Section 5.51(5) is amended by striking out "to liquidate" and inserting in lieu thereof "for".

(c) Section 5.55(d) is amended by striking out "loans made by a Federal intermediate credit bank" and inserting in lieu thereof "intermediate term loans made by a Farm Credit Bank".

(d) Section 5.55(d)(2) is amended by striking out "2.3(a)(2)" and inserting in lieu thereof "1.7(b)(1)(B)".

(e) Paragraphs (2) and (3) of section 5.55(d) are each amended by striking out "Federal intermediate credit bank" and inserting in lieu thereof "Farm Credit Bank".

(f) Section 5.56(a) is amended by striking out "of such" and inserting in lieu thereof "of the".

(g) Section 5.57(b)(1) is amended—

(1) by striking out "made any report of condition required under section 5.55 or"; and

(2) by striking out "make any such report or".

(h) Section 5.57(b)(2) is amended by striking out "made or".

(i) Section 5.58(5)(A) is amended by striking out "to" each place it appears.

(j) Section 5.60(b)(1) is amended by striking out "(in effect immediately before the date of the enactment of this part)".

(k) Section 5.60(b)(2) is amended by striking out "Beginning 5 years after the date of the enactment of this part, the" and inserting in lieu thereof "The".

(l) Section 5.60(c)(2)(B) is amended to read as follows:

"(B) ensure the retirement of eligible borrower stock at par value under section 4.9A.".

SEC. 303. AMENDMENT RELATED TO SECTION 303 OF THE 1987 ACT.

Section 4.4 is amended by redesignating subsection (e) as subsection (d).

TITLE IV—AMENDMENTS RELATED TO TITLE IV OF THE 1987 ACT

SEC. 401. AMENDMENTS RELATED TO SECTION 401 OF THE 1987 ACT.

(a) Section 1.3(a) is amended by inserting ", as provided in section 410 of the Agricultural Credit Act of 1987," before "shall".

(b) Section 1.3(b) is amended to read as follows:

"(b) Charters.—The Farm Credit Administration shall, consistent with this Act, issue charters for, and approve amendments to charters of, the Farm Credit Banks.".

(c) Section 1.4 is amended by striking out "from its voting stockholders".

(d) Section 1.5 is amended—

(1) by amending paragraph (9) to read as follows:

"(9) prescribe, by its board of directors, its bylaws that shall be consistent with law, and that shall provide for—

"(A) the classes of its stock and the manner in which such stock shall be issued, transferred, and retired; and

"(B) the manner in which it is to—

"(i) select officers, employees, and agents;

"(ii) acquire, hold, and transfer property;

"(iii) make loans and discounts;

"(iv) conduct general business; and

"(v) exercise and enjoy the privileges granted to it by law;";

(2) in paragraph (11), by striking out "or securities of" and inserting in lieu thereof "of securities or";

(3) in subparagraphs (B) and (C) of paragraph (12), by striking out "participate with";

(4) in paragraph (14), by striking out "as defined in section 3 of the Federal Deposit Insurance Act" and inserting in lieu thereof "(within the meaning of section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813))";

(5) in paragraph (18), by striking out "Federal land bank";

(6) in paragraph (22), by striking out "as authorized by the Farm Credit Administration; and" and inserting in lieu thereof "in accordance with generally accepted accounting principles, except as may be authorized by the Farm Credit Administration;";

(7) in paragraph (23)—

(A) by striking out "and approved by the Farm Credit Administration Board"; and

(B) by striking out the period at the end and inserting in lieu thereof "; and"; and

(8) by adding at the end the following:

"(24) operate as an originator and become certified as a certified facility under titie VIII.".

(e) Section 1.7(a) is amended to read as follows:

"(a) Real Estate Loans and Related Assistance.—

"(1) Real estate loans.—The Farm Credit Banks may make or participate with other lenders in long-term real estate mortgage loans in rural areas, as defined by the Farm Credit Administration, or to producers or harvesters of aquatic products, and make continuing commitments to make such loans under specified circumstances, for a term of not less than 5 nor more than 40 years.

"(2) Financial assistance.—The Farm Credit Banks may provide and extend financial assistance to, and discount for, or purchase from, a Federal land bank association any note, draft, or other obligation with the endorsement or guarantee of the association, the proceeds of which have been advanced to persons eligible and for purposes of financing by the association, as authorized under section 7.6(a).".

(f) Section 1.7(b) is amended—

(1) in paragraph (2), by striking out the second sentence;

(2) in paragraph (3)—

(A) in the heading, by striking out "assistance" and inserting in lieu thereof "services"; and

(B) in subparagraph (3), by striking out "herein contained" and inserting in lieu thereof "described in subparagraph (A)"; and

(3) in paragraph (4)(A), by striking out "section" and inserting in lieu thereof "subsection".

(g) Section 1.8(a) is amended by striking out "interest at a rate or rates, and" and inserting in lieu thereof "such rate or rates of interest or discount, and be".

(h) Section 1.10(a) is amended—

(1) in paragraph (2), by striking out "approved by" and inserting in lieu thereof "prescribed by regulations of"; and

(2) in paragraph (3)—

(A) by striking out "appraisal" the second place it appears; and

(B) by striking out "and approved by" and inserting in lieu thereof "in accordance with regulations of".

(i) Section 1.10(b) is amended by striking out "harvester" and inserting in lieu thereof "harvesters".

(j) Section 1.11(c)(2) is amended—

(1) by inserting "equipment or" before "facilities"; and

(2) by inserting "or title II" after "title".

(k) Section 1.12 is amended—

(1) by inserting "(a) In General.—" before "The Farm Credit Banks";

(2) by striking out "each district" and inserting in lieu thereof "the"; and

(3) by adding at the end the following new subsection:

"(b) Authority To Pass Along Cost of Insurance Premiums.—Each Farm Credit Bank may assess each production credit association and other financing institution described in section 1.7(b)(1)(B) in the district in which the bank is located to cover the costs of making premium payments under part E of Title V. The assessment on any such association or other financing institution for any calendar year shall be computed on the same basis as is used to compute the premium payment and shall not exceed the sum of—

"(1) the annual average principal outstanding for such year on loans made by the association, or on loans made by the other financing institution and discounted with the Farm Credit Bank, that are in accrual status, multiplied by 0.0015; and

"(2) the annual average principal outstanding for such year on loans made by the association, or on loans made by the other financing institution and discounted with the Farm Credit Bank, that are in nonaccrual status, multiplied by 0.0025.".

(l) Section 1.15 is amended—

(1) by inserting a comma after "therefrom" the first place is appears; and

(2) by striking out "742(a)" and inserting in lieu thereof "3124".

(m) Section 2.0(b) is amended—

(1) in paragraph (1), by striking out "title" and inserting in lieu thereof "subtitle";

(2) in paragraph (3)(B), by striking out "part" and inserting in lieu thereof "subtitle";

(3) in subparagraphs (B) and (C) of paragraph (3), by striking out "the" the first place it appears; and

(4) in paragraph (8)—

(A) by striking out "or by approval of bylaws of the association"; and

(B) by amending subparagraph (D) to read as follows:

"(D) approve amendments to the charter of the association.".

(n) Section 2.1 is amended by striking out the sixth comma.

(o) Section 2.2 is amended—

(1) by amending paragraph (16) to read as follows:

"(16) prescribe, by its board of directors, its bylaws that shall be consistent with law, and that shall provide for—

"(A) the classes of its stock and the manner in which such stock shall be issued, transferred, and retired; and

"(B) the manner in which it is to—

"(i) select officers and employees;

"(ii) acquire, hold, and transfer property;

"(iii) conduct general business; and

"(iv) exercise and enjoy the privileges granted to it by law;";

(2) in paragraph (17)—

(A) by striking out "elect by the board of directors of the association" and insert in

lieu thereof "provide by its board of directors for"; and

(B) by striking out "be elected or designated" and inserting in lieu thereof "serve as";

(3) in paragraph (19), by striking out "and";

(4) in paragraph (20), by striking out the period and inserting in lieu thereof ";and"; and

(5) by adding at the end the following:

"(21) operate as an originator and become certified as a certified facility under title VIII.".

(p) Section 2.4(b)(1) is amended—

(1) by striking out "title" and inserting in lieu thereof "subtitle"; and

(2) by inserting "or" before "planned".

(q) Section 2.4 is amended by adding at the end the following:

"(d) Special District Rule.—

"(1) Provision of credit and technical assistance outside service territory.—Notwithstanding any territorial limitation in the charter of a production credit association located in a district in which there are only two such associations, the Farm Credit Administration Board, on request of such association, may permit such association to provide credit and technical assistance to any borrower who is denied credit by the other production credit association in the district if the Board determines that such other production credit association in the district is unduly restrictive in the application of credit standards.

"(2) Timing of determination.—If the Farm Credit Administration Board approves the extension of credit and technical assistance under paragraph (1), the association shall approve or deny the application for credit within 90 days after receipt of the application from the borrower.".

(r) Section 2.6 is amended—

(1) by inserting a comma after "interest"; and

(2) by inserting ", except that interest on such obligations shall be subject to Federal income taxation in the hands of the holder" before the period.

(s) Section 2.10(b) is amended—

(1) in paragraph (1), by inserting "under section 1.7(a)" before the first comma; and

(2) by amending paragraph (2)(D)(i) to read as follows:

"(i) the individual's eligibility and request for a Farm Credit Bank loan;".

(t) Section 2.10(c) is amended to read as follows:

"(c) FCA authority on organization.—The Farm Credit Administration shall have power, in the terms of the charter, under rules and regulations prescribed by the Farm Credit Administration—

"(1) to provide for the organization of the association;

"(2) to provide for the initial amount of stock of the association;

"(3) to provide for the territory within which the association may carry on its operations; and

"(4) to approve amendments to the charter of such association.".

(u) Section 2.12 is amended—

(1) in paragraph (7)—

(A) by striking out "elect by its board of directors" and insert in lieu thereof "provide by its board of directors for"; and

(B) by striking out "be elected or designated" and inserting in lieu thereof "serve as";

(2) by amending paragraph (8) to read as follows:

"(8) prescribe, by its board of directors, its bylaws that shall be consistent with law, and that shall provide for—

"(A) the classes of its stock and the manner in which such stock shall be issued, transferred, and retired; and

"(B) the manner in which it is to—

"(i) select officers and employees;

"(ii) acquire, hold and transfer property;

"(iii) conduct general business; and

"(iv) exercise and enjoy the privileges granted to it by law;";

(3) in paragraph (12), by striking out "or delegated to" and inserting in lieu thereof "by";

(4) in paragraph (20), by striking out "and";

(5) in paragraph (21), by striking out the period and inserting in lieu thereof "; and"; and

(6) by adding at the end the following:

"(22) operate as an originator and become certified as a certified facility under title VIII.".

(v) Section 2.14 is hereby repealed, and the Farm Credit Act of 1971 shall be applied and administered as if such section had not been enacted.

(w) Title II is amended by redesignating sections 2.15, 2.16, and 2.17, as sections 2.14, 2.15, and 2.16, respectively.

(x) Section 2.16, as so redesignated, is amended—

(1) by inserting a comma after "therefrom" the first place it appears;

(2) by striking out "banks" and inserting in lieu thereof "associations"; and

(3) by striking out "742(a)" and inserting in lieu thereof "3124".

SEC. 402. AMENDMENTS RELATED TO SECTION 410 OF THE 1987 ACT.

(a) Section 410(a) of the 1987 Act is amended—

(1) by inserting "Farm Credit System" after "each"; and

(2) by adding at the end the following: "The mergers required by this section shall be implemented without regard to title VII.".

(b) Section 410(b) of the 1987 Act is amended by striking out "The" and inserting in lieu thereof "Notwithstanding section 1.6 (as added by section 401 of this Act), the".

(c) Section 410(c) of the 1987 Act is amended—

(1) by inserting "established under section 6.0" after "Assistance Board"; and

(2) by inserting "established under section 6.20" after "Assistance Corporation".

(d) Section 410(d) of the 1987 Act is amended by striking out "The" and inserting in lieu thereof "Notwithstanding section 1.4 (as added by section 401 of this Act), the".

SEC. 403. AMENDMENTS RELATED TO SECTION 411 OF THE 1987 ACT.

Paragraphs (2) and (3) of section 411(b) of the 1987 Act are each amended by striking out "6-month" and inserting in lieu thereof "12-month".

SEC. 404. AMENDMENTS RELATED TO SECTION 412 OF THE 1987 ACT.

(a) The section heading of section 412 of the 1987 Act is amended to read as follows:

"SEC. 412. CONSOLIDATION OF DISTRICT FARM CREDIT BANKS.".

(b) Section 412(a)(2) of the 1987 Act is amended—

(1) by striking out the second comma;

(2) by striking out "System banks" and inserting in lieu thereof "Banks";

(3) by striking out "farm credit banks" and inserting in lieu thereof "Farm Credit Banks".

(c) Section 412(b)(1) of the 1987 Act is amended—

(1) by striking out "(b)(2)" and inserting in lieu thereof "(a)(2)"; and

(2) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)"; and

(d) Section 412(b)(2) of the 1987 Act is amended by striking out "Proposals" and inserting in lieu thereof "The proposal".

SEC. 405. AMENDMENTS RELATED TO SECTION 413 OF THE 1987 ACT.

(a) Section 413(a)(2)(A) of the 1987 Act is amended by striking out "subparagraph (C)" and inserting in lieu thereof "paragraph (1)(C)".

(b) Section 413(a)(3) of the 1987 Act is amended—

(1) by striking out the open quotation mark;

(2) by striking out "and subscribers to the guaranty funds"; and

(3) by inserting "for cooperatives" after "banks".

(c) Section 413(b)(1)(A)(i) of the 1987 Act is amended by striking out ", or a subscriber to the guaranty fund of".

(d) Section 413(b)(4)(A) of the 1987 Act is amended by inserting "for cooperatives" after "district banks".

(e) Section 413(b)(6)(A)(ii) of the 1987 Act is amended by striking out the comma.

(f) Section 413(b)(6)(B) of the 1987 Act is amended by striking out the first comma.

(g) Section 413(b)(6)(C) of the 1987 Act is amended by striking out "(a)" and inserting in lieu thereof "(b)(1)".

SEC. 406. AMENDMENTS RELATED TO THE FIRST SECTION 414 OF THE 1987 ACT.

(a) Subsection (a) of the first section 414 of the 1987 Act is amended by striking out "(a) Initial Board.—The" and inserting in lieu thereof "Notwithstanding section 3.2, the".

(b) Subsection (b) of the first section 414 of the 1987 Act is hereby repealed, and the 1987 Act and the Farm Credit Act of 1971 shall be applied and administered as if such subsection had not been enacted.

SEC. 407. AMENDMENTS RELATED TO THE FIRST SECTION 415 OF THE 1987 ACT.

(a) Section 3.20(a) is amended—

(1) by striking out "in this section"; and

(2) by inserting ", established under section 413 of the Agricultural Credit Act of 1987," before "shall".

(b) Section 3.20(b) is amended by inserting "except" before "as otherwise".

(c) Section 3.21(b)(2) is amended by adding at the end the following:

"(C) Third member.—The nomination and election of the third member from each district shall be carried out in accordance with procedures prescribed in the bylaws of the consolidated bank.".

(d) Section 3.21(b)(2)(B)(i)(I) is amended to read as follows:

"(I) at the close of the immediately preceding fiscal year of the consolidated bank; or".

(e) Section 3.22 is amended—

(1) by striking out "United Bank for Cooperatives or the National Bank for Cooperatives" and inserting in lieu thereof "consolidated bank"; and

(2) by striking out "merger" and inserting in lieu thereof "establishment of the bank under section 413 of the Agricultural Credit Act of 1987".

(f) Section 3.25 is amended to read as follows:

"SEC. 3.25. CAPITALIZATION.

"In accordance with section 4.3A, each consolidated bank shall provide, through bylaws and subject to Farm Credit Administration regualtions, for the capitalization of the bank and the manner in which bank stock shall be issued, held, transferred, and retired and bank earnings distributed.".

(g) Section 3.27 is amended by striking out "taxable institution" and inserting in lieu thereof "cooperative".

SEC. 408. AMENDMENTS RELATED TO SECTION 416 OF THE 1987 ACT.

(a) The title heading of title VII is amended to read as follows:

"TITLE VII—RESTRUCTURING OF SYSTEM INSTITUTIONS".

(b) Section 7.0 is amended—

(1) by striking out "Two or more" and inserting in lieu thereof "The"; and

(2) in paragraph (3), by striking out "in accordance" and all that follows through "by" and inserting in lieu thereof "with each association entitled to cast a number of votes equal to the number of its voting".

(c) Section 7.1 is amended to read as follows:

"SEC. 7.1. BOARD OF DIRECTORS.

"Each merged bank shall elect a board of directors of such number, for such term, in such manner, and with such qualifications, as may be required in its bylaws, except that at least one member shall be elected by the other directors, which member shall not be a director, officer, employee, or stockholder of a System institution.".

(d) Subtitle A of title VII is amended by striking out sections 7.3 and 7.4 and inserting in lieu thereof the following:

"SEC. 7.3. CAPITALIZATION.

"In accordance with section 4.3A, each merged bank shall provide, through bylaws and subject to Farm Credit Administration regulations, for the capitalization of the bank and the manner in which bank stock shall be issued, held, transferred, and retired and bank earnings distributed.".

(e) Subtitle A of title VII is amended by redesignating section 7.5 as section 3.29, and by transferring such section, as so amended, to the end of part B of title III.

(f) Section 7.6(a) is amended—

(1) by striking out "ASSIGNMENTS.—" and inserting in lieu thereof "VOLUNTARY TRANSFERS.—";

(2) by striking out "assign" and inserting in lieu thereof "transfer";

(3) by striking out "sections 1.6 through 1.9" and inserting in lieu thereof "this Act";

(4) by striking out "assignment" and inserting in lieu thereof "transfer"; and

(5) in paragraph (3), by striking out "7.6" and inserting in lieu thereof "7.8, respectively".

(g) Section 7.6(b) is amended—

(1) by striking out "an assignment described in subsection (a)" and inserting in lieu thereof "a transfer described in subsection (a) or (d)"; and

(2) in paragraph (2), by striking out "Federal land" the first place it appears.

(h) Section 7.6(c) is amended—

(1) by striking out "assignments or"; and

(2) by striking out the second sentence.

(i) The section heading and text of section 7.7 are amended to read as follows:

"(d) MANDATORY TRANSFER.—On the merger of one or more production credit associations with one or more Federal land bank associations, the bank supervising the Federal land bank association shall transfer all of the direct lending authority of the bank in the territory served by such Federal land bank association to such merged association.".

(j) The provision amended by subsection (i) of this section, as so amended, is hereby transferred to the end of section 7.6, where such transferred provision shall become a new subsection (d).

(k) Section 7.8(b)(2) is amended by striking out the second sentence.

(l) Section 7.8 is amended by striking out paragraphs (2) and (3) of subsection (c) and subsection (d) and inserting in lieu thereof the following:

"(2) CAPITALIZATION.—In accordance with section 4.3A, each merged association shall provide, through bylaws and subject to Farm Credit Administration regulations, for the capitalization of the association and the manner in which association stock shall be issued, held, transferred, and retired, and association earnings shall be distributed.".

(m) Subtitle B of title VII is amended by redesignating chapter 3 as chapter 4, and by inserting before section 7.9 the following:

"Chapter 3—Reconsideration".

(n) Section 7.9(a) is amended—

(1) in paragraph (1), by striking out "section 5.17(a)(2)" and inserting in lieu thereof "this Act";

(2) in paragraph (5), by inserting "or 7.13" before the semicolon;

(3) in paragraph (6), by striking out "and" and inserting in lieu thereof "or";

(4) in paragraph (7), by striking out "7.13" and inserting in lieu thereof "7.12"; and

(5) by redesignating paragraphs (5), (6), and (7), as paragraphs (4), (5), and (6), respectively.

(o) Section 7.9(b)(2) is amended—

(1) by striking out the third comma; and

(2) by inserting "banks or" after "such".

(p) Section 7.11(a)(1) is amended—

(1) by striking out "or assignment"; and

(2) by striking out "such institutions" and inserting in lieu thereof "the institutions involved".

(q) Section 7.12(b) is amended to read as follows:

"(b) POWERS AND CAPITALIZATION.—Sections 7.2 and 7.3 shall apply to banks merged under this section.".

(r) Section 7.12(c)(2)(B) is amended by striking out "members" and inserting in lieu thereof "directors".

(s) Section 7.13(a)(4) is amended by striking out "Bank" and inserting in lieu thereof "Banks involved".

(t) Section 7.13(b) is amended by striking out "(b), (c), and (d)" and inserting in lieu thereof "(b) and (c)".

(u) Title VII is amended by adding at the end the following new subtitle:

"Subtitle E—Taxation of Merger Transactions

"SEC. 7.14. TRANSACTIONS TO ACCOMPLISH MERGERS EXEMPT FROM CERTAIN STATE TAXES.

"No State or political subdivision thereof may treat the merger or consolidation of two or more institutions of the Farm Credit System under this title or title IV of the Agricultural Credit Act of 1987 as resulting in a change of ownership of any property owned by any of such merging or consolidating institutions, for purposes of any law of such State or political subdivision providing for reassessment of property on the occurrence of a change of ownership or imposing a tax on the ownership or transfer of property.".

SEC. 409. AMENDMENTS RELATED TO THE SECOND SECTION 414 AND SECOND SECTION 415 OF THE 1987 ACT.

(a) Subtitle B of title IV of the 1987 Act is amended by redesignating the second section 414 and the second section 415, as sections 417 and 418, respectively.

(b) The table of contents of the 1987 Act is amended by striking out the items relating to the second section 414 and the second section 415, and inserting in lieu thereof the following:

"Sec. 417. Nondiscrimination.

"Sec. 418. Conforming amendments.".

(c) Subsection (c) of section 418 of the 1987 Act (as so redesignated by subsection (a) of this section) is hereby repealed, and the Farm Credit Act of 1971 shall be applied and administered, and the amendments made by sections 430 and 802(u) of the 1987 Act shall take effect, as if such subsection (c) had not been enacted.

(d) Sections 5.1 through 5.6 are hereby repealed.

(e) Section 5.17(a)(2) is amended—

(1) by inserting "approve" before "the consolidation"; and

(2) by striking out "that they serve" and inserting in lieu thereof "of institutions".

SEC. 410. AMENDMENT RELATED TO SECTION 421 OF THE 1987 ACT.

Section 3.8(b)(1)(C) is amended by striking out "make" and inserting in lieu thereof "makes".

SEC. 411. AMENDMENTS RELATED TO SECTION 422 OF THE 1987 ACT.

(a) Section 4.29(a)(1) is amended by striking out "sections 1.11, 1.15, 2.5, and 2.16" and inserting in lieu thereof "titles I and II".

(b) Section 4.29(a)(2) is amended by striking out "Federal intermediate credit banks" and inserting in lieu thereof "Farm Credit Banks".

SEC. 412. AMENDMENTS RELATED TO SECTION 426 OF THE 1987 ACT.

(a) Section 1.9(b) is amended by striking out "approved by" and inserting in lieu thereof "prescribed by regulations of".

(b) Section 1.9(c) is amended—

(1) by striking out "appraisal" the second place it appears; and

(2) by striking out "and approved by" and inserting in lieu thereof "in accordance with regulations of".

SEC. 413. AMENDMENTS RELATED TO SECTIONS 427. AND 428 OF THE 1987 ACT.

Part H of title IV is amended by redesignating section 4.37 (as added by section 427 of the 1987 Act) and section 4.38, as sections 4.38 and 4.39, respectively.

SEC. 414. AMENDMENT RELATED TO SECTION 430 OF THE 1987 ACT.

Part D of title IV is amended by adding at the end the following:

"SEC. 4.21. COMPENSATION OF DIRECTORS.

"No member of the board of directors of a System bank may receive more than $15,000 per year under this Act as compensation for serving as a director of such bank.".

SEC. 415. AMENDMENTS RELATED TO SECTION 431 OF THE 1987 ACT.

(a) Section 5.11(c)(2)(C) is amended by striking out "5315" and inserting in lieu thereof "5373".

(b) Section 2.15(c)(1) is amended to read as follows:

"(b)(1) Notwithstanding any territorial limitation in the charter of a production credit association located in a district in which there are only two such associations, the Farm Credit Administration Board, on request of such association, may permit such association to provide credit and technical assistance to any borrower who is denied credit by the other production credit association in the district if the Board determines that such other production credit association in the district is unduly restrictive in the application of credit standards.".

SEC. 416. AMENDMENTS RELATED TO SECTION 432 OF THE 1987 ACT.

(a) Section 5.15(a)(2)(A) is amended by striking out "such assessment" and inserting in lieu thereof "the assessment described in paragraph (1)(B)".

(b) Section 5.15(a)(2)(C) is amended by striking out "specified" and inserting in lieu thereof "described".

(c) Section 5.19(a) is amended by striking out "5" and inserting in lieu thereof "three".

SEC. 417. AMENDMENTS RELATED TO SECTION 433 OF THE [illegible]7 ACT.

(a) Section 4[illegible]a) of the 1987 Act is amended—

(1) by striking out "this Act" and inserting in lieu thereof "law"; and

(2) by striking out "the Agricultural Credit Act of 1987" and inserting in lieu thereof "this Act".

(b) Section 433(b) of the 1987 Act is amended by striking out "subsection" and inserting in lieu thereof "section".

(c) Section 433(c)(2)(B) of the 1987 Act is amended by striking out "such adjoining district" and inserting in lieu thereof "the adjoining district bank".

(d) Section 433(c)(2)(C) of the 1987 Act is amended by inserting "Farm Credit System" before "Assistance Board".

TITLE V—AMENDMENTS RELATED TO TITLE V OF THE 1987 ACT

SEC. 501. AMENDMENT RELATED TO SECTION 501 OF THE 1987 ACT.

Section 501(b) of the 1987 Act is amended by striking out the first comma.

SEC. 502. AMENDMENTS RELATED TO SECTION 503 OF THE 1987 ACT.

(a) Section 503(a)(1)(B) of the 1987 Act is amended by inserting "effective beginning" before "on".

(b) Section 503(a)(2) of the 1987 Act is amended by striking out "paragraph (1)" and inserting in lieu thereof "section 501".

TITLE VI—AMENDMENTS RELATED TO TITLE VII OF THE 1987 ACT

SEC. 601. AMENDMENTS RELATED TO SECTION 702 OF THE 1987 ACT.

(a) Section 8.0(9)(B)(ii) is amended—

(1) by striking out "hold" and inserting in lieu thereof "holding"; and

(2) by striking out "and" the first place it appears.

(b) Subsections (a)(1) and (b)(3) of section 8.2 are each amended by striking out "effective date" and inserting in lieu thereof "date of the enactment".

(c) Section 8.3(c)(4) is amended by striking out "the persons" and inserting in lieu thereof "such persons".

(d) The penultimate sentence of section 8.4(a)(1) is amended—

(1) by inserting "and" before "that are entitled"; and

(2) by inserting ", including national banking associations (which shall be allowed to purchase and hold such stock)" before the period.

(e) Section 8.4(e)(1) is amended by striking out "Association" and inserting in lieu thereof "Corporation".

(f) Section 8.6(a)(1) is amended—

(1) by striking out "in, or obligations" and inserting in lieu thereof "solely in, or obligations fully"; and

(2) by striking out "any pool of qualified loans" and inserting in lieu thereof "any pool consisting solely of qualified loans which meet the standards established under section 8.8 and which are".

(g) Section 8.6(e) is amended—

(1) in paragraph (1), by inserting "and" at the end;

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(h) Section 8.6(f)(1) is amended by striking out "effective date" and inserting in lieu thereof "date of the enactment".

(i) Section 8.8(a) is amended by inserting "permanent" before "Board" the first place it appears.

(j) Section 8.9 is amended by striking out "and 4.37" each place it appears and inserting in lieu thereof "4.14D, and 4.38".

(k) Section 8.12(a)(1) is amended by inserting ", or obligations backed by," before "a pool".

(l) Section 8.12(b)(2) is amended by striking out "effective date" and inserting in lieu thereof "date of the enactment".

SEC. 602. AMENDMENT RELATED TO SECTION 703 OF THE 1987 ACT.

Section 9105(a)(4)(B)(i) of title 31, United States Code, is amended by striking out "Association" and inserting in lieu thereof "Corporation".

SEC. 603. AMENDMENTS RELATED TO SECTION 704 OF THE 1987 ACT.

Paragraphs (1) and (3) of section 704(a) of the 1987 Act are each amended by striking out "title" and inserting in lieu thereof "subtitle".

SEC. 604. AMENDMENTS RELATED TO SECTION 705 OF THE 1987 ACT.

Sections 1.4(23), 1.15(22), 2.1(21) and 2.12(21) are each amended by striking out "to".

SEC. 605. AMENDMENTS RELATED TO SECTION 711 OF THE 1987 ACT.

Section 338(f) of the Consolidated Farm and Rural Development Act is amended by adding at the end the following:

"(5) The Secretary may contract for goods and services to be used for the purposes of this subsection without regard to the provisions of titles 5, 40, and 41, United States Code, and any regulations issued thereunder.".

TITLE VII—AMENDMENTS RELATED TO TITLE VIII OF THE 1987 ACT

SEC. 701. AMENDMENT RELATED TO SECTION 802 OF THE 1987 ACT.

Subsection (d) of section 802 of the 1987 Act is hereby repealed, and section 1.9 shall be applied and administered as if such subsection had not been enacted.

SEC. 702. AMENDMENTS RELATED TO SECTION 805 OF THE 1987 ACT.

(a) Section 1.15(12) is amended by inserting "by" before "the association".

(b) Subsections (q), (s), and (x) of section 805 of the 1987 Act are hereby repealed, and sections 4.3(c), 4.14, and 5.11 shall be applied and administered as if such subsections had not been enacted.

(c) Title IV is amended by redesignating parts G and H as parts F and G, respectively.

(d) Section 5.28(e) is amended by striking out "(d)" and inserting in lieu thereof "(c)".

(e) Section 5.29(b) is amended by striking out "may" the second place it appears.

TITLE VIII—AMENDMENTS RELATED TO TITLE IX OF THE 1987 ACT

SEC. 801. AMENDMENTS RELATED TO SECTION 901 OF THE 1987 ACT.

Section 901(b)(2) of the 1987 Act is amended—

(1) by inserting "et seq." after "2201";

(2) by striking out the fourth comma; and

(3) by striking out "title" the second place it appears and inserting in lieu thereof "Act".

TITLE IX—OTHER AMENDMENTS TO THE FARM CREDIT ACT OF 1971

SEC. 901. OTHER AMENDMENTS.

(a) Sections 1.21 and 2.8 are each amended by striking out "742(a)" and inserting in lieu thereof "3124".

(b) Sections 2.1(12) and 3.1(12) are each amended by striking out "as defined in section 2 of the Federal Deposit Insurance Act" and inserting in lieu thereof "(within the meaning of section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813))".

(c) Section 3.0 is amended by striking out "one or more" and all that follows through "this Act" and inserting in lieu thereof "another bank".

(d) Subsections (a) and (b) of section 3.2 are amended to read as follows:

"(a) Each bank for cooperatives not merged into the United Bank for Cooperatives or the National Bank for Cooperatives shall elect a board of directors of such number, for such term, in such manner, and with such qualifications as may be required in its bylaws, except that at least one member shall be elected by the other directors, which member shall not be a director, officer, employee, or stockholder of a System institution.

"(b) The board of directors of the Central Bank for Cooperatives shall consist of one member elected by the board of each bank for cooperatives, including the United Bank for Cooperatives if the Central Bank for Cooperatives is not merged into such bank, and one member appointed by the Farm Credit Administration.".

(e) Section 3.8(a)(4) is amended by striking out "district board" and inserting in lieu thereof "bank board".

(f) Section 4.12(a) is amended by striking out "district board" and inserting in lieu thereof "board of the supervising bank".

(g) Section 4.15 is amended by striking out "district" the first and second places it appears and inserting in lieu thereof "bank".

(h) Section 4.17 is amended by striking out "pursuant to section 2.3 of this Act" and inserting in lieu thereof "and Farm Credit Banks".

(i) Section 4.19(a) is amended by inserting "Farm Credit Bank" after "district".

(j) Section 4.19(b) is amended—

(1) by striking out "The Federal land bank and the Federal intermediate credit bank" and inserting in lieu thereof "The Farm Credit Bank";

(2) by striking out "their" each place it appears and inserting in lieu thereof "its";

(3) by striking out "of this section";

(4) by striking out "banks" and inserting in lieu thereof "bank"; and

(5) by striking out "a joint" and inserting in lieu thereof "an".

(k) Section 4.28 is amended—

(1) by inserting "or associations" after "exempt banks"; and

(2) by striking out "1.22, 2.8," and inserting in lieu thereof "1.15, 2.17".

(l) Section 5.16 is amended by striking out "district" and inserting in lieu thereof "bank".

(m) Section 5.17(a) is amended—

(1) in paragraph (1), by striking out "district boards" and inserting in lieu thereof "district banks";

(2) in paragraph (2), by striking out "boards of the district" and inserting in lieu thereof "district bank boards"; and

(3) in paragraph (3), by striking out "Federal land banks" and all that follows through "of this Act" and inserting in lieu

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thereof "Farm Credit Banks under section 4.19(b)".

(n) Section 5.17(d)(1) is amended—

(1) by striking out "of this Act" each place it appears; and

(2) by striking out "2.3" and inserting in lieu thereof "1.7(b)".

(o) The title heading of title V is amended to read as follows:

"TITLE V—FARM CREDIT ADMINISTRATION ORGANIZATION".

(p) Title V is amended by striking out the heading of part A.

(q) Section 5.0 is amended—

(1) by striking out "SEC. 5.0. CREATION OF" and inserting in lieu thereof "(b) FARM CREDIT"; and

(2) by striking out "district boards" and inserting in lieu thereof "boards of the banks in each district".

(r) The provision amended by subsection (q) of this section, as so amended, is hereby transferred to the end of section 1.2, where such transferred provision shall become a new section (b).

(s) Section 1.2 is amended—

(1) By inserting "(a) COMPOSITION.—" before "The Farm Credit System shall"; and

(2) by striking out "the regulation" and inserting in lieu thereof "regulation".

TITLE X—EFFECTIVE DATES

SEC. 1001. EFFECTIVE DATES.

(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by this Act shall take effect as if enacted immediately after the enactment of the 1987 Act.

(b) EXCEPTIONS.—The amendments made by sections 102(b), 102(f), 102(gf) 102(h), 201(q), 302(c), 302(d), 302(e), 401, 402(b), 409(d), 411, and 901 (other than by subsections (a), (b), (c), (e), (f), and (g) thereof) of this Act shall take effect immediately after the amendment made by section 401 of the 1987 Act takes effect.

The SPEAKER pro tempore. Is a second demanded?

Mr. COLEMAN of Missouri. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the House to approve the adoption of H.R. 3980. This bill will simply make a number of technical corrections to the provisions of the Agricultural Credit Act of 1987. The bill does not change, at all, the conference agreement on the 1987 act. In other words, it is not a technical improvements bill, but literally a technical corrections bill.

The need for the legislations was occasioned by the fact that, late last December, the joint conference committee staff had only 48 hours, working around the clock, to draft the conference agreements in bill language to enable the Committee on Agriculture to take the conference report to the floor before adjournment. The conference agreement, in some instances, varied substantially from both the House bill and the Senate amendment. As a result, there are numerous erroneous cross-references and possibly ambiguous provisions.

The bill does nothing more than attempt to put the finishing touches on bill language that would have been done earlier had there been sufficient time.

SUMMARY OF H.R. 3980

Following is a summary description of the technical amendments to the Agricultural Credit Act of 1987 (Public Law 100-233) to be made by H.R. 3980. For the most part, the amendments are drafted as amendments to the Farm Credit Act of 1971 (since the 1987 Act consisted, primarily, of amendments to the 1971 Act).

The amendments are only of one or the other following types: (1) corrections of provisions that do not accurately reflect the conference agreement on the 1987 Act (see the conference statement of managers in H. Rept. 100-490), and

(2) corrections of drafting errors, such as erroneous cross-references, grammatical mistakes, and unintended inconsistencies and ambiguities.

(NOTE.—Unless otherwise noted, section references are to sections of H.R. 3980.)

AMENDMENTS TO ACCURATELY REFLECT THE CONFERENCE AGREEMENT

(1) Merger—taxation: Add language agreed to by the conferees (but inadvertently left out of the bill) on the exemption, from State transfer taxes, of transactions to accomplish mergers within the Farm Credit System. (See. 408(u).)

(2) Stock guarantee: (A) As agreed to by conferees, insert substitute language (rather than the House language) into the borrower stock guarantee provision of the 1987 Act—specifically, by deleting the language relating to the coordination of the stock guarantee with activities of the Assistance Board and inserting substitute language ensuring that, through access to funds from the Assistance Board and the Insurance Corporation, each FCS institution will be able to meet its obligation to retire stock at par value. (Secs. 101(b) and 101(c).)

(B) Clarify that the borrower stock guarantee is applicable to allocated equities of borrowers, even though, by their nature, they are not required to be purchased. (Currently, the applicability of the provision appears to be restricted to equities required to be purchased.) (Sec. 101(d)(1).)

(3) Right of first refusal: Correct the dates reflecting the timing of certain requirements under the right of first refusal provision of the 1987 Act to reflect the conference report. (Secs. 104(a) and 104(b).)

(4) Vote on association mergers: Change the date in the 1987 Act by which association merger plans must be submitted to the Farm Credit Administration—from six months to twelve months after enactment—to accurately reflect the conference agreement. (Sec. 403.)

(5) FLBA audits: Change the maximum time during which Federal land bank associations may go without FCA audit—from five years to three years—to accurately reflect the conference agreement. (Sec. 416(c).)

(6) Special district rule: The 1987 Act authorized the production credit associations in certain farm credit districts to extend their lending territory. Under the conference agreement, this authorization is to apply only to PCAs located in districts that have no more than two PCAs. The bill will change the number—from three to two—of production credit associations in the phrase "located in a district in which there are not more than three such associations", in section 2.15(c) of current law and section 2.4 of new title II that will go into effect in 5 months, to reflect the conference agreement. The bill also will make grammatical improvements in the provisions. (Secs. 401(q) and 415(b).)

OTHER NEEDED TECHNICAL CHANGES

(1) Repealer: Old section 4.9A (FCS reserve fund) of the Farm Credit Act of 1971, which was replaced by the new insurance provisions of the 1987 Act, must be repealed. (Sec. 101(a).)

(2) Third quarter assessments; suspension of preservation agreements:

(A) Add a clarifying phrase to ensure that, of pre-existing quarterly assessments, only the Third Quarter 1986 assessment is suspended. (Sec. 201(1)(1).)

(B) Revise section 6.12 of the Farm Credit Act of 1971 (added by the 1987 Act) to clarify that the authority for the repayment of the amounts contributed by the Farm Credit System to replace the Third Quarter 1986 assessment does not expire in five years. (Sec. 201(m).)

(3) Section 4.0 fund: Redraft ambiguous provisions relating to where and when the money in the section 4.0 fund is used and transferred, so as to reflect the conference agreement that the money will be available to provide initial assistance to System institutions under the 1987 Act, later replaced by FAC bond funds, and then transferred to the FCS insurance fund on January 6, 1989. (Secs. 201(m), 202, and 302(j).)

(4) Repayment of assistance. (A) Clarify the provisions of section 6.26 of the Farm Credit Act of 1971 (added by the 1987 Act) relating to repayment of the funds used for FLB-FICB mergers under section 410 of the 1987 Act that describe the repayment obligations. (Secs. 201(r)(2), 201(t)(1).)

(B) Clarify that, under 6.26 (repayment of Assistance Board assistance), assistance provided to FCS institutions to retire eligible borrower stock at par value and funds used to cover the Board's expenses, will be repaid by the System as a whole. (Sec. 201(t)(1).)

(C) Clarify that the provisions of the third sentence of section 6.26(d)(3)(B)(iii) (permitting FCS institutions, at the time financial assistance bonds come due—in 15 years—to defer principal repayment) apply to institutions that are prohibited from repaying, as well as those that elect not to repay. (Sec. 201(w).)

(5) New Funding Corporation: And necessary transition provisions to section 4.9, as revised by the 1987 Act. Under the 1987 Act, the functions of the old finance committee under section 4.5 of the 1971 Act and the old Federal Farm Credit Banks Funding Corporation under section 4.9 were assigned to the new Funding Corporation established under revised section 4.9. The new Funding Corporation will have a new board of directors. The added transitional provisions will ensure that assets, liabilities, contracts, and stock of the old Funding Corporation are automatically conveyed to the new Funding Corporation when it begins operation (that

is, when a majority of the new board of directors is elected) that the board of the old Funding Corporation serves as the FAC board until the new Funding Corporation board is elected; and that the new board is elected as soon as is practicable. (Sec. 203(a) and 203(d).)

(6) Capital adequacy standards: Clarify that the provisions of section 4.3A of the Farm Credit Act of 1971 giving FCS institutions discretion in establishing minimum borrower stock percentage requirements will be subject to the specific 2 percent minimum purchase requirement also set out in section 4.3A. (Sec. 301(e).)

(7) Farm Credit System Insurance Corporation: (A) Revise the definition of "insured obligation" to clarify that, until new System bonds of FCS "insured banks" begin to be covered under the insurance provisions (that is, January 5, 1989), all System bonds will be covered. (Sec. 302(a).)

(B) Delete references to "reports of condition", to reflect the fact that an earlier House provision requiring reports of condition was not included in the 1987 Act. (Secs. 302(g), 302(h).)

(C) Delete a provision, in the House bill but not part of the conference agreement, that FCS insurance premiums are not to be deposited into the new Insurance Fund until five years after the enactment of the bill. (Sec. 302(k).)

(8) Long-term real estate lending: Add conforming provisions to new section 1.7(a) of the Farm Credit Act of 1971 (which is applicable to Farm Credit Banks) to clarify that the Farm Credit Banks will be able to discount long-term FLBA real estate loans, in cases in which the FLBAs are transferred to the long-term lending authorities of Farm Credit Banks, as authorized under new section 7.6 of the 1971 Act. (Sec. 401(e).)

(9) Boards of directors: Delete requirements that members of Farm Credit Banks, and bank for cooperatives boards of directors be elected from among "the voting stockholders", since the only stockholders of these institutions are associations, not individuals. (Secs. 401(c) and 406(b).)

(10) Authority to lease equipment: Combine a sentence in section 1.7(b)(2) of the Farm Credit Act of 1971 (added by the 1987 Act) allowing Farm Credit Banks to lease equipment to borrowers with a sentence that is substantially the same content, with respect to facility leasing in section 1.11(c)(2) (also added by the 1987 Act). (Secs. 401(f)(1) and 401(j).)

(11) Liquidation of FLBAs: Delete section 2.14 of the Farm Credit Act of 1971 (added by the 1987 Act), providing for a liquidation procedure keyed to an approach to capitalization that at one time was required of Federal land bank associations, but has since become obsolete. This was recommended by the Department of the Treasury. (Secs. 401(v) and (w).)

(12) Consolidation of districts: Clarify that the merger of Farm Credit districts, as required under the 1987 Act, will involve the merger of Farm Credit Banks (because under the other merger and related provisions of the 1987 Act,. the current three-bank district structure will be terminated and the banks for cooperatives will have previously voted on merging into larger consolidated banks for cooperatives under the bill). (Secs. 404(a), 404(b)(2), 404(b)(3), 404(d).

(13) Consolidated BCs: (A) Clarify that the third member of the board of directors of a consolidated bank for cooperatives (of the three board members elected by the stockholders at large) will be selected in accordance with procedures prescribed in the bylaws of the bank. (Sec. 407(c).)

(B) Conform the capitalization provisions of the 1987 Act relating to each consolidated bank for cooperatives to conform to the conference agreement on section 4.3A of the Farm Credit Act of 1971 (added by the 1987 Act) providing for each system institution to develop capitalization bylaws in accordance with new seciotn 4.3A. (Sec. 407(f).)

(14) Merger authority—unlike banks and associations: Revise new sections 7.0 through 7.4, and 7.8, of the Farm Credit Act of 1971 (added by the 1987 Act) to reflect new section 4.3A, and to eliminate out-of-date references to district boards and provisions of the 1971 Act that are repealed. (Secs. 408(b), (c), (d), (1), and (q).)

(15) District boards: Reverse—for six months—the repeal of the 1971 Act provisions relating to district boards, because it was intended that the district boards remain in existence until the FLB-FICB mergers are completed. (Secs. 409(c) and (d).)

(16) Board member compensation: Extend the $15,000 per person annual limit on compensation for service on FCS district boards—so that it applies also to successor Farm Credit Bank and bank for cooperatives boards. (Sec. 414.)

(17) Secondary market: (A) Clarify that national banking associations may purchase and hold stock of the Federal Agricultural Mortgage Corporation. (Sec. 601(d).)

(B) Delete an authority for the FAMC board to adopt standards regarding registration requirements for the secondary market securities. (Sec. 601(g).)

(C) Expand the exemption of secondary market pooled loans from certain FCS borrower rights provisions added by the 1987 Act to include an exemption from the acceleration prohibitions of section 4.14D of the 1971 Act. (Sec. 601(j).)

(18) FmHA secondary market: Add a clarifying provision, requested by the Department of Agriculture, to facilitate contracting under the FmHA guaranteed loan secondary market program established under section 711 of the 1987 Act. (Sec. 605.)

THE CLERICAL AND CONFORMING AMENDMENTS ARE AS FOLLOWS:

(1) Correction of erroneous cross-references: Secs. 101(d)(2), 102(a), 102(b), 103(b), 201(a), 201(e), 201(f), 201(h), 201(o), 201(u), 201(v), 201(x), 201(y), 201(aa), 201(bb), 204, 301(a)(2), 301(a)(3), 301(c), 301(g)(1), 302(l), 401(d)(4), 401(f)(3), 401(l)(2), 401(m)(1), 401(m)(2), 401(p)(1), 401(x)(3), 404(c), 405(a), 405(g), 408(f) (3) and (5), 408(n)(1), 408(n)(2), 408(n)(4), 415(a), 502(b), 603, 702(d), 802(3), 901(a).

(2) Correction of typographical and grammatical errors and non-substantive conforming changes: Secs. 102(c), 102(g)(3), 103(a), 104(c), 201(b), 201 (d) and (h), 201(g), 201(i), 201(j), 201(l)(2), 201(p), 201(r)(1), 201(t) (2)-(4), 201(x), 201(y), 201(z), 203(b), 203(c), 203(e), 301(a)(1), 301(a)(2), 301(b), 301(d), 301(f), 301(g)(2), 302(b), 302(f), 302(i), 302(l), 303, 401(a), 401(d)(1), 401(d)(2), 401(d)(3), 401(d)(5), 401(f)(2), 401(g), 401(h)(2)(A), 401(i), 401(l)(1), 401(m)(3), 401(n), 401(o)(1), 401(o)(2), 401(p)(2), 401(r)(1), 401(s), 401(u) (1)-(3), 401(x)(1), 401(x)(2), 402, 404(b)(1), 405 (b)-(f), 406, 407(a), 407(b), 407(d), 407(e), 407(g), 408(a), 408(f) (2) and (4), 408(g), 408(h), 408(k), 408(n)(3), 408(o), 408(p), 408(r), 408(s), 409(e), 410, 412(b)(1), 415(b), 416(a), 416(b), 417, 501, 502(a), 601 (a)-(c), 601(e), 601(f), 601(h), 601(i), 601(k), 601(l), 602, 604, 701, 702(a), 702(b), 702(e), 801(1), 801(2), 901(c), 901(d), 901(k)(1), 901(q).

(3) Amendments to conform other parts of the Farm Credit Act of 1971 to new titles I and II, added by the 1987 Act: Secs. 102(d), 102(e), 102(f), 102(g), 102(h), 201(q), 302(c), 302(d), 302(e), 401(w), 411, 901 (e)-(j), 901(k)(2), 901 (l)-(n).

(4) Correction of incorrect section or title designations: Secs. 201(c), 201(k), 201(s), 205, 408(e), 408(f)(1), 408 (i) and (j), 408(m), 408(n)(5), 408(q), 409(a), 409(b), 413, 702(c).

(5) Conforming amendments to new titles I and II: (A) Application, to titles I and II, of the "pre-approval" amendments made to comparable provisions of other parts of the Farm Credit Act of 1971: Secs. 401(b), 401(d)(6), 401(d)(7)(A), 401(h)(1), 401(h)(2)(B), 401(m)(4), 401(t), 412(a), 412(b)(2).

(B) Amendments to conform new titles I and II to other changes made by the 1987 Act: Secs. 401(k), 401(q), 401(r)(2).

(C) Amendments regarding the secondary market provisions of the 1987 Act: 401(d)(7)(B), 401(d)(8), 401(o) (3)-(5), 401(u) (4)-(6).

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am personally somewhat in a quandary here, and I want to be upfront with the chairman of my committee about the position I find myself in.

It is my understanding that the staffs in both the House and the other body have been working on this bill for some time, and that the chairman introduced a bill yesterday, I believe, which would finalize the legislation and give us the version of what we are correcting with this technical amendments bill today. Then about 10 minutes ago we were given an amendment in the nature of a substitute for H.R. 3980 which I assume the chairman of the committee is going to introduce or move to have considered.

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The staff person who was involved with these conversations up to and through I guess the weekend has not and was not involved yesterday with this type of discussion, and it puts me in somewhat of a quandary because my colleagues are asking me questions that I cannot answer right now. Maybe if the questions are going to get asked, and I think the gentleman from Pennsylvania [Mr. WALKER] may be the one asking them, I am going to have to refer those questions to my chairman. I do not want to surprise him with this, but I do not know, because unfortunately the time or something did not give him a chance to give this to me prior to 10 minutes ago.

I just want everybody to know what kind of situation we are in. I did not come over there to oppose this bill, but I cannot stand up and support it unless I know what is in it. That may be somewhat refreshing to some people around here, but I am not going to do it.

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Mr. de la GARZA. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to my chairman, the gentleman from Texas, to clarify exactly where we are.

Mr. de la GARZA. Mr. Speaker, I apologize to the gentleman if there were any staff omissions. The work has been done and it has been cleared. Maybe more time should have been allowed to the gentleman, but it has been presented to the staff.

I will be happy to answer any questions that the gentleman might have, or any other of our colleagues.

Mr. COLEMAN of Missouri. Well, I appreciate that.

I assume the chairman is in fact stating correctly that this is a technical amendment bill that basically in the rush to get this bill passed last year, we were rushed and it was part of the final avalanche that occurred, that not all the bill was in proper form in the sense of dotting all the "i's" and crossing all the "t's", and I take the chairman's word at that. I do not question it.

I also know that we read things in the newspaper about what was in the CR that we did not know was in there when we passed it, too, and that the staffs of this institution were involved with.

Mr. de la GARZA. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. Yes; I yield to the gentleman from Texas.

Mr. de la GARZA. Mr. Speaker, I will be happy to inform the gentleman again, the gentleman knows that our staffs had only about 48 hours working through the day and through the night to finalize the version.

This again, I repeat, is not someone saying that you should have done this or you should have done that. It has no additions. It is just limited to technical corrections. A word was left out, a line was left out over there. The wrong language was put in, because the wrong note was in the hands of the staff. That is all it does. There is nothing new, nothing that was not discussed, nothing that was not agreed upon. It is not a technical improvement, as I mentioned, but merely corrections.

Mr. COLEMAN of Missouri. Well, let me ask the chairman this, if he could highlight the differences, if there are any differences, as to why the gentleman introduced the substitute today, as opposed to the credit bill that we had yesterday? Could the gentleman tell us what the main distinction between those bills are?

Mr. de la GARZA. The changes are grammatical, again.

Mr. COLEMAN of Missouri. From the bill the gentleman introduced yesterday?

Mr. de la GARZA. Yes.

Mr. COLEMAN of Missouri. Let me ask the gentleman, on page 22, one has been brought to my attention wherein a PCA located in a district where there are two such associations that the Farm Credit Administration Board could provide the opportunity for a member who is turned down in one PCA to go to the other PCA in that district to be extended credit for technical services.

I was wondering if that is something that was in fact omitted from the previous bill that we are correcting. Was that something that the conference agreed to and that we are just reconfirming what the conference did on this bill originally that was omitted?

Mr. de la GARZA. That is section 22?

Mr. COLEMAN of Missouri. Well, page 22 of my copy.

Mr. de la GARZA. I think that is one of the rewrites of grammatical language.

Yes, these were grammatical changes, and the author of the amendment has informed us, he has seen the copies and it was cleared by Mr. McClure.

Mr. COLEMAN of Missouri. Well, I guess the thing gets a little more complicated. I was given one thing that had this on page 22, but now we have a new clean version of the new substitute which would have it on page 21, and it has to do with special district rules. That is what I was referring to.

Mr. de la GARZA. On page 21?

Mr. COLEMAN of Missouri. Yes, at the bottom. Is that a new addition based upon an omission by the original conference report and language in the bill, or is that something substantive?

Mr. de la GARZA. This is one of the grammatical changes, no substance.

Mr. COLEMAN of Missouri. This is a grammatical change, so in fact that language was in the original bill?

Mr. de la GARZA. Yes, it was a grammatical change.

Mr. COLEMAN of Missouri. Well, this is the type of confusion we are getting into because of the fast pace way this was given to us.

Mr. de la GARZA. All the staff was invited to the meeting yesterday, if the gentleman will yield, and the staff that was there worked on this.

As the gentleman well knows, our committee operates in the open. It is bipartisan.

Mr. COLEMAN of Missouri. That is why I do not want to oppose the bill. I just want to make sure for the record this explanation.

Mr. de la GARZA. I am glad to accommodate the gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to my friend, the gentleman from Pennsylvania, if he has any questions.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

I, too, am concerned in the same manner the gentleman from Missouri is concerned, because as I read through this, I will tell the gentleman that at least it gives the appearance of making some policy changes.

I would like to explore a little bit the point the gentleman just raised about this special district rule. As I have it, it is on page 23. I understand that the bill I have here, H.R. 3980, there is a substitute now, that we are considering that rather than H.R. 3980?

Mr. de la GARZA. That is right, if the gentleman will yield.

Mr. WALKER. All right, but is the language that I have on page 23 of H.R. 3980, called the "special district rule," is that the same language that appears in the substitute?

Mr. de la GARZA. Mr. Speaker, if the gentleman will yield, the gentleman is correct. It is substantially the same language.

Mr. WALKER. All right, fine. Let me raise my question then.

Up above, we are amending and making technical corrections in section 2.4 of the bill and we strike out certain words and we put new words in, so those are correcting grammar; however, when we get down here to this part (d) it says "special district rule," and above that it says, "Section 2.4 is amended by adding at the end the following:".

So this is new language that is being put in to section 2.4 based upon the bill I have before me.

I am assuming it says the same thing in the substitute we have, so I have to assume now that this is new language that is being added over and above what presently exists in law and there is little doubt in my mind as I read through this that there is a substantial policy involved here with regard to how borrowers can go about receiving credit.

I would appreciate the gentleman explaining to me if I am in error on that.

Mr. de la GARZA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Texas.

Mr. de la GARZA. It is very simple. You have to relate back to the conference report. What this is is that section 2.4 phases out in 6 months. It was put in one section and not in the other section of the bill, so that the bill is technically correct in its entirety. That is why this addition is to make it technically correct.

I would refer the gentleman to page 97 of the conference report, that the gentleman, of course, knowing his usual interest read. He might not recall it at this point, but that is all it is. The part that should have been in two places was only in one. Now it is reinserted so that it is technically correct.

Mr. WALKER. All right, so in fact that is the policy.

Again, I am operating off the bill that I had to read.

Page 18. Real estate loans and related assistance. There it says section 1.7(a) is amended to read as follows, and then it goes down through considerable language here on real estate loans, on financial assistance, that again appear to be policy matters that are being discussed and where we are amending a section of the bill.

Can the gentleman offer me an explanation for that one?

Mr. de la GARZA. This is another one of the omissions. This was authorized in section 7.6, but it was left out of the merger part below, so then it is brought down to be put in the merger so that it follows from one section to the other, doing the same thing.

Again, I repeat to my colleagues, I stand here telling you that there are no policy changes from the original act. It is not intended. If it is here, it is again by error. The only intent is to make the legislation technically correct and compatible in all the sections so that it can move and be a workable section.

Mr. WALKER. Reclaiming my time, Mr. Speaker, there is no question here about the chairman's integrity on that. We are just trying to figure out what it is we have before us, because in all honesty, I have not had a chance to read it until a little bit ago. When I go down through here, there appear to be a few things in here that went further than technical corrections. I appreciate the gentleman's explanation.

If I can, let me refer the gentleman to page 10. On page 10 we are amending section 4.9 by adding at the end the following, and then there is a whole "succession" procedure. First there is assets and liabilities, contracts, stock, and taxation. Can the chairman tell me what is involved in those policy matters in the rest of the bill?

Mr. de la GARZA. This is the amendment of the gentleman from Iowa [Mr. Grandy] to the legislation. The amendment did not continue and transfer the assets as liabilities, so the amendment as presented again was faulty to fit into the rest of the bill, so this is to make the amendment of the gentleman from Iowa [Mr. Grandy] applicable so that it is incorporated in the needed entirely to work with the legislation.

Mr. WALKER. All right. On page 2 of the bill, we are also amending section 4.9A(c) there with language about "inability to retire stock at par value."

Can the gentleman explain to me what that particular provision is and how that came to be in the bill?

Mr. de la GARZA. This again, the information I have is that the agreement was reached in the conference to retire stock at par value at sections 101B and 101C. Again, by deleting the language relating to the coordination of the stock guarantee activities of the Assistance Board and inserting substitute language insuring that through access to the funds from the Assistance Board and the Assistance Insurance Corporation, each FCS institution will be able to meet its obligations; so again it was agreed to in the conference and a part of that was omitted and is being reinserted.

Mr. WALKER. That then does involve a policy change——

Mr. de la GARZA. No, no, if the gentleman will yield.

Mr. WALKER. Over what we actually voted on in the House.

Mr. de la GARZA. No, not a policy change. The language inserted was not in the bill that the House approved.

Mr. WALKER. One final question. On page 38, section 4.21 talks about compensation of directors. We are adding a section there that no member of the board of directors may receive more than $15,000 per year. Is that a policy change?

Mr. de la GARZA. No, again, if the gentleman will yield, the same problem as with section 2.4. It was done in the part that expires in 6 months, but then it was not put in the section that continues, so it is two different sections and the language had to be in the two different sections; what happened, if I might venture a guess, is that when they inserted it at the top where it expires in 6 months, they did not follow up and insert it into the permanent section. That is what we are doing now.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

I think one thing it does point out, and I thank the gentleman from Missouri for yielding me some time to look at this, but I think the one thing it does point out is that the original bill was done fairly hurriedly. We evidently have a rather hurried process here that produced this bill. It would certainly help the membership if on matters that are very complicated, and the Farm Credit System is certainly one of those that involves a lot of complications that are beyond the understanding of most Members, including this one, but it would be very helpful to have a little more time to consider some of the policy options that we have.

I was on the floor when we were moving the Farm Credit System and we had to do some unanimous consent requests and everything else to get it through here and we obviously ended up with a bill that needs an awful lot of correcting. We have about 50 pages of corrections here. That is not a situation that we ought to have, and I think the gentleman from Texas would agree with me.

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Mr. de la GARZA. Mr. Speaker, reclaiming my time, I agree wholeheartedly with the gentleman from Pennsylvania [Mr. Walker]. It has never been our intention for this to happen, but unfortunately we do not have control of the scheduling and the time. This is one of the bills where it is a frustrating situation at best for us, but we are given the allocation of time and we are nearing the end of the session.

The gentleman was here and all of us remember that. This is not how I would choose to handle legislation. It is not the intent of the chairman or the members of the Committee on Agriculture to handle it in this manner but unfortunately we are working with the other body and we have two sets of staffs, and the scheduling is conducted by the leadership, and we have no control over it.

Mr. WALKER. Mr. Speaker, if the gentleman will continue to yield, let us have the word go out from all of us, that when we do have these situations arise that we ought to have a little better system of scheduling so that the Members are not put in these rather ludicrous positions along the way.

Mr. COLEMAN of Missouri. Mr. Speaker, I reserve the balance of my time.

Mrs. SMITH of Nebraska. Mr. Speaker, would the gentleman from Texas [Mr. de la Garza], the chairman of the Committee on Agriculture, be willing to engage in a brief colloquy?

Mr. de la GARZA. Mr. Speaker, I yield myself such time as I may consume, and I am happy to yield to our distinguished colleague, the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Speaker, I have been alerted by the Nebraska Department of Revenue of an oversight in the 1985 farm credit amendments (Public Law 99-205) that has technically exempted Production Credit Associations and Banks for Cooperatives from property taxation. Section 205, under the heading technical and conforming amendments, amends sections 2.17 and 3.13 of the Farm Credit Act (12 U.S.C. 2098 and 12 U.S.C. 2134) by striking out the last two sentences in both sections. Is this the gentleman's understanding?

Mr. de la GARZA. The gentlewoman is correct.

Mrs. SMITH of Nebraska. It is my understanding that these changes were made to delete references to the Governor of the Farm Credit Administration to conform to changes made elsewhere in the 1985 Farm Credit Amendments Act. Is that the gentleman's understanding?

Mr. de la GARZA. That is my understanding as well.

Mrs. SMITH of Nebraska. The sentences that were deleted pertained to the taxation of real and tangible personal property held by Banks for Co-

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operatives and Production Credit Associations. The amended sections I have referenced stated that property, income, capital, and reserves of such associations are exempt from all taxation except that any real and tangible personal property would be subject to Federal, State, territorial, and local taxation to the same extent as similar property.

Mr. de la GARZA. That is the way those sections read before the technical corrections were made in 1985.

Mrs. SMITH of Nebraska. Were these changes made with the intent to exempt real and tangible personal property held by such associations from property taxation?

Mr. de la GARZA. To my understanding, that was not the intent of my committee, nor of the committee of conference on the 1985 farm credit amendments.

Mrs. SMITH of Nebraska. Is it your understanding that although local governments are not given specific authority to levy property taxes on property owned by such associations, they are not prevented from doing so?

Mr. de la GARZA. Mr. Speaker, I would inform the gentlewoman from Nebraska [Mrs. Smith] that that is the advice of our legal counsel and certainly consistent with my understanding of the conference.

Mrs. SMITH of Nebraska. Mr. Speaker, I thank the gentleman from Texas [Mr. de la Garza] very much for this answers.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to say to the leadership, because I think the chairman of the Committee on Agriculture is caught in the same problem and bind that we are, but they still control the apparatus here, but I would like to say to the leadership that the leadership is going to have to provide us an opportunity to digest these bills and review them before bringing them to the floor because this procedure is not the right way to do business. I rely on my chairman's position. He is a man of considerable integrity and I know he is not trying to slip anything through here, and as a result I am not going to oppose this bill, but this is not the way to conduct business.

Mr. Speaker, we do not conduct a whole lot of business on the floor these days, but the business we do conduct ought to be conducted in such a way that we have enough chance to review the documentation we have at hand so that when colleagues ask us questions we can respond with appropriate answers instead of just that we are catching up like we are here today.

Mr. COELHO. Mr. Speaker, I rise in support of the Agricultural Credit Technical Correction Act of 1988 now before us.

This package of corrections to the Farm Credit Act of 1987 is necessary to allow for the implementation of this act which was hastily brought before the House in the final days of our first session prior to the House adjourning for Christmas break.

As we all know, the House and Senate conferees and the committee staff worked around the clock in their successful effort to get the final conference report ready for consideration on the House floor.

Inevitably, several inconsistencies were found in the bill signed into law by the President on January 6, 1988, upon later examination.

Most of these mistakes corrected in this bill consist only of changes made to grammar, spelling, cross-references, and similar provisions which comply with the original intent of the Farm Credit Act agreed to in conference.

One such provision regarding the taxation of consolidated properties was inadvertently excluded from the language passed by both Chambers and signed into law. This particular provision was agreed to by the conferees without objection. Therefore, when it was realized that this provision had not been included in the final draft, I became involved in the formulation of a technical corrections bill to rectify this, as well as other mistakes contained in the Farm Credit Act of 1987 passed by the House and the Senate on December 18 and 19, respectively.

Since this time, approximately 100 changes have been consolidated in this package. However, all proposed changes represent simple technical corrections to the Farm Credit Act.

The Agriculture Committee staffs of both Chambers have done an exceptional job of ensuring that the provisions included in the package before us exemplify only those necessary corrections which conform to the spirit of the Farm Credit Act. We purposely excluded any provision which would have broadened the bill's intent.

These corrections seek to enhance the implementation of the act as intended by Congress. As we seek the speedy implementation of final regulations on this act, I ask that we apply these changes as soon as possible.

Under such conditions, I urge my colleagues to unanimously consent to the inclusion of these corrections to the Farm Credit Act.

Mr. ST GERMAIN. Mr. Speaker, I rise in support of H.R. 3980, making technical corrections to the Farm Credit Act of 1987.

Your Committee on Banking, Finance and Urban Affairs has worked with the Committee on Agriculture and the Committee on Energy and Commerce to craft technical amendments to the 1987 act. These amendments correct erroneous references and ensure that the act's implementation is consistent with congressional intent.

I can assure my colleagues that there are no new issues raised by the amendments to the secondary market provisions. The vast majority of amendments are purely technical and conforming changes. There are, however, two amendments which would correct inadvertent omissions in the act. In both instances it is clear that failure to correct these omissions could result in the operation of the Federal Agricultural Mortgage Corporation in a manner inconsistent with the intent of the conferees.

The first amendment would require that any pool guaranteed by the Federal Agricultural Mortgage Corporation consist solely of qualified loans. Certainly, Congress did not intend that this new entity would guarantee pools which contain nonagricultural loans. While the act sets standards for the loans to be included in a pool, without this amendment, nowhere in this act is the Corporation expressly prohibited from guaranteed pools which contain loans other than qualified agricultural loans.

The second amendment would clarify that national banks could purchase and hold shares in the Federal Agricultural Mortgage Corporation. It was clearly the intent of the conferees that national banks along with bank holding companies, insurance companies, Farm Credit System institutions and other agricultural lenders could own shares in the Corporation, vote for members of the board of directors and participate in establishing corporate policy. Current law permits all of the above-named agricultural lenders, except national banks, to own shares in the Corporation. Without this second amendment we would be left in the bizarre situation where the local small bank, in many cases the most important source of agricultural credit for farmers, would be the only agricultural lender not represented on the board.

Indeed, it is conceivable that national banks could be precluded from originating loans to be placed in pools guaranteed by the Corporation. The act requires that the Corporation obtain its operating funds partially by contributions assessed upon originators. In consideration of these contributions, originators receive stock. If rural national banks are prohibited from receiving stock, they cannot make contributions and therefore cannot be originators of loans placed in guaranteed pools. Certainly the House and the Senate would not have passed legislation to assist farmers and agricultural lenders that would deliberately exclude rural national banks from participation.

Mr. Speaker, I can assure my colleagues that all the provisions of this legislation within the jurisdiction of the Banking Committee are technical or clarifying. They serve to ensure an accurate interpretation of congressional intent. They are supported by both majority and minority members of the committee. I urge my colleagues to support this resolution.

Mr. LENT. Mr. Speaker, I would like to offer a few comments on these technical corrections to the Agriculture Credit Act.

The Energy and Commerce Committee has had continuing interest in this legislation because it contemplates the creation of a billion dollar securities market under the auspices of Farmer Mac. This secondary market is expected to benefit farmers, investors, and the public.

The farm credit bill last year was the culmination of many hours of work by Members and staff to provide needed improvements to the Nation's agricultural finance system. The Energy and Commerce Committee played an important role in that effort, contributing to the creation of a secondary market for securitized agricultural loans. This effort included the chartering of Farmer Mac—a new entity to oversee and facilitate the new secondary market.

Today we are approving a number of purely technical amendments to the secondary market provisions of the Agriculture Credit Act. Few bills as complex as this bill pass the Congress without needing to go back and dot the "i's" and cross the "t's", I support these purely technical amendments to the Farmer Mac portion of the bill and urge my colleagues to do the same.

While these changes are merely technical, our action on them today demonstrates a continuing interest in the Farm Credit Program. I intend to pay careful attention to the development of the secondary market for agricultural loans to be sure that it achieves the objectives we established in the original legislation.

Mr. MARKEY. Mr. Speaker, I rise in support of H.R. 3980, the Agricultural Credit Technical Corrections Act of 1988. This legislation is a truly technical package of amendments to the Agricultural Credit Act of 1987, which the President signed into law earlier this year. It will permit the smooth implementation of this law, which provides needed relief to the Farm Credit System and creates a secondary market for agricultural real estate loan-backed securities to be administered by the new Federal Agricultural Mortgage Corporation, or Farmer Mac.

As chairman of the Subcommittee on Telecommunications and Finance, I have been concerned throughout the process of enacting the Agricultural Credit with the securities law elements of the new secondary market. The final product assured the full protections of the Federal securities laws governing registration and disclosure by issuers and activities of brokers and dealers who sell these securities. At a time when public focus on our financial markets is at its height, we must remain vigilant in our efforts to protect our investing public.

The securities law elements of H.R. 3980 represent no more than a fine-tuning of the product passed by Congress at the end of the last session. These technical corrections clarify the types of loans intended to be included within the securitized loan pools and otherwise ease administration of the secondary market. I urge my colleagues to support this legislation to permit the early and effective implementation of the new secondary market as well as the assistance for the Farm Credit System.

Mr. COLEMAN of Missouri. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. de la GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Traficant). The question is on the motion offered by the gentleman from Texas [Mr. de la Garza] that the House suspend the rules and pass the bill, H.R. 3980, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to make technical corrections to the agricultural credit laws.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. de la GARZA) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Alexander, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Gunderson) and to include extraneous matter:)

Mr. Fish.
Mr. Weber.
Mr. Broomfield.
Mr. Fawell.
Mr. Gilman.
Mr. Michel.
Mr. Conte.
Mr. Miller of Washington.
Mr. Konnyu.
Mr. Lott.
Mr. Young of Alaska.

(The following Members (at the request of Mr. de la GARZA) and to include extraneous matter:)

Mr. Hoyer in two instances.
Mr. Mrazek.
Mr. Garcia.
Mr. Solarz.
Mr. Fauntroy.
Mrs. Kennelly.
Mr. Edwards of California.
Mr. Swift.
Mr. Matsui.
Mr. Roybal.

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 3923. An act to make a technical correction to section 8103 of title 46, United States Code.

ADJOURNMENT

Mr. MURTHA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 24, 1988, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of Feb. 22, 1988]

2933. A letter from the Deputy Director, Office of Management and Budget, transmitting a report that the appropriation to the Veterans' Administration for compensation and pensions for fiscal year 1988 has been reapportioned on a deficiency basis, pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

[Submitted Feb. 23, 1988]

2963. A letter from the Architect of the Capitol, transmitting a report on the study of the presence, extent, and hazards of asbestos contamination in the Capitol complex; to the Committee on Appropriations.

2964. A letter from the Assistant Attorney General, Department of Justice, transmitting the Attorney General's report on the administration of the Equal Credit Opportunity Act for calendar year 1987, pursuant to 15 U.S.C. 1691f; to the Committee on Banking, Finance and Urban Affairs.

2965. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2966. A letter from the Acting Director, U.S. Arms Control and Disarmament Agency, transmitting the fiscal year 1989 arms control impact statement, pursuant to 22 U.S.C. 2576(b)(2); to the Committee on Foreign Affairs.

2967. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a report of the Commission's actions to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2968. A letter from the President, National Endowment for Democracy, transmitting the Endowment's report for 1987 of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2969. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 1987, through December 31, 1987, pursuant to 2 U.S.C. 104a (H. Doc. No. 100-168); to the Committee on House Administration and ordered to be printed.

2970. A letter from the Secretary of the Interior, transmitting a copy of an application from the State of Montana for a loan and grant under the Small Reclamation

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Projects Act, as amended, which has been approved, pursuant to 43 U.S.C. 422j; to the Committee on Interior and Insular Affairs.

2971. A letter from the Secretary of the Interior, transmitting, a report of the Fish and Wildlife Service on the administration of the Marine Mammal Protection Act of 1972 for the period January 1, 1986 to December 31, 1986, pursuant to 16 U.S.C. 1373(f); to the Committee on Merchant Marine and Fisheries.

2972. A letter from the Secretary of Transportation, transmitting the first status report of the demonstration projects authorized in section 149(a) of the act, pursuant to Public Law 100-17, section 149(j)(1) (101 Stat. 202); to the Committee on Public Works and Transportation.

2973. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Public Works and Transportation.

2974. A letter from the Director, Office of Management and Budget, transmitting a determination that additional amounts are necessary to maintain the authorized level of operation of RFE/RL, Inc., because of adverse fluctuations in foreign currency exchange rates, pursuant to 22 U.S.C. 2877(a)(2); jointly, to the Committee on Foreign Affairs and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORD of Michigan (for himself, Mr. Horton, Mr. Young of Alaska, Mr. Leland, Mr. McCloskey, Mr. Pashayan, Mr. Myers of Indiana, Mr. Gilman, Mr. Clay, Mr. Burton of Indiana, Mrs. Schroeder, Mrs. Morella, Mr. Solarz, Mr. Garcia, Mr. de Lugo, Mr. Dymally, Mr. Ackerman, Ms. Oakar, Mr. Yatron, Mr. Sikorski, Mr. Udall, Mr. Buechner, Mr. Coleman of Missouri, Mr. Emerson, Mr. Gephardt, Mr. Wheat, Mr. Skelton, and Mr. Volkmer):

H.R. 3987. A bill to designate the U.S. Post Office Building located at 500 West Chestnut Expressway in Springfield, MO, as the "Gene Taylor Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. LEVINE of California (for himself, Mr. McCandless, Mr. Gallegly, and Mr. Miller of California):

H.R. 3988. A bill to authorize the Secretary of the Interior to provide water conservation opportunities by lining the All-American Canal, Boulder Canyon project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. de la GARZA (for himself and Mr. Madigan):

H.J. Res. 466. Joint resolution to proclaim March 20, 1988, as "National Agriculture Day"; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H.J. Res. 467. Joint resolution designating January 30, 1989, as "National Day of the Disabled"; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself and Mr. Broomfield):

H. Res. 383 Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Foreign Affairs in the 2d session of the 100th Congress; to the Committee on House Administration.

By Mr. PEPPER (for himself and Mr. Quillen):

H. Res. 384. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Rules in the 2d session of the 100th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. Rodino.

H.R. 592: Mrs. Morella and Mr. Russo.

H.R. 1003: Mr. Bosco, Mr. Robinson, Mr. Clay, Mr. Clarke, Mr. Jontz, and Mr. Davis of Illinois.

H.R. 1049: Mr. Feighan.

H.R. 1398: Ms. Pelosi and Mr. Flake.

H.R. 1606: Mr. Frenzel.

H.R. 1620: Mr. Davis of Illinois.

H.R. 2051: Mr. McGrath.

H.R. 2611: Mr. Vander Jagt and Mr. Gilman.

H.R. 2737: Mr. Pickle.

H.R. 2762: Mr. Obey, Mr. Feighan, Mr. Bonker, Mr. Moody, Mr. Huckaby, Mr. Hammerschmidt, Mr. Akaka, Mr. Atkins, and Mr. Nelson of Florida.

H.R. 2870: Mr. Flake and Ms. Pelosi.

H.R. 2898: Mr. Fauntroy, Mr. Smith of Florida, Mr. Roe, Mrs. Patterson, Mr. Frost, Mr. Crockett, Mr. Schuette, Mr. Foglietta, Mr. Torres, Mrs. Boxer, Mr. Howard, Mr. Smith of New Hampshire, Mr. Akaka, Mrs. Collins, Mr. Hyde, Mr. Owens of Utah, Mr. Dornan of California, Mr. Buechner, Mr. Herger, Mr. de Lugo, Mr. Wortley, Mr. Martinez, and Mrs. Meyers of Kansas.

H.R. 3053: Mr. Denny Smith.

H.R. 3250: Mr. Schulze, Mr. Barnard, and Mr. Hubbard.

H.R. 3312: Mr. Akaka.

H.R. 3361: Ms. Pelosi, Mr. McCloskey, Mr. Ford of Tennessee, Mr. Alexander, Mr. Swindall, and Mr. Nagle.

H.R. 3375: Mr. Vander Jagt.

H.R. 3455: Mr. Mfume, Mr. Clay, Mr. Coelho, Mr. Sikorski, Mr. Gilman, and Mr. Sunia.

H.R. 3553: Mr. Dannemeyer, Mr. Tallon, Mr. Owens of Utah, and Mrs. Vucanovich.

H.R. 3724: Mr. Weldon.

H.R. 3764: Mr. Lowry of Washington.

H.R. 3800: Mr. Tallon and Mr. Spratt.

H.R. 3826: Mr. Dyson.

H.R. 3842: Mr. Borski, Mr. Quillen, Mr. Hughes, Mr. Roe, Mr. de la Garza, Mr. Lagomarsino, Mr. Horton, and Mr. Stratton.

H.R. 3882: Mr. Lagomarsino, Mr. Owens of New York, Mr. Bates, Mr. Hyde, Mr. Smith of Florida, Mr. Upton, Mr. Hughes, Ms. Kaptur, Ms. Pelosi, Mr. Whittaker, Mr. Courter, and Mr. Green.

H.R. 3892: Mr. Applegate, Mr. Synar, Mr. Upton, Mr. Hall of Ohio, Mr. Robinson, Mr. Mavroules, Mr. Harris, Mr. Mazzoli, Mr. Hammerschmidt, Mr. Montgomery, Mr. Jones of North Carolina, Mr. McCloskey, Mr. Donald E. Lukens, Mr. Barnard, Mr. Owens of Utah, Mr. Jones of Tennessee, Mr. Markey, Mr. Lent, Mr. Price of Illinois, Mr. Dowdy of Mississippi, and Mr. Hefner.

H.R. 3893: Mr. Jontz, Mrs. Smith of Nebraska, Mr. Livingston, Mr. Chandler, Mr. Combest, Mr. Grandy, Mr. McGrath, Mr. Regula, Mr. Schaefer, and Mr. Lightfoot.

H.R. 3937: Mrs. Smith of Nebraska and Mr. Lightfoot.

H.R. 3939: Mr. Nielson of Utah, Mr. Inhofe, Mr. Roberts, and Mr. Miller of Washington.

H.R. 3969: Mr. Carper, Mr. Bennett, Ms. Pelosi, Mr. Hoyer, Mr. Fields, and Mr. Fascell.

H.J. Res. 55: Mr. Garcia, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Olin, Mr. Towns, Mr. Lewis of Georgia, Mr. McDade, Mr. Henry, Mr. Packard, Mr. Gunderson, Mr. Stenholm, Mr. Swindall, Mr. Perkins, Mr. Barnard, Mr. Clay, Mr. Schuette, Mr. Gallegly, Mr. Rodino, Mr. Grant, Mr. Hatcher, Mr. DioGuardi, Mr. Kleczka, Mr. Coleman of Missouri, Mr. Pepper, Mr. Nichols, Mr. McCloskey, Mr. Thomas of California, Mr. Morrison of Washington, Mr. Regula, Mr. Saxton, Mr. Green, Mr. Bliley, Mr. Bruce, and Mrs. Saiki.

H.J. Res. 96: Mr. Harris, Mr. Dellums, Mr. Valentine, Mr. Stratton, Mr. Mazzoli, Mr. McDade, Mr. Panetta, Mr. Hansen, Mr. Carper, Mr. Fazio, Mr. Torricelli, and Mr. Robinson.

H.J. Res. 383: Mr. Lehman of California and Mr. Flake.

H.J. Res. 391: Mr. Garcia, Mr. Green, Mrs. Roukema, Mr. Tauzin, Mr. Guarini, Mr. Sikorski, and Mr. Martinez.

H.J. Res. 415: Mr. Porter, Mr. Lewis of California, Ms. Pelosi, Mr. Florio, Mr. Mazzoli, Mr. Ray, Mr. Roe, Mr. Fascell, Mr. Chandler, Mr. DeFazio, Mr. Dixon, Mr. Dornan of California, Mr. Espy, Mr. Campbell, Mr. Early, Ms. Kaptur, Mrs. Johnson of Connecticut, Mr. Henry, Mr. Konnyu, Mr. Mfume, Mr. Ireland, Mrs. Morella, Mr. Tauke, and Mr. Gephardt.

H.J. Res. 421: Mrs. Bentley, Mr. Bevill, Mr. Biaggi, Mr. Blaz, Mr. Borski, Mrs. Boxer, Mr. Brooks, Mr. Chapman, Mr. Coelho, Mrs. Collins, Mr. Cooper, Mr. Crockett, Mr. DeFazio, Mr. DeWine, Mr. DioGuardi, Mr. Dixon, Mr. Duncan, Mr. Dymally, Mr. Early, Mr. English, Mr. Erdreich, Mr. Fascell, Mr. Fauntroy, Mr. Flippo, Mr. Florio, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frost, Mr. Gallo, Mr. Gonzalez, Mr. Gordon, Mr. Hammerschmidt, Mr. Harris, Mr. Hatcher, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Hefner, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Hughes, Mr. Jeffords, Mr. Jones of North Carolina, Mr. Jontz, Ms. Kaptur, Mr. Kasich, Mr. Kleczka, Mr. Kostmayer, Mr. LaFalce, Mr. Lagomarsino, Mr. Lehman of California, Mr. Lehman of Florida, Mr. Levin of Michigan, Mr. Levine of California, Mr. Lipinski, Mr. Livingston, Mr. Mack, Mr. Martin of New York, Mr. Miller of Washington, Mr. Moakley, Mr. Montgomery, Mr. Mrazek, Mr. Murtha, Mr. Neal, Mr. Nielson of Utah, Mr. Owens of New York, Ms. Pelosi, Mr. Perkins, Mr. Quillen, Mr. Rahall, Mrs. Roukema, Mr. Scheuer, Mr. Schumer, Mr. Skelton, Mr. Smith of Florida, Mr. Smith of Iowa, Mr. Stump, Mr. Tallon, Mr. Traficant, Mr. Traxler, Mr. Valentine, Mr. Weiss, Mr. Whittaker, Mr. Whitten, Mr. Wolf, Mr. Wortley, Mr. Wyden, Mr. Young of Florida, and Mr. Young of Alaska.

H.J. Res. 422: Mr. Ackerman, Mr. Biaggi, Mr. Bilbray, Mr. Bilirakis, Mr. Carper, Mr. Chapman, Mr. Coleman of Texas, Mr.

Conte, Mr. Darden, Mr. de Lugo, Mr. Dorgan of North Dakota, Mr. Dornan of California, Mr. Dymally, Mr. Early, Mr. Erdreich, Mr. Fascell, Mr. Florio, Mr. Fuster, Mr. Gray of Illinois, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Hefner, Mr. Horton, Mr. Howard, Mr. Hughes, Mr. Hutto, Mr. Kasich, Mr. Lagomarsino, Mr. Lipinski, Mr. McCloskey, Mr. Manton, Mr. Matsui, Mr. Miller of California, Mr. Mrazek, Mr. Neal, Mr. Nowak, Mr. Owens of New York, Mr. Owens of Utah, Mr. Quillen, Mr. Regula, Mr. Rodino, Mr. Roe, Mr. Skelton, Mr. Smith of Florida, Mr. Smith of New Hampshire, Mr. Studds, Mr. Traficant, Mr. Visclosky, Mr. Volkmer, Mr. Wheat, and Mr. Wolf.

H.J. Res. 440: Mr. Mrazek, Mr. Hertel, Mrs. Meyers of Kansas, Mr. Dornan of California, Mr. Owens of Utah, Mr. Mack, Mr. McCloskey, Mr. Towns, Mr. Fazio, Mr. Anthony, Mr. Lipinski, Mr. Hatcher, Mr. Matsui, Mr. Atkins, Mr. Rogers, Mr. Donald E. Lukens, Mr. Guarini, Mr. Foglietta, Mr. Hughes, Mr. Hiler, and Mrs. Martin of Illinois.

H.J. Res. 448: Mr. Ritter, Mr. Smith of Florida, Mr. Levine of California, Mr. Courter, Mr. Atkins, Mr. McGrath, Mr. Lagomarsino, Mr. Hastert, Mr. Lipinski, Mr. Quillen, Mr. Moorhead, Mr. Inhofe, Mr. Bliley, Mr. Weiss, Mr. Solomon, Mr. Dingell, Mrs. Martin of Illinois, Mr. Conte, Mr. Sikorski, Mr. Early, Mr. Bonior of Michigan, and Mr. Markey.

H.J. Res. 453: Mr. Buechner.

H. Con. Res. 246: Mrs. Meyers of Kansas.

H. Res. 283: Mr. Stratton.

H. Res. 374: Mr. Nielson of Utah, Mr. Inhofe, Mr. Roberts, and Mr. Miller of Washington.

PETITIONS, ETC.

Under clause 1 of rule XXII,

126. The SPEAKER presented a petition of J.H. Lewis, Chester, PA, relative to a writ of habeas corpus; which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, February 23, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. Our prayer today will be offered by Rev. Edwin S. Harper, pastor of the Staunton Street Apostolic Church in Huntington, WV. Reverend Harper is sponsored by the majority leader, Senator BYRD.

PRAYER

The Reverend Edwin Stephen Harper, D.D., pastor, Staunton Street Apostolic Church, Huntington, WV, offered the following prayer:

Let us pray.

Unto Thee Our Mighty God Jesus Christ, we come to thank You, praise You and seek Your favor for our humble request today.

We thank You for the bountiful provisions You have given, allowing this world to be blessed by the presence of these United States of America. This land is Your witness to the world that righteousness exalts a nation. Here, regardless of persuasion, righteous faith has been honored and You have opened the window of Heaven and poured out blessings our barns cannot contain. Receive our heart given worship.

Praising Thee who art worthy to receive worship. Your Holiness humbled to help our faltering steps. Power metered to keep us in our weakness without destruction. Peace that overlooks our turmoil and heals our differences that we can enjoy Your unlimited grace.

To You our unmatched God we make this request today. By Thy Holy Spirit unleash the composite wisdom of these servants of this Republic. Bring to their minds forgotten truths tried by time and taught by experience. Let fear dissipate and the challenge of this day succumb to Your influence ministered through these vessels in this Chamber of law.

The records of the words of this prayer will be lost in the volume of the record of the Nation, Oh God, but the decisions made here today choose life and death, feast and famine for America and the world. For the subjects of this Senate's deliberation let this prayer become the advocate for purity in the reasoning of this day. To this burden we prostrate our hearts, seek Your favor and invite Your presence to transform this house into a cathedral of safety and strength for all.

In the name of the Lord Jesus Christ,

To Thee be glory and honor forever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 23, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. PROXMIRE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

TODAY'S GUEST CHAPLAIN

Mr. BYRD. Mr. President, I want to thank our guest chaplain, the Reverend Mr. Edwin S. Harper, for his uplifting prayer.

In addition, I welcome him and his family to the Capitol today, and I hope that their visit with us will be enjoyable and enlightening.

The Reverend Mr. Harper is the pastor of the Staunton Street Apostolic Church in Huntington, WV. A native West Virginian, Mr. Harper studied at the Texas Bible College prior to accepting his first pastoral charge, which was in Dupo, IL. From Dupo, he went next to Morgantown, WV, where he served a church until moving to his current ministerial duties.

Besides his church work, Mr. Harper has also served as chairman of the United Way for the River Cities, headquartered in Huntington, WV. He is also the president of the West Virginia Jobs Foundation, Inc.

Accompanying Mr. Harper to Washington today are his wife Sharon, and his three daughters, two of whom are twins.

May I say that I have visited in the church of Mr. Harper on more than one occasion. He is a minister who leaves one feeling spiritually renewed and filled, after one hears his sermons. They are great sermons.

His wife accompanies his singing. He sings well, may I say to our Senate Chaplain, who also sings well. I have had the privilege, upon one occasion, of hearing our dear Chaplain sing Amazing Grace, which is one of my favorites and a favorite of a good many of our Baptists from West Virginia, although we love all the old songs. But the Reverend Mr. Harper is also excellent in singing the old hymns and his wife accompanies him on the piano.

They are both very accomplished musicians. I wish that our Senators could hear this man deliver a sermon from the pulpit. They would never forget it. I am still benefiting by having listened to him in Huntington. It must have been at least a year ago. He brings a spiritual message. It comes from the Bible and it cannot help but touch the hearts of those who listen.

I am delighted, as a Senator from West Virginia, in having this good man visit the Senate today and open the Senate with prayer. I welcome the Harper family to Capitol Hill today and I trust that they will all return to Huntington rewarded and informed by their visit here.

DO THE SOVIETS REALLY PLAN TO LEAVE AFGHANISTAN?

Mr. BYRD. Mr. President, earlier this month, Soviet General Secretary Gorbachev announced that if Pakistan and Afghanistan reach agreement by March 15 at the upcoming round of U.N.-sponsored negotiations in Geneva, the Soviets could begin withdrawal of their troops from Afghanistan on May 15. Mr. Gorbachev also said that withdrawal could be completed in 10 months. Is it possible that more than 8 years after they invaded Afghanistan the Soviet Union really, really intends to leave Afghanistan? Do they really intend to leave Afghanistan?

I do not know the answer to that question. I do not think anyone knows what the Soviets really intend to do. It may be that they have taken a firm decision to get out of Afghanistan regardless of the cost. I know that some of the administration leaders are convinced that Mr. Gorbachev has really made a decision to get out of Afghanistan. But when? And under what circumstances? "Thereby hangs a tale."

After all, the Soviets have lost nearly 35,000 to 40,000 dead and wounded. It may be that it has become too costly for them to stay, but they will withdraw only if they are able to maintain a proxy government in Kabul or if they are able to accomplish their goals through subversion rather than fruitless and costly fighting. Or it may be that they have no intention of withdrawing, but are gambling that final agreement at Geneva will be so difficult to reach, that Mr. Gorbachev could gain in the public relations arena where he is very good, and still welsh on his earlier announced withdrawal.

What I do know is that the United States did not create this mess and it is not our responsibility to solve it for the Soviets. It is not our responsibility to reward the Soviets for getting out.

There is a very simple bottom line here: in December 1979, the Soviets invaded Afghanistan, they have brutally occupied it for over 8 years, and they must leave. They do not need our help to leave Afghanistan. All they need to do is turn their troops, their divisions, their guns, their planes, around and head north, back to the Soviet Union where they belong. It's as simple as that.

So if they want to get out, what is holding things up? According to the Soviets, the problem now is that Pakistan will not sign the Geneva accords with the Soviet puppet leader. The Pakistanis are insisting—rightly, I believe—that an interim government acceptable to the resistance be formed before they are willing to sign. They also suggest that the signing be delayed until the end of March to allow more time to form a coalition government. Why should we ask Pakistan to endorse the credibility of the Afghan puppet rulers? Why should we legitimize the partners of the Soviet occupying force?

The Pakistani Government should not be put under any pressure to agree to Soviet terms for a settlement. The future of Afghanistan should not be driven by some United States-Soviet summit schedule.

Let us watch that very carefully. Are we going to be driven by a summit schedule? Let us hope not. We are on the summit binge, it seems, and many, many people are questioning as to whether or not we may make some deal, either on the table or under the table, make some deal, directly or indirectly, in order to further a summit meeting, in order to have a summit meeting soon on nuclear arms.

I suggest that we have a summit meeting when we are ready, and certainly that we have a treaty when it is ready; that we not be guided by any deadline in dealing with the Soviets anent the START Treaty. Time deadlines are not important. Let us have the treaty when it is ready. Contents of the treaty and the security interests of the United States and her allies are what should drive us.

The Soviets naturally seek opportunities to negotiate with the West under circumstances where the West is under some pressure of deadline, be it political deadline, summit deadline, or election deadline. The Soviets, of course, do not operate under deadlines. They can string the Afghan question out as long as they like.

The next round of United Nations-Geneva negotiations between Pakistan and Afghanistan is scheduled for March 2. There is still much to be negotiated at Geneva, and there are a number of very critical problems which must be addressed outside the framework of the Geneva negotiations. One of the four documents being negotiated at Geneva is a declaration of guarantees by the Soviets and the United States, stating our support for a political settlement and ensuring that there is nonintervention by Pakistan and Afghanistan in each other's affairs. But the United States would be foolish to sign up to such a declaration without the settlement of some very troublesome issues. First, in the context of the Geneva negotiations, the exact terms and conditions of the Soviet withdrawal still must be addressed. The Soviets are talking about withdrawing over a period of 9 or 10 months, a quite leisurely pace for withdrawal. The Pakistanis have suggested a 3-month timeframe, which is closer to the mark. After all, Mr. President, what is the purpose of an Afghan settlement? It is to get the Soviets out, first and foremost. Second, it is to ensure that Afghanistan can take its place as a neutral and nonaligned country, with its own political integrity, able to exercise self-determination. Third, it is to allow such an Afghanistan to absorb the refugees which now reside in Pakistan and Iran.

There are a number of issues separate from the specific Geneva accords which demand attention. These include aid to the resistance, the status of Soviet advisers, the future of the nearly 400 bilateral treaties the Soviets have made with the puppet Afghanis, and the positioning of Soviet troops across the Soviet-Afghan border. None of these issues have been resolved.

What about the aid question? The Soviets have been silent on the question of assistance to the regime and supporters in Afghanistan during and after a political settlement, and during and after a military withdrawal. Yet, they are demanding the U.S. terminate its aid to the Mujahadeen at the first sign that Soviet forces seem to be withdrawing.

Are we silly? Are we foolish? Are we dumb?

This, in my view, is an absurd proposition. I oppose it strongly. Why should the United States terminate assistance to the resistance the day the Soviets begin their withdrawal, the Soviets are under no reciprocal requirement to terminate their assistance to the puppet regime? That is a recipe for disaster. Under those terms, the Soviets would have 9 or 10 months to continue to equip the Afghan military and prepare it for a bloody civil war, while the resistance would be cut off.

American aid should stay in place until it is absolutely, indubitably and unquestionably clear that the Soviets are mainly out and that they are not redeploying their forces to be inserted again, and that the Mujahadeen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections.

Furthermore, what are the Soviets leaving behind, even if they withdraw their regular troops? They have made it clear that they are going to leave some 9,000 to 10,000 advisers in Afghanistan. What are they going to be advising on? They ought to come out as well. What would be the Soviet Government's reaction to a proposition that the United States now put 10,000 of its own advisers into Kabul? That would not be a very welcome proposition in the exciting talks leading up to another superpower summit.

Pakistan is worried that if it signs peace accords with the puppet regime, it will be granting that puppet government international legitimacy. More to the point, from the Pakistanis'perspective, if the Sovietspull out with the puppet regime intact, the resistance will continue fighting and Pakistan will continue to be stuck with the 3 million Afghan refugees who will be unable to return home. In the eyes of the Pakistanis, that would be a sham settlement. I agree.

The Soviets have attempted to colonize Afghanistan. They have revamped the educational system, they have exported young Afghan children to the Soviet Union for indoctrination.

Imagine that! How would you like to have your own children ripped up by the roots, taken to the Soviet Union for indoctrination? Would you feel like taking that rifle off the wall and using it?

They have established a secret police, and they have remade the Afghan Army in their own image. Why should the United States be expected to support the proposition of allowing the Soviet puppet regime to remain in place after the Soviets withdraw? I understand the Mujahadeen have reluctantly agreed to allow some elements of the PDPA party, the party now in power in Kabul, but not its current ruler, Mr. Nujibullah, to remain in place. In other words, the

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• This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

makings of an interim coalition with some elements of that party is available. That is quite a concession on the part of the Mujaheddin, and they should not be pressured to go further.

What exactly is it that the United States is being asked to guarantee? We cannot guarantee anything in that part of the world. We were not able to guarantee that the Soviets would not invade in the first place, and we will not be able to guarantee that they will not reinvade. Are we being asked to guarantee that we will not provide assistance to the resistance if the Soviet Union undertakes yet another brutal invasion and occupation of Afghanistan once it gets out, if it gets out?

Are we putting ourselves in the position of guaranteeing a medal of good behavior to the Soviets for withdrawing their military units, with the bonus of being able to maintain an overbearing presence, and to continue an aid program to be the primary force behind events in that nation? I see no sense in that at all.

Mr. President, there have been suggestions that a U.N.-sponsored peacekeeping force would be useful to help guarantee that Soviet forces can withdraw in an orderly way without being attacked on the way out. Such a force might also help keep the peace in the major cities while an interim government organizes the nation's political future. I would suggest that it might be helpful for the Soviets to seriously consider the creation of such a force. I believe it would be in the interests of all parties if such a force were to be included in the fourth Geneva accord which deals with withdrawal.

Mr. President, we can expect the Soviets now, after a decade of warfare against the Afghan people, to claim that the United States and Pakistan are holding up their withdrawal from that country because of unreasonable demands on the Soviets. We have to be prepared for that kind of disinformation, and we have to give the Government of Pakistan all the support possible to hold firm against the expected Soviet negotiating and disinformation tactics.

The Soviet Union invaded Afghanistan and carried out a scorched Earth war against a nation with little more than the courage to defend itself. After nearly a decade and 1 million deaths, the Afghan people have refused to collapse. With public opinion mounting, casualty lists, and finances running against further engagement, Mr. Gorbachev is looking for a graceful, easy way out. His hope is to make the Soviet withdrawal appear to be an act of generosity, good will—rather than a necessity. We should not reward the Soviets for having failed to devour Afghanistan, nor must we let the Soviets quit Afghanistan wrapped in clouds of glory. Their brutal occupation has not been honorable. Their defeat should not be rewarded. They should simply get out.

Mr. President, there was an excellent article in the Sunday, February 21 edition of the Washington Post in the Outlook section. The article was titled "Does Moscow Really Plan on Leaving Afghanistan?" by Lally Weymouth.

I ask unanimous consent that that article appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOES MOSCOW REALLY PLAN ON LEAVING AFGHANISTAN?

(By Lally Weymouth)

ISLAMABAD, PAKISTAN.—"I have never seen a test case like this," says French diplomat Jean-Francois Deniau of the proposed Soviet pullout from Afghanistan. "It's the only way we can see if Gorbachev can do what he says. It's so important for freedom and for hope. It's like D-Day. . . . We can't accept that a question like this will receive a false solution."

A real solution, says the French special envoy on Afghanistan, would be the complete withdrawal of Soviet troops and the creation of a truly independent country—as friendly with Pakistan as with the Soviet Union.

The French diplomat is asking the right questions: Is Mikhail Gorbachev's announcement that the Soviets will withdraw from Afghanistan—trumpted around the world this month—for real? Does Moscow plan a "real solution," or just a cosmetic one that maintains a Soviet proxy government in Kabul? And will the Reagan administration, anxious for a foreign-policy success, accept a false solution?

Answers to these questions could begin to surface tomorrow, as Secretary of State George P. Shultz holds talks in Moscow on Afghanistan. Conservatives worry that he may accept a deal that would halt U.S. aid to the mujaheddin at the start of a 10-month period of promised Soviet troop withdrawal. Such a deal, made without the participation of the Afghan resistance fighters who waged the war, could well collapse—with the resistance fighting on and Afghanistan becoming a second Lebanon.

A clear picture of what's at stake in the current diplomatic debate over Afghanistan emerges from conversations with some of the key players—in the Soviet Union, Afghanistan, Pakistan and China. What comes through above all is a sense of uncertainty about what really lies ahead in Afghanistan. Many of those most closely involved are skeptical about Soviet intentions and doubtful that it will be possible to create the neutral, nonaligned Afghanistan that nearly everyone proclaims as the goal. These comments provide a healthy antidote to the optimistic expectations prevalent now in Washington that a lasting settlement of the Afghan conflict is in sight.

Here's a summary of what some of the key officials told me in interviews during the last two months:

The Soviet Union. Soviet First Deputy Foreign Minister, Yuli Vorontsov, claims that as a result of the so-called "new thinking," the Soviets have decided to withdraw their troops from Afghanistan and to arrive at a political settlement. But Vorontsov insists that withdrawal from Afghanistan does not mean defeat. Indeed, he notes that "we haven't used all the military power we could have applied."

Anatoliy Dobrynin, head of the Soviet International Department, says he favors withdrawal but warns that if the withdrawing Soviet troops come under attack, "it will make the process of withdrawal more difficult. We are not prepared to withdraw at any cost."

The future Afghanistan that Dobrynin says he envisions is a "neutral or nonaligned country with no foreign bases." (The Soviets use the words neutral and nonaligned interchangeably, ignoring the differences between Austria, a neutral, pro-West country, and Angola, a Marxist regime that describes itself as nonaligned.) Asked where the neutrals will come from—in a country where one side has been killing the other for the last eight years—Dobrynin admits it is difficult to say.

The Soviets expect that the Geneva accords between Pakistan and Afghanistan will stop western aid to the *mujaheddin* from coming across the Pakistani border. But Iran, home to another 1.5 million Afghan refugees, is another gateway for aid, and Iran is not part of the Geneva talks. Vorontsov says the Soviets are hoping to get the Iranians to seal their border, too.

Even if the Soviets withdraw their troops, says ambassador-at-large Nicholai Kozyrev, they will continue "to provide assistance to Afghanistan." Economic relations, he said, have good prospects. After all, the Soviet Union has signed about 300 economic treaties with the Soviet-backed Afghan government and it is hoping that the next government will assume the obligations in these treaties. One treaty is thought by Pakistani intelligence to cede the Wakhun corridor to the Soviet Union.

Both Kozyrev and Vorontsov say that Soviet advisors will remain in Afghanistan even if troops are withdrawn. At present there are said to be 9,000 Soviet advisors in Afghanistan—directing every aspect of Afghan life.

Afghanistan. In Kabul, signs of Soviet control are evident everywhere from the moment you land at the airport. My Aeroflot plane was encircled as it landed by other Soviet planes that dropped flares to distract the Stinger missiles the *mujaheddin* possess.

It's easy to spot Soviet convoys rolling down the road. And you can't overlook the large KGB headquarters, which is centrally located. The KGB, and its Afghan counterpart, known as KHAD, are said to rule the city. Remarks one western diplomat: "Here, there is not one centimeter of change."

"It's a complete and methodic colonization," explains one diplomat in regard to the Sovietization of Afghanistan. Since 1980 when the invaded, the Soviets have taken about 60,000 young Afghans to the Soviet Union to be "educated." "All the main officers in the Afghan administration were formed in the USSR," says a knowledgeable western source in Kabul.

In Kabul, I found the diplomatic community surprisingly united in their conviction that the Soviets aren't likely to withdraw from Afghanistan—and that even if they do withdraw some troops, Soviet influence will not disappear.

One senior western diplomat in Kabul made the case most effectively. "The Soviet Union doesn't want to abandon Afghanistan," he says. "The Soviets want you, by diplomatic means, to help them stay in Afghanistan. . . . They want to deceive your country. . . . Afghanistan isn't Vietnam. Afghanistan is at the border of the Soviet Union. They want to stay and they want the guarantee of the United States that they can stay."

The West is overestimating the *mujaheddin,* says this veteran diplomat in Kabul. He insists that western analysts are wrong in predicting a bloodbath if Soviet troops withdraw, as the *mujaheddin* take their revenge on the puppet Afghan regime: "Even if the Soviet troops pulled back, the Kabul regime will be aided by advisors, weapons and money. It is possible that it is strong enough to resist and the *mujaheddin* are divided and will not succeed."

Pakistan. There is pressure on Pakistan to agree to a settlement at the upcoming Geneva meeting with the Afghan government, scheduled for March 2. Gorbachev said a week ago that if an agreement is signed by mid-March, then the Soviets will start to pull out their troops in mid-May. With a summit coming in June, American officials would like to have the Afghan war settled so that it won't obstruct disarmament talks.

The Geneva negotiations have been underway since 1982. So far, Pakistan and Afghanistan have managed to agree on three points: reciprocal assurances of non-interference and non-intervention by Afghanistan and Pakistan; guarantees of this non-interference by the Soviet Union and the United States; the right of Afghan refugees to return to their homeland. A fourth item that would provide a time-frame for withdrawal of Soviet troops hasn't yet been resolved.

Gorbachev's recent proposal of a 10-month withdrawal period seemed to close the gap, and some analysts thought a settlement was near. Then Pakistan's President Zia ul Haq introduced a new element when he told me in an interview last month that he would not sign the Geneva Accords with the Soviet backed president of Afghanistan, Najibullah. Zia said he would sign the accords with a coalition government formed of and by Afghans and controlled by the *mujaheddin* and Afghan exiles.

The reason for President Zia's demand for an interim government is that he wants to be sure that an agreement is a real agreement—that it will insure both the withdrawal of Soviet troops and the ability of the 3.5 million Afghan refugees housed in Pakistan to return to their homes.

A former senior Pakistani official explains that Islamabad is worried that if Pakistan signs the Geneva accords with Najibullah, it will achieve what Deniau calls a false settlement—one in which the *mujaheddin* are excluded and continue to fight, one that gives Najibullah the legitimacy he has been denied for so long and one which leaves Pakistan stuck with the Afghan refugees, who won't return home as long as Najibullah reigns.

The present Soviet strategy, explains one senior Pakistani official, is to improve relations with both Iran and Pakistan so that "sandwicked between the two, Soviet security in Afghanistan can be insured." In five to 10 years, according to one knowledgable Pakistani, the Soviets expect to have pro-Soviet governments in both Tehran and Islamabad: "That could be not an unreasonable expectation," he says. "Then Soviet influence could extend into India, Pakistan, Iran and Syria, and you would have a whole belt."

As for Afghanistan's future, a Pakistani defense analyst explains "I think the Soviets will withdraw but leave Afghanistan in a state of civil war like Lebanon so they retain the option of returning."

Summing up Afghanistan's future with an analogy, one Pakistani official asks: "Is it possible for Mexico to have any other influence than the United States? A superpower expects its shadow to fall on Afghanistan."

China. Although President Zia is often portrayed as a hardliner, Chinese officials and analysts take an even tougher position—skeptical of Soviet intentions to withdraw from Afghanistan and convinced that increased aid to the resistance is the key to removing the Soviets from Afghanistan. (An end to the conflict in Afghanistan has been one of China's three conditions for improving relations with the Soviet Union.)

Chinese defense analysts at the Beijing Institute of Strategic Studies express doubt that the Soviets are sincere in their stated intention to withdraw from Afghanistan. "The Soviet condition is that the United States and other countries stop interference,' says one expert. "For the United States and China to cut off the resistance is a condition that must not be accepted."

The Chinese analysts agree that the so-called "southern strategy" of the Soviet Union—the drive to control warm-water ports—hasn't changed. "It started back in the Czarist period," says one. "It's their dream. They won't give up what they have achieved: They have got Afghanistan and it's a springboard for the Soviet Union."

President Zia of Pakistan had disclosed in our interview that Chinese aid to the resistance was as important as U.S. aid. A senior Chinese official, speaking anonymously, confirmed Beijing's role: "We have been helping the Afghan resistance forces for many years now with arms and money and are still continuing to do that." The defense analysts advocate increased aid to the resistance from both the United States and China as the most effective way to persuade the Soviets to withdraw from Afghanistan. Argues one: "The right approach isn't to reduce our bargaining position but to reduce theirs. We should incrcase our aid to the Afghan resistance and not stop until after the Soviet Union withdraws its troops."

One senior foreign ministry official warns that "some U.S. friends are too optimistic about the Soviet withdrawal." Huan Xiang, a senior official, puts it this way: "I guess the Soviets do want to withdraw but how to withdraw is the question. They want to leave a pro-Soviet government in Afghanistan and are finding it difficult."

The Mujaheddin. The last word belongs to Younis Khalis, one of the leaders of the Afghan resistance, and it doesn't bode well for a negotiated settlement. "We said the Russians should leave Afghanistan. This is our suggestion," says Khalis. But he isn't interested in Zia's idea of forming an interim government that would give even a minor role to Najibullah's party, the People's Democratic Party of Afghanistan, or PDPA: "We will never accept any communist element in a future government of Afghanistan."

Khalis says the resistance groups "reject the Geneva negotiations because the real parties [to the conflict], the *mujaheddin* and the Russians, were not participating. Any outcome to such a negotiation would not be acceptable to the *mujaheddin.* The Russians, if they really want to leave Afghanistan, should suggest negotiations with the *mujaheddin.* Then we will be ready to sit down and negotiate about a peace settlement. There is nothing in between."

Mr. President, I apologize to the distinguished acting Republican leader for the time I have taken this morning, and I also apologize to the occupant of the chair.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting Republican leader is recognized.

THE REMARKS OF THE MAJORITY LEADER

Mr. SIMPSON. Mr. President, it is a pleasure always to hear the majority leader speak on things for which he has a passionate belief, and that is obviously one, and I understand that. It is certainly no transgression upon my time. I was well worth hearing.

THE REVEREND EDWIN S. HARPER

Mr. SIMPSON. I do want to thank Rev. Edwin S. Harper, of the Staunton Street Apostolic Church in Huntington, for certainly a fine opening prayer. I am certain that Reverend Harper is, indeed, an inspiration to his congregation, and the words of the majority leader, being as commendatory as they are, will certainly give that every credence. I thank the reverend.

Momentarily, we will have morning business. Senator BOND is here, Senator REID is here, and Senator PROXMIRE, of course, the occupant of the chair, is here for his daily remarks, which are actually read by me. I greatly admire the man who is the occupant of the chair, and have since he came here, because of his spirit and honesty and zeal.

THE SOVIET PRESENCE IN AFGHANISTAN

Mr. SIMPSON. Mr. President, the remarks of the majority leader about the Soviet presence in Afghanistan should be heeded by us. We do have that need for healthy skepticism about the proposed pullout until the Soviets are truly out, I certainly agree, with all their forces. Certainly we cannot go wrong when we approach our relationships at this time with the Soviets with skepticism. That does not mean cynicism but certainly skepticism. History has shown us that our efforts, indeed, have been undertaken with good faith with regard to arms reduction and that good faith, seasoned with the skepticism of these latest Soviet moves, will, as the majority leader has indicated, serve us well.

CAMPAIGN FINANCE REFORM

Mr. SIMPSON. Mr. President, just one other thing. We are obviously la-

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boring along with S. 2. Maybe we can get there, maybe we cannot. But the issue is this, and I want to get it crystallized in the minds of those on both sides of the aisle: The ordinary amendment process in the Senate is usually very open and very free.

There is in our usual deliberations a very loose test of germaneness, and even if an amendment is ruled out of order, the Chair can be reversed on a simple majority vote. But please heed that in this current situation the amendment tree is filled, in a very, very skilled way, and we are all aware of that, nothing sneaky about it, nothing of that nature, but it is filled.

Now, both on the bill itself and on the motion to recommit with instructions, the practical effect actually is S. 2 is not really amendable at all at this point. Of course, once an amendment is agreed to or after the bill is reported back pursuant to the motion to recommit, further amendments would be in order.

(Mr. BYRD assumed the chair.)

Mr. SIMPSON. But if cloture is invoked—and I hope all are heeding this—then a very different situation is created with regard to S. 2. In addition to the limitations on debate, cloture makes it exceedingly difficult to go to any other amendments. Only amendments filed by certain times are in order; a much tighter test of germaneness is applied. Amendments must be not only germane to the subject matter, they must be germane to provisions actually in the bill. No "new matter" may be introduced. I think that since most of the amendments of those opposed to S. 2 would be considered as "new matter," the effect of cloture would be effectively to prevent us from offering amendments.

That is the law of the land right now. Amendments to raise or lower the spending limitations, amendments to omit or include soft money, amendments to deal with in-kind contributions or not would very likely be ruled nongermane.

I think that needs to be said. Anyone opposed to this basic bill should not be led to believe the plea of just helping to get it before the body, to help us get it before the body, to assist us with cloture to do that. But a cloture vote in this situation with the tree built as it is, all done very adroitly and honestly, pretty well closes up shop for the opponents.

So I know the majority leader has indicated to the fourth estate that there are some on his side of the aisle who have never had the pleasure of all-night sessions, at least 20. I have not done a poll on our side as to how many have been unable to savor the joy of an all-night session, but it must be a similar number. We hope they have their knapsacks and sleeping bags and will be prepared, because it might come to that. I do not think the majority leader wants it. We do not want it. But it is obviously one of those gut hard issues that come before a legislative body where you struggle and then you do the usual procedures you need to do, and then you do something which is the most extraordinary thing, you vote. And that is the reason we spend so much time in this place doing other things, because usually one side or the other does not want to vote and that is something we eventually have to do.

WILL BALL

Mr. SIMPSON. Just in my remaining 2 minutes, let me comment on Will Ball, who is a former staffer here in the Senate and who now will become the nominee for the Secretary of the Navy, as Mr. Webb resigns.

Certainly Mr. Webb served with distinction. I came to know him when I was on the Veterans' Affairs Committee. He is a distinguished veteran and author. He will go on to great things. He is a splendid man and I wish him well. I do not know the circumstances of his leaving.

But I do know that we will miss Will Ball. He served here for Senator John Tower. He went on to serve in the executive branch at the Pentagon, and most recently served with distinction as congressional liaison for the White House where we have all come to know him on both sides of the aisle. I have a great respect for his actions and integrity in what is surely a most difficult post, being strung out between the sometimes contentious forces of the executive and legislative branches of our Government.

So I have found him to be a very pleasant and able man, an unflappable type of individual, always with good grace and good humor, and ultimate patience. I have watched that in him. I shall personally miss him. I know the minority leader shares my views. Senator DOLE worked with him very closely on so many issues.

So he is a very special man. He is very well qualified for the new position for which he has been nominated, and he is a known quantity to all of us. I trust he will be swiftly confirmed as Secretary of the Navy.

I believe that concludes my remarks, Mr. President. I thank the majority leader.

I thank the Chair.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DASCHLE). Under the previous order, there will now be a period for the transaction of morning business for not to exceed 20 minutes, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin.

TIME FOR UNITED STATES-SOVIET CONVENTIONAL ARMS REDUCTION HAS COME

Mr. PROXMIRE. Mr. President, at long last we are beginning to recognize the true basis for United States-Soviet arms control. Thanks to Senator CARL LEVIN's recent thoughtful analysis of Soviet and United States military strength and weakness we are beginning to understand the truth about the superpower conventional military forces. The Soviets are not 10 feet tall. Neither are we. Both countries have massive nuclear arsenals. Each superpower can utterly devastate the other in a nuclear attack, and I mean utterly. The National Academy of Science tells us that if 1 percent of the Soviet nuclear arsenal should strike American targets, we would suffer between 35 and 55 million dead Americans. That's right, I said 1 percent. The Soviets would suffer similar devastation if we should initiate a nuclear strike. President Reagan and Secretary Gorbachev are absolutely correct when they recognize this threatened devastation and both say that a nuclear war can never be won and must never be fought.

So both superpowers have infinitely destructive offensive nuclear juggernauts. Now how about the conventional military power of both sides. Frankly, as offensive threats, both are pathetic. The United States found out the limits of our conventional power in fighting a conventional war with a little third-rate power, Vietnam, 10,000 miles from our shore. Sure we had every kind of technological advantage. We had aircraft carriers. We had air domination. We had total control of the seas. We had the infantry equipment. We had the great technological power; and we lost. We failed ignominously. We failed completely. Our offensive conventional military power couldn't knock over a little army fighting with relatively primitive weapons. Sure our supply lines were very long. Yes, indeed, our democratic country was at best divided, at worst downright hostile to the Vietnam war. But all that matters is that this great world military power lost.

So what does this tell us about our chances against a Communist alliance led by the Soviet Union? Let's take a look at the Soviet Union's recent performance. For the past 8 years the Soviet Union has been at war with little third-rate Afghanistan. In this case the Soviets unlike the United States in Vietnam, did not have a 10,000-mile supply line to worry about. Afghanistan is right on the Soviet border. And sure there may have been muttering by some Soviets against the Afghanistan war, but keep in mind that the Soviet Union is not a democracy. It has no free press. The only mass protest any Soviet citizen can

hear about, the Afghanistan war, is one the Politburo wants him to know about. In prosecuting its war against Afghanistan for 8 years, the Soviet leaders didn't have to worry about a critical press or critical TV commentaries. President Lyndon Johnson is said to have remarked that when he lost Walter Cronkite, he lost the Vietnam war. The Soviets have no Walter Cronkite. Oh, yes there have been recently reported Soviet citizen criticisms of the Afghanistan war and pleas to end the fighting and bring the boys home. You can be sure those protests were scripted and orchestrated by the Politburo. Gorbachev and his Kremlin team want out of Afghanistan. The protests serve their purpose.

So what do these two defeats of the world's preeminent military powers tell us about the limits of modern day super technological power in conventional war? They tell us that neither country fighting a conventional war outside its own territory—that is an aggressive war invading another country's homeland—that neither of the superpower has the power of a butterfly's hiccough. Can anyone really believe that a Soviet Union that in 8 long years was unable to overcome the little neighboring country of Afghanistan could sweep through western Europe and overwhelm a North Atlantic Treaty Organization that has fewer but far better war planes, far more experienced pilots, fewer but far newer and better tanks, fewer but far newer and better artillery, and a far better and more cohesive military alliance in NATO than the Warsaw pact? The Levin study shows the Soviet Union generally superior in number of tanks, planes, artillery pieces, and personnel, but inferior in quality and specially deficient in the training, readiness, morale, and cohesion of their alliance. The Soviet forces are also weak in the very areas such as the German front where conflict is most likely to begin. Senator LEVIN sees the conventional forces in Europe as "roughly equal." He's right.

Here is the ideal situation for an agreement for both sides to reduce—in concert—the conventional forces that represent such a painful economic burden on the United States and the Soviet Union. Mutual, verifiable negotiations could free tens of billions of dollars of resources for improving the economic life of people in both countries, while strengthening the national security of both. Both sides fully understand that a war between NATO and the Warsaw Pact would swiftly become a nuclear war and that therefore such a war is a very distant possibility. Even that most unlikely possibility would be clearly reduced by an agreement for conventional arms reduction on both sides. The United States misadventure in Vietnam and the Soviet disaster in Afghanistan should have convinced both sides of the folly of waging conventional war on foreign soil. Thanks to that understanding the time for conventional arms control has come.

BANKING LAWS AND THE CONSUMER

Mr. PROXMIRE. Mr. President, as the Detroit Free Press stresses, it is high time that Congress address the needs of the consumer as we consider banking law. This, in the editorial writer's mind, means that banking services should be expanded while regulation is strengthened.

As the author of the legislation that does exactly this, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, Aug. 18, 1987]

CAVEAT: NEW BANK LAW DOESN'T DO MUCH FOR CONSUMERS—OR BANKS

A lost opportunity: Congress passed and the president signed major new banking legislation that does little to modernize the antiquated laws regulating the nation's banking industry. Competition among various financial institutions remains severely restricted and U.S. banks, excluded from some profitable areas of business at home, are likely to watch their position continue to deteriorate in the global market. This result is not only a setback for major banks and a political defeat for the Reagan administration, but a loss for the consumers as well.

In essence, Congress succumbed to pressure from the securities underwriting, brokerage and insurance industries to bar banks from competing in those areas. While the existing laws—the most important of which were passed in 1927, 1933 and 1957—sought to divide the financial business by product and geography, many banks have been exploiting the loopholes. The new law orders banks not to start any new such ventures until next spring, when Congress will decide whether to make the ban permanent.

Congress also moved to prevent nonbank companies from competing with banks on their traditional turf; newcomers won't be able to offer checking accounts or make commercial loans. "Nonbank banks" already in existence, such as Sears or Merrill Lynch, have had a seven percent cap put on their annual growth.

The legislation includes minor improvements in the consumer protection department: Beginning in September 1988, banks will have to clear checks faster, and they will have to adivse in advance the buyers of adjustable rate mortgages on how high the rate can climb. On balance, however, the new law denies Americans the benefits of increased flexibility and competition.

The issue of bank powers is back in the Senate Banking Committee now. There is faint chance, however, that the committee's hearings will lead to prompt action unless the potential beneficiaries of deregulation—and there are many of them—begin to speak out and better organize their lobbying efforts.

Mr. PROXMIRE. I yield the floor.

(The remarks of Mr. BOND and Mr. REID relating to the introduction of legislation are printed later under Statements on Introduced Bills and Joint Resolutions.)

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

SOUTHEAST ASIA REFUGEES AND U.S. FOREIGN POLICY

Mr. HATFIELD. Mr. President, events over the past several weeks in Southeast Asia have exposed all of the weaknesses of our current foreign policy there, and the most unlikely and unwelcome of outcomes looms possible: a weakening in the friendly, important relationship between the United States and Thailand. I rise today to discuss these events, to state my hope that no damage will be done to our relationship with Thailand, and to discuss a strategy that would avoid a recurrence of such problems in the future.

The point of confrontation involves the fourfold increase in Vietnamese boat refugee arrivals in the Trat Province of Thailand, the majority of these refugees being escorted across Cambodia and to a coastal area only an hour or two boat ride from Thai shores. It is a big cash business in Vietnam and it has led to tens of thousands of refugees paying their way out of Vietnam; perhaps more accurately, bribing their way out of Vietnam because of the corruption of the whole system.

In January, the Ministry of Interior in Thailand attempted to stop this wave of refugee migration by pushing the boats back. These pushbacks led to scores of deaths, and now hundreds of refugees are marooned on little islands off the coast of Trat Province in Thai territory. Some of these refugees went days without food and water, and all of them are living in danger this very moment.

I do not suggest that I have a solution to the problems of first asylum. But the United States and Thailand have joined hands for a decade in dealing with the Indochinese refugee problem, and today we must renew our vow to be compassionate and humanitarian when people reach out to us from countries that are mired in hellish economic and political conditions. We have stuck together for 10 years in this unprecedented response to the misery and suffering pouring out of Cambodia, Vietnam, and Laos, and we cannot walk away from the problem now.

It appears that the worst is over, and the Thai National Security Council announced last Friday that it does not endorse a policy of pushbacks. They do want the world to know that the Thai cannot bear the refugee burden alone, and the United States must be the leader in the international effort to mitigate the suffering of Indochinese refugees and to assist the Thai Government.

I have been assured that food and water will be given to the refugees, that sick refugees will be evacuated to the shore, and that soon the refugees will be moved to a more secure location. I met with the Thai Ambassador and expressed my grave concern over the disturbing events of the last month and affirmed the Senate's clear position of opposition to pushbacks at any place: on the coastal shores, up in the north along the Mekong, or anywhere else in the area. In light of Thailand's extraordinary record in providing asylum to refugees and its loyal forbearance with vacillating U.S. policies, I am confident that the worst is over. When the Thai see thousands of refugees arriving at a time when resettlement countries are becoming increasingly reluctant, they become concerned that no one cares. That is why the United States must live up to its commitment to maintain a humane and generous refugee resettlement and protection policy in Southeast Asia. That very issue was debated and voted upon last October and passed the Senate by a 2-to-1 margin, and became part of the continuing resolution adopted 2 months ago.

But today there are three major problems which must be addressed if the United States is to honor its commitment to Thailand, Malaysia, and Hong Kong and the region's refugees.

First, the United States must maintain an active embassy operation that processes refugees smoothly and monitors protection problems vigorously. The Appropriations Committee last year put report language in the Foreign Operations Appropriations bill mandating a vigilant protection effort at the several refugee camps in Thailand. This language stemmed from a hearing chaired by Senators INOUYE and KASTEN a year ago when the committee lambasted the Department of State for the slack monitoring efforts in northern Thailand when scores of Hmong were pushed back across the Mekong, many presumably to their deaths.

So it is nothing less than disgraceful that after the first reports of interdiction and death surfaced January 25, and after hundreds of refugees were stranded on the 50 little islands in that area, with no food or water, that it was not until February 10 that the first American embassy protection officer took the 5-hour car ride to Trat province to see firsthand what was happening. And this took place the day after I personally called the Department to ask what our people had learned on site. It took 2 weeks for the Department to judge the situation serious enough to send one of the nine refugee office personnel to the scene.

Mr. President, we targeted moneys in that budget, in that appropriation, to provide additional refugee officers in the first place to deal with pushbacks and other inhumane actions.

Mr. President, the Congress is being left with no choice but to set up an earmarked account for refugee protection in Thailand like we did with our successful antipiracy project—that appears to be the only way the Department of State will respond to the very clear outcry from Congress for enhanced refugee protection monitoring. At a time when trained eyes were needed to report on the developments endangering first asylum, again our refugee office was sound asleep. That has to change.

My second concern is best presented by a New York Times editorial published last week. Somehow the Department of State is toying with "reallocation," the idea of pitting Southeast Asian refugees and Iranian refugees against Soviet Jews and Armenians. The mere suggestion of transferring from Southeast Asia numbers, particularly at this volatile moment when the Thai have grown weary of conflicting signals from the United States, is not only an affront to the two-thirds of the Senate, it is a breach of promise to the Thai. The emergency powers of the Refugee Act can be exercised, and Congress can work with the administration to fund new refugee numbers from the Soviet Union this year or next year. So it is not an either/or; it is not pitting one against the other so that we have to make a choice.

Now is not the time to be nickel and diming Thailand on numbers.

Mr. President, my final point goes to the heart of the problem, and that involves our overall U.S. foreign policy in Southeast Asia. My friend ALAN SIMPSON articulates this point best—the refugee problem will not be solved until we deal with the "source" of the problem and that is the Vietnam Government and its pursuit of the war in Cambodia and its pursuit of other policies.

Last February, I met with President Reagan and Secretary Shultz and suggested technical offices be established in Hanoi and Washington to facilitate progress on the settlement of the humanitarian problems separating our two governments, such as the MIA and the POW and other such humanitarian problems.

Mr. President, 20 Senators joined me in April by cosponsoring Senate Concurrent Resolution 54 which I submitted after General Vessey was designated the President's personal emissary to Vietnam to elevate the discussions on settling these humanitarian problems.

Mr. President, General Vessey visited Vietnam last August, and after the initial wave of optimism surrounding his mission, the very familiar pattern of infrequent, lower level meetings snarled by tremendous logistical problems, has returned again. Let me cite but just one such problem, and that is the American technical person trying to work out these problems must commute from Bangkok, Thailand, for every meeting and return after such meeting.

I might also add that I brought back the information from my trip to Hanoi a year ago last January to the effect that other embassies, such as our friends from Australia, indicated that they would be very happy to facilitate those hearings and to diminish the problems of logistics by considering the possibility of our technical person to live in their embassy so it would not even take us down the road of even having to identify any formal relationship by getting our technical person housed in independent housing.

In a nutshell, it appears the Vessey mission has broken down, and I quickly add, through no fault of General Vessey, who is a very honorable and a very outstanding leader.

So today I rise with the simple question: why in the world, 15 years after we left the region, are we continuing a policy of the bare minimum, of the least possible, of the most improbable, with respect to the Government of Vietnam and the resolution of MIA-POW issue and other humanitarian matters? We self-impose logistical restraints, we make followup to the infrequent top-level meetings between our two governments so difficult, and so dependent on the perspectives of the precious few upon whom we rely for their interpretation of these meetings, and then we act shocked when misunderstanding ensues and mistrust develops further.

I went to Hanoi in 1987 and so I have no illusions about the Government of Vietnam. It is a Communist government and it is dedicated to pursuing its own agenda and its own interests. But if the United States treated every Communist government the way it treats Vietnam, we would be redefining the term "isolationist." Our policy of isolating Vietnam has only isolated ourselves. It has left us bound and gagged while the question of the resolution of Cambodia is brokered by China and the Soviet Union. We have become a guilty bystander while China arms the Khmer Rouge and legitimizes Pol Pot and shamelessly curries favor with Thailand and all of the ASEAN countries. And most of all, our policy has meant for the families of our missing in action that their agonizing wait for an answer must linger further because of the aforementioned structural problems in current negotiations with the Vietnamese.

Mr. President, three Sundays ago, in the Washington Post, Frederick Downs wrote an op-ed piece which I believe is the singlemost persuasive and articulate presentation of the dilemma facing the United States in its relationship with Vietnam. He is a veteran who lost a limb and nearly his life in the war, and if ever there were an individual who could justifiably argue against any improvement in relations with Vietnam, it would be Frederick Downs.

But something happened. He went to Hanoi and saw what had happened to the country in the two decades since his departure. His observations of modern Hanoi were identical to mine when I visited Hanoi for the first time since my time with the Navy there in 1945. He saw the terrible poverty and the victimization of the powerless civilians. It seemed to me Hanoi hadn't seen a new coat of paint since my last visit. I ask unanimous consent that Mr. Downs' article and one from the New York Times appear in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, there may be some who believe that the question of the future of United States-Vietnamese relations can be tabled for the next administration to decide. I am not one of those. Such a policy would contribute to the suffering of the innocent victims of the Vietnam war's ugly aftermath: the families of MIA-POW's in America who deserve more frequent, higher level contact between our two governments; the reeducation camp inmates; the refugees in the region's camps; the Amerasian children and the other American families broken in two by separation; and the Vietnamese civilians who have been singled out from the world's population as a people to whom the United States turns a deaf ear to their cries of hunger and despair.

Last year Congress remained silent on the question of United States-Vietnamese relations. Many of us felt that it would be imprudent for the Senate to interfere with General Vessey's incipient diplomatic efforts. It is my strong belief that the Senate now should consider adopting a posture on the question of United States-Vietnam relations similar to that seen in this Chamber on the question of Central America or other areas where United States interests are at stake—a posture of open debate.

I believe the United States Senate should take a vote this year, up or down, on the question of whether the United States should support any regional initiative which includes the murderous Khmer Rouge and Pol Pot in a Cambodia resolution strategy. Let's face it: the Khmer Rouge are alive and well today because the United States has not seen fit to pressure China to do what should have been done immediately after the news of the killing fields reached the civilized world—place Pol Pot in the history books next to Adolf Hitler.

Second, the United States Senate should vote on whether we believe the current stalemate in United States-Vietnam relations is serving the interest of the families of the MIA's in America and our much broader foreign policy interest in Southeast Asia.

The United States Senate should vote on what the speed limit should be on the "two-way traffic" arrangement that General Vessey and the Vietnamese leadership have characterized as the current relationship. Right now things are moving at a snail's pace. This matter cannot wait until next year.

I am not advocating a full diplomatic relationship with Vietnam. No, I am not advocating that. Until the MIA-POW issue and Cambodia are dealt with, that step should be premature, but there are many intermediate steps which would further United States interests, help United States families, and assist Thailand as it bears the weight of a decade of refugee migrations.

Until these steps are taken, the United States will continue to apply patches to the predictable and periodic ruptures that burst in the refugee camps and in our relationship with our strategic and loyal friend in the region, Thailand.

EXHIBIT 1

VIETNAM: MY ENEMY, MY BROTHER

(By Frederick Downs, Jr.)

Twenty years ago this month, in Tam Key, Vietnam, I stepped on a land mine. It was a type we called a "Bouncing Betty," because when you stepped on it, it bounded into the air and exploded waist-high, so that it would do maximum damage. My left arm was blown off; grievous damage was also done to my right arm, both buttocks, both legs and both feet. Five of the men in my platoon were wounded along with me.

Within a four-week period after that, my platoon—already reduced from 40 men to 27—was destroyed. All but seven of those remaining 27 were killed or wounded, and the platoon, Delta 1-6, my family and my responsibility, ceased to exist as a fighting unit. I had given my all to Vietnam. I was proud to have been an infantryman. I was proud of my men. I wept when South Vietnam fell.

So I had good reason to be carrying a lot of hate when I returned to Vietman for the first time last August, as part of a team sent by President Reagan to explore greater cooperation with Vietnam on a range of humanitarian issues. The leader of our group was retired Gen. John W. Vessey, Jr., a former chairman of the Joint Chiefs of Staff. I was included because I am head of prosthetic services for the Veterans Administration. My job was to study the needs of disabled Vietnamese and see how we could help, particularly in the area of prosthetics. It was a trip that changed the way I think about Vietnam—and maybe about America, too.

We let down through a clear sunny sky. Hanoi was off to the left. As we descended, we could see "Uncle Sam's Duck Ponds," our slang for bomb craters, scattered across the landscape. I was surprised at the large number and by the fact that they hadn't been filled in so many years later. Some were spaced haphazardously, others in neat rows spread from the American aircraft that had dropped the bombs 15 or more years ago.

Flying into Hanoi was a confusing experience for me. When I first got off the airplane and stood on the tarmac, I was surprised and slightly embarrassed to realize that my knees were weak and my hands were trembling. The adrenalin was pumping through my body and I felt the way I had long ago as I waited for the helicopters to take us into battle.

I could not suppress the feeling that I was in enemy territory. The shock of this after two decades was strange and unexpected. "What the hell am I doing here?" I asked myself. I had lost my arm fighting against Hanoi! In the years since, I had stayed angry at the Hanoi government for a number of reasons: their mistreatment of the South Vietnamese, their meanness on the POW/MIA issue, their arrogance and intractability on everything to do with America, and the simple fact that they had won the war.

And yet, driving from the airport into Hanoi, that hard edge of hatred seemed to soften. So little had changed in this land in 20 years. The women wore the same black pajamas and conical hats; bicycles still clogged the roads; water buffalos toiled in the rice paddies; fish traps stood at every drainage point in the fields and ditches; children played alongside the road; adults squatted in the doorways of their dwellings.

Here and there along the road, I could see cemeteries, graveyards for the soldiers who died in the war with America, each tombstone bearing a large red star.

We crossed the Red River on the bridge next to the one so frequently bombed during the war. It had taken 20 years but we were finally in the city limits of Hanoi. The city looked poor but reasonably neat. It could be called shabby. Streets, curbs, sidewalks and buildings are in need of repair. None of the buildings was taller than the trees. In the tropical heat and humidity, the entire city looked faded. But it takes money to keep paint looking good, and this is a desperately poor country. According to the United Nations, Vietnam ranks 162nd out of 164 countries in the world in per-capita income.

What I saw over the next few days turned my thinking about Vietnam upside down. We checked into the government guest house and were allowed to go where we wanted in the city. What happened to me, to put it in the simplest terms, was that I began to see the Vietnamese as a people.

My impressions of Hanoi were of an impoverished city, one drained of all resources by 50 years of war. A city too poor even to generate much trash. The North Vietnamese had finally won their war, but at the expense of consuming practically everything they had. A true Pyrrhic victory! Their problems were compounded by an economic policy which for the last 15 years was, by their own admission, a dismal failure.

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The signs of poverty were everywhere. Women stood in line to buy a single smear of lipstick; street vendors used hypodermic needles to refill ballpoint pens; fixing flats was a constant activity on the streets. There was very little soap in the country (which perhaps accounts for the gray drabness of the clothing). Cigarettes were sold one at a time. Practically no one had a watch, so they all seemed to depend on the big clock on the main post office for telling time. What a sound it made. Not a bell but a gong.

We often walked in the park observing the people and in turn being observed by them. The kids were fascinated by my hook. They gathered around us, their faces full of curiosity and wonderment. They followed along for a short distance until their parents called. I was fascinated by the number of fathers who had their children on outings or spins around the lake. I did not expect to see this from hard-core Vietnamese. Maybe I hadn't imagined that these men I had hated for so long could love their children. That is what war does to us: It prevents us from seeing our enemies as human beings. But there was a great deal of love and pride evident in the faces of these Vietnamese fathers.

I walked over to the lake to see what the water looked like. I had watched a father squat by the edge and cool himself and his child with water be scooped up in his hands, and I was curious whether the water was clean. It was filthy; cloudy with the look of sewage and run-off from the gutters. I learned later that malaria and other infectious diseases are rampant throughout Vietnam. And I thought: The Vietnamese, my old enemies, suffer the afflictions that plague so much of the world—polio, typhoid, diarrhea, the whole host of microorganisms that inflict mankind.

Because the Vietnamese are so poor, they lack the medicine to combat disease and infection. In one operating room we observed a 7-year-old girl with polio being prepared for surgery. There was no disinfectant on her skin or in the operating room and there were no antibiotics. The infection rate in the operating rooms was over 50 percent, we were told. To put this in perspective, the international standard which countries try to achieve is 3 percent. And I thought: This Vietnamese girl's mother and father don't love their child any less than I love my own two daughters.

One night I walked into a cafe with Bill Bell, a colleague who speaks Vietnamese and has been coming to Vietnam since 1973 as part of the official team that has been trying recover POWs and MIAs. A group of about 15 older men were sitting around a couple of tables. They stopped talking immediately when we entered and watched us suspiciously as we walked to the bar. "Old cadre," remarked Bill, as we leaned against the teak bar.

Bill told me about one old veteran he had met a few years ago who related his travel along the Ho Chi Minh trail. During one trip while driving a truck full of supplies, he had been strafed by American planes three times. Each time the bullets punctured his tires. He did not have any patching material so he improvised by hunting round the jungle and killing frogs. He skinned the frogs and used the hide to patch the tires.

Bill told me other stories: of editorials in the Hanoi newspapers raising hell with the government for not living up to the promise made to its veterans. The Vietnamese vets were complaining that they were not getting prosthetic limbs to replace the real arms and legs they had lost while fighting for their country. And younger veterans were complaining that the older veterans had all the good jobs.

I knew exactly what those Vietnamese vets were talking about. Certain problems are universal in nature, and veterans of any country voice much the same type of complaints. And I realized that I was beginning to feel a sense of kinship for their problems.

The odd thing was, the people I met seemed to genuinely like us, too. When we were out walking, they usually assumed we were Russian, since there are plenty of Russians around, and they seemed wary of us. But when they learned that we were Americans, their coldness turned to friendliness and curiosity. Maybe it's that we all share the same horrific experience of the Vietnam War.

This sense of kinship bothered me, to be honest, I had spent 20 years thinking of the North Vietnamese as the murderous ghouls who degraded our dead soldiers by holding them as ransom. Like my fellow Vietnam Vets, I believed that they received some perverse pleasure from torturing the unfortunate families of gallant American men lost in battle. I hated the Vietnamese and believed they hated Americans just as much.

But here I was in the middle of Hanoi relating to these people as human beings—discovering that I did not hate them as people. What was even more unsettling was that these people did not seem to hate us. As I walked around the lake in the evening or in the hot humid noonday sun watching the busy streets full of Vietnamese I felt a sense of freedom. Not politically but spiritually. I was actually enjoying myself for the most bizarre of reasons: I was taking a walk in Vietnam and I wasn't on guard for my life.

As a soldier in Vietnam 20 years ago, I had always wanted to be able to take a walk, to go for a stroll and look around without having to worry about getting shot or blown up by the Vietnamese. Now here I was in the middle of Hanoi, among friendly people, having a good time. I could relax. The war was over.

One evening, the Vietnamese delegation hosted a dinner for us. At the dinner I spoke to a Vietnamese official. He represented to me the quintessential North Vietnamese. He had been a prisoner of war under the Japanese, he had been shot in the stomach in 1952 while he was a Vietminh fighting the French and he was in charge of "Clandestine Affairs in Urban Areas" in the fight against the Americans. His brother was killed in a B52 raid in 1972. Surely this man would hate me.

As we relaxed and conversed in comfortable surroundings I thought to myself that my dinner companion was no pilgrim. He was a hardcore soldier who had been fighting for his country's freedom from foreign domination all his life. Whether I agreed with his political philosophy or his definition of freedom or not, I respected the man for his determination and sacrifice. He had fought hard because he had wanted his countrymen to have a better life.

So I began to ask myself: Who will help these people achieve the goals they fought for so long and hard? Certainly not the Soviets. We saw nothing—in any area of civilian life—that the Russians have done to help the people of Vietnam achieve that better life. The North Vietnamese know they need help from someone. What country is rich enough to help them? And what country, in their eyes, owes them that help?

For years I have been reading about Vietnamese claims that we owe them war damages for what we did to them. I thought they had it backwards; my concern had been with the damage Vietnam had inflicted on America—the dead and wounded, the POWs and MIAs and the psychological damage inflicted on literally millions of other Americans. I didn't pay much attention to their demands for help.

Americans are a generous people. When we finish our wars, we usually try to help the other side back on its feet, no matter how many casualties we suffered or how hateful our adversaries. We helped create the modern economic miracles of Japan and Germany. But for Vietnam, we have done nothing. And if we're honest, we know why. It is because they won the war, and we still hate them for it.

When we left Vietnam, our delegation recommended that humanitarian aid be provided to Vietnam by non-governmental organizations. As medical experts, we knew this was the right thing to do because the medical needs are enormous. We did not like the politics of Vietnam but we liked the people. I came to believe that they deserved the assistance of the people of America. There will always be differences between our two countries, but there is a lot of common ground to work with.

Let me put it another way: Twenty years ago, when I lost my arm in Tam Key, I thought that I was fighting for the people of Vietnam. Today, although the government in Hanoi is not what I would like, the people still need our help. The North Vietnamese we fought and the South Vietnamese who were our allies are all under one government now. There are hundreds of thousands of our former friends and enemies who were left disabled by that war. They all share a common plight now. Do we leave these people handicapped with no hope for rehabilitation, no hope of recovering either physically or economically? Or should we try to help them?

Any soldier who has been in combat knows that there comes a time after the battle, when the smoke has blown away and the dust has settled, when you must lean down and give your foe a hand. For in that moment of generosity, the war is truly over.

CRUEL, AND NEEDLESS, CHOICE OF REFUGEES

Thailand's patience has snapped. After years of receiving refugees from Communist neighbors, it is now experiencing an unexpectedly large new flow from Vietnam. Officials and deputized fishermen are pushing the boats full of newcomers back to sea. More than 100 refugees have died—and now the U.S. State Department is considering an idea that would make the tragedy even worse.

The State Department now anticipates that Mikhail Gorbachev's policies will bring an upsurge in Jewish and Armenian refugees from the Soviet Union. Since the number of refugees routinely admissible to this country is limited by law, the department is thinking of reallocating some of the slots scheduled for Southeast Asian refugees, among others, to accommodate the expected Soviet refugees. It's a cruel choice, and an unnecessary one.

Thailand has for a dozen years provided first asylum to hundreds of thousands from Laos, Cambodia and Vietnam. It has grown increasingly impatient with other nations' lack of commitment to their part of the bargain: to provide final resettlement. Now the Thais say they will take no more Vietnamese until the total of more than 12,000 already in the camp that receives Vietnamese is reduced by resettlement. Public passions in Thailand are rising against the refugee influx.

This year, the United States has agreed to admit 29,500 Southeast Asians. More than ever, Washington needs to show its commitment to upholding its end of this bargain. Yet State is pondering the opposite policy instead, cutting the number of slots for Asian refugees to make room for Soviet refugees.

There's no need to choose. The Refugee Act of 1980 provides that in "an unforeseen emergency refugee situation" the limits for various refugee categories can be changed. With Vietnamese dying off Thailand's shores and Soviet refugees increasing, this is plainly an emergency.

If the number of slots available to Soviet refugees were simply increased rather than taken from other regions, the total would grow by no more than 15,000. Compare that with the 68,500 refugees the U.S. has agreed to take this year, and the half-million legal immigrants. The numbers are hardly overwhelming.

Two important humanitarian concerns are involved here; both can be met at one.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATORIAL ELECTION CAMPAIGN ACT

Mr. BYRD. Mr. President, has the unfinished business been laid before the Senate?

The PRESIDING OFFICER. It has not. The clerk will report the unfinished business.

The legislative clerk read as follows:

> A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Boren motion to recommit the bill, with instructions to report back forthwith, with Boren amendment No. 1403, in the nature of a substitute as modified.

Byrd amendment No. 1404 (to amendment No. 1403), of a perfecting nature, as modified.

Boren amendment No. 1405 (to amendment No. 1404), of a perfecting nature, as modified.

Mr. BYRD. Mr. President, I know of no matter that is more important to the integrity of this institution or the integrity of our political and electoral process than the matter of campaign financing reform.

I shall cite some examples of abuses in campaign financing. These are taken from press accounts. As to bundling, the Wall Street Journal on October 24, 1986, said:

> BUNDLING: The Wall Street Journal (Oct,. 24, 86) GOP Panel's Bypass of Federal Aid Cap Totals $6.6 Million for Senatorial Races
>
> A new tally shows the National Republican Senatorial committee has quitely funneled nearly $6.6 million extra into coffers of GOP Senate candidates, using a technique that effectively nullifies federal limits on financial aid parties may provide. Big Bundle—Contributions funneled to Republican Senate candidates by National Republican Senatorial Committee through "bundling.": Total (all candidates) $6,599,855.

A quotation from the New York Times on October 10, 1985, on the subject the independent expenditures:

> Californian Spent $1.1 Million on Illinois Race [headline]. Michael R. Goland, the largest independent spender in the history of elections, according to new Federal Election Commission figures, is a publicity-shy California entrepreneur. He spend $1.1 million last year in a personal campaign, not organized or coordinated with any candidate, to bring about the defeat of Senator Charles H. Percy of Illinois.

One the subject of PAC's the New York Times under date of August 4, 1987, had this to say:

> PAC's Aided Legislators on Banking Panels [headline]. Members of the banking committees that drafted legislation now before Congress to aid the savings and loan industry received nearly $3.5 million in 1985 and 1986 from political action committees with a direct stake in the legislation.

Again on the subject of PAC's quoting from hearings on campaign finance reform, the Committee on Rules and Administration, November 5, 1985, testimony of Philip Stern, former assistant to Senator Paul Douglas, founder of the Center for Public Financing of Elections in 1973:

> A decade ago, only 28 percent of House winners relied no PAC's for a third of their campaign money. Ten years later, that figure had leaped to 82 percent. * * * In 1984, the PACs gave nearly six and a half million dollars to incumbent representatives who had no general-election opponent.
>
> That was more than three times what they had given to unopposed candidates just four years earlier.

On the subject of campaign spending, from the campaign finance reform hearings, Committee on Rules and Administration, January 22, 1986, testimony of Mark Green, President, Democracy Project:

> "If you take inflation into account, campaign spending has increased only 20 percent or so in the last five years." So wrote Rebert Samualson in a review panning Elizabeth Drew's book in The New Republic. Actually campaign spending has skyrocketed. Between 1972 and 1982, while the Consumer Price Index doubled, spending for House races increased 450 percent and for Senate races, 500 percent. In 1972 the average first-term representative spent less than $100,000; in 1982, about $300,000.

On the subject of PAC's campaign financing in Federal elections, a guide to the law and its operations by Joseph E. Cantor, specialist in American Government in the Congressional Research Service of the Library of Congress, August 8, 1986, revised July 20, 1987:

> Number of Registered Political Action Committee [has grown from] 608 [in] 1974 [to] 4157 [in] 1986. * * * Financial Activity of Political Action Committees, 1972-1986: Contributions to congressional candidates: $8,500,000 [in] 1972 [growing to] $132,179,611 [in] 1986. * * * PAC Contributions as a Percentage of Congressional Candidates' Overall Receipts in General Elections: 1972-1986: Percent Given by PACs: 13.7% [in] 1972 [growing to] 31.3% [in] 1986.

On the subject of campaign expenditures by Joseph E. Cantor in Campaign Financing in Federal elections, A Guide to the Law and its Operations—he is a specialist in American national government in the Congressional Research Service of the Library of Congress—"Total Campaign Expenditures in House and Senate Elections: 1972 through 1986, $77.3 million in 1972 growing to $450 million in 1986."

Mr. President, there are some very important and interesting additional facts that I would like to state for the record concerning the need for campaign financing reform legislation. And I have consistently maintained, so has Senator BOREN and others on this side of the aisle, that unless there is an overall limitation on campaign expenditures, unless there is an effective mechanism to enforce that limitation on campaign expenditures, and unless there is a limitation on the aggregate PAC contributions which may be received by any candidate there can be no genuine campaign financing reform.

Now, as to the rising cost of congressional elections, Will Rogers once remarked "Politics has got so expensive that it takes a lot of money even to get beat." It was about that time that Franklin Roosevelt spent $2.2 million to win his first Presidential election.

In 1986, losing Senate candidates spent an average of $2.3 million each. In other words, it now takes more money to lose a statewide Senatorial election than it did to win a national election just 50 years ago.

Consider the extent of the increase in campaign spending. Total senatorial campaign expenditures in congressional elections from 1972 to 1986, in 1972, the total campaign expenditures in senatorial elections were $30.7 million. By 1986, they had risen to $211 million; in other words, a 700 percent increase, or a little less than 700. In other words, in 1986 Senate campaigns cost $211 million, seven times as much as the 1972 senatorial elections of about $31 million. All this data comes

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from the Congressional Research Service.

Mr. President, the average campaign expenditure by Senate candidates rose from $437,000 in 1974 to $2.6 million in 1986. In 1984, the five costliest elections, Senate candidates spent $7.74 per vote, and in the five most costly elections in 1974, 10 years before, they spent 67 cents a vote. So in other words, between 1974 and 1984, the average amount of money spent per vote by Senate candidates increased from 67 cents a vote to $7.74 a vote. Some political scientists believe that data for the winning candidates provide the truest gauge of the level of funding needed for congressional races—that is, what it costs to win a Senate seat.

The average campaign expenditure by winning Senate candidates in 1976 was $609,000. In 1986, it was $3,099,000.

In 1986, losing Senate candidates spent an average of $2.3 million. In 1986, the winning Senate candidates spent an average of $3.01 million on their election campaigns.

The February 1987 issue of Conservative Digest reported, and I quote, "According to current projections when the new class—get this—when the new class of Senate freshmen runs for reelection in 1992 * * *"—see, the last class that has come to the Senate was in 1986. When the new class, when that class runs for reelection in 1992, get this: "* * * the average Senate campaign will cost $9 million". It was an average in 1986 of $3 million. But when those same candidates, those same Senators who were elected in 1986 run for reelection 6 years later in 1992, the average is not going to be $3 million. It is going to be $9 million. Now, how is that for an increase in the amount of money needed to run a successful campaign for reelection to the United States Senate?

That means that during the 6 years, these individuals who are in the Senate will have to raise $125,000 every month for their next election. They will have to raise $28,846 every week. They will have to raise $4,109 per day, Saturdays and Sundays included. That boils down to $171 per hour of every day, 24 hours a day, 7 days a week, for 6 years straight. How are they going to have the time to do anything else?

From where does the money come for these campaigns? More and more of it is coming from political action committees, PAC's. Since 1974, there has been nearly a 600 percent increase in the number of PAC's—as I have already indicated, from 608 PAC's to 4,211.

PAC contributions to congressional elections in 1986 were over 1,000 percent higher than in 1974, 12 years before; and they were 1,500 percent higher than in 1972, 14 years before.

In 1986, PAC's contributed 27 percent of what winning Senate candidates collected. In 1976, it was 15 percent. This comes from the Augusta, Maine, Kennebec Journal, February 9, 1987.

Furthermore, PAC giving has outpaced the overall increases in candidate receipts and spending. In 1972, PAC's contributed 13.7 percent of what Senate and House candidates collected. In 1986, PAC's contributed 31 percent of what Senate and House candidates collected. In 1986, the top three PAC's contributed $2.8 million, $2.1 million, and $2.1 million respectively, to Federal candidates. Indeed, the top 10 PAC's all contributed more than $1.3 million each to Federal candidates in 1986, with an average contribution of more than $1.7 million, according to FEC records.

The combination of spending limitations and public financing in Federal elections is not a novel idea. For 12 years, such a system has operated with great success in our Presidential elections. An incredible rate of expenditures in Presidential campaigns has been stemmed. In 1972, when there were no spending limits, President Nixon financially overwhelmed his opponent by spending $62 million. Adjusted for inflation, a comparable amount in 1984 would have been more than $150 million. But with spending limits and public financing, President Reagan spent $68 million—in other words, just $6 million more than Mr. Nixon had spent 12 years before. President Reagan's expenditure of $68 million in 1984 represented a 10-percent increase in 12 years. During that time, the cost of congressional campaigns rose 485 percent.

The law limiting spending and public financing for presidential campaigns has been so successful that 34 out of the 35 candidates for the presidency since the law went into effect have participated in the public financing system. In the 1988 elections, this year, all the major candidates of the Republican and Democratic Parties have accepted spending limits and public financing—all of them. President Reagan accepted public financing in the 1976, 1980, 1984 Presidential campaigns.

The spending limits and public financing of Presidential elections has made elections more competitive as well as less subject to abuses. This system of financing has not proved to be an incumbent's protection plan. In two out of the three Presidential elections under public financing, the challengers have defeated incumbents. In 1976, a challenger defeated a Republican incumbent for President. In 1980, a challenger defeated a Democratic incumbent for President. In 1984, a Republican incumbent won.

Mr. President, it is interesting to note in the February 14 edition of the Charleston, WV, Gazette an article by a Richard L. Burke, New York Times Service. Here is the headline: "PAC's Found Resentful of Greedy Lawmakers." Let me read just a little from that article, headlined Washington:

> Political action committees say they are increasingly resentful of greedy lawmakers, and yet they go along on their demands for contributions, for fear of losing vital access to Congress.

This is the PAC's talking.

> This bitterness repeatedly comes to the surface in a new study based on extensive interviews last year with officials of 50 political action committees that represent business, labor, trade and ideological groups. The study, to be made public within the next few days, was conducted by the Center for Responsive Politics, a bipartisan organization that examines political trends. It is the first detailed examination of attitudes among PAC directors and lobbyists working for them.
>
> Although the study did not make specific recommendations for changes in the relationship between political action committees and legislators, it concluded: "Underlying our interviews was an undercurrent of fear, anger and frustration at the way the congressional campaign finance system operates."
>
> In the interviews, the directors of the political action committees recounted how legislators keep black books that listed their contributors; how the lawmakers were offended when PAC representatives did not attend their fund-raising events, and how the committees were constantly badgered by members or their aides for contributions.
>
> The 65-page report, titled "PACs on PACs: The View from the Inside," is filled with quotations from officials of large and small political action committees, all of whom consented to interviews with the center on the condition that they not be identified.
>
> The PAC directors sought to debunk the notion that officials of the committees enjoy the neverending stream of Washington fund-raising meals and cocktail parties for which members of Congress serve as hosts. Many said they felt they had no choice but to attend.
>
> "They're a real hassle for me," one PAC official said of the fundraisers, "The reception breakfast circuit is backbreaking. They're bad on your cholesterol level and everything else. Some of the receptions are five, six or seven a night and it's impossible to make them all. Then you just end up sticking your head in and out, hoping the member is there when you are."

Mr. President, the bill before the Senate will cure all that, and the American people should rise up and demand that the Senate act on this legislation.

They will do that. Whether they will do it this year or not, I cannot say. But, sooner or later, they are going to do that.

The framers of the Constitution provided that the Members of the Senate should be elected by the members of the State legislatures. That became a widely perceived mechanism as being flawed and as leading to corruption. It continued to be the mode for selection of Senators until 1913. A resolution was introduced in the House of Representatives as early as 1826 providing for popular election of Senators, and in the late 1800's the people of this country began petitioning the House of Representatives to pass resolutions to provide for the popular election of Senators. The House, between 1893 and 1902, passed several of these resolutions, but they got nowhere in the Senate.

I think it was about 1887 the first time that a Senator attacked the mode of election of Senators, and he was Charles Van Wyck, of Nebraska.

William Randolph Hearst became a Member of the House of Representatives in 1903. He took on this issue. He bought Cosmopolitan Magazine and, with his large chain of newspapers and Cosmopolitan, he made it a goal to attack the then system of misconduct and corruption at the State level where State legislatures elected the Senators who would serve. And so the Senators were the pawns of large corporations, investment companies, so on and so on and so on, William Randolph Hearst attacked that system.

But it was 1913 before the constitutional amendment was adopted, the 17th amendment. The State of Connecticut was the State that finally made the three-fourths of the States necessary to ratify a constitutional amendment. In April 1913, the State of Connecticut ratified that amendment. On May 31, 1913, William Jennings Bryan, Secretary of State, certified that the amendment was a part of the Constitution, so that the people finally became directly involved in the election of their Senators.

So since 1913, for 75 years now, the people of the country have been the electors; not through some indirect process as the framers originally established, but the people became directly involved. It was a great victory for the people, this amendment providing for the popular election of Senators.

And now we are witnessing a system under which the same cloud of corruption hangs over this Chamber and the other Chamber, the House of Representatives, by virtue of the campaign financing system under which we operate.

The large contributions that Senators are receiving from PAC's are not illegal. What is being done here is not illegal. It is legal. We are playing by the rules, and those of us who want to continue in public service have no alternative but to raise money to be able to compete with opponents who will raise money and with negative advertising that will be carried on by independent organizations that come in the States, just as NCPAC came into my State of West Virginia in 1982 and spent $270,168 spreading negative, distortive, unfair disinformation and misinformation about my voting record.

So this is the system. It is corruptive. It has all of the aspects of being corruptive. The American people have to perceive it as a system in which the special interests have the advantage.

And so I ask the question: Is this Senate the cornerstone of the Republic, or is it the fortified castle of the special interests? Is it the chief protector of the people in this Republic, or is it becoming the chief menace to the interests of the American people?

So the question becomes very important: How do men and women come to membership in this overpowering body—a body that has powers that go beyond the legislative powers; powers that are executive, judicial, investigative as well as legislative; this powerful body which under the Constitution has what one might say is an equal part with the President in the making of nominations and in the making of treaties—by what method do men and women become members of this overpowering body? That is the question. And even though they are elected, the method of election is popular election, that method of election is undermined unless it is the people who are fully cognizant, fully vigilant and fully able to exercise their collective views in the selection of Members of this body; whereas, once upon a time the people indirectly elected the Senators and whereas, for many, many years special interest groups in the State legislatures dictated the selection of Senators to this body.

Everyone thought that by the adoption of the 17th amendment in 1913 those dangers were put aside and past. And yet today, more and more and more special interests again are influencing beyond their numbers the selection of the Members of this body.

Mr. President, this is an idea that is not going to perish. It is an idea that is not going to die, because too much is at stake.

The integrity of this institution is at stake. The integrity of the electoral and political process is at stake. The integrity of representative democracy is at stake. And the integrity of the people's choice, the people's choice in the selection of Senators, is at stake.

Sooner or later, the William Randolph Hearsts of this country—going back to the early 1900's in my reference—the editorial writers of this country, commentators, the columnists, the media, are going to arouse the people to the danger to the institution of representative democracy.

It is happening right under the noses of people and they need to be awakened to it and we, who are supporting this bill, are doing everything that we know how to awaken the people.

I hope the people can see through the flimsy arguments that are being made against this bill. Campaign financing reform cries out for enactment and until there is a limit on campaign expenditures—and our friends in the Republican caucus say: no—until there is a mechanism to enforce that limitation and until there is a limitation on the aggregate contributions that can be received by any candidate, campaign financing reform will not be genuine.

But our friends in the minority caucus draw the line and they say never; no. They will not agree to any limitation.

Mr. President, I hope that there are those on the other side of the aisle who are our friends who will decide to stand against the conference, if it continues to maintain that position, and in the interests of good government will decide to join those who are proposing and who are dedicated to genuine campaign financing reform. We welcome them and we hope that this year we will take this all important step which is in the interests of good government.

There should not be a "for sale" sign on this place, but the American people are going to believe there is and if we do not do something about it we cannot blame them.

CAMPAIGN FINANCE REFORM

(By request of Mr. Simpson, the following statement was ordered to be printed in the Record:)

● Mr. DOLE. Mr. President, here we go again on campaign finance reform. We're all familiar with the issue by now. As the distinguished assistant Republican leader, Mr. Simpson, pointed out recently, the 100th Congress has set a record—the distinguished majority leader has filed seven cloture motions on S. 2. Each of those motions failed, and I am hopeful that, if another cloture motion on this so-called reform bill is made, the eighth will too.

Let's face it. If you attach the word "reform" to anything it sounds good; it looks good; it even feels good. But, attaching "reform" to S. 2 won't hide the fact that this bill is anything but reform. It is unfair and unbalanced.

RESPONSE TO THE CRITICS

I have been criticized by some special interests, including Common Cause, for not caving in to their demands that I support S. 2. Let me set the record straight.

Now, the special interests suggests that in opposing S. 2, Republicans are acting as obstructionists—that we are acting as critics rather than participants in the process: but that's just not truth in advertising. Look at the record: Campaign finance reform began in earnest with the introduction of the Boren-Goldwater bill in 1986, when I was the majority leader. The bill introduced at that time had something that S. 2 doesn't have: a balanced, bipartisan approach.

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In the words of Archibald Cox and Fred Wertheimer, chairman and president of Common Cause, "The Boren-Goldwater bill [had] * * * garnered support from a wide-ranging, bipartisan group of cosponsors, whose views span ideological and party spectrums and who represent every region of the country."

A CONSTRUCTIVE ALTERNATIVE

On September 9, 1987, a number of my colleagues joined me in introducing the Congressional Campaign Finance Reform Act, S. 1672. This legislation is similar to the Boren-Goldwater bill. In my view, it is a much more balanced effort at reform than S. 2. It attempts to bring the individual back into the political process by limiting PAC contributions and adjusting the limit on individual donations—first imposed in 1972—for inflation.

It requires full disclosure of so-called soft money expenditures through which corporations, labor unions, and nonprofit organizations may influence the outcome of Federal elections. It attempts to close the millionaire loophole so that wealthy individuals will not have such a tremendous advantage in financing their own campaigns, and, most importantly, it keeps the door open for all challengers in all congressional elections, House and Senate.

In addition, S. 1672 provides for future reform under the auspices of a bipartisan commission which would make periodic recommendations to Congress based on their own study and the recommendations of the Federal Election Commission.

S. 2—IS THIS REALLY REFORM?

Mr. President, everyone will agree that campaign spending is out of hand. But, in my view, S. 2 goes about solving the problem the wrong way.

TAXPAYER FINANCING

Under S. 2, it is the taxpayer who shoulders the burden of this so-called reform. The American people are not demanding that we increase their taxes or increase the deficit just to pay for political campaigns. They are demanding a voice in the political process.

As I have stated, the original campaign finance reform bill was a bipartisan proposal introduced by Senator Barry Goldwater and Senator BOREN. But, as soon as taxpayer financing was added to the bill, Senator Goldwater pulled his name off the bill. He said, "One of the surest ways I know to raise havoc with our election system, Federal or local, would be to have the Federal Government finance part, or all, of campaigns." I think Barry has raised a valid point.

SPENDING LIMITS—EFFECT VERSUS INTENT

On the surface, spending limits sound like a good idea. I do not question the intentions of S. 2's sponsors. But, as a legislator, I have a responsibility to examine the effects that spending limits might have on the electoral process. In my mind, a number of problems arise.

You might as well call S. 2 the incumbent protection act. Pass this bill and you can tell the competition to stay off the field.

Members of Congress already enjoy advantages such as franking, free media, and professional staff, which, conservatively, are worth $200,000 per year. Most also enjoy relatively high name recognition within their home States. One study estimated that a challenger in an average Senate race would have to spend almost $300,000 just to neutralize his opponent's name recognition.

In disallowing any effort to offset these advantages, S. 2 would make it even more difficult for a challenger to win a Senate seat.

Let's face facts: The Democrats enjoy the privilege of having a majority in both the Senate and the House. It follows that an incumbent protection bill favors the Democrats.

This is one Republican who insists on broadening the party, the Republican Party. But, we are outnumbered in many parts of the country. In the South, for example, registered Democrats outnumber Republicans by a 4-to-1 margin. How in the world are we going to compete—or even hope to get our message out—if we are not allowed to wage an aggressive, fair and square fight.

So, this does become a partisan issue. But, the problems don't stop there. I also believe that if S. 2 were enacted, candidates would focus more of their attention on the big contributors and the PAC's than on their grassroots fundraising efforts. Why? The answer is money.

If S. 2 were enacted, fundraising expenses would count against the overall spending limits for each candidate. Campaigns currently spend somewhere between 22 and 33 percent of their money raising more money. With the limits in place, candidates would naturally focus more of their attention on the big contributors and the PAC's, and less on the average voter.

We are having a hard enough time convincing Americans to participate in the electoral process. Across the country, voter participation is down. In fact, the Federal election commission estimates that it dropped to 36.3 percent in 1986. S. 2 would alienate voters even further. In my view, it is the man on the street, who should ultimately have the influence in the electoral process.

PAC'S

Many of those critical of the current system, including common cause, consider PAC's a corrupting influence. If PAC contributions are corrupting the system then cut their contribution limits directly, as the Republican bill does, or eliminate PAC's altogether, as Senators PACKWOOD and MCCONNELL have suggested.

There is a misconception that S. 2 would cut overall PAC spending; it won't. PAC's will simply shift their emphasis to so-called "independent expenditures" which are not subject to the bill's spending limits.

S. 2 would also effectively increase the influence of specific PAC's by imposing an aggregate limit on PAC spending without reducing individual PAC contributions. Under this system, the best organized PAC's will have even more political clout than under current law. No one has been able to convince me that a $5,000 PAC contribution under S. 2 would have less influence than a $5,000 PAC contribution under current law.

COSTS

As an added incentive for a candidate to abide by the spending limits imposed under S. 2, a postal subsidy with an estimated cost of $70 million per election cycle—House and Senate combined—has been provided. This subsidy would be paid for by the U.S. Postal Service with the likely outcome being increased postal rates.

The Congressional Budget Office has conservatively estimated that 20 percent of all qualified candidates will not opt to comply with S. 2's spending limits. At an average cost to U.S. taxpayers of $20.5 million per Senate race, this legislation could be astronomically expensive. In addition to these costs, the FEC has estimated that its annual administrative costs would increase substantially.

INDIVIDUAL CONTRIBUTIONS

By indexing both the current $1,000 limit on individual contributions and the $5,000 PAC contribution limit, S. 2 fails to make the individual a real participant in the political process. A prominent concern of those supporting campaign finance reform has been that individuals no longer feel that they can make a difference.

Many of those same critics charge that the Republican bill S. 1672, favors the wealthy. They're wrong. The $1,000 contribution limit has been in place since 1972, and it has never been adjusted for inflation. By combining an increase in individual contributions with a reduction in PAC contributions from $5,000 to $3,000, the Republican bill goes much further than S. 2 in giving the individual a meaningful voice in the political process.

PUBLIC FINANCING

A few special interests question my decision to accept public funding for my Presidential campaign when I oppose this provision in S. 2. My answer is simple: I voted against public financing in 1971. But, as a candidate who wants to win this race, I must play by the rules of the game, as they now stand. I will not voluntarily give

my opponents an advantage. As I recall, another Presidential candidate, Senator PAUL SIMON, has said the same thing.

Mailings and advertisements by Common Cause single out PACS as special interest groups which are able to distort and control elections. Why then has Common Cause chosen to endorse a bill which does nothing to reduce the maximum contribution which individual PAC's are allowed to make to each Senate campaign? S. 2 would give PAC's more influence at the expense of the average American.

In recent years, the Democrats have relied more heavily on big contributors and PAC's than the Republicans. The yearend reports on House and Senate campaign fundraising for 1987 will back me up on this. An analysis of these reports supporting this claim was written by Brooks Jackson and appeared in yesterday's Wall Street Journal.

Mr. President, I ask that this article be inserted in the RECORD immediately following my statement.

(See exhibit 1.)

S. 2 also hurts Republicans precisely because it favors large contributors and PAC's. There is a myth out there that the Republican party is the party of the wealthy and the special interests. I have stated repeatedly that the facts disprove this characterization. If you study the year-end reports I just mentioned, you will find that it is the small donors who are at the heart of the Republican Party. We want to keep it that way.

THE PROBLEM WITH CLOTURE

Before closing I would like to discuss one more point: The solid reasoning behind our cloture vote strategy. Many of those who are unfamiliar with Senate proceedings and many of those covering this issue in the press have failed to understand why we have been so adamant in our opposition to cloture.

If cloture is invoked, only amendments which are "germane" to the bill will be in order. Under the Senate rules, I would not be able to offer amendments which would correct many of the flaws I see in S. 2, for example, amendments which lower the individual PAC contribution limits, increase disclosure requirements on "soft money" expenditures or address the "millionaire loophole" in current law would not be considered "germane" under the Senate rules. And that means potential candidates, the Republican candidate and the American people would be the big losers.

CLOSING

In closing, I would like to address the critics. My response is simple: I want reform. But, it has to be fair. I have indicated from the very beginning a willingness to negotiate on this issue, but, unfortunately, we have not been able to reach an agreement so far.

In my view, the Dole bill—"The Congressional Campaign Finance Reform Act"—addresses each of the problems that the critics of the present system have identified. Those who have joined me in cosponsoring this measure have played a constructive role in the legislative process.

We, as legislators, have an obligation to do more than criticize. We must participate, and I think we have. But we also have an obligation to vote responsibly.

For me, the choice is clear. I believe in a two party system, and I am willing to take a little heat to ensure that we have one.

Mr. President, I urge my colleagues on both sides of the aisle to join me in calling for a fair and effective campaign reform bill.

EXHIBIT 1

[From the Wall Street Journal, Feb. 22, 1988]

GOP INCOME FALLS SHARPLY AS REAGAN ERA ENDS; BIG GIVERS, PAC'S SPUR RISE IN DEMOCRATIC GIFTS

(By Brooks Jackson)

WASHINGTON.—Campaign-financed reports show Republican Party income is dropping sharply as the Reagan era draws to a close, reflecting a rapid decline in both large and small gifts.

Democratic contributions meanwhile are rising bullishly, but entirely because of gifts from big donors and special-interest groups. Small gifts to the Democrats are slipping a bit.

The GOP's three main national committees still maintained better than a 3½-to-1 advantage over their Democratic counterparts last year, but that lead was down from the nearly 6-to-1 edge they enjoyed in 1985, the previous non-election year.

Republicans took in $68.5 million during 1987, a 29% decline from the earlier period. The decrease ushered in unaccustomed austerity; the National Republican Congressional Committee, for example, cut its staff by half in 1987, to about 60 people currently. Its rival, the Democratic Congressional Campaign Committee, expanded its staff to 65, making it the larger of the two for the first time.

Democratic committees took in $19.3 million last year, a 20% increase from 1985. But there was a 4% decline in gifts from people giving less than $200 during the year. Gifts from large donors soared 61%, and income from political-action committees rose 33%.

The increased income allowed Democrats to spend $125,000 last year to purchase a microwave link connecting their elaborate television studio here to a commercial ground station. This enabled 43 Democratic House members to feed political commentary back to hometown TV stations via satellite immediately after President Reagan's State of the Union address last month.

AGGRESSIVE OUTREACH

The Democratic congressional committee's chairman, Rep. Beryl Anthony of Arkansas, says more than 50 Democratic House members solicited funds for the committee. Speaker James Wright traveled to fund-raising events in 19 cities last year.

Even so, the committee's income rose mainly because of a 62% increase in PAC donations, which Rep. Anthony said was mostly the result of an "aggressive outreach program" by the committee's former chairman, Tony Coelho of California, in 1986. PACs pay $15,000 a year to join the "Speakers Club," which entitles lobbyists to meet socially with Mr. Wright and other senior House Democrats during the year.

The congressional campaign committee got 30% of its income from PACs last year, up from 20% two years earlier. And as Senate Democrats unsuccessfully tried to pass a bill to limit campaign spending and PAC donations, their own senatorial committee took in more than $1 million from PACs, accounting for 20% of its total. Overall, Democratic Party groups got 18% of their funds from PACs, compared with only 1% for the GOP.

Republicans got 61% from small donors in 1987, a slightly lower percentage than before. Democrats got 45% of their money from small givers, down sharply from 56%. The Democratic Senatorial Campaign Committee more than doubled its income from large donors, who accounted for 56% of its revenue. Many wealthy givers rushed to make donations just before the end of the year, so their gifts wouldn't count against annual limits for 1988. (Federal election law forbids individuals from giving more than $25,000 a year to federal candidates, party committees and PACs.)

Regaining a Senate majority helped Democrats financially. "There are people from the business community who I'm sure are giving more now that we're in control," says Robert Chlopak, executive director of the party's senatorial committee. On the Republican side, falling into minority status demoralized donors and "took the wind out of our sails," says Jann Olsten, executive director of the National Republican Senatorial Committee. Small-donor income plunged 49% in 1987, though Mr. Olsten says it is rebounding now.

NORTH'S COATTAILS

The Iran-Contra hearings also hurt, Mr. Olsten says, by creating a poor political environment for Republicans. Even so, Rep. Guy Vander Jagt, chairman of the GOP congressional committee, capitalized on the brief surge of "Olliemania" following the televised testimony of Lt. Col. Oliver North. He sent a fund-raising letter announcing the committee would make a $50,000 donation to Col. North's legal defense fund. It produced more money from the committee than any letter sent in the previous two years, the congressman says.

Mr. Vander Jagt fears his donors have grown complacent. "People are thinking, the conservative Republicans, that Regan has done it all, he's solved the problems, he's lowered inflation and interest rates and put people back to work," he says. He cheerfully predicts that donors will reopen their checkbooks as campaigns heat up: "Things will get better in 1988."

Meanwhile, to compensate for the decline, Rep. Vander Jagt last September set up a National Advisory Board whose members each pledge to raise $50,000 a year in large gifts. And a spokesman said the GOP senatorial committee recently began a program to increase its income from PACs.●

Mr. BYRD. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

SAM J. ERVIN, JR.: A MARKER IS ERECTED TO A STATESMAN WHO LEFT HIS MARK ON HISTORY

Mr. HELMS. Mr. President, as in the morning hour, there was a ceremony in Morganton, NC, back in November that deserves to be noted in the RECORD. On November 8, 1987, an historical marker was dedicated at the birthplace home of our late colleague, the able and distinguished Senator Sam J. Ervin, Jr.

The ceremony was conducted at 517 Lenoir Street in Morganton, the site of Senator Ervin's birth. At that ceremony, meaningful remarks were made by T. Harry Gatton, of Raleigh, who served as assistant to Senator Ervin here and who was the Senator's good friend and confidant.

Mr. Gatton's remarks about Senator Ervin were eloquent—and accurate. Sam Ervin was a statesman. Sam Ervin loved this country with an unyielding fervor. And he believed the U.S. Constitution was the greatest document, as he often put it, "ever conceived by the mind of man."

Mr. President, I ask unanimous consent that Mr. Gatton's tribute to Senator Ervin be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SAM J. ERVIN, JR.: THE BROADENING SHADOW OF INTELLECTUAL COMPETENCE

President Katie Snyder, Judge Claude Sitton, ladies and gentlemen:

You deserve much appreciation today for this significant action to designate the birthplace home of U.S. Senator Sam J. Ervin, Jr. by an historical marker. The marker is further evidence of the broadening shadow of his intellectual competence. Moreover, it is very appropriate that this is being done in the Bicentennial Year of the United States Constitution. I am quite certain that Senator Ervin would salute his native Burke County for the work that has been done to observe the Bicentennial.

"The Constitution is the wisest instrument of government the Earth has ever known," he wrote in an article published a month before his death in 1985. "If America," he said, "is to endure as a free republic as ordained by it, Presidents, Supreme Court Justices and other public officers must do what they have sworn to do, that is, support it."

He believed that the Founding Fathers had indeed produced a miracle in Philadelphia. As a youth he memorized the document and used it gingerly and effectively for the rest of his life.

"I love the Constitution and the freedom it enshrines," he wrote in his remarkable autobiography, Preserving the Constitution.

You of his family, friends and neighbors know of his contributions locally. My purpose is to state briefly a sketch of the magnitude of his influence on North Carolina and the nation. It is obvious, of course, that this statesman's life and services cannot be adequately chronicled in a few minutes.

I believe that it was at Chapel Hill in 1913-1917 that men such as William B. Umstead and Albert Coates first gauged the capacity and character of this unusual student from Morganton. Many years later—in 1954—Governor Umstead appointed then Supreme Court Justice Ervin to the Senate of the United States.

Next was his heroism in World War I. On a battlefield in France, seriously wounded, he was believed dead. That lonely night as he lay wounded, he was aware of the cries of another young man, mortally wounded, begging for water. It was a young German—the enemy—and Sam Ervin shared his canteen's contents. Ervin survived, and veterans remembered his valor and his high awards for it.

Graduating from Harvard School of Law, he was elected to the North Carolina House of Representatives, serving in the sessions of 1923, 1925 and 1931. One of his colleagues was the late Willis Smith, who later also became a United States Senator. His colleagues quickly learned that young Ervin was a person who never shirked his duties as a public servant, who prepared for legislative debate, and one who sprinkled his position with wit and humor. His reputation for intellect, honesty and common sense spread across North Carolina.

Governor Clyde R. Hoey appointed Sam Ervin to the Superior Court bench. Holding courts throughout the state, his reputation for wisdom, fairness, wit and judicial temperament became his hallmarks.

And in 1948, when Governor R. Gregg Cherry appointed Judge Ervin to the Supreme Court of North Carolina, the appointment was applauded. At the time, many political leaders suggested that Sam Ervin was the logical candidate for Governor, but he did not seek the office.

His willingness to serve for a brief time in the U.S. House of Representatives, following the tragic death of his brother, demonstrated his standing in the district and his desire not to make service in the House a career.

So it was in 1954 that Sam Ervin went to Washington to begin his long service as a Senator of the United States.

What an impressive record!

His competence and impeccable reputation were quickly recognized. He was selected for some of the most responsible assignments. He was on the Watkins Committee that investigated the McCarthy matter. He argued scholarly and masterfully for his views on constitutional principles for years. He became widely known for his chairmanship of the Watergate Hearings.

Senator Ervin occupies a unique, revered and heroic place in the annals of this state and nation. In our memories we can see him—a tall gentleman in so many ways—physically strong, morally sound, intellectually honest, compassionate and competent. We can remember the warmth of his smile, the sincerity of his greeting, and the capstone of his life, his love for "Miss Margaret," his family and friends.

He missed the 200th birthday of the U.S. Constitution by twenty-nine months, but his role as an honest-to-goodness modern-day Founding Father is clearly established. I have often thought that had Sam Ervin been a delegate to the Constitution Convention, his notes would have been carefully and fully documented.

On September 27, 1896, this fifth child of Sam J. Ervin, Sr. and Laura Powe Ervin was born at this place, 517 Lenoir Street, Morganton. From his earliest years he was fearless in the performance of duty.

After Senator Ervin's death in 1985, the Detroit News published an editorial tribute to him that recites some of his fine characteristics known by so many:

"To folks in North Carolina, he was Senator Sam. To his neighbors in the mountain town of Morganton, he was the Senator or the Judge. And to millions of Americans, Samuel James Ervin was the 'country lawyer'. . . . Of all the people involved with the Watergate scandal, none made a more endearing or indelible impression on America than Senator Sam because he sought no political or financial benefit from the ordeal. . . . Although he spoke with a slow backhills drawl, he knew the constitution and American history better than most of his Senate colleagues. He believed fiercely in the rule of law, and defended it endlessly against the ravages of fad and corruption. . . . He was unpopular in some parts because he was a thinking man . . . and was deeply concerned with preserving the distinctive values that made America prosperous, vigorous and untamed."

The editor concluded:

"Perhaps the finest tribute one can pay is that no one will have to distort history to make Sam Ervin a legend. It's all there in print and on tape. And in years to come, when people survey his works and deeds, they will slap their knees in delight and say, Now that was a life!"

Senator Ervin was a gentle person. He could make a trivial matter blossom with the adornment of his prose and his use of poetry. Fearless in combat and advocacy, he could shed a sympathetic tear for the sorrows of humanity.

In 1958, upon the death of U.S. Senator W. Kerr Scott, he spoke in the Senate: "Mr. President," he said, "I shall indulge at the outset in some reflections rather personal in nature. On an occasion such as this, I am acutely aware of the number of those I have known and loved who have journeyed to the undiscovered country from whose bourn no traveller returns. In the words of Mississippi's poetic son, William Alexander Percy, 'they were the bulwarks, the bright spires, the strong places.' "

The same applied to Senator Ervin. We are all proud to remember him as a son of Burke County, a fellow-North Carolinian and we rejoice that we lived in his day. To have known him is a memory of great value.

As is clear, his intellectual competence is a lengthening and broadening shadow that shows the bigness of the man. I am sure that history will rank him with Vance in popularity and with our most able scholars and judges. He will be remembered for his love of the Constitution and for the freedoms it provides.

Table Rock and the South Mountains proclaim the majesty of Burke. Sam Ervin's life proclaims the majesty of the human spirit.

THE RESIGNATION OF NAVY SECRETARY WEBB

Mr. BENTSEN. Mr. President, it is relatively easy to apportion an expanding budget. Tough decisions are

required, however, when the budget is steady or shrinking.

That is the situation we face now as a nation. Many worthwhile programs and activities by the Federal Government are being subjected to close scrutiny, and even some worthwhile ones are being deferred or canceled.

Throughout my service in the Senate, I have been a strong supporter of national defense. I think that President Carter was right in recognizing the deterioration of readiness in our military strength and starting, in the last 3 years of his term, the current build-up which has also been supported by President Reagan. We have achieved a much stronger defense force as a result.

But now it is time to level off that build-up. We have seen the national debt more than double in the last 8 years, and we are facing enormous budget deficits.

This great country's future can be put at risk either through military conflict or through economic bankruptcy. That is the tightrope that must be walked. It will take a team effort to achieve the right balance.

I do not envy the difficult job confronting Defense Secretary Frank Carlucci. He has to trim the rapid growth planned by the Pentagon to fit within our national consensus on deficit reductions. He has to keep us strong and ready with less money than he, or I, or the Joint Chiefs, or the President would prefer.

I believe that Secretary Carlucci is off to an excellent start. He has accepted the new economic realism and has been willing to work with us to build a strong defense. He has established priorities and has made decisions consistent with those judgments. For example, he has said that America is better off with a "smaller, effective force than a larger, ineffective force."

That is an appropriate decision under the circumstances. We do not want a hollow Army, an unready Air Force, or a Navy tied up at the dock. We want and we need a tough, combat ready force and well-managed programs to give us better weapons in the future.

Secretary Carlucci has demonstrated leadership above and beyond the call of duty. He has clearly enunciated his goals and his constraints, and he has brought his subordinates into line.

Except for one. Except for the Secretary of the Navy, James Webb, who suddenly announced his resignation yesterday.

Secretary Webb told President Reagan, in his letter of resignation, that he was "unable to support—Secretary Carlucci—personally, or to defend this amended budget during budget deliberations."

I am sure that some people will praise Mr. Webb's action as a resignation on principle, as an honorable way to deal with a situation he could not tolerate.

I do not agree. Instead, I see a pattern of conduct by Mr. Webb and his predecessor, John Lehman, which is shortsighted, closeminded, and parochial.

The two Secretaries were ardent advocates for their service and unwilling to subordinate it to our national interest. Both had intense loyalty to their Department, and not to the overall national defense or higher ranking civilian leadership. Secretary Lehman was a loose cannon, undisciplined and unwilling to listen to those who disagreed with him. Defense Secretary Cap Weinberger, unfortunately, chose to let Mr. Lehman march to his own drummer. Both Lehman and Webb prided themselves on a Lone Ranger attitude which I consider irresponsible.

Only a few weeks ago, Mr. Webb alarmed our European allies suggesting withdrawal of some United States forces from Europe in order to concentrate more on naval power. Statements such as that undermined United States foreign policy just at a time when the United States has been boosted by our successful conclusion of the INF Treaty with the Soviet Union.

Mr. Webb reportedly quit because the Defense Secretary rejected his proposal to keep some 16 frigates in the fleet while denying Navy personnel the planned 4.3-percent pay raise. I cannot judge the full range of military consequences of such a choice, but it seems to me that it is better to give our sailors decent pay rather than heedlessly pursuing the arbitrary goal of a 600-ship Navy.

It is the sailors who are separated from their families for multimonth missions in the Persian Gulf or on our nuclear submarines. It they lose faith in our support for them, they will return to civilian life and our Navy will have to rely on less experienced people.

Mr. President, the Navy has been the favored service of this administration. With one exception, 1984, the Navy received more funds than the Army or the Air Force throughout the Reagan years. For fiscal year 1989, however, the President agreed to a 33.2-percent share for the Navy, slightly less than that requested for the Air Force.

One budgetary silver medal does not cripple the Navy. They should not expect a gold one each time. The loss of one round in the never-ending debate over resource allocation should not prompt the team captain to grab the ball and go home.

Admiral Crowe, Chairman of the Joint Chiefs of Staff, obviously would have preferred a larger budget, but he accepted civilian leadership and Presidential guidance and supported the budget. In his congressional testimony last week, he made an eloquent defense of the priorities in that budget.

He said:

> The budget elects a slightly smaller force in order to protect quality throughout and strives to protect our ability to fulfill alliance commitments. Its main priorities * * * are people, readiness, and efficient acquisition.* * * The most precious assets the Services have are people—trained and skilled people. In times of stringency they become even more important, because we traditionally depend on our personnel to compensate for drawdowns.

We can disagree and debate these priorities, but tough choices cannot be ignored or run away from.

Mr. President, I strongly support Mr. Webb's reported successor, Will Ball. He represents a different tradition in public service. He has always been a team player, putting our common goals and national interests ahead of his personal preferences. He also has uncommon leadership skills and a unique appreciation of the way our Government functions, and how to make it work effectively. I am sure that he will be a fine Secretary because he, like Secretary Carlucci, exhibits quiet strength and intelligent toughness.

Those are the qualities the Navy needs, and the Pentagon needs, and our Nation needs if we are to make it safely through this difficult period.

PETER McGUIRE

Mr. KENNEDY. Mr. President, the first session of the 100th Congress was winding down, as a Washington institution died December 11 at age 81 in Fort Lauderdale, FL. He wasn't the Peter McGuire who some claimed founded Labor Day in this country and he wasn't Tip O'Neill or Eddie Patton, of New Jersey, both for whom he was frequently mistaken in this town. He was instead the Peter McGuire who represented the Hotel Employees and Restaurant Employees [HERE], the Transportation, Communications Union, now TCU and formerly called the Brotherhood of Railway and Airline Clerks, and a variety of other labor and retiree organizations.

A large affable Irishman with distinctive growl in his voice he had the advantage of being once met, always remembered. Even after only knowing him briefly all had to be impressed with other qualities. He was the kind of human being for whom the words honesty, decency, and loyalty were invented to describe. He "gave a damm." As a recent article in the January 1988 article of "The Catering Industry Employee" said "Pete believed there still was room in life for compassion and consideration for the little people."

Peter was born in New York City in 1906. He spent most of the last 25 years of his life away from New York,

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in Washington representing working people and retired working people. Nevertheless, he remained the quintessential West Side Irishman. He was raised in Manhattan's Hell's Kitchen and he relished explaining to the uninitiated that it was more accurately Held's Kitchen named after Held, the German proprietor of a frequently visited watering hole on the West Side.

Before his move to Washington, DC, he worked intensively with volunteer groups, to preserve the idea among young people that decency was right, and delinquency wrong. To the people in his old neighborhood, he became "Mister Volunteer." Because of this he was subsequently recognized by the West Side Businessman's Association as the Honorary Mayor of Hell's Kitchen.

When Pete graduated from Blessed Sacrament Elementary School on the West Side, he went to work, out of necessity, as an electricians' helper wiring the luxury mansions of uptown Manhattan. Then he joined the fledgling movie industry, and joined the International Alliance of Theatrical Stage Unions [IATSE], local 52, which was established in 1924. When he died he had a paid up book in IATSE.

When the movie industry left for Hollywood in 1929, Pete drove armored cars, then became chief of guards and guides in the newly built Empire State Building. He worked there 9 years, and said that the best fringe benefit of the job was the people he met. One of them, Kathleen Liebner, Pete said in a recent interview for the New York's Irish Echo newspaper, was "pretty bright. She married the boss." That was Pete, of course, and they were married in 1936. Kathleen died in 1961. To this day if you visit the Empire State Building, just before you are admitted to the tour you'll be greeted by a large picture of Peter with Fay Wray taken around the time of the filming of the original King Kong movie.

Pete next worked as a laborer's foreman for the 1939-40 New York World's Fair. When the fair closed Pete made the move that determined the rest of his career. In 1941 he took a job with the New York Central Railroad and was involved quickly in union affairs with the Brotherhood of Railway and Airline Clerks [BRAC]. By 1950 he was vice chairman of BRAC's New York State Legislature Committee.

In the late 1960's, he was called to Washington to serve as BRAC's national legislative representative.

Jim Kennedy, now the executive secretary treasurer of the Railway Labor Executives Association and one who worked and lived with Pete a la the Odd Couple during Pete's years in Washington said:

> There's an expression often said and rarely justified "he's a living saint" but it was true about Peter. If there is a heaven and I know there is, Peter is there growling at Saint Peter and arguing for better working conditions for the angels and even Hell's angels for that matter.

During his very productive years as legislative representative for TCU/BRAC and HERE, Pete played a key role, sometimes the key role, in guiding legislative victories for working people through the U.S. Congress. His personality and his compassion carried him to a close working relationship with a generation of U.S. Senators and Representatives.

During the last years of his career, though he never experienced a twilight era, Peter joined the Washington legislative office of HERE to help newly appointed Bob Juliano establish contacts and initiate a legislative/political program. Pete's tutorial skills are demonstrated in Bob's emergence in the last decade as one of the most widely respected and effective lobbyists in Washington.

Somehow also during these 20 years in the District of Columbia Pete managed to represent often for a song or a gold badge the interests of the Concerned Seniors for Better Government, the National Association of Retired and Veteran Railroad Employees, and the International Union of Police Association. He truly believed he was doing God's work in all these endeavors. As HERE President Ed Hanley said in a recent tribute to Peter "There's no way Pete's special brand of Irish charm and fellowship can be duplicated."

Pete is survived by his sister, Marie Gitto, of Pompano Beach, FL, a brother, Charles, of New York City, and several related nieces and nephews and scores of adopted ones who all came to know and love him as "Uncle Buster."

We have all lost a lot by his death but we all gained so much more because he lived and worked among and for us.

THE RETIREMENT OF DR. LUCILLE JORDAN

Mr. NUNN. Mr. President, I rise today to honor Dr. Lucille Jordan upon her retirement from the Georgia Department of Education. She has served for 10 years as the associate superintendent for instruction. Her many years of dedication to academic excellence have contributed significantly to the strength of Georgia's educational system. In particular, I want to recognize her national leadership in the area of parental involvement in citizenship education. Her refusal to accept voter apathy and her tireless efforts to excite young people about the political process are hallmarks of her brilliant career. Today, the National Student/Parent Mock Elections is honoring Dr. Jordan for her support of civic education.

I know that her skill and leadership will be greatly missed by all who have known her. I offer my best wishes to Dr. Jordan for happiness and prosperity in the years ahead.

CHILD CARE

Mr. REID. Mr. President, the family unit as we knew it 30 years ago, and as remembered in such television classics as "Ozzie and Harriet" and "Leave it to Beaver," is fading fast. It increasingly is being replaced by single-parent families and those in which both parents must work outside the home.

I found out about this firsthand a week ago when I conducted a field hearing in my home State of Nevada on the issue of child care. This was done under the auspices of the Senate Appropriations Committee. Through 3 hours of informative and often moving testimony, I learned that many of these families are finding it difficult to survive. If working parents can find suitable child care, they often have to spend more than half of their salaries to pay for it.

The statistics I heard from experts in the fields of juvenile delinquency, education, social work, and child care were staggering. For instance: divorce often plunges custodial mothers and their children into poverty. Did you know that the income of custodial mothers after divorce drops by 70 percent?

Here is another statistic. Single mothers with children are unquestionably the most visible growing group of poor in Nevada. About 65 percent of single women with children living in poverty are working, but three-fourths of them are employed only part-time. They are usually young women with limited job skills. That creates a difficult situation with the cost of housing, energy, food and child care.

Yet another statistic shows that roughly 35 percent of those who drop out of the Clark County Community College single-parent program cite child care as the reason why. This is 21.3 percent of the total dropout rate at the college level.

Single-parent families in Nevada have more than doubled from 1970 to 1980. In 1970, there were 9,600 single-parent families and by 1980, this number increased by 146 percent—that is right, 146 percent—to more than 23,000 single-parent families. That is up to 1980. We do not have any idea of what it now is, but it is now over 50,000 in the State of Nevada. This is in a State with a population of little more than 1 million people.

The National Commission on Working Women states that no more than 10 percent of gross income should be spent on child care. In Nevada, the average child care costs range from $50

to $75 a week for each child under 6 years of age. That translates into roughly $2,600 a year. If a family in this case were to try to go by the 10-percent rule, their income would have to be $26,000 a year to afford child care.

Mr. President, I could go on and on. I could cite more statistics on the problems of unsupervised children, as longtime Clark County Juvenile Court Judge John McGroarty outlined at the hearing. He spoke literally with tears in his eyes about the problems he faced on a daily basis, relating most of the problems to a lack of supervision when the child got out of school.

I could relate about community child care services, a child care center in Reno that helps low-income families with their child care needs. They now care for about 45 children at the facility—but have a waiting list of more than 200. The list would be much larger, but people do not try to get on it because it is almost impossible.

I could talk about little Lashona Henry, a 12-year-old girl who has to pass by drug pushers on her way home from school—only to be greeted by an empty house because her mother does not get home until after 5 o'clock.

Mr. President, these people are looking for leadership on an issue that is rapidly coming to affect us all. That leadership is provided by Senator Dodd's Act for Better Child Care, which I have cosponsored.

I congratulate the Senator from Missouri [Mr. Bond] and Senator Hatch for recognizing this area as a problem. As we recognize that in legislation, there must be compromise, and I am glad to see that this need for child care is a bipartisan move.

ABC, the Act for Better Child Care, is a comprehensive child care bill that will help low- and moderate-income families as well as child care providers. It is a profamily, prochildren and probusiness piece of legislation.

Child care has become a national issue. Lack of it is forcing many families into poverty, and unsupervised children into trouble. For too long, we have been guilty of enduring a national policy of child carelessness. With the Act for Better Child Care, we now can be responsible for endorsing a national policy of child care.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. I ask unanimous consent in my capacity as a Senator from Alabama that the quorum call be rescinded.

Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m.

Thereupon, at 12:47 p.m., the Senate recessed until 2 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. Reid].

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Nevada, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. BOREN. Mr. President, I ask unanimous consent that I might make some introductory comments about the pending matter, S. 2, without it counting against the number of speeches that I may give on this issue.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BOREN. Mr. President, we have just completed party caucuses on the pending question, the campaign reform proposal. Yesterday we had a meeting of the group of eight Senators who have been working to try to negotiate a bipartisan consensus on this matter. That group of eight, as my colleagues will remember, includes Senator McConnell, Senator Packwood, Senator Stevens, and Senator Boschwitz on the Republican side of the aisle; and Senator Exon, Senator Mitchell, Senator Levin, and myself on the Democratic side of the aisle. We have been meeting in good faith trying to reach a bipartisan consensus on this important problem because we feel very strongly we are facing an American problem, a fundamental problem with the way we finance campaigns in this country and that we should try to find a solution to that problem in a manner that will not tilt and give a partisan advantage to one party over the other in the political process.

Yesterday at that meeting of the group of eight, Senators McConnell, Packwood, Stevens, and Boschwitz presented a plan on behalf of that side of the aisle. It was entitled "The Campaign Spending Reform Act of 1988."

I have long said that if any bill does not include in some way a limit of overall campaign spending it could not be considered to be a real reform; that any bill that did not have some form of aggregate limits on political action committee campaign contributions would not be a real reform; and that any bill that did not have some effective mechanism of enforcement to keep candidates within those limits and also to assure that independent expenditures would not get out of hand with negative advertisements aimed against Members of the Senate and the House and candidates for office could not really constitute real reform.

Before I mention what was in the proposal, let me state that I was disappointed that there were no overall spending limits or a way to enforce them in the proposal. There were no aggregate PAC limits. I do not believe sincerely that there are adequate protections against the pop-up problem which could surely result when you try to squeeze some of the money out of one part of the system only to have it pop up someplace else in the rest of it.

I was pleased, however—and I think my colleagues on this side of the aisle were also pleased—that there were several recommendations patterned after the proposal that Senator Byrd and I, Senator Exon, and others had made in the latest compromised version of S. 2.

There were several things included in that proposal that we welcomed, including closing the bundling loophole. That was proposed by the group of negotiators on the other side of the aisle. There is a provision stating that any group or person who independently finances a political ad must disclose the name of the person or organization paying for it and carry that disclaimer throughout the ad. That certainly is a proposal that wins great support, I think, on both sides of the aisle. I commend them for including that provision in their proposal.

There is a provision tightening the definition of independent expenditures to stop consultation and coordination between candidates and agents of expenditures, so-called independent agents. This also is certainly a welcomed proposal.

There is disclosure of independent expenditures above a $10,000 threshold level, as well as prior notice of independent ads. This also is a very meritorious proposal and one which has a good deal of support, again, on both sides of the aisle; one which we could accept and would support.

There is disclosure of all soft money contributions to national political party committees, something that, again, we support and have attempted to include in S. 2.

So there are a number of things here with real merit that have been proposed. But, again, let me say there simply are a number of areas where we do not go far enough.

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First of all, the proposal on the millionaire's loophole just is not sufficient. The proposal by Senator McConnell will allow candidates whose opponents spent more than $250,000 of their own money in their own campaigns to receive contributions from individuals in the amount of $10,000, up from the current $1,000. And I am afraid this practice would just lead to a further arms-race type of competition for money.

S. 2, on the other hand, deals with the ability of wealthy candidates by limiting personal wealth in the form of a direct contribution or a loan to their campaign level at $20,000 instead of the $250,000 threshold that has been proposed and by allowing a limited grant of funds from the voluntary tax checkoff account to candidates who abide by the spending limit but whose opponent does not abide by it, whether through the use of personal wealth or otherwise.

We have an effective means to combat extensive spending by another candidate, whether it be from personal wealth or from contributions. Spending of personal funds by candidates cannot be directly limited except through constitutional amendment to overturn Buckley versus Valeo or some kind of mechanism as we have adopted.

There is also included in the McConnell proposal that we adopt a provision that would define the lowest unit rate cost for advertising. That would require that the broadcasters give the lowest unit rate to candidates based upon a 1-year average of rates for the prior year. Again, we think this is a very meritorious proposal and one that many of us feel should and could be included in a final compromise package.

I would point out that I think, again, absent the overall spending limits, it will not, by itself, cure the increasing and escalating costs of campaigns or of campaign financing, but it is something that would be helpful.

It was also the proposal that we lower the PAC contribution from the present $5,000 to a maximum limitation of $1,000. Again, this is something that simply will not solve the problem that we have been talking about on the floor of the Senate. Less than 6 percent of the total PAC money that is contributed comes from PAC's that are contributing the maximum allowed now of $5,000. The vast amount, the millions of dollars of PAC money coming into campaigns, is coming from PAC's that are giving in the neighborhood of $1,000 or less.

We also have this concern: That if there is not a limit on the aggregate amount that a candidate can receive from PAC's there will simply be an easy way for PAC's to get around the provision of lowering the maximum contribution from $5,000 to $1,000. They will simply create more PAC's. A company will simply create a separate PAC for each of its subsidiaries. So, instead of having one PAC giving $5,000, they will now have five PAC's giving $1,000 each. Instead of having 4,000 political action committees in the country, we will end up with 20,000 political action committees in the country.

So we simply do not see how we can control the effect of this imbalance that now exists between grassroots contributors and the special interest groups, the political action committees mainly controlled in Washington, DC. The problem is that we have almost 200 Members of Congress that have received a half or more of their total contributions from these groups instead of from the people back home. The only way to restore some coherent balance to that and to put campaigns back to the grassroots level to be financed is to have some sort of aggregate limit.

In our bill, we set a dollar limit figure by State based upon a formula that works out roughly to about 20 percent of the current cost of campaigns. It means it would be thrown back to individuals, hopefully in your home State, hopefully at the grassroots, to raise the bulk of the contribution.

Under our system, we require a sizable proportion of qualified amounts of contributions will have to come from inside the home State and they have to be $250 or less.

I think we also have to be concerned about the need for overall spending limits. We are simply not going to be able to squeeze the money out of the campaigns that would be squeezed out from the direct contributions of political action committees and not have it pop up someplace else if we do not have some kind of overall limitation and if we do not have some kind of effective means for making sure there is a way to offset the independent expenditures.

If we were to drop the political action committees, let us say, from being able to contribute about $46 million, as they did to the Senate candidates in the last election, and say they can only contribute about $16 million, as would be the case under our bill, the question arises: What happens to the other $30 million? Will it disappear? Will it be returned to the contributor? Will it be donated to charity? It is not likely that will happen.

What might well happen is those groups will simply call themselves independent committees and use the $30 million to begin independent negative campaigns on behalf of groups against candidates. That is why we have a provision in our bill that allows for funds from the checkoff fund to be used as a disincentive to groups. If a candidate is attacked unfairly by these groups, they would get checkoff funds to match and to offset the negative advertising. It makes it very unlikely that those groups would ever seek to form and to put forward that advertising in the first place.

So we have some inadequacies here in the proposal and some good points in the proposal which has been received with a good deal of enthusiasm on this side of the aisle: The idea that we should define the annual and average advertising rate, that we make that provision of the lowest unit rate a meaningful one; the idea that the very wealthy candidates should not be able to loan his campaign a vast amount of money and then go around afterward or give his campaign a vast amount of money and then go around raising contributions later to pay themselves back.

There are some very meritorious provisions. There is a willingness on our part to discuss additional possible disclosure of soft money if we can find practical ways to do it. And I would say this: We want to continue our negotiations. We are here now at a point in which we must push ahead with the Senate's business.

We have to make sure that negotiations do not become a method by which we defer action. We have only so many weeks on the Senate Calendar, and therefore we must press ahead and, therefore, as I understand it, the leadership intends to push ahead. We are ready to vote on this side of the aisle on the package. The motion is pending. We are not going to hold the floor. We are not going to continue to give our arguments. We are ready to vote.

After that vote, of course, that proposal would be open to amendment from the other side of the aisle or to anyone on this side of the aisle that sees a way to improve it, and we hope, since 52 Members have sponsored this bill, since up to 55 Members have already indicated last year their desire to bring debate to a close, that there will not be an effort made to prolong debate, there will be a willingness to let us go ahead to go to a vote and then go to consideration of individual amendments to change this proposal.

But let me say again, we discussed this matter in our caucus today. We have the strong feeling on this side, and I would say it is the feeling of the vast majority of the sponsors of this legislation who constitute a majority of the Senate that it is not healthy for campaign spending to be increasing at the current rate, that we simply should not be in a position of having to raise $10,000 every single week for 6 years, week in and week out of a 6-year Senate term to raise the amount of money that on the average—not in a big State but on the average—is needed to run a successful campaign for the U.S. Senate. It is not healthy. It is not healthy for the next generation to allow campaign costs to continue to escalate 400 percent, 500 percent and 600 percent every decade.

Where is it going to end and what is it going to do to the process and what is it doing to this institution? We do not have time to deal with the problems because we are too busy using our times and our energies, out having to raise the moneys to run for election.

So we would say that the proposal so far, made on the other side, simply does not really constitute true reform. It resists the idea that we try to get campaign spending under control. It resists the idea thus far that we could have any kind of aggregate limit on PAC's. It sets in motion a plan that would be very easily evaded by simply creating more PAC's and having the same $46 million or $50 million or $100 million pumped back into the system, but this time $1,000 at a time for more PAC's instead of $5,000 at a time from fewer.

So we feel we must go back to the drawing boards and try again. So let me just state for this side of the aisle our willingness, as we have the debate proceed here, to continue. I hope that the other side will be willing to continue these good-faith efforts. Let me say, Mr. President, that in the best tradition of this body even at moments where we have had the strongest of philosophical differences about this matter, we have been able to have those differences, I think, with tolerance and with much respect on both sides and they have been handled in the best tradition of tolerance and open debate, not getting into personalities or personal feelings.

I want to thank both those that have been on my side of the aisle and those on the other side of the aisle. I see the Senator from Kentucky and I will yield to him in just a moment. He is on his feet. I appreciate very much the spirit in which those negotiations have gone forward.

Let me just say that in light of the fact that there has not been an overall spending limit agreed to or proposed from the other side and in light of the fact that there has not been any aggregate limit on the amount that PAC's could contribute, we would have some additional proposals, counterproposals. We look forward to discussing these informally.

First of all, we began, again, with the basics of the latest compromise version of S. 2. It is a version which as my colleagues remember does not include any automatic public financing. It includes public financing only as an enforcement mechanism that comes into play from the voluntary checkoff fund if one of the candidates exceeds the spending limit. If no candidate exceeds the limit, there would never be $1 spent from the checkoff fund and we all hope that will happen.

But, in addition to the provisions now in S. 2, we would propose accepting the provision of the Senator from Kentucky and his colleagues on that side of the aisle on defining the lowest broadcast unit, the lowest broadcast rate for purposes of providing it to candidates with the voluntary spending limits. We would propose accepting that provision about how much wealthy candidates can loan and give to their campaigns and not be able to go out afterward and try to recover the money. We accept that. We would be willing to talk about more disclosure in the area of soft money contributions. We would be willing to talk about that particular provision. We would hope that they would come to us with an agreement to look at aggregate PAC limits. We think that is very important.

Finally, let me say this. We are willing to sit down on another matter that I think is extremely important and perhaps this is the most important one of all. There seems to be perception on the other side of the aisle that somehow we are trying to seek some kind of partisan advantage with this legislation. Senator Goldwater and I had the same experience when we were offering our first bill several years ago. The Republican Caucus in essence told Senator Goldwater they were afraid that he had been taken in by the Democrats and was trying to help them inadvertently. I was told by the Democratic Caucus that they thought I was well-meaning but I had been taken in by a Republican plot to help the Republicans.

I think whenever you start talking about campaign changes and campaign reforms, especially in the way that we finance campaigns, there is always a suspicion on both sides of the aisle that an attempt is being made to craft a package with partisan advantage.

That honestly and sincerely is not our point. It has been mentioned here several times and I have had these discussions with Senator Dole, who has raised this point with me in private as well as in public. There is a real concern in areas of the country where there is an historic imbalance between the parties, either an imbalance in registration, or in those States which do not have registration, by party; an imbalance in the historic outcome where two or three times as many people over, say, a three or four decade period are elected to Congress from one party than are elected from the other.

Mr. President, our colleagues from our side of the aisle, and the group of four from this side, are willing to sit down and talk about that. Specifically, we are willing to offer a change in the formula for the overall spending limits to make it higher in those States where there is an historic imbalance in either party registration or where there is a historic imbalance in the number of people elected to Congress from those States, by party.

We are willing to do that. We would welcome a proposal from the other side of the aisle as to the amendment by which they think the ceiling should be raised in those States so that the challenging candidate from a party that has historically been in the minority in those States would be able to raise an adequate amount of money to be sure that they could make their case against a sitting incumbent of the other party. We are willing to talk about that.

We do not seek a partisan advantage and we want to make that very clear.

So we have several points that we can accept now and accede to. We have additional willingness to sit down to talk on soft money disclosure; we have additional willingness to talk about changing the formula as long as we keep an overall spending limit, to revise that limit upward in small States or in States where we have a historic imbalance between the parties. So that we make it crystal clear, no one here is seeking a partisan advantage.

What we are seeking to do is something beneficial to this country and that is have politics which competes on the basis of issues and candidates and their qualifications and not on the basis of which candidate is able to raise the most money in a campaign. It has simply been unhealthy and unwholesome and all of us know what is happening to the political process in this country.

I think many of us have a feeling of great concern when we are forced to spend so much of our time and when we are forced to go to interest groups who have pending legislation in front of us to try to raise money for campaign funds. It puts us in a very awkward situation and when the amount of money involved is so high it also means we have to spend more and more of our time not in our home States, because very few of us come from States that have the financial resources available in this day and time with which to finance campaigns.

It means the Senators and Congressmen are having to go increasingly to other States where they do not live and that they do not represent, to try to raise money from people there with financial means instead of spending time with their own constituents at the grassroots.

So there are problems we think, very sincerely, and the proposal has been made from the other side of the aisle in one of the limitations they propose. They propose not only disclosing soft money but actually limiting what can be done in a volunteer way in terms of volunteering time or advice to candidates and I do not think we can really do that. There we really do get in, directly, into the problem of free speech. We also get into mechanical problems. You have some organization that has a statewide get-out-the-vote effort, let us say, on behalf of the Republican Party or Democratic Party. How in the world could you possibly give an exact proportion of the benefit drive to the candidate for the U.S. Senate or House or Governor or county sheriff or county judge or something else? So that becomes difficult.

But I think in the area of disclosure we can talk more and we are going to make it clear that we are willing to come to the table and talk again, especially with an eye toward making sure that the overall spending limitation would not be at the disadvantage of any one party and we would welcome a proposal from the other side as to how much they would believe the ceiling should be adjusted upward in States where there is a traditional imbalance, historic imbalance between the parties.

So, as we press ahead, let me say to my colleague, and I will yield the floor now, we press ahead but we still want to leave the door open. We are ready. We want to have further discussions. These discussions have been conducted in good faith by both sides; they have been conducted in good spirit by both sides, and I hope while the leadership which has an obligation to push ahead with the schedule of the Senate does so, I hope the other side will simply allow us to have a chance to vote and will offer their amendments that they sincerely believe should be adopted. We are ready to vote on the amendments that they have, discuss them in a brief and timely fashion, and vote on them and then try to move us toward a general solution. I hope they will do that instead of deciding to mount a filibuster to keep us and the people and the majority of the Senate from working its will.

But whatever happens on that score, procedurally on the floor, we do hope to continue our negotiations and I, again, have summarized the points that we are willing to adopt out of their proposal and the further steps that we are willing to take or to discuss with them as we try to move toward some end, positive result.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, let me first comment that I appreciate the efforts of the Senator from Oklahoma on the pending legislation, and I enthusiastically support the legislation concerning this money chase we have seen in these campaigns.

In the last Senate race in my State, the two candidates spent over $10 million apiece. The last Governor's race, they spent over $10 million apiece. I am looking at my own reelection. The estimates are we will have that kind of expenditure in my Senate race.

We have to put some limits on it, and we ought to do it right now. I strongly support efforts to accomplish just that.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that my remarks not be included under the two-speech rule.

Mr. BYRD. Mr. President, I reserve the right to object. I will not object in this instance. I do not know when or whether we will start enforcing the two-speech rule, but would the distinguished Senator allow me to make just a few comments before he proceeds?

Mr. McCONNELL. I will be happy to accommodate the majority leader, if I could just make one observation. My colleague, Senator Boren, has performed the same function on that side as I am. He made precisely the same unanimous-consent request a few moments ago before he reported on his policy luncheon, and I was seeking recognition simply to do the same thing.

Mr. BYRD. Yes.

Mr. McCONNELL. And not to make very lengthy remarks.

Mr. BYRD. I certainly will not object. I will await the conclusion of the Senator's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Senator Boren also wanted to return to the floor, and I have asked a page to get him. So I am hoping he will be here momentarily, as he was in the cloakroom.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCONNELL. I would say to my friend from Nebraska——

Mr. EXON. Will the Senator yield so that I might make an inquiry of the Chair?

Mr. McCONNELL. The Senator from Kentucky will be happy to yield for that purpose.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Since it has just been granted, as I understood the discussion between the majority leader and the Senator from Kentucky, that the remarks the Senator from Kentucky is about to make will not be counted under the two-speech rule, I ask unanimous consent that the same rule apply to the previous remarks today by both the Senator from Texas and the Senator from Oklahoma.

The PRESIDING OFFICER. That order has previously been entered.

Mr. McCONNELL. I might say to my friend the Senator from Oklahoma had made such a request.

The PRESIDING OFFICER. I am sorry. I thought the Senator said the Senator from Oklahoma.

Mr. EXON. Did the Senator from Oklahoma make the request that the Senator from Kentucky just made?

Mr. McCONNELL. Yes.

Mr. EXON. Then I ask unanimous consent that any speeches made on this subject previous to this particular time not be counted as part of the two-speech rule, up until now. And, of course, the Senator from Kentucky has already been granted an exemption in that case.

The PRESIDING OFFICER. Is there objection to the Senator's request? Hearing none, that is the order. The Senator from Kentucky has the floor.

Mr. McCONNELL. I thank the Chair.

I listened with interest to the report of my good friend from Oklahoma about the proceedings at the Democratic policy luncheon and would like to make a similar report with regard to the Republican policy luncheon.

First, let me say we discussed, again as the group of eight indicated its desire that we do, the question of expenditure limitations in congressional races, and I would like to respond to my friend from Oklahoma that our position on that issue remains the same. It is the feeling of the Senator from Kentucky that is not one of the negotiable items.

Having given the bad news, let me respond with the good news. I am pleased at the response of my friend from Oklahoma to a variety of the proposals that we offered to the other side yesterday at the meeting of the group of eight. As I understood the comments of my friend from Oklahoma, he indicated with regard to our suggestion that PAC contributions be lowered from $5,000 per election to $1,000 per election, it would simply encourage PAC's to spend their money elsewhere. I think I can safely say this with regard to our position on PAC's. We are open to doing something about PAC's. As you know, the Senator from Kentucky introduced a bill last year that would have eliminated PAC contributions altogether. I am certainly open to any suggestions on PAC's including, I might add, the recommendation of the Senator from Oklahoma with regard to some kind of aggregate limit. I think that is something we are open on and I gather that is why he was standing.

So we are more than happy to do something meaningful about PAC's. Clearly, if there is any interest out in the country on this issue—and we have had some discussion about whether there is, but if there is any—I think it

is clearly related to the PAC contribution. We are certainly open to doing something meaningful about PAC contributions.

With regard to the recommendations we issued yesterday on the millionaires problem, I think I am totally safe in saying that any way we can get at the millionaire problem consistent with Buckley against Valeo we are open to. I think it is a growing problem, the expenditure of personal funds in great amounts to buy, if you will, public office.

I was pleased that my friend from Oklahoma liked our proposal, that you at the very least prohibit the millionaire from getting his money back by going around town and shaking down, if you will, every political action committee or individual he can find to help him get out of debt after he won the race. I gather that is an acceptable proposal. I gather the Senator was not quite as sanguine about the other proposal requiring one to certify to the FEC at the beginning of the elections—was that acceptable as well.

Mr. BOREN. If my colleague will yield, yes, that is acceptable as well.

Mr. McCONNELL. Good.

Mr. BOREN. There is some concern, and I think something we have to talk about further, I think legitimate concern about raising the limits of contributors. We were afraid that might spark an additional money race. But as to the original notification of intent to spend more than a certain amount or loan more than a certain amount and inability to get that paid back later through raising contributions to do it, there was agreement on that.

Mr. McCONNELL. Suffice it to say then that there is substantial agreement for whatever we can do consistent with the Constitution to solve the millionaire problem.

I gather from the observations of my friend from Oklahoma that soft money reporting is not a problem on that side of the aisle, and I think that is a significant step forward. We both realize that with regard to the limitation of soft money contributions, it is pretty complicated to figure out how to do that. But I think as our discussions continue, we ought to at least discuss that, because there is a pretty widespread feeling on this side of the aisle that if it is OK philosophically to limit and disclose cash contributions, why not disclose and limit soft money contributions? And one of the frustrations, as many know on this side of the aisle, is that we do not do as well with soft money contributions, and so the feeling is if you are going to limit and disclose cash contributions, why not soft money contributions. So at least we ought to continue the discussion of the possibility of limitation, but we are very pleased that it is acceptable to require disclosure.

On the broadcast rate issue, I was very happy to hear my friend from Oklahoma indicate receptiveness on that issue. That is what is driving the cost of campaigns, the cost of television. It is the single most important way we reach the voters in this modern age. We cannot go back to the horse and buggy. We can never shake enough hands or have a meaningful exchange with enough voters to get there the way they used to in the old days. We have to use television, and so the broadcasters have us, have us, and the rates have gone up dramatically, and so I was extremely pleased to see that that was an area of agreement.

Further, I gather that the suggestions of our side and the group of eight on the limitations on independent expenditures were largely acceptable; also on the bundling issue.

So, Mr. President, we have made some progress. I say to my friend, the majority leader, we really have made some progress here. We think that discussions have been useful. I think that there has been a total absence of hostility and rancor in those sessions as we have discussed our differences rather frankly. It seems to me we have come a long way. I hope we can continue and possibly reach some kind of agreement.

But I would say once again that clearly limitation on participation in the form of limited and disclosed cash contributions to campaigns is something that this side is simply not going to agree to.

Mr. President, I yield the floor.

Mr. BOREN. Mr. President, I wonder if I might ask unanimous consent to respond to the comments of the Senator from Kentucky without having it count as a speech under the two-speech rule.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BOREN. Mr. President, I again what to thank my colleague and commend him again for the spirit in which these negotiations have been conducted; and his colleagues with him. I think all of us realize we are dealing with a very difficult problem. It is intellectually a challenging problem to determine how to reform the campaign laws and not have unintended consequences.

I think we all realize, and to me we have come a long way from where we were 5 years ago and 10 years ago. We have all realized there is something wrong with the current system. It is obviously something that is just not working as it should; that it is broken and it does need fixing. I think that is a very important start.

We have also, as has been outlined in this colloquy back and forth, found some very strong common points of agreement. I would say that having just heard my colleague, it sounds like we are in some fundamental agreement on several points and potential agreement on one of the two major areas of reform as we have outlined them here on this side of the aisle; that is, the possibility of talking about aggregate PAC contributions. We feel that is a very important part of any final agreement.

Let me go back again to the fundamental question where we obviously do have some very strong disagreement. I think again if you went back to the polls of the American people, if you talk to people around the country, they are concerned about the imbalance between the PAC contributions and the amount of money and number of contributors that are coming from the grassroots and the people back home. They are worried about the people back home being displaced out of the financing of campaigns because special interest groups are controlling elsewhere. They are concerned about that.

But I think there is probably an even higher level of concern, and I would say it is a level of concern reflected again in all honesty on this side of the aisle; that is, that the cost of campaigns are simply going up too much.

If we are going to put together an effective package, we have to have a mechanism that deals not only with aggregate PAC contributions or the percentage of money coming from PAC's. We have also to have to deal with the problem that there is just too much money pouring into the campaign process period.

Part of the problem is the matter of where the money was coming from. We seem to be reaching or moving toward some pretty good agreement on tackling that problem of where the money is coming from. There are many of us who sincerely believe there is also a problem about how much money is coming in. I guess there is a fundamental difference of opinion. We might simplify it, and say this: There are those on the other side of the aisle—and I do not draw this distinction because I do not think it is purely partisan—there are clearly others on that side of the aisle who agree with us. Senator Thurmond, for example, a very respected member of the Republican Party, has joined with Senator Hollings, a respected member of our party, to propose a constitutional amendment to give Congress the authority to limit the American campaign spending. I have had many others on the other side of the aisle say to me philosophically they are not opposed to limits on campaign spending.

So when I say the difference between the two sides of the aisle I do not by any means mean to draw that exclusively in party terms. Let us just say there is a philosophical difference between those in the Senate and we who feel there is nothing wrong, nothing alarming, nothing bad about the fact that the cost of campaigns has gone up roughly 500 percent in the last 10 years.

Mr. McCONNELL. Would the Senator yield?

Mr. BOREN. They do not see anything wrong with that. They do not think it is bad for the country. There are many of us who feel it is bad for the country. If it went up another 500 percent, it would be worse. If it went up another 500 percent, it would be worse still.

If the average cost, which has already gone from $600,000 to $3 million in just 10 years that I have had the privilege of serving in the Senate, is going up to $15 million, another fivefold increase, some say that it would be good. I do not see it as a positive good. I see it as an evil. I say that very sincerely. I do not think it is good for the country that it costs more and more to run for public office.

I do not think it is good for the country that more and more competition is on the basis of who can raise the most money. I do not think it is good for the country for Senators to have to spend time to raise $10,000 each and every week, and in some States it is more like $50,000 to $100,000 each and every week, in order to run for the U.S. Senate or to seek reelection to the United States Senate.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. BOREN. I will yield in just a moment.

So I think there is a fundamental difference on that point. In the debate now, it is clearly revolving around that point, and I do not mean to say they are not very worthwhile areas of agreement that we have reached. There are. I hope it will set the stage for us to work out some kind of formula by which we can crack open this problem that we are now trying to deal with and find some way to have a meeting of the minds.

I think unless we have reform in a comprehensive way, and I am one that started out attempting piecemeal reform. Senator Goldwater and I, in all sincerity, started out on that path together several years ago. It was a privilege to work with him, a person for whom I have very great respect in that cause.

We kept coming up against problems. They shut off the right of PAC's to give certain amounts of money to candidates. Why would they just want expenditure councils, go out and spend that $30 million, and then go to candidates on independent expenditures?

So we came up with a checkoff system which under the constitutional decision, the Supreme Court and the Buckley versus Valeo case seemed to be the only way we could devise to make sure we had something really effective to keep these groups from going into independent expenditures. It would be foolish for them to do so if they knew the candidate they attacked was going to get funds sufficient to answer them. They would really have no purpose to, especially if you add to it the kind of provision we have agreed upon here, some sort of a disclsoure throughout the advertisement of who is paying for it, and so on. Notice is being given in advance that the expenditure is going to be made. All are good things. But you still have to have an effective means for getting that money from popping up. Unless you have comprehensive reform, you do not.

I think you still have to have an effective means for assuring, as I have said several times, that these young people who serve as pages in the U.S. Senate, if they ever want to run for the U.S. Senate themselves, and we hope they will. The experience I had briefly in the House of Representatives certainly inspired me to want to do that. They would not have to start thinking about how they are going to raise $15 million. That is what it is going to take in about 12 years at the current rate to run. That would not be something they will have to spend their time thinking about. They can think about their aspirations for this country and their hopes and dreams for the future.

There comes a time in which we have to consider and care more about the future of the next generation than we care about our own political success at the present. We have that responsibility to the next generation. And many of us feel passionately that should happen.

So at the same time I understand there are those on the other side of the aisle saying, "But wait. You are building in a partisan disadvantage." I agree there is a potential if the limit is set too low in the State where one party clearly has an advantage over another. It is also true of incumbents. Incumbents generally have an advantage over challengers. They have name recognition, franking privileges, and many other privileges to keep their names before the public.

If the limit is set too low it really puts the challenger or the minority party at a disadvantage.

Mr. President, we are really willing to talk about that point. We do not seek a partisan advantage. We seek an overall end to this money raising. Yes. We think that is an issue that the American people would vote with us on.

If we went out of here, I am convinced, and ask the American people, "Do you think it is good for the cost of campaigns to have gone up 500 percent over the last 10 years; do you want the cost of campaigns to go up another 500 percent over the next 10 years" I think the American people by a resounding, near unanimous vote would say, "No, that is not good for the country."

So I would just urge again. It is a matter of sincere philosophical feeling that we would very much like to talk to those on the other side about this particular issue, and we would hope that holding out the olive branch to show we do not seek a partisan advantage; that we are willing to talk about formulas; to have higher spending limits in States where there are historic imbalances between the parties that we demonstrate we do not seek a partisan advantage; that is a true philosophical commitment; a feeling on our part that the money chase is bad; that the cost of campaigns continuing to go up is not good for the country, is not good for this institution, and it is not good to take Senators away from their jobs and from meeting with their constituents. It is not good in terms of the appearance it creates to the American people that we are on the auction block. We spend too much time and energy trying to decide how to raise money for our campaigns. I hope we can find some way around that, because I am convinced the American people agree with us.

When those on the side decide to stop talking on this matter, we are ready to vote. We are ready now to vote on this package. As soon as I sit down, we will be ready to vote, and we have 55 Senators who have said they are ready to vote right now. As soon as I sit down in this chair, we are ready to vote. If no one wants to continue the debate or the filibuster, the question will be put, and the American people will have their chance to have their representatives vote.

Those on the other side who do not like the current form of this proposal will have a chance to offer amendment after amendment after amendment. There is no limit on how many amendments they can offer and how many votes they can get on changing this package. We have already indicated on this side that we will vote for some of the proposals that have been made for changing this package. There can be real bipartisan consensus on several amendments that will be offered.

I say again to my colleague that I hope he will let us vote on this package and that he will then offer the amendments he has, make improvements where we can, and in the meantime we will talk. We will talk whatever happens on the floor. We will try to negotiate in good faith.

I say that in good spirit to my friend, and I thank him for the cooperation with which he has conducted this discussion.

Mr. McCONNELL. Mr. President, I will spare the Senator, the Chair, and the listeners my response to the arguments about spending limits. We have made those arguments a number of times.

My question to the Senator from Oklahoma is simply this: When shall we meet?

Mr. BOREN. I am available.

Mr. McCONNELL. Why do we not work that out?

Mr. BOREN. We will try to figure out what time we can meet and discuss this. So far as I am concerned, we can meet later today. I have not heard from the majority leader. We could arrange for postsupper, perhaps, this evening. I understand that we may be spending a lot of time with each other. Hopefully, we will not. Hopefully, they will be prepared to vote on the other side. We are ready. I have talked with my three colleagues on this side of the aisle, and they share the desire to continue these negotiations.

I thank my colleague.

Mr. BYRD. Mr. President, may I ask that somebody get the distinguished Senator from Kentucky back on the floor?

I want the Senator from Kentucky on the floor.

Mr. President, I ask unanimous consent that I may speak for not to exceed 3 minutes, without it counting as a speech against the Senator from Nebraska under the two-speech rule.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I sought the attention of the distinguished Senator from Kentucky for this reason: This Senate is in a full-fledged filibuster. We have been on this bill now for 5 days, not including the many days of last year which spanned from the date of June 3, 1987, to the date of September 15, 1987.

Of course, the Senate took up many other measures during that time last year. On this occasion, this bill has been before the Senate and has been debated on February 17, 18, 19, 22, and 23. That is 5 days.

We sought to reach some accommodation by having two groups of colleagues meet, and I and others on my side have come to the conclusion that we cannot go on spinning our wheels. In the first place, we do not have the time to spend this year.

We have, hopefully, a trade conference report that will come along within a few days or weeks. We will have the catastrophic illness conference report. Around April 1, give or take a little, I would say that we should be ready to take up the INF Treaty.

There will be other legislation, such as polygraph legislation, Price-Anderson, intelligence oversight. There will be the budget resolution in due time.

These matters are not ready for action yet. Until the budget resolution is passed, we cannot take up appropriation bills.

So, in due time, there will be a heavy workload here.

Having experienced last year the futility of engaging in many, many weeks of debate, and going through seven cloture votes, and finding that little interest was stirred because we had a very casual filibuster that lasted from 9 o'clock in the morning until 5 or 5:30 in the afternoon, and in the meantime we would take up other measures, and so forth, it is the conclusion reached by a consensus on this side of the aisle that the attention of the country needs to be called to the fact that there is a filibuster going on; that our good friends across the aisle, with the exception of three on that side of the aisle, are bound and determined that they will not let this bill pass as long as it has in it a limitation on overall campaign expenditures, as long as it has in it a mechanism to enforce that limitation on overall campaign expenditures, and as long as it has in it a limitation on aggregate contributions from PAC's that may be accepted by candidates for the House and the Senate.

There the line is drawn. There is no point in having a nice, easygoing filibuster here, carrying on a slow filibuster in the back rooms. Let us have it out here on the floor. That is where it ought to be, where the American people can see it, right through those cameras; where they can see, through the representatives of the fourth estate, that this is a filibuster. The American people need to know what it is about, and they need to know who is keeping the Senate from coming to a vote on this.

As the distinguished Senator from Oklahoma has said, we on this side are ready to vote. The minute I sit down here, I am ready for the Chair to put the question. The Chair would have put that question had I not called the distinguished Senator from Kentucky back from the cloakroom.

Ordinarily, we protect each other here. I am a strong advocate of comity between the two sides, fairness in dealings and protecting the other side, and not taking advantage of the other side if a back is turned.

So no Senator on the other side has ever been fearful of walking out of the Senate and having something happen to him. If no Senator is on that side, it will not happen. A Senator on this side will put in a quorum or some such and alert Senators on that side.

But, we have to deal with a filibuster a little differently because a filibuster is something that is quite out of the ordinary. And so, during this filibuster, the Chair is going to put the question. At any time a Senator does not seek recognition, it is the duty of the Chair, whether there is filibuster or not, it is the duty of the Chair to put the question. Anytime a Senator sits down and no Senator seeks recognition, it is the duty of the Chair to put the pending question before the Senate. That is the rule. That is the precedent. But we do not ordinarily press that rule for reasons I have already said.

But, the next time a Senator on the other side of the aisle walks into that cloakroom and leaves nobody on that side of the floor to protect him, the Chair will put the question. I have instructed the Chair to put the question.

I told the very distinguished acting leader Mr. SIMPSON, yesterday, that this would be the case, and that I was telling him at that time so that he could bring the matter before the Republican Conference today and they would all be alerted, so that they would protect themselves.

I say this for the last time so that all Senators on the other side may hear and understand that if they want to protect themselves, they have to do so themselves because the Senate needs to vote on this question that is before it.

We are ready to vote. I am willing to enter into a time agreement to vote on the Boren amendment in the second degree before this day is over, or tomorrow, or whatever. We are willing to enter into a time agreement to vote on the bill. And, as far as I am concerned, on the amendments that the other side of the aisle wishes to push, we are willing to enter into a time agreement and include their amendments in that time agreement.

Let the chips fall where they may. Let the Senate vote on whatever amendments they have to propose. They say, "Oh, we don't want to invoke cloture because we wouldn't be able to get to call up our amendments."

One of the advantages of cloture is that it precludes nongermane and nonrelated amendments. And there are amendments pending right now in the lines of amendments to this bill that are nongermane. One deals with contra aid; another deals with the Monroe Doctrine. They have nothing to do with campaign financing reform. So those are the kinds of amendments we want to preclude.

As far as I am concerned, we can have an agreement to include certain amendments that the other side wishes to vote on and we will vote on them. But let's vote.

But, Mr. President, the only way that this Senate can pass a genuine campaign financing reform bill is to include limitations on spending. Now if a party is so bereft of ideas—and I do not believe the Republican party is bereft of ideas. It has produced good Presidents. It has produced good Senators. It has produced good men and women at all levels of government. But surely the Republican party is not bereft of ideas. Why, then, the argument that they cannot win in certain regions of the country unless they can spend unlimited amounts of money? I do not believe that the Republican party is bereft of capable, able, attractive candidates in any region of the country.

And so why not have a limitation on campaign spending? Let us stop the money chase. Let us stop the perception that this Senate is the fortified castle of special interests, the stronghold of special interests.

The American people are the special interests that we Democrats are interested in—the American people, the whole people, nothing but the whole people.

So, Mr. President, the other side says this is the line: "There will be no limit placed on campaign spending. We will fight it out on that line if it takes all summer." That is the attitude that the minority side is taking.

Well, let the American people hear that; let them know that; let the American people ponder that. Do they want their U.S. Senate seats to be up for sale? Is that what the American people want? That is going to be the perception if this bill is not passed and the current system prevails.

So, Mr. President, we on this side are ready to vote. And we are drawing a line also, and that line is there can be no genuine campaign financing reform in this country without a limit on campaign spending. This is a matter that cries out for reform, and there can be no reform unless we address the crux of the issue: namely, a limitation of campaign spending.

Having drawn the lines in the sand, we have decided that we will just go around the clock. Now it may be that our friends on the other side will prevail in the end. They prevailed last year. They rejected cloture seven times. And at some point I will offer a cloture motion again. I may offer a second one; who knows? But, I am willing to spend this week and next week in the effort. And I would not forswear using the week after the March break if the circumstances recommend it.

But there is no point in continuing the casual, gentlemanly, good-guy filibuster because it will just turn out as it did last year: Have a few cloture votes, everybody just takes it easy, everybody has a break for supper, everybody goes home and gets a good night's sleep, and everybody protects everybody else.

The American people will understand this is a filibuster. They will understand who is not willing to let the Senate vote on the bill.

Mr. EXON. Mr. President, I ask unanimous consent that the remarks I am about to make on this subject not be considered under the two-speech rule.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. EXON. Mr. President, I have listened with great interest to the remarks of my colleague from Kentucky and my colleague from Oklahoma, who have been carrying the ball pro and con on this issue. I have been with them, I think, each time they met with regard to trying to work out a compromise, and I endorse their efforts to keep talking.

Mr. President, the majority leader has said a great deal of what I was about to say. Therefore, there is no use repeating that. I think he said it very well.

The point that I wish to make is that I believe that my friend from Kentucky has been negotiating with us in good faith. We have had several meeting. The results of those meeting were highlighted in the report to the Senate given by the Senator from Kentucky and the Senator from Oklahoma.

The last comment by the Senator from Kentucky was that, well, he was pleased that we had accepted or tentatively agreed to accept some of the suggestions they have made and that maybe if we go on talking this evening, we can accomplish something. Let us not mislead the American people. There has been no give on the central issue of S. 2 as just outlined very adequately by the majority leader, and that is simply whether or not that side of the aisle will accept reasonable campaign spending limits. The answer has been no, no, no. We will talk about other things, but we will not compromise on the central issue of S. 2.

So, therefore, I simply say that, while I want to talk and while I am willing to compromise, I am not willing to be part of a so-called campaign reform bill that does not reform what is centrally wrong with the political campaigns of the United States of America today, and that is simply the fact that we are spending an obscene amount of money—obscene, Mr. President. I do not know whether the people of the United States are upset about this yet, but I assure you they are going to be.

If they are not concerned about it, they should be. Because I think what we are talking about here is the very fiber of this body: The respect that I think U.S. Senators are entitled to as elected by their people in their State to come here and represent them.

I would think back, Mr. President, to a time a few years ago, 1974, when the Federal Election Campaign Act of 1974 was passed. It was passed by an overwhelming vote of both Democrats and Republicans in the U.S. Senate and in the House of Representatives. In fact, the conference report passed the U.S. Senate 60 to 16, with the vast majority of both Democrats and Republicans voting in support of it. That campaign report passed the House of Representatives by 365 to 24. Just so that we can keep this in perspective, what did that 1974 act do? That 1974 Campaign Act recognized that we thought we were spending too much money on campaigns then and it has gone up dramatically since 1974. That Campaign Act of 1974 set a limit on how much money could be spent on a per capita basis for election to high public office. That was the act, of course, Mr. President, that the Supreme Court later threw out on the basis that a millionaire, or someone of whatever means, had the right to spend whatever amount of money they wanted to get elected to public office and that prohibition by the Supreme Court is what we think we have successfully gotten around by making the arrangement that we did in S. 2 before us.

So I am simply pointing out that in 1974 the vast majority of Democrats and Republicans in the U.S. Senate and in the House of Representatives thought campaign spending limits were a good idea. What has happened in the meantime? I suggest, Mr. President, that we may have forgotten, some of us. Maybe the American people have forgotten. I would simply say that that Campaign Reform Act passed at another time, in another era, when this country was shaken to its foundation or shortly thereafter, when we had a resignation of a President of the United States, and it had to do, that resignation, with a political campaign from another era.

The majority of the U.S. Senate and the majority of the House of Representatives could not afford to not be for true campaign reform at that time. I say that their wisdom then is just as telling as their wisdom should be today and I want to assure all that this is not a partisan matter in any way, shape or form by this U.S. Senator except that I am very, very worried, Mr. President, that some time in the possibly not too distant future there is going to be another political shakeup, a political fallout of some type that will bring this institution to its knees in terms of the respect for it given by the people at large. And then, Mr. President, when the heat is on in the countryside, then we will all rush in here and we will say, "Is this not time for campaign reform?"

No, the time for campaign reform is now. I assure you that those of us on this side are anxious to reach a workable, reasonable compromise but those of us on this side feel that a workable, reasonable compromise cannot be reached unless we can have some reasonable campaign spending limits.

Therefore, I say, Mr. President, that the filibuster that was mentioned by the majority leader a few moments ago is not a filibuster on this side of the aisle. I say, again, what Senator BOREN and the majority leader just said: We would be willing to enter into some kind of an agreement, time agreement, a number of hours that we would debate this. We do not want to vote right now? Maybe we could vote this evening at 9 o'clock? Or the day after tomorrow at 11 a.m.? Or a week from Thursday at 2 p.m. in the afternoon? Just so we can get to some time agreement and not have the use of the filibuster, which we suspect is about ready to take place on that side of the aisle, to prevent the majority of this body from working its will.

I would hope that reason would prevail, Mr. President. I would hope that we would not become involved in a shouting match, this side of the aisle against that side of the aisle, and vice versa, about who is all right and who is all righteous. I would simply say that I would think that as reasonable people who have an ability to agree on most things, let us at least come to a vote and let the U.S. Senate work its will.

We would agree that entirely too much money is being spent for political elections and reelections these days. I think it is becoming a national disgrace and is going to become more of a national disgrace in the future than it is right now unless we have the courage to do something about it.

So I appeal to all of my friends and colleagues on both sides of the aisle, for whom this Senator has a great deal of respect and for whom I get a great deal of respect, more and more, as I serve in this body each and every day despite the fact that we do not move things along as rapidly as many of us would like. There is a good group of people here representing their States as best they can. I would just hope that in this instance we would protect this institution. Get away from the business of expending an excessive amount of time on raising money for reelections, clean up our campaigns so that even we politicians could be proud.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Would the Senator from Nebraska yield for a question or, since he has yielded, respond to a question?

Mr. EXON. I have already yielded the floor, but I certainly would not object if my colleague has a request, if that talk he is about ready to give would not be carried under the two-speaker rule?

Mr. PACKWOOD. As a matter of fact, I am not ready to start giving a talk now, although I may, but I was hoping the Senator would respond to a question or two.

Mr. EXON. I would be glad to.

Mr. PACKWOOD. If we want to reduce the amount of money that is raised and spent in campaigns, why not just reduce the contribution limit to a dramatically smaller amount?

Mr. EXON. I would not object to reducing the campaign spending limits. In fact, had the Senator from Oregon been here a few moments ago he would see that, indeed, we agreed tentatively to reduce the PAC contributions, during the negotiations that were carried on between the pack of eight or whatever we are called.

Mr. PACKWOOD. I mean more than just that. Why not reduce the individual spending limit to $100 instead of $1,000? Why not force the costs of campaigns down by cutting down the amount people can give in campaigns?

Mr. EXON. I have no reason to believe that that would necessarily be bad. In fact it might very likely be in keeping with what the Senator from Nebraska was just proposing. The only thing that I would say in response to that question is that once you plug a loophole here, something else is going to pop up over here. It might well be that we could have some kind of a joint arrangement where we would dramatically reduce the amount of contributions that could be made by an individual or a group or organization to a considerably lower amount than today, so long as we still could agree on some kind of a reasonable total expenditure of funds.

Mr. PACKWOOD. Why? If you reduce the amount that people can give and if you force candidates to go out and raise their money and you have a low enough limit, you would have to do most of it in your home State. What is wrong if you could get 20,000, or 30,000, or 40,000, or 50,000 people in your State to give you $20 or $30 apiece or $40 apiece? Is that bad for democracy?

Mr. EXON. I do not think that is bad but I would also suggest that with the experience we have had with bundling, that I am sure the Senator from Oregon knows a great deal about, there are all kinds of ways to bundle and bundle and amass funds that both the Senator from Oregon and this Senator are quite familiar with.

Mr. PACKWOOD. I think on both sides, as I understand, we have agreed to do away with bundling. The Senator from Nebraska made a good point, that you try to write a perfect law. Somehow you do not contain everything. At least, you can make a good start. We can try to eliminate bundling.

Bundling, I might say, simply means that one person of an organization goes to a thousand of their members and says, "Give me a check for Senator EXON," and he collects a thousand checks from a thousand people. But, in essence, it is one person giving them to you. That is bundling.

We can pass a law saying that is illegal. I think we have agreed we can do that. I am talking about your going to Nebraska and my going to Oregon and having to finance our campaigns with thousands of donations of small amounts. That is what I would have to do.

We can, as I suggested, put a $100 limit on contributions. That would get your spending costs down and get thousands more people involved in democracy because we are an imaginative people. If we have to raise the money, we can make sure our organization does it.

It will, at the same time, and I sympathize with the majority leader's problem with Members having to be gone to raise money, cause other concerns. "I have a fundraiser in Florida," in Oregon, in New York, "do not look for me after 4 o'clock."

One of the toughest jobs around is the job of the majority leader, Republican and Democrat, with those kinds of requests.

I think I can assure my good friend from Nebraska if you had a $100 limit on contributions, you would effectively limit the time we could raise money. We could not raise enough money, personally, with $100 limits. Our organization of volunteers would have to do it. That is good for democracy. But you can achieve this without a spending limit. So what is the need for the spending limit?

Mr. EXON. I beg your pardon?

Mr. PACKWOOD. What is the need of the spending limit? You can put the spending down by putting a limit on contributions. You can force us to raise money in small amounts, which would be good, I think, by lowering the contribution from $1,000 to $100.

If we are worrying about the contributions of PAC's, I would be willing to limit them altogether, to zero, so that they cannot give to our campaigns. Why would that not achieve 99 percent of the end the Senator from Nebraska wants to achieve?

Mr. EXON. I think in response to the question, and I have answered this time and time again, I would say to my friend from Oregon that so many people are very much concerned about not what the total amount raised would be, but how the money is raised and where it comes from.

To answer the question of the Senator from Oregon, I would agree with what I think is his basic thesis. That is that if we had no more than a $100 limit, that any person, individual, or group could give to a campaign, that would be a whole lot better than the other extreme where $1 million was raised and given by one individual. I would agree with his basic thesis.

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I am not sure that I would agree, though, that limiting expenditures to $100 or $50 or $500 would necessarily come about.

Mr. PACKWOOD. Limiting contributions to $100, not expenditures.

Mr. EXON. Contributions.

Mr. PACKWOOD. Contributions. Did I hear the Senator from Nebraska say that in his experience the public is not so much concerned about how much we spend but where we get the money?

Mr. EXON. No, you did not hear him say that. I said my view is that it would be better if we had whatever is donated in a campaign to come from a larger group of people rather than a smaller number of people. That is what I said.

Mr. PACKWOOD. We can agree on that. Would that be achieved, in your judgment, by lowering the contribution limit?

Mr. EXON. It might be achieved by lowering the contributions so long as you could legislate some kind of a bill that did not provide for organizations of various persuasions going about the country and calling for grassroots political contributions from those in Nebraska to elect a Senator in the State of Oregon.

Mr. PACKWOOD. You are back to bundling, again, I sense.

Mr. EXON. I guess so. I think bundling is a very serious matter and I think the Senator has agreed that it is. How we could outlaw bundling, per se, and still stay within the general guidelines of the Constitution, I am not sure.

Mr. PACKWOOD. Well, I think both sides are operating on a presumption.

I see the majority leader here and I would be happy to have him interrupt. Mr. President, might I also say a word of appreciation to the majority leader. I was watching when he called for Senator McCONNELL to come on the floor. That was very generous of him. I appreciate it.

I might say in the 18 or 19 years I have been here, this has been the habit of the majority leader, even before he was leader, that he has never taken advantage of a Senator who was not present. I appreciate that.

Let us say in Nebraska or Oregon, and our populations are not that far apart, that it was going to cost you $2 million to run a campaign, or whatever. Under the present limits, political action committees can give you up to $10,000. Most of them do not, but they can. Individuals can give $1,000, or $2,000 for the primary and general. So we could raise our $2 million.

I want to say again I spent a great deal more than that in the last campaign. I am using this for purposes of discussion now.

Let us say that we would have had 5,000 donors from whom we raised $2 million with those limits. If we were to get rid of PAC contributions altogether, they are out, and lower the contribution for individuals to $100, I would assume that in order to raise $2 million we would have to have a lot more than 5,000 donors. Perhaps 10,000 or 20,000.

I would also expect if you cannot bundle that you would have a dickens of a time raising money in small amounts in Oregon and I would have a tough time raising money in small amounts in Nebraska. The likelihood of my going door to door, my volunteers going door to door, in Omaha and getting people to give $20 to my campaign in Oregon, I think would be pretty slim. I think yours would be practically the same in Oregon.

Mr. EXON. I think that would probably be very difficult, but I would simply say, let us not underestimate the demonstrated talents of raising money for all kinds of purposes due to the very sophisticated direct mail techniques.

Mr. PACKWOOD. I am very familiar with direct mail techniques, and we should in the future deal on it. Direct mail fundraising is not cheap fundraising. It is expensive fundraising. I would say there are 5 or 10 Senators in this body who can raise money nationwide by direct mail, but most of us are just not that well known outside our own States. As much as we would like to think we are that well known, we are not.

All I am saying, and I say this in good faith because on our side we honestly think it—and this is not being benevolent—spending caps favor, and you can spend the same amount as your opponent, the majority party and favor incumbents. That is our fear. We do not mind lowering the contribution limits, and I think, frankly, what would happen if they were low enough, and this would be a reverse of the advantage, if they were low enough so that the bulk of the money raised, almost perforce, would have to be raised in your State, it would probably flip the advantage of the purpose of raising money to a home State challenger who is on the ground in the State all the time instead of here in Washington 8, 9, 10, or 11 months of the year.

But that difference on spending limits I think is a modest difference of opinion.

What I am saying is that what you want to achieve with spending limits, and it can only be done with some form of public financing under the present Supreme Court decision, some measure of public financing, can be achieved without going that route, and I fail to understand the unwillingness of the majority to accept another alternative to achieve the end they want to achieve.

Over and over and over it has been—if there are no spending caps, we are going to fight this out; we will be both U.S. Grants and fight it out on this line all summer, but if we will not agree on the Republican side to spending caps and therefore some public funding, because of the Supreme Court decision, there will be no bill, and we will take this to the public and we will let the public know who stands for reform and who does not. I am saying we can achieve that same reform without the public funding and without the spending caps and what is wrong with that alternative?

Mr. EXON. I would simply say to my friend that he may—I do not know whether he is making it or not—be offering a compromise that is worthy of consideration that so long as you would agree that you would reduce the total amount anyone can give, we would also put on a reasonable spending cap. It is possible to have the best of both worlds.

Mr. PACKWOOD. No. I think the majority leader has stated it well. A spending cap on the Republican side I think is simply unacceptable, and there are enough votes, because we feel it would put our party at an unfair disadvantage.

Now, if you lowered the limits dramatically, maybe you could spend as much as you spend now—maybe, if you lowered the contribution limits dramatically—but to do it the Senator would have to raise his money in Nebraska, I would in Oregon, not from 5,000 people, probably 50,000 people, 75,000 people at $10 or $15 or $20 apiece, and I think that is better for democracy because they are going to have to give it voluntarily. We are not going to compel them to give it. I think it is better than partial public financing of campaigns and an automatic spending limit, and I say in all good conscience that if you want to improve democracy, if you want to cut the cost of campaigns, if you want to spread out this process so that more people participate, I think the answer is to cut out the PAC's altogether, although I think we all agree under the present Court decision they can spend on their own without any talking to us. There is nothing we can do to stop that. But if you want to achieve the reduction in spending or, in the alternative, you want to achieve a much broader base of giving, why not just go the route of reducing the contribution limit.

Mr. EXON. If the Senator will allow me to respond, I would simply say to the Senator from Oregon I hope he knows that this Senator did not back the original version of this measure and came on board and has been a leader in putting it through only after we came up with a formula that I had a considerable amount to do with that would eliminate all public funding if and when candidates would agree that a reasonable spending limit would be in order. So I would simply say that part of the argument that the Senator from Oregon is using with regard to public financing of campaigns is not in S. 2 as this Senator views it today.

Mr. PACKWOOD. I am fully aware of that, but I think all of us are also aware that if S. 2 in its present form should pass, there will be some public financing in the first election because you are going to have some who will say, "We are not going to agree with those spending limits." And as the Senator knows, there is then public funds involved. And I think if you pass S. 2 in its present form you are on the way down the road of reasonably large-scale public financing and spending limits for congressional races.

Mr. EXON. I do not happen to agree with the Senator from Oregon, but I respect his point of view.

Mr. PACKWOOD. I thank my good friend from Nebraska. I might say to the majority leader I am not going to stay here. I think somebody else will be coming to cover the floor in 10 minutes. I have a half-hour meeting in my office, and I will be back probably by 20 to 5 and will be prepared to spend as long here tonight as indeed the majority leader thinks it necessary to stay. I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this I think is a matter which requires the attention of Senators. Another way of conducting this filibuster, of course, is to have one Senator come to the floor, all his colleagues go home or stay in the offices, he comes to the floor, he speaks for a little while and puts in a quorum.

I should alert Senators that when they do that, I may ask to have that quorum called off, and if it is, unless a Senator seeks recognition, the Chair will put the question. So we are kind of at the beginning of the filibuster I guess as we are now calling a real filibuster. But I would suggest that if Senators really want to talk, they come to the floor and talk and that we may have to enforce the two-speech rule.

I am not advocating that right at this minute. But it will not be a filibuster in which a distinguished Senator, like the very distinguished Senator from Oregon has just done, comes to the floor, participates in a little colloquy, puts in a quorum and every body sits down and the clock continues to run and nothing happens.

Now, we are either going to talk or we are going to vote. The Senator is certainly capable of talking, I am sure, but I do not want us to get the idea that this is just going to be a matter where one Senator can look out for colleagues on his side of the aisle and he will come over and make some remarks, and he will put in a quorum and sit down and we will just beat around here and have a quorum that will last 15, 20 minutes. As he said, he will be back in 10 minutes, but where are all the other Senators?

Mr. PACKWOOD. If the majority leader will yield, the majority leader raises a good point. I did not mean to give the impression that I singly was going to try to conduct a filibuster by quorum call.

Mr. BYRD. No; I am not implying that.

Mr. PACKWOOD. I will let the majority leader continue and then I have a few more remarks to make.

Mr. BYRD. I have finished.

Mr. PACKWOOD. Well, I was going to say that years ago—and my good friend from West Virginia will recall Senator Williams from Delaware, a wonderful gentleman who overlapped 2 years here with me. He retired in 1970. When I first came here in 1968, we had a debate on whether or not we should change the rules for shutting off a filibuster.

The Senate will recall it was two-thirds present and voting and we moved it to 60 percent. I supported that. He opposed that.

Mr. BYRD. That was my proposal.

Mr. PACKWOOD. Yes.

Mr. BYRD. That it be 60 votes—three-fifths.

Mr. PACKWOOD. At the time, though, I do recall—and refresh my memory on this—we did not change the requirement for shutting off a filibuster on a rules change. That is still two-thirds, is it not?

Mr. BYRD. That is correct.

Mr. PACKWOOD. On a rules change.

Mr. BYRD. It takes two-thirds to shut off a filibuster on a rules change.

Mr. PACKWOOD. The majority leader will recall the famous ruling we had from Vice President Rockefeller when he was in the chair that angered some people on both sides a bit. But when I was here in 1969 as a young Member, I probably thought and would have been willing at that time to reduce the margin for shutting off a filibuster to a majority vote. I might have stayed with a normal parliamentary requirement in Europe where the majority shut it off. And I remember the counsel that Senator Williams gave me at the time. He was opposed to the change. He said, "Bob, after 21 years here, I have come to the conclusion we make more mistakes in haste than we lose opportunities in delay. If something should pass, it will one day pass." He said, "It may take two or three Congresses, that is not a long time in the history of the Republic, but if something shouldn't pass, then the right to delay it is not only a legitimate right, but it is probably a wise right."

I have, indeed, changed my view about the filibuster over the years. I think if I had my choice now, I would go back to the two-thirds present and voting. I do not expect that is going to be an issue, and I do not think anyone is suggesting that now, but I think I would go back to it as one who has used the filibuster on occasion, not on this issue before us, as a matter of fact, but I have used it many times in the area of women's rights and abortion. As I recall on one occasion I spoke for 4½, 5 hours on the floor reading from a book called, "The History of Abortion in the United States," and I have only gotten to 1833 in that book. If necessary, I may even on this bill take up 1834 and onward and go forth with that history, which is something that I think the Senate would really fully want to know about.

So I am prepared to talk, I am prepared to negotiate, and I would be willing to negotiate, reduce spending limits, PAC's out the window, although—as the majority leader is fully aware, and he is a good constitutional scholar—I do not know how you can stop them from spending. We can stop them from giving. I do not know how we can stop them from spending.

Unfortunately, most of the money is spent against rather than for these independent expenditures. But that is an issue for another day, constitutional amendment or something like that. There is nothing we can do by law to stop them from spending.

But I wish the majority leader and the majority party would be willing to consider some other alternative to the spending limits, spending cap, which this side honestly thinks is unfair, and thinks if candidates A and B can spend the same amount, then the favored incumbents and the favorites of the majority party, and as we are neither, would not have great misgivings about it.

Mr. BYRD. Well, I think when we look at the experience that has been gained under the campaign financing reform that took place with respect to Presidential campaigns, that has not failed the Republican party. The Democratic incumbent defeated the Republican incumbent the first election after that. Mr. Carter defeated Mr. Ford the first go around; the Republican challenger, Mr. Reagan, then defeated Mr. Carter. The next time around, Mr. Reagan, the incumbent won. So the Republicans have fared very well under that experience.

Surely they ought to fare as well under campaign financing reform that has a limitation on the campaign expenditures for Senate seats. After all, they have the same opportunities.

I just cannot understand why they would not want to have a limitation on campaign expenditures. They are able to raise more money. That is obvious. They have shown that. They can raise more money than the Democrats can raise.

The distinguished Senator has talked about lowering the limitation to giving $100. There will be all kinds of ways that can be found around that.

Mr. PACKWOOD. How? How do you get around that?

Mr. BYRD. The distinguished Republican Senator knows that his national campaign committee and the people on his side of the aisle are light years ahead of the Democrats when it comes to raising money by mail. They can do it. I say, why not put a limitation, a reasonable limitation, on campaign expenditures? That would be as fair for the Senator's side as it is for this side of the aisle.

Mr. PACKWOOD. I think now it begins to come into focus a little bit. The Republican Party has been much better than the Democratic Party in raising money by direct mail from small contributors. The Democratic Party, probably in terms of the total amount of money they raise, is much more dependent than the Republican Party on political action committee money and big money. There has been enough articles on that now. I think on occasion it is news to the public.

But to put it in the crassest terms, the Democrats have depended upon the fat cats, the Republicans not nearly to the same degree. But we raise a lot of our money by direct mail; lots of it, and direct mail is expensive fundraising.

So if what you do is you put a limit on how much can be spent—and I think you can effectively put a limit on how much can be raised because part of the cost of the campaign is the raising of the money—what you do is very effectively limit the Republican's most effective way of raising money which is thousands and thousands of small contributors through direct mail. And the reason you make that very difficult is because we would not be able to afford the cost of raising the money. We have a spending limit. What you do is favor the method of raising money that is the less expensive which is raising it from the rich; raising it from the PAC's. Through a fundraiser, it is a thousand-dollar-a-plate and costs you $25 a plate to put it on.

So of course again that favors the present method that the Democratic Party uses to raise money which is from the rich. That to us seems not only unfair but the wrong way of democracy.

Mr. BYRD. Let us lower the limitations that an independent group or person can give, and put an overall limitation on the total campaign expenditures.

Mr. PACKWOOD. Why?

Mr. BYRD. Why not? Is the Senator saying to me that, in order for the Republican Party to survive, that those candidates who came into this Senate 2 years ago and will be looking to run again in 1992—the average Senate seat having cost $3 million in 1986, and projected to cost $9 million per Senate seat in 1992—is the Senator saying to me that in order for those Senators on his side of the aisle to run a successful campaign for re-election in 1992 they should be forced to raise $9 million on the average to win, and he does not want to put a limitation on such spending?

What are the American people to perceive out of this kind of argument that the Republicans are bereft of ideas, bereft of candidates who are articulate, who are attractive, who are able? Of course, that would be the wrong perception. But the perception is forced to remain that they are so bereft of those attractive elements that are needed to compete for the hearts and minds of the American people that they have to fall back upon money to buy votes. That is not what the Senator would be saying, I am sure.

Mr. PACKWOOD. No.

Mr. BYRD. Mr. President, Senator Jennings Randolph and I ran in 1958 for the U.S. Senate. Two Senators from West Virginia, both, ran the same year. I ran for the full term, and he ran for the unexpired term. It cost us a combined total of around $50,000, and $50,000 for two Senators, two Senate seats from West Virginia. In 1982, when I ran, it cost me almost $2 million. In 1986, it cost on the average, for the Senators, almost $3 million. This is a money chase. And we are attempting by this bill to limit campaign spending.

I will tell you as the majority leader, I will tell you one reason why I would like to limit campaign spending. I would like to limit the time spent away from their Senatorial duties by Senators who want to remain in public office and who are having to run hither, thither and yon, from East to West and South to North, back and forth, and over and over again, living in and out of suitcases, staying away from their families, staying away from their work in order to raise money. Money. Why not put a cap on that?

Mr. PACKWOOD. I would respond again. Let us take the $9 million, hypothetical $9 million that it is going to take to run. Let us take a hypothetical of a $100 contribution limit, although, as the Senator is well aware, the contribution is much below the maximum limit because everybody is not giving the maximum. You raise money by direct mail; your average contribution is about $20. That may be off $1 or $2, one way or the other.

In order to raise $9 million with a $100 contribution limit, you assume an average contribution of $20, you have to have 450,000 donors. As I indicated earlier to the Senator from Nebraska, I think 90 percent of the Senators have to raise the bulk in their home State.

I put this to the majority leader: I think it would be good for democracy if you in West Virginia, I in Oregon, and the Senator from Nebraska had about 400,000 contributors in our home States give $20 apiece. That is not bad; that is good. I do not think we should put a limit on Nebraskans or West Virginians being able to give $20 apiece, and it is a good test of whether or not we have a good organization. You and I cannot go out and ask 400,000. We could not do it. There is nothing wrong with encouraging that many people to give.

We used to have a tax credit which encouraged people to give, and unfortunately we got rid of it. I think that rather than public financing and taking money out of the Treasury for candidates, if you want to have public financing, we would do better to go back to the tax credit of $50 or $100.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. BYRD. The Senator makes two points I would like to address.

First, he talks about public financing. The so-called public financing we are talking about is the voluntary checkoff by taxpayers when they file their income tax forms—voluntary, of their own free will.

Milton referred in "Paradise Lost" to man's freedom of the will.

Taxpayers make this checkoff of their own free will. Here, I give a dollar. Here it is. Nobody held a gun to my temple. That is of my own free will.

The distinguished Republican leader last year was very much against public financing, but he is now accepting it. That is the law and he is acting under it.

Mr. PACKWOOD. Let me ask——

Mr. BYRD. Let me continue my point. The Senator said he would yield to me, and I will not take advantage by being overlong.

That is public financing, and it has proved its worth, its merit, in the Presidential campaigns.

We are talking about a voluntary checkoff. Senator BOREN and others have modified the original stand twice, so that it is merely there now as an enforcement mechanism. It is an insurance feature.

Now, the next point: What the distinguished Senator says sounds good. Goodness, I would like to have him as my lawyer in a case before a jury, with his persuasive eloquence. Make it $100. Sounds good. All you would have to do is have 450,000 contributors. Are you kidding? In West Virginia? With a little over a million registered voters, Republicans and Democrats? You are going to get 450,000 contributors to give $20 each in West Virginia, to raise that average of $9 million? What about Senators from States that have populations of more than 2 million?

Mr. PACKWOOD. I say that the Senator is making my point. I do not think I could raise $9 million in Oregon, either.

What is the population of West Virginia?

Mr. BYRD. 1.9 million-plus.

Mr. PACKWOOD. Oregon has about 2.5 million.

So you could not do that in West Virginia, and I could not in Oregon. With a $20-average contribution, what is going to happen to the cost of campaigns? It is going to go down.

Mr. BYRD. Let me ask the Senator: What is wrong with this bill? Do you know what the limitation on expenditures under this bill would be in West Virginia? Something like $950,000.

Mr. PACKWOOD. From the way the majority leader talks, he would end up, with his contribution limit of $100 and $20 averages, roughly with that amount.

Mr. BYRD. The Senator is going to require 450,000 West Virginians to raise $9 million. It sounds good. It almost swept me off my feet.

Mr. PACKWOOD. I was taking the 450,000 that you said would be necessary at 20 bucks apiece.

Mr. BYRD. I did not say it. The Senator said that.

Mr. PACKWOOD. You said it would cost an average of $9 million to run a campaign if we were going the way we are.

Mr. BYRD. In 1992, under the current system.

Mr. PACKWOOD. I said that with a $20 contribution, you would have to have 450,000 contributors. I do not think I or the majority leader could get that in our States, so the cost of the campaign is not going to be $9 million. It will be much less than that, because we will not be able to get 450,000 contributors at $20 apiece.

Mr. BYRD. The Senator has not answered my question.

Why is he unwilling: Why is the Republican Party, on that side of the aisle unwilling? Some of our greatest Presidents, some of our greatest Senators have been Republicans, and three of the Republicans on that side of the aisle support our proposal. Why is it that the Republican Party, on that side of the aisle, is so dug in against having a limit on campaign expenditures based upon the populations in each of the various States?

Mr. PACKWOOD. I thought I answered that several times in previous speeches last year and this year.

On average, I say once more, incumbents beat challengers. More incumbents win than lose. On average, the majority party beats the minority party, all other things being equal. The Democrats are a majority in Congress, overwhelmingly so in the House, slightly so in the Senate. The Democratic Party is the majority party in this country, on average. Some States more so, some States less.

So the feeling on this side is that if you say here is a spending bill that allows the incumbent in West Virginia, who probably starts with 99 percent name familiarity—it is hard to get 100 percent, but if anybody could, the majority leader may approach 100 percent—starts with high name familiarity, it is an incumbent's advantage.

If we then say that the incumbent Democratic leader, who is well known in a State with a heavy Democratic majority, can now be challenged by somebody who can spend no more money than he can, you almost automatically guarantee an advantage to the incumbent majority party member. That is our objection.

I do not know how the argument can be refuted that more incumbents win than challengers and the majority wins more often than the minority party. Therefore, if we start from a deficit position and a challenging party starts from a deficit position vis-a-vis the incumbent, how is that going to do anything but favor the incumbent?

Mr. BYRD. The Senator is, in essence, saying that ideas and individuals do not count; money counts. That is what he appears to be saying. I do not mean to put words in his mouth. I do not presume to do that.

He talks about the majority leader as being the incumbent and a challenger as not having the advantage that the minority leader has, or any other incumbent. This majority leader has over 11,000 rollcall votes to be picked apart, misrepresented, distorted by any challenger. I have a challenger in the primary; I have a challenger in the fall. The challenger in the primary has no voting record that I can criticize, but I do have one. That may not be an advantage to an incumbent. So there are advantages and there are disadvantages to being incumbents and to being challengers.

The distinguished Senator says that Democrats, on the average, are the majority party. Is that because they have been able to raise more money, or is it because of their ideas? Is it because of the individuals who are running? Is it because of the record, the programs that the Democratic Party has advocated—education, health services, scientific research, programs to help people?

I am willing to let the party stand on its record, on its program, and I am willing to stand on mine. But let us not believe that the Democrats, because they have been in control all these years in the Senate or the House or whatever, it is because they were able to raise more money. They were just able to produce more bodies. More bodies went to the ballot boxes because more bodies believed in the programs that were being espoused by the Democratic Party in the Congress.

I see my friend has left the field, so I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Alaska.

Mr. STEVENS. I have been asked to come and sort of stand in for a while for those who are more actively involved in the debate. I am delighted to be here with my good friend from West Virginia.

I am constrained to say that, in view of the very extreme difference of opinion in terms of limitations on expenditures as far as Federal campaigns are concerned, it appears that it would not be possible to work out the kind of compromise that the Senator from West Virginia seeks. And yet if we look at the history of recent years, the campaign laws that we have operated under have found that the Republicans were able to elect a majority in 1980 and the Democrats were then able to elect a majority in 1986.

An old friend of mine used to make quite a point out of the fact that if the watch is not broken, it should not go to the repairman. This law is working. There are some severe attacks against it but, as I have analyzed those attacks, they are not against spending limits per se. They are against some of the abuses of the system which we have indicated we are perfectly willing to work on and attempt to resolve.

We, for instance, are very concerned about soft money. I think all parties involved in the election process ought to be concerned about soft money.

There are several problems that are involved in the current law in view of the inflation since the time that the limits were put into effect. We have strange circumstances now that individuals can contribute $1,000 per election. The political action committees can contribute $5,000. We have suggested that that be equated and that the political action committees be limited to $1,000 and the individuals be limited to $1,000. That would make the task of raising more money more difficult. It may even be that, if the amount the political action committees could contribute were reduced down to 20 percent of their current level, that the actual money available for the expenditure would be limited and achieve a portion of the goal that the majority leader seeks.

But, in my judment, we ought to look at some of the very basic problems and some of the solutions we were prepared to agree with. I was in hopes—and I am still in hopes, because I am meeting with the Members on the other side appointed by the majority leader attempting to work out some agreed solution to the overall problems of S. 2—that we can deal with soft money.

Mr. President, a friend of mine, who is in the labor movement, the other day said to me there are three things that an individual can do in this country to really be active in campaigns short of becoming a candidate. One is to vote—and we hope that more people will vote; the second is to participate in the election process; and the third is to help finance it.

This bill, obviously, does not seek to put any limits on people voting. We ought to encourage more, as I said. It does not do a thing about the involvement of individuals in campaigns. It seek to limit the amount that people can contribute.

In some areas of my State, we have a great amount of voluntarism, substantial participation in elections. In other portions of the State, those portions that are more related I would say to the metropolitan type economics, where people have apparently less time to participate in politics, we have greater financial support.

What this bill does is it says there is really a necessity to put greater restrictions around the financial participation in campaigns and it completely ignores the personal aspects of campaigns.

We have sought to reduce campaign costs and spending. We have sought to control soft money. I, personally, made a comment about that last year, about the incidence of soft money in the elections of 1984 and 1986.

I firmly believe that we ought to agree now—even if it was passed this year, it could not affect this year's election; we are talking about the 1990 election probably and in all probability it really would not have a real impact on elections until 1992—and what we ought to do is to see if we can get a bipartisan group, both in and out of the Congress, to get together and see if there is any way that the limits that the other side seeks to impose could be imposed consistent with the difficulties that that would place upon those who rely more upon financing of campaigns than they do upon the individual participation of people in campaign activity.

Senator Glenn and I have just been through a series of hearings concerning the problems of transition for the new President this fall. One of the great problems we have was what do we do in terms of putting a value upon the voluntary participation of individuals who just want to help that newly elected President, to be part of a transition team, to provide people who have expertise and knowledge to prepare briefings on particular issues, to attempt to work out the transition for the Presidency.

The strange thing is we can come closer to having an agreement as to how we would value that volunteer activity after the election than we can before. We have no way to value volunteer activity before the campaign.

As a consequence, when we place limitations on the expenditures of dollars in a campaign for someone whose campaign is built upon an advertising structure, a different type of get-out-the-vote campaign than one that is based solely on voluntarism and individual participation—incidentally, Mr. President, I prefer the latter, rather than the former—but there are people whose circumstances are such that they have to rely, their communities are such they have to rely upon dollar expenditures. Where that exists, to not value the volunteer activity and to put a limit upon the activity that can be financed through cash contributions is tilting the playing field. It is not a level playing field and in my opinion we have to do something about it.

I would prefer to have a commission take a look at the overall concepts of financing in both limits on contributions and expenditures and the method of participation in Federal elections by individuals and see if a study would bring to us some new innovative ideas of how to structure Federal campaigns.

In Britain and in Canada, one of the ways they structure them is they prohibit any kind of campaign activity before a specific date prior to the election. We do not practice that. I make no bones about the fact that I am not up until 1990 and I am constrained to start raising funds now for that campaign.

In my last election, as I told somebody the other day, I think I spent 50 weekends away from my family, raising money for that election. And then I spent a substantial number of weekends away from my family participating in the election process, traveling back and forth to my State.

I see my good friend from Nebraska is here. He can get home and back in the same day. I could not do that, to Alaska. In order to get home to campaign, it takes me 12 hours from my home here to my home up there or from my office here to my office up there. And that is just to begin with.

Once I get to my State, I can travel 2,000 miles to the west, 1,200 to the east, about 1,000 to the north, or 950 miles south. I can travel further after I get home than he has to travel to get home, Mr. President. And yet this bill would equate my problems with his in terms of financing, and would attempt to impose the same kind of expenditure limitations on me as it would on him, despite the fact that he could drive home if he wanted and be home tomorrow.

If I started driving home today, I would be home 6 days from now.

I think the problem with this bill is it is attempting to put national standards on campaigns, both from the point of view of campaign activities, campaign expenditures, and restrictions in terms of what the national ethic ought to be in campaigns rather than accept the fact that disclosure ought to be the key word in terms of national campaigns.

We can very easily limit the amount that we can receive from a particular source. That has already been done. We have limitations on political action committees, limitations on individuals. I am one of the few and I think the distinguished occupant of the chair was also here at the time that we passed a series of laws, one of which was ruled unconstitutional by the Supreme Court. The case was brought by a former Member from New York, Senator and now Judge Buckley. I was disturbed at that time that the concept of the expenditure limitations was, in effect, knocked out by the Court decisions.

But now, as I look at what has happened since that time, the rapid development of technology in the fields of electronics, the new methods of advertising, I wonder, sometimes, if we could have lived with the law that the Supreme Court declared unconstitutional in part. Had the Court ruled otherwise, what would we have done with those people who could afford these new technologies, but we would have been living in a financial straitjacket at the same time?

Had the Court not ruled as it did in the Buckley case, this Senate would be filled with either total paupers or multimillionaires, and there would be none of us in between because there would have been no way for people to have any kind of financing activity in the normal sense of the development of the political process since that time.

I believe that the offer we have made to prohibit bundling, to limit independent expenditures, to tighten controls on party and special interest campaign activities, to control soft money spending, to reduce the impact of what we call millionaire spending, to give an opportunity for a candidate who faces the expenditure of personal funds by a candidate who is able to spend only his personal funds—I do think we all agree that there is a defect in the current law even after the Buckley case in that regard—and to deal with the limitations on PAC spending, that we have made an offer

that is worthwhile and ought to be reviewed.

The issue that separates us, and it will continue to separate us, is the issue of limitations, total limitations on campaign spending. That, as I said, attempts to put into an individual, subjective, State by State campaign an additional standard that is unworkable. It assumes that a State that has the same population as mine, Vermont, roughly, would have the same campaign expenditure problems that I would face in Alaska yet my State is one-fifth the size of the United States. We travel primarily by air. We deal with individual television and radio markets and not a statewide market as a Senator from Vermont would. It is just totally unfair for us to face a national standard with regard to campaign activity in Alaska that is designed for some mythical standard operation throughout the United States.

Similarly, we do not have a primary concept like the South does. I find it very interesting that this proposal sort of overlooks the differences in the United States geographically, brought about by the influence of the primary process, where one party or another is predominant. That means, in effect, that there is one campaign, not two. In our State there are two: the primary and then the general. In a State that has the dominant party, the primary settles the election. This bill does not reflect that at all, nor does the concept about campaign expenditure limitations deal with it as it should.

Mr. President, I am saddened by the continued difference in the Senate over this bill because I think we could agree, now, on a campaign reform proposal that could actually apply this fall. I am certain we could devise one that would be in effect by 1990 and work and improve this system. But if we are to continue to battle over the question of whether expenditure limitations are the sine qua non, the essence of a bill without which the majority will not support the concept, then I think it is going to be a long, long debate.

The PRESIDING OFFICER. The question is on the amendment.

QUORUM CALL

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on the amendment.

Mr. STEVENS. Again, I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll and the following Senators answered to their names:

[Quorum No. 4]

Armstrong
Boren
Burdick
Byrd
Exon
Packwood
Stevens

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed——

Mr. PACKWOOD. Mr. President, I was going to move that the order for the quorum call be rescinded.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana [Mr. Gore] and the Senator from Illinois [Mr. Simon] are necessarily absent

I further announce that the Senator from Delaware [Mr. Biden] is absent due to illness.

I also announce that the Senator from South Carolina [Mr. Hollings] is absent because of a death in the family.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. Dole], the Senator from Nevada [Mr. Hecht], the Senator from Nebraska [Mr. Karnes], the Senator from Kentucky [Mr. McConnell], the Senator from South Dakota [Mr. Pressler], and the Senator from Virginia [Mr. Trible] are necessarily absent

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

The PRESIDING OFFICER (Mr. Shelby). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 18, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—71

Adams
Armstrong
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Exon
Ford
Fowler
Garn
Glenn
Graham
Harkin
Hatch
Hatfield
Heflin
Heinz
Humphrey
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stafford
Stennis
Stevens
Thurmond
Warner
Wirth

NAYS—18

Bond
Chafee
Cohen
Durenberger
Evans
Grassley
Helms
Kasten
Lugar
McCain
Murkowski
Nickles
Quayle
Specter
Symms
Wallop
Weicker
Wilson

NOT VOTING—11

Biden
Dole
Gore
Gramm
Hecht
Hollings
Karnes
McConnell
Pressler
Simon
Trible

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. Graham). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, as we struggle with S. 2, I inquire at this time: We have had a vote which is instructive of perhaps where we are headed. We have people on both sides of the aisle interested in where we are headed with regard to our activities on this day and through the week, and all of us know that the committee of eight—the four from the Democratic side of the aisle and four from the Republican side of the aisle—have been meeting. I understood from Senator Boren that they were ready to continue to discuss things. I understand that Senator McConnell, who represents that group on this side, indicated that they wished to discuss it further. I do not know that they have a time set or what.

We do not consider ourselves at this time—I speak on behalf of the opponents to S. 2—as being in a filibuster. Senator Packwood is next to speak, and he will speak for 45 minutes or perhaps an hour, or 35 minutes. His is not a scheduled tag team match at this point with regard to filibustering. We are prepared to do that.

Just as a courtesy—and I know that the majority leader is very attentive to the membership—I ask what the majority leader foresees with regard to our activities on this bill.

Mr. BYRD. Mr. President, I thank the distinguished acting Republican leader for his question.

The objective here is to reach a vote on the pending question and on the bill itself. It is obvious that our friends on the other side do not intend to let the Senate vote, or at least that has been obvious up to this point.

I am not pressing to enter a cloture motion at this time, but I do think we ought to get on with the debate on this measure and, once there is no inclination to debate, the Chair will put the question. We tarried with this bill for a period of many months last year, off and on, and at this point this year

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we have been on it 5 days, without any interruption for other business.

So I would have to say to my good friend that it is my intention to have the Senate stay in tonight until it reaches a vote, if it can do so; and if it cannot do so, then we will simply stay in, and Senators should debate the measure.

I think we ought to invoke the two-speech rule. Senators have had plenty of time to speak on this measure. There have been times today and yesterday, especially yesterday, and last week, when the Senate was on this bill, that quorum calls occurred, and Senators did not seem to be in a great hurry to come to the floor and speak on the bill.

If Senators want to speak on the measure, they have that right, and I think they should do so. But if they do not wish to debate it and they do not seek recognition, then the Chair will put the question.

On the other hand, I do not think that the Senate should be in here tonight—midnight, 1 or 2 o'clock in the morning—hearing speeches that are not germane to the subject matter. Of course, there is no rule on germaneness at this point. The Pastore rule has run its course for this day, and the Senate is not operating under cloture. That being the case, since there is no rule on germaneness at this point with regard to the subject matter of speeches, I think we ought to invoke the two-speech rule.

If Senators want to use one of their speeches in talking about Afghanistan or country music or whatever, they may do so; but that leaves only one speech. When they have spoken twice, then that is all on the pending question. In this way, I hope we can move the Senate along to a decision, to a final vote on the pending matter before the Senate.

So I say to my friend that we will be in session tonight. If Senators have something to say about the pending question before the Senate, they have a right to say it. They have a right to stand on their feet as long as they want to stand, if they want to speak 2 hours, 4 hours, or whatever.

At this point I am proposing that we have the two-speech rule, that we invoke it; and of course Senators know that if they sit down and do not seek recognition, the Chair will put the question. Everybody knows what his rights are, and everybody, of course, can work within the rules.

Last Friday, I indicated the possibility that there would be all-night sessions, and yesterday I did so again. If Senators want to talk, they can talk; but when they have finished talking and debate had ended, then the Senate ought to vote.

I hope I have answered the distinguished Senator's question.

Mr. SIMPSON. Mr. President, I do understand and grasp the significance of all that.

Let me just say that this is not quite a raw partisan issue. Two Members of the other side of the aisle are on our side. Three on this side of the aisle are on the other side. So it is not quite one of those usual, direct, rip-them-up partisan issues.

But it does look as if we will continue into the evening hour and if so we are ready to do that on this side. We are ready with debate and perhaps quorum calls as well.

I certainly respectfully say that I personally cannot see the point in any way—I respectively say this as I would in private to the majority leader—in going through the night. We will not accomplish anything except distress of the membership on both sides of the aisle and nothing more, because we have a situation where we cannot vote on the bill in its present form for the reasons that you have heard in some very pure debate in the last few days, good debate, thoughtful debate, some of it plain partisan, some of it seemed protective of the Republican minority.

We cannot change the bill by amendment. Our amendments would be voted down by the same party line vote that has characterized seven cloture votes that we have had on this measure last year.

So we know what happens when we relinquish our position. Everybody else should know. There is no trick involved. We are presenting it that way, in an honest way. This is an issue for many of us here, especially southern Republicans and other Republicans. You have heard the arguments that this in effect will create a situation where we will not ever attain majority status in this body for many years. Now that is the issue. So our only option is to force some negotiation on the bill itself. We have not even tried to force that. That is going forward. It is still going forward. We can only do that by exercising our rights as a minority to keep this bill from being finally acted upon.

We are going to go to the two-speech rule, which in my time here in 9 years has been honored more in the breach than in the observance, and which is routinely ignored. If that is suddenly to be enforced then we must do things on our side which are just as arcane and wasteful and tedious as that, among them, changing the question, and have to make most of precedent to postpone to a time certain which certainly can be done not only ad infinitum but ad nauseum.

So in our honesty with each other, which I enjoy with the majority leader, we are ready. We are ready to go all night, we are ready to go all day. But I cannot for the life of me understand how that can be productive because everyone here knows exactly what the orders are and everyone here knows exactly what the vote will be on cloture, and that is the way it is.

I just think we ought to keep that to the forefront. We have not been destructive or disruptive in these past weeks on this side of the aisle.

I commend the leader. They were tough issues, Grove City, Contra aid. We have smoked through those things and did our work. This is one that has ensnared us and high centered us seven times and No. 8 is just around the corner. There is not anyone who has any kind of information on the bill who knows that this is not going to be the next result.

So, as I say, we are prepared and we will have our sturdy SWAT teams and people on vitamin pills and colostomy bags and Lord knows what else we will have to have to improve our ability to stay here. But I would never, and this is the harsh thing, I would never want to impinge upon the prerogatives of the leader any more than he ever wanted to do that when Senator DOLE was the majority leader, but if we must in this time of extremity for those who feel so strongly on this issue, then I would have to do that and notify the leader that that was coming and that would be through the making of those types of motions; rather unfortunate. I would not like to be doing that.

But this is the lay of the land. I think it is important that we just not talk about corruption and bloated treasuries and, you know, all that stuff. Let us talk about we know how you get elected and you know how we get elected and if you will give up some, we will give up some. Until that happens, we will just go on this feckless, sturdy approach into the next week and the next week, into the recess, and we are fully prepared to do that because of the deep feeling that is generated on this side of the aisle, and I share that with the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished acting leader for his frank appraisal of the prospect for reaching any agreement on this bill, and I also appreciate his candid statement as to what the minority party will do to keep the Senate from coming to a final vote on this matter. I expect the minority party to use the rules and the precedents. Of course, as the Senator has stated, the question can be changed. Of course a motion can be made to postpone action on the pending question until tomorrow or until next week, and then a Senator will not have spoken twice on that question. I am aware of all that.

What the distinguished Senator is saying is that the minority party is ready to resort to the use of the rules—which they have a right to do—but they are determined not to come

to a vote on the question as long as it contains a limitation on overall campaign spending, and as long as it contains a limitation on the aggregate contributions of PAC's, which may be received by any candidate. I do not find fault with their right to do this.

But I do feel that it is the responsibility of mine to attempt to do the best I can to focus the attention on this question and on why the Senate cannot act on it. We could go on in the casual way that we did last year having a cloture vote in a day or so, and coming in at 9 and finishing at 5 and we could do that and we would not get anywhere again. We tried that approach. It failed. We saw that the minority party in the Senate was absolutely opposed to the limitation on expenditures. We feel that the American people support us in this and we feel that we have to do our best to try to get to a Senate vote on the bill.

The acting leader is exactly right when he talks of the cooperation that he and others on that side of the aisle have given on Grove City and other measures, and that time will come again; I am sure of it.

So I am not going to carry any animus, any ill will beyond this battle, and I am sure that my colleague and friend on the other side also will not. But his party is taking a determined position on this. They are absolutely opposed to the fundamental principles that we on this side believe are absolutely necessary if we are going to have genuine campaign financing reform. We do our best; they do their best. And we will all accept the outcome.

It may be that we will not win. But the American people will know who kept the matter from going to a vote. Let them make the judgment in the long run. Perhaps this idea will not prevail today or tomorrow. But I believe that it is an idea whose time has come, and I believe that, sooner or later, the American people are going to make their representatives in this body understand that they want this progressive change.

I ask unanimous consent that the speech made by my distinguished friend across the aisle, the acting leader, not count as a speech under the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, let me conclude if I can, because I would have hoped that we would not have reached the aspect of, you know, the American people. That is not the issue here. There is not a soul in this body that does not want campaign financing reform. Now that is the issue. And to put an unfortunate spin on this that somehow those of us on this side of the aisle are not interested in campaign reform—this bill started as a PAC bill, to limit PAC's. And there is nothing in it right now to limit PAC's.

Our proposal, as presented by this side of the aisle—and this is not a partisan issue; that is to say, there are two Democrats on our side and three Republicans on the other side—we are ready to limit PAC's. We are ready to go from $5,000 down to $3,000. Some want to go to $1,000. Some want to get rid of PAC's on our side of the aisle. So, please, I hope that we will not find that this side of the aisle somehow is missing the fundamental principles of what we are all trying to do.

I think it is very important to recall here that in the minority we are doing nothing more than the very able minority under the then minority leader who is now the majority leader. There is no one more skilled in the ability to use the rules of the Senate to protect the minority than the present majority leader—no one. There has never been more of a master of that.

So now we are doing it and we are doing it within the rules and it should not have anything to do with the American public or perceptions because there is not a soul here that I have talked to of the 100 of us that is not interested in doing something with regard to campaign reform.

But I will tell you this, one of the things that is generating throughout the country is the ad of Arch Cox and Common Cause. That is the full-page fare at every breakfast table of most districts. And if this bill passes, you can have more of that for breakfast and it will never be even on the scorecard. That is what we do not like. That is called cheap shooting. That is called independent financing, aside and apart from the real issues of this.

Now the American people, they are sobering up. They are hearing this. My mail room is not breaking down any more. I told them that Arch Cox's ad was a cheap shot because I told them I was in favor of campaign reform and I told them under S. 2 that kind of expenditure would just be off the table.

Now they will know the true story on campaign reform if they will know all of it, because these ads that are appearing throughout the Nation are not models of accuracy. They are self-serving and merely stirring people up. I thought we had enough of that in an incident that happened here in this Chamber a few months ago and I will not even target it.

But if that is the way we are going to run the U.S. Senate on ads in papers, then certainly we have missed something with regard to the remarkable stability of this deliberative body.

So those are the things we are talking about. That is what we are speaking of. It means a great deal to us and to two of your colleagues on that side of the aisle. And I am ready to talk about all things. These fine gentlemen we have appointed are ready to talk about all things—aggregate PAC limits; no PAC's. I have not heard anybody on the other side of the issue talk about no PAC's.

But, if we are talking about the rules, then, of course, we remember that the majority is using the rules to force this measure upon us just as diligently as we are appropriately using the rules to avoid having it be imposed upon us. That is called legislating and it is called fairness. The American people understand fairness. And to this point on this issue we have been treated very fairly.

But we are at a point where there is not a soul here that needs to refer to anything but the need for reform. And we are all ready to do that. But, as I say, it is a tough point. The pushing of the button is simply we know where you get your scratch and you know where we get our scratch and neither of us like it. And that is the way it is going to be. If that is the way it is going to be, then we are going to hang here for a long time with all of the skills and abilities we possess under the rules and wait a long, long time because we know that under cloture it will be eight out of eight instead of seven out of eight.

Mr. BYRD. Mr. President, I apparently got under the skin of my good friend. I perhaps should not have referred to the American people, but I happen to believe that the American people want to see an end of the "money chase" and I happen to believe that in due time we will all see a change in it. That is what we on this side are striving to bring about.

My good friend says that if this bill passes, then every day for breakfast they will have a bit more of Archibald Cox and his ad.

Well, you know we can say if this bill does not pass, then every day will be just a continuation of the aristocracy of the moneybag and an intensity of the money chase. The money chase is the predominant thing that guides us in our efforts here and interferes with us in our work.

I do not think that the distinguished Senator said anything that would necessitate further response from me. The distinguished Senator asked what we might expect for the evening and I have responded.

He has indicated that his party is ready to resort to the rules and the precedents to avoid coming to a final decision on this matter. The Senator has that right.

I think we ought to know that the people on this side are ready for a vote. I am going to yield the floor. If anyone wants the floor, they can have it.

Mr. PACKWOOD addressed the Chair.

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The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I did not know the majority leader was going to invoke the two-speech rule. Of course, if that is going to be the situation, we will have to accommodate ourselves to live with it.

Would the majority leader be good enough to at least let me ask unanimous consent that the previous speeches I have made today—because I did not know you were going to invoke this—not count against the two speeches?

Mr. BYRD. Yes, I would have no objection to that. As far as I am concerned, we could go for another 6 hours without invoking it. But at some point I think we should invoke it because, otherwise, Senators are just going to come to the floor and take the time of the Senate in making extraneous speeches. If we are serious about a vote on this matter, then we ought to be serious about addressing our remarks to this question.

When Senator Russell and the Southern bloc used to filibuster against the civil rights bill, they stuck to the subject. They were well organized, well disciplined. I hope we will stay on the subject as much as possible and get to a decision on the bill. I am suggesting that we may want to invoke the two-speech rule soon.

Now, if this seems to get under the skin of my good friend from Wyoming, this is the rule and it can be resorted to. It can be invoked. Of course, as Senator Russell told me one time, for every rule, there is another rule.

So, yes, my friend can move to postpone to another day and that will be another question before the Senate. That will not catch this Senator by surprise. I may try to table such a motion. So, as Senator Russell used to say, for each move, there is another move.

I am not going to be rancorous about this. I do not want to be rancorous about it. I will use the rules to the extent that I can to bring this matter to a head. And the distinguished Senator, the acting Republican leader, can do the same on his side of the aisle. If he does not want to bring this matter to a head, if he does not want this Senate to act on this question, he has every right to resort to the rules and precedents to accomplish this end.

I am not going to be angry with him about that. The rules in this body favor the minority. They were meant to favor the minority to prevent the majority from running over the minority. That is why there is a Senate. That is why this Senate ought to remain a Senate and not become a second House of Representatives.

I am very cognizant of the rights of the minority and I will engage in this battle in the very best of spirit and good will and if, in the end, we have done our best and we do not prevail, the Senator from Wyoming will have my good will, I shall shake his hand and put this behind me and go on to the next item.

But I am not disturbed when I hear that the minority is ready to dig in its heels and ready to have a shootout at the old corral and that, if the two-speech rule is invoked, they may resort to something else. That is all right. They can resort to whatever they want to resort to. The rules are here, and precedents.

But the idea is to get a vote. I would be happy to enter into a time agreement and vote on final passage after 3 days of debate and allow such and such amendments to be called up. Perhaps that is a way out. I do not relish staying here all night. I am not happy about that at all. It will be as hard on me as on anybody else.

But let us get on with the debate. I am ready to yield the floor, ready to shake hands with the distinguished Senator from Wyoming. I hope he has no hard feelings because I mentioned the two-speech rule.

Mr. SIMPSON. Indeed not.

Mr. BYRD. It is there in the book. I am not creating anything new. And if the minority wants to resort to whatever tactic, dilatory or otherwise, to keep this Senate from reaching a decision they have the means to do that.

The American people will know who is doing it.

The majority here is trying to press forward to a conclusion on a bill that is important. Senators have a right to disagree with the bill; to vote against it.

I have no objection to the Senator speaking for the moment without the invocation of the two-speech rule. I am willing to go, as far as that is concerned, until midnight without that.

I have the utmost patience. I have always been able to demonstrate it and I am happy to demonstrate it again.

But I am saying that there will come a time, if not at this moment, when Senators who come to the floor and talk about the introduction of bills—they have a right to do that because if the Pastore rule has run its course and they want to count that as one of the two speeches, it is perfectly all right. But we have to narrow this thing and continue to narrow it, if we can, so that the focus is on the matter that is before the Senate. Hopefully, we will reach a decision one way or the other on that.

The PRESIDING OFFICER. The Senator from Oregon had requested unanimous consent that his previous speeches not be counted under the two-speech rule.

The majority leader indicated he did not object. Are there other objections? Are there other objections to that unanimous-consent request?

If not, it is so ordered.

Mr. PACKWOOD. I would be happy—I will yield the floor for the moment and let the acting leader talk before I do.

The PRESIDING OFFICER. The Senator from Oregon—are you yielding the floor?

Mr. PACKWOOD. I will yield the floor until the acting leader is done.

The PRESIDING OFFICER. He has yielded the floor until the acting leader has completed his presentation.

Mr. SIMPSON. Mr. President, I thank the Senator from Oregon and I will just take a moment. We can do this exercise with civility, and I pledge to do that and we will, I think, assure that it will be done. We will not only shake hands now but we will shake hands when we finish. That is the way the system works.

It is a curious system; you do not have time to savor victory or anguish in defeat. It moves fast and I like legislating. That is something I enjoy and this is legislating and this is the way it is done. It is kind of ghastly to watch but it is all legislating.

Indeed, I look forward to trying to do it with a good spirit of civility and good humor and good taste.

So, with that at least everyone should be informed as to what the schedule will be. We need not review that once again. We will be on call.

So I yield now, yield the floor—just yield the floor, to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I thank the Chair and let me assure the majority leader that I have no intention of deviating from the subject tonight into some other subject that I threatened earlier I might discuss at length. I might do that on another day, another time, but at the moment I will confine my comments to campaign finance.

So that everyone, I guess, understands the futility of what we are doing, this is what we are up against eventually, and the majority leader was right and the majority leader is perpetually generous in his courtesies to me when he said he will not be taken by surprise. No one need worry. No one has ever taken the Senator from West Virginia by surprise since I have been here. He is a master of the rules. It is just that we each understand the rules and how to attempt to use them to our benefit.

Now, as to a filibuster, per se, he says all we want to do is get to a vote. My first experience, actually, with the filibuster was not so much the rules change that we made in 1969; that we made. But the majority leader will recall, the distinguished senior Senator from Wisconsin, Mr. PROXMIRE, filibustering on SST right up until the time that Congress had to adjourn. I

suppose that was January 2 or January 3, or whenever it is that we had to go out. It was very close to midnight.

As I recall, the House had passed the SST bill; this is Government funding of the supersonic transport. The argument was, if we did not do this, the British and the French had their Concorde, America was going to fall behind in terms of technology in space, and we just had to put many billions of dollars into a government-financed supersonic transport. I think there was a majority to pass it in the Senate. As I recall it had passed the House. I cannot recall what the position of the President was, whether he would have signed it or not.

But the Senator from Wisconsin thought it was a terrible idea, a waste of money. There were arguments about bad for the environment, a whole host of arguments and the Senator from Wisconsin very well filibustered the issue of the SST, the supersonic transport, up until midnight or so close to it that it did not make any difference, on the last day of the second year of the session and we had to go out at midnight because the Constitution said that was the end of the Congress and the new Congress came in the next day. And that was a filibuster.

In retrospect it turns out that the Senator, the senior Senator from Wisconsin, was right and, in haste, we might have passed a bill putting forth hundreds of millions or perhaps it was billions, I cannot recall, of money to develop an SST so that the British and the French did not beat us, to be first with the Concorde.

How well I remember what the argument was. The plane will fly 1,300 or 1,400 or 1,500 miles an hour. For years, America has been paramount and primary in aerospace. And we must not let the Europeans or anyone else get ahead on the cutting edge of what was to be this new development.

Now it is 18 years later, the Concorde is not an eagle; it is a turkey. There are a few of them that have been built. They fly at a loss every time they go up in the air. They are not being built anymore. It is now ironic that if we are having any serious competition from the British and the French it is not on the Concorde, it is on the airbus, which is a much slower plane with a bigger body and it runs reasonable competition with our DC-10 and Lockheed 1011's. But the Senator from Wisconsin was right and he used the filibuster to stop something that he was convinced was wrong and by and large the entire environmental community supported him. So that was a filibuster wisely used.

Are there filibusters unwisely used? I suppose so. I guess it is in the eye of the beholder because anyone who conducts a filibuster conducts it only because the person is reasonably convinced that, if put to a vote at the moment, the person conducting the filibuster would lose.

If you thought you were going to win, you would not conduct the filibuster. You would put it to a vote. But you are convinced that you have enough time to speak to the public and enough time to inform editorial writers and enough time to appear on "Meet the Press" and "Face the Nation" and mornings with David Brinkleys and enough time to educate the public that you will be able to change public opinion.

Indeed, on the SST that delay caused that effect. We never financed it. It turns out to have been a wise decision.

I think deeply that the majority is wrong on the public financing of campaigns. Make no mistake, there is public financing on this bill. There are postal subsidies. A postal subsidy is public financing. Call it what you want. It may not be straight out of appropriations of "Here's money to the candidate." It is back-door public financing.

We eventually end up subsidizing postal rates, and if you say to the candidate, "You can have reduced postal rates," that is public financing. Then we compel the radio and television stations to give away time to the candidates at a very low amount. That is not exactly public financing. This is just to say we will take it out of the hides of the radios and broadcasters.

Then there is the provision, which is clearly going to come to the floor, of straight-out money to the candidates because anyone is foolish if they look at the bill, as it is currently written, and thinks that there is not going to be a situation where one candidate goes over the spending limit and the other candidate gets money, and we all know that is coming.

So in fairness, I think even most of the majority party would prefer not to have public financing if they could have the expenditure limits without a public financing. It is just that they are caught on the horns of a dilemma because of the 1976 Supreme Court decision in Buckley versus Valeo in which the Supreme Court said you cannot limit spending, and the only way you can limit it is to hold out the carrot of public financing, and if the candidate takes the financing, then the candidate is limited in his spending.

It is unfortunate that we do not learn by past experience. First, if I might, let me quote from the Senate Watergate Select Committee because, early on, the majority leader and others made reference to the scandal that grew out of the Watergate and the campaign reforms that grew out of Watergate, and that this bill we now operate under in financing of the President grew out of Watergate.

Let us read what the Senate Watergate Committee recommended:

> Recommendation No. 7: The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.
>
> The Select Committee opposes various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office. While recognizing the basis of support for the concept of public financing and the potential difficulty in adequately funding campaigns in the midst of strict limitations on the form and amount of contributions, the committee takes issue with the contention that public financing affords either an effective or appropriate solution. Thomas Jefferson believed, "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."

I am continuing. That was a quote of the Committee of Jefferson. Everything I have said so far is actually quoting the committee, and I continue quoting the committee:

> The committee's opposition is based like Jefferson's upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically and guaranteed by the first amendment.
>
> Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns.
>
> The abuses experienced during the 1972 campaign and unearthed by the select committee were perpetrated in the absence of any effective regulation of the source, form, or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971, in requiring full public disclosure of contributions, the 1972 campaign still was funded through a system of essentially unrestricted, private financing.

Here is the critical point:

> What seems now appropriate is not the abandonment of private financing, but rather the reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses of earlier campaigns.

This is a quote from the committee that investigated Watergate and all of the abuses that stemmed from the 1972 campaign.

Second, let us go to a report 8 years later, and this report was the findings of the John F. Kennedy School of Government at Harvard. They were asked by the Senate Committee on Rules and Administration to study the post-Watergate campaign finance reforms and to recommend changes.

Now, I suppose in retrospect, maybe the Rules Committee, or at least a majority on the Rules Committee, wished they had followed the admonition that all trial lawyers follow, and that is, you do not ask a question to which you do not know the answer because you might get the wrong answer, and then you wish you never asked it.

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In any event, the Senate Committee on Rules and Administration asked the John F. Kennedy School of Government at Harvard to study the method of Presidential campaign financing.

This is public financing of the campaigns. What did they find out?

> Among the problems of the post-Watergate reforms, the most troublesome are related to the attempt to restrict the money spent in Presidential campaigns.
>
> Candidates are not allowed to spend enough money, and the expenditure limits have spawned a whole series of serious problems of definition, allocation, and enforcement.
>
> On the other hand, the effort to control total spending has not succeeded. Those involved in Presidential politics are able to raise and spend unlimited amounts of money through conduits other than the candidates' campaign committees.

Let me make an aside here. This is not quoting part of the report, but I want to make sure that those listening understand what that paragraph means.

What the Harvard study was saying is this: You say to a Presidential campaign, you can only spend $20 million or $30 million. That has not resulted in that much money being spent and only that much money being spent.

What it has resulted in is organizations totally outside the candidate's committee spending money for a candidate or spending money against a candidate so that the total amount of spending in Presidential campaigns has not gone down. As a matter of fact, it has risen as fast since we passed public financing of the Presidency as it had risen before. In many cases, it is what we call soft money, money that does not even have to be reported as campaign spending; although in word, deed, and fact, it is campaign spending.

It is money often spent by large membership organizations to get out their members to vote after that organization has endorsed a candidate, and to get them out to vote for that candidate, and yet it is done without any connection with the Presidential campaign and it is not even reported. It is done with organizations running registration drives to register voters, interestingly, run only in areas where they know the overwhelming bulk of the voters likely to be registered are going to support the candidate or party that the organization prefers.

These are usually run through what we call 501(c)(3)'s 501(c)(4)'s or 501(c)(5)'s. These are tax-exempt organizations receiving money and paying no taxes. They are charitable organizations, in essence, undertaking partisan political activities and not reporting the money and still claiming to be charitable organizations.

Let me go on back now, continuing to quote the Harvard study.

> To make matters worse, most of the other means through which money is now being poured into Presidential politics are inherently less accountable to the electorate and should not be encouraged by the campaign laws.
>
> Thus, our most important recommendation [is] to eliminate the limitations on expenditures made by the candidates. Spending limits have proved undesirable for a variety of reasons:
>
> Failed to equalize resources of different candidates;
>
> Failed to curtail the growth of money in Presidential politics;
>
> Failed to shorten the overall length of campaigns;
>
> Failed to reduce the emphasis on early primaries;
>
> Intrude unduly into campaign strategy;
>
> Created thorny problems with arbitrary definitions, creative accounting, and entangled enforcement; and
>
> Fostered disrespect for the law.

That is what the John F. Kennedy School of Government at Harvard says the present method of electing our Presidents has resulted in. And what the majority leader, the Senator from Oklahoma, and the others who are pushing this bill say is, we want to expand this system to the entire Congress.

Think to yourself again if you are interested in America, in power, if you want to influence government, and if you want to have a control of government.

You are the president of an organization outside of government, be it Common Cause or a labor union or whatever other large membership organization may exist. What is one way, Mr. President, to heighten your power?

Well, one way to heighten your power is to limit what candidates for office can spend without limiting what you can spend. That is exactly what this bill does. At the moment it is questionable whether or not the majority even wants to put into this bill absolutely severe limits on what we call soft money, so that you can trace the money.

You cannot prohibit it being spent, but at least you would like to know that it is being spent and how. We require parties to do it, candidates to do it. Why not require other organizations to do it that are in fact involved in partisan elective politics even though they are not a political organization.

But my hunch is you would not, even if we put in these limitations on soft money, stop these organizations from spending it, nor do I think you should. I think they have a constitutional right to spend it. At least we would know what they are spending. But again you think to yourself if you limit or reduce the amount of money that candidates for Congress can spend, just as with the Presidential race you limit what the candidates can spend, you have not succeeded in reducing the total spending for running for office. What you have succeeded in doing is pushing most of the control outside of the candidate who has to report under the Federal election laws, who is held accountable under the Federal election laws, and you push it into the hands of organizations that at the moment do not have to report under the Federal election laws. And even if they did have to report, I think they would. But the balance of power would tip to those organizations that are not responsible to the public. They do not have to run for office. They are responsible only to their members and often to members who have a very narrow and specific view of what Government ought to do, an organization that has to answer only to its members who share that relatively narrow and often parochial view as opposed to a candidate that has to at least answer to a spectrum of voters across the State.

Well, let us not make any mistake. We are not going to succeed in reducing the amount of money that is spent. We may succeed in pushing it outside the system of candidates reporting to organizations that do not. We may succeed in pushing it outside of the candidate's control who has to answer to all of the voters of their State and into the hands of organizations that have to answer only to their members who share a like-minded view. But we will not have reduced the spending.

Now, let me respond, if I might, to the argument of the majority leader when he and I were talking about the relative cost of running for office and he said under this bill in West Virginia limits would be about $950,000 and, first, was that not enough and do I not think that ideas count? And is that not enough to get your ideas across?

You bet ideas count. Over a long period of time—and I do not mean 6 months or 3 months or 9 months—over a long period of time ideas count and you fight for them. Gradually this country changed its idea about slavery. Gradually this country changed its idea about separating blacks and whites in the public school system. And gradually, although not completely or we would not be debating from time to time the equal rights amendment, this country is changing its idea about the role of women in society. And we are coming, thank goodness, to the place where we are going to regard women as equals in the marketplace or elsewhere, although we are not there fully yet.

You bet ideas count. But now let us take a practical situation. You are the majority leader of the U.S. Senate, or you are the Senator from Oregon or the Senator from Nebraska. All of us have been in the Senate for some period of time. My hunch would be that name familiarity with our voters—and by name familiarity I simply mean if you say to the voter, "Have you heard of Senator BYRD? Have you heard of Senator EXON? Have you heard of Senator PACKWOOD? they would say, "Yes" 90 percent of the time. In Senator BYRD's case I bet it is 99 percent. So as an incumbent you start out with one tremendous advantage. You have been in office for a long period of time and at least the voters know who you are; they have been able to hear your ideas for a long period of time, and I might add hear your ideas paid for frequently at public expense via the use of the frank when we send out our newsletters to all of our voters with our ideas in them. Obviously, of course, we send them out very selectively. We try to find groups that will agree with our position and send to that group our position. Maybe we mail to those over 65 our position on why Social Security should not be tampered with. Maybe we mail to the membership list of the National Rifle Association in our State our views as to why there should not be one smidgen of Federal control of guns. Maybe we mail to the environmentalists in our State our position as to why the Columbia Gorge or Hells Canyon in the case of Oregon should be preserved and saved, or maybe we mail to them why we think there should not be any oil drilling in the Arctic, an issue that is coming up now—mailed I might emphasize to these groups at the public expense, the taxpayer expense because we are an incumbent.

Our challenger does not have that advantage. Do you know what we have done to equalize the advantage? We have said that for the 60 days prior to the election, we, incumbents, cannot send out franked mail—now, if you have been in the Senate one term, by that time you have been here 5½ years. If you have been here more than one term, you have been here 11½ years or 17½ years—in order to equalize the advantage of the hundreds of thousands or in the case of a large State millions of dollars of publicly paid mail that we have sent out, telling every group in our State what we think and only telling those groups that want to hear what we think when we know we will agree with them. A tremendous advantage for the incumbent.

What do you do next as a matter of practicality? As an incumbent you can go to any radio station, television station, and tell them you are going to be in town. They will put you on live on the afternoon news at 5:30 or 6 o'clock. Radio stations will put you on any time. They will accept a tape and put it on.

In addition to sending our franked mail, we can also send out video tapes paid for by the public purse, radio tapes paid for by the public purse. All of our radio and television stations will put us on for 5½ years, 11½ years, 17½ years. In my case it is now going on 20 years. But if you are the challenger, you have a dickens of a time getting on the television news at 5:30 at night. Oh, maybe you can a month before the election, 6 weeks before the election when the campaign finally heats up. But if a year and a half ahead of time, 2½ years ahead of time, say, I am going to challenge Senator PACKWOOD or Senator EXON or Senator BYRD, you think you can go to the local radio and television station and get the same kind of coverage that the incumbent has, then you have not yet tried to be a challenger running against an incumbent.

Do you know the difference? The difference is called news. When you are covering the news in the broadcast industry, you are not subject to any of the so-called content doctrines like equal time. It is an exception. And the incumbent, of course, always creates news. The challenger does not always create news. Another advantage.

Let us go to one more. You would like to travel out through your State examining Coast Guard bases or to see how reforestation is going.

So you call up the Coast Guard, the Forest Service, and you say, "Gentlemen, I would like to look at the bases and chat with the personnel." You call up the Forest Service and say, "How are you doing on your reforestation? Could you get me a helicopter and take me?" It is done just like that. It is justifiable because they want you to see what they are doing. I do not blame them. They want to show off the best they have.

So they pick you up in a helicopter in the main city or your town, of course, after you cut a little morning press conference, and they fly you 100 or 150 miles each way. You take a look at some reforestation, and they drop you down in the second biggest town at noon in time for a news conference, pick you up again, take you someplace else, drop you off at 4 or 4:30 in the afternoon in the second biggest news media center in your State in time to get you live on television in that medium-type market at public expense. You have been hauled around.

I am not complaining that this is illegitimate. Some of the best ways you can see what your Government is doing for us is to go out, hands on on the ground, watch the trees being planted. I have nothing but regard for the Forest Service. They do a whale of a job. I am convinced we get more bang for the buck out of the money spent on the Coast Guard than any other branch of the military. I am delighted to see their bases, and I am proud of them.

But do you think the challenger can do the same thing? Do you think the challenger can call up the Forest Service and say, "Hey, I would like to fly around and see your tree planting"? Do you think the challenger can call up the Coast Guard and say, "Hey, how about letting me see your bases"? No. What you have is a situation where the incumbent has 95 percent name familiarity—in Senator BYRD's case I will bet 99—free access to the frank, unlimited access to the news media, access to the governmental facilities to travel you about the State and then you say, now we are going to have a campaign limitation law that allows the challenger to spend no more money than the incumbent.

When the incumbent starts out with every incredible advantage you can think of, and you are a poor State legislator and in most States a State legislator starting out to run for statewide office will be lucky to start with 5 to 10 percent name familiarity. And from that they have got to build to 80, 90, or 100 percent in order to challenge the incumbent.

On occasion one of those unknown State legislators will win, yes, although more often than not it is because the incumbent somehow shoots himself through the foot through no fault of the challenger during the campaign. On occasion it has happened since I have been here. The incumbent drops dead in the middle of the campaign. Suddenly you are left with an unknown challenger now to be faced with another unknown challenger.

Those things can happen. But if you mean the normal circumstance, the poor unknown challenger is doing everything he or she can, driving themselves until they drop dead overnight in order to get to a speech with 20 people in the morning in a town 200 miles away that the news media does not cover.

I am not blaming the news media. But that is what the challenger is up against. It is an unusual challenger that happens to be the Governor of the State who is well known against the Senator of the State who is well known. It happens on occasion. It is not the usual situation.

A Member of Congress is not as well known as a Member of the Senate. So if it is a Congressman or Congresswoman challenging the Senator, while they start with some degree of name familiarity, it is nothing like the Senator.

Dr. Gallup every year asks the question, "Can you name your Member of Congress in the district?" On the average it has run the same for years. With or without broadcasting, it is the same in 1938 as 1988—about 45 percent can name their Member of Congress, not what party they are, not anything they have ever voted for, just name them. It is a little more in urban, and maybe a little less in rural areas. But that is a Member of Congress. It is not a State legislator, it is not a mayor of a town of 40,000 or 50,000, or county commissioner of a county of 60,000 or 70,000, but a Member of Congress representing a district of about 500,000 people. They still start out at a disadvantage.

Now let us consider the further advantages if you are an incumbent in the majority party. I first indicated all of the advantages that all incumbents have, whether you are in the majority or the minority, with the frank, the travel, the news. But, in addition to everything else, you find out that on average—I am emphasizing again average because there are exceptions—on average people vote their party. Do they make exceptions? Of course they do. But I mean on average Republicans are more likely to vote for Republicans than they are Democrats and Democrats are more likely to vote for Democrats than they are Republicans.

(Mr. ADAMS assumed the chair.)

So put two and two together. If you are an incumbent, Democratic Member of the U.S. Senate or the House, you have the advantage of incumbency, and with it all the concomitant access to the frank, news media and everything that goes with it. If you are a member of the majority party, the Democratic Party, what better will ensure your reelection than to say to a challenger you can spend no more money than I can. Do not worry that you are unknown. Do not worry that you cannot get in the news. Do not worry that the Government will not ferry you about the State. Do not worry that you have access to the free postage like I do.

In addition to having tied now both of your arms and legs behind your back, we are going to say that you cannot spend any more money than I can. It is clearly an advantage for the incumbent Democratic Member of the House or the Senate.

Now let us add one more thing on top of that. The majority leader was here when I mentioned it some hours ago. For whatever reason—I think I know the reasons but I am not going to get into the argument as to why—the Republicans have been infinitely more successful than the Democrats in raising money by direct mail in small quantities. And by small quantities, I mean if you are lucky on a good direct mail piece, the average contribution of those who respond is about $20. A direct mail fundraising is quite expensive. It may have changed a bit since I was more expert at it years ago when I was chairman of the Republican Senatorial Campaign Committee and we did lots of direct mail fundraising. But this is what we presumed then and I do not think it has changed much now.

If you can break even on what we call prospecting—prospecting is when you mail from a cold list. You rent the Time magazine subscribers, Fortune magazine subscribers, or you rent membership lists. They are available to rent for anyplace from $55,000 to $75,000.

If you can break even on prospecting, that is regarded in direct mail as good. If you spent $1 million and you raise $1 million, you consider that you have done well. The reason being that once a person has given you money they are likely to give money again.

So let us say you mailed out 1 million pieces of mail. You get a 2-percent return, 20,000 people respond, $20 apiece, you have raised $400,000, the mailing to 1 million people has cost you about 40 cents to mail it out, you have spent therefore $400,000 mailing it out, you have broken even, now you have a list of 20,000 people that have given to you once and direct mailers know now that you can mail those people four, five, six times a year, and they will give one or two more times. That becomes relatively inexpensive to do once you have the list.

For reasons I say we do not need to discuss here, the Republicans have been immensely successful at raising money in these small amounts by direct mail. The Democrats have tried it and it has not worked for them. It has been an uphill struggle to get millions, and it is millions of people now. It has been an uphill struggle for them to get millions of people to give them $20 apiece.

So ironically, despite the publicly held perceptions of the parties—that is of course the publicly held perception that the Democrat is for the little person and the Republicans are for the fat cats—the inverse has happened in terms of contributions to support the party.

The Democrats—there are articles in the Washington Post, the New York Times, the Wall Street Journal on this—are infinitely more dependent upon donations from political action committees and donations from large donors, that is, fat cats, than are the Republicans. Raising money in large amounts is cheaper than raising it by direct mail.

For example, put on a $1,000-cocktail party, which are common here now, common around the country. If you want to come to the cocktail party to reelect Senator Packwood or Senator Byrd or Senator Exon, come down to the Washington Hotel for a $1,000-cocktail party, and it will cost you perhaps $25 or $35 per person to put it on. So let us say that for $30 you raise $1,000, and you make $970. That is inexpensive fundraising.

So, if you put a limit on what can be spent and therefore what can be raised—there is no point raising more than you can spend—what is the kind of fundraising that you encourage most? You encourage large contributions from political action committees and fat-cat donors, because that is the cheapest money to raise, and it gives you that much more to spend on your campaign; whereas, if you raise it by direct mail, you would have to spend a lot of it just in raising it; and as you do direct mail all around the country, that is not money you can spend in your State on the campaign. It is the latter technique that the Republicans have been successful in.

What better way to attempt to limit Republican successes than, in essence, to cut off the principal method that we, as Republicans, have discovered to raise money—hundreds of thousands and millions of contributors giving us $20 apiece on the average? Cut that off, and instead encourage the method of fundraising that the Democrats have found most successful—the fat-cat, large, political action committee donor.

Is it any wonder that the Republicans are inclined to think that this bill perhaps may have been designed to perpetuate the Democratic majority in Congress? I emphasize again—I am sorry to repeat it—but it is the old salesman's adage: Tell them what you told them.

Incumbents have an advantage, and there are more incumbent Democrats than incumbent Republicans. The majority party has an advantage throughout the country, and there are more Democrats than there are Republicans in the country.

If the bill limits what you can spend and therefore limits what you can raise, you will try to raise it in the most cost-efficient way possible, and that is from the large, fat-cat donor, and that is the way the Democrats have been most successful in raising money. So, what is a Republican to think?

The argument has been made that the average cost of campaigning in 1976 for the Senate was, I think, $600,000, and last year it was $3 million; and if it keeps going like this, it is going to be $9 million in the next campaign; and then how much is enough—$90 million, $900 million, $9 billion? These arguments have been made over and over. "No," they say, "We have to stop that by putting a limit on spending."

I suggest that there is another way to put a limit on spending, and that is to do two things. I emphasize the limit on spending by the candidates. Do not forget the point I made earlier that any money not given to candidates will go to organizations outside the candidacy and it will be spent the wrong way, and S. 2 does not address that.

At least, if you want to cut down what the candidates have to spend, first let us zero out the PAC's. They cannot give any money to campaigns for the Senate or for the House—cannot give any money.

That at least will remove the principal argument that Common Cause has used in its advertisements and its campaign about the evils and the greed of special interests aggregating their money together in political action committees and giving it in an unseemly way in order to gain an ear. I have suggested that. I will vote for that.

It meets with little favor on the other side. It meets with little favor on the other side because that is the principal way they raise their money. That have the majority of the votes. Why should they vote for an amendment that will disadvantage their principal way of raising money, big money—political action committees?

So I say that if we want to get rid of the evils of political action committee money, zero—they cannot give it.

Let us go to a second idea—the fat-cat donor. Today, individual donors can give $1,000 in the primary and $1,000 in the general election. Often, you will find that it is a husband and wife. They will give $2,000 in the primary and in the general election give $1,000 each—$4,000. Again, the Democrats are much more successful than the Republicans in raising money in that quantity from donors of that size.

So I suggest that if you really want to cut the cost of campaigns, why do we not do the following? Why do we not lower the limit from $1,000 to $100? That would have the following effects.

One, with the very few exceptions of some Senators who may have been in this body a long time and are well-known, the likelihood of raising in any significant quantity $100—do not forget, I am talking about a maximum; their contribution is not a maximum—but the likelihood of raising $100 from an individual who does not live in your State is relatively slight. For a $100 contribution, they are not trying to buy you. They may give it because they believe in a position of yours. It is given in a sense of belief.

So, the first thing it would do for most of us—not for everybody, but almost everybody—is that most of the small money we would have to raise in our own State, not out of State. If you limit it to $100, I think it would automatically have the effect of reducing the total amount of money you would collect.

The majority leader and I were discussing his State of West Virginia sometime ago, and we were using this argument of $3 million for campaigns and assuming $9 million for campaigns.

I said, "$9 million in West Virginia, if you were to raise that in average contributions of $20, you would have to raise it from 450,000 people."

He said, "450,000 people? That is ridiculous. We could not raise that much in West Virginia. We only have 1.9 million people. You could not possibly raise $9 million, with a $100 limit and an average contribution of $20."

I said: "Exactly. That is my point."

Do you want to make sure these campaigns do not go to $9 million? I do not know about his State. I would be lucky to get 50,000 or 60,000 people to give me an average of $20 each. If you want to cut down the cost of campaigns, cut down the amount they can give and eliminate PAC's. Then the only way you are likely to do it in your State is to have an extraordinary organization that is willing to go door to door, knocking on doors, saying: "Hi. Will you give $5, $10, or $15 to Bob Packwood?"

"No."

Next door: "Will you give $5, $10, or $15 to Bob Packwood?"

"No."

Next door: "Will you give $5, $10, $15 to Bob Packwood?"

"Yes. Here's 10 bucks for Bob Packwood."

He would have to raise it on that kind of a basis. Do you know who that would advantage, because as a former Speaker of the House, Tip O'Neill, once said all politics is personal? That would advantage the person that is actually in his or her State all year long as opposed to the U.S. Senators who have to stay in Washington 8 months, 9 months, 10 months, 11 months depending on how long the session runs.

So while we have an advantage in getting publicity and we have an advantage in getting the frank, you still find that personal loyalty commitments come out of face-to-face meeting, shaking hands, being there spending time, and that a local politician can do better than one who has to spend the bulk of his or her time in Washington, DC.

So not only would a $100 limit cut the cost of campaigns, it would give an advantage to the challenger who is in the State all year rather than the Senator who is in Washington all year. No wonder that does not meet with much favor.

No; I say to my colleagues it is very clear that if what they want to do is what they say they want to do it can be done without tapping the taxpayer's pocket. It can be done by eliminating political action committee contributions. It can be done by lowering the total contribution that an individual can give. It can be done in a dozen ways. But all of them from the standpoint of the majority party have the disadvantage of either hindering the incumbent or hindering the majority party because, as I said before, it is the Republicans more than the Democrats who have had the success at raising money from smaller donations.

So the majority wonders why the minority is debating this bill and if necessary is prepared to filibuster it, and we are. There is no question about it. It is because we think it is unfair to the Republican Party. We think it is unnecessary to tap the public purse in order to achieve the ends that the majority says they want to achieve because if they really want to do that, they can do that without tapping the public. They can do that without spending limitations. They cannot do that without disadvantaging themselves.

So I perfectly understand why, if I were in the majority, I would favor the bill unless I had some moral misgivings about tapping the taxpayer. Do not worry about a $150 billion deficit. This will add another $30, or $40, or $50, $60, $70 million. No one knows what this is going to really cost. We will add another amount to our deficit so that the taxpayers will have to finance our campaigns. There is no need for us to work hard to raise the money for our campaign. Let them work hard and we will take it from them. It is a lot easier for us. Of course, is that not the purpose of all this—to make things easier for us? That is not the purpose.

I say again we can achieve anything they want to achieve. But what they want to achieve is a permanent legislated mandated majority status in the Congress at the taxpayer's expense to the detriment of the Republican Party.

So like Senator Proxmire, 16 or 17 years ago, I think we in the minority are prepared to stand here like Ulysses S. Grant, fighting it out on this line all summer if necessary to make sure that this pernicious system which is unnecessary, unneeded, whose only function is to perpetuate at public expense the Democratic majority in the Congress, we are prepared to stay here all night tonight, all this week, all this month, all next summer to see if it is stopped.

Now is it futile? Of course the majority knows it is futile. If by some imagination, and I do not foresee it, they manage to peel off—and there are two or three Republicans who might go with them—they manage to peel off enough to get 60 votes for cloture—that is what it takes to shut off a filibuster—if they have 60 votes to shut off the filibuster, I am assuming they have 50 votes to pass the bill. Then it goes to the House. It is hard to tell what the House is going to do because if anything the House Members have even a greater advantage than the Senators in terms of incumbency for the simple reason that at least when you are running for the Senate it is a statewide office, and if you are a challenger you might get some little modicum greater of publicity from the news media than you get

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if you run for the House. They even have a great advantage.

Let us assume it goes to the House, same battle over there that you had here, but there they have no rules of cloture. Finally after some extensive debate it is jammed through the House and goes to the President. He vetoes it. He said he is going to veto it. He is not going to allow these lowered postal rates and that is in the bill that candidates get lower postal rates, public money. He is not going to allow this to become law. He will veto it and there is clearly the votes in the House and the Senate to sustain that veto.

So, the point of all this is not to pass a bill in this Congress. It may be to lay some groundwork. It may be to get public attention. We on the minority side are perfectly happy to argue the public merits on our side before the public. We think our side is the better position.

Let us not talk about this bill's passing, becoming law this Congress. Who knows what another Congress, another President will bring?

I do not think my views on this issue will change, but maybe the Democrats will pick up four or five more seats in the Senate next election. Again, I do not think so. Maybe they will pick up 20 or 30 seats in the House. Maybe they will win the Presidency. I do not think so. But they might, in which case they can jam the bill through in the next Congress unless by that time the Republicans have been sufficiently successful in bringing to the public's attention the evils of this bill, the unfairness of this bill, the fact that the bill is unnecessary to achieve what the public wants.

Now, Mr. President, I am going to turn my attention to the argument that this has worked well in funding Presidential races and, therefore, we should use that as an example in funding congressional races. That argument has gone somewhat without rebuttal until Senator Mitch McConnell, of Kentucky, brilliantly, in my judgment, shot it down as to whether or not that should be the example we should follow.

Mr. President, I ask unanimous consent to print in the Record a list of the points that I will make at length in my speech, but I would like to print them in the Record at the moment.

There being no objection, the material was ordered to be printed in the Record, as follows:

Spending Limits and Taxpayer Financing in Practice: The Failure of the Presidential System

OVERALL COST TO TAXPAYERS

$40 million so far in last two months alone.

Over a third of a billion dollars in last three elections.

PROLIFERATION OF EXTREMIST CANDIDATES; WASTE TAX DOLLARS

Half a million dollars to Lyndon LaRouche in 1984.

$200,000 to psychologist Lenora Fulani to run for President.

MORE BUREAUCRACY, NOT DEMOCRACY

1 out of 4 campaign dollars goes to lawyers and accountants.

In 1980 Presidential race, $21.4 million spent on compliance alone—as much as the most expensive race in Senate history.

Campaigns must process each contribution through 100 steps.

"Political decisions have become accounting decisions".

UNPRECEDENTED GROWTH IN CAMPAIGN SPENDING UNDER "LIMITS"

Overall spending now increasing at same rate as before spending limits and taxpayer financing.

The difference is that far more spending now done outside legal limits and disclosure requirements—less accountability.

EVERY CANDIDATE A CHEATER

Every major candidate since 1976 has been cited for serious violations of the law; bad press and large fines result.

One candidate spent $2 million in a state with a $400,000 limit.

Delegate and pre-candidacy committees are "loopholes big enough to drive a truck through—conduits for millions of dollars outside of spending and contribution limits.

Corporations and labor help circumvent limits by paying office rent and phone deposits, and giving overly generous loans.

GROWING DISRESPECT FOR LAW AND ELECTION PROCESS

Campaign managers report that the first planning priority is to identify in advance ways to circumvent limits and rules.

A respected observer and campaign staffer declared "this whole FEC thing is a sham . . . it's your job to find every loophole".

SPECIAL INTERESTS WIELD CONTROL BY SPENDING OUTSIDE THE LAWS

In 1984 general election, special interests spent $25 million to oppose Reagan—62% of Reagan's $40 million spending limit.

Nearly half the money spent in the 1984 general election—$72 million—was outside the candidates' direct control.

At least one-fourth of all money spent in Presidential races is unreported, unlimited, and accountable.

Soft money spending is roughly tripling each election cycle.

Races resemble uncontrolled, corrupt politics of pre-reform era.

VOTER TURNOUT HAS STAGNATED

55% in 1972; down to 53% in 1984.

GRASSROOTS POLITICS AND CAMPAIGNS HAVE DIED

David Broder: "spending limits and taxpayer financing have shut down local campaigning . . . grassroots democracy has died".

Mr. PACKWOOD. Now, let us begin to talk about cost alone because you remember the argument that this would limit cost in the Presidential campaign.

First, we have had in terms of overall cost to the taxpayers over $40 million spent so far in the Presidential races, a grand total in the last three elections of public money over one-third of a billion dollars for the Presidential elections, public money, and I will call your attention to what I said earlier about the report from the John F. Kennedy School at Harvard about we have not even cut down the amount of money that is being totally spent in the campaigns. We now finance well over one-third of a billion dollars in the last three elections from the public and we have pushed all other kinds of money out into other sectors. So we have not reduced the cost. We have simply pushed it out under organizations that have less responsibility to account to the public than do political parties or candidates.

We have not succeeded in reducing the cost of Presidential elections. What we have succeeded in doing is reducing the amount of money that the candidate organizations spend on Presidential races and dramatically increased the amount of money that non-Presidential candidate organizations spend on the election in support of or in opposition to one of the candidates.

We have encouraged fringe candidates and the bill for the Congress will do the same, fringe candidates who might not have any other appeal to get into the races in the hopes of minimally qualifying and it does not take much to qualify to get public funds, candidates who might not otherwise get into it but when they see the wonderful candy of money from the public, why not?

Lyndon LaRouche, this is a candidate that perhaps you have heard of. He has had tremendous legal difficulties recently. He got a half million dollars in 1984. Lenora Fuyani, a well-known, New York psychologist, she got $200,000 a few weeks ago to run for the Presidency.

I have no objection to these people getting in. But what has happened is a good many people are getting in because they can become supported by the public. It is their privilege. The law allows it. The question is: Do you. the public, want to pay for it?

And let us take a look at who is getting the money. One out of four campaign dollars in campaigns for the Presidency, one out of four, Mr. President, goes to lawyers and accountants. In the 1980 Presidential race, $21.4 million was spent on compliance, as much as the most expensive race in the history of the U.S. Senate.

George Bush's campaign has now indicated that they process each contribution through 100 steps to make sure that they have not violated the law. So we have the public money going to the campaigns so it can go to the lawyers and accountants so that they can make sure that no one has spent more than they should have spent.

Except that is not really what they end up looking for. What they end up

looking for is ways to get around the spending limits. And, my fellow Senators, they have succeeded in getting around the spending limits. I should rephrase that. When I say "getting around," it assumes they have gotten away with it and if they get away with it, you do not know that they have got around the limit.

But every major candidate, every major candidate since 1976 running for President has been cited for serious violations of the law. They have gotten bad press. There have been large fines as a result. One candidate was found to have spent $2 million in a State with a $400,000 limit. How do you do it? You are campaigning in New Hampshire and you rent cars in Massachusetts. You advertise on a Boston television station and charge that amount to your Boston limit because you have limits in your Presidential campaign as to how much you can spend in each State. The fact that Boston television covers New Hampshire, is that not coincidental?

In one case, one candidate was found to have spent over $60,000 in Massachusetts to rent cars—cars that never left Iowa or New Hampshire—and attempted to charge it to his Massachusetts limit. What you end up with are private groups.

And former Senator and former Vice President Mondale ran up against this in 1984 when, I thought, Gary Hart's lawyers brilliantly challenged him successfully. You may recall those independent delegate committees. Vice President Mondale said, "Gosh, I didn't know about those. I don't know where they came from. I don't understand how they are spending all this money."

Of course, Senator Mondale, Vice President Mondale was not taking political action committee money, but all these independent committees were taking political action committee money and they were going out hustling up delegates for Vice President Mondale and he goes: "Who me? I didn't know anything about that. I don't know how that happened." Until Gary Hart's lawyers took him to court. It turns out they were part and parcel of a campaign and the legal wits in the Mondale campaign had been caught attempting to avoid and evade the law.

You have corporations and labor attempting to help both candidates. Organized labor spent untold millions of dollars on behalf of the Mondale campaign in 1984. The Teamsters spent a great deal of money on behalf of President Reagan. In neither case did it count against the limits which the Mondale or the Reagan campaign could spend. It was independent money and, in many cases, not required by the law to be reportable.

In the 1984 general election, special interests spent $25 million to oppose President Reagan, which was 62 percent of the $40 million that the President could legally spend.

My fellow Senators, we have not seen half of it, not a third of it, not a tenth of it. As this law goes on and as more and more organizations discover how they can spend money on their members, for their members, by their members, contacting the public and never having it be counted as part of the Presidential spending limit, it is going to grow and burgeon and I predict it will grow and burgeon if we pass a law requiring them to account for it. They will continue to do it.

So this is the example that the majority party gives for us to follow: gross and crass violations of the law by campaign managers, campaign lawyers, campaign accountants advising Republican and Democratic candidates running for the Presidency how to get around the law, a quarter of the money in the Presidential campaign going for compliance, going for lawyers and accountants.

I hope that is not what this Senate wants. I hope that this Senate only wants to pass necessary laws to ensure clean campaigns. That, we can do. But what the majority wants is a partisan law to assure a partisan majority into the indefinite future.

So if the majority leader wonders why the Republican Party intends, if necessary, to filibuster—and I use the word in the best sense; and I am happy to say that I learned a lot from Senator Proxmire 17 years ago—if necessary, we will be filibustering this bill until this Congress runs out on January 3, 1989.

I yield the floor.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I also would like to join with Senator Packwood and Senator McConnell and others who are talking about this bill. I want to talk about a number of aspects of the bill and about campaign financing in general, just as my friend Senator Packwood has, giving the examples of the Presidential campaigns and really the sorry state of affairs that has come to exist there, and also giving other examples with respect to campaign financing where the money comes from and perhaps correct some misapprehensions with respect to both the position of Republicans and Democrats as it regards campaign financing.

First, Mr. President, I would like to discuss whether or not it is self-interest on the Republican side that is leading us to filibuster this bill. Most of the votes against cloture clearly will come from this side. Not all, however, will come from this side. And so it may be concluded that there is some self-interest and it is true.

As my friend, the Senator from Wyoming, remarked in a newspaper report that I saw in yesterday morning's paper, the Republicans should not be seen as legislating themselves into a permanent minority status. I believe he said that in the event we were to establish limits we would probably be in a minority status for the next 40 years, perhaps even more. Clearly, we would eliminate any possibility of our gaining seats in the southern part of the United States, the so-called Southern States.

For many years, the Senate and the House of Representatives was represented virtually exclusively by the Democratic Party from the South. Every 2 years you would turn on a faucet and of the 110 Members of the House of Representatives, out would come 108, 109, some years 110 Democrats, with absolute regularity.

When you consider that the majority in the House of Representatives is 218, half of that majority would be provided with great regularity from the South. That, of course, is a carry-over from the Civil War and it meant, too, that we had to take three-quarters of all of the congressional votes in the North in order to have control of the House of Representatives. Beginning in 1930 it simply became an impossibility with one 2-year exception, or perhaps two 2-year exceptions; once in 1946 and once in 1952, were the Republicans the majority party. During the entire 58 years, only in 4 years did Republicans control the House of Representatives. And largely because in the South with great regularity, all 110 or at least 108 of the 110 Members of the House of Representatives would automatically be produced each 2 years. Because of that the Members from the South, through the seniority positions, gained great power in the House of Representatives and, indeed, still have it to this day; much more so than in this body.

So it was here in the Senate that each 2 years—and of course our terms are staggered—the Senate would have two dozen Members from the Southern States, fully a quarter of this body, who would automatically be produced as members of the Democratic caucus. For most of that time, until 1980, only 2 years, I believe, from 1930 to 1980, were we the majority party on this side of the aisle.

To now pass a piece of legislation that would effectively preclude us from becoming the majority party at any point in time would be irresponsible and not in the best interests of our Nation. To pass a piece of legislation that would effectively preclude us from having strong candidacies in an entire region of the country, where the Republican Party still does not have any real infrastructure, where every county courthouse, where every

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sheriff, where the vast majority in the State legislatures are controlled by the other party, by the Democratic Party, to deny ourselves a full quarter of the Senate would be irresponsible and not in the interests of our Nation.

So I suppose that one would have to say that there is some self-interest in this. We as a party want to survive. We as a party want to be the majority party just as much as the other side. And we as a party, in the interests of the American people and in our self-interest, simply cannot be expected to legislate ourselves out of a majority status or out of the possibility of becoming the majority once again and create, in effect, a one-party system in the United States much as has been done in the House of Representatives.

The Democrats, of course, have control over the State mechanisms of government and have allowed the congressional district lines to be drawn in such a way that they are able to maintain their majority over a long period of time. But here there is no redrawing of lines unless a new State were to come on. The lines are established. That kind of manipulation cannot be done. So it is here that the battle must be fought. It is here that the possibility for majorities exists. And it is here, if we are going to defend the idea of a two-party system in the United States, that the battle must be fought. It is here, if our self-interest is going to be protected, that it must be put forward.

Another reason that we feel so strongly about the idea of not establishing limitations, of not reducing the ability to provide funds, is more people participate in the political process, Mr. President, through making contributions to the system, contributions to the political process, than they do in any other way. In my campaign, Mr. President, I had 65,000 contributors. We had approximately 110,000 contributions. Many people contributed more than once, very obviously.

One lady, now in her eighties, from Rochester, MN, contributed, if I recall, 20 or 24 times with great regularity, each month, from her Social Security check. She would send a small contribution which over the period of 2 or 3 years amounted to several hundred dollars. That was her way, one of the ways in which she contributed to the political process, and a most meaningful way indeed.

I felt that in the process of raising funds for my campaign that I wanted to get a broad base of contributors. I wanted such a large number, so dispersed throughout our State from every corner, in every county, in every town, in every city, that if the farmers got together in the morning for coffee or ladies got together in the afternoon for bridge or pinochle, or if the guys got together at the American Legion club or other clubs in that town to play a little poker in the evening, I would always have an advocate in that group. Very often talk turns to the political process. It is a great source of conversation. And it is important that one have advocates out there because that is the way you win votes.

In my judgment, winning votes is not just done by virtue of running a 30-second TV ad. As a matter of fact, many of our candidates in the last election were defeated because they thought they could address their constituency in 30-second TV ads rather than addressing them in person and getting them involved in the political process.

One of the fortes of my political efforts, Mr. President, about which I am the proudest, is the large number of people whom I have gotten involved in the political process. The idea of grassroots politics, in my judgment, is the whole strength or one of the basic strengths of our political system. Indeed, it is one that should be continued.

So that part of the whole purpose of financing campaigns is for the purpose of grassroots politics. And, very frankly, to get the large number of contributors that I got in my campaign, it requires an extensive mailing effort. The principal beneficiary, perhaps, of my campaign, was the post office. We mailed out a lot of stuff in order to get 65,000 contributors, 54,000 of them from the State of Minnesota. The process of mailing became a large expense; I believe the largest expense of my campaign. But it is part of the process, Mr. President, to increase involvement. Mailings not only involve individuals, but it sends out a message on an ongoing basis in America that is understandable, and that also is an important element of the political process.

Reduce the amount or limit the amount that can be spent in any particular area, as S. 2 does, and you limit the amount of grassroots participation that is possible.

Worse than that, when you limit the amount of money, when you push it down over here, it pops up over here, because that, too, does nothing whatsoever about so-called soft money. I must say in honest admission, Mr. President, that soft money is better utilized by the other side of the party, by the Democratic Party, than by ourselves.

Soft money, of course, is money expended by others in behalf of the candidate. It has been done on our side by conservative institutions, such as NCPAC. It brought no glory, very frankly, to the political system. It was part of the institution of negative campaigning which has not served our system well and has not done credit to our Nation's political institutions.

But just as independent expenditures are made in that manner, so they are made by others. As Senator PACKWOOD pointed out in his remarks, many, many millions of dollars were expended by unions in behalf of Senator Mondale and not a penny of it had to be reported. Not a penny of it is required to be reported under this legislation. The same will be said in future years about political action committees.

Now that political action committees have learned the ropes of how to raise money, they will find a way to continue to do that. They have built up organizations. They have built up bureaucracies. Somehow, as in government and other things in life, such bureaucracies have a way of perpetuating themselves. PAC's will perpetuate themselves. They will raise money and they will have independent expenditures. If a particular PAC is small and has no independent expenditures, new PAC committees will be formed and the small ones will give to the large ones and they will band together for independent expenditures. These sums will in no way be reported under the provisions of this bill. Indeed, they are not required to be reported at this time.

I do not think that the political process can be so easily controlled. I do not believe we really can effectively control the amount of money that flows into the political process. When you push it down, the law of independent effect comes into effect and it goes up, and the law of independent effect is indeed the problem that is sought to be dealt with by S. 2.

As you know, Mr. President, political action committees were themselves reforms. They were reforms that came out of the 1972–74 period. In the 1972 Presidential race, huge amounts of money were given to the Republican side of the aisle, and amounts that really should have been limited and that we have since limited.

Today, the maximum an individual can give to a Senate candidate is $1,000 for the primary and $1,000 for the general election. That amount has not been changed for a number of years, as a matter of fact. No inflation has been added to that number.

In 1972, hundreds of thousands, in some instances $1 million or $2 million, was given to the campaign of Richard Nixon and in that way he had quite an advantage. It was an effective fundraising effort without question. But it offended the public image, and it offended the political process. I, too, would have voted for reform.

One of the reforms that came out of that was political action committees. Political action committees were very little used prior to that time by anyone other than the unions who early on discovered through COPE and other vehicles their usefulness in the political process. Indeed, they have been useful.

The beneficiaries of political action committees today are thought to be the Republican Party.

I would like to review a little bit how the political action committees do give money to the political process. As a matter of fact, it is so disproportionately in favor of the other side of the aisle, the Democrats, that it is very tempting to want to limit the political action committees, and I have seen some packages put together that would limit political action committees.

Political action committees come in various groupings according to a book entitled "Almanac of Federal PAC's," that comes out every 2 years.

In 1985, the cycle that just ended, political action committees gave $132,179,661 to the political process. That is a lot of money, Mr. President, and better that it should be raised through the private sector of the economy than it should be added as an additional burden for the taxpayers. The idea of having taxpayers pay for the electoral process, in addition to everything else they pay for, really is offensive.

One would think that with $132 million in PAC dollars, in round figures, at least half of that, $66 million, would have gone to Republicans. In fact, Republicans received somewhat over $57 million and Democrats received $75 million.

In percentage terms, the Democrats received 56.5 percent of PAC contributions and Republicans received 43.5 percent of PAC contributions.

I might say only in recent years have we on the Republican side crept up over the 40-percent mark. I think this is the third election cycle where we have been up over the 40-percent mark in terms of the moneys that are given to the political process.

In the House of Representatives we are a long way from being at the 40-percent mark. In the House of Representatives, as other Senators may have already indicated, scores of Members of the House—I forget the exact number—as I recall almost 150 Members, about one-third of the total House of Representatives, receive more than 50 percent of the moneys that they use to campaign from political action committees.

Certainly, I would be in favor of some type of limitation because it is important, in my judgment, that people go out in their State and solicit money, present their views and make themselves known to their constituency.

However, it is important also to add that those who attack political action committees should keep in mind that more people give to the 4,000 or so political action committees than give to all the Senate candidates put together so that indeed many people are involved in the political process by virtue of the political action committees.

If you look at the Senate in the last election, in 1986, we on this side of the aisle received more from political action committees, $25 million, almost right on the head, and the Democrats received $20 million, right on the head. So we certainly received more.

However, if you look at Democratic challengers they received $8 million and Republican challengers received only $2 million. So political action committees on our side need a little education and they have to take a few chances. Let us say that those political action committees that contribute to the other side of the aisle are more risk oriented. Our political action committees, those who tend to look at our side, look at the whole political process as horse trading. They do not have a philosophy they want to present. They do not have a philosophy they want to defend. They do not have a philosophy they want to further. Their philosophy is winning, to get on the horse that you think will win so that you will have access when he or she does indeed win. That is really the goal of their giving.

I must say, quite to their credit, that political action committees, particularly union political action committees, represent the philosophy and follow the philosophy of their members far more so than do corporate political action committees. Although in the Senate in 1986 I must say we led the Democrats quite markedly. However, overall, because of other PAC's, labor union PAC's, trade groups, nonconnected PAC's, so-called ideological PAC's, these PAC's which have an ideology other than winning, which have an ideology other than just playing it like a horse race, have preferred the other side of the aisle to ourselves.

Mr. President, I ask unanimous consent that this page of Federal PAC contributions of 1985 and 1986 be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL PAC CONTRIBUTIONS: 1985–86[1]

	Number	All PAC's	Corporate	Labor unions	Trade groups	Nonconnected	Other PAC's
All candidates	(1,868)	132,179,661	45,926,975	29,843,517	32,799,275	18,710,423	4,899,420
House	(1,606)	87,179,011	26,807,569	22,629,156	23,364,783	11,085,807	3,291,696
Senate	(262)	45,000,600	19,119,406	7,214,361	9,434,492	7,624,616	1,607,725
Democrats	(968)	74,633,227	17,590,743	27,664,754	15,949,594	10,806,610	2,621,526
Republicans	(688)	57,540,019	28,335,482	2,177,713	16,849,681	7,899,498	2,277,645
Others	(212)	6,365	750	1,050	0	4,315	250
Incumbents	(423)	89,451,992	34,477,165	16,885,180	25,006,224	9,210,199	3,873,224
Challengers	(870)	19,213,871	3,653,553	7,447,013	2,870,216	4,788,322	454,767
Open seats	(363)	23,513,748	7,796,257	5,511,324	4,922,835	4,711,902	571,430
House Democrats	(841)	54,631,391	12,825,077	21,041,367	12,221,838	6,612,093	1,931,016
Incumbents	(235)	40,962,642	11,727,013	13,239,721	10,515,900	3,743,730	1,736,278
Challengers	(430)	6,652,409	264,176	4,299,059	612,743	1,428,935	47,496
Open seats	(176)	7,016,340	833,888	3,502,587	1,093,195	1,439,428	147,242
House GOP	(596)	32,542,970	13,981,992	1,586,739	11,142,945	4,470,614	1,360,680
Incumbents	(161)	24,864,949	11,100,005	1,481,229	8,795,712	2,359,792	1,128,211
Challengers	(319)	2,434,499	747,086	18,500	646,275	947,469	75,169
Open seats	(116)	5,243,522	2,134,901	87,010	1,700,958	1,163,353	157,300
House others	(169)	4,650	500	1,050	0	3,100	0
Senate Democrats	(127)	20,001,836	4,765,666	6,623,387	3,727,756	4,194,517	690,510
Incumbents	(9)	7,277,444	2,471,890	1,622,056	1,732,517	1,146,856	304,035
Challengers	(75)	7,944,268	1,417,750	3,128,154	1,250,256	1,873,670	274,438
Open seats	(43)	4,780,124	875,936	1,873,177	744,983	1,173,991	112,037
Senate GOP	(92)	24,997,049	14,353,490	590,974	5,706,736	3,428,884	916,965
Incumbents	(18)	16,346,957	9,178,167	542,174	3,962,095	1,959,821	704,700
Challengers	(46)	2,177,580	1,223,791	500	360,942	534,933	57,414
Open seats	(28)	6,472,512	3,951,532	48,300	1,383,699	934,130	154,851

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FEDERAL PAC CONTRIBUTIONS: 1985–86[1]—Continued

	Number	All PAC's	Corporate	Labor unions	Trade groups	Nonconnected	Other PAC's
Senate others	(43)	1,715	250	0	0	1,215	250

[1] The table summarizes contributions by PAC's to congressional candidates during the 1985–86 election cycle.

Note.—Other PAC's category includes PAC's sponsored by cooperative and nonstock corporations under the FEC's categorizing system.

Source: Federal Election Commission.

(Mr. HARKIN assumed the Chair.)

Mr. **BOSCHWITZ**. So, Mr. President, this bill does not do anything to promote grassroots politics. This bill does nothing to end really the scourge of soft money in the political process. This bill limits the amount and is a bill that can best be called an incumbent protection bill.

Think of it for a minute, Mr. President, that an incumbent has a press secretary, has great access to the press, has a staff of people to keep him or her advised of the legislation that is going through, a staff of people who can keep him or her advised of the issues of the day. None of this staff, of course, is counted toward the amount of money that can be spent by a challenger. In addition to that, the incumbent also has the franking privilege that is of no small consequence in the whole business of the electoral process. Yet the challenger is limited to the amount of money that can be spent against an incumbent who has all these advantages.

So when one says that S. 2, the campaign reform bill, is an incumbent protection bill, indeed, it is. When one looks further and says that this bill, in addition to being an incumbent protection bill, is also a bill that would effectively preclude the Republican Party from having any elected official in the Southern States, one has to conclude that it is not in the national interest, not in the interest of a bipartisan system, of a two-party system, one of the very strengths of our country, to pass the bill. Nor is it in the interest of grassroots politics.

Mr. President, let me address another question, if I may. Is the Republican Party the party of big bucks? Is the Republican Party the party of the large contributors, of the so called fat cats? Is the Republican Party the party that relies on the rich?

In October 1986, an article appeared in the Washington Post. I do not have its exact date. The article was written by Thomas B. Edsall. The first paragraph of that article starts off by saying:

> The Democratic Party, which has traditionally claimed to represent the working man and woman, depends substantially more than the Republican Party on the contributions of special interest groups, corporations, and on the large donations of rich individuals.

Think of that, Mr. President. That certainly is not the common perception. It is the Republicans who are supposed to be the party of the rich individuals. It is the Republicans who are supposed to be the party of the special interests. But when you look at the organizations, you come to the conclusion that the Democratic Party is the party which relies on the contributions of special interest groups, corporations, and on the large donations of rich individuals.

Further on in the article, it points out that while givers to both parties are far richer than the national average, "more than half of the Democratic donors earn more than $100,000 a year." An amazing statement, Mr. President. Over half of the donors to the Democratic Party earn more than $100,000 a year.

I thought all those folks were supposed to be over on our side of the aisle, not on the Democratic side of the aisle. And as I read the popular press, I am led to believe that, gosh, we are the party of the rich; we are the party of the big corporations. We are the party that believes in free enterprise and somehow free enterprise is perceived as a collection of large corporations. That is not how I perceive free enterprise. Free enterprise means that I or any other American will have access to the economic wheel; that I or any other American can seek out the so-called American dream, seek out self-fulfillment by earning money and achieving economic reward; that free enterprise means when one succeeds not all of it is taxed away. Free enterprise means that people will have the right to keep a reasonable share of what they produce, and if they can keep a reasonable share of what they produce, they produce more. And free enterprise in this country means a collection not of large corporations, but of millions of small businesses, millions of entrepreneurial types of businesses, millions of small businessmen and women, main street businessmen and women. They are the people who, indeed, support the Republican Party.

Further on in this article, it states:

> The Democrats tend to draw pretty much from national-level bigwigs, while the Republicans, in their direct mail campaigns, reached right down into Main Street across the country.

I agree with that, Mr. President. That is what I tried to do in my campaign. I must tell you I am proud of the fact that 54,000 Minnesotans, 65,000 people overall, contributed to my campaign. That, in my opinion, is what political participation is all about.

Mr. President, I ask unanimous consent that the entirety of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRMS, LOBBIES AND THE RICH PROVIDE MUCH OF DEMOCRATS' FUNDS

(By Thomas B. Edsall)

The Democratic Party, which has traditionally claimed to represent the working man and woman, depends substantially more than the Republican Party on the contributions of special-interest groups, corporations and on the large donations of rich individuals.

Much of the money the Democrats raise from these sources is "soft money"—direct donations from corporations, lobbying firms and union treasuries, or from persons who have already given the maximum allowed under federal law.

Money from these sources would be illegal if used to promote the candidacy of anyone running for federal office. But the two parties have used a loophole in a 1979 law, designed to encourage the growth of state and local political parties, to raise millions in soft money from corporations, unions and big individual donors.

Raising soft money from corporations and unions, which are not permitted to make direct contributions to political campaigns for federal offices, has been attacked by such reform groups as Common Cause and the Center for Responsive Politics, and by some present and former staff and members of the Federal Election Commission. But the FEC, a politically appointed body, has rejected suggestions that it issue new rules to govern the raising and spending of soft money.

Soft money contributions now account for 28 percent of the annual receipts of the Democratic National Committee (DNC). The Republican National Committee (RNC), by comparison, raises less than 5 percent of its considerably larger budget in soft money.

For the Democratic Senatorial Campaign Committee (DSCC) and the Democratic Congressional Campaign Committee (DCCC), money from political action committee (PACs)—most of which have been set up by trade associations, corporations and unions to influence legislation—now accounts for 27 and 22 percent of reported contributions respectively.

PAC contributions to the two Democratic campaign committees have grown from $271,000 in 1979–80 to $3.3 million in 1983–84, a twelvefold increase.

Today the Senate is scheduled to vote on legislation that would limit PAC contributions to House and Senate campaigns. One proposal to be considered in the Senate would prohibit PAC contributions to the Republican and Democratic parties and would mandate public disclosure of all soft money contributions.

The three major Democratic committees collect at least thirty-five percent of their

funds from PACs and soft money contributors for their Republican counterparts, those sources provide less than 5 percent of total receipts.

All three Democratic Party committees have been able to raise increasing amounts of money from direct mail solicitations, but each receives a far higher percentage of support from PACs and large donors than their GOP counterparts, which raise much more in small contributions from individuals. And in the last 18 months, according to Frank O'Brien, director of direct mail for the DNC, the number of direct mail contributors to the national committee has ceased to grow.

Democratic dependence on special-interest money has had an impact on the substantive positions adopted by the party and its candidates on controversial issues.

In the 1984 presidential campaign, for example, the adamant opposition of real estate developers, a major source of Democratic cash, to the depreciation provisions of tax reform proposals was a significant factor in the decision of officials of Walter F. Mondale's presidential campaign against endorsing tax reform legislation, according to reliable sources within the campaign.

That decision effectively allowed the Reagan administration to gain credit for what has been a Democratic legislative proposal sponsored by Sen. Bill Bradley (D-NJ.) and Rep. Richard A. Gephardt (D-Mo.).

Real estate developers were among the most important fund-raisers and donors to the Mondale effort: Nathan Landow of Bethesda, William Batoff of Philadelphia, Thomas Rosenberg of Chicago, Jess Hay of Dallas, Robert H. Smith of Arlington, Va. "I would say half of the money from our list was from real estate," Landow, who emerged as one of the premier Democratic fund-raisers in 1984, said recently.

In addition, the fund-raising process has prompted key Democratic leaders to take on unusual roles for elected politicians.

The chairman of the DCCC, Rep. Tony Coelho (D-Calif.), for example, sometimes performs the same functions as a lobbyist, providing access to members of the House for campaign contributors, as an integral part of his drive to raise money for the DCCC. Coelho is now the leading candidate to become House Democratic whip after the 1986 elections.

Coelho, whose DCCC expects to raise $2 million to $3 million in soft money during this election cycle and which has already raised $1.6 million from PACs, also takes pride in acting as a broker, joining contributors who want representation on Capitol Hill with favored lobbyists seeking additional clients.

Coelho argued that the services he provides for campaign contributors are the same as he would give anyone "important to the party, be it contributors or noncontributors." He argued that he has pushed hard to increase donations from PACs and from soft money contributors in order to build a television production facility, a headquarters building and to buy computers.

These expenditures have allowed the DCCC to expand its direct mail operations significantly so that they now produce 48 percent of all funds raised, compared with 12 percent of receipts in 1980, according to a Coelho aide.

Along with its dependence on special interest groups, the Democratic Party raises money from individual contributors who are significantly richer than Republican contributors, according to John C. Green, a political scientist at Furman University in Greenville, S.C., who has conducted extensive surveys of campaign contributors.

While givers to both parties are far richer than the national average, Green said his research showed that "more than half the Democratic donors earn more than $100,000 a year and it was only around 43 percent for Republicans. The Republicans reach down lower. The Democrats tend to draw pretty much from national-level big wigs, while the Republicans, in their direct mail campaigns, reached right down into Main Street across the country."

Moreover, according to Green and James L. Guth, a colleague at Furman, their surveys reveal wide divisions among different groups of Democratic donors on basic issues. For example, contributors to trade union PACs are much more enthusiastic about national health insurance than the Democrats' big donors. Indeed, almost as many Democratic donors are hostile to labor unions as favorable to them, Green and Guth have found.

Terry Michael, DNC spokesman, contended that there is no way "to square what is our financial base with our political base."

He pointed out that political contributors—both major givers and those who respond to direct mail appeals—tend overwhelmingly to be upper middle class or affluent, and any substantial effort by the Democratic Party to raise money from "keypunchers or steelworkers" would be futile.

Perhaps the most telling sign of Democratic dependence on special-interest money is reflected in the pattern of major—$500 and more—contributions from individuals reported to the FEC.

During the past year alone, the percentage of large contributions going to the DNC from donors in the Washington area has grown to 19.7 percent of the total, compared with 11 percent from California, 9.7 percent from New York and 6.4 percent from Texas.

This represents more than a doubling of the proportion of Washington-area major contributions, signaling a much stronger presence for the "inside the Beltway" lobbying community in Democratic Party finances. In the 1983–84 election cycle, Washington-area contributors made up 9.1 percent of the major donations from individuals. In that period, California dominated with 20.4 percent, in part because the party chairman, Charles Manatt, was from California, but New York was also much more important, providing 18.1 percent, along with Texas, which supplied 8.3 percent.

In contrast, Washington-area major donations to the Republican National Committee—though greater in dollar terms than the Washington-area donations to the Democrats—amounted to 7.3 percent of the GOP total in 1985, the most recent period for which figures are available from the FEC, and to 5.1 percent in 1981–82.

C. Victor Raiser II, DNC finance chairman, said he and Paul G. Kirk Jr., DNC chairman, are making a concerted effort "to develop new sources of support outside the Beltway." Raiser contended that this drive is beginning to pay off, particularly in the South.

Meanwhile, the party is doing well raising soft money from special interests. For the first seven months of this year, a total of 28 percent of the DNC's budget, or $1.6 million out of $5.7 million, came from unreported donations of soft money. The DNC does not disclose the identity of contributors of soft money.

Soft money is illegal if it is spent on behalf of a party's nominees for federal office. How it can legally be spent is a matter of intense debate among the small group of lawyers who follow the election law. It is accepted that corporate and union money can be used for building party headquarters, buying computers and similar capital expenditures not connected to a specific campaign.

Both the DNC and RNC also raise soft money for state and local candidates and for state parties where there are no restrictions on contributions. In 1984, Mondale backers used the DNC to raise $5.3 million in soft money for get-out-the-vote and voter registration programs, much of it channeled to state party organizations. If the cash had gone directly to the Mondale campaign, it would have violated the law.

The DCCC, under the leadership of Coelho, has aggressively sought out soft money support. In this election cycle, according to DCCC officials, the committee will raise $2 million to $3 million in soft money, out of a total budget of $15 million.

In contrast to the DNC, which gives general figures but refuses to identify soft money donors, the DCCC does list soft money contributors who donate specifically for capital projects. The DCCC also gave a reporter copies of campaign expense reports filed in California, where the committee used soft money to fight Republican efforts to kill the state's redistricting plan.

The names of those DCCC donors provide a glimpse of who is giving the party this soft money. Major contributors include Merchant Sterling Corp., which was chaired by W. Averell Harriman, who died last month, $150,000; International Brotherhood of Painters and Allied Trades, $50,000; Phillips Petroleum, $15,000; Chevron Corp., $10,000; Atlantic Richfield, $20,000; the Tobacco Institute, $40,000 and the lobbying firm of Camp, Carmouch, Palmer, Barsh and Hunter, whose clients include many major oil companies, $55,000. These contributions are, in most cases, made in addition to individual and PAC contributions reported publicly under federal election law.

Figures provided by the DNC showing general sources of soft money (committee officials declined to identify specific donors) show that over the past five years, corporate money has become far more important than union money.

In 1982, the DNC received a total of $2.92 million of soft money, of which $1. . . . million, or 61 percent, came from corporations; and $218,519, or 8 percent came from rich individuals.

So far this year, union contributions to soft money accounts have dropped to just 34 percent of the total, or $542,381 out of $1.56 million; while corporate contributions have grown to 57 percent of the total, and individual contributions remain virtually the same at 9 percent.

In 1984, when the Mondale campaign and the DNC raised $5.3 million in soft money, just under half—$2.37 million, according to campaign documents obtained by the Washington Post—came from labor unions, particularly the Operating Engineers $225,000; the International Ladies Garment Workers, $150,000; the Sheet Metal Workers, $250,000; the Steelworkers $303,000; and the United Auto Workers $372,800.

Mr. **BOSCHWITZ**. Continuing on in this article, Mr. President, it is interesting to see from where the contributions come: 19.7 percent of all the large contributions come from the Washington, DC area, people who undoubtedly have a vested interest in government, 11 percent are from California, which really is not disproportionate. I think they have 11 percent of the population. Ten percent are from New York, and 6.4 percent are from Texas. Perhaps that is more representative of their populations. So it is not open to criticism.

I quote from the article once again: "A much stronger presence from the inside-the-beltway lobbying community is Democratic Party finances than Republican finances." We rely principally on main street. That is where the action is. That is where we want to be.

There was also an article that appeared in the Wall Street Journal yesterday. There, too, it points out that the income of the Republican campaign committees, including the committee of which I am chairman, the Senate Republican Senatorial Campaign Committee, is down. We lost the majority and our income is down. I suppose that is to be expected. In contrast, party income increased after the 1984 election and the great successes that we had at that time. So I suppose it is logical that they should now be down. We do not like it. But nevertheless it happens.

On the other hand, the Democrats most recently are the winners. So perhaps there is some logic to their contributions rising. The headline of the article says, "GOP Income Falls Sharply as Reagan Era Ends; Big Givers, PAC's Spur Rise in Democratic Gifts." The article says in the second paragraph, "Democratic contributions meanwhile are rising bullishly, but entirely"—I underline the word "entirely"—"because of gifts from big donors and special interest groups. Small gifts to the Democrats are slipping a bit."

And, indeed, that is a continuation of the story that has existed and that was reported in 1986. Republicans still are the party of small donations, with well over half of the donations, indeed, I believe over 60 percent of our donations coming from small donors. And that is the way it should be. We have a good base of support and that is the way we want to keep it. We want to increase the broad base of support that we have.

Our support after the 1986 election has gone down. We have received less from small contributors. I call upon them to renew their efforts because we need the money. And indeed, the people of the United States should participate in the political process. Many choose to participate by contributing their money, rather than their time. That is a privilege that we should in no way hinder, that we should in no way withdraw.

I ask unanimous consent, Mr. President, that at this juncture, the Wall Street Journal article from February 22, 1988 be entered in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 22, 1988]

GOP INCOME FALLS SHARPLY AS REAGAN ERA ENDS; BIG GIVERS, PAC'S SPUR RISE IN DEMOCRATIC GIFTS

(By Brooks Jackson)

WASHINGTON.—Campaign-finance reports show Republican Party income is dropping sharply as the Reagan era draws to a close, reflecting a rapid decline in both large and small gifts.

Democratic contributions meanwhile are rising bullishly, but entirely because of gifts from big donors and special-interest groups. Small gifts to the Democrats are slipping a bit.

The GOP's three main national committees still maintained better than a 3½-to-1 advantage over their Democratic counterparts last year, but that lead was down from the nearly 6-to-1 edge they enjoyed in 1985, the previous non-election year.

Republicans took in $68.5 million during 1987, a 29% decline from the earlier period. The decrease ushered in unaccustomed austerity; the National Republican Congressional Committee, for example, cut its staff by half in 1987, to about 60 people currently. Its rival, the Democratic Congressional Campaign Committee, expanded its staff to 65, making it the larger of the two for the first time.

Democratic committees took in $19.3 million last year, a 20% increase from 1985. But there was a 4% decline in gifts from people giving less than $200 during the year. Gifts from large donors soared 61%, and income from political-action committees rose 33% or 62%.

The increased income allowed Democrats to spend $125,000 last year to purchase a microwave link connecting their elaborate television studio here to a commercial ground station. This enabled 43 Democratic House members to feed political commentary back to hometown TV stations via satellite immediately after President Reagan's State of the Union address last month.

AGGRESSIVE OUTREACH

The Democratic congressional committee's chairman, Rep. Beryl Anthony of Arkansas, says more than 50 Democractic House members solicited funds for the committee. Speaker James Wright traveled to fund-raising events in 19 cities last year.

Even so, the committee's income rose mainly because of a 62% increase in PAC donations, which Rep. Anthony said was mostly the result of an "aggressive outreach program" by the committee's former chairman, Tony Coelho of California, in 1986. PACs pay $15,000 a year to join the "Speakers Club," which entitles lobbyists to meet socially with Mr. Wright and other senior House Democrats during the year.

The congressional campaign committee got 30% of its income from PACs last year, up from 20% two years earlier. And as Senate Democrats unsuccessfully tried to pass a bill to limit campaign spending and PAC donations, their own senatorial committee took in more than $1 million from PACs, accounting for 20% of its total. Overall, Democratic Party groups got 18% of their funds from PACs, compared with only 1% for the GOP.

Republicans got 61% from small donors in 1987, a slightly lower percentage than before. Democrats got 45% of their money from small givers, down sharply from 56%. The Democratic Senatorial Campaign Committee more than doubled its income from large donors, who accounted for 56% of its revenue. Many wealthy givers rushed to make domations just before the end of the year, so their gifts wouldn't count against annual limits for 1988. (Federal election law forbids individuals from giving more than $25,000 a year to federal candidates, party committees and PACs.)

Regaining a Senate majority helped Democrats financially. "There are people from the business community who I'm sure are giving more now that we're in control," says Robert Chlopak, executive director of the party's senatorial committee. On the Republican side, falling into minority status demoralized donors and "took the wind out of our sails," says Jann Olsten, executive director of the National Republican Senatorial Committee. Small-donor income plunged 49% in 1987, though Mr. Olsten says it is rebounding now.

NORTH'S COATTAILS

The Iran-Contra hearings also hurt, Mr. Olsten says, by creating a poor political environment for Republicans. Even so, Rep. Guy Vander Jagt, chairman of the GOP congressional committee, capitalized on the brief surge of "Olliemania" following the televised testimony of Lt. Col. Oliver North. He sent a fund-raising letter announcing the committee would make a $50,000 donation to Col. North's legal defense fund. It produced more money for the committee than any letter sent in the previous two years, the congressman says.

Mr. Vander Jagt fears his donors have grown complacent. "People are thinking, the conservative Republicans, that Reagan has done it all, he's solved the problems, he's lowered inflation and interest rates and put people back to work," he says. He cheerfully predicts that donors will reopen their checkbooks as campaigns heat up: "Things will get better in 1988."

Meanwhile, to compensate for the decline, Rep. Vander Jagt last September set up a National Advisory Board whose members each pledged to raise $50,000 a year in large gifts. And a spokesman said the GOP senatorial committee recently began a program to increase its income from PACs.

Mr. BOSCHWITZ. Mr. President, the junior Senator from Oregon, Mr. PACKWOOD, has spoken at some length about the Presidential races. I confess that I did not listen to his entire speech, and in the event I am repetitious, I apologize.

Starting 10 or 12 years ago, the Presidential races were opened up to public financing. And the rules under the Presidential races are so complex that, as my friend from Oregon has pointed out, $1 out of $4 that is spent is spent for lawyers and accountants. You normally think of tax bills to be relief bills for the lawyers, but now we must add to that campaign reform bill act because lawyers have profited the most.

But not only the lawyers have profited. We have with great regret financed some candidates who really are not worthy of the name. In 1984, Lyndon LaRouche, for example, received $½ million from the American taxpayers. One half million dollars in

tax dollars in order to run his Presidential campaign; a campaign that really brought no credit to the American agenda.

This year we have Lenora Fulani who is not exactly a household word in American politics. She is a psychologist from New York. Three weeks ago she received $200,000 from the Federal Election Commission to match funds that she had raised, I believe, at a couple of concerts, where at least as has been related by my colleague from Kentucky, Senator MCCONNELL, many of the people did not even know that they were at a political fundraiser. They were there for the concert. But the price of admission was matched by the Federal Treasury. How many of these people will become involved in the race? It is not terribly difficult to qualify for matching funds under the existing law or under S. 2. In fact, it is even easier under S. 2 than under existing law.

That really is not the way that we want to go in this process. This is not a reasonable way to finance campaigns. The American taxpayers should not be taxed to do something that is now being privately subscribed to. Presidential races have not really had any success at public financing.

David Broder, who is perhaps the most respected political correspondent in America, has written in the Washington Post:

> There is a cost to public financing. Public financing in Presidential campaigns has meant the virtual shutdown of local headquarters financed by small contributions.

In other words, when you put a limit on campaign spending, you also put a limit on grassroots involvement. The people who will consult and the people who will plan these campaigns will try to take the largest portion of campaign dollars and put it into even more expensive TV commercials. Then they will take large portions of the stipulated amount that can be spent on campaigns and make more and more beautiful and more and more complex TV commercials that will cost more and more. The ability to spend moneys or to direct moneys at grassroots campaigns, at storefronts throughout the United States, the amounts of money that are required to involve people simply will not be there.

It is not cheap to involve people in the political process. It does not come free. Some people who are regular members of the Republican Party or Democratic Party, perhaps they come time and again. But the candidate cannot rely on only them. And in many parts of the country, there is not a strong party. This fact returns me once again to the South where there is not a strong Republican Party. By limiting the amounts of money that can be spent in those regions, particularly, you will absolutely preclude a Republican from gaining statewide political office. That is something that will undermine the political system.

The distinguished President of the Senate looks up as I make that statement. I must say to my friend, the Presiding Officer, that earlier on I pointed out that in that area of the country where approximately a quarter of all the Members come from, we have no infrastructure. The Republican Party has no infrastructure. If we are limited to a sum certain, and that limitation would be stacked up against the Democrats limited to that same sum certain, we will effectively preclude and eliminate our ability to represent an entire segment of the United States.

Grassroots democracy will be severely undermined by this bill, because grassroots involvement in the political process will be severely limited.

As a matter of fact, Mr. Broder said in the article I earlier referred to about the Presidential process: "Grassroots democracy has died."

Indeed, limiting the amounts that can be spent in the political process will effectively exclude grassroots type of participation. More and more money will be spent. But it will be found to be a more efficient use of the funds in the mass media. It will not be found to be an efficient use of the funds to build a grassroots operation. A choice will have to be made. Both will not be possible under the limitations of this bill. A choice will have to be made. For a person who is challenging an incumbent, if that person has no name recognition, the choice, of necessity, will be that he or she runs his or her campaign on TV. Grassroots democracy will be undermined. Grassroots democracy will suffer a severe blow, as it has, in my judgment in the Presidential process.

If that is to be avoided, then some of the things that my friend from Oregon mentioned, some of the subterfuge that has taken place with every major political candidate since the law was put into effect, gross violations of the law, will become the order of the day. Loss of respect for the process becomes the order of the day. It is the only way.

If you go to Iowa, then you stay overnight in Moline, IL, on the other side of the line, and charge it to the Illinois campaign. It is a far larger State in population and a far larger amount of money can be spent. It also comes later. You may never get to Illinois.

Or, if you are over in the western part of Iowa, you stay overnight and rent your car in Omaha. Then during the day you do your business in the western part of Iowa.

Further, you spend your money on Omaha TV, and you charge the funds to Nebraska.

I believe the Senator from Oregon spoke about New Hampshire. Most of New Hampshire gets its television from Boston, so the moneys are spent there. You write it up against the limit you can spend in Massachusetts, when indeed you are addressing the voters of New Hampshire. In fact, there is no election at that time in Massachusetts. Yet, there is this enormous amount of money that is spent on Boston TV—all charged to the Massachusetts race, when in fact it properly should be charged to New Hampshire.

Perhaps my State of Minnesota gains a little bit as people campaigning in Iowa come up and stay across the border and charge the cost of their lodgings and the cost of their transportation and meals to the Minnesota race. Then in the daytime they slip across the line and work the precincts of Iowa. Is that the kind of law enforcement and respect for the law that we want to engender? Certainly not. But that is what has happened.

One of the candidates on the other side of the aisle spent the entire appropriated amount he was allowed to spend in Iowa on a TV campaign. But in addition, he had as many as 120 paid employees in the State of Iowa, canvassing every county, in order to win a victory. Yet, he stayed within the limitations in a legal way, perhaps, but certainly not within the intent of the law.

Such manipulation makes a mockery out of the political process. We really should call a spade a spade and say that you cannot hold down the amount of money that is spent in the political process.

If you say that a committee can only spend a certain amount, then more committees are formed. If you say that a political action committee cannot give $5,000 to a candidate but only $1,000 or $2,000, then more political action committees will be formed, so that the same amounts of money will be present.

If you specify a total contribution of a political action committee to a particular campaign, a sum certain, then those political action committees will learn to raise money and will give their money to a new political action committee that will gather moneys together from other political action committees and use it for independent expenditures that will not be charged to the candidate. That, of course, is possible. We now see these large independent expenditures on the political scene. Our best efforts to reform the system often are frustrated in one way or another.

Again, Mr. President, the whole business of political action committees, the whole business of PAC's, has been developed for the purpose of reforming the system. PAC's, or political action committees, developed out of the period of 1972–74, as I indicated earlier, and they were a reform. Now

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we find ourselves reforming the reform that reformers cast upon us some years ago.

I say again, in defense of political action committees, that more people give to political action committees than give to all the Senate races combined. I am told that people who give to Senate races, however, have more interest and have more knowledge and are better informed than people who give to political action committees. I cannot contest that. I do not know if that is the fact or not, and I suppose the person making the statement does not know if it is a fact or not, either; but it is hard to contest something like that. But are we supposed to gauge involvement in the process in degrees now, or is the very fact of involvement enough?

My experience in life has been that interest normally follows a person's money; that if the person makes a contribution to the campaign, no matter how small, that person will follow his or her money with a vote, and that person will also become more interested in the political process.

Indeed, PAC's have interested millions of people in the political process who were not involved in it before. That, in my judgment, is quite an accomplishment. That was the purpose of the reform when it was instituted and when it was voted for in this body some years before I arrived here.

But that is good politics, Mr. President, involvement of more people. It strengthens our democratic institution. It strengthens our Republic. It strengthens the very fiber of our Nation.

Mr. President, one of the things that I spoke about on the floor when I last spoke about this subject some months ago was the law of unintended effects. That you simply are unable to hold down the influence of funding in the political process. By trying to hold it down on the one side, it pops up on the other side. That has been the history of trying to control political funding.

We see that happening now in the Presidential races, as I have indicated before. Money is expended in one State and charged to another State.

Senator Packwood pointed out that $50,000 worth of automobile expense were charged to other States and the cars never saw the roads of those States. They were charged on credit cards in other States. All kinds of evasive means are found to bring money into the political system. As I have indicated, this is a probable, unintended effect of reform legislation. If you have PAC's who have raised $132 million in this past cycle, and you now must recognize that PAC's are capable of doing that, and then you limit the participation of political action committees in the political process so they can only spend $80 million of that $132 million, the other $52 million, Mr. President, will not go away. It will somehow be funneled into the political process and it will not be reported as it is today. It will not be done in a manner that the public can observe. It will be done in an unreported way. It will be done as a soft money expenditure which this bill that we oppose in no way controls.

Earlier I gave the example, Mr. President, of PAC's giving to other PAC's, of new political action committees being formed with contributions of existing political action committees. Let us say an existing political action committee raises $400,000 or $500,000. It cannot give it all away or chooses not to give it all away and says, well, we will give some money to another PAC, a newly formulated PAC. Further, that PAC collects together moneys from other PAC's and now has enough to make an independent expenditure, none of which has to be reported and none of which will come to the public eye.

Those are the kinds of unintended effects about which I speak.

I would be in favor, Mr. President, of a campaign reform law that expanded the reporting of political contributions, that brought out into the sunlight political contributions from whatever source, which brought out into the sunlight not only the hard political dollars given directly to a candidate or to a campaign, but also the soft money that enters into the political stream. The soft money has just as much influence and gains just as much access and does the same damage that is claimed, perhaps even more than is claimed for the reported money.

I think that a bill that brings sunshine into the process, that opens up the process, that reports every dollar that comes into the process, will be a more constructive measure of reform, rather than trying to limit the exact spending, which would effectively preclude my party from many States of the Union and would put an intolerable burden on a challenger.

That is not the object and the purpose of reform.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. INOUYE. What is the question before us?

The PRESIDING OFFICER. The pending question is on amendment No. 1405, as modified.

The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I have a paper entitled "Academicians on Expenditure Limitations." I am going to read for some length from it, but I ask unanimous consent that the entire paper be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

ACADEMICIANS ON EXPENDITURE LIMITATIONS

August 4, 1987.

There are three basic reasons why expenditure limits are bad policy as recognized by the leading academicians in this area:

I. EQUAL EXPENDITURE LIMITS ARE NOT EQUAL

A. Labor Unions

Herbert E. Alexander, in his generally recognized authoritative book, "Financing the 1984 Election," estimates the worth of union activity on behalf of the Mondale campaign during the pre-nomination period ranged between 10-20 million dollars. In the general election campaign, he estimates approximately 20 million more dollars were spent by labor unions on behalf of the Mondale-Ferraro ticket. In 1976 at least 11 million was spent by unions for the Carter-Mondale ticket.

The "success" of an equal expenditure limit and public financing in the Presidential campaign is often cited as the reason it should be extended to Congressional elections. Clearly unequal resources were available during both the general election and primary periods because of the vast union expenditures. These are in no manner restricted by the Boren proposal nor is any significant disclosure required.

"COPE and other labor groups have vigorously pushed for public financing. . . ." (COPE's director John Perkins is frank to say why: "We'd just like to stick to registration and voter contact; that's what we're best at, and if we could put all our resources there, we could make a far greater contribution to our candidates."—Dr. Larry J. Sabato, University of Virginia, PAC Power, p. 178.

B. Incumbency

It is universally recognized by political scientists who specialize in this area that equal campaign expenditure limits between incumbents and challengers are unequal.

"A ceiling on expenditures, by contrast, almost certainly benefits incumbents since challengers must usually spend a great deal more than average to upend an incumbent. Moreover, a ceiling restricts the flow of communications between candidates and voters, . . ."—Dr. Larry J. Sabato, University of Virginia, PAC Power, p. 179.

"Enough for both sides to mount a respectable campaign does not require equality of resources or equality of expenditures. Non-incumbents in fact require more. So do those running against famous names. Candidates are frequently unequal in so many ways. Requiring equality of finance merely emphasizes these other inequalities and prevents less well-known candidates from access to one of the few resources available that they can use to catch up.

"Suppose one candidate spends a great deal more money? Chances are it will be mostly wasted: the law of diminishing returns applies here. In addition, attempts to buy an election can become a political issue in and of itself."—Dr. Nelson W. Polsby, Professor of Political Science, Univ. of California, Berkeley, Kennedy School of Government, Harvard Univ., Commonsense, Dec. 1983, p. 37.

"In technical terms, the marginal return on campaign expenditures (in the form of votes) is much greater for challengers than for incumbents. This means that if spending by both the challenger and the incumbent increases by the same amount, the challenger's share of the vote will increase; if spending by both candidates decreases by the same amount, the incumbent's share of the vote will increase. The crucial variable in either case is the amount spent by the challenger.

"What are the implications of these findings for campaign finance policy? One obvious conclusion is that, in general, any policy that increases the amount of money available to candidates will help challengers. And it is also plain that contribution or spending limits, or any other measures that restrict the amount of money spent in campaigns, will, if they have any effect at all, help those already in office."—Dr. Gary C. Jacobson, Professor of Political Science, Univ. of Calif. San Diego, LaJolla, CA—Hearings, Task Force on Elections, U.S. House of Representatives, Sacramento, CA, August 22, 1983.

". . . Spending limits work the other way. In the aggregate, with some exceptions that grow out of the peculiarities of individual races, spending limits would favor incumbents and would be felt most heavily in the most competitive districts."—Dr. Michael J. Malbin, American Enterprise Institute, Money and Politics in the United States, p. 240.

"A major advantage of incumbency is control of official resources for reaching and serving constituents. The estimated value of official resources available to Members of the House is approximately $1 million over a two year period. . . . Professor Gary Jacobson, a leading expert on congressional elections, estimated in 1978 that the average House challenger would have to spend "in the order of $320,000 to become as familiar [to constituents] as the average incumbent" (The Politics of Congressional Elections, 1983, pp. 54-55).

"Expenditure limits work to the disadvantage of nonincumbents and discourage electoral competition.—Keeping in mind that it is challengers, not incumbents, who benefit most from campaign spending, such proposals have a definite anti-challenger and anti-electoral competition bias.

"Candidates are often unequal in many ways (e.g., name identification, partisanship of the constituency). Public financing/expenditure limit regulations, by requiring equality of finance, would merely emphasize these other inequalities and prevent less well known candidates from gaining access to the key resource that might enable them to catch up.

"Fostering Citizen Participation.—Political science research has shown that voter turnout is encouraged by competitive elections. Therefore, if voter turnout in congressional elections is to be encouraged, it is essential that no unduly severe limits be imposed upon candidate spending—particularly nonincumbent spending. Such limits disadvantage nonincumbents and thereby hold down competition. Voter turnout in the United States is already below that of other Western democracies and nothing should be done in the name of electoral reform to worsen that situation."—Dr. John F. Bibby, University of Wisconsin-Milwaukee, Statement before Subcommittee on Elections, House Administration Committee, June 16, 1987, excerpts from pp 2, 3, 5, and 7.

II. HOW MUCH IS TOO MUCH MONEY?

It is a common misperception that elections in the United States are more expensive than in most other countries. Dr. Howard Penniman has conducted some studies in this area reaching exactly the opposite conclusion

"Calculating campaign costs on the basis of expenditures for eligible voters makes it possible to compare costs for units that are identical in all democracies. Comparing the absolute costs of campaigns in different countries only points up the obvious fact that it is more expensive to send messages to many people than to a few.

"The cost per eligible voter in the United States is considerably less than in Venezuela, the Federal Republic of Germany, Israel, and Ireland for comparable elections. The cost in Canada is higher than in America, if the value of free television and radio are included. Because of the absence of data, it is not easy to know how United Kingdom costs compare to ours.

"In preparing this essay it was striking to find that in most of the twenty countries with 1.5 million voters and twenty-five years of continuous democratic practice, there is neither adequate financing data nor recognized experts with the knowledge and experience to make informed and generally accepted judgments of costs. Nearly half of the countries require *no* reports from parties or candidates. Half of the remainder have laws requiring limited information, or enforce their laws so casually that the reports are incomplete, implausible, or both.

"Under these circumstances, any inclusive assertions that electoral campaigns are conducted at a much lower cost in all other democracies are made without sufficient data or by using criteria that are clearly inadequate. If the six countries whose expenditures were examined here are indicative, it is probable that the per eligible voter costs are less in the United States than in most other democracies."—Dr. Howard Penniman, American Enterprise Institute, resident scholar. Article in The Mass Media in Campaign '84, p. 55.

"Compared with some other categories of spending, however, spending for political campaigns is low. The amount spent in 1983-1984 is substantially less than the $2.4 billion that the nation's three leading commercial advertisers—Procter and Gamble, General Motors, and Sears—spent in 1984 to proclaim the quality of their products. It represents a mere fraction of 1 percent of the $1.4 trillion spent in 1984 by federal, state, and local governments. And, as one journalist noted, it is 'just a fraction of what we spend on cosmetics, pet food and illegal drugs.'"—Herbert E. Alexander and Brian A. Haggerty, Financing the 1984 Election, p. 81.

III. UNENFORCEABILITY

". . . As long ago as 1926, political scientist James Pollock wrote that imposing limits on the size of campaign contributions was futile 'because the regulation, being unreasonable, will be circumvented, just as similar requirements have almost always been circumvented.'

"In a political system such as that of the United States, animated by a variety of competing interests each guaranteed freedom of expression, a tightly drawn system of campaign contribution and spending limits will inevitably encounter great difficulties."—Herbert E. Alexander, Financing the 1984 Election, p. 411.

"Among these problems, we feel the most troublesome are related to the attempt to restrict the spending of money spent by those seeking to influence the outcomes of presidential campaigns. . . . The limitations upon expenditures have become increasingly restrictive and have spawned a whole series of serious problems of definition, allocation and enforcement. On the other hand, the effort to control total spending in presidential races has not succeeded."—Executive Summary, p. 1, Financing Presidential Campaigns, Inst. of Politics, John F. Kennedy School of Government, Harvard Univ., Jan. 1982.

"The FECA has not succeeded in limiting the growth of money spent in presidential contests. While the Act has, in fact, limited spending by those actually contesting the election, it has not been able to hold growth in the total amount of money finding its way into presidential elections.

"The Act restricts both campaign organizations and political parties, in a way that unduly dictates their political strategies. What should remain political decisions have, in effect, become accounting decisions.

". . . The Act has not succeeded in arresting the upward spiral in campaign spending.

". . . Increases have come about, therefore, through conduits which are not under the control of the candidates, although in some instances this spending may be 'coordinated' with the campaign organization. . . . Spending by labor unions and corporations for 'internal communications' is also outside the candidate's direct control. Moreover, we cannot be sure if these expenditures are increasing, since by and large they do not have to be reported to the FEC."—Financing Presidential Campaigns: Recommendations of Camp. Finance Study Group, ed, By Christopher Arterton, Chm, Chapter 1, excerpts fr. pp 4, 6, 15, & 16.

Mr. PACKWOOD. Mr. President, I would also ask that this speech not be counted as a speech within the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, this paper is entitled "Academicians on Expenditure Limitations."

There are three basic reasons why expenditure limits are bad policy as recognized by the leading academicians in this area:

I. EQUAL EXPENDITURE LIMITS ARE NOT EQUAL

A. Labor unions

Herbert E. Alexander, in his generally recognized authoritative book, "Financing the 1984 Election," estimates the worth of union activity on behalf of the Mondale campaign during the pre-nomination period ranged between 10-20 million dollars. In the general election campaign, he estimates approximately 20 million more dollars were spent by labor unions on behalf of the Mondale-Ferraro ticket. In 1976 at least 11 million was spent by unions for the Carter-Mondale ticket.

The "success" of an equal expenditure limit and public financing in the Presidential campaign is often cited as the reason it should be extended to Congressional elections. Clearly unequal resources were available during both the general election and primary periods because of the vast union expenditures. These are in no manner restricted by the Boren proposal nor is any significant disclosure required.

And I would quote now from Dr. Larry J. Sabato, University of Virginia, in his book PAC Power, page 178.

> "COPE and other labor groups have vigorously pushed for public financing * * * *" (COPE's director John Perkins is frank to say why: "We'd just like to stick to registration and voter contact; that's what we're best at, and if we could put all our resources there, we could make a far greater contribution to our candidates.")

The second reason why expenditure limits are bad and unfair is incumbency, and here again I am quoting from a variety of academics:

> *B. Incumbency*
>
> It is universally recognized by political scientists who specialize in this area that equal campaign expenditure limits between incumbents and challengers are unequal.
>
> "A ceiling on expenditures, by contrast, almost certainly benefits incumbents since challengers must usually spend a great deal more than average to upend an incumbent. Moreover, a ceiling restricts the flow of communications between candidates and voters. * * *"

There I am quoting again from Dr. Larry J. Sabato, University of Virginia, PAC Power, 1979.

Next Dr. Nelson W. Polsby, professor of political science, University of California, Berkeley, and Kennedy School of Government at Harvard University, in a book Commonsense, December 1983:

> "Enough for both sides to mount a respectable campaign does not require equality of resources or equality of expenditures. Non-incumbents in fact require more. So do those running against famous names. Candidates are frequently unequal in so many ways. Requiring equality of finance merely emphasizes these other inequalities and prevents less well-known candidates from access to one of the few resources available that they can use to catch up.
>
> "Suppose one candidate spends a great deal more money? Chances are it will be mostly wasted: the law of diminishing returns applies here. In addition, attempts to buy an election can become a political issue in and of itself."

Next from Dr. Gary C. Jacobson, professor of political science at the University of California, in San Diego, on the hearings on the task force on elections before the U.S. House of Representatives.

> "In technical terms, the marginal return on campaign expenditures (in the form of votes) is much greater for challengers than for incumbents. This means that if spending by both the challenger and the incumbent increases by the same amount, the challenger's share of the vote will increase; if spending by both candidates decreases by the same amount, the incumbent's share of the vote will increase. The crucial variable in either case is the amount spent by the challenger.
>
> "What are the implications of these findings for campaign finance policy? One obvious conclusion is that, in general, any policy that increases the amount of money available to candidates will help challengers. And it is also plain that contribution or spending limits, or any other measures that restrict the amount of money spent in campaigns, will, if they have any effect at all, help those already in office."

Mr. President, I plan to go on a bit further, but I want to digress from the quote.

Mr. ARMSTRONG. Mr. President, if the Senator will yield, I do not wish to interrupt his statement, but it sounded to me as if he had reached a point in his discussion of this matter that a question would be appropriate.

Mr. PACKWOOD. I am happy to yield for a question.

Mr. ARMSTRONG. My question is that, as I understand it, we have before us a motion to recommit the bill and then a lengthy tree of amendments.

Mr. PACKWOOD. That is correct.

Mr. ARMSTRONG. The scuttlebutt around the cloakroom is that this is going to be an evening of thought and reflection and discussion, possibly punctuated by a series of essentially meaningless procedural votes. The probability is that at some point we will have a vote to instruct the Sergeant at Arms to recall absent Senators and there might be, at least according to rumor, some of the sponsors of amendments may move to table their own amendments in order to obtain rollcall votes on them and, thereby, sort of stir the pot. But I am wondering if the Senator could enlighten us. Is it the Senator's belief that I have accurately summarized the situation, that from now until tomorrow or at least until tomorrow that what would occur would be speeches and votes of essentially a nonsubstantive character?

Mr. PACKWOOD. I think so, unless you were to count—and I see the majority leader coming on the floor. The majority leader, obviously, can get recognition and get priority if he wants it. I suppose if he were to move to table the amendments, and I assume vote against them, that might be thought of as a substantive vote. There is nothing we could do to prevent a vote like that. But, short of that, I think the likelihood of a substantive vote tonight is de minimis.

Mr. ARMSTRONG. The reason I ask the Senator that, may I explain, is simply to sort of plan my own schedule for the balance of the evening and through the dark hours of the night and into tomorrow morning, and also to be helpful to other Senators who may be going through the same thought processes. My own conviction is that a vote to instruct the Sergeant at Arms is actually not a meaningful vote. It is an official vote and, for those who are concerned about maintaining a high-percentage attendance, it would be counted against them if they failed to respond to that matter.

My own feeling is that at this stage a vote to table the pending amendment would fall into the same category. But then each Senator could decide that for himself. But if the Senator has a view of the status of things, then, in your opinion, would it be correct to say that what we are looking forward to is a night of speeches and votes on procedural matters?

Mr. PACKWOOD. I think that is my opinion. But I do see the majority leader here and I would be happy, for the moment, to yield if he could respond to the question the Senator from Colorado is posing.

Mr. BYRD. The Senator did not ask me the question.

Mr. PACKWOOD. That may be your answer.

I would be happy to go to a cloture vote tonight; now, half an hour from now, an hour from now.

Mr. ARMSTRONG. May I ask the Senator, would it require unanimous consent to do that?

Mr. PACKWOOD. It would require unanimous consent.

Mr. ARMSTRONG. I, for one, would have no objection to that. And, in fact, if the Senator from Oregon would propound such a unanimous consent request, I would lodge no objection to it.

Mr. PACKWOOD. I think I would talk to the majority leader before I would propound that. But I might say I think most of the people on this side would be happy to have a cloture vote.

Mr. ARMSTRONG. Mr. President, I do not want to try the patience of the Senator from Oregon.

Mr. BYRD. Will the Senator yield?

Mr. PACKWOOD. Yes.

Mr. BYRD. For a question?

Mr. PACKWOOD. Yes.

Mr. BYRD. He can only yield for a question.

Is there a cloture motion pending?

Mr. PACKWOOD. To the best of my knowledge, there is not a cloture motion pending. Is there?

Mr. BYRD. The Senator has answered the question.

Mr. ARMSTRONG. I note the Senator from Oregon has what appears to be a very extensive statement and I do not want to delay him in his presentation of his thoughts on the bill, but just to confide to him my own plans. They run along this line: At 9 o'clock, from 9 until 11, the third——

Mr. BYRD. Mr. President, I ask for the regular order. The Senator can yield only for a question.

The PRESIDING OFFICER. The majority leader is correct. Regular order is called for.

Mr. ARMSTRONG. Mr. President, I am in the process of stating still another question. I have propounded two or three questions to the Senator from Oregon. I believe I am proceeding within the regular order.

The PRESIDING OFFICER. The Senator may state his question.

Mr. ARMSTRONG. Mr. President, my question is this: The plan I have in mind for my schedule this evening is from 9 to 11 there is a television broadcast of the third installment of a

miniseries which I found very interesting called "Noble House." I kind of would like to be home to watch that, although I could watch it here. My question is this: Does the Senator need me to speak sometime during the night and, if so, at what hour? I would be glad to come back. I have a couple of hours worth of material that probably would be deserving of the attention of the body and I would be glad to do that tonight or tomorrow morning. But being one Senator who would not regard a vote on a motion to instruct the Sergeant at Arms as something I would particularly like to lose a night's sleep over, I will either stay or go depending on the advice of the Senator from Oregon. Or would he prefer to consult me later on that?

Mr. PACKWOOD. No, I think, on balance, in terms of the very good material that I know the Senator from Colorado will have, I think we will probably use it more usefully at a later time than this evening.

Mr. ARMSTRONG. I thank the Senator. On that cheery note, I expect I will disappear shortly and see you tomorrow.

Mr. PACKWOOD. I think we will need it at some time, I might add.

Mr. ARMSTRONG. If the Senator will yield further, let me just say, I would not miss the opportunity to comment further on this bill.

Mr. PACKWOOD. Now, Mr. President, I was reading from the memorandum "Academicians on Expenditure Limitations." I finished two pages of it; the last paragraph I will read again. This is a quote from Dr. Gary Jacobson, professor of political science at the University of California in San Diego, in which he is commenting on the effect of campaign limitations and equal expenditure limitations for the incumbent and the challenger. This is what he says:

> What are the implications of these findings for campaign finance policy? One obvious conclusion is that, in general, any policy that increases the amount of money available to candidates will help challengers. And it is also plain that contribution or spending limits, or any other measures that restrict the amount of money spent in campaigns, will, if they have any effect at all, help those already in office.

Now, deviating from the article, it is understandable why that is true. Earlier today, I talked about some of the advantage that incumbents have, but I would like to cover that ground again. One is just sheer name familiarity. Once you are a U.S. Senator or a Governor, you develop a great deal of familiarity. You are on the news, in the newspaper, you are at home speaking. And, finally, after you have been in the Senate 5 years and you are ready to run for reelection after your first term, if you were to pose the question, the pollster who asked this question: Do you know who BOB PACKWOOD is, do you know who MARK HATFIELD is, the two Senators in the State of Oregon? When posed that way, perhaps 90 percent of the people would say "Yes, I have heard of MARK HATFIELD or I have heard of BOB PACKWOOD."

Or, you can pose it: "Do you know who DANIEL INOUYE is?" And they would say, "Yes, we know who DANIEL INOUYE is."

I earlier postulated that my hunch would be that if you were to ask that question in West Virginia about the majority leader, Senator BYRD, I would imagine the answer would be close to 99 percent or almost close to 100 percent of the people in West Virginia that would have heard of Senator BYRD.

So if you are an incumbent, you have very, very high name familiarity and the longer you are in office the higher up it goes. Whereas, on the other hand, if you are a challenger, and unless perhaps you happen to be a Governor—a Governor can perhaps match a U.S. Senator in terms of name familiarity. But, short of that, the attorney general in the State could not, the secretary of state, the State treasurer, by the time you drop down to the members of the State legislature or the mayor or county commissioner, that candidate starting to run would be lucky to start out statewide 10 percent in name familiarity.

So, absent anything else, what is the situation if you have an incumbent—and I am assuming that the incumbent has not shot himself in the foot, has not done some terrible transgression that has simply turned the public against that incumbent. That happens every now and then in politics. We have all seen recent examples of it. There is no point in dwelling on them here. But most incumbents do not do that.

There is an old adage:

> Get along, go along. Don't offend anybody. Keep your head down. Don't undertake controversial stands. Don't irritate your seniors. Keep your mouth shut and, by the seniority system, you will advance.

So long as most incumbents follow that and their name familiarity goes up, they are reasonably safe. Now they are running against a challenger who has served two or three or four terms in the State legislature; a couple of terms as mayor of a medium sized city. That poor devil starts off with 10 percent name familiarity.

All other things being equal, the incumbent beats the challenger hands down. Doubly so, if you say that the challenger can spend no more money than the incumbent. The incumbent already has a tremendous advantage. Now, in addition to that, you give the incumbent the advantage of spending as much money as the challenger; the challenger starts from below and can never catch up under normal circumstances.

The second advantage of an incumbent: public financing of our campaigns when we are not campaigning.

One, the frank. We are allocated, by our own vote, a rather large sum of money to mail out at public expense, taxpayer expense, newsletters to our constituents; almost all of the Members of the Senate do it. It would be an unusual newsletter that you would mail out to constituents, telling them you did not like them or did not like their position.

What you are more likely to do is to get mailing lists, mailing lists of the elderly, mailing lists of gun owners, mailing lists of environmentalists, mailing lists of fishermen or fisherwomen, mailing lists of people in the timber industry.

Then you mail to them over the 5½ years you are here before you are running for reelection newsletters on issues of concern to them, usually phrasing your position in accordance with theirs so that they will be happy with you. It is very seldom that you would send a letter to gun owners saying I have decided to come out for gun registration. Very seldom would you mail a letter to environmentalists saying: I have decided to come out for unlimited oil exploration in the Arctic Wildlife Refuge. It is just the other way around. If by chance you do not agree with them, you do not mail to that group on that issue. So we have the advantage of the frank.

Third is the access that we get. I am not here being critical of the media in any sense but the access we have to media in our home State a challenger simply does not have. An incumbent is news or usually is news. So when an incumbent goes home for one of our work periods—and we are now operating thanks to the majority leader and I am appreciative of it, we are here 3 weeks and go home 1 week, here 3 weeks and go home 1 week.

You go home and it is not difficult to get a meeting with the editorial boards of your newspapers, not difficult to appear live or taped on the evening news show, not difficult to appear on radio shows. They are happy to have the incumbent.

If, by chance, the challenger, a year, year and a half out, decides to challenge the incumbent, frankly the challenger just has more difficulty getting on the evening news, getting on radio shows, getting a meeting with the editorial board. He might get a meeting with one of the people on the editorial board but not likely the whole editorial board. It is just the way the system works.

Do not forget, I do not mean to be critical. You have been a Senator for one term, two terms, three terms; you have probably arrived at a position of some consequence and you are somebody that can make some difference in the Senate, you are newsworthy, and the news media covers news.

Or you want to investigate Federal activities in your State. You are in Hawaii. You might want to look at some of the Coast Guard bases. If you are in Iowa, you might look at some of the agricultural experiment stations. If you are in Oregon, you might want to examine some of the different U.S. national forests in one form or another. You will usually discover that the Government agency involved will be happy to provide you with transportation to and from the thing you want to look at. Understandably the agency is happy to have you look at it. They want you to see their work. Indeed, it is wise for us to see their work.

It is one thing to stay here and listen to witnesses. It is another to go out, go home and actually go out on the ground, see the ground and feel the ground and see what is going on. So they are happy to provide a car, happy to provide a helicopter, transport you out and back to their place and you manage to work out your schedule so that you get back, just coincidentally, at the airport, as the television cameras from the local stations at that city happen to be at the airport. Purely coincidental, of course, that they would be there when you are getting off of the helicopter but there they are taking your picture and you are commenting upon the excellent work that the agriculture experiment station is doing or the Coast Guard is doing.

Everyone, frankly, is happy. The news media is happy. Government agencies are happy. Certainly the incumbent is happy.

But now let us assume that you are the challenger. He or she is not likely to get a helicopter provided. He or she, maybe, if they want to go see the agricultural experiment station, Coast Guard station that is 300 miles away, they can go and take their own helicopter, rent a helicopter. Interestingly renting a helicopter in a campaign requries a fair amount of campaign money, money that the incumbent doesn't have to spend. The Government will provide the helicopter.

The challenger will have to rent it at his or her own expense to do exactly the same thing that the incumbent does for nothing. Then the challenger will be lucky if given exactly the same circumstances the television cameras from the local broadcast media happen to be there when the candidate paid for helicopters arrive at the airport. It is just coincidental. They happen to be there when the incumbent is there, but not the challenger.

(Mr. SANFORD assumed the Chair.)

Mr. PACKWOOD. So, in every possible situation, the incumbent has tremendous advantages. That is why most incumbents win.

Let us take a look at the last elections and they are most interesting, the 1986 Senate election. Every single incumbent who spent within the spending limits set by S. 2 won; 10 out of 10 incumbents who spent within the limits of S. 2 won. Conversely, 90 percent of the challengers who spent within the limits set by S. 2 lost. Eighteen out of 20 challengers who spent within the limits lost.

Seventy-two percent of the challengers who spent above the limit, five out of seven challengers won. Therefore, a challenger who spent above the limit had a 63-percent chance of winning, five out of eight challengers altogether. A challenger who spent within the limit had a 10-percent chance of winning, 2 out of 20.

So, is it any wonder that incumbents like a system that precludes a challenger from spending any more on the campaign than the incumbent? It makes absolutely rational sense to the person who is the incumbent.

What did Dr. Michael Malbin, of the American Enterprise Institute, say in his book "Money and Politics in the United States"?

> Spending limits work the other way. In the aggregate, with some exceptions that grow out of the peculiarities of individual races, spending limits would favor incumbents and would be felt most heavily in the most competitive districts.

What does Dr. John Bibby, of the University of Wisconsin—Milwaukee, say in a statement before the House Subcommittee on Elections on June 16, 1987?

> A major advantage of incumbency is control of official resources for reaching and serving constituents. The estimated value of official resources available to Members of the House is approximately $1 million over a two year period. . . . Professor Gary Jacobson, a leading expert on congressional elections, estimated in 1978 that the average House challenger would have to spend "in the order of $320,000 to become as familiar [to constituents] as the average incumbent.
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> Expenditure limits work to the disadvantage of nonincumbents and discourage electoral competition. . . . Keeping in mind that it is challengers, not incumbents, who benefit most from campaign spending, such proposals have a definite anti-challenger and anti-electoral competiton bias.
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> Candidates are often unequal in many ways (e.g., name identification, partisanship of the constituency). Public financing/expenditure limit regulations, by requiring equality of finance, would merely emphasize these other inequalities and prevent less well known candidates from gaining access to the key resource that might enable them to catchup.
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> Fostering Citizen Participation Political science research has shown that voter turnout is encouraged by competitive elections. Therefore, if voter turnout in congressional elections is to be encouraged, it is essential that no unduly severe limits be imposed upon candidate spending—particularly nonincumbent spending. Such limits disadvantage nonincumbents and thereby hold down competition. Voter turnout in the United States is already below that of other western democracies and nothing should be done in the name of electoral reform to worsen that situation.

The next point in this treatise, How Much Is Too Much Money?

> It is a common misperception that elections in the United States are more expensive than in most other countries. Dr. Howard Penniman has conducted some studies in this area reaching exactly the opposite conclusion.

Now quoting from Dr. Penniman's study, Mass Media Campaigns, published in 1984:

> Calculating campaign costs on the basis of expenditures for eligible voters makes it possible to compare costs for units that are identical in all democracies. Comparing the absolute costs of campaigns in different countries only points up the obvious fact that it is more expensive to send messages to many people than to a few.
>
> The cost per eligible voter in the United States is considerably less than in Venezuela, the Federal Republic of Germany, Israel, and Ireland for comparable elections. The cost in Canada is higher than in America, if the value of free television and radio are included. Because of the absence of data, it is not easy to know how United Kingdom costs compare to ours.
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> In preparing this essay it was striking to find that in most of the twenty countries with 1.5 million voters and twenty-five years of continuous democratic practice, there is neither adequate financing data nor recognized experts with the knowledge and experience to make informed and generally accepted judgments of costs. Nearly half of the countries require no reports from parties or candidates. Half of the remainder have laws requiring limited information, or enforce their laws so casually that the reports are incomplete, implausible, or both.
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> Under these circumstances, any inclusive assertions that electoral campaigns are conducted at a much lower cost in all other democracies are made without sufficient data or by using criteria that are clearly inadequate. If the six countries whose expenditures were examined here are indicative, it is probable that the per eligible voter costs are less in the United States than in most other democracies.

And now quoting from Herber E. Alexander and Brian E. Haggerty, Financing the United States Elections, page 81:

> Compared with some other categories of spending, however, spending for political campaigns is low. The amount spent in 1983-1984 is substantially less than the $2.4 billion that the nation's three leading commercial advertisers—Procter and Gamble, General Motors, and Sears—spent in 1984 to proclaim the quality of their products. It represents a mere fraction of 1 percent of the $1.4 trillion spent in 1984 by federal, state, and local governments. And, as one journalist noted, it is "just a fraction of what we spend on cosmetics, pet food and illegal drugs."

The next point, Mr. President, is unenforceability, by Herbert E. Alexander in Financing the 1984 Election, page 411:

> . . . As long ago as 1926, political scientist James Pollock wrote that imposing limits on the size of campaign contributions was futile "because the regulation, being unreasonable, will be circumvented, just as similar requirements have almost always been circumvented."

> In a political system such as that of the United States, animated by a variety of competing interests each guaranteed freedom of expression, a tightly drawn system of campaign contribution and spending limits will inevitably encounter great difficulties.

Quoting from the executive summary, page 1, Financing Presidential Campaigns, from the Institute of Politics, John F. Kennedy School of Government, Harvard University:

> Among these problems, we feel the most troublesome are related to the attempt to restrict the spending of money spent by those seeking to influence the outcomes of presidential campaigns. . . . The limitations upon expenditures have become increasingly restrictive and have spawned a whole series of serious problems of definition, allocation and enforcement. On the other hand, the effort to control total spending in presidential races has not succeeded.

Quoting from Financing Presidential Campaigns: Recommendations of Campaign Finance Study Group, edited by Christopher Arterton, chairman.

> The FECA has not succeeded in limiting the growth of money spent in presidential contests. While the Act has, in fact, limited spending by those actually contesting the election, it has not been able to halt growth in the total amount of money finding its way into presidential elections.
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> The Act restricts both campaign organizations and political parties, in a way that unduly dictates their political strategies. What should remain political decisions have, in effect, become accounting decisions.
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> . . . the Act has not succeeded in arresting the upward spiral in campaign spending.
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> . . . increases have come about, therefore, through conduits which are not under the control of the candidates, although in some instances this spending may be "coordinated" with the campaign organization. . . . Spending by labor unions and corporations for "internal communications" is also outside the candidate's direct control. Moreover, we cannot be sure if these expenditures are increasing, since by and large they do not have to be reported to the FEC.

On this unenforceability aspect, what the various academicians are talking about is the fact that if we say we can only spend x amount of dollars in a Presidential campaign, $20 million or $30 million, and somebody wants to spend money on a Presidential campaign, prior to the limits they would give it to the campaign committee. Once we put limits on the Presidential campaign committees, the person instead of giving it to the Presidential campaign committee gives it to an independent committee and the independent committee goes out and spends it.

Now, if it is an independent political committee, at least that committee has to report the spending that it is doing, and most independent committees, in fairness to them, do, if they are independent political committees. The extraordinary abuse that is growing and growing is de facto political spending by what we call section 501 (c)(3) or (c)(4) or (c)(5) organizations. These are charitable, educational, eleemosynary institutions. They are tax exempt. If you make a contribution to them, you can take it as a tax deduction. They do not have to pay any taxes on any money they earn or money they get. These organizations, and labor unions are one, spend money in de facto politics, by de facto I mean actually on politics, in calling up the members.

Let us say the union has endorsed Walter Mondale. This is the 1984 election. They then called up their members and see which of their members are supporting Walter Mondale. Let us say 70 percent of the union are supporting Mondale, and 30 percent are supporting President Reagan.

The union is then perfectly free to use its money to recontract the 70 percent who are supporting Walter Mondale and get them out to vote on election day and never call the 30 percent. And they can do all of that and it is not counted as political spending. It does not even have to be reported.

That is why we have these academic estimates of the extraordinary quantity of money that was spent by organized labor in the past few elections that is never reported.

I must say, on some occasions, to be bipartisan, the Teamsters Union spent an extraordinary amount of money. They had endorsed President Reagan in 1984. But try to get the exact amount of the money that these 501(c) (3)'s, (4)'s, and (5)'s spent and it is difficult because in most cases they do not report it.

I talked about unions. Those are traditional organizations, and corporations are traditional organizations. Corporations would not have to report it if they contacted their employees and found out who they were for and got them out. What we are seeing is a growth of new eleemosynary, charitable organizations, new ones that are formed that get a tax-exempt 501(c)(3), 501(c)(4), or 501(c)(5) status, who are formed for no other purpose, Mr. President, than for getting out the vote for a particular party or candidate.

And these are growing, frankly, because of limits that we have put on spending in the Presidential race. If you cannot give your money to your favorite Presidential candidate in the general election, give it to your favorite 501 (c)(3), (c)(4), or (c)(5) organization that will get out the vote for your favorite candidate.

So the limits have not worked. The limits have simply pushed the money outside the process into organizations that are not responsible to voters, into organizations that in most cases do not have to report to the Federal Election Commission, are totally unresponsible to any rational political accountability. At least when a candidate runs, the candidate has to file with the Federal Election Commission and know from whom he or she receives his or her money. If they received 80 percent out of State running for the U.S. Senate, fine, tap that candidate for taking 80 percent out of State money. If they received 50 percent, tap them for receiving 50 percent from the political action committees. It is reported. You know it. And then in addition to that, when you are running for the Senate, whether you are running in Idaho or Oregon or New York, you have got to appear before a wide spectrum of voters who are liberal and conservative, who support gun registration and do not support gun registration, who want more wilderness and who do not, and they are going to pin you down with questions and you are accountable to all of them. And they may elect you or they may not. And part of the reason they may or may not vote for you is because of from whom you got your money, and they know from whom you got it. But these so-called soft money organizations are not accountable to anybody. They do not have to report to the public. You do not know where they got their money.

And by and large they are made up of those who have a single-purpose agenda. These organizations are not accountable to prowilderness and antiwilderness people or progun and antigun people. These are very narrow special interest, parochial groups, the sole interest of which is electing or defeating a candidate who may or may not further their issues. And you as the voter do not know what they spend or how they spent it. And we are encouraging these kinds of organizations more and more and more.

Now, Mr. President, I have indicated earlier why I understand the majority party supports this bill. As I indicated by the academic studies I read earlier, it clearly favors the incumbent. I suppose from a pure standpoint of personal selfish interest, I probably ought to support the bill, too. I have been in the Senate 20 years. I do not have to run again until 1992. My name familiarity is high. I think I could succeed in reelection against a challenger who was equally well financed who had to start from a very, very difficult underdog position.

But I would ask the Senator to remember this in considering this bill, and I would ask the public to remember it so that they would understand why the Republicans oppose this bill so terribly. First, incumbents have an advantage over challengers and most of the incumbents in the Senate are Democrats, 54 Democrats, 46 Republicans. So all things being equal, if averages work out, and incumbents have an advantage, the Democrats will keep control of the Senate, especially if you can make sure that a challenger, a Republican challenger, cannot spend somewhat more money than the incumbent to make up for the disadvantages that the unknown challenger has.

Second, party registration. On average, and I am speaking about averages—there are exceptions—people will vote the party in which they register. It is more likely that Democrats vote for Democrats than Republicans. It is more likely that Republicans vote for Republicans than Democrats. That is not new. We have known that for years. Every poll I ever see, every exit poll, every poll ahead of the election indicates that most of the people, most of the time, vote for the candidate of the party in which they are registered. It is also no secret that since about 1940 the Democrats have been the majority party in this country. The Republicans were from roughly the Civil War to the Depression. Democrats have been from roughly the Depression to now.

So if on average the minority party—that is the Republican challenger—can spend no more money than the majority party incumbent Democrat, that is another advantage for the incumbent Democratic Senator. So it is no wonder that you do not want to have a bill or law that would allow your challenger to spend more than you would spend.

Now let us come to some of the complaints, some of the allegations of the majority as to the evils of the present system and how their bill would cure them and how only their bill would cure them.

The first argument is the political action committees. They are evil is the argument, they are evil, they are special interest, they give big money if they want to buy your ear, if they can they want to buy your vote and we see perpetual stories of the growing influence of the PAC's and a higher percentage of candidates depending on them, and more and more the money comes pouring in and that is bad for the process. If that is the complaint, that is easy to remedy. Just change the law that now allows political action committees to give $5,000 to a candidate in the primary and another $5,000 in the general, $10,000. Change that law to zero. The political action committee cannot give any money.

Now, the political action committee may go off and spend it on its own. It may give to one of these 501(c)(3) organizations. It may do something else with it. But if the alleged evil is the political action committee giving to the candidate, just change the law so the political action committee cannot give to the candidate. We can solve that without the bill sponsored by the majority which requires public financing of elections. We can do that without tapping the purse of the taxpayer in this country.

The second issue in addition to the one I have just mentioned—well, let me go back because I missed the point on incumbents that I should have mentioned while I was talking about incumbents. An argument will be made that the PAC's will give more money to the incumbents than they will give to challengers. This is true only to a degree, although it applies to Republican incumbents as well as Democratic incumbents. This is true only to a degree that the political action committee is convinced that the incumbent will win. As most incumbents win, most political action committee funding goes to incumbents. The argument is that happens, of course, so they can keep the ear of the incumbent. They can get rid of that by going to zero.

The second argument that is often raised in addition to the evils of the political action committees is that we are spending too much money on campaigns generally. Now, forget for the moment the source of where they say it came from. They spend too much. The campaign in 1976—and I am paraphrasing. This is what the proponents say and I might be wrong—was $600,000, by 1986 it had grown to $3 million, and if it kept growing at that rate, in another 10 years it will be $9 million and then what is the limit, $90 million, $900 million, $9 billion? Is there no limit to what people will want to spend?

If that is the complaint, then that is easily cured without asking the public to finance our campaigns. First let us say we have changed the law so that the political action committees cannot give, so we have removed altogether that source of money. Second, we take the limits on individuals. At the moment, it is $1,000. An individual can give you $1,000 in the primary, $1,000 in the general election, $2,000 for the campaign.

Change that limit to $100 instead of $1,000, $50 instead of $1,000, it is not wedded to 50 or 100. But we cut it way down.

That will have one or two effects. That may dramatically lower the amount of money that you raise for a campaign there by achieving the goal that the reformers say they want of lowering the cost of campaigns. It may have that effect. The other effect it might have, and frankly I think it would be a better effect than lowering the cost of campaigns, instead of raising your campaign fund to 5,000 people you would now have to raise it from 50,000 or 100,000 people in small amounts.

I think that is good for democracy. If we could get 20 or 30 or 40 people in this country to give $20, or $30, or $40 apiece to campaigns, once they gave that $20, $30, or $40, they would have an interest in the campaign. They are not going to give $20, $30, or $40 because they want to buy your ear or vote. They give it because they believe in you. If they believe in you and they will give you that much, they will work for you.

If participation in democracy is what campaign laws ought to be all about, then that is what we ought to be doing.

Do you know the reason I think the Democrats have some misgivings about that? Ironically—this is contrary to formal public image of the parties—the Republicans have been more successful than the Democrats in raising money from small contributors. Both parties have tried it. Candidates from both parties have tried it. The normal method of doing it is by direct mail, and almost everybody in this Senate has tried it at one time or another. I would wager half of this country received these direct mail solicitations of one kind or another.

For whatever reasons—I have some theories but I do not need to discuss those theories here—the Republican Party has succeeded at it, and the Democratic Party has not. That accounts for the stories that you have seen in the papers over the last year or so—I think it even surprises on occasion the reporters that do the research—that indicate that it is the Democratic Party, not the Republicans that are financed principally by PAC's and major donors, the fat cats as they are often called in the trade.

The Democrats are much more dependent on those big contributions. Interestingly, those big contributions are relatively cheap to raise. You have a $1,000 cocktail party at the Washington Hilton Hotel from 6 o'clock to 8 o'clock at night. You send out letters all over the city, all over the country, "Please come to my cocktail party," $1,000 a head; it costs you maybe $30 a head to put on the cocktail party.

So a person gives $1,000 to come to the cocktail party, costs you $30 to entertain them, you make $970, relatively inexpensive fundraising, very low cost to the amount raised. This is the way Democrats principally raise their money—large contributions from relatively fewer donors.

The Republicans on the other hand raise a much greater proportion of their money from these $20 and $30 contributions that you raise by direct mail.

The problem is that is expensive fundraising. A normal rule of thumb is if you can get a 2-percent return on what we call prospects, and these figures are taken, and it has been 3 or 4 years now since I was chairman of the Republican Senatorial Committee but I do not think from what I have read that they have changed much—if you can get a 2-percent return on prospects at $20 a return, that is good prospecting. By prospecting we mean rent a cold list. You rent from Fortune magazine, National Rifle Association; you rent some commercial list that is available that normally costs you $50,000 or $60,000 to rent it. You have all kinds of associated costs in the direct mail, the postage, printing, return envelope and all of that.

Let us say you send out a million letters, costs you about 40 cents apiece, $400,000, you get 2-percent return, 20,000 come back in, you raise $20 apiece, it raises $400,000. It breaks even. The reason it is worth doing is because those 20,000 people who have given you money experience indicates will give to you again from subsequent names and it is relatively inexpensive to mail that 20,000 once they have given. The expense is mailing to the first million.

Any bill that puts a limit on campaign spending, and I therefore would presume campaign fundraising because there would be no point in raising more money than you need—any bill that puts an artificially low limit on campaign spending automatically favors the most cost-efficient method of raising money. And that is raising money from large donors, large contributions, that are relatively inexpensive to raise, the $1,000 cocktail party with the $30 expense, favors that rather than raising thousands and thousands of dollars from thousands and thousands of donors at $10, $20, $30 a crack by direct mail.

Is it not interesting that a bill sponsored by the leadership of the majority party that what they would be attempting to achieve—maybe they do not intend it, but I think they do—is to push campaigns toward raising money by the method that has proven most successful to the Democratic party; that is, raising it from large contributors and large donations instead of pushing it toward the method that has proved so successful for the Republican Party, small donations from numerous contributors.

This bill is understandable. It favors incumbents. There are more Democratic incumbents than Republican incumbents. It favors the majority party. Democrats are in the majority party. And it favors raising money from large donors rather than small donors, which benefits the Democratic Party rather than the Republican Party.

I think if I were in the majority party, Mr. President, not from the standpoint of the good of the country, but from the standpoint of the good of myself, I would support this bill. From the standpoint of the good of the country, from the standpoint of the good of the taxpayer, this bill is not needed. I think the Republicans are prepared to fight it out here all week, all month, all spring, all year.

Mr. President, I yield the floor.

QUORUM CALL

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. PACKWOOD. Mr. President, I object.

Mr. SYMMS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names;

[Quorum No. 5 Leg.]

Byrd
Cohen
Helms
Leahy
Levin
Mitchell
Packwood
Proxmire
Roth
Sanford
Simpson
Symms

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of the absent Senators.

Mr. BYRD. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Georgia [Mr. NUNN], the Senator from Michigan [Mr. RIEGLE], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS], are necessarily absent.

I further announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I also announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Washington [Mr. EVANS], the Senator from Utah [Mr. HATCH], the Senator from Nevada [Mr. HECHT], the Senator from Indiana [Mr. LUGAR], the Senator from Kentucky [Mr. MCCONNELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Vermont [Mr. STAFFORD], and the Senator from Virginia [Mr. TRIBLE], are necessarily absent.

I also announce that the Senator from Texas [Mr. GRAMM], is absent on official business.

I further announce that the Senator from Missouri [Mr. BOND], is absent due to illiness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

Mr. WEICKER. Regular order, Mr. President.

The PRESIDING OFFICER. The clerk will tally the roll.

Mr. WEICKER. The clerk, I know well. Believe me, he can tally very fast. If we are going to follow the rule around here, let us follow it for all.

Regular order.

Regular order, Mr. President.

The PRESIDING OFFICER. Are there any other Senators wishing to vote?

Are there other Senators who care to vote?

Mr. WEICKER. Regular order. Regular order.

Mr. President, regular order.

The PRESIDING OFFICER. The clerk will tally the roll.

The result was announced—yeas 57, nays 17, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—57

Adams
Baucus
Bentsen
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Humphrey
Inouye
Johnston
Kassebaum
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Pryor
Reid
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stevens
Thurmond
Warner
Wirth

NAYS—17

Armstrong
Cohen
Durenberger
Garn
Helms
Karnes
Kasten
McCain
Murkowski
Nickles
Packwood
Quayle
Specter
Symms
Wallop
Weicker
Wilson

NOT VOTING—26

Biden
Bingaman
Bond
Boschwitz
Chafee
Chiles
Cochran
D'Amato
Dole
Evans
Gore
Gramm
Hatch
Hecht
Hollings
Kennedy
Lugar
McConnell
Nunn
Pressler
Riegle
Rudman
Simon
Stafford
Stennis
Trible

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The question is on the second-degree amendment.

Mr. SIMPSON. Mr. President, I wish to be recognized.

The PRESIDING OFFICER. The acting Republican leader.

Mr. SIMPSON. Mr. President, obviously we are at an impasse which could go on. It is not our intent to disrupt Members on both sides. I am going to have a meeting with the members of the S. 2 coalition right after these remarks and also with the leadership of the Senate. We will be able to tell perhaps what we will do tonight with some better clarity.

But we have some spirited people that feel if they are going to be here everyone should be here. That is a theme here with some; others thinking that we will meet our hour quota and rest and save ourselves for these next days.

So I will be able to report back on that in a few minutes. Senator McCain will then proceed with the debate on our position.

But at this point I would ask for the yeas and nays on amendment No. 1405.

Mr. BYRD. Mr. President, is that the pending amendment?

The PRESIDING OFFICER. That is the pending amendment.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Mr. President, let me also propose this—and I have not talked with the majority leader, but obviously I can discuss it—I ask unanimous consent that it be in order to order the yeas and nays on each amendment and the motion to recommit S. 2 and have that done at this time with a proper showing of seconds.

Mr. BYRD. I would object to that.

Mr. SIMPSON. Then we will make that at a timely point on each occasion.

Mr. BYRD. That can be done

Mr. SIMPSON. Yes.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield the floor?

Mr. SIMPSON. Mr. President, I yield the floor, if I have the floor, to Senator McCain.

Mr. BYRD. Mr. President, the Senator cannot farm out the floor. If he wishes to yield the floor and if Senator McCain wishes to seek recognition, he may do so.

Mr. SIMPSON. That is perfectly appropriate. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise to address the issue again of S. 2, which we have been addressing for what appears to be ad infinitum; certainly, without a doubt, in the minds of many Members ad nauseam.

Mr. President, I happen to be singularly blessed in that I have been one of those selected Senators, one of those in the enviable position who has been selected by the organization named Common Cause—some of us call them "Uncommon Cause" due to some of the various causes and issues they have been associated with—but I have been singled out, Mr. President, for full-page ads to be taken out in every newspaper in my State castigating me for failing to allow this piece of legislation to go through—filibustering, defying the will of the people. And even to add credence to these unusual charges, Mr. President, it is signed by that common household name, Archibald Cox, a man who I know is very familiar to most Arizonans and most Americans.

What business Archibald Cox has in telling the people of the State of Arizona how they should judge my conduct is not something I understand at this time, but at the same time we are always pleased when Common Cause will spend a great deal of money in my State supporting the print media and thereby helping with the employment and the livelihood of so many members of the press. And so I must extend my appreciation to Common Cause for their taking out these full-page ads, pumping this considerable sum of money into the State of Arizona, and I urge them to continue perhaps on a weekly basis if not monthly.

It provides for interesting reading. It also arouses one's curiosity and sometimes stimulates my humor when I see the way that these ads are shaped, particularly since in every single one of these ads there has yet to be a single mention of public financing.

Mr. President, that seems to have escaped either the notice of Archibald Cox or perhaps it does not concern him, since it is my understanding that Mr. Cox is an independently wealthy man and what happens to his tax dollar may perhaps not concern him as much as it does many low- or middle-income Americans today who are shouldering such an immense tax burden.

But Mr. Cox's missive to Arizonans is one which spends most of its content in attacking me for my failure, in fact almost singlehandedly—I do oftentimes appreciate the credit that Mr. Cox gives me for having an enormous amount of influence and clout in this body, because in reading this advertisement one would think John McCain singlehandedly was holding up the passage of this legislation and indeed defying the will of the American people. I certainly am flattered by not only the attention but the great credence that he gives the influence I have in this body.

But I think it is very important that we really get some understanding of this issue rather than spending time taking out full-page ads in certain Senators' States. In fact, although I hope that these full-page ads do continue because it is very good for the economy in my State, I would like to assure Mr. Cox and his friends that they have stimulated my interest in this issue, they have stimulated my opposition, and they have caused me to take a rather firm stand on this issue since the more research that I do into this ill-founded piece of legislation, the more convinced I am of how disastrous this would be, not only to the Republican Party, but to the political process as we know it.

Now, our distinguished acting minority leader, my friend from Wyoming, Mr. Simpson, stated it very well. What this legislation is all about in its present form is who is going to be in the majority for the next 40 years. Face it, my friends, we are not talking about the nuances of campaign reform. We are talking about whether the Democratic Party will maintain the majority in this body for the next 30 or 40 years. That is why we are seeing the commitment of most of the Members on this side of the aisle to extended debate.

I think that it is very important also that we look at what is happening today in the area of Presidential campaigns.

Now, I know that many Presidential candidates that have entered the race have a great deal of credibility, particularly in their own minds and that of their wives and perhaps of their immediate family. But I think that most objective observers of the political scene would suggest that a number of candidates for President of the United States have very little, if any, chance of succeeding to the Presidency. In fact, as unpredictable as Presidential campaigns are, it would be impossible to believe that some unmentioned great Americans could have the slightest opportunity of actually achieving their party's nomination for the Presidency. That is true with both parties.

Mr. President, besides considerable egos which are certainly not confined to Presidential candidates, what motivates people to run, to seek the nomination for the Presidency of their country?

I would suggest that one factor, and this has been well documented in the media, is the knowledge that if they are able to get a certain amount of money, that that money will be matched by taxpayers' dollars.

I hope someplace in the course of this debate we will be able to discover exactly how much of the taxpayers' dollars has been expended on Presidential losing campaigns since we revised the campaign laws in 1971. I would suggest to you that it runs into the hundreds of millions of taxpayers' dollars. I would suggest that I have not met a single person in my State who says that they would like to see their tax dollars spent for Presidential campaigns for candidates that they may not even know nor to support views with which they disagree.

When I ask my constituents, those who have read those stirring full-page advertisements in the media, if they support expenditures of their tax dollars in this era of enormous deficits, if they support spending their tax dollars on funding someone's political campaign, I have yet to meet a single person who has told me: "Please, Senator, please, take some more of my taxes, would you, and spend it on some politician's campaign who is seeking a public office." I have not met a single one.

Perhaps I have not traveled in the right circles. Perhaps I have not met and confided with the members of Common Cause in the quiche-eating establishments in which they congregate.

Perhaps I have not had the opportunity to travel at those high intellectual levels of people like members of Common Cause who think that the needless expenditure of taxpayers' dollars on political campaigns is not only fitting but extremely appropriate.

Let me also point out that I have questioned my esteemed friends—and indeed I do have very good friends whom I respect enormously who are supportive of this legislation—why do we have to have taxpayers' dollars expended in order for us to get a true campaign reform? And of course the response is: Well, it all goes back to a Supreme Court decision that mandates that we cannot have spending limitations unless there is a provision for taxpayers' dollars being expended on these elections.

I do not think that that is appropriate enough a reason, I say to my colleagues. I not only do not think it is appropriate enough a reason, I think perhaps we might be putting the cart before the horse and what we ought to do is try to change the constitutionality aspects of campaign finance reform and then move forward and pass legislation which would bring about the kind of reform that we need.

Let me also point out something. In the full-page ads taken out by Archibald Cox and his friends, there is a great deal to say in that about political action committees. According to Common Cause, and I believe that I am stating their views accurately since I have been bombarded with them from so many directions, political action committees are a corrupting influence on the process and that political action committees are, somehow, a way for "special interests" and groups of some evil and diabolical intent to have an inordinate impact on the political process.

Well, I would suggest to the proponents of S. 2: let us do away with political action committees. I am prepared to propose an amendment, if it would be accepted by the opponents of S. 2, that we would do away with all political action committees of every kind.

Why is it that my friends who support S. 2 and are so concerned about the influence of political action committees will not agree to such an amendment? Let us take it right out of the legislation. We do not even have to have an amendment on the floor to this bill. Why is it?

Well, frankly, I can only draw one conclusion and that conclusion might be that certain organizations such as labor political action committees would not sit still for this. And, also, we have not addressed the whole issue of soft money.

We are all very aware of the 1984 Presidential campaign when organized labor spent some $10 million on the candidacy of the Democratic candidate for President of the United States. None of that, of course, was in any way counted against the campaign spending limitations nor even reported.

But I think that if we are concerned, as I think we all are, about the influence of political action committees, and if it is, indeed, an inordinate influence on the political process, can we not just do away with them?

I wonder what is so objectionable about that and I would look forward to hearing the justification for keeping the PAC's, since that seems to be the focus of a great deal of discontent that my colleagues and the American people have expressed who are in support of this legislation.

Let me just talk for a minute about spending limits. Spending limits, according to S. 2, in my view are too low.

(Ms. MIKULSKI assumed the chair.)

Mr. McCAIN. As leading academicians have written of the Presidential spending limits and public financing scheme: The limits "restrict * * * campaign organizations * * * in a way that unduly dictates their political strategies. What should remain political decisions have, in effect, become accounting decisions." I quote from Financing Presidential Campaigns: Recommendations of the Campaign Finance Study Group.

> The limits are not high enough to enable a challenger to mount an effective campaign against an incumbent or to enable an incumbent to get his campaign message across fully.

The limits are based on the taxpayer financing allotments of S. 2. But there would have been no fundraising costs under the public financing plans, while there will be under the current S. 2.

> Under the revised S. 2, candidates will have to spend money to raise money up to the state's limit. These fundraising costs are money off the top that cannot be used to make the candidate's views known.
>
> The average Senate campaign spends between 25% and 33% on fundraising.

The spending limits of S. 2 do not make sense because the costs of campaigning vary from state to state based on factors other than the voting age population. Of greater importance, for example, is the cost and location of media markets.

I happen to come from a State that has two major media markets. The State of Texas has approximately 22 major media markets. How can we adequately compare the State of Texas with the State of Arizona, simply as it regards to voting age populations? Because media markets are often dictated by geography as opposed to the number of voters.

Spending limits are unenforceable and I intend to get into that a little later on.

One of the greatest disgraces, I think, is that so many campaigns have been called short by the FEC because of their failure to adhere to present laws as they are.

The costing of S. 2. Let us talk about the costs of this legislation. We are talking about a period of dramatic attempts to reduce our deficit.

We are talking about an era where we are having to reduce our defense budget rather significantly and yet we are now considering a bill that I think has significant costs associated with it. Our distinguished majority leader, Senator Byrd, said during the floor debate, "even the slight potential cost of this legislation is more than fully offset within it. The amendment ends preferential mailing rates for political parties."

I beg to disagree because of the S. 2 postal subsidy administrative cost for FEC to administer S. 2, cost of public financing for candidates whose opponents exceed the spending limit; the cost of subsidizing candidates hit by independent expenditures, and, finally, the compliance costs allowed by S. 2.

The postal subsidy. The current postal subsidy for political parties that S. 2 would eliminate is about $10.6 million annually. The postal cost for candidates under S. 2 is approximately $130 million per election cycle. That is a factor of 10 increase. Administrative costs: FEC costs to administer S. 2 would increase dramatically due to the expanded workload of implementing and interpreting the new law. While precise costs are impossible to pin down, the FEC has estimated based on current figures that the annual additional cost of administering S. 2 would approach $1.65 million.

That is just for the FEC to administer this new law.

$1 million is not a lot of money in a $1 trillion budget. I would be one of the first to admit that. But the fact is, do we need to spend an additional $1 million? I think the answer is clearly no.

Inquiries from the candidates and the public would increase. In fiscal 1986 the FEC responded to over 110,000 inquiries. Fifteen thousand of these inquiries required substantive research to provide a response. The average response time for these 15,000 inquiries was 15 working days. This is from the FEC response to questions from the House Administration Committee for the fiscal year 1988 budget.

We enact a new law, a rather complex law. What is it going to do with those inquiries? I would suggest it is going to double and triple the increased numbers of advisers required to clarify the new law.

In fiscal 1986, FEC staff workers worked on four revised projects at an average cost of $1,642 with each taking an average of 87 staff hours.

If we pass this legislation, we may have one of the largest bureaucracies in Washington. We may have to move them to the Pentagon building. This is an incredible, I think, and terribly unnecessary burden on the taxpayers, not only from the direct aspect of campaign financing, but so many hidden costs such as I am describing now.

In fiscal year 1987, the two FEC divisions responsible for handling public inquiries cost $743,000. Both divisions would obviously have to be expanded to cover implementation of the new law. In addition, there would be increased audit costs to ensure that the taxpayers' money was being spent properly by the candidates. Increased personnel costs with an inflation of about 5 percent would also have to be added.

Public financing. This has been a subject of discussion on this floor on this bill, and I think it is important for us to understand exactly what cost this would be to the public.

The cost to the taxpayers of funding candidates whose opponents exceeded the spending limits would be approximately $20,502,000. The Congressional Budget Office has estimated that 20 percent of the candidates would not comply, meaning $10,251,000 in tax entitlement checks for major party candidates whose opponents exceed the limits and $10,251,000 to third-party candidates whose opponents exceed the limits assuming one third-party candidate per election.

Independent expenditures. Independent expenditures against the candidate who is abiding by the spending limits would trigger dollar for dollar payment for any independent expenditures of more than $10,000 against the limit. Based upon the total independent expenditures in 1986 for the Senate races this would cost the taxpayers $4,476,000 per election.

Compliance costs. S. 2 provides a compliance cost fund of 10 percent of the State's spending limits for candidates who require legal and accounting help to comply with the law. Based on 66 candidates needing this legal and accounting help, the cost would be $10,251,000. Suppose only half of those 66 Senate candidates would need this legal help. That would only be $5,150,000. My friends, the costs mount up. What it means is because of the abilities to receive taxpayer financing in some cases and indeed spending limitations we have had what we have seen in Presidential campaigns, a proliferation of candidates. I think that would be a natural consequence of this kind of legislation and that, of course, causes the expenses, the projected expenses, to rise exponentially.

Now let us talk about the evil political action committees, the thing that Archibald Cox uses to fire up the American people so they can be aware of the terrible and insidious aspects of political action committees.

First of all, as I said before, if political action committees are part of the problem. Let us get rid of them. Let us incorporate that in S. 2 as soon as possible in the negotiations that are going on as I speak, if, indeed, political action committees represent the evil distortion of the process as has been portrayed by Mr. Cox and his friends.

Let me also mention something about political action committees, if I could.

Political action committees are a way of political participation, in my view.

You know, a number of companies and corporations in the State which I represent which have political action committees seek contributions to those political action committees from their employees and family and friends.

I did a little study as far as the average contribution of several of the political action committees that contributed to my campaign. The average contribution to that political action committee was somewhere around $25. When an employee of Motorola, the largest private employer in my State, gives $25 to the political action committee which is, in turn, donated to my campaign or that of another candidate seeking public office in the State, is that really distorting the process? Is that really something that we need to be terribly concerned about?

Well, I would suggest that if there is a problem in America today, it is not because of political action committee participation; it is because of lack of political participation on the part of all of our citizens.

I would suggest that a law urging people to vote, urging people to be involved in campaigns, urging people to stand for public office, urging people to be involved in political action committees is another way that they can make their influence felt in the political process.

After having said all that, however, if the general perception is that somehow political action committees are a great and overriding evil in political campaigns today, then I would be one of the first to inquire further, and I have since the beginning of this exhausting and rather unpleasant debate. It has been something I suggested from the beginning.

But let us talk about what S. 2 does to political action committees since it is clear that S. 2 does not do away with political action committees.

S. 2 fails to reduce the amount a PAC can contribute to a campaign for the Senate. It simply limits the amount a candidate may receive in aggregate from all political action committees. This does not deal with the problem Democrats suggest political action committees pose, the actual or apparent undue influence over a particular special interest. What we are going to do is not do away with the evil but just kind of reduce it. OK, I understand that.

S. 2 in no way reduces the perceived problem that a Member of Congress may be unduly influenced for a $5,000 fee. S. 2 would allow an individual PAC to give the same amount as under current law and thereby have the same amount of influence.

It seems to me that in the event S. 2 were enacted into law in its present form, political action committees would be lined up to be first to donate in order that they would get under the ceiling which would be enforced under S. 2.

Republican proposals limit the size of the contribution from a special interest to a candidate and I believe is a more direct way to deal with the actual or apparent undue influence by the PAC. Democrats have rejected that approach because they realize their candidates are more dependent on large contributions from special interests than are Republican candidates.

There was a very interesting article in the Wall Street Journal which I think clearly defined the differential as it exists today from large contributions to Democratic candidates as opposed to Republicans.

In the 1986 elections, Democratic Senate and House candidates received 55 percent of all contributions made by PAC's to 45 percent for Republican candidates. In addition, PAC contributions accounted for an average of 37 percent of the money raised by Democratic Senate and House candidates to 28 percent for Republican candidates.

I must tell my colleagues in all candor I have questioned my Republican colleagues as to why they feel it is so necessary to defend the political action committee system when it is

clear that the majority of PAC money is now going to Democratic candidates as opposed to Republicans. But no one has ever accused the Republican Party of always taking the wisest and safest course.

Furthermore, S. 2 has to some degree an opposite effect from that desired. A political action committee, as I mentioned earlier, is a collection of individuals with common goals and concerns banded together to better participate in our electoral process.

More people now give through PAC's than through direct contributions. In the 1984 election cycle, almost 5 million people are estimated to have gotten involved through PAC's. We should encourage this involvement, which is fully reported and a matter of public record. Let me repeat that. This political involvement through political action committees is fully reported and a matter of public record. S. 2 would limit this public participation by only allowing some PAC's to contribute to candidates. This would work to the advantage of large powerful political action committees based in Washington. Grassroots PAC's without a Washington presence are the likely losers.

Let me say something else about PAC's if I could. I have the same problem that many of my colleagues do. Too much of their funds go to the incumbent, whether that incumbent be Republican or Democrat, and it does not give, in my view, the challenger an equal playing field quite often. I think it is abundantly clear from examining the records that that is the case.

But does that mean, because to some degree political action committee funds are misused, therefore, we do away with the entire concept? No. I would suggest that one of the answers is for people like ourselves to cultivate and encourage political action committees at the grassroots level in our respective States and communities rather than be solely dependent upon the political action committees which are Washington based. I also suggest that it is very discouraging to see a political action committee contribute to both candidates in a race. It is certainly their privilege to do so, and I do not see where S. 2 would prevent them from doing so. But at the same time I personally, and I think most of us, think it is not a fair expenditure of those contributors' funds when both candidates, major candidates receive their largess.

If candidates are limited in what they can accept, those PAC's which have the information to move quickly will be the ones which get to contribute. This may not be S. 2's intent, but it is its result. For example, if a Senator knew he could raise only a limited amount from PAC's, he would do things differently. He would not have to bother meeting with a number of PACs—and familiarizing himself with their issues and concerns. He could simply hold a single PAC event at which PAC's could contribute to his campaign on a first come, first served basis, up to the legal limit.

Now let us talk for a few minutes about the enforceability of S. 2.

Proponents of S. 2 assume the ability of the FEC to move speedily to certify breaches of the spending limits and independent expenditures and to provide the payment of taxpayers' dollars to the injured candidate. But the facts are that the FEC's performance record and "due process" considerations make the chances of such payments in a timely fashion nearly impossible.

The best current estimate from the FEC is that requests for taxpayer funds would take at least 40 days from date of receipt to process. This suggests there is no way to counter violations of S. 2 in the crucial last weeks of a campaign.

We all know that expenditures during the last weeks in a campaign are generally the crucial part of any political campaign.

I would suggest that S. 2 in its present form would be so cumbersome to the bureaucracy that it would be almost impossible for the FEC to redress violations in a timely fashion. I am sure it would be very comforting to the losing candidate to know that justice is done after election day, but unfortunately I doubt if it would serve to reverse the results of the will of the people.

Other workloads at the FEC under current law I think are worthy of note. Advisory opinions take a minimum of 60 days. Audit reviews on a threshold basis take about 2 weeks to complete but an additional week for certification. The Commisson must approve an audit before the staff can commence it.

Informational responses usually take no more than 1 day largely because they are not binding. Remember that we are in two entirely different ballgames when we are talking about an advisory opinion which is binding and an informational response which, of course, could be retracted or contradicated with extreme ease.

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The provisions of S. 2 are no more enforceable than the state-by-state spending limits of the current Presidential Public Funding Act. These require a precision and timeliness not usually found in campaigns. The present enforcement process at the FEC takes years to complete, meaning it can have no effect on the outcome of an election and is no deterrent. The list of violations in recent years makes this obvious.

In 1976, now President Ronald Reagan was a violator in New Hampshire. My dear friend and colleague and revered Arizonan, MORRIS UDALL, was also a violator in the State of New Hampshire. In 1980, Carter in New Hampshire, Iowa, and Maine; KENNEDY in New Hampshire and Iowa; LaRouche in New Hampshire; Reagan in New Hampshire. I would have thought that President Reagan might learn in New Hampshire. In 1984, Mondale in New Hampshire, Iowa, and Maine; GLENN in New Hampshire and Iowa; CRANSTON in Iowa. And I might add that all of these individuals are decent, honest individuals who I am sure had no intention of violating the FEC campaign laws. I am convinced of that, knowing these individuals as I do. However, that does not change the fact that action was not taken in anything near a timely fashion.

Let us talk about the constitutionality of S. 2.

The constitutional standards by which S. 2 must be measured were set out by the Supreme Court in *Buckley*, v. *Valeo*, 424 U.S. 1 (1976).

In order to survive a first amendment challenge, S. 2 must either advance constitutionally compelling Government interests to justify the restriction in speech caused by spending limits or provide a voluntary restriction agreed to as a condition for public financing. The Court found that spending limits did not advance any compelling Government interest, and were unconstitutional. The Court stated: "[T]he mere growth in the cost of Federal election campaigns in and of itself provides no basis for governmental restrictions on the quantity of campaign spending and the resulting limitation on the scope of Federal campaigns."

Accordingly, S. 2's authors have attempted to craft a bill that provides voluntary spending restrictions as a precondition for receiving public money. But S. 2, in my opinion, cannot pass constitutional challenge just by calling its spending limits "voluntary" since it is, in reality, an attempt by the Government to impose indirectly a restriction on speech that it may not accomplish directly.

S. 2 is not truly voluntary since a candidate must declare by a prescribed time whether he will abide by the spending limits. Once declared, a participating candidate may not change his mind and spend above the limit without incurring sanctions, even

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though the candidate has not received any public benefit. Thus, the Government is punishing an individual for exercising his constitutional right to free speech, without providing the mandated benefit.

A candidate who agrees to the spending limits has, at best, only a chance to receive public financing. If his opponent also agrees to the spending limits, there is no public financing. Thus, the first candidate has given up his right to free speech without being able to receive the constitutionally mandated reward. The only thing a candidate gains by giving up his right to free speech is the assurance that his opponent will not receive taxpayer money.

S. 2 mandates the Government to repress speech by funding the opponent of a candidate who exercises his right to free speech.

If a candidate chooses not to participate by fully exercising his constitutional right to speak and not observe the spending limits, he is punished by the Government because his opponent will receive taxpayer money to expound his contrary views. Thus, the Government enters the political debate by subsidizing one candidate simply because the other candidate has opted to exercise without restriction his right to free speech. This exacts an unconstitutional penalty by making the size of the public subsidy to the candidate's opponent dependent upon the candidate's own first amendment conduct.

Now let us talk about the money myth.

The Republicans all have more money, the Republicans all are receiving more PAC money, Republicans are always better financed. I think it would be well to note that the reason Republicans are better financed is because we get significantly higher individual donations from Americans all across this country.

As I mentioned earlier, and I am searching for the number again, in the 1986 elections Democrats, Senate and House candidates received 55 percent of all contributions made by political action committees to 45 percent for Republican candidates. In addition, PAC contributions accounted for an addition of 37 percent of money raised by Democrats, Senate and House candidates, to 28 percent for Republican candidates.

The fact is, my friends, that that percentage is increasing in 1988 probably due to the fact that the Democratic Party is in control of both Houses of Congress. So where does the Republican Party get its money?

I see my esteemed friend and colleague, the Senator from Minnesota, here, Senator BOSCHWITZ, who keeps a very close eye on where Republican contributions come from.

I would ask that I could yield a moment to my colleague from Minnesota who would be glad to illuminate us as to the amounts of money that Republican candidates are receiving and from whence they came so that we can talk about this myth about who gets the most money where.

Mr. BOSCHWITZ. I would say to my friend from Arizona that in 1986 the Democrats received 56.5 percent of PAC money, and the Republicans 43.5 percent.

Mr. BYRD. Madam President, I make a point of order that the Senator can only yield for a question.

The PRESIDING OFFICER. The Senator from Arizona can only yield for a question.

Mr. BOSCHWITZ. I would say to the President, Madam President, that he asked me a question and I am now answering it.

Mr. BYRD. Madam President, the Senator who has the floor cannot ask a question and hold the floor. He can yield for a question.

The PRESIDING OFFICER. The point of order is made and it is correct.

Mr. McCAIN. I appreciate, and I am sure we will have an opportunity later in this debate hearing from my distinguished friend from Minnesota who is indeed the chairman of the Republican Senatorial Campaign Committee. He keeps up with these numbers and figures very well.

But the fact is that the overwhelming majority of the money that the Republican candidates receive are from small contributions. I am sure that there has been some narrowing of that gap, but let us not have any allusions as to where both parties come from.

Does my distinguished acting leader request that I yield to him?

Mr. SIMPSON. Madam President, I do not believe——

Mr. McCAIN. May I conclude my remarks so we can have a quorum?

QUORUM CALL

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll and the following Senators answered to their names:

[Quorum No. 6 Leg.]

Bingaman
Boschwitz
Byrd
Cranston
Domenici
Durenberger
Exon
Hatfield
Levin
McCain
Mikulski
Mitchell
Packwood
Proxmire
Quayle
Simpson
Thurmond

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SIMPSON. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The bill clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6 Leg.]

Burdick
Conrad
Glenn
Heflin
Sanford
Warner

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The bill clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6 Leg.]

Adams
Bensen
Boren
Chafee
Danforth
Dixon
Dodd
Ford
Graham
Grassley
Karnes
Leahy
McClure
Moynihan
Nickles
Pell
Riegle
Rockefeller
Sasser
Shelby
Specter
Wallop
Wirth

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Illinois [Mr. SIMON], the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that the Senator from Delaware [Mr. BIDEN] is absent on illness.

I also announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Washington [Mr. EVANS], the Senator from Nevada [Mr. HECHT], the Senator from Indiana [Mr. LUGAR], the Senator from Kentucky [Mr. MCCONNELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Vermont [Mr. STAFFORD], the Senator from Virginia [Mr. TRIBLE] are necessarily absent.

I also announce that the Senator from Texas [Mr. GRAMM] is absent on official business.

I further announce that the Senator from Missouri [Mr. BOND] is absent due to illness.

The result was announced—yeas 57, nays 21, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—57

Adams
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Conrad
Cranston
Danforth
Daschle
Dixon
Dodd
Exon
Ford
Garn
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Humphrey
Inouye
Johnston
Kassebaum
Kerry
Leahy
Levin
Matsunaga
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stevens
Thurmond
Wirth

NAYS—21

Armstrong
Chafee
Cohen
DeConcini
Domenici
Durenberger
Hatch
Helms
Karnes
Kasten
McCain
Murkowski
Nickles
Packwood
Quayle
Specter
Symms
Wallop
Warner
Weicker
Wilson

NOT VOTING—22

Biden
Bond
Chiles
Cochran
D'Amato
Dole
Evans
Fowler
Gore
Gramm
Hecht
Hollings
Kennedy
Lautenberg
Lugar
McConnell
Pressler
Rudman
Simon
Stafford
Stennis
Trible

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The distinguished minority leader.

Mr. SIMPSON. Madam President, I ask unanimous consent that it be in order at this time to request the yeas and nays on amendment 1404.

Mr. BYRD. Madam President, I object. When it comes to the point where that amendment is before the Senate, I will have no objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Madame President, I would ask for a few moments of attention from my colleagues on this subject that has quite rightly occupied so much of our time. It is not a subject that is of recent interest to anyone on this floor. It is certainly not of recent interest to me. In fact, my interest in this subject of campaign reform predates my service in the U.S. Senate. It goes back many, many years to my days when first in office as mayor of San Diego. But I get ahead of myself.

For the moment, let me just review for the purpose of illustration why it is that we are taking the time and expressing in such energetic terms our different views of the need for campaign reform. It is no secret, whether anyone has turned in just this moment or whether they have been following this debate from its inception, that campaigning has become a very expensive proposition. And that is true not simply in the U.S. Senate, it is becoming more true at every level.

If you look at State legislative campaigns, they used to be waged for relatively little money. Now they are getting quite sophisticated and quite expensive; some might argue unnecessarily so, that the sophistication exceeds the need to communicate with the voters in more direct fashion.

But, of course, when it comes to the U.S. Senate and those who represent our 50 States here on this floor, because we represent States so different in size and with such different opportunities for communication to our constituency, it becomes very difficult, indeed, for a generalized prescription that can apply equitably in every situation.

Still, there are certain fundamental principles that do excite the interest of all of us here who are concerned with the functioning of Government as it should function, which is to say with both the fact and appearance of fairness, absent undue influence.

The elements of campaign reform, Madam President, are, roughly speaking, an effort to limit contributions so as to avoid taking too much money from a single contributor. Why? Obviously, because we wish to avoid both the fact and the appearance of undue influence.

Other efforts have centered on requiring disclosure, as indeed we do in Federal law and as most, now, State and local ordinances worthy of the names, also require disclosure.

Finally, there is the subject that is occupying so much of our time and attention in connection with the proposal that we have described as S. 2, which has to do with the imposition of spending limits and also, although there seems some reluctance to confront the issue head-on, public financing of election campaigns in contrast to the situation where now we are compelled, each of us, to raise his or her own funds, to spend them for our election or reelection.

If those are the elements, Madam President, then, again, what are the purposes? Why do we take such time and effort? Why do we concentrate? And why have we had seven cloture votes? Well, it is because it is important. The fact of undue influence clearly is important, and something that cannot be tolerated. Its appearance is unhealthy. So we are right to be as concerned as we have been on this floor.

A moment ago I said that my interest goes back to the time when I was first mayor of San Diego. It was a somewhat simpler setting. The undue influence about which I was concerned had to do with the influence of real estate developers upon local government. It became rather clear that the major source of funds available to local candidates, candidates for city council, for county office, came from those who were involved in development of real estate.

It became clear, too, that there had been abuses; that there had been a little less than care exercised by a great many people as candidates for office. They had not seen to it that there was only a modest amount, or a reasonable amount taken from any one source. Instead, some had taken much too much from a single source, and a source in which they would inevitably be involved in voting to give or to withhold some needed legal permission in order for that contributor to go forward with an economic expectation.

A whole myriad of decisions, obviously, flow from those local land use decisions. The rate of growth in a community; the ability of taxpayers to provide the necessary level of support for new and growing infrastructure needs occasioned by new development proposals. So, obviously, Madam President, it is not surprising that in the living laboratory of a city experiencing dynamic growth, focus would quickly come to rest upon the election campaign process.

Well, to make a very long story short, I became concerned with both the fact and the appearance of undue influence. In my own campaign for mayor I announced that accordingly I would take no more than $300 from anyone engaged in real estate development. It was to develop that that was a somewhat academic and unnecessary admonition. But the fact of the matter is, I think it was a good thing to do and later, after I had become mayor, I sought to enlist the support of my city council on a proposal which I sponsored that proved to be something of a precursor, if not a model, to Federal law as we know it today in the following respects.

It first limited campaign contributions. It said that only individuals could contribute; no corporation, no partnership, no labor union, no one but an individual could make a contribution to a candidate for mayor or for the city council. And these individual contributors were limited in the amount that they could contribute. Indeed, many argued that the limitation was too severe and that we should have been more realistic; that in our efforts to broaden the base and compel candidates to go far and wide in search of support, we made their burden unduly difficult by making that limit so unreasonably low. That certainly was arguable but I am not convinced that it was right. It may be today. It has not been changed very much if any. And certainly the costs of campaigning have continued to rise.

But, what we did was to say: There will have to be that effort on the part

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of candidates, whether they like it or not, and it will be a good and healthy thing because we will thereby eliminate both the fact and the appearance of any undue influence. No one who is a developer will be seen to have anyone in his or her pocket because it will be impossible for them to give enough money to create that impression.

In addition to that limitation, we also sought to impose a spending limit upon what an individual candidate could spend. The reasoning, very simply, was that some very wealthy candidates with large personal fortunes would be in a position to compete unfairly with those of modest means; those with talent and energy and conviction but without great personal resources.

The other things that we did, we said in connection with there being a prohibition against corporate or union giving with only individual contributors being allowed to contribute, there could be no problem of the kind that we have heard described on this floor as that relating to soft money. A labor union could not make available through its funds a bucket shop, an operation of telephones. It certainly was not illegal for members of that union or for employees of a corporation, as volunteers, to undertake voluntary effort whether it be going from door to door, doing precinct work, distributing literature, registering people, getting them out to vote; that was obviously not to be discouraged and on the contrary was encouraged. But expenditures of the kind that are not required under Federal law to be reported, and which therefore are only occasionally evaluated by some energetic and curious reporter, were forbidden under that ordinance.

There was no permission for PAC's, for political contributions by political action committees, to be made under that ordinance. Indeed, it was described at the time, which was in advance of the enactment of the present Federal restrictions, as the toughest campaign election reform ordinance in the Nation. It was described by Newsweek magazine in those terms. I think that was clearly true then and it seems to me that that ordinance, if it was not a model for Federal law, might well stand as one today because it does limit contributions to individuals. Corporations may not contribute. Labor unions may not contribute. Partnerships may not contribute. Political action committees may not contribute. And there can be no soft money expenditures. Only individuals who care enough to give up to the limit, which is stated in the law, can do so.

Now, on the spending limit. Well, on that proposal we lost. We lost in the Supreme Court of the United States in the celebrated Buckley versus Valeo decision. The Supreme Court as you have been told before found that first amendment rights outweighed whatever public good might inhere or be thought to inhere by a city council such as ours, in limiting expenditures by a wealthy candidate.

You can argue the point, but we argued and lost. So that spending limit was shot down.

Madam President, I should tell you that before we decided to impose that spending limit, we abandoned an earlier notion, which was to have overall spending limits as a second brake in addition to the limits upon campaign contributions, but we finally decided that that really would not work, that it would result in the kind of thing which, in fact, we have seen with respect to spending limits in the Presidential candidacies, and that is a wonderfully imaginative and energetic effort to inveigh them.

This campaign ordinance, of which I speak with some pride, was the result of an effort by a group that consisted of our city attorney, the then chairman of Common Cause for that county, later to be the State chairman, at a time when elaborate State reform was undertaken, representatives of the district attorney's office, private attorneys. It was a thoughtful group, and they finally concluded that those spending limits simply would not work.

Madam President, we come to the present moment and S. 2. It is not the original version of campaign reform that was brought before us last year in which there was outright direct, explicit public financing as a cardinal point and feature. That has yielded to indirect public financing and, once again, we are told that there must be limits upon undue influence and, therefore, that there must be limits upon PAC's and there must also be spending limits. We are told that there must be spending limits because it distracts those of us on this floor from doing our job. We are compelled to spend too much time and energy engaging in the business of fundraising for our campaign.

Anyone who has run for public office knows that it does take energy, that it does require a tremendous expenditure of personal time and effort, but, I must say, that we also know that we understood that coming in. We are all volunteers. No one drafted us for public office. In fact, we all struggled mightily and competed with very good people in order to have the privilege of holding these seats.

Let me come back to the arguments that have been made by the eloquent proponents arguing on behalf of S. 2. I read with some interest an argument that I heard only partially the other day when I was called to other duties. I went back to the Congressional Record and read the remarks of my good friend, the distinguished Senator from Oklahoma [Mr. Boren] one of the proponents and one of the chief sponsors of S. 2.

At great length and with his customary eloquence, he recited the facts that had to do with the "skyrocketing costs of campaigning," as he put them. He said, "The cost of campaigning is skyrocketing at an alarming rate," and he, thereafter, recited statistics that certainly vindicates that judgment.

He went on to say, "Mr. President, that is not a healthy thing for our political system. It distracts us. It conveys an image to the public that we are being unduly influenced by those who are in position to give large campaign contributions and the time that should be spent in these challenging days in which we live, in which we grapple with ways to restore the productive competitiveness of this country so we do not become a second-rate economic power." He went on at some length, and he said finally that we should not do that.

But let me come back to his point about being unduly influenced by campaign contributions that are too large.

Madam President, we have already addressed that particular problem. We do limit campaign contributions. There are only two classes of persons who can give—individual contributors and political action committees. We limit individuals to $1,000 in the primary election and $1,000 in the general election, and that is true whether we are talking about Rhode Island or Louisiana or whether we are talking about California.

It is true in a State with a small population. It is true in a State with an enormous population, like my own, a mini-nation with 27 million people, going on 28 million. It is true, whether we are talking about a State with media markets that charge a relatively modest rate, or it is true of those that have the most expensive media costs in the world, like those, unhappily, in my own State in which Los Angeles County boasts the dubious distinction of being the most expensive in the world.

In fact, I can relate, to make the point, an anecdote. Going back to my own 1982 campaign, we had one 30-second television spot during the primary which we thought was particularly effective. In order to share that with the audience in the greater Los Angeles area, we thought it would be a marvelous thing if we could afford to spend enough to put that 30-second spot on prime time just once in the Los Angeles market on a major station.

So we priced the cost of one 30-second television spot on 60 Minutes just for the Los Angeles market area. The cost turned out to be $30,000 for that 30-second spot. That was in May of 1982.

Ever since then, every time that I see the show 60 Minutes, and I see it open with their logo, the stopwatch clicking off the seconds, I understand what it means. It is $1,000 per second in the Los Angeles market area. At least it was in May of 1982.

Yes, the costs are enormous, but we have done the thing that we were supposed to do. First, Madam President, we have limited campaign contributions and, as I say, only two classes can make contributions: Individuals, and clearly we do not wish to prohibit that, and, secondly, political action committees.

We come back to Senator Boren's point about undue influence. Political action committees are limited in what they can give, but they can give $5,000 per primary election per candidate and $5,000 per candidate in the general election.

I am not going to take the time to rehash what has been said at great length and, in particular, by the proponents of S. 2 having to do with the abuses that arise from political action committee giving. Whether you agree or do not agree with that, it is certainly true that there has been enough written, enough printed and enough said about it so that now political action committee giving has, in the minds of the public—at least many citizens—become tainted.

While I do not think that fair, if that is the case, if, Madam President, we are necessarily concerned with not only the fact, but the appearance, of undue influence to keep our process healthy, then I say, let us not simply wring our hands and inveigh against the evils of that system. It seems to me the cure is readily at hand and very simple—let us do away with political action committees; let it be no longer possible for political action committees to contribute to political campaigns for Members of Congress. It is that simple. We can do it quickly.

My saying so will, undoubtedly, irritate many people, and it certainly is true that until we have legally eliminated political action committees, most of the people on this floor will, of necessity, in order to compete, continue to take money from them. But why should we not simply eliminate political action committees and have done away with this thorny problem of the appearance of undue influence from special interests about which we hear so much?

S. 2 does not propose to do that, Madam President. It would retain political action committees. I say let us have done with this problem. Let us have done with political action committees. And, of course, the Republican alternative that has been proposed by my colleague from Oregon, by Senator McConnell from Kentucky, proposes to do just that.

So it seems to me, Madam President, that what we want to do is we want to make it possible for the public to believe that we are not distracted from what we do, certainly not by undue influence.

Yet, I will tell you it would make my life much easier as it would any candidate if we had public financing, either direct or indirect. And frankly, there has been such a hue and cry raised about public financing in a direct fashion that it does not surprise me that our colleagues proposing S. 2 have sought now to propose it indirectly. But the costs will be essentially the same. It would make my life easier, it would make it much more convenient, but, Madam President, is that an urgent public priority? Does that rank with spending the money instead for research into a cure for AIDS or Alzheimer's? Should we cut $117 million, as the House of Representatives persuaded the conferees to do just this past December, from the Coast Guard budget so that they are now so curtailed in routine drug interdiction missions that they really can no longer perform them?

What is more important, Madam President, interdicting the supply of drugs into this Nation and keeping our children and law enforcement agents far freer of the threat of drugs on the streets of America than they are today because of the tremendous curtailment of that interdiction mission or is it more important that we honor our own convenience and make life easier for candidates?

Well, I think there is no comparison. Others have gotten into the costs. They have looked at the Presidential experience.

I will only say this: If we were to go to what S. 2 proposes, the costs would be hellish. They would greatly exceed those of even the Presidential experience, and those are mounting with each time. We would encourage candidates to become "imaginative" or to put it in more blunt terms, "to find ways to evade the law." It has happened recently in Iowa. One candidate, a successful candidate, appears to have deliberately broken the law because it was worth it to pay the fine.

Madam President, this is an ill-considered piece of legislation. It should not be passed. I can only hope that this Senate has the courage to do what is right. Our convenience is not an urgent public priority. Let us get about the public's business.

Madam President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I appreciate the remarks of the Senator from California and also the remarks of others of our Members who have spoken on this issue tonight. We apparently have a large agenda of those speakers tonight and on into the morning. That is regrettable but that is the test I guess that confronts us. But awaiting some Members, I suggest the absence of a quorum.

QUORUM CALL

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent, Madam President, that the order for the quorum call be rescinded.

Mr. SIMPSON. Madam President, I object.

The PRESIDING OFFICER. The objection is heard. The clerk will call the roll.

The assistant legislative clerk continued the call of the roll, and the following Senators answered to their names:

[Quorum No. 7 Leg.]

Adams
Breaux
Byrd
Conrad
Cranston
Dixon
Exon
Graham
Harkin
Heflin
Johnston
Mikulski
Simpson

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BYRD. Madam President, I move that the Sergeant at Arms be instructed to request attendance of the absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. Armstrong], the Senator from Minnesota [Mr. Boschwitz], the Senator from Rhode Island [Mr. Chafee], the Senator from Mississippi [Mr. Cochran], the Senator from Maine [Mr. Cohen], the Senator from New York [Mr. D'Amato], the Senator from Missouri [Mr. Danforth], the Senator from Kansas [Mr. Dole], the Senator from New Mexico [Mr. Domenici], the Senator from Minnesota [Mr. Durenberger], the Senator from Washington [Mr. Evans], the Senator from Utah [Mr. Garn], the Senator from Iowa [Mr. Grassley], the Senator from Utah [Mr. Hatch], the Senator from Oregon [Mr. Hatfield], the Senator from Nevada [Mr. Hecht], the Senator from Pennsylvania [Mr. Heinz], the Senator from North Carolina [Mr. Helms], the Senator from New Hampshire [Mr. Humphrey], the Senator from Nebraska [Mr. Karnes], the Senator from Kansas [Mrs. Kassebaum], the Senator from Wisconsin [Mr.

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Kasten], the Senator from Indiana [Mr. Lugar], the Senator from Arizona [Mr. McCain], the Senator from Idaho [Mr. McClure], the Senator from Kentucky [Mr. McConnell], the Senator from Alaska [Mr. Murkowski], the Senator from Oklahoma [Mr. Nickles], the Senator from Oregon [Mr. Packwood], the Senator from South Dakota [Mr. Pressler], the Senator from Indiana [Mr. Quayle], the Senator from Delaware [Mr. Roth], the Senator from New Hampshire [Mr. Rudman], the Senator from Pennsylvania [Mr. Specter], the Senator from Vermont [Mr. Stafford], the Senator from Alaska [Mr. Stevens], the Senator from Idaho [Mr. Symms], the Senator from South Carolina [Mr. Thurmond], the Senator from Virginia [Mr. Trible], the Senator from Wyoming [Mr. Wallop], the Senator from Virginia [Mr. Warner], the Senator from Connecticut [Mr. Weicker], and the Senator from California [Mr. Wilson], are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm], is absent on official business.

I further announce that the Senator from Missouri [Mr. Bond], is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. Chiles], the Senator from Tennessee [Mr. Gore], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Illinois [Mr. Simon], are necessarily absent.

I further announce that the Senator from Delaware [Mr. Biden], is absent due to illness.

I also announce that the Senator from South Carolina [Mr. Hollings], is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 1, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—47

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
Dixon
Dodd
Exon

Ford
Fowler
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski

Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Stennis
Wirth

NAYS—1

DeConcini

NOT VOTING—52

Armstrong
Biden
Bond

Boschwitz
Chafee
Chiles

Cochran
Cohen
D'Amato

Danforth
Dole
Domenici
Durenberger
Evans
Garn
Gore
Gramm
Grassley
Hatch
Hatfield
Hecht
Heinz
Helms
Hollings

Humphrey
Karnes
Kassebaum
Kasten
Kennedy
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth

Rudman
Simon
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

The PRESIDING OFFICER. On the motion to instruct the Sergeant at Arms, there are 47 yeas; there is one nay. The motion is agreed to.

The Clerk will continue the call of the roll for the absent Senators.

Mr. BYRD. Madam President, I move that the Sergeant at Arms be instructed to arrest the absent Senators and bring them to the Chamber, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Massachusettes [Mr. Kennedy], and the Senator from Illinois [Mr. Simon] are necessarily absent.

I further announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I also announce that the Senator from South Carolina [Mr. Hollings] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. Armstrong], the Senator from Minnesota [Mr. Boschwitz], the Senator from Rhode Island [Mr. Chaffee], the Senator from Mississippi [Mr. Cochran], the Senator from Minnesota [Mr. Cohen], the Senator from New York [Mr. D'Amato], the Senator from Missouri [Mr. Danforth], the Senator from Kansas [Mr. Dole], the Senator from New Mexico [Mr. Domenici], the Senator from Minnesota [Mr. Durenberger], the Senator from Washington [Mr. Evans], the Senator from Utah [Mr. Garn], the Senator from Iowa [Mr. Grassley], the Senator from Utah [Mr. Hatch], the Senator from Oregon [Mr. Hatfield], the Senator from Nevada [Mr. Hecht], the Senator from Pennsylvania [Mr. Heinz], the Senator from North Carolina [Mr. Helms], the Senator from New Hampshire [Mr. Humphrey], the Senator from Nebraska [Mr. Karnes], the Senator from Kansas [Mrs. Kassebaum], the Senator from Wisconsin [Mr. Kasten], the Senator from Indiana [Mr. Lugar], the Senator from Arizona [Mr. McCain], the Senator from Idaho [Mr. McClure], the Senator from Kentucky [Mr. McConnell], the Senator from Alaska [Mr. Murkowski], the Senator from Oklahoma [Mr. Nickles], the Senator from Oregon [Mr. Packwood], the Senator from South Dakota [Mr. Pressler], the Senator from Indiana [Mr. Quayle], the Senator from Delaware [Mr. Roth], the Senator from New Hampshire [Mr. Rudman], the Senator from Pennsylvania [Mr. Specter], the Senator from Vermont [Mr. Stafford], the Senator from Alaska [Mr. Stevens], the Senator from Idaho [Mr. Symms], the Senator from South Carolina [Mr. Thurmond], the Senator from Virginia [Mr. Trible], the Senator from Wyoming [Mr. Wallop], the Senator from Virginia [Mr. Warner], the Senator from Connecticut [Mr. Weicker], and the Senator from California [Mr. Wilson] are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

I further announce that the Senator from Missouri [Mr. Bond] is absent due to illness.

The result was announced—yeas 45, nays 3, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—45

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
Dixon

Dodd
Exon
Ford
Fowler
Glenn
Graham
Inouye
Johnston
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum

Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Stennis
Wirth

NAYS—3

DeConcini
Heflin
Shelby

NOT VOTING—52

Armstrong
Biden
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
Evans
Garn
Gore
Gramm
Grassley
Harkin

Hatch
Hatfield
Hecht
Heinz
Helms
Hollings
Humphrey
Karnes
Kassebaum
Kasten
Kennedy
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood

Pressler
Quayle
Roth
Rudman
Simon
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

Mr. SIMPSON. Mr. President, how much time is yet remaining?

The PRESIDING OFFICER (Mr. Adams). Time has just expired.

Mr. SIMPSON. I would ask that regular order be invoked.

The PRESIDING OFFICER. Regular order.

Mr. LEAHY. Mr. President, am I recorded?

The PRESIDING OFFICER. The Senator from Vermont is recorded in the affirmative.

On this vote, the yeas are 45, the nays are 3, and the motion is agreed to.

The clerk will continue to call the names of the absentee Senators and the Sergeant at Arms will execute the order of the Senate.

The bill clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. MOYNIHAN. Mr. President, the Senator from Mississippi seeks recognition.

The PRESIDING OFFICER. A quorum call is in progress. Has the Senator from Mississippi been recorded? The Senator from Mississippi is recorded.

Mr. STENNIS. Thank you.

The assistant legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The bill clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the roll of the absent Senators.

The bill clerk resumed the call of the roll.

The PRESIDING OFFICER. The Chair will announce a quorum is not present.

The assistant legislative clerk resumed the call of the roll.

Mr. PACKWOOD. Here.

The PRESIDING OFFICER (Mr. Breaux). Fifty-one Senators having answered the quorum call, a quorum is present.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, this is the second time in my service in the Senate as a Member of the leadership that I have been compelled to move that the Sergeant at Arms arrest Senators. In both instances, of course, I was reluctant to do that, sorry to do it, but I felt I had a duty to do it.

I want to compliment Senator Packwood for the fine spirit in which he has accepted the inevitable and I want him to know that I regret that this had to be done, but he has shown the finest of examples by his smile, his good humor, and I want to thank him for helping the Senate to get a quorum.

Mr. PACKWOOD. Might I say to my good friend I did not come fully voluntarily. The Sergeant at Arms and all of his stout men surrounded my office. Let me simply say I am transferring the colors to another ship and shall fight on in some other fashion.

Mr. BYRD. Mr. President, the distinguished Senator is a very valiant and formidable fighter, may I say.

I also want to thank our Sergeant at Arms. I think we can all sense the situation that the Sergeant at Arms is put in when he is called upon to arrest the Senators. But he did his duty. He did his duty.

And I know he feels badly about having to carry out the order of the Senate, but that is precisely what it is, not an order of the majority leader. It is an order of the Senate of the United States, and I commend him highly and thank him.

I regret, Mr. President, that this had to happen. But it is not something of my making.

Were I a Senator and the Senate ordered my arrest I would come and the Sergeant at Arms has as much authority to arrest a Senator if he is carrying out the order of the Senate as does any police officer or other law enforcement officer in this land. The Senate is clothed with that authority.

Let me read first the rule of the Senate. I think the record should be the full record.

Rule VI, paragraph 2:

> No Senator shall absent himself from the service of the Senate without leave.

Paragraph 3:

> If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

Paragraph 4:

> Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; . . .

Now, there is a higher rule, Mr. President, than rule VI of the Standing Rules of the Senate. Let me read from the Constitution of the United States, the organic instrument that created this institution and which derives its being and its power from the sovereign will of the people of this country. Section 5, article I, of the Constitution.

> Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

So, there it is in the Constitution of the United States.

Senators might do well to refresh their memory of that, I would say, sacred document.

So, I hope that Senators will understand that there is some of us who have a duty to carry out our responsibilities, and I have never shirked from mine.

We have seen that the opposition is not willing to vote on meaningful campaign financing reform, not willing to talk on the pending legislation, and ultimately not willing to stay on the job.

Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute for S. 2, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

Senators Brock Adams, J.J. Exon, Edward Kennedy, Daniel K. Inouye, David Boren, Harry Reid, Howard Metzenbaum, Wendell H. Ford, Terry Sanford, Carl Levin, Jay Rockefeller, Dale Bumpers, Tom Daschle, John Glenn, George J. Mitchell, Bill Bradley, Paul Sarbanes, Albert Gore, Jr., Max Baucus, and Robert C. Byrd.

Mr. BYRD. Mr. President, I also want to thank Senator Simon for responding to our call. We had one Senator who could not be present because his wife's mother died, Senator Hollings. We had two Senators who could not be present because they were physically unable to come, Senator Biden and Senator Kennedy.

We have one Senator who is out campaigning for the Presidency, and one Senator on the other side of the aisle, Mr. Dole, of course is out campaigning for the Presidency and could not be here.

Every Senator knows his duty. It is not up to me to tell any Senator what his duty is. Each Senator takes an oath to uphold this Constitution of the United States. Every Senator knows his duty to his people, and every Senator will have to answer to his own constituency for his conduct here.

MOTION TO PROCEED TO EXECUTIVE SESSION TO CONSIDER KOROLOGOS NOMINATION

Mr. BYRD. Mr. President, I move that the Senate go into executive session to consider the nomination of

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Tom C. Korologos, Calendar Order No. 523, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to proceed in executive session.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

QUORUM CALL

Mr. SIMPSON. I suggest the absence of a quorum, Mr. President,

The PRESIDING OFFICER. The Senator from Wyoming makes a point of order a quorum is not present.

The clerk will call the roll in order to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll and the following Senators answered to their names:

[Quorum No. 8]

Adams
Boren
Breaux
Byrd
Domenici
Leahy
Mitchell
Moynihan
Simon
Simpson

The PRESIDING OFFICER. A quorum is not present. The clerk will call the roll of those Senators who did not answer the first call.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 8]

Baucus
Bentsen
Bingaman
Bradley
Bumpers
Burdick
Chiles
Conrad
Cranston
Daschle
Dixon
Dodd
Exon
Ford
Fowler
Garn
Glenn
Graham, Florida
Grassley
Harkin
Hatch
Heflin
Humphrey
Inouye
Johnston
Kerry
Lautenberg
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Specter
Stennis
Stevens
Warner
Weicker
Wirth

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona [Mr. DeConcini], the Senator from Tennessee [Mr. Gore], and the Senator from Massachusetts [Mr. Kennedy] are necessarily absent.

I further announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I also announce that the Senator from South Carolina [Mr. Hollings] is absent because of a death in the family.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. Armstrong], the Senator from Minnesota [Mr. Boschwitz], the Senator from Rhode Island [Mr. Chafee], the Senator from Mississippi [Mr. Cochran], the Senator from Maine [Mr. Cohen], the Senator from New York [Mr. D'Amato], the Senator from Missouri [Mr. Danforth], the Senator from Kansas [Mr. Dole], the Senator from Minnesota [Mr. Durenberger], the Senator from Washington [Mr. Evans], the Senator from Nevada [Mr. Hecht], the Senator from Pennsylvania [Mr. Heinz], the Senator from North Carolina [Mr. Helms], the Senator from Nebraska [Mr. Karnes], the Senator from Kansas [Mrs. Kassebaum], the Senator from Wisconsin [Mr. Kasten], the Senator from Indiana [Mr. Lugar], the Senator from Arizona [Mr. McCain], the Senator from Idaho [Mr. McClure], the Senator from Kentucky [Mr. McConnell], the Senator from Alaska [Mr. Murkowski], the Senator from Oklahoma [Mr. Nickles], the Senator from South Dakota [Mr. Pressler], the Senator from Indiana [Mr. Quayle], the Senator from Delaware [Mr. Roth], the Senator from New Hampshire [Mr. Rudman], the Senator from Vermont [Mr. Stafford], the Senator from Idaho [Mr. Symms], the Senator from South Carolina [Mr. Thurmond], the Senator from Virginia [Mr. Trible], the Senator from Wyoming [Mr. Wallop], and the Senator from California [Mr. Wilson] are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

I further announce that the Senator from Missouri [Mr. Bond] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 9, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—51

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hatfield
Heflin
Inouye
Johnston
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stennis
Stevens
Wirth

NAYS—9

Domenici
Garn
Grassley
Hatch
Humphrey
Packwood
Specter
Warner
Weicker

NOT VOTING—40

Armstrong
Biden
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dole
Durenberger
Evans
Gore
Gramm
Hecht
Heinz
Helms
Hollings
Karnes
Kassebaum
Kasten
Kennedy
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Quayle
Roth
Rudman
Simpson
Stafford
Symms
Thurmond
Trible
Wallop
Wilson

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second on the request of the majority leader?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the majority leader to go into executive session to consider the nomination of Tom C. Korologos to be a member of the U.S. Advisory Commission on Public Diplomacy.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona [Mr. DeConcini], the Senator from Tennessee [Mr. Gore], and the Senator from Massachusetts [Mr. Kennedy] are necessarily absent.

I further announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I also announce that the Senator from South Carolina [Mr. Hollings] is absent because of a death in the family.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. Armstrong], the Senator from Minnesota [Mr. Boschwitz], the Senator from Rhode Island [Mr. Chafee], the Senator from Mississippi [Mr. Cochran], the Senator from Maine [Mr. Cohen], the Senator from New York [Mr. D'Amato], the Senator from Missouri [Mr. Danforth], the Senator from Kansas [Mr. Dole], the Senator from Minnesota [Mr. Durenberger], the Senator from Washington [Mr. Evans], the Senator from Nevada [Mr. Hecht], the Senator from Pennsylvania [Mr. Heinz], the Senator from North Carolina [Mr. Helms], the Senator from New Hampshire [Mr. Humphrey], the Senator from Nebraska [Mr. Karnes], the Senator from Kansas [Mrs. Kassebaum], the Senator from Arizona [Mr. McCain], the Senator from Idaho [Mr. McClure], the Senator from Kentucky [Mr. McConnell], the Senator from Oklahoma [Mr. Nickles], the Senator from South Dakota [Mr. Pressler], the Senator from Indiana [Mr. Quayle], the Senator from Delaware [Mr. Roth], the Senator from New Hampshire [Mr. Rudman], the Senator from Vermont [Mr. Stafford], the Senator from South Carolina [Mr. Thurmond], the Senator from Virginia [Mr. Trible], the Senator from Wyoming [Mr. Wallop], and the Senator from California [Mr. Wilson] are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

I further announce that the Senator from Missouri [Mr. Bond] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 0, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—64

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
Dixon
Dodd
Domenici
Exon
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Inouye
Johnston
Kasten
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stennis
Stevens
Symms
Warner
Weicker
Wirth

NAYS—0

NOT VOTING—36

Armstrong
Biden
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dole
Durenberger
Evans
Gore
Gramm
Hecht
Heinz
Helms
Hollings
Humphrey
Karnes
Kassebaum
Kennedy
McCain
McClure
McConnell
Nickles
Pressler
Quayle
Roth
Rudman
Stafford
Thurmond
Trible
Wallop
Wilson

So the motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I hope that Senators will accede to this request. It is my plan to ask unanimous consent that the yeas and nays on Mr. Korologos be withdrawn, that we voice vote that nomination. I will then move to go back into legislative session, not ask for a rollcall vote, just voice vote it, or I will ask unanimous consent to go back to legislative session so there will be no rollcall vote on that and we will be back on the campaign financing reform bill.

There will be Senators on the other side of the aisle who will speak until 10 o'clock tomorrow. There will be no quorum calls, no motions, no rollcall votes, but there will be continued debate carried on by our friends on the other side of the aisle. And Senators can get some sleep, those who are not speaking over there, and we will need one or two on this side to have a respectable showing for the majority. So I hope nobody will object.

Mr. President, I thank Mr. Simpson for helping to work out this approach which will give Senators an opportunity, the most of us, an opportunity to get a little rest.

Mr. President, I ask unanimous consent that the call for the yeas and nays on Mr. Korologos be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the nomination.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

The bill clerk read the nomination of Tom C. Korologos, of Virginia, to be a member of the U.S. Advisory Commission on Public Diplomacy.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition? The Senator from Wyoming.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

Mr. SIMPSON. Mr. President, let me kind of review the bidding here, if I may, for a moment. I thank the majority leader for reaching a concurrence on a result which prevents us from having two additional rollcall votes this evening—this morning, which would have been assured, while many of our Members are not present. Realizing that the majority has furnished their quorum, and that was something that was intended as we deal with the activities of the evening; regretted but intended; so with this we have avoided that result of two more rollcall votes and avoided, too, what would have been a continuing debate on the nomination of Tom Korologos from this side—an old procedure, which would have been presented. So we have avoided that.

We now will go into our continued ritual here until the morning hour of 10 under the unanimous-consent agreement. And so let me say, Mr. President, I most certainly do not enjoy employing these tactics. As the acting leader, that is not the finest hour for me. That is not the way I like to do business.

I think it is unbecoming to the Senate, also. And, as I say, not seemly for this Senator.

But the majority leader, as is his right, is insisting that members of this side of the aisle remain here around the clock to prevent final action on S. 2 and we felt, or at least a great majority of those on this side of the aisle, or on this side of the issue, because there are two on that side of the aisle who are on our side of the issue and three on our side of the aisle who are on that side of the issue, that it was felt by the majority of our persons that it was only fair that we insist on the members who are the opponents of the issue providing the quorum that is necessary for transacting business. That was done to the disruption of most of us in the evening hour.

Then, of course, rather than forcing this on through to yield to these tactics, the majority leader had an alternative available, which he has now exercised, and that is to file cloture.

At one time during the debate another member of the opponents of the legislation even agreed to propose a unanimous-consent request which would have provided that it would have been determined that a cloture petition had been filed and that the 2-day rule would have been waived and a time certain for a vote on cloture would have been obtained. That, of course, was not received because, of course, the petition had not been filed. But in its mythical context it was an interesting proposal because it would have gotten exactly where the majority leader would have intended to get and that was a vote on this issue because the majority leader speaks often and sincerely about voting on this issue. There is a way to vote on this issue. It will, apparently, come Friday and it will be a motion on cloture and it will fail just like it has failed seven consecutive times.

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I want at least the Record to disclose to what benumbed members of the American public can possibly be watching that we have had a most feckless exercise and that is why we have fecklessly gone to 3 o'clock and will fecklessly go to 10 o'clock without further quorum calls; because when we get to Friday there cannot possibly be more than 57 votes for cloture.

Our fine colleague, Senator Biden, and we all wish him Godspeed and complete recovery, will not be here. Perhaps there will be others who will not be here. But in any event the high water mark in seven previous votes has been 57.

I do not want anybody to miss that, as we call for votes on this critical issue before the American public. The critical issue before the American public is top dog-underdog. That is what the critical issue is for the American public to watch and pay attention to and I, too, want to commend Henry Giugni, our Sergeant at Arms.

That must be the toughest duty that anyone ever has had to perform. With sweat on his brow he went forward and searched these warrens and caverns for our colleagues and he performed that very well. I say, too, that Senator Packwood made quite an entrance. Many of you missed that. That was quite impressive indeed.

Indeed, I shant forget it. And I am sure he will not. It was done in good humor. We needed that at this hour. To Henry Giugni I certainly can understand his reluctance and his reticence to perform the task that he had to do. But let us say that there was no dysfunction of those who are opposed to this bill. We knew exactly what we were doing. We were doing it within the scope of the previous debate, and the activities that have preceded this legislation.

And so we will be able to explain ourselves fully as to what we were doing on this issue because in a sense it is very simple. As the majority leader cited from the rules, and from even the Constitution of the United States, there is an ever more important rule that has been elevated to status in the United States, and it is called tyranny of the majority. That is the essence of this effort. And I do not think it is very becoming and I think the American people understand it perfectly. That is what it is. That is not a nasty statement. It is a true statement. And the members of my party were here doing their business and doing it as required under the rules of the Senate. Indeed that is why there is such a thing as a motion to seek the arrest of absent Members, but to impugn that I think is a grave mistake. And for one who cherishes the rules as the majority leader, and I wish he were here and I am sure he will be here, I would cite rule XIX, paragraph 2:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

That is a rule. That was validated tonight when we were addressed as not being on the job, willfully not being on the job. That is a violation of that rule.

So I am sure that in these next hours and days we will be hearing about violations of the Senators on this side who refused to answer the warrant and the subpoenas, or whatever they may have been, and so we will come back and cite that and other things. That is too bad because the real issue to the American people is very simple.

We beat them back seven times and they have not picked up a single horse since, and they are going to get beat the eighth time and we have to go through this exercise for 3 more days. That is what I call top dog-underdog. It is not becoming.

So I just wanted to express that with hope not an intensity, but a clarity, because now I am sure that we will hear various descriptions of what occurred. What occurred is what has occurred seven previous times and every time with a hollow thud. This will be the eighth hollow thud on Friday, and we will have exercised and exorcised ourselves for 3 more days and after 10 o'clock tomorrow morning the fun and games will reach dramatic and rainbow proportions. We will have motions to arrest and to become unarrested, and we will have this and that, and we will have people in extremity, people who are unable to humor their functions while standing in debate, and Lord knows what else.

But let the record show that it did not have to be in any way, not one bit of it. So with that, I would yield under the unanimous-consent agreement and under the conditions of that unanimous-consent agreement to Senator Weicker.

I yield the floor.

Mr. BYRD. Mr. President, would the distinguished Senator——

Mr. WEICKER. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. Rockefeller). The majority leader.

Mr. BYRD. Mr. President, I understand the distinguished Senator from Wyoming indicated that he wished I were here.

Mr. SIMPSON. I did.

Mr. BYRD. I am here.

Mr. SIMPSON. I am pleased.

Mr. BYRD. So if he would repeat what he had to say a little earlier, I would be glad to listen.

Mr. SIMPSON. I would be very pleased to do that, Mr. President.

I was citing what was said by the majority leader earlier this morning as he related the conduct of those who are opposed to this bill, and have submitted that as a very clear item through seven consecutive cloture votes last year and now this one which is doomed to the same fate. And in the course of the debate, the comment by the majority leader, I believe the phrase was used that those who were opposed to the bill, and the Record would show that, and I would like then to insert those remarks in the Record once again as they were originally stated, that to the effect—I do not have it, I have not gone to the reporter—that we were willfully not on the job or some connotation of that essence, if I recall, and as we were citing and as the majority leader was citing from the rules of the Senate, and from the Constitution of the United States a higher form, I am simply saying that to me, to this Senator, that under the rules of debate under rule XIX, paragraph 2, I felt that was a breach of that rule.

And that rule says this: "No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator." That is what I shared and I shared that then, and I share that with the majority leader in person at this time. That was my comment in its entirety.

Mr. BYRD. The Senator did not say anything other than that?

Mr. SIMPSON. That is right.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I am surprised that my good friend would take the occasion when I walked off the floor to make these remarks about me in person. I will say what I said earlier. I have it written down.

Mr. SIMPSON. Please.

Mr. BYRD. "We have seen that the opposition is not willing to vote on meaningful campaign finance reform, not willing to talk on the pending legislation, and ultimately not willing to stay on the job." And I repeat that now. That was said in the context of the circumstances which had just occurred when only one Senator, the distinguished Senator from Wyoming, was here on the floor. All other Senators of the minority had left the floor. And exercising not only my right, but more importantly my duty, to try to keep this Senate going and operating, I made the motion to instruct the Sergeant of Arms to arrest Senators. And I quoted the Constitution, which gives the Senate that authority and that power. I never singled out any Senator by name.

Let me read the Senate rule:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators—

I never named any Senator.

> any conduct or motive unworthy or unbecoming a Senator.

Mr. President, it takes a great stretch of the imagination to apply what I said earlier and what I have just said again to that rule. That is stretching the rule and I am surprised that the distinguished Senator from Wyoming would do that.

Mr. President, if I ever have anything to say about another Senator, use his name or refer to him as I understand the distinguished acting Republican leader referred to me, the majority leader, I will not say it until I have called that Senator and sent word for him to come on the floor.

I have proof of that on this floor right tonight. I once had something to say about the distinguished Senator from Connecticut, Mr. Weicker. I did not say it until he was on the floor. I do not go behind a Senator and I do not wait until he walks out that door and then impugn or impute to him——

Mr. SIMPSON. Mr. President, will the Senator yield for a moment there?

Mr. BYRD. I will yield just when I finish my sentence.

Mr. SIMPSON. All right.

Mr. BYRD. But if I have anything to say critically about a particular Senator of such nature that I feel that he ought to be here to defend himself and to respond, then I will send for him. And the Senator from Connecticut on that occasion came on the floor. We had a little colloquy. It all ended in a very friendly way. I think it was the very next morning I showed up in his office. I went to see him.

I did not violate the rule. I did not name any Senator. The facts speak for themselves. The minority Senators were not here. They were not here. "Ultimately not willing to stay on the job," I said. They did not stay on the job. We even had to enter an order of the Senate to get them on the job. I did not state anything but the fact. I did not single out any Senator, I did not impute to any Senator any conduct unworthy of his being a Senator. And I did not impugn any Senator's character or his integrity.

I am sorry that the distinguished Senator from Wyoming feels that way about it. I did not realize, when we entered into this understanding, that when I walked off the floor, things were going to be said about me.

Mr. SIMPSON. Well, if I may——

Mr. BYRD. I yield without yielding the floor.

Mr. SIMPSON. Yes. That is fine.

Mr. President, when I was making my remarks I was here and as I started my remarks the majority leader was there. That is how——

Mr. BYRD. Here?

Mr. SIMPSON. You were right there.

Mr. BYRD. I was there talking. I did not hear the Senator.

Mr. SIMPSON. I know you were in this Chamber.

Mr. BYRD. I went out. Had I heard the Senator, I would have come back here.

Mr. SIMPSON. I know. I would like to finish my explanation of how I saw that.

Mr. BYRD. All right.

Mr. SIMPSON. If I may, I allowed you to do that, sir.

Mr. BYRD. I have the floor.

Mr. SIMPSON. Fine. We can go play box 'em up all night long.

Mr. BYRD. I am not going to play "box 'em up." Go ahead.

Mr. SIMPSON. I am saying when I spoke you were on this floor.

Mr. BYRD. Mr. President, I ask for the regular order, that the Senator address this Senator in the third person.

Mr. SIMPSON. Mr. President, I always do that.

Mr. BYRD. No. Just then he did not.

Mr. SIMPSON. I do that when I am in the Chair or outside the Chair. I say, Mr. President, I want to finish my remarks. I am entitled to do that.

Mr. BYRD. Just now he used the personal pronoun "you."

Mr. SIMPSON. Mr. President, I do not need instruction after legislating 24 years.

Mr. BYRD. I ask for the regular order, Mr. President.

Mr. SIMPSON. Mr. President, let me finish my remarks, and I hope the Chair will allow that. I certainly allowed the majority leader to do it. As I gave my remarks from this podium, the Senator from West Virginia was in this Chamber. He was right over there. I saw him. As I got to that point in my remarks, he was leaving the Chamber and I said I am going to say this, and I wish the majority leader were in the Chamber.

He is not. And I am going to go ahead and I made my remarks and when I finished my remarks, I stayed right here because I knew the majority leader would return and I have no intent to leave this Chamber. And he did return and he has given his explanation.

So we do not need to go into an orgy of contrition, but let me say I have personally paid some compliments and respect to the Senators in apology a few years ago. That was good. But I do not intend to spend a lot of time doing that. Once was enough. It is not becoming to spend much time doing that.

I can tell you that the remarks were made, and I cited rule XIX, paragraph 2, and if you really think about it, I believe the majority leader has said, Mr. President, that this is the first time he has invoked the motion to arrest Senators. Maybe this is the second time. Perhaps he will develop that.

Mr. BYRD. Second time.

Mr. SIMPSON. The second time in his career——

Mr. BYRD. That is right.

Mr. SIMPSON [continuing]. In the U.S. Senate, a distinguished career of 30-some years.

The very act of sending the Sergeant at Arms to arrest your colleagues to me is a direct effect in itself on the conduct or motive unworthy or unbecoming to a Senator. That is enough. That is called arrest.

I do not know how the majority leader cares to read that. I know how this person reads it as a man who practiced law for 18 years and has done a little legislating, never to the degree this gentleman would do, would not even attempt to match that prowess, but when you see a person use a move like that twice, this is the second time in his entire career in the Senate, it seems to me that that in itself is an impugning of something. That is the way I read that.

So add that about the actual act of moving to arrest fellow Senators, which is a pretty tough cookie approach to what was said, and that is what was said apparently—I am sure the record would disclose that exact language. I am sure it will. And to say that we were willingly not on the job, we were right here, we were all sitting in this cloakroom just as I have seen members of that party when they were in the minority sitting in that cloakroom to avoid meeting a quorum, and that is where they were, in the U.S. Senate on the job, right there, and then when they found that they were to be arrested, which we really did, we knew that was a possibility, but we really never dreamed that that one would pop out of the hat because there are about only four motions you can make when you do not get to a quorum. You can move to adjourn. You can move to compel. You can move to arrest and maybe one other.

And so they then left their area and went to their cubicles on the job. That is where we all spend our time here when we are on the job in our cubicles and that is where Senator Packwood was when they went to his door and opened it with a passkey and pushed it open into his injured arm and now he had to go get another x ray for that, and came here with the best of humor and did that.

Let us leave that out. That is done. It was done with good grace, better grace than this Senator would have ever expressed.

So, that is what I am talking about and that is I guess what I will continue to talk about when I think that things happen that look to me like tyranny of the majority, and I say that that is what that looks like to me and it looks certainly like impugning or imputing a motive unworthy or unbecoming. When you have to arrest someone they must have done something, especially when we never use it in this place.

So with those dovetailed facts to me it fits well to this Senator, it fits very well into the interpretation of my interpretation of rule XIX of paragraph 2, and I certainly would be glad to debate that further.

Mr. BYRD. I am not interested in debating it. I really am not.

Mr. SIMPSON. Good. I am not either.

Mr. BYRD. But I must say, Mr. President, I am shocked at what I have just heard.

All one has to do is read a little about the history of the Senate and one will find that this order by the Senate to arrest Senators had been made long before ROBERT BYRD ever became a Member of the Senate. I did not originate the precedent.

I have done it twice during my 22 years working in the leadership, and on both occasions I did it when I thought that was the last resort. The distinguished Senator says Senators were on their job and they were in the Cloakroom or they were in their cubicles. There was a rollcall. They chose not to answer that rollcall. They chose not to help the Senate to get a quorum so that it could do business. As majority leader, I had a responsibility to do exactly what I did, because if the majority is going to let a minority stop the Senate from operating and force it out, force the Senators to go home, then the majority is not doing its duty. The majority has not run over the minority tonight.

The majority has tried to keep this Senate in session so it could do its work.

Now, many Senators do not agree with the campaign financing reform bill. They can speak against it. They can vote against it. They can use the rules of the Senate and precedents. They can take dilatory actions, if they want to. But for the minority just to leave, nobody shows up except the acting Republican leader, I had no other recourse. The able Senator has said what he personally thinks about some things here. I personally think that it was bad judgment on the part of the minority to take the action it did in staying away from the floor when the vote was taken to establish a quorum so that the Senate could conduct business.

I know that there were some on that side who did not agree with the approach that was taken by the minority. They could have kept the Senate from voting on campaign finance reform. They have been able to do it for days, but instead they chose another means. I had to act accordingly, and I may do it again some day.

I do not resort to it casually. It is only in such extremities. After all, we on this side tonight could only produce 50 bodies. That is all we had. Two Democratic Senators were out ill. One Senator was out because of a death in the family. And the other Senator was out running for the Presidency. Only 50 Senators on this side. They were all here, but we could not produce a quorum. It is easy for the minority, if it wants to, to stop the Senate from operating when the majority can produce only 50 Senators. All they have to do is stay off the floor, leaving one Senator here to protect the minority from having the Chair put the question.

Well, I will let the public judge as to whether or not the minority conducted itself appropriately or responsibly. That is what I had reference to in saying, "ultimately not willing to stay on the job."

I have no personal animus against any Senator on the other side. I stated when Senator PACKWOOD came into the Chamber that I regretted having had to make the motion. I did not enjoy it. I do not enjoy being here at 3:30 in the morning. There are many Senators who are probably better able to be up all night than I am able. But it is my duty. And I have always taken the viewpoint that people expect me to do my duty. I have done it.

If I had said anything that merited an apology, I have never been hesitant to apologize to any Senator or to any other person, because I know I can do wrong. I often do wrong. But when I wrong a person I do not want the Sun to set until I go to him and apologize if I have done him wrong. I do not have any apology to make here. I think the Senator is misreading the rule, and I am sorry that he spoke about me when I had left the Chamber. He said I was standing right there. I was not standing there listening to him. If I had been, I would have come back and sat in this Chair, just as I came back when I was told outside what was said by the acting leader.

I was talking to certain Senators about manning the floor for the rest of the evening. I went on up the aisle and continued to talk with Senators about it. I knew Senator SIMPSON was speaking, but I did not listen to what he was saying. I know one thing: If I had had that to say about the Senator and if he were talking over there, I would have paused, I would have said, "I would like to have the attention of the Senator from Wyoming."

But the Senator did not do that. I simply say if I ever have anything critical to say on the floor about Senator SIMPSON, I will send for him, and I will wait until he gets here, and I will then say it.

So I have stated what I said before. I have read it into the RECORD again. Senators can make their own judgment. I have stated the basis for that motion to arrest from the Senate rules, and I have quoted the higher basis in the Constitution of the United States. The framers of that Constitution must have known what they were doing.

Much of our Constitution really goes back to the old English law. If we go back to English history, we will find a good many things in our own Constitution that originated hundreds of years ago and for good reason.

Mr. President, I am sorry the Senator said what he did. I am sorry he feels that way. I am sorry. But I do not have any qualms of conscience for anything I did. If I did have, I hope I would be man enough to apologize. I have always tried to be fair.

So if the distinguished Senator has anything further, I do not want to debate the matter more. He has had his say. I have had mine. If he wants to say anything else, I would be glad to listen.

I am willing to let bygones be bygones, turn our backs on this occurrence, and go on. We have to work together. And I can say to the Senator that when the Sun comes up on this morning, as far as I am concerned, it will be a new day.

I would be happy to yield to the distinguished Senator if he has anything further to say on this subject. And I apologize to the Senator from Connecticut for keeping him waiting. Perhaps I am giving him a rest.

Mr. SIMPSON. Mr. President, I do hear what the majority leader is saying. We will have this bit of combativeness and move on. I, in this situation, do not feel an apology is something that should be tendered by me nor by him. It is called what happens when you get into something that is so feckless, because this is a loser. It cannot be won. This is not the great issue of our time. And it surprises me that we put this import on it, calling it the last resort. That is extraordinary. This is an issue that we have addressed seven previous times.

And I say respectfully that denying a quorum is certainly considered part of the job of the Senate because there is no one more masterful in doing that as a Member of the minority than the majority leader. It is the essence of Senate activity. At times you tell your people, "We must deny them a quorum." That is the business of the Senate that we are sworn to do in our activities. It may subject Senators to proceedings of the Senate, but that is our duty as we see it.

The majority leader often says that we should let the Senate work its will, and I believe that. But when the Senate has worked its will seven separate times, there is really not much more will to work. And that is what is frustrating. And to think that that would have generated the most awesome of motions—a motion to arrest fellow Senators. And it was done with good humor and we kept our good humor. But it is an awesome motion twice made in 22 years.

My duty is to represent my party in the U.S. Senate. I am the acting leader. I take that responsibility seriously. I am very proud to have worked with the majority leader as we grappled with some pretty tough stuff—Grove City, as I brought up today; Contra aid. And we got through that without a lot of stuff and we will get through everything else without a lot of stuff, except this turkey because it cannot go anywhere. It will never be. And if it ever did go out of here to the House of Representatives, they would tear it to shreds with their bare hands, because it is the antithesis of everything they do over there—PAC's. It "ain't" quite their bag over there. But nobody is reading that.

All we know is that by the invoking of cloture we will not be able to debate. We will be through because of the skill, all legally done, of setting up this extraordinary tree.

So, that is part of it. Let that shine through so clearly—the terrible frustration of dealing with something which is not earthshaking. If the bad judgment that is going to be visited, or at least we will be referred to on this side as bad judgment for what we did in withholding a quorum, I can only think I will let the American people judge the bad judgment of calling for a motion to arrest. And we will just let the case rest out there, because this is an extraordinary debate.

We are always talking about the American people. They do not know about this issue. They have been reading Arch Cox's ads. But, other than that, when I go back home and tell them what we are trying to do, which is hopefully to see that our party is represented in maybe a majority status long after I have gone, that is worth scrapping about, regardless of what Arch Cox does. And the ultimate irony is the kind of ads Arch Cox did are the kinds of things that are not covered in the bill. So, I am not going to go on with that.

But, you know, bad judgment is not limited to this side of the aisle on this issue. And the reason it is so hectic and so bizarre and so ghastly is that we have dealt with it seven times. There is not another issue I have ever seen in 24 years of legislating where you have batted the ball over the fence seven times and threw the player out every time, and we are back here with one more shot and it is going to be worse. And that is the frustration. There is no further reality.

I am ready to go on. You do not have to have time to savor victory or anguish in defeat in this place. Now I am ready to go on, and thanks to the majority leader. He could have called two more rollcall votes tonight among our sleeping legions. They would have ripped my shorts off because they would have wondered why we did that. The majority leader saved me some pain by not having two more rollcall votes.

But we will go to 10 o'clock in the morning and we are ready to do that. But if anyone could tell me what is served by that, it escapes every possible faculty of my being.

I thank the majority leader.

Mr. BYRD. Mr. President, I am not going to debate the bill at this point. The Senator calls it a turkey. That is the way he feels about it. That is the way a lot of people feel about it. That is all right. There are a lot of bills I have voted on around here that I thought were turkeys, but that is part of the job. There is nothing mysterious about that. I just take it as it goes, vote for it or vote against it, do my best and go on to the next item.

So, I respect the Senator for opposing something he does not like. I do not carry any ill feelings about that.

But the Senator will have to get accustomed, if he has not already gotten accustomed, he will have to get accustomed to voting on measures he does not like. He may think they are turkeys and they may be brought up again and again. He will have to kind of get accustomed to that. He may think it is foolish, but some of us think otherwise. Each thinks his own way here. And I hope we can do that and do it in good humor and with good feelings.

And I never thought of asking the Senator for an apology. I simply wanted to come back and straighten out the record and be able to defend the position I took. The Senator owes me no apology. I have straightened out the record. I am confident that the record and the history of this institution, the rules and precedents, and the Constitution, support what I did.

I can assure the Senator of one thing: That I will never say anything about him in a derogatory manner on this floor unless I call him first to come to the floor. If it is anything that I would think that he would not like to read the next morning, I will send for him. And then I will say what I have to say. And if I err in saying it, I will be the first to apologize. And I hope the Senator will accord me the same courtesy.

Mr. SIMPSON. Mr. President, I do not want to be tedious, but I am going to say it one more time because it keeps coming up one more time. When my remarks were made, the gentleman from West Virginia was in the Chamber right there. I knew he was there because I saw him. As I completed my statement, he must have exited the door. And then I looked and I saw him gone and I said, "I wish the majority leader were here," and I adopt the same part of the RECORD, the end of my remarks, right now. "He is not"—and something else. I wish he was or whatever.

And so I remained. The same colloquy took place that would have taken place if I had said, "Will the Senator please give me his attention?" No one was denied that colloquy. We both had our licks, and that is the way we do our business. And that is the way I will always do my business with this gentleman. I have shared things with him that I did not even have to share from this side of the aisle during my time as acting leader. I said, "Here, here is surprise No. 1 coming your way about 2 o'clock this afternoon like a fast freight." And I will do that again. I may be naive, but I will do it.

So, let us kind of get away from this issue about me saying something as if it were secretive when I waited for the majority leader to leave the floor. We have tangled a lot worse than this without ever exiting the Chamber.

I have the greatest respect for him and admiration. He is tough, fair, and a hardy man to deal with. And I enjoy it. And I think he likes it too. And I will continue to work with him because I enjoy it and I enjoy him.

That pretty well concludes my remarks.

Mr. BYRD. Mr. President, I have already responded to the same statement earlier, and so that concludes my remarks.

I yield the floor.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I am glad to see my good friends, the distinguished Senator from West Virginia and the distinguished Senator from Wyoming, state their positions so clearly and ultimately with such goodwill.

I also have to say that if anybody should have drawn offense from the recent events on the Senate floor it is the Senator from Connecticut, because it is my understanding that some Member of this body, who we shall leave unnamed, suggested to the Sergeant at Arms that if he were to arrest the Senator from Connecticut that he should be equipped with a steel net and three tranquilizer guns. But I accept that in the humor in which it was given and, indeed, if that is the perception, let it stay that way because I do not want to be arrested by my good friend, the Sergeant at Arms, under any set of circumstances, tranquilizers or not. He is a gentleman and I think we are all proud of him in this body.

Mr. President, I have only a few minutes left before I have to go take my children to school and I want to get to the substance of the bill before us. It is not a good piece of legislation. Regardless of how it is sold to the

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America public, be it under the guise of reform or the coloration of good government, it violates many historical and constitutional precepts.

Now the one aspect of this bill that I think should be knocked down at the outset is that it is a continuation of the Watergate reform of our election financing laws. I have no objection to calling it anything that its authors want to, but, as one of the surviving members of the Watergate Committee, I do not care to have an appellation given to it which indeed could not even have been given to the first reform legislation.

Why do I say that? Because it is probably a little known fact now that the Watergate Committee itself voted against the public financing of elections.

Let me state exactly what the committee said:

> The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government. The select committee opposes various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office. While recognizing the basis of support for the concept of public financing and the potential difficulty in adequately funding campaigns in the midst of strict limitations on the form and amount of contributions, the committee takes issue with the contention that public financing affords either an effective or appropriate solution.
>
> Thomas Jefferson believed "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical."
>
> The committee's opposition is based, like Jefferson's, upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment. Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns. The abuses experienced during the 1972 campaign and unearthed by the select committee were perpetrated in the absence of any effective regulation of the source, form or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971 and requiring full public disclosure of contributions of the 1972 campaign still was funded through a system of essentially unrestricted private financing. What now seems appropriate is not the abandonment of private financing but rather reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses in earlier campaigns.

Now, that was the official position of the Watergate Committee and here we are. Actually, to be completely accurate on this, 14 years later, we are totally ignoring the lessons of the greatest scandal of our times. We are totally ignoring the advice of those of us who had the responsibility of investigating that scandal and proceeding with recommendations to avoid repetition in the future.

Let me repeat what the committee said and then I can expand on it.

> The committee's opposition is based, like Jefferson's, upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment. Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns. The abuses experienced during the 1972 campaign and unearthed by the select committee were perpetrated in the absence of any effective regulation of the source, form or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971 and requiring full public disclosure of contributions of the 1972 campaign still was funded through a system of essentially unrestricted private financing. What now seems appropriate is not the abandonment of private financing but rather reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses in earlier campaigns.

Why did the committee say that? Well, the committee said it, and I intend over the course of the next day to be very specific because it was, in essence, the nature of my entire minority report. The committee said it because the matter of Watergate was not so much a burglary or the illegal actions of the President as it was a Federal Government run amok; a Federal Government, not a handful of Cubans breaking into the Watergate, not the wrongful deeds of the President, but an entire Government.

When I say entire Government I mean, for example, the Internal Revenue Service, the Commerce Department, the Federal Bureau of Investigation, the Central Intelligence Agency. I go right down the whole checklist of bureaucracies in this Government. That was the ill of Watergate. And the committee was unwilling to put more power as to the election process in the hands of the Government which almost dragged the entire free election process into the gutter to stay.

I am appalled that we have so soon forgotten that lesson.

The one experience that we have is the experience of Federal financing of Presidential campaigns. This was one of the initial reforms. Take a look at what we already know about that.

Already the violations are myriad, in the sense of overspending in State after State by the candidates and disguising it and waiting until the reporting period is over and then it does not make any difference. Or those violations which are less easy to identify, whereby the only reason the candidates are in there is so they can go ahead and get the money and pay their debts. This has happened in several elections in the past since the law was enacted.

So, whether it is the experience that we gained in a general sense from malfeasance by Government during the Watergate era or whether it is the specific that occurs under the laws as they now exist, certainly Federal financing does not seem to be the way to go.

The Federal financing of Presidential campaigns is a bad law; a bad law. Its track record is miserable. And yet we are being asked here in S. 2 to go ahead and duplicate it when it comes to the election of other Federal officials.

Has anybody conceived of the mischief that can be caused by the Federal Government in the free election process when, in effect, it has its hands on the purse? There are obviously serious constitutional problems, also, involved in the legislation. I am going to get to that later. But for purposes of this morning I am going to revisit July 1974 and make the point as to why I do not think any further power should be put in the hands of the Federal Government when it comes to our election process, hoping that by reviewing the lessons that we learned from Watergate we will not repeat them here on this floor with the passage of S. 2.

These were the additional views of Senator LOWELL WEICKER to the final report of the Select Committee on Presidential Campaign Activities in the U.S. Senate in July 1974. What I tried to do in this minority view was to accentuate or focus in on the abuses of the Government as a whole, rather than the abuses of Mr. Nixon, or to give the details of the burglary at the Watergate. I started off with a chapter, "A Stillness."

In the early 1970's, several independent events took place in the United States of America. On the surface they appeared to lack a common bond.

In June 1969, a Louis Harris poll found that 25 percent of all Americans felt they had a moral right to disregard a victim's cry for help. Over the next several years, this mood took the form of countless incidents of "looking the other way" when men and women were assaulted and murdered in full view of entire neighborhoods.

On May 4, 1970, at Kent State University in Ohio, a group of students who refused an order to disperse were fired upon by the National Guard, killing William Schroeder, Sandy Scheuer, Jeffrey Miller, and Allison Krause, and wounding nine others. Ten days later, at Jackson State University in Mississippi, police who had been called in to protect firemen from violence, opened up a 28-second fusillade into and around a dormitory killing Phillip Gibbs and James Earl Green, and wounding 12 others.

During 1971, a decision was reached by the administration to conduct the President's reelection campaign with a special committee totally separate and insulated from the political party which would renominate that President.

In early 1972, a young radio reporter in Miami stood outside a supermarket trying to get people to sign a copy of the Bill of Rights. Seventy-five percent refused, many saying it was "Communist propaganda."

In February of 1972, it was revealed that International Telephone & Telegraph had allegedly offered a campaign contribution of $400,000 in return for the Justice Department dropping an antitrust suit against ITT. The suit was dropped on Presidential order, but when the Attorney General was questioned about the President's role by a Senate committee in March, he lied.

On June 17, 1972, burglars employed by the Committee to Reelect the President were arrested inside the headquarters of the Democratic National Committee with bugging equipment and large sums of cash.

In December of 1972, having failed to get congressional approval for a reorganization of the Cabinet, the administration moved autonomously to establish three or four "super Secretaries" and to place various Executive Office employees in key sub-Cabinet posts. The obvious goal was to create a White House-directed network of decisionmaking and reporting quite different from the formal Cabinet structure which remained subject to congressional scrutiny.

In February of 1973, the White House held a Peace-with-Honor reception to celebrate the end of the Vietnam war. Only those Congressmen who had supported the President's Vietnam policies were invited, implying that those who had questioned our involvement in Vietnam were either against peace or were dishonorable men and women.

Some of these incidents were matters of life and death and were well publicized. Others were matters of principle and were little noticed at the time.

In each instance a significant outrage had taken place.

What was common to all?

In each instance no one complained.

A constitutional stillness was over the land.

The next chapter was entitled, "the Uproar."

That American decency, idealism, honesty and reverence for the Constitution that some thought bought off has been stirring and reasserting itself for many months now.

Yes, a few still shout treason when questions are asked.

A few still espouse the end as justifying the means.

A few still goggle at an American title rather than the title of American.

But it was only yesterday, June 17, 1972 to be specific, that today's few were part of a large American majority.

Why the turnaround?

The truth!

Because Frank Wills discovered taped doors at the Watergate, America's doors didn't close in all our faces.

The next chapter is "Constitutional Democracy in the Era of Watergate."

For this Senator, Watergate is not a whodunit.

It is a documented, proven attack on laws, institutions, and principles.

The response to that attack was and is a nation of laws at work, determining whether men shall prevail over the principles of a constitutional democracy. It has been and will be the testing of a great experiment in Government begun some 200 years ago.

Laws, institutions, and principles were squarely before this committee, to be debated, probed and documented, in order to assert remedies and reassert time-honored concepts. Guilt or innocence was not an issue. This was a fact-finding body; it was a legislative body; and those duties go to the heart of what Watergate was all about.

In keeping with the committee's duties, this is a report of facts and evidence, leading to legislative recommendations, one of which, I might add, I just read to this body here, being against Federal financing of elections.

To document the abuse of laws, institutions, and principles, the facts and evidence are presented, first, as they bear on the basis of our laws, the Constitution; second, as they relate to the institutions of our Government; and third; as they affect the principles of our political system.

I. THE CONSTITUTION

One of the most disturbing facts about the testimony presented to this committee is that so much of it went relentlessly to the heart of our Constitution.

To appreciate what happened to the Constitution, it is useful to divide the seven articles and 26 amendments into substantive versus procedural provisions. The substantive sections lay out rights, powers, and duties. The procedural areas address somewhat more technical and administrative matters. The important point is that the essence and strength of the Constitution springs from its substantive areas, primarily the first three articles, the first 10 amendments and the 14th amendment.

A. THE EXECUTIVE

Of all the issues confronting the Constitutional Convention at Philadelphia, the nature of the Presidency ranked as one of the most important. The resolution of that issue was one of the most significant actions taken.[1]

Most state constitutions prior to that time had weak executives and strong legislatures.[2] The decision to create a President, as opposed to plural administrators,[3] was a reluctant recognition of the advantages of a strong executive.

Nevertheless, the Convention took steps to contain presidential power. Only after deciding the method of selecting a President, his term, mode of removal, and powers and duties did the Convention agree to the concept of a strong President.[4]

This bit of history, indicating that the delineation of the President's office and powers preceded the creation of his position in the Constitutional scheme, is quite important. It demonstrates that executive power is to be exercised within the framework of the Constitution, and particularly, within the guidelines of Article II, which lays out the powers and duties of that office.

This is much of what Watergate is all about, and it bears a close look at Article II.

The issue at stake is the exercise of potentially awesome Presidential power. As to that issue, Article II contains two points of significance.[5] First, its opening words state: "The executive Power shall be vested in a President of the United States of America.[6] This grant of executive authority, with no words of limitation, has, from the time of Jefferson, been the basis for expanding the presidential office and activities.[7]

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[1] Congressional Research Service, Library of Congress, "The Constitution of The United States of America" (1973), p. 429. Background on the Convention from C. Thach, "The Creation of the Presidency, 1775–1789" (Baltimore: 1923).

[2] As a result of experience with the royal governors, not only did most states have weak executives, but the Articles of Confederation (which was the agreement by which the national government was functioning at the time of the Constitutional Convention) vested all powers in a one-body Congress. C. Thach, chs. 1–3. The Virginia Plan, which was the basis of discussion, offered a weak executive, with only power to "execute the national laws" and to "enjoy the Executive rights vested in Congress." Id., ch. 4; Congressional Research Service, p. 430.

[3] It was not until the closing days of the Convention that there was any assurance the executive would not be tied to the legislature, devoid of power, or headed by plural administrators. Although the discussion about the executive opened on June 1, 1787, as late as September 7, 1787, eight days before the final Constitution was ordered printed, the Convention voted down a proposal for an executive council that would participate in the exercise of all the executive's duties. M. Farland, "The Records of the Federal Convention of 1787" (New Haven: 1937), 21 and 542.

[4] The eventual basis of Article II was the New York Constitution. On June 1, 1787, James Wilson moved that the executive should be one person. A vote on the Wilson motion was put off until the other attributes of the office had been decided. The decision resulted largely from experience with the Articles of Confederation "that harm was to be feared as much from an unfettered legislature as from an uncurbed executive and that many advantages of a reasonable strong executive could not be conferred on the legislative body." Congressional Research Service, p. 430.

[5] According to Alexander Hamilton, "The second Article of the Constitution of the United States, section first, establishes this general proposition, that 'the Executive Power shall be vested in a President of the United States of America.' That same article in a succeeding section, proceeds to delineate particular cases of executive power." 32 "Writings of George Washington," J. Fitzpatrick ed. (Washington: 1939) 430; 7 "Works of Alexander Hamilton," J.C. Hamilton ed. (New York: 1851) 76.

[6] U.S. Constitution, Article II, Section 1.

[7] The practice of expanding presidential powers has continued steadily but was irrevocably set when the "Strict constructionists" came to power in 1801 and did not curb executive power, but rather enlarged it. The modern theory of Presidential power was conceived by Hamilton, but it is interesting to

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However the initial broad authority is offset by a second significant factor, the enumeration of executive powers later in Article II.[7] These declare in part that the President is to be Commander-in-Chief, make treaties, appoint ambassadors and other officers, grant pardons, and take care that the laws are faithfully executed.

It is worth noting that experience has eventually placed limits on the general powers. The President has been allowed, as a practical matter, to exercise those additional powers that fall naturally within his range of activities.[8]

The important point, however, is that no President has been, or can be, allowed to conduct the executive branch in conflict with the Constitution taken as a whole, and certainly not in conflict with express sections of the Constitution, such as the Bill of Rights, or Article I (the legislature), or Article III (the judiciary). This then is the proper context for examining facts.

Article II of the Constitution, by which the Presidency was created, was violated from beginning to end by Watergate.

There is massive evidence of misuse of the awesome general powers that reside in the executive department.

There is equal evidence documenting abuses of the enumerated duties.

1. General powers and duties

The facts show an executive branch that approved a master intelligence plan containing proposals that were specifically identified as illegal,[10] that proposed setting up a private intelligence firm with a "black bag" or breaking and entering capability as secret investigative support for the White House,[11] that set up its own secret police,[12] that used its clandestine police force to violate the rights of American citizens,[13] that hired a private eye to spy on its enemies, including their personal lives, domestic problems, drinking habits, social activities and sexual habits,[14] that circulated an enemies list,[15] that developed plans to use the available federal machinery to screw our political enemies,[16] that knew of an illegal break-in connected with the Ellsberg case and concealed that fact rather than report it to appropriate authorities,[17] that used a presidential increase in milk support prices to get $5,000 from the milk producers to pay for the Ellsberg break-in,[18] that recruited persons for that break-in on the false pretense of national security,[19] that offered the presiding judge in the Ellsberg trial the FBI Directorship at a clandestine meeting in the midst of the trial,[20] that ordered a warrantless wiretap on a news columnist's telephone,[21] that wiretapped 17 newsmen and government officials in an operation that was outside proper investigative channels,[22] that suggested firebombing the Brookings Institute,[23] that set up an Intelligence Evaluation Committee outside the legitimate intelligence community to disseminate information that should have been restricted to individual agencies,[24] that used the Secret Service to wiretap the President's brother,[25] that kept $350,000 in left-over 1968 campaign funds in a safe in the Chief of Staff's office,[26] that used most of those funds as "hush money" for the Watergate burglars,[27] that approved a large contribution from the milk producers association after being told it was meant to gain access to and favors from the White House,[28] that received and passed on information about an IRS audit of one of the President's friends,[29] that arranged for a tax attorney for the friend.[30]

That contacted the IRS as well as the Justice Department in a number of other tax cases involving friends of the President,[31] that planned and possibly carried out a break-in at the office of a Las Vegas publisher,[32] that suggested a break-in at the apartment of the man who attempted to assassinate Governor Wallace,[33] that contemplated a break-in at the Potomac Associates offices,[34] that tried to rewrite history by making up bogus State Department cables to falsely connect the Kennedy Administration with the assassination of President Diem,[35] that attempted to get reporter William Lambert to use the phony cables in a story,[36] that tried to plant false stories connecting the President's opponent with communist money and the crimes alleged in the Ellsberg case,[37] that installed an elaborate system of taping conversations between the President and his staff or visitors,[38] that told federal investigators to stay out of the Ellsberg matter,[39] that undertook a clandestine operation to hide a key witness in the ITT case in a Denver hospital where she was interrogated by Howard Hunt in disguise,[40] that authorized and funded from within the White House a dirty tricks operation including scurrilous literature, late night telephone campaigns and advertising designed to offend local interests, seemingly sponsored by Democratic candidates, and physical disruptions directed against Presidential opponents,[41] that planted spies, hecklers, and pickets in the Muskie and Humphrey campaigns,[42] that participated in discussions of a campaign against Democrats to include prostitutes, mugging, kidnapping, bugging, and burglary,[43] that pressed for adoption of Liddy's Watergate plan,[44] that was told of the authorization and budget for Liddy's plan,[45] that believed

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note his qualification "that the executive power of the nation is vested in the President; subject only to the exceptions and qualifications, which are expressed in the instrument." 7 "Works of Alexander Hamilton," 80–81; see Congressional Research Service, 433 and 437.

[8] U.S. Constitution, Article II, sections 2–4.

[9] See note [illegible] supra.

[10] See Vol. 3, Ex. 35, p. 1319. This is a plan submitted by Tom Charles Houston to the President and approved in July, 1970. Presidential Statements, May 22, 1973. Part D., entitled "Surreptitious Entry," reads: "Use of this technique is clearly illegal: it amounts to burglary." Id., at 1321.

[11] Operation Sandwedge, drawn up by John Caulfield in late 1971, to infiltrate campaign organizations, with a "Black bag" capability, "surveillance of Democratic primaries," and "derogatory information investigative capability, world-wide." See. Ex.   and pp. —, Campaign Practices, supra.

[12] See, the Intelligence Community, infra. (discussion of the establishment and functions of the secret so-called Plumbers unit in the White House).

[13] On June 21, 1974, Mr. Charles Colson, was sentenced to one to three years in jail for, among other things, activities of the Plumbers "to influence, obstruct, and impede the conduct and outcome of the criminal prosecution of Daniel Ellsberg."

[14] See, the list of investigations by Anthony Ulasewicz, The Intelligence Community, infra; see also, Ulasewicz testimony, Vol. 6, pp. 2219–2277.

[15] See, Vol. 4, Exhibits 44, 48–65.

[16] Vol. 4, Ex. 48, p. 1689.

[17] When the prosecutors finally learned of the break-in 18 months after it occurred, they were told by the President, "you stay out of that," even though it was a crime for which at least one defendant has been convicted. Vol. 9, p. 3631.

[18] Ellsberg Break-in Grand Jury Proceedings, 652–656.

[19] Testimony of Bernard Barker, Vol. 1, p. 358.

[20] Testimony of John Ehrlichman, Vol. 6, p. 2617–2619.

[21] At Ehrlichman's instructions, Caulfield had John Regan tap columnist Joseph Kraft's home telephone. John Caulfield Executive Session, March 16, 1974.

[22] See, testimony of Robert Mardian, Vol. 4, pp. 2392–2393; John Ehrlichman, Vol. 4, p. 2529; and John Dean, Vol. 3, p. 920.

[23] John Caulfield Executive Session, March 23, 1974; testimony of John Dean, Vol. 3, p. 920.

[24] Notwithstanding the fact that the statutes prohibit the CIA from participating in any domestic intelligence function, they were called upon to evaluate domestic intelligence-gathering by other agencies, when the Intelligence Evaluation Committee was set up. Testimony of John Dean, Vol. 4, p. 1457.

[25] In a Press Conference on November 17, 1973, the President stated: "The Secret Service did maintain a surveillance. They did so for security reasons, and I will not go beyond that. They were very good reasons, and my brother was aware of it."

[26] Testimony of H.R. Haldeman, Vol. 7, p. 2879; Gordon Strachan, Vol. 6, p. 2442, 2461.

[27] Testimony of Fred LaRue, Vol. 6, p. 2343.

[28] Mr. Kalmbach testified that he reported the original milk producers' contribution, and their request in return for 90 percent parity, a Presidential address at their Convention, and a Presidential audience, to Messrs. Ehrlichman, Flanigan, Gleason, and Dent. Herbert Kalmbach, Executive Session.

[29] Gen. Alexander Haig, White House Chief of Staff, was called by William Simon of the Treasury Department and told that Mr. Rebozo was to be audited. Gen. Haig met with White House attorneys on the matter, resulting in a decision to tell the President and volunteer to use the White House attorneys to find a tax lawyer for Mr. Rebozo. Gen. Alexander Haig, Executive Session.

[30] Id.

[31] This help was extended to Dr. Kenneth Riland. Testimony of John Dean, Vol. 4, p. 1530, 1559. It also went to the Rev. Billy Graham and actor John Wayne. Id., at 1529–1530.

[32] Testimony of Howard Hunt, Vol. 9, p. 3687. See also, Transcripts of Presidential Conversations.

[33] Testimony of Howard Hunt, Executive Session, July 25, 1973, p. 129–133.

[34] A White House memo, dated July 6, 1971, from John Caufield to John Dean, stated: "Building appears to have good security with guard present in lobby during day and evening hours. However, a penetration is deemed possible if required."

[35] Testimony of Howard Hunt, Vol. 9, p. 3732.

[36] *Id.*, at 3672.

[37] Vol. 10, Ex. 194, p. 4259 (A memo from Pat Buchanan recommending, "The Ellsberg Connection, tying McGovern to him and his crime—as soon as the indictment come down.") A Dean to Haldeman memo stated, "We need to get our people to put out the story on the foreign or Communist money that was used in support of demonstrations against the President in 1972. We should tie all 1972 demonstrations to McGovern. . . ." See, Vol. 8, p. 3171.

[38] Testimony of Alexander Butterfield, Vol. 5, p. 2074.

[39] Testimony of Henry Petersen, Vol. 9, p. 3631.

[40] Testimony of Robert Mardian, Vol. 6, p. 2359; Testimony of Howard Hunt, Vol. 9, p. 3752–53.

[41] See, the Electoral Process, infra (description of the Segretti operation).

[42] See, Executive Session, Herbert Porter, April 2, 1973 (the activities of Sedan Chair I and Sedan Chair II).

[43] Testimony of John Mitchell, Vol. 5, p. 1610.

[44] Testimony of Jeb Magruder, Vol. 2, p. 835. (phone call by Mr. Colson to Mr. Magruder, to "get on the stick and get the Liddy project approved so we can get the information from O'Brien.")

[45] For example, on March 30, 1972, a few days after the Liddy plan was allegedly approved, a memo from Strachan to Haldeman reported, "Magruder reports that 1701 (CPR) now has a sophisticated political intelligence gathering system with a budget of 300." Testimony of Gordon Strachan, Vol. 6, p. 2441. An April 4, 1972, talking paper for a meeting between Mitchell and Haldeman included the intelligence plan and its $300,000 budget. Id., at 2454.

it had received transcripts of illegal wiretaps and never reported that crime,[46] that was warned of the planned break-in at the Watergate and did nothing to stop it,[47] that knew the full scope of Liddy's activities shortly after the Watergate arrests and kept those facts from proper authorities,[48] that shredded Watergate evidence in the Chief of Staff's files,[49] that tried to use one of its executive branch agencies as a "cover" for the Watergate operation,[50] that was the scene of meetings at which high officials plotted to use the power and influence of the presidency to cover up crimes and obstruct justice,[51] that saw advisors invoke the power of the presidency to use an FBI Director in ways that would eventually cause him to resign.[52]

That used the President's fundraising powers to collect illegal corporate contributions,[53] to raise funds to finance a crime,[54] and to collect bribes for a criminal case,[55] that discussed using the President's clemency prerogatives as early as July 1972, to keep the lid on Watergate and other crimes, while misleading the American people by calling Watergate a "third rate burglary,"[56] that made offers of clemency for improper purposes,[57] that announced, in a Presidential statement, a Dean investigation clearing the White House, when there had in fact been a coverup not an investigation and the President had never, ever talked to Dean about Watergate,[58] that discussed, in the Oval Office, unethical out-of-court contacts with the presiding judge in one of the Watergate civil suits,[59] that purposely lied to the FBI and a federal grand jury,[60] that encouraged campaign officials to commit perjury and plead the Fifth Amendment to obstruct justice,[61] that used the President's personal attorney and White House staff to pay criminal "hush" money,[62] and to pay for a private eye operating out of the White House,[63] that used its influence to get raw FBI files for improper purposes,[64] that prevailed upon the FBI not to interview certain witnesses,[65] that used patriotic concern for the presidency to pressure defendants to plead guilty in a criminal case,[66] that used its influence to get special treatment for high officials before a federal grand jury,[67] that plotted to cover up the Segretti story and denounced in the harshest terms those who uncovered the story.[68]

That noted "it would assuredly be psychologically satisfying to cut the innards from Ellsberg and his clique,"[69] that obstructed Congressional investigations of Watergate and related matters,[70] that filed Watergate counter suits for the distorted purpose of using subpoena powers to delve into the financial and sexual activities of political opponents,[71] that made numerous misleading or false statements about Watergate to the American people,[72] that failed to promptly inform proper authorities about knowledge of crimes involving White House officials,[73] that forced the resignation of a special prosecutor, Attorney General, and Assistant Attorney General when their Watergate prosecution took an independent position,[74] that suggested using the Attorney General's powers to keep a Republican opponent off the primary ballot in Florida,[75] that used the executive's authority over the media's regulatory agencies to intimidate the media,[76] that ordered a personal tax audit, surveillance by an FBI agent and Secret Service agents, and an anti-trust action, all in response to a newspaper article about one of the President's friends,[77] that tried to punish foundations with views different than White House policy by pressuring the IRS to review their tax exempt status,[78]

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[46] Mr. Strachan testified, "I did not tell Mr. Dean that I had, in fact, destroyed wiretap logs, because I was not then sure what they were, I only had suspicions." Testimony of Gordon Strachan, Vol. 6, p. 2442. Mr. Strachan had also had access to all the Watergate wiretap transcripts. Testimony of Jeb Magruder, Vol. 2, p. 827.

[47] Mr. Strachan, according to Mr. Magruder, was as well briefed, on the evening of June 16, 1972, on the intelligence operation (including the plan for a second break-in on June 17) as anybody at the Committee to Re-Elect. Testimony of Jeb Magruder, Vol. 2, p. 827.

[48] The White House counsel, among others, was fully briefed by Liddy himself three days after the break-in, and given the full story of Liddy's Plumbers' activities as well. Testimony of John Dean, Vol. 3, p. 933.

[49] Testimony of Gordon Strachan, Vol. 6, p. 2458.

[50] Both Mr. Helms and Gen. Walters of the CIA testified that at a meeting on June 23, 1972, with Mr. Haldeman and Mr. Ehrlichman, they were instructed to use the CIA to interfere with the FBI investigation of Watergate. Testimony of Richard Helms, Vol. 8, p. 3238; testimony of General Vernon Walters, Vol. 9, p. 3405.

[51] As soon as Mr. Dean returned to Washington after the break-in, he began meeting with White House officials, such as his meetings on June 19, 1972, with Messrs. Ehrlichman, Colson, and others to discuss how to handle Liddy and the contents of Hunt's safe. Testimony of John Dean, Vol. 3, p. 934.

[52] Patrick Gray testified that he took the Hunt files and destroyed them because the order came from "the counsel to the President of the United States issued in the presence of one of the two top assistants to the President of the United States." Testimony of Patrick Gray, Vol. 9, p. 3467.

[53] See, testimony of eight corporate executives convicted of illegal corporate contributions, Nov. 13–15, 1973. Vol. 13.

[54] Not only was the Ellsberg break-in financed by milk producers' money (see, note 18, supra), but the Watergate break-in was financed by money from the Committee to Re-Elect. Testimony of Hugh Sloan, Vol. 2, p. 539; testimony of Maruice Stans, Vol. 2, p. 795.

[55] Mr. Kalmbach was asked to raise funds for the Watergate burglars. Testimony of John Dean, Vol. 3, p. 950; confirmed by Transcrips of Presidential Conversations, April 14, 1973, p. 494.

[56] Presidential Statement of August 15, 1973, p.3; testimony of John Ehrlichman, Vol. 7, p. 2848–2849.

[57] On at least three occasions Watergate defendant James McCord received offers of executive clemency if he would remain silent and plead guilty. Testimony of James McCord, Vol. 1, pp. 131, 132, 135, 139–141.

[58] Testimony of John Dean, Vol. 3, p. 955.

[59] Testimony of John Dean, Vol. 3, p. 958. "He (Judge Ritchie) has made several entrees off the bench—one to Kleindienst and one to Roemer McPhee to keep Roemer abreast of what his thinking is. He told Roemer that he thought Maury (Maurice Stans) ought to file a liber action." Transcrips of Presidential Conversations, September 15, 1972, p. 60.

[60] Herbert L. Porter pleaded guilty, on January 28, 1974, to one count of making false statements to FBI agents. Gordon Strachan testified that he was expressly asked to do something he knew was improper related to his grand jury testimony of April, 1973. Testimony of Gordon Strachan, Vol. 6, p. 2443. See, also testimony of Jeb Stuart Magruder, Vol. 2, pp. 801, 802, 804, 831–832.

[61] Dean attempted to get Sloan's lawyers to have Sloan take the Fifth Amendment. Testimony of Hugh Sloan, Vol. 2, pp. 585, 586. Herbert Porter testified that he was asked to perjure himself by Magruder concerning the amount given Liddy—asked to say he gave $100,000 to pay surrogates. Porter, subsequently, perjured himself to the grand jury and in the trial. Testimony of Herbert L. Porter, Vol. 2, pp. 635–637.

[62] Testimony of John Dean, Vol. 3, p. 950. Kalmbach recollected that Dean stressed secrecy with respect to raising funds for the defendants, that he made a very strong point that there was absolute secrecy required, confidentiality, indicating that if this became known, it might jeopardize the campaign and cause misinterpretation. Testimony of Herbert Kalmbach, Vol. 5, p. 2098.

[63] Mr. Caulfield worker on his intelligence projects with Mr. Ehrlichman and Mr. Kalmbach. He hired Mr. Ulasewicz on July 9, 1969, who was paid on a monthly basis through the Kalmbach law firm. Testimony of John Caulfield, Vol. 1, p. 251.

[64] Testimony of John Dean, Vol. 3, pp. 944–945. Testimony of L. Patrick Gray, Vol. 9, p. 3479.

[65] At the request of Mr. Dean, Mr. Gray held up FBI interviews with such valuable witnesses as Mr. Dahlber, Mr. Ogarrio and Kathleen Chenow. On June 28, Dean requested Gray to hold up an interview with Kathleen Chenow on grounds of national security. Testimony of L. Patrick Gray, Vol. 9, p. 3455.

[66] Testimony of Bernard L. Barker, Vol. 1, p. 358.

[67] Petersen testified that he received a telephone call from Ehrlichman asking that Mr. Stans be excused from going to the grand jury and telling Petersen to stop harassing Stans. Testimony of Henry Petersen, Vol. 9, p. 3618.

[68] Testimony of Clark MacGregor, Vol. 12, p. 5019.

[69] Memorandum of July 8, 1971, from Patrick L. Buchanan to John Ehrlichman.

[70] Mr. Mitchell testified that there were many discussions of preventing the House Banking and Currency Committee hearings from getting off the ground, including possible use of assistance from the Justice Department. Testimony of John Mitchell, Vol. 5, p. 1897. The Lacosta meetings, which discussed the use of executive privilege to prevent testimony of people from the White House, could well be concluded to evidence an intention to prevent the facts from becoming known, according to Mr. Dean. Testimony of John Dean, Vol. 4, p. 1460.

[71] Testimony of John Dean, Vol. 3, p. 957.

[72] For example, a meeting on October 15, 1972, at the White House, with Ehrlichman, Ziegler, Buchanan, Moore, Chapin, and Dean was held to prepare a press response to Segretti stories. It was decided to attack and deny the stories, even though an intense investigation within the White House had already established the basic truth of the stories. The same denial was issued again in succeeding months. Testimony of John Dean, Vol. 3 pp. 1202, 1206, and 1209; notes of the meetings, Vol. 3, p. 1200.

[73] Aside from the coverup in general, the President claims to have learned of crimes on March 21, 1973, but did not tell the prosecutors about this evidence until they came to him on April 15, 1973. Testimony of Richard Kleindienst, Vol. 9, pp. 3579–3580; testimony of Henry Petersen, Vol. 9, p. 3628.

[74] On October 20, 1973, Attorney General Richardson and Assistant Attorney General Ruckelshaus resigned in response to the President's demand that they fire Special Prosecutor Cox, who wanted to appeal a court decision involving Watergate evidence to the Supreme Court. See also, Executive Session of General Alexander Haig.

[75] Memo to the Attorney General from Mr. Magruder, August 11, 1971: "Pat Buchanan suggested that maybe we could have the Florida State Chairman do whatever he can under this law to keep McCloskey (Rep. McCloskey, R-Calif.) off the ballot." Vol. 10, Ex. 177, p. 4194.

[76] Memo from Charles Colson to H.R. Haldeman, September 25, 1970, recommending that he "pursue with Dean Burch the possibility of an interpretive ruling by the FCC . . . this point could be very favorably clarified and it would, of course, have an inhibiting impact on the networks. . . ."

[77] When the newspaper Newsday decided to run an in-depth article on Mr. Rebozo, the reporter writing the story was audited at White House request, an FBI agent investigated the newspaper's offices, an anti-trust suit was recommended, and the Secret Service investigated the reporters activities while they were writing the story. Testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974 (Exhibit 7).

[78] Memo to the President from Patrick Buchanan, March 3, 1970. Vol. 10, p. 4114.

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that set up a program to insure that government contracts, grants, and loans would, as a matter of government policy, be political rewards,[79] that treated the Presidential pardon as a political tool,[80] that used its power over the tax collection agency to gather intelligence on and harass political opponents,[81] that issued instructions to hire a shaggy person to sit in front of the White House with a McGovern button, and counter demonstrators at the funeral of J. Edgar Hoover,[82] that infiltrated a Quaker vigil in front of the White House,[83] that used the agency that is supposed to guard the President to spy on the President's political opponent,[84] that ordered 24 hour surveillance of a political opponent.[85]

That used the Departments to dredge up potentially embarrassing information on presidential contenders, and then leaked it to the press,[86] that used White House influence to obtain CIA equipment for the Ellsberg break-in,[87] that used its entrustment with our national security to convince four Cubans to burglarize a political party,[88] that ordered an FBI investigation of an unfriendly newsman to harass him,[89] that proposed leaking confidential FBI files to embarrass the producer of a satirical movie,[90] that used its control of important Watergate evidence and the privilege known as executive privilege to aid those supporting the President and to deprive or delay those in opposition,[91] that made plans to eliminate professionals in government service who placed their professional responsibilities above questionable White House political demands,[92] that participated actively and formally in a campaign organization while drawing White House staff salaries,[93] that ran secret letter-writing campaigns against Republican Senators, and that generally emasculated the Republican Party.[94]

That, all of that, violated the consent of Executive power in article II of the Constitution. Excerpts from the record only, selected examples. It certainly is not what our Founding Fathers had in mind when they envisaged the Presidency.

I might add for every one of the statements that I made here there is a specific footnote. This is not just a generality. I have not read the footnotes here this evening but they will be part of the committee report.

I think you can see that in what was quoted in that chapter. I am now going to move on to other chapters. It was not just one man. It was an entire Federal Government. It was an entire Federal Government that was being misused in the political process. And with that lesson in hand, you now want to give to the Federal Government through S. 2 even more power in that process.

What a field day it would have been for this bunch had we had public financing of Federal campaigns. Not only would they have had the IRS, the CIA, the FBI, the Commerce Department, and everybody else, but they would have been able to use the financing tool against their opponents.

What in Heaven's name is it that has us disregard these lessons or not take to heart the admonition of the Watergate Committee, which on the basis of the experience that we had as investigators and on the history of what had transpired said no Federal financing, no public financing? Additional disclosure yes, and then when it came to the matter as to how much, we were rather loath to go ahead and start invading people's constitutional rights as to what they can or cannot do within the selection process.

Going on to the so-called "Enumerated Powers and Duties of the President's Office," which are set forth beginning with section 2 of article II:

2. ENUMERATED POWERS AND DUTIES

The so-called enumerated powers and duties of the President's office are set forth beginning with Section 2 of Article II. That Section grants the President direct power over Cabinet officers,[95] and much testimony before this Committee demonstrated how those officers were used on behalf of the President's office.

An Attorney General, for a significant period of time, ran the President's re-election campaign while still in office at the Justice Department.[96] His reason for this role was that, "it is very, very difficult to turn down a request by the President of the United States," [97] even though the Attorney General himself later testified that he felt such a role in politics while still in office was wrong.[98]

I might add, who is in charge of enforcing our Federal laws, S. 2 included, should it become law but the Attorney General?

Memos from CRP, such as one entitled "Grantsmanship", suggesting an effective method of "insuring that political considerations" be used in Federal programs,[99] were sent to the Attorney General from May 1, 1971, onward.[100] At one point, it was even suggested that the Attorney General wield the power of his office to keep a Republican contender off the primary ballot in Florida.[101] That campaign role also included an extraordinary meeting in the Attorney General's very office, to review plans for bugging, mugging, burglary, prostitution, and kidnapping.[102]

Another Attorney General was placed in the awkward position of being asked immediately after the Watergate break-in to help get Mr. McCord out of jail before he was identified. He was soon thereafter warned of White House concern with a too aggressive FBI investigation.[103] He was then asked to provide raw FBI Watergate files, perhaps improperly, to the White House. That same Attorney General was later used as a secret contact with this Committee's investigation of Watergate, and was then removed from office in an apparent connection with the Watergate affairs.[104] He eventually became the first Attorney General in history convicted of a crime, for his testimony about the ITT matter.[105]

A third Attorney General was forced to resign his office when he backed the Special Prosecutor's procedure for obtaining Watergate evidence from the White House.[106]

An Assistant Attorney General was also asked to provide raw FBI Watergate files, again improperly, to the White House,[107] and was later told by the President not to investigate the Ellsberg break-in.[108] Another Assistant Attorney General was forced to resign when he backed the Special Prosecutor's decisions in the Watergate case.[109] Still another Assistant Attorney General gave confidential Justice Department and FBI intelligence information to the President's re-election campaign, at the direction of the White House.[110]

Is the point starting to come through? Take the last one there.

Still another assistant on;

Still another Assistant Attorney General gave confidential Justice Department and FBI intelligence information to the President's re-election campaign, at the direction of the White House.

And we want under S. 2 more power to go to the Federal Government in this reelection process? This is the one check that we have as a people on these types of things not happening is that our vote and our resources and our energies are not restricted in any way by any entity of Government.

Three Attorney Generals and three Assistant Attorney Generals. And all this was done on behalf of the presidency, which has a Constitutional responsibility to "take Care that the Laws be faithfully executed." [111]

And I bring that back into focus because we say around here of course obviously we are all obligated so is the President to see that the laws are faithfully executed.

No. No. That is not the way it happened and that is not the way it can happen.

Things can go wrong, very wrong but as long as the last repository of power is in the hands of the people, then the whole system is saved from collapse.

A Secretary of Commerce with all the authority as to corporate affairs that goes with that position, was placed in charge of raising funds for the President's re-election, including, as it turns out, a number of illegal corporate contributions.[112] A Secretary of Treasury met with a milk producers association and supported their request for higher price supports. After the President granted higher support prices, the milk producers arranged for him to be offered at least $10,000 in cash for his personal use.

Now we have both the Commerce Department and the Treasury Department getting into the act.

He later aided them in tax and antitrust matters at a time when a large contribution to the President from the milk producers was being arranged.[113]

The Commissioner of the Internal Revenue Service was criticized because "practically every effort to proceed in sensitive areas is met with resistance, delay and the threat of derogatory exposure."[114] The Director of the CIA, according to his own testimony and that of his assistant, was called to the White House and asked to use the CIA to cover up Watergate.[115] The Acting Director of the FBI was brought to the White House and given material from the safe of one of the Watergate burglars, to keep it hidden, an act which resulted in his eventual resignation.[116]

Now, Mr. President, my time has expired but I will be back on the floor if I can. I hope the distinguished acting minority leader will allow me to continue to refresh the memory of this Nation as to what transpired which caused the Watergate Committee to recommend against what is being proposed to this body in the year 1988.

The original reform was not Watergate reform and neither is this reform anything associated with experience of the past.

It is the little public relations dabbling is what it is and having spent a good 2 to 3 years of my life in the consequences of others dabbling in the Federal system I do not think I care to expand the list of dabblers or those who can be influenced so as to pervert our free election system.

Is it not ironic that we sit here debating a reform of the reform and that only a few years after the reform was enacted.

In any event I repeat as to why I feel so deeply about this matter. It is that I have seen firsthand a government, not a man, but a government run amok in the perversion of our free election system, and I am not about ready to give one iota more of power to government when it comes to that election process and neither should the American people do it.

The distinguished acting minority leader has well described the deep feelings that run on this side. I am sure that others have different reasons. But, believe me, I speak from the heart and from a good portion of my career on this matter.

If you want to call this bill—I do not know—I am not the one that devised it, but call it anything that you will, but please at least let us have the facts and the memory of Watergate stay intact. This is not Watergate reform nor was the legislation that it intends to reform. It flies directly in the face of that experience.

And for that reason I will use any parliamentary means to go ahead and oppose it and hope that it is not passed and I absolutely do not understand how a political party would want to be associated in the majority any way in a move such as this, nor, I might add, all the editorials that glowingly report on this legislation. Has the media forgotten our history? For anybody that wants I will be glad to send them a copy of this report. Every single one of these abuses by government is documented, footnoted, so it is not a question of my imagination or speculation. It happened. And it happened only a short time ago in terms of the history of this Nation.

Whoever said it, those who forget history are to be condemned by it and if we ever had a classic example of that it is here today.

So I would hope that we reject this legislation. I might add also I have to also lend my voice to the distinguished Senator from Wyoming. I do not think I could be wrong. I have been here now 18 years. I do not recall that we have had seven cloture votes on one issue. I certainly remember three and four and five. I do not think I remember seven. Anyway, it is going to be eight by Friday. I certainly do not remember eight. If it has happened, maybe it has happened only once before. But certainly also on matters of great principle and substance this little piece of trash that is dragged out here in the name of reform, you know reform is not something that any of us have a monopoly on.

There are good, decent, honest people on that side of the aisle as well as on this side of the aisle. There are lots of things that need to be reformed in this election process. If you want to really grab onto this chunk of meat, get into the business of negative advertising. It is a disgrace to the Nation, an absolute disgrace. All you have done in negative advertising is sort of legalize the dirty tricks of Watergate.

There is something we can really sink our teeth into.

But this dabbling could have a disastrous effect in some future election as to if the Federal Government turns itself on a candidate or candidates plural a la Watergate.

I am bound and determined to see as long as my legs are underneath me that that will not happen.

I yield the floor in the hopes—not only the hopes but I am sure there will be time when I will continue this recitation of fact which brought the Watergate Committee to the conclusion—and I repeat again the committee recommendations against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.

That was the decision of the committee. That should be the decision of this Senate.

Mr. SIMPSON. Mr. President, I want to thank my colleague from Connecticut, LOWELL WEICKER, for the very powerful statement. Indeed, he obviously feels deeply about this issue, and I think that all of us that know him that have come to know him that has been my great pleasure for 9

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[79] Memo from Fred Malek to H.R. Haldeman, March 17, 1972, entitled "Increasing the Responsiveness of the Executive Branch."

[80] For example, a request that a prominent Jewish figure in Florida be pardoned for political benefit. In a memo to John Dean, Charles Colson recommends, "If there is anything we can do properly, we should . . . this has to be handled with extreme care." Testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974. The pardon was granted and a $30,000 contribution followed. Interview with Calvin Kovens, October 25, 1973.

[81] See, Vol. 4, Ex. 44, p. 1682, 1694, 1695.

[82] Testimony of Robert Reisner, Vol. 2, pp. 500, 512.

[83] Interview with Jeb Magruder, August 8, 1973.

[84] White House memo from Steve Karalekas to Charles Colson, August 18, 1972, referring to the activities of Agent Bolton. See also, testimony of John Dean, Vol. 3, pp. 923, 1071.

[85] "It was my understanding, based on my discussion with John Dean, that there was to be a 24-hour tail on Senator Kennedy." Testimony of Gordon Strachan, Vol. 6, p. 2492.

[86] See, memo from Fred Malek to H.R. Haldeman, entitled "Increasing the Responsiveness of the Executive Branch, dated March 17, 1972.

[87] On July 7, 1971, John Ehrlichman called General Cushman, Deputy Director of the CIA, to arrange CIA assistance to Howard Hunt for disguise purposes. Hunt told Cushman that he (Hunt) had been charged with a "sensitive mission" by the White House to "interview a person whose ideology he was not certain of." Testimony of General Robert Cushman, Jr., Vol. 8, pp. 3290-92.

[88] Testimony of Bernard Barker, Vol. 1, p. 358.

[89] Mr. Haldeman ordered an investigation of newsman Daniel Schorr. See Vol. 4, p. 1490.

[90] Memo from John Caulfied to John Dean, dated June 25, 1971, subject: Emile de Antonio, producer of "Millhouse," New Yorker Films, Inc.; and Daniel Talbot, film distributor. "I recommend that it is time to move on the above firm and individuals, as follows: (A) Release of de Antonio's FBI derogatory background to friendly media. (B) discreet IRS audits of New Yorker Films, Inc., de Antonio and Talbot."

[91] Mr. Haldeman testified that he had access to various tapes of presidential conversations. (See Vol. 8, pp. 3050-51); compare with testimony of John Dean, Vol. 4, p. 1503.

[92] See Vol. 4, Exhibit 44, p. 1682.

[93] Testimony of Robert Odle: "those people who were at the White House had influence over the (Committee for the Re-Election of the President), they gave it direction, they assisted it." See Vol. 1, p. 23.

[94] See, the Party Process, supra.

[95] U.S. Constitution, Article II, sec. 2.

[96] Mr. Mitchell testified that he "had frequent meeting with individuals (from CRP) dealing with matters of policy," before he resigned as Attorney General. Testimony of John Mitchell, Vol. 5, p. 1653.

[97] Testimony of John Mitchell, Vol. 5, p. 1859.

[98] Id.

[99] Vol. 1, Ex. 1, p. 449.

[100] See, testimony of Robert C. Odle, Vol. 1, p. 40-41.

[101] See, note 75 supra.

[102] Testimony of John Mitchell, Vol. 5, p. 1610.

[103] Testimony of John Dean, Vol. 3, p. 936.

[104] See, testimony of Richard G. Kliendienst, Vol. 9, p. 3597.

[105] Richard G. Kliendienst pleaded guilty, on May 16, 1974, to one count of refusing to testify about ITT; sentenced June 7, 1974 to one month unsupervised probation.

[106] On October 20, 1973, Attorney General Richardson resigned in a dispute with the President over the firing of Special Prosecutor, Archibald Cox.

[107] Testimony of John Dean, Vol. 3, p. 944-945.

[108] Testimony of Henry Petersen, Vol. 9, p. 3631.

[109] On October 20, 1973, Assistant Attorney General William Ruckelshaus resigned in response to the President's request to fire Special Prosecutor Archibald Cox.

[110] With the approval of the Attorney General John Mitchell, Mr. McCord testified that he received information, on a daily basis, from the Internal Security Division of the Justice Department, which information included FBI data and data on individuals of both a political and non-political nature. Testimony of James McCord, Vol. 1, pp. 178-183.

[111] U.S. Const., Act. II, sec. 3.

[112] Testimony of Maurice H. Stans, Vol. 2, p. 734.

[113] See, Milk Fund Investigation, supra.

[114] Transcripts of Presidential Conversations, Sept. 15, 1972.

[115] Testimony of Richard Helms, Vol. 8, p. 3238. Testimony of Lt. Gen. Vernon Walters, Vol. 9, p. 3405.

[116] Testimony of L. Patrick Gray, Vol. 9, p. 3467. Testimony of John Ehrlichman, Vol. 7, p. 2674.

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years, this remarkable compassionate gentle giant of a man who can be tough and fair and firm. You want to listen to what he is saying because I do not know of many Members who have the deep social conscience that he does. It is a part of him. It abides in him and he is a very fair man.

What he is saying in his depth of feeling is worth reading. When you hear him say that he is ready to scrap, you want to pay attention because I know that when he says that, he means that. And he will be right back in the trench with us as get past the hour of 10 o'clock into all sorts of new extraordinary motions and dial a prayer and everything else when we get to that point, and he will be there and he is fun to have on your side.

I want to thank him because it was marvelous and I listened to it and anyone who knows the Senator from Connecticut and knows an issue knows that they should be listened to.

And there is a fairness to him which runs as a thread.

So, I thank him very much. I appreciate his participation in these efforts.

Now, I shall continue into the evening, no, into the morning. It falls upon me since I have been knighted with the task of acting minority leader to do a little more than I had anticipated when that befell me. And it always somewhat reminds me of, you know, when you get elected president of the rotary club or the chamber of commerce, or whatever, in a little town they say "We will help you, Al," and I see at this hour at 4:30 there are few people here unless the Senator from Colorado is going to join here in this remarkable effort. If so I would certainly appreciate that. We are under unanimous-consent agreement of various motions and so on.

Does the Senator from Colorado wish to dabble as the Senator from Connecticut called it?

Mr. WIRTH. If the Senator is yielding the floor, the Senator from Colorado would appreciate being recognized.

Mr. SIMPSON. Mr. President, let me do that. There are now three of us here at this hour, the occupant of the chair and the Senator from Colorado, and there are no motions that can be made, no moves to suggest the absence of a quorum. And, whatever the Senator from Colorado would have, may I inquire is there a time that the Senator from Colorado would intend to speak? We have others coming to the floor and I can spare them the anguish of the morning hours if you wished to do that, I inquire of the Senator from Colorado.

Mr. WIRTH. If the Senator from Wyoming yields the floor, when he does, the Senator from Colorado will seek recognition for only a short period of time just for the purposes of making sure the record is clear on some of the things that were said earlier.

Mr. SIMPSON. Sure.

Mr. WIRTH. I think it is appropriate that the record be made clear. But it is your filibuster, not ours, and the Senator from Colorado will only be talking for a few minutes for the purpose of clarifying the record on behalf of the majority.

Mr. SIMPSON. Let us go forward with that, Mr. President. We can have a colloquy. If there is an explanation coming from there, we can have a clarification coming from here.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I just wanted to make three very short points. First, the distinguished Senator from Connecticut has spoken eloquently of his very distinguished role in the Watergate Committee's investigation. The Senator from Connecticut played a notable role in that wonderful moment of the Congress exercising its responsibility.

I am sure that the Senator from Connecticut had no intention whatsoever of implying that the sponsors of S. 2 in any way, shape, or form are to be equated with the perpetrators of Watergate.

There were a number of people in the Nixon administration who were transgressing the law in all kinds of ways, and were abusing the privileges of public office, and the Senator from Connecticut has laid that out in a very understandable manner.

Many of us who are sponsors of this legislation were closely watching the events of Watergate unfold, as Members of Congress or from other positions, and understood those problems. Many of us were involved in securing enactment of the campaign finance reforms of the mid-1970's in order to prevent the replication of some of the abuses we witnessed. For many of us who support S. 2, the desire to eliminate some similar problems in congressional campaigns is a key determinant of our support. Above all, we certainly do not want to leave any impression that being a sponsor of S. 2 or an advocate of S. 2 suggests in any way that we approved or condoned what the perpetrators of Watergate were doing, and I am entirely confident the distinguished Senator from Connecticut meant nothing of the sort. That was just the first point for clarification that I wanted to make.

The second point I wish to address concerns the distinguished Senator's comments about spending limits in Presidential campaigns. I think one of the strongest conclusions in the minds of the American people that emerged from the unfolding of the Watergate episode was the conclusion that massive amounts of money were being spent in Presidential campaigns, and that there should be limits placed on the amounts of money being spent in those campaigns. I believe history and objective statistics show conclusively that the existing law relating to Presidential campaigns, which was enacted following the Watergate revelations, has been extremely successful in that way.

Let me cite a few numbers. In 1972, when there were no spending limits, President Nixon financially overwhelmed his opponent by spending some $62 million, a great proportion of which came from a handful of contributors. Adjusted for inflation, the comparable amount in 1984 would have been more than $150 million. There is every reason to believe that at least $150 million would have been spent in 1984 had there been no limit established before that election. However, with spending limits and public financing in place in 1984, President Reagan spent $68 million, or less than half of what President Nixon spent in real dollars.

So we see that the campaign finance law, which established voluntary spending limits in exchange for partial public financing, has effectively limited expenditures in Presidential campaigns. President Reagan accepted the spending limits and public financing in his 1976, 1980, and 1984 campaigns, as have 34 of 35 candidates for the Presidency since the law went into effect. What we have seen is that the spending limits that have been put into effect for Presidential campaigns indeed have had a salutary effect. I believe strongly that most people would agree that having less money rather than more spent on Presidential campaigns has been good for the process.

Unfortunately, as has been pointed out in the debate over and over and over again, we have not seen any kind of spending limits in congressional campaigns. The amount of money in congressional campaigns has increased almost 500 percent, 450 percent for House races, 500 percent for Senate races in this same general timeframe—from 1972 through 1982—during which inflation only doubled prices. We advocates of S. 2 firmly believe we ought to put a ceiling on House and Senate campaign expenditures, and believe doing so would be as beneficial and successful as was placing limits on Presidential campaign costs.

Finally, the suggestion was made in the distinguished Senator's remarks that enactment of S. 2 would shunt an enormous amount of public money, tax dollars, into Senate campaigns. That simply is not the case, and the facts of the legislation in front of us will bear that out.

S. 2 in its current form is primarily a bill to establish voluntary spending limits and limits on political action committees contributions to campaigns. It does not authorize tremendous outlays of public funds for congressional campaigns.

S. 2 provides for public funding in only three cases: First, candidates who agree to spending limits will be entitled to reduced postage rates, with public funds used to make up the difference. The cost of these reduced postal rates will be more than offset by the S. 2 provision eliminating the existing reduced postal rates for political parties. In other words, the net effect of these two provisions taken together is to actually return money to the Treasury. The cost will be less than today's cost in public funds.

Second, direct public funds will be provided to a candidate only when he or she agrees to spending limits and his or her opponent in the general election exceeds the spending limits. In such a case, the individual who agrees to spending limits is given public funds in order to minimize the ability of the free-spending candidate to buy the election, as an equalization device.

Third, a candidate in a general election campaign who is the target of independent expenditures by one individual or group, or coordinated independent expenditures, exceeding $10,000 will be provided an equivalent amount to assure he or she can reply to the message for which the independent expenditures paid.

These very limited public financing provisions are in the legislation in order to enable establishment of voluntary but effective spending limits which will satisfy the Supreme Court's Buckley versus Valeo standard. In order to have spending limits that meet the Supreme Court's first amendment standard, the spending limits must be voluntary, and compliance achieved by providing incentives.

I think it was important to make these three points at the conclusion of the remarks of the distinguished Senator from Connecticut. We will hear, I am sure, a great deal more debate, but I just wanted to assure that the RECORD was clear. Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, that was important. Those comments are very valid in connection with this debate. I thank the Senator from Colorado and appreciate that very much.

The comments of the Senator from Connecticut, knowing him, I feel quite sure, I would not think were in any way to cast aspersions on those sponsors of S. 2. That is a remarkable list of sponsors and cosponsors of S. 2. I think certainly that is not the issue.

The issue is not the Watergate issue. The issue is seven cloture votes and one more coming. And that is what the real issue is. There really is not another issue on this whole case. The issue is when you will a snake and snip it in seven sections, you would think it would be dead. But in this case we are going to have to lop the eighth stroke, to sever the snake one more time, which we will do Friday. I am not going to bet on it. I quit that business in this place. But that is the frustration, that is the essence of this thing that we are involved in at 20 minutes to 5.

But there is an interesting thing, I do not know if any of you saw it, about the spending limits. And this is one page. This is not really filibuster material. This is rather fascinating. "Spending limits and taxpayer financing in practice; the failure of the Presidential system." This is current, February 1988. This is just one page. It is fascinating. Overall cost to taxpayers so far, $40 million in the last 2 months alone is what the taxpayers have paid; over a third of a billion dollars in the last three elections. That is what the taxpayers have paid.

We have had a proliferation of extremist candidates and wasted tax dollars. We had half a million dollars go to Lyndon LaRouche in 1984—half a million. We had $200,000 to psychologist Lenora Fulani to run for President. I do not know how well she did. I had not heard of her before. But anyway she ran and we paid for it. And we paid for Lyndon too.

And then we got more bureaucracy and not democracy. One out of every four campaign dollars—now we are talking about the Presidential races—one out of every four campaign dollars goes to lawyers and accountants. In the 1980 Presidential race, $21.4 million was spent on compliance alone, as much as the most expensive race in Senate history. Campaigns now must process each contribution through about 100 steps. And what really has happened is that "political decisions have become accounting decisions."

There is an unprecedented growth in campaign spending these "limits." Overall spending is now increasing at the same rate as before, as before the spending limits and taxpayer financing.

Remember what we were supposed to be doing. We were supposed to limit the expenditures in Presidential campaigns. We did not do that. The overall spending is now increasing at the same rate as before. So here we go.

The difficulty now is that far more of the spending is done outside the legal limits and the disclosure requirements where there is less accountability than more accountability.

I think some of you read the article the other day on how you do it in Iowa. They have certain restrictions. You can only spend so much. So they get the rent-a-car and plane out and on the weekend they fly away from Iowa, both parties. They go out and they come back. Now, really, that is the most absurd exercise. And that is what we do with the Federal on the Presidential level.

Every candidate now, in a sense, for President becomes a cheater. Every major candidate since 1976 has been cited, Democrat and Republican alike, for serious violations of the law in which they have obtained bad press and large fines. That has happened. One candidate spent $2 million in a State with a $400,000 limit and his campaign manager reported that a year or two later and said that is the way it was. "We had no choice. We wanted to win." And Democrats and Republicans alike do this various dabbling.

Delegate and precandidacy committees are "loopholes big enough to drive a truck through"—I do not know whose quote that is; I have heard that somewhere—conduits for millions of dollars outside of spending and contribution limits. Corporations and labor both help circumvent limits by paying office rent and phone deposits and giving overly generous loans. That is the way that works. And that is a sham.

Campaign managers now tell us there is an absolute growing disrespect for the law and for the election process. Campaign managers report that the first planning priority is to identify in advance the various ways to circumvent the limits and the rules. That is the first object of a campaign as it gathers for the Nation to a Presidential candidate. Sit down and figure out how to get around the rules.

A respected observer and a campaign staffer declared "This whole FEC thing on the Presidential races is a sham * * * it's your job to find every single loophole."

I do not know who made that quote.

Special interests wield control by spending which is far outside of the laws. Here is an interesting statistic. In the 1984 general election, special interests spent $25 million to oppose Ronald Reagan—62 percent of Reagan's $40 million spending limit. Fascinating; $25 million to defeat him and that was 62 percent of his entire limit. Now that is disturbing to me.

Nearly half the money spent in the 1984 general election, $72 million was outside of the candidate's direct control. I think that is extraordinary. Half the money was outside the candidate's direct control.

At least one-fourth of all money spent in Presidential races is unreported, unlimited, and unaccountable.

Some of the money, which we have described in this debate in various ways but I think we all know what it is—it just is a different way of getting the money to the same source without going through the reporting which would have limited it if it had been "hard" money—soft money spending is roughly tripling in each elections cycle. The races really resemble un-

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controlled, corrupt politics of another era of prereform era. And yet the people think that they have got reform.

And voters must be a little turned off by it or at least they are turned off by something but we do not know what. But 55 percent in 1972, down to 53 in 1984.

And then I think a final comment is very worthwhile by the dean of the fourth estate in political wards, political activities and political savvy, David Broder said:

> Spending limits and taxpayer financing have shut down local campaigns. Grassroots democracy has died.

That is a quote of David Broder, whom I have the greatest respect for. We have to heed his words.

Then in this kind of orgy of activity with regard to reform, as we talked about corruption and polluting the system, all the things that sound good when uttered or seen in print are really not the issue here because we really do not get at the things that the Senator from Connecticut was talking about. Negative advertising; I do not know how you would ever get at that. We are going to have to address that.

But certainly the independent expenditure person is not covered under this bill. That is one of the most egregious things that I have ever seen. I was going to touch on it but it would be personal to the occupant of the Chair whose father-in-law was one of the most able U.S. Senators in this body. I was privileged to serve with him; sat right there at that desk. Chuck Percy of Illinois. He cast all of the tough votes and he knew he was coming up for reelection. There were times we would say, Chuck, do not do that. That vote is 67 to 30. You really do not have to dive off the cliff on that one. And he would say, "I feel strongly on that," and he would cast the vote.

I am not challenging what the outcome of that race was. His successor was Paul Simon, one of our finest Members, a Presidential candidate. But I can tell you he faced one of the cheapest shots that have ever been fired at any living U.S. senatorial candidate by one man, one embittered—I do not know how else to describe him. There must be a lot more. There are more descriptions to a guy who would spend $1.3 million of his own money to defeat Chuck Percy. Some of the nastiest, crudest, racist, in a sense; stirring the pot, bringing up the specters of anti-Semitism. A bizarre character. And he is still loose.

He was in the Chamber one day when we voted on some kind of campaign reform, and I said I would like to see a guy like that. I would like to visit with him face to face. I do not think guys like that like doing face-to-face business very well. I have not seen him yet. He called my office and babbled into the vapors: Simpson can't say that about me. So I just said it again. And I would love to visit with him sometime. He is an interesting fellow.

I do not know what he will be doing in the next campaign, what Republican or Democrat he might pick, but he has got a lot of money and he apparently knows he has got power because it worked.

In fact, he went up to the wife of one of our colleagues, a California colleague, at a social event one night and he said: I am the guy that beat Chuck Percy. And the wife of one of our colleagues said: I like Chuck Percy, and I am offended by the way you did that. That kind of startled him.

Well, let me tell you. S. 2 will not even take care of him. It will not even lay a finger on him. Is that right? Of course it is not right. You do not want those kinds of guys polluting the system and that is what they do, and that is what he did, and he was totally effective, and he is totally loose and ready to do it again under S. 2.

That is not right. That is just one way gaps have occurred in this piece of legislation.

So I would hope we would do something with those and, of course, it will always be said that that was his right, that was his constitutional right of first amendment expression: to spend all the money he had, if he wanted to, to defeat a candidate. OK, that is fine. The Supreme Court has dabbled in that area, made some interesting decisions: Buckley versus Valeo.

Probably if his situation went to court, they would preserve it. It is still not right. Especially when it is late in the campaign, when you have expended your money in a thoughtful way, warding off your opponent in an honorable race, and then to have this phantom enter the fray with all the bucks he can pump into it out of some type of vindictiveness or pleasure that is beyond my particular grasp at this early hour of the morning.

But he will revisit himself upon the political scene and a lot of people will be ready for him the next time. There would be even a better way to get ready for him or her, whoever is out there, and that would be to do something about it right here in S. 2. But we have not.

There are a lot of things we have not done in S. 2. Another thing we have not done in S. 2 is to prevent those remarkable calls that are placed by a phone bank on the edge of town, set up in trailer houses. They call the Bell operation and say, "We will need you about October 29, and we want you to get set up," and they will be paid, you need not worry. They will be staffed and the dials are set up and the lists are set up; and they were there in three races this year where we lost Republican incumbent U.S. Senators, which is kind of one of our interests that we preserve that fragile specie, just as you would, as the Senator from Colorado would, as the occupant of the chair would for your party. So how did they disappear from the scene here? There were some good, tough scraps. Their opponents are here and voted and are proving to be splendid colleagues, it appears. But I do not know that they were a part of this. I am not even suggesting that. But I am saying it took place and it was placed for about 3 or 4 days and the phone banks hummed and it was simply: You do not want to vote for Senator So and So. He took away your Social Security. And the calls were made to a select list of people who were in their sixties, demographically selected. And that was the question.

It was not a question. That was the statement placed in their mind by a recorder or by a fellow human being. That is a pretty good way to get the troops juiced up. And that happened to three, and I am saying that those three were probably not even involved in that. But it happened. And S. 2 does not even reach that. It does not reach that at all. It does not get to that in-kind kind of contribution.

It does not get to soft money as others of the debate have shared, and I am sure it is repetitive, but at this hour anything is repetitive, the Democrats get more money from the "big guys" than the Republicans. That is a curious statement, but it is true.

Republicans get more money from the "little guys." If you look at the breakdown of the $5 and $10 and $15 and $20 versus contributions of corporations, labor, and wealthy individuals. That is a fact. It was reported. It has already been placed in the Record, Thomas Edsel wrote a fascinating article on that in the Washington Post.

So that is a myth. There are so many myths here that it is difficult to discern the truth and the truth is, and honesty I say this in, hopefully, not a total partisan way, the truth is that the Democrats know how we raise our money and win and the Republicans know what the Democrats do with their money and win, and we are both trying to do a number of the other.

We do our number through a bill and you on that side, or those on the other side of supporting S. 2, do their number in their bill. That is unfortunate because we both know where the soft underbelly is. We both know where the abuses are and we are not dealing with it. And I do commend this group of eight, I really do. They are trying.

Perhaps one of the reasons that there was less action today by that group is that one of the central members of that group, Senator McConnell, was unavoidably called away by business activities in Kentucky. He will be here in the a.m. And he and that group will meet again with Senators Boren, Levin, and that core group and we will see where we go from there. I think there may still be hope. I hope so.

In any event, the reality is that we both know what we are doing if we are very up front and honest on this bill. And then the other part, as I say, which is total frustration, is that we have done it seven times and we are going to do it again.

The Senator from Minnesota has come here for his shift. The Senator from Wyoming intends to repair to his chambers to rest his gangly body until my return at 10 a.m. and fecklessly rip through another day. I shall be here.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. I thought before the Senator from Wyoming repaired to his chambers, and begins to think about the myths of the evening and whatever myths and others that may float across his mind in the deep sleep that he well deserves, we might talk about some of the myths raised in the comments of the Senator from Wyoming.

First among these is the myth that there is something bizarre and unusual about the majority in the Senate attempting on a number of occasions to invoke cloture on the same measure. That has been done in the past. In 1968 the Senate had to vote on cloture four times before it was secured and the Senate was able to pass the open housing bill. In 1979, I believe, the Senate tried to invoke cloture, four times on the windfall profits tax legislation before succeeding. In 1980, on legislation to recognize the rights of institutionalized persons, the Senate had to vote for cloture four times. And, in 1981, before the Department of Justice authorization was passed, the Senate had five cloture votes. So this is not an unusual practice, to continue to go at it when legislation is obviously supported by a majority of the Senate until the requisite 60 Members of the body permit the Senate to work its will on the measure.

Another one of the myths that has been advanced this evening consists of various claims that public financing of Presidential campaigns is evil or undesirable. Mr. President, if public financing of Presidential campaigns is such a bad thing and the law is as detestable as suggested, why have those expressing their displeasure with the law not put forward proposals to change that law or to eliminate that law? And if that law on which so many Republicans are heaping criticism is so bad, why is that all of the Presidential candidates this year, all the Republican candidates as well as all the Democratic candidates, are accepting public financing and abiding by the spending limits? And since the law was passed in the midseventies, why has every Presidential candidate except John Connally agreed to participate?

Another one of the myths is that this bill does not do anything about independent expenditures. I am very familiar with the issue of independent expenditures, having been one of the prime targets of independent expenditures in 1986. A number of groups, from the NRA to the realtors to the Committee for the Survival of a Free Congress, and a couple of others come in to my State and ran just exactly the kind of negative campaigns that the Senator from Wyoming has described so eloquently this evening. What the legislation in front of us does within the constraints of Buckley versus Valeo—within the constraints of the first amendment—is to provide to the candidates who are attacked equal funding to enable them to reply after the amount of opposing independent expenditures reaches a significant level.

So within the constraints of the first amendment, S. 2 attempts to address the independent expenditure issue, though the Senator from Wyoming is absolutely correct in saying it remains a major problem no matter how we address it.

Finally, there was a brief discussion about snakes, of cutting up snakes in a variety of ways. I learned a lesson from a long time ago from my mentor in the House of Representatives, Congressman John Dingell from Michigan, who had a wonderful expression related to snakes. He did not cut them up. He said "If you want to kill snakes, squash the eggs." It seems to me that we have the opportunity here in the form of S. 2 to really squash the eggs of excessive and inappropriate campaign spending and fundraising by putting a lid on campaign spending, taking a first step toward limiting independent expenditures, and limiting aggregate PAC contributions to each candidate. The Senator from Wyoming and I both are interested in killing snakes. I guess we would have a different way of going about doing it, or are focusing on different snakes.

In any case, Mr. President, the Senator from Wyoming deserves to retire to his chambers to rest, and we look forward to seeing him at 10 o'clock tomorrow morning. Some of us have drawn watch duty for the remainder of the evening. I know he is going to miss us. We are going to miss him. We look forward to the dulcet tones of the Senator from Minnesota momentarily.

I yield the floor.

Mr. SIMPSON. With that, Mr. President, I leave this now to my good friend, and I thank the Senator from Colorado for his remarks which are well worth hearing, but the Senator from Minnesota has been aroused from his bed. I appreciate very much his coming here. Obviously I feel he has met a personal need. I am going to leave. I thank him very much. I know of great instruction in his day. I thank my friend from Minnesota very deeply.

Mr. DURENBERGER. Mr. President, I welcome the opportunity to speak, for a few minutes on this subject. Obviously, it is a great opportunity to be here at this time of the day. It is one of those unique chambers in which you cannot tell the time of the day except by the condition of the occupants. It is quite clear that from the President on down to the managers on both sides that some people have been on their feet discussing this subject for a fair long period of time.

Many of the people who are in this Chamber from time to time are all experts on the subject that we deal with because campaign financing and changes in collection law in this country are really not so much a matter of squashing the eggs of a moneyed evil as it is the way in which good people in this democracy of ours are represented in the election process.

That is a combination of how does the constituency as we call it in this Republic, articulate its own desires and its own wishes and aspirations in public policy while choosing not to be a candidate for public office? And how do those of us who have made that vocational choice accurately reflect the views of that constituency?

I think at the heart of the whole debate over election law reform, campaign financing reform, when we find the common values that bind both sides of the aisle in this case and those who are proponents and opponents of the legislation before us, the common bond is our desire as those who have chosen to go through the electoral process to more adequately and accurately represent the needs and the wishes and the desires of our constituents.

That is the common ground I think that brings us together, and that brings me here at 5:05 in the morning. And I will continue to come back from time to time as needed to speak to this issue because I think it is an extremely important one in this democracy.

One of the things that I have learned, Mr. President, as a sort of a late blooming politician, one who never really sought this office until several months before the opportunity presented itself, is that oftentimes our views on what ought to be is reflected by the present rather than adequately reflected in the past and the future. And it seems to me that we have been living for much of my adult lifetime in the reform era, and reform is a wonderful thing and great organizations with great names like Common Cause and others have risen over the issue of reform.

Sometimes it gets a little bit confusing as to whether or not it is the

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reform that is carrying the day, the organization like Common Cause for example that is carrying the day, or there is a particular need like improving the way in which we in elected office represent our constituents that really is important.

And as I have observed perhaps too often from the sidelines on this debate, this debate over the last year or so on S. 2, and prior to that 1986, 1985 and so forth, I have been getting the impression that we have been carried a little bit too far along by the institutional arrangements and the desire for reform that has brought us to this debate, and not enough by our sense of the basic realities of the need to have good people doing their best in the representation of a constituency that in large part probably more accurately views what we need to do here than often we do.

Now, Mr. President, having indicated that I am a late-blooming politician, let me say that while I did not seek public office until the middle of 1978, I am no stranger to elected politics nor am I in particular a stranger to the whole issue of election law reform and campaign finance reform. As has often been stated on the floor in connection with this particular issue, we have been in the reform mode since the early 1970's.

We in Minnesota are, if there are good reformers in this country, probably the best. As the present occupant of the chair well knows, who is one of our neighbors, we in the upper Midwest or the middle Northwest or whatever the case may be are constantly trying to find better ways to do things which has a lot to do with our northern European heritage, which rises from permanent winter and the effort to constantly find a better way to keep warm or whatever the case may be. But there is something about us that constantly seeks a better way to do things.

As you, Mr. President, are aware, in the old days of reform, it was the populous, the nonpartisan movement, this grassroots prairies are burning kind of era of let us get rid of the special interests, and let us bring equity and fairness and all that sort of thing back to the farm.

So it is those roots that have brought many of us to reform, and in the case of Minnesota, I think we were one of the first States in this Nation to adopt major campaign finance reform in the early seventies. We did it as I recall under a Democratic Governor and a Democratic legislature, and it brought us a variety of very interesting reforms in Minnesota, all in the name of getting rid of the special interests and raising the value of the general interests, cutting down the trees so that we could see the forests. We probably did one of those ususally good jobs of questioning whether it was really a forest we were looking at or something else. But the reality is that Minnesota went through this period in 1971–74 of changing everything.

We made arrangements for public financing in our State so that people could check off somebody else's money on their tax return, get the good feeling that they were making a contribution without making a contribution and creating public financing of elections in the State of Minnesota. We made arrangements so that those who are enthused about the political process could get out early, arrange for shared rides for those who were less enthusiastic to make sure we could get people to the polls, something that in Republican eras we thought smacked a little bit of undue influence on the process, that is calling up people you did not know saying "Can I come pick you up at the house at 7 in the morning and drag you to the polls?"

Well, the reformists looked at that very differently, and they said, of course, these people would not vote unless someone came and gave them a ride. So, the Government ought to legislate rides. So, we make it possible in Minnesota for people to be picked up at home, driven to the polls, so as to convenience their participation in the process. It it probably a very good thing, one of the things that contributed to the fact that Minnesota always votes more of its eligible voters than any other State in the country. Seventy-five, seventy-six, seventy-seven, seventy-eight percent of the people vote in the State of Minnesota. That was facilitated by the campaign finance reform. When the people got off the bus at the polls and walked in, it did not really make any difference whether they had been in the State for 5 days, 50 days, or a lifetime because the reformists had also arranged for people to be registered right on the spot. All you had to do was bring the bus driver or some other fairly knowledgeable person along with you, who would vouch for the fact that, yes, you had lived at such and such an address for the required 30 days and therefore are eligible to vote.

We watched from the seventies as college students from all over the country would march in and lay claim to being lifelong residents of Minnesota and a variety of other wonderful things that raised the level of participation in the electoral process in our State.

There probably are some other reforms along this line that I should be able to think of at this hour of the morning to remind my colleagues of, but it is enough to say that my State made a major effort to franchise the vast majority of the electorate; again, the notion being that everyone ought to participate in the process, we ought to cut down the trees of special interests so that the forests of the general interest might be better represented in this process.

Mr. President, again back to my own personal involvement in this process, in the late sixties I had the opportunity to be the chief of staff to one of the last Republican Governors we had in the State of Minnesota, sort of lived first hand through the experience that all of you have had of watching government up close and seeing the influence on the process of a lot of the so-called special interests.

At the end of that period was the beginning of the campaign reform era, and that is the time when we were getting the scandals—I do not recall the name of the President at that time, but there was a famous President and some of the elections that he was involved in were apparently tainted with scandal of one kind or another in relationships between ambassadorships and campaign contributions and things like that. It is sort of foggy in my memory, Mr. President.

(At this point, Mr. CONRAD assumed the chair.)

Mr. DURENBERGER. But the reality is that the era began right about the time we were leaving office in Minnesota. I noticed at that period of time some of the efforts on the part of the larger companies in the State of Minnesota who had ventured out into what was then called political action committees but it was a legal arrangement by which companies could get their employees involved in the political process. All of these companies were starting to fold up all of these committees because apparently a number of the contributions made to the then-President of the United States came from these things called political action committees. Therefore, they became tainted and by association anybody who had any of these political action committees that endeavored to get citizens of my State involved in the political process by making a contribution, following that contribution up in some way, all became tainted by the scandals of this period. So, I noticed as I was leaving the Governor's office, or the assistant to the Governor in about 1970 that a lot of these companies were starting to fold up their interests in the process. No longer did you see anybody but the lobbyists for the company standing around the halls of the legislature. You did not see the employers any more. They folded up the political action committees. They folded up the process because all of us were and had been in one way or another tainted by this broad brush of illegal in some cases or special interest consideration.

So, Mr. President, a number of us, both Republicans and Democrats, at that time got together, and I suppose it began, I cannot recall its specific

genesis, but it began as simple as sitting around someplace after work bemoaning the fact that government was going to be left to the real special interest or the single interest, unless somehow this broad base of support for the process were saved from all of the reform that was going on at that time.

So, a couple of people at that time got together. It was the chairman of the Democratic Party in my State, called, as the President knows, the Democratic Farmer-Labor Party and the chairman of the Republican Party, which is now called the Independent Republican Party. I can tell you something about Minnesota. We get very hyphenated in our efforts to distingished ourselves from other Democrats and other Republicans. But the leadership of both the parties got together in the period around 1970–71, to deplore the fact that broad-based political participation in the election process was disappearing, that in the aftermath of all of this scandal in campaign, illegal and otherwise financing, the people were pulling out of the process and, of course, the party people recognized that if people got away from the process there would not be any political parties because political parties obviously are sustained by broad-based contributions to the political systems through political parties and those of us who were not officers of the political party but were involved in the government also saw that broad-based participation in this process was the only way you are going to get two, three, four, five sides of an issue.

So, we put our heads together, Republican and Democrat, to talk about what we were going to do about it. The net result was that we began an effort for a couple of years at that period of time to encourage people in the community at large, the business community, the professional community, and so forth, to broaden the base in their own memberships, employees in the case of businesses, members in the case of professional and other associations, to try to continue to broaden the base of participation in the political process, and believe it or not, in a nonpartisan or a very bipartisan way we went out, held conferences, seminars and all that sort of thing trying to push the notion of political action committees because we felt in this very progressive State of Minnesota the political action committee and/or whatever it may have been called in those days probably the best way to make sure you had a lot of trees in the forest and not just a few so that you could get a wider interest represented.

So, with that process I think a couple of things happened in Minnesota. One, we sustained some modicum of interest on the part of large associations, membership associations, employers in some kind of involvement in the political process, and some of us who were involved in trying to sustain this effort also got drawn into the implementation of the campaign finance reform in my State of Minnesota.

So, when the Democratic legislature got around to passing all of its reform legislation and when they as part of this reform legislation created a Senate Ethics Commission, as they called it at that time—I think it then became the Ethical Practices Board—that gave this commission responsibility principally for implementing the new campaign and election law financing legislation in the State of Minnesota, together with some small amount of ethics at work, that is lobby registration, lobbyist registration, an all of that sort of thing.

But the principal job was the task of setting up this new public financing system making sure that it worked and all of the proper registration, and so forth, was done.

So that is my recollection. That happened in 1973–74. And because, I suppose, there was still a modicum of bipartisanship in the legislature at that time even though one party controlled both Houses, there was a requirement that if the Governor chose a Democrat as a Chair, which he did, that he would have to choose a Republican as the Vice Chair of the committee. And I just happened to be lucky or unlucky enough to have been fingered by the then Democratic Governor of the State who used to occupy a seat in this Senate for several years to be the Vice Chair of that committee.

So from the time that campaign finance reform and election law finance reform came to Minnesota I came to second Chair the process of reform.

All of that, Mr. President, is only by way of background as to why I rise to comment on this issue and also to indicate as I have previously that each of us is an expert on this subject, but we come from a particular different view and I wanted everyone to know what colored my particular view on this subject.

We spent an interesting couple of years putting this whole program together, spending the other people's checkoff money in one way or the other, and I think during that process learned some important things and some important lessons that this Senator has not lost sight of as he has watched during the eighties the national efforts to move in the direction of restraining the growth in campaign expenditures by exploring constitutional means for that restraint, much of which in one way or another involves what is so-called public financing.

Now, Mr. President, my experiences as I recalled them with the system in the early seventies and into the mid-seventies were while they were enjoyable in one sense, I guess I would have to admit that to some degree they may color my judgment about the legislation before us in its various amended forms, much more so than my personal experience in electoral politics, which I would, if we have the time, be glad to share with my colleagues as well since I am one of the more expensive candidates for one reason or another to have graced the halls of this Senate.

But I think it is the early experiences that we have with reform that stick with us the longest, and it is for that reason that I have probably dwelt or will dwell more on those experiences than my own personal election experiences.

But we were there doing the implementation of campaign finance and election law reform in the heart of the reformer era. We were there with Gene McCarthy. We were there with Bill Buckley. We were there with the famous 1977 Supreme Court case that I am sure has been mentioned in the course of this debate frequently, the case of Buckley versus Valeo.

And while Buckley versus Valeo just like Roe versus Wade and a variety of other now very famous constitutional decisions of the seventies may well be changed in the era of the eighties and the nineties, we still live as we all know with Buckley versus Valeo as the sort of iron hand that guides our efforts to reform and it is a difficult one. It was difficult for us in 1977 because Democrats and Republicans alike found it incredibly difficult to deal with the realities of Buckley versus Valeo.

I still find it difficult to deal with the realities of it.

My colleague from Colorado has referred to independent expenditures. I would refer to running against a $7.5-million man and that sort of thing, so we all know that there are sort of built-in constitutional limitations to doing this reform business the right way.

But I raise that, Mr. President, because I think it is important when you play around as some may say with changing the election financing, you play around with the process of elections; and when you play around with the process of elections, you are fooling around with the people's right to choose.

So I think it is very important that those of us who engage in this debate acknowledge to our constitutents who care deeply about reform that we and they have some built-in limitations in these efforts, that we do not agree with them and we do not think they would agree with them. One of those limitations is that Supreme Court decision of 1976 because it sets some parameters to what can be done in our efforts to equalize access to this proc-

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ess that most of us, I think—I obviously cannot say everyone—but practically everyone I run into who discussed this issue agrees that that decision has some unreal limitations on reforming the process.

But that was the era in which we were building a new election financing process in the State of Minnesota and we started off from 1974 to 1976 going down one track of implementing this legislation. When Buckley versus Valeo came along, we obviously adjusted that track.

Again, Mr. President, strictly by way of informing my colleagues from whence I come to this issue and from whence I come to my fairly strong opposition to the efforts on the part of my colleagues in this body to reform via an amended S. 2 this whole election process.

Now, the experience that we enjoyed in this period of time in the seventies was valuable to me from several respects. First, it showed me more deeply than I had probably previously seen that changing the rules in political campaigns can be kind of a risky endeavor. It is sort of like the proverbial putting your finger in the balloon because when you push in on one side of the system, something comes out on the other side.

We were talking about Buckley versus Valeo. If you want to dissect that decision, you can find one of those typical balloon situations where you push in here and it comes out on the other side. And at some point the Court quit pushing on the balloon because it could not handle the fact that balloons are spherical. And I cannot describe what air does inside a balloon in physical terms, but it just has one of those incredible consequences that we mere humans have not been able to figure out a way to deal with. And so in much the same way this hour are we going to permit people to spend money, or how are we going to require people to spend money in the process of elections, too, is very difficult.

But as others on this floor have indicated also in the period of the seventies—and I think it was my colleague from Connecticut who spoke fairly strongly, the former member of the Watergate Committee spoke quite strongly to the fact that one of the things that came out of the Watergate era was sort of a new view of political action committees and PAC's and so forth. And that one of the things that the reformists of the Watergate era wanted to be sure happened was that we had some kind of a broad-based constituency under a campaign financing.

And so we in Minnesota, as we approached that issue, we also found that we were struggling with how do you restrict the interests on the one hand and how do you broaden them on the other hand and found that that was difficult to accomplish unless at some point you trusted the public to make judgments about the electoral process.

So as a sort of an original free enterpriser, consumer choice, "don't let the Government make the decisions for you" person, I came to this process acknowledging that if you want to do public financing in one way or another, you could. Certainly, there is nothing per se wrong with public financing of elections. What was wrong or seemed to be wrong with this process was how we actually set the process up. Public financing is something most of us, I think, have participated in at the Federal level, until those of us on the Finance Committee, in our relatively poor judgment, in 1986 eliminated the opportunity to take a $100 deduction for a $100 political contribution. So we have been at public financing for a long time, and there is nothing wrong, in this Senator's view, with a tax policy or some other Federal or governmental or public policy that enables us to broaden the responsibility for our individual decisions about where our money ought to go.

By the same token, it has been my experience that the efforts of others to broaden the base under this system through, for example, the political action committees which encourage people who otherwise would not contribute to contribute. And there is nothing wrong with them. What seems to be wrong in any system is not telling the electorate what you are up to.

So if we go about this process and leave to occasional newspaper disclosure the fact that the members of such and such an association put $5,000, or $10,000, or $20,000, or $30,000 into Senator DURENBERGER's campaign and this comes as a once every 2-year or every 6-year disclosure, and it comes from some bold headline in some newspaper, then of course we raise public suspicion about the influence on the process. Just as in the sixties and the seventies we were alarmed at the disclosure that so and so in such and such a city contributed a million dollars one way or another to President so and so's campaign and as a result ended up being ambassador to such and such country. So as the disclosures come to us in the form of an exposé, along with the murder and the drug running or the whatever the case may be, the illicit behavior, we react and we react adversely.

So one of the principles that all of the reformists have adopted, those who believe in campaign limitations, those who do not, it seems to me one of the common principles that we have all adopted in this process is public disclosure as part of this process. And, Mr. President, that is, of course, where I come down in sort of my bottom line when I quit sticking my finger into this balloon before us. The one place that I keep it in is in the area of public disclosure.

If we set up limitations on how much an individual contributes, OK. If we can set up limitations on how much a group can contribute, that is fine. But I do not think in and of itself those limitations make the system work any better.

What makes the system work better is that John Q. or Jane Q. Citizen has before them constantly, in some cases with a little inquiry, most of the time without the necessity of inquiry, has before them access to accurate verified information who is giving what and in what amount to whom.

Disclosure makes available to everyone the dollar denominated amount of a contributor's influence on this process. It does not tell them how much that influence is, which is one of the unfortunate things about this process. But influence often gets aggregated and then a variety of implications arise.

The reality is that if you trust your constituents to come to judgment about you and if you trust your constituents to come to judgment about those who participate in your efforts to make public policy, then you almost have to come to the conclusion that giving all of those constituents access to accurate information about the dollars that are involved in the election process, the dollars that are involved in individual contributions to this process, then you really have to at some point say: "Well, I don't trust them to make the right judgment with that information. That is why I want to go and engage in additional limitations in the system." Or you are going to have to just say, "Well, I trust them. Give them the information. They can come to a judgment. They can come to a determination about whether it is the money that influences the process or whether it is something else that influences the process."

So I think, Mr. President, it is important to bottom line a lot of this discussion of reform by trying to reach some agreement between ourselves as to the issue of disclosure. Because it seems to me that those who would take the current election financing laws beyond where they are today in one way or another have to agree that disclosure is an important part of this process. Where they disagree, it would seem to me, is as to whether or not disclosure in and of itself is an adequate way in which we can take influence or undue influence out of this whole process.

So I would begin by making the argument that disclosure in and of itself does most of the job. We can go beyond that in a variety of ways and say in addition to that we ought to put $1,000 per election limitation on individual contributions or we ought to put a $5,000 per election contribution limitation on political action committee contributions. We can step beyond disclosure and put other kinds of limitations on this process. And, of course, we have already done that. And I do not know that there are a lot of arguments as to how best to accomplish that in this body today nor has there been among our predecessors.

Where the argument, Mr. President, seems to arise most frequently, as we have acknowledged many times here on the floor of the Senate and in other fora, is with the size of the total dollars that are expended in campaigns. I do not know how many times I have heard people refer to the amounts of money that either I have raised or I propose to raise in a campaign as being obscene. And in one sense they seem obscene.

I can recall helping my law partner run his first and only campaign for Governor or any other statewide office, 22 years ago. He won it. And it strikes me, it is my recollection at least, and I think this is approximately correct, he ran a statewide campaign which ran through 18 ballots at a Republican convention, running against three other better-known candidates, including a former Governor. He ran through that process and then he ran against the incumbent Governor of the State for election and won by just a very slim majority in a very hotly contested campaign in 1966. But I think the total expenditures in that campaign were something in the neighborhood of $400,000 or $500,000.

Well, my first election 12 years after that cost something in the neighborhood of $1 million. And my opponent spent over $2 million of his own money. So we spent together, in a relatively brief campaign—mine began around the 1st of May and ended on the 2d or 3d of November—together we spent over $3 million in the same State. We do not have a lot of population influx into Minnesota, so it is not like we were going from a million population to 4 million. We were roughly 3.7 to 4 million in 1966 and 1978. So you are going from a $400,000 statewide campaign, hotly contested over a year and so forth, to a 6-month campaign that cost over $3 million on both sides.

And then only 4 years after that, in an effort to seek reelection, I found myself spending $4.3 million. And I spent $4.3 million, not because I felt like spending $4.3 million or that was the most I could raise. I spent $4.3 million because that was the most I could raise against a person who spent $7.2 million of his own money to try to unseat me at that particular point in time.

So together we spent $11.5 million, $12 million or something like that, maintaining representation from the State of Minnesota in 1982 in the U.S. Senate.

In 1984 my colleague in this body up for reelection for the first time was not lucky enough to run against a self-financed campaign. He ran against a Secretary of State who had been in office for a long time and was fairly well know, was able to raise maybe $1.5 million, $2 million and my colleague raised something in excess of $6 million. That was his judgment, I guess, about what it would take to win an election and his judgment proved right. He won the election. I would suggest it was a lot easier year in which to run but it was one of those judgment calls that everybody has to make. The process then raised, again, between the two of them something between $8 to $9 million and in a State with 4 million people in which a few years previously it had cost less than a million to run statewide.

So, on and on, people look at those figures out there in Minnesota, in the good government State where you think everything comes free and "where the women are strong, the men are good looking and all the children are above average" as Garrison Keillor made famous about folks in Minnesota and you say why should it cost so much? This is terribly obscene that all of this money should get spent on elections.

It is only obscene, though, Mr. President, in the sense that we here wish, we who are willing to get up at 4 in the morning to come and debate this issue, wish with all our hearts that we did not have to raise all of this money and we would like to couch that in terms of: why should elections cost so much? But the reality is we would like not to have to do all of this work. Most of us enjoy coming here at reasonable hours, debating some of the great issues of the day—this may be one of them in the judgment of many of our colleagues—and not spend a lot of our time between 6 and 8 every evening at fundraising receptions and/or other parts of the day, asking people to provide financial security for our campaign.

But the reality as I have observed it, Mr. President, over the years that I have been near public office, involved deeply in campaign financing reform, and then as a participant in this process, now, in three elections, the reality is that compared to everything else that Americans spend their money on in my book there just ain't nothing obscene about a $6 million campaign by my colleague or a $6 million campaign by me or anybody else. It is not the totality of the money we raise in these campaigns that is obscene.

People who are better equipped at this debate than I can take you through the amount of money that we spend on advertising everything from chewing gum to, you know, Lord knows, all the other things we do not need in our society. Just find out how much money, hard-earned cash, Americans will spend on the useless things that are spent by a consumptive society and its advertising genius and compare that with the relative pittance that we spend on election campaigns. I think to the degree we are willing to make those kinds of comparisons, we would, most of us, have to come to the judgment that it is not the dollar amount that goes into elections that is obscene.

So I guess that particular word, in association with what I do or what I spend, I find inappropriate. Again, I would say from my personal preference I would rather not spend a lot of my time raising money. I would rather be a statesman than a politician. I would rather spend my time listening to my constituents, digesting them through this well-trained brain of mine, and then coming down here and shaping the future of America.

But the reality is that what makes America really something, a special place, is not so much what goes on here in the shaping of policy as it is in the way that the politicians of this country are shaped. I would like to suggest, despite the limited audibility of this message at this particular time of the day, one of the things that we lose sight of in this process is that particular point. It is not the shaping of policy, particularly today, that is as important as the shaping of policymakers and those in the election process.

Many of us who have come to this process in midlife, so to speak, I think, look about us at the high quality of the people in this place. And yet we also have the experience of pleading with others to run for public office. We find it, and I am sure others have shared this experience with me, we find it very discouraging to see around us in our constituencies, people who are unwilling to participate in this process for one reason or another.

Much of it is a discouragement, not with the election process, not with what you have to do to get elected, but a discouragement with what you have to do to be a shaper of public policy.

So it seems to me that if we put more of our effort into shaping the politician and the election process and less of it into the numbers involved in campaign finance and how we are going to go about it, we would all be substantially better off.

I find that the process of raising the money that I need to run a good campaign is for me a very healthy process. I was on the floor here a few months ago in a little discussion with the majority leader on that subject. He was decrying, as he has many times, the schedules that Senators have to keep. They cannot be here on the floor

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when he would like to see them on the floor because so and so has a fundraising scheduled here and so and so has a fundraising scheduled there and so forth.

The allusion at the time that I drew, and I will admit that it was implied, that somehow or other going to a fundraiser or exposing yourself to the opinions of those who were potential contributors, somehow was either degrading to the process around here or was something less than a proper influence on the shaping of this system.

At the time, and today, I strongly disagreed with that theory. I remember saying back in 1982 all over the State of Minnesota that I thought there is something arrogant about a multimillionaire saying: "I am going to get myself elected on my inheritance." I mean, if that is the case, well, let us populate this place with those of inherited wealth. This would, in effect, be the House of Lords. Let us put restrictions on all contributions and say that no one can spend anyone else's money. The only way you can get to this place is on your own.

I found that while I do not think the man I ran against is arrogant, in fact I like him a great deal, but I think the experience that I had of running for a year and a half, having to go out and raise $4.3 million from, I don't know, 40,000, 50,000, maybe 60,000 contributors—that is a large number in my State, larger I suspect than a lot of other States—led me to believe that there is an arrogance in somebody saying: "I do not have to do that sort of thing, and I will not do that sort of thing."

If I walk into the XYZ Co.'s cafeteria where a couple of hundred members, contributors to their political action committees, are gathered and tell them what kind of job I am doing as a U.S. Senator and ask for their continued support, I find that a very important and integral part of this political process because they can say, "No." And if they say "No" I am not going to get their support. I am not going to have the financial support to my campaign and I am not going to be in the U.S. Senate.

So, it is rather arrogant for an opponent who does not depend on his constituents for his election to walk by that same place, watch me talking to all of the employees who are also voters as well as contributors, and say: phooey to all of you. I do not need your money. Which is, obviously, what those folks do. They do not need the money. They make the decision they are not going to take political action contributions.

Well, all they are saying is they do not want the support; they will not take the support; they do not care about the involvement of all of those people. They want them to turn out at election time. How do they get them to turn out at election time? That is very easy. They go down to the bank and draw out a check on their own account and they buy 30-second ads on television and tell them what an awful person I am and what a wonderful person they are, and they inflame their desire to come and change the system by changing the Senator.

That, Mr. President, is an experience that all of you should have to go through. It is one thing to run against a candidate or an opponent who operates on the same rules you do; who has the same kind of financial parameters around him or her that you do; who has to go to the same people you do, not only for the vote but also for the contribution to run that campaign compared with running against somebody who does not have to do that. While I am not advocating that all the millionaires in the country get to work running against my colleagues here on the floor of the Senate, I suggest that when it does happen to you it is going to be a healthy experience and one that you ought to have before you come here, prejudging the opponents of S. 2 and our views on the restrictions that would be placed on this process.

Now, I am talking about the so-called obscenity of campaign spending, Mr. President. Let me remind my colleagues that, after talking a little bit about chewing gum and some of the other things we spend money on, that the Supreme Court has ruled that campaign spending is free speech. We have talked about Buckley and Valeo in the past here and I think we have also, at least I have argued that some of the interpretations of free speech in Buckley versus Valeo I do not agree with because I think that they are outside the realm of, sort of, the reality of the way things work in this society.

I have just addressed myself to one of the principal problems with Buckley versus Valeo and it is a commitment to free speech and that is the right of those of independent wealth and means to flaunt the electorate in a sense in their participation in financing campaigns and to reject their participation.

But the reality is that if we stick with this notion of free speech that limitations on the amount of money that can be spent in a campaign are also a limitation on the right of free speech. If I take away from the millionaire his right to spend his millions, that is a limitation on his right of free speech.

If I take away the right of the independent expenditure—maybe I should limit it in some way—but if I take totally away that right guaranteed in Buckley and Valeo, I have placed a limitation on a free speech in this country.

So, Mr. President, to the degree that you say to someone who comes from a State in which the spending levels in a Senate campaign have gone from $1 million to $2 million to $4 million to $6 million, whatever I was just describing, that from now on in that same State you can only spend $2 million per election, you are limiting not only my right of free speech; not only my opponent's right of free speech; but you are limiting the right of a lot of other Minnesotans' way and manner of speaking to you that can only be articulated at the time of an election through someone like me or through my opponent.

We decry, today, the lack of issues in the Presidential campaign. It is all about feelings. It is all about who said what about whom, not about what. So we have a tendency today, perhaps, not to look at political campaigns as a forum in which the great issues of the day are decided.

But, to many of my constituents and to practically all of my contributors, the reason they make contributions and the reason they participate in a more direct and financial way in this campaign, is it their way, not of influencing an election, but of influencing public policy.

It is their way of interfacing with the great debates and the little debates over the issues that are important to them and business, professional and ethical, social, moral, or economic sense.

So to the degree that you limit me in this election process and to the degree that you place financial limits on the amount that I can spend, you also limit the rights not only of my free speech but my speech on behalf of a lot of those contributors.

Another observation that I have relative to the amounts that are being spent in campaigns is simply that it strikes me as I look back at the data that campaign spending grows not with the avarice or the fundraising capabilities of candidates as much as it does with the cost of advertising in the economy as a whole.

It also strikes me, and probably the person who has influenced my thinking on this as much as anyone is my oldest son, who is now 24, that there is a direct relationship between the amount of money that we spend on campaigns and the medium which dominates all life in America. That is the medium of television. Frankly, when I asked my son on or about the time that he finally got his degree in political science, which was not a degree to be any expert, I trust, nor to follow his parentage, but sort of his intense interest in the political process—when I asked him how would he do reform of this political system, if he did not like the amount of money that was spent in a campaign for some

reason or other, if he shared the feelings that some of the proponents of S. 2 have, certainly the folks in my State who have gathered around to make a common cause on this issue, how do we change the system, he said, "Well, it is very simple." He said, "My observation is that the worst part of the campaign is the 30-second commercial." He said, "Dad, you are kind of long winded like a lot of your colleagues, and I don't know of anything that you can say that makes sense in 30 seconds."

So you end up hiring somebody else to get a message that you have to deliver down to 30 seconds, and that often comes out often not sounding a lot like you but sounds like what folks want to hear. So he said he had come to the conclusion that the best way to elevate the debate, the best way to increase the amount of genuine information about the candidates and about the policies of campaigns, was to increase the amount of time that we who are candidates spend in discussing the issues of the day or defending our records, and the best way to get us to do that was to keep us off of 30-second or 60-second ads on television.

So when I asked him "How would you reform the system?" He said "Just pass a law that says that you can't spend any of that campaign money on television commercials of less than 3 minutes or less than 5 minutes." That will give you a double whammy. It will put good stuff on television, newspapers, radio, public forum of one kind or another. It will force debates over issues in the political process and it will automatically lower the cost of campaigns since the driving force in the dollar amounts that get spent on these campaigns usually is the cost of television advertising.

I guess I cannot disagree with him. Obviously, I have been kind of quiet about passing that suggestion around because those who are beneficiaries of the free speech and who bring us a variety of commercial media in this country would object to any notion of limiting access by politicians to this process. Yet a lot of them are the same people that agree that we ought to limit the dollars spent on this campaign.

Mr. CHAFEE. I wonder if the Senator will yield.

Mr. DURENBERGER. Yes. Mr. President, I certainly immensely enjoyed this opportunity, particularly at this time of the day. There is nothing I would rather have done than to be here to share some of these very preliminary thoughts with my colleagues. But as I say, they are preliminary thoughts, and I am just sort of beginning to whet my appetite on this subject.

I will be glad to come back at a later time hopefully in daylight and discuss some of these thoughts that I have had on the subject for a long time and my own experiences further. But I have a colleague who, when I was just sort of learning this game at the knees of a Governor in the State of Minnesota, was already practicing it in his own State as a Governor of Rhode Island, and one of these people I have always looked up to in many ways in not only the way in which he makes policy but which he in a heavily Democratic State manages to be a Republican policymaker.

So I would be very happy to yield the floor at this time to my colleague from Rhode Island.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first I do want to thank my distinguished friend and colleague from Minnesota for those kind remarks. He has served in this body now for some 8 or 9 years, and it has been my pleasure to work with him on several different committees, principally the Finance Committee, where he does such an excellent job.

Mr. President, I just would like to address the subject for a few minutes, if I might. I feel badly that we are undergoing this present process. I must say I cannot quite understand it. I voted last year for cloture seven consecutive times on this measure. And I have been one of two Republicans that has voted for cloture every single time. It is obvious that cloture is not going to be achieved. Nothing has changed.

So I just cannot understand the tactics that the distinguished majority leader has chosen to follow in this instance. I might say that he is a man of whom I have great respect and have had the privilege of working closely with on many separate occasions. But the question, it seems to me, before the body now is: Do we want a cause or do we want a bill? If we want a bill, then this business of cloture votes, unsuccessful cloture votes—as took place last year, when no bill emerged and, as a result, the chance for meaningful reform, not the total reform that the majority leader would like or that indeed I have supported, was lost—this practice of cloture votes is not the way to go.

In the best of all worlds, everybody would get exactly what they want. But that is not the world of government. That is not the world of politics.

As legislators, we must compromise settling for half a loaf or three-quarters of a loaf in order to make some progress and move ahead. But unfortunately, that is not taking place in this instance. There is such insistence on the public financing of the campaign spending limitations that the other chances for significant reform are foregone. This is very, very unfortunate. Apparently, that is the process that again is going to be followed this year.

What am I talking about with significant other reforms? Well, I think I personally strongly feel there should be a limitation on the political action committees. We all recognize that in nearly every State a political action committee can give a candidate $10,000. This is absolutely ridiculous. And the contributions that the individual can make to the PAC are sizable.

It just does not make any sense. That is what I find my constituents are most indignant about, the so-called power of the PAC's. The argument is that if you limit PAC's to, say, $5,000 or $3,500 or some amount like that, that they will then just split like a meatloaf and instead of having one PAC, you have two PAC's and one PAC not being able to give $10,000, you have two PAC's giving $5,000, or three PAC's each giving $3,500.

Well, that can be addressed. The technique of limiting the PAC's themselves, of limiting the overall contribution of the PAC's can be addressed. But unfortunately those issues are not being considered and enacted into law.

As a result, that type of reform is being deferred later and later because clearly those candidates running in 1988 have already exceeded any possible limitation that would be in a bill on the total PAC contributions. And they are not going to unscramble the eggs at this time which would be too complicated. And those who are running in 1990, I am convinced, have already exceeded any limitation that we might put into legislation for PAC contributions. So it is too late for that group.

Whether the class of 1992 that has already been out there and has exceeded the limitations that we might put in for PAC contributions I do not know but I would not be a bit surprised if aggressive candidates just elected 2 years ago or a year ago are on out there seeking more campaign funds, and probably have at least come up near the ceiling, potential ceiling, that we might enact on PAC contributions. They probably already may well have reached it or exceeded it.

So what is happening here, Mr. President, is that we are deferring the enactment of meaningful reform by this process that is being followed here and was followed last year as well.

Let us review the bidding if we might. It was Senator BOREN and the distinguished former Senator from Arizona, Senator Goldwater, who started with the whole campaign reform measure. While there was no overall spending limitation in their proposal, it did contain restrictions upon PAC's, addressed to some degree to the so-

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called soft money problem, but principally it was a PAC limitation bill. If I recall correctly, it also addressed the problem of the individual contributor.

That took place in 1986, and it was not enacted.

Then came 1987 and the Boren bill was changed. The Boren bill then had these total limitations added to it. I signed on to that bill.

In 1987, as we recall, there was not one, there were not two, there were not three, not four, not five, not six, but a total of seven votes on cloture. That is the most votes on cloture that has ever been taken in the history of this body on a single bill to the best of my memory and judgment, certainly since I have been here. There has never been anything approaching it.

As a rule of thumb, usually if cloture is not invoked after three votes, the effort is withdrawn.

Not in this case. Seven votes. In all seven votes I voted for cloture and, as I said, I am only one of two Republicans who did that, the other being my distinguished colleague from Vermont and since then the distinguished junior Senator from Kansas has joined in voting for cloture.

But that is it and it is clear, it is absolutely clear that there are not enough votes in this body for cloture. A valid, energetic, vigorous try has been made, and now it seems to me is the time to turn to something less than the whole loaf.

What is happening here in pursuit of what some view as the perfect—and I might say there are legitimate arguments on the other side by those who are leading the battle against certain provisions of this bill—is that those of us who have have been supportive of the Byrd-Boren approach, are losing the chance to achieve the good. The good is being defeated by the search for the perfect. And to me that does not make sense for our country.

I feel very bad that the distinguished majority leader persists in this effort instead of turning his attention to some meaningful reform.

What are the meaningful reforms that might be achieved? Well, we have talked about the PAC's, how much the PAC's are able to contribute to a candidate. Clearly, that should be limited. We should talk about the so-called soft money. Is it fair for one candidate to be able to marshal assistance in organizing the phone banks, getting out the vote—not just get out the vote, but get out to vote for candidate X—without having any kind of disclosure or reporting or any form of limitation. Yet that is not touched. That is the so-called soft money provision that could be well enacted, and it seems to me, Mr. President, that the thrust in all campaign spending laws should be disclosure. That is what we want. Let the public know what is happening, where the money is coming from.

I must say I personally have run into a situation where I think a reform could be made and that is disclosure of the appropriate names of PAC's. Currently, a PAC, in its name, has to indicate what its principal purpose is, but apparently there is a grandfather clause in there that permits these PAC's with the vaguest of names, for instance "Citizens for a Better Los Angeles," to pour money into candidate A or B. Any individual examining a reporting sheet has no idea in the world what this PAC is for and if it is a PAC for clean water or if it is a PAC pressing for nuclear power or if it is a PAC to encourage the use of tobacco or a PAC to discourage the use of tobacco. In some way the name should indicate what the PAC is all about. Clearly that does not exist now.

The current law for those who are forming PAC's is that they must indicate their purpose, but why the law does not apply to all PAC's so that we could get some indication of what each and every PAC is all about. There is a reform that clearly should take place following the thrust or disclosure.

Now, what about other possible reforms? One of them has been the so-called millionaire's loophole, and that works as follows: One of the things that currently takes place is you have very, very rich candidates who are able to practically finance their own campaigns. What they do is they loan themselves the money. They loan themselves $2 million, and that is far more than the opponent can raise or has available and we cannot do anything about the ability of an individual to use his or her own money. That is clear in the Constitution as interpreted in Buckley versus Valeo.

All right. But then the candidate, having been elected with this vast amount of his own money which he has secured through subterfuge, then has a massive fundraiser after his victory and repays himself so he is not out a nickel.

One of the provisions that has been discussed and to me makes a great deal of sense is closing this so-called millionaire's loophole and provide that anybody who lends himself or herself money will not be able to seek repayment subsequently from any type of fundraiser. He cannot repay himself.

Now that puts a great damper, I might say, on these individuals who have the wealth and proceed to lend it to themselves and then go out and have a fundraiser thereafter to pay themselves back. Those are three significant reforms.

I think we ought to look at the individual contributions. I recognize that the limitation is $1,000—$1,000 for the primary and $1,000 for the general election—but I think we all recognize that certainly in most States anyway it ends up to be $2,000. There is some type of a primary somewhere that permits the candidate to qualify for the extra $1,000.

Now, is that the correct amount? Should it be more? Should it be less? I think that is a subject that clearly could be reviewed. I do not have any strong views on it one way or the other. I frankly do not feel it is too much. I do not think anybody given the cost of current campaigns, is going to attain influence over a candidate because of $2,000. But these are things that should be examined.

Let us take a look at the arguments that have come from the opponents of this legislation, and I do not denigrate those arguments at all. As a matter of fact, it seems to me this is one case—I do not want to say it is the only case—but it is clearly a case where extended debate has indeed enlightened those who have taken the trouble to listen to it.

I think the arguments of the junior Senator from Kentucky have been very, very good.

Now, I have no reason at the present time to deviate from the support that I have given to the majority leader's position. That is as far as cloture and the bill goes, but nonetheless, I can see the validity in the arguments that are presented by the junior Senators from Kentucky and from Oregon. Both of them have made a lot of sense and have caused us to pause and think about the points they have brought forward.

Of course, one of the arguments that we who are in favor of some spending limitations use is, "Look at the spending laws for Presidential campaigns, is anybody seriously proposing that we repeal that legislation?" I have not heard it.

Now, let me take a look at this particular argument. It says, in one of the points that the junior Senator from Kentucky made that every major candidate, since 1976 has been cited for serious violations of the law. Large fines result. One candidate, and I believe this was in New Hampshire, in 1984, spent $2 million in a State with a $400,000 limit. I do not know how that can take place. But apparently it did, and if the individual candidate is just cited for violations of law, it does not seem to me the law is being enforced appropriately. Now, that particular candidate lost, and I suppose there is no point in beating a dead horse in trying to fine him, as it were. Probably he had no money left from the campaign anyway.

But, something is wrong if that takes place.

Another point that he makes, is that overall spending for Presidential campaigns is now increasing at the same rate as before spending limits and taxpayer financing was enacted.

Again, I am not quite sure how that takes place, but it is worthwhile

looking into it and I am not sure that those points have been addressed on the floor. But I have heard, and these are people who I have been allied with, mind you, the great concern over the increased spending that has taken place, the mammoth amounts, the time that is consumed and I believe those are legitimate points.

I am up for reelection next fall and I have found that I have spent some time in raising money. Whether it has been more or less than in other years, I do not know. I think perhaps a bit more, but again in past years I did not spend a total of a great deal of time and so the amount that I am spending now is not that much time and clearly it has not interfered with senatorial activities, especially, I might say under the schedule that the majority leader has adopted for this body this year with 3 weeks on and 1 week off. Any fundraising that we choose to do can be done in that week off. As everyone recalls previously, if we had fundraisers, we would have them on a Monday when the Senate was in session because that was usually a very quiet time.

There is one other point I failed to address in the significant reforms that might be undertaken that we are losing a chance at, and that is the unaccountable, outside contributions and unaffiliated contributors.

Now the way the law currently works is if candidate X is running in Rhode Island for reelection, somebody from California unaffiliated with X's opponent can come in and spend any amount of money he or she wants in that campaign, both pro the incumbent or anti the incumbent, and to me that is just plain unfair.

Now, what can be done about it? I do not know. I am not sure. I suspect, again going back to the Buckley case which, of course, concerns an individual contributor to his own campaign, that under the constitutional provisions for freedom of speech, an outside individual cannot be prohibited from spending as much money as he or she wants in an attempt to defeat or provide for the reelection of a candidate.

I wish we would spend time addressing that problem. It is a legitimate one. We have seen it come up. We have seen it come up in one notable race in Illinois. I think we ought to address it, and undoubtedly it is possible to address it.

But those are things that I think we ought to be dealing with here instead of this driving attempt to achieve these campaign spending limitations that are not going to take place. And I can say, from my point of view, that this is unfortunate, because, as I mentioned, I voted for cloture.

I have listened to the arguments of those who have been against these limitations. Up in our region of the country where it is very, very hard to get Republican candidates to run, public financing is not all that bad. We have rather solidly entrenched Democratic incumbents, in many instances—I am talking about the whole New England area. The ability to attract candidates is always discouraged by the fact that the candidate is not going to have any money and probably is not going to be able to raise any. So, from where I come from, the Byrd approach would be helpful to us.

But that is not true apparently in other sections of the country. What is good for us is not necessarily good for others who feel so strongly about this legislation.

Thus it seems to me we ought to get on with it. And I have expressed those thoughts to the majority leader, but it is his view that he wants to press on, as is indicated by S. 2 being the dominant item on the calendar, not only for so many rollcall votes last year, so many cloture votes, but apparently we are starting over this year. How long this will continue, I do not know.

But what worries me is we might go this week and next week and then comes a week off. Then we are going to be into other matters. Pretty soon the INF Treaty is going to come along. Clearly the trade bill has to be considered. The Canadian trade bill is going to come after that. We have got the catastrophic insurance conference report that will come before us. And there is not going to be time for real campaign reform to be considered if we persist in the direction we are currently going. I believe that is very, very unfortunate. I just do not see where it is going to fit.

Now, as we all know, there have been meetings arranged between four Senators on the Democratic side and four Senators on the Republican side. I had something to do with urging the setting up of those conferees, if we want to call them that. They have been trying to reach some kind of an agreement, but the sticking point has been this public financing and the Republicans have made it clear that they are not going to change.

Well, if that is the situation, then the legitimate tactic is to try to impose cloture. But there is no reason in the world to believe that anything has changed from last year.

Last year, we had 54 Democrats total. Two of those voted against cloture, so that makes 52. A total of three Republicans voted for cloture, so that made 55. And that is it. That is the high point.

If every single Member of the Senate is present, that is what the vote is. Now, if anybody knows of any changes, they certainly have not brought it out.

To the best of my knowledge, there have been no changes. Certainly—and I have not made a canvass of the Republicans on this—my belief is that there have been no changes. Maybe there have been some changes on the Democratic side, but I have not heard of them.

So, thus, it appears, particularly under the present situation with the Senate's two Presidential candidates who have voted for cloture in the past out campaigning—that the vote for cloture would not be 55 but would be 53, perhaps one less if somebody were out for unavoidable reasons such as illness or recovery or whatever it might be.

So cloture is not going to be invoked. And, thus, I feel very strongly that we are in a good position to move ahead and achieve some reform.

I mentioned four points: the limitation on the millionaire's loophole; outside contributors; limitations on the PAC's; and soft money disclosure, and perhaps limitations. All of those are very, very important items that I wish we would take up.

Now, I have here an article on campaign finance reform which is in a printed booklet entitled "Commonsense." Now, who publishes Commonsense? Well, it turns out it is called A republican journal of thought and opinion, published by the Republican National Committee and its Chairman Frank Fahrenkopf, right here in Washington, D.C., and the Republican National Committee can be identified as the national operating arm of the Republican Party.

This article is entitled "Homogenizing Congress." It is written by Bill Thomas, a Representative from the 20th District of California.

I think it touches on this subject and I will just read some of the paragraphs in it.

> During the past decade, political reformers have enacted numerous measures to purge Federal election campaigns of various evils, both real and imagined. These reforms vastly changed the landscape of political campaigns but not always with predictable results.

That certainly is true.

> While frequent attempts to regulate political participation have yielded some of the desired outcomes, they have also affected the kind of candidate who can succeed in this new environment. This unintended consequence holds considerable implications for the future of our representative democracy and raises the question: How healthy are such frequent campaign reform crusades for our political system? As the 98th Congress considers further campaign finance limitations and the possibility of taxpayer-financed congressional elections, policymakers should pause to consider the unintended effects which past reforms have spawned.

It is interesting to note that in the legislation we have before us, S. 2, only deals with Senate campaigns. It does not deal with House campaigns. Now I think any reforms that are enacted should deal with both.

I have heard it said that if the Senate enacts these limitations, then the House would follow. Well, I do not know whether that is true. I wish that S. 2, which as I say I supported, were broadened to include the House because what we are seeking in all of this legislation is fairness, equity. You can well have a situation where representative candidates, that is Members of the House, have been able to spend large sums of money getting themselves known in reelection campaigns, particularly in relatively small States where they are without limitations. They, in their reelection campaigns, can get well known all over the State to a greater degree than a senatorial candidate who is limited in his campaign could. And then, lo and behold, one day the Representative decided to run for the Senate. And, having achieved this far greater exposure, he branches out and takes on the incumbent Senator who has been restricted.

Now, to me, that does not seem very fair. I hope that in any campaign reform, whatever is finally done, that it is broadened to include the House. I know the argument is put forth: "If you ever try that, they will never pass it in the House." However, if that is true, then what makes us believe that if we pass it the House will subsequently pass it themselves. That is taking a chance.

So I do not see why both bodies are not included. If we can work out a formula to restrict the number of dollars that a senatorial candidate can spend, why can we not work it out the same for House Members? And, frankly, the House situation should be a lot easier since each of their districts is relatively similar in population. In the United States now it is probably closer to 500,000 in each representative district. That is man, woman, and child, not voters.

> The proliferation of political action committees (PACs) is a prime and well-documented example. PACs are direct products of the limits capped or individual contributions by the 1974 campaign finance law. Faced with this restriction on their participation in the political process, individuals banded together and continued to raise funds and contribute to candidates, all within the confines of the new law.
>
> Some groups, however, have not exercised all their options under the laws which they themselves, in many cases, helped to create. Now that their earlier efforts to contain the so-called evils of money in campaigns have been largely superseded by public support of PACs, these groups want to make further adjustments in campaign law. They refuse to face the reality that a politically-active public will continue to be so—despite further regulatory efforts.
>
> Attempts by reformers to "bottle reality" through various strictures and complicated regulations have had consequences beyond the PAC phenomenon. Not only have the type and manner of public participation changed, but the characteristics of elective candidates for Congress are also undergoing a metamorphosis, and campaign reforms are partly responsible. Other factors have contributed to changes in the kind of candidate who is more likely to be successful today, but campaign reforms are chief among them. If current proposals to limit campaign contributions and to establish taxpayer-financed congressional campaigns are successful, I believe such efforts will serve to accelerate the trends which are reshaping the "electability" traits of Members of Congress.
>
> Some tremendous changes in the demographic profile of the House of Representatives are already evident. The average age of House Members, for example, is considerably younger than at any time in history, a trend set in motion by the 93rd Congress which convened a decade ago. House Members of the 93rd Congress averaged 51.1 years of age. The average for today's 98th Congress, however, is 45.5 years and the median age of an entering Member of Congress is now less than 40 years.
>
> Other demographic trends were set in motion by the 93rd Congress. For the first time in the Twentiety Century, Blacks represented southern constituencies, and Representative Barbara Jordan of Houston became the first Black woman to represent a southern congressional district. Another maxim of southern politics was broken in that election—for the first time since Reconstruction, Mississippi sent two Republicans to Congress and Louisiana elected its first Republican congressman in this century.
>
> These trends are continuing in the 98th Congress. There are 37 Jewish Members, an increase of four from the 97th Congress. The number of Black Members increased from 19 to 21. There are 11 Hispanic Members, an increase from seven in 1981. The 98th Congress began with 23 women—the same number that was present at the end of the 97th Congress, which started in 1981 with 21.
>
> The snapshot then of the current Congress shows a much younger, seemingly more diverse group of individuals. Nevertheless, in many respects this new group is more homogeneous than past Congresses. The typical new Member of Congress is wise in the use of electronic media; better educated in the complicated myriad campaign rules; more willing to wage long campaigns, as well as repeated campaigns, in order to get elected; and, is more independent of political party support than ever before. A pipe-smoking Millicent Fenwick or a flamboyant Bob Eckhardt will become increasingly rare in Congress. Instead, the typical Member of Congress is becoming more and more a product of both an electoral and technological revolution which has taken place in the last decade.

Well, I am not so sure I agree with that conclusion. I think that as times change, so the approaches of the candidates are going to change. And I do not think that the, if you want to call it, rugged individual, those who are different via the pipe-smoking Millicent Fenwick or a flamboyant Bob Eckhardt are ruled out from taking office today. Indeed, in the past they stood out as individuals because there were not many like them, and I think similar individuals could be elected today.

Now, here we address the problem of spending limitations.

Now, here he addresses further limits: decline of parties, splintering of consensus.

> How will the proposals for further limits on campaign contributions and for taxpayer-financed elections affect the pool of candidates from which Congress is chosen? One immediately evident result is that candidates would become even less dependent on political party support and influence in their campaigns. With the parties placed under strict contribution limits and with public money available, the traditional roles of political parties—formulating public policy and recruiting and electing candidates who share their broad philosophies—will become obsolete or, worse, meaningless.
>
> Nor will candidates necessarily forge closer ties with their district constituencies under public financing. I believe the opposite would result.

It is not me speaking. It is the author.

> Candidates would no longer be required to seek periodic support in the form of campaign funding primarily from their constituents; rather, they would rely on taxpayer funds channeled from Washington, D.C. To the extent public financing permeates congressional elections, the public interest would become further and further removed. By "public interest" I do not mean that amorphous label which is so often invoked by proponents of campaign reform, but the public interest as represented by people with a wide range of concerns and opinions, who seek to participate in the political process by supporting candidates who reflect their views. The linkage between this public interest and the Member of Congress would be broken by public financing of campaigns because taxpayers (most of whom oppose such plans) would have no control over who received the funds.

Well, I think that is a scare line that I do not subscribe to. As I say, I have supported public financing and there may be reasons against it and I think the strongest reasons have been set forth by the junior Senator from Kentucky, that it just plain does not work; that it is expensive. One of his points is that it encourages a proliferation of extremist candidates. That may be. There is more bureaucracy on the Presidential level. The figures he cites, I was going to say, I find astonishing. One out of four campaign dollars goes to lawyers and accountants.

In the 1980 Presidential race, $21.4 million was spent on compliance alone. That is as much as the most expensive race in Senate history. Campaigns must process each contribution—again we are talking about the Presidential system now—through 100 steps.

I do not know how he ever gets up to 100 steps, but in any event it is complicated. Political decisions have become accounting decisions.

Well, all that may be true, but I do not subscribe to the points that are made here by Mr. Thomas in his article in Commonsense where he sees the dangers of Federal financing of congressional—in this case Senatorial campaigns that would distance the candidates from their constituents. Because they do not raise money from their constituents any more. They just

go to the public trough in Washington, DC.

There may be objections that can be raised to campaign financing, but I do not think that is one of them.

Now, I do commend to those who are interested in the whole subject, this booklet which was published in December of 1983, just 4 years ago. There is a rather interesting description of major campaign finance reform legislation, which deals with legislation introduced by Senator Paul Laxalt, whom we all remember so well, and Representative Bill Frenzel and others.

Now, just so we can get a broader view of this, let me commend to individuals who might be interested, an article on page 77 of this booklet, "Major Campaign Finance Reform Legislation," where it deals with legislation introduced by Senator Mathias in the House, Jim Leach, Dan Glickman, and David Obey, all Congressmen; legislation introduced by Representatives Matt McHugh from New York and Barber Conable and the legislation that I talked about earlier namely, the legislation that was the foreruner of S. 2, Senator Boren's legislation.

That bill limited—just to touch on the Senate—limited Senate candidates' acceptance of funds from all multicandidate committees to an amount varying with the population of the State ranging from $75,000 to $500,000.

All right. There are a series of other articles on that subject there.

Now, let me turn once again to the points raised by the junior Senator from Kentucky, in why he feels so vigorously about the campaign spending limitations as they would apply to the U.S. Senate races. He uses, as his takeoff point, what is happening on the Federal level for the Presidential campaigns. He makes the following points:

First, addressing solely the Presidential system, which most of us think has worked relatively well. And I will say that that has been my view also. But one has to pause to think when we read these points, that the junior Senator from Kentucky has made, which I am sure have been carefully researched: $40 million has been spent in the last 2 months in the Presidential race. Now, this is a document that is dated February 1988; $40 million has been spent in the last 2 months. Since the funding of Presidential elections began and apparently three elections have been federally funded, one-third billion dollars, that is $330 million has been spent on these national campaigns.

Well, I do not think we have to say it is one-third billion dollars. It sounds like a lot more than $330 million. So, $330 million has been spent on three Presidential races. I do not think that sounds like so much.

The next point he makes is the proliferation of extremist candidates. A half a million dollars went to Lyndon LaRouche in 1984; $200,000 to psychologist Lenora Fulani to run for President. I am not familiar with Lenora Fulani's campaign for President. And if she received $200,000, I am amazed. I suppose there should be some qualification requirements, whether it is signatures or individual fundraising, before one is entitled to receive the Federal money. And indeed that is true. Ms. Lenora Fulani must have raised substantial sums by herself. You have to raise a certain number of dollars from most of the States before one qualifies for the Federal funds.

But I must say I do worry about the extremist candidate charge. Would that take place under the legislation S. 2 that I have been supporting? Are we encouraging extremist candidates to get into the races?

One of the great virtues, it seems to me, of American democracy, as it has evolved—is not provided for in the Constitution—is the fact that, though in the two-party system the candidates tend to move toward the middle, toward the moderate center whereas in the multiparty systems you have candidates on the fringe who achieve excessive power unrelated to the amount of votes that they have been able to obtain. We have a winner-take-all system and that encourages moderation. Every candidate has to go out and appeal to as broad a spectrum as possible, whereas in those countries that have proportional representation, which I consider to be a disaster, fringe candidates make demagogic appeals to limited sectors with the belief, and often the realization, that by this appeal to this limited group, which might be only 10, 12, or 14 percent of the people, that the individual will ensure, through the proportional representation system, that he or she can be elected to the parliament or whatever the governing body is.

We have not had that in our country and I am deeply concerned that we might. I do not want in any way to encourage it.

So this charge by the distinguished junior Senator from Kentucky that there will be a proliferation of extremist candidates as a result of the public financing of senatorial candidates may be a serious one.

I would like to hear further discussion, I might add, and I do hope that the junior Senator from Kentucky, who undoubtedly will be addressing this matter in the future on this floor, will address that particular point. It is one that I would worry about. However, as I say, it has not come to my attention before and has not been enough to discourage me from support of S. 2. But I would like to hear it addressed to a greater extent.

I see that the distinguished junior Senator from Alaska is here who undoubtedly has some views on this subject. I would be glad to yield the floor to him.

Mr. MURKOWSKI. I thank my friend from Rhode Island.

Mr. CHAFEE. I thank the Chair.

Mr. MURKOWSKI. Good morning, Mr. President.

The PRESIDING OFFICER (Mr. Fowler). The Senator from Alaska seeks recognition in his own right?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. I thank my colleague from Rhode Island whom I wish a good morning, and, Mr. President, good morning.

The PRESIDING OFFICER. Good morning.

Mr. MURKOWSKI. Obviously, I find myself before this body at this early hour with the issue before us of S. 2 about which this body has heard a good deal for the last many hours. Personally, as a Senator from Alaska, I would be pleased to take this opportunity to educate my fellow colleagues on the merits of an issue which is of great interest to our Nation, of great interest to the State of Alaska; that is, the issue of opening the Arctic wildlife reserve to oil exploration. But in the spirit of the time, for the time being at least, the Senator from Alaska will stay on the subject of S. 2 and attempt to highlight for the benefit of the President the specific points that are of grave concern to those of us on this side of the aisle.

One of the major concerns that often is not brought out on the merits of public financing is just what is it going to cost the taxpayers of this country? Well, an estimate that has come into my hands on spending limits and taxpayers' financing obligations suggests that in the last 2 months alone over $40 million has been expended in public campaign financing costs, and over one-third billion dollars in the last three elections alone.

The question of proliferation of extremist candidates, the issue of wasted dollars, is very much appropriate for this body to reflect on. It is estimated that in the 1984 campaign one-half million dollars was given to Lyndon LaRouche, and approximately $200,000 to psychologist Leona Fulani, who at that time was a candidate for President.

So, Mr. President, it appears that we are contemplating building more bureaucracy and not more democracy. An interesting note for those of my colleagues who happen to be of the legal profession is one out of four campaign dollars, that is dollars that are

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given by the taxpayers, goes to lawyers and accountants. It is estimated that in 1980 in the Presidential race $21.4 million was spent in compliance alone, as much as the most expensive race in the Senate's history.

Campaigns must process each contribution through nearly 100 steps. So in reality, Mr. President, political decisions have also become in this bureaucracy accounting decisions. We have seen under the experiences that we have had unprecedented growth in campaign spending under "limits." Overall spending now is increasing at the same rate as before spending limits and taxpayer financing. The difference is that far more spending now is done outside legal limits and disclosure requirements and there is less accountability.

Some would suggest, Mr. President, that the system mandates that every candidate becomes a cheater. Figures indicate that every major candidate since 1976 has been cited for serious violations of the law. Needless to say, bad press and large fines resulted. One candidate spent $2 million in a State with a $400,000 limit.

The Senator from Alaska hopes, Mr. President, that the significance of these figures even at this early hour may penetrate the open minds of those who are still undecided on the issue and would reflect again on the merits. So as we consider the realities of what S. 2 mandates, it is corporations and labor that help circumvent limits by paying office rent, phone deposits, and giving overly generous loans.

There are those who would suggest that this provides for growing disrespect for law and the election process. Campaign managers report that the first planning priority is to identify an advanced way to circumvent limits and rules. One observer, a campaign staffer, declared this whole FEC thing is a sham. It appears to be "your job" to find every loophole. We have special interests that will control by spending outside the law. In the 1984 general elections, special interests spent $25 million to oppose President Reagan, this represents 62 percent of Reagan's $40 million spending limit; and nearly half the money spent in the 1984 general election, $72 million, was outside the candidates' direct control.

At least one-fourth, Mr. President, of all the money spent in Presidential races is unrecorded, unlimited, and unaccountable.

In soft money, which we have heard a great deal about, spending is roughly tripling under each election cycle. Races resemble uncontrolled corrupt politics of a pre-reform era.

Another thing that should concern us all, if we reflect on the merits of public taxpayer financing, is what effect has it had on the voter? Well, statistics tell us that voter turnout has stagnated; 55 percent in 1972, and in 1984 it is down to 53 percent, a 2-percent decline. Some have suggested that campaigns have lost their identity, they have lost their enthusiasm, they have lost their imagination. Spending limits and taxpayers' financing have shut down local campaigning, and the unique attribute of American politics—that is the grassroots democracy—has to a large extent died.

Mr. President, I have a number of references in regard to status of S. 2 because S. 2 is really not the answer. The Senator from Alaska is in favor of campaign reform but not at the expense of the taxpayer.

The junior Senator from Alaska supports the efforts of this body to bring about this needed reform. But, Mr. President, it must be done in a fair and equitable manner. And this legislation, S. 2, is not the appropriate way to accomplish that reform.

As has been pointed out by a number of my colleagues and others that will follow me, the bill as currently written has many serious flaws. As I have stated, the legislation would initiate a system for using taxpayers' money in funding Senate elections. If a candidate violates voluntary spending limits, the money to combat excessive expenditures, make no mistake about it, would come from public funds raised through checkoff on probably tax returns.

The problem is that a true measure of national support for such financing is the tax checkoff for the Presidential campaigns. Only approximately 20 percent of all taxpayers annually "vote" to spend their tax dollars in this fashion. Eighty percent vote "No."

One would ask what if the checkoff system does not work? If the checkoff system does not raise sufficient funds, what is going to happen then? Why, it is obvious Congress is going to have to appropriate money, appropriate adequate money, for our own reelection effort. To me, there is something very wrong, very inappropriate about that kind of a situation.

Some have said in this debate there is an evil association with PAC's. S. 2 would allow candidates to continue to accept funds from political action committees. Only the total amount a candidate could receive from all PAC's would be capped.

Some are asking if PAC's really are the problem. Small voluntary contributions of like-minded individuals really make up a majority of PAC funds.

Does not this PAC process actually help to preserve the rights of individuals to freely choose the ways they want to participate in our election process?

Mr. President, I have mentioned soft money and S. 2 does not address this issue. We have seen union get-out-the-vote drives phone banks, et cetera, significant noncash contributions which are not accounted for nor from all appearances limited.

Now, under current law there are dollar limits on the size of contributions that can be made by political action committees or individuals. Additionally, there are strict reporting requirements for the candidates and large donors.

But as I have stated, there is little control of the soft money.

An example might be a labor union turning out volunteers to make telephone calls for a candidate or some advocacy group of volunteers with its members addressing and mailing letters or other organizations which might provide door-to-door canvassing.

These are not always reported as contributions. Yet, they clearly have a monetary value.

Also, consider third-party indirect assistance for a candidate. Say, a teachers' union, and NEA mails a message to its members and runs newspaper ads against one candidate for another. The question comes up as to whether or not the dollar value of that effort should be included in the limits placed on a campaign.

Many of these third-party interest groups have a nonprofit status. They enjoy special mailing rate privileges. Should not a campaign reform plan include the registration of these privileges when they are used for campaigning?

The Senator from Alaska thinks that they should.

This side of the aisle may be somewhat successful in raising money, but I think if we reflect on the records and the figures we have available the other side of the aisle is just as successful at raising the soft money.

Now, Mr. President, let us talk about spending limits. As we have all heard limits would inhibit any party's ability to compete in what is traditionally a one-party State. Also, the limits would hinder candidates who have to mount a campaign in a State such as mine, in Alaska.

The limits are based on a State's voting age population. My State may have one of the United States smaller populations. Yet the area of my State is two and one-half times the size of the State of Texas. I know that creates a little competition as we reflect on the size and magnitude of our home areas but in reality in Alaska the transportation costs alone are extremely high. Just to get out and meet the voters in my State requires an expenditure of thousands and thousands of dollars.

Finally, Mr. President, where does the news media fit in on a reform of the campaign process? For instance, is there a dollar value that could be assigned to a paper's declared editorial

support for a candidate? A rather interesting speculation, Mr. President.

Should the value of that support be filed with the Federal Elections Committee just like an oil company's employees are required to file their PAC contribution? Or, Mr. President, does our Constitution intend that newspaper publishers be exempt from the limit placed on other individuals?

These are among the questions that I think deserve more attention by the public.

Mr. President, I would like to take this opportunity to share with those of my colleagues who are up this early hour some of the letters I have received from around the Nation in opposition to S. 2. The first is from Dr. Geraldine Morrow of Anchorage, AK. It reads:

> DEAR SENATOR MURKOWSKI: The American Dental Association has notified me of the seriousness of S. 2, the Senatorial Election Campaign Act of 1987 and its impact on the amounts of money political action committees could contribute to candidates. Along with the information they sent a cosponsor list. May I express my deepest appreciation to you at not seeing your name on this list? There are many of your colleagues who have offered cosponsorship. Hopefully your missing name indicates your opposition to this proposed legislation.
>
> I want to speak to opposition and sincerely urge you to continue in nonsupport.
>
> Currently there are 4,000 political action committees representing all interests in our country. PAC's have proven effective in aiding candidates, yes but also in greatly increasing citizen interest and involvement in government and the political process.
>
> The alternative proposed—partial public financing—does just the opposite, and may, in fact discourage citizen involvement because publicly contributed funds cannot be earmarked to a favored candidate.

One of the promoting ideas of this legislation is alleged political action committee abuse. Current disclosure laws assure full knowledge by the public of all PAC activities. Protections are in place. If abuses are discovered, certainly they should be addressed. But the solution should not be elimination of the incentives for citizens' involvement.

How could concerns with campaign costs be appropriately addressed? Dr. Morrow suggests the following: The creation of an independent commission to be established to study the overall issue. Items suggested for the study would include the length of campaigns, should the period of fundraising basically be limited, the overall cost of elections. Should candidates be permitted to retain unused campaign contributions? Should elected officials continue to be permitted to establish PAC's in addition to those used for their own campaigns so they can assist other candidates? And can the role of major political parties be strengthened?

Once again Dr. Morrow states:

> I do acknowledge, Senator Murkowski, your restraint in this matter and I am grateful for your understanding of the seriousness of a greater concern.
>
> I would strongly urge your opposition to this legislation and sincerely appreciate your ongoing efforts.
>
> Best regards,
>
> DR. MORROW.

I think the point in this letter that strikes me is how the involvement of citizens have been encouraged in the electoral process through the concept of the PAC's.

We have, of course, seen letters come in from the U.S. Chamber of Commerce, the National Right To Work Committee, organizations, corporations with PAC's such as Texas Industries, the Eaton Group. We have also seen an expression of genuine concern on the part of the public with regard to the need for campaign reform.

But as we reflect on the type of campaign reform that is in the interest of the public it is important to understand the reality of the issue of soft money, Mr. President.

I would ask my colleagues to reflect on the soft money issue and as to why they do not feel it is appropriate that this issue be reported.

There is a problem of inequity when you have one candidate running in an election and reporting his funds in the conventional manner and an opponent who has the benefit of an organization working for him through the contribution of personnel, phone banks, and letter writing. These efforts are very effective as I know from personal experience in my own campaign of 1980 and later in 1986. This is an issue that in fairness should be addressed. That contribution can be identified in dollars and cents. It can be identified in the same way in which under the procedure established here in the Senate one addresses the reimbursement of transportation in a private aircraft to accommodate a Senator's schedule. Under our rules, the appropriate contribution is determined to be equal to a conventional first-class fare on a commercial airline between two points. It is quite possible to ascertain what it would cost to hire a number of people, 10, 15, 20, whatever, at an hourly rate, rent phones, pay the installation costs, and add up the number of hours that the particular function, telephone, polling, a mail-out costs is performed, and then file a report on that cost with the appropriate reporting agencies.

Now, this, Mr. President, seems to the Senator from Alaska to be an equitable and appropriate procedure. It is unbelievable to the Senator from Alaska that some of my colleagues have a difficulty with the issue of soft money. I look forward to those who would care to address that particular aspect of S. 2 to enlighten me a little further as to just what the difficulties are with a declaration of the soft money issue.

Now, we have seen in this particular issue the effects of an organization called Common Cause, a rather interesting group in our country. It is a special interest group. It claims approximately 280,000 members nationwide. It is an integrated entity, enjoying a status under the 501(c)(4) tax-exempt provision under the Internal Revenue Code. It has placed legislation changing financing laws on the top of its legislative agenda.

The Democratic leadership and all but two of the Senate's 54 Democratic Members, I understand, support its call for taxpayer financing elections and spending limits in congressional races. It is no secret that Republican Senators view the bill as nothing more than a political ploy by our friends across the aisle to lock in their control of the U.S. Senate. Not surprisingly, given the high partisan stakes, the bill faced tough going, with Common Cause and the Democratic Party unable to break a filibuster, a record up to this time after we have had, I believe, a record of seven cloture votes.

Now, Common Cause's role and that of the Democratic Party in this debate has yielded communications that are the subject of complaints that have been filed in various parts of the country. Common Cause, as we have seen in various areas, has seen fit to take out a series of full page newspaper ads against some Republican Members of this body not supporting Common Cause's position on S. 2.

The feeling of the Senator from Alaska is that the aim of Common Cause is obvious. Since Republican Senators who are the subject of the ads have not wavered on this point, Common Cause wants them defeated in the upcoming 1988 elections so that the makeup of the Senate will have fewer Republicans.

In addition, Mr. President, Common Cause has taken out an advertisement against the Presidential candidacy of our own leader, Senator ROBERT J. DOLE. And this occurred at the height of the national Presidential primary season which we are in.

To this end, Common Cause is expending substantial sums in an attempt to weaken the electoral system and, in my opinion, the strength of certain Republican Senators facing election in 1988. The ads are an attempt to affect the 1988 senatorial elections so that the special interest legislation pushed by Common Cause and benefiting the Democratic Party can pass this body.

I feel that the FEC needs to investigate to determine the extent of Common Cause's coordination of its advertising efforts with those who are planning the policy in the Democratic

Party's Senatorial Campaign Committee.

We have seen ads, as I have referred to before, on standing Members of the Senate. The text of the ads, which are similar, demonstrate why they are highlighting reportable expenditures whose purpose it is to influence Federal elections. The ads we have seen identify a specific Senator running for election in 1988 and criticize him for lack of integrity if his views are opposed to those of Common Cause.

Now, the ads that we have seen are from newspapers, either published or widely circulated, and they depict Republican incumbents running in 1988. The ads that I have seen make repeated references to "congressional campaigns" and "candidates" and suggest that those who do not vote Common Cause's way are somehow "fundamentally corrupt."

Now Common Cause is obviously making these expenditures in the hopes that voters will be swayed. If the aim was to make Common Cause's views known to the Senator, a mere letter would certainly suffice.

Now ads supporting Democratic Senators facing reelection in 1988 contained similar factors demonstrating why they should be reelected. Of ads supporting various Senators, one praises a Senator for voting the right way on Common Cause's bill. The ads ran in newspapers published in the States where Democratic Senators were facing election or reelection in 1988. The ads compare these Senator's positions favorably with what they might get if someone else was serving the voters. The ads make repeated references to congressional campaigns and candidates and suggest that the only way to work toward restoring honesty and integrity in Government is to compare the merits of the Senator supported by Common Cause and the one who is not.

Now, Common Cause's aim is obvious. It is to tell the voters in the Senators' States that these Senators who have the support of Common Cause are worthy of the support of the electorate. If the aim was to tell the Senators that they were doing a good job, why Common Cause could have written a letter.

The ad targeting our own Senator Dole was published in the Washington Post, no stranger to this body, on January 25, 1988. It was done right in the heart of the crucial nationwide Presidential nominating season. The ad is a reportable expenditure since it is plain wording discussing Senator Dole's Presidential candidacy and its funding.

The ad makes reference to the following. "You are also saying you oppose S. 2 because you object to its spending limits and public financing provisions. Yet when it comes to your own bid for the Presidency," referring to Senator Dole, "you have accepted spending limits and more than $5 million in public funds to advance your campaign." This ad directly criticizes an ongoing political candidacy and is paid for by an incorporated entity.

Now, Mr. President, this is precisely what the Federal Election Campaign Act is supposed to regulate and prevent.

It is my contention, Mr. President, that Common Cause ads are designed to influence Federal elections. The Federal Election Commission has developed a test for whether this sort of communications are subject to the FECA, its reporting requirement as well as its limitations.

In its ruling, the Commission has consistently taken the position that expenditures are subject to the act where they are made for the purpose of influencing a general election to depict a clearly identified candidate and convey an electioneering message. These ads by Common Cause fall squarely within the articulated test.

Common Cause, perhaps because it feels it enjoys a position of moral superiority as a 501(c)(4) corporation, has chosen to ignore the legal tests.

Nonetheless, Common Cause's actions are designed to influence Federal elections under the FEC's tests. These ads are paid for by a corporation. This, Mr. President, is against the law. The FEC needs to enforce the law and make Common Cause play by the same rules as other groups attempting to influence Federal elections.

The Commission addressed this issue in Bulletin A01985-14 and concluded that expenditures by the Democratic Congressional Campaign Committee were reportable expenditures allocatable to each candidate who benefited from the communication under the 11 CFR 1061.

The proposed communication at issue identified by name specific Congressmen and would go to part or all of the districts represented by the identified officeholders. The Commission determined that the communication, either with or without a partisan "vote-Democratic" statement, would be subject to the act's limitation. In reviewing the communication's language, the Commission looked to the requirement set out in the advisory opinion 1985-14, Federal Election Campaign Finance Guide, paragraph 5766 (1984). In that advisory opinion, the Commission concluded the act would apply where the communication both depicted clearly identified candidates and conveyed an electioneering message. Electioneering messages, according to AO 1985-14, which was cited in *United States* v. *United Auto Workers*, 352 U.S. 567, 587 (1957) includes the statement designed to urge the public to "elect a certain candidate or party."

It is important to note, Mr. President, that there is no requirement in either of these two regulatory bulletins that the advertisement to be attributed must contain expressed advocacy, a term of art under the act.

Well, Mr. President, in AO 1984-15, the Commission recognized that an advertisement was attributable where it "effectively" advocated the defeat of a candidate.

In AO 1985-14 the FEC interpreted that particular ruling, stating the requirements that an allocable communication included an electionary message. On the facts of that particular case, the SEC identified clear electionary message in direct mailings which identified a Member of Congress and which were distributed within the Member's district.

Mr. President, the Commission reached its conclusion even though the question asked indicated that there might not yet be a Democratic candidate, either announced or qualified under the act, in the congressional district which received the communication at issue.

The next propounded by the Commission centered on whether the expenditures were made "for the purpose of influencing the outcome of the general election." As the FEC made clear in this ruling, expenditures made with a genuine election purpose count, regardless of whether a nominee has been selected or even clearly identified. And, as the FEC stated, whether a specific nominee had been chosen or a candidate assured of nomination at the time the expenditure is made, is immaterial.

Thus, Mr. President, Common Cause was contributing under the act, whether there was as yet a Democratic candidate opposing the Republican Senator criticized or a Republican candidate opposing the Democratic Senator criticized.

The proposed mailer examined included reference to "rhetoric" by a named political party. The Common Cause mailer does not make reference to any political party by name. This difference may not be significant. On one hand, the regulation does not state what aspect of the proposed mailer constituted an electionary message. It may be that the mailing as a whole conveyed an electionary message.

Similarly, the Common Cause communication conveys an electionary message constituting an expenditure under the act by Common Cause.

A proposed mailer included references to an election by its inclusion of a list of campaign contributions from, in this case, an oil group to the named representative. The Common Cause communication refers to the way our congressional campaigns are financed and that too much money is given to

candidates by special interest PAC's. Too much money is spent by candidates.

The ad also states obstructionist tactics, to preserve a fundamentally corrupt campaign finance system, have no place in our democratic process. And the ad further states that the Senate's integrity is at stake.

It asks the question: What will Senator X do? There are references to an election in which one way to restore the Senate's integrity would be to vote the named Senator facing reelection out of office, the Republican Senator, or leave the praised Democrat pending to the office.

Common Cause ads at issue are similar to the proposed communications in AO 1984-14 in several respects. The Common Cause mailer identifies by names specific Republican or Democratic Senators, just as proposed in the regulation referenced to named specific Republican Congressmen in its adversarial opinion request.

Communications criticized the record of the officeholder. The Common Cause communication criticized a Republican Senator for forsaking the integrity of the Senate if he does not vote Common Cause's way or praise a Democratic Senator for voting the Common Cause way.

The DCCC mailer criticizes named industries for views on culture, environment, oil industry or other issues. Indeed, Mr. President, the similarity of the Common Cause communication to those in the Commission's previous rulings is striking, to say the least. The ads involved an attack on or certainly testimony to the record and positions of a clearly identified candidate of the opposition party for a single office, an office to the U.S. Senate. Although made before an official nominee had been selected, Mr. President, by either party, the clear purpose and the effect of the ads concerning the Senators is to influence the general election since voters will not have an opportunity to decide between Democratic and Republican nominees until the general election. And the ad that I mentioned earlier against Senator Robert Dole is, similarly, against his candidacy.

Commission rulings are unequivocal. A communication such as I have referred to, directed by Common Cause against the incumbent Republican Senators or in support of the incumbent Democratic Senators, comes under the act when it identifies by name the candidate under the act and argues either for or against his or her performance in office or position on the issues and is distributed to the voting constituency.

It is therefore felt that the Office of the General Counsel and the Commission should find that, indeed, Common Cause itself is in violation of the Federal Election Campaign Act.

Now, Mr. President, the merits of this particular debate, which have caused many of us to be up a good portion of the night, and I recognize my good friend from Kentucky, who is kind enough to listen intently to my statements, too, is something tired of this issue. It is the hope of this Senator that this particular evening session will not have been for naught, that something of a positive nature will occur.

But I think it is fair to say that between the two sides of the aisle we are, indeed, at a substantial impasse.

I think the references that I made, the organization, Common Cause, the particular position it has taken in the area of campaign disclosures, the reference to the issue of soft money, all bear on the matter of fairness and equity as we reflect on just how this body will reach a conclusion on some type of a compromise.

We have all reflected on the merits of this being the most deliberative body. I think the actions of last evening do not necessarily bear out the merits of deliberative and thought-provoking actions because I think there is room and it is appropriate that we reflect on each other's concern over election reform.

I do not think you will find, Mr. President, a Senator on this side of the aisle that does not support election reform. But, again, we are not going to stand and watch the Republican Party, as a consequence of the inequity as proposed in S. 2, be relegated to a minority in perpetuity. And that would certainly be the case based on a prudent analysis of the issue of the soft money.

Now, when we reflect on the issue of the Federal Election Commission and its responsibility in addressing the activities of organizations such as Common Cause, it is appropriate that the Federal Election Commission hold Common Cause and other organizations to the same laws as all others out there who are attempting to influence Federal elections. Exceptions that do not conform should be prosecuted on an expeditious basis to ensure that there are no additional illegal contributions that shape the elections in the interim between the time when the complaint is brought forward and election day.

We have all seen instances where the momentum of the charges grows the ability of the Federal Election Commission to address the irregularity is not timely and the damage is done, Mr. President. And it is very difficult to reverse that damage.

Mr. President, the law is quite clear. Organizations such as Common Cause must be held accountable under the Federal election law of this country. Organizations that spend to influence Federal elections must be aware that this will be viewed as a willful violation of the law requiring the FEC referral to the Justice Department or the imposition by the agency of remedial action proscribed in 2 U.S.C. 437g(d)(1).

So as we attempt in this body to resolve our differences, we must recognize that we have an obligation to the public to observe this process, and I trust not all of them are watching this extended debate because I am sure they would wonder just what this mature senior body is doing in its inability to reach a consensus on differences. Is it based on the pure political might of the numbers of one party against the other? Is it not conceivable that compromise is in the interest not only of the two-party system but of the public who, very frankly, expects a response that addresses the issue of equity and fairness?

It is really extraordinary, Mr. President, that we find ourselves at 8 o'clock in the morning on Wednesday having debated this issue all night, having had the extraordinary experience of the Sergeant at Arms proceeding with warrants for the arrest of Senators to mandate at quroum call. Obviously, we failed to reach a compromise and extreme measures have resulted, although I was not physically in the Senate at the time. It is my understanding that one Senator was brought in, carried into this Chamber by the Sergeant at Arms and his comrades—physically. And that presence constituted a quorum.

Further, it is my understanding that this particular Senator had already severely sprained his left arm. It may have been his right arm. In any event, that arm was in a cast, the fingers were in a cast. In the transportation which was a physical transportation, namely, the four gentleman from the Sergeant at Arms Office bodily removed the Senator from his office to this body, the process further injured that arm. And those Members who have been called out to come in for a vote requiring absentee Senators appear, one wonders in all due respect just how those actions will be perceived by those who observe the process of the U.S. Senate.

Obviously, there is a numerical difference within our membership, and the power and influence of the party in power is no secret. But are we not expected to be above this almost childish, immature ruckus? It is almost like a case of whose football is it really? And if you are not going to play the game my way, why perhaps I will take my football.

Perhaps that is not the best example of what occurred during the evening. But I think it is fair to say that it was the opinion of some that a very strong message be sent to those of us on the other side of the aisle.

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I do not think it is any secret that we were all very much aware that we had reached a stalemate on the issue of S. 2, but to bring this body into that kind of arena hardly reflects on the best traditions of the Senate, and I think it causes us all to reflect not just on the issue of the inconvenience of being up all night but, indeed, on perhaps a more important issue, and that is the role of the Senate from the standpoint of its respect in the minds of the public for our ability to get on with the problems and the debate in a manner befitting of this body.

I think it is fair to say, Mr. President, that we departed from that last night, and that is indeed unfortunate.

We have an opportunity today. It is a new day. This Senator hopes that reason will prevail, that the leadership will again meet, that there will be efforts to sensitize each party to the concerns of the other as we look at the valid need for campaign reform in these United States.

Mr. President, there has been a great deal said, and there will be more. And those who follow this debate with any degree of finality are probably going to be subject to the same arguments being presented again and again in regard to the merits of either side. But it is a serious situation when we find ourselves unable to in reality reach such a compromise, and have to bring ourselves down to a situation where we stand before the President, stand before the television audience, those who perhaps have followed this for reasons that perhaps bear some examination as well, and find that we are still unresolved; that we still cannot reach a satisfactory conclusion.

In my State of Alaska, Mr. President, there is a genuine concern for campaign reform. It is evident in editorials. It is evident in evaluations from senior special interest groups that formulate public opinion. But I think it goes deeper. It goes to a reflection on why we as a mature deliberative body have to go to this extreme to resolve our differences.

I think, Mr. President, if anything undermines the credibility of this body, it is instances such as these where we subject ourselves to an extraordinary amount of not only self-examination but physical torture in one sense of the word. And one asks the question quite logically "What is it going to take to resolve such an issue?"

Well, we go back to the various points that we have. We go back and examine issues that are pertinent to this consideration, issues that deserve further evaluation. But the real key question is can we reach a compromise or will this body continue this process to mandate to the other side of the aisle just what the terms and conditions of campaign reform must be?

Mr. President, there is an article that has been included in the New Republic, and it is entitled "The Reform Fiasco." It is an expression by the author, Robert J. Samuelson, and it covers the issue of why campaign finance rules fail.

Mr. President, I would like to share a portion of this with you this morning.

Let me read as follows:

> The United States invented modern democracy and has practiced it longer and more successfully than any other nation. For all its flaws, it works remarkably well. While mediating among the jumbled interests of a geographically, ethnically, racially, religiously, and economically diverse nation, it has preserved both freedom and stability. When asked about their political leaders, Americans (according to public opinion polls) often hold their noses. But when asked about their political system, they overwhelmingly express intense pride.
>
> Any discussion of money's role in politics needs to start with these fundamentals, because the critics of the status quo do not simply argue that the current system of campaign financing is imperfect. Increasingly, they contend that it menaces the American democratic achievement itself. As Elizabeth Drew concludes in her short book, Politics and Money: "We have allowed the basic idea of our democratic process—representative government—to slip away. The only question is whether we are serious about trying to retrieve it."
>
> To advance this argument is to shoulder a heavy burden. It does not suffice to demonstrate that money plays an important and not always healthy role in politics. No one has ever doubted that. Nor does it suffice to show that the current system is flawed. Almost everyone concedes that. The burden that Drew and other reform advocates assumed is to persuade that money has attained unprecedented leverage over government behavior. And more that there are possible reforms that would represent substantial improvements without aggravating current deficiencies or creating new ones.

Well, I think we would all agree, Mr. President, that the argument fails utterly.

> The argument fails—utterly.
>
> If Drew's is the reformers' best case, then there is no case. The Washington correspondent for The New Yorker (where most of this book first appeared). Drew has a reputation as one of Washington's most intelligent and reflective journalists. To judge from much of her work, it is surely deserved. But she has obviously made campaign finance reform a crusade, and this book is less reportage (though it involved considerable interviewing) than polemic. It lacks any balanced view of the influences that move legislation. Drew asserts or implies that money is the prime driving force, even while providing only a few instances where money played a role at all. There is no reference to the substantial amount of scholarship on campaign finance, including Herbert Alexander's comprehensive studies of the last six Presidential elections. Much of the evidence consists of quotations from partisans who agree with Drew or who make sweeping assertions that lack any historical perspective. And virtually none of this commentary is subjected to critical analysis.
>
> There are two reasons, nevertheless, for treating Drew's tract seriously. The first is that it elicits agreement from large numbers of influential people. Many journalists, congressmen, and lawyer-lobbyists—all powerful opinion-makers about Washington—seem to accept that money is corrupting politics. Typical is this prepublication plaudit from Washington Post reporter Bob Woodward: "No one else has had the guts or the determination to open up this subject. Brilliant reporting. As a reporter, I am embarrassed I didn't find this story myself."
>
> Even if the "story" is untrue—which it is—its constant repetition gives the appearance of truth and shapes public opinion. Drew's New Yorker series is but one example of a general media drumbeat of criticism. (See, for instance, Mark Green's "Political PAC-man," TNR, December 13, 1982.) Played often enough and loud enough, the theme of corruption acquires respectability. It aggravates the very problem the reformers purport to be curing: the loss of public confidence in elected officials and governmental institutions. The aim, of course, is campaign reform.
>
> And therein lies the second cause for concern. For the logic of campaign reform implies fundamental, not cosmetic, changes. It strikes at a basic constitutional tenet: free speech. If free speech includes the right to seek political influence, it involves the right to spend. The Supreme Court took this position in Buckley v. Valeo (a 1976 case challenging the 1974 election law), and it is simply common sense. If I am unhappy with my legislator, am I to be prevented from spending money in an effort to convince others of my position? If I want to influence my government, am I to be prevented from spending money to do so? And what more natural way than working to elect people who share my views?
>
> Problems obviously surface. Representative democracy presumes to represent people, not dollars. Moreover, people do not speak only as individuals but also as organized groups—interest groups. And interest groups are unequal in size, wealth, and, usually, influence. This part of the problem is not new. James Madison recognized it years ago. Calling interest groups "factions," he argued that their power would be limited by natural conflicts and the mechanics of government. The division of power among two legislative houses and the executive and judicial branches would require compromise, groups acting "in unison with each other." But if the provisioning of money has now become so vital to politics that Madison's balance is lost, then irreconcilable conflicts arise among traditional values. Either free speech (including free spending) is compromised or the representative nature of democracy is eroded.
>
> Drew is convinced that we have reached this juncture and, therefore, entertains radical revisions in free speech. She argues that we need to "redefine what we mean by 'freedom of speech,' and (to) uncouple the marketplace of ideas from the idea of the 'free market.'" In practice, she favors more public financing for campaigns and tighter controls on private campaign spending. Justifying these, .she approvingly summarizes an argument made by former Solicitor General Archibald Cox, a chairman of Common Cause who has argued campaign law cases. Cox, she writes, "suggested that one way to deal with proposition that spending money equals free speech would be to say that there are lots of different kinds of expenditures, and perhaps money is speech in the instance of a person spending money to publish or broadcast his own thoughts, while it is an entirely different thing when an organization raises money from all over the country and spends it to broadcast. The difference, he said, is that the money is collected nationally, and that it is used for much speech but few ideas."

> A measure of reformers' obsession is that they have descended to these meaningless and essentially antidemocratic distinctions. Individuals may have a right to "free speech," but organizations (collections of individuals) may have a lesser right. Some speech is good, but speech devoid of "ideas" (whose ideas?) may not be. Organizations locally financed may be more deserving than those nationally financed. Happily, however, we have not reached the juncture that Drew and other reformers suggest. To be sure, the political system is changing—it always is and always has—but the changes have not demolished representative government, including Madison's safeguards.
>
> No one seriously disputes that campaign (as opposed to legislative) politics needs more money than ever before. The critical questions are whether money's new role fundamentally distorts politics and the opportunities for representation and influence.
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> Depending on the standard of comparison, the amount of money now spent on elections is huge, reasonable, or small. In 1980, it totaled $1.203 billion, according to Alexander. Of this, almost half was spent on federal elections, $275 million for the Presidential campaign, and $239 million for congressional campaigns; the rest went for state and local races. As Alexander points out, the total equals about one-tenth of 1 percent of taxpayer money spent by government in fiscal 1980 ($958.7 billion)—which seems a small price—and only twice the advertising budget of Procter and Gamble ($649 million). On the other hand, campaign spending has outraced inflation and, compared with the recent past, totals are huge. By Alexander's estimates, campaign spending increased by 759 percent between 1952 (when it totaled $140 million) and 1980, while general prices rose only 210 percent; campaign spending increased 183 percent between 1972 (the total $425 million) and 1980 against a general price rise of 97 percent.
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> These increases stem from basic changes in the political system. Since early in the century, party control over the election process has steadily diminished, and this trend has accelerated sharply since World War II. Party organizations were once almost entirely responsible for the selection of candidates and the running of campaigns. Political competition occurred within the party itself. Candidates fought strenuously for the party endorsement or the support of party chieftains. With the endorsement came huge organizational support—the big city "machines" being the best examples—and the automatic votes of thousands and millions of intense party loyalists.
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> This system's disintegration is an ofttold story. Central city political machines crumbled before suburbanization and the assimilation of first-generation immigrants for whom the parties provided patronage and a sense of identity. Depression-era political loyalties faded as government embraced the welfare state and the electorate changed.
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> By 1980, two-fifths of the potential electorate was thirty-four or younger—that is; they hadn't been born at the end of World War II. Finally, party organizations lost their legal prerogatives. Beginning early in the century, primaries (the first Presidential primary occurred in Florida in 1904) undermined their ability to control candidate selection.
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> This turmoil produced a different style of campaign politics. Candidates were increasingly independent operators, shorn of well-oiled party organizations and reliable political loyalties. More voters considered themselves "independents," and the party attachment of nominal Democrats and Republicans weakened. Ticket-splitting increased and so did the importance of ideas and personalities in campaigns. To compete for voters' attention and allegiance, candidates relied increasingly on radio, television, direct mail, and newspapers; advertising now amounts to more than half the cost of most campaigns. To calibrate their media messages, candidates hired campaign consultants and the campaign consultants took opinion polls. All this costs money. Money—and all the things it can buy—has largely substituted for the lost organizational and psychological bases of campaign politics.
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> At the same time, government was involving itself in more aspects of American life. In addition to new social welfare programs, laws were passed affecting the environment, job safety, civil rights, pensions, product safety, and the handicapped. Programs were created to finance highways, mass transit, college buildings (and student loans), housing, scientific research and development, synthetic fuel plants, solar energy, hospitals, public television, and cultural events. Federal spending, as a proportion of the gross national product, rose from less than 4 percent in 1929 to more than 24 percent today; the number of pages in the Federal Register jumped from 2.355 in 1936 to 87,012 in 1980. As government became more narrow and detailed, so did interest-group politics. Groups mobilized to maximize the benefits from government programs or to minimize adverse side effects.
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> So there emerged, on the one hand, politicians needing more money—to respond to the new realities of campaigning—and, on the other individuals and groups wanting more political influence—to respond to the new realities of government activity. That political contributions and spending began to march upward together is wholly unsurprising.
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> The complexion and complexity of politics changed. Politicians reared under the old system reacted to the new pressures of money with disgust—a disgust amplified in the emotion-charged atmosphere of Watergate and the illegal contributions to the Nixon White House. Congress passed campaign reform laws and produced a crazy quilt of restrictions and practices:
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> —Individuals can give up to $1,000 to a candidate in each primary and general election. An individual can also give up to $20,000 to a political party and up to $5,000 to individual political action Committees (PACs). All these limits are subject to an overall individual ceiling of $25,000 in gifts annually.
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> —PACs can contribute $5,000 to a candidate per election, with no overall ceiling. Nor are there limits on how much an individual or group, including PACs, can spend on activities—for example, television advertising—to elect a candidate, as long as the spending (known as "independent expenditures") isn't coordinated with the candidate.
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> —Congressional candidates can spend as much as they raise, and there are no limits on how much a candidate can spend from personal funds.
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> —Presidential elections operate under partial public financing. In the primaries, similar individual contribution limits exist, but candidates can qualify for matching federal subsidies if they achieve a specified level of individual giving. Once they accept subsidies, though, they face an overall spending limit, $17.7 million in 1980. In the general election, both candidates are entitled to federal subsidy, and if they accept, they can't spend anything else. In 1980, the payment was $29.4 million each.
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> The restrictions are so intricate because some of the stricter limits imposed by Congress in its 1974 law were struck down by the Supreme Court—in the *Buckley* v. *Valeo* decision—as violations of the First Amendment. Individual contribution limits were upheld on the grounds that Congress could prevent the appearance of undue influence by contributors on legislators, but, at the same time, the court said that total spending limits—on "independent expenditures" by individuals or total spending by congressional candidates—would impair free speech. But if candidates accepted public funds for their campaigns (they could, of course, refuse), they then subjected themselves to the spending limits imposed by Congress as a condition for receiving the funds. That's why there are limits in Presidential, but not congressional, elections.
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> Whatever the limits, both Drew and Alexander agree that many are evaded and that the law's spirit is easily subverted. One escape involves "independent expenditures." In 1980, according to Alexander, 105 PACs and thirty-three individuals reported $16.1 million of this spending. Most of that ($13.7 million) was spent in the Presidential primary and general election, with Republicans benefiting from almost all of it. Typically, independent expenditures finance television, radio, or direct-mail advertising. The "New Right" National Conservative Political Action Committee is probably the best known user of independent expenditures.
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> Although this spending isn't supposed to be coordinated with the candidate, Drew shows that this separation can be—and probably often is—a sham. Anyone wanting to aid a Presidential candidate needs to know the candidate's latest poll results: that is, where the candidate is weak. Drew quotes Lyn Nofziger, the White House's former chief political operative, about how the head of an "independent committee" in 1980 could find out: "I wouldn't have to talk to Bill Casey [Reagan's 1980 campaign director]. I'd have a friend of mine talk to Bill Casey. I wouldn't have any problem getting that done. There's no way in the world that if I'm running an independent campaign I'm not going to get the information I need, or Dick Wirthlin's [the Reagan pollster's] data."
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> Another easy evasion lies in the states. Federal election laws don't (and constitutionally can't) regulate contributions to state and local parties for state and local elections. But, as Drew contends, the line between local and federal activity is often thin or nonexistent. If the state party registers voters during the year of a federal election, is that local or Federal activity? When a local party increases television advertising—knowing a large turnout will help its congressional and senatorial candidates—is that local or Federal? Many states (California is one) allow unlimited contributions, so individuals can skirt the restrictions imposed by Federal law. The national political parties can then shift their funds to other states. Drew correctly argues that this and the effect of "independent expenditures"

mock the legislative intent of the 1974 law to limit spending in Presidential campaigns.

If easily evaded, the laws also have had perverse side effects. One probable consequence is an acceleration of campaign contributions and spending. By limiting individual contributions to candidates, the 1974 law almost certainly diverted giving to PACs. The few (mostly labor) PACs before 1974 had been established to abide by the prohibition, enacted early in the century, against direct campaign contributions from corporate and union treasuries. With separate organizations financed by separate contributions, the labor PACs—the best known is the A.F.L.-C.I.O.'s Committee for Political Education (COPE)—skirted the restrictions. But the PACs' legal status was ambiguous, and both labor and business—many large firms were terrified by the disclosures of illegal contributions in 1972—wanted their standing codified. The 1974 law did this. PACs subsequently multiplied like rabbits, from six hundred at the end of 1974 to about thirty-four hundred by the end of 1982. This created an entirely new industry of fundraisers. Whereas parties and politicians had been primarily responsible for fundraising before, now there are armies of PAC professionals nurturing whole new markets of contributors. Even considering the restrictions, then, the 1974 law probably raised the level of political contributions.

All this has changed the flavor and sociology of politics. Washington is awash in political fundraisers. Direct mail is a new high art of campaigning. Power has passed from party bosses and fabulously wealthy contributors to the shrewd operatives who can mobilize lots of contributors. To Drew, former Democratic National Chairman Robert Strauss brags: "There hasn't been anyone who can reach rich people the way I can." But the serious questions about money's effects on politics lie elsewhere. Drew knows the questions, but answers them with lax standards of evidence and logic.

One clear question is whether money systematically and permanently distorts elections. One difficulty in answering this is that no one can easily say what constitutes distortion. Elections can be free and fair without being equal. In fact, they are rarely equal. And money is only one factor—and not always the most important factor—promoting inequality.

Districts are often deliberately rigged to favor one party or the other. Well-known incumbents—with access to government contracts and power—face unknown challengers. Some candidates enjoy more party or interest group support; some candidates have a better press. Unequal contributions may sometimes offset other sources of inequality: for example, an incumbent's better name recognition. In the end, the voters still decide.

But, with money becoming more important, a showing that one party could clearly outraise and outspend the other, say by a margin of 3 or 4 to 1, would create serious doubts about whether the system is working as intended. This, however, is simply not the case. In 1982, Democratic candidates in House elections raised an estimated $93.9 million, Republicans $90.9 million; in the Senate, Democrats raised $62.2 million, and Republicans $54.7 million. Since 1976, Democrats have outraised Republicans in three of four Senate elections. But, generally, the differences have not been huge. (These figures exclude spending by candidates defeated in primaries, and the preliminary 1982 figures will probably be revised slightly downward later.)

Balance, of course, does not characterize all individual contests. But although money can sometimes be decisive, it clearly isn't the only thing that is decisive. In last year's congressional election, twenty-nine House incumbents (twenty-seven of them Republicans) were defeated. In twenty-one of those races, the winning candidate spent less than the loser. On the Senate side, winning candidates spent more than losers in twenty-four of thirty-three contests. But, in many close contests, the results were mixed. There were three open seats (California, New Jersey, and Virginia). All were won by the candidate who spent the most. On the other hand, two challengers won (those in Nevada and New Mexico) and both were outspent by the incumbent losers.

What this signifies is that, for all the hoopla about advertising, consultants, and polling, campaigns haven't yet deteriorated into scientifically programed combats where victory goes to the candidate with the largest war chest.

Challengers almost certainly need to attain at least a high-spending threshold to offset incumbents' name recognition; in almost all the 1982 races where Republican incumbents lost, their opponents' spending exceeded the Democratic average ($216,000). But once the threshold is passed, extra dollars don't necessarily guarantee extra votes; diminishing (even negative) returns can easily set in. Campaigns are usually crazy. Mistakes are made, money is wasted. Incumbents' reputations count heavily, but so does the national political mood. If money has changed campaign politics, it has hardly destroyed democracy.

Granting this, it's still possible that the sources of campaign money have become so skewed that legislative politics is corrupted. Votes may not be bought and sold at the ballot box, but on the floor of Congress. Because this is the core of Drew's case, you might reasonably expect her to devote the bulk of her book to its documentation. Not so. A relatively small part (perhaps 10 to 15 percent) of the book concerns itself with the allegedly decisive role money played in legislative outcomes. More to the point, campaign contributions alone hardly dictated the results.

Like most campaign reformers, Drew is most agitated by the rise of PACs, especially business and trade association PACs. It's true that these PACs have assumed a larger share of total campaign financing. But this is partially the doing of the campaign reform law itself. Aside from legitimizing PACs, it also restricted, probably unintentionally, even modest individual giving. Between 1974 and 1982, prices roughly doubled, meaning that 1974's $1,000 contribution was worth only about $500 in 1982. This almost certainly made it more essential for Congressmen to accept money from PACs and more attractive for politically active individuals to give to them.

Even so, PACs' total share of campaign funds has probably not risen as quickly as commonly assumed. Individual fundraising still accounts for the lion's share of congressional funds. In 1982, PACs accounted for about 29.3 percent of the total for winning candidates, up from 22 percent in 1976. In the House, the proportion rose from 25.6 percent to 34.2 percent; the comparable Senate figures were 14.8 percent in 1976 and 21.9 percent in 1982. And even these figures do not imply anything about legislative influence, because PACs are remarkably diversified.

They come in all sizes, shapes, and flavors. In 1980, corporate PACs accounted for about a third of the total and labor PACs for about a quarter but there were also PACs from trade associations (also about a quarter). PACs set up by independent political groups, agricultural cooperatives, and members of Congress (including Republicans and Democrats, liberals and conservatives). In total, Democratic candidates received slightly more from PACs than Republicans—$42.8 million against $36.4 million—because labor PACs favored Democrats by an 18 to 1 margin.

The acid test lies in legislation. What happens in Congress? An example of Drew's tunnel analysis involves oil provisions in the massive 1981 tax cut. As she portrays it, these resulted primarily from a "bidding war" for oil campaign contributions. Although the original White House tax bill contained a small pro-oil section, the Democrats sweetened it considerably. They hoped, Drew says, to reclaim their share of oil money, which she says had shifted heavily to the Republicans. The Republicans retaliated by sweetening the proposal even further. When the bidding was over, the bill contained tax relief, rising to $3.6 billion in fiscal 1986, for oil interests. Thus, money moves legislation.

There was indeed a bidding war, but of a different sort: over votes more than contributions. At the time, the House was torn between White House and Democratic tax bills. Both contained significant individual and business cuts, although the amounts and the distributions differed. The real question was power: could the Democrats control the House, where they were nominally the majority party? Once the House leadership decided it wanted a Democratic bill at all costs, the swing Congressmen who would determine the bill's fate acquired enormous bargaining power. And this group—consisting heavily of conservative Democrats, quickly labeled "Boll Weevils," and including many from oil states—used its power accordingly.

Of the forty-eight Democrats who ultimately voted for the Reagan tax bill (the Republicans ultimately prevailed), twelve came from Texas, Louisiana, and Oklahoma. In 1980, these three states accounted for 61 percent of U.S. oil production. Although Drew discusses the bill as if it benefitted only oil producers, much of the tax relief went to royalty owners, who own land on which oil is produced for a fee.

As one Hill staffer puts it: "Oil filters down throughout the whole district. Even people who don't have a direct interest in oil have an indirect interest, because of its economic importance. You get a political orientation that is pro-oil." But had the Democratic leadership contested the White House tax proposal with a philosophical alternative—conceding tactical defeat, instead of being bludgeoned into submission—the Boll Weevils would never have acquired negotiating leverage.

An even more important omission mars Drew's account. No one denies that independent oil producers have long used campaign contributions to further their own ends. But if anything, their influence was waning in the 1970s. For most of the decade, the government controlled domestic oil prices and prevented producers from reaping most benefits of higher world oil prices. When controls were finally removed—having been opposed by most economists and by Europe and Japan, which saw low prices feeding America's oil gluttony—Congress limited producers' gains by imposing a windfall-profits tax in 1980. The entire 1981 struggle was to lighten, not eliminate, provisions of the windfall tax. The independent producers and royalty owners were fighting a rearguard action. They did influence policy—but only at the margin. In the 1981 tax bill, the oil provisions accounted for 1.5 percent of the total estimated revenue loss.

Most of Drew's other examples founder on similar complications. She cites the efforts of the American Medical Association to have Congress prevent the Federal Trade Commission from reviewing potentially price-fixing practices of professional associations. But, as Drew offhandedly notes, the A.M.A. proposal failed. She cites an effort by maritime interests to have more oil transported in American vessels. But that failed, too. She cites passage (also as part of the 1981 tax law) of the All Savers Certificate for savings and loans associations, a scheme she rightly describes as ill conceived. But its approval stemmed not so much from campaign contributions as other factors: first, the indentification of the savings industry with housing; and second, widespread fears that, if the industry wasn't helped, numerous bankruptcies would result. In case after case, the actual story is more complicated than Drew's story.

Her list also omits most major issues: Social Security, defense policy, Medicare and medical costs, overall economic management. No one has yet seriously contended that campaign contributions dominate policies in these areas, though surely "special interests" are involved. The issues are simply too entangled in popular passions, prejudices, and conflicting political philosophies. Individual defense projects may subsist on vested interests—nothing new—but overall defense spending clearly reflects other pressures.

Far from being "brilliant" journalism, Drew's reporting is precisely the kind that young reporters ought to be warned away from vigorously. It involves selective and misleading use of evidence, an overreliance on self-serving quotes, and an absence of critical analysis. She approvingly quotes a favorite one-liner by Senator Robert Dole, Republican of Kansas: "There aren't any Poor PACs, or Food Stamp PACs or Nutrition PACs or Medicare PACs." But, of course, there is a food stamp program, a Medicare program, and a substantial array of welfare programs. They were enacted because they were thought to be good ideas and, even if recently trimmed, they survive because people still believe them to be good ideas and because they have substantial constituencies.

Just because moneyed interests swarm all over Capitol Hill (and they do) does not mean that money rules the roost. In fact, PACs tend to check each other. When one interest organizes a PAC, competing interests do likewise. Even then, there are other checks on their power. One is the spotlight of public attention focused by the press, groups like Common Cause, and other politicians. Another is the obstacle course of enacting any legislation. American democracy is still working to accommodate conflicting interests and ideals. It is not perfect, but the Madisonian mechanisms have survived.

A charitable observer might convict Drew and fellow reformers of nothing more than sloppy analysis. Like Drew, most reformers are intelligent and well intentioned. Their numbers include energetic and reflective younger members of Congress. Nor is their unease and outrage difficult to understand. Their analysis springs from their nerve endings. Just as some people dislike fast-food restaurants, they detest the taste and feel of the new politics.

Drew does not like Washington's nightly fundraisers. She thinks it demeaning, degrading, and distracting that elected representatives spend their time dealing with anything so crass as money. She abhors the lobbyists infesting Capitol Hill with their wads of PAC funds. It simply offends her sensibilities.

But this distaste produces a mentality far more threatening to the national political tradition than the sins of campaign finances. The attempt to deny money's new place in politics is futile—just as it was futile to deny the emergence of big city machines—but the effort entails heavy costs. The most obvious is the smothering of campaigns in bureaucratic tedium. Alexander drily observes that federal election law increasingly resembles the tax law, with the Federal Election Commission "doing for politics what the Internal Revenue Service does for taxes." This, he notes, "increases the need for professionals—accountants, lawyers and other skilled individuals—to help candidates" comply with complex regulations, and it may "chill enthusiasm for citizen participation . . . since non-knowledgeable amateurs may easily violate the law."

A more serious defect is to undermine the moral authority of political leaders and the political process. If one lesson emerges clearly from Drew's account, it is the impossibility of enacting campaign reform laws that will not be speedily subverted. The ease with which the limits on Presidential spending were evaded—via "independent expenditures" and state party spending—underscores that. Because politics now increasingly requires spending (as opposed to volunteer efforts or organizational commitment), legislated restrictions invite circumvention. If spending through one channel is curtailed, it will simply pop up—with some delay and difficulty, perhaps—elsewhere. The capping of individual contributions and the skyrocketing of PAC spending is but one example.

To enact laws whose failure can be predicted is an act of extreme political and legal irresponsibility. It means government creates unrealistic and unmaintainable moral standards. Candidates and political professionals are immediately thrust into unavoidably compromising positions. They can strictly abide by the letter and spirit of the law—an act of high virtue and possibly political suicide. Or they can examine the law to see how it can be stretched, twisted, and avoided.

Perhaps, in the first flush of reform, virtue prevails. But as time passes and evasions become more widespread, the taboos against them diminish and the necessity of conforming increases. The participants in this process become steeped in either cynicism or guilt. When the public recognizes the gap between enacted standards of behavior and actual practices, esteem for elected officials suffers. Reformers fan the disillusion, declaring politics "corrupt" and proclaiming they are trying to reestablish the government's moral authority. Actually, they are unwittingly destroying it.

In practice, reform risks enactment of politically self-serving or destructive legislation. Current proposals follow two strands: limits on campaign spending, and public financing of congressional elections. If you are an incumbent, you have an obvious interest in spending limits. This is not immediately apparent, because, on average, incumbents have traditionally raised and spent more than challengers. For incumbents to create a limit, then, seems a self-imposed handicap. But average results are not what matter. In most congressional elections, only a portion of the races (typically, many fewer than half) are genuinely competitive, involving either open seats or vulnerable incumbents. In these races, extra spending is one way—but not the only way—that a challenger might actually win. To choke off this possibility is to provide incumbents with extra insurance in a game where they already are overwhelming favorites. In recent elections, roughly nine of ten House members and seven of ten Senators seeking reelection actually have won.

The other extreme solution—barring private campaign spending and relying on public financing—runs an opposite danger. It subsidizes challengers, penalizes incumbents, and, therefore, risks unsettling the process of legislating. By trying to equalize spending, it deprives the incumbent of advantages—support by satisfied constituents, pleased interest groups—that a conscientious representative might reasonably expect. At the same time, it makes challenging more attractive by removing one large obstacle: fundraising. And, finally, it enhances the challengers' prospects of victory. No one can say whether more challengers would actually win, but, almost certainly, incumbents would become more obsessed—if that is possible—with electioneering as opposed to legislating.

Inevitably, Congressmen would seek to win the loyalty of groups that might finance independent election efforts on their behalf. This suggests new levels of sham, exertion, and influence brokering. Drew, among others, seems concerned that the current system of campaign finance claims too much of a representative's time and psychic energy. But public financing is likely to mean less continuity, reflection, and independence in government, not more.

One common proposal is to limit the amount of contributions a candidate could accept from PACs to, say, $90,000 for House candidates. It is not clear, of course, whether this would limit the influence of individual PACs. Suppose, for example, that I am on the banking committee and have received money from banking PACs. Suppose, then, that PACs for brokerage houses (whose interests often conflict with banks') want to contribute but I have already reached my limit. When my committee considers legislation affecting both banks and brokers, am I more or less beholden to banks than if I had accepted contributions from both sets of PACs? In any case, PAC restrictions seem likely to spur other campaign activities on the part of spurned groups. The most obvious are greater "independent expenditures" or more contributions to state parties.

Coping with these contradictions risks intruding on free speech, a subject Drew treats casually. At some points, she ambiguously suggests limits on political groups that, simply put, she just doesn't like. For example, she deplores the activities of the National Conservative Political Action Committee and the Congressional Club, a PAC maintained by Senator Jesse Helms, Republican of North Carolina. The massive activities of these groups, she argues, go "beyond political expression . . . they manipulate people's desire for political expression, and in a way that deliberately distorts the issues." These groups, she says, "are not the

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same as grass-roots movements that form around an issue. These committees are highly skilled, directed organizations that use people's feelings about certain issues to gain influence.

This is a mind-boggling train of thought. NCPAC and the Congressional Club differ from "grass-roots movements that form around an issue," yet they "use people's feelings about certain issues to gain influence." Can anyone make sense of that? To follow Drew's thinking to its logical conclusion is to suggest rules for restricting what she believes is demagoguery (as opposed to legitimate political expression) and inappropriate "highly skilled, directed organizations" (as opposed to appropriate "grass-roots" groups). Somehow, one suspects, these are distinctions never contemplated by the Founding Fathers.

Ultimately, the cause of reforming campaign finances leads to dead ends because it clings to a primitive, unrealistic, and even undesirable view of representative government. "Special interests" is one of those over-used phrases that is simultaneously descriptive and deceptive. It is descriptive in the sense that the interests of these groups are usually narrow and often selfish. It is deceptive in the prejorative implication that the term naturally carries. The burden—and the glory, too—of modern American democracy is the proliferation of these groups. Their expansion is the natural result of the post-Depression growth of government spending and authority. If democracy is people's right to be heard on issues that engage their interests and emotions, then government's growth could have had no other effect. Because government interferes more, it is interfered with more. Because the nature of its intervention has become more narrow and detailed, so has the nature of the political reaction.

The inevitability of special interests and their political activism underlines the permanent importance of one campaign reform enacted in the early 1970s: disclosure of election contributions. Secret free speech is an illogical and almost comical concept. The disclosure of contributions not only exposes the motives of politicians to public scrutiny but also enables competing interests to mobilize. But, otherwise, most campaign reforms represent a futile effort to reverse irreversible trends. Supposing, against all logic, that the campaign activities of "special interests" could be curbed, would that end the problem? Of course not. It would simply intensify Washington lobbying and grass-roots campaigns to influence specific decisions. Banks' successful effort to repeal the withholding of interest and dividends may be a forerunner of this sort of effort.

More important, the prejudice against special interests strikes at the heart of the democratic process. One person's special interest is another's crusade. The function of politics is not only to govern in the general interest and to reconcile differences among specific interests; it is also to provide outlets for political and social tensions. People often accept governmental outcomes with which they disagree if they feel they had a chance to influence the process. In a nation as diverse as the United States, it is unhealthy to place too many restrictions on these outlets. The risk is making people believe that government is even more inaccessible and unresponsive than they already do.

(In late 1982, one Congressman described Congress's inability to revise the Clean Air Act to Drew this way: "The stalemate has been caused 50 percent by industry and 50 percent by environmentalists. Congressmen on the committee say, 'Hey, do we really have to act on this this year?' ") On the other hand, there looms the sort of pervasive contradiction that compels government to act in ways that are ultimately self-defeating. The clearest illustration is the tax system: the proliferation of special tax provisions has reduced public confidence in the system, while simultaneously spurring new demands for more special relief which, once enacted, further erode public confidence.

The picture can be dispiriting. In part it reflects the inability of political leaders—of both parties—to find new themes that cut across the special interests of individuals, groups, and corporations and provide a new basis for building coalitions. This is the ongoing drama of government, but it should not be mislabeled. The system is struggling, but it is not corrupt.

Mr. MURKOWSKI. Mr. President, I see that my friend and colleague, the Senator from Pennsylvania, is on the floor and I would yield at this time.

The PRESIDING OFFICER. The Senator from Alaska yields the floor.

Mr. MURKOWSKI. The Senator from Alaska yields the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I compliment my distinguished colleague, the Senator from Alaska, for his erudite comments delivered at a time of considerable limitations in light of the fact that most of us have been up most of the night.

As I prepare to comment on the pending issues shortly after 8 a.m. this morning, less than 5 hours after those of us left the Senate Chamber, there are many matters of concern to me as I address this body, depopulated as it is with only the guardians of each party present on each side of the aisle to see to it that undue advantage is not taken of the other.

The pending issue is 6.2, campaign finance reform, but I suggest, Mr. President, that there is brooding in the Senate Chamber this morning a much more important subject and that is the operation of the U.S. Senate itself and the operation of the U.S. Government.

We witnessed in the course of the last several hours in this Chamber a historic event, an event where there was deadlock between the Democrats and the Republicans representing their respective parties on the underlying issue of campaign reform, followed by a deadlock on the procedure which the U.S. Senate was following, which was again followed by certain tactics undertaken in order to express a sense of concern on the part of the Republicans. Certain responsive tactics were then taken by the majority, or perhaps more accurately stated, by the majority leader which really raises very fundamental questions about the operation of the U.S. Senate and the U.S. Government.

During the course of just a few hours having elapsed from these events, I would not want to draw firm conclusions in what is the heat of this pitched battle or perhaps more accurately described as a war. It is more than a filibuster in the U.S. Senate at the present time, but I would choose instead to raise a series of questions about what has occurred in the U.S. Senate during the course of the past 8 hours.

We have seen deep concerns about an underlying bill. S. 2 raises many, many questions. It has been portrayed in a simplified form in the media and on editorial pages, but it is a bill with very profound implications. It sets out to restructure the procedure for electing U.S. Senators and its ultimate import, as characterized by the assistant majority leader of the Republican Party, is if S. 2 were to be passed, it would be the end of the possibility of a Republican majority in the U.S. Senate.

Partisanship has its appropriate place. But there are few, if any, who would contend that the structure of the U.S. Senate ought to be geared to preclude the possibility that one party could one day gain control. However wondrous the majority party may be, which is in power at the moment, the essence of a democratic society is that there ought to be competition and the second party ought to have an opportunity to acquire control if it can appeal to the voters.

But the structure of S. 2, as the Republican leader has articulated on this floor, as have others, is to preclude with finality or at least in the foreseeable future, the possibility that the Republican Party will have a majority in the U.S. Senate.

That is true because in so many States, it is necessary under our democratic process in robust advocacy to carry the message to the people through campaign finances. This is true because the beneficiaries of the Democratic Party involves a great deal of so-called soft money so that there are services, phone banks, and door-to-door canvassing, providing a unique advantage. As a matter of basic fairness, it is the Republican position that those soft services ought to count.

The issue of public financing draws deep philosophical objections from many people in our society, which includes some Democrats as well as the majority of the U.S. Senate Republicans. We do not feel that it is wise at a time of budget constraints and at a time of cutting very many important programs in this country, many vital social programs, that there ought to be public financing for election of U.S. Senators or Members of the House of Representatives.

S. 2 in its original form provided for public financing that could have run up to $5 million for a Senator from my State, the Commonwealth of Pennsylvania. Had a similar program been available to the House of Representatives, the annual cost to the U.S. Treasury would have exceeded $300 million. This is a considerable sum of money when you take a look at the various appropriations bills, where you see the cuts on Federal funding for housing, the limitations on the Food Stamp Program, or the restrictions on WIC, funding for women, infants and children. The litany is virtually endless of Federal programs that have been hard hit by budget constraints.

There are other ways of solving the problem of unlimited expenditures by individual candidates from his or her individual wealth and that process is a constitutional amendment.

The decision of the Supreme Court of the United States in Buckley versus Valeo in 1976 was different, surprising, unique, perhaps even odd, where the Supreme Court said that it was unconstitutional to limit the amount of money an individual could contribute, $1,000, but you could not limit the amount of money an individual could spend of his or her own personal wealth, and that has injected into the campaign system what this Senator considers to be an element of unfairness.

I personally had a direct experience in 1976 with this issue when I decided to run that year for the U.S. Senate. I took a look at the Federal law of 1974, saw that the maximum that could be spent in a Republican primary in a State with the population of Pennsylvania was $35,000, examined my slim bank account, saw that I qualified for that amount, filed the papers and then, as I recall it, on January 29, 1976, the Supreme Court of the United States said that the limitation as to what an individual could spend was unconstitutional.

My colleague and now my colleague in the Senate from Pennsylvania was my primary opponent. That decision of the Supreme Court of the United States was not inconsequential in the course of that particular campaign.

There is a way to deal with that issue, however, and that is through a constitutional amendment. Given the national concern on this issue it is my judgment that it would not be too difficult to have a constitutional amendment which would give the Congress the authority to structure campaign financing and would limit the amount of money an individual could spend of his or her own wealth.

About a year ago this Senator met with the assistant majority leader of the Democratic Party and the chairman of the Constitution Subcommittee of Judiciary, I being the ranking Republican on that subcommittee. We discussed an approach for a constitutional reform to deal with the problems raised by Buckley versus Valeo.

This Senator pledged support to process that effort as promptly as possible.

Nothing has been done on that subject because there has been a tactical decision by the Democratic Party to press S. 2 as opposed to proceeding with the constitutional amendment. My thought was, and is, fine, if you want to suppress S. 2, why not proceed with the constitutional amendment at the same time? However, that has not been the choice of my colleagues on the other side of the aisle.

The problems which some address on campaign financing can be dealt with effectively through a constitutional amendment, as opposed to S. 2 which has public financing as its essential ingredient.

We simply do not need to have public financing to solve this problem. There is ample area where agreement can be reached on this subject. I was hopeful that we might have been on that track when, in the course of the last several days, four Senators were appointed by the Republican leader and four Senators by the Democratic leader to try to work out a compromise on the issue of campaign reform.

Unfortunately, at least up until the present time, those efforts to work out a compromise have not been successful and that has brought us to this impasse on S. 2 and to the events of yesterday, which culminate 1 year of debate on the Senate floor. Since that time seven motions to invoke cloture, that is to cut off debate and end the filibuster, have been defeated.

It is said that seven votes constitute a record on that particular subject. If so, or even with seven votes on the record itself, it is a strong showing of a very firm position on the part of some 45 Senators in this case that those Senators are unwilling to proceed to have votes taken on S. 2.

Mr. President, the votes on cloture, as you know, and as everyone who serves in the U.S. Senate knows, and as many Americans know, constitute a very important part of the Senate procedure and the right of unlimited debate exists to stop 51 Senators from controlling every issue by a simple majority vote.

The cloture rules, therefore, say that there have to be 60 Senators to vote for cloture, where it is considered by 41 or more Senators that the issue facing the Senate is one of fundamental importance, one of importance sufficient to stop the business of the Senate from coming to a vote. That judgment has been made not by 41, not by 42, 43, or 44, but by 45 U.S. Senators, significantly above the number required under our rules to say that the Senate will not take up the matter on the merits.

There could have been an opportunity in the course of the past 7 days in the U.S. Senate for the majority leader to again test the cloture issue. We were on this bill every day last week. We are now on Wednesday of this week and have been on this bill for the last 3 days. As yet, we have not had another cloture vote because it is apparent what that conclusion will be. Although because a cloture motion has been filed, one is scheduled later this week.

Yesterday afternoon, after a day of debate, the majority leader chose to keep the Senate in session and proceed with a series of votes denominated as motions to compel the attendance of absent Senators. Now, what was the purpose of that proceeding?

As I see it, none. The negotiators had not been able to reach any agreement. It was apparent that the lines were hardened and becoming harder each minute as to the position on the underlying merits. If they were hard yesterday, as the expression goes, "You ain't seen nothing yet," until today. Gauging by the feelings of this Senator, and gauging by the feelings of the Senators who were then assembled in the Republican cloakroom, the events of last night will turn concrete into granite and steel into molybdenum in terms of what the responses will be to what the majority leader has chosen to do in the U.S. Senate.

The process, the questions raised, a series of meaningless rollcall votes and a session which would be round the clock, appear to many to be demeaning to the Senate and demeaning to the individual Senators.

What was the purpose of having the world's most famous deliberative body in session all night? What was the purpose of bringing Senators to the floor every few minutes, every half hour, every hour to respond to motions to compel the attendance of Senators? If it had the effect of advancing discussion or trying to help break the deadlock, then there would have been some purpose.

But Senators in this Chamber have worked willingly around the clock, past midnight, past 2 a.m., past 4 a.m. to 9 a.m. the next day and into the next night during my tenure in the U.S. Senate, and they have done so willingly when there was a purpose for what was being undertaken.

It seemed to many of us that the process was demeaning, demeaning to the Senators, and demeaning to the Senate and ought not to be complemented to the extent that the rules permitted an expression by the Republican side of the aisle.

So the Republican Senators last night, made a judgment to express their concerns, perhaps their sense of outrage—Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Pennsylvania.

Mr. SPECTER. The decision was made to express our concern and our protest over the position taken by the majority leader by absenting ourselves from the Senate Chamber because there was not likely to be the requisite quorum necessary to proceed with the Senate's business under the Senate rules.

May we have order in the Senate, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Pennsylvania has the floor. The Senate will be in order.

Mr. SPECTER. One of the concerns which this Senator has, and I say so with some forcefulness, is the unequal enforcement of the rules in the U.S. Senate. A topic which has concerned many of us with the advent of the 15-minute precise rollcall vote is the failure to enforce for collateral reasons. Having spent most of the night up—Mr. President, may we have order in the Senate?—having spent most of the night up, I think I am entitled to have a Senate which is in order, even if not populated this morning.

The PRESIDING OFFICER. The Senate will be in order. Necessary conversations will please go to the cloakrooms.

Mr. SPECTER. Mr. President, as I was saying, the Republican minority decided that it would express itself in the face of what our assistant majority—minority leader; a slip of the tongue, a Freudian slip, a wish. Last night our assistant minority leader took the floor after 3 a.m. and made a brilliant speech characterizing the tyranny of the majority, or the tyranny of the majority leader.

In response to the tactics which were being undertaken last night past the hour of midnight the judgment was made that the minority would not submit to the unreasonable approaches being taken by the majority leader. Therefore, the minority absented itself from the vote which was taken around midnight on a motion to compel the attendance of Senators. That motion passed, as I recollect, by a vote of 47 to 1, but there was not a quorum present. That led to a motion to arrest absent Senators, a highly unusual proceeding and one which, according to my review of the rules of the Senate, is highly questionable. Even more highly questionable was the way and the manner in which that motion was carried out.

Senator PACKWOOD was brought to the floor of the Senate last night past midnight with the use of physical force. Senator PACKWOOD was in his office, and he had it locked thinking that it was his office and his lock, but he was surprised, because representatives of the Sergeant at Arms, perhaps the Sergeant at Arms himself, we have not yet identified all the players—and I hope we will have a searching investigation and a searching inquiry of everything that was done last night in this regard, the kind of an inquiry which is made when the most heinous of criminals in our society are subjected to arrest, search and seizure police action without meticulous compliance with constitutional rights.

But as reported to me by Senator PACKWOOD himself—or was told to me by Senator PACKWOOD, it was not a report, I was interested. He said that he was in his office and had his door bolted, and he thought that assured him privacy. Then a key was placed in the door and a forceful intrusion was made by the Sergeant at Arms. In the course of the physical force used by the Sergeant at Arms Senator PACKWOOD more seriously injured his left hand.

We have seen Senator PACKWOOD over the course of the past 10 days in this Chamber wearing a cast on his hand. He has broken a finger, I believe. It was required, Senator PACKWOOD said last night, that he seek additional hospitalization and medical care for this injury as a result of what happened. During the course of Senator PACKWOOD's conversations with those who took him into custody, he raised an objection to the force which was being used and to the arrest, and a telephone call was made. While Senator PACKWOOD was only on one end of the conversation, he thought that the Sergeant at Arms, or representatives of the Sergeant at Arms, were calling the Secretary of the Senate. It was further believed that the Secretary of the Senate received his instructions from the majority leader, and those instructions were to take Senator PACKWOOD to the floor of the U.S. Senate forcefully so that a quorum would be present and the U.S. Senate could continue through the night conducting its nonbusiness, making a charade of the rules of the U.S. Senate and making a charade of the operation of the U.S. Government.

There are meticulous rules which are available for any individual in the United States of America, whether he is a citizen, whether he is an alien, whether he is a felon, as to what his rights are. Perhaps those rights ought to be accorded even to U.S. Senators who are exercising their own rights and living within the rules.

The knock on the door and the forceful entry into Senator PACKWOOD's office smack of Nazi Germany, smack of Communist Russia, but are hardly characteristic of the United States of America and should be even less characteristic of the operation of the U.S. Senate.

After the procedure last night, I question whether or not this Senate can function in that climate and with that conduct. The operation of this body depends indispensibly on comity, on good will, on respect, and on consent. The two most frequently used words in this body are "unanimous consent."

It is possible for any Senator at any time to tie up the U.S. Senate by choosing to withhold that unanimous consent.

This body adjourns when the last Senator is finished speaking. The unanimous-consent requests occur again and again and again on the floor of this Senate and, should any individual Senator choose to object to the operation of this body, it would be very, very easy to do so. You do not have to have 41 Senators or 45 Senators. Any single Senator can accomplish that.

So, I question, Mr. President, what is the long-term effect or what is the immediate effect of the events which occurred here last night.

The bill itself, S. 2, has enormous implications of public policy and is subject to debate and disagreement. Forty-five U.S. Senators have said that they, we, do not believe debate should be brought to a close, and the rules indicate that that is an impasse and a blockage and that ought to be respected.

Beyond the subject of the substantive matter itself, there is the issue as to what occurred here last night with arrest warrants being issued and arrest warrants being served in a way which did not even comport with the constitutional rights which are accorded to those accused of the most heinous crimes in our society.

Mr. President, again in the line of questions which this Senator is raising, I question the propriety of the procedures used by the majority leader last night. The Constitution of the United States provides for compelling the attendance of U.S. Senators. But it does not say anything about warrants of arrest. It does not say anything about the kind of tactics which were used last night in bringing Senator PACKWOOD to the floor.

Article I, section 5, of the Constitution provides:

> Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Now, the language "to compel the attendance" of Members says nothing about a warrant of arrest. The framers of the Constitution were well aware of the use of warrants, and probable cause and the procedural requirements which they saw fit, as evidenced by other sections of the U.S. Constitution. But this provision specifies "in such manner, and under such penalties as each House may provide."

The U.S. Senate, Mr. President, has no rule on compelling the attendance of absent Members and has no rule on the issuance of warrants of arrest. The provisions of rule VI, section 4, provide only that:

> Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, or to recess pursuant to a previous order enetered by unanimous consent, shall be in order.

Rule VI, subsection 4, as is obvious from the face of the rule, makes no mention about warrants of arrest, none whatsoever.

There are some precedents which have reference to the issuance of compulsory process. But they are very limited indeed, Mr. President, and hardly articulate a process such as that which was used yesterday in bringing Senator PACKWOOD to the floor of the U.S. Senate by force.

On page 1174 of the book on Senater procedure, there is a section denominated "Attendance of Absent Senators—Procedure for Compelling in the Absence of a Quorum." It reads as follows:

> [The last order adopted by the Senate to arrest absent Senators occurred on November 14, 1942. On that occasion when the Senate found itself without a quorum, it first adopted an order to direct the Sergeant at Arms to request the attendance of the absent Senators. After some time had elapsed, the Majority Leader, Mr. Barkley, made another motion, which was agreed to, to direct the Sergeant at Arms to compel the attendance of absent Senators. This order having been in operation for some time and a quorum still not being present, the Majority Leader asked that the Sergeant at Arms make a report to the Senate upon his efforts to compel the attendance of absent Senators. The report having been made as to the absent Senators who were out of town and those who were in Washington, the Majority Leader, Mr. Barkley, made another motion, which was agreed to, authorizing and directing the Vice President to issue warrants of arrest of the absent Senators then in Washington.]

This precedent, Mr. President, to the extent that it is valid, calls for the Vice President to issue warrants of arrest.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. Mr. President, the precedent of having the Vice President of the United States sign a warrant of arrest was not followed last night. I have not been able to obtain a copy of Senator PACKWOOD's warrant of arrest, although I do, in fact, have a document which was served on Senator WEICKER in an interesting sequence where, for reasons which have yet been explained, the representatives of the Sergeant at Arms chose not to exert bodily force on Senator WEICKER. But, I believe it is fair to represent that the Weicker warrant is identical with the Packwood warrant. Certainly they were issued at the same time. We can obtain the Packwood warrant and see precisely what it says.

When I heard that Senator PACKWOOD had been arrested subject to that warrant, I questioned what his response would be the next time—well, Senator PACKWOOD may never again fill out an application for employment since he is so securely ensconsed in the U.S. Senate—but what would Senators under similar circumstances reply the next time they faced a questionnaire: Have you ever been arrested? If so, state the circumstances. Not a pleasant question to answer. But back to the question at hand.

The document which was served on Senator WEICKER reads as follows: To, and then the Sergeant at Arms at that time, which was a long time ago because the document is dated 195- with a blank so as to be used in the 1950's. It reads, U.S. Senate, Washington DC, a line 195- with the year to be filled in, to, and then there was a name filled in—but it was whited out—Sergeant at Arms, United States Senate.

> The undersigned presiding officer of the Senate by virtue of the power vested in me hereby command, in pursuance to the order of the Senate this day made to forthwith arrest and take into custody and bring to the bar of the Senate L. Weicker, who was absent without leave, to wit——

And there is nothing in the "to wit" blank.

Then there is printed language, "hereof fail not and make due return of this warrant. In testimony whereof I have hereunto set my hand and caused to be affixed the seal of the United States Senate this 23d day of February 1988. Brock Adams, Presiding Officer," attest, what appears to be the signature of Mr. Stewart, as Secretary.

Mr. President, a fundamental issue arises as to the authority of Senator ADAMS to execute this document when the rules of the Senate call for the Vice President to do so.

A substantive question arises because, on the issuance of a warrant of arrest or any warrant, there is supposed to be the intervention of a dispassionate magistrate who looks at the facts and who makes an independent determination, above and beyond that which the representatives have made who have asked for the warrant. If you are seeking a warrant of arrest you have to state established facts and probable cause for a certain warrant. You have to have an affidavit which recites probable cause. An affidavit, too, on a warrant of arrest. The magistrate is an intervening official to guarantee that there is a detachment, or a sense of objectivity, in evaluating the underlying facts. That is a cardinal principle in the issuance of these documents, which are intrusive into the lives of citizens and Senators. And a question arises here as to whether the presiding officer, who was there last night, presumably—we do not know all the facts, and I hope we get them—was acting at the request, or perhaps the suggestion, of the majority leader. That hardly has the imprimatur of the detached magistrate making a determination that this compulsory process ought to issue.

There is a further fundamental question, Mr. President, about the authority of the Presiding Officer, and I will not go into this in any great detail because my time grows short. Anyhow, time flies when you are having fun, and I have sufficient time to face even an overnight filibuster. There are elaborate rules which set parameters for the appointment of Presiding Officers of the U.S. Senate. They are made by the President pro tempore, either in open Senate proceeding, which I believe was not done, or by written direction which was not done. In the intervening several hours, we will inquire into this further, but the appearances are that the procedures were not followed.

Mr. President, in our laws on the execution of documents, the courts have established the most meticulous requirements for compliance and authority before there is a warrant of arrest, a search-and-seizure warrant or any warrant under our system which mandates compulsory process. This document raises many questions on its face. This document does not have the identification of the party to whom it is issued. This document does not have a fill-in of the blank "to wit" where it recites someone is asked without leave, to wit requiring a specification of detail.

On the reverse side of the document there is no specification about who was appointed and empowered to serve this subpoena. And on the face of the document, it is internally inconsistent because it is not a subpoena. It is a warrant. On the face of the document it recites, "Command you to forthwith arrest." On the reverse side of the document, it recites, "Subpoena." And there is all the difference in the world between those two legal documents. So on the face of this document, Mr. President, there is much to question as to whether there was compliance with some of the very basic and fundamental principles of law.

I would suggest that in the United States of America, the courts have observed meticulously the rights of those who were subject to compulsory process. The case books are filled with de-

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cisions since United States versus Weeks—I believe decided by the Supreme Court of the United States in 1916—which require meticulous compliance before search warrants are valid. Volumes of evidence were suppressed, hundreds, thousands of those where guilt was obvious because of the quality of evidence were freed, because compliance was not made with those constitutional, mandatory requirements. Again, there are hundreds, thousands, perhaps tens of thousands of cases on State prosecutions where warrants were invalidated under the mandate of Mapp versus Ohio. I know the date of that decision because I was there at the time, June 13, 1961, where the Weeks rule, applicable to Federal courts, was enforced upon State criminal prosecutions by virtue of the applicability of the due process clause of the 14th amendment picking up the requirement of the fourth amendment on unreasonable searches and seizures. I could regale this Chamber at some length, perhaps will to some extent, since my replacement has not arrived as of this moment, where those conclusively guilty were set free because of the importance of this requirement.

I recall very well a case called Hickey versus the Commonwealth of Pennsylvania where a defendant was taken into custody on a charge of murdering a cab driver and the evidence obtained from his house was conclusively shown to be that of the cab driver. The murder weapon, as I recall this case—it goes back to 1967—was identified conclusively, and there was no question that Mr. Hickey was guilty of the offense as charged, and the charge was first degree murder, robbery-murder. The case came to court and Mr. Hickey was released because the requirements of procedural due process were not followed.

The decisions of the courts of the United States have imposed these provisions with meticulous care because of our judgment as a society that these procedural rules have to be followed before there will be intrusion into the apartment of an obvious murderer. What less protection is a U.S. Senator entitled to when he is in his office in the U.S. Senate after midnight on a Tuesday night, taking care of his business with his door locked and thought to be exercising his own rights as an individual, let alone as a U.S. Senator?

Mr. President, there was considerable dismay last night in the Republican cloakroom when it was announced that the locks on the doors do not work because there is a master key, including the dead bolt. There may be today quite a few carpenters on the premises of the U.S. Senate, Russell, Hart, and Dirksen Buildings, and the hideaways in the Capitol where Senators may choose to have their own locks on their doors. I know of no rule in the books to prohibit that kind of procedure, and that may follow because of the events as to what happened last night.

I would suggest, Mr. President, that the events of yesterday are matters really of enormous importance. I believe that this body, this august body, this allegedly august body, has to do some considerable soulsearching and inquiry into our internal procedures to see if we can continue to function and do our job as U.S. Senators in the U.S. Senate in terms of being the world's most deliberative body, in terms of carrying out our responsibilities.

Last night was substantial evidence that if those practices continue, there will not be the basic comity and respect necessary to carry on the workings of the U.S. Senate. We are engaged in a dispute which has become a filibuster, which has become a controversy, which has become a battle, which has become a war. It has become a war where physical force is used to bring a U.S. Senator to the floor after a legitimate exercise of minority rights. And minority rights were recognized in the U.S. Senate perhaps before minority rights were recognized to the extent that they are today in the U.S. Constitution. Well, maybe not. Maybe minority rights have always been present for everyone in this country, but at least no less for Senators than for others.

Last night we saw an event where under the existing and recognized rules of the U.S. Senate, more than 41 U.S. Senators said, repeatedly—seven times ought to be sufficient evidence that 45 Senators are exercising their rights as U.S. Senators under established and unchallenged rules not to permit an issue, a bill, S. 2, to come to the floor for debate. In the face of that declaration, and in the face of gridlock, deadlock among the eight Senators designated, four by the Republican leader and four by the Democratic leader, being unable to solve the issue of S. 2. In the face of what was considered to be an inappropriate procedure, a procedure which was demeaning to the Senate and to the Senators, where we were called to this floor for repeated pointless votes, Republican Senators decided to exercise their rights, and that led to a response which, I would suggest, reaches a new low in proceedings in the U.S. Senate—where a Senator's office was invaded forcibly with a master key and the Senator was taken into custody.

Mr. CHILES. Will the Senator yield? I do not want to interrupt his chain of thought.

Mr. SPECTER. I could not be accused of having a chain of thought. In the course of this extended speech, I would be delighted to be interrupted, and I would be delighted to discuss this issue with the distinguished Senator from Florida, second only to discussing the issue with the majority leader.

Mr. CHILES. I heard some of the Senator's remarks and I heard the Senator was saying that another Senator, Senator Packwood, in this instance, was entitled to such courtesies as the constitutional rights of being able to make a phone call and have counsel.

I have to say I was sort of surprised and shocked to hear that.

Mr. SPECTER. The Senator did not hear that. I did not say that he ought to be able to make a phone call or have counsel. I did not say that at all.

Mr. CHILES. I stand corrected then. I was shocked to hear that the Senator from Pennsylvania would think that a Senator here had any rights. I found that out a long time ago. The Senator has not been here that long.

Mr. SPECTER. I did not find out until last night.

Mr. CHILES. A Senator enjoys some of the rights that ordinary citizens do. I think we understood that a long time ago. That is one of the reasons that I want to go back and get some of those rights of citizens again. So I would hope the Senator from Pennsylvania is not trying to let the American people know that Members of the U.S. Senate enjoy any of the basic rights, protections that ordinary citizens do. I hate to have him put that kind of myth out in the countryside.

Mr. SPECTER. Well, I think the distinguished Senator from Florida raises an interesting point and a valid point. The conclusion may be that U.S. Senators ought to enjoy some rights. If Senators had some rights, perhaps Senator Chiles would not be exiting the floor of the Senate now, perhaps exiting the Senate permanently at the end of this year.

We have very important public business to conduct. That goes without saying. We have conducted that public business all night long, in good cheer on important legislative matters, on the campaign finance bill, on a variety of bills. On the continuing resolution, at 3 a.m., 4 a.m., there were 60 Senators on the floor and 40 Senators more in their offices ready to come to the Senate floor to discuss matters, to vote and to carry on the business of the Senate. But there is a certain objection when Senators are subjected to what is essentially demeaning and pointless; where Senators have expressed themselves seven times in insisting that an issue, S. 2, will not come to a vote because there are fundamental disagreements. The rules of the Senate have long been established in respect to the rights of the 41 Senators. It used to be 34. It used to require two-thirds of the Senate to cut off a filibuster and close debate.

When those rights have been exercised and then one step beyond, when there is a sense of concern, perhaps a sense of outrage that Senators are not being treated fairly, not being treated appropriately to retire from the Chamber, to retire to the privacy of a Senator's office and find the intrusion of the Sergeant at Arms, who makes a call apparently taking instructions from the Secretary of the Senate and maybe taking instructions directly from the majority leader, questions which I hope will be answered on the floor of this Senate, under a document which is not provided for in the rules, where there is a precedent for issuance by the Vice President but not by any other Senator, where there is a real question about the authority of the Presiding Officer last night to sign this document because of the issue of compliance with either the direction by the President pro tempore in writing or in the open Senate, those questions have to be answered. The document which has many defects on its face certainly, if it were isssued for a common criminal, would be struck down as being insufficient. But a Senator being brought forceably to the Chamber of the Senate, a Senator who sustained injury—how serious I do not know, but a report as of a few hours ago was he would have to go back to the hospital for additional medical attention to a broken finger, which injury was aggravated in the course of a scuffle—those are really very, very important issues and I would suggest this transcends the substantive issue embodied in S. 2.

S. 2 is very important in and of itself, but what happened here last night is even more important, and I hope that in the course of this day, we have the answers to these questions. I hope, even more, that we can reinstitute in this U.S. Senate a sense of comity and a sense of respect so that this body can function and perform its very important obligations to the people of the United States of America. I thank the Chair. I thank even more my distinguished colleague from Utah for appearing to relieve me and I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. Sanford). The Senator from Utah.

Mr. HATCH. Mr. President, I am happy to be here this morning, and of course happy to have participated last evening as well. This is a very important debate which I think has gone on too long. As a matter of fact. I think it is a travesty to use the Senate's time with all the work that the Senate has to do to play around with this type of, I think, shameless legislation. I think we should reach a point in our lives where we realize that you have lost on this legislation, and even if by some miracle this legislation would pass, I guarantee the President is going to veto it and we are going to sustain his veto.

So this is an exercise in futility, to require Senators to stay in all night last night on something like this that has had seven cloture votes, the most in the history of the Senate on a substantive issue. I know a little bit about that because I was the Senator, along with Senator Lugar, who conducted the filibuster back in 1978 that went to six cloture votes on labor law reform. It was hardly reform. It was just like this bill: Let us just have one party in America, let us make it the Democratic Party, and let us stack all the rules so that only the Democrats have advantages in this body. And that bill went down by really one vote after approximately 6 weeks and really 2 full years of battle, and I have to say the majority was right in pulling it down after the sixth cloture vote when they lost. Now, here on something that is even more heinous than that, because it is stacked in favor of one party in America and one-party rule in America, which we virtually have had in the Congress for most of the last half century, we find ourselves being treated like we were last night.

This works both ways. The minority does have some rights. That is what makes this the greatest deliberative body in the world. There is no other body I know of that has that filibuster right. It is a protection to the minority. It is a way of preventing garbage legislation from passing, and it may be a way of preventing legislation that may be good. But this is not good legislation. As a matter of fact, it is one sided; it is partisan; it is Democratic Party oriented; it is against the Republican Party. Any Republican who has any sense is going to stand up and fight this legislation tooth and nail, right down to its bitter end.

If there is a chance of passing this and passing it in such a way that it would benefit the country, that it would benefit both parties, that it would be fair, then I think there would be cooperation from this side, and I think there would have been offers of cooperation from this side. But there is no chance in the world, based upon the present language in this legislation.

Therefore, what really bothered me last night was that we keep up everybody. Some of the Senators are younger and can take all-night sessions on something that is frivolous and not worthy of our time. A lot of us can do that. Some of us have been through it time after time after time. Some of us understand the use of the filibuster rule.

I have upheld the rights of Senators, on legislation that I totally disagreed with, to take on the whole Senate because I felt strongly about an issue.

I know that my distinguished colleague from Ohio, who is on the Labor Committee and the Judiciary Committee with me has conducted very effective filibusters in conjunction with other Democratic Party members, on items that I felt were very unworthy of Senate consideration. But I have upheld his right to do that; because anybody who has the guts to come out and stand on this floor and take the time and take the beating necessary for a filibuster should be commended, no matter whether we agree with him or not.

This is a rule of freedom, and I will fight for it as long as I am in the U.S. Senate. I will fight for Senator Metzenbaum's rights as much as for Senator Simpson's rights or anybody else.

What happened last night, I think, was a little bit inexcusable. The Constitution provides that each House may be authorized to compel the attendance of absent Members.

The majority leader, for whom I have a great deal of respect, procedurally and substantively, came to the floor and spoke about obeying the Constitution. I felt that the rules were violated last night by the majority.

The Constitution provides that each House may be authorized to compel the attendance of absent Senators—article 1, section 5. Pursuant to this grant of power, the Senate adopted rule VI of the Standing Rules of the Senate, authorizing the direction to the Sergeant at Arms to compel the attendance of absent Members, absent Senators.

The precedents of the Senate state that an order adopted by less than a quorum authorizing the issuance of warrants of arrest for absent Senators not sick or excused is in pursuance of the rule of the Senate and is not debatable. That is in Senate Procedure, page 175.

That is not to say that the events of last evening were not extraordinary. The appendix to Senate procedure states that this power to arrest was last used in 1942. That is how much it was used. This was accurate at the time it was published, until the present majority leader used the power in his first term as majority leader, and now a second time in his second term. That this rarely used power was used to justify the breaking into of a Senator's office—a Senator whose injured arm was severely jostled and hurt—and have that Senator physically transported to the floor of the Senate, I think takes on the aura of a banana republic and not the greatest deliberative body in the world. I thought it was a disgrace.

I do not blame the Sergeant at Arms. He is a wonderful man. I have a lot of respect for him, and I like him personally. But I think he should have done what was done in the past on these things after they had a debacle here. There are Senators who will never forgive the people who did it to them. They took the warrants out and

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walked the Halls, but did not arrest anybody or try to haul them in bodily to the Senate floor.

I think that those who participated in this Kafkaesque episode brought no credit to themselves and no credit to this institution. It bothers me a great deal that that type of treatment occurred, and I think the minority was in their rights. The majority could not produce a majority. They just could not do it. We know what a lousy bill this is, and we know how unfair and partisan and really downright hostile this bill is to the Republican Party.

If the American public could really find out what is in this bill—there are some editorials written by people who only care for the Democratic Party or for the more liberal point of view—they would be shocked that one side is trying to put this charade on the other.

If Senators who are unwilling to vote for cloture are to be subjected to this type of harrassment, then the protections of the minority, so often remarked upon in this Chamber, are just a sham and a pretense.

It has been said that the worm has had a habit of turning in this Chamber, so it is true that there will be other days when maybe those who are so proud and haughty members of the majority will know the rigors of defending themselves in this Hall. Perhaps then they will remember this overbearing approach and their overbearing ways and wish they had respected the minority just a little more.

A great statesman once remarked that if the marble pillars of the Capitol were to fall, they could be built up again, if all we see around us were to be utterly destroyed, it could be reconstructed. But who is to build the pillars of justice and right if they be pulled down?

I think the Senate is more than just its physical surroundings, and those tangibles are the more difficult to construct once the curtain of comity has been rent.

I say let us see no more of this type of incivility. My colleagues in the Republican Party deserve better than this. I am a little concerned about the way it was done. I want to know who signed those warrants with regard to Senator PACKWOOD and whether that was right, whether any Senator sitting in the Chair can sign those warrants.

I want to know if they were directed to Henry Giugni, the Sergeant at Arms, if they just nebulously went to the Sergeant at Arms. I do not believe they were directed to the Sergeant at Arms by a person. I want to know if the procedures were really followed constitutionally, since the issue has been raised.

I think the distinguished Senator from Pennsylvania raised a number of very good points. Even U.S. Senators have constitutional rights. They have a constitutional right not to vote, if they do not want to. They have a constitutional right to filibuster if they want to. They have a constitutional right to come on this floor and talk as long as they want to, if they can hold the floor. They have a constitutional right, it seems to me, to be treated fairly, just like anybody else in our society. They have a constitutional right to due process. I think they have a constitutional right not to have their physical person hurt just because there is some order from this body. It seems to me that it would have been better for them to find somebody to bring in who did not have a bad arm.

Now, I have to put myself in the shoes of the Sergeant at Arms, who was directed to do this type of travesty. He has no choice. His job depends on it. I do not particularly blame him; although when a Senator is in his own chamber, locked in his own chamber, I question whether it is constitutionally sound for anybody, especially somebody lesser than that Senator in position in this body, to break into his office and force him out of his office and carry him here to the floor—that Senator has a right to say, "I am not going to vote"—and then force him to vote. Where is the constitutionality for that?

Let me tell you something: I have been here for 11 years, and I have been in some of the worst battles we have ever had here, and I have led our side in some of the worst battles we have ever had here; and I, personally, have never been treated like that. I am not going to tolerate other members of my party being treated like that. And I will be honest with you: I will not tolerate members of the Democratic Party being treated like that. It is a disgrace.

Let us understand something. If this type of stuff continues, this place is going to shut down until there is civility here and respect for the minority. If you do not believe me, just keep it up.

I think there are a number of us who feel very deeply about this who basically have not participated as strongly as we could because we know that, frankly, it is not going to go anywhere, anyway. To make that kind of a big show last evening, just so that the media might be able to say that the Republican Party is against campaign reform—they call it campaign reform when it is really campaign travesty—it seems to me borders on stupidity.

Let me just say this: I am very offended by what happened last night, and I think my colleagues on this side are very offended by what happened last night. I think my colleagues on the other side ought to be offended.

I do not always agree with Senator PACKWOOD, but he is a terrific Senator who acts very properly in his own beliefs, for his own purposes. I think he has distinguished himself as one of the great Senators in the U.S. Senate. He and I have fought each other on this side of the aisle, but every time we have, it has been, if not an enjoyable experience, certainly an enlightening one, because he is one of the most intelligent and articulate people in this body. He sides a lot on some important issues with people in the majority. It seems to me that he was very badly mistreated, and the minority in general has been very badly mistreated.

I question the constitutionality of what happened last night. I do not think that because the rules say you can arrest Members, that allows you to abuse Members and force them to vote against their will. Maybe it does; and if it does, then this body does not have constitutional protections; and I suspect that if they are tested in the Supreme Court, they would say it is a political question. That still does not justify the unconstitutionality of the very nature of what went on last night.

Maybe in the zeal to make political points, we do some things in excess. I perhaps have been known to do that myself, and so we will probably all forgive and forget. But I think there comes a time when this very, very poor bill ought to be recognized for what it is—a very, very poor, one-sided, partisan, biased, pro-Democratic Party bill, and it ought to be pulled down. I think we are at that time, and I think we were there at the end of last year when they were contemplating bringing this type of poor legislation to the floor.

I want to make a few points on the bill itself, although I really would like to go on about the unconstitutionality and the mistreatment of one of my colleagues.

If this bill may have a chance of becoming something, I could see this type of fight, but it really does not. Frankly, there is no real desire to reform, except in a very partisan, one-sided way.

I look at every time I am up for reelection. I am one of the few Members in Congress who came up through the ranks. I earned my spurs. I worked 10 years in the building and construction trade unions with my union brothers, and I am proud of it.

I went through a formal apprenticeship and owned my own union card. I think unions are crucial to our country in many ways. I think union leaders, in many ways, act not in the best interest of their union members. Some union leaders do not, and they are constantly acting in a very partisan way.

Sometimes the things they bring to the floor have to be fought because they are one-sided, very partisan, and, invariably, pieces of legislation that seek power. Not just power, but power that will give them authority over anybody else.

They are searchers after power sometimes. Sometimes we have to fight against that legislation. Every time I come up for reelection, there are millions of dollars, even though I am a union brethren, because I have to fight against these power-grabbing bills from time to time which are one-sided, one-party oriented bills, and really contrary to our system and, in some instances, actually pushes toward socialism, and I have to fight against them.

Every time I come up for reelection, I can count on millions of dollars being brought in that are never, never, listed by my opponents in their Federal election returns. If I have a nickel that comes in that is required to be reported, I have to report it. Of course, I never handle it myself. Other people handle it, but if they make a mistake, I am going to get clobbered for it. It is really disconcerting every time to see one segment of our society have a complete and open right to come in and do whatever they want to do without ever reporting a nickel of that to the Federal Election Commission.

So you can count in any election that I am in, double or triple what my opponent actually lists as the donations made to him through political action committees or individuals. You can double or triple it, because that is really what the undisclosed union-backed money really is in that campaign, and that happens to Republicans all over this country, and it happens to conservatives all over this country. It is unfair. It is not only unfair, I think it is unconstitutional.

The fact of the matter is, it happens every time. People like myself just have to raise a lot more money, and it always looks like we have raised more than the other guy, even though, in reality, they bring in political operatives and they run shows against us—picking people up, taking them to the polls, telling them how to vote, registering people, and spending countless dollars in other ways to advance the cause of their chosen candidates against us conservatives or against generally us Republicans.

The unions are right there to find me on their side, and they have. I do have some union support because they have taken time to look at the issues and realize that I am fighting for higher principles than just one special-interest group having a given presence over another, but this bill just enhances that. There is nothing done about that. Not a thing. Not one thing.

Let us talk about increased campaign costs. Campaign expenditures have increased at an alarming rate since the 1970's, exceeding the overall increase in cost of living. In congressional elections, the aggregate cost of House and Senate campaigns have risen to almost four times between 1976 and 1986, from $115.5 million to $450 million in 1986. This compares with an overall cost-of-living increase of roughly double in that same period.

The increases in aggregate campaign costs were even greater for the average winning candidates. The campaign costs for the winner of the average House race rose from $87,200 in 1976 to $355,055 in 1986. The average for a successful Senate campaign increased from $609,100 to $3.1 million during this very same period.

The costs listed above do not include increases in independent expenditures or in political party support of candidates or support from outside groups beyond the direct contributions from political action committees and individuals.

Why have PAC's become so predominant? The rising costs of getting elected to office are closely linked to increased candidate reliance on contributions from political action committees.

Fundraising pressures tend to focus a candidate's attention on wealthy individuals and PAC's as opposed to the broad electorate, although I have to admit, there are hundreds, if not thousands, in various PAC's, little people making donations to the PAC hoping that the administration of the PAC would give the money to, basically, the people they would support.

I would say fundraising pressures tend to focus a candidate's attention on wealthy individuals, and, I might add, on PAC's as opposed to the broad electorate. As a result, the role of political action committees itself in the context of the relative role of other funding sources have become a major issue.

Statistics reveal a significant increase in the importance of PAC's, in terms of number, money contributed to candidates and the ratio of PAC support relative to other sources of funding.

The number of federally registered PAC's grew from 608 in 1974 to 4,211 in 1987.

The amount contributed by PAC's to House and Senate candidates during this period increased from $12.5 million to $132.2 million. That is more than a 400-percent rise, even factoring for inflation.

Critics of the present system say the PAC's have too much influence over a candidate, that they hinder an elected official's ability to serve his or her constituents.

Others contend that average Americans are being shut out of the political process. Given the strong inclination of PAC's toward incumbents, accounting for some 68 percent of political action committee contributions in 1986, PAC spending may hinder electoral competition by adding to an incumbent's natural political advantage.

Those who defend the role of PAC's in elections argue that they reflect the pluralism inherent in our political system. PAC's should be viewed as, one, representing a wide variety of interests; two, giving voice to many who were previously uninvolved in politics; and, three, promoting competition in elections by funding challengers in the more closely contested races.

What are the policy options?

Two primary considerations serve to frame this debate: What changes can be made that will not raise first-amendment objections, given the Supreme Court's rulings in Buckley and other cases, and what changes will not result in new, unforeseen, and perhaps more troublesome campaign finance practices in the future?

The latter point is underscored by the experience with previous amendments to the FECA, such as the growth of political action committees following, among other things, the 1974 limits on contributions.

Most legislative proposals have tried to curb the perceived influence of political action committees. These proposals seek to achieve this either directly, through new limitations or through reductions in existing ones, or indirectly, through augmenting the opportunities for other sources—notably individuals and parties—to fund campaigns.

One can argue that current law favors political action committees over individuals in that there is no aggregate limit on contributions by a PAC while there is a $25,000 limit on contributions by an individual.

There are two primary methods of directly curbing political action committees which have been proposed in legislative form: lowering the current $5,000 limit, as the Republican alternative bill—S. 1672—does, or placing an aggregate limit on the amount of PAC contributions a House or Senate candidate may accept, as S. 2 does.

Mailings and advertisements by Common Cause single out PAC's as special interest groups which are able to distort and control elections. Why then has Common Cause chosen to endorse a bill which does nothing to reduce the maximum contribution which individual PAC's are allowed to contribute to each Senate campaign? S. 2 would give PAC's even more influence.

So where is their great justifiable reasoning for election reform here? The fact of the matter is, if you follow Common Cause, which always talks in high sounding, far flying wonderfully ethical terms, if you really look at it, it is basically an organization that supports the liberal point of view in this society, and, therefore, the Democratic Party in this society.

I do not think anybody looking at it carefully would really tend to deny that statement, if they are honest.

The fact is, a lot of people do feel, and I think there may be some reason for that, that the organization called Common Cause is really just a front for the Democratic Party; certainly, in the very least, a front for the very liberal point of view in our society. They do not like conservatives being elected in either party, and they do not like the conservative point of view. They do not like some of the things conservatives stand for.

They have a right to do that, but they should not try to pass them off as the ethical institution that is really looking into these things through a bipartisan standpoint, unless you say bipartisan-liberal standpoint, because that is what they are doing.

The current system provides a number of Americans with access to the political process. Access they wouldn't have under S. 2. In addition, the current system requires public disclosure of all contributions to candidates. That is, except the soft money contributions which have been discussed at length here on the floor, and mainly which occur for and on behalf of, again, liberal candidates. Very seldom do you see any soft money from these sources go to a moderate candidate. They go basically to liberal candidates.

S. 2 fails to address the issue of PAC spending directly. If PAC contributions are corrupting the system then cut the size of their allowed contributions, as the Republican bill does, or eliminate PAC's altogether as Senators Packwood and McConnell have suggested. S. 2 won't cut overall PAC spending. PAC's will simply shift their emphasis to so-called independent expenditures which are not subject to the bill's spending limits.

I do not think there is any question about it. Again, you have to question why this bill, if it not just a bill to elect Democrats, which, of course, it is.

S. 2 will effectively increase the influence of specific PAC's by imposing an aggregate limit on PAC spending without reducing individual PAC contributions. Under this system, the best organized PAC's will have even more political clout than under current law. The argument that a $5,000 PAC contribution under S. 2 would have less influence than a $5,000 PAC contribution under current law is not convincing.

I think Common Cause has been clouding the issue, which is not unusual for them. They are very biased, partisan, and one sided in their support of the liberal policies in our society. I just say they have clouded the issue. The reality is that Democrats rely more heavily in big contributors and PAC's than do Republicans.

It has been a myth the Republicans are the party of the rich. If you look at the average contributions to the Democrats, you find they are very, very high contributions, and you will find, from a special-interest standpoint, nobody can exceed the Democratic Party in subservience. They love special interests, and they are supported by at least five of the major special interests of this country like nobody is. In fact, that is an absolute true statement.

Again, I make the point Common Cause is clouding the issue. The reality is, as I have said, Democrats rely more heavily on big contributions from PAC's than Republicans. Check the campaign finance reports for 1987. They support this statement. S. 2 hurts Republicans because it favors large contributors and PAC's and squeezes out the small donors who are at the heart of the Republican Party. They are our principal donors.

So the Republican alternative, as much as I have some disagreement with it, is a better alternative. If we really want to do something that is right, bipartisan, and really helps everybody, that makes the playing field level, my gosh, let us do the Republican alternative.

The Congressional Campaign Reform Act, S. 1672, it seems to me, is a much more significant effort at reform than S. 2. It attempts to bring the individuals back into the political process by adjusting the contributions and adjusting the limit on individual donations imposed in 1972 for inflation.

It attempts to close the millionaire loophole so wealthy candidates will not have a tremendous advantage in financing their campaigns. It requires disclosure of so-called, again, soft money expenditures for the corporations, labor unions, and nonprofit organizations which influence the outcome of Federal elections.

It is a far preferable bill and what we are trying to do is to do what is right here. The Republican bill also requires future reform under the auspices of a bipartisan commission, which would make periodic recommendations to Congress based on their own study and the recommendations of the Federal Election Commission. Some have suggested that embracing the individual contribution limit, the Republican bill favors wealthier individuals.

I did not make that argument. I certainly disagree with that. The $1,000 contribution limit has been in place since 1972. It has never been adjusted for inflation. Our costs have quadrupled in running. When I ran back in 1976, I spent a little less than $570,000. The last time I ran, it was in the millions, and I had to raise that kind of money just to compete with the soft money that came into that State. My campaign in 1982 was the number 1 targeted campaign by both the Democratic National Committee and the International Trade Union leadership. Not by my fellow union brothers, but by those who made the unions. They poured money into that State like it was going out of style. We had to raise a lot of money. It was, in my book, a real shame, nationally.

I might add that this $1,000 contribution limit has never been adjusted for inflation, and yet the costs have gone up four times, and in some cases, in my case, they went up almost eight times. It is ridiculous.

By combining an increase in individual contributions with reductions in PAC contributions, the Republican bill brings the individual contributor back into the political process.

To me, there is just not any question that the Republican bill is a far superior vehicle than the Democratic bill. I wish we had a bipartisan bill. But I can tell you this: I do not see any real desire for a bipartisan bill. I see a desire to gain an advantage. And I see a desire to do so knowing that they cannot gain advantage because this bill will never, never become law. There is no way that this President will sign it. There is every reason for him to veto it. He will, and we will have enough votes to sustain the veto. So why are we wasting this time after seven cloture votes? Again, the votes that I know of will defeat this in the Senate.

Again, it is tremendous waste of taxpayer dollars and a tremendous travesty, what is going on here. To keep people up all night long under those circumstances has to be very irritating to everybody, but certainly to my side. That is a just a joke, and it is a joke to cater to some of these people who will write as though this is really campaign reform when, it fact, it is campaign deformity.

What about the overall taxpayers? We estimate it will be $40 million so far in the last 10 months alone. Over a third of a billion dollars over the last three elections. We have a proliferation of extremists, a waste of tax dollars under the present system. A half million dollars to Lyndon LaRouche in 1984, $200,000 to psychologist Fulani to run for President. It has resulted in more bureaucracy, not democracy, these spending limits and taxpayer financing in practice.

One out of four campaign dollars goes to lawyers and accountants. It is incredible. In the 1980 Presidential race, $21.4 million was spent on compliance alone, as much as the most expensive race in Senate history. Campaigns must process each contribution through 100 steps. The political decisions have become accounting decisions.

We have to be more concerned about accounting and lawyers than we have to be about running for reelection.

True, I think it is important that people be honest in their dealings in these matters. It has become almost impossible to know what to do under the many rules and regulations unless you have a lawyer looking over everything that happens.

Some think that every candidate under this present system of spending limits and taxpayer financing in Federal elections becomes a person who cheats. Every major candidate since 1976 has been cited for serious violations of the law and in some cases large fines resulted for many.

I have had frivolous charges brought against me that have cost me all kinds of legal expenses and accounting expenses. Every time they have been frivolous. Frankly, who knows whether it is going to be fair or not. It is a little bit like a Republican conservative being indicted in this town. It is almost impossible for them to come out of that a free person. It makes you wonder.

There are some very, very sad things, some very, very bigoted things against the conservatives, and Republicans in particular, that come from this whole atmosphere engendered in this particular town.

I can cite one candidate who spent $2 million in his State with a $400,000 limit. Delegate and precandidacy committees are loopholes big enough to drive a truck through, a conduit for millions of dollars outside of spending and contribution limits. Corporations and labor can circumvent limits by paying office rent, phone deposits, and giving a generous allowance. If this should happen, I do not know that corporations do that very much, but I know it is done otherwise.

I think there is growing disrespect, may I say, for the law and the election process. Campaign managers have reported that their very first planning priority is to identify in advance ways to circumvent the limits and the rules. I do not condone that. I think that is wrong. But many of them try to do that, certainly in Presidential elections. Look at what happened in this election.

One observer and campaign staff member declared "This whole job is a shame. It is your job to find every loophole."

I think this would turn all of this process over to the special interests, which will be running rampant. It will allow them to exert control by spending outside the laws.

In 1984, in that particular general election, special interests spent $25 million to oppose Ronald Reagan; 82 percent of President Reagan's $40 million spending limit was spent by special interests to oppose him. Nearly half of the money spent in the 1984 general election, that is, $72 million, was outside the candidate's direct control. At least one-fourth of all the money spent in Presidential races is unreported, unlimited, and unaccounted for.

Soft money spending that I have been describing as I chatted has roughly tripled in each election cycle. Races resemble uncontrolled, corrupt politics of a prereform era. All of these things are true. Look at these things and it will make your blood curdle.

In fact, as I remember, back in 1982 when I was up for reelection, a group which was antiabortion decided to come in and interfere with my reelection. It was really offensive to me. Everybody knows my position on abortion. So these people thought they were doing me a favor. I did not want them to do me a favor. I did not want them in my State. I did not want their help. If they wanted to help me, they could have arranged to donate to my campaign or set up a PAC and donated directly. I preferred that, even though there were limitations on what they could do. But there was not a thing I could do. You could not talk to them because you were afraid if you did you would be accused of being in a conspiracy with them and you would be violating the law. There just was not anything you could do. You had to sit there and let knuckleheads come in and start running your campaign for you.

People do not understand your State, do not understand the people therein, and do not care. They think they are doing you a favor and, in fact, they are doing you a great injustice. It is really one of the really frustrating things about being in politics today, that you have people in these independent expenditure campaigns who come in and think they can do just about anything they want to do. I can tell you it was very, very frustrating to me even though at one time I considered these people friends, people who were allies. It was one of the most difficult times in my life to have to put up with that kind of stuff. I got burned up about it. It was just awful.

They thought they were doing it out of the goodness of their hearts, but they were not.

In spite of all this, all of this soft money and all of this independent expenditure approach, and all of this special-interest control of the election process, it certainly is not going to be stopped or alleviated by the Democratic bill, and that is what it is. This is not a bipartisan bill. There may be some good things in it, but it is a Democratic Party bill, to build the Democratic Party, to strengthen them and provide some sort of an election-year vehicle to have their friends in the media report it is Republicans who are against election reform.

Calling something reform is one of the sure ways of knowing it is bad.

I go back to the labor law reform of 1978. Just calling it labor law reform triggered in everyone's mind that this must be bad legislation or they would not be using labor law reform. It was. That was the reason they were defeated. There were 62 Democrats and 38 Republicans then. Those who sponsored and pushed that bill said they were going to walk all over us. They tried and it was hard. There were people who were really hurt physically as a result of that lengthy debate at that time. I know who they were.

It was difficult, but that is the way it was.

In spite of all this, special-interest money, soft money, independent expenditure money, the voter turnout has stagnated. It was 55 percent in 1972. It was down to 53 percent in 1984. Grassroots politics in campaigns has died. David Broder said, "Spending limits and taxpayer financing have shut down local campaigning and grassroots democracy has died."

That is a pretty strong comment, coming from the leading political writer in this town, especially one who certainly is not known for support of conservatives or moderates, even.

I have to confess, he is a great writer and a very intelligent man.

Well, I could go on and on. It is easy to see why Republicans are getting worked up about this legislation. It is easy to see why we get upset when we see the media unfairly reporting that this is really campaign reform. It is really upsetting when you see Common Cause presenting itself as a body that represents all the people when, in fact, it represents all the liberal people and primarily one party.

Like I say, there are many who feel that it is a Democratic Party bill, and I think that feeling is sometimes justified, in spite of the high, wonderful, and ethical statements that occasionally come out of the lips of the leaders of Common Cause.

I have to confess, I have not seen much bipartisanship. Occasionally you do, but not very often.

Let me just end by again citing my dissatisfaction with what happened last night. I know that it is a very difficult job to be majority leader in this body. I learned to appreciate that over the years, and I know that I have, from time to time, made that job even more difficult, and sometimes I have been wrong. As I look back over it, I do not think many times but sometimes I have been wrong. I have made the majority leader's life difficult. It is difficult when you are trying to push something that is worthy, and people assert their rights and stand up and fight against it.

But this is not even worthy. If this was worthy, even then I would not jus-

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tify what happened last night. But it is not even worthy. This is a bill that is so poor that literally, even if some miracle occurs and they pass this bill, and there are those of us on this side who will do everything we can to make sure it does not pass, but even if it did it is going to be vetoed and we are going to have without question the votes to sustain that veto. So we are really spending hundreds of thousands of dollars needlessly and wasting the time of this great body. For what? For political gain desired by some people? That is what I think it really comes down to. I think that is really pathetic. To have done what happened last night I think is reprehensible. I have to state that in spite of my sympathies with the difficulty of serving as leader of this body.

With that, Mr. President, I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER (Mr. Breaux). The Senator from Minnesota.

Mr. DURENBERGER. Thank you, Mr. President. I must indicate to my colleague from Utah that I have enjoyed listening to his comments this morning, and I do certainly understand his frustrations and probably the frustrations of everybody on both sides of the aisle in dealing with the very difficult subject probably at a very difficult time.

One of the things that I find somewhat difficult about justifying to any constituent that might ask me why I was not arrested last night or why, while all of my constituents were at their present caucuses, I was trying to figure out how much of my life I was going to commit to another filibuster on this issue, is explaining why we are doing this in an election year rather than some other point in time. And I suppose the honest answer to it is that the proponents tried to do it in a nonelection year so here we are in an election year trying to finish off the work.

But those same constituents ask you, "Well, aren't there more important things to be done in this country other than to push this bill?" And I think I have some difficulty as a present candidate for reelection as I look at what is on people's minds in my constituency and across this country justifying the amount of time, the amount of energy, and the amount of effort that has been put into this, including the effort last night to arrest all Republican Members of the U.S. Senate.

Fortunately, most of the commentators in this country are going to be busy commenting on Pat Robertson's references to George Bush's activities in Louisiana or other things, and they may not be paying much attention to Bob Packwood trying to keep his door from being broken down in the middle of the night, but there is a certain aura of unreality about this as I felt this morning driving into the Capitol at 4:30, to begin to make some arguments that I want to continue making as long as I have an opportunity to make those arguments against S. 2 and its most recent amended form.

First, I would like to say I heard some reference somewhere, sort of I guess by way of a characterization of some of the supporters, and I want to say on behalf of at least most of the people in Minnesota who have contacted me over the last year or two in support of S. 2 and against my position on it, they cannot be easily characterized other than to say that they are all very honest, very sincere people who have committed some part of their lives to trying to make this system work better. It is just that many of these people, most of whom seem to be associated with an organization called Common Cause, as I said this morning in my remarks, seem to be approaching this problem from the wrong end because if the solution to this problem is to get more representative democracy, then I cannot find anything from now 20 years of experience with election law financing, I cannot find anything in any of these versions of S. 2 that is going to make this place more representative than it currently is. In fact, one of the interesting things is to try to get 100 Members of this body here at one time and ask them just to look around this body and find out who should not be here or who would not be here if somehow or other this campaign financing system worked differently. I do not think that the kind of changes that are being proposed in S. 2 would change the makeup of this body.

So then the second argument very clearly is, well, it changes your behavior, the current system somehow or other changes your behavior. That is the argument that is often made to me, most recently the week before last. I spent much of the week in Minnesota holding hearings on ground water, which is probably the most serious environmental problem in my State, in the rural areas of my State in particular. Ground water is one of those unique environment problems that is not prevalent across all sectors of society and it is not an urban problem, so we do not read much about it, we do not take pictures of it. It does not flow down the Monongahela so that it can frighten people down river from Pittsburgh. It just goes right through the ground into the water supply and poisons all the water of farmers and folks in small towns.

But anyway, I am going all over the rural part of my State with a series of hearings on this subject and at each of the hearing sites there are members of Common Cause gathered to pass out literature saying somehow or other I am standing in the way of reforming the election laws in this country to make the system work better, and make it more representative, and so forth.

But in one of these stops, the blizzard was going on outside and the temperatures were down below zero, and it was one of those days when Minnesotans usually stay indoors, but there were a couple of members of Common Cause who, after they patiently sat through an hour and a half of ground water talk, came up to me and said, "Senator, tell us, why is the present form of campaign financing good for us as your constituents?" And I had to think very quickly. I did not know what they were going to ask me about. I said, "Well, I think the first thing is that it makes the system more representative. Since political action committees, for example, as one part of the current system that you object to have become more prevalent, I have seen a lot more people involved in this system." Folks are amazed to find out that Rudy and I have something like 65,000 to 75,000 contributors to our campaigns in Minnesota.

Well, in part that is because a lot of the activity carried on by political action committees, and companies and professional associations and business associations in my State have gotten more people involved in the political process. It is always an amazement, to those of us who have been in politics for a long time, how hard it is to get any money out of anyone for a politician. It is like I gave in my paycheck when my payroll taxes were deducted, or my income taxes were deducted. Why should I give some money to a politician. So it has always been hard for those of us who consider ourselves in some form a public servant to understand why so few people are willing to make contributions.

One of the things that I observed in Minnesota, and I made some more observations about this morning, is that the growth of the activity generated by political action committees has gotten a lot of people to put $5, $10, $15, $25 in the pot at work, sort of like nobody would give to the Heart Fund or cancer or the Children's Crusade or something like that until the United Way came along and became an institution inside an association or a company and annually you had to cough up your contribution to the United Way. Now there is more of that kind of activity taking place in associations of people, so there are more people contributing to the process.

I did not give them all that explanation. I just said the reality is there are probably two or three times as many people contributing today to political campaigns as there were in the pre-Watergate period. Maybe it is four times, maybe it is five times as many individual contributions being made to

campaigns. And what happens when somebody makes a contribution regardless of size, they insist on telling you how to spend the money and so they become instant experts on a variety of issues and they want the Senator to come to the company and explain what he is doing, and they get on the phone and they write the letters and they get on petitions and all of a sudden people are more a part of this process.

As a result, I said to these two people, "If you are concerned that we can't see the forest because of these single issues or these special interest trees, be assured that this need to get more financing under the political system has in effect represented a lot more of the trees in the forest and it may still be that it is hard to see the forest, but I do not think that is because more of the trees are not standing up and asking to be heard. So if you are interested in more participation in the process, you are getting a lot more under this system than you would if you turned the system over to the taxpayer to be financed at public expense or if you limited the number of dollars that could be put into a campaign."

The second answer sort of came off the top of the head also and that probably was not going to be persuasive, but the second thing I thought of is that to the degree that these united or federated kinds of giving such as you see in the political action committees can be encouraged, you cut down the cost of fundraising very substantially.

One of the unfortunate things that I have noticed over the years in this political fundraising business is that the cost of collecting the money, whether it is telemarketing, which is one of these latest inventions—everybody is on the phone at night catching you when you are trying to doze off or have a conversation with your spouse—or the direct mail campaign—mailing lists get run all around the country so everybody gets your mailing—whatever the case may be, the costs of spreading the base under the system are rising. So I said to the degree that somebody else can help in the collection process, all of us benefit. In other words, more money goes into the message than goes into the fundraiser.

Those are two things that came quickly to mind, but then they got to the heart of the problem as I am trying to get out of the door because I have got to get in the car and go through the blizzard and get in the airplane and fly to the next town where it is going to be 30 below. They said, "But, Senator, can you deny that if we had public financing of elections, we would not level this playing field among all of these Senators and all of these Congressmen, and so forth? Isn't it a reality that if we would limit these expenditures, have public financing of the system, that everybody would be sort of equal?" And I said, "You are absolutely right, absolutely right." I said, "You would not be able to tell—it would be so level, it would be so even, you would not be able to tell whether your Senator was one of those Senators who comes here for an hour and a half on ground water this week, comes back on rural development next week, comes back to save your rural hospital next month, worked on long-term care last week or whether your Senator is one of those guys who comes every 5½ years, picks up a check from the Government and sells you his so-called accomplishments in 30-second televison commercials."

And with that, I had to leave, but the message clearly is that if you want to homogenize this system there are ways to do it. If you want to distinguish between the committed public servant, who is responsive to a constituency because he needs that constituency for more than a vote, you can do it. You can use tax-paid financing, you can have everybody check off somebody else's dollar on the tax form and then every 5½ years we will go around and we will pick up our check just like they do every 4 years in these Presidential races, go and pick up a check and go out there and use television or some other media to try to sell themselves.

Now that I have made some reference to the Presidential race and public financing—and I did not want to deal a lot today on the issue of public financing, but I spoke earlier about my experience putting the Minnesota public financing together, and I think I was on that commission as I indicated from its inception in 1974 until I resigned in the latter part of 1977 or 1978, but I indicated to my colleagues in my previous comments that I had as vice chair of that bipartisan committee lived through all of the growth of public financing in Minnesota and through Buckley versus Valeo and so forth, and one of the things that always sort of astounded me in the level playing field business is that practically anybody can get into the game and that I suppose it is some advantage, people would consider that an advantage that anybody can get in and anybody can get some notoriety and they they can go off and use that notoriety for whatever purpose. But there is a lot, in proportion to the dollars that are being spent on campaigns, of public or taxpayer money going into financing the activities of people who in this year at least seem to have other resources to commit.

Bruce Babbitt, as of February 10, 1988, has picked up a check from the taxpayers for $870,133.58, and that will contribute to Bruce's education and to our education, and he is now back in Arizona.

Pete du Pont, who I think is back in Delaware, picked up a much larger check. It seems kind of incongruous writing out a tax check to a Du Pont, but we did: $2,300,502.23, written to a Du Pont for a campaign that I think got him 3 or 4 percent of the vote, at the most. Obviously, Pete du Pont, I think, would have been a candidate with or without the matching funds. Whether some of these other people would or would not, I really do not know.

The point of my comment, however, is that there is a lot of money going into campaigns that are not going to result one way or another in the Presidency.

There is another fellow by the name of Fulani. Is there really that kind of person? Someone by the name of Fulani picked up a check for $262,676.23 to run for President of the United States. If I am wrong, I will correct the record.

I have been looking for Harold Stassen on here. I guess Harold did not seek to qualify, although he is a candidate. But Fulani must have, and you all out there made it possible for him to spend $262,676.23 of your money.

Mr. BOSCHWITZ. She.

Mr. DURENBERGER. She.

Dick Gephardt collected over $2 million.

Al Haig, in addition to the speaking fees, and so forth, that he is going to pick up as a result of this candidacy, will also pick up $439,384.65, which should go a long way to keeping his tennis game in good shape.

Gary Hart: Others, I am sure, have commented on this one before, in terms of the incongruity of a person who left the 1984 election in second place with a lot of debt and coming back a couple of times into this campaign and picking up a check for $1,116,881.99, to be precise.

Jack Kemp, $3,908,813.66.

Pat Robertson, $6,596,447.28.

Paul Simon, $1,876,016.71.

A total of $17,370,856.33.

So, that is sort of the national record, if you need a current record of how creative we can be when we go to tax-paid financing of these campaigns.

The issue of public financing or tax-paid financing of a campaign, as I say, is one that I have some experience with—some of it good, some of it not so good. But I do not think that is really the heart of the issue before us with regard to S. 2. The heart of the issue, as I have said a couple of times, is whether or not you are going to improve the operation of this election system or if you are going to improve the quality of the representation we get.

I do not know that any of us can judge what it is going to take to im-

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prove the quality of anything around here. I see people I serve with in this body—I do not think that if I set out to do it, I could assemble a better cross-section of America or a more highly qualified group of men and women than gather each day and each week in this body.

I think the system today works pretty well. In fact, much as I have spent time as a reformist, trying to figure out other ways to do this system, I have never been able to come up with anything.

The attack on the system, however, never ceases, and most of the attack is around money and the influence money has, one way or the other, in election campaigns, and the influence money has in making decisions around this place. Where are you going to put your efforts? Where are you going to put your time? Where are you going to make your commitments in terms of your vote, your efforts in committee, choice of committee assignments?

Mr. President, I remember the first 4 years I was here, and I reminded my colleagues this morning that I never wanted to come to this place.

I did not have the benefit that the Presiding Officer, the Senator from Louisiana [Mr. BREAUX] had of observing the Senate from the House and finding from that perspective something more attractive about this place. I do not know how he feels. I am sure he does. Some have come from the House and said the view is different from reality. I am sure that my colleague from Louisiana thinks it is different. I am sure that if anyone has had the benefit of looking at this place from the House, it looks sort of attractive. I did not have that.

I did not want to be in the U.S. Senate. I got here somewhat by accident. I wanted to be a Governor, and it was not working out, and there happened to be an opening, and folks shoved me into the direction of the opening.

So, I spent a lot of time in the first 4 years I was here responding to the question: "Does the fact that you have to run for reelection have a big impact on how you make your decisions? Isn't the need to spend a lot of money in your campaign a clear factor in how you make your judgments?"

I said: "Well, on the first one, I can answer it right off the bat. On the second one, you will have to wait until after my first reelection and I can talk about it."

I said: "The first one is easy. There are two ways to come into this body. One is figuring that you are going to keep your finger wet all the time and try to know which way the wind is blowing, and the other is to do the best with what you have."

That is the way it works back home. The wind comes from many different directions around this place, so that was not much help.

Most of my colleageus on this side of the aisle have settled down to do their best with what they have. We have parochial interests. I have a Minnesota interest. The Presiding Officer has a Louisiana interest, as I notice in his activities in the Committee on Environment and Public Works. Each of us has that kind of parochial interest. That gets reflected in the committee assignments we take on. That is reflected in the kind of a presentation we get involved in. That is reflected in the kind of financial support that comes to us from a variety of political action or other kinds of committees.

So, I did not have a lot of problems with the notion that, in one way or another, I was not going to be influenced in my decisionmaking by the fact that I had to run for reelection. But people would always point to my races and say that it cost $4 million in Minnesota, $6 million in Minnesota, whatever it is—"You have to go out and raise that money yourself. You're not a millionaire. So, can you in fact tell us if that makes some difference?"

Well, when I got through with the 1984 campaign, in which I ran against a person who financed his own campaign, without even touching his spouse's inherited wealth, I was in a good position to answer the question, because I had to raise $3.4 million to stay in the race, and I had to raise it from poor people.

I can honestly say, as a result of that, yes, having to raise money does influence where you put your time and effort. There is no question about it. Those who are interested in the political system, those who care enough about the political system to get involved in one way or another, as either contributors, potential contributors of information, of education, of pressure, in terms of the mail room—all those who are interested enough to get in the process through the fundraising are the ones you pay attention to.

My mail room clogs up with 15,000 or 30,000 letters a week. I have to pay attention to what is clogging up that mail room. By the same token, if I am not a self-financed politician and I have to go out and raise the means whereby I can take my message to the electorate, I have to pay attention to the sources of potential contributions.

I went to the Rules Committee, I believe, at the end of January 1983, when the Senate was holding one of its very first hearings since Watergate, on the issue of political action committees and their influence on the political process. I think some members of the Rules Committee had experience in the old Watergate Committee. I obviously did not, because I was not around here. I think that probably a lot of them, because of the pressure from those who assumed that money translates into pressure—that the need for it translates into susceptibility—assumed that one of the recommendations that must have come out of the Watergate Committee in the Nixon era was that we get rid of political action committees, that we get rid of the special interests, that we chop down the trees so we can see the forest, that we bring in tax-paid financing, public financing, into this system, to level the playing fields, which these two people from Rochester told me it would do.

Let me read specifically one of the recommendations of the Watergate Committee with regard to election financing. This is called campaign financing recommendations. It begins at page 563 of the final report of the Senate Select Committee of Presidential Campaign Activities. The specific reference to public financing is not very long. It begins on page 572 and goes to page 573. It is their recommendation No. 7 on campaign financing. Remember, this committee is bipartisan, and I think it probably has a predominance of the then-predominant political party, which was not mine.

> The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.
>
> The Select Committee opposes the various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office. While recognizing the basis of support for the concept of public financing and the potential difficulty in adequately funding campaigns in the midst of strict limitations on the form and amount of contributions, the committee takes issue with the contention that public financing affords either an effective or appropriate solution. Thomas Jefferson believed "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."
>
> The committee's opposition is based like Jefferson's upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment. Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns.
>
> The abuses experienced during the 1972 campaign and unearthed by the Select Committee were perpetrated in the absence of any effective regulation of the source, form, or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971, in requiring full public disclosure of contributions, the 1972 campaign still was funded through a sytem of essentially unrestricted, private financing.
>
> What now seems appropriate is not the abandonment of private financing, but rather the reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses of earlier campaigns.

Mr. President, as I remarked earlier in the day, down at the relatively obscure level in the State of Minnesota, I was in the middle of doing precisely that, reforming the system to expand the involvement of voluntary private contributions. Today, I am the beneficiary in my campaign of that effort.

I probably have a base under my campaign that might amount to maybe 150,000 individual contributors. I am not sure of the number. Many of those people are direct contributors, but a very substantial number of those people, maybe as many as half of them, have contributed through political action committees.

The interesting thing to me is that the individual contributions are smaller that come in through the political action committee than are the contributions that come in directly from private givers.

In my campaigns, three now—1978, which was a $1 million campaign against a $2 million millionaire, the 1982 campaign, which was a $4 million campaign against a $7.5 million millionaire, and the campaign in which I am currently engaged—there has been, and I think probably my colleague from Minnesota might bear this out as well, a sort of uniform proportion, about 25 percent of all of the money raised in our Senate campaigns in Minnesota comes in the form of checks collected from employee, professional association members through a political action committee.

While it is true that the contributions of these political action committees are characterized by Common Cause news releases or Ralph Nader news releases as "Durenberger Number 2 in Oil Money," "Durenberger Number 1 in Chemical Money," "Durenberger Number 3 in Dairy Money," the reality is that the contributions reflect the constituencies inside my State.

Just like you, Mr. President, I am sure it is true your contributions reflect the constituencies in the State of Louisiana. It does not mean that some contributions do not come from California or some contributions do not come from Maine, but they reflect the particular interests that dominate the constituencies in your State, as they do in mine.

Agriculture is No. 1. Health is right up there. Chemicals, in the sense of pesticides and insecticides and fertilizers, is a big part of agriculture. It is not my votes on windfall profits taxes, and things like that, which are generally sympathetic to a lot of interests the Presiding Officer may have an interest in. It is because there are other ways in which chemical interests have an association with my State.

So each of us in this particular case finds that in the base under our financing. People who have a strong interest in formulating public policy through a particular constituency, and a servant who can serve that constituency, have an opportunity to make these contributions. But the point, again, is not a dominant factor in my campaign. It is a pretty consistent 25 percent.

It is interesting to me, when you get over into Democratic House races in Minnesota, and I must say, because this is the reality, and this is one of the things that mystifies me about why we are debating on S. 2 which only takes care of the Senate and does not touch the House and which seems to make PAC's out to be a selfish interest, in my State, JIM OBSERSTAR, who represents the Eighth Congressional District, which I do not think has ever elected a Republican, has over 75 percent of his campaign contributions coming from political action committees. BRUCE VENTO represents the Fourth Congressional District and has for a long time. Before that, it was represented by Gene McCarthy who spent a long time in this body. I think the last time that district elected a Republican was probably a fellow by the name of Ed Devitt, I remember this, in the 1947–48 Congress.

BRUCE VENTO has nearly 80 percent of his campaign contributions coming from political action committees. I could go through some of the other Members of the House as well. I might as well. It has been handed to me.

This is from today's Federal Page. While we were busy down here talking and submitting ourselves to humilities, the Post was doing a story called, "They 'PAC' a Wallop," PAC P-A-C. It appears on page A23 of the Washington Post, Wednesday, February 24, 1988, right above the wonderful picture of Will Ball taken many years ago, I think.

In the little box entitled, "They PAC a Wallop," it indicates the amount of money going to House Members up for reelection has jumped 44 percent, and it shows here, for the purpose of these comments, the percentage of money that is coming from political action committees.

TONY COELHO, a famous name in Democratic fundraising circles, 51 percent of the contributions to his campagin come from political action committees. BYRON L. DORGAN, a famous name in my neighboring State of North Dakota, a Congressman who represents the whole of the State of North Dakota, a Congressman who, unlike the Presiding Officer, chose not to come to the U.S. Senate because of the way he was barred by fellow Democrats. He represents the whole of the State of North Dakota. He gets 68 percent. Again, another Democrat, 68 percent of his money comes from political action committees.

BERYL ANTHONY, JR., who I think replaced TONY COELHO as the Democratic leader of the campaign committee on the House side, represents the State of Arkansas. I guess my picture of the State of Arkansas is not full of selfish interests, special interests, big oil wells, and lord knows all the rest of that sort of thing. I guess if anybody had a broad base support in the campaign, it would be the Congressman from the State of Arkansas. Not so. BERYL ANTHONY has already received $207,187 from political action committees, or 74 percent of his contributions come from political action committees.

I could go on through the list. I see BILL GRAY here, the chairman of the Budget Committee, from Pennsylvania, 79 percent of his contributions come from political action committees. I do not know, but all I have heard about BILL GRAY, and what I know of him personally, is that he is a man of the highest stature, a very capable person, a person who you would not, because of the fact he has taken on something as impossible as the budget, think could be accused of being a tool of the special interest. Here he is, 79 percent of his contributions from political action committees.

That is only to say that I think it is, one, difficult to come to judgment on the process by coming to judgment on either the amount of money or the source of money that goes into campaigns.

Second, you are not going to change BILL GRAY, you are not going to change JIM OBERSTAR or BRUCE VENTO. You are not going to change this Senator, or anybody else that I know in this body, by adopting S. 2, by eliminating this so-called special interest and substituting for it the biennial or every-sixth-year trip to the Treasury to pick up a check from the taxpayers in order to finance these elections.

Mr. President, I use this occasion not to accuse the authors of S. 2 of some particular selfish interest of their own. I do not think that is true. As I said earlier, whatever characterizations of Common Cause, or some of the other supporters of this bill, that I may have heard on this floor do not apply to the members of that organization in my State.

I think that we have more common cause in what we are doing here than meets the eye, but our frustrations ought to be taken out on some part of the system, other than the financing of elections.

The bottom line in a lot of this is whether or not campaigns really need to be reformed, and the test of whether or not we ought to reform the system, I suppose, at least in an election sense, is whether or not Senate races are competitive or is this an establishment from which the incumbents cannot ever be ousted.

I guess it was my impression that at one time in the history of this body, probably back in the pre-Watergate era, back in the 1960's, the 1950's, the

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1940's, that once you arrived here, you stayed forever.

I currently enjoy going to, as I did this morning, the weekly Senate prayer breakfast where a number of our colleagues get together and are often joined by some of our former colleagues. It was a pleasure, once again, this morning to hear our former colleague from West Virginia, Jennings Randolph, tell us about his very first Democratic Convention, which was in Baltimore, in 1916 when he went with his father, who was a delegate to that convention which eventually chose Woodrow Wilson, over Champ Clark, to be the Democratic nominee for President, eventually the President of the United States. So it is my impression that once Jennings Randolph, and I believe he told us he came here with Roosevelt in 1933, got here, he stayed here. That is the way it has always been in this place.

I guess the realities, as we know very well, are quite different. This Senate has changed hands twice in 6 years and, it seems to me, as I have watched this process at work, the incumbents are getting knocked off right and left. I look at the little blue license ID tag in the window of my car every morning, because I have to take it off my visor so it does not kill me, which my colleague from Colorado advised I do, and put it on my dashboard so I can get through the flower pots out here, and it says S. 45. I am amazed at how far I have come in a short period of time, and I think that is because the elections for the Senate are clearly competitive. There is no evidence that I can find that the system is broken.

As I stand for reelection for only the second time, 55 out of the Senate's 100 Members have less seniority than I. In January 1989, depending on how things go, I may be in the top one-third in this body. At least 16 of the Members below me got to the Senate by beating sitting incumbents. So I ask, how level does the playing field have to get?

I would conclude my remarks with a few observations on what I think we ought to be doing.

If we are going to do some reform to the system this year, next year, or whatever, I have a couple of thoughts as to what we ought to be doing.

I do not think first of all we should change the campaign rules in this country, particularly for a body like the U.S. Senate, by a party line vote. You sure do not do it when that party line vote is as close as we currently have.

The first thing I would do would be to convene a bipartisan commission to study campaign reforms, just like we did in Minnesota back in the 1970's. I would find a consensus approach and a consensus solution to this problem.

The second thing is I feel equally about the House and the Senate. I have just gone through some examples of what is going on on the House side. If it is sauce for the goose here, it has to be sauce for the gander over there. I do not have to agree with that theory. Well, I agree with the theory that what is sauce for the goose is sauce for the gander, but not the theory that there is anything wrong with the sauce. Anyway, if we are going to do it on the Senate side, why not on the House side?

The third thing is to adjust the contribution limits for inflation.

The fourth thing is to try to get rid of the millionaire's loophole.

The fifth thing I would do is encourage more voter turnout participation. Rather than just spending taxpayer money on the Liz Fulani, Alexander Haig, and Pete duPont, I would be spending it on other people coming into this process, so that more people like Minnesota could be voting 75 or 80 percent of their electorate.

Finally, and I have said this many times before, the main reform that needs to take place in this system is with regard to the participation of political parties. Until we change the contribution limits so that political parties can participate in elections, you are not going to get anything other than 100 of certain Members in the Senate and nothing more than a great deal of difficulty in making decisions in this place.

Probably, the ultimate reform is the notion that in a $6-million campaign only $300,000 can come from the Republican Party, not making me in any way beholden to the Republican Party.

I think that is unfortunate. I think that is unfortunate for all of us. It lends an air of lack of will, a lack of discipline in this place, and of the areas where we want to go to make some changes in this system in addition to the ones I have already mentioned I would recommend that as such an area.

Mr. DURENBERGER. Mr. President, while I think of it, having been here since early this morning, I express my appreciation to all Members of the majority who willingly or not, or cosponsors or not, have to sit in the Chair up there and listen to all of us so-called experts during the course of the debate. We are certainly grateful to them as well.

Mr. KERRY. Mr. President, I was interested in the comments of the distinguished Senator from Minnesota. I believe he has made some good suggestions which I am sure the majority sponsors would want to entertain in some real discussions, whether adjustment for inflation or other reforms which he has suggested.

But I was also struck by his listing of the candidates who accepted this money and without motives, et cetera. I wondered how he would respond to the fact that the minority leader, Senator Dole of Kansas, is running for President and remains adamantly opposed to this bill. He talks about the evils of accepting public money. He says that is a terrible concept. And yet he sent a letter to the Federal Election Commission asking for Federal funds. He is currently running for President using the very system that he abhors. I wonder if he does not find a level of hypocrisy or talking out of both sides of the mouth in that particular approach.

Mr. DURENBERGER. No. I do not find hypocrisy in that at all. If I were Bob Dole or in a Bob Dole situation I would not want to say I will be a big hero, I will sacrifice my running for President on the grounds of consistency. That is one of the problems of running for President. You have to live with the current rules. As long as Pete du Pont will get $3 million and Pat Robertson will get $6.9 million, I think it is all right for Bob Dole to say, "Even though I do not agree with public financing, I will go along with this." I do not find that particularly inconsistent.

Maybe there will be a day and an opportunity when he will be President to say we ought to change the way we do public financing of the Presidential elections.

Mr. KERRY. One other question, if I might ask my colleague, if he will yield further.

Mr. DURENBERGER. Yes.

Mr. KERRY. I listened also to his assertion that most of the money that comes to each of us as candidates comes to us as a representation of the constituencies we represent. If it is Senator Durenberger with oil or Senator Durenberger with Medicare or whatever, I want to ask my colleague if he truly believes that a Senator who comes from a State which has nothing to do with communications but finds himself on the Commerce Committee, or a Senator who comes from a State in the Southeast has no particular interest in the committee which he or she is on, does the Senator really want to say that this system does not find an enormous gravitation of particular interests within committees directing money towards Senators on those committees?

Mr. DURENBERGER. I will be glad to respond to that.

Mr. President, first I ask unanimous consent that my statement before the Rules Committee on January 26, 1983, pertaining to this matter, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Testimony by Senator David Durenberger Before the Senate Rules Committee Concerning Federal Election Finance Laws, Wednesday, January 26, 1983

I appreciate the oppportunity to come before the Committee this afternoon. And I want to congratulate the Chairman for having the foresight to begin this Congress by looking back at some of the lessons we learned in the 1982 campaign.

We are all elected officials, and we have all had personal experience with the workings of today's campaign finance laws. My experience is simply more unique than most.

In both my 1978 and 1982 campaigns, I faced political opponents with immense personal resources, and a willingness to invest those resources in the pursuit of public office. In 1978, my opponent spent $2.1 million, the great majority of those funds from his own resources. In contrast, my campaign raised and spent $1.09 million.

The numbers from my 1982 race are simply overwhelming. My opponent Mark Dayton, spent in excess of $7.1 million. All but a few hundred thousand dollars of that war chest came from his own personal fortune. When the final FEC Report is released next week, it will show that between 1978 and 1982, my campaign raised a total of $4,147,547.00. Of that total, $2.8 million came from 34,200 individual contributors who gave an average of $90.00 apiece. $1,068,467.00—25 percent—came from 688 political action committees, and $275,000.00 came from party funds.

These figures make the Durenberger-Dayton campaign the most expensive in American political history—something of which I am not proud. But the figures also demonstrate that there is something very right about the current system of campaign financing.

That system, with its emphasis on individual participation, enabled an individual with no appreciable personal resources to compete successfully against these immense sums of personal wealth.

It provided voters with detailed information on where each candidate raised his money, so voters could make their own judgment on the candidate's support and independence.

With its limits on individual and PAC giving, it provided an incentive for tens of thousands of individuals to become stakeholders in the campaign—a terribly positive development in an era when the need for citizen participation in government has become so apparent. Yet at the same time, it limited the degree of participation to prevent any one individual from gaining a financial influence over any candidate.

For all their magnitude, the fact that I am before you today is solid evidence that the weight of these dollars did not decide the election. Nor did they discourage voter participation, as a near record 62 percent of the voters came to the polls—the highest turnout in the nation.

I am not suggesting that today's system is a perfect system. I believe strongly that campaign reporting laws need to be strengthened, so they can be more accurate in reflecting indirect expenditures that benefit a candidate, and more timely in their report of last minute expenditures that can so easily change the character of a campaign. History has proven the wisdom of the tight limits placed on PAC and individual contributions, and those limits should be retained. We need to broaden the concept of limitation to include both the length of campaigns and the total amount a campaign can spend. And we must find a constitutionally acceptable mechanism to insure a level playing field by making these limits applicable to all candidates, whether they finance their campaign through contributions or a combination of contributions and personal wealth.

I am certain that other witnesses will outline other areas where present laws can be refined. But as the Committee considers these proposals, it is essential to keep in mind that we are dealing with a system that has proven in practice to be fundamentally sound. We should adopt change for the sake of improvement, but not change for the sake of change. Many of the more strident charges levied at our system of election finance are more rhetoric than reality. And I think that is particularly true in the area of political action committees.

Although my campaign was well below the national average in the percent of its funds raised from political action committees, I suspect that the final FEC Report will place it first or second in the all-time list of PAC recipients in absolute dollars received. And in my case, I can assure the Committee that the 24 percent of my funds that came from PACs—like the 75 percent that came from individual donors—played a critical role in opening the political process by enabling me to compete on a fair basis against the immense resources of my opponent.

I do not buy the argument that the influence of a Senator can be purchased with either PAC or individual contributions. The existing contribution limits preclude that possibility. In my campaign, the 688 PACs contributed an average of $1,553.00 each—in a $4.1 million campaign. In other words, the average PAC contribution amounted to 3/100 of 1 percent of my total campaign expenditure; even the largest PAC contribution was no more than 2/10 of 1 percent of my campaign funds. Under no circumstances could these legally limited contributions be deemed significant enough to make any Senator "beholden" to the contributor, or for that matter, any more thankful to the PAC than to any of the 34,200 individual contributors who also supported the campaign.

Nor do I believe there is a qualitative difference between PAC contributions and individual donations. PAC funds come from individuals, large numbers of individuals who contribute to their political action committees. I do not understand why a $1,500 contribution from the Acme PAC can be deemed pernicious, while a contribution of equal size from the President of Acme or several of its stock holders is not.

I am no more impressed by the argument that the proliferation in the number of PACs establishes a need for reform. Actually, it suggests precisely the opposite conclusion. The increase in the number of political action committees reflects a general increase in the interest and involvement of millions of Americans in their system of government. That increase is itself a function of a better educated public, and better systems of mass communications. It would have asserted itself in one form or another even if there were no PACs.

Furthermore, a system in which elected representatives are being supported by a diverse, pluralistic collection of 3500 political action committees is far superior to the system it replaced—in which a small handful of "fat cats" with access to Washington Lobbyists had a corner on access to the legislative process. The period from 1976 to 1982 has been an era of participation, an era in which the base of the political process has broadened considerably. The law creating political action committees did not cause this change. It came about because the people of this nation were tired of a system of government dominated by a few centers of power. They demanded a more open system, and the political action committee provided a working mechanism through which they could open up that system and broaden its base.

It is a serious mistake to suggest that political action committees act as one monolithic group. Their positions are as diverse as the citizen interests they represent. My own campaign received financial support from sources as different as corporate political action committees and social action PACs, such as "KIDPAC." Even within the corporate world, political action committees reflect the same diversity of opinion that characterizes their corporate sponsors—large and small business, banking and thrift institutions, trucks, railroads, barges, and airlines.

The truth, Mr. Chairman, is that political action committees have had a positive impact on the political process in their own way. Through their own organizing efforts, tens of thousands of American citizens have become active, contributing stakeholders in the political process for the first time in their lives. These contributions open the door to individual contributions of time and financial resources in the future. Candidates seeking PAC funds have been forced to go outside the traditional Washington "money community" and explain their views to a broader cross section of their constituents.

Several times during my campaign I visited associations at the invitation of a political action committee. What I usually found was a room filled with working people who wanted to know why the money they had collected through their political action committee should go to me instead of my opponent.

For their small individual contributions, these people had the opportunity to ask their United States Senator how he felt about social security, what he would do to put more people back to work, how he would end the arms race.

What they saw was a United States Senator asking men and women for their votes, and in return being asked to consider their views. In other words, it was a Senator taking his record to the people and asking to be judged on that record.

We have all heard the charges that "out-of-State" political action committees divert the loyalty of elected officials from the best interest of the people they represent. But in practice, Mr. Chairman, the interests of the people in our States are mirrored in the pattern of contributions we receive, as they are in all other forms of political support we generate.

It is certainly true that Senators often receive a large aggregate of contributions from PACs and individuals in given trade or issue areas. But if you look closely at the breakdown of those contributions, I suggest you will find that they reflect the interests of the States those Senators represent. My own campaign is a case in point.

I am not ashamed to tell this Committee that 11 percent of my political action contributions came from agriculture. However the members of this committee might feel about dairy issues, price supports and agricultural trade, these issues are critical to a very large

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share of my constituents. They are Minnesota interests I am proud to represent. And the large share of my financial support that came from agriculture is a direct reflection of the needs and concerns of my State.

Another significant percentage of my funds came from basic industrial, such as steel and rail. Steel is one of the largest employers in my State, and I am equally proud of the efforts I have made to help that industry create jobs for tens of thousands of unemployed Minnesota steel workers. The high percentage of contributions that I received from that industry reflect the high stake Minnesota has in its future. I could go on, but I think the point is clear. The concentration of PAC support for candidates within certain trade and business groups is a function of the same forces that influence all other forms of political support, financial and nonfinancial. They follow and reflect the interests of the candidate's constituency. They do not clash with those interests.

It is also essential to bear in mind that a significant percentage of the Nation's political action committees are association PACs—groups like the realtors and the automobile dealers. They provide an avenue of political involvement for millions of small firms and individual proprietors in States like yours and mine. The dollars contributed by association members in my State help build these funds. And the opinions expressed by my constituents play a decisive role in determining whether these associations will support my candidacy or the candidacy of anyone choosing to run against me. Their voice is Minnesota's voice, and their judgment is the judgment of my constituents.

Yes, Mr. Chairman, these contributions are a way for people to influence the political process—in the same way as organization endorsements, volunteer help, and 35,000 letters on interest and dividend withholding influence the process. And by giving the American people more effective ways to become stakeholders in the political process, these mechanisms have strengthened the process itself. We have now discovered that there are more than two sides to an issue, that there are more possible answers and that people care about what we do and how we do it. They understand that they have a right to influence our thinking, and that an election is a test of our listening ability.

Where the political system has failed, it has failed because those of us elected to serve in that system have failed to demonstrate consistent leadership. Let us not blame those failures on political action committees or the people who comprise them. Instead let us work together with those people to bring more Americans into the political process and strengthen our government from within.

Thank you, Mr. Chairman.

Mr. DURENBERGER. Nobody goes to the committee by accident. You might get to certain third-level committees in this place by accident, but your first and second committee choices are usually your choices. I know on your side it will be very hard to get to those committees and most of the time, depending on what side or the other you may have been of the majority or minority leaders, you will get those. On our side, the first come, first get here, first choice in the selection in the system.

You naturally gravitate in the first instance to the committee whose jurisdiction represents either your personal strong interest or your constituency. I had the opportunity to go to the Finance Committee because I have a strong interest, both constituent and personal, in issues like health policy as reflected in the Social Security Act, Medicare and Medicaid, and a broad range of tax policies cause me to want to go to the Finance Committee or something else. After that, of course, comes the opportunity to interface with a variety of legislation. I would imagine that there are a lot of people who have interests before that committee whose interest in policy may also be reflected in their contributions. You cannot deny there is a relativity there. But it is also personal to you on your committee and it is personal in my interests and in the interests of my constituents as well.

Mr. KERRY. If the Senator will yield further for a question, I wonder if the Senator is not really answering my question exactly in the affirmative as I posed it. The Senator is saying there is a direct relationship between the committee, and maybe you get there because it is your interest and maybe you get there because you are adequately reflecting that that is the interest of your constituents. But I think the Senator is acknowledging that that is where the particular money of that interest gravitates. That is precisely the point we are making, that there is a direct relationship between the money on the committee and the Senator on a committee.

If the Senator is on the Finance Committee, it is rare that the maritime industry is knocking on the door, unless there is a maritime industry tax issue in front of it. I think the Senator is underscoring the linkage between money and donations, which is precisely what this legislation is trying to get at. Would the Senator not agree that that linkage is there?

Mr. DURENBERGER. I do not agree that it is there at all. What do you think this place is about? If, in fact, you want to insulate the constituency from participating in this process, then as I said in my remarks this morning, let us let 100 people get here by way of the House of Lords routine, which would knight us into this job or give it to us by inheritance and we can all choose to do the things we want to do, rather than what the people of this country think need to be done.

I would certainly expect that the Finance Committee, with what Bob Dole has characterized as the Gucci lobby outside the room in the Dirksen Building, attracts a rather strong interest, from strong special interests all over the country.

But by the same token, the fact that the most any of these people can contribute to my campaign or Bob Dole's campaign is $1,000 per person or $5,000 per election hardly dictates the decision that you are going to make in changing the Tax Code in favor of an entire industry one way or the other. You also learn, at least I have learned from experience on that committee, as some of my other colleagues have, that for every friend you make you make 10 ingrates because you did not solve their particular problem at that time and those people are off either sitting on their money as may often be the case, or sitting on their interest in your election. There is no way to deny the fact that there ought to be a relativily between what we do here and the willingness of people to make contributions.

Earlier today I commented on the experience of running against a self-financed campaign. Very few people in this room have had this experience. Somebody says, "I am going to get your seat no matter what it costs," and you know he does not have to spend time in fundraising.

But what he does, while you are in there talking to your special interests, whether they may be maritime or fisheries or Route 128 high-technology companies, or whatever your interests may be, and you are at Raytheon or someplace like that talking to their employees, this fellow who runs against you, is driving by on the highway out there signaling to you, caring less what they may think. Even though they are a strong constituent interest, he is not dependent on them in any particular direct sense. I cannot deny that relationship at all. I think it is healthy for the Republic, and the fact that perhaps as a result of Watergate we have put limitations on the dollar amount of that interest in effect taking away the concern that the Senator may express his question for the undue influence of one of these interests over the other.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

Mr. President, I thank my distinguished colleague from Colorado, Senator Armstrong, for deferring his remarks to enable me to make a few additional comments beyond the ones which I had made earlier this morning.

Mr. President, about 8 o'clock this morning when my turn came to speak on the pending bill, I made some comments about the propriety of the procedures used last night in the issuance of the arrest warrants.

Since this morning I have had an opportunity to study the matter in some additional detail, although not with finality, and inquired into some of the underlying facts, although again not in any conclusive fashion.

Mr. President, I pointed out this morning that there is no authority directly for the issuance of a warrant of arrest to compel the attendance of a Senator; that the Constitution has a provision about compelling attendance. It refers to such rules as the Senate may make. But there is no rule which authorizes a warrant of arrest.

There is some precedent, which I cited this morning, at page 1174 of the Book on Senate Procedures, which refers to an incident, according to the text here, of the last order adopted by the Senate to arrest the absent Senators occurring on November 14, 1942. This book was published in 1981.

There may have been other arrests. I heard about one in 1960, but I am not sure. In any event, the reference here is to the last arrest in 1942, and it refers to the proceedings authorized by the Vice President of the United States, and the last part of this Senate procedure quotes:

> The report having been made as to the absent Senators who were out of town and those who were in Washington, the majority leader, Mr. Barkley, made another motion which was agreed to authorizing and directing the Vice Presidsent to issue warrants of arrest for the absent Senators in Washington.

The authority of the Vice President is therefore spelled out on that instance.

That may or may not be compelling authority but it is limited on its face to what the Vice President had done. Rule 1, paragraph 3, provides that:

> The President pro tempore shall have the right to name, in open Senate or, if absent, in writing, a Senator to perform the duties of the Chair including the signing of duly enrolled bills and joint resolutions.

Now, here again it is not conclusive about the authority of the President pro tempore to act on a warrant of arrest, but to the extent that the authority exists beyond the Vice President—and there is a question as to whether even the Vice President has the authority—to the extent that it exists, it goes to the President pro tempore, and the rule is specific in terms of setting forth authority for others.

When Senator Packwood was taken into custody early this morning, in what was an extraordinary event in the history of the Senate. Senator Packwood was accosted in his chambers when the Sergeant at Arms and representatives of the Sergeant at Arms entered Senator Packwood's chamber by use of a key, forcefully took him into custody and brought him with physical force to the Senate floor. Senator Packwood directly told me this early this morning. Senator Packwood thought that he had rights of privacy there. He had the deadbolt on. The key was inserted. The key was turned. The Sergeant at Arms and or representatives entered forcefully. Senator Packwood reinjured his broken finger and shortly after midnight, earlier this morning said to me and others that he expected to get hospitalization for that injury. The fundamental question arises as to what authority there was for this extraordinary use of force and invasion of the chambers of a sitting U.S. Senator.

I have before me a photostated copy of the document signed by Senator Brock Adams which recites that the undersigned Presiding Officer of the Senate "by virtue of the power vested in me hereby command you, in pursuance of the order of the Senate, this day made, to forthwith arrest and take into custody and bring to the bar of the Senate Bob Packwood who is absent without leave, to wit:" And there is a blank for insertion of information.

As I said today, Mr. President, there are quite a number of reasons why this document is invalid on its face. It refers on the front side to a warrant. It refers on the reverse side to a subpoena, and a subpoena is very different from a warrant. A subpoena commands a person to appear at a time and place certain, whereas a warrant authorizes the holder to take physical custody of the person on whom the warrant is served. There is no insertions made on the "to wit" clause. These are all important considerations.

But the most fundamental one, Mr. President, is the appearance that Senator Adams, the Presiding Officer, had no power vested in him to sign this document.

I had an opportunity to talk briefly with Senator Adams this morning, and he said to me that he knew of no writing which authorized him to perform the duties of the President pro tempore. He said that there had been prior occasions when he had been authorized in writing earlier in the session, but he knew of nothing which contained an authorization for him to do so yesterday. And it appears—this is subject to further confirmation and I do not state this with assurance because we have yet to check out all the facts] but on the statement of Senator Adams there is a strong presumption that there was not the kind of authority required by rule 1, paragraph 3. So that when Senator Packwood was taken into custody, it was done in flat derogation of the rule, and that Senator Adams as the Presiding Officer did not have the authority to issue this warrant of arrest.

Mr. President, the issue here is more than mere technicality, because a fundamental rule on the issue of warrants has always been the intervention of the detached, objective magistrate, who takes a look at the facts presented to him by the applicant from a warrant and then makes that kind of detached, impartial determination. You have here the activities of the majority leader yesterday. The assistant Republican leader on the floor this morning shortly after 3 a.m. spoke of tyranny. I am not sure whether it was the tyranny of the majority or the tyranny of the majority leader. But you have this application, the majority leader's request for warrants of arrest. You have the matter presented to the Presiding Officer, who realistically sits there on a rotation established by the majority leader, and you do not have the detached magistrate, detached official, the Vice President or the President pro tempore of the Senate. Those offices have a separate and distinct function from that of the majority leader, and where the Vice President has authorized the warrant of arrest on the one precedent cited in 1942, there is a high-ranking public official of the United States of America who brings a different perspective from someone who is an advocate on the floor of the U.S. Senate and where you have the President pro tempore, in this case the distinguished Senator from Mississippi, who has been in this body for more than 40 years, you have an independent authority with a different perspective than the majority leader. They may agree but not necessarily. Magistrates may agree with police officers on issuing arrest warrants but not necessarily, so this is more than a matter of hypertechnicality. It is a matter which goes to the essence of the detached view.

Mr. President, I spoke at some length this morning, and I shall not repeat the arguments which I made, on what seems to this Senator to be the extraordinary and unseemly conduct which occurred last night on the issuance of warrants of arrest presumably for 45 Republican Senators. I do not know, I had not seen one which names me, but I presume that all those who were absent were treated equally, if unfairly. Senator Packwood, if he ever has occasion to apply for another job—I do not suppose he will, his position is so assured here, but if he ever should and faced the question, "Were you ever arrested?", he might face some rather embarrassing moments; it is never easy to explain, even if you are a U.S. Senator, why you were subject to an arrest warrant.

I spoke this morning about the constitutional rights which have been enforced in this country and hundreds of thousands of guilty felons freed since the famous Weeks case, United States versus Weeks in 1916 where defendants are conclusively guilty as a result of evidence obtained, not obtained legally, and the guilty were set free, and as later applied in the case of Mapp versus Ohio, in 1961, hundreds, thousands, probably tens of thousands of men and women who were conclusively guilty on the basis of evidence presented were set free because of the failure to observe constitutional rights. I recited some cases that I knew about personally as district attorney of Philadelphia—in one case a man accused of murdering a taxi driver, where there was a confession and tangible evidence from the defendant's apartment, was set free, exonerated because his constitutional rights were not observed.

When I spoke this morning shortly after 8 o'clock I had not had occasion to read the mroning press, but a lead story in the Washington Post today relates to the confession excluded in a hijack case. Overwhelming international importance on the hijacking led to a warrant of arrest being issued by the U.S. Government under extraterritorial jurisdiction, and in a Federal court yesterday Fawaz Yunis had a confession thrown out of court because his constitutional rights were not observed.

The judge in that case said that it was not sufficient that there was a national security interest, it was not sufficient that there was the interest of a fight against terrorism, that the constitutional rights had to be observed. What egregious conduct was Senator PACKWOOD more guilty of than Fawaz Yunis? Senator PACKWOOD was exercising his right as a Senator, perhaps even his right as a citizen, by being in his chambers, which were unceremoniously broken into in the way that I have already described.

Mr. President, I believe that these matters are matters of enormous importance that I hope the Senate will address and that I hope the majority leader will address yet today. We are proceeding here on S. 2, which is legislation that has enormous areas of disagreement on the question of soft money, the question of the propriety and wisdom of public financing. There exists agreement by many Senators on this side of the aisle to eliminate totally PAC contributions, since there may be a public perception on PAC contributions, but that bill is fraught with controversy. Beyond the issue of controversy itself, there is the very important fundamental rule, unchallenged in this body, that when 41 U.S. Senators decide that a matter will not come to the floor for debate, that is that. It used to require 67 Senators to impose cloture, but this body decided over the years, for good and sufficient, reason, that if 41 Senators say "No vote" on the substance, then have no vote shall occur on the substance. This is a protection of minority rights. We know that for seven cloture votes, said to be a record in the U.S. Senate, not 41 but 45 United States Senators have said S. 2 cannot come to the floor because there are some matters so fundamental that the U.S. Senate has decided in its institutional wisdom, which is considerable, certainly more than the wisdom of those of us who are here today, and certainly much more than those of us who were here last night, that a majority of 51 Senators, or a majority of 55 Senators, cannot carry the day if at least 41 Senators say debate will not stop, cloture will not be imposed. In the face of that, Mr. President, we had an extraordinary, really historical event last night. It was plain that those who had been appointed, four Senators by the Republican leader, four Senators by the Democratic leader, could not come to an agreement.

I had a talk on the floor of the Senate yesterday afternoon with Senator BOREN and personally heard it from him. So then what was the purpose in scheduling an evening session? What was the purpose of scheduling an all-night session? Mr. President, I raise these in the form of questions because there is passion on the Senate floor today. There was passion in the service of the warrant of arrest last night and it may be that tempers ought to cool before we answer these questions, but there are very important questions for the future operation of the United States Senate and the future operations of the U.S. Government.

Was it harassment to bring in 90-some Senators—I will not say 90-odd Senators, but 90-some Senators to respond on a question which was irrelevant, which was nonbusiness?

Was there any doubt at all that 45 Senators stood firm, at least more than 41 Senators, and that cloture was not going to be imposed? Was it a form of harassment? Did it have any purpose?

Republican Senators decided last night that we would absent ourselves from the Chamber because then there would not be a quorum, and Senate business could not be conducted because, in fact, there was no Senate business to be conducted. What we were engaged in was non-buisiness. There are other characterizations in front of "business" which would be less complimentary that I might use. But there was no business to be conducted, because it was plain that there was no compromise in the offing.

It was plain that 41-plus Senators had decided that the matter would not come to a vote. Never mind the underlying merits, which I think were substantial, on soft money and financing and the rest of it. That had been decided. So Republican Senators decided to absent themselves from the Chamber because of a proceeding they considered to be demeaning personally and demeaning to the U.S. Senate.

Then what was the response? The response was the issuance of warrants of arrest which have all the appearances and presumptions of being illegal, unlawful, null and void, and really constituting a false arrest of a U.S. Senator, taken from his chambers and sustaining some physical injury to a broken finger, and being removed bodily to the floor of the U.S. Senate.

Mr. BUMPERS. Mr. President, will the Senator yield for a question?

Mr. SPECTER. I will, in just a minute.

Mr. President, I now come to the most important issue—and I will be glad to yield to my distinguished colleague from Arkansas—involved here, and that is the issue of comity and courtesy, without which the Senate cannot function.

The two most frequently used words in this body are "unanimous consent." Without unanimous consent, the United States Senate cannot function. Any 1 Senator, let alone 45, can tie up this body interminably. The Senator adjourns when the last Senator is tired of speaking.

Last night, the majority leader, after he had undertaken the action he chose, asked for unanimous consent to vitiate the yeas and nays on the pending business on the Executive Calendar.

I am sure that many, like I, were tempted to object. Why? Not for any purpose. It was past 3 a.m. Everybody here was human, I think. Certainly, I was tired.

Then he asked unanimous consent for a number of other items. The temptation to object is strong, and they will reach the point where Senators may object, just to say to the majority leader: "You started it; you finish it. We are here."

It is pretty hard to go to bed at 3:30 a.m., especially if you have to get up shortly after that to make a speech at 8 o'clock.

What is the point? If we are in the midst of it, why continue? Everybody was here all night last night until this morning. Perhaps we will not repeat it tonight, not as a matter of a Senate rule but as a matter of human endurance. We are bordering on the edge of that kind of response in every quarter and in every corner of this body.

Mr. President, it seems to me that, in a sense, the Senate is falling apart. In a sense, the Senate is disintegrating or has disintegrated, because without comity and courtesy the United States Senate simply cannot function, and that is our status today. I believe there are issues which are much more important than S. 2. I believe that campaign finance reform is of utmost importance as a substantive matter for the American people, but the operation and function of the United States Senate is even more important. The United States Government cannot function unless the Senate functions, and the United States Senate cannot

function without comity and courtesy; and the United States Senate cannot function if United States Senators are to be arrested in the middle of the night for no reason whatsoever.

I am glad to yield for a question.

Mr. BUMPERS. Mr. President, let me ask the distinguished Senator from Pennsylvania this question, with this prefacing remark.

One of the most distinguished constitutional scholars we ever had in this body was the distinguished Senator from North Carolina, Senator Ervin. Everybody remembers that Senator Sam was chairman of the Watergate Committee, and he was placed in that position by then majority leader Mansfield because of his knowledge and his reputation as a constitutional scholar.

Senator Ervin used to say that English is the mother tongue, and it means what it says.

So, my question to the distinguished Senator from Pennsylvania is this.

Section 5 of Article I of the Constitution reads as follows:

> Each House shall be the judge of the elections returns and qualifications of its own Members, and a majority of each shall constitute a quorum to do business. But a smaller number may adjourn from day to day, and a smaller number * * *

Those are my words. This is not repeated in the Constitution.

> * * * a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent Senators in such manner and under such penalties as each House may provide.

The Senate has provided in its rules as follows, on page 577 of Senate procedure:

> Motions to proceed to the consideration of an appropriation bill prior to the expiration of two hours in a new legislative day are determined without debate but motions to consider made after that time are debatable.

Mr. SPECTER. The Senator is reading from Senate Procedure?

Mr. BUMPERS. The bottom of page 577 and the top of page 578.

Then, pursuant to that rule, the Senate, under the rules, established a warrant to be signed by the Vice President or the Presiding Officer—a warrant to compel the attendance of absent Senators. Here is what it says. This is directed by the Presiding Officer or the Vice President to the Sergeant at Arms.

"The undersigned Presiding Officer of the Senate.

"By virtue of the power vested in me, I hereby command you, in pursuance of the order of the Senate this day made, to forthwith arrest and take into custody and bring to the bar of the Senate"—blank name of Senator—"who is absent without leave."

Let me just say that if the Senate last night had said, "Go out and arrest absent Senators and cut off their little finger," I think you have a constitutional problem. But when you have every Republican Senator hiding in order to impede the work of the Senate—they may not agree with it, may not like the majority leader, may not like S. 2, may not like staying in all night and may feel that it is all foolish and a waste of time. But that is not the decision of individual Senators to make. They are here pursuant to the Constitution and the Rules of the Senate, and the Supreme Court has ruled over and over again on that point.

If the Senator has read the Adam Clayton Powell case in the House of Representatives, he will find that the Supreme Court has said this is not a constitutional issue, this is not a legal question, this is not a political problem. The House has the right to determine its own rules; and if they want to place the Sergeant at Arms at the door and deny Adam Clayton Powell admission to the House of Representatives, they have that right.

Mr. SPECTER. I think I have the question.

Mr. BUMPERS. Fire away. I started to ask a question, and I was going to ask the Senator how he can make the arguments he just made in the light of the sequence of events.

Mr. SPECTER. I have the question and the speech.

The Supreme Court decision on Adam Clayton Powell involved the seating of Congressman Powell. It did not involve the arrest of Congressman Powell. If the distinguished Senator from Arkansas thinks we have to cut off a little finger to invoke a constitutional right, then I would suggest that he consult beyond Senator Ervin, to hundreds of court decisions on enforcing constitutional rights which involve being brought before a magistrate.

I referred a few moments ago to the case of the terrorist Fawaz Yunis, who was kept in custody for 9 hours, and that was the basis for the Federal court throwing out his conviction. They did not have to engage in torture, they did not have to cut off his left little finger to invoke constitutional rights.

If a suspect in a case is not given detailed Miranda warnings and then exercises detailed waivers, he has a standing in court. You do not have to cut off somebody's left little finger.

Frankly, I am glad the Senator mentioned the little left finger, because that was precisely what was involved with Senator PACKWOOD.

Mr. BUMPERS. I understand that he got an injured finger.

Mr. SPECTER. I wonder if that was intended.

Mr. BUMPERS. The Senator——

Mr. SPECTER. I am in the process of making an answer. Senator PACKWOOD had a broken little left finger. We have all seen the cast he has worn in this Chamber for the last 2 weeks.

During the course of the physical, forcible entry by the Sergeant at Arms last night, Senator PACKWOOD's little left finger was reinjured.

He said to me and a number of other Senators—and not in hiding, by the way, but in the Republican cloakroom, where we have a right to be—that he had to go to the hospital this morning to get his finger repaired.

So, if you have your little left finger involved, then, even by the standards of Senator BUMPERS, I think Senator PACKWOOD qualifies.

Now, as to the business of being in hiding, let me say flat out that I resent that. I was one of the Senators, and I was not in hiding. I was attending to the Senate's business, and I was exercising my rights as a citizen, perhaps even as a Senator.

I was on the floor of the United States Senate most of the evening. I was in the cloakroom of the United States Senate.

I then decided to go home, and I went to my office and I got my coat, and I went to the bottom of the Hart Building garage, and I drove the most direct way to my house. I had to deviate a little to drop off Senator HEINZ.

Then I was at home and available for a telephone call, or available for a request, or available to talk—candidly, not available for an arrest warrant, especially an illegal arrest warrant.

So I was not in hiding. I do not hide.

The last place to hide is in the United States Senate. We are subject to surveillance at all times. If our spouses want to know where we are, all they have to do is turn on cable television and they can see us—see me or us—at all times of the day and night, and check the CONGRESSIONAL RECORD. We are congenitally not in hiding, by virtue of our positions.

I repeat: I resent that.

Now, to the point, because all of what I have said so far is not to the point.

The point of the question was in response to a speech by the distinguished Senator from Arkansas, and I respect his right to make that. He is an avowed friend of mine. I do not think he has to quote Senator Ervin as a constitutional authority. I think Senator BUMPERS is a constitutional authority. He is a first-rate lawyer, a first-rate Governor, and a first-rate Senator.

To the point now, when Senator BUMPERS rose and said, "What do the rules provide," I am glad Senator BUMPERS brought that up because that is where I started earlier this morning.

I started with the rules. I started with article 1, section 5, the same rule that you started with, and that is, the operative language, "each House" and a smaller number of Senators may adjourn from day to day and may be authorized to compel the attendance of

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absent Senators. That says nothing about a warrant of arrest, absolutely nothing. If the framers wanted to talk about warrants, probable cause, et cetera, they knew how to do it because they had done that in other sections of the United States Constitution, and that further provides "under such penalties as each House may provide."

I want to express my apologies to the Senator from Colorado, whose time I have taken here, and I thank him.

Mr. ARMSTRONG. Not in the slightest.

Mr. SPECTER. The United States Senate, which is a reference to each House, has not provided any rules in such manner. When Senator Bumpers quotes page 577, and I will come to that in a minute, that is not a rule, that is a commentary on the rule. There is a big difference between a rule and a commentary on a rule. That is a discussion about a wide variety of things. Simply stated, it is not a rule. A rule is where you set forth a specific statement of principle or policy.

Immediately preceding page 577, there are a lot of rules stated.

On page 572, they start off, "Rule XIV, paragraph so and so." It is not like page 577 which has a discussion or a commentary about rules, practice, and custom. Simply stated, it is not a rule.

But what does the rule provide?

There is another rule, and I quoted it this morning shortly after 8 o'clock. It is rule VI, paragraph 4, and it says:

> Whenever upon such rollcall it shall be ascertained that a quroum is not present, a majority of the Senators may direct the Sergeant at Arms to request, and when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn,

et cetera.

There simply is nothing in the rules about a warrant. Where you come to the commentary, and there is a reference to the issuance of warrants of arrest, that turns on the precedent on page 1174 of the Senate Procedure that I have already refered to, and that is on the authority where the Vice President issued a warrant of arrest in 1942, which was a matter of practice as opposed to any rule.

The distinguished Senator from Arkansas then cited the document in question, but that document, and the citation which the Senator makes, really undercuts the force of this authority.

That document recites that:

> The undersigned Presiding Officer of the Senate, by virtue of power vested in me, hereby commands you to take Bob Packwood into custody.

And it is signed by Brock Adams.

I would return the question to the distinguished Senator from Arkansas. You heard the recitation of the rule that only the President pro tempore may designate someone in writing, or the Senate. You heard my statement where I recounted the conversation that I had with Senator Adams, who is the party signatory here, that he knew of no such writing. I think there is a grave question as to whether even the Vice President can sign a warrant of arrest. I think there is an even graver question as to whether a President pro tempore can sign a warrant of arrest.

I think most gravely there is a question about whether the designee of the President pro tempore can sign a warrant of arrest. There is no question, however, that any Senator, naked of power and authority, has no right to sign a warrant of arrest to bring into custody a fellow Senator from this body, any more than I can sign a warrant of arrest for Sentor Bumpers, Senator Byrd, or any other Senator in this body.

That is what the rule says, and, on the basis of this record, there is no authority for Senator Adams to sign this document.

As reluctant as I am to allow the distinguished Senator from Arkansas to speak, because he is so eloquent and forceful, I will put that question to Senator Bumpers. What authority did Senator Adams have?

Mr. BUMPERS. Mr. President, I am not familiar with the precise rule, except the rule that says the Vice President is the constitutionally designated Presiding Officer of the U.S. Senate. And in his absence, the President pro tempore and, if I am not mistaken, it says, "or his designee."

Mr. SPECTER. If I may interrupt, let me give the Senator the rule specifically.

Mr. BUMPERS. All right.

Mr. SPECTER. I will use the Senator's book, Senate Procedure.

Mr. BUMPERS. Where is that rule?

Mr. SPECTER. Rule I, paragraph 3, genuine bona fide rule, page 657, says the President pro tempore——

Mr. BUMPERS. Is the Senator reading from procedures?

Mr. SPECTER. No. I am not reading from procedure and calling it a rule. I am reading from a rule and calling it a rule.

Mr. BUMPERS. Which page?

Mr. SPECTER. Page 657. Rule I, paragraph 3.

> The President Pro Tempore shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair, including the signing of duly-enrolled bills and joint resolutions.

The including does not delimit from the generalized authority, theretofore stated, to perform the duties of the Chair. On the basis of the evidence that I have, as I have outlined it today, there was no designation by the President pro tempore, Senator Adams. The President pro tempore had designated Senator Proxmire, and Senator Proxmire, according to the information provided to me, had not designated Senator Adams. I recount, again, a conversation I had with Senator Adams who said to me he knew of no such designation. To elaborate, he said he knew of a designation earlier in the session, but none yesterday.

My question is, when you are dealing with the authority to issue warrants of arrest and dealing with an intervening magistrate, different from the majority leader, what authority does Senator Adams have to authorize a body warrant, an arrest of Senator Packwood?

Mr. BUMPERS. Well, Senator, let me answer that question in two or three ways. Number one, the Senator has been here now for 12 years. How long has the Senator been in the U.S. Senate, 8 years, 7 years?

Mr. SPECTER. Yes.

Mr. BUMPERS. And during that 7-year period, has the Senator ever challenged the right of any presiding officer to sit in that Chair?

Mr. SPECTER. No, but that is irrelevant.

Mr. BUMPERS. Well, it is not necessarily irrelevant. The Senator surely understands that we also operate by precedent here and oftentimes——

Mr. SPECTER. Are you talking about custom?

Mr. BUMPERS. Custom.

Mr. SPECTER. That is different than precedent. There is no precedent.

Mr. BUMPERS. If I may just answer the question and proceed. Quite often, when a parliamentary question is raised here, the Parliamentarian and the Presiding Officer confer on it, and that Presiding Officer makes the final decision as to who is right or wrong by parliamentary inquiry.

Now, the Senator, I do not believe, is seriously suggesting that every order that has been issued and, I would say, that probably somewhere between 90 and 98 percent of the hours that have been presided over the Senate since I have been in the Senate have been by people who were not the first designee by the President pro tempore, if the Senator really believes this, if he believes that is the custom and the precedent of the Senate for literally 100 years, if he wants to suddenly challenge that, last night when Senator Adams was presiding and issued the warrants for arrest, it would have been a golden oportunity for the Senator to challenge and make the point he is making right now.

Mr. SPECTER. I am doing it, and very promptly, very timely.

Mr. BUMPERS. The distinguished Senator from Alabama, Senator Shelby, is now the Presiding Officer. He was not the officer designated by the President pro tempore. So why does not the Senator right now challenge his right to sit there and preside over the U.S. Senate?

Mr. SPECTER. Because it is irrelevant and because this debate is too important and because we are making too much headway, in my judgment, on exposing the fallacy, the illegality, and the impropriety of what was done last night. Let me respond really to the substance of what you are saying.

It is not germane, not relevant, not important that Senator Shelby, or others, may sit in that Chair and may parrot the words of the Parliamentarian on rulings of the Chair. Most of us who sit there are conduits for language which is fed to us by somebody else, and none of it is earth shattering. None of it amounts to going into a Senator's chamber and bodily removing him and bringing him with physical force to the floor of the United States Senate.

What authority does it—and I ask this rhetorically and not for an answer because I am not finished with my answer yet—but what authority is there by way of custom for a nonappropriately designated Presiding Officer to issue a warrant of arrest? That is the question. Not whether he has sufficient capacity to parrot the words of the Parliamentarian and speak them into the microphone.

On rule I, paragraph 3, there are two illustrations given which require a formal designation by the President pro tempore. They are the signing of duly-enrolled bills, and I know that of all the times I sat and presided over the course of some 6 years, I never signed a bill—and I doubt that Senator Shelby has—or a joint resolution. I would suggest when you are dealing with something as important as a body warrant where you do not even have a Senate rule, where you have the authority by precedent in the Vice President, not even in the President pro tempore, that compliance is necessary.

There are now thousands of cases where murderers, major felons, have been set free with much less compliance with the rules, a flat-out written rule, which says how you get the authority to do something from the President pro tempore.

Mr. BUMPERS. If the Senator would go back to rule I, which you recited a while ago, let us go through that again.

Mr. SPECTER. OK.

Mr. BUMPERS. You read the first two sections of that rule, but I do not believe you read the third section. So let us read it all together so everybody watching—

Mr. SPECTER. Now, which rule are you on?

Mr. BUMPERS. On rule I, Standing Rules of the United States Senate.

Mr. SPECTER. Fine. Proceed.

Mr. BUMPERS. Here it is for the record:

> In the absence of the Vice President, the Senate shall choose a President pro tempore, who shall hold the office and execute the duties thereof during the pleasure of the Senate and until another is elected or his term of office as a Senator expires.

Mr. SPECTER. What page are you on, Senator Bumpers?

Mr. BUMPERS. Well, I have that small Standing Rules of the Senate. It is a small document. It is not the big one. If you have the Senate rules there, just turn to Senate rule I.

Mr. SPECTER. Do you have the citation of the book you used before of Senate procedures?

Mr. BUMPERS. Standing Rules of the Senate and Congressional Budget and Impoundment Control Act of 1974 as Amended.

Mr. SPECTER. Bear with me while I use the index and appendix to find the rules.

Mr. BUMPERS. Does the Senator have the Senate rules?

Mr. SPECTER. I have the Senate procedure. I have not had an assistant handing me documents on the floor, Senator Bumpers.

Mr. BUMPERS. I do not know what to do about this, except to just read to the Senator and hope he will pay careful attention. This is the rule.

Mr. SPECTER. I will try.

Mr. BUMPERS. This is the rule, and I think the Senator will trust me to read it to him exactly as it is printed, section 2:

> In the absence of the Vice President, and pending the election of a President Pro Tempore, the acting President Pro Tempore or the Secretary of the Senate, or in his absence the assistant Secretary, shall perform the duties of the Chair.

Here is paragraph 3:

> The President Pro Tempore shall have the right to name in open Senate or, if absent, in writing, a Senator to perform the duties of the Chair, including the signing of duly enrolled bills and joint resolutions, but such substitution shall not extend beyond an adjournment, except by unanimous consent;

Here is the key phrase:

> And the Senator so named——

That is, the Senator who has been named by the President pro tempore,

> —shall have the right to name in open session, or, if absent, in writing, a Senator to perform the duties of the Chair, but not to extend beyond an adjournment, except by unanimous consent.

So every hour on the hour the Senate has, now for at least 7 years, watched various Senators replace the Presiding Officer. For example, Senator Shelby, who is now presiding, will probably be replaced at 12 noon and the Journal will reflect that his designee is the person who follows him pursuant to section 3 of rule I.

That has been the rule of the Senate, I suppose, for 100 or more years.

Does that answer the Senator's question?

Mr. SPECTER. Absolutely not. Let us start with the beginning.

You started with subsection 2 as if there were some importance to subsection 2 of rule I.

Mr. BUMPERS. No, there is not really much importance to this debate in section 1 or section 2, either one.

Mr. SPECTER. That is what I was about to say. I had read paragraph 3 and I just want those who may be following this on television to understand that when this Senator cited the relevant rule and subsection, it was rule I, paragraph 3. Then when Senator Bumpers got the rule book out and started to go to another rule, subsection 2, I thought there was going to be some relevancy, but there is absolutely not.

Mr. BUMPERS. I am sorry. I had read rule I before you got the copy you hold in your hand. The reason I did not reread it was because it was not relevant to the debate we are having here.

Mr. SPECTER. That is the point I want to make. The governing rule was the one I read initially, rule I, paragraph 3. That is cited on page 67. When we go to the other rules in the other document which has them all together, it has nothing to do with what we are talking about.

Mr. BUMPERS. Let us review the bidding so we are all on the same wavelength.

Mr. SPECTER. Let me go to the specifics of paragraph 3, which is the one with relevancy and the one I put before the body and the television audience, to the extent there is any, at the present time.

When you talked about Senator Shelby taking the Chair—well, let me put a question to the Presiding Officer.

Senator Shelby, did your predecessor say, "I hereby designate you" anything when you took the Chair?

Mr. BUMPERS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. BUMPERS. Will the Senator yield?

Mr. SPECTER. I do not.

The PRESIDING OFFICER. It is not customary during the session to make the designation. The designation is generally done specifically at the beginning of the day when the Senate is opened.

Mr. SPECTER. Let me thank the distinguished Presiding Officer. Let me note for the record for those who did not see the Parliamentarian whisper into the ear of the Presiding Officer the answer which the Presiding Officer just gave, that was an interesting answer, but to a different question.

My question was, did the Presiding Officer say anything to you by way of

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designation? I shall not repeat the question, but I will withdraw the inference that he did not.

The PRESIDING OFFICER. The answer is an emphatic no, he did not.

Mr. SPECTER. Nobody has ever designated me anything.

Mr. BUMPERS. My presiding is the same as if the Senator from Pennsylvania were presiding.

Mr. SPECTER. I asked that question and I know I do so dangerously because I did not know the answer. I violated all the rules of cross examination. It puts to rest the question Senator BUMPERS last raised, which is not relevant in any event but assuming arguendo that it was. The latter part of section 3 says:

> The Senator so named shall have the right to name in open session, or, if absent, in writing, a Senator to perform the duties of the Chair.

Nobody named you in open session to do anything.

Mr. BUMPERS. But when the Republicans were the majority they did the same thing.

Mr. SPECTER. Wait a minute. I have the floor. Let me finish.

If that governed, which it really does not, it would not establish any authority on your part, Senator SHELBY, and it is a totally insufficient, gratuitous answer which the Parliamentarian offered you, that it is not customary to have it done. Custom has some importance but not in flat contradiction to a written rule. You cannot substitute custom for a written rule. In the absence of a written rule or some established law, custom may have relevance to established procedure or substance.

But where you have a flat written rule, it does not mean a thing.

So nobody named you to do anything. But the reality here is that the Senator who was designated in writing, according to the informtion provided to me, was Senator PROXMIRE, who was designated in writing from Senator STENNIS, and nobody else. Where you are dealing with something as fundamental as the issuance of a warrant of arrest, and you are looking for an attached magistrate, you may not be looking for one of the newest Members of the United States Senate. They customarily do not have committee chairmen presiding, and I say that in no disrespect to Senator SHELBY or Senator BUMPERS, and I did a lot of presiding in my first year of the Senate, or Senator ADAMS, who is now in the second year in the Senate, and it does not have quite the detachment that the Vice President does.

Do you disagree with the majority leader, Senator SHELBY? Perhaps you would, but many second-year Senators would not have been disposed to state it. The President pro tempore, in this case the designation of Senator PROXMIRE, who may be next in line to Senator STENNIS and in terms of succession probably is, might have more the mind of a detached magistrate in taking the view of what the majority leader as an advocate, a partisan, in these proceedings had done, asking should we have a warrant for arrest for Senator PACKWOOD? It is late. It is past midnight. Senator PACKWOOD may have a broken finger. Who knows? He was taken bodily to the Senate Chamber. I have talked to other Senators today who expressed amazement with what went on.

I do not think the Democrats had high ground on S. 2 to start with. Whatever ground they had I think has eroded, has disintegrated, has been the victim of a landslide, of impropriety and illegality in the issuance of this warrant of arrest, not to say what is really important about the comity of courtesy that this place runs on.

My replacement, Senator WALLOP, has arrived.

Does the Senator from Arkansas have a question?

Mr. KERRY. Will the distinguished Senator yield?

Mr. SPECTER. I asked if the Senator from Arkansas had a question.

Mr. BUMPERS. I will make one brief statement and one inquiry of the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor. Does the Senator yield?

Mr. SPECTER. By unanimous consent, without losing my right to the floor, I would like to yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator may be, from a purely legal standpoint, correct. But I also want to note that for perhaps 100 years there is a precedent in the United States Senate. It was a precedent when the Republicans were in control. The Senator is making an argument which could conceivably invalidate every single action the Senate has ever taken, and I think the rule may be as old as the Senate, because the person who was the second and those in sequence who presided did not get up and say, "I now designate Senator SHELBY to replace Senator PROXMIRE," who will exit, and Senator SHELBY takes the Chair. That is the argument of the Senator from Pennsylvania.

But every time there has been a question raised like this, the Parliamentarian has always ruled according to precedent. In this particular case, when you had somewhere between 100 and 200 years of precedent, I do not believe the Senator would prevail with his argument.

Having said that, let me go back to one other thing.

Incidentally, as I say, the Constitution is clearly written. Sam Ervin said the mother tongue was English and I have never seen English more clearly written than the section on the rules of the Senate providing for the attendance of Senators. It does not say they should not come; it does not say you cannot touch them if they have a bolt on their hideaway; it does not say anything about what you will do to compel their attendance. The Senate is the judge of that. It says they will compel their attendance. Alvin Barkley, in 1942, signed warrants of arrest and sent the Sergeant at Arms out to compel people and request their attendance. I think the language is absolutely clear.

Incidentally, the Sergeant at Arms tells me Senators were running from him last night. What a spectacle. United States Senators seeing the Sergeant at Arms coming taking off in a sprint to keep from being compelled to come here and do what the people of their States expected them to do.

Mr. SPECTER. When did that happen?

Mr. BUMPERS. This morning.

Mr. SPECTER. Before PACKWOOD?

Mr. BUMPERS. Before PACKWOOD. It was in a dead sprint. They should have been in Calgary at one of the Olympic events.

But the spectacle of United States Senators running from the Sergeant at Arms in order to keep from being compelled to attend the United States Senate is an outrage.

Let me just ask this question.

Let me lower my voice a couple of decibels. I thank the Senator for his nice remarks about me. I will reciprocate by saying there is not anyone in the Senate for whom I have a greater affection or whom I respect more on constitutional issues. The Senator knows that. We are close friends.

Let me ask: If you cannot compel the attendance of Senators who choose to absent themselves without leave as happened this morning at 2 o'clock, or whatever hour it was, and any time Senators know that they can absent themselves and bring the Senate to a halt so that the Senate cannot function and you cannot do anything about it, where does that leave the U.S. Senate?

Mr. SPECTER. I think it leaves the U.S. Senate in a much better position than the United States Senate is in today.

Mr. BUMPERS. Well, why——

Mr. SPECTER. May I answer?

Mr. BUMPERS. yes.

Mr. SPECTER. I believe that Senators ought not to be subject to arrest, except under extraordinary cause, any time, perhaps never, unless they have committed a crime, if there is probable cause to believe they have committed a crime.

I say to arrest a U.S. Senator at 1 a.m. in the middle of the night is unconscionable.

I would say there would have to be some extraordinary emergency for the majority leader of the U.S. Senate to take action to arrest U.S. Senators in the middle of the night on the allegation of performing Senate business. If you take back the curtain, there was no business to be performed for reasons I specified earlier.

There was not going to be any result of these motions to compel.

The negotiators had reached an impasse. Forty-five U.S. Senators had absolute rights not to have the matter come to the floor for a debate on the merits.

What was going on last night, in the instance of the majority leader, was harrassment and demeaning. Senator PACKWOOD was within his rights of being within his chambers. There was no situation to justify arresting him in the middle of the night.

There are rules even for criminals on no-knock warrants when they are home in the middle of the night which limit the authority——

The PRESIDING OFFICER (Mr. CONRAD). If the Senator will suspend.

Mr. SPECTER. Right in the middle of my important issue. I suspend.

Mr. BUMPERS. The prayer of the Chaplain is much more important.

The PRESIDING OFFICER. The hour of 12 noon having arrived, and the Senate having been in continuous session since yesterday, pursuant to the order of the Senate of February 24 of 1960, the Senate will suspend until the Chaplain offers a prayer.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The fear of the Lord is the beginning of wisdom.—Psalm 111:10.

The fear of the Lord is the beginning of wisdom: and the knowledge of the holy is understanding.—Proverbs 9:10.

The fear of the Lord prolongeth days.—Proverbs 10:27.

*In the fear of the Lord is strong confidence * * *. The fear of the Lord is a fountain of life.*—Proverbs 14:26–27.

Eternal God, full of wisdom and love, manifest Yourself in this place today. You reminded the prophet Samuel that "man looks on the outward appearance but God looks on the heart." (I Samuel 16:7.) You know all things, infinite and infinitesimal. Rule in our hearts. Mighty God, let Your peace descend, Your love infuse, Your will prevail—in His name Who is incarnate love.—Amen.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill (S. 2).

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania continues to have the floor.

Mr. SPECTER. As I was saying in responding but there has been intervention of the prayer, and I think that the prayer just given gives us some insights to Senator BUMPERS' questions. The fear of the Lord is an appropriate fear. The fear of the majority leader is not. An arrest in the middle of the night has no place in the business of the U.S. Senate under any circumstance that I can conceive. If we were in the middle of a continuing resolution and some vital payments were about to expire, the Senators would be here; nobody would have to be arrested. If there was some emergency and we had to work all night as we have had to do so often, the Senators would be here. But where we have a bill on which there is deepseated disagreement and established beyond any question through seven cloture votes that debate is going to continue, and you have a series of motions to compel the attendance of Senators which are meaningless and nonbusiness, there is absolutely no justification for arresting anyone. If you had business before the Senate to be conducted and you had a motion to compel the attendance of Senators during normal business hours and there were 50 Senators who would not appear to constitute a quorum, then I would say under that circumstance, which is inconceivable, the majority leader would be within his rights in arresting Senators to bring them to the floor during business hours. But, as I was saying before the prayer time came, there are special rules governing no-knock provisions, special rules governing procedures of police in the middle of the night. Why not special rules governing what the leadership of the Senate can do in the middle of the night.

Mr. KERRY. Will the distinguished Senator please yield for a moment?

Mr. SPECTER. I do. For a question?

Mr. KERRY. For a question. For a question. The question is: I have been listening both on the floor and in my office to this debate, and I am troubled—I think all of us are troubled, but I am deeply troubled by the Senator's notion about comity and how this institution works, and my question with the preface of a few remarks is since when does the minority, any minority, by virtue of its judgment that a particular vote is meaningless, stop the process of a majority, from allowing that vote to go forward and the business of the country and of this institution to be carried out?

I would document that question, if I may, by pointing out that at 9:50 p.m. at night, not a late hour by the standards of the U.S. Senate in recent times, there was a vote, vote No. 21, and the vote was 57 to 21. Many of the 57 were Republican votes. Messers. BOSCHWITZ, CHAFEE, COHEN, DANFORTH, DOMENICI, DURENBERGER, GARN, GRASSLEY, HATFIELD, HEINZ, HELMS, HUMPHREY, KARNES, KASSEBAUM, KASTEN, MCCAIN, MCCLURE, MURKOWSKI, NICKLES, PACKWOOD, QUAYLE, ROTH, SIMPSON, SPECTER, STEVENS, SYMMS, THURMOND, WALLOP, WARNER, WEICKER, and WILSON all voted.

Mr. SPECTER. Specter is not in that list.

Mr. KERRY. All voted as part of—excuse me, you are absolutely correct. You were underlined but you are on the other column.

Mr. SPECTER. Thank you.

Mr. KERRY. But all of the others—as I look through here, Mr. QUAYLE was not. Other than that, they were Republicans who were here. The point I am making is they were here. They were on the floor. They voted. Republicans were here at 9:50 p.m. A scant 45 minutes later, 10:45 p.m., not again a late hour by the standards of business in the U.S. Senate, within that span of time suddenly the Republican Party had vanished, vanished.

Now, I was here. I saw Senate Republican faces staring out the door of the cloakroom looking at that vote take place, a conscious decision not to vote. A conscious decision not to vote. I know for a fact that on the Republican hotline word was going out, "Don't come." That was the message. So when Senator BUMPERS says hiding, I think that is accurate. There was a conscious decision; within the span of 45 minutes, the entire Republican Party in the U.S. Senate with the exception of one, the designated leader, vanished into the night, deciding to abdicate responsibility and not participate or choosing perhaps, as the Senator from Pennsylvania rephrased it, to exercise their responsibility differently, to see their responsibility in a different light, a light that somehow said the more responsible minority decision is not to participate. But the majority, which is the way this country is run, made a decision. The majority of the Senators present voted according to the rules of the Senate to say this institution will continue and not have a lot of Senators running off into the corridors and into the night like the headmaster chasing schoolchildren somewhere, trying to get them to come back to the classroom and participate—frankly, a shameful display, a shameful display. This institution has ample ways of working its will—by voting, by doing exactly what the Senator has said, which is coming together, compromising.

Mr. SPECTER. Does the Senator have a question? If not, I am going to——

Mr. KERRY. The question is——

Mr. SPECTER. Mr. President, I ask for regular order and my right to the floor.

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Mr. KERRY. The question is——

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. KERRY. The question is——

Mr. SPECTER. I do yield for a question and for a short speech.

Mr. KERRY. The question is how can the Senator assert that the minority has that right and that that is representative of real comity and of the interests of this institution working properly?

Mr. SPECTER. First, I agree with you about a shameful display, but it come from your side of the aisle. Second, you are dead wrong when you say that the majority is the way this country is run. That flies in the face of the Bill of Rights to the U.S. Constitution, which guarantees minority rights. When you say this country runs on majority, you are dead wrong. Minority rights distinguished this country from Nazi Germany and from Communist Russia where you have knocks on the door in the night and you have forceable entry like that which happened to Senator Packwood.

When you say majority is the way this country is run, referring to the Senate, you are again dead wrong. The rules of the U.S. Senate provide that 41 or more U.S. Senators say that a bill will not be brought up for a substantive vote. That is a fundamental rule of this body. And if you say that a majority is the way the Senate is run, you cannot count. Forty-one Senators can stop debate from coming to an end. There were 45 Senators who have said that seven times. How many times does it have to be said for the majority leader and the majority Members of this body to hear it?

You talk about a conscious decision not to be present. You do not have to draw an inference about that. I started with a conscious decision. We met in the Republican cloakroom and we talked it over. What is the difference between 9:50 and 10:45? Fifty-Five minutes. We had had enough. Perhaps we should have done it earlier. But why wait until 2 a.m. to assert some rationality in the U.S. Senate? The real question you asked, Senator Kerry, and I think it is a good question, is when you say you are troubled by comity, and I think you should be troubled by comity, because when you strip down everything that has been said, I do not place great reliance on the subtleties of the substance of S. 2 and I do not place great reliance upon an interstitial reading of rules of the Senate that you had authority to do what—I think is not a small matter. Senator Packwood's fingers will heal, but I do not know if the U.S. Senate will heal. The scar tissue is going very deep at this time in the life of the Senate as a result of what happened yesterday.

That is the real issue as to how we are going to function. The question you asked that I thought was really on target was your question, when can the minority decide that a particular vote is meaningless? I think that is a real question. I believe that that time comes when it is beyond rationality, when it is beyond the range of discretion, when reasonable men cannot differ about it. I submit that if you took a secret ballot among the 54 Democrats about the propriety of a warrant of arrest and the process to which Senator Packwood was subjected, the vote would be 53 to 1, it is that bad, and that is when we drew the line. And I think we are right.

Mr. KERRY. Will the Senator yield?

Mr. SPECTER. I was not hiding, and I was not running, and I was not peering around anywhere.

Mr. KERRY. Will the Senator yield for one quick comment plus a question in respect to his answer? And I respect the Senator's position and approach on this. But I think that all of us know that we were in the minority a short 2 years ago, and there were times when there were filibusters and people had a responsibility to stay here and conduct it. There was never a challenge to the ability of the Senate to continue. I do not question the minority's rights. The Senator is absolutely correct. Of course, there are minority rights. And the minority has the ability until cloture is invoked to continued debate. And it could have continued debate last night, which I think would have been the more honorable way of carrying out the designated repsonsibilities of this institution.

Mr. SPECTER. Why?

Mr. KERRY. I think that is the issue.

Mr. SPECTER. Why?

Mr. KERRY. Because there is a balance, there is a process. This is supposed to be the world's greatest deliberative body. What is this institution deliberating when there is no discord because 40-some people have decided to walk out into the night and go home?

Mr. SPECTER. Senator Kerry, what were we deliberating about?

Mr. KERRY. Had there been debate, we would have perhaps been able to talk about the merits of S. 2, the problems with S. 2, why there is a legitimate opposition on your side to the current proposals, and I think incidentally——

Mr. SPECTER. Senator Kerry, do you think that there was one chance out of 1 million that any mind would have been changed after midnight given the attitudes of the Senators, given the frames of mind, given the hostility, given the anger, given the wrath?

Mr. KERRY. If that is true, and it may be, then this institution as a body, according to this book, and according to years of practice, has the right to make that decision.

Now, the distinguished Senator keeps saying that the majority leader somehow arrested Senator Packwood. That is wrong. The U.S. Senate voted to compel Senators to be here to conduct the business of the Senate. That was not the majority leader's decision. Those Senators present, under the rules which you have debated with the distinguished Senator from Arkansas, under the process which we have been given by history and by luck and all the rest of the precedent that builds this institution, voted. We voted that it was more important for the institution to be able to continue than to see the work brought totally to a stop by a minority that walked out.

Mr. SPECTER. Why? Why was there anything to be done in the U.S. Senate at midnight last night, or at 1 o'clock this morning, when Senator Packwood was arrested and taken into custody, in the context of seven votes against cloture, in the context of a hardening of position, in the context of not one chance in a million that anything would have been accomplished?

Mr. KERRY. Let me tell you why, respectfully. Because the majority of U.S. Senators present and voting so decided. A majority of U.S. Senators present and voting so decided.

I have never understood when it was that the minority had the ability to decide what the majority present and voting do.

That is essentially what happened—anarchy, a form of anarchy, last night.

Mr. SPECTER. Well, I disagree.

Mr. KERRY. I know the Senator disagrees.

Mr. SPECTER. It was not a form of anarchy. It was a form of extreme pride. It was a form of saying that we will not subject ourselves to the kind of embarrassment——

Mr. KERRY. Subject yourself to debate? Is debate embarrassing?

Mr. SPECTER. There was no debate. There were a series of motions that constituted harassment. It was a situation which was demeaning. There are rules beyond which——

The PRESIDING OFFICER. If Senators who wish to question the speaker will address themselves through the Chair and seek the right to yield, I think we will maintain better decorum in the Chamber.

Mr. KERRY. The Chair is correct, and the Senator stands corrected.

Mr. President, I ask my colleague, because I must leave for a moment——

The PRESIDING OFFICER. Has the Senator from Pennsylvania yielded for a question?

Mr. KERRY. Mr. President, will the Senator yield for a question?

Mr. SPECTER. I do, for a question, not for a speech.

Mr. KERRY. Was it not possible and was it not, in fact, anticipated originally that Members of the minority would speak and had the right to speak and that there could have been a debate, had the minority so decided to stay here and debate? Is that not accurate?

Mr. SPECTER. No.

Mr. KERRY. It is not accurate? There could not have been a debate?

Mr. SPECTER. The Senator's question was, was it anticipated by the minority that we would participate in a debate? The fuller answer is that there was no debate. There was a series of speeches scheduled where the minority was to occupy time; and whenever there was any interruption by a quorum call, that was followed with a vote, and it was apparent to the minority that the Republicans did not act precipitously.

The Republicans met and decided that the rules of the Senate was being flouted, whereby more than 41 Senators had said we would not vote on the matter, that the majority leader had made a series of statements about keeping the Senate in all night, which we thought went beyond the bounds, and we exercised our rights to be absent, and we have those rights.

If the Senator from Massachusetts is seeking to defend the issuing of warrants of arrest past midnight and taking Senator Packwood into custody under the circumstances which were done, I think that is wrong. I think it is wrong because it goes to the basic way we operate. I am somewhat repetitive, but it is important in terms of comity and courtesy, without which this body cannot run, and this body is not now running.

Mr. KERRY. Mr. President, will the Senator yield further for a question?

Mr. SPECTER. I yield.

Mr. KERRY. Mr. President, I ask the Senator how it is that he can allude to a process with votes to somehow delay the Senate, when each and every time there was a quorum call, the Democratic floor manager asked to have the quorum call called off so that it would not result in a vote, and the objection came from the Republican side? How can you say that we were responsible for a vote? We tried to stop it, did we not?

Mr. SPECTER. The majority leader made a motion to compel the attendance of Senators.

Mr. KERRY. Did not the majority leader continually ask for the quorum call to be dispensed with so the debate could continue?

Mr. SPECTER. That is not the issue. The issue is whether the majority sought to engage in debate.

When a Republican speaker had concluded, had there been any real interest in debate—which there was not—or had it been meaningful Senate business, or had it been calculated to lead to some result, somebody from your side of the aisle could have stood and debated.

We were here all night, not with Democrats debating. We were here all night with Republicans speaking to an empty Chamber and to no ears. We were here all night in what was essentially a degrading and demeaning process. Why we did not suggest the absence of a quorum is sort of beyond me. I was asked to come in at 8 o'clock. I left this Chamber about 3:30. Do you know what it is like trying to get to sleep at 3:45 in the morning? You cannot do it. There is no sleep. There is time for a shower and to come back.

The Democrats were not debating. The Republicans were speaking on a prearranged order. There was no debate. It was a farce.

Mr. KERRY. Mr. President, I ask if my distinguished colleague will yield further for a question?

Mr. SPECTER. I do.

Mr. KERRY. Mr. President, I ask my colleague if it is not the rule of the Senate that if debate is exhausted or one side does not wish to debate and the other side has completed debate, it is the responsibility of the Chair to put the question, and the body should vote. Is that not the rule of the Senate?

Mr. SPECTER. It is not the rule of the Senate. What is the rule of the Senate is that when the debate has ended, there is a quorum call, and we wait interminably for some other speaker to come to the floor to offer amendments. Third reading does not commence when there is no activity on the floor of the U.S. Senate.

Mr. KERRY. Mr. President, a parliamentary inquiry: Is not the rule of the Senate——

The PRESIDING OFFICER. Will the Senator from Pennsylvania yield for the purpose of a parliamentary inquiry?

Mr. SPECTER. No.

The PRESIDING OFFICER. The Senator from Pennsylvania retains the floor.

Mr. SPECTER. I yield the floor, and I thank the Chair.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, let me pick up where we left off.

Last night, the majority was no longer a majority. They had left. They were able to muster 48 votes, not 50. But, more important, the claim of the Senator from Massachusetts, who now left the floor, that we were doing meaningful business is absurd on its face. What we were asked to be voting on was to establish a quorum that the majority, as a majority, could not itself establish.

The Chaplain's prayer was astonishingly appropriate: Fear of the Lord prolongeth days, he said. The trouble is that in the U.S. Senate, the majority leader prolongeth days—to absolutely no end, except to try to humiliate the Republican Party and the minority. If there were a debate, you would find this side debating.

The amendment tree is filled. The majority leader is in search of surrender, not a parliamentary process. He is putting pride, not principle, as the guiding force of the Senate.

During the course of the last year and a quarter, we have seen the changes in the procedures of the U.S. Senate, based not on any good for the Senate, but good for the majority leader. It started with his interrupting a rollcall vote in progress and getting the Parliamentarian to rule it was permissible, when clearly every Senator in the Chamber knew that it was not.

It was suggested that somehow or other we should have been debating. I ask, what is there to debate? The majority leader is seeking to impose his will.

I point out again that the amendment tree is full; it is complete. We have nothing to do except to surrender.

It is curious in its extreme that the thing which triggers debate now is the arrogance of the majority party last night in demeaningly seeking to arrest Senator Packwood. That is why we are getting some response in debate. It is not about S. 2, under which the Democratic majority seeks to assure its ascendancy throughout the rest of this century. It is not about the details of that bill which limit campaign expenditures but do not limit those expenditures in soft money, which is the root cause of dirty campaigning.

It is not an issue as to whether or not those Democratic offices with different names, all having the same address in Chicago, write out scurrilous op-ed pieces and call senior citizens, also in the middle of the night, to terrorize them to think that somehow or other a party is in search of putting them into eternal penury, so that they die in poverty and shame. Those moneys are not part of this limitation of funds, and they are not sought by the majority party because they are the principal beneficiaries.

There is no debate on the bill because it is closed off. There is no interest in any of the words that are being spoken on this side.

There is an assertion that somehow or other the traditional rule of the Senate, spoken of by the Senator from Pennsylvania [Mr. Specter], is to be no longer a part of the principles guiding the Senate of the United States.

We cannot even get to a cloture vote. Why? Because the Democratic Party has too many people out campaigning for President and cannot afford to have a vote, because it would show a decline in their position.

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So, what was the solution of the majority leader? It was to try to keep some Republicans here all night, speaking to an empty Chamber, to America's insomniacs, but not to Democrats, not to the point that we were going to try to change anybody's mind. It was just to fulfill a rote function in the hope that surrender would be the final act in all of this. That, on its face, is absurd.

Those legalities so well articulated by Senator SPECTER are important. I believe that what he said is right, and I believe that what he said America should hear.

I believe we were victims of an arrogant pursuit of pride last night, not of the legislative process. We even offered to assume that there had been a cloture motion filed and that a cloture vote occur at a time certain, trying to see if the rights of the minority to conduct an extended debate had run because sufficient minds had been changed. There were not interested in seeing if sufficient minds had been changed—only interested in a situation in which some of them could go out—we saw them in their dinner jackets and finery—out on the town.

I have no quarrel with that. But to claim that by absenting ourselves from this process we were absenting ourselves from something meaningful is absurd on its face. Nothing meaningful was going on, nor was it the majority's intention to have anything meaningful going. The meaningful actions were closed off, both as a vote on cloture and as the means to amend S. 2. So there was not a meaningful process, nor was there ever even the remotest intention to have it meaningful.

We, the Republicans, are accused of walking out on our duties to Americans. Is it our duty to our constituents to sit here and participate in what the majority party knows to be a charade? It is clearly not that purpose for which we feel we were elected. It was our role, and is our role, and is our intention, to call the notice of America to that process.

Nobody is interested in the complaints that we have. Nobody is interested in real reform of this process. There were yesterday afternoon, time after time, statements made as to how this bill could be amended so that real reform would take place and campaign limitations would be real.

There is no interest in that because, principally, and principally alone, it is the purpose of the majority party to put campaign expenditure limits on Senators, and Senators alone to spend the public's money.

Yes, I hear the majority leader say this is voluntary to check off. The checkoff does not come with it as extra dollars. It is a dollar spent out of the taxes owed. It has to be appropriated here.

We are going to be spending tax dollars in the period of time in which everybody is giving lipservice to the principal thing that is most on the public's mind, and that is, getting a handle on the deficit.

This bill commits $100 million or more. It does not go to limit campaign expenditures, except of individuals. It was pointed out that the public campaign support on the Presidential elections was a success. Nothing could be further from the truth. There has not been a Presidential candidate who has not been challenged under that law. Vice President Mondale was complete in his willing admission that he had spent $2 million in a State where only $400,000 was permitted. He paid the fine, but the result of the election was not changed.

So it is just another campaign expenditure? Pay a fine to break the law. That law is not working, and this law is not limiting the expenditures in the Presidential campaigns, and neither will the one that is in front of us as S. 2.

But is there interest in bringing that point out to America? Absolutely not. There is interest only in the achievement of a surrender. All over America, allies of the majority party are putting lies in the papers, some illegal, in the form of ads from Common Cause, the one who spent more than any other lobby interest in America last year, seeking to assure their interests, but no one else's.

Ralph Nader's cute little group, Public Citizen's Congress Watch I think they call it, putting op-eds in papers all over America, one in my own State, one in the State of the Senator from Nevada, one in the State of the Senator from Delaware, and others—I cannot remember them all. Nine, I think, to date—little op-ed pieces looking as though they had been written by responsible Americans. All over America, the same thing applies. The only difference is the name is changed with a cute little phrase in it that says. "Senator WALLOP is the willing servant of the corporate lobby." Now, what in heaven's name is the corporate lobby? But it sure sounds good when it goes in the paper.

These are the expenditures that will not be controlled, nor have they any intention of controlling them. These are political actions. These are not actions of a group of patriotic Americans in search of a cleaner election process. These are the actions of a group, certain of only one thing: Their desire for power and the power alone in the American political process, to weed out any other voice that Americans may seek.

So what do we get? Finally, we get a debate, not because of the bill and what it will not do and what we are not permitted to do, but because of the arrogant abuse of power last night, and somehow or another this hope that we can persuade Americans that the Republicans were irresponsible for not participating in the process, which was no longer a process, nor was there any intention for it to be.

I do not think the public will buy off on that. Mine will not, and I know of no other that will. It was demeaning and humiliating, not to the Republicans. That action last night was demeaning and humiliating to the Senate of the United States. It was demeaning and humiliating to the process which tries to bring this group together which loves to call itself one of the world's greatest deliberative bodies and has not deliberated in years.

There will no longer be debate on issues. If you try to impose will or you get some marvelous little thing like that continuing resolution that comes up here with arrogant insertions in the dark of night, how can you debate that? Nobody knows what is in it.

So what we are doing, we are posturing, once again. And, finally, we get something we can debate about. What is it we can debate about? The humiliation of the body as it sits in its entirety.

There was no humiliation of Republicans last night. There really was not. There was a humiliation of Americans at this institution, in which they seek to put their trust and hope somehow or another it will serve their interest in a responsible way and could not.

The rights and rules of the Senate, the traditional processes, sense of comity, the ability to try to make this body work, those were shuffled aside in pursuit of pride, shuffled aside in pursuit of an abuse of the whole concept of American poitics, as defined by the Senate, which is for the very same reason that the State of Wyoming has two Senators, the State of California has two Senators. It is the very same reason that the protections were put into the whole process; to avoid the abuse of power by a majority of one.

That abuse of power by a majority of one was not even available to the majority party last night. They were home, gone, campaigning or in bed and could not muster their own majority. And so in order to get their will, they send out arrest warrants for Republicans, and then claim they have the right to serve them.

I am surprised at that, Mr. President. I am surprised the Senate put up with it, and, I hope, somehow or another, out of all of this there is the realization that the public's business is more important than the pride of any single individual who seeks only a victory and is willing to go to any extent to achieve it.

Going to any extent is not the way the Senate was designed. It was not the way it was conceived. It is not the

means by which our rules are written. It is not the procedures which we have always followed, but it is the procedure and purpose and practice, apparently, in this Senate. I regret it, and I am certain America will, too.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I just have a few remarks to make. I ask unanimous consent my remarks not be considered a second speech under the rules.

Mr. BRADLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. I will make my remarks anyway.

Mr. President, the Constitution gives many explicit powers to the Congress and the U.S. Senate. It is clear that the Congress has the power to regulate commerce, to raise and support armies, to lay and collect taxes, and to compel the attendance of absent Members. It is equally clear that Congress and the U.S. Senate may not exercise those constitutional powers in a manner that violates other provisions of the Constitution. The Constitution must be read as a whole and no single constitutional provision must be allowed to override other guarantees within that document.

When this body exercises one of its powers in a manner that offends the Constitution and its guarantees, the Senate has an obligation to correct the offense. This brings us to events that have occurred recently in this body that I have decried this morning.

No one questions that the entire Senate has the power to compel the attendance of absent Members. This provision is found in article 1, section 5. No one should question either that the Senate may not do this without guaranteeing to the absent Senators full due process rights, under the 5th and 14th amendments, full rights against unreasonable seizures under the 4th amendment, full rights against seizure without warrants under the 4th amendment, full rights to be informed of the nature of the accusations against the Member under the 6th amendment, full rights against unusual punishments under the 8th amendment, and all the other rights protected by the entire body of the Constitution.

So when we lecture on constitutional law, we ought to consider the Constitution and not just our own personal sociological preferences with regard to constitutional law. I think that is what has been happening through the years, as we place people on the court, as they express their own biases and prejudices about the law.

Last night, I think, that happened.

So when the Senate exercises its power in a manner that offends these constitutional powers, that power needs to be reconsidered. This has occurred. Due process prior to the deprivation of liberty entails many standards that were not met when Senator PACKWOOD was taken into custody. For instance, no warrant was issued for that arrest by a detached and impartial magistrate or judicial officer. The need for such detached review of warrants for arrest has always been a hallmark of constitutional protection under due process and the 4th amendment.

Accordingly, I propose today that the Senate repeal the rule permitting the Sergeant at Arms to compel the attendance of Members by arresting them. Instead, the Sergeant at Arms could be sent to request the attendance of members, but no authority to arrest would be permitted.

Mr. President, We need to look closely at the Constitution. Article 1, section 5 says that Senate's power with respect to absent members is to be exercised "in such manner, and under such penalties as each house may provide." Thus, the Senate does not need to empower the Sergeant at Arms to arrest Members, but may choose any number of other remedies to ensure Members attend sessions. The Senate may wish to suggest, by a vote after the fact, an ethics investigation for dereliction of duty in the event that a Senator ignores the Sergeant at Arms' request to come to the floor, but if they do that, they better not be playing politics.

Others might be considered by the Senate if it became necessary, but arresting Senators without due process must never happen again, with an accompanying Senate lecture on constitutional law that is totally wrong, false, and I think offensive.

This Senate stands as an example of how the Constitution must operate. If this body allows due process protections to be flaunted, then I shudder to contemplate the example we have set.

Last night, we flaunted the Constitution of the United States in the approach that was taken. Once again, the solution is to eliminate any authority of the Sergeant at Arms to arrest Senators. I introduce such a change in the Senate rules at this time. I send this amendment to the desk.

Let me just read it before I do. This is a resolution which says:

> To remove the power to arrest Senators from the Sergeant at Arms.
>
> *Resolved,* That paragraph 4 of rule VI of the Standing Rules of the Senate is amended by striking ", and, when necessary, to compel".

Mr. President, the Senate operates in full view before the entire Nation. What are the implications of flaunting the Constitution, arresting Senators without valid warrants or due process of law?

I will be happy to suspend for a second.

The PRESIDING OFFICER. Is the Senator offering a resolution for assignment to committee?

Mr. HATCH. Yes.

The PRESIDING OFFICER. Without objection, the resolution will be received and referred to the appropriate committee.

Mr. HATCH. I am also putting the Senate on full notice that the resolution will be brought up in a formal amendment if this bill goes any further. Let me make that point again.

The Senate operates in full view before the entire Nation. What are the implications of flaunting the Constitution, arresting Senators without valid warrants or due process of law? What lessons does this teach our children, our courts, and our citizens?

Article I, section 5, says the Senate may compel attendance, but not in an unconstitutional manner.

Nor can article I, section 5's powers be used solely to gain political advantage or to make partisan gains. The Constitution is abused whenever it is twisted to gain partisan advantage. It is a further abuse of the law and of the document, meaning the Constitution, to abuse due process. These points need to be made. I think I have made them. When the time comes, I am going to bring that amendment up at one time or another to make sure that this type of officious action will never occur again.

I do not want it to occur to Democrats and I do not want it to occur to Republicans. I want the principle of comity and civility to prevail in this body. If we have a cause to cause Senators to come in, let us make sure it is a good cause and not some claptrap bill such as this bill amounts to. That is what it amounts to. There is only one reason that all the Republicans vote against this bill and the Democrats vote for it. That is that it is a Democratic bill, to enhance the power of the Democratic Party to the disadvantage of everybody else, but especially the Republican Party. There is not a Republican alive who should not be suspicious of that kind of meddling. It is just that simple. This bill amounts to that, even though there are some aspects of the bill where you might point to them and say they might be good if the bill were enacted. But on the whole, the bill is a travesty. I think everyone knows it. With that, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, those of us who were here all night had a very spirited evening. I will not go into it. It is all in the RECORD. The majority leader was very fair in allowing us to avoid two additional rollcall votes which would have been required if anyone were absent on either side of the aisle. We were able to vitiate those. But let me just review where we were as I left the Chamber at 5 a.m. this morning. Our people were here and the bargain was made and the deal was kept. The two votes were vitiated and we did not do any obstructive activity. We did not suggest the absence of a quorum. So for those who may have missed the scenario, let me review it, I think correctly. The majority leader certainly can assist in correcting it if I have missed something.

The bill is still unamendable at this point. The amendment tree is filled.

The leader has wanted to get to a vote on this bill. We have, too. The only difference is that he wanted a vote on the measure; we want a vote on cloture because they would succeed on the former and we will succeed on the latter. So let it be known that indeed the issue is joined.

Then the majority leader filed cloture on this bill after midnight last night, very correctly, happily, and in perfect order. As I understand, that vote will be on Friday, 1 hour after convening. The convening hour was previously set by unanimous consent at 9 a.m. through the week. That vote on cloture, therefore, would be at 10 a.m. Friday.

At this present point in the proceedings, if we were to allow the bill to proceed, and if the Chair were to move the question or pose the question, then one of us on the floor would seek recognition, and that would have to be given. The Chair would have to give recognition to whoever was on the floor so that the motion to move the question would not go any further to a vote because one of us would be here at all times to assure that that did not take place.

Once a Member of our side is recognized, then they may go forward for an hour or 2 or 3, and probably there would be no votes. But there might be.

In any event, if we were to allow the bill to proceed, and that is why I just want to review this, and to try to amend it in that situation, after opposing the ability to go forward, then it is clear that any of our amendments would be defeated on perhaps a mostly party line vote, although there are two Members on that side of the aisle who are assisting us in this cause and three Members on our side of the aisle who assist the proponents of S. 2.

The majority leader has advised us that this is a very vital issue to him and that those who oppose S. 2 remain on the floor in active debate pending the resolution of this matter. We are doing that. That is the majority leader's option and his right. That was the situation we faced last evening.

After a meeting of the leadership, now I as acting leader in behalf of our fine leader, Senator Dole, and three members of the group of four are negotiating this issue for us and still doing that. The negotiating is going forward and I am very pleased with that.

Senator Boren heads up the four from that side of the aisle with Senator Levin, Senator Mitchell, and Senator Exon, and on our side it is Senator McConnell, Senator Packwood, Senator Boschwitz, and Senator Stevens.

They are going to meet again today. So they are working. Let the American people know that a bipartisan group is working and that it is not a bipartisan issue, and that it is not the proponents alone who seek reform of campaign; it is all of us who seek reform of campaigns.

We are coming down to PAC's, independent expenditures and soft money, things of those kinds. They have been debated very well here. We feel strongly and they feel strongly.

Last night after a leadership meeting we decided to proceed with a procedural defense of our position on the bill, and fully within our rights and under the rules we instructed our Members to remain off the floor and not to make a quorum in an effort to have the proponents provide the quorum necessary to conduct late-night and early-morning business. That, of course, took place, and all of us did late night-early morning business, except some of us on this side who we substituted who carried the day from about 3 o'clock or 2:30 until this morning at 10, pursuant to the agreement between the majority leader and myself. That was carried out with comity.

At the time of the vote, the majority leader, with regard to suggesting the absence of a quorum, felt it was very important to do a dramatic thing that has been exercised only twice in his 22 years of leadership, which was to move and second the arrest of the absent Senate Members. That motion was one of only two that could have been made in that atmosphere of procedure—a motion to adjourn, a motion to arrest or a motion to compel. He chose that one and we went forward.

I do want to commend the Sergeant at Arms, Henry Giugni. It was a terrible task for him. He knows us all. He selected his staff people to go through this building, through the hideaways with passkeys checking on the troops, and he found one. Some fled, apparently. Of course, we know that Senator Packwood came in. That was done in great good humor. The majority retained his humor and Senator Packwood retained his. It was a sight I will never forget. He was lifted into the Chamber at approximately 3 o'clock a.m. At which time, hardly the doors had shut when they said a quorum was present, and indeed it was. We did our business. Of course, the ritual can be repeated again and again and again and will be today, repeated again and again and again.

I just want to share that.

I commend the Sergeant at Arms for his patience, his equanimity, his good skills in not letting the situation get to what could have been an absurd situation. I thank him for that. And the staff of the Sergeant at Arms office.

We on our side promised those who wished to go home that we would see that what votes they missed were procedural only, that they might miss votes, that they would be procedural votes and not on the substance of the bill.

The majority leader was perfectly within his rights under the rules to move to go into executive session to consider the nomination of Tom Korologos to the Civilian Advisory Board.

We all know who Tom Korologos is. He is a most extraordinary gentleman with a very good reputation. So there would not be very many votes against Tom Korologos at that hour or today.

However, that was a motion to go to the Executive Calendar and that was not debatable. But that was still one more vote. Then going to the nomination itself was debatable. At that point, we determined that we would debate the nomination of Tom Korologos most all night, which would have been another exercise, but there are not any of us who are unskilled in that.

So we did avoid that by the majority leader's willingness to vitiate that and the other motion to go into executive session.

But I would say that it seemed rather an inappropriate time to go to the Executive Calendar at 2:30 a.m. to consider the nomination of Tom Korologos. It seems to me that might have been done in a more timely fashion at perhaps some other time in the session. All of that was within the rules and rights of the majority.

We did indeed have three votes last evening and the night for all Members on procedural matters in relation to a quorum and one vote on proceeding to an executive session. At that point, since the proponents demonstrated that they needed a quorum present, and every single one who was within the 2,000-mile radius of the Capitol with any ability to be here was here, they met the required number of Members to make a quorum. So we made our arrangement to have Members on our side continue the debate without votes until 10 a.m. this morning, not just as an accommodation to this side or the opponents but to all Members who had gone home last night and had missed procedural votes that could have occurred on very short notice.

So that is where we are. I just wanted to kind of review that. We are

now prepared to go forward. It is our duty apparently to go forward. We have no choice but to go forward with a long string of voting activity. That is within our right to do.

We have had discussion as to the legality of the warrants that were presented to the Chair last night and whether those were valid. We will discuss that later in the day. That is my hunch.

At this time I do not want to foreclose the majority leader, who is now on the floor. I will cease. I would like to retain the floor for the purpose of further activity. I will certainly let the majority leader comment. I greet him on the morning hour and look forward to perhaps getting some semblance of reality. At least we know that at Friday at 10 o'clock we will reach ultimate reality.

(Mr. WIRTH assumed the chair.)

Mr. BYRD. Mr. President, I thank the distinguished acting leader for yielding to me. Of course, I was not on the floor and I have not heard his statement, except the very closing of it. I understood him to say that we, meaning, I presume, the opposition to the bill, had no choice but to go forward with a number of votes or voting activity, whatever.

I might respectfully suggest that we do have a choice. I would hope that we would follow the choice that I will recommend.

I recommend that we go forward with the debate on this legislation and not pursue the approach that has been taken overnight of having quorum calls, instructions to the Sergeant at Arms, and votes that are not on the substance of this bill. I know that there are Senators who are not only opposed to the bill but who are vehemently opposed, and I do not question for a moment the wisdom of any Senator as he views this legislation or any other legislation in his own lights based on his own experience, view of things, philosophy of government, or whatever.

But, Mr. President, this is a forum in which I would hope that we can have civil discussions and express our opposition to this or any other measure and express it in persuasive terms, hoping that they will be persuasive, without resorting to tactics that contribute nothing to a meaningful and enlightened debate of the substance of this bill.

One of the purposes of the resolution which I introduced to provide television and radio coverage of the Senate was to help the people to better understand the substance of legislation or treaties or nominations that are called up before the Senate.

We can have substantive discussions of this bill. The opponents can defeat this bill. The Democrats are unable in and of themselves to produce 60 votes for cloture. We cannot do it. We only have 54 votes, if we would produce them all. Two last night were very ill, two of our Democratic Members, one was away because of a funeral, a death in the family, and the other one is out campaigning for the Presidency. That leaves us with only 50. There is no way under the old math or under the new that 50 can ever be a majority of 100 Senators. And so the opposition need not resort to tactics such as those that were resorted to last night.

Of course those tactics are within the rules and precedents of the Senate, but the actions that were taken by the majority in attempting to respond to those tactics are also within the rules and precedents of the Senate and within the authority of the United States Constitution, which is the bedrock of our liberties and which is the organic instrument that created this body.

I hope that we will not live over and yawn in yesterday, that we go forward with a reasonable, civil debate on the substance of this bill. And let us hear those who are opposed to it. They have a right to speak their objections to it. They have a right to try to persuade those who are not of their persuasion at the moment. We have the same right and duty, I think, to persuade our colleagues of the rightness of our position.

We certainly owe a duty to the American people to try to enlighten them as to our view of the substance of this bill, our support of the substance, our opposition to the substance. Perhaps there are changes that can come about. We have the amendment process available. We Democrats are ready to vote, and we have had the support of three Members on the other side of the aisle. We are ready to vote on the amendment, the pending amendment that is before the Senate. It can be voted down, thus opening the way for additional amendments. A move at any time can be made to table this bill. Who knows, maybe it can be tabled.

So I urge our friends who are the opponents of this legislation not to resort to tactics that obstruct working the will of the Senate. I urge them not to resort to quorum calls, which lead to the necessity on the part of the majority of the Senate to instruct the Sergeant at Arms to request the attendance of absent Senators, to compel the attendance of absent Senators, or in the extreme to arrest absent Senators. I hope we do not have to resort to that. We do not need to if Senators will only debate the bill. I for one am willing to enter into a discussion of having a time agreement on the bill, of avoiding a cloture vote, a time agreement for final vote, a time agreement that would include germane amendments that the opposition may want to offer. I certainly have no objection whatsoever to the Senate working its will on amendments that are germane and relative which I may oppose. I have no desire to do that. I may do what I can through debate and through voting to reject amendments that I am opposed to. That is our duty. We all know that. But there is no good reason to continue in the kind of guerrilla warfare that we are going through which serves no good purpose, which does not help us to change the legislation, modify it, amend it, pass it, or reject it.

So may I close by thanking the distinguished acting Republican leader for yielding to me, and I urge with him most respectfully that both of us do what we can to urge our respective constituencies within this Senate and our colleagues to not look backward, if we can possibly avoid it, look ahead and try to deal with this legislation. It will not be before the Senate forever. But the Senate does have a right, if it can do so, to work its will on the legislation.

I have said before and I say again I think the legislation is good legislation. It can be improved. I think it is an idea whose time has come. My side may not prevail in this matter on this occasion, but I have faith that ultimately the Senate will one day take action to enact genuine campaign financing reform.

So I urge that we all attempt to restore some civil equilibrium here and stop the making of charges and countercharges and rehashing the unfortunate and regrettable events that have occurred, pick up from here and try in a positive way to bring some sense of positive direction to the Senate as it concludes its work on this bill and goes on to other things.

I thank my distinguished friend and I do respect him as my friend.

Mr. SIMPSON. Mr. President, that is a given. I have the deepest respect for the majority leader. I have shared that with him privately and publicly. We are very much alike—sensitive. I know I get too sensitive sometimes. At least that is speaking for me. Sometimes I get defensive, especially in my role as acting minority leader, realizing that it has fallen upon me to do that, realizing I have a task to do to meet the needs and views of my colleagues. And I have just come from a meeting with my colleagues so I know what I have to do and, as Senator Byrd said yesterday in an aside to me, a very cordial aside, he said, "You know, you have to do what your Members instruct you to do when you are in leadership." And I said, "I know, it is tough sometimes because the other side of me is wanting to do something else, perhaps." But we are going to go forward in this way. I hope the American people will understand what is happening. I think they do.

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I am one who has always believed the American people are really smarter than their elected officials, and that is why the system works so beautifully. They have a great innate wisdom and a remarkable common sense, and we gain from that when we go home and they say to us, "Hey, what are you doin'? What are you up to?" And you say, "Well, I tell you what we are doing. We were romancing rocks and we were doing this and we were explaining this and we were moving under rule so and so." They say, "Well, why don't you do your business?"

There is business to do in the U.S. Senate. That is what the American people know. The crush is on. The American people surely know by now, they know one thing and it must be seared on their minds. We have had civil discussions on this measure several times. The occupant of the Chair last night gave us a very good review of how many times we have used cloture in the last 8 years, or 10, I cannot recall which. The high water mark was five on one bill. The other three instances were four each where there had been cloture invoked four times on three separate occasions and cloture invoked one time on five separate occasions, and there has never been anything in the history of this body where we have voted seven times on one issue and not one word of it has been—oh, yes, I take that back. There have been words changed in it as it has been submitted and star printed and it has a checkered history that looks like a heifer that has changed hands about 30 times with a brand on every part of the anatomy.

So that is what we have done. Those have been civil debates. Now we are on the eighth go-round, with a lesser opportunity to invoke cloture than ever before, because of the demographics and illness of our dearly respected colleague, Senator BIDEN. We all wish him well and Godspeed. He is a splendid chairman, and I am one of the members of his committee.

So the slippage is there. No one is going to go over to their side. No one is going to come from their side to us. They are all locked in. They are battened in. They have the hatches down on them. They could not possibly change.

So we are going to go until Friday, at 10 a.m., doing nothing, absolutely nothing. There is no other way to describe it. I wish I could think of a better word. But nothing times nothing is nothing.

Then we are going to vote on cloture at 10 a.m. on Friday, and the vote at the high water mark will be 57, and they need 60, and that is it. School is out. Off for the weekend. Come back next week, and then the weeks shorten and collapse in on themselves: INF, trade bill, catastrophic health care.

I will tell you, the American people care a lot more about that than this, because the American people know full well that everyone of us here wants campaign reform. I, personally, am ready to cut PAC's from $5,000 down to $1,000. I will vote on that. But if this bill clips along here without going to cloture, I will not get a chance to put in that amendment. It will be squeezed out.

I am ready to do independent expenditures along the lines of what the occupant of the Chair was talking about last night. Excellent. I am willing to do something with soft money and in-kind contributions and still allow the proponents to have their ability to do that. We are ready to do that.

In the course of the debate today, some stunning figures will be presented. The new quarterly reports are out on all of us. We are public record. It will disclose that some of the proponents of this legislation have taken three-fourths of their money from PAC's—three-fourths of their entire quarterly report financing coming solely from political action committees, while they then speak of the necessity for reform under S. 2, which does not touch PAC's.

I will tell you, the American people understand that stuff so clearly. We have a word for it in Wyoming, and I am not going to leave it here. My mother has given me a serious charge about that. But that is what we are talking about, and that is going to be presented, because the records just came out this week or last week. We all filed.

It is very difficult to understand why proponents who want to avoid corruption and the bloated system and the whole business of filling their coffers with PAC money would then vote for a bill which the only thing it does to PAC's is to limit the aggregate but does not limit the $5,000 each they can put in the kitty. That cannot be. That is called fairness.

So let me share with you that the debate that the majority leader would like to take place without disruptive behavior will be from our side only. The American people know that that is not fair. The debate from our side has already demonstrated very clearly the fallacy of calling this reform. We are beginning to hear the American people, and they are saying, "We didn't know that. We didn't realize what was being said. Arch Cox led us astray."

Arch Cox did lead us astray with an ad which would not even be covered under S. 2. I understand that litigation is being prepared against Common Cause. I know that is a hideous thing to do, to bring litigation against such an organization. I used to be a member of Common Cause. I think they do great things—they did—but in this one, they have lost the linkage system somewhere between reality and myth.

I would love to debate anyone, anywhere, with regard to the activities of Common Cause on this one, when the proponents of S. 2 choose to do nothing with PAC's.

So we are not in a position, as opponents, to let it go forward, because we would not prevail. We will prevail on Friday, at 10 o'clock.

So we are ready to go all night, and we will, but we have pushed all our chips in. We have done that.

The debate, if it is to continue without any further activity, is a burden only on us. Any further debate in this Chamber on this bill is just on us, the sleepless ones, and votes on procedural matters are a method of sharing the burden, if you will, among all, including those who are insisting on our side carrying the debate alone. That is a reality of legislative life.

In our arguments, and we will have some good ones—we will not be reading from old Ma Perkins' radio tapes—we are going to be telling the story about what is happening in this bill, especially since we whacked it to death seven times and are going to whack it to death again the eighth time on Friday. As I say, nothing times nothing is nothing.

We are beginning to get the message out regarding the true nature of this bill and especially its remarkable shortcomings and the hypocrisy couched in it.

I say that the group is working. I commend them. I will visit with them. I know that the majority leader feels the same way, and more power to them. But we are no longer willing to shoulder the debate on into the night again. We are going to see some surcease and allow others to participate.

Therefore, I respectfully suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the Senator withhold that?

Mr. SIMPSON. I certainly do.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I am sure that the distinguished Senator from Wyoming and I could carry on this debate through the long afternoon; and he could carry it on longer than I could, I am sure. But as long as it is a meaningful debate, perhaps that will be all right. But there are others, I hope, who would participate in such debate.

I believe the distinguished Senator has said a few things to which I should briefly respond.

To begin with, he spoke of the fact that our illustrious colleague, Senator BIDEN, is ill, and he did so, I believe, by way of emphasizing in his view the futility—I will use that word—of our continuing to debate this, saying, of course, there is no chance for the

Democrats, about all of whom support cloture and the bill, to invoke cloture.

Mr. President, I cannot be guided by that fact—that one of our distinguished colleagues has been hospitalized and will be recuperating for quite some time.

I indicated last year to the American people, and I indicated again at the beginning of this year to the American people and to our colleagues, that the Senator would try again, that it would be my intent to bring before the Senate again the campaign financing reform bill. I made a commitment to do that, and I am attempting to live up to that commitment.

As to the destiny of the bill, the final destiny of it as being one of its demise, it may be an accurate prediction and it may not. I think the only way we can truly find out is to let the Senate render its judgment; let it vote. So that is what I seek to do.

The distinguished acting Republican leader mentions that there are so many other very important issues that the American people, in his viewpoint, feel are more important than this bill. He has mentioned catastrophic illness, and so on.

Mr. President, may I say that catastrophic illness cannot be brought before the Senate today or next week. Even if I were to displace this bill on the calendar within the next 60 seconds, which I can do, catastrophic illness could not be brought up before the Senate. It is in conference. The conferees are working on it. Yesterday, I asked Mr. BENTSEN, who plays a very important part in the conference on that bill, because it is a matter that comes within the jurisdiction of his committee, and he informed me that the conferees are working on the trade bill and they would not be ready to bring up the catastrophic illness conference report until they have completed their work on the trade conference report. So catastrophic illness cannot be brought before the Senate at this time, no matter what.

The distinguished acting Republican leader mentioned the INF Treaty as being more important to the American people. That treaty has not been reported from the Foreign Relations Committee. I am not telling the Senators anything they do not know. But in view of the fact that things are said on the record which, to some extent at least, could be inferred as being a wrongful judgment on my part in calling up this bill, as to whether or not it is more important or less important than the INF Treaty or more important or less important than something else, I think I have to state for the record—to be read by my grandchildren and theirs—that the INF Treaty could not possibly come before the Senate at this time. I have already stated the same with respect to the catastrophic illness legislation. I can say the same with regard to the trade bill, which I have already at least impliedly stated. The same can be said with regard to the budget resolution.

If there is anything I would put ahead of the INF Treaty or ahead of this bill, it would be the budget resolution, if it were ready to be called up; because until we get that budget resolution right—my distinguished friend from New Mexico is the ranking member on the Budget Committee and he nods his approval—until we get that budget resolution adopted, we cannot call up the appropriations bill.

It is my hope that we send the appropriations bills to the President this year in due time rather than in an omnibus appropriations bill. That was my viewpoint last year.

So, Mr. President, as the majority leader, I have to look at the overall year of activity before the Senate. I have to attempt to crank into the session these various measures when they are ready to be called up. It was my judgment that the time was now to fulfill my commitment to the American people and to the Senate that the campaign financing reform bill would be again called up.

Yes, Mr. President, the distinguished Republican leader has mentioned the reports with respect to contributions, fundraising, and so on, by Members of the Senate, and he mentioned specifically the proponents, the fact that they have taken money from PAC's.

Mr. President, we all know that the proponents have taken money from PAC's. I have taken money from PAC's, and it is the rule, it is the system that we now have, and I have to live by the system, as I find it today. It is a bad system, and I have to prepare for my own reelection. I want to continue in public service. I think I have something to contribute still, and so I have to be prepared for opposition which may be well heeled.

I have noted that my opponent in the fall was brought to Washington in an airplane and talked to by certain powers that be in the capital here who have some voice in the disbursement of funds, and he was promised that he would be given funds and be provided with help by way of research. It was reported, it has been said, that President Reagan would go into West Virginia and speak on behalf of my opponent at fundraisers.

And, by the way, I welcome Mr. Reagan in West Virginia at any time, even speaking to a fundraiser for my opponent. Let him come, let him come to West Virginia.

But I have to be prepared. I, unfortunately, in 1982, did not prepare adequately for a very vigorous campaign against me, not only by a millionaire opponent, who was a Member of the House of Representatives at that time who had a good springboard thereby, but also was the subject and the target of vicious attacks by an outfit from outside the State called NCPAC.

I tried to take protective measures in this instance by raising funds, as other Senators have to do. But I have to work within the system, and this is the reason why I so vehemently support this legislation, so strongly support it. I want to change the system, and the only way I can change it is to work within it to change it. So I am doing that.

I happen to believe that the legislation before the Senate will change the system. It is not perfect legislation. But I say to my distinguished friend, the assistant Republican leader, let us try to change it. If there are flaws in it, perhaps we can work out an agreement whereby we can have votes on the amendments that are being proposed. But we will not be able to get to those amendments if we continue to see a continuation of the tactics that have been resorted to in the last few hours.

We are on an important matter, and it is fundamental to our way of government. It is fundamental to the public trust in this institution. We have to get the big money out of politics. We have to clean up our own house. It is not a partisan issue. It is an institutional issue. It is a good government issue. Good government, that is what it is.

Now, the ways are open, the rules are open to changes in this bill. The opposition says that it will kill the bill. I would invite the opposition which says it will kill the bill to help to bring about ways by which the amendments which the opposition would like to offer, if they are germane and relative, would be called up. Let us work out an agreement whereby amendments on both sides will be called up, and we can have a final vote on this bill on a given date. That, seems to me, should be fair, and I welcome, hopefully, an opportunity for us to do that.

We cannot allow this money chase to continue as it is going. It is going ever upward into the stratosphere already, and public trust is going to continue to erode. Mark my words.

So why can we not get the bill up? Why can we not get the bill up and discuss it? The bill is up, but why can we not discuss it in a rational way? The vote will come on cloture. In the meantime, let us debate this bill. Perhaps we can find ways to change it, to modify it, to improve it. What is wrong with that approach? We do not simply have to put our foot down and say, "We're going to kill it," and in the meantime we are going to use obstructionist tactics, we will resort to guerrilla warfare, we will prevent the Senate from acting on amendments or anything else. We will not even have civil debate. We will just put in quorum calls, we may boycott the vote, and we are just going to stubbornly and obstinately refuse to cooperate in trying to improve this bill and have a vote on it.

So why are some of the Members so afraid to discuss it? Why are they afraid to discuss it? This is vital reform legislation. They have a wealth of talent that they could contribute to reform legislation, a wealth of talent that they can contribute to modifying or improving this legislation. It is a voluntary system that we are proposing, and Senators ought not be afraid to discuss it. So I know that the distinguished acting Republican leader will proceed as he feels he has to proceed, and, in the final analysis, may I say again, that this is not the omega, the alpha and the omega. It is not the end-all and we should not, I hope—let me apply this to myself—become so passionately and so partisanly enraptured or involved in this that I carry enmities, ill will, or that I injure the feelings of others.

If it came to a vote on tabling this bill today, and it were rejected, I would say I think the Senate made the wrong decision and forget about it. That is gone. Let us get on to the next item.

This is not a Democratic bill. It is not a partisan issue. I do not know how I can say more than I have said hoping that what I have said will help us all somehow to lower our voices and try to approach the bill with a view toward debating it, its flaws, its merits and having a final vote on it.

The opponents are so sure that they are going to reject it. Maybe they will. But there is no surer way to find out than to vote on it. That is all we ask.

Mr. President, I thank the distinguished Republican acting leader again. He has been most patient and very courteous in yielding to me. He did not have to yield to me. He could have at any point refused to yield further. I thank him, and I respect his viewpoint. I respect his opposition to this bill. I respect his criticism of it, and I will respect any way in which any advice that he would have toward moving ahead in a positive and reasonable manner to a conclusion of debate and action and, hopefully, an improvement of the bill in the meantime.

Let us put aside yesterday and last night. I would hope we would not mention it and go on with this bill, and criticize this bill. Those who are opposed to it, let them speak most vehemently and passionately against it, but always they will find this Senator, and I intend to live up to what I am saying with my hand out and ready to extend that hand of goodwill in the hopes that we can, indeed, come to together and reason together and let this Senate make its decision.

If I can be helpful in participating in any meetings, working out any time agreements that will further the action on the bill, amendments thereto or whatever, this Senator stands ready all day and night, any hour of the day, any hour of the night. I do not know of anything further that I can say, and I apologize to the Senator for my verbosity, my circumlocutions and my long-windedness.

Mr. SIMPSON. Mr. President, but not his eloquence. There is no apology necessary there, and that is an extraordinary part of my friend from West Virginia.

I know how the majority leader and I work. We say we are going to be quite, but we just cannot resist the one more shot.

That is part of my training.

Mr. BYRD. Will the Senator kindly yield?

Mr. SIMPSON. Yes.

Mr. BYRD. I am going to listen with great patience and understanding, eagerness and admiration to what the Senator says. When he finishes, I am going to remain in my seat no matter what the urge may or may not be.

Mr. SIMPSON. What an extraordinary blurb, Mr. President, to have that. I must then temper my remarks.

Let me say this: I have come to know you. You enjoy this. You are a chess player. I do not want to be discourteous and speak directly to the Member.

I would say, Mr. President, the majority leader is an extraordinary chess player. There is no one that I enjoy watching work through an issue more. You can almost hear the whirring of the engine when he is pacing here, thinking of which approach to take in view of the approach taken by someone in the opposition. It does not matter about partisanship. It is an astounding thing to watch. He is the ultimate, the quintessence of a legislator. He has the mind of a Parliamentarian, the voice of an elocutionist, and a magnificent intellect. It is all self-developed. That is an extraordinary thing. He is a Horatio Alger living. I know that. Anyone who has read history of the man knows the persona of the man.

But we do box each other around and I guess I have lived and always lived under the phrase—not a phrase, I have ingested it—hatred corrodes the container it is carried inside. I never carry that. There are those who use that phrase, especially in Washington, do not get mad; get even. I always say add one more, get sick, because that is what happens when you play that game of do not get mad; get even. You want to add get sick. That is a truly wretched, shrivelled way to live. That is not the way I live or the way the majority leader lives or he would not be a fiddle player and a story teller. That is the way it is.

So I would conclude, because remarks have been made about the American public and I understand we need to do that while we are here in the morning or midday while people are watching the proceedings. It is a good Government issue, one that I am just as interested in.

I remember the independent campaign against you was scurrilous, but this bill will not reach that. It will not reach it the way you would like to reach it or I would like to reach it, or the man who beat Chuck Percy. It will not reach him. It will not reach the person the majority leader had unleashed on him.

That is what is important. We can say we can make the amendments, but we would not have that opportunity. Seven times we have had that opportunity and seven times we have won the day. It is really a fairness issue.

If we were just to go on and discuss and debate, then I assure you we have no illusions about what would happen if we were to allow the pending question to come to a vote, or if we were to offer amendments to the bill when those amendments may be in order. They are not in order now. We have no illusions. We would lose.

But the minority and the opponents in resisting a bill that it opposes and blocking the imposition of cloture is also another way that the Senate works its will. The majority leader knows that better than anyone here.

So for us, the majority leader need not continue the around-the-clock activity. It serves no purpose, none, other than perhaps to, I think, lessen a little the stature of what we are trying to do here.

The majority leader is right, we cannot go to certain things. But we have a calendar which is very thick. Here it is. However, there are objections in there from my side of the aisle and his side of the aisle. But Price Anderson might be one we can deal with. That is a very important issue. The leader has indicated that. It is about liability insurance of commercial nuclear reactors. I do not know if that is ready, but that is one.

That book is stuffed full of things, but, you know, everybody has a little hook in there.

I do not think that this strengthens the public's attitude toward the Senate and what we do here. I think it lowers it a bit and tires us all.

We will now be working out shift work because we have to go forward and that is what we are going to do, the Members, the staff, the police. All are involved here, not just me. I have a constitution like a horse.

But if we go ahead here and just go to this debate that the majority leader speaks of, then only us, only we here, will be losing, like the horses that were rode hard and put away wet. That is not a thrilling prospect for us. So we want everybody to join in equal amounts of pain.

The majority leader, and I do not want to misquote him at all, and I will

give him the opportunity when I make the suggestion of the absence of a quorum, told us two or three times, and at least twice that I remember, that this, if it developed, was not going to be a gentleman's filibuster. That was the phrase. I do not want to misquote a bit of it. That this would not be a gentleman's filibuster and, in essence, there would be elements of hard ball. Hard ball is a team sport and the way you play a team sport is that two teams play it. So hard ball, on that aspect of the proponents, is hard ball on our side. It will not be done with enmity, hatred, disgust. The majority leader and I would never allow that to occur. We do not let that occur on our own level of being in our own lives, with our families, so why should it occur out here.

We are in it and I have had my meeting with my people, and the leader knows my people.

QUORUM CALL

Mr. SIMPSON. Mr. President, I now respectfully suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll and the following Senators answered to their names:

[Quorum No. 9]

Armstrong
Byrd
Dixon
Exon
Graham
Inouye
Johnston
McClure
McConnell
Metzenbaum
Mitchell

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Yes, there is, Mr. President, an objection for reasons that I have already disclosed to the majority leader. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue.

The bill clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. BYRD. Mr. President, at 3:45 p.m. today Secretary of State Shultz will be in room S-402 of the Capitol to discuss with Senators his recent trip to Moscow, and I would hope that—I do not want to stand in recess for an hour, but I would hope that debate could go forward during that hour so that certainly most Senators can attend the meeting with Mr. Shultz.

Mr. President, I thank the distinguished Senator for yielding, if he would like now to suggest the absence of a quorum.

Mr. ARMSTRONG. Mr. President, I do suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The bill clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their name.

[QUORUM NO. 9]

Domenici

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that the Senator from Delaware [Mr. BIDEN] is absent due to illness.

I also announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Kansas [Mr. DOLE], the Senator from South Carolina [Mr. THURMOND] and the Senator from California [Mr. WILSON] are necessarily absent.

I also announce that the Senator from Texas [Mr. GRAMM] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 36, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—55

Adams
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kassebaum
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stafford
Stennis
Stevens
Wirth

NAYS—36

Armstrong
Bond
Chafee
Cochran
Cohen
D'Amato
Domenici
Durenberger
Evans
Garn
Grassley
Hatch
Hatfield
Hecht
Heinz
Helms
Humphrey
Karnes
Kasten
Lugar
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Symms
Trible
Wallop
Warner
Weicker

NOT VOTING—9

Biden
Danforth
Dole
Gore
Gramm
Hollings
Kennedy
Thurmond
Wilson

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The question is on the amendment No. 1405, as modified. The yeas and nays have been ordered.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I was wondering if the majority leader was seeking recognition. It seemed to me that he was.

Mr. BYRD. No.

Mr. SIMPSON. He was not. Since the majority leader is not seeking recognition, we are back where we were before, which is an old location. And so we are ready to proceed. A quorum is present. And we have one of our Members who I believe wishes to speak.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Might I say to my friend from Wyoming, the acting minority leader, would he remain on the floor for a moment and on my time with me engage in a series of questions that I would like to ask him since he has been here and we have been having debate. I presume that this bill has been discussed, although I have heard most of it discussed on this side. Could I ask the Senator three or four questions just to see if I am right about what this——

The PRESIDING OFFICER. If the Senator from New Mexico will withhold, may we have the conversations off the floor.

The Senator from New Mexico.

Mr. SIMPSON. Mr. President, I believe the situation with regard to the floor is that I have the floor, and I, therefore, can accept questions from my colleague from New Mexico and I will surely do that.

I ask unanimous consent I be allowed to yield to him for a question, for a series of questions.

Mr. DOMENICI. Mr. President, could we have order, please?

The PRESIDING OFFICER. May the Chair once again ask Senators and their staffs to have their conversations off the floor.

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The Senator from New Mexico.

Mr. DOMENICI. Now, Mr. President, let me preface my few questions to my good friend from Wyoming by saying that it has become very easy here in the Senate to, regardless of the issue, introduce a measure and if it is going to change something, we have a tendency to call it reform. I am not sure that this measure is reform, at least the one that is pending that you cannot amend because procedurally that is the position we are in. You cannot amend it. Because it appears to me that to be reform you ought to be rather sure that it is better than what you have, or if it is a process as important as electing U.S. Senators and Congressmen it is going to help the Democratic process work in America. And I believe on both scores from what I have read, the bill fails. I am not at all sure that other than some changes in the current law, it is reform in the context of making better, improving, whatever the synonyms are.

Now, let me see if a few questions and a few comments on my part for the next 40 minutes or an hour could at least make my point. I say to my friend, "Question No. 1," is it correct that the limit, current limit of $5,000 per year in PAC contributions is unchanged in the bill pending before us, the majority leader's version of what has become election reform?

Mr. SIMPSON. Mr. President, that is absolutely correct. The amount of PAC contribution limits, $5,000, is absolutely unchanged in this legislation.

Mr. DOMENICI. Now, let me proceed. Some have said, "If you do not like this measure"—I do not even like to call it reform—this measure, "what do you suggest?" Now, let me ask this: is it accurate that Senate bill 1308, the McConnell-Packwood bill, would eliminate PAC contributions to individual candidates and that Senate Bill 1672, the Dole bill would reduce PAC limits from $5,000 to $3,000?

Mr. SIMPSON. Mr. President, that is correct, with regard to the interpretation of both of those measures. They would limit PAC's.

Mr. DOMENICI. I thank my friend. Now, let me use my State as an example. It could be used by anyone, but let me ask the Senator, is this statement correct.

Let me assume that I have to run in a State which has the limit under this amendment that is pending that we cannot amend, which has the limit of $950,000, which is the case for New Mexico. Let me assume that I decided that I need to spend more than that limit to get my message effectively to the people, a right I have under the Constitution.

Let us also assume that our opponent for any number of reasons decides to abide by the limit.

I ask my friend from Wyoming: I spend $951,000 instead of $950,000. Is it accurate that my opponent, under section 504 of this bill, will receive a Treasury check equal to two-thirds of our State total allotment, namely $633,000, raising his or her spending limit to $1,583,000?

Mr. METZENBAUM. Mr. President, regular order, please.

The PRESIDING OFFICER. Will the Senator state his question?

Mr. METZENBAUM. The rules of the Senate permit a question to be asked of a fellow Senator but do not permit a speech to be made in connection therewith. I have no objection to any question that the Senator from New Mexico may want to ask the acting minority leader, but my understanding is that the questions are being phrased as speeches.

The PRESIDING OFFICER. The Senator from New Mexico was recognized after the Senator from Wyoming had yielded for a question.

Mr. SIMPSON. Mr. President, these are predicates for a question. That is a common procedure in this place.

The PRESIDING OFFICER. The Senator from New Mexico is recognized to ask a question.

Mr. DOMENICI. Mr. President, as a predicate to my next question, I will say that I am most appreciative of the rule of the Chair and that the Senator from New Mexico has a small amount of discretion as to how he asks questions. I thank the Chair.

The PRESIDING OFFICER. The Chair has ruled that the Senator from New Mexico is recognized to ask a question of the Senator from Wyoming.

Mr. DOMENICI. And now I ask my friend from Wyoming, let me assume that I decide under the same facts I just gave him a moment ago before the Senator from Ohio raised his question, and I now decide to spend one-third more than the $950,000 limit for a total of $1,267,000. Is it accurate that my opponent then receives an additional $315,000 from the Treasury of the United States, giving my opponent a total of $1,900,000 to spend, half of it provided by the taxpayers?

Mr. SIMPSON. Mr. President, that is absolutely correct. Those are the figures under the formula.

Before the inquiry of the Senator from Ohio, I did not fully respond to the previous question. His question previously posed is exactly correct as to what would happen if he received $1 over the $950,000.

Mr. DOMENICI. My fourth question is this, and it refers to the spending by independent groups. Let us talk about spending by an independent group that is supposed to be campaigning for me or against my opponent, because that is described in the bill, I say to my friend from Wyoming.

Even though I have no control over this spending or the content of such a campaign, is it accurate that under the amendment my opponent would receive in cash from the American taxpayers the value of the outside campaign which could be $1 million? Is that a source of great mischief? Does it concern you? I would ask you, what happens if that campaign that is supposed to be on my behalf, which I did not solicit, is really a sham created by people who want to help my opponent? What happens if they do not spend all the money they have obligated to spend, or what happens if they spend it in ways that are really detrimental to my campaign, "Vote for Domenici. He favors taxes communism. He favors taxes." The latter is one that some might use. It is a subject today. "He favors to balance the budget." That is the line. "Vote for him."

Would that aspect of the bill pending provide my opponent with an added benefit, double-barreled, half of it at the expense of the taxpayer resulting from an alleged favorable independent group?

Mr. SIMPSON. Mr. President, that is absolutely correct. That is rather a multiquestion, but, indeed, yes on the first part of it, that the opponent would receive in cash $1 million. The answer to the next part of it is yes, it would be great mischief. That is why we are insisting that it is. And as you have described, the campaign supposed to be on your behalf is a sham created by people who really want to help your opponent. That could happen. If they do not spend all the money they are obligated to spend, they could use it in some other form and use it in areas detrimental to your campaign. That is a double-barreled benefit, half of it at the expense of the taxpayer. Indeed, that is true.

Mr. DOMENICI. I have only one more question to ask and then I will use my own time if I am recognized and if it is appropriate.

Is it correct that under the amendment that is pending that a candidate can spend an additional two-thirds of his State limit on a primary campaign whether the primary campaign is serious or not?

Mr. SIMPSON. That is correct.

Mr. DOMENICI. I thank the distinguished acting Republican leader.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. SIMPSON. I believe the Senator from New Mexico, Mr. President, may have another question or two. I know these are not dilatory questions. I believe he has two or three more. I ask if that is correct.

Mr. DOMENICI. I certainly do. Let me proceed with them.

The PRESIDING OFFICER. The Senator from New Mexico is recognized to further question the Senator from Wyoming.

Mr. DOMENICI. What limits are imposed by this amendment on soft money spending? Let me ask you, since you have been on the floor listening to the debate and you have been concerned with this legislation for a long time, is that not a major failing of this amendment, the fact that there are no limits imposed on soft money spending, if that is the answer?

Mr. SIMPSON. Mr. President, I submit to the Senator from New Mexico that is one of the prime grievances of this legislation. Indeed, that is correct.

Mr. DOMENICI. Is it accurate that the so-called minor party candidates, receive matching grants up to 50 percent of the State total, minor party candidates can receive matching up to 50 percent of the State total?

Mr. SIMPSON. That is exactly correct, Mr. President, without question.

Mr. DOMENICI. Might I ask my friend from Wyoming, does that present any constitutional issues, in your mind, as you think of that, how we are going to determine one set of candidates, because they are Republican or Democrat and thus perceived to be majority, and another group, because we set an arbitrary number of some kind, are minority, and we are only going to let them send half as much or furnish them with half as much tax dollars support?

Mr. SIMPSON. That is a very troubling aspect of the entire matter. That should trouble us all as part of this debate. It is one of the serious flaws.

Mr. DOMENICI. Mr. President, I thank my good friend from Wyoming for his responses and for his generosity in permitting me to ask these questions at this time.

It should be obvious, without a great deal of explanation, that if there is any doubt out there among anyone that there is a legitimate, bona fide reason to oppose this measure we have just stated at least six or seven, any of which could disturb a Senator, and he need not at all be against campaign reform. He could just conclude that that bill, as it is, unamendable, which is sitting at the desk, does not deserve to be supported in the name of reform.

I thank my friend and I yield the floor.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator will suspend temporarily, no business has been transacted.

Mr. SIMPSON. Mr. President, the Chair ruled on a request of the Senator from Ohio and we transacted business. I insist upon that ruling.

The PRESIDING OFFICER. The Chair stands corrected. The Chair did rule on a point of order by the Senator from Ohio that it was business. The Senator from Wyoming is correct.

QUORUM CALL

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. EVANS. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Washington. The clerk will continue the call of the roll.

The bill clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that I be permitted to rescind the quorum call for 1 minute for the purpose of making a statement, after which I will yield the floor for any Senator to restore the quorum call.

The PRESIDING OFFICER. Is there objection? The Chair must rule that an additional request to suspend the call is not in order. The quorum call is in order.

Mr. EVANS. There is no request from a Senator.

The PRESIDING OFFICER. The clerk will resume the call of the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 10]

Boren
Byrd
DeConcini
Dixon
Evans
Metzenbaum
Mikulski
Simpson

The PRESIDING OFFICER. A quorum is present.

The clerk will call the names of the absent Senators.

Mr. BYRD. Madam President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that the Senator from Delaware [Mr. BIDEN] is absent due to illness.

I also announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I also announce that the Senator from Texas [Mr. GRAMM] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays were announced—yeas 51, nays 42, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—51

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kassebaum
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stennis
Wirth

NAYS—42

Armstrong
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
Domenici
Durenberger
Evans
Garn
Grassley
Hatch
Hatfield
Hecht
Heinz
Helms
Humphrey
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Stafford
Stevens
Symms
Trible
Wallop
Warner
Weicker
Wilson

NOT VOTING—7

Biden
Dole
Gore
Gramm
Hollings
Kennedy
Thurmond

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, we have had a good deal of discussion during the morning, as I have listened to it, about what the debate is all about. I think it is important that we return to the purposes for which we began this discussion. This discussion is not about all-night sessions; it is not about the loss of sleep; it is not about the motion to instruct——

Mr. BYRD. Madam President, may we have order in the Senate? A Senator is making an important statement, and I hope he will be listened to.

The PRESIDING OFFICER. The majority leader is correct.

Senators wishing to converse will please retire from the Chamber.

Mr. BOREN. I thank the Chair.

Madam President, as I was saying, the discussion of the last several hours might lead those who happened on to this discussion without hearing what came before to think that we were discussing whether or not we should have all-night sessions, discussing the virtues of getting more sleep, discussing the fine points of parliamentary motions, how motions to instruct the Sergeant at Arms to compel the attendance of absent Senators should appro-

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priately be carried out or should not be carried out.

Madam President, that is not the issue we are discussing. What we are discussing here is really a very simple question, whether or not we shall have real reform of the way we finance campaigns in this country. That is the issue. And whether or not the Senate of the United States, a majority of whose Members have clearly indicated that they want to have an opportunity to vote for real campaign reform, will have that opportunity. That is what is happening here.

Fifty-two Senators signed on to a proposal, S. 2, to reform the campaign finance laws of this country. Fifty-five Senators, perhaps more, have indicated a desire to vote.

That is what this debate, this prolonged debate, is all about. If I might be more specific when I talk about what we mean by campaign finance reform. We have been negotiating, and as I have said before, negotiating in good faith, over the last several days. We are continuing to talk about, as far as this Senator is concerned, and we will continue to try to negotiate, to see if we can find a way to thread this needle, to find a way out of this impasse.

We have been able to reach agreement on a number of what I would call very important but, nonetheless, minor points when compared to the overall problem of what is happening with the way we finance campaigns in this country. We have had some agreement of what to do about millionaire candidates, about independent expenditures. We had partial agreements on what to do about the undue influence of special interest groups to finance campaigns.

But there is one single issue now confronting the Senate, and it is an issue that the American people should understand because the American people should be heard from on this issue. The issue is a very simple one, Madam President. The issue is this: Should we put some outer limits in place to stop the rapid escalation of campaign costs that have been going on in this country over the past two or three decades? Is it good for the U.S. Senate and, more important, is it good for the United States of America and our constitutional system that the cost of running for office in this country continues to go up and up with no limit in sight? Is it good for this country that the cost of running for the U.S. Senate in a successful race on the average in the last 10 years has gone up 300 percent.

It is good for this country where, on the average, it would take a sitting Senator to raise $2,000 every week of his or her term to raise the amount of money necessary to run for reelection? That was the case 10 years ago. It now requires, on the average, every Member of the U.S. Senate to raise at least $10,000 each and every week for 6 years that that Senator serves in the Senate. Over 300 weeks in a row, $10,000 every week for over 300 weeks just to raise the minimum amount of money necessary to run a successful race for the U.S. Senate.

Mr. STEVENS. Will the Senator yield?

Mr. BOREN. I will not yield at this time.

That is the issue that confronts the country. Do the American people believe that it is good for this country for that to be happening? Do the American people want their representation in the U.S. Senate to have the burden of raising $10,000 of campaign money each week, spending their time raising that money, going across the country to other States that they do not represent where the constituents do not live in order to raise that money, spending the time, raising the money, talking to contributors in other States instead of listening to the people back home? Is that what the American people want?

If the American people want that to continue to happen, if they want that figure to not be $10,000 a week, but $50,000, because that is where it is headed if you just use the trend over the last 10 years and project it forward, it is going to be $50,000 a week. It was $2,000 a week 10 years ago. It is $10,000 a week now. It will be $50,000 a week if the current trend continues at the same mathematical rate.

If that is what the people of the United States want, then they should applaud those who are preventing us from having a chance to vote on this bill because that is the one unresolved issue. That is the one thing, the only thing, that the people who are opposing this effort say is not negotiable, it is not on the table, we will not even talk about putting a limit no matter how high the figure. The sky is the limit. We do not want anyone to say we cannot spend as much money, as hundreds of millions of dollars, as we can raise to try to buy an office in this country.

Madam President, that is what this debate is all about, and it is time that the American people across this great country of ours woke up and realized what is happening because of the cancerous presence of too much money being pumped into the political system in this country.

Mr. STEVENS. Madam President, will the Senator yield at this point?

Mr. BOREN. Madam President, I would just like to complete my thought, and then I will be happy to yield.

I do not believe that is what the American people want, and if the American people ever had the opportunity to turn their attention to this issue, if the American people ever stopped to ask themselves, "How do we want this week to be spent by our representatives in the U.S. Senate?" I think they would say we want those Senators to be there grappling with the problems we face, problems of reducing the threat of war and conflict, the problems of getting productivity restored in our economy so we can do something about our trade imbalance, the problems of improving the educational standards and educational system so that our children will be better equipped to live in the complex world in which they are going to have to operate.

Madam President, I think they would say, "We want to have our Members of the U.S. Senate have the opportunity to come home so we can talk with them, so we can share with them the everyday problems that we have on our farm, the everyday problems we have running our small business, the everyday problems we have as a man or woman that works in a factory trying to save the money to buy the house or to educate our children."

That is what the people of the United States of America want. They want representation in the Congress that will work to grapple with the problems that affect them in their everyday lives. They want representation in the Congress that has time to listen to them and listen to their problems. They do not want the time of their Congressmen and Senators taken up instead raising money from other people and other places. They want to have the right to be heard from themselves.

And so it is extremely important. Public opinion polls have been taken. The Harris survey, for example, in 1983, and there has not been too much update, unfortunately, because we have not had enough attention paid to this in this country, and it is a tragedy, but we had a poll made in 1983. They made this statement:

"Candidates should be elected based upon how good they would be in office, not according to how rich they are or how many commercials they can put on television." Do you know what the American people said to that? Ninety-four percent agreed. Five percent disagreed. One percent were not sure.

And then this statement was made in the same survey: "The U.S. Supreme Court has ruled that there is no limit on the amount of money which an independent political committee can spend on behalf of a candidate. This has resulted in large amounts of money being spent on negative TV and radio commercials which attack the opponent of the candidate these groups favor. Do you feel that a strict limit ought to be put on the amount of money independent political committees can spend for a candidate or not?" Eighty-four percent agreed, favored strict limits, 13 percent disagreed.

And then they were asked, "Do you feel that excessive campaign spending is a very serious problem, only somewhat serious, or not a serious problem at all?" Sixty-two percent said very serious, Madam President, 29 percent said somewhat serious—that is a combination of 91 percent—and only 8 percent thought it was not a serious problem.

Madam President, if we will listen to our constituents, and it should not surprise us how they feel, they want us to compete in politics on the basis of issues and qualifications, not on the basis of who can raise the most money. They do not think this influx of millions and millions of dollars into campaigns is helpful to their ability to participate. In fact, they are concerned that it might be squeezing them out, that it might be squeezing out the average person, that it might be depriving them of time with their own representatives who have to go elsewhere, to other States to raise the money necessary. They are concerned by what is happening. And I am convinced if the attention of the American people could be focused upon this issue, we would find exactly what was found in these polls, that the overwhelming majority of the American people want to see something done about this problem. Madam President, that is what this is about.

Mr. STEVENS. Will the Senator yield at this point now?

Mr. BOREN. Just 1 moment. That is what this debate is about. Because we have talked about the other issues. I think we can find a way to reach some sort of agreements, agreements that would at least satisfy to some degree both sides on political action committees, and I do not underestimate the importance of that. It is important. We could find some ways to reach agreement on advertising rights, and that is important. That is not to be underestimated in terms of its support. We could find some way to reach agreement on a host of other issues, what millionaire candidates can do in terms of loaning money to their own campaigns and then going out to raise money to pay it off. All of these things are available, but, Madam President, we are not going to get the genie back in the bottle, we are not going to address the problem that the American people are concerned about, we are not going to address the problem that is at the heart of our political system, the integrity of the election process itself and the perception of that election process, until we find a way to do something to stop this rapid escalation in the cost of campaigns and campaign spending.

Madam President, I do not know whether we will find a way to thread through this needle right now or not. I do not know if we will find the magic formula in the next 2 or 3 days and nights. I hope we will. I want to say I honestly and sincerely—and I say this to my friends on the other side of the aisle; I am not making this statement for any political purpose or any rhetorical purpose or partisan purpose. I believe there are others on the other side of the aisle who are just as passionate and sincere about this problem as I am. I recall the days when Senator Goldwater, whose service in this body I greatly respect, was a Member of this institution. I remember the many hours we talked together on what was happening to campaigns in this country and how the cost of campaigns were absolutely out of control. And I think about our good friend JOHN STENNIS, the senior Senator from Mississippi, who served in this body longer than anyone else. And I understand the great concern that he has as he has announced his impending retirement to want to see something done to change the system because he loves this institution and he loves this country and he sees the problems that are going on.

Madam President, let me say if we do not deal with this problem, I do not know when it is going to happen, I do not know if it is going to be 1 year from now or 5 years from now, we are going to rue the day that we missed the opportunity, and the American people are going to call us to account, and when something happens that creates a scandal in this country—and one is bound to happen; it is a scandal waiting to happen; the amount of money that is sought and pumped into the political system at this point invites the greatest opportunities for the perception of public scandal and the loss of public confidence—when that happens and when the attention of the American people is finally fully engaged in this matter, they are going to look at each and every one of us and say, "Where were you? Why were you derelict in your duty? Why were you asleep at the switch? What did you do to try to stop the corrupting influence of this tidal wave of money that is pouring into the political system? What did you do about it? And when the next generation comes along and——

Mr. STEVENS. Will the Senator yield there?

Mr. BOREN. I will be happy to in a moment. I have to say to my good friend from Alaska——

Mr. STEVENS. I might say to my friend I have tried five times. I will speak later. I think the problem with this debate, Madam President, is the series of monologs and no willingness to really debate the problem.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. BOREN. Madam President, this Senator was trying to get the floor earlier and was not even allowed to have the floor, so I think the Senator has the right, having listened to other people for 25 hours, I believe, as the principal authority of the bill to speak for about 15 minutes. I do not think that is an unreasonable request at all. And as my food friend from Alaska knows, I have not only been talking to him on the floor, I have been talking to him off the floor. He is a very valued Senator. I am sorry he has not stayed to listen to this. But he is a very valued Senator. His ideas on this pending matter are certainly respected by me. I am not trying to avoid engaging in a dialog with him. I want to listen to him just as I have been listening to the Senator from Kentucky both on and off the floor and the Republican leadership and many others because I know people here sincerely care about this. The Senator from Alaska is one.

But I am speaking because it is important, Madam President, that we engage a broader audience in this discussion. It is very hard to get professional politicians—that is a term not very much in vogue. None of us want to call us that in this day and time. I doubt that many people get to the U.S. Senate without some professional expertise in the field of politics, Madam President. it very hard to get professional politicians to set aside the impact that any change in the political system will have upon any of us individually. And I do not make this in a self-righteous way. I include myself in that comment. It is very hard for any of us to stand back and look at changes and reforms that need to be made in the political process in an objective way.

Madam President, there are some issues of the day that honestly cannot really be dealt with solely in terms of the feelings within this room or the impact that changes the system will have upon the people who sit in this Chamber. What we are debating today is not an issue that just affects sitting U.S. Senators. It affects every citizen of this country. It affects every person in this country who does not have the financial means to make huge contributions but still wants to participate in their election process. It affects every person, young or old, in this country who has an ideal to want to perform public service but does not have the means to raise hundreds of thousands, millions of dollars to have an opportunity to run no matter how qualified they might be or how good their ideas might be or how sincere their desire to serve the public.

Madam President, that is not right. It has an impact upon the next generation of this country that is going to be faced with almost an impossible sit-

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uation regarding an ability to run for office unless they are persons of immense personal wealth.

It affects all of us in this country who are concerned about public confidence in their own government. It affects everybody in this country who is concerned about why people are dropping out of the political process and not voting in elections.

It affects all of us. It affects every person in this country. The American people need to begin to understand what it is doing to them, what it is doing to that farmer in the rural area of Oklahoma or South Dakota, what it is doing to that auto worker in Detroit, MI, what it is doing to that cotton planter in the delta of Mississippi, what it is doing to the cowboy in the State of Wyoming, what it is doing to that person who works in Silicon Valley in California, what it is doing to that retiree who has now gone to live in Arizona. It affects every single person in this country, Madam President, because it affects the basic building block of our whole form of government.

What was the cry of the colonists when they began the revolution which created this country? "No taxation without representation." We want a system of government. We want an election process that allows us to pick our own elected representatives to speak for us, people who know how we feel, people who will reflect our views, people who will speak for us.

What has really happened when almost 200 Members of Congress get more than half their campaign contributions from people outside their own home States and their home districts and they have to do that because it cost so much to run for office they have to go elsewhere to get it? Do the people back home in those home States, in those home districts really have grassroots representation? Do they have government decisions made by people who represent them? And why is it necessary? Because the cost of campaigns is so high the people cannot usually find the financial resources within their home States and districts to be on equal footing with the opposition.

So, Madam President, we are talking about fundamentals. The issue is very simple. If you feel that it is good for this country for the cost of campaigns to continue to skyrocket, if you think it would be good for this country if they went up another 500 percent, if you think it is good for this country that we spend our time raising money and panhandling for campaign funds instead of doing our job as Senators, representing and talking to our own constituents, then you should be on the side of those who want to prevent us from having the opportunity to vote for this bill. You should be on the side of those who say we are not even going to put that issue on the table.

Madam President, I am not saying that you have to be for S. 2 as it is now written to be for campaign reform. I would not say that at all. That would be a most arrogant statement, for me to say this bill is so perfect that if you are really for campaign reform you have to be for this and for nothing else. That is not what I am saying. I am saying we are willing to talk about modifying any provision in it. All we ask is that we have an indication from the opponents that they are willing to talk about some way to put some outer limits on the increasing costs of campaigns, which is a growing scandal in this country. That is all we ask. We do not say let us write it. We do not say let us pick what the limits will be. We do not say let us set the limits so we can get some partisan advantage. We just say join us in this noble cause to put some outer constraints on this runaway cost of campaigns before it absolutely cripples and destroys our political system.

Now, I close again with this, Madam President, and I apologize to my colleagues for talking their time. If we do not do it, mark my words, the next generation of Americans and the next generation after that are going to say, "Were you in the U.S. Senate when you had an opportunity to do something about this problem? Were you there when you had an opportunity to remove this cancer that is eating away at the political heart of this country? What did you do about this?" All I can say, Madam President, is I will say, "I tried to give us an opportunity to get a vote, to get this matter under consideration so we could not only vote on it but move to amend it and improve it, change it, have the conversations with those on the other side who did not agree with us on this particular bill and improve it."

Mr. RIEGLE. Will the Senator yield at this point?

Mr. BOREN. I will be happy to yield for a question.

Mr. RIEGLE. I thank the Senator for yielding. Let me, before posing the question, compliment the Senator from Oklahoma for his leadership on this issue. Clearly this is a major issue that confronts the country. As the Senator has said so well, if there are no limits at all we get into a situation where the whole process starts to break down. It breaks down in a way that is sometimes hard to understand, but it takes it further and further out of the reach of the citizens every day.

Let me ask the Senator this question. In my own race in Michigan—we are the eighth largest State, and I have been through that race twice before and am in the process of running again—in a State of our size, with about 9.5 million people, the cost of waging a Statewide campaign, the cost of television and everything else is now in the range of about $4 million. We raised pretty close to that figure in the last Statewide race of this scale. It could conceivably be higher this time.

One of the things we are noticing in our State is that the candidates running now, for the most part, tend to be self-described multimillionaires, and certainly they have a right to run. But the thing I am concerned about is that the pattern seems to be that unless a person has enormous personal wealth, particularly in the larger States, by and large they are finding it very difficult to run. On the other hand, those with great personal financial resources, who face no spending limits today, can spend as much of their own money as they wish. They are in a position to go ahead and run, and that tilts the process against the overwhelming majority of the American people.

So it seems to me the point that the Senator has made about the need to establish some reasonable limit—we can debate the limits, and in fact if we could get to a vote here, we could decide with our colleagues on the other side of the aisle where the limits go, and I am open to the question as to where those limits are established, but if we establish reasonable limits, then what we are doing is putting these races more on an even footing, on a fair footing. We are saying to a greater number of people in the political process that they have an opportunity to come forward and compete on an equitable basis.

I happen to favor, in addition to public financing, components such as we have in the Presidential race, and as we have in the race for Governor of my State, because they have proven to work very well. It opens the process to a greater number of prospective candidates that would like to run. If we could establish some reasonable limit on overall campaign spending and make it possible for a greater number of candidates who are not personally wealthy to be able to run and have effective campaigns and have a chance to run winning campaigns, we hold out the possibility of reinvigorating and continuing to invigorate our whole self-governing process.

The thing that worries me is that if we do not do that, if we continue to let this system become lopsided in the way that the Senator and I and others have described, we are going to find that the vast majority of the American people will not be able to run for public office. They will not be able to mount a competitive race for the U.S. Senate unless, as I say, they are wealthy or they are connnected to some kind of a fundraising apparatus, a party apparatus or others that shower enormous sums of money on them. That is just not right.

Mr. BOREN. I thank the Senator from Michigan for his comments. I certainly agree. I would express my agreement with him. That is the case. We are simply going to foreclose people from the political process. That is why I have been saying what I have been saying. I know that we have had these sessions that have gone into the night. I know there have been points scored back and forth, and there is the parliamentary process.

We have had heated debates. People can begin to say, "Well, let us forget it. Let us not try to work together any more. Let us not try to work out solutions."

That is why I appeal to those who have been opposing this bill. I appeal to them in all sincerity, as I did a while ago. It is not to try to score any political gain for myself or my party or anybody else out of this process. I appeal to them one more time to try to work with us, to work out a solution, so that we can work out an agreement.

This is a time of conflict, yes. It is a time when the strong and opposing views have been expressed, yes.

But it is also a time, Madame President, when we have brought this issue to a boil. It is my experience, and I am sure the experience of my colleagues around here, when that is a time, when the issue has been brought to a boiling point, when it has become the focus of national debate, when it is on the agenda for national discussion and discussion in the Senate, that is also a time of opportunity, a time for us to try to find a way to make some real progress.

I think it would be a shame and a tragedy, indeed, if we missed this opportunity now to make some real progress. I think it is close at hand. I think it is time to put everything on the table. That is all I would ask, that the other side say, "We are willing to put on the table the questions we want to discuss," some kind of limit that would restrain this runaway growth of campaign spending in the future.

I would ask the other side again, and I would appeal to them, to come to us with a proposal that they favor, and we will make absolutely sure that they are not put in any kind of partisan disadvantage. Come to us with a proposal that raises the limits in the States where they think it should be raised in order to ensure their ability to compete on a fair and equal basis.

I think they will find great willingness on this side of the aisle to not only look at it and fairly consider it but probably agree to it. I do not think we should have partisan advantage in this issue.

It is so important. Amidst all of this heated debate, the one thing that encourages me is that we are finally talking about this issue in the Senate. For year after year I have looked on with frustration while this issue was not part of the national agenda, while it was not considered important enough to talk about, where when you said to people something is wrong in the way we finance campaigns, people would say, "We are political realists. Do not tilt at windmills. You will not change it. It will stay the way it is. There is nothing you can do about it. It is the way it is."

We have come to that point, Madam President, after this matter has been placed on the national agenda and viewed by everybody, recognized by everybody on both sides of the aisle as a problem. There is something wrong with it that needs to be fixed. There is something badly wrong and gravely wrong, with which we have to deal. That is progress, Madam President.

We cannot begin to think about solving the problem until we realize the problem exists. We have indeed progressed that far in the course of that discussion of this matter in the body politic.

So progress has already occurred. We are much closer to the solution then we were a year ago or 5 years ago. Certainly, much closer to the solution than we were when Senator Goldwater and I first introduced our bill and were greeted with a resounding chorus of light laughter by those who thought we were embarked upon something that never would come to fruition.

It was an idealistic cause that no realistic person thought we would ever really try to do anything about. So we have come a long way already. We are on the brink of doing something of exceeding importance to this country and making a great contribution to the next generation concerning the integrity of our electoral system.

We are launching our lives together under the Constitution for the second 200 years in a way that will ensure the same vitality that guaranteed the first 200 years of our life for people under that great document. That is important.

Some people have said, "Well, with all important bills that come through here, why take the time on this?"

There are a lot of important bills—budget bills, farm bills, trade bills. But, Madam President, I think very few things are more important to our life as people than the preserving of the constitutional system itself. It enables us to continue under the framework by which we write the policies in all the other areas that affect us.

If we do not have confidence in our political system, confidence in this institution, the ability for this institution to work, we are not going to write the right energy policy, defense policy, foreign policies, farm policies, trade policies, or anything else.

So, Madam President, I again indicate our willingness, our willingness, to continue to work with, to continue to talk to, to continue to share thoughts with, to continue to try to deal in a creative way with those who have different views about the details of this legislation so that we can find a formula for doing something important for our country.

But it all boils down to this: for us to make progress at this point there must be a willingness to put on the table for discussion some way to put outer limits on campaign spending. That is the beginning of the debate right now; that is the end of the debate right now. That is the smallest unresolved issue and the unresolved issue. That is the unresolved issue.

We have seen a willingness on both sides to work out and make substantial progress on all the other issues. Now we have to deal with the main event. We have cleared the way for other matters and we have to find a way to deal with the most essential problem and that is the fact that spending on elections has gone out of sight and out of reason and must be brought back within bounds once again.

Again I apologize to my colleagues who have been waiting to speak. We are imposing upon their time. However, I felt it was important to again define the issue and to again indicate why this is not a matter of political games, why this is not a matter of partisan politics. Many of us on this floor, and I would say most of us on the floor, on both sides, of both parties, have it as a matter of great passion, of strong feelings because it is a matter of urgent importance. I think as long as we can respect each other and commit to continue to work together we can find a way to resolve the impasse with which we are now confronted. I thank the Chair and I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, my friend from Oklahoma makes a very persuasive argument in support of real reform of the Federal election process.

Many of us in this body are strongly interested in bringing to the Senate various options for real reform of the Federal election process. But to hear the argument just made and to concentrate only on the provisions included in S. 2 would be to overlook some very important changes being suggested, changes I consider to be true reform and not mere efforts to perpetuate control of the Senate by the party controlling the Senate today.

Madam President, I am suggesting that Senate control by one party would be the result of the passage of S. 2. I say that for several reasons.

One reason was brought to my attention last summer when this matter

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was on the floor of the Senate for discussion. I received a letter, and I think other Senators on this side of the aisle received the same letter, dated June 23, 1987, from Frank Fahrenkopf, chairman of the Republican National Committee.

I quote from that letter: "I strongly urge the Republican Members of the Senate to reject any compromise that includes expenditure limitations."

Notice the use of the words "expenditure limitations." That is what S. 2 contains.

Mr. Fahrenkopf also warned, "Such limitations could be lethal for the Republican Party's future."

I am not pretending to know whether that statement is true or false. I am not gifted enough to predict that as an outcome of the passage of S. 2. It is very clear, however, that the kinds of expenditures that are not limited and restricted in S. 2 benefit Democratic Party nominees in senatorial elections and in the Federal election campaign process generally.

(At this point Mr. DASCHLE assumed the chair.)

Mr. COCHRAN. The reason that is true is that there is no limit in S. 2 on the amount of money that can be spent in a campaign by organized labor unions who are spending money on behalf of a candidate in the election.

The bill restricts only the amount that can be spent by the principal election committee of the candidate himself.

Most Republican candidates raise money from private voluntary contributions of individual citizens. Most of the money for the senatorial campaigns for Republican candidates are in that form and they are financed by contributions in that form.

Many candidates on the other side of the aisle benefit from direct expenditures by organizations who are involved in the process but who are not covered by S. 2 as far as the amount of money they can spend is concerned; there are no limits on what those organizations can spend.

In the letter I just referred to, for instance, there is this sentence: "The 1984 Presidential election was publicly financed with an expenditure limitation," the same general kind of expenditure limitation that is contained in S. 2 for Senate races.

And the letter goes on to say, "But in 1984 labor unions spent $10 million in the primary campaign and $20 million in the general election for Mr. Mondale, expenditures which do not require disclosure under present law. Equal funding and equal expenditure limits were not equal."

That is the point, Mr. President, that is confounding the process here in the Senate today as we debate and discuss the issues involved in S. 2. We are being asked on the Republican side to cave in to the pressures of the majority, when to do so would legislate perpetual control of the Senate by the party that is now in power in the Senate.

I am convinced that is true and I think the evidence is very clear that is true.

So to hear the arguments advanced by some of the proponents of S. 2 that to adopt the bill presented to the Senate is really reform is not really hitting the nail on the head, Mr. President. It is true that it is change. It would be different under S. 2 than it is today. There would be sharp limitations and restrictions on expenditures of those funds raised from individual voluntary contributions from ordinary citizens. But there would be no restrictions whatsoever on the individual contribution limits of political action committees. There would be no restrictions on the amount that could be expended by independent organizations such as labor unions and others interested in the same cause as those pushing for the adoption of S. 2, that is, control of the U.S. Senate by the party that is now in the majority.

If we are going to have reform, Mr. President, it ought to be equitable to the extent that all contributions given and all expenditures made are disclosed as to both the source and the candidate benefited.

Now, that does not seem to be unreasonable, does it?

But that is not in S. 2. That is in the Republican alternative which emphasizes disclosure and calls for reduction in the contribution allowed by political action committees to individual companies.

It would be very difficult, however, to learn this by reading newspaper reports of the Senate on this issue. Some of the editorials around the country have given the clear impression that the Democrats are in favor of reform because they want to reduce the influence in Federal elections of political action committees. That has been the central theme of much of the writing about this issue.

But there is not one word in S. 2 that restricts by as much as a dollar the amount a political action committee can contribute to a campaign of a U.S. Senator.

On the other hand, the alternative legislation proposed by Senator Stevens and others—Senator Stevens is the ranking Republican member of the Rules Committee which has jurisdiction over the legislation—cuts in half the legal allowable amount that a political action committee can contribute to the election of a Senator. Under current law the limit is $5,000 per election. Under the Republican alternative reported in the Rules Committee the limit would be $2,500. There is no similar change offered by S. 2.

There is another Republican alternative that is being urged by the Senator from Kentucky [Mr. McConnell], and the Senator from Oregon [Mr. Packwood], which completely eliminates political action committee contributions. That is a Republican alternative. If you relied only on the newspapers, however, you would not know that the alternative has been introduced, even though it is one of the principal vehicles for true reform before this body.

Instead, what do you read about?

Last year as we were engaged in this debate the majority leader came to the floor one day and put in the Congressional Record a stack of newspaper editorials from all over the country urging citizens in effect to put pressure on Senators urging them to support S. 2, because it would control political action committee contributions.

At that time, there was no provision in S. 2 that would deal with restricting those contributions.

It is interesting to look at the Record, Mr. President. I think the date was June 9, 1987. The majority leader presented for inclusion in the Record a number of editorials, and it was said by some who spoke that day and later that this indicated spontaneous support was developing around the country for the proposal before the Senate—public financing of Senate campaigns. That was the other theme of the legislation at that time.

Let us not let individuals choose whom they may support. Let us have the Federal Government parceling out money to candidates from the Treasury. It was the theme then that this would be a more wholesome and more equitable way to conduct the Federal election campaigns of U.S. Senators.

I looked through the Record to see what the newspaper writers were saying, and it was really interesting to see that so many of the editorials were just alike. Some even had the same title. Now I know there are newspaper chains, and it is not unusual for an editorial in one town to appear in a newspaper in that same chain in another city. And there are many chains like that around the country today.

But I doubt that all of these newspapers are in the same chain. Maybe they are.

Here is one of the first ones. It is on page S7795. It is entitled "Hedging Their Bets", and it was published in the Aiken, SC, Standard, dated March 30, 1987. The editorial starts off this way, Mr. President:

> Political action committees as fickle as fortune itself, know how to back a winner. According to a study released recently by the public-interest lobby Common Cause, dozens of PAC's involved in last year's U.S. Senate elections covered both sides.

And then the writer goes on to discuss that in more detail.

Looking on that same page, here is another editorial from the Anderson, IN, Daily Bulletin, dated March 30, 1987. The editorial is entitled "Hedging Bets." It starts off:

> Political action committees, as fickle as fortune itself, know how to back a winner.

And then on and on virtually the same editorial.

I thought that was an interesting coincidence.

Here are papers published on the same day, one in South Carolina, one in Indiana, with almost exactly the same editorials except one has the title "Hedging Bets," the other "Hedging Their Bets."

And then I kept going and I thought I came across a new editorial. Here was one published in Athens, GA, in the Messenger, dated March 17, 1987. The title of this editorial is "Rein in the PAC's—Reform Bill Offers Way to Curb Fundraising Abuses." It starts off this way:

> Fourteen Senators elected in 1986 raised more than $1 million each in political action committee, or PAC, contributions for their Senate campaigns. That more than doubled the number of PAC millionaires in the Senate from 10 to 24. PAC candidates in 1985-86 totaled $45.7 million.

Then I happen to notice on the same page in the Record are two other editorials, one from the Anderson, IN, Daily Bulletin—remember it?—entitled "Rein In The PAC's," dated March 19, 1987. It begins in basically the same way as the editorial that just preceded it from the State of Georgia.

The next editorial is from the Alpena, MI, News, dated March 31, 1987. It, like the editorials that I first read is talking about PAC's hedging their bets.

As you turn through here you come across others that are just exactly alike or very similar to the previous editorials.

Here is one from the Illinois Star Daily of Beardstown, IL, talking about political committees being fickle as fortune itself. Here is another one entitled "Rein in the PAC's," from the Courier News of Bridgewater, NJ.

What we see through here are basically two editorials, obviously not written by the same editorial writer working every day for each of those papers.

The Southside Idaho Press of Burley, ID: "Fourteen Senators elected in 1986 raised more than $1 million each in political action committee."

Well, you go through the editorials, and many of them are just like that, and you get to the end and it says "What we have now is a mess. The Boren-Byrd measure could be a way out."

Well, you know the tragedy of all this is that these editorials were suggesting that the Byrd-Boren bill had provisions that would restrict the contributions made by these political action committees described in the editorials as being the root of the evil in the process. The fact then as now, however, is that S. 2 does not reduce the legal limit of an individual political action contribution in a Senate race. Republicans have that in their bill, but that fact is not found anywhere in their entire stack of editorials, supposedly written by folks who have looked at the subject and are competent to explain to readers of their newspapers the issues of campaign reform.

I am not pretending to know how these editorials came to be published by these papers, who wrote them, or who continues to push on to the public inaccurate statements about this issue. Did you hear the distinguished Senator from Oklahoma talking about how Barry Goldwater and he had developed this legislation and had introduced it? And did you see in the newspapers in Arizona the ads purchased by Common Cause that discussed Senator Goldwater's support for the Byrd-Boren bill and criticized John McCain, the Senator from Arizona, who is urging that a Republican alternative be adopted? Did you know about that? Everybody pretty well knows about that here in the Senate now. Some people around the country are being told that Senator Goldwater supports S. 2. I happen to have had the privilege of being with him out in Colorado soon after the debate got going last year.

Larry Pressler and I, the Senator from South Dakota, served together on the board of the U.S. Air Force Academy. We were talking about that at lunch. He said he did not realize that S. 2 had been converted into a public financing bill. And at that time the central theme being pushed by the proponents was that we were going to go into the Federal Treasury and allocate money to candidates. Well, Senator Goldwater wrote a letter to Larry Pressler. I have a copy here. He sent a copy to Ted Stevens clarifying his position.

Mr. President, I ask unanimous consent to put in the Record a copy of the letter from Senator Larry Pressler to me enclosing a copy of former Senator Barry Goldwater's letter on this subject.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Committee on Environment and
Public Works,
Washington, DC, September 1, 1987.

Hon. Thad Cochran,
U.S. Senate, Washington, DC.

Dear Thad: Recently I had the opportunity to visit with our distinguished former colleague, Barry Goldwater, while I was attending the U.S. Air Force Academy Board of Visitors meeting in Colorado Springs.

During our visit we discussed campaign reform legislation. You will recall that during prior debate on this issue some confusion evolved regarding Senator Goldwater's support of S. 2. Following up on my visit with Senator Goldwater, I received the enclosed letter from him, in which he states his position on this proposal. As you will see, Senator Goldwater states in his letter that he cannot go along with federal government financing in part, or all, of campaigns. As he requested, I did insert his letter into the Congressional Record on August 7th.

In order to clarify Senator Goldwater's position on S. 2, I wanted to share his letter with you.

Sincerely,

Larry Pressler,
U.S. Senator.

Barry Goldwater,
Scottsdale, AZ, August 4, 1987.

Hon. Larry Pressler,
U.S. Senate, Washington, DC.

Dear Larry: At the Air Force Academy, this last weekend, you told me you had not received a letter from me relative to my position on what was once the Boren-Goldwater Bill.

This letter will explain my position. I was very happy to cosponsor Senator Boren's Legislation, but when he introduced federal support, at any level, or any amount, I just could not go along with it. One of the surest ways that I know of to raise havoc with our election system, federal or local, would be to have the federal government finance part, or all, of campaigns.

I would appreciate your putting my position in the Record, so that my friends, who think I still support the Boren-Byrd approach, can be properly informed, and act accordingly.

It was great seeing you at the meeting the other day. That was a good turnout, and I think we did a lot of good.

With best wishes,

Barry Goldwater.

Mr. COCHRAN. What is clear from this correspondence, Mr. President, is that Senator Goldwater is his words says:

> I was very happy to cosponsor Senator Boren's legislation but when he introduced Federal support at any level or in any amount, I just could not go along with it. One of the surest ways that I know of to raise havoc with our election system, Federal or local, would be to have the Federal Government finance part or all of campaigns. I would appreciate your putting my position in the Record so that my friends who think I still support the Boren-Byrd approach can be properly informed and act accordingly.

In spite of Senator Goldwater's very clear statement disavowing support for the measure before the Senate, we continue to hear that he supports S. 2. It was just stated. It is being promulgated in newspaper ads around the country, at least in the State of Arizona, creating the impression that the sitting Republican Senator from Arizona is in conflict with his predecessor, the former Senator Barry Goldwater, on this issue.

I think it is instructive, Mr. President, in trying to determine where the emphasis is for real reform, to look at the views that were published in the

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committee report attributed to most of the minority members who sit on the Committee on Rules and Administration.

They looked at the comparison of the legal limits of individual contributions versus PAC contributions and tried to decide, is there a need to change the balance? Is there too much political action committee involvement in election campaigns? If so, what do you do about it? It was noted in the report, and I am reading from page 73 of Report 100-58, Calendar No. 128:

> Under the Federal Election Campaign Act, as amended, individuals may contribute up to $1,000 in a primary, and an additional $1,000 in a general election to a candidate for election to Congress. This limit was set in 1974, and has never been raised despite the erosion caused by inflation over the intervening 13 years. Political action committees on the other hand have been allowed to contribute up to $5,000 per election to a congressional candidate. This figure was also set in 1974, and has never been altered. We propose that these specific limits be amended with the individual limit being raised from $1,000 to $1,500 per election and the PAC limit being lowered from $5,000 to $2,500 per election. Changing the mix of contribution limits will result in congressional candidates becoming more inclined to rely on individuals and less inclined to rely on PAC's to fund their campaigns. We believe that altering the contribution mix so as to increase the value of an individual's contribution and decrease the value of a political action committee contribution will cause candidates for Congress to return to the historic source of their funding and will curtail to some degree the influence of political action committees. Reorienting congressional campaigns back to individual contributors is a goal shared by all Senators.

Well, obviously those who signed and subscribed to those views were wrong about one thing; that is, that reorienting congressional campaigns back to individual contributors is a goal shared by all Senators. We have found out in debate on this bill that that is not true, that rather than do anything about reducing the amount a political action committee can contribute to a campaign, the proponents of S. 2 are arguing against making any change there. They are instead urging us to change the law to impose a limit on the expenditure of those funds as well as individual contributions so that we have a cap on overall spending.

Now, that cap on overall spending is only applicable to the campaign committee of the candidate. This is where the problem comes with that expenditure limit. It would not apply to any organization or other committee that expends money in behalf of that same candidate. If it is a national organization, for instance, that has picked out several races around the country and they have decided to use the resources by hiring telephone bank operators, people who are going to make phone calls to citizens to help get them to go to the polls that day to vote for a specific candidate, if they want to spend in a Senate campaign $100,000 or $500,000 in a State for that purpose, under current law, as I understand it, those efforts not even have to be reported. And under S. 2 there will be no expenditure limit for that contribution or that expenditure to the election campaign for that Senate candidate.

Now, that is the problem, because in Senate campaign after campaign we have seen more and more organizations outside the control and outside the structure of the candidate campaign committees become involved to the extent that they are hiring telephone bank operators, recruiting people to go door-to-door, handing out campaign literature, working at the polls, buying time at the local radio station to advertise against one candidate or on behalf of another. These expenditures would not be restricted under S. 2.

If S. 2 were to pass, I believe that we would see even more of these independent groups not answerable to a candidate, but involved nonetheless just as vigorously as if they were in a candidate's own organization, trying to influence the outcome of elections, and spending whatever they cared to spend from whatever source while the candidate himself would be strictly limited by the S. 2 cap on what the candidate himself raise from individual voluntary contributors. That is the problem, Mr. President. And that is a big problem.

More and more we are finding that organizations that are nationwide, some of them labor unions, some not, are getting very actively involved in the political process to help Democratic candidates. And they have been very successful.

So if you have as your cause, if you have as your goal the perpetuation of control of the United States Senate by the Democratic Party, then you will support S. 2 because that is what you get if you enact S. 2.

One other thing that I think you would get would be the development of independent organizations on both sides of the political aisle, with the practical result, if not the avowed purpose, of getting around the spending limits. If your campaign committee were restricted by law, but you were not restricted to the benefit you could obtain outside that structure from other organizations, your supporters might be tempted to encourage the development of those organizations in the hope that they might support your campaign.

The final result would be more support, more advertising, more help on election day in behalf of your campaign.

I have a suggestion for an alternative that is probably not new, but it occurred to me when I was a candidate for reelection to the Senate in 1984. I was about halfway through the campaign, maybe it was in April or May or June, I have forgotten, but it seemed to me it was over in the middle of the election year and I happened to notice that in Canada they had dissolved Parliament and they were having parliamentary elections. All the members of Parliament had to stand for reelection; Brian Mulroney was reelected Prime Minister. And all of that occured in a period of time that was about 6 weeks. And I thought: Is that not an interesting difference in their system from ours?

Our campaign in Mississippi that year had begun in February, I believe. Election day, as we all know, is in November. And, as a candidate in the race, I was looking to the necessity of having to campaign almost the entire year. And I thought: Would that not be a nice change if we could somehow limit the amount of time in which our campaigns were conducted?

And I thought about the debate that was then going on in the Senate about capping expenditures, turning to the Federal Treasury for campaign money, other changes that were being urged by those who were supporting Byrd-Boren. I thought that shortening campaigns might be an answer.

I do not know how we would do it. When I asked the Congressional Research Service of the Library of Congress to look into the constitutionality of such a statutory change, I was told it would probably require more than a statute, maybe a constitutional amendment. But I think we ought to look at that and think about it. Do we spend as much money as we do in the campaigns because we want to or we like to? Who decides really when to start? Every year campaigns are beginning earlier and earlier and earlier.

Look at this year. Candidates for the Presidency were advertising their candidacies on radio and television in 1987 in Iowa and in New Hampshire, maybe South Dakota, for an election that is really going to be held in November 1988. And just look here in our own body. I know of Senators who are up for reelection this year with an election date in November who have already begun advertising their campaigns for reelection on television in their home States. I am not criticizing that.

I am just wondering: Would it not save an awful lot of money if we had a rule or a law that prohibited the advertising of one's candidacy until 90 days before the election or some other period of time before a primary election or a convention or a caucus or a general election? I would suppose, without having any proof of it, that that would save a lot of money. And I am talking about restricting all advertising. But the Congressional Research Service, as I point out, says that we

might have to ask that the Constitution be amended to get that change made.

But, nonetheless, I recall when we were debating the matter last summer, we were required, if we had an amendment to S. 2, to file it, have it printed in the Record, or we would not be able to offer it. We had been foreclosed under the rules of the Senate from offering an amendment unless our amendments were printed in the Record on a certain day. Do you remember that? And so, I filed my amendment and it was printed in the Record.

Another reason why we are resisting cloture, Mr. President, is that other potentially good amendments cannot be offered on S. 2 if cloture is invoked. Under the rules as I understand them, an amendment that I might offer to change the legal limit of a contribution to a Senate campaign by a political action committee would be out of order.

I read from the committee report the minority suggestion of Senator Stevens and others that the individual contribution limit be increased to $1,500 and that the political action committee limit be reduced to $2,500.

I personally think they ought to be the same. Now that is just my personal view. I urged that when some were exchanging ideas about what ought to be in this bill and my view was not included. But I still have that opinion.

If you are concerned about the extraordinary amount of influence in the process by political action committees, why not just make the contributions the same, limiting both PAC's and individuals to the same amount in an election? That would certainly increase the value to a candidate of individual contributions as compared with PAC contributions.

Now, as I pointed out a moment ago reading from the report, the legal limit in an election campaign is $5,000 from a PAC. A PAC can give $5,000 in a primary election and then, if you win the primary and you are in the general, they can give you another $5,000, bringing the total legal contribution from that PAC in that election cycle up to $10,000. For individuals, under the current law, you can get only $2,000.

If I wanted to offer that amendment after cloture is invoked, it would be out of order.

Now I am asking you: Is that fair? Is that the way the Senate should conduct its business, shutting off the right of Senators to offer certain kinds of amendments?

And they wonder why the Republicans are resisting the cloture effort by the majority leader. They wonder why we are trying to explain that there are two sides to this story and only one side is getting out. One side is being told by the editorial writers, one side is being advertised in paid advertisements in newspapers, albeit inaccurately, and the other side is not getting out. Now it may very well be that some organization ought to advertise the other side. I do not know if that is the answer.

I think one answer, though, is simply to continue to try to tell the story and to give the full facts to the American people on the floor of the Senate by discussing why we would like to have some amendments to S. 2 considered; why we would like to have an alternative at least considered. But, no, the vote will be on S. 2 and on amendments to S. 2 that are considered appropriate and in order by the majority under the rules of the Senate that restrict some amendments from being considered or offered.

We also have to recognize that the Republicans are outnumbered in this body right now. Is it not interesting that since 1980, we have had the Senate tied up on this issue only now, only in 1987, when those in the majority now want to perpetuate the majority by the adoption of this bill?

Now, it has been urged as an alternative in various forms for a good while—everybody has their own ideas about how to change this process and improve it. I think it is in need of reform. I think it ought to be changed.

I just mentioned one of the suggestions that this Senator has personally. Let us make the PAC contributions and the individual contributions the same in terms of the legal amount that can be contributed in each campaign. I think that would deemphasize PAC's and it would increase the value of the individual activity and support in a Senate campaign. I think that has value.

I think we ought to consider figuring out a way to shorten the time in which campaigns can be conducted. If you think about it from this standpoint, I think the American people get tired of election campaigns. I do not really think that they enjoy the drumbeat of advertisements, of campaign speeches, of media events all over the country in either the Presidential election campaigns or Senate and House campaigns. I do not see why we cannot turn our attention to focusing on that means of reform and see if we cannot work out a way to change the laws in that respect. I think that would be an important change that we should consider.

The Senator from Oklahoma, in his discussion, talked about how wealthy candidates are benefited under the current system. And they are. If you happen to be a very wealthy person, you have a clear advantage over someone who is not.

Do you know that the Republican alternative has a provision that is designed to deal with that imbalance to try to make it a more level playing field—to use a worn-out cliche, for which I apologize—but the Democratic alternative, S. 2, does not? And that is a big loophole. And the Senate has wrestled with that and has had a hard time coming up with a constitutionally acceptable change in the law.

The Supreme Court, in the case of Buckley versus Valeo, made a ruling that to inhibit or restrict by law a person's own right to contribute to a campaign in his own behalf is an unlawful restriction of his right to free speech. And so we have a problem that we must deal with in designing a change in current law to try to even up the imbalance that now exists between the power of a wealthy individual in a campaign against one who is not.

That is just another example, Mr. President, of the difference between these two bills, these two versions of election reform legislation before the Senate.

What I think we need to have understood today is that it is not just Democrats who want reform. Republicans want reform, too. And a great amount of effort and hard work and thought have gone into the development of alternatives that have been before this body for the last year-and-a-half.

I hope, Mr. President, as we continue to discuss the issue, that we explain to the American people that there are two sides to the story and that it is time that the other side be told.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, a number of us feel that this whole process has gone on long enough. Periodically, for the last 8 or 10 months, we have been debating or debating around S. 2, the bill providing for public financing of campaigns and making other changes in the Federal election law. And, as was pointed out I think very ably by my colleague from Mississippi, we have been debating only a very narrow part of this overall process. There are alternatives. There is more than just S. 2. There are Republican positive, constructive alternatives, and yet we have been debating a very narrow set of issues, simply around one particular bill, and we are in the process of debating, now, all sorts of different sides of this bill.

Actually, through this all, one thing has become clear. Mr. President, the Senate is not going to pass this bill, S. 2. The body is not the House of Representatives. It is not governed by a simple majority rule. Controversial legislation in this body, in the Senate, cannot be casually debated and shouted through as it can in the other body.

The minority in the Senate cannot be treated as if it did not exist or as if its views deserve no consideration, as is sometimes the case in the other body. I do not think the legislative procedures of the other body, especially the

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treatment of the minority, is anything that we ought to be trying to copy in the Senate, and I am, frankly, shocked and concerned that the leadership on the other side of the aisle appears to disagree with that basic premise and, instead, through a process of trying to force votes through clotures and through other efforts, are forcing something through rather than debating all of the sides of this issue and getting the balance and the deliberation that, in general, distinguishes this body, the United States Senate.

This business of sending out the Sergeant at Arms to break into Senators' offices in the middle of the night and physically dragging them to the floor to force them to vote against their will does more than subject this body to public ridicule; it does more than take up the Senate's time in a year where we have many vital pieces of legislation to act on. It really amounts, Mr. President, to a kind of childish and futile display of impatience with the rules and realities of the Senate and how we ought to be deliberating and working and compromising and coming up with constructive legislation.

There are some pieces of legislation favored by the majority that will not pass this body. That is the nature of the Senate. That is what the Senate is here for.

I want to make it clear that I am no fan of the current system of campaign financing. Senators have to spend far too much time raising money. They do have to make too great an effort, I believe, to stay in compliance with even the existing regulations, with the lawyers and the accountants and all the kinds of work that we must go through and that whole process of raising and spending and accounting for money takes away from time that Senators could spend on legislation and time that Senators could be spending serving in active constructive roles in a campaign.

If it were not that way, every unfair or foolish piece of legislation favored by any majority—not necessarily a Republican or a Democratic majority, any majority—could be railroaded through this body just as it sometimes is, as I said, in the House of Representatives.

To rail against this reality, against this fundamental aspect of the Senate's nature, just to make a partisan political point, because this bill is not going to pass, I think does discredit to the entire body. It is a discredit and it is an embarrassment.

Turning to the content of the legislation, the bill itself, we have to ask ourselves: Why are we doing all of this? It is not on behalf of historic legislation like the civil rights bill of 20 years ago. We are not standing up here deliberating and spending this time on issues like the Panama Canal Treaty or on arms control or the INF agreement which is coming before us. So what is the key issue? Why are we finding ourselves doing this? Why go through all this?

Well, one way of looking at it is that proponents of this bill, the majority in this body, are trying to establish another spending program and, in effect, that is what public financing is right now.

I can justify spending more money on some things to my constituents in Wisconsin. We may have to cut spending elsewhere to pay for spending increases, like for the spending increases that would be included in this legislation, and we might end up by cutting money for very, very important programs. It could be AIDS research, it could be the women's and children's programs, it could be targeted export assistance, it could be research on ways to protect our ground water; these are issues that the people of Wisconsin and the people of this country want us to be spending money on and, because of Gramm-Rudman and because of other restrictions and restraints, we do not have the money that we would like to be spending on these important issues and yet at the same time we have people who are trying to come here and pass a program that is going to be spending millions of dollars. And who will be the recipients of those millions of dollars? Us; the United States Senate; politicians, instead of AIDS research, targeted export assistance, ground water help and the other kinds of issues.

I cannot justify spending millions of dollars of my constituents' money to pay for my reelection campaign or the reelection campaigns of my fellow Senators. I cannot justify it because it violates a fundamental principle of our political system, that people should not be forced to contribute to candidates against their own will.

People should not be taxed in order to contribute to a candidate whose views and positions they might not support. People should not be required, through this system, to contribute to political candidates of either side, if they were to choose not to spend their money supporting the political process through contributions.

There are a large number of people who would prefer to just, simply vote and not be contributing money. This bill means that everyone through the tax system would be contributing money to politicians and Senators for their own reelections.

I had a lot of independents and Democrats in Wisconsin who contributed money to my last campaign and voted for me and supported me. They did it because they liked me and thought I was doing a good job and their help meant a lot to me but what is important is they contributed money to me out of their own free will. They were not forced, they were not taxed, they did not have their arms twisted, they were not conned to having that tax dollar used paying for someone that they did not see reelected. They made the choice.

There is nothing wrong with candidates for public office rising or falling on their own merits. That idea, I think, is central to our democracy. There is no reason that candidates who cannot generate support for their campaigns should be assisted in support by the taxpayers. One of the responsibilities of a candidate for public office, whether it is this Senate or the House or the common council or the assembly or any public office, one of the responsibilities for any candidate for any office is to be able to generate financial as well as voter support for their campaign. That is a job of the campaign and the candidate. That is not a job of the U.S. Government or the taxpayers.

There is no reason that candidates who can generate support should have their task made easier by the taxpayers and if we have got a group of people who have demonstrated over the past years that they can generate financial support, from individual people, it is the people who have gone through the last several election cycles because they have become more and more expensive and more and more difficult and the people who have made it here have been able to generate that kind of support.

We are in the process, now, of taking the group of candidates and incumbents who have already demonstrated the ability to raise money and asked the taxpayer, now, to come in and supplement even those amounts. I want to emphasize that point. Which candidates for public office have the greatest capacity to raise funds? Is it the unknown person who has never run for public office before? Obviously the candidates who occupy public offices already, the incumbents, are the candidates that have the greatest capacity to raise funds. In other words, S. 2 as is written right now does not help the outsiders. What it does is fatten up the war chests, the already fat war chests which incumbent Senators have been able to build up.

Which candidates get the greatest share of special interest contributions? Look at the facts. Especially in the House of Representatives but in our body as well, which candidates get the greatest share of special interest contributions? It is the incumbents in the House and in the Senate. That is one of the reasons why most incumbents are re-elected.

Which candidates already have the advantage of free publicity? Which candidates already have the advantage of Government-financed travel? Which candidates already have the advantage of the franking privilege? Again, it is the incumbents. This bill is saying: take all of those advantages and then tax the people of the United States of America in order to put more money into those advantages which incumbent politicians already have.

Public financing simply gives incumbents one more advantage, an extra leg up. The incumbents would not have to work as hard at finding the minimal support for their campaigns because the Government matches the money they raise with a check from the taxpayer.

Under S. 2, if a candidate accepted public money for his campaign, he would have to abide by the spending limits. Leave aside for the the moment the question of whether too much money is spent on political campaigns; all I would note in passing is that a substantial amount of the money that is spent is going to pay people whose main functions are accounting and legal questions having to do with the compliance with this complex group of laws that we have right now.

But the fact is that there are many cases in which the only way that a challenger would have a chance to defeat an incumbent Senator or an incumbent Congressman is by making a major effort to raise a lot of money, to raise more money than that incumbent raises. The point is that that franking privilege, that free mail is worth a certain amount of money and in order to match it, the challenger has to raise money to match the public funds. In order to match the travel back and forth to the district which an incumbent has, the challenger has to raise money to pay for that travel. The Government is financing that travel. Just to be even, the challenger has to raise more money than the incumbent U.S. Senator in every single one of the races in order to match off the benefits that are already being provided.

Yet, here we are in the process of adding still more to that advantage. I think, under S. 2 it will become nearly impossible for most challengers. People talk about it as an incumbent's bill, and it clearly is. Challengers that declined to abide by the spending limit, that is challengers who decided they had to raise more money in order to match the incumbent's already built-in advantages, those challengers who went over the spending limit specified in S. 2 would find their opponents given, first of all, the public funds that they were denied. So this is money on top of money, taxpayer dollars on top of taxpayer dollars. The incumbent opponent would also be guaranteed the lowest unit rate for television and radio advertising and special first- and third-class mail rates, guarantees denied to the challenger.

There are two exceptions to the rule that S. 2 would block challengers from outspending incumbents, and they are very, I think, interesting exceptions. The Senator from Mississippi alluded, I think, to one. This whole issue of wealthy candidates and how much money individual wealthy candidates can spend on their own campaigns, this issue involves the exception that I was referring to a moment ago. It involves candidates who can raise truly staggering amounts of money relative to the size of that State and with the limits on individual and PAC contributions that we now have, this really means candidates who are themselves very wealthy.

A Republican alternative is trying to deal with that issue.

The second exception to S. 2 involves cases where a challenger has available to him large numbers of people willing to work on his or her campaign. This can happen if a challenger is able to generate some kind of spontaneous enthusiasm among large numbers of people who decide for one reason to go to work for him or her on their own, and this does sometimes happen.

But much more common is the case of a challenger supported by outside groups and particularly by labor unions. Labor unions have a ready-made organization. They can organize their members. They are already organized and they can organize their members for volunteer work on a particular candidate's campaign. They can poll their members as to which candidate those members intend to vote for and then make sure that those members intending, vote for their union leadership's choice, get organized and get to the polls.

Labor unions, in fact, can make many so-called soft money contributions in many ways difficult to monitor.

Again, here is an issue that we are trying to deal with in our alternative dealing with not only the campaign contributions that are presently dealt with individual contributions and with PAC's but also with the so-called soft money, and our alternative discusses and addresses the problem of the soft money but labor unions can make the so-called soft money contributions many different ways and right now under present law most are difficult to monitor. They have that right under our system. There is nothing wrong with what they do, so long as union members are not coerced in supporting candidates they do not wish to support.

But the fact is labor unions, generally speaking, support Democratic candidates most of the time. And it is no coincidence that these kinds of contributions by labor unions are not effectively regulated by S. 2 and no approach is made to regulate them.

Our alternative does not deal with labor unions but with this local soft money group that is tying to address that problem and address it in a thoughtful and I believe a helpful way.

(At this point Mr. ROCKEFELLER assumed the chair.)

Mr. KASTEN. The bottom line is that a system already weighted heavily toward incumbents—and that is what we have got today—would be tilted still further in that direction by legislation which would mandate taxpayer financing of political campaigns.

And the biggest exception to the spending limits that go along with these taxpayer-financed campaigns would be major interest groups that work primarily for Democratic incumbents in most cases.

This is not just an incumbent protection bill. It is a bill that I believe would drastically shift the neutrality right through between the two parties that the present system has heavily in favor of the Democratic Party. I think it is wrong.

There are a number of important differences when people talk about S. 2 and Presidential election funding. Some have said on the floor that, "Heck, it works, it is wonderful and it works very, very well for the Presidential campaigns. Why don't we simply put the same system in place for the Senate campaigns?"

S. 2 proponents argue that the so-called success at the Presidential election funding means congressional public financing and spending limits will be successful.

This, Mr. President, is falacious.

As section 4 points out, the assumption that Presidential public funding and spending limits have been successful is arguable at best. Even if it were a success, I do not think it follows that a similar scheme would be successful for a Senate campaign. Presidential and Senate races are fundamentally different. The advisability of Presidential candidates is very, very high and clearly we have all seen that over the past few weeks as the primary season has begun. The campaigns of major Presidential candidates during the general election period had nearly 100 percent name identification and we are seeing close to that in some of the key public primary States already. Such statistics are a dream for most challengers to the U.S. Senate campaigns and especially to congressional campaigns. They simply do not have that kind of recognition. You simply cannot get that kind of name identification. You do not have that kind of visibility in newspapers, the television, or on the radio.

Presidential campaigns receive extensive news coverage in the print and broadcast media daily. This is not true for Senate campaigns. This is not true for House campaigns. Senate campaigns must achieve visibility through personal campaigning by the candidates and importantly through paid advertising.

Paid communications are a principal informational mechanism in congressional campaigns to a much greater degree than they are in any Presidential campaigns.

As section 4 also points out, the quagmire of enforcement problems creating in the public violation in enforcement has actually increased the public system about the election process.

In fact, Presidential public financing has served to destroy direct public participation in campaigns, reducing the citizen's role to a kind of a passive watcher of the TV advertisements.

David Broder, a senior political analyst for the Washington Post, recently observed and I quote:

> There is a cost to public financing. Public financing of Presidential campaigns has meant a virtual shutdown of local headquarters financed by small contributions. Grassroots democracy has died.

There is another argument that is being worked through here having to do with undisclosed expenditures. Spending limits are premised on the fallacy that by limiting spending, they will reduce the money spent on campaigns. This also is wrong. This same amount of money is likely to be spent. It will just be spent on projects that will not count against the spending limits and in certain cases will not be reportable. In other words, soft money will proliferate.

Our Republican alternative recognizes that and tries to deal with that fact.

If we are going to look at spending, let us talk about the entire amount of money spent. A top priority of spending limits in effect will be ways to find help for the candidate that is not allocable against spending limits and is not reportable.

Is that good? Do we want to switch these Senate campaigns to the same kind of exercises that the Presidential campaigns are now going through? Do we want to end up in the position in order to avoid an Iowa limit, for example, certain people spent 1 night in Omaha, out of every 5 days. They can say they are in one State when they are in fact in another.

Do we want to have all the cars rented for Iowa campaigns be rented in Illinois so they be allocable to the Illinois campaign limits, not to the Iowa campaign limits?

Do we want to see what we have been doing in working around the limits in New Hampshire as people are working to spend money in surrounding States and end up virtually every candidate in one way or another running for President has serious FEC violations filed against him and in certain cases have been found to be in violation of the law?

That is where we are going if we start to take this Presidential system and move it into the Senate campaigns.

A top priority, as I said, of spending limits in effect will be simply spending more time to find ways around the spending limits and to find issues that are not reportable or expenditure that are not allowable. I do not think that is good.

If spending limits for candidates exist the impact of expenditures will be much greater.

Again one of the issues which we as Republicans are trying to address is how to work with these independent expenditures, particularly the negative ads that come on with little or no attribution to or by the candidate himself. If we start putting spending limits on our campaigns the impact of independent expenditures is likely to accelerate. The amount spent on elections again will not be reduced but if the candidates are limited in what they can spend themselves independent expenditures will become relatively more and more important.

The amount of money spent on independent expenditures will be a greater proportion of the electoral pie, if you will. We have got x numbers of dollars and see that independent group grow as we see the regular campaign being chopped back or limited.

The system is better off if the money that is going to be spent on elections, all of the money that is going to be spent on elections is challenged through candidates and parties rather than through special interest groups and particularly rather than through these independent expenditure groups which are specialized generally speaking in irresponsible, negative ads.

What we want to do is to see the system channeled through the campaign committees not a growing system that is working out here.

A leading study on the funding of Presidential campaigns has noted the following:

> The limitations upon expenditures have become increasingly restrictive and have spawned a whole series of serious problems of the definition, allocation and enforcement. On the other hand, the efforts to control total spending in Presidential races has not succeeded.

A further quote:

> The act has not succeeded in arresting the upward spiral in campaign spending, increases have come about therefore through conduits which are not under the control of the candidates although in some instances this spending may be coordinated with the campaign organization. Spending by labor unions and corporations for so-called internal communications is also outside of the candidates' direct control but ought to be at least part of this overall process.

We are not talking about simply limiting a campaign. We are talking about limiting the dollars spent in the process of electing public officials and if we just take and deal with one tiny bit of it as S. 2 does we do not solve the rest of the problem.

Moreover, if I go back to my quote now, "We cannot be sure if these expenditures are increasing since by and large they do not have to be reported to the FEC."

Those quotes are from a study entitled "Financing Presidential Campaigns, The Recommendations Of The Campaign Study Group" by a gentleman named Christopher Alderton.

Another argument that has been raised talks about the political process and how I believe the discussion has been twisted. S. 2 alone I think would hurt the political process, not help it. The reforms there being proposed I think would block true reforms that could come out of either this eight Senator committee that is supposed to be working even this afternoon they may be meeting, if we were to pass S. 2 I think we would block or hinder efforts for true reform in the future.

Spending limits damage the American political process as much as public financing. Money allows candidates to present their views to the voters. That should not be restricted by either spending limits or by public financing. It is especially important I believe that challenger candidates have enough money to become available to the public so they get their message across. Spending limits make that difficult. Spending limits in general would benefit the Democratic party. The Republicans can raise more money through Democrats through small grassroots contributions. This has been discussed last night, discussed again. Smaller contributions and a greater number at least so far is somethig that the Republican candidates in general have been able to do well at. The fact is that the Democrats as of right now have very few small donors among the American public they do have more larger donors and particularly in the House overrepresents significantly more special interest or PAC contributors than do the Republicans.

Spending limits are therefore the Democrats' way of overcoming their inability to raise money from average people who would like to contribute to campaigns. Spending limits would eliminate from the American political system the role of the small donors and help the other political party by not hurting their PAC groups and their special interest groups.

I said that if we were to pass S. 2 and I am certain that we will not, that we would block true reform. I believe that this bill would hurt our ability to look at the entire package. In other words, I believe that this would be difficult once we passed S. 2 for us to go back and to look at a comprehensive

bill which I think is what we need to do, a bill that would cover all of the bill that would cover all the spending.

For the purposes of making the point I ask unanimous consent that a list of both Republicans and Democrats 1988 incumbent Senators' PAC contributions listed from January 1, 1987 through June 30, 1987 be inserted in the RECORD at this point.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

1988 Incumbent Senators PAC contributions

[Jan. 1, 1987 through June 30, 1987]

Bentsen (D)	$1,128,770
Sasser (D)	444,580
Hatch (R)	426,211
Byrd (D)	410,330
Riegle (D)	370,615
Mitchell (D)	353,850
Lautenberg (D)	313,800
Bingaman (D)	304,737
Burdick (D)	275,952
Melcher (D)	248,238
Moynihan (D)	237,900
Heinz (R)	237,057
Danforth (R)	228,405
DeConcini (D)	227,050
Trible (R)	226,609
Metzenbaum (D)	209,285
Hecht (R)	193,950
Wilson (R)	190,050
Chafee (R)	168,550
Durenberger (R)	166,450
Roth (R)	166,276
Sarbanes (D)	158,750
Lugar (R)	147,590
Wallop (R)	140,716
Weicker (R)	118,813
Karnes (R)	48,600
Jeffords (R)	38,800
Matsunaga (D)	31,000
Kennedy (D)	28,300
Evans (R)	2,350
Chiles (D)	0
Stennis (D)	0
Democratic Senatorial Campaign Committee (Kerry)	573,967
National Republican Senatorial Committee (Boschwitz)	[1] 128,973

[1] Ninety-five percent from receipts from The President's Dinner

NOTE.—Democrat Total: $4,743,157 (65%)—average: $316,210 (15 candidates take PAC money). Republican Total: $2,500,427 (35%)—average of $166,695.

Mr. KASTEN. Mr. President, in making this point further I think it is important to recognize where we stand today in terms of the political action committees. It has always been the case in the House of Representatives in certain cases because the PAC's contribute to incumbents and there are more incumbents who are Democrats in the House of Representatives, in certain cases because the PAC's contribute to leadership and there are more Democrats in the leadership of obviously as chairman of the committees and subcommittees but the fact is that Democrats outstrip Republicans in PAC funds not only in the House of representatives but in the Senate as well.

There was an article recently by Brooks Jackson in the Wall Street Journal in which he pointed that out:

[From the Wall Street Journal, Aug. 18, 1987]

DEMOCRATS OUTSTRIP REPUBLICANS IN PAC FUNDS AS INCUMBENTS HOARD $94 MILLION IN WAR CHESTS

Democratic House and Senate members have raised $12.6 million from political-action committees so far this year, nearly twice as much as the $6.4 million raised by Republican lawmakers, latest campaign-finance reports show.

The reports show also that incumbents have hoarded a record total of $94 million with which to scare off or defeat potential challengers. Democratic lawmakers hold 51% more campaign cash than Republicans.

The reports, filed by candidates with the Federal Election Commission, cover the first six months of the year. The FEC provided a computer-aided tabulation. Figures are preliminary; tardy and amended reports will be trickling in for weeks. But they provide the first substantially complete look at how incumbents are financing their 1988 re-election campaigns.

The money chase is accelerating even as the Senate continues a partisan debate over revising the campaign-finance laws. Democrats favor and Republicans so far refuse to accent legislation to limit spending by congressional candidates, and to restrict the totals that candidates may accept from PACs.

Such a bill, applying to Senate candidates, is being pushed strongly by Senate Majority Leader Robert Byrd (D., W.Va.) Despite weeks of debate and behind-the-scenes maneuvering, Sen. Byrd was unable to muster the 60 votes needed to break a Republican filibuster against the PAC-limit measure. The Senate will take it up again after Labor Day.

Meanwhile, Sen. Byrd has reported getting $410,329 from PACs, the fourth-highest total amount among Senators and more than double what his bill would allow. His special-interest money came mostly from labor unions, including gifts from the Teamsters, construction trades and various public employee unions.

BUSINESS SUPPORT FOR BYRD

But business interests gave heavily, too. A total of $20,000 came from two PACs representing Chicago-based commodity traders. The Association of Trial Lawyers of America, seeking to prevent limits on jury awards to plaintiffs, gave $10,000. Military contractors, insurance interests, energy and transportation companies gave thousands more through their political-action committees, political war chests fueled by individual contributions. Sen. Byrd's main money-raiser is a Washington lobbyist, Patrick Griffin, who until 1985 had been an aid to Mr. Byrd in the Senate. Mr. Griffin said Sen. Byrd plans to raise at least $2 million for his re-election.

The overwhelming amount of it will be from out of state," Mr. Griffin says. "West Virginia just cannot support it."

Another leading proponent of the spending-limit bill, Democratic Sen. George Mitchell of Maine, also exceeded the PAC limit he is proposing. He raised $353,850 from PACs, though the formula in this bill would limit Maine Senate candidates to $190,950.

Sen. Mitchell concedes that exceeding his own proposed limits opens him to "charges of inconsistency and hypocrisy," but says doing otherwise would be political suicide. "Unless all candidates are bound by the same rules, before long no senators supporting such limits will remain in office," he says.

The latest reports show that Democratic incumbents continue to be more dependent on special interest money than Republicans. Democratic senators got nearly 34% of their money from PACs during the first six months, compared with 28% for Republican senators. Democratic House members got 45% from PACs compared with 42% for GOP House members.

BENTSEN LEAD ALL OTHERS

In fact, a Democratic senator easily outdistanced all others in PAC receipts for the period. Sen. Lloyd Bentsen of Texas, chairman of the Finance Committee where both tax and trade bills are written, reaped $1.1 million from PACs.

Sen. Bentsen suffered earlier this year from publicity about a "breakfast club" of lobbyists with whom he agreed to meet regularly over eggs and bacon, in return for $10,000 PAC donations. Sen. Bentsen admitted to "a doozy" of a mistake and refunded the money. But many of the same donors had given again by June 30, the last day covered by the latest reports.

Another Finance Committee member, GOP Majority Leader Robert Dole, raised PAC money this year in a variety of ways.

His presidential exploratory committee got $174,659 and his own political-action committee, Campaign America, got $189,454 from other PACs. Meanwhile, just to be safe, Sen. Dole also set up a "Dole for Senate '92" committee, which took in $5,570 from PACs.

Republican Sen. Orrin Hatch of Utah raised $426,211 from PACs, almost all of them sponsored by corporations or trade groups, the third-highest total of any senator. And House Republican Leader Robert Michel of Illinois raised $149,80 from PACs, placing third among House members.

Incumbents of both parties often raise money long before they have any real need for it, openly hoping to frighten away challengers. As of June 30, more than 17 months before election day, 10 House members reported more than $500,000 each, and 11 Senators reported $1 million or more.

DREIER LEADS IN CASH ON HAND

Republican Rep. David Dreier of California reported the highest total of cash on hand of any House member: $964,376. He has won his last two elections with more than 70% of the vote, and Congressional Quarterly's "Politics in America" yearbook says "he is about as safe as he can be" from any political challenge. Yet Rep. Dreier says he's planning another of his yearly California fund-raising events in September.

I think it's important to build and maintain a strong base of support, said Representative Dreier. "As a Boy Scout, I was always prepared."

But the point here is what we are seeing is a large number of incumbents, a large number of people, who already are piling in the money, and frankly we are also seeing some real problems in terms of the direction we want to go.

What are we going to do about these PAC's? What are we going to do about articles such as the one that I just read from, and what does S. 2 do about PAC's? What does S. 2 do to address the problems that I just outlined here citing examples from both sides of the aisle? S. 2 fails to reduce the amount a PAC can contribute to a candidate for the Senate. Some people think that is not the case.

There was a paper in my home State of Wisconsin which thought we were in the process of limiting PAC contributions. They are wrong. S. 2. fails to reduce the amount of money a PAC can contribute to the candidate for the Senate. It simply limits the amount a candidate can receive in the aggregate from all political action committees.

S. 2 in no way reduces the perceived problem that a Member of Congress may be unduly influenced for a $5,000 fee. S. 2 would allow an individual PAC to give the same amount of money as under current law and thereby the same amount of influence under the logic of those who say we should be the main PAC's.

Republican proposals which limit the size of the contribution from a special interest to a candidate is a more direct way to deal with actual or apparent undue influence by a political action committee. The proponents of S. 2, the opponents of our Republican alternative, have projected this approach because, I believe, they recognize their candidates are more dependent upon large contributions from special interests than our Republican candidates.

In 1986 elections, Democratic Senate and House candidates received 55 percent of all contributions made by PAC's, compared to 45 percent for the Republican candidates. In addition, PAC contributions accounted for an average of 37 percent of the money raised by Democratic Senate and House candidates, 28 percent for Republican candidates.

So far in 1987, Democrats are raising nearly twice as much PAC money as Republican Senate candidates, as I pointed out in my article, and are making special interest money the centerpiece of a large number of their fundraising efforts.

Furthermore, S. 2 has to some degree the opposite effect from that which is desired. A PAC is a collection of individuals, political action committees, a collection of individuals with common goals and concerns who band together to better participate in our electoral process. More people now give through PAC's than through direct contributions.

In the 1984 cycle, almost 5 million people are estimated to have gotten involved through PAC's. We should encourage this involvement which is fully reportable and a matter of public record. S. 2 would limit this public participation by only allowing some PAC's to contribute to candidates. This would work to the advantage of some of the large powerful political action committee, PAC's, based in Washington. The grassroots PAC's without a Washington presence are the likely probable losers.

If the candidate is limited to what they can accept, those PAC's which have the information to move quickly would be the ones that would get to contribute and those would be the big power PAC's right here in Washington. It might not be S. 2's intent but it is a likely result.

For example, if the Senator knew he could raise only a limited amount of money from PAC's, total aggregate, he might do things a little bit differently. He would not have to bother with meeting with a whole number of PAC's across the country, going out into the grassroots where the smaller political action committees are and familiarizing himself with those issues, and those people. Instead, he would simply hold one big PAC event, one big night in Washington, and contribute to his campaign that night, the big ones would be there on a first come, first serve basis, and he would be up to his legal limit and his efforts of fundraising would be ended.

I think it is important to recognize that we simply are not doing what we say we intend to do. Complying with the provisions of S. 2 could be as difficult as complying with the Presidential campaign law. As I pointed out before, this has been very, very difficult. Listen to this account from the 1984 Mondale campaign.

The date is January 3, 1987. It is four years from the day that the Mondale for President Committee registered with the Federal Election Commission (FEC) and 26 months since the campaign was over.

Inside a small office, piled high with files and boxes, sit two deputy counsel of the Mondale campaign. A few miles away in another office the committee's treasurer periodically meets with his lawyers and reviews documents passing to and from the Federal Election Commission.

Remember, this is 4 years after the day the Mondale campaign registered the first time with the Federal Election Commission, 26 months, over 2 years, after the campaign.

These three people (the authors of this article) plus a part-time controller and a part-time secretary are all that is left of the Mondale for President campaign, a campaign which for most people has been long since over.

In the past, we have all been reasonably confident that the Federal Election Commission Act (FECA) is a workable solution to the admitted and potential problems which plague the area of the campaign financing. Now we are troubled by a campaign finance law which is used as a campaign weapon; spawns "creative" efforts to comply with—really evade—its limits; has made presidential campaign fundraising increasingly burdensome; and has led to rules which in our view sometimes make no sense and inhibit healthy campaign activity.

For those of us responsible for the campaign's compliance with the Federal Election Campaign Act of 1971, as amended,[1] the path from registration of the committee in 1983 until today has been a long and frustrating one. It is our hope that by sharing some of our experiences and highlighting some of the unresolved questions, the trail will be easier for future campaigns.

A BROAD RANGE OF ISSUES

A broad range of legal issues arises throughout the course of a presidential campaign. While the primary emphasis is on election laws, there are a number of other legal matters that also require attention; for example, tort liability, contracts, equal employment opportunity laws, corporate law, copyright questions and communications law. These problems range from weighty legal questions to those that sound more like the script of a television sitcom.

For example, during 1984, Mondale staffers and volunteers backed a rented truck into a cathedral in San Francisco, damaging both; clipped a wing off an airplane with another truck; broadsided a cow with a rental car (the cow was held liable); and drove another rental car the wrong way down a one way street into an oncoming fire engine with its siren on and lights flashing. A routine day also included a request for permission to market a "Gerry" wig.

With such a range of legal problems, it is important for a campaign treasurer and the campaign's counsel to find as much volunteer legal help as possible. There is a need for those who may be able to spend large amounts of time and those with critical expertise, but who are only available for telephone consultations and an occasional meeting.

When the campaign is in full swing, inhouse lawyers and campaign managers can easily lose perspective. Invaluable to use were two seasoned practioners who were there to reason with or pitch in during times of crisis.

Mr. President, I would like to at this point ask unanimous consent to have this article by Lyn Oliphant, Pat Fiori, and Michael Berman, which appeared in the Federal Bar News & Journal entitled "Counseling a Presidential Campaign" appear in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Federal Bar News & Journal, February 1987]

COUNSELING A PRESIDENTIAL CAMPAIGN

(By Lyn Oliphant, Pat Fiori, and Michael S. Berman)

The date is January 3, 1987. It is four years from the day that the Mondale for President Committee registered with the Federal Election Commission (FEC) and 26 months since the campaign was over.

Inside a small office, piled high with files and boxes, sit two deputy counsel of the Mondale campaign. A few miles away in another office the committee's treasurer periodically meets with his lawyers and reviews documents passing to and from the Federal Election Commission. These three people (the authors of this article) plus a part-time controller and a part-time secretary are all that is left of the Mondale for President campaign, a campaign which for most people has been long since over.

In the past, we have all been reasonably confident that the Federal Election Commission Act (FECA) is a workable solution to the admitted and potential problems which plague the area of the campaign fi-

nancing. Now we are troubled by a campaign finance law which is used as a campaign weapon; spawns "creative" efforts to comply with—really evade—its limits; has made presidential campaign fundraising increasingly burdensome; and has led to rules which in our view sometimes make no sense and inhibit healthy campaign activity.

For those of us responsible for the campaign's compliance with the Federal Election Campaign Act of 1971, as amended,[1] the path from registration of the committee in 1983 until today has been a long and frustrating one. It is our hope that by sharing some of our experiences and highlighting some of the unresolved questions, the trail will be easier for future campaigns.

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When the campaign is in full swing, inhouse lawyers and campaign management can easily lose perspective. Invaluable to us were two seasoned practioners who were there to reason with or pitch in during times of crises.

One of the key questions confronting the treasurer is how to structure the internal campaign organization in order to facilitate compliance with the law. From a legal standpoint, the treasurer is the key person in the campaign because that person is responsible for FECA compliance.[2] The treasurer is, in essence, the client and, for this reason, the jobs of treasurer and counsel should never be filled by the same person.

A second key element in fostering compliance is a good accounting system. It should be in place before any financial activity occurs. Whether to maximize matching funds[3] or to stay within expenditure limits,[4] a solid accounting system is essential.

UNRESOLVED QUESTIONS

Campaign organizations tend to push the limits of permissible election finance activity. Practices and legal interpretations adopted in one presidential cycle become the new jumping off point for the next cycle, raising new questions concerning the reach of the federal election laws.

1.—Delegate committee

Frequently these new frontiers of campaign activity are the subject of FEC compliance actions, often when a candidate's opponent files a complaint. This happened to the Mondale campaign and the much-publicized delegate committees.[5] One of the central questions posed in that matter before the FEC concerned the permissibility of delegate committees engaging in the same activities as individual delegates under the FEC's delegate regulations.[6]

Under the regulations, delegates may make expenditures for grassroots activity such as the production of literature which advocates their own selection as delegates and also advocates the election of their candidate.[7] These expenditures are not considered contributions to the candidate, nor are they subject to the candidate's expenditure limit. The Commission had previously issued an advisory opinion interpreting the grassroots activity provision as applicable to individual delegates and delegate committees.[8] However, in this instance in considering the delegate committee complaint the FEC was unable to reach a consensus as to whether the activity of the Mondale delegate committee fell within the parameters of the regulation.

The issue was not resolved in this matter because the campaign entered into a conciliation agreement with the Commission.[9] In late 1986, the Commission considered proposed staff revisions [10] to the regulations intended to clarify this question, but it has never adopted a notice of proposed rulemaking. Thus it is entirely possible that the ambiguity of these delegate regulations will not be resolved before the next campaign counsel must render advice on this question.

2.—Redesignation of excessive contributions

Another issue that was resolved prior to the 1984 campaign and remains unresolved concerns the disposal of excessive contributions to the primary campaign.

Campaigns frequently receive aggregate contributions from an individual in excess of the $1,000 limit.[11] One option available to the campaign is to simply return the excess amount in a timely fashion.[12] This is not the most desirable course of action if there is some other lawful way in which the funds might be used by the campaign. A second option is to redesignate the excess amount to a general election compliance fund.

The FEC manual for publicly financed campaigns[12] published in 1983 does not address the question of what procedure a campaign must use to redesignate excessive primary contributions to the general election compliance fund. Unfortunately, the FEC did not resolve this question in its regulations in time for the 1984 campaign.

The issue is whether a campaign may simply notify a contributor that the excessive amount of his contribution is being redesignated by the campaign or whether the contributor must sign a form agreeing to the redesignation. Both options were used by different campaigns in 1984.

In our view the most sensible resolution is to permit redesignation with notice by the campaign, so long as the contributor is given a period of time to request a refund.

If the FEC fails to resolve this issue, campaigns might consider including language in the original solicitation and on the contributor card specifying how excessive contributions will be redesignated or allocated.

3.—Sources of funds for repayments and penalties

Neither the FECA nor the regulations make clear what funds can be used to make required payments of public funds.[14] The issue has been before the Commission on several occasions since 1976, yet remains unresolved.

In the aftermath of the 1984 campaign, the FEC took the position that repayments are neither qualified nor nonqualified campaign expenses.[15] Unless the Commission makes clear from what funds repayment may be made, candidates in 1988 will not know whether they will be able to make repayments from their regular campaign accounts, which include a mix of private and public funds.

The Commission has taken a clear position that civil penalties can only be paid publicly-funded campaigns from sources which do not include public funds.[16] Similarly, the Commission should take a position on the repayment question.

4.—Draft committees

Through no fault of the FEC, the status of draft committees remains unresolved.

Persons involved in the Draft Kennedy movement prior to the 1980 presidential campaign refused to comply with subpoenas issued by the FEC on the grounds that the activity of the draft committees was beyond the purview of the FECA.[17] Meanwhile, the Congress made a minor change in the FECA's reporting requirements. The federal appellate courts confirmed the lower court decisions and interpreted the change in the law as subjecting draft committees to the reporting requirements but not the contribution limits.[18]

Congress, despite the FEC's repeated recommendations,[19] has not chosen to take further action, leaving the FEC essentially powerless to extend its control over draft committees.

CURRENT STATUTORY AND REGULATORY DILEMMAS

In certain respects the FECA was not designed nor has it been modified to deal with the passage of time. Certain of the regulations adopted by the FEC seem to deny the realities of modern-day campaigns, while others beg for a rationale. The net results is that the law has become substantially more burdensome than it needs to be to meet its overriding goals.

1.—Contributions limits

The FECA limits contributions by individuals to $1,000 per election.[20] Had the contribution limits been indexed in the same manner as the expenditure limits, the individual limit in 1984 would have been more than $2,000. Fund raising is no longer a test of viability, it is a test of stamina. Candidates are forced to divert attention from issues and campaigning to raising money.

Because of the limits, potential candidates for president have turned to vehicles other than campaign committees to finance activity at the very early stages. First, it was the creation of independent multi-candidate political action committees (PAC's), which may accept $5,000 per year from individuals.[21] PAC expenditures do not count against any limit. Now, it is the organization of think tanks, which are tax-exempt, tax-deductible foundations.

The FECA does not serve its goals, and the real public interest does not benefit, when unrealistically low limits cause candidates to wear themselves out with fund raising and finding new vehicles to attract and

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Footnotes at end of article.

spend money. Respect for the law and confidence in the integrity of campaigns is in no way enhanced by these activities.

If we are not careful, over time the FECA will go the route of all those campaign finance laws which preceded it.

2.—Primary matching funds

Under the Presidential Primary Matching Payment Account Act,[22] a candidate seeking nomination by a political party may opt to accept public funding to match contributions which the candidate raises privately. After meeting certain threshold requirements, private contributions are matched with public funds up to the first $250 received from each individual, up to an aggregate amount equal to one-half of the expenditure limit.[23] The $250 matching amount has not increased since the 1976 campaign. The amount of matching funds the candidate may receive has doubled.[24]

Currently, contributions cannot be matched unless they are made and received after January 1 of the year before the election and before December 31 of the election year.[25] No matching funds are distributed to candidates until after January 1 of the election year.[26]

Presidential candidates should not be constrained by the campaign finance laws from beginning their campaigns early if they so choose. A candidate should be permitted to begin a campaign two or three years before the general election year if he or she is willing to register a committee at that time.

The end of the period during which private contribution are eligible for matching, December 31 of the election year,[27] is unrealistically short. Many candidates finish the primary season in debt. The period between the national conventions, which mark the end of the primary season, and the general election is the most difficult time for most candidates to raise primary funds. Candidates who have met the eligibility threshold for matching funds should be allowed to continue to raise contributions that qualify for primary matching funds until all debts, and winding down costs, have been met. At a minimum, the matchability period should be extended for a full year after the election.

Campaigns must be particularly mindful of the current limitations as they accumulate debts during the later stages of the primary campaign.

3.—Expenditure limits

A presidential candidate who accepts public funds for the primary or general election is limited in thc amount he or she can spend in those campaigns.[28] These limits are adequate to enable a candidate to mount a viable campaign. However, the FECA creates one limit on general campaign activity[29] (in 1984, $20.2 million) and a separate limit for fund-raising[30] (in 1984, just over $41 million).

The separate limit for fundraising serves no useful purpose. It greatly complicates record-keeping and compliance. And, candidates are encouraged to devise ways to bypass it. For example, when using the mail as a persuasion device to reach large numbers of voters, the inclusion of a pitch for funds transforms the cost of the letter into a fund-raising expense.

One limit combining the amount allowed for general campaigning with the amount allowed for fund-raising is more realistic, would void the need for such "creative" devices and, of equal importance, would ease bookkeeping.

4.—State-by-State limits

The Presidential Primary Matching Payment Account Act and the FECA limit the amount that can be spent in each state by a presidential primary candidate who has opted for matching funds.[31] These state-by-state expenditure limits create an accounting nightmare, serve no useful purpose, and have no practical effect except in Iowa, New Hampshire, and perhaps, in Maine. These states have political and media importance well beyond their size but expenditure limits commensurate with their size.

If a candidate wants to spend every nickle he or she can raise, in a small, early state on the theory that a win there will carry him or her much farther than a war of attrition, that should be his or her choice. These limits spawn the most creative efforts to evade the spirit, if not the letter, of the Act.

5.—Grassroots expenditures

Provisions permitting certain grassroots activities by state and local party committees were added to the FECA in 1979.[32] Essentially, they permit political parties to engage in traditional party volunteer activities without the expenditures for those activities counting against the candidate's limits.

Some have suggested that the current grassroots provisions are being exploited as a loophole. Moreover, the requirements of this law are so difficult to follow that they curb healthy campaign activity. Add to this the fact that state laws and federal laws usually differ. It is easy to see why well-meaning volunteers get frustrated, and much spontaneous participation, so important to the process, is lost.

6.—Use of private aircraft

The FEC's regulations controlling the use of private, nonscheduled aircraft by federal campaigns are something to behold. By careful choice of airports and selection of aircraft based on who owns the plane (regular charter company or other corporation), the amount which a candidate pays for a trip may vary by tens of thousands of dollars.[33]

REVISION OF PUBLIC FINANCING REGULATIONS

The Commission is considering significant revisions to its public financing regulations.[34] Some of these changes can have significant impact on the audit process and on the ultimate financial position of the campaign. The proposed changes to watch include:

Shifting the burden to candidates to prove that reallocations by FEC auditors are incorrect.[35]

Requiring that taxes paid on any income earned from funds invested by the campaign be counted as expenditures subject to the overall expenditure limit.[36]

Considering expenditures incurred before the date of ineligibility[37] as non-qualified expenses if the goods or services are received after the date of ineligibility.[38]

Considering the costs of preparing the matching fund submissions as a fund-raising cost rather than a compliance cost.[39]

Requiring a campaign to have all assets appraised at the time of acquisition and at the time of disposal.[40]

Using the last-in-first-out method for determining when a candidate no longer has matching funds in his or her account.[41]

Changing the treatment of loans to publicly financed campaigns by various alternatives such as requiring certain types of security for such loans.[42]

Requiring 100 percent repayment of non-qualified expenditures paid after the date of ineligibility.[43]

THE COMMISSION AND STAFF

At one time or another every presidential campaign will deal with the Commission, the General Counsel's office and Audit Division.

In each instance in which the Commission, itself, has considered matters specifically relating to our campaign, its decisions have been fair and reasonable. This is not to say that we like the outcome of every encounter with the Commission. It is to say that the results were reasonable in the circumstances.

Throughout the campaign, our lawyers, talking with the General Counsel's office, and our accountants, talking with the Audit Division, were accorded courteous and helpful treatment. We encourage every campaign to establish these lines of communication. However, you must keep in mind that your comments during these communications may be noted for the record by FEC personnel and used during an audit or investigation.

The Commission and its staff acted expeditiously during the campaign, when time was of the essence, in such things as certifying and delivering matching funds. However, the post-election audit process dragged on longer than should be necessary.

It is not clear to us whether the length of the post-campaign audit process is a function of the experience (or lack thereof) of some of the auditors, their practice of going beyond sampling in reviewing certain kinds of transactions, a lack of funding, or the propensity of the audit staff to constantly be searching for new theories under which transactions are/can be deemed improper. Whatever the cause, there has to be some way to complete it more quickly.

There are several changes that would likely speed up the process. First, the FEC should adopt regulations and require adherence to strict time deadlines for the completion of audit work and the staff review. Second, the audit should not be commenced and, at least, shouldn't be brought to even a preliminary close until the bulk of the financial activity has been completed. In no case should the audit of a successful primary candidate begin until after the general election. Third, allocate less time to state limits. As much as 50 percent of staff audit time may be devoted to the state limits, which essentially means reviewing expenditures in Iowa, New Hampshire and Maine.[44] While the Commission does have an obligation to enforce the state limits, this does not seem like an appropriate allocation of audit time, given the size of the total campaign.

Because presidential campaigns are a unique animal in the election law firmament, perhaps the Commission and the campaigns would be well served by using major accounting firms to handle this audit under the supervision of the Audit Division.

SERVING AS TREASURER

The FECA requires that a campaign have at least one officer, a treasurer.[45] No contribution can be received or expenditure made when that post is vacant.[46] Oftentimes the title of treasurer is given as an honor to a prominent supporter. However, in our view, treating the job of treasurer as an honorific rather than as an operating position is a mistake for the campaign and for the individual seeking or accepting the "honor."

Treasurers will be found by the Commission to have violated the Act, in their official capacity, if the campaign committee is found to have violated the law, whether or not the individual has taken any specific action which violates the law.[47] The Commission's theory seems to be that some individual must be accountable for the activities for the campaign. With that theory as a premise, the only alternative to holding the treasurer liable would be to hold the candidate liable, and that policy would not likely last longer than the time it took the ink to dry on the document proposing it.

The fact of the matter is that no campaign treasurer can maintain sufficient day-to-day control over the operation of a large campaign spread over 50 states, so as to assure that no provision of federal law is violated.

Anyone who accepts the position of treasurer should assume that there is a better than 50/50 chance that he or she will be at least be cited in his or her official capacity, for violating the FECA. The day may come when no reasonable person will accept this responsibility.

CONCLUSION

Eventually, every campaign completes its responsibilities under the Act, the last report is filed, the last box of records is placed in storage and it is over. In our case that may well occur just about the time this article is published.

While we have written about many of the problems and frustrations inherent in financing a presidential campaign, the fact of the matter is that with thoughtful planning and diligent efforts by all concerned you can avoid adverse consequences to the operation of the campaign with the FECA.

For us the bottom line is very simple. The time has come for the Congress to take a hard look at the way in which we are regulating presidential campaigns, or one day we may find that these laws have in fact subverted the process.

FOOTNOTES

[1] 2 U.S.C. § 431.

[2] 2 U.S.C. § 432(a).

[3] 26 U.S.C. § 9034.

[4] 2 U.S.C. § 441a(b); 26 U.S.C. § 9035(a).

[5] FEC MUR's 1667, 1704.

[6] *Id.*

[7] 11 C.F.R. § 110.14(d)(2).

[8] AO 1980-5.

[9] MUR 1704.

[10] FEC Agenda Doc. 1986-94.

[11] 2 U.S.C. § 441a(a)(1).

[12] 11 C.F.R. § 103.3(b).

[13] FEC, Manual for Candidates Receiving Presidential Primary Matching (1983).

[14] 26 U.S.C. § 9038(b); 11 CFR §§ 9038.2, 9038.3.

[15] Brief for the Federal Election Commission in Mondale for President v. FEC, No. 85-1338 (D.C. Cir).

[16] 11 C.F.R. § 9038.4(b)(4).

[17] FEC v. Florida for Kennedy Committee, 492 F. Supp. 587 (S.D. Fl. 1979); *rev'd*, 681 F.2d 1281 (11th Cir. 1982); *reh. denied*, No. 80-6013 (11th Cir. Oct. 8, 1982); FEC v. Citizens for Democratic Alternatives in 1980, 655 F.2d (D.C. Cir.) *cert. denied*, 454 U.S. 897 (1981); FEC v. Machinists Non-Partisan League, 655 F.2d 380 (D.C. Cir.), *cert. denied*, 454 U.S. 897 (1981).

[18] *Id.*

[19] FEC Legislative Recommendations, FEC Annual Reports, 1980 to 1985.

[20] 2 U.S.C. § 441a(a).

[21] 2 U.S.C. § 441a(1)(c).

[22] 26 U.S.C. § 9031;11 C.F.R. Parts 9031-39.

[23] 26 U.S.C. §§ 9033(b), 9034; 11 C.F.R. § 9033.2.

[24] 2 U.S.C. § 441a(c).

[25] 26 U.S.C. § 9034(a); 11 C.F.R. § 9034.2(c)(4). The starting date of the period is set by statute, the closing date by FEC regulation.

[26] U.S.C. §§ 9032(6), 9033(c); 11 C.F.R. §§ 9032.6, 9037.1.

[27] 11 C.F.R. § 9034.2(a)(4).

[28] 2 U.S.C. § 441a(b).

[29] *Id.*

[30] 2 U.S.C. § 431a(b)(vi).

[31] 2 U.S.C. § 441a(b)(1)(A).

[32] U.S.C. §§ 431(8)(B)(X), (xii).

[33] *Cf.* 11 C.F.R. §§ 114.9(e), 9034.7(b)(7).

[34] 51 Fed. Reg. 28154, August 5, 1986. These proposed revisions were pending before the FEC at the time of drafting this article.

[35] Proposed § 106.2(a)(1).

[36] Proposed § 9034.4(a)(4).

[37] Under FEC regulations candidates are no longer "eligible" to receive matching funds: (1) when they became inactive; (2) when they fail to receive at least 10 percent of the votes in two consecutive primiaries; or (3) at the end of the matching payment period (for major party candidates—the date of nomination). 11 C.F.R. §§ 9033.5(a), (b), (c).

[38] Proposed § 9034.4(b)(3).

[39] Proposed § 9035.a(c)(1). This addition to the regulations would essentially ratify the approach used by the auditors in 1980 when the regulations were silent as to treatment of the costs.

[40] 51 Fed. Reg. 28154, August 5, 1986.

[41] *Id.*

[42] *Id.*

[43] *Id.*

[44] FEC Written Responses to Questions by Congressman Al Swift Concerning Fiscal Year 1987 Budget Request, February 18, 1986.

[46] *Id.*

[47] Agenda Doc. 84-79, adopted at Open Session held on May 24, 1984.

Mr. **KASTEN**. I thank the Chair. The point of this article is that the campaign process which some are now saying works at the Presidential level clearly does not work in the way that many had hoped it would work when the bill was passed. And it is almost incredible to think but 26 months after the Mondale campaign has ended, 4 years after they first filed with the FEC, we still have two lawyers and an accountant in two different offices going back and forth trying to deal with the problems of their campaign.

There is one other article that I ask unanimous consent to have printed in the Record. It is from the Washington Post, August 10, 1980. And I think the headline is important with regard to the issues that we are faced with. The question here is "Are the Candidates Worth Your $100 Million in Taxes?" That is the headline. The subheadline is: "The booze, balloons, junk mail, limousines, nepotism and boring convention speeches that your dollars paid for."

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Aug. 10, 1980]

Are the Candidates Worth Your $100 Million in Taxes?

THE BOOZE, BALLOONS, JUNK MAIL, LIMOUSINES, NEPOTISM AND BORING CONVENTION SPEECHES THAT YOUR DOLLARS PAID FOR

(By Mary Meehan)

Hey, there, taxpayers! If you turn on the TV tomorrow to watch the Democratic convention, you should realize that you are paying for the big show. Gavel to gavel, you're footing the bill for the podium design, the balloons, the banners, the music, the security, the sound system and the convention staff.

If the Democrats put on a dull show, you will have every right to complain, because each day of the convention will cost you more than $1 million. This should at least buy good entertainment, speeches equal to the best of William Jennings Bryan, and a presidential ticket worth voting for. If you get none of the above, you will know that another government program doesn't work.

Your tax money, moreover, is still paying leftover bills from the Republican convention that so many of you didn't bother to watch. You're also paying a large share of the bills from the primary campaigns of both parties—including tabs for booze and limousines and the like—and you will pay all costs of the Democratic and Republican presidential campaigns this fall. In 1976 the candidate and convention subsidies cost you about $76 million; this year, with a postal subsidy added and the price of nearly everything going up, the political subsidies will cost you at least $105 million, probably more.

Now, that may not be much by government standards, but I bet it seems like a lot of hay to you. Especially when you consider what you are getting for your money.

Perhaps you're among the roughly 70 percent of taxpayers who do not check off a dollar on their tax returns for the Presidential Election Campaign Fund. So you may think that you're not paying for Ronald Reagan's pollsters or Jimmy Carter's TV ads. I hate to shatter what may be your last illusion, but you are paying for those items.

You see, the people who check off a dollar do not sent an extra dollar to the IRS to pay for campaigns and conventions. They pay the same taxes they would normally pay, and so do you. All of their dollars and all of your dollars go into the U.S. Treasury. Then part of their money—and part of yours—goes to the special campaign fund. In other words, the 30 percent of taxpayers who do check off appropriate money for the 70 percent who do not. If this doesn't sound very democratic to you, just ask the people at Common Cause. They say it's a reform.

Anyway, back to the main point: What are you getting for your money? First, you might consider the quality of candidates this year. Are they worth $100 million? (Are they worth $100, you might ask.) Perhaps we judge contemporary leaders too harshly; maybe we should look to history as a comparative guide. But sometimes history is even tougher.

During the 1980 primary season, historian Barbara Tuchman said of the various presidential candidates: "Look what we're offered! God! The country that produced George Washington has got this collection of crumb-bums!" Mort Sahl offered similar views a few years ago. Sahl noted that during the American Revolution, when our population was far smaller than it is today, we had leaders such as Thomas Jefferson, Samuel Adams and Thomas Paine. Now, he said, we have leaders such as Gerald Ford, Ronald Reagan, Jimmy Carter. His conclusion? "Darwin was wrong."

Actually, the folks at Common Cause never promised us that public funding would buy us smarter, more competent or nobler presidents. But they did suggest that it would buy us presidents less beholden to "special interests." The ideas was that the taxpayers (willingly or unwillingly) would outbid the special interests. So we taxpayers invested more than $25 million in Jimmy Carter in 1976.

Yet the National Education Association, with a much lower bid, bought itself a Department of Education. The maritime interests, also low bidders, won Carter's support for a cargo preference bill. Democratic Party fat cats did not contribute nearly as much as taxpayers, but several of the fat cats won diplomatic posts.

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Anne Cox Chambers and her husband contributed $51,000 to Democratic candidates and committees from 1973 through 1977; Carter appointed Chambers ambassador to Belgium. Milton Wolf and his family donated nearly $50,000 to Democratic candidates from 1974 through 1976; Carter made Wolf ambassador to Austria. Marvin Warner and his family gave $57,000 to Democratic candidates and committees in 1973–76; Carter appointed Warner ambassador to Switzerland.

A cynic might say that, thanks to the election law's contribution limits, ambassadorships cost less than they used to; but some of them, at least, are still for sale. So much for the Common Cause theory about public subsidies—which Common Cause and the Democrats would now like to extend to congressional candidates as well.

You may think that the 1980 candidates aren't much to write home about, or perhaps you are reserving judgment until the fall campaign. In either case, you probably hope that you are getting something else for your money. How about the conventions?

You are paying $6 million to $8 million for each major-party convention. Your Presidential Election Campaign Fund (the dollar check-off kitty) gives each party up to $4.4 million for convention expenses, balloons and all, and the Law Enforcement Assistance Administration (LEAA) grants each host city up to $3.5 million for "security assistance." (The LEAA program, which started with the 1972 conventions, pays mainly for police officers' overtime.)

All of this add up to the more than $1 million a day for each convention while it is in session. And that sum doesn't even count the many costs picked up by the host cities. Are conventions worth that price?

There are several ways to judge. You can view them as conferences in which the Great Issues of the Day are discussed—although not necessarily debated. Convention managers learned a lesson from the '68 Democratic convention debate on Vietnam and from the '72 Democratic convention debates on everything else. About the last thing they want on their prime-time TV shows is a live issue. The Republicans managed to get through their July convention without any platform debate. The unlucky Democrats seem unable to do the same; but I doubt that their platform debate will be worth $1 million a day.

Alternatively, you can judge each convention as a huge party in which the delegates booze it up and whoop it up and generally have a good time. The only problem is that you're not invited to the party. Even if you were, watching adults wear silly hats or use strange noisemakers may not be your idea of fun. Is a national New Year's Eve party worth $1 million a day?

Finally, you might rate each convention strictly as a form of television entertainment. Is the Billygate sideshow as good as "Archie Bunker's Place"? Did Grandpa Ronnie read his lines well enough to compete with "Little House on the Prairie"? Perhaps, as a new reform, we should establish a Taxpayer Board to Judge the Entertainment Value of the Conventions and to raise or lower the public subsidies accordingly.

The GOP might receive a bonus for the Great Ford Flirtation at its convention, If the Democrats stage a spectacular family fight, with broken dishes and blood all over the floor, they too, would win a bonus, On the other hand, negative points would be assigned for the most boring speeches. An alternative would be to provide an automatic rise or fall of subsidies according to the Nielsen ratings.

The subsidy for junk mail is lower than the others; this year it is $4 million. I suppose it is not very charitable to call party fund raising letters "junk mail," but I have received a couple of the Democratic letters and find it hard to call them anything else. For some reason, I'm not on the Republican sucker lists.

The two major parties slipped the postal subsidy through Congress in 1978, by making party committees eligible for the nonprofit bulk rate. Then last year, after realizing that several of the minority parties were taking advantage of it, they voted to exclude the minority parties but keep the subsidy for themselves.

This year the minority parties struck back with a lawsuit in federal court, charging discrimination. (John Anderson's independent campaign joined the suit late in the game.) The minority parties and Anderson won their case, though they are still excluded from the other political subsidies.

Now there's an effort in the House to cut off the postal subsidy altogether. The subsidy is worth about a nickel for each letter in a bulk mailing; so it's worth bushels of money to the Republicans, who send out huge volumes of direct mail. You can expect to hear moans of pain and grief if the effort to end the subsidy is successful; the party fund-raisers will sound like banshees.

But I think the opponents of the subsidy have a point: It's bad enough to have junk mail overflowing from your mailbox when the sender pays for it, but it really hurts when you have to pay for it. (Nobody knows the trouble you've seen; nobody knows the sorrow.)

You should also know about the waste factor. Even if you don't think that all of the political subsidies are a waste, some aspects of them may bother you. Since you are forced to pay for the subsidies, you should at least have the right to demand no-frills campaigns. That is not what you are getting now. In fact, I have a sneaking suspicion that federal subsidies are leading politicos to pay for services that used to be volunteered, and to buy things they would have to skip under a private-financing system.

In the old days, for example, campaigns had plug-in coffee pots; now they have coffee services. Back in January, Howard Baker's campaign paid a firm nearly $240 just for coffee service. In the old days, campaign volunteers decorated a headquarters. The chic thing now is to pay professional decorators for the work, as when George Bush's campaign paid $231 to the Freeman Decorating Co. of Des Moines to spruce up a campaign headquarters. But that was small potatoes. The Carter-Mondale committee listed on its June FEC report a debt of $19,250 to National Maintenance & Construction of Beltsville, Md., for "Office Alterations." In the old days, that would have been a do-it-yourself job.

The Carterites also apparently had a big party, perhaps a fundraiser, in Nashville early this year. As of June, they still owed the Nashville Tent & Awning Co. $561; owed the Famous Brands Liquor Store of Nashville $785; and owed Party Rental Services, Inc. of Nashville $524. That must have been some party. Don't you think that you should have been invited, since your matching funds will cover about one-third of the costs. Perhaps we should write into the law a guarantee that you may attend any political party you helped finance. If that were to come about, I fear they would offer you lemonade instead of bourbon, but at least the principle of fair play would be established.

I don't know what the Carter-Mondale volunteers do, but they certainly don't sweep the floors or dust the desks at headquarters. By June the Carter committee owed $4,730 to a Washington firm for janitorial services. And their leaders don't travel second-class either; they owed $903 to a Brooklyn firm for limousine service. And $261 to an El Paso firm for "Meetings-Drinks."

The Carter committee also provides employment for some of the president's relatives. Annette Carter received a mere $972 in take-home pay for June, but Chip Carter received $1,316. Jeff Carter received $1,750 in June for consulting contracts having to do with "computer service management." If they had only thought of it, the Carter high command might have kept brother Billy out of trouble by adding him to the campaign payroll, too.

How about the Republicans, those good fiscal conservatives? Surely they are more frugal with the taxpayers' money? Well, no not exactly. Republicans, I'm sorry to say have become big spenders from the East when it comes to their conventions. (Republicans as well as Democrats in Congress voted last year to increase the convention subsidies. This may sound a little bit like a conflict of interest to you, but Common Cause says it's OK.)

Late in 1979, and early this year, the Republican convention committee paid $15,000 to Mark Ambruster of Los Angeles for "program script for the convention." In the good old days, conventions didn't *have* scripts. But that was just the beginning. The GOP paid $20,000 to Water Mill Productions, Inc. of New York City for a design and development contract having to do with "podium design." Water Mill received another $85,000 of your tax money in the spring for construction supervision, a large-screen projection system, and other items.

But Syd Vinnedge Productions Inc. of Los Angeles has received a lot more of your money. By June 30th they had been paid $200,000—and were owed another $50,000—for the "convention theme presentation program," whatever that was.

The Republicans paid a fair amount of tax money for films, too. By the end of June they had forked over $45,000 to Palisades Communications of Santa Barbara for an "Auxiliaries Film;" and they still owed Palisades another $20,000. They sent $37,000 to A.B. Productions, Inc. of Los Angeles for a convention. I don't know about you, but I'm beginning to think that the GOP should have held its convention in Hollywood instead of Detroit.

There's more, much more, about the Republican convention that might dismay you. They paid $493, for example, for a "timer, etc. for hearings." That was either a mighty expensive timer or a mighty big "etc."

But enough of that. The question now before the house is: Will Ronald Reagan, that fierce opponent of big government, box some ears or whack some fannies and get the Republicans into line? You would like to think that, and so would I, but the outlook is not encouraging.

Although Gramps is philosophically opposed to public funding of campaigns, he accepted $4.4 million in matching funds for his 1976 primary campaign. In 1980 he has

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received nearly $7.3 million in matching funds—far more than any other primary candidate. And just after the Republican convention, he applied for and received $29.4 million for the fall campaign. That comes to a total of $41 million in campaign subsidies for a man who does not believe in them. Gramps is no dummy.

Mr. KASTEN. Mr. President, this legislation would mean that the taxpayers would be financing campaigns. I think on that basis alone it deserves to be defeated.

QUORUM CALL

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, I object.

The PRESIDING OFFICER. Objection has been heard. The clerk will continue calling the roll.

The legislative clerk resumed the call of the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. I object.

The PRESIDING OFFICER. Objection has been heard. The clerk will proceed with the call of the roll.

The legislative clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, I object.

The PRESIDING OFFICER. Objection has been heard.

The legislative clerk resumed the call of the roll, and the following Senators answered to their names:

[Quorum No. 11]

Burdick
Byrd
Cochran
Exon
Ford
Fowler
Johnston
Kasten
Leahy
Nunn
Rockefeller
Simpson
Specter
Symms

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absentees.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of the absent Senators and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Illinois [Mr. Simon] are necessarily absent.

I further announce that the Senator from Delaware [Mr. Biden] is absent due to illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. Dole], the Senator from Utah [Mr. Hatch], and the Senator from South Carolina [Mr. Thurmond] are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

The PRESIDING OFFICER (Mr. Bingaman). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 41, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—51

Adams
Baucus
Bentsen
Bingaman
Borèn
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Stennis
Stevens
Wirth

NAYS—41

Armstrong
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
Domenici
Durenberger
Evans
Garn
Grassley
Hatfield
Hecht
Heinz
Helms
Humphrey
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Stafford
Symms
Trible
Wallop
Warner
Weicker
Wilson

NOT VOTING—8

Biden
Dole
Gore
Gramm
Hatch
Kennedy
Simon
Thurmond

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

AMENDMENT NO. 1405, AS MODIFIED

The PRESIDING OFFICER. The pending question is amendment No. 1405, as modified, offered by the Senator from Oklahoma.

The yeas and nays have been ordered.

Is there additional debate?

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

Mr. LEAHY. Regular order, Mr. President.

The PRESIDING OFFICER. A quorum call is not in order since a quorum has been established. No business has been transacted.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would inquire what is the status? You have now reported on an amendment before the body. What amendment was that, under previous unanimous-consent agreement?

The PRESIDING OFFICER. The pending amendment is amendment No. 1405, as modified.

Mr. SIMPSON. Mr. President, the majority leader is not present upon the floor. We are working on various thoughts about how to proceed in a rather civil manner tonight and tomorrow night but at this point since I have the floor, I would yield to Senator Specter. He is on the floor seeking recognition. He was on the floor seeking recognition. I cannot yield to him.

The PRESIDING OFFICER. Is this a unanimous-consent request?

Mr. SIMPSON. No, it is not.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized if he is seeking recognition.

Mr. SPECTER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPECTER. In the circumstance where a warrant of arrest has been issued and according to the appendixes of Senate procedure, there is an entry on a form for return of service by the Sergeant at Arms, what is the Senate rule with respect to that return of service in cases where the warrants of arrest were served?

The PRESIDING OFFICER. The Chair has not had a chance to study this matter and will require some time before we can respond to that parliamentary inquiry.

Mr. SPECTER. While the Chair is studying that parliamentary inquiry, let me put another parliamentary inquiry. What is the obligation of the Sergeant at Arms on warrants of arrest which are not served to maintain those warrants of arrest?

Now, I would expect the Chair to need similar time to study.

And let me give some of the background for the purpose of my parliamentary inquiry. There were many Senators who were absent last night at a time when the motion was made to instruct the Sergeant at Arms to arrest the absent Senators. There were some 45 Republican Senators and there were some six Democratic Senators who were absent at that time.

According to a press report today from the Associated Press, warrants of arrest were issued for the 46 Republican Senators.

I have made an inquiry of the Sergeant at Arms and have been advised that there were warrants of arrest issued for Democratic Senators, but I have not gotten a full answer as to

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which Senators, and I have been further advised by the Sergeant at Arms that the warrants of arrest were destroyed.

Now, this Senator is considering a number of procedural moves on the issue of the procedure taken in the issuance of a warrant of arrest. So that Senators may be on notice as to what may eventuate and the purpose of the request for a ruling on the appropriate procedure for the return of service and the appropriate handling of the records, I may raise the issue that the warrants were defective in three important particulars.

When the majority leader made his motion last night it was in this language, "Madam President, I move that the Sergeant at Arms be instructed to arrest the absent Senators and bring them to the Chamber, and I ask for the yeas and nays on the motion."

Mr. President, the Sergeant at Arms does not have any authority under any interpretation of Senate rules to arrest absent Senators and bring them to the Chamber in the absence of a warrant of arrest.

It simply is not fathomable that this motion would be sufficient under the rules without a warrant of arrest and this language of the majority leader does not ask for the issuance of a warrant of arrest.

There is a second obvious problem with these warrants. The Presiding Officer was not authorized under the Senate rules which are explicit in that they call for the President pro tempore to handle a variety of matters, authorize his designee who was Senator Proxmire, and authorize that designee to make a further designation which was not made.

According to factual information which I have discussed at length today, discussions with Senator Adams who I believe is on the floor and can make any disagreement that he sees fit on the fact there was no designation to him and also Senator Proxmire who I believe is on the floor, or was a few minutes ago that there was no designation.

So that the warrants were not properly executed in terms of there not being anyone who was duly authorized under the Senate rules.

A third issue arises where the form of a warrant for Senator Packwood specified "who was absent without leave, to wit," in a large blank to be inserted with a statement of fact as to why he was absent, and there is no specification there.

The Sergeant at Arms informed one of my staffers, Paul Michel, Esquire, that a warrant had been issued for Senator Kennedy, but in the Congressional Record there is a notation that Senator Kennedy was necessarily absent.

So the form of the warrant of arrest requires specification which is not present in the Packwood warrant or in the Weicker warrant—two warrants which are available which this Senator obtained from Senator Packwood and from Senator Weicker.

Mr. President, I raise these issues because of the very serious import of the process on the issuance of warrant of arrest, and on the research which I have undertaken in the course of the day during which I have found no record of any warrant of arrest having been issued and executed since 1942. The Congressional Record going back to 1942, page 8905, contains a very strong protest from Senator McKellar, who stated that a warrant served on him was the "most shocking performance the like of which I have not known so far as I can recall during the 26 years I have been a Member of the Senate." And at an appropriate time the details of that process may be inquired into. But it was quite a cause celebre, and the issuance of a warrant of arrest is obviously a matter of enormous importance.

Before this matter can be evaluated in its entire context, we need to know precisely what the rules of the Senate are. As I read the form, and the return of service line, it appears to me that there is a mandatory requirement that when a warrant is served that there be an execution by the Sergeant at Arms. This is a form which appears at page 1175 of Senate Procedure, which reads: Washington, DC, to be dated, "I made service of the within warrant through my deputy", with their name, time and place, and signed by the Sergeant at Arms.

So that at least as to the warrant for Senator Packwood and the warrant for Senator Weicker there ought to be a return of service.

That is the purpose of my inquiry there which I understand is pending. And the issue about the other warrants, they are Senate records. It would seem to this Senator that they would have to be maintained as warrants are generally. But I make that inquiry as well so that there may be an appropriate pursuit of the important issues which I have discussed here which resulted in the arrest last night or early this morning of Senator Packwood.

I thank the Chair. I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, last night I was peering out of the window of our Republican cloakroom at the beginning of the fifth rollcall of the day. At the moment, for some reason, the famous words from T.S. Eliot's "Murder in the Cathedral," came to my mind for in a sense I did not know whether I was being prevented from coming out or from going in.

T.S. Eliot said these words:

> Unbar the doors throw open the doors. I will not have the House of Prayer, the Church of Christ, the Sanctuary, turned into a fortress. The church shall protect her own, in her own way, not as oak and stone; stone and oak decay, give no stay, but the Church shall be open even to our enemies. Open the door.

While we can argue about the symbolism of this quotation, and whether last night the Senate was turned into a fortress denying entry to enemies either to a bill or to the Chamber or to the hideaways or to the private offices, or whether quite the contrary was the case, I do not believe now is a suitable time to reflect on the play as much as it is important to reflect upon what is happening to the U.S. Senate as an institution and to each of us as individual Senators.

Mr. President, I have served in the Senate now going on my 22d year. My term in office here has constituted the majority of my political life. I have been on this Senate floor when the great statesmen such as Senator Dirksen, Senator Mansfield, Senator Fulbright, and Senator Javits have delivered unforgettable speeches on war and peace, on civil rights, and upon domestic needs. It would only be a modest exaggeration to say that there have been moments of paralyzing drama in this Chamber.

I recall 3 years ago when Senator Wilson was wheeled through these doors just hours removed from major surgery to cast the decisive vote on the budget. I remember, Mr. President, when Senator Hubert Humphrey returned from cancer surgery and therapy, a man greatly reshaped in physical form, but not changed at all in spirit. He came through those doors, Mr. President, slowly, here to the well of the Senate. I can remember Senators standing in great ovation, and Senator Barry Goldwater, from over on this side of the aisle, began to move slowly with his hip problem down into the well. The symbolism war of a member of the left and the right of political thinking, or of the liberal and conservative of political thinking, these two old warriors as they saw each other, embrace each other with open arms here in the center of the well. And the warmth and love and the affection that has been so historically typical of the great ones of the Senate shown forth.

Mr. President, the legislative process, with its intricacies and its intrigue, is still a source of fascination to the relatively few of us who remember "the old days" when bills were handwritten in time, debates were spirited and staffs were not a roaming army of junior Senators.

In my opinion, this Chamber has provided moments that present all of the mystery and the majesty of Grand Kabuki.

So it is with sadness that I stand here this evening to reflect upon the last 24 hours' activities, events which had all of the majesty and mystery of a professional wrestling match between King Kong Bundy and Hulk Hogan. What took place last night was not guerrilla warfare as has been referred to. It was simple gorilla theater.

We want to convince ourselves that what took place last night was a partisan dispute between zealous advocates from the Democratic and Republican Parties. We want to believe that there is a perception among the public that the Senate is so concerned about the issue of campaign finance reform that it will resort to any and every tactic to preserve the Republic from cash-and-carry campaigning. However, it is my sense from the conversations with my constituency today, telephone conversations from many sources, that the public sees it differently.

Mr. President, in the history of the Senate, last night's confrontation was not the first outbreak of raw emotion. Our leader, Senator Dole, on February 3, of this year, placed in the Record a very interesting vignette that took place on our Senate floor February 28, 1902. Senator Dole placed in the Record the story of Senator Benjamin Tillman, who accused Senator John McLaurin, both of South Carolina, of allowing his vote on the Philippine Treaty to be "improperly influenced." Senator McLaurin called the accusation a "willful, malicious, and deliberate lie." The two gentlemen engaged in fisticuffs, with some heavy punches received. The Senate considered that it was worthy to suspend both Senators for a week from the floor.

Mr. President, in 1856 a great speech was made by an abolitionist-minded Senator, a Senator from Massachusetts, Senator Charles Sumner. He made this in such a powerful manner that the Senator from South Carolina, Senator Butler, Andrew Butler, was very offended.

Senator Butler had a cousin sitting over in the House of Representatives by the name of Preston Brooks. Congressman Brooks decided that there had to be a revenge for this rather personalized speech by Senator Charles Sumner. He selected a cane that he considered to be light enough not to kill Senator Sumner but sufficient to bring him some discipline.

He came over to wait for Senator Sumner to leave the Senate floor. And whether Senator Sumner knew this or not no one is quite sure, but he did not exit the Senate Chamber and, therefore, Congressman Brooks came to the floor and attacked Senator Sumner.

He caned him down, and got so enthused with his discipline that he went a little bit beyond his expectations or plans, whereupon Senator Sumner was taken to the hospital for care, and did not return to the floor of the Senate for 3 years. The exile was not one in which he was spending full time recovering. In fact, he was traveling in Europe.

When he did decide to return to the Senate floor it seemed as though he got a headache each time he left Massachusetts. Some thought perhaps there was a psychological fear in coming to the Senate, and this was picked up by the southern gentleman who reminded not only their Senate colleagues but the people of the world that Senator Charles Sumner was, in effect, a chicken not to come back to the Senate. Now they did not use that slang term, I am sure, in that day, but that was the message that was conveyed.

Mr. President, going back even a few years prior to 1856, we have a year, 1850, in which to see again raw emotion explode here on the Senate floor. Senator Thomas Hart Benton of the State of Missouri, who also was a man of great stature, over 6 feet, weighing a couple hundred pounds and more, had engaged in a very spirited debate with Senator Henry Foote of Mississippi who happened to be a man of very small stature. In the middle of this rather spirited debate, the Senator from Missouri, Senator Benton, loomed heavy into the horizon in a gesture of attack upon the little Senator from Mississippi, who fell to the floor. But reaching into his pocket he immediately produced a pistol and in a rather defensive manner indicated he was willing to use the pistol, whereupon when his colleagues rushed to intervene, Senator Benton, out of his great lung capacity, shouted "Stand aside. Let the assassin fire."

Well, they not only were separated without the firing of the pistol, but the Senate had a rather interesting debate about whether this kind of action should produce certain discipline. And they decided that no, they would not take action on Senator Benton.

So the issue was unresolved as to any kind of recrimination.

Mr. President, I only use history to say that we have survived, and we will survive even now, those moments that may not be the finest hours of the Senate. But certainly I do not in any way want to indicate we should not seek ways to avert this kind of outbreak.

In talking to my constituents, both this morning and this afternoon, I think it is very important to note that at least from my area and from other States of the West that I talked to, the procedural instrument of the filibuster is often we see as the catalyst for some more heated exchanges that take place on the floor of the Senate. And in fact, these people I think in general like so many of us who come here as a freshman are anxious to see reform in the filibuster rule.

I have resorted to the filibuster procedure twice. They were very obviously most worthy causes to draw me to use the filibuster. The first time was in 1979 when President Carter sought to reinstitute the draft. I am a bitter opponent of the draft.

The second time was when the line-item veto slithered its way to the floor with its familiar appeal to eat of the forbidden fruit of unconstitutional budget reform. By the way, that snake is still loose in our midst and we may have to kill it again with the filibuster. I hope not.

But it was with a great deal of reservation and reluctance that I chose the course of the filibuster, and it was with a great deal of respect for the institution of the Senate that I exercised it.

Mr. President, I do not want to rehash the details of last night's events and talk about who was chased where; who carried whom; or who hid and who did not; and what Senate rules have to say about all of this. My colleagues Senators Specter, Bumpers, Kerry, Wallop, and others have spoken at some length about this, and I listened intently to their comments.

Instead, I want to address the politics of the matter. I define the term "politics" as an exercise in human relations. Last night and this morning we had a breakdown in human relations—as perceived by many of my constituents—or put more colorfully, a breakdown in civility and basic courtesy.

What happened in this Chamber is happening all over the United States as our country becomes increasingly confrontational and combative. More and more the instinctive response to fight back is the preferred method to right a wrong. Last year about 15 million lawsuits were filed in America, which works out to about one for every 16 Americans. Every year 2 million Americans settle their marital differences with a divorce decree. Statisticians tell couples standing at the altar that they have about a 50-50 chance of ending up in divorce court.

But the question of conflict resolution between individuals is merely a reflection of the question of conflict resolution within individuals and, therefore, within institutions. Adult suicide is up, and nearly 2 million high school seniors attempted suicide at some time during their schooling. My home State of Oregon last year was cited as the "suicide capital of the United States"—not a very pleasant title, but an indication, again, of the growing inability of people to resolve conflict from within.

A Gallup poll last April told us that the number of American families affected by alcohol-related problems has

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doubled since 1974, and so every fourth house in every neighborhood has someone drinking to escape life's problems. And this escapism spills over into predictable places. For example, since 1981, reports of child abuse have almost doubled. We are a people who often resolve conflicts within ourselves and between our neighbors with forceful, fearful means.

Mr. President, the world is also resorting to forceful, fearful means to resolve disputes. The world spends in 2 days for weapons what the UN spends in 1 year to alleviate human suffering. The world spends in 2 weeks for arms an amount more than the annual cost to provide clear water, adequate food, housing and clothing for every poor person on the face of the Earth.

And we are teaching our children to do what our Nation does. The most successful application of this administration's peace through strength philosophy has been seen in the lives of our toddlers. Sales of war toys have skyrocketed 600 percent since 1983. In 1986 alone, action and fantasy figures—the terms the toy industry uses to sidestep accountability for selling violence to impressionable children—in 1986 war toy sales crossed the billion dollar mark for the first time ever.

And so our children, our Nation, and our world are becoming increasingly more confrontational, increasingly more fearful of others and the future, and increasingly more dependent upon the tools of strength and force to defend ourselves and resolve our disputes.

Mr. President, there is another way to resolve conflict, but first we must redefine what constitutes strength. There is a weapon far more powerful, far more effective and far more worthy of the human being, and that weapon is forgiveness. There are wrongs committed and there must be accountability for these wrongs—we all agree—but there can be no healing, no reconciling differences, no moving forward together, until the balm of forgiveness is applied. And right now the wounds of conflict in the Senate are in need of understanding and forgiveness and mutual agreement to try not to wrong each other again.

Mr. President, in my capacity as a member of the Appropriations Committee, I have witnessed during the frenzied, hectic hours of negotiation and debate, times when the drive to get even, the urge to strike back, the desire to correct with anger, and the passion to punish when you have the strength and authority to do so—I have seen how paralyzing these forces can be on the body politic. And I think most all of us have seen those examples. But as Senators we must exercise leadership, model leadership, moral leadership, and we fail in this task when "eye for an eye" conflict resolution takes hold.

My friend LAWTON CHILES is leaving the Senate, and that is a true shame for this institution. He is leaving, in part, because the quality of life in the Senate has reached a level where he will end up doing more harm to himself than he can do good for the country, by continuing his distinguished public life in Washington. His premature exit, and the exit of other able legislators who left the Senate because the institution was no longer an appealing place to work, are signs of the time which we must heed if we are to do the people's business in a fashion that brings credit to our form of government and to our constituencies.

So I am presenting to my colleagues my hope that a spirit of forgiveness and reconciliation will replace what viewers through television have said to me they view as recrimination and parliamentary brute force as the spirit of the Senate.

Mr. President, we are faced with a very serious problem—the cost of political campaigns. And I do not think any one of us in this Senate on either side of the aisle denies the importance of this issue and the need to address it. I believe also that most everyone in this Senate agrees that the skyrocketing cost of campaigns now threatens the integrity of our democracy. In the not-too-distant future it is very possible that public office could be for sale to the highest bidder. I think we all agree that something must be done before that happens. But instead of sitting down together like statesmen to craft a solution to the problem, there has been a perceptible partisan drift to the debate and now we are facing a legislative gridlock.

Now, I want to suggest again a vignette of history. I am not suggesting it as a total parallel to the circumstance we now face, but I think there are lessons that we can learn from the period of 1905 and the Great General Strike that took Czar Nicholas II by surprise. A weak leader wholly unprepared for the challenges of the 20th century, Nicholas was suddenly faced with a very serious problem that demanded a response—his country was falling apart around him. So he tried a bold move, a move which could have laid the groundwork for a bright future in Russia. On October 30, he issued the October Manifesto, granting Russia a constitution and creating the duma, a legislature with real power. This was the first duma. It was an exciting time: after hundreds of years of Czarist rule, total autocracy—cruel, inhumane—and certainly one that had been condemned by Western culture and Western values, it seemed that Russia really was changing. But then Nicholas got scared, and retreated back into the partisan, and once-powerful, world he knew. Even before the first duma was convened, he declared that no law could be changed without his consent. Autocracy still, but to be tempered now by a little constitutionalism.

The result was chaos. When the duma did convene, radical parties were absent, having chosen to boycott the assembly. For those who were there—524 elected members in all—it was hardly a time for historic change: it took 2 weeks before the government submitted its first bill—to establish a laundry at the University of Dorput. Within a year, the duma had been dissolved. But the time the second duma convened, the radicals had decided to participate—but this time the reactionary members insisted on a return to the simple autocracy czarist Russia had known for so long. Eventually, it too was dissolved. There were two other dumas in the years to follow—the third duma even served for its entire 5 years. But their records were little different than those of the first two, and so it went for 12 years—12 long years of provisional government under the guise of constitutionalism, infighting and grandstanding.

No leaders, no reconcilers, no visionaries. Nicholas had failed to provide the leadership and no one was willing or able to fill the void.

We know what happened, Mr. President, because the Union of Soviet Socialist Republics sprang forth from the infighting and grandstanding and favoritism of those years. The 70-year history of the Soviet Union is full of repression and aggression and real human tragedy. That history is, in large part, a result of the inability of the government—Nicholas, his ministers, the duma—between 1905 and 1917 to address any but the least significant issues and, more importantly, the inability of that government to come together to craft a vision of the future. Whether it could have been avoided—whether statesmen and leaders could have worked together in those years to craft a viable vision and a government—is a question we can never answer. But it is beyond a doubt that the infighting and pettiness of those years contributed directly to the 70 years of suffering which followed.

Of course even more immediate suffering came as a result of those years, too. The famine which gripped Russia in 1921—just 4 years after the Bolsheviks had come to power—might well have been avoided if previous leaders, genuine leaders, had had a little less ambition and a little more vision. Had it not been for Herbert Hoover, the Secretary of Commerce who went on to become our 31st President, the tragedy would have been even worse. For almost 2 years, he and 180 other Americans supervised the feeding of some 30 million men, women, and children in 25 Russian provinces. Some

540,000 tons of food and desperately needed medical supplies were distributed out of the generosity, the hearts of American citizens and Western countries.

Mr. President, still hundreds of thousands of people died. In fact, later the head of the Communist regime in the Soviet Union, the Great Comintern passed a resolution thanking Secretary of Commerce Hoover for saving the lives of 18 million Russian citizens.

I might digress for just a moment because, having been a history buff of this particular period, it was a very interesting political situation that took place within my party. Mr. Harding, who was the President, later followed by Mr. Coolidge, were both very conservative Republicans and, therefore, they were very unhappy with the advent of the influence that the Secretary of Commerce exercised in the country. The prevailing attitude amongst conservative thinking in America was: This is God's judgment visited upon the Soviet Union for its devilish, evil system of government. Let them die. Let them die of starvation.

Well, that public opinion was turned around by the Secretary of Commerce who said: We cannot let political ideology nor national boundaries determine our response to people who are hungry and people who have needs in the world.

Hoover's establishing that particular position, as well as having been a member of the Wilson wartime Cabinet, and having campaigned for a Democratic Congress in the congressional elections of 1918, all trailed the Secretary of Commerce into the White House. And they were the foundation points of the difficulty, not with the Democrats of the Congress so much as with the Republicans of the Congress, in getting his programs through the Congress. For they even had to compromise with that wing of the party in the 1928 nominating convention by nominating a rightwinger, the Senator from Kansas, Charles Curtis, to placate that wing of my party because they had nominated the liberal progressive Secretary of Commerce, Mr. Hoover.

This is one of our less understood periods of American history, a period of American history which has been most communicated by bias and partisan smears over the years. I am very hopeful that the New Left historians will accomplish their tasks in reevaluating this period of American history and particularly the Hoover role in that period of American history.

Mr. President, I have digressed, but I want to say that it takes a bit of talent to be able to work Herbert Hoover into this particular issue. Nevertheless I am proud to be able to do so.

Of course, I do not mean to suggest that Vladimir Lenin is waiting outside our doors. But I do mean to suggest that we are facing many great and deadly threats to our democracy throughout our country and the inability to meet some of the problems that we do have. I suggest that we should be about the business of dealing with those issues and I think that we can do that and we can do it with leadership. We have the reconcilers. We have the vision to work together to address these great dangers.

I need not go into a long enumeration of them but let me mention some. I hate to say this but my State is increasingly becoming recognized as one of the greatest sources of drugs—from either growing the drug marijuana, producing and manufacturing amphetamines, or the ability to transfer from the source of those drugs, the development of those drugs, to a market. I think increasing drug use that could be seen in most areas of our country.

We used to be concerned about adults utilizing drugs. Then we became concerned as they swept our colleges and universities, and then as it drifted down into our high schools and secondary education. And now we are looking at the situation having penetrated our elementary schools.

That, in itself, to me is one of those problems that we must address in a far more effective way. Our energies, our vision, our togetherness, our cooperative attitudes have to be applied to that.

I am concerned about our growing numbers of American citizens on the streets. Many of us participated in the fight for homeless legislation. But I also am mindful that when we authorize a program that is but a hunting license for an appropriation. We in the Appropriations Committee have tried, and others joining with us, to provide the resources necessary to deal with the homeless of this country.

I am sorry to say that we are not keeping up. We are taking one step forward and maybe three backward in terms of the numbers and the difficulties of a less-than comprehensive analysis and program. It is rather ironic when, in Washington, DC, the Nation's Capital, two people die on the street at a time that another homeless person is bringing suit for having been forced into a place of care and shelter. That, in part, is because we have an estimated 2 million mentally disturbed people that have been dumped on the streets, in part, from our mental hospitals and centers which themselves have had difficulty in maintaining the resources to care for these people in those institutions. Well, that is another issue that is a cancer in our society.

I think we should be deeply concerned, as well, when we begin to look at the problems facing us in education—Mr. President, let me illustrate it in a simple illustration.

Two years ago we were funding SDI researchers that made up about an army of 5,100 researchers. In the current year the administration asked for an increase in funding that would produce 18,600 researchers in SDI. We did not grant that number, but that was the request.

About 2 years ago we funded AIDS researchers; about $300 million was appropriated for that purpose. That jumped, last fiscal year, to $600 million. In the current fiscal year we will have committed $1.1 billion for AIDS research and battling that problem. Now, all of these researchers whether you are talking about AIDS research or SDI research, all demand, components of math and science in their educational experience and background, to some degree or another. I am not suggesting that all must have a doctorate in math and science but certainly they must have some basic science and math, both collegiatewise and perhaps even postbaccalaureate.

This year in hiring new teachers for secondary education in America, as an average across this country, almost 50 percent of those teachers were temporarily certified because they were not educated to teach math and science. We had to put a warm body in the classroom.

When you begin to look at that issue of the eroding foundation for developing the person power pool to provide, at the other end, those increased demands in the market place for R&D, in the science of SDI research, and in health science for AIDS research, we will soon recognize that appropriating dollars is not going to get the job done because we do not have the persons necessarily trained or properly trained to perform the duties.

I could go on and give many other examples. We are going to become more competitive in international trade markets and that is going to demand R&D.

Over 50 percent of the products—the Hewlett-Packard Co., which is one of our primary producers in the market today are the results of technology that has been developed out of their R&D in the last 4 years. That indicates, again, the fast-changing picture in products coming out of science. So that is a very basic problem.

I am very pleased to see the administration for the first time in 8 years of budget presentation offer and suggest an increase in the education budget rather than decimating the education programs through the proposal to abolish the Department, and through the excising of vocational education programs, special education programs, student loans and student grant programs for higher education. I am still of the opinion that that turn-around has to be somewhere related to the fact that even with the preoccupation with increasing military spending for this quest for new weapons, not only in quantity but in quality and technical sophistication of weaponry, finally a light turned on that even to operate these particular new weapon systems it will take a better and more solidly educated person than we are able to attract now, through the failure to meet those educational problems. This is only one manner in which our problems confront us on this matter of education.

I could go on with many other areas in which we need to develop solutions and resolve the conflicts and inadequacies by which we become victimized. Let me just cite briefly one other and that is in the field of Alzheimer's disease. We are reaching the figure now, Mr. President, of about $30 billion a year that it costs to take care of and support victims of Alzheimer's. That is reaching the figure of $20,000 to $25,000 a person.

Increasingly, families are bereft of the resources and the ability to do this. Yet a handful of years ago we were only providing a handful of dollars for research. Our research is still far from a point where we could hope for some relief from this increasing enemy of our aging people.

We cannot redistribute the medical research money from cancer, from neurological disorders, from all these other areas where we have reached levels of breakthrough in order to meet the unmet needs of Alzheimer's and to crank that research up to a level of adequacy.

Mr. President, these problems are going to come home one of these days in such dramatic fashion, and we are going to regret the wasted hours, the wasted time that we did not address them as a priority issue.

Mr. President, I would be willing to bet that not a single person in any of those Russian Dumas between 1905 and 1917 wanted what happened in subsequent years. I really do not think they did. Even those who followed after some of the radical parties could not foresee that they would be betrayed. But their refusal to sit down and address the realities of their day all but handed their country over to the Bolsheviks.

While I do not want to suggest that the Bolsheviks are outside these doors, I want to say that there are hungry, hurting, wounded, desperate people outside of these doors, our American citizens, who are hoping for some kind of relief from either their economic, their physical, their mental, or their spiritual problems.

At a time when our economy and our foreign policy and our system of democracy must respond to the demands of this newer era, I do not believe that the United States Senate can afford to be bogged down in battles that separate us, that squander our precious time, and that create wounds that will be difficult to heal.

Now, Mr. President, I wish I had a simple answer, and although I do not have a simple panacea, I know that the goodwill in this Senate exists. I see people who have been toe-to-toe in strong, perhaps loud debate, go out through these doors arm and arm and join each other in a soothing cup of coffee.

We have that glue in the Senate. Let us not squander it. Let us not waste it. There is that wonderful glue that transcends our differences.

Let not this incident or this particular issue continue to the point where it becomes more difficult for that glue to operate, for that healing balm or that sense of transcending friendship to overcome differences of political opinion.

The PRESIDING OFFICER [Mr. ADAMS]. Has the Senator from Oregon ceased? I do not wish to take the floor from him if he is still speaking.

Mr. HATFIELD. Would the Chair repeat the question?

The PRESIDING OFFICER. Has the Senator from Oregon completed, and is he yielding the floor? I will not take the floor from him if he has not completed.

Mr. HATFIELD. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. I thank the Chair.

I want to congratulate my friend from Oregon on a very fine statement and one that only he can make from time to time, talking about healing, and about this institution.

I have noted in my brief tenure here very important times during critical debates that the senior Senator from Oregon rises to the occasion to show us where we ought to be going, and I think he certainly did again here tonight and particularly in his conclusion because if you want to look at civility and you want to look at how this institution ought to work last night is certainly not an example. I mean that was an act of absurdity. I mean the very idea of moving to arrest Senators. I just had a conversation with my 11-year-old son who is the second son of three children that I am blessed with. I phoned to tell him to tell his mother, my wife, that I would once again not be coming home for dinner. It was not any great shock to them. They were watching television and knew that the Senate was bogged down in another filibuster.

But what was on his mind was he asked me about this arrest warrant that his mother had told him about and he had found out through the news media. He wanted to know how it affected me, and I tried to tell him that it did not affect me, inasmuch as they did not find me. He thought that was OK, too. He did not really appreciate his father or thinking of his father getting arrested, but then he is a very sensitive and compassionate person, particularly for a young age of 11.

He wanted to know and made an inquiry about Senator PACKWOOD, whether he was all right, and I told him he was and we got on to another subject that I would not be home and to make sure to relay that information.

But, Mr. President, I believe that you cannot just let bygones be bygones. We can forgive, as the Senator from Oregon has said, but actions do speak very loudly and that type of an action last night of having to resort to an arresting of Senators which had not been used for a considerable period of time and used on an issue that everybody knows has no chance of becoming law—I mean if this were a Civil Rights Act, where the President was involved, or this was a major piece of legislation that there was any hope at all of becoming law perhaps, perhaps draconian and drastic measures ought to be implemented, but I really think that this is an act and we talk a lot about lameducks in this town, that was clearly an act of a lameduck. I do not believe that this was an act of something of trying to instill some semblance of a quality of life in the U.S. Senate. We can always speak of quality of life and we do that a lot around here.

But this legislation that is before us that we stayed up all night last night and will be up all night tonight people will be here speaking and they will be instructing the Sergeant at Arms and it is the majority's responsibility to produce the majority in the quorum. It is not the minority's responsibility.

The minority is engaging in what is proper responsibility in conducting this unlimited amount of debate, but having not one iota of a chance of passing, and yet we go through all these shenanigans that certainly appear to be an act of a lameduck.

People say I know a lameduck when I see it, it acts like one, it talks like one, does things like one, and I certainly think this is probably very fitting.

Mr. President, I think what I do is to concentrate on the issue before us for a while and then I may get into some other matters that I think are, quite frankly, more pressing than the issue before us.

I have a great deal of interest in the INF Treaty and where we are going and the whole area of armed services and foreign policy.

I see the Senator from Ohio is on the floor, and he and I heard a very good testimony this afternoon from Dr. Kissinger.

Unfortunately, I did not have the chance to read the testimony. I was there to ask questions. Since I did not

have that opportunity, I may get the chance and just read it later on tonight and explain it to everybody because I thought it was brilliant, his presentation was brilliant and the Senator from Ohio, Senator GLENN, commented that he had a lot of time during this filibuster to read it, not only once, but he read it twice, so it might be a good redundancy for Senator GLENN when he gets into that topic, but it would not be redundant for others. As a matter of fact, it might be a bit refreshing to get off of the topic that we have been on for quite some time.

But let me for the moment, Mr. President, focus on the issue at hand:

Mr. President, it seems like every year someone comes up with a new way to reform the political process and that reform is sometimes to keep people from taking part in the political system by putting new constraints on our rights to express our political views freely.

Every year we go back to the question that somehow manages to remain with us no matter how much we reform the system.

How do we preserve the integrity of our democratic electoral process? That is always the question.

We always want to put the word "reform" on there for somehow reform means that things are getting better.

You know, we tried to reform the process of the Congress about a little over a decade ago. It was called the reform of the budget process and how that the Congress was really going to get a hold of things and put the label "reform" on there. And we said we are going to be able to reform this process. We are going to let Congress really get ahold of it and what we did we created a budget committee and by creating a budget committee in the name of reform we now have the budget committee, the appropriations committee, and the authorization committee.

And quite frankly I think in the name of reform in trying to get ahold of the budget problem, that we reformed ourselves into a process and a system that has not only not produced a balanced budget but I daresay that the reforms that we instituted in 1974 that has now led to these grand continuing resolutions where we pile on 13 appropriations bills at the end of one Congress, that we have really gone backward in many respects.

We have gone backward in the fact that our Government and the process of our Government today is far less open to public scrutiny, public debate, than it has been in recent modern-day history.

We do not have that debate. I have lamented that fact. We do not even have the debate. As a matter of fact, I thought and Senator Baker used to say, "By golly, if we just get television in the Senate we will get better debate here. We will get out and we will start debating the issues."

Well, we have the situation where we have these appropriation bills all put into one because we do not have time to do our job. The authorization processes, except for the defense authorization bill, are basically nonexistent. They are always tacked onto a continuing resolution.

But in the name of reform, we created the Budget Committee and in the name of reform after Vietnam and Watergate, by golly, we are going to open up the process—Freedom of Information Act, sunshine laws, let the public know what the public representatives are doing.

We took that reform and we went on and on and on and we campaigned for it. We took it to the people. We took votes on it. Sure enough, sure enough, we reformed the situation back in 1974 and 1975, but we reformed the situation now where we have a far more secret government today than we certainly did in 1974 and 1975 and more secret government than what we had in modern-day history.

The reason we have a secret government is that we do not debate what is in those bills. You get that continuing resolution here and a Senator may know about what 3 or 4 percent is in that bill. That is about the extent of it. The other 95 percent, 96 percent, they have not a clue. We have to wait on down the road to find out what is in there. The press will point it out. Staff will point it out. We always have to have technical amendments, correct bills, things of that sort.

But we do not debate it anymore. We do not debate the issues. We do not debate the issues that we are going to act upon. We are not debating foreign policy here today. We are not debating armed services. We are not debating the INF Treaty. We are not even debating the budget. We are not debating education. We are not debating job training. We are not debating on how we can lower the interest rates. We are not debating on what we ought to do about competitiveness. We are not debating what we ought to do about productivity.

I guess those things are not important because the leadership has decided that the thing that is important that is going to take all the Senate's time is campaign reform, namely, campaign reform.

But let me tell you what campaign reform is: Campaign reform is the taxpayers paying for our elections. Wonderful.

You ask that question on a poll or survey how many taxpayers want to pay for Senators and Congressmen elections? Let me see those results.

You go out and the next time you are at a chamber of commerce or the UAW hall or out at a farm bureau meeting and you have 100 people there or more or less and ask them the question, say "Do you think that the taxpayers ought to foot the bill for my election and my colleagues for Congress election?" Unless you have somebody that is a member of a special interest group that happens to be pushing this for perhaps their own agenda and own reason, you will probably have a total unanimity that nobody is interested in it. Nobody is interested in it. They are not interested in a new entitlement program. People I talk to are interested in balancing the budget, reducing the budget deficit. There is a lot of cynicism out there. A lot of cynicism going on out there and I cannot blame them.

I cannot blame the American people for being cynical of what Congress is doing. And I join them in that cynicism. And I join them in a personal type of frustration because we are going to spend many more hours, tedious, boring, nonenlightening except for what I have to say and perhaps others, a few others might have to say, debate, debate on the taxpayers, debate on the taxpayers paying for our elections.

So we always come up with some new grandiose idea. Just put "reform" on it. Put the name reform on it. Is anybody against reform? Nobody is against reform because somehow reform means progress.

I daresay how the Congress reformed itself with the budget process in creating a Government that is more secret today than has ever been in modern contemporary times, is a kind of reform that we can do without; the kind of reform that we can in fact do without.

This year the new scheme that is outlined in the Boren-Byrd bill is to force the taxpayers to pay for our elections, set limits on how much candidates can spend, and restrict the roles that organized groups can play in our campaigns.

Let me state that again. The Boren-Byrd bill is to force the taxpayers to pay for our elections, set limits on how much candidates can spend and restricts the roles that organized groups can play in our campaigns.

So as we continue to talk about reforming the political process which I am not convinced that we ought to be doing just now, I am not convinced that it needs reform and reform is either taking a step forward or taking a step back. And before we jump to this conclusion, but everybody knows this bill is not going to pass, it is not going anywhere. It is not going to become law. I do not think anybody who has stood up says that, if they are I would have to say they are not speaking for reality if they think this bill has any chance whatsoever of becoming law.

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But as we talk about reforming the political process, there are some important questions that we need to ask. I do not want to get too provocative in asking questions about this legislation or what it is all about. But I will try to proceed with as much restraint as I can.

Why, for instance, is the Senate deliberately trying to limit access to the political system? Why is the Senate deliberately trying to limit access to the political system? This political system of ours is the greatest in the world, and it is great and this country is great for one very important reason. And that is that we are free.

You ask people around the country, and you ask Americans and what sets them apart from any other country in the world and what makes this country to be able to generate the wealth and productivity and have the standard of living that we do, and time and time again the answer that will come back is that the reason we are able to do that is because we happen to be free Americans. You talk to people around the world about why they want to come to this country. Why do they want to come to this country? They come to this country because we are the freest nation in the world, and yet the political system that is responsible for preserving that freedom, the sponsors of this bill apparently want to limit, to limit the access to that political system.

What is wrong with getting more people in the political system? What is wrong with that? I thought we wanted more people in the political system. More people are contributing in a financial way in the political system than ever before. And I might add it is in small amounts because of the campaign limitations that we have, the limitations of political action committees and the limitations of individuals.

Now, what we are trying to do is say, no, what we want to make sure of is that the political system is open. But we want to make sure that it is not too open. We do not want to get carried away with the freedom, we do not want to get carried away with openness, we do not want to get carried away with the competition. I would say that those are pretty good, fundamental principles that we ought to have.

Why is the Senate about to step on the first amendment in the freedom of political speech by keeping these organizations from making a contribution to the political system? Why? Why do they want to have these inhibitions on the first amendment? That is why we are here because of the court case in the Supreme Court that rules you cannot limit individuals in how much they are going to spend on their campaigns. The Supreme Court says you cannot do that. So if the Supreme Court says you cannot to that, you have to figure out a way to muzzle these folks, get around that Supreme Court decision.

Actually, I do not know why the Senate would try to limit the freedom of speech of anyone in this country. What is wrong with freedom of speech? Where are my civil libertarians, and all the civil rights people on this issue? Why should we force taxpayers to fund candidates whom they either do not support or whom they oppose?

Unfortunately, many people in my State oppose it. It is part of the system. Why should they be forced to pay for my election? Why should we make those taxpayers that go out there and work hard to pay for something that I want to do in life like run for public office? Why should they be forced to use their hard earned money? We ought to think of that.

Think of the individual in rural America that is out there and gets up early in the morning, works hard, comes home, has a family, tries to produce and then all of a sudden here we go. He is going to produce and he is going to have to pay whether he likes it or not for the elections of Senators and Congressmen. He does not have a choice. It is going to be a tax. The taxpayers will be funding the candidates.

I suggest that we ought to think about that. We always are interested in looking at polls on how many people in America really support taxpayers financing of Senate congressional campaigns. I do not think you will find too many people. As a matter of fact, in this day of reform, and we reform things, post-Vietnam, post-Watergate, we created political action committees. And if the problem is political action committees, we will find a lot of support on this side of the aisle. Political action committees, if you want to vote to limit it, or if you want to vote to eliminate political action committee contributions, you will have a lot of support on this side of the aisle if you want to limit PAC's involvement in the campaigns. And if that is the desire, if that is the desire, then we ought to talk about it. I doubt if that is the desire.

One of the sponsors of this bill I am told gets about 70 percent of his money from political action committees. Obviously, one who is going to get 70 percent of their money from political action committees does not have a whole lot of incentive to limit political committees. But if that is the problem, political action committees are the root cause of why we are here, strike a deal. We will go and look at the problem with political action committees, and if we want to have limits we will limit it. We will make it $2,000 instead of $5,000, or we will make it $1,000, if you want to limit it to the overall amount the person can get from political action committees. Do you want to get rid of political action committees? That is not the issue in this bill.

Many people think that is the problem. Many people think it is just the political action committees. Sign up, join the parade, and we will make you a deal real fast. That is not it. It is only what we talk about. We get up here, we rant, we rave about all of those nefarious political action committees. I do not see this bill trying to do away with political action committees. No. It is something else. How can we build in a political advantage? How can we figure out a way to, and what this bill really does is help out incumbents. I am an incumbent. I probably ought to be for that. But unfortunately my party is in the minority. So it would not help the party overall. It would help me individually. This bill would actually help me. It would be easier for me in election. It would be tougher for my opponent. It would be far more difficult for my opponent who would be limited to the same type of campaign spending, yet I as one Senator have access to thousands of dollars, legitimately, to spend in fulfilling my responsibilities as a Senator from Indiana.

And it is impossible to tell, particularly in an election year when you are making a speech and you may not even make one political overture or say one thing about your opponent, you show up in an election year, that is a political event, and it has the overtones of a political event.

So this is really the incumbents' protection act of 1988. It protects incumbents, but I suppose that is all right in the spirit of trying to limit political access, in the spirit of not caring about if you get 80 percent of your money from political action committees, in the spirit of stepping on the first amendment. While you are at it, while you are trashing all of those things, why not just throw in a little bit of good, old-fashioned incumbency protection?

I wonder why we are creating yet another costly government entitlement program, one exclusively dedicated for a handful of men and women in this country when our budget deficit is to put it mildly out of control.

The budget deficit is out of control, and here we are in Congress arguing about a bill to create another entitlement program, one more entitlement program, one more time. This is reform. So this entitlement program is OK as long as we put the word "reform" on it. It does not matter if it costs taxpayers more.

We ought to ask the taxpayers if they like reform if they are going to be paying more. And I would say that they do not and would not.

Why has the spotlight been so tightly fixed on PAC's supported by business groups? Should there be an equal spotlight on the massive use of labor union resources and other self-styled independent groups on behalf of political candidates? I mean, if we are going to talk about expenditures in campaigns, let us talk about expenditures in campaigns. This is a very self-serving, selective piece of legislation that is devised to gain political brownie points.

But I think the longer that we talk and the more that the American people find out what is in this bill, that they will be writing letters, they will be talking to Senators when they are home, they will be making comments at town meetings. They will be doing various things when we are back here debating this taxpayers subsidy bill.

And I would imagine that when we go home this weekend—if we do; we may still be here. We will go home in a week or so. When you go back to your respective districts, respective States, go to the rural part of the State. Ask those folks what they think about picking up the tab for our next election. Ask the American people what they think about a new entitlement program, a new entitlement program that has the label "reform" on it. Well, this little reform bill has a little catch and that catch is that you, John Q. Citizen, are going to be picking up the tab.

Mr. President, the fact that public financing of Senate and House races could cost us $500 million every 2 years is all by itself enough to oppose the Boren-Byrd amendment.

Let me say that there are other reasons why such a scheme simply does not make sense. For one, public financing would distort elections by imposing the same system on 50 different States with different degrees of competitiveness in individual races. The problem of getting elected is a personal one in each State with each candidate's constituents. It is not a national problem. What works in California does not necessarily work in Indiana. What is accepted practice in New York might be an inappropriate practice in Indiana.

When Senators go from Washington, DC to Virginia to campaign, or go to Maryland, there are not that many costs involved. Going back and forth from here to Indiana could cost in a campaign year as much as $50,000. Going to California would be much more; going to Alaska would be more; going to Hawaii would be more.

Public financing would also sever a violent link—a voter's right to financially support a Senate candidate in his or her own State.

By instituting a national checkoff on IRS forms for Senate races, tens of thousands of voters from one State would be donating money for Senate races clear across the country in other States. In effect, this would remove one of the direct links between a representative and the constituent he serves.

But I guess that does not bother the proponents of this legislation that that link may be taken away; that what we are doing is in essence nationalizing these elections, letting the taxpayers pick up the bill.

You know there are always schemes on how we can nationalize and centralize things. Most of those schemes have never seen the light of day because this system of ours is a representative democracy that is very pluralistic. We are decentralized. We really believe that the power is not vested in the Government or in Washington, DC but the power is vested in our people; that we do not govern because we are the Congress and the Government of Washington DC, we are governing because we have consent from the people to govern—the people of this country.

And I can say that in traveling back in my State—and my State is no different than Ohio or Arkansas or any other State; it is just a small Mideastern State filled with a lot of good people, a lot of good folks. And when I go home and ask them what is on their minds, I guarantee you something that is not on their minds, and that is creating a new entitlement program to pay for Senators' and Congressmen's elections. I can guarantee you that is not on their minds. I will tell you what is on their minds is this budget deficit. That would be the first thing that would come up. And if they thought for one moment that this bill had a chance at all to see the light of day in passing legislation, they would be on my back telling me to vote against this bill. If they really thought and knew that this bill had a chance, they would be all over me. And they should be. They would say, "Have you lost your senses? Have you absolutely come uncorked?"

I am not supporting this bill. I am going to talk about it and other things until it goes away. And it will go away. It will fly away. We have had seven, I think seven, votes on cloture. And I predict that probably this one, because civility and things of that sort have broken down a bit, I imagine this time around the vote will probably be worse; that the proponents will be going in the other direction as far as picking up support; that the arresting of Senators does not get more votes.

While the Boren-Byrd bill does set a minimum threshold of individual contributions that Senate candidates must receive before becoming eligible for public funds, it would discourage any candidate from raising any more than he needs to meet his threshold.

Perhaps it is no coincidence that the threshold fundraising requirements favor those who raise money from large donors—not the little guy, but the big fat cat that we hear so much about. Large donors, not small donors.

Let us rely upon large donors, fewer of them. Let us not get too many people involved in this political process, but fewer of them. But make sure that the big boys and the big girls are heard from. The guy that works, the guy that gets up, the guy that puts in a legitimate week's work, sweats, has a family, tries to raise his children, do not let us get him involved. Let us just leave it to the large donors.

Senator **Packwood** yesterday explained, in what I thought was frightening detail, why it is easier to raise money in large donations under the Byrd-Boren bill. The simple fact is that it takes more money to raise money in small donations than it does to get a few large checks. The Washington Post has pointed out that the majority party in the Congress gets the vast majority of PAC donations and that over one-half of all Democratic campaign donors make more than $100,000 a year.

Let me repeat that. Someone might have missed it. It is an important point.

The Washington Post has pointed out that the majority party in the Congress gets the vast majority of PAC donations and that over one-half of all the Democratic campaign donors make more than $100,000 a year.

I suppose that we might describe this legislation as "The Fat Cat Protection Act of 1988." Make sure the big boys and girls are taken care of.

I do not want to hear again about this country club business. I think we know who the country clubbers are and who the rich folks are and who the fat cats are and who the large donors are.

Some of us just want to raise money from the people, from the folks back home.

Financial support can be as important as votes. It is part of the political process, a way for individuals who feel strongly about a candidate to become personally and directly involved.

So why are we even thinking about discouraging voters' rights to financially support Senate candidates from their own States? And why would we want to give even more power to PAC's and large donor fat cats in the fundraising process? Why do we not do something to encourage small donors?

Why do you not think about, in the name of reform, perhaps the elimination of PAC's or reintroduce a tax credit for small donors? Ha. We do not want small donors. It takes time.

If we are going to have small donors contribute, by golly, I might have to have a breakfast fundraiser, I might have to have a lunch fundraiser and a dinner fundraiser when I could sit down at the table with some of my few selected rich friends and raise that money in an evening; have wine, have steak, have a nice, great big dinner,

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raise a lot of money with a few people there. But, by golly, do not go back home; do not be forced to go back to your State and to have a breakfast for $10 and try to get 100 people there so you might raise $1,000 because you can get $1,000 just sitting out there making a phone call. Heaven forbid if we would put that kind of a burden on Senators and Congressmen that they would have to go home and raise money in their home State.

Think of that. Think of how preposterous that would be, to have Senators and Congressmen raise money in their home States.

If we are interested in reform why do we not talk about reform and make Senators and Congressmen raise money in their home States and make them do it from $100 or less and put a limit on that. Limit it to contributions of $100 and you have to raise it in your home State or, if you want, say just raise 80 percent in your home State. That would be reform. I do not see that in this piece of legislation.

I mean, holy mackerel, do not ask me. I mean, I am a Senator. By golly, I want to figure out a way where I can, you know, not spend as much time with the folks to raise money. I mean I am too important. By golly, I mean I am a U.S. Senator, 1 out of 100. This is the most deliberative body and, boy, we are deliberative. We are deliberating on taxpayer subsidies of elections, deliberating, arresting Senators. Boy, this is a great club.

But I mean to tell you: Please, please, I do not want to think that Senators would have to go home and raise money from small donors in their State. I mean, gee, some might not get reelected if we would have to do that. Raise money from their home State? No, I am going to have to set up something where we do not have to spend any time doing that. I will make a few phone calls out here to a few of the political action committees and get a few political fat cats on the phone, have a nice dinner and raise the money and put the ads on TV.

But, come to think of it, I do not want my opponents to be able to raise too much money either, so I will just have a ceiling so I will be here for a long time because this is really a nifty place. I would not dare think of having Senators go home and raise money from their constituency. Mercy, mercy, mercy.

Financial support can be as important as votes. It is a part of the political process, a way for individuals who feel strongly about a candidate to become personally and directly involved. So why are we even thinking about discouraging voters' rights to financially support Senate candidates from their own States? Why would we want to give even more power to PAC's and larger far cats in the fundraising process? Why would we not do something to encourage the small donors?

As I said, why do we not think about reintroducing a tax credit for small donors? In addition, the public is apathetic at best about the thought of financing national elections. Apathetic at best. I would say that they are. And if they really thought that they were going to get hooked for the bill for us running, many of my constituents would be downright hostile. Only a quarter of all the taxpayers check off a dollar for Presidential elections, so why do we suppose they would support funding congressional elections as well?

Mr. President, during this debate I have heard the amount of money we spend on congressional campaigns called a national embarrassment, a national disgrace, a corrupting influence. As a matter of fact, we have even heard worse. But, is there something inherently wrong about spending money in campaigns? The point has been made before but it bears repeating: The amount of money spent to elect the President and Congress in 1984 was less than the amount spent by the Nation's leading advertiser, Procter & Gamble for its products that same year.

Surely educating the electorate about those who make critical national decisions is at least as important as one company's annual advertising budget for soap and toothpaste. We ought to remember that it was James Madison who warned against the "tyranny of factions" and suggested that the best way to avoid such tyranny would be to let them multiply and flourish.

In age of centralization it is important to remember Madison's celebration of pluralism. The tyranny of factions Madison warned us of; and how to make sure that did not happen was to go ahead and to let them multiply. What he was talking about was a few ideas, a few people, a few factions getting ahold of our Government and the future of this country.

Madison was not afraid of competition of ideas. We should not be afraid of the competition of ideas. What is wrong with competition? We have it in the marketplace that produces jobs and opportunity and hope for the future. Why can we not have that kind of competition in the political process? Why do we want to exclude folks from the political process? Why do we want to say no, we want to have our campaigns funded more from the large donors than the small donors? Why is that? Why is that?

Additionally, as de Tocqueville argued, "America was founded as a nation of people who gladly joined in the democratic process." It is precisely this civic involvement and beneficial competition that has allowed our democracy to flourish.

In fact, people will always find ways to express their own self-interest politically, no matter how hard the Congress tries to close off those avenues.

It is not hard to prove that point. Just look at some of the loopholes in existing campaign laws: soft money, independent expenditures, bundling for unlimited private contributions by wealthy individuals. Tried them all. Tried them all.

Some of my colleagues have already pointed out the laws and the public financing schemes that give rise to increasing influence by soft money and independent expenditures.

Professor Alexander has estimated that the Mondale campaign, in spite, or perhaps more correctly because, of the public financing laws, saw between $30 and $40 million spent on his behalf by labor unions in the 1984 election.

I would just point out that the so-called soft money is so pernicious an influence that a 1980 Kennedy School of Government study counseled against public financing. The Harvard study reasoned that public financing in its commitment to spending limits gave rise to and encouraged spending unlimited amounts of money through conduits other than candidate campaign committees.

To make matters worse, the Harvard study concluded, most of the means through which money is now being poured into the Presidential politics are inherently less accountable to the electorate and should not be encouraged by campaign laws.

Mr. President, before we go off on yet another campaign reform adventure we really ought to take a closer look at some of the reasons why our campaigns become expensive. Perhaps the greatest reason for the high cost of elections is something the Senate simply cannot control, the rapid growth in the cost of TV and radio advertising. Both media are central to Senate campaigns. Fifty percent of a typical Senate campaign budget goes toward broadcasting media advertising.

Coming from a newspaper background, I consider myself a newspaperman, that is unfortunately the case and one that I am sorry is fact. Trying to regulate, even to keep costs down, would clearly be unconstitutional. It would be unconstitutional, certainly, to try to limit that.

A second reason for expensive Senate campaigns, ironically, is in the high cost of fundraising, a development that clearly can be traced right back to the stringent limits on contributions set out by our earlier efforts to reform the Federal election process.

Because Senate incumbents and candidates alike are forced to raise smaller amounts of money from more people, the fundraising process has

become both expensive and time consuming. As we pointed out earlier, putting limits on overall spending will simply discourage the solicitation of small donors because of the high costs involved.

Washington Post political writer David Broder concluded that spending limits and taxpayer financing have shut down local campaigning. "Grassroots democracy has died."

But that is all right. We are all in the Senate now. Senators evidently, like it out here. They do not want to have to worry about grassroots democracy. But before we are willing to legislate away grassroots democracy we ought to think about how we got here.

We ought to think about the people that put us here. We ought to think of those folks back home that have worked hard to put us here. If grassroots democracy did not put us here, what did?

Now what we are talking about doing is legislating away grassroots democracy. Let the taxpayers pick it up. Have the taxpayers foot the bill. But we will all talk about democracy. We will talk about the representative form of government that we have. But, boy, let us not have to get back into that thicket of grassroots democracy.

Look at what has happened. Look what grassroots democracy has produced. We want to attempt to legislate it away. It has been argued that one of the reasons that we want to have this taxpayer subsidy subsidizing elections is to spend more time in the Senate or spend more time on the so-called quality of life. I do not know what we would be doing if we did not have this dynamic turkey before us.

Maybe we might be talking about the Federal budget deficit. Maybe we might be talking about education. Maybe we might be talking about the drug problem that infests our constituency in our inner cities. Maybe we might be talking about how we could lower interest rates.

If this is any indication how we are going to spend our time, I am not sure we need more time, spending time on legislation trumped up in the name of reform that has absolutely no chance of going anywhere.

The third reason is the plain fact that a dollar goes about half as far today as it did when we overhauled the political system last time, so it costs more to get the same result.

I also might add that another huge cost in campaigning comes from the so-called consultants. My wife happens to be one of my chief political consultants. Her advice, which I solicit a lot, is free. I do not have to pay for that. But there are a lot of other consultants that you do have to pay for. You have to have your media consultant. Sometimes people think you ought to have a political consultant. And you also need a pollster. We always have to take polls. They are sort of like an addict that gets his fix. That is the way the politicians get their fix. They have to take polls. Those are expensive.

I suppose what we will probably do is in due time let the taxpayers pay for consultants and pollsters, too. I mean, I do not know where this ends. This would be the reform of 1988. I do not know what the reform of 1996 will be like.

Mr. President, the most recent villian in the campaign reform drama is something this body brought into being, the good old political action committee, PACman. That is it PAC's.

Despite the PAC hysteria created by Common Cause and others, however, I think we ought to remember that these political action committees generally represent a wide diversity of interests, and diversity is vital to the democratic process. There are now over 4,000 labor and business PAC's competing for our attention. Our Founding Fathers knew very well that ours is a nation of competing interests, and that is why they set up our federal system based on checks and balances.

Despite criticism that PAC's somehow buy votes, anyone with even a modest knowledge of how Congress works knows it just is not so.

It is ludicrous to think that a contribution from any of the thousands of PAC's could be decisive. More often than not, a candidate or incumbent has received a contribution from a PAC with a competing interest.

PAC money, by and large, is not spent to influence votes. It goes to Senators and Congressmen whose voting records are generally in line with their own interests.

I think it also ought to be pointed out that any attempt in Congress to limit PAC spending, directly or indirectly, is likely to backfire by encouraging these groups to simply switch gears and make independent expenditures in races.

I do not know how often I have heard in this body complaints about independent expenditures. Republicans complain, and Democrats complain about all these independent expenditures.

The problem is that we have a free country and yet what we are trying to do is to limit the political process, limit the political process, rely on major donors rather than small donors, have the taxpayers pick up the tab, and yet there is not anything we can do about independent expenditures.

If a millionnaire wants to come into my State and spend millions of dollars in an attempt to defeat me, he or she can do that. We cannot do a darn thing about it.

So what we would be doing by this bill is taking away a possibility for me to respond to that independent expenditure and the outcome would be that that independent expenditure would have far more clout than it has today. That is the situation.

I do not think I have to remind anyone in this body that the Supreme Court has quite clearly told Congress that it cannot restrict independent expenditures.

Finally, I would note that the Byrd-Boren bill clearly advantages large PAC's with a ready cash flow, because the bill would put a premium on early and large donations. So the first PAC's to contribute would be given more prominence in terms of total contributions merely by virtue of getting there first. Clearly, this is not the desire of those self-styled public interest groups that are pushing the Congress to reform its campaign finance procedure. Nor is it my idea of how to encourage broad political participation.

But as David Broder has said "Spending limits and taxpayers financing have shut down local campaigning. Grassroots democracy has died."

Grassroots democracy has died. We do not want to have to pay attention to the grassroots. We do not want to have to go back to our origins. We do not want to have to go back to our States to raise money from small contributors. We do not want to have to go back and to have $10 events. No. What we want is a big, fat check from the taxpayers, take money from political action committees, rely on the big givers, the easy money.

Well, I suppose that you could say from some of you, not me, some must think that it is far more entertaining, far more exciting, conversation is probably more stimulating, that you learn more at a Washington restaurant with the beef tenderloin and capriole and all the trimmings, in Washington, DC, than it is to go back and to eat at the local restaurant in your respective State and have a chili dinner at $10 apiece and to sit down with the people that sent you here.

Grassroots democracy is dead. Grassroots democracy, the folks that sent us here—let us not forget where we came from. And maybe for some I would concede that fancy dinner in Washington is more fun than the chili dinner at home. Not for me. As a matter of fact, I sort of enjoy going home. I enjoy sitting down with people that can afford to give $10 to my campaign. I will be honest with you. I learn a lot more about life and their problems and the problems and the challenges and the confrontations of life from somebody that can give me $10 than some millionaire that gives me $1,000. I can learn a lot more about the things that are important in life like families, religion, business, neighborhoods, from people back

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home at a chili dinner than I can sipping champagne at some big reception in Washington, DC. And yet what we want to do apparently is to make life easy for Senators in the area of fundraising. Do not go to those chili dinners. Do not go to those $10 breakfasts. They are a pain.

They are not a pain. They are an enjoyment. As we try to legislate away grassroots democracy, before we get carried away with too much, we ought to really think about what we are doing.

I know it is perhaps difficult after being up all night, going on another being up all night. It might be difficult. It might be almost out of the question to ask someone to think. Everybody is tired. People's minds are made up. We know how the vote is going to come out. We also know that we can continue to talk and probably hopefully be able to persuade the American public by explaining to the American public what is in this bill.

The American public is probably wondering what is going on besides Senators' being arrested. The public is probably wondering what this great deliberative body is deliberating on tonight in the great tradition of Daniel Webster and all the other great Senators before him and after him.

And the American public is listening to a debate on how the Congress is going to create another entitlement program for themselves. This day and age of megadeficits, one more entitlement program, and as you pass the envelope, let us make this entitlement program for the Congress.

I suppose that this would be somewhat indicative as generations go on. I suppose that this is somewhat indicative of "take care of me first, and we will take care of you next."

This is somewhat indicative that, yes, I better make sure that I get reelected. That is important and how you get re-elected and particularly if we can figure out a way to do it easily because what we do not want to do is we do not really want to have a lot of small fundraisers. We do not want to get a lot of that participation. We want easy street and we want the easy road.

Maybe we ought to put forth a bill that would force a Senator or Congressman to raise 80 percent of his moneys or her moneys from their home State or home district. That would be reform. Only 20 percent would come from outside of the State.

But heaven forbid, we might have to go to those chili dinners. We might have to go to those $10 breakfasts.

I tell you as I examine the priorities of this Senate today it would do us well to go back home and to ask the folks what are the problems confronting this Nation, ask the folks back home the major challenges that confront the Congress.

And I daresay that we would ask the major issues of the day, the taxpayers' opinions of elections, would be a long, long way down the list.

Finally, Mr. President, there are some very serious first amendment questions that ought to be uppermost in our minds as both sides work toward a compromise on this issue.

Since 1976, the Supreme Court has clearly said that both contributions and expenditures are political speech and protected by the first amendment.

Restricting such activities is constitutional only when it is needed to prevent corruption or the appearance of corruption.

The most significant Court case, Buckley versus Valeo, said that limits on expenditures are unconstitutional because they impose direct restraints on the quality of political speech.

But there have been other cases as well where the Court has carefully preserved the rights of political speech when money is involved.

The Court, for instance, has said that while corporate contributions to individual candidates can be restricted, corporate expenditures on referenda cannot.

And, in the FEC versus Massachusetts Citizens for Life, the Supreme Court ruled that nonprofit corporations with ideological agendas can't be barred from contributing to campaigns.

Because special interest groups that incorporate are created to disseminate political ideas—not to make money—their expenditures don't pose a danger to the integrity of the system, the Court said.

Finally, Mr. President, we should all remember what Thomas Jefferson had to say at the founding of our Republic: "* * * To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical." And that is exactly what we would be doing should we use taxpayer money to finance our own campaigns.

Mr. President, campaign reform isn't a new idea. The Senate rejected the idea of public financing in the 95th Congress. And the House has rejected the same idea on three separate occasions—in the 93d, the 94th and the 95th Congresses.

So the talk about an "imminent threat" to our system rings just a little hollow. We've been here before. And we've rejected public financing before, and we will reject taxpayer financing again.

The only way to preserve the democratic process and avoid the tyranny that Madison foresaw is to let the factions of society have their say in the process. We should encourage the broadest possible dissemination of political ideas—not repress them.

Mr. President, I have not even addressed the questions raised by the clear advantages given to incumbents by the Byrd-Boren bill. These provisions have been eloquently explored by Senator Packwood and Senator McConnell. I touched on them, but I did not get into them in any detail.

But we should all pay attention to the problems presented to a democratic society whose leadership strives to protect itself. Soon it begins to lose all perspective and become arrogant in its disregard of the needs and desires of the electorate. I would submit that this is one of the great challenges of modern democracy. We should do everything we can to encourage constant renewal in our ranks—lest we sink into the complacency and myopia which leads to a slow erosion of our freedom.

The issue here isn't about who can raise the most money during Senate campaigns and how much is "too much."

The issue is about limiting participation. It's about a fair competition of ideas in a free marketplace.

Let's let the people of this country make their own decisions about political ideas based on the best possible information. I trust them to make the right judgments—just as they have for the last 200 years.

I see my dear friend and colleague from Kentucky is on the floor. Before I yield the floor, I want to first pay my deep admiration for the job that he has done over these months in bringing this issue to the attention of not only his Republican colleagues but the entire Senate. He has performed a very valuable service here in the Senate, and I daresay around the Nation, of telling the American people what is in this bill, what this means for them, what it means for our political system. He has really in fact done a truly remarkable job in this and other areas, but particularly this area. And he has been in the forefront and knows probably more about this legislation than perhaps anybody in the Senate. He is perhaps our most articulate spokesman on why the taxpayers should not have to pay for our elections.

I had intended to, but he is ready to speak, and I want to yield the floor so he can get the floor—I had intended to read a statement of the Honorable Henry Kissinger that he made before the Armed Services Committee today. I really wanted to talk about something far more important than the entitlement programs of Senators and something far more important that confronts this country; that is, where this Nation ought to go in a post-INF environment.

Dr. Kissinger talks about NATO strategy; he talks about INF and NATO modernization; he talks about the future of the Atlantic Alliance; he talks about an arms control policy; he talks about the East-West relations,

and conflicts outside of the NATO area. And I believe it would be important that at least this be inserted in the Record. I had intended to read it into the Record and to talk about it.

I am far more knowledgeable about the intricacies of the INF Treaty and what we ought to be doing in that than I am about the details of taxpayer financing of congressional elections.

I ask unanimous consent, Mr. President, that a statement of Henry Kissinger made before the Armed Services Committee of the U.S. Senate, Wednesday, February 24, 1988, be inserted in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Hon. Henry A. Kissinger

Mr. Chairman, I would like to take this opportunity to sketch briefly the main tasks facing the Atlantic Alliance.

Any discussion of the state of NATO must begin with the recognition that it represents one of the great success stories of the postwar period. For more than forty years Europe has known no wars—the longest period of peace in Europe since the creation of the modern state system. While it is never possible to prove conclusively why something has not happened, the Western democracies have every reason to take pride in their collective achievement.

Success breeds two contradictory dangers however: on the one hand complacency and on the other a temptation to tinker that takes the achievement for granted and seeks to combine it with basically irreconcilable objectives.

The Atlantic Alliance faces both dangers: complacency in the reluctance to come to grips with the major political and technological changes that have occurred; tinkering in the restless quest for negotiating formulae often heavily influenced by domestic considerations that will in the long run undermine the cohesiveness of the Western democracies.

Part of the cause for this state of affairs lies in the failure to resolve contradictions that have beset the alliance since its early days. These contradictions were tolerable so long as the democracies possessed a vast military superiority. But the growth of nuclear stockpiles on both sides and the resulting nuclear balance requires that they be dealt with if the achievements of the postwar generations are not to be jeopardized.

NATO STRATEGY

The present NATO deployment of five American divisions and supporting air and naval forces evolved in the 1950s, when NATO's doctrine was massive retaliation. The strategy then was to react to aggression with an immediate and overwhelming nuclear blow against Soviet territory. From the perspective of massive retaliation this deployment had a political, not a military rationale. On the one hand NATO did not wish to tempt Soviet conventional aggression by doing anything to suggest that a Western response would be limited to nonnuclear means. On the other hand the European members of NATO sought for political reassurance: they wanted to make sure America was organically committed to nuclear retaliation even in the face of conventional aggression. Both European and American conventional forces were conceived as a trip of NATO a full conventional defense has been part neither of its strategy nor of its efforts. A substantial non-nuclear establishment was created nevertheless to give credibility to the nuclear threat.

This situation became precarious when the growth of Soviet strategic forces altered the credibility of the nuclear threat. Yet NATO deployment has been essentially unaffected by the change. NATO has improved its conventional defenses but not as fast as the Soviets have improved corresponding capabilities; hence the gap in conventional forces remains and is perhaps greater than ever. As the current NATO commander made clear recently, even counting the five American divisions that have remained in Europe, the alliance is still unprepared to withstand a major Soviet ground attack for more than a few weeks. Ambivalence continues 35 years after NATO's creation. Our allies remain unwilling to develop forces strong enough to provide an alternative to nuclear weapons; the United States would surely not reintroduce the draft. Yet much of public opinion and many leaders shy away from even thinking about the practicalities of nuclear deterrence. Indeed they constantly affirm the unthinkability of nuclear was while basing their security policy on its deterrent effect.

The need to build up NATO's conventional capability has been passionately affirmed for a long time; for an equal period the goal has proved elusive. This is partly because our European allies have less confidence in conventional defense than some American systems analysts. History teaches them that deterrence with conventional weapons is a chancy enterprise. For hundreds of years Europeans have seen wars break out between armies that were thought to be evenly matched. (Even at the outset of World War II the French army was considered to be—and in fact was—superior in numbers and equipment to the German army.) In conventional war, leadership, concentration of force, and tactics, play a role which make systems analysis calculations a hazardous guide. It can be no accident that all wars in the postwar period have broken out where there were no American forces and no nuclear weapons.

NATO has never solved its perennial problem: the proper mix between conventional and nuclear forces and the appropriate strategy for the use of nuclear weapons albeit as a last resort. The doctrine of flexible response was to resolve these issues. But NATO is still some distance from a conventional capability that could sustain itself for even the thirty days envisaged in some scenarios. And the elaboration of a doctrine for the use of nuclear weapons runs into two obstacles: Some anti-nuclear groups insist that nuclear war must necessarily be all-out extermination of civilians lest governments be tempted into nuclear adventures. Some of our allies start at the opposite end of the political spectrum but reach the same conclusion: that anything less than the threat of all-out war would weaken deterrence.

However, statesmanship and morality both demand that so long as nuclear weapons exist governments seek ways to limit their use and to terminate any war before it turns into a world holocaust. In a world of tens of thousands of nuclear weapons, it is reckless to teach that any nuclear incident must automatically escalate into a cataclysm. If the worst happens—for whatever reason—governments have an obligation to humanity and to history to limit the consequences. Only nihilists or abstract ideologues can shirk that duty.

The situation is made more complex because in nearly every NATO country the consensus on defense and foreign policy has broken down. As a result, national security policy is too often overwhelmed by domestic politics. The result has been an unworthy debate in which for example the recent American proposals on modernization are presented by critics as a means of shifting the risks of nuclear devastation to Europe.

Competitive avoidance of nuclear risk cannot possibly be the basis of NATO strategy. It is essential to develop a strategy that distributes risks equitably but effectiveness must be the ultimate outcome. This is why the issue of modernization should become the occasion for a careful and bipartisan reappraisal of NATO strategy and arms control policy. Otherwise the Alliance will be left with a precarious combination of the formal NATO doctrine of flexible response which, however, now has to be applied under conditions of nuclear stalemate, growing nuclear pacifism, a subtle Soviet strategy to separate the US and Europe—especially in the nuclear field—and continued inadequacies in conventional forces.

INF AND NATO MODERNIZATION

Divisive trends have been magnified by the INF agreement. This is not the occasion to analyze the merits of what will soon be an accomplished fact. If the Senate were to refuse ratification, domestic pressures in all European countries would force the withdrawal of these missiles in any event. The current choice is between unilateral withdrawal or the quid pro quo envisaged in the agreement.

To understand the impact of this state of affairs some discussion of the background of INF is important. The formal justification for INF as a counterbalance to the Soviet SS-20's was always a mistake and led directly to the so-called zero option. The INF weapons were never aimed at the SS-20's. Their ultimate justification was to prevent the nuclear blackmail of Europe by linking the strategic defense of Europe with that of the United States. With intermediate range American weapons in Europe the Soviets could not threaten Europe selectively; any nuclear attack and any successful conventional attack would trigger an American counterblow from European installations since the Soviets would have to calculate that the United States would use its missiles before they were overrun. Hence the Soviets would have to attack the missiles if they used even conventional weapons in Europe; that in turn would trigger a counterblow on Soviet territory. Were the war confined to Europe this would inflict an unacceptable level of damage on the Soviet Union. But the Soviets could escape this challenge only by initiating general nuclear war against U.S. territory—a decision out of proportion to any likely objective. Hence the defense of Europe and the U.S. were "coupled."

INF in short was a reassurance for defense-minded Europeans that America would use its nuclear capability on behalf of Europe's survival. But the defense-oriented leaders in Europe faced bitter opposition. In the end the INF missiles were introduced only after riots and demonstrations that shook the domestic tranquility of many countries for months. It is impossible to understand the psychological impact of the INF agreement without considering what the current leaders went through when the missiles were installed.

The NATO challenge can thus be summed up as follows:

The INF agreement and the pressures it generates against the remaining nuclear systems places the predominant burden of nuclear defense on weapons based in the United States or at sea.

In the process, many Europeans are convinced a gap is being created that in time will enable the Soviet Union to threaten Europe while sparing the United States. In technical terms, the defenses of the two sides of the Atlantic may be "decoupled."

This fear is all the greater because the Soviet conventional superiority has not been reduced. The threat that generated NATO in the first place remains intact.

The modernization of NATO's short-range nuclear weapons must be seen in this context. The Atlanticists in the Federal Republic have been traumatized by the removal of intermediate range weapons. They fear another change in American position while the critics of U.S. policy feel confirmed in their view. Both now tend to unite against a scheme that can be represented as making Germany a nuclear battlefield. Sentiment is therefore being generated for the removal of these missiles—the third zero option. And modernization of short-range weapons is likely to face the same domestic opposition as the intermediate range weapons a decade ago.

On the other hand, the denuclearization of the Federal Republic—the nearly inevitable consequence of the third zero option—would create profound splits in the Alliance. A nuclear free zone logically implies the adoption of a "no first use" concept, because otherwise the zone would still be under nuclear threat from weapons outside. And once the Alliance has proclaimed that it would not use nuclear weapons first, it is committed to accepting defeat with conventional weapons rather than escalating to nuclear war. Once the principle of defeat is accepted the neutralization of Central Europe, the goal of Soviet policy for 40 years, will be nearly complete. The nuclear armed members of NATO would be asked to assume risks on behalf of the Federal Republic which that country is not prepared to run for itself—an impossible state of affairs.

THE FUTURE OF THE ATLANTIC ALLIANCE

A single statement can do no more than outline directions. A complete policy must emerge out of a detailed debate within the United States as well as within the Alliance. But restoration of the unity of the Atlantic Alliance must be a prime objective of American foreign policy; without it a continuation of current East-West negotiations will lead to the unravelling of all that has been achieved by forty years of bipartisan foreign policy.

a. A coherent NATO strategy

The ambiguities that have beset NATO for forty years—some of which have been outlined above—must be overcome. On the part of the United States it requires an end to the rhetoric that America's goal in East-West negotiation is the total elimination of all nuclear weapons. Such a goal is neither possible nor desirable and Western leaders do their publics a disservice if they shrink from avowing this truth. Tens of thousands of nuclear weapons have been produced by the superpowers; hundreds by medium-sized countries; dozens by recent entrants into the nuclear club. No scheme of disarmament could account for all these weapons. Nations would insist on residual forces to protect themselves against cheating, or against the fact that the factories that produced the weapons would remain, or, should by some improbable chance these too be destroyed, against the knowledge in the minds of men from which these factories and weapons sprang in the first place. Mankind cannot unlearn the secret of the atom. For the immediate future—even assuming forseeable reductions—that level will remain quite high; the real issue before us will be the nature of deterrence, and its components.

At the same time our European allies have an obligation to face strategic and technological realities. Too many of them create the impression that deterrence can be separated from defense and that it depends entirely on the vastness of the threat. But deterrence in fact is the product of the threat and credibility. If credibility is zero even the most devasting threat will amount to nothing. Europe has a right to insist that the United States use all the means necessary to stop Soviet aggression. It can have no interest in a strategy that has the end of all civilized life as its inevitable corollary. The elaboration of other options is in the interest of both sides of the Atlantic.

It is therefore urgent to end the demoralizing debate over which side of the Atlantic is seeking to escape what risks and responsibilities. The goal must be an effective defense at tolerable cost. The deterrent threat cannot be separated from what the Alliance is prepared to implement without opening a psychological gap which sooner or later will tempt aggressive conduct.

b. Arms control policy

The idea of arms control is novel, if not revolutionary. Developed in its present form in the 1950's arms control strove explicitly for stability by reducing the incentive for surprise attack not through arms but through agreement. The historically extraordinary notion emerged that a country's vulnerability was a strategic asset; with the civil populations of both sides at risk—so the argument ran—neither side would dare to launch its weapons. Arms control theory contributed—in the West—to an aversion to defensive weapons; it also caused every offensive system to be subjected to extended scrutiny lest it somehow "destabilize" the military equation. Never before in history had military policy been judged by such criteria; the Soviets for their part have shown no such inhibitions in their unilateral weapons decisions.

This is not the place for an analysis of arms control theory which included many valuable and indispensable insights. However, arms control, to be effective, requires an unusually delicate understanding of the elements of strategy. Nations had often suffered catastrophe in the past even when they fancied themselves superior; negotiating equality with an adversary calls for an unprecedentedly sophisticated analysis. The measurement of equality has been maddeningly complicated by the novelty of the weapons, by the asymmetry in the design of the weapons systems of the two sides, in their geostrategic positions and in the unpredictability of technological developments. Thus even were the Soviets ready for a serious effort, negotiations would be difficult because the weapons of the two sides are designed by different criteria and serve different strategic ends.

Since its early days, arms control theory has developed a life of its own. It used to be argued that arms negotiations should be an essential complement to broader strategic and foreign policies. Today the tail comes close to wagging the dog. Care must be taken lest esoteric arms control schemes become an end in themselves thereby eliminating any relationship to defense strategy.

The issue of NATO modernization illustrates the point. Before the INF agreement modernizing the Lance weapons stationed in the Federal Republic was considered an internal NATO matter not subject to international discussion. The INF agreement has turned it into an East-West issue. Modernization is opposed by the Soviets with the argument that it violates the non-circumvention clause of the INF agreement. And it is opposed by significant segments of German political opinion because it allegedly singles out the Federal Republic for nuclear risk. The so-called "compromises"—linking modernization to some new arms control measure—nevertheless accept the principle of denuclearization of the Federal Republic; the controversy concerns the price.

All this repeats the INF experience. None of the schemes account for the fact that the Soviet Union as a nation state will retain the capacity for nuclear threats while NATO as an alliance in need of 16 sovereign decisions gradually loses that capacity as nuclear weapons are being delegitimized while the conventional inferiority remains. Even assuming full compliance with foreseeable agreements the Soviet Union will always retain categories of weapons on that part of its national territory outside the agreement from which it can launch a threat to Europe. But the removal of categories of weapons in NATO denuclearizes nations—not parts of a national territory. Hence it throws an increasing burden of decision on the United States and elaborates different perspectives between the US and Europe and between the nuclear and non-nuclear countries within Europe.

This is all the more worrisome because NATO depends on nuclear weapons more than the Soviet Union. Finally, large reductions in START work against the discriminating use of nuclear weapons and hence underline the declining credibility of the threat of general nuclear war at a time when the INF negotiations force ever greater reliance on a nuclear strategy founded on weapons based in the United States or at sea. In short, arms control policy and alliance strategy must be brought into harmony lest they paralyze each other. Or else arms control becomes a device by which the Soviet Union gains a veto over Western defense policy without meaningful reciprocity.

c. A larger role for Europe

In the early days of NATO the United States had first an atomic monopoly and later a huge nuclear superiority coupled with economic predominance. It was inevitable in these circumstances that the Alliance structure came to be dominated by America. But since then Europe has recovered economically and restored some of its military strength. Britain and France have developed nuclear forces of their own. In the process, existing arrangements have become unbalanced. When one country dominates the alliance on all major issues—when that country chooses weapons and decides deployments, conducts the arms-control negotiations, sets the tone for East-West diplomacy and creates the framework for relations with the Third World—little incentive remains for a serious European effort to redefine the requirements of security or to coordinate foreign policies. Such joint efforts entail sacrifices and carry political costs. Leaders are not likely to make the sacrifice or incur the cost unless they feel responsible for the results.

An imbalance such as the one now existing cannot be corrected by "consultation," however meticulous. In the long run, consultation works only when those being consulted have a capacity for independent action. Then each side takes the other seriously; then each side knows that the other's consent has to be won. Otherwise consultation becomes "briefing." Agreement reflects not conviction but acquiescence for want of an alternative.

Moreover, military dependence on another nation has a cumulative impact. When dependence no longer results from wartime destruction but from a policy choice, made under conditions of relative prosperity, it can breed guilt, self-hatred and a compulsion to display independence of the senior partner wherever doing so is safe, especially with regard to some Third World issues, the Middle East and certain aspects of East-West relations.

For all these reasons the United States has a positive interest in encouraging the evolution of a more autonomous European voice in security matters. During the entire postwar period it has been an axiom of American policy that for all the temporary irritation it might cause us, a strong, United Europe was an essential component of the Atlantic partnership. We have applied that principle, insofar as it depended on American actions, in all areas except security. With respect to defense, the US has been indifferent at best—at least since the failure of the European Defense Community in 1954—to any sort of Europeanization. Many seem to fear that a militarily unified Europe might give less emphasis to transatlantic relations and thus weaken the common security.

The opposite is almost certainly the case. In the economic field, integration was bound to lead to transatlantic competition, even to some discrimination. What defines a Common Market, after all, is that its external barriers are higher than its internal ones. In the field of defense, by contrast, increased European responsibility and unity would almost certainly promote closer cooperation with the US. A Europe analyzing its security needs in a responsible manner would be bound to find association with the US essential. Unity in defense matters would also enable the Federal Republic to escape the fear of isolation and enable the Atlanticists to resist nationalist tendencies.

Greater unity in defense would also help to overcome the logistical nightmare caused by the attempt of every European nation to stretch already inadequate defense efforts across the whole panoply of weapons. For example, there are at least five kinds of battle tanks within NATO, different types of artillery and different standards for calculating the rate of consuming ammunition. In a major conflict, it would be a herculean task to keep this hodgepodge of forces supplied.

Thus the paradox: the vitality of the Atlantic Alliance requires Europe to develop greater identity and coherence in the field of defense. I am not talking about traditional "burden sharing", paying more for the existing effort. I have in mind something more structural—a more rational balance of responsibilities. The present allocation of responsibilities fails to bring the allies to reflect naturally about either security or political objectives. Everyone has been afraid to take the initiative in changing the present arrangement, lest doing so unravel the whole enterprise or antagonize the United States. There is no foreseeable East-West conflict in which Europe will not be better off with American support. This is why, if the British and French can agree on coordinating their nuclear forces, the United States should encourage it as an important first step toward a greater European role in the joint nuclear defense. Above all the United States should make clear that European union on defense matters will be viewed as strengthening not weakening Atlantic ties.

EAST-WEST RELATIONS

Too many in the West seek to escape their dilemmas by taking refuge in the personality of Gorbachev. Without entering into the debate as to the long range purposes of the Soviet leader, the democracies cannot make themselves dependent on a single personality, especially as every Soviet leader except Lenin has been disavowed by his successor.

Gorbachev's personality is no doubt striking. But is it wise to treat his person as the deus ex machina to solve all the West's dilemmas—a communist leader who will bring peace and tranquility without any real effort on the part of the free countries? Do these attitudes do justice to the actual choices facing the Soviet leadership? It is easy to forget that Gorbachev has emerged at the top of what must be the toughest competition in the world—one in which losers are rarely heard from again. He has never wavered from basic communist doctrine. And how could he, never having held any position other than as a member of the communist hierarchy?

Reality no doubt imposes at least a respite on Soviet foreign adventurism, perhaps even an end to it no matter who governs in Moscow. But Gorbachev, as any prudent leader, is unlikely to court unnecessary domestic problems. He will not volunteer changes in political and strategic arrangements that powerful factions within his bureaucracy would find unpalatable. Obviously, he will push those programs most advantageous to his own country.

More fundamental issues must be addressed. What exactly is it that the West wants the Soviet Union to stop doing? What is the American and Western notion of cooperative conduct? In the contemporary situation is glasnost or human rights progress enough, or are other changes necessary? Can four centuries of Russian expansionism be due to personalities, or do they reflect more permanent geopolitical and strategic elements? The absence of criteria causes domestic disputes to fester. The reluctance to endow peaceful coexistence with political content produces an overemphasis on numerical nostrums and threatens to open up a gap between strategy and arms-control policy in which each checkmates the other.

I do not know how Gorbachev would react if presented with a comprehensive program that would reduce nuclear and conventional weapons simultaneously. Or how he would respond to a serious attempt to discuss the US-Soviet role in the world a decade or so ahead of us. I am convinced that he has the intelligence and imagination to make a significant and constructive response. And if he refused, we would at least understand the nature of the challenge better than we do now.

CONFLICTS OUTSIDE THE NATO AREA

The North Atlantic Treaty Organization was a response to the fear of Soviet aggression against Europe. At that time, 40 years ago, the United States had a huge nuclear superiority and was dominant economically, while Europe was only beginning its recovery from the war. Conflicts outside Europe were produced by the process of decolonization; the Soviet role in them was relatively minor. The United States, reluctant to be involved in colonial wars, insisted that the obligations of the Atlantic Treaty did not extend outside of Europe.

Since then, conditions have changed dramatically. Europe has recovered its economic dynamism and is moving, although fitfully, toward political unity. The fear of Soviet invasion has diminished. American nuclear superiority has been replaced by rough parity with the Soviet Union, and European allies increasingly question the credibility of the nuclear deterrent.

But on the issue of relationships towards third area conflicts the early problem remains almost unchanged, although the two sides of the Atlantic have exchanged their roles. Now it is Europe that insists that the treaty's obligations do not extend to the developing world. And it is Europe that feels free to dissociate itself from US actions where indigenous upheavals and Soviet efforts to outflank the alliance produce contemporary crises.

That process of dissociation has been accelerating for at least 15 years. During the 1973 Israel-Arab War, Britain and West Germany refused to grant the US permission to use American bases for reconnaissance—or blocked American arms shipments to the Middle East from their territories. Allied governments almost unanimously opposed American policy toward Iran during the hostage crisis, on Central America and Grenada. To be sure, cooperation in the Persian Gulf has been much better. But as Europe develops its own autonomy explicit arrangements for third area conflicts and tolerable dissociation become more important. The Alliance will be weakened if interests considered vital by one partner are consistently neglected by the other.

CONCLUSION

This is a vast agenda. And it cannot possibly be accomplished except in a bipartisan setting. The national security interest of the United States does not change every four or eight years. That possibility makes us a factor of instability. Weapons decisions, arms control strategy and serious diplomacy have a lead time longer than the term of office of a single Presidency. There will always be disagreements over tactics; but the fundamental issues must be settled. It should be the highest priority of a new Administration and of both sides of the Congress.

Mr. QUAYLE. Mr. President, I have said about all I am going to say tonight. There will probably be another time to speak on this or another couple of times. I have a lot more information to share. But as I said, I am going to yield the floor. Again, I certainly want to congratulate my dear friend from Kentucky. He is a dear friend, and even though we are competitive in basketball and other things that spiral across the river—and speaking of across the river, places like Jeffersonville, the Red Devils.

I believe the Red Devils, of Jeffersonville, all those that probably the Presiding Officer does not know about—the importance of Jefferson

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High School and the Red Devils. If he wants to find out, he can ask me sometime or ask the senior Senator from New York. He can tell you of all those fond moments down there in Jeffersonville, IN, as they looked across the river, and we looked sometimes I might have to say to my dear friend maybe with disdain. But even though we did that from time to time in our little Hoosier hospitality, to our dear friends from Kentucky——

Mr. McCONNELL. Would the Senator yield on this most important matter that he raised at the conclusion of the speech?

Mr. QUAYLE. I am glad to yield without losing my right to the floor to my dear friend from Kentucky.

Mr. McCONNELL. Was it the Senator's position that the Indiana University was playing basketball this year?

Mr. QUAYLE. We have a team called Purdue in West Lafayette. Purdue as a matter of fact has done quite well. As a matter of fact, it has even done quite well against Louisville, and unfortunately from my viewpoint Indiana. But I want the distinguished Senator from Kentucky to remember where Purdue comes from. It is not just an engineering school. It is that too. It is a great engineering school, a land grant college, one of the first very, very fine schools. But this year I will have to confess that they are taking over the Hoosier tradition and I say that in the general sense of the whole State, not confining it to Bloomington, IN. And I daresay that we might be out in, what is it, Kansas City, MO.

Mr. McCONNELL. Kansas City.

Mr. QUAYLE. I do not know how Syracuse is going to be doing this year or any of the other schools from that State. How is University of Kansas doing?

Mr. MOYNIHAN. Would my friend from Indiana yield for a comment?

Mr. QUAYLE. I am glad to yield for a question without losing my right to the floor.

Mr. MOYNIHAN. I will comment only as the Senator from Texas might say. "I don't have a dog in this particular fight," but I wish it to be understood that any time I am on the floor I wish to join the Senator from Indiana in speaking on unending affection for and pride in the Red Devils of Jeffersonville High School in Jeffersonville, IN.

Mr. QUAYLE. I thank my colleague.

Mr. MOYNIHAN. It was intended to indicate great enthusiasm for the team.

Mr. QUAYLE. I will tell my friend from New York, they have not forgotten you there. As a matter of fact, I remind them that sometimes if they really might need some help, and I might not be able to provide it, that they have a third Senator from Indiana that comes from Jeffersonville and Clark County that I might say is somewhat overwhelmingly a Democratic constituency of mine, though they are trying to do better. So I use his name sometimes down there to sort of let them know, you know, they can talk to me, too. But the Senator hails from that area of the Red Devils. We take note of that.

Mr. President, with that and having noticed that the Indiana-Wisconsin game started at 8 p.m. on channel 50, I shall with enthusiasm relinquish the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Kentucky.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Before the Senator from Indiana leaves, I would note that he answered the Senator from Kentucky's question about whether or not the Indiana University was playing basketball this year with the speech about the virtues of the Purdue team. We have experienced the agony of defeat against Purdue, the University of Louisville has. But I would respond that the University of Kentucky is in the top 10 and we expect both Louisville and Kentucky to be headed toward Kansas City and we hope to see the Senator there.

Mr. QUAYLE. Will the Senator yield for a question?

Mr. McCONNELL. I am happy to yield to my friend from Indiana.

Mr. QUAYLE. We will see whoever we see there. We intend to make it.

I will say one thing, that it appears you may have drafted one of our better basketball players this year, our standout from Richmond, IN, who somehow I think signed up to go to the University of Kentucky. He was in the running for Mr. Basketball of Indiana, I might add, but now it has publicly come out that he is contemplating and, as a matter of fact, I think he might have even signed a letter of intent to go to the University of Kentucky down in Lexington, or somewhere in the vicinity.

Mr. McCONNELL. Yes, that is the place.

Mr. QUAYLE. Across the river. As at least Senator MOYNIHAN and I know, it is across the river somewhere. We are exactly sure where that location is, but we know that it is across the river and that is good enough for us to be against it.

(Mr. PRYOR assumed the Chair.)

Mr. McCONNELL. I thank my friend from Indiana for his kind observation about the Senator from Kentucky on this issue and his kind observations about our respective favorite basketball teams.

Mr. President, I think, as we look at this issue seemingly on and on, it is important to note those areas of agreement. The so-called group of eight has met twice and, as the Senator from Oklahoma, Senator BOREN, and I pointed on the floor of the Senate I believe yesterday, there were substantial areas of agreement—areas of agreement that would be almost any standard add up to a significant campaign finance reform bill.

The group of eight, for example, was unanimous in desiring to do something about the millionaire's loophole, something that the distinguished Senator from New York is concerned about and something we have talked about on frequent occasions. The Democratic members of the group of eight agreed to a suggestion that I had made and discussed again with my friend from New York recently that we simply make it impossible for someone who puts his own money or borrows money and puts it into a campaign in the effort to buy public office to retrieve it. That was an area of agreement by the group of eight.

The group of eight agreed that it was not fair not to have disclosure of so-called soft money. And certainly that was a step in the right direction. We did not agree on the limitation on soft money contributions but at least disclosure moves us in the right direction.

We agreed on the need to provide a meaningful broadcast rate discount on television time. We agreed on a variety of different efforts to limit as much as you can, consistent with the Constitution, independent expenditures, and we agreed on an effective provision to prohibit bundling.

So, Mr. President, we really came a long way toward writing the kind of bill that could go through this body 90 to 10 and truly be a bipartisan campaign finance reform measure. But apparently it is not going to happen. It is not going to happen, Mr. President, because we have broken down over one fundamental issue, and that is the question of whether it is appropriate to put a limitation on the number of participants one can have in running for the Congress.

Because, after all, Mr. President, that is what a spending limit is. It is saying to a candidate, "You can only have this much support and no more." To us, that is a very fundamental question. It is saying, "You can't have any more support than just this much." It is to us not a negotiable item and it is upon this point that the negotiations have broken down and it is upon this point that it appears that this debate will end for this year.

With regard to the events of last night, I think, without belaboring it too much, my friend from Pennsylvania, Senator SPECTER, had done an excellent job, it seems to me, in laying out the various legal arguments which could be made with regard to the activities of last evening in arresting and bringing to the floor absent Senators. There is really not much I could add to what the Senator from Pennsylvania said other than to make the point that it seems to me quite sad that we have deteriorated to that level here. We operate with a great deal of comity. We make a real effort, even when we are disagreeing totally on issues, to smile at each other and refer to our colleagues as "my friend from" and it has a way of taking the edge off.

But it seems to me last night we went too far, and I hope that we are not going to see further such activities. It has a way, I think, of poisoning the well, turning us from frustrated to angry. It seems to me it adds nothing to the proud history of this institution. So I hope we will not have any more of that.

Mr. President, I want to take a few moments to summarize some points that I made the other day about the Presidential spending system, but first I want to comment on what I heard the Senator from Indiana, Senator QUAYLE, talking about in trying to explain to his 11-year-old what was going on here in the Senate. It is pretty difficult to explain what we are currently engaged in.

I called my 15-year-old, who is at home tonight doing her homework, I hope, and explained to her what we were doing. This is a kid, I might add, Mr. President, who since age 6 has been able to name all of the President's first, middle, and last name and in chronological order; a kid who has some considerable interest in the process, but did have, I think, some difficulty with the filibuster.

I explained to her that in the U.S. Senate this is the way we protect the rights of a relatively determined minority when it can get up into the mid-forties and this was part of the tradition of this body and that we were protecting a most basic right in the process here—the right, as we see it, for as many people as possible, provided the contributions are limited and fully disclosed, to participate in the political process; to encourage the candidates to go out and get just as many of those folks as they can, just as many as they can.

So I hope that my daughter will understand this exercise and wish her well on her homework. I suggest that she go to bed shortly because her father is going to be here for a while.

Mr. President, in looking at the Presidential system, some have said, "Why talk about the Presidential system? We are here debating and discussing campaign finance reform for congressional races."

Well, the reason it is important to look at the Presidential system, Mr. President, is that that is the example we have before us. That is the example we have before us of spending limits and public finance. We tried it in 1976, in 1980, in 1984, and we are trying it in 1988. This is our fourth Presidential election with this system. We have tried it out and now we can examine how it has worked. And the reason we ought to do that is because what we are contemplating here is applying a similar approach to congressional races.

Now let me first say, Mr. President, before I go into describing how the Presidential system has worked or failed to work, I think it is a reasonably conservative estimate that if we applied a system of spending limits and public finance to 535 additional races—100 in the Senate and 435 in the House—that the FEC would shortly be bigger than the Veterans' Administration. That is about how many employees it would take to police all of these restrictions on the rights of people to participate in politics.

So let us take a look at what happened over the last three Presidential races. What was the cost to taxpayers? So far this year, looking at the 1988 election, in the last 2 months alone the taxpayers have coughed up $40 million. Looking at the last three Presidential elections—1976, 1980, and 1984—over one-third of a billion dollars, tax dollars—tax dollars—coughed up to pay for the Presidential races. We have had a proliferation of what some would argue are extremist candidates.

Now in this country you have got a right to run for public office no matter how outrageous your views. We fought wars over that concept. But one could suggest that you might draw the line before you let the public fund such races.

Lydon LaRouche got a half million dollars in 1984, tax dollars, public money. And this year that great American from the State of New York, a household word around the country, Lenora Fulani has gotten $200,000 of the public's money. Now I know since she is from New York she must be a great New Yorker and a great American, but we are wondering about the Lenora Fulani campaign.

The big news of the 1988 elections is, of course, that Lenora Fulani has thrown her hat in the ring. She is the nominee of the New Alliance Party. We are all familiar with the New Alliance Party.

And other big news is that she just got, as the Senator from Kentucky said earlier, $200,000 of the taxpayers' money to do it from that wonderful system of spending limits and partial public financing that some would like to extend to congressional elections.

Now, a word or two about Candidate Fulani. Ms. Fulani has never held political office before. In fact, she is a psychologist. But that means she ought to know what the people of the country are thinking. So I would like to wish her the best of luck, and I hope that she gets the most out of these taxpayer dollars.

There is only one problem, Mr. President. Ms. Fulani is not planning to win. In fact, right in her campaign literature she says she does not even want anyone to vote for her.

Now, this is an odd candidacy indeed, Mr. President. I thought I had seen it all over the years. I know the folks who ran for jailer in Letcher County and constable in Grayson County. We have got some interesting characters in my State that run for public office. I cannot ever recall any of them announcing and saying do not vote for them.

Her campaign is not even called Fulani for President. It is called Lenora B. Fulani's Committee for Fair Elections.

If you are a little mystified, Mr. President, so am I. What does the Fulani Committee want if it does not want your vote? According to the campaign literature, what the Fulani Committee wants is your money. What the Fulani Committee wants, Mr. President, is your money.

Why? Because, as one Fulani flier boasts: "Every dollar is worth two." What a wonderful concept. I bet that most of our taxpayers would like it if every one of their dollars was worth two.

But what wonderful financing miracle is available only to those who say they want to be President. What is this thing? Apparently, however, this two-for-one deal is available even if you do not want to be President.

The Lenora B. Fulani Committee for Fair Elections is not a Presidential campaign, it appears. Instead, according to its own literature, this committee was set up to "create a lobbying presence in the very center of the Presidential campaign." Its object, Mr. President, is not to win but bring issues to the forefront. Thus, Ms. Fulani is not only a great American, she is a shrewd American. She has figured this out. Ms. Funali is using this two-for-one cash to fly around the country following the real Presidential candidates around and lobbying them on the opinions of her group.

As her flier explains, this lobbying for democracy concept has yet another benefit. "Run as a Presidential campaign, every dollar we raised is matched by the Federal Government."

Now, every citizen has a constitutional right, and it is an extremely important right, to try to meet and talk with candidates for public office about their views and concerns. But, Mr. President, it is only in this wonderful Presidential system, that some in this body would like to extend to Congress as well, that folks can tap the taxpay-

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ers' pocket to spread any view or idea they have, whatever they want. We will just have the taxpayers foot the bill.

Mr. President, I can confidently predict that there will be a lot of great Americans, just as shrewd as Lenora Fulani of New York, who, if they look in the mirror in the morning, saw a Congressman or a Senator and said, "by golly, I think I see a Senator in that mirror, I am going to go out and file for public office and get me some of that tax money to expound my particular point of view."

Well, Mr. President, there is not any question that there would be a proliferation of such candidates under any system that provided the opportunity to dip into the pool of tax dollars to run for public office. I do not think we want to do that, Mr. President. I do not think we want to imitate the Presidential system.

Let us take a further look at what has happened over these last three elections for President. One out of every four campaign dollars has gone to lawyers and accountants. The first thing you do when you run for President is you bring in your lawyers and accountants. You are going to have to pay them a lot to keep you straight or tell you how to keep straight and play by the rules. And they are the big winners in this process.

Take the 1980 Presidential race as an example: $21.4 million spent on compliance alone. That is more than the most expensive Senate race in history; $21 million to the lawyers and accountants, Mr. President. They really love this law.

Some campaigns, I cited one the other day, one of the campaigns this year for President, processes each contribution through 100 steps to try to comply with the myriad of requirements and I expect all the campaigns go through some similar procedure.

Why, the political decisions have become the accounting decisions. That is how it is working out. This was a system designed, if we recall, Mr. President, to put a limit on spending and provide a partial public finance. What has happened? Why, since we have had this system of spending limits there has been an unprecedented growth in campaign spending. If that sounds like an oxymoron, let me repeat it. Since we have had spending limits, we have had an incredible increase in spending. Overall spending now is increasing at the same rate as before spending limits and taxpayer financing. The difference is that far more spending is now done outside of legal limits and disclosure requirements so there is less accountability. Put a limit over here and it pops out over here.

This law has been about as effective as prohibition, Mr. President. About as effective as prohibition. That is how we were going to wipe out the demon rum, if you recall.

What else has the Presidential system done? Well, it has had a really marvelous effect on all the candidates of both parties. Every single major candidate since 1976 has been cited for serious violations of the law. He has gotten bad press and large fines and, in fact, it has made every candidate a cheater. We created a system here that has made everybody running for President of the United States a cheater.

It is a sad commentary on a disasterous law. One candidate in 1984 spent $2 million in a State with a $400,000 limit. His campaign manager admits it somewhat proudly, I suppose, because the game is to get around the rules, not to comply with them.

Then there are delegate and precandidacy commitments. Why, their loophole is big enough to drive a truck through, Mr. President. Conduits of millions of dollars, millions of dollars of outside spending and outside contribution limits.

Corporation and labor unions have circumvented limits by paying office rents and phone deposits and giving overly generous loans. All this, Mr. President, I am describing is the great progress we have achieved in this country under the Presidential system of spending limits in public finance which we seek to emulate if we pass it.

What else have we got with the Presidential system? Well, we have gotten a growing disrespect for law and the election process. Campaign managers candidly report that the first planning priorities are to identify in advance ways to circumvent limits and rules. A respected observer and campaign staffer declared, "This whole FEC thing is a sham. It is your job to find every loophole."

What has happened to special interests under the Presidential system, Mr. President? If the American people have any interest in campaign finance reform at all, and I would question whether they do outside of Common Cause—if they have any interest at all, it is related to the influence of special interests. That is why the Senator from Kentucky and others have suggested that we eliminate political action committee or PAC contributions altogether. But let us see what has happened to special interests in the Presidential system.

In the 1984 general election, special interests spent $25 million to oppose President Reagan. Sixty-two percent of Reagan's $40 million spending limit; 62 percent of the President's spending limit was spent against him by special interest groups in the general election. Nearly half the money spent in the 1984 general election, $72 million, was outside the candidate's direct control. At least one-fourth of all money spent in Presidential races today is unreported, unlimited, and unaccountable. Soft money spending is roughly tripling each election cycle. Races resemble uncontrolled corrupt politics of the pre-reform era.

What has happened to voter turnout? Why, it is down. It was 55 percent in 1972; down to 53 percent in 1984. Clearly it has not had much of an impact on voter turnout at all. It has actually gone down. And the quote a number of speakers have used, including myself last week—David Broder, he is quite possibly the most respected writer about politics in the country, said "Spending limits and taxpayer financing have shut down local campaigning. Grassroots democracy has died."

A number of speakers, Mr. President, have said the campaign finance system is a scandal waiting to happen. I would most respectfully suggest, Mr. President, the scandal waiting to happen is in the Presidential system not in the congressional system. That is why the scandal is waiting to happen. That is where the lawyers and accountants are getting all the dollars. That is where the candidates are spending all their time to get around ridiculous limitations on their right to express themselves. We have created a monster and the last thing we ought to do, Mr. President, is make that monster even bigger by extending it to 435 additional races, by publicly funding the Lenora Fulanis of the world, by creating a FEC as big as the Veterans Administration. My goodness, that is the last thing that we want to do.

The Kennedy School of Government at Harvard, which a number of us have quoted over the last week, is really a good source for drawing some conclusions about how the Federal system has worked.

In 1982, our own committee here in the Senate on Rules and Administration asked the JFK School of Government at Harvard to study the post-Watergate campaign finance reform and recommended changes. This is what the study group concluded and reported to the Senate Rules Committee.

First, the JFK School said, among the problems of the post-Watergate reforms the most troublesome are related to the attempt to restrict the money spent in Presidential campaigns. Candidates are not allowed to spend enough money, and the expenditure limits have spawned a whole series of serious problems of definition, allocation, and enforcement.

On the other hand, the effort to control total spending has not succeeded. Those involved in Presidential politics are able to raise and spend unlimited amounts of money through conduits other than the candidates' campaign committees.

To make matters worse, the Kennedy School said:

> Most of the other means through which money is now being poured into Presidential politics are inherently less accountable to the electorate and should be encouraged by the campaign laws.

Mr. President, this is the JFK School of Government at Harvard:

> Thus, our most important recommendation is to eliminate the limitations by expenditures made by the candidate. Spending limits have proved undesirable for a variety of reasons.

And the Kennedy School listed them.

> First, the spending limits failed to equalize resources of different candidates. The spending limits failed to curtail the growth of money in Presidential politics. The spending limits failed to shorten the overall length of campaigns.
>
> The spending limits failed to reduce the emphasis on early primaries. The spending limits intrude unduly into campaign strategy. The spending limits created thorny problems with arbitrary definitions, creative accounting, and entangled enforcement and finally and most importantly, the spending limits fostered disrespect for the law.

The Kennedy School of Government report went on:

> A more serious consequence of the growth of money in Presidential elections has been the effort by political forces to expand the flow of money outside the constricted budgets of the actual contenders. These funding sources are all less accountable to the electorate than are the candidates. This constitutes a failure of the Act's original purpose.

(At this point, Ms. MIKULSKI assumed the chair.)

Madam President, the report recommended that an effort should be made to bring on the public record a better accounting of the money spent by labor unions and others for election related communications with members.

So there you have it, Madam President, and my colleagues in the Senate. The presidential system has failed in virtually every significant respect. Yet we would have before us a bill which would seek to impose upon 535 additional races such a system.

My goodness, can we not learn from experience? Can we not learn from experience?

There was an excellent article, Mr. President, done in February 1987, a year ago this month, in the Federal Bar News and Journal. Now let me just give you a little background. These are three folks who wrote this article who have been working for over 3 years for a Presidential campaign. By the way, I think it is interesting to note that it is still going on. This was a 1984 campaign and it is still going on, at least it was as of the date which was February 1987. Hopefully, it is now ended and these three able staffers trying to work with an impossible situation are gainfully employed elsewhere.

But the article was called "Counseling a Presidential Campaign." It was coauthored by Lyn Oliphant. She was at the time of the writing of this article in February 1987 the deputy general counsel for the Mondale-Ferraro Committee. Prior to joining that committee in 1984 she was special assistant general counsel in the Office of General Counsel at the FEC. She joined that staff at the FEC in 1986. So this is a person who has worked from the beginning at either the Federal Election Commission or with the Presidential campaign.

The second coauthor, Madam President, is Patricia Fiori. She was at the time of the writing of this article, February 1987, with the Mondale-Ferraro Committee, still trying to wrap that thing up, years after the election was over. From 1978 through 1982 she had served on the staff of the Federal Election Commission as an assistant general counsel for regulations and subsequently as Executive Assistant to Commissioner John Warren McGarry. From 1973 to 1978 she was legislative attorney with the Congressional Research Service. The third coauthor of this article is Michael Berman. At the time of the writing of the article he was a partner in the firm of Kirkpatrick & Lockhart here in Washington and treasurer for the Mondale for President Committee. He was counsel and deputy chief of staff of Vice President Mondale.

I give all those credentials, Madam President, for a reason. These are three individuals coauthoring this article who are steeped in Presidential campaign election law, some of the true experts in this field, not only from a FEC perspective but also from a campaign perspective for a Presidential candidate trying to comply with this nightmare that we created.

Let me point out certain pertinent parts of this article. The article begins:

> The date is January 3, 1987. It is four years from the day that the Mondale for President Committee registered with the Federal Election Commission (FEC) and 26 months since the campaign was over.
>
> Inside a small office, piled high with files and boxes, sit two deputy counsel of the Mondale campaign. A few miles away in another office the committee's treasurer periodically meets with his lawyers and reviews documents passing to and from the Federal Election Commission. These three people (the authors of this article) plus a part-time controller and a part-time secretary are all that is left of the Mondale for President campaign, a campaign which for most people has been long since over.
>
> In the past, we have all been reasonably confident that the Federal Election Commission Act (FECA) is a workable solution to the admitted and potential problems which plague the area of the campaign financing.

Now, the author said:

> Now we are troubled by a campaign finance law which is used as a campaign weapon; spawns "creative" efforts to comply with—really evade—its limits; has made presidential campaign fundraising increasingly burdensome; and has led to rules which in our view sometimes make no sense and inhibit healthy campaign activity.

The authors go on:

> For those of us responsible for the campaign's compliance with the Federal Election Campaign Act of 1971, as amended, the path from registration of the committee in 1983 until today has been a long and frustrating one. It is our hope that by sharing some of our experiences and highlighting some of the unresolved questions, the trail will be easier for future campaigns.

Skipping over, Madam President, the authors continue:

> Campaign organizations tend to push the limits of permissible election finance activity. Practices and legal interpretations adopted in one presidential cycle become the new jumping off point for the next cycle, raising new questions concerning the reach of the federal election laws.
>
> DELEGATE COMMITTEES
>
> Frequently these new frontiers of campaign activity are the subject of FEC compliance actions, often when a candidate's opponent files a complaint. This happened to the Mondale campaign and the much-publicized delegate committees. One of the central questions posed in that matter before the FEC concerned the permissibility of delegate committees engaging in the same activities as individual delegates under the FEC's delegate regulations.

The authors go on:

> Under the regulations, delegates may make expenditures for grassroots activity such as the production of literature which advocates their own selection as delegates and also advocates the election of their candidate. These expenditures are not considered contributions to the candidate, nor are they subject to the candidate's expenditure limit. The Commission had previously issued an advisory opinion interpreting the grassroots activity provision as applicable to individual delegates and delegate committees. However, in this instance in considering the delegate committee complaint the FEC was unable to reach a consensus as to whether the activity of the Mondale delegate committee fell within the parameters of the regulation.

Second problem:

> REDESIGNATION OF EXCESSIVE CONTRIBUTIONS
>
> Another issue that was unresolved prior to the 1984 campaign and remains unresolved concerns the disposal of excessive contributions to the primary campaign.

A third problem:

> SOURCES OF FUNDS FOR REPAYMENTS AND PENALTIES
>
> Neither the FECA nor the regulations make clear what funds can be used to make required payments of public funds. The issue has been before the Commission on several occasions since 1976, yet remains unresolved.

Problem No. 4, Draft Committees:

> Through no fault of the FEC, the status of draft committees remains unresolved.
>
> Persons involved in the Draft Kennedy movement prior to the 1980 presidential campaign refused to comply with subpoenas issued by the FEC on the grounds that the activity of the draft committees was beyond the purview of the FECA.
>
> Congress, despite the FEC's repeated recommendations, has not chosen to take fur-

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> ther action, leaving the FEC essentially powerless to extend its control over draft committees.

Further problems: Again, Madam President, Members of the Senate, this is an article by three Mondale staffers who used to work for the Federal Election Commission and who spent 3 or 4 years with the Mondale for President Committee trying to comply with this maze that we have constructed.

And these Mondale staffers went on.

Contribution limits:

> The FECA limits contributions by individual to $1,000 per election. Had the contribution limits been indexed in the same manner as the expenditure limits, the individual limit in 1984 would have been more than $2,000. Fund raising is no longer a test of viability, it is a test of stamina. Candidates are forced to divert attention from issues and campaigning to raising money.
>
> Because of the limits, potential candidates for president have turned to vehicles other than campaign committees to finance activity at the very early stages. First, it was the creation of independent multi-candidate political action committees (PAC's), which may accept $5,000 per year from individuals. PAC expenditures do not count against any limit. Now, it is the organization of think tanks, which are tax-exempt, tax-deductible foundations.
>
> The FECA does not serve its goals, and the real public interest does not benefit, when unrealistically low limits cause candidates to wear themselves out with fund raising and finding new vehicles to attract and spend money. Respect for the law and confidence in the integrity of campaigns is in no way enhanced by these activities.

"If we are not careful," says these Mondale staffers, "over time the FECA will go the route of all the campaign finance laws which preceded it."

The Mondale staffers go on:

> Presidential candidates should not be constrained by the campaign finance laws from beginning their campaigns early if they so choose. Candidates should be permitted to begin a campaign 2 or 3 years before the general election if he or she is willing to register a committee at that time.

Their choice. State by State spending limits. This is a particularly interesting section, I think.

> The Presidential Primary Matching Payment Account Act and the FECA limit the amount that can be spent in each state by a presidential primary candidate who has opted for matching funds. These state-by-state expenditure limits create an accounting nightmare, serve no useful purpose, and have no practical effect except in Iowa, New Hampshire, and perhaps, in Maine. These states have political and media importance well beyond their size but expenditure limits commensurate with their size.
>
> If a candidate wants to spend every nickel he or she can raise, in a small, early state on the theory that a win there will carry him or her much farther than a war of attrition, that should be his or her choice. These limits spawn the most creative efforts to evade the spirit, if not the letter of the Act.
>
> ### GRASSROOTS EXPENDITURES
>
> Provisions permitting certain grassroots activities by state and local party committees were added to the FECA in 1979. Essentially, they permit political parties to engage in traditional party volunteer activities without the expenditures for those activities counting against the candidate's limits.
>
> Some have suggested that the current grassroots provisions are being exploited as a loophole. Moreover, the requirements of this law are so difficult to follow that they curb healthy campaign activity. Add to this the fact that state laws and federal laws usually differ. It is easy to see why well-meaning volunteers get frustrated, and much spontaneous participation, so important to the process is lost.

And the Mondale staffers go on.

> The fact of the matter is that no campaign treasurer can maintain sufficient day-to-day control over the operation of a large campaign spread over 50 states, so as to assure that no provision of federal law is violated.
>
> Anyone who accepts the position of treasurer should assume that there is a better than 50/50 chance that he or she will at least be cited in his or her official capacity, for violating the FECA. The day may come when no reasonable person will accept this responsibility.
>
> ### CONCLUSION
>
> Eventually, every campaign completes its responsibility under the Act, the last report is filed, that last box of records is placed in storage and it is over. In our case that may well occur just about the time this article is published.
>
> While we have written about many of the problems of frustrations inherent in financing a presidential campaign, the fact of the matter is that with thoughtful planning and diligent efforts by all concerned you can avoid adverse consequences to the operation of the campaign by complying with the FECA.
>
> For us the bottom line is very simple. The time has come for the Congress to take a hard look at the way in which we are regulating presidential campaigns, or one day we may find that these laws have in fact subverted the process.

This article, Madam President, is by three experts on campaign finance. They not only worked with it at the Federal Election Commission, but worked with it for Presidential campaigns. Their conclusion is it is a failure. And to extend that kind of system to 535 races would be a double disaster.

Madam President, there has been some discussion about spending limits as an incumbent protection strategy. We did a little figuring on the 1986 Senate elections; the most recent elections. And I think it is important to take a look at this analysis.

In the most recent version of S. 2 there are certain spending limits by State set out by each State. Every single incumbent in 1986, Madam President, every single incumbent who spent within the limits set by S. 2 won. Ten out of ten incumbents who spent within the limits of S. 2 won.

Point 2: 90 percent of the challengers who spent within the limits set out by S. 2 lost. Eighteen out of 20 challengers who spent within the limits of S. 2 lost.

Point 3: 72 percent of the challengers who spent above the S. 2 limits—that was five out of seven winning challengers, spent above the limits. A challenger who spent above the S. 2 limit had a 63-percent chance of winning. Five out of eight challengers who spent above the limits won their races. A challenger who spent within S. 2 estimates had a 10-percent chance of winning; 2 out of 20 challengers who kept within the limits won.

So I think it is important to look at the real facts about whether S. 2's spending limits are incumbent protection stragey. They are.

It is not going to make it any more likely under this bill that a challenger can win, no more likely at all.

So it clearly does not, Madam President, diminish the advantages of incumbency.

One thing I think it is safe to say is most everybody in this body, maybe not every single individual, but most of them, agree that there is something dreadfully wrong when a person who through accident of birth or through great ability to accumulate wealth is able to spend whatever he or she may wish to spend on attempting to personally buy a political office. It is what I have dubbed the so-called millionaire's loophole.

Buckley versus Valeo was in my judgment in most respects a sound opinion properly interpreting the Constitution. But one of the areas that I find troublesome if not from a constitutional point of view, at least from a practical point of view, was the conclusion that it was perfectly all right constitutionally to put a limit on what you could contribute to someone else but it was impermissible from a first amendment point of view to put any limit on what you could spend in your own race. In other words, it was an encroachment on your right of free speech.

I have a new piece of legislation which I think would help deal with that problem. It has attracted some interest on the other side of the aisle. It would help close the millionaire's loophole in a constitutional manner, and help reduce campaign spending. It would prohibit wealthy candidates from recouping personal campaign expenditures or loans from contributors.

We all know what typically happens now, Madam President. If a person has a lot of money, they simply pony up millions sometimes knowing full well that once it is over, assuming they are successful and many are, a growing number are, they will be able to go around town to all the political action committees and all their favorite individual contributors and get themselves paid back.

The bill the Senator from Kentucky will introduce does not say the millionaire cannot put all the money up because you cannot do that constitutionally, but it does say this: If you put it up, you will have to eat the whole thing. That might not defer somebody with really big bucks but just a little millionaire, Madam President, might think twice if he knew that he had no prospect whatsoever of getting it back once it was spent.

All of us, I think, almost without exception, think we need to do something about this millionaire problem. That is clearly one way to get at it. There is another way. It might not work, but it might have some impact. We could require someone to certify at the beginning of the election when he filed with the FEC that it was his or her intention to spend, let us say, more than $1¼ million.

That notification would be a warning to others seeking that office of what was coming. Under that provision, it would trigger for the opponent an opportunity to raise money above the current limit. The current limit is $1,000 in the primary and $1,000 in the general. If you know you are going to be up against a millionaire, one way to counter is have the limit go up some. We suggested $10,000 in the primary and $10,000 in the general. Again, it does not entirely solve the problem, but is another way to try to level the playing field against the millionaire candidate.

Make no mistake about it, Madam President, millionaire spending is bidding up the cost of campaigns. Let me give you some figures on that.

From 1978 to 1986 personal spending, spending out of the candidate's own pocket on campaigns swelled by $30 million. I repeat, during that 8-year period from 1978 to 1986, personal spending on campaigns swelled by $30 million.

It is now the number three cause of explosive campaign spending right after individual contributions and PAC's.

I would bring down the cost of campaigns. As this Senator said repeatedly over the last 8 or 10 months of this seemingly endless debate, if the American people have any interest in this issue at all, and some would argue they do not, it seems to me it is focused on Pac's.

I would be happy to eliminate PAC contributions altogether for the candidates or the parties, just eliminate them. I personally do not have a whole lot of problems with political action committees but it certainly could be argued that if there are special interest contributions to candidates it certainly is the PAC contribution.

Simply eliminating PAC contributions could have a single impact. It would reduce campaign spending by $140 million each year or 30 percent. Some would argue the money would find its way in the system some other way. I would certainly encourage that. I encourage individual contributions. That is what this debate is all about, the protection of the right of the individual to contribute. But the money coming in that process labeled special interest could be eliminated.

As I said, I support restrictions on personal campaign spending by wealthy candidates. This could reduce campaign spending by up to $40 million each year, another 9 percent. Right there, Madam President, a total reduction in overall campaign spending of almost 40 percent every year by trying to treat the millionaire problem and the PAC problem. If we could do that with the deficit we would be in great shape. In fact, it is a lot better than S. 2 would do.

We ought to report soft money contributions and maybe we ought to limit them. A lot of people on this side of the aisle, maybe it is because we do not get much soft money support, do not see much contribution between a cash contribution and a soft contribution. A cash contribution is limited and disclosed. Soft money contributions are unlimited and undisclosed. We ought to disclose and arguably we ought to limit.

But any further restriction on individual contributions is unproductive, undemocratic, and in my opinion unconstitutional.

With regard to the millionaire problem, S. 2 does not really solve that problem, because it cannot, any more than any of the other provisions. It triggers a certain amount of money to the opponent of a millionaire out of tax dollars. But there is no way you can constitutionally get at the problem totally.

Take the Senator from Maryland, the occupant of the chair. Let us assume that she faced a wealthy candidate who did not want to obey the so-called spending limits. Under S. 2, what you would get in public funds to fight that millionaire would be $1.4 million. Now, you would be OK if you had just sort of an ordinary millionaire. But if you had a big millionaire, even the influx of tax dollars up to that limit of $1.4 million would not protect you.

So we are all kind of wrestling with this millionaire problem and there is not any foolproof way to do it consistent with Buckley versus Valeo. But I think it is safe to say that an overwhelming majority of the Members of this body would like to do something about that problem. I mean, it is an area of concurrence.

I see the Senator from Michigan on the floor. He was in the group of eight. We talked about that. That was one of the areas, I think, we had pretty substantial agreement on. If there was anything we could constitutionally do to cut down on the growing tendency of people of great wealth simply purchasing offices in the U.S. Senate, we wanted to do that. And I hope some day, when we get back to this issue in a less intense and more rational way, we can explore every creative avenue we can thing of to do something about the millionaire's loophole.

You know in some of the discussion that has been engaged in over the course of this debate, I think there is a tendency in the area of campaign finance to sort of pick up a notion and repeat it because the assumption is that it is just a fact; if you have heard it once, you assume the person that said it the first time knew what they were talking about and therefore it must be true.

It almost reminds me of the time when I was a kid and I was around the courthouse square and I heard two old fellows discussing a proposition. The proposition was this: If a thing were in print, it had to be true. And so there was a good deal of discussion about that proposition. That was the issue on the courthouse square that Saturday morning as people whittled and people chewed. If a thing is in print, does it have to be true? It was hotly debate for 2 hours.

The conclusion, Madam President, was if it is in print, it must be true—it must be true.

And so I think in this debate when somebody says something first, we assume that that is a well-researched notion and therefore it must be true.

One of the most oft-repeated assertions in this body—and I do not think anybody who said this has intentionally tried to mislead Senators or the public—but one of the most oft-repeated assertions is that money in politics is turning people off; it is turning people off.

I have heard speaker after speaker get up and say: "Why this increase in spending all this money in politics is turning off people and that is the reason for lower voter turnout."

Well, in fact, Madam President, just the opposite is the case. The money is turning people on, not off, and there is a direct correlation between money spent in races and turnout. And if you think about it a minute it stands to reason, because the races in which significant amounts of money is spent are usually well-contested races in which you have two vigorous, attractive candidates who are able to garner support. Two vigorous, able, attractive candidates who are able to garner support can run aggressive campaigns and aggressive campaigns turn the voters on, not off.

The average turnout in the 1986 Senate elections was not anything we are all that proud of overall, 37 percent. But States which spent the most per voter in campaigns tended to have the highest turnout and States which

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spent less per voter tended to have the lowest turnout.

As I just said, the explanation is that the high spending races tended to be the ones that were hotly contested, with good candidates, great competition for votes and contributions. What did this high spending pay for? It paid for more communication, reaching out to voters, more discussion of the issues. That is what it paid for.

To fund the spending, more people contributed. When people contribute, they get involved. They have a stake in the election. They want to make a difference.

Time and time again over the last 10 months of this debate, people have cited the 1986 South Dakota Senate race as a race in which an obscene amount of money was spent on a small electorate and how despicable all that was.

Well, Madam President, it is interesting to note that the South Dakota Senate race had the highest turnout in the Nation. Fifty-eight percent of the people in the South Dakota Senate race in 1986 came out to vote. The best in the Nation. The best in the Nation. Why? Because they were turned on, not turned off, by a hot contest with a lot of money raised and lot of money spent.

And you could go on down the list. Vermont was No. 2 with a 49-percent turnout. The money spent per voter in South Dakota was $13.47. That produced a 58-percent turnout. The best in the Nation.

In money spent per voter, Vermont was second, Idaho third, North Dakota fourth. Those States came in fourth, second, and North Dakota was tied with South Dakota for first in turnout.

Let us look at the other end of the scale, the lowest spending States. We had Ohio at 33d, Illinois at 32d, Kentucky at 31st. The turnout was 40 percent, 37 percent, 25 percent.

What was the spending per voter in those States? In Ohio, where you had a 40-percent turnout, 25 cents per voter spent. In Illinois, where you had 37-percent turnout, 33 cents per voter. In Kentucky, my State, unfortunately, we had a 25-percent turnout; we spent 46 cents per voter. Indiana, 39-percent turnout, 53 cents per voter. New York, 32-percent turnout, 72 cents per voter. Utah, 41-percent turnout, 73 cents per voter. Kansas, 46-percent turnout, 85 cents per voter. And so on down the list.

Now, Madam President, show me a race in which not much money is spent and I will show you a race in which there is not much interest, because it is not vigorous, it is not contested and people are therefore not interested. So let us get away from this mistaken motion that the money spent in politics is turning the voters off, because it is in fact turning the voters on.

On the matter of spending and whether it is good or bad, it is interesting once again to quote the Kennedy School of Government at Harvard, a particularly enlightening paragraph I think. This is the Kennedy School report to the Rules and Administration Committee, U.S. Senate, January 1982. The Kennedy School report says the public believes that too much money is spent in election campaigns.

> The public also believes that too much money is spent in election campaigns. Our analysis differs from this accepted wisdom. The amounts of money spent by candidates should be sufficient to provide voters with a reasonably good probability of learning something about the policy proposals, the personal characteristics and the abilities of the contending candidates. The creation of an informed citizenry is unduly circumscribed if the funds available to candidates are not sufficient for them to communicate their messages to the voters. In short, for the educational processes of elections to take place, candidates require ample financial resources.

There is nothing wrong with that, nothing immoral about that, an entirely appropriate way to express yourself in a free society.

The report goes on.

You know, this statement, again, that we make that there is too much money being spent on politics, I think it is important to ask: Compared to what? Compared to what? In fact, the trend of increases in campaign spending is slowing down. All evidence is that it is beginning to cap out.

From 1976 to 1978 Senate and House races together, the spending went up from $115.5 million to $194.8 million, a 70 percent increase over that 2-year period. From 1980 to 1982, it went from $239 million to $342.4 million, a 43 percent increase. From 1984 to 1986, $374.1 million, to $450 million, a 20 percent increase. It is clear that campaign costs tripled in the last 10 years, but the rate of increase dropped over 70 percent. In other words, it is just not going up like it did earlier.

So these suggestions that some have made that it is going to cost $20 million to $30 million to run for the U.S. Senate a few years down the road in small States, there is absolutely nothing to bear that out. The rate of increase is dropping off substantially.

Also, when we say we are spending too much money in politics, I think we have to ask: Compared to what? Compared to what? We are spending too much money in politics. Compared to what?

We spent $23 billion—billion, that is with a "b;" that is big money even by Federal Government standards—$23 billion for cosmetics last year. We spent $55.4 billion for alcohol; $121.4 billion for eating out; $230 million on bottled water; $883 million was spent on advertising cosmetics. That is just the top six companies. Twenty million dollars spent on Kennel Rations and Kibbles and Bits ads.

Now, you know we do spend some money in politics, but it does come from a whole lot of folks, a whole lot of folks. So when they say we are spending too much money on politics, I ask: Compared to what? Compared to what? We are informing the voters—except for the millionaire problems—with dollars raised by a whole lot of others and it is a pittance, it is a pittance compared to end what is spent in this communication's conscious society.

Mr. ARMSTRONG. Mr. President, will the Senator yield to me for a moment?

Mr. McCONNELL. Yes, I yield to my friend for a question

Mr. ARMSTRONG. Let me explain to the Senator from Kentucky who has done such a brilliant job in his management of this issue that, while he has been speaking, behind the scenes there has been a discussion under way which would relate to the schedule for the balance of tonight and tomorrow and into Friday. The acting Republican leader and others have come up with an idea which they are eager to discuss with the Senator and, therefore, the hope is that he would be willing to yield to me for a few minutes, perhaps for 10 minutes, and if he would be willing to yield to me for that period of time, I would propound a unanimous-consent request that he be permitted to yield the floor but to regain it without it counting as a second speech so that, in effect, he would just be permitted to be off the floor for a few mintues and not lose his right to speak further later in the evening.

Mr. McCONNELL. With that understanding, I yield to the Senator from Colorado.

Mr. ARMSTRONG. That is my unanimous-consent request, that I be allowed to address the Senate replacing the Senator from Kentucky and that he have the right to recognition again following my remarks and it not be counted as an additional speech. This request has been cleared with the Democratic leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? Without objection, the Senator—there is no objection. The unanimous-consent request is agreed to. The Senator from Colorado may proceed.

Mr. ARMSTRONG. I thank the Chair, and I thank the Democratic leader, and I thank my friend from Kentucky. I see that he has already gone to the cloakroom to consult and it is my hope that the result of this consultation will in fact be an arrangement under which most Senators if not all will be able to go home for the evening while the debate continues. But with the assurance that there would not be a series of rollcall votes.

Indeed, without trying to announce in advance an agreement which has not yet been reached, the essence of it is that we would restore the traditional consideration for the rights and sensibilities of Senators; that the debate would go on in a more relaxed and less tense manner; that there be some understanding that the substance of the debate through the night would be limited to the topic which is before us, that is to say the bill, S. 2; and that on tomorrow we would have a series of speakers and wind up at a reasonable hour and then have a cloture vote on Friday morning.

Personally, Madam President, I hope that understanding, or something like it, can be reached for a lot of reasons. First of all because I very much regret the episode which occurred here last night. Things did get a little out of hand and I am not going to comment in any detail on what transpired at this time. In fact, the Republican leader has asked me to withhold my observations about the parliamentary situation which arose during last evening and at the right time——

Mr. BYRD. Would the distinguished Senator yield?

Mr. ARMSTRONG. Yes, of course, I would be happy to yield to the leader.

Mr. BYRD. Mr. President, I thank the Senator for yielding. The distinguished Senator has described in some detail a proposal that is being discussed at some length. I would hope that Senators who are listening understand that that proposal has not been agreed to and that Senators will stay around until we can announce whether or not there is any agreement.

I share the hope that something can be worked out whereby there will be debate. It will be on substance and only the substance. However, Senators should not leave the Hill until we are certain that we have that understanding worked out.

I thank the distinguished Senator, and I ask that the time I have taken not come out of his 10 minutes and that he not be charged with the second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Madam President, I thank the leader and, of course, I share his understanding that this is only a hoped-for agreement. It is not an actual agreement at this point.

Madam President, I would like to take a few minutes to discuss something about the bill itself. Since, as I have already mentioned, I am going to withhold my comment about the parliamentary situation, I would like to just ask Senators to think seriously about the substance and content of this bill.

I am convinced, myself, that neither this bill nor nothing like it is going to be enacted during this session, not just this week or this month; I do not think 1988 is the year in which Congress is likely to present to the President for his signature a bill of this general character and I have a hunch that if by some misadventure legislation along these general lines were to come to the President's desk, that he would veto it so fast that it would make your head spin, as well he should. Because this is a bill which attempts to abridge some fundamental rights, not only of candidates but of the general public. It is an attempt to shut down the right of certain individuals and certain groups to participate fully in the political process.

There are really two themes of the underlying proposal. One is to say let us have the taxpayers pay for the conduct of political campaigns, and the other is to say that there ought to be limitations on the amount that can be spent, either by candidates or in some iteration of the bill: How much can be spent by political action committees or somebody?

Madam President, someone may think that it is highly desirable to limit the opportunity for people to spend money to express their political point of view, but, upon reflection, I hope that a majority of Senators would think that a most unwise idea. I do not have in front of me the exact numbers of how much was spent to nominate and advertise and elect Senators during the last cycle, but I think it was something less than $200 million; $180 million is the figure that sticks in my mind, but if that is not accurate, with precision, at least it is a pretty good approximation of what it costs to run all of the campaigns of all of the Republican candidates and all of the Democratic candidates during the last biennium.

Just to put that figure in perspective, that is the amount which, as I understand it, was paid for all of the fliers, all of the brochures, all of the posters, all of the rent, all of the telephones, all of the staff salaries, the printing, the publication, the advertising in the newspaper, the ads on the radio and the television spots that were used together with any billboards, travel expense, and associated paraphernalia.

Now, $200 million is not an inconsequential amount of money but I would point out to my colleagues that there are any number of large commercial concerns that sell widgets and soap and automobiles that would spend far more than this amount for advertising alone.

In fact, I believe it is correct to say that there are a number of large advertisers that would spend, each of them, as much as four or five times this amount during a biennium.

So the threshold question that I would suggest Senators think about when somebody says: well, we are spending too much for this process; or that elections cost too much, campaigns cost too much; is where do we get off with the idea that a couple of hundred million dollars combined total costs for every political campaign for the U.S. Senate in a year is excessive when we have Proctor & Gamble or General Foods or Ford Motor Co. or any of the big ones spending several times that amount to advertise their products.

Indeed, I think the advertising of political ideas and political candidates is not something that we want to limit but is something that is worthy and is well worth encouraging. One of the notions that quickly surfaces when we talk about campaign finance limitations is the idea which we have heard expressed here in this Chamber on many occasions, that Senators are really too busy to spend their time raising money and that somehow this is a big distraction from their work.

I would like to discuss that notion at length but I notice that the Senator from Kentucky has returned and looks as if he is revved up and ready to say something and since I am only filling in and will have an opportunity I guess at some future time to discuss this I would be happy to yield the floor, if he wishes to resume his remarks.

Mr. McCONNELL. I thank the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Kentucky has the floor under the previous order.

Mr. ARMSTRONG. I thank the Chair and look forward to an opportunity to continue my part of this discussion at the appropriate moment.

Mr. McCONNELL. I thank my friend from Colorado. Having had an opportunity to be briefed by the Republican leader on what we hope will be an agreement I will resume the decision.

When I left off, Madam President, we were talking about our favorite subject, campaign spending and whether it was too much. I was comparing it to some other expenditures that we make in this country on advertising and that is, for the most part, what campaign spending is going for these days: Advertising. It is pretty clear that we are not spending very much at all to communicate with our constituents, to give them an opportunity to make an intelligent choice in political races.

We probably ought to be spending more. But the increase in campaign spending is beginning to abate.

What are the real causes of higher campaign costs? As I have said repeatedly, far and away the biggest problem is the cost of television. Those of us

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who have sought public office, major public office statewide, know exactly what happens. You are in a hotly contested race, you move into the last 60 days toward the finish line and what happens? Why, our friends at the television stations for the most part raise the lowest unit rate they will charge all customers so that they can get more out of us, the candidates, going down the homestretch. They will make a lot more money off of us. That is a major source in the increase in campaign costs, the cost of television.

About the cost of television, I might say one of the areas of agreement in the group of eight was a proposal made by this Senator that we require the broadcasters to sell us the television time at the lowest unit rate they charged any commercial customer the previous year. In most States that is the nonelection year. In my State, I might say parenthetically, we have an election every 6 months. We find it an art form and we like to do it frequently. But in most States they give the voters relief every other year.

So, typically if you had a situation where the broadcaster was required to sell the time to you at the lowest unit rate of the preceding year, it would be a genuine break and, therefore, hold down to some extent the cost of campaigns.

What does higher spending usually mean? Well, leaving aside the millionaire problem which we wish we could solve, and we are going to try to, higher spending usually means the following: Obviously the candidates can spend only as much as the people contribute. If the candidate raises a lot of money, under our limitations and disclosures, assume he did not put a lot of his own money into it, it means he has a whole lot of support. That is not something we should condemn. That is something we should congratulate.

The money raised in campaigns allows us to use the modern means of communication. We have heard frequently speakers on this floor long for a simpler day, a day when you could go out and meet and talk with your constitutents, or your would-be constituents, in the case of the campaign; where you could maybe make a speech on the courthouse steps and somebody would care, somebody would listen and somebody would show up.

I would wager in this day and age a typical candidate can make a speech on the courthouse steps and nobody would be there but his family. People do not have an abiding interest in listening to politicians make speeches. Believe it or not. It is a shocking conclusion to reach but they do not.

So we went back to a simpler era, and we went back and made these speeches on the courthouse steps and spent a lot of time—we still do this, by the way, spent a lot of time shaking hands at the plant gates. I have run for office a couple of times. I cannot recall having a detailed meaningful experience working through a factory gate shaking hands like this down the line. I do not think anybody is particularly in a mood on the way into work or on the way out of work to have a detailed discussion of the arms race.

So this notion that somehow going out and meeting the voters, speaking on the courthouse steps, shaking hands at the factory gate—all of which we do, you understand—is somehow a better way to communicate with our potential supporters, astounds me because I cannot recall but having had very many detailed discussions of the great issues of the day standing there blurry-eyed at 4:30 a.m. working the plant gate.

For those who have not tried it it is a fascinating experience.

I do not mind doing it, but I do not think it is particularly enlightening and to assume that using television is somehow a step backward it seems to me is patently absurd.

Clearly every television commercial is going to paint his candidate in the best way or paint the opposing candidate in the worst way but it is sort of like a lawsuit. The plaintiff has the lawyer and the defendant has a lawyer and they put them in the ring and they go at it and somehow out of that vigorous competition the jury in the case of the courtroom or the voter in the case of the election is able to make a decision about the relative merits of the candidates.

So we ought to encourage that kind of vigorous exchange and we ought to encourage it in the most modern and effective way and that is the use of media.

We cannot go back to the old-fashioned way because nobody is interested in doing it that way. If the American public is watching television and listening to the radio, then, by golly, the candidates have to be using television and using radio. We have to reach our potential voters and our constituents in a way that they want to be reached."

One of the other arguments frequently made around this place during the course of the debate is that this fundraising is just too time consuming.

Let me say that a candidate—let us take an incumbent because that is what we are talking about here in terms of that argument in this body—does not make sense to put a limit on participating just because some of us do not like to raise money.

It does not make sense to have the Treasury pick up the tab for our campaign just because some of us do not like to raise money. It seems to me, Madam President, that is sort of like throwing the baby out with the bath water, changing the system that allows maximum participation by a lot of people simply because we do not like to ask.

Now, we, under the leadership of the distinguished majority leader, have a very, in my judgment, sane schedule this year. We are allowing 1 week a month for Senators to go to their States and to work their constituencies or if they are running for office to do things like raising money.

So no longer should any Senator go to the majority leader and say oh, protect me. I have a fundraiser. We have a week set aside for that kind of thing. We know it in advance. We can plan.

It should not be used as an excuse ever again that somehow raising money is getting in the way of doing our job here.

I think it is also important to note that that was never a good excuse. I do not think any of us should ever use that excuse.

Our first responsibility is here doing our job in this body, on behalf of the constituent who sent us.

Raising money early which many have decried is simply a tactic. Nobody makes us raise money early.

Some Senators do it, as we all know, and try to scare off opposition to try to earn interest on the money because if you raise it early and properly invest it over a period of time, it will indeed grow. But we do not have to do that. Nobody makes us do it. I know several Senators on this side of the aisle who just simply choose not and they have been able to get reelected quite easily. It is a strategy matter. You can do it or not do it, depending upon our particular situations and how we want to structure the campaign.

I choose to spread this kind of activity over a whole lengthy period of time rather than putting it off to the end. I have many bad qualities, but procrastination is not one of them. So I choose to do it early or spread it out rather than not have it come down on my head at the end. But either approach is appropriate. It is a strategy decision that each of us makes, but nobody makes us raise money and there is no set amount that any of us have to raise. There is no set amount.

If you do not have a tough opponent, you will not need much money. If you do, you will, because the race will be competitive and you will be attacked and you will need it to defend yourself because after all we do not own these seats. We get a 6-year lease and when that 6 years is up, if we want to keep it, we have to fight for it. Sometimes you are lucky enough to get an easy opponent and have a lot of folks in your State who really like your work and love you so much they just would not give anybody running against you a chance to get off the ground. That is a wonderful experience for anybody who has it.

But we do not own it. We do not have a perpetual right to sit here and it is not un-American for us to have to go out and fight to keep it every 6 years or to have some upstart who looked in the mirror and saw a U.S. Senator and said, "By golly, I am going to go challenge that fellow and that lady." That is part of the process.

And if we have a good challenge it is going to be somebody who can get some support, raise some money, get on TV and jump on us and that is the way it goes—politics in America.

So we should not be offended by the process that requires us to do something to stay here, do something politically as well as our jobs. And it seems to me for somebody who is reasonably energetic, they can both walk and chew gum at the same time.

Now, Madam President, going back for a moment to the issue that divides us and it is really too bad that it does, but it is a deep-seated difference both philosophically and in terms of the positions of our two parties in the American political process and that is the spending limit issue.

The Supreme Court in Buckley versus Valeo basically frowned upon spending limits. In fact, the Supreme Court in Buckley versus Valeo said that mandatory spending limits are unconstitutional.

It did allow Congress, however to appropriate funds for Presidential candidates as an incentive to comply.

There was, however, no penalty on nonparticipants. You just had to work harder.

Now, we have one candidate who tried that. He did not get anywhere, but Gov. John Connally ran for President in 1980 and said, "I am not going to take any public money; I am going to do it privately." He did not get very far. He did not take any public money. He only got one delegate. But when he made that decision, Madam President, to refuse to accept public money, he did not trigger for any of us opponents additional public funds.

His exercise of his constitutional right to avoid taxpayer dollars and spending limits did not trigger for any of his opponents a payout from the Treasury.

The problem with all three versions of S. 2 is that they use taxpayer money as a hammer to take away constitutionally protected political rights.

Under each version there is a punitive payment to the participating candidate as a result of the nonparticipating candidate's decision to do it his own way and to avoid to deny to refuse to accept spending limits public finance.

In the most recent version of S. 2, this unconstitutional aspect is so blatant, so blatant as to be apparent.

There is a significant amount of money triggered out of the Treasury to anyone who decides as a matter of principle or strategy or whatever to simply not accept spending limits and not accept public money.

Now, Buckley versus Valeo is oftentimes a misunderstood decision. It was handed down January 30, 1976. The decision said in pertinent part:

> The campaign expenditure ceilings appear to be designed primarily to serve the governmental interests in reducing the allegedly skyrocketing costs of political campaigns.

The decision went on:

> In any event, the mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quantity of campaign spending and the resulting limitation on the scope of federal campaigns. The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Now the famous footnote in this decision says:

> For the reasons discussed in Part III, *infra*, Congress may engage in public financing of election campaigns and may condition acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations. Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding.

What does that mean, Madam President? What that means is that the public money can be used as a sweetener or inducement to a candidate to accept a limitation on expenditures and that is what has happened in the Presidential system.

All but one of the Presidential candidates have found it irresistible to dip into the taxpayer's pocket for public funding. Not because it triggered any kind of punitive payment to any of their opponents but simply because you do not have to work as hard if by raising a certain amount of private dollars it triggers public dollars. And so each of the candidates in spite of the fact that the law is a disaster and that one out of four dollars is spent on lawyers and accountants has found it irresistible and have accepted the limits but there has been no punitive aspect to it. S. 2 to the contrary in all three versions sets up a punitive payment to your opponent. If you decide as a matter of conviction or strategy to go your own way, to raise your own money, to do that as best you can, and to spend it all in your election, your opponent receives a huge taxpayer subsidy to punish you in effect for exercising the right that Buckley versus Valeo gives to each candidate in its interpretation of the first amendment as it applies to campaign expenditures. Punishment.

Now, the Department of Justice in an opinion written to the Senate Committee on Rules and Administration in May of 1987 made some of these points. And it said with regard to monetary sanctions;

> Although participation in the public funding program and adherence to the expenditure limitations would be voluntary—

That is the Justice Department opinion on S. 2 the constitutionality of it——

> The bills impose some form of monetary sanction on those candidates who choose not to participate and who raise and expend sums in excess of the limitation applicable to participating candidates.

The opinion goes on these provisions pose grave constitutional problems.

Further, the opinion says:

> Direct limitations on a candidate's right to expend his personal resources on his own political campaign plainly violate the First Amendment. See *Buckley* v. *Valeo*, 424 U.S. 1, 50-54 (1976). See 424 U.S. at 53. These bills seek to impose such restrictions indirectly, by placing what amounts to a penalty on a candidate's personal expenditures in excess of his hypothetical entitlement to public funds. This penalty amounts to a matching grant of public funds to his opponent.

It is not the way the system works:

> Personal expenditures by a candidate thus serve to trigger the subsidization of views with which the candidate presumably does not agree. While this type of indirect restriction does not fall within the precise holding of Buckley, we believe it is clearly embraced by its reasoning. Congress plainly cannot forbid candidates from expending resources on their campaigns. Rather than directly doing so, the bills "exact[ ] a penalty," 4187 U.S. at 256, for such conduct, by making the size of the public subsidy to the candidate's opponent dependent upon the candidate's own First Amendment conduct. The more the candidate does to promote his own views, the more he fosters the promotion of views he opposes.[2]
>
> In sum, we think that the proposed provisions, by tying a candidate's funding of his own campaign to increased public funding of his opponent's likely represents an unconstitutional infringement on the right to use one's own resources to disseminate political messages.

The DOJ opinion goes on to say:

> For many of the reasons outlined above, the bills may also unconstitutionally burden the rights of contributors. Under the bills, contributions to candidates in excess of the statutorily specified amounts result in the payment of additional public funds to their opponent. Thus, contributors see their contributions fostering the spread not only of the ideas they wish to support, but also of those they do not. The predictable result is a chilling effect on the right to contribute.
>
> Accordingly, all of these bills raise serious constitutional questions with respect to the rights of contributors. Since they are not even designed, much less narrowly tailored, to prevent corruption, they appear to us to be inconsistent with the First Amendment.

Madam President, let us talk a little bit about what can be best described as getting and spending under S. 2.

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In the primary election—let us talk first about where the money comes from under the most recent version of S. 2.

First, there is a postal subsidy which we estimate to cost the Government, the Federal Government, about $17 million for Senate candidates each cycle. If the bill were to apply to both Senate and House races, we would estimate the cost of the postal subsidy to be about $75 million per cycle. That is more money than would be gained through offset by denial of the mail subsidy to political parties. That would raise only about $10 million annually.

But another way, under the current system as we know the Federal subsidy for the American Communist Party along with other parties, it sort of takes it away from them and gives them to the Communist Party candidates just like any other party. It is sort of paid for by the taxpayers through a tax stamp similar to those levied on the colonist under the British King in 1776.

Other costs under the S. 2 in addition to the postal subsidy are administrative costs. The FEC estimates an additional $1 million a year for the Senate alone. That is we believe a conservative estimate.

Then there is direct public financing under certain circumstances. CBO estimates that 20 percent of the candidates seeking public office in each cycle would not comply with the spending limits. And if you assume in addition one third party candidate each election given the fact that third party candidates get a chance to get into the public kitty, it is estimated by CBO that this would trigger payouts from the Federal Treasury of $21 million each cycle for the Senate alone and $75 million to $100 million if the Senate and House races were both covered by the bill.

Further, there is an independent expenditure compensation provision in the most recent version of S. 2 such that candidates are compensated on a dollar-for-dollar basis out of Federal tax coffers if a private citizen spends a large sum to criticize them or supports an opponent.

Let us take the 1986 cycle as a way of maybe getting a handle on this. In 1986, in terms of independent expenditures, there were $5 million in independent expenditures for the Senate, $11 million for the Senate and House combined, people who went out and made independent expenditures either supporting or opposing candidates for the Senate and the House in America in 1986.

Since S. 2's contribution limits will force undisclosed money into this uncontrolled activity, independent expenditures in the future would likely double or triple. So the drain on taxpayers is likely to be under this system upwards of $20 million under each cycle if the Senate and House were combined.

So what does the total taxpayer subsidy add up to, Madam President, in the most recent version of S. 2? We estimate $30 million a year for the Senate alone, $130 to $150 million per cycle if the Senate and House were combined. Both of these are very, very conservative estimates. Both take account of the transfer of mail benefits from parties to candidates. That offset is included in the figure.

That is where the money would come from under the most recent version of S. 2. Now, let us get a sense of what the estimated spending would be. Bear in mind that the notion behind these proposals are to try to limit campaign spending.

I pointed out at some length earlier that that has not happened in the Presidential system, the only system we have available to compare or to take a look at. It has not worked out that way. So let us take a look at what is likely to happen on spending under the most recent version of S. 2.

Under S. 2 in the primary, a total spending limit for 99 candidates and 66 primary elections, we are assuming here 1 candidate in the incumbent party and 2 candidates in the opposing party, the spending allowed under this bill would be $101,151,200. In the general election under S. 2, the most recent version, total spending limit for 66 candidates and 33 general elections, that is assuming two candidates in each election, Republican and Democrat, spending allowed under this proposal would be $102,509,333.

So under the most recent version of S. 2, we are talking about a total primary spending across the country of an estimated $101 million, total general election spending across the Nation estimated at $102 million.

Then there is the independent candidate in the general election. Under S. 2, the independent candidates in the general election we have to assume there will be some. Let us assume 33 independent candidates and 33 general elections. That is one independent per State funded by S. 2 matching funds. There would be an expenditure in the general election by independent candidates in the amount of $51,254,666.

In addition to the spending allowed in the primary election, the general election, by party candidates and the general election by independent candidates, we have to estimate the S. 2 independent expenditure defense allowance: S. 2 allows dollar-for-dollar matching funds to 66 candidates against independent expenditures. Based on the total independent expenditures of the 1986 independent Senate races, we estimate that the Federal tax dollars triggered to defend against independent expenditures would be about $4.4 million.

The the most recent version of S. 2 has the technical compliance cost fund. The technical compliance cost fund: S. 2's total allocation to 66 candidates for compliance expenses, 10 percent of the State spending limits would be about $10.2 million.

So the total S. 2 spending allowed—this is the most recent version of S. 2—in each State election cycle is $269,642,000.

Madam President, I repeat: The total spending allowed under the most recent version of S. 2 for Senate election cycle is about $270 million. Let us compare that to the total spending in the 1986 Senate election cycle, the most recently completed cycle: only $211 million was spent in those elections without any spending limits, and without any public finance.

So the anticipated increase in campaign spending under S. 2 is $58.6 million, a 28-percent increase in spending if we adopt spending limits.

It does sound absurd but the only thing we have to compare it to is the Presidential system. And of course we know that under the Presidential system of spending limits and public finance, we have seen a great increase in spending, and a great expenditure on an increasing basis of tax dollars.

So there is no reason to believe that this measure designed to limit spending will limit spending. And if a measure designed to limit spending will not limit spending, why pass it? Why pass it?

We think this is a pretty conservative estimate of the cost under S. 2. That is a 28-percent increase in spending under the spending limit proposal.

The way to get at reducing spending, Madam President, is not all that complicated. There are certain things that are driving the cost of campaigns: the cost of television, more and more millionaires putting their own money into races, and the proliferation of PAC's, political action committees. If we could do something about all three of those areas we could have a dramatic impact on reducing the cost of campaigns. But ironically, the one approach least likely to produce the desired result of reducing the cost of campaigns is the spending limit measure because they do not work.

They just do not work. There is no way you can construct a spending limit measure that will not force the money out in some other direction. And so all it fosters is cheating. All it fosters is the proliferation of the expenditures of money outside the system to get around it.

So if we really want to do something about campaign spending, we could lower PAC contributions. This Senator and 14 other Senators, unfortunately all just on this side of the aisle, are willing to eliminate political action committee contributions altogether—kiss them goodbye as a worthwhile experiment that did not work out too well.

There are some who would say that, "Well, if you cut out the PAC's making direct contributions to party and candidates, they will simply make independent expenditures." I do not know about that; it is possible. But at least if the idea is to diminish the influence of special interest contributions on political campaigns, we would eliminate them altogether. Unfortunately, we have not been able to get a single solitary cosponsor of that bill on the other side of the aisle. I would like to. Maybe next year.

We can reduce millionaire spending. We talked about that a lot tonight and there is no sense in rehashing all of that. But the growing number of wealthy people trying to buy public office is a problem. There is a clear increase in spending by millionaires to buy public office. We are not happy about it. We ought to do something about it.

We ought to control soft money spending. We do not get much of that on this side of the aisle but it is out there and it is unreported and unlimited. And it seems hardly fair. Spending is spending. It does not make any difference whether it is a cash contribution or a soft money contribution, a contribution is a contribution is a contribution. And if we think it is desirable to limit and disclose cash contributions—and I happen to think that it is; we have not advocated even raising the contribution limit although it has not been raised in 12 years—then why not have soft money disclosed and soft money limited?

We could provide a real discount for television; a real discount. You know that the stations do not have an unabridged right to charge us to rip us off in the last 60 days of an election. They get a license to operate. The public airways are considered public property. But, on the other hand, for 60 days or so every 2 years, it does not seem to this Senator to be unconscionable to require them to sell us the time at the lowest unit rate for the preceding year, the nonelection year. Give us a break. We are trying to reach the voters.

We could tighten controls on party and special interest campaign activities. We could require full financial disclosure by national political party committees, candidate draft committees of all receipts of independent expenditures and soft money activities.

And even though there are constitutional difficulties, there are some things we can do about making it just a little bit tougher to engage in independent expenditures. We could require that any independently-financed political ad disclose the personal organization financing the ad. We have to do that in our races. At the end it has to say "Paid for by friends of Mikulski." I do not think that is inappropriate. The voters are entitled to know who paid for it. That is not currently the case with ads which are placed independent.

The next thing we could do, and some would argue this may be going too far, but we could require notice to other candidates to the contents and placement of any independent financed political communication. It will probably buy us a lawsuit that it is unconstitutional, but we could try. It just may give the regular candidates a sense of what is about the happen to him as the attack commercial hits the air.

We could require reports to the candidates who are being opposed by the FEC of independent expenditures totaling more than $10,000 and for each additional $5,000 so we would have a sense of how much was being spent in independent expenditures in a political campaign.

We could have a strict definition of independent expenditures stopping consultation or coordination with any candidate or his agents. And we could prohibit bundling by counting bundled contributions against both the bundler and the original donor unless the bundler is retained or authorized by the candidate for fundraising or is the national committee of a political party.

All of those things, I might say, Madam President, would do something about the cost of campaigns. And in the areas where it would not treat the costs, at least it would give us a better view or perspective of what is in fact being spent, get a better sense of what has happened through disclosure.

On the issue of soft money, on October 9, 1986, there was a complaint with the FEC against an AFL-CIO, and this was the response that I think bears some bearing on that issue:

> This letter constitutes the response of the Missouri State Labor Council, AFL-CIO ("the Labor Council") and MRV, Inc. ("MRV") to the complaint filed with the Commission alleging that the Labor Council and MRV ("respondents") have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").
>
> The gist of that complaint is that respondents are proposing to sell "voter lists" to federal candidates for less than those lists' fair market value and are therefore making inkind contributions to such candidates in the amount of the difference between the fair market value and the price charged in violation of 2 U.S.C. § 441b. Specifically, the complaint alleges that respondents are proposing to sell Missouri voter registration lists for approximately $7.00 per thousand names, a price which complainant alleges is "far below any reasonable and acceptable market charge". Complaint at 5. The complaint also alleges that respondents are violating the Act "by withholding the voter lists from those candidates who refuse to 'toe the Labor line'."
>
> The Missouri State Labor Council regularly communicates with its members regarding political issues and urges all of its members to register and to vote in all elections. In connection with these communications, it is necessary for the Labor Council to know which of its members are registered to vote. In the past, the Labor Council has been required to spend approximately $100,000.00 to $120,000.00 every two years to compile a current computerized list of AFL-CIO union members in Missouri who are registered to vote.

The response goes on:

> Aware that other organizations and individuals also needed the registered voter information that the Labor Council had been compiling, the Council, along with others, began investigating alternate methods for compiling, and making use of, a computer tape of Missouri registered voters. This investigation revealed that a complete list of registered voters could be assembled and stored on magnetic computer tape and that the list so stored could be enhanced with additional information, such as birthdates and telephone numbers, derived from public records.
>
> MRV, Inc., was therefore established for the purpose of assembling, owning and marketing a computerized list of registered Missouri voters. MRV is a not-for-profit corporation organized pursuant to Chapter 355 of the Missouri Revised Statutes. MRV has no shareholders or members. The Board of Directors of MRV is composed of the individuals serving as president and secretary-treasurer of the Missouri State Labor Council, AFL-CIO, and of the Greater St. Louis, Missouri Labor Council, AFL-CIO.

Now, the charges and services provided by the labor organizations to party voter registration committees, selections, and options. No charge, party affiliation; $4 per thousand can provide information on the ethnic background of the voters, the party registration, past voting history, all of those kinds of activities provided at a lower than market rate.

As the affidavit of Daniel J. McVey points out, it says:

> I am the President of the Missouri State Labor Council and the President and a Director of MRV, Inc.
>
> In the past, the Labor Council, in order to determine which of its members were registered to vote, has spent between $100,000.00 and $120,000.00 every two years in compiling a list of registered voters in the State of Missouri. Those sums were expended to purchase lists of voters in those counties and cities where such lists are maintained in computerized form, to pay for the hand-gathering and keypunching of the voter registration information lists in counties where that information is not computerized, to convert all that information to a form compatible with the Labor Council's computer files, and to match all the information gathered with Labor Council's list of members. The voter registration list was then discarded. This process was repeated every two years.
>
> MRV, Inc., was organized to assemble and maintain a complete list of Missouri registered voters.

Now, this kind of expenditure, Madam President, is all unlimited and undisclosed; unlimited and undisclosed. This is what we call soft money. And that is every bit as relevant to the political process as the cash contribution which is limited and disclosed by any individual to a candidate of his or her choice. And so this is the kind of money in the political process that we are talking about that needs at the very least to be disclosed and, in the view of many of us, limited just like a cash contribution. It is indistinguishable from a cash contribution. And yet that sort of thing is outside the system.

I am told that New York City recently decided to go to the system of spending limits, but not without a fight. Here is what Walter J. McCaffrey, a Democrat who represents the 21st District of Queens on the New York City Council, had to say in the New York Times op-ed piece of January 12 of this year. Mr. McCaffrey said:

> The New York City Council is considering legislation—

And I am told they subsequently passed it—

> To use tax money to finance political campaigns. Under it, candidates who choose to participate must accept a spending cap and limit the private contributions they accept to certain maximums. Each contribution would be matched by city tax dollars. Most political analysts estimate that this would cost about $30 million.

This is just for the city of New York.

> I am not against campaign financing reform, but the Council proposal would not keep its promise to clean up corruption and does not reflect economic realities.
>
> Paul Dickstein, New York City's Director of Management and Budget, recently said that the October stock market crash endangered the city's financial stability. Even crucial programs, such as police protection, may be cut. Is this the time to spend $30 million on political campaigns?
>
> The money for publicly financed campaigns must come from a tax hike, which would be unwise, or from cutting municipal programs and services. People would not like it if New York City in effect told some youngster, "We took away your hot meals because the borough president faces a primary election and we need the money for television commercials."
>
> Thirty million dollars would put 600 more police officers on the beat. It would pay for eight or nine mini-schools to alleviate classroom overcrowding in Elmhurst or Washington Heights-Inwood. Or we might spend it on permanent housing to move homeless mothers and their children out of mid-Manhattan's welfare hotels.
>
> A dishonest politician will not become honest through a baptism of tax dollars for his election campaign. Furthermore, the State Commission on Integrity in Government, appointed by Governor Cuomo, has found no link between corruption and campaign contributions. To rationalize public financing of campaigns, the commission is reduced to pleading the mere appearance of impropriety.
>
> The Council legislation cannot stop special-interest political-action committees from independently campaigning for or against candidates. We have learned that from Federal experience with PAC's.
>
> Moreover, the legislation would, unfairly, constitute an incumbents' protection act. Several Council members have argued for setting very low campaign spending ceilings. Some seriously suggest that Council candidates should be allowed to spend only $40,000 in the primary and $60,000 in the general election.
>
> This means that a challenger, without the benefits of incumbency, would be limited to spending the same amount. Public financing should place challengers and incumbents on the same level paying field. The Council legislation would not achieve that goal.
>
> Each Council member currently receives $24,000 a year from tax monies to publish and mail newsletters twice a year. Over four years, this amounts to nearly $100,000 in free publicity sent to every registered voter in each members's district. Council members also get publicity simply by being public officials, and enjoy the benefits of full-time staffs for service to constituents, which also builds voting support.
>
> In community meetings, I've encountered considerable opposition to public financing of political campaigns. My constituents believe that using their tax money to pay for campaigns is absurd. A recent poll of New York City residents showed that 78 percent oppose public financing for New York City elections.
>
> My constituents are already displeased by Mayor's Koch's plan to increase taxes on their homes. To then take some $30 million of these funds to finance political campaigns would be a disgrace.
>
> City legislation modeled after the Federal laws governing Congressional elections, which restrict contributions without spending public funds, would be a much better approach to campaign reform. In fact, under those laws an individual's contributions to candidates for Congress would be considerably smaller than the city legislation would allow.
>
> Finally, a major rationale for public financing is that it would restore confidence in the city government. That's foolish. The public's trust is earned foolish. The public's trust is earned over time. It can't be regained in a flash through public financing. The people are smarter than that.

Now, Mr. President, the Washington Post Outlook Section of August 10, 1980. There was an interesting piece, a rather amusing piece, actually, entitled, "Are the Candidates Worth Your $100 million in Taxes?" The headline says, "The booze, balloons, junk mail, limousines, nepotism, and boring convention speeches that your dollars pay for."

This is by Mary Meehan, who is a freelance writer who has long followed the consequences of public campaign financing.

> Hey, there, taxpayers! If you turn on the TV tomorrow to watch the Democratic convention, you should realize that you are paying for the big show. Gavel to gavel, you're footing the bill for the podium design, the balloons, the banners, the music, the security, the sound system and the convention staff.
>
> If the Democrats put on a dull show, you will have every right to complain, because each day of the convention will cost you more than $1 million. This should at least buy good entertainment, speeches equal to the best of William Jennings Bryan, and a presidential ticket worth voting for. If you get none of the above, you will know that another government program doesn't work.
>
> Your tax money, moreover, is still paying leftover bills from the Republican convention that so many of you didn't bother to watch. You're also paying a large share of the bills from the primary campaigns of both parties—including tabs for booze and limousines and the like—and you will pay all costs of the Democratic and Republican presidential campaigns this fall. In 1976 the candidate and convention subsidies cost you about $76 million; this year, with a postal subsidy added and the price of nearly everything going up, the political subsidies will cost you at least $105 million, probably more.
>
> Now, that may not be much by government standards, but I bet it seems like a lot of hay to you. Especially when you consider what you are getting for your money.
>
> Perhaps you're among the roughly 70 percent of taxpayers who do not check off a dollar on their tax returns for the Presidential Election Campaign Fund. So you may think that you're not paying for Ronald Reagan's pollsters or Jimmy Carter's TV ads. I hate to shatter what may be your last illusion, but you *are* paying for those items.
>
> You see, the people who check off a dollar do not send an extra dollar to the IRS to pay for campaigns and conventions. They pay the same taxes they would normally pay, and so do you. All of their dollars and all of your dollars go into the U.S. Treasury. Then part of their money—and part of yours—goes to the special campaign fund. In other words, the 30 percent of taxpayers who do check off appropriate money for the 70 percent who do not. If this doesn't sound very democratic to you, just ask the people at Common Cause. They say it's a reform.
>
> Anyway, back to the main point: What are you getting for your money? First, you might consider the quality of candidates this year. Are they worth $100 million? (Are they worth $100, you might ask.) Perhaps we judge contemporary leaders too harshly; maybe we should look to history as a comparative guide. But sometimes history is even tougher.
>
> During the 1980 primary season, historian Barbara Tuchman said of the various presidential candidates: "Look what we're offered! God! The country that produced George Washington has got this collection of crumb-bums!" Mort Sahl offered similar views a few years ago. Sahl noted that during the American Revolution, when our population was far smaller than it is today, we had leaders such as Thomas Jefferson, Samuel Adams and Thomas Paine. Now, he said, we have leaders such as Gerald Ford, Ronald Reagan, Jimmy Carter. His conclusion? "Darwin was wrong."
>
> Actually, the folks at Common Cause never promised us that public funding would buy us smarter, more competent or nobler presidents. But they did suggest that it would buy us presidents less beholden to "special interests." The idea was that the taxpayers (willingly or unwillingly) would outbid the special interests. So we taxpayers invested more than $25 million in Jimmy Carter in 1976.
>
> Yet the National Education Association, with a much lower bid, bought itself a Department of Education. The maritime interests, also low bidders, won Carter's support for a cargo preference bill. Democratic Party fat cats did not contribute nearly as much as taxpayers, but several of the fat cats won diplomatic posts.
>
> Anne Cox Chambers and her husband contributed $51,000 to Democratic candidates and committees from 1973 through 1977; Carter appointed Chambers ambassador to Belgium. Milton Wolf and his family donated nearly $50,000 to Democratic candidates from 1974 through 1976; Carter made Wolf ambassador to Austria. Marvin Warner and his family gave $57,000 to Democratic candidates and committees in 1973-76; Carter appointed Warner ambassador to Switzerland.

> A cynic might say that, thanks to the election law's contribution limits, ambassadorships cost less than they used to; but some of them, at least, are still for sale. So much for the Common Cause theory about public subsidies—which Common Cause and the Democrats would now like to extend to congressional candidates as well.
>
> You may think that the 1980 candidates aren't much to write home about, or perhaps you are reserving judgment until the fall campaign. In either case, you probably hope that you are getting something else for your money. How about the conventions?
>
> You are paying $6 million to $8 million for each major-party convention. Your Presidential Election Campaign Fund (the dollar check-off kitty) gives each party up to $4.4 million for convention expenses, balloons and all, and the Law Enforcement Assistance Administration (LEAA) grants each host city up to $3.5 million for "security assistance." (The LEAA program, which started with the 1972 conventions, pays mainly for police officers' overtime.)
>
> All of this adds up to the more than $1 million a day for each convention while it is in session. And that sum doesn't even count the many costs picked up by the host cities. Are conventions worth that price?
>
> There are several ways to judge. You can view them as conferences in which the Great Issues of the Day are discussed—although not necessarily debated. Convention managers learned a lesson from the 1968 Democratic convention debate on Vietnam and from the 1982 Democratic convention debates on everything else. About the last thing they want on their prime-time TV shows is a live issue. The Republicans manage to get through their July convention without any platform debate. The unlucky Democrats seem unable to do the same; but I doubt that their platform debate will be worth $1 million a day.
>
> Alternatively, you can judge each convention as a huge party in which the delegates booze it up and whoop it up and generally have a good time. The only problem is that you're not invited to the party. Even if you were, watching adults wear silly hats and use strange noisemakers may not be your idea of fun. Is a national New Year's Eve party worth $1 million a day?
>
> Finally, you might rate each convention strictly as a form of television entertainment. Is the Billygate sideshow as good as "Archie Bunker's Place"? Did Grandpa Ronnie read his lines well enough to compete with "Little House on the Prairie"? Perhaps, as a new reform, we should establish a Taxpayers Board to Judge the Entertainment Value of the Conventions and to raise or lower the public subsidies accordingly.
>
> The GOP might receive a bonus for the Great Ford Flirtation at its convention. If the Democrats stage a spectacular family fight, with broken dishes and blood all over the floor, they too, would win a bonus. On the other hand, negative points would be assigned for the most boring speeches. An alternative would be to provide an automatic rise or fall of subsidies according to the Nielsen ratings.
>
> The subsidy for junk mail is lower than the others; this year it is $4 million. I suppose it is not very charitable to call party fund-raising letters "junk mail," but I have received a couple of the Democratic letters and find it hard to call them anything else. For some reason, I'm not on the Republican sucker lists.
>
> The two major parties slipped the postal subsidy through Congress in 1978, by making party committees eligible for the nonprofit bulk rate. Then last year, after realizing that several of the minority parties were taking advantage of it, they voted to exclude the minority parties but keep the subsidy for themselves.
>
> This year the minority parties struck back with a lawsuit in federal court, charging discrimination. (John Anderson's independent campaign joined the suit late in the game.) The minority parties and Anderson won their case, though they are still excluded from the other political subsidies.
>
> Now there's an effort in the House to cut off the postal subsidy altogether. The subsidy is worth about a nickel for each letter in a bulk mailing; so it's worth bushels of money to the Republicans, who send out huge volumes of direct mail. You can expect to hear moans of pain and grief if the effort to end the subsidy is successful; the party fund-raisers will sound like banshees.
>
> But I think the opponents of the subsidy have a point: It's bad enough to have junk mail overflowing from your mailbox when the sender pays for it, but it really hurts when you have to pay for it. (Nobody knows the trouble you've seen; nobody knows the sorrow.)

Well, this interesting article goes on, Mr. President. I ask unanimous consent that the remainder of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> You should also know about the waste factor. Even if you don't think that all of the political subsidies are a waste, some aspects of them may bother you. Since you are forced to pay for the subsidies, you should at least have the right to demand no-frills campaigns. That is not what you are getting now. In fact, I have a sneaking suspicion that federal subsidies are leading politicos to pay for services that used to be volunteered, and to buy things they would have to skip under a private-financing system.
>
> In the old days, for example, campaigns had plug-in coffee pots; now they have coffee services. Back in January, Howard Baker's campaign paid a firm nearly $240 just for coffee service. In the old days, campaign volunteers decorated a headquarters. The chic thing now is to pay professional decorators for the work, as when George Bush's campaign paid $231 to the Freeman Decorating Co. of Des Moines to spruce up a campaign headquarters. But that was small potatoes. The Carter-Mondale committee listed on its June FEC report a debt of $19,250 to National Maintenance & Construction of Beltsville, Md., for "Office Alterations." In the old days, that would have been a do-it-yourself job.
>
> The Carterites also apparently had a big party, perhaps a fundraiser, in Nashville early this year. As of June, they still owed the Nashville Tent & Awning Co. $561; owed the Famous Brands Liquor Store of Nashville $785; and owed Party Rental Services, Inc. of Nashville $524. That must have been some party. Don't you think that you should have been invited, since your matching funds will cover about one-third of the costs. Perhaps we should write into the law a guarantee that you may attend any political party you helped finance. If that were to come about, I fear they would offer you lemonade instead of bourbon, but at least the principle of fair play would be established.
>
> I don't know what the Carter-Mondale volunteers do, but they certainly don't sweep the floors or dust the desks at headquarters. By June the Carter committee owed $4,732 to a Washington firm for janitorial service. And their leaders don't travel second-class either; they owed $903 to a Brooklyn firm for limousine service. And $261 to an El Paso firm for "Meetings-Drinks."
>
> The Carter committee also provides employment for some of the president's relatives. Annette Carter received a mere $972 in take-home pay for June, but Chip Carter received $1,316. Jeff Carter received $1,750 in June for consulting contracts having to do with "computer service management." If they had only though of it, the Carter high command might have kept brother Billy out of trouble by adding him to the campaign payroll, too.
>
> How about the Republicans, those good fiscal conservatives? Surely they are more frugal with the taxpayers' money? Well, no, not exactly. Republicans, I'm sorry to say, have become big spenders from the East when it comes to their conventions. (Republicans as well as Democrats in Congress voted last year to increase the convention subsidies. This may sound a little bit like a conflict of interest to you, but Common Cause says it's OK.)
>
> Late in 1979, and early this year, the Republican convention committee paid $15,000 to Mark Ambruster of Los Angeles for "program script for convention." In the good old days, conventions didn't have scripts. But that was just the beginning. The GOP paid $20,000 to Water Mill Productions, Inc. of New York City for a design and development contract having to do with "podium design." Water Mill received another $85,000 of your tax money in the spring for construction supervision, a large-screen projection system, and other items.
>
> But Syd Vinnedge Productions Inc. of Los Angeles has received a lot more of your money. By June 30th they had been paid $200,000—and were owed another $50,000—for the "convention theme presentation program," whatever that was.
>
> The Republicans paid a fair amount of tax money for films, too. By the end of June they had forked over $45,000 to Palisades Communications of Santa Barbara for an "Auxiliaries Film," and they still owed Palisades another $20,000. They sent $37,000 to A.B. Productions, Inc. of Los Angeles for a film to be used on the first day of the convention. I don't know about you, but I'm beginning to think that the GOP should have held its convention in Hollywood instead of Detroit.
>
> There's more, much more, about the Republican convention that might dismay you. They paid $493, for example, for a "timer, etc. for hearings." That was either a mighty expensive timer or a mighty big "etc."
>
> But enough of that. The question now before the house is: Will Ronald Reagan, that fierce opponent of big government, box some ears or whack some fannies and get the Republicans into line? You would like to

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think that, and so would I, but the outlook is not encouraging.

Although Gramps is philosophically opposed to public funding of campaigns, he accepted $4.4 million in matching funds for his 1976 primary campaign. In 1980 he has received nearly $7.3 million in matching funds—far more than any other primary candidate. And just after the Republican convention, he applied for and received $29.4 million for the fall campaign. That comes to a total of $41 million in campaign subsidies for a man who does not believe in them. Gramps is no dummy.

He reminds me of the Walrus in Lewis Carroll's poem about "The Walrus and the Carpenter." You may remember that the Walrus felt a little guilty about helping the Carpenter eat the oysters. He even wept for the victims. Upon hearing this story, Alice said that she liked the Walrus best, "because he was a little sorry for the poor oysters." The storyteller responded: "He ate more than the Carpenter, though. You see, he held his hankerchief in front, so that the Carpenter couldn't count how many he took * * *"

I suppose Gramps can say that he really has no choice about accepting the subsidies. Carter accepts subsidies and, because of the contribution limits, Reagan could not compete with him by using private money alone. Maybe Gramps has an out on this one.

But as for John Anderson—who enthusiastically voted for the subsidies from which he is now excluded—and Common Cause leaders—who wonder why the subsidies haven't brought us to the Promised Land—they are like a candidate in Edwin O'Connor's "The Last Hurrah." Charlie Hennessey said of the young man that "when he adds up two and two he gets five and a half for an answer." He was, said Charlie, "a good-looking youngster with nothing upstairs but a mass of floating custard."

Mr. SIMPSON. Mr. President, I might at this time relieve my colleague. The gentleman's agreement at this point is that there would be no further voting or activity or chicanery, and therefore I think that I will take the floor and continue with the remarks. I think soon the majority leader and I will be able to pose something that may be able to resolve our difficulty and we will know that shortly.

So I thank the Senator from Kentucky. He has indeed performed yeoman service. He serves in a sense as the chair of our delegation, the group that we appointed to try to resolve issues with regard to S. 2.

He had been the direct contact with the proponents' informal chair of S. 2, Senator BOREN of Oklahoma, and the two of them have worked diligently with their groups to see if we could not resolve this issue. If there is a failure to resolve it, it certainly does not reside with them. Today, I have watched Senator BOREN and Senator McCONNELL meeting privately. I have watched them gather their groups together, and I am sure it has been frustrating for them and, indeed, I commend them. I have been deeply impressed to see how the Senator from Kentucky has entered the issue, learned the issue, done his homework, and been able to influence the colleagues in the manner in which he has done. That is what the Senate is about, and I greatly commend the Senator. I have seen the Senator grow and, indeed, participate in Senate activities in a very remarkable way, and I thank him and commend him for his efforts in every way.

Mr. BYRD. Mr. President, will the distinguished acting Republican leader yield?

Mr. SIMPSON. I yield the floor.

SCHEDULE

Mr. BYRD. Mr. President, the able acting Republican leader and I have discussed with our respective colleagues the following schedule for the rest of the night until 10 o'clock tomorrow morning. Senators on both sides will be discussing the substance of S. 2 and the committee substitute, pending committee amendment. All debate will be on substance only, and there will be no rollcall votes. There will be no quorum calls. The fact that there will be no rollcall votes carries with it the explicit element of the agreement that the Chair will not put the question. That could necessitate a rollcall vote. So there will be no rollcall votes, no quorum calls. There will be debate, speeches, limited to the substance only of the pending business before the Senate, no discussion of tactics, no discussion of yesterday, the day before, tomorrow, or the day after because that can come tomorrow, but until 10 o'clock tomorrow morning, we have a gentleman's agreement that all debate will be on the substance. This will allow those Senators who have not been asked to do floor duty, chair duty, presiding over the Senate, to go home and get some rest and be back at 10 tomorrow. There could be a rollcall vote beginning at 10 o'clock tomorrow morning. We expect rollcall votes throughout the day tomorrow, hopefully good continued discussion of the substance. I would say that I expect to go until, say, 5 or 6 o'clock tomorrow afternoon and the Senate would not be in then tomorrow night. The vote would occur on cloture on Friday morning, and I ask unanimous consent that the cloture vote occur at 10:30 a.m. on Friday.

The PRESIDING OFFICER (Mr. LAUTENBERG). Is there objection to the request?

Mr. SIMPSON. Mr. President, I believe the Senator from Arkansas rises.

Mr. PRYOR. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. And I will not object, I was listening to the distinguished majority leader. Did the majority leader give that time certain for a vote tomorrow morning, on Thursday morning, a first vote? Did the distinguished leader say there will be no vote before 10, or do we know when a vote might occur?

I am on night watch duty and I was just wondering about that.

Mr. BYRD. The Senator asked a pertinent question. I meant to say, if I did not, and probably did not say it—I will say it this way—there will be no rollcall votes prior to 10 o'clock tomorrow morning but beginning at 10 o'clock Senators are on notice that rollcall votes will in all likelihood occur. I would say at 10 o'clock there probably will be a vote of some kind.

Let me just assure that there will be because that gets everybody in. We have been operating on that kind of a basis in normal times. Of course, we are in abnormal times right at this moment. But at 10 o'clock we can expect a rollcall vote.

Mr. PRYOR. I thank the majority leader.

Mr. SIMPSON. Mr. President, reserving the right to object, and I shall not object, I would inquire of the majority leader that under the cloture petition that vote was to occur 1 hour after convening, which would have been 10 o'clock and now the request is to set that for 10:30; is that correct, I ask the majority leader?

I believe that that is what I had recalled. I had told my people that it would be 10 a.m. I am sure that this 10:30 time could be accommodated easily enough. I just inquire.

Mr. BYRD. My problem is I am confusing days of the week. I was thinking that Friday was the next day.

Mr. President, the rollcall vote will occur on tomorrow——

Mr. SIMPSON. Friday.

Mr. BYRD. I was right the first time.

Will the Senator repeat his question so I may get my thoughts in order?

Mr. PRYOR. Mr. President, I had just proposed the question to the distinguished majority leader as to what time we might expect the first vote. Those of us who on night watch tonight are interested in that, trying to maximize our sleep.

Mr. BYRD. Yes. Tomorrow morning, circa 10 o'clock, but not before 10 o'clock.

Mr. PRYOR. Right. And I think the other question, if I might interrupt, related to the vote on cloture.

Mr. BYRD. The vote on cloture will be Friday morning and I had said 10:30, but if the distinguished assistant Republican leader has made assurances, statements to his colleagues that it be at 10 o'clock, why, we will say 10 o'clock.

Mr. SIMPSON. Mr. President, I greatly appreciate that. I think it would be helpful. It is difficult to contact people. I had expressed that that would be a 10 o'clock vote, 1 hour after convening, on a motion for cloture. I also ask the majority leader, would we waive the automatic quorum call?

Mr. BYRD. We would have to waive the automatic quorum call.

I must point out that in waiving an automatic quorum call, it does not necessarily mean that a Senator cannot put in a quorum call, unless that is explicitly included in the agreement.

Why do we not have an understanding? I will ask consent that the vote occur at 10 o'clock on Friday morning on the motion to invoke cloture and that that be a 30-minute rollcall vote.

Mr. SIMPSON. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. BYRD. I thank all Senators. I especially thank the distinguished leader on the other side of the aisle, the acting leader. He is doing a good job.

Mr. SIMPSON. Mr. President, I thank the majority leader. It is a pleasure to do business with him. He has been sincere and candid. This is a very honorable approach, and it is done in the form of a gentleman's agreement. In the West, as we say, that is good enough for me.

One other thing; I know we discussed it: that on Friday, everyone should be aware that after the cloture vote, I believe you expressed what you intended to do, whether it is successful or whether it is not. Would that be something you would convey?

Mr. BYRD. Of course, if it is successful, all other business would be excluded until completion of action on the business which had been clotured.

If the cloture motion fails, then I would hope that we would proceed to other legislation and have votes and make progress thereon.

This would be in keeping with our schedule of 3 weeks in and 1 week out, with 5 days of activity, full activity, on each of the 3 weeks in, in all instances, except under extenuating circumstances.

Mr. SIMPSON. Mr. President, would that include then, the premise that if the cloture vote is unsuccessful, the bill would then be taken down?

Mr. BYRD. Yes; as I have indicated to the distinguished leader and to my colleagues, the bill will be taken down, because we will have made our case. We will have done our best to get votes on the bill and on amendments thereto. It not being within our power under the rules to force a vote on a bill or an amendment except by moving to table—and cloture is the last resort to gain such a vote—if cloture fails, I will put the bill back on the calendar.

Mr. SIMPSON. Then I would want our Members and all Members—and I believe this is correct, and I ask if this is part of this informal agreement, which is perfectly acceptable business, in my mind—that then we will go to another legislative item, some bill. We really do not know what that might be at this time. But everyone should be alert to the fact that there will be the regular Friday business and very likely a vote or two in the course of our business day on Friday, with whatever the majority leader may determine to lay down.

Mr. BYRD. Yes.

Mr. President, I think we all should live by the understanding we entered when I put forth the proposal that was well received on both sides, that we have 3 weeks in and 1 week out, and that during those weeks the Senate is in, everybody is expected to be here and to be prepared to vote—early and late, if necessary—Mondays through Fridays.

This Friday is no exception. There does happen an occasion once in a while. It happened the other day, when our friends on the other side had a retreat and we said we will not have any rollcall votes. Now the Democrats are having a retreat, or something going on, on Monday. I am not asking, nor am I saying, that there will not be any rollcall votes on Monday, but we may seek to not have too many on that occasion. But it is only when an occasion like that comes along that we try to accommodate each party here.

As to this Friday, there is no reason not to have a full day's work, and I would hope that we could call up one of the several bills, and there could be some Executive Calendar business.

I have mentioned the polygraph legislation as a possible bill. I have mentioned Price-Anderson legislation as a possibility.

I know that the distinguished assistant leader, as he has in the past, will do the best he can to assist me in getting some legislation or business before the Senate on Friday.

Mr. SIMPSON. Mr. President, in view of this remarkable court here, that makes that ever more attainable.

I assure you that we will be attentive to your need to schedule us properly. That is your right and your duty, and we will assist you in that.

This has been the singular sticking point of many weeks, and I have a genuine feeling that we can get to our agenda, whatever the majority leader feels.

We have discussed informally, between ourselves, what we have to do and what is priority, and I will leave that to the majority leader to share with the Members. I understand the import of it and the priority of it, and I assure you that I will pledge to assist in reaching that, and so will the others on this side of the aisle.

Mr. BYRD. Mr. President, I thank the distinguished Senator, and I thank all Senators who have worked with us in developing this understanding and this gentlemen's agreement for the rest of this evening and up until 10 o'clock tomorrow, when business will be as usual, on this very difficult bill. We will continue to try to make our case for it, hoping that somehow we can have a vote on the bill or on the pending amendment tomorrow, fully expecting that those in opposition will, unless there is some change of heart between now and then, probably try to avoid having such a vote.

I thank all Senators. I especially thank those who have spent their hours presiding in the Chair. I thank the Chair, the Senator who is presently in the Chair, Mr. LAUTENBERG.

I yield the floor.

Mr. SIMPSON. Mr. President, I thank the majority leader. Again, I feel privileged to have a unique relationship—or at least I feel it is such—with the majority leader. I think it is evident in the way we do our business.

We do like to get into spirited dialog; there is no question about that. We have very similar traits in that area—spirited, not exactly reticent to wade in.

He has shared this with me this evening, as he presented this basic scenario, and we were able to put that together, and we need not go into further formality. It will be done, and we will have people on the floor from midnight to 10 a.m., both sides of the issue, proponents and opponents, speaking on substance only.

We will not be referring to what has been or might be. Those things can all take place during the oridinary course of our activities from 10 a.m. until our adjournment at no later than 6 p.m. tomorrow.

The evening's activities will go on without tricks, snares, or delusions on either side; and as certain exigencies come up, they will be handled in the same gentlemanly manner that we have accomplished this agreement.

Well, now, if we were playing baseball, you would want to issue a walk until midnight. That is impossible.

Mr. McCONNELL. Mr. President, will the distinguished Senator from Wyoming yield?

Mr. SIMPSON. I yield to the distinguished Senator from Kentucky.

Mr. McCONNELL. It is my mission to drone on until midnight, and I am more than happy to do that. It is my understanding that someone from the other side will be here promptly at 12, and I will be glad to——

Mr. SIMPSON. Mr. President, I inquire of the Senator from Kentucky if he has rested.

Mr. McCONNELL. I think I am quite chipper once again and prepared to forward until midnight.

Mr. President, I ask unanimous consent that this not be considered a second speech. It is my understanding that I yielded for the purpose of work-

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ing out the agreement and stating that for the Record. So, to be certain, I ask unanimous consent that my resuming speaking until midnight not be considered a second speech.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. McCONNELL. I thank the distinguished Senator from Wyoming for the kind remarks about my work on this issue.

It has been a pleasure to be involved in it. We have had a number of outstanding performances on both sides of the aisle. It is too bad that we could not reach an accommodation on what I felt would have been meaningful campaign finance reform on a bipartisan basis, but it appears that that will not be achieved at this time. Maybe on another day.

Mr. SIMPSON. Mr. President, from what I have observed in watching the Senator from Kentucky and the Senator from Oklahoma, seeing in writing some of the proposals that have been made in this last day or two, that in itself is extraordinary progress, when we consider that we have had seven very serious locked-up situations.

I am not even going to comment on what movement was made or in what area. That would bring down clouds of activity from all areas.

It seemed to me that you had indeed finally put everything on the table and discussed it in ways which neither side said we will not under any circumstances even brush upon the issue. I am not saying it penetrated it, but certainly you brushed upon that. I think that was an admirable approach, and that was necessary because campaign reform is necessary, and it is critical that we do it. We must do it in a way in which we are totally up front.

We know so well the strength of the Republicans, and we know so well the strength of the Democrats. It is our duty, if we are really going to have campaign reform, to kind of dig a little into each one of the secret trenches they have.

So I think that augurs well for the future. Whatever happens with regard to the cloture vote on Friday, that at least things were placed there and there were requests and overtures of cooperation in support and assistance and trying, and that could not have happened in any way without the Senator from Kentucky and the Senator from Oklahoma [Mr. BOREN] doing their work.

Again, I commend you. You have broken the ground that has not been broken before.

I yield the floor to the Senator from Kentucky.

The **PRESIDING OFFICER.** The Senator from Kentucky.

Mr. McCONNELL. I thank the distinguished acting Republican leader. It is true. We are ever so close. We had agreed on pursuing every constitutional method. We agreed on soft money disclosure. We did not agree on limitations on soft money contributions. Frankly, that is something that we had hoped to see. We had agreed on a meaningful broadcast rate discount for campaign advertising, and there is no question that is what is driving the cost of campaigns more than anything else, the cost of television. We had agreement on that.

We had agreed on pursuing every avenue that we could pursue to make it tougher for regular party candidates to be blindsided by independent expenditures, and there were a variety of different approaches we thought were appropriate. We had agreed on a bundling provision.

In summary, Mr. President, we agreed on really quite a lot. We could have passed a landmark piece of campaign reform legislation, and, I hasten to add, there is one area where we had reached agreement on in principle, and that was that there ought to be some kind of limit on political action committees, or either a lowering of the amount of individual PAC contributions, some kind of aggregate limit on what PAC's could give on some kind of acceptable formula, but, in any event, some effort to inhibit the growth of PAC's and restrict, to some extent, the influence of PAC's.

All of that would have been a meaningful, significant landmark piece of campaign reform legislation.

But alas, the sticking point, which we were unable to overcome, was the issue of a limitation on participation in campaigns by those contributing limited and disclosed contributions.

It is upon that issue that the discussion broke down. That is a terribly important issue on this side of the aisle. There are two strong concerns. One is that it is not, in our judgment, desirable, as a matter of public policy, to put a limit on how many people can participate in the process. Provided the contributions are limited and disclosed, we ought to be encouraging candidates to go out and raise as much as they can because it comes from people who give, and we ought to be happy they are participating in the political process.

To the extent that the number of individual contributors have grown over the years, we ought to commend them, not condemn them. That is progress, progress that more and more people are participating in the process.

And so that is the fundamental difference between the two sides, and it is what keeps us from passing a meaningful campaign finance reform legislation this year.

This is an issue that this Senator has had an interest in for a long time. I was never a college professor on anything, other than on a part-time basis, but in the mid 1970's, I taught a course at the University of Louisville called "The American Political Parties in Elections." It was an interesting time to be teaching because that was about the time the law, about which we are having such lengthy discussions this year, was enacted.

I remember making a number of projections about how it was all going to play out over the years. Some of those projections were right and some were wrong. One projection that was obsolutely wrong I mention at the moment really apropos of nothing, but just to point out the irony.

I said confidently to those students in the mid 1970's that the advent of the business PAC, the business-oriented political action committee, was going to really be a boon to the Republicans.

I said, "You know, organized labor has been clear, it has been consistent, it has always been on one side. You knew where they stood, and you really had to commend them for taking a position and sticking to it." I said to my students in those days, "You know, the business people are kind of reluctant to get involved in politics. They have always thought it was sort of an unseemly business. Some have contributed, but most have not done anything one way or the other."

And I said to those students back in the mid 1970's, "I bet you, with the advent of the political action committee, that business is going to get involved in politics and is going to provide some counter to organized labor. And you can just write it down those business PAC's are going to be contributing to those Republican candidates."

Mr. President, that was not a very good prediction. Labor has continued to be, of course, 95 to 99 percent in the Democratic column, but we do find that business is mostly in the Democratic column, too. So the Senator from Kentucky's predictions about the behavior of business PAC's has not been borne out.

That, in and of itself, does not make them evil. The fact they choose not to support the Republican candidates, in my judgment, just shows they made bad decisions.

It is interesting how that worked out. To the extent the American people are interested in this issue in any big way, and I do not think they are, of any list of priorities I have seen in this country, this rarely appears and certainly nobody will list it on any kind of open-ended survey as an important issue confronting the country.

But to the extent that people do think about campaign finance reform, I think what they think of is the PAC, the political action committee, the appearance that is raised by PAC contributions of some undue influence.

Mr. SARBANES. Will the Senator yield for a moment? We would like to make a unanimous consent.

Mr. McCONNELL. Yes, I yield to the Senator without losing my right.

Mr. SARBANES. Without losing the Senator's right.

The **PRESIDING OFFICER.** The Senator from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent that no speech be considered as counted under the two-speech rule until 10 o'clock tomorrow morning. So the two-speech rule would not apply. We would not have to worry about interruptions or speaking again, and that would apply, of course, to speeches being made from either side of the aisle. I think it would help to expedite matters.

Mr. McCONNELL. Would that apply from this point forward, including the Senator from Kentucky?

Mr. SARBANES. Absolutely.

The **PRESIDING OFFICER.** Is there any objection to the request? The Chair hears none, and it is so ordered.

Mr. SARBANES. I thank the Senator for yielding.

Mr. McCONNELL. Mr. President, the nub of the issue, of the issue, of course, is how to look at the cash contribution. It has been interesting to listen to some of the speeches on the other side that equate money with evil in politics. It seems to me that in a capitalistic society like ours, money is not necessarily evil in politics. Provided it is limited and disclosed, it seems to me it is not evil at all.

Robert Samuelson, who is one of my favorite writers, in Newsweek last summer, when we were earlier waltzing around this issue, had a fascinating column which appeared, as I said, in Newsweek, July 13, 1937. The headline was, "The Campaign Reform Fraud." And the subheadline was, "Money Is a Necessary Evil in Politics. Spending Limits Would Create Greater Evils."

Samuelson goes on as follows:

> The Founding Fathers are growling in their graves. The Senate is now debating campaign-finance "reform": a respectable-sounding idea that's a fraud. Campaign reform would cure problems that don't exist with solutions that would restrict free speech, smother elections in bureaucratic rules and hurt candidates' chances of beating incumbents. It's an odd way to celebrate the Constitution's 200th birthday.
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> Blame that on Fred Wertheimer of Common Cause. His crusade for reform—campaign-spending restrictions and public financing—is built on half-truths. He says that campaign contributions of "special interests" have corrupted politics. They haven't. The Founding Fathers knew that special interests were inevitable. Their government of checks and balances requires compromise; competing groups check each other. The system isn't perfect, but it curbs the undue influence of campaign contributors.
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> Wertheimer is a genius at obscuring this. He harps on the huge rise in congressional campaign spending—up from $195 million in 1978 to $450 million in 1986—and its simplest implication: because congressmen need more money, they're more beholden to donors. The obvious answer is to limit dependence on the donors. The logic fits popular prejudices about special interests, and most editorialists and journalists accept Common Cause's claims uncritically. They shouldn't.
>
> For starters, money doesn't determine who wins elections. Winning candidates are often outspent. In last year's Senate election, says political scientist Michael Malbin, six of the seven Democrats who ousted incumbent Republicans were outspent by an average of about 75 percent. There are too many other influences to make money decisive: the economy, party loyalties, personalities, issues, national mood. The 1986 election results, Brooks Jackson of The Wall Street Journal wrote later, suggested "that much . . . money was spent with little practical effect."
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> Paradoxically, campaign reform could make it tougher for challengers to unseat incumbents. If money doesn't settle elections, serious challengers need adequate minimums to gain name recognition and project campaign themes. It's these threshold amounts that campaign reform threatens. The spending limits in the bill before the Senate are below what five of the winning Senate Democratic challengers spent. In North Carolina, Terry Sanford spent $4.17 million to beat former senator James T. Broyhill. The bill would have allowed Sanford $2.95 million.
>
> No one is smart enough to set "correct" spending limits based on population or anything else. States and congressional districts differ radically in political characteristics. California races require lots of media spending. That's less true in Chicago. Spending in hotly contested races is typically higher than average. Because Congress—that is, incumbents—would control spending limits, the bias would be against challengers.

I might just say parenthetically before finishing this article, we have done a little study which I referred to earlier tonight which would fit in right here. That is how S. 2 spending limits provide incumbent protection strategy.

In the 1986 Senate elections, every single incumbent who spent within the limits set by S. 2 won, without exception. Ten of ten incumbents spent within the limits.

Ninety percent of the challengers who spent within the limits set by S. 2 lost.

Ninety percent of the challengers who spent within the limits set by S. 2 lost, 18 out of 20 challengers who spent within the limits. Seventy-two percent of the challengers who won spent above the S. 2 limits. Five out of the seven winning challengers spent above the limits.

A challenger who spent above the S. 2 limit had a 63-percent chance of winning. Five out of eight challengers who spent above the limits won. A challenger who spent within S. 2's limits had a 10-percent chance of winning. Just 2 out of 20 challengers made it.

Back to Samuelson's article, he goes on:

> Likewise, Wertheimer's assertion that campaign contributions corrupt the legislative process is similarly weak. You hear lots of talk about the dangers of political-action committees (PAC's). What you don't hear is:
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> PAC's remain a minority of all contributions. In 1986 they were 21 percent for the Senate (up from 17 percent in 1984) and 34 percent for the House (level with 1984).
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> The diversity of the 4,157 PAC's dilutes their power. There are business PAC's, labor PAC's, pro-abortion PAC's, anti-abortion PAC's, importer PAC's and protectonist PAC's. Contributions are fairly evenly split between Democrats ($74.6 million in 1986) and Republicans ($57.5 million).
>
> PAC's give heavily to senior, powerful congressmen, who are politically secure and not easily intimidated. According to Common Cause, Democratic Rep. Augustus Hawkins of California is the most dependent on PAC contributions (92 percent). First elected in 1962, he won last year with 85 percent of the vote.
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> Of course special interests mob Congress. That's democracy. One person's special interest is another's crusade or livelihood. To be influential, people organize. As government's powers have grown, so has lobbying by affected groups; old people, farmers, doctors, teachers. The list runs on. But PAC's are only a minor influence on voting. Political scientist Frank Sorauf of the University of Minnesota reports that in 1984 the average PAC contribution to House incumbents was less than one-third of 1 percent of the average congressman's total receipts. Congressmen vote according to their political views, constituents' interests, party wishes and—yes—their consciences. Special interests were supposed to block tax reform. They didn't.
>
> Free speech: About half the rise in campaign spending since 1978 reflects inflation. Much of the rest stems from the emergence of younger politicians who use expensive campaign consultants, television and direct mail. In 1984 Democratic House Speaker Thomas P. O'Neill Jr. of Massachusetts spent $213,000 winning re-election. In 1986 Democrat Joseph P. Kennedy II spent $1.8 million to win the same seat. But the expense of modern communication makes it no less vital for free speech.
>
> That's why the Supreme Court held in 1976 that madatory campaign-spending limits on candidates violate the First Amendment. Public financing of election spending aims to make "voluntary" limits more acceptable. But even if voluntary limits on candidates were enacted, the problem of "independent spending" remains: if I want to buy TV time to support Joe Blow, the Supreme Court says that that's my right. Candidate spending limits would prompt special interests to raise independent spending. The Senate bill tries to deter this by subsidizing responses: my $10,000 praising Joe Blow would entitle his opponent to $10,000 of public money to answer me.
>
> Suppose this were judged constitutional (unlikely), what's the point? In our diverse society, one role of politics is to allow the venting of different opinons and pent-up frustrations. Groups need to feel they can express themselves and participate without colliding with obtuse rules intended to shut them out. Our politics is open and free-wheeling. Its occasional excesses are preferable to arbitrary restraints. Wertheimer's

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brand of reform is misconceived. The Senate would dignify the Founding Fathers by refecting it.

· Robert Samuelson is right on the mark, Mr. President. Not only are spending limits offensive on their face by limiting the number of people who can participate in the process; they will not ever work. They have not worked in the Presidential system. There is not any scheme that the mind of man can devise that will successfully limit spending on political campaigns. So why try? It is not good public policy and it will not work.

Why not accept the notion that there is nothing inherently evil about a limited and fully disclosed campaign contribution? There is nothing inherently evil about a limited and fully disclosed campaign contribution. Candidates ought to be encouraged to get as many contributions as they can. The only reason these campaigns have been able to spend this kind of money is because they have been able to raise this kind of money, leaving aside the millionaire problem which everybody on both sides of the aisle would like to solve.

The astounding thing is how much money has been raised and how many people are participating, and it has grown dramatically. It has grown dramatically.

But we would like to cut the cost of campaigns and we can do it by treating the real problem in the growth of campaign spending. The cost of television, limitations of PAC's. I am not overly fond of them. Regardless of what Samuelson said, it seems to me there are some things we can do about PAC contributions.

The cost of television is really outrageous. The stations have ripped us off by raising their lowest unit rate chargeable to all customers during that period and then lowering it as soon as the campaign season is over.

All of those kinds of measures were part of the bill that the group of eight was close on. But we broke down. We broke down because we had a fundamental difference of opinion over whether it was appropriate—appropriate—to limit the number of people who can participate in the political process by making a cash contribution.

Beyond the public policy there is the practical problem with it. The base of my party across America, Mr. President, is the fellow on Main Street and the lady on Main Street who has a small business, who struggled to start it, who struggles with the myriad of different problems to keep it going, and who, as a result of that effort, is able to employ people, who create wealth and who pay taxes to keep this system going.

It has been the success of my party in attracting the support through an average cash contribution of about 300 bucks. It has been the success of my party in attracting those kinds of contributors and supporters that has allowed us over the last 10 or 12 years to go from a party which appeared to be a perpetual minority in the low twenties to a party which has risen in terms of public acceptance to the low thirties, the Democrats being in the low thirties and the independents being in the low thirties. In other words, a position of relative parity in America.

We did not do it in any immoral or unholy way. We did it by going out and getting a whole lot of support.

Our support tends not to come from the organizations. This fellow or lady out on Main Street that I am talking about typically does not belong to anything. They may belong to the Kiwanis Club, but they do not belong to an organization that has a particular interest to promote before a legislative body. Essentially they like to be left alone. They think we have enough government and they participate in the process in the hopes that we will leave them alone and let them function, let them hire those folks that create that wealth and pay those taxes. That has been the base of our party.

So we will not accept—not now, not later, not ever—a limitation on how many of those people can participate in the process. It is not only bad public policy; it does not work. And, if it did work, it would be a disaster for the two-party system in this country.

So that is where we broke down. Hopefully, we can visit this issue on another day. The Senator from Oklahoma and I talked earlier this afternoon about continuing our discussions after this matter has passed from the scene, as it probably will Friday, in the hopes that we can come up with the kind of bipartisan campaign finance reform bill that we were so close to coming up with which could pass this body 90 to 10, or maybe 95 to 5, that would not tilt the playing field in anyone's direction, and be a landmark, meaningful piece of legislation.

But that is for another day. It will not be passed this week. It is really too bad, because the current system has some flaws. This Senator has talked about it off and on for 10 months now. We can do better. We can fine tune the system. But we do not want to ruin it by putting an arbitrary limitation, which will never in any event be followed, on how many people can participate in the process.

So, Mr. President, that really concludes my observations for the evening. I was in the hopes that we would have a speaker on the other side of the aisle about this time. I wonder if the Senator from Maryland can enlighten me on that.

Mr. **SARBANES**. Will the Senator yield for a question?

Mr. **McCONNELL**. Yes.

Mr. **SARBANES**. It is not clear to me why the Senator asserts the position that if we arrive at reasonable limits on a campaign that that could not be enforced, could not be followed, could not be complied with.

Mr. **McCONNELL**. The only thing I can say to the Senator is that the only experience we have with this is the Presidential approach, which we have operated in three Presidential elections and the one we are in the middle of. Every major candidate has cheated; $1 out of $4 has gone to lawyers and accountants.

Mr. **SARBANES**. In the general election?

Mr. **McCONNELL**. In the general election as well. As a matter of fact, on the general elections, you may be interested in some figures I have. In the 1984 general election, special interests spent $25 million to oppose President Reagan. That was 62 percent of the President's $42 million spending limit. Nearly half of the money spent in the 1984 general election, $72 million, was outside the candidates' direct control. At least one-fourth of all money spent in Presidential races is unreported, unlimited, and unaccounted for. Soft money spending is roughly tripling in each election cycle and the races resemble the uncontrolled politics of the prereform era.

I am not going to go over it again, but just in summary, I cited several passages done about a year ago in the Federal Bar Journal by three employees of the Mondale campaign who had previously been at the FEC. And I will be glad to give the Senator a copy if he is interested. But just to make the point that they made, these were three people who worked at the FEC for a number of years, then went over to the Mondale campaign and were writing the article in the Federal Bar Journal in February 1987, about 3 years after the campaign was over. And I do not want to overstate this, but I think it is clear that they think the Presidential system is a disaster.

I will be happy to give the Senator a copy of it. I am not going to read all this into the RECORD again, but these are people who worked with it. They worked with it both from the FEC perspective when they were on the staff there, then worked with it with a Presidential candidate.

Their article can speak for itself, but I think the conclusion is that spending limits are not working and will not work.

My own view, I say to my friend, is that if we extend a system similar to the Presidential race to 535 additional races, the FEC is going to be about as big as the Veterans' Administration.

Mr. **SARBANES**. Well, I simply say to the Senator—I know he is going to leave the floor and I see my colleague is arriving—the notion that these expenditures can continue to go where the sky is the limit places, it seems to me, an enormous strain on the political system. And I know it is the Senator's assertion that if you have an overall limit you are in effect then limiting the number of people who can participate by making a contribution.

But what is happening with this system is with the limited expenditure possible candidates end up spending most of their time raising money.

Mr. **McCONNELL**. The reason for that, I say to my friend, is not the limit. I have not advocated raising the $1,000 limit even though we have had it in the same place since the mid 1970's. But the reason is because the amount you can receive has not kept up with inflation. That is the reason. The other reason we are having to spend as much money as we are is that the television stations are absolutely sticking it to us in the last 60 days of an election cycle. That is one of the things, by the way, that the group of eight agreed to, that we should require a truly meaningful broadcast rate discount by attaching that maybe to the previous year, saying that they have to sell us the time at the lowest unit rate available for the previous year.

But even on the point of spending in general, the rate of increase is beginning to drop off. We had some dramatic increases in the seventies but it is beginning to drop off. As to the predictions that we were going to end up having $25 million Senate races in October, there is no evidence that that is going to happen and if we do something about the cost of television and if we concluded that we would raise maybe just a little bit what individuals can contribute, it would not be nearly so time consuming.

Mr. **SARBANES**. Does the Senator concede that expenditures can be at such levels that he would regard them as a problem?

Mr. **McCONNELL**. I just cannot see any evidence that that is happening. Compared to what our society is spending on almost everything else, we are spending a pittance on politics.

The Kennedy School at Harvard did several different studies on this issue and it is their conclusion that we are really not spending that much at all. The important thing to remember is that it is coming from people who are participating in the process. That is not bad; that is good, and I think an important part of participating in politics in the modern era.

Mr. **SARBANES**. Would the Senator carry that reasoning further and say that the more you spend, the better?

Mr. **McCONNELL**. Provided it comes from individual donors whose contributions are both limited and disclosed.

Mr. **SARBANES**. What does the Senator mean by limited?

Mr. **McCONNELL**. Well, they are limited now, $1,000 per person and fully disclosed.

Mr. **SARBANES**. As I understand what the Senator just said, he thought that figure should be larger.

Mr. **McCONNELL**. I have not advocated it, but if we are concerned about time, the time involved—several people have said they are spending a lot of time raising money—you cut down on the time if you raise the limit. But the public policy tradeoff, of course, is that you end up getting larger amounts from individuals. I have not advocated that because, frankly, I do not find the press of raising money very offensive. It does not take much of my time and it is going to be particularly easy, I think, now with the 3 week in and 1 week out schedule that the leader has given us. I think surely no one will ever again say to the leader, "Please protect me; I have a fundraiser." We have a week. We know in advance for the whole year when we can do other things other than Senate business, and so I do not think we are going to hear that argument any more. And if we do hear it, the leader should not listen to it because he has taken care of that problem.

Mr. **LEVIN** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Michigan.

Mr. **LEVIN**. Mr. President, before I begin, although our friend from Kentucky has left the floor, let me say anyway that I have been one of those Members of the Senate who has been working with him and a number of other of our colleagues to try to come up with some substantive resolution of this dispute. We have been unable to do so, but that in no way detracts from the real pleasure that we received from working with our friend from Kentucky, even though it has not worked. The key is the spending limit dispute. We just cannot resolve that one. To us it is at the core of this bill. But again, even though we were not able to reach a compromise on this bill, it was nonetheless a pleasure to work with this group of eight of our colleagues, and in particular I commend the Senator from Kentucky for his efforts at least in seeking a solution despite the fact that it failed.

Mr. President, the corrosive and commanding influence of money in politics has eroded the public's confidence in government. And that is the basic problem we face. We can run from the fact but we cannot hide from it for very long. There is no true objective standard perhaps to prove it, but that fact is a real one in the public mind. The public perception of government in this democracy is critical to our survival. And so I want to repeat: The commanding role and influence of money in politics has eroded the public's confidence in government. It is a terrible indictment of the present system. It is a command to us to change it, or at least to try to change it. And when I hear our friend from Kentucky say that no scheme in the mind of man can be devised to successfully limit campaign spending, I have a different answer to that point later, but my point at the moment is we at least can try—I think we can succeed—in devising limits on the corrosive, intrusive and at times obscene influence of money in the body politics of this country.

Now, we all know in our hearts and our minds just how much time we have to spend to raise money. And each one of us has to decide whether or not that is the way a Member of the Senate should spend such a large amount of his or her time. Each one of us knows the answer to that question. Perhaps we answer it differently. But at least all of us know the answer in our heart.

I am not the one who is saying that the influence of money in politics has eroded public confidence and that it is too commanding and corrosive. It is the public that is saying that.

The American people were asked the following question in a Harris poll late last year: "Do you feel the excessive campaign spending in national elections is a very serious problem, only somewhat serious, or not a serious problem at all?" They were given three options in this question, and 62 percent of the American people said it is very serious, 29 percent said somewhat serious. So 91 percent of the American people said that it was either very serious or somewhat serious. And when that large a percentage of our public has reached the conclusion that excessive spending is a problem in national campaigns, we have a problem. We have a problem of public confidence.

As people who represent the American public, we have an obligation to try to do something about it. Are we sure we will succeed? No.

Are we obligated to try? You bet. Because when there is a public perception that this body and the body down the hall is dominated by money, we better address it, and we better address it fast if we are going to be worth our salt.

Some of the editorials that we read reflect the feeling of the American people.

The Washington Post on July 1, 1987, noted the following:

> The average Senate election now costs $3 million. To amass that much, a Senator must raise $10,000 a week, 52 weeks a year, every year of his term. Let him miss a week for some reason—could it be the press of legislative business?

The editorial asks ironically—

> Then he must raise twice that much the next week, three times as much the week after that. If he represents a large State or

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fears a strong opponent or wants to scare such an opponent off, he must also raise more than average. And they do.

The editorial continues:

> The system has become obscene. Its defenders argue that the money now in politics is a sign of vigor, a healthy form of participation. Yes, up to a point. But that healthy point is passed. The ceaseless quest for money absorbs the entire Congress not only in election years. The National Journal recently compiled the amounts that Senators not due to run until 1988 or 1990 had raised by 1985 and 1986. By the end of last year—

In other words, by the end of 1986—

> four of the Senators likely to run in 1990 had already raised more than $1 million, one was only $15,000 away, two more had raised more than $700,000. What notion of good government is served by that?

Asks the editorial. It goes on to say:

> The Democrats seek to restore a sense of proportion to this process. They would impose spending limits. The Supreme Court has said that to satisfy the First Amendment, spending limits must be voluntary. As a practical matter, that means they must be in return for Federal funds. Republicans object to public financing of congressional campaigns. The Democrats therefore moved successively to minimize the role of public funds. Their latest proposal is that a candidate could get such financing only if he agreed to abide by the spending limits for his State and his opponent did not. The public money would only be an insurance policy. It was easy for Republicans to block the Democratic bill when it contained a large measure of public finance. They could stand on principle.
>
> Now the issue is more clearly delimited. Hard liners still resist the bill on the grounds that Republicans, who are better fundraisers, would be condemning themselves to permanent minority status. But money is not what will deliver the Senate to Republicans, nor in the long haul can it be healthy for the Republicans to link themselves to this iron lung.

Let me quote from another editorial in the Post on July 29, 1987:

> The excess of the present system of Congressional finance will in the long run stain those who support it . . . At some point in a process such as this, a candidate is no longer running for office so much as trying to buy it. The amounts are not just obscene; they are insane.

The February 1987 edition of Conservative Digest reported the following:

> When our current "class of Senate freshmen runs for reelection in 1992, the average Senate campaign will cost $9 million."

This means that during the 6 years these individuals are in the U.S. Senate, for their next election they are going to have to raise $125,000 every month, $28,846 every week, $4,109 every day—Saturdays and Sundays included—$171 every hour of every day, 24 hours a day, 7 days a week, for 6 straight years.

Mr. President, that is not why we are in the U.S. Senate, to be raising $125,000 on the average, each month for our reelection 6 years hence.

We have heard S. 2's proposed public financing for congressional campaigns labeled a raid on the Treasury. Listen to what some Senators said about public financing of Presidential campaigns, which is now an accepted part of our election process, when that proposal for public financing of Presidential campaigns came before this body 17 years ago.

Senator Bennett of Utah doubted "whether the Federal Treasury and the U.S. taxpayers should be called upon to bail out the Democratic Party from its present financial crisis."

Mind you, this is 17 years ago, talking about Presidential campaign financing, which is now an accepted part of our Presidential elections.

Former Senator Tower said: "This so-called reform effort is nothing more than an attempt by a group in Congress to grab taxpayers' money for their own end."

Our own distinguished Republican leader, our good friend, Senator **Bob Dole**, said that "the public financing plan was a blatant partisan attempt to fund the Democratic opposition to President Nixon" and "to ensure the success of this effort to fund Gov. George Wallace's third party, and thereby take away from the President as many votes as possible."

That was all said in 1971—again, about the Presidential election reform that we adopted and which now has a broad consensus. Times change; innovations and reforms once thought radical become integral parts of the system. I believe that within a few years, the current system of congressional election financing will be nothing but a bad memory, and some kind of limitation on campaign expenditures will be seen as American as apple pie and the Presidential campaign checkoff. We do not have any alternative but to reform the current system.

Senator **Boren**, whom I commend for his fine work in drafting this legislation and for his effective defense of its provisions, has pointed out that the average cost of a successful Senate campaign was $600,000 in 1974 and $3 million in 1986. It went up 500 percent in just 12 years, and he predicts that without spending limitations, that $3 million will be $15 million 12 years from now for the average-sized State.

In California, just a few years ago, Senator **Cranston** was forced to raise $10 million and his opponent spent almost $12 million. Using Senator **Boren**'s projections, a successful candidate for the Senate from California in 1998 will be spending over $50 million. To put it simply, Mr. President, I do not think we can allow this to happen. Long before it does, we must do something about it, and we should do it now.

Some opponents of S. 2 refer to it as a giveaway of taxpayers' money. One of our colleagues said some months ago that he did not think the American taxpayer is interested in putting up $95 million or $100 million to finance campaigns of Senators. Under the provisions of S. 2, we no longer have that form of public financing. Public financing is only a standby provision in S. 2. It is only triggered if the opponent does not accept spending limits. It only comes into play to keep the playing field level.

When polls are taken showing that Americans oppose public financing, those polls, so far as I know, have not asked the question which is relevant to this bill, which is whether or not Americans would support standby public financing in the case one's opponent goes above the limits which are set by law in order to equalize the battle.

Americans have an inherent sense of fairness, and I believe they will support, if they are asked the accurate question in a public opinion poll, a question which is put this way: If limits are set on campaign expenditures and if one side goes above those limits, would you then support the use of a voluntary checkoff in order to equalize the battle?" I believe the answer to that question would be a resounding "Yes."

As I have indicated, public financing of Presidential elections is now an accepted part of the American political scene. In a 1986 study—and here I am quoting an editorial of the Grosse Pointe News, Grosse Pointe, MI, in May 1987—in a 1986 study of the Presidential election system, the Commission on National Elections, headed by a former Secretary of Defense and ex-Republican Congressman, Melvin Laird, and a former chairman of the Democratic National Committee, Robert Straus, came to this conclusion:

> Public financing of Presidential elections has clearly proved its worth in opening up the process, reducing undue influence of individuals and groups, and virtually ending corruption in Presidential election financing.

Surely, if it has accomplished that in Presidential elections, we can give it a standby function in congressional elections, to be triggered when, and only when, one side in the battle goes above the limits which are set by law. That form of financing Presidential campaigns is proven. Thirty-four of the thirty-five candidates for the Presidency since the law went into effect have participated in the public financing system.

In the 1988 elections, all of the major candidates have accepted spending limits and public financing. President Reagan accepted public financing in his 1976, 1980, and 1984 Presidential campaigns.

In a moment, I will comment on the question of whether or not spending

limits favor incumbents; but at this point let me simply say, relative to the public financing and spending limits in Presidential elections, that the system has not proven to be an incumbent's protection plan at all.

In two of the three Presidential elections under public financing and spending limits, incumbents have been defeated by their challengers. In 1976, both sides accepted limits and public financing, and the challenger defeated a Republican incument. In 1980, both sides accepted limits and public financing, and the challenger defeated a Democratic incumbent. In 1984, the Republican incumbent won, and again both sides accepted limits and public financing. In two of three cases where public financing has been used in Presidential elections, the challenger has defeated the incumbent. Hardly an incumbent's protection measure.

There is an additional point on this question of public financing. I agree that many Americans do not particularly want to spend hundreds of millions of dollars on congressional elections. As I point out, we do not know whether any money would be spent, because it is only a standby proposal in order to level the playing field, in case one side goes above the statutory limits.

In any event, there is a possibility that some public funds could be used to finance one or more campaigns. I am not arguing that anybody is thrilled about that, but I have to say that I do not think most Americans are very happy with a system where hundreds of millions of anybody's dollars are spent on Senate elections.

Does anyone really believe that many Californians find it appropriate to spend $21 million of private money in a Senate election, or that $100 million will be appropriate for the same election 1998?

In a few years, we could be spending several billion dollars to elect a Congress. How is the public interest served by that, even if there is no public funding at all in those billions?

I quoted a poll before, and I just want to quote one other question from that poll at this point. This question addressed the question of whether or not one candidate who is adept at raising money should thereby have an advantage over another candidate in the eyes of the public. This goes to the question of the innate fairness of the American people and their determination that there ought to be a level playing field in the area of campaign finance. This is a basic assumption and belief that is embedded in S. 2, in the standby public financing, which would only be triggered in the event one side went above the limits.

Here is the question that was asked of the American public in this poll. The sample was asked whether they agreed or disagreed with the following statement:

"Campaign spending is now an area of legitimate competition, and if one candidate is better at raising money than another, that candidate deserves an advantage." Only 27 percent of the public agreed with that statement. Seventy percent disagreed with it. So the American people want competition all right in politics, like in everything else, but they want competition to be fair in politics like in everything else; just like in trade, by the way, assuming that we are going to be addressing it at great length, hopefully, this year to try to insist on some fairness in trade. Sure we want competition between us and foreign competitors, but we want fairness in that competition, too.

And in the area of campaign spending, Americans want competition, but they want it to be fair; 70 percent disagreed with the statement that if one candidate is better at raising money than another, that that candidate deserves an advantage.

I think we underestimate the American people by some of the arguments that have been heard in opposition to this bill.

I have talked about whether this bill is an incumbent proctection act. It has been argued that it is. As a matter of fact, I believe that the status quo is the incumbent protection system. It is the current system that protects incumbents, not this bill. In 100 campaigns over the last 6 years, the 100 campaigns that brought us here, the incumbent was outspent by a challenger only seven times, and in only two of the seven did the challenger win.

Perhaps the most significant cause of this disparity in favor of incumbents is the way political action committees chose to allocate their funds. in 1986, PAC's contributed $132 million to congressional campaigns, up from $12 million, by the way, in 1974. Eighty percent of PAC contributions in 1986 went to incumbents. Why? Because obviously an incumbent is usually a safer bet than a challenger. Besides, I guess, if the challenger can win, the PAC can always write him or her a check after the election.

Not only is this present system unfair to challengers, it is also unfair to the electorate. In the 1986 elections, there were a number of Senate incumbents who had easy reelection campaigns because strong would-be opponents were scared away by PAC money that the incumbent had accumulated over the previous 6 years.

It is no secret that both of our parties had to scamper around looking for candidates in a couple of instances where no one wanted to challenge a well-financed incumbent. It is not good for the Senate, and it is not good for the American people.

So it is not this bill which is an incumbent protection act. It is the status quo which protects incumbents.

Let us take a look at how the limits in this bill would have affected elections over the last four election cycles. Incumbents: 45 incumbents went over the limits of this bill in the last four cycles; 45 incumbents. Challengers, 19.

We will start with that figure, and we will take it one step further. But just looking at that figure alone, 45 incumbents went over these limits in the last four cycles.

By the way, those 45 spent over $64 million over S. 2's proposed limits.

Sixty-seven incumbents stayed under these limits, assuming these limits had been in effect. Challengers, only 19 went over these limits. Ninety-one challengers spent less than these limits.

So just looking at that figure alone, you have got over twice as many incumbents going over these limits as you do challengers; again assuming that these limits have been in place in the last four cycles.

But then you look at the 19 races where challengers went over these limits, and, in 18 of those 19 races, the incumbents went over the limits, too. So we have only one case in the last four election cycles, only one case that I know of, where a challenger exceeded the limit that this bill would have set but the incumbent did not also go over the limit. In only one case.

And if you look at the total amount of money, the total amount of money in those 19 races that these challengers went over these limits and compared to the total overage that the incumbents went over these limits, you find another part of the story.

Incumbents exceeded the limits in those 19 races where the challengers exceeded the limits by $41 million. Challengers went over by $27 million.

So where is the incumbent protection act in this bill? It is the status quo which protects incumbents.

Mr. President, I want to spend the remaining time that is available to me, under our gentleperson's agreement, by talking about PAC's and the provisions in this bill relative to PAC's.

The plain truth is, as many of our colleagues know, that a good many Americans believe that most politicians are corrupt. The headlines link that corruption to our continual search for campaign funds. "PAC's Hold Mortgage on Congress." Now, that headline did not come from the National Enquirer. That headline came from the Christian Science Monitor. If we do not worry about headlines like that, and there are many, then we are not carrying out the responsibility that has been entrusted to us.

Many papers are more restrained than that headline. They do not draw

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the explicit link between contributions and votes. They just simply allow, or perhaps encourage, their readers to draw those conclusions.

So we see the Wall Street Journal tell readers, "Insurance Industry Boosts Political Contributions as Congress Takes Up Cherished Tax Preferences." And the Washington Post reports that "PAC's Donated $16 Million to Tax Bill Writers." Those are the news stories.

When you want to see a point of view more explicitly expressed, just take a look at some of the editorials: "Congress Still for Sale," suggests the Albuquerque Journal. "Limit PAC Receipts Now or Put Democracy at Risk," warns the Globe Times in Bethlehem, PA. "PAC's Buy Too Much Influence in Congress," claims the State, a newspaper in Columbia, SC. And how about this simple and direct evaluation of PAC power from the Greensboro News and Record in North Carolina, and this was really pungent: "Buying Congress."

No matter what we do and no matter how we behave, the truth of the matter is that the appearance, and it is an appearance issue when we are talking about PAC's, the appearance is less than pristine, and we ought to worry about those appearances. By the way, it is not just the media which creates these appearances. We do it as well, sometimes unwittingly in some of the rhetoric that we use.

This is some of the language from a "Dear Colleague" letter which was circulated a couple years back when we were still debating the question of PAC limits, and here is what the writers of that "Dear Colleague" letter said about the threat of putting some limits on PAC contributions in an amount which was being considered:

> The amendement's limits will confer a disproportionate advantage * * *

That is the word that was used by our colleagues:

> * * * upon the largest, best financed interest groups by permitting those with larger amounts of ready cash to move quickly and contribute where they choose before limits are exhausted.

So people who are then opposing the PAC limits in the Boren amendments, people who are opposing those limits were acknowledging the advantage which these contributions confer.

Now, what is that advantage we are giving to those who contribute more and early which we are denying to those who contribute late and less? Even those of us who know better begin to adopt the language of influence peddling.

To some degree, we actually have a vested interest in suggesting that contributions can affect behavior, because that suggestion is what gets many PAC's to make their contributions.

I am not suggesting that there is a link between our behavior and PAC contributions. I am not suggesting that because I do not believe it. Not all Americans are skilled in detecting the existence of the post hoc, ergo propter hoc fallacy. They see one thing happen, then they see something happen after that, and they believe there must be a causal link between the two. We know the logic is fallacious. But we also know that a lot of people believe that if they walk under a ladder or break a mirror, they will have bad luck, and the fact is that PAC's, like individuals, tend to support people whose views they identify with. In other words, PAC's do not buy votes, they support candidates whose voting records they like or whose philosophies they share. But too many people believe that unlimited special interest contributions buy the vote and support of politicians.

We must, in our national interest, end that kind of a corrosive belief. The continued belief that Congress is up for auction destroys the public's faith in government, and that ultimately can destroy our form of government.

S. 2, does not prohibit PAC contributions, but it puts some limits on them. It establishes aggregate limits on the total amount of contributions which candidates can accept from PAC's during any election cycle. For Senate candidates, the limits would vary based on the size of the State, ranging from $190,950 in smaller States to $823,000 in larger States.

For House candidates, the limit would be $100,000.

The critical point is this: Had these limits been in effect in the 1986 election, PAC contributions to Senate candidates would have been cut by two-thirds, from $45 to $16 million.

Well, maybe it is a modest step to put some limit, just some reasonable limit, on PAC contributions to campaigns, but it is a step that should be taken. And I believe one step in this matter will move us toward renewed public confidence in the political process.

The problem that has been caused by the growth of PAC's in these elections again, Mr. President, is principally a problem of numbers as the number of PAC's has tripled and tripled again over the last 10 years from 600 to around 4,000. As PAC contributions to Senators and Representatives increased to over $130 million more and more often we have been portrayed as being for sale. Virtually all PAC's represent groups of organizations concerned only about a single issue or a narrow set of related issues. To the general public it just simply looks too often as though issues are being decided not by the merits, not by the merits of the arguments presented by different sides, but by the weight of the dollars spilling into congressional campaign coffers.

There may be no real difference between 10 lawyers each giving a Senate candidate $1,000 at a lawyer' reception, and a lawyer's PAC giving that candidate $10,000. But there sure does appear to be a difference to the public for at least two reasons:

First, individual donors are far more likely to consider a candidate's entire record and personal integrity in deciding who their dollars will support, while PAC's generally consider only how they voted or how they would vote and support the PAC's narrow self interest.

Second, PAC contributions can be and are linked by numerous commentators and observers to votes on issues in which the PAC is interested. The public reads of those linkages and is disgusted, and understandably so. Is the linkage fair? Maybe not, but it corrodes democratic institutions.

Do PAC contributions buy votes any more than individual contributions? No. Are they made more easily to appear that way? They sure are. We just simply cannot ignore those newspaper, magazine, and TV reports which detail the PAC receipts of Members of Congress who act on legislation that those very PAC's are most concerned with.

Every time one of those articles appears—"PAC's Hold Mortgage on Congress," "PAC's Donated $16 million to Tax Bill Writ" "One-third of House Members Relied Mainly on Interest Group Donations," "Congressional Candidates Were Given $104 Million by Special Interests"—every time one of those articles appears, the integrity of the Congress slips another notch, for much of the public believes that elected officials, politicians, are often less than reputable characters. New evidence is provided thereby for that proposition.

The fact is that in the election before last, 163 Members of Congress received over half of their campaign contributions from PAC's. I think that elevates the problem's appearance to a whole new order of magnitude. More and more it is made to appear that special interests are taking over and that this Congress is for sale.

We are not. Those of us who work here, who struggle here, who labor here, know we are not. We have an obligation to prove we are not and we have to eliminate any appearance that we are. We have to care about appearances. We deal in appearances every day, and appearances become real. It is our obligation to deal with them.

We cannot simply say, "Well, that is an appearance problem." It is an appearance problem which corrodes the foundation of this institution and we have to do something about it.

We have to do something about the time we spend, by the way, in raising all this money. It is not just that these

linkages can be drawn between the single-interest PAC's and how we vote, linkages which I believe are unfair but linkages which are drawn, nonetheless.

We spend just too darn much time in raising money and we have to end that. We have to reduce the amount of time. We cannot end it. We know that. We are realists. But we have to reduce the amount of time that we spend in raising money.

(Mr. SANFORD assumed the chair.)

Mr. LEVIN. Again, the average cost of winning Senate campaigns increased in 8 years from $600,000 to about $3 million. That is almost a 400-percent increase in just 6 years.

In my own case, I spent less than $1 million in 1978 but spent more than $3.5 million in 1984.

One other provision of this bill that is an important one and related to PAC's is the provision which would prohibit the practice of bundling, whereby PAC's serve as conduits for individual contributions which they solicit and collect and then present to a candidate without having those contributions counted against the PAC's own contribution limits.

Mr. President, without some kind of limits, without some reasonable kind of overall PAC limits, public cynicism is going to grow and Congress' reputation and credibility are going to decline. We must address appearances when they shape public attitudes, particularly when those attitudes provide the basis for public support. That support is critical if democratic institutions are going to prevail.

We ultimately depend on public confidence. And that public confidence is shaken. The poll figures that I have read indicate that over 90 percent of the American people think that excessive spending on Federal election campaigns is either very serious or serious as a problem.

When the appearances have gotten to that point, when the problem is that severe, we have an obligation, I believe, to address it, and address it we must.

One of my State papers in April 1985 put it this way:

> It is very seldom one could say that any Member of Congress voted a certain way on controversial legislation because it was in the interest of a friendly PAC contributor. But the appearance of that kind of influence buying in Congress is clearly there and is growing in terms of dollars donated in each new election campaign.

The editorial closes with this question: "Does anybody care?"

That was almost 3 years ago now. We still have not answered the editorial "yes." I hope this week we will answer yes. If we do not, the problem will not go away. Public confidence will continue to decline in this institution, in this Congress, because the public perceives us as too often being for sale. That should hurt us. It should move us. It should make us mad. It should infuriate us. It should energize us. It should motivate us. Not just to try to persuade the public, "Wait a minute. There is no difference between a lawyer's PAC giving us $10,000 and 10 individual lawyers giving us $1,000."

There is a difference. Indeed, there are two differences which I see, and that is that the PAC has a single, focused interest, whereas 10 individuals have many interests. They look at our character, they look at our integrity, they look at our position on a varying range of issues individually, whereas most PAC's look for one thing: What is our position on a particular area of interest to them?

Is it legitimate? Of course it is legitimate. Does it create a problem? It does create a problem. And we must address it.

I hope we carry out our obligation to address it. This bill is not a cure-all. I might have written parts of it a number of different ways. That is not the point. It is an honest effort to try to put some lid on campaign spending; to bring those of us who are out raising money too often, with too much of our time, back into these halls and to these committee rooms, because this is where we belong, all of us, just about, except for those who do not spend any money on campaigns. All the rest of us just spend too much time raising money for campaigns. That is not what we are here for.

Again, this bill is not the cure. The cure is a lot deeper than this. But it is an important beginning. It will at least tell the public and reassure the public we are trying to do something about a problem which all of us recognize, by the way. I think many people, perhaps most people who even oppose this bill, recognize that we have a serious problem of public confidence in this institution.

We know that those public opinion polls showing that huge percentage of people thinking that money has too big an influence on national elections is reflected in our own States. It is in mine. This bill will do something about it. I hope we do something about it.

Mr. President, I note the absence of a quorum.

Mr. President, I withhold that request.

Mr. EVANS addressed the Chair.

The PRESIDING OFFICER. The Senator from the State of Washington.

Mr. EVANS. Thank you, Mr. President.

Gratitude to the President and the other distinguished Senator in the Chamber, the Senator from Michigan.

Why are we here? I really wonder sometimes why at 1 o'clock in the morning with virtually no one around we are attempting to carry out the great function of unlimited debate in the Senate. As I came over here from my office, I was really struck by the fact that we have elevator operators, people running the subway, security officers, a number of them, staff who are sitting here inside the Chamber, and the staff outside the Chamber, young pages who are awaiting our needs, and now dedicated and cheerful each one of them was as I greeted them.

As I stand here now, I am reminded of only one quote, and that is of Abraham Lincoln in his famous speech at Gettysburg when he said "The world will little note, nor long remember, what we say here." And all I can say is Amen for what is now going on, and I suspect they will little note what we do here as well.

Let me for some period of time at least talk about my own perspective and history and views of campaign finance and perhaps some of campaign finance excesses.

Perhaps in the later part of the time I have been given I might even revert back to a little history of previous times in the Senate because they might be instructive to all of us, not specifically on the issue of campaign reform but perhaps on what we are doing here and what we should be doing here.

It seems to me that every time we try reform, especially in an area like this, we create yet another evil. With great fanfare, more than a decade ago, we tried campaign finance reform. We thought at that time the amount of money spent was growing out of proportion, that we would, if let go, find ourselves in terrible shape in terms of the equities of campaign finance, in terms of the fairness of campaign finance, in terms of who might get elected, who might sort of own the country. Interestingly enough, one of the reforms of that era was to allow people inside a company or an association or an organization to join together in their campaign donations. The idea then was to give people a chance to find a way to bring their campaign donations, small as they might be, together in sort of a conduit, if you will, to various campaigns throughout the country.

That was viewed as a reform at that time. And of course, that reform was the invention of political action committees. And now here we are more than a decade later talking about the evils of political action committees and deciding that somehow we have gotten way out of bounds, that evils surround us. I suspect, although I have not done it, if we went back and looked at the speeches given in the mid 1970's, we would find many of the same words being used today, many of the same potential problems being expressed as

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today. It is sort of the cycle we go through on many issues.

I had an occasion during research on a bill not too many months ago to go back and read the speeches given on that issue about a generation ago. On a bill I introduced to suggest that people ought to get paid what they were worth, the idea of measuring one job against another on its value and paying people under what is called comparable worth, the U.S. Chamber of Commerce and the National Association of Manufacturers and other organizations erupted in a paroxysm of opposition. They said, of course, we ought to pay people equal wages for equal work but you certainly could not go around that and measure work in some comparative sense. It just simply was not logical. And so I went back and looked at the speeches which had been given and the testimony which had been presented a generation ago when the bill equal pay for equal work came before the Congress.

Interestingly enough, in the committee reports, the National Association of Manufacturers, the U.S. Chamber of Commerce, and others of the same organizations were saying you simply cannot have equal pay for equal work; it would devastate the country. It is almost as if they reached back into history and pulled out those same arguments to be used a generation later when the issue just shifted a little and then, interestingly enough, they based their case on what they had opposed a generation before.

I think there is something of that nature going on today in campaign finance reform. We talk about the evils, how extraordinary they are, and yet the evils are the very same things we created more than a decade ago as the solution for previous evils we say.

So what is going to happen if this bill, as it now sits, passes? Are we going to come back another decade from now, have our speeches and our actions pulled out and examined and find that we are being pointed at as the producers of an evil that will exist some time in the future?

Well, I hope not. And that is why I think we ought to be very careful of what we do. I am a great believer that we ought to examine history and examine history very carefully before we take action in almost any direction.

Let me first talk about political action committees. Are they inherently evil? Have they become evil in the course of a 14-year period when they wee touted at their beginning as being a correction for evil?

Well, I am not so sure that they are so absolutely evil, for what are political action committees anyhow? They are a collection of people representing an interest. It can be a business interest, it can be a labor interest, it can be an environmental interest, it can be an interest of almost any kind of the thousands of what some people call "special interests."

But we all have special interests. We all have special interests because we are individuals and we choose to focus on certain things that are of particular interest ot us.

Unfortunately, in this drive for reform, we have made the term "special interest" in itself an evil term. There is no inherent evil in a special interest. Certainly those who espouse the cause of a handicapped child and who have joined together in an interest in that cause and who may even raise campaign moneys and who may even create a political action committee and who may even donate to a candidate are then thrown in the cauldrin of special interest.

Well, I can substitute almost anything for handicapped child and the same thing applies.

I remember vividly the very first political action committee donation I received when I ran in the special election for the Senate in 1983. I was invited to a dinner of a medium-sized company close to the city of Seattle. It was a dinner honoring people in the company who had taken part in political activity, and they had taken part in political activity on both sides of the political spectrum. They had taken part in political activity in causes that had no particular partisan orientation, and among the other things they had done was contribute to the political action committee of their company. When I say their company, this was an audience of several hundred employees of a company that might employ 1,000 people but probably not.

So it was a pretty good and substantial cross-section from top to bottom of people who were participants in that company in the political process. Would they have been if that company had not taken an extra effort and had created a political action committee and had opened up the conduit and the opportunity for those people to contribute? I do not know. They might have. But I think the chances are probably smaller that the same number of people would have gotten involved.

At any rate, the program was an interesting program, not partisan or politically oriented particularly. It was devoted to trying to help those people who had first to recognize what they had done in being involved in the political activities of their community, but it was designed to inform and to broaden their opportunities to participate. I think it was done in a very fine way.

Well, maybe the reason I thought it was such a fine way is that, among other things, they had chosen to support my candidacy and so they presented me with their political action contribution. And it was for the maximum that they could give for this election campaign, or at least as I remember it, it was $2,000. But it did not come in one check. It came in probably 50 to 60 checks of varying sizes, each from the individual who had chosen to make that political action contribution.

Now, is that evil? Is that bad? Is that tearing apart the fabric of America? I think quite the contrary. It may be helping by bringing that many more people into the political process, giving them a chance to contribute in relatively small amounts but have the feeling that those small amounts were gathered together to represent an interest that they thought was important, and that interest was their own company and their own activity.

I do not think for 1 minute that they contributed to me because they thought that was buying something, they thought they were buying support for everything for which that company stood. No, I think quite the contrary. They provided that particular contribution for the same reason I believe an overwhelming percentage of contributions of all kinds are given to any political candidate, and that is because they believe that that candidate already in his or her fundamental beliefs and past practice has shown they are in harmony with or have some association with the beliefs and the ideas of those who contribute. Frankly, I get very upset when I see people waving their arms and expounding on the buying of candidates and the buying of office holders as if this was a large mart in which the chance to have your bill or your issue go through was up to the highest bidder, and that everyone sitting in this Chamber, all 100, would wave in the wind, would go this way or that way on a particular issue, being bought by a political campaign contribution. There is not a Senator here who really believes that. Certainly, they do not believe it for themselves, and I do not believe they think it is true for others, either.

They know very well, from the campaign contributions that come to them and from the campaign contributions that come to others that, as I have said, for the overwhelming part, our campaign contributions come because they believe the candidate they support already represents the kinds of policies and the kinds of fundamental political principles that they would hope someone would have in public office. I even think that there is a pretty good share of those who contribute to political campaigns who ask for not much more than that an officeholder be honest, straightforward, speak and vote on the basis of those principles that they believe this candidate has. That is what we all seek in those we send to public office.

Are political action committees any better or any worse than an individual who contributes to a political campaign? Just draw the parallels between individuals and political action committees. The very same people who contributed in the political action committee of the company I mentioned could have contributed those small checks to me separately, and no one would have thought that was bad. All those who are working so hard for this bill or for campaign reform would have thought that is the way campaign financing ought to occur.

Of course, there is nothing that prevents any of us, as candidates, from putting those voluntary requirements on anyone who contributes.

I could have said: "I'm sorry, I can't accept this group of checks which comes to me as a campaign contribution from the political action committee of this company. But if you will just separate them out and have each one give them to me separately, that is OK." Just what in the world is the difference?

Or, you can have an individual who chooses to give a bigger amount. Individuals cannot give quite as much as a political action committee, but they can come pretty close; because the limit we have placed on one election, $5,000, for political action committees can be matched, and often is, by an individual of considerable wealth who chooses to give $1,000 campaign contribution on his behalf, $1,000 which comes from his wife, and $1,000 which comes from each of several grown children. It can be easily as much as a political action committee donation.

Is that evil? Is that bad? No. I think we ought to really start talking about evils, if there are any, and try to find the real evils and the real problems rather than the imaginary ones, the ones that make convenient demons for all of us in this debate.

Some suggest that public financing is a good idea. I recognize very well that there has been a sharp change in direction in the concepts of public funding in S. 2. In fact, S. 2 has had as many different faces as almost any piece of legislation I have seen in this Chamber in recent years. It regularly changes its face, seeking to go one way and then another, in an effort to gain sufficient strength. But the aura of public funding has always hung over this particular piece of legislation. Now it is being used as an effort and a way to try to, well, keep people under campaign limits, and that is all we are doing.

Let us look a little bit at the current use of public funding. Many on this floor—and I have listened to a number of them—have talked about the validity of public funding of Presidential campaigns and what a grand thing it is, and it has cut down what otherwise would be large spending. Maybe it has had some benefits. It is hard to say that there is much of anything we do around here where you cannot perceive some small benefits. So I think you have to measure the benefits against the problems that arise along with them.

Candidates who accept Presidential public funding put themselves under some stringent campaign limits. They can only spend a certain amount of money in each primary State. They are limited to spending a certain amount of money in a total campaign.

Look at the spectacle of what has been happening during this primary season in 1988. Campaign workers fly in and out of Iowa, under no perceptible pattern. Why would someone come into Iowa, devoted to working in that State, stay there for up to 5 days, and suddenly fly off for a day or 2, only to come back in? One reason: because by doing so, they escape having that particular salary assigned against that particular State, and thus they can sneak around those campaign limits.

Or, if it looks like you are getting up very close to the limit and you still have an intense amount of campaigning you would like to do in that State, you end up going to the nearest border city, over the line in a neighboring State, and you rent your cars there and then drive them into the State and use them for campaign purposes and drive them back and turn them in, in that bordering State. It does not apply to that State that has those limits.

Every time we put in a limit, we tend to create those who will find a way around, through, over, and under the limit, to carry out their particular purposes and to meet what they perceive to be their particular needs.

We have created campaign staffs, one after the other, each one bringing into the political system new, young people devoted to a candidate and devoted to a campaign. And what are we teaching them with this campaign fund limit? What are we teaching them? We are teaching them to cheat, constantly, and in every way possible, in order to get around that limit. Is that the kind of thing we want to do? Is that the legacy we want to leave, to just spread that whole concept, so that we can teach a whole new generation how to get around the campaign limits which have been set?

It is easy to say, "Well, that is not what we should be doing." Of course. If limits are put on there, we ought honestly to live up to them, but it is always a gray area. Some people can say it is perfectly legitimate to come in, since you have set the limits and the rules, and you say that if you stay more than 5 days, you have to assign the salary to that particular State. It is not breaking the rules. It is not really doing anything bad to come in with that limited time and then back, in and out. But I am not sure it is that kind of marginal morality that we ought to be promoting in the Senate on this issue or on any other issue, for that matter.

Mr. President, I am getting tired of the constant concept that keeps getting quoted, that somehow money is equated to crookedness. It is not often said in that blunt an equation; but, boy, do the statements reek with that kind of inherent understanding: Too much money leads almost inevitably to excesses, and excesses lead to evil, and evil leads to crookedness and immorality, and that almost no one who has a campaign financed, in whatever way it is financed, by small contributions or large, by broad or narrow, but a campaign that is financed with a substantial amount of money, can therefore not be honest.

I have heard my distinguished colleague from Michigan a little earlier this evening read poll after poll, talking about precisely that, about people and their perceptions of campaigns and money used in campaigns, and whether people are influenced, and whether people are influenced or crooked as a result of the amount of money spent on a campaign.

Well, of course, the polls will show that, when there is a steady drumbeat of charges from those they listen to who assert that.

Mr. President, we have seen in the course of the last month or so one of the most blatant misuses of a charitable organization's charter to conduct an open political attack, and that was done by an organization devoted to reform, an organization very strong in its support of S. 2; and that organization, of course, is Common Cause.

Mr. President, John Gardner, the distinguished founder of Common Cause, a number of years ago—in fact, shortly after its founding—called me and asked if I would serve on the national board of Common Cause. I was proud to do so and did for a short period of time. Then I left office as Governor and did other things.

Mr. President, I fear that an organization which I felt was one of the finest in the country at that time has come to a point where, unfortunately, I believe the emphasis today is far more on the "common" than on the "cause." When an organization such as that blatantly misuses the funds which have been contributed to them by the supporters of Common Cause in a raw, political power play, I think that goes far beyond the bounds of an organization purporting to represent the high standards that Common Cause purports to represent.

Those full-page ads aimed at particular Senators—not all, just particular Senators who have chosen to oppose S. 2—are done with a political intent in mind. Interestingly enough,

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while more Senators—many of them, at least—who have opposed S. 2 have been subject to these ads, to my knowledge, at least so far, I have not.

Interesting. I have not. Virtually all of the other Senators who are in this class and up for election in 1988 have been subjected to those ads, and yet I, like others, for reasons I think are proper and appropriate, have opposed the current version of S. 2, although I would be delighted to join in appropriate campaign reform.

Why do you suppose that I have been spared the intensity of those full-page ads? Do you suppose it could be that I have chosen not to run for reelection and that they see no particular political value out of using their money in the State of Washington? Well, I would not make that kind of an assertion. Others might. But I certainly would ask some questions.

An organization like that devoted to the broad range of political good, and they have done an extraordinary amount of good over the years of their existence, suddenly turns to this kind of pure political advertising, and that is what I would call it, then the questions ought to be raised, especially to an organization that believes so much in openness: Who raised the funds? How much was spent on this campaign advertising? For that is what it is. Would they agree to a voluntary open disclosure of the particular funds used for those ads? Did contributors to the general support of Common Cause understand what their contributions might be used for? Were they aware of the partisan onslaught that their organization would embark upon?

They might respond to those kinds of questions, but I am not so sure they would.

No, it is time for us to look at the facts as they relate to not only S. 2, but the whole arena of campaign financing. Let me start with the very first, and that is the question of costs.

We have all sorts of statistics and trends and potential and future trends in terms of campaign costs, but almost all the ones I heard miss at least a good share of the point, because we could go back and look at the rising costs of almost anything in our society and make an extraordinary point out of it.

I remember vividly when I first became Governor. The general fund budget in the State of Washington at that time, as I remember it, barely exceeded a billion dollars. And the total budget of the State was something like 1.7. That was for a biennium, not for a year.

Whatever the figure was, it was somewhere in that neighborhood. As each year went by, during the 12 years I spent as Governor, the State's budget went up, and it went up faster than the cost of living went up during that period of time.

I winced regularly as editorialists and reporters and political opponents talked about the spending spree of the Governor of the State of Washington and how our budget was growing out of proportion and how each year there would be the story, we are now spending at a recordbreaking level.

I sometimes thought that reporters in their busier times, unable to think of a new story, would go back into the morgue from the year before on the same day and say, "Oh, yes, that was the story on the recordbreaking budget." And so a year later, inevitably, they could write the same story because, of course, the budget was larger than the year before, and most years it was even larger than that increase in the cost of living.

I did my best to try to point out the reason and the rationale for that increase. I do not think I ever succeeded very well because it is too easy for someone, on the one hand, to say recordbreaking budget and use the two total figures, this year versus last year, and as long as they stop there, they are absolutely right in what they say.

It takes a long time and a lot of detail, a lot of listening, and a lot of understanding to get, as Paul Harvey says, "what is behind the real story."

The real story is that in those years while the population went up 10 percent and the cost of living might have gone up a few percent, the number of schoolchildren was rising by 20 or 22 percent. We were going through the period of Lyndon Johnson's Great Society revolution where the amount of money spent at the Federal level and the new programs set out at the Federal level, in almost every case, required some partnership with State government.

We began in the mid-1950's an interstate highway program, and by the mid-1960's, it was really rolling. We were spending new money each year for that extraordinary investment in the future of the United States.

We could go through each of the separate areas of government and point out that it was the combination of the unique pressures of the particular citizens we were funding, coupled with the broad increase in the cost of living that made the total budget increases.

And year after year, we were able to show, when you took those things into account, that there was precious little and, in many years, nothing that really represented new money or loose money or money that went beyond just trying to keep up with the needs of the new people and the things that they required from the State government and the increased costs of providing that.

Let us turn that right back to campaigns and campaign financing. Sure there has been a big increase in the cost of campaigns. It has grown faster than the cost of living.

Let me return, if I might, first for one final statement on budgets because I am reminded that the President was himself a Governor, and I expect that during his term as Governor, each year the total budget rose and was larger than the year before. It would be a strange State where that was not the case.

I left office as Governor, of course, after 12 years as the big recordbreaker, the huge budget which represented the last one I submitted. It was something like $6 billion, as I remember. That pales into insignificance because now, 12 years later, the budget for the State of Washington is over $14 billion, and the huge spending practices of the past were forgotten. But they are still writing the same articles about the new Governor. The very same articles that we have a recordbreaking budget and it is bigger than the year before, and they do not go beyond that.

In campaign financing, it is often the same. We have had the rise in costs. Let me read a little from a report from a conference sponsored by the Citizen's Research Foundation. This was done a couple years ago in May of 1986. It was prepared for financing congressional campaigns, contributors, PAC's and parties. They talk about the increases in campaign financing.

They say at the beginning:

> For some observers, the almost 500 percent increase in spending from 1972 through 1984 has caused great concern. Those disturbed by this trend often describe campaign spending as out of control and feel that many talented individuals are being priced out of running for office. They maintain that the ever-larger sums of money required to mount credible campaigns, coupled with the system of strict contribution limits enacted in the Federal Election Campaign Act amendments of 1974 favor——

And let me repeat that: "They maintain," those who are concerned by this huge increase in spending, maintain that:

> ever-larger sums of money required to mount credible campaigns, coupled with the system of strict contribution limits enacted in the Federal Election Campaign Act amendments of 1974 favor wealthy candidates willing to help fund their own efforts or force candidates to turn to political action committees whose contributions may be used to advance the political action committees sponsor specific legislative interests.

They go on. "Others point out," they say, "that when spending figures from 1972 through 1984 are adjusted to account for inflation"—now, when you adjust it to account for inflation, spending has increased by 125 percent rather than 500 percent. Already, just by understanding that there is inflation in campaign spending, just like there is inflation in State government, just like there is inflation in family

budgets, just like there is inflation in a loaf of bread, we simply suffer, or some might even say benefit, from a steady inflationary spiral that, over the years, adds to the cost of anything.

So if we take the cost-price index and put that against this increase in spending, we have already reduced it from 500 percent down to 125 percent. That is three-quarters of that increase in spending. But I do not think you can stop there, because it is too easy to use a broad cost-index and not to focus on those particular elements that are the elements going into campaign spending.

Just as I found out when I was president of a college and had to deal with the various elements of the college, and they would come in for their budget presentations to me, we would always try to take into account inflation so that we could get a better sense of what it would really cost in next year's dollars to fund the same programs that we had the year before.

I shall never forget the first year that I was president of the college. The librarian came in and I tried to apply that same cost-price index to their budget. She said:

> Now, wait a minute. Wait a minute. You cannot legitimately apply that cost-price index to our particular function because a great share of our budget goes into the purchase of books and other reference material. The costs of those books and those reference materials are going up much faster than the general cost of living. If you only apply the inflation that is general, you are underestimating and you are underestimating substantially what we will be able to do next year.
>
> We cannot buy the same amount of material, reference material, periodicals, books, films, that we bought the year before. You will be steadily eroding away that base.

That was a pretty good lesson and we all ought to learn it; we all ought to understand it. When you apply that to campaign financing, I believe if an honest study were done—not that this was not an honest study but it did not go far enough—if a study really went far enough and examined what is happening in terms of campign spending when you relate it to the particular cost of campaigns, you would probably find that we are not buying a whole lot more today for our campaigns than we did a decade ago. Why? Well, I did a little looking into my own circumstance. I felt like Rip Van Winkle when I ran for the special election to the Senate in 1983. It had been 11 years since my previous election to public office. I ran three times for Governor and each time spent just about $500,000. Since those elections were 4 years apart, that meant that each successive election I was actually spending less money in what I could buy than the election before. But I figured that that was probably appropriate because I was an incumbent and for all the bad that that might bring you there is some good that goes along with it. That good is in total name familiarity—you do not have the expense and the responsibility of trying to get people to at least know who you are.

You do have an expense of trying to tell them that you really have been doing a good job rather than what they might otherwise have thought.

But suddenly, in an 11-year period, I have a special election for the U.S. Senate and find that within 60 days of the special election we raised and spent just over $2 million.

I am very proud of the fact—in fact, I will not run a campaign in any other way—that we had a balanced budget. I have told every one of my campaign committees from beginning to end that we will spend no more than we take in and if we get to the point where there is no money left we stop running.

Fortunately, at the end of each of those campaigns we have had a balanced budget and even a little left over.

I was still concerned. How in the world could we spend that much money? What happened in that 11 years of political sleep of this Rip Van Winkle?

So we went back and looked at what had happened. We found that the cost of television advertising in that period of time had gone up 400 percent. The cost of radio advertising had gone up more than 250 percent. The cost of newspaper advertising had gone up about 200 percent. These fundamental elements of political campaigning that take up a very large share of what we spend to get a message across had gone up on the average far faster than the cost-of-living index.

So if we go back to this study, when they say if you only measure it by the average cost-price index, that is three quarters of the reason for an increase in campaign spending.

I suspect that a more detailed look at the increased costs of the particular elements that go into campaign financing would find much of that remaining 125 percent being eliminated.

It may be that there is still something left, that campaigns have risen in cost, but it is simply wrong and if people understand and know these facts and continue to say that campaign costs are rising out of control and they are way beyond expectations. Then they are not telling people the whole truth.

I have had an opportunity from time to time to talk with members of the press in my State. I have gotten to the point now where every time I am asked about the increase in the cost of campaign spending, why in the world we are spending so much money now for campaigns compared with the past, I have said I have a beautiful answer, I think one of the finest limits we could place on campaign spending. They eagerly have their pencils out ready to write down this marvelous new idea.

I said, "If you who are representing the press would cut your costs of political advertising, put a lid on those, put a voluntary lid, like you would like us to put on campaign financing generally, then we might have something."

Better yet, we might do like the British do.

I was there during an election period a decade ago and found, to my surprise and interest, that in that country on television each night for several weeks before an election, they set aside half a hour free—free. One night for the Conservative Party; the next night for the Labor Party; the next night for the Liberal Party, in that way; and then back to the same rotation. Those parties can use that half hour in any way they choose to use it to espouse the cause of their party.

I am not sure we would end up doing the same things that they do, but I was not only interested in that particular way of campaigning and getting word across to their citizens, but I was deeply impressed by the relative civility and the positive nature of the content of those presentations.

It is relatively easy in a 30-second spot to really zing somebody and to engage in negative advertising, and to leave that subliminal or not so subliminal message that this opponent is bad on this particular issue. It is quite another thing to engage in a half hour of unmitigated negative muckraking of the opposition. That is self-defeating. I think people in political life are wise enough to understand that. The end results are campaign presentations which tend to be much more positive than the campaigns we end up with.

Well, I am under no illusions that free, independent, and private communications channels of this country are going to do any such thing and we probably should not ask them to.

The British have a different system with the government-run television operation, but it does allow us to understand a little better why campaign costs are rising. They are rising because there is competition for the use of the airwaves. And they claim that their costs are going up; that their profits are not so extraordinary. They just simply have to keep their noses above water and it is necessary, as a result, to increase that particular cost of campaign advertising.

Let us understand, then, really what is going on in terms of costs, and try, at least, not to be excessive in our arm waving and our finger pointing on the costs of political campaigns but instead understand why, what has caused the cost of campaigns to rise, at least what has been one of the major influences on the rise in cam-

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paign costs, and then go from there. I think even when you go from there, I would agree that some redirection, some way of slowing down the intensity of a political campaign, is worthwhile.

Mr. President, I think there is another fact that we ought to understand more than we seem to in this set of arguments. I believe much of what we are doing is we are really taking wrong aim and we are hitting the wrong targets, if we are hitting any targets at all, and we are leaving out, or at least we are only getting at in an indirect way, in an awkward way, some of the real problems in our campaigns today.

I know that some of them are difficult to get at. We find that it is almost impossible to get at some without running across the first amendment to the Constitution, and it will probably take a constitutional amendment to ultimately get at some of the real evils, which I believe exist, and evils which will be even more potent if we pass campaign fund limitations of the type inherent in S. 2.

If we limit campaign funding, if we put a squeeze all the way around, and expect good and honest candidates to stay within those limitations, and we think that by putting limits on PAC's, which, incidentally, we do not do very well in this act, and limits on all sorts of other campaign funding, that we are going to resolve all of the problems; that we are going to keep that evil group out there, whoever they are, that evil group who are trying to influence the Senate and the House, we are going to get rid of all of that, what do you suppose all those evil people out there are going to do?

If, in truth, they are really evil and if they have some awful motives, are they just all going to suddenly blithely turn honest or disappear?

Come on. They are going to do precisely what we would expect them to do if, in fact, they are that evil. That is to say to themselves, "All right, how can we now influence compaigns? What will we do now because there are campaign limits here and there is the threat of public financing, and there are all of these other intricate webs to keep us from using this ungodly influence on a political campaign?"

Mr. President, do you know what they will do? In this Senator's view, they will engage in the broadest and the unhealthiest kind of campaigning which I see on the horizon. That is the independent expenditure.

We have seen what an independent expenditure can do. One individual—one individual—who, because he believed Chuck Percy was anti-Semitic, a grossly false charge but nonetheless that was his belief, was able to go into the State of Illinois—and he lived in California, not in Illinois—and was able to spend $1 million of his own money in that campaign, certainly not on behalf of a Democratic candidate, for he had nothing to do with the campaign of that candidate, he was zeroing in on an incumbent. He was going to do everythng he could to defeat Chuck Percy.

He bought billboards all over the State of Illinois, which, in blunt terms, said, in essence, "Chuck Percy is anti-Semitic."

In a very close election which may be decided by those last-minute ads and by that last-minute expenditure, Chuck Percy lost.

Have we anywhere in S. 2 corrected that? Of course not, because we have been advised time and time and time again that you really cannot keep someone from utilizing the first amendment to express their own opinion.

We have tried. We have gotten a lot of elements. I think everyone in this Chamber is trying to find a way to get at that particular problem. But I do not think we have found an effective way yet.

If we just put the limits on things over here and we think we have resolved the problem, we are going to be sadly mistaken. Instead of money given directly to a campaign and openly declared and at least out there for everyone to see, to understand, and to make up their own mind as to whether this campaign is too heavily funded or not heavily funded enough, or by the right people or the wrong people, we will see a rise in independent expenditures that will cause us once again to come back for another round of campaign finance reform.

We will have found one more time that in our effort to reform we put limits in one place and create an aberration that leads to an even greater evil somewhere else.

Mr. President, I think there is another element of campaign reform, or campaign misappropriation, if you will, that is perhaps more important than much of what we are dealing with. That is the extraordinary advantage we retain as incumbents through the use of the frank, the opportunity for those of us who are in office during the entire course of our term in office, through newsletters and response to constituents and whatever other clever way we come up with to communicate with those voters. And of course it is nice to do so, maybe even important to do so. But it is an advantage which is reserved for incumbents. And if you want to look at something that really has grown beyond all bounds, which really has exceeded the cost-of-living index, which really has exceeded even a particular cost index applied to the costs of mailing, and the costs of printing, and the costs of paper, then look at what we are doing for ourselves in the newsletters and polls and other nice little things we send out to our constituents.

There is not anyone here who does not understand that a pretty fair share of that plethora of mail is designed to carefully create in the minds of the recipient that this Senator or this Congressman is taking care of their needs, is responding swiftly and well to their concerns over legislation, is asking their opinion through a series of polls, most of which are polls designed carefully to bring the answers that the Members of Congress wants to have on a particular issue.

I have never seen so many questions that are so nonsensical in their makeup than the silly questions which are asked by Members of Congress of their constituents and designed to get the kind of results that support what they are already going to do anyhow or would like to do. They are not professionally put together, designed to really find out anything. They are designed for one purpose, and that is to convince the electorate that they are interested in their opinion. And then when the results come back in, they get one more shot to give them the results of the poll, which says by some huge margin on this issue you have spoken and, incidentally, I am out there fighting right alongside of you on the same side of that issue.

Well, of course, they are because that question has been designed in the first place to bring that answer.

That is a real scandal in campaigns, but we leave that totally aside, or almost totally aside. I think it is time to look very carefully at what is happening. I would love to see a complete laying out of the number of millions of pieces of mail that go out of this Congress each passing year and to see what those trends are and how rapidly they are rising.

It is especially prevalent in the other House, in the other body. But in S. 2 we are kind of going a little further, at least in another way. We are getting at this question of subsidy of mail to potential voters.

S. 2 and the sponsors of S. 2 really in essence want to compel stamp buyers now and taxpayers to subsidize the mail costs of Senate candidates. The way the sponsors propose to pay for this is a gimmick which really reveals some considerable cynicism, it seems to me.

If we are going to create savings by killing a subsidy, let us put the savings to the purpose of deficit reduction and not the perks of political office.

Let me just go into some detail on this particular question. In an effort to induce Senate candidates to sign up for the purported benefits of S. 2, candidates are offered or dangled out in front of them preferential mail rates.

Now, who is paying for this? Who is paying for this? The persons who actually pay for these subsidized rates are not volunteers who frequently check off a box on their tax form. Oh, no. Oh, no. The people who pay for this political perk are the taxpayers and the stamp buyers of the United States.

The committee modified version of S. 2 provides that:

> All eligible candidates shall be entitled to mailing rates provided in section 3629 of title 39 of the United States Code.

Now, if we sent a copy of S. 2 to any citizen and asked the citizen to really examine it and if they really supported that bill, what in the world would they think of that particular clause. They would have absolutely no idea what it meant.

Well, what does it mean? Mr. President, when you turn to section 13 of the bill you find the mail subsidy which is included.

> Participating Senate candidates will be entitled to send their campaign matter by first-class mail—

Understand this, by first-class mail—

> for one-quarter the cost of regular first-class mail.

How many citizens would like a subsidy like that? All of us would. And second, they can send it by third-class mail for 2 cents per piece less than their special first-class rate.

Well, the first-class stamp now cost 22 cents and it is my understanding that it is likely to go up sometime soon, and if S. 2 passes participating candidates will be paying 5.5 cents for their first-class stamps and 3.5 cents for each third-class piece.

Now, if the cost of running the mail service today—and it is supposed to run at least at a balance, if not a small profit, no more overall subsidies to the mail service as in the past years, supposed to run as a business—well, if it cost 22 cents to send a first-class piece of mail, who subsidizes the 5.5 cents at which a political candidate will be able to send their mail? Well, who subsidizes it? The stamp buyers and the taxpayers, of course. Who else could? I doubt there is a Member in this body who has not heard the outcry when even the first whisper comes through that we might have a postal rate increase.

How many of those really believe that this calls for a plea for subsidized junk political mail? How many of those who are supporters of S. 2 are going to voluntarily put out to their constituents the thought that yes, I believe so much in this bill and the reform that it supplies that I am willing to allow all these candidates to send to your mail box and to your house the kind of political junk mail you already get too much of and they are only going to pay a quarter of the cost to send it to you first-class mail, and you are going to pick up the difference? Send a poll like that out to your constituents and see what kind of answer you get back. I would be surprised if there were less than 90 percent of the people who would send it back saying spare me the privilege of getting that kind of junk political mail at my expense.

But that is exactly what S. 2 does. Now, it purports to pay for its subsidized rates for participating Senate candidates by repealing another subsidy for other politicians. Under current law, third-class rates are extended to a national or State committee of a political party, the Republican and Democratic Senatorial Campaign Committees, the Democratic Congressional Committee, and the National Republican Congressional Committee.

Now, this provision of the law is about 10 years old. It was a straightforward effort to promote political communication by subsidizing the postal costs of broad political parties and campaign committees. Now, a decade later the sponsors of S. 2 say well, that is not important any more. That is not important any more.

They may be right. In fact, I think they probably are right. But, Mr. President, if there are any savings to that, the savings should be put to reducing the extraordinarily large Federal deficit we have, not subsidizing Senate candidates. Eliminating the subsidy of political parties will not save billions of dollars. In fact, it is estimated to save only $12 million annually. But if the time for that subsidy has ended, if we really believe that that is no longer necessary, let us save the money, not squander it by just building another postal subsidy.

Consider what it has done. It is, of course, admirable that the sponsors of S. 2 sought to find offsetting savings to pay for the bill's costs. Look carefully, however, at what the sponsors did. To subsidize the third-class and the first-class postage costs of candidates for only the United States Senate, the sponsors of S. 2 proposed to repeal third-class subsidies for all the national committees of all political parties, State committees of all political parties, both House campaign committees, and both Senate campaign committees.

Well, I suppose if we are in the business of subsidizing, if we really want to do that, if anyone ought to be subsidized it seems to me it ought to be the national parties and the State parties and the broad House and Senate committees, those that at least in the overall are trying to present the cases for political parties and their philosophies and their platforms rather than dropping all of that just so Senate candidates, just so that we can be subsidized for our own campaign purposes. The idea is to drop everyone's subsidy but our own.

Mr. President, that really is cynical.

Mr. President, a few days ago, the Washington Times published an article entitled "Postal Service Quits Processing Mail on Sunday." That describes some of the changes taking place in the Postal Service. That article is pretty interesting. It said, among other things, that we have had Sunday service forever, since Ben Franklin, the first Postmaster General, who laid the foundation for a postal system in 1775.

It is a first in postal history. The elimination of Sunday service is the result of 430 million dollars' worth of cuts, congressionally mandated cuts, in operational spending. The Postal Service is also required to slash $815 million in capital spending.

We mandate that the Postal Service makes broad cuts. We say, "You have to find ways to make the Postal Service more efficient."

It is easy to say to anybody: "Don't cut any service. Don't do anything that would make people feel bad. Don't do anything that would bring one letter into our office. But cut a huge amount out of your budget."

When you are asked how, they say: "Oh, waste, graft, and corruption, and productivity increases." We will say that forever, never giving a clue as to where there is waste, where there is corruption, where productivity increase might be found.

We can always excuse our seemingly crazy system by saying, "Don't cut the service over here, but cut the budget over here." You can do that to a degree, but you cannot do it forever; and you should not say, all at essentially the same time: "Cut your budget here, don't cut service over here, and, by the way, while you are at it, give those of us in the Senate who are running for reelection a nice little subsidy." About the only thing we have not done is to try to tuck it into the folds and the hidden crevices of a continuing resolution, as we do everything else.

Two hundred years ago, we rose in revolt against the stamp tax laid on the colonies by the British. This, in at least a small way, is a political stamp tax of the 1980's and is just as onerous; and if citizens were given the opportunity to see and understand what we were trying to do, they would rise up in the very same fashion their colonial forefathers did.

Mr. President, let me talk for a moment about public financing itself. I understand that in the various iterations of S. 2 as time has gone on, we have moved slightly and steadily away from the original concepts of public financing, but we continue to use it as a club. It is the thing that is going to keep everybody in line; and if someone goes a penny over the limit—and others have talked about the many inadvertent ways that can happen—then an opponent suddenly is showered with thousands of dollars of taxpayers' money, because that is all you can

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say public financing is; it is taxpayers' money.

Many have talked about the marvels of Presidential financing and what public financing has done for the Presidential campaigns. One of the most distinguished political writers in the United States—I think one of the most straightforward and perceptive—is David Broder of the Washington Post. In an article not long ago, he spoke out on this issue. He said that public campaign financing has helped to slow down—listen to this—helped to slow down grassroots campaigning. We have tended to shift away from the kind of grassroots campaigns of years past, which included as a major share of that grassroots campaigning the need to seek out and to gain the kind of political support, including money, that now is left to the taxpayer through the public funding. Even though it is a voluntary taxpayer funding currently at the Presidential election level, it is still, nonetheless, taxpayers' funding.

Frankly, I think there was something to be said in years past for the necessary efforts of people to seek out friends and acquaintances, to try in every way to engage the interests of people, to make sure that they fully engaged in the political process.

I was very proud that in the first campaign I ran, there were more than 13,000 separate contributors, most of them small. Those contributors were fulfilling one of the important functions of being a full citizen, because I do not think you can be a full citizen in this country unless you fully partake of the system of free government that our forefathers gave us just 200 years ago. An essential part of that system was the opportunity to freely choose our representatives—to vote, in other words; and for the first time in this history of the world, to create a government which was of the people. If there was any ownership of that government, it was not by kings and emperors or by dictatorial tyrants or czars. The ownership of this government was to be by the people; and, as Abraham Lincoln, of course, said less than a century later, not only by the people, but of the people and for the people. How can it be by the people unless people, themselves, are actively participating as shareholders in that enterprise?

The framework of politics is participation. I often refer back to the dictionary, read the definition of politics, just to make sure I have not forgotten it. The direct and most forthright meaning of politics in most dictionaries I have read is that politics is the art and science of government. Under the definition, to be a politician is to be a practitioner of the art and science of government.

Under that definition, I am proud to be a politician. I believe that I was a politician long before I ever ran for political office, and I will continue to be a politician long after I retire from political office, just as I believe every full citizen of this Nation ought to be a politician; because the only way we can fully carry out the heritage left to us by our forefathers is to be a shareholder, by being a politician, by fully participating in the art and science of government.

What is the most fundamental way to do that? Some would say it is to vote, and certainly that is as fundamental as any participation, but it is an incomplete participation.

It is terribly important that people become involved early on, that they be the participants in political campaigns, that they seek out, listen to, and understand better what those who are running for political office really stand for; and, better yet, go out and help find people they believe would represent them well and encourage them to run for political office, and provide the best encouragement possible by saying, "I'll help you in your quest for political office," So that active participation in the political campaigns of a candidate is a terribly important second element of being a full citizen.

A third one is for everyone to contribute, not only the time they contribute but also the money necessary to help make political campaigns as broadly financed as they can be. I think we would all agree that ultimately that is by far the best way to end whatever perceived evils there are in campaign funding. It is the best way possible to ensure that we have broad support from the many rather than narrow support from the few.

I think there are at least three other elements to that citizen's involvement in government which are really important if they are to be a full citizen and, in the best sense of the word, a full politician. Not only voting. It is participating in a political campaign, to not just wait until you get to the point where the primaries have passed or the candidates have chosen to step forward, and you are faced with only the last of the choices among those remaining.

If, in fact, there are evil special interests out there, they would be overwhelmed by the people voluntarily engaging in the political grassroots work and the political grassroots fundraising that is necessary to be a full citizen.

When I hear from one of the most distinguished observers of the American political scene that the public financing we have engaged in for the Presidential races has resulted in a slowdown of grassroots campaigning, that is a big warning sign. The alarm bells sort of go off all over the place, which would tell me we should look pretty carefully at what we want to do in our limitations, to try to ensure that those limitations do not act further to slow down grassroots campaigns.

After you have gone through the contribution of whatever money you can to a political campaign, engaged in the active work of helping a candidate during that campaign, going in and voting to help that candidate get into public office, the fourth element is to not then say, "We have done our job, and we can now go on to other pursuits and leave the responsibility in office to that person we have elected."

No, there is still one further thing we must do, and that is to keep track, to follow closely what our officeholders are doing. Let them know, in whatever way we can, how they are doing.

It would be nice on occasion if people would even write a letter saying, "You're doing a good job," rather than, "You're doing a bum job," or, "I want something." But it is the nature of all of us that we too seldom take pen in hand to write to anybody telling them they have done a good job. We are quick to take pen in hand to write to someone saying: "Hey, why are you doing this?" Or, "I need something." Those are the elements of being a full citizen.

Mr. President, as we go through this effort—and I think it is an important effort—to try to find ways to make campaign funding a better part of our total political system, let us be very careful that in doing so we do not inadvertently cut out or reduce or diminish the interests of people in participation.

That has happened far too often in the course of the last few years. Why is it that in every single election in this generation we have seen successively smaller percentages of our population engaged in voting? And if there are successively smaller percentages engaged in voting, then along with it there are almost certainly successively smaller percentages engaged in working for political candidates, engaged in giving money, even small amounts of money, and those who are interested enough in what is going on so that they will continue to be in touch with the political candidate after that person takes office.

Mr. President, I think there are some things that we can do and should do. I have mentioned some of them a little earlier—independent expenditures, which I believe are one of the largest current evils and could be one of the overwhelmingly biggest evils of the future. Personal wealth is another element which we will find difficult to get around. We are trying to do it in various ways in S. 2, I think probably inadequately, and I am not sure there is any way we can really get around the problems of personal wealth, except that we find, interestingly enough, that candidates of extraordinary personal wealth who have put huge amounts of money into political campaigns in recent years have, more often than not, been defeated.

I feel the American people are smart enough to know. They are able enough to understand what is happening. If they perceive that a candidate is, no matter how honest, putting in an enormous amount of their own money in an attempt to overwhelm the opposition and to buy an election, the reaction is negative. That is why I would say that the most important thing we can do is try to be as honest, straightforward and open as we can be in getting people the knowledge of what is happening in terms of campaign financing. That is the current law.

But what happens? We require by our law that people follow carefully a long list of regulations and that they file within certain time limits the amounts of money that have come in and who they have come in from, and those are reported faithfully to the Federal Election Commission.

It is interesting that even with all of those regulations on full disclosure, that really does not keep people who, for whatever reason, choose to cheat, from finding ways around those regulations. Look through the list sometime of those who have contributed. See if you can distinguish what real interest is represented.

You, of course, have to assume that those are evil interests, those PAC interests. See, if you look down through the list of any candidate, if you can tell accurately just who they represent.

Even more so, look down through the lists of donations from individuals, large ones, maximum ones, and find out who they represent.

Frequently, they will represent one or another of the partners of a very large firm. Now, are they representing the law firm, or are they representing one of the clients of the law firm, or an interest of the law firm?

You can take all sorts of interests, and we find that if you really want to cheat, if you really want to mislead, it is impossible for us to write an act that will keep that kind of thing from happening.

So we look at the evils out here, and we try to draft legislation that will end the evils. We have no more chance of really doing that than by passing any other law and expecting that we will immediately end any criminal act in violation of that law.

We have sometimes even gone to the extent of thinking we can end what we perceive to be an evil by passing a constitutional amendment. And at one time, we thought that drinking and alcohol was evil, and so we passed a constitutional amendment. How high can you go in passing a law than passing a constitutional amendment, enshrining it in the Constitution of the United States saying, in essence, that it was illegal to buy, sell, transport, make alcoholic beverages? We sure did not keep the drunks from drinking, and we found out within a decade that we might as well repeal the constitutional amendment because it simply would not work.

I think we ought to spend our effort and our time on really examining what it is that would help to make our system work better. If there is any way to broaden the information, the full disclosure information to try to see how well we can move toward at least letting people understand who it is that is supporting candidates, to more clearly set forth the interest or the background interest of those who are providing the money, I think that would be a help.

But it is not much help if the only way citizens know or understand what is happening is to go down to the Federal Election Commission and ask to see a file and to ruffle through the file yourself.

No, the real problem is that we have full disclosure, but it stops in the vaults of the Federal Election Commission. The only thing people ever see are those selected bits and pieces which are chosen to be transmitted to us by the press, and what do they transmit? Do they transmit a whole comprehensive list of all of the contributions to a political candidate? Oh, no, not at all. It is much more fun, much more interesting, and it probably is the kind of thing that titillates the imagination of people who are reading, to get only the exotic or the large, or it is always fun for a reporter to find someone who has contributed to both candidates, running one against the other. That is always worth publicity. But that gives a incoherent view of what is really happening.

Mr. President, we have not even taken the first step on laws we already have to make sure they are working to produce what we thought they would produce, and here we are, again, trying to go further, to write more laws, to put in more regulations, to carve out more territory against those "evil influences" out there.

I think we just might do even more good if we found ways to ensure that there were clear and consistent and complete public explanations of the campaign financing that came to each candidate.

If we really think that people find excess campaign donations are bad, if we are trying to stop an evil on this side through S. 2, we are saying we are going to stop it by preventing campaign donations. We are unwilling to believe that if we disclose completely and can somehow get into the hands of the voter complete information on the kind of money and where it is coming from and the amounts and from what sources, especially what evil sources that money is coming from, we do not think that is enough. Why do we not think it is enough? Because we do not trust the good sense of the American people? Well, I think that is probably a pretty good interpretation of what we are doing right now.

Let us see if we cannot find a way to broaden that public knowledge. If there is a contribution the press collectively could make, it would be to see how comprehensive, completely and quickly for all candidates they could print the campaign donations, not just the partially, not just the interesting, not just the bizarre, but all so that everyone could see where the money is coming from.

And I have enough faith, Mr. President, in the American people to believe that they, given full information, will make good decisions. They do not need someone artificially making a decision for them as to what constitutes good or bad donations. They certainly would not ever understand what is being done to them by a bill or a law which, on the one hand, says you are going to put some stringent limitations on campaign financing, and you are going to take money from the taxpayers' pocketbook to make this thing work. But, on the other hand, there are a lot of soft contributions out here, not as easily measured, that we are not going to do anything about.

I think if the people knew the full story on all of that, they would really wonder what in the world we were doing and why we were doing it this way. I think they would say with complete honesty, or they would ask with complete honesty, the question: "If you are going to put limitations on, why don't you do a complete job of it? Why don't you put them on across the board? Why don't you put them on the soft as well as the hard campaign contributions? Why don't you really wrap a tight burden around those political candidates?"

No, we are not doing that. We are being selective in our coverage. I am not quite sure why. Maybe it is because we think we cannot get at some of those ways of campaign fundraising or the equivalent of campaign fundraising. Maybe it is because we think those who support S. 2, that it is to their particular advantage to leave that kind of limitation out because they may think that they get more than their opponents might get of that particular kind of help. And, of course, there are those who are opposed to S. 2 who have the very same thing in mind.

We have to be careful of this kind of limitation. We are OK on the other kind of limitation because we somehow think we may get a benefit or the other guy may get a benefit, depending on which way the campaign financing bill is written.

I come back, Mr. President, to my belief that if we want to do something worthwhile we can get at independent campaign expenditures; we can get at better and broader and fuller disclosure; we can try to get at the problems of personal wealth.

I think we should be doing all of those things: Letting people know what is happening, but also spending more of our time and more of our effort and more of our leadership in trying to help people participate in the political system to make sure that every citizen possible is fully a politician, to make sure that every citizen possible is not only working on campaigns but contributing to campaigns and in telling the officeholders after the campaign is over what they think, instead of passing legislation that cuts back on grass roots campaigning, that cuts back on the kind of thing that we ought to be encouraging.

Let me turn, Mr. President, to a rather specialized element, one that I think might do some good in a campaign piece of legislation. It is not in S. 2 currently, although I have offered it as a separate bill. It is designed to try to get at the kind of problem I see too often in negative advertising.

It is one thing to talk about political campaign financing. Wherever we end up, whatever kind of limitations we put on, wherever we come out, there is going to be a certain amount of money set aside for campaign finances. Even under the limitations of S. 2 it is a large amount of money, so there is going to be a lot of opportunity for people to get their message across to the voters.

How do they get it across? They get it across in the ways that they believe are going to be most successfully in electing them to political office. They have a whole new group of professionals that we did not have a generation ago. We did not even have them when I first ran for office, or in the second or third term. It is a brandnew group that has now come along. They are the gurus of selling candidates.

Frankly, Mr. President, I think they have done more harm than good to the American political scene. They have crassly taken candidates and, in fact, told some candidates, "Look, we can take you and mold you and create you and sell you and, in fact, if we do it just right you do not even have to make much, if anything, in the way of personal appearance. We will just put on the tube, carefully done in the right ways," and like a whole bunch of Max Headrooms we end up as nonpersons.

We are all two dimensional, flat on a television tube, instead of real people out there campaigning and talking and running campaigns in the way we used to. These gurus, who now take a lot of the money, have found that one of the best ways to ensure your candidate's success is to find that negative political advertising that will really skewer your opponent and convince the voter not that you are the best person for political office, but that the other guy is not good enough for political office.

It seems to me, Mr. President, that that is one of the most evil things that has happened to our political scene as time has gone on.

It is not new. We have had negative political advertising in the whole 200 years of American political history. But negative political advertising in past years was at least mixed with the personal appearances of candidates, their speeches in front of hundreds, sometimes thousands, of people who would turn out to listen and to hear from a candidate as to where they stood and what they believed. It was harder for them than it is now. They had to get in their buggies or ride their horses and go distances to arrive at where the candidate was going to be. It took time and effort and they took that time and effort and they learned, and they ended up knowing a whole lot more about what that candidate stood for than most citizens know about candidates today in this time of instantaneous communication.

It should not be that way, but it is, and it is because these gurus of political wisdom have told us that negative advertising is the way to political success.

Mr. President, I do not quite know how to stop that, but I have an idea that I hope might be added to whatever kind of bill might ultimately emerge from this Congress, and I hope a bill does emerge from this Congress. It would do just this: It would revise the Federal Communications System interpretation of "use."

We now have a proposal where a candidate is entitled to the lowest unit charge for advertising, and no censorship protection, by appearing in a media spot.

Well, that is a pretty good idea. We say if the candidate appears, then he gets the lowest rate. There is some real benefit attached to that. I would be willing to bet—I do not know it, but I would be willing to bet—that the sponsors of that law when it was proposed in the Congress hoped that it would mean that candidates themselves would appear on media spots. It was a way to encourage candidates to speak for themselves.

Well, how do they do it? That law had a hole big enough to drive a Mack truck through. I would rather say a Kenworth truck, because that is a product of the State of Washington and the highest quality of truck. But, nonetheless, they do it by appearing for a fleeting instant in a television ad, sometimes in a fleeting instant not even recognizable as the candidate but as the participant in some kind of message that the advertisers are putting out, or on a radio spot right at the end where it says, "This spot paid for by the "XX Committee." That is carefully read by the candidate. Nothing else in the spot is read by the candidate. The candidate is not involved at all in the rest of the message.

Mr. President, I am suggesting that the bill I have introduced would redefine the use requirements. It would mandate that the FCC define "substantial appearance" so that the candidate would be required to be identified or identifiable for 100 percent of the media spot.

Some may say, "Well, what good is that? What does that really do?"

Well, I think it does a lot. It does several things.

In the first place, people would get an idea of who their candidate was, what that candidate looked like, how that candidate sounded. It would be a modern-day equivalent of that citizen getting on the horse and riding into town, or whatever distance was necessary, to listen to and to view and to look in the eye of a political candidate.

It was important then and people thought it was important. It is important today. If they will not get out of the house and get into the car and go visit a political forum to see and listen and talk to and question a candidate, at the very least, as they sit on their couch in front of the television set, they ought to have the opportunity to listen to the candidate speak to them and not some fancy political ad designed in 30 seconds to give a negative view of an opponent.

The other thing I think would happen, Mr. President, is something perhaps even more important.

I think if you required a candidate to be in the ad 100 percent of the time, if every 30-second or 60-second spot that that candidate put forward required the candidate to look the voters right in the eye and tell his or her message, there would be a lot less negative campaigning.

It is one thing to have a fancy, artificial kind of whirling weathervane. That is a popular one now, where the weathervane flips one way and then the other to indicate that your opponent is wishy-washy or changes policy. There is not an officeholder among us who cannot be subject to that kind of political ad, unfairly most of the time, vastly unfairly some of the time. But it is a popular ad and it seems to work.

I doubt very much that it would work half as well if a candidate faced the people and looked them in the eye night after night in political ads and did nothing but talk about how wishy-washy his opponent was. That candidate, in my view, most of the time would lose an election. You cannot personally look out at your audience and constantly negatively attack your opponent and hope to win.

So I think, Mr. President, in that small way we might do more than a lot of the other things we are talking about doing because when you get right down to it when we talk about campaign financing all we are talking about is the means to get a message across.

We are not doing a darn thing about the message itself. It is the message itself, I think, that more than anything else is destroying the American voter's interest in the political process.

How can it be any other way, when all that the voter sees day after day after day for every campaign, for every level of office, is a negative, negative, negative political campaign?

That is why, Mr. President, as I said at the beginning of these remarks some minutes ago, we are shooting at the wrong target and we are hitting the wrong target. I think we are missing some of the facts as they truly exist in the increased costs of campaigns and why they are increasing and how much in real dollars they are increasing.

We are not touching at all the message, and we probably cannot, by law. We can only do that through our own leadership, our own leadership which I think ought to be utilized to fire a whole bunch of these gurus, to start campaigning more personally and more positively to change the face and the map of American politics. We would not worry so much if that happened about political campaign financing and campaign reform.

If the message were a positive one, if we were spending our time speaking out on issues, and if the message that we were buying with political donations was a message that helped educate people on issues, put forth positively our own stand on issues, helped us engage opponents in a legitimate debate where we differ on issues, then we really would have done something.

But if all we do is tinker around the margins with campaign financing, try to put limits here, almost certainly by instituting almost every new limit we create a new brand of cheater and we also give ourselves another place where perceived excesses will erupt and lead us to yet one more round of campaign financing.

I wonder sometimes, Mr. President, where we will be a decade from now on the next round, with another set of evils or ills, not having done anything about correcting the message but merely aiming at the means. I fear for the kind of political system we will have at that time.

So I hope that we can all join, and I am sure we could in a bipartisan way if we only knew the means and only knew the method where we could join in building a more positive message to send to people, a broader message, a message that would encourage rather than discourage grassroots campaigning, a message that somehow would give to every citizen the added impetus to be a politician, to fully engage in the art and science of government, to not only vote but to work on political campaigns, to help tell an officeholder what to do after they are elected and in a very real sense to be a full participant by contributing to political campaigns. It is not evil to do so. This Senator for one does not believe that there are an extraordinary number of evil influences in political campaigns. We have got to do more to change the message than change the means. Thank you, Mr. President.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Connecticut.

Mr. WEICKER. Bon journo. The distinguished Senator from Washington concluded his eloquent remarks exactly at the point I would like to start because the first thing I am going to do is to read an article that was published in 1977, almost a decade ago; it was published in U.S. News and World Report. "Pro and Con—Use Tax Dollars To Elect Congress?"

Congressman Mo UDALL of Arizona went ahead and advocated: "YES—we have to respond to evolving conditions," and an interview with Senator LOWELL WEICKER, JR., Republican of Connecticut, "No—the whole idea of public financing stinks!" So I am going to pick right up as to what my comments were on amendments to the original act which we are trying to reform again today, and as the Senator from Washington says if we got through the reform, which I do not think is going to happen, believe me, 10 years from now we would be reforming the reform of the reform.

> Q. Senator Weicker, why are you against using public funds to finance congressional campaigns?
>
> A. I think the whole idea of public financing stinks. What you'd be doing is subsidizing mediocrity. You'd be taking away from the people of this country one of the checks which they have on their Government: specifically, the power to politically utilize their resources.
>
> What particularly nettles me is that I've heard federal financing of campaigns referred to as a Watergate reform. This is absolutely wrong. The Senate Watergate Committee explicitly opposed public financing in its final report. I can only say that if there is to be "Watergate reform" of our election process, more power should be put in the hands of the people—not less.
>
> Q. Your view is that public financing increases the Government's power—
>
> A. It is a raid on taxpayers' money for the support of failing politicians. Politicians should get out and earn their votes, earn support. A time of declining faith in politicians is no time to reward them financially. In essence, you are eliminating competition in our election process; you're saying that a warm body is enough to get money.

I see the distinguished Senator from Maine eagerly receiving these remarks along with his colleague, Senator HARKIN. And I am delighted that two such good friends should be on the floor during the course of these remarks. They are, I can assure you, more than warm bodies. These are two of the finest Senators that enter this body, and I assure you that whatever financial rewards come to them at election time, are well deserved.

Mr. MITCHELL. Will the Senator yield?

Mr. WEICKER. I yield the distinguished Senator.

Mr. MITCHELL. One of us was going to leave now, but given those remarks we are going to be reduced to staying.

Mr. WEICKER. These remarks only come at 3 o'clock in the morning, let me assure the Senator.

Mr. MITCHELL. I want the Senator to know that I eagerly await the Senator's remarks.

Mr. WEICKER. I thank the distinguished Senator from Maine.

> Q. But wouldn't the proposals for congressional-campaign subsidies require a candidate to demonstrate he has support before he can qualify for public money?
>
> A. I agree, but the fact is the requirements aren't that stiff. What is the argument for giving this power to the Federal Government? I don't understand it in light of the track record of the Federal Government, which has been one of chicanery and corruption.
>
> The real story of Watergate was the story of the Federal Government gone haywire—of federal institutions being used politically. Now, what are you doing with a federal-financing concept? What you're doing is to say, "O.K., we're going to punish those who had nothing to do with the situation—the people—and we're going ahead and putting additional power in the hands of that institution which was involved in the wrongdoing.
>
> Look at the two major parties: The people have less and less faith in them. That's a statistical fact. Yet the representatives of the major parties are trying to make sure that, regardless of declining support in numbers, they're going to have the money to continue operating.
>
> Q. The backers of public subsidies for congressional races argue that private financing leaves open too many opportunities for wealthy special interests to buy influence—
>
> A. Sure, there have been attempts to buy elections. We saw that in 1972, when massive amounts of money were poured into Nixon's campaign by people trying to buy an Administration. Attempts have been made in congressional races.
>
> But how do you deal with it?
>
> The answer is you give the electorate the facts, and let the electorate decide whether or not an election is being bought. The answer is disclosure.
>
> Another answer is limiting the amounts of individual contributions and group contributions. This is a good reform. It seems to me that when you've limited the amount of contributions to $1,000 from an individual and $5,000 from a group, as we have, this

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pretty well stops the "buy" aspects of private financing.

Q. The Supreme Court has ruled that spending limits can be placed on candidates only if they accept them voluntarily as a condition for getting public subsidies. Isn't this a good argument in itself for extending subsidies to congressional campaigns?

A. This goes back to the question of buying elections. Disclosure is the answer, and we're getting there. In 1945, you probably could have spent 10 million dollars on your campaign and nobody would have known it. Today, everybody's going to know. The public can decide whether an election is being bought.

The issue of buying elections has come up in several races of recent vintage. In some, the candidates were tossed out; in others, though the spending obviously assisted in a victory, the public was not solely concerned with the spending issue. What I'm saying is that as long as the facts are on the table, I'm not worried.

Q. Does the high cost of campaigns concern you?

A. Yes, it does. But what I propose is shortened campaigns. It is the length of campaigns that drives up the cost. There is no reason why the primary and general-election campaign can't be held to 5 months at most, instead of 10 to 12 months for a House race, or a year and a half to 2 years for a Senate race, as it often does now. I'm going to offer this concept as a substitute for public financing when the issue comes up in the Senate.

Q. Just how could you shorten campaigns? What would you prohibit?

A. I would not permit any raising or expenditure of funds except during that five-month period for campaigning. Before that, candidates could speak all they wanted to, but no money could be raised or spent.

Q. Wouldn't such limits favor the incumbent, who usually is better known than his challenger?

A. Look, there is nothing I can devise that isn't going to favor the incumbent to some degree—just absolutely nothing. You've got to legislate on the norm and not the oddball exception.

Q. Suppose you see that Congress isn't going to accept your proposal to shorten campaigns and is going ahead with an extension of public financing. Are you going to try to alter the legislation in some other way?

A. No. I can't accept any part of public financing. I intend to fight tooth and nail to block passage of this political meadow muffin.

Again, that was an interview with U.S. News & World Report in 1977. So as my colleagues can see, even then I was opposed to the legislation which brings us here this morning, the feeling that that legislation was entirely inadequate for the task, which indeed it has proven to be.

I mentioned disclosure in the article, and I really think that disclosure and the concept of shortened campaigns is the answer to our problem. But the concept of disclosure also came up in the Senate Ethics Act which we passed on this floor and again which I opposed and again to which I offered a substitute, amendment, one calling for full disclosure. The issues are very, very similar.

Let the constituency, not an ethics committee which we now have, not a Federal Elections Commission, which associates with the Campaign Financing Act, let the constituency decide what is permissible or not; what is acceptable in Maine might be considerably different than what is acceptable in Connecticut, considerably different than what is acceptable in California or Oregon.

Let the constituency within each State decide what it is that they will accept in terms of both the amounts and the sources when it comes to campaign financing.

I wrote an article on the matter of disclosure for the New York Times. Again this was in 1977. I will now read from that article which was called Full-Full-Disclosure by LOWELL P. WEICKER, Jr.:

Seventy-four years ago, the British philosopher George Edward Moore wrote of the "difficulties and disagreements" that arise over the subject of ethics. The problems, he wrote, "are mainly due to a very simple cause: namely, the attempt to answer questions without first discovering precisely what question it is which you desire to answer."

The United States Senate, now considering a new code of ethics, provides living proof of Moore's thesis. Members know full well that they must answer the public cry for stringent rules of conduct; the issue can no longer be ignored. Yet, they are rushing to meet the challenge without a clear perception of what the so-called reforms will remedy.

The Senate ethics plan under consideration is an amalgam of arbitrary restrictions and incomplete regulations whose only claim to the title "reform" stems from its public relations value.

Very much akin to what we are doing here and what we did in 1977.

These two came up simultaneously in 1977 vis-a-vis campaign financing.

The proposal proclaims tough, new financial-disclosure provisions for senators and top Senate aides. But it stops well short of revealing all financial interests. No tax returns need be revealed. No specific amounts of assets or liabilities need be listed.

When the Senate and House approved the $12,900 pay raise (recommended incidentally not by the Senate and House but by an independent commission), lawmakers drew criticism. Their response was to promise "reform" and to limit the amount of a senator's outside earned income to 15 percent of his new salary.

Ignoring the fact that one cent paid a public servant demands proper conduct in return, the new reform bill implies that a $57,500-a-year senator requires improved ethics over the $44,600-a-year model. There is no magic to the 15 percent ceiling. Even the bill's sponsors admit that it is pulled from thin air.

But some type of income limit is vital to the integrity of the institution, they argue. Senators making more than $8,625 a year giving speeches, writing books or maintaining an outside business interest might appear to be in the pocket of special interest groups or shortchanging the American people—

You see the very argument that is being presented out here today—

by failing to devote enough time to their Senate work.

No consideration is given to those senators whose profits from stocks, bonds or family wealth far exceed the earned income of their less-wealthy colleagues. In essence, this "reform" rules out outside income for less well-to-do senators while permitting rich lawmakers to get richer.

Would not the potential for legislative conflict of interest be greater for a senator holding 1,000 shares of stock in a major corporation than for another lawmaker who earns $1,000 delivering a speech to an educational institution?

Instead of scurrying for public favor through artificial and illogical restraints on officeholders, the Senate should consider the effectiveness, not the cosmetics, of its ethical standards.

This is the issue here.

If the question of ethics hinges on a faltering public trust in its elected officials, there is one best way to restore confidence: Let the American people police their own politics.

Let the American people police their own politics.

Instead of senators' judging the propriety of their fellow senators, give the public all the facts and let the voters decide what is a conflict and what is proper,

Then I go on in the rest of the article to advocate a system of full disclosure.

For those who are seeking avenues of accountability in this matter of the financing of Federal election campaigns, they do not have to look any further than to the people of this Nation.

In March 1977, I wrote an article in the Congressional Digest on a question of Federal financing of congressional election campaigns—this is 11 years ago—"Should Federal Subsidies Be Provided for Congressional Election Campaigns?" I wrote the "con" argument.

From the debate of March 17, 1976, on the floor of the U.S. Senate during consideration of S. 3065, the Federal Election Campaign Act Amendments of 1976. Sen. Weicker's remarks center on an amendment to the pending bill which he had introduced which would have had the effect of repealing provisions of the FEA relative to Federal funding of presidential campaigns.

From the start, I have believed that public financing of national election campaigns—whether presidential or congressional—would be a mistake. I have long believed that such public financing, rather than being a reform, is a dangerous step toward decontrol of the Federal Government, and decontrol in the sense of the control exercised over us by the sovereign people of the United States.

For several years, efforts have been mounted in the Congress to broaden the present provisions, under which the campaigns of presidential candidates are financed from tax revenues, to include funding for the campaign expenses of candidates for the Senate and House of Representatives. As my colleagues know, I have expressed grave reservations about the action

of Congress which authorized Federal funding of the presidential campaigns, and have expressed my undisguised concern over damage to basic and vital principles of our American system which would result—and, in my view, have resulted—from such a method of financing. I feel, if anything, even more strongly about proposals to devise a similar method of financing candidates for congressional office.

I understand the motivation behind public financing. It was deemed a reform measure to reduce the role of money in the American political process, and to diminish the amount of money spent in the course of an election. But I suggest that, in effect, all we did when we enacted public financing was to accept the problem and merely find a way to finance it.

What am I talking about here? I am specifically saying that the reason why so much money is expended is the length of our political campaigns.

Why then did we not attack the basic problem, reduce the time? Because, indeed, if we had done that, we would have reduced the funds to be expended. Instead, we accept the inordinately long length of campaign time.

Believe me, unless the funds are coming from some source other than individuals, it does demand a sort of financing scheme.

With the best intentions, the Congress enacted campaign reform legislation calling for direct Federal subsidies to Presidential candidates. However, that accommodates rather than eliminates the problem. The problem is long translating into big money. Public financing only pays the blackmail imposed by that sin.

Matching funds have kept floundering Presidential campaigns afloat beyond their time.

I said that in 1977, and it has happened several times since then.

They have allowed one issue candidates and those with only a marginal chance of success to overspend their budgets, knowing a taxpayer bonanza waited in the wings. Allowing the Federal Government to bankroll everybody who wants to be President is a subsidy that can only sap the vitality of a free society whose excellence depends on the survival of the fittest ideas.

One measure of a candidate is his or her ability to generate contributions for public office. Candidates should sell their ideas to win, not just be a warm body and rely on the Federal dole. Worse, public financing gives Congress control of the campaign war chests of Presidential challengers. The Campaign Reform Act was drafted in 1974, with the Congress and White House controlled by different parties. Under these circumstances, each candidate of a major political party would receive $20 million in a general election. Were the Nation to elect a President with a large majority of his own party in the Congress, who can say that the formula for allocating funds would remain the same? And what of enforcement? Once we hand the Congress the political purse strings, the people will no longer have the final say. Instead, politicians will be monitoring politicians. And that is not a healthy situation.

The dangers of public financing were recognized by the majority of the Watergate Committee when they opposed enactment of that decision. In a brief filed by the appellants for the Supreme Court, in the case James L. Buckley against Francis R. Valeo, these dangers were clearly described:

"Grave dangers to the future of democratic government result from direct payments to parties and candidates. Democracy depends largely on free political competition and the freedom to form, join or leave political organizations. Once a party becomes officially sponsored by the government or government begins to determine the allocation of political resources, that freedom is endangered."

The experience to date with the tax checkoff to finance Presidential campaign funds indicates little interest and enthusiasm among the people. Only 10 percent of the taxpayers chose to direct the $1 of their taxes owed for 1972 to the campaign fund. The total amount designated for 1972 was $12.9 million. For the taxable year 1973, approximately 14 per cent of the taxpayers exercised this option, accounting for $17.3 million. Approximately 20 per cent of the taxpayers submitting returns for 1974 funneled moneys into the Presidential campaign fund. The total amount for that year was $31.9 million. As of February 25, 1976, approximately $6.1 million has been accumulated. The total funds received since 1971 is approximately $68 million.

With 80 per cent of the American people saying no to checkoffs, it is time the Congress reexamined the policy of paying checks out to Presidential candidates.

I understand that there are those who would want to extend the Federal financing principle to senatorial and congressional campaigns. Then how long will it be before nondesignated general funds are used when indeed the pot becomes too small for the numbers desiring to run or participate?

I confess that with today's myriad of unresolved needs, I find financing political campaigns rather far down on my priority list. If we have become so devoid of initiative, ideas, and courage that the American people are walking away from today's politicians, then it is time to get out, rather than to monetarily assure a continued presence. If we want to reduce the role of money in politics, reduce the time of politicking. In so doing we will preserve the rights of Americans, while getting better men and women to serve.

I have heard comment that in fact these are not general funds, that these are designated by various taxpayers.

Well, now, let us examine that just for a minute. I do not have the right, neither does any American taxpayer, to designate that a certain amount of my tax shall go to HUD, or that a certain amount of my tax shall go to Defense. So, in effect, we are giving a special privilege here. It is money that does come out of the general fund. It is money not going into the general fund but, rather, into the business of politics and financing of campaigns.

I think, and this is all the amendment is stating, that if we are going to take this step, both in the sense of its effectiveness in reducing the ills of our political system and in the sense of what it does to the basic rights of Americans, this is something we should tread into with a light step. It makes eminent sense to examine our experience, as we will the experience of the election of 1976, before we impose such a system forever on the American people. It would be very hypocritical, indeed, for this Congress to demand a zero budget-type base for all the other agencies and programs of Government if we are not willing to do it to ourselves.

I hope the American people understand what is at issue here. I have always thoroughly objected to this public financing being labeled as Watergate reform. It was no such thing. It has no relationship to the facts of Executive abuse, no relationship whatsoever. Indeed, what we have done with this type of reform is to put more power into the hands of the Executive; more power into the hands of the Congress.

One thing the American people still have to themselves is their vote, their support, their contributions. This is their one check on the Government, and it is one that I feel they should preserve. But certainly, since the Congress, the representatives of the people, deemed it advisable to give a new system a chance, let us try it out, but then let us put an affirmative responsibility on our shoulders to justify its continued existence.

I have made the statement that I thought in this country what we should do is have the candidates file the first Tuesday in September, let there be direct primaries the first Tuesday in October, and then let the general election take place the first Tuesday in November, letting the whole process consume 60 days. Believe me, then we will reduce the role of money in campaigns and we will also, I think, achieve a very affirmative result. I think most peoples' attention span is quite good, if we are talking 60 days. I think in two years it sort of wavers.

There is no question in my mind that in this way ideas will be at a premium and they will count. By the same token, obviously, the funds expended will nosedive. But what we in effect have done is just to go ahead and accept a bad situation and figure out not how we are going to pay for it, but how the American taxpayers are going to pay for it.

There you have all the remarks made in the year 1977, and here we are right back at it, moving, just as I predicted then, away from public financing of just Presidential campaigns to include those for Congress, for the House and for the Senate. I might add that I will stick by my resolution of shortening campaigns.

Let time be the disciplining factor. Do not discipline the freedom that the American people have of expressing themselves, whether by virtue of their resources or their energies.

Mr. President, yesterday and again in the articles which I have read today, I referred to the recommendations of the Watergate Committee. I referred to them because they have a direct application to what we are considering on the floor of the Senate this morning. It does little good to write the pages of history if, in a short period of time, we are to ignore our own writing.

Watergate was not a media event. It was not a miniseries devised for the entertainment of the American people. It happened. The facts were ascertained to the minutest detail. Unlike some of the matters which confront us today, where we do not know all the answers, we got all the information. We knew exactly what transpired. The Nation was shocked.

I might add that, unlike the House of Representatives, the Senate committee was authorized not in the sense of an impeachment process but, rather, to look at the election, to look at that election that had taken place, ascertain the facts and then given recommendations. What was the name of the committee? The name of the committee was the Select Committee on Presidential Campaign Activities. That was the name of the committee. Now listen to the full title: The Select Committee on Presidential Campaign Activities, the U.S. Senate, pursuant to Senate Resolution 60, February 7, 1973, a resolution to establish a select committee of the Senate to investigate and study illegal or improper campaign activities in the Presidential election of 1972.

This is completely different from what it is the House accomplished. It was the actual impeachment process itself, or at least a portion of that process, the process never having been completed in the sense of coming to the U.S. Senate.

So this body authorized this committee to find out what went wrong and to make recommendations. I do not think there is any debate over the fact that the Senate, the House, the Nation, was aghast at what it was this committee found out, and, on the basis of what it found out, it made its recommendations. One of those recommendations went to the heart of what it is that comes before us at issue now.

Recommendation 7, and I now quote:

> The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.

Now, can you have anything more direct to the point at hand than that?

> The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.
>
> The Select Committee opposes the various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office. While recognizing the basis of support for the concept of public financing and the potential difficulty in adequately funding campaigns in the midst of strict limitations on the form and amount of contributions, the committee takes issue with the contention that public financing affords either an effective or appropriation solution. Thomas Jefferson believed "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."
>
> The committee's opposition is based like Jefferson's upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment.
>
> Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns.
>
> The abuses experienced during the 1972 campaign and unearthed by the Select Committee were perpetrated in the absence of any effective regulation of the source, form, or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971, in requiring full public disclosure of contributions, the 1972 campaign still was funded through a system of essentially unrestricted, private financing.
>
> What now seems appropriate is not the abandonment of private financing, but rather the reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses of earlier campaigns.

We can all speculate as to what might transpire from our legislation here on the floor of the Senate, but this conclusion, which I have just read, is no speculation. It was based on a track record of abuse by governmental agencies, not just by one man, Richard Nixon, but by governmental agencies. And here we are right back in the same old corner saying let us give more power to these agencies or let us create another agency and give new powers to it. I think that a little bit foolish.

The other track record you have is the track record now, as far as Presidential campaigns are concerned. Again, that track record is nothing of which to be proud: People overspending their limits, extending campaigns, as I suggested might happen, just to receive Federal funds.

What is the impetus behind new reforms? As I indicated earlier, if you want new reform, let us have election campaign consume 60 days. Now there is something new. Sixty days, primary process, election—60 days instead of the year to 2 years to 3 years, in some instances, 4 years that is involved in the present process.

What is it that we are tinkering with in S. 2? I suspect that some of it has to do with PAC's, and I do not quite understand that. What is the actual problem with the PAC's here? What are PAC's? They are not just something out there in the air by themselves. It is the result of a joint effort of many people to give some clout to their contribution. What is wrong with that? I know it is fashionable, on both sides of the aisle here, to say PAC's are awful. What is a PAC?

It is people, plural, getting together to have their voices heard as 1 rather than as 10 or 100 or 1,000. And the PAC's come from across the spectrum of activity in this Nation. There are environmental PAC's, educational PAC's, scientific PAC's, in addition to those of labor, working men and women, business, every conceivable concept where people want to have their voice heard, where they find it is far easier to have their voice heard when they speak as one rather than as a myriad of individuals.

So I do not even go along with the badmouthing that associates with the word PAC.

But be that as it may, I get back to the recommendations of the Watergate Committee, why it recommended against public financing and, in that regard, will now recite the individual views which I expressed as a part of that report. Those individual views are merely a recitation of the facts of government abuse as to why we said the government should not have more power. I do not think anything can cite my case more strongly than what actually happened in America in the early 1970's.

If anybody wants a copy of this report of July 1974, my office will be glad to supply it.

In the early 1970's, several independent events took place in the United States of America. On the surface they appeared to lack a common bond.

In June 1969, a Louis Harris poll found that 25 percent of all Americans felt they had a moral right to disregard a victim's cry for help. Over the next several years, this mood took the form of countless incidents of "looking the other way" when men and women were assaulted and murdered in full view of entire neighborhoods.

On May 4, 1970, at Kent State University in Ohio, a group of students who refused an order to disperse were fired upon by the National Guard, killing William Schroeder, Sandy Scheuer, Jeffrey Miller, and Allison Krause, and wounding nine others. Ten days later, at Jackson State University in Mississippi, police who had been called in to protect firemen from violence, opened up a 28-second fusillade into and around a dormitory killing Phillip Gibbs and James Earl Green, and wounding 12 others.

During 1971, a decision was reached by the administration to conduct the President's reelection campaign with a special committee totally separate and insulated from the political party which would renominate that President.

In early 1972, a young radio reporter in Miami stood outside a supermarket trying to get people to sign a copy of the Bill of Rights. Seventy-five percent refused, many saying it was "Communist propaganda."

In February 1972, it was revealed that International Telephone & Telegraph had allegedly offered a campaign contribution of $400,000 in return for the Justice Department dropping an antitrust suit against ITT. The suit was dropped on Presidential order, but when the Attorney General was questioned about the President's role by a Senate committee in March, he lied.

On June 17, 1972, burglars employed by the Committee to Reelect the President were arrested inside the headquarters of the Democratic National Committee with bugging equipment and large sums of cash.

In December 1972, having failed to get congressional approval for a reorganization of the Cabinet, the administration moved autonomously to establish three or four "super Secretaries" and to place various Executive Office employees in key sub-Cabinet posts. The obvious goal was to create a White House-directed network of decisionmaking and reporting quite different from the formal Cabinet structure which remained subject to congressional scrutiny.

In February 1973, the White House held a Peace-with-Honor reception to celebrate the end of the Vietnam war. Only those Congressmen who had supported the President's Vietnam policies were invited, implying that those who had questioned our involvement in Vietnam were either against peace or were dishonorable men and women.

Some of these incidents were matters of life and death and were well publicized. Others were matters of principle and were little noticed at the time.

In each instance a significant outrage had taken place.

What was common to all?

In each instance no one complained.

A constitutional stillness was over the land.

The next chapter was entitled, "The Uproar."

That American decency, idealism, honesty and reverence for the Constitution that some thought bought off has been stirring and reasserting itself for many months now.

Yes, a few still shout treason when questions are asked.

A few still espouse the end as justifying the means.

A few still goggle at an American title rather than the title of American.

But it was only yesterday, June 17, 1972 to be specific, that today's few were part of a large American majority.

Why the turnaround?

The truth!

Because Frank Wills discovered taped doors at the Watergate, America's doors didn't close in all our faces.

The next chapter is "Constitutional Democracy in the Era of Watergate."

For this Senator, Watergate is not a whodunit.

It is a documented, proven attack on laws, institutions, and principles.

The response to that attack was and is a nation of laws at work, determining whether men shall prevail over the principles of a constitutional democracy. It has been and will be the testing of a great experiment in Government begun some 200 years ago.

Laws, institutions, and principles were squarely before this committee, to be debated, probed and documented, in order to assert remedies and reassert time-honored concepts. Guilt or innocence was not an issue. This was a fact-finding body; it was a legislative body; and those duties go to the heart of what Watergate was all about.

In keeping with the committee's duties, this is a report of facts and evidence, leading to legislative recommendations, one of which, I might add, I just read to this body here, being against Federal financing of elections.

To document the abuse of laws, institutions, and principles, the facts and evidence are presented, first, as they bear on the basis of our laws, the Constitution; second, as they relate to the institutions of our Government; and third, as they affect the principles of our political system.

I. THE CONSTITUTION

One of the most disturbing facts about the testimony presented to this committee is that so much of it went relentlessly to the heart of our Constitution.

To appreciate what happened to the Constitution, it is useful to divide the seven articles and 26 amendments into substantive versus procedural provisions. The substantive sections lay out rights, powers, and duties. The procedural areas address somewhat more technical and administrative matters. The important point is that the essence and strength of the Constitution springs from its substantive areas, primarily the first three articles, the first 10 amendments and the 14th amendment.

A. THE EXECUTIVE

Of all the issues confronting the Constitutional Convention at Philadelphia, the nature of the Presidency ranked as one of the most important. The resolution of that issue was one of the most significant actions taken.[1]

Most state constitutions prior to that time had weak executives and strong legislatures.[2] The decision to create a President, as opposed to plural administrators,[3] was a reluctant recognition of the advantages of a strong executive.

Nevertheless, the Convention took steps to contain presidential power. Only after deciding the method of selecting a President, his term, mode of removal, and powers and duties did the Convention agree to the concept of a strong President.[4]

This bit of history, indicating that the delineation of the President's office and powers preceded the creation of his position in the Constitutional scheme, is quite important. It demonstrates that executive power is to be exercised within the framework of the Constitution, and particularly, within the guidelines of Article II, which lays out the powers and duties of that office.

This is much of what Watergate is all about, and it bears a close look at Article II.

The issue at stake is the exercise of potentially awesome Presidential power. As to that issue, Article II contains two points of significance.[5] First, its opening words state: "The executive Power shall be vested in a President of the United States of America.[6] This grant of executive authority, with no words of limitation, has, from the time of Jefferson, been the basis for expanding the presidential office and activities.[7]

However, the initial broad authority is offset by a second significant factor, the enumeration of executive powers later in Article II.[8] These declare in part that the President is to be Commander-in-Chief, make treaties, appoint ambassadors and other officers, grant pardons, and take care that the laws are faithfully executed.

It is worth noting that experience has eventually placed limits on the general powers. The President has been allowed, as a practical matter, to exercise those additional powers that fall naturally within his range of activities.[9]

The important point, however, is that no President has been, or can be, allowed to conduct the executive branch in conflict with the Constitution taken as a whole, and certainly not in conflict with express sections of the Constitution, such as the Bill of Rights, or Article I (the legislature), or Article III (the judiciary). This then is the proper context for examining facts.

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[1] Congressional Research Service, Library of Congress, "The Constitution of The United States of America" (1973), p. 429. Background on the Convention from C. Thach. "The Creation of the Presidency, 1775-1789" (Baltimore: 1923).

[2] As a result of experience with the royal governors, not only did most states have weak executives, but the Articles of Confederation (which was the agreement by which the national government was functioning at the time of the Constitutional Convention) vested all powers in a one-body Congress. C. Thach, chs. 1-3. The Virginia Plan, which was the basis of discussion, offered a weak executive, with only power to "execute the national laws" and to "enjoy the Executive rights vested in Congress." Id., ch. 4; Congressional Research Service, p. 430.

[3] It was not until the closing days of the Convention that there was any assurance the executive would not be tied to the legislature, devoid of power, or headed by plural administrators. Although the discussion about the executive opened on June 1, 1787, as late as September 7, 1787, eight days before the final Constitution was ordered printed, the Convention voted down a proposal for an executive council that would participate in the exercise of all the executive's duties. M. Farland, "The Records of the Federal Convention of 1787" (New Haven: 1937), 21 and 542.

[4] The eventual basis of Article II was the New York Constitution. On June 1, 1787, James Wilson moved that the executive should be one person. A vote on the Wilson motion was put off until the other attributes of the office had been decided. The decision resulted largely from experience with the Articles of Confederation "that harm was to be feared as much from an unfettered legislature as from an uncurbed executive and that many advantages of a reasonable strong executive could not be conferred on the legislative body." Congressional Research Service, p. 430.

[5] According to Alexander Hamilton, "The second Article of the Constitution of the United States, section first, establishes this general proposition, that 'the Executive Power shall be vested in a President of the United States of America.' That same article in a succeeding section, proceeds to delineate particular cases of executive power." 32 "Writings of George Washington," J. Fitzpatrick ed. (Washington: 1939) 430; 7 "Works of Alexander Hamilton," J.C. Hamilton ed. (New York: 1851) 76.

[6] U.S. Constitution, Article II, Section 1.

[7] The practice of expanding presidential powers has continued steadily but was irrevocably set when the "Strict constructionists" came to power in 1801 and did not curb executive power, but rather enlarged it. The modern theory of Presidential power was conceived by Hamilton, but it is interesting to note his qualification "that the executive power of the nation is vested in the President; subject only to the exceptions and qualifications, which are expressed in the instrument." 7 "Works of Alexander Hamilton," 80-81; see Congressional Research Service, 433 and 437.

[8] U.S. Constitution, Article II, sections 2-4.

[9] See note 7 supra.

Article II of the Constitution, by which the Presidency was created, was violated from beginning to end by Watergate.

There is massive evidence of misuse of the awesome general powers that reside in the executive department.

There is equal evidence documenting abuses of the enumerated duties.

1. General powers and duties

The facts show an executive branch that approved a master intelligence plan containing proposals that were specifically identified as illegal,[10] that proposed setting up a private intelligence firm with a "black bag" or breaking and entering capability as secret investigative support for the White House,[11] that set up its own secret police,[12] that used its clandestine police force to violate the rights of American citizens,[13] that hired a private eye to spy on its enemies, including their personal lives, domestic problems, drinking habits, social activities and sexual habits,[14] that circulated an enemies list,[15] that developed plans to "use the available federal machinery to screw our political enemies,[16] that knew of an illegal break-in connected with the Ellsberg case and concealed that fact rather than report it to appropriate authorities,[17] that used a presidential increase in milk support prices to get $5,000 from the milk producers to pay for the Ellsberg break-in,[18] that recruited persons for that break-in on the false pretense of national security,[19] that offered the presiding judge in the Ellsberg trial the FBI Directorship at a clandestine meeting in the midst of the trial,[20] that ordered a warrantless wiretap on a news columnist's telephone,[21] that wiretapped 17 newsmen and government officials in an operation that was outside proper investigative channels,[22] that suggested firebombing the Brookings Institute,[23] that set up an Intelligence Evaluation Committee outside the legitimate intelligence community to disseminate information that should have been restricted to individual agencies,[24] that used the Secret Service to wiretap the President's brother,[25] that kept $350,000 in left-over 1968 campaign funds in a safe in the Chief of Staff's office,[26] that used most of those funds as "hush money" for the Watergate burglars,[27] that approved a large contribution from the milk producers association after being told it was meant to gain access to and favors from the White House,[28] that received and passed on information about an IRS audit of one of the President's friends,[29] that arranged for a tax attorney for the friend.[30]

That contacted the IRS as well as the Justice Department in a number of other tax cases involving friends of the President,[31] that planned and possibly carried out a break-in at the office of a Las Vegas publisher,[32] that suggested a break-in at the apartment of the man who attempted to assassinate Governor Wallace,[33] that contemplated a break-in at the Potomac Associates offices,[34] that tried to rewrite history by making up bogus State Department cables to falsely connect the Kennedy Administration with the assassination of President Diem,[35] that attempted to get reporter William Lambert to use the phony cables in a story,[36] that tried to plant false stories connecting the President's opponent with communist money and the crimes alleged in the Ellsberg case,[37] that installed an elaborate system of taping conversations between the President and his staff or visitors,[38] that told federal investigators to stay out of the Ellsberg matter,[39] that undertook a clandestine operation to hide a key witness in the ITT case in a Denver hospital where she was interrogated by Howard Hunt in disguise,[40] that authorized and funded from within the White House a dirty tricks operation including scurrilous literature, late night telephone campaigns and advertising designed to offend local interests, seemingly sponsored by Democratic candidates, and physical disruptions directed against Presidential opponents,[41] that planted spies, hecklers, and pickets in the Muskie and Humphrey campaigns,[42] that participated in discussions of a campaign against Democrats to include prostitutes, mugging, kidnapping, bugging, and burglary,[43] that pressed for adoption of Liddy's Watergate plan,[44] that was told of the authorization and budget for Liddy's plan,[45] that believed it had received transcripts of illegal wiretaps and never reported that crime,[46] that was warned of the planned break-in at the Watergate and did nothing to stop it,[47] that knew the full scope of Liddy's activities shortly after the Watergate arrests and kept those facts from proper authorities,[48] that shredded Watergate evidence in the Chief of Staff's files,[49] that tried to use one of its executive branch agencies as a "cover" for the Watergate operation,[50] that was the

scene of meetings at which high officials plotted to use the power and influence of the presidency to cover up crimes and obstruct justice,[51] that saw advisors invoke the power of the presidency to use an FBI Director in ways that would eventually cause him to resign.[52]

That used the President's fundraising powers to collect illegal corporate contributions,[53] to raise funds to finance a crime,[54] and to collect bribes for a criminal case,[55] that discussed using the President's clemency prerogatives as early as July 1972, to keep the lid on Watergate and other crimes, while misleading the American people by calling Watergate a "third rate burglary,"[56] that made offers of clemency for improper purposes,[57] that announced, in a Presidential statement, a Dean investigation clearing the White House, when there had in fact been a coverup not an investigation and the President had never, ever talked to Dean about Watergate,[58] that discussed, in the Oval Office, unethical out-of-court contacts with the presiding judge in one of the Watergate civil suits,[59] that purposely lied to the FBI and a federal grand jury,[60] that encouraged campaign officials to commit perjury and plead the Fifth Amendment to obstruct justice,[61] that used the President's personal attorney and White House staff to pay criminal "hush" money,[62] and to pay for a private eye operating out of the White House,[63] that used its influence to get raw FBI files for improper purposes,[64] that prevailed upon the FBI not to interview certain witnesses,[65] that used patriotic concern for the presidency to pressure defendants to plead guilty in a criminal case,[66] that used its influence to get special treatment for high officials before a federal grand jury,[67] that plotted to cover up the Segretti story and denounced in the harshest terms those who uncovered the story.[68]

That noted "it would assuredly be psychologically satisfying to cut the innards from Ellsberg and his clique,"[69] that obstructed Congressional investigations of Watergate and related matters,[70] that filed Watergate counter suits for the distorted purpose of using subpoena powers to delve into the financial and sexual activities of political opponents,[71] that made numerous misleading or false statements about Watergate to the American people,[72] that failed to promptly inform proper authorities about knowledge of crimes involving White House officials,[73] that forced the resignation of a special prosecutor, Attorney General, and Assistant Attorney General when their Watergate prosecution took an independent position,[74] that suggested using the Attorney General's powers to keep a Republican opponent off the primary ballot in Florida,[75] that used the executive's authority over the media's regulatory agencies to intimidate the media,[76] that ordered a personal tax audit, surveillance by an FBI agent and Secret Service agents, and an anti-trust action, all in response to a newspaper article about one of the President's friends,[77] that tried to punish foundations with views different than White House policy by pressuring the IRS to review their tax exempt status,[78] that set up a program to insure that government contracts, grants, and loans would, as a matter of government policy, be political rewards,[79] that treated the Presidential pardon as a political tool,[80] that used its power over the tax collection agency to gather intelligence on and harass political opponents,[81] that issued instructions to hire a shaggy person to sit in front of the White House with a McGovern button, and counter demonstrators at the funeral of J. Edgar Hoover,[82] that infiltrated a Quaker vigil in front of the White House,[83] that used the agency that is supposed to guard the President to spy on the President's political opponent,[84] that ordered 24 hour surveillance of a political opponent.[85]

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[10] See Vol. 3, Ex. 35, p. 1319. This is a plan submitted by Tom Charles Houston to the President and approved in July, 1970. Presidential Statements, May 2[illegible], 1973. Part D., entitled "Surreptitious Entry," reads: "Use of this technique is clearly illegal: it amounts to burglary." Id., at 1321.

[11] Operation Sandwedge, drawn up by John Caulfield in late 1971, to infiltrate campaign organizations, with a "Black bag" capability, "surveillance of Democratic primaries," and "derogatory information investigative capability, world-wide." See. Ex. and pp. —, Campaign Practices, supra.

[12] See, the Intelligence Community, infra. (discussion of the establishment and functions of the secret so-called Plumbers unit in the White House).

[13] On June 2[illegible], 1974, Mr. Charles Colson, was sentenced to one to three years in jail for, among other things, activities of the Plumbers "to influence, obstruct, and impede the conduct and outcome of the criminal prosecution of Daniel Ellsberg."

[14] See, the list of investigations by Anthony Ulasewicz, The Intelligence Community, infra; see also, Ulasewicz testimony, Vol. 6, pp. 2219–2277.

[15] See, Vol. 4, Exhibits 44, 48–65.

[16] Vol. 4, Ex. 48, p. 1689.

[17] When the prosecutors finally learned of the break-in 18 months after it occurred, they were told by the President, "you stay out of that," even though it was a crime for which at least one defendant has been convicted. Vol. 9, p. 3631.

[18] Ellsberg Break-in Grand Jury Proceedings, 652–656.

[19] Testimony of Bernard Barker, Vol. 1, p. 358.

[20] Testimony of John Ehrlichman, Vol. 6, p. 2617–2619.

[21] At Ehrlichman's instructions, Caulfield had John Regan tap columnist Joseph Kraft's home telephone. John Caulfield Executive Session, March 16, 1974.

[22] See, testimony of Robert Mardian, Vol. 4, pp. 2392–2393; John Ehrlichman, Vol. 4, p. 2529; and John Dean, Vol. 3, p. 920.

[23] John Caulfiend Executive Session, March 23, 1974; testimony of John Dean, Vol. 3, p. 920.

[24] Notwithstanding the fact that the statutes prohibit the CIA from participating in any domestic intelligence function, they were called upon to evaluate domestic intelligence-gathering by other agencies, when the Intelligence Evaluation Committee was set up. Testimony of John Dean, Vol. 4, p. 1457.

[25] In a Press Conference on November 17, 1973, the President stated: "The Secret Service did maintain a surveillance. They did so for security reasons, and I will not go beyond that. They were very good reasons, and my brother was aware of it."

[26] Testimony of H.R. Haldeman, Vol. 7, p. 2879; Gordon Strachan, Vol. 6, p. 2442, 2461.

[27] Testimony of Fred LaRue, Vol. 6, p. 2343.

[28] Mr. Kalmbach testified that he reported the original milk producers' contribution, and their request in returr for 90 percent parity, a Presidential address at the r Convention, and a Presidential audience, to Messrs. Ehrlichman, Flanigan, Gleason, and Dent. Herbert Kalmbach, Executive Session.

[29] Gen. Alexander Haig, White House Chief of Staff, was called by William Simon of the Treasury Department and told that Mr. Rebozo was to be audited. Gen. Haig met with White House attorneys on the matter, resulting in a decision to tell the President and volunteer to use the White House attorneys to find a tax lawyer for Mr. Rebozo. Gen. Alexander Haig, Executive Session.

[30] Id.

[31] This help was extended to Dr. Kenneth Riland. Testimony of John Dean, Vol. 4, p. 1530, 1559. It also went to the Rev. Billy Graham and actor John Wayne. Id., at 1529–1530.

[32] Testimony of Howard Hunt, Vol. 9, p. 3687. See also, Transcripts of Presidential Conversations.

[33] Testimony of Howard Hunt, Executive Session, July 25, 1973, p. 129–133.

[34] A White House memo, dated July 6, 1971, from John Caufield to John Dean, stated: "Building appears to have good security with guard present in lobby during day and evening hours. However, a penetration is deemed possible if required."

[35] Testimony of Howard Hunt, Vol. 9, p. 3732.

[36] *Id.*, at 3672.

[37] Vol. 10, Ex. 194, p. 4259 (A memo from Pat Buchanan recommending, "The Ellsberg Connection, tying McGovern to him and his crime—as soon as the indictment come down.") A Dean to Haldeman memo stated, "We need to get our people to put out the story on the foreign or Communist money that was used in support of demonstrations against the President in 1972. We should tie all 1972 demonstrations to McGovern. . . ." See, Vol. 8, p. 3171.

[38] Testimony of Alexander Butterfield, Vol. 5, p. 2074.

[39] Testimony of Henry Petersen, Vol. 9, p. 3631.

[40] Testimony of Robert Mardian, Vol. 6, p. 2359; Testimony of Howard Hunt, Vol. 9, p. 3752–53.

[41] See, the Electoral Process, infra (description of the Segretti operation).

[42] See, Executive Session, Herbert Porter, April 2, 1973 (the activities of Sedan Chair I and Sedan Chair II).

[43] Testimony of John Mitchell, Vol. 5, p. 1610.

[44] Testimony of Jeb Magruder, Vol. 2, p. 835. (phone call by Mr. Colson to Mr. Magruder, to "get on the stick and get the Liddy project approved so we can get the information from O'Brien.")

[45] For example, on March 30, 1972, a few days after the Liddy plan was allegedly approved, a memo from Strachan to Haldeman reported, "Magruder reports that 1701 (CPR) now has a sophisticated political intelligence gathering system with a budget of 300." Testimony of Gordon Strachan, Vol. 6, p. 2441. An April 4, 1972, talking paper for a meeting between Mitchell and Haldeman included the intelligence plan and its $300,000 budget. Id., at 2454.

[46] Mr. Strachan testified, "I did not tell Mr. Dean that I had, in fact, destroyed wiretap logs, because I was not then sure what they were, I only had suspicions." Testimony of Gordon Strachan, Vol. 6, p. 2442. Mr. Strachan had also had access to all the Watergate wiretap transcripts. Testimony of Jeb Magruder, Vol. 2, p. 827.

[47] Mr. Strachan, according to Mr. Magruder, was as well briefed, on the evening of June 16, 1972, on the intelligence operation (including the plan for a second break-in on June 17) as anybody at the Committee to Re-Elect. Testimony of Jeb Magruder, Vol. 2, p. 827.

[48] The White House counsel, among others, was fully briefed by Liddy himself three days after the break-in, and given the full story of Liddy's Plumbers' activities as well. Testimony of John Dean, Vol. 3, p. 933.

[49] Testimony of Gordon Strachan, Vol. 6, p. 2458.

[50] Both Mr. Helms and Gen. Walters of the CIA testified that at a meeting on June 23, 1972, with Mr. Haldeman and Mr. Ehrlichman, they were instructed to use the CIA to interfere with the FBI investigation of Watergate. Testimony of Richard Helms, Vol. 8, p. 3238; testimony of General Vernon Walters, Vol. 9, p. 3405.

[51] As soon as Mr. Dean returned to Washington after the break-in, he began meeting with White House officials, such as his meetings on June 19, 1972, with Messrs. Ehrlichman, Colson, and others to discuss how to handle Liddy and the contents of Hunt's safe. Testimony of John Dean, Vol. 3, p. 934.

[52] Patrick Gray testified that he took the Hunt files and destroyed them because the order came from "the counsel to the President of the United States issued in the presence of one of the two top assistants to the President of the United States." Testimony of Patrick Gray, Vol. 9, p. 3467.

[53] See, testimony of eight corporate executives convicted of illegal corporate contributions, Nov. 13–15, 1973. Vol. 13.

[54] Not only was the Ellsberg break-in financed by milk producers' money (see, note 18, supra), but the Watergate break-in was financed by money from the Committee to Re-Elect. Testimony of Hugh Sloan, Vol. 2, p. 539; testimony of Maruice Stans, Vol. 2, p. 795.

[55] Mr. Kalmbach was asked to raise funds for the Watergate burglars. Testimony of John Dean, Vol. 3, p. 950; confirmed by Transcripts of Presidential Conversations, April 14, 1973, p. 494.

[56] Presidential Statement of August 15, 1973, p.3; testimony of John Ehrlichman, Vol. 7, p. 2848–2849.

[57] On at least three occasions Watergate defendant James McCord received offers of executive clemency if he would remain silent and plead guilty. Testimony of James McCord, Vol. 1, pp. 131, 132, 135, 139–141.

[58] Testimony of John Dean, Vol. 3, p. 955.

[59] Testimony of John Dean, Vol. 3, p. 958. "He (Judge Ritchie) has made several entrees off the bench—one to Kleindienst and one to Roemer McPhee to keep Roemer abreast of what his thinking is. He told Roemer that he though Maury (Maurice Stans) ought to file a liber action." Transcripts of Presidential Conversations, September 15, 1972, p. 60.

[60] Herbert L. Porter pleaded guilty, on January 28, 1974, to one count of making false statements to FBI agents. Gordon Strachan testified that he was expressly asked to do something he knew was improper related to his grand jury testimony of April, 1973. Testimony of Gordon Strachan, Vol. 6, p. 2443. See, also testimony of Jeb Stuart Magruder, Vol. 2, pp. 801, 802, 804, 831–832.

[61] Dean attempted to get Sloan's lawyers to have Sloan take the Fifth Amendment. Testimony of Hugh Sloan, Vol. 2, pp. 585, 586. Herbert Porter testified that he was asked to perjure himself by Magruder concerning the amount given Liddy—asked to say he gave $100,000 to pay surrogates. Porter, subsequently, perjured himself to the grand jury and in the trial. Testimony of Herbert L. Porter, Vol. 2, pp. 635–637.

[62] Testimony of John Dean, Vol. 3, p. 950. Kalmbach recollected that Dean stressed secrecy with respect to raising funds for the defendants, that he made a very strong point that there was absolute secrecy required, confidentiality, indicating that if this became known, it might jeopardize the campaign and cause misinterpretation. Testimony of Herbert Kalmbach, Vol. 5, p. 2098.

[63] Mr. Caulfield worker on his intelligence projects with Mr. Ehrlichman and Mr. Kalmbach. He hired Mr. Ulasewicz on July 9, 1969, who was paid on a monthly basis through the Kalmbach law firm. Testimony of John Caulfield, Vol. 1, p. 251.

[64] Testimony of John Dean, Vol. 3, pp. 944–945. Testimony of L. Patrick Gray, Vol. 9, p. 3479.

[65] At the request of Mr. Dean, Mr. Gray held up FBI interviews with such valuable witnesses as Mr. Dahlber, Mr. Ogarrio and Kathleen Chenow. On June 28, Dean requested Gray to hold up an interview with Kathleen Chenow on grounds of national security. Testimony of L. Patrick Gray, Vol. 9, p. 3455.

[66] Testimony of Bernard L. Barker, Vol. 1, p. 358.

[67] Petersen testified that he received a telephone call from Ehrlichman asking that Mr. Stans be excused from going to the grand jury and telling Petersen to stop harassing Stans. Testimony of Henry Petersen, Vol. 9, p. 3618.

[68] Testimony of Clark MacGregor, Vol. 12, p. 5019.

[69] Memorandum of July 8, 1971, from Patrick L. Buchanan to John Ehrlichman.

[70] Mr. Mitchell testified that there were many discussions of preventing the House Banking and Currency Committee hearings from getting off the ground, including possible use of assistance from the Justice Department. Testimony of John Mitchell, Vol. 5, p. 1897. The Lacosta meetings, which discussed the use of executive privilege to prevent testimony of people from the White House, could well be concluded to evidence an intention to prevent the facts from becoming known, according to Mr. Dean. Testimony of John Dean, Vol. 4, p. 1460.

[71] Testimony of John Dean, Vol. 3, p. 957.

[72] For example, a meeting on October 15, 1972, at the White House, with Ehrlichman, Ziegler, Buchanan, Moore, Chapin, and Dean was held to prepare a press response to Segretti stories. It was decided to attack and deny the stories, even though an intense investigation within the White House had already established the basic truth of the stories. The same denial was issued again in succeeding months. Testimony of John Dean, Vol. 3 pp. 1202, 1206, and 1209; notes of the meetings, Vol. 3, p. 1200.

[73] Aside from the coverup in general, the President claims to have learned of crimes on March 21, 1973, but did not tell the prosecutors about this evidence until they came to him on April 15, 1973. Testimony of Richard Kleindienst, Vol. 9, pp. 3579–3580; testimony of Henry Petersen, Vol. 9, p. 3628.

[74] On October 20, 1973, Attorney General Richardson and Assistant Attorney General Ruckelshaus resigned in response to the President's demand that they fire Special Prosecutor Cox, who wanted to appeal a court decision involving Watergate evidence to the Supreme Court. See also, Executive Session of General Alexander Haig.

[75] Memo to the Attorney General from Mr. Magruder, August 11, 1971: "Pat Buchanan suggested that maybe we could have the Florida State Chairman do whatever he can under this law to keep McCloskey (Rep. McCloskey, R-Calif.) off the ballot." Vol. 10, Ex. 177, p. 4194.

[76] Memo from Charles Colson to H.R. Haldeman, September 25, 1970, recommending that he "pursue with Dean Burch the possibility of an interpretive ruling by the FCC . . . this point could be very favorably clarified and it would, of course, have an inhibiting impact on the networks. . . ."

[77] When the newspaper Newsday decided to run an in-depth article on Mr. Rebozo, the reporter writing the story was audited at White House request, an FBI agent investigated the newspaper's offices, an anti-trust suit was recommended, and the Secret Service investigated the reporters activities while they were writing the story. Testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974 (Exhibit 7).

[78] Memo to the President from Patrick Buchanan, March 3, 1970. Vol. 10, p. 4114.

[79] Memo from Fred Malek to H.R. Haldeman, March 17, 1972, entitled "Increasing the Responsiveness of the Executive Branch."

[80] For example, a request that a prominent Jewish figure in Florida be pardoned for political benefit. In a memo to John Dean, Charles Colson recommends, "If there is anything we can do properly, we should . . . this has to be handled with extreme care." Testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974. The pardon was granted and a $30,000 contribution followed. Interview with Calvin Kovens, October 25, 1973.

[81] See, Vol. 4, Ex. 44, p. 1682, 1694, 1695.

[82] Testimony of Robert Reisner, Vol. 2, pp. 500, 512.

[83] Interview with Jeb Magruder, August 8, 1973.

[84] White House memo from Steve Karalekas to Charles Colson, August 16, 1972, referring to the activities of Agent Bolton. See also, testimony of John Dean. Vol. 3, pp. 923, 1071.

[85] "It was my understanding, based on my discussion with John Dean, that there was to be a 24-hour tail on Senator Kennedy." Testimony of Gordon Strachan, Vol. 6, p. 2492.

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That used the Departments to dredge up potentially embarrassing information on presidential contenders, and then leaked it to the press,[86] that used White House influence to obtain CIA equipment for the Ellsberg break-in,[87] that used its entrustment with our national security to convince four cubans to burglarize a political party,[88] that ordered an FBI investigation of an unfriendly newsman to harass him,[89] that proposed leaking confidential FBI files to embarrass the producer of a satirical movie,[90] that used its control of important Watergate evidence and the privilege known as executive privilege to aid those supporting the President and to deprive or delay those in opposition,[91] that made plans to eliminate professionals in government service who placed their professional responsibilities above questionable White House political demands,[92] that participated actively and formally in a campaign organization while drawing White House staff salaries,[93] that ran secret letter-writing campaigns against Republican Senators, and that generally emasculated the Republican Party.[94]

That, all of that, violated the consent of Executive power in article II of the Constitution. Excerpts from the record only selected examples. It certainly is not what our Founding Fathers had in mind when they envisaged the Presidency.

2. ENUMERATED POWERS AND DUTIES

The so-called enumerated powers and duties of the President's office are set forth beginning with Section 2 of Article II. That Section grants the President direct power over Cabinet officers,[95] and much testimony before this Committee demonstrated how those officers were used on behalf of the President's office.

An Attorney General, for a significant period of time, ran the President's re-election campaign while still in office at the Justice Department.[96] His reason for this role was that, "it is very, very difficult to turn down a request by the President of the United States," [97] even though the Attorney General himself later testified that he felt such a role in politics while still in office was wrong.[98]

Memos from CRP, such as one entitled "Grantsmanship", suggesting an effective method of "insuring that political considerations" be used in Federal programs,[99] were sent to the Attorney General from May 1, 1971, onward.[100] At one point, it was even suggested that the Attorney General wield the power of his office to keep a Republican contender off the primary ballot in Florida.[101] That campaign role also included an extraordinary meeting in the Attorney General's very office, to review plans for bugging, mugging, burglary, prostitution, and kidnapping.[102]

Another Attorney General was placed in the awkward position of being asked immediately after the Watergate break-in to help get Mr. McCord out of jail before he was identified. He was soon thereafter warned of White House concern with a too aggressive FBI investigation.[103] He was then asked to provide raw FBI Watergate files, perhaps improperly, to the White House. That same Attorney General was later used as a secret contact with this Committee's investigation of Watergate, and was then removed from office in an apparent connection with the Watergate affairs.[104] He eventually became the first Attorney General in history convicted of a crime, for his testimony about the ITT matter.[105]

A third Attorney General was forced to resign his office when he backed the Special Prosecutor's procedure for obtaining Watergate evidence from the White House.[106]

An Assistant Attorney General was also asked to provide raw FBI Watergate files, again improperly, to the White House,[107] and was later told by the President not to investigate the Ellsberg break-in.[108] Another Assistant Attorney General was forced to resign when he backed the Special Prosecutor's decisions in the Watergate case.[109] Still another Assistant Attorney General gave confidential Justice Department and FBI intelligence information to the President's re-election campaign, at the direction of the White House.[110]

Three Attorney Generals and three Assistant Attorney Generals. And all this was done on behalf of the presidency, which has a Constitutional responsibility to "take Care that the Laws be faithfully executed." [111]

A Secretary of Commerce with all the authority as to corporate affairs that goes with that position, was placed in charge of raising funds for the President's re-election, including, as it turns out, a number of illegal corporate contributions.[112] A Secretary of Treasury met with a milk producers association and supported their request for higher price supports. After the President granted higher support prices, the milk producers arranged for him to be offered at least $10,000 in cash for his personal use.

He later aided them in tax and antitrust matters at a time when a large contribution to the President from the milk producers was being arranged.[113]

The Commissioner of the Internal Revenue Service was criticized because "practically every effort to proceed in sensitive areas is met with resistance, delay and the threat of derogatory exposure."[114] The Director of the CIA, accordingly to his own testimony and that of his assistant, was called to the White House and asked to use the CIA to cover up Watergate.[115] The Acting Director of the FBI was brought to the White House and given material from the safe of one of the Watergate burglars, to keep it hidden, an act which resulted in his eventual resignation.[116]

That same Acting Director turned over raw FBI files on Watergate to the White House [117] perhaps illegally,[118] when assured it was at the President's request,[119] which request the President has confirmed in public statements.[120] He was rewarded by being left to "twist slowly, slowly in the wind"[121] while his nomination to permanent Director was pending before the Senate, even though the President has reportedly already abandoned him.[122]

This is how the officers in the departments and agencies were used by the White House, and it is clear that those activities did not pertain to "any subject relating to the Duties of their respective offices."[123] as the Constitution requires in its grant of Presidential authority in this area.

Immediately following the Section in Article II granting authority over departments and agencies, is a section giving the President the "power to grant Reprieves and Pardons for Offenses against the United States."[124]

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[86] See, memo from Fred Malek to H.R. Haldeman, entitled "Increasing the Responsiveness of the Executive Branch, dated March 17, 1972.

[87] On July 7, 1971, John Ehrlichman called General Cushman, Deputy Director of the CIA, to arrange CIA assistance to Howard Hunt for disguise purposes. Hunt told Cushman that he (Hunt) had been charged with a "sensitive mission" by the White House to "interview a person whose ideology he was not certain of." Testimony of General Robert Cushman, Jr., Vol. 8, pp. 3290-92.

[88] Testimony of Bernard Barker, Vol. 1, p. 358.

[89] Mr. Haldeman ordered an investigation of newsman Daniel Schorr. See Vol. 4, p. 1490.

[90] Memo from John Caulfied to John Dean, dated June 25, 1971, subject: Emile de Antonio, producer of "Millhouse;" New Yorker Films, Inc.; and Daniel Talbot, film distributor. "I recommend that it is time to move on the above firm and individuals, as follows: (A) Release of de Antonio's FBI derogatory background to friendly media. (B) discreet IRS audits of New Yorker Films, Inc., de Antonio and Talbot."

[91] Mr. Haldeman testified that he had access to various tapes of presidential conversations. (See Vol. 8, pp. 3050-51); compare with testimony of John Dean, Vol. 4, p. 1503.

[92] See Vol. 4, Exhibit 44, p. 1682.

[93] Testimony of Robert Odle: "those people who were at the White House had influence over the (Committee for the Re-Election of the President), they gave it direction, they assisted it." See Vol. 1, p. 23.

[94] See, the Party Process, supra.

[95] U.S. Constitution, Article II, sec. 2.

[96] Mr. Mitchell testified that he "had frequent meetings with individuals (from CRP) dealing with matters of policy," before he resigned as Attorney General. Testimony of John Mitchell, Vol. 5, p. 1653.

[97] Testimony of John Mitchell, Vol. 5, p. 1859.

[98] Id.

[99] Vol. 1, Ex. 1. p. 449.

[100] See, testimony of Robert C. Odle, Vol. 1, p. 40-41.

[101] See, note 75 supra.

[102] Testimony of John Mitchell, Vol. 5, p. 1610.

[103] Testimony of John Dean, Vol. 3, p. 936.

[104] See, testimony of Richard G. Kliendienst, Vol. 9, p. 3597.

[105] Richard G. Kliendienst pleaded guilty, on May 16, 1974, to one count of refusing to testify about ITT; sentenced June 7, 1974 to one month unsupervised probation.

[106] On October 20, 1973, Attorney General Richardson resigned in a dispute with the President over the firing of Special Prosecutor, Archibald Cox.

[107] Testimony of John Dean, Vol. 3, p. 944-945.

[108] Testimony of Henry Petersen, Vol. 9, p. 3631.

[109] On October 20, 1973, Assistant Attorney General William Ruckelshaus resigned in response to the President's request to fire Special Prosecutor Archibald Cox.

[110] With the approval of the Attorney General John Mitchell, Mr. McCord testified that he received information, on a daily basis, from the Internal Security Division of the Justice Department, which information included FBI data and data on individuals of both a political and non-political nature. Testimony of James McCord, Vol. 1, pp. 178-183.

[111] U.S. Const., Act. II, sec. 3.

[112] Testimony of Maurice H. Stans, Vol. 2, p. 734.

[113] See, Milk Fund Investigation, supra.

[114] Transcripts of Presidential Conversations, Sept. 15, 1972.

[115] Testimony of Richard Helms, Vol. 8, p. 3238. Testimony of Lt. Gen. Vernon Walters, Vol. 9, p. 3405.

[116] Testimony of L. Patrick Gray, Vol. 9, p. 3467. Testimony of John Ehrlichman, Vol. 7, p. 2674.

[117] Testimony of John Dean, Vol. 3, p. 945.

[118] John Dean pleaded guilty to an "information" charge that included a conspiracy to obtain FBI Watergate files. (U.S. v Dean, D.D.C., No. 886-73).

[119] see testimony of L. Patrick Gray, Vol. 9, p. 3479-81.

[120] Presidential statements of March 2, 1973, April 5, 1973, and October 19, 1973.

[121] Testimony of John Ehrlichman, Vol. 7, p. 2679.

[122] See, Vol. 7, Ex. 102, p. 2950.

[123] U.S. Const., Art. II, sec. 2.

[124] U.S. Const., Art. II, sec. 2.

There is undisputed testimony that defendants in the Watergate criminal case were offered clemency in exchange for their silence.[125] Aside from the issue as to who authorized the offers, they were particularly firm in the case of one defendant who was apparently ignoring the "game plan."[126]

There is the well-documented case of a request from a former Senator, and close friend of the President, for a pardon on behalf of a prominent jewish figure in Florida, because of the political advantage that would follow.[127] That pardon was granted. The beneficiary then gave the President's campaign $30,000.[128]

Article II also gives the executive the power to appoint ambassadors. Whereas this has often been a source of political reward, there is substantial evidence of an unusually well-organized and enforced program of "ambassadorships-for-sale," in return for specific support in the 1972 Presidential campaign.[129]

Along with appointive power for ambassadors, the executive has appointive power over lesser "Officers of the United States."[130] This power was used, for example, as a reward for at least one participant in Watergate, who received a prominent position in the Department of Commerce.[131] Another CRP official in charge of certain spy activities pointedly reminded the White House of the work he had done when he applied for employment after the election.[132] Plans were also drawn up to use this appointive power in the President's second term to get rid of officials, across the board, who rightfully placed their professional responsibilities in the way of White House political demands.[133]

These enumerated powers and duties of the executive are followed with the duty to "take Care that the Laws be faithfully executed."[134] Evidence was presented to this Committee of a break-in by a White House unit, which break-in contributed to a mistrial in a major national security case, the Ellsberg Case. Illegal use of wiretaps and agent provocateurs by the administration was the direct cause of mistrials or dismissals in most major conspiracy cases brought by the federal government during this same period.[135]

This was an executive branch that conspired to present perjury, lie to the FBI, and pay for the silence of key witnesses in the Watergate case. This was the executive that knew of a break-in related to the Ellsberg case and failed to take any action or report that fact.[136] This was the executive that told an Assistant Attorney General not to investigate the Ellsberg matter.[137] This was the administration that learned of the Watergate planning sessions, budget approval, that received illegal wiretap transcripts, and covered up or failed to promptly report White House involvement in Watergate as those facts became known.

This is the White House that pressured the IRS, the Antitrust Division of Justice, the CIA, the FBI, the Secret Service, and the FCC to enforce laws not "faithfully," but "selectively." [138]

This is the same White House in which the President said in a conversation with John Dean on September 15, 1972, "We have not used the power in the first four years as you know. We have never used it. We have not used the Bureau (FBI) and we have not used the Justice Department but things are going to change now." The following months may or may not have been a change from what had been going on in 1970, 1971, and 1972, but they certainly were a sad chapter for our system of laws.

And again, Mr. President, I repeat a necessity to cite all these examples is that they are the background for the recommendation of the Watergate Committee which stated:

> The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government. The Select Committee opposes various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office.

This is the committee that said:

> Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns. The abuses experienced during the '72 campaign and unearthed by the Select Committee were perpetrated in the absence of any effective regulation of the source, form, or amount of campaign contributions.

We recognized, in other words, that this was a government run amok and we were unwilling to go ahead and create another agency and another Federal power with which to abuse the political process.

B. SEPARATION OF POWERS

The separation of powers between three constitutionally equal and mutually independent branches of government is one of our foremost Constitutional doctrines.[139] It is often expressed as the concept of "checks and balances." Its success depends to a large degree on self-adherence and restraint by those in a position to upset the balance.

The record of Watergate reflects a conscious attempt to undermine the responsibilities of the other two branches, as set forth in Article I, which established the legislature, and Article III, which established the judiciary.

The first Congressional body to take an interest in the Watergate matter was the House Banking and Currency Committee. Every attempt was made to use executive power and influence, not to legitimately respond to that Committee's investigation, but rather to obstruct, block, and actively mislead it.[140] The executive branch had sole possession of critical evidence necessary to that investigation. Its overt attempts to undermine the Committee's work were therefore of great significance.

A different type of obstacle to the exercise of Congressional powers occurred when nominees for high executive branch positions were sent before Senate Committees for confirmation. In a number of instances, those nominees consciously misled Committee inquiries and prepared testimony in such a way that relevant facts would be concealed.[141] To the extent that the nomination process was subverted, those who participated or were responsible deprived the Congress of a fundamental Constitutional duty, the duty to advise and consent.

Discussions by senior White House officials of what were termed Watergate tactics, and meetings at LaCosta, California, focused on ways of obstructing an investigation of Watergate by the Senate. This included tactics such as the use of executive privilige to prevent the testimony of people from the White House,[142] efforts to influence members of the Senate Committee conducting the investigation, and the compiling of campaign financing data from those members' past campaigns in an effort to embarrass them. The attack group, a media-oriented White House group, arranged to meet with people from North Carolina thought to have embarrassing information about the Chairman.[143] Members

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[125] McCord testified that Mr. Caulfield assured him of executive clemency, support for the family and rehabilitations after prison on numerous occasions. Testimony of James McCord, Vol. 1, p. 131.

[126] On January 13, 1973, Mr. McCord met Mr. Caulfield and another message was conveyed as to clemency, along with statements that the President's ability to govern was at stake, another Teapot Dome scandal was possible, the government may fall, and everybody else was on the track but McCord, who was not following the "game plan," and who should get "closer to your attorney" and keep silent. Testimony of James McCord, Vol. 1, p. 139-140.

[127] See, testimony of Senator Lowell Weicker, Jr. Hearings on Warrantless Wiretapping and Electronic Surveillance, p. 151-155.

[128] Interview with Calvin Kovens, October 25, 1973.

[129] See, Use of the Incumbency—Responsiveness Program, supra.

[130] U.S. Const., Art. II, sec. 2.

[131] Jeb S. Magruder was appointed to the office of Deputy Director of Communications in the Department of Commerce after numerous discussions, with H.R. Haldeman and John Mitchell among others, as to the sensitivity of the administration and its need to take care of Magruder. Testimony of Jeb Magruder, Vol. 2, p. 808.

[132] Testimony of Herbert Porter, Vol. 2, p. 653; see also, testimony of Jeb Magruder, Vol. 2, p. 806.

[133] Vol. 4, Ex. 44, p. 1682.

[134] U.S. Const., Art. II, sec. 3.

[135] On May 13, 1974, in an unanimous ruling, the Supreme Court affirmed a decision prohibiting the use, against more than 600 defendants in Federal criminal cases of evidence obtained under wiretapping applications that were improperly signed by executive assistant rather than the Attorney General. (No. 72-1057, United States v. Girorando).

[136] Testimony of Henry Petersen, Vol. 9, pp. 3630-3631; see also, testimony of Richard Kleindienst, p. 3574.

[137] Testimony of Henry Petersen, Vol. 9, p. 3631.

[138] See, note 77 supra; testimony of Howard Hunt, Vol. 9, pp. 3752-53; testimony of Patrick Gray, Vol. 9, p. 3467; and note 84 supra.

[139] It is an historic concept of government derived from Aristotle and Montesquieu, based on the contention that "men entrusted with power tend to abuse it." For a good discussion of this concept, see Locke, *The Second Treatise on Civil Government*, section 141; Duff and Whiteside, 4 *Selected Essays on Constitutional Law*, 291-316 (1938).

[140] Testimony of John Dean, Vol. 3, pp. 961, 1575.

[141] Testimony of John Dean, Vol. 3, pp. 1007-1008.

[142] "The White House will take a public posture of full cooperation, but privately will attempt to restrain the investigation and make it as difficult as possible to get information and witnesses." Testimony of John Dean, Vol. 3, p. 984.

[143] Dean testified that there was a discussion that one of the ways of pressuring the Ervin committee was to review contributions made by the White House to members of the committee in the 1970 election, and that with this in mind records of those contributions were placed by Mr. Colson in Mr. Dean's safe so they could be looked into. Testimony of John Dean, Vol. 4, pp. 1501-1502. Dean recalled a conversation with Mr. Baroody, of the attack group (media-oriented White House group), in which Baroody told Dean that either that night or the next night he was meeting with some people from North Carolina who thought they might have some interesting information on Senator Ervin. Testimony of John Dean, Vol. 4, p. 1534.

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of the administration were used as clandestine contacts with Republicans on the Committee to either give "guidance" or gather intelligence on what facts the Committee possessed.[144] John Dean was suggested as a liaison with the Committee after he had admitted wrongdoing in the coverup,[145] and efforts toward having a "White House" minority counsel were put forward.[146]

Separation of powers also encompasses Article III, the judiciary. Here again, the executive subverted the Constitutional balance. As an example, on September 15, 1972, in a conversation in the Oval Office, the President was told by Mr. Dean that ex parte (out-of-court) contacts had been made with the judge in one of the Watergate-related civil suits.[147] These contacts were for the purpose of obtaining an advantage in the case by keeping apprised of inside information, and they could well be unethical.[148] There was no evidence that the White House took any steps to stop that activity.

Still another abuse of the separation between the executive and judicial branches, was a contact made with the presiding judge in the Ellsberg case. That judge was asked if he would be interested in becoming Director of the FBI. Significantly, the offer was made in rather clandestine circumstances, at the very time the Ellsberg case was being tried, and at a time when it was becoming ever more possible that the break-in at Ellsberg's psychiatrist might become known to the judge and jeopardize the case against Ellsberg.[149] A contact under such circumstances, by one of the top White House officials and briefly by the President himself,[150] once again threatened the concept of mutual independence intended by the separation of powers.

To leave the report for a minute, why is it that with such a record of abuse, not just by the President of the United States, but also by the Internal Revenue Service, the Treasury Department, the Commerce Department, the Justice Department, the Federal Bureau of Investigation, the Central Intelligence Agency, the Federal Communications Commission—why is it that the people of this Nation should give to the Government the power over the election process itself, the one check which the people hold over all of us, be we Senators, Presidents, or Congressmen? There is nothing in the record to assure that any such process would be free from tampering, so why this rush to a Federal financing scheme?

I think it is because of what I referred to earlier as a desire to prop ourselves up. It has nothing to do with bettering the system. The system is fine as long as it remains in the hands of the people. If we do not have the ideas or the ability to communicate those ideas, we do not deserve support, either in terms of votes or money.

That, to some degree, is exactly what the American public is saying right now, because it is not voting. It is turned off. It is turned off by the contradictions that take place daily in terms of our words and our actions. It is turned off by the fact that we do not address ourselves to the real issues, to the real opportunities for the people of this Nation, to the real problems of the people of this Nation. It is turned off by election campaigns that go on and on and on and on.

Instead of trying to address all this, we are merely trying to find a way to pay for it and, in trying to pay for it, put this free election process, this check on government, into the hands of government.

I do not accept the argument, "Well, nothing bad will really happen." It can happen insofar as a Federal financing scheme of politics is concerned, just as it happened in terms of the execution of the Office of the President of the United States.

To get back to the report:

C. THE BILL OF RIGHTS

Unlike other amendments to the Constitution, the Bill of Rights was drawn up as something of a cohesive declaration of rights. It comprises the first ten amendments, and represents a guarantee of individual freedoms that are fundamental to democracy.

The First, Fourth, Fifth, and Sixth Amendments are the bulwark of the substantive guarantees in our Bill of Rights. They were, without exception, attacked and violated by Watergate and related events.

That attack focused on the First Amendment, which by its very words, as well as the prominent role it has taken in our history, mark it as a profoundly important statement of individual rights. Specifically, it protects freedom of expression in four forms—freedom of speech, press, assembly, and petition.

Those who spoke out against the administration, whether it was the Chairman of the Democratic Party or Senators expressing their opposition, whether it was a prominent or unknown citizen, or whether a member of the administration itself, often found themselves the target of official retaliation for having exercised their freedom of speech.

"People who were most vocal and could command some audience were considered enemies or opponents." [151]

One witness testified that the White House was continually seeking intelligence information about demonstration leaders and their supporters that would either discredit them personally or indicate that the demonstration was in fact sponsored by some foreign enemy. There were also White House requests for information regarding ties between major political figures (specifically Members of the U.S. Senate) who opposed the President's war policies and the demonstration leaders.[152]

Interference with the freedom of speech of such opponents took a wide variety of forms. It included a program run by Donald Segretti, in which his operatives were asked to "obtain hecklers," to be used to disrupt the speeches of Democratic presidential candidates.[153]

According to Mr. Haldeman, the "enemies list" was drawn up to deprive those "who were expressing vocal opposition" to the White House of any "platform for getting extraordinary publicity for their expression of opposition." [154] Thus, they were labeled as "enemies," their names circulated through the government, and as a group, identified for semi-official executive branch action.

Aside from the enemies or opposing candidates, selected individuals who expressed opposition were subjected to questionable tactics. As an example, Alfred Baldwin conducted surveillance of various outspoken Senators and Congressmen, including Representatives Abzug, Chisholm, Koch, and McCloskey, and Senators Javits, Kennedy, and Proxmire.[155]

Senator Kennedy was not only subjected to the Baldwin surveillance. He was also a target of Anthony Ulasewicz and John Caulfield, who investigated his political contributors, his accident at Chappaquidick, and a trip to Hawaii on official buisness.[156] Howard Hunt was asked by Mr. Colson to get information from a Kennedy friend in Rhode Island, and was provided with a CIA disguise for the operation.[157] Mr. Haldeman, according to multiple testimony, asked that Senator Kennedy be subjected to 24-hour surveillance. Literally dozens of citizens who spoke out in opposition were targets of Ulasewicz investigations, which were paid for by the President's personal attorney, supervised by Mr. Ehrlichman, and conducted outside law enforcement channels, because legitimate law enforcement was not involved.

The Watergate break-in itself, according to Jeb Magruder, was an attempt to find embarrassing information about Lawrence O'Brien, because "Mr. O'Brien had been a very effective spokesman against our position on the ITT case." [158] Magruder testified that because of O'Brien's effectiveness in speaking out, "we had hope that information (from the illegal break-in and wire-tap) might discredit him." [159] This is an interesting use of the power and influence of the presidency, in light of the First Amendment. It has what is often called, in Supreme Court, First Amendment cases, "a chilling effect." To the extent government actions intimidate free speech, they violate the Constitution.

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[144] Attorney General Kleindienst was directed to meet with Senator Baker and provide guidance. Transcripts of Presidential Conversations, March 22, 1973.

P. "John, you would have no problems to talk with Pat Gray and ask him what the hell Weicker is up to. Do you mind?

E. Not at all."

Transcripts of Presidential Conversations, March 27, 1973 (discussion between the President and Mr. Ehrlichman).

[145] "Mitchell: I think it would be appropriate for your Counsel to be present.

Dean: That's right.

President: Alright. Now that that is done let's get down to the questions—"

Transcripts of Presidential Conversations, March 22, 1973.

[146] Testimony of John Dean, Vol. 3, p. 984.

[147] See, note 59, supra.

[148] Canon 7 of the Code of Professional Responsibility, Ethical Considerations, pp. 7-35.

[149] Testimony of John Ehrlichman, Vol. 6, pp. 2617-2619.

[150] Id.

[151] Testimony of John Dean, Vol. 4, p. 1459.

[152] Testimony of John Dean, Vol. 3, p. 915.

[153] Testimony of Robert M. Benz, Vol. 11, p. 4404.

[154] Testimony of H.R. Haldeman, Vol. 8, p. 3155.

[155] Testimony of Alfred Baldwin, Vol. 1, pp. 396-397.

[156] Testimony of John Dean, Vol. 3, pp. 922-23; see also, testimony of Howard Hunt, Vol. 9, pp. 377-78. This resulted in a written report by Caulfield of Senator Kennedy's trip to Honolulu in August, 1971. See, Vol. 3, Ex. 34-4, p. 1117.

[157] Executive Session of John Caulfield, March 16, 1974, p. 85.

[158] Testimony of Jeb Magruder, Vol. 2, p. 790.

[159] *Id.*

Those who chose to exercise constitutionally recognized "symbolic" speech, such as displaying a placard, were likewise interfered with. There was testimony that "during the late winter of 1971, when the President happened to look out the windows of the residence of the White House and saw a lone man with a large 10-foot sign stretched out in front of Lafayette Park," [160] Mr. Higby told Mr. Dean of the President's displeasure with the sign. Mr. Haldeman said the sign had to come down, and when dean came out of Higby's office he "ran into Mr. Dwight Chapin who said that he was going to get some 'thugs' to remove that man from Lafayette Park. He said it would take him a few hours to get them, but they could do the job." [161]

This was the White House, and its apparent version of First Amendment rights of free speech. It also is indicative of the White House attitude to the First Amendment's "right of the people to peaceably assemble, and to petition the Government for a redress of grievances," [162] an attitude that likewise runs through much of its attack on the press.

The press, however, came in for especially intensive intimidation. A memo from Mr. Magruder to Mr. Haldeman, entitled "The Shot-gun versus the Rifle,"[163] set out a plan for influencing news coverage of the White House. It gives some idea of the executive branch concept of our free press.

Among its specific suggestions was a recommendation to "utilize the anti-trust division (of the Justice Department) to investigate various media relating to anti-trust violations. Even the possible threat of anti-trust action I think would be effective in changing their views." [164] Such a recommendation is clearly wrong, an abuse of government, and an abuse of the First Amendment. In at least one case, involving an in-depth story on Charles G. Rebozo, an anti-trust action was recommended against the Los Angeles Times, which owned the paper doing the story.[165]

Another recommendation in "The Shot-gun versus the Rifle" was "utilizing the Internal Revenue Service as a method to look into the various organizations that we are most concerned about. Just the threat of an IRS investigation will probably turn their approach." [166] It would again be illegal. And again in the Rebozo story, the newsman in charge of the story was in fact audited, at the specific request of the White House.[167]

Newscaster Chet Huntley wrote a piece in Life magazine, containing what were considered unfavorable remarks. The suggestions for retaliation against Huntley, in a White House memo by Mr. Higby, contained a telling statement of broad philosophy: "What we are trying to do here is tear down the institution." [168]

The broader tactics used against the press included meetings between Mr. Charles Colson and media representatives. In a summary of his meetings with the three network chief executives, he observed that they were terribly nervous about the Federal Communications Commission. He stated that, "although they tried to disguise this, it was obvious. The harder I pressed them (CBS and NBC) the more accommodating, cordial and almost apologetic they became." [169] He concluded by observing that "I thing we can dampen their ardor for putting on 'loyal opposition' type programs." [170] One of the bassic guarantees of a free press is that government power not be used as prior restraint on the content of news.

Individual newsmen that were apparently critical of the administration were likewise intimidated. One such newsman, Daniel Schorr of CBS, was investigated by the FBI. When the investigation became known, the false story that he was being considered for a high administration position was put out, and Mr. Malek took the blame for the investigation even though it had been ordered by Mr. Haldeman.[171]

Newspapers and reporters that uncovered the Watergate story were publicly attacked and ridiculed. In one case, four months after the break-in, the "official White House position" was that stories about Donald Segretti were "stories based on hearsay, character assassination, innuendo or guilt by association." [172] That statement was later called "inoperative," after the White House had been unable to cover up the truth in the story.

Newspapers were exploited, by using them to put out stories known to be misleading, improper, and in some cases totally false. For example, Mr. Hunt testified that he used confidential FBI files to prepare a derogatory article on Mr. Leonard Boudin, an attorney in the Ellsberg case, which information Mr. Colson passed on to the working press.[173]

A memo from Mr. Haldeman stated that "we need to get our people to put out the story on the foreign or Communist money that was used in support of demonstrations against the President in 1972. We should tie all 1972 demonstrations to McGovern and thus to the Democrats as part of the peace movement.[174] Even though there was no evidence to support such stories, the memo went on to recommend, "we could let (columnists) Evans and Novak put it out and then be asked about it to make the point that we knew and the President said it was not to be used under any circumstance." [175]

Falsely tying Senator McGovern to Communist money was not the only false connection that was suggested. Mr. Patrick Buchanan recommended a number of campaign news strategies including, "The Ellsberg connection, tying McGovern to him (Ellsberg) and his crime," because "if the country goes to the polls in November scared to death of McGovern, thinking him vaguely anti-America and radical and pro the left-wingers and militants then they will vote against him—which means for us." [176] This is a clear abuse of executive power as to the press.

One of the most cold-blooded memos to come out of the White House during this period was written by Patrick J. Buchanan. It analyzed the pros and cons of a press attack on Dr. Ellsberg.

The memo begins, "having considered the matter until the early hours, my view is that there are some dividends to be derived from Project Ellsberg." Giving his personal view, Buchanan stated, "To me it would assuredly be psychologically satisfying to cut the innards from Ellsberg," an attitude which has brought his fellow White House staffers, Mr. Colson, a jail term.

Nevertheless, Buchanan concluded that the Ellsberg issue would not "be turned around in the public mind by a few well-placed leaks." Lest there be any doubt about his position, he then stated, "This is not to argue that the effort is not worthwhile—but that simply we ought not now to start investing major personnel resources in the kind of covert operation not likely to yield any major political dividends to the President."[177]

No legal or moral problems for Buchanan; just an objection to the management end of it.

Mr. Buchanan also testified, as to documents surreptitiously taken from the Muskie campaign and photographed by "Fat Jack." Buchanan testified that he "did get the material on two occasions, and (he) did recommend that it be sent to columnists Evans and Novak. Evans and Novak did print, on two occasions, I believe, material from Muskie's campaign." [178] Here again was a high official, using the credibility of the White House, to peddle wrongfully obtained confidential information.

Material obtained secretly from the Commerce Department relative to Senator Muskie's apparently legitimate attempts to help the Maine sugar beet industry as their Senator was leaked to the press, for political purposes, when that industry began to fail.[179]

Information from the Department of Defense as to Senator McGovern's personal and confidential war records was recommended for leak to press.[180]

Testimony was received that Mr. Colson ordered the fabrication of State Department cables relative to the Kennedy Administration's handling of President Diem's assassination, and recommended that this false information be leaked to Mr. William Lambert of Life magazine.[181] All this was a blatant attempt to improperly use government power and responsibilities to distort the constitutional role of the press.

Finally, the official press spokesman for the White House consistently told the press and the American people versions of Watergate that were not true, when he and those

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[160] Testimony of John Dean, Vol 3, p. 917.

[161] *Id.*

[162] U.S. Const., Amend. I.

[163] Memo from Jeb Magruder to H.R. Haldeman, October 17, 1969.

[164] *Id.*, at 2.

[165] Memo from David Wilson to John Dean, December 1, 1971.

[166] Memo from Jeb Magruder to H.R. Haldeman, October 17, 1969.

[167] Testimony of Senator Lowell Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974, (Ex. 7).

[168] "The point behind this whole thing is that we don't care about Huntley—he is going to leave anyway. What we are trying to do here is tear down the institution. Huntley will go out in a blaze of glory and we should attempt to pop his bubble." Memo from L. Higby to Jeb Magruder, July 16, 1970.

[169] Memo from Charles Colson to H.R. Haldeman, Sept. 25, 1970.

[170] *Id.*

[171] Testimony of John Dean, Vol. 4, p. 1490.

[172] Testimony of Clark MacGregor, Vol. 12, p. 5019.

[173] Testimony of Howard Hunt, Vol. 9, p. 3673; see also, Executive Session of Howard Hunt, pp. 121-122.

[174] Memo from John Dean to H.R. Haldeman, Vol. 8, p. 3171.

[175] Id., at 3172.

[176] Vol. 10, Ex. 194, p. 4259.

[177] White House memo from Patrick Buchanan to John Ehrlichman, July 8, 1971.

[178] Testimony of Patrick Buchanan, Vol. 10, p. 3921.

[179] Memo to Charles Colson from Thomas Thawley, Deputy Assistant Secretary of Commerce, April 16, 1971.

[180] Memo from Richard Howard to Fred Fielding, May 12, 1972 (this memo had an unusual instruction at the top: "PLEASE BURN BEFORE READING").

[181] Testimony of Howard Hunt, Vol. 9, p. 3672.

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who prepared him were in a position to know, or in fact knew, that his statements were untrue. The President himself misled the press in news conferences and official statements, as to the investigation, its results, and the substance of evidence involving himself and the Watergate matter.

The Fourth Amendment fared no better.

It guarantees the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. . . ." [182] It was expressly violated by burglaries and warrantless wiretaps.

As an example, this constitutional safeguard was at the center of illegalities contained in the so-called 1970 Intelligence Plan. In a colloquy during the course of this Committee's hearings, the Chairman and Mr. Dean discussed the elements of that Intelligence Plan. It was described as recommending 1) techniques for removing limitations on electronic surveillance and penetration, 2) the use of mail coverage, 3) a technique designated as surreptitious entry, 4) development of campus sources of information, and 5) the use of military undercover agents. The Chairman rightly noted, and the witness concurred, that resort to burglary, electronic surveillance and penetration without a court order is a clear violation of the Fourth Amendment.[183]

Nevertheless, on July 5, 1970, a memo written by Mr. Haldeman indicated that the President of the United States gave his approval to the plan.[184] There is additional evidence that events took place which closely parallel the recommendations in the 1970 plan. In contrast with the evidence that the plan was approved, there is no documentary evidence that the plan was at any time officially withdrawn, although one witness claimed it was.[185]

The instances of burglaries and wiretapping have been well-documented. They include the break-in at Ellsberg's psychiatrist's office, the possible break-in at publisher Hank Greenspun's office, the four attempts and two successful break-ins at the Democratic National Committee headquarters, the plans to break-in at McGovern's campaign headquarters, proposed penetrations of the Potomac Associates and The Brookings Institute, questionable wiretaps of newsmen and government officials, wiretaps of Spencer Oliver, Lawrence O'Brien, and columnist Joseph Kraft. This disregard for the Fourth Amendment proceeded in spite of apparently severe warnings and objections by one of the most experienced figures in law enforcement in this nation's history, J. Edgar Hoover.[186]

The Fifth Amendment was likewise violated. However, it is more appropriately discussed along with the Fourteenth Amendment in the next section examining Due Process of Law.

The Sixth Amendment guarantees the right to a speedy trial, the right to the evidence of witnesses, and the right to subpoena evidence from witnesses,[187] an important principle in our system of justice.

While it may be temporarily obscured by the plight of high officials in Watergate, history will record that seven men were brought to trial in 1973 for the Watergate break-in. Six of those men spent considerable time in jail. To date no persons have paid a higher price for Watergate, through the justice system. When history judges our system of laws, the fairness of the trial those men went through will be at the fore.

Viewed in that light, the so-called coverup takes on somewhat different significance. It was nothing less than a massive interference with the constitutional right of seven American citizens to a fair trial. They were categorically denied the testimony of witnesses who possessed evidence that was critical to their defense. Perjury was planned and orchestrated from within the White House itself. Evidence was destroyed. Key witnesses were excused from giving testimony before the grand jury, avoiding their constitutional duty. A speedy trial was opposed, not because it would result in greater justice, but because it served the political ends of the White House. Even the defendants themselves were paid to not give testimony, thereby denying any hope to at least one of them who might have preferred a fair trial. Offers of clemency, family support, and rehabilitation were used for the same purpose.[188]

In an opposite sense, the Sixth Amendment's guarantees of a witness' testimony were again subverted when counterlawsuits were undertaken against Democratic officials partly to use the power of taking witnesses' depositions, to get at embarassing information.[189] Here the tactic was to put political opponents under oath and use the circumstance and power to elicit confidential information. Those who denied witnesses to their own, could not apparently resist enforcing and invoking the Sixth Amendment's guarantees when it came to their opponents.

D. DUE PROCESS OF LAW

The concept of due process put simply means the right to fair and just treatment under the law.

It is rooted in Chapter 39 of the Magna Carta, in which King John declared that "no free man shall be taken or imprisoned . . . except by the lawful judgement of his peers or by the law of the land." [190]

Recent Supreme Court cases have described due process, which is guaranteed by the Fifth and Fourteenth Amendments, as embodying "a system of rights based on moral principles so deeply imbedded in the traditions and feelings of our people as to be deemed fundamental to a civilized society as conceived by our whole history." [191]

Due process has been even more succinctly described by the Supreme Court as "that which comports with the deepest notions of what is fair and right and just." [192] It is the backbone of justice in America, and it was dramatically missing in the evidence of not only the Watergate criminal proceedings, but in the Ellsberg case and countless other cases with political overtones in the period directly leading to Watergate.

The particular phraseology associated with due process has been generally used in close association with precise safeguards of accused persons. Nevertheless, it is equally a restraint on action by the government that unfairly discriminates against our citizens or the exercise of their rights. Those two guarantees have often been called procedural and substantive due process. Both were violated by the events leading to and including Watergate.

The obvious example of procedural abuses were the trials. In the Ellsberg case, information for use against the defendant was sought by means of a warrantless break-in, an act that eventually contributed to that case being dismissed. In addition, the presiding judge in that case was offered an attractive job, as FBI Director, in the midst of the trial.[193] The offer came from Mr. Ehrlichman, who was responsible for supervision of the so-called Plumbers, at a time when Ehrlichman knew about the break-in by the Plumbers, and presumably knew of its potential consequences. Dr. Ellsberg's right to a fair trial was also jeopardized by tactics that attempted to destroy his public image, discredit his associates, and attack publishers who printed the Pentagon Papers. One of the President's closest advisors has been sentenced to one to three years in jail for that tactic.

The direct interference with a fair trial for the Watergate defendants has already been documented. In addition, those defendants were subjected to prejudicial public statements that they were "third rate burglars," "blackmailers," and even "double agents." The important point is that the accusations came from the White House, and that the White House was in a position to remove those labels by following its legal duty of providing all relevant evidence.

Perhaps of even greater significance is the vast number of cases involving those accused of conspiracies against the United States. The improper use of wiretaps, agent provocateurs, and informers resulted in the dismissal of most of those cases.[194] While this was not directly a focus of the Watergate investigation, it became relevant in examining the climate and attitudes that led to the Watergate plan.

Criminal cases were not the only instances of due process violations. The "fair and right and just" application of our laws suffered when anti-trust actions were generated on the basis of political considerations, when income tax audits were ordered because a newsman wrote an article the White House did not like, when an enemies list was compiled so that the laws could be applied more strictly or to the disadvantage of opponents, when White House staff members had access to FBI files pertaining to their own investigation, when they were given special treatment before a grand jury, when the intelligence gathered by the various agencies of our government was collected,

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[182] U.S. Const., Amend IV.

[183] Vol. IV., p. 1455.

[184] Memo to Mr. Huston from H.R. Haldeman, July 14, 1970, Vol. 3, Ex. 36, p. 1324; Presidential Statement, May 22, 1973.

[185] Mr. Haldeman testified that the President approved the Huston plan, and that it was rescinded five days later with notification of the agency heads. Testimony of H.R. Haldeman, Vol. 8, p. 3030.

[186] Testimony of H.R. Haldeman, Vol. 7, p. 2874. Mitchell also expressed his disapproval of the 1970 Domestic Intelligence Plan to Mr. Hoover and Mr. DeLoach of the FBI and he "talked to both Mr. Haldeman and the President about the subject matter." Testimony of John Mitchell, Vol. 4, p. 1604.

[187] U.S. Const., Amend. VI.

[188] Testimony of James McCord, Vol. 1, p. 131.

[189] Dean testified that the counter suits against the Democrats in the fall of 1972 demonstrate "the willingness to commence counteractions to avoid further prying into the situation at the White House." Testimony of John Dean, Vol. 4, p. 1473.

[190] Text and commentary on this chapter may be found in W. McKechinie, *Magna Carta—A Commentary on the Greater Charter of King John* (Glasgow: 1914).

[191] Solesbee v. Balkcom, 339 U.S. 9, 16 (1950).

[192] Id.

[193] Testimony of John Ehrlichman, Vol. 8, pp. 2617-2619.

[194] In the White Panthers case, it was illegal wiretaps. In the Camden 28 case, it was the use of an agent provocateur; and in the 11 gambling, narcotics, and bribery cases in Miami it was illegal wiretaps.

evaluated, and distributed in apparent violation of the agency statutes, when the military was used to spy on American citizens working for the Democratic Party.[195] All of this violated the Fifth Amendment and, in some cases, the Fourteenth Amendment. In the process, Watergate and its predecessor activities violated one of the broadest principles of our system of laws, a concept so fundamental that it is the basis of fully one quarter of all litigation that comes before the Supreme Court of the land.

This is apparently what happens when the witness who was the Attorney General during most of that period can be asked whether he "exaulted the political fortunes of the President before the President's responsibility to perform his constitutional duties to see that the laws are faithfuly executed," and he responds, "I think that is a reasonable interpretation." [196]

II. THE GOVERNMENT

One of the significant patterns of evidence that emerged from this Committee's investigation relates to the operation of government.

In the climate of Watergate there is a tendency to dismiss any thing short of crimes. But there is great value to the facts that follow, not because they contain sensational crimes, but because they confirm a misue of the intended functions of important institutions. It reflects a departure from legitimate government that if allowed to persist would be of far greater significance, over time, than any short-term criminal event.

A. THE INTELLIGENCE COMMUNITY

The attitudes and policies that led to Watergate had a profound impact on the intelligence community, from the FBI and the CIA to the lesser intelligence sections of other agencies.

Soon after the new administration took office in 1968, there seems to have been a basic dissatisfaction within the White House as to our existing intelligence capabilities. They were variously considered too timid, too bound by tradition, and generally incapable of acting effectively with respect to what the White House perceived as necessary intelligence.

One of the responses by the White House was to set up a plan, an intelligence plan, so that the objectives, methods, and results of the intelligence community would coincide with the White House. This plan was drafted by Tom Charles Huston in early 1970,[197] and came to be known as the 1970 Domestic Intelligence Plan, or the Huston Plan.

Much of the plan, which has been described previously,[198] was illegal, either in its objectives or in the methods it proposed. Nevertheless, there are numerous indications, in evidence received by this Committee, that the types of activities recommended in the plan were carried out in the following years. The net effect was to subvert or distort the legitimate intelligence functions of the government.

The plan recommended an expanded use of electronic surveillance. However, the expanded wiretapping that took place in succeeding years was done outside legitimate channels, such as the 17 so-called Kissinger taps,[199] the tap on Joseph Kraft,[200] the Watergate wiretaps, and even the wiretap on the President's bother.[201]

The second element of the plan called for surreptitious entries. Burglaries in fact took place at the office of Dr. Ellsberg's psychiatrist,[202] at the Democratic National Committee, at the office of publisher Hank Greenspun, according to multiple evidence;[203] were suggested or planned for the offices of the Potomac Associates, The Brookings Institute,[205] and Senator McGovern's campaign headquarters.[206]

Mail sent to an affiliate of the Democratic party was opened and photographed by the United States Army, in a well-documented and apparently massive operation,[207] and military agents spied on the Concerned Americans in Berlin, a group of McGovern supporters who were officially recognized by the Democratic party.[208]

The specific actions proposed by Huston are only one aspect of the plan. Equally important are the policy recommendations. The heart of this new policy was better coordination and use of existing intelligence from all areas of the government.[209] The means of carrying it out was to be a new intelligence "Committee" sitting above all the agencies. Again, the plan was carried out.

On September 17, 1970, an Intelligence Evaluation Committee was set up in the White House.[210] It was to receive information from the CIA, the FBI, the National Security Agency, and other intelligence sections. Notwithstanding the fact that the statutes prohibit the CIA from participating in any domestic intelligence function, it was called upon to evaluate domestic intelligence-gathering by the other agencies when the Intelligence Evaluation Committee was set up. This intelligence was to be digested by the CIA experts and then disseminated for use wherever useful, regardless of the statutory limits placed on the agency that collected the information.[211]

What was important about setting up that Committee was not the work it actually did, but rather the legitimization of a concept. That concept was that intelligence functions of the various agencies were there for whatever purpose the Executive decided it wanted, not for the purposes Congress decided by statute.

As an illustration, Mr. McCord testified that he eventually received information for use by CRP from the Internal Security Division of the Justice Department, on a daily basis.[212] It included information from the FBI, pertained to individuals, and was of a political as well as non-political nature.[213] This arrangement was made pursuant to a request sent to Mr. Mitchell from Mr. McCord, which led to a call from Assistant Attorney General Mardian in which he relayed the Attorney General's approval and told McCord to work through the Internal Security Division.[214]

The Internal Security Division of the Justice Department also provided political legal assistance to the White House. For example, it provided information regarding demonstrators, and information that would embarrass individuals in connection with their relationship with demonstrators and demonstration leaders.[215]

Another illustration of misuse of intelligence was the request made to the IRS, on July 1, 1969, by Mr. Huston, to set up a means of "reviewing the operations of Ideological Organizations." [216] Soon the IRS had set up an "Activists Organizations Committee," [217] collecting intelligence to "find out generally about the funds of these organizations." An internal memo pointed out that "its activities should be disclosed generally only to those persons who need to know, because of its semi-secretive nature." "We do not want the news media to be alerted to what we are attempting to do or how we are operating because the disclosure of such information might embarrass the Administration." "The type of organization in which we are interested may be ideological . . . or other." "In effect, what we will attempt to do is to gather intelligence data on the organizations in which we are interested and to use a Strike Force concept." [218] This was not tax collection; it was the IRS being converted into an intelligence agency; and it was stopped in the midst of this Committee's hearings in mid-1973.

The next step was when the IRS began gathering intelligence from other parts of the government, with no attempt made to restrict this to tax-related information. Arrangements were made with the military, the Internal Security Division of the Justice

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[195] See, General Powers and Duties, notes 10-94 supra. and accompanying text; see also, testimony of Senator Lowell Weicker, Jr., hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974.

[196] Testimony of John Mitchell. Vol. 5, p. 1895.

[197] According to Mr. Haldeman, "the President set up an interagency committee consisting of the Directors of the FBI, the CIA, the Defense Intelligence Agency and the National Security Agency," and "Mr. Huston, the White House staff man for this project, was notified by a memorandum from me of the approval of the President." Testimony of H.R. Haldeman, Vol. 7, 2875.

[198] See, notes 183-188.

[199] Testimony of Robert Mardian, Vol. 4, pp. 2392-2393; John Ehrlichman, Vol. 4, p. 2529; and John Dean, Vol. 3, p. 920

[200] Testimony of John Dean, Vol. 3, p. 919. In June, 1969, Ehrlichman directed Caulfield in lieu of the FBI to place a national security tap on Kraft's home phone. Caulfield contacted Jack Regan, former FBI agent, who ultimately installed the tap. Executive Session of John Caulfield, March 23, 1974.

[201] Presidential Press Conference, November 17, 1973.

[202] Testimony of Howard Hunt, Vol. 9, p. 3663.

[203] Testimony of Howard Hunt, Vol. 9, p. 3687. See Transcripts of Presidential Conversations, Sept. 15, 1972.

[204] White House memo, July 6, 1971, from John Caulfield to John Dean, stating in part, "a penetration is deemed possible if required."

[205] Testimony of John Dean Vol. 3, p. 920; Executive Session of John Caulfield, March 23, 1974.

[206] Testimony of Howard Hunt, Vol. 9, p. 3686.

[207] See, testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping an Electronic Surveillance, relating to intelligence activities of the United States military directed against "The Concerned Americans in Berlin," an affiliate of the American Democratic party (Exhibit 8).

[208] Id.

[209] This was the final section of the 1970 Domestic Intelligence Plan, entitled "Measures to Improve Domestic Intelligence Operations." Vol. 3, Ex. 35, p. 1323. See testimony of John Dean, Vol. 4, p. 1457.

[210] The memo to the Attorney General describing the setting up of the IEC was quoted in full in the text of the hearings. Vol. 3, p. 1063.

[211] Testimony of John Dean, Vol. 3, p. 916-919, 1057-1074, and Vol. 4, p. 1457.

[212] McCord received information, including FBI data, from the Internal Security Division of the Justice Department, upon his request to Attorney General Mitchell. Mitchell told Mardian to direct McCord to I.S.D., where McCord's contact was John Martin, Chief of the Evaluation Section. Testimony of James McCord, Vol. 1, p. 178.

[213] Id., at 181.

[214] Id., at 178.

[215] Testimony of John Dean, Vol. 3, pp. 916-919.

[216] Memo from Tom Huston to Roger Barth, Asst. Commissioner of IRS, August 14, 1970.

[217] See testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974 (Exhibit 1, memo by D. O. Virdin of the IRS; report of meeting to set up an "Activists Organizations Committee").

[218] Id.

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Department, and the Secret Service to turn over information on individuals or groups.[219] So long as the IRS has the power to be a potential harassment for the average citizen if audits are not conducted on an objective basis, this procedure of developing files on dissenting citizens must be questioned. The more important point is that IRS duties and responsibilities are spelled out by the Congress, and such an intelligence operation is not one of them.

The IRS and the Justice Department were not the only agencies pressured into assisting White House intelligence demands. A Secret Service agent spied on Senator McGovern,[220] when supposedly protecting him during the campaign. When the White House was informed of this, no objection was made.

An FBI agent was used by a White House staff member to spy on a Long Island newspaper doing an article on one of the President's friends.[221] The Commerce Department was called on to provide commercial information in a project that it was hoped would embarrass Senator Muskie.[222] The Department of Defense was used to find out information as to Senator McGovern's war records, at a time when there were public charges that he may have acted with cowardice.

There was testimony to the effect that there was nothing short of a basic policy to use any governmental agencies to seek politically embarrasing information on individuals who were thought to be enemies of the White House. The so-called "enemies list" was maintained in the White House for this purpose, and a memo was prepared to implement a means of attacking these enemies.[223]

Apparently it was not enough to maneuver the intelligence community and related agency functions. Plans were made to take what is clearly a function of government outside the government, to set up an independent intelligence operation.

The first plan was put forth by Mr. Caulfield, in proposals to Messrs. Dean, Mitchell and Ehrlichman. He suggested a private security entity that would be available for White House special projects, thereby insulating the White House form its deeds. It was called Operation Sandwedge.[224]

Mr. Caulfield rejected the Sandwedge plan, and it was apparently replaced with an operation that came to be known as the "Plumbers." In the meantime, Caulfield began conducting intelligence functions from a position on the White House counsel's staff, functions that properly belonged in the agencies, if anywhere.

Caulfield was instructed, for example, to develop political intelligence on Senator Kennedy, including instructions from the Assistant Attorney General to obtain certain information about the travels of Mary Jo Kopechne.[225] When he took the job, he told Mr. Ehrlichman that he would hire an ex-New York City policeman to do investigative work.[226]

Mr. Ulasewicz was then used to collect information on various enemies, political, ideological, and personal. A sample of his activities reveals not only why intelligence should not be outside the checks of a professional organization, but also the rather broad scope of what the White House was in fact doing. His investigations included such things as Richard Nixon's old apartment in New York, a Kennedy official trip to Hawaii, name checks on White House visitors, the President's brother, political contributors to a dozen Senators who opposed the administration, Jefferson Hospital in Philadelphia, Louis Harris Polls, the Businessmen's Education Fund, the House of Mercy home for unwed mothers, the U.S. Conference of Mayors, a comedian named Dixon, Mrs. Rose Kennedy's secretary, and Birmingham, Alabama City Council, Mayor, and Executive Staff.[227] And that is just a sample of the much larger number of his investigations. Many of them are clearly the responsibility of established agencies, if they are anybody's responsibility at all.

Eventually, a semi-official unit, the Plumbers, was established within the White House, with a combination of police and intelligence duties. It conducted what Mr. Mitchell referred to in his testimony as the "White House horrors." [228] According to Mitchell, these operations were so wrong that if the President had heard about them he would have "lowered the Boom", even though there is other evidence that the President did know about them and didn't lower any boom.[229]

The legitimate intelligence agencies were used to support this operation, specifically by providing materials for their operations. General Cushman of the CIA testified that after a personal request from Mr. Ehrlichman, CIA technical services people provided Mr. Hunt with a drivers license, social security card, wig, and speech altering device, which were delivered to a "safe house" off CIA premises per Hunt's instructions.[230]

Around August, 1971, Hunt began to make additional demands on the CIA: first, for a stenographer to be brought in from Paris, which Cushman and Director Helms considered merely a face-saving move and rejected. Later demands were made for a tape recorder in a typewriter case, a camera in a tobacco pouch, for film development, and for an additional alias and false papers for another man ("probably Liddy"), which requests came to Cushman's attention after they had been granted by the technical services people.[231]

After Hunt's additional demands and a subsequent request for a New York address and phone services, Cushman and Helms decided Hunt's requests had exceeded his original authority. On August 31, 1971, Hunt made a final request, for a credit card, which was denied.[232]

Mr. Young of the Plumbers unit asked the CIA to do a psychological profile of Dr. Ellsberg. It was clearly a domestic project, the only one of its type ever requested, according to Gen. Cushman of the CIA, who also testified that such profiles are reserved for foreign leaders. Nevertheless, it was done, but Mr. Young considered it unsatisfactory, so another profile was prepared and sent.[233] Other projects spanned a broad range, such as spiriting Dita Beard from the East Coast to a Denver hospital, and a subsequent trip to Denver by Hunt in disguise to question her about the ITT affair.[234] To bring the full influence of the White House to bear on this extraordinary activity, Mr. Ehrlichman testified that he personally introduced Messrs. Krough and Young, who headed up the Plumbers to the heads of various agencies, such as the Secretary of Defense, the Attorney General, and the Director of the CIA.[235]

Members of the Plumbers eventually went on to similar work for the Committee to Re-Elect. Although they were clearly outside the government, they again used the legitimate agencies. Ex-CIA employees were recruited on the basis of their loyalty to the CIA. National security responsibilities were misused. Mr. Barker was even told that the interests of national security he was serving were above the FBI and the CIA.[236] To reinforce this position, classified and critical information about the mining of Haiphong harbor was relayed to Barker the day before the President's announcement.[237] This was not only a misuse of secret Defense Department intelligence, but it also furthered a misuse of national security entrustment in the executive branch.

In a different type of situation, Mr. Haldeman was appointed "the Lord High Executioner of leaks". This technique of attacking and solving the leaks problem illustrates the contempt for normal government functions. It resulted in Mr. Caulfield, by his own testimony, being directed by Ehrlichman to wiretap a newsman's telephone (Joseph Kraft) in pursuit of a leak,[238] outside the safeguards of government wiretap procedures and regulations. There are capabilities within the legitimate operations of our government for handling such a problem. The attitude that these problems had to be treated independently was the same attitude that led to the 17 Kissinger taps being installed outside normal FBI channels and Mardian's instructions from the President regarding the disposition of those wiretap logs "that related to newsmen and White House staff suspected of leaking,[239] and that led to unusual and perhaps illegal White House involvement in the Ellsberg case itself.

There is a reason for demanding that government officials use only the tested and accountable facilities of government. It has been illustrated by the kind of projects undertaken independently by the White House.

The final contempt for the intelligence community can be seen in efforts to exploit them in the coverup. Mr. Ehrlichman said that he and Mr. Haldeman had spoken to General Walters and Mr. Helms of the CIA shortly after the Watergate break-in.[240] Ehrlichman further said that Walters was a friend of the White House and was there to give the White House influence over the CIA.[241] Dean testified that Ehrlichman asked him to explore the possible use of the CIA with regard to assisting the Watergate burglars.[242]

On June 23, 1972, Mr. Haldeman and Mr. Ehrlichman met with Director Helms and General Cushman of the CIA. According to Director Helms, Haldeman said something to the effect that it had been decided that General Walters was to go talk to FBI Director Gray and inform him that "these investigations of the FBI might run into CIA operations in Mexico" and that it might be best if they were tapered off—or something like that.[243] According to General Walters, Haldeman directed Helms to inhibit the FBI investigation on grounds that it would uncover CIA assets in Mexico. Haldeman also indicated he had information the CIA did not have, and that five suspects were sufficient.[244] When Director Helms and Director Gray of the FBI scheduled a meeting between themselves on June 28, 1972, Mr. Ehrlichman intervened and canceled the meeting, thus preventing any independent contacts.

At a later time, Mr. Dean discussed with General Walters the possibility of using covert CIA funds to pay the Watergate defendants.[245] In February 1973, the CIA was asked by the White House to take custody of Justice Department files on Watergate, but the request was denied.[246]

Mr. McCord testified that at the time of the Watergate trial, pressure was brought on himself and other defendants to claim for purposes of a defense that Watergate was a CIA operation.[247]

The FBI was likewise abused in numerous ways. Some of these, such as turning over Hunt's files to Mr. Gray, have been well documented. But there were other examples. The FBI set up the so-called Kissinger wiretaps outside channels, effectively insulating them from routine discovery and accountability, and at the President's instructions, Mr. William Sullivan (who had supervised the wiretaps) turned over all evidence of them to the White House when it was reportedly related to the President that Hoover might use them to preserve his job.[248] The FBI ran an investigation of CBS newsman Daniel Schorr, in what was a White House tactic to embarass him, according to one witness.[249]

Mr. Ehrlichman testified that he was instructed after the Watergate break-in to see to it that the FBI investigation did not uncover the Ellsberg break-in or get into the Pentagon Papers episode.[250]

In the end, the wake of Watergate left a distorted intelligence community whose historic professionalism had been badly damaged.

B. LAW ENFORCEMENT AGENCIES

The primary responsibility for law enforcement falls to the Department of Justice. To the extent that White House or political considerations interfered with that responsibility, it interfered with a critical part of our government.

There was considerable evidence of White House contacts, including pressure and interference, with respect to the Watergate investigation. It began almost immediately after the break-in, with a request to the Attorney General that he try to obtain the release of Mr. McCord.[251] In the following days, he was warned about a too aggressive investigation, he was warned in mid-1972 that Magruder might have to plead the Fifth Amendment, he was asked to provide raw FBI files on the case, and he was asked to be the White House secret contact with this Committee.[252] As noted earlier, an agency of the Justice Department, the FBI, was consciously lied to, was asked for raw files, its Director was given potentially embarrassing evidence from the safe of one of the Watergate burglars, with instructions he interpreted as a request to destroy that evidence.

The White House counsel testified that he in fact received information from the Justice Department and the FBI on the Watergate case. Mr. Dean stated that he was asked by Mr. Mitchell, after Mitchell had left CRP, to get FBI 302 reports of interviews with witnesses, and that Mr. Haldeman and Mr. Ehrlichman also thought it would be a good idea to get those reports. Mr. Mardian, attorneys O'Brien and Parkinson, and Mr. Richard Moore all viewed those files after Dean obtained them. Dean pleaded guilty to an "information" charge in October 1973, which charge included a conspiracy based on White House access to those files.[253]

There were similar pressures as to the whole Ellsberg matter. When Assistant Attorney General Petersen advised the President of the Ellsberg break-in, he was told, "I know about that," and "You stay out of that" [254]

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[219] For example, on December 4, 1969, D.W. Bacon, Asst. Commissioner, IRS, contacted Colonel Heston C. Cole, Counterintelligence Division, Directorate Office of Special Investigations; and on January 26, 1970 the IRS contacted Director Rowely of the Secret Service, in both cases to coordinate intelligence-gathering operations through the Activists Organizations Committee. See, testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974.

[220] White House memo from Steve Karalekas to Charles Colson, August 16, 1972, referring to the activities of Agent Bolton. See also, testimony of John Dean, Vol. 3, pp. 923, 1071.

[221] John Caulfield testified that he requested a New York City FBI agent to go out to the *Newsday* offices. This was done, and included a report of the newspaper's confidential publication schedule. Executive Session of John Caulfield, March 23, 1974.

[222] Memo to Charles Colson from Thomas Thawley, Deputy Asst. Secretary of Commerce, April 16, 1971.

[223] White House memo from John Dean, August 16, 1971, entitled "Dealing Without Political Enemies." Vol. 4, Ex. 48, p. 1689.

[224] Drafted in late summer 1971, Operation Sandwedge called for an offensive intelligence-gathering operation for infiltration of campaign organizations and headquarters with "undercover personnel, surveillance of Democratic conventions and meetings, derogatory information-seeking investigations, and "black bag" activities. Though dropped from active consideration by late 1971, Operation Sandwedge can be seen as a precursor of the Gemstone Plan which achieved the capabilities championed by Caulfield. See, Caulfield Executive Session, March 23, 1974; See also, Campaign Practices Section of Select Committee Report, exhibit of memorandum of Caulfield to Dean entitled "Operation Sandwedge." See also, Vol. 2, p. 786; Vol. 3, pp. 924-6; Vol. 6, p. 2537.

[225] In the summer of 1969, when Dean was working at the Justice Department, "then Deputy Attorney General Kleindienst called (Dean) into his office and told (him) that the White House wanted some very important information . . . regarding the foreign travels of Mary Jo Kopechne." Dean was directed to obtain the information from Mr. De Loach, Deputy Director of the FBI, and give it to John Caulfield from the White House. Vol. 3, p. 922.

[226] Ehrlichman apppointed Caulfield to the White House staff on April 8, 1969, as a liaison with various law enforcement agencies, with the understanding that the services of Mr. Ulasewicz, a retiring New York detective, would be obtained. Commending July, 1969, Ulasewicz reported on his investigatory activities to the White House through Caulfield, on the orders of Mr. Ehrlichman and Mr. Dean. Vol. 1, p. 251.

[227] See, Committee interviews with Mr. Ulasewicz, Mr. Dean, Mr. Caulfield, Anne Dawson, Tony LaRocco.

[228] Mr. Mitchell described the Plumbers' activities which he learned of from Mr. Mardian and Mr. LaRue, as the "White House horror stories." Vol. 4, pp. 1624-25.

[229] On March 22, 1973, the day after Mr. Dean told the President of the Watergate-related White House horrors and other facts, the President, according to Mitchell, discussed the possibility of using Dean as a liaison with the Ervin Committee, rather than lowering any boom. Vol. 5, p. 1694.

[230] Vol. 8, pp. 3292-93.

[231] Id.

[232] Id.

[233] Id., at p. 3311.

[234] Shortly after the ITT memo was published in February, 1972, Mr. Liddy transported Dita Beard from Washington to a hospital in Denver. In his interview there, Mr. Hunt elicited from Dita Beard a public statement that the memo was a fraud. Testimony of Robert Mardian, Vol. 6, p. 2359; Howard Hunt, Vol. 9, pp. 3752-53.

[235] Mr. Ehrlichman testifies further that Mr. Krough and Mr. Young described the function of the special unit" (the Plumbers) to the heads of the various agencies. Vol 7, p. 2691.

[236] Testimony of Bernard Barker, Vol 1, p. 360.

[237] Mr. Hunt testified that he was "in very general terms aware of" the President's speech announcing the bombing of Haiphong harbor prior to the speech. Hunt requested that Mr. Barker "attempt to have as many telegrams as possible sent to the White House. . . . manifesting approval of the President's move." Testimony of Howard Hunt, Vol. 9, pp. 3745-46.

[238] See, note 21, supra.

[239] The President instructed Mr. Mardian in the fall of 1971 to transfer the logs from Mr. Sullivan, Assistant Director of the FBI, to Mr. Ehrlichman, who kept them in his safe for over a year. Testimony of John Dean, Vol. 3, pp. 920-21.

[240] Ehrlichman and Haldeman were instructed to insure that covert CIA activities were not exposed by the Watergate investigation being conducted by the FBI. Vol. 6, p. 2557.

[241] On June 26, 1972, Mr. Dean on Mr. Mitchell's suggestion, sought through Mr. Ehrlichman to contact the CIA as to the Watergate break-in. Vol. 3, p. 946.

[242] Mr. Dean indicated to Gen. Walters that witnesses were wobbling and could cause problems, and asked if the CIA could raise bail for some of these defendants. Testimony from John Dean, Vol. 3, p. 1037; Vol. 4, p. 1461.

[243] Testimony of Richard Helms, Vol. 8, p. 3238.

[244] Memorandum of General Walters, Vol. 7, Ex. 101, pp. 2948-49.

[245] Testimony of John Dean, Vol. 3, p. 1037.

[246] On February 9, 1973, Mr. Dean called the new Director of the CIA, Mr. Schlesinger, and suggested that the Justice Department be required to return to the CIA a package of all the materials turned over to Justice regarding Hunt and the break-in at Dr. Fielding's office. Mr. Schlesinger and General Walters decided this was "out of the question". Testimony of General Walters, Vol. 9, pp. 3417-19.

[247] Testimony of James McCord, Vol. 1, pp. 193-98.

[248] In July, 1972, Mr. Sullivan, Associate Director of the FBI, informed Mr. Mardian of the existence of "some very sensitive national security surveillance logs that were not . . . in-channel", that Mr. Hoover might use to preserve his job. Mr. Mardian then flew by courier plane to see the President in San Clemente, who directed him to obtain the reports from Mr. Sullivan and deliver them to Mr. Ehrlichman. Testimony of Robert Mardian, Vol. 6, pp. 2392-93.

[249] Mr. Haldeman requested Mr. Higby to direct the FBI to investigate Daniel Schorr. But "to the dismay of the White House, Mr. Hoover proceeded with a full field wide-open investigation" which became apparent and "put the White House in a rather scambling position to explain what had happended." Ultimately the White House attempted to explain that Mr. Schorr was being considered for a Presidential appointment in the environmental field. Testimony of John Dean, Vol. 3, p. 1071.

[250] Testimony of John Ehrlichman, Vol. 6, p. 2544.

[251] On the suggestion of Messrs. Mitchell, LaRue, and Magruder, then Attorney General Kleindienst was contacted at the Burning Tree Country Club, while playing golf, by Mr. Liddy and Mr. Powell Moore, to "see if there was any possibility that Mr. McCord could be released from jail. The Attorney General rebuffed this request." Testimony of Jeb Magruder Vol. 2, p. 798.

[252] Between July 7 or 8, Ehrlichman called Kleindienst to tell him that Petersen had refused Ehrlichman's order to "not harass" Secretary Stans with respect to interrogations. Kleindienst told Ehrlichman to never again give orders to Justice Department personnel, and if this was the President's desire, then Kleindienst would resign as Attorney General. Testimony of Richard Kleindienst, Vol. 9, pp. 3564-3565. Ehrlichman testified that, based on what Dean had told him about "the unfolding of this thing, that Mr. Magruder may have some involvment and that culminated in a meeting with the Attorney General at the end of July, on July 21 . . ." Testimony of John Ehrlichman, Vol. 6, p. 2554.

[253] U.S. v. Dean, D.D.C. No. 886-73.

[254] Mr. Petersen was so concerned about the President's directive that he consulted Attorney General Kleindienst and both of them considered going to the President and threatening to resign unless the Justice Department was allowed to investigate the Ellsberg matter. Testimony of Henry Petersen, Vol. 9, pp. 3631-2.

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The Anti-trust Division of the Justice Department received requests, which have been reviewed earlier as to the media, to go after targets of White House dislike.

After the association of milk producers pledged $2 million to the President's campaign, a grand jury investigation of their association was halted by the Attorney General.[255] Nevertheless, anti-trust violations were allowed to be pursued as a civil, as opposed to criminal, suit.[256] The anti-trust suit was in fact brought in February, 1972, in spite of much White House concern by Messrs. Colson and Haldeman.[257] The milk producers discussed their anti-trust suit with Treasury Secretary Connally in March, 1972, resulting in a call to the Attorney General.[258] Other contacts with the Attorney General were made on behalf of the milk producers, and an attempt was made to give additional contributions in return for dropping the anti-trust suit.[259]

A similar pattern of efforts to obtain favorable treatment from the Attorney General in an anti-trust matter followed the transfer of $100,000 by the Hughes Tool Co. to a friend of the President. The Hughes Corporation was involved in anti-trust problems related to pending purchases of a hotel in Las Vegas and an airline corporation.[260] At the time the money was being transferred, a representative of the Corporation met with the Attorney General. The anti-trust problems were subsequently resolved.[261]

The grand jury system, an essential element of the prosecution process, was subverted by members of the administration and CRP, even to the point of special favors for such officials when they were to be called before the grand jury. According to one witness, Mr. Ehrlichman attempted to prevent former Commerce Secretary Stans from appearing before the Watergate grand jury by directing Assistant Attorney General Petersen not to call Stans. Stans' testimony was eventually taken in private, as was the testimony of Messrs. Colson, Kehrli, and Young.[262]

It should be recalled that the Attorney General doubled as a campaign manager from July 1971, until he resigned in April 1972. When asked if it wasn't improper "for the chief law enforcement officer of the United States to be engaging in, directly or indirectly, managing political activities," the Attorney General responded, "I do, Senator."[263] He held this dual role while a number of large campaign contributors, such as the association of milk producers, the Hughes Tool Co., and International Telephone and Telegraph had important cases under investigation by the Justice Department. The Attorney General who succeeded him pleaded guilty to a charge pertaining to the ITT matter.[264]

The prestige of the Attorney General's office was misused. Mr. McCord testified that a very important reason for his participation in the Watergate operation was "the fact that the Attorney General himself, Mr. John Mitchell, at his office had considered and approved the plan, according to Mr. Liddy."[265] Mr. Baldwin was told that if at any time he had trouble establishing his authority for being in a certain place or for having a weapon, he was to mention John Mitchell.[266] In an outrageous insult to our law enforcement institutions, it was in the Attorney General's office on January 27, 1972, and on February 4, 1972, that Liddy's plan was presented, including expensive charts outlining mugging, bugging, burglary, kidnapping, and prostitution.

The Justice Department was not alone.

Some of the most blatant attempts to pressure an agency charged with enforcing laws were aimed at the IRS. The conversation between the President and Messrs. Dean and Haldeman on September 15, 1972, states this clearly, criticizing the IRS for not being sufficiently "responsive" to personal and political demands.[267] It is buttressed with evidence that the IRS was contacted in relation to cases involving friends of the White House.[268]

The confidential tax return information of Mr. Harold J. Gibbons, vice president of the Teamsters, was turned over to Mr. Colson. It is significant that the memo discussing Gibbons' taxes points out that he supported Senator McGovern;[269] in fact, he was the only major Teamster official to support McGovern, and the only one whose taxes were apparently sent to the White House.

The tax data for a prominent Jewish leader in Rhode Island was given to Mr. Dean's office, along with confidential tax return information on a number of prominent entertainers. Tax audits of Democratic party Chairman Lawrence O'Brien were sought in an attempt to come up with damaging information. In contrast, IRS contacts were used to help in audits of the President's friends, including actor John Wayne, the Reverend Billy Graham, and Mr. Charles G. Rebozo.[270]

A close friend of the President's, according to Mr. Dean, "thought he was being harassed by the agents of the Internal Revenue Service". Dean raised this with Mr. Walters (Commissioner of the IRS) who said that could not be the case. Dean kept checking the status of the case, because he "got questions on it with considerable regularity." Dean stated that "it was Rosemary Woods who kept asking me the status of the case because this individual was seeing the President a good deal." The case was referred to the Criminal Division of the Justice Department. Dean was told he had to do something about it, so he eventually saw Mr. Ralph Erickson at the Justice Department, who said "there is one more thing we can do; there are some weaknesses in the investigation and we may send it back to the Internal Revenue Service for one last look to see if this follows, it really is a solid case," which to Dean's recollection was done.[271]

Nevertheless, the President was not satisfied and suggested that changes be made at the IRS after the 1972 election. In addition, Mr. Dean prepared a briefing paper for Mr. Haldeman with respect to a meeting with the head of the IRS, to make the IRS more responsive to the White House.[272] Mr. Strachan testified that Mr. Haldeman discussed a more politically responsive commissioner of the IRS so that it could be used against political opponents such as Clark Clifford.[273]

The IRS was not only contacted with respect to individual cases, it was also the focal point of certain questionable policies. One of these policies was to "punish" groups, tax exempt groups in particular, who were thought to hold ideological views different from the White House. There was no evidence that these organizations advocated or did anything illegal or unconstitutional, or that they in any way violated the

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[255] See Affidavit of Bruce Wilson to the Senate Select Committee on Presidential Campaign Activities.

[256] See Letter from Richard W. McLaren to David M. Dorsen, Assistant Chief Counsel, Senate Select Committee on Presidential Campaign Activities, dated May 10, 1974.

[257] See the Milk Fund Investigation, Part VI, Milk Producer Contribution Activity in 1972 prior to April 7—and the Justice Department anti-trust suit against A.M.P.I., (supra.) particularly Strachan Exhibits 7-10.

[258] Id., Part VI (D) (2).

[259] Id., Part VI (E) (1, 2).

[260] See, Hughes-Rebozo Report, Dunes Hotel case, of the Senate Select Committee on Presidential Campaigns (Supra.)

[261] Id.

[262] Mr. DASH. You said you did agree on a concession. Could you tell us where was Mr. Stans interrogated?

Mr. PETERSEN. He was interrogated in my conference room by the prosecutors on the case with a reporter present and no one else.

Mr. DASH. And not before the grand jury?

Mr. PETERSEN. No, sir.

Mr. DASH. Who else, by the way, was given a similar concession during the investigation?

Mr. PETERSEN. Colson, Kehrli, and Young.

[263] Testimony of John Mitchell, Vol. 5, p. 1856.

[264] Former Attorney General Richard Kleindienst pleaded guilty on May 16, 1974, to one count of refusing to testify, a misdemeanor in the ITT case, receiving a suspended sentence of one month in jail and a $100 fine.

[265] Testimony of James McCord, Vol. 1, p. 128.

[266] Mr. Baldwin further testified: "I felt that I was in no position to question John Mitchell;" and Baldwin therefore did not question the legality of his own Watergate-related activities. Testimony of Alfred Baldwin, Vol. 1, p. 409.

[267] Mr. Dean testified that on September 15, 1972, he discussed with the President "using the Internal Revenue Service to audit the returns of people," and that this was in keeping with earlier discussions with Haldeman wherein Dean was requested that "certain individuals have audits commenced on them." Dean replied to the President that the IRS had not been happy with the prior requests and, according to Dean, the President told him to keep a good list, so that "we would take care of these people after the election." Haldeman added "that he had already commenced a project to determine which people in which agencies were responsive and were not responsive to the White House." Testimony of John Dean, Vol. 4, pp. 1480-81.

[268] Mr. Dean testified to several requests made to him to intervene on behalf of "friend" tax reports. One case involved the Justice Department, and two other cases resulted from complaints by John Wayne and Billy Graham, who felt they were being harassed by the IRS. Dean's assistant, Mr. Caulfield, contacted the IRS, which allowed him to see Graham's Sensitive Case Report out of Atlanta and which forced the local agent to justify his audit of Wayne. Testimony of John Dean, Vol. 4, pp. 1530, 1559; Executive Session of John Caulfield, March 23, 1974, pp. 47-48; interview with Mike Acre, September 27, 1973, p. 7.

[269] Mr. Colson's memo not only mentioned "that there are income tax discrepancies involving the returns of Harold J. Gibbons," but was also interested that "if there is an informer's fee, let me know." Vol. 4, Ex. 45, p. 1686. It is worth pointing out that none of the official duties of Mr. Colson at the White House would legally justify him having access to citizens' tax returns, except upon specific request of the President.

[270] Sensitive cases, such as the President's friends, large contributors, or prominent political figures, were sent to the White House. Testimony of John Dean, Vol. 4, p. 1529. Roger Barth, Assistant to the IRS Commissioner, would also call John Ehrlichman directly, and the Secretary of the Treasury would contact the President directly, in the process of bringing Sensitive Case Reports to White House attention. Interview with Roger Barth, July 31, 1973, pp. 7-8.

[271] Vol. 4, pp. 1530, 1539, 1559. This case involved Dr. Kenneth Riland. Dr. Riland was subsequently acquitted of income tax evasion by a federal jury.

[272] One document submitted by Mr. Dean (Exhibit 44) is a briefing paper for H.R. Haldeman for a meeting with the head of the IRS, to make the IRS more responsive to the White House. Vol. 4, p. 1349.

[273] Testimony of Gordon Strachan, Vol. 6, pp. 2486-2487.

tax laws. Nevertheless, they were singled out for challenge as to the tax exempt benefits they enjoyed under the law. Groups enjoying the same benefits who were sympathetic to the administration did not receive the same attack.

Use of the Secret Service to spy on Senator McGovern has already been reviewed.

The misuse of the CIA and the FBI have likewise been examined earlier.

It is quite a record for a "law and order" administration.

C. REGULATORY AGENCIES

The regulatory agencies, as much as any other area of government, fit the references in a White House memo which addressed the general problem of how to use the "incumbency" and power of the White House against opponents, or "how we can use the available federal machinery to screw our political enemies."[274]

We have already reviewed numerous misuses of the IRS against political opponents. We have likewise reviewed evidence of plans to make the IRS more responsive to White House problems and demands.

A prime example of the distortion of regulatory power is contained in the record of the administration's plans to attack the media. The agency at the center of this plan was the FCC.

The Federal Communications Commission licenses radio and television stations, and is thereby in a unique position to hurt the networks or any other organization such as a newspaper that owns a local station. The memos on this subject which have been reviewed previously, were frightening at best. They demonstrate clear contempt for statutory restraints on the power given to the FCC by Congress.

A good sample of the attitude toward agencies is a memo from Mr. Jeb Magruder to Mr. Ken Reitz which notes that ACTION, the agency that coordinates government volunteer programs, "is an agency that we should be able to use politically." The memo recommends a meeting with ACTION's director to discuss how "we used their recruiters (who talked to 450,000 young people last year), advertising program, public relations effort, and public contact people, to sell the President and the accomplishments of the Administration. We should be involved and aware of everything from the scheduled appearances of ACTION's recruiters to the format and content of its advertising."[275]

D. THE DEPARTMENTS

The variety and scope of evidence bearing on the functions of the Departments stretches all the way from fabricating a false historical record of the State Department in the Vietnam war to using the Department of Interior to punish a newscaster.

The State Department incident shows the extremes that were followed to achieve the political ends of the White House. In apparent anticipation that Senator Kennedy would be the opposing nominee for the presidency, an attempt was made to falsify President Kennedy's role in the assassination of President Diem early in the Vietnam war.

The strategy used to implicate President Kennedy in Diem's death was to make up phony telegrams between the White House and South Vietnam during that critical period. One particular telegram indicated that Kennedy did not offer safe refuge to Diem, thereby insuring his assassination. To be able to do this, the State Department was contacted by Mr. Young of the White House Plumbers, resulting in Hunt's authorization to go over and review the appropriate cables between the United States and Saigon. Arrangements were made to "leak" the story to appropriate news persons.[276] When Hunt's safe was opened on June 20, 1972, the bulk of the papers, according to testimony, were classified cables from the State Department relating to the early years of the Vietnam war.[277]

The Department of Commerce was more directly used. The Secretary of Commerce attended meetings on campaign matters and campaign contributions while still in office.[278] In order to put out a story demonstrating that help provided to the Maine sugar beet industry by Senator Muskie was going to cost taxpayers $13 million in defaults by that industry, the Department of Commerce was requested to provide the research material for that story. The correspondence flowed between the White House and Commerce, until the White House feared that their respective roles might be discovered.[279]

Because of a rather hostile comment former newscaster Chet Huntley once made regarding the President, there was an effort to make it as difficult as possible for him to get his Big Sky project in Montana moving. Apparently, Huntley needed assistance from the Interior Department, which was periodically contacted by the White House in this regard. For whatever reason, Huntley eventually agreed to back the President in the 1972 campaign and the attack was called off.[280]

The Department of Agriculture announced, on March 12, 1971, that price supports for milk would not be increased.[281] Board members of the Commodity Credit Corporation, which has responsibility for clearing such a decision, was unanimous in its recommendation not to increase supports.[282]

On March 25, 1971, the President reversed the decision of the Agriculture Department. There is much evidence of White House awareness and attention at that time to a $2 million campaign pledge by the milk producers.

Whether or not the President's decision was the result of a dairy industry bribe, it is important to note that the legitimate functions of the Agriculture Department were circumvented and interfered with. In the reversal process, none of the Assistant Secretaries at Agriculture or their staffs were consulted. These were the professionals who had the expertise, who knew the reasons for the initial decision, who would have to enforce and live with the new decision by the President. Their opinion or expertise as to the President's reversal was never given; it was never solicited, even indirectly.[283]

Instead, at 10:30 a.m. on March 23, 1971, the President met with the milk producers, saying, "I know, too, that you are a group that are politically very conscious. . . . And you are willing to do something about it."[284] After a flurry of meetings between other administration officials and milk producers representatives, the President changed the Department of Agriculture's position on March 25, 1971. Thus, regardless of other issues involved, the acceptable processes of government were evaded for apparently personal and political interests.

A memo was presented which revealed a Cabinet session in which Mr. Fred Malek told the assembled Cabinet members of a plan to make the Departments more "responsive" to the political needs of the administration. It was this program that led to some of the more unique abuses of the Departments and agencies.

It was this program that led to evidence of quid-pro-quos for the contracts from the Department of Health, Education, and Welfare, the Department of Housing and Urban Development, the Department of Labor, the Department of Interior, the Office of Economic Opportunity, the Office of Minority Business Enterprise, the Federal Home Loan Mortgage Association, the General Services Administration, ACTION, and the Veterans' Administration.[285]

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[274] White House memo from John Dean, August 16, 1971, entitled "Dealing with our Political Enemies." Vol. 4, Ex. 48, p. 1689.

[275] Memo from Jeb Magruder to Ken Reitz, Director of Young Voters for the President, November 28, 1971.

[276] Testimony of Howard Hunt, Executive Sessions, July 25, 1973 and Sept. 10, 1973; also Vol. 9, pp. 3672, 3733, 3772, 3780.

[277] Testimony of John Dean, Vol. 3, p. 937.

[278] While still Secretary of Commerce, Mr. Stans met in several instances on campaign-related matters in January and February, 1972. Testimony of Maurice Stans, Vol. 2, pp. 733-4.

[279] See, note 179 supra.

[280] In a memo to Lawrence Higby, on July 16, 1970, Jeb Magruder expressed a need to get some "creative thinking" going on an attack on Huntley for his statements in *Life*. "Huntley will go out in a blaze of glory and we should attempt to pop his bubble." Vol. 10, Ex. 166, p. 4127.

In a memo to H. R. Haldeman, on October 19, 1971, Lyn Nofziger notified Haldeman that "Huntley claims to be a Republican" and would support the Republican Senatorial candidate in Montana. John Whitaker, the White House liaison for the Department of Interior then ordered the Department of Agriculture to quit "dragging its feet on Big Sky." Vol. 4, p. 1703.

[281] On March 12, Department of Agriculture announced Secretary Hardin's decision to maintain price support level at $4.66. Since in 1970 the Secretary granted the largest increase at the beginning of a marketing year, which led to increase in production, Secretary Hardin, after a careful review, felt the retention of price support levels was in the long term best interests of dairy producers. News Release, United States Department of Agriculture, March 12, 1971.

[282] The Division of the Agricultural Stabilization and Conservation Service drafted its recommended decision in the form of a docket. The docket, based on recommendations of economists and superiors, recommended the $4.66 figure and supported it with a four page justification. The docket was then passed up the line before going to the CCC Board of Directors for approval and undergoes "pre-Board clearance" by others in USDA. On March 3, 1971, the Board of Commodity Credit Corporation approved the docket. The recommended decision then went to the Secretary of Agriculture for final action.

[283] Assistant Secretary Palmby stated that he was unaware of any reconsideration of the March 12 decision. Palmby summarized his role by stating: "I was part of the March 12 announcement. I was not part of the later announcement." Interview with Palmby, p. 22. Furthermore, Assistant Secretary Richard Lyng indicated that his first knowledge of the reversal in decision came one hour before the formal announcement.

[284] From, motion for Immediate Production of Records for Which Privilege Has Been Waived, at 2, Nader v. Butz, C.A. 148-72 (D.C.D.C., filed January 11, 1974).

[285] An "Administrative Confidential" memo from Mr. Marumoto, Mr. Malek's Assistant in the responsiveness program, to Rob Davison, also of Mr. Malek's staff, July 19, 1972 (concerning a Washington, D.C., consulting firm under consideration for contracts from DOL and HUD); an "Administrative-Confidential" Weekly Report from Mr. Marumoto to Mr. Colson and Mr. Malek, Vol. 13, Ex. 262-28, p. 5615. (DOL grant applicants who were "unfriendly toward the Administration were being

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For example, a June 3, 1971, White House memo noted that the head of the Federal Home Loan Bank Board "has given a great deal of thought to, and designed, a sound economical plan to use federal resources (projects, contracts, etc.) for advantage in 1972."[286]

A June 23, 1971, White House memo recommended that "In addition to designating 'must' grants from pending applications there may be occasions in which political circumstances require a grant be generated for a locality."[287] This, of course, is in direct contravention of equal treatment under the laws that control federal awards, which are supported by taxpayer funds and are to be distributed only on the basis of merit and need, by law.

By March 1972, this program, according to a memo to Mr. Haldeman citing success at the Commerce Department as an example, had "resulted in favorable grant decisions which otherwise would not have been made involving roughly $1 million.[288] It was then recommended that someone was needed to take "the lead in the program to politicize the Departments and Agencies . . . and closely monitor the grantsmanship project to ensure maximum and unrelenting efforts."[289]

A December 23, 1971, memo to Mr. Haldeman noted that "this program, even if done discreetly, will represent a substantial risk. Trying to pressure 'non-political' civil servants to partisanly support the President's re-election would become quickly publicized and undoubtedly backfire. Consequently, the strategy should be to work through the top and medium-level political appointees who exercise control over most of the Departmental decisions and actions." [290]

By June 1972, Mr. Malek reported he had "reviewed the program with each Cabinet Officer (except Rogers) and with the heads of the key Agencies," and "had them name a top official who would be the political contact for this program," as well as "educate loyal appointees . . . thus forming a political network in each Department." [291] Aside from abuse of the laws which authorize federal grants, there are numerous indications that this program violated the Hatch Act.[292] That Act specifically protects against politicizing the government, and makes such efforts criminally illegal. In addition, much of this conduct has involved a conspiracy to defraud the United States, under the criminal laws of Title 18, United States Code, Section 371,[293] as well as criminal violations of at least three sections of the campaign laws.[294]

So much for our independent Departments and Agencies.

The executive department diverted a substantial portion of its payroll, privileges, and power into non-governmental activities. Mr. Frederick Malek, for example, held an official position at the Committee to Re-Elect the President as of June 1972, while on the White House payroll until September 1, 1972.[295] Mr. Gordon Strachan likewise was employed as a liaison to CRP, while being paid as an assistant to the White House Chief of Staff. Political advertising was supervised from the office that was supposed to be White House Chief of Staff.[296] Mr. McCord testified that he took part in Watergate partly because "the top legal officer in the White House" had participated in the decision to undertake the operation.[297]

The prerogatives granted the executive were misused, as has been detailed earlier. The effect is well summed up by Mr. McCord's testimomy that he was told the President of the United States was aware of meetings offering him payoffs and clemency, that the results of the meetings would be conveyed to the President, and that at a future meeting there would likely be a personal message from the President himself. This supplemented threats that "the President's ability to govern is at stake," and "the government may fall" if Mr. McCord did not follow the "game plan." [298] Mr. Caulfield confirmed that when he met with Mr. Dean that Dean wanted to transmit the message to McCord that the offer of executive clemency was made with the proper authority, and that he made such representation to McCord.[299]

Not only were the department functions abused, but the executive power of appointing department officials was likewise used. It was Herbert Porter who testified that he reminded the White House of the things he had done in the campaign when they dragged a bit in finding him a new job after the election.[300] It was Jeb Magruder who was awarded with a high ranking job at the Commerce Department for his misdeeds in the re-election campaign.[301]

These examples are minor compared to the general plans that were discussed to restaff the departments after the election to make them more subservient to the White House.[302]

As a final, rather tragic note, this is the White House that used its power over department appointments to nominate Mr. Gray to the FBI Directorship, decided not to support him any longer, and rather than tell him of that fact, decided to let him "hang there, and twist slowly, slowly in the wind.[303]

III. THE POLITICAL SYSTEM

Watergate challenged the very underpinnings of American politics and the American political condition. It happened in the natural clash and confusion of a free and open system of self-government; the same condition that despite its risks and vulnerability has given us many more moments of magnificence.

Nevertheless, whenever the nation approaches a Presidential election year we have especially good reason to recall our founding fathers' warnings against the "danger of factions." History teaches us that no matter how much a President may insist otherwise, an incumbent begins to measure policy decisions by their effect on his re-election and wieldspower in pursuit of his most advantageous position.

The system is designed to absorb this, but without question there is a line that cannot be crossed if the process is not to be abused.

The best way to observe how this happened to our political system in 1972 is to examine it in three component parts: the political party, the electoral process, and the democratic system.

A. THE POLITICAL PARTY

Political parties in America have their own life and status. They were expressly excluded from our Constitution, yet they have persisted since the nation's first generation.

The party has come to serve as a link between constituencies and men chosen to govern. They serve a valuable function, drawing competitive forces together to seek the reconciliation so essential to intense issues. When the parties do not function well, individual citizens feel a loss of control over politics and government. They find themselves powerless to influence events. Voting seems futile; politics seems pointless. The political process crosses the line . . . and things go badly for America.

By any measure, the process that led to Watergate emasculated important party functions. It began with the decision to take the party's leader, and his re-election, out of the Republican party and into an independent entity, unresponsive to the checks and balances of party politics. From that point on, the Committee to Re-Elect the President was a political disaster.

There was a rationalization of CRP's existance, in some testimony, to the effect that it was needed for the primaries.[304] A number of Republican candidates entered the primaries, and it was considered unfair to use the Republican National Committee on behalf of the President. This theory ignored the President's massive popularity in the party at the time.

The fact is that CRP remained in operation throughout the campaign, long after it would have been proper for the Republican party to take over.

Significantly, all available evidence indicates that the traditional party organizations at the national level, the Republican and Democratic National Committees, did not undertake illegal or improper activities in the 1972 campaign. After 16 months of investigation, the staff of this Committee reported conclusively that there was no evidence of wrongdoing, directly or indirectly, by the Republican National Committee or its Chairman, Senator Robert Dole (R-Kan.) during the 1972 campaigns.

Evidence as to CRP's operation is in direct contrast.

By setting up an exclusive organization, concerned only with the President, the party was excluded from being properly aided by its titular head. The President was well-financed, and he won in a landslide. The Republican candidates for Congress and state offices did not have similar success in financing and campaigning against their Democratic opponents.

A good example of the tactics that hurt the party was the list of 100 Democratic Senators and Congressmen, "primarily from the South, who had supported the President on the crucial votes on the Vietnam war," who would "not receive very strong opposition" from the White House.[305] Clearly this would not have been possible if the party had been involved in the President's campaign.

Not only did the White House undermine the Republican Party by supporting Democratic candidates. It likewise undermined the party from within, by attacking Republican candidates. A memo from Mr. Haldeman in October, 1969, outlined a letter-writing campaign to silence Republican Senators Percy, Goodell, and Mathias.[306] It consisted of "sending letters and telegrams, and making telephone calls to the Senators, blasting them . . ." [307]

A few days later it was reported to Haldeman that local groups in Illinois had begun sending critical telegrams and letters to Sen. Percy.[308] A handwritten note by Mr. Haldeman disclosed "this was an order . . . I was told it was being carried out and so informed the President." [309] Incredible as it may seem the Party was writing letters to itself, leaders of the Republican Party were being attacked by the head of their own party . . . in disguise.

An incident of serious significance was the suggestion by Mr. Patrick Buchanan that the Florida Republican State Chairman and the United States Attorney General attempt to use a provision in Florida law to keep a Republican challenger off the primary ballot, not because of legal considerations but for political advantage.[310] Earlier, that same challenger had been subjected to a bogus contribution to his New Hampshire campaign, in the name of the Young Socialist Alliance, staged by Mr. Colson, and leaked to the press to discredit his candidacy.[311] Again, a fellow Republican.

Negative politics were even taught to the young.

Mr. Ken Rietz organized the Young Voters for the President as part of CRP and designed projects for them such as the "McGovern—Shriver Confrontation" project.[312] This project used the Young Voters to confront democratic candidates, to generate adverse press, and "upset the candidate." [313] The result was that by September, 1972, they had "learned the McGovern organization and/or the Secret Service has reacted to our activities . . . the street walk was canceled and McGovern spoke in an area that was barricaded off." [314]

The Committee to Re-Elect the President violated the principles of good politics, beginning with its structure and staffing.

The separation between partisan politics and government was violated by the participation of White House staff, as well as department and agency officials, in the campaign operation of CRP. Testimony as to the structure was to the effect that "people who were at the White House had influence over the Committee, they gave it direction, they assisted it," and that the campaign director "came from the Justice Department." [315]

The role of the Assistant to the White House Chief of Staff "was to try to find out all of the things that were going on at the Committee and make Mr. Haldeman aware of them." [316] Mr. Fred Malek, according to the individual in charge of personnel at CRP, became head of the Citizens Division of CRP between March and June 1972, exercising supervisory control, and had an office at CRP, even though he did not leave the White House staff or payroll until September 1, 1972.[317]

Mr. Mitchell at the Justice Department and Mr. Haldeman at the White House "jointly made decisions in advertising." [318] In citing instances of so-called blame-taking, one witness cited an example where Mr. Colson took the blame for ads of questionable political ethics, whereas Mr. Haldeman was actually responsible.[319]

Campaign recommendations from CRP were sent to the Attorney General for his decision as early as July 3, 1971. That particular campaign memo was written by a staff member in Mr. Malek's White House office, with the assistance of an individual in the Office of Management and Budget and an individual in Mr. Harry Dent's White House office.[320] Mr. Mitchell himself testified that he "has frequent meetings with individuals (from CRP) dealing with matters of policy" and staffing of CRP while he was still Attorney General.[321]

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identified); an "Administrative-Confidential" Weekly Report from Mr. Marumoto to Mr. Colson and Mr. Malek, May 5, 1972, Vol. 13, Ex. 262-15, p. 5572 (concerning a $70,000 DOT grant to Joseph Reyes, National Hispanic Finance Committee, authorized by the Finance Committee for the Re-Election of the President; J. A. Reyes Associates also received a $200,000 sole source non-competitive contract from OEO in July 1972); an "Administrative-Confidential" Weekly Report from Mr. Marumoto to Mr. Colson and Mr. Malek, May 19, 1972, Vol. 13, Ex. 262-17, p. 5581 (a $200,000 grant from the Office of Minority Business Enterprise); a "Confidential" memo from Harry Flemming of CRP to Mr. Malek, March 29, 1972 (concerning a Philadelphia Republican ward leader's complaint that his Democratic counterpart was being favored with Fannie Mae mortgage disclosure fees); an affidavit of John Clarke to the Senate Select Committee on Presidential Campaign Activities (indicating the process whereby architectural engineering contract awards by G.S.A. were given political clearance by Mr. Clarke of the White House staff); a memo by Dan Todd, director of the CRP Older Americans Voter Bloc group, entitled "Proposed Communications Support Program For the Older Americans Division Committee for the Re-Election of the President," April 14, 1972 (indicating federal agencies, such as ACTION, should prepare brochures on their senior citizen programs for frequent release during the two months prior to the election); "Final Report" of CRP Veterans Division, from CPP files ("The Campaign staff's effectiveness was significantly enhanced by its close liaison with The Veterans Administration and coordination of campaign activity with the agency.")

[286] A "Confidential—Eyes Only" memo from Mr. Magruder to William Timmons of the White House staff, June 3, 1971 (indicating that Preston Martin, head of the FHLBB, was a "California-Nixon Republican" and "was a little put out that nobody has sought his political advice").

[287] A "Confidential" memo by William Horton of Fred Malek's staff entitled "Communicating Presidential Involvement in Federal Government Programs" (which appears to be a "first draft" of the Responsiveness program).

[288] Apparently the efforts of Mr. Gifford of the White House staff had influenced favorable decisions on a dozen contracts worth $1 million "which otherwise would not have been made"—"politically these actions have been most favorable." An "Extremely Sensitive-Confidential" memo from Mr. Malek to Mr. Haldeman entitled "increasing the Responsiveness of the Executive Branch," March 17, 1972.

[289] A "Confidential" memo from Mr. Malek to Mr. Haldeman entitled "My Role in Support of Re-Election," January 28, 1972.

[290] Mr. Malek sought "to minimize any direct links to the President," and therefore proposed "we stop calling it politicizing the Executive Branch and instead call it something like strengthening the government's responsiveness." A "Confidential" memo from Mr. Malek to Mr. Haldeman entitled "Redirecting the White House staff to support the President's Re-Election," December 23, 1971.

[291] A "Confidential Eyes Only" memo from Mr. Malek to Mr. Haldeman entitled "Responsiveness Program—Progress Report," June 7, 1972.

[292] For example, an unsigned "Confidential memo on CRP stationery addressed to Attorney General Mitchell, concerning "heavy exploitation of the Cabinet Committee on Opportunity for Spanish-Speaking Peoples," vol. 13, Ex. 362-3, p. 5534; a memo from Mr. Marumoto to Mr. Colson and Mr. Malek, April 28, 1972, concerning reorganization of the Cabinet Committee's media section to support the campaign, Vol. 13, Ex. 262-14, p. 5569; Manual for the Surrogate Program Advance School, directed by Brad Porter for "Schedule C" government employees subject to Hatch Act, supra.

[293] *Hammer Schmidt, et al v. United States*, 265 U.S. 182 (1923); also, *Dennis v. United States*, 384 U.S. 855, 861 (1966).

[294] Title 18, sections 595, 600, 602, 603, 607, 611, 1505; see, also, Use of the Incumbency-Responsiveness Program, supra.

[295] Mr. Fred Malek according to Mr. Odle, became head of the citizens division of CPR between March and June 1972, exercising supervisory control, and had an office at CPR, even though he did not leave the White House until September 1, 1972. Testimony of Robert Odle, Vol. 1, pp. 31-32.

[296] Mr. Odle's testimony was that Mr. Strachan (Mr. Haldeman's Assistant) participated rather actively in matters over at the Committee to Re-Elect. Vol. 1, 0. 31.

[297] Testimony of James McCord, Vol. 1, p. 129.

[298] On January 13, 1973, Mr. McCord met Mr. Caulfield and another message was conveyed as to clemency, along with statements that the President's ability to govern was at stake, another Teapot Dome scandal was possible, the government may fall, and everybody else was on the track but McCord, who was not following the "game plan," and who should get "closer to your attorney" and keep silent. Testimony of James McCord, Vol. 1, pp. 139-140.

[299] Testimony of John Caulfield, Vol. 1, p. 266.

[300] See note 132, supra.

[301] See note 131, supra.

[302] A December 23, 1971, "Confidential" memorandum from Malek to Haldeman entitled "Redirecting the White House staff to Support the President's Re-Election."

[303] In a telephone conversation with John Ehrlichman, Mr. Dean made reference to the fact that the President said he was "not sure that Gray's smart enough to run the Bureau." Vol. 7, Ex. 102 p. 2950-51. And yet the President apparently had no qualms about nominating a man not "smart enough to run the Bureau" to be a Permanent Director of the FBI.

[304] Mr. Odle justified the need for CRP because the President was but a candidate for nomination prior to the Convention. Though, according to Odle, there was little doubt the President would triumph, there was a distinct possibility of a challenge from Congressman Ashbrook and Congressman McCloskey. Odle felt it was not proper for the National Committee to work for President Nixon, with two challengers anticipated. Vol. 1, p. 23.

[305] Testimony of Gordon Strachan, Vol. 6, pp. 2483-2484.

[306] Memo from Jeb Magruder to H.R. Haldeman, October 14, 1969.

[307] Memo from H.R. Haldeman to Jeb Magruder, October 11, 1969.

[308] Memo from Jeb Magruder to H.R. Haldeman, October 14, 1969.

[309] Memo from Jeb Magruder to H.R. Haldeman, October 14, 1969. (handwritten note on the face thereof)

[310] Note 75 supra.

[311] Herbert Porter called Roger Stone and suggested that Stone travel to New Hampshire and contribute money to McCloskey's campaign under the name of an extremist group. Staff Interview with Roger Stone, pp. 2-3.

[312] Memo from Edward Failor to Jeb Magruder, Sept. 23, 1972.

[313] In a Sept. 22, 1972 progress report, Ken Rietz, Director of Young Voters for the President, cited daily orchestrated demonstrations using YVP personnel to confront candidates McGovern and Shriver, in an attempt to generate adverse press coverage. Memo from Ken Rietz to Jeb Magruder, Sept. 22, 1972.

[314] Memo from Edward Failor to Jeb Magruder, Sept. 23, 1972.

[315] Testimony of Robert Odle, Vol. 1, p. 23.

[316] Id., at 31.

[317] Id., at 23, 31-32.

[318] With respect to advertising, Mr. Odle stated that "Mr. Haldeman had an interest in advertising without any question," and Mr. Mitchell, or Mr. MacGregor "and Mr. Haldeman jointly made decisions in advertising." Vol. 1, p. 35.

[319] Dean testified that Colson took the blame for ads of questionable political ethics which had been placed by a Mr. Shipley, whereas Mr. Haldeman was actually responsible. Vol. 4, p. 1490.

[320] Memo on: Grantsmanship, dated July 3, 1971, from Magruder (CRP). It states: "Enclosed is a copy of a proposal to insure that the President and his Congressional supporters get proper credit for Federal Government programs. This proposal was written by Bill Horton in Fred Malek's office with the assistance of Bill Gifford, OMB, and Peter Millspaugh in Harry Dent's office. If implemented this should be an effective method of insuring that political considerations are taken into account." Odle testified that these types of memos were sent to the Attorney General from May 1, 1971, onward. Vol. 1, Ex. 1, p. 449.

[321] Mitchell testified that he "had frequent meetings with individuals (from CRP) dealing with matters of policy" and staffing of CRP while he was still Attorney General, even though in a colloquy with Senator Kennedy during the Kleindienst confirmation hearings (which was entered into the record) Mitchell had testified that at that time he

The hiring of personnel for the Committee was "cleared by Mr. Magruder (CRP), Mr. Mitchell (Justice Department), and Mr. Strachan, who would be looking out for Mr. Haldeman's (White House) interest in the clearance process." [322]

The Assistant to Mr. Haldeman was even well briefed on the Liddy plan long before the break-in, and in fact was called on June 17, 1972, to alert him to the pending break-in.[323]

The temptation and opportunity to abuse executive power thus existed, and the fact that such abuses took place has been demonstrated earlier in the report. For example, the use of government agencies to seek politically embarrassing information on individuals who were thought to be enemies of the White House, which was testified to repeatedly, was certainly facilitated by the presence of White House and agency staff within a non-party campaign committee. These tactics extended beyond the departments and agencies. Mr. McCord testified to phone calls and personal contacts to the effect that there would be executive clemency, financial support for the families, and rehabilitation after prison.[324] This was possible only through the facilities of the Presidency; little if any of it could have been offered by a political party.

A second aspect of staffing that caused problems and that could have been avoided by using the Republican Party, was the use of personnel that had little or no experience in elective politics. The danger with such a staff can be illustrated in the intelligence-gathering area. Candidates and campaign organizations have collected intelligence for generations. In the past, however, there has been something akin to an unwritten code as to the methods and content of information sought.

It is interesting to contrast Mr. Ehrlichman's description of discreet investigations, as intended to develop questionable facets of the personal lives of those being investigated, checking into domestic problems, drinking habits, personal social activities, and sexual habits.[325]

Somehow Mr. Ehrlichman tried to make a connection between the type of undercover prying into private lives of Ulasewicz and his "own knowledge" of Members of Congress who "totter onto the floor in a condition . . . of at least partial inebriation." [326]

Not only did Ulasewicz not investigate the behavior of officials while performing their public responsibilities, but Mr. Ehrlichman offered no evidence to substantiate his "own knowledge."

When Mr. Ehrlichman then testified that it was proper to have ad hoc investigators going into sexual habits, drinking habits, domestic problems, and personal social activities and then provide that information to the electorate, this Senator responded, "You definitely have two different concepts of politics in this country meeting head on." [327]

Significantly, the American people passed judgment on this issue shortly thereafter. A Harris poll exactly two months later reported: "By 83 to 8 percent, the public is massively critical about the hiring of private detectives by the White House to spy on the sex life, drinking habits, and family problems of political opponents." [328]

Whether caused by a lack of experience or by a lack of proper leadership, the staff of CRP had a tragic history. One employee recalled that "when you find that a person you trust and respect is in jail for doing something and that man worked for you, it is quite a serious thing." [329] It was summed up by Mr. Robert Odle, who testified that during his association with the Committee he came in contact with more than 400 of its national staff, and "it now appears tragically that some of those people have acted unethically." Indeed at the time he testified on May 17, 1973, the opening day of hearings, two former members of the staff had been convicted of crimes.[330] To date, in mid-1974, seven former members have been indicted for or convicted of criminal conduct.[331] This is not what politics should be or has been about.

The second area in which CRP took over normal party functions was campaign financing.

Money was not properly raised.

Instead, it was allegedly raised by Mr. Rebozo, a friend of the President, who had no official campaign responsibility. Money was raised by the President's personal attorney. During the 1970 campaigns, he was directed on three separate occasions by the White House staff to disburse funds from a trust fund in his control at the Chase Manhattan Bank in New York. He successively took $100,000, $200,000, and $100,000 from a safe deposit box, on which one of the signatories was a family relation of the White House Chief of Staff.[332]

The beginnings of the administration's relationship with the milk producers association, according to their testimony was a $100,000 contribution to the President's attorney to gain "access" to the White House, and to lay the groundwork for favorable treatment in certain specified ways for the milk producers and the dairy industry.[333] Messrs. Haldeman, Ehrlichman, and Colson, all of whom were senior White House advisors, held meetings to discuss fund-raising, including the $2 million pledge from the milk producers.

Money was raised by a Secretary of Commerce and a Secretary of the Treasury. All of which would have been unnecessary if financing had been left to the professionals in the Republican Party.

The handling of money was equally bad. Large amounts of cash were transferred and used. Secret funds were set up. Financial records were destroyed, on a number of occasions.[334] People with no campaign responsibility were receiving and distributing money. Illegal corporate contributions were given to CRP and accepted.[335]

Even though CRP represented itself as a Presidential re-election organization, it gave $25,000 to a congressional campaign in Maryland.[336] It gave $50,000 to a Vice Presidential donor in Maryland to make it appear that a Vice Presidential fund-raising event was more successful than it was, in what turned out to be an illegal transaction.[337] Mr. McCord's salary from the Committee was continued from July 1972, through January 1973.[338] One witness understood that in Governor Wallace's gubernatorial campaign in Alabama, Mr. Kalmbach provided Wallace's opponent with between $200,000 and $400,000.[339]

The intelligence activities of CRP were the greatest distortion of the political system undertaken by that Committee. The Republican Party had an information-gathering function of a research nature, but it was considered inadequate by the White House which had become used to the sophisticated techniques of law enforcement, national security and government intelligence. Unfortunately, by combining systems, they weren't able to draw the distinction between law enforcement and politics.

As a result, CRP found itself collecting and using secret intelligence from the FBI, and the Internal Security Division of Justice.[340] They developed a Security Unit that burglarized, photographed and wiretapped, that staked out Senator's and Congressmen's offices, and cased the Democratic headquarters.[341] They planned illegal acts against the Democratic Party chairman, at his residence and subsequently at his office. Similar plans were made for Senator McGovern's headquarters in Washington and at the Democratic Convention.[342] Electronic surveillance of Senator Muskie's campaign office was discussed as a future target, according to McCord, but instead an office in an adjacent building was leased under the false name of John B. Hayes.[343]

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did not have any re-election campaign responsibilities. Exhibits 74 and 75 consist of a number of documents wherein Mitchell was "exercising his responsibility as director of the campaign" in June 1971, and January 1972, while still Attorney General. Vol. 4, pp. 1653-1655.

[322] Testimony of Robert Odle, Vol. 1, p. 72.

[323] In his regular "political matters" memo to H.R. Haldeman, Strachan wrote: "Magruder reports that 1701 now has a sophisticated political intelligence gathering system with a budget of 300. A sample of the type of information they are developing is attached at tab "H"." Testimony of Gordon Strachan, Vol. 6, p. 2441.

[324] Testimony of James McCord, Vol. 1, p. 131.

[325] Ehrlichman considered private investigators going into sexual habits, drinking habits, domestic problems and personal social activities are a proper subject for investigation in political campaigns. Vol. 7, pp. 2774-2775.

[326] Testimony of John Ehrlichman, Vol. 7, p. 2777.

[327] Id., at 2779.

[328] *Wash. Post*, Sept. 27, 1973.

[329] Testimony of Robert Odle, in reference to the arrest of Mr. McCord, Vol. 1, p. 29.

[330] James McCord and Gordon Liddy. This refers only to employees of CRP.

[331] James McCord, Gordon Liddy, Jeb Magruder, John Mitchell, Herbert Porter, Robert Mardian and Fred LaRue. This again refers only to employees of CRP.

[332] Mr. Kalmbach delivered these funds, left over from the 1968 campaign, to a man he did not know, but could identify by means of clandestine signals at the Sherry-Netherlands Hotel in New York. Testimony of Herbert Kalmbach, Vol. 5, pp. 2142-44.

[333] Mr. Kalmbach understood the $100,000 contribution from AMPI in 1969 to be tied to "access" to the President and administration approval of new price supports for dairy farmers. Affidavit of Herbert Kalmbach, to the Senate Select Committee on Presidential Campaign Activities, supra.

[334] Testimony of Herbert Kalmbach, Vol. 5, p. 2111; see also, testimony of Hugh Sloan, Vol. 2, p. 572.

[335] See, testimony of eight corporate executives convicted of illegal corporate contributions Nov. 13-15, 1973. Vol. 13.

[336] Testimony of Hugh Sloan, Vol. 2, p. 541.

[337] Testimony of Maurice Stans, Vol. 2, p. 756.

[338] Mr. McCord testified that he received $25,000 for legal fees and a continuation of his $3,000 monthly salary (through January 1973) from the Committee to Re-Elect the President via Mrs. Hunt, Vol. 1, p. 130.

[339] Testimony of John Dean, Vol. 4, p. 1536.

[340] Testimony of James McCord, Vol. 1, pp. 178-181.

[341] This refers to the White House Plumbers (Vol. 3, pp. 919-924), the surveillance of Alfred Baldwin (Vol. 1, pp. 396, 397) and the aborted attempt of the Liddy-McCord team to break-in to McGovern headquarters, as well as the successful Watergate break-ins (Vol. 1, pp. 125-247).

[342] These were the initial targets specified by Mr. Liddy to Mr. McCord. Testimony of James McCord, Vol. 1, p. 128.

Transcripts of illegally wiretapped phone calls were available to the Committee to Re-Elect.[344] The person transcribing the wiretaps was paid by payroll check from the Committee.[345]

A secretary on the CRP payroll typed up illegal wiretap transcripts, assisted Mr. Liddy in preparing a pass to enter McGovern headquarters, and eventually took part in the shredding of illegal intelligence documents.[346]

CRP built a capability to intercept and photograph memos in the Muskie campaign, and infiltrated not only Muskie's campaign but McGovern's suite at the Democratic Convention and Senator Humphrey's campaign (with an infiltrator known as Sedan Chair).[347] CRP became a group that had a .38 snub-nosed, Smith and Wesson revolver in its files that it handed out to one of its spies,[348] that was purchasing spy equipment from bugging equipment to microfilm machines for viewing its stolen documents, that was falsifying credentials, and shredding incriminating documents. Expensive charts were purchased, to display plans for bugging, mugging, burglaries and the like to the Attorney General. After that briefing, Liddy reported that Mr. Dean had asked him to destroy them, but because the charts were so expensive, Liddy decided not to. It found itself with an arrangement for two attorneys, Mr. Caddy and Mr. Rafferty, to appear at the second precinct following the Watergate arrests, when the participants did not return home from their night's work.

At one point the Committee was even instructed by the White House to hire a shaggy person to sit in front of the White House wearing a McGovern button.[349] This could only be matched by the hiring of counter-demonstrators for the funeral of J. Edgar Hoover,[350] hardly a political event.

The Committee to Re-Elect the President not only undermined the national Republican Party, but the proper functioning of the Democratic Party was likewise subverted. The intelligence functions previously described were designed, among other things, to influence the choice of the Democratic nominee for President. As part of that tactic, the illegal or unethical capabilities that were set up were consistently focused on the strongest contender. The early attack was against Senator Kennedy. It shifted to Senator Muskie. As Muskie's strength diminished, instructions came from the White House to shift the attack to Senator McGovern. This included not just intelligence, but the so-called dirty tricks operation as well.

The attempts to undermine the Democratic Party went beyond the candidates. A memo entitled "Counter Actions" and dated September 11, 1972, noted that depositions could be taken in a civil suit against Larry O'Brien, covering "everything from Larry O'Brien's sources of income while Chairman of the DNC to certain sexual activities of employees of the DNC. They should cause considerable problems for those being deposed." [351]

Mr. Dean recalled Mr. Haldeman telling him that he hoped O'Brien would be Senator McGovern's campaign manager, "because we have some really good information on him. (Dean) believed he was referring to tax information at that time." [352]

B. THE ELECTORAL PROCESS

A whole range of activities during the 1972 campaign, including so-called dirty tricks, were aimed at the voter. To the extent that improper or illegal methods were used to influence votes, they interfered with the electoral process.

The task of influencing the final vote for President had its beginnings early in the campaign process. It was a complex operation, not simply questionable tactics to get people to vote for Mr. Nixon. Rather, its thrust was negative, to get people to vote against strong contenders.

To take away votes from Senator Muskie in New Hampshire, Mr. Colson (stating that he had the President's approval) drafted a letter urging a write-in campaign for Senator Kennedy. Between 150,000 and 180,000 of the letters were sent out, a press conference was staged in support of the bogus campaign, along with appropriate advertising. All at a cost of some $10,000, paid for by contributors to a Republican President, not a Democratic write-in candidate.[353]

The President's campaign funds were also given to Democratic contenders Eugene McCarthy and Shirley Chisholm.[354]

Along this line, there was a project to finance the candidate for the Democratic nomination for Governor who was opposing former Governor George Wallace. This was to be financed by surplus funds from the 1968 campaign, which Mr. Haldeman testified that he "requested or approved . . . for funding support to a candidate for Governor in Alabama."[355]

Mr. Haldeman also approved "the funding of Donald Segretti."[356]

The story of Segretti and his henchmen illustrates more dramatically than anything else the efforts of the White House in the 1972 election to subject the voting privilege of American citizens to gutter politics.

Whether Segretti had any significant or measurable effect is not the question. It was an example, straight from the White House, of the worst in American politics.

It included informers planted in opponents' campaigns, stinkbombs unleashed against voters attending a campaign picnic, against volunteers in a telephone bank operation and inside a campaign headquarters, a letter on a replica of Muskie stationery accusing Senators Jackson and Humphrey of sexual improprieties in the most vile language, flyers inviting voters to a non-existent open house at Muskie headquarters, a flyer advertising a free all-you-can-eat lunch with drinks at Humphrey headquarters, a small plane circling the Democratic Convention advertising "Pot, Peace, Promiscuity, Vote McGovern," adverse press that forced cancellation of a Muskie fund-raising dinner, printed cards with "if you like Hitler, you'll love Wallace—Vote for Muskie," stinkbombs thrown into a campaign headquarters, a forged letter on McCarthy stationery urging McCarthy delegates to switch to Humphrey, a letter on Yorty stationery blaming the McCarthy letters on Yorty, hired hecklers, pickets, and informers to disrupt, infiltrate, and spy on Senators Humphrey, Muskie, and Jackson, a false press release with the information that Muskie was using Government-owned typewriters and Federal employees not on leave of absence, a series of false anti-Muskie advertisements in the University of Miami campus newspaper, the local Cuban newspaper, and on the local Cuban radio station insulting the Cuban people, a false press release on Muskie stationery with a vague stand on aid to Israel which did not go over well in Miami Beach, a flyer claiming Muskie favored busing while sending his children to private schools, rats and birds released at a Muskie press conference, a naked woman to run in front of Muskie headquarters yelling "I love Muskie," a flyer falsely advertising the appearance of Lorne Greene and Mrs. Martin Luther King at a Humphrey rally, hundreds of dollars' worth of flowers, chicken, and pizzas delivered to Muskie headquarters, a set of invitations to Black Panthers, the Gay Liberation Front, the Hare Krishna movement and African diplomats for a Muskie fund-raising dinner, a chauffeur for the Muskie campaign, code-named "Ruby 1," who would turn over documents being delivered so they could be surreptitiously photographed, and eventually shown to Mr. Mitchell, a rented office near Muskie's headquarters to facilitate copying of documents, a group of infiltrators in Muskie headquarters in Milwaukee, Humphrey headquarters in Philadelphia, McGovern headquarters in Los Angeles, Washington, and Miami, a ploy to get campaign workers to drink beer and skip work, and an operation to switch phone-bank call sheets so the same people would be called repeatedly or the wrong message would go to selected groups.[357] This is not to mention similar operations by persons known as "Sedan Chair 1" and "Sedan Chair 2"; [358] and "Ruby II." [359]

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[343] Testimony of James McCord, Vol. 1, p. 153.

[344] Testimony of Jeb Magruder, Vol. 2, p. 827.

[345] Alfred C. Baldwin operated as an employee of the Committee to Re-Elect the President, was paid by payroll check from the Committee and was given an identification pin by the Committee. Testimony of Alfred Baldwin, Vol. 1, p. 393.

[346] Testimony of Sally Harmony, Vol. 1, p. 463.

[347] Interview with Herbert Porter, Aug. 20, 1973. Interview with Roger Greaves, Aug. 21, 1973.

[348] Mr. Baldwin was given a .38 snub-nosed revolver, Smith and Wesson, from the first or second drawer of a file cabinet at the Committee to Re-Elect the President. Testimony of Alfred Baldwin, Vol. 1, p. 392.

[349] Robert Reisner testified that Charles Colson instructed Magruder to hire shaggy person to sit in front of White House with McGovern button. Vol. 2, p. 512.

[350] Robert Reisner believe it was Charles Colson who initiated the hiring of counter-demonstrators at the Hoover funeral. Id. Hunt testified to enlisting the aid of Mr. Barker and associates during Mr. Hoover'a funeral. Hunt was informed by Liddy that in conjunction with demonstrations, an effort would be made to desecrate the catafalque of Hoover in the Capitol. Vol. 9, p. 3712.

[351] Vol. 4, p. 1471.

[352] Id.

[353] Interviews with Jeb Magruder, August 18, 1973, p.3, and October 1, 1973, p. 11.

[354] Interviews with Gordon Strachan, August 13, 1973, p. 8; interview with John Mitchell, June 27, 1973.

[355] Testimony of John Dean, Vol. 4, p. 1536.

[356] Testimony of H.R. Haldeman, Vol. 7, p. 2876.

[357] This list was compiled from the testimony of Donald Segretti, Vol. 10, pp. 3980-4054; Martin Kelly, Vol. II, pp. 4376-4402; Robert Benz, Vol. 11, pp. 4403-4434; and John Buckley, Vol. 11, pp., 4435-4477.

[358] See, interview with Herbert Porter, August 20, 1973; interview with Roger Greaves (Sedan Chair 1), August 21, 1973; testimony of Michael McMinoway, Vol 11, pp. 4478-4535.

[359] Testimony of Marc Lacritz, Vol. 11, p., 4636 (describing the activities of Thomas Gregory, a student hired by Howard Hunt).

It was nothing short of a massive operation to deprive the American voter of information about Democratic candidates for President. It was significant not so much as an attack on politicians, but as an attack on voters and their opportunity to cast a fully-informed vote.

Dirty tricks were not the only means used to influence the electoral process improperly.

Misleading the voter by official conduct and statements was equally in evidence. This kept critical information hidden from voters, when there was a legal obligation to disclose it, thereby preventing a proper judgment of the incumbent administration.

The Watergate break-in was called a "third rate burglary at a time when the White House knew better, based on its briefings and discussions, including a discussion of executive clemency with the President in July 1972.[360]

Mr. Mardian testified that he even complained to Mr. Clark MacGregor, who had succeeded Mr. Mitchell as campaign manager, that statements being made regarding non-involvement of campaign personnel were untrue, and that he unsuccessfully attempted to brief MacGregor about the tremendous exposure of certain people in the campaign.[361]

On August 29, 1972, the President assured the nation that an investigation by John Dean had cleared the White House of any involvement. This statement was made in spite of the fact that the President had received no report from Dean, and never, ever talked with Dean about Watergate.[362]

In mid-September 1972, the President discussed possibly unethical out-of-court contacts that had apparently taken place with the judge in one of the Watergate lawsuits, as part of a strategy to keep the process of justice from operating.[363] Delay or obstruction of this process again insured that voters would not have the legal record before them in November.

In mid-October 1972, high level staff meetings at the White House were convened to decide how to handle news reports about Segretti. Even though those participating knew or had access to the full Segretti story, the decision was made to issue tough denials, and what Mr. Richard Moore described as "weasel words." [364] The story was basically correct, yet it was denied as "hearsay, inuendo, and character assassination." No effort was made to tell the truth. The voters were kept in the dark.

Perhaps this tactic was best summed in testimony by Mr. John Mitchell. He was interviewed by the FBI on July 5, 1972, and stated that all he knew was what he read in the newspapers, despite testimony that he had been extensively briefed about Watergate by Mardian and LaRue. His explanation: "at that particular time, we weren't volunteering any information." [365] His reason: "the re-election of the President, this particular President, was uppermost in my mind without question." [366] One man was thereby elevated above the fundamental principles of this nation.

TRANSITION (FROM FACT TO OPINION)

At the conclusion of the fact-gathering phase of the Committee's mandate, I met with legislative assistant, A. Searle Field, and assistant minority counsel, H. William Shure, to discuss what shape our report on Watergate should take. We settled upon the following "woulds" and wouldn'ts":

1. We would emphasize the known in order to impress upon the reader the importance of its implications rather than explode new facts of scandal. We were convinced White House strategy was (is) geared to numbing America past concern by innundating America with one White House horror after another.

2. We would report within a framework of principles and institutions rather than people.

3. We would opine and editorialize but separately from the factual presentation.

4. We would recommend remedial legislation.

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1. We wouldn't try and resolve conflicting testimony.

2. We wouldn't make judgements on individual guilt or innocence.

3. We wouldn't cite "shaky" material as proof.

If what you've read up to now in these pages is not new, neither is it susceptible to argument.

The indisputable ugliness of Watergate is of such scope as to categorize it as a sheer insanity; either for those who participated in it or have since defended it.

I don't know, except as the courts have already passed judgment, who is guilty or who is innocent.

But I do know that to accept the *White House* version of your Constitution, your government and your politics is to counterfeit America.

UNDERSTANDING WATERGATE

Alright, what to do with the raw data of Watergate? Unless positive understandings and actions emanate from this negative sequence, then it seems to me nobody really was caught breaking into Watergate.

The gut question this summer is what do Americans now know and what are they going to do about it? By way of dramatizing the need for a proper answer to that question, let me cite the following example. I recently received a critical letter which read:

"Really, Senator, all is fair in 'love and war'."

American elections—war?

Member of another party—enemies?

Politics—fear?

Is that the lesson America is taking home from the Watergate? Because if such is the case, then a whole new era in American politics will have dawned and Gordon Liddy will be recognized not as peculiar but as a visionary. Also at such time we of the Select Committee would have failed. Though a year has gone by between the time of the Senate Watergate hearings and this Senator's Watergate conclusions, it is a matter of Constitutional life and death that the American people make a connection between those two events.

What about the Constitution? Is it up to our times? Certainly it never before has obtained such visibility. But how about acceptance?

I. THE CONSTITUTION

Later in this section I intend to editorialize on the abuses to our governmental and political institutions. However the pivotal struggle of Watergate is one between men who play for the moment and look upon the Constitution as a 4th of July interruption to their own charter and men who play for tomorrow and understand it to be the force that has given America success beyond America's natural abilities for success.

Never first in population, land mass or natural resources, why have we attained a national greatness and personal affluence beyond that achieved by any country or people?

Because we perjured? Because dissent was disloyalty? Because justice was political? Because our concern was developing fear? Because we burgled? Because we thought the worst of each other?

Or, because

"All men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. . . ."

Or, because

"Congress shall make no law . . . abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Or, because

"The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated. . . ."

Or, because

"No person shall be deprived of life, liberty or property without due process of law. . . ."

Or, because

"In all criminal prosecutions the accused shall enjoy the right . . . to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor. . . ."

Or, because

"The President . . . shall take the following Oath: 'I do solemnly swear that I will faithfully execute the office of President of the United States and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

I catch none of the "everybody's doing it" or "transcripts" spirit in any of those words.

The Constitutional history of Watergate to this date has been that of a President and his Ministers who de facto have tried to "yes—but" most sections of the Constitution.

I feel Article V to be preferable to Administration amending methods.

Several years ago many Americans were willing to silently tolerate illegal government activity against militants, terrorists or subversives as an expeditious way to circumvent the precise processes of our justice system. Though quick, it also proved to be only a short step to using such illegal tactics against any dissenting Americans. The result was we almost lost America. Not to subversives, terrorists or extremists of the streets but to subversives, terrorists and extremists of the White House.

That is why there can be no acquiescence, now, to a few "yes—buts" to the Constitution. To do so would be just as big a cop-out as those who espouse violence in the name of peace.

American Constitutional democracy is not the tidiest, most orderly, most efficient, most expeditious, quietest political system on earth. It is in fact raucous, off in a thousand directions of concern, involved with millions of individuals rather than a mass, revolutionary and querulous. But what

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[360] Presidential Statement, August 15, 1973, p. 3; testimony of John Ehrlichman, Vol. 7, p. 2848-2849.

[361] Testimony of Robert Mardian, Vol. 6, p. 2430.

[362] Testimony of John Dean, Vol. 3, p. 955.

[363] Id., at [illegible]58; Transcripts of Presidential Conversations, September 15, 1972, p. 60.

[364] Testimony of Richard Moore, Vol. 5, p. 2038.

[365] Testimony of John Mitchell, Vol. 5, p. 1926.

[366] Id., at 1827.

some deem as flaws are precisely its genious. For those who have made it, it's a pain. For those who haven't, it rebuts predestination.

Our greatness will always be in direct proportion to our freedoms. Yes, that includes the freedom to be wrong.

Free spirits, not measured freedom, has been the promise of the Constitution. We can have peace in Vietnam, on campus and in the neighborhood without forfeiting that promise and no man or group of men deserve leadership if they would put the nation to such a choice.

II. GOVERNMENT

The offices of government in this nation are complex and awesomely powerful. Even if engaged on legal pursuits. It's not an exaggeration to state that a United States Senator needs every bit of his clout to move effectively within the bureaucratic maze. Insofar as the 99.9% of Americans who are not Presidents, Congressmen or Senators, if anything goes wrong with either end of the governed-government equation, the mismatch of the century ensues. And that's so even though the slip-up is innocently legal. Fully 50% of a Senator's time and staff are devoted to resolving the innocently legal slip-ups between his constituents and their government. And I'm sure those who speak up are no more than 5% of those being wronged.

What then if agencies and officers of the United States government become involved, not in innocently legal mistakes, but purposefully illegal vengeance? In light of the facts already presented, the greatest danger of this section is for me not to overeditorialize the case so as to engender disbelief. Of those who read this report, 99% of them know Senators, Congressmen, successful lawyers and other powerful persons. But America is not supposed to be about the powerful—rather the frail. And they're the ones who will eventually suffer the most if the White House record on using the government agencies politically to bring about conformity is allowed to go unchallenged.

The "enemies list", revealed in the dialogue I had with John Dean, has received much hoopla. But aside from the fact that today it has become a badge of honor, have you ever thought what it feels like to be an American and have the highest office in the land look upon you as an enemy? To be spied on, to be investigated, to be harrassed, to be reviled by your own country? It may be a badge of honor when revealed but it's frighteningly disheartening while it's going on and no one believes that these things are happening in America.

Oh, yes, I've heard the excuses for the illegal use of the federal law enforcement/intelligence community. National security, domestic security, terrorists, law and order, subversives, militants. But let me put the White House record in the proper factual context.

No administration within my lifetime has a worse record of convictions in relation to indictments than the Nixon Administration. Why? Because it tried to achieve law and order by lawlessness. It was the courts that said no, not the Justice Department.

In the matter of the Special Compliance Division of the IRS and their keeping tabs on "militants, subversives, terrorists, ideological and other organizations," it is fact that in all the IRS files that came into White House possession, there is not one militant, subversive, terrorist individual or organization. That is the lesson of a White House gone ape. Our lesson is that you can't protect the rights of anyone unless you protect the rights of everyone.

The differences between myself and this Administration on Watergate are not philosophical, political, historical, personal or regional. They are Constitutional, pure and simple. A better summation of our differences could not be found than the surreptitious entry language of the "1970 Spy/Huston/Sullivan Plan" and again in the words of the President on September 15, 1972:

"Use of this technique is clearly illegal: it amounts to burglary. It is also highly risky and could result in great embarrassment if exposed. However, it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion."

You can't have that and democracy.

"I want the most comprehensive notes on all those who tried to do us in. They didn't have to do it. They are asking for it and they are going to get it. We have not used the power of this first four years as you know. We have not used the Bureau (FBI) and we have not used Justice. But things are going to change now. And they are either going to do it right or go."

You can't have that and democracy.

Remember what Pat Gray said?

"I said early in the game that I thought that Watergate would tarnish everyone with whom it came in contact and I am no exception. *I had a responsibility not to permit myself to be used, not to permit myself to be deceived* and I failed in that responsibility and I have never failed in anything that I have undertaken until this point in time. And it hurts."

The Congress and the American people, with more facts in hand than Pat Gray ever had, have an even greater responsibility not to be used or deceived in this matter of abuses to our governmental agencies and political processes.

Because most elected officials or citizens haven't had the FBI, IRS, CIA, MI, SS, Justice Department, Defense Department, Commerce Department, "Fat Jack" or Tony Ulasewicz on their train does not mean the abuses of Watergate passed them by. It only means that if they don't speak out now, they've got no complaint later. A little less spectating Watergate and a little more speaking out is very much in order.

Admittedly to speak out is tough. Just as the Bill of Rights and democracy is tough.

But speaking out is a patriotism far better suited to 1974 than 1972's wearing of flag lapel pins by White House and CREP employees while they advocated burglary, wiretapping, committed perjury, politicized justice, impugned the patriotism of those who disagreed with them and threw due process in the shredder.

Americans of all generations have suffered and died at their best because they were uncompromising in the idealism they wished for their country. Who of this generation, then, wants to declare a lesser truth for America?

It is the answer we give to that question which matters. It will decide America.

III. POLITICS

In November, 1962 I was elected to my first public office—State Representative to the General Assembly in Hartford, Connecticut.

Now, some 12 years and 8 elections later, I am rounding out my first term in the United States Senate—a boyhood dream come true.

Yes, it's time consuming and rough on the family life. To that extent it's tough. But each dawn for 12 years has me looking forward to the day. Politics is a clean business with dedicated people. The terms "9-5" and "5-day week" are seldom heard. The winning politician is in the business of love and not hate. The average politician takes the cost of serving out of his pocket and not the public's taxes.

These things need saying to challenge the "end justifies the means" image, the "everybody's doing it" image that the White House knowingly and a few ignoramuses unwittingly would give politics.

We're replete with failing personally as I, my staff and my family know all to well. But with the public trust given us by our constituencies—we'd no more see that in the mud than the American flag.

Can I prove the above? Sure. Look at your America as I've asked the people of Connecticut to look at their State.

The truth of American politics is in the schools of this country, not a wiretap; in the hospitals, not a burglary; in the housing projects, not a scurrilous letter; in the parks, not in hush money; in facilities for the retarded, not in spying; in people who volunteer in a thousand ways, not in dirty tricksters; in politicians who reach for the weak first, the strong second, not in hatchet men. In short, dirt does not conceive so much tangible excellence as we have in our country.

The truth of America is not in the deeds of men and women at their worst but rather at their best. Government with its politicians and the people are not apart in a democracy. They are one.

And so it is we will not get any better ethics or more idealism in the Oval Office or on the Senate floor than we do in the voting booths.

Watergate was conceived in an ignorant apathy of the electorate and was executed in semi-conscious apathy. Its greatest danger is that it will be forgotten in an apathy of total knowledge. That kind of voting booth acquittal means that American politics has officially joined the Administration on the dark side of the manhole.

Thank you, no!

PEOPLE AND POWER

Watergate is not the story of one powerful man. It is a story of people. Though my efforts have been directed toward the principles and institutions of this nation, I am well aware that their existence or disappearance reflects human behavior.

It is no source of pride to me as an American that the coinage of responsibility has been in inverse measure to rank and power. I was taught early on, first by my Dad and then by the United States Army, that rank has its privileges because rank has its responsibilities.

Yet in the case of this President, I've heard the word "privilege" used over and over again as a dodge of responsibility.

The word "stonewall" has been used to describe the President's defense. Believe me, it has been and continues to be a "human wall."

REPUBLICANS

Obviously this has been rough duty in a Republican sense. However, from the outset I've operated on the basis that the best investigation was the best politics. I couldn't change the facts. I couldn't silence those who knew the facts. All I could do was to make sure that a Republican spoke the facts

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if not before, then simultaneously with a Democrat.

On page 103 of the "Transcripts", President Richard Nixon is talking to John Dean:

"I don't know what we can do. The people who are most disturbed about this (unintelligible) are the (adjective deleted) Republicans. A lot of these Congressman, financial contributors, et cetera, are highly moral. The Democrats are just sort of saying, "expletive deleted) fun and games.'"

Richard Nixon understood the strong base of integrity that is a Republican heritage. Because he rejected it then is no reason for any Republican to do so now.

Because the Republican National Committee and its Chairman, Senator Robert Dole of Kansas, were in the traditional Republican mold of decency and honesty is exactly the why of a Committee to Re-Elect the President. At an executive session of the Select Committee held on Wednesday, June 19, 1974, I inquired of the staff and the Committee whether after one year of investigation there was evidence of wrongdoing by either the RNC or Senator Dole. The answer was a clear-cut "no" in both instances. Republicans who now state that "everybody does it" dishonor the men and women of their own official party organization and Bob Dole who didn't do it and wouldn't have done it.

One last comment.

The record establishes that:

1. The White House took a dive on the Congressional races of 1972 insofar as many Republican candidates were concerned.[367]

2. Democratic candidates were actively assisted in some instances.[368]

3. The White House expended considerable resources and energies zapping Republican Senators and Congressmen.[369]

4. The Justice Department was consulted as to how to keep a Republican off the Florida primary ballot.[370]

Along with a will to pursue the truth, I would hope the will to win for the Republican Party is slightly stronger and fairer in its next titular head.

TOMORROW

No, this won't be the Watergate to end all Watergates.

Other men will tape the doors of America in other times.

Whether they succeed will be a matter of spirit.

For them as now, the state of our spirit will determine the state of this Union.

RECOMMENDATIONS

The necessary legislative and/or Constitutional steps should be initiated to:

1. Make all forms of domestic electronic surveillance, including wiretapping, illegal.

2. Have the Office of Attorney General of the United States be an elected office.

3. Make all nominations for Federal elective office by direct, primary, with unaffiliated voters free to participate in the party primary of their choice.

4. Establish a joint congressional committee, with complete investigative powers and rotating membership, to monitor domestic intelligence-gathering and law enforcement activities throughout the executive branch, and be able, under appropriate safeguards, to obtain and provide access to relevant materials requested by any Member of Congress. Similar oversight functions now held by congressional committees should be transferred to the joint committee.

5. Grant the Supreme Court original jurisdiction over disputes as to any privilege asserted by the President with respect to the Congress or Federal law enforcement agencies, thereby making the Supreme Court the first and final arbiter of the issue.

6. Subject senior White House staff personnel to confirmation by the Senate.

7. Prohibit White House staff from making recommendations, inquiries, or exchanging classified information with any department or agency as to any case, action, or funding except upon written authority of the President, which authority shall be immediately transmitted to the appropriate congressional committee, along with a description of each instance in which the authority is used.

8. Draft a code of candidate responsibility, with appropriate disciplinary rules and grievance procedures, to be enforced through a Federal elections commission.

9. Provide for "accredited campaign representative", exchanged by opponents for nomination or election to Federal office, to be accorded the privileges of travel, interviews, and news releases granted to accredited press representatives in general.

10. Require Federal candidates and officeholders to fully disclose all sources of income and assets or liabilities over $1,500, to be submitted by February 15 of each year, for the calendar year preceding, for publication in the CONGRESSIONAL RECORD. This to supersede any present statutes relative to congressional financial disclosure.

11. Require campaigns for the presidency, after a nominee is selected, to be run by the party of the candidate.

12. Require that campaigns for nomination or election to Federal office be conducted between the first Tuesday of September and the first Tuesday of November.

13. Designate election day as a Federal holiday, in order that the voting franchise not be restricted by competing concerns about jobs.

14. Require that candidates for Federal elective office report all collections and expenditures two weeks before election day, with no collections thereafter.

15. Prohibit candidates for Federal elective office from accepting cash contributions over $50 or spending more than $10,000 in personal funds.

16. Restrict candidates for Federal elective office to only one campaign committee.

17. Open all congressional hearings and sessions to the public, except with respect to national security, proprietary information, or personally defamatory matters. The present rule, leaving such open sessions up to each committee's discretion, should be made mandatory and uniform.

A. SEARLE FIELD.
WILLIAM WICKENS.
H. WILLIAM SHURE.
RICHARD MCGOWAN.

Thank you.

Mr. President, I now want to leave the recitation of this report, which has been included in the RECORD in its entirety, to once again examine what it is that is being debated here on the floor.

What is being debated is to, in effect, have the Federal Government inject itself, in a massive way, in our free election process. It has already done so in terms of Presidential elections. And we have seen how even in the course of that narrower exercise, abuse has already taken place.

What do you think it does for the moral fiber of this Nation and the definition of truth when the young people read article after article as to how spending limits are meaningless, are violated day in and day out by the campaigns of the various candidates in the several States during this primary season?

The premium is not how to go ahead and make the law better or make the selection process better, but rather how to end run the law. Who can come up with the best idea that, in effect, will end run the law and so the candidates can spend more money and everybody gets away with it.

How many times have they seen candidates, and I put that in the plural, that merely have campaigns out there with no appeal in terms of the substance of the campaign, but are out there to collect Federal campaign funds. Who is to say that the interminable process that we are being put through now is good for the democratic process. We have a real problem, and do not think we are not impacted by it on the Senate floor.

Our problem specifically is that the American people are getting tired of politics, tired of the election process, dispirited and discouraged by its frailties and its illegalities. As they are being turned off, they do not vote, and as they do not vote, more and more of the positions of responsibility are being filled by those inadequate to the task, or those who are the spokesmen for one-issue groups, and less and less we do the business of the Nation here on the floor of the Senate. Rather, the Senate has been reflecting those narrow, one-issue campaigns and candidates.

I do not worry about how the country will fare, as long as everyone is participating. We will have high-quality individuals serving. We will have high-quality laws, high-quality rules. But the problem does exist, in other words, here in the U.S. Senate. It is a direct reflection of how the American people's lack of participation in the process finds its way into this Chamber and the Chamber down the way and the building down at the other end of Pennsylvania Avenue.

This is the problem we should be addressing. How do we stimulate the interest which brings everyone into the political process? It is not by going ahead and financing mediocrity or guaranteeing that you do not have to have a good idea to get elected. We are only trying now to find out how we pay for the rottenness that exists. We are blaming the fact that people want to get together to give their moneys, saying it is their fault. The fact they get together and form a PAC, that is what is bad. No, that is not what is bad.

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[367] Gordon Strachan testifed that there was a list of approximately 100 Democratic Congressman, primarily from the South, who were not to receive active opposition from the White House. Vol. 6, p. 2484.

[368] Carmichael/Eastland campaign in Mississippi for the United States Senate, 1972.

[369] As part of a White House campaign against Senators Percy, Mathias, and Goodell, a confidential memo by Mr. Haldeman on October 11, 1969, ordered a program of: "sending letters and telgrams, and making telephone calls to the Senators, blasting them . . ."

[370] Memo to Attorney General Mitchell from Jeb Magruder, August 11, 1971: "Pat Buchanan suggested that maybe we could have the Florida State Chairman do whatever he can under the law to keep McCloskey (Rep. McCloskey, R-Calif.) off the ballot."

What is bad is we cannot generate any enthusiasm, either by the nature of our candidates, their character, or ideas. And so we want the Federal Government to pay for it, and I say nuts.

That is what this debate is about. The Federal Government does not need any more power vis-a-vis the election process. There are the issues that are being debated out here on the floor. It is not just a simple old campaign financing reform bill. It gets to the heart of what we are supposed to be about in this democracy. We have failed miserably in terms of that election process, and it eventually is what is going to bring us to our knees. This country can do many things, but you cannot put it on automatic pilot. As Franklin put it, the people rule, and we are in good shape as long as they are ruling, but they are not ruling.

They feel that they have no stake in the process or in the outcome and they are going away in droves. What we do not need is a subsidy of wretched performance.

To digress for 1 minute, I will give you a good analogy. It concerns another issue which I have stood on the floor and talked about, this business of merging religion and politics. Do you know why people want to merge religion and politics right now? Because both institutions are failing. The congregations diminish, as the voters diminish. So salvation is seen as merging these two institutions rather than having each one stand on its own feet and compete for excellence. Rather than have them stand up and attract their own constituency, the ministers and politicians look to each other rather than those they are supposed to serve.

There is no salvation in merging religion and politics. Each has to derive its own strength from what it proposes, from the problems that it solves, from the opportunities that it presents.

But instead of coming to the understanding that both these institutions are out of date, the leadership looks to each other with some sort of misty-eyed nostalgia, even though both institutions in many instances have become irrelevant to the needs of those they are supposed to serve.

Well, the same is true right here. We are trying to enhance the democratic process and we are afraid to do what is necessary in terms of the courage of decision, for example.

Has anybody conceived of the fact that maybe one of the problems that we have is we do not make any decisions anymore? We are trying to hone to a fine art and gettng lost in the fog. We wonder why people are not excited about politics. Where are the ideas that are supposed to be conflicting and competing? How can people make choices anymore when everybody stands for the same thing and usually the same thing means nothing or the lowest common denominator?

Now, I think we are talking about the problems of the free election process and of politics and of government, not where do we find the money to carry us through our banality, our mediocrity, our nothingness. Where do we get the money? This legislation says: Let us go and get it from the Federal Government. But if we do get it from the Federal Government, we have given up another very important power of the people of this country, really their last power, to place a check on all of us.

I think we have a job to search for new ideas to further stimulate growth in this great democracy of ours, but they are not to be found in this kind of legislation.

Just take the principle I cited, which I offered as my reform. My own feeling is that rather than worry about the amount of money, worry about the length of campaigns, the length. How about using that as the self-disciplining factor?

If you cut down the length you are going to cut down the money, but you will not give away people's constitutional rights and you will not put the process in the hands of a constitutional government.

Why should a congressional campaign be longer than 60 days? Please tell me. Do you think anyone is honestly tuned in except for the months of September and October?

Maybe we are a free source of entertainment for the media. Fair enough. The various television stations, newspapers and magazines pay enormous fees for entertainment; we are free.

But I do not want to be entertainment. That is not my purpose here on the Senate floor. It is to try to represent effectively 3 million people in the State of Connecticut. They do not have any voice down here. I am their power. It is the power that I represent that has the opportunity, at least, to bring hope.

Sure, I think we should be reforming the system. I think we ought to shorten the term of election campaigns. This is not an entertainment event. It is very serious business. During the last 60 days is when all the people are tuned in. We know that from our own campaigns. We know that advertising advisers say that is when you want to put on the big push, in September and October, after Labor Day.

Well, let us do it. You will not have to have any Federal financing if you have 60-day campaigns. If somebody tries to get out and blitz with a big sum of money, I believe it would stick out like a sore thumb and people would vote that person out.

I have confidence in people. The electorate can make judgments on how much is being spent, where it is coming from and the impact it would have on their own interests.

In my own State of Connecticut, I tried over the years to have independents participate in the primary process of the Republican Party. I was fought every step of the way by the Democratic incumbents and the State government in Connecticut. I based my argument on free association, that the Republican Party has the right to make its own decisions as to who shall and who shall not participate in its deliberations.

I took that fight, and the Republican Party of the State of Connecticut took that fight, all the way to the Supreme Court, because we were up against an entrenched Democratic Party in the State of Connecticut, and we won in a 5-to-4 decision.

So far as the Democrats are concerned, do they believe people have a stronger reason for voting in a general election if they have some say as to who the candidates are going to be? Is that another approach we ought to take?

I read in the papers the ads about these various convoluted processes called caucuses and the primaries themselves, concerning whether they are representative or what. How about letting the American people, whether Democrats, Republicans, or Independents, get into the primary process and let it truly be a primary process and let them say who the candidates will be. Will that get more money and interest into politics in the sense of greater individual participation?

I have thrown out three ideas which may be good, bad, or somewhere in between.

What they do not do is thrust upon the taxpayers of this Nation the burden of paying for our mediocrity. They try to get the American people involved, not to have socialized politics.

Everybody is so scared of socialized medicine, socialized transportation systems, socialized education.

Do you know what this is? This is socialized politics, pure and simple.

I believe in competition. I believe in the excellence of ideas, in the excellence of people, in rewarding those who make hard choices. Not in figuring out a way to pay for the brand of

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politics that both parties have been practicing over the past decade.

I would be delighted to work with any of my colleagues on a campaign reform bill. I think it would be just great. But to come at it by trying to twist around the final act? You have to come on the stage in the first moments of the first act.

Mr. President, I would hope that the pending legislation be defeated. I might add that as some seek to finance our mediocrity or socialize politics, I do not think they have done it in any particularly dignified or edifying way. I do not think we have to go and arrest Members and I do not think we have to stand here and talk after seven cloture votes. We have spoken. The Senate has spoken. The American people, therefore, have spoken. It is going to be defeated again on Friday.

Certainly, I think everybody has the opportunity to push their point to the limit. I have been in that boat too many times than to try to deny it to anybody else. But, you know, you win some and lose some. I realize the prevailing attitude around here in the last several years is you have to win them all or you will bring everybody to a grinding halt. Maybe a little live and let live might be in order, a little win some and lose some might be in order, so that everyone has a chance to speak on issues that concern themselves and their constituents.

How do you think we look? We have used weeks and weeks of time on ourselves, on the subsidization of ourselves, the socialization of the political process, while some other people have some rather important problems out there that need resolution.

For years I had to plead for Grove City to come to this floor. It finally did. Even now we have AIDS legislation out there for those who are suffering and dying and in fear of this disease and it cannot come to the floor. But we discuss ourselves.

We have a budget problem that multiplies day after day but we are going to discuss ourselves.

We have a problem coming over the hill relative to the aging of this Nation, the elderly. But we want to talk about ourselves.

I think enough time has been spent upon ourselves. If we would go ahead and make the decisions that are imposed upon us by circumstances and by law we would not have to worry about how to finance campaigns. The American people would take care of it.

But they are disinterested in a rather lackluster performance and I do not blame them.

I am not prepared to go ahead and socialize politics in America, and I am not willing to subsidize mediocrity, and I am not willing to go ahead and enhance the power of the Federal Government which, on occasion, can run amok itself.

I spent the better part of my early years in this Senate revealing the facts of a government run amok, and participating in the decision that was against any sort of Federal financing of election campaigns. I revere that experience and that recommendation too much to come around to the year of 1988 and deny it all by virtue of this legislation.

I have great respect for those who are the authors of the legislation, those who have been pushing for it. But enough. But enough. Neither history nor the votes as they now sit on the floor of the U.S. Senate auger well for the passage of this legislation. Hopefully, we will be able to get on to other business.

Mr. President, there are some people I have a high respect for in this body. I am not engaging in either hyperbole or sarcasm but rather in the reality of the situation.

I think the distinguished Senator from Maine has been a great positive voice for good in this body. He has the courage of his convictions. He has expressed them many times on the floor. When I talk about mediocrity, I am afraid that too much of it associates with the body, but there are individual flashes of brilliance, and an example of that is the man who I understand will now speak to the issues involved.

Mr. President, I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Maine.

Mr. MITCHELL. Mr. President, I thank my friend and colleague, the distinguished Senator from Connecticut, for his kind words, and also for the very interesting and informative discussion in which he has engaged for the past 2 hours.

It is not easy for anyone to stay awake from 3 until 5 in the morning, but for those of us here who were present during the Senator's comments, he did keep us awake and, as always, he did so with a combination of intelligence, wit, and informed discussion.

I do not agree with the Senator's conclusions, but I respect his view and the orderly processes of mind which led him to it.

I do not believe the issue is public financing. I believe the issue is whether or not there will be limits on the amount spent in election campaigns for the Senate. Indeed, it is clear to anyone who reviews the pending legislation that the public financing aspect of it is limited to the absolute minimum necessary to permit the campaign spending limits to be constitutional within the framework established by the Supreme Court in the landmark case of Buckley versus Valeo.

The likelihood, indeed the probability, if not the absolute certainty, is that if this legislation were adopted there would be little or no public funds expended. And so while my distinguished colleague's argument was interesting, it did not go to what is the heart of the problem. That is made clear if one reviews just a few numbers.

Total campaign expenditures in elections for the Senate between 1972 and 1986 lie bare for all to see what is the crux of the problem before us.

In 1972, candidates for the U.S. Senate spent—and I will round out all numbers I use—$30 million; in 1974, $34 million; in 1976, $44 million; in 1978, $85 million; in 1980, $102 million; in 1982, $138 million; in 1984, $170 million; in 1986, $211 million. Thus, in the space of 14 years, there has been a sevenfold increase in total campaign expenditures for the U.S. Senate, from $30 million in 1972 to over $211 million in 1986. If that same rate of increase continues into the future, the first American election of the 21st century will see the expenditure of nearly $1 billion to $1.5 billion in campaigns for the Senate. It is that which must be checked. It is that which must be controlled. It is that which S. 2 will do. It is that which this debate is about.

Let no one be confused or deceived or misled by the rhetoric we have heard by opponents of this legislation over the past several days. There is at bottom one issue before us, whether the Members of this Senate wish and have the will to control the amount of money being spent to be elected to the Senate. There are very few public policy issues which have been debated as much as this one. The bill before us has been thoroughly considered by the Senate in 14 days of debate last year. The Senate has voted seven times to cut off debate on this legislation which a clear majority of the Senate supports. Seven times the opponents of campaign finance reform, themselves a minority of the Senate, have defeated the will of the majority by means of a filibuster. The American people should know that a majority of the Senate agrees with a majority of the American people that something must be done about the cost of Senate campaigns. But a willful, determined minority, using the weapon of the filibuster, succeeded in preventing the will of the majority of the American people and the will of the Senate from prevailing.

The bill has undergone major modifications on the floor to respond to every argument that opponents have raised about campaign finance reform. The willingness of the majority to modify the bill has exposed what is a fundamental objection of opponents. They simply do not want a limit on campaign spending. That is the issue now before the Senate. It is the only issue now before the Senate.

The method by which we finance campaigns for Federal office goes to the very essence of our system of government. While the authority of our Government is based on a written Constitution, the observance of Government power depends ultimately on the continuing trust of the people in a democracy.

If the American people do not have faith that their Government fairly represents them in the overall best interest of the Nation, the authority of Government will be undermined. There is no more certain way for Government to lose the public confidence and with the substance of its authority than for Government to appear to be holding to narrow, special, and favored interests separate from the common good.

Nowhere do we risk eroding public faith and undermining public confidence more than through the manner in which we finance election campaigns.

With each successive election cycle, the public and Members of Congress alike see a degeneration of the process. The system is out of control. The modern campaign for the Senate has too often become virtually a nonstop fundraising effort. It is a spectacle that erodes public faith both in election campaigns as contests based on issues and ultimately in the legislative product as well.

Each year, Senators must devote more and more time to financing campaigns for ourselves and for our colleagues. The process is disliked by all participants—Members of Congress on whose time fundraising imposes enormous demands and demeans them and their public office, voters who now wonder whether that small contribution or volunteer effort or even their vote means anything at all, and even the lobbyists themselves will force the bid against each other in an ever-rising cycle of contributions demands. Something must be done to reform the manner of raising funds and most importantly to control the costs of running for elective office in America. The legislation before us today offers a fair and effective solution which imposes no cost on the Treasury, gives no party an advantage over the other, and gives far greater opportunities for challengers to win elections.

The essential element of campaign finance reform, the ingredient which permits it to fairly be called reform, is an overall limit on the amount of money which can be spent to run for elective office. Unfortunately, the Supreme Court in 1976 decided in the case of Buckley versus Valeo that the Constitution does not permit Congress to impose mandatory spending limits on campaigns for Federal office. As one who has read many judicial opinions and has written a few, I believe the Supreme Court decision in Buckley versus Valeo to be one of the most poorly reasoned, loosely written, internally inconsistent judicial opinions which I have ever read. But under our system, it is the law of the land, and therefore, we must observe and obey it unless it can be changed through accepted procedures for doing so. But as a result of that decision, campaign spending limits can be imposed only on a voluntary basis. That leaves us with only one alternative—to provide public financing as an inducement to candidates to agree to overall spending limits.

Opponents of this legislation have consistently decried the use of any Federal funds, no matter how minor, no matter how speculative, in the Senate election process. That argument ignores the substantial Federal funds used in the Federal election process financed from the voluntary income tax checkoff.

In my opinion, the nominal funds which may be required to publicly finance Senate election campaigns would be well worth the cost if they restore even a measure of public confidence in our election system.

Nevertheless, in an attempt to meet, in good faith, every objection by opponents of this legislation, the bill has been changed to remove all public financing from Senate campaigns unless an opponent violates the spending limit in the law. Even this minimal cost, speculative in nature, would be fully financed by repealing certain preferential mailing rates for political parties. Therefore, the tears we have seen shed here for the taxpayers are crocodile tears, because this bill will not cost the taxpayers a single penny.

Opponents of the legislation have raised the false argument that it is somehow designed to keep the Democratic Party a majority in the Senate. This argument is based on the belief and the argument stated here many times that the public financing of Senate campaigns will protect incumbents. I hesitate to even legitimize these arguments by responding to them, but they are so fallacious, so contrary to the evidence, that they cannot go unanswered.

Public financing of congressional campaigns enjoys widespread and bipartisan public support, and it has for years. Senate Democrats, myself included, have worked for years to put in place a system of public financing that would limit spending for certain campaigns. We did this while we were the minority party in the Senate, and we continue now that we are the majority party. Why? Because public financing is in the national interest.

There are a number of Senators on the other side of the aisle who agree that they have been constrained by the leadership to stay away from this legislation—not because the bill would confer some special advantage on the Democratic Party, but because they perceive that it would limit an advantage the Republican Party now enjoys from its wealthier contributor base.

The argument that public financing of Senate campaigns is somehow going to protect incumbents is offered as a reason to oppose campaign finance reform, and it has been repeated here over and over again. In theory, that could be true if the limits on campaign spending were set so low that challengers could not have the ability to get their names across. But that is not the case with this legislation.

In many States the spending limits have been set so high that some observers have questioned whether the bill goes far enough to control the costs. I would like to see more stringent spending limits, but I recognize the importance of giving challengers sufficient funds to mount a challenge.

Under the current system, incumbents have an overwhelming advantage in raising campaign funds over their challengers. Every PAC in Washington can attest to that. They are simply reluctant to give contributions to challengers running against incumbents who vote almost every day on legislation affecting the interests of their PAC; and the numbers, the evidence, by which that has been so noticeably lacking in the arguments of the opponents of this legislation bear that out.

In the last Senate election, in 1986, incumbents raised almost twice as much as challengers in total campaign receipts. Incumbents raised almost 2½ times as much from PAC's as did challengers. Most of that PAC money was raised by candidates who are incumbent Members of the House of Representatives and thus more able to depend on PAC's than are challengers, who are not incumbents.

Of the 68 candidates for the Senate in the last election, 42 were sitting Members of either the Senate or the House. Thirty-nine of those forty-two incumbents raised more contributions from PAC's than would be permitted under this legislation.

By contrast, of the 26 challengers running for the Senate who were not Members of Congress, only 10 raised enough contributions from PAC's to be affected by the limits in this bill.

These numbers bear repeating. Stated in another way, this bill would have reduced the PAC contributions received by 93 percent of the incumbents running in the last election but would have limited the PAC contributions of only 30 percent of the challengers. The same story can be told comparing the spending limits in this bill to the actual amount of money spent in the 1986 elections by incumbent Members of the House and Senate, as compared to their challengers.

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Of the 42 incumbents running for the Senate, 31 spent more than would be permitted by this legislation. In other words, 74 percent of the incumbents would have been limited by this bill in the amount they could spend. That is 3 out of 4. By contrast, only 6 of the 26 nonincumbent challengers, 23 percent, would have been limited by the bill. That is less than 1 in 4.

So, if the bill had been in effect in 1986, 3 out of 4 incumbents would have been limited in the amount they could have spent. Only 1 in 4 challengers would have been so limited.

The conclusion is inescapable: The spending limits in this legislation will not protect incumbents. Rather, the legislation will restore a balance to the election process by imposing far tougher limits on the spending of incumbents than on the spending of challengers.

I would like to make a prediction here: The Republican Members of the Senate have repeatedly argued, on and off the Senate floor, that if this bill is passed, they will become a permanent minority. I say that the surest guarantee that they will become a permanent minority is if this bill is not passed, because what we are seeing is the Democratic Party now with 54 percent of the Senate. After this election, it is likely to be somewhere between 55 percent and 60 percent.

Increasingly, incumbents, particularly Democratic incumbents, have been able to establish themselves and, through the enormous fundraising advantage of the incumbents, have virtually ensured their continued reelection. I predict that if this bill or something like it is not passed, there will not be a Republican majority in the U.S. Senate again in this century.

The singular feature of the current system of campaign finance, the most notable effect of the current system, is the enormous advantage it provides to incumbents over challengers, and that advantage will increase as the costs accelerate rapidly. Therefore, I believe that the members of the Republican Party are acting contrary to their actual interests.

That is not without precedent. Democrats did the same thing a decade ago. It stems from the almost institutional inability of political parties and other human institutions to see beyond their narrow immediate interests as defined by the recent past.

In the late 1970's, Democrats controlled the Presidency, the Senate, and the House. They regarded themselves as in a position of comparative advantage, and they were. They thought that comparative advantage would continue into the foreseeable future, but they were wrong. It did not.

Within a matter of just a few years, half a decade, the comparative advantage was lost, and Democrats found themselves in the minority. The refusal of the Democratic Party to look above its narrow political interests to the broader national interests a decade ago led them to make a grievous error for themselves and for the American people. By an ironic twist of history today, a decade later, Republicans are doing the same thing. Having learned nothing from history, they are intent upon repeating the mistakes of their opponents, because they are viewing this issue through the very narrow prism of their political self-interest. But they are handicapped, as were Democrats a decade ago, by the inability of humans to predict the future, by the almost unfailing regularity with which we expect the immediate past to be repeated in the immediate future, despite decades and centuries of history that tell us that the contrary is true.

So I appeal to my Republican colleagues to consider their true self interest; and if they do, they will support this legislation. I have no hope and expectation of persuading them, so I repeat my prediction: If this bill or something like it does not pass, we will see a Democratic majority in the Senate for the remainder of this century. Costs will escalate rapidly. The enormous advantage which incumbents possess in fundraising will increase, and a decade from now the error being made today will be made, as clear as the error of a decade ago by Democrats is today clear.

Opponents of campaign finance reform have proposed alternative legislation which they claim represents true reform. Those substitutes have been offered to give opponents what appears to be a positive alternative to campaign finance reform. One measure proposed by the Senators from Kentucky and Oregon purports to solve problems with the current system while, in fact, it would further liberalize current restrictions, create new loopholes and lead to increased spending.

Two provisions are essential to any meaningful campaign finance reform: limits on the overall amount of spending in campaigns, and limits on contributions that can be received from political action committees. The pending bill S. 2 would do both. The substitute offered by the Senators from Kentucky and Oregon would do neither.

The substitute purports to eliminate PAC contributions to candidates while requiring the full disclosure of soft money contributions. Neither claim is accurate.

The substitute would eliminate only direct contributions by PAC's to candidates. It would make lawful the bundling loophole that is increasingly being used to evade the present limits on PAC contributions. This loophole occurs when PAC's or other intermediaries collect checks from their members made payable to a particular candidate. The checks are then bundled and forwarded on to a candidate. Current law does not count the bundled contributions against the $5,000 contribution limit of the PAC.

If bundling is used today by candidates to evade the $5,000 per election contribution limit on PAC's in current law, it would be used to an even greater degree to evade the purported contribution ban in the McConnell-Packwood proposal. PAC's would change their method of making contributions but would not reduce of their giving. The McConnell-Packwood PAC restriction is made meaningless by the bundling loophole.

By contrast, S. 2 would close the bundling loophole by counting bundled contributions against the limit of the individual or committee, serving as the intermediary, which forwards the contributions to the candidate. The McConnell-Packwood bill purports to close this loophole but in fact it would legitimize the practice by requiring only that the bundled checks be made out directly to the payee.

If the substitute had any teeth—if it would actually result in the elimination of all PAC contributions to candidates—I believe it goes overboard. S. 2 does not eliminate PAC's. It does not suggest that PAC's are not a legitimate part of the campaign finance process—only that there should be limits on such contributions. It strikes a balance. S. 2 limits campaign spending and provides for public financing but the role of individual and PAC contributions is preserved.

There has been considerable discussion on this floor about the evils of soft money. To hear the Senators from Oregon and Kentucky speak, one would think they have proposed tough new restrictions on soft money which represent significant reform. In fact, they are proposing the exact opposite.

Soft money is money donated by individuals, PAC's, corporations, and labor organizations to State and national party committees which is used for certain exempt Federal election activities or non-Federal election activities. Such money is exempt from the contribution and expenditure limitations and restrictions of the present campaign finance laws.

The Packwood-McConnell purports to reform this area by requiring that all soft money contributions be reported to the FEC. In fact, it would open up major new loopholes for the national party committees by exempting from the law's restrictions their administrative-solicitation costs and by extending the present volunteer activity exemptions to the national party committees.

Their proposals would require that such contributions be disclosed. That is appropriate; S. 2 would do the same and, in fact, go much further by requiring such disclosure for all party committees including those at the State, local and national level. The McConnell-Packwood proposal, however, would only require that soft money contributions to the national party committees be disclosed. This is artfully designed to minimize the impact of the proposal because the bulk of such contributions would flow to State party committees. Thus, under the substitute, most soft money would not be disclosed, and the result woud be the very opposite of what the proponents of the substitute say is there intention.

Another part of their proposal would open up a major new loophole by permitting soft money to fund the administrative and solicitation costs of political parties. In other words, for the first time a national political party, or a State or local committee of the party, could accept unlimited contributions from any corporate, labor or individual source to fund its general operations.

This would severely undermine the current contribution limits for individuals and PAC's, the flat ban on corporate funds in Federal campaigns that has existed since 1907, and a similar flat ban on labor union funds that dates back to 1947. These bans were enacted to reduce the potential for corruption posed by the direct use of corporate or labor union funds in Federal elections.

This proposal represents an unprecedented invitation to corporate and union support for party organizations, and it will further contribute to an accelerated level of spending through national party organizations for Federal election purposes. The disclosure requirement will not sanitize this major new loophole.

For the last several months there has been considerable debate about the merits of the proposal reported out of the Senate Rules Committee. The modified bill now before this body is an attempt to respond to every argument raised by the opponents. In my judgment, S. 2 is a good bill that will restore confidence in our election system by removing the taint of undue influence.

It is a carefully constructed proposal that represents many months of hard work to produce a balanced bill which is politically neutral.

Campaign finance reform enjoys widespread and bipartisan public support, and it has for years. Yet, there has been this filibuster on this bill. It is an attempt to prevent enactment of campaign finance reform even though a majority support its enactment.

Why? Not because the Members of this body aren't in agreement that the current system is out of control and badly in need of change. But because each of us perceives this issue through the prism of our personal interest or what we believe to be the interest of the political party of which we are Members. Rather, because the stakes are so great, there is a fear of change.

But this issue demands more. For once, we should put aside our self interest and act for the common good. We have an opportunity in this 100th Congress to restore public confidence in the election process. We ought not again let that opportunity pass.

Mr. President, during the course of the debate, opponents have made several arguments against S. 2. The organization, Common Cause, which has been a leader in the fight for campaign finance reform, recently distributed a publication identifying some of those arguments and responding to them. And I would like now to quote from that publication: Argument:

> Taxpayers' dollars should not be used to pay for political campaigns, especially given the Federal deficit.

Response:

> A system of campaign spending limits and public financing is the best investment our country can make in the health and integrity of our electoral and political processes. Nevertheless, the current version of S. 2 pending in the Senate has minimal costs and would in no significant way affect the Federal deficit.
>
> Under S. 2, if both candidates agree to abide by spending limits, no public financing would be provided. Candidates who accept spending limits would be eligible for reduced mailing rates; these benefits would be paid for by repealing preferential mailing rates for political parties. The public financing provisions of S. 2 are, as the Washington Post said, "an insurance policy" to protect candidates from free-spending opponents. They only come into play if one candidate agrees to spending limits and the candidate's opponent does not accept spending limits and then makes expenditures in excess of the limits.
>
> The original version of S. 2 would have cost $50 million a year—less than the amount the military spends on marching bands. The new version will cost far less. Exact estimates of the cost of S. 2 are not available since there is no way of knowing how many candidates will become eligible for public funds. However, the experience under the Presidential campaign finance system, on which S. 2 is based, shows that 47 of 48 major party candidates have agreed to spending limits since the system became law.
>
> If a similar percentage of Senate candidates agreed to the spending limits, the costs of the public financing provisions would be minimal.

Mr. President, I digress from the publication from which I am quoting to respond further to the repeated suggestion made here that the Presidential campaign finance system is a failure and, therefore, ought not to be repeated in Senate campaigns.

First, I strongly disagree with the assertion that the system used to finance Presidential campaigns is a failure, but I note significantly that all of the arguments made against it are based upon the experience in the Presidential primary process in which one candidate must compete in several States and the problems that arise in enforcing the law relate primarily to allocation of limits to the various States.

There has been very little criticism of the general election system used in Presidential campaigns. The system suggested in S. 2 is more closely analogous to that system than it is to the primary system in Presidential campaigns.

So I think the criticism is not well taken in two respects: first, its characterization of the Presidential system as a failure is incorrect. Although that primary system clearly has deficiencies which must be corrected, I do not believe it can thoroughly be characterized as a failure.

And, second, because the more close analogy is between general election campaigns for the Presidency and this bill.

I return now to the Common Cause document citing opponent arguments to S. 2 and responses.

> Argument: S. 2 is an incumbent's protection bill. Spending limits will prevent challengers from mounting a viable campaign.
>
> Answer: It is the current system—not the reforms in S. 2—which give congressional incumbents an enormous advantage over their opponents. Under the current system, incumbents substantially outraise and outspend challengers. In the 1986 elections, Senate incumbents as a group spent $92 million, while challengers as a group spent only $49 million. These same Senate incumbents received $25 million from PACs compared with the $11 million that PACs gave to Senate challengers. In the 1986 election, the average Senate winner spent $3 million, up nearly 500 percent from 10 years earlier.
>
> In the 1986 House races, incumbents outspent challengers by $121 million to $38 million and PACs gave incumbents $65.5 million compared to the $9 million they gave to challengers.
>
> Today it is incumbents who have a powerful base from which to launch high-profile fundraising efforts to raise the enormous sums being spent on campaigns. For most challengers, the battle is to raise enough money to even approach the expenditures allowed under S. 2, while many incumbents—absent the spending limits—would be able to spend far in excess of these limits.
>
> Opponents of the 1974 legislation establishing spending limits in presidential campaigns advanced the same "incumbent protection" arguments against expenditure limits being made today, yet in two of the three presidential elections under this system, challengers defeated incumbents—the first incumbent presidents to be defeated since 1932.
>
> The S. 2 limits on aggregate PAC contributions also would reduce significantly the advantages incumbents have under the current system since PACs give so disproportionately to incumbents. Had S. 2 been in effect in the 1986 elections, for example, PAC contributions to Senate candidates would have been cut by two-thirds, from $45 million to $16 million, with most of the cuts made in PAC contributions to incumbents.
>
> Argument: Spending limits are a partisan attempt by Democrats to disadvantage Republicans, particularly in the South.

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Answer: The spending limits in S. 2 would allow both Republicans and Democrats, challengers and incumbents, to run competitive elections. The argument that the bill would disadvantage Republicans in the South is not supported by the evidence—indeed, there is evidence to the contrary.

In 1980, four Southern Republican Senate candidates—all non-incumbents—won election to the Senate while spending far less than the limits in S. 2, even when inflation is taken into account. In 1986, three of those Senators sought re-election as incumbents. Each Senator spent substantially more than the S. 2 limits and each Senator lost.

More importantly, the "Southern Republican" argument is spurious. It is an argument which essentially tells the American people that the nation must tolerate and preserve the present corrupt campaign financing system in order to allow Republican candidates to make unlimited expenditures in Southern states.

If I may again digress from this document, once again we see that the arguments advanced by the opponents of this bill are unsupported by any evidence, and where there is evidence, where there has been experience, where empirical data is available, without exception it contradicts the assertion of the opponents of this legislation and supports the need for S. 2.

I return now to conclude this document.

Argument: S. 2 doesn't cut PAC contributions.

Answer: This statement is patently untrue. S. 2 would establish an aggregate limit on the total amount of PAC contributions a candidate could accept. Had S. 2 been in effect in the 1986 election PAC contributions to Senate candidates, as noted above, would have been dramatically cut, from $45 million to $16 million, as a result of the aggregate PAC limit.

By contrast, alternative campaign finance bills introduced in the Senate, including one authored by Minority Leader Robert Dole (R-KS), would have only a minimal impact on the PAC problem. These bills do not contain an aggregate PAC limit, instead, they provide for cuts in what an individual PAC can contribute. Senator Dole's bill, for example, would reduce what an individual PAC could contribute from $5,000 to $3,000 per election. Had Senator Dole's proposal, S. 1672, been in effect in the 1986 Senate election, it would have cut overall PAC contributions from $45 to $40 million, compared to the S. 2 cut from $45 to $16 million.

Argument: S. 2 does not deal with the "soft money" problem.

It is simply not correct that S. 2 does not deal with the soft money problem. Section 5(a) of S. 2 requires the disclosure of the receipt and expenditure of soft money by national, state and local political parties, as well as by PACs. This provision is a very important step which—for the first time—would subject these soft money expenditures to public scrutiny.

Mr. President, I note the presence on the floor of my friend and distinguished colleague from Louisiana. I will, in a moment, yield the floor.

Before doing so, Mr. President, I want to repeat what I said at the outset. The issue before the Senate, the only substantial issue before the Senate, is whether there are to be any limits at all on the amount of money spent in election campaigns for the U.S. Senate. All of the other arguments raised by the opponents are purely smokescreens intended to obscure the central issue, to divert public attention away from what is the crux of the problem facing us.

I will not repeat all the figures I cited at the outset, but merely summarize them by noting that in 1972 total campaign expenditures in elections for the U.S. Senate were $30 million. Seven elections later, in 1986, the total was $211 million. Where will it end? How will it stop?

The answer is, unless we pass this bill, there is no end, there is no stop in sight.

Mr. President, I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I will start by congratulating the distinguished Senator from Maine for the time he has spent on the floor and the presentation of his arguments. He speaks not as a person who is merely engaged in an esoteric discussion on this legislation; he speaks as a person who had been in charge in the last campaign cycle of various difficult and I would say sometimes thankless jobs of having to go out into the field and raise thc funds necessary to conduct not only his reelection but to help assist, as the chairman of the Senate Campaign Committee, to raise money for all the Democratic candidates in the last cycle.

I would say to the distinguished Presiding Officer that the Senator from Louisiana has benefited from this chore and the endless hours of help and assistance in raising money that the Senator from Maine provided me and so many other Members of my class of the 100th Congress.

So when he speaks on campaign reforms, he knows of wherein he speaks. His tireless effort to try to bring this message to the people of the United States is one that we all owe him a deep debt of gratitude for. We thank him for the completion of his task.

A colleague of ours yesterday told me of a story of coming to an early morning breakfast yesterday morning. He walked into that breakfast and he was weary-eycd and red-eyed and looking somewhat disheveled. And he told in response to what happened to the group he was speaking to at an 8 o'clock breakfast that he had been up all night on the Senate floor. This group of Washingtonians who make their living here in the city by following the work of the House and the Senate said, "What are you doing up all night?"

He said, "We are in filibuster."

They said, "What are you filibustering?"

He said, "We are filibustering campaign reform."

My colleague was astounded that this group of distinguished Washingtonians did not even know what we are doing over here.

What we are doing over here is trying to bring a message to the people of the United States that something is wrong in Washington, something is wrong in how we get here. And that is really what we have been talking about overnight and early this morning.

So my colleague made the comment that, well, it is a Washington issue. Nobody outside of the beltway knows what in the world you folks are talking about and most of them do not care what you are talking about.

To a certain degree, that is very true. People in Louisiana, I guess, are concerned about agricultural problems, farmers losing their family farms, with very little hope of optimism about things improving in the very near future. People in the oil and gas industry are concerned about the literally thousands of Louisianans that have had to move to Atlanta, to Memphis, and to Nashville and have had to leave our State because this administration has no energy policy.

The average small business owner is worried about bankruptcies. People who are engaged in banking and savings and loan institutions are worried about the record number of defaults.

So, yes, it is true that there is not a tremendous lying awake at night in Louisiana agonizing over the question whether the U.S. Senate is going to give us a campaign reform bill titled S. 2. There is not a lot of interest.

I dare say that most States like Louisiana, my home State, are finding the same thing. There is not a tremendous amount of mail or telephone calls or telegrams or do we have any lobbyists sitting outside of our offices urging us to get on with this crucial piece of legislation.

The new Governor of Louisiana who takes office in a couple of weeks said during the campaign that if in life we are what we eat then in politics we are what we get our money from.

I think that there is a certain amount of truth to that, and one of the reasons that I think this bill is so critically important is because money has become a qualification for holding public office.

You know if you look at the Constitution, or the rules of the House or the rules of the Senate or even indeed, of course, the qualifications that our Founding Fathers put into the Constitution as being the qualifications to hold public office, guess what you do not find? What you do find is very clear, age limitation, you have to be a certain age, 25 or 30, to be in the House of Representatives or to be in the U.S. Senate. You would assume that among those qualifications, including being a citizen born in this country for the Presidency, assuming other qualifications that our forefathers were thinking about, you would think the qualifications of talent, education, of integrity certainly of honesty, but nowhere in any of those qualifications that I have ever looked at do I ever see a qualification or a requirement that says you have to raise a lot of money.

But is there a Member of this body or of the House of Representatives or of the Presidency of the United States that would not tell you, having been elected, that one of the qualifications today is in fact the ability to raise money?

I know when I considered running for this seat after the retirement of our distinguished former colleague, the former senior Senator from the State of Louisiana, Russell Long, the first thing that I had to consider and the very first thing that professionals in this business came to me and asked was, "Can you raise the money? Do you have access to huge amounts of money that it is going to take to run a Statewide campaign in the State of Louisiana, a very active political State?" And my first task in considering whether I would have the opportunity one day to serve in the U.S. Senate was not whether I was old enough, constitutionally or whether I was smart enough to handle the job, whether I was intelligent enough to be able to handle the complicated issues before the Senate or whether I had any ability to legislate, which is the duty of this very august body. The first question I had to decide was how I was going to raise enough money, how much of my life did I want to commit, not to reading about how to write and author bills, but how much of my life was I going to commit in a campaign that lasted 676 days. How much of my life and family life was I going to have to commit to raising enough money before I would be able to have the opportunity to exercise any talent or ability or education to be a good Member of the U.S. Senate.

I was told in some of my first meetings that, well, you are going to have to raise about $8,000 a day—I think that is what the figure was—in order to be a Member of the U.S. Senate. I said that is ridiculous. You do not have to do something like that. I cannot afford it. How am I in a State that is literally in a depression with 13 percent unemployment going to raise $8,000 a day in order to be a Member of the U.S. Senate?

I was told, well, you have to get out of Louisiana and, of course, they were right.

So I found myself, Mr. President, during my early stages of our campaign in California, New York, Chicago, and Miami, and people would say, well, you are not going to get elected in those States, in those cities. What are you doing? Why are you all over the United States when you are supposed to be running and tell the people of Louisiana why you could be a good U.S. Senator and Representative the interests of our State in this body?

The reason I was in all of those cities was because I was not independently wealthy. I did not have access to millions and millions of dollars of funds. So I have to travel throughout the United States like a person with a tin cup. I really felt like a person who passes the collection basket in church as I traveled to all these cities and met with people who are very sincere and thank goodness for them. I had to go into hotels and living rooms and fancy homes all over the United States and tell these people that I needed them to give me money so that I could go back to Louisiana and campaign and ask the people of Louisiana to support me.

My opponent did the same thing, a good fellow who I served in the House with.

It was a well-run campaign, I think, on both sides. We would be criss-crossing the United States, running into each other in cities that had very little to do with my home State of Louisiana, doing the same thing, raising money, running around the United States with a tin cup in our hand saying that we needed money so that I could be elected to the U.S. Senate.

Why should money be the main criteria is the point I am making. There is a message here and the reason we are here at this ridiculous hour and have been here all night with people, the officers of the Senate and the employees of the Senate, weary as we are, more so, because they have not been relieved, why are we here, because like my colleague when we walked into the room at 8 o'clock, what are you doing had no idea. Had we been debating the the INF Treaty or a jobs bill, or a major health legislation, I think people would say, that is really something that the U.S. Senate is doing, trying to force the issue to the American public.

This issue, Mr. President, I would say is probably more important than all of those issues because this issue determines to a large extent our opinions, our thoughts, and our ideas on all of those other subjects that we consider here in the U.S. Senate.

Politicians are where we get our money from. I think that the majority leader, Senator BYRD, in insisting that this debate go on is trying to show to the American public that there indeed is something wrong with the system that requires a candidate to leave his State and to travel all over the country with a tin cup in his hand in order that he or she may be elected to this body and provide the service that our constituents expect.

People do not understand, I think, how bad it is. People do not understand how much of our time is spent not legislating, not reading up on critical issues of the day, but becoming a beggar of sorts. How many times are we as candidates as we travel around raising money for the first time asked what committee are you going to be on, and there are various committees that I would dare say any one of us could rank as the easiest committee to serve on as far as raising money. If you are on some of the committees in the Senate or in the House of Representatives, you have heard many, many times, "Well, you never have to worry about raising any money, why don't you get on that committee? Boy, that is the committee to raise the money on."

Is that the purpose of the committees in the U.S. Senate and the House of Representatives, to see how much money we can raise? Of course not.

That is how tainted, I would say, however, that the system has become.

When I ran, my opponent outspent me 2 to 1. The parameters of the spending were like $6 million to $3 million.

The very fact in the beginning of the campaign that my opponent was able to raise so much more money than I did became a credibility factor. I could go out and argue, man, I am smarter than that guy, I am more talented than this guy. Certainly all of this is open for debate. But I could make those arguments. But the most profound argument he would make was that he had twice as much money and how could BREAUX win because this other fellow was so well financed?

The point I am trying to make is what in the world does the ability to raise money, the millions of dollars that are now being required before you could even run, what does that ability have with the real qualifications to serve in this distinguished body, the qualifications of talent, education, integrity, honesty, and ability to understand the legislative process? Those are the qualifications by which we should be judged. Those are the qualifications by which our people should select the best and the brightest, not the richest or the wealthiest. And that is what this legislation tries to do.

I said time after time during my campaign that this is not an auction. It is an election. It is not a question of who has the strongest financial statement, or who has the best bottom line as far as money is concerned. It is not an auction. It should be an election process. That is what S. 2 attempts to do.

It attempts to bring it back to an election process and get away from the idea that we are only going to be successful if we can raise millions and billions of dollars.

The process is broke. The process needs fixing.

I am interested in the arguments from our colleagues in the minority party. If you would listen to what they are trying to get outside of this Chamber to the American people, I would say that what they are trying to get out is that this legislation is an attempt by the Democrats to destroy the Republican Party.

Now, I was interested in that argument, and I said, you know, what this legislation must have if their argument is true. It must be that the bill only applies to Republicans, and lo and behold, I looked up the legislation and it does not just apply to Republicans. The same rules, the same regulations, the same spending limitations, the same everything applies to the Members on this side of the aisle as it applies to Members on that side of the aisle. Republicans are treated exactly like Democrats and Democrats are treated exactly like Republicans and independents would be treated exactly like all of the rest of us. The legislation is across the board. There is no different treatment of the Republican Party.

Our Republican colleagues who make the argument, and I think they have done so well, that we spend too much money. Well then why should they be against an effort that tries to put some reasonableness back into the process of running elections?

What do they fear with this legislation that treats us exactly as it treats them with regard to spending limitations? There is nothing sinister about this legislation in that sense. We establish aggregate limits for PAC contributions. We do not eliminate PAC contributions in this legislation. It establishes for Republicans and for Democrats aggregate limits on the total amount of contributions which candidates can accept from PAC's.

I am one person who participated in the process as aggressively as I possibly could and will continue to do so. I do not think that PAC's are inherently wrong. PAC's are people. PAC's are citizens of this country who, through the political action committee process, perhaps for the first time in their lives have been able to contribute to candidates who agree with their philosophy of government. I certainly see nothing wrong in accepting $1,000 from an agricultural political action committee for instance any more than accepting $1,000 from some individual person who has an interest in agricultural matters before this Congress. In fact, if you want to make the argument of money influencing votes and people trying to buy access by money, can you not make a legitimate argument that would say that a Member of Congress is going to remember more the individual that walks up to him and says, "Here, Senator, I would like to give you $1,000 and I want you to do what is right on agricultural matters when they come up before the Senate. I am a farmer in South Louisiana." I am going to remember that person probably more than I am going to remember the XYZ PAC that sends me a contribution from some innocuous post office box thousands of miles away from Louisiana. I am probably not going to see that person. But I will be contacted probably by the individual who gives me the $1,000.

So if the argument is influence, I see the better side of the argument, that there is certainly nothing wrong with the PAC's contribution. It has allowed millions of people to become involved in the process for the first time. I think that is good.

This bill does not eliminate political action committees. But it tries to put some restraint on them. They should not become the total determining factor in raising money for political elections. But they should not be eliminated and excluded.

To our colleagues on the other side who work with PAC's very well, as some of us on this side do, I would say this legislation clearly protects the political action committees and what they can do, but it also tries to put some limits. Let us be reasonable. The proliferation in growth of PAC's is growing even faster than the Federal deficit, I would say, which is not a small achievement. So what we have tried to do with this legislation is to put some restraints, and I would say the restraints are reasonable.

For Senate candidates, limits would vary on the size of the State of course; again a degree of fairness. Candidates in California would not be subject to the same limits as candidates in Rhode Island. It makes sense; fairness, nothing wrong with that.

Are we giving PAC's a limit that is reasonable? Good heavens. This is what we have here. For Senate candidates the limits would vary on the size of the State ranging from $190,000 for the smaller States to $825,000 in larger States.

The House candidates' limit would be $100,000; $825,000 from PAC's, is that not enough to make a dent and input and be still involved in the process? This $825,000 is not an insignificant sum of money. And I think that, or at least should be, is an acceptable amount to consider a fair amount.

Some people have said, well, you know, out there we should not have people with millions and millions just to be able to come in and purchase a Senate seat or a House seat. I agree with that. These seats are not for sale and should not be. Persons of tremendous individual wealth, legal gain, should not have an undue advantage over other candidates. So the legislation attempts to address that by establishing a limit on campaign spending and the use of personal wealth. I think that is good.

Spending limits. For our colleagues on the other side who have said time and again we believe there should be some spending limits, the bill does that in exactly the same way for Republicans as well as Democrats. It is not an effort by establishing spending limits not to pertain to both sides of the aisle. That certainly does not reflect an effort to eliminate the Republican Party. I do not see how they can make that argument.

But limits we have in general elections again would vary according to the size of the State. It makes sense to me. I think it should make sense to everyone. The smallest States have a spending limit of $950,000 and $5.5 million in the largest State. A person that does spend $5.5 million and cannot get his message out, I would suggest that there is something wrong with the message, not that there is not enough money to get that message out.

I dare say, give anybody in this Chamber $5.5 million to spend as far as a ceiling, and the talent that I have seen in this body on both sides of the aisle will allow that candidate to have ample funds plus to get his or her message out to the American people, $5.5 million being the cap, of course, for the largest States.

That is for the general election. The spending limit for primary elections would go all the way up to $2.75 million for the largest States in the primary election plus an additional $5.5 million in the general election. I would say that a sum approaching $8 million is enough to get your message out even in the largest State in the United States of America.

Candidates are restricted under the legislation to $20,000 in personal funds to finance their election. That would not be a problem for me, I know, and probably not for the distinguished Presiding Officer. I am not a person of tremendous personal wealth. I do not have any problem with having a limitation on my own spending. That, of course, is not the reason to say that it is a good idea. I think it is a good idea because people in this country would like to see everybody represented.

The Senate and the House should not become a club of millionaires, not to say that it is moving in that direction, but certainly there is an incredible advantage, I would say, to a person of immense personal wealth when he or she says, "I will use and spend whatever it takes to buy this seat." The message is that seat is not for sale. And the steps that have been taken in this legislation to try and put a sense of fairness into the process I think merits our favorable consideration and strong support.

Candidates who agree to abide by these rules, Republicans and Democrats alike, get some other assistance that helps them deliver the message because the message is what we should be judged by, not by the balance sheet. And what this bill provides is that if you are a candidate and agree to these spending limits we are going to make it easier to run your campaign, to get the message out so that you do not have to run around the country with a tin cup.

Candidates who agree to abide by the spending limit and to limit their own personal wealth are entitled and would be eligible for substantial reductions in mailing rates, and the lowest unit rates for television and radio advertising. That is an important feature I would say to this legislation. What that simply means is when we put this new set of rules into being which affect Republicans and Democrats equally, that in order to encourage candidates to abide by those limits we are going to sweeten the pot by making it easier for them to get their message to the people.

Those who say "I don't like spending limits" I will answer that, "Well, if you agree to abide by them you will have more time to spend addressing the issues, and we are going to make it cheaper and less expensive for you to get your message to all of the people." How and the way we do it by requiring in the legislation that there be a substantial reduction in mailing rates and the lowest unit rate for television and radio advertising, the principal medium by which we get our message delivered, which is radio and television by and large.

So we are encouraging people to follow the law and to participate in the spending reductions and restrictions by saying we are going to give you a little extra. And that little extra is having to pay a lower rate for television. So you have more time to get your message across and in essence will be getting a bigger bang for your buck.

I think that is a very important feature of the legislation.

It provides that public funds would be available. This is a controversial part of the legislation, and I had people to say "You know, I support those spending limits and I think we are having to spend too much money and I think the system really needs to be fixed and, man, I want to have it fixed but I sure don't like that public financing."

And I want to say this morning that that has been a portion of the bill that has given me a little concern myself. I took a poll in Louisiana, and I daresay many States are probably the same, that said, "Would you like your tax dollars to be spent to help political candidates?" "Not a good idea," I would think that many people would respond in a time of $1 trillion, long-term national deficits, in a time when the budget continues to be so far out of balance, at a time when States and Federal legislative bodies are having to consider and to discuss tax increases and revenue increases. To pose the general question, "Do you want to open up the Treasury to candidates?" The answer generally comes back from the people that I represent "No." But that is only a part of the question. The question is more detailed than just do you want to open up the Treasury because this bill certainly does not, will not, cannot and should not do that.

The bill provides that public funds would be made available to candidates who agree to campaign spending limits if their opponents refused to accept the spending limits, and actually make expenditures or raise funds which exceed the spending limits. I bet you that if this bill went into effect that we could see a changed way of doing business in America with regard to the industry of getting elected to public office. I say it is an industry because a multimillion dollar effort is indeed a business. When you pay thousands of dollars to people to tell you how to look and talk on television, when you pay thousands of dollars to people to tell you how to deliver your message, indeed it is an industry. And I would say that the industry of getting elected has dramatically changed because I would predict and I think many will join me in this prediction that when candidates agree to publicly say "I am willing to limit my spending under the Federal law" there is not going to be a lot of your opponents who are going to say "The heck with it, I am going to do what I want to do regardless of any standards that the Congress has adopted."

What that will mean is that if all candidates agree to abide by the spending limits under this legislation there indeed is no, repeat, no public funding. There is no crack in the door of the wall surrounding the Treasury. There is no outflowing of public funds in any sense whatsoever if indeed all the candidates abide by the spending limits. I predict that is what is going to happen.

I tell you what. I would love to have an opponent that would run against me in a Federal election with this rule being in effect that would say I am going to spend whatever I want, I am not going to abide by the standards, the principles and the philosophy behind the Campaign Reform Act pertaining to this legislation. I would need to do a lot more than that or do a lot more than have the opportunity to keep providing information to the people of my State that this candidate refuses to abide by these set of standards and principles that have been agreed to by the majority of the Members of the House and the Senate that both of us are trying to serve with.

So I would predict that when the legislation goes into effect, there will be minimum, if any, public financing involvement, because I think the candidates will agree to abide by these limitations. It says very clearly that public funds will be made available to candidates who agree to the campaign spending limits if, if, if, and only if, their opponents refuse to accept the spending limits and in fact go out and spend more.

So for those who say it is a raid on the Treasury, I would say that there are protections built in here. To those who say that it is a raid on the Treasury, I would remind them that the money would come only from those in this country who are concerned enough about the process to voluntarily check off on their income tax forms a box that allows $1 of their contribution to go to public financing of elections.

Those who argue eloquently against public financing, some of them are the biggest beneficiaries in the Presidential election of public financing. There is nothing wrong with that. But I think it is a little bit inconsistent to say how terrible the system is and to be one of the first to stand in line to participate in the system. If there is a matter of principle here, should not they say, "I will not participate in something that I disagree with so totally"?

I think that is a good question. I think that is a question that must be asked, because if the system is so contrary to their personal beliefs and the system of public financing is so contrary to their public beliefs, eloquently stated, why, then, do they so eagerly seek to participate in a system which they so loudly condemn? Is there not a question of priority? Is there not a question of principle here as far as how we conduct our elections?

So I would say that we have restricted and put safeguards on public financing that I think are solid. I think that they are good. They certainly have addressed my concerns about being an opening of the Treasury to just shovel money out to anybody who wants to run. That is not the case. That is not the case at all. There are very strict requirements with regard to public financing. I would predict that it would be extremely limited because all candidates would abide by the spending limitations. And if all candidates abide by the spending limitations contained in this bill, there is in fact no public financing at all.

The legislation also protects against independent expenditures by improved reporting requirements and a new and tighter definition of when an expenditure is in fact independent. Candidates who agree to the spending limits would also receive matching payments to enable them to respond to significant independent expenditures made in opposition to them or in support of their opponents.

Independent expenditures are something that we have to deal with very carefully because there is a first amendment that is the law of this land that protects freedom of speech. And it is inappropriate, improper, and probably illegal for the Congress of the United States to say to citizens of this country that they cannot speak freely for candidates for public office. That is a right of free speech, a very essential right of free speech. There is probably no clearer right of free speech than the right to speak in the political process for candidates that we happen to think are important.

One of the reasons we left Europe to locate in this country, and had a revolution for it so that we could stand up and freely speak in the political process without having the fear of being run off to a deep dark dungeon somewhere for the rest of your life, was you could participate. If you did not like the leader, you could say that; stand up on the street corner and shout from the highest building that you did not like who was in charge. That is what free speech is all about. So when we try and limit the ability to speak freely in the political process, we have to do so very carefully.

So we are protecting in this legislation clearly the right of independent expenditures but we sure are trying to prevent somebody who is willing to spend millions and millions of their money just to constantly argue against a candidate for public office. The protections are very clear.

The bill is also self-financing. That means we offset a modest cost increase by repealing certain preferential mailing rates for political parties. I think that is important. To those who would argue this is going to be a big spending bill, the argument to counter that is very clear: it is self-financing. I am not talking about major authorizations or appropriations to carry out this bill. It is self-financing by its very nature.

It requires the disclosure of soft money expenditures by PAC's and political parties. Boy, that is a good one. You are looking at a person who knows what soft money is. I never got hit so hard by something that was supposed to be soft as I did during my campaign, I assure you. And getting hit by soft money can be a very hard and difficult experience.

Soft money, for people outside the beltway, is simply money that is undisclosed, money that is slipped through the night, through dark channels, that you have to watch being spent against you on television.

You know, you think we have public disclosure. And if it is money given to me as a candidate, it is publicly disclosed. But, boy, this little category called soft money can really be a real torpedo to a candidate in the sense that in my race I would dare say that billions—millions, not hundreds, not thousands, but millions—of dollars were spent in this category of soft money; money that was raised throughout the United States that no one in the public knows where it came from or who is responsible for it; money that was given to the State party, the Republican Party, that was used to finance their political activities which were aimed at and geared to defeating me.

The Louisiana Democratic Party, I would say, in order to be completely fair, also sought and received and spent this "soft money." Not nearly as much; not nearly as much. I wish we had the ability to try and equate the amount of soft money being spent. But let me tell you what we were able to do paled in comparison to what the Republican Party did. The point is that this legislation addresses that tremendous potential for abuse and in fact actual abuse of the process. Because it is wrong to have money sneaked through the night, unreported, coming from where we have no idea to be used in an election process that we say should be public and we should know where the money is coming from.

This legislation addresses the soft money issue and does so by requiring the disclosure of the soft money expenditures by the political action committees and by the political parties—a major improvement, addressing something that was a major cause for legitimate concern by anybody interested in improving the process.

The legislation also closes the bundling loophole in the current law. Now, bundling is a system whereby we encourage people to give to candidates, whereby they can exceed the limitations on their contribution amounts. This legislation closes the bundling loophole by requiring that the contributions made directly or indirectly to a candidate through a political action committee or some other conduit be counted toward that contributor's limitations on how much they can contribute, as well as the contribution limit of the original contributor. It is an abuse. It is not right. It violates all principles of restricting how much an individual can give through the use of this bundling process.

You know we write a rule or a bill in Congress and the next day there are literally hundreds of attorneys, accountants, CPA's in this city that are looking for legitimate ways to get around what we have done the day before. And, boy, are they effective. They are talented. They are paid extremely well to find the loops and the loopholes and the ways to do something the law was trying to do or to say that you cannot do. And bundling is one of those little carved out exceptions whereby they figured, "Hey, they missed this one. We can get somebody to give a whole lot more money than the law on its face says they can give by using the bundling process."

So, yes, this is one of those cracks in the wall or holes in the dike, if you will, that needs to be plugged up. And this legislation does that with regard to the bundling process.

So all in all I would say that the package that has been put together by our distinguished authors, that this package that has been compromised and compromised and compromised in order to meet the arguments of the Members of the other party, is a good piece of legislation.

Is it a piece of legislation that is being debated outside of the Halls of Congress? Not really. Is it being debated within the corporate offices and labor halls within the Washington community? Of course it is.

If I walked down the streets of the average town in my home State and ask people how they feel about S. 2, I am not going to get a lot of people telling me how they feel. It is not that type of issue. It is not an emotional issue, although I think it should be because we are talking about the way we elect men and women to run this country. Is that not something that we should be emotional about? I think so.

So the effort here is to try to create the public perception that we are correctly trying to correct a cancer that is getting worse and worse on the system of American politics; that we are trying in this manner to try to provide medication, if you will, to correct a sickness, and the sickness is the money that has been added as a requirement to serve in public office.

If you ask the question of the people back home do they support S. 2, they will say, "What is it?" If you tell them it is campaign reform, they will say, "Yes," because who is against reform? If you ask them if this is the most important top five issues that they are concerned about, they will probably tell you no. But if they understood, and as they understand more through the process of this debate and through the process of education that we are trying to provide by these long and tedious discussions, I think that the American people will demand that we do something to change the system; that when they totally understand what is now at the heart of getting elected—money—that they will march to Washington and say, "Do a better job in reforming the system than you

have;" that they will sit outside of your offices and lobby as hard for campaign reform as they lobby for farm programs, education programs, health and welfare programs, and all of the other endeavors that we are constantly being lobbied for by our constituents and the people of this country.

I served this year and would note that the Presiding Officer serves with me on the Democratic Senate Campaign Committee. It is a privilege and an honor and I am pleased to do it. I am pleased to try and help make it easier for the challengers, like I was in 1986, to have the funds to deliver their message. But it should not be that the message will be delivered by the person who has the most money. It should not be that the person who gains access to this Chamber as a Member is the person had the best balance sheet of all of the candidates.

As a member of the Democratic Senate Campaign Committee, I and all of us are asked to travel throughout the United State, putting on these fundraisers—and thank God there are people there who are willing to contribute their time and their effort and their talents to doing it. But why should we be required as we are to travel all over the United States and meet with people we barely know and impose upon their generosity, so that we have the privilege of serving in this body? I think that is wrong.

There are more groups for which, every day, I sign my signature to have a fundraiser for someone in this city than I can keep track of. It is like alphabet soup and it is like that on both sides of the aisle. There is the RNC on their side; there is the DNC here; there is the DSCC here; there is the Republican counterpart over there. There is the DCCC on the House side. There is probably the RCCC on the House side.

There are friends of this and friends of that; supporters of this and supporters of that. At the bottom line, it is all a funnel. At the bottom line, it is all a big basket that we carry around with these initials saying: throw the money in here and we will filter it down through the funnel so that some person may have the right and privilege of serving in the United States Senate or the House of Representatives.

Is this a novel approach that we are advocating today? Is this system of campaign reform and campaign financing that we are asking our colleagues on the Republican side of the aisle to support a radical or an extreme, untested procedure that we are asking them to blindly accept? The answer to that question is very clear. No, it is not. It has already been tried and it has already been tested and it is in effect. That is how we run our Presidential elections. The standard has already been tested and it is working.

Is there any Presidential candidate, Democratic, Republican, or Independent, who has run under the system of public financing for Presidential elections who has ever stood up, one time in their campaigns, in this election cycle or in the last election cycle when the law was in effect, and said that this system does not allow me to get my message out? The answer to that is no.

The candidates who have run for President, Republicans and Democrats alike, have agreed with the system because they have participated in it. They all are seeking limited public financing from a voluntary checkoff. They all have agreed to abide by spending limitations in order that they have a test of ideas, a contest of intelligence and ability and persuasiveness rather than a test of money.

The system that was put into place for Presidential candidates is working. The system that we are asking our Republican colleagues to accept today is one that is patterned after the system that we have in effect for the Presidential candidates, a tried and tested and proven system of running our election campaigns in a different manner, a manner that truly brings back a test and a contest of ideas, rather than a test merely of who can raise the most money.

If I have to predict the outcome of this effort I will say that we will probably not get cloture when we vote to cut off the filibuster of the Republican Party, when we vote tomorrow. And that will be a defeat. But I think that it will be a defeat only in the sense of losing a skirmish or losing one of the battles. But I will say that we will not lose the war, because while we may lose the cloture vote, as Republican Members say that we do not want to bring this legislation up, I would say that we have made great strides in winning the larger question and that is the war of trying to do something about campaign reform.

I say that because I think gradually the people of America are beginning to understand a little about the cancer that is engulfing the Congress of the United States, a cancer that requires us to spend more time raising money than thinking of new ideas, a cancer that requires us to travel throughout the United States in areas that we do not directly represent rather than spending the time with the constituents who have problems that are our first priority.

So, while the cloture vote may go down despite the great efforts of so many who have been far more involved than I, while we may not win that cloture vote, I think we have gone a long way toward winning the ultimate war which is that elections should be a contest of ideas and thoughts and standards and principles rather than a contest of who can borrow the most money, who can raise the most money, who is the wealthiest candidate that we can possibly find.

So, at some point there will be additional efforts. Perhaps there will be an effort to say that we should limit, just simply, how much we spend. Why would that be a wrong idea, if the amount that we would agree to is sufficient to allow adequate public debate? How can the Republican Party, as an institution with the traditions that they have stood for, object to a limitation on spending that is the same for both sides? Are they bankrupt of ideas, that they have to supplement the lack of ideas with huge sums of money? I am not willing to make that charge at all. But I think that those who would say spending limits are not fair even if they are evenly applied are admitting that, given the same amount of money, that their positions are not as strong as those of the other side. I truly believe that some day we, perhaps, will have an opportunity to vote again on this question.

Perhaps the issue can be framed so that we can really see how people feel by having the issue framed clearly that we are spending too much and that there should be a way of restricting the amount that is spent. Just a clear question: Are we willing to say that we will all spend less? That is an approach that perhaps needs to be considered. Get away from the clutter that is contained in this bill, as someone argued, and just have a clear-cut question of whether all of us are willing to join together and to say that all of us, equally, will be limited by the amount that we spend in Federal elections. I think perhaps that that is an approach that needs to be brought before the Senate so we can say that there is a clear-cut choice.

We have heard arguments here about how this is an effort to abolish the Republican party. We have heard arguments about how we do not like public financing. I think the clear reading of the bill answers all of those questions clearly and precisely with the restrictions on public financing, with the across-the-board applicability of the spending limitations, with the way that PAC's are treated—all of this clearly adds up to equal treatment.

The other side would try, I think, to make the argument that we on this side are engaged in an effort to give ourselves an unfair advantage. How can you argue that when the document that will apply to Democrats is the same document that will apply to Republicans? The same words, the same phrases, the same standards, the same spending limitations, the same individual contributions? The way we report the funds are identical for the

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Republicans and the Democrats. Yet the arguments that I have been getting as to why this bill is not appropriate range from the fact that we are trying to eliminate the Republican Party in the South, trying to eliminate the Republican Party nationally. How can that argument be made when we treat Democrats exactly as we treat Republicans with regard to every provision that is contained in this legislation? I fail to see that argument.

Going back and reviewing what we have all been through, every one of us that has been elected to this body or to the House of Representatives, all of us have been through that same process and all of us, really, I think, dislike it. I do not know a lot of people that thoroughly enjoy raising money.

Oh, maybe there are a few. We have had some great fundraisers in this body. Some from my State were absolute masters of the ability of raising funds and I respect their ability. But I daresay that if we took a poll of Members of this body and of the House of Representatives and asked them the simple question: "What is the least enjoyable function of your office?" the answer would be: "Raising money."

I do not like calling up some of my friends and saying send me $1,000. I about fainted when they told me I had to start calling people and tell them to start sending $10,000. Where you say you need $10,000 to send to the DSC, DCCC, or XYZ, man, that really takes gall. It is really frightening to have to start calling people for $10,000. Members of the Congress have had to start clubs. We have to form breakfast committees. We have to ask people to pay to have breakfast with us. Is that not ridiculous? What does that have to do with having the qualifications of being a Member of the U.S. Senate?

But that is how far we have come, where we have clubs and PAC's that help me and I have PAC's that help other candidates and I have friends of mine that help other friends of mine. When we have all of these meetings there is not a lot of discussions about philosophy. There is more discussion about what committee do you serve on? How can it help?

Then I have to tell my staff that I am heading out in the hustings to spend my recess when I really would like to spend it doing a lot of other things. There are a lot of things I would like to do in life other than raise money. But I have to say: well, plan the first week in March, I have to be in California and be on the circuit with tincup in my hand because I have to start raising money for my 1992 election—1992? I have to raise money in 1988 so I can have the right to run for public office in 1992? I am having to give up weekends, and weeks, like everybody—I am certainly not implying that I am any different. I am running into my colleagues in airports carrying their tincups to the same cities that I have just left. Everybody has to do it if you are going to survive in the process.

The point that I make is that the process is broken and that we should not have to spend that time raising the millions of dollars that somebody has decided is necessary to serve in the U.S. Senate or the hundreds of thousands, of even millions, to serve in the U.S. House of Representatives.

We have corrected the problem in Presidential elections and it is working well. Why is it that one party refuses to allow the Congress of the United States to make the same corrections that apply to us? You know, the Congress seems very good at making laws that affect somebody else. We are very good at applying labor standards or working conditions that apply to other people and exempt ourselves.

In essence, that is what we have done with campaign finance reform. We have made it apply to Presidential candidates but we have not made it apply to us. We have exempted ourselves. I honestly believe that not a single Member of this distinguished body, Republican or Democrat, really like what we have, really think that it is a good system.

I dare say that some would say well, I have to keep it going because of political advantage, perhaps. But I dare say that everybody would like to see it changed, that everybody would like to be able to stand up and honestly say that elections are contests of ideas, and not contests of balance sheets, that the real challenge is to show that a candidate can be a better Senator instead of just being a better fundraiser, that everybody would want to be able to say with truthfulness that the contest is not an auction, that it truly is an election.

And unless and until we adopt a campaign reform bill such as contained in S. 2 it will continue to be auctions, it will continue to be a process whereby we run around airports in this country with tincups in our hand, when no one thinks the process is working but a majority is not willing to do something about it.

So I would hope that the effort that we have made that the majority leader has made that so many have participated in at ridiculous hours does not go unnoticed by the American people, that there is an effort in this Chamber to improve the system, that while it may not be successful tomorrow, it eventually will be, a venture that we can look to the qualifications of serving in political office as having eliminated being the richest or having raised the most money as one of the qualifications.

I notice that my distinguished colleague from the State of Colorado who has contributed so much and given so much of his time is here once again to engage in presenting the case to the American people and I will be pleased if he is ready to go ahead and yield the floor at this time.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Colorado is recognized.

Mr. WIRTH. I thank you, Mr. President.

I thank the distinguished Senator from Louisiana and associate myself with his remarks and also associate myself with the experience that he has had in many long years in the House of Representatives and now as a new Member of the U.S. Senate.

Those of us who have been through the battles over campaign finance laws for more than a decade today are more aware than ever before of the extraordinary need to change this system to reform the way in which we finance campaigns.

I think it is fair to say that this is not a new issue by any means. At times during the debate here in the last few days, the impression was created that people are startled to discover this issue again is current, and are surprised that it has not been possible to work out an acceptable compromise of issues in contention.

This issue has been around for a long time, and this issue, I suppose, has been somewhat polarized for a long time as well.

I know that the previous speaker is as aware as I am of the number of pieces of legislation in which we have tried to change the current system of financing campaigns since 1975 when I think the first piece of campaign finance reform legislation stimulated by the Watergate revelations was considered in the House. Every 2 years thereafter, at least once such bill has been introduced in an effort to find the formulation which would both remedy the growing problems in our system of campaign financing and secure sufficient support to pass both Houses of the Congress and gain enactment into law.

Today we find ourselves in something of a partial crescendo of this issue. We have been debating this issue in the Senate for just over a year. I think it has been shown repeatedly that a majority of Senators favors a system of public financing tied to voluntary spending limits. More than half of the Members of this body want to change the system.

The bill with which we started a year ago was reported by the Rules Committee after the committee heard numerous witnesses provide their views on the subject of campaign finance. That legislation was carefully constructed to be fair to all, and yet the committee reported to halt this appalling, staggering spiral of growing campaign costs, to limit the role of moneyed special interest groups in campaigns in order to regain the public's trust, and to reengage ourselves in the process debating the great issues rather than just to engage ourselves in the processes of begging for money.

Most distressingly, I think the public perceives that the corrosive influence of money on campaigns has tainted the political process and, overall, skews the outcome toward the benefit of those who possess a little more influence because they happen to have a lot more money.

That kind of perception by the public certainly is not something with which we could be comfortable. That kind of public perception—plainly, simply, starkly—is a cancer on our precious democratic political process. This cancer will not extinguish our political system overnight. Its deadly work often is barely visible. But the perception that influence in our democratic institutions is for sale slowly, surely eats away the confidence and trust in our democratic system because the eventual result of failing to get rid of this cancer is that the people's trust in their Government is going to erode to an even greater extent.

That is a pretty frightening prospect and that is pretty strong language, but is not hyperbole. Our system of campaign finance is an integral ingredient of the stability of our political process, which in turn is such a critical, irreplaceable component of our way of life and the guarantor of freedom which is its bedrock.

Let us look at S. 2. S. 2, the legislation before us, was devised as an antidote to the poison of eroding trust in our system caused by the effects or the perceived effects of special interest money on both the political process and its outcome.

S. 2 admirably addresses the most distressing sources of the public cynicism that surrounds campaigns and campaign financing. The key sponsors, our distinguished colleague from Oklahoma, Senator BOREN, and our majority leader, and all other Senators who have contributed to the version of S. 2 now before the Senate, are certainly to be commended, and I am proud to associate myself with them in support of this legislation and to be a cosponsor of this measure, as I have been a cosponsor of many of the measures over the last 14 years to change the way in which we finance campaigns.

Unfortunately, a sufficient number of Senators opposed to that legislation has kept the majority which favors it from cutting off a filibuster designed to prevent its passage.

The principal objection raised by opponents when S. 2 first was taken to the floor by the majority leader was to the public financing.

That is why we heard the cacophony of screams and yells about this legislation. The opponents claim that they could not support using tax dollars for Senate campaigns, even if those funds were voluntarily allocated for that purpose by the taxpayers themselves. Even if those funds were voluntarily allocated, there were screams that this was a "a raid on the Treasury."

They claimed they could not support using tax dollars for Senate campaigns—even if those funds were voluntarily allocated for that purpose by the taxpayers themselves. The opponents also said we could not afford the projected cost, even though it amounted to less than 25 cents per U.S. citizen per year.

We did the best we could in trying to rebut the arguments that this was an enormous "raid on the Treasury." But when their opposition remained, in good faith we tried to figure out a way to take care of their concerns. As a result, a compromise proposal was put forward which utilized a matching funds construct and which cut by more than half the cost of the public financing provisions. The new proposal also cut the maximum proportion of the total 6-year election cycle costs that a candidate could receive in public funds to less than 25 percent. Were we willing to compromise? Were we willing to move?

Of course, we were. We did our best to try to assemble a different kind of construct. It was our hope that a least some of those who initially had been opposed would meet halfway those Senators who were supporting S. 2.

Was our effort to compromise successful? No. It was at that point—in the summer of last year—that the Senate Republican conference, in a step that many thought was ill-advised and ill-considered, took a firm stand against any legislation containing any provision for campaign spending limits or any public financing. They rejected any kind of limits on campaign spending and rejected any kind of public financing of congressional campaigns. This is especially interesting when one realizes that every Republican Presidential candidate but one since the Presidential campaign finance system was reformed prior to the 1976 elections has accepted that reformed system's spending limits and public financing, as have all the Democratic candidates in the same period.

In addition to rejecting the fundamentals of true reform, this action took a large and ominous step toward turning what should be a nonpartisan determination to address a nonpartisan problem, and turned it into a mean partisan contest.

Once again, however, S. 2's supporters—and more than half of the Senate's membership supports S. 2—tried to devise an acceptable compromise. We tried once, but it did not work; we tried a second time.

So the third version of this legislation, S. 2, was prepared. That third version contains all of the essential, immutable ingredients of campaign financing reform. But it does not rely on public financing for all Senate campaigns. Contrary to the claims that have been presented here, the third version of S. 2 does not rely on public financing for all Senate campaigns.

This bill before us has the following major features: First, it retains the aggregate PAC contribution limit. The claim has been made that there are no limitations on PAC in this legislation. Wrong. Aggregate PAC contribution limits are continued in this legislation.

Second, this legislation establishes voluntary spending limits and limits on the use of personal wealth.

Third, the legislation contains no, I underline, "no" public financing grants for Senate general elections so long as opposing candidates abide by the voluntary spending limits. Let me repeat: As long as candidates abide by the voluntary spending limits there will be no public financing grants for Senate general election candidates.

Fourth, the legislation establishes incentives for candidates to abide by the spending limits it establishes by making only those candidates who agree to abide by those spending limits eligible for preferential postage rates, and lowest unit broadcast time rates, and by providing that candidates who exceed the voluntary spending limits will trigger compensating payments to opponents who agree to remain within those limits.

So the incentives are there to encourage people to stay under the ceiling, to control their expenditures, and that, after all, is the key to this whole process.

Fifth, the legislation is front of us assures that candidates who are targeted by independent expenditures against them or for their oppponents will be able to respond effectively—by increasing the primary spending limits of participating candidates when such expenditures are made during the primary period and by providing a compensating payment to participating candidates when such expenditures are made during the general election period.

This addresses the debilitating, often nasty, and unaccountable, independent expenditures which pay for ads telling you and your neighbor how to vote, often in a negative fashion by castigating a candidate rather than by indicating support of a candidate.

Continuing with the central features of this legislation: It will establish the voluntary spending limits that it contains as mandatory spending limits if a constitutional amendment is ratified permitting the establishment of such mandatory limits. At that time the provisions that I described previously, which are intended to serve as incentives for candidates to abide by the voluntary limits, will disappear. In other words, there is a trigger in this. If and when we pass a constitutional amendment to bypass the Buckley versus Valeo problems, to permit the Congress to establish spending limits for political campaigns, then all of the incentives that I have described above will disappear.

The proposal in front of us also contains a full offset for even its very slight potential cost by ending the current preferential mailing rates for political parties. I earlier noted that opponents have claimed this is a raid on the Treasury. Nonsense. The Republican Party, the Democratic Party, State parties, and other parties are already receiving support from the public. Let us not fool ourselves and suggest that is not there. Republican Party mailings and Democratic Party mailings already receive a preferential mailing rate. What we are doing is transferring that to candidates who agree to abide by spending limits. And we actually save the Treasury a little money in the process. Quite possibly we can see out of this a reduction in the Federal budget deficit if all candidates live within the spending limits for their States.

Those of us who sponsored this legislation have tried in every way that we know how to move meaningful campaign finance reform legislation on a nonpartisan basis. We have reached out, as I have described, again and again to our colleagues on the other side of the aisle to try to forge a way in which we can break this terrible upward spiral of campaign spending. Yet, our opponents, as far as I can see, have not moved an inch from their adamant opposition to spending limits and an aggregate limit on the amount PAC's can contribute to any single candidate during any election cycle.

The most vitriolic of our opponents would have us believe, and try to convince the American people, that there is no way to devise a means to halt the stunning growth in the amounts of money poured into congressional campaigns. The implication of their position is that they either fail to see or acknowledge the problem, they do not mind watching the American political system be put up for sale to the highest bidder, or they are just unwilling to invest the energy and effort to devise a method of controlling campaign spending.

I do not think campaign spending is uncontrollable by any means. I firmly believe that the American public, a large majority of the American public, rejects the conclusion that we are helpless. It rejects that conclusion and wants us to move on this issue.

If some of the opponents of spending limits fail to see or fail to acknowledge the problem, they ought to take off their blinders and open their eyes. If they believe it is proper and acceptable for public offices in this land to be sold to the highest bidder and for those who occupy the offices to be beholden to moneyed special interests, then they should admit it and face their constituents. I think we know what their constituents would say in response.

I hope the opponents are not simply too preoccupied to devise a means they find acceptable for controlling campaign spending in congressional elections. We are sent here to this body to face and resolve national problems and this is one of the most distressing.

Let us face it and call it what it is. Whether out of ignorance or laziness or conscious determination, those who are the "principal opponents" of spending limits effectively are proponents of absolutely unlimited, sky-high spending in campaigns.

The illogic of all this is something to behold. I cannot believe that there is not some amount of money that each Senator in this Chamber would agree is too much to spend on a Senate campaign in his or her State. Even conservative analysts looking at this situation are saying that campaign spending is getting totally out of control.

I want to refer to the February, 1987 issue of Conservative Digest which, as the distinguished Presiding Officer knows, we all spend a good deal of time reading and analyzing very carefully. The Conservative Digest reported that, according to current projections, when the new class of Senate freshmen—of which the distinguished Presiding Officer and I are privileged to be a member—runs for reelection in 1992, the average Senate campaign will cost $9 million. The average campaign will cost $9 million. Based on the Conservative Digest's number, in the 1992 election a Senator seeking reelection from an average State will have to raise $125,000 every month, $28,000 a week, $4,000 every day, Saturdays and Sundays and holidays included, and $171 every hour of every day, 24 hours a day, 7 days a week for 6 straight years—$9 million for the average Senate campaign for 1992.

Is there no limit that we ought to place on this? Of course there is. The idea that we should allow this kind of thing to continue is preposterous.

While I think S. 2 incorporates a fair, desirable methodology for determining what State-by-State spending limits should be, I am prepared to agree that there surely can be differences of opinion concerning at what level spending limits should be set, and what methodology should be used to set them. I cannot believe that willing people could not negotiate acceptable compromises on levels and methodologies.

But, Mr. President, one cannot negotiate anything if one side will not even come to the table. By rejecting on grounds of principle even the concept of spending limits, the Republicans have ended the conversation before it begins.

When I first ran for the House of Representatives in 1974, I spent around $135,000, and I understand that was well above average for that year. In just a 12-year period of time that $135,000 escalated to $600,000 to $700,000. This is for just one House district, albeit a contested, highly competitive House district. I see nothing that justifies a fourfold increase in campaign spending there in 12 years. Then, looking at the election of 1986 in which a number of us were fortunate to win election to the Senate, the amounts of money spent in those campaigns also were out of control.

Further, the amount of time we candidates spent fund-raising escalated dramatically. Unavoidably, we had less and less time to engage in discussions with our constituents. Is that good for the process? I think not. Many of us got to know major fundraisers and their telephone numbers a lot better than just about any other people or facts involved in the campaign. The spending cycle rolled on: I spend dollars, so you spend dollars, so I spend more dollars, so you spend more dollars. Everybody trys to neutralize everybody else, and what is the result? I think the result likely is enormous fatigue on the part of the voters who watch this process unfold.

Our system of financing campaigns certainly is fouled up. It needs change. It has to be done. I would hope that my colleagues would recognize the need to break into the never-ending spiral of costs to make the change that we and the American people know ought to be made. That is our responsibility, not to sit back, not to do nothing, not to allow ourselves to be paralyzed by this, but to change things for the better.

Mr. President, I see that our next distinguished speaker is here, the junior Senator from the State of Montana, with whom I had the privilege of entering the House in 1974, whose experience is not dissimilar to that of so many of us who arrived in that time of reform and change when there was a wonderful spirit that in fact the legislature could make a difference. And we did make a difference on a lot of issues.

Before us is another issue in which a lot of difference still has to be made.

That difference can be made if we pass the legislation in front of us.

Thank you, Mr. President, and I yield the floor.

The **PRESIDING OFFICER**. The Senator from Montana, Mr. Baucus.

Mr. **BAUCUS**. Mr. President, I want to thank the Senator from Colorado for his statement. He, frankly, touched on a point which I think is very critical and central to this issue. In 1974, a good number of us across the country ran for the U.S. Congress in large part because of the aftermath of the Watergate era. Some of us felt that it was our time to contribute whatever we could to public service and I, along with others, particularly the Senator from Colorado, ran for Congress that year.

I must say that when I arrived in Washington, DC, I was overwhelmed by the degree of intelligence, the degree of dedication to public service, and the degree which the group that got elected—I must, to some degree, except myself from this category—want to serve their country.

I will never forget that we stood around in a room, all of us who got elected in 1974, and each of us went around the room and explained for 3 minutes why he or she ran for Congress that year and what he or she intended to do. The Senator from Colorado was in that room and I could think of lots of Members in the House now, most of them are still there, some have run for the Senate, some have run for Governor, some are Governors. But when each went around the room, I was awestruck by the degree to which each of these people, wonderfully intelligent people, was going to help make this a better place.

I had assumed, like a lot of the American public, that Members of Congress were a bunch of buffoons. They do not know very much. They go to cocktail parties and they do not work very hard.

When I arrived back here, and particularly with this group, I was very pleasantly surprised. And it is that spirit of reform that overwhelmed this group that really made the difference. And as the Senator from Colorado pointed out—he was almost a leader of that group—this is an opportunity for us—by "us" I mean the entire Senate—to reform present campaign financing. We know we have a problem. It is a severe problem.

Many speakers have indicated how much campaigns have increased over the years, the cost of the campaigns have increased. I do not have the precise figures from my campaigns, but I know that since I first ran for Congress in 1974 and for reelection in 1976 and the U.S. Senate in 1978 and reelection in 1984, that the cost of my campaign has gone up, I would guess, three or fourfold just in those few years. But the national figures are even more alarming, Mr. President, as you well know. I think House races since 1972 increased in cost six times and Senate races on the average have increased seven times—a sevenfold increase since 1972. And the cost of campaigns is therefore increasing at not only a rate much faster than the Consumer Price Index or the cost of living in America, but at drastically faster rate.

What does all this mean? First, it means that there is a great proliferation of political action committees, called PAC's. In 1972, I think there were a few hundred of them. How many of them are there today? There are about 4,000 political action committees today. That is about a tenfold increase since 1972. Why? Because basically most of us in the political arena who want to work run for election will work hard, do our very best to try to earn enough money to get enough contributions so that we can get reelected. The same with the challengers. They will go out and get as much money as they possibly can and spend it on the TV ads or whatever because they want to get elected. Most of them, by far, for the right reasons. They want to serve America.

The first amendment says there is no limit on expenditures so we go ahead and we work as hard as we possibly can. Well, that has had several effects in my experience. One is that it takes so much time away from our job.

Mr. President, in my experience around here, we spend more and more of our time, unfortunately, on the periphery of what is really going on in this country and really not trying to use our time to solve some very basic problems. I am not saying we do not solve many, but at best we do not spend the gut core of our time on the very basic problems facing this country—education, international trade, the Middle East, Central America, you name it. We basically, in the number of hours we spend in the debate on the floor of the Senate, the number of hours we spend in committees, tend to spend time on peripheral little amendments on the edges that do not really have much to do with what is going on.

I think that is in large part due to increases in the communications technology in our country and the world experience. We know so much about everything; we would like to think we do. But the fact is we have so much access to so much information and the groups therefore have tremendous access to us. It is very complicated. I do not profess to have the precise answer. But it is clear, to me anyway, that we spend less time on addressing very basic core issues. To complicate it, to make it worse, we have to spend even more time raising money to get reelected because most of us want to serve our country. We want to get reelected, reelected for the right reason and, therefore, that is even more time away from the basic fundamental points that face out country.

I know that when I run for office—and I have heard many Members of the House and Senate say when they run for office that they are spending more and more time just trying to raise money.

I spoke with one Senator, a sitting Senator, who told me in his last reelection in the last 6, 7, 8 months, he spent 50 percent of his time on the telephone raising money—50 percent. Fifty percent of his time on the telephone just making telephone calls asking for money.

Now if he has to spend 50 percent of his time just asking for money, something is wrong. Something just does not make sense here.

And that is the trend. More and more challengers, more and more incumbents are spending a greater proportion of their hours that they are awake on the telephone or at fundraisers trying to raise money.

We all know the mindless, inane ritual around here on both sides of the aisle of the fundraising cocktail parties. By gosh, Washington, DC, is just full of evening fundraisers. What is accomplished at those fundraisers? Nothing very constructive in my judgment. First of all, you stand around in that inane cocktail chatter that is more degrading than it is constructive. Second, it tends to be that knicky-knacky food which is not very good for you anyway and then there is obviously the booze and the alcohol which is not very good for anybody. It is just wasting time, time we could be spending with our families, our wives and children; time trying to think great thoughts, trying to solve the problems that fact the country. No, we spent all this time going to all of these fundraising receptions. Why? We do not ask for any money at these receptions. We go and somehow organizations raise the money and so forth and somehow it is just done.

The fact of the matter is that a lot of these PAC's that are proliferating in great numbers, they go to all these receptions, too. They go to three, four, five, or six a day. It just does not make any sense. The fact of the matter is they tend to contribute to both sides of the race, contribute to the challenger more often than not, and also to the incumbent because they want to cover their bets. Does that make any sense? Money is supposed to be contributed to candidates they want elected. Basically they are contributing money because they want to hedge their bets, not because they particularly are interested in getting anybody elected. It is dumb. It goes on and on.

The more we continue along this route, the more pernicious, the more invidious it becomes and the more it has a numbing influence on all of us here in the Senate, our offices, and basically the apparatus that is supposed to be legislating and solving some of the Nation's problems.

Mr. President, I think all of this money turns off voters. It turns off

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voters for a lot of reasons. One is that they just smell a problem brewing. I personally believe that where there is an excess of money there is a scandal waiting to happen. That is what happened in Watergate. There were a lot of reasons for Watergate, but I strongly believe that one of the causes of Watergate was all of that money. The Nixon administration that ran for election at that time just had so much money. And when there is so much money, that money is going to go someplace and somebody is going to do something with all that money. And when there is an excess of money, there is a scandal brewing.

Mr. President, as sure as I am standing here, I know that if the present system is not checked, if the present system continues, if there is exponential increases and the number of dollars continues to grow in congressional campaigns, mark my words, there is going to be a campaign finance scandal in America. Unfortunately, it may take the scandal to finally get the voters' attention enough to put enough pressure on our recalcitrant Members of the Senate who are delaying and filibustering this legislation to get some result.

I hope that is not the case, but as I grow older and get a couple of gray hairs and start looking at life, sometimes a little bit of skepticism and cynicism creeps in once in a while about human nature. And there is that part of human nature that you have to get hit in the head with a sledgehammer before you realize something is happening, something is going on. I hope that is not the problem we face here. I hope we do not have to have a crisis. But all of this money that is slushing around in the political system I think is going to cause a scandal. I do not know when it is going to happen, but, if left unchecked, I guarantee you it is going to happen and here we have an opportunity to try to prevent it and do something about it.

There is another effect of all of this money. It discourages good candidates from running for office.

Not too long ago, 3 or 4 years ago, I helped the Senator from Maine, Senator MITCHELL, who was then chairman of the Senate Campaign Committee, to try to recruit good candidates to run for the Senate. I made quite a few phone calls scouring various States to see who might be interested in running for the Senate. It was a very interesting experience for a lot of reasons, but one that particularly strikes me is that we found a lot of super people, a lot of good people who wanted to run for the U.S. Senate because they had a burning desire to try to help make this a better country. They were all charged up and excited. I can think of several right now. We talked about it. Sure, there were a couple of little questions they asked. Sometimes their families were not sure they wanted to move to Washington. We talked about that for a while, the pluses and minuses of family life in Washington, DC.

Then we would get to how much this campaign is going to cost. Well, first, they know those large numbers were a problem, but more often than not the more they thought about the cost of running for office compared with how much the other side automatically had, because we all know the campaign committee on the other side of the aisle maxes out so early and has all those additional dollars. It has a whole treasury there of dollars for the candidate on the other side in the Republican Party. The Democratic challengers began to recognize this and they started to back off and were not sure they wanted to run for the U.S. Senate.

There is that foreboding, awesome task of trying to raise money in the face of the avalanche of money on the other side. That not only caused them to back off a little bit, Mr. President, but I can tell you among all the candidates I talked to, I would guess about 60 or 70 percent of them said no. They are not going to run. And it is because of money.

These are people who are not millionaires. These are people who are not wealthy. They are average American citizens who would like to serve their country. And most of these people decided not to run for office, not to run for the U.S. Senate because of all the money that the other side is automatically going to have; how hard it was going to be for them to raise the money.

Mr. President, I do not think that is a system this country wants. More important, I think that that is a system that tends to undermine the basis fiber of our country. There is a small part of this, too, in that this bill that is before us also limits the wealthiest persons from going into their personal wealth to run for office. I think any American should run for the U.S. Senate who wants to, whether he is a millionaire or not. But I also think a millionaire should not be able to buy an election, and that is a trend that is happening in the Congress. That is, the wealthiest people can dip into their own personal treasuries and run for office but other people who are not so wealthy, sure, they can dip into their treasuries. Their treasuries tend to be bills or mortgage payments or house payments or tuition payments for their kids. They do not have the personal wealth to run for office and that is not right.

This country is based on equality. It is one of the basic principles in our country and it seems to me if we truly believe it we have to have a system where anybody who wants to run has a pretty good chance to run for public office. That is not the case today because money greatly tilts the present system away from average Americans with just average incomes.

Mr. President, there is another pernicious effect of this present system that we have and that is that money talks. That is the wealthiest contributors, that is the largest contributors to a Senate campaign, have more access than do other Americans who have not the means and therefore have not contributed as much to a particular Senate candidate.

I know all of us here think, well, no, we are insulated from all of that; that we Members of the Senate, after we are elected, we treat everybody equally. But we all know that as much as we assiduously attempt to insulate ourselves from contributors that there is a tendency for Members of the Senate, for Members of the House, for anyone who receives a major political contribution to at least provide more access to that person than to someone else. That is to listen more readily to try to determine what that person's political point of view is rather than that of somebody else who has not contributed at all to the campaign.

Obviously that is a generalization. Obviously there are many exceptions to that generalization but I think it is a generalization that, fairly, has a lot of truth in it.

It is even more pernicious, from my point of view, for those Senators from the largest, most populous States. Why do I say that? Because it is easy for me as a Senator from Montana, a thinly populated State, to give absolutely equal access to all people in my State. It is much easier for me than it is for a Senator from a much more populous State.

I have a policy in my office where I take all telephone calls from my State of Montana unscreened. I do not care who it is. I have instructions to my personal secretary, anybody calling from Montana I personally take that call if it is from Montana, regardless of who it is and what the issue is. If it is a Montana call, I take the call.

Sometimes I am not in my office, I am at a meeting, but I have firm instructions to my secretary: Make sure I return that call that day. I can do that more easily than can a Senator from a more populous State because there are not so many folks in my State. Montana is not California with a population of what, 25 million, approximately? Other States have populations over 10 million. But I can do that in Montana and I can do that in my office.

I have another policy. When any group of Montanans comes to Washington, DC, I see them. If it is someone from Montana, if they want to see me, I see that person.

When it comes to both those telephone calls and the folks from my State who want to visit me, it makes no different whether they contribute to my campaign or not. I do not ask. They do not tell me. It is irrelevant. But I can do that because I come from a thinly populated State; States like Idaho, Montana, Wyoming, some of the Western, more thinly populated State. If I were a Senator from a more populated State, I could not do that. It is logistically impossible. I cannot do it.

Therefore, I suspect there would be a tendency for me, as there might be for Senators from more populous States, to try to decide, "Who are you going to see and who are you not going to see? What telephone calls are you going to take and which ones not take?" I am not going to predict or guess as to how Senators make those decisions but I will say I suspect that the larger the contributor is, that the more dollars a caller has contributed to a campaign, the more likely it is that person is going to be listened to by a U.S. Senator or the more likely it is that that person from that State who walks in that office is going to be seen by the Senator. I just suspect that is probably the case and it is another effect of money. Money does talk.

Most Americans do not have near the amount of money that some of the major contributions have; again it is a very pernicious effect, I think, that affects America.

Mr. President, this bill before us today, S. 2, a bill to limit campaign expenditures, is just that. It is a bill that sets limits. I think that is good for a couple of reasons.

No. 1, as we all know, there is just too much money in the political system today. We have to limit the number of dollars in campaigns today. It is clear that with the increases, unless something happens, for all the reasons that I and others mentioned, there are going to be some real problems here.

But there is another reason and that other reason is a symbolic reason. It is a psychological reason. I think too many of us in America since World War II, because our country has been such a wealthy country, have been a little bit undisciplined. It is sort of: live now and pay later. We are an instant consumption society compared with some other countries. We tend, compared with other countries, to be more of an instant gratification society. We think in the short term more than some other peoples. That is true both in private and public life. As individuals we tend in that direction and certainly we know that the Federal budget deficits we have today in our country indicate that is true in public life.

The U.S. Government has borrowed so much money, with no limits on the deficits that face us, that we are now in a position where we are going to have to worry about paying the piper at a very near date.

So I think it is important to set limits, not only to limit campaign spending but also to begin to set the psychological tone; to begin to set an example; to begin to put in place the symbolism of limits.

You know, most of us are parents. We know when we raise kids there are basic principles that are right and make sense. Basically it is love and limits. We love our children but we also know we have to set some limits on our children's activities and behavior. And we also know that kids want those limits. It is a question of where you place the limits. Sometimes they are placed too strictly, sometimes too loosely. But limits are necessary.

I think that we as Members of the Senate should begin to limit ourselves; begin to limit the number of dollars that we spend on campaigns. We should begin to show to the American people that we, Senators, cannot only set limits but we can set limits on ourselves. That is, self-discipline.

(At this point Mr. DASCHLE assumed the chair.)

Mr. BAUCUS. Ultimately it is self-discipline, I think, that determines the worth of a person. It is the degree of self-discipline and it is how that self-discipline is arrived at and how it is exercised.

Mr. President, those limits, I think, would be very, very helpful.

Some criticize this bill for various reasons, and I am not going to stand here and say this is the perfect bill, because it is not. Nothing is perfect. But it is certainly a major effort to try to do something about the present system. Some criticize the bill because they say, "Oh, there is all this public financing; it is taxpayers' dollars. Not only does that increase the budget deficit, it is kind of an entitlement program," et cetera.

Mr. President, those charges are inaccurate. It is true that earlier versions of this bill contain large components of public financing. But the bill before us does not. The bill before us has very, very limited public financing money in it that is available to candidates; very minimal. It only triggers in when an opponent goes over limits that are prescribed in the bill; only then. In those instances, it is very, very nominal. This is essentially a bill to set limits on the number of dollars raised and the number of dollars spent in Senate campaigns. That is what this bill is about. And only when those limits are exceeded, certain limits are exceeded by an opponent, in that instance are there some public dollars. I guarantee you, they are very minimal.

In fact, this bill is essentially self-financing, too. That is the number of dollars that this bill will cost will be offset by the elimination of the checkoff system that is presently on the income tax forms. That loses dollars that would otherwise go to the Treasury. That checkoff will be eliminated. Those dollars, therefore, the taxpayers would pay, will go into the Treasury and that essentially finances the minimal amount of public financing here.

But that is a red herring, when people talk about public financing. The chief critical core thrust of this bill is limits on expenditures. Mr. President, we have got to set those limits. We have to. There are all kinds of reasons that were discussed all night, last—yesterday, the day before. We know the reasons. I am not going to reiterate them here now. But this bill is essentially a bill to set those limits.

I think it is important to do so for an additional reason I have not mentioned and that is that our system government is a bit different than the systems in some other countries. I am referring here to the parliamentary governments. One reason that campaigns are less expensive in Great Britain is because they do not have a constitutional form of government with separate coequal branches of government. Rather, they have a parliamentary system where the government elected is also the government that is in power in the executive branch. More importantly, they have shorter campaign periods because the party that is in power will call an election sometime within 5 years after it is elected but nobody knows when that election date is going to be until parliament dissolves and then the election is usually 6 weeks later. The beauty of that is it shortens campaigns. They are only about 6 weeks. Whereas the America they are getting close to 6 years.

Certainly in Presidential campaigns, and Senate and House races, virtually they are on a 2-year basis. Six weeks is a lot shorter. That effectively limits the number of dollars in political campaigns.

The only point I am making here is we do not have that system. We have an extended, open-ended system and, as a consequence, all the incentives are to spend more dollars, not only because the campaign period is that much longer, but for all the other reasons I mentioned earlier.

In addition to that, Mr. President, we have a weak party structure. That is another reason why candidates have to go out and raise so much money and spend so much money. Both parties, Republican Party and the Democratic Party, is it a fact of the matter, let us be candid and honest about it, have less and less power over the

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years. That is the party itself has less power to raise money as a party for the candidate over the years. A party also has less organizational power to get out the vote over the years. Parties are becoming more and more parties in name; less and less parties in fact. It is just a fact of life.

This is due to increases in communications technology, instant access to any information by anyone for anyone. The party structure and all institutions, that is parties, tend to lose their authority because, again, that is part of that instant access to information.

So parties are breaking down. I think they are, and I think everybody will agree that they are. That means that the candidates have to go out more on their own, set up their own organizations, raise their own dollars, and spend their dollars basically in the way each candidate sees fit. That is also happening in America today.

That is another reason why we have to set some limits. I do not say set limits so we can strengthen parties. That may be a consequence of limits. I doubt that would actually be a consequence of limits.

What I am saying is due to the system we have, a nonparliamentary system, the advances in technologies, the first amendment right to spend money any way you want to or say anything you want to say—for all these reasons and because a candidate will do anything to get elected, incumbent or challenger, therefore, raise more dollars to get the message out, all incentives in the wrong direction, more money, less time for the job, discourages good candidates from running. All those lush dollars increase a scandal waiting to happen.

There are all these reasons.

Mr. President, I strongly urge us to take a step. There is a popular slogan, give peace a chance. I am suggesting let us give campaign and campaign finance reform a chance.

President Harry Truman once said if something does not work try something else, if that does not work, then try something else again.

I am not saying it is a perfect bill. Of course it is not perfect, but it is a very honest, legitimate, good faith attempt to try to get a handle on the problem to try to set some limits on these excesses. That is all this bill is.

I suggest we try it and, yes, we are going to modify it as we move along as we experience little twists and turns, but we should not shy away from it because we do not know if it is perfect. We should try it.

I suggest that if we do try it we are going to be surprised and kind of like it. We do not have to go around all these receptions raising money, do not have to spend all this time and money grubbing. The American votes are going to like the psychological message it is sending. Senators are trying to exercise self-discipline and therefore Congress can exercise self-discipline which I think is necessary as we move into the eighties and nineties and next century.

Therefore, modify it as we go along.

Mr. President, I am about to yield the floor here and just urge us to give it a whack and give it a try and take it from there.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, good morning.

Yesterday about the same time I was recognized and my colleagues who have spoken prior to my returning this morning obviously have been filled with wisdom and insight as we continue to address the issue of S. 2.

I wholeheartedly agree that reform is needed, but I do not agree that the proposal before us as conceived is by any means the best way to do it.

As I have stated before this body, S. 2 would only address part of the problem. Why do we only have to address part of the problem when the problem is far more significant?

In my opinion, it would create new and more serious problems than those that we currently face. To begin with much of the emphasis of this debate seems to be preoccupied with the large amounts of dollars raised by senatorial candidates in order to run a campaign. That is important but our preoccupation is with that point.

Let us try and set the record straight as to just where the money goes in order to run a campaign and why it is necessary for candidates to raise contributions in the first place.

Millions and millions of dollars that go to campaign committees each election do not end up in the candidate's pocket. The money is spent on the media throughout this country, the television, the newspapers, the brochures and the like. Candidates do not determine the price of a full-page ad or a 30-second television advertisement. The media does that. Those large sums of money that are criticized are the amounts that candidates must raise in order to pay the media bills.

One could ask the question, Why do candidates have to advertise in the first place?

Various countries have campaign limitation, times in which they can expend funds and limitations on specific type medias that can be utilized. We do not have that situation in this country. Perhaps we should.

But clearly the traditional answer up until this point is that paid advertising is one of the principal ways to get to tell our side of the story.

Now, it may be true and I think we have all had experiences with this, that the news media does attempt to objectively inform the public about the candidates, about the positions, but we have all experienced the occasion when the media chooses to take a side, to promote a favored candidate or a political position. The only alternative for a candidate then is to purchase advertising if he or she wants to be very sure of getting his or her point of view across.

We have all had examples. In our State recently a newspaper ran a series of stories and editorials, panning our Congressmen for missing votes. They also ran a series against the senior Senator from our State on an offhand comment that he could earn more money outside the Senate.

The question is, What options do these elected officials have to defend themselves if they so choose against what they might view as an attempt to degrade their character?

(At this point, Mr. BAUCUS assumed the chair.)

Mr. MURKOWSKI. So I ask you, Mr. President, what options are available when the media decides to get involved in a campaign?

There are no controls on how much campaigning they can do editorially for or against a candidate and rightfully so our Constitution gives them that privilege.

What we can do as candidates is to buy space to put in our side of the story.

So advertising truly during a campaign is the principal option available to us to correct attacks on our record that we choose to respond to.

Now, I could not agree more than the campaign process has gotten out of hand. Of course, we should put limits on it. However, just capping the dollars contributed and spent as S. 2 would do, as I indicated in my opening remarks, only addresses part of the problem.

Monetary contributions from political action committees, PAC's as they have fondly become to be known as, as well as contributions from individual contributors are, of course, an important part of the successful campaign.

And this is an area that is a bit sensitive with our colleagues on the other side of the aisle. So too are the so-called soft money contributions. The latter category consists of the voluntary efforts that certain organizations can deliver to a candidate, and I emphasize the word "certain" organizations.

Under current law, there are limits on PAC's and individual campaign contributions to a candidate as there certainly should be.

Additionally, candidates and contributors file public record reports on the amount of funds received or contributed.

But what about soft money, should that not also be included in the money limits placed on a campaign? Say, a

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labor union turns out volunteers, it may turn out those that are on the so-called bench that are in the hall, that are awaiting to be called on a job, it turns out these volunteers to make telephone calls for a candidate or an advocacy group, again individually volunteers, its members to address and mail letters, perhaps Common Cause or other organizations goes out and provides door-to-door canvassers.

These usually are not reported as contributions, yet they very clearly have a monetary value. And the monetary value is what it would cost the candidate that does not have that capability to go out and hire people to do that job.

One could quickly calculate what it would cost to figure a minimum wage applicable to hundreds of these volunteers for a few months before a campaign. Well, we all know, Mr. President, that that value far exceeds a $5,000 check from the PAC or for that matter dozens of PAC checks.

What about what is referred to as the third party assistance? This is assistance for a candidate, and it was also included in the general category or reference of soft money. Perhaps a teacher's union, the NEA, mails its members and runs newspaper ads against one candidate and for another. Should not that dollar value be computed in the campaign list for a candidate? This Senator thinks it should, and unfortunately the bill before us, S. 2, is unamendable. It cannot accommodate those of us who are concerned legitimately with these areas of third party assistance, soft money. The Senator from Alaska would be happy to see the PAC contributions reduced or eliminated, but in doing so, let us balance the equation.

Why are we so reluctant on the other side to address the issue of soft money, the issue of third party assistance?

Let us stand up to what we have initiated here in the area of campaign reform and address these concerns too.

Mr. President, what if say the Sierra Club does a fundraising mailing for a certain candidate and asks members to send contributions to the candidate? Should not the cost of the original mailing be required to be within the contributon limits set for PAC's or individuals and added to the total spending a candidate can make? Should these third parties be allowed to retain tax exemption and to be able to use special mailing rates for their mailings?

What about the contributions from the news media itself? Should we try and structure some way of placing a dollar value on the obvious campaigning that a media outlet conducts during a campaign?

Further, Mr. President, one would ask whether our Constitution intends that we place limits on freedom of speech for individuals and groups of individuals or PAC's but exempt newspaper publishers? We are not here to debate the constitutional merits. I am simply laying before my colleagues the inconsistencies that are in existence as we consider campaign reform under S. 2 and the fact that newspaper publishers obviously are free as they should be to express their opinions but indeed their opinions have political consequences, political consequences that oftentimes are the difference between one candidate successfully achieving an election and another in defeat.

I do not know about this. But these are certainly legitimate questions that deserve more consideration by the American public.

S. 2, as I have stated time and time again, ignores the soft money contributions, and I do not believe that is the best approach. We have heard time and time again that the Republicans are the ones that are holding up campaign reform, we are the ones fighting S. 2. And I have heard the suggestion, which to me is incredible, that the reasons may be because we have some sort of advantage by being able to raise more money than our Democratic colleagues. Well, I would ask the question: If this assertion were true, would not the Republicans be in the majority in the House and the Senate? They certainly are not. In other words, might it be that the soft money advantage enjoyed by our Democratic colleagues offers more of an advantage than the dollars that the Republicans raise? I am not going to attempt to answer that question in any more detail, Mr. President, but I think it is obvious that the allegation has no foundation. And as I say, if it did, why one would assume that Republicans would control both the House and Senate, and we know, of course, that is not the case.

Is it not possible that if S. 2 were to restrict the Republican ability to raise money, while at the same time do nothing to restrict the other side's ability to get their volunteers, that ultimately we could see ourselves drifting into a one-party system? I think after observing the activities of the last several days, my colleagues would agree that that certainly would not provide a stimulating atmosphere in this body such as we have seen.

Is this really something that America wants? The Soviets, of course, have a one-party system. We have seen its activities, its actions, we have seen its application on the public. They are citizens, true. They get to vote. They vote for the one person the party selects. Of course, we do not want to emulate that system. I would urge my colleagues that we send S. 2 back to the drawing boards, that we open it up for amendments, and that we restructure it. We can do collectively what we want to do to address the inconsistencies in S. 2. If we agree to set limits on campaigning, fine. But let us at the same time figure out how to account for all the money that is spent, all the money that is involved, both the hard cash and the soft money.

I have not mentioned yet all the reasons why I oppose S. 2. But they relate to my feeling that the bill would initiate a system for using as its base taxpayers' money to fund Senate elections. I abhor basically that concept. I think it is the worst possible direction that our democracy can take.

We are experiencing the use of public funds for the Chief Executive race of our Presidents. But is it appropriate that Americans want to fund their broad base elected representatives that way? We all live with this growing bureaucracy. We are all responsive to the difficulties that it has because of its size to respond to the individual citizen. We all have many, many friends in Government, dedicated people, people whom we respect. We know that they work hard, but generally because of the nature of the beast Government agencies get a C or C-minus, or maybe a B-minus, and a few of them get a B for really meeting, in the minds of the people, the needs of the people. I do not think we have to dwell on that. That just happens to be the nature of the political system. It generally equates to a level of both capability and general response.

Let us look up and recognize another reality we have in this country. That is associated with an example of public perception of whether we think the IRS, say, is being fair or unfair, or other agencies taking too long to process applications, or whatever. There is very little that the citizen can do about that. We get our letters. We have our case work. Oftentimes, the average person, if he becomes discouraged, form an opinion of Government. We, of course, are happy to help those constitutents who come directly to us.

The point I am making, Mr. President, is we in the legislative branch still have a handle over the executive branch because we control their budget. That is how basically each Member of this body is able to effectively go into an agency and say, "Hey, I have a request from a constituent that hasn't been answered, or there was an answer but it did not really address the concerns of the problem." It did not indicate how to make the particular constituent response a positive response. It was more structured that on the one hand or the other hand with an additional filing, an additional application, your request will be considered.

Well, Mr. President, we have that leverage of going into that agency because we do control the executive branch budget. And they do respond to us. And that gives us leverage. I

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think my colleagues would agree a good deal of our work is similar to that of an ombudsman. Of course, that is the person that helps individuals solve problems through the Federal bureaucracy.

I am concerned about what might happen if tax money were used to fund these congressional races because whether it is cash or soft money, candidates of both parties have to appeal to the public at large or these special interest groups to get support. That means really the candidates have to be responsive to the people who help elect them. If we change this process and allow instead the Government to take the money from public in the form the taxes and then distribute to candidates running for office, one has to ask what kind of elected officials we would eventually end up with and one would have to ask to whom would they be responsible? Then where would the private citizen go to turn for help?

Mr. President, I think these are some legitimate and some serious shortcomings. Think about the inequity as well of placing an arbitrary limit on Senate races based on the population of a State. Alaska is the 49th State in population. Yet, we are 2½ times the size of Texas, we are one-fifth the size of the United States. If you overlay my State of Alaska on a proportional scale of the United States, the extremes of southeastern Alaska will go from Florida on the one end to the Northwest and touch the coast of California, the very northern part of my State will touch Canada, and the very southernmost part, the Mexican border. It is hard to share with my colleagues the realization of this vast piece of geography known as Alaska. The State is populated with approximately 550,000 people.

To campaign in Alaska requires a great deal of expense, charters, lots of advertising. We have individual markets. I cannot place an ad in one city and expect residents 1,000 miles away to see it.

I have to run individual ads all over the State. Unlike my colleagues in Maryland, they go home to their State every night. They do not have to charter to Maryland. Then can drive to every community. I cannot drive to every community. We do not have roads connecting all of our cities. We have to fly and what it costs is much, much more than it costs anywhere else in the United States.

So as you contemplate in S. 2 the inequities of placing an arbitrary limit on Senate races based on population, I have to stand up and say it is unfair. There are no exceptions in S. 2 for my State of Alaska.

Mr. President, I could go on on this subject. But you know I have been listening to my colleagues and they have pretty well said it all. There are a lot of things wrong with S. 2, yet we are faced with a choice of either voting for it, or talking about it. Hopefully, America is listening.

I see my colleague and good friend, the senior Senator from Alaska has joined us and will be speaking on the subject. So, Mr. President, I will yield to the Senator from Alaska.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to be here this morning to follow my good friend, my longtime friend from home, Senator Murkowski. I know he has stated a position with regard to this bill as it affects those of us who try to campaign in a State that is one-fifth the size of the United States as compared to those who campaign, say, in Rhode Island and have the same limits and the same rules apply to all Senators from all States as far as expenditures are concerned.

It is an interesting thing. But let me first start off, Mr. President, by saying on the way down here today, and I might say it is due to the kindness of my friends that I was not here during the early hours of the morning of last evening because I caught a cold. So I have been given the opportunity to have a full night's sleep and see if I can get over my cold.

But as I was coming down, I thought, isn't it great to live in this country? You know, we had a major dispute here last evening. This is the crucible of democracy. And we have had the minority delay and thwart for the time being the desires of the majority to pass legislation which some national lobbying organizations say ought to be passed.

We had an arrest, but my good friend from Oregon did not go to jail. He is not a political prisoner, and we do not have any lasting animosity as a result of this dispute.

We have just witnessed, in my opinion, the fullest sense of why we are celebrating the 200th anniversary of our Constitution, the full exercise of the right to free speech and the full exercise of the right of free debate. I think that is something to celebrate as far as our country is concerned.

So I am delighted to have a chance to be among the last of a series of speakers on this side to try to explain to the Senate and to the country why we are opposed to this bill.

Mr. President, I would like to go back to the time during the 99th Congress that my good friend from Oklahoma, Senator Boren, and my other dear friend, former Senator Goldwater presented us with the Boren-Goldwater bill. Senator Boren had first introduced the bill and Senator Goldwater joined him later with some changes. That bill was referred by a vote on the floor of the Senate to the Rules Committee for study, and the Rules Committee did study it.

By the time we came to the 100th Congress, however, it was clear that the majority had decided there was one important feature of the new bill that would have to be added that was not in the original Boren bill, was not in the Goldwater-Boren bill, and that is the expenditure limitations that are in this bill.

I have a letter—I do not know if my good friend, Mr. Canfield, this morning can find that letter—but I have a letter from Senator Goldwater, who is no longer a Member of the Senate but is my great friend of many years, who told me in the letter that he could not support S. 2. In his letter, Senator Goldwater says that he is not in favor of the public financing and he is not in favor of this bill as it is presented to the Senate. If he were here he would be part of the group of Senators who are opposing the passage of this bill.

I think it is incumbent upon us to explain why. This is not a philosophical matter.

I also have been one who has been a cosponsor of the constitutional amendment to reverse the Buckley case. Yesterday, I announced that I would no longer support that Senate resolution and I want to explain to the Senate why.

Our new Senator from Kentucky, Senator McConnell, presented a statement here last week that I listened to. It is a very interesting statement. I think the Senate as a whole ought to go back and read it. He presented a statement which shows that every Presidential candidate since 1976 through his campaign committee has been charged with violating the existing Presidential limits on spending under the campaign financing law as it applies to Presidential candidates. Now just think of that. Every single one.

In the campaigns since that time, one out of every four dollars that has been contributed to a Presidential candidate has been paid to lawyers and accountants. In the 1980 race alone, $21.4 million of the taxpayers' money was spent on compliance with the limitations under the law. Now the interesting thing to me, as I listened to the statement, was every major candidate has been cited for a violation of the law and has been attacked in the press and, what is more, has had large fines assessed to the candidate.

I thought about that. You know, Mr. President, a winning Presidential candidate is President of the United States. He does not have any ethics committee to come to talk to him. He does not face the ongoing inquiry of the Federal Election Commission. And his campaign people become Cabinet officers.

What happens to the volunteers in our campaigns? If we had this type of law applied to the Senate campaigns, if we had the same experience under this law as the Presidential candidates have had, every single one of us would be charged with a crime because of what our campaign staffs had done.

In other words, the current law, which I thought was working so well in financing Presidential campaigns, is actually failing. We have produced two separate bureaucracies that are hounding Presidential candidates over the minute details of the law we passed to help them.

In one case, one candidate thought he was going to lose New Hampshire. His campaign spent $2 million. He won. The State spending limitation was $400,000. We now know they all knew it. He could not have won without the $2 million expenditures.

We now have statements from campaigns that loopholes applicable to delegate and precandidacy committees are big enough to drive a truck through as far as Presidental campaign spending limits are concerned.

It is interesting to note that, in the 1984 election, special interests spent $25 million to defeat President Reagan, to oppose him. They spent 62 percent of the amount of money that was given to the President under the current spending-limit system. Nearly half of the money spent in the 1984 general election for the Presidency, $72 million, was not under the candidate's control and therefore not subject to the limitations which we imposed via the Presidential campaign law of 1974.

Now, as I listened to those things that Senator McConnell was saying, I asked myself: Why should we attempt to impose that on the Senate? And, surely, if we put it on the Senate, it will go into effect for the House. Is it workable?

We went to a meeting last week with the Members of the other side that had been appointed by my good friend the majority leader, to talk about whether we could work out a compromise, and the Republican Members presented a suggestion. We said, "Let us appoint a commission to establish the parameters of proper conduct for Senatorial elections to determine if we can change the system so that the expenditures are not required."

This bill, S. 2, would make potential criminals out of every candidate for the Senate because of conduct of enthusiastic volunteer supporters who would spend or collect beyond the spending limits. It imposes upon each candidate the responsibility for the money that is raised and spent in his name or her name.

But why do we raise that money? Becuase the current campaign system requires the money.

I, for instance, fly home. As my colleague just said, it costs a lot of money for us to fly home. Unless we can plan in advance, it costs well over a thousand dollars to make a round trip to Alaska.

As I said the other day, after I get to Alaska, I travel further within my State than either of my good friends here on the floor travel to get home. And it costs me twice as such per mile to travel within the State as it does to travel to Alaska because the availability of commerical air travel is less and the costs are higher. I can go 2,400 miles to the west, 1,200 miles to the east, a little over 1,000 to the north, 950 to the south and still be within my State. The majority of that travel is by chartered plane.

In my last campaign, I chartered a twin-engine jet for the last 5 days and I was exposed to about 50,000 people directly and through the media. But can you imagine that? Can you imagine me having the money coming out of a Federal financing system to pay for that? Can you imagine me being able to pay for that under the spending limitation of this bill which says the average cost of campaigning in Rhode Island ought to be sufficient for use in Alaska?

It is not just me. What about the mountains of West Virginia? I would be willing to bet the distinguished Senator from Montana, the present occupant of the chair, has some tales of what the cost of campaigning in Montana is. Some of our friends from east of the Mississippi, and particularly those who live east of the Hudson River, do not really understand the cost of campaigning in the West.

But the real point I am trying to make is that S. 2 is designed to find a way to limit contributions and to limit expenditures. But the expenses of campaigning will still be there. And I know that my friends who want to see me elected, just as your friends who want to see you elected, are going to find some way to do it; just like that candidate's campaign committee for the Presidency in New Hampshire found a way to spend $2 million in seeking success in that critical primary.

Now, I think to put us in a position where we get criticism for trying to find the legal means to campaign to meet the current costs is wrong.

Let me tell you again, Senate Republicans have offered to support and we will unanimously support the most far-reaching reform bill in history, today, if we could get it to a vote. Our proposal would reduce costs. It would lower PAC contributions to the same level as the individual—lower them from $5,000 to $1,000.

We would reduce the impact of millionaire spending by giving an individual, whose opponent refuses to say that he will limit his personal contribution to his campaign to less than $250,000, the right to raise additional money.

It would prohibit a person who loaned his or her own campaign money from personal or family sources from recovering those loans via contributions after the election from other parties.

It would for the first time impose controls on soft money—soft money; that is the money that is out there in the political process that is being spent by corporations, by labor unions, by nonprofit organizations that is not currently subject to disclosure. Soft money is a major abuse. We all know it. It is the worst problem in the election process for Federal offices. There are no limits on it at all. We would clear the air on the soft money activities of corporations and labor unions and nonprofit groups by requiring disclosure of that spending. We would not put any limits on it. We would require disclosure of it, and we would require that the people involved in that disclosure reveal to the public how much they are receiving from these various funds themselves.

We would tighten controls on party and special interest campaign activities by requiring full financial disclosure by national party committees and by candidate draft committees of all receipts, independent expenditures and soft money activity.

Now let me point out that is a tough area, too. Soft money is coming in through the party activities of both major parties and even some of the independent parties and individuals. It is coming in. It is corporate money. It is nonprofit money. It is tax deductible money. Soft money is contributed by labor unions under the plans of the labor unions directly to the party committees and national committees and is being spent in campaigns. We know that. It is being spent in get out the vote campaigns and telephone banks that have an impact on our campaigns, and it is being spent to hire people who travel from State to State as campaign consultants.

It is not disclosed. Some of these so-called consultants get paid every year from these funds. They do not have to disclose where they get their contributions or how much money they are making.

These are millions and millions and millions of dollars, totally undisclosed, and we want to disclose it. We want to find a way to limit independent expenditures and we believe we can effectively limit them, again by requiring disclosure.

We would prohibit bundling. Let me tell you, my friends, that is further than Boren and Goldwater sought to go last year when the Senate, rather than take up the bill and pass it as we should have, referred the bill to com-

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mittee and asked the Rules committee to study it and give it back to the Senate.

We ought to compliment Senator Boren. He was the one who started this. As I said before, he comes from a different type of State then mine. They have a lot of people who have made a lot of money in the oil industry individually. Our State has a lot of money in the State coffers but we have very few individuals that have that kind of money. And they have almost an anti-PAC feeling in Oklahoma.

I think many of us thought, originally, that S. 2 was anti-PAC. We understand it better now and while we think that Senator Boren brought a good idea to the Senate last Congress, Senator Goldwater was right to join him, S. 2 is not what they originally sought to do. They sought to bring into parity the contributions between PAC's and individuals.

Mr. President, the efforts of Senate Republicans are not properly viewed, I think, in the Nation's press. We are viewed now as being against reform. While I think that it is appropriate that the first amendment gives people the right to say that; as a practical matter, it is wrong. We have proposed and we are prepared to support, as I said, the most far-reaching campaign reform bill that has been presented to the Senate to date. However we are unwilling to deal with limitations on expenditures or Federal financing and I think it is time for us to give full study to the implications of the research that was done by the Senator from Kentucky.

We are now going into, another campaign year. We have already had charges on both sides, and even within each party, of abuses of the Federal Presidential campaign system. That system so far has cost the taxpayers a third of a billion dollars for just one office over the last three elections. This system, if it was imposed on every Member of the House and Senate, would exceed that cost in every election. But the principal problem about it would be that we would create another monster, another group of people hired by the taxpayers—and incidentally, the cost to the taxpayers does not include the cost of hiring all those people who are doing the review of expenditures of candidates in the Presidential system—but we would have to have a whole new group of people to survey compliance with this campaign expenditure limitations law and compliance with the voluntary limits. I too, believe in trying to reduce expenditures in campaigns. But I just wonder how bright the people really think I am.

If I am campaigning in a State one-fifth the size of the United States, can I really create a system that would totally maintain the limits that I voluntarily accept if this bill passed? Could I say that, for sure? Could I come before the Senate and swear that none of the people who campaigned in my behalf spent money that I did not know about and that I had not faithfully reported within that voluntary limit? I think that we should not go in that direction and that is what we are saying. We are saying: Let us try to correct the evils that people have identified.

Mr. President, I sat through those hearings in the Rules Commitee. The proposals that we were presenting in this compromise and that we were willing to support, were supported by Republicans and Democrats. There was not one person that came before us that did not say: Control soft money. That the worst thing in campaigns today, is soft money. They all said control soft money.

How do my friends on the other side propose to control soft money under S. 2? It just is not sufficient. I do think that the impact of the Federal Presidential system is something that we should look at. I will tell you this: If my party regains control of the Senate in this election and I am chairman of the Rules Committee next year, which I assuredly would be, we will look at the Presidential system. We will have oversight hearings that will be in depth, and we will find out why that system is not working.

I think it is a smear on our society and our capability to enact laws that are fair, to be able to show that every Presidential candidate since 1976 has had his campaign committee criticized for a violation of this law that we thought was so good and so helpful for the Presidential process.

Again, I ask every Member of the Senate to understand the difference between candidates for the Senate and the Presidency. We are subject to strict ethics rules. I am a former chairman of the Ethics Committee, and I can assure you that if the defeated candidate would present to the Ethics Committee an allegation of violation by the successful one, notwithstanding the fact that had he won, he would have had the same thing presented against him. Why should we create such a system? Why can we not really reform the system?

I had a discussion last evening with a distinguished member of the press at a social function. It was an off-the-record discussion but I tried to explain to him the whole background of our feeling about campaign expenditure limitations. In the first place, the limitations always have some way of shifting the burden of the current costs of campaigns somewhere else. If S. 2 were passed, the effect would be, in my State, that the money would have to come from somewhere. It would probably come from the party people or from independent expenditures. It would come from the soft money trail into Alaska. Currently, I can tell you, to my knowledge I have never been involved in the soft money trail.

That has not reached out to our State, to my knowledge. It may have through the party campaign activities because of the national system that is developing. But I would much rather have a full disclosure system. I would much prefer to be able to tell my campaign volunteers, and those we are compelled to hire, that we have to report every dollar we receive and every dollar we spend or every dollar we know someone has received and someone has spent, and we are required to maintain one campaign account.

That is much better. When I first came here we dealt with cash. You only had to report contributions of over $5,000. Anything under $5,000 was not even reported. And the whole concept of reform at that time was to bring disclosure and accountability; to let the public know who was bringing money in. I feel we can now go further than that and find ways to bring a greater public support of our system.

I would hope that Members would look at some of the comments that we have made in our minority views to the Rules Committee report. The fact that we would oppose this bill should have come as no surprise to anyone in the Senate. The bill came out of the Rules Committee on a strictly partisan vote. All members of the majority party voted for it. All members of the minority party voted against it.

There has been some surprise expressed here in recent days that we have been so adamant in our opposition when S. 2 came to the floor. It has not been changed sufficiently to meet any of the objections that were raised in the minority report. We have not been able to have a single vote on a single amendment to try and change this bill in the direction of the comments that we have made. When the country is so narrowly divided in terms of political concepts, when we have a four-vote difference that would change control of the Senate, it would seem to me that the public as a whole and the majority ought to look at some of the comments we made as to why we were going to oppose this bill.

I would call your attention to the report that is on the desk of every Senator. On page 63 we set forth totally the outline of our objections. We delivered the opinion of the Department of Justice. We dealt at length with PAC contributions and the impact of the criminal penalties in the bill applying, as they do, to the allegations of wrongdoing that would come up under this bill.

As I said, it was the realization of what that means as applied to the record as exposed now by Senator McConnell, concerning Presidential elections. Again, I would urge anyone who wonders why are we opposing this bill to go back and look at the report that was filed almost a year ago now by the minority of the Rules Committee which had voted unanimously opposed to the bill as it came to the floor.

There is no question that this bill is the wrong solution to the wrong problem offered at the wrong time.

(At this point Mr. Bingaman assumed the chair.)

Mr. STEVENS. It attempts to address the problem that is perceived, actually two problems, and they are the role of political action committees and the amount of money that is required expended to be elected as a Member of Congress. As I said before, those are not the problems that need to be solved. The problem that needs to be solved is the change in our overall national economy and a system that constantly increases to cost of campaigns. Let me point out, for instance, that I talked about my cost of flying home.

That is because we are in session prior to elections until at least October. My opponent takes a leave of absence from his or her job probably sometime in August and is at home every single day campaigning.

One of the solutions that was suggested was that we mandate that the Congress not be in session from October on in an election year, that we find some way to prohibit any kind of campaigning for congressional office until the 1st of August. Think what that would mean? We would go home and we would not have to run back and forth every weekend. I might say sometimes I have gone home twice in 1 week to Alaska, 12 hours each way, door to door, and have come back to be in the Senate for an important vote and have gone back again. Why? Because I had to go to a debate that was lined up by some group that knew my opponent was available and did not see why I could not come up on Tuesday night or be there on Thursday morning, and I either go or I see the reports of an empty rocking chair on the television screen because I could not come to meet my opponent in debate.

Why should not we look at this system and say let us get out of here the end of July?

Did you know there is a law on the books today that says that Congress should not sit after July 31?

Some people who came before us had a lot more intelligence about such matters than we do, but at that time it took them all that time to get home.

My predecessors would have gone across the country by train, gotten on a boat and gone up to Seward and gotten on a train, gone again up to Fairbanks. They would have been there about a week or 10 days after they left here. They could not go home twice in 1 week. Those are the changes in our national system, our society, in our economy that have taken place. My immediate predecessor, Senator Bartlett, used to travel home by boat. I have never had that luxury once since I have been in the Senate.

We can look at this system and change it. If I did not have to go home all those times, I would not be spending that money and would not have to collect money from somewhere else to have to pay the costs because that is political transportation, it is not official business.

When you get into the further concepts, let us think of television. We ought to think anew about television.

Every suggestion I have heard so far about television is that we should require broadcasters to give us campaign time, and they say, look over in Europe, that is what happens.

The governments over there own those systems. My little stations in Alaska would not survive if every candidate for the Senate and House was entitled to time in an election year free. They barely survive now.

We have, incidentally, the best system of communication in the country, if not the world. We have cities of less than 100,000 that have two, three, or four competing media: three television stations, two or three AM, two or three FM, one public station in that kind of a market. If we said each one of you have to give political candidates free time, those guys would literally head for the hills and decide to turn into trappers again. They would not be able to survive.

So I have opposed that. I opposed the concept of telling the media they have to give time to candidates. But we all know we have to be on those media if we are going to take our message to the people, and particularly I want to remember the time when I was a challenger. I am one of the few people in the Senate who had two unsuccessful Senate races. I know what it means not to be elected after a tough campaign.

Challengers have a harder time raising money, and we know that. If we are honest about it, we know it. On the other hand, they have some advantages, as I said, because I remember when I was campaigning against my late friend, Senator Gruening, he was back here and I was there, and I took time off from my office, as I said, and I was all over the State. I did not need as much money as he did. I did not spend as much. As a matter of fact, I could not collect as much.

But as a practical matter, what we ought to look at now is how to find a way to buy time nationally. We could find a way, and I would suspect that it is just like the Government buying a fleet of cars. When we buy a fleet of cars for the Government, we get them at a price no one could get individually because we buy so many. Why should we not buy time through some system that is organized and it is available to each of us? If our campaign committees put up the money, we can have our share of it, but buy it on the guaranteed basis we get the lowest rate rather than mandating by law that they have to give it to us free.

I think there are ways to get that and that is again why I suggested let us get a commission, get some people who have lived through this, get some people who have been finance chairmen, get some of the people from the special interest groups like Common Cause and see if we cannot look at this system and come up with some innovative changes with the full knowledge that probably by the turn of the century the system would have changed so much we have to have another commission to look at it to see how technology is developing then. Technology is developing so fast that I believe before we leave the Senate will have direct delivery of Senate television from satellites. I believe we will be able to have messages delivered from one source directly to every home in the country. I believe we will see a system that will mean that we will be able to stand here in the well and transmit directly to my State and vice versa. I really believe that we will have a video screen here, and there on that side, and this will be the Republican side and Democratic side, and I can speak to the Senate from Anchorage or Point Barrow, and I could have my debate, have my rights and protect my rights through the use of the electronic media.

The Constitution says I will have to be here to vote and we will comply with that. We will have periods of voting but we will be more back to the concept former Senator Howard Baker talked about, about "being citizen legislators." We will be able to have two or three periods a year when we are here and the rest of the time we will be home and be citizens of our State and be part of our State and be more knowledgeable about the problems of our State. We try with the system we have now, to have a week every month to go home—and most of us do go home—and we are trying to improve our capability to keep up with our States, but I say, Mr. President, technology is evolving so quickly that we do not even know what the cost of that will be. I would be willing to believe that before I leave we will have systems like that.

Who would have thought when I first got here that you would have a system in the House where you put in a card and vote and they could tabulate the House vote immediately.

I remember sitting in the gallery of the House at the time the Alaska statehood bill passed in the 1950's and

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they used to take a lot of votes just by standing. They were in the Committee of the Whole and would have vote after vote and come back and have one or two recorded votes. The reason was it took so long.

We have not gone to the electronic system yet. If a few more of us get caught in that subway and miss a vote simply because we cannot get here within the time allotted, pretty soon we are going to have some sort of a system where we have a notice that says 15 minutes from now there will be a vote. We walk in here and all vote at the same time.

There will be a different concept around here one of these days. That is not so far away.

What I am saying is this bill, S. 2, tries to bring about reform by locking us into the evils of the past and fails to see the problems of the future in terms of campaigning. The problems of the future are going to be great. Currently, it is fairly easy to get to my State because most planes on the way to the Orient will stop somewhere in Alaska. Pretty soon we are going to have extended range planes. We already have them. We have a plane now that will fly directly from New York or Chicago all the way into Tokyo. We have some that are going from Dulles all the way into the Orient. They are not stopping in Alaska. Fairly soon we will be back in the situation where unless we have some reason for people to go to Alaska with a different type of economy, we will be back into a one-flight-per-day situation. Then what will we do with campaign limitations?

I think we are going to have to look at the future and see what can we do to make this system respond to the problems we perceive in the future. We need to try to see if we can avoid the complaints that have come about from the reform system that is in place now. I was on those conference committees that created these bills very soon after I came to the Senate. It finally passed in 1972. I think we had it up before the Senate every year. It was 1969, 1970, and it finally passed in 1972.

Now, it is totally under attack. So that is the reason for S. 2.

Mr. President, let us not forget that we do have a basic conflict here between the two parties on the subject of public financing of elections.

I do not say that to cause any difficulty with my friends on the other side of the aisle. But I just perceive a genuine disagreement. I am one of those who believes that we should not use public money to finance campaigns for the Congress. It comes from a basic, populous, inbred feeling on my part that the public at large should either by the voluntary contribution of their time and effort or their money give their support to the candidate of their choice. Many people cannot spend the time and they contribute money. A great many contribute through the political action committee process which was spawned from the success of the labor movement of this country. We adopted in 1972 the labor created PAC system for the whole country, for everyone to have the ability to form political action committees. The political action committees in my State enable people who want to be involved in the political process to put their money into a central fund and have the fund contribute and have it reported.

Now, I think that the concept of using public financing as proposed by S. 2 is wrong. It says we are going to have voluntary limits but if someone avoids the voluntary limits, money comes out of the Treasury of the United States to help his opponent.

It is just a simple matter of provoking your opponent into making that mistake so you get the money.

The concept of public financing that is to be used as the hammer for compliance to voluntary limits will not work. Why should we expect incumbants and opponents to be more faithful to the law than any other Presidential candidate since 1976? Why should we expect those who come to volunteer in elections that are Statewide or districtwide to have more ability to comply with complex Federal laws than those who surround a Presidential candidate? That is the presumption of this bill, that somehow or other we can find people that will not only live within voluntary limits but will protect the system not only through limits on contributions but through limits on expenditures. Incidentially, Mr. President, it has been the limits on expenditures that have gotten most of the Presidential candidates' committees in trouble.

I think some of us who participated in the 1979's reform that brought about political action committees ought to be more defensive of that system. The comments that have been made even this morning in the paper indicate that we have got to do something about the political action committees, the role of special interests. What do they want to do?

Do they want to go back and give control of campaign committees back to the few, to the wealthy of the country? Would they rather see us go back to the point where we deal with cash? One Senator told me—he is no longer here in Washington—of the time when he was a campaign chairman and he had the duty of carrying a briefcase full of money around the country so that the campaign committees' money could be distributed among the candidates that were not in Washington. And it was legal money, by the way. It sort of raises your hackles to even think about it, does it not?

How do you think soft money is distributed today? How does the Senate think soft money gets to candidates today? In suitcases, in briefcases, in brown envelopes. It is totally unreported. The people that deliver it skim a little bit off the top for themselves, or maybe they skim a lot off the top and give what remains to candidates. We do not know. "Soft money" expenditures are excessive, unreported and GOP Senators are today willing, because we oppose public financing and we oppose limits on expenditures, to address that problem immediately.

The worst problem we face in politics today is "soft money". Why should someone who is running a nonprofit corporation, which we allow to be created under our tax laws for the purpose of providing assistance to the needy, why should they be able to come up with some fancy name, get qualified, and get contributions that are tax deductible and make expenditures that impact a campaign? These contributions are totally unreportable, totally untraceable, and we do not have any reports from them as to what they do with their money—nothing.

We have people who are accusing us of being against reform who are sitting in even this city drawing their salaries from nonprofit corporations, far in excess of what we get paid to be Members of the Senate. They do not have to report their contributions and they do not have to report their salaries. And they are actively involved in the political process, and we know that. We can prove that. The work of the distinguished Senator from Wisconsin, Senator KASTEN, is going to prove that absolutely.

My people who give me money in campaigns, individuals contributing to me contribute their after-tax dollars. At least a quarter of their income is taken first and put in the Federal Treasury, and from the remaining three-quarters they decide to make a voluntary contribution to me.

The people that give to the nonprofit corporations, donate pretax dollars, the corporation does not pay an income tax, and such money is going into campaigns. You want to talk about public financing of campaigns? Let us talk about the taxpayers' money that has to be paid into the Treasury to support the Government because those people that are making tax-deductible contributions to these nonprofit corporations, which do not have to pay a tax on the money that they earn, are making contributions which they know are going to go into the political process. If there is evil in the political system today, it is "soft money". It ought to be addressed, and shame, shame on the majority now that they are unwilling to address that problem. We announced, Senator

Goldwater announced, in the last Congress, we announced again as early as April of last year, "we have two things we will not support: Federal financing of campaigns and limitations on expenditures".

I call upon my friends on the other side of the aisle in the spirit of friendship—and they are my good friends—to look at this problem, and before we finish this tomorrow to once again come back to a compromise meeting.

We had an interminable meeting Mr. President. I would swear to the good Lord that since the beginning of this Congress I have been in more conversations in more rooms about campaign reform than I have in the previous 18 years in the Senate, despite the fact I served on both of the committees that tried to reform the campaign laws in the early seventies.

The work which we have undertaken ought not to be just forgotten because of this dispute and our failure to accept the two principles that the majority knew we were against, which were not in the original Boren bills, and were not in the Goldwater-Boren proposals. They were not in the Boren-Goldwater bill that the Senate said we needed to study last Congress.

Why should we lose momentum from all of the work we put in, the great work of our staff, night after night, week after week, month after month? We now know the complexities of these problems. We have solutions. I want to say that in these meetings with the negotiators, with the majority party, I feel they agreed on many of our points; I do not think there is a disagreement on soft money. I do not believe there is a disagreement on the necessity to try to deal with the "appearance" of the PAC contribution problem. I do not think that a PAC contribution is wrong. But I think there is an appearance of something wrong because PAC's can give $5,000, individuals can only give $1,000.

Someone suggested that we raise the original contribution level to $5,000; others said no, let us reduce the PAC contribution down to $1,000. Originally our position as a party was raise the individual limit. The majority party said no, let us reduce that. That was the original Boren position; reduce PAC contributions. He wanted to reduce the $5,000 level to $3,000. We have now agreed in our conference to reduce it from $5,000 to $1,000. Did you know that? As a result of all these meetings we have a position where all Republicans would agree that we will reduce the PAC limits from $5,000 to $1,000. We also have an agreement on millionaire spending.

We also have an agreement on "soft money." We have an agreement on party and special interest campaign activities, I think, pretty close anyway. We certainly have an agreement on independent expenditures and bundling. Bundling is in S. 2, as a matter of fact. We are so close, so close to a fantastic bill but we have vote after vote after vote on cloture.

I do not criticize the leader for that. He has obviously united membership on his side saying why can we not get this bill passed? This is what we want. And the Constitution gives the minority the right to say you cannot pass that as long as it has these things in it. We just had our little skirmish over that. I think it is going to be fairly sure that this bill is not going to pass with those things in it. But why should not a bill pass that we all agree on?

Again last evening and this morning I was thinking about the fact that we had some real great goals for the Alaska statehood legislation in the late 1950's. Alaskans thought we knew exactly how the bill ought to read. It just absolutely ought to have certain points in it, and we were about ready to say we were not going to have statehood unless these matters were in the bill. We learned a big lesson in the House. When we got to the Senate we said please pass the bill as it passed in the House without change. The Senate did.

The following year when Alaska had representation in the House and Senate, we came to the Congress and asked for a transitional act for statehood that contained many of the things that were left out of the original statehood bill. In that regard, I wonder why is it so important that this bill, S. 2, have precisely everything in it that the majority party wants including those things that are diametrically, just absolutely contrary to the philosophical position of this side of the aisle?

As a matter of fact, if any political scientists were to weigh this bill, they would agree that 95 percent of the content of the bill is subject to immediate resolution between the two parties in this body before the cloture vote tomorrow. If we take out Federal financing and take out campaign expenditures—both of which are used as means to try to achieve the goal of reform, I think we would be in agreement about the goal. We just disagree with those concepts and that they are necessary—just allow us to make one primary addition; that is the bipartisan commission to determine the whole or to look at the whole problem of society as relates to Federal elections, and I think we could have a good bill.

Mr. CONRAD. Would the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. CONRAD. Is the Senator's position that if soft money were included in S. 2, if there were a limitation, restrictions on reporting, that the Senator would then be willing to support overall spending limitations?

Mr. STEVENS. No, I am sorry to say. That is not our position. As I said here before, it was my original position. Even as this debate started last year. I might say one of the reasons I am not manager of the bill—although I am ranking member of the committee was—that I told my side that I would not oppose expenditure limitations as strenuously as others and in other words, I thought they needed an articulate spokesmen for that position.

During this debate as I have said I now have come to the conclusion that they are right, that because of what has happened in the Presidential elections spending limitations per se breed more problems than they solve.

Mr. CONRAD. Would the Senator further yield?

Mr. STEVENS. Yes.

Mr. CONRAD. I heard the Senator say earlier that he would not consider expenditure limitations until and unless soft money reporting, soft money restrictions were included. I mistook apparently the Senator's position. He is not saying as I understand it now that if soft money were included that there would be any chance that he would accept overall campaign limitation?

Let me just, before I conclude that question, say that I find the Senator's position on soft money very persuasive. I have just come through an election campaign in which on the reporting side I was outspent 2½ to 1. I spent about $900,000; my opponent about $2.3 million. I do not know on the soft money side. I spent about $100,000 and from what we can see my opponent probably spent three times as much on the soft money side as I did. So I think the Senator makes a very good case.

I think soft money disclosure ought to be included. I think there ought to be some limitations there too. But it seems to me that still will not get at the problem. We have a situation now in which people have been campaigning for a Senate seat with paid television advertisements in my State for 2 years. Something has gone terribly wrong. I do not see any way to deal with that problem. I would be interested to hear the Senator's response.

How do we deal with the problem of campaigns that have paid advertising going over a 2-year period? It is not a partisan matter. It is happening on both sides. It wears out the electorate, that demeans the process, that leads to all kinds of shenanigans because when you have this money endlessly flowing into campaigns, people look for ways to spend it. You get off into negative campaigns that go beyond the bounds.

I would be interested. How do we deal with that set of problems if we do not have some overall limitation?

Mr. STEVENS. Let me say to my friend, Mr. President, if I led the Senator to believe that there was the potential for a potential deal to be made between expenditure limitations and soft money, I apologize for that.

I do not use a text as you know and if I have left that impression, I appreciate my friends correcting me because I did not intend to leave that impression. I believe that we can get controls on soft money and ought to by virtue of disclosure.

As far as the basic question, however, the Senator has, I think, put his finger on the essence of the problem related to campaign expenditure reform.

As I said, I believe that the way to do that is to look at the changes in society that are driving increasing campaign expenditures, not to put limits on the amount of money that a candidate can spend to deal with those problems. Look at the problems themselves.

When I first ran for office, my campaign statewide cost me a little bit more than $30,000. The last campaign in the same State cost me $1.3 million. I want you to know that in the original campaign I traveled to as many places, I saw as many people as I did in the last campaign. The differences primarily were based upon three things: electronic media, the cost of travel, and the cost of services that are associated with campaigning.

One of the things I have not mentioned, I say to my good friend, and I am sure he is aware of it, is the cost of polling and interpretation of polls to determine and get ready for the kind of negative advertising that has become so prevalent in our society. And that negative advertising, to a great extent, does not come from an opponent. It comes from independent groups that want to be involved and express their opinion as they have a right to do under our system in the political process, the single issue groups mostly in my State.

Now, I do not think we should limit their right to express themselves. I do not think we ought to find a way to contain the media time. I see no reason why there ought to be a race for the time on television. The only reason to tie up time 2 years in advance is to prevent the opponent from getting key time.

A simple answer to that would be, as far as I am concerned, that the networks could come in and change a time scheduled for one of the key programs and all of that time would be irrelevant to the viewers. I mean, the whole idea of spending the money to get the spots that are closest to the high density viewers is so you can get your message across.

I do think we ought to study the campaign financing system, as I said, to see whether or not we should place some time limits upon the Senate being in session. I am told—I have been here long enough now—that once you are in office for a period of time, you have an advantage of name identification. I can remember those days when I was a challenger and did not have name identification. But name identification is brought down to size if my announcements are not coming from Washington. If I am operating out of my office in Anchorage or Fairbanks or Ketchikan or Juneau, there is a different concept. I still believe we ought to force Members of the Congress to leave this town to go home and start the campaign, start everybody at the same time.

Now, there is a lot of disagreement with that. You know, in the British system, as I understand it, you do not know when the election is going to take place. As soon as it is announced—and that does give the incumbent a little bit of an edge to pick the date—then everybody has so many days to initiate the campaign.

We cannot quite do that. We are not going to vary our system because ours is constitutionally established. But I think we could put an impediment on campaign expenditures before a date, and we could say that neither the House nor the Senate can be in session during that period except for an emergency. We can do major things.

Mr. Canfield reminds me that one of the major increases in the costs of campaigns is the requirement to have attorneys and accountants and computers to comply with existing law. The passage of S. 2 would not decrease that cost, it would increase that cost.

Mr. CONRAD. Will the Senator yield for a further question?

Mr. STEVENS. Yes.

Mr. CONRAD. It just seems to this Senator that there is one way to deal with the myriad of problems that are associated with what is currently happening and that is to put some limitation on overall expenditures. Now I would be the first one to say that we ought to include everything. The soft money ought to be up front. Every dollar ought to be reported, ought to be clearly indicated where that money is coming from, who the beneficiaries are, how it is being spent. That is reasonable and that is fair.

But after going through a campaign—an intense campaign, I might say—I have come to the conclusion that there is only one way to deal with all of the potential for abuse that is out there, and that is some way to restrict the overall amount of money that is being spent.

Now the Senator makes a powerful case for the differences between a State like Alaska and a State like Rhode Island. We have to take note of those differences here in the Senate in terms of the expenditures for each office. It would seem to me we could arrive at some way of determining caps based on differenes that exist between States for travel cost and some of the other things.

But I honestly do not know, absent dealing with overall expenditure levels, how you prevent a 2-year-long campaign. And it is not going to end.

I have had colleagues tell me they are going to start going with paid media in the first year after election to the U.S. Senate. They are going to start with paid media the first year after their election to the U.S. Senate. That is when I think the American people are really going to get fed up, when they see people start running paid advertising 5 years before their reelection.

If I might ask the Senator one other question. On the PAC question, you indicate there is a proposal that would reduce banks to the same level that individuals can contribute. Is that not just going to lead to five times as many PAC's? I mean, will not the individual PAC's simply go out and form five PAC's so that they can give $5,000?

Mr. STEVENS. Well, Mr. President, PAC's have been proliferating. Originally, the PAC's were primarily associated with national concerns I think PAC's will continue to proliferate because many have become focused upon local or narrowly defined concerns and I think that there is nothing wrong about that.

Incidentally, it is even more costly under the system to take those $10, $15, $20 contributions and run them through individual campaigns. It would be much easier to run them through a PAC and have a contribution that is reported. And, incidentally, they would be reported if they came from a PAC of any amount. They would not be reported if they came under $100 from individuals. So PAC's actually give us greater reporting.

But let me go back to your basic comment. The interesting thing about the last election, when we lost control on this side, was that each of you that defeated one of my former colleagues on this side spent less; not more, less. Spending per se did not bring about the result. As a matter of fact, those who say that you need more money to offset the value of incumbency ought to look at those results, because it is not necessarily so. The incumbency carries some burdens, and I have already mentioned them in terms of travel and absence. I could discuss some of those, too.

Mr. CONRAD. And record.

Mr. STEVENS. Yes. Well, a voting record is often a matter of image when it comes down to electronic media. When someone jumps up on the campaign and says, "Didn't you vote against S. 2022-A?" The first thing I

say is, "What was that?" But they have got the record of the vote and say, "Didn't you vote that way?" So one of my assistants hurries off and will press the buttons of a computer and go through and get to the Library of Congress and will pull out of my record and come back. And that happens while we are still there, within the same timeframe. And I can say, "You were talking about a motion to table a bill that had something else in it." Now that is illustrative of the change in campaigns for an incumbent.

My opponent does not have to pay that cost. But I had a system that we had available to us on a 24-hour basis that could go through a private telecommunications system and pull voting records out and identify them so I could defend my record. I do not know how many votes I have cast now in 20 years here. But challengers have the liberty and the right under our Constitution to that. We have the obligation to be able to answer those and in order to answer them it costs a lot of money.

I think there is a greater cost today to running as an incumbent than as a challenger. And that is another part of the debate I would like to be in sometime.

Let me tell you this one other thing I do. As I said, it costs over $1,000 to go to Alaska. I have been invited to a number of places. I remember one time I was invited to be at a presentation to a group in Valdez. Now that is the terminus of the great Alaska pipeline. I think the Senator has been there. He knows where it is. It was a weekday. We had business going on here and I could not do that, so I hired satellite time. I got a private group—you cannot use the Senate facilities now in a campaign—I got a group to come in with a camera and we uplinked to the satellite and we dropped this down into the Valdez station that I had hired some people for. They connected into the meeting hall and put up a little screen and I appeared at that by electronic media. It cost about the same as flying home.

Mr. CONRAD. Did it help or hurt?

Mr. STEVENS. Well, I am here. I am here. And the difference is, had I not made that effort, I might not be here. But it certainly is a cost that my opponent did not have to pay and it certainly indicates that incumbents need more money at times to conduct campaigns, to defend their records, to make up for the distance of again being here.

But it comes back to what I am suggesting. We have suggested a commission. Let us look at what is driving the costs of campaigning for Federal office. What are the changes in our society that have brought about these increased cost? High technology, the need to hire accountants and lawyers to comply with existing law, the whole problem of name identification, so many things are involved. We should see if we could suggest to the Congress, have suggested by the Commission, some changes in the system itself which would reduce the costs and in effect bring about the reducing of expenditures that you are seeking. Expenditure limitations in S. 2 that put a limitation on me to the same extent as you, because we have roughly the same population, would mean that I would necessarily miss about all the votes after July because I could not afford to campaign and be in the Senate at the same time.

Now, I say to you that I do not think a system is fair that is based on a "postage stamp concept" that the cost ought to be the same in Rhode Island or in the Rocky Mountains or Alaska, per voter, in dealing with such complex problems.

Mr. CONRAD. Would the Senator yield for a question on that point?

Mr. STEVENS. Yes.

Mr. CONRAD. I think you make a very good case, but are you further saying that under no circumstances would you accept the notion of some overall limit on campaign expenditures?

That is, let us assume for a moment that we could work out a way of adjusting for the differential in costs because of the geographic vastness of your State, the distance from Washington, DC; that we could deal with those differences, that we could find a way to create a formula that would be fair as between the States. Would the Senator from Alaska then be opposed to some overall restriction on campaign expenditures so that your opponent and you would be restricted in some way to the amount of money that can be spent in a campaign for the U.S. Senate from Alaska and the other States of the Union as well?

Mr. STEVENS. I would say to my friend, in terms of campaign expenditure limitations, based upon my feelings now after this debate that has gone on so long, the only limitation that I would accept today would be one that would say that if the candidates involved in the campaign agree to voluntarily establish and expenditure limitation for that campaign, then there would automatically be expenditure limitations placed upon the independents' expenditures and the soft money expenditures in that State and that either candidate could pursue the remedies available under our systems today if his opponent violated the voluntary agreement.

One of our candidates has asked his opponent, who is a Member of the Senate, to sit down and agree to a limit. The difference is that under current Federal law there is no protection for that limit. But it also does not go to the independent expenditure and soft money concept.

I think we could trigger a limitation and I think we ought to do it. I had one of the Members of the Senate on your side of the aisle in the last election come up to me and say: why are you raising this money? You have been here for a long time. Since you have been here you have not received less than 70 percent of the vote. He said, why should you collect and spend that money?

I told him two things. One thing is in this business you never know, do you? You just never know. And if you are not ready for the uncertain things that might happen, then it would be possible for you to let a lot of people down because you had felt that you did not need to be ready. And, second, when it comes right down to it in a State like mine and yours, strangely enough, part of the electronic media's survivability comes about because every 6 years I bring in money to that State and spend it in the election process. Is not that strange? It is really true.

Expenditure limitations ought to be in response to the basic question of the increased costs of campaigning rather than an arbitrary decision as to what a person should spend to meet those costs.

If we still had airplane tickets that cost me $300 roundtrip instead of well over $1,000; or if the costs of a 30-second spot on the television in my State was back to $18 instead of—I do not know, it is well over $3,000 now, I am sure, a 30-second spot; then I would say that the limitations that take us back to the good old days of not spending so much money might be in order.

I still urge you to look at the other side of the coin. Why can we not address the costs? Why cannot we have someone study the costs? Take, for instance, the costs of the computers and accountants and lawyers to file my FEC reports. Those are not just filed in an election year, by the way. They are filed every 6 months for 5 years and then they are filed quarterly and then weekly during elections. The costs of FEC compliance alone is more than my original campaign.

Mr. CONRAD. Would the Senator yield on that point?

Mr. STEVENS. Yes.

Mr. CONRAD. I think the Senator makes a good point. Again I think you make a very good point. I have heard the point made before that we ought to address the costs.

Senator McConnell has made this point. But it seems to me that our side makes a valid point as well and that is restriction on the overall level of campaign funding. For the life of me I do not know how we will end this money chase and how we will end campaigns that are too long and how we will end the increasingly negative nature of campaigns unless we have some overall restriction on how much is spent. I think it is laudable to talk about costs. It makes good sense. We ought to do that.

But absent some overall limit, the money that you save by the costmeasures will simply flow into some other type of campaigning. It seems unavoidable to me.

So we save money on the electronic media; then the excess funds will simply flow into some other type of campaigning: Negative newspaper ads or negative some other type of campaign.

What concerns this Senator is the spiraling cost of campaigns that leads to what I see as abuse; that is negative campaigning, campaigning that goes on over much too long a period and as a result wear out the electorate. They wind up having less respect for everyone that is involved in the process.

So, again I would just ask the Senator if we have cost savings but no overall limit, do you not just push the expenditure over into some other area of campaigning?

Mr. STEVENS. Yes. I think you do. But I would like us to think anew. Maybe we ought to think back to the Constitution.

The original Constitution says, "The Senate of the United States shall be composed of two Senators from each State chosen by the legislature thereof for 6 years."

Do you want to cut down the problem? Let us repeal the 17th amendment which says we are elected publicly. We could deal with costs and reporting and the whole problem.

My State legislature, God save them, I am sure, would return me and I feel confident, since I was the majority leader of the legislature at the time I came here, that I probably would have made it at that time, too.

Mr. CONRAD. Which House of the legislature would make this determination?

Mr. STEVENS. At the time it was "the legislature," however it was composed. We have one that is unicameral, you know.

All I am saying to you is we are hidebound by the argument now. Take PAC's. I asked my good friend—and I do want to again compliment Bill Canfield, who has been working with me so hard on this. He came to the Rules Committee at my request to work on this issue because I knew what good work he had done on the Ethics Committee when I was chairman of that committee.

One of the things I asked Bill Canfield to review was this: Who are PAC's? In the 1984 cycle, which was the last one we had available at the time we did this, there were 4,000 registered nonparty PAC's. Three thousand of them contributed to a congressional race, 369 made a $5,000 contribution to at least one Senate candidate. One hundred and seventeen—only one hundred and seventeen, nationally—contributed $10,000, $5,000 each in the primary and general election.

Mr. CONRAD. What was that number? How many?

Mr. STEVENS. 117.

Mr. CONRAD. Out of the 4,000?

Mr. STEVENS. Thirty were labor, twenty-seven were corporate PAC's, twenty seven independent PAC's, nineteen were connected with trade or health, three were cooperative PAC's, one was a nonstock corporate PAC.

Incidentally, the record shows that your side got 62.3 percent of all PAC money in 1984 and we got the balance.

Now, all I am saying to you is, as I read in the media about this debate we are having, it is portrayed that I am protecting those vicious things, those terrible innovations on the political scene, the PAC's. Who are they? I think it is incumbent on people to say, who are they?

They are people from all walks of life that are contributing to an entity that Congress created in 1972, in the spirit of reform. In the spirit of reform we said: Let us limit cash. You have to report everything. You have to have centralized accounting. And we are not going to have any more of this money coming in from these groups that comes in in the form of cash. It has to come by check. They have to keep records. They have to file reports, where they got the money from and what they gave it to. We have to file reports where we got the money from and where we spent it.

I still think that was reform. Now, based on those reports we have organizations that say: Do away with PAC's.

Mr. CONRAD. Will you yield on that point?

Mr. STEVENS. Yes.

Mr. CONRAD. Let me give you an example from my campaign. I have been somewhat mystified about the focus on PAC's, frankly. Let me give you an example from my campaign.

My opponent had a very close association with a major corporation. That corporation had a PAC. They gave him $5,000 in the primary, $5,000 in the general election, which they have the right to do. That was the limit, $10,000.

But aside from that, they gave him $24,000 additionally, by officers of the corporation writing out a check, family members of the head of that corporation writing out a check. So, really he got 2½ times as much from individual contributions that were associated with that corporation as he did from the PAC.

Really, I frankly do not see much difference. The bottom line is the overall amount of money that is coming from an interest. I think that is what concerns people. Whether it comes from a PAC or whether it comes from individual officers of the corporation or budgeting of members that belong to some organization that goes out and raises money, I do not see the difference. That takes us back to the central question: Is the bottom line problem not the total amount of money that is going into these campaigns on both sides? You speak quite correctly. I think our side in the last cycle probably did better among PAC's than your side, frankly because of incumbency. In the House side we have a lot more incumbents.

Mr. STEVENS. On the contrary, between 1980 and 1986 we had the majority at the time. We still did worse with respect to the amount of contributions which we received from PAC's as opposed to the level of PAC support which was given to your party.

Mr. CONRAD. I am saying you look at the House side and the Senate side incumbents, we have many more incumbents on the House side. But total dollars, I do not think anybody would disagree, your side has a decided edge.

As you indicated in this last campaign cycle every Democratic candidate spent $1 million less, every challenger, spent $1 million less, or more, than the person on your side.

Mr. STEVENS. That was just the challengers. If you add it all up, I have to say to my friend, you really did spend more. In terms of PAC contributions, as a matter of fact, in this cycle now, for 1987, PAC contributions as I understand it for the last year, for 1987, for the total year there were $7,891,991 for Democratic candidates; $3,687,515 for—these are PAC contributions to incumbent Senators. We are candidates from the day after we are elected, as a practical matter. That is one of the difficulties of the system, because we have people who are collecting money to pay off debts or to prepare for the next election. So we are candidates for 6 years.

All I am saying is if you look at this PAC contribution system, even in this year, 1988, it is running roughly two to one in terms of Democratic contributions from PAC's versus Republicans.

I am not commenting upon the total. I think part of it is the fact that some people are more active earlier in campaigns than others. The real thing I would like to talk about with regard to PAC's is that they are a means to meet the costs. PAC's exist as a reform to the old system where, more and more people were bringing more and more cash into the campaign in a way that was unreportable, unaccountable, and left the impression of illegality.

Mr. CONRAD. Is not that the problem? Have you not just put your finger on what really is the problem? And

that is overall spending? This overall spending has skyrocketed.

Mr. STEVENS. Overall costs. My friend keeps going to spending. I do not think people spend money unless they have costs.

As a matter of fact, I just asked Mr. Canfield, I think we can state there are more Senate candidates who end up in debt than end up with money in the bank, in terms of their campaigns, which shows the problem I think that we have. We still have more Presidential candidates under the system of Federal financing of Presidential campaigns having campaign debts from three elections back than we did before we started Federal financing of Presidential campaigns.

For years people used the Presidential campaign as the model, saying should we not do this? Should we not find some way to finance Senate campaigns and House campaigns from a checkoff, for instance?

As a matter of fact, I have to tell you when I was first in the Senate I almost succumbed to that idea myself because it appeared that the Presidential system was working.

Now I think that the interesting thing about this year is that we can stand in the Senate today and challenge those of you who disagree with us and assert, and I think we can prove, that the Presidential financing system is not working. If what we tried to do was to correct the abuses of the system by providing taxpayer's checkoff money it has not worked. We have more candidates being accused and committees being accused of violating the law than before. We have more candidates ending up in debt than before. We have more people being accused of irregularities than before. The system cannot be working, cannot be as good as we thought it was in view of the known facts.

Now my point to the Senator again, and I think we are about down to the point where we are both going to yield to someone else, my point to the Senator is I hope that in the time left between now and the cloture vote, we again go back and see if we cannot get a bill. I think we can get a bill, and I would urge it.

I see my good friend now from West Virginia. He always gives me a smile in the morning and I am delighted to see him here. I ask him, let us take all the subjects of the bill and I put two subjects up at the top. Expenditure limitations and Federal financing are not acceptable. You take two other concepts which you oppose. Let us take the remainder of the bill and work it out and I will give you a bill by tomorrow that would be the most historic Federal reform bill affecting campaigns in history. One that would be workable. And it will include a provision by which we will appoint a commission to look at the whole system and see how can we bring about a reduction in cost. If we bring about a reduction in cost, the evils of the system of collecting the money to meet the costs would be met.

Mr. CONRAD. Mr. President, will the Senator yield for a final question and comment?

Mr. STEVENS. Yes.

Mr. CONRAD. Let me just say when the Senator says campaign limitation is off the table. That really is the nub of the disagreement.

Mr. STEVENS. That is right.

Mr. CONRAD. Because we on this side sincerely believe that you do not have campaign reform unless you have some overall limits.

My final question to the Senator would be on the question of the PAC's versus the individual contributions. What difference is it really when my opponent has gotten $10,000 from the company PAC and $24,000 from the company officers? What difference did it make whether it was in the form of individual contributions from the officers of the company?

Mr. STEVENS. The difference, as I understand it in the PAC's I am familiar with, is that the PAC's have a much broader base of contribution than the individual officers themselves.

My good friend Bob McNamara of Ford was the one who started the whole concept of executive contributions in the 1960 Presidential campaign when he urged members of his executive group at Ford Motor Co. to contribute to a particular Presidential campaign and be identified as such.

I think we have had increased giving from executives and officers of corporations.

I might say I get some rather substantial contributions from individual officers of organized labor who make substantial money now, a lot more than I do, and they do contribute to my campaign.

I think, as I mentioned before, in Oklahoma it is my understanding that PAC's are almost nonexistent. Most of the large campaign contributions do come from individuals.

Incidentally, the existing limit of $1,000 makes no sense in view of the fact that PAC's can give $5,000. That is why we finally came to $1,000 as a proposed limit for future PAC contributions.

I enjoyed the visit with my good friend.

Mr. CONRAD. I enjoyed my visit with the Senator.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, on another matter—and I propose to go into it at this time; it is 10 o'clock—if it is not out of order and I ask unanimous consent not to be out of order, I would like to make a statement concerning the trip that Senator D'AMATO, Senator RUDMAN, and I made to the Persian Gulf and to present to the Senate a report that we have already conveyed to the chairman of the Appropriations Committee in early January.

THE PERSIAN GULF

Mr. STEVENS. Mr. President, last month Senators D'AMATO, RUDMAN, and I traveled to the Persian Gulf region under the authority of the Committee on Appropriations. Our objective was to assess the cost of our national policy to provide U.S. naval escort for U.S. commercial flag shipping in the region.

I ask unanimous consent that the report from our delegation be printed for the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. STEVENS. Mr. President, our delegation came away from the trip with a very clear understanding that U.S. naval presence in the region has lent a stabilizing influence to an otherwise volatile area. At an estimated cost of $450 million in fiscal year 1988, the price to pay for this stability is not insignificant. But, given the political and economic significance of this region of the world, our involvement is justified if not imperative, if we are to contribute meaningfully in the international balance.

The attendant risks to this policy cannot be understated. One need only recall the U.S.S. *Stark* incident last year to be reminded of the terrible price we have already paid in our endeavor to maintain international order in this volatile sector of the world.

Our delegation's assessments and findings are contained in the report, as well as our reservations. It remains troublesome that our policy is not only costly, but seemingly open-ended.

There are, however, indications that tensions in the gulf may be slackening somewhat. Recent reports over the past few weeks would suggest that our European allies are assuming a greater share of the risk and extending their protection in a more concerted manner. Concurrently, the U.S. Navy has begun to reassess the number and capability of ships required to carry out our policy. I ask that a February 18, 1988, Christian Science Monitor article and two articles from the February 21, 1988, New York Times be printed immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STEVENS. In the coming months the Senate will be asked again to assess its measure of confidence in a continuation of this policy. In the interim we should remain mindful of the

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progress which has been made to achieve some stability.

Our unqualified support of the United Nations endeavor to implement an international trade embargo on Iran would be a significant step in the effort to suspend hostilities in the region. Motivation of the moderate Arab States in the gulf to provide for their own defense and lay pressure on Iraq to suspend air strikes on Iranian shipping would equally serve to ease tensions.

In summary, Mr. President, we have found that our continued presence in the gulf serves a very valuable objective. Our assertion and protection of the right of free passage in international waters serves notice to any belligerent state that the United States is prepared to protect its interests. Continued encouragement of our international partners to do the same in defense of this common principle assures that we need not "to go it alone" in this task.

EXHIBIT 1

REPORT ON U.S. PRESENCE IN THE PERSIAN GULF—COST AND POLICY IMPLICATIONS

INTRODUCTION

The United States has had a naval presence in the Persian Gulf since World War II to protect its own interests, and those of its allies, in the region. Our interests include the maintenance of an unimpeded flow of oil through the gulf, continued security and stability of the relatively moderate states of the gulf and the surrounding region, and a limitation or reduction in the Soviet Union's influence in the region. These interests are likely to outlast any near-term changes in the political equation of the gulf, and our presence, therefore, is likely to continue. The delegation firmly believes that the United States cannot abandon its long-term commitment to the region without serious damage to our interests there and in other parts of the world. There are legitimate questions, however, about present policy in the gulf as it relates to operation of the U.S. Navy and the escorting of reflagged Kuwaiti tankers, and how the evolution of that policy may affect the long-term interest of the United States and the gulf nations.

The January 3-11, 1988 trip to the Persian Gulf was undertaken based on the suggestion and under the the authority of the chairman of the Committee on Appropriations, Senator John C. Stennis. The delegation included committee members Senators Ted Stevens, Alfonse M. D'Amato, and Warren Rudman, accompanied by Frank Sullivan, Keith Kennedy, and Sean O'Keefe, professional staff members of the committee and Capt. Francis Holian from the U.S. Navy. Five other members of the committee has planned to be part of the delegation but were constrained by other commitments. The delegation visited Bahrain, Oman, Kuwait, Egypt, Israel, and Belgium, and held meetings with the officials listed below:

Itinerary—Bahrain

Shaikh Isa bin Sulman al-Khalifa, Amir of Bahrain.

Shaikh Mohammad bin Mubarak al Khalifa, Minister of Foreign Affairs.

Tariq 'Abd al-Rahman Almoayed, Minister of Information.

Yousuf Ahmad al-Shirawi, Minister of Development and Industries.

The Honorable Sam H. Zakhem, U.S. Ambassador to Bahrain.

Rear Adm. Dennis M. Brooks, Commander, Joint Task Force, Middle East.

Rear Adm. Harold J. Bernsen, Commander, Middle East Force.

Cmdr. Steve Smith, Commanding Officer, U.S.S. *Chandler*.

Yusuf bin Alawi bin Abdullah, Minister of State for Foreign Affairs.

Air Marshal Erik Bennett, Commander, Sultan of Oman's Air Force.

The Honorable G. Cranwell Montgomery, U.S. Ambassador to Oman.

Kuwait

Saud Mohamad al-Osaimi, Minister of State for Foreign Affairs.

Shaikh Ali Khalifa al-Athby al-Sabah, Minister of Oil.

The Honorable W. Nathaniel Howell, U.S. Ambassador to Kuwait.

Egypt

Field Marshal Muhammad Abdel Halim Abu Ghazala, Deputy Prime Minister and Minister of Defense and War Production.

Israel

Yitzhak Shamir, Prime Minister.

Shimon Peres, Vice Prime Minister and Foreign Minister.

Yitzhak Rabin, Minister of Defense.

Belgium

Lord Peter Carrington, Secretary General of NATO.

Marcello Guidi, Deputy Secretary General of NATO.

Mack Mattingly, NATO Assistant Secretary General of Defense Support.

The Honorable Alton Keel, U.S. Ambassador to NATO.

Gen. John Galvin, Supreme Allied Commander, NATO.

U.S. NAVAL ESCORT PROCEDURES

Current conditions

Tasked with the responsibility to protect U.S. flag shipping in the gulf, the U.S. Navy evaluated the level of conflict in the region to be an extension of the Iraq-Iran war which had previously been confined to land engagements north of the Persian Gulf.

During 1987, a total of 162 ship attacks were recorded. The number of instigations are divided almost equally between Iraq and Iran. The U.S. Navy notes a pattern of Iranian attacks against commercial shipping of various international origin in direct response to Iraqi air strikes against Iranian shipping.

U.S. convoy tactic

Based on the seemingly indiscriminate targeting of commercial shipping by the Iranians, the U.S. Navy elected to escort U.S. flag vessels in the gulf by convoy. This procedure calls for alignment of commercial and military vessels in a column for transit from the Gulf of Oman, through the Strait of Hormuz and northwest through the Persian Gulf to within 50 miles of Kuwaiti ports. For the 11 reflagged Kuwaiti tankers, the Government of Kuwait agreed to bear responsibility for protection for 50 miles from port of embarkation or destination in Kuwait.

The convoy tactic extends to all U.S. flag vessels. Thus far, the only other U.S. flag shipping in the region has been vessels chartered or owned by the U.S. Government carrying cargo under contract with the Military Sealift Command. By circumstance, other commercial shipping in the region have benefitted from the convoy procedures by joining the column formation. But U.S. Navy officials in the region assert that not more than two or three foreign flag carriers "piggy-back" to the column for each convoy mission.

Through December 1987, the U.S. Navy conducted 23 convoy transits with a total of 56 ships since July 1987. Other than the Bridgeton mine strike incident which occurred on the first convoy in July, there have been no other incidents of attack on commercial vessels escorted by the U.S. Navy.

Iranian mine-laying operations also appear to have taken a downturn since the seizure of a mine-laying vessel last fall. A senior U.S. naval officer in the region viewed the absence of mine incidents to be an Iranian attempt to "bore us to death." U.S. Navy officials in the region are concerned that the comparative calm not give way to a relaxing of alert and readiness conditions aboard military vessels.

The U.S. Navy's rules of engagement for convoy vessels are clear. If any vessel in the convoy is fired upon, the Navy escort vessels are authorized to respond accordingly. The Navy's preference for the convoy tactic permits timely response in such instances. Any foreign flag vessels attacked within range of the convoy are not similarly protected.

Scope of U.S. naval presence

Since convoy operations commenced last summer, the Navy now maintains approximately 30 surface combatants in the region. This includes an aircraft carrier and battle group in the northern Arabian Sea and convoy escort vessels in the Persian Gulf and the Gulf of Oman. By numbers, roughly one-half the vessels assigned are deployed in the Persian Gulf or outside the Strait of Hormuz in the Gulf of Oman. The other one-half of the fleet is deployed in the northern Arabian Sea. In addition to the convoy escort vessels in the Persian Gulf, the U.S. Navy also stations destroyers to patrol particularly active segments of the gulf around the Strait of Hormuz and the northern gulf near Kuwait.

In general, the ships operate on a 6-month rotation schedule which includes 1 month each for transit from and return to home port. On average ships assigned to the region will spend 4 months on station.

The following table lists the types of U.S. surface combatants in the region in early January 1988:

U.S. naval forces in the gulf region

Aircraft carriers	1
Battleships	1
Minesweepers	6
Guided missile cruisers	4
Guided missile destroyers	2
Destroyers	2
Guided missile frigates	5
Frigates	2
Auxiliary landing ships	2
Auxiliary support ships	5

Other international practices

In addition to the United States, there are five other western alliance nations operating military forces in the region: the United Kingdom, France, Italy, the Netherlands, and Belgium. The extent of naval presence for these nations ranges widely from aircraft carrier group commitments to minesweeping units.

The various western alliance forces communicate regularly, but specific escort tactics are not coordinated. In short, each nation's military presence is dedicated to its commercial shipping.

The United States is the only naval force which adheres to convoy procedures. Most of the other western alliance forces either accompany its commercial shipping through the most hostile areas, particularly the Strait of Hormuz, or simply patrol sections of the gulf. The U.K. forces frequently station ships within range of commercial shipping in a picket formation. As commercial shipping passes through each sector, responsibility for protection transitions to each unit.

Few of the other western alliance forces operate continuously in the Persian Gulf. Most transit from the Gulf of Oman into the Persian Gulf only when commercial shipping protection requirements arise.

The Soviet Union also operates naval combatants in the region. No particular tactical patterns are evident to characterize Soviet escort procedures. Recent observations include accompanying flag carriers through particularly hostile sectors of the gulf and normal patrol maneuvering.

Other allied nation presence

Aircraft carrier	1
Destroyers	6
Frigates	6
Minesweepers	14
Auxiliaries	6

COST OF U.S. NAVAL PRESENCE

Prior to reflagging the 11 Kuwaiti tankers, U.S. naval presence in the gulf and the northern Arabian Sea numbered 3 to 4 capital surface combatants on average. Since the tanker reflagging and concurrent decision to escort with combatant ships, the presence has expanded to approximately 30 ships. The number of vessels in the Persian Gulf and northern Arabian Sea will vary depending on the number of tankers within each convoy movement and rotation of U.S. Navy ships between the gulf region and U.S. coastal or Mediterranean ports.

Similarly, the number of Navy personnel varies depending on the fleet configuration. But as a representative sampling, nearly 10,000 naval personnel were recorded as having collected imminent danger pay in the fall of 1987.

At the start of fiscal year 1987, the Office of the Navy Comptroller estimated costs of $6,000,000 to $8,000,000 per quarter for operation of the Middle East task force operating in the Persian Gulf region. Coincident with the reflagging decision, costs were revised upward. Estimated cost incurred for the fourth quarter of fiscal year 1987 was $115,200,000. Of this amount, the Navy Comptroller determined roughly half the costs would have been expended to operate vessels under normal operating schedules regardless of location. Actual incremental cost absorbed within the Navy's operating appropriations account was $60,000,000 for the fourth quarter of fiscal year 1987.

In addition to Navy incurred expenses, the Air Force estimated a cost of $7,700,000 for reconnaissance and refueling aircraft to support convoy operations in the fourth quarter of fiscal year 1987.

An as yet unknown cost which may be substantial is the additional maintenance expense for Navy ships and aircraft operating in the Persian Gulf region. The primary expense will accrue from the accelerated operating time which has been more than three times the rate planned.

Normal ship operation schedules include steaming time of usually not more than one-third the days of each quarter. The convoy and patrol duty not assumed by Navy ships in the region require virtually continuous operation throughout the quarter. Consequently, the maintenance requirements for ships returning from the region are expected to be much more expensive than under normal operational schedules.

A secondary factor which may add to maintenance costs is attributed to the environmental conditions of the Persian Gulf region. Wide temperature variances and the presence of sand in the air over the region have exacerbated equipment conditions. Spare and repair parts consumption account for about 20 percent of the incremental costs incurred. This indicator causes some concern to Navy planners that maintenance and repair costs may be understated in the fiscal year 1988 budget.

INCREMENTAL COSTS

Based on the fourth quarter 1987 experience, Navy Comptroller estimates for fiscal year 1988 approach $450,000,000 assuming the level of operations remain the same through the year. Of this total cost estimate, the Navy considers $179,000,000 to be the incremental cost estimate above expenses which would be incurred under normal fleet operations. At the time of printing for this report, indications were that this estimate may rise $10,000,000 or more.

But these initial estimates assume some reduction in steaming time over the year and account for some offsets to the total cost. Based on ship rotation schedules, the Navy expects monthly incremental cost increases of $15,000,000 to $17,000,000 through fiscal year 1988.

The following table summarizes actual fiscal year 1987 and projected fiscal year 1988 costs by element of expense:

MIDDLE EAST FORCE INCREMENTAL COSTS

[Actual fiscal year 1987 costs]

	July 1987	August 1987	September 1987	Cumulative
Aircraft operations	$1,848,000	$3,559,000	$1,915,000	$7,322,000
Ship operations	1,779,000	17,314,000	7,588,000	26,681,000
Airlift	3,800,000	2,617,000	413,000	6,830,000
Travel—indirect	123,000	83,000	20,000	226,000
Travel—direct	371,000	735,000	115,000	1,221,000
Other	120,000	2,467,000	268,000	2,855,000
Transportation		10,095,000	3,532,000	13,627,000
Imminent danger pay		553,000	713,000	1,266,000
Total	8,041,000	37,423,000	14,564,000	60,028,000

ACTUAL FISCAL YEAR 1988 COSTS

	October	November
Aircraft operations	$2,738,000	$757,000
Ship operations	8,584,000	8,991,000
Airlift	667,000	20,000
Travel—indirect	28,000	13,000
Travel—direct	1,275,000	1,158,000
Other	1,414,000	999,000
Transportation	1,333,000	2,007,000
Imminent danger pay	1,063,000	1,015,000
Total	17,102,000	14,960,000

PROJECTED FISCAL YEAR 1988 COSTS

Aircraft operations	$1,915,000	$5,745,000	$22,980,000
Ship operations	7,588,000	22,764,000	91,056,000
Airlift	413,000	1,239,000	4,956
Travel—indirect	20,000	60,000	240,000
Travel—direct	115,000	345,000	1,380,000
Other	268,000	804,000	3,216,000
Transportation	3,532,000	10,596,000	42,384,000
Imminent danger pay	1 063,000	3,189,000	12,756,000
Total	14,914,000	44,742,000	178,968,000

POLICY CONSIDERATIONS

Increased U.S. Navy presence in the gulf in 1987 resulted from the attack on the U.S.S. *Stark* and the decision to agree to the request of Kuwait to put 11 Kuwaiti ships under U.S. flag for escort by U.S. warships, ostensibly to assure the free passage of oil down the Persian Gulf through the Straits of Hormuz, and into the Gulf of Oman. With the exception of the *Bridgeton's* encounter with a mine, the escorting operation has been successful. However, it is clear that the U.S. presence in the gulf has far less to do with oil than it does with the politics of the region.

OIL SHIPMENTS THROUGH GULF

The 11 reflagged Kuwaiti ships consist of 1 crude oil carrier, 4 liquefied petroleum gas carriers, and 6 petroleum product carriers. U.S. Embassy personnel in Kuwait advised the delegation that these 11 ships carry approximately 5 percent of total Kuwaiti export volume. The value of petroleum products shipped on reflagged vessels as a percentage of total Kuwaiti exports was unavailable, but it is unlikely that the percentage would be significantly higher than the 5 percent of volume. Information supplied in briefings by U.S. Navy personnel in the gulf further supports the conclusion that the United States has established a very significant presence relative to the amount and value of petroleum products under the protection of the escorting operation. Through December, the Navy had escorted 56 ships in 23 transits of the gulf. This compares to annual traffic through the Straits of Hormuz of about 12,000 ships.

SUPPORTABLE LOSSES

Furthermore, officials of the Sultanate of Oman contended that shipping losses of approximately $250,000,000 prior to the initiation of the U.S. escort operation were supportable in comparison to the total value of the oil economy of the gulf states, and could be endured.

The Kuwaitis, of course, do not view the shipments of oil under U.S. escort to be insignificant, and indicated that they would turn to other nations, notably the Soviet Union, if the United States were to withdraw its protection. In fact, the Kuwaiti Government asked all five permanent members of the U.N. Security Council for assistance prior to the U.S. decision to reflag and escort Kuwaiti tankers. But it is the view of the delegation, supported by officials in other gulf states, that the primary goal of the Kuwaiti Government, and the benefit of the United States involvement, is not economic protection but political stability.

Notwithstanding the different views of the escorting of oil shipments as a rationale for the increased U.S. presence in the gulf, it is clear that increased presence has been welcomed and is widely supported. Government officials in the gulf states of Bahrain, Oman, and Kuwait, as well as in Egypt and Israel, expressed the view that the increased U.S. presence has achieved a number of beneficial political and military results.

IMPROVED REGIONAL STABILITY

There is widespread fear, particularly in the gulf states with significant Shi'a Moslem populations, that the Iranian revolution will be exported to other nations in the area, and the increased regional stability resulting from U.S. presence has enabled the moderate Arab nations to make common cause in countering the Iranian threat. In this context, perhaps the most remarkable benefit of the renewed U.S. commitment to the gulf region was expressed in the flat assertion of Egyptian officials that only the U.S. initiative in the gulf has allowed Egypt to reopen relations with the gulf states, evidenced in Egyptian President Hosni Mubarak's recent visit to the Persian Gulf region. It should be emphasized that this development is strongly supported by the Government of Israel, whose Prime Minister and Foreign Minister repeated to the delegation prior public statements of Israel's support for the U.S. presence in the gulf and the resulting stability of the moderate Arab nations.

U.S. RESPONSE

While attacks on tankers and production facilities in the gulf have not ceased, they have diminished, and there have been no attacks on ships escorted by the United States since the *Bridgeton* mine incident, and there is generally increased confidence in the security of oil shipments in the gulf. The credibility of the United States was further bolstered by the destruction of the Rashadat oil platform in retaliation for the attack on the *Sea Isle City* by an Iranian gunboat in October 1987. This measured response is viewed as precisely appropriate to Iranian provocation—effective, but not confrontational.

ROLE OF IRAQ

As much as the moderate gulf states welcome the U.S. presence and its beneficial effects on regional stability, however, there remains a concern that Iran not be totally isolated. The delegation often heard the view that, "Iran will be with us for many years to come, but we do not know how long the United States will stay." Government officials noted that of the 162 successful attacks on shipping in 1987, 78 were made by the Iranians and 84 by the Iraqis, and the suggestion was made in all three gulf states visited by the delegation that the United States should do more to discourage Iraqi attacks in the hope that the Iranians would desist as well. U.S. Navy personnel in the area supported this view in expressing the opinion that Iranian attacks were primarily reactive, and an Omani official declared that he could "guarantee that if the Iraqi attacks stop, the Iranian attacks will stop."

A cessation of Iraqi attacks on shipping in the gulf would also substantially reduce the necessity for an increased number of American personnel and ships in the area. The risk of accidental air strikes is just as significant to the U.S. Navy as premeditated attacks. According to U.S. Navy officers serving in the gulf, "The Iraqi air force in the northern gulf is a major threat to the U.S. Navy," a threat clearly demonstrated by the unintentional attack on the U.S. *Stark*.

In the crowded conditions of the gulf, there is little time to distinguish friend from foe and determine the intentions of oncoming aircraft. Clearly, a reduction in Iraqi air missions would reduce the risk to the U.S. escort operation and help temper the conflict with Iran in the gulf.

GULF STATES LIMITED ROLE

A more vivid example of the moderate Arabs reluctance to antagonize Iran was made known to the delegation during an official visit. The delegation was informed that the Kuwaitis have an observation post within artillery range of the Iranian Silkworm missile site from which attacks have been launched on Kuwaiti targets, but that to date the Kuwaitis have only watched as attacks have been launched and have made no attempt to destroy the site themselves. The delegation also learned that Saudi Arabia has several new minesweepers that could be deployed in the gulf, but those ships have not been committed to date.

DEPENDENCE ON GULF OIL EXPORTS

U.S. interest and motivation for seeking peace in the gulf are linked to the enormous petroleum reserves in the region. The gulf OPEC states produce better than 22 percent of world fuel consumption needs. Last year, 6 percent of our national oil consumption was met by Persian Gulf exports. By contrast, 25 percent of Europe's and over 60 percent of Japan's fuel requirements were drawn from gulf reserves. Clearly, U.S. interests are served by stability in the region, but Western European and Japanese oil demands suggest the criticality of unimpeded exports.

Recognizing their oil dependence in the region, five nations of the Western European Union have deployed naval forces to the gulf while the remaining two countries of WEU have taken compensatory action with the other five nations to assist in this effort. While reluctant to formalize a cooperative agreement for military activities in the gulf, WEU nations are making some commitment to protection of shipping. This is further substantiated by indications that some members of the WEU will coordinate minesweeping activities.

Roughly 20 percent of Japan's consumption of oil from the gulf region is met by Iranian reserves. In response to Western calls for an economic boycott of Iran, Japan's Ministry of International Trade and Industry has ordered a 242,000-barrel-per-day limitation on imports of Iranian oil. This is a decline from an average 300,000 barrels per day imported from Iran in 1987.

There is some indication of Western alliance nation requests for financial support of gulf activities, but no other signs of Japanese involvement in the region are evident.

BALANCED U.S. POLICY

The reluctance of the gulf states to do more to protect their own interests is frustrating, but their reluctance to prove Iran should serve as a reminder to the United States and the nations of the Western European Union that are involved in the Persian Gulf to pursue a balanced, measured approach. The wariness of the gulf states may also lead the United States to reexamine its present method of operation. If the issue is political stability in the region and not the protection of the 11 reflagged Kuwaiti tankers per se, should we devote such significant resources to that effort? If we are to expand our role beyond that of our escorting operation to the protection of all shipping in international waters, should we do so alone or in cooperation with other nations in the gulf? Most importantly, under what circumstances are we prepared to reduce our presence in the gulf?

OPTIONS FOR CONSIDERATION

The primary military objective for U.S. Navy presence in the Persian Gulf has been to assure protection of U.S. flag carrier shipping. No attacks have been launched against such vessels since the policy was initated.

The narrowly defined policy has had the effect of limiting U.S. military risk and commitment while indirectly moderating violence in the region overall. The incidents of attacks have not increased overall and military observers continue to see a pattern of Iranian retaliation only in response to Iraqi air strikes against Iranian shipping.

While the "tanker war" in the gulf appears to have been contained, without question, violence in the region does persist. The existing U.S. policy is achieving the desired results, but continues to be open ended. Expansion or contraction of U.S. presence is scenario dependent. The following options detail possible alternative strategies for U.S. activities and describe the desired circumstances.

U.S. MILITARY WITHDRAWAL FROM THE PERSIAN GULF

U.S. presence in the region could revert to conditions existent prior to the Kuwaiti tanker reflagging if the conduct and response to the Iran-Iraq war changed. Clearly, a cease fire between the belligerents could eliminate the need for continued protection of shipping.

Alternatively, a conclusion to the "tanker war" segment of the ongoing conflict would also present opportunities to draw down U.S. naval presence. Commercial shipping attacks seem to have negligible impact for either Iraq or Iran. Despite Iraqi air strikes, Iranian shipping continues to be profitable. Conversely, Iranian attacks on international shipping have registered no discernable impact on the Iraq war effort.

If the gulf states assumed more responsibility for protection of commercial shipping in the region, this condition could also help diminish U.S. military involvement in the gulf. Entreaties to Saudi Arabia to use its minesweeping assets and to Kuwait to actively respond with its air defense emplacements could help ease U.S. responsibilities in the region.

UNITED NATIONS PEACEKEEPING FORCE

Absent a cease-fire in the gulf tanker war, each nation with commercial shipping interests in the region must assess its willingness to protect its right of navigation in international waters. Given the universal commitment to this principle, U.S. presence and risk in the region could be altered by an international decision to establish a U.N. peacekeeping force to respond to aggression against any commercial shipping attacked outside the war zone. While philosphically appealing, movement toward such a decision should clearly define rules of engagement against acts of aggression. This is particularly important in light of the nature of any cooperative agreement between western alliance and Soviet alliance nations.

At a minimum, any U.N. agreement should incorporate endorsement of an arms embargo to the belligerent nations.

WESTERN ALLIANCE COOPERATION

Under the auspices of the Western European Union, several of the western allies have resolved to establish an active presence in the Persian Gulf region. Expansion of this example to a formal NATO policy appears unrealistic since the gulf problem is out of the NATO sphere of interest. However, a better defined policy among western alliance nations to protect commercial shipping of mutual interest could contribute to a toning of the U.S. policy in the region.

Promising signs of such cooperative agreements have surfaced in recent weeks. The French, Italian, and United Kingdom minesweeping coordination effort is further indication of progress in this area.

UNILATERAL U.S. EXPANSION

While a contained policy at present, U.S. commitment to the region applies exclusively to U.S. interests. Adherence to a policy of protection of any commercial vessel's right to free passage in international waters is a more expansive application of universal principle. Absent a similar adoption of principle by other nations of the world, however, would create extensive risk and staggering cost to the United States.

CONCLUSIONS

The delegation's primary focus on the Persian Gulf was to examine the costs involved to maintain our military presence in the region. The cost estimates are heavily influenced by the direction of our foreign policy in the region and the manner in which it is carried out.

Continuation of the present policy by the means established since July 1987 is expected to cost upward of $450,000,000 in fiscal year 1988. Incremental expenses beyond estimates to operate the ships deployed under normal conditions are expected to be $179,000,000 through the balance of the year. By contrast, it would cost $14,400,000 to maintain a presence in the gulf comparable to conditions which existed prior to naval expansion last summer.

U.S. economic dependence on the gulf region is minimal when contrasted with the other world industrial nations. While U.S. investment in the Persian Gulf presence is not linked to our vital economic interest, it has lent a stabilizing influence to the region and, thereby, a benefit to other world economic interests. Similar commitments from other nations would signal international resolve to the belligerents of the region that economic interests will be protected.

The underpinnings of our policy are linked to the principle of freedom to navigate in international waters. At present, a national willingness exists to bear the financial burden in support of this principle. But support may yet prove to be frail if the cost is to be paid in human life from our military personnel assigned to carry out the policy. More commitment by other nations to this common international principle may not lessen the human risk involved, but it would share more equitably.

The United States has accrued other benefits from our presence in the form of improved relations with moderate Arab states in the gulf. But these strengthened ties are contingent upon continuation of an open-ended policy to remain in the region for as long as the threat persists. We may elect to incur these costs in support of principle and in pursuit of continued benefit, but must be mindful of the associated risks. Assessment of risk and willingness to rethink the policy must remain on Congress' agenda for the foreseeable future.

[From the Christian Science Monitor, Feb. 18, 1988]

U.S. Resolve Stays High in Gulf: Mission Unchanged Though Naval Force Is Reduced

(By Warren Richey)

Manama, Bahrain.—The withdrawal of four United States warships from the Gulf region is a routine adjustment that doesn't undercut US resolve to protect its commercial shipping here. That is the official US line, and one the Arab states of the Gulf seem to accept.

Still, Iran is using the force reduction for propaganda purposes, suggesting on Radio Tehran that the US is retreating from the Gulf. "After the defeat of its militaristic policy in the Persian Gulf, Washington is looking for a face-saving way to get out of this international waterway," Radio Tehran proclaimed Wednesday.

Last month's visit to the region by US Defense Secretary Frank Carlucci was in part designed to prevent any US "friends" on the Arab side of the Gulf from coming to such conclusions.

But what does concern the Saudis and Kuwaitis is the unresolved issue of whether US forces will eventually also protect neutral commercial ships under threat of unlawful attack in the Gulf's international waters—as France has announced it is prepared to do. The other naval powers in the region—including the US—have so far been cool to the idea, stressing that their missions are strictly limited to protecting only ships flying their own flag.

Just by their presence, the warships in the Gulf serve as a calming and protecting influence, which benefits all shipping in the vicinity. But such spillover protection hasn't prevented the Iranians from stepping up attacks this year against unescorted ships trading with Kuwaiti and Saudi ports.

The Iranians are not expected to gain tactical advantages as a result of the withdrawal of the four US warships.

As described by US Defense Department officials, the redeployment will permit the US Navy to lower marginally its high profile in the tense region. Also, the move will reduce the cost—$20 million per month by some estimates—of maintaining the large naval task force.

With the pullout last weekend of the US battleship Iowa and two escort ships—a cruiser and a destroyer—and later this month the helicopter carrier Okinawa, the US naval force will stand at 24 ships, down from more than 40 vessels last fall. The US task force will remain, nonetheless, the most significant and potent concentration of military power in the rgion.

US officials stress that the remaining naval ships will be more than enough to continue protecting Kuwaiti tankers reregistered last year under the US flag and the small number of other US-registered ships that call in Gulf ports. They note that while the threat of mines in Gulf waters has diminished, US and Western European mine hunters stand prepared to resume operations if needed.

Along with the announcement of the US force reduction, the US has announced its intention to iron out an arrangement with Iraq to prevent any repeats of last weekend's close call when an Iraqi bomber fired two anti-ship missiles in the vicinity of a large US-escorted convoy of tankers in the southern Gulf.

The missiles are said to have flown within eight miles of a US warship at the rear of the convoy before exploding on the horizon. The warship's crew went to battle stations in preparation to shoot down the incoming missile, if necessary.

The incident was the closest encounter between an Iraqi pilot and a US convoy since the accidental May 17 Iraqi missile attack on the US frigate Stark in the central Gulf. Thirty-seven US servicemen died in that attack.

A US military team is expected to visit Baghdad later this week to press home to the Iraqi regime the need for greater care by its fighter pilots in identifying potential targets for missile attacks.

Some Iraqi pilots are said by military analysts to anxiously fire their missiles at any large "blip" on their cockpit radar screens, simply assuming the blip to be an Iranian tanker or other war target.

[From the New York Times, Feb. 21, 1988]

What Price U.S. Patrols In the Gulf?

(By Richard Halloran)

Washington.—Amid conflicting calculations by officials over the cost of United States military operations in the Persian Gulf, it is clear that costs have risen and that little relief is in sight, despite the decision last week to reduce the naval force there slightly.

Only a basic policy change would end the American presence in the gulf, and neither President Reagan nor any Presidential candidate has espoused that.

Many military officers and political officials maintain that even if Soviet forces were withdrawn from Afghanistan, this would not lead to an American revision of the commitment to retain Western access to gulf oil.

Nor would peace between Iran and Iraq, now in their eighth year of war, do much to change the deployment of American warships, the United States would continue to patrol the vast region including the Arabian Sea and Indian Ocean.

Last week, 18 ships were on patrol inside the gulf and eight, including the aircraft carrier Enterprise, were steaming just outside. In the Indian Ocean were 16 more ships, including the carrier Midway and her escorts heading for the Pacific.

But there is an apparent contradiction in American policy. On the one hand, it calls for continued spending of large sums for operations in the gulf. On the other, the President and Congress have agreed to hold down military spending, which is reflected in the defense budget the White House submitted last week to Congress.

The present commitment to the Persian Gulf began after the Soviet Union sent troops into Afghanistan in 1979; President Carter proclaimed that a Soviet attempt to control the gulf "will be repelled by any means necessary, including military force." Two years later, the Reagan Administration expanded the commitment when the Pentagon's strategic plan, in a directive called Defense Guidance, outlined a "disproportionately larger investment" in forces for gulf operations.

"The Soviet Union must be confronted with the prospect of a major conflict should it seek to reach the oil resources of the gulf," the plan said. "We would be prepared to introduce American forces directly into the region should it appear that the security of access to the Persian Gulf is threatened."

The former Secretary of the Navy, John Lehman has estimated the total cost of the gulf commitment—forces, training, operations, bases, support—to be 20 percent of the military budget, or about $40 billion a year.

In contrast, the Defense Department has said that naval operations in the gulf in 1988 will cost the taxpayers only $175 million more than would be spent if the ships were someplace else and not operating at such a high tempo. In between are varying calculations.

William Kaufman, an economist at the Massachusetts Institute of Technology who specializes in defense budgets, has estimated that 6.6 percent of annual American military spending goes to protecting United States interests in the gulf. Applied to the 1988 budget, that would come to $19.2 billion.

The Center for Defense Information, a research organization critical of defense spending. estimated naval operations at $1.4 billion a year. Brian McCartan, an analyst at the center, figured that it cost $2.50 to bring $1 worth of oil out of the gulf.

Senators Ted Stevens of Alaska, Alfonse M. D'Amato of New York and Warren B. Rudman of New Hampshire, all Republicans, toured the region in January and cited $450 million in direct naval costs for this fiscal year.

The General Accounting Office said costs would be increased because of "sand in the air." Sailors who have served there said machinery needs three times as many spare parts because the blowing sand wears them out faster than in other places. In the warm, shallow waters of the gulf, moreover, pumps must be run faster than normal to cool computers and living spaces.

IRAQUI MISSILES FEARED

Another hidden cost has been operations elsewhere that have been reduced to make ships—or funds—available for gulf operations. "We're coping with this now," said one officer. "But the leadership around here is worried about the future. We're pushing those guys out there pretty hard."

The heat takes a toll and a lack of port calls means little time off during a six-month tour. The Iran-Iraq war adds to the tension. Last May, an Iraqui pilot killed 37 American sailors when he hit the frigate Stark with a French-built Exocet missile. Another such incident during the Presidential and Congressional campaigns could be damaging to Republican candidates.

That possibly came vividly to mind last weekend when an Iraqi bomber fired a cruise missile that flew near the American destroyer Chandler before veering away to explode in the distance. The Pentagon said it would send officers to Baghdad in an effort to teach Iraqi pilots to tell the difference between American warships and other vessels.

[From the New York Times, Feb. 21, 1988]

SOVIET AGREES TO WIDER U.N. TALKS ON IRAN EMBARGO

(By Paul Lewis)

UNITED NATIONS, February 19.—The five permanent members of the United Nations Security Council have taken a significant step toward imposing an arms embargo on Iran as part of their attempt to end the Persian Gulf War, according to diplomats involved in the negotiations.

The Soviet Union has agreed that the five nations should bring the 10 other Security Council members into the informal discussions that the five have been holding on a draft for a mandatory arms embargo against Iran.

The Soviet Union, which has been the most reluctant of the permanent members to move against Iran in this way, made it clear that its agreement on Thursday to widen the discussions did not mean that it accepted the draft for the arms embargo, diplomats said.

But the three permanent Western members of the Council—Britain, France and the United States—who all favor an immediate embargo, regard the Soviet move as a significant step forward. Secretary of State George P. Shultz was described as delighted when told about the Soviet decision, according to American diplomats.

China, the Security Council's fifth permanent member, is expected to go along with any decision agreed by the others, Western diplomats said.

Some Western diplomats said they hoped that as a result of the Soviet decision, the 15-member Council would now be able to make further progress toward an arms embargo and perhaps reach final agreement next month.

They said they believed that the Soviet Union was reluctant to permit any further progress in the embargo talks this month because the United States has the rotating presidency of the Council and could claim the diplomatic credit. Yugoslavia takes over the presidency next month.

The other Council members who will now be brought fully into the embargo debate are West Germany, Italy, Japan, Zambia, Argentina, Algeria, Yugoslavia, Brazil, Nepal and Senegal.

In an unusual display of unity, the Security Council agreed in principle last July to impose an embargo on arms deliveries to Iran and Iraq unless both nations accepted its call for an immediate cease-fire and peace negotiations.

NO CLEAR REPLY FROM IRAN

While Iraq has said it is ready to accept the United Nations plan if Iran does too, Teheran's revolutionary Islamic Government has refused to give a clear answer one way or the other.

The draft embargo plan being discussed provides for a two-way ban on the sale of arms to Iran by all United Nations members, unless the Council decides to shorten it, diplomats say. The draft also provides for regular reviews of the embargo by the Council and requires its members to agree on steps to insure that it is enforced.

In the past the Soviet Union has said that while it is ready to impose an arms embargo on Iran in principle, it favors delaying a decision to permit more time to persuade Teheran to agree to a cease-fire. Moscow has also pressed for the introduction of a United Nations peacekeeping fleet in the Persian Gulf to protect civilian shipping there, and the withdrawal of the United States warships now patrolling the gulf, although it has not made this a condition for agreeing to an Iran embargo.

Western officials said they thought Moscow was reluctantly coming to the view that the Security Council must take sanctions against Iran to safeguard its own credibility after many private attempts at persuading Teheran to make peace have failed.

Nevertheless, imposing sanctions on Iran is a difficult decision for Moscow, Western officials said. The Soviet Union has a long border with Iran and is reluctant to damage relations. It may also fear that Iran's fundamentalist Moslem leaders could stir up trouble among the roughly 60 million Soviet Moslems and disrupt Moscow's efforts to make peace in neighboring Afghanistan, Western diplomats say.

The United States, Britain and France also say they are not getting as much support for an arms embargo against Iran as they would like from some of the Council's rotating members. In particular, they say West Germany, Italy and Japan are reluctant to jeopardize their trade with Iran.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I was going to proceed for about an hour unless there was some understanding here between the leaders that any motions be made at this time at which point I would be delighted to yield the floor.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. RUDMAN. I am pleased to yield.

Mr. BYRD. If the Senator wishes to speak, I have no intention of having a vote, and the Senator has the floor. I could not have a vote if I wanted one unless he yielded for it. There is no desire to have a vote just to have a vote.

As long as the Senator wishes to speak, I think that serves each side to have an opportunity to put our case into the record, those who are for the bill and those who are against it, and a quorum call serves no such purpose.

I thank the Senator for offering, however, to yield.

Mr. RUDMAN. I thank the majority leader.

I yield to the distinguished Republican leader.

Mr. SIMPSON. Mr. President, I thank the Senator from New Hampshire for yielding for a moment.

I would add to what the majority leader has said. The gentleman's agreement provides simply that we come to this hour of 10 o'clock and then go into what is described as regular order of the first order, I would suppose, at this time, and I think until our adjournment time of approximately 5 or 5 o'clock this evening the arena is subject to all the motions and activities that have taken place in the days past.

The Chair could move to consideration of the issue, moving the question. Those in opposition could be suggesting the absence of a quorum. Motions and activity would be taking place. That is all I would add to the activity.

There is nothing concerted here, but some will very likely make that motion saying there is the lack of a quorum, so I think everyone should be alert that there would be rollcall votes surely during the day, even though the debate will remain hopefully clearly directed.

Mr. BYRD. Mr. President, will the distinguished Senator yield for a brief comment?

Mr. RUDMAN. I am pleased to yield.

Mr. BYRD. I want to compliment Senators on both sides of the aisle who remained on the floor throughout the night and concentrated their comments on the substance of the legislation before the Senate—those who are opposed; those who are proponents. I was here a good bit of the evening and so was the distinguished assistant leader. He is the acting leader. He is the leader for all intents and purposes

at this point. I say we were here and the Senators who were chosen by him and by me understood that the debate would be on the substance.

As I understand it they have had that kind of good debate.

I personally want to compliment them on both sides of the aisle and on both sides of the question for the service that they performed in directing their comments to the bill.

I thank the Senator for yielding.

Mr. SIMPSON. Mr. President, will the Senator yield an additional 1 minute?

Mr. RUDMAN. I yield.

Mr. SIMPSON. I, too, wish to thank very sincerely those who participated from our side of the aisle and the other side, Senators EVANS, WEICKER, STEVENS, and MURKOWSKI. They stayed within the subject matter as did those who represented the proponents of the legislation. It was very helpful. It was helpful to us all. It gave some of us an opportunity to get a full evening's rest and now we proceed into the activity according with the agreement, and I thank the majority leader for his courtesies an extraordinary willingness to extricate us from what would have been only further delay and further activity and further dazzling things.

Thank you very much.

Mr. RUDMAN. Mr. President, I made the inquiry only because earlier this morning I had been told that there might be a vote here this morning probably, for the sole purpose of getting Senators who are somewhat groggy from the past 2 days more awake by the invigorating walk from the offices to the Chamber.

Since we are not going to have that kind of vote, I would be pleased to proceed.

I was talking to the television critic of the Washington Post yesterday, who called me on another matter, and I asked him if he had been watching C-SPAN II which carries the deliberations of this body and he said he had not. I told him he missed a great deal. I thought the events of the last 48 hours were a curious blend of "Dallas," "Dynasty", "The Last Buccaneer" and the Friday night fights.

But I am glad to see that civility has returned to the Chamber and as far as those matters of procedural due process, I would just make a parliamentary inquiry, Mr. President.

I am curious as to whether or not the questions asked by the junior Senator from Pennsylvania [Mr. SPECTER] addressed to the Chair yesterday afternoon, which I would describe as procedural due process questions, have ever been answered by the Chair?

The PRESIDING OFFICER. The Parliamentarian is working with Senator SPECTER on that matter currently.

Mr. RUDMAN. Then, would it be fair to assume by that answer that at some point those questions will be answered so the body would have the ruling of the Chair.

The PRESIDING OFFICER. I am sure that will be done.

Mr. RUDMAN. I thank the Chair because, being a lawyer and a former attorney general, I am interested in procedural due process. I obviously plan to be here for a few more years and, if such events transpire again, I might want to have my defenses ready so I will be very interested in what the Parliamentary advises.

Mr. President, I want to start out my comments this morning with a quote from Robert Samuelson, an economic and political analyst for the Washington Post.

This is a quote from a piece that he had in the Post not too long ago. It is not all that long.

> The Founding Fathers are growling in their graves. The Senate is now debating campaign finance "reform": a respectable sounding idea that's a fraud. Campaign reform would cure problems that don't exist with solutions that would restrict free speech, smother elections in bureaucratic rules, and hurt candidates' chances of beating incumbents. It's an odd way to celebrate the Constitution's 200th birthday.
>
> Blame that on Fred Wertheimer of Common Cause. His crusade for reform—campaign spending restrictions and public financing—is built on half-truths.

The reason that that particular quotation is appealing to me is I daresay that no one in this body—I say this with all due humility—is in a better position to talk about campaign reform with some credentials than the junior Senator from New Hampshire. For those who do not know it, I was the only candidate in 1980 to run without any out-of-State PAC money whatsoever. As a matter of fact I believe when I did that in 1980, the only two Members of the U.S. Senate that did not take PAC money were the Senator from Oklahoma [Mr. BOREN] and the Senator from Wisconsin [Mr. PROXMIRE]. There is a little history as to why I cannot take PAC money in New Hampshire.

I was running against a very good man, a Democratic incumbent, Senator John Durkin in 1980. Senator Durkin had been elected in a highly disputed election in 1974—actually two elections. One was hotly contested, then a second election which he won handily. And then finally he ran for reelection in 1980.

What I am about to say is not a criticism of him because he is a friend. It is a criticism of the system. I noticed, sitting as attorney general of New Hampshire in 1974, something that bothered me a great deal. New Hampshire is not known particularly as a big labor State. Yet as I watched campaign contributions in that election, Wyman versus Durkin in 1974, I found an enormous amount of labor PAC money coming into the State of New Hampshire, a very small State in which that kind of PAC contribution can have a real effect.

I do not know the precise number but I believe that in a campaign that probably cost $700,000 or $800,000, maybe as much as 35 or 40 percent came from labor PAC's and another substantial amount of money came from other political action committees. Curiously, a relatively small portion of the funds for Senator Durkin's 1974 campaign came from people who resided in New Hampshire.

This is not unusual, I might say, if you went across the entire country. That bothered me.

As I go back to the basic constitutional provisions creating this Congress, and to the amendment in which Senators become popularly elected, it occurred to me that although we certainly represent a national interest and vote on matters that affect the entire country, the Presiding Officer represents the people of Alabama, the majority leader represents the people of West Virginia, and the Senator from New Hampshire represents the people of that sovereign State. There is something essentially wrong with a system in which the bulk of contributions electing a candidate are coming from political action groups that have little base or interest in the State in which the election is taking place.

My advisers told me back in 1980 that I was probably out of my mind, that it would be impossible to run a campaign without PAC money. But I decided to make that an issue. I decided, although I could raise far less money, that the people in New Hampshire, in a State of that size, could be reached by the media, both paid and free, and convinced that they ought to be concerned about the special interest money, be it labor money, business money, whatever, that did not have a community of interest in that State.

I won that election. And I am convinced that that issue had a great deal to do with it.

Curiously, I would just add as an aside something that is a matter of public record. The present executive director of Common Cause, who I referred to in Mr. Samuelson's quotation, came to New Hampshire about 6 months after my election to address a Common Cause meeting in New Hampshire. During the question-and-answer period that followed, he was asked by a member of Common Cause of New Hampshire about my efforts to resist PAC money. Rather than saying anything nice about that, Mr. Wertheimer proceeded to blast me, which became a front-page story in all of the State papers, for not doing more to bring campaign reform to the U.S. Senate.

I had been here by that time, I think, roughly 5 months when that all appeared. I did not react very well to that. As a matter of fact, it occurred to me it was a little like court-martialing Sergeant York for not killing enough Germans. But be that as it may, I have had nothing to do with Common Cause as a national organization since that time. I believe any leadership that does a thing like that to a Senator, one that ran without PAC money, in his own State is somewhat irresponsible.

As a matter of fact, I would like my colleagues to know that I discussed this bill or a similar bill at a Common Cause meeting in New Hampshire several months ago, I believe it was last fall.

When the Common Cause membership in New Hampshire understood some of the problems with this bill, they suddenly recognized that their national leadership was selling them a bill of goods that I do not think they necessarily agreed with. To say this is a Common Cause bill is an overstatement. This is a piece of legislation that Common Cause at the national level is pushing, and as we all know, we have spent enough time around here, what the national organizations lobby for down here sometimes has little resemblance to what their membership really would like.

So I am not sure the people in Common Cause really want this kind of legislation adopted because, you see, the real problem that this country faces today in elections, in my view, has little to do with the amount of money that is spent and has a lot to do with where that money comes from.

In the last Congress I was a sponsor, very proud original cosponsor, of the Boren-Goldwater bill. That bill was a bill to curb the power of political action committees. It had strong bipartisan support here in the Senate. It passed in September of 1986 by a vote of 69 to 30. There was an amendment offered to that bill, I might add, which would have eliminated all PAC contributions to political parties. The amendment passed. I would point out that 40 out of 42 Members of the current majority voted against that amendment, which is not surprising considering where PAC contributions go today.

Ironically in the 6 years of Republican control of this body not once do I recall any initiative from the other side's leadership pushing any sort of campaign reform. But now, in the 100th Congress, we no longer have a bipartisan bill. We have a very, very partisan bill in my view. And this bill will not pass. It will not become law. Maybe there will be useful purpose served by the last 3 or 4 days and maybe we will get together and finally pass campaign reform that is truly reform.

I would point out that I offered, along with Senator BRADLEY and Senator Eagleton, a proposal for a bipartisan commission modeled after the Social Security Commission to address the whole issue of campaign reform. That bill is still kicking around here. Unfortunately, it hasn't received any reaction. In my view, we will not receive significant campaign reform until both parties get together and do something in the interests of the country. It is inconceivable to me that the Democratic Party will allow any bill to be passed that will seriously impinge their ability to run their elections. And, it is not any more conceivable for anyone to assume that the Republicans will allow a bill to become law, if they can possibly stop it, if it will impinge on the way they get reelected.

If you want to really talk about campaign reform, I would like to talk about several ideas that are not new. I would certainly hope that the majority leader and the Republican leader might get behind a bill that I have offered which is known to the Rules Committee. If you really want campaign reform, and the first idea of campaign reform is to get more participation in the process and, second, to limit the power of special interests, then I have a solution for you. It is called the 50-30-20 bill. It works very simply. The Rules Committee has heard of this, a lot of people in this body like it, it is not unfair to Democrats, it is not unfair to Republicans, and it is a bill that will move the process.

That bill essentially says that 50 percent of all of your fund can come from individuals, and I raise the personal contribution limit from $1,000 to $1,500 or $2,000 because the $1,000 limit goes back to 1974.

I might point out that the Governor of New Hampshire is limited by State statutes to a contribution of no more than $5,000 whereas a Senate or House candidate can only receive $1,000. It does not make much sense in 1988. At any rate, 50 percent could come from individuals, 30 percent could come from the political parties.

Mr. President, I believe if there is one feeling that we have in this political sysem, it is that the Democratic Party as a party and the Republican Party as a party have lost power, have lost the right to have discipline within their parties, and that is because in my view they have lost control of some of the fundraising.

So I say, allow the parties to contribute up to 30 percent of expenditures to the candidates.

I would add that bill will allow no pass through money, no bundling, a true and honest 30 percent of the money they raise, of the money that a candidate can spend, could be given by his party and no more than 20 percent can come from PAC's. It seems to me, in an election in my State costing $1 million, that $200,000 worth of PAC money, although I do not happen to like it, probably is acceptable. But $400,000 or $500,000 is not.

So that is the 50-30-20 bill, a bill that would be fair to everyone. Somehow, it has not received the support I believe it should. I will give you two or three other ideas if we really want campaign reform. I heard a dialog a few moments ago between the Senator from Alaska and the Senator from North Dakota about the enormous amount of money we are spending on campaigns. Well, that may be true and it may not be true. I want to make a couple of observations.

I spent $700,000 to get elected in New Hampshire in 1980. My colleague on this side of the aisle—I pick him because I know the number, Senator PETE WILSON of California—spent $6 million to get elected to the U.S. Senate from the State of California. You talk about $700,000, nobody gets upset; you talk about $6 million, that is a lot of money.

I will have to make a confession. I spent 70 cents a citizen vote, and he spent 25 cents a citizen, because California is 23 times larger than New Hampshire. So when we simply talk about money, we are talking in a vacuum. We have to relate it to something.

The real reason campaigns have gone out of sight in costs is the cost of television advertising. I see the Senator from Alabama is presiding. The Senator from West Virginia, and the Senator from Oklahoma are on the floor. I do not know what the rates are in their States. I am going to tell you something very interesting.

In the State of New Hampshire, which is dominated by Boston television, a 30-second commercial on prime time during my 1986 campaign was between $7,000 and $9,000, one commercial, 30 seconds. When the playoffs in the American League were in Boston that year, and we thought it would be nice to buy a commercial just on local television, not on the network, on the break, during that game, and the figure came back $12,000 to $15,000—one 30-second commercial.

So let us be honest with each other, and the real reason that the cost of political campaigns have gone out of sight is simply because the cost of advertising has gone out of sight.

I have a solution for that also. I proposed it to the Senator from Oklahoma back last year but I do not really recall what his position was on it. But I know others did not like it at all. Here is my suggestion. If you really want to get the amount of money down in campaigns, I will give you an easy way to do it.

Who owns the television airwaves in this country? The people who have the licenses do not own them. They have licenses to use them. The American people own those airwaves. Let me tell you, those are pretty valuable commodities. I noticed a television station sold the other day for $235 million, one station. And the price is going up, not down.

So here is my proposal. Let us say to the television licensees that they will be required to furnish x amount of time to any legitimate candidate, and we can qualify a legitimate candidate during the 30 days preceding a primary and during the 30 days preceding a general election.

I am sure that the people in the country and the people in the gallery will say, "That is a prefectly reasonably idea. Why don't we do it?"

I am going to tell you why we do not do it. We are not going to do it because the broadcasting industry is very powerful and they do not want it. Why do they not want it? Because it will cost them money from their bottom line.

I am willing to vote for that kind of a bill. I will vote for it tomorrow. I will vote for an amendment like that. As a matter of fact, I would offer such an amendment. But, if we should vote for cloture, under the rules of the Senate, we will be foreclosed from offering that reasonable amendment. No wonder Republicans on this side are unwilling to vote for cloture and have an up-or-down vote when we are precluded from offering amendments which, in fact, are reasonable and rational.

And if you want to talk about special interests, it is in the interest of the American people to force television licensees to furnish free time to legitimate candidates. It is not in the interest of the television licensees. And, who wins? The television licensees. That is what special interest is all about.

You know, I have heard more talk on this floor about campaign reform during the past 4 or 5 days and I have been trying to find the reform. The legislation before us does not eliminate special interest money. It substitutes a form of public financing for some special interest contributions directly to candidates, and it places limitations on what people can spend.

I want to talk about those limitations because I asked my staff and, I believe, Senator McCONNELL's staff to look into the statistics of what this is all about. I came up with some startling numbers which I want to relate now because I think they are quite interesting.

Every single Senate incumbent who spent within S. 2 limits in 1986 won reelection. Everyone. Every incumbent who spent within what these limits would be won reelection. Ninety percent of the challengers who spent within the limts lost.

Now, let us think about that for a moment. You talk about an incumbent's protection act. I mean, I think the American people ought to be outraged to hear that we are putting together legislation which, if it became law—which it will not, but if it would—essentially grants in perpetuity for all intents and purposes the incumbency of 100 men and women who sit in the chairs on this floor.

Everyone in politics knows incumbency is a very valuable weapon. We are on television every night in our home States. We are on radio. We have total access to the media. We are on this floor making news, occasionally.

Let us look at the challenger. Let us say the challenger was a very able young person with enormous motivation, not much personal money, cares deeply about the country, and wants to make a difference.

In my State of New Hampshire—and this is a figure which I hope people might pay some attention to—in my State of New Hampshire, we found out something very interesting which stunned me when I learned about it because it is a State of only 1 million people, with only two congressional districts. It is 100 miles across and about 160 miles north and south. It is a small State. It costs nearly $300,000 to start getting somewhere in the vicinity of 40-50 percent name recognition. Just name recognition. Never mind what you stand for, just mind that you exist.

I had been attorney general in New Hampshire for 6 years, from 1970 to 1976. Then I left office voluntarily. I ran for the Senate in 1980. Oh, how people forget. My name recognition in 1980 was about 20 percent, and I had been a very active attorney general. It took $350,000 to get my name recognition up to 65 percent and by the time the election came about it still was only 75 to 80 percent. What we do with these limitations, Mr. President, is absolutely saying to most challengers, "you have had it" and to most people in this body "You can stay here as long as you want to."

Two other very interesting statistics. To repeat them, everyone who ran in this body who was an incumbent and within the limits won. Ninety percent of the challengers who ran within the limits lost. Sixty-three percent of the challengers who exceeded the proposed limits won, most of them on the other side of the aisle because they won the majority back this past year. And, 72 percent of the challengers who won exceeded the limits.

I mean, if anybody needs any more proof about the power of the incumbency and the problem with the limits—I do not know what to do. I heard my friend from Oklahoma—and he is my friend; we have done a lot of things together—I heard him speak with passion yesterday about people on this side not wanting any limits whatsoever. Well, I guess technically the Senator from Oklahoma is correct. The problem is, how do you define those limits with fairness? That is what we are having difficulty doing.

I will give you a proposal which I will bet gets 100 votes against. I am going to make a hypothetical here that the incumbency is worth 50 percent. So we will make a deal. We will have an amendment, if the majority leader would waive the cloture rule and let me offer it, and the amendment will say incumbents can spend x, let us say, in the State of New Hampshire $1 million—and the challenger can spend x plus 50 percent. Have a level playing field. How many votes do we have for that in the room here? Zero. I will not even vote for it. Because incumbents would say, "Wait a minute; $1.5 million of advertising. They spend it all on television, strong negative advertising"—which, unfortunately, works—"against $1 million of advertising," which could not be negative because the fellow you are running against did not do anything; he has no record. It would not work, so you cannot do that. That would not pass.

I would agree to some kind of limits if I knew how to do it. I have tried with the Senator from Oklahoma last year to come up and fashion a solution, but I did not find one on limits.

I also find this bill fatally flawed because it does not do anything about political action committees. Now, the Senator from Oklahoma and the Senator from New Hampshire has something in common. We do not take PAC money. I think the Senator from Oklahoma would agree that makes it very, very tough.

I will never forget coming here in January 1981 and having my administrative assistant come in and say, "We have a problem here. We have got all of these letters from all of these PAC's." And the letters all read the same: "Dear Senator Rudman, somehow we overlooked your campaign"—they sure did in 1980—"and we would like to enclose a check for $5,000 toward your next campaign and toward your debt."

At that time, we had a debt, I think I am stating it correctly, of $160,000. And, if memory serves me correct, the checks from the PAC's between election day and a few weeks after I was sworn in amounted to probably more than half of that. I think it was in excess of $100,000. They were all returned because we made a pledge to the people in New Hampshire and I believe if you make promises you ought to keep them. The pledge was that we will not take non-New Hampshire PAC money.

But if we really want to have reform around here, we ought to get the special interests. I call them wolfpacks. Sure, the PAC's can only give x

amount of dollars, but you can take 10 PAC's who are interested in defense or 10 PAC's interested in energy or 10 PAC's interested in agriculture or 10 PAC's interested in trade issues, and put them together and you have $100,000 between the primary and the general election.

That is what is wrong with the system, not how much we spend.

I guarantee you that either we cut the cost of television advertising or the next cycle will cost even more because television advertising is going up, I believe, at double the rate of inflation or maybe more.

So I would say, Mr. President, that I think it is really a mistake to call this a reform bill.

You know, I have heard a lot of accusations on this floor that this bill is designed to end the Republican Party. I really do not believe anybody planned to do that. Maybe it looks that way. I think the majority leader would have no fun at all if we got rid of the Republican Party. Let me simply say that, although I do not think it started out that way, to many of us on this side of the aisle it kind of feels that way because we tend to raise more money in smaller amounts, which may be a surprise to the American people. The Republicans raised more money in smaller amounts and that is because we have been much more efficient at direct mail and direct mail raises small amounts.

You know, I do not have a problem if, in the State of New York, 3 or 4 million people want to give $5 each to a candidate. I think that is good. In the State of New Hampshire, if we could get 10,000, 15,000, 20,000 people to contribute $30 each, that is a lot of money. I do not have a problem with that.

What I do have a problem with is special interest groups bundling that money and concentrating it in small States where it makes a difference. Three or four hundred thousand dollars of PAC money makes very little difference in California, New York, or Michigan. It makes a whale of a difference in Alabama. And it makes even more of a difference in New Hampshire. And that is where reform is needed. This bill does not address that. It does not do a thing about PAC money. Essentially it would eliminate the chance of many middle-income Americans, in my view, to become active in the process.

It creates subsidies to help counteract independent expenditures. I would agree, this is a tough problem, but I am not sure this is the right way to deal with it, or even an effective way. It creates postal subsidies which I totally disagree with.

You know, I talk to a lot of people in my State on all sides of this issue, and I do not find much support for public financing. You know, the attitude of people is, "Look, you get elected and now you want us to help you get reelected with our tax money."

Now, I think that there is a real possibility that we can work this out. And, if nothing else, this 3-day period ought to reinforce the fact that the only bill that is going to pass is a bill that is truly reform and that does not gore the oxen of either party.

I would plead with my friend from Oklahoma, who has been a leader in this, and my friend from Alaska, Senator Stevens, who has been a leader in this, to take another look at 50-30-20. It is a good piece of legislation. It encourages the participation of the American people in the political process. It limits special interests.

I would be willing to do away with PAC's completely. But I do not think there are the votes to do that on this floor. So why not do it in some reasonable, rational, and small way?

Finally, let me just go through a few numbers here which may already be in the Record, but I want to make sure because they are just illustrative.

Curiously, 20 percent of the contributions in 1984 for the Democratic candidates came in amounts of under $200. Roughly a third of the Republican contributions came from people in amounts of under $200. In the last election cycle, Democrats raised about $75 million in 1986 from PAC's; Republicans about $57 million. In the current cycle, 10 of the 11 leading Senate PAC recipients and 13 of the leading 16 PAC recipients in the House are Democrats. The Democratic Party, according to this report, relies very heavily on PAC contributions.

So I think that I understand, that being a political reality, why the people on the other side of the aisle are not willing to accept our proposal, which is to limit PAC contributions or to do away with them completely.

I think the Senator from Oklahoma would be willing to do that because that is what he does himself. But I do not think there is support for that in large amounts on that side of the aisle.

So I would simply sum up, Mr. President, by saying that this legislation is not reform. It does nothing about special interest money at all. It raids the public Treasury to run our reelection campaigns. It is an incumbent's protection act which essentially would establish in perpetuity most of us who want to stay here for as many terms as we would like. It defeats the incentives to challengers who are able and willing to fight hard for a U.S. Senate seat, which is something to aspire to, and makes it more difficult for them. It seriously impairs upon the ability of Republicans to raise money from middle America and it spends Federal tax money against their will.

Those are good reasons to vote against the bill and, of course, we probably will not get to vote on this bill because cloture, in my view, will fall short.

So I hope, Mr. President, that as we move into the rest of the legislative year, that we might have more light than heat on this subject. The nice thing about the Senate that I have found, is that although people get upset about things, and I think this side had a right to be upset the other night, we recognize that the business of the Nation is too important to allow those things to continually be remembered in a vindictive way. So I think we have to get on with this. But I do think that this is a matter that people of good will ought to be able to get together on and do something about.

So, let me conclude, Mr. President, by saying that I stand willing and ready to help anyone who wants to work on this kind of a bill. I would hope the Chamber would take another look at my 50-30-20 bill. I would like us to revisit the idea of forcing broadcasters to grant some time to qualified candidates. And I would hope that the idea of limits would be further explored; but it has to be fair, it must in some way recognize the disparity of registration, the power of the incumbency, and the fact that, today in America, the escalating cost of advertising has absolutely gotten out of hand to the point that that is the real scandal in America. It is not the amount that is being spent on campaigns—that is why I used the California-New Hampshire example; $6 million sounds like a lot, $700,000 does not; but there was a lot more spent per capita in New Hampshire than in California.

The basic problem is the costs have skyrocketed, whether it be for polling, direct mail, or particularly television. That is why it is such a scandalous-appearing sum of money, although in my view, compared to what we spend for other things in this country, it is not so scandalous. After all, we are trying to inform the people on whom they should elect to represent them in critical times. I hope we can move on and have progress. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. I thank the Senator from New Hampshire for his very thoughtful speech, and I use that term with due thought. It was a thoughtful speech, and that does not surprise me that we would hear those kinds of words from the Senator from New Hampshire. He has indicated we have worked together on many projects. In fact, we have had many discussions on this very issue.

I would say that I think he comes to this issue with a degree of commitment, sincerity, and intellectual honesty that is not exceeded on either side

of the aisle in this Chamber on this particular issue, and I applaud him for that. I appreciate the spirit with which he has made these comments today because I know that he, too, wants to do something meaningful and in a constructive way to make some changes in the current system, which is simply not operating as it should.

The indication which he has given here on the floor that he, again, is one of those Senators that does not accept political action committee money is an indication of his feeling that he wants to keep politics as close to the grassroots, to the people that he represents, as possible. We share that common commitment.

I say to him that I hope we can resume our discussion. One of the things that has disappointed me, quite frankly, in the current situation is that it has become so polarized. It becomes very difficult, sometimes, to discuss these matters without it becoming polarized. I remember back when Senator Goldwater and I first introduced a campaign reform bill—I know the Senator from New Hampshire recalls this—we had a meeting of the two caucuses on a Tuesday, as we always do.

It was very interesting as Senator Goldwater and I exchanged reports on what happened in each caucus after it was over. I am sure the Republicans in the Republican caucus thought that the Democrats were all praising me for having introduced a bill, for having helped the Democratic Party, because, as I understood it, the Republicans were really giving Senator Goldwater a working over, saying, "How in the world could you have fallen into the trap of introducing a bill that is obviously aimed at helping the Democrats?"

But I had to laugh to myself and say, well, it would certainly have been ironic if each side could have heard the caucus of the other because at the very same moment the Democratic caucus was giving me a working over for having fallen into the Republican trap authoring this bill with Senator Goldwater that was obviously aimed at the demise of the Democratic Party.

Each one of us has a unique experience with the campaign financing laws. There is not any one campaign for the U.S. Senate that is exactly like any other and so, if we look at proposals for change and reform, we measure them against our own personal experiences. We see intents behind proposals that are simply not there.

It is absolutely the truth, when we got together to try to write S. 2, there was no intent to try to slant that bill toward the advantage of one party or the other. That was simply not our intent. Our intent was to deal with a very, very serious problem for this country and it is a serious problem. The system cries out for change. As I told somebody who was questioning me about it this morning, when I signed on to be an author of that bill with Senator Goldwater several years ago, in signing my name to that bill I knew I was not signing my name to a proposal that was going to have full consideration within the next 2 or 3 months.

I knew I was not signing on to a short-term project. I knew that I was signing on for the duration; that I was signing on to a project that was probably a decade-long project, not a short-term project.

I had the same experience when I was in State politics in Oklahoma and would begin to author bills for open meetings on committees and recorded votes on amendments and campaign disclosure and conflict of interest. I was greeted with the same enthusiasm that Senator Goldwater's bill and my bill was greeted with when it was first introduced here: a mixture of scorn, derision, agitation, alarm, but mostly a kind of a knowing smile that such proposals would never go anyplace.

I said then that, ultimately, we were going to win on those proposals that I introduced when I was at the State level. Ultimately we were going to win because the people themselves would come to understand the issues and I said that that system that was going on then was a scandal waiting to happen. Unfortunately, those familiar with the history of my own State and the politics of our State know that scandals did occur and they occurred at about the same time that the Watergate scandal was occurring nationally.

The people of the State fixed their attention on the need to reform the State political system and all of a sudden those proposals that people had smiled at with condescension because they knew they would never go any place were presented on my desk for my signature, as I had moved from the State legislature to the Governor's office during that period of time.

In the course of a very few months these proposals were adopted. There are some issues and some bills and some proposals that can be passed simply by marshaling support of people within the capital building, be it at the State level or at the national level. There are other major proposals for reform which go to the basis of political institutions themselves; changes that affect the sitting members of legislative bodies, and any change in the campaign law affects every single Member of the U.S. Congress, House and Senate.

It has been my experience in reading history about these fundamental changes going back to the time of Theodore Roosevelt and Woodrow Wilson and others who helped bring about basic reforms, and LaFollette and others who served here, who brought about basic reforms, that those reforms did not come until the people themselves became engaged. Because those who are a part of the system find it very difficult to be the architects for change.

That is why we have always heard, and I thought, I wonder how long is it going to be in this debate, during this week when we have had this matter up that I am going to hear it again: "You are right; there is a real problem, but let us wait until after the next election to make the change because I am running this year. I have to go to the political action committees to raise the money. I am facing the need to raise $3 or $4 or $5 or $6 million. I cannot raise it in my home State so I have to go to other places in order to raise that money."

"I agree with you," my colleagues would say, "that something needs to be done. Something needs to be changed. But wait until after the next election because I cannot afford to offend those out-of-State givers, those secretaries or managers of the political action committees who represent lobbying groups here in Washington. I cannot afford to offend them because I have to finance my own campaign because the other side running against me will have millions of dollars to spend and I must have millions of dollars also. Let us wait until after the next election."

So, Mr. President, we have waited and we have waited. When campaigns on the average cost $600,000 to run for the U.S. Senate, people said it is getting too high but let us wait until after the next election.

When the average campaign for the U.S. Senate started suddenly costing $1.5 million, people said, "It is serious. it is bad. We should not put public offices on the auction block to be decided, not on the basis of the qualification of the candidates, but on the basis of who can raise the most money. Something ought to be done about it, but let us wait until after the next election."

And now, Mr. President, it costs $3 million on the average to run a successful campaign for the U.S. Senate. In many States it costs many more millions of dollars than that. We have States where almost $3 million has been spent between two candidates running for the U.S. Senate. Here we are and what is being said again this year? "Oh, there is a problem. But since no one has come up with an absolutely letter perfect solution to the problem, let us wait until after the next election because we do not want to disturb those almost 500 Members of Congress running for reelection this year. There are almost 500 running every 2 years. One-third the Senate and the entire House of Representatives. We do not want to disturb the contributors. We do not want to rock the boat. Let us wait."

Mr. President, if campaign spending keeps going up at the same rate, and it already is requiring us to raise $10,000, this has been said over and over again on the Senate floor, $10,000 every week, 52 weeks a year for 6 long years, the length of a U.S. Senate term, Senator must raise $10,000 each and every week to raise the $3 million total necessary to finance the average campaign.

The time that ought to be spent dealing with the Nation's problems and the time that ought to be spent back home listening to the people to understand their problems, the time dealing with our constituents, the time thinking about the future and what needs to be done for the next generation, time even with our own families, is spent crisscrossing the country, raising that $10,000 per week.

Last night, even, when we were discussing this bill many Members had to absent themselves to attend various fundraisers that were going on around town. We are all caught up in that and we are all a victim of circumstance and even the groups are victims of circumstance now. One industrial group, one labor group has to form a political action committee and give a contribution to a candidate because the opposing interest group has given money and formed a PAC. So to hold your own you have to do the same thing. It is like the arms race. One side escalates. The other side escalates. Neither one wants to be in this dangerous situation but no one seems to know how to get off this merry-go-round; this money merry-go-round that we are on in political campaigns. No one knows how to get off.

People have even learned to play the game. You get a poll that shows you are going to win. You go to one group, let us say to the banking association, and you say: "We are going to win. Get on board early. You will be remembered."

They get on board, and then you go to the competing interest groups. Maybe it is the savings and loan. You say: "Oh, my, the bank has got on. That fellow is going to win. You better get on board too, or he will tilt toward them." Then the savings and loans get on.

Then they go to the insurance company and they say, "You know, there is a big dispute about whether or not banks should be able to get in the insurance business or savings and loans, too. Those two have given. You better get on board or your competing interest won't be heard."

Round and round it goes, and everybody is victimized by it. The elected officials are victimized by it. They wanted to perform public service. They had an idealistic desire to come here and do their job for the American people, and they have to go out hat in hand and spend their time, effort, and energy raising money and raising it under circumstances that oftentimes have appearance of compromise of one's position even if, in reality, the compromise is not there.

And the people having to give the money are victimized, the interest groups that form the political action committees, whether they are business or labor, whatever their background, they are being victimized because they are being played off against each other.

People get notes from PAC managers to send back and, "Enclosed is my check, yes, I want to support Senator So and So and Congressman So and So." Maybe he is a chairman of a key committee or subcommittee they need to have for their own line of work. They get a reply card to send back, "Yes, enclosed is my $5,000. We want to help," or, "Yes, we want to give $1,000," or, "We want to help." Or, "No, we are not for his reelection." Those are the kinds of choices.

Anybody who does not think that people get the point when that person is already in a key position has to be naive.

So the people giving the money are being victimized. The Senate as an institution is being victimized, and the quality of our work is going downhill.

It makes it more difficult to form a consensus on any issue we deal with, whether they are talking about the budget or education policy or foreign policy.

This is one of the reasons Members are so busy that they hardly even get to know each other and they have to talk to each other through the staff members. It is a rare thing in this institution anymore for two or three or four Senators to sit down together for as much as an hour to really talk about the substance of an issue in an institution that is supposed to be the greatest deliberative body in the world. Part of the reason is the financial pressure necessary to serve is so great that it takes so much time and effort and energy in organizing that we are not even able to sit down and reason together and work out the kind of bipartisan consensus on bringing these two aisles, narrowing the gap in this aisle here so that we can work together as Americans to solve the Nation's problems.

And there are many people on the other side of the aisle who I have been privileged to work with on one issue or another, and I know from working with them that they are good Americans with a sincere desire to serve the country and they are reasonable people, and I am sure they find the same about many people of this side of the aisle, and the shame and tragedy of it is we too seldom sit down person to person, Senator to Senator, to work out an approach to problems facing this country in a way that we could work them out if we ever had the time and the opportunity to sit down together.

But most of all the American people are being victimized by what is going on with the campaign spending today. They have a right. They have a right to elect people here and to send people here to deal with the problems which they face. They have a right to expect from us that we are going to be doing our best to serve them. They have a right to expect that when we have time to go out and see people we will come to see our own constituents and listen to them. They are getting shortchanged because so much time is spent raising the millions of dollars that it takes to run for office that we neglect our other work. They are getting shortchanged because those weekends that we ought to be able to spend back home in Oklahoma or Kansas or Texas or South Dakota or Arizona or Kentucky or wherever it happens to be, too many are having to rush to Los Angeles, or New York, or to Boston, or to Miami, FL, or someplace else where there is a money center where there are a large number of people who have the financial means to make large campaign contributions, and you have to say to that small town business person or that little farmer, who might be able to give you a $5 contribution "I am sorry we don't have time to listen to your problems. We've got to raise $3 million. Don't you know we have to raise $3 million? I haven't gotten my $10,000 this week. I can't raise that $10,000 in Wayne, OK, or Brundage, AL. I've got to go off to Boston. I don't have time to listen to your problems because I have to raise $3 million."

Mr. President, that is wrong. It is wrong. It is eating away at the strength of our political system. Something has to be done about it. And it should not wait until after the next election and one of these days—I do not know when, I do not know if this debate we have been through the last couple of days has yet aroused the American people but one of these days the American people are going to wake up and they are going to start asking questions and they are going to ask themselves has it been good for this country that the cost of running for the U.S. Senate has gone from $600,000 to $3 million in 10 years? Would it be good for this country if that trend continues exactly on the same trendline so it will cost $15 million to run for the U.S. Senate just 10 years from now, as I have said about the time that the pages who serve here now might be eligible to run for the Senate should young people who want to perform public service have to think about not what they want for their country but how could I raise $15 million to serve.

Would that be good for our country? Is it good for our country that under the present system almost 200 Membrs elected to Congress received over half of their campaign contributions not from the people back home but from special interest groups controlled mainly here in Washington, DC, mainly run by lobbyists who hand out the money on the basis of who has influence and who is in a position to help them. Is that good? Is that good for this country? How can we say that? How can we say that it is having a good impact on grassroots democracy?

When you analyze where that money is going, 80 percent of it is going to incumbents.

I agree certainly with what the Senator from New Hampshire was saying a while ago. While I do not agree with his analysis of this bill I agree with what he said about the fact that we have too much of an incumbent's protection plan under the current system. Not only do we have the franking privileges and newsletter privileges and a lot of other privileges, which I have supported efforts to curtail, so that we have a fairer balance, but we also have the fact that the political action committees because they know we are here they have to deal with us, they are giving 80 percent, more than 80 percent, of all their campaign contributions: $46 million went to Senators last year. Twice that amount went to Members of the House of Representatives. It goes to incumbents, 80 percent of it. Why? Because if they misjudge and that incumbent loses they can always contribute to the new winner after the election, after they know they are going to be here sitting on a committee that they need access to.

Is that good for the country, Mr. President? Is it good for the country that we are discouraging new people with new ideas from becoming challengers in political races because they know they are going to have to face huge amounts of money from other parts of the country if they do that?

It is not good for the country, Mr. President.

That is why we have introduced S. 2. That is why as part of the proposal of S. 2 we have put overall spending limits in place in the bill.

I ask unanimous consent to have printed in the Record at this point what the State spending limits would be per candidate under the provisions of S. 2 if it were adopted into law.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATE SPENDING AND PAC LIMITS UNDER S. 2

[In dollars]

State	General	Primary	Cycle	Threshold	PAC limit
Alabama	1,271,200	851,704	[1] 2,122,904	290,400	255,511
Alaska	950,000	636,500	1,586,500	150,000	190,950
Arizona	1,093,600	732,712	1,826,312	231,200	219,813
Arkansas	950,000	636,500	[1] 1,586,500	171,300	190,950
California	5,481,250	2,750,000	8,231,250	650,000	825,000
Colorado	1,110,100	743,767	1,853,867	236,700	223,130
Connecticut	1,125,400	754,018	1,879,418	241,800	226,205
Delaware	950,000	636,500	1,586,500	150,000	190,950
Florida	2,807,500	1,881,025	[1] 4,688,525	650,000	564,307
Georgia	1,679,500	1,125,265	[1] 2,804,765	431,800	337,579
Hawaii	950,000	636,500	1,586,500	150,000	190,950
Idaho	950,000	636,500	1,586,500	150,000	190,950
Illinois	2,709,000	1,815,030	4,524,030	650,000	544,509
Indiana	1,597,900	1,070,593	2,668,493	399,300	321,177
Iowa	1,033,300	692,311	1,725,611	211,100	207,693
Kansas	950,000	636,500	1,586,500	178,500	190,950
Kentucky	1,210,900	811,303	2,022,203	270,300	243,390
Louisiana	1,337,800	896,326	2,234,126	312,600	268,897
Maine	950,000	636,500	1,586,500	150,000	190,950
Maryland	1,388,500	930,295	2,318,795	329,500	279,088
Massachusetts	1,714,500	1,148,715	2,863,215	445,800	344,614
Michigan	2,251,250	1,508,337	3,759,587	650,000	452,501
Minnesota	1,316,200	881,854	2,198,054	305,400	264,556
Mississippi	950,000	636,500	[1] 1,586,500	182,400	190,950
Missouri	1,510,600	1,012,102	2,522,702	370,200	303,630
Montana	950,000	636,500	1,586,500	150,000	190,950
Nebraska	950,000	636,500	1,586,500	150,000	190,950
Nevada	950,000	636,500	1,586,500	150,000	190,950
New Hamsphire	950,000	636,500	1,586,500	150,000	190,950
New Jersey	2,880,000	1,929,600	4,809,600	570,000	578,880
New Mexico	950,000	636,500	1,586,500	150,000	190,950
New York	3,953,500	2,648,845	6,602,345	650,000	794,653
North Carolina	1,766,500	1,183,555	[1] 2,950,055	466,600	355,066
North Dakota	950,000	636,500	1,586,500	150,000	190,950
Ohio	2,567,750	1,720,392	4,288,142	650,000	516,117
Oklahoma	1,113,100	745,777	[1] 1,858,877	237,700	223,733
Oregon	992,800	665,176	1,657,976	197,600	199,552
Pennsylvania	2,844,000	1,905,480	4,749,480	650,000	571,644
Rhode Island	950,000	636,500	1,586,500	150,000	190,950
South Carolina	1,127,500	755,425	[1] 1,882,925	242,500	226,627
South Dakota	950,000	636,500	[1] 1,586,500	150,000	190,950
Tennessee	1,459,300	977,731	2,437,031	353,100	293,319
Texas	3,493,000	2,340,310	[1] 5,833,310	650,000	702,093
Utah	950,000	636,500	1,586,500	150,000	190,950
Vermont	950,000	636,500	1,586,500	150,000	190,950
Virginia	1,665,500	1,115,885	2,781,385	426,200	334,765
Washington	1,368,700	917,029	2,285,729	322,900	275,108
West Virginia	950,000	636,500	1,586,500	150,000	190,950
Wisconsin	1,447,300	969,691	2,416,991	349,100	290,907
Wyoming	950,000	636,500	1,586,500	150,003	190,950

[1] States with primary runoffs—allowed a higher spending limit in the primary equal to 20 percent of the General Election limit.

Mr. BOREN. Mr. President, let me clarify where we are. We wish we were in a position to do exactly what the Senator from New Hampshire talked about and that is continue to have real negotiation between the two sides to see if we could work out a compromise on this bill. I would like to do that. I do not want to see us miss this opportunity to do something meaningful for campaign reform.

Mr. President, we have seen a willingness on the other side of this issue, and I do not use the term "other side of the aisle" because I do not think of this as a Republican and Democratic issue.

There are Senators like Senator Kassebaum, Senator Stafford, and Senator Chafee, who have been supporting this bill. There are other Senators on that side of the aisle like Senator Rudman, who just spoke, who have indicated time and time again a real willingness to sit down and negotiate with us on meaningful campaign reform and be a part of it and bring very creative ideas into the process.

There are other Senators. I see my good friend from Arizona here, who holds the seat now occupied by my dear friend, Senator Barry Goldwater, for whom I have such immense regard. He has been an inspiration to me as a person with his political courage.

Likewise, I have great respect for the current occupant of that seat from Arizona, and I know from talking with him that he has sincere concerns about what is happening to the present system. I know he does not support continuing the status quo. He may disagree with some of the points in S. 2, but I know basically he does not want to keep the status quo. He wants something to happen. He wants some changes, some reforms to be made.

I can name many others. Senator Stevens has had his own proposals. He has had his own concerns. He tried to change things.

Senator Evans, with whom I served as a Governor, has had suggestions in this area for a long time. It was partly out of frustration with what has happened to this institution that he has decided to retire from the U.S. Senate. I have to say that even if he does sit on the other side of the aisle, I think that is a loss to this institution that he had decided to retire.

A great Senator from Maryland, Senator Mathias, who previously served on that side of the aisle, was a loss to the Senate when he decided to retire, and he made it very clear that he was retiring principally because he decided he did not want to waste 2 years of his life to raising $4 million to run his reelection campaign instead of using that 2 years to deal with the issues that he thought he was elected to deal with.

I saw him just this week. He is now retired from the Senate. He said, "Keep your spirits up. Do not ever give up on this issue, because if you give up on this issue you really are giving up on the future of the U.S. Senate to serve the people."

So, Mr. President, I would like to be able to continue these negotiations and put everything on the table, and we offered to put everything on the table, soft money disclosure, everything, when the other side said we are worried about the South, for example, that the Republican Party might be locked into the minority status permanently in the South if these spending limits are as low as they are in S. 2. We said that is not our intent and if that is the effect of this bill we are ready to change this bill. Come to us with a proposal. Come to us and tell us what do you want the limits to be. How much do you think they need to be increased?

As Senator Rudman points out, there is an advantage to incumbency. There is an advantage to even the fringe part that has a registration advantage. We will recognize that. Work with us on the machanics and the details on how to do it. As Senator Rudman said, we need to work on it. We are willing to work on it.

But, Mr. President, unfortunately, we finally heard from the other side. There is one thing we just will not even talk about, and that is putting overall limits on campaign spending or overall constraints or overall ceiling on how fast campaign spending can go up. We are just against putting overall restraints on total campaign spending, and we will not even talk about it. We will not even talk about changing the formula by State to make sure it is fair to the Republican Party or the Democratic Party in the particular State. We just will not even talk about it at all.

So, Mr. President, that is the issue and that is where we have come around in the negotiation.

If the other side would say we are willing to talk, we want to make sure that formulas are written in a way to be fair to Republicans, I think this side would bend over backward to change the formula. If anything, we would probably go so far as to put ourselves at a perceived disadvantage in order to demonstrate our fairness on that point.

Mr. President, when they say we will not talk about limiting campaign spending that is like saying you can go swimming, but do not go near the water. You can have campaign reform but cannot do anything about all this money coming into the system.

Mr. President, I just fail to see how it is good, if anybody can explain to me it is good. The cost of many campaigns have gone up 500 percent in the last 10 years. If anybody can say to me the people themselves at the grassroots had a greater say in the process, if anyone can say it, increased confidence in the American politics, that the campaign spending has gone up that much, if anyone can point out to me it is good for me to say to the graduating students this year when I give my commencement addresses, you should get involved in public service; you have to raise $15 million to run for the U.S. Senate. If anyone can tell me how that is really good for the country, and that is the issue, that is the only issue, as I said yesterday, the issue before the country and it is a little disappointing to me that the media to some degree focuses on the sideshow and not on the main event, focusing on what has gone on in the trapeze way at the end of the big top, but no one paid any attention to what is going on in the center stage or main event. It is not about the rules of the Senate, how the Sergeant at Arms should compel the attendance of absent Senators. It is not about costs being brought out. It is not about how many hours of sleep we have lost. It is not about the colorful happenings as I was asked again and again, "Well, did anything amusing happen during the night, any tall tales told, any kind of experience you can pass on?"

Mr. President, that is not what this is about. That is not what it is about. Those are all tangential events. It is about one thing now because we have shown we can probably reach agreements on many of the recommended issues to campaign reform doing something to define average advertising rates that are very, very important to the Senator from New Hampshire, who talked about that. We can work on that, and I am convinced we can come to a solution, so we get a balance back into what PAC's and individuals give.

We should have aggregate PAC limits so we can get a balance back between what PAC's give and individuals give, leaving parties room for growth, and strengthening. And the Senator from New Hampshire is right. That is something that needs to be done. We can work on those things: Millionaire's loopholes, so the millionaires spend unlimited amounts of their own money to buy alliance, something ought to be done. We can work on that. Independent expenditures by committees that run negative ads and do not really identify who is running the ad, what their cause is, we could do something about that.

Mr. President, it all boils down to this. The negotiations have fallen apart because there has not been a willingness to put on the table, to even put on the table the question of overall limits on the amounts of money that can be pumped into campaigns. Surely, there is some logical point at which everyone could agree it is unhealthy. I look at spending and I see $30 million spent in races. I think to myself immediately, what is wrong? Should not we be competing on ideas, on qualifications? Should not our people have campaigns that cost within bounds so they can stay mainly in their home States and be able to raise enough money to run those campaigns so they can talk to the people that elected them about their problems so they do not have to go to other places and deprive them of time from their constituents and time away from work.

So, Mr. President, that is the issue. That is what we must deal with. All I can say, Mr. President, is I don't know how the vote will come out at 10 o'clock tomorrow morning. I keep hoping that there will be some, frankly, six people who have not voted for cloture before who will decide to vote for cloture this time. Maybe not because they think S. 2 is perfect but because they would like to get on with trying to fashion a solution, because if we get a cloture, and we vote on this package, it will then be subject to amendment.

Those who are opposed to it in the form in which it now is will have every opportunity to offer any amendment that they want to offer. This Senator as manager of this bill promises to allow them to have every opportunity to consider legitimate, relevant amendments on the subject of campaign reform, any and all of them that they wish to offer to make changes or improvements in this bill.

So, Mr. President, that is the issue. Is it good for America to allow an unlimited amount of money to be spent on campaigns, unlimited? Would it be good for America to put no limits on the rate at which campaign spending is going up? Would it be good for America if within the next 10 years campaign spending went up another 500 percent? Would that be good for America? Would that be good for our people? Would it be good for our political system? That is the answer.

The American people in poll after poll by over 90 percent says that is not good for America, that it is a serious problem, and something should be done. Fifty-two Members of this Senate have signed onto this bill as a vehicle, not as the perfect solution, not as the last word, not as something that should not be subject to amendment, but as a vehicle for reform. Fifty-five Members of this Senate have gone on record in the past of saying give us a chance to vote on it. Ninety percent of the American people have said it is a serious problem, and we ought to do something about it.

Mr. President, we should. I hope we will have a chance. I hope we will take up the offer to continue to work in good faith, but I hope those who are opposing this bill now will give us a chance to go forward and work on this. Vote for cloture. Give us the chance. It is not over when cloture is invoked. It is the beginning. It is the beginning of working together.

As I said, we will narrow this aisle hopefully. I would not care if the desks were all pushed up, right up against each other to show we should work on this problem together as Americans because it is an American problem.

So no matter what parliamentary maneuvers have been made, and how cranky all of us may get from loss of sleep or how anybody felt about what has gone on in the course of this debate, I hope it can be put aside in the last 24 hours for us to find a way, Mr. President, to find a solution and find the solution that will put some restraint on this runaway growth of campaign spending. We are concerned about the arms race. We ought to be concerned about the arms race. We ought to be. It threatens our security. It threatens our physical security.

Mr. President, let me tell you that the political money race threatens our political security in this country. It threatens our political security. And

the political security is stability for our children. We ought to devote ourselves to doing something about it. And we ought not wait until after the next election. One of these days we are going to be called into account.

I saw it happen in my State about the reforms that we were slow in making, and finally I saw those reforms speedily adopted. It was speedily adopted when the people said where were you, what were you elected officials doing, why have you not taken care of this problem? Finally they were embarrassed and jumping on a bandwagon to do something about it.

I hope we will all go on the record of saying we want to do something about it now. We will have that chance at 10 o'clock on Friday morning by voting yes, just say yes, to paraphrase what the First Lady has said, but in the reverse. Just say yes to giving campaign reform a chance. Just say yes to talking about putting some limits and restraints on overall campaign spending. Under our rules there are so many ways that, if the form of the bill does not finally please people when it is over, they will be preventing us from voting on the final bill. But just say yes to commencing on this. Just say yes to over 90 percent of the American people who view this as a serious problem. Just say yes to getting on with the work of stopping the campaign cash raising that threatens our political security.

Mr. President, to close I see my colleague here. I appreciate his patience in being a captive audience at this point to these remarks.

I say again he is the kind of Senator that we had the opportunity to work without any constraints. I think we can work together on something that would be significant. I hope we will have that chance.

I would like to insert into the RECORD some remarks that I made about a proposal which came from the other side which would limit soft money, not just disclose it but limit it. Negotiators from the other side have advocated placing actual limits on what constitutes certain soft money expenditures. I think we all realize soft money can be abused and that there needs to be more disclosure. This proposal would suggest that their definition of soft money is really illegally contributed hard money. That is really not the case.

Let us consider an example. Let us suppose there is an ideological group which is running a national direct mail campaign highlighting all Senators who support aid to the Nicaraguan Contras. As I have supported such legislation, I thought that might be a good example to use. Let us assume that this group is spending $12 million nationally to send newsletters to voter lists and in certain congressional districts. Let us assume that this newsletter is a 16-page color tabloid, the kind of mailing which identifies key Senators and Congressmen who have supported Contra aid, pictures them with the President, has quotes from national leaders who applaud the statesmanship of these several Members of Congress in a very favorable light. Under current law this is considered a free expression of political opinion basically saluting Members of Congress for a particular view on an issue that they held or on votes they have made.

It may be just as easily that expression could have been made in a tabloid commending those who were against Contra aid. We could use the example either way. Different groups would want to do this. The question becomes if we are to limit this kind of activity which would be limited under the proposal of the four negotiators from the other side, the Senator from Kentucky suggested this when he proposed limiting soft money expenditures, how do we do it? Who decides if this is a political endorsement of an individual candidate or a free expression of opinion?

Even if it is to be disclosed, how is the benefit to be allocated on behalf of each candidate? They send this out nationally. Some people are running for election that are mentioned, some are not; some are in closely contested races, some are not. Does the pro-Contra aid group disclose their presumed subjective value of such an endorsement? Does the FEC decide this Member of Congress got this much financial benefit from this tabloid, which is on the subject of Contra aid either for or against it? How do you divide it? How much of the financial value of that went to Senator McCAIN, how much went to Senator BOREN, and how much went to Congressman Jones or Smith? You have to figure that out.

Mr. President, I am disturbed to hear that some in the group of eight felt that the Buckley case was properly decided because it protected free speech. They were saying you ought to be able to spend money in any amount on your campaign because that is free speech. And then to hear some of the same Senators suggest that we should put actual dollar limits on free speech by curtailing what any group of persons could say about a subject because it might have an indirect effect on political campaigns. There is testimony from the Rules and Administration Committee last spring which told us even the experts who track soft money and review it and analyze its effects admit that you cannot limit something like that because it has first amendment implications, nor can we limit an area in which we do not know actually what is being spent.

I think proper disclosure of political money being used to influence elections will certainly help us deal with that. But I think that we have to consider that it would be very, very difficult to get in the business of actually limiting what is called soft money expressions. Even if you had groups that set up, for example, phone banks to call over a State saying, "Vote Republican," or "Vote Democrat" on election day, you have hundreds of candidates, you have the candidates in any State. We have 77 counties, we have candidates for sheriff in all of those counties. We have 150 people running for the State legislature. We have Senators, we have six Congressmen, we have a Governor race, Lieutenant Governor, secretary of state, attorney general, and all these people are running.

When you have a phone bank calling people saying vote Republican or vote Democratic, how do you allocate that down to sheriff "Z" in one of the 77 counties, saying that was equivalent to $47.50 worth of value to him? It is pretty difficult to do. It gets to be even more difficult when it is a group just talking about an issue as under my example like Contra aid. We salute everybody who is for it. Here is the list of it. Here it is all listed in our little newsletters or tabloid. How do you translate that into some financial value that has been received for a campaign that is maybe a year and a half off from somebody that is mentioned in that tabloid.

Do you discount it by the figures in a district? Maybe one would be praised for being for Contra aid in one district where 80 percent of the people are for it. Maybe one would be praised for being for Contra aid in a district where 25 percent of the people are for it. Do you give the same values? Is it the same political benefit? Obviously, not.

So there are real problems here. I simply wanted to put that into the RECORD because this has been a matter of discussion, and I think again in light of the fact that we have more things to talk about in the future in this area, that I thought I should raise that point as a matter of discussion now.

Again, I thank the Chair. I thank my colleague and I relinquish the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to express my appreciation for the very articulate and indeed persuasive argument that my friend and colleague from Oklahoma, Senator BOREN, has just made on behalf of S. 2. I would like also to state that, if there is a person who can forge a bipartisan agreement on this very divisive issue in this body, it is indeed my colleague from Oklahoma. As I have had the opportunity of working with him on many other very difficult issues, I certainly would look forward to sitting down with him on this one. If he would also identify for me that district where 80 percent of the people are in favor of Contra aid, I would like to know that because maybe I would like to move there.

But I do appreciate his willingness to sit down with anyone who is interested, and indeed committed to solving this very difficult problem. And those of us who are in opposition to S. 2 certainly might, as we have time after time, indicate that we believe there must be repairs made to the system. We indeed spend too much money, and indeed some forms of campaign financing have distorted and perverted the process.

I would like to follow up on exactly what one of the major concerns that we have is, an issue that my colleague from Oklahoma just talked about, the so-called soft money. He discussed a hypothetical case where a tabloid might be sent out which named various Senators or Representatives who were in favor or opposed to, in the example he gave, Contra aid.

I think there are a couple of different examples that I find outrageous and that the American people find are as distorting to the process as any other aspect of campaign financing. I would like to mention two.

The reports are that $10 million was spent in behalf of the Republican nominee in the primary process in 1984.

None of that money was ever reported. Now, we think that is wrong. We think $10 million worth of expenditures on behalf of any Presidential candidate ought to be reported.

Let me also add to that another story that I think was a perversion of the process. There was in a Midwestern State, a small State, a senatorial contest that took place in the 1986 elections, and there were hundreds of thousands of phone calls made into this small State, and the call went as follows:

> Who are you going to vote for United States Senator?
>
> I'm voting for So and So.
>
> Oh, yeah, he is a nice guy, but do you know he voted against Social Security five times?
>
> Oh, he did?
>
> Yes, he did.

Do you know that none of those calls were ever reported as contributions to that Senator's opponent in a small State, a very close race? Many view his defeat to be directly attributable to that unaccounted-for contribution.

Mr. President, I want to make it clear I am not denying the right of any organization to involve themselves in any race anywhere in the country. But I do believe that involvement must be reported, just as any campaign contribution is reported, just as any political action committee contribution is reported, or anything else. But this S. 2 has a glaring hole in it that is about a mile wide and will get a lot wider if we place limits on the legitimate funding. That hole is failing to address soft-money contributions. This is going to lead to more and more and more of these contributions.

We are already seeing this in the Presidential campaigns. We are already seeing ludicrous examples where the Presidential candidates met or were about to exceed the amount of money they could spend in the New Hampshire primary. They would go to Massachusetts to rent a car. They would contract in Maine for brochures to be made. They would contract with Boston television stations, et cetera, et cetera, so that they could avoid the arbitrary, or at least in my view unenforceable, limits on the amounts they could expend in that State. Soft money is a major, major issue.

And, as optimistic as my friend from Oklahoma is—and he is a wonderfully optimistic individual by nature which is one of the reasons why he is so extremely popular on both sides of the aisle—as optimistic as he might be about the invocation of cloture tomorrow at 10 o'clock, I think the prospects of that are extremely dim.

I would also like to point out another aspect of this debate that I think will ensure that at least on Friday we will not proceed with this bill in the invocation of cloture. Of course, that is that the degree to which the atmosphere around here has been poisoned by sending our marshals in the middle of the night to arrest Members of this body.

You know, I served, Mr. President, on the other side of the Congress for 4 years. One of the aspects of this particular body that I enjoy more than anything else is the atmosphere of comity and the atmosphere of congeniality that has characterized open and honest disagreement between colleagues.

None of us appreciate the spectacle of one of our colleagues being dragged into this Chamber in an arcane and almost unprecedented fashion. I would suggest any hope for agreement in the short term on this issue has pretty well been done away with.

I would also suggest that the American people might feel that, as important an issue as this is—and it is, indeed, a terribly important issue—there are other imporant issues which this body needs to address, including the burgeoning budget deficit by which we are mortgaging our children's futures.

I admit, when we discuss S. 2, there is great appeal to this idea. I am bothered by the time I have had to use and any other Member of this body has had to use in order to raise sufficient campaign funding.

My colleague from New Hampshire pointed out very well the major reason why we have to spend so much money is the cost of the media. He mentioned the price of a television commercial during his latest race. I might add that in mine, in Phoenix, AZ, it was $3,500 for a 30-second commercial prime time and that requires an enormous amount of contributions. I am indeed bothered by the expense of elections as is every Member of this body.

Recently, Mr. President, we have had the entry of an organization into this debate which has been rather interesting to me personally, because they have chosen to target me for reasons which are not entirely clear to me. But, recently, full-page ads were again taken out throughout my State with a picture of a rather scholarly looking gentleman who is identified as Archibald Cox, chairman of Common Cause. Archibald states in block letters: "Stop blocking campaign finance reform, Common Cause, 2030 M Street Northwest, Washington, DC."

Mr. Cox, in his personal letter to me by way of the media, tells me that the way our congressional campaigns are financed is a national scandal and the Washington Post has written—the Washington Post has a lot of influence in Arizona—that our congressional campaign financing system is fundamentally corrupt.

Then he goes on to review my record. He then states how important it is that these scandals be brought to an abrupt halt and all that could be achieved if I would stop making the filibuster.

Mr. Cox, as in previous advertisements that were taken out in Arizona, first of all shows a degree of unfairness. And I would ask that Archibald and his friends might show a little more fairness and give the visual and audio media some of their money. We are very, very pleased that they have spent so much money in the State of Arizona. I hope that they will take out these full-page advertisements on a daily basis, because there has been ups and downs in our copper industry, and we always appreciate a lot more money coming in from Washington, DC.

I would ask Archibald and his friends if they could perhaps spend a little money on radio because some of our radio stations could use those funds and also for television, as well.

Archibald perhaps then could get a better feel for how much it costs for us to run campaigns, since so much of our campaign money is devoted to television advertising.

But what Archibald and his friends do not mention in any of their advertisements—I am sure it was a mere oversight—they do not mention the issue of campaign financing with taxpayers' dollars.

You know, I travel all around my State as frequently as I can. I go literally every weekend to the State. And now, with this very fine schedule that we have of 3 or 4 weeks on and 1 week off, I have the opportunity to spend a great deal of time with my constituents. And, you know, I have never, ever met a single constituent who has said to me: "Senator McCain, please spend my tax dollars to finance the campaign of someone I have never met or never heard of." I have never heard a single constituent of mine say that. Maybe I am not in touch. I willfully admit I just go to Rotary Clubs. I have town hall meetings. I visit with chambers. I was down serving Christmas dinner for the homeless on Christmas Day. And, perhaps I do not associate with the same people that Archibald and Common Cause do here at 2030 M Street, NW., Washington, DC.

But I would suggest that Archibald and his friends leave Washington, DC, and perhaps go out into the countryside and explain fully what S. 2 is all about—taxpayers' money for congressional campaigns. And perhaps if Archibald and his friends could get the kind of support for taxpayers' dollars being spent on campaigns, then I certainly would be more understanding of such a thing.

I also wonder whether given the fact that we are running the largest deficit in our history—the spending hemorrhaging continues in a dramatic fashion—whether the American people want to see more of their taxpayers' dollars spent running up deficits. Some estimates are that it could mean only as little as $30 million a year. Perhaps that is an accurate estimate. I have never seen an estimate of any program passed by this body, no matter what kind, including defense, including entitlements, that did not dramatically exceed its original estimates. But let us suppose it is only $30 million. That may not be much money to Archibald, but it certainly is a great deal of money and an enormous expenditure to the working men and women in the State I represent.

Now, we fully understand the response to it. Well, it is not possible to enact campaign spending limits unless there is a provision for public financing. And, indeed, that is the result of Buckley versus Valeo. Does that mean it is incumbent upon this body to approve a program of expenditures of taxpayers' dollars in which, in the view of many of us, it is a very dangerous precedent in order to cure a perceived illness? I do not think so.

Let me also mention that there is an example for this, and it is in the story of the Presidential campaigns. The expenditure of taxpayers' dollars in Presidential campaigns has far exceeded original estimates, without a doubt.

I think it would also be reasonable to conclude that perhaps some people may be entering the Presidential campaigns for their parties' nomination who really do not have much of an opportunity of gaining that nomination, but they have enormous incentive to do so because of matching taxpayer funds. And when we look at the millions of dollars that have been expended and will be expended on behalf of the candidacies of Presidential candidates who have no chance of winning, I think it is just another reason to question this whole issue of public financing.

Let me return for a minute to Archibald and his friends, because I know he is free to take out advertisements, and we understand all the aspects of what can be printed in the paper and what cannot. I would like to refer to a previous full-page ad that was taken out by Common Cause in the newspapers in Arizona. It had a very interesting statement in it. It said: "Former Arizona Senator Barry Goldwater is a supporter of S. 2."

Let me repeat that. "Former Arizona Senator Barry Goldwater is a supporter of S. 2."

Now, I know Barry Goldwater pretty well. He is a founder of our party not only in our State but in our country. Barry Goldwater was elected to the U.S. Senate in 1952 when my State had a 5-to-1 Democrat to Republican registration. I have read "Conscience of A Conservative."

You know, it puzzled me to read that because the one thing that has characterized the long history of service of Barry Goldwater to his country has been his reluctance, in fact, his outright opposition, of using taxpayers' dollars for almost any program unless it was absolutely necessary to do so.

I called Barry Goldwater and asked him about this. Barry Goldwater, of course, was astonished. But Barry Goldwater wrote a letter to Larry Pressler, who had also contacted him. I would like to read this for the Record, at least part of it. He said:

> This letter will explain my position. I was happy to cosponsor Senator Boren's legislation but when he introduced Federal support at any level or any amount, I just could not go along with it. One of the surest ways that I know of to raise havoc with our election system, Federal or local, would be to have the Federal Government finance part or all of our campaigns.

I think that is pretty clear. I hope that in the future Archibald and his friends would not take the liberty of using Senator Barry Goldwater's name in such, I think, a really unhelpful fashion.

But I do urge Archibald and his friends to continue purchasing advertisements in Arizona. We do need the money. We are very appreciative that they would take out full-page ads. But, please recognize my admonition to give some fairness.

Now, Common Cause is a fair organization. Please be fair and give money to both the radio and television people so that they can share in your largesse.

Let us take a look at the reality of this situation. Why are all these Republicans against good government and campaign integrity and opposed to cleaning up the scandal, and so forth? They are not. They are against a proposal that would vest added power to incumbents. That hurts Republicans because we are in the minority at this time. Our distinguished acting leader, Senator Simpson of Wyoming, described it very well a few days ago. This is not an argument over finance reform. This is an argument over who will control the majority of this body for the next 40 years.

If S. 2 is passed in its present form, there is no doubt who will maintain a majority, and it will be the Democratic Party, unless we address such issues as the soft money, independent expenditures, and other aspects of this bill which give an enormous and, in my view, unconscionable advantage to the Democratic Party.

It hurts all Americans if we do not level the playing field between candidates and between parties. It is bad policy and bad government no matter who is in control. And incumbents, I might add, do not need more security. Let us look at some of the facts about the limits that are proposed in S. 2.

Incumbents have significant financial and political advantages arising from their media exposure, from their use of the office and franking privileges, et cetera. It has often been said that, if there is something that the Congress of the United States has not voted for themselves for free it is because they have not thought of it yet.

We look at the newsletters, the trips home, the offices, the mailings, the postcards announcing town meetings—all of these enormous advantages are incredible. I do not know anyone who has ever calculated and translated all of these advantages that an incumbent has into actual dollars, but I would suggest, if we should do that, that the answer would be in the millions of dollars.

Now, how can a challenger get on a level playing field with an incumbent if he is not allowed to spend more money? At the same time, how can we cap campaign spending like S. 2 does and leave all of these freebies for the incumbent. It simply does not make sense. Some people have called S. 2 the Incumbents' Protection Act of 1988.

I do not make that statement. What I would suggest though is this business of giving challengers and incumbents a level playing field involves a lot more than just spending. Part of it, I would suggest to my colleagues, is this aspect of all of the advantages an incumbent has, not only by virtue of his office

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but those advantages in the way of free mail and free phone calls, free news letters, et cetera, et cetera, which are bound to give a hard working incumbent an enormous advantage. So if you put an artificial cap on what a challenger can raise, make that cap the same as the incumbent's, I do not see how we are creating a level playing field.

Let us look at S. 2 limits as applied to the 1986 election cycle, our most recent election period.

If you were a challenger in the U.S. Senate in the 1986 election and you spent above the S. 2 limit, you probably won. Five of seven winning challengers in the 1986 elections for the U.S. Senate won those races.

If you are a challenger who spent less than the S. 2 limit, you probably lost; 18 out of 20 challengers whose expenditures fell below those limits lost those races.

What does that say on the effect of these limits on incumbents' survival? I think it is obvious. It ensures them.

Now, I would like to address another false message that the proponents of S. 2 are raising—that the Senate is "up for sale." That somehow those that will raise more money will win. That is not the case.

Ten of our colleagues who are here today as a result of the 1986 election were outspent and won. Dollars are indeed important. There obviously is a minimum level of expenditure, that would vary from State to State needed in order for a challenger to get his message out. But I would suggest to you that, indeed, if dollars were the answer, this body would have the Republican Party in the majority as opposed to the Democratic Party.

Time spent. Yes, it is inconvenient. It is terribly inconvenient. Not only inconvenient, but it is uncomfortable to have to ask people for money. The one thing I dislike about political campaigning, in my view, is having to request money from people.

But there are a lot of things that are inconvenient in campaigns. Eating barbeque seven times a day is indeed inconvenient. I have had that experience on several occasions.

Having to travel from one end of the fifth largest State in America to the other in 1 day is indeed inconvenient.

Walking the streets of Phoenix, AZ, in the month of August when the temperature is 115 degrees is inconvenient.

I do not know any of us who are drafted into these positions. And there are certain things we have to do, a lot of them, in order to arrive at this, in my view, the most honorable position that any man or woman in our country could hold.

The real problem with fundraising in the eyes of the American public is not getting large numbers of people financially involved in a campaign. Nobody is objecting to $100 contributions. Nor is anyone objecting to thousands of individuals giving $100. It is the very large donors and the PAC's, and the perception that special interests are buying access or influence, that has got the American people upset.

I think that we now come to the part of campaign financing that is the most onerous and most bothersome to the American people—and that is the influence of the political action committees.

I do talk to my constituents about campaign reform. I do talk to them about how spending has gotten out of hand, and the difficulties involved in purchasing sufficient media to get our message across.

The message I get back from the people that I talk to and the letters I get is they are worried about the inordinate influence of political action committees.

What is interesting about S. 2 is that S. 2 preserves political action committees. I would suggest to my distinguished friend and colleague, Senator BOREN, of whom I have the utmost admiration, that if political action committees are perceived by the American people are the corrupting aspect of political campaigns today, let us legislate them out of existence. Let us put it into S. 2 that there will be no more political action committees allowed.

Then I think you would probably resolve about 80 percent of the concerns of the American people about this whole situation. Because they do not think that a person who comes to a barbeque for me and pays $25 and contributes to my campaign is corrupting the process. They do not even think that a person who comes to a dinner that I have and pays $100 is corrupting the process. But what they do believe is corrupting is a $5,000 primary contribution from a political action committee and a follow-up $5,000 general election contribution.

I would like to say a couple of words about political action committees, just to make the record clear. I think that political action committees are a method of political involvement on the part of the people. I think it should be of interest to the Members of this body that the average contribution to a political action committee in this country is about $25. They contribute their money to a political action committee which their company or their organization represents, and then representatives of their organizations or companies donate that money to a candidate or candidates who share their views, their agenda, who they feel will help them in the goals that they seek for themselves in this country.

They range across the board, as we know, including organized labor, patriotic organizations, to companies and corporations.

The fact is that in this country the biggest problem we face today is not to many people involved in the political process. It is too few people involved in the political process. In fact, perhaps part of the reason why my own home State is in such a severe state of turmoil and unrest is because we did not have enough Arizonans involved in the primaries and the general election. When some 10 percent of the eligible voters of my State are the only ones who vote in a primary election, we have got a serious problem.

I would suggest that a case can be made, and I subscribe to it, that participation in political action committees is a way of citizen involvement. Yet there is the perception, and perhaps it is an accurate one—I am not here to debate the point—that political action committees are corrupting to the process. I say, Mr. President, if political action committees are viewed by the American people as corrupting the process, let us do away with them.

I would also like to point out I speak from a somewhat parochial viewpoint. I have some figures I will go through in a few minutes. The majority of the political action committee money today goes to Democratic candidates—labor PAC money by an overwhelming margin and business PAC money by a significant margin. The majority of the contributions to the Republican Party and their candidates come from small contributors. So, as I say, I am not entirely selfless when I recommend this.

If we are going to be fair about this issue I think the political action committee issue has to be addressed.

Take for example the big political action committees who maximize their contributions all over the Hill that are not touched by S. 2. There is nothing in S. 2 to stop any political action committee from giving any candidate $10,000 just like they do now. The only differences is that there will be a race to the trough very early in order that they can get in before the PAC contribution limitation is reached. Yet Common Cause, with its now-famous monopoly on integrity, truth, and fairness, tells all of us in full-page advertisements that this Nation is suffering from those Senators who oppose S. 2 as "defenders of special interests and defenders of the national scandal".

Moreover, Common Cause circulates lists of Senators who have voted against S. 2 with PAC contributions next to their name, insinuating that we have been "bought" by PAC's.

Let me repeat that. Common Cause circulates lists of Senators who have voted against S. 2, not for, but against S. 2, with political action committees' contributions next to their names.

I have a list here which is very interesting; the latest from the FEC reports with total figures as of February 9, 1988. It might be of interest to my colleagues to know that five—the top five—recipients of PAC money as of February 1988 are of the Democratic Party. Eight out of the top 10 of the major recipients of money from political action committees are of the Democratic Party. Eleven of the top 15 are of the Democratic Party.

The lead is held by my esteemed friend and colleague, Senator BENTSEN of Texas, who has been able to amass this early in the season $1,380,407.91. I would be curious who the 91-cent contributor was. But he is followed by Senator SASSER. Our distinguished majority leader, Senator, BYRD, has been able to acquire $663,379.63.

There have been races this cycle where the challenger has sought from the Democratic incumbent an agreement to limit the amount that both candidates would expend, and unfortunately those proposals have been rejected.

But the fact is that I respect and admire my friend, Senator BOREN, who has worked so hard on this issue. He is a honorable man, a decent man, in fact one of the finest that I have ever known. These objectionable tactics by Common Cause are not his.

I have never known Senator BOREN to accuse anyone who disagrees with him on this issue of anything but the highest motives. But I do object when public interest groups portray those of us who are opposed to S. 2 as being bought by political action committees, and yet makes no mention of those who have received enormous amounts from PAC; significantly more than those opposing S. 2, and make no mention of them.

You know, so far in this election cycle, more than 62 percent of the incumbent PAC money has gone to Democrats. The top 10 Democratic incumbents have already exceeded the S. 2 PAC fundraising limits, if S. 2 were in effect, by over $2.5 million before the calendar even turned to 1988, the year of their election.

Friends, we cannot have it both ways. Either you believe PAC's are special interests undermining the integrity of the Senate, in which case S. 2 should abolish them, or you believe PAC's are OK. I do not quite understand how we can condemn the process and yet propose legislation which keeps the corrupting part of it in existence.

I think that the American people, when they learn these aspects of S. 2, will be less enthusiastic than perhaps they might have been.

The other area that I mentioned earlier that is indeed troubling about S. 2, and is an area that neither Common Cause nor its Senate proponents advertise prominently. As I mentioned, it is the use of taxpayers' dollars to fund congressional campaigns. We do not deserve it. This is the Congress that brought the people staggering budget deficits and overspending. This is the Congress that passes bills with almost no debate that contain literally pounds of new spending. This is the Congress that every time it hits a Gramm-Rudman deficit reduction target, moves the target.

(At this point Mr. BREAUX assumed the chair.)

Mr. McCAIN. Now, do the American people want to reward us by setting up a new program where the Federal Treasury pays into our reelection campaigns? I do not think so. Candidates for office in my opinion should be required to depend on the people they want to represent for support, not special interests, and not the U.S. Treasury either.

The Watergate Committee addressed this, and I think this is an important part of the record, Mr. President. After the terrible scandals of Watergate, part of the committee's task was to review the reasons why the Watergate scandals came about, and they reviewed various campaign law reforms after that terrible chapter in our Nation's history. They said, and I quote:

> The Committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government. * * * The Committee takes issue with the contention that public financing affords either an effective or appropriate solution. Thomas Jefferson believed that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."
>
> The Committee's opposition is based, like Jefferson's upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment. Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns.

That is the view of the Watergate Committee.

Mr. President, I am told that I should stop for a minute while the Senate pauses for a prayer, and for that I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

[The following proceedings occurred at 12 noon, Thursday, February 25, 1988:]

The hour of 12 o'clock having arrived and the Senate having been in continuous session since yesterday, pursuant to the order of the Senate of February 29, 1960, the Senate will now suspend while the Chaplain offers a prayer.

The Senate will be in order.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Come unto me, all ye that labour and are heavy laden, and I will give you rest. Take my yoke upon you, and learn of me; for I am meek and lowly in heart: and ye shall find rest unto your souls. For my yoke is easy, and my burden is light.—Matthew 11:28-30.

Gracious Lord, thank You for this gentle invitation at a time when bodies and minds are weary—emotions raw—frustration growing as strong wills clash. In this busy, pragmatic world of politics, it is easy to think of You—if we think about You at all—as irrelevant—a God of the sanctuary and not the marketplace. Help us to perceive Your reality—Your nearness—Your love—Your boundless resources at the time of need—and give us the grace to come to You and find rest and renewal. Thank You, Patient Lord.—Amen.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I know my colleague from California, my colleague from Washington, and my colleague from Minnesota are all here, perhaps wanting to speak on this issue, so I will conclude.

I will be very interested, as always, in the comments of my colleague from California, who has such an enormous fundraising challenge. Perhaps only he and his colleague, Senator CRANSTON, have the problem of some 50 media markets and multimillion dollar campaigns.

So I will conclude, Mr. President, by saying that we all know the reason for this filibuster, and the reason that S. 2 is being pushed so very hard by the other side. S. 2 would maintain the Democratic Party in the majority for the next 40 years. We know that. It is very clear and unless changes are made to S. 2 that will bring about a level playing field, you are going to see a continuation of this kind of a filibuster.

I think it is worthy of note that we spent 25 days now debating S. 2. We were given less than 24 hours to consider last year's megabillion dollar continuing resolution.

Does it make sense to devote 25 times more floor time scrutinizing what campaigns spend than what we, the Congress, spend on the operation of the entire U.S. Government? I don't think so.

We did not pass one single appropriation bill into law last session. We have not spent 1 minute of floor time on the Clean Air Act reauthorization, a bill that truly affects every American and our quality of life. And there is a long agenda of legislation that I believe this body needs to bring up.

I would also say, Mr. President, that it would do far more good for the American people on this issue—and indeed there needs to be repairs made in the system—if we could sit down together as honorable men and women and arrive at the kind of compromises that are necessary. We should make the compromises that are necessary, compromises that address the issues of soft money, compromises that address the issue of independent expenditures, the compromises that indeed address the role of political action committees in the political process, rather than just some kind of arbitrary limitation.

These compromises are going to have to be made. Indeed, after the vote at 10 o'clock on Friday, we will again prevail and cloture will not be invoked. I hope that we will get our gang of four, as we call them, four dedicated Republican Senators and four Democratic Senators, who are willing to sit down and arrive at a reasonable and honorable conclusion that we can all support. We must restore the confidence and faith of the American people in the electoral process of this Nation so that they can be sure that they are indeed electing their representatives, and the most qualified representatives, rather than that selection being made by some special-interest groups.

I would again like to thank my friend and colleague from Oklahoma, Senator Boren, who has handled this issue with integrity, candor, honesty, and dedication.

I am sure his reward for all the thousands of hours he has put into this issue will be in Heaven rather than here on Earth, but there are many of us who are deeply appreciative of the labor that he has devoted on this very important issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona yields the floor. Who seeks recognition?

The Senator from Washington, Senator Evans, is recognized.

Mr. EVANS. Thank you, Mr. President.

I had the opportunity to speak at some length last night, but since the time was from 1 a.m. to 3 a.m. there were only a few hardy souls in the Senate Chamber ready to listen. I thought I would come back at a much more civilized time at noon so that I could speak with many more of my colleagues.

I find to my dismay that there are precisely the same number of Senators in the Chamber now as there were at 3 o'clock this morning, different Senators, but the same number.

Mr. President, let me say that the events of the last few days have troubled me greatly. I have had many questions asked over the last several months as to why I have chosen not to run for reelection and why I am leaving the Senate.

The actions of the last several days may be a pretty good example of precisely why that is true. We have had a massive overkill in terms of actions in the Senate. I have never, either in my political career or in my private life, in either adolescence or adulthood, ever before in my life been subjected to an arrest warrant.

And, frankly, I am more than distressed and dismayed and personally offended by that fact.

I happen to have not been aware, and perhaps that was my fault at 1 o'clock in the morning not being aware that there happened to be a request for absent Members.

I find it frightening almost that on this issue at this time for this purpose for the first time in several political generations this was found to be necessary. I do not believe I need anyone, even people as distinguished as the leadership of this Senate, to tell this Senator his Senate responsibility.

It has been said on several occasions during the course of this debate during the last several days that the American people know who kept this bill from passage.

This bill is controversial and we have had a plethora of speeches on one side and the other, but it is interesting to note that every time we reform in a situation like this of campaigns, every time we reform campaigns, we seem to create another evil which we then turn around and attempt to reform a decade later, and in doing so we are in grave danger of simply creating new evils.

What will we be doing 10 years from now? What will we be doing when the Senate comes back in the year 2000 saying we need campaign reform?

Will it be to correct the very things that some would advocate in S. 2? I fear so because if we look back at the corrections we made in 1974 they were corrections designed to correct the evils perceived at that time. And so what did we create? As a correction for these evils we invented the political action committees and now we are saying that somehow they are evil.

Mr. President, I think we too often aim at the wrong targets, misunderstand what we are doing with new legislation, and end up failing to reform but merely change.

Today some would suggest that public funding—this is the new thing—public funding is the be all and end all, that somehow if we only could have public funding that we would correct the evils in the Senate campaigning.

Well, Mr. President, let us take a look at some of the results of public funding as carried out in the Presidential campaigns and particularly the primary campaigns of 1988.

We have seen strange things done, strange things indeed, in some of the early primaries and caucuses. In Iowa, people fly in and fly out of the State rather than staying for extended periods of time. There are staffs of the various candidates. People rent automobiles in nearby States rather than in the State of Iowa itself, which does not appear on the surface to be a very logical thing to do. And then when you dig a little deeper you will find out why and the why is because with public financing and the limits placed on expenditures in each of the primary States, people bumping up against those limits find that they can evade or get around or use the rules in a way that makes evasive, sometimes dishonest people out of those who would otherwise be a lot more straightforward and honest, and so they fly in for a few days and then fly out for a day or two and fly back because they can ensure by doing that that the money for the salary will not be counted against the State's allocation. They rent a car in another State but use it in the State they are focussing on and that will not be counted.

In this combination of public financing and of campaign limitation we are in real danger of just creating, especially in the minds of the young campaigners, the next generation of office holders and of leaders in this Nation, a whole new morality and that morality is to find out how you can use the rules, evade the rules, get around the rules and sometimes, when it is necessary, even break the rules because they are attempting to force you into actions.

One of the most distinguished political reporters in the United States, David Broder, said that public financing as it is now applied has had the impact of deteriorating grassroots campaigning in this country.

Is that reform by doing something that really deteriorates grassroots campaigning?

No, Mr. President.

I think that when we are focusing on reform, we ought to thoroughly understand each change we propose and determine whether it in fact really is reform or merely change.

I am tired of assumptions and the thundering of many on the floor of this Senate that somehow political money is equated with crookedness, that all of those who receive it are somehow evil or perhaps even illegal.

I do not believe that for one instant. I believe it is much more common for people to support those who are running for political office because they believe from the beginning that that

person has the philosophy and stands for issues that are compatible with their own interests. They are not just shoveling out money to someone hoping that by doing so they are going to change their philosophy, reverse their interests and somehow with a fraction, a small fraction, the largest campaign donation of anyone, a very small fraction of 1 percent of a total campaign finance, and somehow you can buy any 1 of the 100 of us in the Senate. I just thoroughly reject that.

It is time, Mr. President, for facts. It is time to recognize that the real focus and the place that we ought to be emphasizing reform is to do an even better job than has been attempted in S. 2, to get at the problems of wealthy candidates, those who use an extraordinary amount of their own money to come in and literally attempt to buy an election on their own behalf.

Fortunately, that does not seem to work too well. Recent experience of that shows that those who have used an extraordinary amount of their own money, more often than not, have lost.

We attempt to get at that to a degree with this bill, but not well enough. And we cannot do a very good job at all because of constitutional prohibitions of getting at independent expenditures, those expenditures made not on behalf of the candidate but very likely in opposition to a candidate without the candidate's knowledge or the knowledge of the candidate's opponent.

I think that is the real scandal of campaign financing, independent expenditures, which, Mr. President, believe me—if we put limitations on PAC contributions, put limitations on campaign spending if in fact all of this money out there is evil, what in the world do we think those evil moneybaggers are going to do? Just pack up and go away? Well, of course, they will not.

If in fact they are evil, and they are seeking undue influence, they will merely turn their emphasis to independent expenditure; independent expenditures which can be virtually limitless, which are almost always negative in their impact and which are among the very worst of our campaign problems.

Mr. President, I think there is another thing. We could easily and readily do something about it right here in this Congress; that is, to cut back the scandalous advantage incumbents have by the use of franked mail, the excessive use of newsletters, and polls and the other communications we send out to constituents.

A certain amount of that is appropriate. But there is no one among us who does not realize that much, if not most, of that money is utilized for reelection campaign purposes. It may not be put in exactly those terms, but that is the end result, that is the end goal sought. We could do something about that. But what do we do in place of that? In S. 2 we instead institute a brand new postal subsidy which will be financed by the taxpayers and the stamp buyers of this country.

It is a ridiculous expectation that we should give this special subsidy to just enhance the very same thing that we already give free to all incumbents.

Mr. President, the true answer is not in much of what we have been aiming our sights at. The true answer is in several of these other arenas where we have not done much of a job. I would hope that at least in one small way we could add to whatever bill comes out, if one does, an element that I think would go a long way toward changing the nature of political campaigning from negative to positive. That is adding to the current requirement or incentive, I might say, that gives the lowest rate for political advertising to those who have the candidates involved in the radio or television campaign.

Now, how much are they invoved? It is common for the candidate to be only involved by reading the last little squib, "This ad paid for by the So and So Committee." That is the candidate's involvement. That is what qualifies that candidate to get the lowest possible rate. But the rest of the ad, or the rest of the representation, all too often is negative in its connotation, is focused on an opponent and says little or nothing about that candidate's ideas, philosophy, or rationale for being elected to office.

The proposal I have introduced is one that would require a candidate, in order to get the lowest rate, to be in the ad 100 percent of the time, that the ad would really be a candidate speaking out to the voters telling them what that candidate believes and thinks about. I think that in itself would do more to cut out negative campaigning than virtually anything else we could do.

It is one thing to have these clever ads thought up by the gurus of politics of today, clever ads that virtually always are aimed at tearing down an opponent, but it is quite another thing for a person to stand up, running for political office, and day after day after day in the political advertising they put out speak up personally and use that time to negatively go after their opponent time after time after time.

People in this country are too smart for that. I think there would be a rejection of candidates who sought office in that way, and nothing would do us more good in switching from negative to positive campaigning than to require candidates to speak up personally, directly, all of the time, when they are engaged in political advertising.

That is what we need, Mr. President. We need to devise a system that enhances positive campaigning, that reinvigorates people's willingness to participate in the political process; that gets us to the point where we once again start rising in the pecentage of people who choose to take part in elections rather than seeing a slow, steady erosion of citizen interest.

The true answer, Mr. President, is to once again make every citizen of this country a politican, to make them politicians in the true sense of the word, politics being the art and science of government, and to be a politician, to be a practitioner in the art and science of government.

To that degree every citizen need to be and ought to be a politician. Their involvement in political campaigns requires them to do more than vote. It requires them to take part in the political campaign, to participate actively, and give of their own time. And it requires them to devote whatever money and time they can to support their political candidate and also requires, after an election, the involvement of citizens in telling their officeholders what they think, how they believe and how they would have those officeholders act.

What is the best way to reinvigorate that interest of citizens in politics? Well, it is to enhance, not degrade grassroots politics. And I fear that what we are aiming to do would tend to not enhance but degrade grassroots politics as David Broder has pointed out. I think we can move a long way toward enhancing positive campaigning by requiring candidates to fully participate in whatever means they are using to get across to the citizens.

I do not think, Mr. President, we need S. 2 with all of its limitations and artificialities, at least as it is now written. I do not think we need to create a system that encourages, makes almost necessary the actions of campaign teams and candidates themselves to look at the rules, the expansive, extensive increasing number of regulatons we are about to lay on our campaigners, and say how can we get around those rules? How can we work the system that you are regulating us under?

That is no way to create a better campaign system and a better democracy and a better country. That is where I think our focus is wrong. And it is about time we ought to return it, to bring it back in an appropriate direction. And I hope we can do that, by people on both sides of the aisle working together for an appropriate campaign reform bill that will not require us to come back a decade from now saying My Lord, what did we create a decade ago?

I thank the Chair.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

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Mr. BUMPERS. Mr. President, if the Senator from Washington would stay just a moment, I would like to engage in a short colloquy because, first of all, I have an immense admiration and respect and long friendship with him as a Governor. I served as Governor many, many years ago, longer than either one of us would like to admit.

Let me just start off, Senator, by asking this simple question: Does the Senator think that the existing system of financing political campaigns for the Senate, for example, is a good one?

Mr. EVANS. I think that it is a reasonable one, not as good as it could be, but not as bad as some would suggest. There are as many different ways of financing political campaigns for this Senate as there are Senators. Some have chosen voluntarily to not accept political action committee donations and they have been very successful. Others have chosen not to accept any donations over $100. They have been very successful. At least one Senator here to my knowledge gains reelection by overwhelming majority spending virtually nothing in terms of political campaign donations.

So the system is how you would like it to be, but I do not think it is as bad as some would suggest.

Mr. BUMPERS. The Senator has heard these statistics bandied around here many times in the past few weeks or the last few days anyway as we have debated this issue. But the cost of running for the U.S. Senate for example has gone up about 100 percent over the past 8 years so that this year the average cost of a successful campaign, be it incumbent or challenger, this year is anticipated to be a mimimum of $3 million, and that means that every United States Senator if he is going to spend that much—some spend much more than that—the average cost is $10,000 a week.

Does the Senator find it offensive in the least that the Members of this body have to spend that much time raising that much money in order to retain their seats?

Mr. EVANS. As I have just said, it may or may not be necessary for every candidate to raise that much money. That is up to each candidate and each incumbent, and it depends on each State. I think in many cases we may raise more money than is necessary just because we have gotten into the game. I raised in my special election $2 million in 60 days. But that was from 10,000 people. When you divide that out, that is broadly based support from an awful lot of people who cared a lot about that campaign and while it is a lot of money. I do not feel that I was bought by any one of those donations. I do not feel that it was a distorted campaign in that respect.

But I would tell my good friend from Arkansas that there is a reason for campaigns rising in cost as fast as they are. Last night I had the opportunity between 1 and 3 a.m. to speak up on the issue. I said then that while campaigns in 12 years or 14 years had increased by 500 percent, that when you took into account the cost-of-living increase it was down to 125 percent. Three quarters of that was just simply the increase in the cost of living. But there is something else at stake.

The cost of living does not really measure the true cost increases in campaigning. I went back and looked, and found that in my own campaigns 11 years apart, from 1972, the next one in 1983, the cost of political advertising has gone up 400 percent on television, 250 percent on radio, 200 percent in the newspaper.

I think if we wanted to do something to really limit the cost of political campaigning we ought to suggest to our good friends in the media who complain so much about the cost of political campaigning that they ought to offer free advertising. We would not have to spend too much money on political campaigns.

Mr. BUMPERS. Well, Senator, it is true that no Members of this body or anybody who chooses to challenge a Member of this body in a campaign, they do not have to raise any money. It is obviously their call as to whether they are going to raise money and to some extent it is their call how much they are going to raise. But in practice, the statistics are overwhelming, absolutely overwhelming, that nobody is opting to walk the distance of a State and hope that the publicity they get by walking across the State will be a substitute for that $2 or $3 million they can spend on television. And the real fact of the matter is that virtually everybody—I spent $1.5 million in 1986 and the Senator may have heard me say that it was twice as much money as I had spent in the preceding seven campaigns I have been involved in over the past 15 years. Twice as much.

Now, $1.5 million, I will tell you where that ranked me. Out of the 33 Senators running for reelection last year, I scored 26th. I am saying that 25 Members of this body spent more on their campaigns than I did. Now I would like to have been 33d or 34th or I forget how many of us were running. I would have liked to have been on the bottom of the ladder.

My opponent, totally unknown—probably did not have over 5, 10 percent name recognition when he announced against me—raised $1 million, a good part of it from people who never heard his name, through the bundling process.

Incidentally, on that point, does the Senator agree with me that we ought to stop bundling?

Mr. EVANS. Well, it depends on what you mean by that.

Mr. BUMPERS. Let me describe what I mean.

Mr. WILSON. Will the Senator from Arkansas yield for a question?

Mr. BUMPERS. If the Senator would withhold for just a moment.

Let me say, when I talk about bundling, I am talking about in this case where people all over the United States sent the Republican Senatorial Campaign Committee thousands of contributions from $10 to $100 and the Republican Campaign Committee sends that money out to whichever candidates they want to. That is what bundling was in this case. Because all of a sudden we get a finance report with about 1,000 or maybe 2,000 names in it. The newspapers began to call those people and asked, "If you live out in Washington or Oregon someplace, why are you contributing to Mr. So and So?" And the answer every time was, "What are you talking about? I never heard of him. I just sent $10, or $25, or $100 to the Republican Campaign Committee." That is what bundling is to this Senator.

With that definition, accept it for just a moment, does the Senator agree that that is a good way to finance campaigns?

Mr. EVANS. You bet I do. I will tell the Senator why. Because I think it is a lot more honest and straightforward to develop the strength of the political parties of this Nation to allow people to contribute money to political parties, political parties which by their very nature are umbrellas designed to bring in people under some very broad principles, to support and advance those principles. And if a person contributes money to a national political party or a State political party and that party in turn chooses to support candidates of that party all over the State, in the case of a State party, but the person who donated happened to come from a particular county or city in that State but was donating to a party because he believed that party stood for something that was important—they in turn used it to help advance the cause of the party and the candidates of that party and you do the same thing at the national level—what in the world is wrong with that? What in the world is wrong with that?

Mr. BUMPERS. Senator, we have a big, big difference on that. I think there is a lot wrong with that.

But let me ask you a second question then. Let us take the case of where Mr. Gotrocks says to his neighbor, who is Gotrocks II, "I have given all I can give to old so-and-so"—we will say up in New York. "I have maxed out. Now you don't know him but you have got a candidate," we will say, "in West Virginia that you have been supporting and you have maxed out on him. I will raise $5,000, $10,000, or $100,000 among my friends and send it to your man in West Virginia if you will raise $100 grand and send it to New York."

How about that? Does the Senator think that is an ethical way to finance a campaign?

Mr. EVANS. Well, I would say to the Senator that there is no set of rules and no law we can pass that will ensure ethical action on the part of every person covered by a law. It will not work in campaign financing. It does not work in criminal law. It does not work anywhere else. Otherwise, we would have the easy end result of passing criminal legislation and making sure that everyone lived up to criminal law. We could end crime in a minute if we could do that.

I do not condone everything that happens under the current system. What I am saying is that let us make sure before we do a new job and create a new system that we do not end up just having a whole new area and a whole new arena of things that will prove to be just as bad or just as evil or just as troublesome as the things we have today.

I would say to the Senator from Arkansas, as I mentioned in my remarks, I think political action committees are a perfect example. They came about as a reform, a reform of the election laws prior to 1974. They came about as a way to bring people together and give them a way to collectively put their money to use in political campaigns. Now we are saying somehow they are evil. Are we going to end up with the bill in front of us just creating a whole new set of barriers that will teach people to evade the law in a whole new set of ways and come back 5, 10, or how many years from now saying, "What in the world did we do? What kind of new devil did we let loose on the American political scene?"

Mr. BUMPERS. So the answer to my first question to the Senator—which was, do you think the present system of financing campaigns is just jakie—I take it the answer to that is yes?

Mr. EVANS. No; I answered it once before and I said I did not think it was as bad as portrayed by some and not as good as it might be. I am not opposed to legislation. I think we can craft legislation that would be worthwhile, that would have the best chance of being legislation that would be used by people as positive and would continue to be viewed as positive over the years, legislation that would be easily lived up to and would not deteriorate our opportunity for grassroots campaigning. There are lots of things we can do. But I am not suggesting that S. 2 is any answer the way it is currently written.

Mr. BUMPERS. Let me say I agree with the Senator. I am not suggesting that S. 2 is a perfectly crafted bill. There are some questions about it I suppose that all of us would ask and there are probably some provisions in it that can be circumvented by a very wise lawyer or a gifted candidate.

But the one argument that I do not understand and I would just like for the Senator to comment on if he would, the only argument here that I cannot fathom is that somehow or other limiting the amount of money you can spend on a campaign favors the incumbent.

Now I recognize that if you are an unknown challenger you do have to spend more money to get known. But the Senator himself pointed out a moment ago that a lot of people are successful in ways other than just spending tremendous sums of money. I ran against one of the wealthiest men in America who spent about $3 million when I ran for Governor the first time. And I think all of my primary campaigns and general election combined cost me one-tenth of that and I won almost by a 2 to 1 majority. So money does not always work.

But my point is this: The present system, the reason it is so corrupting and politically erosive of people's confidence in our political system is because it is the incumbent who can raise massive sums of money as opposed to a challenger. You go back, Senator, and look and see who is being defeated and you will find that the incumbent, the big percentage of them, are being reelected and they are not just being reelected because they are fairly well known in their home States. They are being reelected because they can literally raise millions of dollars. And the reason they raise millions of dollars is because the people who are giving it find it to their advantage.

Will the Senator agree with at least that part of the argument?

Mr. EVANS. I wish I could agree with that part of the argument. Because if in fact those who have raised the most money in political campaigns for the Senate in 1986 had won their races, we would still be in control of the Senate.

But I would suggest to the Senator that if he looks carefully at the results of the 1986 senatorial election, he will find that in most of the cases where incumbents were defeated and where seats were changed in this Senate—a sufficient number to change the majority—the challenger spent less money than the incumbent.

So I wish I could agree with the Senator, but the facts do not bear him out.

Mr. BUMPERS. Then why does the Senator fear this bill?

Mr. EVANS. It is not a question of fearing the bill so much as it is a question of wondering whether it advances anyone's cause very much in the way it is now written. And I have spoken on it at more length than I really cared to last night because I was asked to. But I came at 1 o'clock in the morning with lots of material, figuring that I would, after a short period of time, have to go on to other things just to fill the space. I found, as I got more and more into it and enthused about what I was saying and working on the various aspect of campaign reform, that the 2 hours went past very rapidly and I did not miss a trick in talking about campaign reform during that entire period of time. And I would commend that short novel to my good friend from Arkansas.

Mr. BUMPERS. Senator, I will not belabor this any further. But let me just ask you this simple question. Does the Senator believe that the present system, which allows political action committees to give $5,000 and individuals to give $1,000, does the Senator believe that that has any kind of cause and effect so far as cynicism toward politicians and the political process in this country is concerned?

In short, do you think a guy out on the assembly line making $10 an hour, which is more than assembly line wages in my State, do you think that that person has any interest in collecting $10 or $25 to a candidate when once about every 2 months he picks up the paper and he sees where Senator BUMPERS has raised $1 million in the last 3 months. And it is so much that the newspaper will not even present your name in my State unless you gave at least $500. Now, to a guy working on an assembly line who would like to be a part of the political process—and we would like for him to be a part of it; we want to encourage him to vote; we want him to believe in the politicians that represent his country—how do you think he feels when he sees all the rich people in that community, most of the names familiar to him, who have contributed heavily to a candidate? Why would he want to give a $5 or $10, knowing that his name will never be mentioned to that candidate? No way, that nobody, that his name will ever be mentioned by that candidate.

Now, when you get a $5,000 contribution from a political action committee, I promise you every Member of this body knows who that political action committee is because $5,000, as W.C. Fields used to say, "ain't beanbag." We are told that this political action committee has given $5,000. We are told who gives $1,000. You are never told who gave $5 or $10, because it just is not enough for a candidate to mess with.

Do you think that has any erosive effect on the cynicism toward the political process in this country?

Mr. EVANS. Let me say to the Senator from Arkansas, my good friend and colleague, I have enjoyed this colloquy. I will answer his question. I know there are a number who wish to speak, and I would like to yield the floor after this response so Senator Specter might begin his turn, or whoever seeks recognition.

Of course, there is cynicism. There is cynicism because people are told constantly through the newspapers and elsewhere and by some in political office that this is an evil system and that giving money is bad and giving a lot of money is worse. Of course, they are conditioned and told constantly that this is a bad thing to do.

I would say to the Senator I cannot think of anything that would be better than not only to have the full disclosure that we have but to ensure, somehow and in some way that that full disclosure of all campaign donations could be put in the hands of every citizen.

You know, there is one thing we do not have. We talk about full disclosure. We do not have full disclosure. We have censorship. The censorship perhaps of necessity, but it is the censorship of the press who looks through the lists that are sent to the Federal Election Commission and they pick out the juiciest and the most interesting and perhaps the biggest. But in doing so they miss the real story.

The real story, at least in this Senator's experience, is that every single election campaign has had thousands upon thousands of campaign donors.

I am proud of that and I think that is the case with most people who run for the Senate. People get a mistaken understanding because, you are right, they never see that $5 and $10 donation. They never see how many there are, like that person who are contributing $5, and $10, and $15, and $20. It would put things in a lot better perspective if, instead of only seeing those people up at the top with fairly large campaign donations, they say the whole pyramid. They would understand a lot better that campaigns are made up, by and large, of that broad base of public support. I think that would help encourage them to give their small donations, knowing that to the degree they gave small donations, it makes unnecessary excessive dependence on large donations.

I think we ought to appeal to the best instincts of Americans and not simply continue to tell them, because we only give them partial information, that the system is evil and it is bad and it is corrupt and it is controlled by big money when I do not think for one instant that that is true for the broad base of Senators here and the campaigns they have most recently run. It certainly would not have to be true if we can somehow regenerate, be more positive in our approach to people and their responsibilities and the chances they would have to contribute their small amounts.

If every citizen in this country in their approach to Senate races contributed $5 or $10, we would have an overwhelming increase in the amount of political campaign money available and not one dime of it would have to come from large donations.

Mr. President, I thank the Chair and I thank my colleagues.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Just to be totally candid, I am not going to belabor the time of the Senator from Washington, but I want to say in the interest of candor, before I yield the floor, that I think there are times when an administrative assistant walks into a Senator's office and says: Mr. So-and-so just dropped by out in the outer office. I have checked and he and his wife each gave you $1,000 last time you ran.

I have heard—I cannot verify this—but I have heard that that sort of thing happens around here from time to time.

I have also heard that administrative assistants sometimes will take a stack of phone calls in to the Senator and say, "Here are a list of phone calls." "Did you ever hear of this guy?" "No, I did not." "OK, I will hand that to so-and-so to handle that."

"Here is a call from Mr. So-and-So. He is head of a political action committee."

"Give me that one."

"He wants you to call him back within the next 10 minutes."

"Here is Mr. So-and-So. He and his wife gave you $2,000." "Let me have that one." "And here is Mr. So-and-So, who gave your opponent $2,000."

You say, "I ain't returning that one."

I am just telling you that I have heard—I cannot validate this—but I have heard that things like that happen in Senators' offices in this capital city and in these buildings around here. I know that is hard for people to believe but that happens. And for anybody to say that we are improving people's images of the political process and to convince them that money is not buying access if not votes, is naive in the extreme.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. Mr. President, I have sought recognition to address the subject of the issuance of warrants of arrest on the matter which arose in the Senate after midnight on February 23 and to seek a procedure to establish rules to govern such conduct in the future. What I essentially seek are standards to bring some rationality to the practice where it may be necessary, under extraordinary circumstances, to issue warrants of arrest for U.S. Senators.

The Constitution speaks about compelling the attendance of Senators. There is nothing in the Constitution or in the rules which talks about warrants. And there may be extraordinary circumstances where warrants of arrest would have to be issued. But I submit that we ought to establish some standards and some rules. And I propose that four rules be established and will outline a procedure where the Senate may, today, take action to correct the practices of yesterday morning.

Those standards, I submit, should be as follows. First, no middle of the night warrants. There are rules, Mr. President, which limit nighttime activities of enforcement procedures in a wide variety of ways, including no-knock statutes. It is different to seek a warrant of arrest during business hours. There are differences in requiring a Senator to be present during business hours and perhaps as late as 10 o'clock, perhaps as late as 11 o'clock. But there should not be middle of the night warrants.

Second, that there should be compliance with rules that warrants be signed by the Vice President or the President pro tempore or the designee of the President pro tempore, as specified by the Rules of the Senate, so that there can be an independent review of the application for a warrant very much as there is an intervening magistrate who takes a look at and authorizes any warrant of arrest or any search and seizure warrant or any warrant calling for compliance; to put that level of scrutiny and objectivity into the process.

Third, that there be a written statement establishing the reasons for the arrest so that there will be a requirement that someone sit down in a thoughtful manner and write out why someone is being subjected to arrest.

The current warrant form has a blank which approximates that requirement, where it states: "Bring to the bar of the Senate blank" given Senator, Bob Packwood on one, L. Weicker on another, "who is absent without leave," colon—"to wit" and then a blank appears. It wasn't filled in in the Weicker or Packwood warrants.

So that there would be the thoughtfulness as to why a Senator is being brought in under a warrant of arrest.

And, fourth, that there be equal treatment of Democrats, Republicans, or whatever party the absent Senators may belong to so that when warrants are sought, we do not have a situation, as recorded in this morning's Philadelphia Inquirer, that, "Senator Bob Packwood, a filibuster leader ranked high on the Democrats' most wanted list was sought out to have a warrant of arrest served."

I raise this point at this time, after having sought information from the Chair yesterday late in the afternoon, about the requirements of the Senate that there be a return of service on warrants as specified in the rule book and that there be information from the Parliamentarian as to the requirement that warrants be maintained in the Senate records.

I said yesterday that I had inquired of the Sergeant at Arms who is present in the Senate Chamber at the moment and can make whatever addition to what I have to say, correct me if he feels it necessary, that he had destroyed all of the warrants which were issued and I had made the inquiry yesterday afternoon and have consulted informally—or formally—with the Parliamentarian, Mr. Frumin, who is present on the floor of the Senate who can make any addition or correction if that should be warranted. He said he thought that such records should be maintained and we had a discussion about rule XI which called for the maintenance of such records.

Mr. President, I have consulted, I have referred to the rules, and find that if, as, and when I seek to make a motion to reconsider the vote on which the warrants were issued, that that would be in order since I was not a Senator who voted on that motion. I am further advised that, if the Senate votes to reconsider the motion on which the warrants of arrest were issued, that it would be appropriate under Senate procedure to seek a point of order that warrants could be issued hereafter only under specified conditions. The conditions which I have just enumerated are the ones which I propose, and—it would be appropriate that that point of order then be submitted for action by the Senate. If the Senate voted to affirm that point of order, then those conditions would hereafter govern the conduct of the U.S. Senate and those who execute its orders, the Vice President, the Sergeant at Arms, and so forth, in the issuance of such warrants of arrest.

The analogy was brought to my attention about action taken by the majority leader in seeking a point of order which has clarified the provisions relating to the two-speech rule.

That is the essence of what I seek to do, and I would now like to state the reasons that I propose to accomplish that, if this body chooses to do so.

Mr. President, my view is that it is imperative that the Senate clarify the procedure, the practice, and the standards for warrants of arrest. I say this because the Senate has long been known as the greatest deliberative body in the world, and I am concerned that the practices of this week may be making the U.S. Senate the laughingstock of the world.

We have undertaken a process here which, I believe—and I say this respectfully—requires scrutiny of the Senate. We have had a record number of votes on motions to invoke cloture. It is plain that there are 45 Senators who were in concrete in the past and now I would say are even more firmly fixed in their views as a result of what has happened.

We had the most extraordinary situation where the Republican Senators absented themselves from the Chamber on a thoughtful conclusion that that was the appropriate conduct because of what was happening in the United States Senate the day before yesterday, and that the Republican Senators would not stand by and be a party to providing a quorum for action in the United States Senate which the Republican Senators considered to be demeaning to the Senate and to the Republican Senators themselves. That action was taken with care and with thoughtfulness and not unaware of what might occur. We did not contemplate that there would be execution of warrants of arrest. We did not necessarily contemplate that there would be a motion for warrants of arrest. But had there been a motion for warrants of arrest, it was, indeed, surprising that a warrant was executed in the manner which then did occur. As a result of that, the front page of the Washington Post today has photographs of the arrestee and the arrestor and a caption of "Midnight Manhunt in the Senate." That appears on the front page of the Washington Post. In the Philadelphia Inquirer, there is a headline saying "Byrd," referring to the majority leader, "Byrd Sends Posse to Nab Errant Senators."

The recitation of what occurred is hardly flattering the reputation of the U.S. Senate, reciting that "Capitol Police forced their way into the office of Senator Bob Packwood, arresting him and carried him feet first into the Senate Chamber in a flamboyant climax to a bitter all-night filibuster fight." That is in the Post.

The Inquirer says, "Posse of lawmen armed with warrants stalked unsuspecting Senators in the predawn hours at the U.S. Capitol yesterday. One senior Republican locked himself behind barricaded doors only to be captured and carried feet first into the Senate Chamber."

Mr. President, the action in the issuance of the warrants of arrest did not comport with the most basic standards of decency and the most basic standards of rights which are afforded the most heinous criminals in our society. Constitutional rights are elaborately set forth under our laws, and there are protections which this Senator submits ought to be equally available to U.S. Senators as they are to those suspected of murder where the evidence is overwhelming. Yesterday at some length I spoke about such cases and about the requirements of individual rights, and I shall not repeat them here today.

Mr. President, the issuance of the warrants of arrest I submit were defective in very material ways, and at the conclusion of my statement I will ask unanimous consent that the detailed statement of those reasons be printed in the Record, some of which was articulated yesterday and the essence of which was that the motion calling for the arrest was deficient in that the motion did not specify that the warrants of arrest should be issued.

When the motion was made on February 23 at page S 1152, "Mr. BYRD. Madam President, I move that the Sergeant at Arms be instructed to arrest the absent Senators and bring them to the Chamber," note the absence of any request that "warrants of arrest be required," contrary to the motion made by Mr. Barkley in 1942, the last time that a warrant of arrest was executed, where it appears at page 8839 of the Congressional Record. This is Mr. Barkley speaking.

> I therefore move that the Vice President be authorized and directed to issue warrants of arrest for absent Senators and that the Sergeant at Arms be instructed to execute such warrants of arrest upon absent Senators.

I am informed that while there may be some disagreement with the requirement that there be a specification for warrants of arrest, there was no known motion having been made without that specification. I would submit that the requirement that a warrant of arrest be specified is sufficiently important that you cannot have the authority of the Senate to call for that action unless it is explicit.

This is not a casual or unimportant detail. The Sergeant at Arms does not have the authority to bring Senators into custody in the absence of a warrant. Where the majority leader seeks to have a warrant of arrest authorized by the Senate, I submit as a matter of rule, practice, and of law that there has to be that kind of a specification.

Second, Mr. President, the warrant was signed by someone not authorized to do so, signed by Senator Adams. The rules are explicit that that is not sufficient. In precedent on the matter, on the one warrant which was executed, the warrant was signed by the Vice President in 1942. The rules call for documents like bills or resolutions to be signed by the President pro tempore or by the Senator whom he or she designates or by a designee of that designee.

On the day in question, a letter was filed by the President pro tempore, Senator Stennis, designating Senator Proxmire, and that was the end of it.

I would submit, again, as a matter of plain interpretation of rules that, where Senators may assume the role of the Presiding Officer, if there is a specific rule that governs the practice, he or she may fill in interstitially as to what a rule may be but not where there is a specific rule to the contrary.

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And third, there was an insufficient statement in the body of the warrant. Whereas I had referred to earlier, there is a spot for setting forth the reasons for taking into custody an individual, the reasons for Senator Packwood's being taken, or the reasons for his absence were not so filled in.

Mr. President, the technical defects, while important, are not the most important aspect of this matter. The real issue turns on what is fair and just and reasonable, more importantly as to what is going to happen in the future, but also a matter of importance as to what happened in the early morning hours of yesterday morning. Our Senate is a body which operates really as a matter of comity and as a matter of courtesy. The two most frequently used words in this body, as I said at some length before and shall not go into great length now, are "unanimous consent" and that without unanimous consent this body cannot function. This body concludes when the last Senator stops speaking, and if any Senator seeks to stop the operation of the Senate by making objections to unanimous consent it would be a very, very different organization.

When you have the considerations which are present in Senate bill 2, there is a very, very material difference of opinion as to what ought to be done.

I respect what the sponsoring Senators have sought to do in reforming the campaign laws, and I have spoken at length and repetitively on the floor of the Senate stating my agreement that there ought to be reform of the campaign laws, stating my willingness to vote to eliminate political action committees completely, stating my concerns about so-called soft money, and it is very important that there be campaign finance reform in this country. But when there are 45 U.S. Senators who feel so strongly about this issue to undertake all-night sessions and to vote seven times in opposition to cloture, that is a matter which has to be respected in terms of the rules of the Senate.

(Mr. BREAUX assumed the chair)

Mr. ARMSTRONG. Mr. President, I am wondering if the Senator from Pennsylvania will yield for a question or two.

Mr. SPECTER. I do.

Mr. ARMSTRONG. Mr. President, the issues which the Senator from Pennsylvania brings to our attention, it seems to me, are among the most important which have ever been considered here and I would like to ask a few questions simply to clarify the issues which he has so thoughtfully and ably raised. First of all, in his statement, the Senator has pointed out that this legislation, S. 2, was considered at great length last year. It was the subject of, I believe, no less than seven cloture votes, an unprecedented number.

Is it the Senator's belief that having gone through a number of cloture votes and a prolonged period of debate, it has been established beyond reasonable doubt that the bill was simply not acceptable to the Senate, that it was not going to be clotured and was not likely to pass in anything like that form?

Mr. SPECTER. I would respond to my distinguished colleague that votes on those seven cloture motions constituted very strong evidence that that would be repeated on the next cloture vote, but there was in addition additional evidence. There has been an effort made to work out a compromise, with the leadership on both sides appointing four Senators on both sides, and those Senators had met. I discussed on the floor of the Senate on Tuesday afternoon with Senator Boren, the principal sponsor of S. 2, what the progress was and was told there was no progress. And then I discussed the matter with Senators on this side of the aisle and was told the same thing.

So that in the course of the extended discussion last week and what happened on the Senate floor on Monday of this week and then again on Tuesday of this week, it was made plain to this Senator that S. 2 was not going to be acted on; that under our rules and for good and sufficient reason historically—and there is a strong sense of 41 Senators, and that number was increased to 41 as my colleague from Colorado knows; it used to be that you required 67 out of 100 Senators. We did not have 100 Senators then, but it was the two-thirds rule and that number has been dropped to 60, but good reason established historically in this Chamber if that many Senators feel that strongly about an issue, it simply does not come up.

I might say by way of amplification there are other remedies; there is political pressure, and those who have supported the bill have not been hesitant about full page advertisements which have been printed in many States directed at specific Senators, including this Senator from Pennsylvania, a subject that I have talked about on another occasion. It was the conclusion of the Republican Senators who assembled in the cloakroom on late Tuesday night that nothing was going to happen and that the so-called drawing of the line did not constitute legitimate business of the Senate. This Senator and the other Senators realized that it is not up to any single Senator or group of Senators to make that judgment absent some really extraordinary circumstances. And there was a discussion which I had with Senator Kerry yesterday on a number of issues, and I conceded that his point there was a very good one but that we felt we had passed the point; that it was beyond the range of discretion; that it was really a matter which was demeaning to the Senators who were being called upon to stay all night and to respond to a series of rollcall votes; that it was conclusive there was no reasonable purpose, no legitimate purpose, and that is why the Republican Senators took the extraordinary step of absenting themselves from the Chamber, perhaps unprecedented in this body.

So that it was strongly felt that that action was necessary because there was no purpose being served. And when we had a session last night and Senators stayed here all through the night debating this issue, under what had been worked out as a gentleman's agreement with a time parameter having been established, again it was an exercise in abject futility, to keep Senators here all night debating an issue for absolutely no purpose except perhaps for someone to say, "Well, we had a hard-line filibuster."

Mr. ARMSTRONG. Mr. President, if the Senator will yield further, he is addressing precisely the object of my concern. The Senator has said that no purpose was being served. The Senator has pointed out that it seemed to be clear beyond any reasonable doubt this bill is not going anyplace.

The Senator has pointed out that we have had an unprecedented number of cloture votes on it. I am wondering if the Senator is aware of the widely-held belief that, if we consider further this legislation, to have it remain before the Senate day after day, let alone through prolonged night sessions, actually is a form of harrassment. Is the Senator aware that that is a widely-held opinion among Senators and others who have observed this process?

Mr. SPECTER. I am aware that that is a widely-held view, not only by Senators on this side, on the Republican side of the aisle; that it is a widely-held view beyond the Senate Chamber and a source of wonderment as to why the Senate is not moving on to other business and a source of wonderment as to why Senators are being called back in the middle of the night. Yesterday, Senator Stennis was on the floor of the U.S. Senate, and the only purpose I could see was for an expression to adjourn.

Senator Simon was on the floor of the Senate, and I do not know the details as to where he was called from, but his activities have been in places other than the U.S. Senate.

So that I would answer my distinguished colleague in the affirmative.

Mr. ARMSTRONG. Mr. President, in that situation, the question then that naturally arises is, what recourse Senators would have after many months of debating this issue, after seeking, both publicly and privately, to reach an accommodation on a very serious piece of legislation, after being treated to the appointment of negotiators for both the majority and the minority—then the question that arises is, what opportunity, what way of expressing themselves, was available to Senators? Particularly, I wonder if the Senator from Pennsylvania is aware of the fact that earlier this week, a notice was publicly given in this Chamber that it was the end of the gentlemanly filibuster. Does the Senator recall that, in effect, the Republican Members of this body were told that there were no Marquis of Queensbury rules; that, in fact, we were put on notice that we were not going to filibuster from 9 to 5 but that this was going to be an endurance test; and, in effect, does the Senator recall that what we were told was that the issue was no longer the passage of the bill but a contest of wills?

Under those circumstances, does the Senator readily suggest other courses of action that might have been available to Senators in the minority, other than to absent themselves from the Chamber?

Mr. SPECTER. I do not know, I respond. That was a matter which was considered at some length by Republican Senators, and this Senator is well aware, as were all our colleagues involved in the discussions, that the line was drawn; it was not to be a gentlemenly filibuster anymore.

That is why I believe it is necessary that there be set forth reasons for arresting Senators.

If there is some legitimate Senate business to be performed and if Senators are absenting themselves from the Senate Chamber and not conducting themselves in a reasonable manner, then maybe, under those extraordinary circumstances, there would be an occasion to arrest. But It was precisely these circumstances—that there was no earthly reason to be served—that we Republicans took that extraordinary step of absenting ourselves.

I might add this, because it is relevant to the question which my colleague has raised: In 1942, the only other occasion where a warrant of arrest was executed in modern times, there was a enormous furor over the service of a body warrant, and that was done in the daytime. It was done on Saturday afternoon, and it led Senator McKellar, an arrestee, to respond, to comment:

> Last Saturday there occurred in the Senate a most shocking performance, the like of which has not been known, so far as I can recall, during the 26 years I have been a Member of the Senate. . . . The action taken, therefore, was unusual, quite remarkable, and unexpected. I have never known such a thing to happen before. I think when we have had contests which were vigorous and active and, let us say more or less determined, each side would keep its own members here and maintain a quorum.

The Record goes on and on and on, indicating the unprecedented nature of a kind of situation which the Republican Senators faced late Tuesday night.

Mr. ARMSTRONG. Is it the Senator's position, then, that the absenting of Senators from the Chamber was an unusual response to a highly unusual situation—that is, the insistence on pursuing a bill which obviously was not in prospect to passage? I do not want to put words in the Senator's mouth.

Mr. SPECTER. You are doing a great job.

Mr. ARMSTRONG. Would it be the view of the action taken by the Senators, far from being a dereliction of duty, as some would characterize it, but in fact be a form of expression and an entirely proper form of expression under the circumstances? I take it that would be his view.

Mr. SPECTER. I say to my distinguished colleague, absolutely.

We were seeking alternatives. We were seeking other ways to make our point. There had been communication directly to the other side that we were fixed in our positions; that we would be glad to talk about compromise; that we would be glad to try to reach an accommodation on campaign reform legislation; that many of us on the Republican side were willing to give up PAC contributions completely; that we were prepared to find ways to limit the amount of money an individual could use of his or her wealth, which is the source of the unlimited amounts of money which are spent; that we were prepared to find a way to have an accommodation here on views strongly held by some 45 Senators.

Absent any other approach, but simply being told that we were to spend the night; that we were to respond to motions to compel; that we were to undertake activities in the middle of the night, totally unrelated to anything reasonable; and finding no alternative, we resorted to that approach.

Mr. ARMSTRONG. Mr. President, the Senator from Pennsylvania has been generous to yield to me.

I would like to just ask a final question or two, just to be sure that I have a understanding of his viewpoint.

Would I correctly summarize the Senator's point of view in the following terms:

First, that to insist upon prolonged consideration of this measure, that it had the subject of lengthy—indeed, very prolonged—debate last year and an unprecedented number of unsuccessful attempts to cloture, was it, in itself, an abuse of the process?

Second, that under that unusual circumstances, Senators were justified in absenting themselves from the Chamber, and that by doing so they were not be derelict in their duty but, in fact, responding in an appropriate manner to an highly unusual if not entirely unprecedented situation.

Third, that it is the view of the Senator from Pennsylvania that, bad judgment having been exercised in attempting to arrest Senators, this bad judgment was compounded by a process which is in his view legally defective; that it simply did not, even for one who thought the arrest was justified and well advised and in good judgment—that the process, the issuance of the warrant, and so on, simply did not fulfill the Constitution and the rules of the body.

Finally, I gather that is the view of the Senator that some reforms along the lines he has already discussed are necessary.

Is that a sort of brief summation of the Senator's views?

Mr. SPECTER. It is. It is a brief summation, and it is well put.

On the specifics which you have raised, I believe that the process had gone beyond the point of no return. There was no other recourse available to 46 U.S. Senators, constituting a very sizable majority of this body. We acted as we thought we must, that the processes which were being followed were not appropriate and were processes on which reasonable men could not differ, and that we had expressed ourselves in the only way which we saw possible.

Mr. ARMSTRONG. Mr. President, I am grateful to my colleague from Pennsylvania for yielding for my questions, and I look forward to his further discussion of these issues.

Mr. SPECTER. Mr. President, I have sought the floor for the stated purpose that I have outlined, because I believe this matter is one of great importance for the future of the U.S. Senate.

We have very, very important responsibilities to fulfill. Perhaps at no time in the recent past have the eyes of the world been on the U.S Senate as they are on the pending ratification process of the INF Treaty.

We have very important work to do for this country, and I do not believe that it is possible for us to proceed unless we come to grips with what has happened in the course of the last several days.

The Washington Post this morning carries the report of a news conference by the majority leader as saying that—and this appears in the paper without a direct quote but attribution to the majority leader. It appears in the paper as follows: "He said he regretted his action but added 'I would take it again if I had to. * * *' "

In light of the statement that the action could be repeated, it seems to me that this body has to have before it a mechanism of seeking to avoid this kind of action in the future.

Mr. BYRD. Mr. President, will the Senator yield without his losing his right to the floor?

Mr. SPECTER. I will yield for a question, or I will yield so long as I may retain the floor when the majority leader concludes.

Mr. BYRD. Mr. President, there is no intention on my part to seek the floor at this moment.

Mr. SPECTER. Under those circumstances, will the Chair rule that I retain the floor?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. You have my word for it, whether or not the request is granted.

Mr. SPECTER. Your word is good by me, Senator Byrd, but I have observed you for many years seek a ruling from the Chair, and I think that is a sound practice.

Mr. BYRD. It is a sound practice.

Now, the Senator quoted me from the newspaper story. Would he repeat that quote again?

Mr. SPECTER. I will be pleased to.

The Washington Post says—perhaps it is best to read the full text.

"Byrd"—referring to majority leader Robert C. Byrd, of West Virginia—"held a news conference yesterday to contend that he was driven to the arrests by the Republican boycott and other stalling tactics to block a vote on the campaign-financing bill. 'Senators are supposed to be grown-up people, not kids,' he said, adding that they are 'paid to vote * * * not to run and hide.' He said he regretted his action but added, 'I would take it again if I had to. * * *'"

Mr. BYRD. I thank the Senator for reading into the Record the full quote.

I do not regret the action I took. I regretted the circumstances, the calculated circumstances, that drove me to take that action as my responsibility as majority leader of the Senate.

I thank the Senator. I regret that it had to happen.

Mr. SPECTER. Well, I am very interested to hear the majority leader's amplification of what appears in the Washington Post this morning, and I think that lends emphasis, considerable emphasis, for the importance of the U.S. Senate reviewing the standards by which the majority leader thinks it is appropriate to act.

I disagree—respectfully, always—with the majority leader about the propriety of that comment. We have a situation where there is gridlock in the Senate. There is no possibility of any constructive action being forthcoming from a continuation of the process.

You have perhaps an unprecedented situation where a large majority, 46 Republicans, not all present, decide to absent themselves. You then have a process where a warrant of arrest is issued. You have many questionable circumstances as to whether there was compliance with the rules, and you have the issue about a leader on the Republican side against S. 2 being singled out.

He is in his room. He had the door locked. He concludes that he is there as a matter of right. The Sergeant at Arms comes and uses a passkey to enter. As I said yesterday, Senator Packwood said to me that a call was made. There was an issue as to whether the Secretary of the Senate was consulted or whether the majority leader was consulted. We do not know. But the Sergeant at Arms then pursued the matter.

As the news reports, and as other reports have them, physical force was used by the Sergeant at Arms, and his men entered the Chamber. Senator Packwood came along until he came—well, without the details, he was carried into the Senate Chamber.

I will say this about Senator Packwood: He has responded in good cheer on the matter. I would say that it was wise of Senator Packwood to lighten up the matter.

It was not an easy thing for the constituents of this State of Oregon or the people of the Nation, to see Senator Packwood arrested. So it is advisable to try to lighten it up.

We do know that after S. 2 is concluded, however, it comes out, that we will be in this Chamber, 100 of us, to carry on the business of the Senate, and we want to maintain civility and proper decorum and a working relationship all the way around.

Senator Byrd and I are on different sides of this issue, but tomorrow or next week we will be called upon to work together for the interest of Pennsylvania and West Virginia, where the southwestern part of my State meets the northwestern part of his State. A congenial working relationship is very important, and I commend Senator Packwood for the action which he has taken.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SPECTER. Without the right to lose the floor, of course.

Mr. BYRD. Yes.

The Senator mentioned my name. The distinguished Senator from Pennsylvania can be assured of that congenial relationship between him and me after this battle is over, and also during the battle, as he can be sure that he is standing on this Senate floor today.

I have been around here for a long time. I have engaged in many difficult and complex debates, quite a few filibusters, and I have yet to carry any enmity in my heart toward any participant in any debate, whether on that side of the aisle or on this side of the aisle.

This bill, as I have said before, is not the alpha and the omega of our work here. I have great respect for the Senator. I have a great respect for his knowledge of the law based upon his experience, which highly qualifies him. That respect is not in any way, up to now, at least in the slightest, affected.

I reassure the Senator that our interest in working together for our respective States, and for the Nation, will not be weakened, as far as I am concerned. "Sufficient unto the day is the evil thereof."

I appreciate his yielding, and I appreciate the congeniality that does exist between us, and I appreciate the mutual repect that we have for the interests of our two States, which do adjoin.

Our interests, as elected representatives to the Senate from those two States, are often common interests, and I assure the Senator that nothing that has happened up to this point, offends my affection for him.

Mr. SPECTER. I thank the majority leader for those comments. They are reciprocated by this Senator to the majority leader, and I think it is important that those who watch the disagreements which we may have on issues of principle, on issues of procedure, not misunderstand the congeniality which is so important in this body.

I must say that aside from the good relationship which will be maintained between Senator Byrd and myself, for many reasons, including the important interests of our adjoining States, that I do have some concern for what is happening in the Senate. I am concerned that there may be some scars, if not on Senator Packwood's finger, then on the Senate body policy. It is out of the concern for those scars that I am making the proposal, which I am today, that we try to improve our procedure.

When I refer to Senator Packwood's good humor, which he displayed yesterday as he recounted the incident, I do so because his good humor is part of his personality, and that is a wonderful personality and is part of the approach of the Senator in the U.S. Senate. But it does not, in any way, diminish the seriousness, the importance, or the impropriety of what was done to Senator Packwood personally when he was brought into this Chamber feet first, when physical force was used to bring him in, when his injuries were not major on his broken finger, but he had another x-ray.

What the majority leader says, as I believe he did, that Senator Specter was not affected by what happened, referring presumably to the issuance of the warrants of arrest, I would disagree, again, respectfully. I was affected.

Mr. BYRD. Mr. President, would the Senator repeat that?

Mr. SPECTER. I thought I understood you to say, Senator Byrd, that Senator Specter was not affected by what happened, apparently referring to Senator Packwood. Did I misunderstand?

Mr. BYRD. Mr. President, I will be glad to have the transcript read back, but I think the Senator will take my word for it. I have not said that.

Mr. SPECTER. I accept that.

Mr. BYRD. I did not say it, nor did I say anything anywhere like it. No such inference could possibly be drawn from anything that I said.

Mr. SPECTER. I accept that, Senator Byrd.

Mr. BYRD. I thank the Senator.

Mr. SPECTER. That is what I though I heard, but, needless to say, it was to the contrary.

Mr. President, the future conduct of the U.S. Senate for future actions here are very important to the operation of our Government for the welfare of our people, and we really have to know how we are going to proceed.

I have made the comments just articulated in response to Senator Byrd's statement that he regrets the circumstances which led to the issuance of the warrants, but he does not regret the issuance of the warrants themselves.

As I was saying, that puts the majority leader and this Senator in direct conflict in terms of what the rules of the Senate ought to be.

At the present time, we do not have rules of the Senate which establish the procedure for issuance of warrants of arrest. We have very little on the subject. There is the statement in the Constitution about compelling Members of Congress to appear under rules which they may establish. There are some statements in the rules about a motion to instruct and then a motion to compel, an intermediate step which was not taken, and the warrent procedure as established by practice, the last one having been issued and executed in 1942.

It seems to this Senator, and I have discussed this with a number of my colleagues who agree, and I believe that there is considerable sentiment on the other side of the aisle, that there ought to be standards for the issuance of warrants of arrest.

As I said at the outset, and perhaps some of my colleagues who may be listening did not hear, there was a procedure which I have studied and have been advised upon that if I choose to make a motion to reconsider the vote seeking the warrants of arrest, and if that motion to reconsider is passed, then I may make a point of order.

While the issue then is pending on the propriety of the issuance of the warrants, that for future conduct of the Senate, the warrants not be issued unless certain standards are met. That would be expected and customary practice for the issue then to be put to the Senators as to whether these standards ought to be followed.

The standards which I have articulated, which I would put at the appropriate time, are, first, there be no middle-of-the-night warrants. The reason for the change on the middle-of-the-night warrants is that there are few circumstances so extraordinary, and different rules apply even on search and seizure and no-knock provisions. Warrants issued in the middle of the night ought not to be the practice here, absent some really extraordinary circumstances.

Really, that sets the general rule for no middle-of-the-night warrants. Second, that there be compliance with the rules, that the warrants be signed by the Vice President or President pro tempore, or appropriate designees, in order to have that level of impartial review. Third, that there be a written statement justifying the reasons for the arrest. And, fourth, that there be equal treatment of Democrats or Republican Senators, or whatever party a Senator may belong to.

Because of the concern that Senator Packwood was singled out and because of the concern that the warrants of arrest were destroyed by the Sergeant at Arms, in apparent violation of rule XI, and I do not attribute any deliberate wrongdoing to the Sergeant at Arms, but the rules call for the retention of those official Senate documents.

MOTION TO RECONSIDER VOTE BY WHICH SENATE ORDERED ARREST OF ABSENT SENATORS

Mr. President, accordingly, at this time, I move to reconsider the vote by which the Senate ordered the arrest of absent Senators, and I am eligible in that I did not vote on the motion. I ask for the yeas and nays.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

Mr. BYRD. I ask the Senator to put this motion in writing.

Mr. SPECTER. I will be glad to do so.

The PRESIDING OFFICER. The Senator has a right to request the motion be made in writing and submit it to the Chair.

Mr. SPECTER. One moment, Mr. President, while I, again, check the precise language.

Mr. President, before sending the motion in writing to the desk, I ask unanimous consent that a statement elaborating on certain aspects of the rules, along with attachments of the Packwood warrant and the Weicker warrant and the return of service, be printed in the Record at this point.

There being no objection, the material as ordered to be printed in the Record, as follows:

Statement by Senator Specter on Motion to Reconsider Rollcall Vote No. 23

Mr. President, I move to reconsider Rollcall Vote No. 23, Congressional Record, February 23, 1988, at S1153, on the motion that the Sergeant at Arms be instructed to arrest the absent Senators and bring them to the Senate Chamber.

By now, everyone has heard and reheard the sordid details of the events that took place in the early morning hours of February 24, culminating in the entry without consent into a Senator's personal office, the forcible arrest of that Senator, and the physical injury that resulted to that Senator as he was being physically compelled to return to the Senate Chamber. I was astounded, quite frankly, that members of this body would attempt to justify such conduct at all. I was even more surprised, however, that Senators would suggest that the events in question were pursuant to a valid exercise of Senate authority. The facts do not appear to be in dispute. Purporting to act pursuant to Senate rules of procedure pertaining to orders of arrest to compel attendance of absent Senators, arrest warrants were signed by the junior Senator Brock, who at that time occupied the presiding officer's chair. The Sergeant at Arms, who could not have been expected to know that such warrants were unlawful and invalid, then proceeded to act pursuant to the warrant and the above-mentioned outrageous conduct ensured.

I believe that the warrants were invalid on several grounds. First, the Sergeant at Arms does not have the authority—under any interpretation of Senate rules—to arrest absent Senators and bring them to the Chamber in the absence of a warrant of arrest. The Senate, however, never voted in favor of warrants being issued. When the majority leader made his motion for the rollcall vote, he made no mention whatsoever of warrants. His entire statement was: "Madam President, I move that the Sergeant at Arms be instructed to arrest the absent Senators and bring them to the Chamber, and I ask for the yeas and nays on the motion."

This motion simply is not sufficient under the Senate rules to justify issuance of arrest warrants, which it nowhere refers to, and arrests could not lawfully be made without such warrants. The entire procedure was fatally flawed from the outset.

The manner in which warrants nevertheless were issued raises a number of other important questions. Many Senators obviously were absent when the Majority Leader made the motion to instruct the Sergeant at Arms to arrest the absent Senators. While at least 6 Democratic Senators were absent at the time, February 24 Associated Press report indicated only that warrants of arrest were issued for 46 Republican Senators. In response to my inquiry, the Sergeant at Arms has indicated that warrants of arrest also were issued for certain Democratic Senators, but I have not yet been apprised as to which ones. We are not likely ever to know for sure, because the Sergeant at Arms also has advised me that these warrants of arrest—official documents affixed with the seal of the United States Senate—were intentionally destroyed later in the day. Such documents should have been committed to the Senate Archives, of course, just as they have been in the past.

It is clear to me that the warrants would have been invalid even if the Majority Leader's motion had—as it did not—called for warrants to be issued, because they were not signed by a Senator duly serving as presiding officer. Rule 1 of the standing rules of the Senate, which governs "Appointment of a Senator to the Chair," is explicit: In the absence of the Vice President, "the President Pro Tempore has the right to perform the duties of the Chair." The President Pro Tempore has the right "to name in open Senate or, if absent, in writing, a Senator to perform the duties of the Chair." The impact of Rule 1 is plain. The warrants in question lawfully could have been signed by the Vice President of the United States, by the senior Senator from Mississippi, or by a Senator named in open Senate or in writing to perform the duties of the Chair. It is beyond dispute that they were not so signed.

On February 23, 1988, the President pro tempore of the Senate appointed, in writing, Senator Proxmire as Acting President pro tempore. Senator Stennis' letter to the Senate read as follows:

"Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable William Proxmire, a Senator from the State of Wisconsin, to perform the duties of the Chair." As is customary—but not authorized by the rules—the position of Presiding Officer was filled by various other Senators throughout the day, without any of them being named to do so in open Senate or in writing. Senator Adams was occupying the Presiding Officer's Chair at the time the arrest warrants were presented, and he signed them.

Mr. President, based on my discussions with Senator Proxmire and Senator Adams, it is clear that the arrest warrants were not signed by a Senator duly serving as presiding officer pursuant to Senate Rule 1. That they were not so signed comes as no surprise to any of us, of course, because we simply do not follow the practice of having the President pro tempore name in open Senate or in writing other Senators to perform the duty of the Chair. I have never known this to occur in my tenure in the Senate and none of my colleagues—many of whom have served much longer than I—has indicated to me that he or she can recollect this ever having occurred. To illustrate this point, I inquired on February 24 of Senator Shelby, who then was presiding over the Senate, whether he had in fact been named in open Senate or in writing to perform the duties of the Chair. He acknowledged that, of course, he had not. While some Senators have observed—correctly—that it has not been the "custom" of the Senate to follow Rule 1, this is not determinative of the issue of whether the warrants of arrest were lawfully signed. The customs and practices of the Senate, no matter how long-standing or well engrained, cannot alter explicit rules which govern the Senate. Customs and practices are relevant, in the absence of an applicable rule, as evidence of what is appropriate; they are not relevant when they flatly conflict with a valid rule which is clear on its face. No one, thus far, has questioned whether Rule 1 is such a rule—although I do not underestimate my colleagues' capacities for imaginative interpretation of written words.

This is not a trivial or unimportant matter. While it may not be essential to have the Vice President or the President pro tempore presiding over the typical discussion on the Senate floor, the execution of an arrest warrant is a matter of a significantly different nature. Article I, Section V of the U.S. Constitution authorizes each House of Congress "to compel the attendance of absent Members in such manner and under such penalties as each House may provide." Rule 1 is this body's undertaking, pursuant to that provision of the Constitution, to establish the manner in which we will issue warrants of arrest to compel attendance. While we do not frequently follow the literal command of Rule 1, we must do so in the extraordinary circumstance of issuing an arrest warrant. Our legal system recognizes the extraordinary nature of issuing an arrest warrant and the even more extraordinary nature of executing such a warrant by physical force, as was done with one of our colleagues. On February 24, yesterday, when millions of Americans opened their newspapers to read that an international terrorist may well go free because our law enforcement officers did not follow the strict mandates of the law regarding arrest procedures, we would do well to refrain from defending our own failures to follow Senate rules on the basis of customary practices.

Mr. President, in addition to all of the defects already noted, the arrest warrants also were invalid on their face. The warrants were taken from a form included in the Appendix of Senate Procedure, by Parliamentarian Emeritus Floyd Riddick, at page 1175. The form contains blanks for the date of issuance, the name of the Senator to be served, a statement of fact as to why the Senator is absent, the date when the seal of the United States Senate is affixed to the warrant, the signature of the Presiding Officer, and the signature of the Secretary of the Senate.

Numerous discrepancies appear in the various warrants issued on February 24, that I have been able to review. I suspect that those which have been destroyed bore similar defects. Senator Packwood's warrant, for example, included no statement of the alleged reason for his absence. Senator Weicker's warrant lacked not only this necessary information, but also the date of issuance. While Senator Packwood's warrant included the name of the Sergeant at Arms as is required, Senator Weicker's warrant did not. Mr. President, I submit for the Record, copies of the arrest warrants issued to Senator Packwood and Senator Weicker.

There appears also to have been confusion about who was subject to the majority leader's motion. The Sergeant at Arms informed Paul Michel, Esquire, of my staff that an arrest warrant had been issued for Senator Kennedy. The February 23 Congressional Record, however, indicates that Senator Kennedy was necessarily absent.

Mr. President, at a minimum there is a pressing need for the Senate to study the proper procedures for drafting and issuing arrest warrants to Senators, and to ensure that the Sergeant at Arms understands them. The Senate Procedures Appendix includes a return of service form (page 1175), which seems to impose a mandatory requirement that a return of service be executed by the Sergeant at Arms when a warrant is served. While there ought to have been a return of service at least for Senator Packwood's and Senator Weicker's warrants, there is not evidence that any such returns ever existed.

Mr. President, to facilitate the Senate's review of the arrest warrant procedures and forms, I submit for the Record, a copy of the return of service form.

Mr. President, it is difficult to catalogue the defects in the arrest warrants issued to Senators on February 23 because most were destroyed. Those of us who have practiced criminal law know that the appropriate procedure is that all warrants be maintained on file because disputes such as these may arise. Can any of us doubt the uproar that would arise if officials in our states were disclosed to have destroyed warrants of arrest that had been issued? Moreover, the warrants—like any official United States documents—probably should have been routinely archived. I raised this issue as a parliamentary inquiry on February 24, and look forward to the Chair's ruling regarding the preservation of such documents.

Mr. President, I am moving for reconsideration of Rollcall Vote Number 23 because of the very great importance to this institution, symbolic and otherwise, of the events precipitated by that vote. I have researched the matter in the last two days, and have found no record of a forcible arrest of a Senator pursuant to a Senate motion since 1942, when warrants were issued for the arrest of several southern Senators.

On November 4, 1942, Senator Barkley, the majority leader, after failing to gain a quorum under a motion to instruct the Sergeant at Arms to request the attendance of absent Senators, moved that the Sergeant at Arms be directed to compel the attendance of absent Senators. The motion was agreed to, and the Sergeant at Arms executed the order of the Senate.

Senator Connally of Texas, who was on the Senate floor when the motion was made, expressed his outrage at the Senate's conduct. Senator Connally stated: "I understand some things are being done, or are about to be done, in the name of the Senate, which the Senate has never authorized, and which pertain to the high privileges of the Senate. I understand that the Sergeant at Arms, under the direction of the majority leader, or someone here, is assuming the authority to deputize, or appoint as a deputy, one of the Senate custodians, with instructions to break down Senators' doors, enter their offices, and drag them out."

Senator Connally continued: "I simply want the Senate and the country to know the kind of tactics which are being forced upon Senators in the Chamber. It is a perfect outrage. It is in line with the unconstitutional, the unwarranted, and the absolutely outrageous action of a group in the Senate."

Subsequently, five United States Senators were arrested and brought to the Senate floor on that Saturday afternoon in 1942. On November 17, 1942, Senator McKellar, one of those arrested, was recognized and stated: "Last Saturday there occurred in the Senate a most shocking performance, the like of which has not been known, so far as I can recall, during the 26 years I have been a Member of the Senate. . . . The action taken, therefore, was unusual, quite remarkable, and unexpected." In a colloquy with Senator Smith, Senator McKellar continued: "I have never known such a thing to happen before. I think when we have had contests which were vigorous and active and, let us say more or less determined, each side would keep its own members here and maintain a quorum. . . . Has that not been the history of the Senate since the Senator from South Carolina has been here?"

Senator Smith responded: "Yes; but everything has changed now."

Mr. President, I find the McKellar incident instructive for several reasons. First it is worth noting that no such forcible arrests had occurred in the memories of those Senators, and—until February 24—none had occurred since. In the 45 years that have passed, virtually all of our current constitutional doctrine regarding warrants, arrests and seizures has developed. Suffice it to say that many practices considered lawful and appropriate in 1942 are now acknowledged to be badly unconstitutional.

Second, it is worth noting that, while our colleagues in 1942 did not have the benefit of modern constitutional doctrines, they had a healthy understanding of the need to follow the letter of the Senate rules. When the Senate passed the motion to compel attendance in 1942, the arrest warrants were signed by the Vice President (see statement of Senator McKellar, Congressional Record of November 17, 1942, at page 8905).

Third, after his arrest in 1942, Senator McKellar noted on the Senate floor that his attendance record was far superior to those of most of the senators who had voted in favor of the motion leading to his arrest. Likewise, I would note for the record that my distinguished colleague from the State of Oregon, who was forcibly arrested in his office on February 24, has an extraordinarily good attendance record and has missed far fewer rollcall votes in this Congress than a number of members who cast votes on the motion to compel which led to his arrest.

After he was forcibly returned to the Senate floor in 1942, Senator McKellar expressed his profound regret that his own colleagues would arrest, humiliate and put him in "an ignominious position merely to carry a little point." The historians tell us that Senator McKellar did not speak a word for many years to the Senator whose motion had led to his arrest.

Not only were the events of February 24 embarrassing to this body and unlawful, they similarly jeopardize the spirit of collegiality without which this body cannot function.

Accordingly, I urge my colleagues to join me in supporting this motion to reconsider Rollcall Vote No. 23.

U.S. Senate,
Washington, DC, February 23, 1988.

To: Henry K. Giugni:
Sergeant at Arms, United States Senate:

The undersigned, presiding officer of the Senate, by virtue of the power vested in me, hereby command you in pursuance of the order of the Senate, this day made, to forthwith arrest and take into custody and bring to the bar of the Senate Bob Packwood, who is absent without leave, to wit:

Hereof fail not and make due return of this warrant.

In testimony whereof I have hereunto set my hand and caused to be affixed the seal of the United States Senate, this 23 day of February 1988.

Brock Adams,
Presiding Officer.

U.S. Senate,
Washington, DC, February 23, 1988.

To: Henry K. Giugni:
Sergeant at Arms, United States Senate:

The undersigned, presiding officer of the Senate, by virtue of the power vested in me, hereby command you in pursuance of the order of the Senate, this day made, to forthwith arrest and take into custody and bring to the bar of the Senate L. Weicker, who is absent without leave, to wit:

Hereof fail not and make due return of this warrant.

In testimony whereof I have hereunto set my hand and caused to be affixed the seal of the United States Senate, this 23 day of February 1988.

Brock Adams,
Presiding Officer.

Washington DC, ———, *19*——

I made service of the within warrant through my Deputy ——, by ——, the within-named ——, at —— —— at —— o'clock —— m., on the —— day of ——, 19——. *Sergeant at Arms, Senate of the United States.*

Mr. SPECTER. Mr. President, I sent the motion in writing to the desk and ask that it be made a part of the Record.

The PRESIDING OFFICER. The clerk will report the motion of the Senator from Pennsylvania.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. Specter] moves to reconsider the vote No. 23 by which the Senate voted the arrest of absent Senators.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this motion is not a debatable motion. Under the circumstances, I move to table the motion and I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested on the motion to table. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent—and I intend to resume the quorum call—that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have called the quorum off to say this only, and I ask unanimous consent that I may speak for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Senators Boren, Pell, Nunn, Warner, and I have an appointment with the President of the United States at 2 o'clock today. We should be on our way. This will not be a live quorum for quite a while. We intent to keep our engagement with the President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Dixon). Is there objection? Without objection, it is so ordered.

The pending question is on agreeing to the motion to lay on the table the motion to reconsider rollcall vote No. 23, the motion to instruct the Sergeant at Arms to arrest absent Senators and bring them to the Chamber. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Massachusetts [Mr. Kennedy], the Senator from Nevada [Mr. Reid] and the Senator from Illinois [Mr. Simon] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. Chafee] and the Senator from Kansas [Mr. Dole] are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

The PRESIDING OFFICER (Mr. Breaux). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 45, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—47

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Stennis
Wirth

NAYS—45

Armstrong
Bond
Boschwitz
Cochran
Cohen
D'Amato
Danforth
Domenici
Durenberger
Evans
Garn
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Humphrey
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Shelby
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

NOT VOTING—8

Biden
Chafee
Dole
Gore
Gramm
Kennedy
Reid
Simon

So the motion to lay on the table the motion to reconsider was agreed to.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I suspect that many of my colleagues feel as I do, a certain awkwardness or unease as we debate the campaign finance reform issue. For implicit in the criticism of the present system is the growing perception that we are, as the biting cliche goes, part of "the best Congress that money can buy."

Mr. President, whether or not one agrees with this collective indictment of the institution, an indictment that I believe is heavy on rhetoric and very light on substance, the mere appearance of impropriety or undue political influence stemming from campaign contributions is by itself sufficient justification for this debate.

Mr. EXON. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator will suspend. The Senator from Nebraska is correct. The Senate is not in order. The Senate will not be able to conduct business until those Members desiring to engage in conversation retire from the Chamber.

The Senator from Maine.

Mr. COHEN. Mr. President, when a growing number of our fellow citizens lose respect and confidence in our electoral system and when over half of the eligible voters in this country feel it is not worth the time and effort to go to the polls to elect our national legislature, when more and more voters believe that money buys political access, if not an occasional vote or favor, then I think it is time to take stock of what has gone wrong.

Now, the widespread displeasure with the present system of financing of our election campaign provides us with a potentially fertile environment for putting to rest a good deal of this suspicion and for restoring pride in our electoral system.

It is an opportunity that will be lost if we allow this debate to further degenerate into a self-protective contest for partisan advantage. I think we owe ourselves and the Nation a better fate on such a critically important question.

Mr. President, a public relations campaign is being waged. It is a campaign that consists of half truths and distortions. It is being waged rather effectively, I might add, and I must say that we Republicans are on the losing side of that public relations campaign, at least temporarily.

The way in which the campaign finance reform issue is being portrayed is that Democrats are for honor, Republicans are for dishonor; Democrats are for honesty, Republicans stand for corruption.

Now, I think we have seen this kind of tactic before and we have paid a price for it. I must say, as individuals as a party trying to do what we believe is right for the country.

Let me just go back historically and give you a couple of examples. I am referring specifically to the debate surrounding the Social Security system. Back in 1981, when President Reagan first took office, he pointed to the Social Security system as being in deep financial trouble and he proposed several corrections to that system. Several of us, a number of us in the Republican Party, thought the solution that he had was wrong.

Nonetheless, we felt that he was right in drawing attention to the need to correct the deficiencies of that system. Well, we paid a price for even hinting at our support for some kind of reform of the Social Security system. Members of the Democratic Party at that time were very effective; they went on national television. They tore up Social Security cards. They said, "This is what Republicans want to do to your checks." It was unfair, but it was very effective.

And then, of course, after the elections were over, they came forward to Senator Dole and others and said, "Look, we recognize we have a problem. Why don't we now put together a bipartisan panel and correct it." Long after the elections were over, they were willing to come forward on a bipartisan basis and put together recommendations to make the Social Security Trust Fund solvent.

So we lost that one. We lost heavily in my State. Across the board, I think across the country, Republicans suffered because of that perception that was generated by an unfair tactic.

I think we also saw it during the course of the nuclear freeze debate because the nuclear freeze was very simple, and it sounded very fair. We have enough nuclear weapons; let us just freeze it exactly where we are right now. It was very difficult to deal with that particular issue. It was difficult to deal with because it had the allure and the appeal of simplicity and equity. It was neither. And it took a lot of people on this side of the aisle to resist the temptation of succumbing to that kind of simplistic sloganeering.

I mention this today because just a few weeks ago several of my colleagues on both sides of the aisle were in Munich at a nuclear disarmament conference in which the leader of the SPD Party in West Germany said he supported the double zero option and he was glad to endorse it.

Well, let me tell you what an act of hypocrisy that was, because the SPD did not support the INF deployment. They supported the nuclear freeze at that point and, had they been successful, they would have frozen in place a great disparity with some 1,400-plus nuclear warheads targeted at Europe with zero in response targeted at the Soviet Union. It was the courage of people like Chancellor Kohl and others within West Germany and our NATO allies who resisted the temptation to succumb to tremendous public pressure to adopt a simplistic approach. As a result, we now have an INF Treaty which at least removes an entire class of missiles and purports to give us some sense of equity and stability in the deployment of nuclear weapons.

So we were faced with a campaign of distortion because of a simplistic approach. Now, I think we have been faced with a campaign of distortion once again, one that is captured on a bumper sticker which says that Democrats are for honor and honesty and Republicans, once again, are for corruption. It is a lie, and I might say a damnable lie at that, but one that is being spread across the pages of the newspapers of this country.

I have taken this floor today to take offense at this campaign of distortion. I am offended by those groups or individuals who are wrapping themselves in a flag of honor and hurling stones from glass houses and those who are masquerading as disinterested citizens victimized by the corrupt forces in our society.

I refer specifically to a couple of ads that have been running in my State's papers. One is by a group called Congress Watch. I want to cite it, to tell you the kind of practices that have been going on in the name of equity and fairness.

One of the items says that Cohen raised $1.1 million for his 1984 reelection, has become a part-time lawmaker and a full-time fundraiser who raises an average of roughly $3,500 a week for a 6-year term.

I think my attendance record compares favorably with other Senator's in the Chamber. And I make no apologies for my legislative output. Yet, this article implies that somehow I have become a part-time Senator, and I resent it.

Second, they point out that I accepted more than $410,000 in campaign funds from political action committees, mostly representing large corporations, professional and trade groups, insurance, banking, utility, and other companies. These statements imply that because, Cohen got money from Maine insurance companies, he must be in the pocket of the insurance industry. What an insidious implication. But that is not enough; they want to go further. It is not enough to say that I am in the pocket of certain industries in my own State. They want to go further and say,

> Especially disturbing are the contributions to Cohen's campaign coffers from PACs outside of Maine. Minnesota Mining and Manufacturing PAC, Delaware Valley PAC and the Massachusetts Congressional Campaign Committee PAC, to name a few, thought it in their interest to assist Cohen's re-election effort. These out-of-state gifts raise the question: is Cohen still primarily responsible to his Maine constituents?

This article was written by two people I have never heard of, who probably reside somewhere down here

in Washington, this city surrounded by marble, asking Maine citizens whether I still represent them. I resent it. These two people had never set foot in my State, to my knowledge. Later I learned that the same article had been sent to various newspapers around the country. Senator Roth was the subject of a similar piece. Just change the name and the amounts. The identical article appeared across the country as part of a rather insidious campaign. Malcolm Wallop, Bill Roth, Chick Hecht, who else?

I resent the implication contained in that particular article.

Now I would like to turn to something else, because an advertisement has appeared in my State, not just in one newspaper, but in every daily paper in my State. I hold it up so you can see it. There is a wonderful picture of Archibald Cox, great coverage so far as my name is concerned. It says, "Won't you please stop backing the filibuster that is protecting the current corrupt campaign financing system?"

Mr. Cox goes on to say the following: "The way our congressional campaigns are financed is a national scandal. As the Washington Post has written, our congressional campaign financing system is 'fundamentally corrupt. Every citizen knows that. So does every legislator.' "

The problem I had with Mr. Cox's quotation is that it is only half a quotation, a partial quotation. I think we all know that a text torn out of context is only a pretext. We all know that from some of our past experiences in this body and elsewhere.

Let me read from an editorial written by the Washington Post. I may sound familiar:

> We continue to think that disclosure is the best way to avoid corruption in campaign financing. Political contributions are reported in great detail and publicized widely. If the voter knows that a member accepts contributions from real estate and oil interests and later supports tax laws favorable to these industries, that voter can object at the polls. Because the press and Common Cause, for example, carefully monitor and report these connections, citizens have far more information than they did 15 years ago.
>
> The prospect of the government's setting increasingly stringent limits on political spending is not in itself appealing, and this is all the more true when its benefits are apt to be so slight. The same may be said of restrictions on independent expenditures and on broadcasters' freedom. In other words, it seems to us that a complicated set of new regulations on campaign expenditures has some inherent drawbacks and won't produce a commensurate gain.
>
> If the history of campaign spending regulation has provided any lesson it is that the politicians and their legal advisers and would-be purchasers never run out of ingenious ways to turn the new regulations to their advantage. Full disclosure and vigorous debate remain the best hope for an honest process.

Why wasn't that quote in Mr. Cox's ad placed in every paper in my State? A nice piece of selective quotation from the Washington Post.

The Washington Post says it all. That was an editorial written in 1985. They gradually evolved to support the bill before us, but I would like to see a little more honest reporting by groups supporting S. 2. I think their ad is fundamentally unfair and false in trying to create the impression that I am somehow protecting a corrupt system, while those sponsoring S. 2 are wearing the badge of honor.

I have enjoyed the support of Common Cause over the years. I have supported most of their causes. I think my record in the Senate and in the House has been such that whenever I found a piece of legislation that I believed to be fair, it did not matter to me whether a Democrat sponsored it or a Republican sponsored it. I have joined with Democrats as often as I have joined with Republicans, and I have received criticism for it, as a matter of fact. But I have never hesitated in doing so. I resent the implication contained in this campaign of villification that I am somehow supporting a corrupt system.

I have enjoyed the support of Common Cause. But if they think that I am somehow preserving a corrupt system and therefore I am corrupt, then obviously I do not deserve their support. But the corollary is also true: To the extent that they continue to support tactics like this, frankly, I do not think they are worthy of our support.

Mr. President, I have heard it said by the proponents of this bill—or some of them at least—that we must hang a sign out now that says, "The Senate is no longer up for sale." I resent the implication that somehow this institution and the House are for sale.

Who among us right here will stand up and say that he has sold his vote? To whom have you sold it? Have you sold it to the PAC's? Have you sold it to individuals? Have you sold it to the party, the Democratic Party, the Republican Party? Have you sold your ideas? Or have you sold out to your constituents? The issue is important. It makes a difference. We are living in an age of attribution, so let me attribute something to a colleague, Senator Hollings. He pointed out a serious problem, one of philosophic schizophrenia—call it hypocrisy if you want.

He told a story, and I am going to read it. It is about a veteran returning from Korea, who went to college on the G.I. bill, and he bought his home with a VA loan. He started his business with an SBA loan. He got electricity from the REA and soil testing from the USDA. When the farmer became ill, the family was saved from financial ruin by Medicaid and his life was saved by a drug developed at the National Institutes of Health. His kids participated in a school lunch program. They learned physics from teachers who were trained by the National Science Foundation. They went to college with guaranteed student loans.

He drove to work on an interstate highway, moored his boat in a channel dredged by the Army Corps of Engineers.

When floods hit, he took Amtrak to Washington to apply for disaster relief. He spent sometime in the Smithsonian Museums. Then one day he wrote an angry letter, to his congressman asking the Government to get off his back, complaining about paying all those taxes for all those programs for ungrateful people.

That points out the problem that all of us have dealt with since we have been members of this institution. The problem lies not with PAC's or with individual contributions but with whether or not we are measuring up to our own responsibilities and resisting the pressures put upon all of us.

Special interest groups: I remember coming back from Maine one time on an airplane, back in the mid-1970's. As I approached the flight attendant, she said: "Congressman Cohen, are you bothered by all those special interests, those lobbyists down in Washington?"

I paused for just a second and said, "No, as a matter of fact, I'm not bothered by any lobbyists. The only people who bother me are airline attendants who are constantly lobbying me every time I get on an airplane to protect their tax-fee travel benefits."

Bob Packwood and others perhaps were considering taxation at that time.

But the point was this: Every group is a special interest. Whether we are talking about farmers who want subsidies, or homeowners who want deductions for interest on mortgage payments, or businesses who want accelerated depreciation, or flight attendants who want to retain their tax-free status on travel benefits. They are all special interests. I resist the notion that somehow PAC's are inherently evil. But if that is the case, we ought to deal with that. I must tell you that the suggestion that my political future or that of my party lies in preserving the status quo, in resisting any change to the existing campaign finance system, is a falsehood, a great deception, and a disservice to all of us.

I want to point out to Mr. Cox and others that: If the Republicans wanted to preserve what Mr. Cox calls "the current corrupt campaign financing system," then we would resist lowering the amounts that PAC's can give to candidates. The fact is that we do not. The Democratic Party is opposed to reducing the amount PAC's can give to individual candidates, not the Re-

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publicans. If the Republicans wanted to preserve a corrupt system, they would resist expanded public disclosure of direct donations from corporations, lobbying firms, and union treasuries to the national party committees—so-called soft money. The fact is, we do not. We are for expanded disclosure, and the Democratic Party is opposed to it. That, apparently, does not impress Mr. Cox. It does not appear in his ads.

If the Republicans wanted to preserve a corrupt system, they would resist changes in the existing law that would reduce the influence of the Washington-based lobbying community. We do not, even though that message, again, happens to be absent from Mr. Cox's paid ads.

In fact, the Republicans are just as interested as Democrats in reforms that are constitutional, that are fair, that are capable of winning broad support of the American people and compatible with maintaining a competitive two-party system in this country. We owe neither Mr. Cox nor the American public any apologies for opposing passage of S. 2, which is at best poor policy and at worst a blatant political power move that will ensure minority status for the Republican Party for the foreseeable future.

As this debate goes forward, let us also not lose sight of several factors.

Under existing law, we who run for Congress decide how much we will spend to get elected and reelected, where that money will come from, and how much time and effort we are willing to expend to raise it. No one puts a gun to our heads and says the PAC's, or the devil, or the law made me do it. Each Member can accept PAC's or reject them—set limits on spending or reject limits.

In fact, it is interesting to point out that the two cosponsors of the bill have taken a different approach. One does not accept PAC money; the other does; and they are both honorable people. But some proponents of S. 2 continue to shovel in the PAC dollars as fast as they can. As their campaign coffers fill, I am reminded of the words of St. Augustine: "Give me chastity and continence, but not just now."

By contrast, some opponents of S. 2 have never accepted a dime of PAC money. WARREN RUDMAN of New Hampshire is one. Is he corrupt because he does not support S. 2? Is he defending a corrupt system? That is the implication that is being put forward by certain advocates of S. 2. It is unfair, and it is a great insult to every one of us in this Chamber.

Mr. President, we decide how long our campaigns will be, what medium will be used to convey our message to the voters and, to a great extent, whether the political climate engendered by that message will be positive or negative.

We hire the political consultants, commission the polls, and approve the campaign literature and television spots.

Finally, we know, or should know, which contributions create potential conflicts of interest, when fundraising conflicts with our elected duties, and when overdependence on certain contributors potentially creates doubt in the minds of our constituents as to whether our judgment and integrity have been impaired or compromised.

In short, very little happens during our campaigns without our knowledge and consent. So let us abandon the popular fiction that we who compete for seats in Congress are the victims of a campaign finance system over which we have little or no control. Clearly, there are steps that each of us can take to restore that essential confidence in our electoral system in the absence of any changes in existing law.

Let me turn to the broader context that shapes this debate.

The present-day realities of campaign politics—the growing role of political action committees, independent expenditures on behalf of a candidate of cause, the decline of party control over the election process, increased reliance on radio, television and direct mail advertising, sophisticated and costly public opinion polls, a more informed electorate—have all had a hand in driving up campaign costs and shaping the campaign finance system we have today.

And to this list, let me add one other, perhaps the most important factor of all, the Constitution of the United States. Our democratic system draws its very life, its strength, its vitality, its diversity, its promise, its enduring value from this great and timeless document. The 45 words that constitute the first amendment confer upon every one of us the most fundamental rights a government can provide and guarantee its citizens—the right to freedom of speech, the right to assemble, the right to freely communicate ideas, the right to worship in our own way, and the right to petition our Government for redress of grievances.

That is the essence of representative democracy. The first amendment is every citizen's standing invitation to be heard on the public issues that capture his attention and to motivate him to action, either individually or as part of a voluntary association with others who share similar views.

There is nothing inherently sinister in such associations, and we should proceed with extreme care in regulating political expression, regardless of its source or point of view. That those of us who have accepted and fully disclosed campaign contributions from PAC's have committed no wrong, no sale of our integrity seems not to matter to those who are waging this campaign of distortion.

On the contrary, in the eyes of PAC critics, such as Common Cause, we have committed an offense worthy of moral censure, and by accepting PAC money, we have allegedly compromised our independence and integrity, we have violated the public trust, and we have placed in jeopardy our system of representative democracy. But it's selective moral outrage on the part of Common Cause and its Senate allies. It is so disturbing, and ought to be disturbing, to this Chamber.

Nowhere have I seen the organization apply the same critical standards to the sponsors of S. 2 who have already accepted contributions from PAC's well in excess of what would be allowed under S. 2. Perhaps I misjudge Common Cause, and perhaps those paid ads are being prepared as I speak.

When we speak derogatively of "special interests," and that is what this debate is all about, who are we talking about? Is the term synonymous with political abuse, as the pejorative connotation usually implies? What interests or influences are we seeking to curb that will leave us with a campaign finance system that we can be proud of?

There are a lot of other questions we have got to answer. Are Common Cause and other similar organizations "special interests." Are our constituents, individual or corporate, ever "special interests" or does the term only apply to those political forces that operate beyond the geographic boundaries of our States or congressional districts or within the boundaries of the District of Columbia?

Is it possible the term usually identifies those individuals or groups whose views are philosophically incompatible with those that we hold? Is the public interest so easily identifiable that there can be no doubt that the political activities of certain "special interests," PAC's perhaps, are so corrupting and offensive as to warrant the added restriction on their activities? Or are some PAC's good and others bad? Who decides? Or is $200,000 in PAC contributions—allowed under S. 2—soul-saving but $225,000 corrupting? Who decides whether or not one can be sold for $200,00 and not for $225,000?

Mr. President, the Boren-Byrd bill asks us to accept the premise that the present campaign finance system is in such a state of disrepair and disrepute that, first credibility and accountability can only be restored by attempting to silence certain voices in our political debate in order to enhance others; second, that confidence and trust can only be bought by using public funds to finance congressional elections; and third, that without expenditure limits tied to public financing, the cost of

electing the Congress will continue to soar to unconscionable levels.

I respect the point of view of those who have concluded that good outweighs the bad in this particular bill, even though I, after giving very thoughtful consideration, have reached a different conclusion.

I believe this bill will make it even more difficult for challengers to overcome the enormous advantages of incumbency, that its reporting and disclosure provisions are wholly inadequate and that it will only further encourage independent expenditures at the expense of electoral accountability.

Mr. President, I reject the view that ideas matter less than money in today's Congress; that compassion and concern are routinely overridden by greed and parochialism; that individually and collectively we are unable to see beyond the next election; and that I, or any other Member of this body, is sufficiently prescient to know what level of spending is right and proper for every congressional district in this country; that our shared interest in restoring credibility to our electoral process necessitates that we start down the uncertain path of public financing; and finally, that the voters of this Nation are unable to discern on their own whether the judgment, independence, and integrity of their elected officials have been compromised by the campaign activity of that individual.

The Boren-Byrd reforms, limited as they are, do not guarantee that less money will be spent on political campaigns. They will not shorten campaigns. They will not reduce the amount of time that candidates devote to fundraising. But if increased legislative accountability is the justification for adopting this bill, then we will be disappointed.

Instead of fewer PAC's, we will end up with more. Rather than checking the growth of independent political expenditures, this legislation will provide a powerful incentive to increased activity in this area.

Is it possible to legislate balance and good taste in political advertising? Can we assure that? I doubt it. But the Boren-Byrd bill believes that such an objective can be accomplished by legislation. Most importantly, if adopted, we have to ask the question, will S. 2 bring us the desired level of public confidence in the campaign finance area or will the law of unintended consequences reassert itself and overwhelm the good intentions of this bill's supporters?

Some have quickly and conveniently forgotten that the explosive growth of PAC's, the emergence of so-called hard and soft money, the practice of bundling, and other campaign finance oddities constitute the legacy of an earlier campaign reform, effort.

Will the Boren-Byrd bill breathe life into some new and even less acceptable conduit for campaign contributions? The possibility should not be lightly dismissed.

So which way do we turn? Are we chasing a demon that we will never catch up with? Are we seeking in the name of reform an unattainable ideal in a democracy that is as open and diverse as ours? Or should we simply accept the fact that special interests have always been with us, that some elected officials handle the pressure better than others, that our political system is not, and never will be as blemish free as others would like? Clearly, we can do better.

In addition to doing a vastly better job of policing our own campaigns, full disclosure of receipts and expenditures—thereby opening up the process to greater public scrutiny—is an essential ingredient of reform.

Common Cause does not recognize this. Common Cause would simply paint us all into this dark corner of corruption and let those who are supporting S. 2 walk around like Diogenes saying, "Find us an innocent man in this institution."

It is an outrage what is being done, and I resent it.

Mr. President, if reducing the role of PAC's in financing congressional campaigns is the price that we have to pay to restore public confidence in our electoral process so be it. There are plenty of Republicans, including this one, who will support such a change.

A good case can be made for raising the limits of contributions for individuals and enhancing the role of our national political parties in campaign financing. We can, and we probably should, take steps to restrict what candidates can raise in off-election years. I might point out, the accumulation of large campaign warchests by sitting Members of Congress, or those with only token opposition, has become a common practice, representing, in my view, an abuse of incumbency.

There is no one in a better position than our constituents to insist that our fundraising efforts be principally focused in our own States, and that our campaigns address their legitimate concerns.

And the media has a vital and continuing role to play in lending dignity and substance and objectivity to the electoral process. It is a role that demands great sensitivity and balance in the interest of civic responsibility.

Mr. President, there is no panacea for the present ailments that afflict our campaign finance system. There is no comprehensive solution that we can put in place that will suddenly provide absolute assurance that money will never taint the legislative process.

We cannot buy our way out of the problem by tapping the Federal Treasury, and we cannot expect others to save us from ourselves. But we can make the system better than it is today, better than the imperfect one that we have. But we have to set aside this attempt to construct a bill that enjoys the support of only one party, and we must get on with the job of passing a bipartisan piece of legislation.

There are others in the Chamber who wish to speak. I was going to go on at some length.

I ask unanimous consent that an article by Robert J. Samuelson, Washington Post, dated July 8, 1987, be included in the RECORD in full. It is a rather strong article, entitled "Why the Campaign Reform Effort is a Fraud." I think that should be included so that those who are following this debate will have the benefit of its point of view.

I would like to include an article by David Broder. Mr. Broder is one of the most perceptive and respected journalists in this country. He wrote a piece back in June 1987 called "Money and the Moralizers." Again, this was not quoted in any of the Common Cause literature, but he talks about progressivism. I will take a moment to read a section of this, if I might. He says:

> Progressivism faded as a political force 50 years ago, but it remains alive and well in American journalism and in many self-styled reform organizations. The Progressives' belief in the corrupting power of money is the assumption underlying most of the current efforts—led by Common Cause and endorsed by many leading newspapers—to cut down on contributions by interest-group political action committees, to introduce public financing of congressional campaigns and to place ceilings on overall campaign spending.
>
> Reformers and journalists tend to share that Progressive tradition. Reformers and journalists also know our influence derives from our presentation of information and ideas, not from our wealth. We may be right when we say that dollars corrupt politics while ideas enlighten it. But there is enough of a coincidence between our assets and our arguments to justify a degree of skepticism.

And Broder again saying:

> I happen to think that the rapidly rising costs of many Senate races do not justify an effort to slow down this form of political inflation, at least temporarily. I agree with Sen. David Boren (D-Okla.) that a limit on the share of the campaign budgets PACs can provide would have the healthy effect of pushing candidates to seek more individual contributions in their home states.

Here is something I think is terribly important. He said:

> But there's an excess of moralism in the Common Cause and newspaper preachings on this topic. A pluralistic society properly should allow many channels by which people can seek to influence decision-makers. And you can see more than a tinge of intellectual elitism in the notion that only the money channel corrupts.

Mr. President, I will not carry on any further. I have a lot more to say on this subject matter. I have an arti-

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cle I would like to introduce by William Saxbe, a former Attorney General and a former distinguished Member of this Chamber. Another one by Mr. John Lott, which appeared last year in the Wall Street Journal. I ask that they and others be included without my taking the time to read them.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PAC MONEY: SOURCE OF EVIL OR SCAPEGOAT?

(By Alen Ehrenhart)

In the Congress of the 1980s, a debate about campaign finance is a debate about corruption—nothing more and nothing less.

A few weeks ago, when the Senate discussed a proposal to limit contributions from political action committees, members from both parties took turns identifying PACs and their campaign gifts as the root of modern congressional evil.

"PAC money is destroying the electoral process," said Republican Barry Goldwater of Arizona. Democrat Gary Hart of Colorado said PACs represented the "toxic waste of American politics."

There is no question that something is wrong in campaign finance. American voters ought not to feel the public office is for sale to the highest bidder, and in the current climate, many of them do. Restricting the flow of PAC money may be a reasonable way of dealing with that problem.

But is is also reasonable, as senators compete with each other to tell PAC horror stories, to wonder whether there isn't a little bit of scapegoating going on.

The last decade of congressional history has written a record of disturbing policy failures. Throughout most of the 1970s, Congress argued endlessly about how to reduce energy imports, but no action was taken and the country imported more oil—and more inflation—with each passing year.

Since 1980, there has been a bipartisan consensus that the federal deficit is out of control, and yet the deficit has grown to $200 billion. In 1985, Congress conceded its inability to solve the problem and passed legislation putting budget cuts on automatic pilot.

Given the seriousness of all this—and the rhetoric about PAC money destroying the political system—it seems fair to ask what role political action committees have played in creating our recurrent legislative paralysis.

A moment's reflection supplies the answer: hardly any role at all.

It is PAC influence that makes members unwilling to raise taxes, or trim entitlement programs, or pull the plug on federal subsidies to their states? Of course not.

It would be silly to insist that PAC money never turns the outcome of a House or Senate vote. But when it comes to crucial policy decisions—and policy failures—the source of the corruption is somewhere else.

Congress fails to solve problems because members routinely sell out to a set of interests more respectively and yet more dangerous than the PACs. They sell out to the pressures of public opinion in the places they represent.

It may seem unfair to talk of members "selling out" to the voters. They are elected, after all, to give oridinary people a voice in public policy.

But the conflict between the demands of leading people and the temptations of pandering to them has been a fact of legislative life as long as Western democracies have existed. It has been more than 200 years since Edmund Burke told his constituents that a member of Parliament owed them "not his industry only, but his judgment."

In Congress, the pendulum swings back and forth. At some moments in history, members have been crippled by slavish devotion to the prejudices of those who elected them. At other times, the desire to lead and make decisions has won out.

One has to look back only to the 1950s to find a Congress whose dominant figures felt free to make policy as they wished. Senators such as Harry F. Byrd of Virginia and congressmen such as Clarence Cannon of Missouri did what they thought was right, and depended on constituents to accept it.

Much of what they thought was right does not look very good in retrospect. The Congress of the 1950s condoned legal segregation in the South and ignored legitimate demands for some federal role in areas ranging from education to health care. Those legislators carried autonomy to a fault.

Now we have the opposite problem. Members of Congress win election through the ceaseless monitoring and cultivation of voter desire. They keep that process up once they are sworn in. It is no accident that the overwhelming majority of staff people in any congressional office work on constituent service, not legislative research.

The Congress of the 1950s failed for lack of responsiveness. The current Congress fails for an excess of responsiveness. At no point in recent times has there been so wide a gap between what members are willing to propose in private—whether it is a tax increase on one side or a reduction in Social Security benefits on the other—and what they are willing to endorse in public.

Given the way congressional careers have evolved since the 1950s, perhaps a hyper-responsive Congress is inevitable. Those who decide to run often give up many months of their time and too much of their own money for a job whose year-round responsibilities all but require them to sever any ties to private life or jobs back home. It is no surprise that people who go through a process like that emerge desperate to stay in office, and timid about saying or doing anything that might turn a fickle electorate against them.

This—not the prevalence of PAC money—is what has rendered Congress so weak in dealing with hard national problems. Corruption is the right word for it. To thunder against the evils of the PAC system is to magnify a small problem—and to ignore a huge one.

PRESSURE IS A REALITY; KNOW HOW TO HANDLE IT

(By William B. Saxbe)

MECHANICSBURG, OHIO.—Political influence is a fact of life at all levels of government. All branches, all governors, senators, prosecutors, and judges are subject to its influence every day. Some can handle it. Some can't.

When I first went to the state legislature 40 years ago, I observed that when a legislator was picked up for drunk and disorderly or some other indiscretion, his name never appeared on the docket or in the newspaper. These affairs were handled by a police lobbyist who obviously had clout with the prosecutor, the judge, and the press.

When I became attorney general of Ohio, legislators, state and local officials, and political figures trooped through the office on matters of land appropriation, law violations, employment, tax abatement, favors, and recognition, using what political influence they presumed to hold.

The classic response (seldom used unless the request was outrageous) was to rise in righteous indignation, point to the door, and denounce the caller as a scoundrel.

What usually happened was an explanation of your responsibility and an accommodation if it could be accomplished without weakening your position or strengthening theirs.

This is the maneuver that some officials can handle and some can't. The "by-the-book" official usually doesn't last long, but neither does the "soft touch" who responds readily and favorably to unfair, illegal, or against-public-interest propositions. If you can accommodate without violating your oath or weakening your responsibility, you tend to do so.

In the U.S. Senate, I discovered to my dismay that a good part of your office is devoted to running errands, doing favors, and performing social work. In other words, using your political clout.

Some of this had to do with law enforcement, much with government handouts. Just to let an agency know you were interested focused its attention wonderfully. I didn't care much for this part of the job.

I became U.S. attorney general at a time of extremely low morale in the Justice Department as a result of continued and effective political influence from the executive branch. There were strong recommendations from congressional leaders that this influence could only be stopped by making the department an independent agency of government. By the end of my term, this suggestion was no longer heard and hasn't been raised since.

I spent 30 years of elective office dodging political bullets. I am firmly convinced that an official who responds to illegal or unreasonable political pressure doesn't last long—and he shouldn't.

But all pressure is not illegal or irresponsible, and citizens expect their elected officials to advance their case. Pressure is a relative term. What is pressure to one passes unnoticed to another. Part of the job is knowing how to handle it, because it's not going to go away.

[From the Wall Street Journal, June 10, 1987]

INCUMBENTS BENEFIT IF SPENDING CAPS ARE EQUAL

(By John R. Lott, Jr.)

The record $260 million of campaign spending by the winners in last year's midterm congressional elections has sparked a movement in the Senate to reform the federal laws governing such outlays. A bill to limit total spending in congressional races, sponsored by Majority Leader Robert Byrd and Oklahoma Democrat David Boren, went before the full Senate last week, where it provoked partisan fire and threats of a long filibuster. A vote to end the filibuster was defeated yesterday.

The Democrats' spending-limit measure, if passed, would have serious side effects, at least in the form proposed. While such spending limits can prevent the wasting of resources on political "arms races," the proposal also would make it harder for challengers to overcome the advantages incumbency provides and might end up making our representatives even less responsive to voters.

Incumbents have had their names advertised in previous elections. Also, they have had free media exposure and franking privileges during their tenure. This creates a great advantage, protecting them against newcomers who are potentially more representative and efficient. Unless challengers are free to solicit substantially larger contributions than the incumbents to offset this advantage, they may have little chance to win, leaving less competent individuals in office.

Because incumbents already have these inherent advantages, any government regulation should attempt to offset this bias. For instance, if campaign expenditure limits are a good idea, they could be put at lower levels for incumbents than for challengers. For incumbents to claim that they are acting in the name of "fairness" when they are at the same time ensuring their future employment in Congress is hypocritical. It is unfair to pretend that incumbents and challengers are starting on an equal footing.

Americans' concern over the power of incumbency is nothing new. It has caused us to place limitations on the number of terms that politicians can serve (such as for the presidency and for many governorships and mayoralties). However, this is a rather blunt instrument for avoiding the problem of incumbents who are no longer effective. After all, there are some politicians who are capable of effectively representing the voters term after term.

If we were to introduce low, uniform spending limits on congressional races—not recognizing the need for challengers to be able to raise relatively large sums—we would see incumbents stay in office longer and become less responsive to voters' opinions. The immediate effect would be to lower the current expenditures of incumbents and challengers alike, while leaving the incumbents' large past investments unchanged. In the short run, such a limit can only help protect incumbents.

An analogous question arises with regard to corporations. Should the government regulate an industry so that newcomers get a "fair chance" compared with an established company that has advertised and invested in customer relations over the years?

The answer is no. But there is a fundamental difference between politicians and corporations. We do not need to limit the advertising budgets of established companies to give newcomers a chance or to accomplish efficiency in the economy: More-efficient entrepreneurs will make offers to take over a less-efficient older firm; and the highest offer will probably be accepted, since the owners realize that the value of their business, as currently run, is less than that price. Since the business can retain the name after the takeover, and most customers are unconcerned by the changed ownership, the firm's reputation is simply inherited by the new owners.

In contrast, when a popular politician becomes less effective at representing his voters, someone else cannot buy his name and reputation. While Campbell's Soup, say, can be sold to a competitor, with the customers still considering it Campbell's Soup, politicians such as Ronald Reagan cannot sell their names and faces to a better, lesser known challenger.

Transfers of political reputation occur only to a small extent, such as when a popular politician endorses a candidate or when children of a popular politician run for office. Because competing politicians are prevented from "purchasing" each other's brand name, the political arena lacks the competitive "takeover" mechanism seen in the market for goods and services.

While our political system may not work as well as the market for soup, we can at least try to make it work as fairly and efficiently as possible. It is important that we get the very best people to represent the voters at any given time, and that incumbents do not stay on merely because they are well-known. This may be even more important than keeping campaign expenditures to a minimum, and we should therefore resist the simple "remedy" of setting uniformly low ceilings for everyone.

If we do adopt ceilings, then for the sake of fairness and representatives government we should at least make the spending limit for the challenger substantially higher than that for the incumbent. Unfortunately, it is probably unrealistic politically to expect members of Congress to support a more representative system when it runs counter to their self-interest.

[From the Washington Post, Dec. 3, 1985]

PACs RECONSIDERED

Sen. David Boren (D-Okla.) is one of a handful of national legislators who refuse to accept PAC money. That choice is one that protects him from charges that he is unduly influenced by organized interest groups that have the ability and the resources to make large campaign contributions in order to affect legislation. His colleagues, however, have not followed his example in droves: PAC spending in federal elections has gone from $12.5 million to almost $100 million in the past 10 years.

Sen. Boren wants to put strict new limits on these political contributions, and a bill he has offered toward this end is scheduled for a Senate vote today. Believing as we do that the current system is far from perfect, we have come to believe nevertheless that further limitations on campaign spending are not the answer. We no longer believe that current law, which combines the benefits of some regulation and full disclosure, can be significantly improved by further restricting political contributions.

Unions began the PACs. For a long time they mounted the only organized efforts to collect individual campaign contributions from people with common objectives and make group gifts to political candidates. The device enabled a number of small givers to have a significant impact, and it increased the group's influence with the candidate. Now, numerous organizations from anti-abortion to anti-pollution groups organize political giving, though business interests have far outpaced all the others; these have caused the most concern because of their skewed giving to incumbents and, in particular, to members of tax-writing committees. One former government official compared the legislators raking in this money to pigs feeding at a trough.

Sen. Boren wants to put a $100,000 cap on PAC receipts by House candidates and a similar limit—varying according to the size of the state—on contestants for the Senate. He would also require broadcasters to give free time to candidates to counter expenditures by independent groups opposing them, and would bar PACs from tramsmitting "bundles" of individual checks made out to a specific candidate. This scheme would be hard to put into practice: Would there be a race to make PAC contributions before the limit was reached? Would broadcasters be reluctant to take political ads of any kind? Wouldn't thousands of lawyer-hours be spent devising new and circuitous methods to get around the regulations?

We continue to think that disclosure is the best way to avoid corruption in campaign financing. Political contributions are reported in great detail and publicized widely. If the voter knows that a member accepts contributions from real estate and oil interests and later supports tax laws favorable to these industries, that voter can object at the polls. Because the press and Common Cause, for example, carefully monitor and report these connections, citizens have far more information than they did 15 years ago.

The prospect of the government's setting increasingly stringent limits on political spending is not in itself appealing, and this is all the more true when its benefits are apt to be so slight. The same may be said of restrictions on independent expenditures and on broadcasters' freedom. In other words, it seems to us that a complicated set of new regulations on campaign expenditures has some inherent drawbacks and won't produce a commensurate gain.

If the history of campaign spending regulation has provided any lesson it is that the politicans and their legal advisers and would-be purchasers never run out of ingenious ways to turn the new regulations to their advantage. Full disclosure and vigorous debate remain the best hope for an honest process.

[From the Washington Post, Nov. 4, 1985]

CAMPAIGN REFORM

For the first time since 1974 there is talk that Congress may consider bills calling for major changes in campaign finance regulation. It isn't that the current legislation was defective from the start. It's that there is a hydraulic pressure behind money in campaigns, and when the inevitable loophole is found, the money comes gushing through. Not only the Democratic Study Group but conservative senators such as David Boren and Barry Goldwater are ready to tackle the subject again.

The sense that the system needs repair is strong in a DSG study showing an increase in PAC spending and a decrease in individual contributors. Legislators are uneasy lest it seem that organized interests are buying up Congress while the more diffused intersts of ordinary voters are not being as well served. PACs gave more than $100 million to congressional candidates in 1984, up from $12.5 million in 1972.

A new Boren-Goldwater bill would limit House candidates to $100,000 and Senate candidates to limits based on the size of their state. It would lower the maximum contribution for PACs and raise it for individuals. It would bar PACs from acting as conduits for individual contributions ("bundling") and tighten limits on spending by independent campaigns.

The DSG is preparing a bill that would provide a 100 percent tax credit on contributions up to $100. The current 50 percent credit on contributions up to $50 has just been deleted by the House Ways and Means Committee from its tax bill.

These proposals are in their formative stages. Congress, as it ponders them, should keep three things in mind. First, the key to any campaign finance law is full disclosure. Ensuring full disclosure may require tightening up the soft-money loophole and prohibiting practices such as bundling.

Second, reforms should not unduly restrict the amount of money that candidates, including challengers to incumbents, can

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raise. The system suffers not from a surfeit of campaigning but from a perception that the politically adept and economically interested have unfair advantages.

Third, reforms should not impinge on freedom of political expression. The argument of PAC organizers that PACs are only a vehicle for voters' self-expression is self-serving but cannot be casually dismissed. While Congress could further regulate that particular form of self-expression, it would be unwise to prohibit it altogether.

After such a long interval, Congress is wise to consider serious proposals for reform. But it should tread carefully, aware how difficult it is to anticipate all the consequences of change in the campaign finance law. The details matter.

[From the Washington Post, July 8, 1987]

WHY THE CAMPAIGN "REFORM" EFFORT IS A FRAUD

(By Robert J. Samuelson)

The Founding Fathers are growling in their graves. The Senate is now debating campaign-finance "reform": a respectable-sounding idea that's a fraud. Campaign reform would cure problems that don't exist with solutions that would restrict free speech, smother elections in bureaucratic rules and hurt candidates' chances of beating incumbents. It's an odd way to celebrate the Constitution's 200th birthday.

Blame that on Fred Wertheimer of Common Cause. His crusade for reform—campaign-spending restrictions and public financing—is built on half-truths. He says that campaign contributions of "special interests" have corrupted politics. They haven't. The Founding Fathers knew that special interests were inevitable. Their government of checks and balances requires compromise; competing groups check each other. The system isn't perfect, but it curbs the undue influence of campaign contributors.

Wertheimer is a genius at obscuring this. He harps on the huge rise in congressional campaign spending—up from $195 million in 1978 to $450 million in 1986—and its simplest implication: that because congressmen need more money, they're more beholden to donors. The obvious answer is to limit dependence on the donors. The logic fits popular prejudices about special interests, and most editorialists and journalists accept Common Cause's claims uncritically. They shouldn't.

For starters, money doesn't determine who wins elections. Winning candidates are often outspent. In last year's Senate election, says political scientist Michael Malbin, six of the seven Democrats who ousted incumbent Republicans were outspent by an average of about 75 percent. There are too many other influences to make money decisive: the economy, party loyalties, personalities, issues, national mood. The 1986 election results, Brooks Jackson of The Wall Street Journal wrote later, suggested "that much . . . was spent with little practical effect."

Paradoxically, campaign reform could make it tougher for challengers to unseat incumbents. If money doesn't settle elections, serious challengers need adequate minimums to gain name recognition and project campaign themes. It's these threshold amounts that campaign reform threatens. The spending limits in the bill before the Senate are below what five of the winning Senate Democratic challengers spent. In North Carolina, Terry Sanford spent $4.17 million to beat senator James T. Broyhill. The bill would have allowed Sanford $2.95 million.

No one is smart enough to set "correct" spending limits based on population or anything else. States and congressional districts differ radically in political characteristics. California races require lots of media spending. That's less true in Chicago. Spending in hotly contested races is typically higher than average. Because Congress—that is, incumbents—would control spending limits, the bias would be against challengers.

Likewise, Wertheimer's assertion that campaign contributions corrupt the legislative process is similarly weak. You hear lots of talk about the dangers of political action committees (PACs). What you don't hear is:

PACs remain a minority of all contributions. In 1986 they were 21 percent for the Senate (up from 17 percent in 1984) and 34 percent for the House (level with 1984).

The diversity of the 4,157 PACs dilutes their power. There are business PACs, labor PACs, proabortion PACs, antiabortion PACs, importer PACs and protectionist PACs. Contributions are fairly evenly split between Democrats ($74.6 million in 1986) and Republicans ($57.5 million).

PACs give heavily to senior, powerful congressmen, who are politically secure and not easily intimidated. According to Common Cause, Democratic Rep. Augustus Hawkins of California is the most dependent on PAC contributions (92 percent). First elected in 1962, he won last year with 85 percent of the vote.

Of course special interests mob Congress. That's democracy. One person's special interest is another's crusade or livelihood. To be influential, people organize. As government's powers have grown, so has lobbying by affected groups: old people, farmers, doctors, teachers. The list runs on. But PACs are only a minor influence on voting. Political scientist Frank Sorauf of the University of Minnesota reports that in 1984 the average PAC contribution to House incumbents was less than one-third of 1 percent of the average congressman's total receipts. Congressmen vote according to their political views, constituents' interests, party wishes and—yes—their consciences. Special interests were supposed to block tax reform. They didn't.

About-half the rise in campaign spending since 1978 reflects inflation. Much of the rest stems from the emergence of younger politicians who use expensive campaign consultants, television and direct mail. In 1984 Democratic House Speaker Thomas P. O'Neill Jr. of Massachusetts spent $213,000 winning reelection. In 1986 Democrat Joseph P. Kennedy II spent $1.8 million to win the same seat. But the expense of modern communications makes it no less vital for free speech.

That's why the Supreme Court held in 1976 that mandatory campaign-spending limits on candidates violate the First Amendment. Public financing of election spending aims to make "voluntary" limits more acceptable. But even if voluntary limits on candidates were enacted, the problem of "independent spending" remains: if I want to buy TV time to support Joe Blow, the Supreme Court says that's my right. Candidate spending limits would prompt special interests to raise independent spending. The Senate bill tries to deter this by subsidizing responses: my $10,000 praising Joe Blow would entitle his opponent to $10,000 of public money to answer me.

Suppose this were judged constitutional (unlikely), what's the point? In our diverse society, one role of politics is to allow the venting of different opinions and pent-up frustrations. Groups need to feel they can express themselves and participate without colliding with obtuse rules intended to shut them out. Our politics is open and free-wheeling. Its occasional excesses are preferable to arbitary restraints. Wertheimer's brand of reform is misconceived. The Senate would dignify the Founding Fathers by rejecting it.

[From the Washington Post, June 21, 1987]

MONEY AND THE MORALIZERS

(By David S. Broder)

I was listening to a presidential candidate—it happened to be Joe Biden, but it could have been any one of them—talk the other noon. He mentioned an all-day meeting with some economists. He repeated some of the ideas he had gotten from them. And suddenly I was reminded of a peculiar slant in the coverage of politics in this country.

Suppose Biden had said he had spent the day with his big contributors. The reporters around the table would have been scribbling notes furiously, pummeling him with questions about what these "fat-cat, special-interest" guys wanted in return. But because he was talking about idea-merchants, no one blinked an eye.

When it comes to campaigns, dollar contributions are deemed to be potentially or actually corrupting. The view is that they need to be limited—as the Senate is again struggling to do—or at least made subject to strict rules of disclosure.

But no such taint attaches to other vital campaign ingredients, notably manpower and ideas. People who make their contributions by volunteering to walk a precinct or, as with Biden's group and its counterparts, by offering to write a position paper or conduct a briefing for a candidate, are deemed to be performing a generous act of good citizenship.

Why is it dangerous to contribute dollars, but not to contribute labor or thoughts? The answer has to lie in the eye of the beholder.

When it comes to influence on policy, few would seriously maintain that a $1,000 contributor exerts more leverage than the person who drafts a speech for a contender or gives him his briefing on trade policy or the Persian Gulf.

But the people who write about politics—like myself—are far closer in spirit to the briefers and the ghost writers than we are to the big contributors. So when organizations like Common Cause, which provides the lobbying muscle behind the recurrent drive for "campaign reform" sound the alarm, we in the press tend to respond.

Frank J. Sorauf, a professor at the University of Minnesota, has just demonstrated that point nicely in an article in Political Science Quarterly. He analyzes news coverage, not editorials, on three recent campaign-finance developments in The New York Times, Los Angeles Times and The Washington Post.

In every instance, he makes a convincing case that the coverage reflected, not a partisan or an ideological bias, but a particular strain of American thought: the Progressive tradition, which was a powerful force in our politics from the 1890s to the 1920s. The Progressives, political scientist Austin Ranney once wrote, believed that "the great enemies of society are the big political machines, the business trusts, and the other special interests that try to advance their selfish goals at the public's expense by buying elections and corrupting public officials."

Progressivism faded as a political force 50 years ago, but it remains alive and well in American journalism and in many self-styled reform organizations. The Progressives' belief in the corrupting power of money is the assumption underlying most of the current efforts—led by Common Cause and endorsed by many leading newspapers—to cut down on contributions by interest-group political action committees, to introduce public financing of congressional campaigns and to place ceilings on overall campaign spending.

Reformers and journalists tend to share that Progressive tradition. Reformers and journalists also know our influence and derives from our presentation of information and ideas, not from our wealth. We may be right when we say that dollars corrupt politics while ideas enlighten it. But there is enough of a coincidence between our assets and our arguments to justify a degree of skepticism.

I happen to think that the rapidly rising costs of many Senate races do justify an effort to slow down this form of political inflation, at least temporarily. I agree with Sen. David Boren (D-Okla.) that a limit on the share of the campaign budgets PACs can provide would have the healthy effect of pushing candidates to seek more individual contributions in their home states.

But there's an excess of moralism in the Common Cause and newspaper preachings on this topic. A pluralistic society properly should allow many channels by which people can seek to influence decision-makers. And you can see more than a tinge of intellectual elitism in the notion that only the money channel corrupts.

Mr. COHEN. Mr. President, if it is a question of PAC's being perceived as an evil in our campaign financing system, then I say let us do away with them. Let us just prohibit any further PAC contributions to our campaigns.

I am prepared to do that today and have been in the past.

If PAC's are, in fact, the evil that they are perceived to be, let us stop allowing them to contribute to our national parties. Let us just put a stop to this and say, "No, no more contributions."

I want to know why is it that our position is not presented by Common Cause and in other publications to show that Republicans support reform, too.

It is, I think, a sad commentary that we are the subjects of a campaign of distortion, a campaign of half truths, a campaign of absolute lies.

There are reasonable differences in this Chamber on this issue. Just today Common Cause put out a press release to the wire services quoting the text of a telegram. I will see if I can find it before I conclude. In essence, it said:

> Senator COHEN. "Stop defending corruptions in Washington". There is no justifiable reason for you to hold Congress and the country hostage to the corrupt Congressional Campaign Finance System.
>
> Senator Cohen, you owe it to the citizens of Maine to allow the Senate to act on S. 2 and to clean up the terrible ethics mess in the Senate.

The implication, of course, is that I am defending corruption.

Well, that went out to the wire services and is on the wires today. I just want to say that I resent the tactic. I think that this particular debate we are having is a good way to see if we can agree on reform acceptable to both parties. If we succeed you will see me lending my support to that. But I will not succumb to an intimidation campaign. I am prepared to take my record to my people and let them judge what they think. I know of no vote or action that I have taken in the course of 16 years of service that was a consequence of a contribution or was a dereliction of my duty. I am prepared to take that to my people in Maine.

Mr. McCONNELL. Will the Senator yield?

Mr. COHEN. I yield.

Mr. BYRD. The Senator can only yield for a question.

Mr. McCONNELL. I wanted to make a 30-second observation about the Senator's speech, but I will have to make it at another time.

Mr. BYRD. I have no objection to the Senator making a 30-second observation on the speech. But I have been waiting and I want to make some comments. I have been waiting. I understood that Senator COHEN wanted to speak so I suggested that he seek recognition. I know the Senator wants to be fair. I do not object to the Senator taking the 30 seconds, but I would like to get 5 minutes at some point. I have no objection.

Mr. McCONNELL. I thank the majority leader.

As the manager of opposition to this measure, I have listened to a lot of speeches over the last 10 months, some of which have gone on for hours. I want to say to my friend from Maine that was a truly brilliant discourse on this most important issue. I thank him.

Mr. COHEN. I thank the Senator.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I want to add my voice complimenting the Senator from Maine who has, in my judgment, delivered one of the most eloquent speeches that I have heard on the Senate floor for many a year. I think he has summed up the case in a very complete manner. I must say that I compliment him. I think it is one of the finest speeches I have heard on the floor of the U.S. Senate. I hope other Members of this body will take the time to read it. I will certainly see that it is reprinted and sent to many friends and opponents of this piece of legislation because I think it says it all.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, the Senator from Maine has sat down, therefore yielding the floor.

Mr. DOMENICI. Will the Senator permit me for no longer than 30 seconds to address the same issue while the Senator from Maine is here?

Mr. BYRD. Mr. President, I yield to the Senator from New Mexico for that purpose.

Mr. DOMENICI. May I say to my friend from Maine, I just want to thank you. I think you have done the Senate a service. Most of all, I want to say that knowing what you stand for and what you are, you did right today, exactly what was right, because some groups thought to intimidate you with falsehoods, with half-truths.

I think you showed the absolute best of the traditions of this Senate in coming here to the floor, standing up to it, and in a remarkable way, justifying the position you were taking in the Senate and on the Senate floor, and that we have been taking.

I thank you for that and for all of us who do not believe there is only one way to enhance better campaigns, and that that is a bill that Common Cause supports called S. 2. Thank you very much.

Mr. BYRD. Mr. President, may I say to the distinguished Senator from Maine, I do not think anyone could believe that the Senator from Maine is corrupt. I certainly would not believe it. I have the very highest regard for the Senator from Maine, and I have said so before. He is a man of courage. I have seen him take a stand on his own side that was not partisan when he could easily have been partisan.

I hope he does not concern himself too much about the implications that he is a corrupt individual simply because he is opposed to this bill. I do not believe that. There is not a Senator in this body who would think that of him.

Many of us on this side of the aisle have been the targets of ads, ads by the conservative caucus, NCPAC, and various other organizations at one time or another. So this is not a one-way street. In this particular instance, I can understand the umbrage of the distinguished Senator from Maine. But I think what we have to keep in mind here is the real issue—not a campaign of a particular organization, Common Cause or any other organization. That is not the central issue here in this debate.

Many of us take umbrage against things that have been said against us. But I think we all understand we can expect that from time to time.

That ad did not, in my judgment, influence anyone, and would not influence anyone, that the Senator from Maine is corrupt because he is opposed to this bill. I respect him for his opposition.

Mr. COHEN. Will the Senator yield?

Mr. BYRD. Yes.

Mr. COHEN. The telegram reads:

> Common Cause press release on telegram sent to Bill today:
>
> "Senator Cohen, stop defending corruption in Washington. There is no justifiable reason for you to hold Congress and the country hostage to the corrupt congressional campaign finance system. Sen. Cohen, you owe it to the citizens of Maine to allow the Senate to act on S. 2 and to clean up the terrible ethics mess in the Senate."

That is a statement which to me has to be one of the most despicable tactics I have seen in 16 years, when it says that the Senate is corrupt, when it says the system is corrupt, and S. 2 will cure the corruption.

"You do not support S. 2, therefore you are corrupt."

That is a kind of smear tactic. The claim of the organization is that it is disinterested.

Mr. BYRD. I understand the Senator's strong feeling and I can understand his taking umbrage. The majority leader of the U.S. Senate, who does not get many plaudits from that side of the aisle, stands and, of his own free will, states that he has complete faith in the Senator's honesty, his integrity, his character, his courage. I say that directly and forthrightly.

I did not have to say that. I am not seeking plaudits from those on the other side who from time to time like to castigate me. But I say that without any hesitancy.

I will yield to the distinguished Senator from Oklahoma.

Mr. BOREN. I thank the leader. I simply want to add my voice as another principal author of this legislation to what has just been said by the majority leader. It is my privilege to work with Senator Cohen day in and day out. He serves as the vice chairman of the Intelligence Committee and I serve as the chairman. There are many people of integrity in this body, many people for whom I have great respect, who are sincerely devoted to this country. But let me say there are not any in this body who exceeds, in my opinion, the integrity and patriotism demonstrated by my colleague from Maine. I am in position to view that day in and day out.

Let me just say that I personally disassociate myself from any kind of implication that anyone has made that Senator Cohen would ever intentionally defend corruption in any manner whatsoever.

It is an unfortunate statement. I want to personally disassociate myself from it.

I have strong feelings about this issue before us. I have tried to convince the Senator from Maine before and I will continue, being from the southern tradition to seek that one more time in hopes that he would see this issue as I do.

Many of us are sincerely convinced that we must find a way to wring as much money out of politics as we can to prevent the expenditures for growing.

I have never heard anyone question the integrity of the Senator from Maine. Certainly, this Senator would be the first to jump on his feet to invite anyone to settle that kind of accusation in any manner this Senator could settle it, if they ever had that to say about my good friend from Maine.

I think it is unfortunate that this has been worded in this fashion. I want to publicly disassociate myself from it.

It is an important issue. It is an important issue for the country. I hope that we can focus attention in the debate on the merits of the case before us, on the issues before us.

As I said last night, this is not a matter of how much sleep people get or what is said in newspaper advertisements or anything else. It is a matter of importance to the country, to the future of the country. I hope we will find a way before all of this is over to come together and do something to improve the current system, and I know the Senator from Maine also feels like that.

I would be remiss, after having the privilege of working with the Senator from Maine day in and day out, if I did not express myself on this point.

I thank the majority leader for yielding. I know he shares my view as an individual Senator.

Mr. BYRD. I thank the Senator.

Mr. COHEN. Mr. President, I want to thank my colleagues from Oklahoma for his kind words. The point I was trying to make was that this kind of an ad could be placed against the Senator from Wyoming, against the people in Nevada, South Dakota, across this country.

Frankly, what is troubling to me is that all of us are inundated by "special interests." There are special interests in this country.

But if PAC's are the problem, we can eliminate them, if they are so powerful that we do not have tax reform legislation, for example. Somehow we have allowed ourselves to accept the position that PAC's are the cause of evil which has given credence to the sort of tactic that says that those who are in opposition to this particular formulation of campaign reform somehow are those who wish to preserve a corrupt system. The implication, therefore is that we are corrupt.

I resent on behalf of my colleague from Wyoming as much as for myself or my colleagues from South Dakota or Nevada or in whatever State this is being run.

I had somewhat of a deja vu experience this noontime because I have always had enormous respect for Mr. Cox. I had lunch today with Elliott Richardson. We went back to the Watergate time of the firing of Mr. Cox and the resignation of Mr. Richardson. I was somewhat moved by the notion that somehow I had to come to the floor and strenuously object to the type of tactic employed by Mr. Cox.

I thank the distinguished Senator, the majority leader, for his comments. He did not have to say them, though I appreciate them. They were not for me, of course, but for all my colleagues.

Mr. BYRD. Mr. President, I was not asked to say it but I felt I had to say it because I wanted to say it.

I disassociate myself also from what the Senator has just read, as did the Senator from Oklahoma, the chief sponsor of this legislation.

Having said that, I want to thank Common Cause and any other organization that supports this legislation.

I do not approve of any effort to impugn the integrity of any individual Senator or imply that he is corrupt because he is opposed to this bill. There should not be any such inference drawn from his opposition. I regret that such as the case.

Mr. BOSCHWITZ. Will the majority leader yield for a question?

Mr. BYRD. Yes.

Mr. BOSCHWITZ. Do you think, Mr. Majority Leader, that the press release that was put out by Common Cause casts that kind of light of corruption on the Senators? I have received similar telegrams. I am not sure a press release was put out in my State. Perhaps there was.

Do you believe that the press release that the Senator from Maine read did or did not cast some light of corruption?

Mr. BYRD. Mr. Boschwitz, I have already stated as to how I feel about Mr. Cohen. I think I stated it rather plainly. The senior Senator from Montana, I understand, has an ad put out by a conservative caucus at one time targeting him. I deplore all such ads from which hurtful inferences may be drawn about the character and integrity, the honesty and patriotism, of any Senator, whether he is a Democrat or Republican.

I do not approve of it. I hope that the campaign that is going to be waged against me this fall by the Republican candidate—who was encouraged to run against me by the distinguished Senator from Minnesota, Mr. Boschwitz, according to news reports—will be a clean campaign, and I hope that I will not again be the target of the kind of attacks that I endured in 1982 when that lousy outfit, NCPAC, came into West Virginia and attacked me scurrilously, distorted by voting record, and spend around $270,000 trying to defeat me.

I do compliment Common Cause for supporting what I conceive to be a good government bill. On the other hand, I do not countenance any actions, words, advertisements, or whatever, that in any way impugn a Senator's integrity, his honesty, his patriotism, simply because he opposes this bill. I respect Senators who oppose it, although I believe they are wrong in opposing the bill.

I hope that answers the Senator's question.

Mr. BOSCHWITZ. I ask the majority leader, may I comment on that?

Mr. BYRD. Yes.

Mr. BOSCHWITZ. I have some familiarity with the campaign that was waged against the Senator from West Virginia last time. I was not involved in that campaign or the committee at that time. It worked to the disadvantage certainly of the Senator's opponent, as it should have, and I must tell the distinguished majority leader that I have told NCPAC, when they want to come into my State, they should stay out.

I have spoken out against the tactics of NCPAC and have often said that they were perhaps the leader and perhaps the originator of some of the negativeness that has arisen in campaigns today.

This release and these ads on the part of Common Cause, which certainly has a right to speak up about this issue or any issue they choose to, I think are as heinous and as inappropriate as some of the works I have seen by NCPAC, and I again say that the Senator from Maine has not only directed his comments against those ads or against the actions of Common Cause as they apply to him and to others on this side of the aisle, but has directed his comments to all of the elements of S. 2 and I think has done so just brilliantly.

I thank the Senator for allowing those comments.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I wish that I had had such rejections of the obnoxious tactics and ads by NCPAC used against me in 1982, I wish I had heard those same rejections, from the other side of the aisle of such tactics in 1982. I spoke about it on the floor at that time. But I am pleased that the Senator rejects NCPAC in his own State at least.

Now, Mr. President, I think we are changing the subject again. The real problem is the perception of big money in politics, and we have to address that perception, or the trust in all of us will suffer. It is a system that is corruptive. That is just what we have been hearing. It is a system that is corruptive.

That is not to imply that any Senator who opposes this bill is corrupt, but the system is corruptive. And that is what we are trying to correct here. The system is corruptive, and the perception of Senators and House Members who have to raise funds in order to stay in public service and, in doing so, have to live by the rules of the current system, the perception by the voters can rightly become one that beholds us all as corrupt—all of us.

Politicians have a bad name. Politics has a bad name. And this system only adds to that unfortunate perception of politics and politicians.

I take offense at that. I take offense at this system, but we have to live by it until it is changed.

Mr. MELCHER. Mr. President, will the majority leader yield?

Mr. BYRD. Yes. I will be happy to yield. But first, my distinguished friend from Oklahoma wants me to yield.

Mr. BOREN. I was going to ask a question of the majority leader. Is it not true that one of the reasons why we are pushing this bill so hard is because we are concerned that when Senators, as known by the people of this country, have to raise campaign contributions an average of $10,000 every single week for 6 weeks, to raise a sufficient amount to run for reelection, and when it is known that more and more of that is coming from groups that rate us on how we vote on their own special interest economic legislation, that is causing the kind of disillusionment and the kind of appearance of corruption and wrongdoing that disillusions people about their own government? Is that not one of the very reasons why we are working heart and soul to try to get some limits on the amount that can be spent in campaigns so we will not be put in this position of appearing to compromise ourselves by going out in this endless search for money, money, and more money? Is that not one of the very reasons why we are doing that?

Mr. BYRD. It is. Exactly, it is. And it is not just Common Cause that may have the wrong perception; I think we ought to understand that the perception of the average voter is going to be that this Senator, that Senator, and every other Senator are all corrupt because we have to spend so much of our time running around the country with our hand out asking for money for our own election campaigns.

How can any individual in this country be blamed for having a perception that we are all corrupt? It is a corruptive system that creates such a perception.

One should not have to go around all the time proving his honesty. That ought to be a given. But the system is corrupt, and we who support this bill are trying to change it. Common Cause is trying to change it.

Now, Mr. President, let me get back to the vote we had a little while ago. I intended to speak immediately following that rollcall vote, but I wanted the Senator from Maine to first have an opportunity to speak. I knew that he was greatly offended and I wanted him to have that opportunity to speak first.

Mr. DOMENICI. Mr. President, before the majority leader proceeds with what he wants to do, could I inquire of him, we have no right to a schedule at all because we are in a situation where the Senator has the floor and obviously I am not entitled to it for awhile, but we sort of had a schedule, not knowing that the Senator desired to speak this evening on this issue and obviously the Senator did not know he was going to. I wonder if the Senator might tell us how long it would be. I think we are going out at 6, are we not?

Mr. BYRD. Mr. President, I said yesterday that we would go out, hopefully, by 5 or 6 o'clock, barring some unforeseen happening here or some unforeseen development. I intend to speak, say, 5 minutes, and I still hope to go out by 5 or 6 o'clock.

Mr. DOMENICI. I thank the distinguished majority leader.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I want to get back to the vote. I am glad that the Senate rejected the motion to reconsider the vote on the arrest order by supporting my motion to table that motion to reconsider.

What we saw, with all due respects, was a red herring to distract the public's attention from the real issue—campaign finance reform. That has been the issue and it will continue to be the issue until it is one day resolved.

Running from the issue will not make it go away. We should squarely face up to it. There have been a lot of speeches in the last day about the tactics of yesterday and the day before that and yesteryear and all these things. That sideshow is shifting the attention away from the real issue of campaign finance reform.

Let me also say that whatever happens on this particular bill, Senators should not assume that we are through with the issue of spending limits. Senators cannot run from this issue. They cannot hide from it. It is there and it will be addressed.

There has been quite a lot of attention focused on some of the tactics that have been used in the course of these last 2 or 3 days.

I think we ought to get the focus back on the main issue, on the central issue, and the central issue is campaign financing reform.

Mr. President, the Washington Post story concerning the arrest of Mr. Packwood appeared today, and it was referred to earlier by another Senator.

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The Washington Post has been a supporter in its editorials of S. 2, a strong supporter. So has the New York Times.

With particular reference to what happened the other night in connection with the arrest, I have an editorial in my hand that was in today's New York Times titled "Reformbusters in the Senate." I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. Mr. President, this filibuster should not obstruct the central issue of the debate. The little guy is being pushed out of our political system. The Senate should not be an aristocracy of the money bag. Campaign financing reform will give the little guy an equal share.

We Democrats have been ready to vote on the substance of the bill. It provides a voluntary checkoff system and an overall spending limit, and we have waited and waited for over a year to vote on the substance of it.

This business of the "golden handshake"—no one likes it. Senators do not want to spend all their time raising money. They do not want to be beholden to special interests, going from fundraiser to fundraiser, with their hands out, begging for money. It is demeaning.

Some have said, with reference to the arrest order, that it was demeaning. What is really demeaning is this issue we are discussing—the money chase. If that is not demeaning, I do not know what is demeaning.

It is demeaning for me to have to go around the country and raise increasing amounts of money for the purpose of staying in public service. That is demeaning. And it is demeaning to every other Senator.

The people did not elect me to do that. They elected me to do the work of a Senator. But, more and more, it is consuming my time and every other Senator's time. That is what is demeaning. That is what we are trying to get away from by enacting S. 2.

I have said that I regret having had to make the motion to order the arrest of absent Senators and bring them to this Chamber. Now we hear all of this crying, weeping, gnashing of teeth.

Mr. METZENBAUM. Mr. President, will the majority leader yield for a question?

Mr. BYRD. Let me finish my thought; then I will yield.

They sound like a bunch of crybabies. We are all adults. We all know what we are sent here for. We are sent here to work and to conduct the business of the Senate, the business of the people.

Some of us believe strongly in the bill that is before us. I know that it has been said here by some Senators that they do not have to be lectured on what their duty is. Nobody is attempting to lecture Senators on their duty. I do not have to be lectured on my duty, either, as majority leader of the Senate, but I have been listening to a lot of advice on it from the other side of the aisle.

That whole episode was demeaning, and I acted as I did because I was forced to do it, to get a majority of the Senate present, so that the Senate could do its business. This Senate cannot operate without a quorum. A quorum is 51 Senators out of the 100.

Every legislative body has to be able to produce a quorum, else all business will come to a halt. It is the responsibility of a majority to produce a quorum if a quorum is shown to be not present. And that responsibility is shared by the minority. The Constitution of the United States vests this body with the authority to compel absent Senators to come to the Chamber. The rule of the Senate, rule VI, provides for the compelling of Senators to attend in order to secure a quorum, because without a quorum, this legislative body cannot do any business. The Senate rule provides the authority. But the higher authority is the Constitution of the United States, the organic instrument that created this institution of which we are Members. I will read from it, article I, section 5:

> Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members, and a Majority of each shall constitute a Quorum—

Fifty-one here—

> to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

So there is the full force of authority that is required for this legislative body to function. And the order for arrest springs from that authority.

When a legislative body cannot or will not compel the attendance of Senators, then it cannot enforce the requirement of a quorum, without which there can be no business transacted. When there is no quorum, all the Senate can do is take action to get a quorum or adjourn—or recess, if a previous order to recess has been given. That is fundamental to the very being of this body.

So regarding all of this weeping and crying like a bunch of crybabies who brought it upon themselves—it was a calculated decision. We heard that stated today from Senators on the other side—that they decided that they would resort to deliberately staying away to prevent establishment of a quorum. They were flying in the face of the Constitution of the United States, which created this body.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. BYRD. That was a calculated decision.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. BYRD. I will yield shortly, but I am going to finish my statement.

After all, there has been a big deal made out of this business of the majority leader's motion that Senators be arrested and brought to the Chamber. Now, I shall have my say. I do not intend to keep the Senate long on this subject. But this majority leader intends to do his duty, and I did my duty.

Senators made a calculated decision to not let the Senate establish a quorum. Senators on this side had 50 bodies that night. If not for one Senator on the other side, the distinguished acting leader, we would not have had a quorum of 51 Senators.

How demeaning can we get, when grownup men who understand their responsibilities as Senators make a calculated decision that they will stay away from the Senate when there is a vote going on to establish a quorum! Then, they take umbrage at a motion to arrest absent Senators and bring them to the Chamber. They understood what they were doing, and I understood what we were doing. Demeaning? Senators running when they saw the Sergeant at Arms approaching? Barricading themselves in offices? Placing chairs against the doors? Locking themselves in? How demeaning is that picture of Senators?

Mr. President, I moved on one occasion before, in 1976, that there be an order for the arrest of Senators. On that occasion, the Senators who had avoided the quorum came to the Senate before the order had to be executed. First there was the order to request. They did not come. Then I believe on that occasion there was the order to compel. They did not come. Then I moved for the order of the Senate to arrest Senators. They came voluntarily.

I might not like it because the Senate votes to arrest Senators, but I will be here to cast my vote against it if I do not like it. If the Senate enters an order to arrest Senators, you will not catch me running in the other direction.

You will not catch me running in the other direction. I will run in this direction. Here is where my duty lies.

Mr. President, a great deal has been said about that arrest order and written about it. Of course, every attempt has been made to make it the central issue, to make it the focus of attention. But the real center stage is the issue that is responded to in S. 2. And that is a clean, good-government issue.

The Democrats have been ready to vote on the bill and on the pending

amendments, and we are ready to vote now. But our Republican friends across the aisle have not wanted to vote. They have not dared to vote on the bill or on the pending question. They are waiting for the cloture vote on tomorrow.

I do not question any Senator's opposition to the bill. He has many appropriate ways of registering that opposition. He can speak against the bill, he can vote against the bill, and I have offered time and time again to see if we could work out a time agreement, which would allow for other amendments—which would not be, otherwise, allowed, if cloture were invoked—to be in order after cloture. And I still stand ready and still make that offer if cloture were to be invoked, as long as they are not the kind of nongermane amendments which have been positioned in one of the parliamentary lines to the bill.

So we could have votes on germane, relative amendments. I will be happy to sit down and try to work out an agreement that will provide for such amendments, provide for a final vote on the committee substitute, and meet the issues up and down.

As far as I am concerned, I will be happy to agree to give Senators an up and down vote on their amendments. Not tabling motion, provided there is an overall agreement to wrap up a final vote on the bill and the amendments thereto.

If the opponents really want to have a vote on their amendments, they could do so, in a time agreement that allows for a final vote on the bill also.

So they can vote, they can speak, and they can register their opposition to this bill, and they can vote against cloture, and they can defeat cloture. So there are many ways in which Senators can oppose this bill and defeat it.

I must say, however, that to resort to boycotting the vote and attempt to prevent the Senate from establishing a quorum to do business was an act of very bad judgment.

That extreme action was not necessary to defeat this bill. I had no doubt as to where my duty lay in that instance, and I had no hesitancy to do my duty. I did it then, as I saw what my duty was, and I shall do it again if the circumstances, in my judgment, ever require it.

At any time I do something that I think is wrong, I will be the first to go to any Senator, if I have wronged him, and say that I was wrong. But I am willing to stand before any audience, anywhere, any group of Senators in either party, anytime, and I can defend my action in the arrest matter. I do not need anybody else to defend me, because what I did was right.

Mr. NICKLES addressed the Chair.

Mr. SARBANES. Will the majority leader yield?

Mr. BYRD. Yes, I yield. Would the Senator allow me, the Senator from Oklahoma did ask me to yield earlier. I will be happy to yield to him and then to the Senator from Maryland.

Mr. NICKLES. I might ask the majority leader a question. Some of us have been waiting for some time. I know the majority leader earlier had indicated we would be leaving, trying to get out by 6 o'clock. There are a number of people wishing to speak. Is that still the majority leader's intention?

Mr. BYRD. It is my intention to stay here as long as Senators want to speak.

Mr. NICKLES. I appreciate the majority leader's response to that question.

The question I want to ask in regard to filibuster, you mentioned the idea of compelling Senators was something that has been done before. It has been done in 1976. It is the first time in my 8 years in the Senate that it has been done that I can recall. I was going to——

Mr. BYRD. Well, 1976 was more than 8 years ago.

Mr. NICKLES. That is correct. The majority leader was in the Senate prior to 1976. He has a great deal of seniority in the Senate. He was also involved in previous filibusters, historic filibusters, the civil Rights Act of 1964, and others.

Did they employ a tactic that I understand is a tactic that was used before in disallowing a quorum, if possible, back in filibusters in the 1960's?

Mr. BYRD. Mr. President, I do not recall any occasion in the 1960's when a political party in the Senate decided to stay away to prevent a quorum in the Senate.

Mr. NICKLES. Not——

Mr. BYRD. Now, I am answering the question, and then I will be glad to take another question. I am attempting to answer the Senator's question. I do not remember that either political party in the Senate during the 1960's or since made a calculated decision to the effect that only one Senator in that party would answer the call for a quorum of the Senate, previous to this occurence. That is No. 1.

No. 2, the filibusters in the Senate in the 1960's were conducted mostly around the civil rights issue. And I was one who participated in the 1964 filibuster. I voted against the 1964 civil rights bill. I think I voted for the 1958 civil rights bill, the 1960 civil rights bill, the 1962 civil rights bill—I think that dealt with the poll tax.

I voted against the 1964 civil rights bill, explaining my reasons and have, upon several occasions since, stated that had I to do it over again, I would vote for it. I wish I had voted for it. I have my own personal reasons for my change of heart that I do not need to relate here, and they are very, very personal. They have something to do with this wonderful happiness of having grandchildren.

Senator Russell was the leader of that Southern bloc, and those Southern Senators took the floor. They did not run and hide. They took the floor and they spoke, and their speeches were germane to the subject, and they were well organized. They took their turns. Why, Senator Russell would have been ashamed if his group of Senators had they made a decision or had they even suggested that they go to their offices and with an order for an arrest out, "lock your doors, barricade them and do not go."

Mr. NICKLES. Will the Senator yield for a further question?

Mr. BYRD. I am completing the answer to the Senator's question. The answer is that that tactic was never employed by that Southern bloc of Senators, joined in by a few Senators from other regions of the country. Now, I hope I have answered that question.

Mr. NICKLES. I appreciate it. One final question. Has the majority leader participated, seen or witnessed on both sides of the issue—and this Senator in my short tenure of 8 years, I have seen and participated in filibusters, and a lot of different tactics have been used. Can you recall in previous filibusters where a minority had elected to deny the majority potentially a quorum as one of the tactics used in the filibuster?

Mr. BYRD. I never recall any minority going to the extent that the opposition did in this instance. That is what brought about the order for the arrest.

If we are going to talk about the sideshow, there were a number of occasions this week when the minority did not do very much to help us get a quorum. They voted against the motion. Time after time, I had to move to instruct the Sergeant at Arms to request the attendance of absent Senators. A great number of Senators on the other side voted against that motion each time it was made. They voted against getting a quorum.

That was all right. But when it came to just deliberately staying away as a party and not coming to the Chamber to even vote against the motion, that is quite a different matter.

If they had come and voted down the motion, then all I could have done would have been to have gone out for the night. They have that right to come and vote against a motion to instruct the Sergeant at Arms. And if a majority of the Senate votes down that motion, then all I can do is move that the Senate adjourn, and the next morning I could come in and complain about Senators not helping to get a quorum, but here we had no Senators on the other side casting a vote on that motion. Only one Senator on the other side was here, and there was a calculated, willful decision that everybody stay away; just leave one Senator out there so that the Chair cannot put the question.

That is what we are talking about. That is the kind of conduct with which I had to deal.

I have been listening to all of this cry-baby stuff since, and all of this business about how we have to "save the Senate."

It is a remarkable thing to me that there are many Senators who come here and want to save the Senate—and they have not been here very long, in many instances. I admire them and respect them for wanting to improve the operations of this Senate.

How many of those Senators who want to "save" the Senate showed up that night and voted on that motion? We cannot have it both ways.

A good many Senators have been quite liberal in their criticism of the majority leader for having made the motion. But the majority leader knows what his duty is, and the majority leader will abide by that Constitution without failure and by the Rules of the Senate without failure.

I do not have any regret whatsoever in what I did. I only regret that I had to do it.

When a majority leader quails in the face of criticism when he has done his duty, then he ought to take a seat and say he is no longer the majority leader.

I do not take any pride in staying here all night. I did not like it on Tuesday night. I got 3 hours of sleep. There may be some who got less. But this was a calculated effort to obstruct this Senate from doing its work, because it cannot do its work without a quorum. When a party, a majority party, in this Senate, be it Republican or Democrat, does not show the fortitude and the backbone and the steel and the guts to take whatever action is necessary under that Constitution and the Rules of the Senate—whatever action is authorized under the Constitution and in that rulebook—whenever that majority party quails or shrinks from that duty to establish a quorum, then that party forfeits its right to be the majority party.

And I would forfeit the confidence that has been placed in me by my colleagues who selected me to be the majority leader.

Mr. President, that is precisely where I stand on the question. "Come one, come all, this rock shall fly from its firm base as soon as I."

Mr. President, I yield to the distinguished Senator from Maryland.

Exhibit 1

Reformbusters in the Senate

How far will Senate Republicans go to resist limits on campaign spending by candidates for the Senate? One answer is 5 feet 11 inches. Normally, that's how tall Bob Packwood, the Oregon Republican, stands. At dawn yesterday he wasn't standing; he was carried into the Senate, feet first, by Capitol police officers. He was one of the Republicans, resisting a campaign finance reform bill, who had walked off the floor and had to be brought back under warrant.

Another measure of Republican opposition will be evident tomorrow, when the Senate votes—for the eighth time—to end Republican filibusters against the reforms. Citizens disturbed by the influence of big money on politics will observe with interest the votes of Republicans like Alfonse D'Amato of New York and Lowell Weicker of Connecticut. By ending the filibuster and passing the bill, the Senate could control campaign costs and scrub away some of the suspicion that has settled, like polluted air, on Washington's marble halls.

Why do the Republicans risk stigma as the Big Bucks party by so stubbornly opposing the reform measure? The bill, sponsored by two Democratic Senators, David Boren of Oklahoma and Robert Byrd of West Virginia, has three goals: to limit contributions from PAC's, the special interest political action committees; to close the legal loopholes through which millions of dollars now pass, and, most important, to create voluntary limits on total campaign spending.

It's these limits that drive the Republicans to their dawn delinquencies. They contend that spending limits favor incumbents and thus the Democratic majority. Challengers often require large campaign funds, they argue, to offset the advantages of incumbents' name familiarity. Reformers cite numerous examples to the contrary; the point could be argued indefinitely.

But what can't be denied is that the present system creates a poisonous impression: that money can buy influence on Capitol Hill. Worse, money does buy such influence; at least it guarantees that a senator will give the contributor a hearing. It's hard to forget an acid wisecrack from a huge Washington trade association last spring: "I know you can't buy a Congressman. But what's wrong with renting a few?"

Given the charges of sleaze arising almost daily against the Reagan administration, Republicans ought sensibly to want to dissociate themselves from the poisonous climate. Tomorrow's anti-filibuster vote will give all senators, and particularly Republicans, their chance.

Mr. SARBANES. Will the majority leader yield for a question?

Mr. BYRD. Yes.

Mr. SARBANES. Mr. President, I think it is very important to understand the position the majority leader has taken is explicitly grounded on a provision in the Constitution. Is it not the case the Constitution provides that each House is authorized to compel the attendance of absent Members in such manner and under such penalties as each House may provide?

Mr. BYRD. Those are the precise words.

Mr. SARBANES. So that the action the majority leader took the other evening was directly pursuant to a constitutional provision, a provision that has been invoked on prior occasions in this body.

In fact, Mr. President, there is an extended section in the precedents of the Senate that deal exactly with this matter, with the question of the order of arrest, which says it may be adopted by a majority of the Senators present, with or without a quorum, and that orders of arrest may be issued in the absence of a quorum directing the Sergeant at Arms to bring certain Senators before the bar of the Senate.

So the action the majority leader took was not a personal action of the majority leader. It was an action of the leader of the Senate consistent with the constitutional precedents of the Senate, which set out how to address a situation in which, in this instance, a group explicitly decided, consciously decided, to boycott the Senate and bring the institution to a halt.

Mr. BYRD. Mr. President, if the distingushed Senator would allow me to do in this situation as I required of other Senators, I wish to state that I will only yield for a question, except by unanimous consent.

As far as I am concerned, I am ready to yield.

Mr. EXON. Will the Senator yield for a question?

Mr. BYRD. Mr. President, I yield the floor.

Several Senators address the Chair.

The PRESIDING OFFICER. The Chair will state that he has noted the Senator from Oklahoma has been here for an hour waiting to speak. For that reason, he is recognized.

Mr. NICKLES. I thank the Chair. I thank the majority leader for responding.

Mr. DOMENICI. Mr. President, America needs balanced election reform.

I support that, and am distressed by amendment 1405 and other suggestions from the other side of the aisle that would use tax dollars to squeeze individuals out of the election process.

The American voters deserve a fair-shake-for-all election law, one that places its emphasis on people-to-people campaign, not one where the candidates put their hand into the public treasury.

We need to stress people, not PAC's.

It is for that reason that I am supporting dramatic changes in the Federal election law, changes embodied in legislation such as S. 1308 and S. 1672.

The American public dislikes the sharp rise in campaign spending. I do not like that trend. Some calling for "reform" now want some of the costs of campaigning taken from the pockets of the taxpayers.

Yet the public focus is PAC's, not taxpayer dollars or spending limits. PAC spending on races for Congress jumped by more than 25 percent from the 1984 campaign to the 1986 campaign. While personal contributions were up too, they rose by much less, about 18 percent.

So I have concluded that one effective way—probably the best way—to resolve the problems caused by the deluge in campaign spending is simply to drain some or all of the PAC cash out of campaigns. Let individuals decide who gets campaign dollars.

The first three words of the Constitution are key: "We the people." Politics is people; let's encourage that. Individual—and voluntary—participation builds a successful campaign; it builds a successful government.

When I first ran for the U.S. Senate, I used a slogan, "People for Pete." I used it again in 1978, then again in 1984. I intend to use it when I run again.

Why? First, it does possess a nice, catchy alliteration. But the real reason I use the phrase "People for Pete" is that I believe it expesses what politics is all about, or what politics should be all about. And yet, as the Senate debates S. 2, the major alternative is a plan that could well mean that a significant portion of every future Senate campaign is paid for directly with tax dollars; that would convert my next campaign into "Taxpayers for Pete."

That is wrong. Daniel Webster spoke of "the people's government, made for the people, made by the people, and answerable to the people." How can you achieve that with a campaign bankrolled largely with taxpayers' dollars?

When I ran for reelection in 1984, I was supported with some 20,000 individual contributions, the most in the history of New Mexico. Personal contributions ranged from $1 to the legal limit, $1,000. I raised over $1 million in this way, most of it from my friends in New Mexico. Some may argue that no one else can match that enthusiasm in New Mexico. Maybe, maybe not. But is not that what the political process involves?

I have joined in sponsoring three basic election reform bills: S. 1308, sponsored by the Senator from Kentucky [Mr. McConnell] and the Senator from Oregon [Mr. Packwood]; S. 1326, written by the Senator from Alaska [Mr. Stevens], and most recently, S. 1672, introduced by the distinguished Republican leader, Mr. Dole.

Each is a good bill. Each would shift the emphasis back toward individuals. Each is far better than the various versions of S. 2, offered by the majority. Each curtails PAC spending; the majority's approach does not.

Why do I support legislation that would lessen the reliance on PAC's, while emphasizing individual contributions?

I am not doing it because I think PAC's are evil, or that PAC's use influence in an unhealthy manner. I do not believe that. But I do believe PAC's are farther from the people, and, given the decisions of the Supreme Court, PAC control appears to be the only constitutional way that is fair and responsible to hold down the cost of congressional elections.

There is no doubt that campaign spending is out of hand. During the 1986 elections, business and labor PAC's poured $45 million into Senate campaigns. That is about $1.3 million per race, a staggering total. Those same PAC's spent $87.2 million on campaigns for the House of Representatives.

Our bills control PAC's; S. 2 does not.

I believe it is also very significant that the Dole bill and its predecessors tackle the danger posed by the super-rich candidate. As a result of a Supreme Court decision, candidates may lavish family treasure onto a campaign to buy a Senate seat, despite limits on other givers. Millions in family money has been spent by some wealthy Senate candidates, men who are Members of this body.

Following the plan in my own election reform bill, S. 625, the Dole, McConnell, and Stevens bills place a practical limit of $250,000 on self-funding by wealthy candidates.

These bills also require additional public disclosure, particularly on the financing of get-out-the-vote drives by business and labor.

Best of all, S. 1308, S. 1326, and S. 1672 make these improvements without spending a dime of our tax dollars, and without arbitrary limits on the number of individuals who can become financial supporters of a candidate. The Dole bill, the McConnell-Packwood bill, and the Stevens bill leave congressional campaigns where they belong, in the hands of individual members of the public, outside the grasp of the tax collector and the superrich, while sharply curtailing the influence of PAC's.

These are the strengths of each of these bills. And they are the weaknesses of the reported version of S. 2, as well as various substitutes offered by Senators Byrd and Boren. These variations of S. 2 simply seek to solve all our election problems and distortions by reaching into the pocket of the taxpayers.

The irony, of course, is that S. 2 started through the legislative process as a PAC-control bill, not a taxpayer-financed scheme. Through a little sleight of hand, S. 2 suddenly emerged as a tax-financed bill, without much in the way of PAC controls. Under all versions of S. 2, a PAC can continue to donate $5,000 yearly to a candidate.

Is that really the kind of so-called election reform we want?

If S. 2 fails to control the top-dollar PAC giving, what does it do? First, it will require an expenditure of an unknown sum every 2 years in tax dollars for Senate elections, then recycle that money back in a deluge of TV ads and bumper stickers. Do we really want that kind of "reform."?

I know, I have heard the argument that S. 2 is "voluntary." It is about as voluntary as paying your taxes every April. What it really creates is the potential of a new Federal entitlement.

Do we not have enough problems with entitlements without the prospect of putting Senate candidates on the dole?

But I would agree that S. 2 offers an ingenious approach. Let me describe how it would work, as I understand the various redrafts of the legislation offered by the distinguished majority leader, Mr. Byrd, and the Senator from Oklahoma [Mr. Boren].

I should note that I share the distress of my friend from Kentucky, Mr. McConnell, over the specifics in whatever is the latest version of the majority's proposal.

I say that because a number of versions have been printed of late, and each time we look, another modification is presented, usually without much effort to explain the intent and specifics of the modification. Reading these amendments forces one into some of the most convoluted legislative language that I have ever seen.

Therefore, should I misstate a specific provision in the majority's version of S. 2, I hope they will at some point come to the floor to state with specificity just what it is their latest proposal does and what it does not do.

One thing we know it does not do is control in any way the spending of "soft money," the mother's milk of the Democratic candidates to the U.S. Senate. These expenditures are the inkind services provided by labor unions and others, expenditures outside the current election law and outside the scope of S. 2.

I know, we will hear that this spending is outside the control of the candidate, or really cannot be valued, therefore it should not be at issue.

But every single person who serves in this body knows perfectly well that "soft money" contributions provide to Democratic candidates a tremendous boost. And if other types of spending were controlled sharply, the importance of "soft money" would become greatly magnified.

So the issue is not really dollars. The issue is accountability. The issue is assuring voters that they get an honest picture of what is going on, who a candidate is supported by, what kind of people want the candidate to win.

I will take the State of New Mexico as an example, a good one since 19 States would have the exact same limits. In New Mexico, a $950,000 spending limit is set for a Senate candidate.

In return, they get new, special subsidized mail rates, special TV advertis-

OL
134
PT
2
FE
17
MR
2
988
UMI

ing rates, and the prospect of big taxpayer bonuses, should the opponent exceed the spending limit.

Taxpayer money would be pumped into the campaign once a candidate spends $950,001 or an outside group starts spending money on behalf of a candidate in the race.

Amendment 1405 contains language that provides candidates up to another $950,000 in taxpayer cash if the other candidate exceeds the $950,000 limit in New Mexico; in States such as California, the taxpayer exposure could exceed $5 million.

In addition, the taxpayer has an exposure, on a dollar-for-dollar basis to offset spending by outside groups, ones that would be independent of the candidate. This money could go to either or both campaigns, and permits legal spending by either over and above the $950,000 limit.

It seems to me that these matching funds against outside spending is the fatal link in the majority's proposal. There is absolutely nothing that I can find that restricts all sorts of fake campaigns designed purely and simply to unlock the Treasury for a particular candidate.

Under amendment 1405, if a committee totally outside the control of the candidate decides to get involved in the campaign on the candidate's behalf, the opponent of that candidate will receive an entitlement of cash equal to the value of that outside campaign.

Section 504(a)(1)(C) of amendment 1405 provides tax cash "equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any opponent of such eligible candidate * * *."

Can you imagine the mischief that will be possible under this kind of a provision?

That will be cash over and above the $950,000 he or she already has in the bank, in our small State example. So one candidate gets cash, and the other receives the possibility—the possibility—that the outsiders actually have helped.

What happens if a dummy independent committee is set up to support me with a proclaimed intent of bolstering the Domenici campaign? I have no control over that committee, but my opponent receives cash he or she can use against me. And that dummy committee could spend it in ways that really turned out to be a slap at me.

What an absurd approach. Yet that is at the heart of the proposal from the majority leader.

Mr. President, amendment 1405 and S. 2 are proposals that are flawed, seriously flawed. They are proposals that need to be redrawn along the lines of the Dole bill, a bill that offers realistic election reforms, legislation that achieves reforms without picking the taxpayers' pockets.

I urge my colleagues to work to develop legislation that reforms campaign financing laws to hold down spending, but to do it in a way that stresses individual givers, not the taxpayers.

Mr. BYRD. If the Senator will yield, I ask unanimous consent, without the Senator from Oklahoma's losing his right to the floor, and without it being counted against him as a speech, that the Senator from Maryland, who was quite summarily cut off by me because I was living up to the rules—and were it to have happened to a Senator on the other side this request would have also been made—I ask that the Senator from Maryland be permitted to proceed for at least 2 minutes to finish his thought. I have done what I have done with regard to other Senators. In doing so, I have shut off my own colleague.

I ask unanimous consent that the rights of the Senator from Oklahoma be fully protected.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the Senator from Maryland is recognized for 2 minutes.

Mr. SARBANES. I thank the Chair and I appreciate the courtesy of the Senator from Oklahoma.

Mr. President, I simply wanted to make the point that I did on the action that the majority leader did take was pursuant to the Constitution, pursuant to the precedents, which was within the framework of the procedures of the institution.

If one stops and thinks about it, the Founding Fathers obviously anticipated the possibility of a situation in which a faction or element in the body might seek to deny a quorum, prevent the institution from doing its work, and explicitly provided that less than a majority of the institution could seek to compel the attendance of those Members.

This procedure has been invoked in the past when it has been found necessary.

What was confronted the other evening was a concerted decision to prevent the institution from having a quorum. It seems to me the action the majority leader took was, in effect, provided for pursuant to and in a sense made necessary by the constitutional provisions and the precedents under which we have operated.

Once someone thinks about it for a moment, obviously you have to have some means of recourse to prevent a faction from completely closing down the institution.

Suppose you had 10 or 15 Members absent on business, ill, a whole range of possibilities, and then you take a minority of the institution who withhold their presence, prevent a quorum from being present, a majority of the membership, and prevent the institution from doing its work.

The provision in the Constitution is obviously designed to address that very situation. In fact, in the past it has been found necessary to invoke that provision. There are precedents in the Senate procedures that provide exactly for such a situation. That was what was done on the other evening by the majority leader who had a responsibility to the Senate as an institution and to the Constitution to take the action which he pursued.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Mr. President, I thank the Senator from Maryland and I thank the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, there has been an interesting dialog in the past hour concerning the Senate's procedures and I will make only a brief comment. I would say as one Senator I was embarrassed. I was embarrassed that we were engaged on this bill again, even though we have spent weeks on the bill not only last year but also this year.

I happen to be one who thinks we have many serious problems in this country to confront, problems such as trade deficits, budget deficits, and whether or not to fund the democratic resistance in Nicaragua.

I personally place so-called campaign reform very low on the list. But we find ourselves spending a lot of time on it.

We have had a record seven cloture votes on this bill. The bill that is now before us is very similar or has many of the same elements as the previous bills that were defeated on cloture votes.

The reason why they were defeated and the reason why cloture was not invoked was because many of us felt like the legislation left a lot to be desired.

Everyone talks about campaign reform. If you go to your constituents and you ask them, "Are you in favor of campaign reform; do you think we are spending too much money on campaigns; do you think something should be changed?" you will probably get a high percentage that would say yes.

But then if you start asking more questions—if your constituents were aware of the details—I think you will find a majority will say no. Let me give you a couple of examples. You may ask, do you support campaign financing for senatorial elections? Do you think that the Federal Government, the taxpayers, should be funding and financing senatorial campaigns? I think you will find the majority in most States will say no, they do not agree with public financing for senatorial campaigns. They might support it for Presidential elections, but I think

you will find out that a lot of them will say no to congressional races.

And then if you explain to them that one of the provisions in this legislation would enable Senators who participate to have their campaign postage subsidized—one-fourth the cost for anyone else. You would get a first-class stamp for 5½ cents. That means the taxpayer is going to be paying 16½ cents for every letter that comes out from a Senator running for reelection or as a challenger. The third-class rate would be 3½ cents. The taxpayers are going to get it in the ear every single time a letter is mailed. The deficit is going up. I do not think they are interested in adding to it. I do not really think that they want to see their tax dollars being used to subsidize U.S. Senate campaigns.

Yes, campaigns do cost a lot. I was involved in what I felt was a very expensive race in Oklahoma last time. It cost about $3 million apiece for myself and my opponent. A significant portion of it was from political action committees. As a matter of fact, I will enter into the RECORD the total PAC rankings and receipts of the top 50 candidates and challengers for 1986. I ask that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1985-86 Senate rankings—PAC receipts

Symms (R-ID)[1]	$1,369,168
Broyhill (R-NC)[3]	1,321,230
Cranston (D-CA)[1]	1,319,606
Bond (R-MO)	1,316,556
Specter (R-PA)	1,270,951
Daschle (D-SD)[3]	1,203,901
Zschau (R-CA)[3]	1,202,975
Gorton (R-WA)[1]	1,162,761
Kasten (R-WI)[1]	1,093,147
Abdnor (R-SD)[1]	1,058,553
Moore (R-LA)[2]	1,031,362
Mattingly (R-GA)[1]	1,027,993
Dole (R-KS)[1]	1,022,433
Andrews (R-ND)[1]	1,006,388
Jones (D-OK)[3]	980,305
Hawkins (R-FL)[1]	973,814
Packwood (R-OR)	966,759
Dixon (D-IL)[1]	958,639
Grassley (R-IA)[1]	958,431
Graham (D-FL)	924,127
Hollings (D-SC)[1]	912,917
Kramer (R-CO)[2]	900,780
D'Amato (R-NY)[1]	858,368
Nickles (R-OK)[1]	856,385
Shelby (D-AL)[2]	856,184
Quayle (R-IN)	850,849
Wirth (D-CO)[2]	832,288
Ford (D-KY)[1]	831,368
Leahy (D-VT)[1]	826,894
Breaux (D-LA)[2]	823,717
Reid (D-NV)[2]	808,272
Santini (R-NV)	768,648
Woods (D-MO)	747,368
McCain (R-AZ)[2]	747,083
Dodd (D-CT)[1]	721,189
Evans (D-ID)	676,406
Denton (R-AL)[1]	669,398
Adams (D-WA)	658,396
Mikulski (D-MD)[2]	653,568
Sanford (D-NC)	628,691
Glenn (D-OH)[1]	628,333
Garn (R-UT)[1]	593,242
Murkowski (R-AK)[1]	586,256
Fowler (D-GA)[2]	574,101
Inouye (D-HI)[1]	571,777
Edgar (D-PA)[2]	557,987
Bumpers (D-AR)[1]	504,831
Conrad (D-ND)	484,731
Garvey (D-WI)	462,844
Chavez (R-MD)	282,499

[1] 1986 incumbents.

[2] Candidate had a House campaign committee registered in addition to a Senate campaign committee. Some PAC contributions which were reported given to the House campaign may have been part of a transfer to the Senate campaign, but because of the way they were reported, they have not been included in these totals.

[3] Prior House campaign committee of candidate became Senate campaign committee. Therefore, all PAC contributions reported to the candidate have been attributed to the Senate campaign.

Mr. NICKLES. I see that 14 candidates received more than $1 million, 2 from South Dakota and 11 other States. In my State, I received $856,000 and my opponent brought in $980,000. I will tell you, as the Senator from Maine did earlier in his speech, I do not think that because somebody received this amount of money from a PAC or because their name happens to be on this list they are corrupt, or that they made any type of pact with the devil or any particular special-interest group as a condition of receiving money.

In most cases I think we get so busy and we are working so hard either trying to get reelected or getting elected the first time you really have a hard time knowing exactly who has contributed and who has not. This does not mean that the campaign system could not be reformed or should not be reformed. I personally think that some of these PAC receipts are very high, very high indeed. If we want to limit these amounts, I think that is fine. If we want to eliminate them, I think that is fine. Right now PAC's can give $5,000 per candidate in an election cycle. In a primary and general election they could actually give $10,000. I am in favor of letting PAC's have the same limitations as individuals. Let us say that PAC's cannot contribute any more than $1,000 per election. That would significantly reduce these figures if we think that the current levels are too high.

And lest I penalize somebody by the scrutiny of putting this in the RECORD, I will later place into the RECORD a table listing receipts for candidates who are running in this election cycle. And it also has some interesting amounts. Senator BYRD and I have been debating. He has $663,000 from PAC's in 1988. I do not think that that impugns his integrity. Again, some of these receipts are too high and are going to many members. I am bothered by some people implying that if this money is received, it must be wrong. If individuals do not want to receive this money, they can turn it down. My colleague, Senator BOREN from Oklahoma, does not take PAC money. A couple other Senators do not take PAC money—such as Senator PROXMIRE. That is their choice. That is their decision. Fine. If we want to make sure we have a level playing field and say nobody can take PAC money, that is fine. If we want to say that PAC money should not exceed 20 percent of all contributions, that would be an excellent amendment. If we want to say that PAC money should not exceed 10 percent of all contributions, that would also be an excellent amendment. I would like to see that type of legislation.

As a matter of fact, the original Boren-Goldwater bill actually did have restrictions on PAC's and it stopped ther. Let me tell the majority leader if that was the bill before us today, I do not think you would have needed seven cloture votes and probably another cloture vote defeat tomorrow in order to pass this bill.

But what you have now is not just a limitation on PAC's. The original Boren bill reduced the PAC allowance from $5,000 to $3,000. It also had a limitation on aggregate PAC contributions. That was a good amendment. As a matter of fact, a majority of Senators voted in favor of that approach, including myself.

But what we have before us is public financing in campaigns. There have been several versions of this legislation which were enormously expensive for the taxpayers. I wonder how many taxpayers really know how expensive some of these proposals can be.

I hear a lot about limitation on spending in Senate races, and everybody says, "that is a kind idea; they are spending too much money. I get tired of those commercials." But what about some of the provisions they do not know about? For example, I have heard individuals state, "This bill is voluntary, so Senator NICKLES, if you object to it, you can opt out, you do not have to participate." My response is, what is the penalty if I do not participate? I may not want to be involved in this kind of limitation.

In connection with my campaign, I have a large grassroots committee. I have 1,000 people who have signed up for my Senatorial Club at $1,000 a year. They contribute $250 a year for 4 years, and I am proud of it. These are Oklahomans.

We raise the vast majority of our money from Oklahoma and I am proud of that as well.

If I opt out of the system, what is my penalty?

Well, I find out that my opponent will automatically receive $1.1 million of taxpayer's money by the time I have exceeded 133 percent of the State limit. In my last race I would have easily exceed it. My Oklahoma opponent would get a gift from the taxpayers of $1.1 million. Not only that, but he gets this giant postal subsidy that allows him to mail all of his mail for a nickle a letter.

No one in Oklahoma gets to mail all their postage for 5.5 cents.

Do we really want to have the taxpayers picking up 75 percent of the cost of mail under Senate elections? Have our constituents been knocking on our doors and saying, boy, I want to finance your campaign, I want to write a big check.

I have heard this bill referred to as the incumbent protection plan, and I happen to agree, I think it would make it very, very difficult for challengers. There are many inequities, and that is one of the reasons why you have a partisan difference on this bill. Most Republicans have evaluated the bill and they have determined that it would make it much more difficult for them to be elected.

But let us talk about PAC's. I mentioned that I would favor reducing PAC's. It was interesting; in the original Boren-Goldwater bill we did reduce PAC's. We reduced the total amount and the individual amount PAC's could give.

Mr. President, I ask unanimous consent that this chart be put in the Record.

There being no objection, the chart was ordered to be printed in the Record, as follows:

1988 INCUMBENT PAC CONTRIBUTIONS

[Total year to date 1987]

	Amount	Percent
Bentsen (D)	$1,380,407.91	29.0
Sasser (D)	710,394.00	42.0
Byrd (D)	663,379.63	74.0
Mitchell (D)	642,113.82	43.0
Riegle (D)	632,414.44	38.0
Wilson (R)	563,513.24	17.0
Hatch (R)	569,982.00	44.0
Lautenberg (D)	544,742.66	24.0
Bingaman (D)	492,950.00	42.0
Metzenbaum (D)	446,158.15	15.5
Danforth (R)	439,467.83	28.0
Burdick (D)	431,352.45	59.5
DeConcini (D)	431,162.84	34.0
Moynihan (D)	420,100.98	30.0
Heinz (R)	414,432.66	26.5
Durenberger (R)	382,130.00	25.0
Hecht (R)	373,209.00	42.0
Melcher (D)	367,215.11	80.0
Wallop (R)	363,786.88	67.0
Chafee (R)	340,110.00	46.0
Weicker (R)	336,765.36	39.0
Roth (R)	273,825.66	40.5
Lugar (R)	273,825.05	20.6
Kennedy (D)	263,050.00	20.0
Sarbanes (D)	260,549.50	40.0
Trible (R)[1]	245,423.00	31.0
Matsunaga (R)	205,000.00	41.0
Jeffords (R)[1]	153,624.00	73.0
Karnes (R)	103,100.00	19.0
Evans (R)	3,350.00	
Stennis (R)	1,000.00	
Chiles (D)		
Proxmire (D)		
Total	12,718,527.17	

[1] Not incumbent.

Note.—Democrats: Total, $7,891,991.49; average, $438,443.97; percent of total 62.05. Republicans: Total, $4,826,535.68; average, $321,769.05; percent of total 37.95.

(Mr. GRAHAM assumed the chair.)

Mr. NICKLES. My President, this sheet shows the 1988 incumbent PAC contributions total year to date for 1987. It shows what candidates who are running in this election cycle have received from PAC's. We find that Senator Bentsen has raised $1,380,000 in PAC's. He was the leader. That is 29 percent of his contributions. Senator Byrd raised $663,000 from PAC's which is 74 percent of his contributions. Senator Melcher has raised $367,000. Eighty percent of his money has come from PAC's. As a matter of fact, if you average it all—and I have Democrats and Republicans, and I am not picking on anybody. I am not saying any of this is all that wrong. I am not saying that they have violated any ethical standard or that they would vote one way or another because they received $1,000 or $5,000 from a particular PAC. We hear people say how evil they are, if they are so evil, they can say no. They do not have to receive or take PAC money. It should not be that difficult; if they are bothered by these PAC's, they should just say no or they should limit them.

But when we find several instances where people receive 60, 70, 80 percent of their money from PAC's, I think that is an abuse of the system and I think it would be a good amendment to limit PAC's. The Senator from Oregon Mr. Packwood, has done a lot of work on this. We may want to say that PAC contributions could not exceed 20 percent of your total contributions. Maybe that would be a legitimate proposal. To me it makes sense. If we cannot do that, surely we could limit PAC's and say, well, instead of the $5,000 limit let us make it $1,000.

I believe that would be a good reform. And then you would see these figures scaled down substantially. I look at my Democratic colleagues and they have raised in this year $7.9 million from PAC's. This represents 62 percent of total PAC contributions in 1987. I noticed for the Republicans, there is $4.8 million, and that is right at 38 percent of the PAC money. I personally think those amounts are too high. And so if we are going to talk about PAC reform, if we are going to talk about campaign reform, let us bring them down. Let us limit PAC contributions to $1,000 per person. This type of limit was along the same guidelines as the Boren-Goldwater bill.

But now what we have, instead of the original Boren-Goldwater bill, what we really have is very expensive public financed, taxpayer financed campaigns. That is what I object to, and I object very, very strongly. If a person wants to participate with limitations and so on, if the two opponents wish to get together and say let us not exceed $1 million or $5 million or whatever, I think that is fine. But if they choose not to, a candidate should not be in a situation where the taxpayers are going to be financing his opponent. And that is in this bill. I think there should not be a situation, as in this bill, which is if you elect not to participate the taxpayers are going to be subsidizing your opponent's mail costs, picking up three-fourths of the cost of the mail. I do not think that is right. I do not think political candidates should be able to mail for a nickel. Why should taxpayers subsidize the cost of a direct mail piece at 16½ cents for every piece that goes out first class? The taxpayers will not buy it. We have not heard very much about it. Maybe if people would hear a little bit more about some of the details in this bill, they would object to it. I hope they do.

Somebody says well, you guys have been filibustering this bill. You are strenuously opposed to it. Why? I mentioned we have had seven cloture votes, a record number in the Senate. I might say well, yes, we are objecting to it.

I will give you another example and I will put this in the Record. We did a little spreadsheet that shows the amount of money that a person could receive from taxpayers and what they would have to have to qualify under one of the previous proposals. Let me give you an example. Let me start with Alabama, being the first State alphabetically. It said if a candidate in the election raised $290,000, he could receive a total Federal payment of $1,761,000. In other words, he would receive six times as much taxpayer money as what he had raised in the minimum threshold.

This was in the proposal, or a version of this in several of the proposals that we have been voting on. So, again, this is not the original Boren-Goldwater bill. This is after it became the Byrd-Boren bill, where you started getting all this public financing.

In my State of Oklahoma, it is kind of shocking to me; a person with a threshold under this proposal of $237,000—not too hard to raise probably—as a result he could receive a total amount of money from the taxpayers of $1,550,000. In other words, seven times what his minimum threshold would be.

I would object to that. Again, I think taxpayers would reject the idea of candidates putting in a little bit of money, raising a little bit of money from their States and then having the taxpayers finance that kind of proposal.

I guess I would call this Byrd-Boren No. I and No. II, but it is one of the proposals. We rejected it. We debated it. We spent a week or so on the floor of the Senate last year. We brought it up and we defeated it. The proponents were not successful in obtaining cloture. And were not successful in moving it forward.

I know that the Senator from Nebraska wants to speak, so I will not take much longer.

The proponents of the legislation are aware that public financing was really what was generating a very strong opposition in this bill. So if

they were to take public financing out, take the limitations out, and put some reforms in it, some reforms we could live with on a bipartisan basis, limit PAC's, limit soft money, this Senator could support it.

Somebody said: "Senator Nickles, why would you be opposed to a limitation?"

Well, if you have no limitation on soft money how can you afford to have a limitation on what you receive from private individuals? That would cause an inequity. That is one of the proposals with S. 2 today.

So if we do something on soft money and do something on limiting PAC's, we can pass the bill, keep public financing in the bill and you are not going to get a bill. So we are going to have our eighth cloture vote, and I predict that you are not going to get cloture tomorrow morning.

I tell my friend from Nebraska, that your limitation is $950,000. If you elect not to participate in Nebraska, your opponent can get $950,000 of taxpayers' money. As a taxpayer, I object to it.

I also have reservations about financing Presidential campaigns. Maybe the majority of the body thinks it is the best thing happening. My guess is that we have a lot of candidates in the race because you have taxpayer financing of Presidential races.

Does anybody know how much it costs? I will tell you how much it costs. For 1988, it is estimated to cost $150 million. I think you have a couple of candidates that are in the race right now only so they can draw Federal funds. If you did not have Federal money, they would be out of the race. Maybe some of them did not get a high enough voting percentage, so they will be getting out of the race because the Federal funds will be cut off. They were in the race as long as the money from the taxpayers was coming in. When the taxpayers' money is off, I think you will find a lot of candidates off as well.

You have to question, is that a good process?

I heard the Senator from Kentucky, Mr. McConnell, say that 24 percent of that money was used for compliance, for lawyers and accountants, in trying to figure out whether they were legal or not.

Then I heard, as everyone else did, how all the candidates who are running in New Hampshire were manipulating the laws in trying to figure out how they could put more money than was legal in those races.

Another reason to be opposed to this bill is that it excludes the House of Representatives.

Mr. President, I ask unanimous consent to have printed in the Record an article that appeared in the Washington Post earlier this week which shows PAC recipients in the House.

There being no objection, the material was ordered to be printed in the Record, as follows:

THEY "PAC" A WALLOP

The amount of money going to House members up for reelection has jumped 44 percent, Common Cause reports in a new study. The citizens' lobby group said the 412 members expected to seek reelection this year received a total of $24,286,261 in political action committee (PAC) contributions, up from the $16,866,976 the same candidates received in 1985.

This list shows the 16 House members who received more than $150,000 from PACs in 1987. Column two shows the total amount each House member received from PACs. Column three shows the percentage of money raised that came from PACs.

	PAC receipts	Percentage from PAC's
Tony Coelho (D-Calif.)	$223,058	51
Byron L. Dorgan (D-N.D.)	207,846	68
Beryl Anthony Jr. (D-Ark.)	207,187	74
Martin Frost (D-Tex.)	200,924	48
Dan Rostenkowski (D-Ill.)	198,298	42
Robert H. Michel (R-Ill.)	197,490	60
William H. Gray III (D-Pa.)	187,102	79
Robert T. Matsui (D-Calif.)	186,200	45
James H. Quillen (R-Tenn.)	178,100	73
Wayne Owens (D-Utah)	172,800	76
Mary Rose Oakar (D-Ohio)	157,625	71
William V. Alexander Jr. (D-Ark.)	155,374	40
Ronnie G. Flippo (D-Ala.)	153,465	75
Henry A. Waxman (D-Calif.)	152,941	69
Charles B. Rangel (D-N.Y.)	152,575	49
Joseph DioGuardi (R-N.Y.)	150,850	22

Source: Common Cause.

Mr. NICKLES. Mr. President, I will not read this whole article, but mention a few Members. Here is William Gray, who gets 79 percent of his money from PAC's. Henry Waxman gets 67 percent of his money from PAC's. Mary Rose Oakar gets 71 percent of her money from PAC's. Wayne Owens, 76 percent. On and on. Tony Coelho, 51 percent. Top PAC recipients. I think that is an abuse. The bill before us does not even touch the House of Representatives.

You will have a lot of Senators running against House Members. There will be a lot of races where House Members are going to challenge Senators. They do not have a limitation. They can raise all the money in the House races, and maybe at the last second will run for the Senate. It leaves a lot to be desired. This whole bill leaves a lot to be desired.

I hope the majority leader and the proponents of the bill will pull the bill down after cloture, if cloture is not invoked tomorrow. Then I hope they will look anew to trying to get a bipartisan bill. This bill is doomed. Even if the proponents take this bill in its present form and get it passed, there is no question that the President would veto it, and we have the votes to sustain the veto.

I would pull it down and see if we can get real reform. Let us limit the amount PAC's can give—maybe from $5,000 to $1,000, $2,00, $3,000, whatever this body could agree on. Let us come up with a bipartisan bill, with a bill that does not favor Democrats or Republicans, with a bill that has significant, real reform.

I will mention one other reform that needs to be made. If we ever get to the process where we actually have the amendment process, we need to have an amendment whereby Members who were Members before 1980 would not be entitled to keep their excess campaign funds and report that as ordinary income. That is an abuse in the system.

At present, there are 221 Members who still qualify, who are still eligible, who can take some of their campaign money and use it for personal purposes. We are all going to retire at some point, either voluntarily or involuntarily. I think most of us know of individuals, Democrats or Republicans, who have retired with significant campaign excesses that they have used or are entitled to use for personal benefit. I think they should not be entitled to use that for personal benefit. It is not part of this bill, and it should be.

Mr. President, I am not here to make a long speech. I just urge that when this bill is defeated, the proponents of the legislation will step back. I know they have had meetings in good faith, and I compliment them for their efforts. They should take out public financing of senatorial campaigns. I think that as long as you have it, you will have vigorous opposition, at least from this Senator and others as well, and you probably will not end up with a bill.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I am going to say it, and I mean it, I am not here to talk for a long period of time. I ask the Chair to advise the Senator if I should go beyond 10 minutes.

First, Mr. President, I want to say that history will record the fact, somewhere along the line, that the courageous action taken by the majority leader the night before last to bring some semblance of balance and understanding out of chaos for the U.S. Senate was one of those marks of courage that in future years the U.S. Senate will look back on and say there was a case where the majority leader stood when he had to stand and had no other option. Therefore, Mr. President, I want to salute the majority leader for the courageous action he took the other night.

Also, I have been somewhat taken aback by some of the comments, or at least implications from that side of the aisle, that somehow Robert Byrd, the majority leader, took advantage of a situation, was mean-spirited, did something that he should not have done.

You might not always agree with Robert Byrd, but I would hope that

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all would recognize that if there is a parliamentary gentleman in the U.S. Senate now, or if there ever has been a parliamentary gentleman in the U.S. Senate in its history, ROBERT BYRD of West Virginia would have to stand foremost among them.

I remember well 2 or 3 days ago when this filibuster was started by those on that side of the aisle. The Chair knows, the Parliamentarian knows, both the Republican and the Democratic desk know, and all Senators know, that if there was no one here on that side of the aisle to protect their interests, the filibuster could be promptly brought to an end; because all that has to be done would be for a call of the question on the motion before us, which was the amendment by the Senator from Oklahoma, which, by and large, was the heart and soul of S. 2.

The Republican Member of the Senate who was assigned to protect the Senate at that particular time left the floor. I was here; the majority leader was here. Had the majority leader wanted to, he could have put the question at that time, but he did not. In fact, he stopped the proceedings of the U.S. Senate, we will recall, and he asked for the Republican Member, who I believe went into the Republican cloakroom, to come back on the floor, to protect the Republican interests. But at that time he sent the warning that if that happened again, we will take advantage of our option.

What the majority leader did the other night was not taking advantage of anybody. By walking off the floor of the U.S. Senate in a body, save for one Member, the Republican minority in this body said, "We are going to close this place down."

I guess all of us now have read that part of article 1 of the Constitution which says it is clear that the Founding Fathers recognized that this would be a problem. So they gave the majority leader an option to require the attendance of Senators when things happened in an organized way, planned on that side of the aisle the other night.

I am fearful that the national news media and the local news media did not do a good job in reporting that, and I am wondering how it was understood by the people at large. History will record and state it correctly.

So I salute the majority leader for what he did the other night. I hope that there is a clear understanding in the country as to what he did, why he had to do it, and that no one was abused in that process, despite the "banana republic" statements that we have heard made in that regard on the floor. I think that was all done and advantage was taken in that situation because there is an old saying, "If you don't have the facts on your side, then bring up something else to take away from the issue."

The central issue in this debate is whether or not we are going to allow expenditures for Senatorial campaigns to continue to skyrocket beyond belief so far as collections and expenditures are concerned, and that is the issue. Everything else that has been brought up here are side issues and cloud the basic issue.

As I said during debate yesterday and the day before that, as one of the "gang of eight" appointed by the leadership to try to work out a compromise, there was no chance to compromise, because that side of the aisle said, "We do not want nor will we accept any limitation on campaign expenditures."

I just heard my friend from Oklahoma talk a great deal about how he wanted a cap on political action and how political action expenditures greatly benefitted the Democrats. It is a thing with them. It is a thing with those on that side of the aisle that those of us over here are trying to pass this bill because it will somehow cripple the Republican Party. Nothing is further from the truth.

These arguments advanced by the Senator from Oklahoma and others would mistakenly leave one to believe that if S. 2 passes, the PAC contributions would go on and on to skyrocket and skyrocket, higher and higher than they ever have before and, of course, they obviously say that would benefit the Democratic Party. Nonsense.

The facts of the matter are, if S. 2 were law in the last senatorial election, PAC spending, which totaled $46 million for the Senate race, would be reduced to $16 million, about two-thirds. But listening to the Republican arguments, you would think that it was vice versa, that we were increasing spending.

They have made a great hue and cry, Mr. President, about taxpayer financing of campaigns, and when this bill was originally introduced it was, indeed, a major consideration in the bill. It is the reason this Senator would not support it. I insisted on some changes. If people will live with a reasonable spending limitation, then there would not be a single penny of the taxpayers' money spent if S. 2 became law, if both sides agreed to the fair, equal, and reasonable spending limits contained therein. But they are not going to let that happen, Mr. President. I can only draw one conclusion, and maybe it is not fair, but I can only draw one conclusion. Since those on that side of the aisle have been successful on seven cloture votes and, unfortunately, I predict they are going to be successful tomorrow, the only conclusion that I can reach, Mr. President, despite their position, they really believe that their party will benefit in the long run, if they have unlimited amounts of money that they can raise from whatever source, to buy elections.

I just say, and I think it has been made clear by many speeches here, if the American people are not concerned now about the obscene amount of money that is going into Senate races and other races around the country, then they are delinquent and they are negligent because it should be on the minds of every concerned citizen of America.

Sooner or later, mark my word, there is going to be a major problem, a major scandal, and the stench of that is going to come floating down on all of us because we failed to act.

In conclusion, just let me say, that I hope we can pick up the five votes that is necessary tomorrow on cloture. I would point out to all that there are 52 cosponsors of this measure. It is clear that the majority of the people elected to serve in the U.S. Senate—Democrats and Republicans, or a combination of those—are cosponsors of this legislation, and this legislation would become law if the majority had their way and could work their will. They have been prevented by the filibuster. I hope we can pick up the 60 votes to invoke cloture tomorrow and let the Senate work its will.

Mr. President, I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BYRD. Would the Senator yield to me just to thank the distinguished Senator from Nebraska for his kind remarks.

Mr. EXON. Thank you.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I will take just a very few moments of the Senate's time. In April 1951, at the end of this building in the House of Representatives Chamber, Gen. Douglas MacArthur made his farewell address to the American people. In that particular and momentous and historic address, Gen. Douglas MacArthur stated in the last paragraph of his message to the American people, "I now close my military career, an old soldier who has tried to do his duty as God has given him the light to see that duty."

That was a historic moment for this country, Mr. President. It was a time of great emotion, a time of great controversy. It was a time when the people of this country probably could have been ignited to have marched on the White House, to have hung then President Harry S. Truman who had fired General MacArthur from the U.S. Army.

We have had another historic situation this week. And that situation presented itself when a Member of this body was "arrested," and I put arrested in quotation marks because it was a friendly arrest, by the authority ordained by the Constitution of the United States of America.

I think when great leaders come and go that our country and our people will look back, not at the moment, but at the past and the present, and they will attempt to ascertain as to that leadership whether it was great or small or weak or strong, as to how that particular leader saw his particular and respective duty at that particular moment.

I think we have probably arrested one too many Senators this week. I will admit that. I also hope we do not plan to arrest any more any time soon. I do not think there are any plans to do so.

Let us all attempt to agree on one thing. This particular leader, the majority leader of the U.S. Senate, saw his particular duty at the moment of that particular situation, and he exercised that duty as he felt the Constitution of the United States of America gave him that duty. He exercised it without equivocation. He exercised it without reservation. And whether it might have played wrong or right in the press, the next day and the next days to come, I think will be largely irrelevant because it will go down in the history books and in the books of precedent of this institution as a decision that will guide future decisions in the future.

A lot of people have made a lot of fun at this. I am sure cartoonists across America, as our American institution not only encourages but certainly permits, will have a lot of fun doing some editorial cartoons in the future. But I think when it is all said and done, we will look back at this moment and we will see, one, that the arrestor and the arrestee today are in very good shape, both as the majority leader stated the other night with very good humor and good nature about this situation. I think the difficulty will be attempting to capture the real spirit that we felt in this Chamber that particular moment and try to explain the true situation to the American people. A lot of people will take this incident, they will take this arrest and they will try to politicize it. I do not, in all due respect to my colleagues on either side of the aisle who might disagree with what the leader did, in any way think that this should be one of those issues that is politicized.

I hope it will not, and I hope all will bear in mind that what our leader did, he felt was his duty in behalf and for and the advocate of this particular institution, and he did it, and he did it at a moment when many people did not know exactly what to do.

He felt at that moment that his duty was to get on with the business of the Senate. He felt at that time at that moment it was his duty to do whatever he could to have a quorum so that we could do business so the majority or the minority might make a decision on the issue of campaign finances.

A lot of people say, "Oh, this is the first time this has ever happened. What is going to happen to the Nation? What is going to happen to the Senate?"

Let me say, I think we should be a little easy in our fears about that concern tonight. I do not think we should lose any sleep about it. I remember just a few years back when I was a Member of the other body, and I say this in all due respect to the late Speaker, John McCormack when he was attempting to get a quorum, just like our leader was attempting to get a quorum 48 hours ago in this Chamber. Speaker John McCormack, in order to keep a quorum on the House of Representatives floor literally ordered the Sergeant at Arms to lock the doors of the House Chamber. He forbade any Member of the House of Representatives from leaving the doors of the House or the confines of the House without the care and under the care of a deputized member of the Sergeant at Arms staff.

If we left that body, we had to go out of there with a deputy deputized by the Sergeant at Arms and the Speaker of the House.

So I think this Nation is going to survive. I think this institution is going to survive. This is one of those moments when, once again, we have to examine this place as a body and ourselves as its trustees. Once again, it is time when we have to look as to whether or not a filibuster is right or wrong, and we have got some time, I assume, to discuss that in the days ahead.

But I feel when the history books are written that they will be written most accurately by those who said that this majority leader exercised his duty at that moment as he saw the right to fulfill that duty and his responsibility as the majority leader of the United States Senate.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Arkansas for his exceedingly kind remarks.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I almost hesitate to rise to speak now. I came over to speak 1½ hours ago, and so many eloquent and wise things have been said that I am reluctant to take the floor. I did not participate substantially in this debate on S. 2. I made a speech earlier in the week, but I felt we should let the other side talk and perhaps reach a conclusion to the filibuster thus allowing us to get on with the important business of acting on this bill.

I certainly do not want my lack of taking the floor to talk on this bill to indicate any lack of interest with either the bill itself or the proceedings that have taken place on the Senate floor surrounding this measure.

Indeed, I feel very strongly about it. In fact, I feel probably as strongly about this one issue as I do anything else that has been presented before this Senate since I have been here, starting in 1985.

I guess I thought, perhaps, that we would reach a resolution, that somehow we would get this bill out, that we would be able to let the Senate work its will, that we would be able to amend it and let some form of this legislation gain passage. I guess that is not going to be the case.

I also want to follow up on the comments made just previously by the Senator from Arkansas. I would note for the record the presence of the distinguished majority leader on the floor. I want to say this to him personally and to the body.

If I have heard once, I have heard a half a dozen times within the last 48 hours, one or more Senators commenting that the majority leader may have exceeded his bounds in ordering the arrest of Senators. I have heard Senators say that it was the majority leader who had ordered this arrest. Like Senator SARBANES from Maryland, I read the Constitution: Article I, section 5. I have also read standing rule 6 of the Senate which empowers the Senate to compel the attendance of Members. It was not the majority leader. I again say for the record, and I know the majority leader has said this himself, it was the Senate who ordered the arrest. It was the majority of the Senators present acting under rule 6 and article I, section 5 of the Constitution of the United States that ordered the arrest of Senators. Not the majority leader.

So if any Senator has a gripe, if any Senator has a case to make on why arrests should not have been ordered, it should be made to the Senate as a body, not to the majority leader. It is the rest of us who were here and ordered that arrest to take place under the Constitution of the United States.

I think that should be made clear. I think the majority leader is getting a bum rap from a lot of people who are saying it was he who ordered the arrests, when it was the Senate that ordered the arrests.

I just wanted to make that clear. I know it has been said before but I wanted to say it again myself because I have heard it said time and time again that it was simply the majority leader, disregarding the fact that we had a vote on that very issue.

Again, I want to compliment our distinguished majority leader for taking the lead in the campaign finance bill for over a year. It has been a long struggle.

Perhaps tomorrow when the cloture vote is taken we will see the handwriting on the wall and that in fact the Republican Party in concert will not allow the Senate to work its will on this bill.

But I believe the actions of the majority leader I believe that what he has done on this piece of legislation, fighting against all odds, represents really the finest in what it means to be a representative of the people of this country. What the majority leader is doing is fighting the fight for the people.

We know who do not want to put limitations on campaign financing: the forces of wealth, the forces of power, the forces of privilege. They do not want any limits, because in this game that we are playing now, they reign supreme. Those who have the money, those who are privileged, those who have power, who were born into it or acceded to it one way or another, they reign supreme in the game we play now of running for office.

It is the little people who are shut out, the common folks who are shut out.

That is what this battle is. It is the same battle that Thomas Jefferson spoke about one time when he said society has always been and always will be divided into those two classes: that class who believes that all power ought to reside in a few because they have the money, because they have the privilege, because they are more learned; and those who believe that there is a genius among the common people that can be tapped, that power ought to reside among all people, and that even the lowest person, the lowest person in terms of wealth or status or privilege, ought to have an equal say in his or her government.

Those are the two classes at work right here, the same two classes Thomas Jefferson spoke about. Harry Truman spoke about it, too.

So the fight the majority leader has waged has been indeed in the finest tradition of those who fight for the little people of this country, who want to make sure that those little people who do not have that wealth, power or privilege have as much say about who sits in this body as the power brokers downtown and the big PAC's.

The Senator from Oklahoma a little while ago said he was embarrassed that we were on this bill. I am sorry I had to leave the floor and did not catch the rest of his remarks but I wrote that down.

I think we have to be very embarrassed about what has happened and the fact that we are saying that those who have the money, privilege and power will continue to call the shots on the way we conduct our campaigns.

I am embarrassed. I am embarrassed about a party that has a proud tradition in our country, the Republican Party. I fought Republicans and obviously fought hard against the Republicans. But the Republican Party has done a lot for this country. It is the party of Lincoln, of Teddy Roosevelt, the party that did so much in the early days of this country to help the common people. The trustbusters of Teddy Roosevelt, trying to get the little people a little more say so in their government.

To now have the Grand Old Party preventing us from having a meaningful campaign finance reform bill—that is what I am embarrassed about. I am embarrassed that one of the two major political parties in this country has taken that position.

Again, I do not mean to paint all of them with the same brush, but it has been their party position as enunciated by the minority leader of that party in this body. That minority leader has led the filibuster to prevent this bill from coming up. I think that should be an embarrassment, too.

I think the Senator from Nebraska hit it right on the head. When it is all said and done, I think the Republican Party feels down deep inside that they will be better off without any limits than they will be with some limits.

I heard it said the other day on the floor by a Senator on the other side that if this bill were to pass, the Republican Party would be the minority party for the next 40 years. I could not understand why. I engaged the Senator in a private conversation. "Well, it takes money, and where the Republican Party is not in the majority it takes money to do these things."

Mr. President, I have run for office several times. When I first ran for office I did not have a nickel. I had no benefactors, but I had some ideas and I had the strength and feeling about certain issues. I ran against an incumbent who had all kinds of money. But I got a group of people around me, friends, neighbors, relatives, and we conducted a campaign.

Do you know what, Mr. President? I lost. I was outspent 10 to 1 and I lost. But, I did get 46 percent of the vote when the other party was landsliding the State.

I ran again 2 years later and got outspent 2 to 1, but that time I won.

You can win if you do not have much money as long as you have the right ideas. If you go out and meet the people and campaign before the people, you can win.

I note that Senator PROXMIRE spent some $12,000 last time in his campaign and he won. So you can do it.

Do not tell me that somebody is going to be in the minority simply because they do not have a lot of money. If you come out with programs and policies that benefit the common people of this country you will win elections.

Sure, you have to have enough money to be competitive, but it does not take these unlimited, obscene amounts of money we have seen in campaigns in the last few years.

In my own State of Iowa, my campaign in 1984 was $3 million. I think that is obscene, but I spent it and my opponent spent a little bit more than that. That really has to be called to a halt.

Unless and until we can get these limits, we are going to continue to do it. We are going to have to be competitive and the PAC's will have to be competitive and the power structure will have to be competitive. We will just keep spending more and more money.

As the majority leader said a little while ago, people are losing faith in their electorate, in politics and politicians because they see all this money flowing in.

Well, I just feel, Mr. President, that those who say this is not the big issue are wrong. I have heard that said in the dining rooms, in the hallways. They say it is not a big issue. I have heard it talked about in the polls. But they say back home they are not talking about it.

Well, that may be true. But, doggone it, when you are out of work, when you do not know how you will feed your family, when you have kids growing up and you want to send them to college even though you are not making very much money, perhaps just over the minimum wage, when you are 1 of the 36 million Americans who do not have health care insurance and you do not know if you get sick the next day or how you will go to the hospital or not, of course you will not think about campaign reform.

But I can tell you this, if you talk to common people and you ask them if they like the present system, the way we elect people to office, if you ask them whether they think it is right the way we raise money, if that is a fair way to do it, Mr. President, you and I know what the answer is to that.

I do not think I have talked to one person in the State of Iowa about this issue who does not feel strongly that some limits have to be placed on campaign spending. And limits have to be placed on the amount of money that we raise and the influence of political action committees.

We don't have to wipe them out. The bill does not do that. But it does put meaningful limits on them.

I do not cotton to the idea that simply because people are not talking about it every day that they do not feel deeply and strongly about it. They do.

Mr. WILSON. Will the Senator yield for a question?

Mr. HARKIN. I am about finished and then I will yield for a question.

I believe as Jefferson did, that deep within the heart of the common people of this country there resides a genius, an understanding of fairness and equity about what affects them in their daily lives and how those decisions are made here in the Senate of the United States.

They may not be most eloquent in expressing them. They may not be able to write learned letters to the editor. But they feel it deeply and they understand it and they know it is not fair. They want something done about it; they want it changed.

So to those who say it is not an issue, I say beware, beware of the genius of the little people of this country to understand more fully and more thoroughly and more deeply this issue than what I think most people are giving them credit for.

It is going to be an issue, as rightly it should be an issue, this year, in the election, this year on where you stand on campaign finance reform, putting limits on spending. It will be an issue. And I say beware, beware to those who say it is not an issue and say we can just ignore it and maybe it will go away. That issue is going to come by to bite very hard, I believe, in the election this year.

I yield for a question.

Mr. WILSON. Mr. President, my question was prompted by an observation by my friend from Iowa, that there is something wrong specifically with our taking too much money from PAC's. I would not undertake to debate the merits of that proposition. I am willing to accept at face value that he is correct. But, if that is true, Mr. President, then I would ask my friend from Iowa a rhetorical question: if that be true, then why not totally eliminate the PAC's? That is what the Republican proposition would do.

Mr. HARKIN. I am willing to respond to that.

Mr. WILSON. We are willing to totally eliminate PAC's, which the democratic version does not do. We are willing to have disclosure of so-called soft-money expenditures. I hope my friend will agree that one of the great advances of campaign reform has been disclosure insofar as it exists. Why not go further and see to it that we exempt no one and that all activity that contributes to the election of a candidate is fully reported, fully evaluated.

The PRESIDING OFFICER. Does the Senator wish to respond?

Mr. HARKIN. I am pleased that my friend from California brought this up because I responded the other day on this. I will respond again.

There is nothing inherently wrong with political action committees. There is nothing wrong with a group of people who want to advance their interests here in the Halls of Congress and join together to pool their money to give to political candidates. I see nothing wrong with that.

What is wrong is that there is no limit. You can get $5,000 in the primary and $5,000 for the general. That is just from one PAC. Look how many PAC's we have now. Back in the 1970's we had less than 100. I think it is well over a couple of thousand now and the number is going up every day. You can raise unlimited amounts of money from PAC's. What we want to do is to limit the total amount of money that you can receive from all PAC's.

I see nothing wrong with that. I believe those who say, "Do away with all PAC's," again are throwing up a straw man to shoot down.

It is not PAC's, per se, that are wrong; it is the unlimited amounts of money they pour into campaigns that is wrong.

I do not favor eliminating PAC's but we certainly ought to put limits in them. That is what this bill does.

With regard to the second part of my friend's question on the disclosure of soft money, that is why we want a bill on the floor. Let us have the amendments come up. If the Senator offers an amendment to the bill to require disclosure of all money that comes into the campaign, he will have this Senator's vote. I did not mean to say that this bill is the be all and end all and that I will not vote for any amendments. There might be a lot of good amendments that I might support. But you cannot improve the bill if you do not bring the bill up on the floor.

I will ask the Senator, and I will yield for an answer, why will the Senator not let the bill come up on the floor so we can have the amendments?

Mr. WILSON. I will be delighted to tell the Senator why. It is a bad bill. The amendments would fail. The Senator from Iowa might support it but your colleagues would not.

Mr. HARKIN. How does the Senator know?

Mr. WILSON. We know very well because of the 52 signatures on that bill. Let us be honest about it. This has become a very partisan issue. We are talking about a bill that has been labeled reform, which is not reform, which does not go to the gut issues that are disturbing people, at least those who know about them. Now, if my friend is concerned about campaign reform, and I take at face value his protestations that he is, then I would wonder why it is that we are unable to get support for a bill that really is reform, one that would eliminate all problems with PAC's by eliminating PAC's, one that would bring about full disclosure of all soft money expenditures, but one that would not seek to foist upon the American taxpayer the enormous costs of financing our campaigns.

Now, earlier today our friend and colleague from Arkansas asked the Senator from Washington whether or not he was not offended by the fact that so much time had to be spent by Senators in raising money for their campaigns. I did not get a chance to answer that question, but I will do so now. I will say to my friend from Iowa, I am not nearly so offended by being inconvenienced in that way, although it is a big pain, it takes a lot of time and a lot of effort, including the effort to see to it that you are careful that you not take money from a source that would give rise to an unfortunate appearance. But I am not nearly so offended by the inconvenience to me in having to do that as I am by the fact that there is unreported soft money and that it leads to certainly the appearance of some very gross abuses of the public's confidence. One of them very topically today under consideration in the Senate Commerce Committee had to do with why it is that a bill which the Senate has passed, and passed handily, is unable to get action by House conferees.

Well, the answer apparently is that the provision that offends the House conferees is one that is stoutly opposed by a labor union, and that labor union has been known to contribute mightily to the campaigns of those who are now seeking to obstruct the passage of that piece of legislation. It has to do with mandatory random drug testing of locomotive engineers and other safety personnel.

Now, if you want to talk about something that gives rise to a lack of public confidence, here we have a situation in which we do not under existing Federal law require disclosure of soft money expenditures, all the money spent on phone banks, all the other things that are not reported.

Mr. HARKIN. If I might——

Mr. WILSON. Let me just make the point and then I will be happy to yield the floor.

The PRESIDING OFFICER. The Senator has yielded for a question. Has the Senator propounded the question?

Mr. WILSON. I am about to propound a question to the Senator. Since the Senator asked me why we would not come forward and allow this, I would have to say there has been ample debate. I think it has been a fairly wholesome debate, certainly a spirited debate. That is as it should be, and I do not know if the public is exercised about this issue or not. I am not aware of polls on the subject, but we are, and rightly so. I would only say to my friend from Iowa that I admire his stance in saying that we should do away with soft money. There are other abuses that should be done away

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with. Frankly, the Republican bill does that. It would eliminate PAC's. It would eliminate the soft money expenditures without disclosure. I am far more offended by those things than I am the inconvenience of having to go out and raise money, and it is not fun. If the question is, do you like it, would you be happy if you could avoid doing it, the answer to that is yes, but not at the cost of heaping an incredible new expenditure upon the Federal taxpayers, particularly at a time when Presidential public financing has not proved a great success; as was pointed out, every candidate since 1976 has been cited by the FEC for some major violation.

Mr. HARKIN. If I might take back just a little bit of my time, I again would respond——

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HARKIN. I will be glad to yield.

Mr. BYRD. With the understanding that it not be counted as a second speech; I do not think there will be any need for us to think about it in those terms now with a cloture vote coming tomorrow, and that the speech in the record not show an interruption.

Mr. President, there will be no more rollcall votes tonight, in case any Senator is waiting around with the apprehension that there might be.

I thank the distinguished Senator for yielding.

Mr. HARKIN. I thank the distinguished majority leader.

Again, the Senator from California talked about the Republican bill, the Republican bill does this, the Republican bill does that. Let us bring S. 2 right out and offer it as a substitute, offer parts of it, offer bits and pieces of it. That is what we are trying to do.

Yes, we have had a debate on this issue, but we have not been able to really bring substantive measures to the floor for debate and for voting on those measures. That is what I find objectionable. If the Senator from California believes his measure to be better, bring it up so we can vote on it.

No, the Senator said, there are 52 signatures on this bill. I know the Senator from California has cosponsored other bills just as the Senator from Iowa has. Does the Senator from California mean to say, on any bill he would cosponsor, that he would never contemplate ever changing one bit, would never vote for an amendment to it? That the way it is initially drafted is fine and perfect?

I dare say that would not be the case. I will yield. I did not want to put words in his mouth, but I doubt that he would ever want to take that position.

Mr. WILSON. I am happy to say to my friend from Iowa if he can persuade 51 or 52 of his colleagues to follow his leadership in supporting the disclosure of soft money, if he is willing to find 51 other votes to join the Republicans who are proposing the elimination of PAC's, then we have something to talk about.

Mr. HARKIN. I will not vote to eliminate PAC's I have already stated my position on eliminating PAC's. I am not in favor of it. Maybe some are. Let us have the votes out here and see how they go. But I am not in favor of it. And, yes, I will join the Senator in trying to persuade Senators to vote for disclosure of soft money. I think we ought to. I cannot twist anybody's arm. I cannot force any votes. I can use whatever little power of persuasion I might have, but bring it out and debate it. Let the chips fall where they will.

You might be surprised. You may have 51 votes for disclosure of soft money. You may have 51 votes for bits and pieces of the Republican bill. I do not know, maybe you will have 51 votes for the whole thing. But if we do not get past the filibuster, you see, we will never get to it, and that is what we keep coming back to. Are we going to have debate as we are having now or are we going to have a debate leading to substantive votes on these issues.

That is really the point I was trying to make. And I do not know for the life of me why, if the Senator from California feels strongly about these measures, we do not bring them out for a vote and see what happens out here. That is the way that will work. I do not believe that the 52 Senators who signed that bill—I am one of them—will not vote for any amendments. That is nutty. Of course, I will vote for amendments. I may vote for some, vote against others. I may have a couple of my own I want to put on the bill, but I am not going to take the bill exactly as it is. I signed the bill because I think basically the thrust of it is good. But again I would say I do not want anyone to think that simply because somebody is a cosponsor, they are not going to support amendments. I think it is ridiculous to think that. Of course, we will.

I have taken my time; I have had my say. I appreciate my friend from California for engaging in a colloquy with me. We can have debate on this. It is not personal. People feel strongly about these issues, but we ought to have a substantive vote on them and see which way we are going to go.

I close my remarks by saying I believe a great opportunity has passed for us to make some meaningful changes in limiting the amount of money, the obscene amount of money that we spend in these campaigns, by limiting the amount of money that comes from PAC's, by doing a lot of things that open up the system to the little people, the common folk, to take away the power—the inordinate amount of power that comes into the process by those who have a lot of money. We passed up a golden opportunity to do that.

We are not losers here, but I think the American people are the losers because I think our failure to act degrades us all, it degrades this institution, it degrades the whole profession of politics in helping to try to govern this country.

I am sorry it has had to come to this. But, again to those who stood at the gates and would not let this bill come up for a vote because they do not think it is an issue with the American people, I close by saying, beware of the people of the United States because they have had enough. They have had enough of this excessive spending on campaigns and the way we run them. I believe that they are going to make that an issue in the elections coming up this year.

I ask unanimous consent that an editorial from the Cedar Rapids Gazette in support of S. 2 be included with my remarks.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I wish to thank the distinguished Senator from Iowa for his very kind remarks concerning me.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Cap PAC Donations

Do-good Democrats and Common Cause members aren't the only ones who would like to see changes in the way congressional campaigns are financed. It turns out the directors of much-maligned political action committees have a few misgivings, too.

The PAC directors' apprehensions are detailed in a study prepared by the Center for Responsive Politics, a bipartisan organization that examines political trends. In interviews conducted for the study, PAC directors said they have grown resentful of greedy lawmakers. They recount how legislators keep black books that list their contributors, how the lawmakers become offended when PAC representatives fail to attend their fund-raising events and how the committees are constantly badgered by congressmen and senators (or their aides) for contributions.

"Sometimes it is impossible not to give to members even if they don't need it," one PAC director said. "Congressmen will absolutely dog you to death."

It's hard to find anyone who is particularly happy with the role PACs play in congressional campaigns. Many congressmen, both Democratic and Republican, complain that the current fund-raising system forces them to spend too much time aggressively soliciting for money from PACs. Other critics worry that PACs have grown too influential in Congress and that the amount of money the committees give to legislators has become excessive.

Even with all this criticism of the system, Congress has been slow to deal with the problem. It doesn't take a genius to figure out why. Lawmakers had a golden opportunity last year to enact reform legislation, but the bill died in a filibuster organized by

many of the same greedy legislators of whom PAC directors complained.

In the next few days, the Senate is scheduled to reconsider a campaign finance bill that would, among other things, limit the amount a congressional candidate can accept from PACs. Senators should check their greed and put a cap on PAC contributions.

Mr. PACKWOOD. Mr. President, as we discuss the issues of campaign spending, we tend to talk in either ideal abstractions or on the basis of our own down-to-Earth experiences. Of the two, I find "down-to-Earth" more useful in the current debate.

All of us on the floor and in this debate are campaign veterans. I am a veteran, too, of Oregon legislative politics as well as four statewide Senate races now. When you are on the ground in a campaign, you learn a great deal about the extraordinary value of volunteers and also about the costs of campaigns, particularly the growing expense of advertising.

Let me first explain Oregon is unique in a lot of ways. I know each of us believes our home State is exceptional, and no doubt, each of us is right. However, I assure you Oregon has a unique political tradition, beginning with our pioneering the primary system at the turn of the century. Now that we are headlong in the midst of a monstrous Presidential primary season, I sometimes wonder what Oregon unleashed. But Oregon-style politics, and the primary system especially, represent the value of encouraging people to take direct, active, hands-on part in electing their representatives.

In my first race for the Senate, I imagine we worked with over a thousand volunteers. I am talking about school kids, women and men, seniors, college students who walked door-to-door, hammered in lawn signs, leafletted, stuffed envelopes and staffed phone banks. You all know what a "boiler room" looks like. And in 1968, our average contributor gave less than $40.

Interestingly, 18 years later, we find things have changed. But fortunately, not in the numbers and enthusiasm of volunteers. In 1986, instead of 1,000 lawn signs, we assembled and distributed over 14,000 lawn signs, distributed over 200,000 pieces of literature. Of course, these weren't the same volunteers. Often, they were the daughters, sons and even grandchildren of our volunteers in 1968.

The cost of running a campaign, of course, changed dramatically over nearly two decades. Inflation grew by bounds, along with rents, mailing expenses, and above all advertising costs. The cost of a 30-second television spot in 1968 in metro Portland was a fraction of that cost in 1986. The same can be said for radio—even more so.

Yet even with the changes in the cost of campaigning, there was something that hardly changed at all: the size of our average contribution. Individual contributors continued to give, on average, $39.

That is a point I just cannot emphasize enough. Sure, campaigns are costly. Running a business or keeping a nonprofit afloat are both costly. Almost without exception, any enterprise costs more today than it did 18 or 20 years ago. And that simply leaves us with two choices: either raise a lot of money from a handful of contributors, or raise smaller amounts from many small givers. I make no secret which direction I choose, and which direction I think makes far better public policy. And I know what works in a campaign, and that is direct involvement: the involvement of countless volunteers and small donors.

In all my campaigns, we have purposefully worked to recruit as broad, and as diverse a base of contributors as possible. It takes time, it takes work and it takes expense, but consequently, the one tried and true fact is that our average contribution remains low. In 1986, roughly 87 percent of our contributions were from individuals. We started early, worked hard and recruited a broad base of individual givers. We had more than 165,000 individual donors by campaign's end.

Looking to 1992, we again start out with the belief that early is better and the more small contributors the better. I believe we can show that a broad base, with thousands of contributors, is possible, and for the time being we do not intend to accept contributions from political action committees. As we get closer to 1992, we will again assess the circumstances and the possible challenges we will face, including whether my opponent refrains from accepting PAC contributions, to decide if PAC funds are necessary. In any event, small contributions—$10, $20, $30 gifts—will once again make up the vast bulk of the campaign funds.

For the better part of the last 2 weeks we have debated reforming the way we fund campaigns and we have talked about the political process and the role of the candidate. I fully support reform. But adopting reform means putting the voter first and keeping the voters involved in the political process—not by a taxpayer-funded checkoff but by genuine, direct participation. That is the kind of reform I will support but unfortunately that does not describe the provisions of S. 2.

REGARDING CAMPAIGN PRACTICES

Mr. D'AMATO. Mr. President, one would think that, in the course of a week in which the Senate has been in continuous session since Monday morning—not a record, but more than long enough—just about everything has been said on the subject of campaign finance reform that could be said.

But after all this time, I find much of the focus of this debate still strangely misplaced.

ALREADY OFFERED TO ABOLISH PACS

For myself, Mr. President, I am not here to argue for or against PAC's. My own position about political action committees has been clear throughout this Congress. I remain unconvinced that PAC's are evil; but if the American people think they might be, then we should do away with them. No fiddling with this or that technical requirement. No adjustment of contributions or expenditure units. Large or small, up or down. Just get rid of them.

I know many of my colleagues on this side of the aisle agree with me. Senators Packwood and McConnell have submitted alternatives that would zero out PAC's. I am an original cosponsor of those bills.

But the proponents of S. 2 have found those PAC-eliminating amendments unacceptable. While railing against the supposedly pernicious influence of PAC's, it is they who refuse to do without them. If PAC's are the problem, Mr. President, why not just do away with them? We are willing. We've said so. We've offered. It is the other side that has refused to do so.

TAX EXEMPT ABUSES

I would, however, like to draw my colleagues' attention to a form of abuse that I find particularly outrageous—that is, the abuse of tax exempt organizations for political purposes.

I am referring to the activities of a number of so-called 501(C)(3) and 501(C)(4) organizations. I find these abuses particularly outrageous, Mr. President, because they are already illegal. They are illegal under the election law; they are illegal under the Internal Revenue Code and regulations.

And yet, Mr. President, such activity by these organizations was pervasive in the last senatorial election.

That activity took many forms. It included:

Direct mail and advertising against specific Federal candidates.

Provision of mailing lists to candidates.

Provision and recruitment of volunteers.

Provision of trained professional staff assistance.

Availability of phone banks.

Voter education, membership contact, and voter turnout programs.

Issue development and research.

Provision of office space and other facilities.

What's wrong with these activities? Not a thing—except that the law is very clear on who can engage in them, and with whose money.

In order to obtain their tax exemptions, these organizations must be incorporated. Mr. President, the election law is murky on a lot of points. Corporate participation in Federal elections is not one of them. If the law is clear on any thing, it is that the involvement of corporations in elections is illegal. They may not contribute, they may not underwrite election-related activity on behalf of or in opposition to any candidate (2 U.S.C. 441(b)).

Further, it is equally, if not even more clear, that taxpayers' dollars cannot be used to underwrite such activity. Those organizations granted tax-exempt status—in essence, a subsidy from the American people—must refrain from partisan political activity in order to keep that status. I think even my friends in this body who advocate public financing of campaigns would agree that this is not a proper kind of taxpayer support for political activity.

And yet, that is exactly what has been going on. In well-documented instances in the last cycle alone—in Missouri; in Wisconsin; in Pennsylvania; in Washington; and in my own race in New York in 1986—the law was ignored and tax-exempt privileges abused in the cause for partisan political ends.

Candidates—incumbents and challengers alike—found that rallies were organized and publicized, fund-raisers held, and volunteers recruited, all under the auspices of supposedly nonpartisan, tax-exempt entities. What a cynical abuse, Mr. President. If we truly want reform; if we are truly concerned about the integrity of the electoral process, then we need to curb these abuses already in violation of the law—rather than haggling through the night, sifting through the technicalities to see where our respective advantages might lie.

Let me just take a moment to describe the instance with which I am most familiar.

In my own reelection campaign, my campaign staff noticed a remarkable overlap between donors to my opponent's campaign and contributors to a 501(c)(3) organization of which he was the President. Nothing automatically wrong there. But it did start us thinking.

When we looked a little further, we found that the campaign and the foundation shared the same address. Imagine our surprise, Mr. President, when we called the campaign's phone number and were answered by someone identifying the line as the foundation's.

It was so blatant, Mr. President, it was almost comical. Almost. What wasn't, and isn't, funny, is the deliberate and cynical use of a taxpayer subsidized organization to provide staff and office space, at ridiculously reduced cost, to a partisan political effort. In legal terms, this and other conduct, such as the ready availability of mailing lists and phone banks, constituted unlawful and unreported corporate electoral contributions.

I cannot resist adding that postelection materials sent out by my opponent brazenly confirmed this illicit relationship, inviting the faithful to stop by the foundation's offices as "there's still work to be done on the Senate campaign—and— * * * maybe the next campaign?"

Fortunately, my campaign was on a sound enough footing that this illegality did not critically disadvantage us. The same was not true of other campaigns. Whatever these organizations called themselves—the citizen action group; the Wisconsin action coalition; the democracy project; Washington fair share—their illegal impact could be felt.

Mr. President, these groups are not PAC's. No change in the contribution or expenditure limits will affect them. Nothing in S. 2 addresses their conduct, or the new note of cynicism and abuse they inject into the process.

We have heard the word "reform" in this Chamber in the last 36 hours more times than I would care to count. But how can there be any reform, Mr. President, so long as candidates and parties continue to countenance—or even encourage—illegal campaign activity, and violations of the election and tax laws on their behalf?

Mr. President, I yield the floor.

THE EUROPEAN CONVENTIONAL BALANCE DEBATE

Mr. WIRTH. Mr. President, today I wish to share with my colleagues another sound analysis of the conventional balance the United States and the U.S.S.R. faces in Europe.

In this article:

Stephen Biddle criticizes the way the European conventional balance has come to be viewed, and calls for a reorientation of analytical thought away from measuring the balance of material implements of war towards a view of how the actual dynamics of combat itself are likely to unfold. More specifically, Biddle contends, it is vital to strive for a better understanding of what circumstances engender combat stability or instability, defined as under what conditions battle will reduce or magnify initial imbalances between warring armies.

Such an understanding of how combat works, and whether force ratios will converge over time toward an equilibrium or diverge toward larger imbalances, brings with it enormous consequences for NATO strategic planning. If a situation of combat instability exists, any imbalance from the proper equilibrium of force ratios will result in increasing imbalances as combat progresses, and marginal changes at present in Alliance defense spending will have little impact on the course of future hostilities. On the other hand, if a situation of combat stability can be brought about, there is little argument for large spending increases or major changes in military doctrine of Alliance strategy. Simply put, it is much more effective for NATO to try to shift the nature of the combat process toward stability rather than increasing material wherewithal in a situation of combat instability.

According to Biddle, the widely diverging estimates of the conventional balance one encounters indicate that nearly all of these assessments presently assume there to be a situation of combat instability. If correct, this is a matter of great concern for all, regardless of one's position in the analytic debate over material adequacy. If not, these assessments do little to clarify the actual state of the balance. Whatever the case, the consequences of basing policy on an incorrect judgment are severe, as the resultant policy recommendations will do little good and inflict possible harm. The present situation of ignorance can be resolved only through a broad-based process of study and debate within the Alliance.

Combat can be viewed as a process with inputs—in the form of men, material, and supplies—and outputs—in the form of casualties, and ground gained or lost. Input measures are analytic methodologies that describe the first of these. Output measures are methods for predicting the latter. Of course, it is the result—the outputs—of combat that matter, so any assessment must somehow reach a conclusion as to likely outputs. For output measures, however, the prediction of outputs is formal and explicit. For input measures, such prediction is a process that takes place entirely outside the formal methodology. Input measures simply describe the input forces in greater or lesser detail, for example, by measuring their numbers, their size, their speed, or the weight of steel they can fire in a single volley. The methodology itself makes no statement as to which of the sides it has thus described would win if it came to a fight, or by how much, or how quickly. The analyst must use his own judgment to reach these conclusions. Output measures, by contrast, produce formal estimates of how a battle would turn out in terms of the two sides' losses and the movement of the front.

There are two basic types of input measures: simple bean counts and effectiveness index methods. Bean counts simply tally the number of weapons or formations of a given type available to the two sides.

Bean counts, however, pose difficult problems of interpretation. Weapon quality, for example, cannot be reflected by simply counting systems. Bean counts also provide different "balances" for each weapon type. The balance of antitank missiles is more favorable to NATO than the ratio of main battle tanks, which is itself more favorable than a comparison of available artillery tubes. It is not clear how these assessments should be integrated into an overall picture of the balances.

Effectiveness indices, by contrast, produce a single value, or index, to represent the aggregate combat power of a heterogeneous force. Typically, that aggregate score is then divided by the value of a single reference formation—usually a U.S. armored division—to produce an estimate of the Armored Division Equivalent strength of the force, or its "ADE score".

Only a few of these variable assumptions can be assigned particular values with high confidence. For most, it is impossible to know what values they will take on in the event of an actual war. The decision of the French, for example, to participate in defending West Germany will hinge on political conditions that cannot be predicted in

advance, including the nature of the crisis, the state of intra-Alliance relations prior to the crisis, and the relative success of Soviet diplomacy in driving political wedges between NATO governments. Nor can one predict the Soviets' willingness to accept risk on their eastern border in order to send forces to the West, or whether NATO will respond promptly to warning of Soviet mobilization.

The balance of input forces available to the two sides is subject to large, inherent uncertainties to a degree that the public debate has thus far failed to acknowledge.

As for simple bean counts, these are typically interpreted in time-series form, showing that the numerical ratio of weapons has worsened for NATO in recent years. In conjunction with descriptions of Soviet technological improvements over the same interval, this is often cited as evidence for a pessimistic view of the balance. The key question here, however, is not simply the pace of Soviet modernization and weapons acquisition, but rather the resulting effectiveness of the fielded arsenal relative to NATO's. This cannot be discerned by simply counting weapons.

Most official assessments of the conventional balance have been conducted using variations on a model created by Frederick William Lanchester in 1914. Lanchester's work focused on attrition (as opposed to movement), and in particular, on the casualty-rate implications of the ability to concentrate fire. Lanchester argued that where the fire of several shooters can be concentrated on a single target, the result would be a disproportionate advantage for the numerically larger side.

The larger the initial divergence, the sooner the smaller side is destroyed, but even small advantages will eventually produce total defeat for the weaker side. Moreover, any given input imbalance will be telescoped into a larger output imbalance as a result of combat. Mathematical systems displaying this property are sometimes called unstable equilibrium models.

Models with this structure can thus predict surprisingly rapid defeat for powers which are only moderately inferior to their opponents in combat inputs. It is not necessary to assume an overwhelming Warsaw Pact superiority in material to produce a pessimistic assessment of the balance on the basis of such an analysis. As long as the input force ratio is higher than the equilibrium value, Lanchestrian output measures can predict decisive defeat for NATO.

Conversely, some of the most optimistic assessments in the current debate are also the products of output measures. Dr. Joshua Epstein of the Brookings Institution argues that ". . . NATO has the material wherewithal [today] to stalemate the Warsaw Pact." This conclusion is based on the results of his own output methodology, the adaptive dynamic model.

While the adaptive dynamic model is different in many respects from either simple or extended Lanchestrian models, it shares one crucial characteristic: it displays unstable equilibrium behavior. Pessimistic Lanchester analyses assume an input balance slightly above the model's equilibrium—with the result that the force ratio gets worse over time. Epstein's optimistic adaptive dynamic analysis uses an input ratio slightly below the model's equilibrium. The initial force ratio likewise diverges from equilibrium, but since Epstein's input ratio is less than the equilibrium value, the balance improves over time, until NATO actually outnumbers the Warsaw Pact after 40 days of combat.

Modest differences of opinion between analysts can produce radically different balance assessments, if they push the initial balance of forces across their models' equilibrium ratios. Analysts who broadly agree that the force ratio in Europe is between 1.5:1 and 2:1—the same range that produces a consensus of guarded optimism for effectiveness index analysts—can still disagree radically over the results if they assume instability, and if the equilibrium ratios they use fall generally in the same range.

Perhaps more importantly, instability implies that any given analyst will often predict dramatic changes in his baseline combat outcome as a result of plausible variations in scenario conditions.

The extreme variance in assessments of the conventional balances is thus the result of applying unstable equilibrium models to a relatively narrow range of disagreement between analysts as to the balance of combat inputs. Unstable equilibrium models imply a volatile balance. Small differences in inputs produce larger differences in outputs. This means that any analytic disagreements over the precise balance of military material can result in larger differences in assessments, and that small shifts in scenario conditions can change success to decisive defeat, or vice versa.

If this assumption of instability that underlies current output measures is correct, however, there are larger implications for NATO which are potentially very unfavorable—regardless of one's position in the analytic debate over material adequacy. Instability implies extreme sensitivity to variation in the input balance of forces. If NATO could be confident that the input balance would be below equilibrium, instability could produce very favorable combat results. Unfortunately, NATO cannot be confident that a favorable balance will obtain in time of crisis. Yet, if the balance comes out even slightly above equilibrium, the volatility of an unstable combat process produces a rapid defeat.

There are two reasons why NATO cannot be confident that the input balance will be below equilibrium in a crisis. The first is the scenario uncertainty inherent in the nature of European politics and inter-alliance diplomacy.

Even if political fortunes are only slightly unfavorable, it does not require a large change in the input balance under instability to produce either a hopeless situation or a successful defense, and that input balance is inherently variable . . . the uncertainty introduced by this input variation is not evenly distributed, however. NATO is a strategically defensive alliance. In a crisis, it is not likely to attack the Soviets, if it is the beneficiary of Soviet political misfortune. On the other hand, the risks to NATO should political fortunes go the other way, could be severe, and we cannot be confident that diplomacy will favor us in all potential future crises.

Political uncertainty is not the only way that input force ratios could fall below the equilibrium threshold of an unstable combat process. It could also occur as a result of differential concentration of forces. If it is easier for an attacker to concentrate than it is for a defender to counter-concentrate, then it is possible for an attacker to create a local advantage, even if he is outnumbered theaterwide. Under instability, this advantage can produce a rapid breakthrough, if it pushes the local force ratio above the equilibrium threshold. Of course, to obtain this local concentration, the attacker must accept relative weakness elsewhere. To succeed, the attacker's concentration must pay off before any of his weaknesses produce defeat. By magnifying the consequences of small differences in force ratios, however, instability permits a small difference between the sizes of a local advantage and a surrounding disadvantage to produce a large difference in breakthrough rates. That is, if the attacker's local advantage is any larger than the disadvantage he gives up elsewhere, instability allows him to break through in the key sector long before any of his (smaller) weaknesses produce decisive results.

Of course, this is only a problem if the Soviets can concentrate faster than NATO can counter-concentrate, and NATO does have command-and-control advantages of the Soviets that could make it easier to respond. On the other hand, the Soviets have one crucial advantage simply by virtue of being the attacker: the initiative to choose the time and place of the attack. As a strategic defender, NATO cedes to the Soviets the advantage of the first move, and the potential benefits of surprise and deception. If a NATO commander should misread a Soviet feint, or respond too slowly to a properly identified concentration, an unstable combat process could produce a decisive defeat for NATO. Such a defeat could result even if the nominal theaterwide force ratio is below equilibrium, and even if crisis diplomacy works out to NATO's advantage. To be confident of its defenses under instability, NATO must, therefore, be confident that political uncertainties in future crises will always break in its favor, and that NATO military commanders will not misstep in responding to Soviet concentration attempts. Either possibility could mean disaster, if the nature of combat is unstable.

It is not clear that instability is the only alternative, however—or even whether the current balance is best described by an unstable model of combat. Two other possibilities can be discerned: a combat process in which the equilibrium ratio is stable, and one in which it is dynamically neutral.

[In] a stable combat process . . . as with instability, an equilibrium force ratio exists for which the two sides suffer equal fractional losses and for which the force ratio thus remains the same over time. The difference is that force ratios above or below equilibrium converge toward that value, rather than diverging away from it as they do under instability. Initial imbalances thus become smaller over time rather than larger. An attacker may still overwhelm a weaker defender if his input superiority is large enough, but a given difference in inputs always produces a smaller difference in outputs.

[If] a dynamically neutral combat process [takes place] . . . input force ratios neither diverge nor converge over time. Instead, initial imbalances are roughly equivalent to outcome imbalances. Conventional balances assessments using input methodologies typically imply an underlying, intuitive model of combat that corresponds to a dynamically neutral process. Under a neutral process, if the initial balance is slightly unfavorable, the results will be slightly unfavorable. Given a moderate Soviet input advantage, the implication of such a process is that NATO can be reasonably hopeful—while the balance is not ideal, neither is it catastrophic.

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Which, then, of these three alternatives best describes the modern battlefield? Unfortunately, the current conventional balance debate offers us no guidance. This discord in this debate is largely a result of the effects of unstable equilibrium models on moderate discrepancies in input, but the participants themselves have never addressed their underlying assumptions with respect to stability, much less defended them systematically. Moreover, there is no prima facie reason to exclude any of the three as a serious possibility. Indeed, twentieth century military history provides some support for each.

Instability, for example, is consistent with blitzkrieg warfare of the sort encountered in the German invasion of France in 1940 or the Israeli victory over the Egyptians in 1967. Extreme instability, if combined with conditions that favor differential concentration, amounts to a form of offense-dominance; such attackers are able to defeat a reactive defender without the benefit of overall numerical superiority.

Stability, on the other hand, is consistent with stalemates such as the trench warfare on the Western Front between 1915 and 1917, the ongoing Iran-Iraq War, or even some battles of the Second World War such as Kursk on the Russian Front in 1943. Extreme stability implies defense-dominance, since the longer a numerically superior attacker fights, the weaker he becomes relative to his opponent, and since an outnumbered combatant has no option for victory by attack. Conditions intermediate to these two extremes can be seen in engagements such as the Lorraine campaign of 1944 or the invasion of Sicily in 1943, in which numerically superior attackers made slow but steady progress.

Each of these conditions is thus plausible. This implies, however, that it is at least possible that the current balance can either be as pessimistic as official estimates suggest, or as optimistic as outside critics argue, or even that the balance has properties of stability that neither group currently recognizes. Without a better understanding of the determinants of stability, we cannot know.

The consequences, however, of basing policy on an incorrect judgement are potentially severe because the policy recommendations implied by each of these states are largely contradictory. Under stability, for example, the primary policy objective is simply to avoid getting in the way of the system's inherent bias in favor of defenders. There is little argument here for significant increases in spending, or major changes in military doctrine or Alliance strategy. Most important, a stable combat process also insulates NATO against much of the uncertainty inherent in the sensitivity of the input balance to political circumstances, since only a very large imbalance poses a real threat.

Conditions between a stability and instability create different recommendations—principally for spending increases as the primary response to today's balance of input forces. Here, however, political and strategic uncertainties are again a problem for NATO. While less catastrophic in effect than they would be under instability, these uncertainties suggest that if NATO wishes to be reasonably confident in the performance of its conventional defenses under a neutral combat process, it must overinsure to some degree. Inasmuch as the Soviets are likely to at least somewhat increase their own expenditures, the results can be substantial pressure for major spending increases.

Under instability, on the other hand, it is unlikely that increase spending could ever be sufficient to provide confidence in the Alliance's ability to defend itself. Higher expenditures would certainly be helpful, but they can neither guarantee diplomatic success nor fully ensure against the potential for error in responding to Soviet strategic initiative. Instead, if the combat process is highly unstable and if differential concentration is a serious threat, a strategic defender has a substantial incentive to combine increased defense spending with an offensive military doctrine. Offensively-oriented doctrines are, in fact, becoming increasingly popular among NATO militaries. A more offensive NATO doctrine, however, makes NATO's posture more provocative in a crisis. Moreover, unless NATO is prepared to attack preemptively, offensive action is inherently more difficult, since the Soviets are granted the advantage of the first move. Instability thus implies a fragile security at best, and at worse a nearly hopeless problem for a strategically defensive alliance in a politically uncertain world.

Given the inherent problems of instability, the primary policy recommendation stemming from such a condition must be to avoid it, if at all possible. To the extent that the current balance is unstable, our first priority should thus to be to shift the combat process in the direction of greater stability. (Indeed, greater stability constitutes the only recommendation which makes sense, whatever the current state of the combat process.) Unfortunately, however, we as yet have no systematic understanding of the determinants of stability to guide such an attempt. Indeed, there is at present no way to know even whether such a shift is possible.

The only way to develop such an understanding is through a broad-based process of study and debate within the Alliance. The current NATO dialogue on the conventional balance, however, is unlikely to produce such an outcome. While we dispute analytic differences whose magnitude is small relative to political uncertainties which we can neither predict nor control, the crucial questions of stability and the feasibility of a stable battlefield go unexamined. It may be that the determinants of stability cannot be known with certainty. On the other hand, we operate today in an environment of nearly complete unawareness of the implications of the nature of the combat process for Alliance defense policy. At the very least, the result of this unawareness has been a conventional balance clouded by the failure to recognize the underlying causes of analytical disagreement, and consequently, a debate argued over the wrong issues. If we are to make progress toward real security, it is essential that this debate be redirected, and that the crucial issues of stability and the implications of offense and defense in conventional warfare receive the attention they deserve.

REQUEST FOR INVESTIGATION INTO CIA ACTIVITIES WITH RESPECT TO PANAMA

Mr. HELMS. Mr. President, disturbing allegations were made during sworn testimony before the Subcommittee on Terrorisim, Narcotics and International Operations, on Tuesday, February 9.

Jose I. Blandon, a former confidant of Panama Gen. Manuel Antonio Noriega included in his testimony before the subcommittee that the Central Intelligence Agency and the National Security Council prepared "intelligence reports" on certain Members of Congress and their staffs and furnished these reports to General Noriega. General Noriega is head of the Panama Defense Forces and is the de facto head of government in Panama. I am concerned by these accusations, especially inasmuch as I have received similar reports coming from sources in other countries which parallel the sworn testimony with regard to the CIA furnishing similar information on other Senators.

On February 18, during a closed hearing with CIA Director William Webster, I presented Judge Webster with a written request for an internal investigation of Mr. Blandon's charges. Specifically, I asked that an internal investigation be conducted and all employees in contact with Panamanian Government or military officials be questioned.

It was interesting, Mr. President, to note that on the day of Mr. Blandon's charges, the CIA denied that it furnished any information to Noriega. However, I have learned that after this denial was issued, the agency made inquiry to its field offices about whether such actions indeed might have taken place.

These are serious charges, and they raise significant questions about the integrity of U.S. intelligence operations. Indeed, many of Mr. Blandon's charges bring into focus questions about the CIA's involvement in other aspects of United States-Panama relations.

In all likelihood, these issues will need to be addressed by the Committee on Foreign Relations in future hearings with appropriate representatives of the intelligence community.

Mr. President, I ask unanimous consent that a copy of my letter to the Director of Central Intelligence and a similar letter to the Director of the Federal Bureau of Investigation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, February 17, 1988.

Hon. WILLIAM WEBSTER,
Director of Central Intelligence,
Washington, DC.

DEAR DIRECTOR WEBSTER: As you know, the Committee on Foreign Relations received very significant sworn testimony last week that indicated that the CIA and the National Security Council have maintained, and/or furnished to certain Panamanian officials, information on certain Members of Congress and their staffs. Since you are charged with responsibility for all agencies under the National Security Act of 1947, as amended, I am writing to you to address these issues.

Inasmuch as Mr. Jose Blandon has appeared at the request of U.S. law enforcement agencies as a witness in major criminal procedures, his credibility appears to be high. Additionally, I have received similar reports coming from sources in other countries which parallel the sworn testimony with regard to the CIA furnishing similar information on other Senators.

I have no fear of correct information maintained on me; nonetheless, it is improper and illegal for the CIA to maintain such files. This is especially so inasmuch as the CIA has access to background check files, which include much uncorroborated data, for all security clearances.

Should a situation ever develop in which information, particularly unevaluated information, is transferred to another government, thereby interfering with the constitutional responsibility of Members of Congress and their staffs, it calls into question the integrity of our intelligence security institutions.

For these reasons, I submit the following questions, answers to which I hope can be provided in unclassified form. In answering these questions, please do not rely on files alone, since the information allegedly passed may have been passed back channel, without files being maintained. It is imperative that an internal investigation be conducted and all employees in contact with Panamanian government or military officials be questioned.

Has any employee, contract employee, or agent of the CIA—or any other entity associated with it, including other agencies under the National Security Act of 1947, as amended—ever maintained information—including biographies, reports of activities, summaries of political philosophy, or other information—on Members of Congress or their staffs? If so, which persons, when, and under what circumstances?

Has any employee, contract employee, or agent of the CIA—or any other entity associated with it, including other agencies under the National Security Act of 1947, as amended—ever furnished verbal or written information officially or unofficially on Members of Congress or their staffs to any official of a foreign government, and specifically to the government of Panama or the Panama Defense Forces under General Manuel Noriega? If so, which persons, when, and under what circumstances? (Interestingly, I understand that after the CIA publicly denied Blandon's testimony, an inquiry was made to CIA field offices and to NFIB agencies querying whether the denial was accurate. Please include a copy of this message and all responses.)

Because of your previous association with the Federal Bureau of Investigation, I would also ask the following questions, also to be answered in unclassified form to the maximum extent possible.

Did the FBI ever turn over to the CIA or other intelligence agencies any information on Members of Congress or their staffs?

Has the FBI ever initiated wiretaps or surveillance on me or members of my staff, with or without warrant? If so, when, for what reasons, and under what legal authority?

Sincerely,

JESSE HELMS.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, February 17, 1988.

Hon. WILLIAM SESSIONS,
Director, Federal Bureau of Investigation,
Washington, DC.

DEAR DIRECTOR SESSIONS: As you know, the Committee on Foreign Relations received very significant sworn testimony last week that indicated that the CIA and the National Security Council have maintained, and/or furnished to certain Panamanian officials, information on certain Members of Congress and their staffs.

Inasmuch as Mr. Jose Blandon has appeared at the request of U.S. law enforcement agencies as a witness in major criminal procedures, his credibility appears to be high. Additionally, I have received similar reports coming from sources in other countries which parallel the sworn testimony with regard to the CIA furnishing similar information on other Senators.

Because of these concerns, I ask you the following questions, answers to which I hope can be provided in unclassified form.

Did the FBI ever turn over to the CIA or other intelligence agencies any information—including biographies, reports of activities, summaries of political philosophy, or other information—on Members of Congress or their staffs?

Has the FBI ever initiated wiretaps or surveillance on me or members of my staff, with or without warrant? If so, when, for what reasons, and under what legal authority?

Sincerely,

JESSE HELMS.

S. 1586, THE TECHNOLOGY TO EDUCATE CHILDREN WITH HANDICAPS ACT

Mr. ADAMS. Mr. President, I rise today in support of S. 1586, the Technology to Educate Children With Handicaps Act. I applaud the work of Senator KERRY and his staff in developing this legislation and support their commitment to promoting a discussion of efforts for improving access to assistive technology.

While it is often said that there are few things more fascinating than the potential of the human mind, it is also true that there are few things more tragic than the failure to develop this potential. It is truly tragic, therefore, that the tremendous resource represented by the capable minds of millions of handicapped individuals goes untapped due to the inability of educators and loved ones to achieve a sufficient level of communication. Still, other handicapped individuals are unable to participate in a normal environment due to disabilities that prevent them from maintaining the necessary posture for following classroom activities.

Fortunately, recent advances in modern science have lead to the development of technology which assists disabled individuals in overcoming these barriers as well as assisting them in the pursuit of educational achievement. This new technology includes everything from specially adapted computers that give disabled individuals the ability to read, write and speak to computerized voice synthesizers that read aloud the messages printed on a video screen. Further advances in specialized equipment, wheelchairs and assistive apparatus have made it possible for handicapped individuals to participate in the classrooms of public and private institutions on an equal basis with the rest of our Nation's student population.

With the advent of this advanced technology, we must now focus our attention on the need to improve the access to and use of these devices. Presently, handicapped students and parents are blocked by a number of barriers which prevent them from gaining access to assistive technology. While it is often the case that the cost of such equipment is prohibitively expensive for families, more children suffer from limited access because neither they nor their teachers nor their parents have been exposed to the availability and application of developing technology. This legislation addresses these issues through the establishment of a network of assistive device resource centers in each State. These centers are designed to coordinate information, and provide training and financial mechanisms that will expose students and educators to the availability of assistive devices and the means for applying this technology to their educational environment. Followup counseling will also be available through the resource centers which will assist children to readily adjust to this advanced technology.

In order to help individuals with handicaps to achieve their greatest degree of independence and productivity, we must ensure that they receive an education that best reflects their future working and living environments. Access to assistive technology provides disabled students the opportunity to participate in regular classroom activities and exposes them to other handicapped and nonhandicapped students. Such interactions are essential to the development of critical interpersonal skills that are necessary for adjustment to life beyond the classroom. The ability to practice implementation of these assistive devices in an educational environment will assist them in applying their skills to future employment settings and independent living situations. Most significantly, access to assistive technology will help bridge the educational gap that many disabled children face and aid them in developing the depth of their intellectual capacity.

While I feel we must address the need to improve access to assistive technology for disabled individuals of all ages, I appreciate Senator KERRY's efforts on behalf of handicapped children. I am happy that we have begun

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to entertain a positive discussion in this area and I look forward to adding my voice in support of future initiatives that promote the use of assistive technological devices.

THE SPIRIT OF DAKOTA AWARD—A TRIBUTE TO THE WOMEN OF SOUTH DAKOTA

Mr. PRESSLER. Mr. President, this Friday evening in Huron, SD, a special tribute will be held honoring the many women who helped build South Dakota. The occasion is the presentation of the first annual "Spirit of Dakota" award to Winifred Lorentson of Miller, SD.

The Spirit of Dakota award will be represented by a 9-foot statue of a pioneer woman, sculpted by Dale Lamphere, a South Dakota artist from the Black Hills. The unveiling of this statue on Friday evening is the first statewide recognition of the important role women played in shaping South Dakota. I personally feel this recognition is long overdue and commend all of those responsible for putting this event together.

Mr. President, over 70 women from across South Dakota were nominated for this prestigious award. These women are all winners in their own right. I rise today to honor Mrs. Lorentson in particular, and all of the nominees who have contributed so much to the great State of South Dakota and its citizens.

Mr. President, I ask unanimous consent that an article which appeared in the October 25, 1987, Huron Daily Plainsman be printed in the Record. It describes the life and many contributions of Mrs. Lorentson in further detail and includes a list of all of the nominees who were considered for this prestigious award.

There being no objection, the material was ordered to be printed in the Record, as follows:

A LIFE OF GIVING TO OTHERS DESCRIBES FIRST SPIRIT WINNER—WINIFRED LORENSTON

The Spirit of Dakota sculpture portrays a pioneer woman facing the future, undaunted by adversity.

The first woman to receive an award reflecting this spirit in South Dakota is Winifred Lorentson, a former county school superintendent and single parent who still serves as a role model in the Miller community.

"I have always thought of her as the perfect lady," recalls Loretta King, who served as a teacher under Lorenston's administration.

Like the image in the sculpture, Mrs. Lorentson has been swept by the winds of the prairie and of life.

While teaching at St. Lawrence High School from 1922 until 1924 she spent 35 minutes walking from her home in Miller to the school—even through the cold winter months.

Her husband, Carl "Edwin," died early in their marriage and Mrs. Lorentson went on to raise their two sons as a single parent while serving as Hand County Superintendent of Schools for 36 years, founding the Miller Business and Professional Women's Club in 1942 and helping establish the county library.

Members of the Spirit of Dakota award committee selected the recipient from a group of 70 women nominated throughout South Dakota.

The committee included Donna Christen, chairman, and Marilyn Hoyt, vice chairman, both of Huron; Martha L. Baker, Sioux Falls; Renee Doyle, Yankton, Susan Edwards, Pierre; Carole Hillard, Rapid City; Beverly W. Lowrie, Watertown; Mary McClure, Redfield, and Linda Mickelson, Pierre.

The judging criteria required that the nominee be a "woman with roots deep in Dakota whose courage and strength of character has developed her family and community. She should also be a woman who has represented social, cultural and educational advancement for others."

The recipient was born Nov. 12, 1893, five miles south of St. Lawrence to Mr. and Mrs. William James (Lillie Williams) Davey, one of their five children. Davey came to South Dakota in 1884 and laid claim to 131 acres of land in the St. Lawrence area.

The pioneer daughter graduated from St. Lawrence Grade School in 1908. Her family later moved to Mitchell where they operated a rooming house. She graduated with a B.A. degree from Dakota Wesleyan University in 1917 and then completed post-graduate studies at the University of Chicago that summer.

Three years later she married Carl "Edwin" Lorentson while they were both teaching at Highmore High School. He became principal of Ree Heights Public School in the fall of 1921.

Due to the tuberculosis he had contracted during World War I, the couple moved to California in 1926 and then to Arizona before he died in 1930.

Mrs. Lorentson says the greatest happiness in her life was the birth of her sons, even though her first son was stillborn in 1921.

Edwin "Carl" Lorentson, born in 1926, graduated from Harvard Medical School and is a surgeon in Chicago. And William "Davey" Lorentson was born three years later. He graduated from the University of South Dakota and received an MBA degree from the University of Minnesota. He has been employed with the General Electric Company in California as a manager in finance since 1954.

Mrs. Lorentson has eight grandchildren and is looking forward to great-grandchildren in the future.

After the death of her husband, Mrs. Lorentson returned to Miller to live with her mother whom she credits with helping raise her sons.

Leaving her young sons at home, the mother began teaching home economics (her favorite subject) in Highmore in 1917 and then in Ree Heights in 1920. She then taught in St. Lawrence during 1922–24 and 1932–34.

Mrs. Lorentson received a Life Professional Diploma from the South Dakota Department of Public Instruction in 1928, the highest grade teachers credential issued by the state for individuals with a four-year degree and eight years of teaching experience.

She was elected superintendent of schools in Hand County in 1935 and was responsible for oveseeing 107 one-room schoolhouses and two parochial schools. She was honored in 1971 at the final County Superintendent's Conference in Pierre as one of two superintendents to have 36 years of service.

Her advice for today's women who are raising families by themselves is to "have a very strong church connection." Mrs. Lorentson, a member of Miller United Methodist church, says the people in her church and her faith have strengthened her.

The 93-year-old woman, who served as Sunday school superintendent for 10 years, still attends Sunday school weekly and meetings of Hope Circle. She taught Sunday school, served on the church board during two decades and served on the committee to build the new church from 1959 until the building was completed.

After more than 50 years of membership in several clubs and organizations, Mrs. Lorentson still attends meetings regularly, declaring "that every one is different."

Mrs. Lorentson has been a member of Delta Kappa Gamma Society, a society for educators, since 1950. In addition to being founding president of the BPW, she has been president of the Miller chapter of PEO, Miller American Legion Auxiliary and the Annie D. Tallent Club, an honorary society for educators.

She was worthy matron of the Miller Order of the Eastern Star Chapter and served as grand Electra of the state chapter.

Mrs. Lorentson was named delegate to the President's council on Youth, Washington, D.C., in 1950, and Merit Mother of the Year by the Miller Jaycettes in 1970.

She was admitted to Dakota Wesleyan University's Century Club in 1979 and Matthew D. Smith Club in 1976.

The educator began serving as a trustee of the Miller Public Library in 1945 and saw it converted from a city to a county library in 1948. She also served on the committee to build a new library, which was completed in 1969.

Mrs. Lorentson was presented the "Trustees of the Year" award from the South Dakota Library Association in 1978.

The community-spirited woman served as chairman for Hand County Christmas Seal Society from 1934 to 1972.

This woman of achievement credits her success as an education administrator to the loyalty and cooperation of the teachers. "The people made it as least difficult as possible. They helped in every fashion they could," recalls Mrs. Lorentson with the serenity and efficiency remembered by the teachers and pupils.

Mrs. Lorentson beams as she speaks about the country schools: "it was a wonderful learning place. A wonderful place where children learned to help each other."

One of her former students recalls "we never were afraid to have her come visit our school. In fact, we loved to have her come."

The only grimace to cross the face of Mrs. Lorentson occurs when she tells of the two-year elections required of the county superintendents.

"But it was just a formality for Mrs. Lorentson," Mrs. King praises. "No one had the nerve to run against her."

Glorian Blackburn of Miller, a former teacher, tells of how the administrator saw to the needs of her teachers. "I remember her efficiency and how she kept current in education. She provided us with workshops and updated curriculum."

James Hart of Miller grew up next door to Mrs. Lorentson who still lives in her own home, the same one she has lived in for more than 50 years.

"I remember my parents talking about her," said Hart, who was among her nominators. "They would comment on her walking to St. Lawrence every day to teach school and how she raised two outstanding sons by herself. I have never heard anyone say anything derogatory about her, in fact, when people talk about Mrs. Lorentson, all they have is praise. I have never heard her criticize anybody. She always has nothing but good to say, regardless of the situation."

The Miller woman, who has been admired by people throughout her life, says her own role model was her mother's sister, Flora Williams, who was also her schoolteacher.

Although teaching was about the only career open to young women during Mrs. Lorentson's youth, she says the teaching field still appeals to her today. "There's so many ways you can open the world up to children now."

Mrs. Lorentson is still going strong although she admits to slowing down a little during the past year. She has help with housekeeping, receives Meals on Wheels and has someone stay with her overnight as well as check on her frequently during the day.

A person whose life has and still does revolve around people, Mrs. Lorentson says she has no hobbies. What others might see as hobbies today were a matter of living for her. For example, she has always sewn. "But that was for me and my family," Mrs. Lorentson dismisses.

The award recipient is modest about receiving the Spirit of Dakota Award, the first such recognition for any woman in the state.

"You can't live to be almost 100 without doing something good," chuckles the woman who says her goal in raising her sons was to "keep them happy." And the way she has kept herself happy is "not to think of myself too much."

An incident that occurred when Mrs. Lorentson was trekking through the snow as a young teacher best expresses her perseverance and positive outlook on life.

"Sometimes the snow got awfully deep. One day I met a man who told me 'I don't think I would go any further if I were you.' I said 'If it's any worse than what I've been through I want to see it.' "

1987 "SPIRIT OF DAKOTA" AWARD

Mrs. Carol Ahlfeldt, Volga; Marie P. Anderson, Hurley; Helen Fischer Aplan Maryhouse, Pierre; Rose Marie Austin, Centerville; Doris Becker, Humboldt; Anna Haugan Berdahl, Sioux Falls; Joanne Bieber, Bowdle; Catherine Bischoff, Huron; Florence M. Bruhn, Watertown; Florence M. Carman, Carthage; Marian Cramer, Bryant; Lynne DeLano, Springfield; Lucille Disbrow, Centerville; Mrs. Lenore Foster, Golton; Adeline Gnirk, Lucas; Blanche Grossenburg, Winner; Hazel Harmon, Huron; Marie Halverson, Milbank; Linda Hasselstrom, Hermosa; Nettie R. Hauck, Mobridge; Dr. Julie Hegstram, Sioux Falls; LaVonne Hofer, Huron; Margie Hovorka, Tyndall; Mrs. Rosella Jackson, Mobridge; Willmeta Johnson, Keystone; Mildred S. Johnston, Sioux Falls; Marjorie Kittlesland, Melette; Alice Kundert, Pierre; Nancy Lammers, Madison; Frances "Peg" Lamont, Aberdeen; Virginia Lardionis, Huron; Marcella R. Ryon LeBeau, Mobridge; Mary Jewel Ledbetter, Pierre; Winifred Lorentson, Miller; Edna Lucklum, Platte; Marian Lundeen, Bristol; Jeannette C. Lusk, Huron; Mrs. Vincent Madden, Huron; Vera Marghab, Watertown; Emily Madetzke, Jasper; Carol (Martin) Mashek, Sioux Falls; Rita Matthews, Wessington; Mrs. Dwight Miller, Watertown; Donna L. Mitchell, Rapid City; Hazel Murphy, Watertown; Rose Marie McCoy, Sioux Falls; Sandra McLain, Rapid City; Arleen Dare Nelson, Watertown; Betty Noem, Bryant; Lavina Norman, Burke; Barbara B. Ohleen, Webster; Bev Paschke, Redfield; Marjory Marshall Prchal, Burke; Gladys Pyle, Huron; Mrs. Mable Read, Winner; Vivian Rearick, Wolsey; Hildegard Amanda Rother, Huron; Ester Serr, Rapid City; Mrs. Cecelia Shalley, Estelline; Virginia Driving Hawk Sheve, Rapid City; Doris J. Schumacher, Brookings; Monica Slocum, Redfield; Wynn Huybler Speece, Yankton; Kay Riordan Steuerwald; Keystone; Margery A. Tauber, Watertown; Lucy Thingelstad, Holabird; Mrs. Hildreth Venegas, Sisseton; Mrs. Margaret Wingen, Canova; and Mrs. Eudora Zellers, Flandreau.

COME ON, SAM DONALDSON! SURELY YOU WEREN'T SERIOUS

Mr. HELMS. Mr. President, I was astonished last night to hear a well-known broadcast newsman use the term "freedom fighters" to describe the ANC, the African National Congress, during President Reagan's televised news conference. That description of the violent, brutal ANC by ABC's correspondent, Sam Donaldson, disclosed a fundamental lack of knowledge about the ANC, and I wondered how many unsuspecting Americans might have been misled by such false description.

Mr. President, I ask unanimous consent that the relevant episode from the President's news conference, be printed in the the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Sam Donaldson. The white minority government of South Africa has now effectively banned activities by dissenting organizations, even when those activites are peaceful. What is your view on that, and what can you do, if anything, to reverse it?

The President. Well, the State Department has already contacted them about that, and we are making our feelings clear that they should be working toward a multiracial democracy and not oppressing organizations, political organizations there. And we've made our feelings clear about that.

Mr. Donaldson. Have you considered sending aid to the "freedom fighters," the ANC [African National Congress] or any other organization against this oppression, just as you send aid to other freedom fighters around the world?

The President. No, we have not involved ourselves in that other than things such as the sanctions and so forth. We have tried our best to be persuasive in this very difficult problem and to find a, to encourage a, better solution.

Mr. Donaldson. What's the difference?

The President. Well, the difference is that we don't have an armed insurrection going as we have in some other countries, and we have a great division even among the people who are being oppressed. It is a tribal policy more than it is a racial policy, and that is one of the most difficult parts here.

Mr. HELMS. Mr. President, let's clear up any misconception in the mind of Mr. Donaldson about the African National Congress:

The ANC at its founding in 1912 was a nationalist, but non-Communist, organization for blacks in South Africa. However, in the 1940's it was transformed into a front organization for the South African Communist Party. It is widely recognized that the South African Communist Party is a Soviet line orthodox Marxist-Leninist Party completely under Moscow's guidance and control.

A declassified biography of the executive committee of the African National Congress, released in 1986, demonstrated that over half the membership of the ANC executive committee were Communists.

The flavor of the contemporary ANC—which can hardly be described as freedom loving—was provided last fall by the National Forum Foundation, a research organization originally established under the auspices of our forrmer colleague, Senator Jermemiah Denton, Republican of Alabama.

The National Forum Foundation did an excellent research paper which catalogued statements made by various members of the African National Congress with respect to the ANC's views on the Soviet Union, its relationship with the South African Communist Party, and revolutionary violence. The paper presents the ANC's views in its own words, and was carefully researched with newspaper and other sources footnoted.

Perhaps Mr. Donaldson and other journalists would be considerably enlightened by these statements which clearly reveal the violent, pro-Soviet, pro-Communist, nature of the African National Congress.

Mr. President, this is the organization, lest we forget, that has engaged in the horrible practice of "necklacing," by which hundreds and hundreds of South African blacks have been subjected to the most brutal and gruesome deaths—tires, filled with gasoline, placed around their necks, and then set afire.

Mr. President, I ask unanimous consent that the article, "The Ideology of the African National Congress and the Future of South Africa," be printed in the Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

October 1987.

THE IDEOLOGY OF THE AFRICAN NATIONAL CONGRESS AND THE FUTURE OF SOUTH AFRICA

In the ongoing debate over the situation in South Africa, much attention has been focused on the brutal and repressive nature of the South African regime. Little attention, however, has been given to the ideology of the opposition, specifically the most vocal and radical of the opposition: the African National Congress (ANC).

Using numerous sources, we have compiled a collection of ANC statements, all of which are identified to allow verification. These statements have been classified into 3 areas, allowing an examination of the ANC's views on: (1) the Soviet Union; (2) the ANC's relationship with the South African Communist Party (SACP); (3) revolutionary violence.

This collection is not intended to be a comprehensive survey of ANC ideology. However, we believe that the consistent and unambiguous nature of these statements warrant serious attention when addressing the beliefs of the ANC.

SELECTED QUOTATIONS

"In Soviet Russia genuine power of the people has been transformed from dreams into reality."—Winnie Mandela, *Pravda*, February 14, 1986.

"The CPSU [Communist Party of the Soviet Union] program calls for the further broadening of cooperation between the Soviet Union and the other socialist countries. This is of tremendous importance in strengthening the entire socialist community, which is the bulwark of peace on earth."—Alfred Nzo, *Kommunist*, No. 6, 1986.

"The ANC speaks here today, not so much as a guest invited to address a foreign organization. Rather we speak of and to our own."—Oliver Tambo, Speech at the 60th Anniversary of the South African Communist Party; *African Communist*, No. 87, fourth quarter, 1981.

"Those who dream of breaking the life-giving alliance between the ANC and the SACP [South African Communist Party] will strike rock."—*Sechaba*, September, 1985.

"All true South African democrats refuse to denounce the Communist Party."—Oliver Tambo, in *New York Times*, June 24, 1986.

"With our necklaces, we shall liberate this country."—Winnie Mandela, in *Washington Post*, April 13, 1986.

"If there were four million of us [black South Africans] left [out of 17 million] after the revolution, that would be better than the present situation."—Johnny Makatini, in *New York Times*, October 9, 1986.

I. THE SOVIET BLOC

"Within this last 60 years and before our very eyes, the Great October Socialist Revolution broke out to change the course of human history for all time."—Oliver Tambo, *The Building of a Nation*, 1972.

"Long live the Communist Party of the Soviet Union!"—Oliver Tambo, March 1976 Speech in Moscow; in the *New York City Tribune*, February 25, 1985.

"South African Revolutionaries deeply appreciate the all-round assistance rendered them by the socialist countries headed by the Soviet Union."—Yusuf Dadoo, *World Marxist Review*, December, 1982.

"The ANC has been a consistent champion of the cause of world peace, and voices its full support for recent Soviet peace initiatives which are aimed at making this planet a secure place."—Alfred Nzo, *Sechaba*, January 1984.

"The Socialist countries remain a solid pillar of support to our national liberation struggle."—Oliver Tambo, *Sechaba*,—March, 1984.

"We recognize instead that the Soviet Union and other socialist countries are our dependable allies, from whom no force is going to succeed in separating us."—*Sechaba*, August, 1984.

"Cuban internationalism is at this very moment helping to defend our popular revolutions in Angola, Ethiopia, Nicaragua, to mention but a few, and the blood of Cuban patriots and internationalists flowed recently on the same soil as that of Grenadian patriots in defense of the honor and sovereignty of the heroic island of Grenada against the criminal invasion of that small island by American imperialism."—Alfred Nzo, *Sechaba*, September, 1984.

"The ANC invariably stresses that the socialist countries and all democratic, progressive forces which help the oppressed masses of South Africa in their struggle against the apartheid regime at home and against imperialist pressure from abroad, are friends we can rely on."—Alfred Nzo, *World Marxist Review*, December, 1984.

"* * * the democratic, anti-feudal and anti-imperalist revolution in Afghanistan has been saved with the support of the Soviet Union."—Oliver Tambo, Political Report to the Second National Consultative Conference of the ANC, June 16-23, 1985.

"The ANC has received and continues to receive international support and solidarity from a variety of sources. We must today acknowledge especially, with appreciation, the very significant support we receive from the socialist countries. You have mentioned many of these countries—all of them without exception have given freely by way of supporting our struggle and meeting our demands."—Oliver Tambo, Political Report to the Second Consultative Conference of the ANC, June 16-23, 1985.

"As a movement, we need to be conscious of this all the time and protect our friendship and cooperation with the socialist community of nations very jealously."—Oliver Tambo, Political Report to the Second National Consultative Conference of the ANC, June 16-23, 1985.

"It would be a grave error on our part if we did not, at this point, refer, however briefly, to the socialist countries. The period we are discussing once more confirmed these countries as allies we can always rely upon, a secure rear base without which our struggle would be even more difficult and protracted."—Documents of the Second National Consultative Conference of the ANC, June 16-23, 1985.

"To this day, the socialist countries continue to play an important supporting role in many aspects of our work. Always willing to consider and respond to our requests, every day they demonstrate an unwavering commitment to see our revolution through to the end."—Documents of the Second Consultative Conference of the ANC, June 16-23, 1985.

"We highly appreciate the fraternal assistance and support rendered to us by socialist countries."—Oliver Tambo, TASS News Service, July 8, 1985.

"The Great October Socialist Revolution [Bolshevik Revolution] introduced and unleashed new forces in the world, including within South Africa itself, and the African National Congress was to enrich itself from the experience of the people who carried the banner of that revolution."—Oliver Tambo, Radio Broadcast Maputo; Foreign Broadcast Information Service, August 24, 1985.

"A determined effort was set afoot to roll back socialism, to reverse the victories of the national liberation movements and to force the peoples of the world to succumb to the wishes of imperialism. Hence we saw the complicated situation that arouse in Poland. The offensive against Democratic Afghanistan continued and intensified."—*Sechaba*, January, 1986.

"Official contact between the ANC and the Soviet Union goes back as far as 1927."—Oliver Tambo, *Umbesenzi*, vol. 2, no. 1, 1986.

"In Soviet Russia genuine power of the people has been transformed from dreams into reality."—Winnie Mandela, *Pravda*, February 14, 1986.

"I have waited for long years to personally send my militant salute to the land of the Soviets and thank it for its fraternal support."—Winnie Mandela, TASS interview; in The *Wall Street Journal*, February 18, 1988.

"Our fight for freedom is inseparably linked with the world-wide movement for peace, the standard-bearer of which is your great country. We, as a peace-loving and freedom-cherishing people, have launched an offensive against the most vicious enemy of peace—imperialism—whose guard in our part of the world is the criminal apartheid regime. Our just struggle pursues a humane aim—to create a peaceful democratic state which would stand in the ranks of the forces of progress. The Soviet people's support for our course is inspiring and revitalizes strength."—Winnie Mandela, TASS interview; quoted in *Moscow News*, no. 14, February 18-21, 1986.

"The CPSU [Communiust Party of the Soviet Union] program calls for the further broadening of cooperation between the Soviet Union and the other socialist countries. This is of tremendous importance in strengthening the entire socialist community, which is the bulwark of peace on earth."—Alfred Nzo, *Kommunist*, no. 6, 1986.

"The entire significance of the efforts of the Soviet Union and other members of the socialist community who, despite the obstacles erected by the aggressive imperialist circles, are trying to protect mankind from the threat of nuclear catastrophe, are particularly clear against the background of the imperialist policy of arms race and threat to peace."—Alfred Nzo, *Kommunist*, no. 6, 1986.

"In my view, it is necessary to emphasize above all in it [the CPSU programme] as in its previous edition, the task of further growth of the well-being of the Soviet people remains pivotal. This is the permanent trend of the entire social policy of the Soviet Union. All of this is in sharp contrast with the situation of the working people in the capitalist world.—Alfred Nzo, *Kommunist*, no. 6, 1986.

"We receive this high and honorable distinction, aware that it represents the confidence that the Communist Party, government and people of Cuba have bestowed on the African National Congress."—Oliver Tambo, receiving the Playa Giron Award from Fidel Castro; *Sechaba*, June 1986.

"The ANC went throughout the world asking for weapons. The socialist countries gave us weapons, training facilities and all other things."—Francis Meli, in *The New York Times Magazine*, October 12, 1986.

"We discussed forms of diplomatic support and material assistance and training for our cadres. Material assistance must include wherever possible the supply of weaponry to us."—Oliver Tambo, on his discussion with Mikhail Gorbachev; in *The Independent* (U.K.) November 10, 1986.

II. THE SOUTH AFRICAN COMMUNIST PARTY

"But finally, let us once again greet our South African Communist Party [SACP]. Long live the SACP!"—Oliver Tambo, Speech at the 60th Anniversary of the

SACP; *African Communist*, no. 87, fourth quarter, 1981.

"The ANC speaks here today, not so much as a guest invited to address a foreign organization. Rather we speak of and to our own."—Oliver Tambo, Speech at the 60th Anniversary of the SACP; *African Communist*, no. 87, fourth quarter, 1981.

"It is often claimed by our detractors that the ANC's association with the SACP means that the ANC is being influenced by the SACP. That is not our experience. Our experience is that the two influence each other." —Oliver Tambo, Speech at the 60th Anniversary of the SACP; *African Communist*, no. 87, fourth quarter, 1981.

"And members of the ANC fully understand why both the ANC and the SACP are two hands in the same body, why they are two pillars of our revolution."—Moses Mabhida, *African Communist*, no. 87, fourth quarter, 1981.

"The relationship between the ANC and the SACP is not an accident of history."—Oliver Tambo, *African Communist*, no. 87, fourth quarter, 1981.

"It [the SACP] fully supports the same programme of liberation as the ANC for the seizure of power."—Moses Mabhida, *African Communist*, no. 87, fourth quarter, 1981.

"Ours [the ANC and the SACP] is not merely a paper alliance . . . it is a living organism that has grown out of struggle."—Oliver Tambo, Speech at the 60th Anniversary of the SACP; *African Communist*, no. 87, fourth quarter, 1981.

"Our history [ANC and SACP] has shown that we are a powerful force because our organizations are mutually reinforcing."—Oliver Tambo, Speech at the 60th Anniversary of the SACP; *African Communist*, no. 87, fourth quarter, 1981.

"I have the great pleasure today of repeating on behalf of the African National Congress and our people in general, our congratulations to Comrade Moses Mabhida General Secretary of the SACP. We utter these congratulations with a sense of confidence, knowing his background, knowing his role in our struggle especially in the discharge of his tasks in the ANC, his absolute loyalty to his understanding—profound understanding—of the character of the South African situation and its problems."—Oliver Tambo, *African Communist*, no 87, fourth quarter, 1981.

"Our Party's relationship with the ANC is based on mutual trust, reciprocity, comradeship in battle and a common strategy for national liberation. Our unity of aims and methods of struggle are a rare instance of positive alignment between the forces of class struggle and national liberation."—Moses Mabhida, *African Communist*, no. 87, fourth quarter, 1981.

"Comrades, our policy is based on a long association with the ANC which reflects our Party's attitude towards national liberation. We are clear about the priorities of our struggle, first National Democratic Revolution and then an advance toward socialism."—Moses Mabhida, *African Communist*, no 87, fourth quarter, 1981.

"Our Party's stand as far as national liberation goes in South Africa is quite clear. It fully supports the same programme of liberation as the African National Congress, for the seizure of power and black majority rule. The National Liberation Movement, to quote Lenin, 'is a necessary ally of the proletarian revolution.' "—Moses Mabhida, *African Communist*, no. 87, fourth quarter, 1981.

"* * * by then [1969] no significant differences existed between the two organizations [the SACP and the ANC] on the immediate content, strategy and tactics of the South African revolution."—Sol Dubula, *African Communist*, no. 87, fourth quarter, 1981.

"Today the ANC and the SACP are embraced in the common front of liberation. In the words of the ANC at the 1969 joint meeting of representatives of the two leaderships, these organizations constitute 'the two pillars of our struggle.' "—Sol Dubula, *African Communist*, no. 87, fourth quarter, 1981.

"The national liberation movement in South Africa largely owes its present scope and clarity of perspectives to our party's tireless activity in the organizational, political and ideological spheres. The well-thought out and clear-cut concepts and tenets based on the theory of scientific socialism are now no longer the exclusive asset of the communists, but have been variously spread to broad sections of the fighters of liberation. Many communists have risen to leading posts in various sectors of the national liberation movement. We were also a party to the decision to go over to armed struggle. There are many communists among the Umkhonto We Sizwe combat units, including their commanders."—Yusuf Dadoo, *World Marxist Review*, December, 1982.

"Individual members of the Communist Party are like any member of the ANC."—Oliver Tambo, interview with *The Guardian* (U.K.), August 6, 1983.

"Today the ANC and the SACP have common objectives . . . we share the strategic perspectives of the task that lies ahead."—*Umsebenzi*, vol. 1, no. 1, 1985.

"The national revolution . . . is the special province of the oppressed nationalities; the socialist revolution takes the form of class struggle led by the working class of all national groups. The two revolutions co-exist . . . They interact . . . They are closely knit as Siamese twins. To separate them would need a surgical operation which might kill or cripple both."—*Sechaba*, June, 1985.

"From the earliest days communists have worked unstintingly to strengthen the ANC."—Message from the SACP to the ANC Consultative Conference; Documents of the Second National Consultative Conference of the ANC, June 16-23, 1985.

"Dear Comrades and Brothers: your victories are our victories. Let us march forward side by side to freedom. Long live the ANC."—Message from the SACP to the ANC Consultative Conference; Documents of the Second National Consultative Conference of the ANC, June 16-23, 1985.

"The South African Communist Party has a long history of association with the ANC—an alliance which has now developed into a brotherly alliance."—Message from the SACP; Documents of the Second National Consultative Conference of the ANC, June 16-23, 1985.

"The South African Communist Party sends warmest fraternal greeting to the 1985 Consultative Conference of the African National Congress and wishes it every success in its deliberations. Your conference marks an historical milestone along the road to liberation and will speed up the pace of the liberation forces in their forward march to inevitable victory."—Message from the SACP; Documents of the Second National Consultative Conference of the ANC, June 16-23, 1985.

"Those who dream of breaking the life-giving alliance between the ANC and the SACP will strike rock."—*Sechaba*, September, 1985.

"The alliance between the Communist Party and the ANC has no secret clauses."—Joe Slovo, in *Washington Post*, February 1, 1986.

"The communist Party is the only party that stands behind us."—J.J. Gumede, *Umsebenzi*, vol. 2, no 1, 1986.

"The ANC was established in 1912 and the South African Communist Party in 1921 and so there has been an overlapping of membership all along the line."—Oliver Tambo, in *New York Times*, June 24, 1986.

"It is true that the ANC has members of the Communist Party."—Oliver Tambo, in *New York Times*, June 24, 1986.

"All true South African democrats refuse to denounce the Communist Party."—Alfred Nzo, in the *Washington Post*, August 2, 1986.

"There isn't such a fundamental divide between what people call nationalists and Communists in the South African scene."—Joe Slovo, in the *New York Times Magazine*, October 12, 1986.

"If, today, the South African Communist Party can look back with pride at its contribution to the struggle, it is precisely because its history, with all of its ups and downs, is a reflection of this process. It is a process which did not unfold in a vacuum, and, more especially, it is one which cannot be separated from the emergence and growth of the African National Congress."—Joe Slovo, in *Washington Post*, February 1, 1987.

"Those who know something of our history will also know that cooperation between the ANC and the SACP began long before they were both driven underground. During the days of legality neither Communists who were also active in the ANC nor ANC members who were active in the CP had reason to hide their political identities."—Joe Slovo, in *Washington Post*, February 1, 1987.

III. VIOLENCE

"Our movement, as other revolutionary movements before it, has a responsibility to take advantage of such moments when the activity of the masses is increased a thousand-fold, when the masses are prepared to fight to the finish for the destruction of their adversary."—Documents of the Second Consultative Conference of the ANC, June 16-23, 1985.

"Indeed, the Conference has been described as a Council of War precisely because it charted the way forward to the intensification of armed struggle. It decided that the distinction between 'hard' [military] and 'soft' [civilian] targets should disappear. This is not a new idea."—Documents of the Second Consultative Conference of the ANC, June 16-23, 1985.

"But what I have said here is that in the course of intensification of the struggle the distinction between soft [civilian] and hard [military] targets—buildings and people—will naturally disappear. In the intensified situation, in the intensified conflict, in the course of escalation, that is not going to be avoidable."—Oliver Tambo, Communique; Second National Consultative Conference of the ANC, June 16-23, 1985.

"I will summarize the position taken by the conference in these terms: that the struggle must be intensified at all costs."—Oliver Tambo, Communique; Second National Consultative Conference of the ANC, June 16-23, 1985.

"The distinction between 'soft' [civilian] and 'hard' [military] is going to disappear in an intensified confrontation, in an escalating conflict."—Oliver Tambo, Communique; Second National Consultative Conference of the ANC, June 16-23, 1985.

"We hope that this is a very, very solid beginning of the era of popular war—the people's war that must involve large numbers of the masses participating with them, playing a definite role."—Oliver Tambo, Radio Freedom; Foreign Broadcast Information Service, July 25, 1985.

"White residential areas are the next target in the battle against apartheid."—Oliver Tambo, in *London Sunday Times*, September 8, 1985.

"The ANC will no longer try to prevent death or injury to white civilians in South Africa and expects a bloodbath there."—Oliver Tambo, in *Newsweek*, September 9, 1985.

"Life in townships is no longer like it was before . . . here collaborators and informers live in fear of petrol, either as petrol bombs being hurled at their home and reducing them to rack and ruin, or as petrol dousing their treacherous bodies which are set alight and burned to a charred and despicable mess . . . lucrative it still is to sell out, but it carries the immediate hazard of having one's flesh and bones being reduced to unidentifiable ashes."—Cassius Mandela, *Sechaba*, November, 1985.

"With our necklaces, we shall liberate this country."—Winnie Mandela, in the *Washington Post*, April 13, 1986.

"Whatever the people decide to use to eliminate those enemy elements is their decision. If they decide to use necklacing, we support it."—Alfred Nzo, *London Sunday Times*, September 14, 1986.

"*If* there were only four million of us [black South Africans] left [out of 17 million] after the revolution, that would be better than the present situation."—Johnny Makatini, in the *New York Times*. October 9, 1986.

"It is also vital that each mass revolutionary base must have its combat forces, which will act both to defend the people and to mount armed attacks against the enemy beyond the given area and throughout the country."—Oliver Tambo, in the *New York Times*, January 9, 1987.

"We cannot say we won't attack 100 soldiers because there are 10 civilians there. There's nothing new in a war situation about civilians being killed."—Oliver Tambo, in *Washington Post*, January 29, 1987.

IV. SOURCES

African Communist is the official journal of the South African Communist Party.

Sol Dubula is the General Secretary of the South African Communist Party.

Yusuf Dadoo is a leader in the South African Communist Party.

Foreign Broadcast Information Service is a U.S. government organization which monitors foreign radio and television broadcasts.

Kommunist is the theoretical journal of the Central Committee of the Communist Party of the Soviet Union.

Johnny Makatini is the African National Congress Representative to the United Nations.

Cassius Mandela is the daughter of Nelson Mandela and a youth leader in South Africa.

Winnie Mandela is the wife of ANC leader Nelson Mandela, and is considered one of the major leaders within the African National Congress.

Francis Meli is a member of the National Executive Committee and Editor of the ANC's official magazine *Sechaba*.

Moscow News is a publication of the Soviet government.

Alfred Nzo is the General Secretary of the African National Congress.

Pravda is the daily paper of the Communist Party in the Soviet Union.

Pretoria News in an independent liberal newspaper in Pretoria, South Africa.

Radio Freedom is the official ANC radio station, based in Addas Abbis, Ethiopia.

Sechaba is the official publication of the African National Congress, published in the German Democratic Republic.

Second Consultative Conference of the ANC was a meeting of high-level ANC officials. All text taken from ANC publications available from ANC offices in London. Joe Slovo is the former Chairman of the South African Communist Party and is a leading military strategist for the military wing of the ANC.

Oliver Tambo is the President of the African National Congress.

TASS is the official Soviet press agency.

Umkhonto We Sizwe is the military wing of the African National Congress.

Umsebenzi is an occasional newsletter of the South African Communist Party.

World Marxist Review is a monthly journal published in East Germany.

INAUGURATION OF SOUTH KOREAN PRESIDENT ROH TAE WOO

Mr. ROCKEFELLER. Mr. President, this is an historic day in South Korea—the inauguration of President Roh Tae Woo.

After a divisive and bitter election campaign last year, Roh Tae Woo emerged as the victor with a plurality of only 36 percent. In a break with tradition, he immediately established national reconciliation as his principal goal. He extended himself to the losing candidates, attempting to draw them into the transition process. He has signaled repeatedly to the Korean people that he would not be a President removed from the citizenry. Through simple gestures such as carrying his own briefcase, as well as more substantive measures such as naming as his Prime Minister former Seoul National University President Yi Hyon-chae, a nonpolitician of indisputable integrity, Roh Tae Woo has demonstrated his commitment to humanizing and democratizing the Presidency. The response to the Korean people during this period of dramatic change has been extremely positive and constructive.

The next step in the political process will be National Assembly elections. I look forward to a hard-fought campaign and, once again, free and honest elections.

Of great concern to the United States is our bilateral relationship with South Korea. I can say that it has never been stronger or more important. This is a critical time for both countries, and the emergence of a democratic government in Korea can only serve to strengthen our bonds and contribute to stability on the Korean Peninsula which is so vital to us.

I met with President Roh Tae Woo in Seoul last month and found him most impressive. He was deeply concerned about Korea's relationship with the United States, yet saw great opportunities for us both. I look forward to working together with President Roh and his new government to further our mutual interests in the Asian region.

NORIEGA'S DISMISSAL

Mr. HELMS. Mr. President, today the President of Panama has formally asked Panama's military dictator, General Noriega, to step down. At the moment, the situation is uncertain. It is not clear whether General Noriega will relinquish power, and return Panama to the Panamanians.

I hope for the sake of the people of Panama that General Noriega goes peacefully. He has trampled upon the hopes of the Panamanian people for freedom and democracy, using his position of power for his own personal accumulation of illegal wealth. He has catered to the international banking system on the one hand, and to the Marxists and Communists of Central America on the other. He has callously indulged in drug trafficking, gun-running, and every other kind of illegal activity for private gain.

Mr. President, it is now clear that General Noriega has lost the support of every segment of the U.S. Government, with the possible exception of the Central Intelligence Agency. The CIA has consorted with this notorious individual for a decade or more, even though his aims and methods were clear to any decent observer. It is time for the CIA to review its policies and methods in supporting corrupt, left-of-center power brokers in the Third World. Such activities undermine freedom and strengthen the grip of Marxist regimes around the world.

I have long been deeply concerned, for over a decade, about the criminal and subversive activities of Panama's dictator, General Noriega.

The damage that General Noriega has done to the security of the United States and to the security of the hemisphere as a whole may never be fully known. The damage that Noreiga has done is massive and may never be repaired in full.

Mr. President, it is no exaggeration to say that General Noreiga has betrayed the security of the American republics to the masters of the Kremlin and their Cuban viceroy, Fidel Castro.

Not only has he betrayed the military security of the hemisphere, he has betrayed millions of the families throughout the hemisphere who suffer from the terrible effects of drug abuse. General Noriega has compromised the public health of every republic in the New World through his dealings with the Colombian based cocaine-Mafia.

On February 5, the U.S. Attorney for the Southern District of Florida announced the unsealing of a 12-count indictment returned the day before by a Federal grand jury in Miami.

The indictment charges Noriega with exploiting his official position as head of the intelligence section of the Panamanian National Guard and then as commander in chief of the Defense Forces of the Republic of Panama to receive payoffs in return for assisting and protecting international drug traffickers in conducting narcotics and money laundering operations in Panama.

According to the indictment, Noriega protected cocaine shipments flown from Medellin, Colombia, through Panama to the United States; arranged for the transshipment and sale of ether and acetone, including such chemicals previously seized by the Panamanian Defense Forces, to the Medellin Cartel; provided a refuge and a base for continued operations to the Medellin Cartel after the murder of the Colombian Minister of Justice; agreed to protect a cocaine laboratory being constructed in Darien Province, Panama; and assured safe passage of millions of dollars of narcotics proceeds into Panamanian banks.

Among the specific acts of racketeering charged in the indictment are the movement through Panama of in excess of 2,000 kilograms of cocaine destined for the United States and the transshipment of ether and acetone to a laboratory at a location known as "Tranquilandia" in Colombia.

Mr. President, a similar indictment was returned by a Federal grand jury in Tampa, FL, on the same day, February 5 of this year. Taken together, these indictments are serious in themselves, but do not begin to reflect the overall criminal and subversive activities of General Noriega during his career.

The distinguished Senator from Massachusetts [Mr. KERRY] and I have been working together in a bipartisan spirit on the matter of drug trafficking in the Western Hemisphere for some months. I would add that as chairman of the Subcommittee on Western Hemisphere Affairs, I held field hearings during 1984 on the matter of drug trafficking. These hearings revealed deep and serious problems confronting our Nation and the need for dramatic action.

Back in 1986, we continued our hearings and focused on Mexico and Panama. At that time, the media said the Senator from North Carolina was "Mexico bashing." They said the Senator from North Carolina was "Panama bashing." There was no end of editorials and television commentary bashing the Senator from North Carolina for having dared to examine the corrupt behavior of the Mexican and Panamanian regimes.

Mr. President, who was right? The media or the Senator from North Carolina? Events have proven this Senator was fully justified in his investigations of the Panamanian dictator and his role in international drug trafficking. I have no doubt that events will do likewise with respect to Mexico.

I should point out that the distinguished Senator from Massachusetts [Mr. KERRY] attended these hearings and indicated that he shared my concerns about Mexico and Panama. We agreed to work together in a bipartisan spirit in order to get to the bottom of the drug trafficking crisis in the hemisphere which is destroying family after family here at home. We agreed that we should pursue our investigations to the fullest extent and let the chips fall where they may.

Mr. President, the chips have fallen all over General Noriega, and the whole world is aware of it. He is a menace to the security of this hemisphere. He is a menace to the youth of this hemisphere.

It is time that we get the Noriega years behind us and begin to do whatever we can to help in the reconstruction of Panama. Panamanians deserve democracy. Panamanians deserve domestic tranquility and economic progress. We need to move forward together into the next century as friends, as neighbors, and as partners in the Americas.

DEMONSTRATIONS IN ARMENIA

Mr. RIEGLE. Mr. President, after 70 years, the Kremlin is finally being forced to deal with the injustices imposed by its harsh ethnic policies. In the wake of continued ethnic unrest, General Secretary Gorbachev has called for a Central Committee plenum to develop a new policy addressing the nationalities question in the Soviet Union. It's about time.

This morning's New York Times and Washington Post carry front page stories about major nationalist demonstrations in the Soviet Armenian Republic, involving tens of thousands of citizens—the latest in a series of public protests which have broken loose in the Soviet Union.

Within the last year or so, riots in Kazakhstan over the promotion of a Russian official, the proliferation of independence groups around the country, and a series of demonstrations in the Baltic states, including one occurring today in Estonia, all point to mounting nationalist feelings which are sweeping through the Soviet Republics.

In Armenia, where the largest protests ever reported in the Soviet Union are occurring, demonstrators are demanding action to address the serious pollution problem affecting their Republic. Apart from Chernobyl, pollution there from chemical factories is believed to be the most serious in the Soviet Union. They are also asking that they be reunited with their Armenian brothers and sisters in the neighboring Republic of Azerbaijan.

For 25 years, the Armenian majority living in Nagorno-Karabakh, located in the Republic of Azerbaijan, has appealed to the Soviet leadership protesting economic and cultural discrimination by the Azerbaijanis, and requesting that Nogorno-Karabakh be restored to Armenia.

Earlier this month, the local government council again asked that the region be made a part of Armenia, citing the constitutional guarantee of the right of self-determination. The Kremlin rejected the request.

Although the Armenian demonstrations differ in important ways from those occurring in the Baltic States, the common thread that connects them all is a strong sense of ethnic nationalism and a growing desire on the part of the Soviet citizens to assert greater control over their destinies.

Just last week, General Secretary Gorbachev stated that the need to develop a new nationalities policy is "the most vital, fundamental issue of our society." So far, his glasnost policies have emboldened the people to speak up for their rights, and we will be watching closely to see what this new policy envisioned by Gorbachev will bring. All freedom-loving people hope it will lead to greater respect for the rights of ethnic minorities in the U.S.S.R., and not a retrenching of the gains they have made this past year.

Mr. President, I ask unanimous consent that a series of articles concerning the Armenian demonstrations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 24, 1988]

SOVIET SAYS ARMENIAN UNREST BROKE OUT IN SOUTHERN AREA

(By Philip Taubman)

Moscow, Feb. 23—The Soviet Union today reported major Armenian nationalist disturbances in an ethnically volatile area in the southern part of the country.

The actions, including a rare show of defiance against Soviet policy by local government officials, appeared to be the most serious outbreak of nationalist protests since two days of anti-Soviet rioting shook the central Asian city of Alma-Ata in December.

The press agency Tass said there had been a "breaching of public order" in the Nagorno-Karabakh Autonomous Region, a remote mountainous area within the Azerbaijan Republic near the border with Iran.

NATIONALIST PROTESTS ARE BUILDING

Tass said part of the Armenian population, the predominant ethnic group, was demanding that the territory be attached to the neighboring Armenian Republic. The region has long been a source of dispute between the two republics.

The protests are the latest in nationalist demonstrations around the Soviet Union that have alarmed party leaders in Moscow. The protests apparently led Mikhail S. Gorbachev, the Soviet leader, to call last week for a Central Committee meeting devoted to nationalities policy, which he described as "the most fundamental, vital issue of our society."

The Government newspaper Izvestia said the Armenian protests began 10 days ago and included public rallies and school boycotts. It said they had spread to the Armenian capital, Yerevan, where a "noisy" demonstration demanded the transfer of Nagorno-Karabakh to Armenia.

Unofficial accounts reaching Moscow said that large demonstrations were held in Yerevan the last four days and that the local party leader, Karen S. Demirchyan, had appealed for calm on television Monday evening.

In an indication of Moscow's concern, Izvestia said two nonvoting members of the Politburo, Pyotr N. Demichev and Georgi P. Razumovsky, had been sent to Stepanakert, capital of Nagorno-Karabakh. There were unconfirmed reports that Vladimir L. Dolgikh, a nonvoting member of the Politburo, and Anatoly I. Lukyanov, a Central Committee secretary had been sent to Yerevan.

DEMANDS ARE REJECTED

Tass said the Central Committee had rejected demands for uniting Nagorno-Karabakh with Armenia and had called for maintaining order. Soviet officials said the decisions were made last week in a full meeting of the committee.

Izvestia reported that a group of members of the Nagorno-Karabakh Soviet, the region's legislature, approved a resolution Saturday calling for high-level consideration of the transfer of the region to Armenia.

Several factors apparently prevent the unification of Nagorno-Karabakh with Armenia, including Azerbaijani objections and a reluctance by the authorities in Moscow to adjust internal political boundries. Giving in to nationalist pressure would also be considered a dangerous precedent.

The Soviet Union is composed of more than 100 ethnic groups that were united under Soviet control in the 1920's, in some cases by force. Many remain hostile to Moscow and, encouraged by Mr. Gorbachev's calls for increased openness and democracy, have agitated for greater autonomy.

Armenians, along with Jews and ethnic Germans, have sought to emigrate to the West in greater numbers than other Soviet national groups. More than 1,000 Armenians a month have been receiving permission to emigrate since late last year. Many have moved to the Los Angeles area, where there is a large Armenian population.

Russians make up 51.5 percent of the Soviet population, but Soviet experts expect Russians will be a 49 percent minority by 2000.

The force of nationalism is viewed by some Western analysts as the most serious long-term threat to the integrity of the Soviet state.

The Government has reported incidents of nationalist protest during the last 18 months in the Baltic cities of Vilnius, Riga and Tallinn as well as the central Asian cities of Alma-Ata and Tselinograd and the Siberian area of Yakutia.

The Government today temporarily closed a Baltic republic, Estonia, to foreign diplomats and journalists. Estonia nationalist groups have called for demonstrations in the republic Wednesday to mark the 70th anniversary of Estonia independence day. The republic was independent for 20 years between the World Wars. Estonia and its sister republics, Lithuania and Latvia, were annexed in 1940.

The disturbances in Nagorno-Karabakh began Feb. 11 when leaflets started appearing around the region calling for unification with Armenia, Izvestia said.

The region is an area of arid mountains that is known for the longevity of many residents and the production of sheep, pigs, grapes and tobacco. It is composed of 126,000 Armenians, who are predominantly Christian, and 37,000 Azerbaijanis, who are Moslem.

Although the vote of the local Soviet on Saturday favoring a review of Nagorno-Karabakh's status was declared invalid because of unspecified procedural violations, a text of the resolution was printed in Russian and Armenian in the region's main newspaper, Soviet Karabakh, according to Izvestia.

Izvestia reported that Mr. Razumovsky, who is also a Central Committee secretary, said at a meeting of the local party organization in Stepanakert on Monday evening that any attempt to break Nagorno-Karabakh away from Azerbaijan was unacceptable.

The local part organization adopted a resolution that conformed with his statement, Izvestia said. Tass said the demands for secession "contradict the interests of the working people in Soviet Azerbaijan and Armenia and damages interethnic relations."

[From the Washington Post February 24, 1988]

SOVIET ARMENIANS PROTEST THEIR SEPARATION

(By Gary Lee)

MOSCOW, Feb. 23—In one of the largest nationalist protests ever held in the Soviet Union, tens of thousands of Armenians demonstrated in the streets of their regional capital last night to demand that they be joined with their compatriots in a neghboring republic, dissident sources reported today.

It was the second ethnic protest in the Soviet Union this month and came only days after Soviet Leader Mikhail Gorbachev told a Communist Party plenum that nationalist tensions were "the most fundamental, vital issue of our society."

According to the Soviet government newspaper Izvestia and the official news agency Tass, demonstrations erupted in the streets of the Armenian capital, Yerevan, and in Stepanakert, in the neighboring republic of Azerbaijan, as Armenians in both areas protested the 1923 decision to divide them by setting up an autonomous region in Azerbaijan.

The official Soviet media did not provide estimates of the number of protesters, but Armenian dissident sources in Moscow said that at least 50,000 were involved.

The demonstrations had grown so much by Monday that Armenian Communist Party leader Karen S. Demirchyan appealed on television and in newspapers for calm to be restored in the region and gave assurances that the Armenian nationality problem would be addressed.

Armenia and Azerbaijan are two of the 15 Soviet republics. The demonstrations taking place are part of a wave of nationalist protests that started in late 1986 when a violent riot broke out in Alma Ata, capital of the Central Asian republic Kazakhstan. Last week a peaceful nationalist demonstration was broken up by Soviet police in the Baltic republic of Lithuania.

Activists in another Baltic republic, Estonia, have urged residents to gather on Wednesday in the streets of the Estonian capital, Tallinn, and four other cities to demonstrate their desire for autonomy.

The Armenian demonstrations started in Azerbaijan's autonomous region of Nagorno-Karabakh two weeks ago, eventually spread to Yervan and continued until today, Soviet dissident Alexander Ogorodnikov said in an interview in Moscow today.

The squabble dates back to before the 1917 Russian Revolution. Nagorno-Karabakh, 95 percent Armenian, became an autonomous republic at the beginning of Soviet rule. But the region, which now has a population of 160,000, was made part of Azerbaijan by a Kremlin decree in November 1923, according to an official Soviet encyclopedia.

The new protests were touched off on Feb. 11, Izvestia reported today, when Armenians in Stepanakert, the largest city in Nagorno-Karabakh, pasted up posters with their demands to be rejoined to the Armenian republic. Schoolchildren and students began to boycott classes and demonstrations broke out, Izvestia said.

Last Friday thousands of Armenian demonstrators, in solidarity with protesters in Nagorno-Karabakh, gathered around the opera house in Yerevan, according to Ogorodnikov, a former Soviet political prisoner who lives in Moscow but maintains close contact with sources in Armenia.

Daily demonstrations in Yerevan continued through the weekend and Demirchyan made his appeal to the public yesterday.

Relations between Azerbaijan and Armenian are usually tense because of religious differences. Azerbaijan is largely Shiite Moslem while Armenia is predominantly Christian. Protests in the region have occurred before, but have always been contained in a limited area.

The Kremlin leadership, in reaction to the flare-up, sent nonvoting Politburo members Georgi Razumovsky and Pyotr Demichev to the area early this week and passed a resolution calling on local party leaders there to resolve the conflict. In a message to party leaders in Nagorno-Karabakh, Razumovsky said that the Soviet Central Committee had found the demands of the protesters unjustifed.

According to Izvestia, however, local party leaders acknowledged that the demands of the demonstrators should be addressed. Deputies of the party committee in Nagorno-Karabakh had passed a resolution calling for a reexamination of the question, Izvestia said.

But, in a signal of a rift between Moscow and local leaders over the issue, Razumovsky told party officials in Stepanakert yesterday that "the party Central Committee considers actions and demands directed at a review of the existing national territorial situation [to be] against the interests of the workers of Azerbaijan and Armenia," Izvestia said.

The dispute is similar to a continuing disagreement between Crimean Tatars and the Kremlin leadership over whether the Tatars should be allowed back into their own autonomous republic, which was taken from them after World War II.

The Crimean Tatars, who staged a major demonstrated in Moscow last summer to protest their ouster from the Soviet Crimea, are among several nationalities who have attracted attention here in the past year. At a Central Committee meeting in Moscow last week, Gorbachev proposed that a special Central Committee plenum be held on the issue.

A TRIBUTE TO OLYMPIC GOLD MEDALIST BONNIE BLAIR

Mr. DIXON. Mr. President, I rise to congratulate Bonnie Blair of Champaign, IL, who won America's second gold medal in the 15th Winter Olympics. Bonnie's rival in the women's 500-meter speed skating, East Germany's Christa Rothenburger, skated first in the event and set a new world record with a time of 39.12. Bonnie remained confident, however, because she had beaten that time in a practice lap earlier in the week. Bonnie started quickly and skated with determination. When she crossed the finish line, she had broken Rothenburger's record by two one-hundredths of a second and won the gold medal.

Twenty-three-year-old Bonnie Blair has lightened the heart of every American who has watched the American team at Calgary. She is a source of pride to her family, her town, and every citizen of the United States. Her feat exemplifies the true spirit of the Olympics. As she said herself, "I think I got it on guts." Winning the gold medal was an outstanding achievement which she considers the greatest moment in her life and we can all share her glory and happiness.

Further, I would like to commend the Champaign Police Benevolent Association, who sponsored Bonnie Blair. Without their support and generosity, and the support and generosity of all the sponsors, great athletes like Bonnie would not be able to compete with the best amateurs in the world in an event as unique as the Olympic Games.

Bonnie is still scheduled to skate in the 1,000 and 1,500 meters. I wish her and the rest of the American team the best of luck.

Thank you.

THE VIETNAM WOMEN'S MEMORIAL PROJECT

Mr. CRANSTON. Mr. President, the Committee on Energy and Natural Resources Subcommittee on Public Lands, National Parks, and Forests held a hearing on Tuesday, February 23 on S. 2042, a bill to authorize the Vietnam Women's Memorial Project [VWMP] to construct a statue of a woman Vietnam veteran at the Vietnam Veterans Memorial site here in Washington. As a coauthor, with Senator DURENBERGER, of S. 2042, which is now cosponsored by 54 Senators, I deeply regret that a scheduling conflict with the INF Foreign Relations Committee hearing at which Henry Kissinger was testifying on Tuesday afternoon prevented me from testifying on behalf of S. 2042 before the subcommittee.

Mr. President, I ask unanimous consent that the text of my prepared testimony for Tuesday's subcommittee hearing be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ALAN CRANSTON

Mr. Chairman and members of the Committee, as a coauthor of S. 2042, I am delighted to appear before you today to urge your Subcommittee and the full Committee to report this legislation favorably in order to authorize the Vietnam Women's Memorial Project (VWMP) to establish a statute of a woman Vietnam veteran at the Vietnam Veterans Memorial (VVM) in Washington, D.C. I congratulate the Chairman for scheduling this hearing in such a timely manner—just as he said he would last December.

I am delighted to note that S. 2042 is now sponsored by 54 members of the Senate

The goal of the VWMP is to recognize the sacrifices and contributions made by women who served in the Vietnam conflict and to educate the public about the role of these women. As a charter member of the VWMP Congressional Advisory Panel, I have great admiration and respect for the commitment, effort, and fine work of the individuals associated with the VWMP in working to attain their goal.

As the Chairman of the Veterans' Affairs Committee, I know that the women who served in and with our Armed Forces with honor, strength, and commitment are often overlooked when our Nation recognizes its veterans.

And women veterans are still much less likely than their male counterparts to use veterans' benefits such as home loan guaranties and VA health care—in part because they are not aware that such benefits are available. Many women veterans do not realize that some of their stress-related symptoms may have been caused by their service in Vietnam. I believe that the VWMP proposed statute, by acknowledging the sacrifices made by women during the Vietnam conflict, would accelerate the healing process for the women who served their country during this very difficult time.

Unfortunately, the efforts of supporters of the VWMP to complete the VVM with a statute of a woman veteran have been stymied. Late last year, Secretary of the Interior Donald P. Hodel endorsed the VWMP proposal and concluded that it was authorized by Public Law 96-297, the law providing for construction of the VVM. With the support of Secretary Hodel, every major veteran's organization, including those who are testifying before the Subcommittee today, and many members of Congress, the VWMP proposal was presented to the Commission of Fine Arts (CFA) for consideration. Despite the very strong support for the project, on October 22, 1987, the CFA rejected it.

CFA Chairman J. Carter Brown, in a letter to Secretary Hodel explaining the CFA's rejection of the VWMP's proposal, said "the Commission believes that any added elements such as the proposed statute will have the appearance of an afterthought." I disagree.

Since I began working with the VWMP, I have been impressed by the project's dedication to ensuring, through careful planning, that the addition of the proposed statue would complement the existing Memorial. The bronze statue proposed by the VWMP is similar in appearance and demeanor to the statue of the three combat soldiers already in place at the Memorial. The proposed placement of the statue at the end of the Wall opposite to the end where the existing statue is placed, would, as Secretary Hodel has pointed out, provide a sense of completion and balance to the Memorial, allowing visitors to walk in a full circle as they visit the different elements of the Memorial site.

Mr. Brown has further said that women are recognized through the symbolism in the statue of the combat soldiers and by the inscription on the Wall of the names of the eight women who died in Vietnam. I do not agree that women veterans are sufficiently represented at the VVM. The "Three Fighting Men" statue has eloquently captured the emotions felt by many men who were involved in combat in Vietnam. However, because women were and are legally barred from combat, this statue does not represent the contributions made by women veterans. In addition, few visitors to the Wall have the opportunity to note the 8 women's names among the 58,146 names inscribed there. A statuary representation of the 10,000 women who served would provide a vivid reminder of the sacrifices and contributions made by these women during the Vietnam conflict.

I was deeply disappointed by the CFA's shortsighted decision. It prompted the introduction of separate bills last year by Senator Durenberger and me—S.J. Res. 215 and S. 1896—with the common goal of authorizing construction of the VWMP proposed statue but providing for different approval processes for the proposal. We have now merged our view points and developed a new proposal which resulted in S. 2042. As I proposed in S. 1896, S. 2042 includes the CFA in the approval process. I believe that bypassing the CFA, which has advised the President, Members of Congress, and various governmental agencies on matters pertaining to the appearance of Washington since the Commission was established by Congress in 1910, would send the wrong signal as to the value and merit of the proposed statue.

S. 2042 would also provide a timetable for the approval process. Under this measure, the Secretary of the Interior would be required within 30 days after the date of the enactment of this act to decide whether or not to approve the design and plans for the project. Should the Secretary fail either to approve or reject the plans within that 30 days, Secretarial approval would be considered, by operation of law, to have been given, and the VWMP proposal would be forwarded to the Fine Arts and National Capital Planning Commissions. Then, under the bill, if either Commission failed to report to the Secretary their approval or rejection of the proposal within 90 days after the plan is submitted to them, the approval of one or both of the Commissions, as appropriate, would be deemed, by operation of law, to be given.

Our bill further would express the sense of the Congress that establishment of the VWMP is a fitting and appropriate way to help complete the process of recognition

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and healing for the men and women who served in the Vietnam conflict. In addition, the bill expresses the sense of the Congress that establishment of the statue is well within the scope of Public Law 96-297 and that the Secretary of the Interior and the Commission should give weighty consideration to the sense of the Congress that a statue of a woman Vietnam veteran should be constructed at the Vietnam Veterans Memorial site.

S. 2042 also expresses the sense of the Congress that with the addition of the VWMP statue the Vietnam Veterans Memorial would be complete and that no further additions to the site should be authorized or undertaken. This provision should help alleviate concerns expressed by CFA Chairman Brown that the VWMP's statue would become the first in a long string of additions to the VVM. I believe that with the addition of the servicewoman the VVM would fulfill the original intent of the authorizing legislation enacted to honor the dedication and sacrifices of the women as well as the men who served on behalf of this nation during the Vietnam conflict. If your Subcommittee believes it would be appropriate and desirable, I urge that you seriously consider converting this sense-of-the-Congress language into a statutory direction as to the completeness of the VVM with the addition of the VWMP statue. Both Senator Durenberger and I would strongly support such a statutory direction.

Finally, I would like to address the issue of the commercialization of memorials. During the recent controversy over the VWMP, the copyright agreement for the "Three Fighting Men" statue—the statue that now accompanies the Wall—received a great deal of publicity. According to a November 11, 1987, Washington Post article, the sculptor had, as of that date, collected $85,000 in royalties from the sale of souvenir reproductions of his combat soldier statue. In contrast, the designer of the Wall receives no royalties and holds no copyright for that exquisite, extraordinary design. I am deeply concerned that other sculptors of national memorials will also seek royalties and commercialize memorials designed to honor individuals who have served our country. For example, the sculptor of the "Lone Sailor" statue which is now part of the Navy memorial cited the "Three Fighting Men" copyright agreement when he negotiated the royalty arrangement for his sculpture and has received $100,000 in royalties from the sale of small reproductions sold to raise money for that monument.

To prevent commercialization of the VWMP statue, I strongly urge that the Committee consider adding a provision to S. 2042 that would specify that any copyright agreement for the VWMP statue must provide that all royalties from the sale of reproductions of the statue be paid to the United States Government. In the event you do so, a similar generic provision should probably also be added to the Commemorative Works on Certain Federal Lands in the District of Columbia Act, Public Law 99-652.

It is my hope that S. 2042 will serve as a rallying point in our effort to establish a woman Vietnam statue. Proponents of the VWMP must work together to convince the CFA and the National Capital Planning Commission of the desirability and merit of this project. I recognize that that may not be easy. But with the strong support of Congress, as evidenced by the 50 Senators sponsoring S. 2042, a greater coalescing of support at the grassroots level, the existing support of every major veterans' organization, and the endorsement of the Secretary of the Interior, I believe agreement can be reached with the two Commissions on the site and plans for this most fitting and appropriate addition in much the same way as the original proponents of the VVM had, to overcome and take into account similar opposition over the fundamental design of the memorial.

I urge your Subcommittee to favorably report S. 2042 to the full Committee and to consider carefully making the modifications I have raised today. I offer you the full cooperation of the Veterans' Affairs Committee and its staff as you proceed with consideration of this legislation.

THE CONVENTIONAL FORCES OF NATO AND THE WARSAW PACT, THE MILITARY BALANCE, 1987-88

Mr. WIRTH. Mr. President, each year, the prestigious International Institute for Strategic Studies [IISS] publishes its highly regarded The Military Balance. This year, recognizing the diminishing utility of traditional numerical balances, IISS departs from past practices, and offers a thoughtful essay regarding alternative means to assess the conventional balance in Europe. The essay, reproduced below, examines several reasons for assessing the balance, discusses various considerations that one should include in such assessments, and describes different methodologies for making these assessments.

IISS offers several reasons for studying the balance. Among them are evaluating relative force effectiveness, determining priorities for defense expenditures, identifying possible arms control measures to reduce tension and promote stability, and even rallying public opinion to support a country's foreign or defense policies.

Regarding the considerations of which one must take account in these evaluations, IISS notes the utility (especially for arms control) while stressing the limitations of numerical comparisons. Among other things, one must consider respective strategies, that is, for what purpose are the weapons intended, in order to evaluate the balance between them. Furthermore, the assumptions one must necessarily make in assessing the balance dramatically affects one's conclusions. One must ask, for example, what forces to include in the balance; how to aggregate the forces for comparison; whether and how to address readiness and combat capability; what will be the conflict scenario; what will be the political reactions to enemy mobilization; and how to factor in nonsuperpower forces.

ISS further argues that one must consider numerous intangibles. Examples include: "quality of units or equipment, geography, doctrine, military technology, deployment, training, logistical support, morale, leadership, tactical initiative, terrain, weather, political will, alliance cohesion, and interoperability."

IISS, as noted, discusses alternative approaches to evaluating the balance. According to IISS, these approaches fall into two broad categories, both of which progress beyond simple static "bean counts." These categories are numerical comparisons that attempt to provide sophisticated measures of force capability, and dynamic comparisons that examine the interaction between opposing forces in combat scenarios. While the methodologies included in these categories are generally superior to simple numerical comparisons, they too have limitations. Any assessment of these methodologies must by definition include constantly changing and difficult to quantify factors, for example, the intangibles noted above and differences in equipment, mobilization, resupply capabilities, and deployment patterns. Examples of dynamic measures include the following approaches: Investigations of force ratios necessary for successful attack (or defense); analyses of relative combat potential, a measure that includes pace of combat, time to mobilize and reinforce, and ratio of forces to space; examination of relative tactical effectiveness and efficiency indices; and various sophisticated "war-gaming" analyses.

Unlike previous editions of The Military Balance, IISS has chosen this year not to offer any overall evaluations of the conventional balance in Europe. Consistent with past editions, however, IISS does conclude that "under a wide range of circumstances, general military aggression is a high risk option with unpredictable consequences, particularly where the possibility of nuclear escalation exists." The IISS essay follows:

[From The Military Balance, 1987-88]

THE CONVENTIONAL FORCES OF NATO AND THE WARSAW PACT

For twenty years the IISS has included in The Military Balance a section on the East-West conventional balance in Europe, presenting levels of forces and equipment on the two sides and, since the 1981-1982 edition, providing force ratios. This comparison has been much quoted, but also at times misrepresented. Recent events—including progress towards the signing of an INF agreement, the prospect of a new round of negotiations on conventional force reductions in Europe, debates over NATO's military spending and modernization requirements, and proposals for modifying or even radically altering NATO strategy—have all focused increased attention on the issue of the balance of forces in Europe.

In the light of these developments, the Institute has decided to adopt a different approach to presenting the conventional military forces of NATO and the Warsaw Pact. This essay will examine the various reasons for attempting to assess what is commonly called the "balance" of military forces, discuss some of the considerations which should inform such attempts, and describe

several methodologies that might be employed, together with their limitations. A summary table of NATO and Warsaw Pact conventional forces is included at the end, drawn from the country entries. No single overall conclusion or assessment of the "balance" will, however, be offered.

WHY ATTEMPT TO MEASURE THE BALANCE?

There are a variety of possible reasons for attempting to assess the relationship between the conventional military forces of the two blocs in Europe. It is critical for any analysis to understand the range of these potential reasons, since the data and methodology that are appropriate will differ depending on the reason chosen.

Analysis may be designed to assess relative force effectiveness, either to judge the ability of one side to deter aggression by the other, or to determine the likely outcome of conflict over a chosen period of time. Force comparisons, and the areas of vulnerability they disclose, can be useful in assigning priorities for investment in defense and for choosing whether to spend scarce resources on defence or other programmes. The arms controller may need to assess the relative capabilities and vulnerabilities of military forces on both sides, with a view to identifying possible measures to reduce tension and promote stability. Political leaders, East and West, sometimes use assessments of the "balance" selectively to rally public support for their foreign and defence policies.

No single approach is likely to prove useful for all purposes. Indeed, it is a misnomer to speak of a single, overall "balance". Although, for ease of exposition, the term "balance" is retained in this essay, it should be clearly understood that the word refers to the complex of interrelationships between the two sides' forces.

WHAT WE OUGHT TO COMPARE

After defining the purpose to be served, the first step in constructing an approach to assessing the balance is to decide what should be compared, and with what.

Static comparisons of like versus like—weighing each side's holdings of comparable weapon systems against the other's—have been widely criticized as irrelevant and potentially misleading. This conclusion is generally valid. In the case of arms control, however, because future treaty limitations will almost certainly be defined in terms of categories of forces and equipment, static comparisons will undoubtedly be used in evolving proposals and coming to assessments of the results. What it is important to remember is that such comparisons provide only partial illumination as to relative force capabilities.

NATO has never sought to build a conventional force structure that is a one-for-one match for the Warsaw Pact's, in part because its strategy is designed to deter a Warsaw Pact attack through a combination of conventional defense and the threat of nuclear escalation. Unless one is prepared to argue that NATO ought to have the same strategy as the Warsaw Pact (and that the Pact has chosen the optimum force structure for achieving that strategy), it is not particularly relevant that NATO may be numerically inferior in certain categories of weapons. Moreover, some like-to-like comparisons totally miscategorize the relevant mission—for example, the number of ASW systems NATO requires is not a function of how many ASW systems the Warsaw Pact has, but rather of how many submarines the ASW systems must contend with.

In addition, to understand the effectiveness of military forces, the synergy between military forces and weapons must be taken into account. The ground battle will not be fought in isolation; it will be influenced very directly by the capabilities of the air forces and air defenses of both sides. Developments at sea will also affect the land battle, especially if the conflict is extended and its outcome will depend upon reinforcement and resupply.

ASSUMPTIONS

The next step in constructing an approach to assessing the balance is to specify the assumptions. Conclusions about the balance are highly dependent on the assumptions employed.

In developing static comparisons, the most important questions which must be answered are:

Which military forces will be included and excluded?

How will the forces be aggregated for comparison, in terms both of geographical dimensions (e.g. an overall European theatre, or separate fronts and flanks) and of categories of equipment (e.g. combat aircraft, or sub-categories such as interceptors, attack aircraft, etc.)?

How (if at all) will the readiness and combat capability of equipment or formations be introduced?

Dynamic analysis, designed to investigate what might actually happen if war were to occur, is even more critically dependent upon a wide range of assumptions. These include:

The scenario. Why has the conflict begun? What are the political and military objectives of each side? What, if anything, is happening in other theatres (particularly in those which might divert resources otherwise available for operations in Europe)?

Critical time factors. What time has elapsed between the start of mobilization by one side and the response of the other side? How quickly can the forces mobilize and deploy? How long after the start of mobilization does combat begin?

Participating forces. In the case of NATO, what role will French and Spanish forces play, and what access to their bases will US forces have for reinforcement? For the Warsaw Pact, will the East European allies fight alongside their Soviet counterparts, and for how long?

The nature of the combat. What will be the tempo of battle (in terms of rates of fire, attrition, etc.)? What is the likely relationship between offence and defence, given the terrain and each side's ability to mass troops? How will equipment, personnel, C^3I (command, control, communications and intelligence) systems, etc., perform in actual combat?

Many of the aspects requiring assumptions are interactive. Thus, while some errors in assumptions will probably be self-cancelling, others—especially in any dynamic analysis or gaming—will be cumulative, or even multiplicative. Ideally, therefore, analysis should explore the full range of reasonable assumptions for each relevant factor and thus produce a variety of potential outcomes.

ASSESSING THE INTANGIBLES

Efforts to characterize the military balance inevitably face the problem of quantifying factors that are difficult, if not impossible, to measure. Over the years, The Military Balance has identified a number of such factors: including quality of units or equipment, geography, doctrine, military technology, deployment, training, logistic support, morale, leadership, tactical initiative, terrain, weather, political will, alliance cohesion and interoperability. Some analysts have argued that these factors far outweigh more common numerical indicators. "Battle outcomes are quite insensitive to force ratio. . . . The available historical evidence indicates that, short of huge force disparities, the dominant aspects of combat capability are training and tactics."[1] Some of these factors may be especially important to the European balance, for NATO, according to some analysts, has the edge in leadership, training and morale and invests considerable resources in what are known as "force multipliers" such as C^3I and surveillance. These intangibles seem inherently incapable of meaningful quantification. Others, such as technology and logistic support, will be difficult but perhaps not impossible to quantify.

EVALUATING THE DATA

Even relatively tangible variables—such as numbers of tanks or personnel—are subject to varying degrees of confidence in the accuracy of the data. For example, data on NATO forces are likely to be more accurate than that on the Warsaw Pact, and, for Warsaw Pact forces, data on the Central Region are more accurate than for the Western Military Districts of the Soviet Union. Some analysts capture this uncertainty by assigning a range of values to each variable.

ALTERNATIVE APPROACHES TO ASSESSING THE BALANCE

A number of analysts both in and out of government have attempted to build models to capture elements of the NATO/Warsaw Pact balance. The models fall into two broad categories of approach: those that present static comparisons of forces, but attempt to provide a more sophisticated measure of force capability; and those involving dynamic modelling that explore the interaction of the two opposing forces. Each progresses beyond the simple static comparison or "bean-counts", but each also has it own limitations, principally relating to the inevitably debatable nature of the assumptions used.

Enhanced static comparisons

In the past, one of the elements tabulated for comparison in The Military Balance has been the number of divisions on each side. As we have acknowledged, "divisions are not a standard formation between armies", they differ in size, equipment and combat readiness. For this reason The Military Balance has included aggregate data on quantities of equipment to give some measure of the firepower and combat capability of forces.

Some analysts have gone one step further, to create indices of combat capability for whole formations. Such an approach uses assessments of firepower capabilities derived from more or less authoritative estimates of weapon effectiveness to bring all NATO and Warsaw Pact forces onto a common basis for comparative purposes. They also assign separate values for each force depending on whether it is operating in offence or defence. The outcome has typically been expressed in such units of measurement as "Armoured Division Equivalents",[2] "firepower units",[3] "Standard Division Equivalents".[4] This approach can lead to results that differ considerably from raw divisional counts. For example, in the studies cited, the Warsaw Pact advantage is reduced.

While establishing common units of measurement should facilitate more meaningful comparisons between force capabilities, such units are not without limitations. They necessarily ignore most of the significant intangibles (training, leadership, morale, etc.). They require continuous updating; force effectiveness alters with every equipment update or structural change, and changes on one side (e.g. equipping Soviet tanks with reactive armour) will change the effectiveness of the other side's equipment (e.g. NATO's anti-tank weapons). Moreover, any attempt to grade force effectiveness against uniform standards of offensive and defensive capability is likely to require somewhat sweeping assumptions about the mix of combat circumstances typical of each role, and also to pose the difficult problem of how to take proper account of the differing tactical concepts and practices of national forces.

This approach to comparing force capabilities can be enhanced to distinguish combat-ready in-place forces from those which must be mobilized and deployed. Given data, or assumptions, about realistic force mobilization rates, and using a common unit of measurement, one can plot over time the growing availability of in-theatre ground and air force capabilities for each side. The force ratios can be calculated for any point in time, and the implications can be seen of delays between Warsaw Pact and NATO mobilization, or between mobilization and the start of hostilities. Such an approach has been developed for division equivalents by Andrew Hamilton and for tanks by Anthony Cordesman.[5]

A notable difficulty in such analyses is that experts differ considerably in their estimates of how quickly Soviet divisions in the "non-ready" category could be manned, trained and deployed, as well as of how soon NATO's reinforcing divisions would arrive. While Cordesman's tank study assumes the availability of Soviet Category II divisions at about M+30 days, and Category III divisions at M+130, the author notes that "other US and most European experts feel . . . that the USSR would rely on mass and ignore problems of training and the ability to fight as a cohesive unit. They credit Category II units with almost immediate combat capability once they fully mobilize—something that requires 48-96 hours." Uncertainties of this magnitude significantly diminish the utility of the analysis for resolving questions of relative capability.

Yet another key aspect of static force comparisons is sustainability—an advantage in tank numbers is illusory if the ammunition or fuel to sustain them is lacking. Comparison between NATO and the Warsaw Pact in this respect are difficult: stock levels are not generally made public, and expenditure rates will be highly dependent upon the intensity of combat. Comparisons are further complicated by the fact that offensive and defensive operations may have differing logistic requirements for ammunition and fuel.

DYNAMIC MEASURES

Although the static models described provide additional data on capabilities, they do not examine the interaction between the two forces and so do not help the analyst seeking to understand "how well" NATO might reasonably be expected to perform. This is a critical deficiency in the European context, where NATO's goal is not necessarily parity in a particular measure of capability, however sophisticated, but rather an appropriate degree of ability to resist an attack.

Analysts have long employed criteria based on force ratios to judge the probability of an attack succeeding. The two best-known sources are the Lanchester "concentration of firepower" approach (which suggests that, other things—terrain considerations, training, morale, etc.—being equal, offense and defence are equally matched at 1.4:1) and the long-standing military rule of thumb reflected in the 1976 edition of the US Army manual Operations: FM 100-5, which suggests that the defense can hold against an attack at a ration of 3:1. Other analysts have argued in favour of force ratios from as little as 1.2:1 to as much as 5:1 or 6:1. (It is, however, notable that the in-theatre balance of forces at the time of the successful 1940 German offensive on the Western Front was approximately 1:1, and that operations in the Falkland Islands appear similarly to lie outside the theoretical norms.) Any effort to devise a reliable rule of thumb therefore has its pitfalls, with the danger that such key factors as the ability to use surprise and deception, or to exploit a key vulnerability of the other side (for example by destroying vital command and control nodes), may affect the outcome totally independently of the ratio of the two sides' combat capability. It is also important to keep in mind that, insofar as force ratios may be relevant to the outcome, it is likely to be local, rather than theatre-wide, ratios that are determinative.

Some analysts both inside and outside governments have constructed more complex models involving the interaction of military forces in Central Europe. Some are interested in assessing how successful NATO would be in resisting a Warsaw Pact conventional attack; others use the models to define requirements for ammunition stocks and war reserve materials, while yet others focus on sectors of the Front to decide how best to allocate scarce resources between different kinds of new equipment: e.g. helicopters or tanks.

Dr. Richard Kugler has developed the "Attrition/FEBA Expansion Model", which the US Department of Defense has used as part of its programming and budgeting review process, and Dr. Barry Posen has applied this to the scenario of a concentration of Warsaw Pact forces attacking along three corridors into West Germany—seeking to assess the likelihood of a Pact breakthrough (or, conversely, a successful NATO resistance).[6] His analysis takes into account relative combat potential (using Armoured Division Equivalents), time (mobilization rates), the "pace" of combat (attrition rates) and the ratios of force to space and advance rates, as well as the effect of tactical aviation on the ground battle.

This model uses a number of simplifying assumptions, the uncertain validity of which the author explicitly recognizes. Tactical skill and innovation is ignored, and so is the potentially very significant factor of terrain. Also, the model gives a poor representation of the situation as it would exist in a surprise attack with only a few days of mobilization—that is, before NATO could establish a true defensive line. Perhaps most important, the analysis is highly sensitive to the values assigned to the variables, which are a matter of considerable debate. It does, however, have the advantage of treating NATO and Warsaw Pact forces alike in one case, and then introducing a second case in which NATO is credited with a ("combat enhancement factor") to reflect assumed advantages in command, control, communications and logistics. The model also has scope to allow for variations in the delay between Warsaw Pact and NATO M-Days, and between both of these and the start of combat operations.

Andrew Hamilton has constructed a different dynamic model, which also seeks to establish the number of NATO forces required to halt a Warsaw Pact attack by looking at two principal variables. The first of these is "relative technical effectiveness" (the "local ratio of attackers at which the defense will have a better than even probability of defeating an attack"). The second is an "efficiency index" (the fraction of available NATO operational reserves which can be moved to shore up sectors under heaviest attack).

William Kaufman has constructed yet a third model to try to determine the probability of a Warsaw Pact success—which he defines as a breakthrough sufficient to make substantial territorial gains in the Federal Republic of Germany and eventually defeat NATO. He also seeks to show the degree of Warsaw Pact penetration after seven days of combat, using a number of variables: the days of mobilization before attack, the type of attack (broad front or concentrated), whether there has been strategic delay in racting to Warsaw Pact mobilization, tactical error in responding to the specific axis of Warsaw Pact attack, and the existence of barriers along the inter-German border.

In an effort to transcend some of the limitations of the simple dynamic models discussed above, the Strategy Assessment Center of the Rand Corporation in California has begun to develop complex simulation models to assess such key elements as command and control, logistics, the interconnection among elements of combined-arm forces, high technology, barrier defences and the impact of alternative operational strategies (e.g., mobile defences). Through the development of "automated" war-gaming, Rand is able to integrate the contextual richness of war-gaming (and its feel of operational realism) with the predictive power of analytic modelling. Rand's approach allows for multi-scenario analysis (beyond the simple variables of warning time and rate of mobilization), permitting the analyst or policy-maker to manipulate a broad range of variables and assess their effect on outcomes. Its model employs "scripted scenarios", to allow consideration of contingencies (e.g., an early Warsaw Pact breakthrough) outside the scope of models that depend on averaged values (such as the Attrition/FEBA expansion model.[7]

Defining a satisfactory model for assessing the results of a dynamic interchange of military forces is obviously an important task, but the wide range of 'answers' derived from the models, coupled with their high degree of sensitivity to critical assumptions, underlines the difficulty of producing meaningful results. Indeed it is probably fair to say of analysis, modelling and gaming of the types described above that, although they can be very useful in elucidating relative aspects of force comparisons—such as whether and how much NATO benefits from equipment upgrades and force structure and doctrine changes (the principal aim of such analyses in defence establishments)—it is extremely doubtful whether they can produce dependable absolute answers to questions such as who wins, or how long a defence can hold.,

The preceding discussion has focused on problems of assessing the interrelationship between NATO and Warsaw Pact forces, but

the issues are applicable outside the European theatre as well, and models developed for this context can be adapted to other regional settings. Although the scenario of bipolar conflict in Europe in some respects makes the analysis easier, it is important to remember that the models do not take into account the possible role of neutral states—which in some cases (for example, Finland and Sweden on the Northern Flank) could have a significant impact on the outcome of a conflict.

NATO AND WARSAW PACT FORCES

In the light of the considerations discussed above, the IISS has decided not to present any overall judgments of the state of the conventional balance between NATO and the Warsaw Pact. This is not to differ with the conclusions in earlier editions of The Military Balance that under a wide range of circumstances general military aggression is a high-risk option with unpredictable consequences, particularly where the possibility of nuclear escalation exists. Nonetheless, it is important to underline that a numerical comparison of the forces presented in this volume cannot by itself answer basic questions about the relative capabilities of each side's forces to perform their required mission.

In using the data in the The Military Balance 1987-1988, it is important to keep all the foregoing factors and considerations in mind—especially when seeking to draw any conclusions from the Tables which follow.

The first of these, Table A, provides aggregated data on NATO and Warsaw Pact military manpower and key equipment, derived from the relevant country entries. This table has been designed with conventional arms-control negotiations in mind (since it is in this context that static comparisons of aggregated figures may be of greatest relevance and utility) and shows the relevant holdings of ground forces and land-based air forces within three geographical areas:

The NATO Guidelines Area (NGA), consisting of the area under discussion in the Mutual and Balanced Force Reduction (MBFR) negotiations. This comprises the Federal Republic of Germany and the Benelux countries for NATO; the German Democratic Republic, Poland and Czechoslovakia for the Warsaw Pact.

The Atlantic-to-Urals area now subject to the Confidence- and Security-Building Measures (CSBM) recently negotiated in the Conference on Disarmament in Europe (CDE) at Stockholm, and likely to be the subject of further CSBM and force-reduction/stability negotiations. For the purposes of this table, the ('zone of application') of the Stockholm agreement is used, with the exception that all Turkish forces are included. For NATO, this means that Iceland and the Atlantic Islands are included, and for the Warsaw Pact, Soviet forces in the Moscow, Volga, Ural, North and Trans-Caucasus Military Districts (as well as the Western, North-Western and South-Western TVDs).

Global holdings include all forces of NATO and Warsaw Pact countries, even those committed to other theatres of operation (e.g. US forces in Korea, Soviet forces in Vietnam, French forces in Chad, etc.)

Maritime forces (naval and air) are aggregated on two geographical bases:

"Atlantic/European"—which comprises forces in the Atlantic and European waters north of the Tropic of Cancer and the Mediterranean, including the Soviet Northern, Baltic and Black Sea Fleets and Mediterranean squadron; for the US it includes all forces belonging to CINCLANT.

"Global" comprises all holdings of NATO and Warsaw Pact countries, wherever deployed.

With a view to enhancing the picture presented by the static comparison in Table A, Table B seeks to make possible a better comparison of relative tank capabilities by providing data on certain key indicia of capability for the tanks in the NATO and Warsaw Pact forces. Although tank capabilities are highly dependent on the circumstances of the engagement, tactics and the skills of crew, this data provides a somewhat more complete portrait of the two sides' tank holdings than the simple aggregation in the main force-structure comparison.

TABLE A.—CONVENTIONAL FORCE DATA: NATO AND WARSAW PACT

[N.B. This table presents aggregated data for a large number of national forces, divided on the basis of their geographical deployment. The level of confidence as to the many components varies, the aggregated figures therefore embody a measure of estimation]

	NATO guidelines area		Atlantic to Urals		Global	
	NATO [1]	WP	NATO [1]	WP	NATO [1]	WP
Manpower (000):						
Total active ground forces [2]	796	995	2,385	2,292	2,992	2,829
Total ground force reserves [3]	922	1,030	4,371	4,276	5,502	5,348
Divisions: [4]						
Manned in peacetime [3]	32⅓	48⅔	107⅓	101⅓	127⅓	131
Manned on mobilization of reserves [5]	12	8	41⅔	100	72	137
Total, war mobilized [6]	44⅓	56⅔	149	201⅓	199⅓	268
Ground Force Equipment: [7]						
Main Battle Tanks	12,700	18,000	22,200	52,200	30,500	68,300
MICV	3,400	8,000	4,200	25,800	8,000	34,400
Artillery, MRL, ATK guns	3,600	9,500	11,100	37,000	21,500	50,400
Mor (120mm and over)	1,200	2,200	2,600	9,500	2,600	13,600
ATGW: ground-based [8]	6,500	4,500	10,100	16,600	18,500	23,600
ATGW: hel-borne	300	270	470	1,050	1,620	1,370
AA guns	3,100	3,400	7,400	12,000	8,400	15,100
SAM [9]	1,350	2,200	2,250	12,850	3,000	16,150
Armed helicopters [10]	550	430	780	1,630	2,020	2,130
Land Combat Aircraft: [11]						
Bombers [11]	72	225	285	450	518	1,182
Attack [11]	901	799	2,108	2,144	5,157	3,119
Interceptors/fighters [11]	304	1,020	899	4,930	1,763	5,265

Footnotes at the end of next table.

	European-Atlantic waters		Global	
	NATO	WP	NATO [1]	WP
Naval Forces:				
Submarines [12]	196	231	238	301
Carriers [13]	24(8)	4(2)	37(14)	6(2)
Cruisers	16	24	39	37
Destroyers	124	50	167	64
Frigates	196	50	272	75
Corvettes	22	100	22	133
FAC (G/T/P)	168	238	168	415
MCMV [14]	242	338	252	427

FOOTNOTES

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[1] Jack N. Merritt and Pierre M. Sprey, "Negative Marginal Returns in Weapon Acquisition," in Richard G. Head and Ervin J. Rokke (eds), *American Defense Policy* (Baltimore: John Hopkins up, UP 1973).

[2] William P. Mako, *U.S. Ground Forces and the Defense of Central Europe* (Washington D.C. Brookings, 1983).

[3] William W. Kaufmann, "Non-Nuclear Deterrence", in John D. Steinbrunner and Leon V. Signal (eds), Alliance Security and the No-First-Use Question (Washington DC Brookings: 1983).

[4] Andrew Hamilton, "Redressing the Conventional Balance" in *International Security*, Summer 1985.

[5] The Nato Central Region and the Balance of Uncertainty", in *Armed Forces Journal International*, July 1983.

[6] Measuring the European Conventional Balance' *International Security*, Winter 1985/5.

[7] See Paul K. Davis, "Game Structured Analysis as a Framework for Defense Planning", in R.K. Huber (ed.) *Modelling and Analysis of Conventional Defense in Europe (New York: Plenum, 1986).*

	European-Atlantic waters		Global	
	NATO	WP	NATO [1]	WP
Amphibious [15]	200	100	250	123
Naval Air [11]:				
Bombers [11]	38	250	38	390
Attack [11]	379	177	621	235
Interceptors/fighters [11]	180	12	264	12
ASW fixed-wing ac	145	150	553	219
ASW hel	390	224	626	335

[1] French and Spanish forces are not part of NATO's integrated military command, but are included insofar as they are deployed in the relevant geographical area. French forces in West Germany are included in the NGA column by virtue of their deployment, but are not subject to the MBFR negotiations.

[2] Ground Forces exclude paramilitary forces, border guards and security forces. Warsaw Pact figures would be increased by some 500,000–700,000 (Atlantic to Urals) and some 800,000 to 1.5 million (Global) by the inclusion of an assumed ground force 'slice' of Soviet railroad, construction, labour, command and general support troops—all of which are uniformed, armed and have undergone at least basic military training. Reserves could arguably be increased in proportion.

[3] Reserves do not generally include personnel beyond a five year post-service period, whether or not they are assigned to units. For a fuller explanation of reserve counts see Manpower paragraph on p. 6.

[4] Divisions are not a standard formation between armies, nor do divisions contain comparable numbers or types of equipment or personnel. For the purposes of this table, three brigades or regiments are considered to be a divisional equivalent.

[5] 'Manned in peacetime' includes all Soviet and WP Category 2 divisions in the relevant geographical area.

[6] Comprises only forces mobilized within relevant geographical areas. North American-based US and Canadian formations earmarked for reinforcement of Europe on or after mobilization are therefore shown under 'Global', rather than in the 'NGA' or 'Atlantic to Urals' columns.

[7] Figures include equipment in storage or reserve where known.

[8] ATGW proliferation presents particular difficulties for realistic counting rules. The figures shown are estimated aggregates of all dismounted ATGW and those vehicle-mounted weapons with a primary ATK role. Soviet Category 3 divisions are assumed to hold a reduced (50%) scale of dismounted weapons. Totals exclude ATGW on MICV (e.g. M-2/3 Bradley, BMP, BMD) or fired by main battle tank main armament (e.g. T-80) and do not, therefore, represent total available ATGW for either side.

[9] SAM launchers exclude shoulder-launched weapons. They include Air Force and Air Defense Force weapons.

[10] Comprises all helicopters whose primary function is close air support or anti-tank (i.e. includes hel-borne ATGW shown in earlier line).

[11] The categorization of aircraft between roles reflects that shown in the country entries, but the figures should be used with care. Many of the aircraft are multi-role; primary roles for similar aircraft vary between countries, and distinctions between attack and bomber and between fighter and fighter ground attack (FGA = attack) cannot be drawn with certainty. Moreover, training aircraft have been excluded, although they could provide some reinforcement or replacements in operations.

[12] Excludes SSB, SSBN, SSG, SSGN.

[13] Figure in brackets is number of helicopter-only carriers included in total.

[14] Includes inshore vessels; excludes minelayers and support craft.

[15] Excludes LCU, LCVP, and LCA small craft.

TABLE B.—NATO AND WARSAW PACT MAIN BATTLE TANKS: KEY CHARACTERISTICS

Type	Origin/(year in service)	Crew	Combat weight (tonnes)	Overall height (m)	Engine (HP)	Cross-country speed (km/h) [1]	Main gun (mm) [2]	Ammo types [3]	Armour: hull front/turret (mm) [4]	Features [5]	Holdings
NATO											
M-1	USA (1982)	4	54	2.9	1,500	50	105R	AP, HT, S	Spaced, multi-layer	N, C, SG	
M-1A1	USA (1982)	4	57	2.9	1,500	50	120S	AP, HT, S	Spaced multi-layer	N, C, SG	USA 4,798.
M-60A1	USA (1960)	4	53	3.3	750	39	105R	AP, HT, S	>120/>110	N, C, SG (retrofit), DW	USA 668, Italy 300.
M-60A3	USA (1979)	4	53	3.3	750	39	105R	AP, HT, S	>100/>110	N, C, SG	USA 7,352.
M-48A1	USA (1952)	4	47	3.1	810	32	90R	AP, HT, C, S	120/110	N, C	Greece 585, Turkey 1,085.
M-48A2	USA (1957)	4	47	3.1	825	32	90R	AP, HT, C, S	120/110	N, C	FRG 949.
M-48A3	USA (1969)	4	47	3.1	740	32	90R	AP, HT, C, S	120/100	N, C	Greece 250.
M-48A5	USA (1975)	4	49	3.1	750	32	105R	AP, HT	120/110	N, C	USA 1,478, Greece 265, Norway 42, Port 40, Spain 164, Turkey 1,615.
Challenger	UK (1983)	4	62	3.0	1,200	40	120R	AP, HS, S	Spaced Multi-layer	N, C, SG	UK 250.
Chieftain Mk 3	UK (1969)	4	54	2.9	730	30	120R	AP, HS, S	([6])	N, C, SG	UK 900.
Chieftain Mk 5	UK (1974)	4	55	2.9	750	30	120R	AP, HS, S	([6])	N, C, SG	UK 900.
Centurion Mk 5	UK (1956)	4	51	2.9	650	25	83R 105R	AP,HE,C,AP,HS,S,C	76/152	SG	Denmark 88.
Leopard 2	FRG (1980)	4	55	2.8	1,500	50	120S	AP, HT	Spaced multi-layer	N, C, SG, DW	FRG 1,513, Neth 445.
Leopard 1A4 [7]	FRG (1966)	4	42	2.8	830	35	105R	AP, HS, S	70/60	N, C, SG, DW	Belgium 334, Cdn 114, Denmark 120, FRG 2,437, Greece 106, Italy 920, Neth 468, Norway 80, Turkey 77.
AMX-30	France (1967)	4	36	2.9	720	35–40	105R	AP, HT, HE, S	79/81	N, C, DW	France 1,300, Greece 250, Spain 319.
Warsaw Pact											
T-80	USSR (1980)	3	43	2.3	900	50	125S	AP, HE, HT, AT	200?/450? Possible composite on hull and turret [8].	N, C, SG, DW, AL	USSR 1,400.
T-72	USSR (1972)	3	41	2.4	780	45	125S	AP, HE, HT	200/280 Probably multi-layer.	N, C, SG, DW, AL	USSR 8,500, Czech 3,500 (incl T-54/-55), GDR 1,800 (incl T-62 and T-54/-55), Hungary 60, Pol 70, Romania 30.
T-64	USSR (1966)	3	38	2.3	750	45	125S	AP,HT,HE,AT(T-64B)	200?/450? Possible composite on hull and turret [8].	N, C, SG, DW, AL	USSR 9,300.
T-62	USSR (1962)	4	40	2.4	580	35	115S	AP, HT, HE	102/242 [9]	N, SG, DW	USSR 13,700, GDR incl in T-72 total.
T-54/55	USSR (1956)	4	36	2.4	580	35	100R	AP, HT, HE	99/203	N, SG (T-54B onwards), DW,	USSR 19,900, Czech incl in T-72 total, GDR incl in T-72 total, Hungary 1,200, Pol. 3,400, Romania 1,200 (incl 200 M-77).[10]
T-34	USSR (1940)	5	32	2.7	500	30?	85R	AP, HT	47/90		Bulgaria, Romania, (others in storage).

[1] Estimated.

[2] S = smooth bore; R = rifled bore.

[3] AP = armour piercing; HT = high explosive anti-tank (heat); HE = high explosive; HS = high explosive squash head (HESH); C = canister; S = smoke; AT = anti-tank guided weapon through bore.

[4] Figures indicate actual thickness of armour; because armour is frequently angled, the thickness to be penetrated may exceed the figure shown.

[5] N = night sight; C = computerized fire control; SG = stabilized gun; DW = deep wading (snorkel) facility; AL = autoloader.

[6] Detail not available. Probably comparable to M-60 series.

[7] Some of the holdings are Leopard 1A3.

[8] Some T-80, T-64B (and T72?) fitted for attachment of reactive armour panels.

[9] Applique armour added to some models.

[10] M-77 is a Romanian modification of the T-55.

SANDY SANBORN'S NATURE PLACE

Mr. WIRTH. Mr. President, an understanding of notice, the outdoors, and the balance of man in his environment is one of the hallmarks of the educated person.

And from time to time great educators show up and to them we are all indebted.

One of these great educators is Roger "Sandy" Sanborn, founder, director and guru of Sanborn's Western Camps and the Nature Place in Florissant, CO.

I want to share with my colleagues a fine article on Sandy—a teacher to whom so many of us owe a great debt.

The article follows:

[From the Gazette Telegraph; Aug. 2, 1987]

A Place to Smell The Roses: This Ranch a Revelation of Nature

(By Deborah Belgum)

Sandy Sanborn walks down the dusty dirt road that winds through 400 million years of history.

As his sneakered feet briskly stride along the serpentine route, the crunching sound of gravel provides a syncopated backdrop to the gurgling of the nearby creek.

On either side of the narrow road—between Cripple Creek and Canon City—stand bristlecone pines, gambel oaks and mountain mahoganies.

Firecracker penstemons the color of paprika, and Western wallflowers the color of saffron blaze their own trail next to the dull brown road.

Farther down the way, a group of people wander to discover the geological disparity of the region, which reveals itself in 400-million-year-old fossils, 250-million-year-old dinosaur bones and 100-year-old hand-dug oil wells.

As Sanborn continues along the road, he observes the things that are important to him.

He ambles over to a spray of pink wild roses and sticks his nose close to the delicate flowers.

"I just love these roses. I just love to smell them," he says with the enthusiasm of a man who would be lost without nature.

And Sanborn admits he would.

But he also preaches that everyone is lost without nature. The problem is, they just don't always know it.

"We all need to learn that the world is whole as well as round," he says as an easy grin makes another appearance on his well-lined face. "We need to learn it not only scientifically but emotionally. How we fit in, and where we fit in."

Sandy Sanborn has been introducing people to nature for almost 40 years.

He and his wife Laura started Sanborn Western Camps in 1948. First came the boys camp, called Big Springs. Fourteen years later, came the girls camp, called High Trails.

But it wasn't until eight years ago that they finally built a place for adults—called The Nature Place, where resident botanists, ornithologists, geologists and historians give a week-long crash course on the different aspects that make up nature.

The center has 32 studio apartments built out of wood and rock. The main lodge has a dining room that looks onto Pikes Peak.

The camps and the center form a 46,000-acre laboratory, five miles outside Florissant, for studying the natural world. The Sanborns own 6,000 acres and lease the other 40,000 from the government.

The Nature Place caters to everyone—from academic groups to business executives to nature aficionados throughout the country.

Sanborn's goal is to anoint everyone in the importance of our natural world, how it is all interconnected, where we fit in and why we must serve as its guardian.

"The whole Earth is built like a business. If you use up all your raw materials, you can't do anything. If you use up all your capital, you're going to end up in bankruptcy court," he says with the broad accent of a New Hampshire native who grew up in Manchester.

"If we are going to sustain our business, we have to take a longer view."

Sanborn began taking a longer view right before World War II. As a young man, he was selling eyeglass frames for American Optical, apprenticing with an older salesman.

"One day I went to an oculist convention and this guy had all the frames set out in the room, and I served the drinks.

"Well, geez. Three days of serving drinks at the eye doctors' convention was fine, except I asked myself about this guy. Here's this guy, 45 or 50. I asked, 'Do I want to end up smoking this brand of cigar and showing these frames forever, or do I want to do something that is more fun or more meaningful?'"

The answer is obvious. Sanborn went to Europe to work for American Youth Hostels, guiding a bicycle tour. Then, he returned to teach American history at one of the hostel's prep schools in New Hampshire, even though he only had two years of college where he studied business administration. It was with the youth-hostel people that he was introduced to the concept of: "When youth meet youth the world over, wars will cease."

But World War II interrupted the teaching years. A good skier, he ended up fighting with the 10th Mountain Division in northern Italy.

And, after the war, he and his wife sat down and decided that their goal was to educate children by exposing them to the outdoors. Their camp slogan would be, "Fun and adventure with a purpose."

So, in 1947, when an acquaintance told them about some land for sale near Florissant, they decided to purchase 480 acres for $7,500, living in an old army tent while they built a home.

"We were kind of hippies 40 years ago, if there was such a thing. We were living in this tent, and it looked like hell," the brown-haired Sanborn jokes.

The next summer, they opened their camp by taking four boys into their house. "The first kid I signed up was a guy named John Wirth," the 67-year-old camp owner says without varying the tone of his voice.

"And the next year his brother came, Tim Wirth."

"It was an absolutely wonderful experience," says Wirth, who is now a senator from Colorado.

"We all lived in old army tents. . . . Laura did the cooking, and we all washed dishes."

Wirth, whose father died when he was 3, says Sandy Sanborn acted as a surrogate father to him and his brother.

And he attributes much of his concern for environmental issues to Sanborn.

"If people are mad at my environmental commitments, they should write Sandy," he says.

Summer camp, however, wasn't a year-round profession at first. When the summers faded into autumn, Sandy and his wife taught school in Florissant. Both had teaching certificates.

For four years, Sandy was the principal, supervisor, janitor and only teacher at the high school. Laura taught fifth through eighth grades.

Sandy, who has never been a big advocate of formal education, took a different approach to teaching, particularly with foreign languages.

"I'd say, OK. You guys have gotta learn a foreign language, and I don't know any. So, why don't we get some Spanish records, and we'll all go to Mexico." And the entire high school would go to Mexico.

As the camp grew, the Sanborns retired from teaching and concentrated on outdoor programs.

Today, each camp takes 150 students for at least five weeks.

Outdoor education has become one of Sanborn's specialties. He went on to develop an outdoor education program in 1967 for District 11 sixth-graders as a supplement to the curriculum.

He likes to report that he has taken more than 125,000 sixth-graders and gotten them "jazzed" on the great outdoors.

Now, he works with sixth-graders from the Air Force Academy school district as well as with students from Pueblo and Cherry Creek.

The outdoor education program has 12 curriculums that last five days. In half-day intervals, the student must assume the role of a homesteader, Indian, trapper, prospector, woodsman, rancher, cowboy, crafter, entertainer, explorer, astronaut and time-matching traveler. They must use their imaginations to experience what it would be like to live as one of these people.

For his trail-blazing achievements in outdoor education, the University of Colorado gave Sanborn a distinguished service award last May for his "deep concern for the well-being of our fragile planet."

The award came as a surprise to Sanborn. He supports more of a hands-on experience in learning, and he likes to say that his college degree is from Moo U.

Yet, educators are a large part of The Nature Place's business, particularly after Sanborn opened the Pikes Peak Research Station four years ago.

The research station, comprising a laboratory, offices and a large collection of fossils and insects of the area, promotes research in the natural and social sciences.

The University of Florida uses it for geological field studies. The University of Colorado at Colorado Springs uses it for a stream-sedimentation research project.

The group of adults hiking down the narrow road is following ornithologist Richard Coles like a horde of children following the Pied Piper.

The knit of people is looking for prairie falcons, golden eagles and canyon wrens.

When Coles spots a Western teanager, the adults lift their binoculars in unrehearsed unison. The bird lifts its yellow, black and white wings close to its red head and alights on a tree branch.

Later a herd of bighorn sheep makes an appearance high on the rock. The beige color of their fur makes them almost indistinguishable from the hills.

Sanborn stands back and watches the adults experience the thrill of nature.

"I feel the payoff in this thing comes in more creativity in the world, a better understanding of our own place in society and a better understanding of society's place in the wholeness of Earth," he says.

"And in order to do that, you need some time to sit on a rock. You need to feel the sun, see the blue sky and smell the roses. Places where you can do that are getting pretty limited. That's why there's this place.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate on February 25, 1988, by Ms. Emery, one of his secretaries.

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EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

[The nominations received today are printed at the end of the Senate proceedings.]

REPORT ON UNITED STATES PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT—PM 112

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1986, the sixth year of my Administration. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress).

RONALD REAGAN.

THE WHITE HOUSE, *February 23, 1988.*

SUPERCONDUCTIVITY COMPETITIVENESS ACT OF 1988—MESSAGE FROM THE PRESIDENT—PM 113

The Presiding Officer laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and passage the "Superconductivity Competitiveness Act of 1988." This legislation is needed to help translate U.S. leadership in science into leadership in international commerce.

Scientific advances in superconductivity have taken place at a remarkable pace recently. In the estimation of one noted physicist, in the past year we have made 200 years worth of progress. As additional breakthroughs occur, the effect on our standard of living—indeed, our way of life—could be dramatic and unprecedented, in areas as diverse as transportation, energy, health care, computers, and communication.

By funding basic research, the Federal government has played a key role in these scientific breakthroughs. In Fiscal Year 1987, the Federal government spent about $55 million in superconductivity research. In Fiscal Year 1988, the Federal government will spend significantly more—increasing the annual spending to more than $100 million. Ultimately, however, our success in superconductivity will depend on the private sector, which will make the critical decisions on how much capital, time, and effort to invest in commercializing superconductivity.

On July 28, 1987, I announced an 11-point superconductivity initiative designed to help the private sector in its efforts to commercialize superconductivity. This initiative has these three objectives:

To promote greater cooperation among the Federal government, academia, and American industry in the basic and enabling research that is necessary to continue to achieve superconductivity breakthroughs;

To enable the U.S. private sector to convert scientific advances into new and improved products and processes more rapidly; and

To better protect the intellectual property rights of scientists, engineers, and other professionals working in superconductivity.

The Superconductivity Competitiveness Act of 1988 ("the Act") is a key part of this initiative. It will help ensure our readiness in commercializing recent and anticipated scientific breakthroughs.

Title I of the Act states the title of the legislation.

Title II amends the National Cooperative Research Act (NCRA) to cover joint production ventures. This is a particularly important step toward allowing U.S. firms to become more competitive with firms overseas in moving important research involving superconductivity and other fast-moving high technology areas from the laboratory to the marketplace.

Title II recognizes that unless U.S. firms are encouraged to organize their research and development activities in the most efficient manner possible, they cannot compete effectively with overseas firms. I should stress that the purpose of the NCRA is not to provide firms with immunity for anti-competitive behavior. Our antitrust statutes will continue to protect American consumers and businesses from harmful practices where they occur. This extension of the NCRA should promote innovation and productivity and will permit this country to maintain—or in some instances to regain—its position of world technological leadership.

Title III of the Act increases the protection of the U.S. patent laws for holders of U.S. process patents. Currently, there is no court-ordered remedy for patent infringement when a product made overseas, using a process that is patented in the United States, is imported into the United States. Title III would establish such a remedy and would permit U.S. manufacturing patent process holders to sue for injunctive relief and damages. (Relief of this nature is already available to process patent holders for products made in the United States using processes patented in the United States.) Title III would not extend the territorial application of American law. It would not prevent a foreign manufacturer from using a process overseas that is patented in the United States, as long as items manufactured under that process are not exported to the United States.

Title IV of the Act would provide protection for certain commercially valuable scientific and technical information generated in Federal government-owned and -operated laboratories. In particularly, Title IV recognizes that commercially valuable scientific and technological information generated in Federal facilities loses potential commercial value when it is released wholesale under the Freedom of Information Act (FOIA). In addition, mandatory disclosure of such information under FOIA could encourage U.S. competitors to exploit the U.S. science and technology base rather than making investments in their own research and development infrastructure. Under Title IV, Federal agencies will be required to withhold information of this nature requested under the Freedom of Information Act where disclosure could reasonably be expected to harm the economic competitiveness of the United States. This Title is not intended to end the U.S. tradition of sharing the benefits of our excellence in science and technology; it merely provides that the Freedom of Information Act may not always be the appropriate or best avenue for doing so.

I should note that my Administration is currently developing a uniform policy to permit Federal contractors to own the rights to technical information that they develop for the government. This is intended to provide these contractors with proprietary rights equal to those of other firms that submit technical information to the government that was developed at private expense. Because our policy in this area is still under development, Title IV has been drafted to apply only to Federal government-generated, government-owned scientific and technical information.

Title V specifies the effective date of the Act.

There is a growing realization that, although the United States has long been a leader in breakthroughs in the laboratory, it has occasionally failed to convert these breakthroughs into commercial applications. This Act, in conjunction with the other components of our superconductivity initiative, can and will speed the process of commercialization. There is no time to waste in this effort. I urge the Congress to act promptly and favorably upon this legislative proposal.

RONALD REAGAN.

THE WHITE HOUSE, *February 23, 1988.*

ANNUAL REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT—PM 114

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit the 1987 Report of the United States Arms Control and Disarmament Agency. It reviews the negotiation process used in achieving the INF Treaty and contains a copy of the Treaty itself. That Treaty, signed by General Secretary Gorbachev and me on December 8, 1987, is the first treaty of the nuclear era requiring the elimination of an entire category of U.S. and Soviet nuclear weapons.

The report provides information about the ongoing negotiations for a 50-percent reduction to equal levels in U.S. and Soviet strategic nuclear offensive arms, an effective and verifiable ban on chemical weapons, and the correction of disparities in conventional forces. Also described are the ancillary activities of the Arms Control and Disarmament Agency in support of our arms control policies and, concomitantly, the security of the United States.

The INF Treaty constitutes a breakthrough in verification, the most far-reaching in the history of arms control, and should serve as a guide for other treaties to come. The political and economic advantages of carefully negotiated and effectively verifiable arms reductions hold great promise of peace, security, and continued prosperity for our country. The 1987 record of progress toward those goals is contained in this 27th ACDA Report.

RONALD REAGAN.

THE WHITE HOUSE, *February 23, 1988.*

TRUTH IN FEDERAL SPENDING ACT OF 1988—MESSAGE FROM THE PRESIDENT—PM 115

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was, pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs:

To the Congress of the United States:

I am forwarding today for your immediate consideration and prompt passage a legislative proposal entitled the "Truth in Federal Spending Act of 1988."

On November 20 of last year, I agreed with congressional leaders on a package designed to reduce the Federal deficit. That Bipartisan Budget Agreement between the President and the joint leadership of the Congress reflects a strong consensus that Federal spending must be brought under control.

Continued spending growth, particularly where wasteful or unnecessary, adds to the Federal deficit and absorbs resources that would otherwise be employed more fruitfully in the private sector of the economy. The Bipartisan Budget Agreement represents an important step in reducing spending growth. But protecting the Federal budget from special interest, budget-busting legislation requires a continued, ongoing commitment. Despite recent encouraging efforts to bring the Federal budget deficit under control, major problems persist.

On July 3 of last year, when I outlined our Economic Bill of Rights, I described a proposal for the legislation that I am forwarding to the Congress today. It is designed to discourage wasteful Federal spending by requiring both the Legislative and Executive branches of government to be fully accountable for their respective actions. Key provisions of this draft bill would:

Insure that all legislation that would result in increased Federal spending is deficit-neutral by requiring the concurrent enactment of equal amounts of program reductions or revenue increases;

Require that all legislation include a "financial impact statement" detailing the measure's likely economic effects upon the private sector and State and local governments;

Require that regulations and proposed regulations promulgated by executive branch agencies also be accompanied by financial impact statements; and

Permit waiver of the requirements of the act during time of war or during a national security emergency.

In making this important proposal, one point deserves special emphasis. In complying with the deficit neutrality requirements of the Truth in Federal Spending Act of 1988, some may be tempted simply to shift spending requirements, either expressly or implicitly, from the Federal government to State and local governments. This is not, however, and should not be interpreted as being, the intent of this initiative. Instead, through enactment of this landmark legislation, we seek to achieve an historic breakthrough: to make the Federal Government—both the Legislative and Executive branches—more fully accountable for its actions and the effects of those actions on all the citizens of our Nation and, in so doing, get its fiscal house in order.

Enactment of the Truth in Federal Spending Act of 1988 will help us to carry out the important goals reflected in the Bipartisan Budget Agreement of November 20, 1987. It will also continue the important work we have accomplished in reducing or eliminating needless Federal expenditures. It is worthy of broad, bipartisan support. Accordingly, I urge its prompt and favorable consideration.

RONALD REAGAN.

THE WHITE HOUSE, *February 24, 1988.*

MESSAGES FROM THE HOUSE

At 3:57 p.m., on February 23, 1988, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 2101 of Public Law 100-203, the minority leader appoints the following individuals on the part of the House to the National Economic Commission: Mr. FRENZEL; and, from private life, Mr. Donald H. Rumsfeld of Wilmette, IL.

At 1:38 p.m., on February 25, 1988, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills:

H.R. 3689. An act to designate the United States Post Office Building located at 300 Sycamore Street in Waterloo, Iowa, as the "H.R. Gross Post Office Building"; and

H.R. 3980. An act to make technical corrections to the agricultural credit laws.

The message also announced that pursuant to the provisions of section 276(h) of title 22 of the United States Code, the Speaker appoints as members of the United States delegation of the Mexico-United States Interparliamentary Group for the second session of the 100th Congress, the following Members on the part of the House; Mr. DE LA GARZA, chairman; Mr. YATRON, vice chairman; Mr. GIBBONS; Mr. RANGEL; Mr. MILLER of California; Mr. GEJDENSON; Mr. COLEMAN of Texas; Mr. LAGOMARSINO; Mr. DREIER of California; Mr. DELAY; Mr. GILMAN; and Mr. GOODLING.

The message further announced that pursuant to Public Law 96-114, as amended by Public Law 98-33 and Public Law 99-161, the minority leader appoints the following individuals from the private sector as members of the Congressional Award Board on the part of the House: Mr. George R. Layne, of Fairfax Station, VA; Mr. Santee C. Riffin, Jr., of Reston, VA; and Mr. Murriel F. Price, of Fairfax, VA, vice Mrs. Roberta Van Der Voort, of Kansas City, MO; Mr. John G. McMillian, of Washington, DC; and Mr. W. Clement Stone, of Chicago, IL; resigned.

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At 2:45 p.m., on February 25, 1988, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 246. A concurrent resolution condemning the bombing by North Korean agents of Korean Air Lines flight 858; and

H. Con. Res. 250. A concurrent resolution expressing confidence that the people of El Salvador will reject efforts to disrupt the election to be held in that country on March 20, 1988, and will avail themselves of the opportunity to vote in that election.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 246. A concurrent resolution condemning the bombing by North Korean agents of Korean Air Lines flight 858; to the Committee on Foreign Relations.

H. Con. Res. 250. A concurrent resolution expressing confidence that the people of El Salvador will reject efforts to disrupt the election to be held in that country on March 20, 1988, and will avail themselves of the opportunity to vote in that election; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3980. An act to make technical corrections to the agricultural credit laws.

REPORTS OF COMMITTEES

The following reports of committees were submitted on February 24, 1988:

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S.J. Res. 59: A joint resolution to designate the month of May 1987 as "National Foster Care Month."

S.J. Res. 147: A joint resolution designating the week beginning on the third Sunday of September in 1987 and 1988 as "National Adult Day Care Center Week."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 199: A joint resolution to designate the month of May, 1988, as "Trauma Awareness Month."

S.J. Res. 212: A joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week."

S.J. Res. 227: A joint resolution to express gratitude for law enforcement personnel.

S.J. Res. 229: A joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day."

S.J. Res. 234: A joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

S.J. Res. 237: A joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

S.J. Res. 240: A joint resolution to designate the period commencing on May 16, 1988 and ending on May 22, 1988, as "National Safe Kids Week."

S.J. Res. 244: A joint resolution to designate the month of April, 1988, as "National Know Your Cholesterol Month."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment:

S.J. Res. 247: A joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 249: A joint resolution designating June 14, 1988 "Baltic Freedom Day."

S.J. Res. 250: A joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment and an amended preamble:

S.J. Res. 251: A joint resolution designating March 4, 1988, as "Department of Commerce Day."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 252: A joint resolution designating June 5-11, 1988, as "National NHS Neighbor Works Week."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S.J. Res. 253: A joint resolution designating April 9, 1988 and April 9, 1989, as "National Former Prisoner of War Recognition Day."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 254: A joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Health Awareness Week."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment:

S.J. Res. 255: A joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988 as "National Organ and Tissue Donor Awareness Week."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 257: A joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

S.J. Res. 260: A joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week."

S.J. Res. 262: A joint resolution to designate the month of March 1988, as "Women's History Month."

The following reports of committees were submitted on February 25, 1988:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 2097: An original bill to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing, commercial enterprise on a profitable and efficient basis, and for other purposes.

● Mr. JOHNSTON. Mr. President, today I am reporting a clean bill from the Committee on Energy and Natural Resources. This bill, the Uranium Revitalization, Tailings Reclamation and Enrichment Act, is essentially the same as S. 1846, the comprehensive uranium legislation reported out of the Energy Committee on October 1, 1987. There are two important differences between this bill and S. 1846.

First, the new bill lacks the system of charges for usage of foreign uranium above a certain percentage that was contained in S. 1846. Second, this bill does not address the status of the United States Enrichment Corporation [USEC] with respect to Federal income taxation.

This is not to indicate that these issues are unimportant. Unfortunately, however, the Finance Committee has objected to the consideration of S. 1846, and has asked for referral of certain sections of that legislation to their committee. They believe that section 1602, which provides that the USEC be exempt from Federal income taxation, and section 113, which imposes a fee on the use of foreign uranium above a certain percentage, contains matter within the jurisdiction of the Finance Committee.

We have removed these provisions from our bill in order to expedite consideration of the uranium legislation on the Senate floor. We have not forgotten them.

In fact, Mr. President, I would like to submit an amendment for myself, Mr. McClure, Mr. Ford, Mr. Domenici, Mr. Bingaman, and Mr. Wallop that contains the language that has been deleted from S. 1846.

Mr. President, there will be no report filed on the new uranium legislation. The committee intends that the language contained in Senate Report 100-214 apply to both the new uranium bill, as well as to the amendment we are currently introducing to that new bill.

Mr. President, in addition, I would like to submit for myself and Mr. McClure, an amendment to the bill reported today that had been previously introduced as amendment 1375 to S. 1846. This amendment alleviates the concerns of the Senate Budget Committee regarding the budgetary status of the USEC.

Also, I understand that Senator Ford will be submitting an amendment to the uranium bill reported today that he had introduced as amendment 1383 to S. 1846. His amendment acknowledges an agreement between the Department of Energy and the Tennessee Valley Authority regarding contractual liabilities for power not taken and other areas.

I hope that we can now clear the way for prompt floor consideration of the uranium mining, reclamation and enrichment issues as soon as possible. I also ask consent that the uranium bill introduced today be printed together in today's Record.

(The text of the amendments submitted to the legislation is printed in today's Record under "Amendments Submitted".)

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1987".

FINDINGS AND PURPOSE

Sec. 2. (a) Findings.—The Congress finds for purposes of titles I and II of this Act that—

(1) the United States uranium industry has long been recognized as vital to United States energy independence and as essential to United States national security, but has suffered a drastic economic setback, including a 90 per centum reduction in employment, closure of almost all mills, more than a 75 per centum drop in production, closure of many mines, and a permanent loss of uranium reserves;

(2) during the remainder of this century approximately 20 per centum of United States electricity is expected to be produced from uranium fueled powerplants owned by domestic electric utilities;

(3) the United States has been the leading uranium producing nation and holds extensive proven reserves of natural uranium that offer the potential for secure sources of future supply;

(4) a variety of economic factors, policies of foreign governments, foreign export practices, new Federal regulatory requirements, and cancellation of nuclear powerplants have caused most United States producers to close or suspend operations over the past five years and have resulted in the domestic uranium industry being found "not viable" by the Secretary of Energy under provisions of the Atomic Energy Act of 1954, as amended;

(5) re-establishing a viable domestic uranium industry is essential to—

(A) preclude an undue threat from foreign supply disruptions that could hinder the Nation's common defense and security,

(B) assure an adequate long-term supply of domestic uranium for the Nation's nuclear power program to preclude an undue threat from foreign supply disruptions or price controls, and

(C) aid in the Nation's balance-of-trade payments through foreign sales;

(6) the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901-7942):

(A) was enacted to provide for the reclamation and regulation of uranium mill tailings; and

(B) did not provide for a comprehensive method of financing reclamation and remedial action at active uranium and thorium processing sites;

(7) the owners or licensees of active uranium mills, the States in which such active mills are located, the Federal Government, and owners or licensees of civilian nuclear power reactors have each benefited from uranium produced at the active sites, and it is equitable that they share in the costs of reclamation, decommissioning and other remedial action at the active sites; and

(8)(A) the creation of an assured system of financing will greatly facilitate and expedite reclamation and remedial actions at active uranium and thorium processing sites; and

(B) financing should be shared on an approximately equal basis by owners or licensees of active uranium mills, the Federal Government, and the owners or licensees of civilian nuclear power reactors, with support from the States in which the active sites are located.

(b) Purpose.—It is the purpose of titles I and II of this Act to—

(1) ensure an adequate long-term supply of domestic uranium for the Nation's common defense and security and the Nation's nuclear power program;

(2) re-establish a viable domestic uranium industry; and

(3) establish, facilitate, and expedite a comprehensive system for financing reclamation and other remedial action at active uranium and thorium processing sites.

DEFINITIONS

Sec. 3. For purposes of titles I and II of this Act—

(1) the terms "active uranium or thorium processing site" and "active site" mean—

(A) any uranium or thorium processing site, including the mill, containing by-product material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954, as amended, or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any uranium or thorium derived from ore—

(i) was in effect on January 1, 1978;

(ii) was issued or renewed after January 1, 1978; or

(iii) for which an application for renewal or issuance was pending on, or after, January 1, 1978; and

(B) any other real property or improvement on such real property that—

(i) is in the vicinity of such site; and

(ii) is determined by the Commission to be contaminated with residual byproduct material.

(2) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(3) the term "byproduct material" has the meaning given such term in section 11(e)(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e)(2));

(4) the term "civilian nuclear power reactor" means any civilian nuclear powerplant required to be licensed under section 103 or section 104 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2133);

(5) the term "Commission" means the Nuclear Regulatory Commission;

(6) the term "Department" means the Department of Energy;

(7) the term "overfeeding" means the use of natural uranium from stockpiles or inventories to produce enriched uranium when—

(A) an enrichment services customer supplies less natural uranium than the amount actually used to produce its enriched uranium requirements; and

(B) for purposes of achieving efficient operation of enrichment facilities, natural uranium from stockpiles or inventories is used to satisfy the shortfall in natural uranium supplied by such customer;

(8) the term "pre-production of enriched uranium" means the use at a given point in time of natural uranium from existing stockpiles or inventories to produce enriched uranium in excess of amounts required to satisfy then current obligations to provide enrichment services;

(9) the term "reclamation, decommissioning and other remedial action" includes long- and short-term monitoring, except for the purpose of determining the date when reclamation, decommissioning, and other remedial action is complete for the purpose of making refunds under section 215. Such term shall include mill decommissioning only if the owner or licensee of an active site elects to make the contribution provided for in section 213(b)(1)(C);

(10) the term "Secretary" means the Secretary of Energy;

(11) the terms "source material" and "special nuclear material" have the meanings given such terms in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014); and

(12) the term "tailings" means the wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

TITLE I—URANIUM REVITALIZATION

Sec. 110. Government Uranium Purchases.—(a)(1) After the date of enactment of this Act, the United States of America, its agencies and instrumentalities, shall not enter into contracts or orders for the purchase of uranium other than for domestic uranium: *Provided,* That this section shall not affect purchases under a contract for delivery of a fixed amount of uranium entered before the date of enactment of this Act, or options exercised for fixed amounts prior to the date of enactment of this Act.

(2) The use of natural uranium contained in stockpiles or inventories owned by the United States, including its agencies and instrumentalities, shall be restricted to military purposes and Government research and to overfeeding and pre-production of enriched uranium by the United States Enrichment Corporation. The amount of natural uranium together with the amount of natural uranium equivalent of enriched uranium contained in stockpiles or inventories owned by the United States, including its agencies and instrumentalities, as of the date of enactment of this title shall, to the extent practicable, not be reduced except for military purposes, overfeeding, or Government research purposes.

(b) Subsection (a) shall not apply to the Tennessee Valley Authority.

TITLE II—TAILINGS RECLAMATION

REMEDIAL ACTION PERFORMED BY THE OWNER OR LICENSEE OF ACTIVE SITES

Sec. 210. In General.—(a) The owner or licensee of an active site shall select and perform reclamation, decommissioning, and other remedial action, at active sites.

(b) Remedial Action To Be Performed in Accordance With Applicable Standards.—Any reclamation, decommissioning, or other remedial action performed under subsection (a) by an owner or licensee shall comply with all applicable requirements established pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, as amended, or, where appropriate, requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021).

(c) COSTS OF REMEDIAL ACTION TO BE PAID FROM TAILINGS FUND.—The costs incurred by the owner or licensee for reclamation, decommissioning and other remedial action, performed by the owner or licensee under this title shall be reimbursed under sections 214, 215, and 216 from the Uranium Mill Tailings Fund established in section 211.

(d)(1) The following active sites qualify for reimbursement from the Uranium Mill Tailings Fund in accordance with the terms of this title:

Site	Estimated tons of mill tailings July 1, 1985
Cotter—Canon City Mill, Canon City, CO.	2,200,000
UMETCO—Uravan Mill, Uravan, CO	10,300,000
Sohio Western—L-Bar Mill, Seboyeta, NM	2,100,000
United Nuclear—Churchrock Mill, Churchrock, NM	3,500,000
Anaconda—Bluewater Mill, Grants, NM	23,600,000
Quivera Mining—Ambrosia Lake Mill, Grants, NM	33,000,000
Homestake—Grants Mill, Grants, NM	21,800,000
Conoco—Pioneer Nuclear, Conquista Project, Falls City, TX	8,800,000
Chevron Resources—Panna Maria Mill, Hobson, TX	4,600,000
Exxon—Felder Facility, Three Rivers, TX	400,000
Rio Algom—Lisbon Mill, Moab, UT	3,000,000
Atlas—Moab Mill, Moab, UT	10,500,000
Dawn—Ford Mill, Ford, WA	3,000,000
Western Nuclear—Sherwood Mill, Wellpinit, WA	2,900,000
American Nuclear—Gas Hills Mill, Riverton, WY	5,900,000
Pathfinder—Lucky Mc Mill, Riverton, WY	9,500,000
Western Nuclear—Split Rock Mill, Jeffrey City, WY	7,700,000
UMETCO—East Gas Hills Mill, Riverton, WY	9,200,000
Exxon—Highland Mill, Douglas, WY	7,200,000
Rocky Mountain Energy—Bear Creek Mill, Douglas, WY	5,000,000
Pathfinder—Shirley Basin Mill, Shirley Basin, WY	5,800,000
Petrotomics—Shirley Basin Mill, Shirley Basin, WY	6,300,000
Energy Fuels/UMETCO—White Mesa Mill, Blanding, UT	1,900,000
Minerals Exploration—Red Desert, Rawlins, WY	1,000,000
UMETCO—Maybell, Maybell, CO	2,000,000
Tennessee Valley Authority—Edgemont, SD	2,000,000

(2) Within one hundred and eighty days of the date of the enactment of this title, the Secretary shall determine the actual amounts of mill tailings at each of the active sites listed in paragraph (1) on the date of the enactment of this title, and the dry tons of tailings at each active site listed in paragraph (1) the uranium from which was processed for sales to the United States Government, including the Atomic Energy Commission.

(3) No reimbursement for the reclamation, decommissioning and other remedial action performed at a uranium mill tailings site shall be made in accordance with the terms of this title for an active site not listed in paragraph (1) or for reclamation, decommissioning and other remedial action of mill tailings at a listed active site in excess of the actual amount of tailings determined by the Secretary under this paragraph to exist on the date of the enactment of this title.

URANIUM MILL TAILINGS FUND

SEC. 211. (a) ESTABLISHMENT OF URANIUM MILL TAILINGS FUND.—There hereby is established in the Treasury of the United States a separate fund, to be known as the Uranium Mill Tailings Fund (hereinafter referred to as the "Fund"). The Fund shall consist of—

(1) all contributions to the Fund from the States in which active sites are located as provided in section 212(a);

(2) all contributions to the Fund from owners or licensees of active sites as provided in section 212(b);

(3) all contributions made to the Fund by or on behalf of the Federal Government as provided in section 212(c);

(4) all fees received from owners or operators of civilian nuclear power reactors as provided in section 212(d); and

(5) all interest earned on sums in the Fund.

(b) USE OF FUND.—The Secretary may, subject to subsection (c), make expenditures from the Fund only for purposes of compliance with this title.

(c) ADMINISTRATION OF THE FUND.—(1) The Secretary of the Treasury, after consultation with the Secretary, shall annually submit to the Congress a report on the financial condition and operation of the Fund during the preceding fiscal year.

(2) The Secretary shall submit the budget of the Fund to the Office of Management and Budget annually along with the budget of the Department in accordance with chapter 11 of title 31, United States Code. The budget of the Fund shall consist of the estimates made by the Secretary of receipts by and expenditures from the Fund and other relevant financial matters for the succeeding three fiscal years, and shall be included in the Budget of the United States Government.

(3) If the Secretary determines that the Fund contains at any time amounts in excess of current needs, the Secretary shall request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

(A) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Fund; and

(B) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

(4) Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Fund, shall be exempt from annual apportionment under the provisions of subchapter 11 of chapter 15 of title 31, United States Code.

(5) The Secretary may make disbursements from the Fund in amounts provided in advance in appropriations acts, which amounts shall be made available until expended.

CONTRIBUTIONS TO THE FUND

SEC. 212. (a) CONTRIBUTIONS BY STATES CONTAINING ACTIVE SITES.—(1) Each State containing an active site or sites may contribute from non-Federal funds to the Treasury of the United States to be deposited in the Fund the sum of $0.10 for each dry ton of tailings, the uranium from which was processed for commercial sales as established in accordance with section 210(d) at an active site listed in section 210(d)(1) within such State whose owner or licensee has elected to participate in reclamation, decommissioning and other remedial action through the Fund.

(2) Such payment shall be made in five equal annual installments commencing January 1, 1990.

(3) If any State containing an active site or sites, whose owner or licensee has elected to participate in reclamation, decommissioning and other remedial action through the Fund, fails or refuses to make the contributions, or any portion thereof, required by this section, this shall not affect the right of the owner or licensee of an active site in such State to participate in reclamation, decommissioning and other remedial action through the Fund.

(b) CONTRIBUTIONS BY OWNERS OR LICENSEES.—(1) Each owner or licensee of an active site listed in section 210(d)(1) who elects to participate in reclamation, decommissioning, and other remedial action, through the Fund shall contribute to the Treasury of the United States, to be deposited in the Fund—

(A) $2,000,000 per site as to which it is the owner or licensee of which—

(i) $1,000,000 shall be contributed on or before January 31, 1990; and

(ii) $1,000,000 shall be contributed on or before January 31, 1991;

(B) $1 per dry ton for all tons of tailings at such active site, the uranium from which was processed for commercial sales prior to the effective date of the Act of which—

(i) $0.50 per dry ton for all tons of tailings at such active site, the uranium from which was processed for commercial sales prior to the effective date of this Act, shall be contributed on or before January 31, 1992; and

(ii) $0.50 per dry ton for all tons of tailings at such active site, the uranium from which was processed for commercial sales prior to the effective date of this Act, shall be contributed on or before January 31, 1993; and

(C) each owner or licensee of an active site listed in section 211(d)(1) who elects to decommission the mill at such site as a part of the reclamation, decommissioning and other remedial action to be undertaken pursuant to the Fund shall contribute an additional $500,000 on or before January 31, 1994.

(c) CONTRIBUTIONS BY OR ON BEHALF OF THE FEDERAL GOVERNMENT.—(1) There is authorized to be appropriated to the Fund,

$300,000,000, to remain available until expended.

(2) Funds to be paid into miscellaneous receipts of the Treasury of the United States under section 1506 of the Atomic Energy Act of 1954, as amended, shall, without need for further appropriation, be paid into the Fund until $300,000,000 has been contributed to the Fund under this subsection. The authorization provided under paragraph (1) shall be reduced to the extent of contributions made under this paragraph.

(d) CONTRIBUTIONS BY LICENSEES OF CIVILIAN NUCLEAR POWER REACTORS.—(1) Licensees for civilian nuclear power reactors shall contribute into the Fund a fee of $22 per kilogram of uranium contained in fuel assemblies initially loaded into each civilian nuclear power reactor during each of the calendar years 1989 through 1993.

(2) The fee shall apply to fuel on its initial loading into the reactor and not to previously loaded fuel being loaded again. In calculating the total annual obligation by a licensee, fuel loaded in loadings during refueling outages that begin in a calendar year and are completed in the subsequent year may be deemed to have occurred in either year but not both.

(3) The fee from each user so affected will be due on January 31 the following year with the first such payment due on January 31, 1990.

(4) The contribution of this fee for the years 1989 through 1993 shall constitute the total obligation of licensees of civilian nuclear power reactors for uranium tailings reclamation, except to the extent that a user may be the owner or licensee of a uranium mill or as provided by contract executed prior to the effective date of this Act.

(5) Not later than one hundred and eighty days after the date of enactment of this Act the Secretary shall establish procedures for the collection and payment of the fee established by this title.

ELECTION TO PARTICIPATE

SEC. 213. OWNER OR LICENSEE ELECTION TO PARTICIPATE.—The owner or licensee of an active site listed in section 210(d)(1) may elect to perform reclamation, decommissioning and other remedial action through the Fund and be entitled to receive reimbursement under this title for the cost incurred by such owner or licensee for reclamation, decommissioning and other remedial action performed in connection with the owner's or licensee's active site by notifying the Secretary of such election on or before January 1, 1989. If an owner or licensee makes an election to participate, the notice shall specify whether the owner or licensee elects to have decommissioning undertaken pursuant to the Fund. Such election to participate or not to participate shall be irrevocable.

REIMBURSEMENT OF COSTS INCURRED FOR RECLAMATION, DECOMMISSIONING AND OTHER REMEDIAL ACTION FROM FUND

SEC. 214. (a) IN GENERAL.—The Secretary shall reimburse from the Fund to the owner or licensee of an active site listed in section 210(d)(1) who has elected to participate as provided in section 213, the costs incurred by such owner or licensee for the reclamation, decommissioning and other remedial actions in connection with such site as follows:

(1) From the contributions made on behalf of the Federal Government as provided in section 212(c), such owner or licensee shall be reimbursed an amount equal to the cost of reclamation, decommissioning, and other remedial action at such site multiplied by the percentage which the dry tons of tailings at such site, the uranium from which was processed for sales to the United States Government, including the Atomic Energy Commission, constitutes to the total dry tons of tailings at such active site as determined in section 210(d)(2), but such reimbursement shall not exceed an amount equal to $4.50 multiplied by the dry tons of tailings at such active site, the uranium from which was processed for sales to the United States Government, including the Atomic Energy Commission.

(2) From any contributions made by a State to the Fund for tailings reclamation at such site, such owner or licensee shall be reimbursed an amount equal to the sum of such contributions.

(3)(A) From the contributions made by the owner or licensee of such active site plus the interest earned thereon, such owner or licensee shall be reimbursed one-third of the cost of reclamation, decommissioning and other remedial action at such site.

(B) Notwithstanding subparagraph (A), if the contributions made by the owner or licensee of such active site plus interest earned thereon exceed one-third of the cost of reclamation, decommissioning and other remedial action at such site, such excess shall be refunded to such owner or licensee. The payment of such excess shall be considered a refund and not reimbursement. If the contributions made or to be made by the owner or operator of such active site, plus interest earned thereon, is less than one-third of the cost of reclamation, decommissioning, and other remedial action at such site, then the amount by which one-third of the cost of reclamation, decommissioning, and other remedial action at such site exceeds the amount of contributions made by the owner or licensee of such active site plus interest earned thereon, shall be borne by the owner or licensee thereof.

(4) From the contributions made by licensees of civilian nuclear power reactors as provided in section 212(d) and interest earned thereon, the owner or licensee of such active site shall be reimbursed the amount by which the cost of reclamation, decommissioning, and other remedial action at an active site exceeds the sum of—

(A) the amounts reimbursed to the owner or licensee of such active site as provided in paragraph (1), paragraph (2), paragraph (3); and

(B) the amounts to be borne by the owner or licensee of such active site as provided in subparagraph (3)(B).

(5) Notwithstanding paragraphs (1) through (4), the owner or licensee of an active site shall also bear, and not be reimbursed for, any amount by which the cost of reclamation, decommissioning and other remedial action at such site exceeds a sum equal to $4.50 multiplied by the dry tons of tailings at such site as determined in section 210(d)(2).

(6) The successor to the owner or licensee of an active site (other than the United States or agency thereof or a State as provided by law) shall be entitled to credit for contributions made by its predecessor and interest earned thereon and be entitled to receive any reimbursements or refunds.

(b) OWNER'S OR LICENSEE'S ACCOUNT.—The Secretary shall maintain accounts for each participating owner or licensee to reflect contributions by such owner or licensee, interest deemed earned on such contributions, reimbursements to such owner or licensee from the Fund, and the cost incurred by the owner or licensee for the reclamation, decommissioning or other remedial action in connection with such active site.

(c) ACCOUNTS FOR OTHER CONTRIBUTIONS TO THE FUND.—(1)(A) For the purpose of accounting, two-thirds of the costs incurred by participating owners or licensees at active sites, up to the maximum of $4.50 per dry ton of tailings at such sites as of the effective date of this Act (such two-thirds being $3 per dry ton based upon $4.50 per dry ton of tailings), shall be deemed to have been reimbursed from the Fund out of the portion of the Fund contributed:

(i) by or on behalf of the Federal Government as provided in section 212(c),

(ii) by the States that have contributed as provided in section 212(a), and

(iii) by the licensee of civilian nuclear power reactors as provided in section 212(d);

and from interest deemed earned upon such contributions.

(B) The Secretary shall maintain accounts for each such person or entity making contributions to the Fund, reflecting the time and amount of such contributions and the interest deemed earned thereon.

(2) The Secretary shall determine as of January 31, 1996, whether the amount remaining in the Fund, other than the amounts contributed by participating owners or licensees of active sites and interest deemed earned thereon, when considered with the $4.50 per dry ton limit on reimbursement, exceeds the total cost reimbursable to the participating owners or licensees of active sites (other than that deemed reimbursed out of such participating owners' or licensees' contributions and interest deemed earned thereon or to be borne by owners or licensees), where reclamation, decommissioning and other remedial action has not been completed.

(3) If the Secretary determines there is an excess, then the excess shall be refunded as set forth in subsection (d): *Provided, however*, That no amounts contributed to the Fund by the participating owners or licensees of the active sites and interest deemed earned thereon shall be refunded to any person or entity other than the owner or licensee making such contribution, or their successors or assigns.

(d) REFUNDS TO CERTAIN CONTRIBUTORS.—The Secretary shall make a determination annually after January 31, 1998, whether an excess as calculated pursuant to subsection (c) exists in the Fund. If, as of January 31, 1996, and each January 31 thereafter, the Secretary determines that the Fund contains an excess as calculated in subsection (c), then the Secretary shall refund the excess as follows:

(1) first, to the States which have made contributions to the Fund as provided in section 212(a), until such States have been refunded the full amount of their contributions;

(2) the remaining excess, if any, shall be deposited in the Treasury of the United States.

(e) INTEREST DEEMED EARNED.—For the purposes of this title, the contributions made by any person or entity shall be deemed to have earned interest annually on the contribution from the date made. The appropriate interest rate for each year shall be determined by the Secretary, taking into consideration the average market yield on outstanding marketable obligations of the United States with one year maturity during the year for which calculation is being made: *Provided, however*, That contributions made by any participating owners or licensees of active sites shall be deemed to bear interest during any such year only to the extent that the contributions made by such owner or licensee exceeds one-third of the costs reimbursed out of the Fund to such owner or licensee up to that time.

LIMITATION OF REIMBURSEMENT

Sec. 215. (a) $4.50 Per Ton Limit.—The total reimbursement from the Fund to the owner or licensee of an active site shall not exceed an amount equal to $4.50 multiplied by the dry tons of tailings located at the site as of the effective date of this Act, as determined in accordance with the requirements of section 210(d). Costs in excess of $4.50 per ton shall be borne by the owner or licensee of the active site on its own account outside the Fund.

(b) Inflation Escalation Index.—The $4.50 per dry ton multiplier provided in subsection (a) shall be increased annually based upon an inflation escalation index. The Secretary shall determine the appropriate index to apply.

TAILINGS GENERATED AFTER THE DATE OF THE ENACTMENT OF THE TITLE

Sec. 216. (a) In General.—An owner or licensee of an active site who has elected to participate pursuant to section 213 shall be entitled to reimbursement from the Fund, to the limits provided, for the costs incurred for the reclamation, decommissioning and other remedial action in connection with such active site on the basis of tailings existing at such active site as on the date of the enactment of this title. The participating owner or licensee of an active site shall be responsible on its own account outside the Fund for the costs incurred for the reclamation, decommissioning and other remedial action associated with tailings generated at such active site after the date of the enactment of this title.

(b) Active Sites Containing Tailings Generated Before and After the Date of the Enactment of This Title.—If an active site whose owner or licensee has elected to participate contains tailings generated both before and after the date of the enactment of this title, then it shall be assumed that the costs incurred by the owner or licensee for the reclamation, decommissioning and other remedial action in connection with such site were incurred pro-rata based upon the dry tons of tailings generated before and after such date of enactment as determined on the basis of the Secretary's findings under section 210(d)(2), unless the Secretary determines that the costs incurred in connection with the tailings generated after the date were less than would result from the pro-rata formula, in which event such lower amount shall be used for the purposes thereof.

THORIUM SITES

Sec. 217. In General.—(a) The costs of reclamation, decommissioning, and other remedial action at active thorium sites shall be borne by the licensee or owner, subject to reimbursement by the United States for a portion of the costs at any such site if tailings at the site were generated as an incident of sales to the United States, or any of its agencies and instrumentalities. The portion of the costs to be allocated to the United States shall be determined by the ratio of the volume of tailings that were generated as an incident of sales to the United States, or any of its agencies and instrumentalities, to the total volume of tailings at the site. Owners or licensees shall decide by January 1, 1989, whether they have tailings subject to Federal reimbursement and so notify the Secretary. Subject to such notification and confirmation of the existence of tailings eligible for reimbursement as described above, the Secretary shall enter into a cooperative agreement with the owner or licensee of the site providing for the payment by the United States of its portion of the cost of reclamation, decommissioning and other remedial action.

(b) For the purpose of carrying out the provisions of this section, such funds as necessary are hereby authorized to be appropriated.

MAINTENANCE OF FUND BALANCE

Sec. 218. In General.—The Secretary shall manage disbursements from the Fund such that it never is in a deficit on a cash basis. Reimbursements to owners or licensees may be delayed until receipts allow disbursements. In such cases, owners or licensees of active sites will be treated pro-rata where only partial reimbursements can be made.

INTEREST ON COSTS INCURRED

Sec. 219. In General.—Reimbursement from the Fund for costs incurred shall include interest at the rate provided in section 214(e) on costs incurred by the participating owner or licensee of an active site from the date a statement for reimbursement of such cost is submitted by the owner or licensee to the Secretary until reimbursement for such cost is made from the Fund.

LIMITATION OF FINANCIAL OBLIGATIONS

Sec. 220. Limitation on Financial Obligation of Active Site Owners and Licensees and Licensees Using Source Material or Special Nuclear Material for a Civilian Nuclear Power Reactor To Generate Electrical Energy.—The contributions made and work performed by the owners or licensees of the active sites and the contributions made and fines paid by persons using source material or special nuclear material for a civilian nuclear power reactor to generate electrical energy shall be the sole liability and obligation imposed under Federal laws in connection with the reclamation, decommissioning and other remedial action at active uranium and thorium sites: *Provided, however,* That nothing herein contained shall affect the obligation of every owner or licensee to provide for such long-term care or other reclamation requirements as are provided in the Uranium Mill Tailings Radiation Control Act of 1978, the regulations of the Commission thereunder, and the regulations of the Environmental Protection Agency thereunder.

RECLAMATION ALREADY UNDERTAKEN

Sec. 221. In General.—The owner or licensee of a participating active site who has undertaken reclamation, decommissioning and other remedial action at such site prior to the date of the enactment of this title shall be entitled to reimbursement for the cost thereof as if the work was done after such date if such work, including disposal work, was accomplished in order to comply with the standards under section 210(b). The timing of such reimbursement shall be subject to the management of the Fund as specified in section 218. An owner or licensee of an active site which has elected to participate in the Fund and has performed reclamation work prior to the date of the enactment of this title may have any sums to which it is entitled to be reimbursed credited against any sum it is required to contribute. The Commission shall determine whether work performed at a site prior to such date was accomplished in order to comply with the standards under section 210(b) and advise the Secretary accordingly.

SECRETARY'S AUTHORITY TO MAKE REGULATIONS AND REIMBURSEMENTS

Sec. 222. In General.—The secretary shall adopt and issue regulations to accomplish the purposes of this title and shall review statements by participating owners or licensees for reimbursement from the Fund of costs incurred for reclamation, decommissioning and other remedial actions. Any such statement for reimbursement found appropriate shall be approved by the Secretary and reimbursement therefore shall be made from the Fund.

ATOMIC ENERGY ACT OF 1954

Sec. 223. Standards and Instructions for Bonding, Surety, or Other Financial Arrangements, Including Performance Bonds.—Section 161 x. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201 x.) is amended by inserting after the word "ensure" in the matter preceding paragraph (1) a comma and the following: "for the share of costs for which the licensee is responsible".

TITLE III—UNITED STATES ENRICHMENT CORPORATION

Sec. 310. Redirection of the Uranium Enrichment Enterprise of the United States.—The Atomic Energy Act of 1954, as amended (42 U.S.C. section 2011-2296) is further amended by—

(a) inserting at the commencement thereof after the words "ATOMIC ENERGY ACT OF 1954":

"TITLE I—ATOMIC ENERGY"; and

(b) adding at the end thereof the following:

"TITLE II—UNITED STATES ENRICHMENT CORPORATION

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"CHAPTER 21. FINDINGS

"Sec. 1101. Findings.—The Congress of the United States finds that:

"(a) The enrichment of uranium is essential to the national security and energy security of the United States.

"(b) A competitive, well-managed and efficient enrichment enterprise provides important economic benefits to the United States and contributes to a highly favorable foreign trade balance.

"(c) A strong United States enrichment enterprise promotes U.S. nonproliferation policies by requiring accountability for U.S. enriched uranium.

"(d) The operation of uranium enrichment facilities must meet high standards for environmental health and safety.

"(e) The operation and management of a uranium enrichment enterprise requires a commercial business orientation in order to engender customer support and confidence, and customers, rather than the taxpayers at large, should bear the costs of uranium enrichment services.

"(f) The optimal level of expenditures for the uranium enrichment enterprise fluctuates and cannot be accurately predicted or efficiently financed if subject to annual authorization and appropriation.

"(g) Flexibility is essential to adapt business operations to a competitive marketplace..

"(h) The events of the recent past, including the emergence of foreign competition, have brought new and unforeseen forces to bear upon the management and operation of the Government's uranium enrichment enterprise.

"(i) The present operation of the uranium enrichment enterprise must be changed so as to further the national interest in the enterprise and respond to the competitive demand placed upon it by market forces, while continuing to meet the paramount objective of ensuring the Nation's common defense and security.

"CHAPTER 22. DEFINITIONS, ESTABLISHMENT OF CORPORATION, AND PURPOSES

"Sec. 1201. Definitions.—For the purpose of this title:

"(a) The term 'Secretary' means the Secretary of Energy.

"(b) The term 'Department' means the Department of Energy of the United States.

"(c) The term 'Administrator' means the chief executive officer of the United States Enrichment Corporation.

"(d) The term 'Corporation' means the United States Enrichment Corporation.

"(e) The term 'Advisory Board' means the appointed members of the official advisory panel appointed by the Secretary pursuant to section 1503 of this title.

"(f) The term 'uranium enrichment' means the separation of uranium of a given isotopic content into two components, one having a higher percentage of a fissile isotope and one having a lower percentage.

"Sec. 1202. Establishment of the Corporation.—(a) There is hereby created a body corporate to be known as the 'United States Enrichment Corporation.'

"(b) The Corporation shall—

"(1) be established as a wholly-owned Government corporation subject to the Government Corporation Control Act, as amended (31 U.S.C. section 9101-9109), except as otherwise provided herein; and

"(2) be an agency and instrumentality of the United States.

"Sec. 1203. Purposes.—The Corporation is created for the following purposes:

"(1) to acquire feed material for uranium enrichment, enriched uranium and the Department's uranium enrichment and related facilities;

"(2) to operate, and as required by business conditions, to expand or construct facilities for uranium enrichment or both;

"(3) to market and sell enriched uranium and uranium enrichment and related services to—

"(A) the Department for governmental purposes; and

"(B) qualified domestic and foreign persons;

"(4) to conduct research and development for purposes of identifying, evaluating, improving and testing processes for uranium enrichment;

"(5) to operate, as a continuing, commercial enterprise, on a profitable and efficient basis;

"(6) to maintain a reliable and economical domestic source of enrichment services;

"(7) to conduct its activities in a manner consistent with the health and safety of the public and the common defense and security (including consideration of United States policies concerning nonproliferation of atomic weapons and other nonpeaceful uses of atomic energy); and

"(8) to take all other lawful action in furtherance of the foregoing purposes.

"CHAPTER 23. CORPORATE OFFICES

"Sec. 1301. Corporate Offices.—The Corporation shall maintain an office for the service of process and papers in the District of Columbia, and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. The Corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

"CHAPTER 24. POWERS AND DUTIES OF THE CORPORATION

"Sec. 1401. Specific Corporate Powers and Duties.—The Corporation—

"(a) shall perform uranium enrichment or provide for such enrichment to be performed by others at facilities of the Corporation. The Corporation shall continue in effect contracts in existence as of the date of the enactment of this section between the Department and persons currently under contract to perform uranium enrichment at facilities of the Department;

"(b) shall conduct, or provide for the conduct of, research and development activities related to the isotopic separation of uranium as the Corporation deems necessary or advisable for purposes of maintaining the Corporation as a continuing, commercial enterprise operating on a profitable and efficient basis;

"(c) may acquire or distribute enriched uranium, feed material for uranium enrichment or depleted uranium in transactions with—

"(1) persons licensed under sections 53, 63, 103, or 104 of title I in accordance with the licenses held by such persons;

"(2) persons in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I; or

"(3) as otherwise authorized by law;

"(d) may, to the extent consistent with section 110 of the Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1987—

"(1) enter into contracts with persons licensed under section 53, 63, 103, or 104 of title I for such periods of time as the Corporation may deem necessary or desirable, to provide uranium or uranium enrichment and related services; and

"(2) enter into contracts to provide uranium or uranium enrichment and related services in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I or as otherwise authorized by law: *Provided,* That comparable services are made available pursuant to paragraph (1);

"(e) shall sell to the Department as provided in this title, and without regard to the provisions of 31 U.S.C. 1535, such amounts of uranium or uranium enrichment and related services as the Department may determine from time to time are required: (1) for the Department to carry out Presidential direction and authorizations pursuant to section 91 of title I; and (2) for the conduct of other Department programs;

"(f) may grant licenses, both exclusive and nonexclusive, for the use of patents and patent applications owned by the Corporation, and establish and collect charges, in the form of royalties or otherwise, for utilization of Corporation-owned facilities, equipment, patents, and technical information of a proprietary nature pertaining to the Corporations activities;

"Sec. 1402. General Powers of the Corporation.—In order to accomplish the purposes of this title, the corporation—

"(a) shall have perpetual succession unless disolved by Act of Congress;

"(b) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(c) may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings;

"(d) may indemnify the Administrator, officers, attorneys, agents and employees of the Corporation for liabilities and expenses incurred in connection with their corporate activities;

"(e) may adopt, amend, and repeal bylaws, rules and regulations governing the manner in which its business may be conducted and the power granted to it by law may be exercised and enjoyed;

"(f)(1) may acquire, purchase, lease, and hold real and personal property, including patents and proprietary data, as it deems necessary in the transaction of its business, and sell, lease, grant, and dispose of such real and personal property, as it deems necessary to effectuate the purposes of this title and without regard to the Federal Property and the Administrative Services Act of 1949, as amended;

"(2) purchases, contracts for the construction, maintenance, or management and operation of facilities and contracts for supplies or services, except personal services, made by the Corporation shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Corporation shall determine to be adequate to insure notice and an opportunity for competition: *Provided,* That advertising shall not be required when the Corporation determines that the making of any such purchase or contract without advertising is necessary in the interest of furthering the purposes of this title, or that advertising is not reasonably practicable;

"(g) with the consent of the agency or government concerned, may utilize or employ the services or personnel of any Federal Government agency or, any State or local government, or voluntary or uncompensated personnel to perform such functions on its behalf as may appear desirable;

"(h) may enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any state, territory or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation;

"(i) may determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and other provisions of law specifically applicable to wholly-owned Government corporations;

"(j) notwithstanding any other provision of law, and without need for further appropriation, may use moneys, unexpended appropriations, revenues and receipts from operations, amounts received from obligations issued and other assets of the Corporation in accordance with section 1505, without fiscal year limitation, for the payment of expenses and other obligations incurred by the Corporation in carrying out its functions under, and within the requirements of, this title; and shall not be subject to apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code;

"(k) may settle and adjust claims held by the Corporation against other persons or parties and claims by other persons or parties against the Corporation;

"(l) may exercise, in the name of the United States, the power of eminent domain for the furtherance of the official purposes of the Corporation;

"(m) shall have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates;

"(n) may define appropriate information as 'Government Commercial Information' and exempt such information from mandatory release pursuant to 5 U.S.C. 552(b)(3) when it is determined by the Administrator that such information if publicly released would harm the Corporation's legitimate commercial interests;

"(o) may request, and the Administrator of General Services, when requested, shall furnish the Corporation such services as he is authorized to provide agencies of the United States;

"(p) may accept gifts or donations of services, or of property, real, personal, mixed, tangible or intangible, in aid of any purposes herein authorized; and

"(q) may execute, in accordance with its bylaws, rules and regulations, all instruments necessary and appropriate in the exercise of any of its powers.

"Sec. 1403. Continuation of Contracts, Orders, Proceedings and Regulations.—(a) Except as provided elsewhere in this title, all contracts, agreements, and leases with the Department, and licenses, and privileges that have been afforded to the Department prior to the date of the enactment of this title and that relate to uranium enrichment, including all enrichment services contracts and power purchase contracts, shall continue in effect as if the Corporation had executed such contracts, agreements, or leases or had been afforded such licenses and privileges.

"(b) As related to the functions vested in the Corporation by this title, all orders, determinations, rules, regulations and privileges of the Department shall continue in effect and remain applicable to the Corporation until modified, terminated, superseded, set aside or revoked by the Corporation, by any court of competent jurisdiction, or by operation of law unless otherwise specifically provided in this title: *Provided, however,* That Department orders, rules and regulations affecting health, environment and nuclear safety shall continue in effect and remain applicable to the Corporation until modified, terminated, superseded or set aside by the Secretary.

"(c) Except as provided elsewhere in this title, the transfer of functions related to and vested in the Corporation by this title shall not affect proceedings, judicial or otherwise, relating to such functions which are pending at the time this title takes effect, and such proceedings shall be continued with the Corporation, as appropriate.

"Sec. 1404. Certain Pending Litigation.—(a) As soon as practicable after the date of the enactment of this title, the Corporation shall pay to the Tennessee Valley Authority (hereinafter referred to as 'TVA') the total principal amount of $1,300,000,000, with interest on the unpaid balance from the date of such enactment computed at an annual rate of 9 per centum.

"(b) Upon receipt by TVA of the payment made under subsection (a) and in consideration for such payment, the obligations of the Department and the Corporation to pay capacity charges to TVA for capacity in excess of 100 megawatts per year under Contract No. DE-AC05-760R03760, TV-30613A, as amended, and to pay capacity charges under Contract No. DE-AC05-760R03761, TV-30614A, as amended, and any other obligations of the Department to TVA that are the subject of the litigation currently pending in Tennessee Valley Authority versus The United States of America, Claims Court No. 513-87 C, United States Claims Court, shall be deemed fully satisfied and no longer in dispute by both TVA and the Department: *Provided, however,* That nothing in this title shall affect the authority of the Department or the Corporation to contract with TVA for the supply of electric power or to agree with TVA to modify the provisions of any existing contract between the Department and TVA to supply electric power to facilities of the Department or the Corporation, including, but not limited to, facilities at Oak Ridge, Tennessee.

"(c) The Corporation may enter into or continue any contract in accordance with the provisions of this title without regard to any judgment in the proceeding pending before the United States Court of Appeals for the Tenth Circuit in Docket No. 85-2428, concerning the procedure followed by the Department in setting the terms of certain enrichment services contracts.

"Sec. 1405. Liabilities.—Except as provided elsewhere in this title, all liabilities attributable to operation of the uranium enrichment enterprise prior to the date of the enactment of this title shall remain direct liabilities of the Government of the United States.

"CHAPTER 25. ORGANIZATION, FINANCE AND MANAGEMENT

"Sec. 1501. Administrator.—(a) The management of the Corporation shall be vested in an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation. The Administrator shall be a person who, by reason of professional background and experience, is specially qualified to manage the Corporation: *Provided, however,* That upon enactment of this title, the Secretary shall appoint an existing officer or employee of the United States to act as Administrator until the office is filled.

"(b) The Administrator—

"(1) shall be the chief executive officer of the Corporation and shall be responsible for the management and direction of the Corporation. The Administrator shall establish the offices, appoint the officers and employees of the Corporation (including attorneys), and define their responsibilities and duties. The Administrator shall appoint other officers and employees as may be required to conduct the Corporation's business;

"(2) shall serve a term of six years but may be reappointed;

"(3) shall, before taking office, take an oath to faithfully discharge the duties thereof;

"(4) shall have compensation determined by the Secretary, except that compensation shall not exceed Executive Level I, as prescribed in 5 U.S.C. 5312;

"(5) shall be a citizen of the United States;

"(6) shall designate an officer of the Corporation who shall be vested with the authority to act in the capacity of the Administrator in the event of absence or incapacity; and

"(7) may be removed from office only by the President and only for neglect of duty or malfeasance in office. The President shall communicate the reasons for any such removal to both Houses of Congress at least 30 days prior to the effective date of such removal.

"(c)(1) The Secretary shall exercise general supervision over the Administrator only with respect to the activities of the Corporation involving—

"(A) the Nation's common defense and security;

"(B) health, safety and the environment; and

"(C) the need for indemnification with respect to hazardous nuclear activities.

"(2) The Administrator shall be solely responsible for the exercise of all powers and responsibilities that are committed to the Administrator under this title and that are not enumerated under paragraph (1), and, notwithstanding the provisions of 31 U.S.C. 9104(a)(4), including the setting of the appropriate amount of, and paying, any dividend under section 1506(c) and all other fiscal matters.

"Sec. 1502. Delegation.—The Administrator may delegate, to other officers or employees, powers and duties assigned to the Corporation in order to achieve the purposes of this title.

"Sec. 1503. Advisory Board.—There is hereby established an Advisory Board appointed by the Secretary, which shall consist of five members, one of whom shall be designated as chairman. Members of the Advisory Board shall be individuals possessing high integrity, demonstrated accomplishment and broad experience in management

and shall have strong backgrounds in science, engineering, business or finance. At least one member of the Advisory Board shall be, or previously have been, employed on a full-time basis in managing an electric utility:

"(a) The specific responsibilities of the Advisory Board shall be to—

"(1) review the Corporation's policies and performance and advise the Secretary and the Administrator on these matters; and

"(2) advise the Secretary or the Administrator on any other such matters concerning the Corporation as either may refer to the Advisory Board.

"(b) Except for initial appointments, members of the Advisory Board shall serve five-year terms. Each member of the Advisory Board shall be a citizen of the United States. No more than three members of the Board shall be members of any one political party. Of those first appointed, the chairman shall serve for the full five-year term; one member shall serve for a term of four years; one shall serve for a term of three years; one shall serve for a term of two years; and one shall serve for a term of one year.

"(c) Upon expiration of the initial term, each Advisory Board member appointed thereafter shall serve a term of five years. Upon the occurrence of a vacancy on the Board, the Secretary shall appoint an individual to fill such vacancy for the remainder of the applicable term. Upon expiration of a term, a Board member may continue to serve up to a maximum of one year or until a successor shall have been appointed and assumed office, whichever occurs first.

"(d) The members of the Advisory Board in executing their duties shall be governed by the laws and regulations regarding conflicts of interest, but exempted from other provisions and authority prescribed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2).

"(e) The Advisory Board shall meet at any time pursuant to the call of the Chairman and as provided by the bylaws of the Corporation, but not less than quarterly.

"(f) The Corporation shall compensate members of the Advisory Board at a per diem rate equivalent to Executive Level III, as defined in 5 U.S.C. section 5314, in addition to reimbursement of reasonable expenses incurred when engaged in the performance of duties vested in the Advisory Board. Any Advisory Board member who is otherwise a Federal employee shall not be eligible for compensation above reimbursement for reasonable expenses incurred while attending official meetings of the Corporation.

"(g)(1) The Advisory Board shall report at least annually to the Secretary and to the Administrator on the performance of the Corporation and the issues that, in the opinion of the Board, require the attention of the Secretary or the attention of the Administrator, or both. Any such report shall include such recommendations as the Board finds appropriate. A copy of any report under this subsection shall be transmitted promptly to the Committee on Energy and Natural Resources of the Senate and to the Speaker of the House of Representatives.

"(2) Within 90 days after the receipt of any report under this subsection the Secretary or the Administrator, as the case may be, shall respond in writing to such report and provide an analysis of such recommendation of the Board contained in the report. Such response shall include plans for implementation of each recommendation or a statement of the reasons why that recommendation will not be implemented.

"Sec. 1504. Employees of the Corporation.—Officers and employees of the Corporation shall be officers and employees of the United States:

"(a) The Administrator shall appoint all officers, employees, and agents of the Corporation as are deemed necessary to effect the provisions of this title without regard to any administratively imposed limits on personnel, and any such officer, employee or agent shall only be subject to the supervision of the Administrator. The Administrator shall fix all compensation in accordance with the comparable pay provisions of 5 U.S.C. 5301, with compensation levels not to exceed Executive Level II, as defined in 5 U.S.C. 5313. The Administrator shall define the duties of all officers and employees and provide a system of organization inclusive of a personnel management system to fix responsibilities and promote efficiency. The Corporation shall assure that the personnel function and organization is consistent with the principles of 5 U.S.C. 2301(b) relating to merit system principles. Officers and employees of the Corporation shall be appointed, promoted and assigned on the basis of merit and fitness, and other personnel actions shall be consistent with the principles of fairness and due process but without regard to those provisions of title 5 of the United States Code governing appointments and other personnel actions in the competitive service.

"(b) Any Federal employee hired before January 1, 1984, who transfers to the Corporation and who on the day before the date of transfer is subject to the Federal Civil Service Retirement System (subchapter III of chapter 83 of title 5, United States Code) shall remain within the coverage of such system unless he or she elects to be subject to the Federal Employees' Retirement System. For those employees remaining in the Federal Civil Service Retirement System, the Corporation shall withhold pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in chapter 83 of title 5, United States Code. Employment by the Corporation without a break in continuity of service shall be considered to be employment by the United States Government for purposes of subchapter III of chapter 83 of title 5, United States Code. Any employee of the Corporation who is not within the coverage of the Federal Civil Service Retirement System shall be subject to the Federal Employees' Retirement System (chapter 84 of title 5, United States Code). The Corporation shall withhold pay and make such payments as are required under that retirement system. Further:

"(1) Any employee who transfers to the Corporation under this section shall not be entitled to lump sum payments for unused annual leave under 5 U.S.C. 5551, but shall be credited by the Corporation with the unused annual leave at the time of transfer.

"(2) An employee who does not transfer to the Corporation and who does not otherwise remain a Federal employee shall be entitled to all the rights and benefits available under Federal law for separated employees, except that severance pay shall not be payable to an employee who does not accept an offer of employment from the Corporation of work substantially similar to that performed by that employee for the Department.

"(c) This section does not affect a right or remedy of an officer, employee, or applicant for employment under a law prohibiting discrimination in employment in the Government on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicap conditions.

"(d) Officers and employees of the Corporation shall be covered by chapter 73 of title 5, United States Code, relating to suitability, security and conduct.

"(e) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Department or the executive branch of the Government of the United States shall continue to apply to officers and employees who transfer to the Corporation from other Federal employment until changed by the Corporation or Congress in accordance with the provisions of this title.

"(f) The provisions of sections 3323(a) and 8344 of title 5, United States Code, or any other law prohibiting or limiting the reemployment of retired officers or employees or the simultaneous receipt of compensation and retired pay or annuities, shall not apply to officers and employees of the Corporation who have retired from or ceased previous government service prior to April 28, 1987.

"Sec. 1505. Transfer of Property to the Corporation.—In order to enable the Corporation to exercise the powers and duties vested in it by this title:

"(a) The Secretary, in consultation with the Administrator, is authorized and directed to transfer without charge to the Corporation all of the Department's right, title, or interest in and to, real or personal properties owned by the Department, or by the United States but under control or custody of the Department, which are related to and materially useful in the performance of the functions transferred by this title, including but not limited to the following:

"(1) production facilities for uranium enrichment inclusive of real estate, buildings and other improvements at production sites and their related and supporting equipment: *Provided,* That facilities, real estate, improvements and equipment related to the Oak Ridge K-25 plant in Oak Ridge, Tennessee, and to the gas centrifuge enrichment program shall not transfer under this subsection.

"(2) facilities, equipment, and materials for research and development activities related to the isotopic separation of uranium by the gaseous diffusion technology.

"(3) the Department's stocks of preproduced enriched uranium;

"(4) the Department's stocks of feed materials for uranium enrichment except for such quantities as are currently allocated to national defense activities of the Department;

"(5) all other facilities, equipment, materials (including depleted uranium and materials in process), processes, patents, technical information of any kind, contracts, agreements, and leases to the extent these items concern the Corporations functions and activities, except those items required for programs and activities of the Department and those items specifically excluded by this subsection.

"(b) The Secretary is authorized and directed to grant to the Corporation without charge the Department's rights and access to the atomic vapor laser isotope separation, hereinafter referred to as 'AVLIS', technology and to provide on a reimbursable basis and at the request of the Corporation, the

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necessary cooperation and support of the Department to assure the commercial development and deployment of AVLIS or other technologies in a manner consistent with the intent of this title.

"(c) The Secretary is authorized and directed to grant the Corporation without charge, to the extent necessary or appropriate for the conduct of the Corporation's activities, licenses to practice or have practiced any inventions or discoveries (whether patented or unpatented), together with the right to use or have used any processes and technical information owned or controlled by the Department.

"(d) The Secretary is directed, without need of further appropriation, to transfer to the Corporation the unexpended balance of appropriations, and other monies available to the Department (inclusive of funds set aside for accounts payable), and accounts receivable which related to functions and activities acquired by the Corporation from the Department pursuant to this title, including all advance payments.

"(e) The President is authorized to provide for the transfer to the Corporation of the use, possession, and control of such other real and personal property of the United States which is reasonably related to the functions performed by the Corporation. Such transfers may be made by the President without charge as he may from time to time deem necessary and proper for achieving the purposes of this title.

"Sec. 1506. Capital Structure of the Corporation.—(a) Upon commencement of operations of the Corporation:

"(1) all liabilities then chargeable to unexpended balances of appropriations transferred under section 1505 shall become liabilities of the Corporation; and

"(2) with respect to all assets transferred to the Corporation under section 1505, the Corporation shall use the book value of such assets as shown in the Uranium Enrichment Annual Report for FY 1986, modified to reflect continued depreciation and other usual changes that occur up to the date of transfer.

"(b) At such time that decontamination or decommissioning, or both, of property or equipment transferred in accordance with section 1505 of this title may be necessary, the Corporation and the Department shall share the burden of such costs based on the ratio of the separative work that has been produced under the ownership of each party and that is attributable to the property or equipment being decontaminated or decommissioned or both.

"(c) The Corporation shall pay into miscellaneous receipts of the Treasury of the United States, or such other funds as provided by law, dividends from earnings of the Corporation when, in the opinion of the Administrator, such earnings are not otherwise needed to be applied in furtherance of other corporate functions, including but not limited to research and development, capital investments and establishment of cash reserves.

"(d) The Corporation shall repay within a 20-year period the amount of $364 million into miscellaneous receipts of the Treasury of the United States, or such other fund as provided by law, with interest on the unpaid balance from the date of enactment of this title at a rate equal to the average yield on 20-year government obligations as determined by the Secretary of the Treasury on the date of enactment of this title. The money required to be repaid under this subsection, hereinafter referred to as 'Initial Debt,' is hereby determined to constitute the sole recovery by the United States of previously unrecovered costs that—

"(1) have been incurred by the United States (including the Department) for uranium enrichment activities prior to Fiscal Year 1987 of the United States; and

"(2) are to be recovered by the Corporation from its customers in its charges for products, materials, and services.

"Sec. 1507. Borrowing.—(a)(1) The Corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as 'bonds') in an amount not exceeding $2,500,000,000 outstanding at any one time to assist in financing its activities and to refund such bonds. The principal of and interest on said bonds shall be payable from revenues of the Corporation.

"(2) Notwithstanding any other provision of law, the Corporation may pledge and use its revenues for payment of the principal of and interest on said bonds, for purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve funds and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable.

"(3) Notwithstanding any other provision of law, the Corporation is authorized to enter into binding covenants with the holders of said bonds—and with the trustee, if any—under any indenture, resolution, or other agreement entered into in connection with the issuance thereof with respect to the establishment of reserve funds and other funds, stipulations concerning the subsequent issuance of bonds, and such other matters, not inconsistent with this title, as the Corporation may deem necessary or desirable to enhance the marketability of said bonds.

"(4) Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payments of the principal thereof or interest thereon be guaranteed by, the United States.

"(b) Bonds issued by the Corporation under the section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than thirty years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums, may be entitled to such priorities of claim on the Corporation's revenues with respect to principal and interest payments, and shall be subject to such other terms and conditions, as the Corporation may determine: *Provided*, That at least fifteen days before selling each issue of bonds hereunder (exclusive of any commitment shorter than one year) the Corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected rates of interest of the proposed issue in the fullest detail possible. The Corporation shall not be subject to the provisions of section 9108 of title 31, United States Code. The Corporation shall be deemed part of an executive department or an independent establishment of the United States for purposes of the provisions of 15 U.S.C. 78c(c).

"(c) Bonds issued by the Corporation hereunder shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of the Corporation acquired by them under this section: *Provided*, That the Corporation shall not issue or sell any bonds to the Federal Financing Bank.

"Sec. 1508. Pricing.—To the extent permitted by prevailing business conditions, the Corporation shall establish prices and charges for its products, materials and services that in the opinion of the Corporation will over the long term: (1) recover the costs of performing and maintaining corporate functions, including but not limited to research and development, depreciation of assets, and repayment of the Initial Debt and other obligations of the Corporation; and (2) generate profits consistent with the maintenance of the Corporation as a continuing, commercial enterprise and other purposes of this title: *Provided*, That the Corporation in setting prices and charges for products, materials and services provided to the Department shall recover on a yearly basis its costs of providing such products, materials or services, without regard to prevailing business conditions and without generation of profit. Prices and other contractual terms for the provision of products, materials, or services by the Corporation shall be established without regard to the provisions of the Administrative Procedure Act, as amended.

"Sec. 1509. Audits.—In fiscal years during which an audit is not performed by the Comptroller General in accordance with the provisions of 31 U.S.C. 9105, the financial transactions of the Corporation shall be audited by an independent firm or firms of nationally recognized certified public accountants who shall prepare such audits using standards approriate for commercial corporate transactions. The fiscal year of the Corporation shall conform to the fiscal year of the United States. The General Accounting Office shall review such audits annually, and to the extent necessary, cause there to be a further examination of the Corporation using standards for commercial corporate transactions. Such audits shall be conducted at the place or places where the accounts of the Corporation are established and maintained. All books, financial records, reports, files, papers, memoranda, and other property of, or in use by, the Corporation shall be made available to the person or persons authorized to conduct audits in accordance with the provisions of this section.

"Sec. 1510. Reports.—(a) The Corporation shall prepare an annual report of its activities. This report shall contain—

"(1) a general description of the Corporation's operations;

"(2) a summary of the Corporation's operating and financial performance; and

"(3) copies of audit reports prepared in conformance with section 1509 of this title and the provisions of the Government Corporation Control Act, as amended.

"(b) A copy of the annual report shall be provided to the President, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the appropriate committees of the House of Representatives. Such reports shall be completed not later than 90 days following the close of each fiscal year and shall accurately reflect the financial position of the Corporation at

fiscal year end, inclusive of any impairment of capital or ability of the Corporation to comply with the provisions of this title.

"Sec. 1511. Control of Information.—(a) The term 'Commission' shall be deemed to include the Corporation wherever such term appears in section 141 and subsections a. and b. of section 142 of title I.

"(b) No contracts or arrangements shall be made, nor any contract continued in effect, under section 1401, 1402, 1403 or 1404, unless the person with whom such contract or arrangement is made, or the contractor or prospective contractor, agrees in writing not to permit any individual to have access to Restricted Data, as defined in section 11y. of title I, until the Office of Personnel Management shall have made an investigation and report to the Corporation on the character, associations, and loyalty of such individual, and the Corporation shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

"(c) The restrictions detailed in subsections b., c., d., e., f., g., and h. of section 145 of title I shall be deemed to apply to the Corporation where they refer to the Commission or a majority of the members of the Commission, and to the Administrator where they refer to the General Manager.

"(d) The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Corporation's activities. To the extent consistent with the other provisions of this section, the Corporation shall make available to any of such committees all books, financial records, reports, files, papers, memoranda or other information possessed by the Corporation upon receiving a request for such information from the chairman of such committee.

"(e) Whenever the Corporation submits to the Secretary, the President, or the Office of Management and Budget, any budget, legislative recommendation, testimony, or comments on legislation, prepared for submission to the Congress, the Corporation shall concurrently transmit a copy thereof to the appropriate committees of Congress.

"(f) The Corporation shall have no power to control or restrict the dissemination of information other than as granted by this or any other law.

"Sec. 1512. Patents and Inventions.—(a) The term 'Commission' shall be deemed to include the Corporation wherever such term appears in sections 152, 153b.(1), and 158 of title I. The Corporation shall pay such royalty fees for patents licensed to it under section 153b.(1) of title I as are paid by the Department under that provision. Nothing in title I or this title shall affect the right of the Corporation to require that patents granted on inventions, that have been conceived or first reduced to practice during the course of research or operations of, or financed by the Corporation, be assigned to the Corporation.

"(b) The Department shall notify the Corporation of all reports heretofore or hereafter filed with it under subsection 151c. of title I and all applications for patents heretofore or hereafter filed with the Commissioner of Patents of which the Department has notice under subsection 151d. of title I or otherwise, whenever such reports or applications involve matters pertaining to the functions or responsibilities of the Corporation in accordance with this title. The Department shall make all such reports available to the Corporation, and the Commissioner of Patents shall provide the Corporation access to all such applications. All reports and applications to which access is so provided shall be kept in confidence by the Corporation, and no information concerning the same given without authority of the inventor or owner unless necessary to carry out the provisions of any Act of Congress.

"(c) The Corporation, without regard for any of the conditions specified in paragraph 153 c. (1), (2), (3), or (4) of title I, may at any time make application to the Department for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent when such patent has not been declared to be affected with the public interest under subsection 153 b. (1) of title I and when use of such patent is within the Corporation's authority. Any such application shall constitute an application under subsection 153c. of title I subject, except as specified above, to all of the provisions of subsections 153 c., d., e., f., g., and h. of title I.

"(d) With respect to the Corporation's functions under this title, section 158 of title I shall be deemed to include the Corporation within the phrase, 'any other licensee of the Department' in the first sentence thereof and within the phrase 'such licensee' in the second sentence thereof.

"(e) The Corporation shall not be liable directly or indirectly for any damages or financial responsibility with respect to secrecy orders imposed under 35 U.S.C. 181 through 187.

"(f) The Corporation shall not be liable or responsible for any payments made or awards under subsection 157b.(3) of title 1, or any settlements or judgments involving claims for alleged patent infringement except to the extent that any such awards, settlements or judgments are attributable to activities of the Corporation after the effective date of this title.

"(g) The Corporation shall keep currently informed as to matters affecting its rights and responsibilities under chapter 13 of title I as modified by this section and shall take all appropriate action to avail itself of such rights and satisfy such responsibilities. The Department in discharging its responsibilities under chapter 13 of title I shall exercise diligence in informing the Corporation of matters affecting the responsibilities and jurisdiction of the Corporation and seeking and following as appropriate the advice and recommendation of the Corporation in such matters.

"CHAPTER 26. LICENSING, TAXATION AND MISCELLANEOUS PROVISIONS

"Sec. 1601. Licensing.—Licensing of enrichment production facilities shall be subject to the provisions contained within this section:

"(a) Notwithstanding any other provision of law, with respect solely to facilities, equipment and materials for activities related to the isotopic separation of uranium by the gaseous diffusion technology at facilities in existence as of the date of the enactment of this title, the Corporation and its contractors are hereby exempted from the licensing requirements and prohibitions of sections 57, 62, 81, 101 and other provisions of title I, to the same extent as the Department and its contractors are exempt in regard to the Department's own functions and activities.

"(b) The Corporation shall not transfer or deliver any source, special nuclear or byproduct materials or production or utilization facilities, as defined in title I, to any person who is not properly qualified or licensed under provisions of title I.

"(c) The Corporation shall be subject to the regulatory jurisdiction of the Nuclear Regulatory Commission and the Department of Transportation with respect to the packaging and transportation of source, special nuclear and byproduct materials.

"Sec. 1602. Exemption From Taxation and Payments in Lieu of Taxes.—(a) In order to render financial assistance to those states and localities in which the facilities of the Corporation are located, the Corporation is authorized and directed to make payments to state and local governments as provided in this section. Such payments shall be in lieu of any and all State and local taxes on the real and personal property, activities and income of the Corporation. All property of the Corporation, its activities and income are expressly exempted from taxation in any manner or form by any state, county, or other local government entity. The activities of the Corporation for this purpose shall include the activities of organizations pursuant to cost-type contracts with the Corporation to manage, operate, and maintain its facilities. The income of the Corporation shall include income received by such organizations for the account of the Corporation. The income of the Corporation shall not include income received by such organizations for their own accounts, and such income shall not be exempt from taxation.

"(b) The Corporation shall make annual payments, in amounts determined by the Corporation to be fair and reasonable, to the state and local governmental agencies having tax jurisdiction in any area where facilities of the Corporation are located. In making such determinations, the Corporation shall be guided by the following criteria:

"(1) Amounts paid shall not exceed the tax payments that would be made by a private industrial corporation owning similar facilities and engaged in similar activities at the same location: *Provided, however*, That there shall be excluded any amount that would be payable as a tax on net income.

"(2) The Corporation shall take into account the customs and practices prevailing in the area with respect to appraisal, assessment, and classification of industrial property and any special considerations extended to large-scale industrial operations.

"(3) No amount shall be included to the extent that any tax unfairly discriminates against the class of taxpayers of which the Corporation would be a member if it were a private industrial corporation, compared with other taxpayers or classes of taxpayers.

"(4) In no event shall the payment made to any taxing authority for any period be less than the payments which would have been made to such taxing authority for the same period by the Department and its cost-type contractors on behalf of the Department with respect to property that has been transferred to the Corporation under section 1505 and which would have been attributable to the ownership, management, operation, and maintenance of the Department's uranium enrichment facilities, applying the laws and policies prevailing immediately prior to the enactment of this title.

"(c) Payments shall be made by the Corporation at the time when payments of taxes by taxpayers to each taxing authority are due and payable: *Provided*, That no payment shall be made to the extent that the

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tax would apply to a period prior to the enactment of this title.

"(d) The determination by the Corporation of the amounts due hereunder shall be final and conclusive.

"Sec. 1603. Miscellaneous Applicability of the Atomic Energy Act.—(a) Any references to the term 'Commission' or to the Department in sections 105 b., 110 a., 161 c., 161 k., 161 o., 165, 221 a., 229, 230, 232 of title I shall be deemed to include the Corporation.

"(b) Section 188 of title I shall apply to licensed facilities of the Corporation. For purposes of applying such section to facilities of the Corporation—

"(1) the term 'Commission' shall be deemed to refer to the Secretary;

"(2) there shall be no requirement for payment of just compensation to the Corporation, and receipts from operation of the facility in question shall continue to accrue to the benefit of the Corporation; and

"(3) the Secretary shall have the discretion to determine how and by whom the facility in question will be operated.

"Sec. 1604. Cooperation With Other Agencies.—The Corporation is empowered to use with their consent the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Corporation. Further, the Corporation may confer with and avail itself of the cooperation, services, records, and facilities of state, territorial, municipal or other local agencies.

"Sec. 1605. Applicability of Antitrust Laws.—(a) The Corporation shall conduct its activities in a manner consistent with the policies expressed in the antitrust laws, except as required by the public interest.

"(b) As used in this subsection, the term 'antitrust laws' means—

"(1) the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890 (15 U.S.C. 1-7), as amended;

"(2) the Act entitled 'An Act to supplement existing laws against unlawful restraints and monoplies, and for other purposes', approved October 15, 1914 (15 U.S.C. 12-27), as amended;

"(3) sections 73 and 74 of the Act entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes', approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

"(4) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

"Sec. 1606. Relationship to Federal Budget.—Notwithstanding any other provision of law, receipts, revenues, disbursements, budget authority and outlays of the Corporation for a fiscal year shall not be included in total budget authority, total budget outlays and total revenues or in the amounts of budget authority and outlays set forth for each major functional category for such fiscal year in either the budget of the United States Government submitted by the President pursuant to section 1105 of title 31, United States Code, or in the budget adopted by Congress pursuant to title III of the Congressional Budget and Impoundment Control Act of 1974, as amended. Neither shall such receipts, revenues, disbursements, budget authority or outlays be used in calculating the Federal deficit for purposes of comparison with the maximum deficit amount under the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That nothing in this section shall affect the treatment for budgetary purposes of payments made by the Corporation to the United States Treasury or funds appropriated to the Corporation after the date of the enactment of this title.

"Sec. 1607. Intent.—It is hereby declared to be the intent of this title to aid the United States Enrichment Corporation in discharging its responsibilities under this title by providing it with adequate authority and administrative flexiblity to obtain necessary funds with which to assure the maximum achievement of the purposes hereof as provided herein, and this title shall be construed liberally to effectuate such intent.

"Sec. 1608. Report.—(a) No earlier than January 1, 1993, but no later than December 31, 1998, the Administrator shall submit to the President and to Congress a report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties and assets of the Corporation to private ownership. If the Administrator recommends such transfers, the report shall include a plan for implementation of the transfers.

"(b) Within one hundred and eighty days after receipt of the report under subsection (a), the President shall transmit to Congress his recommendations regarding the report, including a plan for implementation of any transfers recommended by the President and any recommendations for legislation necessary to effectuate such transfers.".

Sec. 311. Nuclear Hazard Indemnification.—The Secretary of Energy shall indemnify under section 170(d) of the Atomic Energy Act of 1954, as amended, the contractors of the Corporation as if such contractors were contractors of the Secretary.

Sec. 312. Miscellaneous Provisions.—(a) Section 9101(3) of title 31, United States Code (relating to the definition of "wholly-owned Government corporation") is amended by adding at the end the following: "(N) United States Enrichment Corporation."

(b) In subsection 41 a. of the Atomic Energy Act of 1954, as amended, the word "or" appearing before the numeral "(2)" is deleted, a semicolon is substituted for a period at the end of the subsection and the following new paragraph is added: "or (3) are owned by the United States Enrichment Corporation.".

(c) In subsection 53 c. (1) of the Atomic Energy Act of 1954, as amended, the word "or" is inserted before the word "grant" and the phrase "or through the provision of production or enrichment services" is deleted in both places where it appears in such subsection.

(d) The Atomic Energy Act of 1954, as amended, is further amended—

(1) by adding before the period at the end of the definition of the term "production facility" in section 11 v. a colon and the following: "*Provided, however*, That as the term is used in Chapters 10 and 16 of this Act, other than with respect to import or export of a uranium enrichment production facility, it shall not include any equipment or device, or important component part especially designed therefor, capable of separating the isotopes of uranium or enriching uranium in the isotope 235";

(2) by striking the period at the end of section 161 b. and adding the following: "; in addition, the Commission shall prescribe such regulations or orders as may be necessary or desirable to promote the Nation's common defense and security with regard to control, ownership or possession of any equipment or device, or important component part especially designed therefor, capable of separating the isotopes of uranium or enriching uranium in the isotope 235;";

(3) by striking the phrase "section 103 or 104" in section 41 a. (2) and inserting in lieu thereof "this title"; and

(4) in section 236 by striking the word "or" following paragraph (2) and adding after paragraph (3) "or (4) any uranium enrichment facility licensed by the Commission;".

(e) Subsection 905(g)(1) of title II, United States Code, is amended to include "United States Enrichment Corporation" at the end thereof.

Sec. 313. Authorization of Appropriations.—There are hereby authorized to be appropriated such additional sums as are necessary to discharge the obligations of the United States, including the United States Enrichment Corporation, arising under this title.

Sec. 314. Severability.—If any provision of this title, or the application of any provision to any entity, person or circumstance, shall for any reason be adjudged by a court of competent jursidiction to be invalid, the remainder of this title, or the application of the same shall not be thereby affected.

Sec. 315. Effective Date.—Except as otherwise provided, all provisions of this title shall take effect on the day following the end of the first full fiscal year quarter following the enactment of this title: *Provided, however*, That the Administrator or Acting Administrator may immediately exercise the management responsibilities and powers of subsection 1501(a) of the Atomic Energy Act of 1954 as amended by this Act and previous Acts.●

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary:

Paul R. Michel, of Virginia, to be United States Circuit Judge for the Federal Circuit;

Malcolm J. Howard, of North Carolina, to be United States District Judge for the Eastern District of North Carolina;

Stephen M. Reasoner, of Arkansas, to be United States District Judge for the Eastern District of Arkansas;

Rudy Lozano, of Indiana, to be United States District Judge for the Northern District of Indiana;

John E. Fryatt, of Wisconsin, to be United States Attorney for the Eastern District of Wisconsin for the term of four years.

Patrick J. Fielder, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years;

Edgar W. Ennis, Jr., of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years; and

Charles A. Banks, of Arkansas, to be United States Attorney for the Eastern District of Arkansas for the term of four years;

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM:

S. 2081. A bill to suspend temporarily the duty on calcium carbaspirin; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 2082. A bill to amend the Internal Revenue Code of 1986 to exempt retired public safety officers from the early withdrawal tax on pension distributions; to the Committee on Finance.

By Mr. HEINZ:

S. 2083. A bill to ensure that certain Railroad Retirement benefits paid out of the Dual Benefits Payments Account are not reduced, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. Kasten, Mr. Inouye, Mr. Stevens, Mr. DeConcini, Mr. Wallop, Mr. Boschwitz, Mr. Durenberger, Mr. Grassley, Mr. Garn, Mr. Cochran, Mr. McCain, Mr. Bond, Mr. Lugar, Mr. Danforth, and Mr. Simpson):

S. 2084. A bill to establish a block grant program for child care services, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 2085. A bill to establish a block grant program for child care services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WEICKER (for himself and Mr. Dodd):

S. 2086. A bill to establish a trust fund using civil penalties collected under the Occupational Health and Safety Act of 1970 to compensate victims of the collapse of the L'Ambiance Plaza in Bridgeport, Connecticut; to the Committee on Labor and Human Resources.

By Mr. BRADLEY:

S. 2087. A bill to suspend until January 1, 1991, the duty of Iohexol; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2088. A bill to provide for flexibility in the use of Federal highway program grants authorized under title 23, United States Code, and other Federal infrastructure grants, to establish a National Infrastructure Corporation, to provide additional financing for a variety of public works improvements, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MELCHER (for himself and Mr. Wirth):

S. 2089. A bill to provide for certain requirements relating to the conversion of oil shale mining claims located under the General Mining Law of 1872 to leases, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MELCHER:

S. 2090. A bill to amend the Internal Revenue Code of 1986 to modify the rules regarding the refunding of qualified small issue bonds; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. Baucus, Mr. Stafford, and Mr. Chafee):

S. 2091. A bill to protect ground water resources of the United States; ordered held at the desk.

By Mr. DURENBERGER:

S. 2092. A bill to amend chapter 38 of the Internal Revenue Code of 1986 to establish new environmental taxes, and for other purposes; to the Committee on Finance.

By Mr. HEFLIN (for himself, Mr. Shelby, and Mr. Helms):

S. 2093. A bill to urge negotiations with the Government of France for the recovery and return to the United States of the CSS Alabama; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 2094. A bill to amend title XVI of the Social Security Act, to provide that the existing requirements for deeming a parent's income and resources to his or her children under age 18 shall not apply in the case of certain severely disabled children, and for other purposes; to the Committee on Finance.

By Mr. METZENBAUM (for himself, Mr. Pell, Mr. Weicker, and Mr. Harkin):

S. 2095. A bill to strengthen the protections available to private employees against reprisal for disclosing information, to protect the public health and safety, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOMENICI (for himself, Mr. Boren, Mr. Nickles, Mr. Johnston, Mr. Wallop, Mr. Breaux, Mr. Simpson, Mr. Bingaman, and Mr. McClure):

S. 2096. A bill entitled the "U.S. Canada Free Trade Agreement Oil and Natural Gas Incentive Equalization Act of 1988"; to the Committee on Finance.

By Mr. JOHNSTON from the Committee on Energy and Natural Resources:

S. 2097. An original bill to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly-owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing, commercial enterprise on a profitable and efficient basis, and for other purposes; placed on the calendar.

By Mr. BRADLEY (for himself, Mr. Stafford, Mr. Inouye, Mr. Cochran, Mr. Gore, Mr. Garn, Mr. Levin, Mr. Warner, Mr. Lautenberg, Mr. Murkowski, Mr. Pell, Mr. Domenici, Mr. Dixon, Mr. Dole, Mr. Sanford, Mr. Hatch, Mr. Sarbanes, Mr. Burdick, Mr. Trible, Mr. Bumpers, Mr. Lugar, Mr. Graham, Mr. Boschwitz, Mr. Stennis, Mr. Simpson, Mr. Riegle, Mr. Thurmond, Mr. Boren, Mr. Bentsen, Mr. Heflin, Mr. Hollings, Mr. Quayle, Mr. Danforth, and Ms. Mikulski):

S.J. Res. 263. A joint resolution to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week"; to the Committee on the Judiciary.

By Mr. RIEGLE:

S.J. Res. 264. A bill to designate the period commencing May 8, 1988, and ending May 14, 1988, as "National Correctional Officers Week"; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. Lugar, Mr. Melcher, Mr. Dole, Mr. Boren, Mr. Helms, Mr. Conrad, Mr. Cochran, Mr. Fowler, Mr. Boschwitz, Mr. Daschle, Mr. Bond, Mr. Karnes, Mr. McConnell, Mr. Pryor, Mr. Heflin, and Mr. Breaux):

S.J. Res. 265. A joint resolution to designate March 20, 1988, as "National Agriculture Day"; placed on the calendar by unanimous consent.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH:

S. Res. 382. A resolution to remove the power to arrest Senators from the Sergeant at Arms; to the Committee on Rules and Administration.

By Mr. LAUTENBERG (for himself, Mr. Pell, Mr. Moynihan, Mr. Weicker, Mr. Biden, Mr. Specter, Mr. Byrd, Ms. Mikulski, Mr. Bradley, Mr. Burdick, Mr. Fowler, Mr. Harkin, and Mr. Adams):

S. Res. 383. A resolution to express the sense of the Senate regarding future funding of Amtrak; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY:

S. Con. Res. 100. A concurrent resolution expressing the sense of the Congress that the executive branch, in exercising authorities to restrict exports, use a standard definition of those goods which may be exported as humanitarian donations; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATSUNAGA:

S. 2082. A bill to amend the Internal Revenue Code of 1986 to exempt retired public safety officers from the early withdrawal tax on pension distributions; referred to the Committee on Finance.

LEGISLATION TO EXEMPT PUBLIC SAFETY EMPLOYEES FROM THE PENALTY TAX ON EARLY PENSION DISTRIBUTIONS

Mr. MATSUNAGA. Mr. President, I am today introducing legislation which will exempt public safety employees from the penalty tax on early distributions from qualified retirement plans.

Mr. President, the Tax Reform Act of 1986 imposed a 10-percent penalty tax on early distributions from any qualified retirement plan. For purposes of this penalty tax, an early distribution is defined as a distribution made to an employee before the age of 55. Unfortunately, little or no consideration was given to the fact that many State and municipal retirement systems allow or require public safety employees such as firefighters, rescue workers, law enforcement officers, and correctional personnel to retire before the age of 55. In addition, certain Federal public safety employees are permitted or requested to retire before age 55.

Mr. President, public safety employees who are allowed or required to retire before age 55 have no effective means of avoiding this penalty tax. In this instance, this penalty tax runs counter to the policy of encouraging or mandating early retirement in these special occupations.

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Mr. President, the legislation I am proposing today will exempt public safety employees from this 10-percent penalty tax on early pension distributions. I believe that it is inequitable to apply the penalty tax on early distributions to public safety employees who are permitted or required to retire before the age of 55. I urge my colleagues to join me in cosponsoring this legislation on the simple ground that it seeks to restore plain justice for a well-deserving, highly essential group of Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. EXEMPTION FROM EARLY WITHDRAWAL TAX ON DISTRIBUTIONS TO RETIRED PUBLIC SAFETY OFFICERS.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(6) DISTRIBUTIONS TO PUBLIC SAFETY OFFICERS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to any distribution from a plan maintained by the Federal Government, a State or political subdivision thereof, or any agency or instrumentality of either, which is received by a qualified public safety officer on or after retirement under such plan.

"(B) QUALIFIED PUBLIC SAFETY OFFICER.—For purposes of this paragraph, the term 'qualified public safety officer' means a participant in a plan described in subparagraph (A) with respect to whom the period of service taken into account in determining the amount of benefit under the plan includes at least 20 years of service of the participant as a full-time employee providing police protection, firefighting services, emergency medical services, or correctional facility services."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1023(a) of the Tax Reform Act of 1986.

By Mr. HEINZ:

S. 2083. A bill to ensure that certain railroad retirement benefits paid out of the dual benefits payments account are not reduced, and for other purposes; to the Committee on Labor and Human Resources.

RAILROAD RESTORATION ACT

● Mr. HEINZ. Mr. President, twice in the last 6 years when railroad retirement's vested dual benefits have been threatened by budget cuts, Congress has taken legislative action to ensure their protection. I call on my colleagues once again to take action to correct a regrettable mistake in the continuing resolution for appropriations of 1987. If this mistake is not adjusted, monthly retirement checks for some 275,000 retirees will be cut by as much as $63 per year.

Let me take a moment to explain what happened in the continuing resolution. The continuing resolution made a 4.26-percent across-the-board reduction in all discretionary spending in the Labor/HHS Appropriations. The 4.26-percent reduction, when applied to vested dual benefits, will not eliminate a COLA because there is no COLA for these benefits. Rather, it is an actual reduction in the basic benefit. Other retirement benefits are entitlements and are therefore automatically appropriated and, thus, are not affected by annual appropriations of discretionary spending accounts. Dual vested benefits, however, are funded for general revenues rather than through the railroad retirement trust funds and, therefore, run the risk of being reduced.

Vested dual benefits are treated differently than other railroad retirement benefits. These are benefits that had been earned by workers prior to 1974 and were protected in a special account when railroad retirement was restructured in 1974. Previously, railroad workers with extensive nonrail employment qualified for benefits under Social Security and railroad retirement that, in combination, were higher than the benefits of those who worked exclusively in rail employment.

Congress eliminated these dual benefits prospectively in 1974, but preserved in a special account dual benefits to the workers who had already vested. Congress chose to fund this account out of general revenues because of the inequity of charging rail workers for benefits that they could no longer receive. These benefits were fixed at that time, with no indexing for inflation.

Railroad retirement with vested dual benefits are continuously in danger of losing a portion of their benefits, due either to lack of attention or budget cutting. Twice the Congress has acted to prevent a reduction in these benefits.

In 1982, I sponsored an amendment included in the supplemental appropriations bill which restored full funding of dual benefits for the fiscal years 1983, 1984, and 1985. Once again in 1986, I introduced legislation which was added as an amendment to the Omnibus Reconciliation Act of 1986, to exempt dual vested benefits from further cuts under the automatic sequestration process.

Now, we face the necessity of acting again to rectify a cut in these benefits. What we have here is a case of congressional malpractice. We set out to slice the nonretirement accounts but slipped, and carved a chunk out of thousands of retirees' retirement checks as well. We need to suture this wound quickly. We in Congress have consistently opposed cutting retirement benefits for Social Security recipients, railroad retirees, and Federal civilian and military retirees. Not to undo this unintended and patently unfair cut in dual retirement benefits for railroad retirees would establish a dangerous precedent—one that would justifiably give all retirees cause to fear that Congress would cut their benefits.

With this in mind, Mr. President, I urge my colleagues to join me in correcting this unfortunate situation. Let us hope that in our efforts to remedy this oversight we may eliminate the fear railroad retirees have of losing their hard-earned benefits.

In so doing, we may restore their faith in the congressional process. I urge you to support the legislation I am introducing today. It is the responsibility of Congress to fix this oversight as quickly as possible, and to ensure railroad retirees that their benefits will not be cut.●

By Mr. HATCH (for himself, Mr. KASTEN, Mr. INOUYE, Mr. STEVENS, Mr. DECONCINI, Mr. WALLOP, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. GRASSLEY, Mr. GARN, Mr. COCHRAN, Mr. MCCAIN, Mr. BOND, Mr. LUGAR, Mr. DANFORTH, and Mr. SIMPSON):

S. 2084. A bill to establish a block grant program for child care services, and for other purposes; to the Committee on Finance.

CHILD CARE SERVICES IMPROVEMENT ACT

Mr. HATCH. Mr. President, I am very pleased to be reintroducing the "Child Care Services Improvement Act" along with 15 of my Senate colleagues. Our distinguished colleague in the House of Representatives, Congresswoman NANCY JOHNSON, of Connecticut, is introducing an identical bill in that body.

Several improvements have been made to the bill I introduced in September, and we are ready to move forward with this legislation. We are eager to discuss the details of our proposal during the upcoming hearings planned by Senator DODD's Subcommittee on Children, Family, Drugs and Alcoholism.

Several prominent national organizations have reviewed our proposal as well as the complex problem of child care and agree that this approach is realistic, workable, and most important, effective.

I am joined in sponsoring this bipartisan legislation by 15 Senators who share my concern about the lack of quality child care and the ramifications such shortages have on families, on our workforce, and on our future generations. I invite other members of this body to study the provisions of our bill and to lend us their support. I believe they will find our approach a meritorious one and one which can be

signed into law during this historic 100th Congress.

Mr. President, I ask unanimous consent that the text of the "Child Care Services Improvement Act of 1988" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Care Services Improvement Act of 1988".

SEC. 2. PURPOSE.

It is the purpose of this Act to—

(1) expand the availability of child care for working families;

(2) increase the access of low income and minority families to child care;

(3) ensure the health and safety of children entrusted to child care providers;

(4) provide incentives for private sector participation in child care services; and

(5) provide incentives to minimize the need for child care.

SEC. 3. FINDINGS.

Congress finds that—

(1) 63 percent of all women with children under the age of 14 are in the labor force and 52 percent of such women have children under the age of 6;

(2) of all of the women in the labor force, two-thirds are employed due to economic need because they are the head of a household or because they have a spouse that earns less than $20,000 per year;

(3) an estimated 70 to 90 percent of family day care providers are unregulated, unregistered, and difficult to find for potential consumers;

(4) since at least two-thirds of all children in child care are cared for in family or home-based environments, any sound social policy must recognize the dependence of families on this small business sector, assure that adequate time and resources exist to meet regulatory standards without interruption of services, and enhance parental access to the important service it provides;

(5) compliance with accreditation or licensing standards by providers may require a substantial capital investment that can discourage individuals from entering into the child care profession and increase the cost of child care for families;

(6) the shortage of day care slots jeopardizes the safety of thousands of children left unsupervised;

(7) there is a shortage of trained child care workers and of training programs for those interested in becoming care providers;

(8) low compensation for child-care personnel results in high turnover in day-care centers and discourages home-based providers from a long-term commitment to the profession, which creates insecure environments detrimental to the well-being of the children involved;

(9) difficulties in obtaining affordable liability insurance and in complying with cumbersome tax and filing requirements discourage potential child care providers from entering the profession; and

(10) the accumulated effects of the unavailability, unaffordability, and uncertain quality of child care in the United States will have a negative impact on the growth and development of children.

TITLE I—CHILD CARE BLOCK GRANT

SEC. 101. CHILD CARE BLOCK GRANT.

Title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new part:

"PART D—CHILD CARE SERVICES BLOCK GRANT

"SEC. 1931. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of allotments to States to carry out the activities described in section 1934, there are authorized to be appropriated $250,000,000 for each of the fiscal years 1989, 1990, and 1991.

"SEC. 1932. ALLOTMENTS.

"(a) FORMULA.—

"(1) IN GENERAL.—The Secretary shall make an allotment to each State for each fiscal year from amounts appropriated for allotments for such fiscal year. The amount of such allotment shall be equal to the product of—

"(A) an amount equal to the amounts appropriated for allotments to States for such fiscal year; and

"(B) the percentage described in paragraph (2).

"(2) PERCENTAGE.—The percentage referred to in paragraph (1)(B) is a percentage equal to the quotient of—

"(A) an amount equal to the number of children under 12 years of age in the State involved living in a household whose income is not greater than 200 percent of the poverty level, adjusted for family size, as indicated by the most recent data collected by the Bureau of the Census; divided by

"(B) an amount equal to the number of children under 12 years of age in the United States living in a household whose income is not greater than 200 percent of the poverty level, adjusted for family size, as indicated by the sum of the respective amount determined for each State under subparagraph (A).

"(b) ADDITIONAL ALLOTMENT.—

"(1) SOURCE OF ALLOTMENT.—A State shall receive an additional allotment if funds appropriated and available for allotment for a fiscal year are not allotted to States under subsection (a) because—

"(A) at least one State has not submitted an application or description of activities in accordance with section 1935 for such fiscal year;

"(B) at least one State has notified the Secretary that the State does not intend to use the full amount of the allotment; or

"(C) at least one States' allotment is offset or repaid under section 1917(b)(3) (as such section applies to this part pursuant to section 1938).

"(2) METHOD OF ALLOTMENT.—The excess amounts available for allotment under paragraph (1) shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year.

"SEC. 1933. PAYMENTS UNDER ALLOTMENTS TO STATES.

"(a) IN GENERAL.—The Secretary shall make payments from amounts appropriated for each fiscal year, as provided by section 6503(a) of title 31, United States Code, to a State from the State's allotment under section 1932, in an amount equal to the Federal share of the total sums to be expended by the State for project grants pursuant to section 1934(a) for the fiscal year for which payments are made. For purposes of calculating payments under this section, the total sums to be expended by the State for project grants pursuant to section 1934(a) shall include the value of any in-kind expenditures to be made by the State which are targeted for project grants, but shall not include any funds from Federal sources (other than those to be provided from the State's allotment under section 1932).

"(b) FEDERAL SHARE.—The Federal share for each fiscal year shall be 80 percent.

"(c) TIMING OF PAYMENTS.—The Secretary may make payments to a State at such times and amounts (with necessary adjustments for overpayments or underpayments) as he and the Governor of the State consider appropriate.

"(d) CARRYOVER.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of that year shall remain available, for the next fiscal year, to the State for the purposes for which the payment to the State was made.

"SEC. 1934. STATE USE OF ALLOTMENTS.

"(a) PROJECT GRANTS.—Subject to subsection (d), amounts paid to a State under section 1933 shall be used by the State to make grants to eligible entities for projects described in subsection (c) that meet at least one of the purposes of the Child Care Services Improvement Act of 1988.

"(b) ELIGIBLE ENTITIES.—For purposes of this part, the term 'eligible entity' means—

"(1) a unit of a local government, including a school district;

"(2) an organization which qualifies as a nonprofit organization under section 501(c) or 501(d) of the Internal Revenue Code of 1986;

"(3) a professional or employee association;

"(4) a consortium of small businesses;

"(5) an institution of higher education;

"(6) a hospital or health care facility;

"(7) a family care provider;

"(8) a parent to use of employment-related or education-related expenses for child care by a registered, licensed, or accredited provider; or

"(9) an entity that the State considers able and appropriate to carry out a project under this part.

"(c) PROJECTS.—

"(1) PURPOSE.—A State may make grants to an eligible entity—

"(A) for child care certificate programs or scholarships that enable low income families to obtain adequate child care;

"(B) for the establishment and operation of community or neighborhood child care centers, including the renovation of public buildings for such purposes;

"(C) for the establishment and operation of after school child care programs;

"(D) to provide grants or loans to fund the start up costs of employer sponsored child care programs;

"(E) for the establishment and operation of training programs for child care providers;

"(F) for the temporary care of children who are sick and unable to attend child care programs in which such children are enrolled;

"(G) for the expansion of existing part-day child care programs into full-day child care programs;

"(H) for the establishment and operation of child care programs for homeless children;

"(I) for linking child care programs with programs designed to assist the elderly; or

"(J) for any project consistent with the purposes of the Child Care Services Improvement Act of 1988.

"(2) Limitations.—A State may not use amounts paid to the State under section 1933 to—

"(A) provide inpatient health care services or other unrelated services, except temporary sick child care as authorized under paragraph (1)(F);

"(B) make cash payments to intended recipients of services other than pursuant to the child care certificate system authorized by paragraph (1)(A);

"(C) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment (except as provided in paragraph (1)(B)); and

"(D) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(3) Waiver of limitations.—The Secretary may waive the limitations contained in paragraph (2) on the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"(d) Technical Assistance.—The Secretary, on request by a State, shall provide technical assistance, including assistance in developing State licensing and accreditation standards, information on voluntary accreditation, and model programs for the training of child care providers, to the State in planning and operating activities to be carried out under this part.

"(e) State Administration.—

"(1) Limitation on expenditures.—No more than 10 percent of the total amount paid to a State under section 1933 for a fiscal year shall be used for administering the funds made available under such section. The State shall pay from non-Federal sources the remaining costs of administering such funds.

"(2) State responsibilities.—From the funds reserved by the State under paragraph (1) for the administration of the amounts awarded to the State under section 1933, the State shall—

"(A) provide technical assistance to eligible entities participating in projects under this section;

"(B) conduct investigations of child abuse in projects funded under this section;

"(C) coordinate projects funded under the Child Care Services Improvement Act of 1988 with referral programs conducted pursuant to the State Dependent Care Development Grants Act;

"(D) establish regular communication with registered, licensed, and accredited child care providers on regulatory standards, provider training opportunities, provider support groups, and nutritional assistance programs; and

"(E) establish a consumer education program designed to inform parents and the general public about regulatory standards, complaint procedures, and the importance of parental involvement in assuring quality care.

"(f) Certification.—To receive funds under this part, a State shall—

"(1) certify that the State will coordinate the provision of child care services with funds provided under the Child Care Services Improvement Act of 1988 with other child care services available in the State;

"(2) certify that the State agrees that Federal funds made available under section 1933 for any fiscal year will be used to supplement and increase the level of State, local, and other non-Federal funds that would, in the absence of such Federal funds, be made available for the programs and activities for which funds are provided under such section and will in no event supplant such State, local, and other non-Federal funds;

"(3) certify that the Governor of the State will establish an advisory council that meets the requirements of section 1936;

"(4) certify that the State will adopt standards of accreditation or licensing for family-based and group child care providers, and methods of inspection and certification based on such standards;

"(5) certify that, if it makes grants for child care certificate programs, the State will require that, in order to redeem a child care certificate provided to a parent, any family or home-based child care provider which has never been accredited or licensed will register with the appropriate State or local agency for a period of not more than two years, providing its name, telephone number, and address, after which it must become fully licensed or accredited under the standards established by the State; and

"(6) certify that the State will use the information contained in the report submitted to the Secretary pursuant to subsection (h) to regularly evaluate the impact of its distribution of funds received pursuant to section 1933 on the quality and availability of child care in the State.

"(g) State Reports.—

"(1) In general.—Before March 31 of each fiscal year, the Governor of a State receiving funds pursuant to section 1933 shall prepare and submit to the Secretary, in such form as the Secretary shall prescribe, a report describing the States' use of the funds received pursuant to section 1933 for the preceding fiscal year.

"(2) Requirements of report.—The report submitted under paragraph (1) shall—

"(A) include information on the programs, activities, and services supported or provided with the funds received by the State under section 1933, including the number of children served, the number of low-income and minority families served, and the Federal, State, local, and private costs incurred;

"(B) include an estimate of the number of children cared for by unlicensed child care providers in the State during the preceding fiscal year and an estimate of the number of such children who are cared for by providers who are related to them;

"(C) include an examination of the impact of provider pay on the quality of child care and on provider and staff turnover in the State during the preceding fiscal year; and

"(D) be made public in the State in a manner that will facilitate comment by persons desiring to do so.

"(3) Duties of Secretary.—Not later than September 30th of each fiscal year, the Secretary shall prepare and submit to Congress a summary of the information contained in the State reports submitted pursuant to paragraph (1). Such summary shall include an analysis of those programs, activities, and services supported or provided with the funds received by the States under section 1933 which the Secretary considers particularly innovative and effective, and an analysis of efforts made to regulate unlicensed child care providers.

"SEC. 1935. APPLICATIONS FOR GRANTS BY ENTITIES.

"(a) Application.—In order to receive a grant from a State under section 1934, an eligible entity shall submit an application to the State that—

"(1) describes the project that the entity is seeking the grant for; and

"(2) contains assurances that project will meet the requirements of subsection (b).

"(b) Requirements.—An application submitted under subsection (a) shall—

"(1) provide assurances that the submitting entity will use the funds provided under the grant in accordance with the purpose and requirements of this part;

"(2) provide assurances that each family participating in a child care program assisted under this part will be assessed fees in an amount that is proportional to the annual income of the family;

"(3) specify provisions for parental involvement in the project; and

"(4) provide assurances that the project will meet the quality standards established by the State for accreditation or licensing.

"(c) Funding Requirement.—An eligible entity receiving a grant under this part shall be required to fund at least 10 percent, but no more than 50 percent, of the project cost with non-Federal funds. The non-Federal funding may be in cash or in-kind based on fair market value.

"(d) Priority.—In awarding grants under this part, a State shall give priority to programs and projects which are designed to operate in succeeding years without receiving such grants.

"SEC. 1936. CHILD CARE ADVISORY COUNCIL.

"(a) Establishment.—The Governor of each State shall establish an advisory council on child care.

"(b) Membership.—(1) One-third of the number of positions on the State's advisory council on child care shall be reserved for parents and child care providers.

"(2) The remaining number of positions shall be filled by representatives of—

"(1) community-based organizations;

"(2) local governments;

"(3) social services agencies;

"(4) religious organizations;

"(5) educational institutions;

"(6) business organizations; and

"(7) labor or employee associations.

"(c) Duties of Council.—The advisory council created under subsection (a) shall—

"(1) advise the Governor on the use of funds available to the State under this part;

"(2) advise the Governor on the child care needs of low-income and minority families;

"(3) develop a schedule of fees for child care services under which fees would be assessed in proportion to the annual income of the family served;

"(4) develop separate standards for accreditation or licensing of family-based child care providers and group child care providers participating in programs assisted under this part that shall include minimum competencies for child care workers and supervisors; and

"(5) recommend methods of inspection and certification to administer the accreditation or licensing standards established under paragraph (2).

"SEC. 1937. CHILD CARE RESEARCH AND DEMONSTRATION PROGRAMS.

"(a) Research.—The Secretary shall conduct and support by grant or contract research on the effectiveness of early childhood education and quality child care on child growth and development.

"(b) Demonstration Programs.—The Secretary shall conduct and support by grant or contract demonstration programs designed to test the effectiveness of innovative child care arrangements and programs.

"SEC. 1938. APPLICABLE PROVISIONS OF PART B.

"Except where inconsistent with this part, sections 1914(b), 1917(b) (1) through (5), 1918, 1919, and 1920 shall apply to this part in the same manner as such sections apply to part B of this title.".

SEC. 102. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective 6 months after the date of enactment of this Act.

TITLE II—CHILD CARE LIABILITY

PART A—CHILD CARE LIABILITY REFORM

SEC. 201. DEFINITIONS.

For purposes of this title—

(1) the term "family based child care" means child care located in or on the site of the principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1986) of a person who is self-employed as a child care provider, and the children cared for in such facility shall include children who are not the children of such provider;

(2) the term "group child care center" means a child care provider which is a private profit or nonprofit corporation, not located in the principal residence of the provider, and includes on-site child care;

(3) the term "in-home child care" means child care which is provided in a principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1986) of a person and to which an outside individual child care provider comes, either for specified hours of the day or on a live-in basis, to provide care for the children of such residence;

(4) the term "on-site child care center" means a child care facility—

(A) operated by an employer for the care of children, at least 30 percent of whom are dependents of employees of such employer; and

(B) located on or near the business premises of such employer;

(5) the term "person" means an individual, corporation, company, association, firm, partnership, society, or any other entity;

(6) the term "Secretary" means the Secretary of Commerce; and

(7) the term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 202. APPLICABILITY.

(a) In General.—This part shall apply to any civil action in any State or Federal court against any child care provider who is in compliance with the licensing or accreditation requirements of the State in which he is located.

(b) Exception for Intentional Torts.—This part shall not apply to any civil action for an intentional tort.

(c) Preemption.—This part shall preempt and supersede Federal or State law only to the extent such law is inconsistent with this part. Any issue arising under this part that is not governed by this part shall be governed by applicable State or Federal law.

(d) Defenses Not Affected.—Nothing in this part shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) affect the applicability of any provision of chapter 97 of title 28, United States Code, known as the Foreign Sovereign Immunities Act of 1976;

(4) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(5) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

SEC. 203. JOINT AND SEVERAL LIABILITY.

(a) In General.—Except as provided in subsection (b), joint and several liability may not be applied to any action subject to this part. A person found liable for damages in any such action may be found liable, if at all, only for those damages directly attributable to the person's pro-rata share of fault or responsibility for the injury, and may not be found liable for damages attributable to the pro-rata share of fault or responsibility of any other person (without regard to whether such person is a party to the action) for the injury, including any person bringing the action.

(b) Concerted Action.—

(1) Exception from application.—Subsection (a) shall not apply as between persons acting in concert where the concerted action proximately caused the injury for which one or more persons are found liable for damages.

(2) Concerted action defined.—As used in this section, "concerted action" or "acting in concert" means the conscious acting together in a common scheme or plan of two or more persons resulting in a tortious act.

SEC. 201. COLLATERAL SOURCE OF COMPENSATION.

(a) Reduction of Award.—Any award of damages to a person in a civil action to which this part applies shall be reduced by the court by an amount of any past or future payment or benefit covered by this section which the person has received or for which the person is eligible on account of the same personal injury or death for which such damages are awarded.

(b) Payment or Benefits Defined.—As used in this section, "payment or benefit covered by this section" means—

(1) any payment or benefit by or paid for in whole or in part by any agency or instrumentality of the United States, a State, or a local government, or

(2) any payment or benefit by a health insurance program funded in whole or in part by an employer;

but does not include any such payment or benefit that is (or by law is required to be) the subject of a reasonably founded claim of subrogation, reimbursement, or lien.

SEC. 205. STANDARDS AND PROCEDURES FOR AWARD FOR PUNITIVE DAMAGES.

(a) Standards.—Punitive or exemplary damages may, if otherwise permitted by applicable law, be awarded in any civil action to which this part applies only if the claimant establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting intentional or conscious disregard for the health or safety of those persons who might be harmed.

(b) Procedures.—In any civil action to which this part applies, at the request of the defendant, the trier of fact shall consider in a separate proceeding whether punitive or exemplary damages are to be awarded and, if so, the amount of such award. If a separate proceeding is requested, no evidence which is relevant only to the claim of punitive or exemplary damages, as determined by applicable law, shall be admissible in any proceeding to determine whether compensatory damages are to be awarded.

SEC. 206. LIABILITY OF NONPROFIT ORGANIZATIONS AND PUBLIC SCHOOLS.

(a) Liability of Separate Corporation.—Any eligible nonprofit organization or local educational agency which is the parent or majority owner of any entity incorporated or otherwise organized under applicable State law as a separate business organization providing child care shall not be liable for damages in any civil action to which this part applies brought against that separate corporation or organization.

(b) Definitions.—For purposes of this section, the following definitions shall apply:

(1) The term "eligible nonprofit organization" means an organization described in section 501(c) or 501(d) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code.

(2) The term "local educational agency" has the meaning given to it under section 1001(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381(f)).

(c) Sense of Congress Regarding Expedited Incorporation.—The Congress recognizes that the entities described in subsection (a) are making a significant contribution to society and encourages the States to establish expedited and simplified procedures under which nonprofit organizations and local education agencies may inexpensively and quickly incorporate or otherwise organize such entities as a separate child care provider.

PART B—CHILD CARE LIABILITY RISK RETENTION GROUP

SEC. 210. PURPOSE.

It is the purpose of this part—

(1) to increase the availability of child care by alleviating the serious difficulty faced by child care providers in obtaining affordable liability insurance; and

(2) to provide States with a sufficient capital base for liability insurance purposes that may be increased or maintained through mechanisms developed by the State.

SEC. 211. FORMATION OF CHILD CARE LIABILITY RISK RETENTION GROUP.

(a) Assistance in Formation and Operation of Group.—Any State may assist in the establishment and operation of a child care liability risk retention group in the manner provided under this part.

(b) Child Care Liability Risk Retention Group Defined.—For purposes of this part, the "child care liability risk retention group" means any corporation (or other limited liability association)—

(1) whose members are child care providers licensed or accredited pursuant to State or local law or standards; and

(2) which otherwise satisfies the criteria for a risk retention group under section 2(4) of the Liability Risk Retention Act of 1986 (15 U.S.C. 3901(4)).

SEC. 212. STATE APPLICATIONS.

(a) Applications.—To qualify for assistance under this part, a State shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require, including a State plan which meets the requirements of subsection (b) of this section.

(b) State Plans.—

(1) Lead agency.—The plan shall identify the lead agency which has been designated and which is to be responsible for the ad-

ministration of funds provided under this part.

(2) PARTICIPANTS IN RISK RETENTION GROUP.—The plan shall provide that all participants in the child care liability risk retention group are child care providers who are licensed or accredited pursuant to State or local law or standards. In addition, the plan shall provide for maximum membership of family-based child care providers in the group.

(3) USE OF FUNDS.—The plan shall provide that the State shall use at least the amount allotted to the State in any fiscal year to establish or operate a child care liability risk retention group.

(4) CONTINUATION OF RISK RETENTION GROUP.—The plan shall set forth provisions which specify how the child care liability risk retention group will continue to be financed after fiscal year 1991, including financing through contributions by the State or by members of such group.

SEC. 213. FEDERAL ENFORCEMENT.

(a) REVIEW OF PLANS.—The Secretary of Health and Human Services shall review and approve State plans submitted in accordance with this part and shall monitor State compliance with the provisions of this part.

(b) FINDING OF NONCOMPLIANCE.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds—

(1) that there has been a failure to comply substantially with any provision or any requirements set forth in the State plan of that State; or

(2) that there is a failure to comply substantially with any applicable provision of this part,

the Secretary shall notify such State of the findings and of the fact that no further payments may be made to such State under this part until the Secretary is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected.

SEC. 214. AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—To carry out the provisions of this part, there are authorized to be appropriated $100,000,000 for fiscal year 1989.

(b) AMOUNTS TO REMAIN AVAILABLE.—The amounts appropriated pursuant to subsection (a) shall remain available for assistance to States for fiscal years 1989, 1990, and 1991 without limitation.

SEC. 215. RESERVATIONS FOR TERRITORIES AND ADMINISTRATIVE COSTS.

From the sums appropriated to carry out the provisions of this part for each fiscal year, the Secretary shall reserve—

(1) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs; and

(2) 3 percent for the administrative costs of carrying out the provisions of this part.

SEC. 216. ALLOTMENTS TO STATES.

(a) IN GENERAL.—The Secretary shall make an allotment to each State not referred to in section 215 for each fiscal year from the sums appropriated to carry out the provisions of this part for such fiscal year.

(b) ALLOTMENT FORMULA.—

(1) IN GENERAL.—The amount of each State's allotment under subsection (a) shall be equal to the product of—

(A) an amount equal to the sums appropriated to carry out the provisions of this part for each fiscal year minus the amount reserved pursuant to section 215 for such fiscal year; and

(B) the percentage described in paragraph (2).

(2) PERCENTAGE.—The percentage referred to in paragraph (1)(B) is a percentage equal to the quotient of—

(A) an amount equal to the number of children under 12 years of age living in the State involved, as indicated by the most recent data collected by the Bureau of the Census; divided by

(B) an amount equal to the number of children under 12 years of age living in the United States, as indicated by the most recent data collected by the Bureau of the Census.

(c) STATE ADMINISTRATIVE COSTS.—Of the amount allotted to a State pursuant to subsection (a), an amount not to exceed 10 percent shall be used by such State to provide for the administrative costs of carrying out such program.

SEC. 217. PAYMENTS.

(a) ENTITLEMENT.—Each State having a plan approved by the Secretary under this part shall be entitled to payments under this section for each fiscal year in an amount not to exceed its allotment under section 216, to be expended by the State under the plan for the fiscal year for which the grant is to be made.

(b) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or, subject to the requirement of section 214, by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(c) STATE SPENDING OF PAYMENTS.—Payments to a State from the allotment under section 216 for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

TITLE III—REVOLVING LOAN FUND

SEC. 301. PURPOSE; DEFINITIONS.

(a) PURPOSE.—It is the purpose of this title to—

(1) increase the availability of family-based child care by enabling family-based child care providers to meet accreditation or licensing standards; and

(2) provide States with a sufficient capital base to make loans that may be increased or maintained through mechanisms developed by the State.

(b) DEFINITIONS.—For purposes of this title, the following definitions shall apply:

(1) The term "Secretary" means the Secretary of Health and Human Services.

(2) The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 302. STATE APPLICATIONS.

(a) SUBMISSION OF APPLICATION.—

(1) FORM OF APPLICATION.—To qualify for assistance under this title, a State shall submit an application to the Secretary, at such time, in such manner, and providing such information as the Secretary may require, including a plan which meets the requirements of paragraph (2).

(2) QUALIFYING FOR LOAN.—The State shall submit a plan which sets forth procedures and requirements whereby any person desiring to make capital improvements to the principal residence of such person (within the meaning of section 1034 of the Internal Revenue Code of 1986) in order to become a licensed or accredited family-based child care facility, pursuant to State or local law or standards, may obtain a loan from the State revolving loan fund (hereinafter called the "fund"). Such fund shall be administered by the State and shall provide loans to qualified applicants, pursuant to the terms and conditions established by such State, in an amount, determined by such State, which is not in excess of $1,500.

(b) STATE PLAN.—

(1) ESTABLISHMENT OF FUND.—The State shall provide in its plan, that such State has established a revolving loan fund, and has provided procedures whereby—

(A) moneys are transferred to such fund to provide capital for making loans;

(B) interest and principal payments on loans and any other moneys, property, or assets derived from any action concerning such fund are deposited into such fund;

(C) all loans, expenses, and payments pursuant to the operation of this title are paid from such fund;

(D) loans made from such fund are made to qualified applicants for capital improvements to be made so that such applicant may obtain a State or local accreditation or a license for a family-based child care facility; and

(E) the plan shall set forth provisions which specify how any such revolving loan fund will continue to be financed after fiscal year 1990, such as through contributions by the State or by some other entity.

(2) QUALIFICATIONS.—Such plan shall also set forth procedures and guidelines to carry out the purposes of this title, including provisions which will assure that only applicants who obtain a license or accreditation for a child care facility in accordance with the provisions of State or local law or standards, benefit from loans made available pursuant to the provisions of this title.

SEC. 303. AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—To carry out the provisions of this title, there are authorized to be appropriated $25,000,000 for fiscal year 1989.

(b) AMOUNTS TO REMAIN AVAILABLE.—The amounts appropriated pursuant to subsection (a) shall remain available for assistance to States for fiscal years 1989, 1990, and 1991 without limitation.

SEC. 304. RESERVATIONS FOR TERRITORIES AND ADMINISTRATIVE COSTS.

From the sums appropriated to carry out the provisions of this title in each fiscal year, the Secretary shall reserve—

(1) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be alloted in accordance with their respective needs; and

(2) 3 percent for the administrative costs of carrying out the provisions of this title.

SEC. 305. ALLOTMENTS TO STATES.

(a) IN GENERAL.—The Secretary shall make an allotment to each State not referred to in section 304 for each fiscal year from the sums appropriated to carry out the provisions of this title for such fiscal year.

(b) ALLOTMENT FORMULA.—

(1) IN GENERAL.—The amount of each State's allotment under subsection (a) shall be equal to the product of—

(A) an amount equal to the sums appropriated to carry out the provisions of this title for each fiscal year minus the amounts reserved pursuant to section 304 for such fiscal year; and

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(B) the percentage described in paragraph (2).

(2) PERCENTAGE.—The percentage referred to in paragraph (1)(B) is a percentage equal to the quotient of—

(A) an amount equal to the number of children under 12 years of age living in the State involved, as indicated by the most recent data collected by the Bureau of the Census; divided by

(B) an amount equal to the number of children under 12 years of age living in the United States, as indicated by the most recent data collected by the Bureau of the Census.

(c) STATE ADMINISTRATIVE COSTS.—Of the amount allotted to a State pursuant to subsection (a), an amount not to exceed 10 percent shall be used by such State to provide for the administrative costs of carrying out such program.

TITLE IV—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

SEC. 401. SHORT TITLE.

This title may be cited as the "Child Care Facility Tax Incentive Act of 1988".

SEC. 402. CREDIT FOR EMPLOYERS PROVIDING QUALIFIED CHILD CARE FACILITIES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end thereof the following new section:

"SEC. 43. QUALIFIED EMPLOYER-PROVIDED CHILD CARE FACILITY CREDIT.

"(a) IN GENERAL.—For purposes of section 38, the qualified child care facility credit determined under this section for any taxable year is an amount equal to 25 percent of the qualified child care expenses for such taxable year.

"(b) LIMITATION.—The amount of the credit determined under subsection (a) for any taxable year shall not exceed $100,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD CARE EXPENSES.—The term 'qualified child care expenses' means any amount paid or incurred by an employer during the taxable year to acquire, construct, or otherwise establish a qualified child care facility.

"(2) QUALIFIED CHILD CARE FACILITY.—

"(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

"(i) operated by an employer for the care of enrollees, at least 30 percent of whom are dependents of employees of such employer,

"(ii) located on or near the business premises of such employer, and

"(iii) which is accredited or licensed to operate as a child care facility under applicable State and local laws and regulations.

"(B) MULTIPLE EMPLOYERS.—In the case of a facility operated by more than 1 employer, such facility shall be treated as a qualified child care facility of each employer with respect to which the requirements of subparagraph (A) are met separately.

"(d) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) ALLOCATION IN CASE OF MULTIPLE EMPLOYERS.—In the case of employers to which subsection (c)(2)(B) applies, the amount of credit allocable to each such employer shall be its proportionate share of the qualified child care expenses giving rise to the credit.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(4) RECEIPT OF CHILD CARE PROJECT GRANT.—An employer is not eligible for a credit under this section for a taxable year if he received a child care project grant pursuant to section 1934 of the Public Health Service Act during such taxable year.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out "plus" at the end of paragraph (4),

(B) by striking out the period at the end of paragraph (5), and inserting in lieu thereof a comma and "plus", and

(C) by adding at the end thereof the following new paragraph:

"(6) the qualified child care facility credit determined under section 43."

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 43. Qualified employer-provided child care facility credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. 403. CERTAIN EARNINGS FROM THE PROVISION OF CHILD CARE SERVICES ENTITLED TO LOWER RATE OF SELF-EMPLOYMENT TAX AND EXCLUSION FROM ESTIMATED TAXES AND WITHHOLDING.

(a) SELF-EMPLOYMENT TAXES.—Section 1402 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end thereof the following new subsection:

"(k) SPECIAL RULES AND RATE OF TAX FOR INCOME FROM FAMILY-BASED AND IN-HOME CHILD CARE SERVICES.—For purposes of this chapter—

"(1) IN GENERAL.—For purposes of this chapter, any earned income (as defined in section 911(d)(2)) derived from the provision of qualified family-based or in-home child care services shall be treated as gross income derived by an individual from a trade or business carried on by such individual, and the rate of tax imposed under subsections (a) and (b) of section 1401 on the self-employment income of such individual attributable to providing those services shall be equal to one-half of the rate determined without regard to this paragraph.

"(2) QUALIFIED FAMILY-BASED OR IN-HOME CHILD CARE SERVICES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified family-based or in-home child care services' means child care services provided to a child at a family-based or in-home child care facility.

"(B) FAMILY-BASED CHILD CARE FACILITY.—The term 'family-based child care facility' means a facility—

"(i) which is located in (or on the site of) the principal residence of the taxpayer (within the meaning of section 1034),

"(ii) which is owned and operated by a self-employed individual (within the meaning of section 401(c)(1)), and

"(iii) which is accredited or licensed as a child care facility under applicable State and local laws and regulations.

"(C) IN-HOME CHILD CARE FACILITY.—The term 'in-home child care facility' means the principal residence (within the meaning of section 1034) of the child to whom child care services are being provided.".

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Section 209 of the Social Security Act is amended by striking "or" at the end of subsection (r), by striking the period at the end of subsection (s) and inserting ", or", and by adding after subsection (s) the following new subsection:

"(t) Any payment to an individual for qualified family-based or in-home child care services (within the meaning of section 1402(k)(2) of the Internal Revenue Code of 1986).".

(c) WAGE WITHHOLDING NOT REQUIRED.—Section 3401(a) of the Internal Revenue Code of 1986 (defining wages) is amended by striking out "or" at the end of paragraph (19), by striking out the period at the end of paragraph (20) and inserting in lieu thereof ", or", and by adding after paragraph (20) the following new paragraph:

"(21) for qualified family-based or in-home child care services (within the meaning of section 1402(k)(2)).".

(d) EXEMPTION FROM ESTIMATED TAX.—Section 6654(e) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(4) UNDERPAYMENT ATTRIBUTABLE TO INCOME FROM DAY CARE SERVICES.—No addition to tax shall be imposed under subsection (a) with respect to any underpayment attributable to earned income (within the meaning of section 911(d)(2)) from the providing of qualified family-based or in-home child care services (within the meaning of section 1401(k)(2))."

(e) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (c) shall apply to taxable years beginning after December 31, 1988.

(2) The amendments made by subsection (b) shall apply to remuneration paid after December 31, 1988.

SEC. 404. CAFETERIA PLANS REQUIRED TO PROVIDE CHILD CARE OPTION.

(a) IN GENERAL.—Paragraph (1) of section 125(c) of the Internal Revenue Code of 1986 (defining cafeteria plan) is amended by adding at the end thereof the following new sentence:

"A plan shall not be treated as a cafeteria plan unless it provides an option to choose benefits under a dependent care assistance program (within the meaning of section 129(d)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 1989.

SEC. 405. ADDITIONAL DOUBLE PERSONAL EXEMPTION FOR PARENT REMAINING HOME WITH NEWBORN OR NEWLY ADOPTED CHILD.

(a) IN GENERAL.—Section 151(c) of the Internal Revenue Code of 1986 (relating to additional exemption for dependents) is amended by adding at the end thereof the following new paragraph:

"(6) ADDITIONAL DOUBLE EXEMPTION FOR NEWBORN AND NEWLY ADOPTED CHILDREN WHERE PARENT DOES NOT WORK.—

"(A) IN GENERAL.—An exemption of twice exemption amount for each dependent (as defined in section 152) who is a child (as defined in paragraph (3)) of the taxpayer who attains the age of 6 months during the taxable year, but only if—

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"(i) the taxpayer has the same place of abode as such child throughout the period beginning with the birth (or, in the case of an adopted child, the adoption) of the child and ending on the date the child attains the age of 6 months, and

"(ii) the taxpayer performs no services for remuneration during such period.

In the case of a joint return, clauses (i) and (ii) shall be treated as met if one of the spouses satisfies the requirements of both such clauses.

"(B) Income limitation.—Subparagraph (A) shall not apply to any taxpayer whose adjusted gross income for the taxable year exceeds 200 percent of the poverty level (adjusted for family size) for the calendar year in which the taxable year begins.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. 406. INDIVIDUAL RETIREMENT ACCOUNTS FOR HOMEMAKERS.

(a) Repeal of Limitation on Amount Which May Be Contributed.—Clause (i) of section 219(c)(2)(A) of the Internal Revenue Code of 1986 (relating to special rules for certain married individuals) is amended by striking "$2,250" and inserting "$4,000".

(b) Deduction May Be Allowable Even if Spouse Is Active Participant.—Paragraph (1) of section 219(c) of such Code is amended by inserting "(without regard to subsection (g))" after "subsection (a)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

TITLE V—MISCELLANEOUS FEDERAL CHILD CARE PROVISIONS

SEC. 501. PRESIDENT'S AWARD FOR PROGRESSIVE EMPLOYMENT POLICY.

(a) Establishment and Award.—(1) There is hereby established the President's Award for Responsive Management Policy to honor public and private sector employers who have—

(A) successfully implemented in their businesses family-oriented personnel programs and policies responsive to the child care needs of working parents; or

(B) made significant contributions to child care projects in their communities.

(2) The President's Award for Responsive Management Policy shall consist of a certificate, plaque, or other appropriate citation.

(b) Nomination and Selection.—Each year, the President, acting through the Secretary of Labor, shall solicit nominations for the President's Award for Responsive Management Policy from State and local elected officials, educational institutions, State-based employee or business associations, or other State or local entities. The President, in collaboration with the Secretary of Labor, shall select not less than 3 such nominees from each State to receive the President's Award for that year. Of the nominees selected from each State, at least 1 shall represent a small business, at least 1 shall represent an intermediate-size business, and at least 1 shall represent a large business.

(c) Presentation.—The President shall present the President's Award each year with such ceremonies as he may deem proper.

(d) Regulations.—The Secretary of Labor shall promulgate such regulations as are necessary to carry out the provisions of this section.

(e) Definitions.—For purposes of this section, the following definitions shall apply:

(1) The term "intermediate-size business" means a business with at least 101 but not more than 500 employees.

(2) The term "large business" means a business with 501 or more employees.

(3) The term "small business" means a business with not more than 100 employees.

(4) The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 502. COORDINATION OF FEDERAL CHILD CARE ACTIVITIES.

The Secretary of Health and Human Services shall coordinate all activities of the Department of Health and Human Services relating to child care, and coordinate such activities with similar activities of other Federal agencies.

COMPREHENSIVE CHILD CARE SERVICES ACT OF 1988

Mr. BOND. Mr. President, today I join my distinguished colleague from Utah [Mr. Hatch], who has already established himself as a leader in this area, in introducing a comprehensive child care package. The key to success of Federal child care efforts, I believe, is and must be State flexibility and responsibility.

The bill to be introduced will embrace this philosophy and includes provisions which will give the States the elbow room they need to make these programs effective. States will be able to receive block grants and use the money to develop programs tailored to their specific needs.

Mr. President, about two or three decades ago, perhaps only 10 to 20 percent of mothers were actually in the work force. Today that figure is up above 50 percent, and studies by the Department of Labor and by private groups in my home State, Missouri, have forecast that this percentage will rise to 63, to 64, or 65 percent. This rise has come about first because of need, but also because of rapidly expanding opportunities for women to participate and utilize their talents in the workforce today. Theirs is a great contribution to our society. But at the same time working parents have a desire to ensure that their children are well cared for while they work.

I have discussed the needs of working parents with providers of child care, State officials, and with others concerned in my home State about the issue of child care. Based on these discussions, we have joined with Senator Hatch to promote legislation which will allow programs already underway in many States to be tailored to meet the particular needs of each State. I believe that the bill that is to be introduced will meet the tests of availability, affordability, and safety, and will come within the constraints of the Federal budget that we must recognize.

First, this measure would provide incentives to encourage private employers to provide onsite child care. The bill would allow qualified employers to deduct up to 25 percent of startup costs for establishing onsite child care programs. It also authorizes a $100 million pool to assist States in establishing liability insurance pools. Any accredited child care provider could be a member of these pools.

In addition, it would provide limits on collateral sources and joint and several liability, areas which threaten through expanded liability the assets of any organization undertaking child care.

Second, the bill would provide assistance to States to allow them to tailor child care programs to individual employers. The block grant funds could be utilized to provide loans to set up employer sponsored care or to enable other providers to set up that care. It would allow these entities to receive child care assistance as needed in their own particular situation.

Third, another interesting, and I think useful, part of this bill would permit the utilization of existing school facilities for constructive afterschool programs, something that has come to be recognized as one of the great opportunities that we overlook in our society. Today almost 23 percent of the children in this country are latchkey children. They go home after school to an empty house. Under this program, pilot projects similar to a very successful project which already exists in Independence, MO, could be set up to utilize school buildings after school to provide for the care of children.

Fourth, this bill would provide assistance to States to set up, establish, and enforce health and safety standards. This is very important and can best be done at the State level.

We would ask for the establishment by the Governors, of Child Care Advisory Councils to advise the legislature, the Governor, and the administration on appropriate standards.

Fifth—and I think very important—States could implement sliding-scale eligibility to remove disincentives for job advance among the working poor. In the State of Missouri, if the funds were available, they could be used to ensure that a working mother who, by hard work and skill achieves a higher pay scale which might reach the eligibility cap would not lose all day care assistance. It would allow a parent to increase his or her income without becoming ineligible for child care assistance, so there would be no disincentive for the working mother to obtain a higher wage.

Sixth, this program would provide assistance to States to establish programs to inform parents as to the kind of child care they should be seeking and to help them make an informed choice.

When I served as Governor of Missouri, I saw that many Federal attempts to address problems often resulted in overly cumbersome Federal regulations.

I believe this bill will meet the needs of the States. I will be discussing it with my former colleagues in the National Governors Association today, and I urge my colleagues to support its passage.

Mr. GRASSLEY. Mr. President, at 9:30 this morning, Senator Hatch held a press conference on the introduction of his new bill for child care services. I am pleased to join the Senator from Utah as a cosponsor of the Child Care Services Improvement Act. It is my understanding that he will introduce this vital legislation in the Senate sometime today.

The makeup and needs of the American families have experienced many changes. As policy makers, we must be responsive to their concerns, which includes day care for children. I am especially pleased to join in this effort with Senator Hatch. I know that he also recognizes and supports strong family values.

The Child Care Services Improvement Act of 1988 addresses many of the crucial issues facing child care providers. It would also alleviate the concerns of working parents regarding quality care for their children. This legislation would accomplish these tasks without onerous Federal regulations. Most importantly, it recognizes the importance of parental involvement with their children.

Well over half of today's youngsters have mothers in the labor force. As reflected in all social indicators, this number will undoubtedly continue to increase. Also, economic demands are forcing more mothers to return to work much sooner after the birth of a child. Fewer parents have the luxury of staying home with their children during the tender preschool years.

Deciding to place offspring in day care can be a painful process for many parents. Unfortunately, the process is further complicated by difficulties in obtaining affordable, high quality child care centers. The Senate's own child care center, for example, has a waiting list of 135 names. And that is for a center which cares for only 50 children. Most parents have to wait a year before they can get an opening at the center. It is especially challenging to obtain child care services in rural areas.

Even when parents have obtained child care, there are many special needs which can throw a monkey wrench into their arrangements. The most common example is temporary care for mildly ill children.

It is no wonder that there is a shortage of adequate child care providers. The business has many hidden expenses. This legislation would provide assistance for many of those costs. Block grants would be available to States and other local entities. Awards would be given to projects designed to improve delivery of child care services. In particular, these grants would provide seed money to local organizations to expand and create opportunities for child care services.

Another provision of the bill would alleviate some of the liability problems of child care providers. These liability provisions would not jeopardize the safety and well-being of children. They would simply limit the liability to those actions for which the provider is actually at fault.

Several incentives would diminish tax disincentives which now burden child care providers, such as opting out of employer Social Security requirements.

Of special importance to me, this bill also recognizes the importance of parental contact with their own children. It would double the personal exemption for parents who stay home with new born or newly adopted children at least 6 months. As we know well, nothing and no one can replace a parent's love and attention. This would encourage more parents to stay home longer with their children. Finally, the Child Care Service Improvement Act would allow equal contributions to IRA accounts for fulltime homemakers.

Mr. President, I am very pleased to join the Senator from Utah as a cosponsor of this very important legislation. I hope that my Senate colleagues will give it their full support.

● Mr. DANFORTH. Mr. President, I wish to express my strong support for the Child Care Services Improvement Act. Our country is faced with an enormous child care problem that deserves Federal leadership and a thoughtful response. I want to commend my distinguished colleague from Utah, Senator Hatch, for recognizing the problem and aggressively attacking it. In my view this is a very positive first step in the fight to help ensure that our Nation's children are cared for during the day.

In 1971, the White House Conference on Children voted child care as the most serious problem facing our Nation's children. The members of the conference urged the country to develop solutions. Today, a full 17 years later, we still have not addressed the problems adequately. According to a study completed by the Labor Department, only 2 percent of businesses now sponsor day care centers and 8 percent provide financial help or referral services. Existing programs designed to address this problem are woefully inadequate. Across the country child care centers and State programs to assist in child care have long waiting lists. The needs simply are not being met by the supply of affordable, good quality care.

There is a great deal of uncertainty about what the effect of our current child care system, or lack thereof, will be on the development of our Nation's children. In my mind, purchasing child care is purchasing an environment that will help determine the development of the child. These uncertainties are very disturbing given the numbers of children who are currently in child care programs. Today, some have estimated that as many as 26 million children, one half of the children in our country, do not have a parent in the home during the day as both parents are in the out-of-home work force. The Bureau of Labor Statistics reports that nearly 10 million children under age 6—or nearly half the children in the United States in that age group—are in households where the mother is in the labor force. Professor Ziegler, a well-known professor of child development and student of the child care problem in our country, has estimated that by the year 2000, 75 percent of all two-parent families will have both parents working in the out-of-home work force. Due to the significant numbers of children who need child care, our Nation must address the problems aggressively. We must ensure that these children are given good quality care that will allow them to develop into healthy, contributing members of society.

I certainly believe that child care should be first and foremost the family's responsibility. Parents best understand their children and obviously have a responsibility to those children and to their development. However, the changes in the family and workforce structures in recent years have meant that for many families there is no choice. Today, one in four children live in single parent families. More than half of our Nation's black children live in single parent families. In 1983, 25 percent of the two-parent families with both people working had incomes below $10,000 and 50 percent had incomes below $20,000. For these families, child care is a necessity rather than a luxury.

It is my understanding that four basic problems are straining the ability of many families to balance work and child-rearing responsibilities: availability, affordability, accessibility and quality of day care. The Child Care Services Improvement Act begins to address these problems. It would provide a series of payments to the States that would help establish and develop programs. There is a block grant that would serve as seed money to local organizations to establish or expand a variety of child programs; money that would help States establish a revolving loan fund from which family based child care providers may borrow to make capital improvements required to meet accreditation or li-

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censing standards; and money that would be awarded to projects designed to improve child care services. In addition, the bill would provide tax incentives to encourage greater private involvement in the provision of child care and would begin to address the liability problem.

With respect to the liability issue, S. 2084 attempts to decrease the insurance burden suffered by many competent day care providers. To achieve this end, title II of the bill modifies rules concerning joint and several liability, collateral sources of compensation, and the awarding of punitive damages. In addition, it establishes a pool for the funding of State-operated child care risk retention groups.

The components of title II are well intentioned and should do much to reduce problems in this industry. However, because this legislation involves the interests of our children, we must be sure that these liability components will have no unintended effects on the responsibilities of child care providers. Specifically, we must ensure that any child who is injured as the result of the negligence of a child care provider will be given full compensation for any necessary medical treatment or related expenses.

In addition, attention should be given to the risk retention pool created by the act. Again, I am concerned about the possibility of unintended consequences, such as the unnecessary Federal regulation of certain private insurance companies.

In raising these concerns, my intentions are solely constructive. If these concerns prove to be well founded, I am prepared, at the appropriate time, to offer amendments to correct any problems.

In conclusion, I would like to commend the Senator from Utah for his attention to the problems surrounding child care. A solution is long overdue and the Child Care Services Improvement Act provides an important first step to solving the problems. I look forward to working with Senator Hatch in an effort to ensure that our children will be productive, contributing members of society in the future.●

By Mr. WEICKER (for himself and Mr. Dodd):

S. 2086. A bill to establish a trust fund using civil penalties collected under the Occupational Health and Safety Act of 1970 to compensate victims of the collapse of the L'Ambiance Plaza in Bridgeport, Connecticut; referred to the Committee on Labor and Human Resources.

COMPENSATION FOR THE L'AMBIANCE PLAZA COLLAPSE VICTIMS

Mr. WEICKER. Mr. President, I rise today to introduce legislation to assure that the fines and civil penalties assessed by the Occupational Safety and Health Administration [OSHA] in the aftermath of the L'Ambiance Plaza tragedy are set aside for the families of those who died. I would note that this bill has the support of the International Association of Bridge, Structural and Ornamental Iron Workers, which is affiliated with the AFL-CIO. Ten months ago L'Ambiance Plaza, an apartment complex under construction in Bridgeport, CT, collapsed, killing 28 workers. Based on the findings of an investigation conducted by the National Bureau of Standards, OSHA imposed fines totaling $5.1 million on five construction companies involved in the project.

Assuming OSHA succeeds in collecting these fines—for some are being contested—under current law the money would go into the General Treasury for the Federal Government to use as it sees fit.

The bill I am introducing today seeks to put the money received as civil penalties into a trust fund to compensate the families who not only lost their loved ones in the accident but, in many cases, their major source of financial support as well.

The fund would be administered by the U.S. district court which has jurisdiction for the Bridgeport area. Claims could also be filed with the district court where the employer in question has its principal office. Final decisions regarding who is compensated and how much is awarded will rest with the courts. Any money remaining in the fund after a reasonable period of time has elapsed would go to the Secretary of Labor for deposit in the U.S. Treasury.

Mr. President, we cannot bring back the men who died or truly compensate their families for their loss. But we can see to it that any financial settlement benefits those who are the victims.

I urge my colleagues to join me in support of the bill. True, it deals with an accident in a single State. But the recent rise in construction deaths is a nationwide phenomenon. The trust fund I am proposing today is one aspect of the answer. More aggressive field inspections by OSHA is another and to that end Congress had directed a review of OSHA's onsite monitoring of new construction.

Hearings in both Houses of Congress have raised doubts about how well OSHA inspected the site and monitored the construction practices in use at L'Ambiance Plaza. Further hearings on the accident and on OSHA's inspection procedures will be held in the Senate Labor and Human Resources Committee in mid-March.

It is my hope that we can move ahead on both fronts to insure that the L'Ambiance tragedy is not repeated elsewhere in America and to see to it that those who have been hurt are helped.

I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION FOR L'AMBIANCE VICTIMS

(a) Payment to Trust Fund.—Notwithstanding any other provision of law, all civil penalties recovered under the Occupational Health and Safety Act of 1970 (29 U.S.C. 651 et seq.) as a result of the collapse of the L'Ambiance Plaza in Bridgeport, Connecticut on April 23, 1987, shall be paid into a trust fund established by the United States district court for the district where the violation is alleged to have occurred or where the employer has its principal office.

(b) Filing of Claims.—Any person physically injured, or survivor of a person killed, by reason of the collapse of the Plaza may file a claim with the court to recover all actual and consequential damages resulting from the collapse of the Plaza, incuding a reasonable attorney's fee, except that a person or survivor must exhaust civil remedies against private or public persons before restoring to the trust fund.

(c) Payment of Claims.—The court shall use monies in the trust fund to compensate such persons for legitimate claims filed under subsection (b), in an amount determined by the court.

(d) Civil Actions.—No private party against whom a civil action has been filed may offer as a defense to or in such action any payment or potential payment under this section.

(e) Remainder to Treasury.—After compensation is provided in accordance with this section and a reasonable period of time has elapsed (as determined by the court), all funds remaining in the trust fund shall be paid by the court to the Secretary of Labor for deposit into the Treasury and shall accrue to the United States.

By Mr. MOYNIHAN:

S. 2088. A bill to provide for flexibility in the use of Federal Highway Program grants authorized under title 23, United States Code, and other Federal infrastructure grants, to establish a National Infrastructure Corporation, to provide additional financing for a variety of public works improvements, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL INFRASTRUCTURE DEVELOPMENT ACT

Mr. MOYNIHAN. Mr. President, I rise to introduce "The National Infrastructure Development Act of 1988". The purpose of this proposed legislation is to establish new mechanisms for financing the much needed work that must be done to rehabilitate and expand the Nation's public works improvements, the basic underpinnings of its well-being and economic growth.

OUR DECLINING INFRASTRUCTURE

The National Council on Public Works Improvement stated in its

report released today, Fragile Foundations, that there is "* * * convincing evidence that the quality of America's infrastructure is barely adequate to fulfill current requirements, and insufficient to meet the demands of future economic growth and development."

For example, while total real public works spending is increasing in absolute terms, from $60.4 billion per year in 1960 to $97.7 in 1985, it is declining as a Government spending priority. Federal, State, and local governments together devoted 6.8 percent (out of a $1.428 trillion total expenditures) of their budgets to public works in 1985, as compared to 19 percent (of $239 billion) in 1950.

According to an analysis prepared by the Federal Reserve Bank of Chicago, net public capital formation—the level of investment in roads, bridges, and so forth, after accounting for physical depreciation—tumbled from a high of 2.3 percent of GNP in the latter half of the 1960's to only 0.4 percent during 1980-1984.

In New York City, half the bridges are rated in poor or fair condition, some with visible cracks in their grating. In the case of one bridge last year, as reported by the New York Times, a hole "the size of a Buick" was found in the pavement. Many bridges have been partially closed, others require replacement.

There has been no major airport built in the United States since 1974 at Dallas-Ft. Worth.

Outside the small community of Amsterdam, NY, last April, a bridge on New York State's Thomas E. Dewey Thruway collapsed killing 10 people and causing untold economic loss.

According to the Los Angeles County Transportation Commission, the cost of congestion in Los Angeles County is about 485,000 hours per day of wasted time by drivers. That converts to a minimum of $507 million per year in wasted time and about 72 million gallons of gas per year—just in one county.

Three studies that have received a great deal of attention presented their findings in terms of annual capital investment shortfalls for major categories of public works infrastructure. These studies by the Congressional Budget Office, the Congressional Joint Economic Committee, and the Associated General Contractors found an annual shortfall ranging from $17.4 billion to $71.4 billion.

OUR WORK IN THE ENVIRONMENT AND PUBLIC WORKS COMMITTEE

We are now at an important turning point in the history of the Federal Government's role in infrastructure. In the last year the Congress has legislated the end of two major infrastructure programs. The Interstate Highway Program, which has spent $218 billion on our Nation's roads since its inception in 1956, is close to completion. The Clean Water Act of 1972, which has funded $52 billion in sewage treatment plant construction, will also be coming to an end with the passage of amendments to the Clean Water Act in 1987. We have turned most of this responsibility over to State and local governments.

At the beginning of the 100th Congress, we established the Water Resources, Transportation, and Infrastructure Subcommittee of the Committee on Environment and Public Works. Our intent was to examine the Nation's infrastructure, reevaluate our requirements and develop policies to meet them.

We have held five hearings, the first of which featured the historic appearance of the Speaker of the House, Jim Wright, as a witness. We have learned much through this hearing process. We have also had the benefit of the work of the National Council On Public Works Improvement, which was commissioned by the Public Works Improvement Act of 1984 to survey our Nation's infrastructure and report to the President and the Congress.

THE NATIONAL INFRASTRUCTURE DEVELOPMENT ACT OF 1988

"The National Infrastructure Development Act of 1988" has two purposes: First, to provide State and local governments with maximum flexibility to finance those projects and activities which are local in nature, and second, to reinforce the traditional and time-honored Federal role in providing financial assistance for large, capital intensive projects. The bill also recognizes that we must spend our money wisely by conducting research and development activities and stimulating technological innovation.

STATE INFRASTRUCTURE REVOLVING FUNDS (SIRF'S)

To meet these two major objectives, the bill establishes both a set of State—and Urban—revolving funds [SIRF's] and the National Infrastructure Corporation [NIC]. The bill's first section would allow States to deposit many of their present infrastructure grant payments from the highway, mass transit and airport trust funds into these new State infrastructure revolving funds [SIRF's], where they would then be loaned out to municipalities for local infrastructure initiatives of all kinds. States choosing to establish such funds would receive a bonus of 25 percent over their normal Federal payments. By putting those funds into State hands, this bill gives States and localities an increasingly large role in setting their own funding priorities.

States would have flexibility in setting the kinds of loans these SIRF's could provide. Even if all States chose to provide only no-interest loans, a Federal investment of $46 billion—including present Federal grants and the 25 percent bonus—would make available over $76 billion in the first 10 years of the program. As initial loans are repayed, money is again available to be loaned out, and the State revolving loan funds become self-sustaining. Therefore, in the following 10 years, these SIRF's would make available an additional $48 billion for no-interest loans.

NATIONAL INFRASTRUCTURE CORPORATION [NIC]

This legislation also establishes a National Infrastructure Corporation to provide financial help to projects of regional and national importance that are beyond the resources of the SIRF's. Such might include new beltways around major cities, new major airports, or a new Williamsburg bridge over the East River, which alone could cost more than $600 million. The corporation would be limited to providing loans for at most a 25 percent share of the cost of any project. This would force each and every undertaking to undergo the test of finding a majority of its financing in other markets. This "market test" is a sound public policy principle which we developed in the Water Resources Development Act passed in the 99th Congress. By requiring local cost sharing, we have seen a dramatic downsizing of projects—now that the Federal Government is no longer paying 100 percent of the project costs. The work of highest priority is the work that is being done.

MONETARY RETURN ON INFRASTRUCTURE INVESTMENT

The capitalization of this corporation does not require us to raise taxes. The corporation would be funded from interest earned on the $23.5 billion in unexpended balances in the Federal transportation trust funds. Principal would not be touched and this interest will equal $2.3 billion per year. If we assume that corporation money is used only for no-interest loans, and that only 25 percent of project costs were covered by loans from the corporation, then a $16.7 billion Federal investment over 10 years could provide financial assistance to more than $85 billion worth of projects. By charging a modest interest rate of just 3 percent, 93 billion dollars' worth of projects can be funded.

I would stress that the specifics mentioned here are ideas only. I hope this bill will stimulate discussion and thinking, and that good ideas will breed more good ideas. Future additions may include modifications to the Tax Code to allow States and localities greater access to capital markets, or refinements to the basic structures outlined here.

Providing for the integrity and well-being of the basic structures and services required by a modern society will be one of the most problematic and challenging matters we will face in the coming decades. We best start doing something about it now.

Mr. President, I would ask that my statement as well as the attached section-by-section summary of the bill be entered in the RECORD at this time, along with the full text of the bill. I ask that the bill be appropriately referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Infrastructure Development Act of 1988".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the recent net disinvestment in the Nation's public works infrastructure has led to deteriorating roads and bridges, a dangerously overburdened air travel network, a crisis in the disposal of solid waste, and rapid deterioration of existing infrastructure for transportation, communication, waste disposal, and other needs of our advanced society;

(2) after accounting for physical depreciation, public capital investment in infrastructure has decreased dramatically as a percentage of the Gross National Product, from 2.3 percent in the late 1960s, to 0.4 percent in the early- to mid-1980s;

(3) shortfalls in public investment for infrastructure have been estimated to equal between $17 billion and $70 billion per year;

(4) local governments have become increasingly burdened with financing the construction and maintenance of public works infrastructure and the Federal share of public investment has dropped from 31 percent in 1960 to 27 percent in 1985, while the local share has risen from 41 percent to 49 percent during the same period;

(5) the National Council on Public Works Improvement has recommended that total capital spending on public works infrastructure at all levels of government be doubled;

(6) adequate infrastructure investment is necessary for an efficient and growing domestic economy, international economic competitiveness, and a sustainable standard of living and quality of life in the United States;

(7) the enactment of the Surface Transportation and Uniform Relocation Assistance Act of 1987 provided for the virtual completion of the interstate highway system, which has been the primary focus of Federal infrastructure funding since its inception; and

(8) the Nation is at a unique crossroads and must both reevaluate its spending priorities and create new financing mechanisms to address the needs of the future.

(b) The purpose of this Act is to provide new methods for financing investments in the Nation's public works infrastructure and to promote the more efficient expenditure of such investments—

(1) by providing for the leveraging of new and existing infrastructure investment;

(2) by promoting the development and use of innovative technology for public works;

(3) by encouraging investment in both small and large scale public works projects; and

(4) by providing for technical assistance to both State and local governments to encourage better use of their resources.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "infrastructure" includes the following:

(A) Highways;

(B) Roads;

(C) Streets;

(D) Bridges;

(E) Appurtenances to the items named in subparagraphs (A) through (D);

(F) Shoreline erosion protection facilities;

(G) Flood control facilities;

(H) Storm sewer and drainage facilities;

(I) Ports and harbors;

(J) Navigation channels and inland navigation facilities;

(K) Water impoundment facilities;

(L) Water collection, treatment, and distribution facilities;

(M) Irrigation facilities;

(N) Sewerage;

(O) Solid waste disposal facilities;

(P) Tunnels;

(Q) Public buildings;

(R) Airports and airport facilities;

(S) Mass transportation; and

(T) High speed surface transportation systems.

(2) The term "SIRF" means a State Infrastructure Revolving Fund established pursuant to title I.

TITLE I—STATE INFRASTRUCTURE REVOLVING FUNDS

TRANSFER OF FUNDS

SEC. 101. (a) For each fiscal year which begins on and after the effective date of this Act, the Secretary of Transportation shall pay to the appropriate Program Account of the State Infrastructure Revolving Fund of any State, established in accordance with section 102, such portion of—

(1) the funds allocated to the State under section 104(b)(2) of title 23, United States Code, for the Federal-aid secondary system,

(2) the funds allocated to the State under section 104(b)(6) of title 23, United States Code, for the Federal-aid urban system,

(3) the funds apportioned to the State under section 144 of title 23, United States Code, for replacement or rehabilitation of bridges that are not on the Interstate highway system,

(4) the funds apportioned to the State by reason of section 102(c) of the Federal-Aid Highway Act of 1987 (23 U.S.C. 104, note),

(5) the funds apportioned to the State under the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986, and

(6) the funds apportioned or otherwise available to the State under sections 3, 9(d), and 18 of the Urban Mass Transportation Act of 1964,

as the Governor of the State may request. Notwithstanding any other provision of law, such payments shall be made as soon as possible after the funds are allocated or apportioned to the State under such sections.

(b) Funds paid into a State Infrastructure Revolving Fund under subsection (a) shall be subject to all requirements that would otherwise be applicable to the funds under Federal law (including limitations imposed under section 120 of title 23, United States Code, on the share of a project that may be paid with Federal funds), but the State shall (except for loans described in section 102(b)(3)(B)), notwithstanding any other provision of law, use the funds to make loans which finance projects for which the funds are otherwise authorized to be expended.

AGREEMENTS TO ESTABLISH STATE INFRASTRUCTURE REVOLVING FUNDS

SEC. 102. (a) Each State electing to participate in the program established by this title shall enter into an agreement with the Secretary of Transportation for the purpose of ensuring that—

(1) in accordance with subsection (b), the State will establish a SIRF in the treasury of the State into which the State will deposit—

(A) any portion of the funds described in any of the paragraphs of section 101(a); and

(B) funds transferred from the National Infrastructure Corporation as "bonus funds" under section 234;

(2) amounts deposited in the SIRF of the State will be used by the State to make loans to departments, agencies, and instrumentalities of the State, to political subdivisions of the State, and to department, agencies, and instrumentalities of one or more political subdivisions of the State, and to interstate and regional authorities;

(3) loans made under paragraph (2) shall be used only—

(A) to buy or refinance the debt obligation of municipalities, intermunicipal agencies, and interstate and regional agencies within that State at or below market rates where such debt obligation was assumed at least 90 days before the date of enactment of this Act,

(B) to guarantee, or purchase insurance for, local obligations where such action would improve credit market access or reduce interest rates,

(C) as a source of revenue or security for the payment of principal and interest on revenue or general obligations bonds issued by the State if the proceeds of the sale of such bonds will be deposited in the appropriate SIRF Program Account or the General Infrastructure Account where appropriate, or

(D) to earn interest on SIRF accounts;

(4) such loans are made at or below market interest rates, including no-interest loans, at terms not to exceed 20 years;

(5) annual principal and interest payments shall begin not later than 1 year after the completion of any project and all loans will be fully amortized not later than 20 years after project completion;

(6) the State will set up procedures to require that those receiving loans from any of the SIRF accounts demonstrate an ability to pay back such loan over its entire life; and

(7) in the case of any project that has received a loan from the SIRF and also receives a direct grant from any source for project work that is covered by such loan, the State shall require timely repayment by the borrower to the SIRF in the amount of such grant.

(b)(1) Each participating State shall establish within its SIRF a Program Account for each corresponding type of funds transferred under any of the paragraphs of section 101(a) and for the bonus payment made by the National Infrastructure Corporation under section 234, apportioned among the Program Accounts in the same proportion as are the funds transferred under section 101(a) for that fiscal year.

(2) The State is required to deposit into the appropriate SIRF Program Account the amount of the State matching share relating to the funds transferred under section 101(a).

(3)(A) There shall be established within each SIRF a General Infrastructure Account (hereafter in this Act referred to as the "GIA") which shall be credited with—

(i) all repayments of the principal of any loan made out of the SIRF; and

(ii) any interest accrued on, or investment income from, such loans or the funds transferred to the State by section 101.

(B) Loans from the GIA may be provided to any project meeting the definition of infrastructure under this Act.

(4) For each SIRF Program Account, the State shall establish a Priority List for projects to be funded, and funding for projects within each Program Account shall be in accordance with such Priority List.

(5) The State shall designate an instrumentality of that State to carry out the administration of the SIRF, and this instrumentality shall have the necessary powers and limitations required to carry out the provisions of this section. The State may use funds in the SIRF for the reasonable costs of administering the SIRF and conducting activities under this section, except that such amounts shall not exceed 4 percent of all deposits in the SIRF for the fiscal year in which these costs are incurred.

(c) Funds in a State's SIRF are authorized to remain available until expended to carry out the purposes of this section.

(d) Any State electing not to establish a SIRF, or a particular Program Account within a SIRF, shall continue to receive the Federal grants otherwise receivable by such State without regard to this Act.

PASS-THROUGH FUNDS TO CITIES

SEC. 103. Any city receiving direct pass-through grants from the Urban Mass Transportation Administration, the Federal Highway Administration, or the Federal Aviation Administration shall elect one of the following options:

(1) Such city may continue to receive these funds as before the effective date of this Act for use as direct project grants.

(2) Such city may deposit such funds in a set of accounts in the SIRF that is dedicated solely for projects within the jurisdiction of the municipality originally receiving such grants, and the repayment of principal and interest from any loan made from the capital generated by any such account would be deposited in a City General Infrastructure Account within the SIRF of the same form as the State's General Infrastructure Account. This City GIA shall be used to fund projects meeting the same specifications as for the State GIA, except that such projects must be within the jurisdiction of such city.

(3) Such city may establish its own City Infrastructure Revolving Fund (CIRF), which shall meet the same requirements and specifications as mandated for a SIRF under section 102. In order to receive Federal payments for deposit into the CIRF, a city shall enter into an agreement with the Secretary of Transportation to abide by the same terms and conditions as described in section 102.

GENERAL INFRASTRUCTURE ACCOUNT PRIORITY LIST

SEC. 104. (a) Each participating State shall establish a GIA Priority List that takes into account the relative priorities established in the several Program Account Priority Lists for projects that have not been funded from the Program Accounts. This GIA Priority List shall include projects for which there is no SIRF Program Account, and the funding of these projects shall be considered on an equal basis as those projects that do meet the criteria for funding from one of the Program Accounts. Any loans made from the GIA shall be made in accordance with this GIA Priority List. In preparing this GIA Priority List, a State shall take into account—

(1) the financial hardship that not funding a project would cause to the municipality undertaking it;

(2) whether a project would be built without a GIA loan;

(3) the necessity of a project for such municipality to meet Federal or State environmental or health and safety guidelines and the likelihood of penalties falling on such municipality for not meeting such guidelines if a loan is not provided;

(4) the degree to which a project will provide for proper maintenance of existing infrastructure;

(5) the degree to which a project is receiving grants or loans from other sources; and

(6) the degree to which a project will lead to a general improvement of the public health and safety and the quality of the environment.

REPORTS

SEC. 105. (a) Not later than 30 days after the close of each fiscal year, the Governor of each participating State shall prepare and transmit to the Secretary of Transportation a report describing the activities of its SIRF during the preceding fiscal year.

(b) The Secretary of Transportation shall promptly make each such report available to the National Infrastructure Corporation.

AUDITS

SEC. 106. In the use of funds under this Act, each participating State, and any municipality receiving a loan from any of the SIRF accounts, shall use such accounting, audit, and fiscal procedures as are in accordance with generally accepted government accounting standards.

REALLOTMENTS; WITHHOLDING OF PAYMENTS

SEC. 107. (a) The amount of any funds not obligated by the State from any SIRF Program Account by the termination of the period specified by the appropriate Federal agency for the obligation of such funds when used as direct project grants shall immediately be reallotted by the Secretary of the Treasury on the basis of the same ratio as is applicable to annual grants to the State for the respective programs. None of the funds reallotted shall be reallotted to any State that has not obligated all sums allotted to such State in the first of the two preceding fiscal years. States receiving such reallotted sums shall deposit them in the General Infrastructure Account of such State's SIRF.

(b) If the Secretary of Transportation determines that a State has not complied with its agreement with the Secretary or with any other requirement of this title, the Secretary shall notify such State of such noncompliance and the necessary corrective action.

(c) If a State does not take corrective action within 60 days after receiving notification of noncompliance, the Secretary of Transportation shall withhold additional payments to such State until satisfied that the State has taken the necessary corrective action.

(d) If the Secretary of Transportation is not satisfied that corrective actions have been taken by the State within 12 months of notification of noncompliance, the payments withheld from such State shall be made available for reallotment in accordance with the most recently applied formula for the allotment of such funds under this section.

TITLE II—NATIONAL INFRASTRUCTURE CORPORATION

PART A—GENERAL PROVISIONS

SHORT TITLE

SEC. 201. This title may be cited as the "National Infrastructure Corporation Act of 1988".

DEFINITIONS

SEC. 202. For purposes of this title—

(1) The term "Board of Directors" means the Board of Directors of the Corporation, including the Chairman and the eight other Directors.

(2) The term "Chairman" means the Chairman of the Board of Directors of the Corporation.

(3) The term "concern" means any—

(A) person;

(B) State or political subdivision or governmental entity thereof, including any municipality of the State, or an Indian tribe or tribal organization; or

(C) multi-State entity which possesses legal powers necessary to carry out activities under this title.

(4) The term "Corporation" means the National Infrastructure Corporation.

(5) The term "Director" means a member of the Board of Directors, including the Chairman.

(6) The term "financial assistance" means loans or loan guarantees, except as otherwise provided in part C.

(7) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in section 3 of the Alaska Native Claims Settlement Act.

(8) The term "loan" means a loan or commitment to loan.

(9) The term "loan guarantee" means a guarantee of, or commitment to guarantee, indebtedness.

(10) The term "person" means any individual, company, cooperative, partnership, corporation, association, consortium, unincorporated organization, trust, estate, or any entity organized for a common business purpose.

PART B—ESTABLISHMENT OF THE CORPORATION

ESTABLISHMENT

SEC. 221. (a) There is hereby established the National Infrastructure Corporation.

(b) The principal office of the Corporation shall be located in the District of Columbia. The Corporation may establish offices elsewhere in the United States as determined by the Board of Directors of the Corporation. The Corporation is deemed to be a resident of the District of Columbia.

BOARD OF DIRECTORS

SEC. 222. (a)(1) The powers of the Corporation shall be vested in the Board of Directors, except those functions, powers, and duties vested in the Chairman by or pursuant to this title.

(2) The Board of Directors shall consist of a Chairman and eight Directors, selected as follows:

(A) The Chairman shall be appointed by the President, by and with the advice and consent of the Senate.

(B) Six Directors shall be appointed by the President as follows:

(i) two Directors shall be governors of States or their designees,

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(ii) two Directors shall be city mayors or their designees, and

(iii) two Directors shall be elected officials from county governments or their designees.

(C) Two Directors shall be the Secretary of Transportation and the Administrator of the Environmental Protection Agency or their designees.

(3) The Chairman shall devote full working time to the affairs of the Corporation and shall hold no other salaried position.

(4) No more than five of these Directors shall be affiliated with the same major political party.

(b)(1) The appointed Directors shall serve for seven-year terms. Of the Directors first appointed, the Chairman shall serve as Chairman for a seven-year term, one Director shall serve for a term of six years, one shall serve for a term of five years, one shall serve for a term of four years, one shall serve for a term of three years, one shall serve for a term of two years, and one shall serve for a term of one year.

(2) Upon expiration of the initial term of each initial Director, each Director appointed thereafter shall serve for a term of seven years. Whenever a vacancy shall occur on the Board of Directors among the Directors appointed by the President, the President shall appoint an individual to fill such vacancy for the remainder of the applicable term. Upon the expiration of a term, a Director may continue to serve for a maximum of one year or until a successor shall have been appointed and shall have taken office, whichever occurs first.

(3) Any Director appointed by the President may be removed from office by the President only for neglect of duty or for malfeasance in office.

(c) Before assuming office, each Director shall take an oath faithfully to discharge the duties thereof. All Directors shall be citizens of the United States.

(d) The Board of Directors shall meet at any time pursuant to the call of the Chairman and as may be provided by the bylaws of the Corporation, but not less than quarterly. A majority of the Board of Directors shall constitute a quorum, and any action by the Board of Directors shall be effected by majority vote of all members of the Board of Directors. The Board of Directors shall adopt, and may from time to time amend, such bylaws as are necessary for the proper management and functioning of the Corporation.

(e)(1) All meetings of the Board of Directors held to conduct official business of the Corporation shall be open to public observation, and shall be preceded by reasonable public notice. Pursuant to such bylaws as it may establish, the Board of Directors may close a meeting if the meeting is likely to disclose—

(A) information which is likely to adversely affect financial or securities markets or institutions;

(B) information the premature disclosure of which would be likely to—

(i) lead to speculation in securities, commodities, utilities, or land; or

(ii) impede—

(I) the ability of the Corporation to establish infrastructure project selection criteria; or

(II) its ability to negotiate a contract for financial assistance; or

(C) matters or information exempted from public disclosure pursuant to paragraph (1), (2), (4), (5), or (6) of subsection (c) of section 552b, title 5 of the United States Code.

(2) The determination to close any meeting of the Board of Directors for any of the purposes specified in subparagraphs (A) through (C) of paragraph (1) shall be made in a meeting of the Board of Directors open to public observation preceded by reasonable notice. The Board of Directors shall prepare minutes of any meeting which is closed to the public and such minutes shall be made promptly available to the public, except for those portions thereof which, in the judgment of the Board of Directors, may be withheld under the provisions of subparagraphs (A) through (C) of paragraph (1).

(f) The levels of compensation of the Board of Directors shall be fixed initially by the President and may be adjusted from time to time upon recommendation by the Board and with concurrence of the President.

OFFICERS AND EMPLOYEES

SEC. 223. (a) The Chairman shall be the chief executive officer of the Corporation, and shall be responsible for the management and direction of the Corporation.

(b) The Board of Directors shall—

(1) establish the offices and appoint the officers of the Corporation (including a General Counsel and Treasurer) and define their duties;

(2) fix the compensation of individual officer positions and categories of other employees of the Corporation taking into consideration the rates of compensation in effect under the Executive Schedule and the General Schedule prescribed by subchapters II and III of chapter 53 of title 5, United States Code, for comparable positions or categories. If the Board of Directors determines that it is necessary to fix the compensation of any officer position or category of other positions at a rate or rates in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, the Board of Directors may transmit to the President its recommendations with respect to the rates of compensation it deems advisable for such positions and categories. Such recommendations shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations unless the President has specifically disapproved such recommendation and notified the Board of Directors to such effect; and

(3) provide a system of organization to fix responsibility and promote efficiency.

(c) Except as specifically provided in this title, Directors, officers, and employees of the Corporation shall not be considered to be Federal employees for purposes of any law of the United States.

(d) The Chairman shall appoint such employees as may be necessary for the transaction of the Corporation's business to, and may discharge such employees from, positions established in accordance with this section.

(e) No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Corporation, except as provided in section 222(a)(2).

CONFLICTS OF INTEREST AND FINANCIAL DISCLOSURE

SEC. 224. (a) The financial disclosure provisions of the Ethics in Government Act of 1978 (92 Stat. 1824; Public Law 95-521) applicable to individuals occupying positions compensated under the Executive Schedule shall apply to the Directors and officers of the Corporation and to employees of the Corporation whose compensation is established by the Board of Directors pursuant to section 223 at a rate equivalent to that payable for grade GS-16 or above of the General Schedule established by chapter 53 of title 5, United States Code. The financial disclosure provisions of the Ethics in Government Act of 1978 shall apply to the Corporation as a Federal agency.

(b) Any provision of law governing post-Federal employment activities shall not apply to former Federal employees who may be employed by the Corporation while acting on behalf of the Corporation.

(c)(1) Except as permitted by paragraph (3), no Director shall vote on any matter respecting any application, contract, claim, or other particular matter pending before the Corporation, in which, to his knowledge, the Director or his spouse, minor child, partner, or an organization (other than the Corporation) in which the Director is serving as officer, director, trustee, partner, or employee, or any person or organization with whom the Director is negotiating or has any arrangement concerning prospective employment, has a financial interest.

(2) Action by a Director contrary to the prohibition contained in paragraph (1) shall be cause for removal of such Director pursuant to section 222(b)(3), but shall not impair or otherwise affect the validity of any otherwise lawful action by the Corporation in which the Director or officer participated.

(3) The prohibition contained in paragraph (1) shall not apply if the Director first advises the Board of Directors of the nature of the particular matter in which he proposes to participate and makes full disclosure of such financial interest, and the Board of Directors determines by majority vote that the financial interest is too remote or too inconsequential to affect the integrity of such Director's services for the Corporation in that matter. The Director involved shall not participate in such determination.

(d) Section 207(a) of title 18, United States Code (and subsections (f), (h), and (j) of such section, to the extent they relate to subsection (a)) shall apply to former Directors, officers, and employees of the Corporation as if they were former officers or employees of the executive branch of the United States Government. Such section shall apply to the Corporation as if it were an agency of the executive branch of the United States Government.

DELEGATION

SEC. 225. (a) The Board of Directors may, by resolution, delegate to the Chairman and the other Directors functions, powers, and duties assigned to the Corporation under this title other than those expressly vested in the Board of Directors pursuant to sections 222 and 223. The Chairman may, only by written instrument, delegate such functions, powers, and duties as are assigned to the Chairman by or pursuant to the provisions of this title to such other full-time Directors, officers, or employees of the Corporation as the Chairman determines appropriate.

(b)(1) Notwithstanding any other provision of law, the President and any other officer or employee of the United States shall not make any delegation to the Chairman, the Board of Directors, or the Corporation of any power, function, or authority not expressly authorized by the provisions of this title, except where such delegation is pursuant to an authority in law which expressly makes reference to this section.

(2) Notwithstanding any other provision of law, the provisions of chapter 9 of title 5, United States Code, shall not apply to authorize the transfer to the Corporation of any power, function, or authority.

GENERAL POWERS

SEC. 226. In carrying out the provisions of this title, the Corporation shall have the power, consistent with the provisions of this title—

(1)(A) to adopt, alter, and rescind bylaws, rules, and regulations; and

(B) to adopt and alter a corporate seal, which shall be judicially noticed;

(2) to make agreements and contracts with persons and private or governmental entities, except that the Corporation shall not provide any financial assistance except as otherwise specifically authorized by this title;

(3) to lease, purchase, accept gifts or donations of, or otherwise acquire, and to own, hold, improve, use, or otherwise deal in or with, and to sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of, any property, real, personal, or mixed, or any interest therein;

(4) to sue and to be sued in its corporate name and to complain and defend in any court of competent jurisdiction;

(5) to represent itself, or to contract for representation, in all judicial, legal, and other proceedings, except actions cognizable under the Federal Tort Claims Act, in which actions the Corporation will be represented by the Attorney General;

(6) to make provision for and designate such committees, and the functions thereof, as the Board may determine necessary or desirable;

(7) to indemnify such Directors, officers, employees, and agents of the Corporation, as the Board may determine necessary or desirable;

(8) with the approval of the agency concerned, to make use of services, facilities, and property of any board, commission, independent establishment, or executive agency or department of the executive branch in carrying out the provisions of this title and to pay for such use, such payments to be credited to the applicable appropriation that incurred the expense;

(9) to procure insurance against any loss in connection with the Corporation's property and operations in such amounts and from such insurers as the Corporation determines proper;

(10) to receive capital contributions and to issue capital securities as provided in this title;

(11) to create, organize, and manage divisions and departments;

(12) to deposit moneys or funds of the Corporation in accounts insured by the Federal Government;

(13) subject to the provisions of this section, any moneys of the Corporation, including the proceeds of the sale of obligations, not required for immediate use by the Corporation, shall be invested in obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or in secured time deposit or other interest-bearing accounts secured by such obligations;

(14) to divest itself at any time of the obligations or equity securities of any applicant—

(A) by refinancing such obligations or equity securities;

(B) by offering such obligations or equity securities for public sale; or

(C) by any other method the Board may provide;

(15) to perform or authorize studies, or prepare or cause the preparation of reports and to convene meetings and conferences, and defray the costs and expenses of the foregoing; and

(16) to exercise all other lawful powers necessarily or reasonably related to—

(A) the establishment of the Corporation;

(B) carrying out the provisions of this title; or

(C) the exercise of the Corporation's powers, purposes, functions, duties, and authorized activities.

PUBLIC ACCESS TO INFORMATION

SEC. 227. (a) The Corporation shall make available to the public, upon request, any information regarding its organization, procedures, requirements, and activities, except that the Corporation is authorized to withhold information which is exempted from disclosure pursuant to subsection (b) of section 552 of title 5, United States Code, and section 222(e) as it pertains to minutes of meetings of the Board of Directors.

(b) The Corporation, upon receipt of any request for information, shall determine promptly whether to comply with such request and shall promptly notify the person making the request of such determination. In the event of an adverse determination, and if requested by the person requesting the information, such determination shall be reviewed by the General Counsel of the Corporation.

(c) Section 1905 of title 18, United States Code, shall apply—

(1) to Directors, officers, and employees of the Corporation as if they were officers or employees of the United States; and

(2) to the Corporation as a Federal agency.

AUDITS; RECORDS

SEC. 228. (a) The financial transactions of the Corporation shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances of securities held by depositaries, fiscal agents, and custodians. A report on each such audit shall be made by the Comptroller General to the Congress. The Corporation shall reimburse the General Accounting Office for the full cost of any such audit as billed therefor by the Comptroller General.

(b) The Corporation shall maintain adequate books and records to support its financial transactions. The books shall be maintained in accordance with recommended accounting practices.

ANNUAL REPORTS

SEC. 229. The Corporation shall submit to the President and the Congress, within 2 months after the end of each of the Corporation's fiscal years, a complete and detailed report with respect to such fiscal year, setting forth—

(1) a summary of the Corporation's operations for such fiscal year;

(2) the Corporation's revenues and expenditures for such fiscal year and the Corporation's balance sheet as of the end of such fiscal year, each in accordance with the categories and classifications established by the Corporation;

(3) a schedule of the Corporation's obligations and capital securities outstanding at the end of such fiscal year, with a statement of the amounts issued and redeemed or paid during such fiscal year;

(4) the status of projects receiving funding; and

(5) an updated national priority list, as required by section 235.

TAX STATUS OF THE CORPORATION

SEC. 230. Any real property owned in fee by the Corporation shall be subject to taxation by a State, territory or possession, the District of Columbia, the Commonwealth of Puerto Rico, local governmental unit, or other local authority to the same extent, according to its value, as other similarly situated and used real property, without discrimination in the value, classification, or assessment thereof.

PART C—AUTHORITIES

FINANCIAL ASSISTANCE FOR NATIONAL OR REGIONAL INFRASTRUCTURE PROJECTS

SEC. 231. (a) The Corporation shall establish a National Infrastructure Revolving Fund (hereafter in this title referred to as the "Fund") for the purpose of providing low-cost financing to major infrastructure projects. The Fund shall be capitalized in an amount equal to the amount of the capital stock of the Corporation.

(b) The Corporation, through the Fund, is authorized—

(1) to make loans on the condition that—

(A) such loans should be made at or below market interest rates, including interest-free loans,

(B) annual principal and interest payments will commence no later than 1 year after completion of the project,

(C) the recipient of a loan will establish a dedicated source of revenue for repayment of loans, and

(D) the Fund will be credited with all payments of principal and interest on all loans;

(2) to earn interest on fund accounts; and

(3) to deduct a fee for the reasonable costs of administering the Fund and conducting activities under this title, except that such amounts shall not exceed 2 percent of Fund receipts in that year.

(c) Financial assistance provided under this section to any major infrastructure project shall not exceed 25 percent of the total project costs necessary to carry out the project.

(d) Applicants for financial assistance must demonstrate that such projects meet the requirements set forth by the Board and meet the rate of return criteria required by the Board in this section.

TECHNICAL ASSISTANCE

SEC. 232. (a) The Corporation is authorized to provide technical assistance to qualified concerns. Such assistance shall be for—

(1) assisting municipalities in obtaining financing for infrastructure purposes;

(2) providing local infrastructure management with education and training programs;

(3) providing national long-range infrastructure planning and needs analysis; and

(4) assisting the participation by States and localities in the SIRF program as established in title I.

(b) In order to qualify, a concern shall submit an application to the Corporation,

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together with such information as the Board of Directors may prescribe demonstrating that such assistance would carry out the purposes of subsection (a).

TECHNICAL INNOVATION, RESEARCH, AND DEVELOPMENT

SEC. 233. (a) The Corporation is authorized to develop a program to provide for the advancement of technological innovation, technological transfer, and research and development as it pertains to infrastructure.

(b) The Corporation is authorized to make appropriate arrangements with the National Academy of Sciences to design such a program.

(c) The Corporation is authorized to utilize to the extent possible the existing Federal and university research programs in order to accomplish this objective.

BONUS PAYMENTS TO THE SIRFS

SEC. 234. (a) The Corporation shall pay into the SIRF of each participating State an amount, out of the National Infrastructure Revolving Fund, equal to 25 percent (for the first fiscal year after the effective date of this Act) and 10 percent (for each fiscal year thereafter) of the Federal share of grants deposited into the State's SIRF during the preceding fiscal year.

(b) Funds paid to a State by the Corporation pursuant to this section may be referred to as "bonus payments".

ESTABLISHMENT OF PROJECT DEFINITIONS, ELIGIBLE COSTS, ELIGIBLE PROJECTS, AND PRIORITY LIST

SEC. 235. The Board of Directors shall—

(1) establish criteria for infrastructure projects eligible for financing with the National Infrastructure Revolving Fund;

(2) define project costs for such projects that shall be eligible for receipt of money from such Fund;

(3) after the establishment of criteria under paragraph (1), receive proposals for projects from eligible States, municipalities, intermunicipal agencies, interstate agencies and other eligible public entities;

(4) develop a national priority list for the prioritization of such project proposals as the Board of Directors determines meet the criteria established in paragraph (1), are eligible under paragraph (2), and are in accordance with the purposes of this title; and

(5) only fund projects on the national priority list.

PART D—CAPITALIZATION AND FINANCE

CAPITAL STOCK

SEC. 241. (a) The Corporation shall have capital stock subscribed by the Secretary of the Treasury equal to the amount of funds derived from interest earned annually on the balances maintained in the funds described in section 242.

(b) The Secretary of the Treasury may subscribe to additional capital stock at any time so authorized by the Congress through the imposition of additional taxes or appropriations of additional funds by Congress.

(c) Five percent of annual capitalization shall be available for research and development, innovation, and technical assistance.

TRUST FUND INTEREST

SEC. 242. Paragraph (3) of section 9602(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(3) INTEREST ON CERTAIN PROCEEDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the interest on, and the proceeds from the sale or redemption of, any obligations held in a Trust Fund established by subchapter A shall be credited to and form a part of the Trust Fund.

"(B) CERTAIN INTEREST USED FOR NATIONAL INFRASTRUCTURE CORPORATION STOCK SUBSCRIPTION.—The interest on any obligations held in a Trust Fund described in section 9502(a) or 9503(a) shall be available to carry out the capital stock subscription described in section 241(a) of the National Infrastructure Corporation Act of 1988.".

TITLE III—EFFECTIVE DATE

SEC. 301. The provisions of this Act and the amendment made by section 242 of this Act shall take effect with the first fiscal year that begins after the date of enactment of this Act.

THE NATIONAL INFRASTRUCTURE DEVELOPMENT ACT OF 1988

The purpose of this bill is to promote greater investment in public works infrastructure. It would allow States to establish State Infrastructure Revolving Loan Funds to be capitalized by Federal grant payments. These funds would provide loans for projects on the State and local level. The National Infrastructure Corporation created in Title II would help finance larger scale infrastructure projects of regional and national scope, provide technical assistance to States and localities participating in the Revolving Fund program, and develop an infrastructure Research and development program.

This bill does not emphasize investment in one type infrastructure over any other, but allows for greater investment in all types of infrastructure. In the case of State Revolving Funds, States and localities would be given an increasingly large voice in setting funding priorities. At the national level, the Corporation would develop a National Priority List for large projects. A brief outline follows.

GENERAL PROVISIONS

The Congress finds that there is substantial underinvestment in public works infrastructure, that this is to the detriment of the nation, and sets a goal for this bill: to create new financing tools that will lead to greater capital formation for investment in public works infrastructure. This section sets out definitions for terms central to the debate and to the bill—"infrastructure" would be defined as:

"Highways, roads, streets, bridges and appurtenances thereto: shoreline erosion protection facilities; flood control facilities; storm sewer and drainage facilities; canals and inland navigation facilities; water impoundment facilities; waste water collection and treatment facilities; water collection, treatment and distribution facilities, irrigation facilities; sewerage; solid waste disposal facilities; tunnels; public buildings; airports and aviation facilities; mass transportation facilities; high-speed surface transportation facilities and port and harbor facilities."

TITLE I: STATE INFRASTRUCTURE REVOLVING FUNDS

1. General Requirements

States and localities presently receive grants from the federal government for a variety of public works purposes, some of which come from the general fund and some from the user fee-supported transportation Trust Funds.

This bill would give States (and some localities) the option of depositing a portion of these payments in a State Infrastructure Revolving Fund, to be subsequently loaned out for the same types of projects presently receiving grant money. Grant payments of clear national priority, such as Interstate Highway Construction and 4-R grants, would not be eligible for deposit. Those eligible for deposit would be the secondary road program, urban road program, the non-interstate portion of the bridge program (about 20 percent of all bridge grants) and ½ percent minimum grants from the Highway Trust Fund, 50 percent of the Mass Transit formula grants program, and the Airport grants program from the Airport and Airway Trust Fund. The following table shows the approximate annual contribution to all State revolving funds in millions of dollars:

PAYMENTS TO THE PROPOSED STATE INFRASTRUCTURE REVOLVING FUNDS IN THE FIRST YEAR OF THE PROGRAM

	Federal		State matching share
	Grants	25 percent bonus	
Highways	2,450	612	810
Transit	1,050	263	260
Airport	600	150	150
Totals [1]	4,100	1,025	1,220

[1] $6.35 billion flowing into the State Revolving Funds.

As shown above, States choosing to place federal grants in a Revolving Fund would be paid an extra 25 percent in the first year over and above their normal grants, to come from interest accrued on unexpended balance in the federal Trust Funds (see Title II for details.) The original 25 percent bonus payment would be reduced to 10 percent in subsequent years. This over $1 billion in "new" money would serve as an incentive for States to participate in the program and begin using their grant money for loans.

The intent of this program is to allow States great flexibility in the use of all funding dedicated to infrastructure. Even if all States established such Revolving Funds, a preponderance of federal infrastructure payments would remain in the form of grants. States would be encouraged to reprogram their own infrastructure spending for projects that could not be built without grant funding, and use their Revolving Funds for work better suited to loan financing. At present, the majority of government investment in infrastructure is by States and localities; federal grants account for just one-quarter of total investment.

The Department of Transportation would continue to administer these grants at the federal level, and would be required to certify that State Revolving Funds meet the requirements laid out in this Act.

2. Structure of the State Revolving Fund

Each Revolving Fund would contain a number of Program Accounts, with one corresponding to each federal grant program. Capital generated by these accounts would be loaned out for projects meeting the same eligibility requirements as for the corresponding federal grant program (including State matching share requirements). However, all repayment of these "first-round" loans would go into the Fund's General Infrastructure Account, and would thereafter be eligible for any and all qualified infrastructure projects (see the definition of infrastructure in General Provisions). This structure will retain the earmarked quality of these grants when they arrive in a State Fund (bridge money only being available for loans to bridge projects, for example), but would give the States greater flexibility in determining their own priorities in later

years when money has been loaned out and repaid once.

3. Project Assistance from the State Revolving Fund

The bill directs States to establish a priority list for each Program Account, as well as an overall infrastructure priority list for money in the General Infrastructure Account. All projects would be funded with reference to these lists.

In addition, there would be certain minimum standards for any financial assistance provided by State Revolving Funds. They could make possible loans or interest buy-downs to provide financial assistance at below market interest rates, at terms not to exceed the useful life of the project or 20 years, whichever is greater, or could be used to refinance eligible debt taken on in the 90 days prior to enactment. All loan recipients would be required to demonstrate an ability to pay back a loan over its entire life.

4. Urban Revolving Funds

Large urban areas that presently receive direct federal payments (mostly for mass transit, airport and urban highway programs) would have three options. They could (1) set up their own City Revolving Fund, (2) establish separate City Accounts in the State Revolving Fund if their State has established such a Fund, or (3) continue to receive their direct grant payments. City Revolving Funds would be set up on the same model as State Revolving Funds.

TITLE II: THE NATIONAL INFRASTRUCTURE CORPORATION

1. The National Infrastructure Fund

All interest that accrues on the $23.5 billion balance in the federal transportation Trust Funds would be paid into the Natonal Infrastructure Fund, to be administered by the National Infrastructure Corporation in the manner outlined below. The Fund would serve as the capital stock of the Corporation.

These payments of Trust Fund interest would constitute the only budgetary impact of the bill. The Congressional Budget Office estimates that this interest will be $2.3 billion in fiscal year 1989.

2. Establishment of the Corporation

State Revolving Funds would be primarily responsible for funding projects of local and statewide interest. The non-profit National Infrastructure Corporation would provide financial assistance to regionally or nationally important projects beyond the resources of the State Revolving Funds, such as new beltways, major airports and high-speed ground transportation systems. The Corporation would be limited to lending at most a 25 percent share of the cost of any project. By so limiting federal assistance, projects would have to meet the market test of obtaining 75 percent of their financing from other sources.

A nine-member Board of Directors would be appointed by the President, with the Chairman to be a full time employee of the Corporation subject to Senate confirmation. Other directors would be as follows: two Governors, two city Mayors, two county officials, the Secretary of Transportation and the Administrator of the Environmental Protection Agency. No more than five of the Directors could be affiliated with the same political party. The Board would make annual reports to Congress on the activities of the Corporation.

3. Duties of the Corporation

A. Financing of major projects. The burden of defining exact criteria for the types of projects that would be eligible for Corporation financing would rest with the Board of Directors, within general guidelines provided by the Congress as part of this Act. In addition, the Board would make clear what types of costs within any projects could be covered by Corporation money. Financial assistance would be in the form of loans, Corporation guarantees of private loans, interest buy-downs and the like. The Corporation would not make direct project grants.

The Board would accept proposals for eligible projects from public instrumentalities, including cities, States, interstate agencies, regional development agencies and others. These would be reviewed and placed on a National Priority List, and funds would be dispersed based on this list as well as on other specific criteria developed by the Board.

B. Payments to State revolving funds. The Corporation would make bonus payments described in Title I out of the Fund to those States choosing to establish State Revolving Funds. These payments would go directly from the National Infrastructure Fund into the various Program Accounts within the State Revolving Funds.

C. Research and development and technical innovation. Five percent of the Corporation's annual capitalization receipts would be earmarked for a comprehensive national and regional program to promote research and development and technological innnovation for public works infrastructure. The Board would make appropriate arrangements with the National Research Council of the National Academy of Sciences to develop such a program.

D. Technical assistance. The Corporation would be required to design and implement a program to provide technical and legal assistance to localities and others applying for loans from the State Revolving Funds. Likewise, it would help States and cities in establishing their Revolving Funds.

By Mr. MELCHER (for himself and Mr. WIRTH):

S. 2089. A bill to provide for certain requirements relating to the conversion of oil shale mining claims located under the General Mining Law of 1872 to leases, and for other purposes to the Committee on Energy and Natural Resources.

OIL MINING CLAIMS CONVERSION ACT

●Mr. MELCHER. Mr. President, today I am introducing legislation, with Senator WIRTH, to settle nearly 70 years of controversy regarding oil shale mining claims located under the mining law of 1872 prior to passage of the Mineral Leasing Act of 1920.

The need for this legislation arises following more than 50 years of litigation over oil shale mining claims and the highly controversial settlement last year by the Department of the Interior of litigation involving some of the oil shale claims in Colorado. Under the settlement, the United States agreed to issue patents for $2.50 per acre—the U.S. taxpayer received a mere $205,000 for 82,000 acres of land. The beneficiaries of this agreement included Exxon Corp., TOSCO Corp., Union Oil Co. of California, Amerada-Hess Corp., and other oil and energy companies, as well as individuals.

I do not believe that all of the contested oil shale claims in the settlement met the requirements of the mining law. It is a travesty that the U.S. Government turned these lands over for $2.50 per acre, and I want to prevent the same situation from occurring on the remaining 270,000 acres of which oil shale mining claims have been located. My bill would achieve this objective.

The Mineral Leasing Act of 1920 removed oil shale from location under the 1872 law and made it subject to a leasing system. However, the existing oil shale claims were grandfathered by the Mineral Leasing Act and remain subject to the requirements of the 1872 mining law. Under the mining law of 1872, claimants on the Federal lands can apply for and receive a patent granting full fee simple title to those lands for $2.50 per acre, providing certain requirements are met.

The requirements of the 1982 act include the discovery of a valuable mineral deposit, performance of 100 dollars' worth of annual assessment work and prior to receiving a patent, the expenditure of 500 dollars' worth of labor or improvements per claim.

There are questions to be asked: what proof has been presented that $100 per year of assessment work was done on each of the remaining thousands of oil share claims? And on what basis has it been demonstrated that there will be production of oil from the shale or that there is even any intent to produce oil commercially from those lands?

The legislation I am introducing addresses these problems in a manner that ensures that our public resources are not being given away indiscriminately at fire sale prices. The bill provides that no patents for oil shale claims shall be issued after February 5, 1987, unless a patent application had been filed and all requirements met by such date, consistent with the requirements of *Freese* v. *United States*, 639 F. 2d 754 (Ct. Cl. 1981), cert. denied, 454 U.S. 827 (1981). An oil shale claim holder would be required to elect to either hold the claim or convert the claim to a lease, subject to certain requirements.

It was never the intent of Congress that these claims be held for over 67 years without shale oil being developed. It was never the intent of Congress that patents be issued without annual assessment work being performed on the mining claims.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

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S. 2089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, this Act shall be known as the "Oil Shale Mining Claims Conversion Act".

Sec. 2. Notwithstanding any other provision of law, with respect to any oil shale mining claim located prior to enactment of the Mineral Leasing Act of 1920 (30 U.S.C. 181, et seq.; 41 Stat. 437), no patent for such claim shall be issued after February 5, 1987, except for those claims for which a patent application had been filed and all requirements for a patent had been fully complied with by such date.

Sec. 3. (a) The owner of any valid oil shale mining claim located pursuant to the General Mining Law of 1872, as amended (30 U.S.C. 22, et seq.; 17 Stat. 91) prior to enactment of the Mineral Leasing Act of 1920 shall make an election under subsection (b) or subsection (c) of this section. The election shall be made within 180 days after the enactment of this Act. Failure to make an election within such period shall be deemed conclusively to constitute an abandonment of the oil shale claim. Not later than thirty days after the enactment of this subsection, the Secretary shall notify the owner of each such claim of the election required under this subsection.

(b) The holder of a claim required to make an election under this section may elect to convert such claim to a lease. Such lease shall be issued within 60 days after any such election and administered in accordance with those provisions of the Mineral Leasing Act of 1920, as amended, applicable to leases for deposits of oil shale, except as follows:

(1) The term of the lease shall be for 20 years and for so long thereafter as shale oil is produced annually in commerical quantities from the lease;

(2) The acreage limitations contained in section 21(a) (30 U.S.C. 241(a)) shall not apply;

(3) The first and second provisos of section 21(a) shall not apply;

(4) The limitation on the number of leases to be granted to any one person, association, or corporation contained in section 21(a) shall not apply; and

(5) The royalty shall be not less than 12½ per centum in amount or value of production removed or sold from the lease.

(c) The holder of a claim required to make an election under this section may elect to maintain the claim by complying with the mining laws of the United States and with the provisions of this Act, including the following:

(1) Notwithstanding any other provision of law, commencing with the date of enactment of this provision, on each claim $1,000 worth of labor shall be performed or improvements made during each and every year. The failure to fulfill this requirement each and every year shall be deemed conclusively to constitute an abandonment of the oil shale mining claim.

(2) Notwithstanding any other provision of law, in addition to the requirements set forth in Section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744; 90 Stat. 2769), the owner of an unpatented oil shale mining claim shall file annually in the office of the Bureau of Land Management designated by the Secretary of the Interior an affidavit of assessment work performed thereon. The failure to file the affidavit shall be deemed conclusively to constitute an abandonment of the oil shale mining claim.

(3) If at the expiration of 10 years from the date of enactment of this Act shale oil is not being produced in significant marketable amounts from each oil shale claim, or for the benefit of each such claim, such failure to produce in significant marketable amounts shall be deemed conclusively to constitute an abandonment of the oil shale mining claim.

Sec. 4. In addition to other applicable requirements, any person who holds a lease pursuant to subsection 3(b) of this Act or who maintains an oil shale mining claim pursuant to subsection 3(c) of this Act shall be required to reclaim the site subject to such lease or claim and to post a bond before disturbance of the site to guarantee such reclamation. Any person who holds a lease issued or readjusted pursuant to section 21 of the Mineral Lands Leasing Act of 1920 after the date of enactment of this Act shall also be subject to such requirements. The Secretary of the Interior shall promulgate such regulations as may be necessary to implement this section.●

Mr. WIRTH. Mr. President, I am pleased to join with Senator MELCHER in introducing this legislation that will close the books on a controversy that has been simmering for 60 years. It is time to take down the for sale signs that are hanging over hundreds of thousands of acres of public lands in Colorado and other Western States. If this legislation is enacted into law, the for sale signs will come down.

This legislation addresses the problem of oil shale mining claims that were filed across parts of the West before the Congress passed the Mineral Leasing Act in 1920. Few, if any, of those claims have ever been developed. In many cases, assessment work that the general mining laws requires to be done every year was just not done, for years at a time. And there are very real questions whether these claims will be economically viable in the foreseeable future, if ever.

Nevertheless, in 1986 the Department of the Interior established the precedent of selling 82,000 acres of public land in Colorado burdened with pre-1920 oil shale mining claims, at the bargain basement price of $1.50 an acre. Those lands were prime habitat for the largest mule deer herd in North America. Every autumn, hundreds of people from Colorado and across the country used these lands for hunting.

Since these lands were part of the public domain, they were open to families who wanted to camp, hike, or just picnic in the Nation's great outdoors. And ranchers had Federal permits to graze sheep and cattle on these lands. As every westerner knows, those Federal permits can mean the difference between life and death for ranchers.

Until 1986, these lands were open to every Coloradan, indeed every American. Today, they are no longer part of the national legacy of public lands.

The legislation that Senator MELCHER is introducing today, and which I am proud to cosponsor, will prevent the issuance of oil shale patents for any more public lands. This legislation will ensure that these lands remain in public hands, where they rightfully belong.

At the same time, this legislation is fair to those who say they want to develop oil shale. This legislation will permit miners to maintain their claims under the 1872 mining law, although they won't be able to get title to the surface of the land. But this legislation also says that the mining claimants have to develop the oil shale in 10 years, or lose the claims. That is a very fair deal, Mr. President.

The mining claimants would also have the right to convert their claims to 20-year leases. Again, Mr. President, that is a very fair offer. These claims have been around the land for more than 60 years, with little evidence that the claims will ever be developed. This bill would give the claimants another 20 years to prove their claims.

But most important, this bill will keep these lands in public ownership. Ranchers won't lose their grazing permits. The public won't lose their access for hunting or camping or hiking. And the public trust in these lands will have been preserved.

This is a fair bill. It is in keeping with this Nation's longstanding commitment to wise use of its natural resources. And I urge our colleagues to join with us in supporting the bill.

By Mr. MELCHER:

S. 2090. A bill to amend the Internal Revenue Code of 1986 to modify the rules regarding the refunding of qualified small issue bonds; to the Committee on Finance.

REFUNDING OF QUALIFIED SMALL ISSUE BONDS

● Mr. MELCHER. Mr. President, the legislation I am introducing today will give some relief to those people who invested in their communities with small issue bonds.

When these people invested in these bonds, they had no idea Congress would change the rules in midstream. Under the new tax law, however, these people are finding that their investment may be no longer tax-exempt if they try to refinance their bonds in order to stretch out the repayments. In ordinary business practice this is not uncommon and is often essential for a business to continue its operations.

This legislation simply would permit these people to refinance their bonds without considering the bonds reissued under the new tax law as long as the average maturity date of the issue is not later than 5 years after the average maturity date of the bonds to be refunded by such issue.

This bill will correct a bad provision in the Tax Code and a correction that is urgently needed.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF RULES REGARDING REFUNDING OF QUALIFIED SMALL ISSUE BONDS.

(a) MATURITY DATE OF REFUNDING BONDS.—

(1) IN GENERAL.—Subclause (I) of section 144(a)(12)(A)(ii) of the Internal Revenue Code of 1986 (relating to termination dates for qualified small issue bonds) is amended to read as follows:

"(I) the average maturity date of the issue of which the refunding bond is a part is not later than 5 years after the average maturity date of the bonds to be refunded by such issue.".

(2) CONFORMING AMENDMENTS.—

(A) Clause (ii) of section 144(a)(12)(A) of such Code is amended by inserting "(or series of bonds)" before "issued to refund".

(B) Subparagraph (A) of section 144(a)(12) of such Code is amended by adding at the end thereof the following new sentence:

"For purposes of clause (ii)(I) average maturity shall be determined in accordance with section 147(b)(2)(A).".

(b) INTEREST RATE RULE REMOVED.—Clause (ii) of section 144(a)(12)(A) of such Code is amended by adding "and" at the end of subclause (II), by striking out subclause (III), and by redesignating subclause (IV) as subclause (III).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.●

By Mr. DURENBERGER (for himself, Mr. BAUCUS, Mr. STAFFORD, and Mr. CHAFEE):

S. 2091. A bill to protect the ground water resources of the United States; ordered held at the desk until the close of business on February 29, 1988.

GROUND WATER PROTECTION ACT

Mr. DURENBERGER. Mr. President, I am today introducing the Ground Water Protection Act, a bill to protect and restore the ground water resources of our Nation. I am joined on this legislation by Senators BAUCUS, STAFFORD, and CHAFEE.

Mr. President, the bill is our attempt to create a comprehensive strategy to protect and restore the precious and unique national resource which is our ground water. The bill is built on five basic principles.

First, that we place our highest priority on the prevention of contamination.

Second, that all of the ground water resource should be protected.

Third, that the drinking water supply for all Americans—including those who depend on private wells—should be of the same high quality.

Fourth, that the focus of a prevention program should be on the sources of contamination and the prevention technology and practices that can be applied at those sources.

And fifth, that State and local government must be our first line of protection, with Federal expertise and guidance allowing flexibility to address varying contamination problems around the Nation.

Mr. President, I will have more to say about each of those five principles in a moment but let me first say that ground water protection is about to become a much more active item on the Congressional agenda. This week the Committee on Environment and Public Works began a series of hearings on ground water protection legislation. Our first topic is the Federal Government's role in ground water research. I've had the great pleasure of joining with Senator BURDICK, the distinguished chairman of our committee, to introduce legislation, S. 1105, which creates new research authorities for the Environmental Protection Agency, the Geological Survey and the Department of Agriculture. Those hearings will go through the end of March.

And last week on Wednesday the Agriculture Committee began its work to rewrite the Nation's pesticide law. I have joined with Senator LEAHY, the chairman of that committee, as an author of the Ground Water Safety Act, a bill which is intended to protect ground water supplies from pesticide contamination. We expect that bill to be added as an amendment to the pesticide reauthorization. Senate action on both these bills—ground water research and pesticide reform—can be completed this year.

To prepare for these events, I have done two things. Two weeks ago I held six hearings across the State of Minnesota to give my fellow citizens an opportunity to have a say in this debate. They were very lively sessions and as always I got more good advice than the Congress could ever digest. But I came across some new ideas and new concerns which I will share with you today.

The second thing I've done is to complete work on this comprehensive ground water protection bill. It is a comprehensive bill like the Clean Air Act and Clean Water Act are comprehensive protection programs for our air and surface water resources. It's not the kind of legislation that Congress can pass right away. We will have many opportunities to discuss its details and adjust its specific provisions before it leaves this body.

What I'd like to do today is to describe the five main themes or principles that guided the development of this comprehensive legislation.

The first principle is that a comprehensive ground water protection program must focus on prevention.

We have heard many times—we heard again at our hearing yesterday—the statistics about our ground water resource. Ground water provides drinking water to 50 percent of our population—117 million Americans. Ninety-seven percent of Americans in rural areas rely on ground water for their household water needs. Ground water is the source of 30 percent of the water in our rivers and streams and may be the whole source in critical low flow periods when surface runoff is absent. There are millions of potential sources of ground water contamination—20 million septic tanks, 6 million storage tanks, 2 million miles of pipelines, 250,000 injection wells, 180,000 surface impoundments, 240 million acres of cropland sprayed with pesticides and fertilizers. It is a vast and complex resource.

But just let me add two more numbers to that picture. First, is the cost of the Superfund Program—$1 billion $500 million per year, 80 percent of which is directed at cleaning up ground water pollution. Superfund sites are so numerous and expensive, that we had to go to a broad-based, Federal tax—a corporate surtax—to clean them up.

By way of comparison, and this is the second number, EPA provides grants of only $6 million per year to the States for ground water protection strategies. Eighty percent of $1.5 billion for cleanup, $6 million for prevention. That's upside down. And when we tried to get the Congress to provide an additional $8 million to help the States implement the new wellhead protection program—I suspect not much more than the paperclip budget for the Superfund office—we were told there isn't $8 million worth of room in the Federal budget for new ideas. Well, we need to turn that kind of thinking around.

A focus on prevention is no more than an acknowledgement of the special nature of the ground water resource. There are characteristics of ground water which set it apart from surface water supplies.

First, it is not tested or treated before we drink it. Large urban communities like the Twin Cities of my home State which use surface waters for their drinking water thoroughly treat the water before it reaches the consumer. The water is disinfected with chlorine to kill biological contaminants and filtered to take out the solids and other pollutants.

Ground water on the other hand—and especially for small communities and those relying on private wells—often goes right to the tap without any treatment. We drink it as we find it.

Second, pollutants in ground water may be much more concentrated than in surface waters. Waters in rivers and lakes move rapidly and pollutants introduced at one point are quickly diluted by mixing with large volumes of water. Recall the recent Ashland oil spill in Pittsburgh.

But ground water moves very slowly and there is little mixing. A spill of liquid chemicals on the surface or a leak from a landfill or underground tank will create a plume of contaminants which will stay concentrated as it moves through the aquifer.

Where a serious incident of surface water pollution might produce contaminants in the range of 10 or 100 parts per million, the same contaminant may be found in ground water at several thousand parts per million. If you are drinking ground water untreated and you are pumping it from one of those contaminated plumes, the threat to your health may be very serious.

Third, it is practically impossible to clean up an underground aquifer once contaminated. In fact, despite Superfund and all of our other efforts, no one has ever restored a contaminated aquifer to its original condition.

We have made great strides as a Nation in restoring surface water quality over the past two decades. It has cost billions of dollars in Federal appropriations and industry expenditures. Rivers and streams are resilient. When we quit polluting, they are regenerated by the forces of Nature. Measurable progress has been made. But we dare not think that we could do the same for ground water, if it should become widely contaminated by intention or neglect.

So, ground water is often delivered untreated to the consumer. When polluted, the level of contamination may be very high. Once polluted, it is practically impossible to clean up. All of that argues for a protection strategy based on preventing contamination and that is the first principle which should guide our ground water legislation.

The second principle is that the ground water resource to be protected should be broadly defined. On this issue there appears to be two opposing views. One group favors a strategy that is sometimes called nondegradation. Those who favor a nondegradation goal want the resource broadly defined and all of it protected.

The alternative view is called differential protection. It argues that aquifers can be classified by their value or vulnerability and that some ground water can be allocated to uses that allow—that invite—degradation. This aquifer will be an industrial dump. That aquifer will be given over to agricultural chemicals. And so on.

This is currently the big issue in the debate on the Ground Water Safety Act, the pesticide bill I mentioned earlier. There it is a question of definition. What is the resource of concern. Some of us want to protect ground water. All of it.

Others argue that we need only protect water that is likely to reach a drinking water well. Waters that are shallow, that are remote from settled places, waters that are already contaminated by brine or nitrates or whatever, do not deserve protection from pesticides, some argue.

I'm on the nondegradation side of that debate. I'm there because ground water is different from surface water or air. It is not a resilient resource. If we choose to use an aquifer as a sink for pesticides, that is not just our decision. It's a decision which can't be reversed when our generation is done with the resource. It's a decision that will affect the choices available to our children and their children. Who's to say where the Americans of 2020 will want to put a drinking water well. Ground water is not simply a pathway by which we are exposed to our own garbage. It is a link to the future. We are its stewards and it is our job to protect the resource wherever possible.

Let me read you some of the actual text from the comprehensive ground water protection bill that we are introducing today. First, the goal:

> The purpose of this Act is to protect and enhance the physical, chemical and biological integrity of the Nation's ground water resources and to ensure that such resources are not degraded in any way.

That's the goal stated in the bill. It is accompanied by the following statement of policy:

> It is national policy to protect the quality and quantity of the ground water resources of the United States for the widest range of uses both for this generation and for posterity. Consistent with this policy, the goal of this Act is non-degradation, the ground water resources is broadly defined, and the protection afforded is for the resource and not solely its current users. That a particular aquifer or its portion is not currently used, or within the foreseeable future intended to be used, for a drinking water supply is not sufficient cause to allow degradation of that resource. Although some minor portion of the ground water resources of the Nation may be irreversibly or irretrievably committed to use and consumed during the stewardship of this generation, it is not the policy of the United States to allocate costs associated with current social and economic activities to future generations as ground water contamination.

The third principle reflected in this legislation is that public health protection should be provided for the drinking water supply of all Americans. The Safe Drinking Water Act is a public health law. It establishes standards—maximum contaminant levels—which apply to water supplied by public drinking water systems. And it requires that public supplies be monitored periodically to assure that the standards are met.

But 25 million Americans relying on private wells or very small systems are not covered by the Safe Drinking Water Act. That is rural America we're talking about—excluded from the fundamental protections of Federal law. And because of the high cost of testing and treating individual wells, many of these Americans cannot afford—or defer for other priorities in the family budget—the expensive sampling and analysis necessary to assure that their water is safe.

There are some who do not believe there is a public health problem from ground water contamination. Recently the Environmental Protection Agency released a report called "Unfinished Business." This report presented a comparative assessment of 31 major health and environmental problems facing our country. The comparisons were based on the collective judgment of the senior managers and staff professionals across EPA.

The problems considered included depletion of the ozone layer, toxic air pollution, pesticide contamination of food, acid rain, non-point-source pollution of surface waters, and so on.

Based on the judgment of EPA's senior managers, problems associated with ground water contamination—hazardous waste dumps, leaking underground tanks, surface impoundments—were ranked as a very low concern among the 31 problems.

The problems ranked as a high priority among the Agency's professional staff are principally problems associated with high exposure, lots of people, although individual risks might be quite small. Exposure drives EPA's agenda. For instance, ozone depletion ranked high because 235 million Americans may be exposed to additional ultraviolet radiation—even though the risks of cancer or other ill effects to any one American are currently relatively low.

EPA's findings with respect to ground water contamination are just the reverse. Few people are currently exposed to ground water pollution. So even though the risks to some may be quite high—as they often are at Superfund sites—the problem ranks low among EPA's concerns. High risk to small numbers does not drive the agenda.

Well, you can see the bias in that judgment. It's not fair to rural America. Our system of government promises equal protection under the law. While we don't often think of that principle in this context, there is no justification for a Federal environmental agenda which takes action on a 1-in-10 million risk of cancer when that risk is faced by a large number of city folks, but will ignore cancer risks of 1 in 1,000 or 1 in 100 for Americans living in rural areas simply because they have few neighbors and drink from private wells. That's not right.

Most Americans, city and country, want these high-risk sources of ground water pollution corrected. That's why Congress has created Superfund and the RCRA and LUST programs. The judgment of the American people on this question is different from the judgment of the EPA professionals. We cannot accept a ground water protection program that establishes a strong, health-based standard for urban drinking water systems and some other, less protective regime for small towns. In fact, our program must be targeted for small town and rural America because it is these Americans who rely most often on ground water and who can least often afford the testing and treatment that assures a safe supply.

The fourth principle is that our prevention strategy should focus on controlling sources of contamination by requiring better technology or practices. Everybody agrees that prevention ought to be the focus of a comprehensive ground water protection program. But how to go about it?

The Environmental Protection Agency is putting together a classification scheme as the cornerstone of its protection strategy. It divides aquifers into three classes—offering extraordinary protection for the highly valuable, vulnerable supplies; a baseline of protection for most potential drinking water; and authorizing the degradation of some aquifers of low value. I don't think the Federal Government should be in the business of deciding what aquifers should be used as dumps. And as I indicated a few moments ago, even if there are only several score families in a small town using an aquifer, their drinking water supply deserves every bit as much protection as the water supplies of Long Island, Miami, and Spokane.

Others have suggested that ambient ground water quality standards should be at the heart of the prevention strategy. Under this approach, EPA would establish numerical health-based standards for the 200 chemical and other agents which threaten ground water quality. States would enforce these standards through ambient monitoring programs.

I have grave reservations about the role of standards in a ground water protection program. They are needed. They answer the question "how clean is clean?" They facilitate enforcement against polluters. But they are not preventive. If you are monitoring a contaminant in ground water, the release has already occurred. If it exceeds the standard, the damage is already done.

It can take years for a contaminant released on the surface to percolate through the soil and reach ground water. When it finally hits the water table and is captured by a ground-water monitor, it is too late for that information to be useful in shaping the activities and practices necessary to prevent contamination.

We have had experience with standards in other environmental programs, air toxics in the Clean Air Act, maximum contaminant levels in the Safe Drinking Water Act, food tolerances in the pesticide program. It's been a uniformly negative experience. Years are spent on the research. Few standards are set. When they are and they're tough enough, the user often switches to some other more potent poison not yet regulated. Chemistry is a revolutionary science; standard setting is often the first step toward petrification.

My efforts have been directed at a third approach to a prevention strategy, source controls. I believe that it would be most efficacious to require technology and practices that will directly reduce the threat of contamination from the sources that are of concern. Cathodic protection and leak detection for underground storage tanks. Best management practices for pesticide and fertilizer use. Liners and leachate collection systems for landfills. Spacing requirements for septic tanks.

These are source controls. They focus on the problems. They are easily defined. They work against the whole panoply of chemicals including those not yet invented. Where the control technology is not currently available, Government and private research programs can make a contribution. Those who follow the underground storage tank industry know there has been a revolution in technology: tank design, leak detection and computerized monitoring systems, all new technologies that have come into being in the few months that have passed since Congress established the LUST Program.

There is no doubt that classification has a role to play. It helps set priorities. Wellhead protection areas are a form of classification. Ground water quality standards may also be an element of the strategy for cleanup and enforcement. But prevention comes down to limiting or mitigating discharges from sources. And I believe control technologies and practices for the major sources of concern can be easily developed, widely employed, and extraordinarily effective.

The fifth and final principle that guided development of this legislation is that the first line of protection must be the agencies of State and local government and that Federal guidance or direction must leave room for considerable flexibility.

I am an advocate for a strong Federal role. The taxpayers of the Federal Government are now paying 80 percent of $1.5 billion a year to clean up ground water contamination. They need a prevention program, too. They can't afford more Superfund sites.

In the hearings I held around Minnesota, I heard again and again, "Leave the decisionmaking to us here at the State and local level. But keep sending the money." Well, if the Federal Government is expected to pay 90 cents of every dollar—that's the matching rate in Superfund, 90 cents on the dollar—in cleanup costs, it must insist that prevention be a primary theme in those State and local decisions.

There are, nevertheless, aspects of the ground-water resource which make a State and local emphasis necessary. The ground-water resource is not everywhere the same. Where the resource is found as an unconfined aquifer with the water table near the surface, wellhead protection areas make a lot of sense. Where the aquifer is deep and confined and the recharge area is miles from the wellfield, some other protection strategy might be more appropriate.

And the threats to the resource have a regional character, as well. Minnesota doesn't have an oil and gas production industry. Pesticides and nitrates are the big problem there. But oil and gas is the principal problem in Kansas, Oklahoma, and New Mexico. We have to make room in a national program for each problem to get priority attention where it is a priority problem.

My inclination to leave substantial responsibilities with State and local government was refreshed again with the six hearings in Minnesota. I have chaired many hearings in Washington on ground-water problems of the Nation. And I came to those forums last week thinking I had a pretty good grasp on the issues concerning Minnesotans. In my opening statement I focused on underground storage tanks and pesticides and hazardous waste. And the testimony from the 40 or so witnesses also touched on these threats.

But the largest concern identified by those hearings was one I had not previously encountered—the threat of abandoned or poorly constructed wells. At the hearing here in the Twin Cities the mayor of Goodhue, MN, showed a videotape of a journey through his, now contaminated, municipal well. It demonstrated that a lack of casing allowed polluted water from near the surface to cascade into the well carrying it deep into the aquifer.

Then we went to Lakeland where 85 families have lost private wells to contamination. It appears that a variety of sources may be implicated in the damage. But the news was that the State of Minnesota has been prohibiting these homeowners from drilling new wells into the deeper aquifer for fear that the wells would simply serve as a conduit to spread the pollution down to uncontaminated zones. Again

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wells were part of the contamination problem.

At the Rochester hearing wells were called manmade sinkholes implying that in some respects all geology is like the geology of southeastern Minnesota, which is called karst. It has features which include natural sinkholes and underground channels that can cause rapid spread of contaminants. Well, in a sense we have made all of our geology karst geology because we have poked it full of holes, water wells, that allow rapid transport of pollutants.

They had thought about the abandoned well problem in Adrian, too. And they had a solution. Ask the township assessor to include a survey for abandoned wells as part of the normal assessment process.

When we got to St. Cloud the discussion of abandoned wells turned in a more troubling direction. We learned that they are frequently used as disposal pits for old machinery, pesticide containers and household garbage.

We heard estimates that there are tens of thousands of wells in some regions of the State. We also heard that it costs $1,200 to $2,000 to cap a well. If there are 2 million abandoned wells nationally—and that seems a low estimate to me—it would cost $3 to $4 billion to close out this potential source of contamination alone.

We have addressed the abandoned well problem as part of the broader ground-water protection effort which we are introducing today. This bill will require that all abandoned wells on a property must be plugged or capped before that property can be sold or title otherwise transferred. But I raise the abandoned well problem here today to illustrate that the national debate can never be fully informed as to all of the problems that people out here—people actually engaged in protecting the resource—can see.

There must be a strong role for State and local government in any ground-water protection program and there must be flexibility so that different priorities can be pursued in different parts of the Nation.

So, those are the five principles.

First, the program must focus on prevention.

Second, the resource should be broadly defined and all of it protected.

Third, public health protection should be provided for the drinking water of all Americans.

Fourth, controlling the sources of contamination through better technology and practices should be the strategy.

Fifth, State and local governments must be given a strong role and flexibility to set their own priorities.

Those are each fundamental issues. Issues that will be hotly contested as the national debate unfolds. We are starting with fundamentals.

Mr. President, I look forward to the coming weeks and months as this great institution turns its attention to the Nation's ground-water resources. I hope the bill we are introducing today will make some contribution to the discussion.

Mr. President, I would ask that a fact sheet on the bill and a summary of its major provisions be printed in the RECORD along with my remarks this afternoon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROUND WATER PROTECTION ACT—FACT SHEET

The bill:

Includes a non-degradation goal. The purpose of the Act is to "protect and enhance the physical, chemical and biological integrity of the Nation's ground water resources and to ensure that such resources are not degraded in any way."

Encourages States to develop programs to control discharges from sources of contaminants. The control requirements would be designed and implemented by the States based on guidance provided by EPA. The source controls would include minimum technology requirements and management practices to prevent contamination.

Covers a broad range of source categories. EPA would publish guidance documents for the control of: septic tanks and cesspools; surface impoundments; pesticide applications; landfills and wastepiles; aboveground storage tanks; some classes of injection wells; fertilizer applications; irrigation practices; wastewater collection and treatment; land treatment; storm water discharge; oil and gas exploration and production; mining; geothermal wells; abandoned wells; pipelines; bulk storage facilities; and feedlots. States would have up to 8 years to establish source controls for these categories and could defer work on those sources which are not of high concern in the State.

Requires discharge permits for sources not operating under an approved State program. The bill establishes a permit program like NPDES under the Clean Water Act. However, sources which are in compliance with approved State programs for their category need not apply for a permit. No permit is required for small septic tanks, pesticide applications or fertilizer use.

Imposes more stringent Federal requirements on new sources. EPA is to promulgate source control requirements using a "best practicable technology" standard for new sources starting operation after the requirements are promulgated. These requirements would be enforced by the states as part of their source control program.

Requires States to identify wellhead protection areas for public water systems. Wellhead protection areas encompass the land area immediately surrounding a water supply well or wellfield where contaminants percolating to ground water are likely to produce immediate injury. Inside the wellhead areas designated by the States, sources will be required to employ control technologies and practices reflecting a higher standard of protection—"best available technology." The BAT regulations for each source category would be written by EPA, but would only be triggered in areas designated by the States.

Encourages States to identify other "primary aquifer protection areas" for protection similar to that which would apply in wellhead areas. BAT requirements would again apply to sources operating in these areas of vulnerable hydrogeology, high water yield and disposal, underground injection and nuclear waste disposal would be banned in primary aquifer protection areas.

Authorizes grants to local ground water management districts to manage aquifers and protect water supply. The organizational structure for these management districts is flexible including local governments, nonprofits, regional planning agencies and soil and water conservation districts. The grants would be supported by $175 million in revenue generated by a $1.00 per ton tipping fee on solid waste disposal at sanitary landfills.

Includes a 10 million acre ground water protection reserve. This program based on the conservation reserve program of the Feed Security Act would allow farmers and ranches to contract with the Secretary of Agriculture to use less intensively lands located within wellhead protection or primary aquifer protection areas, thus reducing the application of pesticides and nutrients which can leach to ground water.

Includes new authorities for corrective action at sites of ground water contamination. This program is intended to address the sites that will never make the National Priorities List under the Superfund program and is to be administered by the States under cooperative agreements with EPA.

Provides funds for testing and treatment of contamination at private wells. 20 million Americans draw their water from private wells and thousands of small communities rely on substandard ground water supply systems. These Americans are not adequately protected by the Safe Drinking Water Act and other national programs. The bill establishes a $125 million per year program to support testing of private water supply wells and reconstruction or replacement of wells that show contamination. The funds are provided by a 2 cent per thousand gallon assessment on water sales by large systems.

Authorizes the promulgation of Federal ground water protection standards. Primary standards would be health-based and would provide a yardstick for measuring the effectiveness of source control programs. A one in one million risk standard is allowed for carcinogens. A default standard of 5 parts per billion applies to each contaminant until EPA takes formal action to set a standard. The bill also authorizes establishment of "correction" standards to guide remediation efforts which would be based on the application of best available remediation technology. The standards would be researched and proposed by an independent Ground Water Protection Standards Board which would also hear appeals on remedies selected for the corrective action program.

Authorizes the Geological Survey to undertake a national assessment of ground water quality. This provision is a principal feature of legislation which recently passed the House. The basic water resource research activities of the Geological Survey would also receive their first Congressional authorization under the bill.

Establishes research authorities at EPA and USDA, as well. The EPA program would focus on developing source control technologies effective in preventing contamination. EPA would also fund four ground water research institutes at universities across the Nation. USDA would focus on research to improve the efficiency and

thus reduce the volume of agriculture chemical applications.

Includes four new revenue measures. In addition to the solid waste disposal fee ($1.00 per ton) and water supply assessment (2 cents per thousand gallons), the bill includes a "waste end" tax imposed on the disposal of hazardous waste and an excise tax (2% of value) on pesticide and fertilizer products packaged and sold in small quantities for the lawn and garden market. The waste end tax is precisely the same as the tax which passed the House as a Superfund financing mechanism in 1985. The new revenues would provide all of the funds necessary to support the programs authorized by the bill.

Provides authorization: $250 million for State grants; $200 million for Federal programs; $100 million for research; $125 million for water well replacement; $50 million for corrective action; and $175 million in grants to local ground water management districts.

Reorganizes EPA's ground water protection efforts. The bill establishes an Office of Ground Water Protection to be headed by an assistant administrator and creates a government-wide coordinating committee to be chaired jointly by EPA and USGS.

GROUND WATER PROTECTION ACT: MAJOR PROVISIONS

GOALS AND POLICY

The principal goal of the Ground Water Protection Act (GWPA) is to protect the physical, chemical and biological integrity of the Nation's ground water resources to ensure that they are not degraded in any way. This is a non-degradation goal. It is similar to the goal contained in the Clean Water Act which protects surface water from pollution. This goal applies to all waters, whatever their current use.

Additional goals contained in the legislation are to: minimize the use and disposal of toxic chemicals; adequately map the ground water resources of each State; assist State and local government programs to protect ground water; provide health protection for private drinking water wells; and conserve ground water supplies.

Consistent with the non-degradation goal, it is the policy of the bill to provide a minimum level of protection for all ground water resources. This policy would specifically prohibit any Federal classification of ground water that would lower the level of protection afforded by current law. The Environmental Protection Agency has been developing a ground water classification system and is expected to issue guidance on the use of that classification system in regulatory decisions in the next few months. That guidance would be explicitly overturned by this legislation.

In addition, the bill would encourage broad flexibility for States implementing ground water protection programs and would provide that States might set more stringent standards than would result from adoption of the Ground Water Protection Act. Nothing in the legislation would disrupt water appropriations policies or water appropriation decisions made by the States. All Federal agencies with jurisdiction over potential sources of ground water contamination would be required to abide by State and local government standards, regulations and requirements.

PREVENTION

The Ground Water Protection Act would use a series of strategies to protect ground water resources from potential contamination. These strategies combine various regulatory approaches—control technology, best management practices, special protection areas, and standards—at both the Federal and State level in the programs that are intended to provide each State with flexibility to tailor tools to the ground water contamination problems found in that State.

SOURCE CONTROLS

Part C of the Ground Water Protection Act establishes programs to prevent ground water contamination by requiring the use technology and management practices at sources of contamination to control or treat discharges so that they will not be harmful to water supplies.

These requirements will apply to categories of sources including: septic tanks and cesspools; landfills and wastepiles; surface impoundments; injection wells; pesticide applications; wastewater collection and treatment systems; aboveground storage tanks; fertilizer applications; irrigation practices; oil and gas production; mining; abandoned wells; bulk storage facilities; and so on.

Requirements might include methods or techniques for location; design; installation; operations; operator training; maintenance; leak detection; ground water monitoring; record keeping; corrective action; closure and financial responsibility. Requirements would vary according to the source category. Well-designed underground tanks are coated with non-corrosive materials; landfills are lined; injection wells are cased.

Existing sources in these categories would be subject to regulations developed by the States reflecting technologies and practices which are readily available. EPA would write a guidance document for each category, but there would be no Federal regulatory requirement. States would address their own highest priority categories first and would have eight years to complete source control programs for all categories.

New sources would be subject to a second set of requirements written by EPA. These requirements would reflect "best practicable technology" (BPT). EPA's new source requirements would be enforced by the States along with their requirements for existing sources.

Sources located in highly sensitive areas—next to drinking water wells in wellhead protection areas, for instance—would be subject to EPA requirements for installation of "best available technology" (BAT) and the use of "best management practices" (BMPs). In addition to wellhead protection areas established by the 1986 amendments to the Safe Drinking Water Act, BAT requirements would also apply within "primary aquifer protection areas" designated by the States to protect special ground water resources.

Underground storage tanks may be used as an example to illustrate the varying levels of control. At existing tanks practicable technology might require that each tank be tested using a so-called "tightness" test to determine whether it is leaking. BPT requirements applied to new tanks may include cathodic protection or coating with non-corrosive materials to prevent leaks. Underground tanks in sensitive areas might be required to be double-walled with monitoring for leaks between the walls as part of a BAT requirement.

Sources in States which choose not to develop control programs for that type of source would be required to apply for a Federal permit similar to the permits granted under the Clean Water Act (so-called NPDES permits) for discharge to surface waters. But if the source was operating in a State with an approved program and was in compliance with the requirements of that program, no permit would be required. No permit would be required for small septic tanks, pesticide applications or fertilizer use.

Inside wellhead protection and primary aquifer protection areas, farmers and ranchers would qualify for participation in a "ground water protection reserve" program modeled on the conservation reserve for highly erodible land under the Food Security Act. Rental payments and other contract support would be provided by the Department of Agriculture to farmers and ranchers who shift land in sensitive areas to less intensive use and thus eliminate the need for pesticide and fertilizer applications which may leach to ground water and move to water supply wells.

GROUND WATER PROTECTION STANDARDS

The Ground Water Protection Act would establish a series of new, numerical standards for chemical and biological contaminants which may be found in ground water supplies. These standards would be promulgated by EPA, but only after health and environmental research was conducted to determine the effects of the contaminants and proposed standards were recommended by an independent Ground Water Protection Standards Board established by the bill. The Board would have five members with a chairperson appointed by the President and approved by the Senate.

There would be two principal sets of standards. "Primary" standards would be health-based, set at a level which would be expected to cause no adverse effect to the health of persons. The primary standard is comparable to the maximum contaminant level goal (MCLG) of the Safe Drinking Water Act. Unlike SDWA, in this case, EPA could set a non-zero standard for contaminants that are classified as cancer-causing agents. The primary standard for carcinogens could be set at a level which would not be expected to cause more than one excess cancer death for every one million persons exposed to the contaminant at the level over an entire lifetime.

There would be an absolute limit on synthetic organic chemicals in ground water supplies as the bill establishes a statutory, primary standard of 50 parts per billion for the total concentration of such chemicals. Until such time as a standard was actually promulgated by EPA for a particular chemical, a "default" standard of 5 parts per billion would apply for that individual chemical, as well. In a recent rule-making, EPA set 5 parts per billion as the enforceable drinking water standard or MCL for benzene and two other chemical solvents.

The primary standard would not function as an "ambient" standard. The prevention measures in the bill use technology and management practices rather than ambient standards as the principal means to prevent contamination. This reflects the special character of ground water which does not mix thoroughly like air or surface water; pollutants stay concentrated in plumes, rather than dispersing to "ambient" levels. Ambient standards are, as a result, inappropriate for ground water protection.

The primary standard does, however, function as a yardstick to judge whether a State's control program for a category of sources is working. Every four years, the State is to conduct monitoring within the vi-

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cinity of a representative sample of sources in the category to determine whether the primary standard is being exceeded. To the extent that violations of the primary standard are widespread, the State is to tighten the technology and practice requirements for that category to prevent contamination.

The GWPA would also authorize promulgation of numerical "correction" standards to be used in a cleanup program. The correction standards for a contaminant would reflect the cleanup level that could be achieved with the best treatment and remediation technologies. Again, the standard would be recommended by the Board and promulgated by the Administrator. Where a discharge caused an exceedance of the correction standard, the owner or operator of the source would be required to conduct a cleanup effort until the standard was met. EPA could waive the standard in cases where complex hydrogeology or other factors technically prevent cleanup to the standard.

When a contaminant is found in ground water at three or more locations in the United States it must be listed as a contaminant by EPA. The Board then proposes a health and environmental effects research program for the contaminant. To the extent that there are identified gaps in the existing health and environmental effects data, the manufacturer of the substance would be required to conduct research to fill the gaps. The Board would consider the data when complete and would then recommend primary and correction standards to EPA for promulgation.

The Board may also hear appeals in cases where persons adversely affected by a discharge believe that the remediation program selected by EPA or a State will not meet the correction standard. The Board may set aside the EPA chosen corrective action measure and require the agency to select a more stringent remedy.

SPECIAL PROTECTION AREAS

The Safe Drinking Water Act amendments of 1986 established two new ground water programs. States were authorized to identify "wellhead protection areas" or the land surface areas immediately around a public drinking water well where the pumping action of the well would pull contaminants released on the surface into the drinking water supply. These wellhead areas vary in size from one or two to several hundred acres with the average area being about 120 acres. There are 38,000 communities with drinking water wells or wellfields and the wellhead areas associated with these facilities may include about 0.5 percent of the land area of the United States.

A second program authorized demonstration grants for the protection of sole source aquifers—larger land areas where many small communities or individual households rely on an aquifer as the principal source of water supply. The Ground Water Protection Act builds on these two programs.

A four-year schedule for identifying wellhead areas and conducting an inventory of the potential sources of contamination within each area is established. In addition, States are invited to identify "primary aquifer protection areas" essentially any area with a highly valuable or vulnerable aquifer for which the State seeks special protection. The primary aquifer protection areas would be larger than wellhead areas, would include areas with primarily private wells, and would not be limited to areas which had no other ready source of water supply (as is the case with sole source aquifers).

The boundaries of these two types of special protection areas would be designated by the State. Once designated, Federal regulations requiring the use of best available technology and best management practices would be applicable to sources located in the area. In addition, hazardous waste disposal facilities, injection wells and radioactive waste disposal facilities would be banned. Existing facilities would have to upgrade to meet the new BAT requirements or close.

Best available control technology would generally include secondary containment for product storage systems, leachate collection and treatment for systems with intentional discharges and continuous leak detection and monitoring systems to immediately identify hazardous discharges.

A "ground water protection reserve" program would also be available in these special protection areas. It would be run by the Department of Agriculture. It would have a set aside goal of 10 million acres to be implemented over a five-year period beginning in 1990. Farmers and ranchers with land inside these designated protection areas would be paid under contract to switch from intensive agricultural practices which rely on high inputs of pesticides and fertilizers to other uses of the land with low inputs. Rules would be similar to those for the existing conservation reserve program which has signed up 23 million acres of highly erodible land in conservation programs.

GROUND WATER MANAGEMENT DISTRICTS

The bill authorizes grants to establish local ground water management districts to conduct the programs for wellhead protection and primary aquifer protection areas. These districts may be managed by local units of government, but the States are encouraged to provide for the creation of new, special purpose organizations with boundaries coincident with the aquifer protection areas defined by hydrogeologic studies. If special purpose districts are created, they would have governing boards elected at annual meetings; they would develop comprehensive plans for protecting the ground water of the district; they could propose rules and regulations which would be adopted by the States; they could impose water users fees and issue permits for sources of contamination; they could conduct waste recycling and septic maintenance programs; and they could sue the owners of polluting sources for enforcement of their rules.

The districts would be supported by grants from the Federal government. GWPA includes a new solid waste disposal tax of $1.00 per ton. The revenues from this new tax would be approximately $175 million per year which would be placed in a trust fund and spent only for the purpose of supporting these local ground water protection organizations. The current average tipping fee for solid waste disposal is approximately $27.00 ton, so the tax would represent less than a 5-percent surcharge.

DETECTION

The Ground Water Protection Act contains several provisions with respect to the detection of ground water contaminants and the assessment of ground water quality across the Nation. The United States Geological Survey would be given authority to conduct an ongoing survey of ground water to determine its overall quality and to identify specific problems of concern. This program would be in addition to authorizations for the existing Federal-State cooperative program and the Regional Aquifer System Analysis which provide data on the quantity and quality of ground water in specific regions. These programs and the basic water resources research authority of the Geological Survey have never before been authorized by Congress, although annual appropriations have been made.

Each State would be required to complete comprehensive aquifer mapping for the ground water resources within its borders. This resource characterization, including identification of the principal sources of contaminants and ground water withdrawals, would form the foundation for State ground water protection strategies supported by the bill.

Each State which receives a Federal grant under this legislation will be required to implement a licensing program for water well drillers operating in that State. This program would collect information on each new water well drilled and integrate that data into a national computer network on ground water quality and supply. Each new well would be tested for quality before it could be put in service and wells drawing contaminated water would be closed and capped immediately.

The bill also addresses the problem of abandoned production and injection wells. Some estimates indicate that there are as many as 2 million abandoned wells across the country. These wells serve as conduits for the rapid movement of pollutants from the surface and from one aquifer to another and are a major problem in rural areas. Many abandoned wells have been used as dump sites for household wastes and farm refuse including discarded pesticide containers. The bill requires that each property be surveyed before it is sold or otherwise transferred to locate all production and injection wells on the property. Wells currently used for drinking water would be tested and the results would be supplied to the prospective buyer of the property and to the State. Abandoned wells would have to be plugged before the property could be sold.

EPA is authorized to conduct national surveys with respect to various source categories to determine the effect of such sources on ground water quality and the measures that may be effective in preventing contamination with respect to sources in the category. Currently EPA is conducting such a survey for pesticide contamination. Under GWPA, it would also survey impacts of septic tanks, landfills, shallow injection and drainage wells, fertilizer applications, irrigation return flows and publicly-owned wastewater treatment works.

EPA and the States are to jointly establish a listing of water supply wells which have been abandoned because of contamination or which require treatment to remove contaminants. This inventory will aid in the identification of priorities for control programs and will also serve as a tool to assist in the identification of regions where contamination is extensive or increasing.

The bill establishes authority to require monitoring by the owners and operators of sources or potential sources of contamination. This monitoring may include leak detection systems; monitoring the unsaturated zone for contaminants before they reach ground water; monitoring at a representative number of sites where a product or technology is employed to determine its effect on ground water quality at the earliest possible date; conducting national exposure assessments and assessing the extent of contamination caused by a facility which is known to have leaked or spilled contami-

nants that threaten ground water and require corrective action.

CORRECTION

The GWPA establishes new corrective action authorities and procedures with respect to ground water contamination. These authorities provide for greater involvement of States in cleanup; tie corrective action to explicit ground water cleanup standards; and provide a program for water well replacement for households and small communities.

The new cleanup standards are to be proposed by an independent Ground Water Protection Standards Board. The standards will serve as objective criteria to answer the question, "how clean is clean?" The standards will reflect the level of cleanup—either as a numerical concentration or as a percentage reduction—which can be accomplished through application of the best available treatment and remediation technology. It is important that these standards be set by a process independent from the cleanup decision at any specific site so that the public might have confidence that cleanup decisions are not hindered by a reluctance to use the Superfund resources or force expensive cleanups on private parties. Current law too often finds existing legal standards inapplicable and results in ad hoc decisions which invite controversy.

Corrective action under GWPA is phased to reflect the level of contamination experienced at a site. When contamination is suspected it must be reported to EPA or the State. When the contamination exceeds 50 percent of the primary, health-based standard the owner or operator of the source must develop a plan including modifications of operations at the source which will prevent the standard from being exceeded.

If contamination reaches a level above 100 percent of the primary standard, the source will generally be shut down until contamination can be corrected. Persons relying on the water for household needs will be provided with alternative supplies. At this point, the owner of the source will also be required to take steps to contain the contamination so that it does not spread to uncontaminated portions of the water supply.

When the contamination is more serious, reaching levels above the correction standard, remedial actions must be taken. The owner or operator of the source will develop a plan for remediation to meet the correction standard and after the plan is approved will conduct the cleanup. As with Superfund, permanent remedies which employ treatment or other measures to reduce the toxicity and volume of the contaminated material are preferred.

A major difference between the corrective action authorities established here and the Superfund program is the expectation that cleanup under GWPA will be directed by the States rather than EPA. The provisions of this corrective action program do not apply to sites listed on the Superfund National Priorities List. A small fund—like the oil spill response fund which currently exists under the Clean Water Act—is established to finance cleanups where no owner or operator capable of conducting the cleanup can be found.

RESEARCH

The GWPA authorizes a new research and development program on ground water contamination problems to be conducted by the Environmental Protection Agency. Their are also roles for the Geological Survey and the Department of Agriculture.

The EPA program would be coordinated through a media-specific ground water research committee which would integrate the ground water interests of the various offices at EPA including offices for water, drinking water, solid waste and emergency response. The committee would prepare an annual research plan which would match upcoming ground water policy decisions with available information to anticipate research needs.

EPA would be authorized to conduct a research program to demonstrate new control technologies for various categories of potential sources of contamination. Each year EPA would finance at least 10 demonstrations, the results of which would be broadly available through programs of technical assistance and technology transfer.

The legislation authorizes EPA to establish four university-based ground water research institutes. The institutes would conduct general programs in the ground water sciences and train individuals, interested in careers related to ground water protection.

The USDA research program to be managed by the Agricultural Research Service would focus on more efficient uses of agricultural chemicals and non-chemical solutions to production problems.

Similar authorities are established by S. 1105, a ground water research bill which was introduced by Senators Burdick and Durenberger earlier in this Congress.

ORGANIZATION

EPA's new responsibilities would be carried out by the Office of Ground Water Protection which would be headed by an assistant administrator for ground water. Currently the office is under the assistant administrator for water who also supervises implementation of the Clean Water Act and the Safe Drinking Water Act.

The President would be authorized to create an interagency committee to coordinate the ground water protection activities of all the Federal agencies and to report on the legislative and administrative changes necessary to avoid duplication of efforts and maximize the value of various Federal programs. The interagency committee would be chaired jointly by EPA and the Department of Interior. In addition, EPA would establish a ground water protection advisory committee with representation from State and local governments and from citizen and industrial councils with expertise in ground water management and protection.

The independent Ground Water Protection Standards Board would be housed in EPA, but would not be answerable to any other agency of the executive branch for its proposed standards and research programs. The chairperson would be appointed by the President and approved by the Senate. The other four members would be chosen by the Administrator and might include Federal officials with ground water protection responsibilities at EPA or other agencies or may be persons working in State or local government or in the private sector. In addition to recommending standards, the Board would also hear appeals on corrective action decisions.

FUNDING

The activities authorized in the Ground Water Protection Act are supported by four new revenue sources: a hazardous waste disposal tax; a solid waste disposal tax; a water supply assessment; and an excise tax on pesticides sold in the lawn garden market (non-agricultural pesticides).

The hazardous waste disposal tax, also called a waste-end tax, is precisely, the same tax which was adopted by the House of Representatives in 1985 to finance expansion of the Superfund program. It imposes a tax which begins at $27.00 per ton in 1989 and is gradually increased and which will apply to the disposal of hazardous waste at licensed facilities. The tax supports the general program expenditures under GWPA including grants to the States to run their programs. This tax is expected to generate $400 million per year in revenues.

The solid waste tax is a $1.00 per ton tipping fee on the disposal of household and commercial waste. All of the revenue would be placed in a Community Water Supply Management Trust Fund and would be used to support grants to local ground water management districts. The tax would raise approximately $175 million per year.

The water supply assessment would be 2 cents per one thousand gallons. It would be paid by large water supply systems with more than 500 service connections (hookups). The average price for water today is $1.27 per thousand gallons, so the fee would represent only a very small increase in price. The revenue would be placed in a Water Well Replacement Trust Fund which could only be used to test, treat, repair and replace water wells which had been lost to contamination and which were owned by private households or small communities. These Federal dollars—approximately $125 million per year—would be matched by State funds and private dollars.

The pesticide and fertilizer excise tax would be 2% of the retail value of pesticides sold in small quantities for use on gardens and lawns. It would not apply to agricultural chemicals. The revenues generated would be used to supoprt the general program authorized by this legislation and would be about $200 million per year.

The largest portion of expenditures under this legislation will be in grants to State and local governments to conduct ground water protection programs. $250 million per year is allocated for grants to the States. $175 million is provided for grants to the local ground water management districts. $125 million is distributed from the Water Well Replacement Fund to States which have eligible programs. $50 million per year is allocated to the revolving fund for corrective action, again principally a State function under this legislation.

The new research authorities, including those of the USDA and USGS, receive funding of approximately $100 million per year. And the remainder of the authorized spending, approximately $200 million per year, is allocated to the Environmental Protection Agency for the development of standards, supervision of permits and State programs, and compliance monitoring and enforcement activities.

By Mr. HEFLIN (for himself, Mr. SHELBY, and Mr. HELMS):

S. 2093. A bill to urge negotiations with the Government of France for the recovery and return to the United States of the C.S.S. Alabama; referred to the Committee on Foreign Relations.

THE C.S.S. "ALABAMA"

Mr. HEFLIN. Mr. President, I rise today to introduce a bill which seeks to preserve a valuable part of American history.

On August 24, 1862, Capt. Raphael Semmes, commissioned the Confeder-

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ate States Steamer, the C.S.S. *Alabama*, under the direct orders of Jefferson Davis, President of the Confederacy. During the next 2 years, the C.S.S. *Alabama* acquired the reputation as the most feared of all Confederate warships. She captured and burned 55 Union merchant ships and she bonded 10 others.

No other Confederate raider matched her record which is detailed in the reports of Commander Semmes to the Secretary of the Navy. In one of these such reports, Commander Semmes recounted his battle with the U.S.S. *Hatteras* which he describes in the following words:

> We now hailed in turn to know who the enemy was, and when we had received the reply that he was the U.S.S. Hatteras we again hailed him and informed him that we were the C.S.S. Alabama, and at the same time I directed the first lieutenant to open fire upon him. Our fire was promptly returned, and a brisk action ensued, which lasted, however, only thirteen minutes, as at the end of that time the enemy fired an off gun and showed a light, and upon being hailed by us to know if he had surrendered, he replied that he had and that he was in a sinking condition. I immediately dispatched boats to his assistance, and had just time to remove the crew when the ship went down . . . We received a few shot holes from the enemy, doing no material damage. The enemy's steamer Brooklyn and another steamer steamed out in pursuit of us soon after the action commenced, but missed us in the darkness of the night.

Many were the times that the C.S.S. *Alabama* destroyed another ship and then disappeared into the darkness of the night without sustaining any significant damage. Along with the report of the battle with the U.S.S. *Hatteras*, Commander Semmes included a list of the enemy's ships which he had burned, bonded, and destroyed. The total value of vessels which the C.S.S. *Alabama* had disposed of as of May 1863 was $3,100,000. The total number of prisoners paroled as of that date was 795. During the short period from January 25 to May 10, 1863, the C.S.S. *Alabama* captured, burned, or bonded a total of 20 vessels.

The C.S.S. *Alabama's* illustrious record was arrested, however, on June 19, 1864 in the naval battle of Cherbourg, one of the most dramatic events of the War Between the States.

After many exhausting months at sea, Capt. Raphael Semmes planned to relinquish command of the C.S.S. *Alabama* at Cherbourg Harbor in France and have the ship's hull, rigging and engines overhauled. But, on June 14, 1864, before Semmes could obtain the permission necessary to dry dock his ship, the U.S.S. *Kearsarge* steamed into the harbor.

Although Executive Officer John McIntosh Kell cautioned Semmes that, at target practice in the spring, two out of every three of the ship's fuses had been inoperative due to defective powder, Semmes' brave and aggressive spirit dominated. He was determined to fight the *Kearsarge*. During the 3 days of intense preparation for the battle, Semmes felt confident in his crew and in his ship. He expressed this sentiment in his journal where he wrote:

> My crew seems to be in the right spirit, a quiet spirit of determination pervading both officers and men. The combat will no doubt be contested and obstinate, but the two ships are so equally matched that I do not feel at liberty to decline it.

On Sunday, June 19, 1864, a reported 17,000 spectators gathered on the French coast to witness the confrontation. Dozens of yachts and small craft followed as the band on a French warship played "Dixie." One of these spectators was the wealthy Englishman John Lancaster who was aboard his private yacht, the *Deerhound*. Also watching the contest from a private boat was the famed artist Edouard Manet.

After the *Alabama* chased the *Kearsarge* 7 miles out to sea, the *Kearsarge* turned around and headed for the *Alabama*. The *Alabama* discharged the first shot, which went too high. The *Alabama* then fired two more shots which were also too high. The *Kearsarge's* first shot struck the *Alabama* near her forward port and was followed by a full broadside to the *Alabama*.

The ships were then forced into a circular track traveling at full steam, moving in opposite directions and each fighting her starboard side. They made seven complete circles before the end of the action, gradually lessening the distance between them. The conflict continued with the *Alabama* firing at least two shots for every one fired by the *Kearsarge*. However, the *Alabama* generally fired too high.

With the action continuous on both sides, an 11-inch shell careened through the *Alabama's* gun port and wiped out "Like a sponge from a blackboard one-half of the gun's crew." A second shell did further damage and when a third shell struck the breast of the gun carriage and spun around on deck without exploding, a compressor man quickly picked it up and threw it overboard.

After about 20 minutes of fighting, a shell from the *Alabama* struck the hull of the *Kearsage*. The crew onboard the *Alabama* cheered wildly, believing that this shot had crippled the *Kearsage*, before they realized that no damage had been done. Semmes was stunned by disbelief. Not knowing that the *Kearsage* was protected by chains slung over her sides and then covered by wooden planks, he and his men continued to hope for the one shot which would disable the *Kearsage*. That shot never came.

From the horse block, the highest point on the deck of the ship, Semmes observed the damage done to his ship by the enemy's fire. He was astonished by the accuracy of the enemy's guns and offered a reward to any gun crew that could silence the guns which were damaging his ship and crew.

On shore, Captain Sinclair recognized part of the problem—the powder smoke of the *Kearsage* was light, in contrast to "puffs of heavy steam" from the *Alabama* which indicated damaged powder. Even a 100-pound shell which lodged in the rudderpost of the *Kearsage* failed to explode—the failure due apparently to faulty powder.

Of the 370 shots they fired at the *Kearsage*, only 28 hit their target and those shots caused only minor damage.

There were no casualties and only three Union sailors were wounded.

The *Alabama*, on the other hand, suffered substantial damage. The rudder was damaged and steering was difficult. An 11-inch shell barreled through the *Alabama's* starboard side and emanated from her port side, leaving huge, gaping holes. A coal bunker collapsed and with only two boilers then working, the *Alabama* steamed ahead at greatly reduced speed. The *Alabama* now leaned heavily to starboard, filled with holes, smoke and seawater—but, in spirit and tradition of men and women of the South, Semmes kept on fighting.

The story of this battle is long and told well by Dr. Norman C. Delany, author of the book, "John McIntosh Kell of the Raider Alabama":

> [Semmes] believed that by shifting the weight of his battery from starboard to port he might raise the shot holes above the water line. The ship was now five miles from the coast and with luck might make the three-mile limit. He gave the order: "Mr. Kell, as soon as our head points to the French coast, . . . shift your guns to port and make all sail for the coast."
>
> Then Kell appeared at the skylight above the engine room and shouted to the men below, "Put on steam!" Engineers William Brooks and Matt O'Brien, covered with sweat and coal dust, answered that the Alabama carried all the steam it could manage without blowing up. Then reconsidering O'Brien declared: "Let her have the steam; we had better blow her to hell than to let the Yankees whip us!" But it would have taken more than a few extra pounds of steam pressure to save the Alabama. Winslow had anticipated Semmes' intentions and steamed across his adversary's bow.
>
> Exhausted officers and sailors continued fighting from the post side, but with water rushing into the gangway at every roll, they felt that "the day was lost." O'Brien came on deck to report that the rapidly rising water was almost flush with the furnace fires * * * Semmes listened in silence, then ordered: "Return to your duty!" The engineers felt certain that they would go down with the ship.
>
> Semmes ordered Kell to determine how long the ship could remain afloat. Going below, Kell observed holes in the hull "large enough to admit a wheelbarrow." Kell returned to the deck and reported that the

> ship could not last for more than ten minutes. Semmes gave the order: "Then, sir, cease firing, shorten sail, and haul down the colors; it will never do in this nineteenth century for us to go down, and the decks covered with our gallant wounded." As there was no white flag available, a man on the spanker boom held up a makeshift one. Winslow, unconvinced that his enemy had surrendered, cried out: "Give it to them again, boys; they are playing us a trick!" Each of his gun captains obeyed instantly, firing five volleys into the Alabama. * * * Aboard the doomed raider, Kell cried out: "Stand to your quarters, men. If we must be sunk after our colors are down, we will go to the bottom with every man at his post!" But when the white flag was again raised on the spanker boom, all firing ceased. Semmes then ordered Kell, "Dispatch an officer to the Kearsarge and ask that they send boats to save our wounded—ours are disabled."
>
> Aboard the sinking vessel Kell gave the order to abandon ship and directed the men to find a spar or whatever else might assist them in keeping them afloat. Semmes, still wearing his cap, trousers, and vest, grabbed a life preserver, discarded his sword and began to swim.

Later, Executive Officer Kell remembered looking back for his last view of the *Alabama*:

> As the gallant vessel, the most beautiful I ever beheld, plunged down to her grave, I had it on my tongue to call the men who were struggling in the water to give three cheers for her, but the dead that were floating around me and the sadness I felt at parting with the noble ship that had been my home so long deterred me.

Many survivors were picked up by the *Kearsarge* and taken prisoner; however, Semmes, along with some other crew members, was rescued by the private yacht, the *Deerhound*. As the *Alabama* sank stern first, the *Deerhound* was observed to be "stealing away." Guns were turned toward her but *Kearsarge* Captain Winslow ordered his men not to fire. The *Deerhound* steamed toward England and thus Semmes escaped. In 1865, Semmes returned to the Confederacy where he continued fighting until the war's end. After the war, he returned to Mobile where he practiced law until his death in 1877.

The C.S.S. *Alabama*, which sank in what were then high seas, was located within the French territorial waters by a French minesweeper in 1984. Appropriately, efforts are underway in the United States to salvage the ship and her artifacts in order that they may be displayed in the State of Alabama for the historic enrichment of all Americans.

Some problems have arisen with this plan in that the French and the British are seeking to salvage the ship and display it in their own countries. They argue that this ship, which the United States paid for in both Confederate money and lives, is foreign property.

This position is not held by the U.S. Department of State which sent a message to France in September 1987, stating that:

> The United States considers that the C.S.S. *Alabama* and her associated artifacts constitute property, title to which is vested in the United States.

This bill allows Congress to reaffirm the State Department's position, that title to the C.S.S. *Alabama* and her artifacts is vested in and has never been abandoned by the United States. I enlist the support of my colleagues to see that this ship which occupies such an important place in U.S. naval and maritime history is returned to her mother country where she belongs.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Preservation of the C.S.S. Alabama Act of 1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the C.S.S. Alabama is an American war vessel that was commissioned August 24, 1862, by Captain Raphael Semmes under the direct orders of Jefferson Davis, President of the Confederacy;

(2) On June 19, 1864, after an hour and ten minutes of intense combat with the U.S.S. Kearsarge off the coast of France, the C.S.S. Alabama sank in waters which were then high seas but which are now territorial seas of France;

(3) title to the C.S.S. Alabama and her artifacts is vested in and has never been abandoned by the United States;

(4) the C.S.S. Alabama is an important part of American history and culture; and

(5) as expressed in a letter from the State Department to the Government of France, "the United States considers that the C.S.S. Alabama and her associated artifacts constitute property, title to which is vested in the United States Government. As the United States Government never abandoned title thereto, the United States respectfully requests that the Government of France ensure that no salvage operations or any other activity is approved or undertaken to raise the vessel or any of her artifacts without the prior approval of the United States.".

SEC. 3. DEFINITIONS.

For the purpose of this Act, the term "C.S.S. Alabama" means the shipwrecked vessel C.S.S. Alabama and her cargo and associated artifacts, including those items which are scattered on the ocean floor in her vicinity.

SEC. 4. POLICY.

It is the sense of the Congress that—

(1) the C.S.S. Alabama and her artifacts should, insofar as possible, be preserved for the benefit of the citizens of the United States;

(2) the C.S.S. Alabama and her artifacts should be displayed in the State of her name; and

(3) the Secretary of State, in consultation with the National Institute of Archaeology and the Save the Alabama Committee, Incorporated, should enter into negotiations with the Government of France to ensure the recovery and return to the United States of the C.S.S. Alabama.

SEC. 5. REPORTING REQUIREMENTS.

Sixty days after the date of enactment of this Act, and every 30 days thereafter, the Secretary of State shall prepare and transmit to the Speaker of the House of Representatives, the Committee on Foreign Relations of the Senate, and each of the two Senators representing Alabama a written report discussing the status of the negotiations described in section 4(3).

Mr. SHELBY. Mr. President, today I am pleased to join two of my distinguished colleagues, the senior Senators from Alabama and North Carolina, Mr. HEFLIN and Mr. HELMS, in introducing legislation that urges the Secretary of State to enter into negotiations with the Government of France to ensure the recovery and return to the United States of the C.S.S. *Alabama*. Once dispossessed of remnants of history, those same artifacts are often lost forever. I believe it is incumbent upon each one of us to attempt to preserve as much of our heritage as possible. The tale of the wreckage of the C.S.S. *Alabama* serves as another example of American history under seige.

The naval battles that occurred during the War Between the States provided many of the more interesting battle spectacles in history and, in fact, that period represented one of the more intriguing intervals in our naval defense development. Battles such as that between the *Monitor* and the *Merrimac* managed to capsule the conflict itself. The final battle of the C.S.S. *Alabama* was one of those great naval battles. After roaming the seas at will intimidating and destroying Union ships encountered for almost 2 years, the C.S.S. *Alabama* more than met its match in the U.S.S. *Kearsarge* on June 11, 1864, off the shores of France. The *Kearsarge* sunk the *Alabama* leaving it to a watery grave for over 120 years.

After being discovered in 1985 in French territorial waters, a controversy has developed over who is the owner of the remains of the warship. While conflicting claims exist, I am of the opinion that the Secretary of State should pursue in the most diplomatic manner possible the salvage and return of the C.S.S. *Alabama* to the United States. Our legislation attempts to accomplish just that. I look forward to working with Senators HEFLIN and HELMS toward the expeditious passage of this bill.

By Mr. KERRY:

S. 2094. A bill to amend title XVI of the Social Security Act to provide that the existing requirement for deeming a parent's income and resources to his or her children under age 18 shall not apply in the case certain severely disabled children, and for other purposes; referred to the Committee on Finance.

THE KAILEIGH MULLIGAN SSI REFORM ACT

● Mr. KERRY. Mr. President, no one would argue that children are one of our most precious resources and that as a nation, we should strive to encourage and strengthen family unity. I rise today to introduce legislation to overturn one aspect of the Supplemental Security Income [SSI] Program which has, on far to many occasions, served to unnecessarily separate severely disabled children from parents who are willing and able to care for their child at home.

Under current law, in certain cases disabled children are entitled to SSI benefits and therefore also eligible for Medicaid. However if the child's parent's income is above $13,260, this income is deemed to the child, who then loses his or her SSI benefits and unless granted a waiver by the State also loses Medicaid eligibility. On the other hand should the child stay in an institutional setting, they will receive total SSI and Medicaid benefits.

This legislation would require that the income deeming rules be waived for severely disabled children entitling them to SSI and Medicaid benefits regardless of their parents income. The children I am referring to are the individuals who are so disabled that they are eligible for institutional care, but who could receive the same level of care at home.

Far too often, despite the ability and desire of parents to care for their disabled child at home, they are unable to pay the prohibitive medical costs, even when home care can save the State and Federal Government a considerable sum of money. But this is not what is at stake here. What is at stake is the quality of life of the individual and family. The best way this can be demonstrated is through example.

Kaileigh Mulligan is a 2-year-old from my home State of Massachusetts. She has Down's syndrome and requires frequent hospitalization and constant care. The easy alternative for her parents would be to keep Kaileigh in the hospital and let others care for her. But, although Kaileigh requires a lot of attention, her parents would rather raise and care for her at home in a loving and secure environment.

Yet the way current law reads, keeping Kaileigh at home means that the income of her parents is deemed to be Kaileigh's and therefore she loses her eligibility for Medicaid and for SSI. What is important to note is that Kaileigh would have been fully entitled to these benefits if she were to be permanently hospitalized.

In Kaileigh's case the State of Massachusetts has granted a waiver from the income deeming rules so that she could remain at home and still be eligible for Medicaid. However, Federal law still prohibited Kaileigh from receiving SSI benefits, which for her would amount to $1,200 a year. These funds would primarily be used for buying supplies such as feeding tubes, which Kaileigh needs to function from day to day.

Modifying SSI eligibility is not only a morally and socially sound approach, but it is also extremely cost-efficient. The Massachusetts Office of Human Services recently estimated that it costs anywhere from $48,000 to $405,000 to care for a child like Kaileigh in a hospital. This cost would be drastically reduced with home care. But more importantly the direct social benefits to the children and their families are undeniable.

It is time to act and remove the perverse incentive that exists for children to remain in institutions rather than at home with families. The decision to care for a child at home is a tough one and should not be based on whether it will jeopardize benefits. It should be based on the willingness and ability of the family to provide quality care and whether or not it is in the best interest of the family.

I urge my colleagues to join me in supporting this important legislation which gives us an opportunity to reconcile Government policies with the needs of the family and ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARENTS' INCOME AND RESOURCES NOT TO BE DEEMED TO CERTAIN SEVERELY DISABLED CHILDREN.

(a) In General.—Section 1614(f)(2) of the Social Security Act is amended—

(1) by striking "For purposes of determining" and inserting "(A) Subject to paragraph (B), for purposes of determining"; and

(2) by adding at the end the following new subparagraph:

"(B) Subparagraph (A) shall not apply in any case where (as determined by the Secretary)—

"(i) the individual involved is disabled (as defined in subsection (a)(3)) and requires a level of care provided in a hospital, skilled nursing facility, or intermediate care facility (within the meaning of those terms as used in title XIX);

"(ii) it is appropriate to provide such care for the individual outside such an institution; and

"(iii) the estimated amount which would be expended in providing the individual with such care outside an institution, when added to the amount of any benefits that would be payable with respect to such individual under this title by reason of the application of this subparagraph, is not greater than the estimated amount which would otherwise be expended in providing the individual with such care within an appropriate institution.".

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to benefits for months after the month in which this Act is enacted.

SEC. 2. AMENDMENTS TO TAX ON GREENMAIL.

(a) General Rule.—

(1) Subsection (a) of section 5881 of the Internal Revenue Code of 1986 (relating to greenmail) is amended by striking "gain realized by such person on such receipt" and inserting "gain or other income of such person by reason of such receipt".

(2) Subsection (b) of section 5881 of such Code is amended—

(A) by striking "transferred by a corporation" and inserting "transferred by a corporation (or any person acting in concert with such corporation)", and

(B) by striking "its stock" and inserting "stock of such corporation".

(3) Subsection (d) of section 5881 of such Code is amended—

(A) by striking "the gain" and inserting "the gain or other income", and

(B) by striking "Gain Recognized" and inserting "Amount Recognized".

(b) Effective Date.—The amendments made by subsection (a) shall take effect as if included in the amendments made by section 10228 of the Revenue Act of 1987.●

By Mr. METZENBAUM (for himself, Mr. Pell, Mr. Weicker, and Mr. Harkin):

S. 2095. A bill to strengthen the protections available to private employees against reprisal actions for disclosing information, to protect the public health and safety, and for other purposes; to the Committee on Labor and Human Resources.

UNIFORM HEALTH AND SAFETY WHISTLEBLOWERS PROTECTION ACT

● Mr. METZENBAUM. Mr. President, today I rise to introduce the Uniform Health and Safety Whistleblower Protection Act. This measure has bipartisan support with Senators Pell, Weicker, and Harkin as original cosponsors.

Private sector employees should feel free to report illegal or improper activities that endanger the public health or safety without fear of personal reprisal. It is a fundamental principle of good Government to encourage citizens to report illegal activity to the proper authorities. Especially when public health or safety is at stake, individuals who are willing to report unlawful, hazardous practices to avert a disaster should be honored as heroes. Instead, in too many cases, their reward is to be fired, harassed, demoted, or blacklisted by their employers.

That's what happened to Daniel Arthur from my State of Ohio who was forced to quit his job as a safety inspector at a uranium refinery. Arthur warned his employer that a project to process uranium was contaminated with plutonium and there was danger that without adequate safeguards, workers could be exposed to plutonium. Arthur fought to get his job back and eventually he was totally vindicated when his employer was forced to reinstate him.

Not all cases have such a happy ending. Betty Simon, a chicken inspector from Missouri, cooperated with Federal authorities in an investigation into meat contamination and feeding irregularities. Her efforts helped reduce a significant public health hazard but she became the victim of harassment and intimidation by her employer.

Jim Campbell, a researcher for a pharmaceutical manufacturer in Indiana, blew the whistle on the drug oraflex. The FDA had to remove the drug from the market because of its potentially deadly, but undisclosed, side effects. Campbell's efforts saved lives; his reward was to lose his job.

John Pavolini, an air transport pilot with a New York commuter airline, reported to the FAA that his employer was using an unsafe airplane. On the day he filed his report, two things happened—the FAA grounded the plane after an inspection uncovered numerous safety violations and the airline fired Pavolini. A Federal appeals court recognized the dilemma: "Pavolini was in a difficult situation, facing a loss of his job on the one hand and a potential loss of lives on the other; he should be commended for placing public safety over private concerns."

Commending private sector whistleblowers is a nice gesture. But we must do more because whistleblowers may be our only defense against corporate outlaws threatening the public health or safety. These courageous workers do not need empty praise. They deserve effective Federal laws—Federal laws with real teeth—to protect them from personal reprisal.

More than a dozen Federal laws provide some protection to private sector whistleblowers. The Administrative Conference of the United States, an independent Federal agency charged with recommending improvements in Federal administrative proceedings, conducted an extensive review, complete with a public hearing, of the existing Federal whistleblower laws. As a result of this thorough examination, the conference issued a formal recommendation calling for omnibus legislation to bring order to the current patchwork statutory scheme.

I will summarize the conference recommendations, but I would ask that the entire report by the conference, including the analysis prepared by consultant Eugene Fidell, entitled "Federal Protection of Private Sector Health and Safety Whistleblowers," be printed in the Record following my statement; and following the bill.

The Administrative Conference concluded that the current Federal statutory scheme lacks uniformity and that the unexplained differences in the statutes threaten "to undermine the credibility of this area of the law." To correct this situation the conference adopted the following eight specific provisions to be included in omnibus legislation:

A uniform definition of protected conduct;

A uniform statute of limitations of at least 180 days;

A uniform provision for remedies;

Assignment of preliminary investigative responsibility with the Secretary of Labor;

Authorization for the Secretary of Labor to use alternative means of dispute resolution;

Opportunity for an on-the-record hearing before a Department of Labor administrative law judge, with discretionary review before the Secretary of Labor, judicial review in the court of appeals and enforcement in the district court;

A grant of subpoena power to the Secretary of Labor for whistleblower proceedings, with judicial enforcement; and

Rulemaking authority to the Secretary of Labor regarding whistleblower proceedings.

The bill I am introducing today incorporates each one of the Administrative Conference's specific recommendations. It protects all employees who disclose unlawful activities that will endanger the public health or safety; who participate in formal Federal proceedings relating to unlawful or hazardous activities; or who refuse to participate in activities that present imminent and substantial danger to the public health or safety.

The bill centralizes the administrative process within the Department of Labor and includes preliminary investigation, opportunity for an administrative hearing, discretionary review by the Secretary of Labor, judicial review in the court of appeals and enforcement in the district court.

Speedy resolution of a whistleblower's complaint furthers the interests of the employee, the employer and the public. The bill includes specific, realistic time limits at each stage of the procedure to insure expeditious consideration of the complaint. If the Department of Labor does not resolve the complaint within the prescribed time period, then the whistleblower may bring a civil action to obtain protection.

To bring order to the current confusing pattern of laws, this act would supersede existing Federal whistleblower laws to the extent those laws provide inconsistent rights to private sector health or safety whistleblowers. In addition, the administrative and enforcement provisions of this act would become the exclusive mechanisms for other Federal whistleblower laws.

This bill corrects another major problem raised by the Administrative Conference study. There are gaps in whistleblower protection because there is no Federal protection for employees in such major industries as aviation and aeronautics, vessel construction and operation, and manufacturing and production of food, drugs, medical devices or consumer products generally. If we are serious about protecting public health and safety, we must close the loopholes and protect workers in these vital industries.

Protecting whistleblowers is good Government and smart business. That's why this bill has broad-based support from such diverse groups as the Administrative Conference and the Government accountability project, a public interest group dedicated to representing the rights of whistleblowers.

The free flow of information about health and safety hazards should not be chilled. Under our current system, irresponsible employers can cover-up illegal, dangerous activities by intimidating workers into silence through threats of personal reprisals. This bill will eliminate such intimidation and will allow us to protect the public from corporate outlaws.

As chairman of the Labor Subcommittee, I will hold hearings on the Uniform Health and Safety Whistleblower Protection Act soon. I urge all my colleagues to support this legislation.

I ask that a copy of the bill be printed in the Record immediately following my statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniform Health and Safety Whistleblowers Protection Act of 1987".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) private sector employees who report unlawful or hazardous activities perform an important public service by helping ensure the health and safety of workers and the general public;

(2) private sector employees should be able to report unlawful or hazardous activities without fear of personal reprisal; and

(3) private sector employees who make such reports are not consistently and adequately protected against personal reprisal by the current Federal laws designed to protect private sector whistleblowers.

(b) Purpose.—The purpose of this Act is to strengthen and improve protection for private sector employees who report an employer's unlawful or hazardous activities, to prevent retaliatory action against such employees, and to improve the health and safety of workers and the general public by—

(1) creating uniform substantive protections and administrative procedures for whistleblower complaints;

(2) centralizing administration and enforcement of whistleblower protection within the Department of Labor;

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(3) extending whistleblower protection regarding health and safety matters for private sector employees; and

(4) ensuring that reports of unlawful or hazardous activities are referred to the appropriate Federal agencies for investigation.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) Assistant Secretary.—The term "Assistant Secretary" means the Assistant Secretary for Employment Standards Administration in the Department of Labor.

(2) Commerce.—The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States, or between points in the same State but through a point outside thereof.

(3) Employee.—The term "employee" means any individual who is employed by an employer or who is an applicant for employment with an employer.

(4) Employer.—The term "employer" means a person engaged in a business affecting commerce who has employees, except that such term does not include the United States or any State or political subdivision of a State. The term "employer" includes an agent of the employer and an employer of the employer.

(5) Federal Law.—The term "Federal law" means the Constitution of the United States, a Federal law, regulation, license, permit, order, treaty, judgment, or decree, or State law that executes a Federal law.

(6) Person.—The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(7) Proceeding.—The term "proceeding" means a trial, hearing, investigation, inquiry, inspection, administrative rulemaking, or adjudication involving a Federal agency.

(8) Federal Agency.—The term "Federal agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, or any interstate governmental agency or commission.

(9) Secretary.—The term "Secretary" means the Secretary of Labor.

(10) State.—The term "State" means a State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, or any other Territory or possession of the United States.

SEC. 4. EMPLOYEE PROTECTION.

(a) In General.—No person shall discharge or in any other manner discriminate against any employee because the employee—

(1) discloses, or demonstrates an intent to disclose, an activity, policy, or practice of an employer that the employee reasonably believes is a violation of Federal law that creates a danger to the health or safety of the employee, other employees, or the public;

(2) assists or participates, or demonstrates an intent to assist or participate, in a proceeding with respect to an activity, policy, or practice of an employer that the employee reasonably believes creates a danger to the health or safety of the employee, other employees, or the public, or with respect to administration of this Act; or

(3) refuses to participate in an activity, policy, or practice of an employer that the employee reasonably believes poses an imminent and substantial danger to the health or safety of the employee, other employees, or the public.

(b) Waiver.—Except as provided in section 5(j), agreements by employees, express or implied, written or oral, purporting to waive or modify their rights under this Act shall be void as contrary to public policy.

(c) Exemption.—This Act shall not apply with respect to any employee who, acting without direction from the employee's employer, deliberately causes a violation of Federal law.

SEC. 5. REMEDY.

(a) Complaint.—

(1) Filing.—Any employee who believes the employee has been discharged or otherwise discriminated against by any person in violation of section 4 may, within 180 days after such alleged violation occurs, after the discharge or other discrimination has taken effect, or after the employee first learns or reasonably should have learned of the violation, whichever is the latest, file (or have filed by any person on the employee's behalf) a complaint with the Assistant Secretary alleging such violation. The complaint may be filed without regard to exhaustion of any other remedies.

(2) Copy.—On receipt of such a complaint, the Assistant Secretary shall cause a copy of the complaint to be served on the person named in the complaint and on any Federal agency that may have jurisdiction over the activity, policy, or practice alleged in the complaint.

(b) Investigation.—

(1) In general.—Within 45 days of the receipt of a complaint filed under subsection (a), the Assistant Secretary shall conduct an investigation to determine whether there is reasonable cause to believe the complaint has merit and shall issue an order setting forth the findings. If there is reasonable cause to believe a violation of this Act has occurred, the Assistant Secretary shall accompany the findings with an order providing the relief prescribed by subsection (g). If the violation of this Act has contributed to the termination of the employee's employment and reinstatement is sought, the Assistant Secretary shall provide in the order for the employee's immediate reinstatement.

(2) Hearing.—If the Assistant Secretary fails to issue an order within the period prescribed in paragraph (1), any party may request a hearing before an administrative law judge as provided in subsection (c). Any order issued by the Assistant Secretary shall include a statement of the right of the parties to request a hearing pursuant to subsection (c).

(c) Hearing Request.—

(1) In general.—Any findings or order issued pursuant to subsection (b) shall be the final order of the Secretary subject to judicial review pursuant to subsection (i) unless the complainant or the person named in the complaint requests a hearing before an administrative law judge within 15 days of receipt of the findings or order. Any request for a hearing shall be filed with the Office of Administrative Law Judges of the Department of Labor within 5 days of receipt by the Assistant Secretary. Such a request shall not operate to stay any reinstatement remedy contained in the Assistant Secretary's order.

(2) Intervention by secretary.—Within 15 days after receipt of a request for a hearing, the Secretary shall make a determination, in writing, whether to intervene on behalf of the complainant. The Secretary's determination shall not preclude the complainant or any other person on behalf of the complainant from representing the complainant during the proceedings authorized under this section.

(d) Subpoena Power.—

(1) In general.—The Secretary, Assistant Secretary, or administrative law judge assigned to conduct the hearing on the complaint shall have authority to issue subpoenas or other orders for the purpose of conducting investigations and hearings pursuant to this Act.

(2) Rulemaking authority.—The Secretary shall have rulemaking authority with respect to investigative and adjudicatory procedures and all other matters pertaining to the administration and enforcement of this Act.

(e) Hearing Procedure.—

(1) Time for completion.—Any hearing requested pursuant to subsection (c) shall be completed before an administrative law judge within 180 days of receipt of the request for a hearing by the Assistant Secretary.

(2) Notice.—The parties shall have a reasonable opportunity for prehearing discovery and shall be given written notice of the time and place of the hearing at least 15 days prior to the hearing.

(3) Administrative procedure.—The hearing shall be subject to the requirements of section 554 of title 5, United States Code.

(4) Trial de novo.—The hearing shall be de novo and the administrative law judge shall give no legal effect to any findings or orders of the Assistant Secretary.

(5) Decision.—Within 60 days after the conclusion of the hearing, or within 225 days after receipt of the hearing request by the Assistant Secretary, whichever is earlier, the administrative law judge shall issue a decision containing findings of fact, conclusions of law, and the remedy ordered, if any. The decision shall be served on the Secretary and on all parties to the hearing and shall include a statement to the parties of their right to appeal pursuant to subsection (f).

(f) Administrative Appeal.—

(1) No review.—Any decision issued pursuant to subsection (e) shall be the final order of the Secretary subject to judicial review pursuant to subsection (i) unless a party petitions the Secretary for review or the Secretary issues an order of review within 15 days after the issuance of the decision.

(2) Review.—Within 60 days after receipt of the petition for review or issuance of an order of review or within 360 days after receipt of the complaint, whichever is earlier, the Secretary shall issue a final order, based on the record and the decision of the administrative law judge, which shall be served on all parties. If the Secretary does not issue a final order within the period prescribed by this subsection, the decision of the administrative law judge shall become the final order of the Secretary.

(g) Damages.—

(1) In general.—If in response to a complaint filed under subsection (a), the Secretary, Assistant Secretary, or administrative law judge determines that a violation of this Act occurred, the Secretary, Assistant Secretary, or administrative law judge shall order—

(A) the person who committed the violation to take affirmative action to abate the violation;

(B) such person to reinstate the complainant to the complainant's former position, if

reinstatement is sought, together with compensation, including back pay and lost benefits, terms, conditions, and privileges of the complainant's employment;

(C) compensatory damages;

(D) exemplary damages, where appropriate; and

(E) such other equitable relief as is necessary to correct any violation of this Act or to make the complainant whole.

(2) Costs.—Whenever a final order is issued sustaining the complainant's charge under this Act, the Secretary, Assistant Secretary, or administrative law judge, at the request of the complainant, shall assess all costs and expenses (including attorneys' fees) as determined by the Secretary, Assistant Secretary, or administrative law judge to have been reasonably incurred by the complainant for and in connection with the proceeding against any person committing such violation.

(h) Private Right of Action.—

(1) In general.—If no final order is issued within the period prescribed by subsection (f), the complainant may file a civil action within 90 days for damages and equitable relief in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, the citizenship of the parties, or further exhaustion of any administrative remedies provided in this Act.

(2) Notice.—On expiration of the period prescribed by subsection (f), the Secretary shall notify the complainant of the opportunity to file a civil action pursuant to this subsection.

(3) Costs.—Whenever a final order is issued sustaining the complainant's charge under this Act, the district court, at the request of the complainant, shall assess all costs and expenses (including attorneys' fees) as determined by the district court to have been reasonably incurred by the complainant for and in connection with the civil action against any person committing such violation.

(i) Judicial Review.—Any person adversely affected or aggrieved by an order issued pursuant to this Act may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred. The petition for review must be filed within 60 days after the issuance of the order. The review shall be conducted in accordance with chapter 7 of title 5, United States Code. The filing of a petition for review under this subsection shall not, unless ordered by the court, operate as a stay of the order.

(j) Settlement or Alternative Dispute Resolution.—On receipt of a complaint pursuant to subsection (a), the Assistant Secretary shall attempt to reach a settlement between the complainant and the person named in the complaint. The Secretary and Assistant Secretary are encouraged to use alternative means of dispute resolution to resolve the complaint, except that the parties must consent, in writing, before the Secretary or Assistant Secretary may employ such means. The Secretary, Assistant Secretary, or administrative law judge shall not enter into a settlement terminating a proceeding on a complaint without the participation and written consent of the complainant. Any settlement order issued pursuant to this subsection shall be a final order of the Secretary and shall include findings that the settlement is in the best interests of the complainant and of the public.

(k) Time Computations.—Except as otherwise provided in this Act, for purposes of a proceeding on a complaint, all time computations shall be made in accordance with the Federal Rules of Civil Procedure.

(l) Posting.—Each employer shall post and keep posted in conspicuous places on its premises a notice to be prepared or approved by the Secretary setting forth information as the Secretary considers appropriate to carry out this Act.

SEC. 6. ENFORCEMENT.

(a) By the Secretary.—Whenever a person has failed to comply with an order issued under this Act (including a subpoena), the Secretary may file a civil action in the United States district court for the district in which the violation is alleged to have occurred to enforce such order. In an action brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive and declaratory relief and compensatory and exemplary damages.

(b) By the Parties.—Any person on whose behalf an order (including a subpoena) is issued pursuant to this Act may commence a civil action against the person named in the order to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order. On issuance of an order on behalf of any person seeking enforcement under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to the person seeking enforcement.

SEC. 7. COMPLAINT REFERRAL.

(a) Referral.—On issuance of a final order (including an order approving a settlement pursuant to section 5(j)) by the Secretary, Assistant Secretary, or administrative law judge, the Secretary shall cause a copy of such order to be served on each Federal agency that may have jurisdiction over the activity, policy, or practice alleged in the complaint, except that only the relevant portions of a settlement order shall be provided in the copy. Such Federal agency shall take appropriate action with respect to the activity, policy, or practice.

(b) Findings.—Within 30 days after taking an action under subsection (a), a Federal agency receiving a copy of a final order or the relevant portions of a settlement order pursuant to subsection (a) shall—

(1) prepare a report on the action; and

(2) provide a copy of the report to the Secretary, all parties to the final order, and the relevant committees of Congress.

(c) Other Investigative Authority.—Nothing in this section limits the authority of any Federal agency under any other law.

SEC. 8. EFFECT ON OTHER RIGHTS AND REMEDIES.

(a) State Rights and Remedies.—The rights and remedies provided to employees by this Act are in addition to, and not in lieu of, any other rights and remedies of the employees provided under State law, and are not intended to alter or effect such rights and remedies.

(b) Contractual Rights and Remedies.—Except as provided in section 4(b), the rights and remedies provided to employees by this Act are in addition to, and not in lieu of, any other contractual rights and remedies of the employees, and are not intended to alter or effect such rights and remedies.

(c) Federal Rights and Remedies.—It is the express intent of Congress to supersede applicable Federal laws only insofar as the laws may provide rights and remedies to employees protected by this Act that are inconsistent with the rights and remedies provided by this Act.

(d) Federal Procedures.—It is the express intent of Congress to supersede the enforcement and administration procedures in applicable Federal laws by making the enforcement and administration procedures in sections 5, 6, and 7 the exclusive enforcement and administration procedures.

(e) Definition.—For purposes of this section, the term "applicable Federal laws" means—

(1) the provisions of law that provide private sector employees with protection against discharge or discrimination for activities described in section 4, that are contained in—

(A) section 23 of the Toxic Substances Control Act (15 U.S.C. 2622);

(B) section 11(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(c));

(C) section 505(a) of the Migrant Seasonal and Agricultural Worker Protection Act (29 U.S.C. 1855(a));

(D) section 105(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 815(c));

(E) section 703 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1293);

(F) section 507 of the Federal Water Pollution Control Act (33 U.S.C. 1367);

(G) section 1450 of the Public Health Service Act (42 U.S.C. 300j-9);

(H) section 210 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851);

(I) section 7001 of the Solid Waste Disposal Act (42 U.S.C. 6971);

(J) section 322 of the Clean Air Act (42 U.S.C. 7622);

(K) section 110 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9610);

(L) section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441);

(M) section 7 of the International Safe Containers Act (46 U.S.C. 1506); and

(N) section 405 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2305); and

(2) the provisions of law that provide private sector employees with protection against discharge or discrimination for activities described in section 4, that are contained in any other Federal law that is enacted after the date of enactment of this Act, unless enacted in express limitation of this paragraph.

* * *

[Recommendation 87-2]

FEDERAL PROTECTION OF PRIVATE SECTOR HEALTH AND SAFETY WHISTLEBLOWERS

Adopted June 11, 1987

Private sector employees who make disclosures concerning health and safety matters pertaining to the workplace are protected against retaliatory actions by over a dozen federal laws. By common usage these employees as well as others who make similar disclosures concerning fraud or other misconduct (but who are beyond the Conference's current study)[1] have become known

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[1] The Conference has limited its study to health and safety related disclosures because in this area a pattern of federal statutory protections has emerged with sufficient experience to allow a study.

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as whistleblowers. Under current statutes, for example, nuclear power plant workers, miners, truckers, and farm laborers are specifically protected when acting as whistleblowers. Other workers may be covered under the more general protections granted by the Occupational Safety and Health Act (OSHA) or various environmental laws.

The protection provided employees by the so-called whistleblower statutes under study serves the important public interest of helping ensure the health and safety of workers in the various regulated industries or activities, as well as that of the general public. The statutes are intended to create an environment in which an individual can bring a hazardous or unlawful situation to the attention of the public or the government without fear of personal reprisal. Such disclosures can be a valuable source of information especially where the public lacks the knowledge or access to information necessary to be fully informed on these important issues.

In its examination of the current federal statutory scheme designed to protect whistleblowers in the private sector, the Conference found that, as currently written, the various whistleblower statutes lack uniformity in a number of areas including the following:

1. Investigative responsibility is assigned to numerous agencies, including the Department of the Interior and several within the Department of Labor (DOL), with little coordination among them.

2. Adjudicatory responsibility is similarly divided. For example, while several statutes provide for adjudication by a DOL administrative law judge, others provide for decisions by different agencies or for trial in the district court.

3. Judicial review likewise differs. Some statutes provide for review in the district court, some in the court of appeals. And for some, no review is available.

4. Statutes of limitations for filing a complaint range from 30 days to 180 days.

5. Definitions of protected conduct differ according to statute. For example, protected disclosure may include any disclosure or may be more narrowly defined as disclosure to "the public," to the media, to the responsible agency, or to a union or employer. Protected conduct may or may not include refusals to work.

6. In certain cases where the designated agency declines to proceed with the complaint (under either the OSHA or the Asbestos Hazard Emergency Response Act), the complaining employee is left without any further administrative or judicial review.

As a result of these statutory incongruities, available procedures and protections may differ depending solely upon the industry to which an aggrieved employee belongs. For example, an employee seeking protection under the Clean Air Act (CAA) has 30 days in which to file a complaint, while an employee filing under provisions of the Migrant Seasonal and Agricultural Worker Protection Act (MSAWPA) has 180 days. And while both CAA and MSAWPA violations are investigated by the Wage and Hour Division of the Department of Labor, adjudication of CAA complaints is before a DOL administrative law judge, while MSAWPA complaints are adjudicated in the district courts. The Conference has concluded that this lack of uniformity does not appear to be reasoned, but most likely reflects the incremental enactment of the various statutes over a period of years.

Accordingly, the Conference believes that omnibus whistleblower legislation providing for centralization of the investigative and adjudicative functions is needed. Because the Department of Labor now investigates and adjudicates such complaints under the majority of existing statutes, centralization in that Department is the logical choice. Although specialized expertise possessed by agencies responsible for the various regulatory programs covered by whistleblower provisions may be required in exceptional circumstances to resolve these disputes, the Conference believes that centralization is preferrable and that enforcement and adjudicative responsibilities should where feasible be assigned to the DOL.

The Conference study also discussed areas of regulation where gaps in whistleblower protection exist. These include the aviation and aeronautics industries, vessel construction and operation, and manufacturing and production of food, drugs, medical devices or consumer products generally. Where Congress has judged it necessary to regulate an industry so as to ensure the safety of its workplace, products, services or the environment, Congress should consider whether it is appropriate that enforcement of the regulatory scheme be strengthened by providing whistleblower protection for the industry's employees who report statutory violations.

The study also indicated that access to written decisional precedents in these cases needs to be improved. The Department of Labor's Office of Administrative Law Judges does not yet publish its decisions (although it has recently announced plans to do so), and a unified index for these decisions and those of other agency adjudicative bodies does not exist. Publication and indexing of existing case law should help narrow the issues for future adjudications, contribute to a sense of fairness in the adjudicatory process, and improve case management. In addition, the study found that, with certain exceptions, there is little interaction between the program agency and the investigating-adjudicating agency, thus diminishing the involvement of the lead program agencies. Procedures should be established by which program agencies provide assistance to investigative agencies, and adjudicatory agencies report decisions back to the program agency.

Finally, the Conference notes that there is a growing amount of litigation in state courts concerning whistleblowers, but does not take a position on whether federal statutes do or should preempt state law in this field. (ACUS Recommendation 84-5, Preemption of State Regulation by Federal Agencies, recommends that Congress address foreseeable preemption issues, and advises regulatory agencies to be aware of situations where a conflict might arise.)

With the increasing interest in these matters by Congress, the media and the general public, the Conference hopes that its study will provide a foundation for needed improvements.

RECOMMENDATION

I. In the interest of uniform treatment of private sector health and safety whistleblowers, Congress should enact omnibus legislation for the handling and resolution of whistleblowers' complaints. In enacting this legislation, Congress should review the categories of workers to which it is appropriate to extend whistleblower protection. As a general matter, the administration of this program should be centralized in the Department of Labor in furtherance of efficiency and harmony of results. If, however, Congress deems it necessary for a program agency to retain or receive investigative or adjudicative responsibility for whistleblower complaints, Congress should strive for uniformity in the substantive protections and procedures applicable to the separate programs.[2] The omnibus and any other legislation should include:

(A) a uniform definition of protected conduct;

(B) a uniform statute of limitations of not less than 180 days governing the filing of complaints;

(C) a uniform provision for remedies;

(D) assignment of preliminary investigative responsibility to the Secretary of Labor[3] for all private sector health and safety whistleblowing retaliation cases;

(E) authorization for the Secretary of Labor to employ alternative means of resolving these disputes, with the consent of the parties (see ACUS Recommendation 86-3, Agencies' Use of Alternative Means of Dispute Resolution);

(F) provision for an opportunity by any affected person to request an on-the-record APA hearing before a Department of Labor administrative law judge and for discretionary review by the Secretary of Labor, judicial review in the courts of appeals, and enforcement in the district courts;

(G) a grant of subpoena power to the Secretary of Labor for whistleblowing investigations and hearings, with provision for judicial enforcement; and

(H) a grant of rulemaking authority to the Secretary of Labor with respect to investigative and adjudicatory procedures, notice-posting requirements and mandatory coordination with other agencies.

II. Whether or not Congress enacts omnibus whistleblowing legislation, the Secretary of Labor should:

(A) promulgate rules of appellate procedure governing practice and procedure in connection with the Secretary's review of administrative law judge decisions in whistleblower cases;

(B) transfer primary private sector health and safety whistleblowing investigative responsibility to a single entity within the Department of Labor, absent compelling reasons to the contrary;

(C) develop, in consultation with the agencies responsible for the substantive regulatory programs, detailed written procedures for coordinating investigation, adjudication and follow-up in whistleblowing cases; and

(D) in accordance with the Freedom of Information Act, 5 U.S.C. § 522(a)(2)(A), index and publish all ALJ and Secretarial decisions in whistleblowing cases, including those rendered prior to the date of this recommendation.

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[2] The Conference does not intend to suggest that whistleblower protection provisions now administered by the Department of Labor be reassigned. Nor is this recommendation intended to affect the existing jurisdiction of the National Labor Relations Board to investigate and adjudicate allegations of unfair labor practices.

[3] All references to the Secretary of Labor in recommendations, I(D)-I(H) encompass other appropriate agency heads in instances where Congress deems it necessary for a program agency to retain responsibility.

FEDERAL PROTECTION OF PRIVATE SECTOR HEALTH AND SAFETY WHISTLEBLOWERS

(A report to the Administrative Conference of the United States by Eugene R. Fidell)

INTRODUCTION AND SUMMARY [1]

Few areas of federal labor law are currently the subject of as wide public interest as "whistleblowing", a now familiar term for the dissemination by an employee of information critical of or reflecting adversely on an employer, typically for the purpose of correcting or preventing some violation of law or other harm to the public interest.[2] The most widely publicized recent episode—involving two engineers employed by Morton Thiokol Inc., a major National Aeronautics and Space Administration contractor for the ill-fated *Challenger* space shuttle—is only one in a growing series of incidents in which employees have alleged that they were retaliated against for whistleblowing in matters affecting health or safety.

Over a dozen federal laws attempt to protect whistle-blowers from retaliation in wide areas of private sector activity where health and safety are at stake.[3] These laws, which protect both public and workplace health and safety interests, omit large and potentially important industries such as aviation and pharmaceuticals. In addition, they have created a crazy quilt of investigative, adjudicatory and review responsibilities. These are summarized in Table 1 below. There appears to be increasing Congressional interest in protecting yet other categories of whistleblowing.[4]

While a body of literature has developed concerning whistleblowing (and the promise of more to come), it is only now being recognized that these statutes form part of a larger whole. Until now, with a few notable exceptions,[5] little effort has been made to render a rational account of Congress' activity in this area and those who have become involved under one or another of the statutes have tended not to become involved in the others. Federal whistleblowing protection has probably been seen more as an appendage to the underlying substantive regulatory program, than as a focus for legal analysis in its own right or as a new subspecialty within the field of labor law. One of the purposes of this report is to suggest a different perspective: viz., that the varieties of legislative and administrative experience under the federal health and safety whistleblower protection provisions, taken as a whole, represent a "sea change" in labor law that merits study and legislative attention in its own right.

As Table 1 shows, under eight of the federal whistleblowing statutes, the Secretary of Labor has assigned investigative responsibility to the Wage and Hour Division, under two others to the Occupational Safety and Health Administration, and under one to the Mines Safety and Health Administration. Other agencies have important investigative or adjudicatory responsibilities as well. These include the Department of the Interior, which has both investigative and adjudicatory tasks, the Department of Defense (as to DOD contractors), and the Independent Mine Safety and Health Review Commission, whose job is only adjudicatory. With the exception of the relationship between the Wage and Hour Division and the Nuclear Regulatory Commission, there appears to be little active coordination among the agencies concerned.

Some of the statutes create elaborate hearing procedures; others are silent. They differ widely on matters as critical as the definition of protected conduct, the statute of limitations, remedies, and the machinery for adjudication and judicial review. Anomalies abound. For example, statutes of limitations range from 30 days to 6 months. Where whistleblowing in respect of violations of OSHA's own regulations are concerned, OSHA investigates, and adjudication is in the district courts. Where violations of the Surface Transportation Assistance Act of 1982 are in issue, on the other hand, OSHA investigates, but adjudication is by Department of Labor administrative law judges. The Mine Safety and Health Review Commission, an independent agency, decides whistleblowing cases; the Occupational Safety and Health Review Commission—another independent agency—does not. Some of the statutes cover safety-based refusals-to-work along with the kinds of disclosure most people think of as whistleblowing; some contemplate the award of punitive damages; some authorize temporary reinstatement while the merits of the case are being adjudicated.[6] Employees who lose at the agency level under most of the statutes may obtain judicial review; not so, however, in the case of violations of section 11(c) of the Occupational Safety and Health Act or section 211 of the Asbestos Hazard Emergency Response Act because the employees are completely dependent upon the willingness of the Labor Department to prosecute their causes on their behalf.

Because many of these discrepancies reflect vagaries of the legislative process as it has addressed various industries on an incremental or piecemeal basis over the years, a number of them are difficult to justify according to any neutral principle of public administration. On some issues, conscious substantive legislative choice and the political process are reflected in the current institutional arrangements for the protection of private sector health and safety whistleblowers. For this reason, as noted in the concluding section of this report, some of the matters that one might see every reason to alter may lie beyond the ordinary role of the Administrative Conference. On the other hand, the institutional hodge-podge described in this report transcends mere untidiness or asymmetry. At a certain point, divergent approaches can overwhelm the law by eroding public confidence in the fundamental coherence of the governmental process. That point has unquestionably been reached in Congress' efforts to protect those who suffer employee retaliation for calling attention to health and safety violations.

This report suggests that the Conference recommend (1) the enactment of omnibus whistleblower legislation uniformly applicable to all activities subject to health and safety regulation by the federal government in order to encourage private actions in support of those federal programs and to ensure fairness, uniformity and rationality in the adjudicatory and remedial processes, and (2) specific actions (identified below) to be taken by the Secretary of Labor to improve the administration of the current diversity of private sector whistleblower protection programs.[7]

TAXONOMY AND TERMINOLOGY

Although much of the business of ensuring that the laws are observed have become the responsibility of government rather than private citizens, the Supreme Court has rejected the notion that private citizens have no role to play.[8] By way of preface, it may be appropriate to try to orient the whistleblower protection provisions within the range of tools available to government for the achievement of public objectives. Some of these tools are negative, and some are positive. Some are direct (i.e., used by the government itself) and some are indirect (relying rather on private individuals). For example, imprisonment, fines, penalties and forfeitures are familiar sanctions government uses to achieve its ends. These are direct and negative (or disincentives).[9] Rewards[10] or qui tam provisions might be thought of as indirect positive incentives in that they rely on or seek to encourage private interests to help achieve public ends. In some circumstances, the law may create an indirect negative incentive to encourage private citizens to assist in suppressing crime, as in the case of the Tariff Act provision making it a misdemeanor to refuse to assist a Customs officer.[11] The whistleblowing anti-retaliation provisions of federal law are best thought of as the removal of a disincentive for private assistance in achieving public ends, since the purpose of such provisions is to hold harmless those employees whose information must reach the government in order to help achieve public goals.[12]

In addition to this taxonomic note, mention might be made of certain terminological pitfalls in the whistleblowing area. Thus, the phrase "employee protection" is occasionally used to describe whistleblowing anti-retaliation measures.[13] This term, however, is also used in other contexts that have nothing to do with whistleblowing, such as the arrangements under section 507(e) of the Federal Water Pollution Control Act for investigations into employees' complaints that an employer has discharged or discriminated against them because of effluent limitations or orders issued by EPA under that statute,[14] or the seniority-protective provisions of the Airline Deregulation Act of 1978.[15] One recent enactment uses the term "Public Protection," which is so vague as to be essentially meaningless.[16]

The terms "discrimination" and "affirmative action" are used in describing protected whistleblowing and the fashioning of remedies, respectively. These obviously have special meanings in our society, and their use in this context can be a hinderance to understanding because it inappropriately implies a legal or doctrinal kinship with the race relations area, thereby bringing into play a very different set of concerns and values from those that underlie public policy in the whistleblowing area.

THE COMMON LAW CONTEXT

The background against which the federal legislation addressed in this study arose may be briefly sketched.[17] At common law (American, incidentally, rather than English), the rule evolved that an employee who did not have a contract that provided otherwise could be dismissed at the will of the employer. This doctrine is said to have its origins in a treatise published a little more than a century ago,[18] and promptly took root in the cases, which seem to have adopted this notion quite uncritically.[19] Eventually, however, some courts began to carve exceptions from the rule, and doctrines have arisen in a number of jurisdictions holding that there was a "public policy exception" to the "employment-at-will" rule. In summary, such exceptions hold that an employer will not be permitted to discharge an employee for conduct that advances a recognized public policy. The law on this point is essentially state law,[20] and the extent to which the doctrine applies to any particular

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set of facts is likely to vary dramatically from one jurisdiction to the next.

THE FEDERAL LEGISLATIVE RESPONSE

In addition to judicial recognition of a "public policy exception" to the at-will doctrine, Congress and a number of state legislatures have enacted specific provisions ensuring protection against retaliation for employees who assert various rights. The federal legislation includes a variety of statutes, only some of which deal with public health and safety programs.[21] This report is confined to the measures protecting health and safety whistleblowers; a broader study may also be desirable at a later date to explore the need for rationalizing the total federal legislative scheme.

1. Public Sector Employees.—Table 2 lists the various federal statutes that seek to protect from retaliation those public employees who engage in whistleblowing.[22] These statutes are beyond the scope of this study, but a few words may still be in order. The key statute is the Civil Service Reform Act of 1978, which created broad protection for disclosures by civilian federal employees. Disclosures relating specifically to health and safety form only a small part of the field of protected conduct, and it is believed that few of the whistleblowing cases that have arisen under the CSRA have involved health or safety considerations. Most CSRA cases have to do with allegations of waste, fraud and abuse.

The most recent addition to the list of public sector antiretaliation laws is the Department of Defense Authorization Act, 1987, which extends protection to defense contractor employees for disclosures to Members of Congress, DOD and the Justice Department "relating to a substantial violation of law related to a defense contract." [23] This measure is a modification of an earlier proposal that would have extended expressly to disclosures relating to "substantial and specific danger to public health and safety." In addition, the earlier version protected military personnel as well as contractor employees from reprisals.

2. Private Sector Employees.—The range of federal statutes protecting private sector employees who "blow the whistle" on health and safety problems is considerable. These are set forth in Table 1. Together, they cover a large part of the American work force, and fall into several broad categories. Some are industry-based, such as those affecting mining, the nuclear industry or particular transportation modalities. Some address sweeping environmental concerns, such as those for which EPA is the program agency. And some cut across the broad spectrum of industrial activity in the country, such as OSHA, NLRA or LMRA.[24] The same conduct may violate more than one statute, thus involving multiple decisional tracks.[25]

The effectiveness of these arrangements is open to question. As two perceptive students of the field recently wrote, "[t]he record is particularly grim in industry; not one of the industrial whistleblowers we studied survived on the job." [26] "With few exceptions, they are driven out of not just their jobs, but their professions, too." [27]

3. "Twilight Zone" Cases.—In a number of instances, it may be difficult to characterize the class protected by a whistleblower statute as "public" or "private." For example, the 1984 Defense Department authorization extended whistleblower protection, including health and safety disclosures, to employees of nonappropriated fund activities. Section 211(a) of the Asbestos Hazard Emergency Response Act of 1986 protects all persons from discrimination, but specifically includes employees of state and local educational agencies. State employees have found protection under the Safe Drinking Water Act,[28] and at least one case involving a federal employee—that of EPA employee Hugh Kaufman—has been filed with the Department of Labor under the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Government contractor employees have been held to be protected under several of the whistleblower statutes.[29]

4. Caseload.—Basic caseload figures for private sector health and safety whistleblowing cases in Fiscal Year 1985 appear in table 7. The data show that by far the largest single category of complaints is under section 11(c) of the OSHA Act. These cases, however, do not involve agency hearings; if OSHA finds the case meritorious, it brings a civil action on behalf of the complaining employee. The only intra-agency remedy a complainant has is to seek review within OSHA of an initial decision not to pursue the case.[30] As the table shows, very few section 11(c) cases are pursued by the Department.[31]

The section 11(c) complaint caseload appears to have been fairly stable over the last several years.[32] For example, in FY78, OSHA received 3,000 employee complaints.[33] The corresponding numbers for FY83 and FY84 were 2522 and 2813, respectively.[34]

The next-largest group of cases involves the Surface Transportation Assistance Act, under which OSHA received 354 complaints during FY84.[35] The number of complaints declined to 248 in FY85.[36] "[I]n the first half of 1984, only eight cases were found to have merit. By the end of the year, twenty-five merit findings had been issued, and in 1985 fifty-eight merit findings were issued." [37] In FY85, the OALJ docketed 20 STAA cases following OSHA investigation, and conducted 6 APA hearings.

Third in frequency are retaliation complaints under the Federal Mine and Safety Health Act. MSHA investigated 276 complaints of safety- or health-related discrimination that were filed during FY85.[38]

The Department of Labor has created an Office of Administrative Law Judges to adjudicate cases under a broad range of statutory programs, most of which have nothing to do with whistleblowing. That office is, however, also responsible for a substantial part of the overall whistleblower caseload. Taken together, the OALJ received 77 such cases during FY85 under the various whistleblowing statutes it administers (including the 20 STAA cases referred to above). Of these, the vast majority were nuclear cases brought under the Energy Reorganization Act. Overall, the OALJ has received 264 whistleblowing cases since 1980.[39] The number of whistleblower complaints received by the Department of Labor is not available at this writing, but it appears that in FY85, the Wage and Hour Division conducted approximately 50 investigations under the statutes for which it is responsible, of which about half were found to be meritorious.

Statistics concerning the incidence of whistleblowing cases brought before the NLRB are also unavailable, although case summaries furnished by the Board's Office of General Counsel indicate that health and safety issues are not uncommon in Labor Board proceedings.[40]

There have been very few discrimination complaints under the Surface Mining Control and Reclamation Act.

For comparative purposes, during FY85, the Office of Special Counsel of the Merit Systems Protection Board received 135 whistleblowing disclosures from federal employees.[41]

SHORTCOMINGS OF THE CURRENT ARRANGEMENTS

1. Jurisdictional Lacunae.—The most obvious shortcoming of the current federal legislation protecting healthy and safety whistleblowers is the omission of major sectors of the economy where health and safety are unquestionably at stake. For example, Congress has yet to extend whistleblowing protection to: aviation, aerospace, vessel construction and operation, food and drugs, medical devices, and consumer products generally. While the major environmental laws administered by EPA include whistleblower provisions, one—the Noise Control Act of 1972—does not. Even where the industry itself is covered, the statute may be written to exclude persons whose jobs have safety implications.[42]

A major omission has long been the vast number of government contractors to the extent that their activities were not covered by any of the subject-matter-specific antiretaliation statutes. For example, in 1974, the Department of Labor and the Atomic Energy Commission acknowledged that ". . . Section 4(b)(1) (of the OSH Act) renders OSHA inapplicable to the working conditions of AEC contractor employees working in Government-owned or -leased contractor/operated facilities as long as AEC continues to prescribe and enforce radiological and non-radiological occupational safety and health standards." This kind of gap has been addressed in a variety of ways, including internal agency regulations or contractual provisions.[43]

Congress has also begun to recognize the need for coverage of government contractors in general. For example, in the aftermath of the *Challenger* disaster, Representative Markey observed:

"If the Morton Thiokol engineers were Federal employees, they would have recourse through the Civil Service Reform Act and the Office of Special Counsel. But as employees of a Government contractor, they have no protection." [44]

How whistleblowers such as the Morton Thioikol engineers ought to be protected may well raise difficulty drafting problems, since it appears that their expressions of concern were not couched in terms of violations of federal regulations, but rather involved a degradation of safety standards peculiar to the shuttle effort. Whether safety concerns voiced within a company ought to be protected is a matter of considerable controversy, and Congress would do well, in framing generic whistleblower protective legislation, to consider carefully how such legislation would have affected the *Challenger* case.

Congress has not yet passed general whistleblower protection for employees of government contractors, although it has done so for Department of Defense contractors in the Department of Defense Authorization Act, 1987.[45] Prior to passage of that legislation, a Defense Department contractor employee alleging retaliatory discharge could try to sue under the False Claims Act,[46] although the gravamen of such a case is fraud on the government rather than harm to the employee. Generic protection for contractor

employees was introduced in the 99th Congress[47] and will be reintroduced in some form in the 100th.

Of course, not all health and safety programs involve concerns of the same gravity and magnitude. To take an obvious example, the potential health and safety implications of many violations of NRC regulations could be of a different order of magnitude from an isolated violation of trucking safety regulations. Comparing safety programs requires a consideration not only of the magnitude of the hazard could be developed under which one could argue that different measures of employee protection are appropriate in different industrial or other contexts. On the other hand, one would think that anything that was sufficiently charged with a public interest to warrant federal regulation in the first place should also warrant protection for whistleblowers simply as an aid to enforcement and ensuring voluntary employer compliance with the underlying safety and health requirements.

One thoughtful reviewer of the draft of this study cautioned that expansion of whistleblower protections to persons in highly sensitive positions might make it too difficult to remove an incompetent or malicious employee. Where the superior can anticipate that his own integrity may be put in issue in the adjudicatory process, there may be a chilling effect on his or her willingness to take needed disciplinary action. The net result would be contrary to the public interest of health and safety.[48] This factor is difficult to assess in empirical terms, but there does seem to be a satisfactory response to it: the adjudicatory process must be reasonably prompt and reliable, and so managed as to offer no reason for malcontents or marginal performers to see it as an insurance policy against proper discipline. Agency decisonmakers should be alert to the detrimental effect on health and safety if managers and supervisors form the opinion that turning a blind eye to poor work is preferable to the inconvenience of an investigation and possible hearing. If supervisors are not to be deterred from performing their jobs, the process should be as free of wasted time and effort as possible. Nonetheless, as in any disputatious setting, there will always be some who are so put off at the prosepct of a government investigation that they may "put up" with a poor performer longer than they should. There is, in this, however, nothing peculiar to this setting; how long would an unsafe employee be retained even though firing him or her would trigger some other kind of discrimination claim?

2. Protected Conduct.—The health and safety whistleblowing statutes basically protect two kinds of conduct: (a) disclosures and, in a few instances, (b) refusals to work. In neither category has Congress acted uniformly.

(a) Protected Disclosures.—Table 4 summarizes the statutory provisions that define protected disclosures. As a brief review of that listing will show, Congress has used a wide range of terms to describe the disclosures it wants to protect. It is however, difficult to understand why a uniform set of concepts could not be substituted.

To identify a few of the variations, there are provisions that apply to any disclosure (AHERA) disclosures to the media (OSHA),[49] disclosures to the agency or agencies responsible for administering the underlying regulatory program (e.g., ERA), and disclosures to a union (FMSHA, OSHA) or employer (FMSHA, OSHA, SMCRA). The circuits are split on whether the ERA protects "internal" complaints to an employer.[50] The underlying validity of employee safety concerns under the ERA and environmental statutes has been held to be beyond the Labor Department's jurisdiction; the disclosure need only be made in good faith.[51]

Retaliation against concerted activity in response to safety concerns has been held to be an unfair labor practice by the NLRB, but the Board has recently emphasized that it "was not intended to be a forum in which to rectify all the injustices of the workplace." [52] Given the requirement for concerted activity, and the Board's emphasis on the fact that the employee in Meyers (a truckdriver who was retaliated against for refusing to work and reporting a safety violation to state authorities) might have an action under state law or (had it been in effect at the time) under the STAA, it seems improbable that the NLRA will prove to be of substantial benefit to whistleblowers who act alone—particularly if their conduct might also be protected under other legislation.[53] Indeed, the current Board has expressly disclaimed an interest in "taking it upon ourselves to assist in the enforcement of other statutes." [54] This narrow perspective would seem to be at odds with the philosophy underlying the whistleblower provisions, the basic purpose of which is to assist in the achievement of substantive federal health and safety objectives. Because the statute of limitations for unfair labor practice complaints is longer than most of the whistleblowing statutes, contraction of the NLRB's role effectively reduces the protection available to employees. Meyers suggests that Congress should not look to the broad coverage of the NLRA as a reason to refrain from enacting generic private sector whistleblower legislation. The case has been appealed again to the District of Columbia Circuit.[55]

(b) Refusals to Work.—Employee refusals to work are protected under the Energy Reorganization Act, Federal Mine Safety and Health Act, Federal Railroad Safety Authorization Act, Labor Management Relations Act, National Labor Relations Act and Surface Transportation Assistance Act.[56] The NLRA protects only "concerted activity" under section 7, rather than individual conduct.[57] Unless the refusal to work is part of a group effort or is an individual effort intended to enlist the support of others, or involves the assertion of a right grounded in a collective bargaining agreement,[58] it will not be protected, according to the NLRB's latest pronouncement on the issue.[59] Section 502 of the LMRA applies to employees who stop work "in good faith because of abnormally dangerous conditions," [60] but it is unclear whether the provision protects only those workers actually at risk, or others who join with them.

In addition to the statutory provisions, safety-based refusals to work are protected by a regulation issued under the Occupational Safety and Health Act,[61] and upheld by the Supreme Court in *Whirlpool Corp.* v. *Marshall.*[62]

The refusal to work provisions typically require that the employee have an actual reasonable belief that he is in danger.[63] For example, the STAA provides:

"No person shall discharge, discipline, or in any manner discriminate against an employee . . . for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards, or orders applicable to commercial vehicle safety and health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury, or serious impairment of health, resulting from the unsafe condition. . . ." 49 U.S.C. sec. 2305(b) (Supp. III 1985).

3. Limitation of Actions.—As shown in Table 1, the range of statutes of limitation applicable to health and safety whistleblowing complaints is considerable and, given the plain kinship among these statutes, intellectually indefensible. Absent some showing that would justify differences from one setting to another—and the author has been unable to discern the basis for such a showing—a single statute should govern.

What should the limitation period be? This is necessarily a matter of legislative judgment, and should reflect the fact that employers are unlikely to tell an employee that he or she is being dismissed as a reprisal for whistleblowing. As a result of this factor, the employee may not be aware at the time of discharge that a statutory right has been contravened.

If an employee must file more than a "notice of appeal" to trigger the whistleblowing hearing processes,[64] a 30-day statute is unreasonable, even if a notice is required to be posted advertising the complaint process. Moreover, an employee may well find it impossible to find counsel who can prepare a complaint in such a short period, particularly since much whistleblower litigation is conducted on a contingent fee basis in the hope of securing an award of attorneys fees. As shown in Table 8, a significant number of the whistleblowing cases brought to the DOL Office of Administrative Law Judges are dismissed for untimeliness. Other cases are dismissed for untimeliness by the investigative agencies. On balance, and considering the potential complexity of these cases, a single statute of limitations of not less than 180 days seems appropriate.

4. Investigative Arrangements.—Table 1 identifies which agency is responsible for the investigation of whistleblower complaints under the private sector statutes. The Wage and Hour Division has been given responsibility for seven of the statutes under which hearings are conducted by the DOL Office of Administrative Law Judges, as well as for two statutes (FLSA and MSAWPA) under which adjudication is performed by the district courts.[65] OSHA is responsible for STAA cases that are eventually heard by the OALJ, as well as violations of OSHA's own regulations, which are heard in the district courts.

The basic issue that emerges from the assignment of investigative functions is whether those functions should be performed by the agency with responsibility for the underlying substantive safety program. On the one hand, if the subject matter is complex or technical, it could be argued that only the program agency would have the technical expertise necessary to evaluate whistleblower cases. On the other hand, there may be concern that the program agency might be less than impartial in whistleblower cases to the extent that a whistleblower's charges may be thought to imply that the program agency was ineffective.[66] Some program agencies are considered to be too sympathetic to the regulated

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industry, and lack of resources may lead to "dispirited" enforcement of safety regulations.[67] Congress recognized the possibility that an agency might have a conflict of interest, for example, when it broke up the former Atomic Energy Commission (which had both regulatory and promotional responsibilities) into the NRC and the former Energy Research and Development Administration.[68]

The case for having adjudication handled by the program agency based on the theory that substantive expertise in the underlying technical field is required is unpersuasive. For one thing, the program agency would always be available to supply expert witnesses on any truly technical issues, a technique that would presumably be used today in those cases that arise under statutes where adjudication is handled by the district courts, which can claim no special expertise. More to the point, the whistleblowing statutes do not require a determination that the complainant's safety concern is technologically "correct," but rather that is merely reasonable in the circumstacnes. To be sure, even that question imposes on the decisionmaker an obligation to assess the merits of the worker's health or safety concern, but the burden on the decisionmaker would seem to be much less onerous than might be the case if the complainant were protected from reprisal only if his or her safety objection was not only reasonable but "correct."

Congress has not yet taken a clear position on the generic issue of agency conflicts, although under seven of the whistleblower statutes (DOD87, FMSHA, FRSAA, MSAWPA, NLRA, OSHA, SMCRA) the program agency is also the whistleblowing investigative agency.[69] While the statutes under which these roles are combined involve technical areas such as the environmental and nuclear contexts, certainly there are also technical aspects to cases arising under the two mining statutes, under each of which the program agency also investigates. To the extent that a statutorily independent Inspector General is assigned investigative responsibility under DOD87, the danger of institutional conflicts of interest would appear to be minimal under that particular statute.

One useful approach might be to recognize that the investigation of whistleblowing is itself a specialty, and that the public interest would be served by having a single agency responsible for all whistleblowing investigations. Which agency that should be is not crucial, but presumably it should be one that is currently responsible for a substantial share of the government's total incoming caseload of whistleblower complaints. The available data,[70] tend to point toward OSHA, although the Wage and Hour Division has also amassed valuable experience under the varied statutes for which it has responsibility. The choice is probably best left to the Secretary of Labor. In any event, there is no need to add a brand new agency or additional staff for this purpose; the non-OSHA caseload data suggest that interagency transfers would suffice to meet any shift in agency responsibilities. If, on the other hand, substantial new categories of employees are brought under whistleblower provisions, some net increase in staff would be needed, unless there is slack available at present.

The program agencies should play an active role in support of the investigative agencies, even if they do not themselves have investigative responsibility. In technical cases, the program agencies can (and already do, on occasion) furnish technical advice to the investigative agencies. They can also be asked to provide expert witnesses or technical interrogators for hearings. At times, they might wish to appear as amici in the whistleblower hearings.[71] And, to be sure, they should in each case receive reports on the outcome of hearings so that they may take whatever followup actions may be appropriate in light of the facts developed in the adjudicatory process. These reports should include the adjudicatory decisions as well as the investigative agency's comments and analysis, where appropriate.

The program agencies should take affirmative steps in aid of whistleblower protection, such as the issuance of employee protection regulations that could be enforced in the licensing context, where appropriate, as the NRC has done.[72] They can also impose useful notice-posting requirements by regulation so that employees will know in advance of their rights under the employee protection statutes.[73] This is particularly appropriate if Congress continues to insist on unrealistically short statutes of limitation.

Concern has been expressed over the short time typically allowed to the investigative agencies for processing employee complaints. Rather than simply eliminating the investigative phase (e.g., permitting the employee to institute an APA hearing without prior agency screening),[74] attention might be given to providing that if the investigative agency has not completed its investigation within a fixed period, the employee at that time could obtain an APA hearing on request.[75] The disadvantage of such an arrangement would be that the employee would be deprived of the potentially useful initial reaction of the agency: at present, a favorable initial ruling may be critical to the employee's ability to obtain counsel on a contingent fee basis.[76]

Another issue concerns the desirability of requiring or encourging an employee to exhaust remedies provided by the employer as a precondition to an agency hearing.[77] Table 5 identifies those employee protection programs that require or suggest such exhaustion. Many firms today have internal mechanisms for the receipt of employee safety complaints; a few have contracted with outside companies to provide an external private dispute-ventilation machinery.[78] Before a broad requirement for such programs is imposed, however, serious thought should be given to the fact that an exhaustion requirement may only retard employee access to the public adjudicatory process, and arguably provide the employer with an unfair opportunity for early discovery possibly before the employee has legal representation. If attention is given to requiring such programs, the concerned agencies will have to address the discoverability of documents generated during the process (a matter that has already arisen in at least one case arising under the ERA)[79] and the need to toll the statute of limitations during exhaustion. One attorney representing employers has indicated that documents and statements generated by both sides in the course of exhaustive internal channels would be discoverable.[80] The author's view, on the basis of the information currently available, is that the public interest in prompt disposition of employee protection complaints outweighs the competing interest in potentially reducing the need for recourse to formal governmental processes. Certainly public policy "should not aim at driving every internal dispute toward litigation,"[81] but the system should also not create excessive hurdles.

5. Adjudicatory Procedures.—Nowhere is the lack of consistency in federal protection of whistleblowers more apparent than in the arrangements Congress has directed for adjudication of complaints. As shown in Table 1, in 8 instances (involving cases arising under the environmental laws and the STAA), on-the-record APA hearings and recommended decisions are the task of the DOL Office of Administrative Law Judges,[82] subject to final action by the Secretary of Labor,[83] with the assistance of the DOL Office of Administrative Appeals. One source of concern has been the lack of detailed regulatory guidance as to the procedures to be followed in connection with review by the Secretary.[84] The Department of Labor has shown its concern over the case backlog in the Office of Administrative Appeals.[85] An additional step it should take to streamline that final layer of agency review would be to promulgate formal rules of appellate procedure. It has also been suggested that a 3-member appellate panel should be created to review ALJ decisions in whistleblower cases, and to permit interlocutory appeals from ALJ decisions on certain issues.[86]

Like DOL, the NLRB, Mine Safety and Health Review Commission and Internal Board of Land Appeals also provide on-the-record APA hearings. In railroad cases, the decisional body is the National Railroad Adjustment Board which does not provide an APA hearing, and in four categories of cases (nonappropriated fund employees, shipping containers, migrant workers and OSHA), the adjudicatory mechanism is a civil action in district court.

Given the caseload of the district courts, reliance on conventional civil actions rather than appellate court review of agency action in several of these important antiretaliation programs makes little sense. And in the case of complaints under section 11(c) of the Occupational Safety and Health Act, such reliance makes no sense at all when combined with the fact that the complainant has no control over the litigation, i.e., if the agency chooses to dismiss a complaint, the employee can only appeal that decision within the Department of Labor;[87] there is no provision for judicial review of the agency's decision not to pursue a section 11(c) case and no private right of action under that provision.[88] This is in sharp contrast with the other provisions which permit an employee who is disappointed with the outcome of an agency APA hearing to seek judicial review.

Another noteworthy aspect of the adjudicatory process involves the responsibility for representation of the employee. In MSHRC proceedings, the miner is prepresented by MSHA if the agency believes the complaint to be meritorious,[89] but in OALJ cases under the environmental laws, the Wage and Hour Division and the Secretary represent neither party.[90] Under the STAA, the Assistant Secretary for Occupational Safety and Health can prosecute the trucker's case in the OALJ hearing.[91] Under the NLRA, the General Counsel prosecutes.

Here again, the reasons for the discrepancies from one program to another are difficult to fathom. One would think that the same rule should apply across the board, but at the same time it is not clear that every complainant will want or need the prosecutorial assistance of the investigatory agency. Where the complainant is privately represented, the interest in careful husbanding of agency resources (including the need to limit what might otherwise be redundant presentations in the hearing) suggests that the agency should step aside—not dropping out of the proceeding, but taking a more passive role, in deference to the trial strategy of the party's chosen counsel. That role would differ if the individual chooses to represent himself or herself, in which case a more active posture would be appropriate, in the interest of ensuring a full and effective airing of the issues. In short, the Secretary should not be required to represent a party who already has counsel, but if the investigatory agency concludes that the case is meritorious, it should be available to prosecute if the complainant so desires.

The statutes frequently set forth a schedule for agency action on the employee's complaint.[92] These schedules are more honored in the breach than the observance,[93] and they probably serve little practical purpose.[94] To the extent that they indirectly encourage hasty investigative agency positions in complex cases, they may well be counterproductive. Table 8 shows elapsed time for DOL case processing. To some extent the numbers may be misleading since it is often the case that both sides—and the ALJ—will agree that more time is needed if the substantive purpose of the statute is to be served. Litigants may and often do want to relax the schedule in any given case if, for example, more discovery is needed, or anticipated procedural or evidentiary complexities arise. The consented-to delays do not account for all the cases, but they suggest that a "rule of reason" or modus vivendi evolves, whatever the statutory language. The extreme delays in some cases are, however, whether consented to or not, a matter of concern, and the responsible officials may want to ensure that case-tracking mechanisms are in place to keep matters from getting out of hand.

Not surprisingly, both employer and employee representatives have expressed frustration with the current arrangements for DOL hearings. For example, employee counsel have called attention to what they perceive as a pattern of discovery abuse by industry counsel.[95] In one current case, there is a dispute over whether an employer's counsel frustrated the employee's ability to obtain the testimony of a needed witness.[96] On the other hand, some believe that there is a danger of providing a forum for frivilous claims, with no penalty to the complainant who can impose substantial costs on an employer simply by filing a complaint.[97] This criticism overlooks the fact that if a complainant violates an ALJ order, he may be defaulted,[98] although that is not a complete answer to the objection. None of the statutes provide for attorneys fees to be awarded against complainants.

To the extent that the current arrangements are deficient in failing to provide for judicial enforcement of DOL subpoenas, that omission should be remedied as soon as possible along the lines available for enforcement of other agency subpoenas.[99] Until Congress takes such action, the main protection against stonewalling in discovery is the availability of adverse inferences[100] or sanctions such as those provided under Rule 37(b)(2) of the Federal Rules of Civil Procedure. Sanctions alone, however, are not a sufficient response to willful failure to cooperate with discovery in a health or safety whistleblowing case because more is at stake then merely the outcome of the individual case. The public interest may require that the facts be developed in such a case, not simply that the individual employee obtain relief, whether through sanctions or a settlement. Moreover, even after judicial enforcement of subpoenas becomes available, ALJs should still be at liberty to draw adverse inferences or impose sanctions in the event of failure to make discovery because the need to apply to a federal court for subpoena enforcement may be too time-consuming and costly for the party seeking enforcement[101]—even though enforcement proceedings are supposed to be summary in nature.[102] A party's failure to press for judicial enforcement of an agency subpoena should for this reason not preclude either adverse inferences or appropriate agency sanctions.

Misconduct by counsel.—Another of the charges levelled by the complainant bar—is a serious matter that can thwart the achievement of congressional objectives and thereby endanger public health and safety. The arrangements currently in place certainly give agency decisionmakers ample authority to penalize such misconduct, and that authority should be invoked when good cause is shown.[103] In the unlikely event that ALJs prove to be indifferent on this score, the Secretary of Labor can be expected to take a firm stand on review. In addition, the usual forums for the consideration of ethical violations remain available. If the misconduct goes to far as to deprive a party of a fair hearing, the decision should be set aside on judicial review.

6. Remedies.—The basic remedies available under the employee protection statutes are the familiar ones of backpay, reinstatement and attorney fees. In some instances, additional relief may be ordered. For example, actual damages are authorized under a number of statutes, and a variety of kinds of injury have been compensated for under those provisions.[104] These include medical expenses, front pay, and job search expenses. In one ERA case, an employee was awarded $10,000 for mental pain and suffering and injury to reputation.[105] Another received $70,000 "to cover past and future medical expenses . . . and as recompense for . . . humiliation and mental suffering."[106] Exemplary or punitive damages are specifically authorized under only two of the environmental employee protection provisions (SDWA and TSCA); in other contexts the Department of Labor has held such damages to be unavailable.[107] Why those statutes alone have that provision is unclear aside from having been inspired by a common model. There is no conceivable reason for this discrepancy; a single rule should apply.

Agencies are also authorized to order abatement of the employer's conduct as well as "affirmative action," although little, if any, use has been made of the latter power. it is to be expected that future cases will see an increase in use of the "affirmative action" power.

Under the FMSHA and STAA, Congress has authorized interim relief or temporary reinstatement pending of complaining employees. Under both of these provisions, temporary reinstatement without a prior evidentiary hearing has been found unconstitutional; in the STAA case, the Supreme Court has the matter under advisement.[108]

Other remedies may well be available through the program agency if, for example, that agency is responsible for licensing the employer in some fashion. This is true under the Atomic Energy Act, and the NRC has taken administrative action against licensees on the basis of whistleblowing by employees.[109] However, as the NRC has indicated,[110] "the action taken by NRC focuses on the licensee to change the conduct of the discriminator. It is not a direct remedy to the employee."

7. Judicial Review.—The arrangements for judicial review, outlined in Table 1, fall into two basic categories. In the case of surface mining and railway whistleblowing, review lies in the district courts; in the other cases, agency action is reviewed in the courts of appeals. Given the similiarity of the issues likely to be explored in all such cases, uniform review at the court of appeals level (in keeping with a prior Conference recommendation) would be appropriate once there was underlying uniformity as to agency hearing procedures. Since surface mining cases go through the Interior Department hearing process with review by the Board of Land Appeals, there would seem to be no reason to require an intermediate stop at the district court.[111]

A more fundamental concern has to do with the fact that under OSHA and the Asbestos Hazard Emergency Response Act, if the investigatory agency declines to bring a civil action for the employee, the employee cannot obtain judicial review of that decision, and also cannot bring his own action against the employer. Agency decisions not to prosecute are understood to be non-reviewable, but that doctrine would seem to have no application where an individual employee has been harmed by the violation of a prohibition on retaliation. There is no apparent reason for closing the courthouse doors to such individuals while keeping them open under so many of the other statutes. If nothing else, such an approach drives whistleblowing cases into the state courts under state doctrines, even though the federal interest may be paramount.[112]

8. Interaction with Program Agencies.—As Senator Grassley stressed at the Conference's October 1, 1986 public hearing, it is important not only that the whistleblower be protected from retaliation, but also that the substantive safety and health concern be addressed.[113] This requires close coordination between the agencies responsible for the underlying regulatory program and those responsible for administration of the anti-rctaliation provisions.

To date, the program and investigative agencies have taken some steps to foster coordination to achieve better compliance with underlying safety and health obligations. Thus, the Wage and Hour Division and the NRC have a Memorandum of Understanding ("MOU") setting forth the working arrangements between their two agencies in nuclear whistleblowing cases.[114] That arrangement is viewed as ineffective by attorneys representing employees.[115] Similarly, OSHA and the NLRB have an MOU for the coordination of litigation under section 11(c) of OSHA and section 8 of the NLRA,[116] and MSHA and the Labor Board have entered into an agreement for the overlap in their jurisdictions.[117] Other agencies have not pursued the same approach.[118] For example, the Department of Transportation has only an informal working arrangement with the Department of Labor for cooperation in cases arising under the Surface Transportation Assistance Act,[119] and EPA (which has substantive responsibility for several environmental laws that have antiretaliation provisions) has no written understanding with DOL. It also remains possible for a single act of retaliation to trigger more than one statutory scheme. Where this is the case, the agencies should either be permitted to conduct a joint hearing or one should serve as "lead agency" for the dispute. If all federal anti-retaliation protections were considered, the potential for wasteful duplication would be avoided.[120]

Given the fact that whistleblower protection is, after all, intended to protect public health and safety, formal arrangements should be in place to ensure: (1) that all investigative agencies receive necessary assistance from program agencies, particularly in cases where technical information is important; (2) that program agencies receive prompt detailed reports of the results of all whistleblowing adjudicatory proceedings, and (3) that complaining employees be advised of the action taken by program agencies to remedy the safety problem about which the whistle was blown.[121]

9. Access to Law and Interagency Doctrinal Growth.—Two final and, to a degree, related concerns involve the public availability of decisional law and the impediments to interaction between the separate bodies of law being developed by the adjudicatory agencies responsible for the various whistleblower statutes. While the decisions of the MSHRC, NLRB, and Interior Board of Land Appeals are reported, those of the DOL Office of Administrative Law Judges are not. OALJ decisions have been available only in Washington.[122] That office is responsible for a substantial portion of the overall whistleblower caseload. The result is that litigants before the OALJ have a more difficult time ascertaining the law (thus making proceedings less focused than might otherwise be the case, as well as making it more difficult for employers and employees even to know their basic rights). In addition, the desirable goal of cross-fertilization between the OALJ and other whistleblower adjudicatory agencies is thwarted. This insulation makes little sense (building on the statutory patchwork) tends to retard the development of a coherent body of law in this area.

Fortunately, the Department of Labor has announced that it will publish all OALJ and Secretarial decisions in whistleblower cases beginning January 1, 1987.[123] This is a desirable step for which the Department should be commended, since employees and employers will be better to determine in advance what is lawful and what is not. However, it would also be useful if pre-1987 decisions were published as well. It is assumed, of course, that appropriate indices will also be provided.

Whether publication of the OALJ decisions is sufficient remains an open question. At present, doing research that steps from one anti-retaliation program to another is needlessly cumbersome because of the variety of reporting services. Publication of the OALJ cases will only partially alleviate that problem. If digesting and indexing continue to be according to separate designs for each agency with responsibility for whistleblowing cases, the present system will not have been improving as much as it could be. This is not to suggest that the bar currently confronts a "Tower of Babel" in the whistleblowing area, but the present arrangements necessarily leave the door to doctrinal variations where these may be unwarranted. If Congress decides to bring all private sector health and safety whistleblowing jurisdiction under one "roof" with a single set of statutory provisions administered by a single agency, this concern will go away; if Congress does not, serious attention should be given to integrating the reporting arrangements.

RELATION TO PRIOR CONFERENCE RECOMMENDATIONS

The subject matter of this report touches on several prior administrative conference recommendations:

(a) Compilation of Statistics on Administrative Proceedings by Federal Departments and Agencies (Recommendation No. 69-6).—While the agencies that were contacted were generally forthcoming with statistical data, in a number of instances it was difficult to obtain important detailed caseload data. The Conference may wish to separately evaluate the effectiveness of data-gathering and -orgainzation from this perspective.

(b) Discovery in Agency Adjudication (Recommendation No. 70-4).—In keeping with paragraph 9 of this recommendation, Congress should ensure that agency subpoenas may be issued and judicially enforced in all whistleblowing cases.

(c) Subpoena Power in Formal Rulemaking and Formal Adjudication (Recommendation No. 74-1).—The APA amendment prepared by the Conference would ensure compliance with agency subpoenas in whistleblowing cases, thereby improving the quality of agency decisionmaking and the record available for judicial review.

(d) The Choice of Forum for Judicial Review of Administrative Action (Recommendation No. 75-3).—In keeping with this recommendation, it is presumed that review of agencies' formal adjudication in the courts of appeals would be the norm with enforcement by the district courts.

(e) Time Limits on Agency Action (Recommendation No. 78-3).—The Conference has questioned the use of legislatively-imposed time limits. While a modus vivendi has been reached in the context of the whistleblowing statutes here reviewed, any new legislation should not include such a requirement. Reasonable dispatch should still be the goal, as a matter of agency self-discipline. The available data suggest that it is unrealistic to try to force the investigative or adjudicatory process into a rigid timetable. However, Congress might want to consider making it clear that if a deadline for agency action passes without such action, the employee or employer should be able to obtain an APA hearing without having to wait further. Similarly, if final action is withheld beyond the date prescribed, judicial assistance should be forthcoming more readily than has heretofore been permitted by the courts.[124]

(f) Agency Structure for Review of Decisions of Presiding Officers under the Administrative Procedure Act (Recommendation No. 83-3).—Reference is made below to the need to articulate the procedures for secretarial review of decisions of the DOL Office of Administrative Law Judges.

(g) Preemption of State Regulation by Federal Agencies (Recommendation No. 84-5).—It is improbable that a federal agency would have occasion to directly address the question of preemption in a whistleblowing case, unless, for example, a state remedy had been invoked and one side or the other sought to rely on the result for collateral estoppel or res judicata purposes. This seems unlikely because federal statutes of limitation almost certainly mean the federal case would proceed more promptly than the state case. Nonetheless, if such an issue were to arise, the views of the affected state(s) and other interested parties should be obtained in the adjudicatory process through invited amicus presentations. Preemption is further addressed below in the Conclusions and Recommendations.

(h) Coordination of Public and Private Enforcement of Environmental Laws (Recommendation No. 85-3).—The information-sharing concerns noted in paragraph 2 of this recommendation apply mutatis mutandis to federal whistleblower programs.

(i) Agencies' Use of Alternative Means of Dispute Resolution (Recommendation No. 86-3).—The Conference's recent recommendation concerning ADR arguably bears on the private sector whistleblowing cases. While some private dispute-settlement or avoidance techniques have been tried with a view to encouraging the flow of safety concerns and defusing potential retaliation claims (particularly within the nuclear industry), it is believed that it would be premature to require any such procedure as a precondition to federal administrative adjudication. The Conference might, however, want to suggest that the concerned agencies consider the statute of limitations tolled while permissive internal employer remedies are being exhausted.

CONCLUSIONS AND RECOMMENDATIONS

Clearly there are important questions for Congress as a result of any careful examination of the current arrangements for the protection of private sector health and safety whistleblowers. Some of these are, the author believes, appropriate for Conference recommendation because they involve issues that are essentially policy-neutral. Based on the study results outlined above, the Conference should make recommendations to the Congress and involved agencies as follows:

(a) Congress should enact omnibus whistleblowing legislation to replace all extant federal. private sector health and safety whistleblowing provisions. That legislation should include:

(i) protection for all private sector employees (including government contractor employees) and state and local government employees against retaliation for whistleblowing with respect to violations of Federal safety and health requirements;

(ii) assignment of investigative responsibility to the Secretary of Labor for all private sector health and safety whistleblowing retaliation cases;

(iii) provision for on-the-record Department of Labor APA hearings in all private sector health and safety whistleblowing cases, with discretionary review by the Secretary of Labor, judicial review in the courts of appeals, and enforcement in the district courts;

(iv) a single definition of protected conduct;

(v) a single statute of limitations of not less than 180 days;

(vi) a single provision for remedies (including debarment and suspension of government contractors);

(vii) a grant of subpoena power to the Secretary of Labor for whistleblowing investigations and hearings, with provision for judicial enforcement; and

(viii) a grant of rulemaking authority to the Secretary of Labor with respect to investigative and adjudicatory procedures, notice posting requirements and mandatory coordination with program agencies.

(b) Subject to action by Congress as recommended above, the Secretary of Labor should:

(i) promulgate rules of appellate procedure governing practice and procedure in connection with the Secretary's review of decisions of the Office of Administrative Law Judges;

(ii) transfer all private sector health and safety whistleblowing investigative responsibility to the Occupational Safety and Health Administration, since (under section 11(c) of the Occupational Safety and Health Act and section 405 of the Surface Transportation Assistance Act) that agency currently receives by far the largest number of private sector health and safety whistleblowing complaints;

(iii) develop, in consultation with the agencies responsible for the substantive regulatory program, detailed written procedures that are as nearly uniform as the Secretary deems practicable for coordinating investigation, adjudication and follow-up in whistleblowing cases; and

(iv) cause to be indexed and published all ALJ and Secretarial decisions in whistleblowing cases, including those rendered prior to January 1, 1987.

In addition to these changes, Congress and the Executive Branch may wish to address a number of related issues, such as the question of preemption. As was persuasively explained at the public hearing held by the Conference on October 1, 1986,[125] there is a considerable amount of whistleblowing litigation in the state and federal courts, resting not on federal whistleblowing protections, but on state law doctrines such as the public policy exception to the employment-at-will doctrine.[126] State law doctrines are evolving rapidly in this area, and it would be premature to consider legislation preempting state causes of action for retaliation that could be adjudicated in a federal forum. Given the current doctrinal ferment, this is an area which in the words of Justice Brandeis in *New State Ice Co.* v. *Liebmann* come to mind:

"To stay experimentation in things social and economic is a grave responsibility. Denial of the right to experiment may be fraught with serious consequences to the Nation. It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country." [127]

Or, as the First Circuit recently put it in a different context, "[t]he cutting edge of reform should be left to uncoerced community initiatives." [128]

For the moment at least, and mindful of the approach the Conference took in Recommendation No. 84-5, the author recommends that States be permitted to continue to pursue their own courses of legal development. That process, so deeply rooted in our federal system, should not lightly be derailed, particularly at a time when all federal programs are under increasing scrutiny to prevent inappropriate intrusion on areas traditionally of concern to the states.

Another issue—which is potentially freighted with political considerations—is the question of reassigning the responsibility for adjudication of safety-based whistleblowing retaliation complaints. The processes that led to the creation of an independent Mine Safety and Health Review Commission with responsibility for such cases and the creation of an independent Occupational Safety and Health Review Commission without such responsibility probably are of such a nature that recommendations for change will be of little utility absent a definite consensus among the interested constituencies.

In the circumstances, the Conference may conclude that it would be best advised to confine its recommendations to more structural or adjectival matters such as the enactment of uniform standards for protected conduct, adjudicatory procedures and remedies, strengthening the hearing process through judicially-enforceable subpoenas, and rationalization of the arrangements for judicial review.[129] That said, however, it would certainly seem that broader coverage of employees in industries with health and safety impacts is in order, and that all private sector health and safety federal whistleblowing protections ought to be administered by a single adjudicatory agency in the interest of fostering like treatment of like cases and maximizing the development of adjudicative expertise in employee protection matters.

Based on this study, there is reason for concern on several fronts, aside from the overall need to restructure, extend and rationalize the federal government's protection of health and safety whistleblowers in the private sector. The data indicate that in many cases it takes far longer than Congress contemplated to investigate and adjudicate whistleblowers' claims. Such delays, which may reflect resources problems, can also arise where the parties and ALJ conclude that more time is needed to do a proper job. Where the parties do not so agree, however, the delay may deter some complainants. Delay may ill serve employer interests as well. In addition, the study suggets a need for greater interagency coordination. Consolidation of adjudicatory functions is an important step towards the solution of that problem, but so long as numerous program agencies have an interest in the subject, the need for improved coordination will be substantial. The Department of Labor may want to consider addressing this problem by developing a program for regular interagency coordination of policies with regard to the protection of whistleblowers, with the result a multi-agency omnibus Memorandum of Understanding and an established interagency coordinating body to encourage communication and interaction among the agencies and responsible staff.

Finally, although nothing in this study should be understood as intimating an opinion on whether justice was done in any particular whistleblowing case, it is concluded that (1) 30-day statutes of limitations are unreasonable, (2) judicially-enforceable subpoenas are essential to the conduct of effective whistleblowing adjudications, and (3) it offends basic notions of fairness that under section 11(c) of the occupational Safety and Health Act or section 211 of the Asbestos Hazard Emergency Response Act victims of retaliation have no access to the federal courts if their cases are not pursued by the Department of Labor.

FOOTNOTES

[1] Partner, Klores, Feldesman & Tucker, Washington, D.C.: B.A., Queens College, 1965, LL.B, Harvard, 1968. The author is grateful to Professor Marshall J. Breger, Chairman of the Administrative Conference, and Jeffrey S. Lubbers, Director of Research, for their assistance with this project. Thanks are also due to Michael P. Lagnado, Class of 1988, The National Law Center, George Washington University, who served as a Research Assistant under a stipend from the Conference, as well as the numerous governmental officials and members of the bar who were uniformly generous with their time and energy. References below to "Tr." refer to the record of a public hearing conducted by the Conference in Washington, D.C., on October 1, 1986. See 51 Fed. Reg. 32116 (1986) (Notice of Hearing).

[2] In this report the term is also used to cover, where appropriate, employee refusals to work based on safety concerns. Such refusals are conceptually distinct from the core notion of whistleblowing identified in the text. They have, however, been treated as one as often as not and are included in this study. They are further addressed below under the heading of "Protected Conduct."

[3] Other federal laws protect private sector whistleblowers in non-health and safety contexts. A recent example is section 3 of the False Claims Amendments Act of 1986, Pub. L. No. 99-562, which amended 31 U.S.C. § 3730 (1982). In addition, numerous statutes prohibit retaliation against persons who complain of discrimination. E.g., Title VII, 42 U.S.C. § 2000(e)-3(a) (1982); Age Discrimination in Employment Act, 29 U.S.C. § 623(d) (1982). Because they do not relate to health and safety programs, these provisions are beyond the scope of the present study. Programs applicable to federal employees are also beyond the scope of this study although they are noted below and applicable legislation is identified in Table 2.

[4] See, e.g., S. 2516, 99th Cong. 2d Sess. (1986) (generic protection for employees of government contractors).

[5] Two excellent works that attempt a comprehensive view of federal protection of private sector whistleblowers are L. Larson & P. Borowski, "Unjust Dismissal" (1986 & Cum. Supp. Sept. 1986), and S. Kohn: "Protecting Environmental and Nuclear Whistleblowers: A Litigation Manual" (Gov't Accountability Project 1985).

[6] The Supreme Court recently held that temporary reinstatement of a complainant prior to a full evidentiary hearing does not violate the employer's due process rights as long as certain preliminary procedures are available, and a full post-reinstatement hearing is expeditiously held. *Brock* v. *Roadway Express, Inc.*, No. 85-1530 (U.S. Apr. 22, 1987.) MSHRC regulations comply with this standard. 51 Fed. Reg. 16022 (Apr. 30, 1986).

[7] For earlier recommendations for omnibus legislation see Abbot, Remedies for Employees Discharged for Reporting an Employer's Violation of Federal Law, 42 Wash. & Lee L. Rev. 1383, 1400 (1985); Jenkins, Federal Legislative Exceptions to the At-Will Doctrine: Proposed Statutory Protection for Discharges Violative of Public Policy, 47 Alb. L. Rev. 466, 513-24 (1983).

[8] United States v. New York Telephone Co., 434 U.S. 159, 175 n.24 (1977).

[9] Congress could, for example, pass a law making it a crime to interfere with or discourage whistleblowing in areas of activity that fall within the federal government's sphere. The Ku Klux Klan Act, 18 U.S.C. § 241 (1982), the literal terms of which might cover such misconduct, has been given a narrow application, and there is no record of it having been used in this fashion.

[10] See, e.g., 18 U.S.C. § 3059 (1982).

[11] 19 U.S.C. § 507 (1982), as amended by Anti-Drug Abuse Act of 1986, Pub. L. No. 99-570, § 3152. Some states also have laws making it a crime not to aid a policeman in an emergency. *See* Wash. Post, Nov. 11, 1972, at A7, col. 1 (N.C.).

[12] Another disincentive removal would be to debar government contractors who retaliate against whistleblowers. This was proposed in the case of the Morton Thiokol engineers referred to above, see H.J.R. 634, 99th Cong., 2d Sess. (1986), but the matter died in committee. One of the engineers has sued the company and asserted an FTCA claim against NASA. Boisjoly v. Morton Thiokol Inc., Civil No. 87-194 (D.D.C. filed Jan. 28, 1987), noted in N.Y. Times, Jan. 29, 1987, at A16, col. 1.

[13] E.g., 29 C.F.R. § 24.1(a) (1986).

[14] 33 U.S.C. § 1367(e)(1982); 40 C.F.R. Pt. 108 (1986). See also 24 U.S.C. § 9610(e)(1982) (CERCLA); 42 U.S.C. § 6971 (e) (1982) (SWDA).

[15] C.F.R. Pt. 314 (1986); 29 C.F.R. Pt. 220 (1986).

[16] See Asbestos Hazard Emergency Response Act of 1986, Pub. L. No. 99-519, § 211.

[17] The growth of interest in the whistleblowing area is eloquently attested by the fact that scholarly writers now no longer feel a need to set out the history. E.g., Jenkins, "Federal Legislative Exceptions to the At-Will Doctrine: Proposed Statutory Protection for Discharges Violative of Public Policy," 47 Alb. L. Rev. 466, 467 & n.11 (1983); Bouffard, "Retaliatory Discharge: A Public Policy Exception to the Employment At-Will Doctrine in Maine," 38 Me. L. Rev. 67, 70 n.6 (1986).

[18] Feinman, "The Development of the Employment at Will Rule," 20 Am. J. Legal Hist. 118, 126-27 (1976).

[19] See generally L. Larson & P. Borowski, supra, § 2.04 et seq.

[20] For a summary of federal common law developments in the wrongful discharge area see L. Larson & P. Borowski, supra, § 11.04.

[21] The best single catalogue of the federal statutes appears in L. Larson & P. Borowski, supra, § 11.02-.03. Also very thoughtful are the articles by William R. Jenkins, cited supra, and Kohn & Kohn, "An Overview of Federal and State Whistleblower Protections," 4 Antioch L.J. 99 (1986). Federal regulations also require state OSHA plans to include employee protection provisions. 29 C.F.R. § 1902.4(c)(2)(v) (1986).

[22] Abbreviations appear in Table 10; citations to statutes and implementing regulations appear in Table 9.

[23] Pub. L. No. 99-661, § 942(a)(1), adding 10 U.S.C. § 2409(a).

[24] Section 502 of the Labor Management Relations Act, 29 U.S.C. § 143 (1982), stands on a somewhat different footing from the other statutes. It creates no remedy for retaliation, but rather prevents an employer from invoking a collective bargaining agreement's no-strike clause where one or more employees quits work "in good faith because of abnormally dangerous conditions."

[25] See e.g., *Murphy* v. *Consolidation Coal Co.*, No. 83-ERA-4 (DOL Jan. 17, 1985) (approving settlement under TSCA); *Murphy* v. *Consolidation Coal Co.*, No. CH3-[illegible]-D (DOI Jan. 14, 1985) (dismissing SMCRA case upon settlement).

[26] Glazer & Glazer, "The Whistle-Blower's Plight," N.Y. Times, Aug. 13, 1986, at A23, col. 1.

[27] Kleinfeld, "The Whistle Blowers' Morning After," N.Y. Times, Nov. 9, 1986, § 3, at 1, cols. 2,4 (noting conclusion of Glazer research). "But that doesn't mean they always are reduced to dire poverty and icy isolation. Often, they are reincarnated in some new position." Id.

[28] *Bauch* v. *Landers and State of Florida Dep't of Environmental Regulation*, Dkt. No. 79-SDWA-1 (OALJ). See also, e.g., *Chase* v. *Buncombe County, N.C., Dep't of Community Improvement*, Dkt. No. 85-SWD-4 (Solid Waste Disposal Act; county landfill employee). In contrast, a state employee was held not protected under the Surface Mining Control and Reclamation Act on the theory that the state is not a person within the meaning of § 703 of that Act. *Leber* v. *Pa. Dept. of Environmental Resources*, 780 F. 2d 372 (3d Cir.), cert. denied, 106 S. Ct. 3294 (1986).

[29] E.g., *McAllen* v. *EPA*, Dkt. No. 86-WPC-1 (OALJ Nov. 2[illegible], 1986); *Conley* v. *McClellan Air Force Base*, Dkt. No. 84-WPC-1 (OALJ Sept. 12, 1984); *McGough* v. *U.S. Navy*, Dkt. No. 86-ERA-18 (OALJ Aug. 19, 1986), slip op. at 3 n. 3 (dictum). But see *Wensil* v. *B.F. Shaw Co.*, Dkt. No. 86-ERA-15 (OALJ July 8, 1986) (DOE contractor employees at plant not licensed by NRC held not protected, despite plain meaning of statute); Wash. Post, Jan. 8, 1987, A17, col. 1, at A18, col. 1 (noting pendency of Wensil jurisdictional issue regarding Savannah River DOE plant).

[30] E.g., *George* v. *Aztec Rental Center, Inc.*, 763 F.2d 184 (5th Cir. 1985); *Holmes* v. *Schneider Power Corp.*, 628 F. Supp 937 (W.D. Pa. 1986); L. Larson & P. Borowski, supra, § 11.03 [20], at 11-38. This applies to conventional whistleblowing; in refusal-to-work situations, the employee can seek mandamus to require the Secretary to enforce the statute. 29 U.S.C. § 662(d) (1982).

[31] See also Schibley, "The Employment-at-Will Doctrine: Providing a Public Policy Exception to Improve Worker Safety," 16 U. Mich. J.L. Reform 435, 439-40 (1983) (noting deficiencies in DOL personnel and resources); B. Mintz, "OSHA History, Law, and Policy" 342 (1984).

[32] But see 73 U.S. Dep't of Labor Ann. Rep. for FY85 121 (1986) (reference to "substantial increase" in § 11(c) cases, among others).

[33] Solomon & Garcia, "Protecting the Corporate Whistle Blower Under Federal Anti-Retaliation Statutes," 5 J. Corp. L. 275, 283 (1980).

[34] 1984 OSHA Ann. Rep. 56 (1985).

[35] Id.

[36] Teamsters for a Democratic Union, Convoy Dispatch, No. 5[illegible], at 3, col. 3 (Feb. 1986).

[37] Id.

[38] In FY85 and FY86, the full MSHRC decided 11 cases of safety complaints or refusals to work. Three cases involved both kinds of discrimination, 5 involved only safety or health complaints, and 3 involved only a refusal to work. Letter from L. Joseph Ferrara, General Counsel, MSHRC, to the author, Oct. 31, 1986.

[39] Testimony of Hon. Nahum Litt, Chief Judge, OALJ, Tr. 4[illegible]-46.

[40] See Letter from James Y. Callear, Freedom of Information Officer, NLRB, to the author, Sept. 4, 1986. For example, in 1985, the Board decided 8 cases involving safety-based refusals to work.

[41] Off. of Special Counsel Ann. Rep. for FY85 15 (1985).

[42] See *Paul* v. *FMSHRC*, No. 85-1801 (D.C. Cir. Feb. 27, 1987) (mining engineer held not a miner). Another controversial issue of coverage involves the application of environmental whistleblower provisions to prison inmates. See Wash. Post, Feb. 12, 1987, at A25, col. 3 (noting OALJ ruling that federal inmate is protected by Clean Air Act antiretaliation section).

[43] See, e.g., Department of Energy Order No. 5483.1A; In re Mestres, Department of Energy Spec. App. Bd. (Dec. 27, 1984), noted in Wash. Post, Jan. 29, 1985, at A17, col. 1. Protection may also be afforded under contractual provisions. See Testimony of James E. Jensen, Tr. 107 (TVA).

[44] 132 Cong. Rec. H2710 (daily ed. May 14, 1986). Rep. Markey proposed debarring the employer.

[45] Pub. L. No. 99-661, § 942, Stat., adding 10 U.S.C. § 2409.

[46] See N.Y. Times, Sept. 21, 1986, at 1, col. 1 and 36, col. 2 (claim of discharge in retaliation for refusing to sign report that omitted details on flaws in new Army troop carrier).

[47] Federal Government Contractors Personnel Protection Act of 1986, S. 2516, 99th Cong., 2d Sess. (1986). S. 2516 would have created a federal cause of action, enforceable by the individual in district court, for any reprisal against an officer or employee of a government contractor for disclosing to an agency information the individual "reasonably believes indicates . . . a substantial and specific danger to public health or safety." The agency head would also have been empowered to impose civil penalties of up to $500,000 per reprisal, subject to an on-the-record APA hearing with judicial review in district court.

[48] Letter from John F. Sherman III, Assistant Gen'l Counsel, New England Power Service Co., to the author, Dec. 15, 1986.

[49] In one case, quoted in S. Kohn, supra, at 28, the Labor Department found that disclosures to news media were also protected under the WPCA. See also Kohn & Carpenter, "Nuclear Whistleblowing Protection and the Scope of Protected Activity under Section 210 of the Energy Reorganization Act," 4 Antioch Ln. 73, 86-89 (1986).

[50] Compare *Brown & Root, Inc.* v. *Donovan*, 747 F. 2d 1029 (5th Cir. 1984), with *Kansas Gas & Elec. Co.* v. *Brock*, 780 F. 2d 1505 (10th Cir. 1985), cert. denied, 92 L. Ed. 2d 724 (1986), and *Mackowiak* v. *University Nuclear Systems, Inc.*, 735 F. 2d 1159 (9th Cir. 1984). See also *Wheeler* v. *Caterpillar Tractor Co.*, 108 Ill. 2d 502, 485 N.E. 2d 372, cert. denied, 90 L. Ed. 2d 187 (1986).

[51] S. Kohn, supra, at 28-29 (collecting cases).

[52] Meyers Industries, Inc., 281 NLRB No. 118, at 19 (Sept. 30, 1986), pet. for review filed sub nom. *Prill* v. *NLRB*, No. 86-1675 (D.C. Cir. Dec. 11, 1986). See generally Fasman, "Labor Board Adopts Conservative View on Employee Rights," Legal Times, Nov. 10, 1986, at 12.

[53] The Supreme Court has recognized that "parties may have a choice of federal remedies." *Connell Construction Co.* v. *Plumbers & Steamfitters Local Union 100*, 421 U.S. 616, 635 n. 17 (1975), but one wonders whether dual federal remedies are necessary in the whistleblowing area. If federal whistleblowing legislation were reorganized as recommended infra, there would be less need to be concerned about limitations on the gloss applied to the NLRA, and no need for two federal agencies to address a single issue.

[54] Id. Meyers Industries, supra, at 19.

[55] *Prill* v. *NLRB*, No. 86-1675 (D.C. Cir. filed Dec. 11, 1986).

[56] See Table 3 infra. While the statute is silent, the Secretary of Labor has construed the ERA to protect good faith reasonable refusals to work. *Pensyl* v. *Catalitic Inc.*, No. 83-ERA-2 (SOL Jan. 13, 1984), on the theory that the ERA and FMSHA are in pari materia. Slip op. at 5.

[57] See generally Nothstein, "Employee Refusals to Work," Labor (Fall 1982).

[58] *NLRB* v. *City Disposal Systems, Inc.*, 465 U.S. 822 (1984).

[59] Meyers Industries, Inc., supra, at 20.

[60] 29 U.S.C. § 143 (1982).

[61] 29 C.F.R. § 1977.12(b)(2) (1986).

[62] 445 U.S. 1 (1980).

[63] E.g., *Gateway Coal Co.* v. *United Mine Workers*, 414 U.S. 368 (1974) (requiring subjective good faith and objective reasonableness under LMRA). FMSHA § 815(c) has been held to apply refusals to work based on a reasonable, good faith belief that the safety of another employee will be endangered. *Consolidation Coal Co.* v. *FMSHRC*, 795 F.2d 364 (4th Cir. 1986).

[64] Compare *Richter* v. *Baldwin Associates*, No. 84-ERA-09/10/11/12 (SOL Mar. 12, 1986) (pro se complaint, detailed pleading not required), with Testimony of Mozart G. Ratner, Tr. 100-01.

[65] The FLSA is not listed on the chart because, although the child labor provisions of that legislation have a health and safety component, retaliation cases under those provisons are virtually unheard of.

[66] Tr. 40-41, 73; GAP-TLPI Testimony at 11.

[67] Letter from Julie Fosbinder, Teamsters for a Democratic Union, to Jeffrey S. Lubbers, Dec. 1, 1986 (referring to Bureau of Motor Carrier Safety, Dep't of Transportation.)

[68] See Energy Reorganization Act of 1974, § 2(c), Pub. L. No. 93-438, 88 Stat. 1233.

[69] Under DoD87, investigations are done by the IG, thus providing a measure of independence from the procurement agency. On the other hand, the IG's report simply goes to the Secretary, who naturally has ultimate responsibility for procurement.

[70] See Table 7 infra.

[71] See 29 C.F.R. § 18.12 (1986) (amici restricted to filing briefs).

[72] 10 C.F.R. § 50.7(c) (1986).

[73] The NRC has also taken this step. 10 C.F.R. § 50.7(e) (1986). The Wage and Hour Division has imposed other notice-posting requirements by regulation. E.g., 29 C.F.R. § 500.76(d)(1) (1986) (MSAWPA). See also id. § 516.4 (FLSA); *id.* § 1903.2(a) (OSHA); 42 U.S.C. § 20003-10 (1982) (EEOC).

[74] Testimony of Kennedy P. Richardson, Tr. 57-609; See also Letter from Kennedy P. Richardson to Jeffrey S. Lubbers, Dec. 2, 1986 suggesting, in the alternative, that the 30-day limit for WHD investigations be precatory).

[75] Cf. 42 U.S.C. § 2000e-5(f)(1) (1982) (aggrieved person may institute civil action if EEOC dismisses complaint or fails to sue within 180 days of filing of charges.)

[76] Testimony of Stephen M. Kohn, Tr. 84. But see Letter from Kennedy P. Richardson to Jeffrey S. Lubbers, Dec. 2, 1986 at 2-3: "The hypothesis that the Wage and Hour Division is necessary to induce private attorneys to prosecute Section 210 cases is refuted by the fact that no such inducement has ever been necessary for common law wrongful discharge claims and the fact that section 210 authorizes the administrative law judge to award attorney's fees which may well exceed what the attorney would otherwise receive under a typical contingent fee agreement. Nor is the Wage and Hour Division investigation necessary to 'screen out' frivolous cases since most private attorneys will decline to undertake cases with no plausible merit."

[77] See Testimony of Sen. Charles E. Grassley, Tr. 14. 29 C.F.R. § 516.4 (1986). Another approach might be to encourage or require professionals such as engineers to avail themselves of professional societies' safety committees when ethical issues arise. Unfortunately, these mechanisms are not well known. See Lindorff, *"Engineers' Duty to Speak Out,"* The Nation, June 28, 1986, at 880. In addition, employees often do not have the luxury of being able to formulate a request for an opinion, and committees such as these lack the tools to find needed facts on issues that are often hotly contested.

[78] See generally Wargo, *"Tracking Employee Concerns,"* 32 Nucl. Ind. No. 1, 3 (Jan. 1985).

[79] *Durham* v. *Butler Service Group*, No. 86-ERA-9 (OALJ 1986), discussed in *Safety Concerns Programs Challenged by Intervenors*, 33 Nnd. Ind. No. 6, 16-17 (June 1986). Access to documents obtained under the SAFETEAM program marketed by a subsidiary of the Detroit Edison Co., see generally Heffner, "Limiting Risk: Improving Public Perception of Nuclear Plant Safety Through SAFETEAM" (remarks at American Nuclear Society Annual Meeting, Nov. 12, 1985), was permitted, subject to a protective order, in Texas Util. Elec. Co (Comanche Peak Stream Elec. Station, Units 1 & 2), Dkt. Nos. 50-445 to 446 (A.S.L.B. Dec. 23, 1985).

[80] See Letter from Kennedy P. Richardson to Jeffrey S. Lubbers, Dec. 2, 1986, at 2.

[81] Id.

[82] Applicable procedural regulations appear in 29 C.F.R. Pt. 24 (1986). See generally S. Kohn, supra, chs. 1, 5-6, 8-9.

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[83] See 5 U.S.C. § 557(c) (1982); 24 C.F.R. § 24.6 (1986).

[84] Testimony of Stephen M. Kohn, Tr. 70-71.

[85] See 73 U.S. Dep't of Labor Ann. Rep. for FY85 174 (1986) (noting survey performed by IG). As of October 1, 1986, that office reports to the Undersecretary rather than the Solicitor of Labor. Testimonth of **Judith E. Kramer, Tr. 21.**

[86] Letter from Mozart G. Ratner to Jeffrey S. Lubbers, Dec. 10, 1986, at 2. The suggestion for an appellate panel appears to contemplate that the panel's jurisdiction would be nondiscretionary and that its decisions would not be subject to further review by the Secretary of Labor. An alternative might be to have a panel to hear argument on behalf of the Secretary, as was formerly done in connection with merchant marine disciplinary proceedings. See Fidell, "Improving Competence in the Merchant Marine: Suspension and Revocation Proceedings" 45 Mo. L. Rev. 1, 23 at n.151 (1980).

[87] **OSHA Inst. CPL 245A, ¶ 6 (Mar. 8, 1984).**

[88] S. Kohn, supra, at 174 citing *Taylor* v. *Brighton Corp.*, 616 F.2d 256, 258 (6th Cir. 1980).

[89] 30 U.S.C. § 815(c)(2) (1982); T. Means, "Discrimination and Miners' Rights Under the Federal Mine Safety and Health Act of 1977" 21 & n.105 (1984).

[90] Wage & Hour Div., Field Operation Handbook § 52x03(e).

[91] 29 C.P.R. §§ 1978.107-.108, 51 Fed. Reg. 42093-94 (1986).

[92] *E.g.*, 15 U.S.C. § 2622(b)(2)(A)(1982)(TSCA); 42 U.S.C. § 5851)(b)(2)(A)(1982)(ERA); 42 U.S.C. § 7622 (b)(2)(A)(1982)(CAA); 42 U.S.C. § 300J-9(i)(2)(B)(i)(1982)(SDWA); see also 29 C.F.R. § 24.6(b)(1) (1986).

[93] Compare S. Kohn, supra, at 3 & n.15, and Letter from Julie Fosbinder, Teamsters for a Democratic Union, to Jeffrey S. Lubbers, Dec. 1, 1986, at 2 (noting delays of up to 600 days in processing STAA complaints), with Brief for Appellants at 49 n.26, *Brock* v. *Roadway Express, Inc.*, 85-1530 (U.S.) (suggesting that prolonged delay in secretarial decision is not typical under STAA), and U.S. Dep't of Labor, Off. of Administrative Law Judges, "Summary of "Traditional" Labor Cases Adjudicated by the Office of Administrative Law Judges" 56-57 (1984) (postponents granted only for compelling reasons; time constraints in whistleblower cases "uniquely restrictive"). In one case arising under the ERA, it took the Wage and Hour Division over eight months to conclude that the 30-day statute of limitations barred the complaint. *Rose* v. *Sec'y of Labor*, 63 Ad.L.2d 889, 892 (6th Cir. 1986) (Edwards, J., concurring). DOL regulations call for the investigation to be completed in 30 days.

[94] These periods are treated as directory, i.e., precatory. See e.g., 29 C.F.R. § 1978.114, 51 Fed. Reg. 42095 (1986).

[95] GAP-TLPI Testimony at 4-6; Testimony of Stephen M. Kohn, Tr. 71-72.

[96] GAP-TLPI Testimony at 4 & 6 n.13; Galen, "An Ethical Furor Over a Witness," Nat'l L.J., Dec. 22, 1986, at 3.

[97] Tr. 84-86; see also id. at '97 (testimony of Mozart G. Ratner, dubitante).

[98] 29 C.F.R. § 24.5(e)(4) (1986).

[99] E.g., Atomic Energy Act §§ 161(c), 233, 42 U.S.C. § 2201(c), 2281 (1982); see generally 3 B. Mezines, J. Stein, & J. Gruff, "Administrative Law" § 21.02 (G. Mitchell rev. 1985); 1, K. Davis, "Administrative Law Treatise" § 4.6 (2d ed. 1978); Fed. R. Civ. P. 81(a)(3).

[100] See *Industrial Union Dep't* v. *NLRB*, 459 F.2d 1329, 1336 (D.C. Cir. 1972).

[101] Id. at 1339.

[102] E.g., *EEOC* v. *K-Mart Corp.*, 694 F.2d 1055, 1064 (6th Cir. 1982).

[103] See, e.g., *Hasan* v. *Nuclear Power Services, Inc.*, No. 86-ERA-2 (OALJ Sept. 25, 1986) (disqualifying counsel).

[104] See S. Kohn, supra, at 61-62 (collecting cases).

[105] *DeFord* v. *TVA*, No. 81-ERA-1 (DOL Apr. 30, 1984), following remand from *DeFord* v. *Secretary of Labor*, 700 F.2d 281 (6th Cir. 1983).

[106] *English* v. *General Elec. Co.*, No. 85-ERA-2 (ALJ Aug. 1, 1985), noted in N.Y. Times, Aug. 4, 1985, at 23, cols. 1, 6.

[107] See Table 6 infra; *Landers* v. *Commonwealth-Lord Joint Venture*, 83-ERA-5, ALJ op. at 17 (1983), noted in S. Kohn, supra, at 64 & n.18. Under several of the statutes, exemplary damages may be awarded if a civil action is brought to secure compliance with the Secretary's order. See 15 U.S.C. § 2622(d) (1982) (TSCA); 42 U.S.C. § 300J-9(i)(4) (1982) (SDWA); 42 U.S.C. § 5851(d) (1982) (ERA); 42 U.S.C. § 7622(d) (1982) (CAA).

[108] *Brock* v. *Roadway Express, Inc.*, No. 85-1530 (U.S.) (pending); see also *Southern Ohio Coal Co.* v. *Donovan*, 774 F.2d 693 (6th Cir. 1985).

[109] See 10 C.F.R. § 50.7(c) (1986).

[110] Letter from A.B. Beach, Dep. Dir., Enforcement Staff, Off. of Inspection of Enforcement, NRC, to Jeffrey S. Lubbers, Dec. 10, 1986.

[111] See, e.g., *Leber* v. *Pa. Dept. of Environmental Resources*, 780 F.2d 372 (3d Cir.), cert. denied, 106 S.Ct. 3294 (1986).

[112] The fact that a § 11(c) case must be brought by the government who harms employees by rendering inapplicable any statute of limitations. See, e.g., *Marshall* v. *Intermountain Elec. Co.*, 614 F.2d 260 (10th Cir. 1980).

[113] The belief that nothing will be done to correct the problem a whistleblower discloses tends to discourage whistleblowing. Testimony of Sen. Charles E. Grassley, Tr. 12; MSPB, "Whistleblowing and the Federal Employee" 27-31 (1981), cited in Martin, "The Whistleblower Revisited," 8 Geo. Mason L. Rev. 123 (1985).

[114] 47 Fed. Reg. 54585 (1982), discussed in *Kansas City Gas & Elec. Co.* v. *Brock*, 780 F.2d 1505, 1509-10 (1st Cir. 1985), cert. denied, 92 L.Ed.2d 724 (1986). See also 29 C.F.R. § 24.4(a) (1986) (program ageny to receive copy of all complaints).

[115] GAP-TLPI Testimony at 10-11, discussing *Ryan* v. *Brock*, No. 86-4058 (2d Cir. 1986) (ordering DOL to reopen ERA case on basis of NRC report).

[116] See 40 Fed. Reg. 26083 (1975), reproduced in OSHA Inst. Dis. 4A App. I, at I-2 (Aug. 25, 1985).

[117] 45 Fed. Reg. 6189 (1980).

[118] Testimony of Stephen M. Kohn, Tr. 69-70.

[119] See generally Letter from Anthony J. McMahon, Chief Counsel, Federal Highway Admin., to Marshall J. Breger, Chairman, Administrative Conference, Sept. 29, 1986.

[120] In some instances, two remedial programs may work at cross purposes. For example, in *Thomas* v. *TVA*, No. SLO7528610208 (MSPB May 9, 1986), an MSPB administrative law judge overturned the dismissal of a supervisor at a nuclear power plant who had been found by TVA to have discriminated against one of his supervisors. Although the supervisor had invoked the protection of the ERA, he did so after the statute of limitations had expired. TVA nonetheless took disciplinary action based on the supervisor's allegations, and it was that action that the MSPB proceeding set aside.

[121] Cf. N.Y. State-City Comm'n on Integrity in Government, "Report and Recommendations on Whistleblowing Protection in New York" 5 (Oct. 8, 1986) ("complainant should be entitled to be informed of the final disposition of his complaint").

[122] Testimony of Stephen M. Kohn, Tr. 70.

[123] Tr. 76.

[124] See generally 5 U.S.C. §§ 555(b), 706(1) (1982) (agencies to conclude matters within reasonable time; reviewing courts empowered to compel agency action unreasonably withheld); e.g., *Public Citizen* v. *Dep't of Health & Human Services*, 632 F.Supp. 220, 226 (D.D.C. 1986).

[125] See generally Testimony of Anthony Z. Roisman, Tr. 76-83.

[126] See generally Fidell, "Nuclear Whistleblowing Issues in 1985" (remarks at American Nuclear Society Annual Meeting, Nov. 12, 1985), at 6, citing *Lang* v. *Pacific Gas & Elec. Co.*, No. 60185 (San Luis Obispo Co., Cal., Super. Ct.), on removal, Civil No., 85-6191HLH (C.D. Cal.); *Hermann* v. *H.P. Foley Co.*, No. 59672 (San Luis Obispo Co., Cal., Super. Ct.), on removal, Civil No. 85-2246-RG (Bx) (C.D. Cal. May 20, 1985); *Stokes* v. *Bechtel Corp.*, Civil No. C-84-8038 (N.D. Cal.), and No. 830446 (San Francisco Co., Cal., Super. Ct.); *Parks* v. *Bechtel Corp.*, Civil No. C-84-8037-WHO (N.D. Cal.); *Raymond Kaiser Engineers* v. *Superior Court*, No. 8027975 (Cal. Dist. Ct. App. Aug. 23, 1984); *Berstler* v. *Hirsch*, Civil No. 83-6122 (E.D. Pa. July 10, 1983); *Atchison* v. *Brown & Root, Inc.*, No. 83-29889 (Harris Co., Tex., Dist. Ct.), on removal, Civil No. H85-3568 (S.D. Tex.). Stokes and Parks were remanded to the California courts. *Stokes* v. *Bechtel North American Power Corp.*, 614 F.Supp. 732, 735 n.1 (N.D. Cal. 1985).

[127] 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting).

[128] *Anaya* v. *Hansen*, 781 F.2d 1, 7 & n.8 (1st Cir. 1986).

[129] Before any recommendation is made with respect to the allocation of responsibility for judicial review, it is assumed that the Conference would secure the views of the Judicial Conference of the United States and the Federal Judicial Center.●

By Mr. DOMENICI (for himself, Mr. BOREN, Mr. NICKLES, Mr. JOHNSTON, Mr. WALLOP, Mr. BREAUX, Mr. SIMPSON, Mr. BINGAMAN, and Mr. MCCLURE):

S. 2096. A bill entitled the United States-Canada Free Trade Agreement Oil and Natural Gas Incentive Equalization Act of 1988;" to the Committee on Finance.

CANADIAN FREE TRADE AGREEMENT INCENTIVE EQUALIZATION ACT

● Mr. DOMENICI. Mr. President, in the months ahead the Congress will consider the United States-Canada Free Trade Agreement. It is an historic agreement, one creating a single market that reaches above the Arctic Circle to the Rio Grande.

These landmarks give the mind's eye a vivid description of just how far this agreement reaches. But dollar figures provide an equally impressive measurement of the significance of the agreement. The bilateral trade between the United States and Canada in goods totaled $124 billion in 1986.

American exporters to Canada exceed our exports to the entire European Community. They are more than double those to Japan. In fact, our trade with the province of Ontario alone exceeds our trade with Japan.

Clearly, this is a very important agreement and deserves the careful study of every Senator.

I am today introducing legislation that I believe is absolutely essential if this agreement is to prove effective and fair.

The United States and Canada are more than neighbors. We are friends and allies. President Reagan characterized the relationship as "kin who together have built the most productive relationship between any countries in the world today." For the United States, close economic ties with its largest trading partner are important; for Canada, with three-quarters of its trade going to the United States, those ties are essential.

This agreement would create the largest free trade area in the world. I think the President should be commended for pursuing the idea. I believe firmly that as the United States and the world wrestle with how to best compete in a global market, this bilateral agreement is likely to prove an invaluable blueprint.

This agreement is even more important because it will be the first bilateral agreement since John Nesmith told us that a major "megatrend" of the future would be competition in a global economy.

The handling of this agreement is critical to our future because it will be the model for agreements with other major trading partners. Its strengths and weaknesses will be magnified because they will almost certainly be repeated elsewhere. They will be repeat-

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ed simply because we are at a critical juncture of moving into a global economy. This agreement will be extensively discussed in the new trade round. It will be the "mark-up document" or "terms of reference" for beginning free trade agreement negotiations with Mexico, Japan, China, or other key trading partners.

For that reason we can't afford to make mistakes, or to overlook the shortcomings of the agreement. We must hone this agreement, the implementing language, and policies we pursue as a result of the agreement as closely as we can, because this agreement will be the precedent.

Secretary Baker testified before the House last week, that the United States was able to get 9 out of 10 negotiating objectives. That's pretty good. But it isn't good enough when you think about this agreement as the prototype for our transition into a global economy.

We now have the text of the agreement. We know what it says. I have been told by administration officials that they can't go back and renegotiate weak provisions. I met with the Canadian Ambassador and he said that it isn't politically possible for his Government to "give" on any additional areas. The text of the agreement must stand or fall as written.

The Congress will be asked to vote on this agreement, without amendments. Is this a good agreement? Yes or no?

My law professor used to say that in a good agreement, all of the "whereases" lead logically to the "therefores."

By this standard, the Free Trade Agreement is not a good agreement. Chapter nine is the energy chapter of the agreement. In a most glaring manner, the "whereases" fail to produce the "therefores."

While the energy chapter is only 1 of 20 chapters in the agreement, United States-Canada trade in energy is the largest in the world. Its value exceeds U.S. bilateral trade with nearly all of our other trading partners.

The major purposes that are stated for this agreement include the following:

Promoting productivity, full employment, and steady improvement of living standards for citizens employed in the oil and natural gas industries in their respective countries;

Ensuring a predictable commercial environment for business planning and investment; and

Strengthening the competitiveness of United States and Canadian firms in global markets.

The agreement's further objective is to create the proverbial "level playing field." Under the agreement, all tariff barriers would come down, and the United States and Canada would become a single market operating under the same rules.

That sounds fabulous. But the one negotiating objective the United States failed to obtain from the Canadians was any significant concessions on subsidies.

In the oil and gas exploration area, these subsidized incentives are very significant. For example:

Canadian "royalty holidays," when royalty payments are suspended or eliminated, are provided for production from any wells spudded between October 1986 and November 1989. These holidays are available for exploration wells and the holidays can last for up to 5 years. By contrast, the United States has Federal and State royalty rates that range from 12½ to 25 percent.

One U.S. producer has calculated that the total U.S. royalty burden stands between 22 and 25 percent, counting Federal, State, county and even school board levies. In contrast, he estimates the burden on small to medium sized independents in Alberta, Canada—the source of more than four-fifths of Canadian oil and gas production—stands between zero and 5 percent.

Is this a level playing field?

I ask unanimous consent that an October 26, 1987, article that appeared in the Natural Gas Intelligence Newsletter appear in the RECORD following my remarks. It goes into more detail on this particular point.

Alberta Royalty Tax Credit Program for small producers was enriched by $67 million in 1987 and Saskachewan introduced a price sensitive royalty rate structure resulting in reduced royalties when prices are low, and a flat royalty of 1 percent for wells producing less than 5 barrels per day. The United States has nothing comparable.

Is this a level playing field?

Canada allows up-front tax deductions on all geological and geophysical costs. The United States requires them to be capitalized over the life of the well.

Is this a level playing field?

Under the agreement, restrictions on United States investment in Canadian oil and gas exploration companies will remain in place. The United States has no comparable restrictions.

Is this a level playing field?

And there is lots more. Canada repealed its windfall profits tax. The United States has yet to do so. That means that for every $1 the price of oil goes above $18 a barrel in the United States, 70 percent of the price increase goes to the U.S. Treasury. With exploration at near a record low, it would be better if that money were being spent on oil and gas exploration.

And the Canadian Exploration and Development Incentive Program provides direct cash assistance to the petroleum industry. For every $2 of exploration and development dollars a Canadian firm puts up, the Candian Government puts up $1 up to $10 million per firm. We have nothing comparable.

Are these indicators of fairness, a level playing field?

The agreement allows the United States and Canada to keep in place its existing incentives and to enact additional incentives for oil and gas exploration, development, and related activities in order to maintain the reserve base for these energy resources.

If you agree with me that this clear lack of parity is a major weakness of the agreement, I urge that you join me in sponsoring this bill, the "U.S.-Canada Free Trade Agreement Oil and Gas Incentive Equalization Act of 1988."

I would have preferred that the negotiators go back and eliminated the subsidies and other incentives so that the oil and gas companies on either side of the border can have comparable government subsidies or incentives.

But that is not possible. The only alternative that I can propose is to pass legislation before or at the same time as the Free Trade Agreement, legislation that provides catch-up incentives for the U.S. oil and gas industries.

My bill specifically seeks to conform the intent of the agreement with the realities of the oil and natural gas marketplace in North America. It seeks to provide parity between the tax burdens and the exploration and development incentives that are provided by the U.S. Government and similar burdens and benefits conferred upon Canadian companies by the Canadian and provincial governments.

This equalization is absolutely essential if the intent of the U.S.-Canada Free Trade Agreement is to be carried out successfully.

I wish to reiterate: This is second best policy. But it is vital policy if we are ever going to get the Canadians to eliminate their subsidies. If they have substantial subsidies and we have few, we have nothing to bargain with.

The skeptics might say that the U.S. industries could bring a countervailing duty case. Yet the agreement replaces article III judges with a politically appointed panel for binding, final determination of such cases. I am not sure an industry that has been suffering for the past 4 years can afford that kind of a political risk.

As a nation, we can't leave the question of whether we will have an oil and gas industry to five political appointees.

We can't afford to wait. To give my colleagues some additional perspective, I ask unanimous consent that the most recent numbers dealing with the oil and gas industry in the United States be printed at the point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OIL AND GAS: NATIONAL FACTS

OIL AND GAS INDUSTRY

As of February 1987, the U.S. rig count was 906. In 1987, since its peak in 1981 at almost 4,000 rigs, the rig count had dropped by 80 percent.

Well completions are estimated at 37,620 in 1986, the lowest level recorded since 1973. As compared to the peak in 1982, well completions are off by almost 60 percent.

Footage drilled amounted to 168 million feet in 1986, a one-third drop from the 1985 total, and a 50 percent decline from the 1981 total.

Employment has declined by 350,000 jobs since 1981, a 38 percent drop, with more than 50% of this decline occurring in 1986. One of four of the nation's petroleum geologists is out of a job.

Capital expenditures for exploration and production dropped by 50 percent in 1986, from $33.3 billion in 1985 to $16.4 billion in 1988.

OIL PRICES

The spot price for West Texas Intermediate was $17.65 a barrel on February 8, 1988. While this is a slight improvement from the $15.53 per barrel estimated average price for 1987, it's still a major drop from the levels of the early 1980s.

As compared to the peak level of $31.77 per barrel in 1981, domestic oil prices are down 44 percent.

NATURAL GAS PRICES

Natural gas wellhead prices are estimated to average $1.78 per thousand cubic feet (MCF) in 1987, an 8 percent drop from the 1986 levels.

Average wellhead prices have been declining since they peaked in 1984 at $2.66 per MCF.

RESERVES

Over 50 percent of the world's oil reserves are in the Middle East. While the U.S. consumes one-fourth of the world's oil production, it only holds 4 percent of the world's oil reserves.

1986 Crude oil reserve additions dropped by 46 percent from the previous year. Only 49 percent of U.S. annual oil production was replaced with new reserves in 1986.

1986 natural gas reserve additions dropped by 20 percent from the previous year. Only 88 percent of U.S. gas production was replaced with new reserves in 1986.

The Congressional Research Service (CRS) has estimated that U.S. crude oil reserves could decline 18.4% by 1995 if current drilling rates continue.

19,000 stripper wells were abandoned in 1986. Stripper wells account for 15 percent of U.S. production.

Mr. DOMENICI. Mr. President, I also ask that a copy of a summary of the bill, as well as a copy of the bill itself, be printed at this point in the RECORD. I would also ask unanimous consent that a copy of a February 14, 1988, Albuquerque Journal article written by Sherry Robinson, assistant business editor appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. SHORT TITLE.

This Act may be cited as the "Canadian Free Trade Agreement Incentive Equalization Act."

SEC. 102. FINDING AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the United States and Canada should strengthen the unique and enduring friendship between their two nations;

(2) the United States and Canada should promote productivity, full employment, and steady improvement of living standards for citizens employed in the oil and natural gas industries in their respective countries;

(3) the United States and Canada should create an expanded and secure market for oil and natural gas, goods and services produced in their territories;

(4) the United States and Canada should adopt clear and mutually advantageous rules governing their trade in all areas including oil and natural gas;

(5) the United States and Canada should ensure a predictable commercial environment for business planning and investment in the oil and natural gas industries;

(6) the United States and Canada should strengthen the competitiveness of United States and Canadian oil and natural gas firms in global markets;

(7) the United States and Canada reduce government-created trade distortions while preserving the two countries' flexibility to safeguard the public welfare;

(8) the United States and Canada should build on their mutual rights and obligations under the General Agreement on Tariffs and Trade and other multilateral and bilateral instruments of cooperations;

(9) the United States and Canada should contribute to the harmonious development and expansion of world trade and to provide a catalyst to broader international cooperation; and

(10) that since the purposes and objectives of this Act are identical to those stated in the U.S. Canada Free Trade Agreement except that they relate specifically to the oil and natural gas industry, it is the intent of Congress that this Act be considered, and passed prior to, or at the same time the Congress considers the Canada Free Trade Agreement.

SEC. 103. PURPOSE.

It is the purpose of this Act to conform the intent of the U.S. Canadian Free Trade Agreement with the realities of the oil and natural gas market place in North America; and to provide parity between tax burdens and exploration and development incentives provided by the U.S. Government and similar burdens and benefits conferred upon Canadian companies by the Canadian and provincial governments. This equalization is necessary if the intent of the U.S. Canada Free Trade Agreement is to be successfully carried out.

SEC. 101. TABLE OF CONTENTS.

Sec. 105. Repeal Windfall Profits Tax to conform the U.S. Internal Revenue Code with the Canadian Income Tax Act which repealed the Canadian Windfall Profits Tax.

Sec. 106. Improved tax treatment of Geological, Geophysical and Surface Casing costs to provide parity between the U.S. Internal Revenue Code and the Canadian Income Tax Act.

Sec. 107. Elimination of the Net Income Limitation Rule to provide parity between U.S. Internal Revenue Code and the Canadian Income Tax Code.

Sec. 108. Reforming percentage depletion to provide incentives in order to partially offset the Resource Allowances provided by the Canadian Government.

Sec. 109. Repeal of Transfer Rule to provide a "catch up" incentive since the U.S. industry is required to pay substantially higher royalties than Canadian companies do, especially for exploration wells.

Sec. 110. Repeal of Recapture provisions dealing with disposition of oil, gas, or geothermal property interests in order to provide "catch up" incentives for U.S. industry that pays substantially higher royalties than Canadian companies, especially for exploration wells.

Sec. 111. Marginal Production Credit in order to offset exploration and development credits provided by the Canadian and provincial governments.

Sec. 112. Crude Oil Production Credit for Maintaining Economically Marginal Wells in order to offset cash payments made by the Canadian provincial government for exploration and development.

Sec. 113. Crude Oil and Natural Gas Exploration and Development Credit to offset exploration credits provided by the Canadian and provincial governments.

Sec. 114. Removal of Intangible drilling costs from the Alternative Minimum Tax to provide parity between U.S. Internal Revenue Code and Canadian Tax Code.

Sec. 115. Establishes a procedure under which the Congress and the Administration work together to implement a plan designed to decrease imports whenever foreign oil dependence exceeds fifty percent.

Sec. 116. Repealing the taxable income test for percentage depletion in order to partially offset the resource allowances provided by the Canadian Government.

SEC. 105.—REPEAL WINDFALL PROFITS TAX TO CONFORM THE U.S. INTERNAL REVENUE CODE WITH THE CANADIAN INCOME TAX ACT WHICH REPEALED THE CANADIAN WINDFALL PROFITS TAX.

(a) Chapter 45 of the Internal Revenue Code of 1986 (referred to in this title as the "Code") is repealed.

(b)(1) Sections 6050C, 6076, 6232, 6430, and 7241 of the Code are repealed.

(2)(A) Subsections (a) of section 164 of the Code is amended by striking paragraph (4), and redesignating the subsequent paragraphs as paragraphs (4) and (5), respectively.

(B) The following provisions of the Code are each amended by striking "44, or 45" each place it appears and inserting "or 44":

(i) section 6211(a),
(ii) section 6211(b)(2),
(iii) section 6212(a),
(iv) section 6213(a),
(v) section 6213(g),
(vi) section 6214(c),
(vii) section 6214(d),
(viii) section 6161(b)(1),
(ix) section 6344(a)(1), and
(x) section 7422(e).

(C) Subsection (a) of section 6211 of the Code is amended by striking "44, and 45" and inserting "and 44".

(D) Subsection (b) of section 6211 of the Code is amended by striking paragraphs (5) and (6).

(E) Paragraph (1) of section 6212(b) of the Code is amended—

(i) by striking "chapter 44, or chapter 45" and inserting "or chapter 44", and

(ii) by striking "chapter 44, chapter 45, and this chapter" and inserting "chapter 44, and this chapter".

(F) Paragraph (1) of section 6212(c) of the Code is amended—

(i) by striking "of chapter 42 tax" and inserting "or of chapter 42 tax", and

(ii) by striking ", or of chapter 45 tax for the same taxable period".

(G) Subsection (e) of section 6302 of the Code is amended by striking "(1) For" and inserting "For", and by striking paragraph (2).

(H) Section 6501 of the Code is amended by striking subsection (m).

(I) Section 6511 of the Code is amended by striking subsection (h) and redesignating subsection (i) as subsection (h).

(J) Subsection (a) of section 6512 of the Code is amended—

(i) by striking "of tax imposed by chapter 41" and inserting "or of tax imposed by chapter 41", and

(ii) by striking ", or of tax imposed by chapter 45 for the same taxable period".

(K) Paragraph (1) of section 6512(b) of the Code is amended—

(i) by striking "of tax imposed by chapter 41" and inserting "or of tax imposed by chapter 41", and

(ii) by striking ", or of tax imposed by chapter 45 for the same taxable period".

(L) Section 6611 of the Code is amended by striking subsection (h) and redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(M) Subsection (d) of section 6724 of the Code is amended—

(i) by striking clause (i) in paragraph (1)(B) and redesignating clauses (ii) through (x) as clauses (i) through (ix), respectively, and

(ii) by striking subparagraphs (A) and (K) of paragraph (2) and redesignating subparagraphs (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), (O), (P), (Q), (R), (S), and (T) as subparagraphs (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), (O), (P), (Q), and (R), respectively.

(N) Subsection (a) of section 6862 of the Code is amended by striking "44, and 45" and inserting "and 44".

(O) Section 7512 of the Code is amended—

(i) by striking ", by chapter 33, or by section 4986" in subsections (a) and (b) and inserting "or chapter 33", and

(ii) by striking ", chapter 33, or section 4986" in subsections (b) and (c) and inserting "or chapter 33".

(3)(A) The table of contents of subtitle (D) of the Code is amended by striking the item relating to chapter 45.

(B) The table of contents of subpart B of part III of subchapter A of chapter 61 of the Code is amended by striking the item relating to section 6050C.

(C) The table of contents of part V of that subchapter is amended by striking the item relating to section 6076.

(D) The table of contents of subchapter C of chapter 63 of the Code is amended by striking the item relating to section 6232.

(E) The table of contents of subchapter B of chapter 65 of the Code is amended by striking the item relating to section 6430.

(F) The table of contents of part II of subchapter A of chapter 75 of the Code is amended by striking the item relating to section 7241.

(c) The amendments made by this section shall apply to crude oil removed from the premises after the date of the enactment of implementing legislation for the U.S. Canadian Free Trade Agreement.

SEC. 106.—IMPROVED TAX TREATMENT OF GEOLOGICAL, GEOPHYSICAL AND SURFACE CASING COSTS TO PROVIDE PARITY BETWEEN THE U.S. INTERNAL REVENUE CODE AND THE CANADIAN INCOME TAX ACT.

(a) In General.—Subsection (c) of section 263 of the Internal Revenue Code of 1986 (relating to intangible drilling and development costs in the case of oil and gas wells and geothermal wells) is amended by inserting before the last sentence the following new sentence: "In the case of oil and gas wells, the tax treatment which applies to the taxpayer's intangible drilling and development costs shall also apply to surface casing costs and to geological and geophysical costs for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas within the United States (within the meaning of section 638(1)) or a possession of the United States (within the meaning of section 638(2))."

(b) Conforming Amendment.—Subparagraph (B) of section 57(a)(2) of such Code is amended by adding at the end thereof the following new sentence: "For purposes of clause (i), the term 'intangible drilling and development costs' includes surface casing costs and geological and geophysical costs described in section 263(c)."

(c) Effective Date.—The amendments made by this section shall apply to costs paid or incurred after the date of the enactment of this Act in taxable years ending after the enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

SEC. 107.—ELIMINATION OF THE NET INCOME LIMITATION RULE AS IT WOULD APPLY TO OIL AND GAS WELLS IN ORDER TO PROVIDE PARITY BETWEEN U.S. INTERNAL REVENUE CODE AND THE CANADIAN INCOME TAX CODE.

(a) In General.—The second sentence of subsection (a) of section 613 of the Internal Revenue Code of 1986 (relating to percentage depletion) is amended by striking out "Such allowance" and inserting in lieu thereof "Except in the case of an oil or gas well, such allowance."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of the implementing for the U.S. Canada Free Trade Agreement.

SEC. 108.—REFORM OF PERCENTAGE DEPLETION TO PROVIDE INCENTIVES IN ORDER TO PARTIALLY OFFSET THE RESOURCE ALLOWANCES PROVIDED BY THE CANADIAN GOVERNMENT.

(a) In General.—Paragraph (5) of section 613(c) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended to read as follows:

"(5) Applicable percentage.—For purposes of paragraph (1)—

"(A) In general.—In the case of production during calendar years beginning after December 31, 1986—

"If the average annual removal price during the calendar year is:	The applicable percentage is:
Less than $10	304
$10 to $15	25
$15 to $20	20
Greater than $20	15

"(B) Average annual removal price.—For purposes of subparagraph (A), the average annual removal price for any calandar year shall be determined by dividing the taxpayer's aggregate production of domestic crude oil or natural gas during such calendar year by the aggregate amount for which such domestic crude oil or natural gas, as the case may be, was sold (determined after application of paragraphs (2), (3), and (4) of section 4988(c)) by the taxpayer."

(b) Effective Date.—The amendments made by this section shall apply to production during calendar years beginning after the enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

SEC. 109.—REPEAL OF TRANSFER RULE TO PROVIDE A "CATCH UP" INCENTIVE FOR U.S. INDUSTRY THAT PAYS SUBSTANTIALLY HIGHER ROYALTIES THAN CANADIAN COMPANIES ON EXPLORATION WELLS.

(a) Percentage Depletion Permitted After Transfer of Proven Properties.—

(1) In General.—Subsection (c) of section 613A of the Internal Revenue Code of 1986 (relating to limitations on percentage depletion in case of oil and gas wells) is amended by striking out paragraphs (9) and (10) and be redesignating paragraphs (11), (12), and (13) as paragraphs (9), (10), and (11), respectively.

(2) Technical amendment.—Paragraph (11) of section 613A(c) of such code, as redesignated by subsection (a), is amended by striking out subparagraphs (C) and (D).

(3) Effective date.—The amendments made by this subsection shall apply to production after the date of the amendment of this Act in taxable years ending after the date of enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

(b) Exemption of Stripper Well Oil From Windfall Profit Tax To Apply After Transfer.—

(1) In general.—Subsection (g) of section 4994 of such Code (defining exempt stripper well oil) is amended to read as follows:

"(g) Exempt Stripper Well OIl.—For purposes of this chapter, the term 'exempt stripper well oil' means any oil—

"(1) the producer of which is an independent producer (within the meaning of section 4992(b)(1)),

"(2) which is from a stripper well property within the meaning of the June 1979 energy regulations, and

"(3) which is attributable to the independent producer's working interest in the stripper well property."

(2) Effective date.—The amendment made by paragraph (1) shall apply to oil removed after the date of the enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

SEC. 110. REPEAL OF RECAPTURE PROVISIONS DEALING WITH DISPOSITION OF OIL, GAS, OR GEOTHERMAL INTERESTS TO PROVIDE "CATCH UP" INCENTIVE FOR U.S. INDUSTRY THAT PAYS SUBSTANTIALLY HIGHER ROYALTIES THAN CANADIAN COMPANIES.

(a) In General.—

(1) Provisions in effect before tax reform act of 1986.—Section 1254 of the Internal Revenue Code of 1986 (relating to gain from disposition of interest in oil, gas, or geothermal property), as in effect before the amendment made by the Tax Reform Act of 1986, is hereby repealed.

(2) Provisions in effect after tax reform act of 1986.—Section 1254 of such Code, as in effect after the amendments made by the Tax Reform Act of 1986, is amended—

(A) by striking out "263,616," in subsection (a)(1)(A)(i) and inserting in lieu thereof "616", and

(B) by adding at the end of subsection (a)(3) the following: "The term 'section 1254 property' does not include any oil, gas, or geothermal well."

(b) Conforming Amendment.—

(1) Sections 59(e)(5)(A) and 291(b)(3) of such Code are each amended by striking out "263(c), 616(a)," and inserting in lieu thereof "616(a)".

(2) The heading for section 1254 of such Code, as amended by the Tax Reform Act of 1986, is amended by striking out "OIL, GAS, GEOTHERMAL, OR OTHER" and inserting in lieu thereof "CERTAIN".

(3) The item relating to section 1254 in the table of sections for part IV of subchapter P of chapter 1 of such Code is amended to read as follows:

"Sec. 1254. Gain from disposition of interest in certain mineral properties."

(c) Effective Date.—The amendments made by this section shall apply to dispositions after the date of the enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

SEC. 111.—MARGINAL PRODUCTION CREDIT IN ORDER TO OFFSET EXPLORATION AND DEVELOPMENT CREDITS PROVIDED BY THE CANADIAN AND PROVINCIAL GOVERNMENTS.

(a) Subpart B of part IV of subchapter A of chapter 1 of the Code is amended by adding at the end thereof the following new section:

SEC. 112.—CRUDE OIL PRODUCTION CREDIT FOR MAINTAINING ECONOMICALLY MARGINAL WELLS IN ORDER TO OFFSET CASH EXPLORATION AND DEVELOPMENT BONUSES PROVIDED BY THE CANADIAN PROVINCIAL GOVERNMENTS.

"(a) Allowance of Credit.—There shall be allowed as credit against the tax imposed by this chapter for the taxable year to the producer of eligible crude oil an amount equal to 10 percent of the qualified cost of each barrel of such oil (or fractional part thereof) produced during the taxable year.

"(b) Qualified Cost.—For purposes of this section, the term 'qualified cost' means, with respect to each barrel of eligible crude oil the sum of—

"(1) such barrel's pro rata share of—

"(A) the lease operating expenses (other than business overhead expenses) paid or incurred by the producer of such barrel during the taxable year in which such barrel was produced,

"(B) the amount allowed to such producer for such taxable year for depreciation under sections 167 and 168 with respect to the property used in the production of such barrel,

"(C) the amount allowed to such producer for such taxable year for depletion under section 611 (but not in excess of the adjusted basis of the property), and

"(D) the business overhead expenses paid or incurred during such taxable year by such producer, plus

"(2) the amount of severance tax paid or incurred by such producer with respect to such barrel.

"(c) Definitions.—For purposes of this section—

"(1) Eligible crude oil.—The term 'eligible crude oil' means domestic crude oil which is—

"(A) from a stripper well property within the meaning of the June 1979 energy regulations, or

"(B) heavy oil, or

"(C) oil recovered through a tertiary recovery method.

"(2) Other definitions.—

"(A) Crude oil.—The term 'crude oil' has the meaning given to such term by the June 1979 energy regulations.

"(B) Barrel.—The term 'barrel' means 42 United States gallons.

"(C) Domestic.—The term 'domestic' when used with respect to crude oil, means crude oil produced from a well located in the United States or in a possession of the United States.

"(D) United states.—The term 'United States' has the meaning given to such term by paragraph (1) of section 638 (relating to Continental Shelf areas).

"(E) Possession of the united states.—The term 'possession of the United States' has the meaning given to such term by paragraph (2) of section 638.

"(F) Heavy oil.—The term 'heavy oil' means all crude oil which is produced from a property of crude oil produced and sold from such property during—

"(i) the last month before July 1979 in which crude oil was produced and sold from such property, or

"(ii) the taxable year had a weighted average gravity of 20 degrees API or less (corrected to 60 degrees Fahrenheit).

"(G) Tertiary recovery method.—The term 'tertiary recovery method' means—

"(i) any method which is described in subparagraphs (1) through (9) of section 212.78(c) of the October 1979 energy regulations, or

"(ii) any other method to provide tertiary enhanced recovery which is approved by the Secretary for purposes of this section.

"(II) Severance tax.—The term 'severance tax' means a tax imposed by a State or political subdivision thereof with respect to the extraction of crude oil.

"(I) Energy regulations.—

"(i) In general.—The term 'energy regulations' means regulations prescribed under section 4(a) of the Energy Petroleum Allocation Act of 1973 (15 U.S.C. 753(a)).

"(ii) June 1979 energy regulations.—The June 1979 energy regulations shall be the terms of the energy regulations as such terms existed on June 1, 1979.

"(iii) October 1979 energy regulations.—The October 1979 energy regulations shall be the terms of the energy regulations as such terms existed on October 30, 1979.

"(iv) Continued application of regulations after decontrol.—Energy regulations shall be treated as continuing in effect without regard to decontrol of oil prices or any other termination of the application of such regulations.

"(d) Limitation Based on Amount of Tax.—

"(1) Liability for tax.—The credit allowable under subsection (a) for any taxable year shall not exceed the greater of—

"(A) the taxpayer's tentative minimum tax liability under section 55(b) for such taxable year determined without regard to this section or,

"(B) the excess of—

"(i) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)), over

"(ii) the sum of the credits allowable against such tax liability under part IV (other than section 43 and this section).

"(2) Application of the credit.—Each of the following amounts shall be reduced by the full amount of the credit determined under paragraph (1):

"(A) the taxpayer's tentative minimum tax under section 55(b) for the taxable year, and

"(B) the taxpayer's regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under part IV (other than section 43 and this section).

If the amount of the credit determined under paragraph (1) exceeds the amount described in subparagraph (B) of paragraph (2), then the excess shall be deemed to be the adjusted net minimum tax for such taxable year for purposes of section 53.

"(3) Carryback and carryforward of unused credit.—

"(A) In general.—If the amount of the credit allowed under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an oil production credit carryback to each of the 5 taxable years preceding the unused credit year, and

"(ii) an oil production credit carryforward to each of the 3 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit under subsection (a) for such years. If any portion of such excess is a carryback to a taxable year ending prior to January 1, 1987, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit shall be carried to the earliest of the 8 taxable years to which such credit may be carried, and then to each of the other 7 taxable years to the extent that, because of the limitation contained in subparagraph (B), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) Limitations.—The amount of the unused credit which may be taken into account under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under subsection (a) for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(e) Pass-Thru in the Case of Estates and Trusts.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(f) Termination of Credit.—No credit shall be allowed under this section for any qualified cost paid or incurred in any taxable year beginning after the date which is three years after the date of the enactment of the National Energy Security Act of 1987.".

(b) The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Code is amended by adding at the end thereof the following new item:

"Sec. 30. Crude oil production credit for maintaining marginally economic wells.".

(c) The amendments made by this section shall apply to oil produced in taxable years after the date of enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

SEC. 113. CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT TO OFFSET EXPLORATION CREDITS PROVIDED BY THE CANADIAN AND PROVINCIAL GOVERNMENTS.

(a) Section 38(b) of the Code is amended—

(1) by striking "plus" at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof ", plus", and

(3) by adding at the end thereof the following new paragraph:

"(6) the crude oil and natural gas exploration and development credit determined under section 43(a).".

(b) Subpart D of part IV of subchapter A of chapter 1 of the Code is amended by adding at the end thereof the following new section:

CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT

"(a) General Rule.—For purposes of section 38, the crude oil and natural gas exploration and development credit determined under this section for any taxable year shall be an amount equal to the sum of—

"(1) 10 percent of so much of the taxpayer's qualified investment for the taxable year as does not exceed $10,000,000, plus.

"(2) 5 percent of so much of such qualified investment for the taxable year as exceeds $10,000,000.

"(b) Qualified Investment.—For purposes of this section, the term 'qualified investment' means amounts paid or incurred—

"(1) for the purpose of ascertaining the existence, location, extent, or quality of any crude oil or natural gas deposit, including core testing and drilling test wells,

"(2) for the purpose of developing a property on which there is a reservoir capable of commercial production and such amounts are paid or incurred in connection with activities which are intended to result in the recovery of crude oil or natural gas on such property, or

"(3) for the purpose of performing secondary or tertiary recovery technique on a well located in the United States or in a possession of the United States as defined in section 638.

"(c) Termination of Credit.—

"(1) In general.—Except as provided in paragraph (2), no credit shall be allowed under this section with respect to expenditures made in any taxable year beginning after the date which is three years after the date of the enactment of the National Energy Security Act of 1987.

"(2) Binding commitments.—Paragraph (1) shall not apply with respect to any qualified investment made pursuant to a binding contract entered into before the date determined under paragraph (1).".

(c) Section 38(c) of the Code is amended—

(1) by redesignating paragraph (4) as paragraph (5), and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) Exploration credit may offset minimum tax.—To the extent the credit under subsection (a) is attributable to the application of section 43, the limitation of paragraph (1) shall be the greater of—

"(A) the limitation as determined under paragraph (1), or

"(B) the taxpayer's tentative minimum tax for the taxable year.".

(d) The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Code is amended by adding at the end thereof the following new item:

"Sec. 43. Crude oil and natural gas exploration and development credit.".

(e) The amendments made by this section shall apply to expenditures paid or incurred in taxable years after the date of enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

SEC. 115.—IMPORT DEPENDENCE SAFETY NET IN ORDER TO REQUIRE CONGRESS AND THE ADMINISTRATION TO WORK TOGETHER TO ADDRESS IMPORTS WHENEVER DEPENDENCE EXCEEDS FIFTY PERCENT.

(a) Sections 57(a)(2) and 57(b) of the Code are hereby repealed.

(b) The repeal made by this section shall apply to costs paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 114.—REMOVAL OF INTANGIBLE DRILLING COSTS FROM THE ALTERNATIVE MINIMUM TAX TO PROVIDE PARITY BETWEEN U.S. INTERNAL REVENUE CODE AND CANADIAN TAX CODE.

DUTIES OF THE PRESIDENT.

(a) Establishment of Ceiling.—The President shall establish a National Oil, Import Ceiling (referred to in this Act as the "ceiling level") which shall represent a ceiling level beyond which foreign crude and oil product imports as a share of United States oil consumption shall not rise.

(b) Level of Ceiling.—The ceiling level established under subsection (a) shall not exceed 50 percent of United States crude and oil product consumption for any annual period.

(c) Report.—(a) The President shall prepare and submit an annual report to Congress containing a national oil security projection (in this Act referred to as the "projection"), which shall contain a forecast of domestic oil and NGL demand and production, and imports of crude and oil product for the subsequent three years. The projection shall contain appropriate adjustments for expected price and production changes.

(2) The projection prepared pursuant to paragraph (1) shall be presented to Congress with the Budget. The President shall certify whether foreign crude and oil product imports will exceed the ceiling level for any year during the next three years.

CONGRESSIONAL REVIEW

The Congress shall have 10 continuous session days after submission of each projection to review the projection and make a determination whether the ceiling level will be violated within three years. Unless disapproved or modified by joint resolution, the Presidential certification shall be binding 10 session days after submitted to Congress.

ENERGY PRODUCTION AND OIL SECURITY ACTIONS

(a) Energy Production and Oil Security Policy.—(1) Upon certification that the ceiling level will be exceeded, the President is required within 90 days to submit legislation to the Congress which shall serve as an Energy Production and Oil Security Policy (in this Act referred to as the "policy"). The policy if enacted shall prevent crude and product imports exceeding the National Oil Import Ceiling.

(2) The Energy Production and Oil Security Policy may include—

(A) oil import fee;

(B) energy conservation actions including improved fuel efficiency for automobiles;

(C) expansion of the Strategic Petroleum Reserves to maintain a 90-day cushion against projected oil import blockages; and

(D) production incentives for domestic oil and gas including tax and other incentives for stripper well production, offshore, frontier, and other oil produced with tertiary recovery techniques.

SEC. 116. REPEALING TAXABLE INCOME LIMITATION ON PERCENTAGE DEPLETION IN ORDER TO PARTIALLY OFFSET THE RESOURCE ALLOWANCES PROVIDED BY THE CANADIAN GOVERNMENT.

(a) In General—Paragraph 613(A)(d)(1) is amended by deleting "65 percent" and inserting in lieu thereof "100 percent".

(b) Effective Date.—The amendments made by this section shall apply to the taxable years beginning after the date of the enactment of the implementing legislation for the U.S. Canadian Free Trade Agreement.

United States-Canada Free Trade Agreement—Oil and Natural Gas Incentive Equalization Act of 1988

A bill to be introduced by Senator Domenici, cosponsored by Senators Boren, Nickels, Wallop, Johnston, Breaux, Simpson.

The findings and purposes of the bill are identical to the objectives set forth in the U.S.-Canada Free Trade Agreement, however the findings specifically mention oil and natural gas.

Purpose of the bill is to conform the intent of the U.S.-Canada Free Trade Agreement with the realities of the oil and natural gas marketplace in North America; to provide parity between the tax burdens and the other exploration and development incentives provided in the United States and Canada.

Specifically, the bill includes the following provisions:

Expresses the intent of Congress that this Act be enacted prior to or at the same time as Congress considers the U.S.-Canada Free Trade Agreement.

Repeals the Windfall Profits Tax to conform the U.S. Internal Revenue Code with the Canadian Income Tax Act, which repealed the Canadian Windfall Profits Tax in 1986.

Improves tax treatment of geological, geophysical and surface casing costs to provide parity between the U.S. Internal Revenue Code and the Canadian Income Tax Act.

Eliminates the Income Limitation Rule to assure parity between the U.S. Internal Revenue Code and the Canadian Income Tax Act.

Reforms the percentage depletion allowance to provide incentives to offset resource allowances provided by the Canadian government.

Repeals the Net Transfer Rule to provide a "catch up" incentive since the U.S. industry is required to pay substantially higher royalties than Canadian companies.

Repeals the recapture provisions dealing with disposition of oil, gas, or geothermal property interests in order to provide "catch up" incentives for U.S. industry, which pays

substantially higher royalties than Canadian companies.

Provides a marginal production credit in order to offset exploration credits provided by the Canadian and provincial governments.

Provides a crude oil production credit for maintaining economically marginal wells, a credit that offsets the cash payments made by the Canadian provincial government for exploration and development.

Provides a crude oil and natural gas exploration and development credit to offset exploration and development credits provided by the Canadian and provincial governments.

Eliminates intangible drilling costs as a preference item under the Alternative Minimum Tax in order to provide parity between U.S. Internal Revenue Code and the Canadian tax code.

Establishes a procedure under which the Congress and the Administration work together to implement a plan designed to decrease imports whenever foreign oil dependence exceeds 50 percent.

Repeals the taxable income test for percentage depletion in order to partially offset the resource allowances provided by the Canadian Government.

[From the Albuquerque Journal, Feb. 14, 1988]

Agreement Can Spark Big Payoffs—Canada Swaps Resources for United States Market Access

[Note.—The Albuquerque Journal was one of the 15 U.S. newspapers to be represented on a four-day, four-city tour of Canada to learn about the U.S.-Canada Free Trade Agreement.]

(By Sherry Robinson)

Ottawa.—The world's biggest trading partners hope to weather a storm of competition and protectionism under the same umbrella—the historic U.S.-Canada Free Trade Agreement signed last month by leaders of both countries.

Essentially the agreement swaps Canada's wealth of resources for our lucrative markets. The payoff for Canada is immediate. The United States' big friend to the north exports 30 percent of its products (we export 10 percent) and needs new markets to sustain its growth. Canadians also worry about protectionist leanings in Congress.

The United States would gain a new market the size of California and see tariffs twice as high as its own, on average, erased. Big U.S. rewards would be down the road when the oil and gas glut subsides and a new energy crisis threatens.

Members of Congress and Parliament must approve the agreement.

In New Mexico, the agreement heralds certain disaster for the uranium industry and more pressure for other beleagered industries—natural gas, copper, coal and utilities. It also holds some new prospects for the state's high tech, services, manufacturing and agricultural sectors.

The 25,000-page document calls for both countries to drop tariffs over the next 10 years and establishes a binational panel to settle disputes. The agreement also:

Opens up the service sector, including computers and telecommunications.

Offers financial institutions of both countries equal privileges.

Liberalizes restrictions on investments in Canada.

Eliminates the Canadian embargo on used cars.

Opens wheat trade when subsidies by both countries are equal.

Increases Canadian ceilings on U.S. chicken, turkey and eggs.

Exempts beef producers from import laws of the other country.

Allows freer entry for business travelers.

All segments are not open for business, however. While many new players are thrown into competition, some would still huddle behind barricades. Those not so protected are crying foul.

NEGOTIATIONS: HARD SLUGGING

"Our people were way ahead of them on everything. You'd think the United States was an underdeveloped country alongside us in terms of the way this negotiation went."

Canada's chief negotiator, Simon Reisman, was quoted in the International Trade Reporter saying U.S. negotiators "had their pants down" in the talks held last fall.

Reisman, says Toronto economist John Crispo, "is an arrogant son of a bitch. And I wouldn't want anyone else to represent us in negotiations with the United States."

While Reisman claims the agreement favors Canada 3-to-1, leaders of both nations were using the phrase "win-win."

Canadians are looking forward to selling more electricity, wheat, beef, pork, oil and natural gas. Americans see opportunities for high tech companies, furniture, paper, machinery, fruit, vegetables, wine and clothing.

Also telling is what they left out.

Canadians insisted that their periodicals, film industry, book publishers and television be exempt. The United States refused to touch its sugar policy. The American lumber industry wants to buy Canadian round logs, but Canadians wouldn't include them, nor would they allow U.S. plywood to enter their country. The United States balked at opening defense procurement. Canadians wouldn't ease restrictions on truck transportation, and the United States backed away from maritime.

Both put wine and distilled spirits on the table but not beer. Neither would meddle with their dairy industries.

Disputes over Canadian energy subsidies and U.S. grain subsidies were so sticky that both sides agreed to hammer them out later.

Nobody even broached the subject of water.

The agreement, said Minister of Trade Pat Carney, is "the result of two years of very hard slugging."

Of all the Canadian exemptions, the touchiest is culture. Forever fearful of being swamped by American culture, Canadians have chosen to protect their media, film makers and book publishers.

"If there's been a blind spot in the negotiations, it's been there," said Tom d'Aquino, president of the Business Council on National Issues, a group like the U.S. Business Roundtable. "You must consider, your culture is always being exported, and relatively little Canadian culture is exported. Without protection, our cultural industries would not be viable."

SORTING OUT SUBSIDIES

"The biggest failure of the agreement," said Alan Nymark, Canada's assistant of chief negotiator, "was in not achieving a regime of rules and regulations defining subsidies."

In recent U.S.-Canada trade skirmishes—potash, pork, corn, softwood lumber—subsidies have been the issue behind complaints of unfair pricing. Negotiators tried to get their arms around this tar baby but ran out of time, according to Trade Minister Carney. They chose to leave subsidies and other unresolved disputes to a binational panel, appointed as part of the trade agreement.

This panel was high on the Canadian wish list.

For years, Canadians had chafed at having to appear hat-in-hand before U.S. agencies hearing disputes. Typically, U.S. producers complained about Canadian subsidies depressing price, and the Commerce Department socked Canada with a countervailing tariff, which eliminated their pricing advantage. Canadians began to view the countervail threat as a trade barrier.

Dispute settlement "was really the sticking point for our side up to the last moment," Nymark said.

Under the agreement, a binational panel of five experts would settle dumping or countervail disputes. Its decision would be binding and without judicial review.

Under this system, New Mexico potash producers could not have filed dumping complaints with the Commerce Department and the International Trade Commission. Uranium producers would not have had the courts. Neither likes the idea of the panel or the loss of judical review.

However, the panel would apply the law of the importing country in disputes over products covered by the agreement, Carney said, and both countries have "almost identical" anti-dumping laws. The panel would have a 5-year life, during which time both countries are to pass new laws.

"The free-trade agreement is not a license to poach," Carney said.

The panel has its work cut out. For Canadians, the subsidy debate reaches into some deeply held ideas about government's role in the economy.

"The U.S. considers us radical, Commie pinkos," Carney said, but even Canadian conservatives support the nation's ambitious social programs and its silent partner status with business. Other officials made it clear that jobs are a high priority in Canada, whatever the cost.

Consider the collapse of oil prices.

The United States allowed this disaster to run its course and now blames a bum market for thousands of layoffs and bankruptcies, scores of bank failures and billions of dollars in business and tax losses.

Canada and its provinces chose to help the industry "rather than have that kind of ripple effect," said David Russell, deputy premier of energy-rich Alberta. The help include royalty holidays, elimination of a tax similar to our windfall profits tax, reduction of corporation taxes and a $350 million drilling incentive program. As a result their oil industry is weakened but not bloody like its Texas counterparts.

Canadians point to U.S. grain subsidies and argue that economic development incentives and industrial development bonds could be considered subsidies.

This tough debate is far from finished, but Quebec Premier Robert Bourassa allows, "we could find some common rules."

CANADIAN DEBATE

"I really believe in this," says University of Toronto economist John Crispo. "I think it's desperately important for Canada."

Crispo fumes that David Peterson, premier of the richest and most populated province of Ontario, has denounced the agreement, while Quebec Premier Robert Bourassa embraces it.

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"Quebec has more vulnerable industries than Ontario," he says. "Bourassa is betting on the new winners and not the old losers," while Peterson, "isn't a big enough man to admit he's wrong."

Peterson snaps that Crispo is "a windbag and a pop economist. There are some thoughful guys in this debate. Crispo isn't one of them."

While the free-trade agreement dawns slowly on Americans, Canadians have engaged in sharp and often emotional debate for the last two years.

Proponents like Bourassa say, "We have the chance in Canada to be close to one of the biggest markets of the world." In his office atop a Montreal skyscraper, he relates a conversation with New York Gov. Mario Cuomo, who said, "The free-trade agreement is very good for Canada and good for the United States."

Next day, the tall, elegant David Peterson strolls into a Toronto conference room, shakes hands with each reporter, and offers to get coffee. "This is the most difficult debate I've ever faced—fraught with historical envy and regional tensions," he says, adding that he's been "beaten up regularly" for his opposition.

"In a word, it's a bad deal. It was put together with bailing wire and driven on politics," Peterson says. "This deal would not protect us from another softwood lumber, a shakes and shingles or a potash dispute." For "marginal gains, at best" Canada has thrown away its high card. "Twenty years ahead, in an energy starved world, what advantage do we have? Energy is one."

The Canadian business community has agitated for at least five years to dismantle trade barriers—a dramatic and historic turnabout. In 1911, the same segment, fearing economic and political absorption by the United States, helped dump a free trade initiative along with the politicians who espoused it. Nobody tried again until recently.

"The name of the game for manufacturing is competition," says Robert Denomme, chief economist for the Canadian Manufacturing Association. "It's very much a global marketplace these days."

"We're in an expansionist mood," said Pierre Laurier, first vice president of Merrill Lynch in Montreal. "Of course, we are conscious of the risks. We know there are many businesses here that couldn't compete if everything were wide open tomorrow."

Ontario's Peterson names two.

The agreement, he says, "will absolutely wipe out our wine industry" and hurt Canadian food processors. "If somebody leaves on the Oreo cookie machine for 15 minutes, there's the Canadian market."

Proponents are a diverse bunch—Chambers of Commerce, pork producers, banks, utilities, wheat growers, cattlemen, and Quebec's separatists.

Jacques Parizeau, a candidate for leadership of the Parti Quebecois, explains, "By securing access in North America for our goods, we open the way for sovereignty."

OPPONENTS SPEAK

Opposing the agreement, besides Ontario, are the provinces of Manitoba and Prince Edward Island, along with the two opposition parties, the labor movement, the Farmers Union and some industry segments.

Edmonton publisher Mel Hurtig, whose very name proponents say with distaste, is chairman of The Council of Canadians, a nationalist group. He said in November that the agreement was "an enormous step towards economic integration and economic union" with the United States and predicted that once signed, "there will be no Canada in a generation."

To U.S. reporters, he said, "Quite a few of us are concerned about sovereignty—economic, political, social and cultural. We have the highest degree of foreign ownership of any country in the world. Segments of the industry are virtually 100 percent foreign owned. Americans would never tolerate that level of control."

Hurtig and union leaders believe the agreement would erode Canada's sovereign right to make decisions about its future.

"When the free-trade agreement takes effect and U.S. corporations start calling for a level playing field we know that level playing field will be by U.S. rules," says Basil Hargrove, assistant to the president of the Canadian Auto Workers.

Canadian unions, looking at the lot of their U.S. counterparts, don't relish closer ties. In Canada, 33 percent of workers are unionized, compared with 17 percent in the United States.

Union leaders and other opponents are particularly worried about losing social programs they say are superior—and more expensive—than those in the United States.

"I think the unions are justified to worry about the free-trade agreement," said Merrill Lynch's Laurier, "but not because social programs will be lost. We will see some leveling. It's obvious the sort of deals private business struck with unions in the United States have been quite different from what Canadians have."

Critics also point out that 75 percent of trade is already duty free.

"Why is the remaining 25 percent such a big deal? That's where the gravy is," said Trade Minister Pat Carney. She said petrochemicals, for example, face a 15 to 18 percent tariff barrier.

Another argument is that many U.S. companies, including the auto industry, built plants in Canada to leap tariff barriers. Without the tariffs, they might close plants. Proponents argue that companies, finding it cheaper to operate in Canada, would stay here and expand.

Premier Peterson would like to see the agreement renegotiated, but with or without it, he says, the U.S. and Canada "will continue to be the two best friends in the world."

[From Natural Gas Intelligence Newsletter, Oct. 26, 1987]

CANADIANS FEAR REPRISALS UNDER TRADE TREATY

Canadian producers are fearful the U.S.-Canadian free trade agreement may prove to be a mixed blessing, leaving them like sitting ducks, with an unwanted higher profile among U.S., rivals who have not given up any rights under the treaty to allege unfair competition and to attack it.

Officially, the Canadian Petroleum Association, the Independent Petroleum Association of Canada and the Small Producers and Exployers Association of Canada applauded the pact an answer to old dreams of open market. In practice, the groups conceded that the agreement only ratifies actions already taken by Ottawa's National Energy Board, which replaced tough regulations of exports and prices with a mild system of monitoring.

There is widespread anxiety that if the trade agreement leads to anything new, it will be an assault on the Canadian industry's alleged advantages as a result of elaborate federal and provincial energy programs. Documents leaked during the trade negotiations hinted that the U.S. Department of Commerce sees the Canadian industry as riddled with subsidies. Such an interpretation is possible, even in wrongheaded, admitted spokesmen for all the Canadian industry groups.

Canadian authorities and companies perfer to call their system one of development incentives and responses to falling prices. Semantics aside, however, there is no doubt that help for the Canadian industry has been rich by American standards.

* * * with production interests throughout North America and the North Sea, calls Alberta one of the cheapest places anywhere to stockpile energy assets. Ranger, the only Canadian independent listed on the New York Stock Exchange, has sold most of its American holdings, but accelerated Alberta drilling after a long absence to concentrate on the North Sea.

Pierce estimates that the combined tax and royalty load on U.S. companies is still between 22 percent and 25 percent, counting federal, state, county and even school board levies, plus royalty revenue shares owed to unyielding private landowners. In stark contrast, he estimates the burden on small to medium size independents in Alberta, source of more than four/fifths of Canadian oil and gas production alike, as between zero and a token 5 percent.

The Conservative government in Ottawa has dubbed the energy industry "the engine of growth" for a national economy heavily reliant on resource extraction, and financial policies attempt to give this sector some fuel. Federal production taxes, once as high as 16 percent, have been abolished. On top of resource exploration and production incentives built into the corporate tax sytem, a federal grant program pays one/third of the cost of drilling wells up to a ceiling of $0.3 million per company in one year.

In Canada the provincial governments own most of the resources, rather than private landowners. Provincial royalties, like the federal financial system, are studded with lures to attract energy firms and keep them interested. In Alberta a tax credit scheme rebates all royalties a company pays on its first $12 million worth of gas and oil production each year. Although added "holidays" from owing any royalties on new discoveries for up to five years go only to oil finds, companies find the extra bonus a handy way to keep money on hand for gas drilling too, if customers come along.

While precise comparisons of the financial status of Canadian and U.S. producers are found to be a subject of intense debates, Ranger is far from the only one voting with its feet in favor of the North. The federal and provincial incentives area available to companies regardless of their nationality. Slow but steady growth of foreign investment attracted by development-hungry Canada is spreading beyond high profile takeovers such as Amoco Corporation's bid for Dome Petroleum, and British Gas PLC's move on Bow Valley Industries Ltd.

U.S. independents are hunting Canadian properties and companies, anonymously through newly created corprate fronts such as Opportunity Resources Inc., or openly in well publicized shopping trips by operators such as Houston's Mossbacher Energy Co., Wolverine Exploration of Fort Worth, Pangea Petroleum of Los Angeles and Dudley Hughes of Jackson, Miss.

Although Canadian gas producers say they do not know when or how an attack on their advantages might come, they acknowledge that opportunities and methods are

abundant. An obvious, frontal assault akin to tariff countervailing duty actions taken against Canadian metal and lumber exports through the U.S. International Trade Commission or Commerce Dept., is unnecessary in the case of gas.

There is always the U.S. Federal Energy Regulatory Commission. The Canadians are vowing to keep a much closer eye on FERC, to avoid any more surprises like its Opinion 256, restricting payment of Canadian export shipping costs as a means to erase unfair advantages that U.S. producers complained about. TransCanada's Frew said that the free trade agreement only underlines a need for Canadians to find a voice in the United States. His pipeline is opening a Washington office this fall and he predicts "you'll see a much more concerted effort by a lot of the Canadian companies" to establish a presence "where the action is."●

By Mr. BRADLEY (for himself, Mr. STAFFORD, Mr. INOUYE, Mr. COCHRAN, Mr. GORE, Mr. GARN, Mr. LEVIN, Mr. WARNER, Mr. LAUTENBERG, Mr. MURKOWSKI, Mr. PELL, Mr. DOMINICI, Mr. DIXON, Mr. DOLE, Mr. SANFORD, Mr. HATCH, Mr. SARBANES, Mr. STAFFORD, Mr. BURDICK, Mr. TRIBLE, Mr. BUMPERS, Mr. LUGAR, Mr. GRAHAM, Mr. BOSCHWITZ, Mr. STENNIS, Mr. SIMPSON, Mr. RIEGLE, Mr. THURMOND, Mr. BOREN, Mr. BENTSEN, Mr. HEFLIN, Mr. HOLLINGS, Mr. QUAYLE, Mr. DANFORTH, and Ms. MIKULSKI):

S.J. Res. 263. Joint resolution to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week"; referred to the Committee on the Judiciary.

GEOGRAPHY AWARENESS WEEK

● Mr. BRADLEY. Mr. President, I rise today with my distinguished colleague from Vermont, Mr. STAFFORD, to introduce a resolution to delcare the week of November 13 to November 19, 1988, "Geography Awareness Week."

Mr. President, last year when I introduced the first "Geography Awareness Week" resolution, it was becoming clear that an alarming level of geographic illiteracy had developed in our Nation. Surveys found that our Nation's students had, at best, a distorted understanding of our world and, at worst, were totally ignorant of the most basic geography.

In Dallas, 25 percent of the high school students could not name the country that bordered the United States to the South. In Boston, 39 percent of the surveyed students could not name the six New England States. In Baltimore, 45 percent could not, when asked, shade in the appropriate area on an outline map that location corresponding to the United States. A survey by the Asbury Park Press found that, on the average, 12th graders could identify only 41 percent of the States.

Mr. President, since the recognition of Geography Awareness Week last year some progress has been made in dealing with this illiteracy. But it is only a beginning. We must continue to revitalize and expand the role of geography in the public consciousness. Much more needs to be done.

To help raise public awareness of the need for geography education, I sponsored a State-wide geography competition in New Jersey. Over 600 eighth graders from all over the State competed. Robin Cadwallender, a 13-year-old eighth grader from Hopatcong, NJ, was crowned grand champion of geography when she won the final round of the geography bee. She won the bee by naming the highest mountain in the Western Hemisphere, Mount Aconcagua in Argentina, and correctly naming Key Largo as the largest of the Florida Keys.

I also taught geography to a class of high school students at River Dell Regional High School in Oradell, NJ. Currently schools throughout my State are involved in the final round of another competition to select the best classroom geography project for 1987–88. I am pleased that so many students and teachers in my State have become more involved in this issue than they were a year ago. However, our work is not done.

Our country is a our unique Nation: a population with a diverse ethnic and racial heritage; a broad landscape; bountiful resources. All of this contributes to our status as a world power.

Knowledge of geography offers a necessary perspective as we work to understand our heritage, our relationship with the Earth, and our interdependence with other peoples of the world.

Traditional geography has virtually disappeared from American schools, although it is still being taught as a basic subject in other countries, including Great Britain, Canada, Japan, and the Soviet Union.

Continued ignorance of geography, other cultures, and foreign languages places the United States at a disadvantage in matters of business, politics, and the environment.

The United States is a nation with worldwide involvements and global influence which demand that our citizens have an understanding of the lands, languages, and cultures of the world.

Our national attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of the United States for the future of an increasingly interdependent world.

It is for this reason that I am introducing today this resolution to continue to focus national attention on the need for a knowledge of world geography. It is my hope that this will be just one step in a revitalization of the study of geography. All of our citizens should have access to the sort of education which will help them appreciate the great beauty and diversity of this nation and its place in the world.

I ask that the attached resolution by placed in the CONGRESSIONAL RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 263

Whereas geography is the study of people, their environments, and their resources;

Whereas the United States of America is a truly unique nation with diverse landscapes, bountiful resources, a distinctive multiethnic population, and a rich cultural heritage, all of which contribute to the status of the United States as a world power;

Whereas, historically, geography has aided Americans in understanding the wholeness of their vast nation and the great abundance of its natural resources;

Whereas geography today offers perspectives and information in understanding ourselves, our relationship to the Earth, and our interdependence with other peoples of the world;

Whereas statistics illustrate that a significant number of American students could not find the United States on a world map, could not identify Alaska and Texas as the Nation's largest States and could not name the New England States;

Whereas geography has been offered to fewer than one in ten United States secondary school students as part of the curriculum;

Whereas departments of geography are being eliminated from American institutes of higher learning, thus endangering the discipline of geography in the United States;

Whereas traditional geography has virtually disappeared from the curricula of American schools while still being taught as a basic subject in other countries, including the United Kingdom, Canada, Japan, and the Soviet Union;

Whereas an ignorance of geography, foreign languages, and cultures places the United States at a disadvantage with other countries in matters of business, politics, and the environment;

Whereas the United States is a nation of worldwide involvements and global influence, the responsibilities of which demand an understanding of the lands, language and cultures of the world; and

Whereas national attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of the United States for the future of an increasingly interdependent and interconnected world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing November 13, 1988, and ending November 19, 1988, is designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a week with appropriate ceremonies and activities.●

● Mr. STAFFORD. Mr. President, I rise today to join my good friend from New Jersey, Senator BRADLEY, to introduce Senate Joint Resolution 263 to designate the period commencing No-

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vember 13, 1988, and ending November 19, 1988, as "Geography Awareness Week." As the principal cosponsor of this legislation, I am pleased to bring to the attention of our Nation the importance of geographic literacy.

In a time when our world is shrinking due to advances in communication and transportation, our children are woefully lacking in their knowledge of other cultures, land forms, and global issues. Over the past 10 years the study of geography as a discipline has all but disappeared from American classrooms. In hearings held last fall, we learned that widespread geographic illiteracy is the product of deemphasizing geography in American schools. Our Nation cannot afford to have citizens who are unaware of such basic information as the customs and beliefs of foreign peoples and the effect of climate on the economic well-being of nations.

Attaining geographic literacy for all our citizens is more than a laudable goal. It is an essential goal. To that end, Geography Awareness Week is a significant step in the right direction. The first Geography Awareness Week was designated by Congress in November 1987. During that time, school children and citizens across our Nation joined in a celebration of geographic knowledge. For example, a kindergarten class in Monroe, OR, learned about geography with a special mapping project. The youngsters attached notes to Christmas trees from Oregon which were then shipped to other States. The notes asked tree buyers to tell the kindergartners where they lived so the children could make a map showing the distribution of Christmas trees.

The Christmas tree tracking project was just one of many classroom activities and special projects organized around Geography Awareness Week. Thirty-two State Governors signed proclamations declaring Geography Awareness Week; more than 150,000 balloons were launched with messages to track their whereabouts; elected officials and foreign ambassadors came forward to teach classes in geography; and geography fairs were held across our country. Minnesota's three largest school districts are now moving to improve their geography curricula. These activities were inspired by the congressional sponsorship of Geography Awareness Week.

By raising the consciousness of our Nation's citizens, Geography Awareness Week has made a tremendous contribution to improving geographic literacy. It is estimated that 1,000 news and feature stories about geography appeared in newspapers, on television and on radio. In the mind of this Senator, Geography Awareness Week marks the beginning of a much needed, and long overdue, thrust toward geographic literacy.

Calling attention to geography gives the schools across our Nation a concrete forum for emphasizing geography in the curriculum. It also provides a focal point for discussing the relevance of geography in a world where economic competitiveness hinges on a sound understanding of the impact of geography on world affairs.

Mr. President, our Nation's leadership in world affairs is dependent on American citizens who are informed about global issues. Over the past year, we have seen school children once again learning about the physical and cultural features of our planet. We have seen politicians and foreign ambassadors contributing to geography activities. We have witnessed the beginning of a nationwide commitment to geographic literacy. As a forum for activities and special events across our great Nation, Geography Awareness Week has made, and I hope will make again in 1988, a significant contribution to raising the overall knowledge of geography among our citizens.●

By Mr. RIEGLE:

S.J. Res. 264. Joint resolution to designate the period commencing May 8, 1988, and ending May 14, 1988, as "National Correctional Officers Week;" referred to the Committee on the Judiciary.

NATIONAL CORRECTIONAL OFFICERS WEEK

● Mr. RIEGLE. Mr. President, today I am introducing a joint resolution to designate the week beginning May 8, 1988, as "National Correctional Officers Week."

This resolution is similar to legislation I sponsored last year and which was enacted by Congress. This commemorative week serves to honor our correctional officers around the country for their tireless commitment of staffing the Nation's correctional facilities.

Mr. President, our Nation's correctional officers work under highly stressful conditions, where exposure to risky or dangerous situations is a daily part of their jobs. Presently, these officers are responsible for the safety and welfare of over 600,000 inmates in the country, and are also integral to the protection of surrounding communities.

I feel strongly that National Correctional Officers Week is a way to show our support and appreciation for these dedicated men and women. I urge my colleagues to support this resolution.●

ADDITIONAL COSPONSORS—FEBRUARY 23, 1988

S. 39

At the request of Mr. D'Amato, his name was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 237

At the request of Mr. Thurmond, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 237, a bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the United States Government from attempting to influence the United States Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes.

S. 1353

At the request of Mr. Kasten, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1353, a bill to amend the Internal Revenue Code of 1986 to exempt certain livestock breeding from the rules requiring capitalization of preproductive expenses and to preclude farmers with gross receipts in excess of $5,000,000 from using a cash method accounting.

S. 1378

At the request of Mr. Thurmond, the name of the Senator from Colorado [Mr. Armstrong] was added as a cosponsor of S. 1378, a bill to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated.

S. 1679

At the request of Mr. Hatch, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of S. 1679, a bill to establish a block grant program for child care services, and for other purposes.

S. 1910

At the request of Mr. Chafee, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 1910, a bill to provide financial assistance to local educational agencies to demonstrate the advantages of implementing plans to reduce class size.

S. 1929

At the request of Mr. Bumpers, the name of the Senator from Wisconsin [Mr. Kasten] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2024

At the request of Mr. Baucus, the name of the Senator from West Virginia [Mr. Byrd] was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2033

At the request of Mr. Thurmond, the name of the Senator from Missouri

[Mr. Danforth] was added as a cosponsor of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2041

At the request of Mr. Heinz, the name of the Senator from Washington [Mr. Adams] was added as a cosponsor of S. 2041, a bill to amend title 23, United States Code, to reduce Federal highway funds to States that do not enforce the 65 mile per hour speed limit.

S. 2042

At the request of Mr. Durenberger, the names of the Senator from New Jersey [Mr. Bradley], the Senator from Montana [Mr. Melcher], the Senator from Iowa [Mr. Harkin], and the Senator from Washington [Mr. Adams] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2075

At the request of Mr. Daschle, the names of the Senator from Montana [Mr. Baucus], the Senator from Michigan [Mr. Riegle], the Senator from Kentucky [Mr. Ford], and the Senator from Iowa [Mr. Harkin], were added as cosponsors of S. 2075, a bill to amend the Internal Revenue Code of 1986 to permit tax free purchases of certain fuels, including purchases by farmers.

SENATE JOINT RESOLUTION 59

At the request of Mr. Thurmond, the names of the the Senator from Oklahoma [Mr. Boren], and the Senator from Virginia [Mr. Trible] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 227

At the request of Mr. Hollings, the name of the Senator from California [Mr. Cranston], was added as a cosponsor of Senate Joint Resolution 227, a joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 230

At the request of Mr. Helms, the names of the Senator from Rhode Island [Mr. Pell], the Senator from Maryland [Ms. Mikulski], the Senator from South Dakota [Mr. Daschle], the Senator from Tennessee [Mr. Gore], the Senator from Wisconsin [Mr. Kasten], the Senator from Virginia [Mr. Warner], the Senator from Virginia [Mr. Trible], the Senator from New Hampshire [Mr. Humphrey], the Senator from Kansas [Mrs. Kassebaum], the Senator from Minnesota [Mr. Durenberger], the Senator from Delaware [Mr. Roth], and the Senator from Kansas [Mr. Dole], were added as cosponsors of Senate Joint Resolution 230, a joint resolution to designate the third week of June of 1988 as "National Dairy Goat Awarenesss Week."

SENATE JOINT RESOLUTION 234

At the request of Mr. Thurmond, the names of the Senator from Virginia [Mr. Trible], the Senator from Indiana [Mr. Lugar], the Senator from Alabama [Mr. Shelby], the Senator from Texas [Mr. Gramm], the Senator from Texas [Mr. Bentsen], the Senator from Illinois [Mr. Simon], the Senator from Pennsylvania [Mr. Specter], the Senator from Oklahoma [Mr. Nickles], the Senator from Mississippi [Mr. Stennis], the Senator from Georgia [Mr. Nunn], the Senator from Wyoming [Mr. Simpson], the Senator from Arizona [Mr. McCain], the Senator from Connecticut [Mr. Weicker], the Senator from North Carolina [Mr. Helms], the Senator from Illinois [Mr. Dixon], the Senator from Arkansas [Mr. Bumpers], the Senator from Kentucky [Mr. McConnell], the Senator from Georgia [Mr. Fowler], the Senator from New Hampshire [Mr. Humphrey], the Senator from Kansas [Mr. Dole], the Senator from Kansas [Mrs. Kassebaum], the Senator from Oklahoma [Mr. Boren], the Senator from Colorado [Mr. Wirth], the Senator from South Carolina [Mr. Hollings], the Senator from Mississippi [Mr. Cochran], and the Senator from Maine [Mr. Mitchell], were added as cosponsors of Senate Joint Resolution 234, a joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

SENATE JOINT RESOLUTION 239

At the request of Mr. Ford, the names of the Senator from Tennessee [Mr. Gore], the Senator from New York [Mr. D'Amato], and the Senator from Maine [Mr. Mitchell] were added as cosponsors of Senate Joint Resolution 239, a joint resolution to designate May 1 through May 31, 1988, as "Worldwide Bluegrass Music Month."

SENATE JOINT RESOLUTION 251

At the request of Mr. Hollings, the names of the Senator from Rhode Island [Mr. Pell], the Senator from Ohio [Mr. Glenn], and the Senator from Hawaii [Mr. Matsunaga] were added as cosponsors of Senate Joint Resolution 251, a joint resolution designating March 4, 1988, as "Department of Commerce Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. Burdick, the name of the Senator from Washington [Mr. Adams] was added as a cosponsor of Senate Joint Resolution 254, a joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as National Health Awareness Week."

SENATE JOINT RESOLUTION 258

At the request of Mr. Thurmond, the names of the Senator from Alaska [Mr. Stevens], and the Senator from Arkansas [Mr. Bumpers] were added as cosponsors of Senate Joint Resolution 258, a joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States.

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. Melcher, the name of the Senator from Missouri [Mr. Bond] was added as a cosponsor of Senate Concurrent Resolution 88, a concurrent resolution to facilitate the convening of a Silver Haired Congress.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. Adams, the names of the Senator from New Mexico [Mr. Bingaman], the Senator from Colorado [Mr. Armstrong], the Senator from Arizona [Mr. McCain], the Senator from Tennessee [Mr. Gore], the Senator from Illinois [Mr. Simon], the Senator from Minnesota [Mr. Durenberger], the Senator from Virginia [Mr. Trible], the Senator from Maryland [Mr. Sarbanes], the Senator from Maine [Mr. Mitchell], the Senator from Georgia [Mr. Nunn], the Senator from New York [Mr. D'Amato], the Senator from Rhode Island [Mr. Pell], and the Senator from California [Mr. Cranston] were added as cosponsors of Senate Concurrent Resolution 97, a concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes.

SENATE RESOLUTION 377

At the request of Mr. Lugar, the names of the Senator from Illinois [Mr. Simon], and the Senator from Alaska [Mr. Murkowski] were added as cosponsors of Senate Resolution 377, a resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

ADDITIONAL COSPONSORS—FEBRUARY 24, 1988

S. 39

At the request of Mr. Moynihan, the name of the Senator from Missouri [Mr. Bond] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts

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paid for employee educational assistance permanent.

S. 612

At the request of Mr. Simon, the names of the Senator from Alabama [Mr. Shelby], the Senator from Maine [Mr. Cohen], the Senator from South Carolina [Mr. Thurmond], and the Senator from Utah [Mr. Garn] were added as cosponsors of S. 612, a bill to repeal a provision of Federal tort liability law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths and for other purposes.

S. 1381

At the request of Mr. Sasser, the names of the Senator from Pennsylvania [Mr. Heinz], and the Senator from New Jersey [Mr. Bradley] were added as cosponsors of S. 1381, a bill to improve cash management by executive agencies, and for other purposes.

S. 1412

At the request of Mr. Hollings, the name of the Senator from Tennessee [Mr. Gore] was added as a cosponsor of S. 1412, a bill to amend the Coastal Zone Management Act of 1972 regarding activities significantly affecting the coastal zone.

S. 1429

At the request of Mr. Lautenberg, the names of the Senator from Arkansas [Mr. Bumpers], the Senator from Illinois [Mr. Simon], the Senator from Maine [Mr. Cohen], the Senator from North Carolina [Mr. Sanford], the Senator from Ohio [Mr. Metzenbaum], the Senator from Colorado [Mr. Wirth], the Senator from Hawaii [Mr. Inouye], the Senator from Nevada [Mr. Reid], and the Senator from New Jersey [Mr. Bradley] were added as cosponsors of S. 1429, a bill to improve the Environmental Protection Agency data collection and dissemination regarding reduction of toxic chemical emission across all media, to assist States in providing information and technical assistance about waste reduction, and for other purposes.

S. 1457

At the request of Mr. Ford the name of the Senator from Rhode Island [Mr. Chafee] was added as a cosponsor of S. 1457, a bill to establish, with respect to any grant or research protocol of the National Institutes of Health, a restriction that any person obtaining or using for any research purpose any animal acquired from any animal shelter shall not be eligible to receive any such grant or research protocol.

S. 1474

At the request of Mr. Bradley, the name of the Senator from Rhode Island [Mr. Pell] was added as a cosponsor of S. 1474, a bill to require that any U.S. Government support for military or paramilitary operations in Angola be openly acknowledged and publicly debated.

S. 1522

At the request of Mr. Riegle, the name of the Senator from Colorado [Mr. Armstrong] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1678

At the request of Mr. DeConcini, his name was added as a cosponsor of S. 1678, a bill to establish a block grant program for child care services, and for other purposes.

S. 1851

At the request of Mr. Simpson, his name was added as a cosponsor of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 1867

At the request of Mr. Simon, the name of the Senator from Connecticut [Mr. Dodd] was added as a cosponsor of S. 1867, a bill to amend title 28, United States Code, to make certain improvements with respect to the Federal court interpreter program, and for other purposes.

S. 1931

At the request of Mr. Simon, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of S. 1931, a bill to amend part B of title IV of the Higher Education Act of 1965, relating to the guaranteed student loan programs, to reduce the high default rate under that program, and to improve debt collection under that program, and for other purposes.

S. 2024

At the request of Mr. Baucus, the name of the Senator from Wyoming [Mr. Wallop] was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2042

At the request of Mr. Durenberger, the names of the Senator from Nebraska [Mr. Karnes] the Senator from Tennessee [Mr. Sasser], and the Senator from South Carolina [Mr. Thurmond] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

SENATE JOINT RESOLUTION 21

At the request of Mr. Hollings, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 212

At the request of Mr. Dixon, the names of the Senator from New York [Mr. D'Amato], the Senator from Kentucky [Mr. Ford], and the Senator from Indiana [Mr. Quayle] were added as cosponsors of Senate Joint Resolution 212, a joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week."

SENATE JOINT RESOLUTION 226

At the request of Mr. DeConcini, the name of the Senator from Virginia [Mr. Trible] was added as a cosponsor of Senate Joint Resolution 226, a joint resolution to designate the week of May 8, 1988, through May 14, 1988, as "National Soccer Week."

SENATE JOINT RESOLUTION 240

At the request of Mr. Biden, the names of the Senator from Massachusetts [Mr. Kerry], the Senator from Wyoming [Mr. Wallop], the Senator from Kentucky [Mr. McConnell], the Senator from Alaska [Mr. Stevens], the Senator from Rhode Island [Mr. Chafee], the Senator from Iowa [Mr. Grassley], the Senator from Indiana [Mr. Quayle], and the Senator from North Carolina [Mr. Helms] were added as cosponsors of Senate Joint Resolution 240, a joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week."

ADDITIONAL COSPONSORS—FEBRUARY 25, 1988

S. 533

At the request of Mr. Thurmond, the names of the Senator from New Jersey [Mr. Bradley], and the Senator from New Mexico [Mr. Domenici] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 1586

At the request of Mr. Kerry, the names of the Senator from Washington [Mr. Adams], and the Senator from New Mexico [Mr. Bingaman] were added as cosponsors of S. 1586, a bill to provide financial assistance under the Education of the Handicapped Act to assist severely handicapped infants, children, and youth to improve their educational opportunities through the use of assistive device resource centers, and for other purposes.

S. 1861

At the request of Mr. DeConcini, the names of the Senator from Utah [Mr. Hatch], and the Senator from New Mexico [Mr. Bingaman] were added as cosponsors of S. 1861, a bill to amend the Controlled Substances Act to suppress the diversion and trafficking of precursor chemicals and essential chemicals utilized in the illicit manufacture of controlled substances.

S. 1885

At the request of Mr. Dodd, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of S. 1885, a bill to provide for a Federal program for the improvement of child care, and for other purposes.

S. 1929

At the request of Mr. Bumpers, the name of the Senator from Tennessee [Mr. Sasser] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2051

At the request of Mr. McClure, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of S. 2051, a bill entitled the "Prohibition of Undetectable Firearms Act".

S. 2062

At the request of Mr. Nickles, the names of the Senator from North Carolina [Mr. Helms], and the Senator from North Dakota [Mr. Burdick] were added as cosponsors of S. 2062, a bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax.

S. 2075

At the request of Mr. Daschle, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of S. 2075, a bill to amend the Internal Revenue Code of 1986 to permit tax-free purchases of certain fuels, including purchases by farmers.

SENATE JOINT RESOLUTION 227

At the request of Mr. Hollings, the names of the Senator from Connecticut [Mr. Dodd], and the Senator from Delaware [Mr. Roth] were added as cosponsors of Senate Joint Resolution 227, a joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 249

At the request of Mr. Riegle, the names of the Senator from Colorado [Mr. Wirth], the Senator from Indiana [Mr. Quayle], the Senator from Alaska [Mr. Stevens], and the Senator from Virginia [Mr. Warner] were added as cosponsors of Senate Joint Resolution 249, a joint resolution designating June 14, 1988, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 251

At the request of Mr. Hollings, the name of the Senator from Washington [Mr. Evans] was added as a cosponsor of Senate Joint Resolution 251, a joint resolution designating March 4, 1988, as "Department of Commerce Day."

SENATE JOINT RESOLUTION 257

At the request of Mr. Humphrey, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of Senate Joint Resolution 257, a joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

SENATE JOINT RESOLUTION 261

At the request of Mr. Pressler, the names of the Senator from Iowa [Mr. Grassley], and the Senator from Illinois [Mr. Dixon] were added as cosponsors of Senate Joint Resolution 261, a joint resolution designating the month of November 1988 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 262

At the request of Mr. Hatch, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of Senate Joint Resolution 262, a joint resolution to designate the month of March 1988, as "Women's History Month."

SENATE RESOLUTION 377

At the request of Mr. Lugar, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of Senate Resolution 377, a resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE CONCURRENT RESOLUTION 100—RELATING TO A STANDARD DEFINITION OF GOODS WHICH MAY BE EXPORTED AS HUMANITARIAN DONATIONS

Mr. LEAHY submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. Con. Res. 100

Whereas the authority granted to the President by the International Emergency Economic Powers Act to take certain actions pursuant to his declaring a national emergency does not include the authority to regulate or prohibit, directly or indirectly, donations by United States persons of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering, except where the President determines that such donations would seriously impair his ability to deal with the national emergency, are in response to coercion against the proposed recipient or donor, or would endanger United States Armed Forces which are engaged in hostilities;

Whereas the Trading With the Enemy Act authorizes United States persons to donate articles (including food, clothing, and medicine) intended to be used solely to relieve human suffering, to any country with which the United States is at war, after the cessation of hostilities:

Whereas the Export Administration Act of 1979 specifically denies the President the authority to impose foreign policy export controls on medicines, medical supplies, and donated goods (including, but not limited to, food, educational materials, seeds and hand tools, medicines and medical supplies, water resources equipment, clothing and shelter materials, and basic household supplies) that are intended to meet basic human needs, and restricts the President's authority to impose export controls on food; and

Whereas the legislative history of the International Emergency Economic Powers Act expresses the intent of the Congress that any article other than military or strategic items can be donated in order to relieve human suffering; that the definition of exempted humanitarian goods be given the broadest construction possible; and that the mention of "food, clothing, and medicine" is meant to be illustrative and in no way to be an inclusive list: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that in exercising authorities under the International Emergency Economic Powers Act, the Trading With the Enemy Act, and the Export Administration Act of 1979, the executive branch should use a standard definition of humanitarian donations that is consistent with the intent of the Congress that humanitarian goods be defined as broadly as possible.

● Mr. LEAHY. Mr. President, during the past 6 years of the Contra war in Nicaragua our two countries have maintained diplomatic relations. Many Americans have availed themselves of the opportunity to visit Nicaragua. They have gone there to see for themselves the effects of the Contra policy, and to show their concern for the Nicaraguan people who have been caught in the middle of that war.

I have often argued that the way to bring democracy to a backward country like Nicaragua is to show its people what democracy has to offer, rather than carry on a bloody war to overthrow their government by force. We should be sending doctors, agronomists, veterinarians and Peace Corps volunteers instead of guns, bullets, and boots for the Contras.

Unfortunately, this administration believes otherwise. In 1985 President Reagan declared a national emergency with respect to Nicaragua and ordered the Treasury Department to issue regulations controlling trade with that country. Those regulations banned all exports from the United States to Nicaragua. The only exports allowed are those to the Contras and private donated items for the Nicaraguan people such as food, clothing, and medicines, intended to be used to relieve human suffering.

The President used the authority of the International Emergency Economic Powers Act to impose the trade embargo on Nicaragua. That act provides for humanitarian help even during an embargo. Its legislative history clearly establishes that the act's exemption for donations of humanitarian items was intended to be broadly construed. However, advised by the State Department, the Treasury Department has denied licenses to charitable organizations such as Oxfam and Catholic Relief Services to send donated humanitarian items—hoes, sickles, axes—which do not fit within the narrow categories of food, clothing or medicine which the regulations cite as examples of humanitarian items. Treasury did so not because of the items themselves, but because the recipients were deemed to be affiliated with the Nicaraguan Government.

The irony of this policy is that the administration has given millions and millions of dollars of military equipment to the Contras under the label of "humanitarian aid." Yet, the Administration denies Catholic Relief Services a license to donate a couple of thousand dollars worth of construction tools to Nicaraguans because of some "affiliation" with the Government. Those tools—hammers, saws, and shovels—collected by private Americans, are stored in a Miami warehouse.

Mr. President, in Nicaragua just about everything is in some way "affiliated" with the Government. You cannot get anything done in that country without the Government being on your board of directors, approving your license, authorizing your activities, controlling your funds, and on and on. It's bureaucracy run wild.

There are two other statutes that control exports and contain exceptions for private donations of humanitarian items. Those exceptions either explicitly allow donations of a broad variety of items, or are being construed more broadly by the Treasury Department.

The Trading With the Enemy Act authorizes Americans to donate items intended to be used solely to relieve human suffering, to any country with which we are at war, after the cessation of hostilities. Under this act, Oxfam is sending a variety of humanitarian items, in addition to food, clothing and medicine, to Vietnam and Cambodia—two declared enemies of the United States with which we do not have diplomatic relations. As in Nicaragua, just about everything in those countries is in some way "affiliated" with the Government.

The Export Administration Act denies the President the authority to impose controls on items intended to meet basic human needs—including food, medicine, shelter materials, seeds, hand tools and educational supplies.

These conflicting statutes governing humanitarian donations by private citizens have been used by the administration to further its foreign policy. Although the Congress intended that the categories of humanitarian items in the International Economic Powers Act should be illustrative rather than inclusive, Oxfam's request to send simple hand tools to an agricultural school in Nicaragua was denied. That school is funded by Sweden and has instructors from several countries including the United States who teach Nicaraguan farmers how to repair and operate farm machinery.

However, the Treasury says that the school is affiliated with the Sandinista government—and on that basis denied the license.

Mr. President, Americans pride themselves on the generous way they have responded to people in need overseas. From the days of Point Four relief after World War II to the famine in Ethiopia, a country ruled by one of the most repressive Marxist governments in the world, Americans have put aside politics to ease the pain of hunger and poverty.

Whether one is for or against the Contra policy, the administration's politicization of humanitarian aid has implications that go far beyond this case. It conflicts with our tradition of generosity and with the very notion of humanitarianism, which is the promotion of human welfare, not political goals. And, it sets a precedent for the future, when another administration may use the same political litmus test to ban donations of humanitarian items to poor people in South Africa or some other country whose government we disagree with.

On December 14, 1987, in order to remedy the discrepencies in existing law and in how those laws are being administered, Congressman BONKER introduced a resolution expressing the sense of the Congress that the executive branch should use a standard definition of those items which may be exported as humanitarian donations.

If the regulations permit humanitarian items to go to Vietnam and Cambodia to relieve basic human needs, why shouldn't those same regulations allow donations of the same sorts of humanitarian items to the people of Nicaragua—without having to meet some ideological litmus test?

Today I am introducing identical legislation in the Senate. While I recognize that the future of United States-Nicaragua relations rests largely on the outcome of the Central American peace talks, this legislation goes far beyond our policy toward that country. It impacts on the humanitarian instincts of Americans generally—instincts that we should do all we can to encourage.●

SENATE RESOLUTION 382—TO REMOVE THE POWER TO ARREST SENATORS FROM THE SERGEANT AT ARMS

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 382

Resolved, That paragraph 4 of rule VI of the Standing Rules of the Senate is amended by striking ", and, when necessary, to compel".

SENATE RESOLUTION 383—TO EXPRESS THE SENSE OF THE SENATE REGARDING FUTURE FUNDING OF AMTRAK

Mr. LAUTENBERG (for himself, Mr. PELL, Mr. MOYNIHAN, Mr. WEICKER, Mr. BIDEN, Mr. SPECTER, Mr. BYRD, Ms. MIKULSKI, Mr. BRADLEY, Mr. BURDICK, Mr. FOWLER, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. Res. 383

Whereas Amtrak the National Railroad Passenger Corporation, was established by the United States Congress in 1971 to assume operation of rail passenger services in this country;

Whereas Amtrak now operates 230 trains daily over a 24,000 mile route system, and also owns and controls the high speed Northeast Corridor rail line between Washington, District of Columbia, and Boston, Massachusetts;

Whereas Amtrak has and will continue to reduce its dependence on Federal funding which has declined from $896.3 million in fiscal year 1981 to $580.8 million in fiscal year 1988, a reduction of over 50 percent in constant dollars;

Whereas Amtrak covers an increasing percentage of its total costs from its own revenues, and the revenue-to-cost ratio has improved from 48 percent in fiscal year 1981 to 65 percent in fiscal year 1987 and a projected 67 percent in 1988;

Whereas Amtrak revenues in fiscal year 1987 were $973.5 million, an increase of 13 percent over 1986, which resulted from increases in transportation, real estate, mail and express, and corporate development revenues over fiscal year 1986;

Whereas Amtrak provided transportation for more than 20.4 million people in fiscal year 1987, and 10.2 million of those travelers rode trains in Amtrak's Northeast Corridor between Washington, D.C., and Boston, Massachusetts;

Whereas Amtrak generated 5.221 billion passenger miles in fiscal year 1987 and the ratio of passenger miles per train mile (an indicator of the number of passengers riding the average train one mile) increased from 172.2 in fiscal year 1986 to 177 in fiscal year 1987, reflecting the increased density of passengers on Amtrak trains;

Whereas Amtrak is an ongoing business and any drastic reduction in public support, or the elimination of Federal funds, would force the corporation into bankruptcy and threaten the end of rail passenger service across the country;

Whereas the Federal, and State governments have invested heavily to modernize Amtrak facilities, purchase new rolling stock, and upgrade the high speed Northeast Corridor, which raised the value of Amtrak's net assets to over $3 billion, all of which would have to be sold at scrap value if rail passenger service were eliminated;

Whereas some 22,800 Amtrak employees in 44 States would become unemployed if the corporation received no public funds and was forced into bankruptcy;

Whereas termination of rail passenger service would trigger $2.1 billion in Amtrak liability to pay labor protection to affected employees, and if Amtrak is rendered insolvent, labor would turn to the United States Government for payment of these claims;

Whereas an Amtrak shut down of the Northeast Corridor would drastically increase the cost, and disrupt the provision of daily commuter service by New Jersey Transit, the Southeastern Pennsylvania Transportation Administration, the Maryland Department of Transportation, and the Massachusetts Bay Transit Authority, for the approximately 175,000 people per day who use these carriers over Amtrak owned and operated rail lines in Washington, D.C., Maryland, Pennsylvania, New Jersey, New York, and Massachusetts;

Whereas the shutdown of the Northeast Corridor would disrupt freight service provided by Conrail and other carriers on the corridor, which serve numerous businesses including General Motors, Ford, Chrysler, Dupont, General Foods, and General Electric;

Whereas Amtrak carries more than twice as many passengers between and among the Northeast Corridor stations of New York, Newark, Philadelphia Wilmington, Baltimore, and Washington, than all airlines combined, and over one third of all air and rail passengers daily between Washington, D.C., and New York alone;

Whereas a shutdown of intercity rail service in the Northeast Corridor would strain already busy and overcrowded airports along the Atlantic seaboard;

Whereas Amtrak provides needed transportation for lower income and elderly travelers (36 percent of all long haul passengers have family incomes below $20,000, 55 percent have family incomes below $30,000, 40 percent are 55 years of age or older, and 22 percent are over 65 years of age);

Whereas both Amtrak's labor and management workers have made efforts to improve productivity, and as such, Amtrak will be the first railroad in this country to operate its trains nationwide under totally revised and modernized work rules;

Where all major industrialized Western nations have taken pride in establishing rail service and publicly funding their passenger systems;

Whereas Congress has consistently supported a balanced national transportation network, including the financial support of various modes of transportation, making this country the most mobile in the world and making travel available to persons of all income levels;

Whereas part of this balanced transportation system established by Congress has included the provision of intercity rail passenger service; and

Whereas Congress has voted numerous times to authorize and to appropriate sufficient funds to operate a national rail passenger system and has rejected efforts to eliminate Federal funding for Amtrak: Now, therefore, be it

Resolved, That it is the sense of the United States Senate that—

(1) Amtrak should be supported by the Federal Government at a level that will enable it to continue to operate a national railway system and to continue the progress that has been made to improve its financial performances and service levels; and

(2) the Secretary of Transportation and the Administrator of the Federal Railroad Administration should work closely with Amtrak management to—

(A) identify areas and assist in implementing changes that will further lower Amtrak's dependence on public funding without adversely affecting service; and

(B) insure that safety is given the highest priority possible as part of managements responsibility to provide rail passenger service.

SEC. 2. The clerk of the United States Senate shall transmit a copy of this resolution to the President with the request that the President further transmit copies of this resolution to the Secretary of Transportation and the Administrator of the Federal Railroad Administration.

Mr. LAUTENBERG. Mr. President, I rise today to introduce a sense of the Senate resolution reaffirming support for the National Railroad Passenger Corporation, better known as Amtrak.

I'm pleased to be joined by Senators PELL, MOYNIHAN, WEICKER, BIDEN, SPECTER, BYRD, MIKULSKI, BRADLEY, BURDICK, and FOWLER.

This resolution is necessary because the President's budget proposal for fiscal year 1989 again would eliminate Amtrak funding. We've seen this proposal before. Year after year, the administration has sought to derail Amtrak. Year after year, the Congress has said no.

Amtrak is a vital link in our national transportation network. To deny funds for Amtrak is to deny the importance of such a network. That's the policy this administration has endorsed. It's a policy that just doesn't make sense.

Let's look at the facts. Amtrak serves almost 21 million people over 24,000 miles of track in 44 States. Some 5.2 billion passenger miles were generated in fiscal year 1987. In addition, approximately 175,000 commuters in a number of States depend on Amtrak's rails each and every day.

Half of Amtrak's passengers travel in the Northeast Corridor. The importance of Amtrak in my region can hardly be overestimated. In 1987, Amtrak carried more passengers among the points between Washington and New York than all the airlines combined. Carrying 3,800 passengers each day, Amtrak has become the single largest provider of point-to-point service between Washington and New York.

In my State, thousands of commuters rely on Amtrak service and facilities each day. Without Amtrak, New Jersey would face major disruption of service, or fare increases that would make rail commutation unavailable for those who need it most.

Amtrak service is an indispensible asset. Our roads and airways simply could not absorb the passenger load if Amtrak were eliminated, as proposed by the administration. For example, it would require an additional 54 flights each day between Washington and New York to handle those now using Amtrak. It's clear that capacity just doesn't exist.

Amtrak is a tremendous success story. It's growth and success has come in the face of major budgetary constraints. Between fiscal years 1981 and 1982, Federal support for Amtrak fell from $896.3 to $580.8 million, a 50-percent reduction in constant dollars. Other Federal programs should perform so well.

As chairman of the Appropriations Subcommittee on Transportation, I have worked closely with Amtrak president, Graham Claytor, to make Amtrak less dependent on Federal funding while maintaining and improving service. I can assure my colleagues that Amtrak has every intention to continue these efforts, and that I will work with Mr. Claytor in this endeavor.

Mr. President, pressure on Amtrak has resulted in great savings. That progress should continue. This resolution calls for just that. It would ask the administration to work with Amtrak to make it even more efficient and reliable. The resolution reaffirms the view of the Congress that Amtrak should remain a viable entity, and that adequate funding should be provided.

Mr. President, I urge my colleagues to cosponsor this resolution.●

● Mr. PELL. Mr. President, I join in cosponsoring a resolution offered by the Senator from New Jersey [Mr. LAUTENBERG] expressing the sense of the Senate that funding for the Nation's rail system, Amtrak, should continue.

Once again, the Reagan administration is proposing the elimination of funding for Amtrak and the eventual sale of the Northeast corridor. Instead of eliminating funding, it is my strong belief that the fiscal 1989 budget should continue funding for Amtrak at the level required to assure good service. In recent months, one could not open a newspaper or watch the evening news without seeing story after story about airline delays, unhappy passengers, and reports questioning the safety of the skies. This alone may be reason enough to continue to fund an efficient, safe, existing means of transportation along the always busy eastern seaboard corridor as well as all over the Nation.

The administration's proposal would eliminate badly needed moneys just as Amtrak is developing a record of economic viability. In the last months of 1987, Amtrak tested a new type of passenger car that will, if successful, increase passenger comfort while reducing travel time between Washington, DC, New York, Providence, and Boston. I find it disturbing that, at the very time that Amtrak is turning the corner to a bright, productive future, this administration wants to cut the very railbed out from under Amtrak.

Once again, let me commend my good friend from New Jersey for his concern and efforts to ensure efficient mass transportation for the Northeast corridor and throughout the country, and urge my colleagues in the Senate to support this important resolution.●

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● Mr. SPECTER. Mr. President, today I join Senator LAUTENBERG in introducing a resolution which expresses the sense of the Senate regarding future funding of Amtrak. I strongly oppose the President's proposal to terminate Amtrak's operating subsidies contained in the fiscal year 1989 budget released on Thursday, February 19. The 1988 funding level for operating subsidies was $580 million.

I long have been committed to maintaining funding for Amtrak and I remain committed now to maintaining a national passenger railroad system. If Amtrak funding is cut back significantly, the Nation will be without quality rail passenger service.

Preservation of Amtrak's passenger service is a matter of great national importance. It provides vital services for the entire Nation, particularly for the populous eastern seaboard. Without continued support for Amtrak, highway and air traffic will be snarled along the east coast, with highways jammed and airports clogged.

Reductions of Amtrak funding also would have serious economic implications nationwide. Amtrak presently employs approximately 25,000 people throughout the country and contributes $1.5 billion through its annual operating budget to the national economy. During 1987, Amtrak remained one of the largest transportation companies in the country. In the Commonwealth of Pennsylvania, Amtrak employed 3,100 people in 1987, as well as thousands of others in Pennsylvania's rail supply industry. Amtrak contributed another $68 million to Pennsylvania's economy in 1987 through the purchase of goods and services.

Amtrak trains carry almost 16,500 people daily between Washington and New York. Deep cuts in Amtrak funding would result in less Amtrak service in the Northeast corridor, adding to air congestion and ultimately requiring additional Federal dollars for airport and highway construction.

Mr. President, severe cuts in Amtrak funding likely would result in serious adverse economic consequences to the Nation in term of loss of investment, loss of rail passenger service, and loss of jobs. When these costs and consequences are considered, it is clear that the far better choice is for the Senate and the Federal Government to continue providing full support to Amtrak. Accordingly, I urge our colleagues to join us in support of this resolution.●

AMENDMENTS SUBMITTED

THE HIGH RISK OCCUPATIONAL DISEASE NOTIFICATION AND PREVENTION ACT

HATCH AMENDMENTS NOS. 1411-1461

(Ordered to lie on the table.)

Mr. HATCH submitted 51 amendments intended to be proposed by him to the bill (S. 79) to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes; as follows:

Amendment No. 1411

On page 30, line 16, strike out "FINDINGS AND".

Beginning on page 30, strike out line 17 and all that follows through page 33, line 9.

On page 33, line 10, strike out "(b) PURPOSE.—".

Amendment No. 1412

On page 55, line 20, after "disease", insert the following: "Or that the employees have been adequately notified under the hazard communication standard".

Amendment No. 1413

Beginning on page 30, strike out line 16 and all that follows through page 34, line 3.

Amendment No. 1414

On page 32, line 5, insert "high" before "risk".

On page 32, line 13, insert "high" before "risk".

On page 32, line 17, insert "high" before "risk".

On page 32, line 21, insert "high" before "risk".

On page 33, line 4, insert "high" before "risk".

On page 33, line 12, insert "high" before "risk".

On page 33, line 13, insert "high" before "risk".

On page 33, line 24, insert "high" before "risk".

On page 34, line 3, insert "high" before "risk".

On page 34, line 6, insert "High" before "Risk".

On page 36, line 17, insert "HIGH" before "RISK".

On page 36, line 18, insert "high" before "risk".

On page 37, line 2, insert "high" before "risk".

On page 37, line 6, insert "HIGH" before "RISK".

On page 37, line 10, insert "High" before "Risk".

On page 39, line 13, insert "High" before "Risk".

On page 40, line 3, insert "high" before "risk".

On page 40, line 11, insert "high" before "risk".

On page 40, line 15, insert "high" before "risk".

On page 41, line 13, insert "HIGH" before "RISK".

On page 41, line 14, insert "high" before "risk".

On page 42, line 14, insert "high" before "risk".

On page 42, line 24, insert "high" before "risk".

On page 43, line 4, insert "high" before "risk".

On page 44, line 4, insert "high" before "risk".

On page 44, line 12, insert "high" before "risk".

On page 47, line 9, insert "HIGH" before "RISK".

On page 47, line 11, insert "high" before "risk".

On page 47, line 14, insert "high" before "risk".

On page 48, line 1, insert "HIGH" before "RISK".

On page 48, line 2, insert "high" before "risk".

On page 48, line 3, insert "high" before "risk".

On page 48, line 9, insert "high" before "risk".

On page 48, line 13, insert "high" before "risk".

On page 48, line 19, insert "high" before "risk".

On page 49, line 10, insert "high" before "risk".

On page 49, line 15, insert "high" before "risk".

On page 51, line 14, insert "high" before "risk".

On page 51, line 18, insert "high" before "risk".

On page 52, line 23, insert "high" before "risk".

On page 53, line 15, insert "high" before "risk".

On page 54, line 12, insert "high" before "risk".

On page 54, line 20, insert "high" before "risk".

On page 55, line 7, insert "high" before "risk".

On page 55, line 13, insert "high" before "risk".

On page 55, line 17, insert "high" before "risk".

On page 55, line 19, insert "high" before "risk".

On page 56, line 6, insert "high" before "risk".

On page 56, line 21, insert "high" before "risk".

On page 57, line 6, insert "high" before "risk".

On page 59, line 22, insert "high" before "risk".

On page 63, line 11, insert "high" before "risk".

On page 63, line 24, insert "high" before "risk".

On page 64, line 7, insert "high" before "risk".

On page 64, line 20, insert "high" before "risk".

On page 65, line 7, insert "high" before "risk".

On page 67, line 4, insert "high" before "risk".

On page 70, line 24, insert "high" before "risk".

On page 71, line 14, insert "high" before "risk".

On page 73, line 3, insert "HIGH" before "RISK".

On page 73, line 9, insert "high" before "risk".

On page 74, line 21, insert "high" before "risk".

On page 78, line 2, insert "high" before "risk".

On page 78, line 11, insert "high" before "risk".

Amendment No. 1415

On page 35, lines 7 and 8, strike out "including the United States or any State or political subdivision of a State" and insert in lieu thereof "except that such term shall not include the United States or any State or political subdivision of a State".

Amendment No. 1416

On page 36, line 4, insert "increased risk of" after "that".

Amendment No. 1417

On page 36, line 5, strike out "exposed and insert in lieu thereof "because of exposure".

Amendment No. 1418

On page 36, line 12, after the period, insert the following: Nothing in this Act shall prevent the Board from determining whether the term includes passive smoking.".

Amendment No. 1419

On page 36, strike out lines 20 through 24 and insert in lieu thereof the following:

(A) exposed under working conditions to an occupational health hazard with—

(i) a similar concentration of exposure and a similar duration of exposure;

(ii) a greater concentration of exposure and a similar duration of exposure;

(iii) a similar concentration of exposure and a greater duration of exposure; or

(iv) a greater concentration of exposure and a greater duration of exposure; and

On page 41, line 14, strike out "In" and insert in lieu thereof "Subject to section 3(10), in".

On page 41, lines 22 through 24, strike out "(such as concentration of exposure, or durations of exposure, or both)".

Amendment No. 1420

On page 43, lines 5 and 6, strike out "consider the extent to which particular populations may" and insert in lieu thereof "designate populations that will".

Amendment No. 1421

On page 47, line 14, insert after "risk" the following: ", except that the Secretary shall not require the notification of an individual of a risk under this Act if the individual is required to be notified under any other Federal law".

Amendment No. 1422

On page 48, line 3, insert before the period the following: "and the absolute risk of such disease or diseases for the population at risk".

On page 48, strike out lines 7 through 11 and insert in lieu thereof the following:

(5) POSSIBLE CONTRIBUTING FACTORS.—Any known information concerning the extent and magnitude of increased risk of illness or disease resulting from exposure to nonoccupational factors (such as tobacco and alcohol use) in combination with exposure to the occupational health hazard.

Amendment No. 1423

On page 49, line 7, insert "employers and" after "for".

Amendment No. 1424

On page 49, line 12, strike out "The" and insert in lieu thereof "Subject to the second sentence of this subsection, the".

On page 49, line 17, after the period insert the following: "The Institute shall prepare and distribute such material and information only to populations at risk of disease which have been notified under this Act.".

Amendment No. 1425

On page 49, lines 12 and 13, strike out "the Institute" and insert in lieu thereof the following:

"(1) GENERAL RULE.—Subject to the provisions of paragraph (2), the Institute".

On page 49, between lines 17 and 18, insert the following:

(2) PUBLIC COMMENT REQUIRED.—No medical and health promotion material and information may be distributed pursuant to paragraph (1) of this subsection until after an opportunity has been provided for public comment on such distribution.

Amendment No. 1426

On page 49, strike out lines 12 through 17.

On page 49, line 18, strike out "(e)" and insert in lieu thereof "(d)".

On page 50, line 10, strike out "(f)" and insert in lieu thereof "(e)".

On page 51, line 1, strike out "(g)" and insert in lieu thereof "(f)".

On page 71, line 1, strike out "5(g)" and insert in lieu thereof "5(f)".

On page 73, line 11, strike out "5(g)" and insert in lieu thereof "5(f)".

On page 75, line 8, strike out "5(f), 5(g)" and insert in lieu thereof "5(e), 5(f)".

Amendment No. 1427

On page 51, beginning with line 1, strike out through line 19 on page 52 and insert in lieu thereof the following:

"(g) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by a determination of the Board under this Act is entitled to judicial review of the determination in accordance with the provisions of chapter 7 of title 5 of the United State Code.

Amendment No. 1428

On page 52, between lines 19 and 20, insert the following new subsection:

(h) LIABILITY FOR USE OF TOBACCO PRODUCTS.—Notwithstanding any other provision of law, an employer shall not be liable for any act or omission relating to the use of a tobacco product by an employee if the employer during the period of use—

(1) prohibits the use of the tobacco product in the workplace of the employer; and

(2) offers a tobacco withdrawal course to the employee without cost to the employee.

Amendment No. 1429

On page 52, between lines 19 and 20, insert the following new subsection:

(h) LIABILITY FOR USE OF TOBACCO PRODUCTS.—Notwithstanding any other provision of law, an employer shall not be liable for any act or omission relating to the use of a tobacco product by an employee if the employer—

(1) notified the employee in accordance with this Act of the occupational health hazard arising from the use of the tobacco product; and

(2) during the period of use—

(A) prohibits the use of the tobacco product in the workplace of the employer; and

(B) offers a tobacco withdrawal course to the employee without cost to the employee.

Amendment No. 1430

On page 52, between lines 19 and 20, insert the following new subsection:

(h) LIABILITY FOR USE OF TOBACCO PRODUCTS.—Notwithstanding any other provision of law, an employer shall not be liable for any act or omission relating to the use of tobacco by an employee.

Amendment No. 1431

On page 55, line 11, strike out "30" and insert in lieu thereof "20".

Amendment No. 1432

On page 58, line 14, strike out "personal".

On page 58, line 15, insert "and the employers of employees" before the semicolon.

Amendment No. 1433

On page 63, line 21 through 25, strike out "who—" through the period and insert in lieu thereof "who the employer knows are members of the population at risk as determined by the Board.".

Amendment No. 1434

On page 55, lines 17 and 18, strike out ", as a result of significant mitigating factors,".

Amendment No. 1435

On page 55, lines 22 through 24, strike out "If the Institute concludes that any application raises an issue of material fact which is subject to reasonable dispute, the" and insert in lieu thereof "The".

On page 56, lines 16 and 17, strike out "or, where no hearing is held, within 30 days of the receipt of an application,".

Amendment No. 1436

On page 56, line 13, strike out "60" and insert in lieu there of "120".

Amendment No. 1437

On page 55, line 13, after "notification,", insert the following: "or within 90 days after a decision is issued under paragraph (4) for a similarly situated employer,".

On page 56, lines 22 and 23, strike out "The Institute shall deny a variance to all other employers."

On page 57, strike out lines 8 through 12.

Amendment No. 1438

On page 64, line 10, insert before the period the following: "or other occupational health hazards that would have additive health effects".

Amendment No. 1439

On page 57, lines 4 and 5, strike out "fundamentally different from the factors" and insert in lieu thereof "likely to result in lower exposure levels or lower exposure durations than".

On page 57, line 5, strike out the comma and insert in lieu thereof a period.

On page 57, strike out lines 6 and 7.

Amendment No. 1440

On page 57, lines 11 and 12, strike out "Determinations by the Board may not be challenged in any action brought pursuant to this subsection."

Amendment No. 1441

On page 65, line 14, insert after the comma the following: "along with all medical information, and made himself or herself available for medical evaluation,".

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AMENDMENT No. 1442

On page 58, line 7, insert "prevention," before "recognition".

AMENDMENT No. 1443

On page 58, line 25, insert after "of" the following: "identifying occupational health hazards, reducing exposure to occupational health hazards, and".

AMENDMENT No. 1444

On page 58, lines 10 and 11, strike out ", and geographical proximity for designated populations".

AMENDMENT No. 1445

On page 66, line 21, insert before the period the following: "if the final medical determination is that the employee needs to be transferred".

AMENDMENT No. 1446

Beginning on page 66, line 24, strike out "who—" and all that follows through the period on page 67, line 5, and insert in lieu thereof the following: "who the employer knows are members of the population at risk as determined by the Board.".

AMENDMENT No. 1447

On page 68, line 3, insert "EMPLOYER" after "SPECIAL".

On page 68, between lines 12 and 13, insert the following:

(6) SPECIAL EMPLOYEE LIMITATION.—An employer shall not be required to provide medical removal protection for an employee who has been employed for less than 12 months.

AMENDMENT No. 1448

On page 68, line 16, insert "by the employer" after "confidential".

AMENDMENT No. 1449

On page 58, line 15, strike out "and".

On page 58, line 19, strike out the period and insert in lieu thereof "; and".

On page 58, between lines 19 and 20, insert the following:

(3) assist employers to develop programs that will reduce employee risks of occupational diseases.

AMENDMENT No. 1450

On page 59, line 1, insert "decrease the cost" after "and".

On page 59, line 1, insert "the effectiveness of" after "improve".

On page 59, line 7, insert "cost effective" after "developing".

On page 59, line 16, insert "cost effective" after "developing".

AMENDMENT No. 1451

On page 59, line 19, strike out "and".

On page 59, line 22, strike out the period and insert in lieu thereof "; and".

On page 59, between lines 22 and 23, insert the following:

(F) studying and developing cost effective approaches to reducing the risk of occupational health hazards.

AMENDMENT No. 1452

On page 59, line 21, insert after "define" the following: "additional cost effective medical intervention, additional cost effective approaches to reducing exposure to occupational health hazards, other factors that may increase the risk of developing occupational disease, and".

AMENDMENT No. 1453

On page 79, between lines 3 and 4, insert the following:

SEC. 15. WORKER PROTECTION STANDARDS.

Within one year after the date of the enactment of this section, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970, promulgate standards for the health and safety protection of employees exposed to the tobacco smoke of other individuals, commonly referred to as passive smoking.

On page 79, line 4, strike out "SEC. 15." and insert in lieu thereof "SEC. 16.".

On page 30, in the table of contents, redesignate "Sec. 15." as "Sec. 16." and insert after the item "Sec. 14" the following new item:

"Sec. 15. Worker protection standards.".

AMENDMENT No. 1454

On page 32, line 20, strike out "identifying, notifying, counseling," and insert in lieu thereof "counseling".

AMENDMENT No. 1455

On page 34, line 19, insert after "commerce" the following: "and who has not been notified under the hazard communication standard".

AMENDMENT No. 1456

On page 45, line 8, after the period, insert the following new sentence: "To be considered a final determination, a determination must be approved by at least five Board members.".

AMENDMENT No. 1457

On page 45, line 19, after the period, insert the following new sentence: "If the determination is not unanimous, the views of the minority members of the Board shall be made available to the public.".

AMENDMENT No. 1458

On page 47, line 13, after "population", insert the following: ", and each employer who employs or has employed an employee within such population,".

On page 55, lines 12 through 15, strike out "the Board" and all that follows through "that population" and insert in lieu thereof "an employee receives notification, the employee".

AMENDMENT No. 1459

On page 52, line 12 and 13, strike out "substantial evidence on the record" and insert in lieu thereof "the preponderance of the scientific evidence".

AMENDMENT No. 1460

On page 52, line 11, strike out "or".

On page 52, line 13, strike out the period and insert in lieu thereof "; or".

On page 52, between lines 13 and 14, insert the following:

(F) unsupported as the result of evidence that exposure duration or levels for a workplace are less than those that were used as the basis for the determination of the Board.

AMENDMENT No. 1461

On page 55, line 15, after "may", insert the following: ", individually or in association with other similarly situated employers,".

Mr. HATCH. Mr. President, sometime in the near future it is expected that this body will take up S. 79, the High Risk Occupational Disease Notification and Prevention Act. To make sure that my colleagues understand some of the problems with this legislation and the reasons for my opposition, I am filing today a number of amendments that address some of the flagrant flaws in this bill.

I hope these amendments will be kept in mind now that the supporters of the bill have started to discuss changes in an attempt to gather support for the legislation. Like the plant closing legislation, I expect this bill will undergo a metamorphosis of sorts prior to coming to the floor. We have already seen High Risk I and II, and in all likelihood we will see High Risk III, IV and so on before a bill is finally considered. Unfortunately, I doubt that the proponents will agree to the degree of change necessary to salvage this bill and give it a chance of becoming law.

Some of my colleagues may be surprised, given my voting record in the past, that I am opposing S. 79. I led the fight to put new warning labels on cigarettes and smokeless tobacco products. I worked to establish the prevention block grants to help States increase their prevention efforts. I have supported programs to reduce sexually transmitted diseases and reduce childhood accidents. And in the last Congress, I authored legislation which would have established a President's Council on Health Promotion and Disease Prevention to take a comprehensive look at what we can do to prevent diseases in this country.

In this Congress, I introduced the legislation which will help prevent infectious disease in our children and help us combat tuberculosis. Also, Senator KENNEDY and I have introduced legislation aimed at reducing infant mortality and have moved through the Committee on Labor and Human Resources legislation to reduce the spread of AIDS in this country.

Since I have spent a significant part of my career in this body advocating disease prevention programs, there is nothing I would like more than to have before Congress responsible occupational disease prevention legislation. Unfortunately, S. 79 is not such a bill.

While its stated purpose is disease prevention, its principal effect will be litigation. Its primary consequence will not be measured in terms of saved lives, but in notices mailed. And, in the name of politics, it permanently, explicitly avoids one of the most significant occupational hazards in the workplace today.

My opposition is based on several basic problems with this legislation which I will outline, along with some possible solutions. First, I do not believe we should create a new Federal bureaucracy simply because we are unhappy with the performance of existing agencies.

I did some checking and was able to come up with at least a dozen Federal agencies, administrations, and departments which are currently involved in regulating health and safety. Everyone from the Occupational Safety and Health Administration to the Environmental Protection Agency to the Coast Guard to the Bureau of Alcohol, Tobacco, and Firearms is involved. And this list of more than a dozen Federal agencies does not include the numerous health and safety activities of State and local agencies.

If we can't adequately address the occupational disease problem with more than 12 Federal agencies, I doubt adding one more will provide the solution. If we are dissatisfied with existing performance, why not address the problems directly instead of creating yet another Federal bureaucracy, which may be no more successful than those already in existence? If there are gaps in our existing Federal occupational disease programs, gaps which I believe exist, why not fill those gaps? Why not work within the existing Federal framework?

There is already too much duplication and too little coordination of Federal efforts. Creating another new board will only exacerbate this problem, especially since we will have to cut existing programs in order to finance this idea.

Second, responsible legislation should be cost-effective. Or to put it a different way, it should be effective for its cost. The American public should not be forced to pay for a program which has little, if any, impact on the morbidity and mortality of occupational diseases.

Notifying workers after they may have been exposed to an occupational health hazard is not the most effective method for preventing the disease. Why not keep as our primary focus on disease prevention instead of disease notification?

Efforts to reduce the morbidity and mortality of occupational disease can be divided into three approaches. Primary intervention covers efforts to prevent exposure to the hazard; secondary intervention covers those efforts which take place after exposure has occurred, but before the development of disease; and tertiary intervention includes those efforts which take place after the development of disease in an attempt to reduce its impact.

Of these three approaches, primary intervention is the only one which has the potential to prevent all occupational disease. We must recognize that, in many instances, it is very difficult to prevent the development of disease once exposure has occurred.

Too often, effective medical intervention is not available. For example, lung damage which occurs from exposure to silicosis is not reversible; and, other than primary intervention or stopping the worker from smoking, there is very little that can be done to slow its progress. Nor can we halt mesothelioma, which is a lung cancer associated with exposure to asbestos. Unsually, by the time it can be detected using current medical technology, it has spread to the point where it is almost always fatal.

Secondary intervention is not only less effective than primary intervention, it is also very costly. Frequently, only a small percentage of the workers who have been exposed to an occupational health hazard acutally develop the disease. But since there is usually no technique available to separate those few workers from the other workers who have been exposed, every worker must be monitored, usually for long periods of time. Secondary intervention must cover every worker to have any impact at all, and must do so at considerable cost.

In protecting workers, effectiveness and cost must be factors in developing new legislation. When choosing between two approaches to reduce occupational disease, common sense tells us that, if one costs significantly more than the other yet produces no better results, why not at least consider the less costly. Unfortunately, S. 79 does not take this approach. Instead, it chooses the most costly and least effective solution.

Moreover, attempts to amend the bill to address one of the most effective methods for reducing workers' risk of developing occupational disease—smoking cessation—were vigorously blocked. We were told that despite all the stated justifications for this bill, smoking was just too politically divisive to be addressed.

We were also told that the Board would not even be allowed to consider whether or not passive smoking is a health hazard for nonsmokers. In other words, we are being asked to adopt legislation reported to address workplace health hazards yet, at the same time, to bar forever any consideration of a hazard which kills 15 people a day in this country, many due to exposure at work.

Third, to be effective, any legislation must encourage the employer and the employee to work together to increase health and safety in the workplace. While the employer may be primarily responsible, if we want to continue improving and protecting the health of everyone in the workplace, it must be through a joint partnership. An employee also has some responsibility for his or her own health.

The employer must provide the equipment and training necessary to assure that the workplace environment is a healthy one. The employee needs to use the safety equipment provided and also to bring unsafe working conditions to the attention of management. In addition, an employee has the responsibility to take steps to reduce or eliminate those lifestyle practices which may increase his or her risks of disease. Again, smoking is one obvious example. I am encouraged to see a number of companies which are now working with their employees to help them stop smoking. This is a trend we should encourage.

Any new program which focuses solely on the employer or solely on the employee will be only a fraction as effective as it should be. Just as many occupational hazards have a synergestic, or enhancing, effect with smoking, employees and employers working together can have a synergistic effect when it comes to increasing health in the workplace. We must encourage the employer and the employee to work together, to cooperate on providing and maintaining a healthy work environment.

Fourth, this kind of legislation must also be neutral in its impact on liability. In its current form, not even the supporters of S. 79 can claim that it will not increase liability costs. The best they can claim is that the increase will be acceptable.

But after looking at previous Federal notification projects, projects which the supporters of S. 79 point to as the models for this legislation, Robert R. Nathan Associates estimated that 25 percent of those notifed will file suit against their employers, costing on the average $95,000 per suit to resolve. The sponsors expect that 300,000 people will be notified each year under this bill, generating on this issue alone annual costs of $7.125 billion.

Those who will be hit the hardest of course will be small businesses. There are some who believe that companies in this country represent an endless supply of wealth which can be continually tapped. They do not realize that if Congress enacts S. 79, mandated health benefits legislation, mandated parental leave legislation, and an increase in the minimum wage, many small companies will be driven out of business. Others will have to raise prices and inevitably lay off workers. We already knew according to CDC that two of those proposals could eliminate 500,000 jobs. Consequently before we enact legislation such as S. 79, I think it is prudent to determine whether the proposal can be effective, given its total impact.

Finally, to be effective such legislation must not deny anyone the right to due process. Individuals who are affected by the decisions of Federal agencies and boards deserve to have their full due process rights protected. They deserve the right to be heard before any general rule or regulation is promulgated; they deserve the right to a fair determination as to whether

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the rule or regulation should apply to them; and they deserve the right of appeal.

To guarantee these rights, Congress established a set of procedures for most administrative agencies to follow in the Administrative Procedures Act. S. 79, however, creates a Federal agency that is basically immune from this statute. It would be above the traditional controls we place on other branches of Government.

The amendments I am introducing today will address some of these problems. They are both technical and structural in nature. I hope my colleagues will review them and join with me in an attempt to modify S. 79 so that it becomes reasonable, responsible, and effective health promotion legislation.

PROHIBITION OF UNDETECTABLE FIREARMS ACT

McCLURE AMENDMENT NO. 1462

(Ordered referred to the Committee on the Judiciary)

Mr. McCLURE submitted an amendment intended to be proposed by him to the bill (S. 2051) entitled the "Prohibition of Undetectable Firearms Act"; as follows:

On page 3, line 12, strike out "4" and insert in lieu thereof "5".

On page 3, line 19, strike out "5" and insert in lieu thereof "6".

On page 3, between lines 11 and 12, insert the following:

"SEC. 4. SECURITY ENHANCEMENT.

"Magnetometers and x rays at all Federal Aviation Administration and other federally controlled security checkpoints shall be set to detect all existing firearms manufactured in, or imported into, the United States.

"Where necessary, Federal Aviation Administration and other Federal agencies with jurisdiction over security operations shall provide primary and secondary security personnel, equipment, and procedures sufficient to ensure the ability to detect all existing firearms manufactured in, or imported into the United States.".

Mr. McCLURE. Mr. President, several weeks ago, Senator Hatch and I introduced the Prohibition of Undetectable Firearms Act, S. 2051.

Since that time, I have discussed the issue of standards for x-rays and magnetometers with the Treasury Department, and with firearms rights groups concerned with airline safety and the safety of public places. We have determined that although present technology is capable of discerning all existing firearms, in practice dangerous weapons can go undetected because of lax security enforcement. I am proposing an amendment that would address that problem.

It is not my intention to preclude discussions of this matter with other organizations concerned with airline safety or detecting dangerous weapons. Indeed, I am ready and willing to discuss this important issue, and to strive for sensible answers to all concerns.

I bring this to my colleague's attention because it is my hope that this language would be incorporated into S. 2051 during its committee consideration. Should the committee choose not to incorporate this language, it is my intention to offer this amendment when S. 2051 is considered on the Senate Floor.

SENATE ELECTION CAMPAIGN REFORM

HUMPHREY AMENDMENT NOS. 1463 AND 1464

(Ordered to lie on the table.)

Mr. HUMPHREY submitted two amendments intended to be proposed by him to the bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; as follows:

Amendment No. 1463

Strike out section 6(b)(2) of the pending matter and insert in lieu thereof the following:

(2)(A) Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by—

(i) striking out "$1,000" in paragraph (1)(A) and inserting in lieu thereof "2,305"; and

(ii) striking out "$25,000" in paragraph (3) and inserting in lieu thereof "$57,625";

(B) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by—

(i) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "paragraphs (1)(A) and (3) of subsection (a), and subsections (b), (d), (i) and (j)"; and

(ii) inserting "for subsections (b) and (d), and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987 for paragraphs (1)(A) and (3) of subsection (a) and subsections (i) and (j)" before the period at the end of paragraph (2)(B).

Amendment No. 1464

At the end of the pending matter add the following:

Sec. . None of the provisions of this Act shall become effective until section 6(b)(2) of the pending matter is striken and the following inserted in lieu thereof:

(2)(A) Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by—

(i) striking out "$1,000" in paragraph (1)(A) and inserting in lieu thereof "2,305"; and

(ii) striking out "$25,000" in paragraph (3) and inserting in lieu thereof "$57,625";

(B) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by—

(i) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "paragraphs (1)(A) and (3) of subsection (a), and subsections (b), (d), (i) and (j)"; and

(ii) inserting "for subsection (b) and (d), and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987 for paragraphs (1)(A) and (3) of subsection (a) and subsections (i) and (j)" before the period at the end of paragraph (2)(B).

VIABLE DOMESTIC URANIUM INDUSTRY

JOHNSTON (AND OTHERS) AMENDMENT NO. 1465

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself, Mr. Ford, Mr. Bingaman, Mr. McClure, Mr. Domenici, and Mr. Wallop) submitted an amendment intended to be proposed by them to the bill (S. 2097) to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly-owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing, commercial enterprise on a profitable and efficient basis, and for other purposes; as follows:

In section 3 of the bill after paragraph (6) add the following and renumber the paragraphs accordingly:

"(7) the term 'domestic uranium' means—

"(A) any uranium that has been mined in the United States, unless such uranium is deemed to be foreign uranium under section 117; and

"(B) any uranium that is deemed to be domestic uranium under section 117.

"Uranium mined in the United States shall include uranium recovered from uranium deposits in the United States by underground mining, open-pit mining, strip mining, in-situ recovery, leaching, and ion recovery, or recovered from phosphoric acid manufactured in the United States;

"(8) the term 'Equivalent Foreign Uranium' means the natural foreign uranium employed to produce the enriched foreign uranium included in a fuel assembly, considering the quantity of enriched uranium and the isotopic enrichment assays and tails assays ordered, and applying the Department's Standard Table of Enriching Services, or its replacement formula, plus the natural foreign uranium included in the assembly;

"(9) the term 'Equivalent Uranium' means the natural uranium employed to produce the enriched uranium included in a fuel assembly (excluding natural uranium employed through overfeeding), considering the quantity of enriched uranium and the isotopic enrichment assays ordered, and applying the Department's Standard Table of Enriching Services, or its replacement formula, plus the natural uranium included in the assembly;

"(10) the term 'foreign uranium' means (A) any uranium that has not been mined in the United States, unless such uranium is deemed to be domestic uranium under section 117; and (B) any uranium that is deemed to be foreign uranium under section 117;".

At the beginning of title I of the bill after the heading add the following and renumber the existing section accordingly:

"Sec. 110. Deletion of section 161v.—Subsection 161v. of the Atomic Energy Act of 1954, as amended, is deleted and the remaining subsections are relettered accordingly.

"Sec. 111. Amendment to section 170b.—Section 170B of the Atomic Energy Act of 1954, as amended, is further amended by deleting '1983' and substituting '2000', by deleting '1982' and substituting '2000', and by deleting '1992' and substituting '2011' in both places it appears.

"Sec. 112. In general.—Any licensee of a civilian nuclear power reactor with fuel assemblies loaded after December 31, 1987, and prior to January 1, 2001, that contain foreign uranium shall be assessed and pay the charges, to be imposed and collected by the Secretary, as provided in section 113, except as provided elsewhere in this title.

"Sec. 113. Calculation of charges.—

"(a) The charge to be imposed by the Secretary pursuant to section 112 shall be, subject to section 115, calculated upon the percentage of foreign uranium included in the aggregate of new fuel assemblies loaded into all of the civilian nuclear power reactors owned or operated by any one licensee or the licensees owned by one corporation during any calendar year as follows:

"$0.00/kg on the kilograms of foreign uranium which comprise the first 37 and one-half per centum of the total weight of the uranium in new fuel assemblies loaded in such year.

"$200/kg on the kilograms of foreign uranium which comprise the percentage of the total weight of the uranium in new fuel assemblies loaded in such year greater than 37 and one-half per centum, but less than or equal to 55 per centum.

"$250/kg on the kilograms of foreign uranium which comprise the percentage of the total weight of the uranium in new fuel assemblies loaded in such year greater than 55 per centum but less than or equal to 60 per centum.

"$350/kg on the kilograms of foreign uranium which comprise the percentage of the total weight of the uranium in new fuel assemblies loaded in such year greater than 60 per centum but less than or equal to 70 per centum.

"$400/kg on the kilograms of foreign uranium which comprise the percentage of the total weight of the uranium in new fuel assemblies loaded in such year greater than 70 per centum but less than or equal to 80 per centum.

"$500/kg on the kilograms of foreign uranium which comprise the percentage of the total weight of the uranium in new fuel assemblies loaded in such year greater than 80 per centum.

"(b)(1) For calendar years after December 31, 1994, no charge shall be imposed on the kilograms of foreign uranium which comprise the first 50 per centum of the total weight of the uranium in new fuel assemblies loaded in such year.

"(2) There shall be no charge imposed on foreign uranium excluded from the charge by section 115. The foreign uranium excluded from the charge by section 115, shall be deemed the first foreign uranium contained in the aggregate of new fuel assemblies loaded into all of the civilian nuclear power reactors owned or operated by any one licensee or the licensees owned by one corporation during any calendar year for purposes of calculating the charges to be paid under this section.

"Sec. 114. Corporations Owning More Than One Licensee and Reactors With Multiple Owners.—If a corporation owns more than one licensee, the percentage of foreign uranium which shall be considered included in new fuel assemblies loaded by each licensee owned by such corporation during a calendar year shall be the percentage of foreign uranium included in the aggregate of all new fuel assemblies loaded during such calendar year into all civilian nuclear power reactors owned by such corporation. Where a civilian nuclear power reactor is owned by more than one utility, an owner may, by mutual agreement with the other owners, elect to aggregate the pro rata share of new fuel assemblies in that plant with the pro rata shares of new fuel assemblies loaded in other civilian nuclear power reactors owned or operated by such owner.

"Sec. 115. Exclusion From Charge.—

"(a) In making the calculation of charges required in section 113, a charge shall not be assessed on foreign uranium that is included in new fuel assemblies loaded in all civilian nuclear power reactors owned or operated by any one licensee or the licensees owned by one corporation during any calendar year if such uranium has been obtained under the terms of a contract for the purchase of uranium entered into prior to September 8, 1986, between the licensee or the corporation owning the licensees of such civilian nuclear power reactors and the supplier, including:

"(1) such a contract under which the quantity of uranium to be purchased is fixed but with flexibility as to date of delivery; and

"(2) such a contract with a domestic supplier that allows the supplier to select the national origin of the uranium delivered.

"(b) Foreign uranium that is included in new fuel assemblies loaded into a civilian nuclear power reactor owned or operated by a licensee or the licensees owned by one corporation during any calendar year shall be subject to the charges assessed on foreign uranium if such uranium was obtained under the terms of contract executed on or after September 8, 1986, or obtained under an option which was exercised on or after September 8, 1986. The increased quantities of foreign uranium obtained under a contract executed before September 8, 1986, but that is modified or extended after that date to increase the quantity of foreign uranium delivered, shall be subject to the charges imposed by secton 113.

"Sec. 116. Determination of Percentage.—The percentage of foreign uranium that shall be deemed to be contained in the new fuel assemblies loaded in a year shall be determined by dividing the weight of Equivalent Foreign Uranium by the total weight of Equivalent Uranium in such fuel assemblies. For the purpose of this calculation fuel loadings during refueling outages that begin in one calendar year and are completed in the following year may be counted in either year but not both.

"Sec. 117. Flag swapping.—

"(a) For purposes of making the certification required under section 119 and calculating the charges imposed under this title, a characterization of the national origin of a particular lot of uranium shall be recognized as provided in this section.

"(b) If the national origin of a particular lot of uranium has not been changed from the nation in which it was mined, the nation in which such uranium was mined shall be used for purposes of making the certification required under section 119 and calculating the charges imposed under this title.

"(c) Any transaction in which a party tenders uranium having one national origin in return for receipt of uranium having a different national origin shall not be deemed to have involved a change in the national origins of the lots of uranium involved in the transaction if:

"(1) the transaction is accomplished in compliance with all applicable regulatory requirements; and

"(2) the lots of uranium involved in the transaction are held at the same location in the custody of a third party such that, in actuality or by reason of the accounting practices of the third party, the lots of uranium involved in the transaction are commingled.

"(d) If the national origin of a particular lot of uranium has been changed on or before January 1, 1986, from the nation in which it was mined, and such changed origin is shown on a DOE/NRC form 741 applicable to such uranium as of January 1, 1986, or on the first DOE/NRC form 741 executed after that date and applicable to such uranium, then the national origin of such uranium as shown on the first DOE/NRC form 741 reflecting the last change occurring on or before January 1, 1986, shall be recognized for purposes of making the certification required under section 119 and calculating the charges under this title.

"(e) If the national origin of a particular lot of uranium has been changed after January 1, 1986, from the country in which it was mined, from the national origin as shown on a DOE/NRC form 741 applicable to such uranium and recognized under subsection (d), or from a national origin recognized under this subsection prior to the change in question, such change in question shall be recognized for purposes of making the certification required under section 119 and calculating the charges owed under this title if the charge was part of an exchange of national origins that:

"(1) to the best knowledge of the owner of the particular lot of uranium, involved equal quantities of uranium, calculated on an equivalent natural uranium basis, with no increase in the quantities of uranium designated as foreign and designated as domestic;

"(2) to the best knowledge of the owner of the particular lot of uranium, involved no uranium that has been loaded into a reactor, irradiated, contained in enrichment tails material or other by-product material of processing (including materials lost or unaccounted for) or materials owned by the United States Government; and

"(3) complied with all applicable regulatory requirements at the time of the exchange, including regulations promulgated under subsection (f).

"(f) The Secretary shall promulgate regulations within six months after the date of the enactment of this title that, to the extent reasonable and practicable, ensure that the purposes of this title are realized in the characterization of the national origin of uranium under this section.

"(g) For purposes of this section, the term 'uranium' shall include natural uranium and natural uranium equivalents.

"Sec. 118. Disposition of Charges.—The charges imposed by this title, and collected by the Secretary, shall be deposited within sixty days after the certification required in section 119 in the general fund of the Treas-

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ury of the United States as miscellaneous receipts.

"Sec. 119. Certification.—The owner or operator of any civilian nuclear power reactor must certify to the Secretary by March 1 of each year the following information for the previous calendar year-

"(a) the total weight of uranium in new fuel assemblies loaded during such year;

"(b) the total weight of foreign uranium included in new fuel assemblies loaded during such year;

"(c) the total weight of foreign uranium included in new fuel assemblies loaded during such year which is excluded from the charge pursuant to section 115;

"(d) the total weight of domestic uranium included in new fuel assemblies loaded during such year;

"(e) the isotopic enrichment assays and tails assays employed in ordering enriched uranium used in the respective fuel assemblies during such calendar year; and

"(f) the equivalent natural uranium for each quantity of enriched uranium reported.".

In section 310 of the bill, in new section 1401(d) of the Atomic Energy Act, change the references to "section 110" to "section 120".

In section 310 of the bill after the words " 'Sec. 1602. Exemption From Taxation and Payments in Lieu of Taxes.—"add the following subsection and reletter the subsections accordingly:

"(a) Notwithstanding any other provision of law, including 26 U.S.C. 501, the Corporation shall be exempt from Federal income taxation.".

JOHNSTON (AND McCLURE) AMENDMENT NO. 1466

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself and Mr. McClure) submitted an amendment intended to be proposed by them to the bill S. 2097, supra; as follows:

In section 213 of the bill after "January 1, 1989." insert the following: "Such reimbursement shall be provided only to such extent and in such amounts as are provided in advance by appropriations Acts.".

In section 310 of the bill, strike the new section 1606 of the Atomic Energy Act and renumber the sections accordingly.

In section 310(b) of the bill in the Table of Contents strike the item " 'Sec. 1606. Relationship to Federal Budget." and renumber the remaining items of the Table of Contents accordingly.

In section 313 of the bill after "title.", insert the following: "For fiscal year 1989, total expenditures of the Corporation shall not exceed total receipts.".

FORD AMENDMENT NO. 1467

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill S. 2097, supra; as follows:

In section 310 of the bill, beginning with the words " 'Sec. 1404. Certain Pending Litigation.—"strike everything through the words "certain enrichment services contracts." and insert in lieu thereof the following: " 'Sec. 1404. Certain Pending Litigation.—The Corporation may enter into or continue any contract in accordance with the provisions of this title without regard to any judgment in the proceeding pending before the United States Court of Appeals for the Tenth Circuit in Docket No. 85-2428, concerning the procedure followed by the Department in setting the terms of certain enrichment services contracts.".

GROUND WATER PROTECTION ACT

DURENBERGER AMENDMENT NO. 1468

(Ordered held at the desk until the close of business on February 29, 1988.)

Mr. DURENBERGER submitted an amendment intended to be proposed by him to the bill (S. 2091) to protect the ground water resources of the United States; as follows:

At the end thereof add the following new part:

Part I—Funds

SECTION 901. HAZARDOUS WASTE MANAGEMENT TAX

(a) General Rule.—Chapter 38 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Hazardous Waste Management Tax

"Sec. 4681. Waste Management Tax.
"Sec. 4682. Exemptions; reduction where prior taxable event.
"Sec. 4683. Special rules.
"Sec. 4684. Backup tax on generator.
"Sec. 4685. Definitions and other matters.

"SEC. 4681. WASTE MANAGEMENT TAX.

"(a) Imposition of Tax.—There is hereby imposed a tax on—

"(1) the receipt of hazardous waste at a qualified hazardous waste management unit,

"(2) the receipt of hazardous waste for transport from the United States for the purpose of ocean disposal, and

"(3) the exportation of hazardous waste from the United States.

"(b) Amount of Tax.—

"(1) In general.—The amount of the tax imposed by subsection (a) with respect to each ton of hazardous waste shall be determined in accordance with the following table:

	If the taxable event is:	
	Land disposal	Any other taxable event
"For calendar year:	The tax per ton is:	
1989	$27.00	$2.70
1990	30.00	3.00
1991	31.00	3.00
1992	36.00	3.00
1993 and after	43.00	3.00.

"(2) Definitions relating to amount of tax.—

"(A) For definitions of hazardous waste, see section 4685(a)(1), and

"(B) land disposal and any other taxable event, see section 4685(a)(5).

"(c) Liability for Tax.—

"(1) Waste received at management units.—The tax imposed by subsection (a)(1) shall be paid by the owner or operator of the qualified hazardous waste management unit.

"(2) Waste received for transport from the United States.—The tax imposed by subsection (a)(2) shall be paid by the person holding the permit issued for transport for ocean disposal under section 102 of the Marine Protection, Research and Sanctuaries Act of 1972.

"(3) Waste exported.—The tax imposed by subsection (a)(3) shall be paid by the exporter.

"SEC. 4682. EXEMPTIONS; REDUCTION WHERE PRIOR TAXABLE EVENT.

"(a) Exemption for Certain Removal and Remedial Actions.—The tax imposed by section 4681 shall not apply to the receipt or export of hazardous waste pursuant to—

"(1) a corrective action specified in—

"(A) an initial or final order, or

"(B) a proposed or final permit, issued by the Administrator under the Solid Waste Disposal Act or a State under a hazardous waste program authorized under section 3006 of such Act,

"(2) a proposed or final closure plan approved by the Administrator or such State,

"(3) a removal or remedial action under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 which has been selected or approved by the Administrator, or

"(4) an action to correct an emergency situation arising from a product spill which is certified by the Administrator to the Secretary as carrying out the purposes of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

"(b) Exemption for Waste Received at Any Federal Facility.—The tax imposed by section 4681 shall not apply to any hazardous waste received at any facility owned by the United States.

"(c) Reduction in Tax Where Prior Taxable Event.—

"(1) In general.—If—

"(A) tax under section 4681 or 4684 was paid with respect to any hazardous waste, and

"(B) tax under section 4681 is subsequently imposed on such waste (hereinafter in this subsection referred to as the 'later taxable event'),

then the tax under section 4681 on the later taxable event shall be reduced by the amount determined under paragraph (2).

"(2) Amount of reduction.—The amount of the reduction determined under this paragraph is the product of—

"(A) the weight of hazardous waste involved in the later taxable event, multiplied by—

"(B) the lesser of—

"(i) the highest rate of tax paid under section 4681 or 4684 with respect to any prior taxable event involving such waste (determined without regard to this subsection), or

"(ii) the rate of tax imposed by section 4681 with respect to the later taxable event (as so determined).

"SEC. 4683. SPECIAL RULES.

"(a) Exemption for Waste Received at Certain Waste Water Treatment Units.—The tax imposed by section 4681 shall not apply to hazardous waste received at any waste water treatment unit.

"(b) Incineration, Etc. Within 90 Days of Receipt.—

"(1) In general.—Under regulations prescribed by the Secretary, if—

"(A) tax under section 4681 was paid with respect to the receipt of any hazardous waste at any qualified hazardous waste management unit or for transport described in section 4681(a)(2), and

"(B) such waste is incinerated on land (or the equivalent of incineration on land) by any person within 90 days after the date of the first receipt referred to in subparagraph (A),

then the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed under section 4681.

"(2) Equivalent of incineration.—For purposes of subparagraph (A), a method, technique, or process shall be treated as the equivalent of incineration on land if—

"(A) such method, technique, or process meets detailed performance standards established by the Administrator of the Environmental Protection Agency, and

"(B) such standards require a destruction and removal efficiency for the hazardous waste involved at least equivalent to the destruction and removal efficiency applicable to incineration on land.

"(c) Qualified Chemical Fuels or Solvents.—

"(1) In general.—Under regulations prescribed by the Secretary, if—

"(A) tax under section 4681 was paid with respect to any hazardous waste,

"(B) such waste is used by any person in the production of any qualified chemical fuel or solvent, and

"(C) such fuel or solvent is sold by such person for use or used in any industrial or commercial use,

then the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by section 4681.

"(2) Qualified chemical or solvent.—For purposes of subparagraph (A), the term 'qualified chemical fuel or solvent' means any chemical or solvent which is determined by the Administrator as not being a hazardous waste.

"(d) Recycling of Batteries.—Under regulations prescribed by the Secretary, if—

"(1) tax under section 4681 was paid with respect to the receipt of any battery at a qualified hazardous waste management unit, and

"(2) the recycling of such battery begins at such unit by any person within 90 days after the date of the first receipt of such battery at any qualified hazardous waste management unit,

the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by section 4681.

"(e) Tax to Apply While Corrective Action Not Completed.—

"(1) In general.—The exemption provided by subsection (a) shall not apply (and no credit or refund shall be allowed under this section) with respect to any activity conducted at a facility (or part thereof) during the period that required corrective action remains uncompleted with respect to such facility (or part).

"(2) Required corrective action.—For purposes of paragraph (1), required corrective action shall be treated as uncompleted during the period—

"(A) beginning on the date that corrective action is required by the Administrator or an authorized State pursuant to a final permit under section 3005 of the Solid Waste Disposal Act or a final order under section 3004 or 3008 of such Act, and

"(B) ending on the date the Administrator or such State (as the case may be) certifies to the Secretary that such corrective action has been completed.

"(3) Rate of tax with respect to waste water treatment.—The rate of the tax imposed by section 4681 by reason of this subsection with respect to hazardous waste received at any waste water treatment unit shall be 15 cents per ton.

"SEC. 4681. BACKUP TAX ON GENERATOR.

"(a) Imposition of Tax.—There is hereby imposed a tax on each ton of hazardous waste which, as of the close of the 270-day period beginning on the day after the day on which such waste was generated, has not been—

"(1) received at a qualified hazardous waste management unit,

"(2) received for transport from the United States for the purpose of ocean disposal, or

"(3) exported from the United States.

"(b) Rate of Tax.—The rate of the tax imposed by subsection (a) shall be the rate of tax applicable to land disposal under section 4681 at the end of the 270-day period described in subsection (a).

"(c) Liability for Tax.—The tax imposed by subsection (a) shall be paid by the generator of the hazardous waste.

"(d) Exemptions.—

"(1) Small generators.—The tax imposed by subsection (a) shall not apply to hazardous waste generated during any month if the generator of such waste does not generate more than 100 kilograms of hazardous waste during such month.

"(2) Waste legally disposed of in publicly owned treatment works.—The tax imposed by subsection (a) shall not apply to hazardous waste disposed of in any publicly owned treatment works if the disposal of such waste is not in violation of Federal, State, or local law.

"(3) Other exemptions to apply.—The exemptions provided by subsections (a) and (b) of section 4682 shall apply to the tax imposed by subsection (a) of this section.

"(4) Exemptions under regulations; applications of lower rate.—The Secretary may prescribe regulations which provide exemptions from the tax imposed by subsection (a) (or the application of a lower rate) which are not inconsistent with the purposes of this section.

"(e) Generator.—For purposes of this section, the term 'generator' means the person whose act or process produces the hazardous waste.

"SEC. 4685. DEFINITIONS AND OTHER MATTERS.

"(a) Definitions.—For purposes of this subchapter—

"(1) Hazardous waste.—The term 'hazardous waste' means any waste which is located or identified under section 3001 of the Solid Waste Disposal Act. Rainwater shall not be treated as hazardous waste unless mixed with hazardous waste (as defined in the preceding sentence).

"(2) Qualified hazardous waste management unit.—The term 'qualified hazardous waste management unit' means the specified area of land or structure—

"(A) which isolates the hazardous wastes within a qualified hazardous waste facility, and

"(B) which is subject to the requirements for obtaining interim status or a final permit under subtitle C of the Solid Waste Disposal Act.

"(3) Qualified hazardous waste management facility.—The term 'qualified hazardous waste management facility' means any facility, as defined under subtitle C of the Solid Waste Disposal Act, which has received a permit or is accorded interim status under—

"(A) section 3005 of the Solid Waste Disposal Act, or

"(B) a State program authorized under section 3006 of such Act.

"(4) Ocean disposal.—The term 'ocean disposal' means the incineration or dumping of hazardous waste over or into ocean waters or the water described in section 101(b) of the Marine Protection, Research and Sanctuaries Act of 1972, pursuant to section 102 of such Act.

"(5) Definitions relating to amount of tax.—

"(A) Land disposal.—The term 'land disposal' means a taxable event described in section 4681(a)(1) with respect to a qualified hazardous waste management unit which is a landfill, surface impoundment, waste pile, or land treatment unit.

"(B) Landfill, etc.—For purposes of subparagraph (a), the terms 'landfill', 'surface impoundment', 'waste pile', and 'land treatment' have the respective meanings given such terms in regulations prescribed by the Administrator pursuant to sections 3004 and 3005 of the Solid Waste Disposal Act.

"(C) Other taxable event.—The term 'other taxable event' means—

"(i) a taxable event described in section 4681(a)(1) which is not land disposal, and

"(ii) a taxable event described in paragraph (2) or (3) of section 4681(a).

"(6) Waste water treatment unit.—The term 'waste water treatment unit' means any qualified hazardous waste management unit which is an integral and necessary part of a treatment system—

"(A) for which a permit is required under section 402 of the Clean Water Act,

"(B) which is subject to pretreatment standards under subsection (b) or (c) of section 307 of the Clean Water Act, or

"(C) which is a zero discharge treatment system—

"(i) which, if the system discharged into navigable waters, would comply with effluent limitation guidelines prescribed under paragraph (2) or (4) of section 304(b) of the Clean Water Act,

"(ii) which, if the system discharged into a publicly owned treatment works, would comply with the pretreatment standards described in subparagraph (B), or

"(iii) if no such guidelines or standards have been prescribed, which employs biological treatment.

The term 'waste water treatment unit' shall not include any qualified hazardous waste management unit which receives for storage or final disposition concentrated treatment residues resulting from wastewater treatment.

"(7) Administrator.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(8) United States.—The term 'United States' has the meaning given such term by section 4612(a)(4).

"(9) Ton.—The term 'ton' means 2,000 pounds.

"(10) Fractional part of Ton.—In the case of a fraction of a ton, the tax imposed by this subchapter shall be the same fraction of the amount of such tax imposed on a whole ton.

"(b) Treatment of Containers, Etc. Which are Related to Injection Units.—For purposes of this subchapter—

"(1) any container, tank, or surface impoundment which, with respect to any hazardous waste is used to treat or store such waste before underground injection of such waste (whether or not the waste when injected is hazardous waste) into an injection well, and

"(2) the injection well into which such waste is injected.

shall be treated as a single hazardous waste management unit.

"(c) Disposition of Revenues From Puerto Rico and the Virgin Islands.—The provisions of subsection (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by this subchapter.".

(b) Information Reporting Requirement.—

(1) In general.—Subpart (A) of part III of subchapter A of chapter 61 of such Code is amended by inserting after section 6039D the following new section:

"SEC. 6039E. INFORMATION WITH RESPECT TO MANAGEMENT TAX ON HAZARDOUS WASTE.

"Each person on whom a tax is imposed under subchapter D of chapter 38 shall (at such time and in such manner as the Secretary may require) submit to the Secretary such information as the Secretary may require, including information which such person is required to provide to the Administrator of the Environmental Protection Agency under the Solid Waste Disposal Act. To the extent provided in regulations prescribed by the Secretary, the preceding sentence shall also apply to persons not described therein with respect to information which the Secretary determines is necessary or appropriate to the administration of such subchapter.".

(2) Penalty.—Subchapter B of chapter 68 of such Code (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6710. FAILURE TO PROVIDE INFORMATION WITH RESPECT TO MANAGEMENT TAX ON HAZARDOUS WASTE.

"(a) In General.—Any person who fails to meet any requirement imposed by section 6039E shall pay a penalty of $100 for each day during which such failure continues, unless it is shown that such failure is due to reasonable cause and not due to willful neglect. The maximum penalty imposed under this subsection with respect to any failure shall not exceed $50,000.

"(b) Penalty in Addition to Other Penalties.—The penalty imposed by this section shall be in addition to any other penalty provided by law.".

(3) Conforming amendment.—

(A) The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6039D the following new item:

"Sec. 6039E. Information with respect to management tax on hazardous waste.".

(B) The table of sections for subchapter B of chapter 68 of such Code is amended by adding at the end thereof the following new item:

"Sec. 6710. Failure to provide information with respect to management tax on hazardous waste.".

(c) Penalty for Negligence To Apply to Environmental Taxes.—Section 6653 of such Code (relating to failure to pay tax) is amended by adding at the end thereof the following new subsection:

"(i) Negligence penalty to apply to environmental taxes.—For purposes of applying paragraphs (1) and (2) of subsection (a), paragraph (1) of subsection (a) shall be treated as including a reference to underpayments (as defined in subsection (c)) of tax imposed by chapter 38 (relating to environmental taxes).".

(d) Clerical Amendment.—The table of subchapters for chapter 38 of such Code is amended by adding after the item relating to subchapter C the following new item:

"Subchapter D. Hazardous Waste Management Tax.".

(e) Effective Dates.—

(1) In general.—The amendments made by this section shall take effect January 1, 1989.

(2) Backup tax on generator.—Section 4684 of the Internal Revenue Code of 1986 (relating to backup tax on generator), as added by this section, shall apply to waste generated after December 31, 1988.

SEC. 902. SOLID WASTE DISPOSAL TAX.

(a) General Rule.—Chapter 38 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subchapter:

"Subchaper E—Solid Waste Disposal Tax

"Sec. 4686. Solid Waste Tax.
"Sec. 4687. Exemptions; Special Rules.
"Sec. 4688. Definitions.

"SEC. 4686. SOLID WASTE TAX.

"(a) Imposition of Tax.—There is hereby imposed a tax on—

"(1) the receipt of solid waste at a solid waste management facility; and

"(2) the exportation of solid waste from the United States.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) with respect to each ton of solid waste shall be $1.00. In the case of a fraction of a ton, the tax imposed by this subchapter shall be the same fraction of the amount of such tax imposed on a whole ton.

"(c) Liability for Tax.—

"(1) Waste received at management units.—The tax imposed by subsection (a)(1) shall be paid by the owner or operator of the solid waste management facility.

"(2) Waste exported.—The tax imposed by subsection (a)(2) shall be paid by the exporter.

"SEC. 4687. EXEMPTIONS; SPECIAL RULES.

"(a) Exemption for Waste Received at Municipal Incineration Facility.—The tax imposed by section 4686 shall not apply to solid waste received at any facility recovering energy from the burning of solid waste, provided that the waste is burned within a reasonable period of time as specified in regulations by the Secretary. Ash and other residual waste from any such facility shall be deemed solid waste and shall be subject to the tax imposed by section 4686.

"(b) Exemption for Resource Recovery Facilities.—The tax imposed by section 4686 shall not apply to solid waste received at any resource recovery facility, provided that such waste is processed to recover materials within a reasonable period of time as specified in regulations by the Secretary. Any residual material not recycled shall be deemed solid waste and shall be subject to the tax imposed by section 4686.

"(c) Exemption for Wastewater.—The tax imposed by Section 4686 shall not apply to any wastewater or domestic sewage or the byproducts of treating such wastewater or sewage.

"(d) Exemption for Federal Facilities.—The tax imposed by Section 4686 shall not apply to any solid waste received at any facility owned by the United States.

"(e) Special Rule for Recovered Materials.—Under regulations prescribed by the Secretary, if—

"(1) tax under section 4686 was paid with respect to the receipt of any solid waste at any solid waste management facility, and

"(2) such waste is subsequently recycled by any person within 90 days after the date of first receipt or such other period of time as the Secretary may prescribe,

then the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of the tax imposed under section 4686.

"(f) Special Rule for Transfer.—If tax under section 4686 was paid with respect to any solid waste, then no tax shall subsequently be imposed on such waste when received at a solid waste management facility.

"SEC. 4688. DEFINITIONS.

For purposes of this subchapter—

"(a) Solid Waste.—The term "solid waste" means any residential, commercial or institutional waste including solid, liquid, semisolid or contained gaseous material, but does not include solid or dissolved materials in domestic sewage, irrigation return flows or hazardous waste as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903), discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342, et seq.) or source, special nuclear, or hyproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2201, et seq.).

"(b) Residential Solid Waste.—The term "residential solid waste" means garbage, rubbish, trash, and other solid waste resulting from the normal activities of households.

"(c) Commercial Solid Waste.—The term "commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other such non-manufacturing activities, and non-processing waste generated at industrial facilities such as office and packing wastes.

"(d) Institutional Waste.—The term "institutional waste" means solid waste originating from educational, health care, correctional, and other institutional facilities.

"(e) Solid Waste Management Facility.—The term "solid waste management facilities includes—

"(1) any resource recovery or recycling facility including a municipal incineration facility, and

"(2) any facility for the collection, source separation, storage, transfer, processing, treatment or disposal of solid wastes.

"(f) Resource Recovery Facility.—The term "resource recovery facility" means any physical plant or other facility operated by a State or local government or other entity that processes residential, commercial or institutional solid wastes biologically, chemically or physically and recovers useful materials for recycling, such as shredded fuel, combustible oil or gas, steam, metal, glass, paper, plastic or other materials.

"(g) Municipal Incineration Facility.—The term "municipal incineration facility" means any facility whether operated by a State or local government or other entity at which combustion of solid waste material collected from residential, commercial or institutional sources converts such waste to recovered energy.

"(h) Recycling.—The term "recycling" means the process by which recovered materials are transformed into new products.

"(i) Ton.—The term "ton" means 2,000 pounds.".

(b) Information Reporting Requirements.—

(1) In general.—Subpart (A) of part III of subchapter A of Chapter 61 of such code is amended by inserting after section 6039E the following new section:

"SEC. 6039F. INFORMATION WITH RESPECT TO SOLID WASTE TAX.

Each person on whom a tax is imposed under subchapter E of Chapter 38 shall (at such time and in such manner as the Secretary may require) submit to the Secretary such information as the Secretary may require, including information which such person is required to provide the Administrator of the Environmental Protection Agency under the Solid Waste Disposal Act (42 U.S.C. 6901, et seq.) or other law. To the extent provided in regulations prescribed by the Secretary, the preceding sentence shall also apply to persons not described therein with respect to information which the Secretary determines is necessary or appropriate to the administration of such subchapter.".

(2) Penalty.—Subchapter B of chapter 68 of such Code (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6711. FAILURE TO PROVIDE INFORMATION WITH RESPECT TO SOLID WASTE TAX.

"(a) In General.—Any person who fails to meet any requirement imposed by section 6039F shall pay a penalty of $100 for each day during which such failure continues, unless it is shown that such failure is due to reasonable cause and not due to willful neglect. The maximum penalty imposed under this subsection with respect to any failure shall not exceed $50,000.

"(b) Penalty in Addition to Other Penalties.—The penalty imposed by this section shall be in addition to any other penalty provided by law.".

"(3) Conforming amendment.—

(A) The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6039E the following new item:

"Sec. 6039F. Information with respect to solid waste tax.".

(B) The table of sections for subchapter B of chapter 68 of such Code is amended by adding at the end thereof the following new item:

"Sec. 6710. Failure to provide information with respect to solid waste tax.".

"(c) Clerical Amendment.—The table of subchapters for chapter 38 of such Code is amended by adding after the item relating to subchapter D the following new item:

"Subchapter E. Solid Waste Disposal Tax.".

"(d) Effective Date.—The amendments made by this section shall take effect January 1, 1989.

SEC. 903. WATER SUPPLY ASSESSMENT.

"(a) General Rule.—Chapter 38 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subchapter:

"Subchapter F—Water Supply Assessment

"Sec. 4691. Imposition of Tax.
"Sec. 4692. Exemptions; Special Rule.
"Sec. 4693. Definitions.

"SEC. 4691. IMPOSITION OF TAX.

"(a) General Rule.—There is hereby imposed a tax on the sale or delivery of water by piped conveyance by any public water system.

"(b) Amount of Tax.—The amount of tax imposed by subsection (a) shall be 2 cents per thousand gallons.

"(c) Liability for Tax.—The tax imposed by subsection (a) shall be paid by the person who owns or operates the public water system.

"SEC. 4692. EXEMPTION; SPECIAL RULE.

"(a) Exemption for Small Systems.—The tax imposed by subsection (a) of section 4691 shall not be imposed on public water systems supplying 500 service connections or less, except that regulations promulgated by the Secretary shall prohibit organizational arrangements entered into for the principal purpose of avoiding liability for such tax.

"(b) Special Rule for Resale.—No tax shall be imposed by section 4691 with respect to any water sale or delivery, if the person who would be liable for such tax establishes that a prior tax imposed by such section has been imposed and paid with respect to such water.

"SEC. 4693. DEFINITIONS.

For purposes of this subchapter.—

"(a) Public Water System.—The term 'public water system' means a system for the provision to the public of piped water for human consumption, and industrial, commercial, institutional and agricultural uses, if such system has at least fifteen service connections or regularly services at least twenty-five individuals.

"(b) Service Connection.—The term 'service connection' means any point of delivery by piped conveyance including, but not limited to, delivery to residential dwellings, commercial establishments, and institutional facilities.".

(b) Effective Date.—The amendments made by this section shall take effect January 1, 1989.

SEC. 904. EXCISE TAXES.

"(a) General Rule.—Chapter 38 of the Internal Revenue Code of 1986 (relating to environmental taxes) is amended by adding at the end thereof the following new subchapter:

"Subchapter G—Excise Tax on Pesticides and Fertilizer Products

"Sec. 4696. Imposition of Tax.
"Sec. 4697. Exemptions; Special Rules.
"Sec. 4698. Definitions.

"SEC. 4696. IMPOSITION OF TAX.

"(A) General Rule.—There is hereby imposed a tax on each chemical product sold as a pesticide or fertilizer packaged for retail distribution in quantities less than 100 pounds.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) shall be 2 per centum of the retail value of the pesticide or fertilizer product.

"(c) Liability for Tax.—The tax imposed by subsection (a) shall be paid by the manufacturer, producer or importer of the pesticide or fertilizer product.

"SEC. 4697. EXEMPTIONS; SPECIAL RULES.

"(1) In general.—Under regulations prescribed by the Secretary, if

"(A) a tax under section 4696 was paid with respect to any taxable pesticide or fertilizer product, and

"(B) such product was used by any person in the manufacture or production of any other substance the sale of which by such person would be taxable under such section,

then an amount equal to the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by such section.

"(2) Use as agricultural pesticide or fertilizer.—Under regulations prescribed by the Secretary, if

"(A) a tax under section 4696 was paid with respect to any pesticide or fertilizer product, and

"(B) such product is subsequently used by any person in the production of an agricultural commodity,

then an amount equal to the tax paid (2 per centum of the retail value of the product) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.

"(3) Disposition of revenues from puerto rico and the virgin islands.—The provisions of subsections(a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4696.

"SEC. 4698. DEFINITIONS.

For purposes of this subchapter—

"(a) Pesticide.—The term "pesticide" means any substance or mixture of substances intended for use as an insecticide, herbicide or fungicide out-of-doors.

"(b) Fertilizer.—The term "fertilizer" means any natural or synthetic material, including animal wastes and nitrogen, phosphorus, and potassium compounds used on soil to increase its fertility.".

(b) Effective Date.—The amendments made by this section shall take effect January 1, 1989.

SEC. 905. TRUST FUNDS.

(a) Ground Water Protection Trust Fund.—

(1) In General.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the establishment of trust funds) is amended by adding after section 9508 the following new section:

"SEC. 9509. GROUND WATER PROTECTION TRUST FUND.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Ground Water Protection Trust Fund" consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

"(b) Transfers to Trust Fund.—There are hereby appropriated to the Ground Water Protection Trust Fund amounts equivalent to—

"(1) taxes received in the Treasury under section 4681 (relating to the management of hazardous waste); and

"(2) taxes received in the Treasury under section 4696 (relating to the sale of pesticide and fertilizer products).

"(c) Expenditures.—

"(1) In general.—Except as provided in paragraphs (3) and (4) amounts in the Ground Water Protection Trust Fund shall be available, as provided in appropriations Acts, only for the purpose of making expenditures to carry out the goals and requirements of the Ground Water Protection Act.

"(2) Transfers to ground water corrective action fund.—The Secretary shall from time to time pay from the Ground Water Protection Trust Fund into the corrective action fund created by section 403 of the Ground Water Protection Act such sums as are necessary to maintain the balance in the corrective action fund at or in excess of $50,000,000.

"(3) Transfers from trust fund for certain repayments and credits.—The Secretary shall from time to time pay from the Ground Water Protection Trust Fund into the general fund of the Treasury amounts equivalent to—

"(A) credits allowed under sections 4682 or 4683 of chapter 38; and

"(B) credits allowed under section 4697 of chapter 38.

"(4) State entitlement.—Whenever on the final day of a fiscal year the unexpended balance in the Ground Water Protection Trust Fund exceeds $300,000,000 each State shall be entitled to a portion of the funds exceeding $300,000,000 which shall be equal to that portion of the national population relying on ground water for household needs which reside in such State provided only that the Governor of such State certifies by letter to the Secretary that funds allotted to the State under this paragraph will be used solely for programs that would otherwise be eligible for support according to the provisions of the Ground Water Protection Act. There are hereby appropriated from the Ground Water Protection Trust Fund such sums as are necessary to fulfill the entitlement granted by this paragraph in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

"(d) Liability of the United States Limited to Amount in Trust Fund.—

"(1) General rule.—Any claim filed against the Ground Water Protection Fund (as the result of the operation of section 403 of the Ground Water Protection Act or other rule of law) may be paid only out of such Trust Fund.

"(2) Claims.—If at any time the Ground Water Protection Trust Fund has insufficient funds to pay all of the claims out of such Trust Fund at such time, such claims shall, to the extent permitted under paragraph (1), be paid in full in the order in which they were finally determined.".

(2) Clerical Amendment.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding after the item relating to section 9508 the following new item:

"Sec. 9509. Ground Water Protection Trust Fund.".

(3) Effective Date.—The amendments made by this section shall take effect on January 1, 1989.

(b) Water Well Replacement Trust Fund.—

(1) In general.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the establishment of trust funds) is amended by adding after section 9509 the following new section:

"SEC. 9510. WATER WELL REPLACEMENT TRUST FUND.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Water Well Replacement Trust Fund" consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

"(b) Transfers of Trust Fund.—There are hereby appropriated to the Water Well Replacement Trust Fund amounts equivalent to—

"(1) taxes received in the Treasury under section 4691 (relating to an assessment on the sale or delivery of water); and

"(2) amount received in the Treasury and collected under section 404(d) of the Ground Water Protection Act.

"(c) Expenditures.—Amounts in the Water Well Replacement Trust Fund shall be available, as provided in appropriation Acts, only for the purpose of making expenditures to carry out the purposes of section 404 of the Ground Water Protection Act, provided that expenditures made in each State shall not be less that 85 per centum of the revenues received to the trust fund from such State.

"(d) Liability of the United States Limited to Amount in Trust Fund.—

"(1) General rule.—Any claim filed against the Water Well Replacement Trust Fund (as the result of the operation of section 404 of the Ground Water Protection Act or other rule of law) may be paid only out of such Trust Fund.

"(2) Claims.—If at any time the Water Well Replacement Trust Fund has insufficient funds to pay all of the claims out of such Trust Fund at such time, such claims shall, to the extent permitted under paragraph (1), be paid in full in the order in which they were finally determined.".

(2) Clerical amendment.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding after the item relating to section 9509 the following new item:

"Sec. 9510. Water Well Replacement Trust Fund.".

(3) Effective date.—The amendments made by this section shall take effect on January 1, 1989.

(c) Community Water Supply Management Trust Fund.—

(1) In general.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the establishment of trust funds) is amended by adding after section 9510 the following new section:

"SEC. 9511. COMMUNITY WATER SUPPLY MANAGEMENT TRUST FUND.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Community Water Supply Management Trust Fund" consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

"(b) Transfers to the Trust Fund.—There are hereby appropriated to the Community Water Supply Management Trust Fund amounts equivalent to the taxes received in the treasury under section 4686 (relating to the disposal of solid waste).

"(c) Expenditures.—

"(1) In general.—Except as provided in paragraphs (2) and (3) amounts in the Community Water Supply Management Trust Fund shall be available, as provided in appropriation Acts, only for the purpose of making grants to local ground water management districts as provided in section 703 of the Ground Water Protection Act.

"(2) Transfers from the trust fund for certain credits.—The Secretary shall from time to time pay from the Community Water Supply Trust Fund into the general fund of the Treasury amounts equivalent to credits allowed under section 4687 of chapter 38.

"(3) District entitlement.—Whenever on the final day of a fiscal year the unexpended balance in the Community Water Supply Management Trust Fund exceeds $20,000,000, each qualified local ground water management district (as defined in section 703 of the Ground Water Protection Act) shall be entitled to a portion of the funds exceeding $20,000,000 which shall be equal to that portion of the national population residing in qualified ground water management districts which reside in such district provided only that the chairman or president of the governing board of the district certifies by letter to the Secretary that funds allotted to the district under this paragraph will be used solely for programs that would otherwise be eligible for support according to the provisions of the Ground Water Protection Act. There are hereby appropriated from the Community Water Supply Management Trust Fund such sums as are necessary to fulfill the entitlement granted by this paragraph in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.".

(2) Clerical amendment.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding after the item relating to section 9510 the following new item:

"Sec. 9511. Community Water Supply Management Trust Fund.".

(3) Effective date.—The amendments made by this section shall take effect on January 1, 1989.

SEC. 906. AUTHORIZATIONS.

(a) For the purpose of developing guidance, standards, requirements and regulations to carry out the provisions of sections 301, 302, 303, 210 and 211 and other provisions of this Act there are authorized to be appropriated to the Environmental Protection Agency $90,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(b) For the purpose of issuing and supervising permits pursuant to section 306 of this Act there are authorized to be appropriated to the Environmental Protection Agency $20,000,000 for each of the fiscal years ending September 30, 1990, 1991, 1992 and 1993.

(c) For the purpose of conducting monitoring and data collection and management programs to carry out the provisions of section 210 of this Act there are authorized to be appropriated to the Environmental Protection Agency $30,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(d) For the purpose of conducting compliance monitoring and taking enforcement action with respect to the requirements of this Act there are authorized to be appropriated to the Environmental Protection Agency $40,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(e) For the purpose of providing training and technical assistance pursuant to section 701 of this Act there are authorized to be appropriated to the Environmental Protection Agency $20,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(f) For the purpose of carrying out the research and development activities authorized by section 601 of this Act there are authorized to be appropriated to the Environmental Protection Agency $40,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(g) For the purpose of carrying out the activities of the ground water research committee established by section 602 of this Act there are authorized to be appropriated to the Environmental Protection Agency $1,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(h) For the purpose of carrying out control technology development activities pursuant to section 603 of this Act there are au-

thorized to be appropriated to the Environmental Protection Agency $20,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(i) For the purpose of making grants to the ground water research institutes established by section 604 of this Act there are authorized to be appropriated to the Environmental Protection Agency $11,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(j) For the purpose of carrying out research activities pursuant to section 605 of this Act there are authorized to be appropriated to the Department of Agriculture $6,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(k) For the purpose of developing ground water protection standards including health and environmental testing to support such standards there are authorized to be appropriated to the Environmental Protection Agency and to the Ground Water Protection Standards Board $25,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(l) For the purpose of conducting the national ground water quality assessment pursuant to section 202 of this Act there are authorized to be appropriated to the Geological Survey $10,000,000 for each of the fiscal years ending September 30, 1989, 1990 and 1991.

(m) For the purpose of making general purpose and other ground water protection grants to the States pursuant to section 702 of this Act there are authorized to be appropriated to the Environmental Protection Agency $150,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(n) For the purpose of making grants to the States to conduct ground water resource investigations and to prepare plans for statewide resource characterizations pursuant to section 204 of this Act there are authorized to be appropriated to the Environmental Protection Agency $20,000,000 in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(o) For the purpose of making grants to the States to conduct special purpose hydrogeological investigations there are authorized to be appropriated $10,000,000 in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(p) For the purposes of developing inventories of sources or potential sources of ground water contaminants pursuant to section 207 there are authorized to be appropriated to the Environmental Protection Agency $10,000,000 in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

(q) For the purpose of conducting a contaminated and abandoned well inventory pursuant to section 209 there are authorized to be appropriated to the Environmental Protection Agency $3,000,000 in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

(r) For the purpose of making grants to the States to support activities with respect to the identification of wellhead protection areas pursuant to section 304 there are authorized to be appropriated to the Environmental Protection Agency $25,000,000 in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

(s) For the purpose of making grants to the States to test and treat water supplies pursuant to section 404 there are authorized to be appropriated to the Environmental Protection Agency from the Water Well Replacement Trust Fund created by section 905 of this Act $125,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(t) For the purpose of taking corrective action pursuant to section 403 of this Act there are authorized to be appropriated to the revolving fund created by subsection (o) of such section from the Ground Water Protection Trust Fund created by section 905 of this Act $50,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

(u) For the purpose of making grants to ground water management districts pursuant to section 703 of this Act there are authorized to be appropriated to the Environmental Protection Agency from the Community Water Supply Management Trust Fund created by section 905 of this Act $175,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

(v) For the purpose of making grants to the States to sample and analyze water supplies pursuant to section 210 and 702(g) of this Act there are authorized to be appropriated to the Environmental Protection agency $25,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

NOTICES OF HEARINGS

SUBCOMMITTEE ON LABOR HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

Mr. CHILES. Mr. President, I am pleased to advise the Senate that the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies will hold its fiscal year 1989 public witness hearings on the following dates: May 17, 18, 19, 24, 25, 26, and June 7, 8, and 9. The first day of hearings will include any testimony from Members of Congress.

The deadline for interested groups and individuals to submit their testimony is Monday, March 21. All requests must be in writing and should be addressed to me in care of the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, Senate Dirksen 186, Washington, DC 20510.

Those persons whose requests are received by March 21 will receive a letter providing instructions for their appearance before the subcommittee.

In addition, the deadline for those who wish to submit statements for the hearing record will be Friday, June 16. Such statements must be no longer than five double-spaced pages, and three copies should be sent to me in care of the subcommittee.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Tuesday, March 1, 1988, at 9:30 a.m., in SDG50 to receive testimony on hunger in America, the Temporary Emergency Food Assistance Program and general nutrition issues.

For further information, please contact Ed Barron of the committee staff at 224-2035.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Monday, February 29, at 2 p.m., in room 342 of the Dirksen Senate Office Building, on S. 1014, the Federal Civil Penalties Inflation Adjustment Act of 1987.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that field hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The field hearings will take place March 10, 11, and 12, 1988, beginning at 9 a.m. The hearings will be held in Idaho Falls, Boise, and Coeur d'Alene, ID respectively.

The purpose of the hearings is to hear testimony on S. 2055, a bill to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formula for certain National Forest System lands, and to release other forest lands for multiple-use management, and for other purposes.

Those wishing further information about the hearing should contact the office of Senator James McClure in Boise at (208) 334-1560 or Beth Norcross of the subcommittee staff in Washington, DC at (202) 224-7933.

Mr. BUMPERS. Mr. President, I would like to announce for the public that hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearings will take place on March 21 and 22, 1988, beginning at 9:30 a.m. and concluding at approximately 12 noon in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearings is to receive testimony on two bills currently pending before the Subcommittee. The two measures are:

H.R. 2090 and S. 1479—bills to designate certain National Forest System lands in the State of Montana for release to the forest planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System, and for other purposes.

It is likely that it will be necessary to limit the number of witnesses appearing at each hearing. It is also likely that oral statements will be limited to 5 minutes each. Individuals are encouraged to submit written state-

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ments which will be included in the official hearing record. If you would like to submit a statement, please send it to the Subcommittee on Public Lands, National Parks and Forests, 364 Dirksen Senate Office Building, Washington, DC.

For further information regarding the hearings, please contact Tom Williams of the subcommittee staff, at (202) 224-7145.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN. Mr. President, I would like to announce that the Governmental Affairs Committee will hold hearings on Tuesday, March 1, at 9:30 a.m., on Nutrition Monitoring. For further information, please call Len Weiss, staff director, on 224-4751.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Tuesday, February 23, 1988, to hold an oversight hearing on the barriers to Indian participation in Government procurement contracting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on February 23, 1988, to hold a hearing on S. 1347, child abduction.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on February 23, 1988, to hold a hearing on S. 1515, attorney fees; S. 1515, injunctive relief; and section 614 of S. 1482, Judicial Branch Improvement Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Government Affairs, be authorized to meet during the session of the Senate on Tuesday, February 23, 1988, to hold hearing on H.R. 3400, Hatch Act amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE AND SUBCOMMITTEE ON HAZARDOUS WASTES AND TOXIC SUBSTANCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, and the Subcommittee on Hazardous Wastes and Toxic Substances, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, February 23, to conduct a joint hearing on S. 20, the Ground Water Protection Act; S. 1105, the Ground Water Research Act—also introduced as amendment 178 to S. 20—and H.R. 791, the National Ground Water Contamination Research Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Tuesday, February 23, 1988, to receive testimony concerning S. 2042, to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, and the National Ocean Policy Study be authorized to meet during the session of the Senate on February 23, 1988, to hold hearings on S. 1989, the South Pacific Tuna Act of 1987 and S. 1695, Legislation To Reauthorize the Fishermen's Protective Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, February 23, 1988, to conduct a hearing on "Smart Start"—Early Childhood Education Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 24, 1988, to hold a business meeting—pending calendar business. See attached agenda.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Thursday, February 25, 1988, at 9 a.m. to hold an oversight hearing on the fiscal year 1989 budget for Indian programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 25, 1988, to hold a hearing on the nomination of Mark Sullivan to be General Counsel of the Treasury Department.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Energy and Natural Resources Committee be authorized to meet during the session of the Senate on Thursday, February 25, 1988, to hold a business meeting pending calendar business. See attached agenda.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 25, 1988, to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, February 25, 1988, to examine S. 1993, the "Minority Business Development Program Reform Act of 1987;" and H.R. 1807, the "Capital Ownership Development Reform Act of 1987."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 25 to hold a nomination hearing—Eugene McAllister.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Thursday, February 25, 1988, to continue oversight hearings on the Federal Reserve's first monetary policy report for 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 25, 1988 to hold oversight hearings on developments in alcohol and drug testing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 25, to conduct a hearing on speed limit issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 25, to conduct a hearing on S. 1979, a bill to establish the Grays Harbor National Wildlife Refuge in the State of Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

UNITED NATIONS COMMISSION ON HUMAN RIGHTS TO CONSIDER EAST TIMOR QUESTION

● Mr. LEVIN. Mr. President, for nearly a decade I have been very concerned about persistent reports of human rights abuses in the former Portugese colony of East Timor. This island territory was invaded and annexed by Indonesia over 12 years ago with tragic consequences for its citizens. Since the Indonesian invasion, it is estimated that over 100,000 East Timorese out of a population of less than 700,000 have died as a result of warfare, hunger, disease, and extrajudicial executions.

I wish I could say that time has healed East Timor's wounds. Unfortunately, accounts from human rights organizations such as Amnesty International and Asia Watch as well as compelling testimony from eye witnesses lead me to believe that intense suffering in East Timor is far from over.

In recent years I have supported Senate initiatives on the East Timor issue, and I am prepared to make further efforts in the future aimed at keeping East Timor on the United States foreign policy agenda. But the East Timor problem is also an international one, and requires an international effort beyond the scope of what one country can do alone.

The United Nations Commission on Human Rights is meeting this month in Geneva, and is expected to take up the East Timor question. I urge Commission members to follow the lead of the Subcommission on Prevention of Discrimination and Protection of Minorities, which in September 1987 adopted a reasonable and balanced resolution on East Timor. This resolution talks about "new allegations * * * regarding the violations of human rights to which the people of East Timor continue to be subjected," and recommends that the Human Rights Commission "study carefully at its—upcoming—session the evolution of the situation of human rights and fundamental freedoms in East Timor."

Continuous international activity in forums like the Human Rights Commission can ameliorate the humanitarian and human rights situation in East Timor, and might represent the best hope for a long-term solution to the East Timor question.

Mr. President, I ask that the text of the Subcommission resolution be printed in the RECORD following my remarks. For the benefit of our colleagues, I am also submitting for the RECORD printed testimony from the U.N. Sub-Commission's meeting last September. This testimony was given by a Timorese witness who was only 13 years old when Indonesia invaded East Timor in 1975. It makes for chilling reading. Responsible experts believe that such testimony represents only a tiny fraction of what is continuing to happen in East Timor. I ask that this testimony may be printed in the RECORD.

The material follows:

RESOLUTION

1987/13 *The situation in East Timor*, [1]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules on international humanitarian law,

Recalling its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983 and 1984/24 of 29 August 1984 concerning the situation in East Timor,

Preoccupied by new allegations put forward regarding the violations of human rights to which the people of East Timor continue to be subjected because of the situation which persists in the territory,

Taking note with satisfaction of the continuous spirit of co-operation of which the authorities have given proof in order to facilitate the reunification of families,

1. *Welcomes* the action taken by the Secretary-General regarding the question of East Timor,

2. *Requests* the Secretary-General to continue his efforts to encourage all parties concerned, that is the administrating Power, the Indonesian Government and the East Timor representatives, to co-operate in order to achieve a durable solution taking into full consideration the rights and wishes of the people of East Timor;

3. *Requests* the Indonesian authorities to facilitate without restrictions the activities of humanitarian organizations in East Timor;

4. *Recommends* therefore to the Committee on Human Rights to study carefully at its forty-fourth session the evolution of the situation of human rights and fundamental freedoms in East Timor.

U.N. SUB-COMMISSION, SEPTEMBER 1987—ITEM 9

ORGANISATION: NAILS—NATIONAL ABORIGINAL AND INDIGENOUS LEGAL SERVICES

Testimony on Torture in East Timor

Mr. Chairman, it has been stated in this Sub-Commission many times in the past, especially by representatives of the NAILS Organisation, that foreign domination and occupation result almost inevitably in systematic violations of basic individual rights.

I am a Timorese and the first to speak on behalf of this organisation.

I was 13 years old when Indonesian military forces invaded East Timor. Following the invasion, I fled to the bush with the resistance. Later I was captured by the Indonesian forces. I was then sent to a prison called Komarka, in Dili in 1980. I was held there until being transferred to the island of Atauro on 3rd September. In July 1984, I was released. I started working with the Indonesian Red Cross in 1985 and at the beginning of 1987 arrived in Portugal under the family reunification programme.

Mr. Chairman, for 12 years, I personally witnessed a great number of arbitrary executions, imprisonment, and torture, evidencing a systematic disregard for the most essential civil and political rights of the East Timorese.

In 1978-1979 the Indonesian armed forces carried out a large scale offensive against the East Timorese resistance and the civilian population.

Part of my family were with me in the bush. We were all concentrated in one area and incendiary bombs were dropped on us. I managed to escape but my brother was killed during a fight. One of my sisters disappeared during the intense bombardement and my family and I never saw her again.

In 1980 I was arrested by Indonesian troops and subjected to interrogations and torture. Every Indonesian guard used his own method of torture to force me to admit to crimes. Different methods of torture were used:

I was beaten by gun butts and kicked.

My hands and feet were tied up and I was pushed into a tank of water head first and held under water by the feet for up to 2 minutes. Then I was pulled up again and interrogated. As long as I did not confess, the same operation was repeated. Once I confessed in my near drowning state, more

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[1] Adopted at the 34th meeting on 2 September 1987, by 6 votes to 4, with 9 absentions.

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questions were asked and torture was used again.

I was tied up and two small types of crocodiles (buaya Kecil) were tied to my body. When the tails of the animals were pulled, they scratched, clawed and bit me, digging their nails and their teeth into my skin. During this time I was asked further questions.

I saw my friends being tortured too. I saw them subjected to electric shocks, beaten by iron and wooden rods, their toes being placed under a table leg with soldiers and officials sitting on top of the table, cigarettes extinguished on the skin, in the ears and on the sexual organs. They were also kicked with heavy leather boots in the chest.

I was then taken to a secret prison (Komarka). I was locked up in a very small cell, 1m. by 2m. with 9 people. I could not sleep and I did not know whether it was night or day. I was given only a spoonful of rice per day. From time to time, the guards opened the door and called one prisoner out. I never saw them again.

Later, I was taken to Aturo island with my friends and I was there for four years. I was not allowed to speak with foreign people who were brought by military helicopters. During an Australian delegation visit, I and my fellow prisoners were brutally beaten and threatened with being shot because we dared speak with them. The same event happened when Portugese journalists visited the island of Atauro, after they returned, four of my fellows were tortured and sent to Komarka prison. I was starving; all we had to eat was a small tin of corn for a whole week. I did not have any medical treatment when I fell sick. I was often beaten when I arrived late for work.

There are many other prisons in Dili, Aileu and other parts of the territory, with small numbers of prisoners. I, myself had entered in one of these prisons without the knowledge of the troops and I saw 6 prisoners with swollen faces and other signs of ill-treatment. Every two months, the troops checked at mid-night the homes of the population; suitcases, identification cards, wardrobes were all checked.

I am concerned about the fate of my friends who are still in East Timor. I have personally witnessed and been a victim of the gross violations of human rights resulting from the Indonesian government's efforts to consolidate its dominaton of East Timor, and I believe that, until the genuine wishes of the East Timorese people themselves are respected, the suffering will continue.

Thank you Mr. Chairman.●

BICENTENNIAL MINUTE

FEBRUARY 23, 1944: THE MAJORITY LEADER RESIGNS

(By request of Mr. SIMPSON the following statement was ordered to be printed in the RECORD:)

● Mr. DOLE. Mr. President, a majority leader of the United States dramatically resigned 44 years ago today, on February 23, 1944. Senator Alben Barkley of Kentucky had been Democratic leader of the Senate since 1937 and a loyalist for the administration of Franklin D. Roosevelt, but he was outraged over the harsh language of the President's veto of a tax bill he supported.

Journalist Allen Drury recorded in his journal the scene as rumors spread and the Senate gallery and floor began to fill:

> For almost 45 minutes, point by point, the majority leader denounced the veto message and the man who sent it to The Hill. In a speech that very evidently came from the heart and at times rose to heights of moving passion and sincerity, he repudiated the President whose errand boy in the upper House he had been for 7 years.

Barkley announced that he intended to resign as majority leader and then urged Congress to override the President's veto "if it has any self-respect yet left."

Senators from both sides of the aisle stood to applaud and rushed to gather around Barkley to congratulate him. Not only did the Senate and House overwhelmingly vote to override the veto, but the next day the Democratic conference voted unanimously to reelect Barkley as majority leader. Utah Senator Elbert Thomas told reporter Drury that for years Barkley had given the impression that he spoke to the Senate for the President, but that now that he had been unanimously reelected, "he speaks for us to the President."

However, there is a historical coda to this story. In July 1944, when the Democrats met in convention, they sought a Vice Presidential candidate to run with Roosevelt for his fourth term: Many believed that Alben Barkley would have been the odds-on favorite had he not broken with Roosevelt just 5 months earlier. The convention chose Senator Harry Truman instead, and within 1 year Truman, not Alben Barkley, was President of the United States.●

THE PLIGHT OF THE FAMILY OF EVGENY LEIN

● Mr. McCONNELL. I rise today to bring to the attention of my colleagues the plight of Evgeny Lein and his family. Evgeny has been considered a refusenik in the Soviet Union since 1978.

Five of my colleagues in this body joined me in sending a September 16, 1987, letter to General Secretary Gorbachev appealing for expedited emigration of the Leins. I would like to expand upon the details included in that letter so that all the Members of this body will be aware of the Leins' extraordinary struggle for freedom.

The Leins first applied for an exit visa in the spring of 1978. His request was denied 4 months later on the grounds that Evgeny had "access to classified materials." He was subsequently dismissed from his position as a research scientist as was his wife, Irina, who worked for the Institute of Biology.

Since 1977, Evgeny has attended seminars on Jewish history. In 1981, he was atttending one such seminar in a private apartment when the authorities invaded the seminar and arrested several participants. While his wife called his arrest a "tactic in the KGB tyranny," others felt it was an act of revenge by local police. Apparently, in 1980, Evgeny had defied local police and persisted in bringing to trial two men who had attacked his daughter. Evgeny was sentenced to 2 years of compulsory labor for allegedly "resisting a representative of authority." He was uncharacteristically released after less than a year, in part because his knowledge of the law helped him identify 20 legal infractions in his trial.

He later joined 19 other refuseniks in writing to the President of the Supreme Soviet saying their desire to go to Israel "is not more than a demand for a home." They added that they held "no grudge against the U.S.S.R."

In June 1984, Israel Radio mentioned Evgeny and Irina, drawing attention to Irina's health and Evgeny's deteriorating hearing problem. Five months later, Evgeny was severely beaten about the head and face; his assailants concentrated on his good ear. In addition, they threatened that he would be charged with resistance to authorities and sentenced to 4 more years in prison.

I know that most, if not all, of my colleagues share my concern about this disregard for human rights and dignity. I am hopeful that by continuing to call attention to the plight of refuseniks like the Leins, they will someday be afforded the opportunity to join their families outside the Soviet Union.●

ESTONIAN ANNIVERSARY

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. SIMON. Mr. President, tomorrow marks the 70th anniversary of the declaration of independence of the Republic of Estonia. On this historic occasion I would like to bring to the attention of this body the situation of the Estonian people.

On February 24, 1918, the independence of Estonia was formally declared. However, this independence was lost in 1939 when Hitler secretly agreed to give all three of the Baltic States to the Soviet Union.

From 1939-49 there was armed resistance in Estonia against Soviet occupation. Though there is no longer armed resistance in Estonia, the will and the spirit of the people is not broken. All of us in this body hope to see Soviet reforms extended to Estonia and the other Baltic republics.

I applaud the courage and resilience of the people of Estonia, and I commend Estonian Americans for bringing the plight of those still living under

Soviet occupation in Estonia to our attention.●

GREECE AND TURKEY RELATIONS

● Mr. LUGAR. Mr. President, the relations between Turkey and Greece, two key NATO allies, have been tense over the past several years. Much of this tension stems from differences over Cyprus on the one hand, and over conflicting claims of both countries in the Aegean on the other. These difficulties have longstanding historical roots, and have affected our bilateral relations with our two allies.

Therefore, I am particularly pleased that a significant diplomatic breakthough toward improvement of bilateral relations between Greece and Turkey took place recently in Davos, Switzerland, were Prime Minister Turgut Özal and Prime Minister Andreas Papandreou met on January 30-31, 1988. It is a welcoming development that the calls for dialog found a positive response and that Davos encounter was successful.

In Davos, the two leaders expressed their joint determination to avoid future bilateral crises, and to move in a careful and thoughtful manner to eliminate differences between them. They agreed to establish two committees: One would help to build confidence and trust through increasing economic, trade, tourism, and cultural ties; and the other would help to define and eliminate particular problem areas. The two leaders also agreed to meet at least once a year in reciprocal visits beginning with Prime Minister Özal's visit to Athens as early as this summer.

I congratulate these two leaders on these hopeful steps, and encourage them to build upon this initative to break down the barriers between the two nations. I have included the text of the communique issued at the conclusion of the meeting for the information of all Members.

The text of the communique follows:

THE TEXT OF THE PRESS COMMUNIQUE RELEASED FOLLOWING THE MEETINGS BETWEEN TURKISH PRIME MINISTER TURGUT ÖZAL AND THE GREEK PRIME MINISTER ANDREAS PAPANDREOU ON 30TH and 31ST of January 1988 IN DAVOS, SWITZERLAND

1. The Prime Ministers of Greece and Turkey met twice in Davos, Switzerland, on January 30-31, 1988, and discussed issues of mutual concern in an atmosphere of understanding and goodwill.

2. The Prime Ministers observed that cumulated problems created in time due to different approaches are, at times, exploited by certain circles. It is imperative that this should not be permitted. They agreed that closing the gap between these differences will require time, goodwill and hard work.

3. The Prime Ministers gave their views of Turco-Greek relations, starting from a historic perspective and their deterioration in time. they further elaborated on the recent crisis in the Aegean which brought the optimism introduced as a consequence of exchange of messages between them. They agreed that from now on such a crisis should never be repeated and both sides must concentrate their efforts for the establishment of lasting peaceful relations.

4. The Prime Ministers agreed that rigid frames of mind have been created in various segments of their societies in relation to existing issues. They noted that this is the case even in textbooks. They noted also with regret some recent statements of officials not conducive to an improvement of relations between the countries.

5. The Prime Ministers reiterated their respective positions on issues of bilateral and regional interests.

6. They nevertheless underlined that a thaw and rapprochement between the two countries would require determination, sustained efforts and building of confidence for which two sides should move to a common ground, in order to create an environment conducive to working out lasting solutions.

7. The Prime Ministers agreed to establish two committees: one to explore the areas of cooperation such as economic cooperation, joint venture trade, tourism, communications, cultural exchanges and one to define the problem areas, explore the possibilities of closing the gap and move towards lasting solutions, the progress of which will be reviewed by the two Prime Ministers. In this regard, they agreed to initiate, encourage and increase contacts among civilian and military officials, members of the press and businessmen and to establish a business council or a joint chamber of commerce and industry.

8. The Prime Ministers also accepted to meet at least once a year and to make a reciprocal visits to their countries and agreed to set up a direct telephone line. They also agreed that the Ambassadors of the two countries to international organizations should increase contacts with a view to improving cooperations.

9. Finally, both Prime Ministers expressed their satisfaction in the frank and open discussions which took place among themselves and reiterated their conviction that creation of improved relations and confidence would require resolve, time and hard work".●

WILLIAM W. BISHOP, JR.

● Mr. LEVIN. Mr. President, I rise today in sadness and respect because on December 29 a great and gentle man died in Ann Arbor.

He was William W. Bishop, Jr., the Edwin D. Dickinson professor of law emeritus of the University of Michigan Law School. His field was international law and for decades he was truly one of the giants.

Born in 1906, Professor Bishop received both his bachelor's degree and his law degree from the University of Michigan. During World War II, he was an assistant legal adviser in the Department of State and in 1948 returned to Ann Arbor and joined the faculty of the University of Michigan Law School.

During his tenure, Professor Bishop authored a casebook on international law which was for years the most widely used international law casebook in the country. He served as editor-in-chief of the prestigious American Journal of International Law for 10 years. He received many honors during his long and distinguished career, including the University's Distinguished Faculty Achievement Award in 1965. He also served on a vast number of committees, boards, and panels both in the United States and abroad. He was, as Lee Bollinger, the dean of the law school said, "a towering figure in international law."

He was also a leader in the Boy Scouts and a devoted family man. His beloved Mary, his wife of 32 years, died in 1979. He is survived by his daughter, Dr. Elizabeth S. Bishop, of East Lansing.

Although his achievements are many, they cannot begin to measure his true impact. Bill Bishop was a scholar of the first rank—a fact recognized throughout the international legal community. But he also had a special gift for teaching. He not only knew his subject matter thoroughly, he cared deeply about it. He cared about his students and they knew it. His courses were always among the most popular at the law school.

Professor Bishop inspired and enriched generations of students from this country and around the world. Many of his students hold important positions in private practice, Government and teaching. He kept in touch with many of them long after they left Ann Arbor. They remained his friends and he continued to inspire them throughout his life. I know they are trying to practice, and pass on to others, his intellectual curiosity, warmth, deep human kindness and commitment to the rule of law. That is the legacy of a great teacher.

Professor Bishop also recognized that, as a scholar and teacher of international law, he had a particular duty to foster the rule of law in international relations. He believed firmly that all States, but especially the United States, has an obligation to work toward a world where law, not force, governed. But he was no dreamer. His experiences in the Department of State gave him a keen appreciation of the limitations of our present international legal order.

In 1981, the American Society of International Law celebrated its 75th anniversary and asked Professor Bishop to reflect on the changes that had occurred during those 75 years. In his remarks, Professor Bishop observed:

> We must recognize that law cannot coerce states in matters of primary political importance, unless there is a sufficiently strong feeling of international political community. Law cannot bring order when there is not enough common will to keep the peace. . . . Meanwhile, of course, international law can be, and is, a most useful instrument for giving effect to policies upon which there is common agreement, but it cannot succeed if

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it gets too far ahead of the actual feelings and attitudes of the states concerned. With our international society what it is, we must think of international law chiefly in terms of agreement rather than coercion.

This clear eyed assessment, however, did not diminish his "cautious optimism," as he once said, that the world will gradually turn to law, not force, as the foundation for human conduct. And he conveyed this vision—this hope—to generations of students. Literally thousands of students were touched and enriched by this special man. All of us, in America and around the world, are a step closer to a more peaceful and ordered world because of Bill Bishop.●

200TH ANNIVERSARY OF MOUNT PLEASANT, NEW YORK

● Mr. D'AMATO. Mr. President, 1988 is a year of bicentennial celebrations, and March 7, 1988 is one date to note. This marks the 200th anniversary of the town of Mount Pleasant, NY, in Westchester County.

Prior to its establishment as a township, the town of Mount Pleasant had been a European settlement formed by Lord Frederick Philipse, a Dutchman, in 1683. After the Revolutionary War, the lands were confiscated by the State and sold to 287 separate owners. The State legislature then established Mount Pleasant as one of the original towns of New York on March 7, 1788.

The town's development began with the initiation of rail service in 1846. Manufacturing facilities began to appear, and although most were along the river in North Tarrytown, employment also was available further east at shoe factories, pickle factories in Pleasantville, a lumber mill, a limestone quarry in Thornwood, and eventually the Kensico Dam in Valhalla.

The Rockefeller family settled in Pocantico Hills in 1890 where they accumulated 2,800 acres of land within Mount Pleasant. From this family came the town's most famous citizen, former Vice President of the United States and former Governor of the State of New York—Nelson A. Rockefeller.

Today, Mount Pleasant is the third largest town in Westchester with a population of 42,000. The town covers 25 square miles, including the villages of Pleasantville and North Tarrytown, a portion of the village of Briarcliff Manor, and an unincorporated area of 21.5 square miles. It borders the Hudson River on the west, the towns of Greenburgh on the south, Ossining and New Castle on the north, and North Castle on the east.

Mount Pleasant has a rich enduring past and a bright foreseeable future. Its residents have much to be proud of, and I share that pride in representing them in this body.●

LITHUANIAN ANNIVERSARY

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. SIMON. Mr. President, on February 16, 1988, the people of Lithuania—and Lithuanian Americans with them—celebrated their 70th anniversary of independence. I would like to take this opportunity to express my support of this historic occasion.

Lithuania's independence was proclaimed on February 16, 1918, but ended 22 years later with the Soviet takeover of that country. Since 1940 the celebration of Lithuanian Independence Day has been hindered by Soviet official hostility. It is unfortuante that this seems to have also been the case for the 70th anniversary.

Reports from Lithuania indicate that heavy police presence prevented any peaceful demonstrations from taking place. The police show of force took place despite the fact that Mikhail Gorbachev received an appeal from 200 Lithuanians asking him to allow peaceful demonstrations to proceed without interference.

The inability of the Lithuanian people to mark such an important occasion as the 70th anniversary of their independence casts a shadow on Mr. Gorbachev's stated policy of openness. The suppression of the Lithuanian peope also violates the Helsinki accords which the Soviet Union freely signed. It is simply unacceptable for Moscow to fail to live up to its international obligations.

I am pleased to cosponsor Senate Joint Resolution 249, which declares June 14, 1988 "Baltic Freedom Day." This resolution will again reassure the Baltic people of U.S. support as they continue to test the limits of glasnost. In addition to this action 33 Members of this body sent a letter to General Secretary Mikhail Gorbachev urging him to allow the Baltic peoples to peacefully honor their national independence days. We also asked the Soviet leader to take all necessry measures to guarantee that the people of the Baltic do not become targets of state-sponsored harassment.

Mr. President, I have been proud to sponsor such measures as "Lithuanian Independence Day," "Polish American Heritage Month," "Baltic Freedom Day," and other important commemorative resolutions. America is enriched by people from all walks of life and all backgrounds, and we are strengthened from our Nation's great diversity.●

CHIANG CHING-KUO

● Mr. KASTEN. Mr. President, one of the greatest international success stories of the last 40 years is the survival and liberalization of the anti-Communist regime of Taiwan. The passing of Chiang Ching-Kuo is an occasion for all of us to remember how much progress Taiwan made under his leadership—and how much more progress the Taiwanese people expect to see under his democratic successors.

Democracy has survived in Taiwan thanks to the perseverance and commitment to principle of its statesmen. This perseverance has been exemplified by the career of Dr. Fred Chien, the former senior Vice Foreign Minister of the Republic of China who is currently the chief Taiwanese representative in the United States.

Dr. Chien has articulated his experience and basic beliefs in an important article in the Central Daily News of Taipei, which has been made available to me in an English translation by Dr. Nathan K. Mao. I think the article, addressed to Taiwan's young people, will be helpful to my colleagues, and I ask that it be entered in the RECORD.

The article follows:

PERSEVERANCE: A MESSAGE FOR THE YOUNG

(By Representative Fred Chien)

Wang Yang-ming, a Ming dynasty sage, said, "Perseverance is key to work." His words are simple but profound in meaning. In the last few years I have deeply felt the wisdom embedded in his saying and I wish to share my experiences with my young friends.

It has been four years and ten months since my appointment in January, 1983, to Washington as Representative of the Coordination Council for North American Affairs. Prior to 1983, there had been several years during which the relationship between the Republic of China and the United States was in an extremely difficult stage. My countrymen were severely affected psychologically; my colleagues and I in the Foreign Service were on the front lines directly facing diplomatic setbacks. During many critical moments, we sensed our young friends' deep concern and interest in their country. I was particularly moved when I witnessed the ardent desire and eagerness of many young people to offer their services to their country, especially those who were still in school. Their heartfelt desire to serve fastened my heartstrings. Many evenings, after a full day of negotiations, I felt physically and mentally exhausted, but whenever I saw the images of young men and women, earnest and eager to help, I realized that my countrymen had high expectations of me, a member of the Foreign Service. A gush of fresh energy surged and charged my body, enabling me to return to work.

Before leaving Taipei, I was aware of my countrymen's high expectations. But as I reviewed the past and looked towards the future, I felt overwhelmed. At that time I declared in all honesty that I was not God but human, as I asked for support and strength from my countrymen. I must admit, with due gratitude, that ever since I became to Washington I have received lots of encouragement from my countrymen both at home and from those overseas. Their continuous support, flowing to me through different tangible and intangible channels, refreshed me from head to toe.

Indeed I was really a novice in Washington, a city where it was known to be difficult to make friends. Although I had been in the Foreign Service for many years and has many friends in Washington, I felt inexperienced in Washington's social circles. I was scared and yet pleased in my role as Republic of China's Washington Representative.

Because of my country's special status in the United States, we had no ideas as to what we could do or could not do and whether we should have a high or low profile. On the other hand, all those official functions with their built-in protocol niceties did not affect us. Just like the Bible says, one door is closed by God, yet another and still another door is open. Although I do not have an official title, I was spurred by a daring frame of mind characteristic of my younger days. With the full cooperation of everyone, my colleagues and I took the initiative to make friends, slowly and assiduously building our base.

From that time on, I became more and more willing to accept the challenges of my work. I not only learned that an individual's or a group's ability to face adversities becomes stronger through perseverance, I also learned that our country is full of vitality. Despite repeated tribulations and setbacks, we conquered one difficulty after another and emerged triumphant in a totally new image when all sectors of our society worked as one cohesive unit.

To faithfully relay Republic of China's developments in the last four years and ten months I left Washington for out-of-town speaking engagements to different groups and organizations at least forty-five to fifty times a year, not counting informal sessions where I made impromptu remarks. All in all, I have only one objective: to deepen the U.S. public's understanding of our country and to strengthen their friendship for us. Every time I give a speech I use the lastest figures and facts, revealing what is progressive, open and new in our society. I fully understand that out figures of prosperity, our democratic growth, our increasing confidence and our growing strength are all attributable to our countrymen's hard work, the application of their intelligence and their cooperation with one another. As a messenger for my countrymen I feel encouraged and inspired. It's this gush of youthful strength which enables all my colleagues at the Coordination Council, trying their utmost, to negotiate with U.S. diplomats or any other persons in an effort to achieve fair treatment while maintaining their dignity.

Personally I must confess it is hard for me to be satisfied with myself. In fact, I was a shy youngster and physically uncoordinated. In senior high school a schoolmate tripped and broke my heel while we were playing ball. Even now I can't say I like social functions that much. But for the sake of my work, I try my best to adjust myself. Maybe "to adjust" is not an appropriate expression, because my work today is to adjust myself to the ever-changing situations and enable my audiences to quickly catch my message. When I first arrived in Washington, it was very easy to run into friends who had preconceived ideas about us. I felt it was important to understand why "so-and-so" felt the way he did towards us. Was it because of his personal views, his personal experience, his lack of adequate information or for some other reasons? If his biases could be overcome, efforts would be made immediately. If his views were too deep-seated, I would treat him with sincerity and hope to explain to him later with more facts. Under the rubric of patience, respect and sincerity, my colleagues and I at the Coordination Council complemented one another, helping the U.S. government officials and the general public have an even greater understanding and respect for what's been going on at home.

In recent months, major U.S. newspapers, whether conservative or liberal ones like The Washington Post and The New York Times, have repeatedly extolled our accomplishments in their editorials and op-ed columns. This makes me realize that because our country is moving in the right direction, has flexible and workable policies and because our efforts have been made apparent with facts, the world is becoming more respectful of us and our international status. This recognition has come about only after repeated experiences of being frustrated, humiliated and tested.

What I have said is personal experiences and feelings. It's not anything deep and profound. There's no key to success. I feel that the young today are growing up in comfort and prosperity. But in truth all comfort and prosperity have come about after many others have sweated, bled, and have met with many failures. In the future we will face many types of storms and our difficulties will not be any less than those before. My young friends, if you can consider your personal experiences, societal adversities and your country's diplomatic reverses as object lessons in learning perseverance you will then become stronger as you meet unpleasantness yourself. With an optimistic spirit and a perseverant attitude, you will be more fully prepared to accept all types of challenges. I believe every type of difficulty would only ennoble our situation, earning us even greater respect for our integrity and enhancing our country's international standing.●

THE 1988 CONGRESS-BUNDESTAG STAFF EXCHANGE

● Mr. LUGAR. Mr. President, I am proud to call the Senate's attention to the fifth annual staff exchange program between the U.S. Congress and the West German Bundestag. Since 1983, both countries have conducted this half month program whereby staff members trade roles to observe and learn about the workings of each other's political institutions as well as the issues facing both countries. The staff exchange provides an opportunity for the development of professional friendships which aid greatly in strengthening the relations between our two countries.

The progress and promotion of the Congress-Bundestag Staff Exchange Program is most important to the continued success of our international endeavors. The program, one of several sponsored by the Congress, USIA, and both public and private institutions in the United States and West Germany, fosters a better understanding of the policies and governments of both nations.

Eight congressional staff members will visit Germany this year from April 16–May 1. They will spend about 10 days in Bonn attending meetings conducted by members of the Bundestag, Bundestag staffers, and representatives of political, business, labor, academic, and media institutions. In addition to this, they will spend a weekend in the home district of a Bundestag member. The program will conclude with a visit to Berlin during which the delegates will meet with representatives of the West Berlin government and the U.S. Government representatives in West and East Berlin.

The Bundestag will send a delegation of staffers to the United States in late June of this year for a 3-week period. They will attend meetings in Washington and will visit the districts of Members of Congress over the Fourth of July recess. The German Bundestag sends senior staffers to the United States as well as a number of high ranking Bundestag members.

It is important that we send a delegation of Senate and congressional staffers who are experienced and share a sense of interest and responsibility in political, security, trade, environmental and other such issues as they relate to Europe and the United States. In addition, congressional participants are expected to plan and execute the program for Bundestag staffers when they visit the United States.

Applications for participation in the U.S. delegation will be reviewed initially by the Congressional Staff Group on German-American Affairs, and the final selection will be made by the U.S. Information Agency. Senators and Representatives who would like a member of their staff to apply for participation should direct them to submit a résumé and cover letter to Bill Inglee, House Foreign Affairs Committee, 808 House Office Annex No. 1; or John Parisi, Senate Governmental Affairs Committee, 346 Dirksen Senate Office Building. Applications and letters should be submitted by Tuesday, March 1.

I look forward to the continued success of this particular exchange. The Congress-Bundestag staff exchange affords our congressional assistants an opportunity to gain valuable insight into another political culture. Best wishes to the participants in this upcoming program.●

AMERICAN HEART MONTH

● Mr. WEICKER. Mr. President, as a result of a 1963 congressional resolution, each year since 1964, the President proclaims the month of February as "American Heart Month." In so designating this month, both the Congress and the President demonstrate the seriousness of cardiovascular diseases and stroke—this Nation's leading cause of death.

The American Heart Association reports that in 1988 an estimated 1 million Americans will die as a result of cardiovascular diseases including about 540,000 from heart attacks and approximately 155,000 from strokes.

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Moreover, they estimate that nearly 65 million people are afflicted with one or more forms of heart or blood vessel disease.

The National Heart, Lung, and Blood Institute [NHLBI], along with the American Heart Association and others, has made significant inroads in curtailing the mortality rates from these diseases through research, prevention, and education programs. From 1976 to 1986 the death rate from coronary heart disease has fallen by 27.9 percent and that from stroke by 40.2 percent. Much of this decline is attributed to preventive measures, that is, controlling risk factors of cardiovascular diseases including smoking, elevated blood cholesterol, high blood pressure, and diets high in saturated fats and cholesterol. Successful examples in this area include both NHLBI's National High Blood Pressure Education Program and its National Cholesterol Education Program which correspond to AHA's Physicians' Cholesterol Education Program and its Heart RX Program.

While I urge my colleagues to applaud these achievements, I emphasize that much more must be accompanied to eliminate coronary heart disease—still the No. 1 killer in the United States. I encourage support of increased biomedical research including the application of molecular biology to cardiovascular research and of continued studies into both the connection between diet and cardiovascular diseases and the effects of behavior, stress, and physical activity on heart disease.

During "American Heart Month," I salute the American Heart Association and its 55 affiliates and more than 2 million volunteers for their invaluable work. I commend the National Heart, Lung and Blood Institute for its accomplishments and I urge my colleagues to celebrate our research achievements with the dollars that will make health the No. 1 priority in this country.

I ask that this year's Presidential proclamation be printed in the CONGRESSIONAL RECORD.

The proclamation follows:

PROCLAMATION 5762 OF JANUARY 21, 1988

THE PRESIDENT—AMERICAN HEART MONTH, 1988

(By the President of the United States of America)

A PROCLAMATION

For more than half of this century, diseases of the heart and blood vessels collectively called cardiovascular diseases, have been our Nation's most serious health problem. Last year, these diseases claimed 973,000 lives, and they caused serious and sometimes permanent illness or disability in still more Americans. Within this family of diseases, the leading killers remained coronary heart disease, which accounted for 524,000 deaths, and strokes, which accounted for 148,000 deaths.

Grim though these statistics may be, other statistics indicate that a corner may have been turned in 1965. Since then, mortality rates for all cardiovascular diseases, and especially for the two leading killers—coronary heart disease and stroke—have been moving steadily downward. For example, since 1972, mortality rates for all cardiovascular diseases combined have fallen by 34 percent, and those for coronary heart disease and stroke have declined by 35 percent and 50 percent respectively.

One major reason for the decline in cardiovascular mortality rates is that more and more Americans are modifying their habits in the direction of better cardiovascular health. Research has identified factors that increase vulnerability to premature coronary heart disease or stroke, and millions of Americans are acting on that knowledge to eliminate or ameliorate the risk factors that can be modified. These include high blood pressure, diabetes, obesity, and sedentary living. The National Heart, Lung, and Blood Institute, encouraged by the success of its National High Blood Pressure Education Program, has now launched similar programs against two other major risk factors: cigarette smoking and elevated blood cholesterol.

Today, the person stricken with a heart attack has a much better chance of surviving the acute episode, thanks to continued improvement in diagnosis and treatment. More and more of the stricken are reaching the hospital alive, thanks to better recognition of ominous symptoms, widespread teaching of cardiopulmonary resuscitation by the American Red Cross and the American Heart Association, and better-equipped emergency vehicles with better-trained crews.

Many individuals and organizations have contributed to the past four decades of progress against cardiovascular diseases. However, two organizations—the federally funded National Heart, Lung, and Blood Institute and the privately supported American Heart Association—have been in the forefront of this national effort. Since 1948, the two have worked in close cooperation to foster and support increased basic and clinical research in the cardiovascular field, to train new research scientists and clinicians, and to participate in a wide variety of community service and public and professional information activities. Through their efforts, Americans have become more aware of what they can do to live healthier lives.

Much has already been accomplished, but much more remains to be done. Recognizing the need for all Americans to take part in the continuing battle against heart disease, the Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested the President to issue annually a proclamation designating February as "American Heart Month."

Now, therefore, I, Ronald Reagan, President of the United States of America, do hereby proclaim the month of February 1988 as American Heart Month. I invite all appropriate government officials and the American people to join with me in reaffirming our commitment to finding new or improved ways to prevent, detect, and control cardiovascular diseases.

In witness whereof, I have hereunto set my hand this twenty-first day of January, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

RONALD REAGAN.●

THE 20TH ANNIVERSARY OF SEMCOG

● Mr. LEVIN. Mr. President, this year marks the 20th anniversary of the founding of SEMCOG, the Southeast Michigan Council of Governments. SEMCOG was established because of the realization that the counties, cities, villages, townships, and school districts of southeast Michigan form one regional community.

As the 1966 report calling for a regional approach put it:

> Our citizenry is bound together physically, economically, and socially, and is affected and serviced by not just one unit of local government but by many. We realize that our individual and collective destinies rest with the interdependent actions of the family of local governments which comprise our region.
>
> The fact that we have many separate, yet interrelated, local governments creates serious political and organizational questions as to how we may more effectively and efficiently coordinate our activities to provide needed services to all our citizens. Our dilemma is to retain local home rule while combining our total resources for regional challenges beyond our individual capabilities.

During these past 20 years SEMCOG has resolved that dilemma. It has done that by establishing a process for cooperative, comprehensive, and continuing regional planning for the seven-county southeast Michigan region. More than 250 representatives of local government, public interest groups and the private sector work through a technical advisory committee process to refine various regional planning activities. More than 150 representatives of local government then arrive at regional planning policy decisions through an executive committee and a general assembly.

SEMCOG serves as a forum for regular and ongoing discussions of regional problems and issues by various levels and branches of government. It has established a regional review process through which local communities can comment on State and Federal grants and programs. It has developed a long-range transportation plan for the region. It has drawn up a water quality management plan. It has developed a data analysis and forecasting process which makes population, household, and employment forecasts for all 234 units of local government for a 20-year period. It maintains an information services program which responds to more than 6,000 requests for information annually.

It also maintains such direct benefit programs as the RideShare car and vanpool program; the HomeShare Housing Match Program; the economic development Site Location Network; the innovative transit accident and crime analysis project; and the Transportation Systems Management Program for low and moderate cost traffic improvement programs.

Mr. President, SEMCOG's 20-year history has been a success story. I salute all those involved with the past 20 years of progress. The people of southeast Michigan have been well-served by their efforts.●

SUPPORT FOR RECLAMATION GROUND WATER MANAGEMENT AND TECHNICAL ASSISTANCE STUDY OF 1987

● Mr. MOYNIHAN. Mr. President, ground water legislation has been one of the prominent issues on the legislative docket for the 99th and 100th Congresses. Legislation has been concentrating on protection of surface and ground waters, and research to support planning and management of our water resources. In the face of a growing population and increasing demand for water, one of the crucial issues pertaining to ground water is assurance that our ground water systems are adequately recharged to sustain future demands on our aquifers.

Statewide in New York, 6 million New Yorkers rely on ground water for their primary source of drinking water. Three and a quarter million people depend solely upon the ground water underlying Nassau, Suffolk, Brooklyn, and Queens.

By the mid-1800's overpumping of the aquifer under Brooklyn had lowered the water table to 35 feet below sea level. Salt water intrusion forced abandonment of the aquifer in favor of ground water supplies from southern Queens and Nassau. This pattern of development and depletion was repeated in Queens, and over the years planners have moved eastward and continue to dig deeper to accommodate the growing demand for the drinking water from our natural underground reservoirs.

WATERSHED LANDS AND THE WATER CYCLE

We need to appreciate just what a complex and delicate cycle upon which we depend. The Magothy aquifer below Long Island, for example, supplies 90-percent of Nassau County's drinking water, because the shallower glacial aquifer has been polluted. The complete ground water cycle from precipitation to infiltration and migration beyond the barrier island takes approximately 800 years from the time precipitation falls on the center of the Long Island. In the Lloyd aquifer, the deepest of the three major aquifers under Long Island, this process takes about 3,000 years.

The reason the water on Long Island remains drinkable so far is that there are still enough undisturbed watershed and recharge areas to allow this ponderous cycle to function. However, development is relentless on Long Island, as it is nationally—the Council on Environmental Quality estimates that by the year 1990 over 75 percent of the U.S. population will live within 50 miles of the coastline.

What is happening to the watershed lands which protect and recharge Long Island's ground water? Development has greatly reduced these valuable areas. As development encroaches, natural vegetation disappears reducing infiltration of precipitation. Pollution and increased drawdown of the water table will continue to increase unless our water resources are managed properly.

Loss of recharge areas in our watershed tells the story:

The Hempstead Plains—once 45,000 acres, now 62 acres.

The Oak Brush Plains—once 50,000, now 3,000 acres.

The Pine Barrens—once 200,000 acres, now 112,000 acres.

The Pine Barrens is a particularly crucial recharge area for Long Island aquifer system. It is estimated that between 3.5 and 5.2 trillion gallons of water are stored in the saturated layers beneath the Pine Barrens. Fortunately, about 175,000 million gallons of water are recharged through the 112,000 acres of Pine Barrens each day. Without the benefit of recharge the total volume of ground water could be consumed in less than a month at the current rate of ground water consumption in this area. The importance of maintaining these lands as a principal source of future drinking water is self-evident.

CONGRESSIONAL ACTION ON GROUND WATER

The Committee on the Environment and Public Works has sponsored important environmental legislation in the 99th and 100th Congresses which directly affect ground water. As we all know, quality of ground water ties directly to quantity—if we pollute our ground water aquifer systems, we endanger supplies of drinking water.

On the first day of the 100th Congress I introduced S. 20 which is the Ground Water Protection Act of 1987. S. 20 is cosponsored by Senators BURDICK, MITCHELL, BAUCUS, and LAUTENBERG. S. 20 recognizes State primacy in ground water regulation, control, and management. This act directs EPA to establish criteria for 100 contaminants and to provide States with documents specifying the physical, chemical, biological, and radiological properties of ground water. The bill directs EPA's Administrator to make use of research developed under other environmental statutes and to cooperate with other agencies that hold toxicological data. S. 20 authorizes a total of $75 million divided equally over 3 years to support a Federal-State 75 to 25 cost-sharing program for ground water assessment programs.

Later in the session, S. 1105 was introduced by Senators BURDICK, DURENBERGER, MITCHELL, BAUCUS, CHAFEE, STAFFORD, BREAUX, GRAHAM, and myself as a ground water research bill. S. 1105 is similar to H.R. 791 in many regards, such as strengthening ground water research programs in the USGS, EPA, and the Department of Agriculture. Together, these bills strive to increase our understanding of ground water—our most critical resource, and to balance Federal and State/local responsibilities for insuring the necessary quality and quantity of our drinking water supplies in the future.

THE SOLE SOURCE AQUIFER BILL AND SAFE DRINKING WATER ACT

In 1982, I sponsored the Sole Source Aquifer Protection Act, which became a part of the Safe Drinking Water Act amendments passed by the 99th Congress. The act authorized $78 million over fiscal years 1987–91 for States to monitor and protect underground sources of drinking water. EPA has designated Long Island as a sole source aquifer, so it will be eligible for these matching funds. Unfortunately, the administration has not supported funding for the sole source program nor the wellhead protection program.

The Clean Water Act was enacted in 1972 to clean up our Nation's rivers and progress has been made toward this goal. However, much still needs to be done to ensure the quality of our rivers for our children and future generations. By cleaning these rivers—recharge areas fed by surface waters will be assured clean, unpolluted recharge.

Superfund amendments which I helped to draft as a conferee, passed in the 99th Congress. This bill provide $9 billion for cleaning up the worst hazardous waste sites in the country. An important new addition to Superfund is a $500 million cleanup fund for leaking underground petroleum storage tanks. I will continue to support full funding for Superfund.

Water in our rivers is already diverted to satisfy our cities' thirst for water. The city of Los Angeles receives water from northern California and other States—as far away as the Gunnison River, CO. New York City's water, most of which comes from the Catskill and Delaware watersheds to the west is already fully committed. There are no nearby sources for ground water that can be newly tapped to supply the demand for additional water. Bearing this in mind, it is essential to maintain the recharge areas, such as the critical Pine Barrens in New Jersey, to ensure that we do not deplete our national supplies of drinking water.

I therefore am pleased to cosponsor this bill today with Senator BRADLEY. The Reclamation Ground Water Management and Technical Assistance Study Act of 1987 directs the Bureau of Reclamation to study the national capabilities for ground water recharge and the adequacy of artificial recharge technologies for varying hydrogeologic

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conditions. Specifically, the Bureau of Reclamation is directed to assess the impact of existing water projects on the quality of ground water, including quality and quantity. This is important because of the large number of water projects throughout the Nation and associated diversions from the water's natural channels and reservoir areas.●

IN RECOGNITION OF THE 40TH BIRTHDAY OF EPWORTH VILLAGE RETIREMENT COMMUNITY

● **Mr. CHILES.** Mr. President, I rise today to recognize the 40th birthday of the Epworth Village, a special retirement community which has been serving Florida's elderly since 1948.

Over the years I have heard from many seniors who have told me what they so desperately want and need for a happy, secure retirement. They tell me above all that they want to maintain their independence and have the freedom to choose their own activities. They also speak of having the security of knowing that essential services such as congregate meals and transportation are available when needed. All of these things are necessary in maintaining a healthy and active life in later years.

The people at Epworth Village have provided just such an atmosphere for close to half a century. They have also provided seniors with something else; that feeling of community which makes life so special.

So, today I wish Epworth Village a happy 40th birthday, and I thank its people for their wonderful past and future service to older Floridians.●

ESTONIAN INDEPENDENCE—SENATOR METZENBAUM

● **Mr. METZENBAUM.** Mr. President, today, February 24, 1988, marks the 70th anniversary of Estonia's Declaration of Independence. The three neighboring Baltic States, Estonia, Latvia and Lithuania, were all absorbed by the Soviet Union in 1939 through a Nazi-Soviet pact. As a result, these brave people have been denied their right to self-determination for almost 50 years.

Today's anniversary of Estonian independence reminds us of the continuing struggle of native Estonians for their cultural, political and economic freedoms. Decades have passed since the ruthless Soviet takeover, yet those voices for freedom have not died down. In fact, the calls for freedom have grown stronger and more insistent. This past year, the world has witnessed the most vocal and widespread Baltic nationalist demonstrations in recent memory.

There is no doubt that Baltic nationalism is alive and well, and I vigorously applaud the persistent struggle of Estonians and other Baltic people who hunger for liberty and autonomy.

Their rising nationalist tone has resulted in what is now the quintessential Soviet reaction—the policy of fierce crackdowns. This policy has taken the shape of threats, detainments, labor camp sentences, and deportations. Nonetheless, the native population in Estonia continues to strive for freedom from Soviet rule and the 150,000 Red army soldiers stationed on Estonian soil.

On February 2, 1988, Senator RIEGLE introduced Senate Joint Resolution 249, a resolution designating June 14, 1988, as "Baltic Freedom Day." I am proud to join my 53 Senate colleagues in cosponsoring this measure. It is through such legislation that we can best express our solidarity with the Estonians.

I invite my colleagues to support the right of Baltic self-determination by commemorating Estonian Independence Day and sending a strong signal to the Kremlin that we do not condone the illegal occupation of sovereign states.●

ESTONIAN INDEPENDENCE DAY

● **Mr. LAUTENBERG.** Mr. President, I rise to join the people of Estonia in commemorating the 70th anniversary of the declaration of the independence of the Republic of Estonia.

On February 24, 1918, the independence of Estonia was formally declared. During the period of independence, the sovereign nation thrived. but the signing of the Molotov-Ribbentrop Pact in 1939 and the Soviet's occupation of the Baltic States ended the independence of the republic.

In Estonia, citizens have made plans to honor independence day with public ceremonies. They know that they run the risk of Government harassment and even arrest. But they will not be deterred. Estonian hopes for freedom and human rights are stronger than the Soviet Government's desire to quell their activity.

National sentiment is strong in the hearts of the people of Estonia. They and their relatives in the West long for an independent nation once again.

The Senate has urged General Secretary Gorbachev to permit desiring Estonians to participate in independence day ceremonies. Earlier this month Senators RIEGLE, DURENBERGER, and I circulated a letter in the Senate, signed by 29 of our colleagues, encouraging General Secretary Gorbachev to allow the ceremonies to commence.

Unfortunately, the individuals who participated in independence ceremonies in Lithuania just 2 weeks ago were harassed and intimidated by authorities. Some were even placed under house arrest.

But today General Secretary Gorbachev has another opportunity to demonstrate that his glasnost policy is intended for the people of the Baltic States. I hope the Soviets will permit ceremonies to proceed in Estonia today without incident.

Mr. President, I urge my colleagues to join in commemorating the 70th anniversary of Estonian independence.●

FRAGILE FOUNDATIONS: A REPORT ON AMERICA'S PUBLIC WORKS ISSUED BY THE NATIONAL COUNCIL ON PUBLIC WORKS IMPROVEMENT

● **Mr. DOMENICI.** Mr. President, the National Council on Public Works Improvement issued its report to the Nation today. It is entitled "Fragile Foundations: A Report on America's Public Works."

This is an important event, and I commend Chairman Joseph Giglio and his fellow Council members for their hard work to produce this valued report.

Together with other recent reports, including that of the Senate Budget Committee's Private Sector Advisory Panel on Infrastructure Financing, I am hopeful Congress can move forward this year to address the issue of public works investments.

I was particulary pleased by the Council's praise for the state of our Nation's water resources. The Council notes that the cost-sharing improvements established by the 1986 act should improve project selection and reduce overall project costs.

Mr. President, I ask that a summary of the findings of the report be printed at this point in the RECORD.

The summary follows:

A STRATEGY FOR IMPROVING AMERICA'S PUBLIC WORKS

No single approach is adequate to ensure the future viability of America's infrastructure. A broad range of measures is necessary to make a meaningful difference by the turn of the century. Specifically, these should include:

A national commitment, shared by all levels of government and the private sector, to increase capital spending by as much as 100 percent above current levels;

Clarification of the respective roles of the federal, state, and local governments in infrastructure construction and management to focus responsibility and increase accountability;

More flexible administration of federal and state mandates to allow cost-effective methods of compliance;

Accelerated spending of the federal highway, transit, aviation, and waterways trust funds;

Financing of a larger share of the cost of public works by those who benefit from services;

Removal of unwarranted limits on the ability of state and local governments to help themselves through tax-exempt financing;

Strong incentives for maintenance of capital assets and the use of low-capital techniques such as demand management, coordinated land-use planning, and waste reduction and recycling;

Additional support for research and development to accelerate technological innovation and for training of public works professionals; and

A rational capital budgeting process at all levels of government.

None of these steps will be easy or unopposed. But the increasing cost of delay is certain. The Council urges the President, the Congress, and the nation's state and local leaders to act on this agenda immediately.●

FILING OF THE RULES OF THE SPECIAL COMMITTEE ON AGING 100TH CONGRESS

● **Mr. MELCHER.** Mr. President, in compliance with section 133(b) of Legislative Reorganization Act of 1946, as amended, the Special Committee on Aging is publishing the Committee's rules, which I submit for printing in the RECORD.

The rules are as follows:

I. CONVENING OF MEETING AND HEARINGS

1. Meetings

The Committee shall meet to conduct Committee business at the call of the chairman.

2. Special meetings

The members of the Committee may call additional meetings as provided in Senate Rule XXVI(3).

3. Notice and agenda

(a) Hearings.—The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings.—The Chairman shall give the members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened notice.—A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. Presiding officer

The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the ranking majority member present shall preside. Any member of the Committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure

All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meetings or hearing may be closed by a vote in open session of a majority of the members of the Committee present.

2. Witness request

Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Closed session subject

A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) Committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) Committee investigations; (5) other matters enumerated in Senate Rule II (5) (b).

4. Confidential matter

No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part by way of summary, unless specifically authorized by the Chairman and ranking minority member.

5. Broadcasting

(a) Control.—Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request.—A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. QUORUMS AND VOTING

1. Reporting

A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee business

A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority member is present. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. Polling

(a) Subjects.—The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) Procedure.—The Chairman shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls; if the Chairman determines that the polled matter is one of the areas enumerated in rule II.3, the record of the poll shall be confidential. Any member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. Authorization for investigations

All investigations shall be conducted upon a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the ranking Minority member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the ranking Minority member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas

Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other member of the Committee designated by him. Prior to the issuance of each subpoena, the ranking minority member, and any other member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative reports

All reports containing findings of recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the members of the Committee.

V. HEARINGS

1. Notice

Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours' notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. Oath

All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. Statement

Any witness desiring to make an introductory statement shall file 50 copies of such statement with the Chairman or clerk of the Committee 24 hours in advance of his appearance, unless the Chairman and ranking Minority member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his prepared statement.

4. Counsel

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or deposition or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation or association.

(b) A witness who is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript

An accurate electronic or stenographic record shall be kept of the testimony of all

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witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact; the Chairman or a staff officer designated by him shall rule of such request.

6. Impugned persons

Any person who believes that evidence presented, or comment made by a member of staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the Committee. The Chairman shall inform the Committee of such requests for appearance or cross-examination. If the Committee so decides, the requested questions, or paraphrased versions or portions or them, shall be put to the other witnesses by a member or by staff.

7. Minority witnesses

Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. Conduct of witnesses, counsel and members of the audience

If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSION

1. Notice

Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel

Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. Procedure

Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a member of the Committee. If the member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a member of the Committee.

4. Filing

The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions

The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or accompanied by instructions from the Committee regulating their use.

VII. SUBCOMMITTEES

1. Establishment

The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex-officio members of all subcommittees.

2. Jurisdiction

Within its jurisdiction, as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules

A subcommittee shall be governed by the Committee rules, except that its quourm for all business shall be one-third of the subcommittee membership, and for hearings shall be one member.

VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

IX. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceeded by at least 3 days notice of the amendments or revisions proposed.●

SEVENTIETH ANNIVERSARY OF ESTONIA'S PROCLAMATION OF INDEPENDENCE

● Mr. LEVIN. Mr. President, today marks the 70th anniversary of the Republic of Estonia's Proclamation of Independence. On February 24, 1918, the people of Estonia established an independent government. I call upon Congress to join with Estonian-Americans in Michigan and across the country in remembering this significant event in Estonian history. Today, we remember a brief period of genuine freedom for the Estonian people.

Their freedom came to an abrupt end 48 years ago when the Soviet Union occupied Estonia, as well as Lithuania and Latvia. The Soviet annexation not only ended Estonian independence, but also led to massive death and deportation. A total of 350,000 people were lost between 1939 and 1949—a third of Estonia's population.

Despite the suffering and loss of political independence, Estonian national pride remains strong and free Estonia lives in the hearts of Estonians.

On August 23, 1987, a nationalist demonstration took place in Tallinn, the capital of Estonia. This brave protest, the first publicly planned demonstration of its kind, makes clear that the passing of almost half a century has not muted Estonian calls for independence. A new generation of Estonians, born and raised under Soviet rule, joints in the fight for Estonian freedom.

As recently as last month, 14 citizens of Estonia signed a handwritten document calling for the creation of the first independent party in the Soviet Union, the Independence Party of Estonia. This act, the latest in a series of bold moves by the Estonian people to promote independence, has brought a resurgence of pride in the Estonian community, and serves notice to the world that their spirit cannot be broken.

Unfortunately, the Soviet response to this action was all too familiar. Several of the signers have been detained by the police, others have been rein-

ducted into the military, and all were warned that they face criminal prosecution if they continue their political activities. We have heard a great deal about the new openness of the Soviet Union—glasnost—but this clampdown on Estonian political rights raises questions about this much touted policy.

There will be no official observance of this anniversary in Estonia today. But the voice of Estonia will be heard. I join with Estonian-Americans to celebrate the anniversary of Estonian independence: We remember the courageous resistance of Estonians in the past, we draw hope from the activism of the present, and we look toward a brighter future, when all people will finally be free.●

NOMINATIONS TO THE FEDERAL COURTS

● Mr. METZENBAUM. Mr. President, at its business meeting of February 23, the Judiciary Committee ordered reported to the full Senate four nomination to the Federal courts. These four nominees were examined at a committee hearing held on February 17, 1988, at which I presided. For the benefit of Senators who will soon vote on these nominations, I offer the following brief summaries of the nominees' background and qualifications, and of the testimony taken at the hearing on their nominations.

First. Paul Michel has been nominated to be U.S. circuit judge for the Federal circuit. The nominee is counsel to Senator SPECTER, whom he served as administrative assistant from 1981-87. From 1976-81, Mr. Michel served in the Justice Deparment, first as Deputy Chief of the Criminal Division's Public -Integrity Section, and later as Associate Deputy Attorney General. Previously, the nominee had served as counsel to the Senate Select Committe on Intelligence, as an Assistant and then deputy district attorney in Philadelphia. The nominee is a 47-year-old graduate of Williams College and the University of Virginia Law School. He is well regarded by most of his professional colleagues and past supervisors. A majority of the American Bar Association Standing Committee on the Federal Judiciary rated him qualified for the post to which he has been nominated, while a minority considered him well qualified. His nomination has also been endorsed by three bar associations whose members practice before the court to which he has been nominated: the Federal Circuit Bar Association, the International Trade Commission Trial Lawyers Association, and the Customs and International Trade Bar Association.

At the hearing on February 17, the nominee was introduced by Senator SPECTER. I then questioned him about his inexperience in substantive areas of law that come before the Court of Appeals for the Federal Circuit, and his approach to cases in which the United States is a party. Senator THURMOND questioned the nominee about judicial activism. His responses were satisfactory.

Second. Malcolm Howard has been nominated to the U.S. District Court for the Eastern District of North Carolina. Mr. Howard has been in private practice since 1974, specializing primarily in bankruptcy law. Before that, he served as Assistant White House Counsel, Assistant U.S. Attorney, and as a career officer in the Army. Mr. Howard is 48 years old, and is a graduate of the U.S. Military Academy at West Point and Wake Forest University School of Law. The ABA committee rated Mr. Howard as qualified. He was also rated favorably in a poll conducted by the North Carolina Bar Association.

At the hearing on February 17, Mr. Howard was introduced by Senators SANFORD and HELMS. He was then examined about his work assisting in the defense of President Nixon in impeachment proceedings before the House Judiciary Committee, the nature of his private practice, his experience with pro bono work, and his views of judicial activism and constitutional interpretation.

Third. Rudy Lozano has been nominated to the U.S. District Court for the Northern District of Indiana. Mr. Lozano has been in private practice since he graduated from law school in 1966, focusing almost entirely on personal injury defense work. He is 45 years old, and he received both his undergraduate and his legal education at the University of Indiana as well as doing post-graduate work at the John Marshall Law School. Mr. Lozano appears to be well regarded by his professional colleagues, and was rated well qualified by the ABA committee.

At the hearing on February 17, Mr. Lozano was introduced by Senators LUGAR and QUAYLE. He was examined about the nature of his litigation practice, his experience with Federal statutory law, his involvement with the Hispanic Bar Association, his view of the judge's role in settlement, and his philosophy of constitutional interpretation.

I am pleased that the administration has seen fit to nominate a well-qualified Hispanic lawyer to a Federal judicial post. This administration's overall record on appointment of minorities and women to the Federal bench remains quite poor: 91 percent of this administration's nominees have been male, and barely 6 percent have been members of minority groups. This is an issue of concern to many members of the Judiciary Committee, and one which we will continue to monitor closely.

Fourth. Stephen Reasoner has been nominated to the U.S. District Court for the Eastern District of Arkansas. Mr. Reasoner has been in private practice since he graduated from law school in 1969, specializing for most of that time in trial work. He is 43 years old and received both his undergraduate and his legal education at the University of Arkansas. Mr. Reasoner appears to be well regarded by his professional colleagues, and was rated well qualified by the ABA committee.

At the hearing on February 17, Mr. Reasoner was introduced by Senators BUMPERS and PRYOR. He was examined about the membership policies of two fraternal organizations to which he belonged, his thinking on proper judicial temperament, and his views on judicial activism. He also answered written questions about his organizational memberships, a pro bono case described in his response to the committee's questionnaire as a friendly lawsuit, and his relative lack of experience with criminal law. In his answers to the written questions, Mr. Reasoner stated his decision to resign from the two fraternal organizations in order to remove his membership in the organizations as an issue in his confirmation.

Mr. President, the Judiciary Committee has moved expeditiously to review these nominations. Let me point out for the record that the vacancies which these four nominees would fill existed for an average of nearly 15½ months before the President made a nomination to fill them. Once the Senate received these nominations, we acted within an average of 3 months—five times as fast—to investigate them, hold hearings, and report them to the full Senate. These facts make clear once again that the great bulk of the responsibility for unfilled judicial vacancies—and there are at least 23 such vacancies today—lies with the executive branch of government, not with the Senate. In the case of these 4 nominees, as with the other 56 judicial nominations the Judiciary Committee has reported in this Congress, the committee has, in my view, fairly, thoroughly, and expeditiously carried out its role in the constitutional process of advice and consent.●

SEVENTIETH ANNIVERSARY OF ESTONIA'S PROCLAMATION OF INDEPENDENCE

● Mr. BOSCHWITZ. Mr. President, I rise today to recognize the 70th anniversary of Estonia's Declaration of Independence. For over two decades, Estonia enjoyed its freedom as an independent nation. However, like its two neighboring Baltic States, Estonia fell victim to the insidious deal worked out between Hitler and Stalin. What followed was the familiar Soviet pattern

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of subjugation and consolidation of its power over other nations.

The United States has never recognized Estonia's annexation into the U.S.S.R. Despite its occupation by 150,000 Soviet troops and almost 50 years of Soviet control, Estonians still dream of an independent homeland. On August 23, of last year, Estonians peacefully demonstrated in their city of Tallin to make this point.

Americans of all political persuasion stand behind the people of Estonia. I truly salute these valiant people who have never given up hope, who have maintained their own sense of nationalism from generation to generation, and who seek a voice in shaping their own destiny and that of their country.●

COL. JOHN F. PHILLIPS, USAF

● Mr. BENTSEN. Mr. President, I want to take this opportunity to commend Col. John F. Phillips, currently the vice commander of the Logistics Management Systems Center at Wright Patterson Air Force Base, OH, who has recently been selected for the rank of brigadier general. A native Texan, Colonel Phillips graduated from Jarvis Christian College in Hawkins, TX, with honors and is believed to be the first graduate of that school to be selected for general officer. He will also be 1 of only 20 total black general officers in Air Force history and 1 of 4 now on active duty. Colonel Phillips graduated from the University of Southern California's Institute of Aerospace Safety Engineering, the Air Force Institute of Technology, and is pursuing a doctoral degree through Texas A&M University.

Colonel Phillips had more than 300 combat flying hours in missions over Vietnam and was stationed in Iran at the time of the fall of the Shah. He remained in Iran until he was expelled from that country in February 1979. He has served his country with assignments in five States, the District of Columbia, and two foreign countries.

I wish Colonel Phillips the best for the remainder of his Air Force career and in his future endeavors.●

DAN YARANO—SENATE HEALTH PROMOTION

● Mr. BINGAMAN. Mr. President, recently Dan Yarano resigned his position as Director of the Senate health promotion campaign. During his tenure, Dan's diligent efforts to improve the health of Senate employees was a notable success. I worked closely with Dan, and I would like to take this opportunity to recognize and applaud his good work.

One of Dan's successes was the "Working Well Campaign," which focused on the over-all fitness of the participating Senate employees. Dan has showed us the many advantages of achieving over-all fitness within an office setting to both the employer and the employee. For the employer a fit work force translates into heightened productivity, lower health care costs, less absenteeism, and improved morale. For the employee, the benefits are more obvious—better health, and less risk of disease.

The Senate Service Department had a very high participation rate in the program, strongly supporting seminars on fitness, diet and hypertension, nutrition, and back care. The majority of employees are now exercising regularly, and many are enjoying healthier lifestyles, thus reducing sick leave and health care costs.

Dan also organized lifestyle improvement classes in yoga, stress, smoking cessation, and weight loss programs. They have helped hundreds of Senate employees reach their desired levels of fitness. He also organized well-attended self-help exercise clubs.

We will miss Dan Yarano, and his valuable contribution to the better health of us all. I wish him a fit and successful future.●

TRIBUTE TO JOHN M. RIVERS, BUSINESSMAN IN CHARLESTON, SC

● Mr. THURMOND. Mr. President, the State of South Carolina suffered a great loss with the death of Mr. John M. Rivers who died on Sunday, January 24, 1988 at the age of 85.

Mr. Rivers was a highly respected man not only in the Charleston community, but throughout the entire State. His integrity, intellect, and sound judgment led him to become one of the most capable and innovative businessmen in South Carolina. Mr. Rivers was owner and chairman of the board of WCSC Inc., a Charleston television station, and was active throughout his lifetime in a number of organizations around the State.

Mr. Rivers attended the College of Charleston and later transferred to Wharton Business School, where he received his bachelor's degree in economics in 1924. He began his business career as a runner with the Bank of Charleston and was named assistant vice president before leaving in 1936 to join the Charleston office of McAlister, Smith and Pate, a Greenville securities firm where he served as vice president for a year. Mr. Rivers then went on to become president and manager of WCSC, Charleston's first broadcasting medium, and in 1944 he purchased the station. Some of Mr. Rivers' accomplishments and titles over his lifetime include: president of the South Carolina Broadcasters Association, president of the Charleston and South Carolina Chambers of Commerce, 1961 South Carolina Businessman of the Year, vice chairman of the South Carolina Educational Television Commission, and trustee of the historic Charleston Foundation as well as the Foundation of Independent Colleges.

Mr. John Rivers' involvement in the community and State show the depth of his concern for others and the extent of his fine character. His life will surely serve as an example for future generations of South Carolinians. We are saddened by the death of Mr. John M. Rivers, and I join with my colleagues in extending deepest sympathy to his lovely wife Martha and his son John, Jr.

Mr. President, I would like to ask that an obituary from the Charleston News and Courier and an editorial from the Charleston Evening Post be inserted in the RECORD following my remarks.

The material follows:

[From the Charleston News Courier, Jan. 25, 1988]

BUSINESSMAN JOHN M. RIVERS DIES

John Minott Rivers of 47 Meeting St., former owner and chairman of the board of WCSC Inc., died Sunday at his residence.

The funeral will be at 11 a.m. Tuesday in St. Philip's Episcopal Church. Burial, directed by Stuhr's Downtown Chapel, will be private.

Mr. Rivers was born July 22, 1903, in Charleston, a son of Moultrie Rutledge Rivers and Eliza Ingram Buist Rivers. He was educated in the public and private schools of Charleston, attending Miss Briggs' School, Crafts School and the High School of Charleston. He attended the College of Charleston for two years and was the business manager of the college's magazine. He transferrred to Wharton Business School at the University of Pennsylvania and received his bachelor's degree in economics in 1924.

He began his business career in 1924 as a runner with the Bank of Charleston, the forerunner of the South Carolina National Bank. He transferred to its Greenville branch and became its manager. He was an assistant vice president of the bank when he left in 1936 to join the Charleston office of McAlister, Smith & Pate, a Greenville securities firm, as vice president.

In 1937, W. Frank Hipp, owner of WCSC-AM in Charleston, offered Mr. Rivers a job in the radio business. Hipp designated Mr. Rivers president of the South Carolina Broadcasting Co., the licenser of WCSC. On Jan. 1, 1938, Mr. Rivers became president and manager of WCSC Radio, Charleston's first broadcasting medium. He purchased the station in 1944.

In 1948 he began operation of the FM radio station and then brought WCSC-TV, Channel 5, on the air in June 1953. It was the first VHF television station in South Carolina. He became chairman of the board of WCSC Inc. in 1973. WCSC Inc. was sold to Crump Communications Inc. of Houston, Texas, in 1987.

While president of the South Carolina Broadcasters Association in 1952, he was instrumental in gaining passage of a libel and slander bill in the S.C. General Assembly.

He was president of the Charleston Chamber of Commerce at age 33, the youngest person ever to hold the position. He was also a past president of the S.C. Chamber of

Commerce and in 1961, the organization elected him Businessman of the Year. In 1974 he became the second person inducted into the S.C. Broadcasters Association Hall of Fame. He was awarded the Silver Medal of the Advertising Federation of Charleston in 1977. He served on the South Carolina Educational Television Commission and was elected vice chairman in 1980.

Mr. Rivers served on the Coker College Board of Trustees and served a term on the Winthrop Board of Visitors. He was a member of the Board of Trustees of Ashley Hall School and the school's library is named after him. He served in 1971 as chairman of the Charleston Symphony Orchestra Fund Drive. He was also former chairman of the Charleston Development Board and past chairman of CBS Radio Affiliates Board. He was director emeritus of the South Carolina National Bank and a director of the South Carolina National Corp.

He was a trustee of the Historic Charleston Foundation, Church Street Foundation and the South Carolina Foundation of Independent Colleges.

[From the Charleston Evening Post, Jan. 26, 1988]

JOHN M. RIVERS

John M. Rivers descended from an old Lowcountry family. His paternal grandfather was a cotton planter and a Confederate artillery officer. A graduate of the University of Pennsylvania's Wharton School of Finance, Mr. Rivers gained his early training and experience in investment and banking. The facility with which he made the transition to the broadcast industry and the successes he enjoyed there were marks of the man.

Broadcasting, Mr. Rivers later would note, involves entertainment but "it's still a business." His confidence in business matters prompted him to accept a 1937 job offer as manager of WCSC, Charleston's first radio station. Seven years later he bought the station. Nine years after that he was pioneering in television, bringing on the air WCSC-TV, the state's first VHF station. He rose to chairman of the board of the WCSC corporation, in part by virtue of his business acumen but in no less part by virtue of his unquestioned integrity. He managed with a firm hand, yet he was personable, straightforward, and sensitive to the feelings and needs of others.

Mr. Rivers' affection for his native Charleston was expressed in numerous ways. He gave much of his time and talent to civic endeavors—charitable causes as well as those devoted to promoting the Lowcountry's economic and cultural growth. Friends throughout the state were saddened by his unexpected death Sunday at 84. They will remember him not only as a highly successful businessman but as an exceptionally good citizen.●

IMPACT OF CHINA'S ECONOMIC REFORM ON ITS PEOPLE IMPRESSES FLORIDA LEADERS

● Mr. CHILES. Mr. President, the rather dramatic changes taking place in the People's Republic of China are being watched closely and carefully analyzed in an effort to determine what the ongoing effects will be on the rest of us around the world.

Last year, a group of Florida business and financial leaders accompanied State Treasurer William Gunter on a mission to China to examine those changes, in particular economic reform, and their implications for the people of China and for greater international cooperation in trade and technology.

The impressions and conclusions of the Floridians were made available to me, and in the interest of helping build better understanding about the reforms taking place in China, I want to share that information.

Mr. President, I ask that the report on this mission be included in the RECORD at this point.

The report follows:

REPORT ON PEOPLE-TO-PEOPLE MISSION TO CHINA, JULY 6-18, 1987, BY FLORIDA STATE TREASURER AND INSURANCE COMMISSIONER BILL GUNTER

This past summer, I was privileged to lead a delegation of Florida business and financial leaders on a five-city tour of the People's Republic of China to visit with business and financial leaders there and to see how China was working with investors from other nations to modernize its economy.

Each member of the group paid his or her own way, but sought contacts and information they might share with others seeking mutual benefit in U.S.-China trade. Among the members of our group were a number of prominent Florida bankers, including Robert E. White, of Miami, President of the Florida Bankers Association.

The trip was arranged under the aegis of People-to-People International, a private nonprofit organization created in the 1950's by President Eisenhower, dedicated to the pursuit of world peace through better personal understanding between citizens.

We were especially interested in learning about China's new economic reform campaign and meeting officials of the People's Bank of China which underwrites Chinese participation in international joint economic ventures. In preparing for visits with our Chinese counterparts, we were immeasurably aided by Commercial Officer Catherine Houghton of the U.S. Embassy in Beijing who briefed us on the economic opportunities now open to foreigners in China.

ECONOMIC GROWTH AND POLITICS

As our bus moved through the streets of Beijing, passing the many highrises cropping up throughout the suburbs, we noticed marked differences between what we were seeing today and what we saw in the evening news fifteen years earlier when Richard Nixon first went to China.

For one thing, the streets, then dominated by bicycles, carts and pedestrians, were now nearly choked with trucks, buses and cars. On some busy streets, bicycles are no longer allowed. Another change was in the style of dress. China's booming textile and clothes manufacturing industries certainly have an internal market. Clothes were colorful and fashionable. And it was obvious that little trouble or expense was spared in dressing up the little children—especially since one-child-per-couple is now the practical rule among all but China's minority nationalities.

Although our group felt free to go where we liked, together or individually, with or without a guide, and although we felt the Chinese we met spoke with us freely, there was abundant evidence that the Communist Party has not let go of the reins of political power. Demonstrations for even more accelerated economic reform earlier this year ended with the resignation of Communist Party Secretary Hu Yaobang, protege of Deng Xiaoping, and a renewed campaign against the dangers of bourgeoise liberalism.

THE BANK OF CHINA

A meeting was set up between our group and Lei Zuhua, Vice President and one of 15 managing directors of the Bank of China, at the bank's modern headquarters in Beijing. Mr. Lei outlined for our group the development of China's economic reform movement and the role that the Bank of China is playing in its progress.

The Bank of China is a specialized foreign exchange bank under the umbrella of China's central bank, the People's Bank of China, one of 45 "ministerial agencies" of the Chinese government. Other specialized banks are the Agricultural Bank of China, Industrial and Commercial Bank of China, Construction Bank of China, Investment Bank of China, and Communications Bank of China. Each bank provides loans and financial services in its area of specialization. Also under that umbrella is the Insurance Company of China. The total staff of the whole system numbers about 1.1 million.

The Bank of China operates chiefly in China's coastal areas, designated "Special Economic Zones" and in foreign nations. There are 369 offices within China, with a staff of about 21,000, and 347 branches overseas with a total staff of 11,000 in Macao, Hongkong, Singapore, Sydney, Luxembourg, Paris, London, New York, and Tokyo. Bank officials expressed a hope that operations might also soon be extended to Los Angeles. The bank has correspondent relationships with about 3600 financial institutions in 153 nations. As we noted on our return trip through Hong Kong, the Bank of China building there is the tallest in the colony.

Up until the economic reforms of late 1978, the bank dealt mainly in the settlement of international payments. Today, its responsiblities and freedom of action have been greatly expanded. The bank now also engages in loans, international leasing, floats bonds on the international capital market and issues stocks and corporate bonds on behalf of domestic enterprises. The Bank of China is authorized to sign agreements with foreign governments and central banks. In order to enhance the ability of the branches themselves to develop business, more decision-making power is also being delegated to the provincial and municipal levels.

Increasingly, the Bank of China is involved in managing foreign exchange funds of the state in addition to its own helping to raise foreign funds an developing joint ventures. Our publication we were provided announced that the Bank of China was issuing, on a trial basis, two charge cards for permanent foreign representatives; the "Great Wall Debit Card" in foreign currency, and the "Great Wall Credit Card" in Chinese currency.

At the end of 1978 when the economic reform campaign began, The Bank of China's assets were around 38.7 billion renminbi (RMB), or about US$10.5 billion at the exchange rate of RMB 3.7 per U.S. dollar that was current at the time of our trip. The Bank of China 1986 Annual Report showed assets of RMB 345 billion, or more than US$93 billion—around nine times as much in just eight years. Profits were shown at about RMB 3 billion for 1986. The

Bank of China is now the 41st or 42nd of the 500 biggest banks in the world.

Two-way trade between the U.S. and China has tripled since the economic reforms began. The U.S. is China's number three trading partner after Hong Kong and Japan, and it is second only to Hong Kong in investments.

The Bank of China provides loans to companies and joint ventures dealing in foreign trade (around RMB 8 billion a year). It also organizes syndicates for big joint ventures such as the mining project undertaken with Occidental Petroleum in Guangdong (Canton) Province. Nuclear Power Stations have likewise been built as joint ventures.

Although operating costs are high here, the Bank of China would like to strengthen its presence in the United States. It now has a branch in New York and is planning a branch in Los Angeles. Mr. Lei felt prospects for U.S.-China trade are bright. A number of U.S. syndicates are also providing capital for U.S.-China joint ventures, and China is looking for low-cost loans in the U.S. capital market.

Since China's Joint Venture Law was adopted by the Fifth Congress in July 1979, the Chinese government has set up a number of "Special Economic Zones" where Chinese and overseas partners working in joint ventures have considerable autonomy in the way they do business. Joint ventures are given a greater latitude in decisionmaking and a preferential tax rate. They are also afforded the protection of government-to-government agreements on investment insurance.

The corporate income tax rate paid by state-owned businesses in China is 55%. Joint ventures outside the Special Economic Zones pay 30% with a local income tax of 3%, though both the national and local governments may negotiate the rate somewhat if they consider the development especially attractive.

But within the Special Economic Zones, the income tax rate is only 15%—even lower than the 18.5% rate offered in Hongkong. Furthermore, certain technology-intensive industries critical to China's development are exempted from the income tax for the first two years, and pay only half of the preferential rate for the next three years. Imports necessary to such developmental industry are also tax free.

The Chinese point to an increasingly stable climate for investment since the economic reforms began in 1978. More recently, they have made protection of the rights of foreign investors a part of their national constitution. One group was told again and again throughout our trip that work on the tax and legal systems to make things easier for western business is ongoing.

Since the supplementary economic reforms made in October of 1986, joint ventures can independently hire and fire workers and set wages on a competitive basis. However, that portion of wages which covers social benefits such as health care and housing subsidies must be turned over to the Chinese government for administration.

There are now several thousands of joint ventures in areas like transportation, energy, agriculture, manufacturing and tourism. These joint ventures are chosen on the basis of how well they meet China's planning needs. For instance, the Chinese have decided that Beijing can only absorb around two million tourists a year, and that it's impractical to build any new airports in Beijing. Therefore tourism joint ventures will be encouraged more in other areas.

Some of our group were concerned about the extent to which U.S. companies can carry on normal banking relations in China. Mr. Lei answered that currently there are 34 foreign banks in the Special Economic Zones. Right now, these banks are just doing foreign exchange business. The Chinese government wants to examine its experiences in the Special Economic Zones before further changes are made.

Mr. Lei maintained that most joint venture companies have made profits. He said that China is committed to stimulating competition through the Special Economic Zones, including competition with Chinese businesses. Joint venture businesses are primarily encouraged to sell their products on the international market, thereby gaining foreign exchange for both the foreign and Chinese partners.

Still, some needed technologically advanced goods are allowed to be sold on the domestic Chinese market as well. For instance, if the product being produced is one that would otherwise have to be imported, joint venture producers would have preferential access to the domestic market.

Chinese priorities for development also govern the preferences they give to joint venture applications: 1. energy, building materials; chemicals and metals industries; 2. machine and instrument manufacturing; 3. electronics and communications manufacturing; 4. textiles, food processing, medicine, medical apparatus; 5. agriculture, animal husbandry, aquaculture; and 6. tourism and service trades.

In seeking imports, China still prefers business and industrial goods to consumer goods. Key Chinese needs are for technology and knowhow. As Florida follows its commitment to growth in these areas, there will be increasing opportunities for exchange.

The Chinese were willing to admit that joint venture relationships are not likely to produce quick returns. Monetary policies are extremely conservative and foreign currency reserves are tightly protected. Chinese currency—the renminbi—is not an international currency and can be traded only through official channels.

Difficulty in repatriating profits seems to be the most frequent complaint of western business partners. When goods are sold in China for renminbi earnings cannot easily be exchanged for convertible currencies. Western sellers either have to negotiate to be paid in other currencies, or—as some companies have done—take their profits out of China in the form of export goods.

For some western joint venture partners—the Foxboro Company of Foxboro, Massachusetts—who take their earnings from the Chinese market and yet need foreign exchange to buy components from the United States, the government has been willing to convert renminbi to dollars but with a 20% penalty on the official exchange rate, an expensive solution for Foxboro.

Negotiating deals for joint ventures can be expensive and time consuming—requiring as much as a year or more and repeated trips. Hotel accommodations and air transportation are expensive in China. Popular wisdom dictates that principles governing settlement of disputes should be written into contracts.

THE DOMESTIC ECONOMY

A meeting had also been arranged with Luo Shi Lin, a vice president of the People's Bank of China in Shanghai. Through Mr. Luo, we were able to learn a little more about the domestic side of the Chinese economy and the domestic side of Chinese banking for which the People's Bank of China is directly responsible.

The savings rate in China, Mr. Luo told us, is about 15% of income—similar to that now in Japan and much higher than the U.S. savings rate. About 30% of the investments made by the People's Bank of China come from personal savings. Both inflation and interest rates in China are very low. Since health care is provided free to workers and their families, and since retirement pensions are rather high—about 90% of wages—most Chinese save for things like bicycles and household appliances.

There are 400 branch offices of the People's Bank of China in Shanghai itself, and another 300 in the countryside surrounding Shanghai. Since Chinese can also do their banking in the post offices, there are total of 800 bank branches in the whole Shanghai area. In addition to this banking system, there is a strong system to credit cooperatives throughout the rural areas.

Mr. Luo explained that China maintains a fairly even international balance of trade by strictly cutting back on imports whenever that balance is threatened, even if it means cancelling industrial or construction projects. Recently there has been a tendency for some deficit spending in the national budget, but it is small by our standards.

We noticed a reticence, on the part of Mr. Luo and other Chinese officials we spoke with, to discuss some of the sticking points of commerce between the United States and China. In speaking with others unofficially, it seems that China is waiting for a political and economic assessment of the last nine years before they make any further major changes in their economy or their open door policy.

Life in China, especially in the rural areas, is still far from easy and there are few signs of affluence. There are those who could be considered wealthy by Chinese standards, but not-so-subtle social pressures demand that wealth be ploughed back into productive enterprise rather than spent ostentatiously.

Private industry is now encouraged in some sectors. Throughout China we saw long lines of private market stalls selling farm produce, clothing and arts and crafts. We were in China during the watermelon season so trucks, carts and hundreds of stalls were piled high with ripe melons and entrepeneurs seemed to be doing a brisk business.

Stalls are licensed by the government and are taxed. Those who work in the markets and other allowed private industries are not provided many of the benefits—free medical care, for instance—that most Chinese have come to consider a basic right.

The Chinese claim that the economy is growing by about eight percent per year. During the time we were in China, production figures just released showed industrial production up 14.6% for the first five months of the year over the same period the previous year.

China's claims of a booming economy seemed credible if judged by the activity in Shanghai Harbor. Our group took a boat cruise along the busy port on the Huangpu River. We saw freighters of dozens of foreign nations from the Middle-East to Latin America, Japan and the Soviet Union. Besides freight loading docks, we saw numerous drydocks and a small Chinese naval facility.

Shanghai and Guangzhou (long referred to as Canton) are both part of the string of "open-door" ports and "Special Economic

Zones" that occupy most of China's eastern coast. Throughout these bustling zones, road and building construction was heavy. Parts of Shanghai were virtually impassable because of large-scale additions to its transportation system.

It's hard to read the English language press in China without being assailed by statistics. Everything in China is ranked according to size and chronology. The city of Nanjing maintains as a major tourist attraction rivaling the Ming Tombs and the Sun Yat Sen Mausoleum, the Yangtse River Bridge built in 1968. This three-mile-long double-decker bridge with a four-lane roadway above a two-track railway, was the longest bridge in China when it was finished. In 1985, it was surpassed by the Yellow River Bridge in Shandong. Nevertheless, it is a source of great pride since it was built entirely without foreign help during the early years of China's development.

THE FACTORIES

Among the most productive industries apparent in China was that of crafts production. A small part of the Florida group made a visit to the Beijing Arts and Crafts Institute as the guests of the Deputy Director and Engineer, Wang Er Nan. Mr. Wang introduced us to the artists who design sculpture, paintings and other art forms in the ancient traditions. These designs are duplicated in arts and crafts factories in Beijing for sale in official craft shops inside China, as well as nations throughout the world.

The quality of artisanship was very high. The Institute receives commissions to produce major works of sculpture and murals for hotels and corporate headquarters. The Institute exhibits its works around the world. At the time we were there, the Institute had an exhibition in Spain.

Mr. Wang expressed an interest in setting up an arts and crafts exhibition in Florida as he has in some other states.

We had another opportunity to visit a factory in Wuxi, partway between Nanjing and Shanghai. This is a silkworm-growing and silk-producing area and we were invited to visit a silk factory there. The workers, mostly young and middle-aged women, worked very nimbly with aging but apparently well-maintained machines that drew the almost microscopic silk threads from the silkworm cocoons and twisted them into a silk thread before reeling them onto wooden spindles. The final products were the large burlap-bound bales of silk thread that would be shipped to the factories that wove the silk fabric. Like most factories we visited, this one had a gift shop with finished products available for purchase.

In Guilin, we visited a pottery factory that exported the bulk of its produce to Japan. We watched as the figures were modelled, dried, had glazes applied, and finally were fired. As with most other Chinese factories we visited, equipment was vintage and methods were labor intensive. However there seemed to be high quality and good productivity.

Ralph Schwartz of Daytona Beach, a member of our group who manufactures auto parts, visited the Beijing Minibus Factory where he met with Vice Chief Director/Engineer Yuan Jia Zhen. The plant produced 4000 one to three-ton minibuses per year, with a staff of around 2000 employees. The metal presses—up to 400 tons capacity—appeared to be Chinese-made.

Ralph found the minibus plant poorly organized and automated in comparison with U.S. plants, and was somewhat critical of the apparent lack of safety standards, but the buses were attractive and well put together, and considering the much lower labor costs, he estimated it to be unusually profitable by U.S. standards.

Ralph also visited the Shanghai Number Three Bicycle Factory where he met with Deputy Director/Engineer Chen Qing Yun. Here, they produce the Phoenix Bicycle, China's most popular brand. In the key areas, production was very time-efficient—up to the highest U.S. standards. They used state-of-the-art automatic electrostatic spray painting equipment.

Crowding and poor physical organization was also a problem here, but the factory seemed to be extremely profitable. The company exports one million bicycles a year to third world nations and produces around two million a year for sale in China. At around $50 each, foreign sales alone must easily cover total manufacturing costs by Ralph's estimates.

Many Chinese seemed to feel that western productive methods had touched off a competitive spirit within China, revitalizing industries that had become too comfortable.

THE TREND TOWARD CHANGE

On our last day in China, we took the train from Guangzhou to Hong Kong. Again we saw green and productive riceland, this time in harvest. The rice plants were being cut by hand and fed into portable one-man threshers. The machines were driven by a foot treadle which was being worked feverishly by one man as others brought armfuls of rice stalks.

We moved through the Shenzhen Special Economic Zone—one of several zones where foreign technology and foreign investment are being aggressively sought after to help increase China's productivity. It was chosen as a Special Economic Zone because it is adjacent to Hong Kong and its connections to foreign markets. As with other such zones, it is being built up as an industrial center through the offer of special privileges and tax incentives to financial and industrial interests from other nations.

This rather small municipality with its rising skyline was our last view of China, perhaps appropriately. We had seen a broad spectrum of life in China. From its city skyscrapers to its modest farmhouses * * * from mechanized factories to water buffalo-driven plows * * * from ancient artifacts to modern luxury hotels.

While China is changing rapidly, it would probably be unrealistic to suppose that the Chinese are moving inexorably toward a capitalistic economy. Chinese planners say orthodox Marxism requires a phase of "capitalistic development" and that by moving directly from an agricultural peasant economy to a socialist one, they missed the benefits capitalism can provide. They see this economic reform campaign as a way of going back and making up that part of their revolution. Their desire however, to cooperate with the west on a fair and equal basis, seems sincere.

Chinese Premier Zhao Ziyang has recently said that market regulation will take the place of direct control for most of China's economy in the future. China intends to limit the proportion of its economy governed by central planners to about 30%. Today, the proportion is 50%, and nine years ago, it was 100%. Already the 30% goal has been reached in the Special Economic Zones and many of the coastal areas where the open policy has been implemented.

China is making it clear that it plans to open its doors wider to the outside world and increase economic and technological cooperation with foreign countries. I think all of us in the Florida Bankers and Financial Leaders People-to-People delegation agree that China is moving forward economically. And if we can find a mutually beneficial way to do so, we feel that Florida could be a part of that progress.●

ANTITAKEOVER LEGISLATION IN THE STATES

● **Mr. RIEGLE.** Mr. President, antitakeover legislation is one of the major issues currently being debated in State legislatures across the country. In its February 7, 1988 issue, the Detroit News published a debate presenting the pro and con positions. Arguing in favor of State antitakeover legislation are Dr. Walter Adams, distinguished university professor and past president of Michigan State University, and Dr. James W. Brock, a renowned professor of economics at Miami University of Ohio; Drs. Adams and Brock are coauthors of "The Bigness Complex," selected as one of the 10 best business books of 1987. Arguing against antitakeover legislation is Dr. E. Han Kim, professor of business administration and finance at the University of Michigan. I am pleased to make this important and informative debate available to the Members of the Congress. Mr. President, I ask that the text of this article be printed in the RECORD directly following my remarks.

The article follows:

DOES MICHIGAN NEED AN ANTI-TAKEOVER LAW? PRO

(By Walter Adams and James W. Brock)

Anti-takeover legislation is a burning issue for state governments across the country, and Michigan is no exception.

The conflagration has been sparked by the massive corporate merger and takeover movement ensnarling the economy, and by Washington's dereliction in enforcing the federal antitrust laws. The number of mergers has set (and broken) record highs in each of the past few years. The dollars spent on this unproductive paper entrepreneurialism have skyrocketed from $33 billion in 1980 to $190 billion in 1986. It is ominous that, with the precipitous decline of the dollar, more and more of these takeovers involve the acquisition of American firms by foreign interests.

Promoters of this voracious feeding frenzy say it benefits small stockholders as well as the U.S. economy. They predict anti-takeover legislation would have catastrophic consequences. But does the evidence support these dire claims? It does not.

First, do mergers and takeovers really discipline substandard management? Do they really transfer control of business to more competent hands—all to the benefit of millions of small stockholders? No.

Target companies on average are just as (if not more) profitable than American companies generally or the raiders seeking to take them over.

Following takeovers, the stock value of acquiring firms typically falls—an average of 1 to 7 percent in the first year and a cumulative 16 percent in the three years after take-

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over. This fact is not disputed, even by takeover aplogists.

These declines overwhelm and cancel out any stock value gains of target firms at the time of takeover.

The lion's share of the mind-boggling booty generated by mergers and takeovers does not primarily accrue to small stockholders on Main Street. The bulk of it is captured by the greed merchants on Wall Street—professional arbitrageurs, investment bankers, managers and stock jobbers, and (at times) criminally knowledgeable inside traders.

Small bond holders also lose when high takeover premiums, high debt/equity ratios and high fixed interest charges degrade the quality and value of their bond of holdings following takeover.

Keep in mind what a free enterprise economy is all about. It means producing better products at attractive prices—not creating artificial paper values by gun-slinging raiders or razzle-dazzle speculators.

Second, does merger and takeover mania really promote better economic performance, as its apologists claim? Again, the answer is no.

Mergers and takeovers have not enhanced operating efficiency. Aside from the plethora of scholarly studies, the headlines in prominent business publications tell the story: "Small is Beautiful," "Do Mergers Really Work? No, Not Very Often," "Big Goes Bust" and "Why Pastrami and Soap didn't Mix."

If mergers are conducive to efficiency, why is the failure rate so high? Some 40 percent of the corporate marriages consummated during the 1970s have ended in divorce.

Such evidence is not new: Half the mergers and takeovers negotiated during the great turn-of-the-century American merger movement subsequently failed.

Nor are these failures limited to the United States: European governments today are struggling with the inefficient, unprogressive and non-competitive companies they urged to merge for the past two decades.

Third, is it really true (as the promoters claim) that unsuccessful mergers and takeovers can later be undone and therefore pose no long-term threat to the economy?

In fact, the merger game is both unproductive and counterproductive. Years of managerial energies devoted to the merger and takeover game are also years during which management attention has been diverted from investing in new plants, new products, new manufacturing techniques and new jobs. Billions of dollars spent shuffling paper ownership shares are billions of dollars not spent on productivity-enhancing plant, equipment, and research and development (R&D). Hundreds of millions of dollars absorbed in legal fees and investment banking commissions are hundreds of millions of dollars not plowed directly into our industrial base. (Spending on mergers and acquisitions in 1985 exceeded combined corporate spending on R&D plus new plant and equipment.) These "opportunity costs" are real. They bode ill for an economy struggling to reindustrialize for global competitiveness.

In sum, the Michigan Legislature's effort to arrest merger madness is both appropriate and timely. It its final form, however, the pending bill should also require the filing of a "public impact statement" before any multimillion-dollar merger or takeover can be consummated. Such a statement should require a showing that the proposed transfer of corporate control would yield gains in efficiency, innovation, plant modernization and jobs. It should require a showing that any such gains are obtainable only by merger or takeover. In short, the "public impact statement" would require merger and takeover artists to justify their action in terms of the public interest, rather than narrow short-run advantage for a single special-interest group.

DOES MICHIGAN NEED AN ANTI-TAKEOVER LAW?

(By E. Han Kim)

The Michigan House overwhelmingly approved a bill last fall that would shield corporations from hostile takeovers. The bill is now being debated by a Senate committee. By imposing severe restrictions on the voting rights of bidders and prolonging the takeover process, the bill would discourage hostile takeover bids and help protect the managements of poorly run target firms. If enacted, it would harm Michigan's economy in the long run by inhibiting free inflow of capital for future productive corporate investments that provide jobs.

The threat of hostile takeovers is an important market-disciplinary force. When the executives of a poorly run firm resist change, a hostile takeover is often the only means of changing management and correcting misallocation of resources.

Unfortunately, many misconceptions exist about the economic effects of corporate takeovers. Critics argue that managers are so preoccupied with the threat of a takeover that they cannot concentrate on running the company. Good managers need not worry about such a threat because good management is the best protection against a hostile takeover. When a firm is run efficiently, its stock price will be too high for a takeover attempt. Only when a firm is run inefficiently will raiders find an attractive target: The stock market will value it below its full potential worth, providing a profit opportunity for raiders to exploit.

Protecting poorly managed firms from takeovers robs those who have invested their wealth in Michigan of an opportunity to earn their fair returns. Investors will respond by taking their capital elsewhere, leaving less capital for investment and fewer jobs in Michigan.

To illustrate, consider an investor who owns shares in a firm whose stock price has been depressed by poor management practices. The investor will experience a loss. In modern public corporations, most individual stockholders do not control enough shares to be able to discipline inefficient managers on their own. When the management resists change, there is little an unfortunate investor can do to recoup any losses other than hope for a takeover bid or sale of the firm.

In a recent study by professors Michael Bradley of the University of Michigan, Anand Desai of the University of Florida and myself, we found that when a company receives a tender offer (most hostile takeovers take the form of tender offers), its stock price increases by an average of 32 percent; and when there is more than one bidder for the same target, the average target's share price goes up by 45 percent. The findings are based on a sample of 236 successful tender offers during 1963–1984.

In another recent study I have conducted with Professor John Schatzberg of the University of Arizona, we found that when firms voluntarily liquidate, the share prices rise by an average of 34 percent. Voluntary corporate liquidations occur often as a reaction to takeover bids or as an outcome of proxy contests.

These gains, however, disappear when the target management successfully fends off the bid and maintains its independence. Thus by shielding inefficient managers from hostile takeovers, the bill now pending would in effect deprive the shareholders of an opportunity to make up the losses they suffered under inefficient management.

It has also been alleged that acquirers make "free money" when they take over a company. But in our study of tender offers, we found that during 1981–1984, acquirers on average overpaid $27 million in each successful tender offer, whereas target shareholders were paid not only what their shares were worth prior to the offer but an extra $234 million. This represents efficiency gains for the U.S. economy.

Proponents of the anti-takeover bill have also argued that large-scale mergers and acquisitions have diverted capital away from productive investments such as modernizing plants and research and development activities. Yet when target shareholders receive more money for their shares because of a takeover bid, where does the money go? If the target company is in Michigan, a substantial portion of the new money will stay in the state and find its way to the most productive uses, thus reinvigorating the Michigan economy.

The anti-takeover bill would further dampen investment by making capital more expensive for Michigan firms. Recent studies by the Securities and Exchange Commission and the Federal Trade Commission have found that anti-takeover laws in Ohio and New York caused immediate and permanent drops in the share prices of affected companies. The shares had become less attractive to investors. Lower stock prices mean higher costs of equity capital, which in turn means firms will require higher rates of return before undertaking capital projects.

The anti-takeover bill, if enacted, would act like a temporary antidote to a serious disease. Such a remedy may seem to bring instant relief, but it eventually worsens the affliction by treating the symptoms instead of the disease. Though takeovers cause short-term disruptions in inefficiently managed firms, they help the health of the Michigan economy by performing major surgery where and when it is most needed.●

ESTONIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, today Estonians around the world mark the 70th anniversary of their Nation's last true Declaration of Independence. We join with them today in commemorating not just their declaration of independence and democratic constitution, but also their success and prosperity during the brief periods in which Estonia was not plagued by war and their stuborn will to survive annexation and repression at the hands of the Soviet Union. Their courage and determination over the centuries command our profound respect and admiration.

From the very beginning, an independence of spirit and the quest for liberty have been hallmarks of the Estonian people. The battleground of

endless foreign rivalries throughout the millennium, Estonia emerged from World War I a newly independent land eager to take the path of democracy, modeling its constitution on those of the French, Swiss and the Americans. Its fresh democracy invigorating a burgeoning economy, Estonia soon proved to be a shining model of political and economic diversity, of academic and educational excellence, and of agricultural and industrial growth. Estonians abroad, particularly in the United States, have carried that rugged independence of spirit wherever their fortunes have brought them. We in the United States can be especially proud today of our Estonian American friends' unique contributions to the fabric of America's culture, political system and economy.

Yet as we reflect on Estonia's brief period of sovereignty, we remember how quickly liberty was snatched from their grasp with the advent of World War II and the Soviet invasion. Witness to Estonia's continued repression, we are all the more solemn in commemorating that Nation's Declaration of Independence 70 years ago. Estonians today carry with them the memory of what their land once was and the vision of what it could be in the future. Their heroes of today come to mind, human rights activists such as Mart Niklus and Enn Tarto, men and women who defy Soviet authorities' temporal punishment in upholding the principles of the Helsinki accords. Many have spent most of their adult lives in the Soviet prison camps. Mr. Niklus, who first translated the Universal Declaration of Human Rights into Estonian, has spent many years in Soviet labor camps and prisons, including the notorious Perm camp 36-1, and he remains in solitary confinement. Mr. Tarto, currently serving his third long prison sentence, has been imprisoned simply for distributing unofficial literature, establishing contacts with emigres and signing statements protesting the Soviet Union's annexation of the Baltic States.

Despite official harassment, Estonians will not be denied their rights to free speech and assembly on this auspicious day. As Estonians gather today in their capital, Tallinn, which has been declared off-limits to Western diplomats and journalists by the Soviet Government in anticipation of the mass demonstrations, let us join with them to honor the memory of an independent nation and the perseverance of an indomitable people.●

CONCERNS OF DISABLED AND ELDERLY PERSONS

● Mr. SIMON. Mr. President, at the beginning of this year, while many of us were making New York's resolutions, some were looking at the opportunities the new year might offer—dreaming of how we can improve the future and make our country better for all of us. One of those making a wish list of dreams for a better future was Charles D. Goldman, an attorney who focusses on the rights of people with disabilities.

In the following article from "C.O.D.E., Concerns of Disabled and Elderly Persons," a Minnesota newspaper, Mr. Goldman describes the incompleteness of Federal laws protecting persons with disabilities and discusses the need for a Federal law prohibiting discrimination in places of public accommodation.

This is an issue to which we should give serious consideration. There is a need to renew our national commitment to our 36 million citizens with disabilities by ensuring that they are welcome participants in all parts of society.

Last year I had the opportunity to review Mr. Goldman's new book, "Disability Rights Guide," in which he sets forth practical solutions to problems affecting people with disabilities. I recommend the book, and the following article.

CONCERNS OF DISABLED AND ELDERLY PERSONS

While future articles in this space will provide practical insights into current legal issues or court decisions, this article recognizes that it is now holiday season. While we should be thankful for what we have, it is also nice to dream and make wish lists as well as New Year's resolutions. It is a time to try and sit back and relax and contemplate—even such seemingly mundane things as a child's game of catch or baseball.

As a practicing attorney my list would include laws to help my clients. Sweeping federal civil rights legislation prohibiting discrimination against persons with disabilities in all employment situations and in all housing related situations would definitely be included. Near the top, if not at the very top, of my list would be enactment of a federal law prohibiting discrimination against persons with disabilities in places of public accommodation. These are laws persons with physical or mental disabilities, physical and mental, need enacted to have full fledged federal civil rights.

Let me explain why a public accommodations law is at the top of my wish list this year. Places of public accommodation are the places where people are participants in the fabric of society. These are places and the activities within them where the public in general is invited and welcomed. These are parks, restaurants, hotels, banks, malls, stores, movies, theatres, concerts, stadiums, etc. Two situations this year, one involving a highly qualified disabled adult and the other involving disabled children dramatically underscore the need for this law as both entail exclusions and America's pastime, baseball. One concerns a softball league manager in Nebraska and the other, some prospective Little Leaguers in Massachusetts.

Let's put this in the perspective of time. Jackie Robinson, my boyhood hero in Brooklyn, was the first black major leaguer in 1947. Civil rights sit-ins and marches were the order of the day with Dr. King in the 1960s. The major civil rights bill of this century was the Civil Rights Act of 1964. By breaking the national logjam on civil rights for minorities it paved the way for enactment of other legislation, such as the Rehabilitation Act of 1973. The Civil Rights Act of 1964 is a national commitment to human decency for minorities. It guarantees equal employment opportunity and it guarantees the right to use public places, places of public accommodation. The federal law was a message to the states to enact similar protections and to the Nation that racial bigotry was intolerable.

Unfortunately, in 1987 while we commemorate the 40th anniversary of Jackie Robinson in baseball and the silver anniversary of the Civil Rights Act of 1964 is on the horizon, there is no similar guarantee of federal civil rights for persons with disabilities.

Persons with disabilities do not have the same protections and rights as other groups, such as minorities. There are no guarantees of civil rights in places of public accommodation or in most everyday employment and housing situations. The federal law is extremely limited, to employees of the federal government, government contractors and recipients. Only federally funded (not guaranteed and thus, not VA or FHA) housing is covered by the Rehabilitation Act mandate not to discriminate.

This cavernous gap of civil rights protections has been highlighted by the incidents in Nebraska and Massachusetts. In one, a man who is the coach of a softball team has been told he can no longer manage on the field in his wheelchair and must be on the sidelines. Until he was barred from the field last year, the man, Bob Lowenstein, like his able-bodied colleagues, had been managing on the field for years. The games are played where the public is invited. Bob Lowenstein is no ordinary person. He is a public school teacher who enjoys sports. He was also qualified enough to be appointed a Commissioner of the Nebraska Equal Opportunity Commission. Now he finds himself embroiled in costly, protracted litigation.

The other instance which perked me up recently is the situation brewing with Little League and some children with disabilities in Massachusetts. Initially the kids were barred from participating with their able-bodied colleagues. Now, Little League appears to have relented. Apparently, the powers that be cannot decide what to do with these kids who have disabilities and who want to play ball. While there are ongoing negotiations, litigation may be necessary to try and get the kids into the game.

The answer in both situations is simple: Let' em play. Both Bob Lowenstein and kids in Massachusetts deserve their chances. Lowenstein has proven he's capable of handling himself on the field. Disabled kids can play. Ask anyone who saw the baseball game at this year's Pan American games. The most valuable player was Jim Abbott, a pitcher from the University of Michigan, who happens only to have one arm. As a former youth soccer coach and referee, I know firsthand that sports can be the great equalizer and integrator. Kids are kids who play when alleged grownups do not interfere. Coaches, umpires, managers, referees, and players make reasonable accommodations by allowing kids to play to the best of the kid's abilities, not to the best of the parents' or administrators' preconceived standards.

Last spring Al Campanis, then a Los Angeles Dodgers Vice President, made remarks on television which shocked the country

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into realizing how little executive and managerial equal employment there was for minorities in baseball. Will the Little League case be a similar catalyst for disabled persons? Disabled persons are at the point where they are trying to get into the game. It reminds me of the cartoon that appeared in the early 1970s in which a bus without a ramp/lift pulled up and a black person and a person in a wheelchair were there. The person in a wheelchair says "But some of us can't even get on the bus."

Both Bob Lowenstein and the would be Little Leaguers are going to be following state laws in their cases. Thankfully, most states, including both Massachusetts and Nebraska, prohibit discrimination against persons with disabilities in places of public accommodation. But would either controversy have arisen if there had been a national commitment, a federal law prohibiting such discrimination? Almost twenty-five years after enactment of laws prohibiting discrimination against minorities in places of public accommodation, the time has come for a similar federal law for persons with disabilities.

Jackie Robinson and Dr. Martin Luther King, Jr., would both have testified for such a law. They believed everyone had the right to be on the bus and in the game on their merit.

Holidays remind us of what we have, the goodness in people, our merits. But we need to think of the more that can and should be done.●

SR. M. EAMON O'NEILL

● Mr. HEINZ. Mr. President, I rise to honor Sr. M. Eamon O'Neill, dean of the Graduate School of Arts and Sciences of Marywood College in Scranton, PA, for her outstanding efforts to stimulate voter participation.

Today, the National Student/Parent Mock Election is recognizing Sr. Eamon, along with two other colleagues from Michigan and Georgia, for "national leadership in parent involvement and citizenship education, and her untiring effort on behalf of the Nation's children, their parents, and their teachers."

Mr. President, an active, involved and informed citizenry is the key to a viable democracy. Yet, statistics indicate that voter apathy has reached epidemic proportions, particularly among younger voters. In 1984, only 83 percent of the eligible voters under 30 bothered to vote. How can our freedoms be protected if so few young Americans care to participate?

Sr. Eamon is working to reverse those statistics. As Pennsylvania Statewide Coordinator of the National Student/Parent Mock Election for the last 10 years, Sr. Eamon has taught thousands of Pennyslvanians what is meant by responsible citizenship. In 1984, 75,000 Pennsylvania students and parents cast their ballots in the mock elections, and over 2 million Americans participated nationwide.

In 1988, organizers of the National Student/Parent Mock Election anticipate that between 5 and 10 million will participate. Participants in these mock elections learn to discuss their decisions with their parents and friends. They develop an interest in critical national issues. And most important of all, they learn the lessons of democracy by becoming involved in the decisions that affect us all.

Mr. President, the award that Sr. Eamon is receiving from the National Student/Parent Mock Election states that, "Informed and participating citizens are the strongest guarantee of our freedom." Sr. Eamon and her colleagues throughout the country are working to ensure that we continue to have an active and informed citizenry.

The country owes Sr. Eamon a great debt. I urge my colleagues to support the National Student/Parent Mock Elections in this vital work, and I congratulate Sr. Eamon for her outstanding achievements.●

CHILD CARE SERVICES IMPROVEMENT ACT, S. 1678

● Mr. DeCONCINI. Mr. President, I ask unanimous consent that my name be added as a cosponsor of S. 1678, the Child Care Services Improvement Act which was introduced by Senator HATCH on September 11, 1987.

As an original cosponsor of S. 1885, the Act for Better Child Care Services, the comprehensive child care bill which was introduced by Senator DODD, I have debated long and hard on whether to add my name to the Hatch bill as well. While there will be those who will vigorously disagree with my decision, I have concluded that the more public attention that is focused on the child care issue, the greater the opportunity for resolution of this matter.

Mr. President, all the polls indicate that child care is one of the most difficult issues confronting families in modern day American society. In a majority of our families both parents have to work to make ends meet. That is a simple fact of life. And the incidence of the two working parents family will only increase in the months and years ahead. Yet, we as a society have failed to put the issue of child care on the front burner. We can no longer afford to do that if the family is going to survive and thrive in modern society.

Mr. President, not only is there an inadequate supply of child care services in America today, there is a grossly inadequate supply of quality and affordable day care. No parent should have to spend his or her entire working day wondering if his or her child is in good hands, whether the child is being well fed, whether the child is being abused. Working together, I am confident that we can lift this awful burden from the American family.

While I do not support every element of the Hatch bill, I am encouraged that he has developed a child care initiative. The more Members of Congress who become involved in this issue, the closer we will be to a resolution of this troubling problem. Senators CRANSTON and DODD have been working on this issue for many years. I have learned a great deal about this issue from them and have enjoyed a close working relationship with them and their very able staffs. I look forward to working with Senator HATCH and his staff as well.

Mr. President, I believe the revolving loan fund, the tax incentives and the insurance liability pool provisions contained in the Hatch bill are laudable ones which I can enthusiastically support. I do have problems, however, with other elements of the bill, particularly some aspects of the tort reform provisions and the failure to link block grants to States to specific standards. But working together, with constructive debate, I am confident that we can formulate a bill which can pass both Houses of Congress and be signed by the President. The legislative process is one of give and take. And we have a right and duty to fairly consider all the options on the table. I intend to do just that.

Once again, I commend Senator HATCH for the time and effort he has put into developing a child care initiative. I look forward to working with him, and Senators CRANSTON and DODD as well as the Alliance for Better Child Care on this vital matter.●

ESTONIAN INDEPENDENCE DAY

● Mr. DeCONCINI. Mr. President, on this day, February 24, 1988, Estonians all over the world will celebrate the 70th anniversary of the declaration of independence of the Republic of Estonia.

Unfortunately, the celebrations in Estonia itself will be somewhat subdued. For the last 48 years, Estonia, along with its Baltic neighbors Latvia and Lithuania, has been illegally, blatantly, and brutally occupied by the Soviet Union.

The United States has never recognized the illegal occupation of Estonia, and to this day recognizes the Estonian mission in New York City as the legitimate diplomatic representative of Estonia.

For 47 years, the Soviet Government has tried vainly to eradicate Estonian national consciousness, the language, the cultural heritage, the memory of freedom. In 1940 and 1941 alone, over 40,000 Estonians were sent to Siberia. Thousands more followed when Stalin reestablished control after World War II. The last President of Estonia, Konstantin Pats, disappeared into the Gulag without a trace. In free Estonia, his birthday would have been celebrated yesterday, February 23.

In an interview following his emigration to the West, veteran Ukrainian political prisoner Danylo Shumuk described the fate of Estonians in Stalin's death camps in the late 1940's and early 1950's:

> Between 1945 and 1953, the largest proportion of those who died were Estonians. They found it especially difficult to master Russian and they did not adapt to the Gulag's conditions as quickly as the Ukrainians, Lithuanians, or Latvians. The Estonians would work until they dropped and then die of hunger.

Following Stalin's death, the repression in Estonia became more subtle, but no less harmful. Free political expression was out of the question, as was unhindered travel abroad or emigration. Many works of preoccupation literature and music were banned, historical monuments destroyed, and the Estonian language downgraded in schools. The history taught in those schools was distorted beyond recognition in a vain attempt to keep Estonian youth from learning the truth about their nation's past.

Moreover, immigration of non-Estonians has threatened to make Estonians a minority in their own country. In a sense, Estonians are being punished for their own industriousness, their stubborn refusal to turn their formerly prosperous little nation on the Baltic into a typical Sovietized wasteland. Everyone wants to move there. Due to its strategic location, Estonia is also bristling with military installations. There are over 150,000 Soviet occupation troops in Estonia, which works out to one Soviet soldier for every 6.67 Estonian man, woman, and child.

But Estonians have continued to resist. Strikes and work stoppages have been staged by workers, the flag of independent Estonia is raised surreptitiously over public buildings, and spontaneous demonstrations break out at public gatherings. Two of the most prominent dissidents remaining in the infamous Perm labor camps are Estonians, Mart Niklus and Enn Tarto. Their countryman Yuri Kukk died in March 1981 during a hunger strike while being transferred to a labor camp following conviction on political charges.

Meanwhile, changes are occurring in the Soviet Union, even in occupied Estonia. Glasnost, the "giving voice" through which General Secretary Gorbachev hopes to invigorate the Soviet people and resurrect the moribund economy, has given voice to the demand for truth. The first 6 months of 1987 saw active protests by Estonians against the phosphate mining that Moscow seems determined to carry out despite the hazards to the local populace. On August 23, 1987, the anniversary of the signing of the Molotov-Ribbentrop Pact, there were demonstrations throughout the Baltics. In Tallinn, the capital of Estonia, several thousand people marched in solidarity with activists in Latvia and Lithuania, calling for the publication of the Pact, exposure of Stalin's crime, and the release of political prisoners.

Events have since moved quickly. There have been more demonstrations. Some organizers have been expelled from the Soviet Union, others have reportedly been beaten by the police. The Estonian Communist Party Secretary for ideological work has been fired. The press has begun to seriously address the relationship between Estonian natives and Russian immigrants. Four Estonian intellectuals have publicly proposed a plan for making Estonia economically self-sufficient from Moscow. And 16 dissidents have founded the Estonian National Independence Party to "restore a free and independent Estonia."

Mr. President, Tass reported recently that General Secretary Gorbachev plans to convene a special party meeting in the near future to deal with nationality issues. If Moscow is serious about easing the nationality question in Estonia, it might heed its own Constitution, specifically article 72, which states that each Soviet republic retains the right to freely leave the U.S.S.R. According to Soviet historiography, the Estonian people voted, by more than 90 percent, to enter the Soviet Union in 1940. After 48 years, perhaps its time to have another vote.●

TRIBUTE TO BONNIE BLAIR

● Mr. SIMON. Mr. President, I want to call the attention of all of my colleagues in the Senate to the exceptional accomplishment of an outstanding young woman from Champaign, IL. On Monday, February 22, 1988, Bonnie Blair of Champaign established a world record time of 39.12 seconds for the 500 meter speed skating event and won America's second gold medal in the Winter Olympics. I want to join my distinguished colleague, the senior Senator from Illinois, ALAN DIXON, in commending Bonnie Blair on her singular accomplishment.

Ms. Blair is a wonderful example to all young women of what hard work and dedication can do for someone who wishes to achieve athletically. She also serves as a reminder to those of us in the public sector of the importance of title IX of the Education Amendments of 1972. My own daugther Sheila—during her collegiate days at Wittenburg University—excelled in intercollegiate athletics as a result of title IX.

Recently, during our debate on the Civil Rights Restoration Act, the Senate took important steps to continue our commitment to nondiscrimination in Federal programs and continue opportunities for women in intercollegiate athletics. If we doubt our wisdom in that regard, we should remember Bonnie Blair and her world's record, as well as countless other women who benefit from title IX on a daily basis.

Congratulations to my fellow Illinoisan, Bonnie Blair.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, it is with great pleasure that I am able to announce that the need for my repeated statements on behalf of Naum Meiman is drawing to a close. On Friday, Naum Meiman will be leaving the Soviet Union and traveling to Vienna. Then, at long last, on Sunday Naum will fly to freedom in Israel.

Ironically, Naum's release comes on the 1-year anniversary of Inna's death. It is indeed tragic that Naum will not be able to rejoice in his freedom with Inna. Let us hope that we all have learned a valuable lesson from their personal tragedy. Freedom cannot be based on ill health and years of struggle. Freedom, basic religious freedom, must be guaranteed for all regardless of their nationality or homeland.

This past month has been a time of celebration and great relief for Naum, his loved ones, and those that have worked so hard to obtain his release. Though we share Naum's happiness, we cannot end our commitment to the thousands of refuseniks whose struggle continues. We must continue to honor and remember those who live with persecution every day of their lives merely because of their religious faith. We must continue to speak out. We must remain vigilant. Mr. President, I pledge to continue my efforts in this area and I urge my colleagues to do the same.●

KING BIRTHDAY AND BLACK HISTORY MONTH

● Mr. SIMON. Mr. President, February marks the nationwide celebration of Black History Month. It is a time when black Americans look with pride upon their past, present and continuing contributions to American history, culture, government and public affairs, national defense, education and every other aspect of our lifestyle. It is a time to recall the achievements of Frederick Douglass and Sojourner Truth; Booker T. Washington and Mary MacLeod Bethune, General Daniel "Chappie" James and Dr. Charles Drew, Madame C.J. Walker and Benjamin Banneker, as well as to acknowledge the contributions of Marian Anderson, Louis Armstrong and Rosa Parks; and praise the diligent efforts of Shirley A. Chisholm, Barbara Jordan and Blanche K. Bruce.

The importance of Black History Month to white Americans should not be overlooked. It is a chance for many of us of become informed about the contributions of black Americans to the development of this Nation. From inventing the traffic light to discovering blood plasma, from being the first to die in our country's fight for freedom and independence to completing the work of laying out the city of Washington, D.C.—we would not be what we are without black Americans. For most of us our knowledge is limited and our information spotty at best. We know of Martin Luther King, Jr. and his fight for civil rights and we are familiar with many of our current political leaders.

I had the opportunity on January 18, 1988 to be a part of history as a participant in the Third Annual Celebration of Dr. King's birthday as a national holiday at Ebenezer Baptist Church in Atlanta, GA. As Dr. Joseph Lowery, president of the Southern Christian Leadership Conference [SCLC] and pastor of the Cascade United Methodist Church told us, this was the ". . . nineteenth celebration of Martin's birthday as a holy day." This was a unique opportunity to hear leaders talk about this great man and the struggle he lead.

One of those who spoke was our colleague Senator LOWELL WEICKER. His speech, among others, moved those in the audience to stand and applaud. I, too, was moved by his eloquence and sincerity. I hope all of my colleagues will take time to read his brief statement.

Mr. President, I ask that Senator WEICKER's statement of January 19 be inserted in the RECORD.

The statement follows:

REMARKS OF SENATOR LOWELL WEICKER, JR., EBENEZER BAPTIST CHURCH

Good morning. It is a great honor for me to share in this memorial service in a church that was so much a part of the life of Martin Luther King, Jr., his family and community. In these pews, he worshiped as a youth. And when he became a man, these walls rang with his words.

But the nation celebrates today because Dr. King took the gospel of brotherhood and of justice beyond these doors. Picket lines and jail cells became his pulpits. And before long poor people and Presidents alike joined his congregation.

Dr. King spoke out of love without ever shying away from the truth. His message: redemption and reconciliation were possible but only if the American people had a true change of heart. His goal: a country as good as its Constitution. "Now is the time to make real the promises of democracy," he told us. Now, not tomorrow, or some day in the indefinite future.

For too long, there were those in New England who pretended that racism in America was the fault of a few southern Senators blocking civil rights legislation. Well, we now know that the problem was not a filibuster, but a failure nationwide to deal with discrimination. Once Dr. King and the men and women of the Southern Christian Leadership Conference and the young Freedom Riders and all those who manned the movement forced truth into the open, civil rights legislation rolled through Congress. There was no stopping it.

Twenty years have now passed since the night when shocked Americans gathered in vigil and vowed that all Dr. King had done would not be in vain. Yet today that vision of opportunity is still obscured by the fact of oppression—and our generation needs to face up to it.

During the last decade we have seen a systematic dismantling of civil rights enforcement, an abandoment of our commitment to equal justice under law, and just as ominous, a failure of the people to insist on their hard-won rights.

Recent actions by the courts combined with inaction by Congress have made it possible for institutions—schools, hospitals, even local governments—to discriminate against black Americans, Hispanics, the elderly, the mentally retarded and women and still get the benefit of our tax dollars. Congress could pass a law tomorrow to put an end to subsidized discriminaiton, but it won't until the voice of a nation is heard.

For all the truth of a Justice Department in fundamental disagreement with the Bill of Rights, the truth is also that few Americans are going much to advance a civil rights agenda in Congress, the White House, statehouses or town halls. Judge Bork was right about one thing; courts are supposed to be the last repository of our rights. The people, their legislators and their President are the first. Let me repeat, so this is not a fingerpointing exercise at some mythical "them". People—that's us, legislators—Democrats and Republicans, and our President are No. 1 to make things happen. Yet today, everybody waits and no battle is joined.

Now, I am well aware that Baptists are known for their church music, but I would like to leave you with a hymn from my faith. "Once to every man and nation comes the moment to decide, in the strife of truth with falsehood, for the good or evil side. * * * Then it is the great man chooses, while the coward stands aside 'till the multitude make virtue of the faith they had denied."

Martin Luther King, Jr. did not wait for the multitude. He talked and wrote and marched through the intimidation, through the violence. And in the end, even death was an ally as his example lives as powerfully as the man.

We do Dr. King's memory an injustice if all we do is wait. Instead, we must act. And the time to do that is now—as soon as we leave this church.●

DR. LEROY KEITH

● Mr. SIMON. Mr. President, on Saturday, February 20, 1988, Dr. LeRoy Keith was installed as the eighth president of Morehouse College in Atlanta, GA. Morehouse is one of the stellar members of the Atlanta University Center and the historically black college and university community. Dr. Keith's inauguration represents a singular achievement for Morehouse College, as it brings one of its own home to lead this outstanding institution of higher education, and an important accomplishment of him as an educator—he could be paid no higher compliment than to be asked by his own alma mater to join its short list of select individuals who have served as its presidents.

Among those individuals are two whom I have known. Dr. Hugh M. Closter, who retires after 20 years as president of Morehouse and two decades of leadership in higher education—as a spokesperson for black higher education, and as one of the outstanding college presidents in America. He leaves Morehouse with a stronger endowment, an improved physical plant, and an enhanced academic environment for the development of young, black men's minds. One of our Nation's most beloved educators was Dr. Benjamin E. Mays. While he was well known in the black community, his academic lantern was bright but hidden from the eyes of many white Americans. Jimmy Carter during his presidency took counsel on education, as well as other issues, from Dr. Mays. Dr. Mays' light took on new meaning and purpose during this time, although he was up in years.

One of my favorite quotes comes from Dr. Mays:

> It must be borne in mind that the tragedy of life doesn't lie in not reaching your goal. The tragedy lies in having no goal to reach. It isn't a calamity to die with dreams unfulfilled, but it is a calamity not to dream. It is not a disaster to be unable to capture your ideal, but it is a disaster to have no ideal to capture. It is not a disgrace not to reach the stars, but it is a disgrace to have no stars to reach for. Not failure, but low aim, is sin.

Mr. President, some might ask what is there left for Morehouse to do? Are there other financial resources mountains to climb? Other fertile academic fields to be plowed? Dr. Keith has answered in the affirmative during his inaugural address. He sets forth a bold plan of action which represents a true challenge for the trustees, faculty, staff, students and alumni. I ask that his remarks be included in the RECORD. I also urge my colleagues to read and understand from Dr. Keith what black higher education is doing to provide expanded educational opportunities for black students at a time when despite major opportunities—higher education is still often segregated and rising costs represent a clear barrier to the poor, especially those who are black and brown.

The speech follows:

INAUGURAL ADDRESS OF PRESIDENT LEROY KEITH

Mr. Chairman, Mayor Young, Dr. Gloster, Mr. Alexander, members of the board of trustees, students, faculty, staff, alumi, representatives of colleges, universities and learned societies, friends and relatives, I am grateful and extremely honored to be inaugurated as the eighth President of this great citadel of learning called Morehouse College. This occasion will hold rank in my memory along side my marriage to Anita Halsey Keith, my wife and best friend, and the birth of my four children, Lori, Susan, Kelli, and Kimberly. I only wish that Roy and Lula Keith, my parents, were here to

share this experience with us because they made this day possible by instilling in me the virtues of discipline and achievement and the necessity to be a decent human being in whatever I endeavored to do in life. There are many people in this chapel today who have played a role in my life and career, especially my friends and relatives from Chattanooga who are so prominently represented. When hometown people are around, they renew your sense of humility with such statements as "I knew you when you were knee-high to a duck" or I used to change your diapers." It is good to have you all here today.

My beginnings at Morehouse take me back to the year I entered as a young college freshman. As I reflect back over my student years at Morehouse, they have become more meaningful with time. My reflections take me back to the charge to my graduating class of 1961 by President Benjamin Elijah Mays which was a prophetic statement for me. The following are two excerpts from that charge:

"There is an air of expectancy at Morehouse College. It is expected that the student who enters here will do well. It is also expected that once a man bears the insignia of a Morehouse graduate he will do exceptionally well. We expect nothing less.

"May you perform so well that when a man is needed for an important job in your field, your work will be so impressive that the committee of selection will be compelled to examine your credentials. May you forever stand for something noble and high. Let no man dismiss you with a wave of the hand or a shrug of the shoulder."

On that day in June as I sat listening to the inspiring words of Dr. Mays, I had no idea that the reigns of leadership of Morehouse would someday be in my hands. You never know what fate has in store for you, but I thank God for the good fortune to be here today in the Martin Luther King, Jr. International Chapel to accept my calling.

But Morehouse College is more to me than just my alma mater, and it is more to me than just an institution of higher education; it represents one of the best examples of what can be achieved with limited resources through dedication and perseverance, by people with an unyielding vision for facilitating a higher quality of life for mankind. Morehouse throughout its 121 year history has consistently made a major impact in almost every facet of society through its graduates who are in leadership positions throughout the world. One can only conclude that this small liberal arts college has been nothing short of amazing. The "House" and the "Morehouse Man" are held in high esteem in almost every part of the globe.

The vision and leadership of its trustees and presidents, the dedication and excellence of the faculty, the excellence of the student body, the hard work of the staff, the quality of the alumni and support of friends have made it possible for Morehouse College to take its place among the finest institutions in the country. It is truly a national treasure whose mission of producing outstanding black male leadership must be enhanced.

This is why I stand here today feeling very proud that I have been chosen to take the mantel of leadership of this very important college.

Most would agree that there is an illustrious history of accomplishment at this college. However, it will not suffice for Morehouse to live on past accomplishments. This administration is committed to maintaining the tradition of excellence already established. But, maintaining a tradition will be insufficient. What is required is the enhancement of an impressive legacy; our future bristles with possibilities. It is the goal of this administration to continue to cause the frontiers of ignorance to recede into nothingness.

Accordingly, there must be a vision for Morehouse that is comprehensive in scope and that will test the limits of our stamina and perseverance. In other words, we will have to work untiringly to increase the college's competitiveness as we approach the 21st century. To this end, I envision a Morehouse that will compete with the finest liberal arts colleges in the country when measured by any of the indices of quality used in higher education. My vision also calls for Morehouse to continue to be the most prolific producer of black male leadership in the Nation. This would probably be one of the most significant contributions the college could make to society given the dismal outlook for black males based on most social indicators.

But before I discuss my hopes and dreams for Morehouse, let me say that the intangibles that have always permeated this college must be preserved and treated with tender loving care. We all know that there is a certain spirit that exists here which is unique to Morehouse. It is a spirit that has transformed teenagers into young men who are self-assured and intent on accomplishing their goals. It is a spirit that builds character and self-esteem. It is a spirit that when combined with our rigorous academic programs makes the "Morehouse Man" a man for all seasons. Some call it indoctrination and some call it an on-going orientation. But I call it a mosaic of the spiritual, philosophical, and intellectual. I pledge to you that I will endeavor to protect these special properties of our college. The mystique of Morehouse will live on.

However, the Morehouse mystique alone will not enable us to prosper in the future. We will have to establish some very bold goals and objectives from which our priorities will be derived.

In order to fulfill our goals and objectives, we will first need to determine the optimum enrollment level for the college. Although we are receiving applications in unprecedented numbers, we must set enrollment goals. I envision the Morehouse of the future as slightly smaller in enrollment but with increased quality in its academic programs, students, faculty, staff and facilities. Our time and energy must be focused on the quality of the college as we move toward a more competitive era. The downsizing of our enrollment will result in a lower student-faculty ratio which will allow for the kind of interaction between students and faculty that is characteristic of a high quality undergraduate institution. Intellectual discourse between faculty and students will be far better served in a small intimate environment. In addition, academic advising by faculty will be enhanced.

It is my hope that the Morehouse of tomorrow will remain exclusively an undergraduate institution. I believe it will take all of our physical, mental, emotional and financial resources to advance our mission as an undergraduate institution of distinction. Our graduates will continue to have tremendous opportunities for graduate and professional study throughout the world. Because graduate education is very expensive, it would have a deleterious effect on the quality of our undergraduate programs if it were introduced here.

I believe the Morehouse of the future should have a more integrated core curriculum that will help students to understand the interrelationships between the liberal arts disciplines. To this end, I will ask the faculty to begin a comprehensive review of our General Education Program. This review will assist us in determining the strengths and weaknesses of our core curriculum. At the same time, I will initiate an on-going program review process at the departmental level.

In connection with the review of our academic programs, we must strive to develop more balance in program interest throughout our curriculum. To be quite succinct, the humanities and social science programs at the college should receive more emphasis. We will need to help our incoming freshman and continuing students to understand that there are many career options available to them if they pursue a major in these disciplines. Major corporations will gladly hire our liberal arts majors as they do our business majors. We will never attempt to dictate students' majors but we can do a better job of making them aware of their options.

In the past we have been a leader in the percentage of our students that earn doctoral degrees; however, there has been a decline in Morehouse students who go on to pursue Ph.D.'s. This is a national trend that could result in the absence of black faculty at American colleges and universities in the next century. It is important that we continue to be a leader in producing academic leaders of tomorrow. I also believe that career opportunities for graduates will improve in secondary schools. More States are changing their teacher certification laws to allow liberal arts majors to teach without having completed a professional education curriculum.

To interest our students in graduate school and teaching, Morehouse has implemented a program funded by the Ford Foundation with matching funds from the Pew and Culpeper Foundations. We were the only historically black college funded for this program by Ford. It is a terribly important program to Morehouse and the country, and I pledge to continue this program perhaps at an expanded level.

At the same time that the college enhances its liberal arts curriculum, the Morehouse of the future will have an even stronger curriculum in the sciences, an area that the college is noted for throughout academia. The new biology and chemistry building now under construction will be a state of the art facility for an undergraduate college. It will bolster our already strong reputation for producing outstanding majors in biology and chemistry who have gone on to pursue medical, dental, and Ph.D. degrees. This new facility will also allow the faculty to expose our students to more research projects which are becoming a focus in quality undergraduate colleges.

In the future, our business programs will grow more in quality than quantity. This program is currently oversubscribed and therefore we will need to place limitations on future enrollment. On the other hand, our business majors are beginning to dazzle interviewers from corporate America with their intellect and presence. I believe many of these young men will be heard from again in the executive suites of major corporations as well as through their own entrepreneurial ventures.

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As we move toward the next century, the need for a highly technical workforce will be more acute. Morehouse should continue to do its part in supplying leaders in high technology through its own science and math programs and through the enhancement of the dual degree program in engineering with Georgia Tech and the other participating institutions.

We will also establish our own computer science program through a sharing of resources with the other three undergraduate colleges in the Atlanta University Center.

The realization of this goal has been greatly enhanced by the generous gift of a computer lab to Morehouse College by the Apple Computer Company in honor of Mrs. Camille Cosby. In addition, we should soon have other funding to make computers accessible in every classroom, building, dormitory, and office at the college.

As we are all aware, computers will continue to play a dominant role throughout society. I believe that all of our students, regardless of major, will need significant exposure to computers to be competitive in the job market as well as graduate and professional school.

In this complex world of ours where young people have many choices and decisions to make, it would seem very appropriate that through seminars, we could increase the exposure of the Morehouse student body to the issues of morality and ethics. Morehouse is in the business of training leaders, and it is especially important that our graduates have the appropriate underpinnings to be good leaders. For a leader without sound ethical and moral values will become infamous.

It is a known fact that while the world is becoming more complex, it is also getting smaller. Therefore, the future of the nations of the world will become inextricably linked to one another. Our students must be prepared to live in an environment that will require greater interdependence among all people regardless of geographic differences.

I will ask the faculty to develop plans for a program in international education that will focus on the language, culture, history and economics of selected countries throughout the world. I believe funding will be available to pursue this program, perhaps in partnership with another Atlanta University Center college.

As I stated earlier, we have been in the business of developing black male leadership for 121 years. Given the very disturbing trends regarding black males, I think the logical place to begin a serious research program on the study of black males is Morehouse College. Thus, this semester I will appoint a committee to begin the development of a conceptual framework for the Morehouse Research Institute. This would hopefully be an interdisciplinary research institute that would collect data and develop policy alternatives that might impact local, State, and Federal policies in a manner that would help the plight of blacks in general and black males in particular.

The Morehouse students of the future will need to experience a higher quality of life on campus. Accordingly, we will strive to create an environment for students that will be more conducive for the pursuit of their educational goals and objectives. This will include improvements in the buildings and grounds of the campus and increased opportunities for student participation in extracurricular activities. We will endeavor to develop a prominent collegiate atmosphere on campus with a better gathering place for student interaction. Campus and commuter students both need to have a place to study and relax between classes and in the evenings. It is imperative that we make this happen. One positive step in this direction is the renovation of the Frederick Douglas commons which will begin in the next few weeks.

A small liberal arts college like Morehouse is obligated to have academic and student services that are efficient and respond effectively to the needs of students. The college has a dedicated and committed staff that will be working very hard to expand and improve the scope of services available to the student body. The opening of the new counseling center this month will most certainly be an important addition to the services available to students. This academic year we will review our academic advising system to determine our strengths and weaknesses and to make recommendations for improvements. In addition, we are currently assessing the needs of other administrative offices that are central to student welfare.

In our quest to improve the overall environment of the campus, we will work closely with the other institutions in the Atlanta University Center and with city officials to enhance the neighborhood where this important higher education complex is located. We cannot ignore the needs of our neighboring community. As a distinguished institution of higher learning, Morehouse must continue to be on the cutting edge of social change. This is a part of our credo.

I believe we should continue to encourage cooperative efforts with the other institutions in the Atlanta University Center complex. Collectively, we have a rich pool of intellectual resources to share with each other.

Let me now briefly discuss the priorities that we are presently addressing and that will continue to be of major importance in our long range plans.

First, it is widely recognized that the reputation of a higher education institution rests first and foremost with the quality of its faculty. The faculty is the lifeblood of Morehouse College. Without a strong faculty, Morehouse will reduce itself to mediocrity. This institution is far too important to let this happen. Therefore, we must be in a position to recruit the very best faculty available to the college. We have a strong faculty, but we must augment their ranks and then retain these scholarly professionals.

The college received word this week that it has been awarded a $10,000 planning grant from the Bush Foundation for faculty and staff development. I am hopeful that this grant will allow us to develop plans for a comprehensive faculty development program. However, our faculty development program is still in need of additional resources. Also our compensation package for faculty and staff must be improved. It is imperative that salaries and benefits for our faculty and staff become more competitive. This concern must rank among the highest priorities of the college and will receive immediate attention.

Although Morehouse is basically a teaching institution, we will develop incentives for faculty participation in research and public service.

Another high priority for the future is to ensure the assessibility of higher education to all who plan to attend Morehouse, regardless of financial need. This can be possible only if we are in a position to provide more scholarship assistance from the college's endowed scholarship fund. As we all know, Federal student assistance programs have not kept pace with the cost of a college education. In addition, Federal policies regarding student assistance now place a much heavier loan burden on students eligible for financial assistance. The shift from grants to loans is a disincentive for many potential college students. In light of these policy changes at the Federal level, we will need to step up our efforts to increase our own scholarship funds. We want to always make a Morehouse College education available to that student from a small Georgia hamlet who has a thirst for knowledge. We will concentrate a large part of our fundraising efforts on bolstering our scholarship funds.

Our student body will also continue to reflect diversity. We will not rely solely on quantitative measures to determine the eligibility of students for admission to Morehouse. Many of our students have come to us as "diamonds in the rough" and leave as "polished jewels" who go on to become outstanding citizens. This to me is the essence of exploiting the human potential for the betterment of society. This is a central part of our mission.

I have already spoken briefly regarding the need to improve and maintain our facilities; these facilities include our academic and nonacademic buildings and equipment. The educational program of the college cannot be first rate unless our facilities are first rate. This means that the buildings of this campus complex will need to be maintained on an ongoing basis. Starting with the next fiscal year, the budget will include a line item for facilities renewal that will be utilized to make repairs and upgrading where required. We also need to have state of the art equipment to facilitate quality instruction in our classrooms and laboratories. At the same time that we will aggressively pursue comprehensive renovation, I envision only modest growth in the physical plant in the future. This would be consistent with our goal for stabilizing enrollment and concentrating on quality.

For the college to pursue its goals and objectives and to address the aforementioned priorities, a college-wide planning process will be implemented as soon as possible. A planning committee representative of the college community is being structured now.

As you can see, Morehouse college has a long and awesome agenda ahead which will require a herculean effort on the part of every constituent group at the college and increased support from outside sources. But in order to generate more outside funding, the college must do a better job of helping itself. The alumni of Morehouse is a very distinguished body which has the potential to increase its participation in giving to the institution. I truly believe that the deep love and great enthusiasm that alumni have for Morehouse College can serve as a manifestation for an extraordinarily successful alumni giving program. We will need to develop a formal structure for our alumni fund raising effort and perhaps designate it as the Morehouse annual fund. I believe the annual fund should have an overall goal with each region of the Alumni Association having its own goal.

The alumni can be of great assistance to the college in numerous other ways including serving as role models for our students, participating in local alumni club recruitment programs, and networking for students. I have already asked the alumni to increase their involvement in the recruitment of students and financial aid counseling in their local areas. We held our first alumni workshop on admissions and financial aid in December which was successful. I believe the alumni can provide invaluable assistance to students and parents as they weave their way through the complicated web of financial aid regulations. I also believe that an alumni program for interviewing prospective students can help us in the admissions process. I welcome and encourage your support and cooperation, for your continuing role is essential to a bright future for the college.

In addition to increased alumni support, Morehouse must solicit from corporations, foundations, government and individuals. In the near future, I will present plans to the trustees for a very ambitious fundraising program to raise money to increase our endowment and to address our operational needs.

Since its founding in 1867 at the Springfield Baptist Church in Augusta, GA, this small college seems to have been destined for a special place in history. It has endured in spite of racial oppression and other barriers. Remarkably, here we are in 1988 with a Morehouse College that would amaze its founding fathers who probably had no idea that the institution they started with a limited objective is now a prominent college with unlimited potential.

This brings us to today, February 20, 1988 where on this day Dr. Hugh Gloster and I have formally completed the transition of the responsibility for the advancement of Morehouse College to me. But as Dr. Gloster, knows it will take the coalescing of many people around the plans and aspirations of the president to make this administration successful.

I urge you to join me in this effort to propel Morehouse into the 21st century with the competitive edge to be deemed one of America's foremost institutions of higher learning. The House will become a stronger house.

With God's help, we will realize our goals.●

ESTONIAN INDEPENDENCE DAY

● Mr. WEICKER. Mr. President, today marks the 70th anniversary of the declaration of independence of the Republic of Estonia. I am honored to join with Estonian-Americans and Estonians throughout the world in commemorating this day and in showing support for Estonian people in their difficult struggle to gain independence.

On February 24, 1918, the people of Estonia proclaimed their independence and freedom. Estonian independence was confirmed in 1920 when the Soviet Union signed a peace treaty with Estonia recognizing the new republic and renouncing all rights of sovereignty over the Estonian people. For 20 years, the small democratic nation of Estonia flourished. Estonia became the first nation in the world to grant all its linguistic minorities cultural autonomy. During this brief period, the Estonian people further strengthened their strong national consciousness and pride.

In 1939, Estonia's peace and freedom fell victim to Soviet expansionism. The illegal Soviet annexation of Estonia brought extreme hardship. For the last 46 years, the Estonian people have endured widespread deportation, execution, and emigration. Between 1939 and 1949 alone, 350,000 Estonians died, out of a total population of 1.25 million. The United States has never recognized the Soviet occupation of Estonia or its Balic neighbors, Latvia and Lithuania.

I admire the Estonians' spirit and national pride which has persevered despite continuing Soviet attempts to deprive Estonia of its cultural heritage. In the midst of daily oppression by the Soviets, Estonia's resistance movement continues to grow. Estonian citizens recently announced the formation of the Estonian National Independence Party to promote human rights and self-determination of the Estonian Republic.

As the Estonian people mark the 70th anniversary of Estonia's independence, we must never forget their difficult struggle for freedom and self-determination. As the leader of the free world, the United States should reaffirm our commitment to human rights and to the people of Estonia.●

IN RECOGNITION OF THE SIXTH ANNUAL NATIONAL YOUNG LEADERSHIP CONFERENCE

● Mr. CHILES. Mr. President, today I would like to draw to my colleagues attention a special event that will take place in Washington next month. This event is the Sixth National Leadership Conference, cosponsored by the United Jewish Appeal's Young Leadership Cabinet and Young Women's Leadership Cabinet.

The conference, which runs from March 13 through March 15, brings more than 3,000 young Jewish leaders to Washington from 36 States across the country. I am proud to say that approximately 300 Floridians will be participating.

The purpose of the conference is to bring together young Jewish leaders in an environment of discussion and learning. The program educates the participants on major issues that affect the Jewish community and emphasizes the importance of being active in both the Jewish community and the American political process.

I am proud to be one of the speakers at this year's conference. I know that many of my colleagues have also already arranged to participate. New York Gov. Mario Coumo, Israeli Foreign Minister Shimon Peres, Defense Minister Yitzhak Rabin, and former refusenik Natan Shcharansky are some of the guests scheduled to speak.

Experts on United States-Israeli relations, as well as White House and State Department officials, will brief the participants on the state of United States-Israeli relations and the current situation in the Middle East. Other seminars include one on international terrorism and one dealing with America's role in the Persian Gulf.

The conferees are also going to do some rejoicing. A celebration is being held for the 40th anniversary of the birth of Israel and the 50th birthday of the United Jewish Appeal.

Mr. President, the continuing success of the Young Leadership Conference and similar programs is a clear sign of the health and vibrancy of our participatory democracy. I look forward to greeting the conferees next month.●

INAUGURATION OF ROH TAE WOO

● Mr. DASCHLE. Mr. President, the inauguration of Roh Tae Woo marks an important and historic moment in the Republic of Korea. As this government begins a new chapter in Korean political progress, the eyes of the world are upon it.

Certainly, within the United States there is great interest in the new Korean leadership. I am sure that I speak for all of my colleagues in wishing the President and his government well as they commence. For it is our sincere hope that the governments of both of our countries will work to find constructive solutions to the mutual challenges and opportunities which we face.

Having just returned from Korea, I clearly remember my many conversations with both business and governmental leaders with regard to their earnest desire to continue the close relationship with the United States. While we may see our mutual problems from different perspectives, it will only be through that close relationship that we will enable our countries to overcome them.

Certainly the most pressing of these is trade. It is my strong desire to see the major imbalance of trade between Korea and the United States reduced significantly this year. It continues to be the responsibility of both governments to demonstrate not only their willingness but their capability to do so.

From my perspective, there is no more important trade issue than the one involving the prohibition of imported American beef in Korea. Now, with its change in government, Korea can seize upon an opportunity to demonstrate its good faith and determination to reduce the trade deficit this year by removing this long standing prohibition as soon as possible.

For our part, it is important that we avoid the temptation to pass protectionist legislation in retaliation to the current difficulties posed by such prohibitions and quotas in Korea and other countries of the Pacific rim.

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While trade legislation may be necessary for many reasons, such legislation must be prospective, not retrospective. It must be aimed at strengthening trade relationships, not tearing them down. Building bridges, not walls.

The people of my State desire cooperation, not confrontation. We want to build friendship with both the people of Korea as well as its government. We seek similarities, not differences. Opportunities, not obstacles.

To President Roh Tae Woo, his government, and his people, let us send our sincere best wishes for a bountiful future of social and economic growth in full partnership with the people of the United States.●

S. 2062—STATE AND LOCAL GOVERNMENT EXTENSION REAFFIRMATION ACT

● Mr. MELCHER. Mr. President, I am joining my colleague from Oklahoma, Don Nickles, in cosponsoring S. 2062, legislation which would exempt State and local governments from paying Federal gasoline excise tax on gasoline.

State and local governments have been exempt from this Federal tax and they should remain exempt. We shouldn't expect them to pump their limited dollars into the Federal Treasury just because the Federal Government needs some new schemes to balance its budget. We've already clobbered their strained budgets enough with our cuts in Federal programs, particularly revenue sharing.

Then Congress turns around and says these governments can apply for a refund on a quarterly or annual basis if they can show they used the gasoline for their own exclusive needs. What a bunch of hogwash. That just means more paperwork and that the Federal Government has found a new way to get interest-free loans.

Plus this tax is unfair to the smaller towns—those governments who won't pay over $1,000 in gasoline tax per quarter. These governments have to wait until the end of the year to get a rebate whereas the larger governments who pay more than $1,000 in gasoline tax per quarter can get repaid quarterly.

This tax simply makes no sense and we should repeal it immediately.●

FEBRUARY 25, 1870: FIRST BLACK SENATOR

● Mr. DOLE. Mr. President, 118 years ago today the Senate voted 48 to 8 to seat Hiram Revels of Mississippi—the first black person ever elected to the U.S. Senate.

An emotional debate preceded the vote on Revels' credentials. Democrats cast doubt on the authority of the reconstruction government of Mississippi, but Republicans charged them with "hiding their anti-Negro sentiments behind a mask of technicalities." Senator Garrett Davis of Kentucky declared the seating of a black man in the Senate a "morbid state of affairs," and denied that freed slaves could even be citizens, let alone serve in the national government. Senator Willard Saulsbury of Maryland denied that the fourteenth amendment was a legitimate part of the Constitution and called the seating of a "negro or mulatto or octoroon in the Senate of the United States" to be a "great and damning outrage." Against such blatantly prejudiced arguments, the majority of the Senate stood firm and voted to seat Hiram Revels.

Revels' term in the Senate lasted only from 1870 to 1871, but during that period he spoke out in defense of freedmen's rights, in favor of enforcement of Federal election laws, and in opposition to segregated schools.

If race had not been an issue, it is doubtful that any challenge would have been raised against Hiram Revels, who possessed strong qualifications and experience. He was a college graduate and an ordained minister in the African Methodist Episcopal Church. He had helped to organize black regiments during the Civil War, served as a chaplain in the Union army, as an alderman from Natchez, MS and as a State senator. After completing his short term in the U.S. Senate, he returned to become secretary of state of Mississippi and president of Alcorn Agricultural College. Of all these accomplishments, however, he will be most remembered for having integrated the U.S. Senate.●

SIGMUND STROCHLITZ ON ISRAELI-PALESTINIAN CONFLICT

● Mr. DODD. Mr. President, I would like to bring to the attention of the Senate an excellent article from the New London Day that was written by a constituent and close friend of mine, Sigmund Strochlitz.

Ziggy, as he is affectionately known, is an admirable individual who has devoted his life to bridging the gap and differences among peoples. A Holocaust survivor, he has taken an active role in national and international human rights issues.

The plight of the young suffering from the Israeli-Palestinian conflict is a matter which is of great concern to all of us. His article will not resolve the current conflict, but it will make many think about the larger issue of human suffering that has resulted from the instability of the region.

I ask that the article be printed in the Record.

The article follows:

[From the New London Day, Feb. 14, 1988]

AN AMERICAN JEW'S FAITH IN ISRAEL'S HUMANITY

(By Sigmund Strochlitz)

I am saddened by the violence and pictures of Arab teenagers throwing rocks and Molotov Cocktails at not much older Israeli soldiers. I am appalled by the shootings and beatings and the psychological damage to young people growing up to hate each other. I am distressed by extremists on both sides gaining the upper hand and even more so by the pronouncements of Arab leaders that they will turn Israel into another Lebanon.

Isn't one Lebanon enough? One hundred thousand people were killed in Lebanon in the last few years and the killing is still going on. Moslem Arabs fighting Christian Arabs, one brother against another, Shiites killing Palestinians and Sunni Moslems fighting the druze community. When will the Arab leaders come to their senses and help build a climate of cooperation and nonconfrontation, and in the process accept Israel's right to exist?

Having said that, let us understand that the problem in Gaza and the West Bank did not begin in 1987. The refusal of the Arab Nations to accept the 1947 decision of the United Nations to partition Palestine into an Israeli and Palestinian state is the root of the problem. Had the Arabs accepted the United Nations plan, there would today be a separate Palestinian state living alongside a Jewish state.

Instead of agreeing to peace with Israel, the Arabs attacked the new nation, urging the Arabs living in Palestine to leave their homes and promising them that they would return with the victorious Arab armies and drive the Jews into the sea. That did not happen. But a refugee problem was created by their own leaders who betrayed them and have kept them in refugee camps for 40 years in order to use them as political pawns.

If that is not enough, let us remember that in 1967, 20 years later, Israel was forced to fight another war, being attacked by five Arab armies and pleading with King Hussein, on the first day of the war, not to enter the fighting. Israel won that war and those territories lost to King Hussein in 1967 are today referred to by the Arabs as occupied territories.

The war in 1967 was fought in June, and Israel was prepared to give back territories for peace. And yet in September of that year, the Arab States met in Khartoum and issued the famous three nos: "No peace, no recognition and no negotiations with Israel." To this day all Arab nations, except Egypt, continue to be unwilling to talk directly with Israel and help relieve the lot of the Palestinian people. Israel is forced to rule over Palestinians largely because these Arab nations have left no other choice.

I have heard many say that Israel should walk away from the occupied territories in the hope that this gesture would produce enough Arab good will for peace. History and geography counsel against such a gamble. There is a great likelihood that Arab extremists would use these territories as a base that would ultimately constitute a threat to Israel's very existence. Israel should therefore not be discouraged or panicked by reaction to the riots.

It is true that the Arabs have come up with a new tactic. Instead of troops and tanks and planes, they are resorting to stones and Molotov Cocktails. Instead of dispatching trained terrorists to murder Jewish civilians, they are sending young Palestinians against young Israelis. That tactic has put Israel in a position in which anything they do in trying to restore order draws the wrath of the world upon their heads.

Thus, when Israel's troops responded with live ammunition, Israel was condemned. When Israeli authorities sentenced a number of riot leaders to expulsion, Israel was condemned. When the troops shifted from shooting to other methods in order to save lives, Israel was again condemned. I have to ask myself, is there anything Israel can do and not be condemned? Or must Israel not only be good, but also look good at whatever costs. And finally, are we witnessing a repetition of the old scenario that when Jews are being attacked and killed, the world is indifferent. But when Jews defend themselves they are being condemned.

I would like to conclude by quoting a speech delivered by Associate Supreme Court Justice William Brennan during the recent disturbances. Justice Brennan said:

"It may well be Israel and not the United States that provides the best hope for building a jurisprudence that can protect civil liberties against the demand of national security. For it is Israel that has been facing real and serious threats to its security for the last 40 years and seems destined to continue facing such threats.

"The struggle to establish civil liberties against the backdrop of these security threats, while difficult, promises to build bulwarks of liberty that can endure the fears and frenzy of sudden danger guaranteeing that a nation fighting for its survival does not sacrifice these national values that make the fight worthwhile. In this way adversity may yet be the handmaiden of liberty."

For my part I am bound by the modern Jewish imperative that Israel must live. Since I do not daily share its danger, it is not for me to reason how Israel should conduct itself. And yet I have faith in Israel because I have faith in my humanity.

Sigmund Strochlitz, of New London, is a Holocaust survivor who is active in a number of humanitarian causes nationally and internationally.●

INFORMED CONSENT: RHODE ISLAND

● Mr. HUMPHREY. Mr. President, abortion is not a safe, simple procedure to remove the products of conception from a woman's womb. It is a major surgical procedure that involves serious risk and potential consequences to the woman and death to her unborn child. Thousands of women have submitted to this procedure without the full realization of the facts of abortion. My informed consent legislation will ensure that women are given basic information that will enable them to make informed decisions. I ask unanimous consent that a letter from a woman in Rhode Island who supports informed consent be entered into the Congressional Record.

The letter follows:

August 19, 1986.

Dear Senator Gordon Humphrey, I have been a victim of abortion twice. The first time I did not talk to anyone about it. I was just 17 and I was scared and confused. Some years later, I was still confused in life and I had another abortion. Afterwards, I looked back on the whole scene and I was devastated. When I got pregnant the second time, I couldn't make up my mind. It was harder to have the second one because I had promised God that I would never do that again. I was not in my right mind when I went through with it.

I believe they (the abortion clinics) should tell these girls the facts. That at 7 to 8 weeks old the heart beat is traceable, and there are hands and feet, etc. If the people could and would hear the truth, I'm sure there would be a change of heart. I for one know that if I had been told the truth about the fetus and that I would be supported, I would not have aborted the child.

They also don't warn you about the psychological effects which will occur shortly after and will grow progressively worse with time. I have experienced this and can only try to explain and have you understand the excruciating pain that I and many others have endured. You suffer guilt, a sense of loss, the realization of murder. You feel evil, unforgivable, and you lose whatever self respect you had. Those are just a few of the problems.

I don't think that there are many cases where the woman feels a sense of relief. Maybe initially she does, but it doesn't last, no matter what she thinks, or if she tries to deny it.

Words cannot express the torture that I put myself through, and I am writing to you so you can help to put an end to this violence against babies, women, and society itself. I know there are a lot of girls hurting out there and I hope we can save them and the ones who have not experienced this yet. The good Lord has looked down upon me with Mercy and he has given me new life. I pray that I can do whatever I can to inform people of just how horrible abortion really is.

Sincerely,
JAQUELINE A. MURPHY
Cranston, RI●

BIG BROTHERS/BIG SISTERS APPRECIATION WEEK

● Mr. DOMENICI. Mr. President, as an honorary member of the Board of Directors of Albuquerque Big Brothers/Big Sisters, I would like to take this opportunity to thank the more than 50,000 Big Brothers and Big Sisters nationwide who are doing so much for the youth of this country.

In acknowledging the efforts of these generous, loving individuals, we not only say thank you, but we spread the word far and wide to children who need warmth and guidance, youngsters who need the help of organizations like Big Brothers/Big Sisters.

With a commitment of 4-to-6 hours per week over a year period, and at a cost of only $885 per year, Big Brothers and Big Sisters fill a void in our society caused by increasing numbers of one-parent families. While not all children of single-parent families have need of extra-familial support, an estimated one-fifth of children in one-parent families could use a hand.

And the alternatives to the Big Brothers/Big Sisters program can be so frightening for those youngsters in peril. For example, it costs taxpayers $3,000 for each child entered into the juvenile justice system. It costs from $18,000 to $65,000 a year for institutionalization. The normal troubles of childhood must not be allowed to develop into something so serious.

Possibly our most important accomplishment today will involve more than merely thanking the wonderful people involved in Big Brothers/Big Sisters. I am sure my colleagues will agree that the greatest gift will be if we can expand the present programs to include even more of the estimated 3 million children in need of help.

So far, only 200,000 of these can be identified, and resources are available to help only 100,000 children. This means 100,000 children are on waiting lists, because the supply of volunteers fails to meet the demand.

Volunteers, especially men and members of minority groups are needed. And funds are needed at both the local and national levels. There is a particular need to make certain that parents of girls are aware that this service is available to them and their youngsters.

In the State of New Mexico, the Albuquerque Big Brothers/Big Sisters has been helping children for over 20 years. In Albuquerque alone, some 150 youngsters, most of them between the ages of 8 and 14, are benefiting from the program.

With enrollment increasing at a rate of 20 percent annually, with grants from local sources like the Association of Retarded Citizens, and with the addition of new projects, such as a sexual abuse prevention program, Big Brothers/Big Sisters is making a dramatic, positive impact on the lives of many children in the city of Albuquerque.

Increasingly, concerned parents are seeking the kind of support offered by Big Brothers/Big Sisters. They recognize that a Big Brother or Sister is not a substitute parent, but an ally who can help a child through the challenges of growing up. Nothing could be more important to the youth of our Nation. We see drug abuse and crime on the rise, but we see hope offered by our good friends at Big Brothers/Big Sisters of America.●

AMERITRUST'S COMMUNITY SERVICE

● Mr. GLENN. Mr. President, it is a common misconception that U.S. Government checks are fairly easy to cash. After all, these checks, which include Social Security and pension checks, are backed by the full faith and credit of the U.S. Government and might

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very well be the safest instruments in circulation. Unfortunately, it's not quite that simple. Those Americans who choose not to maintain bank accounts must generally pay a substantial fee just to cash their checks. Some senior citizens pay as much as $8.50 or more to cash their Social Security checks.

This situation is intolerable. Last year, my fellow Ohioan, Senator METZENBAUM, tried to amend Federal law to require banks to cash government checks free of charge. I understand he may try again this year. His efforts are a move in the right direction; I would hope that a compromise can be reached this year.

One Ohio bank did not wait for congressional action—to its great credit. The AmeriTrust Development Bank of Cleveland recently introduced a "DirectCheck" program to meet the needs of Social Security and other government beneficiaries. The DirectCheck account is free as long as a customer uses direct deposit and writes a maximum of six checks a month.

I commend AmeriTrust for developing this outstanding program, and submit the following complimentary article from the January 1988 edition of Consumer Reports for the RECORD.

The article follows:

A BETTER WAY TO CASH GOVERNMENT CHECKS

The checks you know won't bounce are U.S. Government checks for Social Security, pensions, and the like. They should be the easiest to cash. But about 20 percent of the adults in the U.S. don't have a bank account and often find it inconvenient and expensive to cash one of Uncle Sam's checks.

Many of those people spend hundreds of dollars each year to cash Government checks at storefront check-cashing outlets, which charge an average of $8.50 to cash a $500 Social Security check.

Congress, concerned about the exorbitant cost of cashing Government checks, proposed last year that banks be required to cash Government checks free. But bankers protested, claiming that cashing checks from nondepositors would invite fraud and forgery. They also feared the logistical problem of coping with a flood of people on the day the Government checks arrive in the mail.

Congress backed off and requested that the General Accounting Office study the problem. The GAO is scheduled to release a report next month.

One obvious solution to the check-cashing problem is to replace checks with electronic funds transfer. The Government has long encouraged Social Security recipients to use direct deposit so their payments will automatically be credited to their bank account. More than 17 million Social Security checks now go to direct-deposit accounts every month—but nearly 20 million others must be physically deposited or cashed. To facilitate direct deposits, basic banking service should be made available to everyone.

AmeriTrust Development Bank of Cleveland, Ohio, already has demonstrated the effectiveness of basic banking with its Direct Check program, introduced last summer.

The bank used to cash Government checks free for noncustomers, but discontinued the service because it cost about $1-million a year to operate. The Direct Check is free as long as the customer uses direct deposit for Government checks and writes only six checks a month. (There's a $1 fee for each additional check.)

To help persuade people who are intimidated by or ignorant of banking to use the new account, AmeriTrust ran a successful consumer-education program. About half the noncustomers who cashed Government checks at the bank eventually opened a basic account. People who don't want to open a Direct Check account can still cash Government checks at AmeriTrust, but they must now pay a $2 fee. That's about half the cost of the cheapest check-cashing service.

We think more banks should follow AmeriTrust's example. More basic, low-cost checking accounts like the Direct Check program would provide a useful service. They might also forestall congressional action that would be less palatable to banks.●

BURLINGTON, VERMONT BUSINESS PEOPLE

● Mr. LEAHY. Mr. President, one of the joys of living in Vermont is that you get to know so many of the people in your home State.

Recently, a newspaper in Vermont ran an excellent article by Ross Sneyd in which 75 of Chittenden County, VT's business people were asked to rate the 11 most influential business people in the Greater Burlington area.

As a native Vermonter and a Burlington resident, I have had the opportunity of knowing these people throughout much of my life. They are all good friends, but even more importantly, they are among the special group of people who make me so proud of Vermont and of my home city of Burlington. I would like to share with my fellow Senators the reason for this pride and I ask that the article be printed in the CONGRESSIONAL RECORD at this point.

The article follows:

TOP GUNS—CHITTENDEN COUNTY'S ELEVEN MOST POWERFUL IN BUSINESS

(By Ross Sneyd)

Natives only need apply.

When Business Monday asked 75 of Chittenden County's most influential business people who were the most powerful among them, every one of the top choices was either born or raised in Vermont.

The survey, coinciding with the first anniversary of the Free Press Business Monday section, shows that the top guns of Greater Burlington come from different backgrounds—financial, construction, retail and real estate.

But they have a lot in common, too.

They own the land where they build their buildings with money they loan each other. They invest the profits from these ventures to make more money, then they insure the things they build and finally they add up profits and start over.

There's more to the story: This is a group of complex, aggressive people who don't particularly need more riches.

Ranked by their colleagues, Burlington's 11 most influential business people, in order of their ranking, are:

Ray Pecor Jr. of Lake Champlain Transportation Co.

Patrick S. Robins of McAuliffe Inc.

Dudley S. Davis of Merchants Bank.

Angelo Pizzagalli of Pizzagalli Construction Co.

Luther "Fred" Hackett of Hackett, Valine & McDonald.

Harlan C. Sylvester of E.F. Hutton.

Antonio Pomerleau of the Pomerleau Agency.

Robert E. Boardman of Hickock & Boardman Inc.

Ernest Pomerleau of the Pomerleau Agency.

Nancy Lang of Lang Associates Inc.

David Coates of Peat Marwick Main & Co.

All 11 run thriving, profitable companies. All 11 also say making money was not the only reason for their success. Each serves in a variety of other capacities, too, as on boards of directors of area banks, non-profit agencies and economic development companies.

Beyond the impressive titles, there is a common intangible quality among the Burlington 11: influence.

When they see a problem, they pick up a telephone and set in motion the process for solving it. They see an unmet need and they pick up a checkbook and pay to fill it. They see an opportunity and they organize the right people to go after it.

Make no mistake, though. When a job needs doing in Greater Burlington, be it for business or civic purposes, others in the community most often turn to this elite group for help, according to their responses to the Business Monday survey.

These then, are the "top guns" of Greater Burlington.

1. RAY PECOR JR.

Almost 10 years ago, when Greater Burlington's business-people were asked by the Free Press who was a likely "up-and-comer," a person apt to be among Chittendon County's most powerful in a decade, Ray Pecor Jr. was their man.

The prediction, it turns out, was a pretty good one.

Pecor is the top choice of his peers, a man whose counsel is sought by business.

"Hardly a deal goes down that somebody doesn't call him," said McAuliffe Inc. President Patrick S. Robins, one of his long-time friends. "He's just a commonsense, upbeat kind of guy. I'd do a million-dollar deal with Ray on a handshake."

Pecor himself has been in the middle of several key business deals in the last decade, among them the renovation of Champlain Mill in Winooski, the development of Champlain Cable Corp. in Colchester and, most recently, Courthouse Plaza in downtown.

The five-floor plaza, now being readied for its grand opening at Main Street and South Winooski Avenue, has cemented Pecor's position of prestige in Burlington.

The 70,000-square-foot structure, standing in what had been for 15 years an empty lot, is a testament to the 48-year-old businessman's faith in downtown and the city's ability to hold its own against developing suburbs.

After years of false starts by others seeking to develop the site, Pecor took over what was known as the Strong Block, got financing for his project and signed up the area's largest law firm to occupy two floors before the first spade of dirt was turned.

"Ray's a bit of a risk-taker and he hung it out there on this project," said Peter Clavelle, Burlington's community and economic development director. "This building, whether you like it or not, has this statement: It sets a standard for future projects in terms of quality."

The project also tells a great deal about Ray Pecor, the man. "Ray did that project not because there's great short-term profit in it, but because it needed to be done," Clavelle said.

Pecor himself is the first to admit that he doesn't need to build another building to make money. He has that. He is somewhat hard-pressed, though, to explain exactly why he has put so much money into Courthouse Plaza.

He likened the effort to the work he put into renovation of the Champlain Mill, a landmark that had stood idle for years in downtown Winooski.

"I see it (Courthouse Plaza) a lot like the mill," he said, gazing out over Burlington harbor from his Lake Champlain Transportation office on the King Street Dock. "I drove past the mill for years and years and said, 'Somebody should do it.' Nobody did it, so I did it."

Pecor views the Courthouse Plaza and Champlain Mill projects as the responsibility of business leaders such as himself.

"I think a lot of people live here because they love it. It's more than just a place to work," he said. "I'd like to think our role is to make sure the community and the country are as viable as possible."

2. PATRICK S. ROBINS

In Burlington, the Church Street Marketplace and Pat Robins are, more often than not, spoken in the same breath.

As much as anyone, Robins is seen as the guiding force behind the pedestrian mall, an urban revitalization that has come to symbolize a resurgent Burlington.

For years, Robins preached the gospel of creating a downtown centerpiece through the renovation of Church Street. In 1981, his efforts and those of a good number of other people, finally were realized when the Marketplace opened.

The shopping district has succeeded, in large part, because it has been a true example of cooperation between private business and the public sector.

"Church Street I regard as a most successful combined (public-private development) effort," said Luther "Fred" Hackett, president of Hackett, Valine & McDonald and another long-time Burlington booster. "Pat Robins was really the sparkplug behind it."

Robins remains one of the most visible business leaders promoting downtown Burlington. He heads the quasi-public commission that operates and administers the pedestrian mall and lately has been throwing his weight behind improving downtown parking.

At various times, he also has served on the boards of the city's Street Commission, the Water Pollution Control Commission and the Greater Burlington Industrial Corp.

Robins appears to move effortlessly between the world of business and government—he once headed the state Hospital Data Council, for instance—and is looked to as a spokesman for the interests of downtown business people.

Sometimes he is successful in bringing understanding between the two sides because he has the ear of both. With avowed socialist Mayor Bernard Sanders in office and a suspicious business community questioning his every move, that can be invaluable.

For example, members of the city administration credit Robins with lining up support in the business community for a gross receipts tax in 1986, a 1 percent levy on restaurant receipts and a 2 percent tax on hotel revenues that failed four years earlier.

"He's got a lot of credibility and he's articulate," said Peter Clavelle, Burlington's community and economic development director. "When there are issues that involve city business and community relations, Pat is identified as a leader, a spokesperson."

It is a role in which he clearly revels. Although McAuliffe, the state's largest office products supplier, is the base from which Robins works, it is clear his heart is in the various public projects in which he gets involved.

"I think it's a great privilege to do all this stuff," he said. "I don't see myself as part of the 'business community.' . . . I'm interested in public policy issues."

He says he is concerned that the vitality of downtown is not impenetrable and worries out loud about the threat of Maple Tree Place, the Pyramid Co. mall project proposed for Williston.

"While I think what we've got is good, I don't think it's invincible," he said. "It's fragile . . . I think Pyramid (a partner in the mall proposed for Taft Corners in Williston) is a tremendous threat. Ben Frank (another partner in the project) is trying to lull everybody to sleep."

If that happens, Pat Robins surely will be standing by, alarm clock in hand.

3. DUDLEY DAVIS

By national standards, Merchants Bank in Burlington is small.

It has assets of nearly $511 million—not much when compared with the $31 billion of a regional institution like the Bank of Boston.

To owners of small businesses in Vermont, however, Merchants is the equivalent of a Chemical Bank or a Citibank. For it is to Merchants that many enterprising businesspeople turn when they are looking for resources to transform their new ideas into going concerns.

Merchants has been listed as the top "preferred lender bank" in the country by the Small Business Administration because it has written more SBA loans than any of its peers, both large and small.

As president—and conscience—of Merchants Bank, it is Dudley Davis who makes it possible for many of those entrepreneurs to put their ideas to work. He believes it is his responsiblity to support entrepreneurs who show promise.

People trying to establish a business recognize that attitude at Merchants and flock there, said Angelo Pizzagalli of Pizzagalli Construction Co. and a member of the board of directors of rival Howard Bancorp.

"The bank under Dudley's leadership makes things happen with innovative loans if you're just getting started," Pizzagalli said. "People kind of think that the Merchants Bank is the place to make things happen."

One of the last of the homegrown bankers still running a Burlington bank, Davis knows the city and its institutions intimately. While astute when it comes to examining the financial implications of a deal, friends and associates say he also has an uncanny ability to judge accurately the potential success of individual business people.

Davis has a "great sense for up-and-coming entrepreneurs," said Patrick S. Robins of McAuliffe Inc. and a member of Merchants' board of directors.

Michael D. Flynn of Gallagher Flynn & Co. said he believes Davis runs his bank much in the style of the small businesses he supports. "He has vividly demonstrated that entrepreneurship and banking aren't mutually incompatible," Flynn said.

Davis downplays his own role in the business community. "Sometimes I've been able to shed some light," he said in characteristic understatement before turning the conversation back to one of his favorite topics: small business.

"I think it's where the greatest opportunities are for us to exercise our expertise," he said of the Merchants' role. "I don't envision Vermont as a Route 128 (the famous strip of high-tech industries outside Boston) in the next 10 years. Small business, I feel, is where it's at."

4. ANGELO PIZZAGALLI

Angelo Pizzagalli—and the construction firm he heads—is everywhere.

Pizzagalli Construction Co. is the firm behind buildings on the University of Vermont campus, schools across the state and government offices in Montpelier.

His firm has built International Business Machines Corp. plants in Essex Junction and places like Poughkeepsie, N.Y., and sewer and water projects from Texas to the Virgin Islands. Angelo Pizzagalli is the man who occupies seats on the UVM board of trustees, the Howard Bancorp board and the Vermont Industrial Development Authority, among others.

Begun in 1958 by brothers Angelo and Remo Pizzagalli and their dad, Angelo Sr., the firm has exploded in size in three decades, ranking in 1985 as the 105th largest construction firm in the country. The success of the two brothers—Angelo Sr. died shortly after the firm's start—is one of Vermont's most impressive business stories.

"Remo and Angelo Pizzagalli are at the top of my list," said Ray Pecor Jr. when asked whom he views as the top business leader in Chittenden County. "They started out laying bricks, now look at them. They've just been spectacular. They've been great role models in the business community." Brother James Pizzagalli is also an integral part of the business.

Some business leaders, such as Pecor, view the brothers as a matched set, saying it is impossible to determine who holds the most influence. The majority in the Free Press survey, however, while praising Remo, say it is Angelo who is the force to be reckoned with in the business community.

Angel has served in several capacities on a wide variety of local, state and regional organizations, something for which he has received both praise and criticism.

"Angelo was a hard worker for GBIC," said C. Harry Behney, executive director of the Greater Burlington Industrial Corp. "He headed the sites committee and was instrumental in helping us locate some businesses here. He's a very thoughtful individual and makes a great contribution."

UVM President Lattie Coor said Pizzagalli has an unmatched ability to get things done. "Angelo Pizzagalli has one of the most impressive capacities I have seen to size up problems, understand the nuances, formulate a solution and also make a plan to reach that solution."

The price of success has, at least once, required Pizzagalli to endure criticism that he has used his positions on various boards for personal gain.

In 1979 he was accused of a conflict of interest when his firm won a construction contract for expansion of the Medical Center Hospital of Vermont. He served in several volunteer capacities with the hospital at the time.

"In some instances it almost works against you," he said. "With all the flak we got relative to doing the hospital project, it would have been a lot easier if I had not been associated with the hospital."

Nonetheless, he said, he and other business leaders will continue to give their time to nonprofit and charitable organizations.

"People feel that you can do some good by being on the board of the hospital, the university or United Way," he said. "I honestly think that the people who serve on those boards don't do it for profit or gain."

5. LUTHER F. HACKETT

Luther "Fred" Hackett is a man of two professions.

He makes his livelihood in the insurance business, heading up the successful Hackett, Valine & McDonald in South Burlington.

He also is passionate about politics, an ardent Republican who served in the Legislature and mounted an unsuccessful campaign for governor in 1972.

Those two bases provide the Burlington native with a powerful stage, but at first blush it would appear that the influence of Hackett is on the wane—after all, Democrat Gov. Madeleine M. Kunin is in the Statehouse and an avowed socialist, Mayor Bernard Sanders, rules City Hall.

But Hackett is not to be underestimated. He chairs the Howard Bancorp board of directors and the Vermont Electric Power Co. He also serves on the boards of Central Vermont Public Service Corp., New England Telephone and Central Vermont Railway. He wields considerable influence.

In the Business Monday survey on Chittenden County's top business leaders, Hackett's name turned up on the lists of business-people of every stripe. No matter their political point of view, they respect Hackett.

Accountant Michael D. Flynn of Gallagher, Flynn & Co. said Hackett is one of the powerful who knows how to get things done—regardless of who is in office. Hackett is "in a class by himself," Flynn said. "If anything, his influence within the business community has been enhanced by the Democrats' political successes."

University of Vermont President Lattie Coor said Hackett's business expertise places him among the state's top leaders.

"Fred has considerable understanding of the whole web of this community, from the dark days in the mid '50s . . . through these periods of building a base for our current community," Coor said.

It is a role Hackett clearly relishes, but insists he shares with others.

"I like to do things," Hackett said. "I put in a lot of hours in the course of a week to do the things I do. All (business leaders) find extra time to do a lot of these things."

Despite his obvious taste for politics and the rough-and-tumble world of public policy debate, Hackett said success often lies in organizing behind the scenes to accomplish goals.

"I think folks get interested in things and they just try to sell their idea," he said. "Then they get a group together and do it."

So what has him interested lately? Burlington's Lake Champlain waterfront. Although he does not have any firm ideas for the waterfront, he feels very strongly about the need to develop it. In his position on the board of a major landholder in the area, Central Vermont Railway, his opinion carries clout.

"The waterfront is a great tragedy in my view," he said. "I think the development of that waterfront can only be done effectively by a major, private developer who is willing to be responsive to public needs."

6. HARLAN SYLVESTER

When E.F. Hutton's Harlan Sylvester speaks, Vermont's Gov. Madeleine M. Kunin listens.

So do a lot of other people.

And generally, when Sylvester does voice a postion, it is thoughtful, and thorough. That's his style: He is a man of few, well-chosen words, usually spoken beyond the glare of media attention.

Sylvester is the quintessential behind-the-scenes operator. As chairman of the governor's Council of Economic Advisers, he has a lot of contacts and keeps close track of Vermont's economic fortunes.

Business colleagues see Sylvester's style as an effective one for dealing with the problems confronting the state. "He makes things happen behind the scenes," said Greater Burlington Industrial Corp. executive director C. Harry Behney.

"Harlan tends to know more about the whole picture and is willing to weigh in and do something about it, but usually in the background," said Lattie Coor, president of the University of Vermont.

Sylvester speaks guardedly when discussing his role in state government. He is keenly aware that he serves at the pleasure of the governor and does not want to give the appearance of speaking for her. But there can be no mistaking his influence when he drops by the Pavilion Office Building in Montpelier.

Sylvester and others in business were opposed to last year's plant-closing legislation and made that known to Kunin. A compromise was worked out where the legislation was tabled pending congressional action on the issue.

Another key area where the stockbroker is sure to have influence is in the cleanup of Lake Champlain, an issue with serious business, as well as environmental consequences. "When it's written in the New York Times that there's sewage going into Lake Champlain, what does that do to our tourism?" he asked.

He knows the answer and believes that it's time action is taken. He supports cooperative efforts between Burlington and that state to spend part of Vermont's budget surplus on sewage treatment facilities. He doesn't say what role he played in hammering out such a solution, but he certainly endorses it.

"We've got to have these kind of relations going on regularly, not sporadically," he said.

Making that kind of contribution is something Sylvester grew up with and he views it as a responsibility of a businessman. He takes pleasure in recounting tales of traveling with his father from their St. Albans home to Montpelier so his dad could serve in the Legislature and he could be a legislative page. His current duties, he said, are an outgrowth of those experiences.

"If you're going to make a living in a community, you ought to put something back into it," he said. "I enjoy community activity. You get a lot of satisfaction out of a job well done."

7. ANTONIO POMERLEAU

9. ERNEST POMERLEAU

The Follett House, the stately Greek revival mansion overlooking Lake Champlain, probably says as much about the Pomerleau family as anything can.

For years the historic structure stood decaying at the entrance to downtown while plans to renovate came and went.

Finally, Antonio and Ernest Pomerleau took on the project and through a complicated deal to relocate the Veterans of Foreign Wars and get historic preservation funds, an agreement was worked out.

Then tragedy struck when an arsonist's flames spread through the building on the eve of the contract signing to transfer ownership to the Pomerleau Agency.

Father and son were set back, but not defeated. It took more time and more money, but the Follett House is back to its glory, a beautiful building in which the Pomerleau Agency's real estate operation is housed.

The story of the Follett House can be retold in various forms by Antonio about many of the projects he has spearheaded. The deals are often complicated, always profitable, and usually prominent in the community.

Ernest Pomerleau is following in his father's tradition as president of the real estate division of the Pomerleau Agency. In separate interviews, they both explained their business philosophy—even using the same words. "I think a businessman's got to give, not just take."

Both men have been and still are involved in a wide variety of activities in Burlington, giving them a strong platform from which to shape events. Perhaps the most visible for Antonio were his 17 years as chairman of Burlington's Police Commission.

Ernest, too, is taking an active role, serving on the Lake Champlain Regional Chamber of Commerce and the Downtown Burlington Development Association.

Ernest admits that involvement in the community makes good business sense, but says it also makes the city a better place to live for everyone.

"Doing these kinds of things is less altruistic. We have a huge amount of investment downtown. I can't afford to stand idly by," he said. "But it's really sincere. The Flynn (Theatre renovation) never would have happened without business involvement. You do get caught up in it."

That is an attitude Antonio said he has repeated often and he is happy to see that his son is involved in the family business. "I guess if a father had to write a book saying what he wanted his son to be, Ernie is it," the elder Pomerleau said.

8. ROBERT E. BOARDMAN

At age 55, Robert E. Boardman is studying for his master's of business administration.

His instruction isn't taking place on any campuses lush with ivy. There's no books and no classrooms. Instead, he takes his classes in corporate boardrooms in Montpelier and Burlington, Stowe and South Burlington.

For a start, there is National Life Insurance Co., Trinity College, Fanny Allen Hospital, Mount Mansfield Corp., Green Mountain Power Corp. and Bank-Vermont Corp. where he is chairman. There have been and still are others.

"All of these boards have unique problems and all of them have some common problems," he said. "I consider it getting my MBA without the formal training."

Those positions, combined with the work at his own company, Hickock & Boardman Inc., give him a broad view of the business and financial world in Vermont and keep

him in demand for other boards and commissions.

It is that broad background that draws other business leaders to Boardman, said Richard Fricke, interim president of Bank-Vermont Corp. and colleague of Boardman's on several boards.

"It requires a very broad background of experience in order to make astute suggestions and comments in a wide variety of business fields, which Bob does," Fricke said.

Boardman believes being able to interact effectively with others is the key to his success. He traces his community involvement back to his participation in Jaycees in the late 1950s. He said he encourages young business people to get involved in such an organization because it teaches cooperation and contributes to the community.

"Jaycees was inordinately helpful to me," he said. "We learned what it was to get things done. That opportunity still exists with United Way and others."

10. NANCY LANG

"Hard-working" are the words most often used to describe Nancy Lang.

She got into the real estate business in 1961 working for Hickock & Boardman in Burlington. In 1968, she became the first person in Vermont to sell more than $1 million in real estate.

The following year she opened her own firm with a paltry stake of $15,000. She has parlayed that small investment into a thriving business which employs 30 associates and is one of the leaders of the area's competitive real estate pack.

Through that success she has gained influence and become perhaps the most powerful female business leader in Greater Burlington. Integrity and hard work are hallmarks of Nancy Lang, respondents to the Business Monday survey said when naming her as a top business leader.

"Nancy has done a hell of a job," said Antonio Pomerleau, a long-time real estate leader in Burlington. "The real success of business is timing and judgment. I remember when she became successful in real estate. She did it through a lot of hard work."

Lang also serves on the boards of a variety of institutions, including Bank-Vermont Corp. and United Way.

Her colleagues on those boards have come to value her skills—even if she didn't come to Vermont until she was in high school, Lang joked.

"I think they're trying to adopt me and I'm willing," she said of her colleagues. "After all I married a Vermonter."

Lang said she picks up just as much if not more from her board colleagues. "It keeps you looking in both directions and develops important skills," she said. "You can never do it alone. It's always a team does it. The thing a leader has to do is choose the right team."

11. DAVID COATES

David Coates is in a perfect spot to observe the comings and goings of Burlington's business people.

From his fourth floor corner office at the top of Church Street, he can watch the action on the Marketplace.

He also sees first-hand the business activity of many of Greater Burlington's business leaders in the hallways outside that office because many of them are clients of Peat Marwick Main & Co., the accounting firm which recently bought P.F. Jurgs & Co.

Coates, the firm's managing partner, is a quiet, soft-spoken man, but his opinions carry weight in Greater Burlington's business community. He does not carry a high public profile—"it's sometimes easier to to get things done not in a large public meeting," he said—but he does behind the scenes.

Nancy Lang of Lang Associates, who serves on the Bank-Vermont Corp. board with Coates, said he has "the ear of many. He is quiet, but always there to help."

In addition to his seat on the board of Bank-Vermont, Coates has also served United Way, Trinity College and a variety of other institutions. His advice and counsel is sought after by for-profits and non-profits alike because of his knowledge of business in general and Greater Burlington in particular.

Business leaders ask Coates for advice on mergers, acquisitions and personnel in addition to typical accounting chores such as tax planning, said Patrick S. Robins of McAuliffe Inc.

Coates said he believes it is best to step back and see the whole landscape when conducting business.

"It's more than just a single focus," he said. "The role of the business community is much more than to take of your business. If we are successful, not only does our business prosper, the area prospers."●

PROBLEMS WITH AN OIL IMPORT FEE

● Mr. GLENN. Mr. President, a number of the candidates running for President have advocated imposing a tariff on imported oil as a way of raising revenue to reduce the budget deficit. I believe it's a terrible idea.

First, it is a very inefficient way to raise revenue since an increase in the price of imported oil would allow domestic producers to raise their prices as well. Since oil remains a critical raw material, the American consumers should expect to see price increases across the board, not only for gasoline and home heating oil but also petrochemicals and other oil-based products. Congress should also consider the impact of an oil import fee on our neighbors to the North and South; Mexico especially relies on oil exports to stimulate growth domestically as well as service their debts to American banks.

The Akron Beacon Journal ran an editorial on February 15, 1988, that made these points especially well. I ask that portions of it be included in the RECORD.

The article follows:

MIRAGE OF THE OIL IMPORT FEE

New Hampshire voters are hearing much about an oil-import fee as primary day approaches.

Democratic candidates Richard Gephardt, Paul Simon, Gary Hart and Jesse Jackson all support a tax on imported oil. Republican Robert Dole has said he wouldn't rule out the idea as part of a plan to reduce the federal budget deficit.

From a Democrat or a Republican, an oil-import fee is bad policy. A $5-per-barrel tax on imported oil would raise about $8 billion a year, according to the congressional Joint Committee on Taxation. But the country would receive little for the price. If tax increases are needed—and they are, along with spending cuts—there are far better ways to raise revenue.

An oil-import fee would amount to an egregious subsidy for the domestic oil industry. Taxing foreign oil would lift the floor price for domestic producers. They'd receive a huge windfall, based not on better business practices but, in effect, because of a tax placed on consumers.

Gephardt and others argue that an oil-import fee would make good energy policy. "We don't want to be dependent on OPEC oil," he has said.

To be sure, oil conservation is wise, but an import fee would miss the mark. For starters, the United States receives very little oil from Arab nations; Saudi Arabia was the only Arab nation among this country's top 10 oil importers last year. An import fee would be a slap to oil-producing friends and allies such as Canada, Mexico and Great Britain. Indeed, it would be illegal under the proposed U.S.-Canadian trade agreement, not to mention a possible violation of international trade rules.

The complications, however, hardly stop there. Implementing an import fee would be a headache. The burden of the tax would fall most heavily on the Midwest and Northeast. Lawmakers from those areas could be expected to seek exemptions, and they would likely get them, diminishing the import fee as a tool for deficit reduction.●

DR. CARL RAYMOND RENG

● Mr. PRYOR. Mr. President, Arkansans were saddened last week by the death of Dr. Carl Raymond Reng, former president of Arkansas State University. I join the other members of the Arkansas congressional delegation and the entire State in grieving the loss of this fine man and remembering his many contributions to higher education in Arkansas.

Dr. Reng became President of ASU 37 years ago when it was Arkansas State College. He was best known for spearheading the drive in 1967 that gained the institution university status—his long sought after dream. In essence, this achievement was a reflection of his own enthusiasm and leadership that led to unprecedented growth for the institution.

During his 24-year tenure at ASU, Dr. Reng had a superb record in construction progress and academic achievements. At the time of his retirement, the ASU Herald reported that every building on the campus had been either erected or renovated during his tenure. Moreover, the number of baccalaureate degree programs more than tripled from 21 to 69. Also, the number of faculty members holding doctorate degrees was only 11 at the time he came to Jonesboro in 1951, and had jumped to 166 by the time he retired.

I strongly believe that our Nation's unmatched level of prosperity and intellectual advancement has been made possible by the outstanding education provided our citizens by American colleges, universities, and administrators.

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Indeed, a source of America's success can be found in these men and women who dedicate their lives to enriching the minds of our youth—the future of this great country. Mr. President, Dr. Carl Raymond Reng was indeed one of these dedicated individuals.

I count myself fortunate to have known him as a good friend. I shared his pride in his great accomplishments and I deeply mourn his passing. I join my fellow Arkansans in paying tribute to a man who has left lessons, impressions, and marks for his successors that will long be remembered.●

HOMELESSNESS IN AMERICA

● Mr. CHILES. Mr. President, the President said in his budget that we are increasing assistance to the homeless in America.

A look at his budget shows otherwise.

The budget sent to the Hill claims a 4-percent increase in homeless funding over last year's levels.

A closer look shows, however, that the administration actually recommends cuts of 52 percent, or $414.8 million, from last year's program levels.

This recommendation is particularly disturbing in light of recent disclosures that even current food resources for the homeless, such as surplus food commodities and the temporary emergency food assistance programs, are closing down.

Homeless assistance should remain a national priority and I've asked Budget Director James Miller to show how the administration can claim a 4-percent increase in homeless funding when our analysis shows a 52-percent decrease.

Mr. President, I ask to include a letter to Mr. Miller, a table showing the funding levels, and the President's response to a question at a press conference last night about the same issue.

The material follows:

U.S. Senate,
Committee on the Budget,
Washington, DC, February 25, 1988.

Dr. James C. Miller,
Director, Office of Management and Budget, Washington, DC.

Dear Jim: On page 2b-13 of the President's budget, the Administration proposes $0.4 billion in funding for Federal programs or activities specifically targeted to homeless individuals. The President claims that "this funding level is four percent above the 1988 level of funding for homeless provided by Congress."

Senate Budget Committee staff contacted analysts at OMB to discuss the specific program levels comprising the $0.4 billion in 1989 funding. Upon further review, the numbers provided by OMB appear insufficient and incomplete to meet the claim that the President's budget included a four percent increase over 1988 funding levels.

Our analysis indicates that the President's proposed budget for FY 89 would cut total funding for the homeless from $791.9 million in FY 88 to $377.1 million in FY 89; that cut of $414.8 million would constitute a 52 percent drop in the current program level.

A copy of the Committee Staff's comparable homeless funding analysis is enclosed. Please review this document and advise me of any discrepancies. Thank you for attention to this concern.

Sincerely,

Lawton Chiles.

The President's Homeless Proposal

On page 2b-13 of the President's 1989 Budget proposal, it is claimed that the President funds $0.4 billion for programs and activities for homeless individuals, a claimed 4 percent increase. When actual 1988 total program and new funding levels are compared to the comparable figures in the President's 1989 budget submission, a different story emerges. The President is actually proposing a cut of $414.8 million, or 52 percent, from the 1988 program level. The President also proposes a cut of $114.8 million, or 37 percent, in new funding from 1988.

HOMELESS FUNDING

[Budget authority in millions]

	1988 actual		1989 President's budget	
	Total program	New funding	Total program	New funding
HOUSING				
Single room occupancy	$35.0	($0.0)	$0.0	($0.0)
Supplemental	15.0	(0.0)	0.0	(0.0)
Transitional/supportive	[1] 144.3	[1] (64.3)	75.0	(75.0)
Section 202 setaside	141.5	(0.0)	50.0	(0.0)
Emergency shelter grants	58.0	(8.0)	0.0	(0.0)
Subtotal budget authority	393.8	(72.3)	125.0	(75.0)
EDUCATION AND JOB TRAINING				
JTPA	9.6	(0.0)	0.0	(0.0)
Education for homeless children	8.3	(0.0)	0.0	(0.0)
Literacy for homeless adults	14.1	(0.0)	0.0	(0.0)
FSA—Services for the homeless	25.5	(0.0)	0.0	(0.0)
Runaway homeless youth programs	26.1	(25.1)	26.1	(0.0)
Subtotal budget authority	83.6	(26.1)	26.1	(0.0)
HEALTH				
Homeless Health	60.0	(14.0)	15.0	(15.0)
Homeless Mental Health [NIMH]	9.3	(0.0)	4.7	(0.0)
Homeless Alcoholism [NIAAA]	9.2	(0.0)	4.6	(0.0)
Community Supp't Prog Demos	0.0	(0.0)	13.8	(13.8)
Homeless Mental Health Block Grant [ADAMHA]	0.0	(0.0)	14.3	(14.3)
Veterans Administration	32.0	(0.0)	13.0	(0.0)
Subtotal budget authority	110.5	(14.0)	65.4	(43.1)
MISCELLANEOUS				
FEMA	124.0	(124.0)	80.0	(80.0)
USDA Food Stamps	[2] 77.0	[2] (77.0)	77.0	(0.0)
Interagency Council	[1] 0.7	[1] (0.7)	1.2	(1.2)
DOD Assistance	2.3	(0.0)	2.4	(0.0)
Subtotal budget authority	204.0	(201.7)	160.6	(81.2)
Total budget authority	791.9	(314.1)	377.1	(199.3)

[1] In 1988, the Interagency Council is funded by a $750,000 transfer from the transitional housing program.

[2] Projected one-year funding resulting from statutory "entitlement" changes first implemented in 1988.

Note.—Funds in parentheses indicate new funding provided for a program, and are included in the total program levels.

[From the Washington Post, Feb. 25, 1988]

Helping the Homeless

The budget that you have proposed to Congress would cut, would eliminate three housing programs for the homeless. It would make deep cuts in an emergency food program, and it would end a job-training program for the homeless. Do you believe that the problem of the homeless is less pressing now than just a year ago when you signed legislation from Congress to create these programs?

No, but I do know that we're doing a great many things, and we also are keeping track of the extent to which the private sector is joining in and helping on this. And this budget is the result of long, long weeks of negotiation, with the Democrats and ourselves, and I think that we're meeting the problems.

Again, I also have to say that sometimes our budget and programs can reflect another program we've had going which is a management program, and we have had a team for a considerable period of time now that had been actually investigating the management practices of government programs as compared to the way they're done in the private sector. And there are millions and millions of dollars that are being saved so that something that maybe looks smaller does not mean that the people in need are going to get less. It means that we are able to provide that with less administrative overhead.

When I came here from a governorship, as a governor I had seen federal programs administered in our state in which it was costing the federal government $2 for every $1 that reached a needy person. This is something we've been trying to change, and we've made some progress in it.●

BIG BROTHERS/BIG SISTERS APPRECIATION WEEK

● Mr. DODD. Mr. President, today I am recognizing Big Brothers/Big Sisters Week, which is being observed nationwide the week of February 21–27, 1988. Over 50,000 volunteer men and women are currently providing 1 to 1 informal friendship to children, ages of 6 and 17, who are primarily from single parent homes.

For over 80 years, Big Brothers and Big Sisters have helped youngsters through the trials and tribulations of growing up by giving them supportive, mature friendship and informal guidance. Studies have shown that these "special" relationships are highly effective in preventing juvenile delinquency and emotional problems and in preparing children for adulthood.

I commend the nine local Big Brother/Big Sister organizations in my home State of Connecticut: Bradford, Bridgeport, Enfield, Hartford, New Britain, New Haven, New London, Waterbury and Willingford. Along with the 1 to 1 contact the volunteers have with the participants, there are various outings throughout the year, with an annual Halloween and Christmas party.

I appreciate the time and work to which the Big Brother/Big Sister volunteers have committed themselves. I am certain that the young people with whom they work are even more grateful for their dedication. I applaud them all.●

TRIBUTE TO JACLYN ROBERSON, POSTER CONTEST WINNER FOR A DRUG-FREE AMERICA

● Mr. BINGAMAN. Mr. President, I would like to take this opportunity to honor a very special young lady from my State, Miss Jaclyn Roberson. Jaclyn is a first grade student at Tomasita Elementary School in Albuquerque, NM. Recently, she was named 1 of 2 winners in a nationwide poster contest sponsored by the White House Conference for a Drug-Free America.

The White House Conference for a Drug-Free America was established under the Omnibus Drug Abuse Prevention Act passed by the Congress and signed into law in October 1986. It is very gratifying to see the positive effects this legislation is beginning to have in the lives of American youth across the country. As one of its duties, the conference established 10 committees that have traveled across the country working with concerned citizens to establish community-based drug abuse prevention programs. In preparation for the arrival of the committee, the public schools in each host city sponsored a city-wide poster contest.

The principal of Tomasita Elementary School, Ms. Terry Toman, and Jaclyn's first grade teacher, Ms. Marietta Ravenscraft, should be commended for their success in encouraging their students to participate in the poster contest and to discuss the dangers of drug abuse in the classroom. Ms. Ravenscraft and her students spent a considerable amount of time discussing choices, decisionmaking, and peer pressure. She asked her students to make posters that reflect the many alternatives to drug use. The result was Jaclyn's winning poster, which depicts two children facing each other with large hearts drawn on their chests. The caption below reads, "No to Drugs, Yes to Talking to a Friend."

Jaclyn will be honored in Washington, DC, during this city's week-long Conference for a Drug-Free America, beginning February 28, 1988. Nearly 1,000 people are expected to participate. Jaclyn will be accompanied to the conference by her parents, Patti and Brent Roberson, and her sister. Mr. and Mrs. Roberson also should be congratulated for their important role in their daughter's wonderful achievement. Mr. Vic Scherzinger of Cottonwood Printing in Albuquerque also deserves praise. He donated his time, money, and talent to print 2,000 copies of Jaclyn's poster, which will be distributed at the conference.

I congratulate Jaclyn, her family, and teachers, and I wish continued success to the White House Conference for a Drug-Free America. The dedication and resolve of all individuals involved in the conference and programs like it across the Nation will go far in our battle against drug abuse.●

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished Senator from California, who is presently the acting leader on the other side of the aisle, as to whether or not the following calendar orders on the Executive Calendar have been cleared for action: Calendar Orders 533, 534, 535, 536, 537, 538, and 539, all of which appear on page 4 of the Executive Calendar.

Mr. WILSON. They have, Mr. President.

Mr. BYRD. Mr. President, I thank the Senator.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the aforementioned calendar orders on the Executive Calendar, that they be considered en bloc, agreed to en bloc, that the motions to reconsider en bloc, be laid on the table, that the President be immediately notified of the confirmation of the nominees, and that the Senate, which went into executive session, resume legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

The Judiciary

Malcolm J. Howard, of North Carolina, to be U.S. district judge for the eastern district of North Carolina.

Stephen M. Reasoner, of Arkansas, to be U.S. district judge for the eastern district of Arkansas.

Rudy Lozano, of Indiana, to be U.S. district judge for the northern district of Indiana.

Department of Justice

John E. Fryatt, of Wisconsin, to be U.S. attorney for the eastern district of Wisconsin for the term of 4 years.

Patrick J. Fiedler, of Wisconsin, to be U.S. attorney for the western district of Wisconsin for the term of 4 years.

Edgar W. Ennis, Jr., of Georgia, to be U.S. attorney for the middle district of Georgia for the term of 4 years.

Charles A. Banks, of Arkansas, to be U.S. attorney for the eastern district of Arkansas for the term of 4 years.

LEGISLATIVE SESSION

RAIL SAFETY IMPROVEMENT ACT

Mr. BYRD. Mr. President, on behalf of Mr. Hollings, I ask the Chair to lay before the Senate a message from the House on S. 1539.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the House insist upon its amendments to the bill (S. 1539) entitled "An Act to amend the Federal Railroad Safety Act of 1970 and for other purposes," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Dingell, Mr. Thomas A. Luken, Mr. Slattery, Mr. Lent, and Mr. Whittaker be the managers of the conference on the part of the House.

Mr. BYRD. Mr. President, on behalf of Mr. Hollings, I move that the Senate disagree to the amendments of the House, agree to the conference requested by the House on the disagreeing votes between the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Chair (Mr. Conrad) appointed Mr. Hollings, Mr. Exon, Mr. Adams, Mr. Danforth, and Mr. Kasten conferees on the part of the Senate.

NATIONAL AGRICULTURE DAY

Mr. BYRD. Mr. President on behalf of Senator Leahy and others, I ask unanimous consent to introduce and place on the calendar a joint resolution proclaiming March 20, 1988, as National Agriculture Day.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 3980 PLACED ON THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that H.R. 3980, a bill relating to technical corrections to the agricultural credit laws be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2091 HELD AT THE DESK

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2091, a bill introduced today by Mr. Durenberger, and the accompanying amendment, No. 1468, be held at the desk until the close of business on Monday, February 29, 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BYRD. Mr. President, does the distinguished Senator from California [Mr. Wilson], who is the acting leader, have anything further he would like to say or any further business he would like to transact?

Mr. WILSON. I thank the majority leader.

Mr. President, the only thing that I would add is that in the wake of the cloture vote, should cloture fail, and the majority leader should seek to move to other items, one of those items is Calendar No. 541, Senate Res-

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olution 381, having to do with committee funding resolutions.

I advise the majority leader at this time that the minority will seek a rollcall on the final disposition of the resolution.

Mr. BYRD. Mr. President, I thank the Senator for so notifying the Senate, that a rollcall vote will be sought on passage of Senate Resolution 381, Calendar 541.

The distinguished assistant Republican leader, before he left the floor a few moments ago, indicated to me that on tomorrow—I believe I am accurately stating the facts—that would be the measure that would be taken up by the Senate, he thought. Therefore, that being the case, I would like to proceed to that tomorrow, following the cloture vote, and Senators are alerted that there will be a rollcall vote on that measure.

May I say that I have also discussed with the able assistant leader, Mr. SIMPSON, the taking up of a resolution dealing with Afghanistan tomorrow, on which, hopefully, he and I can act as chief cosponsors. In that case, that will be a rollcall vote.

Mr. President, does the distinguished acting Republican leader have anything else? I thank him again for stating the fact that we might have a rollcall vote on Calendar No. 541.

Mr. President, the order for the convening of the Senate on tomorrow at 9 a.m. has been entered, has it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. And the order has been entered for a recess over until tomorrow?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that on tomorrow, the first hour of the cloture rule be divided equally between Mr. BOREN and Mr. McCONNELL; that the time of the two leaders, the recognition of the two leaders under the standing order, be waived; that 10 minutes of the 1 hour under the cloture rule be reserved to the use of Mr. SIMPSON; and that 10 minutes of the 1 hour under the cloture rule be reserved to me.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, has not the mandatory quorum under the rule been waived?

The PRESIDING OFFICER. Yes, it has.

Mr. BYRD. Am I not correct, Mr. President, in stating that even though the mandatory quorum has been waived, any Senator retains his right to suggest the absence of a quorum just prior to the cloture vote?

The PRESIDING OFFICER. The Senator is correct.

PROGRAM

Mr. BYRD. Mr. President, the Senate will come in tomorrow at 9 a.m., following a recess.

The 1 hour under the cloture rule will begin running immediately after the prayer, and will be inclusive of the prayer, as a matter of fact. A rollcall vote will occur on the motion to invoke cloture at 10 a.m., barring a quorum call. I do not presently anticipate a quorum call.

That rollcall vote will be a 30-minute vote by order previously entered. I hope that Senators will be present and voting. I have not asked that the regular order be automatic at the conclusion of 30 minutes, but I shall do so at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Further rollcall votes are expected to occur tomorrow, one or two are possible. Such rollcall votes have already been discussed.

Mr. President, I thank all Senators for their patience that has been shown, I think at one time or another, at least, by every Senator here during this debate. The vote will occur on cloture, I hope that cloture will be invoked. I am not at this hour under any delusions about it. But as I have stated before, this is an issue that will not go away. There has been a suggestion that this particular bill at this particular time may not survive a cloture motion vote tomorrow, but no Senator should be under the impression that this issue is going away. Nor should anyone be under the impression that the issue will not be revisited in some form this year.

So, Mr. President, having said that I again ask my friend if he has anything further he wishes to say. If not, I shall move that the Senate go out.

Mr. WILSON. Mr. President, I do not. I thank the distinguished majority leader.

Mr. BYRD. Mr. President, I thank the Senator again.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. BYRD. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until the hour of 9 a.m. tomorrow morning.

The motion was agreed to and the Senate, at 7:24 p.m., recessed until 9 a.m., Friday, February 26, 1988.

NOMINATIONS

Executive nominations received by the Senate February 25, 1988:

THE JUDICIARY

ALEX R. MUNSON, OF THE NORTHERN MARIANA ISLANDS, TO BE JUDGE FOR THE DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS FOR A TERM OF 10 YEARS, VICE ALFRED LAURETA, TERM EXPIRING.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KENNETH J. BEIRNE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JUNE Q. KOCH, RESIGNED.

OFFICE OF PERSONNEL MANAGEMENT

HUGH HEWITT, OF MICHIGAN, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE JAMES E. COLVARD, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

GEN. ROBERT H. REED, 407-28-7281FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 801:

To be general

LT. GEN. JONN A. SHAUD, 280-30-7739FR U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE REASSIGNED IN HIS CURRENT GRADE TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. HARRY A. GOODALL, 288-28-0199FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ROBERT C. OAKS, 528-42-8163FR, U.S. AIR FORCE.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 25, 1988:

THE JUDICIARY

MALCOLN J. HOWARD, OF NORTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTICT OF NORTH CAROLINA.

STEPHEN M. REASONER, OF ARKANSAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS.

RUDY LOZANO, OF INDIANA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHEN DISTRICT OF INDIANA.

DEPARTMENT OF JUSTICE

JOHN E. FRYATT, OF WISCONSIN, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF 4 YEARS.

PATRICK J. FIEDLER, OF WISCONSIN, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF 4 YEARS.

EDGAR W. ENNIS, JR., OF GEORGIA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS.

CHARLES A. BANKS, OF ARKANSAS, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF 4 YEARS.

EXTENSIONS OF REMARKS

INSURANCE CRISIS

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. SWIFT. Mr. Speaker, I would like to share with my colleagues a transcript from a recent "60 Minutes" program that took a critical look into some of the anecdotal evidence used by the insurance industry to make their case for Federal preemption of State tort laws. I have no doubt that there are cases—perhaps numerous cases—of juries and the court system overcompensating accident victims, or hitting manufacturers with unfair verdicts. And if you ask the trial lawyers they will be just as happy to serve up equally anecdotal evidence to help make their case.

But that gets to what I feel is a central problem in this whole product liability debate. We in Congress are being asked to make some very tough choices on Federal preemptions of State law without the information we need if we are to track whether or not we made the right decisions. I find it disturbing that we have so little hard data available to us when we are expected to craft a Federal products liability bill that will have such serious implications for the courts, manufacturers, and our constituents.

At the upcoming Energy and Commerce Committee markup, I expect to introduce an amendment that will authorize the Department of Commerce to collect and analyze data that is already publicly available on product liability insurance. It's important to be able to monitor how well we have succeeded in legislating product liability reforms if we are to help ensure that our constituents don't go through another liability insurance crisis after our assurances that we fixed the problem.

The following transcript is very relevant to the debate:

INSURANCE CRISIS?

BRADLEY. The insurance industry says we're in the midst of a giant lawsuit crisis . . . and on the face of it, they have a pretty good case. We've all heard of crazy lawsuits and outrageous jury awards. For instance, about the man in Oregon who won a million and a half dollars from Ford after the Pinto he was driving collided with . . . a horse! And the psychic in Philadelphia who won a million dollar jury verdict after claiming a cat scan robbed her of her psychic powers.

The insurance industry thinks that's ridiculous and wants states to put limits on jury awards. Recently, they made a series of commercials that say the lawsuit crisis is even worse than you might imagine.

MAN (excerpt of commercial): One out of nine obstetricians surveyed have stopped delivering babies. Some mothers have had to find new doctors. Others have had to travel elsewhere to give birth. It's part of the lawsuit crisis. Today's schools are thinking about cancelling football and other major sports. It's part of the lawsuit crisis. Our cities are in a bind. Money needed for fire fighters, police, and other services is being used to pay the price of the lawsuit crisis. New York City says lawsuits may soon cost as much as the Fire Department.

BRADLEY. Well, what about it? For openers, leading experts on manpower shortages in medicine tell us lawsuits are causing no shortages of obstetrical services now, nor will they in the foreseeable future. About high school sports, for the last seven years we've found just six successful lawsuits against schools sports programs. In other words, less than once a year one school sports program, one out of 20,000 throughout America, pays out on a lawsuit. And what about those threatened city services? A New York City official did once say that lawsuits may soon cost as much as the city's Fire Department. But he doesn't say it anymore. It was his office admitted, an overstatement. Last year, for every dollar the city spent to settle legal claims, it spent more than four dollars for fire protection. This magazine ad is also part of the insurance industry campaign. It says "Clergymen are being sued because of their advise." Well, it's hardly a crisis. It's happened twice, and not one penny has been paid because a pastor gave a parishioner a bum steer. But what about the stories of plaintiffs who have gotten huge awards? Charles Bigby was in a phone booth hit by an allegedly drunk driver.

All of the time you saw that car coming toward you?

BIGBY. I saw it coming toward me, yes sir. The angle that she hit the phone booth forced the glass inward, and it just chewed my leg off right there at the spot.

BRADLEY. Glass cut your leg off.

BIGBY. Cut it right off.

BRADLEY. Bigby sued the driver and the phone company. When the California Supreme Court said he was entitled to a jury trial, President Reagan had one of his favorite lawsuit stories.

President REAGAN. That's right. According to Chief Justice Rosebird of the California Supreme Court, a jury could find that the companies responsible for the design, location, installation, and maintenance of the telephone booth were liable. I suppose all this might be amusing if such absurd results only took place occasionally. Yet today, they have become all but commonplace.

BRADLEY. Cruz Renoso is a former California Supreme Court Justice, one of the six justices, six out of seven who said Bigby was entitled to jury trial.

Justice RENOSO. What the President has done is to take a case and dramatize it by leaving out a great many of the facts that are involved, and therefore putting it in a context that appears to be silly. Important in this matter, not mentioned by the President, was that there had been a previous accident at precisely the same side with precisely the same . . . the same booth.

BRADLEY. The possibility the booth may have been placed at an unsafe location wasn't the only thing the President failed to mention.

What happened when you tried to open the door?

BIGBY. Well when I tried to open the door, it would not open.

BRADLEY. According to the sworn testimony of an eyewitness that is exactly what happened.

BIGBY. He said that "the last thing he saw Mr. Bigby doing was pulling at the door, struggling to get out." That was just before the car impact, and hit the phone booth.

BRADLEY. You're aware of what President Reagan has said about . . . about your case?

BIGBY. They're saying that my case is outrageous. But he doesn't tell them that the phone booth had been struck previously. He doesn't tell them I was stuck in the phone booth. He doesn't tell them I had to stand there and just get run over, like an animal. He don't say all that.

BRADLEY. The Bigby case never reached a jury. Rather than face a jury trial, the telephone company agreed to pay Bigby a substantial sum of money.

In Oregon, there's the case of the Ford Pinto that hit a horse which had bolted through a farmer's fence. Steven Green and his wife were in the car.

Mr. GREEN. I opened the driver's door, and I noticed my wife. I called out, "Carrie, are you okay?" And I noticed the whole roof structure on the . . . the side of me was down. I couldn't even see her head.

BRADLEY. Green tried to pull his wife out from under the crushed roof.

Mr. GREEN. And that's when I noticed all the face injury she had to her head and skull.

BRADLEY. So the roof had just come in on top of her.

Mr. GREEN. Collapsed.

BRADLEY. Her skull was caught.

Mr. GREEN. Her skull was wide open sir.

BRADLEY. Green sued Ford claiming a stronger roof would have saved his wife's life. His lawyer has a testing lab do this simulation of the horse, Pinto collision. Based on it, two former Ford engineers testified "the roof was unreasonably dangerous." A former employee also testified "Ford had a practice of concealing unfavorable test results by repeating tests until one car finally passed." The jury decided to award Green one and a half million dollars. That seems ridiculous to Assistant Attorney General Richard Willard who often cites the Green case in the Reagan Administration's effort to limit jury awards.

WILLARD. It seems to me, it's a matter of common sense, unlikely that you could ever design a car that would be so strong that you could get involved in a head on highway crash with a horse, and not run a serious risk of injury.

BRADLEY. Even *Forbes Magazine* chimed in. "How do you horse proof the roof of a compact car?" But Judge Williams Riggs who heard the Green case said there was nothing ridiculous about the jury's verdict.

Judge RIGGS. Out here in the west horse and automobile collisions are not terribly unusual. They might be in mid Manhattan. But in Oregon, there's really a surprising number of livestock/automobile collisions.

BRADLEY. Why do you think they would have chosen this case as an example that the jury system had gone haywire?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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Judge Ri[illegible]s. Well, it's kind of a sexy issue, a horse flying through the air hitting the car. I mean, that does sound like a little bit of an unusual case. If this case had been a simple roll over where the Ford had rolled over, and exactly the same thing occurred, the roof crushed, killed the passenger, with exactly the same degree of force placed on the roof that occurred when the horse hit the roof, you probably would never have heard of this case. This case would have been long forgotten.

Bradley. Then there's the case of Joe Cota, who suffered extensive burns when his motorcycle was in a collision and burst into flames. A jury found the cycle had a defective gas tank, and awarded Cota three and a half million dollars. That verdict led an Arizona business coalition seeking to limit jury awards to make this commercial.

Man (excerpt of commercial): . . . After a round of drinking an Arizona man climbed on his motorcyle, and rode off into the dusk on the wrong side of the road into a head on collision with a pickup truck. Yet, the biker sued the motorcycle company, and won three and a half million dollars. It's crazy. We're the victims of a lawsuit system out of control. Vote yes on 103 to fix the Arizona lawsuit mess.

Bradley. Michael Brown was the presiding judge at the trial of Joe Cota versus the motorcycle company.

The inference from the commercial is that he was inebriated.

Brown. Yeah, that he was drunk and back and forth across the center line. And there's no physical evidence of that.

Bradley (exerpt): . . . After a round of drinking, an Arizona man climbed on his motorcycle.

There was no evidence that . . . that he was out of control no physical evidence that he was drunk?

Brown. No. There wasn't. A. there wasn't any of that evidence and B. it wasn't relevant even if he had been drunk. Had this motorcycle not been defectively designed, which is what the jury found, this man would have had a broken hand. Instead, he was burned almost to beyond recognition. His ears were burned off. His fingers were burned off. This young man was grotesquely injured, and there's no way that anybody could tell you that the money he received for the injuries he sustained was too much money.

Bradley. There was no mention of the defective gas tank in the T.V. commercial.

Man (excerpt): . . . We are the victims of a lawsuit system out of control.

Bradley. We wanted to ask the consultants responsible for that commercial why, but they wouldn't return our phone calls.

Another story of a jury gone haywire appeared last season on 60 Minutes in a story we did on the other side of this issue. A ladder maker named Bernie Klein told us about a lawsuit his company lost.

Man. The fellow was shingling a bond, put a ladder, up for the staging, and he put the ladder up in a manure pile. Temperature was 20 degrees. When he was working in that area, a few days later, the temperature was 40 degrees. The ladder slipped. The poor fellow, unfortunately, he got hurt, hurt his ankle, and we're sued. Unfortunately, we didn't warn him about the viscosity of horse manure. So that's . . . that . . . that's what it cost us—300,000 dollars.

Reasoner. 300,000 dollars?

Man. 300,000 dollars.

Bradley. Well, several jurors in the ladder case told us the viscosity of horse manure had nothing to do with their verdict. They say they were persuaded by the plaintiff's contention that the wood in the ladder was defective, and that's why he was injured. Could we find any cases where the jury went haywire? Well, there is the case of Judith Haymes, psychic Judith Haymes.

Haymes. Some people are born with the talent to sing or dance, and I had the talent to see aura.

Bradley. So sitting here now, you can see a general aura around me.

Haymes. Yes, I can see a general aura around you.

Bradley. When Mrs. Haymes went to a Philadelphia hospital for a CAT Scan, she was injected with a dye, even though previously she had had an allergic reaction. She claims the dye caused chronic headaches.

Haymes. If you've ever eaten an ice cream cone, or consumed liquid too fast that was ice cold, and you get that God awful pain in your head, that's the kind of pain that I get when I try and concentrate.

Bradley. Now, a psychic who can't concentrate is an out of work psychic. When a Philadelphia jury awarded her nearly a million dollars, the cartoonists had a field day. So did President Reagan.

President **Reagan.** Last year, a jury awarded one woman a million dollars in damages. She'd claimed that a CAT Scan had destroyed her psychic powers.

Bradley. The fact is Judith Haymes will not receive one penny of that jury's verdict. Leon Katz, the judge who heard the case, threw the verdict out, and ordered a new trial because Mrs. Haymes lawyers failed to present any medical testimony linking the dye injection to the chronic headaches.

Katz. If I think the verdict is grossly excessive, and contrary, and diametrically opposed to the evidence, and the law, then I have a duty, not a right, but a duty to set aside that verdict.

Bradley. How common in occurrence is this, a runaway jury?

Katz. It is relatively uncommon. That's my opinion. And the reason that opinion is probably not shared by the general public is because they're subjected to three or four line amounts of unusual cases where all they read is the amounts of the award.

Man. I don't know of any horror stories. I mean, I really don't. That sounds terrible, and I've practiced law for over 20 years, and I've been a judge for six, and . . . and I just don't know of cases where juries have been fooled into giving people millions of dollars that weren't entitled to it.

Bradley. A final postscript . . . the insurance industry complains that their claims losses during the lawsuit crisis increased at the rate of 16 percent a year. But the industry acknowledges that during the same period its profits were eleven percent a year. According to the general accounting office, that adds up to a profit of 81 billion dollars during the ten-year so-called law suit crisis.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. MATSUI. Mr. Speaker, yesterday in San Francisco, CA, a brave man staged a lonely protest in an effort to reunite his family. The man is Izhak Kofman, and his protest was held in front of the Soviet consulate because his brother, Samoil, and his father, Haim, have repeatedly been denied permission to emigrate from the Soviet Union. Sadly, Izhak and his sister, Bella Murashova, never saw their mother during the last years of her life. Ester Kofman passed away 2 years ago after having tried for 8 years to join her son and daughter in the United States.

The Kofmans' requests were initially refused because of Samoil's exposure to unspecified secrets over 15 years ago. After 10 years of using this reason to deny the Kofmans' right to emigrate, Soviet emigration officials dropped this objection. However, these same officials have since been running the Kofmans through a maze of bureaucratic delaying tactics. Samoil and Haim, who is now 82 years old, have each been told at one point or another that his exit visa would be granted, but never both of them at the same time. The cruel result has been to raise and then dash the hopes of two innocent people—two people who merely want to reunite their family.

Mr. Speaker, we are at a point in United States-Soviet relations where honesty and forthrightness are of the utmost importance. If Soviet officials cannot give us a straight answer about the emigration rights of an 82-year-old man, how can we trust their statements about nuclear arms. I urge my colleagues to follow this case closely and to support the Kofmans in their efforts to be reunited.

HON. SILVIO O. CONTE HONORING CARL J. PETERSON, JR., ON HIS 50 YEARS OF PUBLIC SERVICE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. CONTE. Mr. Speaker, I rise today to commend and honor one of my most distinguished constituents. On February 29, Carl J. Peterson, Jr. will be the recipient of the 50-year service award given to him by the Belchertown Fire Department. I speak to you today to call attention to this notable occasion and to a man committed to the safety and education of others.

Belchertown, the second largest town in land area in Massachusetts, covers some 60 square miles. For the past 50 years, Mr. Peterson has been one of its' volunteer firefighters—on call 24 hours a day. While Carl worked his way "up the ladder" to become deputy chief at the Belchertown Fire Department, he also worked his way up the educational ladder to become Belchertown's superintendent of schools. Carl then pursued a professorial career at Westfield State College.

Whether Carl was busy educating the youth of western Massachusetts or performing town inspections, he consistently remained a faithful firefighter in Belchertown. Most notably, Carl was instrumental in the 1968 Bondsville Mill disaster. This major fire which required assistance from surrounding towns, enabled Carl

to put his expertise to use. Carl's help in setting up the water supplies for this disaster will long be remembered.

Carl Peterson is a unique individual. His participation as the deputy chief, his willingness to give of himself, and his good nature have demonstrated his rare character. I congratulate you and express my gratitude to you, Carl, a man with many honorable accomplishments. I wish you much luck and success as you continue your services during the years ahead.

THE ABANDONED HISTORIC SHIPWRECK BILL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. BENNETT. Mr. Speaker, as the House sponsor of the abandoned historic shipwreck bill, I am aware of a massive, ongoing disinformation campaign by people opposing this bill. The abandoned historic shipwreck bill is a good piece of legislation designed to protect historical artifacts buried in State submerged lands. It is supported by the Governor's Association, the Coastal State Organization, and a number of archeological and preservationist groups.

I submit for the Record eloquent testimony given by Arthur Cohen, coordinator, Underwater Historic Preservation, State of Vermont, to the House Interior Subcommittee on National Parks and Public Lands, which outlines the merits of the abandoned historical shipwreck legislation, of which Senator Bill Bradley is the Senate sponsor. I urge everyone to read these thoughtful words, which support State rights, support historic preservation, and support the Abandoned Historic Shipwreck Act.

Mr. Chairman and Members of the Committee, I am here today to comment on The Abandoned Shipwreck Act of 1987, pending legislation which effects our nations historic maritime resources. I have had the opportunity to examine the issue from a number of perspectives. I am an experienced sport diving instructor, with the status of Instructor Trainer, and have owned and operated a full service dive shop as well as worked as a professional diver in New England and the Caribbean. I am a maritime historian and Director of the Basin Harbor Maritime Museum on Lake Champlain. I have located and directed the documentation of dozens of historic shipwrecks for the State Historic Preservation offices of both Vermont and New York. I am the designer and coordinator of the State of Vermont's Underwater Historic Preserve program as well.

I begin with a strong statement of support for language and sentiments of Senate Bill S. 858 which seeks to treat historic shipwrecks as a public trust and not as commodities to be claimed and harvested by treasure salvors espousing the virtues of free enterprise. Historical shipwrecks are a national treasure, a finite, irreplaceable and invaluable part of the record of human events. All of us who dive, study, salvage and legislate have a responsibility to future generations to preserve this record. All too often, the decisions to salvage a historic shipwreck is made for personal, short sighted and immediate enrichment of the salvor. In the processs the basic resource and the potential information it had to yield may be lost forever.

I have been involved with the sport diver community for over 20 years as a diver and a diving professional. Sport divers have always had a traditional distrust of legislation. To the sport diving community, any legislation is restrictive legislation. The major dive instructional agencies frequently compete with one another for the distinction of being the most aggressive in opposing any proposed legislation. Over the years sport divers have developed a predictable knee-jerk reaction at any attempt to regulate their activities. In the present situation an attempt has been made to mobilize the sport diver community as the front line troops to oppose the pending legislation. Like sheep being led with a bucket of grain, the treasure hunting lobby and their wolf-in-sheeps clothing support organizations, have attempted to create the impression that there is widespread sport diver opposition to this legislation. Sport divers have been badly misinformed and told if this legislation is passed they are in danger of losing their rights to dive on historic shipwrecks. Sport divers have been rallied to write to their elected representatives to oppose the proposed legislation. Many of the letters you are receiving are motivated by this calculated campaign of disinformation. The divers I have talked with and shown the actual legislation are totally in support of the bill and its purposes.

Our experiences on Lake Champlain, an inland fresh water environment, with joint State and Federal jurisdictions may provide some insights for the pending bill. Over the past eight years, the State of Vermont has, in effect, provided a prototype for the program envisioned in the pending legislation. Using Federal Survey and Planning money, made available from the Department of the Interior, National Park Service, the State of Vermont Division for Historic Preservation in partnership with private non-profit groups of historians and sport divers has located and documented many important ships of the past. We have located and studied the *Boscawen*, a British warship built by Jeffery Amherst in 1759, the *Congress*, flagship of Benedict Arnold's first American Naval fleet built in 1776, the United States Brig *Eagle*, a participant in the successful 1814 Battle of Plattsburgh Bay. We have also documented the *Phoenix*, the oldest surviving steamboat hull in the world, and have discovered a forgotton class of American vessel, the sailing-canal boat. The argument that unless you let treasure hunters locate and claim historic shipwrecks which make up the national legacy they will not be found is just not true.

Treasure salvors cry foul not because they possess the unique expertise to find and deal with shipwrecks of historic and monitary value. They cry foul because by removing these national treasures from the inappropriate confines of Admiralty Law, like a shop merchant, the salvage merchant loses access to their saleable merchandise. Admiralty Law was not developed and never contemplated for the protection, interpretation and long term interests of historic properties. It is critical that the Congress corrects this inappropriate situation.

A state program with jurisdiction, and a small level of funding from the federal government, can easily institute a program of inventory, analysis, recreation and preservation of historic underwater resources. The State of Vermont, working with the cooperation of the sport diver community has created an experimental and low cost program called an "Underwater Historic Pre serve". Surface moorings have been placed at three historic vessels to permit sport divers to find and explore them without causing anchor damage. The program was begun in 1985 and since that time thousands of divers have utilized the program. The results are impressive. Visiting diver dollars filter into the local economy, divers have had a safer and more meaningful recreational diving experience, and historic shipwrecks have received no acts of intentional vandalism.

In summary, I support the language of S. 858. It recognizes the inappropriateness of the current Admiralty jurisdiction for historical shipwrecks and places their care under the States, which are better positioned to administer them for their present recreational opportunities and timeless informational value. I feel this jurisdiction should be accompanied with a modest appropriation to assist the State's in implementing this new responsibility. Congress has a crucial decision to make which will have a permanent effect on the care of an irreplaceable legacy. Technology has made finding historical shipwrecks easy, but we are still only beginning to understand how to best document, preserve and share these national treasures. Interest in these resources is a broad one encompassing not only present generations of divers, archaeologists and treasure salvors but future generations as well. The record of the past contained within these shipwrecks is a precious gift that places a great responsibility on our generation as caretaker for the next. Let us not just advocate what is best for the diver, salvor or administrator, but let us raise the shipwreck to a party-in-interest and assign in a voice in its own future.

What will be left of the present remaining pool of underwater historical shipwrecks 100 years from today? No governmental system will be perfect, but Senate Bill S. 858 takes a positive step to insure that our underwater heritage will be available for present and future generations. Once a shipwreck is gone it is gone forever. I urge the committee to support the measure.

A RABBI'S IMPRESSION OF GLASNOST

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. HOYER. Mr. Speaker, in January, Stuart Weinblatt, the president of the Washington Board of Rabbis and rabbi of Temple Solel in Bowie, along with Rabbi David Kaye of Har Shalom Congregation in Potomac traveled to the Soviet Union. While there, they met with a number of refuseniks who remain skeptical of the improving relations between our two countries and what this improvement offers for their future.

Upon his return, Rabbi Weinblatt shared with me the concerns of his Soviet brethren, as well as his thoughts on how we can continue to help them. I would like to share his observations with my colleagues.

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THE GATES ARE CLOSING

(By Rabbi Stuart G. Weinblatt)

I could not understand as I sat in the Moscow apartment of 15-year refusenik Julian Khasin how he could be so certain when he told me, "1988 is worse for us than 1987." I argued with him, "But 1988 is less than three weeks old. How can you be so sure?"

After extensive meetings and conversations with several dozen refuseniks, I now understand why he was so pessimistic.

I have just returned from Moscow and Kiev with Rabbi David Kaye, of Potomac, Maryland. We found unanimous agreement among all those with whom we spoke that the gains prior to the December summit have all been turned back.

On Monday, January 18, a large number of Jews who asked permission to emigrate were refused. Since January 1, Soviet officials have implemented a series of measures designed to, at best, severely restrict emigration. The Jews of the Soviet Union are growing increasingly despondent about their chances to leave. Many feel that they were betrayed and that human rights issues were abandoned at the Summit.

The fact that people want to emigrate, despite glasnost and perestroika, is an embarrassment to the Soviet Union. Soviet Jews believe that this is why Gorbachev wants to kill the aliyah movement.

Only first-degree relatives are being granted permission to leave the USSR, disqualifying close to 90% of the Soviet Jews who have applied. The blanket of "state-security secrets" has been spread to include childern of people who held sensitive positions more than a decade ago. (It should be noted that the Soviets broadly apply the term to consider low-level computer programmers in their category, even in instances where the technology has already advanced two or three generations beyond what they did a number of years ago.)

Gorbachev explains that he cannot allow the Jews to go, because it would lead to a "brain-drain." While the back-handed compliment is appreciated, it must not go unchallenged.

The truth of the matter is, most of these people are not employed in positions which use their intellectual capacities. Most have either been fired from their jobs or left sensitive positions years ago, and took lower-grade positions, in anticipation of their request to depart. Furthermore, a factor often overlooked is that Jews constitute .7% of the population of the Soviet Union. Of that number, only 10–20% want to emigrate. Obviously, not all of them are scientists, doctors and the like.

Against the backdrop of the government's efforts to thwart the aliyah movement is the specter of increasing anti-semitism. The neo-fascist group Pamyat is growing larger and bolder in its anti-semitic pronouncements. Zionism (the Russian code-word for Judaism) is denounced in the govenment-controlled media as "Public Enemy No. 1." Jews who seek to leave in order to live their lives as Jews are ridiculed in the press and denounced as traitors. A number of the refuseniks expressed great fear over the possibility of even more anti-semitism this summer, when Russia celebrates the 1,000 year anniversity of the introduction of Christianity to the country.

Each individual and each of the Jewish leaders we met with begged us to bring back to the West the message of how desperate the situation is. While they hope the goals of the treaty before the Senate will be achieved, they question how the United States can trust a partner which has lied and reneged on every commitment and promise made in the area of human rights. As Yuli Khashorovsky put it, "It is a barometer of whether or not you can believe the Soviets."

Many of us may have been lulled into a false sense of optimism after the Summit. Intoxicated by our success in turning out such a large mass of people in Washington on December 6, the Jewish community must wake up from its euphoria after the rally and come down from the "high" we are still experiencing.

If we are really serious about freeing our brothers and sisters in the Soviet Union, we must rededicate ourselves to working on their behalf. The USSR is trying to see how much repression they can get away with, without arousing an outcry from the West. Our efforts must be unrelentless until this campaign is stopped.

DEVELOPMENT WITH STYLE: PETER BEDFORD

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. STARK. Mr. Speaker, one of the most talented and respected real estate project developers in the Nation is Pete Bedford of the San Francisco Bay area.

I've been privileged to know Peter for a number of years and have found him to be one of the most renaissance men I've ever met. His talents range from expertise and genius in the business world to the finest of tastes in the art world.

Some real estate project developers level the land and leave boxes of building in their wake. Peter works with the land to construct building that people can love to live and work in. He is more architect than developer.

The Oakland Tribune of February 15, 1988, includes an article on Peter Bedford that displays the best of what the business world should be providing America. He is a model for others to be judged by.

[From the Oakland Tribune, Feb. 15, 1988]

LAFAYETTE DEVELOPER'S $2 BILLION GOAL

(By Laura Evenson)

Peter Bedford's goal is one day to control $2 billion worth of real estate.

He's nearly there.

The reclusive 55-year-old Lafayette-based developer already controls more than $1.5 billion in real estate nationwide.

Fond of saying that his father Clay Bedford was the "third man that Henry Kaiser hired," the younger Bedford got his first taste of real estate by visiting Kaiser properties with his father, who oversaw the Kaiser shipyards nationwide.

In an ironic turn of events, the younger Bedford recently joined forces with Kemper Corp. in Long Grove, Ill. to pay $450 million for Kaiser Development Co.'s industrial/commercial divisions in Carlsbad and Oakland.

The acquisition late late year catapulted Bedford into the major leagues of the real estate development industry by putting 40,000 acres in California under Bedford's control along with properties elsewhere in the country.

Bedford Properties now manages or owns about 10 million square feet of property in 18 states. Bay Area holdings alone include more than two dozen industrial and business parks totaling 6 million square feet. Bedford said he doesn't believe in flitting from project to project. Rather, his strategy is to buy properties, develop them, and hold onto them.

"I adopted my father's philosophy that if you own something, then someone else can pay the rent while you're sleeping soundly at night," he said in a rare interview at his plush office in Lafayette.

Born in Portland and raised in Michigan, Bedford's interest in real estate was spawned by childhood field trips to Kaiser properties with his father.

Bedford worked for a Coldwell Banker real estate brokerage while he was in college at Stanford University. He was graduated in 1960 with a degree in economics and spent two years in the Navy before going into business for himself.

With the encouragement of his father and such family friends as Oakland-Alameda County Coliseum developer Robert T. Nahas, Bedford started a development business for himself in 1972.

At first, Bedford secured financing for the projects by securing an anchor tenant before buying or constructing a building. For the past 25 years, Kemper Insurance Co. has been a steady financial partner in Bedford's developments.

Kemper and other banking institutions provided most of the money for the Kaiser acquisition, Bedford said. But the company said that any debt incurred through the transaction will soon be repaid through property sales that will more than pay for the acquisition.

For nine years, Bedford worked out of an Oakland office, building more than 120 7-Eleven stores for Southland Corp., as well as a number of projects for such major retailers as Goodyear Tire Co. and Mervyn's.

He moved his office from Oakland to Lafayette in 1971 and has steadily broadened his real estate portfolio.

Bedford said he has always survived the down cycles in real estate by planning for the worst. "In fact, I've made more money in down periods because during good periods every Tom, Dick, and Harry is in business," he said.

Now Bedford wants to become a major player like the Koll Co., one of the largest West Coast developers, he said, "but I want to move beyond the western states. We're interested in the East Coast, particularly Florida."

Bedford's interests extend beyond his development projects, notes Contra Costa Supervisor Sunne McPeak.

"Peter is like a renaissance man in modern times," she said. "His development company is a class act. Whenever there have been too many questions about the impact of one of his projects, environment or otherwise, he has backed off. I go into his office and I'm fascinated by the art, literature and philosophy he surrounds himself with."

A sculpture of two parents hanging upside down on a jungle gym dominates one corner of his board room. "That's every child's fantasy, I'd imagine," he muses.

Pennies overflow from the open roof of a tarnished-hued sculpture of a small bank on the board room's table. The whimsical bank sculpture is a tribute, Bedford quips, to his seat on the board of directors for Bank of America.

And the darting brown eyes and constant fidgeting suggest a restless man bent of accomplishment.

The father of three nearly grown children, Bedford declines to discuss his own family. "I'm a very private person, and I prefer to keep it that way."

Now, Bedford is merging his passion for art with his real estate expertise by hiring national renowned architect George Moore of Sea Ranch fame to design a proposed mixed-use Town Center adjacent to the BART station in downtown Lafayette.

The project is to include retail-office space around a plazza and creek. He plans to submit a proposal for the project to the city early this year.

Despite multifacted success, Bedford downplays his personal contributions.

"If I had it to do over again, I would not put the name Bedford on the company," he said, insisting that his company's success is the result of team effort by his 450 employees.

His ability to delegate authority for his projects has enabled him to take on many more ventures than other developers would dare, and won him the respect of such competitors as Jon Reynolds of Reynolds and Brown, a Concord-based development firm.

"He's one of the most innovative developers I've ever known, and one of his real skills is the financial structure of projects and his ideas of what to do with a piece of property," Reynolds said. "He may try to do too much, but he seems to manage. I'm amazed at the breadth and scope of his work."

Reynolds said the only weakness Bedford has may be his impatience.

Another long-time observer, Glenn Campbell, director of the Hoover Institute on War, Revolution and Peace at Stanford, views Bedford's attributes slightly differently.

"Is impatience really a weakness or a strength," he said. "I think it's a strength," he said. "I think it's a strength and Peter is extremely energetic."

Bedford's only weakness, observed Alex Mehran, developer of Bishop Ranch in San Ramon, "is that he doesn't have the five or six extra hours a day to accomplish what he wants to accomplish."

Rather than cloister himself in his art-adorned offices, Bedford travels constantly, personally walking through every project to keep tabs on it.

His California holdings now include a $200 million project slated for the Ardenwood project in Fremont; a $55 million project in West Sacramento; and a mixed-use residential, commercial and industrial complex on 30,000 acres at Rancho California in Riverside County whose commercial and industrial portions alone are expected to exceed $2 billion in value at build-out in 15 years.

Bedford's concern for aesthetics spills over into his development projects.

For example, he boasts that all of Bedford Properties' graphics for its brochures and the signs it posts outside its buildings, are designed by Michael Vanderbyl, the Oakland-born graphics artist responsible for Esprit's graphics and who is now nationally acclaimed for his work.

However, one observer said Bedford's attempts at aesthetics do not always succeed.

Byron Campbell, a Concord resident and director of Residents for a Better Contra Costa, a growth-management citizens group, said he thinks both the large size and the pale pink color of Corporate Centers One and Two in Concord were mistakes.

"I and many other residents think they are examples of inappropriate, distasteful architecture," he said. "One had a very small setback from the street and Two had no setback at all. The effect is that the entire project overwhelms the street rather than fits right into the landscape's fabric."

Nevertheless, Bedford dabbles in a number of artistic ventures. With his wife, he runs a publishing venture that puts out elaborate art books.

He also owns the Montgomery Gallery, a 19th and 20th century art gallery that is moving from a Montgomery Street location into the 250 Sutter St. building he owns in San Francisco that will house many other independent galleries.

Last December, he found a use for the building's basement when he opened a trendy, successful restaurant there called Las Caux, French for The Caves.

In addition, he owns Tourelle Cafe & Restaurant in Lafayette, whose French country menu is under the control of chef and manager Annette Esser. Esser joined Bedford Properties in 1984 after five years of owning A La Carte French Restaurant in Berkeley.

Now Bedford hopes to blend another avocation—duck hunting—with his insatiable thirst for profitable projects by building a duck preserve in the Delta.

The idea of a duck preserve stems from a passion developed in his youth.

Bedford recalls that his father often left early in the morning and arrived home late at night to oversee the Kaiser shipyards. Bedford soon devised ways of spending time with him.

"I started playing golf and shooting duck so that I could get to know him," the younger Bedford recalled.

The interest in duck-hunting recently prompted Bedford to jokingly ask one of his project managers to find a new location for a duck club that could make money.

The request prompted the manager, John Winther, a former president of the California Wetland Foundation, to develop a unique, privately financed plan to store fresh water within the sunken interiors of four Delta islands.

Bedford Properties is now trying to get state approval to store water inside the islands in the winter when it is plentiful and ship it to Southern California in the dry summer months for $125 an acre-foot.

As for the rest of the year, Bedford expects the islands will make fine duck-hunting spots.

BRIAN BOITANO: AMERICA'S OLYMPIC HERO

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. KONNYU. Mr. Speaker, I rise to bring to the attention of my colleagues the accomplishments of America's first gold medalist in the Winter Olympics—men's figure-skating champion Brian Boitano.

As we watched Boitano skate for the Olympic gold Saturday night, Brian brought a sense of patriotism and pride to the United States with his outstanding performance and his positive attitude. While all Americans claimed him as their hero, the people of my congressional district, which includes Brian's hometown of Sunnyvale, looked on with particular delight as he did all of us proud.

Mr. Speaker, I submit for the RECORD a copy of the San Jose Mercury News article entitled "Boitano Has Golden Touch." I know my congressional colleagues join me in congratulating Brian Boitano and thank him for bringing the United States its first Olympic gold medal this year.

[From the San Jose Mercury News, Feb. 21, 1988]

BOITANO HAS GOLDEN TOUCH

CALGARY, ALBERTA.—Chalk up one gold medal for the United States.

Brian Boitano won the battle Saturday night.

Boitano, 24, of Sunnyvale, defeated Canada's Brian Orser, 26, in the men's figure-skating final at the Olympic Saddledome to become the United States' first gold medalist of the Winter Games.

He did it with a herculean performance on the other guy's home turf.

He did it with eight perfect triple jumps and without the quadruple toe loop.

He did it.

"I was really on," Boitano said afterward. "I felt like angels were lifting me up and spinning me. When I had two jumps left, I told myself, 'Don't be smiling all over the place.'"

Boitano finished his program to a standing ovation. As he skated off, he received a bear hug from Lisa Schoeller, his best friend, from San Mateo.

He hugged Linda Leaver, his coach of 16 years, and choreographer Sandra Bezic. "I wanted to skate my best," he said. "When I got off, I told them, 'I did it. That was it.'"

Boitano became the third U.S. athlete to win a medal in Calgary and the second U.S. man to win the figure-skating gold since 1960.

On the medal stand, Boitano's eyes filled with tears. "That was a boyhood dream come true," he said.

Orser cried, too. And all of Canada heaved a sigh with that second place. Orser, the silver medalist in 1984 and the defending world champion, was the country's best, and possibly only, gold-medal hope.

"I wanted to be Canada's first men's figure-skating gold-medal winner in the history of the Olympics," Orser said, "and that didn't happen."

Orser, skating after Boitano, gave one of his grandest performances. But he did six triple jumps and a triple-flip jump.

Orser won four judges. Boitano won three. Two others, from Denmark and Switzerland, scored it a tie, and Boitano received their votes because of his superior technical marks.

Boitano and Orser, longtime friends, sat together silently afterward in the locker room.

"I thought it was kind of nice, just the two of us sitting there," he said. "I knew what he was feeling, and he knew what I was feeling."

Soviet Victor Petrenko, 18, passed teammate Alexander Fadeev to finish third.

Christopher Bowman, 20, of Van Nuys, finished seventh, and Harvard sophomore Paul Wylie, 23, placed 10th.

The men's final was billed as "The Battle of the Brians"—the confrontation between two men who had skated against one another for 10 years.

Both men skated almost flawlessly under incredible pressure.

Boitano called his 4½-minute program the best of his life. He was on from the opening moment, hitting both his first triple jump and his combination triple-double jump.

Bezic, who designed the military-style program, was ecstatic. "He gave his heart and soul," she said. "What an Olympian."

Boitano led Orser after the short program Thursday, when Fadeev dropped from first to third.

The long program counted 50 percent toward the final score. Compulsory figures counted 30 percent, and the short program counted 20 percent.

Fadeev, third after the short program, followed Boitano and fell once on his second jump. That dropped him to fourth place.

Orser, dressed in red, came onto the ice after Fadeev and rose to the occasion with a program that almost equaled Boitano's.

He stumbled slightly upon landing.

Still, his skating seemed to lack the determination that permeated Boitano's. Four judges gave Boitano the better technical mark, and five tied the two. Artistically, Orser won six judges and received a 6.0 mark from the Czech judge.

His teammate, Kurt Browning, the No. 2 skater on the Canadian team, failed to land the sport's first quadruple toe loop during his program. Browning attempted the quad two-thirds of the way through his program but stumbled and fell backward on both hands.

"I should have made history, because it felt really good," said Browning. "It only takes a fraction of a second to land it too late, which is what I did."

Boitano stuck with his longtime plan not to attempt one Saturday night. He has missed the quad four times in competition but said last week that he would attempt another one at the worlds next month.

Boitano had beaten Orser only twice since the 1984 Olympics, once at a competition in 1985 and again at the 1986 world championships.

Most recently, Orser beat Boitano at Skate Canada in October at the Saddledome.

Boitano and Orser will meet again next month at the world championships in Budapest.

"I have a title to defend," Orser said:

At least until then, Boitano is king of this hill.

PERSECUTION OF SOVIET CHRISTIANS

SPEECH OF

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. WEBER. Mr. Speaker, I am a member of the Soviet Christian Adoption Program which in a congressional bipartisan effort to work on behalf of persecuted Christians in the Soviet Union. The plight of religious believers in this country continues to be serious, even as we hear the media report about the promised openness under the rule of Soviet leader, Mikhail Gorbachev. If Mr. Gorbachev is serious about opening up Soviet society, then he will have to improve the treatment of the religious community.

As a member of the Adoption Program, I am a sponsor of Ivan Fyodorovich Kovalenko, a Ukrainian who was arrested for the fourth time in 1982 and charged under the Soviet criminal code for "infringing persons and rights of citizens under the guise of performing religious rituals, and disrupting the public order." He was sentenced to 5 years in prison and 5 years in exile.

Mr. Kovalenko was not endangering Soviet society but practicing his religious beliefs. His years in imprisonment are an ugly example of the reality of Soviet society. However, he is a courageous example for those facing repression and internment for their faith.

It is vital that we in the free world not forget that elsewhere people are suffering and dying for their spiritual rights. The upcoming 1,000 anniversary of Christianity in Russia offers us the opportunity to speak out for the innocent victims of religious persecution that are unable to speak for themselves. I urge my colleagues to remember Mr. Kovalenko and others who are persecuted for practicing their religious beliefs.

A TRIBUTE TO BRIAN J. SIMPSON

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. BROWN of California. Mr. Speaker, today I wish to recognize the extensive public service of Brian J. Simpson, the outgoing president of the San Bernardino Area Chamber of Commerce. Mr. Simpson's influence on the chamber and the community is widespread. Under his leadership, the chamber has increased its involvement in governmental relations, as well as in local and State business issues. In 1987, the chamber played a vital role in attracting new businesses and a professional baseball team to the rapidly growing city of San Bernardino. Mr. Simpson was instrumental in the development and publication of San Bernardino Business, a chamber publication highly acclamined within the State of California. Membership and involvement in the chamber have increased dramatically, and this can be directly attributed to the chamber's heightened visibility and improved services.

Mr. Simpson has devoted many years of service within the 36th Congressional District, including membership on the local YMCA board of directors from 1977–81, serving as president from 1977–78. Soon after passing the California State Bar, he joined the San Bernardino County Bar Association, becoming president in 1980. On behalf of the organization, he helped found Tel-Law Inc., an information dissemination system providing free general legal information over the telephone. Tel-Law now operates a substantial library of tape recordings and has spread to several States.

Mr. Simpson has also taken an active role in the welfare of the youth within my district. He has volunteered numerous hours in antidrug programs, and is presently a member of the city parks and recreation commission. Because of his outstanding tenure as president of the San Bernardino Area Chamber of Commerce and his dedicated service within the San Bernardino area, I invite my fellow members to join me in honoring Mr. Brian J. Simpson.

FLORIO HONORS BLACK HISTORY MONTH

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding cultural event taking place in Cherry Hill, NJ. The Cherry Hill Minorities' Civic Association, an organization formed to provide a vehicle for the participation of minority residents in community life in Cherry Hill, has annually sponsored an event to commemorate Black History Month. This year, that event will take place on February 28, 1988 at Cherry Hill High School, and will, as always, highlight the cultural and historic richness of black people and their heritage.

Mr. Speaker, regardless of race, color, or creed, there are few things more worth celebrating, particularly in a nation as diverse as owr own, than our respective cultures, and few things more capable of eradicating prejudice and misunderstanding than the sharing of that culture with our fellow Americans. I've had the honor and pleasure of participating in this event in previous years, and have found it to be both educational and enjoyable. This year, the Civic Association's fifth annual commemoration of Black History Month will take place on Sunday, February 28, 1988, at Cherry Hill High School East in Cherry Hill, NJ.

Mr. Speaker, I recommend this event to my colleagues as a fine example of civic responsibility, and commend the members of the Cherry Hill Minorities' Civic Association for their efforts in establishing and continuing such a meaningful tradition for the residents of the Cherry Hill and South Jersey communities.

CLALLAM COUNTY HISTORICAL SOCIETY MUSEUM

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. SWIFT. Mr. Speaker, last week I introduced legislation to authorize the compensation of the Clallam County Historical Society for their share of the construction of the Pioneer Memorial Museum, now referred to as the Olympic National Park Visitor Center. The visitor center was originally intended to be home to both the Park Service and the Clallam County Historical Society Museum.

The building was built in the 1950's with funds from both the Park Service and the Historical Society. The documentation of the events surrounding the construction of the building is unclear, largely because apparently "gentlemen's agreements" were used. However, from newspaper accounts, Historical Society minutes, interviews, and ongoing

practices since then, it is clear the building was built for joint usage.

Further, there has been difficulty in determining the exact value of the Historical Society's holdings. Negotiations between the society and the Park Service resulted in a tenuous agreement for a payment of $155,000. My bill authorizes that payment to the Historical Society for its portion of the center. This bill resolves the problem of compensating the Historical Society by directing the National Park Service to purchase rights to the facility presently held by the Clallam County Historical Society.

The one time payment will be used as an endowment fund for the museum.

The building serves as the park's primary visitor center, and with the acquisition of the society's interest the park will be able to fully use the facility, provide better service to the public, and resolve a thorn between the park Service and the local community.

TRIBUTE TO THE LATE LEE J. FREMSTAD

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. MATSUI. Mr. Speaker, it is with great sadness that I bring to my colleagues' attention the death of Lee J. Fremstad. Lee was a truly outstanding journalist who served the Sacramento community with distinction for 27 years during his tenure at the Sacramento Bee, including 10 years in the Bee's State capitol bureau.

I learned a great deal about California politics through Lee's articles, and I always valued his insights. I was not alone in holding this view, as Lee received the California Taxpayers' Association's best reporting award in 1973 and 1977, and his articles were featured in the New York Times, Newsweek, the London Daily Express, the California Journal, Esquire, Road & Track magazine and many other publications. His colleagues also acknowledged his talent in many ways, including electing him as president of the Sacramento Press Club.

Mr. Speaker, Lee Fremstad was an example of the type of journalist the founders of this country had in mind when they insisted on complete freedom of the press. His contributions to political journalism did much to further representative government, and his talents will be greatly missed. I extend my deepest condolences to his wife, Virginia, his mother, Florence, his children, Erik and Britt, and to the rest of his family.

HONORING SENATOR ROBERT STAFFORD AT THE BEGINNING OF HIS LAST YEAR IN CONGRESS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. CONTE. Mr. Speaker, for the last 12 years Vermont has been served in the Senate by a man with the character to lead and the compassion to serve. I have been fortunate to have BOB on my side in a number of legislative battles and even more fortunate to include him as a friend. As you know, Mr. Speaker, Senator STAFFORD has decided to retire from the Senate at the end of this year and all of us in Congress will sorely miss him.

BOB began his career as Rutland County's State's Attorney. He was then elected deputy attorney general, attorney general, Lieutenant Governor. He was then elected to the U.S. House of Representatives and subsequently to the U.S. Senate.

Mr. Speaker, during the years I have worked with Senator STAFFORD, he has proved himself as an involved, thorough, and effective legislator. He never leaves a matter unresolved. I have fought the battle for clean air and acid rain controls with Senator STAFFORD and let me tell you, his efforts will be missed.

Bob's retirement from Congress is testament to the dedication he has to his family. He is a man who takes immense pleasure in the time he spends with the ones he loves. And he takes tremendous pride in his four beautiful daughters and lovely wife. Perhaps more than anything else his daughters have provided him with satisfaction and joy.

Mr. Speaker, I consider myself lucky to be able to count Senator STAFFORD as a friend. Throughout all the legislative battles I have been through with BOB he has never lost his sense of humor or forgotten to show that sincere concern he feels for his colleagues and friends. And I trust, Mr. Speaker, that this part of our relationship will continue to grow after BOB STAFFORD's retirement from Congress.

These are just some of the qualities that characterize Senator STAFFORD. After he steps down he will not lose these admired characteristics. Senator STAFFORD will always be a loyal, hard-working, dedicated man, and above all a great friend.

After 24 years of working with you, it's time to say, "Congratulations, BOB, on a job well done."

[From the Washington Post, Dec. 4, 1987]

SOLID SENATOR

Those who lament the decline of the Senate will soon have further cause. Robert Stafford of Vermont is retiring. The Senate will be both a louder and a lesser place for his departure.

Sen. Stafford, now 74, has spent his entire adult life in public service and not lost sight of what that term means. His career has been the old-fashioned, orderly kind, proof of the virtues of unhurried apprenticeship. He was prosecutor, state attorney general, lieutenant governor, governor, then spent 10 years in the House before his 15 in the Senate.

Too often the modern senator seems to be a telegenic wonder with an attention span measured in nanoseconds—all hare, no tortoise. Sen. Stafford is by contrast substantive, unassuming, patient and effective. He is not an ink hound. He has actually been known to pass a bill before its deadline.

His areas of greatest interest have been the environment and education. In the six years from 1981 to 1986 when the Republicans controlled the Senate, he was chairman of both the environment committee and the education subcommittee, he remains the ranking Republican on each.

Environment and education were two of the areas in which the early Reagan administration exhibited its greatest revolutionary zeal. You remember James Watt. You may also remember the president's proposals, some of which sadly continue to be made, to slash federal aid to higher education more or less in two.

Sen. Stafford quietly helped to stave off the craziness. Administration efforts to hollow out the major environmental statutes in the name of deregulation were turned aside. For a while, environmental policy was a nasty draw. More recently, some of the protective statutes have actually been refreshed and strengthened. The senator from the Green Mountain State played an important part in this turnaround. He did the same in education. Last year, his last as chairman, Congress reauthorized and secured the basic forms of aid to higher education. This year it is doing so at the elementary and secondary levels. The elementary and secondary bill passed the other day, 97 to 1. The vote is a tribute to a climate that Sen. Stafford helped produce. The Senate named the bill after him.

Sen. Stafford helped to save something else in the Reagan years. By virtue of the efforts he and others made, there continues to be room in his party for its moderates. When quiet men like Robert Stafford go, they are missed.

THE HEART OF A DISTANCE RUNNER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. BENNETT. Mr. Speaker, earlier this year, Jacksonville, my hometown, held its annual marathon. I always attend when I can. At my request, King Juan Carlos of Spain presented the Spanish Cup as the permanent trophy for this event several years ago, commemorative of Jacksonville's Spanish beginnings more than 400 years ago when Jacksonville was San Mateo.

It is a beautiful cup with Renaissance Spanish soldiers and the King's coat of arms engraved upon it—topped with a silver caravel as its finial.

As beautiful as that prize may be, the thousands of runners in the marathon express a beauty even more real. When I presented the awards at the marathon this year I made a comment that came in part from my own experience as a distance runner years ago in college; but more from what I had observed that day in Jacksonville. It was the inspiration coming from the spirit of the runners, showing qualities of humanity at its best. First, they

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demonstrated perseverance and second, a genuine desire on the part of the runners that they should all do their best; competition yet with mutual support.

Mr. Speaker, I received a letter the other day from the runner in the women's competition in the marathon. In my opinion, it is worthy of inclusion in the CONGRESSIONAL RECORD for it speaks of the quality of perseverance found in the hearts of all distance runners and in the lives of all who make lasting contributions to humanity. It reads as follows:

DEAR CONGRESSMAN: My name is Linda Van Honsen and I met you at the awards ceremony following the Jacksonville Marathon. I'm the young lady you talked with who won the women's overall division.

I'm writing you to tell you that I was honored to meet you, not only because you hold an important job devoted to our country, but because you obviously have an understanding of the work that goes into training for and competing in a marathon and understand and respect for the individuals who incorporate this sport into their lives.

You used the word "perseverance" to describe a trait that the marathon runner possesses. I was impressed with your insight into the inner feelings and desires of a serious athlete and your words indicating that you can see the desire to persevere in the eyes of such athletes.

Thank you for the time you took to witness this event and to share your feelings with me. Most people see only the finish line results of such an event, but you see much deeper into what it takes to get to the starting line. The award I received is physical proof that I accomplished, with success, a challenging event, but that's all it is—a physical object, until someone, such as yourself, sees beyond that object and into the meaning behind it. That's what makes the award really special. You really made me feel good about myself, and for that I thank you.

HUMAN RIGHTS ACTIVISTS AND RESERVE CALLUP

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. HOYER. Mr. Speaker, the Members of this body have devoted a great deal of time and effort to working on behalf of the victims of Soviet human rights violations. At times this work seemed to be very frustrating, the results so scanty. But gradually the Soviet Government began to respond. The country's leadership was coming to realize that the international prestige of the Soviet Union and its ability to gain benefits in the international arena were being seriously undermined by its image as a repressive state that did not live up to internationally recognized norms of behavior vis-a-vis its own citizens. Even the January 25, 1988, issue of Pravda admitted that "it would be untrue to say that the campaign under the slogan 'in defense of human rights' was destined to be a disaster from the very beginning" and that in the Soviet past there were "various occasions when persons were denied permission to leave the country on shaky pretexts, certain books were forbidden to be published, mistakes were made in jurisprudence, people were illegally fired from their jobs."

As Chairman of the Commission on Security and Cooperation in Europe, the government agency mandated by law to monitor compliance with the Helsinki accords, I have been encouraged to note positive changes in the area of human rights within the Soviet Union. For instance, the number of known political prisoners is approximately half that of last year. Hundreds of well-known dissidents and thousands of refuseniks have been allowed to emigrate. Numerous unofficial organizations have arisen to raise issues that the Government has been unwilling to address in the past, and a thriving samizdat has been allowed to circulate.

For all these postive changes, an ominous new trend has appeared on the Soviet human rights scene recently. In the last month, two Baltic human rights activists were called up for serve military duty, apparently as punishment for their participation or planned participation in peaceful demonstrations. But even these were not the first.

In August 1986, Linards Grantins, one of the founders of the Latvian human rights group Helsinki 86, was arrested and late spent 5 months in a KGB investigative prison before being released in January 1987. Afterward, he was immediately called up for military reserve duty. Grantins refused for health reasons, was again arrested, and sentenced to 6 months in prison. Having been released at the end of his term, Grantins currently is recovering from a severe beating he suffered while imprisoned. He has agreed to emigrate rather than endure the 5-years camp term promised the next time he is arrested.

Petras Grazulis, a Lithuanian, finds himself in a similar situation. Many times Grazulis has participated in peaceful demonstrations and hunger strikes. He most recently helped organize an effort to celebrate Lithuanian independence day on February 16. These ceremonies, incidentally, were thwarted by the authorities. Subsequently, Grazulis was ordered to report for reserve training. Because he opposes military training for an army that has subjected his homeland to Soviet tyranny, Grazulis refused the call. As a result, Grazulis was tried earlier this month and sentenced to 10 months in a labor camp.

The most recent case is that of an Estonian, Heiko Ahonen. Ahonen has been a tireless human rights activist since the 1970's. He has appeared on French television to discuss human rights abuses and press for the formation of an opposition party in the Soviet Union to work for the independence and democratization of Estonia. As a result of his efforts, Ahonen has been beaten up on the street and his home and work place have been searched by the police. On February 2, we received word that Ahoneh had been arrested and jailed for refusing to report for reserve duty.

Mr. Speaker, I recognize that many nations have obligatory military service and reserve duty. I don't intend to suggest that reservists have the right to refuse call-up if the laws of their nations require it. Nevertheless, one cannot help but suspect that Grantins, Grazulis, and Ahonen were called up because of their involvement in the human rights struggle in their respective countries. Indeed, citizens of the Baltic nations serving in the Soviet Army are, in effect, forced to serve in the armed forces of a foreign power that has illegally occupied their homelands since the end of World War II.

As Chairman of the Commission on Security and Cooperation in Europe, I will be interested to note the developments in these cases. Call up for military duty should not become a reflexive reaction to those who only seek to improve the human rights conditions in their motherland. The cause does not justify the effect, especially in the cases of Grantins, Grazulis, and Ahonen. Let us hope that we are not seeing the beginning of a practice whereby military reserve duty becomes a punishment for human rights activity, rather than a legitimate contribution to the defense of the nation.

PORTUGUESE ACHIEVEMENTS SHOULD BE PART OF OUR CELEBRATION OF THE 500TH ANNIVERSARY OF COLUMBUS' VOYAGE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. STARK. Mr. Speaker, as we begin to plan the celebration of Columbus' discovery of America, we should also commemorate the key role played by Portugal in laying the scientific, inquiring climate that resulted in Columbus' achievement. Americans owe a much greater debt of gratitude to the courage of the earlier Portuguese explorers than we commonly realize.

We in California are particularly aware of the Portuguese contribution to the New World because the discovery and settlement of California was first made possible by the voyages of Joao Rodrigues Cabrillo, a Portuguese who worked with the Spanish in Mexico.

The Portuguese-American community of California has long celebrated the contributions of Cabrillo to the history of the west coast.

I hope that during the next few years, the story of this contribution and the genius and courage of the Portuguese explorers can become better known throughout the United States. I would like to include at this point in the RECORD an article from the February 13, 1988, Washington Post that describes Portugal's celebration of the age of discovery.

The article follows:

[From the Washington Post, Feb. 13, 1988]

PORTUGAL CELEBRATES AGE OF EXPLORERS: "THERE IS A FEELING WE ARE STARTING A NEW CYCLE IN OUR HISTORY"

(By Edward Cody)

LISBON.—Exactly five centuries have gone by since Bartholomeu Dias sailed out of a storm and pulled into Mossel Bay, opening a new era by becoming the first European to round the southern tip of Africa.

The feat, which opened the way to the Indian Ocean and oriental treasures, was a high point in a remarkable series of government-sponsored Portuguese discoveries in the 15th and 16th centuries that have been compared to modern-day space exploration for their organization and impact on science.

Portuguese have just begun a 12-year celebration of that glorious past, seeking inspiration and confidence for what many here feel could be the start of another leap in history after years of stagnation. In the first major observance, President Pieter W. Botha of South Africa joined Portuguese officials last Wednesday at Mossel Bay, about 230 miles east of what is now Cape Town, to mark Dias' historic landing on Feb. 3, 1488.

In simultaneous ceremonies in Lisbon, President Mario Soares declared the commemoration of Portuguese discoveries, scheduled to last until the year 2000, provides "a unique opportunity to unite and mobilize the Portuguese people around the exalting idea of modernity." His remarks, in a speech to the national assembly, reflected a sentiment taking form here that Portugal has shed the backward heritage of its long dictatorship, debilitating colonial wars and a chaotic revolution and finally is ready to start catching up with the rest of Europe.

"There is definitely a feeling that we are starting a new cycle in our history," said Joao Vale de Almeida, who runs the European Economic Commission office in Lisbon.

However accurate these 20th century expectations turn out to be, the Portuguese discoveries definitely marked a great acceleration in Europe's knowledge back then and put this little country at the frontier of science. Portuguese mariners revolutionized cartography, astronomy, geography and shipbuilding as they opened Africa and the Orient to trade with Europe.

"We were great at that time," declared Commander Rodrigues da Costa of the government's National Board for the Celebration of Portuguese Discoveries. "From 1480 to 1520, we were the greatest in the world, no doubt about it."

Celebrations have been scheduled to mark only the major discoveries, such as the African coast, Brazil, India and Japan. Da Costa said marking them all would be too much of an undertaking.

"Argentina, yes, we were first," he recited. "Brazil, yes, we were first. Malacca, yes, we were first. Japan, yes, we were first, and Hormuz, and all up through the Arab emirates. Portuguese were the first Europeans to go there, too, but we don't have the resources to celebrate everything."

The American historian Daniel J. Boorstin, former director of the Library of Congress, wrote in his book "The Discoverers" that Portuguese exploits, in contrast to Columbus' fortuitous discovery of America, were the fruit of methodical planning, government sponsorship and careful accumulation of scientific data. "The Portuguese achievement was the product of a clear purpose, which required heavy national support," Boorstin wrote, "Here was a grand prototype of modern exploration."

In calling special attention to the discoveries through a 12-year program of exhibits and observances, the board has aimed for more than memory. It also is seeking a revival of national pride and the spirit of enterprise.

The 15th and 16th century exploration, experts have said, took place in part because Portugal enjoyed national unity and government stability then while the rest of Europe was torn by strife. Officials here noted that Portugal now appears to have ended a period of its own strife, losing the African colonies and struggling through a tumultuous revolution.

Prime Minister Anibal Cavaco Silva, for example, last July won the first absolute parliamentary majority enjoyed by any government here since the dictatorship fell in 1974. In a message ushering in discovery observances, he urged that the early Portuguese explorers become examples for "the economic and social progress we have to carry out, in the political and institutional stability we are living, to prepare for the coming century."

"All the Portuguese discoveries have for a long time been emblematic for the Portuguese people," Da Costa said. "But now they can be an example and an inspiration for young people, for students and technicians, to move forward. We have lost our empire; now we must discover ourselves."

TRIBUTE TO REEDLEY, CA

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. PASHAYAN. Mr. Speaker, it was 100 years ago that the good people of the fertile land of the San Joaquin Valley banded together to form the community of Reedley. Reedley has long symbolized how people of diverse backgrounds can come together in Americas and forge a dynamic and productive community. The Yokut Indians first realized the value of the area, and they were followed by European groups, German Mennonites, Armenians, Finns, Japanese, Syrians, Mexicans, Filipinos, and others.

Thomas Law Reed, a veteran of the Civil War, lent not only his name to the town, but his farming enterprise. His leadership in farming in the area has had tremendous effects even to this day. Now in Reedley's surrounding lands there grows a diverse collection of crops, including cotton, fruit, nuts, vegetables, and maize. It has become known as the World's Fruit Basket.

In 1913, the settlers in the community of Reedley voted overwhelmingly to incorporate into a city and as a city it flourished. Thomas Reed would be proud of the town bearing his name today, from its schools and its churches to its parks, hospitals, airport, residences, and businesses.

On February 18, 1988, the citizens of Reedley inaugurated a 9-month celebration of their heritage, filled with balloons, a pageant, cultural displays, tours, a parade, and other lively events. I am proud to be representing the people of Reedley in the U.S. House of Representatives. On behalf of the House, I should like to extend congratulations to the residents of Reedley past and present for creating an outstanding American community.

TRIBUTE TO CLIFFORD SEGRIST

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Ms. KAPTUR. Mr. Speaker, in Delta, OH, the Delta Chamber of Commerce is honoring Clifford Segrist as its first "Citizen of the Year." Such an honor could only go to a community-minded man of Mr. Segrist's stature. He has given his life to his community. All Delta is his family. Not only has he served as a member of the Delta Fire Department for over 50 years, but he served as the village mayor from 1954–57 and as past president of the Delta School Board. For over 56 years, Mr. Segrist has been Santa Claus to the children of the village, and frankly, to the adults as well.

He is the father of 5 children and grandfather of 14. He is a member of the Delta Rotary Club and Masonic Lodge and an active member of the Delta United Methodist Church. In 1985, Cliff served as grand parade marshall of the famous Delta Chicken Festival. His wife, Marian, as always was at his side.

Cliff Segrist is the type of American who understands what it takes to build our great country. He values those around him and in the process creates a caring community of family and friends. It is this unselfishness that is the basis for a strong nation.

Congratulations to Clifford Segrist, Citizen of the Year, Delta, OH.

A CHANCE FOR PEACE IN THE MIDDLE EAST

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. EDWARDS of California. Mr. Speaker, on February 9, 1988 our colleague MEL LEVINE had published in the Los Angeles Times an article concerning the influential role the United States can play in bringing about peace agreements in the Middle East in 1988. For the benefit of my colleagues who may have missed this article, I would like to insert it in the CONGRESSIONAL RECORD.

Mr. LEVINE points out that the United States, because of its reflagging operations in the Persian Gulf, has gained an increased degree of respect from the Arab nations. This improvement in relations gives the United States an opportunity to more effectively use diplomatic pressure to bring about an end to the Iran-Iraq War. Also, the United States can use this strengthened relationship to encourage both the Arabs and the Israelis to adopt more moderate positions so that they can begin negotiations toward a settlement regarding the occupied territories.

Congress and the administration must recognize the importance of taking advantage of this opportunity to bring about an end to the violence in the Middle East. As Mr. LEVINE points out in his article, doing nothing will certainly only worsen the bloodshed in that region.

I commend this article to the attention of my colleagues.

[From the Los Angeles Times, Feb. 9, 1988]

'88 MAY BE THE YEAR FOR MIDDLE EAST—ELECTIONS SHOULDN'T GET IN THE WAY OF NEW PEACE OPENINGS

(By Mel Levine)

Conventional wisdom says that nothing can be done in the Middle East this year, an election year for Israel as well as for the

United States. After a recent visit with government leaders in that region, I am convinced that the opposite is true: 1988 offers unparalleled opportunities for diplomacy, and the absence of diplomatic effort promises more tragedy. In particular, our presence in the Persian Gulf gives the United States leverage to move on both an Iran-Iraq and an Arab-Israeli peace.

There is little doubt that the Reagan Administration stumbled into the reflagging effort in the gulf. There is also reason to be concerned about the open-ended nature of our military commitment. Nonetheless, it is clear that our presence has improved our relations with the gulf states. Each of the Arab leaders with whom I met stressed that our expanded presence has had a positive regional effect. Their initial misgivings over our resolve, particularly after the Lebanon tragedy and the Iran-Contra fiasco, have given way to an appreciation of our commitment and our willingness to confront Khomeini's Iran.

The enhanced standing that the United States enjoys with the Arab states provides us with diplomatic leverage to press for an end to the Iran-Iraq conflict and, simultaneously, to achieve passage of the followup arms-embargo resolution in the U.N. Security Council.

Our increased credibility in the Arab world should also be exploited to pursue a broader peace in the Middle East. An end to the Iran-Iraq War is only one side of the coin. The United States has aided the efforts of others to check Iran; we need help in our efforts to achieve peace between Israel and the Arabs. While we should not condition one on the other, we should make it clear to our Arab friends that we do expect much greater cooperation in an endeavor that clearly would benefit all parties in the region.

Practically every official with whom I met told me of his commitment to pursue a peaceful resolution of the Arab-Israeli conflict. If they are to be believed—and I would like to give them the benefit of the doubt—they must take concrete steps toward that end, principally:

State publicly what they whisper privately about peace and Israel's right to exist within secure boundaries. No more hints and innuendo.

End provocative public statements that attack Israel and employ objectionable references to Israel and to Jews. Such rhetoric—simply "playing to the masses," we are told—harms any effort to create a constituency for peace.

Cease subsidies to the Palestine Liberation Organization that allow it to flourish even while it continues to terrorize Israel.

Perhaps most important, provide Jordan with unequivocal diplomatic support to enter peace negotiations with Israel. Such support has been negligible in the past, and King Hussein is reluctant to move forward without broad Arab backing.

Such actions undoubtedly would reverberate throughout the region, and would send an unambiguous signal that the Arabs are ready for peace. The effect on Israel would be profound, as the political deadlock in that country over the peace process would likely be broken.

Israel, too, must again demonstrate the imagination to move toward peace. The current violence in the West Bank and Gaza should show that a political solution to the disposition of the territories is imperative. The Israeli government must pursue all possible avenues to get talks under way, even if it means agreeing to a compromise international framework like the umbrella of the next Reagan-Gorbachev summit meeting—which would provide superpower auspices for negotiations—or perhaps the reconvening of the Geneva-type framework of the early 1970s, under which Egypt, Syria and Israel reached disengagement agreements with U.S. assistance.

This should not be too much to ask of either the Arabs or the Israelis, since a wider peace would benefit both sides. Further, the present circumstances in the Middle East create a climate for movement now in the peace process, if properly exploited by the United States and the relevant regional parties.

The de-facto alliance between Egypt, Jordan, Saudi Arabia, Iraq and the other gulf states against Iran; the reintegration of Egypt into the Arab fold in spite of its peace treaty with Israel; the diplomatic and financial isolation in which Syria finds itself, and the leverage that our gulf presence gives us—all provide the United States with an opening toward a Mideast peace that did not exist six months ago.

Conventional wisdom aside, present circumstances suggest that 1988 could offer the most promising prospects for peace. The Egyptian president's visit to Washington along with reports that the United States is exploring a new peace initiative in the Middle East are encouraging signs. The alternative to meaningful movement is the status quo, and all interested parties—Arabs, Israelis and the United States—should by now realize the perils of standing still.

RESOLUTION DESIGNATING SEPTEMBER 16, 1988, AS POW/MIA RECOGNITION DAY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. SOLARZ. Mr. Speaker, I recently introduced, along with Congressman ROBERT LAGOMARSINO, a resolution that designates September 16, 1988, as National POW/MIA Recognition Day.

This resolution is of particular significance to me because, as chairman of the Subcommittee on Asian and Pacific Affairs, I have been actively involved in the effort to achieve a full accounting of our missing men from the conflict in Southeast Asia.

Resolving the fate of the Americans missing and unaccounted for in Indochina is an issue of fundamental importance. It is also a humanitarian issue which has garnered broad bipartisan support in the Congress. Indeed, it is incumbent upon us in the Congress as well as the administration to do everything within our power to attempt to heal this festering wound of the Indochina war by achieving a satisfactory answer to the fate of those Americans who did not return from that war.

No one will disagree that progress in resolving this issue has been painfully slow. Prior to the appointment of Gen. John Vessey as Presidential Envoy to Hanoi, precious little progress had occurred. The Vietnamese had reneged on commitments to cooperate, had suspended technical talks and had virtually ignored their unilateral 2-year plan to achieve a resolution of the issue.

Nevertheless, U.S. resolve on the part of the administration, the Congress and the American people remained, and continues to remain, unbroken. The appointment of General Vessey, I believe, was the catalyst in revitalizing the stalled discussions. And while everyone hoped that the tangible results of the Vessey mission would have been greater, some movement has taken place as evidenced by the return of remains by the Vietnamese and their renewed willingness to hold talks on this issue.

It is critically important, however, that the administration and the Congress continue to press Vietnam, as well as Laos, to cooperate at an accelerated pace. This resolution sends the appropriate signal to these countries since it underlines the fact that the United States will not cease to pursue a resolution to this issue unless and until we reach the fullest possible accounting of our missing.

By adopting the resolution, however, we do more than signal Vietnam and Laos. We reaffirm our debt to our servicemen and civilian personnel who dedicated their lives to defend our freedom and who were either captured by enemy forces, or were declared missing in action by our Government. This resolution pays tribute as well to those who were captured by the enemy, and who were returned from imprisonment.

Furthermore, this resolution recognizes the tremendous sacrifice made by the families of our missing men and acknowledges the continued debt we owe these brave men, women, and children.

Over the past several years, National POW/MIA Recognition Day has been commemorated across the Nation, with appropriate ceremonies at the local, State and national level. The designation of this day as National POW/MIA Recognition Day coincides with the activities planned by the National League of Families and other veterans and community organizations. Such events are not just ceremonies; they serve to increase awareness in the United States, and throughout the world, that Congress is committed to achieving the fullest possible accounting of these men.

THE NIGHT BRER RABBIT MET SDI

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. STARK. Mr. Speaker, I'd like to share a column by the Oakland Tribune's science writer Peter Aleshire. It looks at how the exaggerated claims made for the SDI program have enticed us into a tar pit we don't know how to get out of.

[From The Oakland Tribune, Feb. 20, 1988]

THE NIGHT BRER RABBIT MET SDI

(By Peter Aleshire)

Last night I read the story about Brer Rabbit and the tarbaby to my sons Seth and Noah.

You may recall the story. The sassy, too-clever-for-his-own-good Brer Rabbit is bouncing along the road when he comes upon a man made of tar, left as a trap by his arch enemies. Brer Fox and Brer Bear.

Brer Rabbit says howdy, but the tar man doesn't reply. Our hero is so upset by the tarbaby's rudeness, that he ends up punching away until he's totally entangled in a tarry mess.

Fortunately, Brer Rabbit convinces his enemies to do him in by throwing him in the dreaded briar patch. Whereupon, he uses the thorns to scrap off the tar and scampers away.

The boys went happily off to bed, reassured that a sufficiently clever fellow can recover from his own foolishness, bears and foxes notwithstanding.

Myself, it reminds me of President Reagan's Star Wars defensive system.

Specifically, it reminds me of the X-ray laser system that may have hooked the president in the first place, but which has now yanked the Lawrence Livermore National Laboratory out of the boat and into a political swamp.

The X-ray laser is one of the best-developed ideas for an anti-missile defense system that Reagan hopes will someday protect us from a possible Soviet attack. It's actually a hydrogen bomb that produces precisely aimed beams of X-rays that could, theoretically, destroy Soviet missiles in flight.

Even if it worked, the X-ray laser would have some limits. It has to be launched within a few minutes of the missiles it's intended to destroy, since it has to strike after the target missile clears the atmosphere but before it gets into orbit and deploys decoys.

That means the X-ray generating H-bombs would either have to be in orbit above Russia, or in submarines just off the Soviet coast that are in constant communication with our missile warning network.

But never mind. Early on, H-bomb inventor Edward Teller used his easy access to President Reagan to paint a glowing picture of the potentials of X-ray laser.

It was then up to the hotshot young physicists at Lawrence Livermore National Laboratories, which Teller played a key role in founding shortly after World War II.

We taxpayers have been spending about $600 million a year trying to find a way to make the X-ray laser work.

The program got snarled briefly in 1985 when assorted leaks made conflicting claims about the test results. Congress halted the work, but gave the go-ahead again after an inconclusive General Accounting Office report.

Enter physicists Roy Woodruff, a former associate director of the program, and W. Lowell Morgan, a staff scientist.

Last spring, Woodruff wrote a confidential memo to the University of California, which manages the weapons lab, contending that Teller and Lowell Wood, manager of a weapons design group at the lab had oversold the test results. Woodruff claimed that lab director Roger Batzel refused to allow him to transmit correcting information to the administration. Woodruff then asked to be reassigned, whereupon Batzel demoted him and gave him minimal salary increases.

Woodruff's letter was recently released by the Southern California Federation of Scientists, which obtained it from an unnamed source.

Morgan later backed up Woodruff's claims in a letter to Rep. George Brown, a California Democrat.

Lab officials say the whole thing is simply a personnel dispute and deny misleading anyone.

Woodruff appears to have won round one, since the university recently ruled he'd been unfairly demoted and ordered him restored to a better position. The General Accounting Office is also investigating.

Myself, I keep thinking about the tarbaby.

We seem to be stuck. There sat Teller's X-ray laser, as a president who thinks in anecdotes came hopping past. He smacked it with a speech, then some research money and some testimony before Congress. And before you know it, we're all tangled up.

You can almost understand. At first, it looked like someone you'd like to know. Who wouldn't want to finally be safe from annihilation? But it seems as if no one looked very closely at the flat, coal-rock eyes or the gleaming sheen of the oily tar. Isn't it obvious that the Soviets would take an orbiting hydrogen bomb as a first strike weapon? Haven't we figured out yet that every time we deploy some new weapon the Soviets quickly counter, leaving things more deadily than ever?

I wish I could figure out where lies the briar patch in this real-life story. Maybe it's the budget deficit. Maybe we'll junk Star Wars in the name of reducing the debt without cutting Social Security.

I hope so.

But I doubt it.

IN SUPPORT OF THE ADVANCED PHOTON SOURCE

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. FAWELL. Mr. Speaker, as a member of the House Science, Space, and Technology Committee, I would like to bring to my colleagues' attention an article on a new accelerator to be constructed at Argonne National Laboratory in Illinois. The advanced photon source, also known as the 7 GeV synchrotron, will produce x rays 10,000 times more powerful than currently possible. Scientists will use the APS like a giant flashlight to explore the properties, compositions, and interactions of materials. Research with the APS will directly benefit our Nation's competitiveness and will demonstrate that collaboration among American industries, universities, and national laboratories can be as strong as it is among our competitors.

I commend the following article to your attention.

[From the Chicago Tribune, Feb. 20, 1988]

ARGONNE MAY LAND HUGE X-RAY PROJECT

(By Jon Van)

A proposal to build the world's most powerful X-ray machine at Argonne National Laboratory got a big boost in President Reagan's new budget plan, which allocates $6 million to begin construction next year.

The machine, called a synchrotron, would eventually cost $456 million and could create more than 1,500 construction and related jobs in Du Page County. It also could add hundreds of additional jobs as high-technology industries move to the area to take advantage of the machine.

This, in turn, could give Du Page a competitive edge in its effort to develop a major high-tech corridor along the East-West Tollway. Similar facilities are being planned in Japan and Europe to give their industries an edge, Argonne scientists say.

And unlike the superconductor supercollider, another high-tech research device being touted for the western suburbs, the X-ray machine has many practical applications for industry.

At any given time, more than 300 scientists could do experiments using the machine, which could help in the fields of petroleum, semiconductors, chemical enzymes and plastics. It also is hoped the machine will lead to new technologies in medicine that will help spot illness, such as cardiovascular disease, before symptoms are present.

Scientists at Argonne, near Lemont, have been pushing for construction of the facility for several years and their research persuaded the federal Department of Energy to designate Argonne as the site for the machine, if it were built.

U.S. Rep. Harris Fawell (R., Ill.), who has taken the lead in securing money for the project, said Friday he believes chances are excellent the funding will be approved.

"The importance of this appropriation is it's the commencement of construction," Fawell said, noting that the project has received research and development funding for three years.

"The Department of Energy is committed to it," he said, adding that Argonne expenditures have been supported fully by the entire Illinois congressional delegation.

The facility, which Argonne officials have dubbed an Advanced Photon Source, or APS, will serve as a national resource for basic research into materials science and biotechnology.

Though basic research will be done by using the X-rays to probe the nature of materials and cells, scientists expect that many benefits to applied science and technology will flow from its construction.

The APS Argonne shouldn't be confused with the superconductor supercollider, being proposed at Fermi National Accelerator Laboratory, also in Du Page.

The collider also awaits approval from Congress, which has a $363 million initial construction proposal from Reagan's budget awaiting approval, but even if the collider is built, there is no assurance it will be in Northern Illinois. Six other sites, in Arizona, Colorado, North Carolina, Michigan, Texas and Tennessee, are also in the running.

A decision on picking a site for the collider is expected from the Department of Energy this summer. The collider will provide more jobs for construction, but its economic impact on the region may not be significantly greater than the APS.

The collider will require a 53-mile circumference oval tunnel to be built for accelerating subatomic particles to speeds near the speed of light at very high energies so they can be smashed into each other to create new particles that provide clues for scientists who are investigating the fundamental nature of matter.

The goal of building the collider is to unravel secrets of how the universe was formed and how it works. Goals of the APS are less cosmic. Scientists would investigate how atoms and molecules are arranged to make ceramics hard or to make metals durable or how cells perform functions vital to health.

Scientists have described the APS as something like a giant flashlight used to illuminate the subatomic workings of matter.

The APS would generate forces of 7 billion electron volts, 10,000 times greater than

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any existing X-ray source. Like the collider, the APS would require a circular tunnel for accelerating an energy beam, but the tunnel would have a circumference of about 3,500 feet.

The entire APS apparatus will be constructed on the existing Argonne campus so that it doesn't require any land already occupied by neighbors. This should avoid any local concerns or opposition such as those that have arisen recently from neighbors of the proposed collider who are concerned about having a tunnel for high energy beams several hundred feet beneath their homes.

Several work stations providing high energy beams of X-ray light would be available to researchers from universities and to private companies interested in focusing the beams on materials for research. It is likely, say boosters of the APS, that some companies may establish offices in Du Page as a result.

David Moncton, a scientist on loan to Argonne from Exxon Corp., extolled the potential for cooperation between industry and the lab.

"The Advanced Photon Source is already opening new avenues of cooperation between industry and publicly funded researchers," he said.

"For example, we are investigating new ways for entrepreneurial small businesses to provide medium-sized industrial laboratories with access to synchrotron X-ray sources for research. We are also looking at ways for consortia for small- and medium-sized businesses to cooperate on research while preserving proprietary rights to specific research findings."

To produce its ultra-strong X-ray beams, the APS will use positrons, which are positively charged electrons, accelerated to high energies in the ring.

The APS should help advance knowledge about how reactions take place in chemical reactions that produce petroleum products, make semiconductors, form enzymes and manufacture plastics.

Using the light beams of the APS, scientists hope to make moving pictures of how fast chemical and biological reactions take place.

Powerful magnets will cause the positron beams to vibrate or wiggle as they race around the ring and this causes emission of the X-rays.

BLACK HISTORY MONTH

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. RODINO. Mr. Speaker, the celebration of Black History Month in February is a time to acknowledge the notable achievements of Black Americans and to recognize the contributions that blacks in every field have made to enrich the fabric of American life. By paying special tribute to black Americans, we ensure that the full scope of American history is presented today and passed on to future generations tomorrow.

But Black History Month is much more than a celebration of the past. It also provides a unique opportunity for all Americans to reflect upon the long struggle for freedom in our Nation, to appreciate the indomitability of the human spirit and to renew our commitment to the goals of a fairer and more just society.

Blacks have been at the forefront of our national struggle for freedom from the very beginning. One of the first Americans to give his life for freedom was a black man. Crispus Attucks died at the hands of British troops in the Boston Massacre in 1770. He spilled his blood for liberty—despite the fact that it would be almost another 100 years before slavery was abolished.

The freedom cry sounded by Crispus Attucks was loudly echoed in the words and deeds of Frederick Douglass, Dred Scott and Harriet Tubman as they courageously sought to end the stain of slavery. When abolition did not bring true equality, the mantle of justice was carried forward by such pioneers as James Weldon Johnson and W.E.B. DuBois.

In our lifetime, black Americans such as Mary Bethune, A. Philip Randolph, Bayard Rustin and most notably—Dr. Martin Luther King, Jr.—led America toward, what Dr. King called, the "sunlit path of racial justice." They aroused the conscience of America and inspired us to achieve our true greatness as a nation. The milestones along this path, which I was proud to help erect, were the Civil Rights Acts, the Voting Rights Act, the Fair Housing Act, nutrition and education programs, legal services, to name but a few. What these Black Americans brought about was a social revolution in our country as their struggle became everyone's struggle and their achievements became America's achievements.

What we learned from this enduring legacy was that the human spirit cannot be imprisoned by any man-made barrier. Against the obstacles of slavery, injustice and discrimination, Black Americans fought for equality with courage and dignity. Marches, demonstrations, sit-ins, countless hardships and imprisonment were part of the long battle and the deep wounds suffered by blacks. Many risked—and sometimes gave up—their lives in this noble cause. Yet in triumph and in tragedy, the fight for equality continued.

Black History Month also reminds us that the struggle is not over. The preservation of civil rights is threatened, poverty and hunger reflect economic inequality and racially motivated violence is increasing. We must remain vigilant in protecting the accomplishments of the past by reaffirming our commitment to true equality today. Our responsibility for preserving liberty remains as strong as ever.

For all of these reasons, Black History Month is a special occasion to acknowledge and honor the countless contributions of Black Americans. At the same time, we cannot separate black history from the history of our country. The struggle of Black Americans serves as an inspiration and a reminder; their courage is a cherished tribute to the human spirit and the profound changes in our Nation wrought by blacks continues to benefit us all.

Mr. Speaker, millions of Americans are joining in thousands of cities and towns across the United States to celebrate Black History Month. I am particularly proud of the many activities in my own congressional district. With your permission, I would like to include in my remarks the following highlight of the special Black History Month celebrations in the 10th Congressional District.

[The article follows:]

[From the East Orange Record, Feb. 4, 1988]

CULTURAL EVENTS WILL HIGHLIGHT BLACK HISTORY MONTH

(By Michael A. Wattkis)

Local community groups and centers, universities and museums early this week kicked off February as Black History Month in honor of America's black culture with an educational and entertaining array of lectures, seminars, dance, music and theatre.

Private and state universities will highlight the month-long celebration with a focus on the past and present contribution of black America, the civil rights movement and early black American history.

Cultural groups, art centers and museums will showcase Afro-American culture with dance, music and poetry.

"We have a true potpourri of Black cultural activities, ranging from poetry to music, to fine photography," said Celeste Bateman, supervisor of the Newark Division of Cultural Affairs.

The celebration of black culture was initiated about 1915 by noted black scholar and editor of the Negro History Journal, Carter G. Woodson.

The celebration began as a week-long event around the birthday of the "Great Emancipator" Abraham Lincoln and gradually grew to its month-long length.

New Jersey Network, Channel 50, throughout the month will present a compelling series of programs that explores the contributions, achievements, struggles and triumphs of black America. The programming includes a series of specials, documentaries and films.

A special encore presentation of the award-winning, six part documentary, "Eyes on the Prize" opens the special programming schedule. On Feb. 9, 10 p.m., two episodes will be aired and the others Feb. 16, 23, and March 1.

The documentary, narrated by Julian Bond, chronicles the "events, struggles and undaunted spirit" of the civil rights movement in America between 1954 and 1965. Contemporary interviews are mixed with actual film footage depicting this turbulent period. It also depicts the emergence of the civil rights leaders such as the Rev. Dr. Martin Luther King Jr. and the "awakening of black America as a political force."

Other programs on NJN include "Cissy Houston: Sweet Inspiration," Feb. 10, 10 p.m. This feature chronicles Houston, mother of popular pop artist Whitney Houston of East Orange, early singing career as a member of a gospel quartet to her days with nieces Dionne and Dee Warwick up to her formation of her singing group Sweet Inspiration.

On Feb. 25, 8 p.m., the station will also present "In Rememberance of Martin," an hour-long tribute to the late civil rights leader and winner of the Nobel Peace Prize. Rarely seen footage of King is combined with excerpts from the January 1986 ceremony that marked the first national to honor his birthday.

NJN's "State of the Arts" program will dedicate all of its programs throughout the month to the cultural heritage of blacks.

On Feb. 20, WABC-TV's News Anchor Roz Abrahams will be the special guest at the Fifth Annual Black History Month Breakfast at Scott's Manor, Orange. The 10

a.m. breakfast is being sponsored by the National Council of Negro Women of the Oranges and Maplewood.

In East Orange, The Bookstore & Company will sponsor a poetry reading, entitled "Rhymes and Reasons" on Feb. 6 from 5 p.m. to 8 p.m.

Featured poets are Layding Kaliba, Jaleelah, Linda A. H. Walker, Sandra West and Guy Whitlock. The Bookstore is located at 263 Central Avenue, near Munn Avenue.

Additionally, Clifford Scott High School has a month long series of events planned honoring the achievement and history of Afro-Americans.

"The Jimmy Heath Quartet" will inaugurate the Newark Museum's series, "Black in the Arts," Feb. 7, 3 p.m. at the Second Presbyterian Church at the corner of Washington and James Street, downtown Newark.

A composer and conducter, more than 50 of his works have been recorded by numerous jazz artists. Television reporter Gill Noble, host of WABC-TV's "Like It Is," will talk to Health about his career and music. The discussion will be interspersed with musical compositions and examples. Admission is free.

The museum will host a free Children's Live Theatre, Feb. 6, 1:30 p.m. in Program Hall. Edmund Feliz and Hilary Bader will perform "Africal Folk Tales," a potpourri of stories, dance, mime and music.

At Rutgers University on Feb. 19, a panel of scholars—Basil Davidson, Robert Farris Thompson and Sterling Stuckey—will discuss the Transatlantic Slave Trade in the Paul Robeson Student Center from 9:30 a.m. to 5 p.m. Admission is $5 for the public and $3 for students.

Seton Hall University began its celebration with a candle light vigil in honor of Dr. King earlier this week and will continue a menu filled with events.

This afternoon at 7 p.m. in the Student Lounge, the Rev. David Lee will lecture on "Aids in the Black Community." Then on Feb. 7, 3:30 p.m. in the Main Lounge, Rockaway Review, a travelling senior citizen group, will present "On the Road Again." Admission is $6.

Then from Feb. 8–26, the Pallotine Institute for Lay Leadership and Apostlic Research, in conjunction with the Archives of Seton Hall and the Archdiocese of Newark, will present an exhibit entitled "A Statement of Need: Black Catholic Evangelization."

UNDETECTABLE PLASTIC GUNS

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. MILLER of Washington. Mr. Speaker, on February 18, I joined my colleague Congressman ROBERT MRAZEK in introducing H.R. 3974, a bill to prohibit the manufacture, importation, sale, possession, transfer, receipt, shipment or delivery of not readily detectable firearms. If enacted, this bill would stop a new generation of undetectable plastic guns from coming into this country.

Plastic guns. Just a short while ago that was a term used to describe a harmless children's toy. Today, these undetectable plastic guns should strike fear in the heart of anyone who travels by airplane. These weapons would be feared by anyone who works in or visits the U.S. Senate, House of Representatives or the White House. In fact, anyone who has had occasion to walk through a metal detector has reason to fear the idea of undetectable plastic guns.

You see, Mr. Speaker, undetectable plastic guns are designed to evade metal detectors. Just let your mind wander for a moment. Try to imagine the havoc wreaked by putting such a weapon in the hands of the terrorists, criminals, malcontents and other sociopaths who hold human life so cheap.

Put yourself, for a moment, in the shoes of our law enforcement officers when undetectable handguns are added to the criminal arsenal—an arsenal that now includes Uzi submachine guns, Saturday night specials, and cop killer bullets.

Mr. Speaker, right now this new generation of undetectable plastic firearms is not widely available. But the technology exists to make this nighmare a reality. We have the opportunity now to prevent these weapons from coming into this country, onto our airplanes, into our office buildings and court houses.

This bill has been carefully drafted. It outlaws handguns which cannot be detected by a FAA approved walk-through metal detector when the gun's grip, stock and magazine have been removed or if the handgun cannot be detected by the FDA approved x-ray system to inspect carry-on baggage. The bill allows the Secretary of the Treasury to update the standards on metal detectors to keep up with improvements in technology.

This bill is not an assault on the second amendment. Rather, it is a carefully crafted, proactive, preventive measure. Even opponents of gun control legislation like Senators MCCLURE and HATCH recognize the problem posed by undetectible plastic guns. That is why they have introduced the prohibition of Undetectible Firearms Act in the Senate. Mr. Speaker, H.R. 3974 deserves our speedy consideration and passage.

BICENTENNIAL OF YORKTOWN

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. FISH. Mr. Speaker, I rise on this occasion to speak to this Chamber about a community in my home district, the proud and exuberant town of Yorktown, Westchester County, NY, which is celebrating its bicentennial in 1988.

For 2 years, a bicentennial committee, comprised of 10 members of the town, has been preparing a variety of celebration and special observances. To start things off, on Saturday, March 5, theatrical skits will be performed by fifth-grade students from the Yorktown school district and eighth graders from Lakeland school district. The school bands will entertain at a reception following the performances.

On March 6, the town of Yorktown museum will open the first exhibit on the history of Yorktown, entitled, "Yorktown Patchwork." The museum plans to continue with different exhibits throughout the coming year, each representing a different phase of the town's past.

In April, the bicentennial committee will sponsor a display of art works by local student artists. The works will be displayed in the Jefferson Valley Mall and in businesses throughout the area.

Moving into the summer, the bicentennial committee has plans to involve the residents of Yorktown in outdoor activities. In May, the first of a series of nature walks on Turkey Mountain will be held. A Memorial Day parade is scheduled, followed closely by a bicentennial ball on June 5. The ball will be held at the Jefferson Valley Mall and civic organizations in Yorktown are all involved in sponsoring the event.

The Yorktown Bicentennial Olympics and International Festival will be held on July 2. The Yorktown Parks and Recreation Department will hold olympics for children in the morning. In the afternoon, ethnic social clubs from the area will bring dance, drama, food, and music from their native countries to the international festival for all to enjoy. The middle and later part of July will bring more music to Yorktown with evening concerts in Downing Park.

The autumn of Yorktown's bicentennial year will include a grange fair and a street fair. On Sundays in October, under the auspices of the Yorktown Pastors Association, area churches will reenact the first service held in their respective churches.

A history of the town of Yorktown will be published this year. The book is being written by town historian and bicentennial committee member Doris Auser.

In closing, I am extremely proud of the spirit that exists in the town of Yorktown. All those on the bicentennial committee and all others who give of their time and energy can take pride in their efforts. The town of Yorktown is an example of communities everywhere.

BLACK HISTORY MONTH

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MAVROULES. Mr. Speaker, I am pleased to have this opportunity to acknowledge the achievements of a citizen from Lynn, MA, Mr. Vincent F. Jarvis. He has contributed to the betterment of our community through his significant active public service. His recognition is particularly relevant during our celebration of Black History Month and our commendation of individual black Americans.

Mr. Jarvis has been a committed civic leader in the city of Lynn. Through participation in a variety of community activities, Mr. Jarvis has represented his neighbors extremely well. He was the first black member on a number of respected organizations such as the Kiwanis Club and the board of directors of the Girls' Club. He was also the director of the Salvation Army in Lynn.

In my opinion, we can leave no better legacy to our children than a quality educational system. That is why I commend to my colleagues' attention what I consider to be Mr. Jarvis' most outstanding contribution in public life—his service as a Lynn School Commis-

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sion member. After 13 years of dedicated service on the school committee, Mr. Jarvis recently retired from his position. Without a doubt, his commitment to the improvement of the Lynn school system is a great legacy.

In addition to Mr. Jarvis' numerous community positions, he also played semiprofessional football and baseball. Although he did not continue with his athletic career, Mr. Jarvis had many successful years in the sports field.

During the celebration of Black History Month, I am honored to recognize Mr. Jarvis for his dedicated public service and the lasting contributions he has made to the community of Lynn, MA.

UTAH STATE-FEDERAL LAND EXCHANGE ACT OF 1988

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. OWENS of Utah. Mr. Speaker, today I am introducing the Utah State-Federal Land Exchange Act of 1988. The purpose of this bill is to solve some of the serious land management problems that the State of Utah has faced since its statehood because of the method by which its land grant was executed. It is similar in some respects to legislation recommended by former Utah Gov. Scott Matheson which was given the sobriquet "project bold," but differs in several significant ways.

When Utah entered the Union in 1896, the State received four 1-square mile sections out of every 36 square mile township for purposes of support for the public schools. While this process probably made sense in the 1800's, it has resulted, in 1988, in a land manager's nightmare—a checker board of State and Federal lands with mixed uses and management. Currently the State of Utah owns small parcels of lands in military installations, Indian reservations, in the National Forest System, the National Park System, and wilderness areas and wilderness study areas many of them without legal rights of access. This offers, of course, real challenges to the land managers on both the State and Federal levels as they try to implement policies that will accommodate competing uses on contiguous parcels of land.

More often than not, these attempts have resulted in the Federal Government being the de facto manager of Utah's land. For almost 100 years, we have been unable to effectively manage our own land the way we choose. Besides causing an administrative burden that has wasted untold resources of both the Federal and State governments, it has for decades deprived the Utah State public schools of a significant source of revenue. The people of my State are currently struggling to maintain their school system and trying to provide an adequate education for their children. Revenue from the school trust lands would be a welcome relief.

This problem, which has plagued Utah virtually from its entrance into the Union, was most recently addressed in 1980. After an extensive series of public meetings, hearings and solicitations for comment, and after working with the Utah State Legislature and the Department of the Interior, then Governor Matheson unveiled "project bold." This plan would have transformed Utah's nearly 5,000 parcels of scattered State school lands into 47 larger blocks. The primary objective of that innovative proposal was to improve land management patterns through consolidation and exchange and was to be accompanied by provisions intended to specifically address a wide variety of valid concerns expressed by land users, holders of existing rights on affected lands and other parties.

The economic impact on Utah is inestimable, but obviously offers very significant new opportunities for economic development and growth. The legislation I am introducing today retains provisions found in project bold to protect all valid and existing rights, including both an umbrella protection of rights provision and additional sections which provide more specific protection for certain rights and land uses. Both State and Federal Governments would be protected as to potential revenues derived from conveyed lands through a revenue splitting provision.

Legislation to enact project bold was introduced in the 98th Congress by my colleague from Utah, Representative JAMES HANSEN. The bill was not reintroduced in the 99th Congress. Upon taking office in 1985, Gov. Norman Bangerter's, Utah's present Governor, indicated his desire to review the land exchange proposal and to explore alternatives before Federal legislation was reintroduced. He ultimately made known his preference for a series of smaller scale, administrative exchanges initially involving only those State lands located in the national parks and military installations. The Governor's proposal would exchange, out of these Federal reservations, about 157,000 of Utah's 2.5 million acres of inholdings.

At the outset, it should be understood that any land exchange of the magnitude considered under this bill, or the Governor's proposal, is going to lead to some tough decisions, and undoubtedly some controversy. I congratulate Governor Bangerter's attempts to advance his proposal and move ahead to resolve Utah's scattered lands problem. His proposal is not without merit, and I endorsed it. But I believe that the State is much better served by a statewide exchange, and so I am introducing this legislation. For the present time, both proposals can be pursued simultaneously.

The legislation I am introducing today has several important goals. First, it differs from the Bangerter approach by avoiding the arduous and expensive task of determining fair market value of State inholdings proposed for exchange. Under the provisions of the Federal Land Planning and Management Act, land exchanges executed by the Department of the Interior must be made on the basis of a value for value exchange. This would require, for Utah, a painstaking inventory of each of the 2.5 million acres of the State school lands to determine their value. It would include the need to determine the values of many different kinds of resources found in those millions of acres, including appraisals of mineral values, for which data is currently incomplete in many instances. This would require a Herculean effort, at great expense in terms of time and resources. The approach I have chosen is designed to circumvent this costly, time consuming and contentious process. It legislatively establishes a new, Utah specific process for executing the exchange, notwithstanding the provisions of existing law. It simply recognizes the fact that, while it was a necessary and useful development in public land management law, the Federal Land Planning and Management Act of 1976 may not always be workable for large exchanges, like the one required in Utah. It furthermore protects both State and Federal governments from economic harm resulting from the exchange through a provision for splitting the revenues generated from exchanged lands. This bill justifies going outside the established procedure by facilitating an exchange which is beneficial to both the State of Utah and the United States, and by protecting the economic interests of both entities.

Second, this bill sets up a different and more workable process by which the State government and the Department of the Interior can develop a plan to carry out a workable exchange and consolidation. Rather than enact the terms of the exchange into law, the Governor of Utah would have, upon passage of the bill, 2 years to submit a plan to the Secretary of the Interior. The Secretary will have 1 year to review the plan, and can reject or modify the plan only if it does not meet the carefully drawn criteria set forth in the bill. If the Governor and the Secretary cannot ultimately agree, the original plan will be submitted to the Congress for consideration, and must be adopted or modified within 1 year, or will be deemed adopted.

Third, the bill sets out a formula by which the State can develop its plan. The formula allows the State to acquire 1.5 acres for every acre of land it exchanges out of a national park or monument, and 1.2 acres for every acre exchanged out of the national forest, a military or Indian reservation, or the jurisdiction of the Bureau of Land Management. This formula was developed to accomplish two ends. First, to compensate the State of Utah for the nearly 100 years that it has been unable to fully utilize its lands, and for the resulting loss in revenue that should have gone to Utah's struggling schools. Second, to recognize the greater value and public interest that the U.S. Government has in removing the State in holdings from the National Park System to assure their satisfactory management and protection.

Fourth, a last important component of the plan will be an amendment of the State Enabling Act. When the State of Utah submitted its State constitution for congressional approval before entering the Union, it contained a clause that indicated that the State school lands must be managed for their greatest economic return for the support of the schools. As the State may acquire environmentally sensitive lands through this exchange, and since these newly acquired lands will be considered State school lands, it is necessary to amend the Enabling Act to allow the State to manage such lands for their unique scenic and recreational resources, and not solely for their economic values.

This is a complex issue which will require a great deal of time and effort. This bill is introduced now for purposes of getting the issues on the table, permitting the many interested people and groups to study it and recommend changes to make it work. Hearings are to be scheduled in May or June, and it is my hope that we can pass it in the House this year, to be able to conclude it next year in the 101st Congress.

Many issues, not resolved in my proposal, will have to be addressed in our hearings, including: whether Utah should retain its State land within wilderness study areas until Congress acts on BLM wilderness; what mechanism the State would use to accept provisions of this act; a procedure for administrative and judicial review for parties affected by the exchange; use restrictions, if any, on the Federal share of conveyed lands' future revenues returned to the State; and further refinement of public land user protection; and appropriate forums for the Utah public's participation in formulating the Governor's proposal.

I believe that this legislative exchange proposal constitutes a viable option to resolving Utah's scattered State land situation and will provide, when enacted, very real economic growth and job opportunities, at strategic locations throughout the State. I look forward to working with the Governor and with the other members of the Utah congressional delegation in making progress this year for Utah on this vital issue.

AARP'S TAX-AIDE PROGRAM: 20 YEARS OF SERVICE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. ROYBAL. Mr. Speaker, the American Association of Retired Persons' Tax-Aide Program has received numerous honors, awards, and commendations during its 20 years of existence. In 1986 the program received a Presidential citation for outstanding contributions in volunteer service. This coveted award is limited to approximately 30 organizations each year. Recenty, the AARP Tax-Aide Program received the Internal Revenue Service Commissioner's Award for outstanding and significant service in the public interest.

As chairman of both the House Appropriations Subcommittee on Treasury-Postal Service and the House Select Committee on Aging, I have been keenly impressed by the Tax-Aide Program. I commend Mr. Ira Funston, a retired Department of Labor attorney who was instrumental in developing the concept of a volunteer Tax-Aide Program, utilizing older Americans to help other elderly persons in preparing their tax returns.

Tax-Aide has grown rapidly during the past two decades and especially in recent years. More than 25,000 volunteers serve as counselors, coordinators, and instructors to assure that this free service is provided effectively and efficiently. During the past tax season, Tax-Aide counselors helped an estimated 1.2 million persons with their tax returns at more than 8,000 conveniently located tax sites throughout the Nation. The program is active in all 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. One key aspect of this program is that it provides for specialized services for hard-to-reach elderly individuals and aged minorities. More than 30,000 shut-ins and approximately 43,000 residents at nursing homes and other special sites were assisted during the past tax season.

Tax-Aide is AARP's largest volunteer program. It has sustained an exemplary record during its first 20 years, and I wish to commend all those connected with the program. I reaffirm my strong and continued support for this extraordinarily effective program.

WE STILL NEED THE EXPORT-IMPORT BANK

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. FAUNTROY. Mr. Speaker, I rise today to call to my colleagues' attention a letter to the editor which appeared in the February 1, 1988, edition of the Wall Street Journal. The letter written by my good friend ROBERT GARCIA, chairman of the International Trade Subcommittee of the Banking Committee, accurately describes the dynamic role Ex-Im plays in facilitating the export of U.S. goods and services.

Mr. GARCIA effectively rebuts the contention of the Journal's editorial board that Ex-Im outlived its usefulness to the U.S. export community. To the contrary, he points out Ex-Im is demonstrating its flexibility in bringing more and more U.S. businesses, large and small, into exporting. I commend my good friend for his efforts and encourage my colleagues to give thoughtful consideration to his views.

The letter follows:

[From the Wall Street Journal, Feb. 1, 1988]

EX-IM BANK'S CHANGING ROLE

Your Dec. 23 editorial "'Bank' fare" presents an unfair picture of the U.S. Export-Import Bank. Its mission is to assist U.S. exporters big and small. In the past the exporters that needed assistance from Ex-Im Bank have been larger corporations that wanted to carry out long-term projects. But as small- and medium-sized businesses became more involved in exporting with smaller, short-term projects, Ex-Im Bank also changed to meet the changing demands.

In fact, in May 1987, in response to a congressional mandate, Ex-Im Bank instituted some of the most far-reaching changes in its history in order to reach out to small- and Medium-sized exporters. Ex-Im Bank's Chairman John Bohn and Vice Chairman Bill Ryan have made concerted efforts to implement the new programs. While we still need to see the effectiveness of these efforts, it is apparent that the bank is trying to help all U.S. exporters, regardless of size.

You state that Ex-Im Bank will be requesting a bailout of $2 billion to $3 billion from Congress. Congress will be looking into the bank's financial condition, including the options available for recapitalization. Recapitalization, however, is not a question of whether or not the bank should be bailed out. The question confronting the bank is whether or not it should continue to function as a bank in the sense that it has its own capital base as opposed to an agency that requires an annual appropriation from Congress.

Ex-Im Bank has incurred losses through much of this decade. But it must be pointed out that the bank traditionally brought money into the Treasury. Unfortunately, in the early 1980s, Ex-Im Bank had to borrow from the Federal Financing Bank at high interest rates but had to lend at lower rates agreed upon by members of the Organization for Economic Cooperation and Development. The high interest rates, coupled with the growing less-developed countries debt crisis, which diminished export markets, led to the bank's weakened financial condition.

The editorial correctly implies that the manner in which Congress budgets Ex-Im Bank's programs does not show the subsidy costs involved in the programs. One option among several Congress will be considering is to show the subsidy costs of Ex-Im Bank programs on the budget. The editorial also implies that Ex-Im Bank interferes with the proper workings of trade and credit markets. Not so. More and more private banks in the U.S. are shying away from financing U.S. exports as compared with other banking services because of high overhead. Ex-Im Bank is not interfering but compensating for the lack of response from the private sector.

Finally, the editorial claims that Congress and the administration are "fixated" with boosting exports. It's about time. Our nation is facing an unsustainable trade imbalance that is threatening not only our economy but the world economy as well. Boosting exports is one way to correct that imbalance. Given the lack of assistance for exporters in the private sector, Ex-Im Bank, more than ever, has an important role to play in ensuring a healthy economy.

Representative ROBERT GARCIA.

WASHINGTON.

LOCAL STUDENTS HONOR AMERICAN HOSTAGES IN LEBANON

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to honor the efforts of the students of Smithtown High School East and Smithtown High School West in Smithtown, NY. These students have given me letters for the American hostages being held in Lebanon. Their actions demonstrate the fact that we must never forget these hostages.

Until last week, the hostage situation in Lebanon had nearly faded from the public eye. The letters and cards these students have sent is an effort to help bring this situation back to the public's attention.

I am heartened by their efforts. Since the end of the congressional hearings into the Iran/Contra affair the plight of these brave Americans has, unfortunately, not been given the attention it deserves.

The actions of these school children should remind us that we can never forget to think and pray for the safe return of the hostages.

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The hostages are a diverse group of brave Americans who, knowing the risks involved, decided to go to the Middle East to help represent the United States and educate people in that part of the world. They are Terry Anderson, Thomas Sutherland, Frank Reed, Joseph Cicippio, Edward Tracy, Jesse Turner, Robert Polhill, Alann Steen, and William Higgins.

Last Thursday I delivered these cards to Secretary of State George Shultz. I asked Secretary Shultz to help us send these cards to Lebanon. It is my sincere hope that whoever is holding our citizens will allow them to see that we have not forgotten about them.

I applaud the thoughtfulness that these students have demonstrated. With growing public pressure and careful diplomacy, we will improve the chances of bringing these Americans home safely and quickly. It is my great honor to be able to aid these young people in their efforts.

ELECTIONS IN CYPRUS: A NEW OPPORTUNITY FOR RESOLVING THE TRAGEDY OF THAT ISLAND

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. BROOMFIELD. Mr. Speaker, I congratulate George Vassiliou the newly-elected President of Cyprus. I encourage him to do everything he can to bring peace to that island. With the recent warming in Greek-Turkish relations, now is the time to take a brave step along the road to peace.

Yesterday, George Vassiliou, a Greek Cypriot businessman, was elected as the President of the Republic of Cyprus. I am encouraged by reports that he is strongly committed to reopening unity talks with the Turkish minority on that island. Under his leadership, I trust that the United Nations will be able to launch a new initiative on that divided island.

Since the 1974 invasion, 30,000 Turkish troops have occupied the northern half of Cypus. Over 2,000 Greek Cypriots are missing and over 200,000 Greek Cypriots have been displaced from their homes. 65,000 Turkish settlers have been brought to northern Cyprus. Continuing tensions between Greece and Turkey can only further weaken NATO's vital southern flank. The window of opportunity is open. It will not stay open forever. Now is the time for progress.

I wish President Vassiliou good luck in his efforts to bring peace to that troubled land.

SHULTZ SUPPORTS SOVIET HUMAN RIGHTS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. PORTER. Mr. Speaker, as cochair of the Congressional Human Rights Caucus, I would like to commend Secretary of State George Shultz and his campaign for a more open Soviet policy toward emigration.

His recent talks with Soviet Foreign Minister Eduard Shevardnadze have been very encouraging. While Secretary Shultz was in the Soviet Union preparing for the upcoming Summit, Mr. Shevardnadze assured him that the Soviets would no longer enforce an important emigration restriction. The restriction, which allows only those Soviets with proof of immediate family living abroad to leave the country, has become a major obstacle for scores of Soviet Jews attempting to emigrate.

Although this is a very important concession, it is only a start. They must go farther and drop it altogether from Soviet law. Keeping this restriction in the law books provides the Soviets with the option to use it in the future, depending on only their momentary whims.

This visit was a good step in our effort to press for improved human rights in the Soviet Union. We should thank Secretary Shultz and urge him to build on this success.

AID TO THE CONTRAS

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. MARTINEZ. Mr. Speaker, later this week Congress will revisit the issue of providing further aid to the Nicaraguan Contras. Before making this decision, I urge my colleagues to reexamine the events which caused the United States to find itself in the position it now faces in Central America and elsewhere.

For many years, the foreign affairs bureaucrats in our Government have latched on to the "Realist," power-politics notion that its OK to support non-Communist authoritarian regimes because—in the words of Jeane Kirkpatrick—they are less repressive and more susceptible of liberalization. In order to contain the growth of communism, past Presidents have used this type of thinking to rationalize U.S. support of right wing tyrants.

Unfortunately, this policy has done more to encourage the growth of communism than to contain it. While support of such dictators as Batista, Somoza, Marcos, and Duvalier may have protected U.S. interests on a short-term basis, the long-term impact of this policy has only served to encourage either the growth of communism or the stagnation of political development.

Further aid to the Contras will only take us down a path that has spelled disaster in the past. Why must we support a highly questionable grouping of brutal ex-Somoza national guardsmen and disaffected Sandinistas when the security risk we face in Nicaragua can be reduced through the implementation of the Arias peace plan?

To further understand the ramifications of supporting right wing tyranny, I urge my colleagues to read and reflect upon the following article by Russell Watson, that appeared in the February 15, 1988, edition of Newsweek:

[From Newsweek, Feb. 15, 1988]

DANCING WITH DICTATORS

THE TRICK IS KNOWING WHEN TO CHANGE PARTNERS

(By Russell Watson)

The United States always seems to find itself caught in the sordid embrace of people like Manuel Antonio Noriega. Perhaps that's because American presidents tend to see the world principally in terms of the East-West rivalry; even liberal administrations like to show toughness, making anticommunism more important than democratic ideals when selecting some of their friends. The strongmen often benefit more from the relationship than America does. In his book, "Waltzing With a Dictator," Raymond Bonner writes that Philippine President Ferdinand Marcos used "his knowledge, ingenuity and cunning to extract far more from Uncle Sam than he ever gave." Still, dictators have their uses. While he was making his own fortune, Noriega provided helpful services to the CIA and the Drug Enforcement Administration, and Panama furnished the Pentagon with its biggest base in Latin America. No wonder Washington turned a blind eye to his criminal activities for as long as it decently could—or perhaps a little longer.

Sentiment aside, the United States can't always afford to break off with dictators just because they are unsavory. Usually it is their lack of scruples that makes them successful, and hence valuable to their foreign patrons. Rulers find it "much safer to be feared then loved," Machiavelli wrote, noting that even Hannibal owed his lofty reputation mainly to "his inhuman cruelty." But a line must be drawn somewhere—if not by morality, then by pragmatism. If America has to dance with dictators, it must also know when to change partners. Recent experience suggests a few key moments at which dictators ought to be ditched:

WHEN THEY STOP MOVING TOWARD DEMOCRACY

In a 1979 essay, Jeane Kirkpatrick argued that "traditional authoritarian governments" are preferable to communist-style regimes because they are "less repressive" and "more susceptible of liberalization." Noriega's predecessor, Gen. Omar Torrijos, lived up to that definition. When he concluded the treaty that will transfer ownership of the Panama Canal to his country by the end of this century, Torrijos committed himself to democratization. Although he maintained military rule, he fostered a pluralistic environment in which a political opposition was able to function. Noriega welched on Torrijos's promise. If he remains in power, the government that takes over the canal will be not only undemocratic but dangerously unstable.

WHEN THEY LOSE CONTROL OVER KEY SEGMENTS OF SOCIETY

The shah of Iran was doomed when the mullahs and the merchants broke with him. Although the United States had manipulated Iranian politics before, there was nothing it could have done to restore his authority in those quarters. South Korean President Chun Doo Hwan was forced to accept moderate reform when the middle class decided that his heavy-handed regime was bad for business. In some cases the United States can transfer its support elsewhere, even to another nondemocratic regime, but it must make its move early enough for a new pro-Western government to take hold.

WHEN THEY START TO LOSE A WAR

The biggest factor in Marcos' loss of U.S. government support was the growing impression that his army might eventually be defeated by a communist insurgency. Now his far more admirable successor, Corazon Aquino, faces the same problem at the head of a government that is still less than perfectly democratic. Aquino's official American support is likely to waver only if the Philippine Army seems to be in danger of losing.

WHEN THEY DO SEVERE DAMAGE TO THE ECONOMY

The looting that has occurred in countries like Haiti and the Philippines may make it impossible for even a ruthless dictator to hang on. In the Philippines, cronyism and rampant corruption transformed a $2 billion foreign debt into a $26 billion debt, a burden so crushing that even a competent, democratically minded successor may not be able to cope.

WHEN THEY ARE CAUGHT VIOLATING U.S. LAWS

Dictators are rarely so careless. But investigators are still looking into the question of whether Marcos broke any American laws during his sleazy tenure. And Noriega, almost uniquely, has actually been indicted. It is unlikely that he will ever stand trial, and Americans may find it a bit unfair that his case has to be tried in the press. Of course, if Noriega wants a fair trial and the presumption of innocence, he can always submit himself to the verdict of an American court. Noriega's critics, including some in Congress, charge that his criminal activity has been well known for years and that an indictment could have been obtained long ago. Whether or not that is so, any administration that delays breaking up with a crooked strongman runs the risk of being splattered with some of the mud.

Cutting America's ties to a strongman will not necessarily improve conditions in his country. After a long spell of dictatorship, some countries—Haiti is a current example—are such basket cases, economically and politically, that it may be impossible to create a decent successor regime over the short term. Other nations seem to be ripe for a democratic takeover, as Argentina was a few years ago. Panama may be such a country, if drug money has not soaked in too deeply. Perhaps the next, best candidate for a transition to democracy is Chile, which has a relatively strong economy and a 150-year democratic tradition, a habit that has not been crushed by 14 years of Augusto Pinochet's military rule. The U.S. role in that transition will consist largely of deciding when the right moment has come to back someone else.

PAINTBRUSH DIPLOMACY'S CHINESE CONNECTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. LANTOS. Mr. Speaker, I wish to commend a rather special art exhibit that opened today at the Meridien Hotel in San Francisco. It consists of some 70 paintings by children of Chinatown-area schools and the People's Republic of China. Assembled by San Francisco school officials and Char and Rudy Pribuss of San Mateo, who started the Paintbrush Diplomacy Program several years ago, the paintings show that if the leaders of China and the United States sometimes have their differences, the children communicate most effectively.

The exhibit's paintings by the children in China were brought to the United States nearly a decade ago by the Pribusses, and they have been on display in the Smithsonian Institution. The paintings by children in the Chinatown schools were done expressly for this exhibit, which the Meridien is sponsoring in observance of the Chinese New Year. The best painting will earn a trip to China for the artist and a parent.

Mr. Speaker, this exhibit gives new life literally to the Chinese proverb that a picture is worth a thousand words, and that children who paint perhaps have more to say than adults who bicker. I commend the Meridien, the Pribusses and San Francisco school officials for reminding us that the ingredients for peace are not only in the attache cases of diplomats, but sometimes in a child's paintbrush.

WELCOME TO THE STUDENT COALITION FOR SOVIET JEWRY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. GILMAN. Mr. Speaker, I am pleased to announce to my colleagues that the Student Coalition for Soviet Jewry will be making its annual visit to Washington tomorrow and Thursday for the purpose of expressing individual student concern over the continued plight of Soviet Jews refused their basic human rights. Over 800 college students from across the country will be visiting their Senators and Representatives in an effort to enlist support for individuals and families who are refused permission to either reunify with family members abroad or repatriate to their ancient homeland of Israel.

As one of the four honorary House cochairmen for this year's event, I look forward to meeting with my own constituents on this very important matter. Indeed, 8,155 Soviet Jews were granted emigration permission, for which we are all grateful. Yet thousands more still languish in refusal. Glasnost notwithstanding, peaceful demonstrations are often interrupted by Soviet authorities, while artificial obstacles to emigration, such as family permission or financial obligation, remain in its stead. Secretary of State George Shultz, currently in Moscow to discuss potential plans for yet another summit meeting, has committed himself to raising the issue of human rights high on our agenda. The students affiliated with the Student Coalition for Soviet Jewry send a clear signal to the Soviets as well as our own administration that the rights contained in the Helsinki Final Act and other international agreements must be complied with.

Last month, 722 Soviet Jews were granted permission to reunify with family members abroad. Let us hope that 1988 brings out all those who desire to leave. Certainly, the student coalition is to be commended for its ongoing concern and commitment to action, and it is their collective voice that cries, "Let my people go!"

ABUSE OF SAME DAY RULE

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. LOTT. Mr. Speaker, on February 4, 1988, I inserted a special order in the CONGRESSIONAL RECORD, beginning at page 991, entitled, "Abuse of the Same Day Rule." That special order concerned the instance on October 29, 1987, in which 2 legislative days were created to avoid a two-thirds vote on considering a second reconciliation rule that was filed just moments before it was called up.

The conclusion of that special order and an accompanying memorandum was that the double-day ploy violated the original intent of the House rule in question which was to require a two-thirds vote to consider an order of business resolution on the same calendar day it was reported, not just the same legislative day. While there have been some recent responses to parliamentary inquiries to justify this tactic, they do not comport with the original intent of the rule. I have therefore urged the Speaker to reconsider those precedents and restore the original intent of the rule by not resorting to this tactic in the future.

At this point in the RECORD, Mr. Speaker, I include the exchange of correspondence between myself and the Speaker on this matter. The materials follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 3, 1988.

The SPEAKER,
The Speaker's Rooms, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am enclosing a special order which I intend to insert in tomorrow's RECORD on the subject of House Rule XI, clause 4(b), the rule which prohibits the consideration of reports from the Rules Committee on the same day reported except by a two-thirds vote.

Appended to my special order is an analysis and legislative history of the rule prepared by my Rules subcommittee counsel. The memorandum concludes that considering a rule on a second legislative day of the same calendar day as reported, without a two-thirds consideration vote, violates the original intent of the rule which was to give Members a full day's advance notice of the legislative program.

I am aware of the 1985 statement of the Speaker which would seem to condone this practice. The Manual's footnote on that instance indicates that a consideration vote is not required when two legislative days are convened on the same calendar day. But, the incident cited actually involved two legislative days convened on two separate calendar days, the first legislative day of which ran past midnight of the first calendar day. My own reading of the legislative history would seem to require a midnight cutoff for filing a rule. But, be that as it may, taking the principle one step further and actually convening two legislative days on the same calendar day, as was done on October 29th,

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completely nullifies the original intent of the rule which was to guard against filing and considering a rule on the same calendar day, except by a supermajority vote. I hope you agree with this analysis.

With all best wishes, I am

Sincerely yours,

Trent Lott.

Enclosures.

February 5, 1988.

Hon. Trent Lott,
U.S. House of Representatives, Washington, DC.

Dear Trent: I read with interest your letter of February 3, 1988, and the accompanying special order and analysis wherein you conclude that "considering a rule on the second legislative day of the same calendar day as reported, without a two-thirds consideration vote, violates the original intent of the rule (clause 4(b) of Rule XI) which was to give Members a full day's advance notice of the legislative program"

I appreciate the accuracy and depth of your research and your general conclusion regarding the original intent of the Member who authored the one-day layover rule in 1924. Although I had not so thoroughly examined the history of that provision at the time of our sessions on October 29, I was nevertheless confortable that the application to which the House was then putting clause 4(b), Rule XI, comported with the document (and uncontested) construction of its layover provision as a legislative day requirement.

Even on reflection, moreover, I find it significant that the provision of clause 4, Rule XVI, enabling a privileged motion to fix the day and time to which the House would adjourn, came into being nearly a half-century after the layover provision of clause 4(b), Rule XI. The advent of that rule, making in order at any time in the discretion of the Speaker a motion that when the House adjourn it stand adjourned to a day and time certain, materially altered the landscape for the one-day layover rule and other rules. Indeed, the Parliamentarian has advised me that he has consistently advised Members and staff since that time that such a motion could technically be used to establish two legislative days during a single calendar day to facilitate the application of other rules wherein the counting of "legislative" days would be relevant.

May I state at the outset that as I review the events of October 29, 1987, my recollection is that no one suggested that the procedures employed were in any way not in accordance with the Rules and accepted practices of the House. I was aware of some discussion about whether the House *should* utilize the motion to adjourn to a date and time certain in order to bring up a rule on a new legislative day created by the application of the motion. However, the focus of discussion was never on whether such a procedure was possible, unprecedented, or in violation of any rule. The question of consideration was not raised when the rule was called up on the second legislative day and no point of order was raised against the procedures utilized to bring the rule before the House.

That was my understanding at the time. Having reviewed the Rules and precedents more closely following receipt of your letter and your special order, I still feel a sense of assurance that the House acted in a manner consistent with its Rules and that legitimate procedures were followed. Because of your concerns, I will elaborate on some of the factors which underlie my conclusions, even though a definitive analysis would require more study.

By using clause 4, Rule XVI, the House may convene and adjourn twice on the same calendar day, thereby meeting for two legislative days on the same calendar day, as it did on November 17, 1981 (as noted in the annotation following that clause on page 521, House Rules and Manual). The House did not establish two legislative days on that occasion to facilitate the consideration of a special order reported from the Committee on Rules on the first legislative day. However, the possibility that 24 hours might not ensue between the filing of a rule and its consideration could be anticipated under many circumstances that, in the practices of the House, would not be unusual.

The Speaker's response to a parliamentary inquiry on December 16, 1985 (legislative day of December 15) is relevant. As you point out, on that occasion the House did not "convene" two legislative days on one calendar day pursuant to clause 4, Rule XVI, but did remain in session beyond midnight on December 15. The Speaker nevertheless responded—I think correctly—to Rep. Walker's inquiry, based upon what had been an uncontested (albeit seldom sought) interpretation of clause 4(b), Rule XI, that the one-day layover requirement in that clause was a legislative day and not a calendar day requirement.

Such an interpretation is suggested by other precedents, since the term "day," unless otherwise clarified, is normally interpreted to be a "legislative day" rather than a "calendar day." Legislative days have often been utilized in ways which change the application of other rules having a calendar day requirement. See Hinds' Precedents (IV, 3192) and Cannon's Precedents (VI, 723). In specific parts of the discharge rule (clause 4, Rule XXVII) the term "day" has been so interpreted.

Preliminary research by the Parliamentarian since the receipt of your letter reveals at least one additional occasion on which the Committee on Rules filed a special rule well past midnight on one legislative day and then called it up on the next legislative day but on the same calendar day without its being subjected to a question of consideration. (See House Resolution 615 of the 98th Congress, October 11, 1984.)

While the Chair has an obligation to read the various rules of the House in a way that brings consistency to the whole, it is my observation that we must give weight to the commonly accepted practices of the House. As a member of the Committee on Rules, you are undoubtedly aware of the many instances where rules have been filed and then considered in less than a 24-hour period. While midnight might be a convenient cut-off time for filing, that has never been a commonly held perception or interpretation of clause 4(b), Rule XI.

If I may paraphrase the remarks you make in your special order, I intend to play by the established rules, to be fair in the Chair, and not to make up rules to suit immediate partisan needs. There is a fundamental difference between interpreting the interrelationship between two rules, in accordance with accepted principles of construction, and "making up rules as we go along," a practice I, too, would deplore. It is my obligation as Speaker to apply the rules fairly, uniformly, and in a manner consistent with the precedents. I consider this obligation inherent in the oath I took when I became Speaker.

I would be happy to discuss this matter further, if you wish.

Sincerely,

Jim Wright,
The Speaker.

Congress of the United States,
House of Representatives,
Washington, DC, February 10, 1988.

The Speaker,
The Speaker's Offices, U.S. House of Representatives, Washington, DC.

Dear Mr. Speaker: Thank you for the courtesy of your February 5 response to my letter and special order on the same-day rule. I greatly appreciate your taking the time to elaborate at length with your views on this matter.

I do not dispute your right to use the Speaker's 1985 response to a parliamentary inquiry as a precedent for future reliance on this tactic. However, my main purpose is to urge you to reconsider in view of the original intent of the rule and the potential for confusion and disruption in orderly process which may be cause by its misapplication.

While it might be argued that the author simply did not contemplate the possibility of two legislative days occurring in the same calendar day, the precedents indicate that this was done as far back as 1793 and 1797 (V, 6724, footnote). Moreover, the clause being amended by the same-day rule provision differentiated between legislative days and calendar days. Perhaps most importantly, the author of the rule (Mr. Moore), in his testimony before the Rules Committee, urged adoption of another rule which would require the Rules Committee "to present to the House any report authorized by the committee within two legislative days of the time when it is so authorized, and the same shall be placed on the House calendar." so, the author was clearly cognizant of the need to distinguish between legislative and calendar days.

You do make the point in your letter that, under the precedents (IV, 3192), "the term 'day,' unless otherwise clarified is normally interpreted to be a 'legislative day' rather than a 'calendar day.' " However, you do not explain how the word "day" could mean legislative day in the first part of the same-day rule, and calendar day in the second, both parts of which were offered by the same author on the same day. And, I don't think there is any dispute that the "last three days of the session" means calendar days. In addition to the precedent cited in the memorandum accompanying my special order (6 Deschler's, Ch. 21, § 18.9), I would call your attention to Procedure in the House, 97th Congress, Ch. 29, § 2.1):

> * * * Sunday is considered a "dies non" under the provisions of clause 4(b) Rule XI in computing *the final three calendar days* within which the Committee on rules may call up a resolution on the same day reported. (emphasis added)

Thus, it is clear that the term "day" does not mean legislative day in the case of clause 4(b)'s parenthetical clause. It means calendar day in both instances it is used.

Your letter does rely heavily on the "materially altered . . . landscape" brought about by the 1973 rule permitting a motion to adjourn "to a day and time certain," and its "interrelationship" with the same-day rule. But, as shown above, there is no such interrelationship because the same-day rule was intended to apply to calendar, not legislative days. And you do not fault "the accuracy and depth" of our research as well as our "general conclusion regarding the original intent of that rule." So, while the 1973 rule may well "facilitate the application of other rules wherein the counting of legislative days would be relevant," it is not relevant in the case of the same-day rule.

I might also point out that, while your letter indicates that the term "day" ordinarily is interpreted under the precedents to mean "legislative day," in the case of clause 4 of Rule XVI, the motion therein authorized to "adjourn to a *day* a time certain" must refer to a calendar day. Thus, when Mr. Foley made his motion on October 29th "that when the House adjourns today it adjourn to meet at 3:15 p.m. today," it is understood he was referring to 3:15 p.m. on the calendar day of October 29th. The word "today," the second time used in the motion, could not have meant the same legislative day, since the House cannot reconvene on the same legislative day. And he could not have simply moved to meet on the next legislative day at 3:15 without referring to the calendar day.

As I attempted to demonstrate in my special order and the supporting memorandum, the tem "legislative day" only began to creep into the footnotes of the House Manual in 1975. Nowhere can the interpretation of "legislative day" be found in Cannon's Precedents, Deschler's Precedents, or even the 1987 Supplement to Procedure in the House. This is not a longstanding interpretation of the rule; it is of very recent vintage. And, as I have demonstrated from the legislative history of the rule, this interpretation is not only at odds with the original intent, but is logically inconsistent with the waiver it provides for itself during "the last three days of the session.

Nevertheless, you indicate that you were "comfortable" with the October 29th application of the rule because it "comported with the documented (and unconstested) construction of its layover provision as a legislative day requirement." Moreover, you correctly point out that at the time of the double-day move, "no one suggested that the procedures employed were not in accordance with the Rules and accepted practices of the House," and "the question of consideration was not raised against the procedures utilized to bring the rule before the House."

I think you will agree that, until that time, no one, including you, me, or the Parliamentarian, had bothered to research the legislative history of the rule to determine original intent. Nor had a situation arisen in which the issue became as starkley defined as on October 29th when the House adjourned and reconvened within an hour of the filing of a rule. The mere fact that this had not been contested before (was one to appeal the Speaker's response to the 1985 parliamentary inquiry), or that no one was prepared to raise a point of order on October 29th, does not, in and of itself, confer legitimacy on the practice.

What I am urging is that, before this practice does indeed become commonly accepted, the original intent of the rule be restored as the correct precedent to be followed. As Justice Field once wrote of the doctrine of stare decisis: "It is more important that the court should be right upon later and more elaborate consideration of the cases than consistent with previous declarations. Those doctrines only will eventually stand which bear the strictest examination and the test of experience." (*Barden* v. *Northern Pacific R. Co.*, 154 U.S. 288, 322)

The "legislative day" interpretation may make it easier and more convenient for you as Speaker to facilitate the work of the House. But, to paraphrase Chief Justice Burger in the Chadha case: "the fact that a given . . . procedure is efficient, convenient and useful in facilitating functions of government, standing alone, will not save it if it is contrary to" the original intent of the rule; "convenience and efficiency, are not the primary objectives—or the hallmarks—of democratic government." (*INS* v. *Chadha*, 462 U.S. 919)

Sincerely yours,

Trent Lott.

ESTONIAN INDEPENDENCE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. MICHEL. Mr. Speaker, once more I am glad to join with our colleagues in paying tribute to a brave people. I refer to the people of Estonia, who on February 24, 1988, mark the 70th anniversary of the independence of the Republic of Estonia.

Estonian independence was brutually violated after the notorious Nazi-Communist Pact of 1939 allowed the Soviet Union, under the leadership of Stalin, to take away by force the freedom of the Baltic States.

The United States of America does not recognize this takeover, a fact which is widely unknown in the United States and, for some reason, is rarely mentioned in our dealings today with the Communist Party of the Soviet Union, the ideological heirs of Stalin.

I will not go over the gruesome details of the Communist domination of Estonia since 1944. Suffice it to say it is a classic example of Communist tyranny and having said that, enough has been said.

The people of Estonia are now letting Communist rulers know how they feel in public demonstrations. If Mr. Gorbachev really believes in glasnost, we'll see even more of these demonstrations of solidarity, love of freedom and demand for independence among the Estonian people.

TRIBUTE TO RICARDO MONTALBAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a distinguished member of the southern California community, Mr. Ricardo Montalban. Mr. Montalban is not only a talented actor but also a man devoted to helping others. Mr. Montalban will serve as the honorary game chairman for the Fourth Annual San Fernando High School Alumni Celebrity Baseball Game.

Mr. Montalban's acting career has spanned both stage and screen. He is perhaps best known for his starring role in television's "Fantasy Island." His numerous motion picture credits have contributed to his international fame.

In addition to being well-known for his extraordinary acting talents, Mr. Montalban is legendary for his many efforts to help youth and the disadvantaged. He is the spokesperson for Navidad in el Barrio, a program to collect Christmas toys for needy Hispanic children, and for the Los Angeles County Adoption Agency in its effort to secure homes for orphaned and abandoned children. By hosting a relief telethon, he also helped raise millions of dollars for victims of the 1985 Mexico City earthquake.

As chairman of the San Fernando High School alumni game, Mr. Montalban is once again giving his time to assist southern California youths. The baseball game is being held to raise funds for CARE, a part of the Dropout Prevention and Recovery Program. CARE takes a "community partnership" approach to encouraging students to stay in school and is aimed at identifying students whose behavior patterns indicate they are likely to drop out. The program has received enthusiastic community support as well as statewide acclaim.

The baseball game, which will take place on February 27, is the highlight of the San Fernando High School Alumni Committee's fundraising efforts. One team will be made up of a host of celebrities and San Fernando High School alumni, many of whom have played professional sports. They will be pitted against the San Fernando High School varsity team, the 1987 league champions. The game is expected to raise $40,000 to support the CARE Program at San Fernando High School.

It is my distinct honor and pleasure to join the San Fernando community in honoring Ricardo Montalban. His success as well as tireless efforts to help others make Mr. Montalban an excellent role model for today's youth.

NO DUE PROCESS IN EL SALVADOR

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mrs. BOXER. Mr. Speaker, I would like to call to the attention of my colleagues, the following op-ed on El Salvador by our colleague, Congressman Joe Moakley. It was printed in the Boston Globe on February 18, 1988. I also call your attention to these two newspaper articles on the same topic—the first dated January 6, 1988, in which President Duarte announced in a press conference that an arrested leftist student had confessed to participating with other leftists in the killing of Herbert Anaya, and the second dated February 19, 1988, in which this same student retracted his confession.

Congressman Moakley's article addresses one of the root problems in the flawed democracy of El Salvador. The Salvadorian judicial system fails to function to protect its citizens' rights through a system of due process. Even the president of the country declares his fellow citizen guilty in a press conference and without a trial. Subsequent to this denunciation, the alleged accomplice to Anaya's

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murder now says that he was deprived of sleep and given two injections.

Because the United States provides more than $1 million a day in aid to El Salvador, we must use all available means to urge the Salvadoran Government, in Mr. MOAKLEY's words, "to investigate political murders and bring their perpetrators to justice in accordance with due process."

The information follows:

[From the Boston Globe, Feb. 18, 1988]

A MIRANDA CASE THAT STRIPS A SUSPECT OF RIGHTS

(By Joe Moakley)

WASHINGTON.—In the United States, the name "Miranda" is synonymous with the protection of suspects' rights. The famous Miranda case in 1966 assured that confessions taken without prisoners' knowledge of their rights—and in particular the right to remain silent and to have an attorney—would not be admissible as evidence in US courts. In El Salvador, the name "Miranda" has come to mean the antithesis of prisoners' rights. The Salvadoran government's case against Jorge Alberto Miranda is another example of the abuse of prisoners and the failings of the judicial system.

On Dec. 23, 1987, the National Police apprehended Miranda, a 19-year-old student, as he attempted to vandalize a truck in the capital city. According to the government, upon apprehension, Miranda confessed that he was a member of the ERP, a guerrilla group, and that he had driven a getaway car for the assassins of Herbert Anaya, a well-known human rights leader who was shot to death last October. The police held Miranda in detention without access to his family or a lawyer from Dec. 23 until Jan. 4—10 days longer than is permitted under the Salvadoran constitution, which requires that prisoners must be brought before a judge or released after three days.

On Jan. 4, Miranda appeared on television in the custody of the police to confess his involvement in the ERP and the Anaya murder. On Jan. 5, President Duarte and Justice Minister Julio Samayoa called a press conference to discuss the case. There, Duarte triumphantly announced the capture of Miranda, stating that "I have the moral conviction" that Miranda killed Anaya. Samayoa explained that Miranda was kept incommunicado for so long because the court was on vacation.

In view of the fact that the international and local press and the president of El Salvador have already tried and convicted Miranda, any legitimate trial is superfluous, and a fair trial is impossible. Yet nagging questions remain. Miranda's father said that the boy complained that he was not permitted to sleep for long periods of time, and that he appeared to have been denied food. Deprivation of sleep and food are common forms of torture used by Salvadoran security forces. If Miranda confessed freely, why was he detained for so long? Courts were in session, notwithstanding the government's claim to the contrary. Miranda's mother and sister insist that he was at home at the time of the Anaya murder; why was this alibi publicly discredited by President Duarte?

Moreover, significant aspects of the Anaya case are unresolved. For example, death threats against Anaya and other members of the Salvadoran Human Rights Commission have not been investigated.

[From the Washington Post, Jan. 6, 1988]

We may never know whether Miranda was coerced by Salvadoran security forces into a false confession or whether he is telling the truth. Yet the United States has not issued a single word of protest about the highly improper procedures. Moreover, the $9.2 million provided to the Salvadoran judiciary to improve the administration of justice and the $10 million in aid to the police don't appear to have had much impact in professionalizing either body. The Duarte government attempted to score a propaganda coup in the Miranda case by flourishing a confessed guerrilla as a participant in the murder of Anaya, a leading critic of the government. However, the carnival atmosphere of the televised "trial" has done little more than advertise the gross failings of the Salvadoran government to investigate political murders and bring their perpetrators to justice in accordance with due process.

LEFT KILLED ACTIVIST, SAYS DUARTE: CONFESSION REVEALED IN RIGHTS CHIEF CASE

(By Douglas Farah)

SAN SALVADOR, January 5.—President Jose Napoleon Duarte said today that leftist rebels carried out the October murder of the head of the nongovernmental Human Rights Commission, a crime that set off a wave of national and international protests.

Duarte said the case was broken because of the "providential" Dec. 23 arrest of a student, Jorge Alberto Miranda, 19, as he tried to burn a truck in the center of the capital. During interrogation, he admitted being involved in the Oct. 26 killing of Herbert Anaya, the president said.

Miranda said in a brief interview with a local television station last night that he was a guerrilla and had participated in the murder of Anaya. He made the statements after giving four hours of court testimony before being taken to Mariona prison.

Miranda's family and Anaya's commission challenged the account.

"We categorically reject this show by the government," said a spokeswoman for the commission. "Tomorrow we will present evidence that it was the security forces." The government and U.S. Embassy say the commission is linked to the insurgents.

Anaya, 33, was shot point-blank as he prepared to take his children to school. He had been jailed for 10 months on charges of links to the guerrillas and was freed in February 1986 in an exchange for an Air Force colonel kidnapped by the rebels. His death sparked a week of antigovernment protests by groups saying the government was responsible.

"This confirms our original thesis that the left did it so they could break off peace talks and try to blame the government," an adviser to Duarte said. Immediately after the murder, the insurgents broke off negotiations on a cease-fire in the 8-year-old civil war, saying the assassination proved Duarte did not respect human rights.

Duarte, in a press conference, showed arms reportedly turned in by Miranda, maps of the getaway and sketches of three men Miranda said helped carry out the killing.

The investigation was carried out by the Special Investigative Unit, funded by the United States.

"We are convinced these are the people that killed Anaya," Duarte said. "This was a crime by the FMLN"—the Spanish acronym for the Farabundo Marti National Liberation Front.

"This is important because the murder was presented to the whole world as a death-squad killing," Duarte said, referring to the paramilitary right-wing groups that killed thousands of civilians in the early 1980s. "Before, people would kill anyone for 100 colones [$20] and no one said anything. But now we are proving we can investigate crimes and those who kill cannot act with impunity."

According to Miranda himself and Duarte, Miranda and the others who allegedly participated in the killing were members of the special forces of the Revolutionary People's Army, one of the most hard line factions of the FMLN.

Duarte said he was "absolutely certain" no torture or coercion had been used to get Miranda to confess. But his father, Jose M. Miranda, said the son complained when visited of not being allowed to sleep for long periods of time. The father added that he appeared hungry.

Sleep and food deprivation are among the most common human rights abuses cited by human rights groups that monitor El Salvador.

"I do not know what they did to him to make him take responsibility for something he did not do, but he could not have done it," said his sister Ana Gladys, 22. "He studied late the night before the attack and was still in bed when it happened. I saw him there and had to get him up so he would not be late for class because he had two final exams that day."

Miranda's mother, Domitila, 49, supported Ana Gladys' version, saying her son was in bed at 6:30 a.m., the time of the killing.

But Justice Minister Julio Alfredo Samayoa said key elements of Miranda's testimony were corroborated by five witnesses, other evidence and lie detector tests.

On television, Miranda said, "There were various reasons for killing him. First, he was not doing his job at the Human Rights Commission well. Second, he was in the hands of the authorities for a long time, he was burned. Third, because he was passing information to the armed forces, and fourth, to be able to blame the armed forces."

Miranda said he provided security, while another man known as Jose drove the truck used and a man called Carlos did the shooting.

Duarte and Samayoa also said two "common criminals" had been arrested for the Dec. 9 killing of Rene J. Cardenas, head of the government's Human Rights Commission in eastern San Miguel province. Samayoa said the police had matched the bullet to a gun found on the two men after they had stolen a vehicle.

[From the Washington Post, Feb. 19, 1988]

SALVADORAN RETRACTS RIGHTS CASE CONFESSION: PRISONER HELD IN KILLING CLAIMS COERCION

(By Douglas Farah)

SAN SALVADOR, February 18.—A prisoner who admitted being a leftist rebel and participating in the October murder of a prominent human rights leader retracted his confession today, saying he had been threatened.

"My confession in matters relating to this case was not true," said Jorge Alberto Miranda in a handwritten statement to the First Criminal Court. "The actions taken against me and my family pressed me into taking responsibility for actions I did not commit."

If Miranda was not involved in the killing, it would be a serious embarrassment for

President Jose Napoleon Duarte and the security forces. In January, Duarte in a nationally televised press conference, said Miranda and other leftist rebels were responsible for the October murder of Herbert Ernesto Anaya, president of the left-leaning, nongovernmental Human Rights Commission.

The rebels denied the charge. The family of Miranda and the commission he led said the killing was the work of right-wing death squads tied to security forces. Ths killing set off a week of domestic and international protests.

Duarte said he was "absolutely certain" no torture or coercion had been used to get Miranda to confess.

Defense attorney Leonardo Ramirez, who presented the statement, said the National Police had threatened Miranda and his family if the 19-year-old student did not collaborate and confess to participating in the assassination.

Ramirez said Miranda would give details, including the reported involvement of two Venezuelan intelligence agents, if allowed to make a new statement to the court.

In the last week the government has launched a campaign in the local press, using documents reportedly captured from the guerrillas, to indicate Anaya was killed by the rebels because they no longer trusted him. The government also said the rebels were pressing Miranda to retract his confession by threatening his family.

Both sides in the bloody civil war have put out exaggerated or fabricated reports of abuses by the other side, making if difficult to know the truth in many cases.

Miranda, in Mariona prison, was to appear before the judge today, but the prosecution filed a motion to block him from appearing.

Prosecutor Luis Roberto Pineda said the move by Miranda and his lawyers was a tactic designed to confuse public opinion, and that only the initial judicial confession was valid in court, not amended versions. Miranda, in interviews with the international press following his arrest, said he had provided cover for the man who killed Anaya, and said he was a member of the guerrillas.

He said repeatedly in the interviews he was not tortured, but said he was given two injections, reportedly for his tonsils, and that he was blindfolded for extended periods while being interrogated.

In his statement to the court, Miranda said he gave his confession because "I felt bad, very sick because of the treatment I received from the National Police. I felt bad since a doctor arrived, and while I was blindfolded, gave me a shot, saying it was for my tonsils.

"This appeared very strange to me because I have never had problems with my tonsils," Miranda added.

Many human rights workers and Miranda's family argued from the beginning that Miranda was tortured into confessing. Miranda's family says Miranda was asleep at the time the killing took place.

[On the third day of a rebel offensive, the Salvadoran military said nine guerrillas and three soldiers were killed in northern Chalatenango province and sabotage attacks left more than 60 percent of the country without electrical power, Reuter reported.]

IN SUPPORT OF HATCH ACT REFORM

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. GARCIA. Mr. Speaker, I am submitting for the record testimony being presented today by Vince Sombrotto, president of the National Association of Letter Carriers, before the Senate Governmental Affairs Committee on reform of the Hatch Act.

I support such reform, and I believe that Mr. Sombrotto presents an eloquent case as to why this reform is so necessary. I am hopeful that the Senate will agree with Mr. Sombrotto, and we will see Hatch Act reform signed into law in the 100th Congress.

I urge my colleagues to take a moment to read Mr. Sombrotto's fine testimony.

TESTIMONY OF VINCENT R. SOMBROTTO, PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS

Mr. Chairman, my name is Vincent R. Sombrotto, President of the National Association of Letter Carriers. The NALC represents more than 310,000 active and retired letter carriers. With me is Steve Thrower, who was a letter carrier while serving as Mayor of Norman, Oklahoma, from 1983-86.

Thank you for inviting us to testify on Hatch Act reform.

In the House debate Republican Representative Gene Taylor, along with many of his colleagues, said that he had opposed previous Hatch Act reform legislation—but not HR 3400. "This is legislation whose time has come," he said.

Mr. Chairman, without the cooperative effort of Gene Taylor and other Republican Members, we might not be here today. More Republicans joined the Democrats on this bill than in all the previous attempts spanning a decade. Why? A Republican colleague from New York, Frank Horton, answered that HR 3400 "was the successful result of bipartisan negotiations . . . It was reported out of committee unanimously."

This was an historic event. But bipartisanship in crafting the legislation doesn't fully explain the overwhelming 305-112 vote. The most vital ingredient was the content of the bill.

Both Mr. Horton and Taylor took the House floor to stress, in Mr. Horton's words, that the new bill "strengthens prohibitions against misuses of official authority, against employees soliciting from their subordinates or their contractors or against coercion and intimidation. It clarifies the ambiguous and selectively enforced restrictions on political activities."

Mr. Chairman, that statement cuts the heart out of our opponents' arguments. The hackneyed phrase that reform will "politicize" the workforce doesn't apply to this bill. Senator Ernest Hollings also answered those criticisms. In a letter supporting reform, he wrote, "However, the bill contains several safeguard provisions such as tightening the restrictions on political coercion as well as strengthening the punishment if a violation occurs . . ." These safeguards ". . . will maintain the neutrality of the civil service system . . ."

Mr. Chairman, the same prohibitions currently in effect in the workplace are unchanged. By clarifying and simplifying restrictions, the rules and violations are clearer. It is clear: "Hatch Act reform prohibits political activity while on duty, in a Federal facility, in the uniform of a Federal job, or while using any vehicle owned or leased by the Government," said House sponsor Representative Bill Clay.

I fully support those prohibitions. In fact, I agree with those opponents who want to keep partisan politics out of the workplace. Where we part company is that they extend the prohibition to letter carriers' private lives.

Representative Clay noted, "There is no evidence that voluntary political activity in any way diminishes the ability to maintain good government . . ." I couldn't agree more.

There is a large body of evidence that proves Mr. Clay's point. Representative Constance Morella (R-MD), whose district contains 65,000 federal employees, researched the issue. "Working with the Congressional Research Service, I have determined that public employees of some 4 states, including Maryland and Virginia, are already allowed leisure-time political freedom comparable to that permitted in the Hatch Act reform bill." She contacted officials in Maryland and Virginia. "Neither could remember a single complaint of political coercion involving government employees."

Over 40 states have lifted their "mini-Hatch Acts" on state and local employees. There is no evidence of abuse or violations.

The conclusion is: political participation works. "In 1988, America should not be trying to restrict political participation," Senator Lowell Weicker said. "We should be doing everything possible to increase political involvement."

Common Cause refused to testify at the House hearings. They now embrace the myth that reform "politicizes the workforce." They admit that there are many non-partisan activities which we can engage in, and that such activities have not resulted in "politicizing." They argue that running for a non-partisan position, such as a school board member, is acceptable. But if the same school board position is a partisan race, it threatens the foundations of the civil service. That is nonsense.

We are responsible citizens who serve our country well. Letter carriers vote in partisan elections. Do they give poor service to the other side? No, because we are professionals, as are federal employees. An employee in the Agriculture Department who stuffs envelopes for a mayoral race is not going to risk job, family and future by violating the law. Such an employee is not subverting good government, but is promoting better government.

Senator Weicker also pointed out that there is much less likelihood of a federal employee, such as an Agriculture Department employee, violating the Hatch Act than a person at the local level. The reason is that the local level is more "hands-on," thereby subject to greater cause-and-effect. The success at the local level of loosened restrictions provides a good lesson for federal reform.

I looked at the OMB/Justice letter opposing HR 3400, which the Administration submitted on the House side. I am deeply disturbed. First, they have the aura of authority—which can be compelling. But the facts don't support their conclusions. Many of their criticisms are the "what if" category. They say, "what if" someone working for the Census Bureau is a campaign manager. That employee has an inside track on census information. My response is: the census is public information. If the information is secret, obtained illegally or withheld from the opponent wrongfully, the person is in violation of the law under current or proposed legislation. I also wonder how many Census Bureau employees are chafing at the bit to be campaign managers in their spare time.

If we condemn on the basis of expertise, do we disqualify a teacher who runs for school board? If hazardous waste is a campaign issue, should employees of a sanitation company be prohibited from volunteering on their own time in a campaign? Of course not, but if the same employee doing the same work is Federal, it's a Hatch Act violation. I agree with Congresswoman Morella when she said, "Our Constitution begins, 'We the people . . . not 'We the people except those in federal service.' "

The OMB/Justice Department paper is rife with such examples. That disturbs me, because their arguments and vehemence borders on an ethics problem—it appears as if they were ordered, bound and determined to produce a negative product regardless of the facts. It was unprofessional.

A further example of OMB/Justice "partisanship" is their objection to extending reform to "political activity by senior political appointees." If real senior executives want out, the bill could be amended. But if they want to hide and penalize those who want to be part of the political life of America, we would oppose them.

It appears that OMB wants it both ways: they object to "loosening" Hatch restrictions for most employees and object to strengthening them for senior execs!

The bottom line is that we can create a lot of "what if" situations. Most employees in the OMB/Justice examples would be guilty under both current law and HR 3400. OMB and Justice admit that "the bill includes a number of provisions intended to ensure that any political activity is conducted off the job, and to prevent conflicts between official duties and political activities. . ." Unfortunately, the agencies consciously go on to ridicule those very provisions. That's an old trick. Those agencies declined to participate in drafting language. We could have benefited from constructive input. Their document, however, leads me to believe they are insincere, and would continue to block reasonable participation.

Our opponents charge that reform needs more debate. Where have they been for the past 50 years? I was in high school when this debate began. In 1966 a bipartisan Commission on Political Activity of Government Personnel recommended reform, and we've been debating that for 22 years. Congressman Taylor challenged those who argued for more debate, "I asked those Members, what amendments they would like to offer?" said Congressman Taylor. "When we got done talking about it, the Members say, 'Well, I really do not guess we have got any amendments to offer.' "

"The fact is, this bipartisan committee cleaned this bill up before we brought it to the floor."

Opponents argue that employees do not want reform. How paternalistic. Let me point out that political participation is voluntary. The way one poll posed the question was: The Hatch Act has protected you since 1939. Supporters think it is vital to prevent politicizing and protect you. Opponents think you do not need the protection. Do you want "repeal?"

Worded like that, 1 would vote "no" because I want reform, not repeal.

Last month I polled the 310,000 members of the NALC. I described the contents of HR 3400, and then asked, "Do you support reforming the Hatch Act?" By a staggering margin of 13 to 1 (93% to 7%) they said "yes." I have attached to my statement a copy of the poll from the NALC magazine, Postal Record.

Times change. Postal Service and Federal government working conditions change. In 1939 postmasters were political appointees; today that is not the case. In 1939 postal employees had few safeguards; sinced 1970 that is not the case. In 1939 Federal employees were not covered by the Merit System, now they are. Originally the act was one law, now it's over 3,000 rulings.

It is a morass. Does it make sense that a federal employee can wear a campaign button but can not host a meet-the-school-board-candidate coffee at home after hours? A letter carrier can attend a rally but can't hold a sign? A 14" × 29" bumper sticker is okay, but you get prosecuted if its 15" × 30". Mr. Chairman, you may be okay with only five letters in your name, but Senator Stevens or Bingaman may have to shorten their names. A letter carrier may write a letter to the editor but may not have copies distributed to five or more newspapers, nor write five or more consecutive letters to one newspaper.

It is absurd in 1988 to deny civil rights to three million citizens. Laws like this cause people to lose respect for the government which enacts them.

I concur with Chairman William Ford: "The Hatch Act was written for a different time and for far, far different circumstance . . . As Lawmakers it is your duty to ensure the Federal laws fit the time."

Members of the Committee, thank you and I will be glad to answer any questions.

WHERE DO YOU STAND ON HATCH ACT REFORM?

Do you think letter carriers and other postal and federal employees should have the same political rights enjoyed by other Americans? You have a chance to express your opinion by returning the Presidential Preference Card, inserted just inside the front cover of this issue.

The reply card asks: Do you support reforming the Hatch Act? By voting "yes," you indicate support for the Hatch Act reform bill, currently before Congress, which would grant postal and federal employees full rights to participate in partisan politics off the job, while retaining on-the-job protections against political coercion by management.

Under the bill, letter carriers would be prohibited from engaging in any political activity while at work or in uniform. However, carriers would enjoy full rights to voluntarily engage in partisan political activity when off the job and out of uniform. This includes the right to campaign for a candidate in a partisan election and the right to run for party or political office.

In addition, the bill strengthens current protections against supervisors intimidating or coercing carriers to support a particular candidate. The bill provides for criminal penalties for any supervisor who forces a letter carrier to become involved in a political campaign.

The reform bill—H.R. 3400—passed the House on November 17 (*see roll call, pages 26-27*) and has been referred to the Senate for consideration. Opponents of reform—such as Citizens Against Union Control of Government and the National Right to Work Committee—claim that working people do not want to reform the law, and have redoubled their efforts to defeat the legislation.

The National Right to Work Committee sent a letter to members of Congress claiming that the bill is a "vicious federal union-boss power grab," and charging that Hatch Act reform is a partisan political move not supported by rank-and-file union members.

"Hatch Act reform is not politics," replied NALC President Vince Sombrotto. "It is about the constitutional rights of 3.5 million individuals who work for the federal government. Enemies of the bill are simply fighting to deny those rights."

Cast your vote on Hatch Act reform along with your preferences for President by returning the enclosed card before February 5.

HOUSE OF REPRESENTATIVES—*Wednesday, February 24, 1988*

The House met at 2 p.m.

The Reverend Thomas Vaga, Estonian Lutheran Church, Lakewood, NJ, offered the following prayer:

Let us pray:

God Almighty, Holy Father, source of peace and healing for the nations!

We thank You for the privilege of speaking for the will and needs of our variegate citizenry. Give our House this day again the ability to debate and agree on what is right and needful for the American people and America as a world leader.

On this day marking the 70th anniversary of the independence for Estonia, today chained by Communist colonialism, we pray that Your help shall deliver that nation and other victims of international violence.

Help America be a true good neighbor to all peoples whose independence has been struck down, remembering all under persecution for their faith, conscience, and natural differences.

Bless our President and Congress with Your light, love, and courage from above. In Jesus' name I pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mrs. Emery, one of his secretaries.

THE REVEREND THOMAS VAGA

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOWARD. Mr. Speaker, today we were privileged to have with us the Reverend Thomas Vaga, who offered the opening prayer. Reverend Vaga is the pastor of the Estonian Evangelical Lutheran Church of the Holy Spirit in Lakewood, NJ, where he has served since September 1987.

Reverend Vaga's arrival in New Jersey was somewhat of a homecoming for him. Born in Estonia in 1938, Thomas Vaga moved to New Jersey at a young age. There he attended public school and obtained a degree in psychology from Rutgers University. He then completed his theological studies in Helsinki, Finland and was later ordained in Sweden by the archbishop of the Estonian Evangelical Lutheran Church in exile.

Today is a very special day for Reverend Vaga and all Estonians throughout the world because it marks the 70th anniversary of Estonian independence. On February 24, 1918, the Estonian people gained their independence and established the Republic of Estonia. This freedom was short-lived, however, when Estonia turned into a battleground between the imperialist powers of Hitler's Germany and Stalin's Russia.

Reverend Vaga experienced this history firsthand. As a young child he joined the masses of refugees fleeing from the Red Army during World War Two. Soon after, the Soviets occupied his homeland and Thomas Vaga was forced to spend his early life in a displaced persons' camp in Germany. Through the aid of the Lutheran World Relief, Thomas Vaga was able to emigrate to America with his family.

Through his efforts today, Reverend Vaga is returning this kindness. He has participated in Estonian Boy Scout camps and activities and served as a scoutmaster in Lakewood. Since his arrival, Reverend Vaga has served his ministry tirelessly. In recognition of his service, he was chosen to represent the Estonian community here today in the House Chamber. Next week is Reverend Vaga's birthday. So I would like to offer him best wishes for his birthday and hope that he stays on in Lakewood for many years to come.

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT PROVIDING FOR CONSIDERATION OF RESOLUTION RELATING TO ASSISTANCE TO SUPPORT THE PEACE PROCESS IN CENTRAL AMERICA

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a privileged report providing for the consideration of a resolution relating to assistance to support the peace process in Central America.

This request has the approval of the minority and majority leadership and is necessary to allow both sides to have sufficient time to draft their proposals.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEGISLATION REINSTATING LONG-TERM CAPITAL GAINS TREATMENT

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHULZE. Mr. Speaker, a most aggregious error made in developing the Tax Reform Act of 1986, was the elimination of capital gains. Americans should be rewarded for long-term investment—especially younger taxpayers extending themselves to buy that first home, or elderly Americans counting on long-term investment for their retirement.

Today I am introducing legislation to reinstate capital gains treatment for long-term investment. Reinstating capital gains will spur economic growth. Most studies indicate it could actually raise additional revenues to reduce our deficits and pay off our national debt.

Low- and middle-income Americans would benefit from new investment, new jobs, and economic growth. Without capital gains treatment, a lock-in effect of current investment may add to the possibility of recession, thus hurting lower income Americans. Long-term capital gains will help ensure that our children and grandchildren have a prosperous future and continued job opportunities.

SUMMARY OF THE LONG-TERM INVESTMENT INCENTIVE ACT SPONSORED BY HON. RICHARD T. SCHULZE

SECTION 1

Short Title: The Long-Term Investment Incentive Act of 1988.

SECTION 2

Repeals sections of the Tax Reform Act of 1986 affecting capital gains taxation. Retains the corporate capital gains tax rate at 28%.

SECTION 3

Amends the Internal Revenue Code to revise the method of calculating the deduction for capital gains of noncorporate taxpayers by: allowing a deduction equal to (1) 80% for assets held 10 years or longer; (2) 60 percent for assets held between three and five years; and (3) 40% for assets held for between one and three years.

Amends the Deficit Reduction Act of 1984 to increase the holding period required for long-term capital gains tax treatment of property acquired after January 1, 1988.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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REPUDIATE AMERICAN BANKERS ASSOCIATION'S THREAT-LADEN BRAND OF LEGISLATIVE TERRORISM

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, the American Bankers Association has put out a contract on four Members of the House: they are our colleagues Mr. Schumer, Mr. Parris, Mr. Saxton, and myself.

It seems the big-shot bullies of the banking industry are displeased with us. Why?

Because we had the audacity to coauthor with Mr. Schumer a bill that would grant limited additional powers to the banking industry but doesn't go far enough to suit the ABA.

In a special report circulated to its thousands of members yesterday, the ABA bullies called on their banking brethren to administer a lesson in acceptable industry behavior. The message was, and I quote:

"These members should be told that their support of Schumer's bill carries a heavy price."

What, my colleagues, do you suppose the ABA means by "a heavy price"?

I'll tell you what it means: it means "toe the line, folks! Give us everything we want. Just follow the script like we wrote it, and damn the public interest!"

Mr. Speaker, are we to sit by while big-shot influence peddlers like the ABA dictate our agenda and even the very terms of our representation in this Congress through intimidation and unveiled threats like these? Is that what we have been elected to do? I think not; and, God help us, I hope not.

I intend to request my colleagues on the Judiciary Subcommittee on Administrative Law to examine the wording and substance of this threat by the ABA for possible violations of Federal statutes.

At the same time, I call on all of my colleagues to repudiate the ABA's threat-laden brand of legislative terrorism.

ASSISTING OILFIELD AND AGRICULTURE OPERATORS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, today I am introducing legislation to repeal a provision of the Omnibus Budget Reconciliation Act of 1987 that increases operating costs for oilfield and agriculture operators.

As we all know, the 1987 Reconciliation Act, passed during a late night session last December, contained many provisions that we now wish were not in it. One of those provisions forces small domestic oil producers to pay an additional 15 cents per gallon on diesel fuel in Federal excise taxes effective April 1.

Obviously, this additional tax would be a severe blow to an industry that is already suffering through a depressed period because of the oil glut. According to the Oklahoma Independent Petroleum Association [OIPA], in my home State of Oklahoma, oil and gas production is down by 25 percent from 1982 levels. The number of employees in oil and gas manufacturing is down 34 percent—from 16,000 to 5,000—and in the oil and gas extraction field more than 65,000 workers have lost their jobs since 1982. The president of one small drilling company told me this tax would cost him more than $300,000 and force him to shut down his operations—forcing hundreds out of work.

The legislation I am introducing today would also exempt farmers and ranchers who use diesel for off-road vehicles. To force this new tax, even though it is refundable, is outrageously unfair. Put simply, the small farmer and drilling firm cannot afford even a temporary tax. It would worsen cash flow problems while increasing paper work and administrative costs.

The legislation would amend the Internal Revenue Code to say that the diesel tax does not apply to taxable fuel sold for use on a farm for farming purposes or to diesel fuel sold for use in the drilling of any oil or gas well.

Please join me in repealing this regrettable provision of the 1987 Reconciliation Act.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION OF MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276(h), the Chair appoints as members of the United States delegation of the Mexico-United States Interparliamentary Group for the 2d session of the 100th Congress the following Members on the part of the House:

Mr. de la Garza of Texas, chairman;

Mr. Yatron of Pennsylvania, vice chairman;

Mr. Gibbons of Florida;

Mr. Rangel of New York;

Mr. Miller of California;

Mr. Gejdenson of Connecticut;

Mr. Coleman of Texas;

Mr. Lagomarsino of California;

Mr. Dreier of California;

Mr. DeLay of Texas;

Mr. Gilman of New York; and

Mr. Goodling of Pennsylvania.

RESIGNATIONS OF CERTAIN MEMBERS AND APPOINTMENT OF CERTAIN MEMBERS TO THE CONGRESSIONAL AWARD BOARD

Mr. BROOMFIELD. Mr. Speaker, the minority leader has been advised of the following resignations of members of the Congressional Award Board:

Ms. Roberta van der Voort, of Kansas City, MO, whose resignation was effective on February 7, 1986;

Mr. John G. McMillian, of Washington, DC, who resigned on March 8, 1986; and

Mr. W. Clement Stone, of Chicago, IL, who resigned on January 14, 1988.

Accordingly, pursuant to Public Law 96-114, as amended by Public Law 98-33 and Public Law 99-161, the minority leader has today appointed the following individuals on the part of the House to fill the existing vacancies thereon:

Mr. George R. Layne, of Fairfax Station, VA;

Mr. Santee C. Riffin, Jr., of Reston, VA; and

Mr. Murriel F. Price, of Fairfax VA.

CONDOLENCES AND CONGRATULATIONS TO SUNNYVALE, CA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Richard Farley killed three people last week in Sunnyvale, CA. He was upset over a female coworker. He will probably get a life sentence; the taxpayers out there including the victims' own families will feed him and house him.

If you do not believe it, look at Richard Speck, who killed eight nurses in Chicago. It costs taxpayers $100,000 a year just to keep him safe.

Now we find out that Donald Harvey down in Cincinnati has admitted to over 30 murders as part of a plea bargain. The deal? Harvey will keep his life; the taxpayers, they will pay the tab to keep his life and the victims and their families, no one just seems to care.

Mr. Speaker, who is protecting the rights of the American people? I think it is time for the death penalty in all 50 States and I think we should be putting these bums to death.

As for Sunnyvale, CA, it is sort of like a tale of two cities: The dark side I guess is Richard Farley but the bright side is Brian Boitano, the greatest skater in the world.

So Members of Congress here send both our condolences and our congratulations and hopefully Sunnyvale can look to the bright side.

□ 1415

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC, *February 23, 1988.*

Hon. Jim Wright,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 4:58 p.m. on Tuesday, February 23, 1988 as follows:

(1) Said to contain a message from the President whereby he transmits the "Superconductivity Competitiveness Act of 1988."; and

(2) Said to contain a message from the President whereby he transmits the report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1986.

With great respect, I am,

Sincerely yours,

Donnald K. Anderson,
Clerk, House of Representatives.

REPORT OF ACTIVITIES OF U.S. GOVERNMENT IN THE UNITED NATIONS AND ITS AFFILIATED AGENCIES DURING 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1986, the sixth year of my Administration. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress).

Ronald Reagan.

The White House, *February 23, 1988.*

SUPERCONDUCTIVITY COMPETITIVENESS ACT OF 1988—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-169)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the Judiciary, the Committee on Science, Space, and Technology, and the Committee on Government Operations, and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and passage the "Superconductivity Competitiveness Act of 1988." This legislation is needed to help translate U.S. leadership in science into leadership in international commerce.

Scientific advances in superconductivity have taken place at a remarkable pace recently. In the estimation of one noted physicist, in the past year we have made 200 years worth of progress. As additional breakthroughs occur, the effect on our standard of living—indeed, our way of life—could be dramatic and unprecedented, in areas as diverse as transportation, energy, health care, computers, and communication.

By funding basic research, the Federal government has played a key role in these scientific breakthroughs. In fiscal year 1987, the Federal government spent about $55 million in superconductivity research. In fiscal year 1988, the Federal government will spend significantly more—increasing the annual spending to more than $100 million. Ultimately, however, our success in superconductivity will depend on the private sector, which will make the critical decisions on how much capital, time, and effort to invest in commercializing superconductivity.

On July 28, 1987, I announced an 11-point superconductivity initiative designed to help the private sector in its efforts to commercialize superconductivity. This initiative has these three objectives:

—To promote greater cooperation among the Federal government, academia, and American industry in the basic and enabling research that is necessary to continue to achieve superconductivity breakthroughs;

—To enable the U.S. private sector to convert scientific advances into new and improved products and processes more rapidly; and

—To better protect the intellectual property rights of scientists, engineers, and other professionals working in superconductivity.

The Superconductivity Competitiveness Act of 1988 ("the Act") is a key part of this initiative. It will help ensure our readiness in commercializing recent and anticipated scientific breakthroughs.

Title I of the Act states the title of the legislation.

Title II amends the National Cooperative Research Act (NCRA) to cover joint production ventures. This is a particularly important step toward allowing U.S. firms to become more competitive with firms overseas in moving important research involving superconductivity and other fast-moving high technology areas from the laboratory to the marketplace.

Title II recognizes that unless U.S. firms are encouraged to organize their research and development activities in the most efficient manner possible, they cannot compete effectively with overseas firms. I should stress that the purpose of the NCRA is not to provide firms with immunity for anti-competitive behavior. Our antitrust statutes will continue to protect American consumers and businesses from harmful practices where they occur. This extension of the NCRA should promote innovation and productivity and will permit this country to maintain—or in some instances to regain—its position of world technological leadership.

Title III of the Act increases the protection of the U.S. patent laws for holders of U.S. process patents. Currently, there is no court-ordered remedy for patent infringement when a product made overseas, using a process that is patented in the United States, is imported into the United States. Title III would establish such a remedy and would permit U.S. manufacturing patent process holders to sue for injunctive relief and damages. (Relief of this nature is already available to process patent holders for products made in the United States using processes patented in the United States.) Title III would not extend the territorial application of American law. It would not prevent a foreign manufacturer from using a process overseas that is patented in the United States, as long as items manufactured under that process are not exported to the United States.

Title IV of the Act would provide protection for certain commercially valuable scientific and technical information generated in Federal government-owned and -operated laboratories. In particular, Title IV recognizes that commercially valuable scientific and technological information generated in Federal facilities loses potential commercial value when it is released wholesale under the Freedom of Information Act (FOIA). In addition, mandatory disclosure of such information under FOIA could encourage U.S. competitors to exploit the U.S. science and technology base rather than making investments in their own research and development infrastructure. Under Title IV, Federal agencies will be required to withhold information of this nature requested under the Freedom of Information Act where disclosure could reasonably be expected to harm the economic competitiveness of the United States. This Title is *not* intended to end the U.S. tradition of sharing the benefits of our excellence in science and technology; it merely provides that the Freedom of Information Act may not always be the appropriate or best avenue for doing so.

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I should note that my Administration is currently developing a uniform policy to permit Federal contractors to own the rights to technical information that they develop for the Government. This is intended to provide these contractors with proprietary rights equal to those of other firms that submit technical information to the Government that was developed at private expense. Because our policy in this area is still under development, Title IV has been drafted to apply only to Federal Government-generated, Government-owned scientific and technical information.

Title V specifies the effective date of the Act.

There is a growing realization that, although the United States has long been a leader in breakthroughs in the laboratory, it has occasionally failed to convert these breakthroughs into commercial applications. This Act, in conjunction with the other components of our superconductivity initiative, can and will speed the process of commercialization. There is no time to waste in this effort. I urge the Congress to act promptly and favorably upon this legislative proposal.

RONALD REAGAN.

THE WHITE HOUSE, *February 23, 1988.*

ESTONIAN INDEPENDENCE DAY

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of the commemoration of Estonian Independence Day. On this day some 70 years ago, the proud Estonian people founded a republic in which they themselves would have full control over the affairs of their country.

Under the illegal incorporation of Estonia into the Soviet Union, the country is a faint shadow of its former vibrant being. But that does not mean Estonian national aspirations are dead. Far from it.

Just this year, the people of that country expressed their contempt for the present government by forming the Estonian National Independence Party—whose primary goal is the true representation of the interests of the Estonian people.

Mr. Speaker, I would like my colleagues to listen to the founders of the Independence Party. Their words say it all:

> The Communist Party of Estonia has not succeeded in representing the interests of the Estonian people for nearly 50 years. Estonians are currently becoming a minority in Estonia; and the state of the economy, education, culture, and natural environment have reached a point which endangers the very existence of the Estonian people.
>
> For this reason, there has arisen an objective need for an alternative group to represent the interests of the Estonian people. We propose the creation of the Estonian National Independence Party, whose basic goal would be the restoration of freedom and independence to the nation state of Estonia.
>
> Until the independence of the Estonian nation state is regained, the Estonian National Independence Party will defend the interests of the Estonian people in the present political situation, acting as a national opposition party to the Communist Party of Estonia.

Mr. Speaker, I salute this new group and fully support their efforts to achieve what the older and better Estonia once had.

REIMBURSE THE STATE OF FLORIDA

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, on February 9, 1988, I introduced legislation to reimburse the State of Florida for more than $148 million in expenses resulting from the Cuban and Haitian boatlifts in 1980 and 1981.

These local costs for social, medical, and educational services, continue to mount without reimbursement from the Federal Government. I am not opposed to the recent normalization of immigration relations with Cuba. But Florida cannot stand still and let what happened after the previous boatlifts happen again.

The Immigration and Naturalization Service has not shown it can adequately monitor and screen the thousands of immigrants pouring into Florida each year. So, how are we to expect the INS to properly screen 23,000 additional immigrants who will come as a result of the renewal of immigration relations with Cuba?

This is not a question of whether or not Cubans should be allowed to come to America. The question is how are we going to manage renewed relations with Cuba without unfairly draining the resources of State and local governments.

INTRODUCTION OF LEGISLATION REGULATING SENDING OF UNSOLICITED SEXUALLY EXPLICIT MATERIAL THROUGH THE MAIL

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, during the past several weeks, many citizens of my district have received an advertisement offering 12 X-rated videos. The advertisement described in the most explicit and offensive terms just what could be expected of these videos. The advertisement, an explicit example of the pornography that plagues this country, was sent out on a bulk mail permit. No one but the publisher knows how the names and addresses were obtained, but I do know that it was unsolicited, and most of my constituents were outraged to have their homes invaded in this way. They were disgusted that their children may have been exposed to explicit pornographic material, delivered, unordered, into their home through the U.S. mail.

In order to address this serious problem, I am introducing legislation today, encompassing a simple and helpful step. My bill would allow an individual, upon receiving unsolicited sexually explicit material through the mail, to require the sender to disclose to the addressee within 30 days the source from which the name or address of the recipient was obtained.

The purpose of this bill is to encourage magazine publishers to use greater discretion in selling their lists, which is a common practice in today's world of direct mail advertising. There are so few things one can do to keep unsolicited sexual ads from coming into their homes. But if a postal patron is able to determine who sold his or her name to a pornographer, perhaps reputable publishers or mailing houses will not sell their lists indiscriminately. This will offer millions of citizens of this country added protection against pornography.

COMMENDING A MAN OF PRINCIPLE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mrs. BENTLEY. Mr. Speaker, Monday, February 22, 1988, was a sad day for the Navy and the entire U.S. military system when James H. Webb, Jr.—a Vietnam veteran and author about that unfortunate page in our history—announced his resignation as Secretary of the Navy.

Although his tour as Secretary of the Navy was so brief—11 months—Mr. Webb, nevertheless, has left his imprint. He brought to the position a broad range of experience, as well as dedication, which enabled him to move forward with President Reagan's goal of building a 600-ship fleet, while, at the same time, improving the Navy's effectiveness and efficiency.

It was refreshing to witness this example of principle by Secretary Webb, who chose to resign from an administration he can no longer support, rather than stay in office and, perhaps, undermine the administration with open dissension. Actually some of those differences resulted from the pressures placed on the Defense Department by the budget cutting imposed by this Congress.

The Navy, the United States, will sorely miss the caliber of leadership and experience of Secretary Webb, which is becoming increasingly rare in Government service.

DEMANDING GENERAL NORIEGA'S RESIGNATION

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, it is high time for the United States Congress to state unequivocably where it stands on Panama's General Noriega. That's exactly what House Concurrent Resolution 243 does. It calls for the resignation of strongman Noriega as commander in chief of the Panamanian Defense Forces and as de facto head of state.

For well over 6 months the Panamanian people have repeatedly demonstrated their desire to return to democratic rule, only to have their efforts thwarted by General Noriega's familiar and much-used tactics of coercion and violence.

The Panamanian people are well-acquainted with Noriega's regime. From the shocking beheading of his outspoken opponent, Dr. Spadafora, to the constant involvement in illicit drug-trafficking, money laundering, and the protection of the infamous Colombian drug cartel, General Noriega has distinguished himself only by showing again and again his contempt for human rights, democratic government and the laws of both his country and our own.

Add to this his recent indictment by two Federal grand juries in my home State of Florida. General Noriega has single handedly aided and abetted the growth of the illicit cocaine and marijuana sales in this country and has made millions in the process.

Also, is Ortega's ties to Castro, to whom he has supplied sensitive U.S. security information while masquerading as a close friend and ally of the United States.

For the sake of present and future stability in Central America; for the sake of democratic government in Panama; and especially for the sake of the traditionally excellent relations between the Governments and peoples of the United States and Panama let us send an unmistakable signal to General Noriega that the Congress of the United States finds his conduct reprehensible by all standards. I urge you to join with me in supporting House Concurrent Resolution 243 to demand General Noriega's resignation.

EIGHTH ANNIVERSARY OF THE CHRONICLE EXPRESS

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I would like to tell you a story that shows that the American dream still does come true. Eight years ago, a young man of 19 founded the County Express newspaper in Germantown, MD, an area I represent in Congress. The newspaper founded by Marty More, who was soon joined by 20-year-old Karl Spain, was originally just 8 pages long and had a circulation of 5,000 confined largely to upper Montgomery County. The paper grew and grew and a year and a half ago the two friends purchased the rival Chronicle newspaper chain and merged it with their own publication.

Today, Marty More and Karl Spain are 27 years old and the Chronicle Express has the fourth largest circulation of any weekly newspaper in the United States. Its network of over 2,000 carriers distributes 200,000 copies per week all over Montgomery County, making it the largest circulation weekly in the county by far.

But the Chronicle Express is not just known for its prodigious circulation figures. It is also known for its readable, community-oriented editorial contents. I read the Chronicle Express every week and know that it can always be depended on for thorough reporting of issues of concern to the people of Montgomery County. Because of its nine regional editions it is able to focus on what concerns people both countywide and in their own neighborhoods. Over the years, it has many times scooped its competition and has always served the people well. I congratulate Marty More, Karl Spain, and their staff for the remarkable success of their newspaper, and look forward to continuing to work with them in the future.

HOUSE CONCURRENT RESOLUTION CONCERNING REAL ESTATE APPRAISAL FRAUD

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRAIG. Mr. Speaker, today I am introducing a concurrent resolution to address the issue of real estate appraisal fraud. Faulty appraisals have contributed significantly to the insolvency of hundreds of our Nation's financial institutions. This resolution articulates the problem and encourages a reasonable solution, emphasizing the correct balance between Federal and State government responsibilities.

This resolution covers four main areas: First, it calls upon the States, whose traditional responsibility it is, to respond to the abuses occurring within this appraisal profession. Second, it urges the States to establish real estate appraiser boards to carry out appraisal certification. Third, it encourages each Federal regulatory agency to expeditiously require State certified appraisals. Fourth, it requests that the Federal Financial Institutions Examination Council monitor the Federal regulators and periodically report to the House Committee on Government Operations the Council's findings.

□ 1430

REAL AID FOR CENTRAL AMERICA

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, tomorrow we are going to be considering legislation on Central America once again. The legislation will likely contain subsistence funds for food and medicine for the Contras while this peace process is underway. It also will include genuine humanitarian aid—a child survival initiative to treat the child victims of that war. The fund will provide prosthetic devices to maimed children and other emergency humanitarian aid.

I think this is the first step in restructuring our policy and reshaping the resources we send to Central America. Converting what used to be lethal aid to reprogram it for aid to the children and aid to the victims makes sense to me.

There is a story in this week's People Magazine, "Agony of the Innocents: the Shame of Nicaragua's Bloody War Is a Ghastly Harvest of Wounded Children," which I am sending to all Members of the House today. The article illustrates with tragic photos why we need a child survival initiative to bind up the wounds of war.

I believe that a child survival fund, as well as the basic subsistence fund for the Contras, can form a bridge to peace and the bridge to peace is part of the road to survival for many children in that region.

We have done the other. We have sent guns to the guerrillas. There have been guns to the Government. Now let us send some food and medicine and shelter to the innocent victims, the children who live in Central America. This truly, in my judgment, will build a bridge to peace in Central America and give us the chance to put our policy toward Central America back on a positive track.

A CHAMPAIGN TRIBUTE TO OLYMPIC GOLD

(Mr. BRUCE asked and was given permission to address the House for 1

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minute and to revise and extend his remarks.)

Mr. BRUCE. Mr. Speaker, speed skater Bonnie Blair is the toast of America after winning our country's second gold medal of the 1988 winter Olympics.

Bonnie is a resident of my district from Champaign, IL. She has proved that preseverance, hard work and determination can eventually harvest rewards. In 1984, she finished in eighth place. Now she took the gold in Calgary.

After setting a new world record, they asked Bonnie how she had done it, and she replied, "I think I just got it on guts," and it took a lot of guts and the support of the Policemen's Benevolent Association in Champaign. Certainly not every organization is rewarded by seeing people that they support take an Olympic gold medal.

Despite the joy she must feel, Bonnie is ready for more competition. She will skate again in the 1,000- and in the 1,500-meter races, with her top competition coming from the same two East German women she edged out in the 500.

It is nice to see the thrill of victory again. For residents of Bonnie's east central Illinois home, it is a thrill of victory that we will always remember.

Our congratulations to Bonnie Blair on a great performance on behalf of the United States.

INTRODUCTION OF BILL TO REPEAL DIESEL FUEL TAX FOR STATE AND LOCAL GOVERNMENTS

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, today I am introducing a bill to repeal onerous IRS tax reporting requirements now existing for local governments. These requirements affect the exemption of local governments from the Federal excise tax on diesel fuel. Current regulations require local governments to pay the tax, register with the Secretary of the Treasury and file regular reports to receive refunds for taxes paid.

These regulations are a result of the Tax Reform Act of 1986, which I voted against. In that tax bill, the collection point for Federal diesel fuel excise taxes was moved from the retail to wholesale distribution points. Groups of traditionally exempt from paying Federal excise taxes, overnight were forced to pay under this new tax law. Included here are farmers, air and rail transportation systems, and local governments. Although I am a principal cosponsor for legislation to restore the exemption for farmers, the problem facing local governments has to be addressed.

Legislation I am introducing today will correct this problem. These regulations make no sense, local governments are, and always have been, exempt from paying excise taxes on diesel fuel. Why are we creating a regulatory system that requires local governments to file for refunds for the diesel taxes that they pay? Local governments with small budgets would be financially hamstrung until they received their refund.

Specifically, my bill exempts local governments from paying excise taxes at the time they purchase the fuel—no registration requirement, no regular reporting, and quite simply, no paperwork. As chairman of the Paperwork Reduction Commission and principal sponsor of the Paperwork Reduction Act, this elimination of paperwork is particularly important to me.

In January and February, I visited practically every town and village in my congressional district. I met with nearly 3,000 people, mostly on an individual basis. I also met with local and county officials at each stop. This tax issue was one of the major concerns expressed to me by these officials. I agree with them and believe that my bill will address their problem.

This legislation is a simple and effective answer to the regulatory nightmare faced by local governments. I urge my colleagues to cosponsor this legislation.

EXPRESSING CONFIDENCE THAT PEOPLE OF EL SALVADOR WILL SUPPORT ELECTIONS ON MARCH 20, 1988

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 250) expressing confidence that the people of El Salvador will reject efforts to disrupt the election to be held in that country on March 20, 1988, and will avail themselves of the opportunity to vote in that election, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. Gray of Illinois). Is there objection to the request of the gentleman from Florida?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida [Mr. Fascell].

Mr. FASCELL. Mr. Speaker, yesterday, the Committee on Foreign Affairs ordered reported House Concurrent Resolution 249, concerning the March 20, 1988, elections in El Salvador, as amended. The resolution which I have sent to the desk is identical to that measure as ordered reported from the committee.

Over the last 10 years we have witnessed progress toward democratization in El Salvador of historic proportions. During this decade El Salvador has evolved from a repressive, authoritarian government to a nascent democracy that is now beginning to solidify its roots and institutionalize democratic processes. No one would claim that El Salvador is yet a paradigm of democracy, but it has established a solid record in a short period of time of which its citizens can be proud.

The purpose of this resolution is to note the progress that El Salvador has made in conducting three relatively free and open elections and to commend El Salvador for the continuation and improvement of that trend. On March 20, elections will be held in El Salvador for the legislative assembly and municipal governments. This resolution states the confidence of the Congress in the ability of the Salvadoran people to conduct that election in a fair and honest manner and to reject efforts to disrupt the elections which would discourage participation.

The resolution also recognizes the important leadership role of Jose Napoleon Duarte, who has served as the political and spiritual leader of this country during much of this period. We and the Salvadoran people owe him a great debt. He has not had an easy task, but time and time again he has opted for the path of freedom and democracy.

Mr. Speaker, this resolution was reported by the Committee on Foreign Affairs by a unanimous voice vote, and is brought to the House with the bipartisan support of the House leadership. I want to commend the leadership on both sides of the aisle for bringing this resolution before the House today.

Mr. Speaker, what we have seen is that a great majority of the people under unusual difficult circumstances have turned out in order to establish a democratic process, the crux of which is participatory politics and the electoral process. Unless that continues, there is no hope for the other changes that need to be made in El Salvador.

We also take note of the fact that the leader of that country, Jose Napolean Duarte, has been an exemplary leader as far as helping this process. Here is an individual whose election was thwarted because of the unilateral efforts of an ideological group to deny him the right to lead the country, after the people gave him that right. He came right back and, because the people themselves demonstrated their dedication and commitment toward democracy, he was elected again.

So with all the difficulties that he has had, with all the difficulties that still remain in that country, I think that it is wise for us, the people of the United States, to take note of the fact

that some progress, some very substantial progress, has taken place. This resolution gives expression to our support for that continuation.

Mr. Speaker, would the gentleman be kind enough to yield to the gentleman from Wisconsin?

Mr. BROOMFIELD. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

I simply wanted to take this opportunity to indicate that in general I would support the thrust of the resolution which applauds the progress that has been made so far in trying to deal with the very difficult situation, but I want to make sure this resolution is not interpreted as a blanket endorsement of absolutely everything that has been happening.

For example, the definition of the recently declared amnesty program, if it comes out one way versus another, could give some of us more than a little heartburn because it could be construed to apply to the killers of four U.S. servicemen down there, and we would not want to see that happen.

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So I would simply like to ask whether I can be assured that support for this resolution by the House would not in any way indicate that the House supported every dot and t of what was happening in El Salvador, including efforts to apply that amnesty program to the killers of United States servicemen.

Mr. BROOMFIELD. Mr. Speaker, under my reservation of objection I would yield to the gentleman from Florida [Mr. Fascell] to respond to the gentleman from Wisconsin [Mr. Obey].

Mr. FASCELL. Mr. Speaker, let me assure the gentleman from Wisconsin [Mr. Obey] that that was one of the issues raised by the gentleman from New York [Mr. Weiss] in the committee and that is why the resolution is as presented. We wanted to make absolutely sure that this was not a blanket, blind endorsement of everything that was happening in El Salvador.

There are shortcomings. My colleagues would not, I am sure, condone amnesty for an ordinary murderer, ordinary criminals, as part of the reconciliation process. What is going to happen under the Arias peace plan, if all the countries pursue it thoroughly, I have no idea, but the President of El Salvador has felt constrained to do what that agreement calls for. Certainly this resolution should not cause anybody any concern that we are endorsing every failing that exists in El Salvador. Just the opposite is the case. We are trying to say that they have done well so far, there are a lot of shortcomings, but we encourage El Salvador to go continue the progress.

That is the thrust of this resolution.

Mr. OBEY. Mr. Speaker, will the gentleman yield to me under his reservation?

Mr. BROOMFIELD. Mr. Speaker, under my reservation I yield to the gentleman from Wisconsin [Mr. Obey].

Mr. OBEY. Mr. Speaker, I thank the chairman of the Committee on Foreign Affairs for those assurances, and I see the gentleman from Michigan [Mr. Broomfield] is nodding in the affirmative. I think that that helps because I am certain the House would not want this to be interpreted as supporting in any way the application of amnesty to the killing of U.S. citizens.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. Solomon].

Mr. SOLOMON. Mr. Speaker, I would like to assure all the people on the other side of the aisle that the administration is very much concerned about this. The administration has been very much concerned about this for a long time.

Those four servicemen that my colleague, the gentleman from Wisconsin [Mr. Obey], was talking about, happened to be four U.S. marines that were brutally killed.

As a former marine myself, I would just like to tell my colleagues that I find it kind of strange that some of the liberals on the other side of the aisle all of a sudden are concerned now about the foreign policy that we have in El Salvador when for months and months and months the administration was criticized by those liberals on that side of the aisle like the gentleman from Wisconsin [Mr. Obey], because of our policy of establishing a democracy in El Salvador. Now that we have one down there, all of a sudden we have this turnaround and people are concerned about somebody being released because of some kind of amnesty.

Well, the administration has assured me that they will keep pressure on the powers that be to see that they are prosecuted.

Mr. OBEY. Mr. Speaker, will the gentleman yield further on that point?

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I want to say to the gentleman from New York [Mr. Solomon] that he can politicize this if he wants to but the fact is the reason that this gentleman is up is because one of the kids who was killed is the son of a very good friend of mine who I have known since high school.

I think it is inappropriate to bring politics into this. We are talking about how we are trying to defend the interests of the United States and see to it that the release of those people does not occur.

I am fully aware of the fact that the administration has lodged a very strong protest and objection to interpreting amnesty in such a way. I fully support them in those efforts.

I would suggest, however, that we ought to keep it that way rather than bring in some politics into it.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield under his objection, I do not think it was politics at all. All I know is we had to pull teeth to get votes from that side of the aisle to get the aid for El Salvador in order to establish a democracy down there. The record ought to show that.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. Weiss].

Mr. WEISS. Mr. Speaker, I thank my friend from Michigan for yielding me this time.

Mr. Speaker, I simply want to express my appreciation to our distinguished chairman, the gentleman from Florida [Mr. Fascell], as well as to the ranking Republican member, the gentleman from Michigan [Mr. Broomfield], for the position which they have taken on this resolution.

As it first came before the Committee on Foreign Affairs, there was indeed the very serious danger that it could have been interpreted as a blank-check approval of everything that has happened and that is going on in El Salvador. As the resolution appears before us now, it approves the process of improvement but does not provide a blank-check approval. In the course of the discussion in the Committee on Foreign Affairs we noted the fact there was general acknowledgment on the part of just about everyone that El Salvador does not have a judiciary system that it itself is satisfied with. Until that happens they really will not have achieved what they want to achieve and what we want them to achieve by way of respecting human rights and legal constitutional rights.

We all recognize that there are still acts which are the acts of death squad activities. There is an awareness that internationally recognized standards of workers rights are often violated. We recognize there is still too much by way of military control in El Salvador. But as this resolution is framed, it appreciates and approves the process and the progress towards electoral reforms, the broad participation in free elections by the people of El Salvador and the courage and leadership of President Duarte.

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Again, Mr. Speaker, I express my appreciation for the cooperation of my colleagues in this matter.

Mr. BROOMFIELD. Mr. Speaker, further under my reservation of objection, I strongly support the resolution before us expressing confidence in the will of the Salvadoran people. I am confident that the people of El Salvador will brave the threats of guerrilla violence and again demonstrate their commitment to democracy.

President Duarte is a person who commands the respect and admiration of all who desire democracy in El Salvador. Duarte has stood firmly behind his promise to bring peace and democracy to El Salvador.

Unlike Nicaraguan President Ortega, President Duarte has endeavored to keep his promises to his people and has courageously pursued national reconciliation.

President Duarte has shown determination in following both the spirit and the letter of the Esquipulas II accord. The people of El Salvador are committed to democracy, regional peace and security. President Duarte believes that democracy is not an end in itself, but a means to achieving a just and lasting peace in Central America.

In spite of threats in 1984 from the Nicaraguan-supported Marxist guerrillas, the people of El Salvador were determined to vote. In the face of intimidation from terrorists, the Salvadoran people voted in an open democratic election. President Duarte was their choice.

Since his election, democratic freedoms in El Salvador have increased. Today, independent newspapers, television and radio stations operate. The media freely presents criticisms and opposing views of the Duarte Government. The Duarte Government, in the face of insurgent activity, lifted its state of emergency in 1987 and has restored all rights granted in the constitution.

The guerrilla threat of violence is real—let us not forget the Marxist guerrilla group responsible for the cold-blooded murder of young American marines on the sidewalk cafe in the capital city of San Salvador or the Salvadorans who have lost their lives exercising their right of self-determination.

I commend President Duarte highly for his commitment to democracy and peace in El Salvador. I am confident that the people of his country will again vote for the promises of peace.

I urge my colleagues to support his timely resolution and send a message to the Sandinistas that their continued support for terrorist groups in El Salvador will not prevail.

Mr. LAGOMARSINO. Mr. Speaker, I am pleased to be an original cosponsor of this resolution to commend President Duarte and to applaud the efforts of El Salvador in strengthening the democratic process.

The legislative and municipal elections to be held March 20 mark another step in solidifying the democratic institutions and the democratic process in El Salvador. El Salvador's democracy is in stark contrast to the reality of Nicaragua's totalitarian regime. Both El Salvador and Nicaragua saw revolutionary changes in their Governments in 1979. El Salvador's revolution has led to democracy while Nicaragua's has led to a Communist dictatorship.

Little credit is given to El Salvador for the advances it has made toward democracy. This was noted by Dr. Susan Kaufman Purcell in her evaluation of the Central American peace plan for the Central American Peace and Democracy Watch. That is the organization that includes former Virginia Gov. Chuck Robb and New York Mayor Ed Koch.

In evaluating compliance with the Arias peace plan, Dr. Kaufman writes:

> Nicaragua is often given a great deal of credit for making changes that still fall far short of the standards set by the accord, while other countries, especially El Salvador, have done far more to implement the agreement, and are given little credit for their efforts. Instead they are evaluated for what they have not done. As one Honduran political leader put it, Nicaraguan compliance has been measured against the agenda Nicaragua has set for itself, not against that established in the Central American peace plan.

While attention has been focused on United States aid to the Contras little concern has been expressed about continued Sandinista support for the Marxist guerrillas in El Salvador. Those Marxist guerillas not only have made every attempt to overthrow the democratically elected government of President Duarte, but also they have declared war on Americans in El Salvador. The guerrillas have announced they have targeted American military advisers and Americans serving at the United States Embassy for attack.

Despite the atmosphere of violence in El Salvador, this resolution correctly expresses the sense of the Congress that we are confident the people of El Salvador will continue to reject efforts to disrupt the democratic process in their country and will take advantage of making their free choice in the March 20 elections.

I am proud to be an original cosponsor of this resolution and urge my colleagues to give it their unanimous support.

Mr. MICHEL. Mr. Speaker, I am glad to join with you in speaking of a resolution supporting the people of El Salvador in their continuing commitment to democracy.

In one sense this is an extraordinary occurrence. Only a few years ago, there were fierce legislative battles fought right here on the floor of the House against aid to El Salvador.

I can remember a constituent of mine—and a friend of yours, Mr. Speaker—Dr. Ira Gallaway, coming back from a study mission to El Salvador and telling me that this beleaguered country needed our help.

And at the same time, the former Speaker asked our good friend and colleague, JACK MURTHA, to go down there and report on what he found.

And JACK returned and said exactly what Reverend Gallaway said, that we needed to help El Salvador.

Today we take it for granted that helping the people of El Salvador is necessary.

But it wasn't always the case. It was like pulling teeth trying to get necessary aid to El Salvador during the early part of this decade. Outside pressure groups demand that we abandon El Salvador, that we force the Government to include Communists, that we simply walk away.

But if we hadn't supported El Salvador earlier, when they were desperate, what we would have in El Salvador today is what we have in Nicaragua today—a Communist government.

I can remember the bitter debate over the role of the church in El Salvador. Bishop Rivera y Damas, an unyielding critic of right-wing death squads, was said to be against American military aid.

But it turned out he was against all outside interference. He said it would be wrong to let the Communists send aid while we unilaterally stop sending aid.

Then there was the Kissinger Commission report, a turning point in our debate over the fate of Central America.

That bipartisan Commission stated about aid to El Salvador:

> Even as military measures are needed to shield economic and social programs, so too are they essential as an adjunct to diplomacy.

And yet we had the same old crowd telling us they wanted a diplomatic solution but not a military solution, as if the Kissinger Commission report had not pointed out the fallacy in the separation of military and diplomatic aid.

We put stringent human rights conditions on our aid, and we should have. Against an onslaught of criticism, the President and, yes, a bipartisan coalition right here in the House, continued to help the El Salvadoran people fight against the terrorism of the left and of the right.

And we saw those brave people vote in a free election. And then another. And then another.

Mr. Speaker, back in 1982, our late colleague and beloved friend, Dan Daniel, spoke for 1 minute on the floor and this is what he said:

> Mr. Speaker, a great debate is raging throughout this country about internal conditions in El Salvador.
>
> I do not know which of the two extremes are correct; perhaps, neither. But I find a curious consistency in those who support the leftist coalition of insurgents in El Salvador.
>
> In our recent history, these are the same groups who supported the Castroists in Cuba, the guerrillas in Vietnam, the followers of Ayatollah Khomeini in Iran, and the Sandinistas in Nicaragua.
>
> Can they really feel that the people in those countries are enjoying a better way of life today than they did before their governments were so radically changed?

And after Dan Daniel was finished, Mr. Speaker, you took the floor.

Here is part of what you replied to Dan Daniel, on February 3, 1982:

> Mr. Speaker, I rise to salute the gentleman from Virginia (Mr. Dan Daniel) and to join in the plea that he makes for patience and understanding with those people who are attempting in good faith to create a peaceful solution to the problems in El Salvador.

And later in your remarks you said:

> I cannot imagine our succumbing once again to the siren song of those who would sell down the river the responsible people who are trying to have a stable, free democratic government on behalf of those who would follow the example of Castro's Cuba.

Mr. Speaker, those words did you credit then and they do you credit now.

Those same words—exactly the same—could be said about Nicaragua today.

I could go on, Mr. Speaker, but I think I've made my point.

Today we support the people of El Salvador as they continue to strengthen their democratic system of government.

But unless there were those who had the courage to do the right thing in 1982, El Salvador would be a Communist nation in 1988.

That "siren song" of "selling out" you spoke of is still being heard, Mr. Speaker. So in giving these brief remarks I just want to point out that we once had the courage to do the right thing in El Salvador. I hope we have the courage to do the right thing in Nicaragua as well, so that someday you and I can join in a resolution suporting a free election and then another and then another in a Nicaragua that has freedom and democracy.

Mr. DEWINE. Mr. Speaker, I want to briefly comment on my strong support for House Concurrent Resolution 250 and commend the majority leader for bringing it to the House floor. As we all know, El Salvador has made great strides toward democracy in the past few years and in improving the human rights climate. These gains have been made largely as a result of the personal commitment of President Napoleon Duarte, who has fought off challenges to democracy from both the right and the left. In addition, President Duarte set a high standard of compliance with the Guatemala peace agreement for the other countries in the region.

I would also like to take this opportunity to express my thanks to President Duarte and the Salvadoran Government for all they have done concerning the three terrorists, Abraham Dimas Aguilar, Juan Miguel Garcia, and William Celio Rivas, who confessed to murdering four United States marines in a San Salvador cafe in 1985. Two courts in El Salvador ruled that the country's political amnesty law applied to these killers and ordered that they be released. However, Attorney General Jiron Flores and President Duarte have been very helpful in appealing these decisions and in keeping these terrorists behind bars until they can be tried under Salvadoran law. On February 7, President Duarte named a legal commission to review the case and make recommendations to him regarding the final fate of the prisoners. Since one of the four marines, Sgt. Thomas T. Handwork, was my constituent, I am very grateful to President Duarte and his administration for their commitment to fairness and justice in the face of other, domestic pressures which I am sure they must have felt.

Lately, however, the rebels have increased their campaign of terrorism and guerrilla activity. Just yesterday, the Communist rebels forced a traffic shutdown over most of the country by threatening to destroy any vehicle traveling on the roads. The rebels have demonstrated their intransigence in refusing to negotiate with the Government on the basis of the Guatemala peace agreement, choosing terror and violence over a peaceful dialog to pursue their goals. As a result, I am very concerned, as we all are, that the rebels will try to intimidate the Salvadoran people from exercising their rights during the upcoming elections on March 20. It is very clear that the rebels are making a determined effort to sabotage these elections.

I strongly support this resolution in applauding the progress toward the institutionalization of democratic process in El Salvador. I think it is important that we in the Congress recognize that the people of El Salvador courageously have resisted threats from the rebels in the past. And, it is essential that we support them now in their efforts to participate in their country's democratic process.

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 250

Whereas the Republic of El Salvador in this decade has sought to develop a constitutional system which respects human liberties and electoral processes;

Whereas in 1982, under the leadership and direction of Jose Napoleon Duarte, free popular elections were held in El Salvador to select a constituent assembly, in which approximately 80 percent of eligible voters participated despite threats from armed insurgents who were attempting to disrupt the electoral process;

Whereas in 1984 approximately 80 percent of eligible voters, despite threats of physical violence, participated in presidential elections which led to the election of Jose Napoleon Duarte as President of the Republic of El Salvador;

Whereas in 1985 the participation of a substantial majority of eligible voters in legislative and municipal elections in El Salvador attested to the institutionalization and growing acceptance of democratic political processes;

Whereas each of these elections in El Salvador was carried out under rigorous domestic and international scrutiny, in the presence of official observers from many nations, including delegations from the United States Congress;

Whereas under the constitution of El Salvador, elections for the legislative assembly and municipal governments in El Salvador will be conducted on March 20, 1988;

Whereas President Duarte has exercised strong leadership, and has demonstrated a personal commitment to the respect for human rights; and

Whereas President Duarte has embraced the Esquipulas II Agreement, which was entered into by the presidents of five Central American countries, and has vigorously sought to implement the provisions of that agreement in El Salvador, in particular through his efforts to enter into direct negotiations with the armed insurgents, in order to promote national reconciliation and to achieve a cease-fire: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the United States Congress, applauding the progress toward the institutionalization of the democratic process in El Salvador, expresses confidence that the people of El Salvador will reject efforts to disrupt the election to be held in that country on March 20, 1988, and will avail themselves of the opportunity to vote in that election.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONDEMNING THE BOMBING BY NORTH KOREAN AGENTS OF KOREAN AIR LINES FLIGHT 858

Mr. SOLARZ. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 246) condemning the bombing by North Korean agents of Korean Air Lines flight 858, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I am happy to yield to the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I rise in strong support of House Concurrent Resolution 246, to condemn the bombing of KAL flight 858 by North Korean agents. I want to commend Congressman SOLARZ for his timely and important initiative. I also want to commend Congressman SOLOMON, who has been an outspoken leader on the outrageous human rights abuses committed by North Korea.

It almost defies the imagination the depths to which a government will stoop in the pursuit of some distorted, depraved, policy objectives. Just yesterday in the Washington Post, an article described the deplorable situation in North Korea, including government-initiated terrorist activities. The utter contempt that the North Korean Government continues to show for human life renders that country totally unqualified and incapable of dining at the table of nations.

North Korea's bombing of the KAL flight, which killed many innocent

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men, women, and children, necessitates a strong congressional response.

House Concurrent Resolution 246 details the chronology of events regarding the bombing, subsequent actions, and strongly condemns this murderous act. The resolution also rejects any overtures by North Korea to establish a dialog with the United States Congress; supports the administration's sanctions—especially the addition of North Korea to the list of states supporting international terrorism; calls upon other countries to impose sanctions; supports efforts in international fora to bring North Korea to account for this atrocity; and makes other important points.

As chairman of the Subcommittee on Human Rights, I firmly believe that North Korea's record on human rights remains one of the worst in the world. Its tyranny knows no bounds, and it is most unfortunate that we must consider a resolution condemning a government for such a detestable act.

House Concurrent Resolution 246 demands our full and unanimous support.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. Solarz], the chairman of the Subcommittee on Asian and Pacific Affairs.

Mr. SOLARZ. Mr. Speaker, I thank the gentleman from Michigan [Mr. Broomfield] for yielding me this time.

Mr. Speaker, on November 29, 1987, a day that will live in infamy, agents of the government of North Korea blew up a Korean airliner en route from Bagdad to Seoul, South Korea. As a result, 115 innocent passengers on the flight lost their lives.

The resolution before us this afternoon, expresses the outrage of the Congress and the American people over one of the most deplorable and despicable acts in the history of international terrorism. This resolution enjoys not only strong bipartisan support in the House but the backing of the administration as well.

I want to assure my colleagues that this resolution was reported out of the Committee on Foreign Affairs only after the most careful consideration of the evidence involved. The Subcommittee on Asian and Pacific Affairs, which I chair, held both an executive session with representatives of the intelligence community as well as a public session with spokesmen for the Department of State. It became abundantly clear to the members of our subcommittee during the course of both our closed and open sessions that there was overwhelming evidence to sustain the conclusion that North Korea was indeed responsible for this tragic terrorist incident.

There was, first of all, a very clear motive. We know the North Koreans are unhappy with the sponsorship by South Korea of the forthcoming summer Olympics. They have from time to time issued threats in their customary bombastic fashion designed to intimidate the international community and the government of South Korea from proceeding with the summer Olympics.

We also know that the government of North Korea has a documented record of engaging in similar acts of state-sponsored terrorism, not the least of which was the incident in Burma in 1983 when North Korean agents succeeded in planting a bomb in Rangoon which resulted in the death of 17 people, including 4 members of the cabinet of South Korea.

Furthermore, we know that the two individuals who were apprehended for their suspected involvement in this incident disembarked from flight 858 in Abu Dhabi before the plane continued on to its final destination, prior to which the plane was blown up in the air. When these two individuals were apprehended in Bahrain, to which they had traveled after disembarking from flight 858 in Abu Dhabi, they both attempted to commit suicide by taking cyanide capsules. One of them succeeded, the other did not. But both of them used precisely the same kind of cyanide capsules which had been found on other North Korean agents who have been apprehended in the past.

In addition, the agent who survived that suicide attempt subsequently confessed and told the entire world about how she had been trained for many years on how to participate and engage in such activities. She stated that she had received this training in North Korea.

But it is not just her confession alone upon which our committee relied. There was also compelling, independent evidence unrelated to the confession which led to the clear conclusion that the North Koreans were responsible for this incident.

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For example, on the persons of the two terrorists who were responsible for the attack, documents were found with the numbers of various North Korean missions in eastern Europe at which they had stopped during the course of their journey.

The woman who survived the suicide attempt was shown a large selection of photographs by U.S. officials, from which she identified two individuals as having played a role in the KAL bombing. Both men were known to be North Korean agents. So there was clear evidence of their involvement.

I might add that the North Korean agent who succeeded in committing suicide, Kim Sung Il, was carrying a fake passport, which he had obtained from someone in Japan who the Japanese, themselves, were at the time looking for, because they had evidence that that individual was a North Korean agent.

I have gone into the evidence upon which the committee based its conclusion and upon which this resolution is based, simply because some suggestions have been made that there is not sufficent evidence to reach this conclusion. I think the evidence is clear. I think the evidence is overwhelming.

This resolution not only expresses our categorical condemnation of the North Korean action but calls upon other countries in the international community to join with us and with our own administration in expressing their disapproval of what has happened. It also calls, where appropriate, for other countries to impose sanctions against North Korea.

This is a matter of great concern, not just to South Korea, but to the entire world and to all those who are disturbed about the problem of state-sponsored terrorists.

If North Korea comes to the conclusion that it can get away with impunity with such cruel and callous and cynical activities, it will have every incentive to continue those actions in the future. The result could be the death of hundreds and possibly thousands of other innocent people.

It may well be that our only hope of bringing North Korea to its senses is by making it clear to them that this utterly uncivilized behavior has not gone unnoticed by the international community.

Insofar as their hopes for a better relationship with the United States are concerned, this resolution puts them on notice that we are not prepared to enter into the kind of parliamentary exchanges which they had proposed to us, inasmuch as any North Korean parliamentarians would be speaking for a government which engages in these utterly unacceptable and uncivilized actions of state-sponsored terrorism.

It would be my hope, Mr. Speaker, that if this message can be driven home, if the North Koreans realize that there is a price to be paid, that they may think twice and refrain from engaging in such actions in the future.

In the meantime, I think we need to recognize that the Government of South Korea has acted with great restraint. I do not know that our country would have acted with similar restraint. I do not know how many other nations would have acted with comparable restraint.

Given the fact that there are a million men under arms on both sides of the 38th Parallel on the Korean peninsula, I think that restraint is to be commended. But if South Korea believes that it stands alone in condemning this act of terrorism, then the

prospects for continued restraint will not be nearly so good.

That is why I think it is also important for us to adopt this resolution, to let the Government and people of South Korea know that they do not stand alone.

Mr. Speaker, let me just say in conclusion that those who were responsible for blowing up this Korean airliner are responsible for what may well be the most mad and monstrous manifestations of state-sponsored terrorism in the course of our time.

I am pleased that we were able to muster bipartisan support for this resolution. I am pleased that the administration, even before the adoption of the resolution, had spoken out strongly against this terrorist act so that there can be no doubt that when it comes to actions like this, the Congress, the administration, and the American people are united in their resolve to condemn it and to take whatever actions are necessary to prevent it from happening in the future.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, before I yield to the gentleman from Florida, I would like to compliment the gentleman from New York [Mr. Solarz] for his usual articulate way in which he has very well outlined the problem and the cause for this resolution.

I agree so wholeheartedly with what the gentleman stated and would like to add that particular credit should be given to the Republic of Korea for the restraint which they have shown. I do not know of any other country that would be that nice about a situation where they lost an airliner with a lot of people aboard.

Mr. Speaker, further reserving the right to object, I yield to the chairman of the committee, the gentleman from Florida [Mr. Fascell].

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Speaker, I want to say that I join in the commendation of the chairman of the subcommittee, the gentleman from New York [Mr. Solarz], and the ranking minority member for sponsoring this resolution and bringing it to the floor of the House, so that we have total bipartisan support for this very important statement.

I not only want to join the gentleman from New York in the remarks he made so eloquently, but to say that I strongly support this resolution. I know, of course, it will have the unanimous vote of our colleagues.

Mr. Speaker, I rise in support of House Concurrent Resolution 246, condemning the bombing by North Korean agents of Korean Airlines flight 858.

The resolution expresses the bipartisan support in the Congress for the sanctions imposed on North Korea by the executive branch, specifically, adding North Korea to the list of states supporting international terrorism pursuant to section 6(j) of the Export Administration Act of 1979.

This resolution also calls upon other countries, particularly those with close relations with North Korea and those whose international airports were used by the North Korean terrorists during their mission, to implement sanctions or other appropriate measures against North Korea, and expresses support for the efforts of the Republic of Korea to bring North Korea to account for this act in multilateral fora such as the United Nations Security Council and the International Civil Aviation Organization. The resolution also pays tribute to the Republic of Korea for acting with restraint in the face of such provocation and reaffirms support for holding the 1988 summer Olympic games in Seoul.

I would also like to call to the attention of my colleagues those countries which were used either for transit or logistical support offered by North Korean Embassies; that is Yugoslavia and Hungary. These countries should vigorously review their policies and consider downgrading the North Korean missions in those countries because of such abuses of the Vienna Convention on Diplomatic Immunity. These countries should also ensure that their airports maintain stricter security standards and implement higher reciprocal security measures pursuant to the Foreign Airport Security Act. As countries impose stricter sanctions against international terrorists, those countries who directly or indirectly support such acts of terrorism will become identified and ostrasized. The civilized world must untie in its condemnation of such heinous outlaw acts and band together in effective international cooperation.

This incident was one of the most clear-cut examples of State sponsored international terrorism ever. This is, I am sorry to say, not the first time North Korea has been implicated in such terrorist acts. There seems to be a deliberate pattern and policy by that government to use international terrorism as a means of implementing its policies. This is outrageous and must be condemned.

Mr. Speaker, this resolution is a signal that such outrageous acts by barbaric countries will not go unnoticed by the American people and the Congress of the United States. I urge the unanimous adoption of the resolution.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. Solomon] who has worked very hard on this issue.

Mr. SOLOMON. I thank the gentleman for yielding, and I thank Chairman Fascell and the ranking minority member, the gentleman from New York [Mr. Broomfield] for allowing this resolution to come before the body in this timely manner. Let me congratulate the gentleman from New York [Mr. Solarz] for offering this resolution on my behalf and the gentleman from Iowa [Mr. Leach] and all other members who are outraged over this latest atrocity by the murderous regime in North Korea.

Mr. Speaker, I rise in support of this resolution and urge its unanimous adoption by the House. Let me also congratulate the gentleman from New York for taking it upon himself to offer this resolution on behalf of myself, Mr. Leach of Iowa, and so many other Members who are outraged over this latest atrocity by the murderous regime in North Korea.

The North Korean sabotage of Korean AirLines flight 858 is yet another powerful reminder that the Communist tyrants who hold power in North Korea are ruthless terrorists and criminals. They have once again proven themselves capable of doing anything—or committing literally any crime the human mind can conceive.

It may be asked, Mr. Speaker, given North Korea's record, why even bother with a resolution of this kind? Certainly, no one expects the North Korean regime to clean up its act and to come out of its self-imposed isolation. So why bother? Well, there are several reasons.

Mr. Speaker, it is altogether necessary for this Congress to add its voice to the cries of outrage and denunciation that have been sounded from every part of the civilized world. If the bombing of a civilian airliner does not engage the attention of those peoples and governments who are committed to the rule of law and the sanctity of human life, who among us is safe from the scourge of terrorism?

I would say, second, that a resolution of this kind is necessary to show the solidarity of our country with our allies in the Republic of Korea. More than 50,000 Americans and a million Koreans died in battle to protect a free way of life in Korea. Their struggle is our struggle. We are bound together by history and treaty. And provocative actions by North Korea, such as the bombing of flight 858, are just as much a threat to the security and vital interests of our country as they are to our Korean allies.

Finally, we need the occasion of considering this resolution to remind ourselves that the bombing of flight 858 is not an isolated incident.

Indeed, since the armistice in Korea was signed in 1953, more than 600 South Koreans and at least 50 Americans have died as a direct result of hostile and provocative North Korean actions.

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Listen, Mr. Speaker, to some of the more atrocious crimes that North Korea has perpetrated in recent years:

January 1968, 31 North Korean commandos attacked the Blue House, the Presidential mansion in Seoul, in an apparent attempt to kill President Park.

Only 2 days later, North Korean forces seized the U.S.S. *Pueblo* in international waters. One American serviceman was killed; and the other 82 crewmen were imprisoned in North Korea for 11 months, during which time they were subjected repeatedly to torture.

April 1969, a United States Navy reconnaissance plane was shot down by North Korean aircraft over international waters; 31 Americans were killed.

August 1969, a U.S. Army helicopter was shot down over the DMZ.

June 1970, North Korean agents attempted to blow up the entrance gate to the National Cemetery in Seoul.

August 1974, North Korean terrorists again attempted to assassinate President Park, but killed the First Lady instead.

Between 1974 and 1978, three separate infiltration tunnels were discovered under the DMZ. The last one to be found was wide enough to facilitate the movement of 30,000 armed North Korean troops and their supporting equipment every hour. The exit point of this tunnel is only 27 miles from Seoul—27 miles, the same distance between this chamber and Dulles Airport.

August 1976, ax-wielding North Korean troops brutally murdered two American servicemen in the DMZ.

July 1977, another U.S. Army helicopter was shot down over the DMZ; 3 Americans were killed.

October 1983, the explosion of a North Korean bomb planted during President Chun's state visit to Burma killed 17 senior officials in the ROK government, including 4 cabinet members, and demolished one of Burma's most important patriotic shrines. President Chun, for whom the bomb was intended, narrowly escaped.

And now, finally, November 1987, 115 innocent people killed by the deliberate sabotage of a civilian airliner.

These, Mr. Speaker, are only some of the more significant examples of North Korea's terrorist behavior. I haven't included the border raids, the hijackings, the assaults on South Korean citizens, and many other terrorist actions that are almost too numerous to count. The North Korean regime has even gone so far as to threaten the Olympics. It is a regime that never misses a chance to display its utter contempt for every norm of civilized behavior.

The enormity of these North Korean crimes is beyond the comprehension of any of us. Let's pass this resolution unanimously and do what we can to condemn this murderous regime.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentleman for yielding.

I simply rise, Mr. Speaker, to express strong support for the views expressed by the gentleman from Michigan [Mr. BROOMFIELD] and the two gentlemen from New York [Mr. SOLARZ and Mr. SOLOMON].

Mr. Speaker, I rise in support of House Concurrent Resolution 246, which condemns the terrorist bombing of Korean Air Lines flight 858 last November by agents of the North Korean Government.

As the ranking minority member of the Subcommittee on Asian and Pacific Affairs, which held a hearing February 4 on the bombing of KAL 858, I can attest to the compelling and bone-chilling evidence which has been assembled regarding North Korean culpability in this act of terror.

As laid out in the preamble of the resolution before us, two North Korean agents traveled from P'yongyang, North Korea, to Moscow before going on to Budapest, Vienna, and Belgrade where they received the explosives from another North Korean agent. They then traveled on to Baghdad where they boarded the ill-fated KAL flight 858, planted the bomb, and then disembarked in Abu Dhabi before the plane left for Seoul. It never reached Seoul, as we now know, because somewhere in the skies approaching Bangkok, KAL 858 was destroyed with 115 innocent victims on board.

An important component of the evidence gathered by the South Koreans is the confession of Ms. Kim, one of the two North Korean agents responsible for the bombing who is now in the custody of South Korean authorities. Her statement reveals that high level North Korean officials directed the bombing and that it was designed to discourage countries from participation in the 1988 Olympics.

In the face of these heinous actions, the administration has responded by designating North Korea as a state sponsor of international terrorism under the Export Administration Act, tightening already strict limits on visas for North Korean passport holders, and withdrawing authorization for American diplomats to talk with North Korean officials in neutral settings. House Concurrent Resolution 246 before us today expresses bipartisan congressional support for these actions.

The resolution also appropriately calls on other governments, including those which have close relations with North Korea and those whose international airports were used by these North Korean terrorists, to implement sanctions or take other steps against North Korea.

South Korea has, for its part, acted with great statesmanship and restraint in the face of this bald provocation. Although it has canceled an initiative permitting its officials to talk with those of the North and called for international condemnation of the bombing, it has, significantly, stopped short of rescinding offers to the North to participate in the 1988 Seoul Olympics and refrained from calling for retaliation by force. Such restraint commands the admiration and respect of all Americans.

However, it would be a mistake for the North to mistake civility and restraint for weakness. Under the circumstances, it cannot be business as usual and the North must be held responsible and accountable for its deeds.

In this regard, I would like to underscore the importance of a combined international response to North Korea's outlaw behavior. Appropriately, House Concurrent Resolution 246 speaks to this issue by referencing the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation and the Vienna Convention on Diplomatic Relations, to which North Korea is a party in both cases.

It also expresses support for South Korean efforts to bring North Korea to account for its act in such multilateral fora as the U.N. Security Council and the International Civil Aviation Organization.

In view of the barbarity of the KAL bombing, the challenge for the civilized world is to devise ways and means of supplementing statements of condemnation by individual governments with meaningful accountability. Yet, lacking international law enforcement, the capability to establish a credible cost for breaches of norms of civilized conduct is limited. Embarrassment may not be sufficient, but outlining, before legislative chambers of this nature, the depth of cynicism involved in this premeditated act is imperative. If events of this nature are not singled out for reprobation, terrorism can too readily be legitimatized as a norm of international behavior.

Finally, Mr. Speaker, I want to add a brief word about the upcoming Olympics. In spite of the North Koreans' crude and deadly attempts to target the Seoul Olympics, a record number of 161 countries will be attending those games, including friends of North Korea like the Soviet Union and China. At our February 4 hearings, William Clark, Jr., Deputy Assistant Secretary of State for East Asian and Pacific Affairs, declared that North Korean disruption of the Seoul Olympics cannot be tolerated and that, while the South has the primary responsibility for security for those games, the United States is working closely with the Republic of Korea to assure the safety of those who attend those games.

Mr. Speaker, I want to express my strong support for House Concurrent Resolution 246 and to urge the administration to continue its efforts to bring about an appropriate international response to North Korea's act of terror.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of the pending resolution condemning the Government of North Korea for its barbaric terrorist action in bombing a Korean Air Lines plane resulting in the deaths of 115 innocent people.

Mr. Speaker, this bombing must surely rank as one of the most vicious acts of state terrorism to have occurred in many years. As a result of this bombing, the President has imposed additional sanctions on North Korea, in an effort to further isolate it from the world community so that its government may reflect on the consequences of its acts. Other nations should join our Nation in imposing sanctions on North Korea, as this resolution urges.

As the Seoul Olympics approach, we should redouble our efforts against efforts by North Korea to disrupt them by terror tactics. With the Republic of Korea firmly on its way to democracy, we should underline both our solidarity with it, and our firm stand against the murderous attacks of the North Korean regime.

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Mr. BROOMFIELD. Mr. Speaker, I yield to the gentleman from New York [Mr. DORNAN], a member of the Foreign Affairs Committee.

Mr. SOLARZ. Mr. Speaker, if the gentleman will yield, I am delighted to know that the gentleman has joined the New York delegation. We are pleased to have him, and we hope he enjoys the Empire State.

Mr. DORNAN of California. Mr. Speaker, may I repeat for the umpteenth time, as a child born in Harlem on the beautiful island of Manhattan, I am always happy to join the New York delegation on almost everything.

Mr. Speaker, I congratulate not only the Foreign Affairs Committee for expediting this process but also my colleagues on the Asian and Pacific Affairs Subcommittee and my tremendous Republican leader on the Committee on Foreign Affairs.

The thought that occurs to me on this bombing is the obvious initial purpose for it. There were several reasons, but one of them was to establish a climate of terror and to destroy the hopefully beautiful Olympic games that are coming up this September in the capital city of Seoul in the Republic of Korea.

Why are those Olympics possible? Why is Seoul chosen for these Olympics? Because it is a country that has moved from abject poverty, with its landscape torn asunder, as Communist forces and then the United Nations forces moved up and down that peninsula three times in less than 3 months, to settle down to 2½ years of static warfare along the old 38th parallel. And in that conflict, not only did Greeks and Turks and Canadians and Australians and British and lots of Dutch and lots of other members of the United Nations forces die to keep at least half of that country free but 33,629 Americans gave their lives, not for the United States of America, except that it is a part of the free world, but to keep half of Korea, more than half in population, part of free world.

I visited Panmunjom on that DMZ for the fourth time just a few weeks, back, last September, and I looked again at the baseball caps of the U.N. team, of the two American officers that had their skulls caved in with axes back in the summer of 1976. I looked at the statement of that young Captain Bonaventure, who was murdered that day, as to why he was honored to serve in Korea as part of the U.N. force. I hope that those men did not die in vain, that the world will rally to these Olympics, and that this resolution, along with other warnings, will put the Communist power of North Korea on notice.

I have been getting briefed by our Eighth Army force there. There are so many disturbing things about this horribly militarized state. Among them, they have more special forces, trained commandoes, almost 80,000 in that nation of North Korea, then any other nation. They have more than any other nation comes close to, with or without a rating as to what the population of that particular military power is. If North Korea thinks by taking young women and training them to be sophisticated killers and blowing commercial airliners out of the sky is a way to somehow or other disrupt this Olympics, as it was through technology transfer, getting almost 80 Hughes aircraft helicopters diverted through East Germany into North Korea to match the same type of H-6 Cayuse helicopters that we have supplied and South Korea has furnished so possibly they can fly across the DMZ marked with South Korean markings, another treacherous plan that they had to somehow or other disrupt the Olympics, whatever they think they are going to get away with, they are not.

I hope I have time during this tight election year to steal away for a few days to attend those Olympics and see that torch lighted in that beautiful newly constructed stadium in Seoul and know that not only did our Americans, almost 34,000 of them, not die in vain but that those 115 people blasted out of the sky by this vicious act of terrorism did not die in vain either.

The Olympic games will go on, and the whole world, including the Soviet Union under Mr. Gorbachev, since his young athletes are going, they had better put North Korea on notice that the whole world will be ready to move against them for any acts of terror to disrupt this glorious worldwide event, the Olympiad.

Mr. BROOMFIELD. Mr. Speaker, under my reservation of objection, I would like to indicate that as one of its sponsors, I support this concurrent resolution condemning the Government of North Korea for the barbaric bombing of Korean Air Lines flight 858.

The civilized world must protest in the strongest terms possible this brutal mass murder of the innocent.

The bombing of the South Korean Air Lines flight is a classic case of state-sponsored terrorism.

The destruction of a civilian aircraft was undertaken by two well-trained North Korean intelligence agents. They were following orders written by the son of the North Korean leader, Kim El Sung.

It is believed the aircraft bombing was designed to scuttle the upcoming summer Olympics in South Korea.

It is also important to note the friends which the North Koreans keep. The North Koreans are boycotting the Olympics along with the other "stray-dog" states of Cuba, Nicaragua, Iran, and Albania.

This terrorist operation was undertaken for the purpose of attempting to intimidate South Korea and to discourage visitors from all over the world from attending the Olympics.

To their credit, the South Koreans have exercised great restraint in responding to the North Korean act of terrorism. Few could blame South Korea for mounting a direct and immediate retaliation at North Korea. But, the South Koreans have not reacted in that manner.

The administration has acted firmly and correctly in taking strong action against the North Korean Government for this atrocity.

Last week, our Government strongly denounced North Korea in the U.N.'s Security Council for this horrible act.

Additionally, we must work with our allies in the International Civil Aviation Organization [ICAO], the international body responsible for air safety and security. We must seriously review the proposal to expel North Korea from that body.

I commend Congressmen SOLARZ, LEACH, and SOLOMON for this legislative initiative and urge my colleagues to support this timely resolution.

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of House Concurrent Resolution 246, the resolution which condemns the terrorist bombing of Korean Air Line flight 858. As an original cosponsor of this resolution, I firmly believe that the U.S. Congress needs to go on record against this latest incident of state-sponsored terrorism.

House Concurrent Resolution 246 clearly condemns the brutal, totalitarian regime of North Korea for this heinous crime. This bombing of an innocent civilian jetliner which took the lives of all those aboard is the clearest, most direct example of state-sponsored terrorism that I know of. For years, we have known about North Korean support for terrorism. For example, North Korean advisers have trained hundreds of known terrorists in Latin America, Africa, and the Middle East. A few years ago, the North Koreans tried to blow up the leaders of the South Korean Government during an official state visit to Rangoon. The

North Koreans have kidnaped innocent movie stars and other prominent people and forced them to support the pro-North propaganda machine. I urge my colleagues to remember the North Korean seizure of the *Pueblo* and the United States servicemen axed to death along the DMZ. Sadly, the bombing of KAL 858 is not an isolated incident, it is another example of North Korea's terrorist foreign policy.

With the summer Olympics just around the corner, and knowing of North Korea's lengthy and bloody record of terrorism, I believe that House Concurrent Resolution 246 serves notice to the North Koreans that we are watching them closely. We will not stand for this terrorism. As further warning, I am encouraged by our decision to conduct joint maritime exercises with our allies, the Republic of Korea, during the Olympics.

I urge my colleagues to unanimously pass House Concurrent Resolution 246 and send this important signal to the North Koreans and the rest of the world.

Mr. DAUB. Mr. Speaker, I strongly support House Concurrent Resolution 246 condemning the brutal terrorist attack on Korean Air Line flight 858.

North Korea is run by one of the world's most menacing totalitarian regimes. The brutality of the regime was again tragically demonstrated to the world on November 29, 1987. The clear North Korean connection in this act of infamy indicates the depraved levels to which this outlaw nation will stoop.

The Republic of Korea has just held a democratic presidential election. Their legislative elections will soon be underway. They are also hosting the Olympic games this summer.

North Korean barbarity like this civilian aircraft attack is aimed at disrupting the progress of the Republic of Korea. It is, therefore, particularly important for the Congress to demonstrate its revulsion at this airline terrorism and our support for the extraordinary achievements of the Republic of Korea. This resolution does both and I'm sure it will be overwhelmingly adopted.

I am pleased to support this resolution.

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 246

Whereas on November 29, 1987, Korean Air Lines flight 858 exploded while en route from Baghdad to Seoul, killing all 115 people on board;

Whereas two passengers posing as a Japanese father and his daughter disembarked from flight 858 in Abu Dhabi and continued on to Bahrain, where they were held for questioning by Bahraini authorities as they attempted to leave the country;

Whereas both passengers, after being detained for questioning in Bahrain, attempted to commit suicide by swallowing cyanide capsules, and one of the two, subsequently identified as Kim Sung-Il, died on the spot;

Whereas the second suspect, subsequently identified as Kim Hyun-Hee, survived the suicide attempt and was extradited by Bahraini authorities to the Republic of Korea on December 15, 1987;

Whereas on December 23, 1987, Kim Hyun-Hee confessed to Korean authorities that she and Kim Sung-Il had traveled from P'yongyang, North Korea, to Moscow to Budapest to Vienna to Belgrade, where they received explosives from a North Korean agent, that they then traveled to Baghdad where they boarded Korean Air Lines flight 858, and that while the plane was en route from Baghdad to Abu Dhabi, they planted a time bomb which was timed to explode during the continuation of the flight from Abu Dhabi to Seoul;

Whereas Kim Hyun-Hee further confessed that this terrorist mission, which was designed to discourage countries from participating in the 1988 Summer Olympics in Seoul, was carried out at the instruction of the North Korean Government;

Whereas the United States Government has carried out its own investigation of the bombing of flight 858, and has reached the same conclusion as the Government of the Republic of Korea that North Korea was responsible for this barbarous terrorist act;

Whereas the evidence upon which the United States reached this conclusion includes the fact that the two North Korean agents had in their possession the names of contact points in North Korean missions along their travel route; the two North Korean agents used vials of cyanide similar to those found on other North Korean agents over the past decade; and a statement by the Government of Japan that the passport of the North Korean agent who committed suicide in Bahrain was received from an individual in Japan wanted by the Government of Japan as a North Korean agent;

Whereas North Korea has previously engaged in acts of terrorism against the Republic of Korea, including the murder of 17 South Koreans (including four cabinet officials) in a bombing attack in Rangoon in 1983;

Whereas such acts of international terrorism constitute criminal acts in violation of internationally recognized legal standards as reflected in the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (to which North Korea is a party), United Nations General Assembly Resolution 40/61, and other relevant documents;

Whereas the use of diplomatic missions and personnel to support such acts of international terrorism is a violation of the Vienna Convention on Diplomatic Relations, in particular paragraph 3 of Article 41, and an abuse of diplomatic privileges and immunities;

Whereas based both on its own investigation and the confession of Kim Hyun-Hee, the executive branch has taken several actions in response to this terrorist act, including designating North Korea as a state sponsor of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979;

Whereas the Government of Japan has also imposed several sanctions against North Korea in response to the bombing of flight 858;

Whereas in December 1987, the North Korean Parliament sent letters to the United States Congress proposing the establishment of a parliamentary dialogue to discuss bilateral issues, including the MIA issue; and

Whereas in spite of this act of terrorism, a record number of countries have agreed to participate in the 1988 Summer Olympics in Seoul: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns the bombing of Korean Air Lines flight 858, a heinous act of state-sponsored terrorism by North Korea which caused the deaths of 115 innocent victims;

(2) categorically rejects the December 1987 proposal to enter into a dialogue with the Parliament of North Korea, since its members represent a government that engages in murderous acts of state-supported terrorism;

(3) expresses its condolences to the family and friends of the 115 victims of the bombing;

(4) expresses the bipartisan support in the Congress for the sanctions imposed by the executive branch, including the addition of North Korea to the list of states supporting international terrorism which is maintained pursuant to section 6(j) of the Export Administration Act of 1979;

(5) calls upon other countries, particularly those with close relations with North Korea and those whose international airports were used by the North Korean terrorists during their mission, to implement sanctions or to take other appropriate steps against North Korea, such as the termination of all trade, to express their outrage at this terrorist deed;

(6) expresses support for efforts by the Republic of Korea to bring North Korea to account for this act in appropriate multilateral fora such as the United Nations Security Council and the International Civil Aviation Organization;

(7) pays tribute to the Government of the Republic of Korea for acting with great restraint and responsibility in the face of this provocation by North Korea;

(8) reaffirms its support for the holding of the 1988 Summer Olympics in Seoul, and for taking all steps possible to prevent terrorist acts; and

(9) commends the Government of Bahrain and Japan for their cooperation in the investigation of this bombing.

The **SPEAKER** pro tempore. The gentleman from New York [Mr. SOLARZ] is recognized for 1 hour.

Mr. SOLARZ. Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

REQUEST FOR VACATION OF ACTION ON HOUSE CONCURRENT RESOLUTION 250

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that on the last concurrent resolution, House Concurrent Resolution 250, the voice vote be vacated, and I would like to ask for a recorded vote on that.

The **SPEAKER** pro tempore The Chair will state to the distinguished gentleman from Michigan that that request would be in order after we dispose of this vote. We cannot do anything in the absence of a quorum.

The Chair has stated that evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 396, nays 0, not voting 37, as follows:

[Roll No. 11]

YEAS—396

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Dannemeyer
Darden
Daub
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Feighan
Fields
Fish
Flake
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
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Lukens, Donald
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Towns
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☐ 1530

Mr. MOLINARI and **Mr. SCHUMER** changed their votes from "nay" to "yea."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1545

TRUTH IN FEDERAL SPENDING ACT OF 1988—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-170)

The **SPEAKER** pro tempore (Mr. GRAY of Illinois) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Rules and the Committees on Government Operations, and ordered to be printed:

To the Congress of the United States:

I am forwarding today for your immediate consideration and prompt passage a legislative proposal entitled the "Truth in Federal Spending Act of 1988."

On November 20 of last year, I agreed with congressional leaders on a package designed to reduce the Federal deficit. That Bipartisan Budget Agreement between the President and the joint leadership of the Congress reflects a strong consensus that Federal spending must be brought under control.

Continued spending growth, particularly where wasteful or unnecessary, adds to the Federal deficit and absorbs resources that would otherwise be employed more fruitfully in the private sector of the economy. The Bipartisan Budget Agreement represents an important step in reducing spending growth. But protecting the Federal budget from special interest, budget-busting legislation requires a continued, ongoing commitment. Despite recent encouraging efforts to bring the Federal budget deficit under control, major problems persist.

On July 3 of last year, when I outlined our Economic Bill of Rights, I described a proposal for the legislation that I am forwarding to the Congress today. It is designed to discourage wasteful Federal spending by requiring both the Legislative and Executive branches of government to be fully accountable for their respective actions. Key provisions of this draft bill would:

—Insure that all legislation that would result in increased Federal spending is deficit-neutral by requiring the concurrent enactment of equal amounts of program reductions or revenue increases;

—Require that all legislation include a "financial impact statement" detailing the measure's likely economic effects upon the private sector and State and local governments;

—Require that regulations and proposed regulations promulgated by Executive branch agencies also be accompanied by financial impact statements; and

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—Permit waiver of the requirements of the Act during time of war or during a national security emergency.

In making this important proposal, one point deserves special emphasis. In complying with the deficit neutrality requirements of the Truth in Federal Spending Act of 1988, some may be tempted simply to shift spending requirements, either expressly or implicitly, from the Federal Government to State and local governments. This is not, however, and should not be interpreted as being, the intent of this initiative. Instead, through enactment of this landmark legislation, we seek to achieve an historic breakthrough: to make the *Federal Government*—both the Legislative and Executive branches—more fully accountable for its actions and the effects of those actions on all the citizens of our Nation and, in so doing, get its fiscal house in order.

Enactment of the Truth in Federal Spending Act of 1988 will help us to carry out the important goals reflected in the Bipartisan Budget Agreement of November 20, 1987. It will also continue the important work we have accomplished in reducing or eliminating needless Federal expenditures. It is worthy of broad, bipartisan support. Accordingly, I urge its prompt and favorable consideration.

RONALD REAGAN.

THE WHITE HOUSE, *February 24, 1988.*

REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I am pleased to transmit the 1987 Report of the United States Arms Control and Disarmament Agency. It reviews the negotiation process used in achieving the INF Treaty and contains a copy of the Treaty itself. That Treaty, signed by General Secretary Gorbachev and me on December 8, 1987, is the first treaty of the nuclear era requiring the elimination of an entire category of U.S. and Soviet nuclear weapons.

The report provides information about the ongoing negotiations for a 50-percent reduction to equal levels in U.S. and Soviet strategic nuclear offensive arms, an effective and verifiable ban on chemical weapons, and the correction of disparities in conventional forces. Also described are the ancillary activities of the Arms Control and Disarmament Agency in support of our arms control policies and, concomitantly, the security of the United States.

The INF Treaty constitutes a breakthrough in verification, the most far-reaching in the history of arms control, and should serve as a guide for other treaties to come. The political and economic advantages of carefully negotiated and effectively verifiable arms reductions hold great promise for peace, security, and continued prosperity for our country. The 1987 record of progress toward those goals is contained in this 27th ACDA Report.

RONALD REAGAN.

THE WHITE HOUSE, *February 24, 1988.*

CONGRESSMAN TONY HALL'S VISION FOR THE POOR AND HUNGRY

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of New Jersey. Mr. Speaker, I would like to submit for the RECORD an inspiring, insightful article which is in the current issue of World Vision magazine. I believe the article accurately portrays my good friend, Representative TONY HALL, who has a deep commitment to the hungry—at home in Ohio, in the United States, and throughout the world—and is actively and effectively working to address the problem.

Mr. HALL's vision for the poor and hungry which is evidenced by the creative projects he has initiated, and his hard work on their behalf, is an inspiration to us all. His selfless love and compassion for those who suffer the ravages of hunger and disease are a natural extension of his deep love for Jesus Christ, the Son of God. Clearly, TONY HALL has taken seriously our Lord's words as recorded in Matthew's Gospel:

> Come, you blessed of My Father, inherit the kingdom prepared for you from the foundation of the world: for I was hungry and you gave Me food; I was thirsty and you gave Me drink; I was a stranger and you took Me in; I was naked and you clothed Me; I was sick and you visited Me; I was in prison and you came to Me . . . Assuredly, I say to you, inasmuch as you did it to one of the least of these My brethren, you did it to Me.

Mr. Speaker, TONY HALL is a champion of the poor, the destitute, the hungry—the "least." His commitment prods us all to assess our own response to the tragedy of famine and inspires us to do more. I encourage all Members to read the article.

TONY HALL: CHAMPION OF BREAKFASTS AND OTHER MEALS FOR THE HUNGRY

(By Beth Spring)

One fall day in 1985, U.S. Representative Tony Hall of Ohio decided to begin his morning in Congress with a breakfast of champions. But when he opened his miniature box of Wheaties in the House cafeteria, he was astonished to see one solitary flake fall out. For Hall, this incident became more than a momentary annoyance. As an elected official who has dedicated his career to the cause of feeding hungry people, Hall saw an opportunity.

He drafted a letter to General Mills, maker of Wheaties, that reflected his initial amusement about the empty box. "Some would say there is no lack of flakes in the U.S. Congress," he wrote. But in his capacity as a member of the Select Committee on Hunger, and as chair of its international task force, Hall observed, "I see people at home and abroad for whom an empty bowl is no joke." Hall invited General Mills to help him fill some empty bowls.

The corporation responded immediately, sending a truckload containing seven tons of cereal to Dayton's Emergency Resource Bank, operated by a Red Cross chapter that provides emergency meals in three Ohio counties. It was the largest single donation in the bank's history. Another truckload of 7000 pounds of cereal followed the first shipment. The food was distributed to more than 60 food banks which serve the needy. And General Mills featured a photograph of hunger champion Tony Hall on a special Wheaties box.

Again and again in his five-term career in Congress, Hall has taken seemingly inconsequential things and used them to meet pressing human needs. Out of the garbage containers of Washington's wholesale markets and grocery stores he hosted a "Dumpster Luncheon" to illustrate to fellow members of Congress how much edible food in this country is wasted.

After reading in the book of Leviticus about the principle of gleaning, Hall and his wife Janet sought cooperation between Ohio farmers and food bank volunteers to launch a statewide gleaning program. And he ignited so much enthusiasm for a "planned fast" in his district that more than $300,000 was raised in one weekend to fight hunger at home and in Africa.

TOUCHED BY POVERTY OVERSEAS

Hall was an advocate for the poor and hungry before he committed his life to Christ. In 1964, after he graduated from Denison University in Granville, Ohio, he spent two years in Thailand with the Peace Corps. "I was not deeply involved in poverty programs there, but I lived among poor people and saw what it was like to experience poverty. I was touched by that. It was beyond anything I had ever seen in this country."

When he returned, he became active in local politics, serving in the Ohio House of Representatives for four years and in the Ohio Senate from 1973 to 1978. Before he ran for his seat in the U.S. Congress, Hall attended a prayer breakfast and heard Charles Colson talk about Jesus. That's where the seed of faith was first planted, he says.

Colson spoke of how "something was missing" from his life in spite of reaching and exceeding all his professional ambitions, and Hall identified closely with all that he said. "I thought about if for a long time, and when I became a member of Congress, I went on a search for a couple of years. I kept asking, 'What is this thing?' I knew it had to do with God, so I went to this church and that church. I began to call people in Washington whom I'd heard were 'religious.'" But somehow "this thing" kept eluding him.

FUSING FAITH AND ACTION

In 1980, another first-term representative invited Tony and Janet to his home to hear a Christian leader speak. "Looking at him and listening to him, I realized 'This is it!'," Hall says, "I was ready for it."

Janet remained skeptical. When Tony asked her, "Do you believe in Jesus?" she would snap, "That's none of your business." When guests came to dinner and questioned Tony about his new faith, he recalls, "My wife would get this sick look on her face and kick me under the table." Later, she would scold, "You're not going to have any friends. Are you nuts?"

For nearly a year, this tension continued. But Janet began noticing differences in Tony's life. "Family became more and more important to him, and he was spending time with me and the children," she says. He introduced her to Christians and shared the gospel with her insistently. Observing him and watching his priorities change, Janet was drawn to Jesus.

A clear career course for Tony became apparent as he studied the Scriptures. "The second most-talked-about theme in the Bible is poverty," he discovered. "What a great chance for me to work on something so relevant and so scriptural, and to do it in my job!" His fusion of personal faith with commitment to alleviate poverty began energizing his work in the House of Representatives.

In 1982 and 1983, he successfully pushed legislation to target more U.S. foreign assistance to the world's neediest people, and sponsored a bill to restore funding for child nutrition programs in the United States. He persuaded fellow House members that "these programs are not a luxury to a civilized nation. They are an investment in our children, our future."

The following year, 1984, marked a significant turning point for Hall. Realizing that at least eight of the House's 22 standing committees had jurisdiction over hunger issues, Hall worked hard to create the Select Committee on Hunger: "a single, unified forum for the thoughtful consideration of the diverse issues relating to hunger." He became chair of the committee's international task force, and in that capacity visited drought-stricken Africa.

Hall was the first U.S. Representative to visit relief and development projects in famine-plagued Ethiopia. "The day I was in the country, I saw 25 children die between breakfast and lunch. I was absolutely devastated. I've never been able to get that scene out of my mind." Hall knew without a doubt that he would work hard as a representative to combat the causes and effects of mass starvation.

A "HUNGER CONSTITUENCY"

Hall's commitment to the issue was irrevocable, but how would it play in Dayton? He found out quickly.

"People often asked me, "Why don't you worry about your own district?' That got to me, because I heard it over and over again. It was hard for me to get people to relate to the famine in Ethiopia, the problems in Mozambique, the lack of roads, lack of trucks to transport food and medical supplies. Nobody seemed to have a grasp of what I was doing or what I thought one of my major responsibilities should be."

Hall decided that he needed to start "making constituents" for hunger, by "taking this issue home and making it real enough so people understand it, identify with it and support it."

The first step was to point out that pockets of hunger still exist throughout the United States, even in the hometowns of Ohio voters. To educate Ohioans about hunger, Hall compiled facts about the issues and wove them into speeches and weekly columns. "Here in the U.S., approximately 26 million Americans live at or just below the poverty line, putting them in danger of malnutrition," he wrote in 1984. "The Dayton area has not been spared. During the first quarter of 1982, over 10,300 individuals applied for food assistance from the Montgomery County (Ohio) Hunger Coalition. One year later, this number doubled to 25,547.m

Facts and figures attract attention for the moment, and then tend to be swiftly forgotten. So Hall planned a money-raising effort that would require personal commitment and sacrifice. He announced a campaign in 1985 called "Stop Hunger . . . Fast!" No government funds were used, and the drive incurred no overhead costs. Hall invited volunteers to participate in a 40-hour, liquid-only fast. Each volunteer gathered sponsors who pledged money for each hour spent fasting. The idea caught fire, and thousands of volunteers signed on.

The campaign netted more than $350,000, which was divided among Africa relief efforts, Dayton's Emergency Resource Bank, and other hunger-fighting groups including World Vision.

A FOLLOWING OF "DOERS"

The results of these activities benefited not only hungry people: Hall had developed a committed constituency back home that support his efforts in Congress. "We have a good following of people who are not only excited about the issue, but are doers. That helps me, reinforces me, and spurs me on to do even more."

Hall's efforts in Congress have expanded to include championing vitamin A programs for children overseas and advocating immunization programs to protect vulnerable youngsters from childhood diseases.

His multifaceted efforts on the Select Committee on Hunger win high praise from private-sector activists as well as congressional colleagues. Art Simon, head of the lobbying organization Bread for the World, says, "If I had to pick any single member of the House who has shown extraordinary leadership, Tony would be way up at the top of the list."

In 1986 Hall introduced gleaning to the citizens of Ohio as another way to educate and involve them in hunger issues. He drew the idea from his study of Scripture, where he read in the book of Leviticus, "When you reap the harvests of your land, do not reap to the very edges of your field or gather the gleanings of your harvest. Do not go over your vineyard a second time or pick up the grains that have fallen. Leave them for the poor and the alien."

A HARVEST FOR THE POOR

On nine farms in the Dayton area, volunteers gleaned 41,585 pounds of lettuce, sweet corn, apples and beans. Thirty-seven church, civic, food relief and school groups sent volunteers. Hall remembers, "At first, the farmers were not sure they could trust us. Some didn't believe there were hungry people in the district. We had to convince them, and they took a chance on us. Now some of them are planting extra for us. They've become believers in the issue."

In 1987 gleaning in Ohio went statewide. Five projects around the state collected 249 tons of food, or enough for approximately half a million meals for the hungry. The project also attracted favorable notice in the press. A columnist for an Akron newspaper wrote that gleaning "addresses one of the almost obscene incongruities in the United States. While millions go to bed without enough to eat, an estimated 60 million tons of grain, fruit, and vegetables worth about $5 billion are left after each year's harvest simply to go to waste."

After the autumn harvest in Ohio, Hall found a way to make Matthew, his 7-year-old son, a "believer" in helping others. Volunteers had gleaned hundreds of leftover pumpkin fields, but pumpkins are not particularly useful to a food pantry serving basic meals to the poor. Just as the empty Wheaties box gave Hall an idea, he seized an unexpected opportunity with the bumper crop of pumpkins. Art students from the Montgomery County Joint Vocational School painted faces on the pumpkins, and Tony and Matthew delivered them to Children's Hospital in Dayton. "It really opened Matthew's eyes," Hall says. "He had never seen sick children. He was really thrilled to be able to hand out the pumpkins. It was a fulfilling way to end the gleaning season, by taking something that is not very useful and putting it to use."

EXPRESSIONS OF SORROW AT RESIGNATION OF SECRETARY OF THE NAVY WEBB

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MRAZEK. Mr. Speaker, the U.S. Government yesterday lost the services of one of the most extraordinary men in American public life. The resignation of Secretary of the Navy James Webb removes a refreshingly candid, principled, bold and imaginative brand of thinking from the ongoing debate of our national security needs.

When Secretary Webb said the Pentagon needs leadership, the message, in my view, was clear. It's the leadership necessary to determine our future military needs on the basis of specific missions—and which branches of the services are best missions—and with these missions. It's the leadership required to produce war-fighting strategies based on the leanest, most flexible and cost-efficient approaches that can be developed.

The lesson of waging war by committee was learned in Grenada when far too many casualties were sustained because everyone except the Daughters of the American Revolution demanded to be part of the show.

I would also like to say that for anyone in the body to describe Secretary Webb's ideas as "parochial," indi-

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cates a complete ignorance of his views.

It was further suggested that he may have alarmed some of our European allies in his recent speech before the National Press Club. Well, it's clear that too few people in this town bothered to read the speech. It is a penetrating analysis of the common security questions that we and our European allies must continue to ask. It is a speech worth studying, and I include Secretary Webb's speech immediately after these remarks.

Mr. Speaker, I, for one, deeply regret that this superbly talented man has left Government service and I wish him well in his future endeavors.

Remarks by James H. Webb, Jr., Secretary of the Navy, National Press Club, Washington, DC, January 13, 1988

Countless commentators have already marked 1988 as a threshold year, and certainly we are in a period of rather uncomfortable transition as a nation, a period whose dynamics we do not yet fully comprehend. Certain realities are more apparent than others, however, and I would like to talk to you today about my view of the realities facing the Navy and the U.S. military as a whole. Reality seems to indicate that we need to make some adjustments in our military posture around the world, and the good of the country mandates that we do so in the best way that will serve our future as a nation, not merely as a service or as a Defense Department.

First, the realities.

We are not as rich, compared to other nations with whom we are allied, as we were when we sketched out the basic framework of our international military presence just after World War Two. In the decade following that war, our country consistently produced more than 40 percent of the world's Gross Domestic Product. In recent years, that figure has been about 25 percent.

Nor is the Defense Department as well off as it was even a year ago, and the future looks equally difficult. As most of you know, last month the Department of Defense was required to reduce an existing fiscal 1989 budget by more than 33 billion dollars.

We are being told in no uncertain terms, and from many different fronts, that due to fiscal realities the U.S. military of the future must be smaller and more efficient.

We are also hearing, quite frequently and with equal fervor, that in the aftermath of the INF agreements the conventional threat in Europe will be larger, and that conventional force structure there should receive more emphasis.

We also know, and there is no question about this, that our future as a nation is very closely tied to Asia in economic and political terms, and that we must do a better job of attending to the economic, political and security issues here in our hemisphere.

And the overriding reality is that it should be obvious that a smaller United States military, no matter how efficient, cannot attend to all of these matters by itself, at least not in the same way that it has over the past 42 years.

The key question for our national leadership as it struggles with these realities is not one program or another in the budget, as has so often been the case, but whether, and how, the United States can maintain its commitments throughout the world, while at the same time reducing the size and force structure of its military.

It is a little bit easier to point out what we cannot do. The first answer is that we cannot do it at all without a great deal of risk, in both diplomatic and military terms. The second, and I have been saying this for much longer than I have been Secretary of the Navy, is that it would be impossible to do it with any degree of effectiveness and at the same time reduce the size of our Navy. And the third answer is that we cannot do it without the increased cooperation and help of our allies.

The only clear answer to our dilemma is for us to take a fresh look at the world and our place in it, and to seriously debate the posture of the U.S. military in that context. In other words, we need to "zero base" our military commitments, and to justify to ourselves the force structure, roles and missions, and location of our military units based on a reassessment of where things stand in the world. This debate would be most helpful to us if it began immediately. It needs to be done honestly, absent the usual parochial veil that surrounds even the most minor of such discussions. It should flow from certain logical principles, from an examination of our history, and of the evolving relationship of the United States with the rest of the world. National resources, changes in world economic structure, recent political changes, and the improved capabilities of many of our allies, dictate that we must, perhaps for the first time since the late 1940s, seriously debate the posture of the U.S. military around the world, and the roles and missions assigned to our military services.

We all know that our worldwide posture was undertaken in a different era. While it may be correct to term that period as one of unprecedented strength for the United States, a more accurate description may be that it was one of unprecedented weakness for many nations who historically have been strong, and who had either been ravaged or exhausted by World War Two. We held things together while they got back onto their feet. We continued to hold things together after they got back onto their feet. They now have regained their strength, almost without exception due to the generosity of this nation under the Marshall Plan and other economic recovery programs, and under the umbrella of our military protection.

The extent of our military involvement around the world since we undertook these obligations has been unprecedented in our history, particularly with respect to long-term, static defensive positions that have drained both our economic and military resources. It can be fairly argued that the economic recovery of other nations has not uniformly been met with a complete reassumption of their obligation to join us in protecting the way of life, and the values, that we share.

That is not to suggest that major changes could take place immediately, but rather that we must establish the guideposts that will take us into the next century. The current defense posture has been important to worldwide stability for more than 40 years. But the world is changing, and if we do not address these changes, and others yet to come, then events will rule us rather than the reverse.

I mentioned logical principles. I would like to lay out what I believe are the most important premises, the touchstones, if you will, for any analysis of what our defense priorities should be, and thus where our military forces should operate, and at what level. There may be disagreement with portions of what I am about to say, but allow me to advance the following thoughts as an analytical beginning.

First, although a great deal of energy and money is dedicated to our NATO alliance, and although this alliance is one of the keystones of our military structure, we need to remind ourselves from time to time that we are more than a European nation. We are a global nation with largely European antecedents, continuing European interests, and national loyalties to Western Europe's fundamental objectives. We must remain strong in Europe, but we also have the obligation to view the Soviet military threat in global, rather than regional terms, and to address that threat worldwide.

The United States and the Soviet Union must face each other at many other points on the globe. Many of the most critical points of tension, and certainly many of the evolving areas of confrontation, are far from Europe. The United States has a requirement, contrary to European nations, to view the Soviet military threat in Europe through more than a European prism. And to be fair to the other areas in which we must operate, there is no region better equipped through its resources, large population base, strong economy, and military tradition to reassume a greater share of the burden of its own defense than Western Europe. Logic, then, should call for a greater responsibility by the Western Europeans for their own defense.

Second, the United States is becoming more intertwined with Asia, and the issues involving Asia are moving to the forefront in the world community. In 1986 the United States did 219 billion dollars gross trade in Asia, 75 percent more than its gross trade with the Atlantic nations. In economic, cultural and political terms, we are becoming increasingly more tied to Asia, and it is imperative that we match those ties with the military capability to protect our interests and honor our obligations to friends and allies in the region.

Asian strategy is more difficult to define and to resource than European strategy. The countries of Asia are at great variance in economic, political and cultural terms. Vast ocean areas separate them. Still-evolving political structures left over from the colonial era cause the sort of turbulence that has claimed more than 100,000 American lives in Asia since World War Two. But East Asia is an indispensable part of our country's future, it requires the same careful development of friendships and alliances that we have cultivated in Europe. Nor should we forget that it provides the only point in the world where the direct military interests of the Soviet Union, The Peoples' Republic of China, The United States, and Japan converage.

The Soviet Union is also placing a greater emphasis on East Asia, Southeast Asia, and Southern Asia. While Soviet force structure in Europe has remained relatively constant over the past decade, they have made marked advances in Asia. The Soviets have achieved the historic Russian dream of owning a warm water port in the Pacific, and on any given day two dozen Soviet ships are in Cam Ranh Bay, Vietnam, as are fighter, bomber and long range reconnaissance aircraft. They have increased their Far East Command by ten divisions over the last ten years and now have 530,000 ground troops in East Asia, in addition to another

200,000 spread through Mongolia, the Transbaikal, and Central Asia. The Far East military region has 85 Backfire bombers, and nearly 2,500 combat aircraft. The Soviet Pacific Fleet is now the largest of its four fleets, with 840 warships as opposed to 750 a decade ago. These ships include two Kiev class aircraft carriers, a Kirov class nuclear guided missile cruiser, 41 percent of the heavy surface ships in the entire Soviet navy, 37 percent of the combat aircraft in Soviet naval aviation, 40 percent of all their SSBNs, and extensive amphibious capabilities.

The Soviets are militarily entrenched in Vietnam. They are said to be looking for naval bases in North Korea. They have pursued in recent months a defense relationship with Thailand. They have for three years running attempted to offer a dry dock facility for the Australians in Perth. They have become active in Polynesia and Micronesia. They have continued a close defense relationship with India that began in 1971, during which the Indians have increased their Army by 150,000 men to a size of 1.1 million—much larger than the United States Army—their air force by 35,000 people to 115,000 and by 136 combat aircraft to a total of 761, and increased the force structure of their Navy to include two aircraft carriers, 11 submarines, 21 frigates, and 18 minesweepers. Just recently, the Soviets committed themselves to providing the Indians a nuclear submarine.

And they have done all of this while pursuing vigorously a rapprochement with the People's Republic of China.

Clearly, we cannot allow force structure reductions to affect our commitment to the most dynamic and volatile area in the world. In fact, our responsibility to meet Soviet pressure globally might logically dictate an increase in our Asian presence that would match their obvious shift in priority.

One element in this equation, obviously, must be the responsibility of the Japanese as a friend, ally, and world power to assume a greater position of the regional military responsibility in Asia. Most of us are fully aware of the dynamics of this issue, and I will not dwell on the intimate details. We know and are sensitive to apprehensions in the region due to Japan's activities 50 years ago. We understand the emotion that surrounds the constitutional provision regarding Japanese self defense, and the famed "One percent" threshold regarding defense spending. But we also know that the Japanese have fully recovered from the spiritual and economic devastation of World War Two, and that most of our countrymen believe it is time for the Japanese to assume more of the burden of defending the way of life we now share together as allies.

The Japanese have made measurable progress on this score, and have increased their defense spending for several years in a row. Regional security demands that they do more of this. Japan clearly has the resources and the national interest to pick up more of the defense load in Asia. Japan is becoming the largest creditor nation in the world. More than half of the oil that passes through the Straits of Hormuz goes to Japan. I personally recommended as early as 1973 that Japan include the defense of its sea lanes, even as far as the Indian Ocean, in its constitutional interpretation of "self-defense." Ocean-going activities of that sort would aid in our alliance without inciting the concern of other nations in the region that attended its land occupations of forty-five and fifty years ago.

Third, we must consider the Soviets themselves. No analysis of our own future defense priorities can leave them out. There has been considerable discussion of late regarding changes taking place within the Soviet Union. It would be inappropriate for me, and beyond the scope of this speech, to address these changes in any detail, but two observations seem inescapable. First, Soviet conventional force structure around the world has been growing, and if force structure cuts are to occur in our own military, we must be careful to signal to the Soviets that this is a refinement of our capabilities, rather than a reduction of them. And second, an improved situation in Europe, absent a stand-down of conventional forces taken out of that theater, may well increase rather than decrease Soviet pressure in other areas.

Fourth, we must pay greater attention to our own hemisphere, and to the Third World as a whole. I mentioned that we are becoming more intertwined with Asia, and the same is true with Latin America. This nation's principal movements, in economic, cultural and political terms, are west and south. The changing ethnic makeup of the country itself shows this. Fully 86 percent of our legal immigrants over the past ten years have been from either Asia or Latin America, 42 percent from Latin America itself. And these, as I said, are the legal immigrants. Latin America's problems are rapidly becoming our problems, and we have been pushing them to the back burner at great peril. The Soviets and Cubans have been more adept at understanding that than many of our own policymakers.

In the Third World as a whole, the Soviet Union has long emphasized a policy of using "cooperative forces" of Third World allies, along with Soviet and other advisors, in order to take advantage of age-old rivalries, and to assist so-called revolutionary movements which invariably end up as totalitarian regimes. In Latin America, the Soviets operate roughly 7,600 military personnel in Cuba, and another 230 in Nicaragua and Peru. During 1986 alone the Soviets provided more than 600 million dollars of equipment to the Sandinista regime as well. The Cubans contribute another 2,500 troops in Nicaragua. Discounting our Southern Command in Panama, the United States has some 2,300 troops in Guantanamo Bay Cuba, and 932 operating personnel elsewhere in 27 Latin American countries, 643 of those in Honduras.

Through troop presence and arms transfers, the Soviet Union and Cuba are heavily involved in Africa. The Cubans maintain military and technical personnel in 17 African nations, with major combat units in Ethiopia, Algeria, Congo, Angola and Mozambique. The Soviets now maintain a continuous naval presence off the coast of west Africa.

Additionally, key water routes and bases around the world continue to be at risk. American basing rights will be subject to negotiations in the near future, including those in Panama, Greece, Portugal, Spain, and the Philippines. It is reasonable to assume that we will lose our lease in Guantanamo Bay in 1999. The southern reaches of the Red Sea have been bracketed by the Soviet influence in Ethiopia and its presence in the People's Republic of Yemen, particularly on the island of Socotra, which dominates the Gulf of Aden. Nor do I need to spend a great deal of time today on the importance of protecting international waterways into and inside the Persian Gulf. This essential lifeline to Europe and Japan is now benefiting from the strength of American resolve, and the manifestation of American seapower.

The analysis I have just offered is by no means exhaustive, but it does indicate the enormity of the responsibilities that our military forces will continue to face. For those of us who view the Soviet threat seriously, and who believe we must improve our efforts in assisting the Third World, this is a very full plate. It will require extremely careful use of a reduced United States force structure, as well as a more enthusiastic participation by other friendly nations, in order for us to meet such challenges. It will also require, quite frankly, that we modify the architecture of our defense structure overtime, creating the best combination of air, ground, sea and space assets to do the job.

The overriding guidepost for the future is that our conventional force structure must provide us the most utility and the most capability in the global arena. This requires versatility in terms of military mission. It means that forces dedicated to static defensive missions must be scrutinized and altered when possible in favor of units that can deploy and fight wherever they are needed. An example of this type of unit is the Third Marine Division on Okinawa, forward deployed not for the local defense of Okinawa, but as a maneuver force available for immediate commitment throughout Asia.

A world environment with many demands for the use of our forces, ideally in correlation with the forces of other nations but potentially alone, requires this sort of maneuverability. To the greatest extent possible, forces of the future should be free to deploy and to maneuver, to concentrate at a crisis point and project military force at that point, without the necessity of negotiating base rights or the unavoidable involvement in local conflict that such base rights imply. A smaller U.S. military force structure demands, by logic, that a greater percentage of that force structure be available to do more things.

Consequently, post-INF thinking that conventional forces in Europe be increased because conventional forces in Europe are arguably more at risk without the intermediate nuclear shield does not necessarily mean that this should be a U.S. buildup, or for that matter that such a buildup should occur in Europe at all, or even that it be a land-oriented buildup. In fact, given the resource reductions clearly facing this country's defense establishment, just the opposite might be true.

Strategy does not dictate that pressure applied by an adversary at one point be countered at exactly that point. The regional preoccupation that produced the strategy of the "Maginot Line," and of the "Schlieffen Plan" is seductive in Europe, but history has repeatedly demonstrated its incompleteness. If the interests of the United States and its allies are threatened or attacked by the Soviet Union in one part of the world, the United States could and probably should react at the point most beneficial to its own strengths, anywhere in the world.

And this of course is the great strength of seapower, and why we should recognize its validity in terms of our geopolitical place in the world. We are not a continental land power, except on our own continent, and we never have been. It simply hasn't been necessary, given our existence as a maritime nation. We have never even fought a true

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continental war, except the War Between the States. This is one reason MacArthur warned against land campaigns in Asia, but it is true elsewhere as well. Our armies have been most effectively used in history in combination with other armies. We tipped the balance in World War One, but only on the margins, at the very end of the war, and at the expense of some 55,000 combat dead, while the French lost 1.7 million dead, the British Empire lost almost a million, and the Germans lost 1.8 million dead. In World War Two, we fought essentially a rear guard action on the ground, losing 290,000 servicemen of all services in all theaters, while the Germans lost 3.7 million and the Soviets lost 7 million—soldiers, dead.

By contrast, our place in the world has been guaranteed by our maritime power, particularly during this century. We are a maritime nation by virtue of our geographic position, economic necessity, and political commitment, American seapower maintains unimpeded access to world markets. It denies our adversaries the use of sea lanes for expansionist or imperialistic reasons. It maintains international security and stability, including protection of those nations whom we count as friends and allies during crisis. It enables us, when war comes, to reinforce allies, to multiply the effectiveness of their armies, to inject our own ground forces when appropriate, to become supreme on the land through control of the sea. It provides us the single greatest deterrent to nuclear war, with a nuclear submarine force that fields one-half of our nuclear capability at one-fourth of the overall cost for the strategic nuclear Triad.

A credible seapower, which means a naval force that can deploy immediately, stay for as long as necessary, and fight at whatever level of conflict the situation demands, can affect world events quickly and decisively. Our Navy and Marine Corps meet those criteria. Aircraft carrier battle groups coupled with an amphibious power projection capability can represent the interests of the United States at the exact point of crisis without the necessity or expense of negotiating base rights, and without the vulnerability that so frequently attends static defensive positions. This is exactly what we will need more of in the future, if our commitments unfold as I have just described them.

The Navy and Marine Corps are structured, and essential, across the full spectrum of military use, from forces in being through low intensity conflict all the way to nuclear war. At every step of the way, a large percentage of the Navy and Marine Corps force structure is available, on a task organized basis, to perform. Furthermore, while the Navy and Marine Corps participate along with the other services in exercises designed to test wartime readiness, they also are continually participating in real world operations that are essential to keeping the peace—today. They were in Lebanon. They have operated repeatedly off the coast of Libya. They have been in the Indian Ocean since 1979. They were off the coast of Iran throughout the entire hostage crisis. They are on duty even as I speak in the Persian Gulf. At this moment, of our total fleet of 569 ships, which includes the naval reserve, 157 are at sea, 112 outside of their local operating areas, 91 of them forward deployed at potential hot spots around the world. These numbers are actually a bit low, due to the respite of the holiday season.

And we need not speculate on what would happen if we cut back naval force structure. Those who claim that the last seven years have shown the greatest peacetime buildup of the U.S. Navy forget that the decade that preceded this buildup gave us the greatest evisceration of the Navy in its history. When I was commissioned in 1968 there were 931 combatants in the U.S. Navy. By the time we inherited the Indian Ocean commitments in 1979, the greatest navy in the world had been cut in half, to a force of only 479 combatants. Operational commitments, so often driven by national command authority needs, did not decrease.

The navy did it with less, and the result was a hemorrhaging of manpower and material the likes of which this country has never seen. Aircraft carriers deploying to the Indian Ocean commonly spent four months and longer at sea, without so much as seeing land, much less visiting a liberty port. The Nimitz spent 146 days continuously at sea. The Independence went 210 days, with only nine days ashore. By 1980, the navy was short 22,000 noncommissioned officers. The standard joke among my contemporaries was "make Commander and get your divorce", because you were going to spend the next four years at sea, away from your family.

I'm not sure we'd be lucky enough as a service to survive that sort of misfortune again. And yet, in an ever more complex world environment, and with a U.S. military force structure that we are told will be smaller, we can expect national command authority commitments, or what the budgeters euphemistically call "unprogrammed contingencies," to at least remain the same, and perhaps to increase. It would seem illogical to reduce the size of our sea service at the very moment in history when they should be assuming an even greater role in our international security posture, unless our leaders wish to consciously acknowledge that we will be unable to meet the contingencies of the future.

I would hope that a different decision will be made. I would hope that we will instead have the courage to fully debate the nature of our obligations, as well as the nature of our allies' obligations to us, and to sort out exactly what it is we are defending and how this defense can best be accomplished.

Thank you.

ATV USER SAFETY AND EQUITY ACT

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARTON of Texas. Mr. Speaker, today I introduced the ATV User Safety and Equity Act, a bill to declare three-wheel all terrain vehicles to be banned as hazardous products under the Consumer Product Safety Act, to direct the Consumer Product Safety Commission to promulgate consumer product safety rules for all terrain vehicles, and for other purposes.

The Consumer Product Safety Commission—CPSC—has determined that ATV's—all-terrain vehicles—present an imminent and unreasonable risk to death or serious injury. Since 1982, more than 900 ATV riders have been killed and 330,000 injured. The Department of Justice, representing the Consumer Product Safety Commission, has filed suit against the ATV manufacturers. The ATV manufacturers and the Department of Justice have agreed upon a preliminary consent decree and are continuing negotiations to arrive upon a final consent decree.

The preliminary consent decree takes many steps in the right direction including requiring ATV manufacturers to provide warnings to purchasers and training programs for riders. Although too long in the making, the consent decree is a major victory for consumers.

However, the consent decree is not an entirely adequate solution and does not address the important question of what remedies should be available to persons who purchased dangerous ATV's in the past and would like to return them. I introduced the ATV User Safety and Equity Act to protect these ATV owners.

This act requires ATV manufacturers to offer refunds to all purchasers of three-wheel ATV's. The legislation does not require anyone to return an ATV that they want to keep, nor does it ban possession of three-wheel ATV's. Its objective is to give ATV owners who wish to return their vehicles an opportunity to do so.

The act further seeks to make future ATV's safer by entirely banning sales of three-wheel models and requires future sales of four-wheel ATV's be subject to CPSC mandated performance and safety standards. Sales of child-size models will be curtailed. All of these measures will substantially reduce the tragic death tolls and injuries which resulted from sales of engineering design-defective ATV's.

I urge you to act now to reduce ATV-related casualties. Please join me as a cosponsor of this important legislation.

Following is a copy of the ATV User Safety and Equity Act language:

H.R. 3991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ATV User Safety and Equity Act".

SEC. 2. BAN OF 3-WHEEL ALL TERRAIN VEHICLES.

(a) BAN.—For purposes of the Consumer Product Safety Act, 3-wheel all terrain vehicles shall be considered banned hazardous products for which a rule was promulgated under section 8 of such Act, except that sales of such vehicles by other than manufacturers, distributors, or dealers shall not be prohibited.

(b) REFUND.—The manufacturers of 3-wheel all terrain vehicles shall provide to persons who—

(1) before the date of the enactment of this Act, purchased 3-wheel all terrain vehicles, and

(2) return the vehicles to the manufacturer in accordance with regulations of the Consumer Product Safety Commission

under paragraph (3), a refund in an amount determined under such regulations.

(c) PROCEDURE.—Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate a rule—

(1) prescribing the procedure for the return of 3-wheel all terrain vehicles for purposes of receiving the refund under subsection (b), and

(2) for determining the amount to be refunded under subsection (b).

(d) SANCTION.—A manufacturer of 3-wheel all terrain vehicles who does not comply with subsection (b) shall be considered to have violated section 19(a)(5) of the Consumer Product Safety Act.

SEC. 3. CONSUMER PRODUCT SAFETY RULE FOR OTHER ALL TERRAIN VEHICLES.

(a) GENERAL RULE.—

(1) The Consumer Product Safety Commission shall promulgate under the Consumer Product Safety Act a consumer product rule for all terrain vehicles which will—

(A) require the manufacturers of all terrain vehicles to—

(i) offer free training in the operation of the vehicle to present and past purchasers and offer helmets and other protective equipment with the sale of the vehicle, and

(ii) to provide notice, by warning stickers affixed to the vehicle and other appropriate means, to purchasers (including, to the extent feasible, prior purchasers) of the risk of injury or death presented by the vehicles, especially to children,

(B) require each manufacturer and distributor of all terrain vehicles to establish programs to ensure compliance by the dealer with the safety requirements of the rule, and

(C) require the retail dealers of all terrain vehicles to provide to purchasers safety information respecting the operation of the vehicles.

(2) The Consumer Product Safety Commission shall also promulgate under the Consumer Product Safety Act a consumer product safety rule for all terrain vehicles to improve the safety of the vehicle by prescribing—

(A) appropriate performance standards for the vehicle, and

(B) design characteristics.

(b) PROCEDURE.—

(1) The Commission shall publish a notice of proposed rulemaking for the consumer product safety rule under paragraph (1) of subsection (a) not later than the expiration of 45 days after the date of the enactment of this Act and shall promulgate the final rule within 180 days of such date. The Commission shall publish a notice of proposed rulemaking for the consumer product safety rule under paragraph (2) of subsection (a) not later than the expiration of 120 days after the date of the enactment of this Act and shall promulgate the final rule within 1 year of such date.

(2) If the Commission does not promulgate a rule under paragraph (2) of subsection (a) within 1 year of such date, the Commission shall, upon the expiration of such year and until the date a rule under paragraph (2) of subsection (a) takes effect, be considered to have issued and placed into effect—

(A) a rule under section 8 of the Consumer Product Safety Act with respect to all terrain vehicles specifically designed for use by individuals under the age of 16, and

(B) a consumer product safety rule consisting of the text of the draft proposed safety standard provided to the distributors of all terrain vehicles in January 1988 pursuant to section L2 of the Preliminary Consent Decree of December 30, 1987, between the United States and the distributors of all terrain vehicles.

If upon review of a rule promulgated by the Commission under paragraph (2) of subsection (a) a stay of the rule is granted, any appeal by the Commission of such stay shall be advanced on the docket and expedited to the greatest possible extent.

(c) CONSTRUCTION.—Compliance with a consumer product safety rule promulgated under paragraph (1) or (2) of subsection (a) does not relieve any person from liability at common law or under State statutory law to any other person.

WHEN WILL DEMOCRACY COME TO NICARAGUA?

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, today may be the eve of another opportunity to vote for assistance to the Nicaraguan freedom fighters.

Opponents of Contra assistance say that further aid to the resistance is not necessary because a regional peace plan will usher in a regional peace and democracy.

Before the last vote the Sandinistas made some highly publicized gestures toward human rights only because they knew that further aid to the Contras could be forthcoming if they did not act.

But it is already clear that the Sandinistas are unwilling to make significant concessions to their political opponents.

In the final analysis, the Sandinistas will never permit a free and open political process to emerge in Nicaragua. As they themselves admit, they are not prepared to yield power through democratic means.

The Sandinistas are unable to hide their distaste for democracy and are unable to digest even the small reforms that they have attempted to make.

Mr. Speaker, I wish to draw the attention of my colleagues to a report in today's New York Times on the Sandinistas' unwillingness to take genuine steps toward democracy.

I quote Mr. Diaz, former Vice Minister of the Nicaraguan Assembly:

> If the Government keeps acting this way ultimately all of us will have no alternative than to become Contras.

The article follows:

[From the New York Times, Feb. 24, 1988]

STRIFE GROWS IN NICARAGUA: HOPES FOR PEACE FADE DESPITE CONTRA CUTOFF

(By Stephen Kinzer)

MANAGUA, NICARAGUA, February 23.—Six months after the signing of a regional peace accord, prospects for an end to the Nicaraguan conflict appear to be dimming despite a vote in Congress this month cutting off military aid to contra guerrillas.

Although some had expected that the period after the aid cutoff would be marked by faster progress toward reconciliation in Nicaragua, the opposite has happened. Political recriminations have become more bitter than at any time since the peace accord was signed.

Both of the negotiations in which the Sandinista Government is involved, one with political parties and the other with contras, are in virtual collapse.

After the breakdown of cease-fire talks with the contras last week, Sandinistas criticized the mediator, Miguel Cardinal Obando y Bravo. They appeared to have lost faith in his impartiality.

President Daniel Ortega Saavedra sent a letter to the Cardinal today saying he was upset that the talks had been "abruptly suspended." He said a higher-ranking Government delegation headed by the Army Chief of Staff, Maj. Gen. Joaquin Cuadra Lacayo, was ready to resume the talks at any moment.

The chief Sandinista negotiator at last week's talks, Deputy Foreign Minister Victor Hugo Tinoco, said contra delegates wanted the talks to fail. He said Cardinal Obando's decision to declare an impasse served that end.

"Obviously, the contras influenced Obando, and there was also renewed pressure on the contras by the Reagan Administration," Mr. Tinoco told the Sandinista newspaper Barricada. "The Administration knows that if a ceasefire is reached, the United States Congress will not see the need of continuing to support the mercenaries."

Mr. Tinoco also said his Government opposed any form of aid for the contras, even the food, clothing and medical assistance that Congress is considering. "Any support for a force that is at war, even if it is rice and beans, is called logistical support in any language," he said.

Cardinal Obando said his decision to cut off the talks was intended to provide "a moment for reflection." In his homily Sunday, he appeared to criticize the Sandinistas for not making new concessions.

"The one who monopolizes power cannot give people freedom because that endangers his power," Cardinal Obando told parishioners. "The one who has power feels obligated to oppress others in order to conserve it."

For the last two weeks, Sandinista leaders have been taking a more strident and militant tone in public statements, insisting they have no intention of accepting more opposition demands. They say contra bases in Honduras must be dismantled first.

"National Dialogue" Breaks Down

The peace accord bans such bases. It also requires the five Central American countries to create "a climate of freedom."

To comply with the accord, Sandinista leaders began a "national dialogue" last year intended to ease political conflicts within Nicaragua. But the dialogue has broken down because the Government will not accept opposition demands for changes in the Constitution.

The changes sought by the opposition include a ban on the re-election of presidents; guarantees of judicial independence and university autonomy; establishment of an independednt commission to oversee elections; separation of the army and police from Sandinista control, and recognition of conscientious objection to military service.

Mr. Ortega took a hard line against the opposition in a speech Sunday opening this year's session of the National Assembly. He said opposition groups including the Communist Party, were receiving funds from the United States and were "seeking to blackmail the Government of Nicaragua."

"This is called treason," Mr. Ortega said. "Now is not the time to be taking our country's dramatic situation lightly."

SOME BOYCOTT THE SESSION

Legislators from several parties boycotted the session to protest what they described as Sandinista intransigence. Among them was Mauricio Diaz Davila, who was stripped of his position as a vice president of the Assembly by a vote of the Sandinista majority.

Mr. Diaz has long been considered one of the most moderate opposition leaders, but he has been actively pressing the regime to make further political concessions. Lately he has become deeply pessimistic about political prospects.

"If the Government keeps acting this way, ultimately all of us will have no alternative other than to become contras," Mr. Diaz said in an interview.

Diplomats and officials close to the Sandinistas have said this week that they believe that recent events in Masaya in southwestern Nicaragua, where police wielding truncheons broke up an anti-draft protest two weeks ago, had persuaded Government leaders not to allow further loosening of the political system.

"That really shook them up," a diplomat said. "They have gone back into their shell."

ESTONIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, February 24, 1988, marks the 70th anniversary of the Declaration of Independence of the Republic of Estonia. I rise today to honor the proud men and women of Estonia for their tireless efforts in pursuit of freedom.

Each year we salute the heroic efforts of Estonian nationals. Their struggle against the oppressive tactics of the Soviet Union and their unending commitment to obtain basic human rights continues as it does in neighboring Baltic States. In this country we are apt to take these rights for granted: freedom of speech, of religion, and of self-determination. In Estonia they cannot.

Seventy years ago today the Republic of Estonia's independence was formally declared. Two years later, having been victorious against both German and Russian soldiers in her War of Independence, Estonia signed a peace treaty with the Soviet Union announcing the nation's sovereignty for all time.

But in 1939 Soviet tanks rolled into Estonia, and the young nation was forced to fight for its independence again. For almost a decade Estonians battled their Soviet oppressors until even the smallest glimmer of hope disappeared.

Despite long years of repression, the people of Estonia continue to wage their battle against the Soviets. With Gorbachev's purported interest in glasnost have come bold, new statements from the ever-growing number of dissidents in this land.

I read recently of a call for a new political group, the National Independence Party of Estonia. Though the idea won't become reality, it is a sure sign of the determination of the Estonian people to assert their independence from the U.S.S.R.—at the very least in spirit.

These people do so much for themselves, act so bravely in their homeland. We must continue to do what we can from here to assist our Estonian friends in their struggle to regain the freedoms they so briefly enjoyed. The United States—and all other freedom-loving nations—must be relentless in our insistence that we will not tolerate violations of human rights.

ESTONIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today commemorates the 70th anniversary of Estonian Independence Day. Unlike our Nation, which has maintained its freedom for over 200 years, Estonia has not been so fortunate. The Republic of Estonia, which gained its autonomy on February 24, 1918, was able to enjoy the benefits of freedom and independence for only 22 short years. Then, in the late spring of 1940, the Soviets violated a pact they had signed with the Estonians 20 years previously, and invaded the peaceful Estonian republic.

The invasion was followed by efforts of the Soviet Union to destroy all features of Estonian culture. This included the suppression of the Estonian language and religion, and most significantly, the mass deportation of thousands of Estonian citizens.

The efforts of the Soviet Union to Russify Estonia have continued unabated. The banning of any public demonstrations in Estonia's neighboring states on similar occasions symbolizes the fact that, glasnost or no glasnost, the Soviet Union continues to rule over her occupied territories with an iron hand.

It is my hope that the Soviets will refrain from such an exhibition during the celebration of Estonia's 70th anniversary of their independence. To this end, I joined with several of my colleagues in writing to the Secretary General of the Soviet Union, Mikhail Gorbachev, to deplore the Soviet action in Lithuania, and to express the hope that such an event will not recur in Estonia. The text of this letter follows:

FEBRUARY 23, 1988.

Hon. MIKHAIL S. GORBACHEV,
General Secretary of the Communist Party,
The Kremlin, Moscow, U.S.S.R.

DEAR MR. GORBACHEV: Tomorrow will mark the 70th anniversary of Estonian Independence Day. We have received reports that citizens of Estonia intend to honor this day with public ceremonies.

In the past, we have been greatly concerned over official harassment and abuse directed against individuals who have participated in public demonstrations. We are particularly concerned by reports that Heiki Ahonen, Lagle Parek, Rein Mets, and Allan Targa have been attacked and beaten. We understand that Mr. Ahonen is being held in Patarei jail in Tallinn. We also understand that Juri Adams and Viktor Niitsoo have been called for reserve training, and that others have been searched and questioned.

We were also greatly troubled when Soviet authorities sealed off Lithuania from the West for Lithuanian Independence Day. Except for a small group of journalists invited to attend meetings with local party leaders, Western journalists were refused permission to visit Lithuania to observe events on Lithuanian Independence Day. We also understand that telephone lines in Lithuania were heavily monitored and that a dozen telephones were disconnected as well. We sincerely hope that this practice will not be repeated in Estonia.

We, as members of the United States Congress, urge you to prevent any official disruption of peaceful gatherings on Estonia Independence Day. We also urge you to prevent the harassment of any organizers or participants before or after these gatherings. Lastly, we also respectfully request that members of the Western media be allowed to have free access to Estonia tomorrow.

The peaceful demonstrations planned for February 24 in the Estonian Nation signify that the Estonians have not forgotten the previous freedom under which they once lived, nor shall they ever forget. They shall continue to struggle for their freedom and to express their desire for the return of their independence at every available opportunity. A statement released from the Estonian American National Council reaffirms the stand of American Estonians and Estonians world-wide, and a copy of that statement follows:

STATEMENT OF THE ESTONIAN AMERICAN NATIONAL COUNCIL

Hearing of the brave public demonstration of peaceful resistance to illegal Soviet rule this past summer, Estonians all over the world and their friends felt a resurgence of hope and energy to continue the long struggle to restore independence to the Soviet-occupied Baltic republic. It became obvious that Estonian resistance to Soviet rule not only lives but is growing stronger, especially among a younger generation of Estonians. The events of August 23rd showed that free Estonia lives in the hearts of all Estonians—from the surviving handful of aged veterans who fought in the War of Independence 70 years ago to young students and children born under Soviet rule.

The independence of Estonia was formally declared on February 24, 1918. What happened next provides an excellent case study of the methodology of communist expansionism and control, giving useful insights into regional conflicts involving the Soviet Union in other parts of the world such as Afghanistan, Africa and Central America.

In 1920, following the War of Independence in which Estonian patriots had to fight against both the Russians and the German "Landeswehr", the Soviet Union signed a peace treaty with Estonia, ironically becoming the first nation to recognize the Estonian Republic *de jure*, renouncing "forever" all claims and rights to it. When the Allied Supreme Council in Paris recognized Estonia in 1921, other recognitions followed in quick succession. Estonia was admitted to the League of Nations later that same year. During the period of independence, Estonia thrived economically, socially and culturally, and was signatory to a host of international treaties and accords.

However, in 1939, Hitler and Stalin secretly agreed to partition Europe, giving part of Poland and all three Baltic States to the Soviets. Then followed the now-established Soviet pattern for take-over and consolidation of power: "mutual assistance" pacts, ultimatums, installation of communist puppet

governments, staged one-party elections, compulsory nationalization, house searches, mass arrests, deportations, summary executions, and terror, all backed up by the Red Army. By not recognizing the Soviet annexation of the Baltic States in 1940, the United States reaffirmed an important principle of international law regarding illegal seizure of territory, a principle which is still part of U.S. foreign policy today.

Unfortunately, the capitulation of Nazi Germany and the end of World War II brought no relief to the Estonian people. Instead, Estonia and the other two Baltic Republics were abandoned to a ruthless Communist dictatorship.

Almost unknown in the West, armed resistance continued in Estonia for over a decade, the freedom fighters believing that the Western powers would yet enforce the Atlantic Charter, which promised that all countries which had been independent before World War II would have their sovereignty restored. Although the Soviets sealed the Western borders of the Baltic States and carried out mass arrests, house searches, executions and mass deportations and even though the Estonian freedom fighters received almost no outside support, they carried out the most long-lived and heroic guerrilla struggle in post-war Europe. The final blow came in 1956, when the crushing of the Hungarian uprising finally brought home the bitter truth to the Estonian guerrillas—that they were alone, with no hope of help from abroad.

However, as shown by underground literature, repeated appeals to Western governments and international organizations, and the recent demonstrations, the Estonian spirit has not been broken. Estonians have not given up on restoring their lost independence. Most Estonians imprisoned in Soviet concentration camps and psychiatric facilities, including Mart Niklus and Enn Tarto, are there precisely because they are nationalists who have opposed Soviet rule in their homelands. They have committed "crimes" ranging from hoisting the forbidden blue, black and white Estonian flag to asking for abrogation of the Hitler-Stalin Pact. Members of Estonian resistance are being threatened, locked up, expelled and abused because they bear witness to the fact that, in spite of glasnost, the Soviet Union is a prisonland of nations, an illegal empire held together by force of arms and KGB terror. In fact, due to the systematic colonization and Russification decreed from Moscow, achieving autonomy and self-determination is essential to the very survival of the Estonian people, their language and culture. Even the environment in Estonia is seriously threatened by the imposition from Moscow of ecologically hazardous phosphate mining which could potentially pollute not only the Estonian heartland, but also the Baltic Sea.

Therefore, on this 70th anniversary of Estonian independence, the most important long-term goals of the Estonian resistance movement remain: the withdrawal of the nearly 150,000 Soviet troops stationed in Estonia, liquidation of the Soviet colonial administration, admission as a member of the League of Nations to United Nations membership, and free democratic elections to be conducted under UN supervision. The case for Estonian independence is both moral and legal. To this end, the United States and other Western democracies, in addition to raising publicly and privately cases of human rights violations, should also begin to implement sanctions against the Soviet Union for violating international law by continuing to occupy and colonize Estonia, Latvia, and Lithuania. It is past time to accord the Baltic States their deserved status as a legitimate, unresolved reegional issue.

Mr. Speaker, I am proud to join with Estonian-Americans, and Estonians everywhere, in reconfirming our hope and our prayers that Estonia shall once again achieve self-determination and reenter the world's community of free nations.

HONORING TIBOR RUBIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 60 minutes.

Mr. GILMAN. Mr. Speaker, I have called this special order this afternoon in order to call attention to an inequity borne by a very special veteran, Tibor Rubin. I would like to thank my colleagues for taking time out of their busy schedules to participate in today's special order.

For many of my colleagues who are not familiar with Tibor Rubin, he is a Hungarian refugee, who enlisted in the United States Army, as a corporal in February 1950, after only 18 months in this country. He spent 44 months as a POW in Korea, suffering indignities beyond human comprehension. Continually disregarding his own safety and health, Tibor Rubin is credited with saving the lives of 35 to 40 other prisoners. He attended the wounded GI's on a daily basis by cleaning their wounds, arresting their infections and stealing food.

Tibor Rubin also risked this own life by collecting names and locations of nearly 500 other prisoners, smuggling them out of the country in a leg cast when he was released. In spite of these heroics, he never received the Congressional Medal of Honor. Rubin had been cited for the honor prior to his capture, but problems occurred when his company had four different commanders within a period of weeks and there was no followup on the recommendation. After his capture, few soliders knew he was alive.

While many individuals, veterans and community groups have organized campaigns urging the time limitation be waived for Tibor Rubin to receive the Congressional Medal of Honor, the Department of Army has expressed much opposition, in spite of comending him for his courageous and humanitarian efforts while in captivity. Other POW's have received the Congressional Medal of Honor after the statute of limitations has expired. Tibor Rubin needs our assistance. Our fellow colleague, ROBERT DORNAN, has introduced legislation waiving the time limitations relating to the award of the Congressional Medal of Honor to Tibor Rubin for distinguishing himself by acts of valor during the Korean war.

By participating in this special order and introducing private bills on behalf of Tibor Rubin, we can show the leadership, the administration and all Americans that patriotism and bravery are still held in high esteem by this body. Tibor Rubin exemplifies the Congressional Medal of Honor.

CORRECT THE EXCISE TAX MISTAKE FOR FARMERS AND LOCAL GOVERNMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, today I have introduced the Fuels Excise Tax Equity Act of 1988.

My legislation will free farmers and State and local governments from unnecessary and expensive bureaucracy placed on them by last year's Reconciliation Act and the Tax Reform Act of 1986.

The first section of my bill allows farmers to continue to purchase diesel fuel for on-farm use without paying the excise tax on that fuel.

Under the Omnibus Budget Reconciliation Act of 1987, farmers must pay the 15.1-cent-per-gallon diesel fuel tax up front and then file for a refund. This provision goes into effect April 1.

Diesel fueled-generators and combine harvesters don't have anything to do with the Nation's highways, and they shouldn't have anything to do with the highway trust fund.

In the best of times, this new procedure would be unfair. Under current economic conditions, it could drive some farmers out of business.

Cash-flow is everything to a farmer. A farmer can't operate if he can't pay his debts, particularly his short-term operating debts, on time.

Farmers simply cannot afford to spend months or even years waiting on the IRS to send a refund while the Government draws interest on their money.

State and local governments are in the same situation, and my bill takes care of them, as well.

Since 1981, the Federal Government has reduced or eliminated practically every program that provides financial assistance to those governments.

In States like Arkansas, where the economic recovery is something that happened somewhere else, small local governments struggle mightily to provide a minimum level of services despite anemic tax bases.

It is unconscionable that the Federal Government should now actually tax those hard-pressed governments.

The second provision of my bill is identical to an amendment attached by our colleague JAKE PICKLE to the House version of the reconciliation bill, which was unfortunately dropped after the budget summit.

This section simply restores the pretax reform practice of allowing gasoline marketers to pay the gasoline excise tax directly to the Treasury.

Under tax reform, marketers must pay the tax to their wholesale suppliers—who then have from 9 to 24 days to pay the tax to the Treasury.

There are three major problems with the new procedure under the Tax Reform Act:

First, it substantially increases inventory costs for local gasoline marketers, thereby hurting their cash-flow.

Second, it hurts those local governments that are not able to purchase tax-free gasoline

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from refiners, which are the only source of tax-free gasoline at the moment.

Third, some refiners have refused to sell any gasoline at the reduced tax rate of 3.43 cents a gallon on gasoline to be blended with ethanol.

They have done so because they fear they will be held liable for tax evasion by unscrupulous marketers who buy reduced-rate gasoline and never blend it with ethanol.

If the cutoff of gasoline to legitimate ethanol blenders gets much worse, it could ruin the domestic fuel ethanol industry.

That would indeed be a tragedy, because ethanol is our best hope for cleaning the air, improving energy security, and revitalizing the farm economy.

My language would restore the situation that prevailed before the new provisions took effect January 1—a situation under which all parties concerned were much happier.

Speedy action is needed to protect farmers, local governments, and the ethanol industry.

I invite all Members to join in this effort, and I call on the Ways and Means Committee to immediately schedule hearings on my bill and others like it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Fazio (at the request of Mr. Foley), for today and the balance of the week, on account of an illness in the family.

Mrs. Lloyd (at the request of Mr. Foley), for today and the balance of the week, on account of official business.

Mr. Stangeland (at the request of Mr. Michel), for today and the balance of the week, on account of official business.

Mr. Badham (at the request of Mr. Michel), for today and the balance of the week, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Slaughter of Virginia) to revise and extend his remarks and include extraneous material:)

Mr. Moorhead, for 60 minutes, on March 1.

(The following Members (at the request of Mr. Cardin) to revise and extend their remarks and include extraneous material:)

Mr. Stratton, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Alexander, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Slaughter of Virginia) and to include extraneous matter:)

Mr. Dannemeyer.
Mr. Tauke.
Mr. Daub.
Mr. Hefley.
Mr. Young of Alaska in two instances.
Mr. Rowland of Connecticut.
Mr. Gingrich.
Mr. DeWine.
Mr. Gallo.
Mr. Green.
Mr. Kyl.
Mr. Broomfield in two instances.
Mr. Vander Jagt.
Mr. Solomon.
Mr. Donald E. Lukens.
Mr. Gekas.

(The following Members (at the request of Mr. Cardin) and to include extraneous matter:)

Mr. Kleczka.
Mr. Torres.
Mr. Florio in three instances.
Mr. Mazzoli.
Mr. Garcia in two instances.
Mr. Howard.
Mr. Lehman of California in two instances.
Mr. Morrison of Connecticut.
Mr. Wyden.
Mr. Fuster.
Mr. Moakley.
Mr. Flippo.
Mr. Dwyer of New Jersey.
Mr. Smith of Florida.
Mr. Weiss.
Mr. Jones of Tennessee.
Mrs. Kennelly.
Mr. Kolter in two instances.
Mr. Bilbray in three instances.
Mr. Stratton.
Mr. Waxman.
Mr. Foley.
Mr. Hochbrueckner.
Mr. Stallings.

ADJOURNMENT

Mr. BILBRAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Thursday, February 25, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2975. A letter from the Director, Office of Personnel Management, transmitting an interim report on the operation of the Senior Executive Service, including a performance appraisal, pursuant to 5 U.S.C. 3131 note, 3135 and 4314(d); to the Committee on Post Office and Civil Service.

2976. A letter from the Chairman, Federal Reserve System, transmitting a copy of the monetary policy report for 1988, pursuant to 12 U.S.C. 225a; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. INHOFE:

H.R. 3989. A bill to amend the Internal Revenue Code of 1986 to allow State and local governments to purchase gasoline tax free and to allow farmers and certain oil and gas drillers to purchase diesel fuel tax free; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 3990. A bill to make more equitable certain provisions of law relating to collection of excise taxes on certain motor fuels, and for other purposes; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself, Mr. Lent, Mr. Barnard, Mr. Rinaldo, Mr. Eckart, and Mrs. Collins):

H.R. 3991. A bill to declare 3-wheel all-terrain vehicles to be banned hazardous products under the Consumer Product Safety Act, to direct the Consumer Product Safety Commission to promulgate consumer product safety rules for all-terrain vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUSTAMANTE:

H.R. 3992. A bill to provide for a separate tariff classification for opal borosilicate glassware and to suspend temporarily the duty on glassware of that kind; to the Committee on Ways and Means.

By Mrs. BYRON (for herself, Mr. Cardin, Mr. Hoyer, Mrs. Morella, Mr. Mfume, Mr. Dyson, Mr. McMillen of Maryland, and Mrs. Bentley):

H.R. 3993. A bill relating to the tax treatment of the Maryland Deposit Insurance Fund Corp.; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 3994. A bill to extend the coverage of certain Federal labor laws to foreign flagships; to the Committee on Education and Labor.

By Mr. DANNEMEYER:

H.R. 3995. A bill to amend the Clean Air Act to provide additional measures for areas which have failed to meet the national primary ambient air quality standards; to the Committee on Energy and Commerce.

By Mr. FLIPPO (for himself, Mr. Duncan, and Mr. Schulze):

H.R. 3996. A bill to amend the Internal Revenue Code of 1986 to make funds available to the small business community; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 3997. A bill to amend the Ethics in Government Act of 1978 to extend the authorization of appropriations for the Office of Government Ethics for 6 years; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. GREEN:

H.R. 3998. A bill to amend title XVIII of the Social Security Act to provide a special enrollment period and to eliminate premium increases in the Medicare part B insurance program for individuals who enter the United States after residing outside the United States for an extended period of

time; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HOCHBRUECKNER (for himself, Mr. Weldon, Mr. Owens of New York, Mr. Roe, Mr. Schuette, Mr. Campbell, Mr. Biaggi, Mr. Dornan of California, Mr. Donald E. Lukens, Mr. Ballenger, Mr. Solarz, Mr. Manton, Mr. de la Garza, Mr. Kemp, and Mr. Downey of New York):

H.R. 3999. A bill to amend title 28 of the United States Code to provide that volunteer public safety personnel shall be excused from jury service upon individual request; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 4000. A bill to amend the Internal Revenue Code of 1986 to minimize the paperwork requirements in order for State and local governments to purchase diesel fuel tax free; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 4001. A bill to amend the Internal Revenue Code of 1986 to exempt from tax earnings on certain investment accounts for savers and investors; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Buechner, Mr. Roe, Mr. Shays, Mr. Stangeland, Mr. Pashayan, Mr. Solomon, Mr. Lagomarsino, Mr. Clinger, Mr. Schuette, Mr. Chandler, Mr. Skeen, Mr. Miller of Washington, Mrs. Saiki, Mr. Hyde, Mr. Hiler, Mr. Schaefer, Mr. Ridge, Mr. Konnyu, Mr. Upton, Mr. Brown of Colorado, Mrs. Martin of Illinois, Mr. Green, Mr. Fish, and Mr. Weber):

H.R. 4002. A bill to establish a block grant program for child care services, and for other purposes; jointly, to the Committee on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. LELAND (for himself, Mr. Waxman, Mr. Scheuer, Mr. Walgren, Mr. Wyden, Mr. Sikorski, and Mrs. Collins):

H.R. 4003. A bill to amend the Public Health Service Act to revise and extend the program of health services for the homeless; to the Committee on Energy and Commerce.

By Mr. NELSON of Florida:

H.R. 4004. A bill to provide for regional primary elections and caucuses for selection of delegates to political party Presidential nominating conventions and for Federal funding of Presidential primary elections; to the Committee on House Administration.

By Mr. OWENS of Utah:

H.R. 4005. A bill to improve the land ownership patterns and management of State and Federal lands in the State of Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4006. A bill to amend title 39, United States Code, to provide that any person who receives an unsolicited sexually oriented advertisement through the mails may require the sender to disclose the source from which the recipient's name or address was obtained; to the Committee on Post Office and Civil Service.

By Mr. SCHUETTE (for himself, Mr. Marlenee, and Mr. Davis of Michigan):

H.R. 4007. A bill to amend the Internal Revenue Code of 1986 to allow farmers to purchase diesel fuel and gasoline for farm use tax free; to the Committee on Ways and Means.

H.R. 4008. A bill to amend the Internal Revenue Code of 1986 to repeal the application of the uniform capitalization rules to farming businesses; to the Committee on Ways and Means.

H.R. 4009. A bill to amend the Internal Revenue Code of 1986 to allow farmers to income average; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 4010. A bill to amend the Internal Revenue Code of 1986 to retain a capital gains tax differential, and for other purposes; to the Committee on Ways and Means.

By Mr. SLATTERY (for himself, Mrs. Smith of Nebraska, Mr. Roberts, Mr. Whittaker, Mr. Grandy, Mr. Wortley, Mr. Dyson, Mr. Johnson of South Dakota, Mr. Cooper, Mr. Brown of Colorado, Mr. Dorgan of North Dakota, Mr. Bruce, Mr. Hughes, Mr. Quillen, Mr. Chapman, Mr. Jontz, Mr. Tauke, Mr. Bereuter, Mr. Campbell, Mr. Jones of Tennessee, Mr. Lujan, Mr. Horton, Mr. Leath of Texas, Mr. Jenkins, Mr. Craig, Mr. Barnard, Mr. Inhofe, Mrs. Patterson, and Mr. Tallon):

H.R. 4011. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm and firefighting vehicles; to the Committee on Public Works and Transportation.

By Mr. VENTO (for himself, Mr. Ford of Michigan, Mr. Garcia, Mr. Lowry of Washington, Mr. Annunzio, Mr. Manton, Ms. Kaptur, and Mr. Kleczka):

H.R. 4012. A bill to clarify the labor standards requirements applicable to programs administered by the Secretary of Housing and Urban Development, to the Committee on Banking, Finance and Urban Affairs.

By Mr. WALGREN:

H.R. 4013. A bill to amend the Public Health Service Act to establish a National Center for Medical Rehabilitation Research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARCIA:

H.J. Res. 468. Joint resolution to designate the week beginning May 8, 1988, as "National Exporters Appreciation Week"; to the Committee on Post Office and Civil Service.

By Mr. HAWKINS:

H.J. Res. 469. Joint resolution to designate June 1988 as "National Recycling Month"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL (for himself and Mr. Foley):

H.J. Res. 470. Joint resolution to designate March 29, 1988, as "Education Day U.S.A."; to the Committee on Post Office and Civil Service.

By Mr. LATTA:

H.J. Res. 471. Joint resolution to establish a Commission to develop and execute plans for the celebration of the 175th anniversary of the Battle of Lake Erie, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McGRATH:

H.J. Res. 472. Joint resolution designating the month of June 1988 as "Student Awareness of Drunk Driving Month"; to the Committee on Post Office and Civil Service.

By Ms. PELOSI (for herself, Ms. Snowe, Mr. Skelton, Mr. Schumer, Mr. Fuster, Mr. Owens of Utah, Mr. Wilson, Mr. Ackerman, Mr. Evans, Mr. Dymally, Mr. Scheuer, Mr. Lehman of California, Mr. AuCoin, Mr. Manton, Mr. Crockett, Mrs. Kennelly, Mr. Smith of Florida, Mr. Hoyer, Mr. Matsui, Mrs. Collins, Mr. Dwyer of New Jersey, Mr. Buechner, Mr. Sawyer, Mr. Blaz, Mr. Sabo, Mrs. Johnson of Connecticut, Mr. Gunderson, Mr. Levine of California, Mr. Markey, Mr. Montgomery, Mr. Clay, Mr. Frank, Mr. Towns, Mr. Boland, Mr. Clinger, Mr. Gray of Illinois, Mr. Green, Ms. Oakar, Mr. Mrazek, Mr. Anderson, Mr. Fascell, Mr. Rodino, Mr. Jontz, Mr. Kostmayer, Mr. Roe, Mr. Carr, Mr. Henry, Mr. Fauntroy, Mrs. Boxer, Mr. Atkins, Mrs. Smith of Nebraska, Mrs. Schroeder, Mr. Campbell, Mrs. Morella, Ms. Slaughter of New York, Mr. Hatcher, Mr. Coelho, Mr. Yates, Mrs. Meyers of Kansas, Mr. Conyers, Mr. Dellums, Mr. Chandler, Mr. Conte, Mr. Lantos, Mr. Carper, Mr. Miller of Washington, Mr. Gephardt, Mr. Weiss, Mr. Coleman of Texas, Mr. Ford of Tennessee, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Dixon, Mr. Ballenger, Mr. LaFalce, Mr. Lowry of Washington, Mr. McMillen of Maryland, Mr. Morrison of Connecticut, Mr. Neal, Mr. Lagomarsino, Mr. Horton, and Mr. Wolpe):

H.J. Res. 473. Joint resolution designating March 1988 as "Women's History Month"; to the Committee on Post Office and Civil Service.

By Mr. RITTER (for himself, Mr. Hertel, Mr. Dornan of California, Mr. Lipinski, Mr. Feighan, Mrs. Bentley, Mr. Bereuter, Mrs. Morella, Mr. Miller of Washington, and Mr. Ackerman):

H.J. Res. 474. Joint resolution designating June 14, 1988, as "Baltic Freedom Day"; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

By Mr. FOLEY (for himself, Mr. Michel, Mr. Fascell, Mr. Broomfield, Mr. Crockett, and Mr. Lagomarsino):

H. Con. Res. 250. Concurrent resolution expressing confidence that the people of El Salvador will reject efforts to disrupt the election to be held in that country on March 20, 1988, and will avail themselves of the opportunity to vote in that election; to the Committee on Foreign Affairs.

By Mr. CRAIG:

H. Con. Res. 251. Concurrent resolution expressing the sense of the Congress with respect to needed improvements in the coordination and effectiveness of Federal and State regulation of real estate appraisal practices; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

By Mr. ASPIN (for himself and Mr. Dickinson):

H. Res. 385. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Armed Services in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. LELAND:

H. Res. 386. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Hunger in the 2d sess. of the 100th Congress; to the Committee on House Administration.

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By Mr. MILLER of California:

H. Res. 387. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Children, Youth, and Families in the 2d sess. of the 100th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. Emerson.

H.R. 341: Mr. Crane and Mr. Lewis of Florida.

H.R. 639: Mr. Carper.

H.R. 719: Mr. Lagomarsino, Mr. Sweeney, Mr. Ritter, Mr. Solomon, Mr. Weldon, Mr. Latta, and Mr. Broomfield.

H.R. 807: Mr. Udall.

H.R. 958: Mr. Atkins and Mr. Rahall.

H.R. 1016: Mr. Bustamante, Mr. Kolter, and Mr. Thomas A. Luken.

H.R. 1213: Ms. Pelosi.

H.R. 1433: Mr. Manton.

H.R. 1437: Mr. Ortiz.

H.R. 1438: Mr. Sweeney.

H.R. 1566: Mrs. Smith of Nebraska.

H.R. 1794: Mr. Lewis of Georgia, Mr. Murphy, Mr. Weiss, Mr. Walgren, Mr. Hertel, Mr. Gingrich, and Mr. Petri.

H.R. 1808: Mr. Traxler and Mr. Roe.

H.R. 1834: Mr. Bonker, Mr. Traxler, and Mr. Garcia.

H.R. 1990: Mr. Swindall and Mr. Hunter.

H.R. 2501: Mr. Davis of Illinois, Mr. Ballenger, Mr. Lightfoot, Mr. Hyde, Mr. Hastert, Mr. Baker, Mr. Gregg, Mr. Gallegly, Mr. Smith of Texas, Mr. Donald E. Lukens, Mrs. Saiki, Mr. Coble, Mr. Buechner, Mr. Ravenel, Mr. Herger, Mr. Weldon, Mr. Holloway, Mr. Hoyer, Mr. Thomas of California, Mr. Dannemeyer, Mr. Bartlett, Mr. Craig, Mr. Horton, Mr. Upton, Mr. Houghton, Mr. LaFalce, Mr. Ridge, Mr. Fauntroy and Mr. Armey.

H.R. 2517: Miss Schneider.

H.R. 2532: Mr. Flippo.

H.R. 2640: Mr. Campbell, Mr. Jones of Tennessee, Mr. Traficant, Mr. Applegate, Mr. Wylie, Mr. Hopkins, and Mr. DeWine.

H.R. 2707: Mr. Swindall.

H.R. 2787: Miss Schneider.

H.R. 2962: Mr. Shaw.

H.R. 2976: Mr. Kolter, Mr. Lagomarsino, Mr. Gray of Illinois, Mr. Chandler, Mr. Kolbe, Mr. Tauke, and Mr. Davis of Illinois.

H.R. 3119: Mr. Gray of Illinois, Mr. Johnson of South Dakota, Mr. Hawkins, Mr. Schumer, Mrs. Kennelly, and Mr. Ackerman.

H.R. 3193: Mr. Sikorski.

H.R. 3250: Mr. Bevill, Mr. Wolpe, Mr. Bunning, Mr. Fauntroy, and Mr. Waxman.

H.R. 3262: Mr. Kolter.

H.R. 3263: Mr. Kolter.

H.R. 3301: Mr. Swindall and Mr. Hunter.

H.R 3378: Mrs. Boxer, Mr. Ackerman, and Mr. Torres.

H.R. 3416: Mr. Bevill.

H.R. 3440: Mr. Ackerman.

H.R. 3454: Mr. Broomfield, Mr. Brown of Colorado, Mr. Campbell, Mr. Hertel, Mr. McCloskey, Mr. McMillen of Maryland, Mr. Schaefer, Mr. Skaggs, Mr. Towns, and Mr. Williams.

H.R. 3470: Mr. Owens of Utah, Mr. Kolbe, Mr. Pursell, Mr. Shumway, Mr. Sweeney, Mr. MacKay, Mr. Lowery of California, Mr. Ray, Mr. Panetta, Mr. Boucher, Mr. Gregg, Mr. Quillen, Mr. Nowak, Mr. Mack, Mr. Hiler, Mr. Brennan, Mr. Brown of California, Mr. Evans, Mr. Penny, Mr. Rogers, Mr. AuCoin, Mr. Jontz, Mr. Wolf, Mr. Fields, Mr. Gallo, Mr. Solomon, Mr. Mica, Mr. Gallegly, Ms. Pelosi, Mr. Smith of New Hampshire, and Mr. Davis of Michigan.

H.R. 3485: Mrs. Morella.

H.R. 3486: Mr. de la Garza, Mr. Olin, Mr. McHugh, Mr. Kolter, Mr. Conyers, Mr. Ford of Tennessee, Mr. Gejdenson, and Mr. Downey of New York.

H.R. 3515: Mr. Gallo.

H.R. 3553: Mrs. Bentley.

H.R. 3664: Mr. Moody.

H.R. 3673: Mr. Montgomery, Mr. Dowdy of Mississippi, Mr. Roe, Mrs. Boxer, Mr. Daub, Mr. Harris, Ms. Slaughter of New York, Ms. Oakar, Mr. Ford of Tennessee, and Mr. DeFazio.

H.R. 3730: Mr. Barnard, Mrs. Collins, Mr. Owens of New York, Mr. LaFalce, Mrs. Bentley, Mr. de Lugo, Mr. Towns, Mr. Lancaster, Mr. Kolbe, Mr. Donnelly, and Mr. Jacobs.

H.R. 3783: Mr. Mrazek and Mr. Boucher.

H.R. 3784: Mr. Mrazek.

H.R. 3788: Mr. Martinez, Mr. Lancaster, Mr. Moakley, Mr. Neal, Mr. Chapman, and Mr. Frank.

H.R. 3806: Mrs. Kennelly, Mr. de la Garza, Mr. Pursell, and Mr. Owens of New York.

H.R. 3836: Mr. Skaggs, Mrs. Vucanovich, Mr. Boulter, Mr. Ackerman, Mr. Kleczka, Mr. Martinez, and Mr. Eckart.

H.R. 3840: Mr. Evans, Mr. Lowry of Washington, Mr. Harris, Mr. Roe, Mr. Chappell, Mr. Gejdenson, and Mr. Traxler.

H.R. 3844: Mr. Rogers, Mr. Chappell, Mr. Donald E. Lukens, Mr. Cheney, Mr. Emerson, Mr. Lujan, Mr. Roth, Mr. Houghton, Mr. Rose, Mr. Coelho, and Mr. Ballenger.

H.R. 3865: Mr. Swindall, Mr. Hansen, Mr. McCandless, Mr. Pashayan, Mr. McDade, Mr. McCloskey, Mr. Hall of Texas, Mr. Dreier of California, Mrs. Bentley, Mr. Owens of Utah, Mr. Jones of North Carolina, Mr. de la Garza, Mr. Young of Alaska, Mr. DeLay, Mr. Tallon, and Mr. Miller of Washington.

H.R. 3866: Mr. Applegate.

H.R. 3879: Mr. Rodino, Mrs. Kennelly, Mr. Morrison of Connecticut, Mr. Mavroules, Mr. Nagle, Mr. Jontz, Mr. Espy, Mr. Carr, Mr. Johnson of South Dakota, Mr. Studds, Mr. Foglietta, Mr. Mineta, Mr. Vento, Ms. Kaptur, and Mr. Dellums.

H.R. 3881: Mr. Myers of Indiana, Mr. McEwen, Mr. Chapman, Mr. Buechner, Mrs. Martin of Illinois, Mr. Tauke, Mr. Rogers, Mr. Bunning, and Mr. Donald E. Lukens.

H.R. 3897: Mrs. Meyers of Kansas.

H.R. 3900: Mr. Fawell and Mr. Hyde.

H.R. 3907: Mr. Grandy, Mr. Combest, Mr. Davis of Michigan, Mr. Archer, Mr. Stangeland, Mr. Applegate, Mr. Hamilton, Mr. Akaka, Mr. Roe, Mr. Smith of Iowa, Mr. Coleman of Texas, Mr. Lagomarsino, Mr. Coelho, Mr. Fascell, Mr. Quillen, Mr. Cheney, Mr. Lujan, Mr. Lightfoot, Mr. Emerson, Mr. Inhofe, Mr. Houghton, Mr. Upton, and Mr. Gray of Illinois.

H.R. 3914: Mr. Fascell, Mr. Stratton, Ms. Kaptur, Mr. Biaggi, Mr. Blaz, and Mr. DeFazio.

H.R. 3944: Mr. Armey.

H.J. Res. 23: Mr. Baker, Mr. Coats, Mr. Lewis of California, and Mr. Barnard.

H.J. Res. 145: Mr. Petri.

H.J. Res. 271: Mr. Gejdenson.

H.J. Res. 293: Mr. McDade, Mr. Traficant, Mr. Schaefer, Mr. Saxton, Mr. Swindall, Mr. Weber, Mr. Stark, Mr. Fauntroy, Mr. Yatron, Mr. English, Mr. Owens of New York, Mr. Green, Mr. Weiss, and Mr. Markey.

H.J. Res. 386: Mr. Dymally, Mr. Hansen, Mr. Kemp, Mr. McEwen, Ms. Pelosi, Mr. Pepper, and Mr. Traficant.

H.J. Res. 388: Mr. Broomfield, Mr. Bruce, Mr. Coleman of Missouri, Mr. Early, Mr. Florio, Mr. Foley, Mrs. Johnson of Connecticut, Mr. Kolbe, Mr. Livingston, Mr. McMillen of Maryland, Ms. Pelosi, Mr. Pickle, Mr. Richardson, and Mr. Rowland of Connecticut.

H.J. Res. 418: Mr. Bilirakis, Mr. Kolter, Mr. Levin of Michigan, and Mr. McMillen of Maryland.

H.J. Res. 420: Mr. Hatcher, Mr. Jeffords, Mr. Swindall, Mr. Neal, Mr. Thomas of Georgia, Mr. Barnard, Mr. Brennan, Ms. Snowe, Mr. Wolf, Mr. Owens of New York, Mr. DioGuardi, Mr. de la Garza, Mr. Mrazek, Mr. Ackerman, and Mr. Ballenger.

H.J. Res. 429: Mr. Rodino, Mr. Brennan, Mrs. Morella, Mr. Bartlett, and Mr. Kolbe.

H.J. Res. 438: Mr. Hughes, Mr. Feighan, Mr. Buechner, and Mr. Kolbe.

H.J. Res. 447: Mr. DioGuardi, Mr. Ireland, Mr. DeWine, Mr. St Germain, Mr. Hefner, Mr. Atkins, Mr. Sunia, Mr. Markey, Mr. Feighan, Mr. Brown of California, Mr. Thomas A. Luken, Mr. Kildee, Mr. Stallings, Mr. Spence, Mr. Hayes of Illinois, Ms. Slaughter of New York, Mr. Emerson, Mr. Crockett, Mr. Price of Illinois, Mr. Gallo, Mr. Kolbe, Mr. Lewis of Florida, Mr. Hammerschmidt, Mr. Bosco, Mr. Moody, Mr. Pepper, Mr. Oberstar, Mr. Waxman, Mr. Rahall, Mr. Dyson, Mr. Hansen, Mr. Gray of Pennsylvania, Mr. Young of Florida, Mr. Skelton, Mr. Moorhead, Mr. Wylie, and Mr. Denny Smith.

H. Con Res. 229: Mr. Chandler.

H. Con Res. 240: Mr. Owens of Utah and Mr. Wolpe.

H. Res. 258: Mr. Gallegly, Mr. Weldon, Mr. Boulter, Mr. Kyl, Mr. Bunning, Mr. Ballenger, Mr. Henry, Mr. Gallo, Mr. Solomon, Mr. Oxley, Mr. Lagomarsino, Mr. Badham, Mr. Tauke, Mr. Dannemeyer, Mr. Swindall, Mr. Huckaby, Mr. Petri, Mr. Porter, and Mrs. Johnson of Connecticut.

PETITIONS, ETC.

Under clause 1 of rule XXII,

127. The SPEAKER presented a petition of the City Council, New York, NY, relative to the Immigration Reform and Control Act of 1986; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

U.S. INDUSTRY IN THE WORLD MARKETPLACE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GARCIA. I would like to draw the attention of my colleagues to a fascinating article by Claudia H. Deutsch which appeared in last Sunday's New York Times on the recent progress of U.S. industry.

Although I do not necessarily agree with all of Ms. Deutsch's contentions, I nonetheless feel that her article provides an excellent and thorough analysis of American industry's struggle to regain its competitive edge in the world marketplace. As the November and December trade figures indicate, surging exports have been instrumental in the lowering of our massive trade deficit. Ms. Deutsch discusses several recent success stories among U.S. firms, but astutely points out that our battles are far from over. Much remains to be done by both the public and private sectors to insure that this progress will continue.

I am submitting this article for my colleagues' perusal. Although we can be proud of the recent efforts to improve the state of American industry, we cannot allow these successes to mask the difficult challenges which lie ahead.

[From the New York Times, Feb. 21, 1988]

U.S. INDUSTRY'S UNFINISHED STRUGGLE

(By Claudia H. Deutsch)

Throughout the country, corporate chiefs are sounding paeans to American industry's rebound from the competitive doldrums. In speeches, published papers and annual reports, they note now they have cut the fat out of management layers and divested business that did not fit in with overall corporate strategy.

They say they have attacked quality problems, both through re-educating workers and through technological developments like statistical process controls that alert workers if any machine is starting to produce faulty parts. And they usually end with a plea to Washington to do the rest of the job, through better monetary, trade and tax policies.

But are the executives resting on laurels they have not yet earned?

Many economists and academicans, along with a handful of prominent business leaders, say they are. These experts worry that quality problems are alleviated but not solved; that it still takes too long to get products from lab to market; that workers and management remain at odds in too many plants, and that American companies retain a provincial attitude toward world markets.

"We've come a third of the way to regaining competitiveness by slashing costs and improving productivity, but clearly, we have not done enough," said Jerry J. Jasinowski, senior vice president of the National Association of Manufacturers.

Andrew C. Sigler, chairman of Champion International Inc., is more blunt. "Cutting isn't the answer—that can be done by stupid arbitrary judgments," he said. "Competitive companies must understand how to motivate people to be productive, and that is hard as hell."

No one doubts that progress has been made. Inded, sales per employee, a key productivity measure, have skyrocketed at most companies. Factory productivity is rising in almost every industry. Exports are surging to the point where the trade deficit plunged 25 percent in November, and dropped again in December.

Manufacturing costs are down from 15 to 25 percent, and administrative costs have been cut even more. Numerous companies have installed just-in-time inventory control, a system in which suppliers deliver quality-guaranteed parts that are used immediately rather than placed in stock. The Hewlett-Packard Company, for one, has chopped $600 million a year from its inventory carrying costs through such a system.

Even the USX Corporation, a company frequently cited as an example of all that is wrong with American competitiveness, can point to impressive gains. David M. Roderick, its chief executive, said USX now makes a ton of steel in less than 4 man-hours, down from 10 a few years ago. In fact, USX's per-ton production costs are in line with those of the Japanese.

But much of the progress in the manufacturing sector may be illusory. Many gains in comparative cost that American companies have made against the Japanese can be traced to the rise of the yen and could be wiped out if the dollar rebounds. And many huge productivity improvements in steel and other basic industries were accomplished primarily by closing plants and winning union concessions. Such gains cannot be improved upon without more blood-letting and closed capacity.

"Yes, American industry has improved over the past four, five years, but so have our competitors," said Robert Anderson, the departing chief executive of the Rockwell International Corporation and a member of the 1983 Presidential Commission on Industrial Competitiveness. "The United States may have been 1 on a scale of 1 to 10. Well, now we're 5."

Indeed, business experts warn that American industry is not moving fast enough. Foreign companies are getting into new product areas all the time, leading to shakeouts in almost every market, at home and abroad. Increasingly, American companies must fight each other as well as foreign competitors for shares in markets they once had sewn up. Anyone who watched Xerox fall victim to the Japanese in copiers, or saw Pratt & Whitney lose its longstanding lead in aircraft engines to General Electric, would recognize that past rules of competition do not apply in the global business environment of the 1980's.

The vast improvements that many American companies have eked out on the factory floor have not always been replicated in non-production areas, like sales and administration. And they have certainly not been apparent in the service sector, which employs about 70 percent of American workers.

Indeed, maintaining—or, in some cases, regaining—supremacy in manufacturing industries remains vital for the American economy. Reliance on the fast-growing service sector could spell disaster. Low service productivity is an open invitation for future competition from overseas. And, in any event, manufacturing companies are the clients for better than 25 percent of services. "Idiot is not an out-of-line word for people who say a service economy is the way to go," said Mr. Roderick of USX.

All told, on a global basis, American productivity figures are not comforting. The years of stagnating productivity growth earlier this decade did not rob the United States of its leading position in world productivity. But now, although American productivity is again improving at a steady annual clip, other countries are catching up.

C. Jackson Grayson Jr., head of the American Productivity Center in Houston, predicts that, based on comparative growth rates between 1973 and 1986, Canada, France, Norway, West Germany, Belgium and Japan will eventually pass the United States in employee productivity.

"The U.S. is still the world leader, but you just can't assume that will last," he warned.

THE QUALITY RACE

Quality issues remain the sharpest thorn in American industry's side. For years, the Japanese—not to mention the Germans, the Koreans and a growing legion of others—have produced high-quality goods at market prices, and American companies are still scrambling to figure out how they do it.

The Xerox Corporation learned the hard way how quickly Japanese competition can turn market supremacy into market oblivion. Until the early 1970's, Xerox was the undisputed copier king. "We were fairly arrogant, until we realized the Japanese were selling quality products for what it cost us to make them," said Paul A. Allaire, Xerox's president.

Xerox has caught up, and its arrogance is long gone. Instead, the company is one of the biggest advice-askers around. Its executives have talked to Japanese companies about design and manufacturing processes, to business professors about organizational structure, to other American companies about quality programs and distribution methods. And it has installed what Mr. Allaire calls a total quality process, a system that involves formally identifying service or quality problems and forming teams to solve them.

It is the companies that have made the greatest quality strides that keep looking for better ways to do things. "We've sent people around the world, looking for best practices," said John A. Young, chief executive of Hewlett-Packard, which does "total quality control" analyses of every department, including sales and administration. "There is a quality network out there," he said. "Xerox, Ford, H-P, we all have ideas going back and forth."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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Such companies remain the exception. Far more still try to make do with a quick fix. Some have tried worker-involvement programs, which failed when they refused to give workers the power to implement their ideas. Others have beefed up inspection programs for parts and finished products only to find the cost of fixing defective products—rather than making sure they are made correctly in the first place—can run as high as 25 percent of operating budgets and wreak havoc with delivery schedules.

Even companies with excellent records of producing high-quality products run into problems when they ignore the quality of their marketing, product design or service operations.

I.B.M., for example, has occasionally made that mistake. By not paying serious attention to customers' frustration with the incompatibility of many I.B.M. machines, it opened doors for the Digital Equipment Corporation and other companies that had pumped research dollars into developing networks that would solve the incompatibility problems.

"In the past, you could enter markets at your own pace," said E. Kirby Warren, vice dean at the Columbia Business School. "Today, you have to learn what customers want, make it and sell it, or someone else will."

WHERE TO BE

That means operating as close to the market as possible. For that reason, the delight that many economists and business executives are manifesting at the rising export figures may be misplaced. While exports help the skewed trade balance, many business experts believe that for American companies to thoroughly penetrate overseas markets, they must produce in those markets.

"A manufacturing plant is seen as a commitment by foreign customers and governments that we will be there for a long time," said Winston R. Hindle Jr., senior vice president, corporate operations, for Digital Equipment. "A sales and service office is not the same."

Foreign companies, particularly Japanese ones, often develop relationships with suppliers that they carry through to their own overseas plants as they expand globally, said Glen H. Hinor, senior vice president of G.E. Plastics, which is beefing up its Japanese production. "We want them to be used to working with us," he said.

Producing offshore also enables companies to take advantage of currency fluctuations. The Dow Chemical Company, for one, has duplicate facilities in several countries and fills orders from whichever location looks as though it will have the lowest costs at shipment time.

Lastly, producing offshore is still the best way to get to know other cultures and markets. The annals are rife with stories of companies that tried to export full-sized refrigerators to countries notable for tiny kitchens, or dolls with blond hair and blue eyes to countries in Asia and Africa.

"Too often, we view foreign markets as dumping ground for our surplus products," said Philip Cotler, a marketing professor at Northwestern University's Kellogg School of Management. "That runs counter to the notion of finding needs abroad and servicing them."

To really spot such needs—to become market driven, in management jargon—requires a new attitude toward product design. G.E. Plastics is working with aircraft companies to develop materials to solve toxic-fume problems. And Rockwell and TRW Inc. are tailoring their automotive parts for different markets. "Every country's automobile industry has its own idiosyncrasies," said Jerry K. Myers, executive vice president and general manager of TRW's automotive sector.

In fact, some say that it is the lack of such flexibility that has most hurt the American steel industry. "It didn't develop new uses for steel when plastics, aluminum and cement knocked it off in automotive and construction," said Charles Bradford, a steel analyst at Merrill Lynch Research. Mr. Roderick of USX accurately notes that the Japanese and Europeans have also not developed new markets for steel. But as low-cost producers, they never had to.

Many business experts say that if a company can truly maintain its position as lowest-cost producer, it can get away with a lackluster track record or product introductions. "A company that is putting all of its resources into products will look good in the short run, but the key is still its manufacturing processes," said Robert H. Hayes, management professor at the Harvard Business School.

Mr. Anderson of Rockwell agrees. Over the last three years, Rockwell's capital expenditures have exceeded $1.5 billion, close to 70 percent for high-tech production processes like computer-integrated manufacturing. The company has developed a reputation for quality even in Japan, where its moderns dominate the market and are accepted by Japanese computer companies without inspection. "If you don't have the latest in equipment it is impossible to get the productivity you need," Mr. Anderson said.

WALL STREET'S ROLE

Sometimes, though, chief executives use Wall Street as the whipping boy for their unwillingness to make expensive investments that do not show immediate bottom-line results. They complain that corporate raiders, frightened boards and investors clamoring for immediate paybacks represent home-grown obstacles as formidable as any provided by foreign competitors.

Too many executives are squandering corporate resources to alleviate the pressure from investors, business experts warn. "Far too much of our capital is going into stock buy-backs or defensive moves against raiders," said Patrick Choate, an economist who is TRW's director of policy analysis. "The pressures for quick results and quarterly earnings make it difficult for executives to put money into long-term strategies."

Indeed, many experts say that Richard J. Ferris, the former chief executive of the Allegis Corporation, had the right idea when he tried to establish a global, computer-linked transportation and lodging network around Allegis' United Airlines unit. Whether his vision was right will remain moot—the company's board ousted him and sold Allegis' rental car and hotel businesses at enormous short-term gain.

Other boards were forced by outside pressures to back away from long-term plans. The Goodyear Tire and Rubber Company's strategy of cutting back its dependence on tires and investing in productivity tools was neatly derailed in 1986 when investors, angered at the lack of short-term profits, sold the stock, providing a golden opportunity for Sir James Goldsmith to begin a takeover attack. The board sold chunks of the company and mortgaged other parts to maintain Goodyear's independence.

There are success stories, of course—tales of companies that, with full board and shareholder backing, have honed their production and marketing skills, motivated their people and done just fine.

Rubbermaid Inc. has put about 9 percent of revenues into new plants and modernization every year this decade. In 1980 it had six manufacturing locations; today it has 25. The company, based in Wooster, Ohio, has introduced more than 700 products in the last five years. Its productivity, measured in units produced per employee, has increased by 50 percent since 1980, and its profits have quadrupled on tripled sales.

But in many ways, Rubbermaid had it easy. Inexpensive household products, Rubbermaid's mainstay lines, do not face much competition from imports. No raider has made a run at the company. It has always had a reputation for quality. And it never went through the kind of hap-hazard diversification and expansion that characterized many companies in the 60's and 70's.

Caterpillar Inc., in contrast, has been through a ghastly few years. The company took losses of $1 billion in a three-year price war with Japanese construction equipment manufacturers. Improving productivity was a matter of survival.

Caterpillar has discovered how counterproductive many traditional ways of operating really are. Its plant layouts were such that a transmission, say, could travel as much as 10 miles as it moved to different assembly operations. And the process of tracking that part through the company's labyrinthine plants could generate as many as 1,000 pieces of paper.

Now Caterpillar, thanks partly to the dollar's decline, has moved into the black with its market share intact. It is now injecting a great deal of capital into a program called Plant With a Future, which combines extensive computerization with a new production setup in which "cells" of workers make a part from start to finish. Gilbert Nolde, a company spokesman, predicted that by the 1990's Caterpillar will be down to an average of 10 pieces of paper and 200 feet of travel for each part.

While Caterpillar reorganizes its work floor, other companies are redrawing their organizational charts.

Most companies are still looking for the most workable mix of centralized and decentralized operations. The Eastman Kodak Company has reorganized into 24 business units, each with profit-and-loss responsibility, to speed up commercialization of new products. I.B.M. recently decentralized in a similar manner, distributing its many products among five self-contained businesses and giving the business heads bottom-line responsibility.

G.E. Plastics, in contrast, has abandoned the profit center concept in its United States operations in favor of a centralized marketing and sales organization. "Too many of my products seemed to be competing with each other," said Mr. Hiner.

Digital Equipment used to view each product line as a separate business, responsible for its own worldwide marketing. The result was that "the U.S.-based managers would push the wrong products in the wrong countries," Mr. Hindle said. Now the company gives executives in each country responsibility for selling all products in their geographic areas. Its Japanese managers, for example, recognized that while the Japanese had ample access to excellent computers, there was a need for good software, so that is what they are emphasizing in Japan.

A NEW BREED

Many companies are looking for a new breed of manager who can help to coordinate product design and manufacturing. "Few of our clients are willing to settle for old-line manufacturing people who can just talk the language of the production floor," said Lynn Tendler Bignell, a principal of the New York recruiters Gilbert-Tweed Associates. "They want someone who understands the business implications of filing an order, who can communicate with design, with finance, with all the functions."

Already, several companies—including Xerox, Ford, Kodak and Hewlett-Packard—form teams of people from production, engineering, marketing and design at the point that a product is conceived, and keep them together until the product hits the market. In some cases, they have moved engineers and designers to the factory floor. The result, they report, is fewer quality problems, and a speeded-up timetable for getting products to market.

In part to foster a team approach, many companies are also adopting a small-is-better philosophy of expansion. All new facilities at G.E. Aircraft Engineers are small satellite plants. "We believe that if you limit a plant to 600 to 1,500 people, the management is closer to workers," said Brian H. Rowe, senior vice president.

That is a crucial theme. Business experts insist that more important than new computers, modern plants or anything else that money can buy are systems that get management and labor on the same side. They cite as proof how much better Ford Motor, which has brought its workers into every step of its operations, is doing than General Motors, for all that company's investment is super-modern equipment.

Companies that have delegated authority down the line report excellent results. Mr. Sigler says that at two of Champion's smoothest-running plants, workers—called members—belong to teams that do their own hiring and firing. TRW's Mr. Meyers has given small groups of employees at a few plants responsibility for maintaining their equipment and interacting with customers, and he says the increase in productivity and quality is "tremendous." Other companies saw quality and productivity shoot up after they scheduled daily plant-wide meetings to discuss anything that went awry the prior day.

But that sort of approach is not pervasive in American industry. L. Joseph Thomas, a professor at Cornell University's Johnson Graduate School of Management, visited a Japanese electronics company at which an employee who had made 220 unsolicited suggestions in five years was given an award. "In most U.S. companies," he said, "such a person would be viewed as a pain in the neck."

Clearly, a lot more has to be done—a fact that executives are starting to come to grips with.

As Mr. Roderick of USX put it: "I don't hear anybody saying we got it all done, put the shovels away and let's go drink beer."

SOLVENCY OF HMO'S THREATENS BENEFITS OF ELDERLY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. FLORIO. Mr. Speaker, I would like to draw the attention of my colleagues to a recent, insightful article in the New York Times concerning health maintenance organizations, or HMO's.

The author, Milt Freudenheim, describes difficulties HMO's are having remaining solvent while enrolling thousands of Medicare patients.

Last October, in New Jersey, nearly 11,000 elderly New Jersey subscribers for Medicare were dropped when U.S. Healthcare, an HMO; decided that it would stop treating Medicare patients on January 1, 1988.

Mr. Freudenheim's article offers a broad-ranging perspective indicating that the woes of Medicare patients seeking HMO treatment are far from over.

Mr. Speaker, the article follows.

[From the New York Times, Jan. 26, 1988]

HMO TROUBLES WITH MEDICARE

(By Milt Freudenheim)

The Reagan Administration's program to persuade elderly Americans to join prepaid health plans is gaining momentum, but nearly 20 percent of the health maintenance organizations, or H.M.O.'s that signed up for the program have dropped out, displacing 80,000 people.

Medicare officials said 270,000 elderly people joined prepaid health plans last year, pushing the total enrolled to more than a million. Most of the members of those health maintenance organizations that gave up on the Medicare program have transferred to other prepaid plans.

A number of the 133 H.M.O.'s still in the program have lost money on Medicare patients, and many such groups are cautious about seeking the business. In addition, the H.M.O.'s will be operating under new requirements imposed by Congress.

In December, as part of the budget reconciliation bill, Congress said that if the prepaid plans decide to terminate services, they must see to it that their members have equivalent health insurance for six months, so that members can arrange for and maintain some of the extra coverage they get under the H.M.O. program.

Advocates for the elderly have also complained that some H.M.O.'s have raised their monthly fees for Medicare members. And members of Congress have criticized the quality of care that some patients have received.

In other provisions of the budget reconciliation act, Congress set up a system to check on the quality of care, and it ordered a study by the Government Accounting Office on the fairness of the Medicare payment system to H.M.O.'s.

"H.M.O.'s have to be assured that they are not going to be in the charity business," said Patricia G. Billings, legislative director of the Group Health Association of America, a trade group. The association successfully lobbied for a 13.5 percent average increase in the premiums that Medicare pays to medical plans. The premiums are based on 95 percent of the average amount that Medicare spends on people who pay doctors and hospitals in the same county on the traditional fee-for-service basis. With sharply rising doctor and hospital charges, this base has also been increasing.

Twenty-nine of the 159 prepaid plans that contracted to serve Medicare patients withdrew from the program last year, according to Kevin E. Moley, director of the Federal Office of Prepaid Health Care.

Half of the H.M.O.'s that gave up Medicare were small ventures with fewer than 1,500 people enrolled, he said. Several were in rural areas, where costs of care were relatively high and Medicare premiums were lower than in the cities.

"The business is based on economies of scale," Mr. Moley said. More than 500,000 people, over half the national enrollment, are served by 10 large H.M.O. companies.

The vast majority of the 30 million elderly and disabled Americans eligible for Federal Medicare insurance are covered on the traditional fee-for-service basis.

One of the biggest health maintenance organizations, the United Healthcare Corporation, said it had done well while providing for its 150,000 Medicare enrollees. "We've been able to make a profit at it," said Kenneth L. Simmons, vice chairman and chief operating officer of United Healthcare, in Minnetonka, Minn. Bob Ditmore, president of United said the company had learned from seven years of experience with Medicare patients.

In the early days, elderly Medicare patients spent 11 to 12 days in the hospital, he said. By making arrangements to help them convalesced at home, he added, the average hospital stay has been reduced to 6.5 days—although still almost twice the 3.5 to 4 days in the hospital for patients under 65 years of age.

In another example of watching costs, he said that United makes sure that as soon as possible after a hip replacement operation, the patient is moved out of an $800-a-day hospital room to a rehabilitation center in a nursing home that charges $100 to $150 a day.

Mr. Ditmore said the system worked best in health maintenance organizations with their own staff physicians, who know the system and support it. He noted that in one of United's groups, which contracts with independent physicians to care for Medicare patients, costs were higher. "So we had to raise our premiums," he said.

Nationally, the average monthly charge to Medicare members of H.M.O.'s is $36 to $37, a 30 percent increase from $27.66 last year, according to Mr. Moley of the Office of Prepaid Health Care.

But the higher charges are still lower than the premiums for many private supplementary insurance policies bought by Medicare-eligible people, he said. And the health maintenance organizations often provide such extras as payment for prescription drugs and unlimited hospital stays.

The American Association of Retired Persons, an advocacy group with 26 million members, is concerned about the rise in fees. "We want to know if the increased charges are creating barriers to care for people who might not be able to afford them," said Stephanie Kennan, a legislative representative for A.A.R.P. "We need more data," she added. "We want to know if the increases are a trend or just a blip."

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REAUTHORIZATION OF THE SIKES ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased today to join with my colleague, Congressman Studds, on the introduction of legislation reauthorizing the Sikes Act. This Act enacted by Congress in 1960 provides a mechanism for cooperative fish and wildlife management on military lands as well as other public lands. For military installations, the Secretary of Defense is authorized to enter into cooperative plans with the Secretary of the Interior and the appropriate State fish and game agency to develop and implement fish and wildlife conservation activities on military lands. To date, over 19 million acres have been included under these cooperative plans. The Sikes Act also provides for comparable cooperative planning activities on lands under the jurisdiction of the Departments of Agriculture and the Interior.

The Sikes Act has been carefully reviewed by the Merchant Marine and Fisheries Committee and during the last Congress amendments were added to strengthen the planning process providing for sustained multipurpose uses and public access. The amendment also ensured that the management of fish and wildlife on each military reservation would be done by trained professionals in the field.

The introduced bill keeps the current annual authorization levels of $1.5 million and $3 million for the Secretaries of Defense and Interior, respectively, through fiscal year 1993. It also extends the current annual authorization of $10 million and $12 million for the Secretaries of Interior and Agriculture, respectively, through fiscal year 1993.

During several hearings by the Merchant Marine and Fisheries Committee during the 99th Congress, it became evident to me that the quality of fish and wildlife conservation activities varies from base to base. At some installations cooperation between the State and the Fish and Wildlife Service and the Department of Defense was outstanding, while at other facilities fish and wildlife conservation activities received little emphasis. I am hopeful that the amendments which were adopted during last Congress have brought improvements to the facilities where fish and wildlife conservation activities had received little emphasis. I am certain that the hearings we will soon begin on this legislation will address this concern.

RATHER AGENDA? DESTROY GEORGE BUSH

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. SOLOMON. Mr. Speaker, Dan Rather of CBS has lost even the tiny figleaf of objectivity he thinks can cover his bias and arrogance. The national media, especially the three networks, have become a fourth branch of the Government, with unchallenged power to shape the national debate and control what we read, see, hear, and think.

And lately, Dan Rather has gone public with his own agenda: Destroy George Bush. I know what really bothers Dan Rather. Four years of George Bush would be a lot like 4 more years of Ronald Reagan, for liberals like Rather the worst of nightmares.

First, Rather lured Bush into an interview billed as a "profile" of Presidential candidates. Then, he preceded the interview with a poorly disguised attack on the Vice President's Iran-Contra role, a slanted filmclip of innuendos that could have been scripted by Al Haig. Then, from the heights of Mt. Olympus, this objective reporter announced that the administration "embarrassed" us with its Iran-Contra policy, as if the rest of the world shared the selective indignation and knee-jerk anti-Reaganism of Dan Rather.

Even CBS media critic Ron Powers had to admit that Rather had "lost control of a legitimate line between interview and inquistion." But that wasn't the end of it.

The unrepentant Rather could hardly contain himself after Bush finished third in the Iowa Republican Caucus. He fantasized that the finish was a "humiliation" for a "now-desperate Bush." One week later the voters of New Hampshire proved that Dan Rather speaks for no one but himself.

IMPROVING MEDICAL REHABILITATION RESEARCH

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. WALGREN. Mr. Speaker, today I am introducing a bill to establish within the National Institutes of Health and National Center for Medical Rehabilitation Research to conduct research on the causes, natural history, diagnosis, and treatment of physical disability resulting from diseases and disorders, such as arthritis, head injury, spinal cord injury, stroke, multiple sclerosis, bums, and muscular dystrophy.

Every year, 10,000 to 12,000 Americans are disabled by traumatic injuries to the spinal cord, usually males in the prime of life, under 30 years old. Every year, 31 million people are stricken with arthritis; 400,000 people have strokes. There are 151,000 cases of multiple sclerosis and 200,000 of muscular dystrophy. Over 1 million people have a severe head injury; 70,000 of these are permanently disabled.

But, in truth, everyone is at risk. Physical impairment can happen at any age, from infancy to old age. We all drive and ride in motor vehicles daily—50 percent of spinal cord injuries result from auto accidents. Every day, people dive into swimming pools, slip in the bathtub, trip and fall downstairs, and are the victims of assault, all of which can result in injury. Restoring bodily function should be a major medical research priority to help disabled people lead productive lives.

The center that this bill establishes would enhance the development of medical rehabilitation research in a number of ways. It would facilitate the interaction of basic and clinical science in medical rehabilitation by encouraging coordination of all programs among all Federal agencies. By creating an advisory council which includes representatives of various Federal agencies and by requiring a comprehensive medical rehabilitation research plan to identify priorities, the bill would enhance existing Federal efforts and create a focal point for NIH research in medical rehabilitation. Finally, a national center could heighten visibility of this field of medicine and bring more attention and resources to the field.

Medical rehabilitation research is currently conducted by several NIH Institutes, by the Department of Education's National Institute of Disability and Rehabilitation Research, by the Department of Defense, and the Veterans' Administration. This bill does not transfer any of those programs to the new center. But it does require an advisory council of representatives of the various Federal agencies and private individuals to advise the Director of NIH on a comprehensive plan for conducting medical rehabilitation research. The bill also authorizes the Secretary of Health and Human Services to develop cooperative agreements with other agencies conducting medical rehabilitation research. It is my hope and intent that these measures would enhance coordination of programs Government-wide and prevent duplication of effort with previous Federal dollars. The bill attempts to confine medical rehabilitation research to disability resulting from diseases or disorders of the neurologic, musculoskeletal, cardiovascular, and pulmonary systems. The bill is not intended to address rehabilitation research on vision or hearing disabilities, mental retardation or mental illness. The focus is intended to be on physical disability, not sensory.

This bill is supported by the American Academy of Physical Medicine and Rehabilitation, the American Congress of Rehabilitation Medicine, the Association of Academic Physiatrists, and the Arthritis Foundation.

I am introducing this bill as a discussion vehicle to be considered during the NIH reauthorization hearings of the Subcommittee on Health and the Environment. I look forward to hearing suggestions for improvement and the views of many individuals and groups involved in this area. I hope my colleagues can support this effort to strengthen medical research in rehabilitation.

The text of the bill follows:

H.R. 4013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medical Rehabilitation Research Act of 1988".

SEC. 2. ESTABLISHMENT OF NATIONAL CENTER FOR MEDICAL REHABILITATION RESEARCH.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2), by adding at the end the following new subparagraph:

"(E) The National Center for Medical Rehabilitation Research."; and

(2) in Part E, by adding at the end the following new subpart:

"Subpart 4—National Center for Medical Rehabilitation Research

"PURPOSE OF THE CENTER

"Sec. 486A. The general purpose of the National Center for Medical Rehabilitation Research (hereafter in this subpart referred to as the 'Center') is the conduct and support of research and research training, the dissemination of health information, and other programs with respect to the rehabilitation of individuals with physical disabilities resulting from diseases or disorders of the neurological, musculoskeletal, or cardiovascular system (hereafter in this subpart referred to as 'medical rehabilitation').

"APPOINTMENT OF THE DIRECTOR

"Sec. 486B. The Director of the Center shall be appointed by the Director of NIH and shall report directly to the Director of NIH.

"SPECIFIC AUTHORITIES

"Sec. 486C. In carrying out the purpose described in section 488A, the Director of the Center may—

"(1) make grants and enter into cooperative agreements and contracts;

"(2) provide for clinical trials with respect to medical rehabilitation;

"(3) provide for research with respect to model systems of medical rehabilitation;

"(4) coordinate the activities of the Center with similar activities of other agencies of the Federal Government, including the other agencies of the National Institutes of Health, and with similar activities of other public entities and of private entities;

"(5) support multidisciplinary medical rehabilitation research conducted or supported by more than one such agency;

"(6) with the approval of the Director of NIH and the advisory council established under section 465F, appoint technical and scientific peer review groups in addition to any such groups appointed under section 402(b)(6); and

"(7) support medical rehabilitation research and training centers.

"RESEARCH PLAN

"Sec. 486D. After consultation with the Director of the Center, the advisory council established under section 486F, and the coordinating committee established under section 486E, the Director of NIH shall develop a comprehensive plan for the conduct and support of medical rehabilitation research. The plan shall identify priorities with respect to such research and shall provide for the coordination of such research conducted or supported by the agencies of the National Institutes of Health. The Director of NIH shall annually review the plan and shall (after consultation the Director of the Center and with such advisory council and such coordinating committee) revise the plan as appropriate.

"COORDINATING COMMITTEE

"Sec. 486E. The Director of NIH shall establish a committee to be known as the Medical Rehabilitation Coordinating Committee (hereafter in this subpart referred to as the 'Coordinating Committee'). The Coordinating Committee shall be composed of the directors of the National Institute on Aging, the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute of Child Health and Human Development, the National Institute of Neurological and Communicative Disorders and Stroke, and such other national research institutes as the Director of NIH determines to be appropriate. The Coordinating Committee shall make recommendations to the Director of NIH and the Director of the Center with respect to the content of the plan required in section 486D and with respect to the activities of the Center that are carried out in conjunction with other agencies of the National Institutes of Health.

"ADVISORY COUNCIL

"Sec. 486F. (a) The Director of NIH shall establish a council to be known as the Medical Rehabilitation Advisory Council (hereafter in this section referred to as the 'Advisory Council'). The Advisory Council shall advise, assist, consult with, and make recommendations to the Director of NIH and the Director of the Center on matters relating to the activities carried out by and through the Center and the policies respecting such activities, including recommendations with respect to the plan required in section 486D.

"(b)(1) The Director of NIH shall appoint to the Advisory Council 18 appropriately qualified representatives of the public who are not officers or employees of the Federal Government. Of such members, 12 shall be representatives of health and scientific disciplines with respect to medical rehabilitation and 6 shall be individuals representing the interests of individuals undergoing, or in need of, medical rehabilitation.

"The following officials shall serve as ex officio members of the Advisory Council:

"(A) The Director of NIH.

"(B) The Director of the Center.

"(C) The Director of the National Institute on Aging.

"(D) The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases.

"(E) The Director of the National Institute of Child Health and Human Development.

"(F) The Director of the National Institute of Neurological and Communicative Disorders and Stroke.

"(G) The Assistant Secretary for Special Education and Rehabilitative Services.

"(H) The Assistant Secretary of Defense (Health Affairs).

"(I) The Chief Medical Director of the Veterans' Administration.

"(c) The Director of NIH shall designate a chairperson from among the members of the Advisory Council.

"(d) Except as inconsistent with, or inapplicable to, this section, the provisions of section 406 shall apply to the advisory council established under this section in the same manner as such provisions apply to any advisory council established under section 406.

"AUTHORIZATIONS OF APPROPRIATIONS

"Sec. 486G. For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1989 through 1991.".

SEC. 3. REQUIREMENT OF CERTAIN AGREEMENTS FOR PREVENTING DUPLICATIVE PROGRAMS OF MEDICAL REHABILITATION RESEARCH.

(a) In General.—The Secretary of Health and Human Services and the heads of other Federal agencies shall—

(1) jointly review the programs being carried out (or proposed to be carried out) by each such official with respect to medical rehabilitation research; and

(2) as appropriate, enter into agreements for preventing duplication among such programs.

(b) Time for Completion.—Not later than one year after the effective date of this Act, the agreements required in subsection (a)(2) shall be made and a copy of each such agreement shall be submitted to the Congress.

(c) Definition of Medical Rehabilitation.—For purposes of this section, the term "medical rehabilitation" means the rehabilitation of individuals with physical disabilities resulting from diseases or disorders of the neurological, musculoskeletal, cardiovascular or pulmonary system.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect October 1, 1988, or upon the date of the enactment of this Act, whichever occurs later.

TRIBUTE TO LT. ANTHONY DECARBO

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. KOLTER. Mr. Speaker, it is with exceptional pride and privilege that I rise today in honor of a most distinguished constituent, Lt. Anthony DeCarbo, of the Ellwood City, PA, police force. Lieutenant DeCarbo is retiring from the force after a 30-year career. He has served on a variety of positions on the police force and has, over the past 4 years, been its chief of operations. A commendation for service beyond and above the call of duty, awarded by the Fraternal Order of Police in 1977, is but one example of his outstanding record as a public servant.

Despite the continuing demands of his profession, Lieutenant DeCarbo found the time to obtain a degree in criminology and was nominated as a member of "Who's Who in American Junior Colleges" while a student at the Community College of Beaver County. It is evident that Lieutenant DeCarbo has demonstrated a commitment to public service which is truly exemplary. I wish him, as well as his family, the best of success in his life after retirement. Whatever endeavors Lieutenant DeCarbo now attempts will certainly be undertaken with the same measure of excellence he demonstrated while a police officer in Ellwood City.

COMMEMORATING GEORGE FRANKLIN FOR HIS OUTSTANDING SERVICE TO NEVADA

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. BILBRAY. Mr. Speaker, I rise today to pay respectful tribute to an outstanding Nevada civic leader and political participant, George Franklin. As with many times before, George again is engaged in battle. Unlike his previous opponents, however, the challenger he now faces will not debate points of law nor the role and means of government. This challenger is terminal illness.

Born in 1916 in Jarbidge, NV, George is a Nevada son. He graduated from Reno High

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School and attended the University of Nevada, Reno. He moved to Las Vegas in 1940.

A self-taught attorney, George served his country honorably as a pilot in World War II. Upon his return, he began to compile a record of public service and political participation which no Nevadan will again render. He has served as north Las Vegas city attorney, chairman of the Clark County Board of Commissioners, State assemblyman, Las Vegas city commissioner and legal counsel to the city of Boulder City. I had the honor to serve as one of his deputies while he served as Clark County district attorney.

Yet as impressive as this record of service is, George sought to serve the public interest in still other capacities. George, often facing unsurmountable odds, would battle for elective office that conventional wisdom would dictate beyond reach. More often than not, George was met without electoral victory. Lesser men may have walked away. Yet, armed with tenacity and determination commensurate with all too few who seek such positions, George would press forward, believing dynamic involvement and citizen participation to be the key to a successful democracy. It is in this posture that most Nevadans see him and value his efforts. It is in these efforts that he indeed won the greater victory.

Today, George faces cancer. In this, his last and greatest battle, the prayers of my family are with him in the hope that God in His wisdom will grant to George serenity and contentment in knowing he has fought the good fight.

Those forces which provide the direction of time and shape the fortunes and destinies of those who pass through this world now spirit George upon his final journey.

For this much and no less will he be remembered: Resolute in the knowledge of the value of his convictions; dutiful in the answer of his charge.

A TRIBUTE TO BRIAN CONRAD, FINALIST IN THE WESTINGHOUSE SCIENCE TALENT SEARCH

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to a young man in my district. His name is Brian Conrad, and he was recently chosen as a finalist in the Westinghouse Science Talent Search. Brian exemplifies the finest qualities in today's youth.

The Science Talent Search is a competition in which high school students from across the Nation submit experiments to be judged. Three hundred students from this group achieved honors, and from this select group 40 students were chosen to visit Washington, DC, and compete for $140,000 in awards and scholarships. Brian is a member of this very special group of 40. Brian's experiment dealt with Inverted Continued Fractions. He devised a numerical system wherein every real number can be expressed as an inverted fraction. Brian is valedictorian of his class at Centereach High School. He has received awards for achievements in physics, biology, Latin, English, social studies, in addition to math awards.

As an engineer, I share Brian's enthusiasm about math. There is a symmetry in math which is lacking in most disciplines. Math and science are very important and I hope Brian continues to contribute his skills and talents in such an auspicious manner.

Mr. Speaker, I ask my colleagues to join with me in offering congratulations to this remarkable young man. I am confident his career will be very rewarding.

A CONGRESSIONAL SALUTE TO CHARLES A. GANGLOFF

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a notable citizen in my district, Mr. Charles A. Gangloff. Mr. Gangloff will be honored on Friday, February 26, 1988, by the California Pools for the Handicapped at their 25th annual Golden Crutch Ball. This occasion gives me the opportunity to express my appreciation for his work on behalf of the Long Beach community.

Charles is a learned and accomplished man. He obtained a Bachelor of Science degree from the U.S. Naval Academy, an MBA from Harvard University, and J.D. and Doctor of Law degrees from Pacific Coast University School of Law. He is a veteran of World War II and the Korean war, and a retired commander of the U.S. Naval Reserve. He has had a distinguished career as a manager, a public defender, a private attorney and a professor of law.

Despite this demanding career, Charles has found the time to contribute many hours to charity. He has been the president of the board of directors of the California Pool for the Handicapped for 21 years, and the director and legal counsel for that organization for 23 years. In addition, Charles is an honorary member of the Long Beach Police Officers Association, its legal advisor, and is the founder of both the Long Beach Police Officers Widows and Orphans Trust Fund, and the Long Beach Police and Firefighters Memorial Trust. He is also on the board of directors and is legal counsel for the Long Beach Police K–9 Officers Association.

My wife, Lee, joins me in extending our congratulations to Charles Gangloff today. Charles is a truly remarkable individual. He is a man who has devoted his talents and energies to enriching the lives of other people. On behalf of the city of Long Beach, we wish Charles, his wife, Joanne, and his children, Charles, Jayne, and Janet, all the best in the years to come.

COMMODITIES EXCHANGE CENTER CHILDREN'S FUND

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. WEISS. Mr. Speaker, I would like to take this opportunity to commend the Commodities Exchange Center [CEC] for providing help to needy and troubled children in New York City and throughout the world. Through the CEC Children's Fund, contributions go to help those members of our society who are among the most vulnerable and least able to care for themselves. Aware as we all are of the many negative stories regarding Wall Street, it is heartening to know that there are also some good stories to tell.

Since its inception in 1980, the CEC Children's Fund has raised more than $2.8 million to help young people in need. The CEC consists of the New York Cotton Exchange; the Coffee, Sugar and Cocoa Exchange; the New York Mercantile Exchange; and the Commodity Exchange, Inc. It is located at the World Trade Center in New York's 17th Congressional District, which I am honored to represent. This year, through its voluntary efforts, CEC Children's Fund raised $600,000 benefiting 37 organizations.

Through Covenant House, for example, runaway children are offered food, clothing, shelter, counseling and medical attention in New York, Central America, Toronto, Fort Lauderdale, Houston, and New Orleans. Another beneficiary of the CEC Children's Fund, Agudath Israel of America, provides tutoring, school placement service, emergency food and shelter, after-school youth groups and scholarship programs for underprivileged youth.

Throughout the year many organizations like the two mentioned above, help children get a new start on life. They are assisted in their efforts by the good will and strong commitment of the members of the Commodities Exchange Center who share some of their good fortune with the children of the world through the Children's Fund. I am pleased to call the attention of my colleagues to this outstanding endeavor.

STATES TAKE LEAD TO PROTECT CONSUMERS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. FLORIO. Mr. Speaker, the States are increasingly taking the lead to protect consumers. Unfortunately, over the last several years, the Federal Government has been actively withdrawing from consumer protection. As a result of the failures of the Federal Government and Federal agencies such as the Federal Trade Commission and the Consumer Product Safety Commission, States have stepped in. While I am pleased at the willingness of States to protect consumers, it is unfortunate that the Federal Government is not doing its job.

What follows is a recent article from the New York Times describing the State role:

[From the New York Times, Feb. 8, 1988]

STATES ARE TAKING LEAD IN PROTECTING CONSUMERS

(By Michael deCourcy Hinds)

State attorneys general, working collectively on consumer issues ignored by Federal agencies, say they are emerging as an alternative national enforcement agency in an era of deregulation.

In the past, the attorneys general acted as the chief law-enforcement officers for the laws governing their own states, leaving interstate matters largely to the Federal agencies.

Now, under the auspices of their professional association, the National Association of Attorneys General, the state officials enforce their own guidelines for bringing antitrust cases against companies that engage in price-fixing.

Last month, the association issued guidelines for policing airline advertising and, later this year, the association says it expects to issue guidelines on rental car advertising and insurance practices. Not long ago, all these were the sole domain of Federal authorities.

CROSSING PARTY LINES

"I'm not sure why the Federal Government is not doing so much now for consumers, but the Administration keeps talking about Federalism and maybe they mean that the states have to take on more responsibility to protect consumers," Robert T. Stephan, the Kansas Attorney General and a former president of the association said in an interview. "I consider myself a diehard Reaganite, but one of the real strengths of our association is that party lines don't mean anything in this area. We're dealing with legal issues and consumer matters."

Daniel Oliver, chairman of the Federal Trade Commission, denied that the Administration was ignoring important consumer issues and said the attorneys general were exceeding their authority.

"The attorneys general are not elected by the people of the United States to make laws for all of the people," he said. "They were elected to enforce laws of their own states. Obviously, deregulation gives the opportunity for the most restrictive of attorneys general to bring cases that will have national effect, and that's not what the American consumer needs."

Constitutional law, however, has provided many precedents for state officials to pick up any perceived slack in Federal law enforcement, according to Laurence H. Tribe, Tyler Professor of Constitutional Law at Harvard Law School.

"In one area after another, the Supreme Court of the United States has remanded the matter of pre-emption to Congress—saying that if a patchwork quilt of state law enforcement creates problems, Congress has the right to eliminate conflicting state laws," he said. "But when Congress or Federal regulatory agencies don't go into one area or another, it is perfectly correct for the states' attorneys general to cover the terrain."

Such was apparently the case last year, when consumers were frustrated by constant airline delays and by their inability to buy tickets at the bargain fares advertised. The United States Transportation Department responded by creating a system that holds airlines more accountable for delays. But no Federal agency found fault with airline advertising.

As a result, attorneys general from New York, Texas, California, Missouri, Kansas, Minnesota, Wisconsin and Illinois formed a study group to investigate consumer complaints about the scarcity of bargain fares. The group reported last fall that airline advertising was deceptive and amounted to a bait-and-switch practice. In mid-January, the association issued 60 pages of "enforcement guidelines," which specify how advertising must conspicuously disclose conditions and limitations on fares in order to comply with state laws.

THREAT TO COMPETITION SEEN

In letters to the associations, officials of Federal regulatory agencies argued that restrictions on price advertising could dampen competition and that only the Federal Government could regulate airlines.

The industry, caught in the middle of the turf battle, has generally complied with the new rules.

Attorneys general, who rarely acted collectively on consumer issues before deregulation, now consider the joint efforts to be their most effective tool in consumer protection, according to Elena S. Boisvert, the association's coordinator of multistate programs. "In dealing with issues that transcend state borders, it's stupid not to deal with the problems nationally," she said.

"The association is coming of age," said Robert Abrams, the New York Attorney General, who is president-elect of the 80-year-old association. "There has been a big turnover of attorneys general in the last 10 years and the new ones are younger and more aggressive, whether they're Democrats or Republicans."

The association, which has its headquarters in Washington, currently has three multistate study groups. One is concerned with airline advertising. Another investigated defective Ford ambulances and now monitors their recall and repair. The third is trying to obtain refunds for owners of all-terrain vehicles, which have been associated with more than 800 deaths.

Many other consumer cases are in the works. At the association's next meeting in March, for example, Mr. Stephan of Kansas plans to ask other state officials to join his investigation of the car rental industry. He said companies routinely deceive consumers by understating car rental costs in advertising. Companies also require renters to pay high insurance fees or accept liability for accident damage, regardless of fault. "That's unconscionable," he said.

DOZENS OF RECENT CASES

In the last few years, there have been dozens of successful multistate actions, including a fraud case involving disconnected odometers on Chrysler Corporation cars, retail price-fixing of Minolta cameras and misleading health claims by Campbell Soup. Attorneys general in the largest states—New York, California and Texas—have been the leaders of most multistate cases, but dozens of officials from smaller states have been very active. In most cases, companies agree to a settlement without admitting any guilt.

Consumer leaders in Washington now spend more time pleading their cases to state officials than to Federal ones, according to Bruce Silverglade, director of legal affairs at the Center for Science in the Public Interest, an independent consumer advocacy organization.

"Up until 1984," he said, "we were still trying to get the Reagan Administration to act on deceptive food advertising and labeling. But after knocking our heads against the wall for years, we started working with the attorneys general in New York, Texas and finally about 15 other states. In the last few years, the states have resolved a dozen complaints that we had filed with Federal agencies. We still file complaints with the Federal agencies to remind them of their responsibility to the public."

TRIBUTE TO DON OBERLIN

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. LEHMAN of California. Mr. Speaker, on January 11, 1988, a tragic automobile accident took the life of Don Oberlin who worked for the Mono Lake Committee in Lee Vining, CA. We pay tribute today to his life and to his mission at Mono Lake. Because of Don Oberlin's efforts, water now flows in Lee Vining Creek. Because of his discovery of trout expiring in drying pools, the Mono Lake Committee obtained a temporary restraining order which returned water to one of the creeks which feed Mono Lake. This accomplishment alone is one any of us would be proud to claim.

Born on August 22, 1959, in Los Angeles to Elizabeth and Jake Oberlin, Don Oberlin learned to be a master carpenter and in addition he earned a BA degree from California State University at Fullerton. He used his carpenter's skills to remodel the Mono Lake Committee's aging visitor center. When he wasn't working for Mono Lake, Don Oberlin worked for world peace. He was an active participant in the Southern California Alliance for Survival and an ardent advocate of nuclear disarmament. Had he lived, Don would have served as a volunteer in Nicaragua this summer.

To his family, his friends and coworkers at the Mono Lake Committee, I extend my sympathy for the loss of one so young with so much yet to contribute, but one who already had given so much of himself.

BANKERS ARE NOT PLEASED

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. KLECZKA. Mr. Speaker, at the beginning of today's session, I took the floor of the House to draw my colleagues' attention to a mailing by the American Bankers Association. The mailing was, in part, critical of a bill authored by Mr. SCHUMER and cosponsored by Mr. PARRIS, Mr. SAXTON, and myself. In its mailing, the ABA advised its members to contact us and convey the message that our support for the Schumer bill "carries a heavy price."

I submit the original text of the ABA special report for reprinting in the RECORD at this point.

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COUNTDOWN—A SPECIAL REPORT FROM THE AMERICAN BANKERS ASSOCIATION

February 23, 1988.

NO EARLY SPRING

The other day, Punxatawny Phil the Groundhog emerged from his hole, saw his shadow, retreated to his den and thus predicted an early spring. Well, friends, it won't be an early spring for banking legislation. Just to underline the point, now is no time for anyone in banking to crawl back into his hole and assume that all will be well.

Because all is not well.

As expected, Representative Charles Schumer (D-N.Y.) has introduced the most noxious bill of the season. Blessed by the securities industry, the bill (H.R. 3930) is the worst of all possible worlds—an authorization of almost unusable securities authority and a shiny new moratorium on banking activity in real estate and insurance.

No way, Jose . . . er, Carlos. Joining Schumer in sponsoring the bill were Representatives Gerald D. Kleczka (D-Wis.), Stan Parris (R-Va.) and H. James Saxton (R-N.J.). These members should be told that their support of Schumer's bill carries a heavy price. They should be written as follows: U.S. House of Representatives, Washington, D.C. 20515.

ON THE BRIGHT SIDE

The National Association of Realtors has dropped its outright opposition to bank entry into the real-estate business. Instead, the NAR is saying any entity should be allowed to compete in real-estate services as long as certain safeguards exist. ABA has pledged to work with the realtors to assist in developing workable safeguards and to broaden the common ground between the banking and real-estate industries.

With both Senate and House Banking Committees poised to begin marking up banking bills in the next week or so, ABA's Trust Conference and Banking Leadership Conference are in the Nation's Capital this week to lend their support to positive legislation. The common theme: Let banks compete!

UPGRADE THE VETERANS' ADMINISTRATION TO THE CABINET

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. SOLOMON. Mr. Speaker, I insert into the RECORD an editorial from the largest newspaper in my congressional district, the Troy Record, which strongly endorses upgrading the Veterans' Administration to a Cabinet-level Department.

Clearly, this is a bellwether year for America's veterans; 1988 is the year our Nation's veterans take their rightful place in the Cabinet.

Despite the advice of some of his senior advisers, President Ronald Reagan had the courage to announce his support for elevating the VA to a Cabinet-level Department. Soon afterward, the House of Representatives approved the bill by a vote of 399–17. And support continues to build in the U.S. Senate, with 62 current cosponsors on S. 533, introduced by Senator THURMOND.

The importance of this legislation cannot be overstated. The competition for the veteran's fair share of the budget will become far more intense in the years ahead. Elevating the Veterans' Administration Chief Executive Officer will assure that our Nation's veterans have a voice in the Cabinet to argue for a fair share of the budget.

I am proud that the largest newspaper in my congressional district had the foresight to support this proposal. I was starting to question the independence of the media in this country on this issue.

The veterans of this country should also be alerted to the serious obstacles which must still be overcome here in the Congress. The Senate Committee on Governmental Affairs postponed its hearings on the bill by over 1 month. The bill could face sequential referral to the Senate Veterans' Affairs Committee, which would tie it up for a month or two, and now we face the threat of killer floor amendments, such as judicial review.

For the first time in history, this most important veterans goal is within reach. America's veterans will not rest until they have gained their rightful position in the President's Cabinet.

The editorial follows:

DEPARTMENT FOR VETERANS

For 35 years, veterans advocates have been pressing Congress and the president to raise the Veterans Administration to Cabinet level. Now it appears they are on the threshold of success.

President Ronald W. Reagan stunned his closest advisers last fall when he announced he was going to support the move.

A week after the president's announcement, the bill sailed through the House of Representatives by a vote of 399 to 17. It is expected to be passed by the Senate by a comfortable margin in this session and then be signed by President Reagan, probably with much fanfare.

Credit for winning over the president, despite strong objections from many presidential advisers, goes to Congressman Gerald B.H. Solomon of Glens Falls, the Republican who represents much of this area.

We do not agree with those who look on elevation of the agency to cabinet level merely as deserved recognition for those who served their country. There are many other, more valid reasons to create the Cabinet post for the Veterans Administration.

As Mr. Solomon has pointed out, "When decisions are made on how to allocate the budget, (Cabinet secretaries) are in there fighting for their budgets."

He notes there is no one there to fight for funds for veterans affairs.

We agree with those who argue the nation has a lasting obligation to those whose education and careers were interrupted when they were called to help defend their country.

As long as we hope to defend our country with all-volunteer armed forces, we must provide veterans benefits, and it is essential that we have someone in the president's Cabinet who will look out for these interests.

Even though we must not lessen our efforts to establish a lasting peace, we must recognize we need strong armed forces to preserve that peace.

IT'S TIME TO STOP THE BLOODSHED

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. KOLTER. Mr. Speaker, I rise today saddened and in shock over the recent actions taken by the Israeli Government to quell the recent upsurge in civil disobedience in the occupied territories.

Edward Bellamy, a noted and well-respected American author, once wrote that tyranny is, "an exercise of irresponsible power." No statement could better assess the current actions taken by Israeli forces. Their brutal use of force in an attempt to control and influence a different people and culture is tyrannical.

On February 5, in a small village just outside the West Bank city of Nablus, four young Palestinians were seized and ordered to lie face down in the muddy road that is the entrance to their village.

The Israeli master sergeant in command then ordered the driver of a nearby military bulldozer to bury them alive. Obeying his commander, the driver buried the four youths with a full load of earth.

With that accomplished, the master sergeant then ordered the driver of the bulldozer to run over the four Palestinians buried beneath the soil.

The driver refused.

After the soldiers left the village, residents pulled the four unconscious Palestinians from their makeshift grave. All are alive and recovering.

Had the driver of the bulldozer followed orders without question and killed defenseless men buried beneath a pile of dirt, a lot more would have died than four Palestinians. Israel itself would have been mortally wounded.

It is time to stop the bloodshed. Time to face the inevitable. Israel and Jews all over the world have faced persecution throughout history and have struggled to build a homeland. By continuing irrational acts of violence and persecution, Israel has become its own worst enemy.

Out of persecution, freedom is born. Israel stands as a testament to that fact. However, vengence, hatred, and violence are beasts that grow uncontrollably. If Israel does not soon stop they will have become the very beast from which they fled.

NATIONAL EXPORTERS APPRECIATION WEEK

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GARCIA. Mr. Speaker, in the late 1970's and early 1980's when the value of the U.S. dollar was strong, we saw American exporters lose foreign markets. Now that the dollar has fallen, exporting opportunities are growing overseas, and American businesses are trying to regain lost markets. While in the

past, large businesses dominated the field of exporting, today, more and more small- and medium-sized businesses are making efforts to take advantage of growing export opportunities. The exporters' efforts have led to a significant reduction in the U.S. trade deficit as shown by the November and December trade figures. In recognition of the U.S. exporters who have contributed to the improvements in our trade balance, I am introducing today a commemorative resolution titled, "National Exporters Appreciation Week."

In 1987 there were $252.9 billion of U.S. exports, which constituted about 5.6 percent of the U.S. GNP and generated over 6.3 million jobs throughout the United States. It is a fact that exports contribute to the growth of our economy.

Unfortunately, U.S. exporters have not enjoyed sufficient support and commitment from the U.S. Government, or the private sector, as their foreign competitors do in their countries. As a result, the playing field of international trade has not been level for our exporters. In addition, many exporters, particularly the small and the medium sized who make up the largest base of potential exporters are not familiar with the variety of the export assistance programs offered by our Government. The time has come to make American exporters aware of these programs, as well as to assure them of our support and commitment. I urge my colleagues to cosponsor "National Exporters Appreciation Week."

H.J. RES. 468

Whereas an increase in exports is important to reducing the massive trade deficit of the United States, which has been a continuing concern of the people of the United States;

Whereas many exporters in the United States ceased competing in foreign markets because of the high value of the dollar and are currently attempting to reenter foreign markets;

Whereas the decline in the value of the dollar has led to increased opportunities for exporters in the United States and has renewed interest in increasing exports;

Whereas the export market is an important source of jobs in the United States;

Whereas increasing exports can increase production levels and increase the number of jobs available to the people of the United States;

Whereas small businesses create many of the new jobs in the United States and constitute the largest source of potential exports;

Whereas exporters in the United States face strong competition because of the active commitment and support to facilitating exports of foreign governments;

Whereas the Federal Government should promote export assistance programs, and private banks should become more involved in foreign markets to increase the volume and value of exports from the United States; and

Whereas the people of the United States should increase support of and commitment to exporters in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 8, 1988, is designated as "National Exporters Appreciation Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

TRIBUTE TO LAURENCE GARDINER

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. JONES of Tennessee. Mr. Speaker, I rise today to recognize my close friend Mr. Laurence Gardiner of Memphis, TN. Mr. Gardiner was recently honored by the board of directors for the Mid-South Fair which is held annually in Memphis.

Quite honestly, this recent honor bestowed on Mr. Gardiner is well deserved. He has been associated with the Fair since he first entered a pidgeon competition at the age of 12. That was 70 years ago.

From that point, he has held several positions of leadership with the Fair. He has been part and parcel of the growth and development that the fair has achieved over the years.

It has been the spirit and dedication of people like Laurence Gardiner that has meant so much to their communities and our country. His contributions to the Mid-South Fair are chronicled in a recent newspaper story in "The Memphis Commercial Appeal," which I am including in these remarks. I want to express my admiration for Laurence and my appreciation for all he has done.

The article follows:

FAIR HONORS 70 YEARS OF SERVICE

(By Steve Gaither)

Laurence Gardiner is a rarity in an age when long-term relationships are getting to be as hard to find as family farms and horse-drawn plows.

Gardiner, 82, has been a part of the Mid-South Fair for 70 years.

"It's been a real rewarding time," said Gardiner, who was honored by the fair during the November Board of Directors meeting.

"There's just no comparison between the kind of fair we have today and what we had back in those days," he said. "The whole fair is much bigger in every way."

Gardiner has witnessed the growth.

As a 12-year-old Gardiner entered the pigeon competition at the old Tri-State Fair and helped feed the birds that were kept on the grounds during the fair.

A few years later, Gardiner was part of the University of Tennessee dairy judging team that competed at the fair. Gardiner majored in dairy husbandry and minored in genetics.

Gardiner graduated in 1929 and returned home to become superintendent of the dairy cattle show.

"We didn't have as big a dairy show in those days so it wasn't too bad," he said. "You couldn't get a job because of the Depression, so I just came home and worked at the fair."

By 1933, Gardiner became affiliated with the American Jersey Cattle Club, representing that group each year at the fair. About 1947, Gardiner became a member of the fair's Board of Directors. He later became a certificate holder and was vice president in the 1950s.

Gardiner helped bring the annual National Jersey Show and Sale to the fair in 1950, a move that brought national attention and growth to the event.

The biggest change in the fair has been its transition from the major forum for exchange of agricultural developments to a carnival atmosphere with a vast range of attractions.

"There was more attention paid to the agricultural end of the fair in those days," Gardiner said. "The emphasis has changed. That's not just here but at all fairs. There are so few people living on farms."

TRIBUTE TO BRIAN REAMES

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. WALGREN. Mr. Speaker, when Brian W. Reames passed away recently, western Pennsylvania lost an outstanding citizen. Brian underwent heart transplant surgery in 1981 and learned last fall that a second transplant operation would be necessary. Sadly, this operation was not successful.

Upon graduation from Westminster College in 1968, Brian joined the Air Force and served in Vietnam. In Korea, in 1972, Brian contracted a viral infection that led to an enlarged heart, multiple health problems, and discharge from military service. After 9 years of poor health, his first transplant gave him a new lease on life.

Brian chose to use his remaining years in service to others. He spent countless hours teaching others about transplants and counseling individuals and families who were faced with the same tough decisions he and his wife Mary had faced. Brian was cofounder of Transplant Recipients International Organization which gives support to individuals facing transplant operations of all kinds. He also was active in the United Way, the Red Cross, his church, and other charitable organizations and served on the Greenville Area School Board. He even wrote a 40 page pamphlet entitled "Second Chance" to make sure correct information on transplants was available and to increase awareness of the need for donating organs. Many lives were enriched by Brian's selflessness.

I commend the following article about Brian from the February 10, 1985 Pittsburgh Press to my colleagues.

BRIAN REAMES

In 1972, while Brian Reames was serving in the U.S. Air Force in Osan, Korea, he contracted a viral infection which resulted in cardio-myopathy, a condition where the heart is enlarged and loses its resiliency. He was flown to Andrews Air Force Base near Washington, D.C., where he spent seven months in the hospital.

"They ran test after test on me," says Reames. "During that time, I had a blood clot in the lungs, kidney stones, hepatitis, three strokes, an enlarged heart and congestive heart failure. I was 27."

Eventually, after a year's bed rest, Reames' heart muscles decreased in size and he tried to return to a normal lifestyle. For a time, he managed a cleaning company in a Virginia suburb of Washington, where he and his wife, Mary, were living. Again his heart started to enlarge and he was ordered back to bed rest until it subsided.

In 1977, the couple and their 3-year-old son, Tony, moved to Greenville, Mercer County, Mrs. Reames' hometown. Tony, now 11, has a 7-year-old sister, Susan. Reames worked as an admissions counselor at Thiel College and enrolled as a graduate student at Edinboro University.

"Then things began happening," says Reames. "I went into congestive heart failure in 1978 and for the next two years I would have good days and bad. When I was able to, I'd go to school, but it happened less and less often. By December of 1980, I was so sick; that probably was the worst Christmas of my life.

"I went into the hospital again, and the doctors began to talk to me seriously of getting evaluated for a transplant. It had been mentioned before—even at the Air Force hospital in 1972, but wasn't recommended then because no one lived after the operation—but this was 'now.' It was almost like hearing it for the first time."

Reames was taken to Presbyterian-University Hospital in Pittsburgh for an evaluation in February of 1981. At the time he was suffering from pulmonary hypertension, having just recovered from a lung blood clot, and he was sent home to rest and recuperate. In April, he was evaluated again and OK'd. He went home to wait.

"I could only get out of bed one or two hours a day. Everything exhausted me. Even my mental capacities dwindled. I couldn't read or even follow the TV. I lost 50 pounds," says Reames, now a burly, Captain Kangaroo look-alike.

May 18, 1981, at 8 a.m., Reames received the call from Dr. Robert Hardesty. Could he get down to Pittsburgh by 2 p.m. since there was a possible donor? He could. He called his wife, a 5th-grade teacher at Greenville's Jamestown Elementary School, and she hurried home.

At 8:45 that evening, Reames went into surgery.

"I woke up approximately at 6:30 the morning of the 19th, and I didn't know it was over. I thought I had blinked or dozed off for a moment. But, as soon as I was more alert I noticed the changes. My feet were burning when I was used to being cold for nine years. The colors around me were more vivid and the sounds in the room much sharper. And for the first time in months I was hungry."

Reames did unusually well and spent less than four weeks in the hospital. At home, he gradually increased his activities until now, four years later, he has an enormously busy life. He commutes to Pittsburgh for a full-time doctoral program at Pitt, serves on the Greenville school board, and is active in his church and the American Council on Transplantation, a national organization.

In addition, he is the organizer with Mary Lou Michel of Presbyterian Hospital of TRIO (Transplant Recipients International Organization), a support group for recipients of all organ transplants. He is in touch with hundreds of those recipients in Western Pennsylvania. When possible, he makes it a point to get in touch with patients before the surgery. He did this for Bill Ferry of Mercer recently. And Ferry like others was buoyed when he saw how well Reames was doing.

"We really want to get the transplant people together," says Reames. "The idea is to provide the support that is really necessary. It's very terrifying when you are told you need a transplant. You want to talk with someone who has been through it, not to a doctor, a nurse, a psychologist or a social worker. I had talked to Harry Hennon before my surgery and he was a big help.

"I constantly get calls from people wanting information. We are also very interested in spreading the word about the organ donor program."

COMMEMORATING JAMES GIBSON FOR HIS OUTSTANDING LEADERSHIP IN SERVICE TO NEVADA

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. BILBRAY. Mr. Speaker, I rise today with deep respect and admiration to bring a great Nevadan to the attention of my colleagues in the House.

State senate minority leader, Jim Gibson, has been a leader in our fair State since he was first elected to the State assembly in 1959. His remarkable abilities as a statesman were soon recognized by the people of Nevada, and he was elected to the State senate. Due to his exceptional skills, Jim was elected in 1977 by his peers to the post of senate majority leader.

On Sunday, May 22 of this year, Senator Gibson will receive an honorary doctorate from my alma mater, the University of Nevada-Las Vegas. This recognition is richly deserved.

Jim's leadership in the community has won the respect and admiration of those who share his commitment to the people of Nevada. His service within his church is a shining example to all who commit themselves to the worship of God and service to mankind. In 1973, Jim was awarded the Distinguished Nevadan Award. His determined campaign for excellence in education is now being honored by the University of Nevada system.

For others, measures of success or failure are in terms of the here and now, but in the legacy of Jim Gibson will be remembered by Nevadans of this and future generations. His hard work and leadership in State government will not be forgotten.

Some people know Senator Jim Gibson as a church leader, and others know him as a powerful Nevada lawmaker. Many simply know Jim as a caring soul and a good neighbor. In my remarks to the House today, I know Jim as these things and more, Mr. Speaker. I know Jim as my friend.

NEW YORK TIMES CRITICIZES ATV SETTLEMENT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. FLORIO. Mr. Speaker, the Consumer Product Safety Commission [CPSC] and the Justice Department recently entered into a preliminary settlement with the all-terrain vehicle [ATV] industry. Unfortunately, this settlement is woefully inadequate.

In particular, the settlement does not require the ATV manufacturers to offer refunds for consumers who previously bought the dangerously unstable three wheel ATV's—even though the manufacturers have stopped their sale and one manufacturer has described them as "more dangerous. Safety wise, three-wheelers are not good."

The following editorial in the New York Times points out the deficiencies in the settlement and calls for further action:

[From the New York Times, Feb. 15, 1988]

STEER AWAY FROM TRAGEDY

"Come ride with me," beckons an advertisement for all-terrain vehicles, "and I'll take you where you've never been before." Buyers of the balloon-tire buggies often don't realize where that might be. In the last five years more than 900 riders of all-terrain vehicles wound up dead, and another 330,000 wound up in the hospital. Almost half those killed were under the age of 16. The figures show why such vehicles ought to be tightly regulated.

Manufacturers of all-terrain vehicles, or ATV's, blame riders for the third of a million accidents that have occurred. But a study of three-wheel ATV's by the Consumer Product Safety Commission found that the design causes unpredictable roll-overs during ordinary maneuvers. Independent safety experts point out similar design problems in four-wheel models. They lack adequate suspension, and their high center of gravity and solid rear axle makes turning tricky.

After years of inaction, the Reagan Administration finally has sued ATV manufacturers—but for remedies that do little to avoid further tragedy and much to protect the industry from future liability. A proposed settlement forces the industry to provide training and warning programs for riders.

But it does not require the industry to correct the vehicles' instability, or to stop selling child-sized models, or to offer refunds for ATV's bought as a result of misleading advertising. Warnings could give manufacturers an advantage in future lawsuits. The agreement does halt retail sales of three-wheel models but the issue is academic. Production has been discontinued because they were unprofitable.

Federal timidity is inspiring Congress and state legislators. Urged on by concerned pediatricians and law enforcement groups, lawmakers have proposed tough regulations for ATV design and use along with repurchase programs for the most dangerous models. With more than two million ATV's in the hands of unlicensed drivers, and an average of 20 deaths and 7,000 injuries occurring each month, such measures cannot come too soon.

SOVIET MISTREATMENT OF ROALD (ALEC) ZELICHONOK

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to bring to the attention of Congress the plight of Roald (Alec) Zelichonok and his wife

Galina Babrina, two of the many refuseniks still awaiting permission to leave the Soviet Union.

Alec Zelichonok first applied for permission to emigrate on April 10, 1978. He was refused permission on June 13, 1978 based on "regime considerations." Mr. Speaker, the regime consideration was the secrecy of Mr. Zelichonok's former job as a scientist at the military research institute. This was a job he had left in 1975.

Alec Zelichonok is a devoted Zionist whose main love is teaching Hebrew. He is one of the best known, and reputedly the most accomplished, teacher of Hebrew in Leningrad. His flat has often been raided by the KGB who have confiscated books by Saul Bellow, Eli Wiesel, Isaac Bashevis Singer, and Chaim Potok, along with Hebrew grammar books, Hebrew prayer books, Hebrew dictionaries, and Yiddish poetry—all presumably considered to be anti-Soviet material.

On June 11, 1985, Alec was taken from his apartment to police headquarters and charged with "defamation of the Soviet state and social system." The accusation was based mainly on letters he wrote to friends in the West which were intercepted by Soviet authorities. At his trial on August 8, 1985, he was sentenced to the maximum penalty for the charge, 3 years in labor camps. He was released from the labor camps in February 1987.

Although the Soviet authorities granted Alec an early release from the labor camps, they have not made life easy for him since his release. Alec has not been able to regain his old job or find a new one. Soviet authorities have forced him to continually move from city to city in search of work.

Since Mr. Zelichonok first applied for permission to emigrate, his health has deteriorated seriously. He currently suffers from advanced hypertension, and his blood pressure levels are extremely high—up to 240/140 mmHg. As a result of hypertension, which has been aggravated by a lack of proper medical attention, Alec Zelichonok, a talented electrical engineer, has difficulty concentrating and is experiencing loss of memory.

Mr. Speaker, as you know, the United States and the Soviet Union appear to be moving into a new period of productive negotiations and cooperation. I hope that Soviet authorities recognize the importance the people of the United States place on human rights and will grant emigration visas to Alec Zelichonok and his wife, and all people who wish to live in peace and observe the religion of their choice in the country of their choice.

IT IS TIME TO FIX THE "NOTCH"

HON. HAL DAUB

OF NEBRASKA

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. DAUB. Mr. Speaker, the Social Security "notch" problem is a high priority issue for millions of older Americans. Over the past several years, we have been contacted by thousands of senior Nebraskans and Iowans calling for swift action to resolve the notch problem. Yesterday, an important step was taken toward resolving the Social Security notch issue—the Senate Special Committee on Aging held a hearing on the notch problem. Today, we are pleased to share with you our testimony to the Senate panel:

JOINT STATEMENT OF THE HONORABLE HAL DAUB AND THE HONORABLE TOM TAUKE

Congress should act to correct the Social Secruity "notch" inequity. The failure of Congress to address the "notch" issue has caused many senior citizens to lose faith in the Social Security system as there expectations for fair and equitable treatment have been dashed.

The Social Security "notch" issue actually began with the passage of the Social Security Amendments of 1972. This legislation established annual cost-of-living adjustments (COLAs) for retirement benefits. The 1972 computation method inadvertently provided for retirement benefits which were much higher than Congress intended. The 1972 amendments linked the COLA to changes in both annual wages and prices. Due to the double digit inflation of the 1970's, the first retirees to receive benefits under the 1972 formula received very large annual adjustments. These COLAs were so large that the Social Security Adminsitration's (SSA) actuaries projected that many retirees would ultimatley receive benefits that were higher than earnings.

Thus, in 1977, Congress addressed this problem by decoupling the computation method from the changes in annual wages and prices. The 1977 amendments provided for annual benefit adjustments that are based on changes in prices. Had the benefit formula not been modified, the solvency of the Social Security system would have been seriously jeopardized.

Decoupling benefits from wages produced a reduction in initial retirement benefits for the first workers who were affected by the 1977 amendments. Congress provided for a gradual phase-in to the new benefit formula in an effort to ensure that the first post-1977 benefits were not dramatically less than the pre-1977 benefits. Both a five year and ten year phase-in period were discussed during the debate on the 1977 amendments. Congress, and the President, agreed that a five year phase-in period was acceptable.

The phase-in period required a special benefit formula that would pay benefit amounts that were less than the old law, but more than the new law benefit calculation. The so-called transitional guarantee formula was supposed to ensure a gradual phase-in to the new 1977 formula.

There were two major problems with the 1977 amendments. First, Congress did not take steps to curb or slow the growth in the benefits of the retirees who retired under the 1972 amendments. Secondly, the transitional guarantee formula arbitrarily excluded post entitlement age (62) earning from the benefit calculation. Thus, the phase-in benefits were reduced, and old law benefits continued to rise sharply, which worsened the difference between the retirement benefits paid to older and young retirees.

As more workers retired, filed for benefits and compared Social Security checks with their older spouses, relatives and friends, the more obvious the disparity in benefits became. In fact, some new retirees wrote to Dear Abby to ask for advice on how to remedy this situation. And with that the Social Security "notch" issue and the "notch baby" movement were born.

By 1985, the "notch" issue remained unresolved and the facts remained unclear. We introduced legislation to direct the Social Security Disability Advisory Council to examine the effect of the 1977 amendments on "notch babies."

This legislation was the first and only bill to be considered by the Congress. Senator GRASSLEY successfully amended the budget reconciliation bill of 1985. Unfortunately, the amendment was thrown out of the final reconciliation conference bill. We are certain that had our bill been enacted in 1985, the "notch" problem would have been addressed by the Congress.

Last April the House Social Security Subcommittee directed the General Accounting Office (GAO) to conduct a thorough study of the "notch." By providing a sound and needed data base, the GAO study can go a long way toward educating the public and Congress and providing for a reasoned debate on the "notch."

However, we are still eagerly awaiting the GAO study and debate is raging about the relative merit and risk of addressing the "notch" inequity.

The "notch" is an issue of fairness and equity and has certainly harmed public confidence in the system. We believe that the facts are clear. It is time to resolve this important issue.

Several bills have been introduced to address the "notch" problem. Some "notch" bills propose to return to the old, flawed 1972 formula. Others would lengthen the phase-in period and "notch" more retirees. Our bill is based on congressional intent. The transitional guarantee formula reduces benefits incorrectly and must be modified.

We have introduced "The Notch Baby Act of 1987" (H.R. 1721) which is responsive to the needs of the over 7 million "notch babies."

"The Notch Baby Act of 1987" will allow Social Security beneficiaries born in the years 1917-21 to become eligible for a new alternative transitional computation method, which would affect benefits for months after December 1987.

This new alternative computation would guarantee a benefit of no less than the worker's benefit based upon new law wage-indexing procedures—that is, the average indexed monthly earnings or AIME, benefit—plus a declining percentage of the difference between, first, the benefit which would have resulted if the pre-1977 law had remained in effect, but modified to include only the 3 years of earnings after the year of attainment of age 61, and second, the law (AIME) benefit.

This formula allows for a phase in of the new benefit computation law created by the 1977 Social Security amendments that is uniform and follows congressional intent relative to the 1977 law. And we want to emphasize that the declining percentages used in the formula are a function of providing a uniform phase-in; they are not indicative of the difference between old law and new law.

Individuals born before 1917 are receiving benefits under a different formula-initiated in 1972—that erroneously results in their receiving dual compensation for inflation increases. Had the 1972 formula been maintained, the Social Security system would have gone bankrupt. The 1977 Social Security amendments bill, which affects everyone born after 1916, restored the system to solvency.

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In order to protect benefits of people already receiving or about to receive Social Security, the 1977 amendments did not change the computation rules for anyone reaching age 62 before 1979. Further, so as to gradually phase-in the benefit change, individuals becoming eligible for retirement benefits by reaching age 62 in 1979–83 were allowed to compute their benefits under new rules or under the old rules with some limitations, whichever would result in higher benefits. The modified old law formula is called the transitional guarantee and is available to all individuals born from 1917 to 1921.

Despite these efforts to provide a fair phase-in in the necessary 1977 law, many individuals born in the years 1917 to 1921 find that their benefits are much lower than people with identical work histories born in 1916 and earlier. To a large degree, this is evident because those people born before 1917 were able to take advantage of the unexpected high inflation years of 1978 to 1981 in their benefit calculations.

H.R. 1721 addresses the unanticipated disparities created by the 1977 law by allowing "notch babies" to calculate earnings after age 61 on par with those individuals born before 1917 and providing a percentage of the difference between old law and new law. We believe that this bill, which costs $24.3 billion from 1988–1996—an average of $2.6 billion per year—is a reasonable and responsible approach to resolving the "notch" problem.

Through legislation such as H.R. 1721 and a substantive congressional effort, faith in the Social Security system will be restored and the "notch" will be addressed. The time to act is now.

TRIBUTE TO DAVID GAINES, FOUNDER OF THE MONO LAKE COMMITTEE

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. LEHMAN of California. Mr. Speaker, it is with great sadness that I pay tribute today to David Gaines of Lee Vining, CA who was the founder of the Mono Lake Committee. On January 11, 1988, David Gaines lost his life in a tragic automobile accident. His family, his community, and his friends mourn our loss and honor his memory for his contribution to our spiritual and natural well-being.

David Gaines was born on December 30, 1947, in Los Angeles, CA. Early in life he became interested in bird sightings and published them in scientific journals. In 1973 he received a master's degree in ecology from the University of California at Davis and went on to conduct research for the California Department of Fish and Game, Point Reyes Bird Observatory, and the Nature Conservancy. David taught biology and ecology for the College of the Redwoods and the University of California at Davis and was the author of "The Birds of the Yosemite Sierra."

Of greatest significance, however, was David Gaines' work to preserve Mono Lake, the jewel of the Eastern Sierra Nevada Mountains. As a teenager David first saw Mono Lake from Mt. Dana peak on the eastern border of Yosemite National Park. In 1976, David organized and conducted the first in-depth studies of Mono Lake which verified the lake's exceptional biological and scientific values. In 1978 Gaines joined with other biologists and concerned individuals to form the Mono Lake Committee, a citizens group which has educated the people of California and the Nation about this wondrous place and the threats to its beauty and wildlife by diversions of water south to Los Angeles.

I came to know David through his efforts to save Mono Lake. He was a man who lived his life by the lake and worked tirelessly to save this special place for all of us and for future generations to come. His cause became our cause—to save an ancient lake. In testimony before the House Interior and Insular Affairs Committee, David spoke of Mono Lake with these words: "For over 20 years I have been entranced, amazed, and inspired by Mono Lake's mysterious haunting beauty. It has no rival anywhere else on earth."

The legacy of David Gaines is life for Mono Lake.

REFLECTIONS ON UNITED STATES-TAIWAN RELATIONS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. KLECZKA. Mr. Speaker, although it has been some time since the United States has had formal diplomatic relations with the Government of Taiwan (Republic of China), our countries continue to maintain a unique friendship. Despite trade pressures in particular, Taiwan stands out among our East Asian neighbors in its desire and commitment to improving both itself and its standing in the global community.

In this spirit, I am pleased to share with my colleagues the attached article written by Frederick Chien, Ph.D., representative of the Government of Taiwan in the United States. Dr. Chien's article, which was translated by Nathan Mao, P.D., Professor of English at Shippensburg University in Pennsylvania, originally appeared last December in the Central Daily News of Taipei. Dr. Chien offers his personal perspective and insight into the continually evolving relationship between Washington and Taipei.

(Dr. Chien's article follows:)

PERSEVERANCE: A MESSAGE FOR THE YOUNG

(By Representative Fred Chien)

Wang Yang-ming, a Ming dynasty sage, said, "Perseverance is key to work." His words are simple but profound in meaning. In the last few years I have deeply felt the wisdom embedded in his saying and I wish to share my experiences with my young friends.

It has been four years and ten months since my appointment in January, 1983, to Washington as Representative of the Coordination Council for North American Affairs. Prior to 1983, there had been several years during which the relationship between the Republic of China and the United States was in an extremely difficult stage. My countrymen were severely affected psychologically; my colleagues and I in the Foreign Service were on the front lines directly facing diplomatic setbacks. During many critical moments, we sensed our young friends' deep concern and interest in their country. I was particularly moved when I witnessed the ardent desire and eagerness of many young people to offer their services to their country, especially those who were still in school. Their heartfelt desire to serve fastened my heartstrings. Many evenings, after a full day of negotiations, I felt physically and mentally exhausted, but whenever I saw the images of young men and women, earnest and eager to help, I realized that my countrymen had high expectations of me, a member of the Foreign Service. A gush of fresh energy surged and changed my body, enabling me to return to work.

Before leaving Taipei, I was aware of my countrymen's high expectations. But as I reviewed the past and looked towards the future, I felt overwhelmed. At that time I declared in all honesty that I was not God but human, as I asked for support and strength from my countrymen. I must admit, with due gratitude, that ever since I came to Washington I have received lots of encouragement from my countrymen both at home and from those overseas. Their continuous support, flowing to me through different tangible and intangible channels, refreshed me from head to toe.

Indeed I was really a novice in Washington, a city where it was known to be difficult to make friends. Although I had been in the Foreign Service for many years and had many friends in Washington, I felt inexperienced in Washington's social circles. I was scared and yet pleased in my role as Republic of China's Washington Representative.

Because of my country's special status in the United States, we had no idea as to what we could do or could not do and whether we should have a high or low profile. On the other hand, all those official functions with their built-in protocol niceties did not affect us. Just like the Bible says, one door is closed by God, yet another and still another door is open. Although I do not have an official title, I was spurred by a daring frame of mind characteristic of my younger days. With the full cooperation of everyone, my colleagues and I took the initiative to make friends, slowly and assiduously building our base.

From that time on, I became more and more willing to accept the challenges of my work. I not only learned that an individual's or a group's ability to face adversities becomes stronger through perseverance, I also learned that our country is full of vitality. Despite repeated tribulations and setbacks, we conquered one difficultly after another and emerged triumphant in a totally new image when all sectors of our society worked as one cohesive unit.

To faithfully relay Republic of China's developments in the last four years and ten months I left Washington for out-of-town speaking engagements to different groups and organizations at least forty-five to fifty times a year, not counting informal sessions where I made impromptu remarks. All in all, I have only one objective: to deepen the U.S. public's understanding of our country and to strengthen their friendship for us. Every time I give a speech I use the latest figures and facts, revealing what is progressive, open and new in our society. I fully understand that our figures of prosperity, our democratic growth, our increasing confi-

dence and our growing strength are all attributable to our countrymen's hard work, the application of their intelligence and their cooperation with one another. As a messenger for my countrymen I feel encouraged and inspired. It's this gush of youthful strength which enables all my colleagues at the Coordination Council, trying their utmost, to negotiate with U.S. diplomats or any other persons in an effort to achieve fair treatment while maintaining their dignity.

Personally I must confess it is hard for me to be satisfied with myself. In fact, I was a shy youngster and physically uncoordinated. In senior high school a schoolmate tripped and broke my heel while we were playing ball. Even now I can't say I like social functions that much. But for the sake of my work, I try my best to adjust myself. Maybe "to adjust" is not an appropriate expression, because my work today is to adjust myself to the ever-changing situations and enable my audiences to quickly catch my message. When I first arrived in Washington, it was very easy to run into friends who had preconceived ideas about us. I felt it was important to understand why "so-and-so" felt the way he did towards us. Was it because of his personal views, his personal experience, his lack of adequate information or for some other reasons? If his biases could be overcome, efforts would be made immediately. If his views were too deep-seated, I would treat him with sincerity and hope to explain to him later with more facts. Under the rubric of patience, respect and sincerity, my colleagues and I at the Coordination Council complemented one another, helping the U.S. Government officials and the general public to have an even greater understanding and respect for what's been going on at home.

In recent months, major U.S. newspapers, whether conservative or liberal ones like the Washington Post and the New York Times, have repeatedly extolled our accomplishments in their editorials and op-ed columns. This makes me realize that because our country is moving in the right direction, has flexible and workable policies and because our efforts have been made apparent with facts, the world is becoming more respectful of us and our international status. This recognition has come about only after repeated experiences of being frustrated, humiliated and tested.

What I have said are personal experiences and feelings. It's not anything deep and profound. There's no key to success. I feel that the young today are growing up in comfort and prosperity. But in truth all comfort and prosperity have come about after many others have sweated, bled, and have met with many failures. In the future we will face many types of storms and our difficulties will not be any less than those before. My young friends, if you can consider your personal experiences, societal adversities and your country's diplomatic reverses as object lessons in learning perseverance you will then become stronger as you meet unpleasantness yourself. With an optimistic spirit and a perserverant attitude, you will be more fully prepared to accept all types of challenges. I believe every type of difficulty would only ennoble our situation, earning us even greater respect for our integrity and enhancing our country's international standing.

TRIBUTE TO HERMAN WESTFALL

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. BILBRAY. Mr. Speaker, I rise today to bring to the attention of my colleagues the retirement of Herman Westfall, an outstanding chief financial officer for the University of Nevada-Las Vegas. A first-rate administrator, Mr. Westfall has been instrumental in the school's development and rapid growth.

In 1962 Mr. Westfall came to Las Vegas as the new assistant business manager for, at that time, the southern regional division of the University of Nevada. As he watched a campus comprised of a handful of buildings, a student body of 1,059, and a faculty of 50 grow to become a major university with 25 buildings, a student population of over 13,000, and a faculty of more than 400 members, Mr. Westfall's responsibilities have increased. As business manager he did the work of purchasing, personnel, and the business office. Later on Mr. Westfall assumed the responsibility of the physical plant, which had been previously run from Reno. It was not long before the university became a full-fledged business operation, with their own issued checks and bank account. In 1968 Mr. Westfall was named liaison to the State public works board and began supervising the construction of campus buildings.

Mr. Speaker, what this individual has accomplished for the academic environment in Nevada is an effort that we can all admire. Education is an issue that is vital to our Nation as a whole. It is my pleasure to call this unique and professional service to the attention of my colleagues. The work of Mr. Westfall will long be engraved upon the minds of future generations of leaders in Nevada and for our Nation.

HON. DAN DANIELS

SPEECH OF

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. JONES of Tennessee. Mr. Speaker, I join with my colleagues in the House in mourning the death of our colleague DAN DANIELS. He was a man we all admired—a man who set personal and professional standards we all strive to emulate.

DAN and I came to the House of Representatives about the same time. We shared many of the same philosophical views of how to best serve our district and our country. He was deeply committed to reflecting the views of the people who elected him to serve in the Congress.

In doing that, DAN DANIELS conducted himself with integrity and dignity at all times. He was a man of his word and a man whose opinions were highly respected. He never failed to provide me with well reasoned and candid counsel on issues of mutual concern.

I also came to respect DAN DANIELS as a man of firm principles and high values. Through our mutual participation in the weekly meetings of the Congressional Prayer Breakfast, I came to appreciate DAN's deeply held spiritual values. I am certain that it was those values that formed the foundation upon which he lived his life.

There are many words of praise heaped upon Members of Congress. In my mind, there are none more eloquent to describe DAN DANIELS than to simply say that he was a good man who served his people with distinction. We shall all miss him greatly.

GOOD WORK

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. VANDER JAGT. Mr. Speaker, one normally has difficulty in finding anything good to say about a bank closing. But, as in all things, there are exceptions. It is with real pleasure, and yes, with relief, that such is the case involving the White Cloud First State Bank in our Ninth Congressional District of Michigan.

In a word, the Federal Deposit Insurance Corporation along with a number of other organizations and individuals accomplished a masterful achievement in turning a potential personal disaster into barely a minor, if that, inconvenience.

I especially want to commend L. William Seidman, Chairman of the Federal Deposit Insurance Corporation [FDIC], for the work of his agency and his fine staff. It is rare indeed that one can point with such pride to the favorable editorial received by the FDIC as featured in the February 18 edition of the Muskegon Chronicle. It is praise richly deserved and earned by Bill Seidman and his FDIC team. My congratulations to them. I am glad to bring this to the attention of my colleagues.

I would like to mention, in addition, a number of others on the local scene in White Cloud who labored to keep an institution functioning in the county seat of Newaygo. Many, many were involved though, as the editorial mentioned, the key player was the FDIC.

But, I do want to mention one individual, Richard Schanze, president of People's State Bank of St. Joseph. Mr. Schanze's bank has taken over the White Cloud bank and it already has been reopened and it is in complete operation. Mr. Schanze literally walked the streets of the White Cloud community to assure depositors of the continuity of banking operations. That was a very nice, personal touch.

At this time, permit me to include the editorial mentioned previously.

[From the Muskegon Chronicle, Feb. 18, 1988]

DECISIVE ACTION SAVED THE DAY AT WHITE CLOUD BANK

As anyone who lived through the Great Depression knows, there are few things more horrifying than a bank failure.

Thousands of Americans still remember those dark years, when banks failed by the hundreds, and millions of dollars in depositor accounts were lost forever. During the early 1930s, even a rumor of trouble was enough to cause a run on the bank. Such panics were so prevalent that President Franklin Delano Roosevelt tried to calm the nation by remarking that, "We have nothing to fear but fear itself."

Last week, the 7,900 depositors at The First State Bank in White Cloud must have experienced some feelings similar to those of Americans some five decades ago. Their bank was ordered closed after examiners had uncovered evidence of unsafe lending practices. A parallel investigation by the Federal Bureau of Investigation reportedly included looking into possible fraud at the bank since late last fall.

But unlike the tragic stories of the Depression, this one had a reasonably happy ending, thanks to the quick and decisive action taken by the Federal Deposit Insurance Corporation (FDIC), by state officials and by representatives of the People's State Bank of St. Joseph, which took over the White Cloud institution and reopened it Monday.

The key player, of course, was the FDIC. Established in 1933 at the height of the Depression, the FDIC was set up by Congress and the Roosevelt administration as a safeguard against those panicky runs on banks. Today, the FDIC insures nearly 15,000 commercial banks and savings institutions, guaranteeing depositor accounts up to $100,000.

But depositor insurance is only one of its functions.

The examination of the White Cloud bank was performed by FDIC auditors, who uncovered many of the lending irregularities which led to last week's closing. Such unpleasant investigations are necessary if faith in America's strong banking system is to be maintained.

First State Bank wasn't the first Michigan bank to fail, and it may not be the last. Bank failures, unfortunately, have not been rare, especially in recent years.

It's important to emphasize, however, that every single depositor in FDIC-insured banks got his or her money back up to the $100,000 limit. Those depositors in White Cloud may have been puzzled, angry or even upset by what happened. But there was no panic. That's because government came down hard when it had to, and acted decisively at a critical moment.

There are times when government plays a legitimate and vital role in the private sector and in the lives of the people. Last week in White Cloud was one of those times.

REMOVING THE BURDEN OF THE NATION'S DEBT FROM THE BACKS OF THE AMERICAN FARMER

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. SCHUETTE. Mr. Speaker, today I am introducing three important bills to help keep the improving farm economy on the road to recovery. Each serves the common goal of removing needless tax burdens from the backs of the nation's farmers and their families, which have been forced upon them by recent unfair changes in the tax laws.

FIXING THE FUEL TAX

The first of these desperately needed initiatives would put a stop to farmers giving the U.S. Treasury an interest free loan for up to one full year. If someone were to ask me how the Congress could make life even more difficult for the farmer, the answer would have to be make them pay a tax that they don't even owe. And, if we wanted to add insult to injury, we could complicate the procedure for filing for their refund, and allow them to file only after they have paid a large enough amount to keep the federal government's bookkeeping costs down.

Under current law, farmers are exempt from paying the 15-cent-per-gallon highway tax on gasoline and diesel fuel used on the farm. However, because the 1986 Tax Reform Act changed the point of tax collection up the line closer to the refinery and away from the farm, farmers now have to prepay the highway tax on their gasoline purchases. Farmers can file for refunds, but only after they have prepaid substantial sums of money they do not even owe.

Then, as if to try to make a bad policy worse, the Congress passed the budget reconciliation bill last December and added diesel fuel to this unfair mechanism. Now, beginning on April 1, farmers will have to prepay the 15-cent-per-gallon highway tax on diesel fuels for, and let me remind my colleagues once again, taxes they have no obligation to pay. Like the gasoline precedent, they must pay a tax, and then file for a refund, either at the end of the year or when they prepay more than $1,000.

They cannot file for an exemption from paying this tax like state and local governments can, like rail companies can, or like school districts can. However, this legislation will make it possible for farmers to join the group of those who are exempt from paying this tax and can file with the IRS for a one-time exemption from prepaying this tax. It is very similar to another legislative initiative before this body that would allow construction contractors to file for the same exemption.

What does this legislation mean to farm families in my State? It means that Michigan farmers would not have to pay $3,146,400 more on their corn production this year. It means that farmers across this Nation will not have to pay a total of $400 million. That is $400 million less, along with a huge but not precisely quantifiable savings in bookkeeping and administrative nuisance for already overburdened farmers.

If this is not changed, most of the money that farmers will have to pay to the IRS will be money that farmers would otherwise use to plant their crops. Because it is money that will be refunded to them only after the year has ended and the damage is done, the current arrangement amounts to farmers giving the Federal Government an interest-free loan. A loan that many farmers will have to borrow for to afford. A loan which is unfair, and is the worst nightmare for already overburdened farmers and their families.

My bill would remove this exemption, and still protect against any possibility of noncompliance or fraud, which is the only justification for this change. Further, it eliminates a lot of red tape, and, in the words of one farmer from my district, "All the costs that are involved in refunding money that was theirs to begin with."

BRINGING BACK WORKABLE CAPITALIZATION PROCEDURES

My second bill reverses a rule change made by the 1986 Tax Reform Act that obviously was conceived by someone far removed from the realities of agriculture. The House already recognized the importance of what this bill would accomplish by passing the language in my bill as part of H.R. 3545. Unfortunately for farmers, the Senate later removed that provision.

If passed into law, my bill would reverse the new and burdensome capitalization procedures for animals and plants, to the method used before the tax reform bill. This year, as farmers file their income taxes, they are finding a totally unacceptable requirement to either: First, allocate the costs involved in raising replacement calves and orchard trees to each calf and each acre of orchard; or second, change their entire depreciation schedule to a long and very expensive, straight-line basis.

Depreciation is important to the American farmer's survival. In fact it is often said that farmers "live-off" of their depreciation. The new tax law almost invariably forces farmers to unjustifiably reduce their annual depreciation. By requiring them to accumulate thousands of dollars of nondeductible costs or keep impossible records on individual animals and trees, we are doing both farmers and consumers a grave disservice, and are perhaps driving yet another nail into the coffin of the family farm.

This is a second example of the Government forcing the weight of our Nation's deficit upon the backs of our farmers, by robbing them of their ability to manage the value of their assets. The Uniform Capitalization of Preproductive Expenses, passed by the 1986 Tax Reform Act means increases of $400 per dairy heifer and at least $2,000 per acre in expenses of orchards. Expenses that result in more money going to the Government while farm families carry these costs for 2 to 5 years before they can begin to depreciate their replacement animals and trees. This second bill, the Repeal of Application of Uniform Capitalization Rules to Farming Businesses, means relief of this unfair taxation.

RESTORING INCOME AVERAGING FOR FARMERS

Finally, the third bill in my package of tax relief for farmers is a bill to reinstate the Income Averaging Rule For Qualified Farmers. I know from first-hand experience how farmers can make nearly nothing in consecutive years—due to uncontrollable elements like mother nature and market conditions, and then have a season of good fortune, only to be saddled with high, even excessive taxes.

In Michigan, my entire congressional district, along with much of the rest of the State, has been declared an agricultural disaster area for 2 consecutive years. While these farmers may not pay high taxes, they still must pay their lenders, which often means refinancing and extending debts, in hopes of a better crop year. Since 1970, farmers oftentimes have been able to make up for at least part of their

occasional uncontrollable losses with a more profitable year.

Today, the 1986 Tax Reform Act has stolen this option from American farmers and their families. Make no mistake, farmers want to pay their fair share of taxes. However, income averaging allows them to smooth out the inevitable, sometimes damaging swings that occur in farmers' income. It recognizes the special conditions and circumstances of running a farm business and gives farmers the kind of fair shake in our tax laws that I know all of my colleagues would like them to have.

Finally, I want to conclude by once again asking my colleagues to support these important bills. We all know how farming is one of the most difficult ways of life. All Members have seen or heard the stories of the trouble in rural America. I hope we will take action and pass these important initiatives to provide farmers and their families with much-needed relief from paying taxes they do not owe, and needless bookkeeping requirements.

Now is not the time to be putting obstacles in the way of the recovery in rural America. My bills are an opportunity for all my colleagues to do something important to assist farmers, who after all, are the backbone of our Nation. I hope all my colleagues will work with me to pass these bills into law.

BLACK HISTORY MONTH—A TIME TO HONOR

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. RAHALL. Mr. Speaker, I rise today to speak in honor of Black History Month, and the contribution of a great West Virginian to American history.

The gentleman I would like to recognize is Carter G. Woodson, who is known as the "Father of Black History." Born in Buckingham County, VA, in 1875, Woodson's family moved to Huntington, WV, in 1893. In 1896, Woodson graduated from Huntington's Douglass High School and attended Berea College in Kentucky, studying to be a teacher. After working in the coal mines and teaching school for 2 years in Fayette County, WV, Woodson returned to his high school alma mater and served as principal from 1900 to 1903.

In 1912, Woodson became the second black to earn a Ph.D. from Harvard University. He later studied at the Sorbonne in Paris, served as dean of the School of Liberal Arts at Howard University and from 1920 to 1922, was dean of West Virginia Collegiate Institute, presently known as West Virginia State College.

Woodson retired from the academic circles in 1922 in order to devote his time and skills to the study and promotion of Afro-American history. Without his efforts, much of black America's history may have been lost and we, as a society, would have suffered.

Efforts are underway in Woodson's hometown of Huntington, which is in my congressional district, to erect a life-size statue in his likeness and establish a Black History Scholarship Endowment at Marshall University.

Carter G. Woodson is just one of many black Americans honored each year during Black History Month. George Washington Carver, Booker T. Washington, Jackie Robinson, Martin Luther King, Jr., and Ron McNair are to be saluted for proving in their lives that success can be colorblind and can be achieved through dedication and hard work.

However, the road to success is not always paved smoothly for black Americans. The ugly monster of bigotry and hatred is unfortunately raising its head again in many parts of our Nation.

The authors of the Declaration of Independence held it to be true that "all men are created equal, that they are endowed by their Creator with certain unalienable rights. * * *" In order to live up to that statement, we must respect the many diverse components of American society that created the enormous "melting pot" in which we live.

We need to observe black history not just because it is black, but in order to get a true understanding of our Nation's heritage. It can help put aside the many erroneous myths and show people that Martin Luther King, Jr., was a great humanitarian, Crispus Attucks was a Revolutionary War hero and Doug Williams is a good quarterback.

Black History Month is a time to learn about the accomplishments and feats that were deleted from our history books for one reason—the participants were black. It is a time to reflect on the good and bad of yesterday and at the same time look ahead to a brighter tomorrow.

COMISION FEMENIL DE LOS ANGELES SALUTES LATINA ARTISTS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. TORRES. Mr. Speaker, I rise today to honor the Comision Femenil de Los Angeles for their "Salute to Latina Artists." On Saturday, March 5, 1988, the Comision will honor three special Latina artists at the Hollywood Roosevelt Hotel.

As the founding chapter of Comision Femenil Mexicana Nacional, Inc., the Los Angeles chapter's major goals are to provide a forum where Latinas can exercise leadership; promote solutions to problems confronting Latinas and their families; and provide a voice for the needs of Latinas and actively assist in the development of their full potential. In accordance with their mission, Comision Femenil presents its 1988 honorees:

Esperanza Martinez began painting when she was 3 years old and began her formal training when she was only 7. At the age of 13 she painted a mural on the wall of her school. The school was later demolished but the wall with her mural was left standing in her honor. During her high school years her classmates would say that, "She'd rather paint than eat."

For many years she has journeyed throughout Mexico, visiting small villages and tribes of Indians that few people ever have the opportunity to see. She has captured the colorful and picturesque spirit of every region of Mexico, from major city to remote hamlet. Educated at Mexico City's renowned school of art, the Academia de San Carlos, Esperanza faithfully records the rich heritage of Mexico, including unusual costumes and traditions.

Esperanza is well known by Southern California art patrons. For over 20 years her work has been exhibited in numerous galleries including the Upstairs Gallery, the Art House Gallery, Delphi Galleries, the Gallery Unlimited, the Pomeroy Art Gallery, and the galleries of Howard E. Morseburg, Jane Freeman, and Carl Frye, plus numerous private collections. The quality of her work places Esperanza on a plateau with the top painters of California today.

Judith F. Baca is a muralist, artistic director and founder of the Social and Public Arts Resource Center [SPARC] in Venice, CA. A veteran in the art of painting murals, she initiated the Los Angeles Citywide Mural Project in 1974 where she was responsible for organizing and painting more than 150 murals around the city.

As a muralist, she is "committeed to a process which brings community and art together for the creation of an art product." Nowhere is this more obvious than in the half-mile long "History of California Mural," affectionately dubbed "The Great Wall of L.A." by the media. As artistic director, Ms. Baca acted as primary designer and coordinated the efforts of 18 historians, 40 artists, and over 200 youth who participated in its production. Painted over five summers, the mural emphasizes the contributions of various ethnic groups to California's history and is a part of the ongoing programs at SPARC.

Ms. Baca's work has been exhibited nationally and internationally, published in numerous periodicals and journals, and documented in several forms. She has received awards and recognition for her work from community groups, the State assembly, the U.S. Army Corps of Engineers, and Los Angeles mayor, Tom Bradley. She served as a member of the NEA Task Force of Hispanic Arts and holds a master of arts degree from California State University, Northridge.

Barbara Carrasco is a California-born artist who has painted murals in Soviet Armenia, Nicaragua, and Los Angeles. She has produced large mural banners for the United Farm Workers Union, traveled to Mexico to visit Anjelica Arenal, widow of David Siquieros, and is due back to the Soviet Union this year to work on another cooperative mural project with Soviet artists and children.

Another facet of Carrasco's artistic personality are her miniatures. These are tiny pictures she makes at home. Titled "Rest in. * * * 12 Pieces," they are 6-inch by 2-inch colored ballpoint pen drawings set in little coffin-shaped mats. Each drawing represents a personality type or an immediately identifiable social stratum of contemporary society.

Mr. Speaker, I ask that my colleagues join me in this tribute honoring the creative and varied work of these three talented Latina artists. I also ask my fellow Members to commend the Comision Femenil de Los Angeles

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for their dedicated and untiring efforts on behalf of Hispanic women.

REAUTHORIZATION OF THE FISH AND WILDLIFE CONSERVATION ACT OF 1980

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. YOUNG of Alaska. Mr. Speaker, in 1980, the Fish and Wildlife Conservation Act, commonly known as the Nongame Act, was enacted by Congress. The act is primarily designed to promote the conservation of fish and wildlife species which are not normally subject to harvest by sportsmen or for commercial purposes. A central feature of the act is a Federal matching grant program to assist the States in the development, revision, and implementation of comprehensive conservation plans for fish and wildlife. For approximately 50 years, fish and wildlife species have greatly benefited from Federal funding programs such as the Pittman-Robertson and Dignell-Johnson, now commonly referred to as the Wallop-Breaux Program.

The Fish and Wildlife Conservation Act has the ability of providing funds for fish and wildlife species that provide recreational benefits to over 90 million people each year. While funds for game and sport fish programs come from user fees paid by sportsmen to support improvements to fish and game conservation and management efforts, matching funds for nongame conservation under the existing act would come from general appropriations.

In view of the fact that the act has never received an appropriation, the desirability of exploring alternative funding sources is apparent and will be a key portion of our reauthorization hearings. In the absence of Federal dollars, many States have developed their own source of funding through such mechanisms as State income tax checkoff programs, nongame conservation stamps, and wildlife art sales—all providing funds to carry out nongame programs in that State.

Mr. Speaker, I look forward to the upcoming hearings on reauthorizing the Fish and Wildlife Conservation Act of 1980 and will be joining my colleagues on the subcommittee in reviewing alternative funding sources for the act.

INTERNATIONAL MONETARY POLICY COOPERATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GARCIA. Mr. Speaker, an interesting article appeared in Tuesday's Wall Street Journal which discusses the need for a reevaluation of world monetary policy.

M. Edouard Balladur, Finance Minister of France, presents several proposals to rectify the volatile fluctuations in international exchange rates. Although I feel that a number of M. Balladur's suggestions are perhaps impractical or unrealistic, I nontheless share his view that the world's economic powers must engage in a greater spirit of cooperation.

I urge my colleagues to read M. Balladur's article. In an increasingly global economy, we must recognize the growing need for a coherent and mutually beneficial monetary policy to ensure a stable and prosperous future for all nations.

[From the Wall Street Journal, Feb. 23, 1988]

REBUILDING AN INTERNATIONAL MONETARY SYSTEM

(By Edouard Balladur)

Since the 1960's the world's industrialized countries have gradually abandoned the discipline of stable exchange rates based on the gold-exchange standard in favor of floating exchange rates.

That system has been a failure, proving devoid of discipline or constraints, much too tolerant of poorly managed economies and ultimately harmful for the world economy. Floating exchange rates are probably one of the essential causes of the economic disorders of the past 15 years: variations in the price of oil and raw materials, trade imbalances, financial anarchy brought about by international speculative capital flows, indebtedness.

The merits attributed to floating exchange rates in the early 1970s have not been borne out:

When they were introduced, it was said that balance-of-payments adjustments would be facilitated, but not only have imbalances not disappeared, they have become worse.

It was thought that speculation would be curtailed. On the contrary, never has it assumed such proportions nor had such destabilizing effects.

It was believed that marked forces, at last left to their own devices, would determine the correct exchange-rate balance. But never have imbalances been so great, nor fluctuations so wide and erratic and so little justified by economic fundamentals.

It was hoped that autonomy in economic and monetary policy would be preserved, allowing each country free choice of its monetary policy and rate of inflation. Facts have cruelly bellied this illusion.

Those countries with primary responsibility for the world economy now recognize the need for international cooperation. Last year's Louve Agreements marked the end of the floating-exchange-rate system. Concluded a year ago this week by the U.S., Japan, France, Britain, West Germany, Canada and Italy, they contain two complementary aspects: coordination of economic policy and more stable exchange rates.

The seven signatories have agreed to policies aimed at reducing their internal and external imbalances. Thus they are making a contribution to stabilizing their exchange relations, jeopardized by the highly excessive deficits and surpluses that have developed in recent years. Moreover, they are ready, if need be, to intervene on exchange markets.

Over the past year the Louvre Agreements have been reconfirmed and adjusted as required by economic and market developments. On Dec. 23, the seven signatories published a joint declaration and agreed upon secret exchange causes. This declaration is really a second Louvre Agreement, occurring after the autumn's financial upheavals and containing the measures adopted in response. Economic policy commitments have been adapted and strengthened, including those of central banks.

With Louvre Agreements 1 and 2, the seven major industrialized countries have shown they agree on the collective management of exchange rates and coordination of their economic policies—in the absence of a true international monetary system. It is thanks to this spirit of responsibility and cooperation that it was possible to overcome the recent financial crisis, the most serious since World War II. This represents major progress compared with the situation prevailing two years ago.

Thus, a first milestone has been reached on the road to rebuilding an international monetary order, though it rests on the will and ability of governments to impose self-discipline. Beyond this stage, how might one envisage a true international monetary system with a standard unit of value, automatic mechanisms and sanctions that would be beyond the control of the countries involved? The time is ripe for dispassionate consideraton of this issue, since inflation has receded and the Louvre Agreements are working well.

There are three possible approaches. Each has advantages and disadvantages, among which hard choices must be made.

INTERNATIONAL COOPERATION

The first approach is a system based on international cooperation building on and strengthening the spirit of the Louvre Agreements.

Their enforcement requires close surveillance of each of the major economies on the basis of such economic indicators as growth rates, fiscal balance, balance of payments, interest rates and exchange rates. This surveillance already is being established gradually.

It would be conceivable to perfect the Louvre Agreements by strenthening economic coordination, in budgetary matters, for example, by strenthening cooperation among central banks (particularly on interest rates) and if need be by publicly announcing ranges for exchange-rate fluctuations. I shall not dwell on the advisability of such measures.

A problem arises, however, in trying to perfect the decision-making mechanism.

The ultimate effectiveness of a system based on international economic cooperation such as the Louvre Agreements rests on the willingness of the participating countries to agree. Would they be prepared to sacrifice some measure of national sovereignty?

How can one build a system of automatic mechanisms and sanctions, the enforcement of which would be beyond the control of individual governments? There is no doubt that while the Louvre system represents major progress over the anarchy of floating exchange rates, it does not constitute a true international monetary system.

A WORLD EMS

The second possible approach is to build an exchange mechanism similar to the European Monetary System. The EMS, created in 1979, was Europe's response to international monetary disorders and was designed to provide protection for intra-European trade. It offers an illustration of automatic mechanisms and sanctions that could be restored at a world level.

The first feature of an EMS-style world monetary system is a monetary reference unit.

The monetary reference unit of the EMS is the European Currency Unit, or ECU, a weighted average of European currencies in relation to which all EMS currencies are de-

fined. Similarly, a world EMS would need a basket of international currencies to serve as the standard for the new system. This is not a new idea. The Special Drawing Right, or SDR, which was defined in 1974 as a "basket of international currencies" would work well as a world monetary reference unit. The ECU currently contains five currencies: the dollar, yen, pound, mark and franc.

(It should be pointed out that, as in the EMS, a world monetary reference unit would not be used as the main reserve and settlement instrument; national currencies would retain their international role in those respects.)

The second feature of an EMS-style world monetary system is an automatic mechanism:

In the EMS, each country is required to adhere to margins of fluctuation established around the "central" rates defined for each currency. The same would need to apply to a world EMS. Each central bank would have to be ready to intervene on exchange markets to ensure that its currency did not exceed its limits vis-a-vis another currency. This also is not a new idea. The Bretton Woods system included such intervention obligations.

The third feature of an EMS-style world monetary system is sanctions.

Each central bank, under the obligation to intervene to maintain the value of its currency, would thus be made to spend its reserve assets or to borrow from its partners predetermined amounts in their currencies if its own currency were subjected to downward pressure. The lowering of exchange reserves would in and of itself be a form of sanction.

Moreover, if a parity realignment were required, it could be made only by mutual consent and after examining the economic policies followed by all. This could be done under the aegis of, for example, the International Monetary Fund. Devaluation or revaluation of a currency could not be made unilaterally. Monetary and economic adjustments would go hand in hand.

Again, there is nothing new about such sanctions in the world monetary system. The Bretton Woods agreements restricted each country's leeway to modify its par value and required IMF authorization for realignments exceeding certain limits.

The advantages of an EMS-style world monetary system in which a world currency made up of a basket of currencies would be the reference monetary unit instead of the dollar would be substantial when compared with those of the Louvre system. A monetary unit with universal scope would give the system the beginnings of a standard, which does not exist in the Louvre framework. The automatic mechanisms and the sanctions would be both known to all and institutionalized, whereas the Louvre Agreements rest on constant reappraisal of the "meeting of the wills" of the major countries.

Such a system would not, however, be flawless.

First of all, it would not provide built-in guarantees against an inflationary drift of all the currencies. Second, it probably would contain asymmetries similar to those of the Bretton Woods system since a national currency could continue to play a dominant role both as a reserve and a settlement instrument.

In all, while a world EMS would represent major progress over the Louvre system, is it possible to go still further in the direction of an even more objective system including automatic mechanisms and sactions beyond the control of governments?

A MONETARY STANDARD

The third approach is that of a system organized around a standard that would play the role of main world reserve asset.

The historical model for such a system is the 19th-century gold standard, under which all currencies were defined on the basis of their gold content. All currencies in the system were freely convertible into gold.

Under a pure gold standard, the first automatic mechanism is that parity fluctuations are maintained naturally, without central bank intervention on exchange markets, within narrow bands defined by the "gold points." International settlements can be made at any time either by purchasing foreign exchange on the exchange markets or by physically transferring gold. The band within which par values may fluctuate on exchange markets is limited by the two extremes defined by the central rate (the gold-content ratio between two currencies), to which is added and subtracted the cost of physically transferring gold.

Similarly, the second automatic mechanism is that monetary inflation in each country is a direct function of gold transfers. A country with a large deficit has an unbalanced exchange market; its gold is gradually transferred to surplus countries. The contraction of a nation's money supply—directly linked to the stock of gold at its central bank—leads to recession and lower prices. The counterpart to this contraction in surplus partner countries is credit expansion due to the inflow of gold, which leads to a higher level of activity and prices. Thus the competitiveness of the deficit country rapidly improves and its foreign trade balances out.

If such a system were applied today, countries with large deficits would be driven to important changes in their monetary policies and therefore in the level of their economic activity; surplus countries would be led to reverse changes. The gold standard—along with its automatic mechanisms and sanctions—would be objective and beyond the control of governments and monetary authorities, who would be obliged to adapt their policies on the basis of the results of their balance of payments.

Let us be realistic. The actual operation of the gold standard was in fact far more complex than the short summary just presented—in particular, each country could always try to circumvent the discipline of the system by modifying the gold content of its own currency.

This model of the gold standard would today give rise to very serious problems of enforcement. First, the amount of gold available today depends on the gold-producing countries, which are in a position to determine quantities and prices, and which do not necessarily share the values of the Western world. Second, although the gold standard, in its purest sense, implies free convertibility into gold, internally as well as externally, no central bank today would be ready to restore the internal convertibility of its currency, a policy that began to be abandoned in the 1930s. Finally, in every country today there is a consensus to limit inflation as much as possible. It would be difficult to implement a system that uses price increases in countries with surpluses as the major factor in restoring external equilibrium.

Once again, let us be realistic: No central bank is willing to relinquish its gold reserves. That proves how important holding gold still is to governments. Furthermore, gold is still valued by the market. In spite of the difficulties mentioned above, is it possible to rebuild a true system without allowing gold to play a role? I, for one, do not believe so.

Could we today establish a monetary standard, automatic mechanisms and sanctions that would be just as objective and independent of governments?

There are two possibilities; an objective standard including gold and, if it is possible, commodities (a suggestion made last year by U.S. Treasury Secretary James Baker), or a world currency based possibly on a basket of currencies to which gold might be added. Studies by the Committee of Twenty (set up in 1972 by the IMF at the ministerial level to give advice on reform of the international monetary system) at the beginning of the 1970s could serve as inspiration. The group considered how to devise a reserve instrument with constant real value, in other words an instrument that would be revalued every year on the basis of world inflation.

What about automatic mechanisms? One possibility would be to let the standard act as the main world reserve asset. For that to be possible, it would be necessary for each national currency to be convertible into the world currency at a fixed exchange rate. Settlements among central banks would be made by transferring the world currency, the reserve asset held by each national central bank and the central reserve asset of the system.

What sanctions would apply? The automatic mechanism would include its own sanction, as in the system based on the gold standard. No country could remove itself from the external constraint, since all countries would have to maintain their solvency in the world currency.

If such a system was already in existence, countries with external deficits would have lost their reserves of world currency. They would have to replenish their reserves to become solvent again and thus would be forced to adjust their economic policy, or failing that, their exchange rate in agreement with their partners. The latter should of course be exceptional. Technicalities could make it possible to have a symmetrical constraint on surplus countries as well as on deficit countries.

Such a system—with a stable world currency as the main instrument of reserve and settlement—would have three advantages over a world EMS. It would be more objective, more automatic and more symmetrical.

Its disadvantages would be related to the difficulties of implementation—the technical difficulty of defining a world currency and its rules of issuance and convertibility, and the very serious political difficulty of making it acceptable to all of the participating countries. The system would imply that the new standard of reference and value would gradually be recognized and accepted by all, so that governments and monetary authorities could not depart from it without being called to order, not only by an international body but also by their own economic agents. This raises the whole problem of internal convertibility.

When all is said and done, won't the choice among these three approaches which introduce an increasing degree of constraint into national economies, depend above all on the degree to which each country will be willing to join in international cooperation and relinquish national egotism?

None of these three approaches is intended as a definite plan for reforming the international monetary system. But I think that the leaders of the major economy now have the duty to ponder the system best adapted to today's world. In this area as in others, it is the duty of decision makers to prepare for the future, by studying all possible solutions in an unbiased manner.

Money is at the heart of all political and social problems. It must not be handled solely by specialists. It is also a matter of policy.

How is it possible not to see the extent to which the Western world has been weakened over the past 15 years by the monetary and economic disorders caused by the refusal to accept a common discipline. How is it possible not to see that the economic crises we have suffered—inflation, indebtedness, fluctuations in the price of oil and raw materials—are bound up with monetary disorders? How is it possible not to fear that these disorders may lead to political and social turmoil in all countries—be they industrialized or developing—turmoil that could alter the balance of the world?

Inflation has been largely brought under control in the main industrialized countries. Thus, for the first time in 15 years, this prerequisite for the restoration of an international monetary system has been fulfilled.

I would like the governments to work together to find answers to the questions I have put forward here. I would like us to do so with the greatest of caution and realism but also with imagination and boldness. That is why I propose that the international community entrust a small group of distinguished people of unquestionable moral authority—who have proven their economic, monetary and financial competence—with the task of lighting our way.

The point is not to resuscitate an ideal state that has never existed. Order and freedom go together. Economic freedom will have little hope for the future unless it is based on a world order accepted by all and binding on all.

HON. DAN DANIEL

SPEECH OF

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to express my sorrow at the passing of my colleague and friend, DAN DANIEL. Over the years I have always considered it a privilege to call DAN my friend.

He leaves an outstanding legacy of 19 years of service in the U.S. Congress. DAN served the people of the Fifth District of Virginia. He labored long and hard, giving his all to those he represented. So it was not really a surprise that when DAN recently announced his retirement from Congress, the reason he cited was that his health would no longer enable him to give "100 percent * * * [and that] would be inconsistent with [his] basic work ethic." DAN DANIEL would not think of giving less than his best to those he served.

For those of us here in Congress, we will most remember DAN for his work on the Armed Services Committee. As chairman of the Subcommittee on Readiness, his role in maintaining and developing the military preparedness of this country cannot be understated. However, his association with the armed services began long before he reached Congress. In World War II he served in the Navy. After the war, he became active in several veteran's organizations and served for a period as the national commander of The American Legion. As both a veteran and a member of the Armed Services Committee, DAN brought unique insight and knowledge to those issues which came before his subcommittee. I know we in Congress will miss his expertise as well as his friendship.

Mr. Speaker, I would like to extend my condolences to the Daniel family. We will truly miss DAN DANIEL in this Chamber.

FREE TRADE OR COMPETITIVE DISADVANTAGE?

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. HEFLEY. Mr. Speaker, free trade is a premise adhered to by most who support competitive market practices. In January, the final touches were put on the draft of a so-called free trade agreement [FTA] between the United States and Canada that, in theory, will open the doors of trade and strengthen each country's economy through increased competition.

In reality, the FTA may take away more jobs than it would increase. I support the concept of free trade, but the United States should not turn its head from Canadian subsidy practices, and cannot turn its back on the workers whose jobs are threatened by those practices.

In Colorado's Fifth District, there are nearly 200 people employed in the mining and processing of lead and zinc. In communities such as Leadville, the economy of that community depends on the income made by the workers of the mining industry.

Such is the problem with the FTA as it appears to give an unfair advantage to Canada by allowing Canadians to continue subsidy practices. This means Colorado miners would have to compete against a subsidized product without tariff protection and without fair access to trade remedies. Such a situation is unacceptable.

A similar situation occured last year when the Climax Mine in Leadville was forced to cease operations with no hope of reopening as long as Chilean molybdenum imports were given favored trade status even though the Chilean Government subsidized Chilean molybdenum thus escaping United States tariffs. Under this favored status, Chilean producers held an unfair advantage over Leadville producers as they were not bound by United States tariff laws allowing them to sell the product for less.

We went to bat for the miners and were successful in getting the policy changed. We should not stand idle now if the FTA threatens to expose Coloradans to unfair Canadian subsidies.

United States negotiators had hoped to reach an agreement that would have prohibited all subsidies, but Canadian reaction to this almost derailed the entire agreement. As a result of their inability to reach an agreement on the issue of subsidies, they agreed that both countries would keep their countervailing duty laws which enable them to retaliate against subsidies.

President Reagan and Canadian Prime Minister Mulroney signed the FTA on January 2 which proposes to eliminate all tariffs within 10 years, and to do away with nontariff barriers.

Congress must approve or disapprove the FTA proposal, without amendment, within 90 days of its being submitted to Congress which is expected in April.

While I am in avid support of trade policies encouraging free trade and promoting competition, before I would support for the FTA, I will need to be convinced that U.S. workers will not be put at a competitive disadvantage by the treaty.

Mr. Speaker, I commend the following editorial in the Rocky Mountain News on February 3, for my colleagues' consideration:

[From the Rocky Mountain News, Feb. 3, 1988]

FREE-TRADE PACT WITH CANADA NOT SO PERFECT AFTER ALL

As supporters of free trade, we rose last year to praise the pact negotiated between the United States and Canada removing tariffs between the world's two largest trading partners. Who, other than special interests, would resist a blow against growing protectionism?

As it turns out, a growing number of people eventually have opposed the deal, once they had a chance to examine the details and consider the possible consequences. They're making their case with Congress, which is expected to rule on the treaty this year.

Our free-trade instincts aside, the critics make some good points. Among them:

A binational panel, whose members could include a majority of Canadians, will replace the U.S. court system as the final arbiter in allegations of "dumping" and other unfair trade practices. Some legal scholars doubt the legality of removing judicial review from U.S. courts. The Constitution specifically says judicial power must be vested in the Supreme Court and its inferior courts and that this power extends to "all cases" arising from laws and treaties. How could language be clearer?

While the agreement removes tariffs, it does nothing to reduce the heavy subsidies that many provincial Canadian governments direct toward favored industries. The pact may even ensure longevity of the subsidies, to the extent it signals that the United States doesn't consider them important.

The subsidies are important, though, for they make a mockery of fair in some industries. For example, it makes little sense to tell our mining industry that it's now free to export to Canada if Canadian industry continues to enjoy the greater competitive edge of direct government handouts.

The West, and especially the Rocky Mountain West, depends on the very industries that could be most hurt by the agreement. One example: After a stringent program of cost-cutting, the U.S. copper industry has managed to drastically improve efficiency. Even so, greater efficiency here hasn't yet overcome the advantage of subsidies to Canadian companies, so cost-cutting

progress in this country could actually be sacrificed to greater imports.

Not that there isn't a lot to be said for the trade agreement. A specialist from the University of Maryland, Paul Wonnacott, has predicted it could spur a 50% to 100% expansion of trade, which would clearly benefit both sides of the border. As many as half a million jobs could be created in each country, too, some economists predict.

Equally significant, Canada's tariffs generally are about double those of the United States. Vocal opposition in Canada is a clear sign that the treaty evokes fear across the border too, from Canadian companies likely to fall to more efficient U.S. competitors.

Whatever the benefits, however, the treaty falls short of fostering truly free trade. Add to that its potential effect on the Rocky Mountain West and possible unconstitutional removal of judicial review from the U.S court system, and the net result, unfortunately, is a treaty that Colorado's delegation should probably oppose.

ESTONIAN INDEPENDENCE DAY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. MOAKLEY. Mr. Speaker, I am truly honored to join my colleagues commemorating Estonian Independence Day.

The Baltic State of Estonia will never surrender to the Soviet Government that has dominated its people since 1944. As citizens of the United States, we have enjoyed freedom and self-determination for over two centuries. We achieved this goal only after a great struggle. Like the brave Americans who fought to gain their independence from British rule in 1775, the people of Estonia today fight to regain their lost independence. The citizens of Estonia are unable to enjoy the luxuries of self-determination or freedom of expression because their lives are controlled by a Communist government they want no part of.

The Members of this Congress and all citizens of the United States should not forget the strenuous and bitter battle our Founding Fathers fought in order to achieve freedom and secure democracy in America. With this in mind, let us praise the people of Estonia for their courage and spirit as they strive to break the bonds of Soviet oppression in order to be a free nation once again.

SCOUTING OBSERVES ANNIVERSARY

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. STALLINGS. Mr. Speaker, the Boy Scouts of America is our Nation's largest organization for young people and has served our Nation's youth since the founding of the organization in 1910.

Three years ago, as the scouting movement celebrated its 75th anniversary, I introduced legislation to officially designate 1985 as the "75th Anniversary of the Boy Scouts of America." It was a proud moment when the President signed this bill into law.

This year, we mark another special milestone in Scout history—we celebrate the 75th year that scouting has been the official youth organization of the Church of Jesus Christ of Latter-Day Saints.

The Scout oath, the Scout law, the Scout slogan, and the Scout motto are the same today as they were in 1910. The essential principles of Scouting have remained the same since its inception—the mission of the organization is to prepare young people to make ethical choices throughout their lifetime as they strive to achieve their full potential.

Thirty-one years ago, President Ezra Taft Benson delivered a "fire-building" message at an Eagle Court of Honor. During that message, President Bensen said:

> When it comes to building character, Scouting is without equal in the program available for boys.

Among other qualities, the Scout law directs a Scout to be trustworthy, loyal, courteous, obedient, brave, and reverent. It is these values that the Boy Scouts of America has sought to instill in the hearts and minds of young people for over 75 years.

More than 70 million people have benefited from membership in Scouts, and millions more have benefited from the service, inspiration and leadership provided by the organizations. I am proud that there are more than 35,000 Boy Scouts in Idaho.

On Friday, February 26, this proud tradition will continue.

Seventeen young men, all from Scout Troop No. 37, will be honored for earning the rank of Eagle. These extraordinary young men are Ben Allred, Travis Porter, Jason Sharp, Jeremy Stone, Ben Winward, LaDaina Winward, Spencer Palmer, Eddie Dursteler, Robert Poole, John Andersen, Robert Hull, Woodrow Miner, Chad Moser, Shawn Moser, Leon Owen, Steven Owen, and Curtis Poole.

I congratulate and commend their scoutmaster, Rulon Winward. It is a rare privilege to see 17 young people from the same Scout troop receive Eagle awards. The dedication and hard work of volunteer adult leaders like Mr. Winward are what makes it possible to continue the Scouting tradition.

Clearly, while Scouting has remained true to its original values and purposes, it has moved into the future with even greater emphasis on personal ethics, values, and the importance of the family.

ESTONIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. HOWARD. Mr. Speaker, February 24, 1988, will mark the 70th anniversary of the declaration of Estonian independence from the Soviet Union.

In 1920, after their war of independence, Estonia signed a peace treaty with the Soviet Union, which renounced any Soviet claims and rights to Estonia forever. During Estonia's period of independence it thrived socially, culturally, and economically. However, in 1939, Stalin and Hitler partitioned Europe, giving all three Baltic States and part of Poland to the Soviet Union. The United States, in keeping with the principle of international law regarding illegal seizure of territory, refused to recognize the Soviet annexation of Estonia.

Unfortunately, the end of World War II and destruction of Nazi Germany did not relieve the people of Estonia. Instead, Estonia was abandoned to a ruthless Communist dictatorship. Estonian freedom fighters who received almost no outside support, continued the heroic guerilla struggle in postwar Europe for over a decade. With the crushing of the Hungarian uprising in 1956, the Estonian guerrillas were faced with the harsh truth that they were not going to receive help from abroad.

The Estonians' extraordinary spirit to be free has not been broken. By repeated appeals to international organizations and Western governments, the people of Estonia have not given up on trying to restore their lost independence. The strong resistance to Soviet rule is felt by everyone in Estonia, especially among the younger generation of Estonians.

Therefore, let us join Estonians across the globe to commemorate their 70th anniversary and remember the loss of their freedom to Russification decreed from Moscow. We can look forward to the day, when they will again thrive as an independent nation.

EXTENDING OUR LAWS TO FOREIGN FLAG SHIPS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. CLAY. Mr. Speaker, today I am introducing legislation to extend our labor laws to foreign flag ships doing substantial business with the United States. I commend this legislation to the attention of the Members of this body.

U.S. national policy dictates that we have a merchant fleet sufficient to carry a substantial amount of our waterborne imports and exports and serve as our fourth arm of defense in time of a national emergency. While self-interest necessitates such a fleet, the sad fact is that it does not exist. Today, the U.S. merchant marine employs only about 28,000 American seamen and carries only 3 percent of our imports and exports. The deteriorated condition of our merchant marine threatens both our economic and our national security interests.

Forty to fifty percent of our imports and exports are carried on ships that are registered in open registry countries such as Panama and Liberia. These ships do all or a substantial amount of their business with the United States. They do not fly our flag, however, because by registering their ships in other countries, the owners of these ships are able to evade most U.S. laws, including our labor laws.

The practice of foreign registry is not limited to the shipping of freight, but extends to passenger ships as well. Indeed, the practice is even more prevalent in this segment of the

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maritime industry. Ninety-eight percent of the American passenger ship trade is carried by ships registered outside of the United States.

In contrast to the 28,000 American seamen employed on U.S. flag ships, it is estimated that there are in excess of 125,000 seamen employed on these runaway-flag operations. These are jobs that American seamen should, but do not have an opportunity to fill. It is for this reason that I am introducing this legislation.

As the preceding numbers indicate, by evading the requirements of American law, these "runaway" ships are driving American-flag vessels off the seas. The American maritime industry and those who work in it are fighting a competitive battle that cannot be won. A comparable application of law in other industries would allow Korean manufacturing companies, or even foreign subsidiaries of American companies, to establish and operate factories in the United States without being subject to American labor laws. The changes I am proposing would make the U.S. labor laws consistent with the treatment of American overseas subsidiaries and foreign companies doing business in the United States under the security and tax laws.

The present system does no favors for foreign nationals employed by these runaway ships either. We have heard from reliable sources that in many instances seamen are being employed on runaway-flag ships under conditions that do not even meet minimal international standards. It is my intention to look closely at these allegations as this bill proceeds through the legislative process.

National interests and humanitarian interests lead to the same conclusion. Those who seek to make a profit by doing all their business or a substantial business by shipping goods or passengers to or from this country should be held to the same standards applicable to American-flag carriers. Nor is there a question as to our authority to effect these changes. European practices and labor laws are consistent with this legislation and the Supreme Court has previously ruled that it is within the authority of the Congress to extend our labor laws to ships operating within American waters if we so choose.

EAGLE SCOUT ANTHONY M. HANCOCK

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GEKAS. Mr. Speaker, today I would like to recognize the achievement of Mr. Anthony M. Hancock, a constituent of mine from Harrisburg, PA. On Monday, February 29, 1988, family, friends, and his Congressman will gather to witness the presentation of the prestigious rank of Eagle to Anthony, a member of Boy Scout Troop 10. The Eagle Court-of-Honor will be held at St. Thomas United Church of Christ in Linglestown, PA.

As a young citizen, Anthony has displayed his energetic capabilities by participating in many different projects and community services.

I am proud to recognize Anthony Hancock for his outstanding contributions to his community. His unselfish attitude toward others has set an example for the rest of us to follow. I would ask my colleagues in the U.S. Congress to join me in congratulating Anthony on this very special occasion.

GILBERT D. TOUGH CELEBRATES 30 YEARS WITH BLUE CROSS OF NORTHEASTERN PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. KANJORSKI. Mr. Speaker, I would like to take this opportunity to rise in tribute to Mr. Gilbert D. Tough, president and chief executive officer of Blue Cross of Northeastern Pennsylvania, who this week celebrates his 30th year with Blue Cross. As a native son of the Wyoming Valley, Gil is well-known and well-loved in the area, and I join his friends and colleagues who are honoring him with a surprise anniversary celebration.

Gilbert D. Tough is a native of Lehman, PA, and graduated from Lake-Lehman High School, Wyoming Seminary, the Dean School of Business, and Wilkes College. Mr. Tough also holds accreditation as a certified administrative manager, from the Administrative Management Society, and has completed the health care executive's training school administered by the University of Michigan's graduate school of public health.

Since 1983 when Mr. Tough became president of Blue Cross of Northeastern Pennsylvania, the area's largest nonprofit health insurance plan has grown to more than 650,000 subscribers. Blue Cross now has a subsidiary company, Universal Managed Care, and has established a health maintenance organization as a joint venture. He has been elected to a second term of office of the national board of BCS Financial, which is an affiliate of the Blue Cross/Blue Shield National Association.

Mr. Tough has served his community in numerous capacities. He has been extremely active with the United Way of Wyoming Valley, and currently serves as a member of its board. Since 1979 he has served as a member of Pennsylvanians for Effective Government. As president of the Lake-Leham Board of Education as a member of the board of the West Side Vocational Technical School, Mr. Tough has provided his leadership ability to further public education in the area. He is also chairman of the Board of Trustees of Lehman United Methodist Church and a member of the Board of Governors, Irem Temple, AAONMS.

I have known Gil Tough for many years through his activities in the community, and have always respected his forthright honesty and dedication to the job he sets out to accomplish. His dedication to Blue Cross of Northeastern Pennsylvania has helped to make it one of the most successful health care providers in the Wyoming Valley. I am pleased to join in offering him my congratulations for 30 years of a job well done, and I look forward to working with him for another 30 years.

A CONGRESSIONAL SALUTE TO JOYCE JAMES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a distinguished civic leader in my district, Mrs. Joyce James. Mrs. James will be honored on Friday, February 26, by California Pools for the Handicapped at their annual Golden Crutch Ball. This occasion gives me the opportunity to publicly express my gratitude for her work on behalf of the city of Long Beach.

Joyce is a true native of Long Beach; she was born in Long Beach Community Hospital, graduated from Poly High, and attended Long Beach Business College. In return for the pleasure of growing up in this great city, Joyce has dedicated her life to serving the Long Beach community. She has opened her home to over 5,000 people in her efforts to raise funds for many organizations. The list of groups is endless, including the California Pools for the Handicapped, the American Lung Association, Memorial Hospital Auxiliary, the American Medical Association, St. Mary's Medical Center, and the Hospice Program.

In addition to these activities, Joyce has found the time to devote her energies to the cultural arts. She is one of the original founders of the Long Beach Grand Opera and is an original member of the Long Beach Symphony Terrace Club. Joyce was also instrumental in helping to raise hundreds of thousands of dollars for the Long Beach Civic Light Opera.

Joyce epitomizes a true community servant. She prefers to stay behind the scenes, letting others have the limelight while she works inexorably toward her goals. She expects no reward for her dedication, patience and time.

My wife, Lee, joins in extending our warmest congratulations to Joyce James, on this auspicious occasion. The citizens of Long Beach are lucky to have such an outstanding woman in their midst. On behalf of the community of Long Beach, we wish Joyce James, her husband Gordon and her children, Suzanne and Stephen all the best in the years to come.

AGREEMENT MUST BE REACHED ON CONSTITUTION BEFORE INDEPENDENCE IN NAMIBIA

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. DONALD E. LUKENS. Mr. Speaker, if we have learned anything over the past three decades about the independence process in Africa, it is that stability and prosperity after independence can only be achieved on constitutional and political structure if agreement is reached before independence.

If there is a political power vacuum after independence, it will be filled by those with the power of armed force.

By naming SWAPO as the sole and authentic representative of the Namibian people, the United Nations has done little to ensure that a new government will be bound by the rule of law.

The transitional government is now in the process of drafting a constitution which, if accepted by the Namibian people, will set out the political system which will follow independence.

The Constitutional Council has made significant progress in drafting a constitution which will be acceptable to all Namibians. Enshrined in the constitution will be a "Fundamental Bill of Rights and Objectives." The rights include the right to life, liberty, freedom of movement, freedom of religion, and freedom from ethnic and racial discrimination.

The fact that the South African Government has expressed differences with the Constitutional Council belies the claims of SWAPO that the transitional government is a South African Government.

Mr. Speaker, if the United States Congress would like to see a democratic, stable, pro-Western, independent Namibia, our best efforts should be spent supporting the political parties in Namibia who share that same goal. The transitional government is working to ensure that independence for Namibia is true independence and not just exchange of Western intervention for Soviet intervention.

A. PHILIP RANDOLPH INSTITUTE AWARDS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. MILLER of California. Mr. Speaker, last weekend I had the opportunity to attend the first annual dinner of the Contra Costa A. Philip Randolph Institute Chapter, and to speak about the legacy of that great leader for the cause of labor and racial equality. In this time of retrenchment for labor and disturbing increases in acts of racial intolerance, I would like to share those remarks with my colleagues in the House of Representatives.

REMARKS OF CONGRESSMAN GEORGE MILLER

I'm delighted to be here this evening, and honored to serve as the keynote speaker at the first annual dinner of the Contra Costa A. Philip Randolph Institute Chapter.

I want to extend my congratulations to the three people we are honoring tonight, Charles Evans, Dorothy Fortier, and Henry White.

And I also want to pay tribute to the memory of A. Philip Randolph, whom we also honor tonight.

For many of us who grew up in the 1950s and '60s, A. Philip Randolph epitomized many of our most urgent goals—racial equality, interracial cooperation, economic justice, and the courage to put yourself on the front line in the pursuit of civil rights.

More than any other civil rights leader of the post-war era, Randolph made the crucial link between civil rights and economic rights; between the power of the vote, and the power of the union; between the right of a child to attend school or a woman to sit on a bus, and the right of a black person to compete for a decent job.

And that linkage was critical. Because as we now so clearly recognize, legal quality without economic justice is too often a hollow promise.

You may have the right to compete for a job; but if you don't have the education and the ability to develop your skills, you're not going to get that job.

You may have the right to live where you like. But if you don't have a job, or a job that pays a living wage, you can't afford that house.

You may have the right to send your daughter or your son to the best school. But if you can't pay the tuition, that right doesn't do you very much good.

And tragically, while we have seen enormous progress in the area of legal rights over the past forty years, we have suffered a great, and unnecessary, retrenchment in the area of economic justice and economic opportunity over the past seven years.

In fact, we're slipping pretty badly in the area of our basic commitment to civil rights and to labor rights in this country.

We have endured the presidency of a man who claims to come from a labor background, but who has done more damage to the economic security of working people than any president since Hoover.

The attack on labor was set very early in this Administration when President Reagan fired the air traffic controllers.

And unfortunately, I think labor's failure to respond in a concerted and defiant way was very ill-advised, because it sent a signal that organized labor was not willing to stand up to this provocative and arrogant action—one which not only challenged the right of workers to strike, but which endangered, and continues to undermine, passenger safety.

The Reagan years have been open season on organized labor—right-wing appointments to the National Labor Relations Board, inaction by OSHA against workplace hazards, and opposition to public jobs programs.

You know, for the first four years of the Reagan Administration, I was chairman of the Labor subcommittee. For that entire time, we couldn't make any serious efforts towards expanding the rights of workers, because we were too busy defending them from Reagan's initiatives to weaken laws on sweatshops, child labor and workplace safety.

This same president has repudiated the role of the federal government, as the drum major for justice, as Martin Luther King liked to say.

In case after case, the Reagan Administration tried to turn back the clock on racial justice.

They defend federal aid to schools which discriminate. They supported federal tax benefits to schools which bar blacks. They gutted the Civil Rights Commission. They fought our efforts to restrict trade and political relations with South Africa. And they tried to place Robert Bork on the highest court in the land so he could say it's all legal.

Now, in the twilight of the Reagan presidency, we are beginning to reap what we have sowed. And I must tell you that we are going to pay a very dear price for this neglect.

We have seen a revival of poverty—especially among children. We have seen the explosion of homelessness—not just among the mentally ill, but among families and working people. We have seen the tragic revival of racial violence and race hatred, and not just in Howard Beach.

And I believe you will agree that the message which has flowed out of the White House—one of disinterest in civil rights, indifference to human rights—that sends a dangerous signal to the most intolerant portions of our communities.

The problems go far beyond assaults on unions and revivals of racism. As the chairman of the Select Committee on Children, Youth and Families, I've been focusing on the condition of young Americans—economically, educationally, and medically. And the sad fact is that if children are our country's most important investment, as we like to say, then our national portfolio is in a lot of trouble.

My friend, Congressman John Lewis of Atlanta, recently told me that we're about to lose an entire generation of Americans—a generation too unskilled, too uneducated, and too alienated to have any stake in their own future, or in the future of this country.

And he's right.

According to the Committee for Economic Development, by the year 2000, we will have turned out 20 million people with no productive place in our society. While we speak the rhetoric of competitiveness and economic growth, we are failing as a society to invest in the men and women who must be the workforce of tomorrow, and the most productive workers we have ever had.

In 1983, the National Commission on Educational Excellence reported that for the first time in the history of our country, the educational skills of the current generation will not surpass—will not even approach—the skills of their parents. Since that report was issued, our national commitment to education hasn't increased . . . it has dropped—and nowhere more precipitously than right here in California.

Since Ronald Reagan entered the White House, we have cut investment in employment and training programs by nearly 70 percent.

Even for those who have kept their jobs, or who have found new jobs, the story is the same: for millions of American workers, a job no longer means economic security, no longer means health care or unemployment benefits, no longer means disability protection.

Over a third of those who have found employment are working at a fraction of their prior salaries. In 1986, nearly two million Americans worked fulltime, year-round—but were still poor. And millions of them were parents with children.

The real value of weekly wages has dropped by one-sixth over the last 15 years. Median weekly wages for full-time workers in 1986 were lower than in any year in the 1970s—a 50 percent increase in the working poor over the last decade.

And that translates into a vulnerable, demoralized and economically marginal work force.

And it translates into a more divided, more polarized, more inequitable America, an America where the gap between affluent and poor is now at the highest level ever recorded by the Census Bureau.

So when I hear Mr. Reagan, and Mr. Bush say, "America is back!," I wonder: Back for whom?

Is it back for the children—underfed, not innoculated, undereducated, unskilled?

Is America back for the millions who cannot find any job that pays a decent wage and keeps their children out of poverty?

Is America back for the working man and woman whose union is under assault, whose quality of life is being dragged down, whose benefits are vanishing, and whose legal rights are being ignored by an indifferent government?

Is America really back?

I don't think so, and neither do you.

I think Mr. Reagan, and Mr. Bush, and the Congress have spent too much time worrying about Dow Jones and too little time worrying about Mr. and Mrs. Jones.

I think they're more concerned about the value of the dollar on the Tokyo exchange than they are about the value of a dollar in a working person's pocket right here in America.

I think they're more concerned about sending off money and bullets to fuel a phony war for "democracy" in Central America than they are in fighting the battles for civil rights and human liberty right here at home.

We know all about these tactics, about getting working people, and racial groups, and young and old people to fight among themselves so they can't focus on the real causes of their problems. Philip Randolph taught us those lessons sixty years ago when he led the railroad strikes, and it was a simple lesson: if they divide us, they conquer us.

So I think we have to take a page from Mr. Randolph's lesson book, and we have to remember that the only way to make any progress, the only way to get this country back on track, is through solidarity and organization.

And from time to time, we're going to have to get a little loud, and a little arrogant, and a little uncompromising. And sometimes that means pushing on friends, the way Mr. Randolph did with FDR and JFK—to get them to make the concessions.

Because let me tell you, Mr. Randolph was never more right than when he said, "Politicians don't move unless you move them."

You must move them. You must become what Philip Randolph called "the advance guard of a massive moral revolution for jobs and freedom."

That is the legacy of the labor movement in this country. It is a movement which never focused only on its own self-interest, but instead, it went out and fought the battles on a full range of issues and causes that affected millions of Americans—white, black, and yellow, men and women, organized and unorganized.

And if that legacy seems too heavy to carry in these difficult days, if the burden seems too great and the opposition too formidable, we need to remember Randolph's statement near the end of his long life of struggle.

"I don't ever remember a single day of hopelessness," he said. "Live or die, I had to stick with it, and we had to win."

We have to "stick to it," and we have to win—for the future of our children, for the future of the country. And you, who have dedicated your lives to these ideals of democracy, equality, and the dignity of labor will be the "advance guard" he spoke about.

I'm honored to stand with you, and to be with you here tonight.

70TH ANNIVERSARY OF ESTONIAN INDEPENDENCE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, on February 20, the members of the Connecticut Estonian Society gathered at the Pulaski American Citizens Club in Willimantic, CT, to celebrate the 70th anniversary of the proclamation of Estonian independence. Much of the world's Estonian community will be holding similar celebrations over the next few days. In Estonia itself, however, such a celebration has been made impossible.

The Estonian people have occupied their Baltic homeland for over 2,000 years. Although often ruled by Germanic and Slavic peoples from the 13th century to the 20th, the Estonians developed a distinct culture. On February 24, 1918, 70 years ago today, formal declaration of Estonian independence was made. With the nations of the world pledged to honor the autonomy of the new nation, it developed a strong economy and a greater sense of its own heritage. This situation continued for slightly more than two decades.

In 1940, the Soviet Union and Nazi Germany concluded the Molotov-Ribbentrop Pact. As a result of this agreement, the Soviets invaded Estonia; the occupation continues to this day. They claim that Estonia and its Baltic neighbors Latvia and Lithuania are now independent republics within the Soviet Union. The United States, along with much of the rest of the world, does not accept this claim and maintains diplomatic recognition of Estonia.

As part of the occupation, the Soviets are mercilessly trying to destroy the Estonian heritage and the memory of a free Estonia. Attempts at cultural expression are often met with harsh repression. Russian has replaced Estonian as the official language and is used increasingly in all educational and governmental settings. A large number of ethnic Russian workers have been sent to the Estonian capital of Tallinn and may now comprise a majority of that city's population. Five years ago, ethnic Russians accounted for almost one-third of Estonia's population. Today, that portion may be even higher.

If the Estonian culture is threatened in its homeland, however, it is thriving in America today. I congratulate both those Estonian-Americans who gathered in Willimantic and all others who seek to keep alive the culture of that captive nation, and I wish to let them know that we are with them in the struggle to restore a free and independent Estonia.

CONGRATULATIONS TO THE MICHAEL REESE HEALTH PLAN

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. HAYES of Illinois. Mr. Speaker, I rise today to congratulate the Michael Reese Health Plan, located on the south shore of Chicago in the First Congressional District of Illinois. The Michael Reese Health Plan serves 210,000 members. On Thursday, February 25, 1988, the plan will open and dedicate a new health care facility at 2545 South Martin Luther King Drive, Chicago, IL. Let me take this opportunity to congratulate Ms. Barry Averill, president and chief executive officer, Dr. Stuart Bowne, medical director, the board of trustees, all physicians, nurses, and other health professionals, the administrative staff and everyone involved with assuring the successful operation of the plan and its new facility.

One way to hold down medical care costs is through preventive medicine and disciplined management of health care resources. I know, many of my colleagues in the U.S. House of Representatives, interested in increasing good health care facilities, join me in applauding the opening of this new facility. We need more well-managed, affordable, quality health care services for people in the Chicago-area communities. I congratulate the plan on the opening of their new center and wish them continued success in the future.

ANNOUNCEMENT OF THE 1988 CONGRESS-BUNDESTAG STAFF EXCHANGE

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. FOLEY. Mr. Speaker, since 1983 the United States Congress and the West German Parliament, the Bundestag, have conducted an annual exchange program in which staff members from both countries observe and learn about the workings of each other's political institutions first hand and convey the views of members from both sides on issues faced by both countries. The exchange also provides an opportunity for the development of professional relationships which will be beneficial to both countries over the long term.

This exchange program is one of several sponsored by both public and private institutions in the United States and West Germany to foster better understanding of the institutions and policies of both countries.

This year, eight congressional staff members will visit Germany from April 16 to May 1. They will spend about 10 days in Bonn attending meetings conducted by members of the Bundestag, Bundestag staffers, and representatives of political, business, labor, academic, and media institutions. They will spend a weekend in the district of a Bundestag member. The program will conclude with a visit to Berlin during which the delegates will meet with representatives of the West Berlin Government and U.S. Government representatives in both West and East Berlin.

A comparable delegation of Bundestag staffers will come to the United States in late June for a 3-week period. They will attend similar meetings here in Washington and will visit the districts of Members of Congress over the Fourth of July recess.

The program is truly a two-way street; accordingly, participants should be experienced Hill staffers so that they can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staffers to the United States and a number of high ranking members of the Bundestag take the time to meet with our staffers. The United States has tried to reciprocate.

Therefore, participants should have a demonstrable interest in, if not some direct responsibility for, political, security, trade, or environmental issues as they relate to Europe in general and Germany in particular. In addition, U.S. participants will be expected to help plan and execute the program for the Bundestag staffers when they visit the United States. Among the contributions participants should expect to make are planning and conducting topical meetings for the Bundestag staffers and hosting one or two of the staffers in their Member's district over the Fourth of July.

Applications for participation in the United States delegation will be reviewed initially by the Congressional Staff Group on German-American Affairs; final selection of the delegation will be made by the United States Information Agency.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state why they believe that they are qualified and giving some assurance of their ability to participate during the time stated to either Bill Inglee, House Foreign Affairs Committee, 808 House Office Annex No. 1; or John Parisi, Senate Governmental Affairs Committee, 346 Dirksen Senate Office Building, by Monday, February 29.

REHABILITATING HISTORIC BUILDINGS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mrs. KENNELLY. Mr. Speaker, the Department of the Interior issued in December 1987 its report entitled "Tax Incentives for Rehabilitating Historic Buildings Fiscal Year 1987." The report shows how dramatically historic rehabilitation has fallen off since passage of the 1986 Tax Reform Act both in terms of part I filings, and approved projects. In my own State of Connecticut certified projects dropped from 50 in 1986 to 18 in 1987 according to the Connecticut Historical Commission—a pattern which exists I am sure in many States.

For my colleagues who have not yet looked at this report, I am inserting in the RECORD at this point both the foreword and the report highlights for your consideration.

FOREWORD

Federal tax incentives to encourage historic rehabilitation have proven to be one of the most successful urban revitalization programs ever implemented, spurring revitalization in thousands of communities nationwide. Since 1976 over $12 billion in private funds have been invested in 18,000 projects across the country. While some of the projects are well known—Union Station in St. Louis and the Willard Hotel in Washington, D.C.—the majority of projects are not. Located in residential and commercial historic districts, the projects have brought new life to downtowns, creating new jobs and increasing local and state revenues. The cumulative impact of these smaller projects on such cities as Charleston, St. Louis, Jersey City, and Guthrie, Oklahoma, cannot be underestimated.

The Tax Reform Act of 1986 made comprehensive changes to the Internal Revenue Code, eliminating or reducing a number of popular deductions, tax credits, and special benefits. While many credits—including a 10 percent credit for buildings 30-39 years old—were eliminated in the new law, the preservation credit was reduced only from 25 to 20 percent. The retention of the tax credit for historic rehabilitation in the 1986 law is both a tribute to the past effectiveness of the incentives themselves and to the hundreds of preservationists, mayors, developers, and syndicators who succeeded in convincing Congress of their value. However, even though the credit itself was retained, depreciation periods were extended and the credit's use became subject to complex, new passive activity rules which limit the size of the eligible investment.

This report provides the first data and analysis on the impact of the revised tax code on historic preservation activity. Of particular interest in this year's report is the discussion of the effects of the new tax law, which for the first time uses data on the number of incoming project applications to the National Park Service. The Park Service's certification workload has been tracked on a monthly basis for three and a half years, allowing a much more solid valuation of the fluctuations in rehabilitation activity than yearly or even quarterly figures. While additional analysis clearly needs to be undertaken, and while new multi-family residential and office construction also declined in 1987, this initial analysis strongly suggests that the new provisions in the tax code have limited the effectiveness of the tax credit to spur rehabilitation of historic buildings and districts. The number of Part 1 certifications, generally the first step of any historic rehabilitation project, are down dramatically, and the Part 2 applications, used to describe proposed or ongoing rehabilitation work, have also suffered a major decline. These decreases have also been felt by State Historic Preservation Offices which, in partnership with the National Park Service, review and evaluate certification requests.

Despite the reduced activity within this program over the past year, the National Park Service continues to be proud of its role in helping to make the rehabilitation of historic buildings a reality.—H. Ward Jandl, Chief, Technical Preservation Services, December 1987.

REPORT HIGHLIGHTS

The use of historic rehabilitation tax incentives program was dramatically affected by the Tax Reform Act of 1986, which was signed into law in October 1986 at the very beginning of FY 1987. Use of the incentives had already begun to decline in FY 1986 before the law was even signed, largely due to concern over the proposed changes. This decline continued through FY 1987, even though the historic rehabilitation tax incentives remained, as adjustments in how the credits might be used reduced their attractiveness.

The decline in the use of historic rehabilitation tax incentives is probably due to a combination of a number of changes in the tax law, including changes that affect the use of the tax incentive directly, and those that affect construction activity of all types. The amount invested in both new multi-family and new office construction in the U.S. has declined substantially since the new law went into effect.

Approved projects in FY 1987 were down 35 percent from FY 1986, from 2,964 projects to 1,931 projects. This was the fewest number of projects since FY 1982, the first year that the 25 percent tax credit of ERTA was in effect.

The number of certifications of significance in FY 1987 was down 38 percent from FY 1986. Since certifications of significance are usually the first step in the path towards certified rehabilitations, this may indicate that fewer owners see tax credits as a tool to spur rehabilitation, and that a further decline in projects is possible in FY 1988.

Investment in tax act projects in FY 1987 was approximately $1.1 billion, down by 35 percent from the $1.7 billion invested in FY 1986, and less than half of what was invested in FY 1985. Some of this investment was in projects "grandfathered" in under the new law.

While the decline in projects in FY 1987 was nationwide, it was greatest in the West Coast and Rocky Mountain areas of the country. However, the decline in the west served to balance an earlier decline in the east in FY 1986, so that the distribution of projects is now the same as in FY 1985, before tax law changes began to affect investment in historic rehabilitation.

Eighty percent of the projects would not have been undertaken if the tax incentives had not been available.

Housing continued to be the most popular use for tax act projects, with about 45 percent of all projects used for this purpose. However, the number of housing units created by tax act projects dropped about 40 percent from more than 7,200 units in FY 1986 to about 4,200 units in FY 1987.

About 45 percent of the projects used some form of additional economic incentive in FY 1987. The vast majority of these incentives were locally sponsored, the most popular type being programs involving some type of reduction in local property taxes.

JOHN PISTILLI, RETIRES AFTER 40 YEARS AS LETTERING DIRECTOR

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GREEN. Mr. Speaker, my congressional district of New York City quite possibly has the largest concentration of artists of any in the Nation. Yet it is hard to imagine an artist whose work has had greater visibility than lettering designer John Pistilli, who is retiring today after nearly 40 years as lettering director at Sudler and Hennessey Advertising Inc.

The trademarks John has created read like a virtual overview of modern popular culture. They include Reader's Digest, Rolling Stone, Vogue, McCall's, Saturday Review, Harper's, Holiday, Simplicity, Butterick, Cover Girl, Eng-

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lish Leather, Avon, Nice'N Easy, Bonnie Bell, Prince Matchabelli, Caravelle, Exxon, Whirlpool, Woolworth's, Singer, Schweppe's, Cutty Sark, Hertz, Perdue, Stride Rite, Lincoln Center for the Performing Arts, Metropolitan Opera, and the New York Philharmonic Orchestra.

John has won numerous awards from such organizations as the American Institute of Graphic Art, the Art Director's Club, and the Type Director's Club. In 1959, he received an award from the U.S. Government for his lettering of the Statute of Liberty stamp series.

But of his many accomplishments, Pistilli feels most proud of Pistilli Roman. Requisitioned by Aaron Burns, the typeface was designed and executed in only 2½ weeks for the purpose of introducing a nationwide typeface contest. But it did even more than that; it began a new era in typography: juxtaposing accentuated weights against hairline forms.

Pistilli's love for lettering goes back to his childhood days in Queens, NY, when he drew designs on the sidewalk with chalk, and even devised fancy numbers for his baseball team's first, second, and third bases. Following his graduation from the Jean Morgan School of Art in 1949, Pistilli began his lettering career with J.B. Roberts, Inc., a small studio which handled window diplays. In the spring of 1950, he joined Sudler & Hennessey, where he has remained ever since.

Pistilli's logo designs derive not only from the sound and meaning of the words, but also from the shapes of the characters within the words. "If you squint your eyes," he says, "the overall character of the word should reflect a nice balance between positive and negative shapes." His award-winning "Design 11" logo, created for Sudler & Hennessey's 11th-floor art department, is a prime example of that balance. He calls this logo "a pure combination of concentric and square forms," in that it combines perfect circles with perpendicular lines.

Having observed the transition in the past 25 years to phototypesetting, Pistilli does concede, however, that typography has made a great deal of technical progress and will continue to do so. "In the early 1960's, the use of computer technology to create a multitude of typesetting devices has made typesetting much faster and much less expensive. And phototypesetting has also created unheard of type flexibility; most of our type suppliers can now give us phototypography, typositor strips, minus leading, and minus settings, things which were virtually impossible in metal typesetting."

If Pistilli's standards seem high, his personal record of achievement remains his best testimony. In today's competitive art market, too many artists surrender their creative standards. On more than one occasion, art directors have found themselves at odds with John Pistilli on issues involving type design; but they always end respecting him for standing by his professional convictions.

John has been married to his wife Dorothy for 31 years. They have one son, John, who majored in government at Harvard at both the undergraduate and graduate levels and now attends law school at the University of Southern California.

REV. MSGR. HAROLD P. DARCY ATTENDS NATIONAL SECURITY SEMINAR

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GUARINI. Mr. Speaker, Rev. Msgr. Harold P. Darcy, S.T.L., J.C.D., of the Archdiocese of Newark, has completed a very important seminar which I would like to outline herein because of his interesting observations.

Monsignor Darcy was rector of the North American College in Rome, Italy, from 1974 to 1979, and rector of Immaculate Conception Seminary, Darlington, Mahwah, NJ, from 1972 to 1974, and was secretary to the apostolic delegate, Washington, DC, from 1961 to 1971, serving under Egidio Cardinal Vagnozzi and Luigi Cardinal Raimondi.

He has been pastor of Notre Dame Parish, North Caldwell, NJ, from 1979 to 1987 and is currently on sabbatical leave.

Monsignor Darcy completed his studies in Rome, Italy, and his academic background is as follows:

J.C.D. Degree, Summa Cum Laude—1960, Gregorian University, Rome, Italy.

S.T.L. Degree (Systematic Theology), Magna Cum Laude—1955, Gregorian University, Rome, Italy.

B.A. Degree (Classical Languages and Philosophy), Magna Cum Laude—1951, Seton Hall University, South Orange, New Jersey.

Monsignor Darcy's list of appointments include the following:

Member, Board of Trustees of the Advocate (official newspaper of the Archdiocese of Newark) (1980-present).

Member, editorial Board of the Advocate (1972-1974).

Member, Supreme Court of New Jersey, District Ethics Committee for Essex County (May 1984-present).

Member, Board of Conciliation and Arbitration, Archdiocese of Newark (1984-present).

Member, Commission for Ecumenical and Interreligious Affairs, Archdiocese of Newark (1984-present), and chairman, Committee on Roman Catholic-Jewish Dialogue (1983-present).

Member, Board of Consultors, Archdiocese of Newark (1981-1984).

Member, West Essex Clergy Association (Ecumenical) (1980-present).

Member, Board of Trustees, Seton Hall University, South Orange, New Jersey (1972-1974).

Member, Priests' Senate, Archdiocese of Newark (1973-1974; 1982-1984).

Resident Defender of the Bond, Ecclesiastical Tribunal Archdiocese of Newark (1960-1961; 1972-1974).

Episcopal Vicar for Hudson County Archdiocese of Newark, (1971-1972).

Vicar Delegate of Military Ordinariate, for all Roman Catholics in Government service (military, diplomatic, etc.), for entire Mediterranean Area (1974-1979).

Member, Academic Senate, Gregorian University Rome, Italy (1974-1979).

Member, Presbyteral Council of the Diocese of Rome (1979) (Appointed by Ugo Cardinal Poletti, Vicar of Rome).

Member, Pontifical Pastoral Council, "Peregrinatio ad Petri Sedem," Rome, Italy (1976-1979) (Appointed by Secretary of State—Vatican City).

Monsignor Darcy has written the following:

"Concept of Prejudice in Contentious Cases in Ecclesiastical Courts," Gregorian University, Rome, Italy (1960).

Numerous editorials and articles, the Advocate (official newspaper of the Archdiocese of Newark).

Series of articles on the Revised Code on Canon Law, the Advocate (1983).

Monsignor Darcy is a member of the Canon Law Society of America and Catholic Theological Society of America.

Monsignor Darcy is the recipient of two honors bestowed on him, Honorary Prelate, 1971 and Chaplain of His Holiness, 1962.

Monsignor Darcy was born in Newark, NJ, on July 10, 1929, and ordained to the priesthood on December 8, 1954, in Rome, Italy.

His report on the 33d Annual National Security Seminar, conducted on July 1, 1987, by the U.S. Army War College, at the historic Carlisle Barracks, PA, is as follows:

NATIONAL SECURITY SEMINAR, JULY 1, 1987

(By Rev. Msgr. Harold P. Darcy)

I have just completed participation in the Thirty-Third Annual National Security Seminar conducted by the U.S. Army War College, at the historic Carlisle Barracks, Pennsylvania. It truly was a unique experience for me and I thought it might be of interest to share some information and some thoughts regarding it.

I suspect that many might wonder why the U.S. Army senior institution in its educational and professional system is still known as the "War College"; after all, did we not change the title of the "Department of War" to the "Department of the Army"? Good question, but then the War College was founded in 1901 by Elihu Root, who served the United States as Secretary of War, Secretary of State and Senator, and its mission was ordained to be ". . . not to promote war, but to promote peace by intelligent and adequate preparation to repel aggression. . . ." So, war must be studied and understood, if we are to advance and enhance the cause of peace. The chief purpose of military power in the future may not be so much to win wars as to avert them. Poignantly implausible though it may seem at times, it may still be possible to close permanently the doors of the Temple of Janus, to have the lion lie down with the lamb, to beat swords into plowshares.

The U.S. Army War College has as its own goal—one which it meets very well—the professional education of perceptively selected young men and women (officers of the rank of Lieutenant Colonel and above) from diverse fields of military service and from some agencies of government. Graduates of the College are prepared to assume positions of high command and staff duties in areas of major responsibility. Over the past several decades, a few of the well known graduates, who have distinguished themselves in the service of the United States, have been: President Eisenhower; General of the Army Bradley; Fleet-Admiral Halsey; Generals Abrams, Haig, Lemnitzer, Patton, Ridgway and Taylor; Air Force Generals Kenney and Vandenberg; Generals Cates and Lejeune of the Marine Corps; and Ambassadors Davies, Underhill and Troxel. It may be of interest to note that the U.S. Navy and the U.S. Air Force also have their own War Colleges: Navy—Rhode Island; Air

Force—Alabama. There is also a National War College in Washington, D.C., which enrolls students from all branches of the Military Services.

The academic year at the College consists of a ten-month course of study which, like Caesar's Gaul of old, may be seen as divided into three parts: a common overview, advanced studies, research projects and strategic studies dealing with the preservation of peace and national security. The students are asked to design and develop alternative approaches to resolving situations and issues not yet with us, but that will surely arise during the next decade.

The culmination of the entire course of study is the National Security Seminar in which the students have an opportunity to integrate in broad vision the countless concepts that comprise the national security challenge. In a free society, the proper use of power, military or of some other genre, is critical. Power has its price. It is one reality to be preponderantly powerful and quite another to know how to use power judiciously. In this, as in so many other areas of human life and concourse, imaginative and harmonious collaboration between qualified specialists and knowledgeable generalists is utterly necessary.

The National Security Seminar is a privileged forum in which distinguished speakers discuss their views on issues of importance to the security and welfare of the United States, with the students, international fellows (military officers invited from various countries throughout the world), faculty and guests chosen from all the regions of our country and the varied fields of life and effort that sustain it. Obviously, the ensuing variety of expressed views and opinions should prove beneficial to all involved and particularly to the students as they prepare to serve ever more effectively and sensitively. It is hoped that the total event will increase, in a special way, the students' understanding of our society, the issues it encounters and the forces and trends that will inevitably influence the decisions that will have to be made in the future. Discussions during the Seminar develop vigorously and critically. Even the presentations of major speakers, e.g. Vice Chairman of the Joint Chiefs of Staff and of the Army Chief of Staff, do not and are not expected to escape incisive, though germane, questioning, probing dialogue and subsequent debate.

The measure of confidentiality that is deemed appropriate is insured by the Non-attribution Policy of the College; one may speak later in a general way about what was discussed in the Seminar but no statement is to be attributed to anyone without permission of the College. This, of course, guarantees to all present an atmosphere that is open, free and spontaneous and gives rise to frank exchange in expression, thought and opinion.

Each day the Seminar deals with a specific theme: international issues as they relate to national security, major domestic issues as they impact on national security, defense issues, United States Army issues. Voluntary evening sessions are offered in order to consider specific topics in greater detail. Additionally, there are voluntary lunchtime sessions. In all, the National Security Seminar is a very intensive event!

For me, the National Security Seminar was one of the most profound, salient and rewarding occurrences of my life. While the day began at 5:00 a.m. and ended usually after 11:00 p.m., the time and effort I gave to it were far less important than what I gained from it. The depth and breadth of study and dialogue were invigorating and challenging and the Commandant, his Deputy Commandants (one a career foreign service officer with the rank of Ambassador, from the Department of State, and the other a general in the U.S. Army, the staff, the permanent faculty and the students were most gracious and enlightening.

Some factors in particular had a special influence on the atmosphere of the Seminar: the high level of intelligence and culture of the young officers—almost all have a Masters Degree and many have two Masters Degrees, which in the academe is usually considered equivalent to a Doctorate; recognition of the prime necessity of pursuing negotiations leading to the controlled reduction of armaments through verifiable treaties—the powerful force of trust has to be built, however painstaking and plodding the process may be. Perhaps one would be surprised to find among the student body of the War College knowledge of the pastoral letter of the National Conference of Catholic Bishops (1983), "The Challenges of Peace: God's Promise and Our Response," but there it was in good measure, as was familiarity with the "Just War Theory." As mentioned earlier, the modern military officer is being prepared well to serve society.

Naturally, we would expect to find the virtue of patriotism held in high regard at the U.S. Army War College and there is no disappointment; it is there, alive and well, and not gone out of style. We give honor and respect, love and loyalty to our country. True patriotism, of course, includes the expectation that our country will always play her role well in world affairs, striving faithfully to actualize her potential as a creator of peace and worker for justice for our fellow human beings in other lands. Our attention must be directed to the good of the whole human family—all races, people and nations.

We live in an interdependent world and interdependence demands trust, which in turn needs a long time to develop. Trust does not come about overnight. Meanwhile, every human being, either as an individual or a member of society, rightly seeks security and well-being. There is no doubt that if the struggle by the state is for pervasive power alone, then future conflict is ensured.

The removal of nuclear weapons and even of so-called conventional weapons, crucial though it may be, is not enough. Much more has to be accomplished. War should belong to the past but isn't it true that we too often think of peace, at least subconsciously, as merely the absence of war? Obviously, we cannot accept this inadequate notion. Rather, "Peace involves mutual respect and confidence between peoples and nations. It involves collaboration and binding agreements. Like a cathedral, peace must be constructed patiently and with unshakable faith" (Pope John Paul II, Homily at Bagington Airport, Coventry, England—1982).

What is required now, and will be all the more so in the years and decades to come, is a whole new mode of mind, even anteriorly to a new way of thinking. Our minds must be irrevocably committed to the earnest entreaty of Pope Paul VI at the United Nations on the Feast of St. Francis, Apostle of Peace, October 4, 1965: "No more war; war never again."

Hope? Of course. Faith? Certainly. Promise? Indeed! Why? Because when the End-Time comes, that time for which we must be ready, there will, indeed, be a final and precious kingdom, the one set forth for all time by the author of the Book of Revelation (21:1-5): "Then I saw new heavens and a new earth. The former heavens and the former earth had passed away, and the sea was no longer. I also saw a new Jerusalem, the holy city, coming down out of heaven from God, beautiful as a bride prepared to meet her husband. I heard a loud voice from the throne cry out: "This is God's dwelling among men. He shall dwell with them and they shall be his people and he shall be their God who is always with them. He shall wipe every tear from their eyes, and there shall be no more death or mourning, crying out or pain, for the former world has passed away." The One who sat on the throne said to me, "See, I make all things new!" Then he said, "Write these matters down, for the words are trustworthy and true!"

Monsignor Darcy has given a life of service to God and man and I am sure my colleagues here in the House of Representatives are pleased to share his report.

A TRIBUTE TO MRS. JAQUELINE JACKSON

HON. GUS SAVAGE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesay, February 24, 1988

Mr. SAVAGE. Mr. Speaker, I rise today and ask my colleagues to join me in recognition of and to pay tribute to Mrs. Jaqueline Jackson. The wife of Democratic Presidential candidate Jesse Jackson, Mrs. Jackson is both an outstanding speaker and a lifelong peace activist in her own right.

Born to a Florida migrant worker, Mrs. Jackson attended North Carolina A&T University in Greensboro. From there, she left to marry and raise a family. Her passion for human rights has taken her to the Middle East, Europe, Africa, Central America, and throughout the United States. Having met individually with numerous world leaders from the Middle East to Central America, Mrs. Jackson's foreign travels often served as forerunners to her husband's own factfinding missions. An outstanding speaker in her own right, Mrs. Jackson has campaigned vigorously for both her husband and the betterment of our world. Yet in spite of her travels and numerous international responsibilities, she still lists her primary vocation as "Mother" to the couple's five children.

Mrs. Jackson's commitment to peace and an improved quality of life stems from her unwavering faith in God as well as her conviction to "love thy neighbor as thyself." She best reflected these sentiments in a recent speech. She said, "For the gift of life, I am blessed. To whom much is given, much is required. I therefore have the responsibility to do and be the very best that I can."

To Mrs. Jackson, I give my finest of wishes as she continues her quest for peace, jobs, and justice.

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SINGAPORE'S UNFREE PRESS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. PORTER. Mr. Speaker, at the end of last year, the Singapore government, operating under section 16(1) of its Newspaper and Printing Presses Act, cut the weekly circulation of the Far Eastern Economic Review [FEER] from 10,000 to just 500 copies. This extraordinary action was taken, according to Singaporean authorities, because FEER was supposedly engaging in Singapore's internal political affairs. In all, since 1986, when the Newspaper and Printing Presses Act was amended to allow the government to "gazette", or restrict, foreign newspapers, four publications have had their circulations cut.

Besides FEER, the government has gazetted Time, Asiaweek, and the Asian Wall Street Journal, all for "engaging in the domestic politics of Singapore". While Time has had its circulation restored, the other three publications are allowed a combined 1,300 weekly circulation compared to the 23,000 before they were gazetted.

Ironically, the current debate surrounding FEER grew out of the criticism the government received after it detained 22 persons in May and June of last year. On December 17, FEER ran a story based on Roman Catholic Priest Father Edgar D'Souza's account of a meeting between government and church officials immediately following the detentions. Needless to say, the government disagreed with the tone and content of the article, and wrote several letters, which the journal promptly published, expressing these concerns.

Since then, the situation has escalated into a running battle between government officials who wish to ensure that foreign journals print only material that is "objective and without distortion", and the FEER's attempt to cling to its right to publish freely. Prime Minister Lee Kuan Yew is suing FEER for libel, and the journal is presently planning to pull its entire circulation from Singapore.

Last month, the government amended the Printing and Presses Act again to allow the photocopying and sale—without profit—of publications whose circulation it has restricted. FEER responded by offering to distribute copies of the magazine in Singapore without advertisement and not for profit. Meanwhile, our State and Commerce Departments have let it be known that such an amendment subverts Singapore's copyright law which was passed at United States urging last year. Their action is also probably a violation of the recently agreed to United States—Singapore copyright agreement.

Mr. Speaker, democracies must handle dissent according to democratic principles and practices. While the government claims the new photocopying amendment will ensure the free flow of information inside Singapore, by any other name it is a ban, because press freedoms entail not only the freedom to distribute but the freedom to receive information as well.

A country's stability and confidence are created by allowing information to flow freely, not by restricting journals whose views are at odds with the government's. Such restrictions display an insecurity which is unbecoming of a strong democracy and ally of the United States like Singapore.

BANKRUPTCY ISSUES

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. MOORHEAD. Mr. Speaker, our colleague from New York [Mr. FISH], the ranking minority member of the Committee on the Judiciary, recently addressed the American Bankruptcy Institute's Second Annual Midwinter Leadership Conference. His remarks outlined the historical transformation of bankruptcy, described dilemmas Members of Congress face in considering bankruptcy legislation, and emphasized the need for a reexamination of the chapter 11 reorganization process.

This speech provides helpful perspective for Members of Congress and others interested in the subject of bankruptcy reform. Mr. FISH'S discussion of the academic literature gives insightful intellectual context to bankruptcy issues Members of Congress confront.

I am pleased to commend this address to your attention.

ADDRESS OF HON. HAMILTON FISH JR., TO AMERICAN BANKRUPTCY INSTITUTE 2ND ANNUAL MID-WINTER LEADERSHIP CONFERENCE, FEBRUARY 17, 1988

I welcome the opportunity to address an organization that is promoting wider understanding of the bankruptcy process and greatly assisting the Congress in its consideration of the implications of a variety of law reform proposals. Your diverse membership facilitates a robust exchange of views that can provide important perspective on bankruptcy problems. Those of us in the Congress appreciate your newsletters, your studies, and your legislative briefings—and we value your counsel and insight.

The field of bankruptcy has experienced dramatic changes. William Blackstone observed in 1766 that the laws of England "allow the benefit of the laws of bankruptcy to none but actual traders . . . if persons in other situations of life run in debt without the power of payment, they must take the consequences of their own indiscretion, even though they meet with sudden accidents that may reduce their fortunes; for the law holds it to be an unjustifiable practice, for any person but a tradesman to encumber himself with debts of any considerable value."

Fortunately, two centuries later, we have bankruptcy laws of broader applicability—and we treat debtors more humanely.

Bankruptcy, a subject that apparently was an afterthought to the framers of our Constitution, has become one of the more important congressional powers for fashioning responses to economic problems in twentieth-century America. Joseph Story tells us in his Commentaries on the Constitution that "[t]he power to pass laws on the subject of bankruptcies was not in the original draft of the constitution . . ."—and Charles Warren recounts that "the subject of bankruptcy was not considered in the Federal Convention of 1787 until a very late date in its proceedings, when, on August 29, Charles Pinckney of South Carolina moved to commit the Full Faith and Credit Clause . . . with an addition" relating to bankruptcies. We have not even had a national bankruptcy law for approximately one-half of our history as a nation. Professor Thomas H. Jackson observes in his book, The Logic and Limits of Bankruptcy Law, that "only with the 1980's has [bankruptcy law] grown in popular and legal prominence. As it becomes more visible, bankruptcy law has become more controversial and its perceived usefulness more widespread."

Dramatic increases in bankruptcy filings—including multi-billion dollar corporations seeking the protections of the bankruptcy code—underscore the profound economic impact of the bankruptcy process. The Wall Street Journal tells us that "the surge in court-supervised reorganizations of such companies as Manville Corp., A.H. Robins Inc. and Texaco Inc. has elevated [bankruptcy lawyers] to a starring role in the profession." Bankruptcy lawyers today must not only have a detailed knowledge of the Bankruptcy Code but also a clear perspective on the interrelationships between the law of bankruptcy and such diverse subject areas as taxation, environmental law, tort law, and labor law. Bankruptcy judges must hear and decide an overwhelming number of cases—undoubtedly a major factor contributing to the high attrition among judges. The complexity of many of these bankruptcy cases makes the recruitment and retention of outstanding judges a high governmental priority.

This audience, however, does not need to hear more about the bankruptcy landscape from a Member of Congress. You experience it first-hand from a variety of perspectives. Your invitation, however, affords me the opportunity to reflect on my role as a legislator in this burgeoning field. The temptation, of course, is to focus on specific proposals for code amendments: should we, for example, carve a new exception to the automatic stay, make a specified category of obligations nondischargeable, or accord priority to certain categories of claims? The frenetic pace of racing from one subcommittee to another—from one subject to another—makes it easy to overlook the conceptual context of our work.

Later today I know you will be hearing about specific legislative developments as well as the nationwide implementation of the United States Trustee Program. At your luncheon I thought I would try to look at the subject of bankruptcy law revision from a broad perspective and identify two major dilemmas Members of Congress confront.

Firstly, Members of Congress face the dilemma of differentiating between legitimate and illegitimate objectives of bankruptcy law reform—identifying appropriate versus inappropriate goals. A series of questions comes to mind: should bankruptcy, which is primarily a debt collection mechanism, ever serve as a vehicle for a major substantive reallocation of rights? What are the limitations on the efficacy of seeking remedies to problems through bankruptcy code amendments rather than through amending state law or federal nonbankruptcy law? Is it unacceptable for the bankruptcy code, in pursuit of federal policy objectives, to alter the value of rights recognized by state law—or are the processes of bankruptcy sufficiently different from state law collection mechanisms to render comparisons of state and federal rights spurious?

The academic literature may be helpful in thinking about these questions. Professor Thomas Jackson [Harvard Law School] argues that "whenever bankruptcy law changes the relative value of nonbankruptcy rights, incentives are created for inappropriate uses of the bankruptcy process." Professor Douglas Baird [University of Chicago Law School], who often writes with Jackson, concludes that "[a] debtor in bankruptcy should have the same legal obligations as everyone else, and one should also turn to nonbankruptcy law to determine the priority of these obligations relative to other prebankruptcy obligations . . ." Professor Elizabeth Warren [University of Pennsylvania Law School], however, challenges this approach. She writes:

". . . [O]utside bankruptcy, it is not clear as an empirical matter whether losses are distributed according to the state law scheme or according to creditor strength, debtor favoritism, or some other factor. . . .

"Baird ignores the fact that the way state collection law operates outside of bankruptcy is fundamentally different from the way it operates when grafted onto a bankruptcy system."

The academic debate provides background for discussing the legislative dilemma. We recognize, on the one hand, the importance of bankruptcy as a debt collection mechanism that restrains individual creditors from engaging in a race that can damage the value of an enterprise and reduce the recovery for creditors collectively. We do not want debtors or individual creditors to view bankruptcy as a stratagem to improve the positions they occupy under nonbankruptcy law; bankruptcies that do not advance the interests of creditors collectively can have negative economic consequences. When we devise principles governing the distribution of assets, on the other hand, we want to be able to take into account the equities of particular kinds of claims, the special hardships incident to certain benefit terminations, and—far from unimportant—the impact on communities of facilitating successful reorganizations.

The second dilemma we face as Members of Congress relates to how we evaluate widely divergent predictions of the likely impact of bankruptcy law changes on behavior. Legislative efforts to safeguard health, disability and death benefits in bankruptcy provide an example. During the last session the House and Senate each passed legislation (in slightly different form) that gives retiree benefit payments in reorganization cases the status of allowed administrative expenses—thus according them priority over all other categories of unsecured claims. Uncertainty, however, surrounds the impact of administrative priority treatment for retiree benefits on the willingness of third parties to provide businesses in reorganization with necessary goods and services—and on the confidence of workers that they will be paid for future work. The major issue is whether administrative expense status is consistent with the goal of facilitating reorganization.

The Congress—and here I generalize—faces the dilemma of evaluating—without the benefit of empirical data—how groups will respond to legislative remedies or be affected by them. If we expand the exceptions to discharge in chapter 13 cases, for example, will we encourage significant numbers of debtors to petition for relief under chapter 7 [Liquidation] rather than chapter 13 [Adjustment of Debts]? If we carve an exception to the automatic stay for a particular category of claim, will we inflict harm on the debtor or other creditors to an extent that outweighs the interest in permitting certain collection efforts to go forward?

A recent article in Law and Contemporary Problems by Sullivan, Warren and Westbrook notes the "striking fact that empirical research has played almost no role in the development of bankruptcy policy." The American Bankruptcy Institute is to be commended for recognizing the importance of empirical data to an informed exercise of legislative judgment—and for taking the initiative to provide it to us on subjects we addressed in 1984. I agree with the authors of the article in Law and Contemporary Problems that "knowledge is better than ignorance and that data gathered systematically and carefully will raise the level of policy debate and improve its conclusions."

At this point let me suggest a subject area for detailed study. In my view, the reliance on chapter 11 by a number of multibillion dollar corporations underscores the importance of congressional reexamination of the reorganization process.

Members of the public often have difficulty understanding why major viable companies like Johns-Manville Corp. and A.H. Robins Co. find it necessary to seek the protections of the Bankruptcy Code when confronted with enormous potential tort liability—in one case because of asbestos related claims and in the other case because of claims related to the Dalkon Shield. Delay in filing under chapter 11, however, helps early claimants at the expense of later claimants—a preference for the victims who suffer first that may be inappropriate as a matter of public policy. Timely filing under chapter 11 may promote a fairer result for claimants collectively.

Flexible interpretations of current bankruptcy law to accommodate victims with non-manifested injuries as well as victims with manifested injuries seem fairer than following the first come-first served principle applicable outside of the bankruptcy context. Professor Frank Kennedy, referring to mass tort cases, concludes that "[t]he bankruptcy court still is the best forum we have for resolving the conflicting claims. . . . [I]t affords all the interests entitled to protection the best assurance of fair treatment."

A recent law review article suggests that "tort victims be given a superpriority over all other claimants of the debtor." We must ask in response, however, what effect this would have on the willingness of potential creditors to do business with a company that could face future tort claims. What is the effect on the potential for rehabilitation of a debtor if it cannot offer assurances of repayment to entities that engage in business with it in the future? The tort victims themselves, as well as other creditors, may suffer if the business cannot reorganize; the assets available to pay claims may be diminished. We also legitimately can ask whether a superpriority for tort victims in bankruptcy provides an incentive to victims to force companies into bankruptcy—at least where state law does not recognize a preferred position for tort claims outside of bankruptcy.

Corporations facing multiple claims may conclude that they have to resort to bankruptcy because of the high costs of litigating thousands of claims outside of bankruptcy. But we may not want corporations to resort to bankruptcy in order to have access to an expedited claims resolution process absent corporate economic distress. Thought should be given to providing less costly mechanisms for resolving mass tort claims outside of bankruptcy—thus removing a major incentive for seeking bankruptcy protection.

Together those of us with an interest in bankruptcy have much work to do in the years ahead. We must do a better job of clarifying for ourselves and the general public the extent to which problems associated with bankruptcy can be addressed by the Code. We must clearly distinguish problems that are unavoidable concomitants of financial distress and cannot be improved by changes in the bankruptcy code—from problems that are amenable to improvement through bankruptcy law reform.

We need to look beyond the specifics of legislative proposals to inquire into the appropriateness, from a federal bankruptcy law perspective, of our goals and objectives.

We should seek to encourage empirically based bankruptcy research to aid us in arriving at more informed judgments about the likely effects of legislative efforts.

Finally, we should seek to evaluate, in the light of a number of recent cases, whether the reorganization process requires modifications.

I am confident that this organization will make a major contribution towards the fulfillment of these objectives in the years ahead.

H.R. 4003, HEALTH CARE FOR THE HOMELESS ACT OF 1988

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. WAXMAN. Mr. Speaker, I am today joining Mr. LELAND, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI and Mrs. COLLINS in introducing the Health Care for the Homeless Act, H.R. 4003. This legislation would revise and extend, for the next 3 years, the Health Care for the Homeless Grant Program, under which 109 public and private nonprofit grantees throughout the country currently deliver outpatient services to the homeless.

In June of last year, the Congress enacted the McKinney Homeless Assistance Act, Public Law 100–77. This landmark, omnibus legislation contained several health care initiatives, including a categorical grant program for the delivery of primary care and substance abuse services to the homeless. That program, authorized at section 340 of the Public Health Service Act, makes grant funds available to public and nonprofit private organizations to deliver primary care, substance abuse, and, at the option of the grantee, outpatient mental health services to the homeless in their communities. The 340 program, as it is now known, was modeled after a successful 19-city demonstration program funded by the Robert Wood Johnson Foundation and the Pew Memorial Trust.

Funding for the 340 program was authorized at $50 million in fiscal year 1987 and $30 million in fiscal year 1988. Appropriations in each of those years were $46 million and $14.4 million, respectively. On December 1, 1987, and January 1, 1988, the Department of

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Health and Human Services made a total of 109 grants with $44.5 million of the fiscal year 1987 appropriation. The Department anticipates that the grantees will provide outpatient care to about 395,000 homeless men, women, and children. It is my understanding that the Department has just decided that the $14.4 million fiscal year 1988 appropriation will be used to provide continuation funding for some of the existing grantees; none of the appropriation will be used to start new programs in communities with unmet needs.

I would note in passing that the $14.4 million is obviously not sufficient to sustain all 109 grantees through a second year of operation; by December 1988, many of these grantees will need renewal grants of the size of their initial grants in order to maintain current services. I would also observe that the fiscal year 1988 appropriation is so low relative to the fiscal year 1987 level of $46 million because the fiscal year 1987 funds were not actually distributed to all grantees until January, 1988, one quarter into fiscal year 1988.

The authorization for the 340 program expires on September 30 of this year. Given the growth in the homeless population and the large unmet need for health care, I do not believe we can allow this program to expire. The legislation I am cosponsoring today will extend the program through fiscal year 1991, with funding sufficient to enable the existing grantees to continue meeting the needs of their communities, and to allow the funding of additional urban and rural communities with significant homeless populations.

Estimates of the number of homeless are notoriously hard to obtain, conservatively ranging from 1 to 2 million. Whatever the precise number, it appears to be increasing. In a 1987 survey of 26 major cities, the U.S. Conference of Mayor found that the demand for emergency shelter was up an estimated 21 percent from the previous year in all but one of the cities surveyed. The Mayors' survey found that, on average, 49 percent of the homeless were single men, 33 percent were families with children, 14 percent were single women, and 4 percent were unaccompanied youth.

The legislation Mr. Leland and I are introducing today would authorize $61.2 million for the 340 program in fiscal year 1989, $63.6 million in fiscal year 1990, and $66.2 million in fiscal year 1991. These authorization levels will provide sufficient resources to fund health care for the homeless projects in 150 communities at an average amount of $400,000 per year, with an adjustment for inflation of 4 percent per year. Thus, funding for the existing 109 grantees could be continued, and new funding could be provided for an additional 41 urban and rural grantees, allowing them to serve some 148,000 additional homeless people.

I recognize that the administration fiscal year 1989 budget proposal is far more limited: it would fund the program at only $15 million. This level of funding would support only 50 grantees serving about 130,000 people, a sharp drop from current program levels. Of the 109 current grantees, 59 would lose their current funding, leaving 260,000 homeless men, women, and children without access to outpatient health services. I can see no reason why more than half of the current grantees should lose their funding. I can see every reason why urban and rural communities that are not currently funded should have a reasonable opportunity to initiate a program.

The legislation being introduced today would make very few substantive changes in the current 340 program. As under current law, grantees would have to provide, or arrange for the provision of, primary care and substance abuse services for the homeless. Grantees could continue to determine the "mix" of services based on local circumstances. They could also, at their option, provide mental health services, as the majority of existing grantees have chosen to do.

The current requirement that grantees contribute 25 percent of program costs from non-Federal sources would remain in place in 1989. However, beginning in fiscal year 1990, non-Federal resources would have to be increased from one fourth to one third of total program costs. The purpose of this requirement is to assure that limited Federal funds are targeted on those communities that are willing to make a significant commitment of local public and private resources to the health needs of their homeless populations. I recognize that raising matching contributions is more difficult in some communities than others. However, it is important that the Federal funds under this program stimulate local efforts, not replace local dollars. To accommodate hardship situations, the Secretary of HHS would be authorized to waive the matching requirement (whether 25 percent or 33 percent) for nonprofit private applicants if it is not feasible for the applicant to comply.

While the Health Care for the Homeless Program is still in its infancy, if properly managed and funded, it will become one of the major legacies of the McKinney Act, easing the suffering and improving the health status of hundreds of thousands of our most vulnerable citizens. I would urge my colleagues to support this bill.

PUERTO RICO'S JOB-WELFARE PLAN

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. FUSTER. Mr. Speaker, I should like to point out to my colleagues today an innovative program in Puerto Rico that would have national implications for the Food Stamp Program. As you know, Puerto Rico's federally assisted nutritional assistance program has for several years switched over from food stamps to a food checks program in which cash benefits are mailed as checks to eligible recipients each month.

We have found in Puerto Rico that this new method has reduced administrative cost, eliminated fraud and tightened eligibility requirements for recipients. This system has worked well, and other States have modeled their proposed changes in their food stamps program after ours, the most recent of which is Alabama.

Now, we in Puerto Rico are going a step further. Our Governor, Rafael Hernández Colón, has just announced a plan in which Federal funds that are part of the Nutritional Assistance Program—or PAN—Spanish for "bread"—as we call the food checks system in Spanish—are diverted to job-producing activities. It is called "PAN and Work." As an example, a locally owned jackets and jeans manufacturing firm, situated in the economically depressed mountain town of Orocovis, is scheduled to receive a wage-subsidy paid from the diverted nutritional assistance funds of up to 25 percent of the wages of all employees who are recruited from the PAN ranks.

These are the people who used to receive food stamps under the initial program in Puerto Rico but who then were switched over to food checks.

Governor Hernández Colón is setting aside $44 million of the NAP funds for this new subsidy plan for job-producing activities, particularly in such remote towns as Orocovis, where unemployment is unusually high. The subsidy plan thus has several benefits, as was pointed out in a February 11 editorial in the San Juan Star. For one thing, the company is encouraged to hire more workers. For another, the workers get the chance to earn more money at a job than they were getting by simply collecting welfare. Lastly, the food checks rolls will be gradually reduced.

The subsidy operates on decreasing basis over a five-year period. During that time, the employer's business should be growing, which means that many more people should get use to working. Governor Hernández Colón, in announcing the bold new incentives program in Orocovis, noted that thousands of welfare recipients had applied for the new jobs created by the wage subsidy program, many more than could be hired immediately. This is clear proof that the poor in Puerto Rico want jobs, not welfare. If this jobs-for-welfare plan works out as well as it has begun, we will be expanding it substantially in the island.

The whole thing is an idea whose time has come, and I commend it to the attention of my colleagues across the Nation.

THE INTRODUCTION OF THE SMALL BUSINESS INVESTMENT INCENTIVE ACT OF 1987

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. FLIPPO. Mr. Speaker, I am taking this opportunity to introduce the Small Business Investment Incentive Act of 1987. This legislation will encourage taxpayers to invest in the crucial underpinning of our economy—small business.

The concept for the bill was originated by Harvey Goldstein, a conscientious, civic-minded certified public accountant in California, who was frustrated by a tax system that has his clients searching for tax shelters for their investments while promising small businesses struggle to secure capital. It also seems incongruent that our capitalistic society

allows tax write-offs on business failures but imposes taxes on investments in successful businesses.

The Small Business Investment Incentive Act reconciles these inconsistencies by allowing investors to defer taxes on up to $25,000 ($50,000 on joint returns.) By providing this tax break to investors in qualified small businesses, the Small Business Investment Incentive Act gives investors the incentive to support our small business community.

The current tax structure makes investing in small business an unattractive, high-risk venture, which puts small business operators at a disadvantage. In a time when a top priority should be maintaining a healthy economic balance we cannot afford to neglect the small business sector.

Small business employes at least half of all workers in the United States and small firms are 24 times more innovative—creating more patents and inventions—than large firms, according to the Small Business Administration.

In Alabama, 88 percent of all businesses have 20 or fewer employees. Alabama's small businesses won $622,989,000 in Federal contracts in 1985, and small firms in the State contributed the majority of net new jobs (more than 15,400) between 1982 and 1984.

Small business gives the American economy its strength, versatility and pioneering spirit, and with consumers still wary of the financial forecast for the coming year, the country needs a healthy, growing small business community.

This issue is therefore of paramount importance for the 100th Congress. It is imperative that small business be encourged in order for the United States to fend off foreign competition and to keep the economy stable. The legislation I am introducing is a commonsense means of coping with the foremost problem of small business owners—raising capital.

Safeguards, built into the act, will prevent misuses or abuses of the legislation. For instance, a small firm can sell no more than $300,000 of stock under this program and one investor can own no more than 50 percent of the company's stock to prevent this plan from being used as an arbitrary tax shelter. The funds used to purchase stock must go directly into the company to ensure that additional capital goes into the company where it will do the most good.

Mr. Speaker, I am confident this 100th Congress will give this bill the careful consideration it deserves. It is an important measure and I look forward to working with my colleagues to perfect the legislation in the coming months.

THE CHILD CARE SERVICES IMPROVEMENT ACT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I am proud to introduce the Child Care Services Improvement Act. This bill is a powerful, practical, affordable, and long-term solution to one of the most serious problems facing American families.

The economic strength of our Nation depends on our commitment to assuring a work force that is both well trained and of sufficient size to support growth. Today, women are a critical component of that work force. Their full participation requires that quality child care be available for their children.

Since 1950, women's participation in the labor force has tripled, but support for the children of working mothers has not. The Labor Department has estimated that as many as 20,000 children under the age of 3 are unsupervised at least part of the day. Increasingly, stories appear in our newspapers of parents dropping children off at public libraries because they cannot afford after-school care, or of children condemned to destructive care because parents have no choice of providers.

The Child Care Services Improvement Act takes the necessary steps to increase the supply of affordable, quality child care across the country without restricting the variety of kinds of care that working families need.

It expands the supply of care by providing grants to help child care facilities get established, eliminating liability insurance and tax code barriers that discourage prospective child-care providers from entering the profession, and by assisting family-based providers in financing the home improvements necessary to become licensed. It seeks to increase the buying power of low-income working families by allowing States to provide sliding-fee scale child care certificates or scholarships.

Finally, through tax incentives to business and parents, the bill encourages the adoption of strategies that will minimize the need for child care. The demographics of the work force demand creative approaches to work schedules and employee benefits that recognize parents must spend time with their children as well as work.

The Child Care Services Improvment Act is a fundamentally different approach from any bill introduced so far. It is affordable, even in these deficit-ridden years. While it requires that Federal dollars flow to providers who meet State standards, it does not preempt this critical State responsibility. It targets our limited Federal resources specifically at expanding day-care slots and seeks to better utilize existing resources for improving training and referral systems.

Title I establishes a $250 million block grant administered by the States which will provide grants for communities, nonprofits, small business, educational institutions, and others to increase the supply of licensed or accredited child care, providing certificates and scholarships for child-care assistance to low-income families; loans to businesses to fund the start-up costs of employer sponsored programs; sick child programs; and, after-school care.

Title I also requires States to develop strong outreach programs to help parents evaluate their day-care provider and understand the importance of their active involvement in monitoring quality. The Outreach Program assures providers access to training, technical assistance, or information on licensing standards, nutrition programs, and other important resources. It includes as well as a 2-year old harmless provision designed to encourage underground family child-care providers to join the system by allowing them to continue to provide services while they are in the process of becoming accredited or licensed.

Title II addresses the liability insurance crisis that has plagued child-care providers in recent years. Finding affordable liability insurance has become a major problem, discouraging potential providers from entering the child-care field, and forcing many out of business or to go unlicensed. Liability concerns are a major reason why more businesses are unwilling to participate in developing child-care projects.

Title III authorizes $100 million to States to establish child-care liability insurance pools under the Risk Retention Act.

Title IV makes $25 million available for State-administered revolving loan funds to help home-care providers finance the capital improvements necessary to become licensed. It is one thing to mandate licensure for all necessary day-care homes; it is quite another to provide individual women caring for children in their homes with the resources to meet standards. This bill addresses the problem head on to increase the availability of licensed or accredited day care throughout our towns and cities.

Title V simplifies the tax treatment of family child-care providers, replacing the requirement to file quarterly gross icome and Social Security taxes with an annual filing requirement. Moreover, family child-care providers are currently treated as self-employed individuals, and are required to file both the employer and the employee share of SECA taxes. Our bill would eliminate one-half of the payroll tax for home-based providers. By streamlining the tax treatment of these small providers and reducing the mountain of IRS redtape, my bill eliminates some of the disincentives to becoming a child-care provider or operating above ground.

The Child Care Services Improvement Act recognizes and encourages the integral role the private sector must play if there is to be a sufficient supply of child care to meet the demand. Barely 5 percent of employers now sponsor day-care centers or help their employees pay for care. The bill authorizes a tax credit for companies which sponsor onsite child-care facilities; requires dependent care to be a part of a cafeteria plans; and, creates an annual awards program that will recognize businesses that adopt personnel policies that enable employees to reduce their needs for child care.

This bill is the companion to legislation introduced yesterday by Senator ORRIN HATCH. I have been proud to work with Senator HATCH, and this bill reflects his strong and longstanding commitment to the well-being of children and families. The Child Care Services Improvement Act is a giant step toward assuring that America's families will be strong in the future. It is a balanced and pragmatic approach that encourages the development of a wide variety of child care settings—the variety upon which parents and children depend.

LOSING A GREAT AMERICAN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GINGRICH. Mr. Speaker, on January 18, 1988, a great American died. William J. Yohannan, known affectionately as "Yogi," came to this country in 1929 from Persia after losing everything but his self-respect, his faith in God, and his dream of becoming an American citizen. In 1 day 17 of his family had been killed during the massacre of a Christian village by Turkish radicals. Having hidden under the bodies of the slain, including his grandmother's, he was later rescued by a Presbyterian missionary who saw to it that the young boy received care from an aunt, education at the mission school, and a chance to pursue his American dream.

Exactly 5 years after arriving at Ellis Island, Yogi was granted his coveted citizenship and 3 years later married Marguerite Sargis, also a native of Persia. After the attack on Pearl Harbor, Yogi enlisted in the U.S. Navy and was sent to the South Pacific, where he served his adopted country with courage and dedication. After the war, he became the first civilian manager of a Naval Officers' Club at the Naval Air Station in Marietta, GA. Widely known and respected in the Atlanta area, he became manager of the Piedmont Driving Club and then of Yohannan's Restaurant. During this period he played an important role in the quiet desegregation of Atlanta restaurants. Although he had little free time to enjoy it, Yogi was an ardent fisherman. In 1968 he and his wife moved to Savannah where he opened and became the first manager of the Chatham Club. Several years of declining health culminated in his death at the age of 78.

Yogi Yohannan was indeed a great American, because he never took his treasured citizenship for granted. Out of the turmoil of his early years there emerged from the heart of that poor immigrant lad, a deep appreciation for freedom. Those who were fortunate to have known him have found their lives enriched by his loyal friendship, his winsome personality, his gratitude for the opportunity to work, his religious convictions, his patriotism, and his loving concern for others.

MR. ORBIN "LEO" HILL: KENTUCKY BLIND WORKER OF THE YEAR

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. MAZZOLI. Mr. Speaker, as a proud cosponsor of legislation honoring the 50th anniversary of the enactment of the Javits-Wagner-O'Day Act, which provides meaningful employment to the blind and severely disabled, I wish to call to the attention of my colleagues the achievements of Mr. Orbin (Leo) Hill, recipient of the Kentucky Industries for the Blind "Worker of the Year Award" for 1987.

Fifty years since its enactment in 1938, the Javits-Wagner-O'Day Act continues to provide employment and other support services to thousands of blind, multihandicapped blind, and other severely handicapped people throughout the United States. It has been a successful initiative which has provided gainful and remunerative employment to many who would otherwise have limited employment options. Mr. Hill is but 1 of 55 Kentuckians who benefits from this important program.

In his 19 years with the Kentucky Industries for the Blind, Mr. Hill has worked his way from a regular laborer to a supervisor. He currently oversees 19 blind employees working for 5 major industries in the Louisville area. In addition to being legally blind, he has overcome a hearing impairment and also must undergo physical therapy for hip and knee problems.

Each year the National Industries for the Blind, the central nonprofit agency for workships for the blind participating in the JWOD Program, selects one outstanding blind worker as the Peter J. Salmon National Blind Worker of the Year. Mr. Hill was recently nominated to receive this outstanding honor.

I salute Mr. Hill's for determination to succeed and his dedication to his work and wish him the best in the years to come.

GUND TOYMAKER CELEBRATES 90TH YEAR

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. DWYER of New Jersey. Mr. Speaker, I am pleased to bring to the attention of my colleagues the 90th birthday of Gund, Inc., which is located in Edison, NJ. Gund is the oldest producing soft toy company in the United States and is a leader in the development of innovative plush toys.

Gund is a family business, run by the Raiffe family. The Raiffe's are firm believers in a "hands on" management style, which is reflected in the tremendous success of their products. The business side of the company is run ably by Herbert Raiffe, while design responsibilities are under Rita Raiffe. Mrs. Raiffe reads National Geographic and periodically visits zoos to make sure that each Gund animal has the look and characteristics of the real thing. Marketing vice-president, Bruce Raiffe, represents the third generation to enter the family business.

Gund is a leader in establishing safety standards for its products. All Gund products are developed with child safety in mind. A tension test is conducted to ensure that all hard parts such as buttons are safely in place. Other tests include checking products for flame retardancy, machine washability and toxicity.

In 1986, the company established the Gund Foundation, which contributes soft toys to charities which help handicapped or underprivileged children.

Gund exemplifies the success that can be enjoyed by businesses dedicated to producing quality items that last. The company was a pioneer in the stuffed toy industry, and continues to grow with the development of new markets and products, such as its Kindergund line for infants.

Mr. Speaker, it is always encouraging to see family-run businesses excel in our marketplace. Gund's 90 years of operation testify to the company's talents and dedication to product quality. I am sure Gund will enjoy many, many more years of success in bringing satisfaction to its toy customers around the world, young and old alike.

PROGRAM HELPS BUSINESSES TO "JUST SAY NO" TO DRUGS IN THE WORKPLACE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GALLO. Mr. Speaker, today I want to share with my colleagues in the House the story of a New Jersey company that has made a solid commitment to join the war against illegal drugs in our society.

That company, Hoffmann-La Roche, is now in the process of reaching out to all of our Fortune 1000 companies seeking their support for the largest program ever conceived to fight against the abuse of illegal drugs in the workplace.

Recently, we were all reminded of the critical importance of efforts to stop drug abuse at the only point in the distribution process where it can be stopped effectively and permanently—with the user.

As long as there is a market for illegal drugs, there will be a supply. Efforts to cut supply lines have been unsuccessful because of the monetary incentive involved.

Hoffmann-La Roche recognizes this reality and is going to the heart of the problem by organizing the business community to take the threat of drug abuse seriously.

The U.S. Chamber of Commerce estimates that drug abuse problems in the workplace cost American companies $35 billion a year.

In his State of the Union address, President Reagan spoke of the critical social implications of drug abuse and called for a renewed commitment in the continuing crusade to encourage everyone to "just say no" to illicit drugs.

Until now, attempts to fight drug abuse in the workplace have foundered because there is no recognized standard for identifying and treating the victims of this national tragedy.

Through the formation of multicompany task forces, those standards will be allowed to evolve in the form of guidelines for action.

With union-management cooperation, these task forces will develop recommendations covering the medical impact, as well as the legal, legislative and regulatory environment, and the role of human resource professionals of our national fight against drug abuse.

Task force recommendations on these and other issues will be presented at a one-day national conference to be held later this spring.

The goal of the conference is to define appropriate business policies and programs to guide the handling of the challenging and complex issue of drug abuse.

Conference planners are working closely with organizers of the White House Conference for a Drug Free America to share insights and to develop a complementary approach to the common problem.

The White House Conference for a Drug Free America will be held on February 28. White House Conference Chairman Lois Haight Harrington has applied her great talent and energy to this important fight against drug abuse in our society.

I know that the findings of the White House Conference will provide a solid foundation upon which the multicompany task forces can build.

I want to take this opportunity to commend Hoffmann-La Roche president and CEO Irwin Lerner and his associates for their dedication to this difficult problem-solving task.

I also urge my colleagues in the House to encourage business leaders within your districts to take the time to add your voices to the debate by participating in this important effort.

BIG BROTHERS/BIG SISTERS APPRECIATION WEEK, FEBRUARY 21-27, 1988

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. SMITH of Florida. Mr. Speaker, I would like to take this opportunity to salute the big brothers and big sisters of our Nation during Big Brothers/Big Sisters Appreciation Week. This week, February 21-27, 1988, provides our Nation the chance to thank these caring men and women.

Big brothers and big sisters fill a much needed role created by the rising trend of single family homes. They are committed to the welfare of the youth in America. By offering their time and guidance, they serve as the surest hedge we have to protect our young people from straying into trouble and delinquency. In providing desperately needed care and support, big brothers and sisters show our young that we do care about them. Filling the role of a missing parent provides love and caring for the child and a deep sense of fulfillment to the big brother or sister.

We must remain firm in our responsibility to inculcate the value of family and love to the next generation of Americans. It is imperative that tomorrow's citizenry operate from an unbridled sense of confidence and optimism we instill in them today. This attitude will only come about through love and attention. Big brothers and big sisters serve as both a conduit and reservoir of these invaluable human resources.

I ask my colleagues to join me in honoring the big brothers and big sisters of our Nation.

MENTAL ILLNESS AWARENESS WEEK

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. WYDEN. Mr. Speaker, on behalf of a number of my colleagues and myself, I have introduced House Joint Resolution 464, to authorize the President to designate the week of October 2-8, 1988, "Mental Illness Awareness Week."

The purpose of this joint resolution is to focus public attention on concerns surrounding, and the advances made in, the treatment of mental illness. A "Mental Illness Awareness Week" resolution has been introduced, passed, and proclaimed for the past 6 years. Its purpose has been and is to educate the public that no one need to live with problems such as debilitating anxiety, panic, phobias, depression, or schizophrenia.

In any 6 month period 30 million adults and 2 to 10 million children suffer from mental disorders. This includes 1.5 million Americans suffering with schizophrenia, 9 to 16 million diagnosed with manic-depression, depression, or other depressive disorders, and of the elderly who are diagnosed as "senile," nearly one-fourth actually suffer from a curable mental illness. Additionally, nearly two-thirds of the AIDS patients in the United States will show symptoms of dementia, before they die.

Mental illness is an increasingly curable disease. The Institute of Medicine of the National Academy of Sciences states that the personal and social costs of mental illness, alcoholism, and substance abuse disorders are comparable to those of heart disease or cancer. Appropriate treatment of mental illness has been demonstrated to be cost-effective in terms of restored productivity, reduced utilization of health services and lessened social dependence.

Recovery from mental illness is a reality. Nine of ten patients suffering with major depression or anxiety can recover; 7 of 10 suffering from manic depression can return to normal lives; 5 of 10 with schizophrenia can improve and 1 in 4 can recover. Much of the progress in treatment can be attributed to major advances in clinical research in psychiatry. Research projects supported by the Alcohol, Drug Abuse and Mental Health Administration have made great strides in numerous areas.

The inspiration for "Mental Illness Awareness Week" comes from such groups as the American Psychiatric Association and the National Alliance for the Mentally Ill. The APA members conduct research and provide treatment necessary for those suffering from mental illnesses. The alliance, which was formed in 1979 for families with a mentally ill member, supports education, advocacy, and research in the mental health field.

Few diseases have the potential which mental illness does to disrupt the lives of both its sufferers and their family and friends. And, no other disease carries such a stigma. This nationwide effort was implemented to draw attention to the burden felt by the family and friends of those suffering from mental illness. Only through an increased understanding of the causes and the treatment programs available for this disease will the fear and ignorance surrounding mental illness be done away with.

"Mental Illness Awareness Week" provides us with the dual opportunity to reach out and help fellow Americans increase their understanding of this disease and help those afflicted with mental illness seek timely and appropriate care. Mental illness is worthy of our attention. I urge that my colleagues cosponsor this important resolution.

"A NIGHT FOR AFGHANISTAN" BANQUET HELD FOR RELIEF ORGANIZATIONS

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. KYL. Mr. Speaker, on February 20, I was honored to cosponsor and attend a banquet in Phoenix, AZ, to benefit relief organizations that are helping victims of the Soviet invasion of Afghanistan.

The banquet, "A Night for Afghanistan," was hosted by my friends Christopher and Sonia Cole of Phoenix, who did an outstanding job in organizing the event. Sonia Cole is herself an Afghan refugee. "A Night for Afghanistan" attracted concerned Americans from across the country, and raised over $165,000 for the Afghan Relief Committee and the International Rescue Committee which are involved in Afghan relief work.

By now, the story of the Soviet invasion of Afghanistan and the battle waged by freedom fighters there is well known. The Mujahideen have fought one of the world's superpowers to a virtual stalemate. As a result, the Soviets appear to be considering a withdrawal of forces from Afghanistan.

While our government aids the Mujahideen as a matter of policy, the importance of private aid for relief organizations working in refugee camps cannot be underestimated. Christopher and Sonia Cole deserve our congratulations for making life a little better for Afghan families who are enduring terrible hardships as their husbands, sons, and brothers battle the Soviet invasion.

HAPPY NEW YEAR, 4686

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. SCHEUER. Mr. Speaker, February 21, 1988 marked the beginning of the Chinese New Year, 4686 in the Chinese calendar. As a Member of Congress from the Eighth District of New York who proudly represents many constituents of Chinese descent, I would like to wish them, and all Chinese-Americans a happy New Year.

The new year is regarded as a time of new beginnings to be celebrated with family and friends. It is an opportunity for the Chinese to

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honor their ancestors and remember those who are dear to them by exchanging gifts and celebrating Chinese traditions and history.

This year is symbolized by the dragon which will bring peace and prosperity to the coming year. Those born in the year of the Dragon will receive good fortune throughout their lives.

Happy New Year.

HYDROFLUORIC ACID PRESENTS THREAT OF HAZARDOUS RELEASE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. LEVINE of California. Mr. Speaker, our Nation continues to confront environmental problems posing potential life-threatening hazards to millions of American citizens. We, as policymakers, must learn from the lesson of Bhopal, and from our own failure to clean up hazardous waste sites and correct environmental problems in our own country. Proper vigilance could save us billions of dollars in resources and protect the well-being of thousands of communities, large and small.

I recently learned that such potential dangers exist at three separate industrial sites within or near my own district, all of them industrial facilities which utilize a chemical called hydrofluoric acid [HF]. A December 13 article in the South Bay (CA) Daily Breeze states that HF is potentially more deadly than methyl-isocyanate, the chemical that caused the tragedy in Bhopal. HF is used to manufacture fluorocarbons and is the chemical catalyst that assists in the production of high-octane gasoline, through a process called alkylation. The Environmental Policy Institute estimates that the lives of over 2 million citizens living near these three facilities in my district would be endangered by a release of HF.

Two recent events warn us of the dangers of this deadly toxic chemical. In 1986, the U.S. Department of Energy and several energy companies cosponsored a test in the Nevada desert that was designed to simulate the accidental release of varying levels of HF. The test showed that HF was more toxic than originally believed, spreading downwind in a heavy gaseous cloud. People livng within 7.5 miles downwind would have been in a zone "immediately dangerous to life and health." Perhaps the most frightening conclusion of the test was that water spray was not an effective container of HF, as some experts had believed it would be. Dr. Ronald Koopman, the Department of Energy official overseeing the test, has sebsequently stated that water would only be 50-percent effective as a container of HF, and that considerable engineering advancement must occur before water could ever serve as a truly effective container.

The second event occurred October 30, 1987, when residents of Texas City, TX, experienced a real-life release of HF from a ruptured storage tank. Over 4,000 people were evacuated, and 1,000 required hospital care. According to several experts, these residents were extremely fortunate that prevailing wind conditions took the resultant HF cloud over open land away from population centers. According to Dr. Koopman, Texas City "came within a hair's breadth" of an accident "that could have killed thousands of people."

In light of these two events, a highly respected national group, the Environmental Policy Institute, held a press conference last December at which it urged refineries across the country to switch from HF to a much safer equal-performance alkylation substitute, sulfuric acid [H2SO4]. EPI went on to estimate that over 2 million southern Californians face unnecessary exposure to an HF disaster. In response to EPI's call for action, the board of directors of the South Coast Air Quality Management District has launched an investigation into the likelihood of such an accident occurring at the Los Angeles-area refineries, one of which has had a serious fire in just the last few months.

I think it is vitally important that these facts be brought to the attention of my colleagues. And I hope that as we prepare to consider improvements to the Clean Air Act, we examine this issue closely and take whatever steps are necessary to save this country from a preventable catastrophe of unthinkable proportions.

Three articles on the subject from California newspapers follow, which I include in the RECORD:

[From the Los Angeles Times, Dec. 5, 1987]

ALERT SOUNDED ON POTENTIALLY LETHAL REFINERY CHEMICAL

(By Larry B. Stammer)

Fifty-eight U.S. oil refineries, including three in the Los Angeles area, are using a potentially lethal chemical that could result in a Bhopal-like disaster threatening as many as 12 million people across the country, a Washington-based environmental group has warned.

Fred Millar of the Environmental Policy Institute issued the warning three years after the Bhopal disaster in India that resulted in more than 2,800 deaths. He urged local communities and residents to immediately embark on a "crash review" of all facilities in their area that use the chemical, hydrofluoric acid.

The three Southern California refineries identified as using hydrofluoric acid include the Mobil Oil refinery in Torrance that was the scene of a major explosion and fire Nov. 24. Plant officials said they believe there was no major leak of hydrofluoric acid in the explosion.

The other Los Angeles-area plants identified in the report are the Golden West Refining Co. of Santa Fe Springs and Union Pacific Resources in Wilmington, formerly known as the Champlin Petroleum Co.

A deadly cloud of methyl isocyanate escaped from the Union Carbide chemical plant in Bhopal on Dec. 3, 1984. Millar said a hydrofluoric acid accident could cause a "similar calamity."

While not disputing the potential dangers posed by the chemical, the American Petroleum Institute said in a statement released Friday in Washington that hydrofluoric acid has been used in the refining of gasoline since 1942. It is used today to boost the octane content of unleaded gasoline.

"The many companies using hydrofluoric acid have always been aware of the potential hazards of improper exposure or inadvertant release of hydrofluoric acid and have developed strict practices and procedures related to hydrofluoric acid operations," the API said in a statement relayed by Robert Getts of the Los Angeles-based Western Oil and Gas Assn.

The environmental organization said that based on new tests conducted in the Nevada desert, a 1,000 gallon spill of hydrofluoric acid could be lethal to those living within five miles of the refineries and "immediately dangerous to life and health" as far away as 7½ miles.

The group said there are 477,000 people within five miles of the Mobil refinery, 405,000 within five miles of the Union Pacific Resources refinery and 478,000 people within five miles of the Golden Western Refining Co. plant. Millar said residents in 70 communities, including Chicago, Philadelphia and Houston, face similar threats. He said the toxic acid is also used by the Energy Department in the production of nuclear weapons.

Last October more than 2,000 people were evacuated from their homes and more than 100 were taken to hospitals in Texas City, Tex. after a cloud of hydrofluoric acid was accidently released from a Marathon Oil Co. refinery there. No details of serious injuries resulted from the release; most of those hospitalized were treated for minor respiratory, skin and eye irritations.

The release occurred when a crane accidently dropped parts of an industrial heater it was carrying, shearing a pipe leading to into a storage drum containing the hydrofluoric acid.

"To the best of our knowledge," the American Petroleum Institute said Friday, "the release in Texas City on Oct. 30 was the most significant petroleum related incident in the United States involving hydrofluoric acid over its 45-year history of use in the petroleum industry."

Barry Berkett, senior vice president at Golden West Refining Co. in Santa Fe Springs, confirmed Friday that hydrofluoric acid is used there.

"We have very strick control conditions for the limited amount of hydrofluoric acid that enters our refinery," he said. He added that nearby residents should not be alarmed. Similar assurances were given by Mobil officials.

In March 1985, seven workers at Golden West were injured, one seriously, when a valve on a truck delivering a shipment of hydrofluoric acid was turned on before a connection to a holding tank was completed.

Torrance Fire Marshall Denny Haas said in an interview Friday that small amounts of hydrofluoric acid were detected leaking at the Mobil refinery Thanksgiving morning, two days after the Nov. 24 explosion.

The explosion involved a 30-foot-tall alkylation unit that Hass said uses hydrofluoric acid in removing impurities from the propane being produced. Asked if hydrofluoric acid was involved in the explosion, Haas said, "I doubt it because the fireball was a vapor cloud. It probably consumed itself right then and there if there were any hydrofluoric acid in the vapor."

Wyman D. Robb, manager of the Mobil refinery, said Friday, "We certainly recognize the toxicity and danger of hydrofluoric acid. Our employees are trained regularly in handling that material and in emergency procedures in the event of any sort of release."

Robb said that there have been small releases of hydrofluoric acid but that they were contained within the bounds of the refinery. He said that some employees have

suffered from inhaling the vapors or coming into contact with the chemical but that there had been no fatalities.

There was no immediate comment available from owners of the Union Pacific Resources refinery in Wilmington.

The U.S. Department of Energy as well as the petroleum industry, the API said, continue to study spill test results involving hydrofluoric acid to determine whether further precautions are required.

In a telephone interview Friday, Walter Switzer, a combustion toxicologist with the nonprofit Southwest Research Institute in San Antonio, told The Times, "It's dangerous stuff." He said that the acute effects of inhaling high doses include inhibition of breathing and burning of the eyes. The chemical attacks such organs as the kidneys and the upper respiratory tract.

Millar noted that instead of using hydrofluoric acid, about half of the nation's oil refineries use sulfuric acid, which he said is "indisputably a considerably safer process to workers and local citizens. . . ."

[From the South Bay Daily Breeze, Dec. 13, 1987]

RISK HIGH FOR CHEMICAL DISASTER—REPORT IDENTIFIES 3 LOCAL FACILITIES

(By Alan Janson)

The South Bay runs one of the highest risks in the nation of a Bhopal-like disaster because the area harbors three of the county's four largest users of hydrofluoric acid, according to a Washington-based environmental group and a local air quality official.

Hydrofluoric acid is rated as more dangerous than the methyl isocyanate that escaped from the Union Carbide chemical plant in Bhopal, India, three years ago and killed more than 2,800 people.

The three facilities are the Allied Signal chemical plant in El Segundo, the Union Pacific Resources plant in Wilmington and the Mobil Oil refinery in Torrance, scene of a major explosion and fire Nov. 24.

Golden West Refining Co. in Santa Fe Springs is the only other known facility to use large amounts of the gas in the county.

Fred Millar of the Environmental Policy Institute in Washington, D.C., released the names of 58 oil refineries using the potentially lethal chemical that he said poses a threat to residents in 70 communities throughout the United States.

In his original release, Millar did not mention Allied Chemical, the largest single user of the chemical in the county, said Robert Antonoplis from the South Coast Air Quality Management District.

If the gas that escaped the Union Carbide plant had been hydrofluoric acid, many more Indians would have died, Antonoplis said.

"We're going to have a Bhopal if we don't shape up," Millar said.

Oil and chemical company representatives acknowledge the danger of hydrofluoric acid, but they complained that comparisons to Bhopal are designed to excite rather than educate people.

"This is unnecessarily alarming people," said Wyman D. Robb, manager of the Mobil refinery, which he added is trying to improve the public's knowledge of its operations.

The plant has had accidents involving the gas that produced minor injuries, but never killed any workers, Robb said. "We've always been able to contain (the escaped gas) within the confines of the refinery."

Most recently, hydrofluoric acid escaped pipes during evening fire repairs on Nov. 25 and Nov. 29, said Mike Freige, a fire investigator for the Torrance Fire Department. The gas dissipated without injury before firefighters arrived, Freige said.

The Nov. 24 fire occurred in the alkylation unit where the hydrofluoric acid is used. If any escaped in the explosion, it was consumed by the flames, Robb said.

Hydrofluoric acid has been used in gasoline refining since 1942. Today it is used to boost the octane in unleaded gasoline. Allied uses the chemical to make refrigerants.

In a recent experiment, Millar said, 1,000 gallons of hydrofluoric acid were released in the Nevada desert. Had the area been inhabited, the spill would have proved lethal to people living within five miles and dangerous to life and health as far away as seven and a half miles, Millar said.

About 477,000 people live within five miles of the Mobil refinery, 405,000 within the five miles of the Union Pacific Resources refinery and 478,000 within five miles of the Golden West, he said.

Millar had no calculations for the Allied Plant. However, the AQMD conducted a study in 1985 in the wake of the Bhopal disaster and estimated that a toxic gas from the Allied plant could severely injure 15,000 people and force more than 1 million to evacuate their homes and businesses.

TREATED WITH RESPECT

"Hydrofluoric acid is dangerous," Joe Barnett, Allied's plant manager, said, "and we treat it with great respect."

Allied has double-lined pipes, cut off valves and water spray nozzles aimed at joints, the most likely points of escaping gas, Barnett said. Water would knock down the gas and allow for easy clean up.

In addition, Barnett said, Allied has an empty tank so the hydrofluoric acid tank can be drained in an emergency.

Antonoplis said Allied's protection were the most extensive he has seen.

Last month, Allied conducted three days of training drills with El Segundo, Los Angeles City and county fire departments. The exercises, which assumed that an airplane crashed at the site, were also viewed by city officials.

"Our effort has been that people who need to know not only about this but other chemicals," Barnett said.

Hydrofluoric acid is the only chemical that can be used in refrigerants, Barnett said. That may explain why Allied has the largest hydrofluoric acid storage in the county, according to Antonoplis.

At Mobil, Robb presented a similar list of protections against spills and programs for spills. Mobil does not, however, have the reserve tank like Allied.

"I have more protection there than in another type of unit," Robb said.

Likewise, Jim Sailers, speaking for Union Pacific Resources from its base in Fort Worth, Texas, said the Wilmington unit was designed in 1982 with the latest in protections. The plant also has an around-the-clock, 18-man emergency response unit.

SOLID RECORD

Robb said the industry's accident record with hydrofluoric acid is a good one, with the exception of Texas City, Texas. In October, a cloud of hydrofluoric acid escaped from the Marathon Oil Co. refinery there, causing officials to evacuate 2,000 people and treat 100 for minor injuries.

The accident occurred when a crane dropped parts of an industrial heater that cut a pipe leading to a storage drum of hydrofluoric acid.

That a crane should be carrying anything over hydrofluoric acid shows a cavalier attitude in the industry to the dangers of hydrofluoric acid, Miller said.

"We haven't learned our lesson from Bhopal," Millar said. Marathon officials also had said water could knock down the gas and that no cloud could form in a moist climate, Millar said. But they were wrong.

In addition, the Texas community—which Millar said probably faced the greatest danger in the country because it has three refineries using the gas—had lax evacuation plans. People were moved down-wind of the refinery only for the cloud to catch up with them, Millar said.

Communities should take a serious interest in how these companies protect them from such chemicals and review their evacuation procedures, Millar said.

Under new state laws, all companies with toxic chemicals must notify local officials and an emergency plan must be prepared. Torrance is still developing its plan, said Fire Marshal Denny Haas.

A solution to the problems of hydrofluoric acid could be for refineries to use sulfuric acid, considered less toxic and dangerous Millar said.

For Mobil, Robb said, the use of sulfuric acid would require new machinery and a different design. The acid also must be disposed of in special sites, he said.

"Half the nation's refineries use sulfuric acid," Millar said, "and none of them are going broke."

[From the Los Angeles Times, Feb. 2, 1988]

REFINERY BLAST SPARKS WARNING ON POSSIBILITY OF POISONOUS GAS RELEASE

(By Sebastian Rotella and Jeffrey L. Rabin)

Citing a November explosion at the Mobil Oil Corp. refinery in Torrance, South Coast Air Quality Management District officials have warned that the possibility exists for a "significant release" of hydrogen fluoride gas at the plant.

An AQMD staff report obtained Monday calls for creation of a "high-level, multi-agency" task force that would consider phasing out use of the lethal hydrofluoric acid throughout the greater Los Angeles area.

An excess of hydrofluoric acid in a refinery processing unit was responsible for a thunderous explosion that rocked the Torrance refinery Nov. 24, sparking a spectacular fire that burned for two days. Liquid hydrofluoric acid turns to hydrogen fluoride gas under temperature and pressure conditions found in refineries, if exposed to the air.

The blast, heard for miles around, injured four people, shattered windows and caused millions of dollars in damage to the refinery that converts California crude oil to gasoline, diesel and jet fuel and other petroleum products.

The report said the fire caused an emission of 100 pounds of hydrogen fluoride gas, an amount that officials did not deem dangerous.

The AQMD report, signed by agency Executive Director James M. Lents, will be presented to the AQMD board Friday. The report calls the likelihood of a major release of the lethal gas "remote." But it recommends that the board acknowledge the continuing "potential for a significant hydrogen fluoride release acid and the associated public health risk."

A release could pose an "extreme and immediate" hazard to the almost 500,000 resi-

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dents of the densely populated area around the plant as the result of employee error, an earthquake, sabotage or other scenarios, the report says.

The report also presents data about the release of other chemical pollutants during the blaze. For example, the 41-hour fire released a quantity of carbon monoxide equivalent to that produced by the plant during 1986.

In the "remote" event of a major release, the AQMD study states. "The consequences may be so great as to warrant regulations to direct industry to phase out its use or substitute processes with lesser environmental hazards." Other refineries use sulfuric acid, which is considered safer than hydrofluoric acid, in the refining process.

Mobil spokesman James Carbonetti said he could not comment on the report because he had not seen it. He said the proposed task force "certainly sounds like a good idea."

According to the AQMD report, other facilities in Los Angeles County that use or store hydrofluoric acid in significant quantities are Allied Corp. in El Segundo; Union Pacific Resource refinery in Wilmington; Jones Co. in South Los Angeles; Powerine Co. in Santa Fe Springs, and the Golden West Refining Co. refinery of Santa Fe Springs.

The Environmental Policy Institute of Washington reported last December that an accident involving hydrofluoric acid could pose as serious a danger as the 1984 disaster at the Union Carbide plant in Bhopal, India, which killed more than 2,000 people.

The environmental group said 58 U.S. oil refineries, including Mobil, Golden West and Union Pacific, use the chemical. It cited an incident last October in which a hydrofluoric acid leak at the Marathon Oil Co. refinery in Texas City, Tex., produced a toxic cloud that injured more than 60 people and forced 3,000 people from their homes.

LARGELY OVERSTATED

Responding to the EPI report, refinery manager Wyman D. Robb said at the time that the environmental group "large overstated" the risk involved in using hydrofluoric acid. Robb said Mobil had been using hydrofluoric acid in the refinery for 40 years to boost the octane of gasoline and "we have never had a serious incident where the acid has been emitted into the community."

"We have an awful lot of respect for it," Robb said at the time. "We have designed and built our process units with the utmost of safety."

On Monday, Environmental Policy Institute spokesman Fred Millar praised the AQMD recommendations. But he said Mobil should reconsider the location of the refinery.

"It is a very unfortunately located site," he said, referring to the heavily populated area.

AQMD spokesman Tom Eichhorn said no specific list for the task force has been drawn up, but said it would probably involve local fire departments and emergency response teams as well as affected industries and regulatory agencies.

Torrance Mayor Katy Geissert said Monday that she had not seen the AQMD report but the use of hydrofluoric acid "certainly warrants very, very close monitoring and scrutiny."

TRIBUTE TO TIM McDONALD

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. ROWLAND of Connecticut. Mr. Speaker, it is with great pride that I pay tribute to Mr. Tim McDonald of the Fifth District of Connecticut.

For the past 18 years Tim McDonald, in his position as boys basketball coach at Holy Cross High School, has had a tremendous positive impact on those fortunate players who have come under his tutelage.

Tim is an outstanding coach as his career record of 272–127 indicates. His teams have won 6 Naugatuck Valley League championships and have played in the State finals twice. Two of his teams have completed regular season play with an undefeated record of 20–0. Several of his players have gone on to achieve success on the college level. Clearly, these accomplishments are a result of Tim's ability, dedication and commitment to excellence. McDonald has long been recognized as one of the finest high school coaches in the State and is well respected by his colleagues. He has had many opportunities to test his skill on the college level but has steadfastly declined, choosing to devote his energies to the youth of the Waterbury area. For that we are most grateful.

Yes, Tim McDonald is an outstanding coach. But, more importantly, he is an outstanding person. Tim has helped countless students who have sought his guidance. He has been instrumental in the personal and academic development of his players and has helped many youngsters reach goals that were thought to be unreachable. The contributions Tim has made to young athletes are felt long after their basketball career has ended.

Tim McDonald is retiring at the end of this season and his contribution to the Holy Cross athletic program will be sorely missed. I know I speak for the entire Holy Cross community in saying thank you for a job well done. Best of luck in the years to come.

CLEAN AIR BILL

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. DANNEMEYER. Mr. Speaker, I rise today to introduce a clean air bill today which, I believe, has all the elements necessary to comprehensive and reasonable reform. The past approaches to the problem of ozone nonattainment and the one proposed by H.R. 3054 ignore the very real and fundamental problems associated with reaching attainment of the established national standard. Given the uncertainty and complexity involved in the air chemistry affecting the formation of ozone in the atmosphere and its subsequent concentration in certain areas, it is impossible to dictate at the Federal level the technical means for abating the problem in each and every nonattainment area. For that reason I am introducing a bill which sets out an attainment strategy that ensures the progress of all nonattainment areas toward attainment but which takes into account the severity of the problem as well as geographical, efficiency, and cost factors. This approach permits EPA and the States to participate in a focused review of the individual nonattainment problems before setting in motion a wide-sweeping strategy with an uncertain outcome and the threat of devastating and unrealistic sanctions for areas which may be making good faith efforts toward reaching attainment.

There are five primary components to my legislation. First, the bill provides for an extension of the nonattainment deadline depending on the severity of the problem and the percentage amount the area is currently out of attainment. The deadlines for each area will be determined by EPA using a 3 percent per year emission reduction benchmark. The area will not be required to reduce emissions by 3 percent per year, but the 3 percent will serve the purpose of determining a reasonable, realistic deadline which areas may strive to achieve. In addition, the EPA will be directed to consider factors such as the frequency of the violation, geographic factors affecting the area's ability to reach attainment through currently available means and the cost in implementing current strategies. If, using this method of calculating a deadline, the area will be unable to meet the standard within 10 years, the area would be required to institute an alternative fuels program and implement a strategy to take into account the impact of new construction sources on the area's plan to meet the deadline.

Second, each nonattainment area will be required to submit a new emission inventory within 2 years and a new State implementation plan [SIP] within 2½ years of enactment. This new inventory is necessary to make certain that all sources (including mobile sources) are covered by the plan. EPA will be required to approve the SIP within 12 months of its receipt and may approve all or part of the plan. The submitted plan must include a schedule for attainment of the standard. The plan will be required to contain the following:

First, the projected emission reductions that will be achieved through implementation of existing and proposed Federal control. (These are largely auto controls.)

Second, the projected emissions attributed to transport from another area. Based on this determination, each area will receive an emissions credit for emissions attributable to another area. Conversely, each area that contributes emissions will receive an emissions deficit credit and will be required to reduce those emissions. EPA would have the authority to require reductions in attainment areas if EPA or an area could show that emissions from the attainment area contribute significantly to an area's ozone problem. The EPA does not currently have the capacity to make this determination so such determination will be dependent on an initial study. After completion of the study, area plans will be modified to reflect the results.

Third, the implementation of all additional control measures which EPA determines are "reasonably available control measures"

[RACT] and which the area demonstrates in its plan are necessary for the area to reach attainment. More stringent controls would not be required, but an area would have the discretion to pursue such measures.

Fourth, if EPA determines that the implementation of these measures will not bring an area into attainment, the area would be required to begin long-term urban planning to bring about gradual reductions in pollution through consideration of structural changes to the development and operations patterns of the city.

The third provision in my bill deals with sanctions in such a way as to give nonattainment areas the necessary incentives to pursue reductions without injuring their ability to continue reasonable economic growth. Under this legislation, if an area fails to meet the target attainment date even though implementing its approved plan, the area will not be sanctioned but merely required to revise its SIP. If, however, an area does not exhibit good faith efforts or is negligent in meeting its schedule for implementing controls, EPA will have the authority to issue sanctions in proportion to the degree and severity of noncompliance. Such sanctions could include graduated emission offset requirements or graduated sewer hook-up fees. EPA will also be provided the discretion to reduce or lift sanctions once the Agency has determined that an area has made reasonable progress toward correcting the deficiency that caused the sanction. The construction ban in current law is replaced by an emission offset sanction for new 100-ton sources. Depending on EPA's view of the severity of the violation, the offset could increase from 1.2 to as high as 2 to 1.

A fourth and vital provision requires EPA in conjunction with the National Academy of Sciences to complete a study on the state of knowledge concerning the role of NOX, VOC's and CO in ozone formation and its effect on the population relative to exposure. The study will specifically focus on the role of monitoring and modeling in measuring the relationship between hydrocarbon and NOX emissions to ozone formation. The study must also determine whether emissions from another area contribute significantly to the nonattainment problems of each are and whether the areas emissions contribute significantly to another area's nonattainment problem.

The fifth component implements the provisions of H.R. 1239 which passed the House in 1983 as part of clean air reform. H.R. 1239 limits the motor vehicle warrantly to a period of 2 years or 24,000 miles, whichever comes first. In addition, it establishes a performance warranty of 2 years, 24,000 miles.

The complexity of the nonattainment issue defies a simple solution. However, based on the diversity of problems and interests in individual nonattainment areas, it is clear that one national policy that treats all areas the same is inappropriate. The same controls that will produce effective results in one area may deliver miniscule reductions in another. The intent of this bill is to deal with these issues in a flexible and realistic manner. I urge my colleagues to carefully consider this option and reject the regulatory and unrealistic approach taken by H.R. 3054.

SECTION-BY-SECTION ANALYSIS OF H.R. , THE CLEAN AIR ACT AMENDMENTS OF 1988

Section 1. Title. The Clean Air Act Amendments of 1988.

Section 181. Revision of Attainment Dates. The Administrator of the Environmental Protection Agency (EPA) shall promulgate a rule establishing a revised attainment date for each nonattainment area which failed to attain the national ambient air quality standard for ozone or carbon monoxide, or both by December 31, 1987. The final rule shall be promulgated no later than December, 1988.

The revised attainment date shall be determined by the Administrator taking into account each of the following:

1. The date which the standard would be achieved if the emissions inventory in that area for the air pollutant concerned were reduced in each year after 1990 by 3 percent from the emissions inventory of that air pollutant in 1990. The standard will be based on the inventory submitted to the Administrator under Section 182(a);
2. The cost of attaining the standard;
3. The frequency of violations of the national ambient air quality standard in that area, and;
4. Geographic factors.

Section 182. Additional Measures for Certain Nonattainment Areas.

(a) Emissions Inventory. Each State for which a revised attainment date is established under Section 181 shall conduct an inventory of emissions of each of the air pollutants which contributed to the failure of the State to attain the national ambient air quality standard. The inventory shall be completed and a report detailing the results thereof shall be submitted to the Administrator within 2 years after enactment.

(b) State Implementation Plans (SIPS). Each State for which a revised attainment date is establshed under Section 181 shall submit to the Administrator a revision of the SIP for each area within the State which failed to attain the national ambient air quality standard for ozone or carbon monoxide by December 31, 1987. The SIP revision shall be submitted before 2 and one-half years after enactment.

(c) Approval of Plan Revisions. The Administrator shall approve or disapprove any plan revision submitted within 12 months after the date on which the revision is submitted. The Administrator shall approve all or any portion of the revision.

(d) Schedule and Measures to Achieve Standards. Each SIP submitted shall contain a schedule for the achievement of the national ambient air quality standard together with enforceable measures which assure compliance and maintenance of the standard.

(e) Credits. In establishing the schedule required in subsection (d) the State shall be credited with each of the following:

1. The reduction in the emissions inventory of the area which is projected to be achieved through the implementation of all existing and proposed measures for the control of air pollutants from stationary and mobile sources which have been implemented or proposed to be implemented by the Administrator, and;
2. The reduction in the emissions inventory of the area which is projected to be achieved through controls on other areas from which air pollutants are transported.

(f) RACT Required. The SIP shall contain all additional reasonably available control measures for each air pollutant concerned which are necessary to attain the standard by the revised attainment date and maintain the standard thereafter. If the implementation of such measures is not sufficient to attain the standard by the revised date, the plan revision shall contain long-term planning measures which will reduce emissions. Structural changes to the development and operations pattern of the area concerned shall be considered.

Nothing in any provision of this Act shall be construed to prevent any SIP from requiring, in its discretion, more stringent measures than those required under this subsection.

(g) Modified Offset Requirement. Permits for stationary sources referred to in Section 173 shall require, in lieu of Section 173(1), that enforceable requirements be in effect by the time the new or modified unit commences operation such that the total tonnage of increased emissions for any air pollutant from the new or modified unit will be offset by a greater reduction in the actual emissions of each of such air pollutant from other units in the area. The ratio of emission reductions to increased emissions shall be at least 1.2 to 1 as determined by the Administrator, taking into account the amount by which the national ambient air quality standard for the pollutant concerned is exceeded in the area.

(h) Additional Measures for Areas Requiring More Than 10 Years. If the schedule for attainment under subsection (c) does not provide for attainment within 10 years after enactment, the revised implementation plan under this section shall contain provisions establishing an alternative fuels program and provisions to consider the impact of new construction on the ability of the area to comply with the revised attainment date.

Section 183. Failure to Comply or Attain Standards.

(a) Failure to Attain Standard. If the national ambient air quality standard for ozone and carbon monoxide is not met for any area by the revised attainment date, the State shall submit a plan revision for that area. The plan revision shall be submitted within 9 months after the revised attainment date.

(b) *Failure To Comply.* If a plan revision required under this part is not submitted to and approved by the Administrator within the required period, or if the Administrator determines that any provision of the revised plan is not being implemented, both of the following shall apply:

1. Offsets. The Administrator may impose an offset ratio in excess of that required under Section 182(g), and;
2. Sewer Hook-Up Fees. The Administrator may impose fees at such levels as he deems appropriate, on new facilities which are connected to municipal sewage systems.

Whenever the State Plan is approved or the Administrator determines that an approved State plan is being implemented in a satisfactory manner, the Administrator may reduce or eliminate the offset requirements or fees imposed under subparagraphs (1) and (2), as he deems appropriate.

Section 184. Control of Interstate Transport. The Administrator may require any State to revise the implementation plan for any area within the State in which any sources of air pollution are located which contribute significantly to concentrations of ozone or carbon monoxide in any nonattainment area in another State.

Prior to establishing any such requirements, the Administrator shall conduct a study to determine the extent to which the interstate transport of air pollutants con-

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tributes to concentrations of ozone or carbon monoxide, or both, in nonattainment areas.

Section 3. Study of Ozone Formation. The Administrator shall conduct a study of the scientific knowledge concerning the role of oxides of nitrogen (NOX), volatile organic compounds (VOCs) and carbon monoxide (CO) in the formation of ozone in the atmosphere. A report containing the results of such study shall be submitted to Congress not later than one year after enactment.

Section 4. Motor Vehicle Aftermarket.

(a)(1) Vehicles and Engines In Use. Section 207 of the Clean Air Act is amended to limit the motor vehicle warranty to a period of two years or 24,000 miles, whichever comes first.

(2) Eliminates parts certification program.

(3) Tightens the definition of emission control device or system by deleting the words "or primary".

(4) Establishes a performance warranty of 2 years, 24,000 miles, whichever comes first.

(5) Clarifies that EPA regulations on warranty apply only to "component" rather than to "device or system".

(6) Clarifies the definition of warranted item to mean emission control component.

(b) Instructions. Such instructions shall correspond to regulations which the Administrator shall promulgate. These provisions shall take effect with respect to model years beginning after the date of enactment of this Act.

(c) California Waiver. State promulgated warranties must correspond to federal requirements. California is the only state currently exempted.

(d) Tampering. (A) Clarifies that tampering is prohibited on components for the sole purpose of reducing emissions.

(B) Emission components may be removed to perform routine maintenance.

(e) Nonattainment Areas. Prohibits inclusion of warranty in non-attainment areas.

(f) Parts Replacement and Maintenance. Clarifies that owner is responsible for routine maintenance. The manufacturer can inform the consumer of the condition of any part, component, system, or service provided without charge under terms of the purchase agreement such as a maintenance contract.

Section 5. Conforming Amendments.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 25, 1988, may be found in the Daily Digest of today's Record.

Meetings Scheduled

FEBRUARY 26

9:30 a.m.

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Customs Service.
SD-116

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

10:00 a.m.

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on the use of the Interstate Highway System right-of-way for magnetic levitation high speed transportation systems.
SD-406

Governmental Affairs
To hold hearings on the nominations of Frank E. Schwelb, to be an Associate Judge of the District of Columbia Court of Appeals, and Cheryl M. Long, to be an Associate Judge of the Superior Court of the District of Columbia.
SD-342

Judiciary
Courts and Adminstrative Practice Subcommittee
To hold hearings on S. 1482 (Sec. 614), S. 1512, and S. 1515, bills to make certain improvements with respect to the Federal Judiciary.
SD-226

FEBRUARY 29

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the American Battle Monuments Commission, Cemeterial Expenses (Army), Selective Service System, and the National Credit Union Administration.
SD-124

Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Federal Highway Administration.
SD-406

Judiciary
To hold hearings on pending nominations.
SD-226

2:00 p.m.

Governmental Affairs
Oversight of Government Management Subcommitee
To hold hearings on S. 1014, to increase civil monetary penalties based on the effect of inflation.
SD-342

MARCH 1

9:30 a.m.

Agriculture, Nutrition, and Forestry
To hold hearings on national nutrition programs and their impact on the homeless and people living in poverty.
SD-562

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Energy and Natural Resources
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Department of the Interior.
SD-366

Governmental Affairs
To hold hearings on proposals to establish a national nutrition monitoring and related research program.
SD-342

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings to review competitive issues in the cable television industry.
SD-226

Small Business
Innovation, Technology and Productivity Subcommittee
To hold hearings to examine the use of advanced manufacturing technologies by small business.
SR-428A

10:00 a.m.

Appropriations
To resume hearings on the President's proposed budget for fiscal year 1989.
SD-192

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, and the Extension Service.
SD-138

Banking, Housing, and Urban Affairs
Business meeting, to consider proposed legislation to reform the regulation of financial services, and the nominations of Paul Freedenberg, of Maryland, to be Under Secretary of Commerce for Export Administration, Frank G. Zarb, of New York, to be a Director of the Securities Investor Protection Corporation, and Mark E. Buchman, of California, to be President, Government National Mortgage Association.
SD-538

2:00 p.m.

Energy and Natural Resources
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed

budget for fiscal year 1989, focusing on the Department of Energy.
SD-366

Select on Intelligence
To resume hearings on S. 1818, to make requirements for the preparation, and transmittal to the Congress, of Presidential findings of certain intelligence operations, to provide mandatory penalties for deceiving Congress, and to establish an Independent Inspector General for the Central Intelligence Agency.
SD-562

MARCH 2

9:30 a.m.

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1989 for the National Aeronautics and Space Administration.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.

Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.
SD-406

Judiciary
Constitution Subcommittee
To hold oversight hearings to review bail reform issues.
SD-226

Select on Intelligence
To resume closed hearings on U.S. monitoring and verification capabilities with respect to the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles.
SH-219

2:00 p.m.

Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.
SD-406

Small Business
To hold hearings on proposed legislation to govern administration of the small business timber sale set-aside program.
SR-428A

MARCH 3

9:30 a.m.

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Energy and Natural Resources
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Forest Service, and the Federal Energy Regulatory Commission.
SD-366

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume hearings on S. 1301 and S. 1971, bills to implement the Berne Convention for the Protection of Literary and Artistic Works.
SD-226

10:00 a.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection Service, and the Agricultural Marketing Service.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Highway Administration, and the National Highway Traffic Safety Administration.
SD-124

Commerce, Science, and Transportation
To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.
SR-253

1:00 p.m.

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Election Commission, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.
SD-116

2:00 p.m.

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands, and H.R. 2652, to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.
SD-366

Select on Indian Affairs
Business meeting, to mark up S. 721, to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian-owned business enterprises and to stimulate the development of the private sector of Indian tribal economies, S. 1236, to authorize funds for fiscal year 1988 for housing relocation under the Navajo-Hopi Relocation Program, and S. 802, to transfer ownership of certain lands held in trust for the Blackfeet Tribe.
SD-628

MARCH 4

8:00 a.m.

Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

10:00 a.m.

Appropriations
To resume hearings on the President's proposed budget for fiscal year 1989.
SD-192

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1608, to amend the Federal judicial code with respect to the administration of the U.S. Claims Court, and the salaries and benefits of Claims Court judges.
SD-266

MARCH 8

9:30 a.m.

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 14

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Veterans Administration.
SD-124

Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service code penalties.
SD-215

MARCH 15

9:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1991-1993 for the Corporation for Public Broadcasting.
SR-253

10:00 a.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.
SD-138

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Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Army.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.
S-126, Capitol

Finance
To hold hearings on proposed tax incentives for education.
SD-215

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to review Federal enforcement of foreign fishing activities in the Bering Sea.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

MARCH 17

9:30 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for Amtrak.
SR-253

Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Air Force.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Transportation Safety Board, and the Research and Special Programs Administration.
SD-124

Finance
To hold hearings on proposed legislation relating to the United States/Canada Free Trade Agreement.
SD-215

Small Business
To resume hearings on S. 1929, to create the Corporation for Small Business Investment (COSBI).
SR-428A

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1508, S. 1570, and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.
SD-366

2:30 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

MARCH 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.
SD-116

MARCH 21

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Science Foundation.
SD-124

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for military construction, focusing on base rights and burdensharing.
SD-192

MARCH 22

9:30 a.m.
Governmental Affairs
To resume hearings on proposals to establish a national nutrition monitoring and related research program.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Navy, and the U.S. Marine Corps.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the National Science Foundation.
SD-116

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SD-342

MARCH 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review Federal collection activities of information relating to foreign investment in the United States.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the National Guard and reserve programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (Amtrak).
SD-124

MARCH 25

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Archives and Records Administration, U.S. Secret Service, Administrative Conference of the United States, and the U.S. Postal Service.
SD-116

MARCH 28

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Management and Budget (OMB), and the Office of Federal Procurement Policy.
SD-116

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Finance
Taxation and Debt Management Subcommittee
To hold hearings to review certain tax provisions which have recently expired or will expire this year, focusing on the exempt treatment of mortgage revenue bonds and the targeted jobs tax credit.
SD-215

MARCH 29

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for force structure programs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Aeronautics and Space Administration.
SD-124

MARCH 30

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the National Aeronautics and Space Administration.
SD-126, Capitol

Appropriations
Military Construction Subcomittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for military construction and family housing programs.
SD-192

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Strategic Defense Initiative.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Aviation Administration, and the General Accounting Office.
SD-138

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 314, to require certain telehones to be hearing aid compatible.
SR-253

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

APRIL 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for reserve components' military construction and defense agencies' military construction and family housing programs.
SD-116

APRIL 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Urban Mass Transit Administration, and the Washington Metropolitan Transit Authority.
SD-124

APRIL 15

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the General Services Administration and the Executive Office of the President (with the exception of OMB).
SD-116

APRIL 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury.
SD-116

APRIL 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

APRIL 20

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Army military construction and family housing programs.
SD-124

APRIL 21

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Transportation, and the General Accounting Office.
SD-124

APRIL 26

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

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APRIL 27

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Navy military construction and family housing programs.
SD-124

APRIL 28

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Coast Guard.
SD-124

APRIL 29

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Personnel Management.
SD-192

MAY 11

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.
SD-124

CANCELLATIONS

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

HOUSE OF REPRESENTATIVES—*Thursday, February 25, 1988*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Breathe into our souls, O Gracious God, the spirit of peace, open our hearts to the spirit of tolerance, guide our minds with the spirit of truth, and give us the strength to be the people You would have us be. With words of gratitude, O God, for all Your blessings and gifts, we offer this, our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 272, nays 107, answered "present" 1, not voting 53, as follows:

[Roll No. 12]

YEAS—272

Ackerman
Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clement
Clinger
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Derrick
Dicks
Dingell
Donnelly
Dorgan (ND)
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Feighan
Fish
Flake
Flippo
Florio
Foley
Frank
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Holloway
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Livingston
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Manton
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McEwen
McHugh
McMillen (MD)
Mica
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Packard
Panetta
Pashayan
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Price (NC)
Pursell
Rahall
Rangel
Ravenel
Ray
Richardson
Rinaldo
Ritter
Rodino
Roe
Rogers
Rose
Rostenkowski
Rowland (GA)
Russo
Sabo
Saiki
Sawyer
Scheuer
Schneider
Schuette
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Latta
Leach (IA)
Lewis (FL)
Lowery (CA)
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McDade
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Murphy
Parris
Penny
Porter
Regula
Rhodes
Ridge
Roberts
Roukema
Rowland (CT)
Saxton
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stump
Sundquist
Tauzin
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Young (AK)
Young (FL)

NAYS—107

Armey
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Bunning
Burton
Chandler
Cheney
Coble
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dreier
Emerson
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gregg
Gunderson
Hammerschmidt
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino

ANSWERED "PRESENT"—1

Whitten

NOT VOTING—53

Alexander
Badham
Biaggi
Boulter
Clay
Coleman (MO)
Conyers
Coughlin
Courter
Dellums
Dixon
Dornan (CA)
Dowdy
Downey
Edwards (OK)
Fazio
Foglietta
Ford (MI)
Ford (TN)
Gephardt
Gray (PA)
Hochbrueckner
Kasich
Kemp
Kostmayer
Leland
Levine (CA)
Lewis (CA)
Lightfoot
Lipinski
Lloyd
Lott
Lowry (WA)
Lungren
Markey
Mfume
Miller (CA)
Ortiz
Oxley
Price (IL)
Quillen
Robinson
Roemer
Roth
Roybal
Savage
Schaefer
Schroeder
Stangeland
Sweeney
Swindall
Wheat
Williams

□ 1125

So the Journal was approved.

The result of the vote was announced as above recorded.

A BIPARTISAN PROPOSAL ON CONTRA AID

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, last night the majority withdrew their proposal on what they called a Contra aid bill, ignoring the self-imposed deadline the Speaker had imposed.

Let me remind our colleagues that aid to the Contras ends on Monday.

I do not believe the cause of peace and freedom in Nicaragua will be helped if the House passed just any old bill, just to show that we have "done something."

I believe that the time has come to form a real coalition, bipartisan in nature, of those who really want to help the cause of freedom, as well as peace.

The situation is serious, the need is urgent, the stakes are high.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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I believe that there is a majority in this House who will support a true nonlethal aid bill, one that also provides the President of the United States with a real opportunity to request what he believes is needed at a later date.

I stand here today to say that House Republicans and many Democrats reach out our hands to those who really want to have a bill that will not only aid peace, but aid the cause of freedom as well.

Mr. Speaker, our earlier version failed. Yours apparently has failed for lack of votes. Now, let's succeed together.

Mr. Speaker, that hand is extended to you. I hope you grasp it.

I am including a copy of the substitute amendment which we would have offered had we proceeded as originally scheduled.

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO BE OFFERED BY MR. MICHEL

Strike all after the resolving clause and insert in lieu thereof:

SEC. 101. POLICY.

(a) General Policy.—It is the policy of the United States in implementing this Act to advance democracy and security in Central America, and thereby to assist in bringing a just and lasting peace to that region, in a manner compatible with the Guatemala Peace Accord of August 7, 1987 and the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988, and consistent with the national security interests of the United States.

(b) Specific Policy Objective.—In pursuing the policy set forth in subsection (a), it is the objective of the United States to enhance its security as well as that of the democratic countries of Central America by assisting in the achievement of—

(1) genuine democracy in Nicaragua;

(2) an end to Soviet, Cuban, and other Communist bloc military or security assistance to, advisers in, and establishment or use of bases in, Nicaragua;

(3) an end to Nicaraguan aggression and subversion against other countries in Central America; and

(4) reduction of the military and security forces of Nicaragua to a level consistent with the security of other countries in the region.

SEC. 102. TRANSFER OF PRIOR DEFENSE APPROPRIATIONS FOR ASSISTANCE.

(a) Transfer and Use.—There are hereby transferred to the President $22,250,000 of unobligated funds, from the appropriations accounts specified in section 105, to provide non-lethal assistance for the Nicaraguan democratic resistance, to remain available until expended.

(b) Earmark for Human Rights.—Of the funds transferred by subsection (a), $450,000 shall be available only for strengthening programs and activities of the Nicaraguan democratic resistance for the observance and advancement of human rights.

(c) Prohibition on Purchase of Aircraft.—Funds transferred by subsection (a) may not be obligated or expended to purchase aircraft.

(d) Indemnification of Leased Aircraft.—(1) The President is authorized to transfer unobligated funds, from the appropriations accounts specified in section 105, solely for the indemnification of aircraft leased to transport assistance for which this Act provides and non-lethal assistance previously, specifically authorized by law for the Nicaraguan democratic resistance.

(2) Not more than $5,000,000 may be transferred under the authority granted by paragraph (1).

(3) The President shall transfer the balance, if any, remaining of funds transferred under paragraph (1) to the appropriations accounts from which such funds were transferred under that paragraph when the funds transferred by subsection (a) have been expended.

(e) Passive Air Defense Equipment.—(1) The Department of Defense shall make available to the department or agency administering this Act passive air defense equipment (including ground-based radio detection and ranging equipment) to ensure the safety of transportation provided pursuant to this Act.

(2) The Department of Defense shall not charge the department or agency receiving equipment under paragraph (1) for such equipment, and shall bear the risk of loss, damage, or deterioration of such equipment during the period of its use under the authority of paragraph (1).

SEC. 103. PROHIBITION ON DELIVERY OF LETHAL ASSISTANCE.

None of the funds made available by this Act may be used to deliver lethal assistance to the Nicaraguan democratic resistance.

SEC. 104. GENERAL AUTHORITIES AND LIMITATIONS.

(a) Related Statutes.—The requirements, terms and conditions of section 104 of the Intelligence Authorization Act, Fiscal Year 1988 (Public Law 100-178), section 8144 of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), section 10 of Public Law 91-672, section 502 of the National Security Act of 1947, section 15(a) of the State Department Basic Authorities Act of 1956, and any other provision of law shall be deemed to have been met for the transfer and use consistent with this Act of the funds made available by section 102 (a) and (d), and the transfer and use of equipment as provided in section 102(e).

(b) Continuation of Authority to Support, Monitor, and Manage.—The authority to support, monitor and manage activities for which funds are provided under this Act or a law which previously, specifically authorized assistance to the Nicaraguan democratic resistance shall continue until the funds transferred by section 102(a) have been expended.

(c) Continuation of Limitations.—Sections 203(e), 204(b), 207, 209(b), 209(c) and 216, and the first sentence of section 203(d), in "TITLE II—CENTRAL AMERICA" in section 101(k) of the continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591), shall apply with respect to funds made available under this Act.

SEC. 105. DEFENSE APPROPRIATIONS ACCOUNTS.

The appropriations accounts to which sections 102(a) and 102(d) refer are—

(1) Missile Procurement, Army, Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(2) Aircraft Procurement, Army, Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(3) Shipbuilding and Conversion, Navy, Department of Defense Appropriations Act, 1984 (Public Law 98-212); and

(4) Missile Procurement, Air Force, Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190).

SEC. 106. MEDICAL ASSISTANCE FOR CHILDREN.

(a) The Agency for International Development is authorized and directed to provide, or to arrange for the provision of, medical assistance to children injured in the conflicts in Central America.

(b) There are hereby transferred to the President $14,000,000 of unobligated funds, from the appropriations accounts specified in section 105, to carry out subsection (a) during the fiscal year 1988, notwithstanding section 10 of Public Law 91-672 (relating to authorization of appropriations for foreign assistance).

SEC. 107. FUTURE REQUEST FOR AID FOR THE RESISTANCE.

(a) The amendments made by subsection (b) shall not take effect until the day the President determines and certifies, after April 15, 1988, to the Speaker of the House of Representatives and the President of the Senate that—

(1) at the time of such certification no ceasefire is in place that was agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance;

(2) The failure to achieve the ceasefire described in paragraph (1) results from the lack of good faith efforts by the Government of Nicaragua to comply with the requirements of the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988; and

(3) the Nicaraguan democratic resistance has engaged in good faith efforts to achieve the ceasefire described in paragraph (1).

(b) Effective on the day specified by subsection (a), Section 111 of the joint resolution making continuing appropriations for the fiscal year 1988 (Public Law 100-202) is amended—

(1) in section 111(j)(2), by striking "Only if a joint resolution approving a request made pursuant to subsection (j)(1) has been enacted into law, the" and inserting in lieu thereof "The";

(2) in section 111(j)(11), by inserting the period after "session" and striking ", except that it shall not be in order to consider such joint resolution prior to July 1, 1988.";

(3) in section 111(j)(12), by striking "September 30, 1988" and inserting in lieu thereof "the end of sixteen days of session after the resolution was introduced";

(4) in section 111(l)(3)(A), by striking "in July, August or September 1988";

(5) in section 111(l)(3)(E), by striking ", September 30, 1988" and inserting in lieu thereof "of the day which is seventeen days of session after the resolution was introduced".

SEC. 108. DEFINITIONS.

As used in this Act—

(1) the term "lethal assistance" means weapons, weapon systems, and ammunition; and

(2) the term "non-lethal assistance" means assistance other than lethal assistance.

NEWMAN MEDAL PRESENTED TO COL. MICHAEL A. McAULIFFE

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, one of the most prestigious individual awards presented by the Air Force is the Society of American Military Engineers Newman Medal. The Newman Medal is named in memory of Maj. Gen. James B. Newman, Jr., past president of the Society and formerly Director of Installations, U.S. Air Force. The medal is offered as an annual award in recognition of the most outstanding contribution by an individual to military engineering through achievement in design, construction, administration, research, or development.

The 1987 Air Force award winner is Col. Michael A. McAuliffe, who is the Chief of the Programs Division, Directorate of Engineering and Services. Colonel McAuliffe also served as chairman of the facilities panel.

Colonel McAuliffe has developed and implemented more major initiatives to shape the programming, budgeting, and level of funding for Air Force facilities worldwide than any other officer in the Air Force. His initiatives with executive level advocacy for military construction, the military construction allocation model and new mission and current mission differentiation of construction projects will improve funding for construction programs for years to come.

McAuliffe is an exemplary awardee of this Newman Medal, and is deserving of this special recognition by the U.S. House of Representatives.

SERIOUS FLAWS IN DEMOCRATIC PACKAGE FOR CONTRA AID

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, I agree with our distinguished leader. It would be easy to point to last night's decision to pull Contra aid from today's schedule and make all kinds of partisan charges. But that does not serve the cause of freedom for Nicaragua, and it doesn't serve the cause of peace for Central America.

In fact, for all of their differences, the Republican and Democratic packages have many points in common. One of them is the need to aid children who have been hurt by both sides in this tragic civil war.

In the view of moderates who support Contra aid, however, there are serious flaws in the Democratic package that make it more harmful to the peace process than no package at all.

The biggest problem with the Democratic leadership's bill is its requirement that the humanitarian aid be transported by the Defense Department. This introduction of U.S. Armed Forces into a combat-support role is exactly what we have been trying to prevent and might even violate the Foley and Mrazek amendments.

The reason the Democratic leadership's proposal has so many fundamental flaws is that it was written in large part by and for Members who do not support any kind of assistance to the Contras. Although I strongly disagree with their conclusions, I respect the conviction of these Members.

So let's not try to hoodwink them into supporting the Nicaraguan resistance. It is clear that there is a significant majority of Members in this body who support an honest, adequate package of aid to the resistance in Nicaragua. Mr. Speaker, you and our leader can draft a truly bipartisan nonlethal aid bill that will give the peace process the support and incentive to succeed that it so desperately needs right now.

ISRAEL'S EXERCISE OF IRRESPONSIBLE POWER

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, I rise today saddened and in shock over the recent actions taken by the Israeli Government to quell the recent upsurge in civil disobedience in the occupied territories.

Edward Bellamy, a noted and well respected American author, once wrote that tyranny is, "an exercise of irresponsible power." No statement could better assess the current actions taken by Israeli forces. Their brutal use of force in an attempt to control and influence a different people and culture is tyrannical.

On February 5, in a small village just outside the West Bank city of Nablus, four young Palestinians were seized and ordered to lie face down in the muddy road that is the entrance to their village.

The Israeli master sergeant in command then ordered the driver of a nearby military bulldozer to bury them alive. Obeying his commander, the driver buried the four youths with a full load of earth.

With that accomplished, the master sergeant then ordered the driver of the bulldozer to run over the four Palestinians buried beneath the soil.

The driver refused.

After the soldiers left the village, residents pulled the four unconscious Palestinians from their makeshift grave. All are alive and recovering.

Had the driver of the bulldozer followed orders without question and killed defenseless men buried beneath a pile of dirt, a lot more would have died than four Palestinians. Israel itself would have been mortally wounded.

It is time to stop the bloodshed. Time to face the inevitable. Israel and Jews all over the world have faced persecution throughout history and have struggled to build a homeland. By continuing irrational acts of violence and persecution, Israel has become its own worst enemy.

Out of persecution, freedom is born. Israel stands as a testament to that fact. However, vengeance, hatred and violence are beasts that grow uncontrollably. If Israel does not soon stop they will have become the very beast from which they fled.

NATIONAL SCLERODERMA AWARENESS WEEK

(Mr. FAWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAWELL. Mr. Speaker, today I am introducing legislation which designates the second week of June 1988 as "National Sclercderma Awareness Week." I hope to increase awareness about this rare disorder which affects about 300,000 Americans and can be fatal. Sufferers experience a gradual hardening and thickening of the skin which can progress to their hearts and lungs.

I had the unfortunate experience of learning firsthand about this disease when Marjean Peotrowksi, a staff member in my district office, died of scleroderma.

Because the symptoms vary from case to case, many victims must travel around the country to numerous specialists before a proper diagnosis is made. I hope that this joint resolution will increase awareness about scleroderma among members of the medical community and avoid the situation one of my constituents described to me. This gentleman underwent needless surgery before doctors determined the cause of his ailments. Had his diagnosis been reached earlier, proper treatment and therapy may have slowed his progression of the disease.

Mr. Speaker, 42 of our colleagues have joined me today in introducing this measure. I look forward to enactment of "National Scleroderma Awareness Week."

JAPANESE ARE BUYING AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Japanese are buying America, and if we are not careful, they will own America. Last year they bought CBS Records. They bought the Westin

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Hotels and Resorts. They even bought Bank America. They bought the Dunes Hotel and Casino. They bought the Aladdin in Las Vegas. Last week they announced they bought a major Los Angeles bank, and last week they bought Firestone.

In fact, the only buy America program in America is the Japanese.

Now, let us look at it. They are stealing our jobs. They are buying our technology, and we are all laughing down here. If we try to provide some legislation, we are called protectionist.

I would like to say that we are being hurt by the most protectionist nation in world history, Japan. Maybe we won the war, but Mr. Speaker, they won the peace.

Where is our trade bill? Let us put some teeth in it. Otherwise, we are going to have a rice paddy on the east lawn of the White House before this thing is over.

INTRODUCTION OF JOB ENHANCEMENT FOR FAMILIES ACT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, it is time to break the poverty trap—both for America's working poor, and for those on welfare who are trying to get off.

Next week, with the support of Congressmen MURPHY, PENNY, JEFFORDS, and BARTLETT, I plan to introduce major legislation to improve the economic incentives for those on the lower rungs of America's economic ladder.

My Job Enhancement for Families Act would increase the current earned income tax credit, and vary it by family size, providing up to a maximum of 25 hundred dollars for a family of four or more children.

This legislation is designed to help low-skilled people support families by working rather than through welfare.

It would do this by supplementing low wages according to need as determined by family size.

It's better to supplement the wages of low-skilled workers than it is to require these same people to drop out of the work force in order to receive welfare.

Accordingly, I believe the Job Enhancement for Families Act will pay for itself by helping people to get off and to stay off welfare.

It's a good bargain for the poor, for the taxpayers, and for the economy.

I intend to make a major effort for the Job Enhancement for Families Act, and I welcome the support of my colleagues in the House.

CALL FOR SUMMIT OF WESTERN HEMISPHERE PRESIDENTS ON DRUGS

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, yesterday, the new Colombian attorney general, Alfredo Gutierrez Marquez, said that his government might want to legalize the selling of cocaine.

I was shocked to learn this. This would be capitulation to the drug barons. This would be surrender to the merchants of death. This would be tantamount to saying the forces of law and democracy have no power to fight them.

The drug dealers are trying to pick off the countries in our hemisphere, one by one: Colombia, Panama, Mexico, Haiti, Peru, Bolivia, the Bahamas.

The new Colombian attorney general replaced Carlos Hoyos, who was assassinated in December—just like over 30 judges, a newspaper editor, and the narcotics police chief were assassinated by the drug cartel.

This time, I agree with the State Department on a drug issue. Assistant Secretary Wrobleski called the Colombian suggestion an outrage.

However, the State Department has no national or international strategy to address this serious national security problem. We need our foreign policy to fight drug trafficking with the same zeal it fights communism and terrorism. Again, I urge President Reagan to call for a Western Hemisphere summit of the Presidents on drugs—so that we can fight and win against the killers of our young, and not surrender.

U.S. COMPANIES OPERATING AT COMPETITIVE DISADVANTAGES DUE TO U.S. TAX LAWS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, I rise today to highlight a recent study which concludes that U.S. multinational companies are operating at a significant disadvantage due to present U.S. tax laws. The report was compiled by Arthur Young, Inc., one of the Nation's largest and most reliable accounting firms.

In comparing the tax policies of the United States with those of the Netherlands, Japan, and Germany, the disadvantage was quite apparent. This competitive disadvantage in world markets is present today due to enacted Federal tax policy over the past 20 years, including the 1986 Tax Reform Act. The primary reason this has occurred is due to the fact that many other countries have adopted tax policies that, to varying degrees, encourage firms to do business overseas. Essentially, the United States has adopted exactly the opposite policy.

It is no wonder we are experiencing record trade deficits with a tax policy that is complex, vague and discouraging to multinational companies. The simple fact is that Congress has failed miserably when it comes to encouraging business to engage in the international market. Instead Congress prefers the easier route of protectionism. We must aggressively seek to change the tax structure so that it is fair and equitable to do business overseas which will then, in turn, reduce our trade deficits.

Though his competitive disadvantage has been accumulating over several years of Federal tax policy, Arthur Young, Inc. has pointed out three very obvious disadvantages of the U.S. multinational companies:

First, when exemptions or deferrals, foreign tax credits and tax treaties are taken into account, the U.S. multinationals most often are at the highest end of the tax rate scale on foreign operations compared to other countries. Even though the 1986 Tax Reform Act lowered the nominal corporate tax rate, many U.S. companies will face increased tax liability on foreign source income.

Second, the United States has no treaty in which it agrees to "spare" U.S. tax on income that could have been, but was not, taxed by a lesser developed country. Many other countries have such a "tax sparing" treaty. The main effect of this absent treaty is that it hinders the U.S. ability to access the low cost labor and raw materials of Third World countries in a way that would enable these countries to compete equally in world trade.

Third, the third reason that puts the U.S. multinational companies at a competitive disadvantage is the extent to which the present Federal tax treaties modify the two above reasons.

This study has made me aware of a very serious problem with our international trade/tax system. In the coming weeks, I plan to solicit the views of top multinational corporations in America on how to address this situation. Only then can we begin to answer the complex questions facing our international trade problems.

PERSONAL EXPLANATION

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, I was ill with the flu last week and was unable to vote on the Madigan motion to instruct the conferees regarding dial-a-porn. Had I been here, I would have

voted for the motion to instruct the conferees to agree to language that offers a solution to the dial-a-porn problem. America's children deserve protection from pornography. I urge my colleagues to move quickly to adopt dial-a-porn language which ensures that children are no longer subject to pornographers willing to make a quick buck at their expense.

I ask unanimous consent that my remarks be inserted in the permanent RECORD following the vote on rollcall No. 9.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. FIELDS. Mr. Speaker, I was ill with the flu last week and was unable to vote on the bill, H.R. 1054 which would allow active duty members of the Armed Forces to sue the Federal Government for medical and dental malpractice in military hospitals within the United States. Had I been here, I would have voted against the bill. We have a good system now where those who have been injured who have not been treated properly can be compensated. There is no reason to impose such a burden on the military at this time.

I ask unanimous consent that my remarks be inserted in the permanent RECORD following the vote on rollcall No. 10.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3660

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3660.

The SPEAKER pro tempore (Mr. CARDIN). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

SAVE THE C.S.S. "ALABAMA"

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, today I am introducing legislation in the House similar to legislation being introduced in the Senate by our distinguished colleague, Senator HOWELL HEFLIN, that directs the Secretary of State to enter into negotiations with the country of France to reach an agreement that would allow the historic C.S.S. *Alabama* to be raised from the waters off the coast of France and returned to its rightful place in Mobile, AL.

As you may know, Mr. Speaker, the C.S.S. *Alabama* was considered the terror of the high seas during the Civil War. This historic battleship was revered not only in the United States but across the Atlantic as well, and was best-known for her courageous crew and outstanding leadership under Capt. Raphael Semmes.

Hundreds of citizens in my congressional district have joined forces to organize the "Save the C.S.S. Alabama Committee." This group wants to raise this prized ship and return it to the United States for all Americans to see and enjoy. They are not asking for any Government financial assistance. To the contrary, they are organizing efforts to raise all the necessary funds for the project through private donors.

Our legislation is simply assisting them by clearing up any misunderstanding between the United States and other nations as to who is the rightful owner of this famous ship. Since we have never relinquished our ownership of the C.S.S. *Alabama*, it is quite obvious that it still rightfully belongs in American hands.

Mr. Speaker, I urge my colleagues to join with me in supporting this legislation and return the C.S.S. *Alabama* to its rightful home in Mobile.

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HEARING HIGHLIGHTS MISSOURI AS PACESETTER IN UNIVERSITY-INDUSTRY COOPERATION

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUECHNER. Mr. Speaker, over the past year, many of us have been in a desperate search for ways to improve the ability of American firms to compete in the world marketplace. But a recent congressional hearing in my home area at the University of Missouri at St. Louis proved to me that the innovation we need is already going on right here at home.

I came away from the session feeling much as Dorothy did in the "The Wizard of Oz": "The next time I go searching for the rainbow, I won't look any further than my own backyard."

The hearing by the Subcommittee on Science, Research, and Technology of the Committee on Science, Space, and Technology highlighted means by which universities and industry can work together to improve productivity and create new products.

The Monsanto Corp., for example, has a pioneering relationship with the Washington University Medical School. Under their agreement, Monsanto funds basic research at the medical school that it may apply later in its pharmaceutical business.

The collaboration has been enormously productive. Dr. Philip Needleman, head of the medical school's department of pharmacology, enthusiastically described how the joint effort had led to swift clinical trials of a chemical that may be useful in regulating blood pressure.

The interaction between Monsanto and Washington University, a tribute to the vision of Dr. Howard Schneiderman, Monsanto's senior vice president, should be an inspiration for the entire country.

Other universities and companies interested in cooperative efforts will want to look at a new model agreement developed by the Government-University-Research Roundtable. Dr. Don Phillips, the group's executive director, testified to the economic importance of such a relationship.

In addition, Dr. Martin Jischke, chancellor of the University of Missouri at Rolla, described his school's center for technology transfer and economic development, which helps small businesses apply existing technology to modernize their products and processes.

Several Federal programs, including the National Technical Information Service, have been helpful in local technology transfer activities as well.

Federal efforts have also aided in increasing the overall level of collaboration between industry and universities. The National Science Foundation's Engineering Research Centers is one program that has encouraged universities and industries to work together.

Mr. Rick Sringley, the executive vice president of Invitron, a new biotechnology firm, described how small business innovation research grants had helped his firm fund unversity research that led to new products.

In all, the hearing provided a wealth of information on how businesses and universities in Missouri have prospered by working together. I've included a witness list because I think these people are a resource for the entire country.

In addition, I extend my sincere thanks to my colleague, DOUG WALGREN, chairman, of the Subcommittee on Science, Research, and Technology, and also Betty Vanum, David Goldston, Maryanne Bach, and Marc Katz.

If more areas follow Missouri's example, we'll soon all conclude that when it comes to innovative ideas, "there's no place like home."

Mr. Speaker, I include for the RECORD a witness list of the persons appearing at this hearing who are a resource to the entire country.

WITNESSES

1. Dr. Don Phillips: Executive Director, Government-University-Industry Roundtable.

2. Dr. John Moore: Deputy Director, National Science Foundation.

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3. Dr. Michael Montague: Manager, Operations and Biological Sciences, Monsanto Corporation.
4. Dr. Donald Ames: General Manager, McDonnell-Douglas Research Labs.
5. Mr. Ross Spicer: President, SBC Technology Resources.
6. Dr. Philip Needleman: Department of Pharmacology, Washington University Medical School.
7. Dr. William Danforth: Chancellor, Washington University.
8. Dr. Arthur Baue: Vice President, St. Louis University Medical Center.
9. Dr. Roger Mitchell: Dean, College of Agriculture, University of Missouri at Columbia.
10. Dr. Martin Jischke: Chancellor, University of Missouri at Rolla.
11. Dr. Marguerite Ross Barnett: Chancellor, University of Missouri at St. Louis.
12. Mr. John Johnson: Manager—High Technology Program, Missouri Department of Economic Development.
13. Dr. Bill Phillips: Science Advisor to the Governor of Missouri.
14. Mr. George Sloan: Vice President for Research and technology, St. Louis Regional Commerce and Growth Association.

IN MEMORIAM: MONTGOMERY COUNTY POLICE CHIEF BERNARD D. CROOKE, JR.

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, in 1979 Bernard D. Crooke, Jr., took over a Montgomery County Police Department troubled by dissension. He stabilized the force and turned it into a department of which Montgomery County MD, which I represent in Congress, is justifiably proud.

On Tuesday, Chief of Police Crooke passed away. His sudden death took us by surprise and saddened us greatly. In Bernie Crooke both the police and the citizens of Montgomery County lost a leader and a friend. Chief of a 750-member department, he had come a long way since his days as a D.C. patrolman 32 years ago. His years of police experience showed as he, in his quiet, fair way, helped keep the county's crime rate low despite increasing urbanization and developed creative means of dealing with growing drug problems. He will be missed. We in the House of Representatives offer our condolence to Chief Crooke's family.

THE NEED TO UNEARTH THE UNDERGROUND ECONOMY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, 100 years ago, Jules Verne wrote about intrepid adventurers who journeyed to the center of the Earth. Their travels through mysterious channels and byways to the Earth's core is not at all unlike the difficulties an economist must undergo in trying to find out about the underground economy.

On Tuesday, the Baltimore Sun published the findings of a Johns Hopkins University study, in which Dr. Alex Portes claims the underground economy in the United States accounts for 10 to 33 percent of the overall economy.

The U.S. GNP exceeds $2 trillion per year; therefore, by using Dr. Portes' estimate, the underground economy is anywhere from $250 to $750 billion per year.

By definition, people in the underground economy do not participate in the regular economy like you and I do; in other words, these people do not pay taxes.

We are losing tax revenues in the neighborhood of $100 to $200 billion a year, or more than enough to balance the budget.

Somehow we must get these people to pay their fair share whether it is via a fair flat tax or some other means.

It is time we brought the lost world of the underground economy to the surface, because the rest of us can no longer foot the bill for these others who are getting a free ride.

WHERE IS THE DEMOCRATIC PACKAGE OF AID FOR THE CONTRAS?

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, you have now proven that you and your majority in this House cannot govern. Having turned down the President's bipartisan approach to Central America, you have now shown that your leftist plan cannot even get to the floor on a timely schedule. Time is not an insignificant factor here.

Because of what has been done, authority for the democratic resistance in Nicaragua, lethal and humanitarian, runs out on Monday. Mr. Speaker, your leftist majority will be permitting support to dry up while capable of doing nothing yourselves, either that or you are consciously committed to doing nothing.

Mr. Speaker, do not assume obligations, foreign and domestic, that you are incapable of fulfilling. Do not make promises that you are unwilling to keep. Do not continue to embarrass this House and this country with the spectacle of irresolve and inaction.

This House's inability to consider Contra aid today is a legislative failure. It is not a minor failure, it is a very major one, and who benefits most from this failure? It is the Communist government of Nicaragua that benefits most from this failure.

ENERGY EFFICIENCY TECHNOLOGY EXHIBIT

(Miss SCHNEIDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss SCHNEIDER. Mr. Speaker, we have at this time one of the most impressive events to occur in modern economic and industrial development, and that is a turning point in the recognition that the energy efficiency technology that has been developed by the United States can move us successfully into the future. Energy efficiency technology refers to improving the use of our energy in our buildings and our vehicles and also in industry, and it is America's most unsung technological success story.

Mr. Speaker, I urge my colleagues to take the opportunity to see firsthand this success story in the rotunda of the Cannon Building because there we have an exhibit that represents practically every district in the United States and many of the leading and not well known industries throughout the United States, exhibiting their advancements for energy efficiency technology.

Mr. Speaker, I want to share with my colleagues that we have a great opportunity now to utilize these technologies to reduce the cost to the American taxpayers, to reduce the cost to the American energy consumer, and if we are not more aggressive in our pursuit of utilizing these technologies, we will find that we will be lagging behind in our race for being No. 1 globally.

Mr. Speaker, United States firms will operate at a disadvantage if that occurs because it takes 75 percent more to produce a dollar of GNP than a foreign country like Japan.

Second, we stand to lose the multi-trillion-dollar market in efficiency technology and services such as we have already noticed the loss in the auto industry because we have not been making fuel-efficient automobiles, and we will lose also the potential markets when we look at the developed countries who already have prices much higher than ours for oil, and when we look at those countries that are developing they want products that will minimize the capital requirements so they can invest in other development projects.

Third, we should keep in mind that energy efficiency technology prevents pollution. There are numerous studies on acid rain, global warming trends, and a whole broad spectrum of things that clearly point to the fact that if we use energy efficiency technologies we are not only improving America's productivity, we are not only opening new markets to our export trade, but we are also preventing pollution.

Our level of prosperity is not a fated one, it is a chosen one and we have the

technological know-how to choose a bright and prosperous energy future.

Mr. Speaker, I urge my colleagues to see some of that technology in the Cannon rotunda which will enable us to make these moves.

THE TIME FOR BUDGETING IS NOW

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, last year, we passed our concurrent resolution on the budget 2½ months late. We then proceeded to pass only 4 of the 13 appropriations bills before the June 30 deadline. Three of the appropriations bills amounting to 60% of all spending never passed the House individually. The beginning of the fiscal year came and went without one regular appropriation bill reaching the President and the deadline for reconciliation was ignored. As a result we enacted a mammoth, last-minute continuing resolution and went home for the holidays.

The President announced in his State of the Union Address that he will veto any continuing resolutions put before him, and 146 of you have joined me in pledging to uphold his veto. This year will be different.

Two weeks ago, the President released his fiscal year 1989 budget. We need to take a hard look at this budget and press forward on our hearings so we can have our concurrent resolution on the budget completed by the April 15 deadline.

Mr. Speaker, the road to a thoughtful, coherent, on-time budget starts not a few days before next November's election, but right here, right now.

MANEUVERINGS OF THE LEFT ON CENTRAL AMERICA

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I think every American citizen can learn a great deal by watching the maneuverings of the left on Central America over the last few weeks. When there was a chance a short while ago to vote to sustain freedom, to vote to help the freedom fighters, to vote to ensure that communism would not win in the Nicaraguan civil war, the left promised Members who were undecided that if they voted "no," if they killed the package proposed by President Reagan, that they would get a vote, they would have a chance to sustain the freedom fighters.

Yesterday the left's package was so bad, it was such a unilateral surrender to the forces of communism, it was such a collapse of the forces of freedom that the left came to realize around 6 o'clock yesterday that they could not win.

Now they are maneuvering to use the power they have to get the margin of votes necessary to ensure that freedom dies and communism prevails in the Nicaraguan civil war.

Mr. Speaker, every citizen who watches the maneuvers of the left in this House will understand how power is used on Capitol Hill to ensure that freedom does not prevail and that the side of the pro-American forces does not win in Nicaragua.

ADJOURNMENT TO MONDAY, FEBRUARY 29, 1988

Mr. CARDIN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet at noon on Monday, February 29, 1988.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Maryland?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I do so only to try to find out whether or not there is any chance that this House is going to do any business of consequence in the upcoming week before we grant some of these requests.

The fact is we were promised a vote on Contra aid today. We were told by the Democratic leadership that they had a plan ready.

Mr. Speaker, many Members stayed in town awaiting that very important and serious vote because we know that the time is running out. Yet, today we come to the floor and we have absolutely no business on this floor.

Can the gentleman from Maryland [Mr. CARDIN] give us some assurance before we grant this unanimous-consent request that this House is going to get about doing the serious business that we have before us, for instance, saving freedom in Central America?

Mr. Speaker, I would be very glad to yield to the gentleman from Maryland under my reservation of objection.

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me this time.

As the gentleman from Pennsylvania [Mr. WALKER] knows, it was anticipated today that there would be time set aside for a vote in regard to the continued aid to the Contras, that after consultation with the minority it was decided to withhold that vote until next Thursday. It is anticipated that there will be a pro forma session only on Monday, that on Tuesday there will be an agenda but it is also anticipated that recorded votes on Tuesday will be postponed until Wednesday.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, do I understand the gentleman correctly to be saying to this gentleman that the House Republican leadership was responsible for putting off the vote today on Contra aid? I will yield to the gentleman from Maryland [Mr. CARDIN] under my reservation of objection.

Mr. CARDIN. Mr. Speaker, I said "after consultation with."

Mr. WALKER. After consultation with. Was that consultation where they were told this was going to happen, or was it consultation where they were asked whether or not they thought it was a good idea?

Mr. CARDIN. It is my understanding that yesterday afternoon after consultation between the majority and minority it was decided that the vote on Contra aid would be postponed until next Thursday.

Mr. WALKER. Further reserving the right to object, it is my understanding, I will tell the gentleman from Maryland [Mr. CARDIN], that our leadership was called last night and was informed that there would be no vote today, that there was no such thing as consultation on this matter, that once again the Democratic majority just decided arbitrarily to cancel the business that we had before us despite the fact that it is extremely serious business, because as the gentleman well knows, the authority for aiding the democratic resistance runs out on Monday. Given the fact that we are not voting today, it means that that aid will dry up as of Monday. Any action that we take after that will have to restore the aid and that is just an absolutely unacceptable position which I do not believe was done in consultation with the minority.

Mr. Speaker, I will be glad to yield to the gentleman from Maryland [Mr. CARDIN] if he has other information.

Mr. CARDIN. Mr. Speaker, let me assure the gentleman from Pennsylvania [Mr. WALKER] that it was not until approximately 6 o'clock last night that we received the Republican alternative, and that there was very little time available last night in order to respond and be able to be prepared today in regard to the alternative that was being suggested by the Republicans.

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Mr. GINGRICH. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, it is my understanding, and I would be glad for the Democrats to explain this, but it is my understanding that around 6, in fact each side gave the other their alternative, that the Republican leadership also did not have the full details of the final version as taken to the Rules

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Committee by the Democrats until 6 last night.

Mr. WALKER. Mr. Speaker, I yield to the gentleman from Maryland, further reserving the right to object.

Mr. CARDIN. I think there is some accuracy to that, but let me assure you that there has been consultation between the Speaker and the minority leader and that it is correct that there has just not been enough time for the Democrats, or for the different alternatives to be absorbed by the Members in time for a vote today.

I think in due respect to both sides on this particular issue it was thought the best course of action was to give everyone an opportunity to know what they are voting on and for us to be able to understand what the Republicans would like to offer and for the Republicans or for those on the other side to understand what the proposal will be in regard to the alternative.

Mr. WALKER. Further reserving the right to object, we made our offering about 3 weeks ago and a vast majority of the leftwing of the Democratic Party turned that down. And so that the problem becomes that what has happened here is that you have turned down a proposal while you said during that debate that you had an alternative proposal. We have now waited 3 weeks. There was plenty of time in that 3 weeks to do what the gentleman said.

Now we have come up against a deadline where the actual aid to the resistance gets cut off. Now we are unable to act despite the fact that we have come up against that deadline. I just simply say to the gentleman that that is a very, very irresponsible legislative process.

Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. GINGRICH. If I might, I would like to ask the Democrats, if I may understand clearly what they are suggesting, because there are circumstances where we might be willing to wait until Thursday. Do we have a commitment, just as a matter of clarification, do we have a commitment from the Democratic leadership that there will be a substitute in order?

Mr. CARDIN. I am perhaps suggesting that maybe there should not be, because if I understand the gentleman from Pennsylvania correctly, we have already had the vote on the proposal that was made from that side that was rejected and perhaps it should not be in order. I am not making any suggestions at this point other than suggesting that this issue will be before the House next Thursday.

Mr. GINGRICH. Well, let me suggest then for a second.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Pennsylvania further reserves the right to object.

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. GINGRICH. Let me further ask of the Democrats then, I have just been informed by our staff having checked with the minority leader's staff that there was no consultation, let me make this clear, there was no consultation with the Republican leadership. I just checked with the leader's office. Let me further ask, then, if I understand the point being suggested by my friend from Maryland, we on our side are being asked to wait an extra week to allow the authorization for helping the freedom fighters to expire without a vote, with no guarantee and no promise that we will even be allowed a substitute, because it now looks, having looked at our substitute, as though we might win.

Now do we have a commitment on your side that we will be allowed a straight vote next week on a substitute?

Mr. CARDIN. It is my understanding, before yielding to the gentleman from North Carolina.

The SPEAKER pro tempore. The gentleman from Pennsylvania further reserves the right to object.

Mr. WALKER. I do control the time and I will be glad to yield to the gentleman from Maryland and then I would be glad to yield to the gentleman from North Carolina. I would be glad to yield to the gentleman.

Mr. CARDIN. It is my understanding that the Speaker has indicated that there will be an opportunity for a vote in regard to the proposal that is being crafted by the minority.

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from North Carolina.

Mr. HEFNER. Let me get some clarification here. Now a couple or 3 weeks ago, we had the administration's position on the Contra aid, an up or down vote with about 10 hours of debate, is that correct?

Mr. WALKER. The gentleman is absolutely correct.

Mr. HEFNER. Would the gentleman on that side of the aisle agree that would only be fair, if we want to have an up or down vote on the Democratic proposal for the humanitarian aid, would that be a fair assessment that you would not insist on a substitute and allow us an agreement to allow the Democratic package to be voted up or down with a limited amount of debate? Would that sound fair to the gentleman from Pennsylvania?

Mr. WALKER. I would say to the gentleman that we seem to be moving in that direction. I think the fear was that when the Members began to find out that the Democratic leftwing plan called for surrender, reparations and military involvement in Nicaragua, that they feared that that would go down in flames and that is one reason why we do not have it out here today. And so the problem is that the gentleman raises a moot point. We do not even have—we do not have anything to consider today and I find that very disturbing.

Mr. HEFNER. If the gentleman would continue to yield.

Mr. WALKER. I would be glad to yield to the gentleman.

Mr. HEFNER. I think there may be some misunderstanding in both packages, possibly. I understand from what I know on the package that the gentleman's side of the aisle offered, you do not specify what is humanitarian aid and what is lethal aid, there is no discrimination between them. We do not know what is what. But going back to my original premise, does the gentleman think it would not be fair from what the gentleman said earlier since the gentleman had 3 weeks ago an up or down vote on the administration's package, that would only be fair that we have a date certain that the Democrats would have an up or down vote on our humanitarian package? And if that fails then we go from there.

Mr. WALKER. Further reserving the right to object, I might say to the gentleman it would be nice if his leadership would consult with our leadership about that. It would be nice if they would sit down and talk to our leadership about it rather than simply informing our leadership what the patterns will be. The bottom line is that one of our concerns is that we have just been told out here that all of this took place as a result of consultations and we now, checking with the leader's office, find out there were no such consultations.

So I would say to the gentleman if your leadership can convince our leadership of that, I am sure that our side will be very happy to follow what our leadership decides should be done. But I would say to the gentleman that the question here is whether or not we are going to preserve freedom in Central America and it ought not be reduced to gamesmanship. We ought to have a real chance to consider how you best preserve freedom in Central America; that is what this gentleman is trying to accomplish and this gentleman is concerned about the fact that by not doing something today we are allowing the authority for aid to the democratic resistance to run out as of Monday. And we have absolutely no proposal and no guarantee to do anything prior to Monday to help keep the authority for aid to the democratic resistance, humanitarian aid too, alive.

I would be glad to yield to the gentleman.

Mr. HEFNER. Just as a point in the press conference last night, the aid to the Contras does not dry up as of tomorrow night or the 29th, because there is money in that pipeline, there

is lethal aid that is available for the next few months, there is humanitarian aid. So there is not a need on the expiration date that was in the CR, that aid does not absolutely shutdown and Contras do not become destitute.

Mr. WALKER. Further reserving the right to object, the gentleman is telling us that despite the fact that the authority does not run out as of Monday, February 28, as of March 1 it was cut off, what the gentleman is saying now is that your side is now saying, OK, a little bit of end run around that process is OK, "because we couldn't get our bill to the floor?" Because we are in the position, in fact, where there was a March 1 cut off.

Mr. HEFNER. Not at all. Would the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from North Carolina.

Mr. HEFNER. Just for 1 moment. I am not saying that at all, because even if the bill had come to the floor tomorrow and had been reconciled and gone to conference with the Senate it would not have been completed by the time that the authorization ran out, certainly I am not saying that. I was just asking the gentleman from the very start that what seems in fairness, if the gentleman's side had an up or down vote on the administration position, would it not seem fair and not heavy handed for us to say that we are going to have an up or down vote on our proposal?

Mr. WALKER. Let me say to the gentleman, I assumed that when the gentleman scheduled the bill for today that he had some plan that was going to get it enacted by Monday. I assumed we were not playing silly games out here, that you in fact had cleared things with the Senate so that we were going to have a process that actually got the job done in a timely manner. If the gentleman is saying to me that that was the wrong assumption then I am really embarrassed by the situation out here, because the fact is we have enacted major bills around here in a 1-day period.

Further reserving the right to object, I yield to the gentleman from New York.

Mr. SCHUMER. I would just like to ask the gentleman: If the House does not act today or tomorrow or Monday what he thinks, what he would suggest is going to happen in Central America? I mean, are the Contras going to pick up and go home over the weekend? Are they a fighting force committed to all the things that you have suggested they are committed to? Or are they just sitting home watching their TV sets to see what is going on here?

Mr. WALKER. Well, I would say to the gentleman, as the gentleman well knows we have a lot of problems around here when authority runs out for even the most minor Federal agency. We go through all kinds of machinations in order to see to it that that authority does not run out.

I am saying to the gentleman that if the authority for the Contras runs out as of March 1 and we will not have acted, that sends a very, very chilling signal to the people who think that what they are doing is fighting for freedom. And it does in fact provide aid and comfort to the Communist government down there which I think is the exact opposite of what we ought to be trying to do.

Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. GINGRICH. I want to ask the gentleman from North Carolina a question if he is still here. I am confused, because the gentleman is on the Appropriations Committee and certainly understands the technical details of spending money far better than I do. Is it not true that if the authorization runs out on Monday that it would be illegal for the U.S. Government to continue to expend funds doing those things and in fact if the executive branch were to willfully continue doing it that it would be the subject of probable congressional investigations and legal processes.

Mr. WALKER. I would be happy to yield to the gentleman from North Carolina.

Mr. HEFNER. Well, the gentleman is more into investigations than I am. But it seems to me that you have lethal aid that has probably already been moved into the domain where the Contras have access to it. As far as the humanitarian aid, in the continuing resolution we carried it through to the 29th. Even with your bill, had your bill passed and gone to conference, you would not have had any appropriations made before the deadline came. But there is already money that has been appropriated legally that has not been expended yet. It is not going to be taken back, if the gentleman is listening.

Mr. GINGRICH. Yes.

Mr. HEFNER. The money that has already been appropriated is not going to be taken back. They still have some of that money, just like in other programs. This is no different than any other program.

Mr. GINGRICH. Will the gentleman from Pennsylvania further yield?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] further reserves the right to object?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. GINGRICH. Well, my point I say to my friend from North Carolina, if I understand it, is the legal authorization to spend the money will have ceased at the end of this month on Monday and therefore even if there is money in the bank so to speak, the money is not expendable by the executive branch and I would ask my friend on Appropriations, is it not true that on other occasions when we needed to keep the Government running we often pass something in 12 hours because we want to be sure the Government does not stop.

Mr. HEFNER. This is different than any other appropriation. If the money has been appropriated and given to the agency or to the Contras it is their money. It can be spent.

Mr. WALKER. Further reserving the right to object, I want to make one point here. I just received word here that Ambassador Briggs, our Ambassador to Honduras makes the point that as of Monday they are closing the hospitals used by the Contras because they have run out of authority. So those hospitals are closed down, those people have no place to go for medical services. So the point being made by the gentleman from North Carolina is just absolutely wrong; as of Monday dire things begin to happen.

Mr. GINGRICH. I want to make clear, because as I understand one of these colloquy and I have seen it occasionally, is the gentleman from the Appropriations Committee saying that in his judgment it is his understanding—I know the chairman of a powerful subcommittee on appropriations is standing next to him and the majority leader is there—is he saying that it is his understanding that the money which is in the pipeline can be expended after Monday even without something new being passed?

Mr. HEFNER. I yield to the other gentleman from Appropriations.

The SPEAKER pro tempore. The gentleman from Pennsylvania is reserving the right to object.

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply say that Mr. Calero was in my office on Monday, I believe, and we talked for a considerable amount of time and it was very apparent after talking to him that he feels that they have sufficient material and supplies to last about 60 days, no matter what happens today or tomorrow. And with all due respect to the gentleman's understanding of the situation, I think in this instance his understanding of the situation probably exceeds that of either you or me.

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. GINGRICH. Let me ask one more thing of the gentleman from Wisconsin. The gentleman from Wisconsin is an expert and is one of the brighter Members of the House.

One of the things which has been happening under the U.S. Govern-

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ment's authorization, and I would like—one of the things which has been happening, as I understand it, is that intelligence information and communications information has been given to Mr. Calero's freedom fighters by the U.S. Government and that the money which allowed that to happen, and the authorization which allowed that to happen will expire on Monday. Now is it the gentleman from Wisconsin's understanding that we will continue to be able to give intelligence information after Monday or does that expire as of Monday?

□ 1215

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I will simply say that the question ought more properly be directed to a member of the Intelligence Committee. But that question is determined by the Intelligence Act. I think it is section 104; I have forgotten the exact number. I think there is no real sweat on that situation.

Mr. WALKER. Mr. Speaker, further observing the right to object, the fact is that that they are very seriously impacted if their hospitals are being shut down, if there are problems in terms of even supplying basic needs such as health needs. The people on the ground who should be the experts there are saying that that is in effect going to be the situation as of Monday, and this House will have been in the position of failing to take the action that would allow those hospitals and those facilities to remain open.

Mrs. MARTIN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Speaker, sometimes when things are not well thought through, there can be problems, and I think this is useful for all of us. If indeed the Ambassador is correct and without new authorization those hospitals close, we are talking about something that crosses every party line, and every Member of this House knows that.

If there was one area of unity, it was a concern for the children, it was a concern for the people who are hurt. If that is what the other side of the aisle has wrought with its innumerable assistant secretaries of state there, that is a burden none of us want to place upon ourselves. I would hope that we keep open enough to get this checked totally today, and I ask the majority leader to do that so that we could correct the problem. There is no one in this House, on either side of the aisle, I truly believe, that wants those children unattended and hurt, and if that is what is to happen Monday because of scheduling inaction, which, as we know, because we here it so often, is the right of the majority, I know the majority would want that changed, too.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Mr. Speaker, reserving the right to object, let me yield to the gentleman later.

First, I understand that the majority leader was in the Intelligence Committee this morning, and I wonder if he could tell us whether the interpretation of the gentleman from Wisconsin was indeed correct, that all of the support that has been flowing to the Contras can continue to flow to the Contras even after the authorization expires on Monday. Can the majority leader tell us that?

Mr. FOLEY. Mr. Speaker, if the gentleman will yield, I am sorry, but I cannot tell the gentleman about those activities and about such matters in the Intelligence Committee. I think the gentleman knows that.

Mr. WALKER. Mr. Speaker, I thank the gentleman for responding. But in one case we have it that the subcommittee chairman with major responsibilities in this area is telling us that he cannot respond to a matter before the Intelligence Committee and now the majority leader is telling the Members he cannot respond because he is a member of the Intelligence Committee, and yet we have information from people on the ground that says that we are having facilities shut down. If we are suffering dire consequences as of Monday as a result of the inaction of this House, I think somebody should be prepared to provide some answers.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, I would just like to comment on the consequences of what the gentleman from Pennsylvania and the gentlewoman from Illinois are saying, that the Contras are a force as totally dependent on United States aid, without a bit of indigenous support, without a bit of ability to go out and get any support from anywhere else, that if this body does not act today, the whole operation closes, the hospitals and whatever else, on Monday.

I would assert to the gentleman and to the gentlewoman from Illinois that if we truly believe that, we would not be supporting the Contras because if we believe they are a total puppet of this Government and they could not run a fighting force or could not even run a hospital without an immediate transfusion of funds from this Government day to day, minute to minute, week to week, the Contra force would be useless for your purposes, even though the gentleman disagrees with mine.

Mr. WALKER. Mr. Speaker, I thank the gentleman for his explanation, but, of course, the gentleman, I assume, is going to support the Democratic alternative that was suggesting that the way we were going to deliver supplies to these people was for the first time in the history of this conflict to involve our military. What this gentleman has supported in terms of the Contras was that we were going to avoid having our military involved in the conflict there. So I am very proud that the support we have been giving to the Contras has in fact allowed us to keep our Department of Defense out of that activity.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, just continuing, I think what the gentleman said misstates the case. Right now, even though the aid is being delivered by the CIA, there are not CIA people out there in the field or they are not supposed to be doing things. The same is true with the DOD. That may be a method of delivery. They are not involved in fighting, they are not involved in running the hospitals, they are not involved in training or anything like that. So I do not think the gentleman's point has much water.

Mr. WALKER. Mr. Speaker, I think the gentleman's point does have water. If in fact that is a delivery system that works, why can we not keep that delivery system? Why all of a sudden are we going to switch this to a Department of Defense delivery system, which in effect was an indication that we could have had military personnel involved in it, and for the first time we would be introducing military personnel into a hostile environment?

Mr. SCHUMER. No, that is just what is not supposed to be happening.

Mr. WALKER. That was not what was supposed to be happening, but that is an indication that that is what the gentleman said he was going to provide.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, it should be pointed out that the alternative the gentleman is discussing provides that the delivery system would be transferred from the CIA to the Defense Department, which simply means that the Defense Department will be the contracting agency. The legislation requires that this be done by contract, and that simply means there will be no military personnel in that operation where they ought not to be, and the gentleman knows that as well as I do.

Mr. WALKER. Mr. Speaker, further reserving the right to object, and for months the gentleman's party has been out here telling us how wasteful the Defense Department is, so the gentleman is now going to transfer the operation to that Department, which he regards as the most wasteful department in the Government. It is either that, or the gentleman intends to have the operations run with military personnel involved. It was one of the two, and I would say to the gentleman that if the operation is working, it is absolutely incongruous to me why the gentleman suggests it ought to be taken out of the hand of the CIA, where it is monitored and where everybody agrees the intelligence is doing a good job.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I think I have the answer to the question of the gentleman from Pennsylvania.

The gentleman may recall during one of the Contra aid debates 2 or 3 years ago the former gentleman from Maryland, Mr. Barnes, came to the floor and said, "No, we can't use the CIA to dispense the money; no, we cannot use U.S.-aid to dispense the money. We will set up a new agency in the Department of State to dispense the money to the Contras."

The money was spent, and the Department of State was not equipped to audit where the money went, and the same gentleman from Maryland came to the floor after the money was spent, saying, "We can't track all this money, and that shows the money was not used for the purpose Congress intended."

Now we are setting ourselves up in the same trap. The Defense Department is not in the business of disbursing aid to foreign nationals. Yet the legislation apparently that the Democrats are going to bring to the floor will dispense aid to foreign nationals.

Where is the auditing capability on that? Who is going to audit it within the executive branch? Or are we going to come back here after this money is spent with some of the same Members who pushed this bill through saying that the people down south of the border stuck it in their pockets? I think that is the issue.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, I think on this whole debate we are getting into over this issue, the question really comes down not to just the format that may be out here on the floor, but the issue the gentleman first brought up when he raised his objection is critical, and that is that we are not going to get a vote until after apparently the aid provisions expire and there is going to be some lapse of the delivery system, at least from what we know as Members generally, and we have had represented to us that perhaps that is not so, that maybe there is some way for it to be delivered. But it is critical that we not let the Contras have a lapsing period of time if we are going to keep the heat on.

It seems ridiculous that we are getting to the posture of having a provision for the only vote we could have that would continue in any way any kind of assistance and then have a period of time in which the law is in a nebulous state.

That is worse than when we get into the budget cycle where we come up at the 11th hour and close the Government down for a while. This is far too critical, and I think it is a very sad situation. Based on my Contra experience in that Iran-Contra Committee, I particularly think it is a terrible thing.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, unless I heard wrong last night, I do not wish to be argumentative, but the President of the United States himself said last night in his press conference that there was no immediate danger of the moneys for humanitarian or lethal aid for the Contras running out immediately, that there was some time in there where they could have the luxury. So there is money that has been appropriated if they had all other agencies in the Defense Department. If we went under the assumption the gentleman is going under, every year before authorization we would have to stop all the contracts with our defense contractors for everything.

The gentleman can correct me if I am wrong, but the President of the United States last night did not express any concern in the short run for humanitarian aid and for lethal aid to the Contras. If I am wrong in that, the gentleman can correct me.

Mr. WALKER. Mr. Speaker, further reserving the right to object, the situation is that the authority to deliver further materials and aid to the Contras runs out as of Monday. The question is, and the question raised by the gentleman from Georgia was, that one of the things we are doing is delivering help to them on a daily basis, such as intelligence help, and so on. If that runs out, that is a major problem.

Ambassador Briggs, who is on the ground there, says they are going to have to close the hospitals as of Monday. That is what this gentleman is referring to. The President obviously feels that though there is some aid in the hands of the Contras that will help them, the fact is that there are also impacts on the Contras which are adverse.

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would just like to ask my colleagues on the other side of the aisle what they think the psychological impact on the resistance forces is of a lapse of American support and American commitment. What do they think the psychological impact on the Sandinistas is of a lapse of support of American commitment? What do they think the psychological impact on America's allies all over the world of a lapse of American support is?

Is anyone willing to answer that question? Obviously not.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The Chair will state that the gentleman from Maryland [Mr. CARDIN] has a pending request that when the House adjourns today, it adjourn to meet on Monday next.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERSONAL EXPLANATION

Mr. DOWNEY of New York. Mr. Speaker, I wish to make an explanation of my missing the vote on the approval of the Journal this morning. I missed that important Journal vote because of a hearing in my subcommittee, and I regret it deeply.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. CARDIN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1230

AN AVIATION WHISTLEBLOWER PROTECTION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, today I am introducing a bill which would amend the Federal Aviation Act of 1958 to provide protection

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for employees of air carriers who engage in whistleblowing activities relating to air carrier safety.

The need for this type of protection was brought to my attention at a Government Operations Subcommittee on Government Activities and Transportation hearing on October 27, 1987. Testimony at that hearing indicated that employees at a major airline were being pressured not to report safety problems and were even fired for doing so. In addition, witnesses indicated that the names of individuals reporting safety violations had been revealed to their employer by the Federal Aviation Administration [FAA].

At that October hearing, I stated my intention to introduce this bill to protect aviation whistleblowers.

In drafting my bill, I considered whether the responsibility for investigating whistleblower complaints should be vested in the Department of Transportation [DOT] or the Department of Labor [DOL]. I decided that the Department of Labor was preferable for several reasons.

First, although the primary reason for protecting aviation whistleblowers is safety, resolving a whistleblower complaint is primarily a labor-management issue involving a determination of good faith. With its other responsibilities, the FAA is likely to be perceived as taking sides in a dispute rather than serving an adjudicative function.

Second, the FAA has a basic conflict of interest. Since it is responsible for ensuring the safety of commercial aviation, the FAA may be inclined not to side with whistleblowers who are reporting safety problems that the FAA, presumably, should have discovered.

Third, DOL already performs this function for whistleblowers in the nuclear industry, for truckers and for hazardous waste workers.

Last, good public policy requires that the responsibility for private sector whistleblower protection be assigned to a single agency. The Department of Labor is the best single location. This view is supported by the conclusions of a report recently issued by the Administrative Conference of the United States. This report, entitled "Federal Protection of Private Sector Health and Safety Whistleblowers," recommends that:

Congress should enact omnibus whistleblowing legislation to replace all existing Federal private sector health and safety whistleblowing provisions; and

The Department of Labor should be assigned investigative responsibility for all private sector health and safety whistleblowing retaliation cases.

Fortunately, there are not many reports of discrimination against airline employees for reporting safety violations; however, this is a growing problem. It is one of the unpleasant side effects of the increased pressure on airlines caused by deregulation. Nonunion employees who have no protection from unwarranted dismissals are particularly hard hit.

I believe this type of legislation is most timely and am optimistic that it will receive active consideration this year.

INTRODUCING THE FEDERAL PRISON INDUSTRIES REFORM ACT OF 1988

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, I am pleased today to introduce the Federal Prison Industries Reform Act of 1988.

This bill would authorize Federal Prison Industries, Incorporated, to borrow funds as approved by its presidentially appointed Board of Directors within limits provided in the annual budget, and to employ the funds for purposes approved by the Board of Directors within the limits delineated in the bill.

Federal Prison Industries, Incorporated [trade name UNICOR], is a wholly owned, self-sufficient, Government corporation formed by an act of Congress and Executive order in 1934. The Corporation operates 75 prison industries factories in 42 Federal correctional institutions—including the factories that were in operation at the Atlanta and Oakdale facilities prior to the November 1987 riots. Its mission is to provide employment and training opportunities for inmates confined in those institutions.

Federal Prison Industries' need for borrowing authority is clear. As we all know, the inmate population in Federal institutions has grown dramatically over the past several years and now stands at over 44,000. This figure represents operational levels of 162 percent over capacity. It is anticipated that the population in the Federal prison system will double within the next 10 years. This growth will result in large part from the implementation of successful law enforcement initiatives such as the Anti-Drug Enforcement Act of 1986 and the U.S. Sentencing Guidelines in 1987 both of which increase the emphasis on incarceration options.

The successful management of the burgeoning population in our penal facilities has been due, in large part, to the success of UNICOR's industrial programs. These programs presently employ 45 percent of the working population of the Bureau of Prisons on a full schedule of meaningful work. The employment programs are critical in reducing idleness and the potential for disturbances which are associated with prison overcrowding.

Federal Prison Industries, Incorporated traditionally has funded all capital expenditures from retained earnings. Because of the unprecedented growth of the inmate population over the past several years and the concomitant demand for additional industrial programs, UNICOR has undertaken a much needed construction and expansion program. In addition, the UNICOR Program has suffered tremendous financial casualties as a result of the uprisings at Atlanta and Oakdale.

The continuation of the UNICOR expansion program will necessitate steady cash flows by the Corporation. These cash flows cannot be sustained through retained earnings alone, in part, because of the magnitude of the expenditures required, and, in part, because of the cyclical nature of UNICOR's sales which reflect the spending cycles of its Federal agency customers. In addition, the UNICOR program has suffered tremendous financial casualties as a result of the uprisings at Atlanta and Oakdale.

There are two potential sources for additional funds for UNICOR: direct appropriations by Congress or access to borrowed funds from the Treasury. In view of the congressional intent that Federal Prison Industries be self-sustaining, and consistent with UNICOR's demonstrated ability to manage resources and expand programs without relying on direct appropriations, conferring borrowing authority on UNICOR is the preferred method of financing expansion and the method provided for in this bill.

The bill further authorizes the Secretary of the Treasury to sell the obligations of the Corporation as public debt of the United States and to invest surplus corporate funds.

Finally, this bill restricts the use of UNICOR funds to uses directly related to the construction and operation of UNICOR facilities, prohibiting any expenditures related to the construction or operation of general prison facilities or camps.

For these reasons I urge all Members to consider giving their full support to this bill which I believe forward the important goals of curtailing idleness in a rapidly expanding Federal prison population.

Any persons with interest in this bill should contact the Subcommittee on Courts, Civil Liberties and the Administration of Justice, 2137B Rayburn Office Building, Washington, DC 20515, (202) 225–3926.

INTRODUCTION OF THE SIKES ACT REAUTHORIZATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. STUDDS] is recognized for 5 minutes.

Mr. STUDDS. Mr. Speaker, I am today introducing legislation to reauthorize the Sikes Act for an additional 5 years. The Sikes Act was enacted by Congress in 1960 to provide for cooperative wildlife management on military reservations and it was later expanded to include public lands under the jurisdiction of the Bureau of Land Management, the Forest Service, the Atomic Energy Commission and the National Aeronautics and Space Administration. The act authorizes these agencies, in consultation with the Secretary of the Interior and State fish and wildlife officials, to carry out a program of planning, development, maintenance, and coordination of fish and wildlife conservation on military reservations and other public lands.

Agencies affected by the Sikes Act control over 600 million acres of habitat for fish, wildlife, and plants. The prudent management of these lands and their resources is therefore of great importance to the Nation's wildlife resources. During the previous Congress, the Sikes Act was amended to improve the cooperative planning program, to ensure that trained professionals are actively involved in fish and wildlife conservation activities on military lands, and to ensure that revenues generated from renewable natural resource programs on military lands are dedicated to resource management.

The Subcommittee on Fisheries and Wildlife Conservation, which I chair, plans to hold a hearing on the reauthorization in March. During the hearing I intend to review the implementation of the amendments adopted last Congress to determine whether the fish and wildlife resources on military and other Federal lands are being managed properly and to assess if the hunting and other recreational activities associated with these wildlife resources are being properly utilized. I look forward to the reauthorization of the Sikes Act and welcome the support of my colleagues for it.

BRING ORDER TO PRESIDENTIAL NOMINATING PROCESS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. Speaker, yesterday I introduced H.R. 4004, legislation aimed at bringing a measure of order to the present chaotic way we nominate candidates for President of the United States.

When I served on the Democratic Leadership Council's task force looking at this and other issues, it became very clear that our system of nominating Presidential party candidates merited reform.

The way we have elected the President of the United States has evolved over two centuries. The nominating of Presidential candidates has also undergone profound evolution. In our own time, Presidential preference primaries and grassroots caucuses have come to play a major role in choosing the Presidential nominees. This has contributed to the popular election of the members of the electoral college, who now essentially rubberstamp the results of the popular vote in the Presidential election.

The chaotic element comes from the competition between the various States for the honor and the business benefits of having early primaries, which extend the primary period and exhaust the candidates, and from the local caucus system which puts a premium on special interest activists who turn out for the caucuses and lay claim to bits of the candidate's political soul. The result can be the nomination of an exhausted candidate, who has been running all over the country to campaign in widely scattered primary and caucus States, and a candidate who has been forced to take positions that prevent him from offering mainstream leadership to the American people.

We need a major change in the way we choose our chief executive—to move from the chaotic Presidential primary and caucus system of recent years to an orderly system of regional Presidential primaries.

This bill would set five dates on which Presidential primaries or caucuses could be conducted, beginning with the first Tuesday in February of an election year and continuing at 4-week intervals into June. It would divide the country into 10 regions and provide that primaries or caucuses be held in 2 of the regions on each of the 5 dates. The dates would be decided by lot and the regions conducting primaries or caucuses on a particular date would not be contiguous, assuring diversity in the regions voting on each primary date.

The States could decide, with the respective national and State party committees, on whether to have a primary or a caucus or to choose their national convention delegates in some other way. But the dates of primaries and caucuses would be specified according to lot and would be limited to the five dates separated by 4-week periods. Candidates would then be able to concentrate on the States in two areas, instead of running all over the country in a frantic effort to meet primary and caucus schedules set by competing State legislatures.

To encourage States to conduct Presidential primaries, I have provided in my legislation for Federal funding of such preferential and delgate-selection primaries.

At this point in the RECORD, I am inserting the text of H.R. 4004:

H.R. 4004

A bill to provide for regional primary elections and caucuses for selection of delegates to political party presidential nominating conventions and for Federal funding of presidential primary elections

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regional Presidential Primary and Caucus Act of 1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) presidential preference primaries, popular election of delegates, and caucus selection of delegates have become integral parts of the process of electing the chief executive of the land;

(2) orderly regulation of the process is necessary to fulfill the Constitutional requirement for the Congress to determine the time of choosing presidential electors and the manner in which they cast their votes; and

(3) establishment of an orderly system of conducting presidential primaries and caucuses is necessary to promote the general welfare and insure domestic tranquility.

SEC. 3. REGIONAL PRIMARY ELECTIONS AND CAUCUSES.

(a) SELECTION OF DELEGATES TO CONVENTIONS.—The delegates to each national convention for the nomination of candidates of a political party for the offices of President and Vice President shall be selected by primary election or by caucus, as provided by State law. Such State law shall conform to the requirements of the national political executive committee and the national nominating convention of the political party involved.

(b) TIMING OF PRIMARY ELECTIONS AND CAUCUSES.—The primary elections and caucuses referred to in subsection (a) shall be conducted—

(1) in 10 regions (comprised of entire States), with primary elections and caucuses to be conducted in 2 regions (selected by lot by the Federal Election Commission) on each day referred to in paragraph (2); and

(2) in 2 regions on the first Tuesday in February of each presidential election year and in 2 regions at the end of each of the next 4-week intervals.

The Federal Election Commission shall assure, to the greatest extent practicable, that primary elections and caucuses are not conducted in contiguous regions on the same day.

(c) ESTABLISHMENT OF REGIONS.—The regions referred to in subsection (b) are as follows:

Region 1. Alaska, Washington, Oregon, Idaho, and Montana.

Region 2. Hawaii, California, Nevada, Utah, Arizona, and Guam.

Region 3. North Dakota, South Dakota, Wyoming, Nebraska, and Colorado.

Region 4. New Mexico, Texas, Oklahoma, Arkansas, and Louisiana.

Region 5. Minnesota, Iowa, Wisconsin, Michigan, and Ohio.

Region 6. Kansas, Missouri, Illinois, Indiana, and Kentucky.

Region 7. Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island.

Region 8. New York, Connecticut, Pennsylvania, New Jersey, and Delaware.

Region 9. Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

Region 10. Tennessee, Mississippi, Alabama, Georgia, Florida, Puerto Rico, and the Virgin Islands.

SEC. 4. FEDERAL FUNDING OF PRESIDENTIAL PRIMARY ELECTIONS.

The cost of each presidential primary election conducted under this Act shall be paid from the general fund of the Treasury. There are authorized to be appropriated such amounts as may be necessary to carry out the preceding sentence.

SEC. 5. REGULATIONS.

The Federal Election Commission shall prescribe such regulations as may be necessary to carry out this Act.

SEC. 6. DEFINITIONS.

As used in this Act, the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, and the Territory of the Virgin Islands. Any other jurisdiction entitled under the rules of a political party to delegate representation at the national presidential nominating convention of that party may conduct a presidential primary or caucus on any one of the five dates established in Section 3(b)(2).

THE POVERTY OF THE DEMOCRATIC PARTY'S POLICY FOR CENTRAL AMERICA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RITTER] is recognized for 5 minutes.

Mr. RITTER. Mr. Speaker, the points highlighted in the recently concluded debate reflect on the poverty of the Democratic Party's policies for Central America. This lapse in authorizing assistance for the Nicaraguan Contras is a devastating psychological blow to those who are out in the field and it may have practical implications, as the gentleman from Pennsylvania pointed out, in the closing of hospitals in Honduras where young resistance fighters, some in their teens, are going for medical treatment.

Mr. Speaker, I want to extend my discussion to a comparison between the policy of the Democratic Party regarding the freedom fighters in Af-

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ghanistan and the policy regarding the freedom fighters in Nicaragua. Everyone in this House agrees that our program of military assistance to the Afghan Mujahideen is significantly responsible for our success in holding back the Soviet-backed government in Afghanistan and countering Soviet troops in Afghanistan. It is a covert program, but everybody knows about it and discusses it openly. Without that military assistance, the Mujahideen could never have accomplished what they have done. We have supplied the Mujahideen since the invasion. The policy began with President Carter under the able guidance of the National Security Adviser, Zbigniew Brzezinski, and it has been continued by this administration in a bipartisan fashion.

As a matter of fact, it was congressional pressure that caused the administration to take a more outfront, more aggressive stance on aiding the Mujahideen in Afghanistan, and provide Stingers antiaircraft weapons in order to neutralize Soviet helicopters and warplanes.

How in the world, given a situation right astride the Panama Canal, right south of an unstable set of fledging democracies, right on the border of the hemisphere's oldest democracy, save that of our own, that we can adopt a policy which takes away the military component of fighting a Soviet presence in Nicaragua. Let us face it. Everybody knows that the Sandinista directorate is one out of Havana and that Fidel Castro and the Cubans have been the motivating forces in the Sandinista Communist government. Everybody knows that. There are no illusions even on the part of the Democrats here in the House who have been active in this debate. The know what is going on behind the scenes.

How in the world we can allow the massive military buildup that the Soviets have conducted, the extraordinary amount of military aid that the Soviets have been pouring in, to continue, while we unilaterally remove our military assistance, is beyond this Member.

How we can conduct a policy to contain Soviet aggression which involves military assistance to freedom fighters in Afghanistan 12,000 miles away, and then pull the rug out from under those who are fighting for the exact same thing, to get rid of the Soviet presence, the Communist presence in Nicaragua, is really strange. How we can pull the rug out from under those people is really beyond me.

You know, it is interesting, there were reports that in January and February it looked as if the Democratic Party would unilaterally disarm the Contras fighting communism in Nicaragua. As this appeared more and more possible, what happened? The Soviets doubled their arms shipments to Nicaragua.

I think there is a great contradiction here, Mr. Speaker, and if there are any Democrats in this House who can explain that contradiction, I am one that is very much willing to listen.

The freedom fighters in Nícaragua are so close to the ideals of democracy and pluralism, western democratic—ideals—that is democracy with a small "d". The Afghans are attempting to forge an improved democracy after hundreds of years of semidemocratic rule. How we can support one and not the other needs an explanation. The American people need an explanation.

BIG BROTHERS/BIG SISTERS APPRECIATION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. COATS] is recognized for 60 minutes.

Mr. COATS. Mr. Speaker, I take this special order to commemorate an organization that deserves our highest commemoration. The week of February 21 to 27 is "National Big Brothers/Big Sisters Appreciation Week."

I think it is a very fitting time for us to honor the thousands of volunteers who make this organization the organization that it is. If I could give Members a little bit of history as to how this organization came about, I think they will gain a greater appreciation for its service to the youth of our Nation.

As far back as 1902, the first recorded Big Brother/Little Brother match was established in Philadelphia. From that time the idea grew whereby a man and a boy could form a partnership and provide support to each other in dealing with the problems that our youth have to deal with. That idea spread throughout the country and then in 1917 a federation, a loose federation of Big Brother/Little Brother agencies was established across the country. The idea became so popular that in 1946 a national organization, Big Brothers of America, was formed, headquartered in Philadelphia. That umbrella organization now has served as the lead organization for a truly remarkable story of service to young people.

In 1970 Big Sisters of America was formed, and in 1977 these two agencies, Big Brothers of America and Big Sisters of America, joined forces and today we have an agency called Big Brothers/Big Sisters of America, that has affiliates established in communities across this country, in 49 States, plus the District of Columbia, 465 agencies in total serving more than 100,000 children across this land.

Those agencies range from just a few matches to more than 800.

The purpose of the organization is perhaps best stated by the honorary chairman of Big Brothers/Big Sisters of America, former President Gerald Ford, and I would like to quote from a statement that he made that appears in the current annual report of that agency, and I quote the former President:

> Children look to adults for many things. For guidance, for emotional support, for help in mastering needed skills and knowledge. But above all, they look for friendship and acceptance. They want someone who thinks that they are important, that what happens to them matters. And they want someone whom they can count on, someone to trust. They will then develop the self-confidence and self-esteem they need to become emotionally healthy, contributing members of society. They will strive to be everything they can be, to realize their full potentials.
>
> Many children lack such adult friendship. They live in single-parent households, in which even one adult may not always be available when needed. That's when a Big Brother or Big Sister can help.
>
> These carefully selected volunteer adults, under the guidance of trained caseworkers, provide understanding, counsel, and friendship on a one-to-one basis. Even though the volunteers may spend only a few hours each week with a child, they are never far away. Children matched through the Big Brothers/Big Sisters program know that their adult friends will not let them down.

Mr. Speaker, the concept behind Big Brothers/Big Sisters is a simple, but a very profound one. It recognizes the truth about the times and the truth about children. It recognizes the truth that not all children are privileged to grow up in a two-parent family. It recognizes that in recent years the incidence and increase of one-parent families has been dramatic, and that there are many children in this Nation who do not have the ability to look to both father and mother for the emotional support and guidance and training and leadership that they need.

The real truth is that children, especially young children, often spell love t-i-m-e. Often that time is not available because of work demands on the parents, because of a breakup in the family which has tragically separated children from the support of the two parents, from the demands on a single parent mother, the head of a household, who has no option except to work to support that family.

So many children crave the simple presence of adults, both as role models and authority figures, of course, but also just for the simple fact that the presence of one person to that young person is what really counts and the time they could spend with them.

My own involvement in this agency comes from personal experience. I became a volunteer for Big Brothers of America, the Greater Fort Wayne Chapter, in 1972 and have subsequently served as a Big Brother to two little brothers.

I had the privilege of serving as a board member on that agency for a

number of years and then serving as board president for the agency for a 2-year period of time. I now serve on the advisory committee; so for the past 16 years or so I have had an intimate involvement with the agency in Fort Wayne, and an association with the national organization through my activities as a board member and board president and advisory member with the Greater Fort Wayne office.

The director of that agency, Frank Zirille, who started the agency in 1972, and the board president at the time, Don Wolf, who later went on to serve a distinguished number of years as national president of Big Brothers/Big Sisters, pointed the way toward I think what Big Brothers and Big Sisters is all about. They currently serve more than 400 children in our community, the greater Fort Wayne area, including a number of surrounding counties, and that service is provided, yes, with some trained caseworkers and staff, but the real service comes from the more than 400 men and women of the Fort Wayne area and surrounding area who give up time each week to serve as Big Brother or Big Sister for needy little brothers and little sisters in our community. They are carefully screened before they are selected. They are given intense counseling and training before the match is made, and the match is just that. It is a matching of the needs and talents and abilities of the little brother and little sister with the needs, talents, and abilities of the big brother, the big sister.

There are some heart-warming stories. Some remarkable stories about the kind of love and time and attention that has been given to these children and about the bonds that develop between the big brothers and big sisters and their little brothers and little sisters.

Agencies across the country have repeated the Fort Wayne story. They meet under the auspices of the national organization to share methods of raising revenues, of matching children, of providing services through a series of regional meetings and an annual meeting that takes place each year. Agencies and those who serve those agencies are brought together to share this information and to further improve the services that they offer to young children.

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The role models that they can provide, the guidance and emotional support that the Big Brothers and Big Sisters can provide, we cannot put a price tag on it. We cannot quantify it. I suppose we can commission some studies to determine what some of the effect might be, but who can really quantify, who can really say what changes have taken place in the lives of youngsters throughout this country because of the time and effort spent, because of the associations developed and the bonds that have grown between Big Brother and Big Sister volunteers and the young children who they serve?

It is probably impossible to measure but yet I think if the true story could be known and told, it would be a story of young people becoming and serving as productive members of their communities, avoiding some of the problems of dependence on illegal substances, avoiding the problems of juvenile delinquency, realizing that the possibilities of being a productive, healthy, contributing member of society exists, seeing that life does not have to be time spent without the association of a role model—male or female, learning the self-esteem and self-confidence that can come from associating yourself with an older adult.

I want to commend the Big Brother/Big Sister organization and all the affiliate agencies throughout the country, all those directors of those agencies, professional staff of the agencies, volunteer board members, because this is a voluntary organization, both at the national level and at the local level. The real key to this organization is that it is a volunteer agency. Volunteers are not paid, board members are not paid, and they often make substantial contributions both financially and of their time to make this program work.

The key to its success is I think that those who are serving are serving because they feel a call to serve or a need to serve and they have a willingness to serve on a volunteer basis. They are giving up their own time to provide friendship and support for these young people.

Tom McKenna, the national director of the Big Brother/Big Sister organization, and Joyce Black, the national president, deserve a real round of support for their efforts in directing what I think is one of the finest social service agencies in this country today, but most of all, I want to commend those Big Brothers and Big Sisters across this country, the more than 50,000 of them who are serving nearly 100,000 children. They are unsung heroes, their names will not be printed up, they will not get recognition on a public basis for their efforts, but it is their efforts that make this program possible and it is their efforts that make a difference for more than 100,000 young people across this land. They are the ones that are to be ultimately commended, they are the ones who make the program work. It is their time, their sacrifice and their dedication that bring this love and friendship to so many young people. They are the ones who we honor today in this recognition of "National Big Brother/Big Sister Appreciation Week."

Mr. Speaker, I think it is very important that we bring some needed recognition to an agency that is really doing a great job for our young people.

Mr. BRENNAN. Mr. Speaker, I rise today in strong support of the Big Brothers/Big Sisters of America during the "Big Brothers/Big Sisters National Appreciation Week." I join my colleagues in recognizing the dedication and commitment of these outstanding volunteers.

1988 marks the 84th year of the Big Brothers/Big Sisters movement in our Nation. Congress showed its support of the organization's mission—to match adult volunteers with children of single parent homes—by granting Big Brothers/Big Sisters a Federal charter in 1958.

Today 477 local agencies in 49 States are matching 50,000 boys and girls with adults who are helping take the place of the missing parents.

In my State of Maine four Big Brothers/Big Sisters organizations operate—in Augusta, Bangor, Boothbay Harbor, and Portland, facilitating the matching of 295 Maine children with adult volunteers.

I am proud to note that the Portland branch, which serves York, Cumberland, and Sagadahoc Counties, recently recognized two individuals for their outstanding service: Maureen Riley, who was awarded the Barbara Goodbody Award, and Joe DeMarino, who was awarded the James Harrington Award. These two individuals exemplify the spirit of volunteerism that the organization represents.

Even with this great commitment, there remains a need to do more. 50,000 children are still waiting to be matched with adult volunteers. In the State of Maine, 200 adult volunteers are needed to serve as Big Brothers and Big Sisters.

At this time I would like to ask my fellow colleagues to join me in honoring these fine individuals for their unselfish dedication and to stress the organization's need for more adult volunteers.

Mr. MARTINEZ. Mr. Speaker, I rise today to give sincere and heartfelt praise to the women and men of this country who give of their emotional and material resources to provide stability to thousands of little boys and girls who grow up in single-parent families.

The Big Brothers and Big Sisters of America have become a vital link in the effort to bring support and continuity to children, who for various reasons, cannot find that stability in the home.

In the beginning of this decade it was predicted that 40 percent of all children born since 1970 can expect to live 5 years or more with only one parent.

Recent estimates indicate that one out of two children can expect to be in a single parent home at some point in their life. Not every child from a single-parent family needs a Big Brother or Big Sister.

Many can rely on a traditional extended family support system. But the single parents who work and maintain a household, often do not have time and energy to fulfill their child's needs.

Coupled with the reality that this administration's shortsighted policies have propelled an increasing number of single parent house-

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holds below the poverty line, the desperate situations of one parent households are becoming magnified. It is no small wonder that the demand for this service is growing.

When we look at the increasingly complex and confusing demands of our society, and the impact this has on children it is easy to see the need for this program. The normal troubles of childhood, if badly handled or ignored, can develop into something more serious.

Big Brothers and Big Sisters give the kind of additional support that a child needs to get through the difficult and formative years. The sensitivity and simplicity of the Big Brother/Sister relationships can provide the balance needed for a child to grow into a healthy, productive adult.

It is impossible to estimate the amount of good and the number of lives that have been changed by this program, but if the success of a program can be measured by the demand for its services then Big Brothers and Big Sisters of America can be considered a major triumph. In Los Angeles County alone there are as many as 500 children waiting to be matched with a Big Brother or Big Sister.

I am certain that the demand would be even greater if more children knew of the benefits of the program. On many occasions a Big Brother, when visiting the home of a child, is asked by the neighborhood children to become their Big Brother as well. I wish that all children who want a Big Brother/Sister could receive their wish.

Finally, let me say that where this administration has consistently and knowingly ignored the needs of our children, the Big Brothers and Big Sisters of America have stepped in and filled a part of the void. I thank them for their dedication, and pledge my continued support.

Mr. DIXON. Mr. Speaker, recognizing that children are our Nation's greatest resource, today I join a majority of my colleagues in the House of Representatives in saluting the thousands of volunteers who serve as Big Brothers and Big Sisters.

This week is "National Big Brothers/Big Sisters Appreciation Week" and I pay special tribute to the hundreds of men and women in the Los Angeles area who have unselfishly given their time and energy to develop a one-on-one relationship with a needy little brother or little sister.

For over 80 years Big Brothers/Big Sisters has provided adult companionship for thousands of boys and girls. The men and women who volunteer as Big Brothers and Big Sisters are carefully selected and serve under the guidance of trained social workers.

These dedicated individuals are committed to spending 3 to 6 hours once a week for at least 1 year sharing experiences and listening to the child's concerns. Enduring relationships are formed which often have a dramatic effect in changing the course of a young person's life.

This helping hand given to little brothers and little sisters has contributed to improvement in their relationships at home, in school and in their communities.

Little brothers and little sisters are children aged 6 to 17, many of whom come from disadvantaged environments, broken homes or have lost a parent through death or divorce. Too often the dreams and aspirations of children from disadvantaged environments are overlooked. Big Brothers and Big Sisters serve as role models who present stability, guidance, new options and opportunities for these young people.

In the absence of an extended family or adequate adult support, the little brothers and little sisters are provided with the understanding, support and the strengthened sense of self worth many of them need to grow and mature in a positive way.

The spirit of voluntarism exemplified by the Big Brother/Big Sisters organizations in Los Angeles and around the Nation is an investment in this Nation's future. As President Franklin Roosevelt so aptly observed:

> We cannot always build the future for our youth, but we can build our youth for the future.

Childhood can be one of the most challenging times of life and it is gratifying to know that so many adults have taken an interest in making disadvantaged children feel needed and appreciated and in preparing them to be the future productive citizens of this Nation.

I am proud to join my colleagues in honoring the contributions of the staff and volunteers of the Big Brothers/Big Sisters organizations around the Nation and wish them continued success in their service to the community.

Mr. HASTERT. Mr. Speaker, this is a unique opportunity to salute the work of the Big Brothers/Big Sisters Program with its network of more than 50,000 volunteers nationwide who serve at-risk children. As the fastest growing youth-serving movement in the United States, the agency has nearly doubled in the last 4 years.

In the 14th Congressional District of Illinois, the Family Counseling Service Program in Aurora, which operates a Big Brothers/Big Sisters Program, is hard at work, finding those wonderful people who share time with children to promote healthy personality development through strengthening support systems.

Just recently, this particular agency was selected as a pilot site for the Big Brother/Big Sister of America Phase II Minority Recruitment Campaign.

In recent years, the increase in female-headed households has resulted in a corresponding increase in the number of children who could benefit from the support and mentor relationship of Big Brothers and Big Sisters. In black and other minority communities, this increase has been particularly dramatic.

By 1990, it is expected that the proportion of black children living with one parent will represent almost 60 percent of all black children, whereas only 27 percent of the entire child population will reside with just one parent.

The minority recruitment campaign will be piloted in 32 affiliated agencies across the country representing a broad cross-section of these programs. Following the pilot period, the campaign will be evaluated and then implemented throughout the network of 471 affiliated agencies throughout the United States.

The primary focus of this campaign will be on black men since young black males represent a disproportionate number of children on agency waiting lists. The secondary focus will be on Hispanic men since many agencies are experiencing an influx of young Hispanic males who need Big Brothers.

Unfortunately, in many communities with existing Big Brothers/Big Sisters programs, the racial composition of children who need and want Big Brothers or Sisters is not reflected in the volunteer pool. As a result, many minority children remain on waiting lists—some for as long as 3 to 4 years. The problem is especially acute for young black males where waiting lists often number in the hundreds.

As the number of single-parent households continues to increase, I am encouraged and proud of the efforts that are being made by committed volunteers to help children one at a time to build a better future.

Mr. WEISS. Mr. Speaker, this week our Nation recognizes "Big Brothers/Big Sisters Appreciation Week." I would like to take a moment to express personally my great appreciation to the more than 50,000 volunteer men and women who are currently participants in the Big Brothers/Big Sisters Program.

As a member of the Select Committee on Children, Youth, and Families, I am acutely aware of the problems facing our Nation's young people. We live today in an increasingly complicated world, where growing up can be a confusing and difficult process for children. This process can be even more difficult for children growing up in single-parent households.

Big Brothers of New York was formed at the turn of the century to help guide the city's fatherless boys into manhood through the friendship and understanding of a 1-to-1 relationship. In 1970, the program began serving girls. Since its inception, Big Brothers/Big Sisters of New York City has recognized and worked tirelessly to address the unique needs of children living in single-parent families.

There are over half a million single-parent families today in New York City. While some children may have minor problems related to delinquency or emotional adjustment, most youngsters are simply in need of an adult's friendship, guidance, and support.

The volunteers who make the Big Brothers/Big Sisters Program work, exemplify some of the most meaningful aspects of the human spirit—compassion, dedication, and a strong commitment to caring for others.

They recognize that today's children are tomorrow's leaders. They are our future and we must provide them today with the love and support necessary to guide them to adulthood.

Mr. Speaker, I am honored to participate in "Big Brothers/Big Sisters Appreciation Week." I commend both the organization and the volunteers for all that they have done, and pledge my continued support for their wonderful program.

Mr. COATS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today. A number of Members had requested time to speak on this subject but with the sudden change in our schedule today, a number of them were caught short and not in a position to be able to drop what they were doing and get over to the floor to make their statement in person.

The SPEAKER pro tempore. (Mr. CARDIN). Is there objection to the request of the gentleman from Indiana?

There was no objection.

CARGO PREFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I would like to take this opportunity to correct some very erroneous observations and statements made by some of my colleagues before this body last November when we debated the merits of the Torricelli amendment to the International Security and Development Cooperation Act of 1987.

The Torricelli amendment was a very good amendment as it was originally drafted and presented. It provided an accounting mechanism to ensure American citizens that the $2 billion in tax revenues given to recipient nations in the form of cash transfers will be spent here in the United States, benefiting our own economy.

It would have also helped to support U.S. maritime industries, which sorely needs assistance due to the dismantling of its support system since 1974.

However, there are those Members in the House who view cargo preference as being antiagriculture. That simply isn't true. We had the support of some segments of the agricultural community, those segments which realize that under the old cash transfer program their tax dollars were being used to buy foreign products, including agricultural products.

They view the Torricelli amendment—as I and many of my colleagues do—as an instrument that would serve to bolster U.S. agriculture exports.

If the Torricelli amendment had been adopted as it was originally drafted, it would have, in my opinion, generated additional U.S. agricultural sales, or at least identify those nations who are using cash transfer moneys for that purpose; and it would have guaranteed 50 percent of those purchases for U.S. ship operators.

Mr. Speaker, I believe many of my distingushed colleagues were misinformed and, perhaps, misled, regarding the cargo preference provision of the amendment, and I cannot rest until the record is corrected.

Statement (Mr. BEREUTER): "If the Torricelli cargo preference language remains in this bill, U.S. agricultural products will decline significantly. The Torricelli language in this bill would force cash transfer recipient countries to choose between either paying a large portion of their cash grant to U.S. maritime shippers, or to spend the money on other products which do not have to be shipped on U.S.-flag ships."

My response, Mr. Speaker, is that prior to passage of the Torricelli amendment, there was absolutely no accountability of the cash transfer moneys distributed to recipient nations. No one in this Chamber, no one in the entire administration can identify with even the slightest degree of certainty a single cash transfer dollar spent by these countries in the United States.

On the contrary, there is widespread belief that our taxpayer dollars are being spent abroad, with foreign suppliers—competitors of our own businesses and farmers.

The charge that recipient nations will buy others products, rather than U.S. agricultural, was nothing more than a scare tactic and, unfortunately, it worked.

Members from the Farm Belt fear going back to their districts and having to explain to their constituents why they are not able to take advantage of the improved economic market and increase farm exports.

I would like to know how these same concerned Members explain away to their constituents the fact that their tax dollars are being given away to foreign countries which are using them to buy agricultural products from their competitors in other producing countries.

I'm sure, Mr. Speaker, that the hardworking taxpayers of the United States would like to know which countries were receiving these $2 billion cash transfers absolutely free, with no strings attached. They are: Cambodia, Chad, Caribbean Regional, Costa Rica, Dijbouti, Belize, Bolivia, the Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Honduras, Ireland, Jamaica, Liberia, Panama, the Philippines, Portugal, Senegal, Somalia, the South Pacific Regional, Thailand, and Turkey.

Only Israel has signed a side letter agreement to spend their cash transfer grants in the United States. The other 26 countries, and any others that may receive cash transfers in the future, should follow Israel's example. If they had, the debate in which we engaged in last November would not have been necessary. This division between farm interests and maritime interests on the floor of the House would not have occurred.

Statement (Mr. BEREUTER): "U.S. commodities for developing countries is effectively reduced by the additional cost of U.S.-flag shipping required by the cargo preference statute. The average rate for U.S.-flag vessels ($49.50) is over twice the rate charged by foreign-flag ships ($22.90) to haul agricultural commodities."

My response, Mr. Speaker, is to acknowledge that ocean freight rates on U.S. vessels are higher. I and my colleagues who support the U.S. merchant marine have never attempted to distort that fact. We have a very high standard of living in this great country and the cost of doing business—all business—in the United States is higher than most countries of the world.

I, for one, make no apologies for that.

According to the Agency for International Development, Israel, under its side letter agreement with the United States, purchased 1.5 million long tons of U.S. agricultural products during fiscal year 1987 using cash transfer funds. Fifty-four percent of that tonnage was shipped on U.S.-flag colliers; and the average price per ton for U.S. ocean transportation was $33.24. The cost today has been reduced to $27 per ton on U.S. ships and $18 a ton on foreign vessels.

The price differential has been reduced to a mere $9 a ton, and no one can stand up here and call that exorbitant. As I stated before, the price of doing business with the United States is higher. It will always be higher. The only factors that should be taken into consideration is: "Is the price fair and is it competitive?"

The answer to both questions is: "Yes."

Statement (Mr. DE LA GARZA): "Now is not the time to mess with it (the farm bill). As a matter of fact, I think that we have as level a playing field as we now need, with all the necessary tools, exporting enhancements, the safety net for the farmer, the income support, all of that is coming into play."

My response, Mr. Speaker, is: How can opponents to the Torricelli amendment possibly construe the facts that farmers are competing on a level field when they cite a litany of Federal programs totaling $52 billion that are keeping the American farmer from falling on their collective faces.

Mr. Speaker, the U.S. agricultural industry is falling behind in the world marketplace. And, we have no one to blame but ourselves.

Beginning in the late 1970's and early 1980's, the United States developed and exported to countries throughout the world more durable grain seeds, better fertilizers, and other agricultural technology that has improved the producing capabilities of these countries. European and Far Eastern countries, which once purchased great quantities of grains from the United States, have now begun producing sufficient volumes of products, not only for their consumption, but they have now become exporters, competing against the United States with the very technology we developed.

As a result of all of this activity, the United States is increasingly becoming a marginal supplier for agricultural commodities.

In short, we are destroying our own markets.

This is a classic example of how not to become an exporting nation.

I have just learned of a very disturbing development on our gulf coast, where entrepreneurs are now importing Thailand-produced rice, repackaging it and exporting to other countries. These entrepreneurs are not just visionary businessmen trying to fill a need, they are American rice farmers who are part of a cooperative known as American Rice Inc.

These farmers, who are importing rice for export to other countries, most notably in the Carribean Basin, are reaping hugh financial benefits in the form of subsidies, along with credits and other inducements, to underproduce and to allow their U.S. acreage to lie fallow.

Who, exactly, is benefiting from these subsidy payments.

According to a GAO study, the biggest benefactor in the State of Texas, for example, was the Farms of Texas Co., a farming partnership owned by Crown Prince Hans Adam of Liechtenstein and International Paper Co. They received $2.2 million in 1986, the largest single payment made in Texas.

The heir apparent to the throne, owns 50 percent of Farms of Texas, which has 22,000 acres in Brazoria County, 17,000 acres east of Dallas in Hopkins County and 9,500 acres near Texarkana.

It is ironic that the Prince's tiny kingdom is smaller than his holdings in Brazoria County, alone.

The Prince's partners, International Paper, is one of the world's largest natural resources companies, with holdings of more than 6.3 million acres of timberland primarily in the southeastern United States.

The Prince of Liechtenstein and International Paper are not the only "farmers" who are pocketing taxpayers' dollars.

Payments to foreigners and institutional "farmers" undermines the entire farm subsidy program, which was intended to help the ailing family farmer.

There is something terribly wrong with our system to allow this to happen.

Supporters of U.S. agricultural subsidies cry foul whenever U.S. merchant marine interests attempts to secure their existence by mandating that U.S. commodities, which are part of foreign aid programs, be shipped on U.S.-flag ships.

Our merchant marine has never been allowed to play on a level field, even when Federal assistance programs were in place. Now that they have been greatly dismantled, where is the merchant marine's "safety net."

The Torricelli amendment in no way attempted to dismantle farm subsidies. Yet, anticargo preference members continue to dismantle the U.S. merchant fleet by ignoring its needs and, equally important, its role in the defense of this country.

Cargo preference should not be looked upon as two dirty words. It is a legitimate attempt to protect a valuable asset.

The President's Commission on Merchant Marine and Defense recognizes the need for cargo preference requirements. In their list of recommendations, the Commission suggested: "The executive branch and the Congress should strengthen and expand existing cargo preference programs and legislation to include all Government or Government-impelled cargo in order to increase cargo availability for U.S.-flag ship operators and to stimulate merchant ship construction in the United States."

In fact, Mr. Speaker, the Commission recommended that the "administration and Congress should * * * amend the cargo preference laws to require that all Government and Government-impelled cargo, including cargo resulting from foreign aid cash transfers, be carried on U.S.-flag ships. * * *"

The Commission felt it important to note that it "strongly believes" that all Federal agencies should comply "fully, consistently, and without question" with both the letter and the spirit of the cargo preference laws, particularly those governing shipment of defense-related Government cargoes.

Mr. Speaker, this latter statement by the Commission concerns itself with a very serious problem that I find myself having to expend a great deal of my time addressing.

I find it increasingly difficult to grasp the rationale used by our own Government, particularly the Navy, in circumventing the cargo preference laws. The Navy, more than any other branch of the service or any agency within the Government, knows the true value of the U.S. merchant marine in defense of this country.

Yet, despite their past and present glowing acknowledgements regarding the merchant marine, they continually execute procurement orders that deny U.S. ship operators the cargo volume they rightly deserve.

It is a well established fact that our merchant marine is currently the weak link in our national defense capabilities. The President's Commission noted with alarming concern that U.S. maritime industries are only "marginally adequate."

You can rest assured that our adversaries will take full advantage of our weaknesses; and should we lose a conventional war in the future, U.S. farmers will not be tilling their fields for their own economic welfare, or the welfare of the United States. Instead, they will be working for a conquering government, which will be shipping domestically produced products, especially agriculture, to their own people.

There are those Members who will scoff at this scenario, but it is certainly possible. We need only to look at the history books.

> Statement (Mr. MADIGAN): "Organizations like the Farm Bureau support the Smith amendment because they are concerned about the size of the budget deficit, the size of the agricultural expenditures within the deficit, and they recognize that the way we are going to deal with that is to increase our exports and Torricelli will prevent us from being able to do that."

Mr. Speaker, my response is: If the agricultural community is so concerned with the U.S. budget deficit, let's begin addressing the deficit problem by eliminating the $52 billion in farm subsidies U.S. taxpayers are spending to artificially support U.S. farmers.

> Statement (Mrs. SMITH of Nebraska): "This bill would smash that agreement (the farm bill compromise) by extending cargo preference to USDA commercial programs—the credit guarantee and export enhancement programs, for example—especially exempted by the farm bill agreement. It would also take the dangerous step of extending cargo preference—for the first time—to commercial cargoes."

My response, Mr. Speaker, is that these allegations are falsehoods. During our debate last November, it was made perfectly clear, in concise language, that the cargo preference requirements under the Torricelli amendment would apply strictly to cash transfer purchases.

No other programs, whether they are credit guarantees or export enhancements, would be affected. Cash transfer purchases are not commercial transactions. This is a Federal foreign aid program, with the recipient nation using U.S. tax dollars to make these purchases.

> Statement (Mrs. SMITH of Nebraska): "At a time when U.S. agriculture is making every effort to improve its position in an incredibly competitive world market, we are thwarted by the merchant marine interests, who see no harm in forcing the payment of shipping subsidies to bolster their creaky, failing industry—even if subsidies result in lost markets for American farmers."

Mr. Speaker, my response is: Yes, much of our merchant marine industry is creaky and failing, but only because the United States has turned its back on an industry that is so vital to both commerce and national defense.

We have turned our backs on U.S. shipping, while every foreign nation with a merchant fleet has taken positive steps to protect their fleets through subsidies, trade agreements, or actual Government ownership.

One could only wonder how creaky and failing the U.S. agricultural industry would be today if it were not for Federal aid programs.

Today, the U.S. agricultural industry is being supported by $52 billion in Federal subsidies and other support programs. By comparison, the U.S. merchant marine receives $372 million in Federal support. That sum is—now let me describe this in a term that my Farm Belt colleagues will readily understand—that sum is chicken feed compared to what farmers are receiving.

If farm subsidies were eliminated, and I assure my farm colleagues that I am not advocating that, grain prices would be set at a level dictated by worldwide economic conditions—supply and demand.

The end result of such an action, in all likelihood, would be dramatic price increases for U.S. agricultural products, as well as a reduction in the number of operating U.S. farms—similar to the devastating reductions experienced by the U.S. merchant marine.

Mr. Speaker, we cannot view cargo preference in the narrow scope of it being limited to a special interest group. We must take the broader view of it being pro-American, because of the extremely important role our merchant marine plays in the overall defense posture of the United States. That point cannot be over emphasized.

We must take a strong stand in support of our maritime industries, now—tomorrow may be too late.

If a national emergency develops overnight somewhere in this increasingly smaller world in which we live, we will not have the luxury of time to rebuild our maritime and industrial base.

We must maintain an adequate level of maritime preparedness through an active merchant marine in order to respond quickly, efficiently, and effectively.

To be less prepared, could result in a national disaster.

☐ 1315

GENERAL LEAVE

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. CARDIN). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

THE VOTE ON THE NICARAGUAN RESISTANCE: EXAMINING OUR ASSUMPTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEWEN] is recognized for 60 minutes.

Mr. McEWEN. Mr. Speaker, as you are aware, it was anticipated that in today's session we were going to consider economic assistance to the democratic resistance in Nicaragua and it is to that message that I would like to address my remarks.

There is an article in this morning's Washington Times by the noted nationally syndicated columnist, Mr. Carl Thomas, and I would like to begin this special order this afternoon by sharing it with my colleagues. It says:

> On Feb. 10, Salvadoran government soldiers killed an insurgent they believed to be a courier of intelligence information. When the body was searched a document was discovered which strips away any pretense the communists in Central America want to join House Speaker Jim Wright and his colleagues in giving peace a chance.
>
> A copy of the document, which has just been declassified, was provided to me by a senior administration official. The official contends the manual outlines the strategy for communist domination of the region, beginning with Nicaragua and El Salvador.
>
> In a segment of the document dealing with U.S. policy toward Central America and internal Salvadoran political matters, there is this: "For revolutionary states and in the area of socialism, negotiation is an expression of victory. To force the United States to negotiate shows that the U.S. administration is politically weak and cannot mobilize all its efforts and that its policies are internationally isolated. Imperialists, during negotiation, try to make concession on weak points and try to preserve the other. The concrete expression of this, in our case, is that there is U.S. congressional bipartisan support for El Salvador, but in the case of Nicaragua there are deep divisions. The unity of the U.S. Congress in relation to aid to El Salvador will only be broken through strategic advance of the revolutionary movement. The time of the U.S. elections is the most propitious moment to favor this division."

I wish to make an aside to remind you that this is an internal revolutionary document in Central America being carried by a courier from Nicaragua to the Marxist insurgents in Nicaragua discussing how they can effect their Communist revolution effectively with assistance here in this country.

> The memo continues, outlining a strategy that has been repeatedly advocated by the Reagan administration, but which has fallen on deaf ears in the Democratic congressional leadership: "The defeat of the Contras would be a grave strategic defeat for the United Statess, especially if we take into account the impact of failure in Vietnam and the geopolitical position of Central America. The failure of the Contras and the acceptance of the Nicaraguan revolution for the United States can be a total global strategic change. It would also affect the U.S. counterinsurgency policy and support to the Salvadoran government."
>
> A few non-pragmatists in the White House are trying to persuade the president to pull out all the stops in a campaign for renewed military aid to the Contras, but there is considerable doubt that they will be able to prevail prior to the Feb. 29 cutoff of military assistance. The senior administration official told me, "If military aid is not resumed to the Contras, the Reagan doctrine is dead, and what the left all over the world will see is that the United States has been defeated in her own back yard. It will be another Bay of Pigs, only worse."
>
> If Mr. Reagan accepts the humanitarian aid package proposed by the Democrats in the face of continuing massive Soviet aid to the Sandinistas, the loss of Nicaragua and possibly the rest of Central America to communism will be his legacy.
>
> Peace has had its chance in Nicaragua—and now it is time to fight. History has shown what the Soviets do when they feel threatened in their back yard: they invaded Poland, Czechoslovakia, Hungary and Afghanistan. They get away with murder to protect their fellow Communist governments from those who yearn for freedom. How sad it is to see the United States refusing to assist those in its own back yard who want to be free from Communist oppression.
>
> Jim Wright and his Pollyanna colleagues remind me of those who play the lottery—always anteing up their dollars bills, hoping for the one big score that will make them rich, which never comes. Soon they run out of money and realize they have been played for fools.
>
> We're about to squander our last chance for freedom in Nicaragua and perhaps all of Central America. Will the president make every effort to achieve his goals, or will he surrender to the pragmatists who have nothing but failure to show for their past efforts?
>
> The captured Salvadoran document shows the resoluteness of the communists. Coupled with other documents and numerous statements by Sandinista leaders, it shows there can be no doubt about the intention of communists in the region.
>
> There is now considerable doubt about the intentions of Jim Wright and his colleagues. They are no longer giving peace a chance. They are giving communism a golden opportunity.

Thus completing the article this morning in this morning's Washington paper.

Referring back to a page 1 article of Monday, the headline "Ortega Threatens To Crush Contras," an article by John McCaslin, I would like to relate the article by Mr. McCaslin.

> Nicaraguan President Daniel Ortega told hundreds of Marxist government officials if the Central American peace process fails, he has a plan that will "crush" the Nicaraguan Resistance.
>
> "We have already prepared a strategy which will lead to the crushing of the Contras," Mr. Ortega said in a speech Saturday in Managua, announcing a new Sandinista campaign against so-called "counterrevolutionary speculators."
>
> The Nicaraguan commandante provided no other details of what that strategy might be, but his harsh rhetoric came one day after a second round of cease-fire negotiations between the warring sides broke down Friday in Guatemala City.
>
> The mediator in the cease-fire talks, Catholic Cardinal Miguel Obando y Bravo, blamed the latest failure on the Sandinista regime for its lack of sincerity in approaching the negotiations.
>
> Intelligence sources in Managua said earlier this month that Sandinistas were preparing a "final offensive" against the rebels, code-named Operation Monimbo.
>
> It was still too early to tell what impact Mr. Ortega's harsh words of Saturday might have on any congressional aid vote this week. Supporters of Mr. Ortega on Capitol Hill, including House Speaker Jim Wright who is guiding the development of a "humanitarian-aid-only" package for the Resistance, have cautioned him against using such militant language.

> The current aid package for the Resistance, passed by Congress in 1986, expires at the end of this month.
>
> Mr. Ortega in his Managua address also leveled a warning to the opposition La Prensa, which only recently resumed publication, saying its editors had better watch the newspaper's content.
>
> La Prensa "thinks the people are about to rebel against us, but they should be careful with their attitude they can provoke an insurrection would destroy them," he said.
>
> Other "counterrevolutionary speculators" receiving warnings from Mr. Ortega Saturday included Managua's merchants who refuse to sell their products at prices regulated by the government.
>
> In Washington yesterday, Resistance representative Ernesto Palazio voiced optimism that a new round of cease-fire talks would resume this week, but he also was fearful the Sandinistas would continue their policy of "stalling."
>
> "Why should the Sandinistas be that eager for a cease-fire when in the long run, because of the Feb. 3 vote in Congress, they're going to get a de facto cease-fire anyway?" Mr. Palazio said in a telephone interview.
>
> He was referring to this month's vote in which the House narrowly rejected an administration proposal to provide the rebel force with both military and humanitarian aid. Without ammunition and other lethal assistance, the rebels say they cannot remain a viable fighting force.

Mr. Speaker, I am greatly concerned at the tack that this issue has taken in recent hours. It has become publicly discussed that one of the proposals that we were to consider today and might be considered early next week would be for assistance to be delivered in Central America, in a new tack, the American military would be involved. In fact, the Speaker's package as I understand would like to involve the Pentagon and American Armed Forces in delivery of blankets and other "humanitarian" assistance. This is an action which I believe is totally unwarranted and extremely unwise. Presently there are those who are willing to fight for their own independence and their own freedom. All they ask from us is the tools with which to defend themselves. The Democratic majority in this House has chosen to deny them that and now seeks to introduce American troops into the region. I cannot understand it. I sense the unwiseness of it and protest against it.

Mr. Speaker, the majority has delayed the vote on their Nicaraguan resistance bill which was originally scheduled for today. However, I would like to comment on the logic of their proposal, insofar as information is available regarding its present configuration. Implicit within it are some assumptions which undecided Members should examine carefully.

First, the bill's terms invite the Sandinistas to drag out for 4 months negotiations which easily could be completed in no more than 1 month if they were serious. This undercuts Cardinal Obando's efforts to mediate a prompt solution and his threat to suspend talks if there is no progress. Even should negotiations soon fail, there will not be a vote on lethal aid for over 4 months. And because the resistance in any case will run out of critical weaponry before this deadline, the bill makes them vulnerable and sets a political trap for Honduras, to which fighters and their families must flee.

Even if they husband their equipment, after 2 to 3 months both the number and military capability of the peasant revolutionaries within Nicaragua must decline sharply. Just as during previous aid cutoffs, Nicaragua will take advantage of forced resistance manpower reductions in the field by concentrating troops and military engagements at politically sensitive border zones along the resistance's line of retreat. As before, the Sandinistas also will have the opportunity to initiate "sweep" actions in resistance strongholds to keep them off balance and separate them from any weapons caches they may have saved. The Sandinistas can again roll up the exposed civilians who have supported the democratic resistance. If lethal aid is resumed, the resistance once more will have to recover from these setbacks, but they will be criticized for lack of quick progress.

Honduras will be accused of violating its peace accord obligations by harboring revolutionaries who had to fight their way out of Nicaragua because of declining supplies. Although Honduras is determined that the resistance will not be given safe haven during the remainder of the negotiating process, it lacks the military capability to turn back or evict armed fighters. The likelihood of significant flight from Nicaragua therefore sets up Honduras as the "fall guy" for failure of the accords. The Sandinistas may also use alleged Honduran failings to justify renewed incursions across the border. Honduras already has forcefully stated that it will be the United States responsibility to deal with this prospective influx of fighters and refugees. Even now being criticized because of a resistance presence and having repeatedly been left out on a limb by United States vacillation, it is unlikely that Honduras will ever again cooperate with the United States as much as before.

Second, once more to remove CIA from the program reveals appalling managerial stupidity. It also reflects the pervasive distrust of U.S. intelligence and of covert action which is nursed by these who controlled drafting of this legislation. Once before, Congress was warned not to place humanitarian aid under an agency unfamiliar with the program and distribution techniques in Central America. The House majority insisted, however, on forcing a reluctant State Department to create the NHAO [Nicaraguan Humanitarian Assistance Organization]. When predicted problems did materialize, the majority attempted to make political hay over them rather than acknowledge its own responsibility.

Subsequently, even more stringent accounting and oversight procedures were imposed on the program's operations, sometimes to the point of the ludicrous. Who but the United States, for instance, would actually issue identity cards to guerrilla resistance fighters who normally strive to hide their identity, just so we could make sure a few dollars were not being misappropriated? Amazingly enough, after we imposed such measures so the program was above reproach, the majority now proposes to undo the whole thing.

It is interesting, moreover, that many of those same persons who now complain about excessive United States military personnel and exercises in Central America are now proposing to send United States troops to manage the resistance program. Those of us supporting the democratic resistance argue that our goal is above all to avoid the future necessity of sending American boys to fight in Nicaragua. But prominent critics occasionally have responded that if Nicaragua is so important to us, we should just send in the marines now rather than dealing through the Nicaraguan resistance. Is the Bonior bill their foot in the door?

Although these were concerted attempts to implicate CIA in the Iran-Contra scandal, as an institution the Agency emerged from the investigation with fairly high marks, despite the actions of a few employees who did not adhere to internal guidelines. I see no excuse, therefore, to repeat demonstrated past errors by taking the program away from CIA. And while 4 months is enough time to endanger the Contras, it is not enough time to justify completely disrupting a program by giving it to another agency for that interim, whatever one's views on the Iran-Contra issue. Oversight will be exercised like a smothering blanket, and the Agency knows it. This provision must go.

Third unless the Bonior proposal is merely a subterfuge for abandoning the democratic resistance, it assumes this is a propitious moment to negotiate. Logically, this must be either because Sandinistas are freely willing to allow meaningful political participation or because sufficient pressure already has been exerted against them.

At least there has been one positive development in this policy morass. We now seem to have achieved a congressional consensus that, as the Washington Post recently editorialized, substantial Nicaraguan democratization is essential to long-term peace in Central America. Debate now largely revolves

around how best to achieve that political broadening.

But I cannot beleive that those who continually have criticized the resistance for alleged ineffectiveness now believe their presssure has been sufficient to achieve an adequate settlement. No, the sponsors persist, despite a multitude of contrary evidence, in postulating some reservoir of Sandinista good faith.

How this can be rationalized I do not understand. Our evidence to the contrary is as direct and convincing as it could be.

Maj. Roger Miranda was moved to defect and tell the truth because of Sandinista plotting to exploit the peace process, a process still being hailed today as the route to salvation. Miranda said the Sandinistas initially were surprised by Central American agreement on a peace plan. He attended a meeting of the Sandinista Assembly called upon President Ortega's return to Nicaragua. There the peace plan was described as a weapon the party should use "to strengthen the political plan of the revolution and eliminate" the democratic resistance. Far from believing that conditions are so bad they must negotiate, the Sandinistas, Mr. Miranda stated, believe they can wipe out the resistance over the next few years.

After the guerrilla threat is eliminated, he said, they will raise their armed forces to a level of 500,000 men by 1995. Miranda said help to foreign Communist guerrillas has continued, although its profile has been lowered because of the need for discretion. Such aid is coordinated by a group called The Bureau, headed by top ideologist Bayardo Arce and falling under the Sandinista Directorate of International Relations. The Sandinistas' No. 1 target is El Salvador, although they give to other movements as well. Even after the peace accord was signed, they have continued such aid, for they have decided that "the best defense for the revolution is to expand it." And while they brand the Contras as mercernaries who easily can be defeated, Miranda visited the field to observe for himself and concluded that the rural poor no longer back the government. "What we have really been fighting all these years is a peasant insurrection," he said. "Whole families have taken up arms against the Sandinistas."

Major Miranda was the top aid to Defense Minister Humberto Ortega, whom many believe is even more powerful than his brother, President Daniel Ortega. Within Nicaragua, Miranda's ranking was the equivalent of a brigadier general, and most of Humberto Ortega's orders were administered through him. The Defense Minister, while denouncing Miranda as a "worm" and a "traitor," confirmed many of his most important revelations, except to reveal that the defector had actually understated the planned military buildup: "* * * we want to arm hundreds of thousands * * * up to 600,000 Nicaraguans if we can," he said.

One would think those planning to vote against aid to the resistance would have retaliated for Sandinista betrayal, but instead they sought to belittle Miranda's revelations. One prominent congressional leader stormed that Humberto Ortega's speech was counterproductive, apparently because he actually acknowledged the Sandinista plans rather than because of their existence. Miranda's revelations were dismissed as unimportant, since the real issue is now summit negotiations with the Soviets over their aid to Nicaragua.

All our own intelligence agencies consistently assessed Sandinista intentions regarding the negotiations to be insincere, even before Miranda verified this. Yet we willfully ignore them as well. Were the administration to dismiss intelligence projections and court a foreign policy debacle in this way, it would court a major scandal. But Congress apparently plays by a set of rules distinct from those whereby it judges the Executive.

Even before the Miranda revelations, multitudinous Sandinista statements and actions over several decades demonstrated their true long-term intent.

Their writings and history as guerrillas clearly indicated what the Sandinistas were—a Marxist-Leninist movement nurtured by the Cubans who momentarily shifted tack in order to secure their final ascent to power. Despite pledges to install a democracy, the Sandinistas soon declared that elections would be delayed for 5 years. When voting finally was scheduled for November 1984, the Sandinistas were saying it served only to "confirm revoluntary power." In calling the sham 1984 elections, Daniel Ortega proclamed the Sandinista revolution to be "already an irreversible process."

Things have not changed. Bayardo Arce, who shares to leadership with the Ortegas, continued to affirm these views last month: "* * * we reiterate, that the Sandinista Front will never relinquish power, because we do not usurp the rights of the people; it is the people who are in power." Arce previously said the Sandinistas had accepted the August peace accord because it would produce "a peace which accepts that in Nicaragua there is and will be a revolution." For, as Tomas Borge, responsible for keeping an iron grip on the population, observed last year, "Why would we lose 50,000 lives to surrender the revolution?" Thus President Ortega was merely reinforcing a well-established doctrine in his famous December 13 comment that "In the hypothetical case that the Sandinista Front lost an election, the Sandinista Front would hand over government, not power."

Even since the initial takeover by treachery, the Sandinistas have never kept solemn pledges. For instance, shortly after assuming power, they issued a decree promising to stop confiscations of private property. Confiscations soon resumed, as if the decree never existed. In 1984, they arranged a secret swap with civic leadership under which Sandinistas were allowed to control the Council of State in return for calling municipal elections and sharing control of television broadcasting. After the civic leadership kept their part of the deal, the Sandinistas reneged. After the government arrested almost all leaders of the opposition coalition last month, Adolfo Calero was prompted to comment:

> How is it possible to announce amnesty on the one hand, and to arrest the entire civic opposition on the other? That's appalling. How can that be explained?

How indeed, except as yet another in the long trail of broken treaties?

The Sandinistas also have plenty of experience with their own version of Orwellian doublespeak, which renders questionable not only their intent to fulfill promises, but also what those promises meant to them in the first place. For years, Daniel Ortega claimed there was freedom of expression in Nicaragua, even while newspapers were censored and radios shut down. While ostensibly releasing some formal controls on political expression, the Sandinistas simultaneously resurrected the dormant "turbas" or "divine mobs" who again threaten and attack dissidents ranging from mothers protesting the draft to the media to politicans. Daniel Ortega has openly claimed that this merely reflects the regime's right to demonstrate, just as the opposition now exercises such a right. As Vice President Ramirez perhaps too candidly put it last fall:

> If there's peace and we open a political struggle, we have many powerful, strictly political weapons. We don't fear that someone will be more persuasive than we are.

Thus the Sandinista Party admittedly has no intention to relinquish control of the Army, the turbas, the neighborhood committees or any of the other instruments of their leverage and control. Daniel Ortega reassured his functionaries in December that the Sandinistas would not give up revolutionary power or allow domestic opposition groups to become an internal front of the Contras. Warning the media to act with responsibility regarding their new freedoms, he declared the Sandinistas would "Mobilize the workers of all companies to go to combat" if necessary. "We cannot accept a civic opposition," he said,

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"that becomes a representative of counterrevolution and imperialism in our country. * * * The government and the Sandinista Front can have a little more patience, but the people can lose patience very rapidly." Moreover, "If an elected opposition party tried to roll back workers' advances since the Sandinista revolution of 1979, there would be an insurrection and the Sandinista Front would lead it." An elected opposition party could govern only "as long as it respected the established power."

I think journalist Georgie Anne Geyer has put it well: The Sandinistas have never hidden what they are. They are Communists of the militarist variety. "And yet it is profoundly bewildering that so many intelligent people * * * choose willfully to exist in ignorance of this revealing history of the Sandinistas and their constantly re-proven intent."

CONCLUSION

Similarly, some chose to believe the Vietnamese Communists were peasant reformers rather than totalitarians. And still seared on our brains is the image of the last United States helicopter lifting off from the Saigon Embassy roof, with hapless Vietnamese clinging to its runners while panic-stricken mobs swarmed below seeking to escape Communist retribution.

That image since has been supplemented by pictures of tens of thousands of boat people still, 12 years later, being pushed back into the sea by Thai officials overburdened with the refugees from ruthless totalitarianism and the economic disaster accompanying it.

Will much the same happen once again in Central America, where the democratic resistance has been willing to fight for itself rather than seeking American troops? Will the flotsam of the disaster this time wash up on U.S. shores? Of even greater significance, what will happen to the already soiled U.S. reputation for dependability?

Perhaps the best insight comes from the Salvadoran Communists, who quickly put United States political developments to effective propaganda use. Although congressional critics like to claim the answer for Central American problems lies exclusively in economic assistance, those same persons later are unhelpful in securing passage of such aid. Recently, congressional budgetary issues and resistance to foreign aid forced the administration to slash aid to 30 countries, including El Salvador. In response, the Communist guerrillas' Radio Venceremos chortled on February 1:

> It is clear that the [Salvadoran] Armed Forces are in for hard times since Duarte's Army operations rely on U.S. aid. * * *
>
> * * * Americans think that their money and economic stability come first: this is why they chose to sacrifice an ally who will inevitably be defeated. The Reagan government's decision to cut aid to Duarte can best be described by the words of one U.S. Government official, who said: "Our government has no friends, but it has interests." When Reagan cut aid to Duarte, he must have thought, sitting in his White House office, that for them, $1 in the hand is worth more than 100 Duarte's in the bush.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. Bentley) to revise and extend their remarks and include extraneous material:)

Mr. Walker, for 60 minutes, today.

Mrs. Bentley, for 60 minutes, on March 8.

Mrs. Bentley, for 60 minutes, on March 15.

Mrs. Bentley, for 60 minutes, on March 16.

Mrs. Bentley, for 60 minutes, on March 17.

Mrs. Bentley, for 60 minutes, on March 22.

Mrs. Bentley, for 60 minutes, on March 23.

Mrs. Bentley, for 60 minutes, on March 24.

Mr. Gingrich, for 5 minutes, today.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Kleczka, for 5 minutes, today.

Mr. Kastenmeier, for 5 minutes, today.

Mr. Studds, for 5 minutes, today.

Mr. Nelson of Florida, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. McEwen, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. Bentley) and to include extraneous material:)

Mr. Shays.

Mr. Daub.

Mr. Duncan.

Mrs. Bentley.

Mr. Porter.

Mr. Broomfield in two instances.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous material:)

Mr. Coelho in four instances.

Mr. Markey in two instances.

Mr. Rodino.

Mr. Stokes.

Mr. Studds.

Mr. Weiss in three instances.

Mr. Dyson.

Mr. Stallings.

Mr. Hoyer in two instances.

Mr. Rangel.

Mr. Dixon.

Mr. Mineta.

Mr. Panetta.

Mr. Tallon in three instances.

Mr. Sharp.

ADJOURNMENT

Mr. McEWEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until Monday, February 29, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2977. A letter from the Secretary, Federal Trade Commission, transmitting the 1985 annual report on current practices and methods of cigarette advertising and promotion, pursuant to 15 U.S.C. 1337(b); to the Committee on Energy and Commerce.

2978. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2979. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2980. A letter from the Chairman, National Credit Union Administration, transmitting the agency's annual report of its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2981. A letter from the Assistant Secretary—Indian Affairs, Department of the Interior, transmitting a proposed plan for the use of the Navajo Tribe's judgment funds in Dockets 69 and 299, 256-9 and 377-70, and 588-83L before the U.S. Claims Court, pursuant to 25 U.S.C. 1402(a), 1404; to the Committee on Interior and Insular Affairs.

2982. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to direct the Secretary of the department in which the Coast Guard is operating to require alerting and locating equipment, including emergency position indicating radio beacons, on United States uninspected vessels and for other purposes; to the Committee on Merchant Marine and Fisheries.

2983. A letter from the Executive Secretary, Department of Defense, transmitting the report on Department of Defense procurement from small and other business firms for October through December 1987, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

2984. A letter from the Assistant Secretary of the Army (Research, Development, and Acquisition), transmitting a draft of proposed legislation to grant the Secretary of a military department, or his designee, authority to loan without reimbursement materials, supplies, and equipment to foreign governments for the purpose of cooperative research, development, testing or evaluation; jointly, to the Committees on Armed Services and Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FOLEY (for himself, Mr. Dingell, Mr. Volkmer, Mr. Coelho, Mr. Michel, Mr. Lott, Mr. Craig, Mr. Marlenee, Mr. Carr, Mr. Ford of Michigan, Mr. Pashayan, Mr. Robert F. Smith, Mr. Hansen, Mr. Smith of Texas, Mr. Fields, Mr. Campbell, Mr. Tallon, Mr. Derrick, Mr. Emerson, Mr. Hiler, Mr. Hunter, Mr. Dyson, Mrs. Vucanovich, Mr. Gilman, Mr. Gonzalez, Mr. Stangeland, Mr. Traxler, Mr. DeFazio, Mr. Thomas of Georgia, and Mr. Spratt):

H.R. 4014. A bill to amend title 18, United States Code, to prohibit undetectable firearms; to the Committee on the Judiciary.

By Mr. BROWN of Colorado (for himself and Mr. Gregg):

H.R. 4015. A bill to repeal the provisions of the Omnibus Budget Reconciliation Act of 1987 which imposed employer Social Security taxes on cash tips; to the Committee on Ways and Means.

By Mr. CALLAHAN:

H.R. 4016. A bill to urge negotiations with the Government of France for the recovery and return to the United States of the C.S.S. *Alabama*; to the Committee on Foreign Affairs.

By Mr. FROST (for himself, Mr. Dicks, Mr. Howard, Mr. Ackerman, Mr. Olin, Mr. Owens of New York, Mr. Whittaker, Mr. Lagomarsino, Mr. Gordon, Mr. Atkins, Mr. Bryant, Mr. Wheat, Mr. Leland, Mr. Smith of Florida, Mr. Wilson, Mr. Coleman of Texas, Mr. Eckart, Mr. Brooks, Mr. Armey, Mr. de la Garza, Mr. Andrews, Mrs. Collins, Mr. Chapman, Mr. Bustamante, Mrs. Lloyd, Mrs. Meyers of Kansas, Mr. Tallon, Mr. Martinez, Ms. Pelosi, and Mr. DeLay):

H.R. 4017. A bill to amend the Communications Act of 1934 to require the disclosure of billing amounts and practices by providers of message services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEPHARDT (for himself and Mr. Pepper):

H.R. 4018. A bill to provide for reconciliation of discrepant earnings records under the Old Age, Survivors, and Disability Insurance Program under title II of the Social Security Act, to provide restrictions against future consideration of legislation reducing benefits under such program and the Supplemental Security Income Program under title XVI of such act, and to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of such programs; jointly, to the Committees on Ways and Means and Rules.

By Mr. HUCKABY (for himself, Mr. Anthony, Mr. Baker, Mr. Coelho, Mr. Coleman of Missouri, Mr. de la Garza, Mr. Emerson, Mr. English, Mr. Espy, Mr. Grandy, Mr. Harris, Mr. Hatcher, Mr. Hayes of Louisiana, Mr. Hefner, Mr. Herger, Mr. Holloway, Mr. Jones of North Carolina, Mr. Jones of Tennessee, Mr. Lewis of Florida, Mr. Livingston, Mr. Marlenee, Mr. Nagle, Mr. Panetta, Mr. Rose, Mr. Staggers, Mr. Stallings, Mr. Skelton, Mr. Stangeland, Mr. Stenholm, Mr. Synar, Mr. Tallon, Mr. Tauzin, Mr. Thomas of Georgia, Mr. Traxler, and Mr. Volkmer):

H.R. 4019. A bill to revise the price support level, and implement a marketing loan program, for the 1988 through 1990 crops of soybeans under the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. DAUB:

H.R. 4020. A bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers from the capitalization rules added by the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself and Mr. Moorhead):

H.R. 4021. A bill to amend title 18, United States Code, to permit Federal Prison Industries to borrow from the Treasury, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. Schumer):

H.R. 4022. A bill to require the Federal depository institutions regulatory agencies and federally insured depository institutions to take additional actions to protect the interests of consumers of financial services; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KLECZKA (for himself and Mrs. Collins):

H.R. 4023. A bill to amend the Federal Aviation Act of 1958 to provide protection for employees of air carriers who engage in whistleblowing activities relating to air carrier safety; to the Committee on Public Works and Transportation.

By Mr. LELAND (for himself, Mr. Kennedy, Mr. Frank, Mr. Schumer, Mr. Flake, Mr. Mfume, and Mr. Lowry of Washington):

H.R. 4024. A bill to alleviate homelessness by expanding and preserving the permanent supply of affordable and decent housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LENT:

H.R. 4025. A bill to enable the Postal Service to restore recent cutbacks in postal services and to meet its obligations for certain health benefit payments in accordance with the Postal Reorganization Act; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER (for himself and Mr. Kennedy):

H.R. 4026. A bill to promote the interests of consumers in securing financial services; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SPENCE (for himself, Mr. Ravenel, Mr. Derrick, Mrs. Patterson, Mr. Spratt, and Mr. Tallon):

H.R. 4027. A bill to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STALLINGS (for himself and Mr. Cheney):

H.R. 4028. A bill to authorize the Secretary of Agriculture to exchange certain National Forest System lands in the Targhee National Forest; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. STUDDS (for himself, Mr. Jones of North Carolina, Mr. Davis of Michigan, and Mr. Young of Alaska):

H.R. 4029. A bill to authorize appropriations to carry out the Fish and Wildlife Conservation Act of 1980 for fiscal years 1989 and 1990; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself and Mr. Jones of North Carolina):

H.R. 4030. A bill to strengthen certain fish and wildlife laws; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. Jones of North Carolina, Mr. Davis of Michigan, and Mr. Young of Alaska):

H.R. 4031. A bill to authorize appropriations to carry out conservation programs on military reservations and public lands for fiscal years 1989 through 1993; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMAS of California:

H.R. 4032. A bill to amend the Internal Revenue Code of 1986 to provide that the passive loss limitations will not apply to deductions and credits attributable to rental real estate activities of a taxpayer who is primarily engaged in real estate trade or business activities; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. Scheuer, Mr. Walgren, Mr. Wyden, Mr. Sikorski, Mr. Leland, Mrs. Collins, Mr. Dowdy of Mississippi, Mr. Downey of New York, Mr. Pease, Mr. Matsui, Mrs. Kennelly, Mr. Donnelly, and Mr. Miller of California):

H.R. 4033. A bill to amend title XIX of the Social Security Act to address the medical needs of working welfare recipients; to the Committee on Energy and Commerce.

By Mr. BORSKI (for himself, Mr. Ackerman, Mr. Annunzio, Mr. Applegate, Mrs. Bentley, Mr. Biaggi, Mr. Bliley, Mr. Boland, Mr. Bonior of Michigan, Mrs. Boxer, Mr. Buechner, Mr. Carper, Mr. Coelho, Mr. Courter, Mr. Crane, Mr. Crockett, Mr. Darden, Mr. de la Garza, Mr. de Lugo, Mr. Dingell, Mr. DioGuardi, Mr. Dwyer of New Jersey, Mr. Early, Mr. Fauntroy, Mr. Fazio, Mr. Feighan, Mr. Florio, Mr. Frost, Mr. Garcia, Mr. Gilman, Mr. Gunderson, Mr. Henry, Mr. Hertel, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Hughes, Mrs. Johnson of Connecticut, Mr. Kanjorski, Ms. Kaptur, Mrs. Kennelly, Mr. Kleczka, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lantos, Mr. Levin of Michigan, Mr. Lipinski, Mr. McDade, Mr. McHugh, Mr. McMillen of Maryland, Mr. Manton, Mrs. Meyers of Kansas, Mr. Mfume, Mr. Mrazek, Mr. Murphy, Mr. Nowak, Mr. Owens of New York, Mr. Panetta, Mr. Porter, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rostenkowski, Mr. Sabo, Mr. Scheuer, Mr. Smith of Florida, Mr. Straton, Mr. Towns, Mr. Traficant, Mr. Traxler, Mr. Vander Jagt, Mr. Walgren, Mr.

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Weiss, Mr. Wolf, and Mr. Wortley):

H.J. Res. 475. Joint resolution to designate October 1988 as "Polish American Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. FAWELL (for himself, Mr. Panetta, Mr. Berman, Mr. Biaggi, Mrs. Boxer, Mrs. Collins, Mr. Crockett, Mr. Daub, Mr. Emerson, Mr. Fish, Mr. Frenzel, Mr. Fuster, Mr. Green, Mr. Hertel, Mr. Hughes, Mr. Kolter, Mr. LaFalce, Mr. Lantos, Mr. Lewis of Georgia, Mr. Lowry of Washington, Mr. McGrath, Mr. Miller of Washington, Mr. Owens of New York, Mr. Owens of Utah, Mrs. Meyers of Kansas, Mr. Porter, Mr. Rodino, Mr. Roe, Mrs. Roukema, Mr. Roybal, Mr. Russo, Mr. Savage, Mr. Scheuer, Mr. Shaw, Mr. Skelton, Mr. Slaughter of Virginia, Mr. Smith of Florida, Mr. Solarz, Mr. Torricelli, Mr. Towns, Mr. Vento, Mr. Waxman, and Mr. Weiss:)

H.J. Res. 476. Joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. GAYDOS:

H. Res. 388. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the 2d sess. of the 100th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WEISS introduced a bill (H.R. 4034) for the relief of Inna Hecker Grade; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Stokes.

H.R. 190: Mr. Mfume, Mr. Harris, Mr. Dowdy of Mississippi, and Mr. Schuette.

H.R. 241: Mr. Howard.

H.R. 276: Mr. Pursell.

H.R. 903: Mr. Manton, Mr. Rodino, Mr. Huckaby, Mr. Annunzio, Mr. Roe, Mr. Frenzel, Mr. Gray of Illinois, and Mr. LaFalce.

H.R. 1007: Mr. Stallings, Mr. Wolpe, Mr. Frank, Mr. McCloskey, and Mrs. Saiki.

H.R. 1240: Mr. Gallegly.

H.R. 1336: Mr. Darden.

H.R. 1430: Mr. Murphy.

H.R. 1531: Mr. Frank.

H.R. 1632: Mr. Chandler.

H.R. 1699: Mr. Mineta and Mr. Rodino.

H.R. 1708: Mr. Kildee, Mr. Young of Florida, Mr. Smith of New Hampshire, and Mr. Oberstar

H.R. 1782: Mr. Packard.

H.R. 1842: Mr. Coelho, Mr. Wyden, Ms. Pelosi, Mr. Kasich, Mr. Manton, Mr. Panetta, Mr. Bustamante, Mr. Penny, Mr. Derrick, Mr. Stark, Mr. Skeen, Mr. Watkins, and Mr. Rahall.

H.R. 2134: Mrs. Byron, Mr. Coyne, Mr. Porter, Mr. Stratton, Mr. Miller of Ohio, Mr. Kolter, Mr. Gilman, Mr. Kostmayer, Mr. Davis of Michigan, Mr. Wolpe, Mr. Traficant, Mr. Harris, Mr. Hutto, Mr. Wortley, Mr. Coble, and Mr. Pepper.

H.R. 2419: Mr. Kolter.

H.R. 2508: Mr. Markey.

H.R. 2522: Mr. Markey, Mr. Fuster, Mr. Lehman of California, and Mr. Torres.

H.R. 2605: Mrs. Roukema.

H.R. 2883: Mr. Armey, Mr. Gilman, Mr. Ford of Tennessee, Mr. Downey of New York, and Mr. Regula.

H.R. 2928: Mr. Wolf, Mr. Dornan of California, and Mr. Bilirakis.

H.R. 3054: Mr. Mineta.

H.R. 3142: Mr. Fawell, Mr. Olin, and Mr. Kolbe.

H.R. 3187: Mr. Kastenmeier.

H.R. 3332: Mr. Ortiz, Mr. McHugh, Mr. Glickman, Mr. Martinez, and Mr. Moakley.

H.R. 3334: Mr. Rowland of Connecticut and Mr. Biaggi.

H.R. 3392: Mr. Hawkins, Mr. Fauntroy, Mr. Gray of Pennsylvania, Mr. McMillan of North Carolina, Mr. Owens of New York, Mr. Martinez, Mr. Campbell, Mr. Espy, Mr. Lancaster, and Mrs. Saiki.

H.R. 3397: Mrs. Boxer, Mr. Hochbrueckner, and Mr. Martinez.

H.R. 3455: Mr. Quillen, Mr. Levin of Michigan, Mr. Feighan, Mr. Conyers, Mr. Dwyer of New Jersey, and Mr. Saxton.

H.R. 3506: Mr. Wortley, Mr. Schulze, Mr. Solomon, Mr. Whittaker, Mr. Fawell, Mr. Daub, Mr. Armey, Mr. Anderson, and Mr. Bilirakis.

H.R. 3509: Mr. Wheat, Mr. Garcia, Mr. Kolbe, Mr. Florio, and Mr. Stratton.

H.R. 3510: Mr. Wheat, Mr. Garcia, Mr. Kolbe, Mr. Florio, and Mr. Stratton.

H.R. 3517: Mr. Martinez, Mr. Kolbe, and Mr. Edwards of Oklahoma.

H.R. 3523: Mr. Coble, Mr. Clinger, and Mr. Sensenbrenner.

H.R. 3543: Mr. Towns and Mr. Crockett.

H.R. 3565: Ms. Kaptur, Mr. Swindall, Mr. DeLay, Mr. Bilirakis, Mr. Hammerschmidt, Mr. Oxley, and Mr. Robinson.

H.R. 3577: Mr. Solomon, Mr. Swindall, Mr. McEwen, Mr. Courter, Mr. Smith of New Hampshire, and Mr. Inhofe.

H.R. 3593: Mrs. Boxer, Mr. Miller of Washington, and Mr. Clay.

H.R. 3603: Mr. Cardin, Mr. Levin of Michigan, and Mr. Owens of New York.

H.R. 3607: Mr. Fish, Mr. Buechner, Mr. Gekas, Mr. Hammerschmidt, Mr. Owens of New York, and Mr. Davis of Michigan.

H.R. 3612: Mr. Ritter and Mr. Kolter.

H.R. 3619: Mr. Tallon, Mr. Fuster, Mr. Miller of California, Mr. Guarini, and Mr. Price of Illinois.

H.R. 3627: Mr. Kyl, Mr. Ballenger, and Mr. Wortley.

H.R. 3754: Mr. Ballenger.

H.R. 3769: Ms. Kaptur and Mr. Ackerman.

H.R. 3800: Mr. Ravenel.

H.R. 3814: Mr. Buechner, Mr. Sensenbrenner, and Mr. Burton of Indiana.

H.R. 3825: Miss Schneider and Mr. AuCoin.

H.R. 3830: Mr. Owens of Utah and Mr. Sensenbrenner.

H.R. 3844: Mr. Panetta, Mr. Bruce, and Mr. Frenzel.

H.R. 3850: Ms. Slaughter of New York, Mr. Darden, Mr. Spratt, Mr. AuCoin, Mr. Mazzoli, and Mr. Nichols.

H.R. 3858: Mr. McMillen of Maryland, Mr. Mrazek, Mr. de Lugo, Mr. Towns, Mr. Levine of California, and Mr. Brown of California.

H.R. 3883: Mr. Studds, Mr. Owens of Utah, Mr. Murtha, Mr. Pashayan, Mr. Livingston, Mr. Rowland of Connecticut, Mr. Courter, and Mr. Hubbard.

H.R. 3892: Mr. Sikorski, Mr. Rowland of Connecticut, Mr. Roe, Mr. Lagomarsino, Mr. Yatron, Mr. Erdreich, Mr. Ballenger, Mr. Valentine, Mr. Marlenee, Mr. Boehlert, Mr. Ray, Mr. Gingrich, Mr. Penny, Mr. Dyson, Mr. Campbell, and Mr. Frank.

H.R. 3893: Mr. Spratt, Mr. Rose, Mr. Horton, and Mr. Gray of Illinois.

H.R. 3936: Mr. MacKay, Mr. Gibbons, and Mr. Nelson of Florida.

H.J. Res. 148: Mr. Bates, Mr. Mack, and Mr. Ravenel.

H.J. Res. 333: Mr. Bevill, Mr. Bustamante, Mr. Coelho, Mr. Gray of Illinois, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Horton, Mr. Howard, Mr. Hughes, Ms. Kaptur, Mr. Lancaster, Mr. Levin of Michigan, and Mr. Lipinski.

H.J. Res. 371: Mr. Bilbray, Mr. Dymally, Mr. Hastert, Mr. Hochbrueckner, Mr. Hughes, Mr. Johnson of South Dakota, Mr. Lehman of Florida, Mr. McCloskey, Mr. Owens of New York, Mrs. Saiki, Mr. Sawyer, Mr. Sikorski, Mr. Smith of Florida, and Mr. Weiss.

H.J. Res. 383: Mr. McMillen of Maryland, Mr. Scheuer, and Mrs. Lloyd.

H.J. Res. 398: Mr. Bosco, Mr. Atkins, Mr. Livingston, Mr. Hughes, and Mr. Dwyer of New Jersey.

H.J. Res. 415: Mr. Hefner, Mr. Cardin, Mr. Rodino, Mr. Whitten, Mr. Russo, Mr. Nagle, Mr. Hopkins, Mr. Emerson, Mr. Kolter, Mr. Hastert, Mr. Hunter, Mr. Dyson, Mr. Dwyer of New Jersey, Mr. Fuster, Mr. Traficant, Mr. Moakley, Mr. Annunzio, and Mr. Jones of North Carolina.

H.J. Res. 417: Mr. Levin of Michigan, Mr. Lowry of Washington, Mr. St Germain, Mr. Fazio, Mr. Wolf, Mr. Denny Smith, Mr. Chandler, Mr. Martinez, Mr. Conte, and Mr. Dwyer of New Jersey.

H.J. Res. 418: Ms. Kaptur and Mr. Kasich.

H.J. Res. 445: Mr. Mineta, Mr. Craig, Mr. Hughes, Mr. McEwen, Mr. Sunia, Mr. Kolter, Mr. Wise, Mr. Garcia, Mr. Young of Alaska, Mr. Cardin, Mr. Hayes of Louisiana, Mr. Perkins, Mr. Lewis of Georgia, Mrs. Lloyd, Mr. Walgren, Mr. Traficant, Mr. Solarz, Mr. Pashayan, Mr. Clinger, Mr. Hansen, Mr. Towns, Mr. Anderson, Mr. Savage, Mr. Borski, and Mr. Howard.

H.J. Res. 447: Mr. Clay, Mr. Mica, Mr. Shuster, Mr. Dicks, Mr. Bilbray, Mr. Murphy, Mr. Hayes of Louisiana, Mrs. Meyers of Kansas, Mr. Bonior of Michigan, Mr. Coelho, Mr. McMillen of Maryland, Mr. Bruce, Mr. Jenkins, Mr. Garcia, Mr. Bateman, Mr. Shumway, Mr. Gunderson, Mr. Stangeland, Mr. Hall of Ohio, and Ms. Snowe.

H. Con. Res. 21: Mr. Atkins.

H. Con. Res. 162: Mr. Rowland of Connecticut.

H. Con. Res. 169: Mr. Hastert, Mr. Donald E. Lukens, Mr. Montgomery, Mr. Richardson, Mr. Walker, Mr. Holloway, Mr. Miller of Washington, Mr. Nielson of

Utah, Mr. Shumway, Mr. Weldon, Mr. Hyde, Mr. Molinari, Mr. Pursell, and Mr. Stump.

H. Con. Res. 223: Mr. Bartlett, Mr. Bereuter, Mr. Bevill, Mrs. Boxer, Mr. Brennan, Mr. DeLay, Mr. Florio, Mr. Grandy, Mr. Hiler, Mr. Lehman of Florida, Mr. Sikorski, and Mr. Wolpe.

H. Con. Res. 232: Mr. Livingston and Mr. Bilirakis.

H. Con. Res. 241: Mr. Saxton.

H. Res. 242: Mr. Feighan, Mr. Bustamante, Mr. Dornan of California, and Mr. Lent.

H. Res. 300: Mr. Buechner and Mr. Sensenbrenner.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3660: Mrs. Bentley.

EXTENSIONS OF REMARKS

LITTLE KNOWN FIRM HAS BECOME THE ENVY OF OPTIONS INDUSTRY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. COELHO. Mr. Speaker, I would like to rise today to honor a good friend of mine, Mr. Joseph Ritchie, the founder, chairman, and chief trader of the Chicago Research and Trading Group Ltd.

Since Joe started CRT 11 years ago, it has become the world's largest options trading company with $2.5 billion in trades daily and over $225 million in capital. One of the secrets of the firm's unprecedented success is its sophisticated computer trading model which squeezes small profits out of each of a high number of trades each day.

The second secret of CRT's success is Joe Ritchie himself—he developed the firm's trading model, and he carries out the calculations used to evaluate each options contracts.

The third and final secret to the firm's success is Joe's management style. He treats his staff of almost 600 more like family than like employees, providing them with free meals prepared by the firm's resident chefs. His staff is encouraged to work together for the good of the whole firm, rather than to compete with one another for individual glory. Teamwork is the rule rather than the exception. This unique management style has been responsible for the high degree of job satisfaction among the firm's staff members and has facilitated CRT's high profit margins.

In this era of insider trading and other stock market scandals, Joe Ritchie and the Chicago Research and Trading Group stand as a beacon of hope in the night. Joe has demonstrated that a firm can follow ethical business practices, can treat its employees extremely well, and can still be successful. Just as importantly, he has also shown that the spirit of innovation that allowed the United States to attain its preeminent position in the international economy is still alive and well today.

Mr. Speaker, I would like to take this opportunity to commend Joe Ritchie for his accomplishments, and wish him continued success in the future. In recognition of the lessons these accomplishments hold for the rest of the American business community, I ask that a recent article about Joe that appeared in the Wall Street Journal be reprinted here in the RECORD.

[From the Wall Street Journal, Feb. 8, 1988]

LITTLE-KNOWN FIRM HAS BECOME THE ENVY OF OPTIONS INDUSTRY

(By Scott McMurray)

CHICAGO.—Joseph Ritchie knows his math. No mere statistician, he solved the often-frustrating Rubik's Cube by turning the puzzle a few times, then figuring out the algorithm on which it was based. When competitors were relying on mainframe computers, this options trader punched a 243-step program into a hand-held calculator.

And while Wall Street's top computer jockeys have been hamstrung by the controversy over program trading—particularly its role in the Oct. 19 stock-market crash—Mr. Ritchie and the little-known company he heads, Chicago Research & Trading Group Ltd., are miles ahead of their rivals.

CRT's secret is a computer system that uses one of the most sophisticated trading models in the securities industry. By monitoring monetary differences in options and futures prices, the model—developed mainly by Mr. Ritchie—helps the firm execute more than $2.5 billion in trades each day.

"It's like picking up dimes in front of a bulldozer," says a CRT trader. "You can make a lot of money, but you have to keep your eye on the bulldozer."

IMPORTANT PLAYER

CRT has done both. In the 11 years since it was founded, it has become the world's largest options-trading company and the envy of the industry.

The firm's initial $200,000 stake has grown to $225 million in capital. Trading solely with its own money, CRT at times is the biggest single player in the most important futures and options pits: It often accounts for more than 5% of the multibillion-dollar trading volume on the Standard & Poor's 500-stock index and Treasury-bond futures, and 30% to 40% of the volume in most exchange-traded options markets here and abroad.

Though broadly similar to program trading's technique of profiting from small price differences between related investments, CRT's system is highly refined. The company was one of the first firms to give program trading between stocks and stock futures an electronic whirl, but abandoned it a few years ago as profit margins grew too slim.

At the heart of CRT's computer model are closely guarded mathematical formulas used to calculate the value of options contracts, depending mainly on the market's volatility and the time remaining until the contract expires. Most options traders use some type of formula to evaluate options, but CRT's is one of the best, traders say.

A BANG FOR ITS BUCK

Its computer programs decipher complex changes in price relationships, enabling traders to lock in minute profits and move on before most pit traders even notice the price shift. The firm trades simultaneously among scores of futures and options markets from Singapore to Chicago, aiming with trades of dizzying complexity to get the biggest bang for its buck.

That can baffle its rivals. Says the head of a competing firm: "I've seen their financial statements, and I still don't understand how they operate."

That suits CRT just fine.

Like a behemoth in ballet shoes, CRT glides through international financial markets but leaves few footprints. Almost unknown to the investing public because it trades exclusively with other professionals, CRT is at the forefront of an emerging generation of high-tech traders who increasingly are dominating world markets. Its strategies not only eliminate the risk of betting on the direction of the markets but also enable it to cope with—and even profit from—growing market volatility.

CHECKING THE BLOODBATH

Before most investors even understood what was happening on Black Monday morning, CRT had stanched its losses. Within an hour, the company reversed thousands of transactions. While many competing firms took days to unscramble their trading and lost hundreds of millions of dollars, CRT knew its exact holdings as it continued to trade. It lost less than $10 million—a mere nick for a firm its size.

And while regulators kept a round-the-clock vigil at some options-trading firms, they were satisfied that CRT was shipshape after a quick visit.

Central to CRT's success is the 41-year-old Mr. Ritchie, the firm's chairman and head trader. When he and three friends started the firm, Mr. Ritchie was so strapped for cash that he wore a borrowed business suit to meetings and laid an old door across two boxes for a desk. A tomato-juice can stuck in the doorknob hole doubled as a pencil holder. Even today a desk at one end of a conference room constitutes his office, and he still arrives for work most days in corduroy pants and an open-necked shirt. A suit—bought, not borrowed—gathers dust in a nearby closet.

Mr. Ritchie, who majored in philosophy at nearby Wheaton College after a three-year stint at an Oregon Bible school, also is responsible for the calculations needed to evaluate options contracts.

Using computer-generated charts, CRT's traders pair off one trade against another—buying Treasury-bond options, for instance, while selling Treasury-bond futures—and lock in a paper-thin but nearly riskless profit.

The profit on a single $100,000 Treasury-bond option trade, for example, typically is less than $4.50. But that amount multiplied by the 100,000 trades CRT executes daily makes the firm a low-margin, high-volume money machine.

One morning in CRT's trading room overlooking Lake Michigan, Mr. Ritchie, surrounded by six casually dressed traders in their 20s and 30s, calmly reviews possible foreign-currency options trades. The company's elaborate computer systems have updated valuation charts for traders in each market during the night. A team of computer programmers works all night if necessary to adjust CRT's complex software programs. The face on a clock in the department reads: "One, Two, Three, Four, Who Cares?"

Compared with the dozens of screaming traders crammed into most Wall Street trading rooms, the company's nerve center is remarkably subdued. CRT's octagonal trading desk—which could easily be overlooked if placed in the cavernous trading

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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rooms at Salomon Brothers Inc. or First Boston Corp.—has banks of multicolored computer screens that carry the firm's confidential trading information.

Each pit trader has a specific amount of money allocated to his market. A trader in Treasury-bond options, for example, will buy when the market price drops below the line on his valuation chart and sell when it moves above the line. New charts are printed and rushed to the pits when prices change rapidly. Others at CRT are responsible for coordinating the hedging of one trader's positions against another.

The system also calculates CRT's consolidated risk position for all markets and shows how that position would change if the markets became more or less volatile. Since Black Monday, CRT has enhanced the system to calculate its total risk position on an unprecedented minute-by-minute basis.

Mr. Ritchie leads the currency-options group through 45 minutes of complex options valuations without once touching a pencil. CRT trades about 700 yen options and more than 3,000 Treasury-bond options in less than an hour after the group has broken up to monitor other markets.

A system designed to squeeze small profits out of each trade doesn't keep CRT from hitting the jackpot now and then. In the first few trading days of this year, CRT made nearly $5 million on several thousand foreign-currency options trades as the dollar rose sharply and most foreign currencies plummeted.

In mid-December, CRT's oil options and futures traders made nearly $1 million as oil prices dropped sharply. And last July, following the release of poorer-than-expected British trade figures, CRT traders made over $500,000 in a few hours on a $3 million investment in British government-bonds options. CRT's $3 billion in margin money controlled about 10,000 options valued at $750 million.

The company's charts aren't the whole secret to CRT's success. Just as important is the company's unusual culture, an outgrowth of Mr. Ritchie's homey style. CRT encourages an informal, family atmosphere, including free meals served by five on-staff chefs. While many corporate executives pay lip service to their "team," the soft-spoken Mr. Ritchie, who considers Walt Disney "my hero for the 20th century," is genuinely uncomfortable talking about his role as the company's leader. "I could've made a lot of money going off and trading for myself," he says, "but I'm prouder of the group we have here than of the money we've made."

CRT's nearly 800 employees work in teams and are rewarded for their contribution to the firm, rather than for outshining one another. CRT also puts most recruits through an exhaustive series of interviews that focus on their psychological profiles as well as apparent trading talent. (No system is foolproof, however, Jeffrey G. Donnely, a former CRT stock-index futures trader dismissed in 1986 for allegedly diverting profits from the firm, is under investigation by a federal grand jury here for possible criminal trading violations, according to people familiar with his case. Mr. Donnelly declines comment.)

CRT requires most professional recruits to take a pay cut to join the firm to ensure that money isn't their only motivation in changing jobs. Once on board, however, top employees can quickly earn six-figure salaries.

But as it expands, the firm has been forced to adopt a more corporate structure. Last year Roderick Smith, formerly a managing director of Hongkong & Shanghai Banking Group in London, joined CRT in the newly created position of chief executive officer. Though it is aimed in part at giving CRT principals more time for other pursuits, a more corporate form could dampen its vaunted esprit de corps and reduce productivity.

The growth is also taking CRT into riskier dealings. It is expanding into over-the-counter options trading, which exposes the firm to greater risks than trading on exchanges, where a clearinghouse guarantees against defaults.

In late December CRT was named to the select group of 42 primary government securities dealers who trade directly with the Federal Reserve Board. The move to primary-dealership status is aimed at increasing revenue from government securities trading, which CRT entered in 1986 by buying a small dealership, and at attracting clients in Europe and Japan.

Another market crash seems to be the least of the firm's worries. Mr. Smith, the chief executive, says that morale at the firm is higher than ever following the crash. He is more concerned about the effect of a steep recession. "The thing we need as a machine is activity," he says. "Our biggest worry is a slow bleeding to death if the markets dry up."

AMERICAN HEART MONTH

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. STOKES. Mr. Speaker, I welcome this opportunity to remind my colleagues that by congressional resolution and Presidential proclamation, February is "American Heart Month." I join in recognizing the American Heart Association's [AHA] progress toward its goal of the "reduction of premature death and disability from cardiovascular diseases and Stroke."

As a result of the reseach, education and prevention programs of the American Heart Association, the National Heart, Lung and Blood Institute [NHLBI], and the National Institute of Neurological and Communicative Disorders and Stroke [NINCDS], this Nation has experienced a remarkable reduction in coronary heart disease and stroke. The AHA reports that from 1976 to 1986 the death rate from coronary heart disease has declined by 27.9 percent and that stroke has fallen by 40.2 percent. According to AHA, this downward trend is directly related to the increased focus on the prevention of cardiovascular diseases by controlling its risk factors including smoking, high blood cholesterol, high blood pressure and diets rich in saturated fats and cholesterol.

Despite this progress, AHA estimates that in 1988 heart attack will strike 1.5 million individuals, killing about 540,000. Stroke will claim 500,000 victims, killing approximately 155,000. I am particularly concerned about the incidence of stroke.

Stroke, a cardiovascular disease that affects blood vessels supplying oxygen and nutrients to the brain, is the third largest killer in the United States behind heart attack and cancer. According to the AHA, stroke is the leading cause of long-term disability. Although they estimate that stroke survivors number about 2 million, many of them confront extraordinary medical expenses. AHA reports an estimated figure of $12.9 billion for 1987 stroke associated health care costs.

Research has shown that black Americans have more than a 60-percent greater risk of death and disability from stroke than whites. Since hypertension constitutes the most significant risk factor for stroke, many attribute this alarming statistic to higher occurrence of high blood pressure in blacks than in whites. The more efficient control of hypertension has been called the chief explanation for the declining death rate of stroke in the past 10 years.

In addition to progress with hypertension, the AHA cites other important improvements in the prevention and treatment of stroke. They include the identification of other controllable risk factors: Diabetes, heart disease, high red blood cell count and transient ischemic attacks—a series of little strokes that sometimes precede a major stroke; the reassessment of neurovascular procedures; improved diagnostic and monitoring techniques; and the development of new methods for immediate administration after stroke to hopefully reduce its debilitating affects.

During "American Heart Month," I draw special recognition to these advancements and thank the American Heart Association, the National Heart, Lung and Blood Institute, and the National Institute of Neurological and Communicative Disorders and Stroke for their contributions. Since stroke predominantly strikes the elderly, as our aging population grows, we must continue to invest resources in stroke research, treatment, prevention and education.

ENERGY AWARD TO MASSACHUSETTS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. MARKEY. Mr. Speaker, I am pleased to congratulate the people of the State of Massachusetts for achieving the highest rank among all the States of this Nation for outstanding commitment to the environment and clean energy. For that effort, Massachusetts this week received the second annual State of the States award from the Fund for Renewable Energy. It shares this top ranking with the State of Wisconsin.

Massachusetts has achieved an unsurpassed record of energy efficiency and energy-related pollution control. In 1987, the State passed laws providing strong conservation standards, effective "least-cost" utility regulations, energy-wise building codes and targeted renewable energy tax incentives. It is a record that makes us proud and sets high standards for the entire country.

I am particularly proud to see the State enact tough energy efficiency standards for energy-guzzling appliances that go beyond the nationwide standards adopted by Congress

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last year. By working with Governor Dukakis and other State leaders in Massachusetts, we were able to push forward with Federal standards on major home appliances, while not compromising the State's interest in adding tough lighting standards at the State level. Lighting remains a major national opportunity for additional energy savings.

Massachusetts also pressed forward with renewable energy tax incentives in the face of the administration's hostility to all nonnuclear energy subsidies. In addition to the renewable tax credit, we are pursuing conservation, cogeneration, hydroelectricity and clean burning coal. Finally, the State is leading the way on acid rain research and control, pesticide reduction and intelligent land-use planning.

It is for those reasons that the State of Massachusetts is to be commended for its energy and environmental accomplishments and for helping to provide national leadership in this critical area for our Nation.

ESTONIAN INDEPENDENCE DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. HOYER. Mr. Speaker, On February 24, Estonians all around the world celebrated the 70th anniversary of Estonia's short-lived independence of 22 years.

At this point, we do not know how this major milestone was marked inside Estonia. Soviet authorities have closed Estonia to all foreign diplomats and journalists. But, based on past experience, I am sure that the courageous men and women of Estonia will find a fitting way to make their views known. Indeed, that is why the Kremlin has imposed a temporary blockade on Estonia.

It is not surprising that Soviet officials feel threatened by open expression of genuine popular sentiment in Estonia, Latvia and Lithuania. After all, for the past 48 years, the Soviet Government has illegally occupied those Baltic territories. The Soviet occupation of the three Baltic States is the result of the secret Molotov-Ribbentrop Pact between Stalin and Hitler. The United States Government has never recognized the Soviet annexation of Estonia, Lithuania, and Latvia.

Over the years, Estonians have suffered as a result of the continuing Soviet occupation of their country. In 1940 and 1941, over 40,000 Estonians were forcibly sent to Siberia. After World War II, many thousands more Estonians followed. The last President of independent Estonia, Konstantin Pats, died in a Stalinist camp. In recent years, thousands of Estonians, young and old, have participated in demonstrations to protest various Soviet policies in their country: Russification, Slavic settlement in Estonia, ecological damage, declining living standards, and, of course, military occupation. Arrests of Estonian human rights activists have been frequent; today, two courageous and committed Estonians, Mart Niklus and Enn Tarto, are still imprisoned. Tragically, another Estonian dissident, Mart Niklus, died In labor camp in 1981.

Dissent seems to be accelerating In Estonia today, with more demonstrations and protest declarations being issued. Testifying before the Commission, Estonian activist and former political prisoner Tiit Madison said that the June 1987 demonstration in Riga, at which some 5,000 demonstrators and bystanders gathered to place flowers at Riga's Monument of Freedom and to denounce Stalin's crimes, "were like a torch which helped flame sentiments throughout the Baltic."

For the first time, the Estonian press has called on Russians living in Estonia to learn Estonian. Four Estonian intellectuals have even drawn up a plan to make Estonia economically self-sufficient. Sixteen Estonian dissidents have organized the Estonian National Independence Party.

In the wake of major riots in Kazakhstan, Gorbachev stated at the Central Committee plenum in January 1987, that the nationality issue had not been dealt with seriously enough. Then, in February 1987, the Soviet Government announced an early release program under which 200 political prisoners—many imprisoned for nationalist activities—were eventually released. More recently, in February of this year, General Secretary Gorbachev said at a party plenum that nationality problems were a fundamental vital issue for Soviet society. Comparatively speaking, the present Soviet leadership has responded more flexibily to nationality demands and seems to be more willing to address the nationality issue more realistically.

Mr. Speaker, the Helsinki Final Act in its Third Basket stressed the important contribution of national minorities and regional cultures to give concrete expression to the rights of minorities guaranteed under Principle VII. In addition, of course, Principle VIII of the final act addresses the crucial issue of national self-determination.

No nation has a perfect record in dealing with and resolving the divergent interests and demands of its minority groups or of its various nationalities. The Helsinki Commission urges the Soviet Union to give concrete expression to the commitments it made with regard to protecting the rights and freedoms of all of its citizens—and to permit referendums on self-determination.

CONGRATULATIONS TO WINNERS OF WESTINGHOUSE SCIENCE TALENT SEARCH

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. WEISS. Mr. Speaker, I am honored to bring to your attention three of our Nation's brightest and most promising high school students.

Aurika Wanda Checinska, Chetan Nayak, and Brian Lee Zuckerman are winners of this year's Westinghouse Science Talent Search. All three are residents of New York's 17th District, which I have the honor to represent.

The Westinghouse contest honors students for their inquiring and intelligent minds and their motivation to pursue science and mathematics. It is the oldest and most prestigious competition for teenage scientists.

I am very pleased that of the 40 winners chosen nationwide, 16 are from the State of New York. In fact, no other State can boast more winners than the district I represent.

At a time when our Nation's educational system is being criticized and our technological competitiveness is slipping, these young men and women are a great source of pride and inspiration.

I congratulate Aurika, Chetan, Brian, and all of the other participants and wish them success in their future endeavors.

COMMEMORATING ESTONIA'S 70TH INDEPENDENCE DAY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. BROOMFIELD. Mr. Speaker, today we mark the 70th anniversary of Estonia's Independence Day. While we friends of an independent Estonia celebrate this most auspicious day in the United States and in many other countries around the world, the Estonians themselves can celebrate only in the privacy of their own hearts because Estonia continues to be a captive nation held under the tyranny of the Soviet Union.

On February 24, 1918, the people of Estonia declared their independence. This country was well received among the community of nations, and in 1921 became a member of the League of Nations. During this period of independence, Estonia and her people thrived economically, socially and culturally.

In 1939, Estonia became a pawn in the struggle between larger nations. Hitler and Stalin secretly agreed to partition Europe, giving all three Baltic States to the Soviets. The Soviet Government moved quickly to establish its domination over Estonia. Using a pattern we have seen the Soviets use over and over again—a pattern of "mutual assistance" pacts, ultimatums, installation of Communist puppet governments, staged one-party elections, compulsory nationalization, house searches, mass arrests, deportation, summary executions and terror—the Soviet Government consolidated its control over Estonia and its sister Baltic nations of Lithuania and Latvia.

Many years have passed since Estonia first declared its independence, and from the time when Estonians fought the Soviet occupation in the 1940's. We have seen a new generation of Estonians grow up under Soviet domination, and we have seen that even in this new generation as Estonian adults continue to cherish the dream of a truly free and independent Estonia. This past summer in Tallinn, Estonians for the first time, participated in a mass demonstration calling for their independence. How many more such demonstrations will be allowed by the Soviets is unknown. Even the one last summer showed the world that the yearning for independence continues to burn brightly.

Mr. Speaker, it is important that all who cherish freedom and independence join in spirit with the people of Estonia to demonstrate both our concern for their situation and our hope that they will once again join the

community of nations as a truly independent member. I congratulate the people of Estonia on the 70th anniversary of their Independence Day, and look forward to the time when it can be celebrated in Estonia as openly as it is celebrated In the United States and the other democracies of the world.

TRIBUTE TO THOMAS S. RAGSDALE, JR.

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. TALLON. Mr. Speaker, I am proud to pay tribute today to a citizen of my district, Thomas S. Ragsdale, Jr., of Lake City, SC. Mr. Ragsdale is president of the T.S. Ragsdale Co. He was recently named one of Tobacco International magazine's seven "Men of the Year." Mr. Ragsdale is the first independent tobacco dealer ever selected for the award.

I would like to commend Mr. Ragsdale for his outstanding contributions to the tobacco industry. He has been a pioneer and an innovator in the production and processing of tobacco. I would like to share with you the following article, reprinted from the December 1987 edition of Tobacco International.

TOBACCO INTERNATIONAL NAMES THOMAS RAGSDALE JR., IN TOP SEVEN "MEN OF THE YEAR"

For Thomas S. Ragsdale Jr., there was never any doubt that he would become a tobacco man. He grew at his father's side fascinated by tobacco auctions, studying processing procedures, and roaming the T.S. Ragsdale Co. plant in Lake City, South Carolina. Thomas S. Ragsdale Sr. spent countless hours teaching the son who would lead his company, how to buy competitively, to process effectively, and most importantly, to insist on quality while always looking for ways to improve . . . to do the job better . . . to become more efficient.

"My father taught me that tradition was a challenge to excel, not a reason to relax," reflects Ragsdale, president of T.S. Ragsdale Co. "He spent his entire career building a company that was committed to providing the best for its clients."

After serving in the U.S. Army Air Force, the younger Ragsdale officially joined the company in 1948. As it grew, T.S. Ragsdale Co. earned a reputation for sound capital investments in equipment to insure the best possible product at the lowest possible price. The company was the first dealer in the U.S. to go to 100 percent electronic picking and threshing. By 1973, computers were being installed to monitor the picking of tobacco. When others were reluctant to modernize, Ragsdale built a state of the art tobacco factory equipped with the finest combination of Cardwell and AMF equipment backed up by vibrating shakers. Today, Tom Ragsdale is convinced that the commitment to progress is one reason for his company's success.

"We have always given a tremendous amount of personal attention to the processing and handling of our customers' tobacco. We commit our management to closely monitor every detail. When we see a way to improve quality and to cut cost, we make the investment," states Ragsdale. "In 1956, there were 15 tobacco processors in South Carolina. Today, there's one . . . T.S. Ragsdale Co. That's testimony to both our insistence for the highest quality and our commitment to modernization."

Long before diversification became an industry trend, Ragsdale started searching for business opportunities that would complement the seasonal nature of the tobacco business. In 1957, he led the company into the charcoal briquet industry. This diversification enabled the company to utilize its labor, warehouses, and equipment on a year-round basis. This Ragsdale diversification has translated into lower costs for its tobacco customers. Today, the Embers Charcoal Division annually produces in excess of 70,000 tons of charcoal briquets for 14 million outdoor barbecues. Embers is the third largest charcoal manufacturer in the United States and the leading exporter of briquets to Europe.

"Our company's main objective is maximum efficiency in order to generate lower overhead and lower costs," asserts Ragsdale. "We don't diversify just for diversification's sake. Each company in our organization must complement all the other companies. Our most recent diversification, Ragsdale Transportation Brokerage Co. and Embers Express Trucking Co. allow Ragsdale customers the benefit of precise tobacco movement as well as offering extremely competitive freight rates."

Today, T.S. Ragsdale Co. employs over 200 full time employees with an additional 100 during the height of the tobacco season. While the company has grown considerably over the last 20 years, Ragsdale is still actively involved with all levels of the corporation.

"Tom understands that good people are essential to success. He demands, excellence, and he expects results; however, he is extremely loyal to his people," states Dick Clayton, vice president of leaf sales and purchases. "And, no one in the tobacco industry works harder than Tom Ragsdale. For Tom, good enough is never really good enough."

"Tommy is always doing something," reflects Carol Ragsdale. "It doesn't matter whether he's working or hunting or playing with the grandchildren, he's totally involved." Ragsdale has been both an Elder and a Deacon at the Lake City Presbyterian Church. He has served on the Board of Directors of Coker College and the St. James School. He is on the Board of Directors of Atlantis Airlines and has chaired the Management Committee.

"No one knows the tobacco business like Dad," says Smith Ragsdale, executive vice president. "When we were kids, he always took the time to involve us in the company." Both T. Smith Ragsdale III and Charles S. Ragsdale have followed their father into the family business. Tom's daughter, Caroline Reutter, serves on the Board of Directors.

As he looks to the future, Ragsdale is confident. "In the near future, the domestic and international markets will be more competitive. Our company will continue to be aggressive," he asserts. "We will continue to search for methods to keep our costs low to our customers. We will maintain our commitment to the two things that have made us successful—quality product and service excellence."

"From the time I was a young man, I just knew I would spend my life in tobacco. It's an exciting, challenging industry that's changing every day. And, at the same time, there is a wonderful tradition based on integrity and trust," observes Ragsdale. "There's just no business like the tobacco business."

LITHUANIAN INDEPENDENCE DAY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. PANETTA. Mr. Speaker, I join with my colleagues in recognizing the 70th anniversary of Lithuanian Independence Day on Tuesday, February 16. The Lithuanian people have displayed tremendous courage in their fight for self-determination and we cannot ignore their valiant efforts to maintain their national identity.

On that date in 1918, the Council of Lithuania declared itself a nation state which became a free and sovereign state. Lithuania flourished economically, politically, and religiously. However, as we know, the Molotov-Ribbenthrop Pact of 1939 spelled the end of these freedoms when Germany ceded its territorial claims to Lithuania to the Soviet Union. The following year, the Soviet Union began its forceful occupation of the nations in the Baltic region including Estonia, Latvia, and Lithuania. The Soviets then attempted to assimilate the Baltic nations into the Soviet Union while tens of thousands of people, whose greatest crime was the desire for freedom, were murdered or sent into internal exile.

It is a great testament to the will of the Lithuanian people that they withstood such harsh measures of repression and acculturation, and yet continued to maintain a language, culture, and religion unique to themselves. For 48 years, the Lithuanian people have shown a resilience and a tenacity that demonstrates their unwavering commitment to the right of self-determination.

The freedoms enjoyed by the Lithuanian people during that nation's short-lived independence were lost, but were not forgotten. To this day, all the free nations of the world share the dream of Lithuanians; to create a homeland and a nation that is truly their own to ensure the survival of their rich heritage. The challenge before us is to ensure that the struggle of the Lithuanian people is never forgotten so that once again their national identity shall never perish.

BLACK HISTORY MONTH

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GEJDENSON. Mr. Speaker, I would like to take this opportunity to pay honor and tribute to Black History Month, and to acknowledge those black Americans who contributed greatly not only to African-American culture and history, but to world history.

Since 1976, February has been celebrated as Black History Month, but the origins of this event date back to 1926, when Dr. Carter G.

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Woodson set aside a special period of time in February to recognize the heritage, achievements and contributions of African Americans.

There have been countless individuals who have made important contributions to the lives of African Americans and other minorities. Many of those contributions, however, would not have been possible if it were not for the tremendous efforts of a much smaller number of persons. Male and female, their courage, determination, integrity and talents were unmatched. Because they possessed such qualities, doors that were once closed are now opened. They are the ones who made a difference, they are the movers and shakers that helped make the world better for blacks.

Dating back to colonial times with Crispus Attucks, blacks have made great progress in many areas of American life. They have made practical and significant contributions to the fields of science and invention, to medicine, to the arts, music and entertainment, to education and government, and to business.

Scientists like Dr. Charles Drew and Dr. Daniel Hale Williams have helped to save numerous lives with their contributions to medicine and to the lives of all peoples. Dr. Drew, a black man, developed the first blood plasma bank, which saved numerous lives and enabled hospitals to store blood for longer periods of time. And, Dr. Daniel Williams, a surgeon, was the first black man to perform a successful operation on the human heart.

Political figures, educators, and scholars like Andrew Young, Mary Church Terrell, Benjamin Mays, Barbara Jordan, Shirley Chisolm, Mary McLeod Bethune, Harold Washington, and John Hope Franklin have all contributed tirelessly and unselfishly to the political and mental growth of black Americans. And, so many of our own colleagues, including Ron Dellums, John Conyers, Mickey Leland, and John Lewis, a hero of the civil rights movement who fought at the side of Martin Luther King, have also contributed their efforts and time to our great Nation.

And, let us not forget about those who have provided us with great literary works and pieces like Gwendolyn Brooks, Phillis Wheatley, Zora Neale Hurston, Toni Morrison, and James Baldwin. Nor those who provided musical, dance, and theatric entertainment like operatic diva Leontyne Price, musical geniuses Quincy Jones, Michael Jackson, and Steve Wonder and premiere female artists like Diana Ross, Lena Horne, and Dorothy Dandridge. Further, we should acknowledge those who have presented an even stronger impact on the African-American community within the past 3 years. Those like Redskins Superbowl quarterback Doug Williams, Olympic ice skater Debbie Thomas, former Miss America Vanessa Williams, Radio City Music Hall Rockette Jennifer Jones, fashion designers Willie Smith and Patrick Kelley, National Security Advisor Colin Powell, Jr., and space shuttle astronaut Ron McNair. Each has contributed something of note to the long upward climb of black people in not only America, but in Europe and in other parts of the world.

But, in applauding the significant strides and contributions these blacks have provided, let us not forget about the plight of the brethren in South Africa, of the continued starvation among those in Ethiopia, or of the recent escalation of race related incidents here in the United States. One should also remember that pride and awareness in one's culture and history should not be celebrated only 1 month a year, but should be highlighted in the lives of all, all year around, as a tool of inspiration for the continued growth and development of the race. Let all people work together in one body so that all cultures may be able to learn, accept and appreciate the distinguished role people of all races, nationalities, and cultures have contributed to society.

OUR FRIEND TAIWAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. CRANE. Mr. Speaker, I would like to take this time to pay tribute to an important political figure and good friend—Chiang Ching-kuo. Most Members now know that Chiang Ching-kuo recently passed away, ending his 10-year reign as President for the Republic of China on Taiwan. I have visited Taiwan on numerous occasions since 1970 and I have always been impressed by the hospitality of its people and the outstanding success it has experienced since its formation.

During the last few decades Taiwan has experienced much economic growth. Between 1970 and 1980, Taiwan's economy grew about 10 percent each year, making Taiwan into an economic power. The ROC currently is the sixth largest United States trading partner. Indirect trade between the ROC and the mainland exceeds $2 billion annually. Economic growth throughout this country is clearly abundant, and it truly reflects favorably upon the leadership of the Republic of China.

Taiwan is also a bastion of freedom. We only hear about citizens from the Peoples Republic of China risking their lives to immigrate to the Republic of China. We never hear of Taiwanese citizens attempting to flee to the mainland. Citizens of Taiwan are free to run their own businesses; they are free to immigrate; they are free to practice religion; they are free to criticize the government. Chiang Ching-kuo deserves much of the credit for the many freedoms that the people of Taiwan now have.

I urge my colleagues to read the following article written by Dr. Frederick Chien, representative for the Coordination Council for North American Affairs. Dr. Chien gives a detailed review of President Ching-kuo's life and the many accomplishments for which he was responsible. It is important for Members of Congress to remember that Taiwan is one of our best friends and that we will all benefit from understanding the accomplishments of its most recent President.

Legacy of President Chiang Ching-kuo

(Presented by Dr. Frederick F. Chien, Representative, Coordination Council for North American Affairs Chicago Committee, Chicago Council on Foreign Relations, Feb. 9, 1988)

I consider it a great privilege to be with you today. The Chicago Committee of the Chicago Council on Foreign Relations is one of this country's most prestigious forums. I am honored that you extended an invitation to me and gave me this opportunity to discuss with you momentous events which are occurring in the Republic of China today.

As many of you probably are already aware, my country lost its great leader and President, Chiang Ching-kuo, less than four weeks ago. He was an immensely popular figure—a populist by nature—and his death was mourned not just by those holding positions of leadership in government and business but, as you say in America, by "the man on the street," who forms the bedrock of our society.

It may be pertinent to note in this regard that an annual public opinion poll conducted by the Public Opinion Research Foundation shortly before President Chiang's death showed his approval rating in 1987 at 85 percent. This was up seven percent from 1986, reflecting the overwhelming support he received from the citizens of my country for his bold democratization program initiated last year. An 85 percent approval rating would cause most American politicians to turn green from envy, I suspect, and indicates that Chiang Ching-kuo must have possessed unusual qualities of leadership.

This should come as no surprise. He was schooled in leadership by his father, President Chiang Kai-shek. As the eldest son, Chiang Ching-kuo learned his lessons well and earned the high offices he held. He was elected to the presidency only after more than 40 years of service in various government and party positions, including six years as premier.

It was my personal privilege to know well both President Chiang Kai-shek and our late President Chiang Ching-kuo. I served as President Chiang Kai-shek's secretary for ten years and was privy to many of his meetings with world leaders. I saw firsthand how skilled he was in the art of diplomacy. Likewise, I knew President Chiang Ching-kuo for some 30 years and during his term as premier, I served as his official spokesman. That was a great experience for me, and I shall never forget how President Chiang Ching-kuo instructed me when I assumed my duties.

President Chiang said, "Fred, you are now my spokesman. I know you are a man of integrity and would never say anything which is untrue on your own account. Never think that you have to tell a lie on my account. Always be straightforward and tell the truth, and I will be well-served."

So, I can tell you without reservation that President Chiang was a man of high moral principles and integrity. In short, he said what he meant and he meant what he said. This characteristic, perhaps more than any other, allowed him over the years to inspire confidence and to make an indelible mark on the history of the Republic of China.

But let's not get ahead of ourselves. Let's look back to President Chiang's earlier accomplishments. Then we can appreciate even more the service he rendered his country and the vision he had for the future of the Republic of China.

I said earlier that President Chiang Ching-kuo was a "populist." He was comfortable in the presence of the powerful, but I earnestly believe he was happiest in the company of working people. He moved easily among the people he served and took pleasure in trips to factories and farms and visits with shopkeepers and laborers. He appreciated the contribution they made to creating a modern society on Taiwan and he wanted them to know it. He was determined that policies of the government would result in a continuously higher standard of living for them and greater participation in the processes of government.

He availed himself of every possible opportunity to attain those goals for the Chinese on Taiwan. As chairman of the Vocational Assistance Commission for Retired Servicemen, he understood the needs of those who had served their country on the battle field and had to make the transition to private life. Just as you created special training and employment programs for veterans in the United States, Chiang Ching-kuo did so on Taiwan. We Chinese are known for our extended families and for making sure that relatives are cared for in their old age. But many soldiers had been unable to bring their families with them to Taiwan. In their old age, they found themselves alone. Presdient Chiang made sure they were not forgotten by the country they had served; they were cared for.

And as he understood the peculiar problems of the old, he understood the needs and ambitions of the young. As director for more than 20 years of the China Youth Corps, he knew that China's future depended upon the development of its young people. He had the ability to instill in them his own intense nationalism, his devotion to Dr. Sun Yat-sen, who founded the Republic of China, and his dedication to the principles of democracy and free enterprise which are the foundation for what many call the "miracle" which has happened on Taiwan. He knew that young people had to keep busy. Corps projects and summer camps became outlets for the constructive energy of hundreds of thousands of young Chinese who now hold my country's future in their hands.

Let me pause for a moment to say that the Republic of China would not be the international economic power that it is today without careful planning over the years. Throughout the world, we have seen what has happened when developing countries set out helter-skelter to try to improve their lot. Not only are they not successful, usually they take steps backwards. Economic woes are followed by political woes and, all too often, domestic unrest degenerates into violence, anarchy and bloodshed.

Thanks to the vision of such persons as President Chiang, Taiwan's progress has been planned and orderly. Social and political progress have kept step with economic progress. We are always flattered when scholars hold up Taiwan's experience as an example to other developing countries.

President Chiang had the long view, and that long view is a great part of his legacy. When he became premier in 1972, the country was beginning to understand its potential as a major exporting nation. But it lacked the infrastructure necessary to achieve that goal. Times were not so good then, either. Because of the international oil crisis, the treasury was depleted and the government was operating at a deficit. The future was unsure, and the faint-hearted were arguing for retrenchment. It was in this economic climate that then Premier Chiang Ching-kuo proposed the "10 Major Construction Projects," which, while necessary to establish a viable infrastructure, would require tremendous public expenditures. He was willing to take the risk to insure Taiwan's place in world trade in the decades to come. He prevailed and all China shall be forever greatful, for he laid the foundation—carefully, block-by-block—for the "economic miracle" which was to follow.

Chiang Ching-kuo knew that Taiwan could not be a major manufacturing country unless it could easily move raw materials and finished goods about the island. So he built major highways to keep domestic commerce flowing. Taiwan could not ship its goods to world markets without deep water ports and modern shipping facilities. So he built two new world-class ports. Taiwan could not make the transition from light to heavy industry without the ability to produce a vital raw material—steel. So he launched Taiwan's modern steel industry. Taiwan could not produce goods without energy to turn the factory wheels. So he built new power plants. And Taiwan could not entice foreign investment to the island without a major new international airport. So he built one.

Piece by piece, he put the program together so each project complemented the other and formed a solid foundation for a dynamic export economy. He was not alone in his undertakings. The free Chinese on Taiwan were with him. He called for national sacrifice and the support of all the island's citizens. He got both, and his detractors shook their heads in disbelief as the projects were begun and successfully completed.

But neither he nor the country could afford to rest upon its laurels. Other countries in Asia were making progress also, though not at the same rate. It was clear that Taiwan would not be a leader for long if it were content to remain primarily a producer of labor-intensive products and be a captive of traditional industries.

When Chiang Ching-kuo took the oath of office for the first time as President in 1987, his work was cut out for him. High-tech was just around the corner. The handwriting was on the wall: any country which could not upgrade its economy would be out of the game. Developing countries would be forced to play in the minor leagues and compete against themselves. Countries such as Japan, Germany and the United States would play in the majors.

President Chiang was not willing to accept minor league status for the ROC. He urged the people on Taiwan to shift toward a technologically intense economy. We made a conscious decision to cede part of our share of such markets as plastics, textiles, and other inexpensive consumer goods for the opportunity to move with the major industrialized nations into the new age of computers and high-tech. As you know, that has proved to be a wise decision.

The Republic of China on Taiwan is now the fifth largest trading partner of the United States in the world. Last year two-way trade between our countries was $31.2 billion. Building the foundation for a major manufacturing and exporting nation and developing that nation into what is now one of the world's healthiest economies was no small task. It is a legacy that few leaders have ever been privileged to leave with their people.

Today, the signs of prosperity and economic well-being are evident throughout Taiwan. Today per capita income has risen dramatically to about $5000, one of the highest in Asia. A study of the distribution of wealth has showed that the gap between the top and bottom of the income scale has narrowed to one of the best ratios in the world. On Taiwan, the ratio of the average per capita income of the top 20 percent and the bottom 20 percent is an amazing 4.4:1. Another survey showed that a great majority—85 percent—of the people consider themselves "middle class," a sign of economic and social stability. Symbols of affluence and creature comforts—cars, refrigerators, televisions—are common. The fruit of Taiwan's progress has been shared by all its citizens.

President Chiang was never satisfied. The words he had written in his diary on his 70th birthday at the beginning of this decade were always fresh in his mind. He had said then, "Time flies. I know I have done too little to express my gratitude to my father or to fulfill even a small fraction of the expectations of my compatriots." He could not rest until, in his words, "Anything that must be done for the good of the people (has been) done." He still had mountains to climb.

I have mentioned that as premier he spearheaded the "10 Major Construction Projects." They had provided a solid foundation for Taiwan's economic development but, when he became president, he knew, it was time to bolster that foundation. And he felt compelled to look for ways to improve the quality of life of the almost 20 million people of the Republic of China.

Working closely with the country's leadership and highly trained young Chinese professionals—now a mainstay of our development efforts—he proposed a 14-point program designed to insure Taiwan's continued progress and touch every life on the island.

So even in his 70s and in ill-health—he had long suffered from diabetes—President Chiang still possessed great energy and determination. His agenda was that of a man half his age. And remember, too, that at the same time he was having to deal each day with the serious problems resulting from the ROC's trade imbalance with the United States; maintaining a strong defense system to deter the mainland's designs on Taiwan—he was a former minister of defense; and the day-to-day problems of running a government.

But the last chapter still was not written. And it is that chapter which may be most memorable. To paraphrase the words of the American poet Robert Frost, Chiang Ching-kuo still had promises to keep—to his father and his compatriots—and miles to go before he slept.

President Chiang looked about him and saw a prosperous economy. He saw an educated citizenry. He saw hundreds of thousands of persons traveling abroad each year, expanding their horizons and their expectations. He saw a pluralistic society where people were eager to learn more about democracy and the science of self-government. Looking around him, he saw a country that was more secure than at any time since the government relocated on Taiwan in 1949. And he realized that the task before him—perhaps his last major task—was to perfect the country's democratic institutions and insure future generations of free Chinese maximum involvement in their government.

He proposed that the Emergency Decree, which had existed for 38 years, be lifted, removing the last vestiges of "martial law" on Taiwan. In fact, the decree had little effect on the citizens of my country and a survey showed that it was near the bottom of their list of concerns. But the specter of "martial law" continued to be raised in the international community and President Chiang wanted to remove it and settle the matter once and for all.

Opposition candidates had been clamoring for some time for the right to form a party and run a slate of candidates under a single banner rather than running individually as independents against the ruling party. The restrictions on the formation of new political parties were lifted, and the door was opened for a multi-party political system to challenge President Chiang's own KMT. Interestingly enough, when the first elections were over, the KMT still polled about the same percentage it had polled in previous elections (70 percent), giving a vote of confidence to the KMT and its leadership in its first head-on challenge.

Restrictions on newspapers were eased. Already licenses have been granted for the publication of new newspapers, and established newspapers have the right to expand their coverage. An educated population is an inquiring population, and Taiwan's newspapers now will be a greater source of news and opinion. The war of words has begun, for as the English writer, John Milton, said, "Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions, for opinion in good-men is but knowledge in the making."

On Taiwan, we believe, quite sincerely, that democracy must be learned. We have looked to the United States above all others as our teacher in this area just as we have looked to you repeatedly for lessons in free enterprise and market economy. The United States has outstripped every other country in the world in developing democratic institutions and creating prosperity for its people. We are grateful, and our imitation is intended as the most sincere form of flattery.

Last of all, President Chiang tackled the problem of how to make our legislative body more representative of the people of Taiwan without abandoning the Republic of China's claim to represent all China and its ultimate goal of reunification with the mainland. Revitalizing the structure of the national law-making body and admitting new, younger blood has just begun, but it took a bold leader to focus the attention of his countrymen on this sensitive problem and, we hope, pave the way for an ultimate solution.

President Chiang Ching-kuo's democratization program, viewed broadly, as I noted, as a "display of courage and confidence in the people to whom he had brought unprecedented prosperity," drew accolades from throughout the world. And the citizens of my country have talked of little else since these dramatic reforms were proposed and, one-by-one, began to become reality.

There is one more important part of President Chiang's legacy which I think I should discuss with you.

For seven decades, members of the Chiang family—first president Chiang Kai-shek and later his son Chiang Ching-kuo—have been prominent figures in both the Koumingtang (Nationalist party) and the government of the Republic of China. Despite efforts by President Chiang Ching-kuo to dispel speculation, rumors persisted that he would somehow pass the mantle of leadership to another member of the Chiang family. Obviously, some observers did not understand his populist nature. Now, history has proved his sincerity.

Because President Chiang was in ill health for a long while, questions concerning succession constantly arose. He often pointed to the constitution and said firmly that succession would be orderly and in accord therewith. When he died January 13, there was no doubt on Taiwan what would happen. In accord with the constitution adopted in 1946, Vice President Lee Teng-hui, a native of Taiwan province and proven administrator, was sworn in immediately. Government in the Republic of China proceeded without a hitch. President Chiang's insistence that there was no place in Taiwan's modern democratic government for a family dynasty is now an important part of his legacy.

It is important to note that President Lee, who became vice president in 1984, is the first Taiwan-born president of the Republic of China. His succession blunts much of the criticism which opposition leaders have made about the participation of Taiwan-born Chinese in the government of the Republic of China. The truth is that President Chiang worked hard to make the KMT an inclusive, rather than an exclusive, political party. Today more than 80 percent of the members of the KMT were born on Taiwan and about half of our cabinet ministers. Any person who wants to participate in the party can do so and the height to which he or she can rise depends only on the limits of their own energies, ambitions and abilities.

President Chiang Ching-kuo, shortly before his death, dictated a last testament which was witnessed by several government leaders, including then Vice President Lee. He called upon the people to continue to seek reunification with the mainland, oppose communism and, importantly, to "actively carry constitutional democratic development forward without interruption." Upon assuming the office of president, Dr. Lee Teng-hui called upon the citizens of the Republic of China "to follow without fail the final exhortations of President Chiang . . . with one heart and mind in a united effort." The torch was passed.

President Chiang's leadership will be deeply missed. But, he was a wise man. He knew he would not stay on the scene forever and planned carefully for our future. His legacy actually has two-parts: unprecedented economic progress and democratic reforms he initiated during his life, and the clear path he marked for the Republic of China's democratic development after his death.

One editorialist summed up by stating, "Taiwan, which first showed Third World nations how to use capitalism, free trade and export-led growth to turn a third-world peasant economy into a sophisticated exporter with a flourishing middle class, now appears bent on demonstrating how democratization can be made to follow economic success."[1] In the long run, the extraordinary economic success and the democratic reforms instituted during President Chiang Ching-kuo's last years will be equally treasured by the citizens of the Republic of China.

COMMEMORATION OF BLACK HISTORY MONTH

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. CHAPPELL. Mr. Speaker, this year, in commemorating Black History Month, I would like to share with my colleagues information which has been brought to my attention by Alton Yates—senior administrative aide to Jacksonville Mayor Tommy Hazouri—about the history of Free Blacks in Florida. The following is an excerpt from an article, "The Free Negro in Florida", written in 1965 by historian Leedell W. Neyland.

The emergence of the free Negro as a distinct group in Florida is indebted to a series of problems created by fugitive slaves from the nearby English colonies of Georgia and South Carolina who took refuge in the Spanish colony of Florida. When English authorities demanded their return, the Spanish responded by keeping the fugitive slaves and reimbursing the English claimants up to 200 pesos per slave for their losses. On April 12, 1731, the Council of the Indies in Madrid, Spain, decided that no negroes who escaped to Florida should be returned nor should any more be paid for in the future.

During the seven year span from 1731 to 1738, Negro fugitives came into Florida with increasing rapidity. Since they did not consider themselves chattel slaves, they soon began to demand their freedom. Consequently, on May 31, 1738, Governor Montiano reported that various Negroes, fugitives from the English colonies held as slaves by citizens of St. Augustine, appeared before him, and demanded liberty on the strength of royal cedulas. He decreed that their appeal be granted. The decision to grant freedom to the slaves was not an easy one to make, for it was made over the violent protests of slave owners.

Inasmuch as the newly liberated freedmen had no place to live nor any adequate means of livelihood, Governor Montiano set aside a special area as a settlement for them on the northern outskirts of St. Augustine. During the Spanish rule, this settlement was known as Garcia Real de Santa Teresa de Mose; however, under British rule after 1763, it was known simply as "Moosa" or Moosa Village. This place no doubt became the first free Negro settlement in what is now called the United States. To aid ths settlement in its growth and development, Governor Montiano provided both spiritual and economic assistance. In late 1738, he secured the services of a priest, Reverend Joseph de Leon, to instruct the settlement of thirty-eight families in the Catholic doctrine and in good customs. Furthermore, he supplied the colony with food and supplies until they harvested their crops. When the settlement was in danger of being overrun by the English in 1740, Governor Montiano withdrew the Negroes from "Moosa" and reestablished them in St. Augustine for their own protection. After the threat passed, the Negroes were returned to "Moosa", and another public announcement was made stating that all other fugitives arriving at the settlement would be freed. Over the years, "Moosa" received a high degree of independence."

THE NORTHEAST-MIDWEST HEARING ON PLANT CLOSINGS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. ASPIN. Mr. Speaker, I rise today to bring to the attention of my colleagues an important hearing held earlier this week by the Northeast-Midwest Congressional Coalition. The hearing, entitled "Forum on Worker Dislocation in the Automotive Industry," provided an opportunity to closely examine the devastating impact of auto plant closings on communities.

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[1] The Ledger-Star, Norfolk, Virginia, January 5, 1988.

Recently, the Chrysler Corp. announced that it plans to close its stamping and assembly operations in Kenosha, WI, by the end of the 1988 model year. If Chrysler goes ahead with its proposed shutdown, 5,500 workers will lose their jobs.

At Tuesday's hearing, two labor representatives from Kenosha testified on the impact of this decision on Chrysler's workers, their families, and the entire community. The two witnesses were Ed Steagall, president, UAW Local 72 in Kenosha, and Roger Bybee, editor, the Racine Labor, Racine.

I want to thank Ed and Roger for helping to focus national attention on what Chrysler has done to the city of Kenosha. Their testimony follows, along with a statement I submitted at the hearing:

TESTIMONY OF ED STEAGALL, PRESIDENT, UAW LOCAL 72, KENOSHA, WI

In 1973 I attended a UAW School for Workers and at that seminar it was stated that the United States auto makers and United States Steel would have to do something for the future. At that time President Leonard Woodcock of the UAW told Washington, D.C. that the American auto and steel industries would be having a huge problem and they would have to take action now. Washington has not responded, and we now have to fix a two-decade-old problem.

What can be done for Americans, for the American work force, because imports continue to bombard our shorelines? My membership is being put out of work because American companies are allowed to invest profits made in America into the economies of other countries, where they can take unfair advantage of cheap labor, no benefits and sub-standard working conditions. Legislation has to be passed that makes U.S. companies like Chrysler, which has been profitable, invest in the American companies so they remain modern, efficient and will produce job security to the American worker.

Chrysler has a new engine operation in Mexico, while Kenoshans, after 89 years of service, are being told they will no longer be employed by Chrysler. This is not fair when you look where Chrysler's private profits originated. To invest in Mexican markets is a crime. Why didn't Chrysler invest into an established work force in Kenosha which produces the best quality vehicle in the Chrysler family? Why is Chrysler allowed to invest in Red China as published 2-17-88 Chrysler Motor Times. (See exhibit No. 1.)

Americans should have received that work. A new V10 is being developed at this time by Chrysler and that work is going to be placed in Mexico. That is wrong, when the Kenosha work force is being terminated! Please help us, not just union members, but for every job that is directly affected by a layoff in the plant, one job from the community is also lost! Our population in Kenosha is approximately 80,000 people. Sixty-five percent of those laid off live in Kenosha so multiply 14.2 for the average family X every worker affected, equals 27,300 directly affected and probably another 27,300 from the community. (See exhibit No. 2.)

This is devastating to our state's economy when people have to use Unemployment Compensation and welfare while trying to get replacement jobs or retraining. People will lose their homes, cars and children's educations and all that has been saved from prior years of employment. The single worker will not receive half as much because social programs are directed to family services. (See exhibit No. 3.)

Our law enforcement agencies are already concerned about economic depression where families will be broken up and more severe discipline will have to be enforced in our community. Please think of the single individual so that programs and monies become available to them where their families do not have to suffer because of economic crisis at home and so the law will not have to be broken in order to provide shelter and food for their children's table.

Our plant has been making money for the Chrysler Corporation but because of economic injustices between countries, Chrysler chooses to develop new products for China, Mexico, slave labor countries and other non-American countries. Legislation has to be passed that will protect our shores from imports. Legislation must punish American businesses that do not treat their employees with dignity and respect and fail to provide long-term security to the workers and their families.

It is wrong to open up new plants with new partners and dislocate workers who have long-term service with the company. Therefore, I am asking that this Congressional body develop the means to force Chrysler Corporation to become a responsible American company and protect our jobs in Kenosha, or face the consequences, which could cause them to lose crucial government contracts.

TESTIMONY OF ROGER BYBEE, EDITOR, THE RACINE LABOR, RACINE, WI

I am Roger Bybee, Editor of The Racine Labor Newspaper in Racine, Wisconsin. I want to thank Congressman Aspin and the Northeast-Midwest Coalition for inviting me to testify on some issues of burning importance.

When Chrysler announced on January 27 that it planned to close its Kenosha operations, the company was simply removing a pin from its map of corporate facilities. For Chrysler Chairman Lee Iacocca, he was simply shutting down a plant for the 31st time.

But for the People of Kenosha, Racine, and other communities in southeastern Wisconsin and Northern Illinois, the announcement came as a shattering blow to their lives and their dreams. Chrysler's announcement came as the social equivalent of an atomic bomb, whose "radioactivity" can be measured in unrealized hopes, in lives wasted in despair, alcohol and drug abuse, family violence, in homes that are foreclosed, cars that are repossessed and in huge numbers of people forced to rely on public assistance. The mushroom cloud of social devastation will reach far beyond the 5,500 families directly affected by one of the largest plant closings in recent years: Its effects will be felt also by workers at local parts suppliers, the owners of small businesses whose customers draw their livelihoods from Chrysler, and area taxpayers who will be forced to pick up the pieces of lives shattered by Chrysler's decision.

The plan by Chrysler to end auto production in Kenosha represented a sudden repudiation of previous and extensive promises made by Chrysler with the express purpose of eliciting major concessions from the union, city, county and state. In both oral and written pledges, such as the June 26, 1987 letter from Chrysler to the city of Kenosha, the company committed itself to maintaining auto production for 3 to 5 years. Many hundreds of families made critical decisions based on these pledges: Workers quit jobs at other plants to return to Chrysler; their families bought homes, and incurred other debts. Moreover, the workers responded to Chrysler's promise of job security by setting several records for quality production.

Chrysler officials may argue that no formal contract exists which requires them to maintain production in Kenosha: But they should be reminded that their fast statements were not mere "projections" or "predictions" that were uncontrollably undermined by changes in the market; those statements were pledges aimed at gaining concessions from other parties. The union, the state, and local governments kept their word, but Chrysler has not. As one observer noted, the Chrysler warranty on the deal has expired in 7 months, instead of 5 years. Perhaps that means that someone has doctored the odometer reading on the deal.

Chrysler's plan to shut down its Kenosha operation (with the exception of its engine line) leaves an enormous crater that local and state government resources cannot possibly fill. The shutdown will mean a loss of about $171 million in wages, for which there are no foreseeable substitutes. Retail development along I-94 and Highway 50, and marina-related development in both Racine and Kenosha are touted by some who believe that the area can rebound. But we should remember that retail and service development is based on a foundation of consumer buying power created by goods production, and that foundation for southeastern Wisconsin is being swept away with little warning and less concern for the victims. When unemployment in Kenosha surges up toward 15, 18, 20 percent, how much retail investment will the area attract?

What we're seeing here is that the impact of a plant shutdown not only causes widespread devastation, but also removes an area's capacity to respond. For example, the shutdown will cost some $10 million in lost state tax revenues, which means fewer resources to pay for training, for alcohol and drug abuse clinics, shelters for battered women and children and other needs that are the social costs of decisions made unilaterally in Chrysler's boardroom.

Local government agencies are responding as rapidly as they can to prepare for the consequences of the Chrysler shutdown. In both Kenosha and Racine, where 1,277 of the affected workers live, task forces have been set up by the county executives to assess the impacts of the shutdown. The effects will be deep and varied: Along with huge increases expected in AFDC and general assistance programs, there will also be increased demands for a wide array of other services. (One surprising example is an increased need for the services of the local game warden, because people will have less money to spend for hunting and fishing licenses, and because desperate dislocated workers will attempt to supplement their families food supply by poaching.) To confront the multifaceted impacts of the shutdown, the task force in Racine is working in subcommittees to develop impact statements and plans in each of several areas: Health and Human Services, which covers family violence, the needs of uninsured families, counseling, etc; economic development efforts, which involve retaining existing firms and recruiting new businesses; two sub-groups, one focusing specifically on

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UAW Local members and one on the other dislocated workers hit by the shutdown; and a government liaison committee to coordinate activities between different levels of government. In addition, the State Department of Industry, Labor and Human Relations has outlined a series of steps to assist in expedited registration for and distribution of unemployment compensation benefits, better linkages of jobless workers to existing job openings, the establishment of effective new job-search groups for laid-off workers, and other moves designed to soften the impact of the shutdown's impact on southeastern Wisconsin.

While I have been impressed with the alertness and sincerity of public officials in responding to this crisis, we must remember that these efforts are swimming against the tide of Administration policy. The social safety net in the U.S., always the flimsiest of any advanced democracy, has been further shredded in recent years. For example, only 28 percent of the jobless now receive unemployment compensation, compared with 67 percent during the 1974–75 recession. Similarly, the federal Job Training Partnership Act, the main training program, provides no income supplements to support dislocated workers and their families while they attempt to make a transition to a new field of work.

Now, some hopes have been raised by Chrysler's announcement that it would be willing to contribute its 1988 profits from Wisconsin to a trust fund for the victims of its shutdown in Kenosha. Apparently, there has been much more excitement about the plan the further the distance from southeastern Wisconsin. As UAW Local 72 members immediately pointed out, the trust fund plan is tied directly to Chrysler sales which have been hit disastrously by the public outrage to Chrysler's planned shutdown. The workers tend to see the proposal as a public relations gesture in another sense; as Local 72 Chairman Rudy Kuzel put it, the plan is like a bank robber tossing a few dollars from his saddlebags as he high-tails it out of town, so that the posse stops chasing and starts fighting among itself over the few dollars. I think that the plan needs to be looked at critically for two other reasons: First, it is a mere drop in the bucket in comparison to the scale of human need. Weighed against the $171 million loss of wages, the $20 million generated by the trust fund (if Chrysler sales were to return to past levels) would barely scratch the surface. Let me also suggest measuring the $20 million another way; Lee Iacocca suggested the trust fund as a means of helping to provide for the needs of 5,500 families. That sounds like a generous offer, until you consider that Lee Iacocca brought home $20.5 million for his own family in 1986.

Given these realities the workers and communities of southeastern Wisconsin feel that there is no alternative but to resist the shutdown every step of the way. To do otherwise is to welcome an economic and social holocaust for the area.

By way of conclusion, I want to stress that the only means of preventing social devastation across our nation's industrial cities is to fundamentally change the rules of the game. Presently, corporations like Chrysler are free to move capital around and close profitable plants at will, engaging in a callous form of human strip-mining leaving supposedly used-up workers and discarded communities on a giant slag-heap. Major corporations are able to pit community against community, like Kenosha against Detroit, drawing public resources from already-squeezed declining communities to subsidize private profit, while playing off American communities against each other, investments outside our borders. Chrysler, for example, now has five plants in Mexico, where it can take advantage of low wages ($1 an hour or less) and favorable trade rules to export more than $1.2 billion worth of goods back to the U.S.

We must radically alter the rules of the game, because we face not only a continuing de-industrialization, but also a de-democratization as corporations increasingly dictate terms to local governments and act without any accountability to the democratic will of the public.

TESTIMONY OF CONGRESSMAN LES ASPIN

I want to express my thanks to Congressman Kildee, Congresswoman Johnson, and to the Northeast-Midwest Coalition for inviting me to participate in today's important hearing. Over the past decade, communities across the Northeast and Midwest have been devastated by major plant closings. I welcome the opportunity to study this tragic problem in depth, to explore the impact of these closings on communities, how communities have reacted and rebounded, and how the federal government can play an increased role in providing assistance to dislocated workers and their families.

On January 27 of this year, the Chrysler Corporation announced that it would be closing its stamping and assembly operations in Kenosha, Wisconsin, by the end of the 1988 model year. While 1000 workers will remain at the plant to build Chrysler engines, 5,500 will lose their jobs. Kenosha has lived with an auto plant longer than any other community in the nation. The Kenosha plant was first opened in 1902. The impact of this announcement on the Kenosha community, and on the entire state of Wisconsin, has been profound.

The City of Kenosha is now facing its greatest challenge, to carry its residents through the difficult period of adjustment which lies ahead, to find jobs for its displaced auto workers, and to diversify and expand its economy. The strain on city services, ranging from job training programs to drug and alcohol abuse counseling, will be enormous.

Kenosha and the State of Wisconsin have reacted swiftly to Chrysler's announcement. Kenosha County Executive John Collins and Kenosha Mayor Eugene Dorff have taken the lead in coordinating the city's response to the shutdown. Three task forces, focusing on aid for dislocated workers, community health and social services, and economic development, are being established. Area colleges, including Gateway Technical College, Carthage College, and the University of Wisconsin-Parkside, are developing programs to educate and retrain displaced workers. The State is also planning programs to assist workers and to spur economic growth in Kenosha County.

As local and state officials continue to formulate a recovery strategy for southeastern Wisconsin, now is an opportune time to push the federal government to play a key role in providing assistance to the community. There is a growing consensus in Congress that the Reagan Administration has not played a sufficient role in helping workers and communities adjust to major layoffs and plant closings. The federal government can and must do more to assist these communities. It must provide increased funding for worker retraining programs and economic development. And it must encourage states and communities to respond quickly to a plant shutdown so that workers and their families can readjust as soon as possible to a new way of life.

The federal government runs two major programs designed to aid dislocated workers, the Trade Adjustment Assistance (TAA) program and Title III of the Job Training Partnership Act (JTPA). Both programs would be expanded and improved under various provisions of the omnibus trade bill, which is now in a House-Senate conference committee. As Kenosha and other cities across the country struggle with the consequences of mass layoffs, now is the time to make positive changes in these critical programs.

The Trade Adjustment Assistance program provides aid to workers who lose their jobs due to imports. Workers become eligible for TAA after the Department of Labor certifies that their employer has been hurt by foreign competition. Under the program, workers receive up to 52 weeks of cash assistance, called a Trade Readjustment Allowance (TRA), when their unemployment compensation (UC) runs out. The payment is roughly equal to a UC check. TRA has been a big help to many eligible workers in southeastern Wisconsin.

Once workers become eligible for TRA, they can apply for job training assistance through the state job service office. Unlike TRA, which eligible workers automatically receive, training funds are awarded on a cash-available basis. In recent years, the well has run dry and workers enrolled in qualified training programs have been denied funds. Both the House and Senate trade bills include provisions to provide all workers eligible for TAA up to $4000 for remedial education and retraining programs. The training portion of the program essentially would be made into an entitlement. This is an excellent improvement that would guarantee that workers receive job training funds.

The House trade bill also includes an important provision aimed at helping displaced workers who find new employment at a lower wage. This section would provide a supplemental wage allowance to raise the worker's current pay up to 80 percent of the previous wage.

Another proposal in the House bill would require state agencies to provide full information to workers about the TAA program at the time they file for unemployment compensation. This would help to eliminate the considerable confusion about the availability of the program and deadlines for filing petitions with the Department of Labor.

The Senate bill includes a provision that would extend TAA coverage to workers in parts and supplies industries, a subject which will be discussed at greater length at today's hearing. This proposal would bring a deserving group of workers that have been neglected in the past under the TAA program.

The House and Senate must work out differences in the TAA provisions of the trade bill. Some are technical and others are more serious. The most controversial issue concerns how the expanded program will be funded. Despite differences, however, the two sides are pretty closer together. There is a clear consensus that this program needs adjustment and improvement.

Apart from the TAA improvements, the omnibus trade bill would create a new $980

million worker readjustment program under Title III of the Job Training Partnership Act. Title III of JTPA provides funds for job retraining programs to the states and localities. Programs are coordinated by local private industry councils (PICs). Workers covered under Title III do not have to show that their displacement is a result of foreign competition.

The new worker aid program would grant increased funds for job training, education, job search assistance, and counseling. The federal government currently provides about $200 million annually for the Title III budget, so the new proposal represents a significant expansion. Both the House and Senate bills include similar versions of the worker aid plan, but there are differences in how funding would be disbursed to the states.

The House worker readjustment program would authorize several new programs to provide increased funding for vocational education, and for research and development at colleges and universities. To help enhance the overall competitiveness of the American workforce, additional programs would be undertaken to combat illiteracy and encourage the teaching of foreign languages.

Included in the House worker aid program is an important proposal that would require states to respond rapidly to the announcement of a major layoff or plant closing. While past experience indicates that a quick and coordinated response to a plant closing can be extremely beneficial, it is clear that current programs do not reflect this fact. According to the Education and Labor Committee report on the trade bill, "There is considerable evidence that one of the most serious defects in the current disclocated worker program under Title III is the absence in most States of a rapid governmental response mechanism, even when an employer provides advance notice of a mass layoff or closing."

To address this problem, the House trade bill would require each of the states to establish a dislocated worker unit (DWU). The DWU would be required to provide immediate assistance to labor and management following announcement of a major layoff or plant closing. The DWU would help set up a joint labor-management committee which would be chaired by a neutral third party. The committee would be another resource communities could use to help oversee and coordinate the provision of job training and counseling services for the workers.

The rapid response approach is patterned after Canada's Industrial Adjustment Service, a program that is widely admired by labor specialists. Over the past year, the Department of Labor has helped to set up demonstration projects in six states: New York, New Jersey, Vermont, Ohio, Michigan, and Iowa. Several states have decided to pattern their dislocated worker programs after the Canadian model. The House trade bill would institutionalize this approach by establishing guidelines for the states to follow in setting up the DWUs. The Department of Labor would be required to provide state labor specialists with training in rapid response methods.

In its fiscal year 1989 budget, the Administration proposes to combine the TAA and Title III programs into a single Worker Readjustment Program (WRAP). The budget proposal states that, "These separate . . . programs have not operated efficiently." The Administration is correct in pointing out that the programs have had their share of problems. And the WRAP proposal is virtually the same as the House and Senate worker aid programs. But consolidating the two existing programs is not the answer. Both TAA and JTPA Title III provide needed and separate services to dislocated workers.

The two programs do need to be expanded and improved, and both the House and Senate trade bills are on the right track. I would urge the conferees on the trade bill to act on the consensus that has clearly emerged on this issue. All of the above changes, including guaranteed training funds, supplemental wage allowances, and rapid intervention, would be of significant help to the city of Kenosha and to communities across the country that are and will be facing the tragedy of a major plant closing.

For a community to rebound from a major layoff, the initiative and drive must begin at the local level. The federal government, however, can play a significant role. It must reach out to distressed communities and act as a partner in the recovery process.

ADM. JAMES STOCKDALE: A SPEECH IN PEORIA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. MICHEL. Mr. Speaker, on Saturday, February 13, 1988, Adm. James Bond Stockdale, recipient of the Congressional Medal of Honor, spoke to the members of the Peoria Bar Association. What he said that evening, a mixture of scholarly learning about the past and personal experience in combat and as a prisoner of the Communist Vietnamese, should be read by all of our colleagues. At this point I wish to insert his speech in the RECORD:

LINCOLN MEMORIAL BANQUET—PEORIA COUNTY BAR ASSOCIATION

(Speech by James Bond Stockdale)

In a nutshell, the explanation of my being here—with medals and all—can be simplified with one specific link. This link is tied to an instant of time: 3 PM, Sunday, September 13th, 1964, in Abingdon, Illinois. At that point, 24 years ago, I was getting out of a limousine in front of the Methodist church in Abingdon, with my wife, Sybil and my mother, Mabel, to attend the funeral of my father. I was wearing a Navy Commander's uniform, the only clothes I had with me, having flown back from the Western Pacific a few days before in response to a warning cable from Sybil. She had passed along to me the bad news that my father was not expected to live more than a week. I had barely arrived to be with him when he died, now at the church all events and all people important to our family seemed to be converging on that instant. On opening the car door, the first person I saw was Opal Baymiller, mother of Carroll, grandmother of David Radley, grandmother of Jim Baymiller who had driven her over from Peoria, great grandmother of Air Force Academy cadet Laura Radley who is sitting right in front of me, and lifelong friend of both my parents, classmate from first grade on, of my mother.

So I think that about says it—except to add that I had even more on my mind than this great confluence of family events. Those of you who have read Sybil's and my book, *In Love and War* now know that a few days before I had left that Western Pacific, I had been tangled up in a series of events that were to change our world. (Historian Barbara Tuchman in her latest, *The March of Folly* has written that these historic events I mention will eventually be seen, in the broad scope of American history, as "no less significant" than the firing on Fort Sumter.) Of course what I am talking about goes by the name of The Tonkin Gulf Affair. Actually, there were four Tonkin Gulf events spread over four days and involved one surface battle and three air actions, all of which I had led as the commanding officer of U.S. Navy Fighter Squadron Fifty-One. And I got out of that limousine—indeed left town soon after the funeral ceremony to return to that Western Pacific, as undoubtedly the only man in Illinois who knew for sure that the Vietnam War was already upon us, and certainly the only one who knew for sure that it had been triggered under false pretenses.

Yes, I knew the war was unavoidable, when news accounts were merely speculative, not because I had been reading secret messages (I had read them, but they were as speculative as the news accounts), but because I had had one of those flashes of insight that come to those who see, first hand, history turn a corner. (After it happens to you, it's hard to get the higher-ups to believe you; they're cautiously sticking to the party line, or more accurately perhaps, the line of those who rely on only the written word for information on distant events. The gap between what a written message conveys to its recipient, and what the sights and sounds and facial expressions on a battlefield convey to the person who is there, has caused the world all manner of surprise and later grief—and we can expect even more surprise and grief in the future as absolute Washington control, fueled by written word communication, becomes de rigueur.) So also does the man on the street frequently miss the true flavor of live happenings. Dispassionate accounts of less than cataclysmic far away events, accurately written in the Washington Post or New York Times, can give the reader a general idea of the risk of their being triggers for irreversible chains of events. But to be going down Main Street at treetop level in a North Vietnamese city of 44,000 people on a sultry peacetime noon hour and see "right out there", 28,000 pounds of TNT suddenly rip open and wipe out an oil tank farm, black smoke and red flames billowing up past ten thousand feet, people suddenly awakened, piling out of nearby buildings and into the street, gives one a more precise bit of information: In this case, that "there will be repercussions". [That old World War I recruiting slogan flashed through my mind: "Don't just read history, make it."] As I wrote in our book:

"In that split second, a great truth was revealed to me. America had just been locked into the Vietnam War. No question about it; as of right now all other options are now closed."

Great truths are sometimes available only at the eye of the storm. Professor John Keegan, British military historian and long time lecturer at Sandhurst, in his recent book *The Mask of Command* does justice to both our Abraham Lincoln and our other Illinois giant of the 19th Century—not Stephen Douglas, but (if you ask me) the real "Little Giant," Ulysses Simpson Grant. For

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Grant, like Lincoln of course, grew and gained wisdom, as well as commitment and momentum as the Civil War went on. Grant became Grant, according to Keegan, only in his third major battle, in April '62 at Shiloh, just after his self-made career had yielded his self-made victories at the Tennessee forts of Henry and Donelson. It was there at Shiloh, in the midst of that two day battle that by all odds he should have lost but didn't, that he learned what those early battles, still almost seeming like a mish mash of accidental events based on a misunderstanding, truly portended. There at Shiloh, Grant on the ground, looking at the eyeballs of an inspired enemy, thru a gunsight so to speak, received a revelation that changed his views on the whole war. Those young Confederate infantrymen were not dupes of demagogues, but crusaders for their cause. Not fighting from bravado, but from conviction. (Reading from *The Mask of Command*):

"From that time onwards, Grant knew that Americans were two peoples and could be made one only by the total defeat of the minority by the majority. It was the decision that the war must be made total."

In an instant, Grant grasped what others had missed, that what he was in the midst of was an ideological war, the very worst kind.

I expect some of you have been to the completely refurbished Willard Hotel in Washington, D.C. Sybil and I have been there a couple of times in the last few months. Both times I have found myself looking around the lobby trying to imagine how it would have been to be an onlooker, to see a particular early 1864 scene there,— and its sequel at the White House two blocks away the next morning. These are scenes Fletcher Pratt paints in his book *Ordeal by Fire*.

"Willard's Hotel for Gentlemen and Ladies swarmed with officers in March, 1864, most of them in full dress and all of them in full importance. The raining provost of the Army of Louisiana, who had experienced the rigors of a hard campaign at the bar of the Palmetto House in New Orleans, was expounding military strategy to an audience of newspaper men. Richard Dana, whose two years before the mast had given him a low opinion of barfly officers, looked in time to see a short, round-shouldered, seedy-looking man come through the door, leading a boy by the hand. The eye was drawn by the fellow's peculiar gait, a lurching heave, as though the next step would bring him down on his nose—and then Mr. Dana gulped at the sight of two stars on his shoulder-straps. He jumped up, but others had made the discovery before him and the whole lobby hummed with "Grant—Grant" . . . (The old guy from the West, the warrior they had heard about with unprecedented victories at Vicksburg, and most recently at Chattanooga—and he was then, [I have to remind myself], younger than I was when I was shot down * * * 42. I was 50 by the time my battles were over, Grant was 43.) * * * The squat man, as oblivious of the crowd's disapproval as he had been of its indifference, signed the register and still towing his son, pitched along to his room. . . . The next morning he was closeted with Lincoln. Lincoln had been willing to give a military specialist a free hand at any time, but had been unable to discern the requisite signs of ability in any of his generals. With very good reason he felt himself as able a military man as McClellan or Pope or Halleck or even Hooker."

I got a better idea of Lincoln's feeling on this from scanning a two-volume series called "The Complete Works of Abraham Lincoln", which I found in the Stanford library. It's his official papers in chronological order, and the year 1862 is full of two or three line personal telegrams General McClellan. (Very early on, Lincoln had concluded that his famous General McClellan had what he called "The Slows.") Samples of messages to McClellan: "What's the news from the front?" Then later: "What news from Manassas Junction? What generally?" Then: "My Dear Sir: You remember my speaking to you of what I called your over-cautiousness. Are you not over-cautious when you assume that you cannot do what the enemy is constantly doing?" Next: "How does it look now?" Then: I have just read your dispatch about sore-tongued and fatigued horses. Will you pardon me for asking what the horses of your army have done since the battle of Antietam that fatigues anything?" Again: "The enemy is recrossing the Potomac. Please do not let him get off without being hurt." And so on. Of course we've all enjoyed Lincoln's most famous quotation about McClellan: "It is called the Army of the Potomac but it is only McClellan's bodyguard. If McClellan is not using the army, I should like to borrow it for a while."

Back to Fletcher Pratt's account:

"Seated there with Grant the first time, Lincoln sensed that all that was behind him now. In just half an hour's conference he saw how differently from the others, Grant's mind functioned. Lincoln suggested a plan of campaign. Grant grunted, and without even commenting on it, offered an alternative scheme for war that went beyond Lincoln's imagination. The President relaxed with a sigh of gratitude and never interfered again. So Grant went down into Virginia, prepared to treat time and ground as expendable material. And behnd him, William Tecumseh Sherman, the sword of the republic, the giant of the West, was set free at last with 100,000 men at his back and Atlanta for his goal."

As Lincoln saw Grant off at the White House steps, he said: "I don't understand these military technicalities, but as near as I can make out, you propose to hold the leg while Sherman takes off the hide." Next day, Lincoln promoted Grant to Lieutenant General (three stars) and made him Commander of all the Union Armies. By mutual agreement, Grant never thereafter briefed the President on his future strategies.

They were a real pair, and I love to read about them together, as you can tell. So much for my introductory remarks.

There would seem to me to be only one formula appropriate for a person like me giving the talk at *The Lincoln Memorial Banquet* of the Peoria County Bar Association: to honor the great man; to tie him to Peoria; to tie me to the Peoria area, and to him; and to relate Lincoln's example to my experiences, my life.

To do that, I've read new books and reread old ones; I've gained insights into Lincoln's character that I never had before; and I've generated a tremendous urge to just burst forth and recite!

But now, the Peoria scene overcomes me. I hear and read about the quantity and depth of Lincoln scholarship, completed and taking place, in Illinois Historical circles. (Did you see that article in the New York Times this week about the compilation of some newly released material into what is called the "Lincoln Legals"—a summarization of his legal philosophy and practice based on 75,000 new documents?) And now I look at this audience of three hundred Illinois lawyers and judges, and realize that some of you are participants in such in-depth studies of Lincoln's life. And I come to realize that I have to discipline myself, and face the fact that I have a lot in common with that old Pennsylvania gentleman (about my grandfather's vintage) who died and went to heaven early in this century.

On arrival in heaven, this old gentleman could hardly contain himself. He was of course tremendously relieved not to have been condemned to "the other place" and delighted to see so many of his old friends from years past there in heaven with him. He had so much to tell them about what had been happening on earth! He too, wanted to just burst forth and recite! Saint Peter was showing him around when they spotted a crowd of heaven dwellers sitting around in a circle listening to one of their number speak. "What's going on there?, the old man asked Saint Peter. "Oh, it's just a group interested in natural history", replied the Saint. "They get together every day and regale one other with tales of momentous physical phenomona they had observed while on earth".

"Oh please let me join them today", the old Pennsylvania fellow said pleadingly. "I was an eye witness to the recent Johnstown flood; it was the most fantastic earthly event I ever saw in my life, and I'm so anxious to tell every body about it". "Very well", said Peter reluctantly. "But don't forget, Noah will be in the audience."

Already I know how detailed, how structured, and how precise that Lincoln scholarship of you Noah's in the audience can be. I have a Lincoln-scholar friend at Standford. Historian Don Fehrenbacher has written much about him, and his book *Prelude to Greatness: (Lincoln in the 1850's)* is to some the bible on Lincoln's Illinois connection. Don and I had lunch in my preparation for this trip. He has chapters assessing all Lincoln's major speeches of that decade. Many speeches are broken down into subject matter categories, with listings of percentages of the total speech devoted to each category. For instance, the "House Divided" speech (as Lincoln's Senatorial Candidacy acceptance speech to the Illinois Republican Party Convention in Springfield in the summer of 1858 is known "in the trade"), has three parts. The "house divided" section of the "house divided speech", I learned, constitutes only 7% of the whole. Something called the "conspiracy" section takes up 72%, and the "living dog" section, (whatever that may be), the remaining 21%.

After taking that in, I read the book *Abraham Lincoln in Peoria Illinois*, by B. C. Bryner (303 pages, printed privately in Peoria in 1924). In it are two complete versions of the Lincoln's famous Peoria speech of October 16th, 1854. One version was as taken down during the speech by the Peoria Transcript reporter and published in the paper the next morning. The other was a version Lincoln had spent three days doctoring in Springfield, after the fact. I can find the good parts in both versions, but the second version has twice as many words as the first. So I ask myself: How does all this scholarship by mathematical analysis and percentage breakdown work out in what I think surely must be the common case—several versions of each speech, each of a different length?

But not to quibble. I'm just reinforcing the idea that I am by no means qualified to pass certain boundaries in Lincoln scholarship, and am obliged to stay only within those areas in which I claim special interest or personal knowledge. The Fehrenbacher book has a good discussion on "why Lincoln?", that is to say, "what forces of fate thrust him into the national limelight in this key decade between the years 1850 and 1860?" One factor was of course Lincoln's good luck, or good sense, or both, to become the toe to toe, evenly matched sparring partner (debating opponent) of the Great Illinois orator and national figure, Senator Stephen Douglas. A second factor was the fact that Illinois could be seen as the pivotal State in the Union during the decade of the gathering storm. It was in a sense a microcosm of the Union, polarized by pro and anti-slavery sentiments, and centrally located. (At the debate in Galesburg on October 7th, 1858, Douglas chided Lincoln for having "two speeches", one to be given in southern Illinois, another in northern.)

Illinois in the 1850's was bursting forth into national prominence in productivity and population. Corn production doubled, wheat production trebbled; the state became in those ten years, by a wide margin, the grain-raising leader of the nation. Industrialization proceeded apace, and by 1860, half of those employed were engaged in pursuits other than farming. Fehrebacher describes the Illinois of those years as a state of "mills, factories, and magnificent farms." In that decade its population doubled (three times the increase of the nation as a whole). It went from 12th to 4th largest state in the Union, moreover, most of his growth occurred in the northern half of the state, where communities were newer, more progressive, and where, of course, antislavery strength resided.

It was in that decade of the '50's that all four of my grandparents first showed up in Illinois. The youngest of them, my father's mother, was born in Abingdon in 1853. The other three arrived during that decade as children of westward-moving families. My father's father from Pennsylvania, my mother's father, from Ohio. My mother's father was eight when the wagon stopped in Abingdon in 1852. Today, Sybil and I own the farm he and his bride took over on their wedding day. That bride was 18 then, but yeas later she, my grandmother Bond, used to tell me of her memories of holding her father's hand while they stood on the Knox campus and heard the Lincoln-Douglas debate in Galesburg on that October 7th of 1858. Kids went to things like that; Illinois was a political cauldron and political speeches were festivals, mass entertainments, family affairs. Lincoln and "Long John" Wentworth, while waiting to address a crowd at the little town of Oregon (two thousand people, just north Dixon), amused themselves by counting the number of mothers in the crowd who were nursing babies while they stood there and waited for the speeches to start. They agreed on the count: 70 nursing mothers.

I am a proud son of this prairie, and grandson of that lusty generation of the 1850's who had a lot to say about how it all worked out when the Republic was at the crossroads. And in a way, I think of myself, like you, as a special heir to the Abraham Lincoln legacy.

I want to close by explaining how a couple of Lincoln's seminal ideas rang true to my life. I pick them both out of the Peoria speech of '54—but of course all of his good ideas can be traced to that October night.

First there was his plea to free yourself from feeling the obligation to accept stereotypical mindsets—to meekly go along with the idea that a person's opinions should conform to some rigid structure, fit into some shoe box or pigeon hole which conventional wisdom judged to be consistent, fitting and proper—and judged you to be way out of line if you ever dared stray from those confines. I mean in 1854 there was a widespread stereotypical idea of what ideas in this world were appropriate for an opponent of slavery, and what for an advocate. So today, is conventional wisdom a ready reference for what ideas are "typical lawyer" ideas and prejudices. Certainly we hear people talk about "typical military" ideas and prejudices. Because of course, we all have "military minds". What Lincoln said in Peoria is that anybody in any profession is free to, in fact advised to, pick and choose ideas and prejudices that pass the chooser's tests of right versus wrong rather than those generally thought to becoming to his station, his profession, his causes in life:

"Stand with anybody that stands right. Stand with him while he is right, and part with him when he goes wrong. Stand with the abolitionist in restoring the Missouri Compromise, and stand against him when he attempts to repeal the fugitive-slave law. In the latter case you stand with the Southern disunionist. What of that? You are still right."

American politics today are bandwagon politics. You buy your party's or candidate's whole package, or be accused of betrayal. Everybody is on a conveyer belt with a label glued to his brow. Hawks are to be hawks and doves to be doves throughout, period. Lincoln hated this insult to a person's intelligence, a person's right to think. It was certainly hard to stereotype him. He became a war-hawk for the Union cause. Yet his career in Congress years before had been stifled because he would not back away from his vocal opposition to our Mexican War. (His distinction was straightforward; he thought one war was just and necessary, the other unjust). Grant, too, defied categorization as hawk or dove. "Grant the hawk, Grant the butcher" (as his enemies like to call him) had this to say in his *Personal Memoirs* (two wonderful volumes he completed in 1885), about that Mexican War in which he fought very well as a young officer: "For myself, I was bitterly opposed (to the annexation of Texas), and to this day regard the war, which resulted, as one of the most unjust ever waged by a stronger against a weaker nation."

A lot of people think being emotionally involved in the political virtues of a war give you added zeal in fighting it—or are maybe even necessary to fighting it. I don't agree; I know too many exceptions to that. Grant was an exception. I knew another—coming from the other direction, in prison. I called him Colonel John Doe in the book. He was right wing all the way to the wall; he thought anybody who didn't believe the Vietnam War was a righteous crusade was a traitor; and did he hate communists! He hated them so much he attributed fiendish powers to them, feared them like the devil, and caved in to them whenever they put the arm on him. He was a real patsy, totally incapacitated by his political zealousness and hate, a failure as a soldier.

Grant was at the scene when the Mexican War started. Something like me in the Tonkin Gulf: "We were sent to provoke a fight, but it was essential that Mexico should commence it. It was very doubtful whether Congress would declare war; but if Mexico should attack our troops, the Executive could announce, "Whereas, war exists by the acts of, etc."

"How can it be?", people ask me, "that you tell the world the Vietnam War was triggered by Washington under false pretenses, yet you fought the war enthusiastically and demanded allegiance of your fellow prisoners. 'So what?', I can say, 'I'm right in both cases like Lincoln suggested in Peoria'. I owe it to my country to expose sleazy dealings in sneaking the start of a war past the American people. How else to put the people on alert next time? And in the second instance, I think that in good wars or bad, soldiers have an obligation to each other to fight well and protect the integrity of their unit, their comradeship." (There are endless applications of this Lincolnesque Emancipation of our minds from stereotypical imprisonment).

A second trait of Lincoln that I particularly admire was his willingness to move into taboo territory when the right rather than the wrong side of an argument resided there. From Peoria onward, he never hesitated to pan the concept of "popular sovereignty", Douglas' solution to the way to decide the slavery issue in the territories. He stood on the ground that there are issues that are too important to be on ballots.

It takes a strong man, and one who has confidence in his cleverness and sense of humor to hold that position, the position that democracy has limits of applicability, in the face of you-know-what kinds of ridicule it invites. But Lincoln bit this bullet because he knew human nature (said in Peoria that you "cannot repeal it"), and had the insight to know that sometimes symbolic battles have to be fought to forestall real ones. (That Kansas-Nebraska act battle was in its essence a symbolic battle. There was not much chance of people in the territories of Kansas and Nebraska voting in slavery). But Lincoln had learned what we all learn under pressure, that sometimes symbolic battles must be fought before real battles can start. But Lincoln knew that American history would turn a bad corner if slavery became accepted in the public mind as just a matter of voter preference. He worried about principles).

Lincoln elevated his arguments above simple reason. Human nature is not "reasonable", and he took that into account. And as you know, in the war he showed an understanding of the fact that solving the human predicament sometimes requires the leader to move beyond not only reason but maybe beyond law. There are, I think, rare circumstances in the course of human events when sometimes the saving of lives, sometimes the support of the just, require a leader with the courage and judgement to take the law into his own hands (and of course stand accountable to his countrymen afterward). Lincoln lived in such a world, and because I did too, I especially identify with him.

Article I, Section 9, of the Constitution says, "The Privilege, of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." In 1861, in spite of a ruling by the Chief Justice that the safeguards of habeas corpus could be set aside only with the authorization of Congress, without such authorization, Lincoln, fearing that the Maryland legislature would vote to secede, arrested many of its members and

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suspended the privelege of the writ. It was debatable that at that time a state of rebellion existed or danger to the public safety "required it." And certainly there was no "invasion." In his publicly stated desire to save the Union above all other considerations, he kept his eye on the moral high ground. And his moral sensibilities called in this case for such an act to keep Maryland in the Union. When we consider the morality of some acts beyond the law—acts that we do not even believe should be made legal—we recognize that no principle can be inviolable. Lincoln understood that there are circumstances in which inviolable principles kill people.

When in the Vietnam War I and the others got thrown into prison, and took stock of the circumstances, it was clear to us all that what had been touted as American law for prisoner of war behavior had almost no applicability in the circumstances in which we found ourselves.

What do you rely on in those cases? A heritage, a sense of values, common sense, and your own willingness as a leader * * * as Lincoln was the leader by a pre-crisis arrangement of election, so I was a leader by a pre-crisis arrangement of military rank * * * to *realize* and not kid yourself, but face the fact that what is just and what is moral cannot be achieved easily, if at all, within the constraints of what law you have. And then to act on that realization, on your own cognizance, without the protection of any "approval from on high", and make order out of chaos by your own best lights. (I had no contact with Washington authority; Lincoln had no higher authority.) When you get there, you'll know that it's time for you as the quarterback, to run the naked reverse, without protection. [Don't assume that what I said above about what had been "touted as American law for prisoners" not being right for our conditions, means that it was too stringent. It's the other way—our conditions required laws that would send the JAG corps right up the wall—what we had to order ourselves to do—what our society demanded—for integrity, for pride, for comradeship, would not be permitted under the Constitution: ordering people to take torture (certainly cruel and unusual punishment) prior to complying with certain captor demands, and so on. Talk about no habeas corpus! We threw out rights of privacy, confidentiality, freedom of speech, and on and on.] How do you sleep at night? You just live on hope that history will treat you well.

"My gosh", you say. If the world can get like this, what's to protect us from tyrants? The short answer is that you just have to hope that the man who finds himself in charge is well brought up—well enough brought up to handle it.

Over the years in the Hanoi prisons we had law, a society, customs, proprieties, traditions, heroes. We built the society ourselves; we wrote our own law. We even protected ourselves against our own tyranny.

A very small percentage of our senior officers would not conform to the rules of the prison organization and were rightly held in contempt for being too permissive vis-a-vis the communists by their juniors. More than once I received messages from junior officers that went something like this: "If I find myself in a cell block under the command of that fink (so-and-so, by name), I will not obey his orders". This called for the promulgation of criteria for a junior's proper relief of a senior for cause, something I dubbed the "Caine Mutiny Law". It was mandatory that all prisoners memorize all our laws, and this one was tapped through prison walls with the following wording:

"Command Authority. Any prisoner who denies or fails to carry out the code of conduct, military law, or organizational policies, may be relieved of all military authority. Emotional instability so serious as to impair judgment for a prolonged period may also be cause for relief. Relieving action on the part of the second-in-command must be based upon his senior's current performance and not on the past or heresay. It is neither American nor Christian to nag a repentent sinner to his grave."

That was used about five times over an eight year period, without a hitch, or the blemish of disrespect. You notice the "repentent sinner" provision. Odd for municipal law, but legal scholars tell me what we evolved was a blend of military law, morality, and the natural law of the Stoics. For we made a presumption that would be hard to sell these days. Like Epictetus (whose writings I did remember in that prison), we thought instinct was reliable:

"We come into this world with an innate conception as to good and bad, noble and shameful, what is becoming and what is unbecoming, what is fitting and what is inappropriate, what is right and what is wrong."

Lincoln saved the nation just because he had the perception to recognize the moral strength of Americans, and the courage to call upon them to seize and hold to that which was worthy of them: good over bad, noble over shameful, becoming over unbecoming, and right over wrong.

This medal, hanging around my neck on the blue and white ribbon, was Abraham Lincoln's idea. He initiated this award, The Congressional Medal of Honor, in 1862. You can't get it for following any order or obeying any law. Lincoln said we should recognize selfless actions that are different than, and separate from, all that. The human spirit sometimes, even unconsciously, soars to greater heights. It would be unconscionable to order men, or legally require men to fall on ticking hand grenades to save their buddies, or to catch them and hope they can throw them back into the enemy trench before they go off. It's the spirit that motivates people to do these sorts of things in spite of the odds that is described by the phrase: "above and beyond the call of duty". This medal of Lincoln's is the only American decoration in which that phrase appears in its citation. I'm proud to be one of the two hundred or so living Americans who have received this medal, and I think of Abraham Lincoln when I wear it. He of all people, knows the meaning of virtue beyond orders or law.

Thank your for allowing me to come back to Illinois to say that.

YOUTH TODAY, BEST HOPE FOR TOMORROW

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. COELHO. Mr. Speaker, it is often said that the youth of today are our best hope for tommorrow. After meeting with an outstanding delegation of high school student leaders from across the Nation in December, I can proudly say that our future is in good hands and that it looks bright indeed.

These students are involved with an outstanding nonprofit, nonpartisan organization known as Direct Connection. Direct Connection is founded on the belief that the key to the survival of our world is the development of greater communication between the youth of the United States and the youth of the U.S.S.R. There are currently over 2,000 student chapters of Direct Connection across the Nation.

During the fall of 1987, a Direct Connection student delegation traveled to Moscow and conferred with representatives of various Soviet youth organizations. They also had the opportunity to meet with several Soiviet officials and the United States Ambassador to the Soviet Union. In December, another Direct Connection delegation traveled here to Washington to meet with Soviet General Secretary and Mrs. Mikhail Gorbachev during their visit to the United States.

I also had the pleasure of meeting with this student delegation during their visit to our Nation's Capital, and I was most impressed with their grasp of the complex issues involved in United States-Soviet relations and their strong commitment to world peace. It is indeed heartening to know that our Nation's youth care so deeply about this important issue, and that they are willing to become personally involved in it.

Direct Connection has some very impressive plans for the future. Another delegation is hoping to meet with the President and Mrs. Reagan during a future trip to Washington, and the organization is completing its plans for a United States-Soviet youth conference to be held in Helsinki in the spring. During this conference they hope to discuss such issues as the reduction of nuclear weapons, drug abuse, the preservation of the environment, and plans for future exchanges.

I am impressed with the goals and accomplishments of Direct Connection, and I commend the many young people involved with this organization across the Nation for their outstanding efforts to bring about international peace through international understanding. In the hope that some of my colleagues or their constituents might be interested in learning more about this organization, I ask that a brochure Direct Connection has prepared about its Helsinki conference be reprinted here in the RECORD.

DIRECT CONNECTION 1988 HELSINKI U.S.-SOVIET YOUTH CONFERENCE

INTRODUCTION

President Reagan, writing to the students at Sierra Mountain High School in Grass Valley, California, who participated in the 1986 Direct Connection US-Soviet students' video exchange, said that "the actions of our citizens are as vital to our efforts for peace as those of our diplomats and soldiers. This is where our young people can truly help. As a young American, you have the opportunity to do a great deal to build peace."

General Secretary Gorbachev, at his news conference concluding the 1987 Washington summit, spoke about his meeting with the Direct Connection delegation[1] of US high school and college student leaders: "Just now I met a group of American students, and I had to say to them, self-critically, that both American and Soviet kids seem to come to terms together much faster than we politicians. They don't have the complexes that we have, I guess. Before we can come to terms we have to get rid of complexes and get rid of the obstacles standing in the way, and that's not all that easy at a ripe age. But they, the youngsters, they look at each other openly and they very quickly find a common tongue. And it is not something superficial, it's not a rose-colored approach—at age 15, 17, they already are giving very serious thought, not only to their personal problems, not only to what is of interest to their own selves—they are thinking about how we should live in this world. That's a remarkable phenomenon—it should be written about."

Many thousands of young people in the United States and the Soviet Union have repeatedly demonstrated their serious interest in the major issues confronting both countries, and all of humanity, at the end of the 20th Century. But they have gone beyond mere interest. The vast majority are committed to taking an active role now in shaping the public policy that will determine our collective future.

In order to assist the youth of both countries to meet, exchange ideas, and translate their vision of the future into creative, concise and credible proposals to their government leaders. Direct Connection proposes a one-week US-Soviet Youth Conference in Helsinki, Finland, before the anticipated next summit meeting in Moscow.

US and Soviet student leaders have also indicated strong support for a radical improvement in US-Soviet relations, as well as for the unprecedented 50 percent reduction in weapons of mass destruction now being negotiated in Geneva. They would like to see millions of students in the United States, in the Soviet Union and all over the world express their support for what President Reagan and General Secretary Gorbachev are now trying to accomplish. To this end, they propose a mass letter-writing campaign from young people to the two leaders before the Moscow summit and at the same time as their Helsinki Conference.

After their meeting with the Gorbachevs and given the support now coming from the US Congress, and in looking forward to their meeting with the President, young people know that their vision of the future—their hopes, their dreams, and their ideas—are being taken seriously by the adult leaders of today, and they are ready to continue their mission with renewed inspiration and commitment.

PROPOSAL

A delegation of approximately 40 American high school and college student leaders, representing the youth of the whole country, will meet an equivalent delegation of Soviet students representing the youth of the USSR, on neutral territory, in Helsinki, Finland. The US Helsinki delegation will be similar to the Direct Connection Washington summit delegation, expanded to include representatives from other youth programs and organizations such as the Senate Youth Program and Presidential Classroom.

PROCESS

US and Soviet students will spend a week together, getting to know each other, exchanging information and points of view, and developing a common position on some of the major issues, in order to then together present their final proposals and requests to President Reagan and General Secretary Gorbachev.

Position papers by previously agreed-upon US and Soviet experts in the various fields will be available for background information prior to the Conference. In general, the role of adults will be that of advisors and facilitators. Since the conference is dedicated to young people creating the design for their own future, the participating students will determine the actual conference agenda themselves.

US and Soviet student delegations will meet in small study groups of up to ten students to discuss specific issues and areas of concern. These study groups will then report back to all participants in general assembly with their recommendations for proposals to be acted on by the large group as a whole.

Although the issues are complex, one of the conference objectives is for Soviet and American young people to model a process of *consensus, conflict resolution and mutual trust building* that will:

(1) allow them to speak out credibly to the adult world on the major issues by presenting carefully worked out, focused, eloquent and straightforward proposals that emphasize a continued commitment on the part of the young people themselves and are designed for implementation at any level;

(2) demonstrate that only hard work and real effective communication will lead to the mutual understanding that will ultimately result in world peace;

(3) give future US and Soviet leaders an experience (through building relationships) that will influence their life perspectives, and promote fruitful future collaboration; and

(4) establish a process for continued and future Soviet-American student leader exchange.

ISSUES

(1) A nuclear-free world.

(2) Education.

(3) Political and economic concerns.

(4) Drugs and health.

(5) Cultural exchange.

(6) Ecological/environmental preservation.

(7) Youth exchange and programs designed to promote and implement new ideas on all of the above.

Major emphasis will be placed on the need to create clear communication, break through stereotypes and overcome the idea of "the enemy" through an exchange of accurate information about each other, and by identifying major areas of common and global concern. Differing US and Soviet values may be examined with a view to cultivating respect for perspectives other than one's own, which will be vital in developing a joint US-Soviet strategy for dealing with such problems as world hunger, and in general increase awareness of global interdependence.

OUTCOMES

(A) For Conference Participants

(S=Soft, H=Hard)

(1) (S) Young people meet each other on an intimate/deep level.

(2) (H) Produce a number of excellent proposals.

(3) (S) Work together collaboratively and create success.

(4) (S) Make personal commitments for follow-up activities.

(5) (H) Learn group life process skills.

(6) (S) Are educated about issues.

(7) (H) Build follow-up teams.

(8) (H) Create long-term plans for interaction.

(B) For Government Leaders

(1) (S) Share visions, hopes and wishes for the Summit and beyond.

(2) (H) Ask them to endorse vision: what do they think of it?

(3) (H) Ask them to take specific steps: what are they willing to do to help young people achieve vision?

During the last three days of the conference, the students will work to develop their joint proposals. The week will conclude with a dinner and dance for the delegations and a reception by the President of Finland and his wife. Afterwards, the now united US-Soviet youth delegation will travel to Moscow and Washington to present proposals and requests to General Secretary Gorbachev and President Reagan, as well as to New York to make a presentation to the Secretary General, the General Assembly and the Security Council of the United Nations.

LETTER-WRITING CAMPAIGN AND CONCERT

While US and Soviet student leaders meet in Helsinki, DIRECT CONNECTION proposes a massive, simultaneous letter-writing campaign from millions of American and Soviet students, and students worldwide, to both President Reagan and General Secretary Gorbachev, expressing their feelings about the arms race and their ideas for a solution and a future of US-Soviet and world cooperation, and encouraging both leaders to follow through on their 50 percent weapons reduction proposal. Discussions are now underway to explore the possibility of *a joint US-Soviet rock concert to back up the young people in their appeal to the government leaders.*

VISION

Young people today are fully aware that the world is in crisis. But they also believe profoundly in the ability of the individual to influence the process that will provide solutions. They believe above all in the ability of many individuals of different race, creed, nationality, sex and age to set aside self-interest and together form a force for the common good. Young people now are working hard to effect a change for the better, beginning with self, and on through family, friends, classroom, school, school system, local community, state and media to the highest levels of government and industry in the land.

As we approach the end of the second and the beginning of the third millennium, all the old issues, all the perennially recurring themes of interpersonal, international and interspecies relations, must be approached through the new thinking now revolutionizing our concept of the world and of ourselves.

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[1] The Direct Connection youth delegation at the Washington summit represented the California Association of Student Councils (CASC), the Maryland Association of Student Councils, the National Association of Student Councils, the Latino organization "Future Leaders of America," the Afro-American and Asian-American communities, the American Indian community through the Mohawk Nation of the Six Nations Confederacy, and National Forum, a student-run group that during 1987 collected 328,000 signatures from high school students nationwide, asking for a televised discussion and explanation of US nuclear policy. The delegation also included the student-body president of Princeton University, the vice-president of the Brown University student body, and representatives from Georgetown, Colgate and North Carolina, Chapel Hill.

At the same time, we must remember that this new thinking is deeply rooted in some of the most ancient insights of our species, insights older than civilization and common to native peoples everywhere, insights born of the wisdom of the earth and based on a true, right and natural expression of mind itself.

The nuclear age has made a radical change in our point of view imperative. Each individual must become aware of the enormous store of strength, harmony, peace and compassion within him/herself. Self-realization, in one form or another, is possible for everyone, and will result in that "turning in the seat of consciousness," the simultaneous opening of heart and mind, through which many people will be able to enter into spontaneous and natural cooperation. Cooperation is vital to mankind's survival, but equally necessary for a full flowering of our creative potential. Whether out of recognition of our actual possibilities, or out of fear of the ultimate disaster, cooperation is the key to our future. It is the only way in which we can eliminate the nuclear threat and, more than that, overcome poverty, disease and the scourge of world hunger.

Our mutual interdependence—as people, as generations, as cultures, as social, political and economic structures and, just as important, as human beings in our relationship to all other forms of life—must now become a matter of visceral recognition and awareness. The development of that awareness—the fundamental change in consciousness brought about through self-realization, the new thinking, based on ancient insights, and group consensus instead of majority rule—that is the true purpose of Direct Connection's Helsinki US-Soviet Youth Conference.

This proposal was developed by Direct Connection, in cooperation with the students and staff of the California Association of Student Councils, Michael Doyle Associates, Future Leaders of America and the Center for Living Skills.

A SALUTE TO UNITED WAY SERVICES: 75TH ANNIVERSARY COMMEMORATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. STOKES. Mr. Speaker, today, February 25, is a special occasion for United Way Services of the Greater Cleveland area. United Way Services, a volunteer organization founded for charitable and philanthropic purposes, is celebrating 75 years of providing service to the northeast Ohio area. For this reason, I would like to join the residents of the 21st Congressional District of Ohio in saluting the organization's 75 years of committed service.

United Way Services formally began in Cleveland in 1913. Today, the organization has more than 20,000 active volunteers who not only help to raise and allocate funds for more than 170 health and human care agencies, but also work with other volunteers, including community organizations and government officials, to find solutions to human care problems.

United Way Services has a long history. Its origin can be traced back to 1900, when the Cleveland Chamber of Commerce created a committee which endorsed worthwhile charities and provided contributors with a guide to credible welfare agencies. The Chamber of Commerce formalized an organization in 1913, which eventually would become known as United Way Services, the first organization in the country to set up a formal system to allocate funds for the needy and to study human care needs. This process, called the "citizen review process," became a model for United Way organizations nationwide.

In 1913, the organization held its first fundraising campaign with a goal of involving as many contributors as possible. More than 6,000 individuals responded and the organization's fundraising movement was underway. During World War I, United Way Services raised $4.5 million which was distributed to more than two dozen health and human service agencies.

By 1950, nearly 130 agencies were benefiting from United Way Services' once-a-year fundraising campaigns, which raised close to $10 million, and the American Red Cross became a financially participating agency.

In the decade of the 1960's, United Way Services began meeting the needs of adjacent counties in the Cleveland area just as the population began spreading to the suburbs. The organization officially adopted the name United Way Services in 1978, along with its current symbol—the rainbow rising from a helping hand—representing the services and programs supported by the United Way that in turn support people in the community. The image in the center, based on the universal symbol of mankind, is cradled by the helping hand, showing that all people are supported and uplifted by United Way's efforts. The rainbow springing from the helping hand represents hope for a better life through caring and sharing.

Mr. Speaker, while United Way Services has had various names and symbols over the past 75 years, it has never changed its goal of giving dedicated and committed service to the residents of the northeast Ohio area. For this reason, it is an honor to have the opportunity to commemorate United Way Services' 75th anniversary.

I am proud that Cleveland is the home of United Way and hope the organization will continue its great tradition of providing assistance to the Cleveland community.

Again, it is an honor to salute United Way Services.

THE SEMANTICS OF HUMAN RIGHTS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. HOYER. Mr. Speaker, on February 4, Assistant Secretary of State for Human Rights and Humanitarian Affairs, Richard Schifter, addressed the Conference on Human Rights and Religious Freedom, sponsored by the Giorgio Cini Foundation in Venice, Italy. Assistant Secretary Schifter headed the United States delegation to the Ottawa Human Rights Experts Meeting in 1985 where with great conviction, distinction and unequivocation Ambassador Schifter presented the strong bipartisan commitment of the American Government and people to respect for the human rights and fundamental freedoms of all individuals.

Mr. Speaker, at the Venice conference Assistant Secretary Schifter spoke on the worldwide appeal of certain basic human aspirations. I want to take this opportunity to share with my colleagues Mr. Schifter's remarks and urge them to read them.

The Semantics of Human Rights

In the last few decades an international debate has raged over the various classifications of human rights. We have heard discussions of what have often been referred to as "civil and political rights," which have been either bracketed with or juxtaposed to what are called "economic, social and cultural rights." Some theoreticians in the field of human rights have also spoken of a first, second and third generation of human rights.

The first generation has generally been viewed as encompassing civil and political rights, the rights so clearly enunciated by the writers and thinkers of the Enlightenment in the 18th Century.

The second generation of human rights is generally assumed to include the aforementioned "economic social and cultural rights." In learned discussions of the subject it is said that these are the contributions of the Marxist-Leninist societies.

The third generation appears to be a concoction of issues developed during the last quarter century, including what has been referred to as the right to a clean environment, the right to die, and other relatively new matters of social concern.

Nuclear disarmament has also been injected into the debate under the rubric "right to life." (I might note that anti-abortionists who use the same term have evidently not attempted to advance their cause in the context of the international human rights debate.)

As a footnote to this introduction of the three so-called generations of rights, let me point out that the attribution of the second generation to Marxist-Leninist thinking is historically and substantively inaccurate. If you take a good look at the rights spelled out in the Universal Declaration of Human Rights and the Covenant on Economic, Social, and Cultural Rights, you will find that they fit into the program of Franklin D. Roosevelt rather than Karl Marx or Lenin. And that should not be surprising. After all, it was Eleanor Roosevelt, President Roosevelt's widow who, in her capacity as Chairman of the United Nations Human Rights Commission played a very important role in the framing and ultimate adoption of the Universal Declaration, whose text served as a basis for the framing of the Covenants.

The point I would like to make to you today, and this is the theme of my talk, is that a good many of us have fallen into a semantic trap. Rather than getting to issues of substance, we often debate *ad nauseam* the question of what does or does not constitute a human right. It is a debate which has become extraordinarily sterile.

I would suggest that we try to deal with these topics by using different terminology. The bundle of issues with which we are here concerned focuses on the relationship between government and the individual citizen. Let us divide that bundle between, on one hand, the limits imposed upon government to safeguard the integrity and dignity of the individual and, on the other hand, the affirmative programs and policies to be conducted by government to achieve the same ends. And let us say further that the fact that we are dealing with one large bundle of relationships between government and the individual does not mean that that entire bundle must at all times be discussed jointly, nor that the same persons are qualified to discuss every single issue that comes up in this context. In my country, at least, the typical expert on the right to freedom of expression is not normally an expert on the delivery of medical care to the elderly.

Nor is there value in debating the question of which set of relationships is more important than the other. Let us simply say that all are important. The point is well illustrated by a story I heard quite a number of years ago, which, I believe, is also applicable today. It is the story of two dogs meeting at the Czechoslavak-Polish border. One dog, seeking to cross from Czechoslovakia to Poland is slightly on the fat side and well-groomed. The dog seeking to cross from Poland to Czechoslovakia is bedraggled and scraggly. The dog leaving Czechoslovakia asks the other one: "Why are you going to Czechoslovakia?" The other dog answers: "To eat," and continues: "But why are you going to Poland?" The first dog answers: "To bark."

This story is not only political commentary on comparative conditions in Czechoslovakia and Poland. It is also a profound observation about the instinctual character of the drive to express oneself. The philosophers of the Enlightenment defined that instinct. They built an ideology around it. But they did not invent the human drive for freedom. They described a phenomenon, an essential aspect of human nature.

It follows that the desire to be free, to be able to express oneself, to write as one pleases, to worship God in accordance with one's conscience or not to worship God—all these are not the inventions of Western civilization. They reflect natural human aspirations and that is indeed why an ideology based on them has worldwide appeal and, understandably, served as an underpinning for such international standard-setting instruments as the Universal Declaration of Human Rights.

But then there are those who argue that persons who are starving are not concerned about freedom of speech. That may very well be true. But what we of the West say is that the choice before humanity is not one of starving in freedom and eating in slavery. On the contrary, as we look around the world, we can see that freedom and prosperity go hand in hand. The ideal solution is one in which we, unlike the Czech and Polish dogs in my anecdote, can both eat and bark.

What we frequently hear at international gatherings is that one of the principal differences between the two major options of governmental systems offered the world today is that one pays attention to the special concerns of a few individuals and the other cares about the welfare of the masses.

I submit to you that if one really cares about the masses, one must also care about each and every individual that makes up the mass. Otherwise, as is often the case "caring" becomes an abstraction, a vague promise that is not sought to be realized.

What we, who profess the democratic ideology, believe is that, as Thomas Jefferson put it when he wrote the United States Declaration of Independence, we are all endowed with certain unalienable rights, including the right to life, liberty and the pursuit of happiness. These rights, we believe, may not be subordinated to any allegedly higher objective, as determined either by a single potentate or a collective, self-perpetuating leadership group. In other words, we do not subscribe to what in Aesopian terms is called "democratic centralism."

In the countries in which principles of individual freedom are now well established, the basic precepts of individual freedom are not even the subject of argument. Such debate as still continue deals with what we might consider marginal questions, such as what are allowable restrictions on pornography, how serious must be a person's mental illness before such a person can be involuntarily committed to a psychiatric institution, what may government do to restrict freedom of assembly if demonstrators interfere with access to a public building? But, as I have said, the basic precepts are not in doubt and not subject to argument.

We are then told that with all the attention paid to these freedoms to speak, publish or assemble, we neglect the unemployed, the homeless, the sick. "Is anyone paying attention to these issues of public policy?," is the challenging question posed to us in debates.

My response is that precisely because the issues of basic freedoms have become so noncontroversial, public debate and election campaigns in the democratic world do indeed revolve around questions of economic and social policy, not because anyone has called them "rights" or outlined them in a constitutional document, but because they are often in the forefront of the thinking of our ultimate decision-makers, the voters. Voters choose among candidates on the basis of who, in their opinion, advocates better solutions to the problems that we face in the economic and social sphere. It is in that context that the issue is not one of promise, of writing guarantees into constitutions and other basic documents, but one of delivering results.

Since the beginning of the Century one of the principal arguments in the political arena has indeed been the question of which system of government can deliver the best solution to the problems we confront in the economic and social sphere. By now, in the ninth decade of the Century, it appears that the verdict is in. With all the problems that we in the democratic world still face, that we continue to grapple with day by day, the private-incentive system has proved itself better capable of delivering the goods than the various collectivist experiments. As we all know so well, the country which operated the largest collectivist program in agriculture abandoned it totally about eight years ago and thereafter experienced an extraordinarily rapid growth in agricultural production. It is now trying to reintroduce private incentives into all other aspects of economic enterprise. And, more recently, in other Leninist countries, we hear talk of restructuring, the term that concedes that the collectivist command economy has proved to be a massive failure.

Let me now return to my point of departure. We need to gather at conferences such as this one to gather those experts, practitioners and thinkers who are prepared to discuss the basic principles of human freedom and personal dignity and the limits which must be imposed upon the powers of government to assure respect for those principles internationally. And there is most assuredly nothing wrong with holding meetings for the purpose of discussing ways and means of dealing with the problems of unemployment, as well as vocational training, the advisability or inadvisability of subsidizing uneconomic enterprises, of the creation of make-work jobs etc. We could also discuss differing approaches to the encouragement of the construction of quality housing, providing adequate, safe and sanitary dwellings for those who are now ill-housed, the furnishing of medical care of quality, and provisions to be made for the elderly. All this should be done by qualified experts in the fields in question and should not be injected into discussions on the limits of government, which deal with issues, as I noted earlier, in a wholly different area of expertise.

This conference, devoted to the themes which relate to the limits of government, should, therefore, appropriately deal with the major threats to individual dignity and freedom which are posed by the authority of the state. It is appropriate, I suggest, to go through the relevant Articles of the Universal Declaration of Human Rights which were thereafter incorporated into the Helsinki Final Act and determine where shortfalls can be identified and how steps could be taken to encourage correction in these shortfalls.

For today, almost forty years after adoption of the Declaration and twelve years after the signing of the Helsinki Final Act, the limitations imposed on governments to protect the individual's liberty, security of person, freedom of thought, conscience and religion, freedom of expression and similar freedoms are in many places consistently and deliberately violated. These violations must not be ignored, for ignoring them means betraying the heroes and heroines throughout the world who take great risks and make major personal sacrifices, endangering their life and personal security so that the cause of freedom may live. It is to them, that we all owe a debt of gratitude. And we must continue to discharge that debt by speaking up on their behalf wherever and whenever we can.

CHAIM GRADE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. WEISS. Mr. Speaker, today I am introducing legislation to place the works of Chaim Grade, a distinguished Yiddish poet and novelist, retroactively under the protection of the Copyright Act of 1976. I strongly believe that, given the importance of Grade's works and the extreme circumstances under which he wrote, this matter deserves favorable consideration by the Congress.

Chaim Grade has been acclaimed as the greatest Yiddish novelist. Many of his finest works depict the tragedy of Jewish life in Eastern Europe during and after the Holocaust.

Born in Vilna, Lithuania in 1910, Grade was influenced by his father, Rabbi Shlomo Mordecai Grade, a Hebraist and Zionist. Following his father's death, Chaim Grade lived with his mother, Vella, who worked as a fruit peddler to support herself and her son. At 22, Grade abandoned his religious studies and began to

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write. He associated himself with a group of modernist writers and painters who called themselves Jung Vilna. The city of Vilna was, at that time, commonly referred to as the "Jerusalem of Lithuania" because of its pious and intellectual Jewish life.

As the Germans invaded Lithuania in 1941, Grade escaped on foot into Russia. Mistakenly believing that the Nazis would leave Jewish women and children alone, he left his young wife and beloved mother behind. After the war, Grade returned to Vilna to face the tragic loss of his loved ones and his community. Left with a tremendous sense of guilt, he longed to preserve and honor that which was lost. Chaim Grade's writing career, which had begun as a struggle against the generation of his parents and teachers, became a monument to that era.

In 1948, Grade came to the United States with his second wife, Inna Hecker Grade, so that he would be able to create without censorship. The Grades chose to live in the Riverdale section of the Bronx, which I am honored to represent.

Chaim Grade's works in Yiddish have received the highest critical acclaim. Nobel Peace Prize winner Elie Wiesel has written that "the work of Chaim Grade, by its vision and scope, establishes him as one of the great—if not the greatest—of Yiddish novelists. Surely, he is the most authentic."

Grade was invited in 1978 to read his poetry at the White House. Too ill to attend, his wife read in his place. In 1983, his book "Rabbis and Wives" was among the finalists for the Pulitzer Prize in letters. And, the "Encyclopaedia Judaica" has said that Grade's attempts at confronting the national Jewish tragedy makes him, in a sense, "the national Jewish poet, as Bialik was in his day."

Chaim Grade was reluctant to have his works translated into English, fearing that they would lose their authenticity. Early efforts at translation were very disappointing to him. Initially forbidding further translation, he finally allowed it after entrusting his wife with the task of verifying the authenticity of the English text and the faithfulness to the Yiddish original.

Inna Hecker Grade has dedicated her life to preserving the integrity and increasing the accessibility of her distinguished husband's works. Because of her efforts, his name is firmly implanted into the list of accomplished Yiddish writers. And, through her expert translation, she has brought to the general English reading public a master of world literature.

The enthusiastic critical reception of Chaim Grade's work is well deserved. Unfortunately, his ignorance of the law and his preoccupation with the Jewish tragedy resulted in his neglect to seek copyright protection for it. Instead, he took for granted Le Droit Moral, the Moral Law, which served to protect the rights and works of authors in Europe.

Grade trusted the American system and believed that no one would take advantage of his works. But, his growing renown and the increasing appreciation of his literary talent has brought with it the danger that others may seek to profit from his work. It is vitally important that his writings be preserved and protected from misrepresentation.

The legislation I am introducing today would retroactively place Chaim Grade's works under the protection of the 1976 Copyright Act. All of Grade's works, published or unpublished, would be protected in the name of his widow, Inna Hecker Grade, for a 50-year term beginning from the date of his death in 1982.

I believe that this action is both appropriate and necessary to protect the integrity of Chaim Grade's works and to preserve the history and letters of the Jewish people. I urge the support of my colleagues and look forward to early and favorable consideration of this measure.

The text of the bill follows:

H.R.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTING OF COPYRIGHT.

Notwithstanding any other provision of law, copyright is hereby granted to Inna Hecker Grade and her successors and assigns in the works set forth in section 2 by Chaim Grade, including all editions in English and translations heretofore published or hereafter published by Inna Hecker Grade or her successors or assigns, for a term of 50 years from June 26, 1982 (the date of death of Chaim Grade). All copies of the protected works hereafter published are to bear notice of copyright, and all new editions hereafter published are to be registered in the Copyright Office, in accordance with the provisions of title 17, United States Code, or any revision or recodification thereof. The copyright owner shall be entitled to all rights and remedies provided to copyright owners generally by law, except that no liability shall attach under this Act for lawful uses made or acts done before the date of enactment of this Act in connection with such works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken before such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, or circulation of such works.

SEC. 2. WORK SUBJECT TO COPYRIGHT.

The following works of Chaim Grade (including lectures and essays) are covered by section 1:

(1) "Yo" ("Yes");

(2) "Musarnikes" ("Mussarists");

(3) "Dojrois" ("Generations");

(4) "Oyf di Hurves" ("On the Ruins");

(5) "Pleitim" ("Refugees");

(6) "Farvoksene Vegn" ("Overgrown Paths");

(7) "De Mames Tzavoe" ("The Mother's Will");

(8) "Shayn fun Farloshene Shtern" ("Shine of the Extinguished Stars");

(9) "Mayn Krig Mit Hersh Rassayner" ("My Quarrel with Hersh Rassayner");

(10) "Yerushalaim shel Maylah, Yerushalaim shel Matah" ("The Heavenly Jerusalem and the Earthly");

(11) "Hurbin";

(12) "Vilna", with 5 major parts entitled:

(A) "Vilan";

(B) "Di Shank" ("The Tavern");

(C) "Der Ger-Tzadik" ("The Convert");

(D) "Di Hiter fun der Shtot" ("The Guardians of the City");

(E) "Unter di Gevelbte Toyern" ("Beneath the Vaulted Gates");

(13) "Talmidei-Hahomin in der Lite" ("Talmudic Scholars in Lithuania");

(14) "Oyf Mayn Veg Tzu Dir"; ("On My Way to You");

(15) "Dos Alte Hoyz" ("The Old House"), alternate titles are:

(A) "Zin un Tahter" ("Sons and Daughters");

(B) "Der Beth-Horav" ("The Rabbi's House");

(16) "Fun Unter der Erd" ("From Beneath the Ground"), the title of the first version is "Froyen fun Ghetto" ("Women of the Ghetto");

(17) "Yury Goresha", a part of the novel "From Beneath the Ground";

(18) "Alte Boherim" ("The Bachelors");

(19) "In Gerangl mitn Malah" ("Wrestling with the Angel"), subtitle is "Lieder un Elegyes" ("Poems and Elegies"); Collected Poems, 1932–82;

(20) "Chaim Nachman Bialik";

(21) "H. Leivik, der Poet fun Laydn un Goyrl" ("H. Leivik, The Poet of Suffering and Fate");

(22) "H. Leivik in Mayn Lehn and Shafn" ("H. Leivik in my Life and my Works");

(23) "Itzik Manger, der Poet fun Shaynkayt un Shpil" ("Itzik Manger, the Poet of Beauty and Play");

(24) "Dray Yiddishe Classiker, Mendele, I.L. Peretz, Sholem-Alaychem" ("Three Yiddish Classics, Mendele, I.L. Peretz, Sholem-Alaychem");

(25) "Anski, der Maskl, Revolutioner un Baal Tshuvah" ("Anski, the Champion of Enlightenment, the Revolutionary and the Penitent");

(26) "Probelmen fun a Yiddishen Shrayber un Problemen fun der Yiddisher Literatur" ("Problems of a Yiddish Writer and Problems of the Yiddish Litrature");

(27) "Mayn Veg in der Yiddisher Literature" ("My Path in the Yiddish Literature";

(28) "I.L. Peretz";

(29) "Mayn Bagegenish mit Sovetishe Yiddisher Shrayber" ("My Encounter with the Soviet Yiddish Writers");

(30) "Dray Dramatishe Poemen—'Di Goldene Kayt', 'Der Goylem', 'Der Dybbuk', ("Three Dramatic Poems—'The Goldern Chain', 'the Goylem', 'The Dybbuk' ");

(31) "Dray Hoybt Motiven in Mayn Shaffung" ("Three Mayn Motives in My Works");

(32) "Yung Vilna un ir Svivah" ("Young Vilna and its Milieu");

(33) "Shevet Tzion" ("The Return to Zion");

(34) "Shabes un Voh in der Yiddisher Literatur" ("The Sabbath and the Weekdays in Yiddish Literature");

(35) "Mussarnikes un Litvishe Yeshives" ("The Mussarists and the Lithuanian Yeshivas");

(36) "Sholem Alaychem";

(37) "Nusah Mizrah Evrope un Reb Isroel Baal 'Shem' Tov" ("The Jewish Way of Life in Eastern Europe and Rabbi Israel Baal 'Shem' Tov");

(38) "Reb Isroel Salanter un Reb Isroel Baal 'Shem' Tov" ("Rabbi Israel Salanter and Rabbi Israel Baal 'Shem' Tov");

(39) "Der Talmudhokem in der Yiddisher Literature" ("The Talmudic Scholar in Yiddish Literature");

(40) "Di Haskore in Vilner Shtot Shul Nohn Ger-Tzadik, Graf Potocki" ("The Memorial Service at the Grand Synagogue of Vilna for the Convert, Count Potocki");

(41) "Dr. Shmuel Ravidovitch un zayn Philasophia fun Yiddishen Kium Umetum" ("Dr. Samuel Ravidovitch and his Philosophy of the Jewish Life Worldwide");

(42) "Dr. Shmuel Ravidovich un zayn Kamf farn Yiddishen Kium Umetum" ("Dr. Samuel Ravidovich and his Struggle for the Jewish Life Worldwide");

(43) "Zaynen di Yiddishe Shrayber in Sovet Russland Geven Marranen?" ("Were the Yiddish Writers in Soviet Russia Marranos?");

(44) "Reb Yehudah Ibn Shmuel Dr. Kaufman" ("Rabbi Jehudah Ibn Samuel Dr. Kaufman");

(45) "Shir-HaShirim—A Liebe-Lied, a Natzional Gezang un Mistishe Poeme" ("The Song of Songs—a Love Song, a National Hymn and a Mystical Poem") lecture and essay;

(46) "Tzfas un der Barg Miron" ("Saffed and Mount Miron") lecture and essay;

(47) "Mentshen, Shtayner un Flantzen in Eretz-Isroel" ("The People, the Stones and the Greening of Israel") lecture and essay;

(48) "Mit Vos Vilna Iz Geven Andersh?" ("What Made Vilna Unique?");

(49) "Histadruth";

(50) "Yiddish Lebn in Vilna far der Zvayter Velt Melhome" ("Jewish Life in Vilna Before World War II") alternate title is "Yiddish Folk lebn un Traditzie in der Lite" ("Jewish Folk-Life and Tradition in Lithuania");

(51) "Di Naye Hebreishe Literatur un der Yunger Dor in Isroel" ("The New Hebrew Literature and the Young Generation in Israel");

(52) "Di Ibergeblibene" ("The Survivors");

(53) ("To the Survivors of the German Concentration Camps, World Federation of Bergen-Belsen, Associations");

(54) "Drayssik Yor Shpeter" ("Thirty Years Later");

(55) "Der Bodn un di Legende fun Eretz-Isroel," ("The Soil and the Legend of the Land of Israel");

(56) "Di Letzte Mahlaykes tzvishn Rabonim in Vilna" ("The Last Controversies Among the Rabbis of Vilna");

(57) "Amerikaner Yiddishe Poetn, Morris Rosenfeld, Avrohom Reisen, Walt-Lessin un Mani Leib", ("American Yiddish Poets, Morris Rosenfeld, Avrohom Reisen, Walt-Lessin un Mani Leib");

(58) Any other works of Chaim Grade, however created, whether published or unpublished.

RENTAL HOUSING PROGRAM FOR MILITARY FAMILIES

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. PANETTA. Mr. Speaker, I would like to call to the attention of my colleagues the following newspaper article on the benefits of the military pilot program on rental housing. It appeared in the Air Force Times on February 8, 1988. The article does an excellent job explaining the advantage of making permanent a current DOD pilot program which encourages landlords near a military installation to waive security deposits in exchange for a Government guarantee for payment by withholding the money from the service member's pay.

This article points out that the housing officials at the three test sites have indicated that the guarantee program has reduced family moving costs and improved morale. It is important to note that no appropriation of funds is necessary because the service member would be ultimately responsible for meeting the costs of any damage or breach of lease.

On February 18, 1988, I introduced H.R. 3975, which directs the Secretary of Defense to establish a permanent program involving military personnel and their civilian landlords. This legislation makes permanent the pilot program which has been in effect at Fort Ord over the last 15 months. The program has been implemented with a high degree of success resulting in the solution of problems with military residents to payment and landlords obtaining guarantees on security deposit payments.

I commend this article to all my colleagues and hope that it will encourage each Member to consider cosponsoring H.R. 3975 which will resolve one of the most pressing and financially disabling issues our service members and their families face by making permanent this highly successful pilot program.

[From the Air Force Times, Feb. 8, 1988]

HILL MAY EXTEND NO-DEPOSIT RENTAL PROGRAM

(By Grant Willis)

WASHINGTON.—Private landlords have rented more than 1,400 housing units to military members—without requiring security deposits—under a one-year test program to reduce move-in costs at three stateside installations, military housing officials said.

Pentagon officials and congressional staffers expect lawmakers to extend the program, but it might not come soon enough for service members scheduled to move this summer.

Congressional authorization for the guarantee program is set to expire in June. That means no additional families will be able to participate in the program between June and October, even if Congress re-authorizes the program for fiscal 1989.

The Department of Defense program encourages landlords near the installations to waive security deposits in exchange for a government guarantee. If a service member in the program breaches his lease or fails to pay for damages to an apartment, the government may reimburse the landlord and withhold the money from the member's pay.

Housing officials at the three test sites—an Air Force, a Navy and an Army installation—say the guarantee program has reduced family moving costs, improved morale and cost the government almost nothing.

"It allows a family to come to a base and not worry about a lot of out-of-pocket money," said Jack Borodko, housing manager at Luke AFB, Ariz. The program began at Luke last May and is scheduled to end in June. Other test sites are Moffett Field Naval AS and Fort Ord, both in California.

Final reports from the test sites are due in August. Preliminary statistics show few participating landlords have made claims against the government.

DOD surveys have repeatedly shown that military families never recover the full cost of a move to a new duty station. Faced with the cost of shipping household goods, many families lack the cash to pay the first month's rent, last month's rent and a security deposit on a new apartment.

Until now, the service member's only remedy for high move-in costs has been a three-month pay advance. The advance is equivalent to a 12-month interest-free loan, but it can cause additional hardship when the service member struggles to pay the money back.

Here is how the program works: First, an installation housing office recruits landlords willing to waive security deposits for military tenants. That may sound like a gamble, but many landlords feel more secure with military tenants, said Rodney Kleman, a lawyer who owns 78 apartments near Fort Ord.

"I would prefer to cooperate with the military, because you know they have a steady job and you have the (post) housing referral office behind you to stand up for what's right," he said.

Landlords who participate sign a memorandum of understanding with the housing office. The government agrees to reimburse the landlord for any breach of the lease or any damage caused by the member's guests or dependents. The reimbursement is limited to the amount the landlord usually charges for security deposits not the full extent of property damage.

Under the program rules at Luke and Moffett, landlords may not submit claims to the government until they have "exhausted any remedy," including court action. This may discourage some landlords from participating, because they have to go through so many steps to recover their money. Borodko said.

Military families who live in a participating landlord's rental unit agree to a three-, six- or 12-month lease. The maximum lease under the program is 12 months. As long as the lease remains in effect, the tenant does not have to pay a security deposit. The guarantee is not renewable, however, and families who remain in the same unit after their original lease expires must pay a security deposit if the landlords asks for one. Families also lose their deposit guarantee if they move.

Even if a landlord makes a successful claim for damages, the government does not lose money because the law allows service secretaries to withhold the expense from the service member's paycheck.

All the test sites report they have been able to run the guarantee program with existing housing office staff. "The administrative cost of the program is offset by less staff time that is spent trying to find members cheaper housing or apartments with lower security deposits," Borodko said.

But Pentagon officials are cautiously optimistic that Congress will renew the program in fiscal 1989 or expand it to all stateside installations.

"All the indications we've received are favorable," a DoD housing official said. "But the program has never been tested in court. If you don't know what the (final) results are it's hard to tell what the problems are."

The original legislation for the guarantee program was sponsored in the House by Rep. Leon E. Panetta, D-Calif., whose district includes Fort Ord. If the program results are positive, Panetta will try to keep the program going in fiscal 1989 and expand it to more military installations, said Barry Toiv, an aide to the congressman.

Security-deposit guarantees have brought "a lot of smiles" to Air Force families at Luke AFB, said Borodko, the housing manager. Since the program began last spring, the Luke housing office has signed memoranda with 74 multifacility landlords, 23 real estate agents and four individual homeowners, Borodko said. The landlords own a total of 18,000 rental units in the area near the base.

Average rents for one-bedroom apartments in the Phoenix area are $350 per month, while the average for a three-bedroom unit is $800 per month, Air Force housing surveys show.

The Air Force has paid no claims to landlords under the guarantee program, Borodko said, but the housing office did help landlords collect $35,000 directly from military tenants in mediated settlements last year. Borodko was unable to say how many of the settlements were connected with the guarantee program, since the housing office offers mediation services to all its clients.

Because the program is so new, it is too early to tell whether security-deposit guarantees would work overseas, DoD officials said. The officials noted that military members stationed overseas already get reimbursed for rental security deposits through the initial terminal occupancy allowance, a component of the monthly overseas housing allowance.

COMMISSION ON VALUES EDUCATION

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. TALLON. Mr. Speaker, read between the headlines of 1988 and you will find the common theme of moral decay. Unethical behavior is evident in every aspect, and on every level, of our society. From the White House, to Wall Street, to Heritage U.S.A., evidence of corruption, dishonesty, and greed abound. Additional incidents of insider trading, fraud in scientific research, bribery, and kickbacks are too numerous to name.

What sort of impact are the decisions of so many responsible adults having on our young people? A few statistics tell a frightening story.

Cheating in our schools is rampant.

Over 25 percent of our Nation's fourth graders say they feel pressure to use drugs.

Drunken driving is the leading cause of death among those 15 to 25 years of age.

And, more then 1 million teenage girls in this country become pregnant each year. The United States surpasses all other Western developed nations in its rates of teenage pregnancy, abortion and births.

We are raising a generation of children who cannot distinguish between right and wrong. They are not prepared to make tough choices when there are gray areas, or when values seem to conflict.

I am not laying this at the foot of our school system. Still, schools can play a role in helping to install values in individuals. The 1960's and 1970's saw a move toward relativistic, values-free teaching in which students were given the options, but no guidance toward answers.

Our young people have been led to believe that ethical boundaries are up for grabs. The line is always moving. The simple word, decency is one we shy away from.

But, recently things have started to change. Leaders from a wide range of political and social arenas and religious backgrounds have called for strengthening the teaching and democratic values stating that education for democracy must extend to education in moral issues. Now, a growing number of educators agree that schools should teach civic virtue and take clear positions on right or wrong behavior.

That is why I am joining in sponsorship of H.R. 2667, legislation to create a commission on values education. The purpose of this bill is to find out how we can better educate people to become productive members of society by identifying and promoting basic values.

It requires the commission to identify values which are essential to our well-being, including honesty, integrity, tolerance, self-discipline, self-respect, civility, importance of family, justice, and equality, the rule of law, individual rights, the common good, love of country, love of knowledge, responsibility and accountability, and protection of oneself and others from degradation and abuse.

It also requires a report to Congress within a year with recommendations on what Congress and the executive branch can do to promote the teaching values in American schools.

This commission would not be made up of so-called experts. Language has been included specifically stating that appointments be made from groups including parents, students, educators, philosophers, theologians, and religious leaders, sports figures, social service workers and the general public.

We need to shore up a moral foundation that was once taken for granted in this country. For over two centuries, our Nation has relied on this foundation for vision. The same sort of vision that inspired our Founding Fathers. A vision that can direct us away from a damaging self-absorption to a new outward looking global perspective. A vision focused on American know-how, innovation and adaptability. A vision that will take us into the 21st century with the same pride, competence, and compassion that brought us into this one.

The single most important thing I have learned as a Congressman is that how we perform as a nation is determined by how we perform as individuals. Our young people must recognize the importance of their own future and potential. Our tomorrow depends on it.

CONSTITUTIONALITY OF SECTION 711, H.R. 3100

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. GEJDENSON. Mr. Speaker, in response to inquiries regarding the constitutionality of section 711 of H.R. 3100, the International Security and Development Cooperation Act of 1987, I commissioned a legal opinion from the Congressional Research Service. That opinion, which follows, states, in part, "The power to make appropriations includes the authority not only to designate the purpose of the appropriation, but also the terms and conditions under which the executive department of the Government may expend the appropriation * * * The purpose of the appropriations, the terms and conditions under which * * * appropriations (are) made is solely in the hands of Congress and it is the plain duty of the executive branch of the Government to comply with the same." *Spaulding* v. *Douglas Aircraft*, 60 F. SLupp. 985, 986 (S.D. Col. 1945), *affd.*154 F.2d 419 (9th cir. 1946)."

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., February 11, 1988.

To: Honorable Sam Gejdenson.
Attention: Kathleen Bertelsen.
From: American Law Division.
Subject: Constitutionality of Section 711, H.R. 3100, the International Security and Development Cooperation Act of 1978.

Reference is made to your inquiry of February 4, 1988, requesting our comments on the above matter.

Despite intimations that section 711 of H.R. 3100, which effectively prohibits using economic and military assistance or arms sales to obtain other country aid for the Contras, trenches upon the President's foreign affairs powers, it seems well within Congress' powers to enact. See 133 Cong. Rec. H11066 et seq. (daily ed. Dec. 9, 1987).

Section 711 amends section 722(d) of the International Security and Development Cooperation Act of 1985 99 Stat. 190. Known widely as the Pell Amendment, section 722(d) provides:

> Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act (except the funds authorized to be appropriated in this section), by the Foreign Assistance Act of 1961, or by the Arms Export Control Act shall be used to provide assistance of any kind, either directly or indirectly, to any person or group engaging in an insurgency or other act of rebellion against the Government of Nicaragua. The United States shall not enter into any arrangement conditioning, expressly or impliedly, the provision of assistance under this Act or the purchase of defense articles and services under the Arms Export Control Act upon the provision of assistance by a recipient to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

Generally, section 722(d) prohibits the use of funds under the Foreign Assistance Act or the Arms Export Control Act to provide any assistance to any person engaged in any insurgency against the Government of Nicaragua. It also prohibits the U.S. Government from entering into any arrangement with the recipients of U.S. assistance or purchasers of defense articles and services to provide such assistance.

The Committee of Conference on the 1985 legislation described the purpose of the second prohibition as follows:

> The purpose of the second sentence of this section is to prohibit the United States from furnishing economic or military assistance or selling U.S. military equipment on the condition, either expressly or impliedly, that the recipient or purchaser provide assistance to insurgents involved in the struggle in Nicaragua. This section does not prohibit U.S. Government officials from discussing U.S. policy in Central America with recipients of U.S. assistance or purchasers of U.S. military equipment. Nor does it prohibit recipients of U.S. assistance from furnishing assistance to any third party on their own volition and from their own resources. H.Rept. No. 99-237 at 143.

Section 711 of H.R. 3100 leaves the first prohibition as it is and revises the second to read as follows:

> The United States shall make no agreement and shall enter into no understanding, either formal or informal, under which a recipient of United States economic or military assistance or a purchaser of United States military equipment shall provide assistance of any kind to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

The changes to the Pell Amendment made by section 711 seem to be largely stylistic rather than substantive. It substitutes the arguably more precise "agreement" and "understanding, either formal or informal" for the more indefinite "arrangement conditioning, expressly or impliedly" of the earlier law. Substantive change if any is not immediately apparent and more than likely both versions have a common purpose, namely, to prohibit U.S. officials from taking advantage of any leverage afforded by the FAA or the AECA to prevail upon recipients of U.S. assistance or purchasers of U.S. military equipment to assist the Contras and similar groups.

As indicated, it has been suggested that section 711 in some unexplained way interferes with Executive powers in the area of foreign affairs in violation of separation of powers principles. Although not susceptible of exhaustive definition, the President's powers "in this vast external realm" are not insignificant. *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 319 (1936). The congressional powers implicated by section 711 are equally, if not more, formidable, including as they do the power to make and condition appropriations. (E.g., ". . . no funds authorized to be appropriated or otherwise made available . . ..).

It may be noted that there are no directly relevant court cases involving a conflict between the congressional power of the purse and the presidential foreign affairs power. Cases involving these powers, chiefly litigation brought by private persons, support the breadth of the former and the nonstatutory basis for some of the matters comprehended by the latter. See, e.g., *Spaulding* v. *Douglas Aircraft* Co., 60 F. Supp. 985, 986 (S.D. Col. 1945), *affd.* 154 F.2d 419 (9th Cir. 1946), and *United States* v. *Curtiss-Wright Corp.*, 299 U.S. at 319. In these and a handful of other cases, the courts have not gone much beyond some generalities about the powers in question; none, to the best of our knowledge, attempts either to exhaust the range of activities comprehended by them or to draw a boundary line between them. As Justice Jackson observed in the landmark *Steel Seizure* case in 1952 and as recently repeated by then Justice Rehnquist in the *Iranian Assets* case; "[any person as well as a] judge . . . may be surprised at the poverty of really useful and unambiguous authority applicable to concrete problems of executive power as they actually present themselves." *Youngstown* Co. v. *Sawyer*, 343 U.S. 579, 634 (1952) (concurring opinion) and *Dames & Moore* v. *Reagan, 453 U.S. 654, 600 (1981).*

The issues raised by section 711 are not new issues, but in one form or other have been debated for two hundred years. Indeed, if Edward S. Corwin is to be believed, debate was and is inevitable. ". . . the Constitution, considered only for its affirmative grants of powers capable of affecting the issue, is an invitation to struggle for the privilege of directing American foreign policy." *The President: Office and Powers 1787-1057* 177 (1957).

The Constitution gives the power to "receive ambassadors and other public Ministers" and "to make Treaties" to the President but he may only do the latter with the advice and consent of two-thirds of the Senators present. U.S. Const. Art. II §2, cl. 2. Court cases recognize him as the nation's "mouthpiece" in foreign affairs, support the view that he alone negotiates, and that he may remove some obstacles in the path of normalizing relations with another country, such as settling claims. See e.g., *United States* v. *Curtiss-Wright Corp., supra; United States* v. *Belmont*, 301 U.S. 324 (1937); *United States* v. *Pink* U.S. 23 (1942); *Dames & More* v. *Regan, supra.*

As Commander in Chief, the President has command of the army and navy and may respond to an attack upon the United States. See, e.g., *Youngstown* Co. v. *Sawyer*, 343 U.S. at 642 (concurring opinion). Also, there is authority for the proposition that he may act to safeguard American lives and property abroad. See *Durand* v. *Hollins*, 8 F. Cas. 111 (No. 4186) (C.C.S.D.N.Y. 1860) and *Slaughter-House Cases*, 16 Wall. 36, 79 (1872). But see the Hostage Act of 1868, 22 U.S.C. § 1732, which excludes war from the President's options to obtain release of Americans unreasonably detained by a foreign government.

What more goes with these two titles is largely a matter of advocacy rather than law. Again, as Justice Jackson noted, "[a] century and a half of partisan debate and scholarly speculation [re. presidential powers] yields no net result but only more or less apt quotations from respected sources on each side of any question. They largely cancel each other." *Youngstown* Co. v. *Sawyer*, 343 U.S. at 634-635 (concurring opinion).

On the other hand, aside from his powers "to grant Reprieves and Pardons for Offenses against the United States . . ." and to "receive Ambassadors and other public Ministers", the President is totally dependent upon Congress for authority or money and usually both to implement any policy. Congress is under no legal obligation to supply either or both. For example, "[w]hile Congress cannot deprive the President of command of the army and navy, only Congress can provide him an army or navy to command." *Youngstown* Co. v. *Sawyer*, 343 U.S. at 644 (concurring opinion).

The power to make appropriations includes the authority not only to designate the purpose of the appropriation, "but also the terms and conditions under which the executive department of the government may expend the appropriation. . . . The purpose of the appropriations, the terms and conditions under which . . . appropriations [are] made is solely in the hands of Congress and it is the plain duty of the executive branch of the government to comply with the same." *Spaulding* v. *Douglas Aircraft* Co., *60 F. Supp. 985, 986* (S.D. Col. 1945), *affd.* 154 F.2d 419 (9th cir. 1946).

Louis Henkin observes as follows on the point:

> One necessary and proper power of Congress, as important as any for the conduct of foreign relations, is that implied in the provision that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." (Art. I, sec. 9, cl. 7) While, we shall see, Congress usually feels legally, politically, or morally obligated to appropriate funds to implement his treaties and other foreign undertakings, *Congress can readily refuse to appropriate when it believes the President has exceeded his powers. Even when the President acts clearly within his powers, Congress decides the degree and detail of its support; it determines ultimately the State Department's budget, how much money the President shall have to spend on the armed forces under this command, how much he can agree to contribute to the United Nations.* Since the President is always coming to Congress for money for innumerable purposes, domestic and foreign, Congress and Congressional committees can use appropriations and the appropriations process to bargain also about other elements of Presidential policy in foreign affairs. Because the President usually cannot afford to veto appropriations acts they are favorite vehicles for "conditions" and other riders imposed on unwilling Presidents. *Foreign Affairs and the Constitution* 79 (1972) (Notes omitted) (Emphasis added.)

Although Congress in enacting laws has to scrupulously avoid even incidental adverse affects on fully autonomous presidential powers (e.g., the pardoning power, *Ex parte Garland*, 71 U.S. 333 (1867)), it is under no similar constraints in other areas. The fact that in the exercise of an acknowledged power, such as the power to raise and equip the Armed Forces of the United States, the Congress may incidentally affect the ambit of presidential discretion as the organ of foreign relations or as Commander in Chief is not a violation of the separation of powers. For example, Congress is under no constitutional obligation to provide "bargaining chips" in for the form of additional weapons systems for the purpose of international negotiations. "The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control." *Youngstown* Co. v. *Sawyer*, 343 U.S. at 588.

Section 711 deals with programs which only Congress can authorize and fund: foreign aid and arms sales. In brief, statutory authority is required for these purposes. See testimony of former Deputy Secretary of State Kenneth W. Dam in accord with this conclusion. *The Supreme Court Decision Concerning The Legislative Veto.* Hearings Before The Committee On Foreign Affairs, 98th Congress, 1st Session (1983) at 100. Congress has ringed both programs with conditions designed to carry out their purposes, prevent abuses, and implement congressional policy choices. E.g., 22 U.S.C. §§ 2370, 2422, 2753. Whether written as direct restraints on authority or indirect restraints on authority in the form of conditional appropriations, neither form has been seriously challenged on constitutional grounds. The Pell Amendment as modified by section 711 of H.R. 3100 effectively prohibits direct and indirect assistance under the FAA and the AECA to the Contras or using these programs to accomplish these results by other countries. It does not prevent negotiations or interfere with the power to receive ambassadors and other matters that inhere in the latter, areas of autonomous power. While the policy underlying the congressional exercise of legislative power under consideration may be questioned, the existence of the power seems fairly clear.

Although Congress is subject to the Constitution even in the exercise of its power of the purse, see, e.g., *United States* v. *Lovett*, 328 U.S. 303 (1946), "[e]ven when the President acts clearly within his powers, Congress decides the degree and detail of its support," Henkin, *Foreign Affairs and the Constitution*, at 79, and "it is the plain duty of the executive branch of the government

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to comply with the same." *Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. at 986.

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ENERGY EFFICIENT TECHNOLOGY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

MARKEY. Mr. Speaker, I wish to call my colleagues' attention to the energy efficiency technology exhibit now on display at the Cannon rotunda. The conservation technologies presented there can have an enormous impact on reducing our energy needs and benefiting our environment.

Sponsored by the Northeast-Midwest Congressional Coalition, the Environment and Energy Study Institute, the Congressional Clearinghouse on the Future and the Competitiveness Caucus, the exhibit displays exciting conservation technologies developed by several national laboratories and private companies. These technologies will help the Nation become more productive, competitive, and secure by reducing the cost of manufacturing, reducing dependence on foreign oil and significantly improving our environment.

Despite the great gains in energy efficiency already achieved, much more can be accomplished. Yet the current administration has cut the DOE conservation budget by 75 percent in the past 7 years and is again seeking almost a fourfold reduction for the coming budget year. President Reagan has neglected conservation and renewable energy while pouring substantial sums of money into nuclear energy, in spite of the fact that nuclear energy expansion has come to a standstill in the past 10 years, while conservation and efficiency efforts have reduced our national energy consumption by 30 percent.

It is my sincere hope that the unwise priorities of this administration will soon be reversed, so that the technologies that hold the most promise will receive the greatest level of assistance. I again commend those who have worked so hard to put this exhibit together and who are attempting to steer our Nation's energy policy in the right direction.

TERRORISTS MURDER THE INNOCENT IN EL SALVADOR

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. BROOMFIELD. Mr. Speaker, on the eve of yet another vote on the Contras, I want to share with my colleagues a disturbing news story from El Salvador. According to recent reports, Marxist FMLN guerrillas have again murdered innocent Salvadoran workers and have also kidnapped a government official and mayoral candidate.

The armed Marxist guerrillas often resort to terrorist tactics in their ongoing offensive in that poor country. While the guerrillas claim that they want to liberate El Salvador and help the people of that country, innocent Salvadoran peasants are all too often the victims of the Marxists' liberation efforts.

In addition to killing peasants, many government officials have been kidnaped and assassinated along with others to include off duty marines who were sitting in an outdoor cafe when they were brutally murdered. The guerrillas have also launched an offensive designed to destroy the infrastructure of that poor country. Roads have been cut, power pylons have been destroyed, and power stations have been damaged. Even schools and buses have been destroyed. The struggling Salvadoran industrial base has also come under siege.

The Marxist guerrillas receive training and supplies from both Cuba and Nicaragua. A building in downtown Managua is the radio communications control center for the various FMLN guerrilla groups operating in El Salvador.

The guerrillas clearly have one objective in mind. They are determined to destroy the democratic government of President Duarte and replace that government with a Marxist-Leninist one. Should that happen, El Salvador would be nothing more than a clone of Nicaragua. Both countries will then be able to work together to export their Communist revolutions to neighboring states and perhaps to Mexico itself.

I urge my colleagues to read the following article which highlights the same side of the Salvadoran guerrillas.

[From the Washington Times, Feb. 24, 1988]

FMLN KILLS 3 WOMEN DURING TRANSPORT BAN

SAN SALVADOR, EL SALVADOR.—Marxist guerrillas killed three women and wounded six other persons in an ambush on a bus taking factory workers home during a rebel transport ban, military and local officials said yesterday.

The military also reported the Farabundo Marti National Liberation Front guerrillas kidnapped a government official and a mayoral candidate in local elections scheduled for March 20.

The FMLN traffic ban, called as part of an offensive to disrupt the polls, gripped El Salvador for a second day yesterday, with roads in the countryside almost paralyzed and chaos in the capital because of the lack of public transport.

The ambush brought to nine the number of civilians killed by the FMLN in the past week. A family of six was killed when a mortar shell landed on their house during an attack on the military barracks in eastern Usulutan city last week.

The guerrillas' Radio Venceremos did not immediately acknowledge the bus ambush, but last night it reiterated its threat to attack vehicles defying the ban.

The military, which has deployed thousands of troops to keep the roads open, said the guerrillas machine-gunned the bus about midnight Monday on the Pan-American highway near San Martin, six miles east of the capital.

Urban guerrillas burned a vehicle belonging to the state telephone company in the capital.

The military also said the FMLN kidnapped two people in the town of Alegria, Usulutan. It identified the victims as Manuel Guardado, who is running for mayor as a cadidate of the ruling Christian Democrat Party, and Ricardo Arturo Batles, a money collector for the state water and power company.

FMLN sabotage caused more than $200,000 worth of damage to the San Fermina coffee processing plant outside the town of Berlin, a few miles from Alegria, the military said. Offices and four vehicles were burned.

Meanwhile, few buses or other vehicles were venturing out in rural areas because of the guerrilla threat, radio reports said. The Pan-American highway and other main roads were almost deserted, they said.

Customs officials said only five commercial vehicles crossed the border from Guatemala on Monday. At the other end of the country, vehicles were waiting on the Honduran side for the guerrillas to call off the indefinite ban.

Local correspondents said the east was at a virtual standstill. Many businesses in San Miguel and Usulutan cities were shut.

State electrical company workers were trying to repair power lines sabotaged by the guerrillas on Monday. Power was back in the capital, but correspondents said parts of the four eastern provinces were still without electricity.

Traffic bans are a favorite tactic of the guerrillas to show they are still a force to be reckoned with. Last year they held seven.

REV. DR. GRANVILLE ALLEN SEWARD CELEBRATES 20 YEARS AT MOUNT ZION BAPTIST CHURCH

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. RODINO. Mr. Speaker, on March 4, 1988, the congregation of Mount Zion Baptist Church in Newark, NJ, will celebrate the 20th anniversary of its pastor, Rev. Dr. Granville Allen Seward. At a special dinner that evening, Reverend Seward will be honored for his "Commitment to the Vision" during 20 years as pastor of Mount Zion. It will be an occasion for the congregation and the community to express their loving pride and warm appreciation for this outstanding individual.

When Reverend Seward arrived in Newark in 1968, he came with a sense of mission and an enduring faith. At the young age of 17, he acknowledged his call to the ministry. In 1957, Reverend Seward was ordained and served for 7 years as the pastor of First Baptist Church in Rendville, OH. He has also carried his ministry to other parts of the world including tours of Asia and Africa.

Reverend Seward also began his ministry in Newark with impressive academic credentials. He received a bachelor of Arts degree from Ohio State University and a bachelor of divinity degree from Colgate Rochester Divinity School. After pursuing graduate studies at Ohio State University, Reverend Seward entered the Crozer Theological Seminary where he received a doctorate of ministry in 1982.

Reverend Seward's mission and commitment has entended to the entire community. As an educator, he served as a visiting professor at the Colgate Rochester Divinity School and at the New York Theological Seminary. From 1980 to 1984, Reverend Seward was a member of the Newark Board of Education where he served effectively and with distinction.

The true hallmark of Reverend Seward is his kindness, his deep and abiding faith, and his commitment to helping others. His 20 years as the pastor of Mount Zion Baptist Church have been a time of expanding horizons and growth.

I want to extend my warmest congratulations and best wishes to Reverend Seward on this special occasion. He has enriched the entire community with his leadership and commitment and he has earned our respect and appreciation.

NATIONAL RURAL HEALTH AWARENESS WEEK

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. TAUKE. Mr. Speaker, and fellow Members of the House, on February 17, Mr. CHAPMAN, Mr. PICKLE, Mr. WHITTAKER, Mr. EMERSON, Mr. SIKORSKI, Mr. HATCHER, Mr. GRANT, Mr. ROBERTS, Mr. BOUCHER, Mr. TALLON, Mr. STENHOLM, Mr. SCHUETTE, Mr. WEBER, Mr. HUTTO, Mr. DAUB, Mr. JONTZ, Mr. COLEMAN of Missouri, Mr. HALL of Texas, and I introduced House Joint Resolution 461, designating the week beginning May 15, 1988 as "National Rural Health Awareness Week."

I ask my colleagues to consider the unique problems facing rural communities today. The health status of rural Americans remains significantly lower than that of urban Americans, with rural Americans showing disproportionately higher rates of maternal and infant mortality, higher injury rates, and higher rates of chronic illness. Statistics show that greater numbers of rural Americans are poorer and tend to be less insured—if at all—than those living in urban areas. Rural areas also face acute shortages of health professionals, including physicians, nurses, psychologists, and allied health professionals. Moreover, closures of rural hospitals and other health care facilities, which have a severe impact on their communities, continue to spread across the rural areas of our Nation.

In order to further address the rural health crisis, we must continue to focus attention on the health care needs of rural Americans and rural communities. It is in recognition of this that I ask my colleagues to join me in designating the week of May 15 as "National Rural Awareness Week." For your ready reference, a text of the resolution follows:

H.J. RES. 461

Whereas the economic and social well-being of a nation depends on the health of its people;

Whereas 25 percent of the people in the United States live in rural communities;

Whereas 33 percent of the elderly people in the United States live in rural communities;

Whereas rural communities have only 12 percent of the physicians in the United States, 18 percent of the nurses in the United States, and 14 percent of the pharmacies in the United States;

Whereas rural communities face an acute and growing nursing shortage, and 50 percent of the hospitals and long-term care facilities in rural communities report difficulty in recruiting and retaining nurses;

Whereas the people who live in rural communities are increasingly experiencing a lack of access to obstetric care;

Whereas the decline of the rural economy in recent years reduced the economic resources available to rural communities and lead to increased closures of hospitals and other health care facilities in rural communities, the loss or curtailment of services by rural health departments, and the disruption of social service programs;

Whereas the decline in the number of hospitals and other health care facilities in rural communities has, in turn, increased the shortage of physicians, nurses, psychologists, and other allied health professionals in such communities;

Whereas rural communities have few transportation services, thereby making it difficult for rural residents without transportation to obtain needed health care;

Whereas the residents of rural communities generally have poorer health than residents of urban areas and have higher infant and maternal mortality rates, higher rates of chronic illness, and higher rates of injury than residents of urban areas;

Whereas there are more poor and medically indigent people in rural communities than in urban areas;

Whereas hospitals in rural communities serve a higher percentage of elderly patients than hospitals in urban areas serve, and Medicare payments are a high percentage of the total revenues of hospitals in rural communities; and

Whereas current policies result in substantially lower Medicare payments to health care providers in rural communities for services equivalent to the services provided by health care providers in urban areas, and such payment policies further increase the likelihood of financial failure and closure of health care facilities in rural communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on May 15, 1988, is designated as "National Rural Health Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

JAPAN: HELP PROTECT COMMERCIAL SEA LANES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. PORTER. Mr. Speaker, I was disappointed recently when Japan categorically rejected a U.S. suggestion that it extend its defense effort.

Former U.S. Secretary of the Navy James Webb urged Japan to increase its maritime defense to extend beyond the 1,000 nautical miles of sea lanes that it currently safeguards. Such an increase would augment shipping protection to the strategically important Indian Ocean. This request complements others made by the administration and Congress that Japan play a more prominent military role in defense of the free world.

While we are all aware of the political sensitivities surrounding military spending in Japan, we also know that the Japan of the 1980's is fundamentally different from the Japan of the 1930's and 1940's. Today, Japan and the United States represent all of the freedoms and liberties that are guaranteed by free and open democracies.

The Japanese Government's decision to issue a "categorical no" to the idea of increasing maritime protection for free world shipping displays a disturbing stubborness that may harm the unity of the West. It is time, Mr. Speaker, for the Government and the people of Japan to take on a larger responsibility for protecting the way of life that they enjoy and share with the rest of us.

PRESIDENT REAGAN'S LAST STATE OF THE UNION ADDRESS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. RANGEL. Mr. Speaker, I rise today to bring to your attention, and the attention of all my colleagues, a commentary that recently appeared in the Civil Rights Journal regarding President Reagan's final State of the Union address. Contrary to the content of the address, the facts show that Reagan has exhibited persistent irresponsibility in managing this Nation during his 8-year tenure.

Our Nation has witnessed an era in which Reagan has continued to mortgage our future and our children's future with quantum increases in defense funding and simultaneous decreases in taxes. His policy translated into a greater and greater Federal deficit while he continued to call for a balanced budget. He added insult to injury by attaining the distinction of the President with the largest personal staff in the history of our country.

Moreover, his huge cuts in social spending have led to the greatest chasm between the haves and have nots in this Nation since the Great Depression. We should all be outraged that our President could speak of rising jobs and incomes without recognizing the plight of the poor. Not only has Reagan's administration done little to aid the ever-growing homeless population, it has slashed Federal spending on employment and training programs for the economically disadvantaged by 50 percent since 1980.

In foreign policy, Reagan hid behind a wall of rhetoric and inaction when he preferred to condone legally sanctioned racism and brutality in South Africa with resisting the "Anti-Apartheid Act of 1986." Moreover, his administration bypassed the Government structure handed down by the founding Fathers with its illegal actions in the Iran-Contra affair.

Reagan has also ignored the growing crisis facing our children with his boasts of reducing drug abuse while he refused to take a stand against nations that export this poison to our shores. His inaction on combating the deadly AIDS disease that is contaminating our maternity wards and in addressing infant mortality rates in our inner city communites that are higher than most developing countries is a testament to his lack of dedication to our youth. Our President has also chosen to cut Federal aid to education versus devising ways to help those children that our educational system ignores.

With these actions, Reagan has set improper moral tone in this Nation where racial violence is on the rise. This country has witnessed the resurgence of injustice with such situations as the assault of youths in Howard Beach and, more recently, the rape of 15-year-old Tawana Brawley in Wappinger Falls.

As the Reagan administration moves toward a close, I am, therefore, honored to present the following commentary exposing President Reagan's camouflage of the facts in his last formal address as President of our country:

Civil Rights Journal—Commentary No. 320—The State of the Union?

(By Benjamin F. Chavis, Jr.)

As I listened to President Reagan deliver his final State of the Union Message, I wondered if he was really talking about the United States. It is a tradition for all presidents to use, as a centerpiece of their state of the union messages, many laudatory comments about the accomplishments of their administrations.

For millions of African Americans, Latino Americans, Asian Americans, Native Americans and many white Americans, Mr. Reagan's speech not only missed the mark, but also presented a chilling reality: the poor and the downtrodden are no longer envisioned as part of what Reagan termed "the flowering of American prosperity and freedom."

It is not that the President's speech writers forgot to include in the address a challenge to the nation on the growing racial crisis. It is, rather, that the speech was intended to camouflage the resurgence of overt and violent racism which is spreading across this nation.

It is not that Mr. Reagan forgot that his administration divergent but harmonizing communities were a reflection of a deeper community of values—the value of work, of family, of religion—and of the love of freedom that God places in each of us and whose defense He has entrusted in a special way to this nation."

Mr. Reagan is convinced that this nation is destined by God to rule over the rest of the world. Yet, the God of Justice and Creation demands not pious and elitist affirmations of manifest destiny, but rather, justice, freedom and peace for all of God's people in not one but in all of the nations of the world. Until the United States and its leadership repents for past and present sins of injustice, the attempt by Reagan to use God to justify evil actions will only lead to further domestic and international turmoil.

Of course, 1988 will offer the nation an opportunity to change its present course. The extent to which all eligible voters go to the polls and vote in record numbers for candidates who dare to take a stand for justice and freedom for all people of the world is the extent to which this nation can become a true moral force in the world.

CHILD CARE ISSUE EMERGES AS FOCUS OF LEGISLATIVE EFFORTS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. COELHO. Mr. Speaker, this Nation has experienced a dramatic shift in demographics over the last 30 years. Today, the numbers of single parents, teen parents, working mothers, families in which both parents work, households headed by women, and poor children are higher than they have ever been, and the numbers continue to grow. The importance of child care in a family's ability to participate and to stay in the work force is crucial, and the demand for child care services is skyrocketing.

Mr. Speaker, I would like to bring to your attention an article that recently appeared on the front page of the Washington Post, entitled: "Child Care Issue Emerges as Focus of Legislative Efforts." One of the important points made by the article is that the goals of increasing the supply of child care services and of providing some kind of support for these services are goals shared by a wide variety of people. Members of Congress of both parties, in both Houses, members of the administration, representatives of labor groups and of business groups, Presidential candidates and academicians agree that day care is an issue that needs to be addressed.

I would like to insert the article in the RECORD at this point, and commend it to the attention of my colleagues:

[From the Washington Post, Feb. 8, 1988]

Child Care Issue Emerges as Focus of Legislative Efforts

(By Cindy Skrzycki and Frank Swoboda)

The growing number and influence of working mothers has given rise to a potent, family-centered political constituency that has catapulted child care support high up on the nation's legislative agenda.

"The issue is taking on a momentum that's making it virtually irresistible," said Jerry Klepner, legislative director of the American Federation of State, County and Municipal Employees. "It's very possible to get a bill through the Congress and to the president this year."

Not since 1971, when President Richard Nixon vetoed a major child care initiative, has the issue received so much attention. Legislation is moving through Congress aimed at increasing the availability of public and private day care facilities. Although there are political differences about how to increase child care support, the goal is one of the few that Republican and Democratic lawmakers appear to agree on.

A major part of the new-found support for the issue comes from the demographic power of the baby boom generation. The issue of who will mind the children while mother is at work is one that has long vexed single parents and low-income working mothers. But the entry of middle-class working mothers who are as protective of their careers as of their families has given a new momentum to the issue.

Since the 1950s, the number of working women and preschool children has more than quadrupled. Today more than half of all women with children younger than 6 are now in the work force and by the mid-1990s, two-thirds of all preschool age children are expected to have mothers who work outside the home.

"This has suddenly become the phenomenon that strikes at all economic levels," said Barbara Willer of the National Association for the Education of Young Children, who also believes that employers' concerns about future labor stortages are driving the new-found interest in day care.

Polls document that family issues are fast emerging as a critical domestic issue, with a poll by The Wall Street Journal and NBC news showing that 80 percent of so-called "new collar," or baby boom, workers think government should do more to improve child care and help working parents.

The issue is moving so fast that Labor Secretary Ann D. McLaughlin has set up a special task force to shape an administration position by early March. "Obviously we're on a fast track," a member of the task force said last week.

McLaughlin has broached the subject with both President Reagan and White House chief of staff Howard H. Baker Jr. "It's a percolating issue the administration is going to have to come to grips with," a McLaughlin aide said.

Perhaps the most startling development was the conversion of conservative Sen. Orrin G. Hatch (R-Utah) to the child care issue. Four years ago, Hatch was firmly on record against the federal government directly funding child care. Today, he is key congressional proponent of a national child care policy with a bill of his own. He still thinks children are better off if a parent stays at home, but child care now is his "number one legislative issue."

Observers note, however, that while, there is growing momentum for action on the child care front, there is a lack of focus on how to proceed.

"My nose tells me there is a powerful interest in how we raise the next generation, but that does not translate neatly into compelling popular support for specific programs that are largely funded and defined by the federal government," said Ralph Whitehead, Jr., a professor at the University of Massachusetts who has studied baby boomers and work and family life.

There is a growing bipartisan agreement, however, that something needs to be done to increase the number of day care centers—now estimated at 63,000 licensed facilities nationwide. This is particularly true in the House where a package of labor bills ranging from mandated health insurance and parental leave to increasing the federal minimum wage are the only new items on the legislative agenda. Almost all other bills, such as trade, welfare reform and catastrophic health insurance issues, are now before House-Senate conferences.

Family work-place issues have become so pressing that virtually every political group has begun to address them.

House Democrats held a special retreat last month in which family issues, including child care, dominated the discussion. Many at the retreat said they saw so-called "kids issues" as a way to recapture the family issue from the Republicans after Reagan leaves office.

Democratic presidential candidate Albert Gore has gone so far as to promise to covert the White House basement into a child care center for the children of mothers and fathers who work at the executive mansion. "If I'm elected president, child care will

start close to home," the Tennessee Democrat said.

Last month, Republican presidential candidate Sen. Robert Dole (R-Kan.) introduced a child care bill that would replace the current child care tax credit with a program of federal grants to states.

Even among traditionally reluctant business groups, such as the U.S. Chamber of Commerce and the National Association of Manufactures, the child care issue has been moved to the top of this year's legislative agenda. This week, the Chamber's board of directors will consider a recommendation for a limited federal approach to child care. Next week, the NAM will take up the issue at a meeting of its legislative leaders.

The issue involves two very different approaches and constituencies:

The Act for Better Child Care Services has become the basic Democratic bill. Sponsored by Sen. Christopher Dodd (D-Conn.) and Rep. Dale Kildee (D-Mich.), the primary focus of the proposal is affordable child care for low and moderate income families. Federal block grants would be used to provide an incentive for state matching funds. The bill would set federal standards for operating a child care center.

The Child Care Services Improvement Act is the Republican approach that is expected to appeal to business. Sponsored by Sen. Hatch and Rep. Nancy Johnson (R-Conn.), the bill uses a more modest block grant approach than the ABC bill, supplemented by tax credits for employers that establish on-site centers. It also limits the legal liability of child care center operators. Unlike the ABC bill, which targets lower income workers, the Hatch proposal has no income test. Johnson and Hatch plan to introduce a "fine-tuned" version of their proposal Feb. 22.

The Hatch bill deals with more traditional conservative concerns. "The differences between the two bills are pretty stark," Hatch said. "They [backers of the ABC bill] just seem to throw money at it from the top. They will create a huge social spending bureaucracy."

Hatch said, "there's a natural fear by conservatives that this is another big federal program injecting itself into family life."

Dodd rejects the Hatch approach as far as giving tax credits to business is concerned. "My bill is low income, that's where the real problem is. I'll be damned if it should go to people who can afford it already. There's a fundamental difference in the constituencies we're aiming at here," Dodd said.

Despite this tough rhetoric, there already were signs that both sides might be willing to compromise on a child care bill.

A Senate Labor Committee aide said that because of the slim Democratic majority in the Senate there could be no bill unless it accommodates Hatch. "The Hatch bill is a very interesting bill. He put a lot of thought into it," she said.

Hatch agrees there can be no bill without his approval. "There's no way child care will pass without conservative support," he said. "We will have to compromise on this and create a consensus. I intend to do that."

Another key to any eventual compromise will be the absence of any mandated government program.

Neither bill moves in that direction. Currently there is a variety of federal programs that for years have made child care part of an array of options authorized, but not required. The McLaughlin task force at the Department of Labor has identified dozens of programs ranging from the Job Corps to Aid For Dependant Children that authorize some form of child care.

In addition to the exposure the issue is getting from many of the presidential candidates, organizations such as the Great American Family Tour are trying to generate grass roots pressure in key cities before the March 8 Super Tuesday primary elections. "The road to the White House has to go through family policy issues," said Kathy Bonk, spokeswoman for the tour.

The Family Tour is an effort by Rep. Patricia Schroeder (D-Colo.), Harvard University pediatrician T. Berry Brazelton and Gary Goldberg, producer of the television series "Family Ties" to push family issues during the presidential campaign through speeches, rallies and meetings with local and state officials.

Similarly, The Coalition of Labor Union Women, an AFL-CIO affiliate, will hold a rally on May 14 in Washington to push family policy and legislation.

The expectation of many in Congress and among advocacy groups is that business will play a growing role in meeting day care needs.

Currently, according to estimates by the Conference Board, a business research organization, only about 3,000 companies offer child care options to employees either through centers or through the administration of a federal tax subsidy program. Parents now can deduct a portion of their annual child care expenses. In addition, where a company has establishd a flexible benefits plan, employees can shelter some of their income for child care expenses.

"The private sector isn't responding creatively at all to a work force of parents instead of a work force of men and a few mothers who occasionally have problems," said Rep. Johnson.

Although business is against any kind of mandated benefits, such as proposed legislation for family and medical leave, its attitude is beginning to change toward accommodating employees with family needs, some analysts say. "I'm sensing that work and family concerns are becoming much more mainstream throughout the corporate culture," said Dana B. Friedman, senior research associate for the Conference Board. About 120 companies are expected to attend a Conference Board briefing this week on what the role of the corporation should be in the debate over child care.

A relatively small number of companies already are providing child care.

The answers on the child care dilemma are not easy for either government or business because almost every work site brings with it a different set of circumstances and solutions.

"It's still a female issue," said Oliver Mann, who operates a day care facility for the Campbell Soup Co. "Poor women always had the child problem. Until middle-class women got into the work place, this was never an issue. It's an equal opportunity issue."

OPINIONS ON CHILD CARE

[In percent]

	Total	Men	Women
Q. Is it your impression that there are enough child-care facilities in this country to provide for current needs, or that there are not enough child-care facilities? [1]			
Enough	26		
Not enough	53		
No answer	21		
Q. The government should develop policies to help make child-care services more available and affordable for these people. [1]			
Agree	71		
Disagree	23		
No answer	6		
Q. Should government do more to provide day care?			
Yes	54	51	56
No	43	48	39
Q. Should business provide day care? [2]			
Yes	51	46	56
No	39	46	34

[1] Washington Post/ABC News Poll, January 1987.

[2] Time Magazine, June 1987.

Source: American Federation of State, County and Municipal Employees.

TRIBUTE TO M. GAULT BEESON, JR.

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. TALLON. Mr. Speaker, I rise today to pay tribute to an outstanding citizen from my district, M. Gault Beeson, Jr. "Bunny" as he is called is a dedicated and committed steward of our land and wildlife.

Bunny Beeson is founder and president of Wildlife Action, Inc. In 1977, Bunny Beeson was on a hunting trip with friends along the Little Pee Dee River, they were concerned about the diminishing number of ducks in South Carolina. They talked about the responsibility of each individual to take care of the environment, its wildlife and our nature resources; they decided to form Wildlife Action.

Since its beginning, Wildlife Action has grown from a small group of concerned sportsmen into a diverse group of men and women who share a mutual concern for preserving the natural habitat of wildlife and protecting the environment. In 1986, Beeson decided to sell his sporting goods business and go to work full time for Wildlife Action as a volunteer.

Beeson's enthusiasm and concern are infectious, he has convinced countless others to join Wildlife Action and support the organization's five point law of preservation, conservation, education, sportsmanship and fellowship. I am especially interested in Wildlife Action's ongoing project to protect the Little Pee Dee River and have it be a part of South Carolina's Scenic Rivers Program.

Beeson's involvement in civic affairs is not new, nor is it limited to wildlife action. As a youth, he earned the Eagle Scout award and received the God and Country Award. He later served as a scoutmaster for 15 years. Beeson recognized the need for a sports facility in his hometown of Mullins and organized a group of citizens that ultimately planned and built the Mullins Recreational Complex.

He served for 8 years as chairman of the Marion County Fish and Game Commission, and he was a member of the Governor's Subcommittee for the Land Procurement and Utilization Committee and served as the S.C. Wildlife and Marine Resource Department's

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panel for the Habitat Enhancement and Land Protection Act of 1986. He was also a member of the advisory board for the S.C. Wildlife and Marine Resource Department's "Project Wild" Program.

He was recognized by the Marion County Chapter of Wildlife Action as member of the year for 1984 and he received the Preservation Award in 1986 for spearheading a project to preserve acreage for a wildlife refuge in the county.

Beeson was also the recipient of the S.C. Governor's "Take Pride in America" Award in 1986 for his efforts to preserve acreage for a wildlife refuge in Marion County.

Mr. Speaker, we are very fortunate to have Bunny Beeson in South Carolina and the Sixth Congressional District. I applaud his efforts to preserve our land and wildlife for future generations to enjoy. We are grateful to Bunny Beeson and Wildlife Action for their unselfish and tireless work.

WE NEED TO RENEW OUR COMMITMENT TO THE HOMELESS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. LELAND. Mr. Speaker, we all know homelessness has not disappeared from our streets. The U.S. Conference of Mayors report, "The Continuing Growth of Hunger, Homelessness and Poverty in American Cities", revealed that the average demand for emergency shelter among the cities surveyed, grew 21 percent in 1987; and, that families with children are the fastest growing population among the homeless. Last year the waiting list for public housing reached 1 million and it is estimated that 12 million poor families are in need of help to pay their rent bills.

Over the past 2 years, we have made a conscious effort to aid homeless individuals. The provisions enacted by the omnibus drug bill and the Stewart B. McKinney Act addressed the immediate short-term needs of the homeless. In addition, last December the first housing bill since 1980 successfully passed both Houses of Congress. Unfortunately, the bill did not make up for the 71 percent cut in federally subsidized housing which has occurred over the past 8 years. There is a great need for us to reaffirm our commitment to help the homeless. Present action concerning this issue, however, must focus on providing permanent long-term assistance.

The Affordable Permanent Housing for the Homeless Act of 1988, which I and several of our colleagues are introducing today, would provide decent low-income housing for homeless individuals, families, and handicapped persons within 6 months to a year of the date of its enactment. In addition, the bill helps prevent homelessness by securing housing for individuals and families in imminent danger of losing their homes.

I urge you to lend your compassion and support to this piece of legislation which are vital to the survival of the Nation's neediest poor.

H.R. 2024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Affordable Permanent Housing for the Homeless Act of 1988".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) homelessness in the United States has reached alarming proportions and has become a national emergency;

(2) not since the Great Depression has homelessness in the United States reached the epidemic proportions that it has reached among major segments of the population;

(3) the homeless population of the United States is estimated to be 3,000,000, and, by all accounts, the number is increasing;

(4) in 1984, the Department of Housing and Urban Development estimated that the average annual increase in the homeless population is 10 percent;

(5) in 1985 and 1986, the United States Conference of Mayors conducted surveys that revealed that the homeless population increases annually by 20 to 25 percent;

(6) the homeless population includes growing numbers of families, single men and women, children, and teenagers;

(7) a significant majority of the homeless are mentally disabled and require specialized facilities and housing;

(8) the dimensions of the homelessness crisis have grown, both in numbers and in scope, beyond the capacity of State and local governments to handle it without Federal participation;

(9) it is in the national interest for the Federal Government to strengthen existing programs and to create new Federal, State, and local cooperative programs to meet the housing needs of the homeless population and to enact measures specifically designed to prevent additional homelessness; and

(10) housing assistance to the homeless should—

(A) seek to provide lasting solutions to the problem of the diminishing number of available affordable housing in the United States; and

(B) make the provision of permanent housing to the homeless a priority.

(b) Purpose. —The purpose of this Act is to alleviate homelessness by expanding and preserving the permanent supply of affordable and decent housing.

SEC. 3. HOUSING ASSISTANCE FOR THE HOMELESS.

(a) In General. —The Secretary of Housing and Urban Development shall, to the extent of amounts provided in appropriation Acts, provide financial assistance under the provisions of and amendments made by this Act to expand and maintain the permanent supply of affordable and decent housing.

(b) Eligible Beneficiaries.—All amounts made available under the provisions of and amendments made by this Act shall be used for the benefit of individuals and families who are homeless or are in imminent danger of becoming homeless.

SEC. 4. ADDITIONAL SECTION 8 AND PUBLIC HOUSING ASSISTANCE.

Section 5(c) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(8) Additional assistance for the homeless.—To provide affordable and decent housing for individuals and families who are homeless or are in imminent danger of becoming homeless, the budget authority available under this subsection is authorized to be increased on or after October 1, 1987, as follows:

"(A) Section 8 certificates.—For assistance pursuant to 5-year contracts under section 8(b)(1), by not more than $707,375,000, which amount shall be used as follows:

"(i) Families in rental rehabilitation units.—$565,900,000 shall be for project-based assistance for very low-income families residing in structures assisted under section 17(c). Section 213(d) of the Housing and Community Development Act of 1974 shall not apply to the allocation of assistance under this clause.

"(ii) Families in imminent danger of becoming homeless.—$141,475,000 shall be for assistance for very low-income families in imminent danger of becoming homeless.

"(B) Section 8 moderate rehabilitation.—For assistance pursuant to 10-year contracts under section 8(e)(2), by not more than $480,000,000. Assistance under this subparagraph shall be used in accordance with section 441 of the Stewart B. McKinney Homeless Assistance Act, except that not less than 33 percent of the assistance shall be used to assist handicapped homeless persons.

"(C) Public housing acquisition.—

"(i) In general.—For public housing grants under subsection (a)(2) for the acquisition of additional public housing dwelling units, by not more than $300,000,000.

"(ii) Preference.—In making grants under this subparagraph, the Secretary shall give preference to public housing agencies proposing to acquire properties that—

"(I) are covered by a mortgage or loan insured under the National Housing Act or guaranteed under chapter 37 of title 38, United States Code; and

"(II) are the subject of a foreclosure proceeding.

"(iii) Allocation.—Section 213(d) of the Housing and Community Development Act of 1974 shall not apply to the allocation of assistance under this subparagraph.

"(iv) Recapture.—The Secretary shall recapture, and reallocate to other public housing agencies under this subparagraph, any assistance provided to a public housing agency under this subparagraph that is not used to acquire public housing dwelling units before the expiration of the 12-month period beginning on the date the assistance is provided. The Secretary may extend the 12-month period if the Secretary determines that the reason for the delay in the use of assistance is not within the control of the public housing agency.".

SEC. 5. RENTAL REHABILITATION GRANTS.

Section 17(a) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(4) Rental Rehabilitation Grants to Prevent Homelessness.—In addition to the amounts authorized in paragraph (4), there is authorized to be appropriated for rental rehabilitation under this section $140,000,000 for fiscal year 1988. Amounts provided under this paragraph shall be available only for grants to rehabilitate vacant units to provide housing for homeless families and individuals and families and individuals in transitional housing (as defined in section 422(12)(A) of the Stewart B. McKinney Homeless Assistance Act). The owner of each assisted structure under this paragraph shall agree to give priority to the assisted units to homeless families with children and to maintain the assisted units as

housing available and affordable for very low-income families for not less than 10 years.".

SEC. 6. ANNUAL REPORT.

Not later than December 31 of each year, the Secretary shall submit an annual report to the Congress. The report shall include—

(1) a comprehensive and detailed description of the activities carried out and accomplishments achieved under the provisions of and amendments made by this Act;

(2) an assessment of the extent and nature of the lack of affordable housing for homeless families with children;

(3) an assessment of the level of Federal assistance needed to fully meet the housing needs of homeless families; and

(4) any recommendations of the Secretary.

SEC. 7. DEFINITIONS.

For purposes of the provisions of and amendments made by this Act:

(1) Handicapped.—The term "handicapped" means an individual who is handicapped within the meaning of section 202 of the Housing Act of 1959.

(2) Homeless.—

(A) In general.—The term "homeless" or "homeless individual" includes—

(i) an individual or family who lacks a fixed, regular, or adequate nighttime residence;

(ii) an individual or family who has a primary nighttime residence that is—

(I) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(II) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(III) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; and

(iii) an individual or family who is sharing the primary nighttime residence of another individual or family (other than under a shared housing arrangement approved by the Secretary), and whose presence in the residence results in a failure of the residence to comply with space or occupancy standards established by the Secretary for the residence or for dwellings of similar size and design.

(B) Exception.—The term "homelessness" or "homeless individual" does not include any individual imprisoned or otherwise detailed pursuant to an Act of Congress or a State law.

(3) Imminent danger of becoming homeless.—The term "imminent danger of becoming homeless" means subject to a notice of eviction.

(4) Secretary.—The term "Secretary" means the Secretary of Housing and Urban Development.

(5) Very low-income families.—The term "very low-income families" means families (including families consisting of a single person) whose incomes do not exceed 50 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families.

SEC. 8. FUNDING AVAILABILITY.

(a) Calculation.—The amounts authorized in the provisions of and amendments made by this Act shall be in addition to any amount authorized or appropriated for the programs involved before the date of the enactment of this Act.

(b) Availability Until Expended.—Any amount appropriated under an authorization in the provisions of and amendments made by this Act shall remain available until expended.

SEC. 9. REGULATIONS.

Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue any regulations that are necessary to carry out the provisions of and amendments made by this Act and reserve funds under such provisions and amendments.

SOCIAL SECURITY ELIGIBILITY RECONCILIATION VERIFICATION AND INDEPENDENT STATUS ACT OF 1988

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. GEPHARDT. Mr. Speaker, today I join with Claude Pepper in introducing the Social Security Eligibility Reconciliation Verification and Independent Status [SERVIS] Act of 1988. This legislation will provide the Social Security system with some new direction and effective management that will ensure its viability.

As we all know, it is extremely difficult for the elderly to get by on the fixed incomes provided by their Social Security benefits. Since the system was first introduced to Americans, it has been the only means of support for many after retirement. It has undergone many changes through the years and has been criticized by some because of the way it has been managed.

Recently, the General Accounting Office reported that management problems in the Social Security system has resulted in over $58 billion in unallocated benefits to collect in the Social Security trust fund for which SSA is unable to immediately track the respective beneficiaries. These accumulated funds belong to people who have paid Social Security taxes on their earnings throughout their working lives and who have not been accurately credited for the benefits for which they are eligible.

Undercrediting workers' earnings means reduction in their benefits later on. Affected beneficiaries who have had their earnings undercredited face the loss of an average $17 per month in benefits for which they are entitled. Some beneficiaries may be due as much as $4,500 in retroactive payments.

The Social Security Administration is not even fully aware of how this problem has come about. SSA conjectures that most of the error is due to employer accounting errors in calculating employee earnings, or entering improper employee identification numbers, or failure of employers to submit any earnings figures at all for their employees' Social Security credit. The problem is due, in part, to the fact that SSA's reporting periods following an annual basis while IRS's reporting schedule follows a quarterly schedule.

Since IRS receives the most complete employee earnings record, SSA should be working with that agency to make sure that their earnings estimates are consistent with IRS. This is not taking place. It has even been determined that some SSA earnings reports had been sent to IRS by mistake, set aside and forgotten, and were not detected for over a year.

Although some efforts have been made to get at this problem by SSA, little progress has been made. A General Accounting Office report, "More Must Be Done to Credit Earnings to Individuals' Accounts," indicates that the problem is not going to go away unless there is some direction provided. This bill that we are introducing today seeks to do just that.

Most people are unaware that they may be eligible for more monthly benefits than they are receiving. SERVIS will launch a public education campaign to make workers and beneficiaries aware of the earnings crediting problem. It will also help to clear up the backlog of cases in SSA regarding crediting reconciliation. And it will set up a coordinated system between SSA and IRS to avoid future crediting problems.

The second part of this legislation would enable any Member of Congress to raise a point of order against any bill which comes before the House or Senate which would reduce Social Security benefits. Social Security is a system built on confidence. It is a contract between the people and their Government. Political tinkering with the system only leads to a loss of faith in its viability for its participants. Neither the President nor Congress can arbitrarily reduce benefits in the name of deficit reduction and keep Social Security strong at the same time. We want to safeguard the system from the everchanging political tides which, from time to time, see Social Security as a target for deficit reduction. We will do this by making it more difficult for the Congress to reduce benefits.

And last, we are reiterating a position which we have taken in the past two Congresses that the Social Security Administration needs to be an independent agency. SSA, which is a giant agency on its own, should be taken out of the Department of Health and Human Services and given more power over its budgetary priorities. Much study has been given to this proposal since it was first formally brought before the Congress with the Social Security Amendments of 1983. It has since drawn widespread bipartisan support.

I hope all our colleagues can join us in supporting this legislation. We owe it to our constituents to return to them the full benefits they have earned over a lifetime of contributions to the Social Security system. We want the system to work for everyone.

TRIBUTE TO THE LATE JOHN JETER HURT, JR.

HON. LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. THOMAS of Georgia. Mr. Speaker, I would like to spend a few moments today paying tribute to a man whose life had a profound affect on those around him—his family, his many friends, those he worked with, and his fellow members of the Southern Baptist Church.

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The man I am speaking of is John Jeter Hurt, Jr. who passed away on February 17, 1988. While Mr. Hurt was never a resident of the First Congressional District and I was only fortunate enough to meet him on just a few occasions, I felt a marked loss with his passing and I know that a great many others also felt a similar loss. His many contributions to his community and his church and his deep commitment to his family and friends is the legacy that he leaves with us to remember him by in the years to come.

Mr. Hurt was born in Conway, AR, the eldest of five children. He graduated from Union University in Jackson, TN, and went on to serve as a reporter and editor for the Associated Press in Nashville, Chattanooga, Memphis, New York, and Atlanta.

Mr. Hurt then moved on to the staff of the Christian Index, the State newspaper of Southern Baptists in Georgia, where he edited the paper from 1947 to 1966. He made immediate changes upon arriving at the paper, cutting out sermons, reporting news, and appealing to "the person in the pew." During his tenure, circulation at the paper increased more than threefold and over the years, other State papers have followed his lead in reorganizing. Later, Mr. Hurt served as editor for the Baptist Standard, the newspaper of Texas Baptists, until retiring in 1977. While at the Standard, he continued his commitment to strong journalism—short, pithy, and to the point.

In addition to his work with the newspapers, Mr. Hurt was a former president of the Southern Baptist Press Association, a former trustee of the Southern Baptist Theological Seminary and Americans United for Separation of Church and State, and a deacon at Wilshire Baptist Church in Dallas, TX.

More important than Mr. Hurt's long list of important accomplishments and titles is the commitment and dedication that he had for the values and issues that were important to himself, his family and his church. He was willing to stand for the unpopular—challenging what he believed to be wrong and commending what he believed was right. He was not timid in expressing his opinions, whether it be to urge better race relations or voice support for foreign missions or to call for the separation of church and State.

Another passion was his quest for the truth. Mr. Hurt believed in openness for covering stories and was a strong contender for editorial freedom. He demanded efficiency from his staff and would not tolerate anything that was not open and above board. This loyalty and integrity in his professional career carried through in his personal life as well.

He was often referred to as the crusty crusader, a man who demanded the highest of standards and would accept nothing less, but who had a soft spot inside for those in need and a heart that would reach out to anyone. This is a man who had the respect of his colleagues and the love of the family and friends around him.

In closing, I would like to note that Mr. Hurt is the father of my administrative assistant, Bob Hurt. Bob upholds the fine Hurt tradition of integrity, honesty, and diligence, and the First Congressional District of Georgia is indeed fortunate to have had the service of Bob these past 15 years—10 years with my predecessor, the Honorable Bo Ginn, and with my office for the past 5 years. I know that Bob's family is feeling a great loss right now, but the memories and the accomplishments of John Jeter Hurt, Jr. will stand in time as a tribute to him and help to ease the pain of this loss. My heartfelt sympathies are extended to Bob and his mother, Mrs. Doris Oglesby Hurt, and the rest of the family. While the loss is great, those memories that linger behind are sweet and will help sustain us.

KILDEE HONORS KENNETH J. SMITHEE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. KILDEE. Mr. Speaker, I rise today to honor a person who has dedicated much of his life to improve the quality of life for the people of Michigan, Mr. Kenneth J. Smithee. For the past 21 years, Mr. Smithee has served as the director of the Genesee County Parks and Recreation Commission. In this capacity, Mr. Smithee has worked diligently to preserve and expand the public park system in our community. As a result of his efforts, the citizens of Michigan can better enjoy the natural resources our State has to offer.

Mr. Smithee is widely recognized as an expert in park management and administration. Throughout his career, he has been very active in a number of professional organizations where he has shared his experiences with his colleagues so they can improve their community parks and recreation areas. Mr. Smithee has also spent many years in the classroom where he taught park administration courses at Central Michigan University and Michigan State University. In recent years, he has served as the president of the American Academy for Park Administration, and as president of the board of trustees of the National Recreation and Park Association. Mr. Smithee has also received numerous awards from State and national organizations, including the National Association of County Parks and Recreation Officials, and the Michigan Recreation and Park Association.

It is with great reluctance that we bid farewill to Ken Smithee. However, we in Genesee County consider ourselves extremely fortunate to have benefited from the services of such a highly qualified, and deeply committed Individual like Ken Smithee. I take comfort in knowing that Mr. Smithee will continue to share his wealth of knowledge and experience with future park managers when he resumes his teaching career at Arizona State University.

Mr. Speaker, the citizens of Genesee County, and indeed the State of Michigan, are extremely grateful to Mr. Smithee for all he has done to preserve and improve the quality of life for our children, and our children's children. As Mr. Smithee embarks on a new facet of his life, I want to congratulate him on a job well done, and wish him and his family well in their future in Arizona.

WESTHEAD'S LOYOLA SCORES LIKE LAKERS, SOARS ABOVE USC, UCLA

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. COELHO. Mr. Speaker, I would like to take this opportunity to congratulate one of the finest college basketball teams in the Nation this season, the Loyola Marymount Lions. The Lions are currently ranked No. 20 nationally by both the UPI and the AP polls and are defending a 17-game winning streak.

I am especially proud of the Lions because Loyola Marymount University is my alma mater. California is home to a number of the most respected teams in college basketball. In the past Loyola Marymount's athletic achievements have often been overshadowed by the achievements of these larger California schools. But this season Loyola Marymount's 20 and 3 record is the envy of every college basketball team in the State.

Mr. Speaker, I would like to commend Coach Paul Westhead and his Lions for their fast-paced successes on the basketball courts this season. They are helping to bring to Loyola Marymount the attention and recognition that the university has deserved for so long. In honor of their achievements, I ask that an article about the team that appeared recently in the Washington Post be reprinted here in the RECORD.

The text of the article follows:

[From the Washington Post, Feb. 17, 1988]

WESTHEAD'S LOYOLA SCORES LIKE LAKERS, SOARS ABOVE USC, UCLA

(By Matt Lait)

LOS ANGELES.—Life at little Loyola Marymount University, perched on a hillside overlooking the lazy harbor of Marina Del Rey, proceeds with the tanned, relaxed nonchalance of other California campuses, until a visitor looks inside Albert Gersten Pavilion and encounters a scene of electric mayhem.

At a school of only 3,500 students, Paul Westhead, who once coached the Los Angeles Lakers to an NBA championship, has fashioned a basketball team averaging more than 108 points a game and signaling a rise in the West of small powers in the ruins of the larger Pacific-10 basketball schools.

Not long ago, the only people who showed up for a Loyola game were parents, girlfriends and the opponent's fans. But, lately, with the Lions leading the nation in points per game, basketball enthusiasts from around the city have waited in ticket lines hoping for a chance to see the team perform its blitz of fast breaks and slam dunks as it defends a 17-game winning streak. At 20-3, Loyola Marymount is one of the few Division I teams already to have 20 victories—and, for the first time ever, has made the wire service ratings, at No. 20 in both AP and UPI polls.

Under Westhead, the program has attracted national attention for its quick-paced, high-scoring style. It is the only style Westhead, a native of Philadelphia, will coach.

It is what made two former Philadelphian starters at the University of Southern California, Bo Kimble and Hank Gathers, defect to Loyola.

"This is the kind of game I grew up on," Kimble said. "It's like a playground game. To me, it's the only way to play the game."

The two freshmen from Southern Cal looked for another home court after a dispute with incoming USC Coach George Raveling, putting their scholarships in jeopardy. The refugees from USC were soon joined by another Pac-10 starter, Corey Gaines from UCLA.

Faced with talented recruits who threatened to cut into his playing time, Gaines decided to transfer to a school where he could play out his senior year in a program that fit his running style, even if it meant sitting out a year and paying the private school tuition.

"Everybody can see that this is not as big a name school [as UCLA] but nowadays the small schools are doing well because the players are starting to see that it's not where you go but what you do where you go that counts," Gaines said.

"If Coach Westhead was here at the time I came out [of high school] I probably would have gone here, knowing what I know now."

With these three transfers in the starting lineup, Loyola has not lost.

Meanwhile, as this athletically unheralded school basks in Los Angeles' center court, UCLA and USC, the city's larger, more dominant schools, are having dismal seasons, leading many people to say the West Coast is a barren basketball wasteland.

"Unfortunately, the national image of basketball here is poor because two or three of the big hitters are down, but there's a whole bunch of us who are doing real well like [UC] Santa Barbara, [UC] Irvine, and in the past Fresno State. California is a big state," Westhead said.

"I think it speaks not of the weakness of the bigger schools but of strength and power of basketball on the West Coast," he said.

So far, in the West Coast Athletic Conference, Loyola has been unbeatable. The Lions press almost every inbounds play and take defensive chances by overplaying for a steal. On offense they quickly pass the ball upcourt and try to shoot within the first six or seven seconds of a possession.

In the normally moderate-scoring conference, with coaches known for emphasis on defense, Loyola has allowed opponents to score 92 points a game and shoot 52 percent. But the tiring pace eventually wears the opponent down and Loyola has been winning by an average margin of 16.5 points a game.

"We try to get steals, so of course we take gambles and risks on defense and they get a few easy buckets, but they pay for it in the long run by staying with our pace," Gaines said.

Asked how his team would fare against the nationally higher-rated teams, Westhead said, "We'd score in the hundreds and they'd be tired. Whether we would win or not, who knows? But those two things are guaranteed."

In his third year at Loyola, Westhead finds the lure of coaching in the NBA not as important as it once was. "Happiness is when your scheme is working and the players have bought into it," he said.

"Coaches are in it for the thrill of the game . . . so whether you're sitting at the beach because you're an NBA coach waiting for the next game or you're in a high school gym recruiting before the next game, that become irrelevant.

"This team has good quality and excellent commitment to the scheme. They really believe that this running system is invincible," he said.

Indeed, the players and students of Loyola Marymount walk around campus with the proud conviction that "the system' is unbeatable.

"I definitely think we are one of the best teams of the West Coast, if not in the nation," Gathers said. "I think we can run with anybody."

Westhead realizes he has critics who, despite his current success, say his system is too one-dimensional because it does not prepare the team for other game situations. He agrees.

"It's true, it only works if you buy the whole system," he said. "Without buying in like that, it becomes very mediocre." But as long as his players buy it, he's sold that it's the best system around.

"I decided," Westhead said, "not to follow the advice of Ben Franklin, another Philadelphian, who said, 'Don't put all thy eggs in one basket.' Instead, I'm following the advice of Mark Twain, who said, 'Put all your eggs in one basket and watch that basket.' "

H.R. 4033—MEDICAID WORKING POOR FAMILY AMENDMENTS OF 1988

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. WAXMAN. Mr. Speaker, today I am introducing the Medicaid Working Poor Family Amendments of 1988, H.R. 4033. I am joined in sponsoring this bill by Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. LELAND, Ms. COLLINS, and Mr. DOWDY of the Subcommittee on Health and the Environment; by Chairman DOWNEY, Mr. FORD, Mr. PEASE, Mr. MATSUI, Mrs. KENNELLY, and Mr. DONNELLY of the Public Assistance Subcommittee of the Committee on Ways and Means; and by Representative MILLER, chairman of the Select Committee on Children, Youth, and Families.

This legislation would provide Medicaid and other health care coverage to working poor families for 24 months after they leave welfare. The purpose is twofold: (1) to reduce the number of poor mothers and children who have no public or private health insurance coverage; and (2) to assist low-income families in making the transition from welfare dependency to economic self-sufficiency by assuring mothers that they and their children will have health care coverage even if they take a low-wage job that does not offer health benefits. According to the Congressional Budget Office, about 475,000 families, including about 950,000 children, would receive coverage under this bill.

Except for a new effective date, this bill is identical to the legislation twice approved by the Energy and Commerce Committee last July, first as an amendment to the Family Welfare Reform Act, H.R. 1720, and again last August as an element of the budget reconciliation legislation. This legislation was not included in the text of the welfare reform bill, H.R. 1720, approved by the House on December 17; instead, it was among the provisions in the budget reconciliation bill passed by the House on October 29. Unfortunately, due to an Administration veto threat, the provision was dropped from the final conference agreement on the budget reconciliation act, Public Law 100-203. Although funds for this purpose were assumed in the fiscal year 1988 budget resolution, we are now into a new budget cycle, and reintroduction of this bill is in order.

Under current law, families receiving cash assistance under the Aid to Families with Dependent Children [AFDC] Program are automatically eligible for Medicaid. If the mother works and her income exceeds the payment standard established by the State, she loses her AFDC eligibility. Generally, she and her childen are entitled to an additional 4 months of Medicaid coverage, although in some limited circumstances the family may qualify for a minimum of 9 months of coverage.

Obviously, current policy creates a very strong disincentive for welfare recipients to work. If a mother knows that her children will need medical care and that her employer does not offer health insurance coverage, she will think long and hard before taking a low-paying job that will knock her off AFDC and, after 4 months, Medicaid. CBO gives the example of a mother with one child whose countable income is $4200, and who lives in a State with an AFDC payment level of $4800. If this mother works longer hours and increases her income by $50 per month, she will eventually lose $50 per month in cash assistance, plus her Medicaid benefits worth $150 per month. Thus, a $50 increase in earnings has cost this family $200, an implicit "tax rate" of 400 percent.

There is no justification for forcing women to choose between taking a job and having health care coverage for their children. Many of the families leaving AFDC go to work in minimum wage or near-minimum wage jobs that do not offer health insurance coverage. After four months, these women—and their children—are stranded. Even if they could afford to buy health coverage, their employer doesn't offer it. The only way they can be assured of health coverage is to quit, reapply for AFDC, and, by receiving cash assistance, qualify for Medicaid again.

Current law also jeopardizes the health of working poor mothers and their children by leaving them uninsured. The new Office of Technology Assessment report "Healthy Children: Investing in the Future," documents the importance of Medicaid and other health insurance coverage in enabling poor children to get access to the basic medical care they need to stay healthy. According to the Children's Defense Fund, between 1982 and 1985, the number of uninsured children grew by 16 percent, from 9.6 million to more than 11 million. Two-thirds of these children live in working families. A small but significant segment of these families were at one point on AFDC but lost their Medicaid benefits shortly after taking a low-paying job without health coverage. It is this portion of the uninsured population that this bill targets.

I would stress that this bill will work whether or not the Aid to Families with Dependent Children [AFDC] Program is modified by pend-

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ing welfare reform legislation. Obviously, transitional Medicaid coverage is an essential element to any welfare reform strategy to make families economically self-sufficient. However, families are now leaving AFDC to work at low-paying jobs, and many of them do not get health insurance coverage to replace their Medicaid benefits. We can't allow this disinsurance of low-income families to continue.

It is also worth emphasizing that, under this bill, continuation Medicaid coverage is available only as long as the mother or other caretaker continues to work and report earnings. Unless she is laid off or sick, she will have to continue to report earnings, or the coverage will lapse. This obviously creates a strong incentive for families to remain economically self-sufficient.

According to the preliminary CBO estimates, the cost of extending health coverage to 475,000 working poor families under this bill will be $40 million in Federal Medicaid outlays in fiscal year 1989, $175 million in fiscal year 1990, and $240 million in fiscal year 1991. This investment is among the most effective that the Federal Government can make. It will encourage economic self-sufficiency and reduce medical poverty among working poor families. I urge my colleagues to support this bill.

SUMMARY OF MEDICAID WORKING POOR FAMILY AMENDMENTS OF 1988

The bill has two basic elements. It would require States to extend, for 24 months, Medicaid or alternate health care coverage to families who lose cash assistance under the Aid to Families with Dependent Children [AFDC]—Program due to earnings and who continue to work. States would also be required to extend, for 6 months, Medicaid coverage to families who lose AFDC benefits due to collection of child or spousal support. The bill would be effective with respect to individuals losing AFDC due to earnings or child or spousal support on or after October 1, 1988 (in the case of Texas, with a 2-year appropriations cycle, October 1, 1989). The mechanics of the 24-month coverage for families who lose AFDC due to earnings are as follows.

Initial 6-month Extension.—During the first 6 months after losing cash assistance because of earnings, families would have to be offered the same Medicaid benefits to which they were entitled while receiving cash assistance. States could not impose premiums. This coverage would terminate if the family no longer had a dependent child, or if an individual was terminated from cash assistance due to fraud. If the family earner worked for an employer that offered health insurance coverage, States could, at their option, pay the family's expenses for premiums, deductibles, and other cost-sharing to enroll them in the employer's plan; the State would then pay, through Medicaid, the cost of services that the employer plan does not cover.

Subsequent 18-month Continuation.—During the subsequent 18-month continuation period, families who received coverage during the initial 6-month extension, and who continue to work and have earnings, would have to be offered continuation coverage. At a minimum, States would have to offer these families Medicaid coverage, although they could delete nursing home and other long-term care services and limit the Medicaid benefit package to acute care services. In addition, States could, at their option, offer these families the choice between basic Medicaid coverage and one or more alternative types of coverage. Finally, States could, at their option, require payment of a monthly premium for such coverage.

States would have the option of offering as many as four different types of alternative coverage in addition to the basic Medicaid benefit package. These coverage alternatives are: First, enrollment in the family's employer's plan; second, enrollment in the State's employee's group health plan; third, enrollment in any basic health care plan a State has established for uninsured individuals generally; or fourth, enrollment in a Health Maintenance Organization that does not otherwise contract with Medicaid. The State would pay any premium required for such alternate coverage; the family would be responsible for all deductibles and copayments, except for maternity care services or ambulatory pediatric care for young children. If a State chose to impose an income-related premium on the family during this period, it could vary the amount of the premium by coverage alternative. One month each year, States would have to offer families the choice of enrolling in another coverage option.

The income-related premium which a State could impose during this period could not exceed 10 percent of the amount by which the family's gross monthly earnings (less child care costs) exceed the amount an individual would earn by working full-time at a minimum wage job ($581 per month). Premiums would be collected monthly; premium amounts would be adjusted based on quarterly earnings reports.

During this 18-month period, coverage would be terminated for any of the following reasons: First, the family no longer has a dependent child; second, the family fails to pay any required monthly premium; third, the family fails to report earnings in a month and the family earner has not been laid off or ill; fourth, the family's gross monthly income (less child care) exceeds 185 percent of the Federal poverty guidelines ($1,433 per month for a mother and two children) or fifth, the family earner has terminated from cash assistance for fraud or was subject to sanction. In the case of reporting failures, States would have the option to reinstate coverage if a family reports late.

TRAGIC SITUATION IN THE MIDDLE EAST

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Ms. KAPTUR. Mr. Speaker, the recent rioting and unrest in the Israeli-occupied territories of the West Bank and Gaza has prompted a worldwide sense of urgency for an alternative to the violence which has seized Palestinians and Israelis alike these past several weeks. Palestinian aspirations for human rights are passionate and understandable. Democratic freedoms must ultimately be theirs. Yet we also know that this occupation is a product of a war directed at the destruction of Israel. The State of Israel has the right to exist as well. Yet rioting and violent demonstrations that have claimed the lives of so many, and left so many others seriously wounded, have yielded no permanent solution to this tragic situation.

As a nation, the United States must act in its foreign policy in a way that honors our long-held democratic principles—that is, all people have a right to own property, to be safe in their homes, to raise families without fear, to practice full citizenship with the right to vote and to express their opinions freely, and to have their human rights upheld by the laws and courts of the Nation. If you read the U.S. Constitution and our Bill of Rights, it is to these principles that the United States is devoted at home. We must also practice them abroad in the exercise of our foreign policy.

I represent a district in which Jews, Christians, and Muslims live together. All are equally appalled by the violence and unrest afflicting the peoples of the West Bank and Gaza Strip. They realize only too well that there are no victors when peaceful negotiations give way to violent demonstrations and reprisals. Recently, Mr. Speaker, I received letters from several teenage young men and women in my district addressed to President Reagan regarding the tragic situation in the Middle East. I would like to take this opportunity to read one of them. Together, they express so eloquently the hopes and fears which are harbored by all men and women, young and old alike, committed to peace and respect for the human rights which are fundamental and inalienable to all citizens of the world.

DEAR MR. REAGAN: I am a 15 year old girl. The reason I am writing this letter is because of the situation in Palestine. I think we should be trying to stop this and compromise for a solution. Something has got to be done about this, and soon! Please, Mr. Reagan, help solve this problem before it's too late! We need your help to live a happier and safer life!

Mr. Speaker, I ask President Reagan to employ the full powers of his office in assisting the Palestinian and Israeli people to negotiate a peaceful settlement. While it must be kept in mind that any sense of expectation must be tempered by the realization that if there were an easy solution it would have been seized years ago, I urge my colleagues today, Mr. Speaker, to join me in extending our deepest encouragement to Secretary Shultz as he embarks on his important mission for peace and human rights for all people of that region.

TARGHEE NATIONAL FOREST LAND EXCHANGE ACT

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. STALLINGS. Mr. Speaker, it gives me great pleasure to introduce today the Targhee National Forest Land Exchange Act. This legislation will authorize the Secretary of Agriculture to exchange certain lands in the Targhee National Forest. I am very pleased that my distinguished colleague from Wyoming [Mr. CHENEY], is a cosponsor of this important bill.

Recently, I unveiled a plan to help safeguard several areas along the South Fork of the Snake River in Idaho. At the same time, the legislation will give the Grand Targhee Resort an opportunity to acquire additional land expansion and development.

My proposal not only will protect a critical reach of the river from development and ensure its protection for the enjoyment of future generations, but it also will help the economy of many communities in the Upper Snake River Valley.

The plan calls for a major land exchange between the Targhee National Forest and the Grand Targhee Resort, which is located 9 miles east of Driggs, ID, just inside the Wyoming border. The proposal would give the Forest Service an opportunity to seek public ownership of several key parcels of private land adjacent to the Targhee National Forest.

Before I discuss the land exchange proposal and its importance to the people of Idaho, I want to emphasize to my colleagues the broad, bipartisan support this idea enjoys.

Under the proposal, the owner of the Grand Targhee Resort, Mory Bergmeyer, would attempt to purchase several tracts of private property. He then would trade these private parcels to the Forest Service for approximately 270 acres of public land at the base of ski resort.

It is important to emphasize that my legislation does not mandate public or private purchase of any piece of property. I want to make it very clear that my plan is strictly based on a willing seller/willing buyer concept.

Furthermore, it will be the responsibility of the Forest Service to identify those private properties for possible exchange. According to Forest Service officials, only critical fish and wildlife habitat will be considered for the land exchange. Negotiate the purchase price from private landowners.

And it will be up to Grand Targhee officials to negotiate the purchase price with private landowners. I do not plan to play an active role in these negotiations. My principal concern will be to help ensure that this legislation passes and is signed into law.

It also is very important to mention that this proposal was not developed in a vacuum. In putting together the plan, I personally met with local county leaders, private landowners, Grand Targhee Resort officials, the Forest Service, and others to discuss the land exchange concept.

This legislation is necessary because current law prohibits the Forest Service from exchanging lands in different States. The privately owned land is in Idaho and the Forest Service property Is in Wyoming. The Targhee National Forest is located in both States.

The South Fork of the Snake River has been identified as one of the most unique and valuable ecosystems in Idaho. Acquisition of these properties will allow land management agencies to preserve fish and wildlife, scenic qualities, and public use of the canyon.

Potential recreational and residential development along the river poses a serious threat to existing resource values. Over the past year, I have heard from many Idahoans who have expressed strong support for public acquisition of certain private properties to protect this magnificent river canyon corridor.

This pristine river is truly one of Idaho's priceless natural resources. The South Fork contains some of the State's most significant wildlife habitat and prime recreational fisheries. I sincerely believe the South Fork is more valuable to Idaho, both as an economic and natural resource, in its undeveloped and natural state.

In addition to protecting the South Fork and its many resource values, economic development is a major cornerstone of my land exchange proposal. As Idaho continues its economic struggle with our natural resource industries, recreation and tourism are becoming a vital, growing part of our economy.

There is a real need to help revitalize both the Teton Basin and Upper Snake River Valley economy. I believe Grand Targhee, under its new ownership, can play a major role in this economic development. The resort also offers many Idahoans with an important employment opportunity.

Grand Targhee Resort officials have advised me they want to develop a quality, year-round destination resort for skiers and others who are looking for a family-style experience. I strongly support their efforts. And so do many other community and business leaders throughout Idaho.

The Grand Targhee Resort is vital to the economy of the Teton Basin. According to Grand Targhee officials and regional economic development specialists, the economic impact of the resort on eastern Idaho is very significant. This proposed land exchange has important economic implications for the entire region.

I also recognize the difficult challenges facing our local county officials as they struggle to find adequate resources to provide a variety of needed public services. My proposal, however, would have little impact on the county tax bases. Most of the private land is currently taxed as wasteland or farmland and generates very little revenue.

The completion of this land exchange will result in a needed economic shot-in-the-arm to the Teton Basin and Upper Snake River Valley. Development of the Grand Targhee Resort and protection of the South Fork of the Snake River could attract thousands of visitors each year to eastern Idaho and help stimulate the economy of many Idaho communities.

This land exchange proposal truly offers eastern Idaho a unique opportunity to resolve a longstanding dispute over the future of the South Fork of the Snake River. At the same time, we can take advantage of a sensible economic development plan which will benefit many Idaho communities. I sincerely believe my proposal represents the best of both worlds.

NATIONAL TRIO DAY

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. BRENNAN. Mr. Speaker, February 27 will mark the third observance of "National Trio Day." Congress established this observance to bring attention to the federally supported programs which assure equal opportunity to postsecondary education for young students and adults.

Trio programs—formally called special programs for students from disadvantaged backgrounds include: Upward Bound, Talent Search, and Student Support Services Programs.

In honor of this occasion, I am pleased to express my strong support for my home State of Maine's Trio programs and their commitment to assist the disadvantaged young students and adults. Trio programs provide information to students about college, motivate them to attend college, and help them succeed in college.

Maine's Trio programs served over 3,000 students throughout the State last year. Last year, over 350 high school students were served by Upward Bound. This project targets disadvantaged, low-income students to help them gain the skills and motivation to pursue an educational program beyond high school. Currently, four Upward Bound programs operate in the State of Maine at the University of Maine at Farmington, Bowdoin College, the University of Maine at Orono, and the University of Maine at Presque Isle.

In addition, 1,100 students were served by the Talent Search Program at the University of Maine at Orono. Talent Search encourages youth with postsecondary potential to complete high school and enter college. It also assists adults who have dropped out return to the educational system.

A third program, the Student Support Services Program serves over 1,800 students at programs based on campus at the University of Maine at Augusta, Unity College, Husson College, the University of Maine at Farmington, the University of Maine at Orono, the University of Maine at Presque Isle and the University of Maine at Fort Kent. These programs give students academic support once they are enrolled at the institution. Some of the available services include: Academic counseling, tutorial services, and career Counseling.

I congratulate all of the people in Maine who are responsible for making these programs successful. These programs deserve our full support. They have proven to be extremely cost effective. The average cost per Trio participant is $125 and the overall Trio dropout rate is less than 1 percent. Students from the same background who do not have the benefit of these programs, are twice as likely to drop out of college. The college placement rate for students from Maine participating in Trio programs is 81 percent which is higher than the national average.

We must not cut these projects. If we do, I believe that it will only exacerbate the present trend of declining enrollment of poor and minority students in postsecondary education. The best avenue for a brighter future is a good education. The Trio programs greatly assist in insuring that educational opportunities are available to needy students. I urge my colleagues to join me in extending strong support for Trio programs on this third observance of National Trio Day.

STATE DEPARTMENT HUMAN RIGHTS REPORT FOCUSES ON NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. BIAGGI. Mr. Speaker, as the chairman of the bipartisan 118 member ad hoc congressional committee for Irish affairs I wish to place into the RECORD the portion of the report "Country Reports on Human Rights Practices for 1987." That deals with the United Kingdom of Great Britain and Northern Ireland.

I consider the 1987 version of this report dealing with Northern Ireland to be unnecessarily tepid in its discussion of some very serious and ongoing human rights problems that exist in the six northeast counties of Ireland. What is especially of concern to me is the lack of critical editorial comments on the part of the report to some of these practices. In fact there are probably more instances of almost blind support of the British position than anything else.

One example is the section that deals with the use of plastic bullets by security forces in Northern Ireland. The report reads as follows:

> Security forces in Northern Ireland continue the controversial use of plastic rounds—PBR's or plastic bullets—for riot control. In recent years, 16 people have been killed by PBR's over half of them under 16 years of age.
>
> In 1984, the European Parliament passed a resolution calling for a ban on PBR use in Northern Ireland. While acknowledging the danger of PBR's the British Government contends they are less dangerous than live rounds. This view was supported in October 1984, when the European Commission on Human rights dismissed as "manifestly ill-founded" a case involving PBR's ruling that their use was "acceptable" and "less dangerous than alleged."

There is no reference made to legislation that has been introduced since 1984 in the Congress calling for a ban on the use of plastic bullets. There is no discussion about one of the individuals killed by plastic bullets, an unarmed civilian named Sean Downes who was killed in the presence of scores of visiting Americans during a rally in 1986. The question is why?

Similarly this report soft pedals one of the most controversial of all human rights issues in Northern Ireland today—the investigation as to whether the same security force—the Royal Ulster Constabulary practiced a shoot to kill policy against certain civilians in the communities of Northern Ireland. As I have reported in past statements this investigation was initially headed by a Manchester England police official, John Stalker. At about the same time as his preliminary probe was beginning to show results of culpability, he was removed from the investigation because of a later unproved allegation involving an internal matter within his own police department. Within the last month the Attorney General of Great Britain announced that there would be no further prosecutions of RUC officials with respect to this policy. This evoked an international hue and cry and just today the RUC itself announced that it would conduct its own disciplinary proceedings against certain of its officers alleged to be involved with this policy.

What is the extent of discussion in the State Department report? It is almost as much of a whitewash as the British Government's probe itself:

> A number of fatal shootings beginning in 1982 involving members of the RUC and the Army gave rise to allegations including those in Amnesty International's 1987 report that the security forces in Northern Ireland practiced a "shoot to kill" policy when dealing with suspected terrorists. Investigation of these charges resulted in a report, not yet made public by West Yorkshire Chief Constable Colin Sampson to the Director of Public Prosecution for consideration and possible judicial action. The long delay in completing action on the report has stimulated demands for an independent judicial inquiry as well as allegations of a coverup by senior police officers.

Period; end of comment. This in a report concerned with human rights?

The section goes on and on in its perfunctory treatment of human rights problems in Northern Ireland. It glosses over issues pertaining to economic discrimination—which is not only an established fact in Northern Ireland but has prompted the introduction of legislation by Mr. FISH and Senator D'AMATO calling on American firms doing business in Northern Ireland to adopt the Mac Bride principles of fair employment and nondiscrimination. Do you think this report makes even one reference to the Mac Bride principles? Of course not.

In reality, this report makes a mockery of the idea that ours is a consistent and aggressive human rights oriented foreign policy. For this policy to achieve the objectives of its founder and architect, former President Jimmy Carter, there must be consistency in our approach whether a country is a friend or foe. We cannot have selective morality in the enforcement of our human rights policy. We cannot be excusemakers for countries where violations exist. The State Department has displayed a disturbing degree of timidity in dealing with the United Kindgom and their obvious problems with respect to human rights in 1987. This type of timidity cannot and will not lead to positive change, rather an extension of the status quo.

The report follows:

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The United Kingdom (U.K.) is a constitutional monarchy, with government based on a multiparty, parliamentary democracy. As there is no written constitution, human rights are "residual," i.e., assumed unless limited by statute. Human rights traditionally have been respected and guarded by the British people and their elected governments. The U.K. is a party to the European Convention on Human Rights and has accepted the jurisdiction of the European Court of Human Rights over cases of alleged human rights violations.

The United Kingdom has a highly developed industrial economy. Persons may own property and pursue their economic interests, and the population benefits from a comprehensive social welfare program. British law bars discrimination on the basis of race, religion, sex, or political opinion.

Although the United Kingdom has a long tradition of respect for human rights, terrorist activity and sectarian violence in and related to Northern Ireland has, from time to time, put that tradition to the test. Accordingly, while public safety in Great Britain is maintained by a civilian police force, army units back up armed elements of the Royal Ulster Constabulary (RUC) in Northern Ireland.

On November 15, 1985, the British and Irish Governments concluded the Anglo-Irish Agreement. The Agreement affirms that the status of Northern Ireland will remain unchanged unless a majority in the North decide otherwise and provides for an Intergovernmental Conference in which the Irish Government can advance its views on some aspects of Northern Ireland and North/South affairs. The Agreement also envisages that the Conference will enhance cooperation between the security forces of Northern Ireland and the Irish Republic.

Although intended to safeguard the rights and identities of both communities in Northern Ireland, the Agreement has met with opposition, and paramilitary groups on both sides have continued their campaigns of violence. Reacting against the agreement. Unionist members of Parliament withdrew from the House of Commons. Other Unionists turned to strikes, boycotts, and suspension of work in local councils and the Northern Ireland Assembly. In July 1986, the Secretary of State for Northern Ireland halted all work before the end of the Assembly's session. No new elections have been scheduled. Following the 1987 parliamentary elections, Unionist politicians dropped their boycott of the House of Commons, and Unionist leaders entered into talks with government officials.

RESPECT FOR HUMAN RIGHTS

Section 1.—Respect for the integrity of the person, including freedom from:

a. Political killing

The British Government does not practice or condone killing for political motives.

The Government reported that, during the first 9 months of 1987, 63 persons were killed by terrorists in incidents related to Northern Ireland. Twenty-five were members of the security forces. In May 1987, security forces killed eight armed members of the Provisional Irish Republican Army (PIRA) who were attacking a police station in Loughgall. A civilian was accidentally killed in this battle, making a total of nine people killed by the security forces in 1987. Since 1969, 2,597 persons have died in violence related to Northern Ireland.

Security forces in Northern Ireland continue the controversial use of plastic baton rounds (PBR's or plastic bullets) for riot control. In recent years, 16 people have been killed by PBR's—over half of them under 16 years of age. Only two have been killed since 1982 and no one in 1987.

In 1984 the European Parliament passed a resolution calling for a ban on PBR use in Northern Ireland. While acknowledging the danger of PBR's, the British Government

contends they are less dangerous than live rounds. This view was supported in October 1984 when the European Commission on Human Rights dismissed as "manifestly ill-founded" a case involving PBR's, ruling that their use was "acceptable" and "less dangerous than alleged."

A number of fatal shootings beginning in 1982 involving members of the RUC and the army gave rise to allegations including those in the Amnesty International's 1987 Report, that the security forces in Northern Ireland practiced a "shoot-to-kill" policy when dealing with suspected terrorists. Investigation of these charges resulted in a report, not yet made public, by West Yorkshire Chief Constable Colin Sampson to the Director of Public Prosecution for consideration and possible judicial action. The long delay in completing action on the report has stimulated demands for an independent judicial inquiry, as well as allegations of a coverup by senior police officers.

In April 1987, the Government announced a decision to draft, publish, and bring into force a code of practice for the exercise of emergency powers by the RUC and armed forces in Northern Ireland. The code, expected to be published soon, will address the emergency powers available to the RUC and the armed forces and how they should be exercised.

b. Disappearance

Government authorities do not abduct, secretly arrest, or hold persons in clandestine confinement, nor do they sponsor or condone such activities.

The Government reported that during 1987 over 50 persons were abducted or illegally held hostage in terrorist and other incidents related to Northern Ireland.

c. Torture and other cruel, inhuman, or degrading treatment or punishment

British law forbids torture and other cruel, inhuman, or degrading treatment of prisoners and provides penalties for such abuse. Confessions obtained by such methods are not admissible as evidence in court.

Government policy seeks to prevent abuse of prisoners. In Janaury 1986, the Government put into effect a new Code of Practice for the police in Great Britain, with provisions for disciplinary action.

The Police (Northern Ireland) Order of 1987, which was approved by Parliament in May 1987, provides for reform of police complaints procedures in Northern Ireland broadly in line with changes which were introduced in England and Wales in 1985. The new procedures are expected to go into effect in 1988 with the establishment of the Independent Commission for Police Complaints. The new commission will have powers to approve officers, including those drawn from other police forces in the United Kingdom, to investigate complaints. In 1987 there were no substantial charges of mistreatment of arrestees during interrogation in Northern Ireland.

The Government acknowledges that some old British prisons are unsatisfactory and that many prisoners live in cramped, unhygenic cells. To improve conditions, the Government has embarked on a program to build 20 new prisons and to refurbish existing ones.

In Northern Ireland, where 60 percent of the prisoners are jailed for terrorist activities, prison conditions differ in some respects from those in Great Britain. All prisons in the province, except for the two centers for young offenders, are maximum-security institutions. This often forces low-risk common criminals in Northern Ireland to serve their sentences under maximum-security conditions. On the other hand, Northern Ireland prisons are generally more modern—five of Northern Ireland's prisons have been built since 1970—than those in Great Britain. Northern Ireland prisoners also have visitation, mail, and clothing privileges not available to those in mainland prisons. In the last several years, two new prisons with an extensive range of educational and training facilities have been opened, and the old prison in Armagh was closed. Community service programs for certain offenders as an alternative to prison have been very successful. Northern Ireland's prison population grew by less than 1 percent in 1987.

Complaints continue about "strip searching," particularly of women, in Northen Ireland prisons, and Amnesty International, in its 1987 Report covering 1986, urged the Government to reconsider its policy. These searches involve a visual inspection conducted in special cubicles by female officers. Body cavity searches are not performed. Strip searching is routine for prisoners on first committal and final discharge and when-making home visits. It is conducted on a random basis for prisoners making court appearances for leaving the prison temporarily for any reason. Since prisoners who are on remand (awaiting trial) are brought to court every 8 to 28 days, they face the possibility of more frequent strip searching than those who are sentenced. The Standing Advisory Commission on Human Rights determined that strip searches remain necessary to protect the well-being of guards, prisoners, and the community at large. But the commission also stated that strip searching is conducted too frequently. All visitors to prisons, including government officials, are subject to a "rub-down search." This involves an officer passing his or her hands over the visitor's clothing. Visitors are not strip-searched. Strip searching is also conducted at prisons located in other parts of the United Kingdom.

Britain has ratified the Council of Europe Convention on the Transfer of Sentenced Persons, by which prisoners may be sent to their home countries to serve their sentences. Within the United Kingdom, convicts are almost always required to serve their prison time in the general region where the crime was committed. Transfers can, however, be requested. Prisoners from Northern Ireland, for example, who are serving time in Great Britain can apply for transfer to Northern Ireland to serve their sentences closer to their families. Several such requests were approved in 1987.

d. Arbitrary arrest, detention, exile, or forced labor

British law gives the police broad discretionary powers to make arrest without warrant based on reasonable cause. Procedures for bail, judicial determination of the legality of detention, and suits for false imprisonment are routinely utilized.

Persons arrested without a warrant must be released on bail if they cannot be brought before a magistrate's court within 24 hours. Generally, persons charged with nonserious offenses can be released on bail. However, in some cases where the alleged offense is deemed serious, magistrates have repeatedly remanded persons for periods totaling up to 18 months before trial. In 1987 some 11,000 persons (roughly 20 percent of the prison population) were on remand. The average length of time between first remand and trial in scheduled cases in Northern Ireland declined steadily between 1984 and 1987, and the Emergency Provisions Act of 1987 gave the Secretary of State for Northern Ireland authority to specify maximum time limits for particular pretrial stages; this authority has not yet been utilized. The Home Secretary announced in late 1987 his intention to consider a similar system to help limit time on remand for detainees in England and Wales.

British common law allows for the restriction of personal liberties by the Government in an emergency situation, subject to review by Parliament. Acting on the premise that the fundamental "right to life" has been in serious jeopardy due to the violence in Northern Ireland, the Government has adopted the Northern Ireland (Emergency Provisions) Acts of 1978 and 1987, which are applicable only to Northern Ireland; and the Prevention of Terrorism (Temporary Provisions) Act of 1984 (originally enacted in 1976), almost all of which is applicable to the entire United Kingdom. Although both these acts permit the restriction of personal liberties, they are subject to parliamentary review and to mandatory renewal at frequent intervals. In addition, Lord Colville was appointed in 1987 to provide Parliament with an annual independent assessment of the operation of the acts.

The 1984 Prevention of Terrorism Act allows the police to arrest without warrant persons anywhere in the United Kingdom whom they reasonably suspect to be involved in terrorism. Such persons may be detained for up to 48 hours without judicial review and up to a further 5 days on the authority of the Home Secretary. In recent years, the powers of the Act have been used when persons were suspected of acts of terrorism related to Northern Ireland, India, and the Middle East.

In September 1987, the European Commission on Human Rights recommended that, in the case of two men detained in 1984 under the Prevention of Terrorism Act's 7-day maximum detention period, the British Government respond to charges it had violated the requirement contained in the European Convention on Human Rights that a person should be brought "promptly to court." The Government quickly announced its intention to contest the Commission's findings before the European Court of Human Rights.

Under the Northern Ireland Emergency Provisions Act of 1978, the R.U.C., for the purpose of arresting anyone under the Prevention of Terrorism Act, may enter and search without a warrant any place where that person is or where the police reasonably suspect him of being, and may detain such persons for up to 72 hours on their own authority. The Act provides similar authority in connection with the arrest of persons suspected of having committed, or being about to commit, a "scheduled" offense (i.e., one listed on a schedule attached to the law). Also under this Act, members of the armed forces on duty may arrest without a warrant any person suspected of having committed or being about to commit any offense. Such persons can be held for up to 4 hours, after which they must be transferred to police custody or released. Allegations that these limits have been exceeded by the police or the armed forces have not been substantiated.

In Northern Ireland, pursuant to the provisions of the Prevention of Terrorism Act and the Emergency Provisions Act, arrested persons have the right to a lawyer after 48 hours in detention. Some human rights ac-

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tivists charge, however, that the 48-hour rule is not always followed.

An independent review of the 1978 Emergency Provisions Act by Sir George Baker, published in April 1984, concluded that its provisions were still necessary. The 1987 act implemented a number of Baker's recommendations and provided further rights and safeguards for persons detained under emergency legislation. On the authority of a senior police officer and if specified conditions are met, the exercise of these rights may be delayed for a maximum of 48 hours.

British legal practice provides for the indeterminate detention of minors convicted of murder. In Northern Ireland, where public attention has focused particularly on this issue, there are 41 persons serving such sentences.

There is no forced or compulsory labor.

e. Denial of fair public trial

Fair trial is guaranteed by law and observed in practice. All criminal proceedings must be conducted in public, with the exception of juvenile court cases and cases involving public decency or security. In a trial on charges under the Official Secrets Act, the court may be closed at the judge's discretion, but the sentence must be passed in public. A national independent prosecution service was established in 1985, extending to England and Wales a system introduced to Northern Ireland in 1972, which provides greater consistency in determining which cases are to be prosecuted.

Juries hear all cases not covered by antiterrorist legislation; these constitute the majority of criminal cases. In Northern Ireland, the right to trial by jury was suspended for certain terrorist-related offenses because the possibility of the intimidation of witnesses and juries raised serious questions about the ability of juries to render impartial verdicts. The nonjury ("Diplock") courts were established by legislation in 1973 as a means of dealing with terrorist activity in Northern Ireland. The Government remains committed to the use of jury trials whenever possible, and the 1987 Emergency Provisions Act gives the Lord Chancellor the power to determine if specific "scheduled offense" cases can be heard outside the Diplock system.

Persons convicted by a Diplock court have an automatic right of appeal of conviction or sentence to a three-judge Court of Appeals, a right not granted to defendants tried before a judge and jury. Historically, the rate of conviction in Diplock courts of defendants who have pleaded not guilty is similar to that of defendants tried before juries. Judges in Diplock courts must publish written explanations of their decisions. Nonetheless, there is support for a court system in which three judges (instead of one) would preside over trials when a jury trial is deemed impossible. The Standing Advisory Commission on Human Rights has endorsed a change to a three-judge system, coupled with a sizable reduction in the number of cases heard by Diplock courts.

The recent reversals on appeal of several convictions in earlier terrorism cases have limited the Government's ability to obtain convictions based on uncorroborated evidence by convicted terrorists ("supergrasses"). Although there were no "supergrass" trials in 1986 or 1987, the issue remains controversial. The evidence of an accomplice has always been admissible in British courts, but in nonjury courts the judge alone must decide whether the evidence of the "supergrass" is credible, bearing in mind the danger of convicting on uncorroborated evidence. The British Government continues to maintain that the use of "supergrass" testimony is important in the legal fight against terrorism. Critics assert such testimony places too great an emphasis on assessing the credibility of a single witness.

The Criminal Law Jurisdictions Act, enacted by both the British Government (1975) and the Irish Government (1976), permits trial in the Republic of Ireland, in Northern Ireland, or in Britain of those accused of certain terrorist offenses, regardless of where the offense was committed.

f. Arbitrary interference with privacy, family, home, or correspondence

The right of privacy is well respected in both law and custom.

Warrants are generally required for a police search of private premises. However, under the Northern Ireland (Emergency Provisions) Act of 1978, any member of the armed forces on duty or any constable may enter any premises or other place, if he or she considers it necessary to do so to preserve peace or maintain order. Changes in the 1987 Emergency Provisions Act now require a standard of "reasonable grounds of suspicion" before a dwelling can be entered.

* * * * *

b. Freedom of peaceful assembly and association

Except in cases of extreme civil disorder, in which public safety is judged to be at risk, the authorities do not exercise their statutory right to limit the freedom of public assembly. However, some critics believe that the 1986 public order law gives police too much discretion to restrict public assembly.

The Prevention of Terrorism Act of 1984 and the Northern Ireland (Emergency Provisions) Act of 1978 include sections prohibiting membership in, or support of, organizations (Loyalist and Republican) involved in terrorism. These organizations are specifically listed in the statutes. The lists do not include political parties, even those, such as the Provisional Sinn Fein, which have close links to terrorist paramilitary organizations and openly support violence.

The summer "marching season" in Northern Ireland presents special problems. Because these Unionist marches commemorate the traditions of opposing sectarian communities, they are controversial and can be a source of public disorder. The RUC must be notified of all marches and may impose conditions, including rerouting, on the organizers. Although the Unionist community threatened to defy new laws regulating marches and processions, the 1987 marching season saw a noticeable reduction in violence, compared to recent years.

* * * * *

In Northern Ireland, the Constitution Act of 1973 specifically prohibits discrimination on the basis of religious belief or political opinion.

There is no religious or denominational bar to the holding of public office except in the case of the Sovereign, who must be a member of the Church of England.

d. Freedom of movement within the country, foreign travel, emigration, and repatriation

In general, U.K. citizens enjoy freedom of movement within the country and in foreign travel, emigration, and repatriation.

The Prevention of Terrorism Act of 1984 includes one exception to this general principle. The Act gives the Home Secretary the authority to exclude or prevent from entering mainland Britain anyone he believes may be connected with terrorism related to Northern Ireland, unless that person was born in Great Britain or has been ordinarily resident there for 3 years. Similar authority is granted to the Secretary of State for Northern Ireland to exclude persons not native to or resident in that province. Only one person has been excluded under this law since 1984. Nevertheless, these powers have been referred to by many, including the National Council for Civil Liberties, as a system of internal exile.

* * * * *

Section 4.—Governmental attitude regarding international and nongovernmental investigation of alleged violations of human rights.

The Government generally maintains an open attitude toward international inquiries into alleged violations of human rights in the United Kingdom. It cooperates fully with the European Commission on Human Rights in investigations of complaints and has taken steps to rectify its own laws and policies when they were found not to be in conformity with the European Convention.

The United Kingdom is a party to several human rights conventions, participates in international and regional human rights bodies, and is the host country to international nongovernmental human rights organizations, such as Amnesty International.

Section 5.—Discrimination based on race, sex, religion, language, or social status.

British law bars discrimination on the basis of race, color, or national or ethnic origin. However, statistical studies have shown a black unemployment rate that is nearly double that of whites, black concentration in manual jobs, and racial discrimination in job recruitment. In 1984 a Code of Practice on Employment, proposed by the Commission for Racial Equality and accepted by the Government, took effect. Although the code does not have the force of law, it is used as a standard of good practice by industrial tribunals in racial discrimination cases and serves as a guideline for firms in eliminating all forms of discrimination.

Equal status and equal opportunity for women in professional fields is also provided by law. Enforcement mechanisms have been established, and progress toward women's equality is visible in many areas, including government hiring. Still, women have yet to achieve fully equal status. They hold three-quarters of Britain's lowest paying jobs, and the average female wage-earner takes home only three-quarters the pay of her male counterpart (up from 63 percent in 1970). Equal Opportunity Commissions were established in Great Britain in 1975 and in Northern Ireland in 1976 to assist in the enforcement of these laws.

Historically, in Northern Ireland, the majority Protestant community has controlled much of the local economy and been more prosperous than the Catholic community. The reasons for this are complex and involve a long history of anti-Catholic discrimination by Protestants.

Since 1972, when direct British rule was introduced in Northern Ireland, specific measures have been taken to combat religious discrimination against Catholics. These include: reform of the electoral rolls; prohibition of religious or political discrimination by any level of government; establishment of a Commissioner for Complaints to deal with grievances against local government; appointment of a Central Housing Authority to meet the problem of discrimination in housing; prohibition of discrimination in employment; and a special effort to recruit more Catholics into the civil service and the police. In addition, the Standing Advisory Commission on Human Rights was established in 1973 to monitor human rights. Since 1976 the Fair Employment Agency has served as the focal point of the Government's efforts to end job discrimination. In July 1987, the Government announced a substantial increase in the resources available to the Fair Employment Agency, and a revised government guide to employment practice was issued in September 1987 to prepare employers to comply with new equal employment legislation currently under consideration in Whitehall. Within the Northern Ireland civil service, the proportion of Catholics reflects their proportion in the overall population for those under age 35. In upper age groups and in the security forces, Protestants still dominate.

PIRA assassinations and death threats have largely stymied government efforts to recruit Catholics into the police force and security-related fields. PIRA has carried out a terror campaign not only against police officers but also against persons who provide services to the security forces. For example, since 1973, 26 prison staff members have been murdered while off duty, and in 1987 the PIRA murdered a man who had been teaching prisoners.

* * * * *

The unemployment rate in Northern Ireland is substantially higher than that in the United Kingdom as a whole and continues to be on average twice as high for the minority Catholic population as for Protestants. The number of manufacturing jobs in Belfast has dropped by about 50 percent in the last 10 years. With few job openings in the private sector, it has been difficult to make progress toward ensuring that the work force mirrors the religious composition of the community. The Government is trying to attract more investment to the province and is subsidizing the economy through public sector spending. Northern Ireland's shrinking economy makes this a necessary part of ending discrimination. The new International Fund, organized in support of the Anglo-Irish Agreement, is expected to inject a certain amount of capital into areas affected by violence and encourage job creation.

MEDICAL ETHICS QUESTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 24, 1988, into the CONGRESSIONAL RECORD:

MEDICAL ETHICS QUESTIONS

Medical researchers have made breathtaking advances in treating illness and injury, preventing disease, and creating tools to help doctors bring the benefit of scientific advances to patients. Doctors today can save the life of a premature baby or a brain-damaged adult who, only a few years ago, would have died instantly. But this ability to preserve life is creating new and disturbing questions for health care policy. The knowledge and technological ability that make modern medicine exciting increasingly demand that doctors, patients, relatives, the courts, and society make agonizing decisions.

Today, the search for an appropriate medical treatment often presents a set of choices, rather than a clear answer. I find Hoosiers asking questions about the ethics and economics of health care with greater frequency. Here are some of the questions that have arisen in my public meetings:

May terminally ill patients receive a doctor's help to hasten death? Some patients have expressed their desire to die immediately, rather than endure more pain before death. California may soon vote on a referendum to allow doctors to legally administer a fatal overdose to any terminally ill patient who requests it. The American Medical Association (AMA), however, believes that no physician should "intentionally cause death," even at the patient's request.

What rights does a patient have to refuse medical treatment, including food and water? If the patient is not mentally alert, who decides? In 1976, Karen Ann Quinlan's parents won a court battle to disconnect her life-support machines. Today, courts routinely grant family requests to have artificial life-supports turned off. The AMA argues that a doctor may discontinue "all means of life-supporting medical treatment," including intravenous food and fluids for terminally ill or comatose patients. The courts have been less receptive to requests from mentally competent but physically helpless patients that medical treatment, including food and water, be stopped. Many states are enacting living will laws, which allow a person to specify in advance certain types of medical treatment they would prefer to forgo.

Should we use animal organs in human patients? The case of Baby Fae, who was implanted with a baboon heart and lived for several weeks, received worldwide attention. Research animals have long been used to test drugs and medical devices which can help great numbers of people. Some animals, like the chimpanzee, are potential organ sources, but they are also invaluable in research efforts to find cures for diseases like AIDS. Do we have the right to sacrifice an animal to save only one person? Is it "dehumanizing" for humans to receive animal organs?

Should we ration health care? Some countries have already made this decision. In Great Britain, for example, kidney dialysis and transplants are denied to anyone over age 55. Because of advances in medical science, providing the best available medical care can be prohibitively expensive. The Oregon legislature last year decided that the state's limited health care dollars would be better spent providing prenatal care to 1500 low-income women than in funding organ transplants for 30 patients. New mothers and their infants will benefit; those needing transplants may die. Most of us recoil at the thought of rationing health care. Our preference is to focus instead on the waste in the health care system. But restraining costs while providing the best medical care for everyone is becoming increasingly hard to achieve.

May doctors and nurses refuse to treat AIDS patients? The AMA says no. The courts have not yet ruled on the issue. Doctors have traditionally placed the welfare of patients first. In the days before vaccines, countless physicians died of tuberculosis, small pox, and other ailments contracted from patients. The majority of doctors are willing to risk contact with AIDS victims, but the fear of contracting AIDS while providing medical treatment is real.

Should there be two levels of health care: one for the well-off and one for low-income persons? An estimated 37 million Americans, not poor enough to receive government-paid health care, have no form of health insurance at all. Yet critics charge the government subsidizes more than adequate health care for middle- and upper-income people in the form of tax-free health benefits offered by employers. This subsidy cost taxpayers some $35.5 billion last year. The ideal is to provide the finest available health care to every person, but the reality often falls short. Many believe that the U.S. needs a comprehensive health care policy to provide guidelines for allocating limited medical resources.

How much claim do the new "technology" parents—the egg donors, surrogates, and sperm donors—have to the children they help produce? We remember Baby M and the efforts of her natural mother to retain custody despite the surrogacy contract with the child's father. Many states are considering legislation to regulate surrogacy. Some people believe that any technique to create life outside the body is wrong. Test tube babies and children conceived by other artificial means will continue to be born, and some biological parents will insist on contact with the children they helped bring into the world.

These questions challenge the wisdom of Solomon, and in no small degree require that people play God. I do not pretend to have the solutions; I am not even sure of my own feelings on many of these issues. I do find Hoosiers struggling with these and similar questions. My thought is that these issues are too personal and have too many implications to be resolved by traditional methods of government action. Answers to these questions must be based on personal experience and beliefs. It seems to me that legislators and policymakers must approach these questions with great caution. Acceptable resolutions are more likely to come from the grass roots level, and not be imposed by government fiat. Public awareness of these issues needs to increase, and public involvement will be crucial in reaching satisfactory solutions.

(Much of this information was taken from an article which appeared in the Washington Post.)

INTRODUCTION OF FISH AND WILDLIFE CONSERVATION ACT REAUTHORIZATION

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. STUDDS. Mr. Speaker, today I am introducing legislation to reauthorize the Fish and Wildlife Conservation Act for an additional 2 years. This act is designed to promote the conservation of species of fish and wildlife that are neither hunted or fished or, alternatively, protected under the Endangered Species Act.

These nongame species make up the vast majority of the Nation's fish and wildlife, and in many States include songbirds, bobcats, flying squirrels, river otters, and lynx. They provide countless hours of recreation and en-

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joyment each year to birdwatchers, hikers, wildlife photographers, and conservation groups. The Fish and Wildlife Service estimates that over 93 million Americans enjoy activities related to these species and spend over $1 million annually in the process. However, there is a paucity of information on the well-being of these species; less than 10 percent of the vertebrate species of fish and wildlife in this country receive any specific attention by our wildlife managers.

Increased attention to these species will identify those whose populations are in decline before they are so critically low that they need to be protected under the Endangered Species Act. The Fish and Wildlife Conservation Act provides funding for the States, through a partnership with the Federal Government, to develop management plans for nongame species of wildlife. When the plans are approved by the Secretary of the Interior, the States become eligible for partial reimbursement of the costs of developing and implementing these plans.

While it is, of course, absurd to expect that individual plans will be—or should be—developed for all of the many species that surround us, it is equally shortsighted not to plan special efforts for those populations of birds, fish, and other wildlife in need of some level of protection. The purpose of this act is to authorize and promote such efforts; it deserves both reauthorization and funding.

Unfortunately, Federal funds have never been appropriated. I intend to hold a hearing on this legislation in March to examine other potential funding sources for this program and to determine how other wildlife programs such as the wildlife conservation provisions of the Food Security Act of 1985 and the Migratory Bird Program benefit these nongame species.

I look forward to renewed efforts on behalf of our nongame populations to complement our impressive efforts on behalf of game birds and other wildlife, and to examine alternative funding sources for these efforts.

REMEMBERING ESTONIAN INDEPENDENCE DAY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. MANTON. Mr. Speaker, I rise today to commemorate the 70th anniversary of the Estonian Declaration of Independence. For Americans, Independence Day is a day of celebration. We mark the day with fireworks and family gatherings to celebrate our good fortune and to give thanks for the rights and privileges we enjoy as a free people. For the people of Estonia however, Independence Day is a very different kind of occasion.

Mr. Speaker, Estonia formally declared its independence 70 years ago this week. Within 2 years the League of Nations officially recognized the Baltic country as a sovereign nation and admitted Estonia to its ranks. For the following 20 years, Estonia thrived economically, socially, and culturally and was signatory to a host of international treaties and accords.

Ironically, the Soviet Union, the first country to legally recognize Estonia as a independent nation, stole Estonia's right to self-determination away. In a secret pact in 1939, Hitler and Stalin partitioned Eastern Europe and thereby engineered the end of Estonian statehood. The Nazis agreed to allow the Soviets to annex the three Baltic States, Estonia, Latvia, and Lithuania, in return for land concession for themselves. The United States did not recognize the Soviet Union's claim to these countries then and will not now.

According to the tenants of the Atlantic Charter, all countries which had independent status before World War II were to have their sovereignty returned to them after World War II ended. However, the Soviets refused to honor this accord. For nearly a decade, freedom fighters in Estonia waged an armed resistance in the hopes of realizing their right to self-governance. The Soviets responded with mass arrests, house searches, executions and mass deportations.

To speak out in Estonia today one must risk a heavy penalty. Soviet gulags and psychiatric facilities are filled with Estonians who have dared to fight for freedom. The crimes they have committed range from asking for the renunciation of the Hitler-Stalin pact to flying the Estonian national flag. But even after decades of occupation and oppression the people of Estonia have not conceded the fight. On August 23, 1987, Estonians staged a large scale demonstration against Soviet rule in the city of Talinn.

Mr. Speaker, this year is the 200th anniversary of our Constitution. We must also remember that this year marks a milestone for the Estonian people: The 70th anniversary of the Declaration of Independance. We must take this opportunity to assure the Estonians that their cause has not been forgotten. We Americans who are so fortunate to live with freedom every day must remember too many people in the world are living without it. The people of Estonia and their families in this country have my support and my prayers that one day soon Estonia will again be a free and independent nation.

AMERICAN HEART MONTH

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. EARLY. Mr. Speaker, this is "American Heart Month." February 1988 marks the 24th consecutive yearly celebration of this event. A joint resolution approved by Congress in 1963 requests the President to annually proclaim February as "American Heart Month."

The American Heart Association [AHA] and its affiliates and over 2 million volunteers dedicate this month to heighten the dissemination of educational materials and to increase public support of its mission. The AHA, one of the world's largest voluntary health organizations, is committed to the "reduction of premature death and disability from cardiovascular diseases and stroke"—our Nation's No. 1 killer.

According to AHA, coronary heart disease, stroke, and related disorders cause almost as many deaths as all other sources combined. They estimate that annually one out of every two Americans die of cardiovascular diseases and that nearly 65 million suffer from some form of these diseases—over 59 million Americans have high blood pressure, approximately 4.9 million have coronary heart disease; and about 2 million individuals have suffered a stroke. Also, for 1987 AHA cites a figure of over $80 billion for health costs affiliated with these diseases including doctor and nursing care, hospital and nursing home services, medicines and lost productivity.

For the past 40 years, the AHA, the National Heart, Lung and Blood Institute [NHLBI] and also more recently the National Institute of Neurological and Communicative Diseases and Stroke [NINCDS] have worked closely on research, education, and prevention programs to fight cardiovascular diseases. NHLBI's National High Blood Pressure Education Program and its National Cholesterol Education Program represent productive public-private cooperative efforts. They complement AHA's recently implemented "Physicians' Cholesterol Education Program" and its "Heart RX" program designed to assist health professions teach patients about the risk factors of heart disease, stroke, and atherosclerosis. The risk factors include smoking, raised blood cholesterol, high blood pressure and diets excessive in saturated fat and cholesterol.

As a result of the combined efforts of AHA, NHLBI, and NINCDS progress has been achieved in curbing the mortality rates from cardiovascular diseases. In fact, according to the AHA, from 1976 to 1986 the death rate from coronary heart disease and stroke has declined by 27.9 percent and 40.2 percent respectively. These organizations believe that the future looks even brighter with promising programs on the horizon. Some include the extension of molecular biology into cardiovascular research and more studies into both the relationship between nutrition and cardiovascular disorders; and the effects of behavior, stress, and exercise on these victims.

I welcome this opportunity to commend the American Heart Associations' contributions. I urge my colleagues and the public to continue its support of biomedical research so critical for additional scientific achievements in this area.

EXEMPTION FOR SMALL BUSINESSES FROM THE BURDENSOME UNIFORM CAPITALIZATION RULES

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. DAUB. Mr. Speaker, today I am introducing a bill, H.R. 4020, that will end a burdensome provision for hundreds of small businesses that was contained in the Tax Reform Act of 1986. This provision is commonly known as the uniform capitalization rules from section 263A of the Internal Revenue Code. Within this new rule was an exception for small retailers and wholesalers with gross sales of less than $10 million. The accepted reason for this exception is that small busi-

nesses are unable to accumulate and account for these costs and should not be burdened with unusually difficult accounting rules and redtape. Unfortunately, small manufacturers were not excepted from the new rules and so are faced with burdensome new rules with which they cannot comply.

My bill is intended to place all small businesses in the same arena and exempt them from the uniform capitalization rules and additional Government redtape.

In general, the uniform capitalization rules require the "capitalization"—as opposed to expensing—of direct costs and an allocable portion of indirect costs attributable to producing and/or acquiring real and tangible personal property used in the taxpayer's trade or business. The costs attributable to inventory must also be capitalized.

To indicate to you just how burdensome and complex these rules are for small businesses, let me list a few examples of the indirect costs that must be allocated and accounted for: repair and maintenance of equipment or facilities; utilities; rental of equipment, facilities, or land; indirect labor and contract supervisory wages; indirect materials and supplies; tools and equipment; quality control and inspection; taxes; depreciation, amortization, and cost recovery allowance on equipment and facilities; administrative costs; insurance; interest; contributions paid to or under a stock bonus, pension, profit-sharing or annuity plan or other compensation deferring plan or employee benefit expenses; rework labor, scrap and spoilage; bidding expenses; engineering expenses and on and on.

Most small businesses are lucky if they can accurately keep track of all of these costs—to capitalize them is simply to much for the Government to ask. This bill is a question of fairness and equity for all small businesses. But I also realize that it is a question of money for the Federal Government. The estimated revenue cost to the Government is $1.5 billion through 1992. The entire provision raised over $32 billion, so this cost is but a small fraction of the entire rule. In addition, I want to point out that the revenue estimate assumes that these small businesses will comply with the new complex uniform capitalization rules. I believe that noncompliance will run rampant, not because businesses do not want to comply with the new law, but because accounting and legal fees make it impractical for them to comply. As representatives of these small businesses, we should not overburden them with complex tax laws that encourage noncompliance. I urge my colleagues to come to the aid of these small businesses by cosponsoring my bill, H.R. 4020.

NATIONAL FUTURE FARMERS OF AMERICA WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. NATCHER. Mr. Speaker, it is a pleasure for me to join with the members of the Future Farmers of America as they celebrate National FFA Week with the theme "FFA—Agriculture's New Spirit."

The Future Farmers of America is a vocational education organization for high school students who are enrolled in vocational agriculture classes in public high schools or area vocational education centers.

Each chapter develops an annual program of activities and each member of the chapter carries out a supervised occupational experience program. The FFA gives recognition to members for achievements at the chapter, district or area, State and National levels. These award programs directly relate to the supervised occupational experience programs. This allows each vocational education-FAA members the opportunity to participate and receive recognition.

During the 1986–87 school year Kentucky has 147 FFA chapters, with a membership of 12,631. Over 1,000 FFA members and teachers attended 1 week of FFA leadership development training at the Kentucky FFA Leadership Training Center in Hardinsburg, KY.

The FFA chapters, and the individual members, that are in the Second Congressional District of Kentucky, which I have the privilege of representing in the Congress, received many awards at the State and National levels.

The 60th National Convention was held in Kansas City, MO this past November. At the convention the Spencer County chapter received a gold emblem chapter ranking in the Building Our American Communities Awards Program and the National Chapter Safety Awards Program.

The National FFA Chapter Award Program honors superior FFA chapters for their excellence in chapter activities. Each chapter was judged on performance in 11 areas. The Spencer County chapter was ranked as a gold emblem chapter, and the Barren County and Breckinridge County chapters were ranked as silver emblem chapters.

Four members from the Second Congressional District were honored at the national convention for reaching the highest rung of membership available to an individual—the American Farmer Degree: Brad Chambliss of Hardinsburg, David Herndon of Mount Eden, Barry Alan Hines of Philpot, and Clarence A. Thomas, Jr. of Taylorsville.

Many FFA members become highly proficient in their chosen areas, and these members earned top honors as national winners in 29 proficiency areas. Each winner received a plaque, $1,000 and an expense-paid agricultural tour of Europe. Paul Miles of Owensboro received the Agricultural Proficiency Award for "Oil Crop Production."

T.J. Hale of Franklin was a member of the horn section in the National FFA Band at the convention, and Brian Eadens of Bowling Green as an official delegate from the Commonwealth of Kentucky to the national convention.

Mr. Patrick Henderson of Harned, a vocational education teacher at the Breckinridge County High School, received the FFA Honorary American Farmer Degree. Mr. Joe Frank Duncan of Rockfield was the State winner of the Agriscience Teacher of the Year Award.

At the 1987 State convention the Spencer County Chapter was named the State winner of the Farm Operation Identification Program. The chapter members marked equipment on 33 farms and 28 farm homes in Spencer County. Scott Hardin was selected as the individual chapter winner.

The Spencer County Chapter was also the State winner in the Chapter Safety Program. The chapter selected "Safety Awareness—Before it is too Late" as its theme. The Spencer County chapter went on to compete at the national level. The Daviess County, Barren County, Breckinridge County, and the Grayson County chapters were ranked as superior.

The Spencer Country chapter was ranked as a gold emblem chapter and the Franklin-Simpson, Breckinridge County, and Barren County chapters were ranked as silver emblem chapters in the Building Our American Communities Program.

The regional star farmers were selected as the most outstanding from the Kentucky FFA membership, based on their accomplishments in the FFA and the Supervised Occupational Experience Programs in vocational agriculture. The following FFA members from the Second Congressional District were honored as star farmers: Denise Gayle Wood of Glasgow, Terry Keith Broaddus of Bloomfield, and Mark Allen Glasscock of Taylorsville.

Brian Eadens of Bowling Green is the president of the Kentucky Association FAA for 1987–88, and Lee Carol Greenwell of Lebanon is the treasurer.

I am proud of all the members of the Future Farmers of America, and I know of no group of young people who are accomplishing more in the area of agriculture than the Future Farmers of America. They are to be commended for their efforts and achievements, and I want to wish them continued success in all their future endeavors.

MIAMI-DADE PUBLIC LIBRARY HONORED FOR STAND AGAINST CENSORSHIP

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. LEHMAN of Florida. Mr. Speaker, through the years, public libraries have often borne the brunt of efforts at censorship. Today, they lead the fight against censorship. That is the reason our own Miami-Dade Library was selected by the Miami Chapter of the American Civil Liberties Union as the recipient of its first Acts of Courage Award.

The Miami-Dade Library sponsored "Censorship and Libraries: Exhibitions and Programs" included a series of lectures, discussions, readings, exhibits and an unusual "banned film series" featuring such controversial films as D.W. Griffith's "Birth of a Nation" and the 1978 movie "La Cage Aux Folles."

Freedom of information is one of the cornerstones of democracy, yet it is often of the most difficult of our rights to safeguard. In our society, the open exchange of ideas, information and opinions sometimes leads to conflicts which elicit strong arguments and emotions.

The Miami-Dade Public Library is to be commended for pointing out the dangers of censorship and for increasing public understanding of the many diverse, sometimes con-

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flicting elements that contribute to a healthy pluralistic community.

TRIBUTE TO THOMAS GIANCRISTOFORO

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. WELDON. Mr. Speaker, I would like to take this opportunity to pay tribute to a friend who will be honored for 25 years of public service on February 27, 1988, by the Delaware County Association of Township Commissioners.

Thomas Giancristoforo, a resident of Tinicum Township, began his career in community service as a member of the Essington and Lester fire companies, where he continues to serve. In 1964 Mr. Giancristoforo was elected as a member of the Tinicum Township Board of Commissioners and served for 16 years as police commissioner. In 1980 he was appointed by his colleagues as president of the board of commissioners, a position which he still holds.

In addition to his career in public service Mr. Giancristoforo has always been greatly involved in community affairs, and is president of the Tinicum Township Patriotic Commission as well as a member of the Norwood Lions Club.

Mr. Giancristoforo's outstanding work as an elected official has been formally recognized on numerous occasions. Among his many tireless efforts on the behalf of the residents of Tinicum Township, Mr. Giancristoforo played a vital role in securing the location of the United Parcel Service regional facility in that area. This facility alone will create 4,700 new jobs for the region. In recognition of this and other efforts to better the economic condition of Delaware County, the Delaware County Chamber of Commerce honored Mr. Giancristoforo with the "Outstanding Community Award."

Mr. Speaker, I am sure you will agree that Thomas Giancristoforo is an outstanding public servant and leader. I rise proudly with his family and the residents of Tinicum Township in commending Mr. Giancristoforo on his exemplary service to our community.

ULSTER SHOOT TO KILL POLICY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. BORSKI. Mr. Speaker, true partnership inspires progress just as surely as bad faith destroys hope. This is a lesson which Great Britain has never learned and it is no closer to learning that lesson today.

Britain's ill-advised actions on several fronts have crushed the hopes which many of us had cherished for sustained improvement in Anglo-Irish relations. In the last 30 days, Great Britain has offered a new definition of the word "partnership."

Under the British notion of partnership. Great Britain decides, and Ireland abides. Ireland has been freely given the right to speak, but England has demonstrated that it will not heed the voice of its partner.

Yesterday, another British soldier was charged in the slaying of an unarmed Catholic. A day earlier, Britain disclosed that one of its soldiers who had been sentenced to life for killing an unarmed Catholic in Northern Ireland, was paroled after 3 years and was back in the army.

In addition, when faced with an overwhelming public demand to try members of the Royal Ulster Constabulary for the murder of Innocent, Irish, noncombatants, the English authorities have declined to prosecute, or reveal their findings.

Without consulting the Irish Government in Dublin, Britain made permanent the emergency powers which allow it to detain Irish citizens for up to 7 days without bringing a charge against them.

Moreover, an Irish law which requires Britain to submit charges and evidence when demanding the extradition of Irish citizens has consistently been ignored.

Finally, this month has seen British justice perform as ignobly as the British Government: ignoring a huge body of scientific and forensic evidence, and the outraged cries of members of its own Parliament, who have called for the release of the Birmingham Six, and the Guilford Four.

Mr. Speaker, when the Anglo-Irish accords were announced more than 2 years ago, hopes were raised around the world that a new partnership, founded on justice and mutual advantage, had slowly begun to form.

If there is to be a successful Anglo-Irish partnership then Britain must be as willing to share the burdens as she has been to reap the benefits.

I challenge Britain to stop promising cooperation, and start delivering simple justice to Ireland. Put those involved in the shoot-to-kill cases on a public trial, and let the facts come out. Invite the Government in Dublin to join as an equal partner in policy discussions about the extradition and incarceration of Irish citizens. Demand that your courts of law promote justice.

Britain, you have broken faith with your Irish partner, as you always have throughout history. Ireland's terrible beauty was born and has been raised in your shadow. Yours could be the first generation to keep faith with the Irish people.

But that will never be accomplished in a hollow accord, or in an empty promise. You can only reverse centuries of mistrust, neglect and broken promises by making one good decision at a time, right here and right now.

Start with this past month: don't turn your back on coverups, illegal detentions, and official murders. Your actions will answer our hopes and prayers for peace and for progress. Will you answer yes?

TRIBUTE TO CAPT. THOMAS DICKSON

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. SHAYS. Mr. Speaker, I am pleased to have this opportunity to acknowledge the achievements of a citizen of Southbury, believed to be the oldest living man to have rounded Cape Horn five times under sail.

Captain Dickson's career began in 1915 when he, holding both British and United States masters licenses, sailed as a cadet on the *Medway,* a four-masted British training ship. This 2,200-ton historical vessel is one of the last of its kind to round the cape.

In 1930 Captain Dickson emigrated to the United States, going to work for the United Fruit Co. During World War II, though not yet a citizen, Captain Dickson, served with the merchant marines, carrying supplies to GI's around the globe. This duty included operating in the Atlantic Theatre (1942), the Aleutions (1943), and the Southwest Pacific (1944–45).

In 1946 the captain became a U.S. citizen—quite an accomplishment considering the fact that he served under foreign flag vessels.

This Saturday, February 27, 1988, Capt. Thomas Dickson will celebrate his 90th birthday with his wife, two children, and four grandchildren. In recognition of this special day, I am honored to bring to my colleagues' attention the achievements of this unique American citizen.

HONORING 70 YEARS OF MARRIAGE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. DUNCAN. Mr. Speaker, Mr. and Mrs. John Humphrey (Antha Hutchison) celebrated their 70th wedding anniversary on January 20. They were married in Union County, TN, in 1918. Mr. and Mrs. Humphrey moved to Knoxville in 1947 and have been in the same house on Jefferson Avenue for 40 years.

Mr. Humphrey held many jobs during his career from farming to carpentry and Mrs. Humphrey worked as a seamstress. The Humphreys have four children, six grandchildren and three great-grandchildren.

Mr. and Mrs. Humphrey have made good use of their many years together. I do not know of anyone who has more friends and I am sure it must be a great source of pride and pleasure to have reached this milestone together. I wish to congratulate the Humphreys on this special occasion and extend my good wishes to the entire family.

TRIBUTE TO GERALDINE CAMILLERI-BEHME

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. MINETA. Mr. Speaker, I rise today to pay tribute to a good friend and a fine, fine person, Geraldine Camilleri-Behme.

Geraldine's death from lung cancer on February 16 was a loss not only to pet owners and the pet industry, it was a loss to me personally. In her 68 years, Geraldine cared for small animals with a manner and a devotion we can all admire. She was an activist for pet owners and for the pet industry. Indeed, she owned Andy's Pet Shop in San Jose for more than 36 years.

I'd known and worked with Geraldine for nearly 20 years. I first met her when I was a member of the San Jose City Council and she was striving to found the Bay Area Pet Industry Association, which did indeed come into being in 1971.

My admiration for her efforts grew as the years passed. Geraldine believed in nothing but the best for our pets and for their owners. In 1972 Geraldine organized a pet show at San Francisco's Moscone Center: a first for the city. In 1976 she brought about the west coast's first successful consumer pet show at the Santa Clara County Fairgrounds in the South Bay area. This production paved the way for the first American Pet Show, which was held in Anaheim in 1981.

Geraldine's work was recognized nationally. She was the first woman member of the Washington-based Pet Industry Joint Advisory Council. From 1978 to 1985 she was also a member of the council's board of directors.

Mr. Speaker, there is no doubt that we are poorer for the loss of Geraldine. I ask that our colleagues in the House join in tribute to Geraldine and in wishing the very best to her family at this time.

TRIBUTE TO THOMAS FRANCIS JOHNSON

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. DYSON. Mr. Speaker, I rise with sadness to pay my respects to Congressman Thomas Francis Johnson, who was killed February 1 in an auto accident. Mr. Johnson was a former Democratic Representative of Maryland's First District, serving in the 86th and 87th Congresses. He was a tireless worker for the First District, and we will miss him greatly.

Congressman Johnson was a native of his district, having been born in Snow Hill, MD, in 1909. He attended schools in Worcester County, MD, and received degrees from the University of Virginia and the University of Maryland. He was admitted to the bar and returned to Snow Hill, where he established his law practice. In 1932 he was elected chairman of the Board of Commercial National Bank in Snow Hill. Even after Congressman Johnson left the House he remained an inhabitant of the First Congressional District, living in Berlin until the time of his death.

Mr. Johnson had a long and distinguished career in government. In 1934, he became Maryland's youngest State's attorney at the age of 24. In 1938, he was elected to office as a State senator, and he served in this capacity until 1951. At the time of his first election, he was the State's youngest senator. Later, in 1958, he was elected to his first term in the U.S. Congress, and served until 1963. After his retirement from the House, he returned to his law practice, specializing in international law.

In his brief career in the House, Mr. Johnson served Maryland's First District with honor and distinction. He was involved with foreign affairs, his first love, becoming a congressional expert on the Southeast Asia Treaty Organization. However, his first priority was his district. He worked hard for the First District, introducing bills to study the Rock Hall Harbor, to survey the Honga River and Tar Bay, and to aid the Delmarva Peninsula's wild duck and geese population. These measures worked to better the livelihood and enjoyment of the First Congressional District.

Representative Thomas Francis Johnson was a good man, representing the First Congressional District to the best of his ability. As his former constituent, I thank him for his actions. The death of Representative Johnson is a blow to the Eastern Shore and all Maryland. We lose a staunch defender of our hopes and dreams. He will be missed.

TRIBUTE TO STUART AND CAROL SOLOMON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to my good friends Stuart and Carol Solomon, two wonderful people who have tirelessly devoted their energy and resources over the past 18 years to the Jewish community of the San Fernando Valley. The University of Judaism and Valley Beth Shalom will honor Stuart and Carol at a tribute breakfast on February 28, 1988, for their many years of outstanding service.

Stuart's extensive volunteer and business affiliations testify to his commitment to the many facets of Jewish life. Not only is he president of Genesta Realty Services, Inc. and Genesta Property Management, he serves on the boards of the United Way North Angeles Region, the Community Relations Committee, the Valley Presbyterian Hospital Foundation, and the Jewish Federation Council-San Fernando Region. He is president of the Basin Recreational Environment Committee Non-Profit Foundation and a member of the Young Presidents Organization. Stuart is a past president of the Valley Industry and Commerce Association and was a member of the Jewish Federation Council Synagogue Affairs Committee.

Stuart has also given dedicated service to numerous committees of Valley Beth Shalom. He served as the vice president of the board of directors, the vice president of both administration and finance, and he chaired the selection committee for associate Rabbi and executive director. Presently, he is the vice chairman of the Board of Governors.

Carol enjoys a successful career as the owner of a manufacturer's representative group which wholesales stationery, greeting cards, and gifts throughout California. Over the years, she has shown great devotion to the education of Jewish youth. She was the first chairperson of Valley Beth Shalom's Bar/Bat Mitzvah counseling program and has also chaired the Multi-Interest Day Care Program, the Passover Basket Program, the educational director search committee and served as the cochair of the Valley Beth Shalom Food Bank. She has been active in the Valley Beth Shalom choir and the Mitzvah needlepoint group.

Stuart and Carol have three fine sons, Jeff, Owen, and Mike, who share the community's pride in their parents.

It is my honor and pleasure to join the University of Judaism and Valley Beth Shalom in paying tribute to Stuart and Carol Solomon for their outstanding contributions and commitment to the Jewish community.

WE THE PEOPLE 1988 TOURNAMENT OF ROSES SALUTE TO THE CONSTITUTION'S BICENTENNIAL

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. MOORHEAD. Mr. Speaker, on behalf of the citizens of California and the United States, the California Bicentennial Foundation for the U.S. Constitution sponsored a "We The People" float in the world's most observed annual parade, the Tournament of Roses Parade, on January 1, 1988, in Pasadena, CA. The float was intended to remind all Americans of the ongoing 4-year commemoration of the 200th anniversary of the Constitution.

The float, entitled, "The Constitution: 200 Years of Communicating Liberty," carried the largest American flags ever assembled of roses which symbolically joined the birth of our society, represented by a replica of Independence Hall, with our next great frontier in space, symbolized by astronaut Buzz Aldrin standing on the landscape of Mars.

Along with astronaut Aldrin, the pilot of the *Eagle* lunar lander, other American living legends included Muhammad Ali, representing the continued vitality of the Constitution in protecting the rights of all Americans, and Mickey Mouse, America's most beloved good will ambassador to the world.

Other float riders, representing the diversity of the American experience, included Olympic Gold Medalist Paul Gonzalez, Multi-Cultural Broadcasting Representative Yuko Sakamoto, Boy Scouts of America Cub Scout J. Parker Paul, "We The People" invitees Sarah Beth Heller and Marlene White, Filipino-American representatives Lou Baron and Melanie Cue-

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vedas, chairman of the California Bicentennial Commission Jane Crosby, spokesman Mario Machado, and mascot Bisontennial Ben.

This unique internationally observed tribute and salute to the Constitution was made possible by individual donations of rose sponsorships by thousands of Americans from around the Nation whose support should be recognized in this record along with the support of the Filipino-American community, the largest Asian-ethnic community in the Nation, the Walt Disney Co., marking the 60th birthday of America's good will ambassador Mickey Mouse, and the California State lottery. We salute the following individual rose sponsors and invite all Americans to continue commemorative and educational projects increasing awareness and appreciation of the cornerstone of our society, the Constitution.

1988 We the People Float Sponsors

ACH Mgmt., Al-Kadosh Shrine Temple #14, Alamar Hope Ranch RWF, Aldaron, Inc., Alpha Kappa Alpha Sorority, Inc., Alpha Phi Alpha Fraternity, Alta Vista School, American Association of University Women, American Business Women's Assn., City of Livermore, American Federation of Gov't. Employees, American Legion Auxiliary, Anaheim Kiwi Club General Fund, Anaheim Republican Women, Aseprol Insurance, Clarisse M. Austin, Baldy View Driving School, Boy Scouts of America, Chaffey Federal Credit Union.

Chapter ES P.E.O., Chevron U.S.A. Inc., Chinese Historical Society, Church Women United, City of Carson, City of Redlands, City of Santa Paula, City of Seaside, Civil Air Patrol, Class of '90, Columbus Elementary School, Cool Area Republican Women Fed., Creative Art Enterprises, Cua & Gan Medical Corp., Cypress High School, DAR-Caleb Gilbert Chapter, DAR-Temescal Chapter, DAR-Don Jose de Ortega Chapter, Del Mar Republican Women Fed., El Dorado County Republican Central Committee, Eureka Log Homes, First City Trust, First Congregational Church, Fullerton Firefighters Assn.

Fullerton Republican Women, Garden School of Fountain Valley, Gilbert Vasquez & Co., Glendale Library, Glendale Republican Womens Study Club, Fed., Goethals & Gaule, Grace Brethern Church, Granada Hills Women's Club, Honda of Pasadena, Huntington Harbour Republican Women, Jake's Refrigeration, Jose Maria Amador Chapter, KCIN Radio, KPSI Radio, Kwikset Credit Union, L.A. Community Colleges, L.A. Express Courier Service, Ladies Auxiliary to V.F.W. Post 2323, Ladies Auxiliary VFW #2563.

Lake County Council of Republican Women, Latham & Watkins, League of Women Voters of Beverly Hills, Leyte Samar, Inc., Local 1061, Long Beach Gentelco Federal Credit Union, Los Angeles Federal Executive Board-GSA, Millbrae Bicentennial Commission, Monterey Bay Republican Women's Club, Montrose Travel, Naval Aviation Depot, Newport Harbor High School Associated Student Body, Nomad Shrine Club Ghom Islam Temple, Northridge Elementary School PTA, Oasis Garden Club of Indian Wells, Ocean View Masonic Lodge #144.

Orange County Republican Women Fed., Palos Verdes Peninsula Rep. Womens Fed., ParkLaBrea Republican Women's Club, Periscope Productions, Pollock Pines Republican Womens Fed. #1726, Preceptor Kappa Omega-Beta Sigma Phi, Professional Nursing Services, Inc., Rancho La Habra Republican Womens Club, Rancho Mirage Republican Women Fed., Rancho Mirage Republican Womens Fed., Redlands Com. Music Assn., Inc., Redlands Daily Facts, Redlands Senior High School, Redlands Unified School District, Republican Women of the Fort Bragg Area, Richard's Charters, Rose Court 1987, San Fernando Valley Girl Scout Council, San Fernando Valley Rose Society.

San Francisco Republican Women Fed., San Marcos Historical Society, Segraves Associates, Sequoia Garden Club, Shadow Hills Republican Womens Club, Sigma Sigma Chapter, Solano County React, Soroptomists Int'l of Visalia, Stephen J. Cannell Productions, Swaner Hardwood Co., Inc., The William Lyon Company Building Division, Tirso del Tunco, Twin Lakes Elementary School PTA, U.S. Postal Service, University & State Employees Credit Union, University of Riverside, Valley View Republican Women Fed., Vernon Brothers Pharmacy, Vina F. Danks Middle School, Visalia YMCA, Vista Republican Women Fed., Wells Fargo Bank, White K. Baldwin Insurance Agency, Inc., Womens Club of Burbank, Zeta Kappa Sorority of Pepperdine University.

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SENATE—*Friday, February 26, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Seek ye the Lord while he may be found, call ye upon him while he is near: Let the wicked forsake his way, and the unrighteous man his thoughts: and let him return unto the Lord, and he will have mercy upon him; and to our God, for he will abundantly pardon.—Isaiah 55:6-7

Gracious Father in heaven, Isaiah intimates that the Lord may not always be found, may not always be near as he urges us to seek Him and to call upon Him. Thank You, Father, that we are always in Your thoughts even though You are rarely in ours. We are always embraced by Your love even though we do not love You. You never forsake us even though we forsake You. Forgive our waywardness—our indifference—our preoccupation with the material, the temporal, the transient. Turn our hearts to You. Quicken our faith and infuse our hearts with Your love, we pray in the name of Him who is unconditional love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 26, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate resumed consideration of the bill S. 2.

The ACTING PRESIDENT pro tempore. Under the previous order, the 1 hour under rule XXII will be equally divided and controlled by the Senator from Oklahoma [Mr. BOREN] and the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Wyoming [Mr. SIMPSON] and the Senator from West Virginia [Mr. BYRD] have 10 minutes each out of that hour.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the order be changed to allow Mr. PACKWOOD to control the time as the designee of Mr. MCCONNELL and that I control time as the designee of Mr. BOREN until Mr. BOREN arrives.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the 10 minutes reserved for the acting leader, Senator SIMPSON, be reserved for him. He will be here later.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, on behalf of Mr. BOREN I yield 5 minutes of the time on this side to Mr. PROXMIRE. I ask unanimous consent that 5 minutes of that time not come out of the hour. It will result in a delay only of 5 minutes in the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I would like to speak 5 minutes not on the bill.

THE CRITICAL IMPORTANCE OF COMMUNITY BANKS TO THE AMERICAN ECONOMY

Mr. PROXMIRE. Mr. President, what is the great economic strength of this country? It is the vigor and initiative of our small businesses. We are proud of our free economic system. We should be. It's been the most productive in the world over the past 150 years and it is more productive and successful now—than ever. Of course, it is true that we have some highly successful big businesses. Big business has served our country's economy well in every aspect of commerce and industry. But it is small business that has supplied the lion's share of increased employment. The entire sweep of rising employment in America over the past 8 years has not come from the huge conglomerates. It has come from the small, locally owned and locally financed businesses. Consider between 1980 and 1987 according to the Bureau of Labor Statistics, the number of jobs in this country increased by 9½ million. The entire increase, all of it, took place in firms employing less than 500 people. Indeed, most of it, 5.2 million, of the job increase occurred in firms employing less than 50 people. Big businesses employing more than 500 people actually reduced their employment by 600,000 jobs.

Yes, indeed, far more independent American businesses fail than succeed. A successful independent business person must do more than work hard. He or she has to find ways to beat the competition with lower cost, lower priced products, and higher quality. To do this she or he has to be an efficient, imaginative manager. The independent business manager has to know how to hire and train competent employees. Hard work and efficiency will still not be enough unless the independent business manager can find a way to finance the operation. That means the business needs a wise and attentive banker. Capital, low-cost capital, that is available when the enterprise needs it is every bit as important as a good product and a competent work force.

So where does American small business get its capital? It gets its capital overwhelmingly from local, community owned and community oriented banks. Big banks like big business have a critical function in our economy. But local community banks represent the real reason why American independent business is so much more vital and productive in this country than in any other country in the world. Only in America are there literally thousands of independent banks that do most of the country's business.

Consider the hard facts. In virtually every other free country in the world—Canada, the United Kingdom, France, Italy, Japan, Germany, the South American countries, the Asian countries five or six banks do 90 or 95 percent of the country's banking business. Usually they have hundreds of branches. But, of course, they are centrally managed, centrally controlled. Their loans are centrally directed. Small communities produce much of the savings. But the larger businesses located in the big cities and foreign countries get the loans.

This is not true in America. In America we have 14,000 independent banks. Our 10 biggest banks do less than 30 percent of our banking business. So local savings largely stay in local communities to finance local businesses. That business is often small or medium sized. It is largely independent. It employs local people. The banks provide two absolutely essential ingredients to the success of these independent business enterprises—so characteristic of our country. First, they provide the credit lifeblood. Without bank capital independent business can rarely function. It is almost impossible for such an enterprise to grow. Bank credit makes growth and development possible.

But there is a second bank supplied ingredient also of great importance. That is sound business advice. Bankers have an opportunity to learn business based on hard, tough, win and lose experience with loans to successful and unsuccessful businesses. Unlike big business, independent business can rarely afford to hire a big-time professional financial or business counselor. For community business the local community banker is the overwhelming source of sound advice on buying plant and equipment financing, inventories, efficiently managing accounts receivable from customers, or installing a cost accounting system that permits intelligent pricing. So why is U.S. small business the economic star of this most productive economy in the world? The local community banker is right at the heart of this unique American business success story.

Here is why the Congress should do all it can to maintain our unique independent banking system. The local orientation of community banks that are dedicated to the efficiency of our independent small businesses lies at the heart of the great American success with a highly competitive, productive economy. Why is American independent business competitive and efficient? A prime reason is because of its reliance on 14,000 independent banks providing the lifeblood of credit to independent business, and precisely the kind of critical professional advice that enables independent business to succeed in America as in no other country in the world.

SOVIET DISMAL RECORD ON HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, we all know that the Soviet Union has a dismal track record on the issue of human rights. In fact, just last week the Soviet's marshaled a huge police presence to quash the celebration of Lithuanian Independence Day. Many Members of the Senate made statements commemorating this occasion, but the proud people of Lithuania were denied the right to mark this occasion in their own way.

Lithuanians are not the only people whose rights are regularly denied by the Soviet Union. The people of the other Baltic nations regularly are subjected to the same treatment, as are many other nationalities and religious groups in the Soviet Union.

There are numerous examples of Soviet human rights abuses, but I will mention two.

Emigration: It is well known that the Soviets have denied many of their people the right to emigrate. According to the State Department there are only three groups that are allowed to emigrate—Jews, ethnic Germans, and Armenians. Yet, even the people in these groups are subjected to arbitrary and stifling barriers when they apply to emigrate. The welcome liberalization of emigration controls that led to the outpouring of Soviet Jews in the late 1970's is now reduced to a trickle. While 51,000 Jews were allowed to emigrate in 1979, less than 1,000 were let out in 1986, and this increased to only slightly above 8,000 in 1987. There are indications, however, that things may be changing for the better. I applaud the progress made during this week's meeting between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze. The Soviets have indicated that they will suspend a very restrictive emigration provision. But proclamations must be followed up with sustained action, and with progress on other human rights issues.

Political and religious prisoners: While we have recently seen the release of some religious and political prisoners in the Soviet Union, there are still many more that are imprisoned. Religious officials are imprisoned for speaking out against the repression that restricts them and their followers from freely practicing their beliefs. Political prisoners face equal or worse treatment. Members of the Helsinki Watch groups in the Soviet Union are severely persecuted. These groups monitor Soviet compliance with the Helsinki Final Act. This agreement is a pledge, signed by the Soviet Union and 34 other states, to respect human rights and allow freer movement of people and information. Many of the members of the Soviet Helsinki Watch groups have been either exiled or thrown into the worst prison camps.

My question is: "When will this end?" The Soviet Union under General Secretary Gorbachev has embarked on a policy of glasnost. This policy is intended to show that there is a new way of thinking about international and domestic affairs in the Soviet Union. In fact, under this policy accounts of human rights abuses by former Soviet leaders have been published for the first time. Yet, despite this glasnost policy I see few signs that the present Soviet Government is willing to extend basic human rights to all of its people.

A Moscow summit meeting, between President Reagan and General Secretary Gorbachev, is tentatively scheduled for May or June. I urge the President to impress upon Mr. Gorbachev, at this meeting, the weight that the United States places on the human rights issue and the importance of this issue for the continuing improvement of United States-Soviet relations.

Mr. President, I thank my good friend, the majority leader, for being so gracious, and the acting Republican leader, Senator PACKWOOD, also for being so helpful.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PACKWOOD. Mr President, I yield myself 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for 7 minutes.

Mr. PACKWOOD. Mr. President, this debate, of course, is now drawing to a close. I think almost all of the points that could have been made on this bill pro and con have been made.

Our side would clearly indicate that if you want to get rid of the so-called pernicious influence of political action committees, you can do that by just saying they cannot give money, zero. Our side has indicated that if the problem is that we are spending too much money altogether, you can take care of that by lowering the individual contribution limits from $1,000 to $500 or $200 or $100, or whatever figure you want to set it at, and that would guarantee a reduction to spending in a campaign.

I think this side has proven with pretty good statistics that are not ours, but from political scientists, that a spending cap clearly favors incumbents over challengers, and I ask unanimous consent that some excerpts that I have from academicians around the country alluding to this particular fact be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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Academicians on Expenditure Limitations

"A ceiling on expenditures, by contrast, almost certainly benefits incumbents since challengers must usually spend a great deal more than average to upend an incumbent."—Source: Dr. Larry J. Sabato, Univ. of Virginia, *PAC Power*, 1984

"Requiring equality of finance merely emhasizes these other inequalities and prevents less well-known candidates from access to one of the few resources available that they can use to catch up."—Source: Dr. Nelson W. Polsby, Univ. of California, Berkeley; Kennedy School of Government, Harvard Univ., *Commonsense*, December 1983 (Polsby is one of 2 or 3 top political scientists in the country.)

"And it is also plain that contribution or spending limits, or any other measures that restrict the amount of money spent in campaigns, will, if they have any effect at all, help those already in office."—Source: Dr. Gary C. Jacobson, Univ. of California, San Diego, at U.S. House of Representatives Task Force on Elections hearing, August 22, 1983 (Jacobson has written extensively on expenditures in congressional campaigns.)

"* * * Spending limits work the other way. In the aggregate, with some exceptions that grow out of the peculiarities of individual races, spending limits would favor incumbents and would be felt most heavily in the most competitive districts."—Source: Dr. Michael J. Malbin, American Enterprise Institute, *Money and Politics in the United States* (Dr. Malbin was at the University of Maryland and is now at AEI in Washington, D.C.)

"Expenditure limits work to the disadvantage of nonincumbents and discourage electoral competition. * * * Keeping in mind that it is challengers, not incumbents, who benefit most from campaign spending, such proposals have a definite anti-challenger and anti-electoral competititon bias."—Source: Dr. John F. Bibby, Univ. of Wisconsin-Milwaukee, Statement before Subcommittee on Elections, House Administrative Committee, June 16, 1987.

Mr. PACKWOOD. Mr. President, I think it is also quite clear based upon the extraordinary evidence that Senator McConnell has brought forth what spending limits cause. They cause efforts at cheating. They cause efforts at violating the law or if not violating the law, an effort to get around the law in ways that were not intended so that they can exceed the spending limit.

Mr. President, yesterday the Federal Election Commission has done it again. I am not blaming them. But here is a perfect example as to how you can get around the law.

Congressman Gephardt has been running a famous ad in the campaigns, showing that the cost of a Hyundai is whatever it is, $8,000 or $10,000 in the United States, but an equivalent Chrysler K car in Korea would cost $40,000. And at the end of the ad appear the following words: "Vote, Volunteer, Contribute."

And based upon the fact that the word "contribute" is in the ad the Federal Election Commission has indicated that half of the cost of the ad and half of the cost of the production and half of the cost of putting it on the air can be written off against what are known as the national spending limits rather than the State spending limits.

Every political manager that you talk with understands this. They know what they do. They design the ads that way, and all you have to do is put a three-syllable word "contribute" at the end and you can write off half of the cost against the national limit that you are never going to be able to exceed. You dramatically increase what you can spend in Iowa and what you spend in New Hampshire.

So, for a whole variety of substantive reasons, I think the present law as it affects the Presidential campaigns has been shown not to work and should not be extended to other races.

Now, Mr. President, I would like to address myself just for a moment, if I might, to the use of delaying tactics, filibusters, or call them what you want.

We always learn in this organization, even though we may think the rules are fixed and firm, it is amazing how the fertility of the minds of the Members manage to find ways to expand those rules—I do not want to say violate them—but expand those rules beyond what our concepts would have grasped before.

I remember, and I cannot remember if it was when our good friend, Senator Byrd, was majority leader, or when it was Senator Mansfield was majority leader, when the late Senator Allen first discovered the post-cloture filibuster rules by a simple device. Under cloture, of course, only amendments at the desk that are germane, that are filed at the time of invocation of cloture can be voted upon. I cannot remember what the issue was. But on a particular issue, Senator Allen filed at the desk shortly before cloture was voted I think 1,100 or 1,200 amendments, all of which were germane. And when cloture was finally invoked and all the time had run out, all he had to do was stand up and say, "Mr. President, I ask amendment No. 111 be called up," no time to debate it, but 15 minutes to vote on it and 15 minutes to reconsider it. And if you add up how many days it would take going 24 hours a day to vote on 1,100 or 1,200 amendments, you come to about 25 to 26 or 27 days, assuming you are willing to work 24 hours a day straight.

He discovered something that none of us had ever seen before in terms of extending debate.

The Republicans the other night thought we might have hit upon an idea of a way of extending debate, and the reason I mention this is because of the conviction I have the longer I am here that in many, many situations we are wiser to wait than to move, we are wiser to delay than act.

I cited the other night the classic example of Senator Proxmire's filibuster against the SST. He had an unusual advantage in that he was working against a time limit which was the end of the congressional session.

We were in the end of the second year. In fact, we were into January of the month in which the new Congress comes in and as the clock was ticking away up to 12 o'clock, it was obvious that his filibuster was going to succeed because Congress was going to be constitutionally adjourned and but for his filibuster, which he actually handled wonderfully over several days, we would have voted for the SST and we would have made a tragic mistake in terms of hundreds of millions and then billions of dollars being invested into something, and we were driven solely by the fear that the British and the French would beat us with the Concorde.

So that was the use of a filibuster that caused delay that was wise.

On the other hand, 4 years ago, I was on the other side. I was with Senator Proxmire on that issue. I was on the other side supporting the Civil Rights Act of 1984 and that act was very successfully filibustered to death. It was a filibuster being led by Senator Hatch of Utah. We were again up against a deadline. It was in September. Congress was about to adjourn. And he managed to filibuster that bill until I had to make the motion to take down, table my own bill, because the filibuster had been successfully used to delay it.

I remember what my good friend, Senator Williams, of Delaware, said years ago about making more mistakes in haste than losing opportunities in delay, and then he added, what needs to pass will pass. It may take two or three Congresses, but that is not a long time in the history of this country, and indeed he was right.

The Civil Rights Act of 1984 has been slightly amended. It is now the Civil Rights Restoration Act, and it is going to pass. It may or may not be vetoed by the President, but my hunch is if it is vetoed the veto may be overridden. And that was an example where time—Mr. President, I ask unanimous consent for 2 additional minutes and I will be done.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PACKWOOD. That is an example where time passed, public opinion mobilized on the side of the act, and it has passed.

Our side is convinced that given another year, 2 years, 3 years, of time to educate the public, especially educate editorial writers about the defects of the present bill, and we think time will be on our side, so we have attempted to use the legitimate tactics of delay in order to gain us time to wage a battle for the minds of the public. We think we will be successful, and we think in

retrospect this Senate will look back and say thank goodness we did not pass what would have been a pernicious and harmful piece of legislation.

I thank the Chair.

Mr. McCONNELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. Twenty minutes.

Mr. McCONNELL. I yield to the distinguished Senator from Connecticut, [Mr. Weicker].

Mr. PACKWOOD. Mr. President, I believe the majority leader previously asked that the time on this side be controlled by me. I ask unanimous consent that Senator McConnell control the remaining time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. I yield 5 minutes to the Senator from Connecticut.

Mr. WEICKER. I thank the distinguished Senator from Kentucky.

Mr. President, I rise in opposition to the bill and want to make a few remarks as to what it is that has transpired, both on the floor and off, in trying to focus on what is truly at issue.

What is not at issue is whether or not we have had extended debate or who was arrested. Indeed, if we were doing our job on issues and articulately presenting those issues to the Nation, we would be more arresting of the public attention than of ourselves. But we are not addressing issues. We are not presenting them in a way that creates enthusiasm among the voters and because of that, our democratic system is in jeopardy.

But in order to preserve it, I do not think it prudent to turn to artificialities. Rather, stick to the principles contained in the first amendment of the Constitution of the United States.

A paper I greatly respect makes the point well. I happen to agree 95 percent of the time with the content of editorials in the New York Times. And I might add, journalistically I think there is no better newspaper in this Nation. The other day, they had an editorial called "Reformbusters in the Senate." And in effect, it stated that:

> Given the charges of sleaze arising almost daily against the Reagan Administration, Republicans ought sensibly to want to dissociate themselves from the poisonous climate. Tomorrow's anti-filibuster vote will give all senators, and particularly Republicans, their chance.

It also says—

> By ending the filibuster and passing the bill, the Senate could control campaign costs and scrub away some of the suspicion that has settled, like polluted air, on Washington's marble halls.

I am mentioned by name in the editorial thought. That is immaterial to these remarks.

The first amendment of the Constitution of the United States several provisions, one of which is the Congress shall make no law, make no law abridging the freedom of speech. "Congress shall make no law abridging the right of the people to petition the Government for a redress of grievances." These are all in the first amendment. These rights are all involved in this debate on campaign financing.

The first amendment implies that political expression is a best tended to by the people of the Nation. I agree. It is not a matter to be defined by Congress.

Today an editorial appeared in the New York Times entitled "Outrageous Free Speech? Yes, and Free." The operative paragraph is right there in the first paragraph.

> When a Supreme Court headed by William Rehnquist delares the deepest commitment to free speech, and does so unanimously, it furthers a thrilling principle of liberty. Larry Flynt's rancid Hustler magazine may have ridiculed the Rev. Jerry Falwell in the coarsest and most outrageous way. But freedom of speech, the Court declares, extends to utterances that are outlandish, even detestable. The Court thus reaffirms its historic trust in the people to decide for themselves what to read and what to heed.

That same first amendment says "Congress shall make no law abridging freedom of the press."

So the Times is right when they say let the people decide on the matter and manner of ideas.

Yet what is being said here and in the Times is that people cannot decide for themselves on matters of speech and petition such as who to support or not when it comes to the free election process. However these same people can decide for themselves on ideas presented through a free press.

What I am fighting for here is a right of expression just as free as that for which the New York Times and other media fight in terms of constitutional rights.

The ACTING PRESIDENT pro tempore. The Senator's 5 minutes has expired.

Mr. WEICKER. I ask for 1 more minute.

Mr. McCONNELL. I yield 1 more minute.

Mr. WEICKER. I do not think we should be in the position to alter or dilute the first amendment rights of the people of this Nation. We are not here to subsidize mediocrity, socialize politics, or congressionally define what speech is permissable.

Let it be a free system of elections. Let the people decide, not Congress. Let the people decide on the matter of ideas as expressed through the press. And, yes, political lives in freedom with rancid people and ideas just as the press so similarily exists.

But you do not bring freedom in the United States down to the lowest common denominator. This bill is geared to a lowest common denominator reasoning and if it passes it replaces the highest expectations of the first amendment.

The ACTING PRESIDENT pro tempore. The Senator's time has expired

Mr. WEICKER. I ask for 30 seconds.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. McCONNELL. I yield.

Mr. WEICKER. I think people's political judgments can be trusted with as much feeling as the New York Times feels that people can decide for themselves "what to read and what not to heed." In this Senator's opinion the people can also decide who to support and who to defeat.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. McCONNELL. How much time remains on this side?

The ACTING PRESIDENT pro tempore. Twelve minutes and thirty-four seconds.

Mr. McCONNELL. I yield myself 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 7 minutes.

Mr. McCONNELL. Mr. President, I want to commend the Senator from Connecticut for his most insightful observations about the first amendment and how they apply to this historic debate. This has indeed been a historic debate. The distinguished majority leader is a man who is aware of many records in the Senate. Today we will have our eighth cloture vote on this measure.

I suppose it is fair to ask the question why eight cloture votes on S. 2? Why the extended debate? Mr. President, an important principle is involved in this debate. And it essentially is this: Will there be a limit on how many people can participate in the political process with limited, fully disclosed cash contributions? How many people can participate in the political process with limited and fully disclosed cash contributions? It is the feeling of this Senator and the overwhelming majority of the people on this side of the aisle that that ability to participate should not be inhibited.

Second, the real issue before this body in addition to that important principle is a question of partisan advantage. There is no question in the minds of the political scientists across this country and those who follow the rules of the campaign game that to the extent that you limit the cash contribution in terms of disclosed contributions, the money pops up somewhere else.

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The Presidential system has worked out about like prohibition, about like prohibition, and in a sense that is what we are seeking to do here, to emulate, to imitate the Presidential system and apply it to 535 additional contests.

I will say, Mr. President, I can confidently predict that if we created for congressional elections a system of spending limits and public financing, the FEC would shortly be the size of the Veterans' Administration. And would it succeed? Why, of course not.

What has happened under the Presidential system? Why, spending has increased enormously. What else has happened under the Presidential system? One out of every $4 has to go to the lawyers and the accountants trying to figure out some way to skirt the process because it is unrealistic.

What else has happened? Every major candidate since 1976 has become a cheater. A number of folks in this debate, particularly on the other side of the aisle, have said time and time again there is a scandal waiting to happen. I agree. But it is in the Presidential system, not in the congressional system. That is where the scandal is waiting to happen. And that is where we go from here in the judgment of this Senator.

Let us look at the system that really has the problems that is unfolding right before us today, and which is the system under which we pick the most important elected official in this country.

We would have had a congressional campaign finance reform bill. We could have had one. The group of eight upon which the distinguished Senator from Oregon, who is quite knowledgeable on these issues, sat, four on each side as the majority leader suggested, and met on several occasions. We came ever so close to producing a bipartisan campaign finance reform bill that would have slipped through this body 90 to 10, would have been a landmark piece of legislation, something we could have been proud of, done something about the real problems that exist in congressional campaigns, and the real problems are the PAC's.

If there is a perception of undue influence out in the land, if there is any interest in this issue out in the land, it is about the PAC's. This Senator from Oregon and 13 other Senators were happy to eliminate PAC contributions all together. We could not get a single cosponsor on the other side of the aisle.

You look at the cost of campaigns in addition to growing PAC contributions. What else has fed the cost of campaigns? The millionaire problem, that was an area that both sides agreed we could do something about. Constitutionally, you cannot keep somebody from putting a lot of money into his own race, but we believe we could constitutionally make him eat the whole thing, keep a person who puts a lot of money into their own race from going around after it is over and getting it back, going around town and shaking down every special-interest group, and finding people all over the country to pay himself back. We think we could do something about that. That kind of measure could go through here tomorrow, 95 to 5.

And the cost of television: the group of eight agreed it is clear what has driven the cost of campaigns in addition is the cost of television. What do our friends in the broadcast industry do? Typically when you move into the last 60 days of an election, the lowest unit rate to be charged to all customers is raised. I wonder why. It is because we have to advertise heavily going down the homestretch.

There was an agreement in the group of eight that we ought to require the broadcasters to sell us the time at the lowest unit rate for the preceding year, the nonelection year. It would give us a chance to afford the process.

I yield myself 2 additional minutes.

The ACTING PRESIDENT pro tempore. The time remaining is under the control of the acting Republican leader.

Mr. PACKWOOD. I ask unanimous consent that the time under my control be transferred to the control of the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. Without objection.

The Chair apologizes. I think that may have been done previously.

Mr. McCONNELL. So, as I was saying, Mr. President, we could have passed a bipartisan campaign finance reform bill for congressional elections, and I hope we will at some point in the near future, one that deals with PAC's, one that deals with millionaires, one that deals with the cost of television.

But let me conclude by saying that there is one thing that, in the judgment of this Senator, we will never do. We will not do it today. We will not do it tomorrow. We will not do it ever. And that is this: we will never agree, we will never agree, to put a limit on how many people can participate in the political process through limited fully disclosed campaign contributions.

In conclusion let me thank the staff of a number of Senators on this side of the aisle who have done an outstanding job in helping us prepare for this debate: Senators Packwood, Boschwitz, and Stevens, and the distinguished acting Republican leader, all of whom have made an enormous and significant contribution to what has indeed been one of the most memorable debates in the history of the U.S. Senate.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KERRY addressed the Chair.

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KERRY. I thank the Chair and I thank the distinguished majority leader.

Mr. President, all of us have listened with great interest and participated with great interest in the debate of the last days. I have listened this morning to my colleague, the distinguished Senator from Connecticut, talk about the first amendment. We have heard the Constitution invoked again and again in this debate. But the fact is—getting away from the emotional, getting away from the invocation of Constitution—the fact is that the first amendment and the Constitution are not challenged by a voluntary system that has been carefully crafted under the decision of Buckley versus Valeo to meet constitutional scrutiny. This is a voluntary standard that is being applied in S. 2.

But let us leave out that part of the debate on the merits because there really is a bottom line here; a fundamental bottom line. And the bottom line was just expressed by the distinguished Senator from Kentucky. "We will never, we will never accept a limit on the amount of people who will be able to participate with small contributions."

Mr. President, the measure of a democracy and the measure of participation is not money and should not be money. The measure of an American's ability to be able to participate in our system is according to the first amendment. And the right to associate freely and organize and speak freely is, in the democratic process, best articulated through the vote, through the organizational ability, through the grassroots kind of politics that money has taken us away from.

The reason the cost of campaigns goes up each year is not that the cost of organizing goes up, but that the media costs go up. And the media costs are incessantly higher and higher because each candidate comes to the political trough believing that if they can just buy that extra ad, if they can just get an extra minute on television, they may win. And the Republicans have said again and again, "We are not going to accept a limit on that ability to spend." Why, Mr. President? Because every single race in this country shows that they outspend their opponents 2 to 1, 3 to 1, sometimes not as high, but absolutely invariably outspend their opponents; even incumbent Senators are outspent.

I have heard the distinguished minority leader, Senator Dole, say on this floor that if you put a cap on spending, the Republicans will not stand a chance. That means, when you think it out, that if they cannot spend more money, they cannot win.

Now, what we are dealing with here is a fundamental perception problem. I heard the Senator from Maine yesterday make an impassioned speech, and I think he has much to be angry about. But the issue is not whether or not one Senator or another in fact has a linkage of money to voting. It is the perception. We are supposed to be sensitive to perceptions of voters about the integrity of our system.

Let me read today's Washington Post editorial. Headline: "The Best Senate Money Can Buy."

And what they say in the Post is that it is important to remember what this vote is about.

> The vote today is about the role of money in congressional affairs. A certain amount of money in democratic politics is healthy; too much is corrupting. There is too much now. In the period from 1976 to 1986, the cost of living nearly doubled. In that same period, congressional campaign expenditures nearly quadrupled. Senate candidates in 1976 spent $36 million; the average winner spent $600,000. Five election cycles later, the candidates spent $179 million; the cost of a Senate seat had become $3 million. To raise the money he will need for reelection, the average senator now has to raise $10,000 a week every week of his six-year term. If he comes from a large state or fears a close election, he may have to raise four times that. They already live with their hands out. Where can it end?

Then it says:

> The Democrats seek to impose spending limits.

Skipping a couple of sentences:

> But the willing Republicans have been whipped away from the bargaining table by others who say unlimited spending is the only way their party can thrive. The rational Republicans have been cowed by their——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. KERRY. I ask for 2 additional minutes.

Mr. BYRD. Mr. President, we are going to run very short on time. I yield 2 additional minutes to the Senator.

Mr. KERRY. I thank the Senator. I will finish before that.

> The rational Republicans have been cowed by their more vehement colleagues.

Last sentence:

> The buying of the Senate goes on.

Mr. President, we have a perception problem. We have a perception problem, and we have been prevented in these last days from dealing as this Senate ought to deal with that perception problem. I hope that the day will come soon when we can meet and talk and move forward on a process. The problem is not, as we heard, with prohibition. The problem is not substituting mediocrity with the present election system. The problem is reducing the impact of money on our politics and the problem is on creating a fair system where we are equal in our approach and where it is our ideas and our touch with the people that carries the day, not our ability to spend money.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 21 minutes 16 seconds remaining.

Mr. BYRD. Mr. President, I yield 4 minutes to the distinguished Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 4 minutes.

Mr. CHAFEE. Mr. President, today I rise to express my concern with the manner in which we are handling this whole issue of campaign finance reform. As you know, I am a cosponsor of S. 2, and have supported efforts to bring this measure to the floor. In fact, with today's vote, I will have voted eight times for cloture. I am one of only two Republicans who has done that. But 60 votes are needed to invoke cloture and they are not there. It seems to me, after the Senate says no to cloture today—and it is clear it is going to do that—it is time to move on with campaign reform.

I want campaign reform. I respect the efforts of the majority leader to move forward with S. 2. I have great respect for his work and the work of the senior Senator from Oklahoma, Senator Boren, on this issue. But what do we want here in the Senate? Do we want a cause or do we want a bill?

With every cloture vote, this Senate is moving further away from campaign finance reform. The time has come, it seems to me, to redefine the debate. Let us take those aspects of S. 2 that both sides of the aisle can support and draft a compromise measure.

What would that measure be? Public financing and overall spending limits are clearly not going to pass. But does that mean we should abandon the whole issue of campaign finance reform?

Let us make a new beginning.

Even as a cosponsor of S. 2, I never thought that this measure was the final word on campaign finance reform. It was and is a starting point and a stepping stone to comprehensive reform. Indeed, I have proposed amendments which would go even further than S. 2.

We have had spirited debate on both sides of the aisle, and this legislation framed the debate. Now we can see that some provisions are unacceptable to a great many Senators. It is time to accept that and move forward. I am concerned that continuing on the present course will ultimately end our opportunity for any kind of reform. And to me that does not make any sense.

There are so many areas where we can make significant improvements in our system of campaign financing. I have listened to Senators on both sides of the aisle call for increased disclosure requirements. This could form the basis of a new campaign finance reform proposal, a proposal that all of us could support.

We ought to limit political action committee contributions. We ought to close the so-called millionaire's loophole. We ought to limit independent expenditures and disclose "soft money" contributions. We should require that PAC's fully identify themselves.

What in the world is "the Desert PAC, Tucson, AZ" that gave my opponent $10,000? Does anybody know what the Desert PAC is? Is it a realtors' PAC opposed to open spaces? Is it a gun control PAC for or against? Is it for smoking or against smoking? You would never know from the name, "the Desert PAC." I think these PAC's ought to be identified by their names.

The important factor is that there are gounds here for a compromise. There is a chance for some real reform.

I just hope that the distinguished majority leader, following this vote, will reach out and see if we cannot put that committee back together, or form another one, to work on drafting real campaign finance reform, reform that we all can agree upon.

I thank the distinguished majority leader for yielding me time.

Mr. BYRD. I thank the Senator.

Mr. President, I yield to Mr. Melcher 4 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized for 4 minutes.

Mr. MELCHER. Mr. President, late yesterday, Senator Nickles, the junior Senator from Oklahoma, flattered me by outlining the amount of money that has gone into my campaign funds during 1987 and outlining how much of that had been from PAC's. I am flattered in that I find that Senator Nickles knew more about what is in my campaign funds than I did, and in fact broke it down into how much came from PAC's.

But I believe the point now in considering this bill is to limit the amount of campaign spending from whatever source. Political action committees were formed to be the legal way for people in a particular industry or occupation or profession or group to make small contributions that would be funneled in and reported legally in Federal Election Commission records.

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So, you know, there are all kinds of political action committees. We know a lot about Cattlemen's Political Action Committee, sheep growers, wheat growers, sugar beet growers—they are all important in Montana. Also, a small group of professionals, veterinarians, have their own PAC's, doctors have their PAC's, banks and credit unions have their PAC's; and they are all part of the business of this country.

You know, that is one way of making a contribution. There is also so-called "bundling," which is another way of making a political contribution. Someone writes or talks to a great number of people encouraging each of them to make a contribution to a candidate.

I commend the Republican Senatorial Campaign Committee for being more effective than the Democrats have been. Bundling apparently is one of the principal ways they raise money. They have got a $65 million war chest; I guess, every 2 years, they collect up to $85 million to funnel out to their candidates.

But there is a lot to be said about how we should limit the amount of spending from all sources and that is why I am for this bill.

The last election that I ran in, a group in Montana looked at what was going on. That was in 1982; NCPAC, National Conservative Political Action Committee, was bringing out cash to Montana to spend trying to defeat me. This one particular group in Montana, taking note of that, thought they ought to get their own ad out. It was Montana cows. Ordinarily calm and peaceful, they were a little bit outraged by the fact that here were these Eastern Dudes coming out with bundles of cash to spend against the candidate they seemed to like that is "ol Doc Melcher." So they got their own ad out.

What it said was: let us keep this Eastern money out of it. Let us not distort the issues here in Montana. That was the Montana cow ad. They seemed to have good cow sense.

Now, in this particular election go-around for this year, I am running again and there are two announced Republicans; one is Pat Robertson's coordinator and another Republican candidate who opened his campaign by going to Israel. The National Jewish Policy Committee whisked him away to Israel to meet Shimon Peres. Let me tell you, Mr. President, that cows in Montana are somewhat puzzled by all of this. They are asking only for a sensible campaign and they believe that there is just too much spending on all of these campaigns.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. MELCHER. I ask for 1 additional minute.

Mr. BYRD. Mr. President, I yield 1 minute.

Mr. MELCHER. They are like Montana folks: good common sense. And what they believe in is that there should be attempts, right here in Congress, to get agreement on limiting campaign spending from all sources. So far, no matter what package is put together, it has failed to get widespread Republican approval. But surely there is a way to arrive at agreement that campaign spending is just way too much and it should be limited, no matter from what the source it comes from. That is just good cow sense. That is just good cow sense; Montana cows and Montanans in general favor that and so do I.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Oklahoma, the chief author and chief sponsor of S. 2 for 5 minutes.

Mr. BOREN. Mr. President, I thank the distinguished majority leader for yielding to me. We are now of course approaching a time for decision on this piece of leigslation; decision not on the final form of campaign finance reform, a decision on whether or not we are simply going to have an opportunity to take up campaign finance reform. That is what we are talking about. Not a vote on S. 2 but a vote on whether or not to allow us to consider S. 2, including the amendments from the other side of the aisle that they may wish to offer to improve it. Because if we invoke cloture today we are going to hear those amendments. They will have an opportunity to offer them.

So the sole question before the Senate is this: Should a bill which has a majority of the Members of this Senate as cosponsors, 52 consponsors, a bill which previously 55 Members of the Senate have said they would like to have a chance to have considered, shall we have an opportunity to have the Senate work its will for campaign reform, including considering the changes and the amendments that might be proposed by those who are in opposition to the present form of S. 2.

Will a majority of the Members of this Senate have an opportunity to work on the issue of campaign finance reform? That is what the vote will be all about in just a few minutes.

As we have looked at the opinion of the American people, we looked and discussed yesterday the Harris survey, with over 90 percent of the American people saying that we view too much spending on elections by candidates as a serious national problem. Will that overwhelming majority of the American people have an opportunity to have their concerns acted upon by their own elected representatives? That, Mr. President, is the issue.

There have been several arguments raised against this bill. Some of them, I think, are completely without merit.

One is that this is a partisan attempt to legislate forever into minority status the present minority party in the Senate. That simply is not true. This Senator and others have said we are willing to sit down, we are willing to listen, come forward with your own proposed formulas for spending limits. We will change the formulas in States which have historic imbalances between parties. And no proposals have been made because the statement has been made again and again: No, everything is on the table except we will not discuss spending limits at all.

That is like saying: Yes, you may go swimming but do not go near the water. We will talk about campaign reform, we will negotiate about other parts of campaign reform, but we will not talk about the main event. You can go swimming but do not go near the water. You can have campaign reform but you cannot do anything about the overall problem of too much spending and too much money pouring into campaigns.

POLITICS IS LOCAL

Mr. President, one of the unfortunate charges made against S. 2 is that it would somehow create a partisan advantage for Democrats and thus, perpetuate the minority status of the Republicans in the Senate.

Let us look at what happened in the last election to find any patterns or results of spending large amounts of money—and winning elections.

In 1986, there were 34 seats up for election in the U.S. Senate.

I have broken down the results of these races in the following categories:

Incumbents in competitive races who won;

Incumbents in competitive races who lost;

Incumbents in noncompetitive races who won; and

Open seats.

There were 6 races where an incumbent was in a competitive race and was the winner. Of these 6 races:

California, Idaho, Oklahoma, Pennsylvania, Vermont, Wisconsin—five candidates spent more than their opponent—one did not.

Next, there were six races where an incumbent was in a competitive race and lost. Of these 6 races:

Alabama, Florida, Georgia, North Dakota, South Dakota, Washington—five losing candidates spent more than their opponents and lost—one spent less and won.

There were 15 races in which incumbents were winners in what are considered noncompetitive races—basically those races where the incumbent had at least a 2-to-1 advantage in campaign funds over his or her opponent. In those 15 races—8 Republicans and 7 Democrats were reelected to office—rather balanced partisan result.

And finally, Mr. President, in the seven open seats:

Arizona, Colorado, Louisiana, Maryland, Missouri, Nevada, North Carolina—four candidates spent more and won—three candidates spend less and won. Incidentally, of the four that spent more and won—two were Democrats and two were Republicans.

What these figures try to point out is really very simple. At a certain point of diminishing returns, money does not—as it should not—play a dominant role in political campaigns.

Essentially what it reflects, Mr. President, is that politics is local and that no claim can be made that says more money in the process will help candidates.

In 1986, Senate incumbents in close races who lost their reelection bids spent more in five of six races.

And in the seven open seats, three Democracts spent less and won. The four who spent more and won were divided between two Republicans and two Democrats.

The point behind this entire analytical exercise is that the majority nor minority in this Senate is going to be enhanced nor diminished by an outer limit on campaign spending. It suggests that there is a saturation point in which more money:

Does nothing to enlighten voters;

Does nothing to encourage debate on complex issues; and

Does nothing to buy an advantage from a partisan point of view.

Instead Mr. President, what more money in politics today means is more 30-second TV ads which distort records of public servants or discredit challengers. In this money-saturated environment, we are seeing advertising for public service put on the same plane as toothpaste and dog food.

Mr. President, when will we return to a time when candidates for the U.S. Senate and the House or Representatives are judged:

Not by how many millions of dollars they can raise;

Not by how many negative ads they can buy on television;

Not by how they can distort their, or their opponents record; but instead by their ideas, their qualifications, their love of country and their commitment to serve the public interest—not the special interest.

Mr. President, when you analyze what happens in terms of total spending what you find basically is that incumbents, whichever party they happen to be from, are able to raise significantly more money than challengers and that incumbents tend to be perpetuated under a system which does not have campaign limits. With a majority of incumbents in both parties of Congress now being in the Democratic Party it defies logic, Mr. President, it defies logic to believe that setting some kind of overall spending limits is going to put the present minority party at a disadvantage.

Quite the contrary, even the political action committees contribute 80 percent of their money to incumbents, whichever party they happen to be in. The fact that both Houses of Congress are now in the majority status of the Democratic Party means most of that money, more of that money is going to those Democratic incumbents because that is where the majority lies.

So that is a false argument, a false concern.

PRESIDENTIAL SYSTEM COMPARISON

Mr. President, I have been interested to hear that some oppose S. 2, because it would "make cheaters out of everyone."

Comparisons have been made between the current system of spending limits in our Presidential system, which is not perfect, and the system proposed under S. 2.

I believe such comparisons are unfair and illusive. The Presidential system in the primary is a series of 50 separate campaigns in which 50 separate spending limits apply to candidates who qualify and participate in the program.

Recent reports of alleged cheating by candidates whose campaigns exceed the spending limits from some States are indeed serious. However, I would rather my colleagues come forward with ideas on how to improve that system, than condemn it and use it as an excuse not to support reforming our own campaigns.

With a Presidential primary system where 50 separate spending limits apply, ways around those limits are inevitable—and perhaps "separate" limits should be repealed—leaving instead a national limit for the primary period.

Along the same note, I have supported a system of five regional primaries which would improve this system where a few early primary or caucus States decide which candidates should be allowed to continue their candidacies. In fact, I have worked with the Senator from Oregon in this effort. With a series of regional primaries, no State or region will have more influence on a campaign than any other. Many strong candidates are unable to complete the primaries because they are unable to do well in a small area of the country, even though they may have vast appeal in others.

However, Mr. President, these are ideas about the Presidential system. I would not be entirely opposed to consider such ideas to improve that system. But, the Senate will be unable to do so, so long as opponents of spending limits in Senate campaigns continue to filibuster and deny 52 cosponsors of S. 2 the opportunity to have a vote on amendments and pass this bill.

The Federal Election Commission has already said that it would be able to oversee such a system for Senate elections. It woud be far more capable of tracking the expenditures of 2 candidates in 1 State with 1 spending limit than some say it has been able to do with 13 Presidential candidates with 50 spending limits in 50 States.

Mr. President, I strongly believe that we would see far fewer "cheaters" in congressional elections under S. 2 than we do today.

For one thing, today, the practice of "bundling" has shown us how PAC's and party committees can evade the spirit if not the letter of the law.

Additionally, Members of Congress are getting more sophisticated in "playing one PAC against the other." I will never forget the scenario drawn for me in a meeting several years ago in which political consultants lead a discussion on "how to play the PAC game." For example, let's say you, as an incumbent seeking reelection in a few years were on the Banking Committee. First you would take an early, favorable poll showing your strength for eventual reelection to some of the bankers' PAC's, saying, "I know you will be working with me on this committee for some time, as I appear to be in good shape in the polls—you better contribute now." Then you go to the savings and loan's PAC's and say, "did you know the bankers have gotten on board, you do not want to lose your access to the bankers." Then you go across the street to the securities lobbyists and say, "did you kow the S&L's and bank's are helping me—you do not want them to beat you out on that bill coming through my committee next year—you better contribute to my reelection." And the money chase continues.

Mr. President, there are no saints of fundraising in Senate elections either. We in this body, the PAC managers who are constantly solicited, the out-of-State fundraisers, are all caught in this game. It drains the creative energies of many in the Congress—and frightens many potential candidates who should run for public office but won't because they are not connected to the money valves in Washington.

Let us not wait any longer to reform our own system. If abuses in the Presidential system can be fixed, legislation to do that should be considered as well. But let us not dilute the debate on this important matter any longer.

It is also, Mr. President, really a falacious comparison. We are not talking about a multistate spending limit program in which you have to keep track of how much you have spent in each and every individual State where you are running a campaign in 50 States across this country. We are talking

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about overall spending limits, State by State, where we are only dealing with two candidates in a specific State. Not many candidates spread out in campaigns all across the country, trying to figure out how much of the money spent should be allocated to the race in each State.

There simply is not an analogy that can be drawn. We are also not talking about a system of automatic public financing. This bill no longer has automatic public financing in it. It is used only as an inforcement mechanism.

We are talking about only one thing. I wonder if I might have 1 additional minute?

Mr. BYRD. Yes. Certainly, Mr. President. I yield another minute.

Mr. BOREN. I thank the leader.

We are talking about one issue now and one issue only, because we said we are willing to talk about everything. We are willing to work out a compromise on every subject, whether it is soft money or television advertising rates or aggregate PAC limits. We are willing to work out a compromise on every subject and the other side has said: We are willing to talk but there is one thing we will not talk about: overall campaign spending limits.

So it comes down to this, Mr. President. Do you think it has been good for this country that we are pouring more and more money into campaigns? Or do you think it has been bad for this country?

Is it good for this country that we have the costs of campaigns go up by 500 percent? The other side must say yes, we think that is good. It has improved participation. We do not think so. We think it is disillusioning the American people. We think it is making it hard for new people to run for office. We think it is making Senators and Congressmen who ought to be spending their time dealing with the Nation's problems spend their time to go out across this country to get money; not even getting to their home States, talking to their own constituents, because they have to go to the places that the money is that they need to run for office.

Mr. President, it is not good for this system. It is not good for this country, to put the highest offices of the land up for auction, to put pressure on people who ought to be dealing with national problems, pressure on them day after day after day, to raise money, money, and more money for campaigns.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who yields time?

Mr. BYRD. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Four minutes and thirty seconds.

Mr. BYRD. To which side?

The ACTING PRESIDENT pro tempore. Your side has 4 minutes 30 seconds. The other side has 4 minutes 13 seconds.

Mr. BYRD. Mr. President, I ask unanimous consent that there be an additional 6 minutes to each side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I thank the majority leader. That is a graceful accommodation. That leaves, then, 10 minutes for this side?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. SIMPSON. I would yield 3 minutes of that time to the floor manager of the operation on our side.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized for 3 minutes.

Mr. McCONNELL. Mr. President, I thought I had concluded my remarks but there is one thing I have learned in listening to my friend from Oklahoma, Senator Boren: Every time he speaks, I get exercised. I just heard him once again go on and on about the money in the system.

He is right about the issue. The issue, Mr. President, is simply this: How many people can participate in the political process? Now, what S. 2 seeks to do would be about like saying to the Washington Post or the New York Times: We are going to put a limit on your circulation. We are going to put a limit on your circulation. There are only so many people you can communicate with. You are getting too big. You are doing too well.

That is ridiculous; absolutely ridiculous. The concept of spending limits has not worked in the Presidential system. It will never work. It has made cheaters out of all of the major candidates. If we imposed it on 535 additional races the FEC would be the size of the Veterans' Administration. It is a completely absurd notion that makes no sense and it snuffs out the opportunity to participate for a huge number of people across America. It is bad.

Mr. BOREN. Would the Senator yield for a question?

Mr. McCONNELL. I will not yield.

It is bad public policy, dreadful public policy, and we should never enact such a measure.

Mr. DeCONCINI. Mr. President, I have listened to the debate opposing the most recent version of the Boren-Byrd campaign finance reform legislation, and frankly I have become disheartened. It has become evident that some of the leading opponents of S. 2 will oppose this legislation, in any form, at any time. I am surprised. I assumed that when some of my colleagues argued that the big problem with S. 2, as we reported it from the committee, was public financing, that they meant what they said. Now, Senators Boren, Byrd, and a number of other of my colleagues, have found a compromise which results in no net cost to the Treasury. None. Zero. Now my colleagues who spoke so eloquently against public financing, while saying they supported the concept of campaign finance reform, have changed their tune. Now, they argue that spending limits are inherently unfair. This just doesn't wash.

The American people want spending limits. In fact, they cry out for them. I will not repeat all the numbers, percentages, and figures that we have been hearing. Let me just summarize by noting that between 1976 and 1986 the cost of Senate elections increased from $38.1 to $211 million. The average cost of running for the Senate has increased from $600,000 to $3 million over the past decade. If we keep on this same track the average Senate race will cost almost $15 million in another 10 years.

Some have suggested that there is nothing wrong with these escalating costs—that in fact more is spent each year on selling dog food, and toothpaste than on selling Senators. But that is just the point we are not selling Senators. The election process when the electorate must make an informed decision on who should run this country, should not be based on who has the snappiest ad campaign, the best hairdresser, or the best TV personality. Voter decisions should be made on the issues, on facts. It is these very facts that have become obscured by expensive advertising campaigns and the pressures to raise money. The 100 Members of this body should not be packaged and sold like so much shampoo. But because Members must spend so much of their time raising money for multimillion dollar campaigns, they have less and less time to spend with the voters, and this is a tragedy.

Spending limits are ultimately reasonable and ultimately responsible. The American public does not want election to the highest offices in this country sold to the highest bidder. We need spending limits, Mr. President. Now that the excuse of public financing has been eliminated, the opposition has been exposed to the light of day. Many of those who oppose this bill do not want spending limits because they want to buy elections.

It has been suggested that this bill places an undue hardship on candidates who choose not to participate in the system. I have heard it argued that the Presidential system does not put such punitive provisions into place. Now, the opponents to this bill cannot, simply cannot, have it both ways. You cannot oppose the Presidential system for the Senate, and then argue against the new Senate proposal when it moves in a different direction from the Presidential system.

Mr. President, I have yet to hear a constructive suggestion from the opponents of S. 2. All I hear is nitpicking, and complaining, but no constructive alternatives. I can only surmise that many of the opponents want no changes at all in the present system which rewards those with the most money.

Perhaps the formation of the so-called Committee of Eight will result in a reasonable compromise proposal. But I do not believe that there can be a compromise unless there is a basic agreement that we must limit spending. Anything else is just cosmetics.

The opponents of S. 2 have spent a good bit of time discussing the problems with the bill. Either the bill doesn't adequately address this problem, or it overreacts to that problem. Let's see some concrete proposals, proposals that include spending limits. If our colleagues want to modify the limits, let them put forth their suggestions. If they want to make modifications of the soft money provisions, let's see those suggestions. But a lot of breath and rhetoric are being wasted on this floor tearing down S. 2, saying what it doesn't do, when we should be trying to improve it and see what it can do.

As I have said, and many of my colleagues have said, over and over again, "The bottom line is spending limits." Campaign finance reform requires spending limits to be reform. Beyond that I think that everything is on the table. I urge my Republican colleagues on the Committee of Eight to sit down in that spirit. If there is a failure to make this basic agreement, I expect that there are long days and longer nights ahead of us.

Mr. HEFLIN. Mr. President, I would like to take a few minutes to explain for the record my opposition to S. 2, the Senatorial Election Campaign Act of 1987.

I would first like to point out that, by speaking at the present time, I am in no way contributing to the filibuster which is being waged against consideration of S. 2. I just feel that I owe to my colleagues and to my constituents—the good people of Alabama—an explanation of my position in this matter.

Although I have voted against cloture on S. 2 in the past and will oppose cloture on the bill in the future, I am not, I repeat, not, an opponent of campaign finance reform. Rather, I believe that my voting record demonstrates that I am an advocate of campaign reform, having supported both the Boren bill in 1985, and the Goldwater-Boren bill in 1986. However, my opposition to the bill now before the Senate lies primarily in its provisions mandating taxpayer financing of congressional elections. I cannot, in good conscience, support any bill which would mandate the appropriation of the hard-earned dollars of the American taxpayer for congressional elections. In this time of high Federal deficits, there are simply too many other more important areas that demand a higher priority such as education, national security, care for the blind, the disabled, and we should actively curtail spending to reduce the deficits.

Many have stated that this bill does not necessarily institute public financing, but that candidates would receive funds only as a response to the spending levels of opposing candidates who were not participants in the system. Regardless of when or under what circumstances public financing would be instituted, it is an undeniable fact that the bill provides for the appropriation of taxpayer dollars for congressional elections. I cannot, as I said, support this concept.

I support campaign reform; I support spending limits; but I categorically oppose taxpayer financing of congressional elections in any form.

There is another, more effective, more legitimate way to accomplish reform and institute spending limits—the constitutional amendment to provide the Congress with the authority to make laws relative to Federal elections.

I am an original cosponsor of Senate Joint Resolution 21, the constitutional amendment that was introduced by Senator Hollings to provide Congress with the authority to take all necessary action to improve and reform our Nation's Federal campaign laws.

While it has been argued that the process of passing a constitutional amendment that would allow Congress to truly reform our campaign laws would take too long, and for that reason is dismissed by many as an unrealistic alternative, I would like to remind my colleagues that the initial movement for campaign reform began some 15 years ago and is still not finished. Loopholes are still open; Common Cause and others continue to claim that the Congress is for sale, despite the many attempts of the past to reform our campaign laws. It is, therefore, clear to me that these piecemeal attempts to reform our campaign laws are not and will not be effective.

What has happened time and time again is that Congress will pass a campaign reform law which is hailed by its proponents as landmark legislation which they say will close the loopholes and reform the process once and for all. However, even before the bill is signed into law, the downtown lawyers and election law specialists have already found more loopholes. Congress will then address these new loopholes, and in the process will create dozens more. This process reminds me of the little Dutch boy who tried to stop the leaks in the dike with his fingers. And I submit that the legislation we are now considering would be nothing more. It seeks to close the loopholes and stop the abuses in our current system, thereby stopping the holes in the existing dike, but I believe it will create just as many loopholes and abuses as it seeks to close.

However, the bill now before the Senate proposes something new for congressional elections—public financing. It attempts to close the loopholes and stop the alleged abuses in the current Federal election laws by appropriating public funds. It seeks to stop the leaks in the election law dike by stuffing those leaks with the hard-earned dollars of the American taxpayer. It is important to note that this is an attempt to circumvent the bizarre Supreme Court ruling of Buckley versus Valeo, but Mr. President, I do not believe that this approach would be effective.

In my judgment, if S. 2 is passed, more loopholes will be discovered, abuses will continue, and the dollars of the American taxpayer will be wasted in the process. I cannot support legislation which I believe would be a waste of the dollars of the American taxpayer.

What we need is complete reform which would include spending limits, limits on independent expenditures, limits on the amount a candidate could spend on his own behalf, and other reforms. In other words, we need a new dike—one that will be constructed with Senate Joint Resolution 21, the constitutional amendment. Congress has already spent years trying with little success to reform our Nation's campaign laws. Relatively speaking, the constitutional amendment would take only a fraction of this time to pass the Congress and be ratified by the States.

Mr. President, I share the commitment of our distinguished majority leader, Mr. Byrd, and our distinguished colleague from Oklahoma, Mr. Boren, for reform of our Federal election laws. I admire their efforts on behalf of the U.S. Senate and the American people in this matter, and in many, many other matters. They are a credit and a great asset to this body. They are motivated in this matter solely by their dedication to the U.S. Senate and to the people of America. And I know that they are pressing this matter because they believe now is the time and S. 2 is the appropriate vehicle for reform. However, I respectfully disagree. I wish that I could support them in this effort, but I cannot.

Rather, Mr. President, I urge complete reform of our Nation's campaign laws. I urge the Senate and the Congress as a whole to take the only appropriate, the only legitimate, the only constitutional, and, most importantly, the only lasting and effective approach in reforming our Nation's Federal election laws. Let us consider and pass Senate Joint Resolution 21 at

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the earliest convenience and pass it along to the people for their quick approval.

Mr. THURMOND. Mr. President, the Senate has once again returned to campaign finance reform. We have spent a great deal of time debating this issue, and I hope a measure will eventually pass this Chamber that will bring some control to the campaign financing process. We must acknowledge though that there are strong feelings on both sides of this issue, and this will necessitate the need for a compromise bill. The proponents of this particular bill feel that a limit needs to be placed on campaign expenditures and that an aggregate limit should be placed on political action committees [PAC's]. On the other hand, the opponents of this campaign reform bill feel that the taxpayer should not shoulder the burden of campaign financing for congressional candidates.

The problem we face is to develop an equitable reform bill. A committee of eight Senators has been formed and given the challenge to negotiate a compromise bill. I am confident that my Republican colleagues on this committee, as well as my Democratic colleagues, are making every effort to develop an agreeable bill. However, there are certain fundamental principles involved that each side feels strongly about, and these principles will not be compromised. So rather than proposing a bill that can be passed, we are engaged in a prolonged discussion that will probably lead to a record eighth unsuccessful cloture vote.

Opponents of this bill have been accused of failing to take this opportunity to provide campaign reform. Mr. President, that is not the case. I am for campaign reform, and I had hoped the committee of eight Senators would have been able to reach a compromise bill. Maybe an agreement can still be reached, but it will not happen unless the proponents of this bill make concessions in the two major areas of disagreements: spending limits and public financing.

Mr. President, I would like to take a few minutes to explain the concerns I have with S. 2. The Republican conference has taken a position that it is opposed to any public financing of congressional campaigns. I whole heartily support this stance. The original S. 2 would have provided public financing for congressional campaigns. Due to the strong objections raised on this side of the aisle, the bill was modified to trigger public financing for a senatorial campaign only when an opposing candidate does not agree to spending limits. The supporters of this bill have argued that this should not really be considered public financing. The truth is S. 2 does provide for public financing of congressional campaigns. I am informed that the Congressional Budget Office has estimated the direct cost of the current bill to be nearly $21 million if applied only to Senate election, and between $75 to $100 million if House races are included. This estimate does not even include the cost of other factors such as postal subsidies.

It is inconceivable to me that in this time of budget deficits and program cuts, we are considering a proposal that will remove millions of dollars from the Public Treasury to help fund the election of Members of this body. Campaign financing should be reformed, but reform should not shift the financing burden to the American taxpayer.

Mr. President, let me again emphasize that both parties agree that campaign reform is needed. We spend too much time raising funds and the cost of campaigns has skyrocketed. The average cost of a senatorial campaign in 1986 was $3 million. This is absurd.

One of the main roadblocks on this issue is the proposal to limit campaign expenditures. I think campaign spending should be brought down, but the Supreme Court has ruled that an outright limit on expenditures is unconstitutional. The Court states in Buckley versus Valeo:

> The first amendment denies Government the power to determine that spending is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the Government but the people—individually and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

I suggest Congress should limit campaign expenditures by limiting the source of major campaign contributions—the political action committees [PAC's]. This proposal has not only been determined to be constitutional, but it also addresses the public perception that PAC's gain special access to elected officials because of their large campaign contributions.

The minority leader, Mr. DOLE, has introduced an alternative campaign reform bill, S. 1672, that would reduce the maximum PAC contribution from $5,000 to $3,000. I understand that this is now being considered as low as $1,000, and some proposals have been suggested that would eliminate PAC's altogether. This is the way to campaign reform and control of campaign spending. Place a cap on PAC contributions, and I believe it is likely that either campaign spending or the percentage of PAC moneys in a campaign fund will decrease.

The current form of S. 2 does place an aggregate limit on PAC contributions, but that will only increase "soft money." I was shocked to read where it was estimated that labor and special interest groups spent $30.4 million in "soft money" to support the Democratic Presidential candidate in 1984. The alternative bill deals with this problem also by requiring groups to report expenditures of "soft money." I understand the other side of the aisle has agreed this is another acceptable proposal for campaign reform.

Mr. President, some progress was being made on campaign reform, but there are several fundamental differences that will not be compromised. The minority party feels strongly that a limitation of campaign spending will put us in a position where we will never be able to regain control of the Senate. This is particularly true in the South. Currently, in South Carolina and the Southern Super Tuesday States, the Democratic Members more than double the Republican Members in this body.

In order for a nonincumbent to be elected, one of his primary strategies is to build name recognition, and to have his candidacy considered an alternative. It takes money to accomplish these goals and that is a legitimate argument why many Members are against campaign spending limitations. From what I have heard, when this concern was presented to the four Democrats on the reform compromise committee, it was acknowledged as a problem. The distinguished Senator from Oklahoma has stated that there should be room for compromise on this issue, but he has tied it to a State formula for spending limits which is tied to public financing. Again, this is unacceptable. Taxpayer subsidies to politicians is not my idea of campaign reform.

Mr. President, I feel strongly that campaign financing needs reform. I am one of a few Members on this side of the aisle who have sponsored a measure that will provide for a constitutional amendment to allow Congress to set campaign spending limits—the only way constitutionally a spending limits can be imposed without public financing. This is an indication of how committed I am to cleaning up the campaign financing system. However, S. 2 is not going to accomplish this goal.

Moreover, we are tying up valuable time on the Senate floor. Even if this bill passed the Senate and House, the President will veto it. Clearly, there are not enough votes to override that veto.

We need to either come up with a compromise bill or move on to other vital issues affecting this Nation. Mr. President, S. 2 is not a compromise bill so I would urge my colleagues to vote against cloture.

Mr. ADAMS. Mr. President, as this debate on campaign finance reform draws to a close there are two issues we have to consider. One issue involves the substance of the bill; the other involves the procedures which have been used during its consideration. Because procedural concerns have, unfortunately, tended to dominate the debate, let me deal with those first.

Many in the Republican Party believe that the notion of capping campaign spending threatens them. Not all Republican Senators share that view: After all some of our colleagues on that side of the aisle agreed with our belief that reform is needed and that a key component of that reform involves a limit on campaign spending. But for the moment, let us accept the fact that the Republican Party, as an institution, honestly believes that spending caps threaten its members. So be it; honorable people can have differences of opinion about issues.

But differences of opinion are to be debated and decided. A majority of Senators believe there is a pressing problem in our politics, and a majority of Senators believe that this bill is the right way to respond to those problems. As a result, we decided that this issue ought to be fully aired. We had debated this bill last year and we wanted to debate it again.

The majority of Members on the other side of the aisle do not want to see this bill debated. They do not deny that there is a problem in campaign financing. They even have some good ideas about how we might solve some of those problems—ideas which we, as Democrats, were willing to discuss and often willing to endorse. But on the central issue—could we place a cap on campaign spending—the Republicans were not willing to engage in meaningful discussions or debate.

We faced a choice. We could either surrender to the minority and decline to act, or we could make one last effort to try to resolve the issue. We made one last effort. The majority leader brought the bill back to the floor; the Republicans indicated that they would refuse to allow the bill to come to a vote. Indeed, to prevent the bill from coming to a vote, they indicated that they would filibuster it. In response, the majority leader in essence said, "Fine; if you want to filibuster, I'll give you an opportunity to do so." If Members feel so strongly about this issue, if they believe it threatens some basic democratic values, then we believe that they ought to be willing to express those feelings and defend those values. If a minority of Members want to filibuster, to thwart the will of a majority of their colleagues, they have a right to do so. The rules of the Senate specifically give them that right. But the rules of the Senate also explicitly give the majority the right to try to pass legislation—and the nature of a democratic society obligates us to exercise that right.

In order to discharge that obligation, the majority leader concluded that it would be wise to test the will of the minority, to see if their opposition to this legislation was deep enough to drive them to have a full debate on this issue. He announced that if the opponents of this legislation were not on the floor to debate it, then the Senate would move to a vote on it.

That decision was perfectly consistent with the rules and the traditions of the Senate. It imposed some pain on people—but so does the current system of campaign finance. We were willing to ask people to cast a lot of votes and spend a lot of time on the Senate floor in the hope that we could create a system where Members would not have to miss votes and be absent from the Senate floor in order to raise money.

And let us be clear about this fact: We were not asking only Republicans to pay that price. Speaking as one Member who supports this bill, this strategy caused me to miss a lot of sleep and spend a lot of time here on the floor. So be it. I was willing to pay that price because I believe in the bill. Those who oppose this bill, however, didn't want to pay the price. They wanted to stop a majority of the U.S. Senate from exercising its will, but they didn't want to expend any energy in an effort to achieve that goal. So, instead of taking to the floor and debating the issue, instead of following the rules and procedures, the minority simply decided that they would not participate. They left the Senate Chamber. And they said they would not return.

Now a minority of the U.S. Senate has a right to prevent us from enacting legislation; but they do not have a right to prevent us from acting in a legislative capacity. But that is what the minority tried to do when they refused to enter the Chamber and vote.

Given that situation, the majority leader had two choices: He could adjourn the Senate—in essence, accept the ability of a minority to prevent the Senate from even meeting—or he could insist on the right of the majority to attempt to conduct business. He insisted on exercising his rights. He did what the rules allowed him to do. He offered a motion to instruct the Sergeant at Arms to arrest absent Senators and compel their attendance in the Senate. I voted for that motion—and if the same situation existed, I would vote for it again.

But Mr. President, I did more than vote for the motion. By chance, I happened to be in the Chair serving as the Presiding Officer when the motion was adopted. It then became my responsibility to sign the warrants. I did so—without hesitation, without reservations, and without pleasure. I was obligated to implement the will of the Senate and I did.

Now, of course, people have raised questions about the technical and moral validity of the warrants. I understand the Parliamentarian is examining the technical questions. I will abide by his decision and we will all learn from it. But I do not need to wait for a ruling to respond to the moral question.

Some have said that the arrest was extreme. It was. But so was the decision of the minority to leave this Chamber and refuse to defend their own position as the rules require them to. In tactical terms, the outcome of this legislative battle hinged on a series of questions: Whether the Members of the minority were willing to do what was required to prevent action on this bill, whether they were willing to pay the price for the opposition, and whether they were willing to carry the burden of defending their point of view.

The minority was unwilling to answer those questions with a "yes" but they were also unwilling to accept the consequences of their refusal to defend their position. So they left the Senate Chamber. Their action reminds me of the kids who say, "It's my ball and if you won't let me play, I'll take it and go home." Such action may be tolerated in our schoolyards, but it ought not be accepted in our Government.

Let me make one more point about the issue of arrests. The decision to issue warrants was extreme but it was not unexpected. The acting Republican leader has indicated, on the RECORD, that his colleagues were fully aware that there was a possibility their decision to boycott the debate would force the majority leader to make the motion that he did. This did not, then, come as a surprise to anyone. Everyone knew that the rules allowed for such a motion, everyone knew the majority leader was prepared to make it, and everyone should have known that it would be adopted if the minority acted in ways which gave us no choice. And we had no choice other than to allow a minority of Members to close down the Senate and prevent the public's business from being debated, discussed, and hopefully decided.

That is my view of the procedural process we worked through last night. But our views of procedure ought not block the public's view of the larger issue: How do we clean up our politics and reform campaign finances.

So let me now turn to the substance of this issue.

Let me turn to what I see as one of the distinguishing characteristics of this legislation: The establishment of some sort of limits on the amount of money that can be spent on political campaigns.

You know, the Congress of the United States has accepted an assumption when it comes to the Federal budget: More is not necessarily better. We have looked at the deficits that have been generated and said, "no

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more; we have to have a system to control the amount of money we spend." The specific mechanism we have adopted to achieve that goal—the Gramm-Rudman-Hollings Act—is one that I believe is flawed; but the concept of creating some system of controls is one that I fully accept.

What I find more than strange is the fact that many of the people who believe we ought to control Federal spending do not believe we ought to control political spending. I know that there are legitimate differences of opinion about the details of this legislation, just as there are disagreements about Gramm-Rudman-Hollings, but I do not know why the concept of establishing limits should be objectionable. It is not my desire, nor the desire of any Senator on this side of the aisle, to craft an incumbent protection bill or a Republican Party destruction bill. We are willing to work with all interested parties on the details. We want to produce a bill which preserves the legitimate rights of all candidates and parties; but we also want to produce a bill which protects the right of the American people to have clean and reasonable campaigns.

You know, Mr. President, in 1986, I faced an incumbent Senator in my campaign. He spent more money than I did but I was still able to win that race. The amount of money spent is not an indicator of the outcome. More is not necessarily better. But more is necessarily an invitation to excess.

I raised $1.8 million during my campaign. My opponent raised over $3.5 million. Together we spent close to $5.5 million. All of that money went to persuade 1.2 million eventual voters. That may not seem like a lot of money to those of you who campaign in New York, Florida, or California but for my State it was a record. It was a record which I hope is not broken by our candidates this year.

Under this bill each candidate in my State could spend $2.3 million this year. I do not understand, and I think the voters of Washington State do not understand, why $2.3 million is not enough money for a campaign for U.S. Senate.

Any political candidate can spend more money. We can always want to put on another 30-second TV spot or print another 100,000 copies of a brochure or hire a few more consultants and staffers. All of that spending may make sense in the context of the internal logic of the campaign; but that doesn't mean it makes any sense in terms of the larger logic of American democracy.

As a result of our ability to raise and spend so much money, the nature of campaigns has changed. Today's uncontrolled political spending has given rise to a professional group of people who have no interest in government, just in who governs. There is a whole industry which caters to the needs of campaigns. We have consultants who specialize in political functions which didn't even exist 10 years ago. There are the TV image makers, the direct mail fund raisers, the PAC solicitors, the computer specialists who manage lists, the pollsters, the FEC specialists, the phone bank suppliers—the list goes on. There are even trade magazines for these people full of tips on techniques and notices of job openings.

These people play a crucial role in modern campaigns; but they didn't play an essential role. We can create a message even if we don't avail ourselves of all of their services; and we can take that message to voters without becoming overly dependent on them. Will our campaigns be as professional if we decrease our dependence on these specialists? Probably not. But they may be a little more meaningful.

We all complain about lower voter turnout. But perhaps a reason for decreased public participation is decreased personal participation by the candidates. We have surrendered ourselves to the money machine and lost our ability to step out of the protective shell it creates and make contact with the people. Senator HOLLINGS, who I recognize has some problems with this bill, told a story a few days ago which may symbolize what is wrong with our system today. He indicated that in his last campaign he spent a lot of time out of State trying to raise money. After the election, he did a series of town meetings and speeches throughout the State and one of his friends asked him why he was doing that—after all, he had just been reelected. And Senator HOLLINGS said that it was the first chance he had to meet with the people who elected him. He was too busy raising money during the campaign to do that.

Now Mr. President, that is just wrong. This bill, as drafted, doesn't prevent the excesses of campaigns, it won't reverse the professionalism of the process, but it will set some limits on it. Between 1978 and 1986, the cost of a campaign has increased over 400 percent. Now come on. No one can believe that such an increase is justified or necessary. We can place a ceiling on it. And this bill does so in a way which does not decrease the ability of people to participate in the political process by contributing to candidates. It does not require the expenditure of public funds as long as everyone abides by the limits. All it does is set some limits on what we spend. And Mr. President, we need some limits.

Let me conclude by indicating that I understand why this bill causes such concern. We are talking about a potential threat to the political parties we represent. We are talking about changes which will effect people we have come to know. I understand all that. But I also understand that change is needed. I also understand that the majority leader and Senator BOREN are willing and anxious and eager to negotiate an agreement which protects the legitimate interests of all elements of the political system. When we got into honest negotiations, it seems we made some progress. We agreed on some things and we agreed to disagree on others. But the bottom line is this: We never got what we needed—a conceptual agreement that there ought to be cap on spending, some limit to the amount of private money we raise and spend in an effort to get and keep public office.

That failure was unfortunate. the American people want to see some action. They know what we know: That the system has gotten out of hand, that the amount of money being spent has become excessive, that the current system is a disaster. It is time to make a change—and this bill is the change it is time to make.

Mr. DURENBERGER. Mr. President, as the Senate prepares to take its eighth and final cloture vote on this issue, I want to take this opportunity to discuss what I consider to be essential issues which this debate has put on the table and what lessons we can learn. As President Eisenhower once said in a different context, this is not the beginning of the end, but hopefully only the end of the beginning.

As 100 Senators meet in this Chamber to discuss and vote on campaign reform, there are no disinterested parties. Each one of us got here through an election and, except for the few who have announced their retirement, hope to stay here by the election process. That affects this debate in two ways: First, we all believe we are experts on this subject; second, we each have a particular history of rights and wrongs done by us or to us in campaigns. There should be no surprise at the intensity or even the parliamentary excesses of this debate. Politicians talking about campaigns are talking about their own survival.

Elections are the foundation of our democratic system: The means by which millions of Americans pick a single individual to represent them in this place. People all over the world have suffered imprisonment, great hardship and even death to avail themselves of the right to vote. We should regard our election process with respect and even reverence. It is the linch pin of all of our freedoms as Americans.

There are forces working on that process from many directions. Sixteen years ago, the United States went through a constitutional crisis over the misuse of the election process by a sitting President. Each campaign seems to present new campaign issues and problems. As this debate indicates, there is serious concern among the American people over the recent trends in national campaigns. Nonparticipation by a majority of the eligible citizens is perhaps the most serious threat.

As we approach the issue of campaign reform, which deals directly with the foundations of our Republic, we need to guard against two impulses. The first is to be carried away by our enthusiasm to "perfect" elections. I shouldn't need to remind my colleagues that many of the evils we are dealing with on this bill, grew out of our last attempt to reform campaigns after Watergate. It is also worth repeating that the Senate Watergate Committee specifically recommended against all forms of public financing whatsoever. Those facts should temper our enthusiasm to leap into the task of election reform.

The second impulse, which is equally prevalent, is to sit on the status quo because we are too cynical to believe we can do better. Our history also teaches us that we can never be satisfied with our democratic institutions. Mr. President, on S. 2, 2,388 Minnesotans contacted me by letter or telephone, and many others in person. They told me they were not satisfied, and neither am I.

Mr. President, elections are the means by which majorities govern in this country. They are also the means by which minorities become majorities, and visa versa. Partisan and personal bias aside, we judge the quality of elections by the degree to which they are competitive, substantive, and fair.

I do not support S. 2 because, Mr. President, simply put, I do not believe it would improve the quality of our elections. Let me review my reasons for that conclusion. Before I do that, I want to answer the question presented to my constituents in full page Common Cause newspaper ads twice in the last year: "Why won't Senator DURENBERGER let S. 2 come to a vote?"

The Senate was created as the sole institution in our Government where majority rule or executive power don't always rule the day.

Our Founding Fathers wisely created a body in which ideas would be tested, and minority voices could be heard and respected. I am not a big fan of the filibuster, but I hold in high honor the idea that gave birth to it: in a free and just society some questions shouldn't be settled by a 51-49 vote. I can recall standing strongly with a group of Senators, ably assisted by Common Cause and other outside groups, who turned back a dangerous effort in the Senate to strip the Federal courts of jurisdiction over several controversial issues. The filibuster is a protection against the "tyranny of the majority" about which Madison wrote so eloquently in Federalist No. 10.

In my judgment, campaign reform is of such importance to the future of our democracy that I would not support a narrowly decided, party-line reform package even if I were a member of the majority.

Several aspects of S. 2 as it currently stands before us, concern me greatly.

First, as I have said, I am very uncomfortable with a campaign reform proposal which draws the vast majority of its cosponsors from one side of the aisle.

Second, I am suspicious of a proposal which has undergone such sweeping revisions during the time it has been before us, to the point that it barely resembles the proposal which the Senate Rules Committee originally sent to us.

Third, I question the responsiveness of this proposal to the problems I hear my constituents talking about. If the problem is PAC's and their supposed undue influence, why does S. 2 deal solely with Senate campaigns and remain silent on House campaigns which take a far higher percentage of their contributions from PAC's? S. 2 does nothing about the trivialization of campaigns in 30-second campaign ads. S. 2 does nothing about so-called soft money contributions, which are a back door to the bad old days of undisclosed, unregulated interest group cash.

My bottom line, Mr. President, that this is not the way you reform campaigns. Recognizing both the need for reform and the legitimate concerns of many for a deliberate process of reform, we need to go another way.

I would suggest, Mr. President, that if ever a bipartisan commission was called for to resolve a difficult policy issue, this is it. In the context of a body comprised of officials from the two major parties, sitting and retired Members of Congress, academic experts, interest groups and legal scholars, a consensus can be built on what our problems are and what solutions we could consider.

I hope that in the aftermath of this debate, which produced far more heat than light, that we could get on with difficult, but vital undertaking of forging a bipartisan consensus to meet the legitimate demand of the American people for positive steps to improve our election process. I am committed to that process, and hope the leadership of this body can move us in that direction.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. SIMPSON. We do conclude now, a rather long debate. It has been a very good debate. I think that is the debate the majority leader wanted and it is the debate that those who were opposed furnished. A good debate, good, sturdy, spirited activity.

In many ways it has been a learning experience for all of us. I am very pleased that Americans——

Mr. BYRD. Mr. President, may we have order so the acting leader may be heard?

The ACTING PRESIDENT pro tempore. Order in the Chamber, please.

Mr. SIMPSON. I thank the majority leader.

As I say, we have had a good debate. I am very pleased that Americans have seen it. I think the majority leader is, too. And we provided them a forum, we have had a very civilized debate—except when we did not—and it was good. And one of the things we, I think, relearned, is what you always learn in legislating and that is that the majority can never override a determined minority. All of us who have legislated know that. The wheel comes around. We live by the sword, we die by the sword. There is no one more skillful in the crafting of a position for the minority than the majority leader. We learned from him. Whatever skills we have, whatever abilities we have, have been learned from the master.

We did this all within the rules. All this was done within the rules. No legislative process can tolerate a tyranny by the majority. It cannot work. That type of tactic always will fail. Our own Senate rules, those that are so cherished by the majority leader as he has shared with us the history of the Senate—and that will be a remarkable compilation that we will all enjoy sometime, when we get time to read in our lives—our own Senate rules establish these rights for the minority. And it is so important to remember that the preventing of a quorum is just as much an exercise of the minority's rights under the rules as any other. That is a very important thing to remember, that the preventing of a quorum is part of "working and the will of the Senate".

Another lesson that we should learn is that no one can possibly challenge the need to move the agenda. That is the majority leader's right and responsibility. And there will certainly be disagreements from time to time about that, but in my capacity as acting leader, I will work with the majority leader and we will move that agenda.

But I think the issue comes down to a couple of things. It is really not corruption and bloated spending, and so on. It is the fact that the Republicans know where the Democrats get all their scratch and the Democrats know where the Republicans get all their scratch, and neither one of us are honest enough to deal with it.

That is the real issue. It is a fun, fun game to watch. We know how they do us in and they know how we do them in. That has been something that we really never got into too far: Where do we get ours and where do they get theirs? It is hard to believe they get more of theirs from corporations in "funny ways" and we get ours from "the little guys" in funny ways. Who would believe that one? They get theirs from little old widows and ladies and we get ours from heavy handed so-and-so's.

Well, anyway, we have all had enough of that. Some who do not take money from PAC's simply call the corporate officers and say, "I don't take PAC money, so will you go out and bag all your corporate officers? I will give them a call next month to see how they all came through."

Boy, that is hypocrisy of the first water. And so many people are on this bill who take a ton of PAC money and the only bill that had anything to do with cutting PAC money was the Republican alternative. Some of us are even ready to go to zero. Anybody hearing that? Some in this party are ready to go to zero on PAC's. We could get maybe a large majority to agree to go down to $1,000 or $2,000.

The other issue, then, is very clear to me. You cannot deal with the same issue eight times and hope to get anything done in a legislature. We have dealt with this same issue eight times and the result will be the same all eight times. We have sliced the snake in seven sections. Today we will lop off the head for the eighth slice and that will be it, but the snake will rise again from the sand.

I think that is what we want to watch closely. This is not directed at the majority leader but to those who really press and press and press because it is election year. This is a fun game for election year, but it does not mean anything. People are not going to hear it. What we are dealing with then, when we do that, is a type of obsessiveness and excess which is not becoming to a legislature.

I believe Senator WIRTH presented the other night the statistics that we have had five cloture votes on a single issue only once and three times we had four cloture votes, but we have never, ever, had eight. So that should not be part of the process. You cannot have that obsessiveness. You cannot have the position that you will do it my way or not at all, or I will take my toys and go play somewhere else. Forget the shrill calls for reform and cries of those who think they have a corner on the reform market or morals in politics. We all desire reform, every single one of us. Forget the old saw that somehow the Republicans are not supportive of reform. All of us know the bill does not just deal with money. It deals with vans in the night, setting up a little shop of phone banks on the edge of town, making calls all night about some fink, that is, the opponent who will not vote for the Social Security system. We do not like that and you do not like what we do.

Well, let us get serious. Let us quit smoking each other around. And even if we talk about money, do not forget that all of us on this side have proposed cutting PAC's. That is what this legislation was supposed to do when it started, but it all fell off the table, just kind of went right into the vat. So there is a lesson to be learned. It is that you cannot overreach yourself in the legislative arena.

So we are ready to go on, I say to the majority leader. I know there will be some more proposals like this. When they come up, they will be dealt with like this. The result is very clear as to what will happen. It will not change. We have two of your side who help us; you have three from our side who help you. This is not a partisan issue. We are ready to go on. I pledge to you cooperation; I pledge to you support of this minority, this Republican minority, this minority on this issue. And we are ready to put this aside. We do not keep score over here, except on cloture votes. We are ready. You have a big agenda. We have a lot of work to do, two national conventions, an election year, a recess period of a week a month, and it is so splendid that you furnished us that monthly opportunity to go home and see any constituents. We are ready to work with you on the Nation's business. I pledge you that, as we now put aside this very divisive issue for the eighth time, the eighth time to bury the dead. Thank you.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Wyoming have an additional 3 minutes. He was entitled to 10 minutes under the previous order.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Wyoming has 33 seconds of his time remaining and without objection he is recognized for an additional 3 minutes.

Mr. SIMPSON. Mr. President, that is very kind of the majority leader. I am going to respectfully decline. Again, I appreciate that courtesy.

The PRESIDING OFFICER. The Senator from Wyoming yields back the remainder of his time.

Mr. BYRD. Mr. President, I yield 1 minute to the distinguished Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank the leader. I have great respect for those who have just spoken on the other side of the aisle, but I must respectfully disagree with them on two points. It is a credit to this legislative body that it has tried its best to deal with the real problem that is eating away at the heart of the American political system—too much money being pumped into campaigns. That is to our credit.

The Senator from Kentucky says if you limit spending, if you limit this massive tidal wave of money that comes into campaigns, you are limiting participation. I assume if he is concerned about participation, he is going to push same-day registration and national holidays for elections because when we talk about participation of the people, we are fundamentally talking about participation in the election process itself. We are not talking about buying elections. That is the fundamental difference. He is right. We on this side of the aisle think politics ought to be primarily based upon competition and ideas, ideals and qualifications, involvement by working for, speaking for and citizen participation with candidates. We do not think participation ought to be mainly by money. That should not be the main way in which we participate in politics.

I ask this one question, if the leader will give me 30 additional seconds. I ask this one question: Do you think it is good for this country that when we give high school commencement addresses this year we have to say to the young people in the audience," If you decide 12 years from now that you want to run for the U.S. Senate, at the current rate of increase of campaign spending, you will not only have to think about what it is you want to do if you are elected, you will have not only to think about your platform, you will have to think about how to raise $15 million in order to have an opportunity to run to be a public servant." Do you think that is good? They say, "Yes, do not control campaign spending. Let that trend carry on for 12 more years. Let that be a fact." We say we think that would be a tragedy and a disgrace for this country.

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

Mr. SIMPSON. I take back my 3 minutes. [Laughter.]

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. SIMPSON may have back his 3 minutes.

Mr. SIMPSON. I thank the majority leader.

Well, now, really, we can stack it up pretty high in here this morning. Let us go ahead and vote. We are not talking about little kids running for the U.S. Senate or Congress. There are going to be plenty of those in the future.

There are people lusting for our jobs all over the United States, wanting to run for yours or mine. That is never going to change.

The reason that we are all running around looking for money is because it costs so darned much to do television. It costs so darned much to get your message across. That is what is killing us all. We are a bunch of bagmen running all over the United States, and the reason for it is because our friends in television and the media have decided that the rate goes up whenever we

decide to do this biennial or quadrennial exercise. They make it a little hard for us. That is really the issue. And then media consultants. All of us have to go to charm school. Then we go out and learn how to look at the camera and pay about 10 grand for that, and learn how to speak and elocute. That is what costs us the bucks. Let us not pretend that it is anything else. Some of us want to get it one way and some another way, but that is what is wrong with the system. That is what is busting it all down. The opponents' alternative had a limitation on expenditures in the media. We had a television limitation. We had a radio limitation. We had an advertising limitation. That was pretty good stuff. But you take on a pretty heavy, heavy little outfit out there when you do that. None of us want to do that.

I am sure children will run for this job. I know they will. I feel positive they will. And old people will run for it and anybody over 31 will run for it. But let us keep our eye on the rabbit.

Thank you.

The PRESIDING OFFICER. The Senator yields back his time.

Mr. BYRD. Mr. President, the distinguished acting Republican leader said it right; we are a bunch of bagmen running all across the United States looking for money. That is precisely what we have been trying to get at on this side of the aisle with S. 2.

Somebody else referred to a "tidal wave." Mr. President, down in my country where the hills are steep and craggy and the hollows are deep and narrow, we have floods. I have seen those floods. The waters start at the top of the mountain and then they grow as they sweep down into the hollows. They become a flood, a tidal wave that sweeps away homes and property and people.

Now, Mr. President, there is an old proverb that says let us have the foresight to build a dam, to prevent the floods from sweeping away the homes and the people.

Mr. President, this is what we are seeing here—it's raining money. It began as a dribble in 1972. It was $8.5 million. Then, in 1986, it became a downpour—$132 million.

Now we are here, and the ante is going to go up. In 1986, $3 million for a successful Senate campaign. This year, $3.7 million. In 1992, if that curve keeps going as it is now going, those who ran in 1986 for the Senate and had to pay $3 million for a seat, will then have to pay $9 million. Then, how heavy will be the bagmen's burden as they cross over this country?

Mr. President, Aaron Burr, when he made that remarkable speech in 1805 on his departure from the Senate, after having presided over it for 4 years, said: "This House is a sanctuary, a citadel of law, of order, and of liberty." He went on to say that "it is here in this exalted refuge, here, if anywhere, will resistance be made to the storms of political frenzy and the silent arts of corruption."

I will pause there: The silent arts of corruption.

The people see this bill as an instrument that will stop the corruptive influence of money.

The Bible says: "Every tree shall be known by its own fruit." We are out there shaking the money tree almost every day. What is the fruit of that tree? Lost hours from the work of the Senate; lost hours away from our homes, our families, our wives, our children, and our grandchildren. It is time to put a stop to this money chase.

Mr. President, the distinguished junior Senator from Kentucky says that the issue is how many people can participate in the political process. Every registered voter in this country can participate in the political process. But money talks, and the perception is that money will talk here in this Senate. Money will open the door. Money will hold the balance of power.

Yes, we are trying to do something to let the little man participate on an equal basis; give him an equal shake. More and more, he is not getting an equal shake.

My good friend says that there are plenty of people who will run for our seats. Yes, they will run. But, under the current system, we are going to see a time when only those individuals who can furnish the dough out of their own pockets, the millionaires, will hold the seats in this Senate. That is not anything against millionaires. They have a right to serve, too, and they can contribute to the service of this country as can anyone else. But is the Senate going to become the fortress of special interests and the citadel only of men of wealth, so that only they can afford to run for a seat in the United States Senate because the little man can no longer compete? He cannot raise the millions to win the race.

So, Mr. President, I close with another reference to the Scriptures: "The love of money is the root of all evil."

Mr. President, this bill strikes at the root of the evil that is more and more becoming a deluge and threatening to engulf this great body and sweep away its integrity.

We may not win this vote today. I do not expect to. A great deal has been made of the fact that this will be the eighth cloture vote. So what? Many of the great causes in this country have had to be repeatedly brought before the Senate before victory was achieved.

I respect the voices that have been lifted in opposition to this bill. There have been some very reasoned voices in the Senate on the other side of the aisle and on the other side of the question. I could name those Senators, but I do not have the time.

I do want to thank them for the contributions they have made to the debate. I also want to thank Senator BOREN, the main cosponsor of this legislation; Mr. MITCHELL, Mr. LEVIN, Mr. FORD, Mr. WIRTH, Mr. KERRY, and Mr. EXON. I want to thank all those who tried to work out some compromises.

I have offered—and I offer again today—to work on a time agreement, and we will give all Senators an opportunity to vote on their germane amendments, if we can have a time agreement that will provide for a final vote on this bill. I have offered to do that, and still so offer.

So, Mr. President, it is the root of the evil at which we strike. This issue will not go away. It will not be swept under the rug. We will revisit the issue.

Mr. President, we have made progress. The American people have learned a lot from this debate, and our time has not been lost. The more people who learn about the real issue—money and a limitation on the amount that can be expended for a Senate seat, based on the populations of the States—the more people who will support campaign financing reform.

Mr. President, I thank all Senators. I yield the floor.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

All time having expired, 1 hour having passed since the Senate has convened, the clerk will now report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute for S. 2, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

Senators Brock Adams, J.J. Exon, Edward Kennedy, Daniel K. Inouye, David Boren, Harry Reid, Howard Metzenbaum, Wendell H. Ford, Terry Sanford, Carl Levin, Jay Rockefeller, Dale Bumpers, Tom Daschle, John Glenn, George J. Mitchell, Bill Bradley, Paul Sarbanes, Albert Gore, Jr., Max Baucus, and Robert C. Byrd.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, "Is it the sense of the Senate that debate on the committee substitute, as modified, for S. 2, the Senatorial Election Campaign Act, shall be brought to a close?"

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore] is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. Cochran], the Senator from Kansas [Mr. Dole], and the Senator from Alaska [Mr. Stevens] are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

The PRESIDING OFFICER (Mr. Harkin). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—53

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Stafford
Stennis
Wirth

NAYS—41

Armstrong
Bond
Boschwitz
Cohen
D'Amato
Danforth
Domenici
Durenberger
Evans
Garn
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Humphrey
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Shelby
Simpson
Specter
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

NOT VOTING—6

Biden
Cochran
Dole
Gore
Gramm
Stevens

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the cloture motion is not agreed to.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Senators will please retire from the well and cease audible conversation.

The Senate will please come to order.

The majority leader is recognized.

Mr. BYRD. Mr. President, I thank all Senators.

We had two more votes on our side which were not here, one, Mr. Biden, because of illness.

Mr. President, I would agree with the Apostle Paul, except I would paraphrase his words and use the plural pronoun in the first person.

We have fought a good fight. We have finished our course. We have kept the faith. I would deviate, however, from the Apostle Paul's statement by adding just these few words: we have not finished the course.

Mr. President, I want to thank Mr. Boren, the chief author and cosponsor of the legislation, and all those on our side who worked with the group, working with the group on the other side of the aisle, and those who did floor duty, and those who did Chair duty. They were excellent.

I especially want to single out one Senator on this side of the aisle in referring to floor duty, and that is Senator Stennis. Senator Stennis even volunteered for floor duty during those two nights that the Senate was in session. That is a supreme dedication and every one of us should attempt to emulate that act of patriotism, dedication and, yes—I would say even heroism.

I thank those on the other side of the aisle. I thank the distinguished acting Republican leader. He did a good job. He worked hard. He cooperated with me. He maintained his wit and good humor throughout, and my admiration for him has not lessened. It has grown.

I also wish to express admiration for those Senators on the other side of the aisle who stood against great pressures and who voted with those of us who are supporting S. 2.

I also express appreciation again to those Senators on the other side of the aisle who expressed their opposition in a very reasonable way. They offered reasons in their debate why in their view they had to oppose S. 2. They were conscientious and I respect them for their views.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I want to thank the leader for the leadership that he has provided on this issue, and I want to join him in the remarks that he has made.

I think we have had an excellent debate. There have been some honest philosophical differences of opinion, but I think the airing of this issue in the course of this debate will help draw the attention of the American people to this very serious problem that confronts us.

One thing has been achieved and one thing is certain. This issue is on the national agenda and it is the national agenda to stay until we finally deal with it in a bipartisan constructive way. We all agree there is a serious problem. We left that problem unsolved, and that means we must come back to it.

I recall the last advice that Sir Winston Churchill gave when he went back to visit his old school and reflected on his whole lifetime of experience and he was asked to give the young people there a parting word of advice. People expected a long, long speech. Instead Sir Winston got up, looked at the young people, fixed them with his gaze, and said someting very direct and very simple. He said: "When you think you are right, never give up, never, never, never, never, give up."

Mr. President, as far as I am concerned this is a task that is unfinished. Until we get excessive campaign spending under control, until we stop the ever-increasing tidal wave of money that is coming into politics, until we do something to restore the balance between how much of the money is coming from the grassroots and how much of it is coming from the special interest, until we get some reasonable balance brought back into American politics, we owe it to ourselves to never give up, never.

This Senator does not intend to give up. This issue is on ther national agenda. I know the majority leader feels the same way. I know there are many sincere people on the other side of the aisle who also share that conviction.

This is not the end of the fight for campaign reform. This is but the beginning of the fight for campaign reform, and it will go on until it is won. The discussions between both sides will go on and we will continue to do our best to take the best ideas presented on both sides of the aisle to fashion something that will be someday enacted into law so that we will not hand on to the next generation the problem I spoke of on the floor, their having to worry about how in the world they can begin to raise massive amounts of money to run campaigns if they have a sincere desire to render public service.

So we will never give up, not ever, and we are going to continue this fight until it is won, and I believe that this debate, as the American people have watched it, I think the American people become more involved in it.

That is bound to further this process toward the right kind of conclusion.

Again, I want to join with the majority leader in thanking the distinguished acting Republican leader, my colleague from the other side, the group of four that have been part of the gang of eight on each side of the aisle which have been negotiating.

As I have said, while there have been very strong philosophical differences at times there have never been personal differences, and there has never been a lapse of personal respect.

So I think that this discussion has been in the best tradition of upholding one's view but doing it in the proper spirit, and I look forward to round two. This is but a battle. The fight goes on. And it is a battle that ultimately is going to be won by doing something meaningful about campaign reform.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Ms. Mikulski). The Senator from Wyoming.

Mr. SIMPSON. Madam President, I thought I was listening to Rocky IV there, or V. For heaven's sake, we are not going to give up either.

I mean, what does that have to do with the issue now? If we put everything here on the basis of win or lose, top dog or underdog, we have denegrated the process. We are ready to move on in total cooperation with this majority leader. We are gloating in victory. I do not think that is becoming. I do not think it is a victory. I think it is an issue that we are going to move on.

It will come up again. We will all watch each other around here, and do something about it; probably the same thing. It is not a death struggle. We are not embarking on the crusades across continents. That is not what we are doing.

We ought to get together and figure out how to quit punching each other, and we ought to figure out how not to do it to the Republicans or do it to the Democrats. And, no, there are just as many thoughtful Republicans who are deeply interested in reform of the campaign apparatus, and search for money, as the majority leader so beautifully phrases it. That is what it is.

But for heaven's sake, you know, it is not warfare to me. I have other things to do in life that are much more important than that.

So I hope we can keep that in perspective. But I want to pay respects to the majority leader. He is superb to deal with, one on one. It is a great pleasure. We do not need to deal otherwise. We can get eye to eye and toe to toe, and he refreshes my memory in a pungent way, and I try to refresh his and tell him what it is we are trying to do. He will say, "That is an interesting thing. Do you think they can get that done? I don't know. But we will stay here all night to find out." Or, he will say, "Well, we can see about that."

So it has been a very fascinating engagement of this unique and complex, and remarkable man that I have come to know in my 9 years. And I enjoy very much engaging with him in the business of the Senate. I thank him for his ultimate courtesies to me. He never fails to do that.

He will accept the suggestion or comments, and often disrupt his own activities or his own schedule to meet my requests, which is quite extraordinary, and that needs to be said.

Well, we have business to do. I just want to thank our team of Senators, Senator McConnell, Senator Packwook, Senator Boschwitz, and Senator Stevens. I know they have engaged with Senator Boren who came here when I did. He is no more delighful as a friend. And we can crank out a bill, throw it in. If we can throw one in with Senator Boren and Senator McConnell's name at the top we will pass it in 20 minutes.

I want to thank the premium Member of the night patrol, Lowell Weicker, who I think did 5 hours of extraordinary labor and that remarkable gentleman deserves our praise.

And to the enlightenment of the giants on the majority leader's side of the aisle, Senator Shelby and Senator Levin, we thank him for them. They were superb in their enlightenment on this issue.

And to a group we never thank, but the majority leader does, we want to thank the people at that desk, the people at the majority leader's desk, and at the minority leader's desk, the Secretary to the majority, the Secretary to the minority, the clerks, the reading people, the Parliamentarians, the doormen, the restaurant personnel, the waitresses, the custodial people who really disrupt their lives when we are doing two all-night sessions in a row. They get the full duty. We get to spell each other. I extend to them my appreciation.

Again, I extend my appreciation to the majority leader, and I look forward to trotting up some new stuff. And we will be here to help him with it.

ORDER OF PROCEDURE

Mr. McCONNELL addressed the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Madam President, I want to yield to Mr. McConnell so he will have an opportunity. Two of us have spoken, and he is the leader on the other side on this issue. We want to have his words also. But before I yield to him, I ask unanimous consent—and this has been cleared on both sides of the aisle—that when the Senate proceeds to the consideration of Calendar Order No. 541, Senate Resolution 381, resolution authorizing the expenditure by committees of the Senate, that there be a 10-minute limitation thereon equally divided as in the usual form, and that there be no amendments thereto in order, and no motions to instruct with, or to commit with instructions, or otherwise to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

YEAS AND NAYS ON SENATE RESOLUTION 381

Mr. BYRD. Madam President, I ask that it be in order to order the yeas and nays now on passage of that bill.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Madam President, there are Senators who will be wanting to leave early. We all remember the new plan of operation here, 3 weeks in, 1 week out—the quality of work plan. And we have said that there will be votes on Mondays, and there will be votes on Fridays when the Senate is in and during those 3 weeks. And we are going to stick to that.

Madam President, the Senate has been for many, many hours in session now without a recess. And Senators are becoming a little worn I am sure, and so are the officers and employees of the Senate, all of whom the distinguished acting leader alluded to quite appropriately in his remarks with his thanks, and I add mine.

So I would suggest that, as soon as Mr. McConnell finishes, I will move, and I ask unanimous consent, Madam President, that upon the completion of the remarks by Mr. McConnell for not to exceed 3 minutes, that the Senate turn to the consideration of Calendar Order No. 541.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Then, Madam President, there will be a rollcall vote on that measure, and time limitation is not to exceed 10 minutes equally divided, and following that rollcall vote there will be no more rollcall votes today.

I hope that by having a little early "school's out" on this Friday Senators may replenish their strength and their spirit, and be with their families during this afternoon.

I yield the floor.

Mr. SIMPSON. Madam President, I thank the majority leader for that. It is very helpful to our Members, and to all Members. It is a very thoughtful suggestion that we might finish that rollcall vote, and then recess until Monday when we will be back in business with rollcall votes. I thank him very much. That is very helpful to our people, and very courteous. And it is very much appreciated.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

OL
134
PT
2
FE
17
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MR
2
988
UMI

SENATORIAL ELECTION CAMPAIGN REFORM

Mr. McCONNELL. Very briefly, Madam President, almost everyone on this side of the aisle who has been involved in this debate has been thanked and certainly the group of four and the staff did a brilliant job.

I think the only remaining question is: Where do we go from here? It seems to me there are a couple of things that obviously need to be addressed. We came oh, so close to coming up with bipartisan campaign financing reform for congressional elections. I think we ought to continue to move in the direction.

Second, as many people have said, if there is a scandal waiting to happen in American politics it is in the Presidential system. I want to indicate to my colleagues that we are in the process now of developing the ability that would dramatically change the way we elect the President of the United States, and we want to give that adequate attention in the coming months.

Madam President, I yield the floor.

Mr. BYRD. Madam President, I call for the regular order.

OMNIBUS COMMITTEE FUNDING RESOLUTION

The PRESIDING OFFICER. Under the previous order, the clerk will report Calendar Order No. 541.

The legislative clerk read as follows:

> A resolution (S. Res. 381) authorizing expenditures by committees of the Senate.

The PRESIDING OFFICER. There will be 5 minutes of debate on each side. Who seeks recognition?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Kentucky.

Mr. FORD. Thank you, Madam President.

Senate Resolution 381 is the omnibus funding resolution to provide funding for Senate committees in 1988. The accompanying report, 100-287, I think explains what the committee has done in detail.

The committee budgets for 1988 recommended by the Committee on Rules and Administration are austere. The increase over 1987 actual recurring funding is 2.24 percent. On an annualized basis, the increase of the recurring budget is only 1.29 percent. The basic guidelines was a 2-percent increase for staff salaries and no increase for administrative expenses. With one exception, that guideline is embodied in the recommendation. The only exception is $6,500 for travel expenses for the Intelligence Committee. Last year, in a supplemental funding resolution, the Senate authorized funds for the creation of an audit staff for the committee. The supplemental included funds for salaries only. For the audit staff to fulfill its responsibilities, some travel will be necessary. Therefore, funds for travel by the audit staff were added.

Mr. STEVENS. Would my friend, the chairman of the Rules Committee, like to comment on why the committee is reporting out an omnibus committee funding resolution rather than an individual resolution?

Mr. FORD. Of course, I would say to my friend from Alaska that it should be noted that this original resolution is reported as a substitute to the Senate for each Senate resolution that has been referred to the Rules Committee pursuant to paragraph 9 of rule XXVI of the Standing Rules of the Senate. It affords this body time saving elements which after recent events can be appreciated even more. The omnibus resolution is a unified budget resolution for the 19 Senate committees and it avoids the necessity for 19 votes, if considered separately. I would add that there is a clear precedent for this. The Senate has adopted an omnibus funding resolution in lieu of individual resolutions every year since 1982. I want to point out to my colleagues that separate resolutions are required for supplementals.

Mr. STEVENS. In the summary of cuts provided at the markup on February 17, many of the requests for additional funds, which were cut from the 1988 budgets, were for Legislative Information Services. Would the chairman comment as to why these requests for new services were not funded with additional moneys?

Mr. FORD. A good point, yes I would like to take this opportunity to put in the record why the committee acted as it did. In reviewing the budget requests this year, it became clear that some committees demonstrated the ability to absorb the costs associated with these information services, while 11 committees requested increases in administrative costs ranging from $4,700 to $18,500 to pay for these services.

After reviewing unexpended balances of committee budgets over the last 6 years, the Rules Committee chose not to include an increase in funding to cover the cost of legislative information services. The committee believes that sufficient funds will be available to cover these services, if needed and desired, through attrition, turnover of staff, and underspending in other administrative expense categories. Unexpended balances anticipated also reflect that funds will be available. Therefore, the decision is being left to the various committees to determine the importance and priority of legislative information services.

Mr. STEVENS. Would the Senator from Kentucky tell this Senator how effectively we were able to hold the line on spending in the omnibus committee funding resolution for 1988?

Mr. FORD. I am pleased to be able to report that the $47 million requested in this resolution represents only a 1.29-percent increase for recurring funds over the 1987 annualized budget authorizations. The Rules Committee has commended the committees for following our guidelines as well as they did. Two committees were even able to come in below our stated guidelines. The Senate can take pride in the fact that despite all the demands placed on Senate committees for legislation, oversight, investigations, nominations, et cetera, their budgets will reflect a bottom line that has held the line on spending.

The Rules Committee commends each committee for its supervision of spending. It was noted in the hearings that an unexpended balance $2,478,742 is anticipated by committees to remain unobligated at the end of the current committee funding year. This amouint is approximately 5.36 percent of the total authorized amount. This balance clearly reflects the practice of spending the amount needed rather than the amount authorized.

Mr. STEVENS. There have been some questions on the method of annualizing the supplemental funding authorized in 1987 and adding it into the base for committees for comparison to the 1988 budget requests. I believe, Mr. Chairman, it would be helpful if you would supply the information for this record.

Mr. FORD. I would be happy to. During 1987, the Rules Committee received two types of requests for supplemental funding—annualized requests for the whole year and prorated requests for only a portion of the remaining funding period that would be necessary. Clearly, where a committee received a prorated supplemental for lets say the last 3 months, the Rules Committee annualized this request for the next year when considering a committee's total authorization.

Senate report 100-287, which accompanies this resolution, addresses this very point. The total committee funding authorized in 1987 was $46,212,512. Since some committees received supplemental funds for a partial year, these funds have been annualized. The annualization of supplementals was recommended by the Rules Committee and this fact was brought to the attention of the Senate in Senate reports 100-169, 223, 224, 225, 226, 228, and 229 which accompanied each committee's respective supplemental funding resolution.

For this reason, the annualized figures were considered a part of the budget base for developing the 1988 budget recommendations. The annualized recurring funding authorization for 1987 was $46,404,135. The recommended 1988 recurring funding is $47,002,568. The 1988 recurring funds recommended are, as I stated earlier,

1.29 percent greater than the 1987 annualized budget authorization and only 2.24 percent greater than the actual 1987 authorization.

Mr. STEVENS. Some have asked me if it is still the intention of the Rules Committee to require committees to file productivity data as it relates to the legislative workload of committees during the funding period which begins March 1, 1988?

Mr. FORD. I would say to the distinguished ranking minority member that our letter of December 18, 1987, originally put committees on notice of the requirement to become accountable for disclosing what activities their committees are involved in with respect to legislation, nominations, hearings, special investigations, conferences, and so forth. In my opening statement on February 2 and in Senate Report 100-287 which accompanies this resolution, committees have been notified that productivity data on various committee functions will be required on a quarterly basis beginning March 1, 1988. The Rules Committee ad hoc Committee on the Budget will develop the format for reporting this data.

Mr. HATFIELD. Madam President, I would like to take this occasion, speaking from the position, I think, of about the second-longest longest serving member on the committee, that in my view, the Senator from Kentucky [Mr. Ford] has probably run the tightest ship of any chairman I have served under, and particularly as it relates to the funding and other fiscal matters for which the committee is responsible to the full Senate.

I have not had an opportunity to publicly make such observation and I welcome it in the absence of Senator Stevens, the ranking Republican member of the committee, who is necessarily absent at this moment. On his behalf, I know from his own comments to me that he has found it a delightful experience to work with the chairman of the committee, Senator Ford.

Madam President, I am ready to yield back the remainder of my time.

Mr. FORD. Madam President, rather than yield back the balance of my time, I, for just a moment, would like to acknowledge the kind words of the distinguished Senator from Oregon who has been the ranking member on the Rules Committee for a good many years.

I think there is more to the Rules Committee and there is more to what we can accomplish than just what appears on the surface as the name of the committee. It has been my good fortune to work with Senator Mathias as the chairman and now to work with Senator Stevens as the ranking member.

Something that we attempted to do since I became chairman is that I get a weekly report from each of the sections of the Rules Committee on what has transpired, what the position of support of the Senators' offices might be for their requests and how they are being fulfilled. At the end of a 30-day period, I send each member of the Rules Committee a compilation of the past 30 days so they may stay close to what is transpiring in the committee.

For the first time, I believe, this committee is giving a legislative history to support the request of the budget, what was requested by the chairman and ranking member and what the decision of the Rules Committee and its debate was and how that supports the request for funding of the committees. I think it gives us a level of understanding.

I hope, if there are any questions, now or in the future, that they will be able to go back to legislative intent as it relates to the budget and the questions will be basically answered.

So I thank my good friend again. We know very well that by working together we can accomplish a great many things. There has never been any harshness or anything like that. We have put in a coffee pot now where we can sit around and talk about the problems and solve them in a very, very friendly way, but sometimes it is a decision that is not as tasteful as we would like for it to be in doing some things in trying to curtail the expenses of our committees.

Mr. HATFIELD. Madam President, I would like to pick up on a point the chairman has just so succinctly stated, and that is the role of the Rules Committee in providing assistance to the Senators in the operations of their offices and so forth.

Madam President, we have heard today the conclusion of a long and torturous debate on the question of campaign reform. Much of the discussion was sort of, "Well, we have finished one try; we will be back for another," as if we have to sort of wait until another bill comes forth.

Madam President, I think the chairman of the Rules Committee has pointed out that there is a relationship between how Senators administer their offices, in relation to answering their mail to their constituents and maintaining communications, that has a direct bearing on the campaign costs for reelection.

I am persuaded that, if we operated our offices in the most efficient manner in maintaining a focus upon the mail from the constituencies, we would have far less of a need to spend large sums of money to get reacquainted in the reelection effort. And that is the situation with too many Members of Congress as it has been developed through surveys and studies.

So, consequently, I think the Rules Committee has been very, very attentive to providing the latest technology and the latest assistance to Senators to expedite and to handle their mail and other requirements of the office.

But I would invite people to come look down through the Hart Building and look through the windows where you could see the internal workings of many of our offices, and you will see the environment of utter chaos. I think that there, again, we could say that the housekeeping functions, which the Rules Committee has such a direct bearing on, those housekeeping functions have to be given the highest priority by all of us. I think if they are given the kind of highest priority that most Senators do, you could find a direct relationship, then, upon the requirements, as I say, for expenditures on reelection efforts.

So I thank the chairman of the Rules Committee for being alert and attentive to these new technologies that come along that can build a stronger relationship between a Senator and his constituencies.

Mr. STEVENS. Madam President, I would just like to add my thanks to the Senator from Oregon for speaking up. I just got back from having my annual eye checkup and I see a nice, rosy hue out there. So I am not going to try to read or do anything other than thank the chairman for what he has done. I think it is a very fair funding resolution. We have gone over it in detail. No one on this side has complained to me about the treatment that has been given to either the committee on which he serves or the minority on any committee. I think that is a tribute to my good friend from Kentucky. He has been evenhanded and fair. Everybody knows we will have to hold the line and, with his leadership, we have done so.

Mr. FORD. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 49 seconds.

Mr. FORD. I yield back the remainder of my time.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BYRD. Madam President, I ask unanimous consent that the regular order be automatic at the end of the 15 minutes on this rollcall vote. This will be the last rollcall vote of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky has yielded back his time. All time has been yielded back.

There being no further debate, the question is on agreeing to the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Maine [Mr.

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KERRY], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Kansas [Mr. DOLE] are necessarily absent.

I also announce that the Senator from Texas [Mr. GRAMM] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 8, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—84

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Hollings
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stevens
Thurmond
Warner
Weicker
Wilson
Wirth

NAYS—8

Hecht
Helms
Humphrey
Quayle
Roth
Symms
Trible
Wallop

NOT VOTING—8

Armstrong
Biden
Cochran
Dole
Gore
Gramm
Kerry
Stennis

So the resolution (S. Res. 381) was agreed to as follows:

S. RES. 381

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution of 1988."

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized in the aggregate $47,856,813, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of long-distance telephone calls, or (3) for the payments to the Keeper of Stationery, U.S. Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1988, through February 28, 1989, to be paid from the appropriations account for "Expenses of inquiries and investigations".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,719,586, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,119,856 of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,490,812, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expeditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,690,000, of which amount (1) not to exceed $1,000 may be epended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expeditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,022,846, of which amount not to exceed $22,000 may be expended for the procurement of the services of individual consultants, or organizagions thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,379,375, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,446,068, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,381,014 of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,503,993, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,438,915, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,529,719, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetenece, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationship with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized

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criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(iii) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1988, through February 28, 1989, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 353 of the Ninety-ninth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

Sec. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,336,859, of which among (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, of organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

Sec. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,549,148, of which amount (1) not to exceed $43,200 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,500 may be expended for the training of the professional staff of such committee (under the procedures specified by section 202(j) of such Act).

COMMITTEE ON RULES AND ADMINISTRATION

Sec. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,304,043, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

Sec. 17. (a) In carrying out it powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Adminstration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $972,617, of which amount $1,500 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON VETERANS' AFFAIRS

Sec. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,001,553.

SPECIAL COMMITTEE ON AGING

Sec. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,094,591, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SELECT COMMITTEE ON INTELLIGENCE

Sec. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,105,072, of which amount not to exceed $41,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

Sec. 21. (a) In carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Committee on Indian Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,770,746, of which amount (1) not to exceed $205,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,600 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The Special Committee on Investigations (hereafter in this section referred to as the "special committee"), a duly authorized subcommittee of the select committee, is authorized from March 1, 1988, through February 28, 1989, to study or investigate any and all matters pertaining to problems and opportunities of Indians and the Federal administration of mineral resources, including but not limited to resource management and trust responsibilities of the United States Government, Indian education, health, special services, and other Federal programs, and related matters.

(c)(2) For the purpose of this section the special committee is authorized from March 1, 1988, through February 28, 1989, in its discretion (A) to adopt rules (not inconsistent with this resolution and the Standing Rules of the Senate) governing its procedure, to be published in the Congressional Record, (B) to make investigations into any matter within its jurisdiction, (C) to make expenditures from the contingent fund of the Senate, (D) to employ personnel, (E) to sit and act at any time or place during the sessions, recess, and adjourned periods of the Senate, (F) to hold hearings and to take staff depositions and other testimony, (G) to require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, and documents at hearings or at staff depositions, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(c)(3) The chairman of the special committee or any member thereof may administer oaths to witnesses, and, at staff depositions authorized by the special committee, oaths may be administered by any individual authorized by local law to administer oaths.

(c)(4) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman or the member signing the subpoena.

(d) The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate through the select committee at the earliest practicable date, but not later than February 28, 1989.

Mr. FORD. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SIMPSON. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that there now be a period for morning business for not to exceed 1 hour and that Senators may be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

REPORT OF SENATOR BYRD ON MEETING WITH NATO ALLIES

Mr. DODD. Madam President, 2 days ago our distinguished majority leader appeared before the Senate Foreign Relations Committee to share with the members of that committee a report on his recent trip to our NATO allies along with several other of our colleagues.

He returned 12 days ago from leading a bipartisan Senate delegation in talks on security and political concerns with five NATO allies, and on Wednesday he shared his thoughts on these discussions with the Foreign Relations Committee, which is nearing the conclusion of its hearings on the INF Treaty.

Senator BYRD and the other members of the delegation—Senators PELL, NUNN, BOREN, and WARNER—met with heads of state or government, as well as with defense and foreign ministers and opposition leaders, in the United Kingdom, West Germany, France, Turkey, and Italy. In each capital, they attempted to gauge support for the INF Treaty, views of the Soviet threat and attitudes on future arms control efforts; broadly, they sought a diagnosis of the alliance's present and long-range health.

The majority leader and his party asked difficult and detailed questions—about security needs, intra-alliance relationships, and public opinion in the respective countries—and received frank and thorough answers.

The delegation also sought to impress on our allies four principal themes: that conclusion of the treaty was a victory for allied cohesion and adherence to the dual track policy; America's deep and continuing commitment to NATO; the need to maintain the alliance initiative on arms control, and the Senate's fidelity and constancy as a friend of the alliance surpassing partisan differences that may from time to time divide our Government.

Senator BYRD's testimony made a very significant contribution to the committee's work, was characteristically forthright and insightful, and I commend it to my colleagues.

I have taken the liberty of submitting the majority leader's testimony to a number of editors of newspapers in my State for their analysis. It is thorough and comprehensive and as good an analysis as you can read about NATO thoughts with respect to the INF Treaty. It includes their concerns and, more important, their bottom-line commitment to this treaty and their reasons why.

For those who are interested in getting a brief but comprehensive analysis of where our present relation is with NATO as a result of this recent visit, this document deserves attention by our colleagues and their staffs. It will be particularly instructive, I believe, to those who share my view that since the impact of this INF Treaty will be felt most directly and immediately in Europe, it is our partners in the alliance whose voices must now be heard as we examine the accord and exercise our advice and consent role in its ratification.

I ask unanimous consent that the text of the majority leader's report of February 24 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE INF TREATY AND THE FUTURE OF THE ALLIANCE

(Report to the Senate Foreign Relations Committee on a Trip of a Bipartisan Senate Delegation to Five NATO Countries, Feb. 6-14, 1988)

(By Senate Majority Leader Robert C. Byrd)

Mr. Chairman, over the February recess period, I led a bipartisan Senate Delegation to five NATO countries to confer with our allies on matters related to the INF Treaty and the future of our alliance. The delegation was composed, as you know, of the chairmen of the three Senate committees which are devoting their full energies to examining the provisions of the accord, and its ramifications. I appreciate very much, Mr. Chairman, that you gave of your valuable time to this short but intensive journey. As the one charged with the responsibility of the committee of jurisdiction over the treaty, you have the difficult task of conducting a thorough, yet expeditious consideration of the accord, taking into account the conclusions and recommendations of the two other committees concerned with this matter, and providing a comprehensive report and recommendations to the full Senate.

The last time that the Senate turned its attention to a major arms control treaty with the Soviet Union was 16 years ago, when it gave its advice and consent to the ratification of the Antiballistic Missile Treaty. I would point out, Mr. Chairman, that 82 of the current 100 incumbent Senators were not in the Senate at the time that the ABM Treaty was approved for ratification. In fact, 82 percent of both Democrats and Republicans have no experience in a floor debate on an arms control treaty. I note in passing at this point, Mr. Chairman, that events since the approval of that accord have necessitated that the Senate handle the question of the authoritative interpretation of the text of the INF Treaty somewhat differently from past practice—a matter the importance of which was reinforced to the delegation during its NATO visit. I will have more to say on this issue later in this report.

In addition to yourself, I was pleased that the chairman of the Armed Services Committee, Mr. Nunn, and the chairman of the Intelligence Committee, Mr. Boren, as well as the ranking Republican member of the Armed Services Committee, Mr. Warner, were able to be part of the delegation. At the outset, some said that European leaders would not really speak their honest, frank views on the advantages or disadvantages of the treaty. I am pleased to say, Mr. Chairman, that this was not the case at all. The delegation had a very full, very long set of discussions in all five countries. Indeed, it was my definite impression that all of the leaders we met were eager to communicate their views to us, and, at times, their concerns. In turn, they appeared eager to learn the opinions and attitudes we wished to convey about Senate consideration of the INF Treaty, our perceptions of both the state of the alliance and the challenge we face with a new dynamic style of Soviet leadership now in place in Moscow.

It was obvious to me, Mr. Chairman, that there was more than a passing interest on the part of European leaders as to our views about where the treaty and the alliance are headed, and a genuine desire to communicate their views to us. In all the capitals we visited, the level and quality of the dialog were very informative and beneficial. I have returned with a much deeper understanding of the climate in Europe and the challenges ahead for NATO.

For the record, the delegation first traveled to Munich, to participate in the annual defense conference known as the Wehrkunde Conference, where a sizable representation of officials from all NATO countries, as well as opinion makers and outside experts were gathered. Both Senator Nunn and I delivered addresses to that gathering, and we had an opportunity at the outset of the trip to hear a variety of informed opinions as to the future security needs and challenges for the alliance. Following that, we traveled to London, Bonn, Paris, Ankara, and Rome. In each capital, we met with the head of state or of government: Prime Minister Thatcher, Chancellor Kohl, President Mitterrand, President Evren, and Prime Minister Ozal, and Prime Minister Goria. Additionally we met with the defense and foreign ministers at each stop, with opposition leaders and opinion makers, as well as with both foreign and American press representatives. A full listing of those individuals, as well as transcripts of various roundtable discussions and meetings we had with the press will be provided to the committee in the form of a written report.

The delegation will also be delivering our report and recommendations to the President tomorrow afternoon, with the aim of helping the President to prepare for his upcoming NATO summit meeting, on March 2, in Brussels—a meeting of some importance for the alliance.

There were three broad purposes to the trip:

First, we sought to acquire a detailed and unvarnished view of NATO country leaders of the advantages and disadvantages of the INF Treaty, and to take those views into account in the context of our consideration of the treaty. After all, Mr. Chairman, more than anything else, ths treaty is the central piece of American relations with our European allies at this time.

Second, We sought their views on where the alliance should be going from here;

and *Third*, their perceptions of Soviet tactics and strategy for the foreseeable future. How do these leaders evaluate the Gorbachev regime's style and approach to the West. How should we collectively best adjust to that new style?

More specifically, we pursued several lines of inquiry. What were their views on the effect on public opinion of the new Gorbachev "charm" offensive, in conjunction with the successful culmination of the INF Treaty? Does this era of good feeling impact on the pace and type of future NATO weapon modernization planning? Does the perception of a diminished threat from the East have an effect on NATO cohesion? Is there an undiminished consensus in Europe for a strong deterrent posture based on a successful strategy of flexible response with a robust nuclear component? Or is there developing a momentum for rushing into additional arms control agreements, particularly in the nuclear weapons area, as a result of the INF Treaty and the changed style of the Gorbachev diplomacy? Do we need to reemphasize that arms control agreements are not ends in themselves but, first and foremost, a means to greater security. In short, what is the state of the public mood, how is it being formed, and what educational strategy is needed on the part of Western leaders to retain a strong consensus for NATO programs, remembering that it was vigorous consensus-building by NATO leaders which resulted in the successful conclusion of the INF Treaty?

We were also interested in how European leaders evaluate the various proposals and programs for close bilateral military cooperation, particularly between France and Germany, but also between France and the United Kingdom, particularly in light of an historic Soviet strategy of attempting to weaken NATO by playing on, and promoting, divisions among NATO partners.

Also, we sought their views on the most advantageous approach to NATO planning now, in terms of setting priorities, and the proper sequence and pacing of arms control initiatives and modernization actions. Is there a need at this particular time for an overall evaluation and development of a common coordinated concept on these matters? How urgent is this question for the immediate future?

THEMES AND MESSAGES THE DELEGATION CONVEYED

Both in my address to the Wehrkunde Conference and in our meetings in the individual capitals, we sought to convey certain themes. Briefly, they were:

First, the INF Treaty is a victory for the cohesion of NATO. We conveyed our belief that the alliance is healthy, and indeed flush with perhaps its greatest victory since its founding—the turning back of Soviet tactics of intimidation embodied in its provocative and unnecessary deployment of intermediate range missiles, the SS-20's, in the European theater. Despite a major propaganda and disinformation program in Europe in the early 1980's, and the Soviet's walking out of the Geneva negotiations, the alliance dual track policy was accepted by European constituencies after courageous stands were taken by European leaders. Thus, the Soviets faced with great NATO cohesion, were given no choice but to come back to the negotiating table to conclude an accord. Such a winning strategy needs to be continued in the post-INF period, and the lesson that we can prevail in our strategies if we act in a coordinated fashion should direct our current planning. In general, most of the European leaders with whom we met praised the consultative process with which the Reagan administration negotiators brought the alliance behind the INF Treaty.

Second, reassurance that the American commitment to NATO is undiminished. We emphasized that our commitment to the alliance is unchanged. We have no plans for troop reductions, for instance, as we are aware that this could convey the wrong signal to the Soviets. This U.S. commitment remains in spite of budget pressures in the United States. We reiterated our support for the continuation of NATO's deterrent posture of flexible response, including the modernization of nuclear and conventional systems.

Third, to suggest that the alliance ought to develop new initiatives on arms control, both to maintain the momentum of cohesion engendered by the success of the dual track policy, and to regain the psychological initiative vis-a-vis the Soviets, so that the future debates on these matters are framed on terms developed by NATO, not by the Soviet bloc.

Fourth, to reaffirm the stability and constancy of the Senate in the American system. As leaders of the Senate, we reaffirmed our unchanged commitment to the alliance, and affirmed that, while administrations may come and go in Washington, and a confusion of noise can emanate from the United States during an election cycle, the Senate is a permanent body which can be relied upon to keep America firmly anchored and coupled to Europe. It was also our intent to clarify any question as to the Senate's commitment to conclude as expeditiously as is possible, with due regard to the need for thorough investigation of its particulars, our consideration of the INF Treaty. We indicated that, barring unforeseen developments, particularly in the verification area, we felt that Senate approval of the treaty was likely without the need for the kind of reservations which would require the administration to renegotiate the terms of the treaty with the Soviet Union.

It was immediately apparent that our themes of stability, steadfastness, the constancy of our commitment and our understanding of European problems are of considerable importance at this time. This is due to what, to put it bluntly, adds up to a pervasive sense of unease in Europe about, essentially, American leadership, constancy, and reliability. A series of events and developments, some of which have been ongoing and some of which occurred during our journey, highlights the components of the problem.

BACKGROUND TREMORS: UNCERTAINTIES AND AMBIGUITIES REGARDING AMERICAN RELIABILITY

First, the administration-Senate treaty interpretation debate. There was constant uncertainty during the trip over the possibility of delays in Senate consideration of the treaty because of a dispute between the Senate and the administration over how an authoritative interpretation of the provisions of a treaty is to be arrived at. The dispute, as the members of the committee are well aware, stems from the debate over the proper interpretation of the ABM Treaty provisions on the matter of new ABM technologies. Just prior to the trip, and extending into the time frame of the trip, Senator Nunn and I engaged in an exchange of letters with Secretary Shultz on this matter, and while very considerable progress has been made in reaching a common understanding between the two branches on how such an authoritative interpretation is to be reached, I believe that the Senate will have to take additional formal action on the resolution of ratification to clarify any ambiguities that are now present. After all, the process that this committee is engaged in, and that the full Senate will shortly be engaged in, has to be grounded in the certainty that the interpretation that the Senate arrives at, specifically of the obligations that the United States and the Soviet Union are undertaking to implement and abide by, is fully understood and will not be susceptible to change after Senate approval is given.

In particular, the other members of our alliance in NATO, who are very much dependent on the integrity of the American process in consummating the INF Treaty, as well, of course, as our treaty partner, in this case the Soviet Union, have to have some assurance that the obligations undertaken are not going to be repudiated by a future administration. Otherwise, the very value of negotiating treaties with the United States becomes debased and undermined.

In order to remove ambiguities and opportunities for future reinterpretation of the obligations herein undertaken, we have reached an agreement with the executive branch on access to negotiating records, and the Senate is now in possession of those records; they are being analyzed by the appropriately cleared staff members and are available for examination by all Senators. A comparison between the testimony provided by administration officials and the contents of those records will be made, so that an opportunity for a future administration to claim that the record reveals a different interpretation will be rendered nil.

Mr. Chairman, I indicated earlier that we assured our European allies that it would not be necessary, barring unforeseen developments, to attach reservations to this treaty which would require renegotiation with the Soviet Union. I do not think that the authoritativeness of the interpretation understood by the Senate in consenting to the resolution of ratification falls into that category. Such a reservation, which I am now inclined to believe is needed, would contain a statement: (A) That the Senate regards the testimony provided by executive branch witnesses as authoritative for purposes of interpreting the provisions of the accord; (B) that there is nothing in the negotiating record which contravenes that testimony; (C) that the Senate is relying on such testimony and representations and that it is therefore unnecessary to attach additional reservations to the resolution of ratification which outline the substance of that testimony; and (D) that an interpretation or meaning given to the treaty different from the one presented to the Senate prior to its vote on the resolution of ratification cannot be adopted without the further advice and consent of the Senate.

Naturally, Mr. Chairman, I will be pleased to work closely with you and the other chairmen and interested Senators in constructing this understanding, since it will carry substantial weight and be an important precedent for future arms control treaties if they are submitted to the Senate.

Another matter which has tended to raise questions in the minds of Europeans about the steadfastness of America's course and commitments, and something mentioned frequently during our trip, was the Reykjavik superpower summit. The impression conveyed from that summit was that the United States was uncertain about the value of nuclear deterrence in the European theater, raising all the old fears of a "decoupling" of America from Europe and fueling the arguments of those who believe that the proper goal is to make Europe a so-called "nuclear free zone." The denuclearization of Europe is certainly on the top of the Soviet agenda to divide the West. It is clear that we must continue to impress on Europe the unwavering commitment of the Senate to the strategy of flexible response, with the nuclear component which makes that strategy credible. As Chancellor Kohl mentioned to me in Bonn, and then again in his inspiring session with over 50 Senators just last week, it has been the credibility of the nuclear deterrent which has been of central importance in breaking the cycle of wars on the European continent for the last 43 years.

Mr. Chairman, the issue of the future location of the F-16 fighter wing based now at Torrejon Air Force Base in Spain has arisen. The delegation believes that that squadron's future should be determined by NATO, and notes that there are some among our allies who would make the necessary case to public opinion in their country of the need to provide a new home for the F-16's.

I believe it would send the absolutely wrong signal to provide any rationale to deactivate those squadrons. Such a move would constitute a unilateral disarming of an important component of the defense of NATO's southern flank, and would be unwise. I would also note, Mr. Chairman, that problems continue with regard to our basing arrangements with Greece, Portugal and Turkey, and whatever actions the Senate can take this year to ensure the continuity of those basing arrangements should be taken. We had discussions of this type during the delegation's brief, but very productive visit to Turkey, and I believe there is a very healthy understanding between us and the Turkish Government on these matters. It is important to note that there are always sensitivities on the part of the other partner, the basing country, and it is important for us to assess carefully those sensitivities before pointing the finger.

This matter of European sensitivities brings me to another point. Threatening Europe with a diminished American commitment if Europe does not undertake certain specific actions, is counterproductive. The Secretary of Defense, Mr. Carlucci, delivered a speech at Wehrkunde which, rightly or wrongly, was widely reported in Europe to contain a kind of ultimatum. The headline on the front page of the International Herald Tribune story on his address on February 8th, read "U.S. Warns of Troop Pullout if Bonn Bars Nuclear Arms," and the lead paragraph read that he had "Warned West Germany . . . that the United States might consider withdrawing troops from Europe if West German policies led to all nuclear weapons being removed from its territory." Our discussions in Germany led us to conclude that no responsible German official contemplates denuclearizing Germany; all German leaders reject the concept of the third zero, or removal of all short range missiles from German territory. The appearance of the use of threats by the United States does the Germans a disservice. It was the current German leadership which led the fight on deployment of INF missiles and made the difference in making the dual track policy a success. They deserve the kind of common planning to which I will refer in more detail at the conclusion of my remarks.

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Last on my list of tremors is the report released just prior to our trip entitled "Discriminate Deterrence." The essence of the report appears to be that other parts of the world are gaining in their importance, and, consequently, the priority of the special American-European relationship ought to be reexamined. Although this report of a blue ribbon commission appointed by the Pentagon may not have received high billing in the United States, it very obviously played on European sensitivities about the American commitment. The delegation downplayed the importance of the document, but the level of attention it has been getting in Europe is disturbing.

CONCLUSIONS AND RECOMMENDATIONS

Mr. Chairman, despite the tremors that I have outlined here, the delegation found a great deal to be optimistic about in Europe. The alliance, in fact, is in good health, and if it is reexamining those areas of concern and weakness, the atmosphere within which such self-examination is occurring has many positive aspects. The opportunities to keep the alliance vigorous and prosperous are substantial.

In general, we found a widespread consensus among the allies for continuing cooperation and cohesion. There is evident unity, and indeed, a desire for stronger and more enlightened American leadership.

APPROPRIATE APPROACH TO THE NEW SOVIET LEADERSHIP

There was widespread agreement on (1) the need to develop allied priorities and new arms control initiatives to deal with the Soviet leadership; (2) the importance of educating our respective publics about alliance policies and the requirement to formulate a sober, realistic assessment of our Western security interests independent of our evaluation of the "sincerity" of Soviet intentions. As President Mitterrand told the delegation, "the problem is not whether these men are sincere, but whether they are behaving as if they are sincere." We must help make it to Gorbachev's advantage to be sincere; (3) the general assessment of Mr. Gorbachev and his new style is that he presents new challenges to the West, but that the Soviet Union's objectives have not changed. As Chancellor Kohl indicated, the Soviet campaign of disinformation in West Germany has not changed at all as a result of the coming to power of Mr. Gorbachev. As an Italian official said, they are just selling themselves better. So, there is not any great illusion that the Soviet challenge is a thing of the past. On the contrary, the desirability of close, unified NATO decision-making, as the key to success in dealing with the Soviet Union, is even more desirable in handling a stylistically renewed Soviet Union.

This sober-minded, cautious approach must be supplemented with a readiness to grasp any opportunities provided by the Soviet leadership to improve our relationship in ways clearly in Western interests, and to construct initiatives to test their willingness to agree to arrangements which truly enhance our security and reduce the risk of conflict. We do not know whether the Gorbachev reform program will be successful, and there is a healthy skepticism in Europe on this point. Further, if he should succeed in revitalizing the Soviet economy, we do not know whether that would result in long term Soviet foreign policies beneficial to the West.

The naval incident which occurred in the Black Sea during our trip illustrates the wisdom of sober realism. The intentional bumping of an American warship by a Soviet warship was a clear violation of the 1972 Incidents-at-Sea Agreement between the United States and the Soviets (specifically article III, paragraphs 1, 2 and 4), an agreement designed to eliminate such hazardous bumping tactics. That agreement had been hailed as having a 14-year record of success in moderating the movements of the two superpowers' warships when operating in close proximity. It should be instructive for us all that the Soviets are willing to violate one of the few operative agreements reducing the risk of conflict at the very time that the Senate is considering whether to approve an arms control accord.

I shall conclude with four brief observations:

ON INF TREATY RATIFICATION

First, the INF Treaty should be ratified and without reservations requiring renegotation with the Soviet Union. Although there are differing opinions about the details of how the agreement was handled, and about the specific impact on the military balance and future NATO planning for Europe, virtually everyone agreed the treaty should be ratified. Failure to ratify it would clearly cause a serious crisis in the alliance, and provide a fertile ground for Soviet mischief-making.

ELEMENTS OF NATO ARMS CONTROL/MODERIZATION STRATEGY

Second, an overall coordinated NATO strategy on arms control initiatives and modernization questions should be formulated. The priorities of the alliance should be developed with the objective of enhancing alliance stability and minimizing the potential for strains over, in particular, modernization questions which are premature. In dealing with priority setting, there must be an appreciation of the sensitivity of European public opinion on the matter of short-range nuclear weapons, and, most importantly, German public opinion on the issue of "singularity", that is, the proposition that Germany, as a result of some particular NATO nuclear modernization plan, is being asked to bear a disproportionate brunt of any future conflict between NATO and the Warsaw Pact.

While it is not necessary or appropriate for me to go into great detail on these issues this morning, I offer the following suggestions as to how NATO should navigate this maze of modernization and arms control issues in the coming months. The alliance agreed, at its meeting at Montebello in 1983, to reduce the stockpile of nuclear weapons deployed in Europe an additional 1,400 beyond the reduction of 1,000 agreed to in 1979. Along with these reductions, the military authorities of NATO were directed to recommend appropriate modernizations of the remaining weapons. The objective of this was to maintain deterrence at the lowest level of weapons possible.

The regular planning process of NATO has been implementing the decisions of Montebello, and should continue to do so. We are approaching some key modernization decisions in the alliance, and these should be made in a timely fashion. But I want to emphasize that there is no need to link modernization of short-range nuclear systems with the INF Treaty. The alliance has been embarked upon the process of reviewing its requirements in this area for some time, and there is no need to alter the process now. I believe, based on my conversations with General Rogers, General Galvin, and others, that it will be necessary to modernize certain systems not prohibited by the treaty—but those decisions are some months in the future, and should not be at the center of our discussions on the treaty at this time. Indeed, to discuss modernization in the context of the treaty could create the false impression—I emphasize the "false" impression—that modernization is somehow required to compensate for the elimination of the INF.

The West German Government has stated that, in its view, a comprehensive Western security concept needs to be developed to guide NATO in the post-INF environment of modernization and arms control. This position is not unreasonable, and I would urge our NATO allies and our own Government to take it seriously. At the same time, I see no compelling need for an "agonizing reappraisal" of NATO strategy at this time.

The top priority for the present should be to formulate a comprehensive and detailed proposal on conventional arms reductions and control in the European theater to present to the Soviets this year. A consensus must be built around a sound conventional forces reduction proposal, which is a very formidable task. There are those in Europe who believe the asymmetries between the Warsaw Pact and NATO are so large that the chances of NATO coming out the loser are too great to even enter into negotiations. Nevertheless, a major attempt should be made. Moreover, the chemical weapons talks must be pursued with renewed energy.

Clearly Europe would welcome thoughtful, vigorous, American leadership on these issues. We should not disappoint them. No negotiations on further tactical nuclear weapons arms control should be entered into until and unless major progress has been made in negotiations dealing with the conventional and chemical weapons imbalances.

Regarding a start agreement, the consensus appears to be that the reaching of such an agreement is advantageous, so long as it is done with appropriate and sound provisions, particularly on the specific subceilings of weapons types and so long as verification procedures are adequate. Such verification techniques are different in kind from those employed in the INF agreement. Furthermore, we need to have assurances that the systems which will provide the verification will definitely be in place within specific necessary time frames before the Senate seriously considers the taking up of a start agreement. Finally, such an agreement must only be reached in close consultation with our allies. Thus, a sound agreement, with adequate ability to verify, should be concluded when it is ready, and only when it is ready, but no deadlines should be imposed which provide opportunities for negotiating advantages to the Soviets.

POST-INF DETERRENCE REPORT

Mr. Chairman, a report that was required of the Secretary of Defense to be submitted to the Senate along with the INF Treaty, and which was designed to address the matter of the requirements of the alliance in the Post-INF environment, is now available, and makes an important contribution on the question of modernization of the nuclear deterrent in this environment. I offer this report to you at this time, for possible inclusion into the hearing record on the INF Treaty.

FRENCH-GERMAN BILATERAL BRIGADE

Regarding bilateral military cooperative arrangements among NATO allies, such as

the French-German brigade, these initiatives are desirable, and should be viewed as an ingredient in a healthy Western security system. So long as there is complete understanding in the alliance about the specific nature of the cooperative arrangements, they should be encouraged. It should go without saying that this specific initiative between the French and Germans was generally welcomed in Europe, given the historical barricades that such an arrangement has had to overcome.

RELATIONS WITH FRANCE

Mr. Chairman, I regard one of the highlights of our trip the 2 days we spent in Paris conferring with French leaders and opinion-makers. It is evident that there is a healthy ferment in the French political system and that an important opportunity exists for the United States and the alliance to explore enhancements of the relationship with the French, despite their reluctance to rejoin the military planning organization of NATO. I would have to say their hospitality was very warm and every opportunity for further dialogue with the French should be explored. They are very concerned about the uneasiness of the West Germans in a post-INF environment and the efforts of Soviet leaders to promote European denuclearization.

THE FORMATION OF WESTERN PUBLIC OPINION

Now, I return to perhaps the most important of all the subjects discussed on our journey: public opinion in the West. The delegation was impressed with the sensitivity of virtually all NATO leaders about the need to inform our constituencies in a comprehensive and persuasive fashion of the appropriateness of alliance priorities and strategies. Althugh the impact of the new-style Soviet leadership of the Gorbachev era is in a formative period and varies from country to country, there is a consensus on the need for European and American leaders to educate actively our respective publics to the fact that Soviet long-term objectives have not changed.

We must, as Chancellor Kohl told us in Bonn and stated again in his meeting with Senators last week here in the Capitol, challenge Mr. Gorbachev to live up to his rhetoric. We can do this best, and maintain the support of our publics, by working in solidarity with our NATO allies, pursuing a sound and responsible policy of force modernization where necessary, and arms reduction agreements where possible.

WILLIAM F. "WILD BILL" CODY

Mr. SIMPSON. Mr. President, we now return to more pedestrian pursuits, after our rather lengthy debate, which was a good debate, as I said before, and one that the American people can weigh and think about. Now I shall revert to another item, which to the American people, perhaps, is a very pleasant remembrance, and we need to do that from time to time.

Today, February 26, is the 143d anniversary of the birth of a remarkable figure in American history, William F. "Buffalo Bill" Cody.

I see that the Chair is delighted with that prospect. Here is a figure in history of which there has probably been more written—more books, more plays, and more shows—than many others in American history.

I do not usually do this. These types of tributes can get a little overused in the Senate.

But this singular man truly was a legend in his own time, Buffalo Bill Cody—showman, raconteur, promoter, businessman, father, husband, founder of the small Wyoming town that bears his name and just happens to be my hometown—where I grew up. He was a complex, flamboyant, and dazzling man on the center stage of the world in the late 1800's and early 1900's.

Wyoming's citizens and all Americans are deeply proud of the remarkable heritage and tradition of this man. Born in Le Claire, IA, he later moved to Kansas. He was the breadwinner of his family and was hired by the railroad to provide meat, and he surely did—thus, the name "Buffalo Bill."

As a young man, he lived a most extraordinary life. He spent time riding in the Pony Express. He gained fame as a sure-shot marksman in the terrible battles of native Americans and the whites, in those terrible times of bloodshed on the plains that we look on now with some terrible and justifiable revulsion. Yet, at the time, it was a different time, but it did happen.

He was involved in those struggles and yet later became one of the true friends of native Americans. They were part of his show, along with cowboys and native dancers and ethnic groups as he traveled the world over.

He even guided tours into the wilds of America and returned unscathed and well rewarded.

He was an elected representative to the Nebraska State Legislature—I do not think many people know that—and he was involved in hand-to-hand combat with a famous Cheyenne chief, Yellow Knife.

Those fascinating experiences resulted in his introduction to the art of stagecraft and stage performance, when he was discovered by the well-known author, Ned Buntline. What followed in his life then is best described as "pure fame"—pure fame.

His popular and familiar visage graced the covers of books, magazines, and posters across America and worldwide. He held audiences with all the crowned heads of Europe and half of Asia.

Memorabilia of his life are contained in Cody, WY, at the Buffalo Bill Historical Center, which houses the Buffalo Bill Museum; and the Whitney Gallery of Western Art, with millions of dollars of rare art items, including works of Frederic Remington, Charles Russell, Thomas Moran, Karl Bodmer, Albert Bierstadt, Charles Schreyvogel, George Catlin, and others—a treasure-house of original art of the West. And it also encompasses the Plains Indian Museum and the Winchester Arms Collection.

But the picture of Buffalo Bill Cody is clear: The fringed leather jacket, the boots, the goatee, the mane of the white hair, the sweep of his hat—always the sweep of the hat—and the way he rode the horse are all part of the wild west show that earned him great notoriety and great personal wealth.

As those familiar with the legacy of William Cody can attest, he was not just "for show," but "for real." His many travels brought him to the beautiful Big Horn Basin in northwest Wyoming, where he decided in 1894 that he would settle. It is in this place that he left his surest imprint. He actually and physically laid out the town of Cody. He designed the canals for the irrigation system. I do not think people realize that. He brought his friends there to operate newspapers and businesses and facilities and services.

He built a magnificent hotel in the Rockies, the Irma, named after his daughter, and that became a showplace. The opening night at the Irma hotel, as reported through history and even by Frederic Remington, was a special event, with bluepoint oysters brought on the train from New York—the east coast. It was an extraordinary event. There are still people living who recall that remarkable night in Cody, WY. Those are the things that illuminate the minds of people who loved him.

He cherished his friendship with Teddy Roosevelt and it bore fruit in a most extraordinary way. He and Roosevelt were great friends; that will be found in the writings of Roosevelt, and Cody. His friendship with Roosevelt enabled the Nation to build the first Bureau of Reclamation dam, the Buffalo Bill Dam, in 1910–14, just several miles outside the town of Cody. That was the first reclamation project in the United States.

The dam is just now being raised an additional 25 feet. It is still a remarkable engineering feat, and the vast network of irrigation canals are all there. Some of them look almost like they make water run uphill, but they work, and they have worked since he laid them out. They irrigate the lush farmland throughout the valley of that Big Horn Basin, communities like Powell and Ralston along the Shoshone irrigation system.

That immediate reservoir that is there now also has the Buffalo Bill State Park on its shores, is a haven for recreation and water sports, fishing, and hunting. Just upstream from there is the most remarkable ranch, the TE Ranch. That is where he loved to repair. It was there where he left on a very bitter January day to visit his sister in Denver 1917, and he never returned to his beloved TE Ranch.

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He died in the home of his sister in Denver, CO, and then began a very controversial and long struggle. The sister, who was in some financial extremity, sold his remains to the city of Denver so that the funeral would be held there.

It was a magnificent funeral, a Masonic funeral of last rites; and then he was buried on Lookout Mountain outside of Denver, several miles from Denver. The people of Cody brought forth the former will that he had signed. He said in that old will, "I want to be buried overlooking the remarkable community of Cody, WY, noted for the purity of its government and the spirit of its citizens."

It is really an extraordinary will. One should read it, but he changed that will later because he ran into financial extremity and lost all of his money because he was in some ways a softie. He gave it to children. He gave it to promoters. He gave it to miners and their families. He gave it to syndicates. You should see the pile of old stock certificates that we have in the Buffalo Bill Historical Center of his investments, all of them failures. Silver mines, gold mines, and a most extraordinary array of ventures and joint ventures. When he died, he had nearly expended all of his past fortune.

So he was buried there at Lookout Mountain, and the people of Cody were very irritated about that.

Madam President, I know my time is expired, and yet I see no one seeking the floor. I would ask unanimous consent that I be allowed to continue for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. I thank the Chair.

So he was buried, and the people of Cody thought that was a very bad thing because he had wanted to be buried in this beautiful community of Cody. So they organized a kind of posse to go to Lookout Mountain. They fueled themselves with enthusiasm, and some liquid items, and then they took off, some by horse, some by rail, and they were going to dig up the old scout and bring him back to the Spirit of Cedar Mountain and place him right on Cedar Mountain outside of Cody, WY.

As they got closer to Denver, their legions thinned. Some fell away with illness and other ailments of perhaps too much spirited progress, and there was only a thin band when they got there. But then the next year, they did it again, and they got together a few more.

I know this will surprise many. Finally, the people of Lookout Mountain and Denver tired of this little band of ragamuffins coming down from Cody, WY, and environs to get the colonel back, so they covered the grave with rail ties and tracks and poured concrete over it.

If you look at the x rays of the gravesite at Lookout Mountain, you will find it is a huge, deep crevasse with the casket and then a string of variously placed railroad ties and rails and then concrete poured in on top of that so that any later effort would never be successful. That actually happened.

And so the loyal sons of Buffalo Bill did not make the pilgrimage after that, but they recognized this great man by forming the Buffalo Bill Historical Association, preserving his memory and, indeed, that has gone forward magnificently.

One of the places, as I say, where he lived and loved was that hallowed ground at the TE Ranch.

That ranch is still there. All of the original buildings are still there in white. They are painted white. Some of the original cottonwood trees that he planted or nurtured are still there, or seedlings of them. That ranch is about 1 mile from a place my parents have owned for more than 55 years, and, not far from there, some 50 miles away is Yellowstone Park where he used his extraordinary relationship with Teddy Roosevelt to do so much.

He also helped to create the country's first national forest—I think people may have forgotten that—the first national forest of the United States, the Shoshone National Forest. Also the first ranger station in the United States, the Wapiti Ranger Station, is still there.

So, far beyond the wild West, the shows, and the promotions and what has been described as a checkered life that he is famous for, Buffalo Bill truly did bless us with his many valuable and lasting gifts.

So we remember him on this special day, February 26. I think it is appropriate to see just how he was remembered in the U.S. Congress on the day following his death in 1917, in a statement from the CONGRESSIONAL RECORD by who was then Wyoming's long-time Congressman, Frank Mondell, who was and would have been the Speaker of the House had he not suffered defeat. I think he served Wyoming some 24 years. He placed this in the CONGRESSIONAL RECORD. He spoke thusly, in the vernacular of the year 1917. He eulogized:

> The winged couriers of the air brought us yesterday from a beautiful section so recently the frontier, in whose early, heroic, and adventurous days he was so striking and conspicuous a figure, the story of the peaceful passing over the range to his final camping ground one of the finest and most heroic figures of the old scouting, pioneering and Pony Express days—Colonel William Frederick Cody. * * * Whatever others may have contributed to the history of that time and region to the work of development that has brought so marvelous a transformation into many sections of the old West, of the mountains, and of the plains, no one will challenge Col. Cody's premiership in contribution to those thrilling episodes, to the pleasing and picturesque illumination of those incidents and characteristics of his period and section, which have most charmed and challenged, inspired and thrilled the Nation and the world. * * * He passed away as he had lived, a courageous soul, calm-eyed and even-pulsed, in the presence of the inevitable, heroic, gracious, considerate, and thus preserved for the Nation the charming ideal of character which has and will continue to make the story of William F. Cody, "Buffalo Bill," of intense and absorbing interest to those whose hearts remain forever young and respond to the thrills of romance and adventure.

That was the vernacular of the day, and there are many more later entries in the CONGRESSIONAL RECORD about the life and death of that man.

With that, Madam President, I share with you today that the beat goes on. We have preserved his remarkable memorabilia and memory. His grandson still lives in Cody, WY, one Bill Cody. You should know his other grandson, Fred Garlow, died only fairly recently, and Fred and his dear wife, Peg, were splendid friends and neighbors of mine. They both were remarkable, and my long time friend, Bill, and his wife, Barbara, remain remarkable citizens of the Cody community.

Today—to show you indeed that the beat does go on—at this very hour at the Riverside Church in New York City in the higher reaches of the city at the Laura Spelman Rockefeller Carillon of that remarkable and beautiful church by the river there will be a concert by James Lawson who is the master carillonneur of the Riverside Church. Jim is also a native of Cody, WY, and a dear and lovely friend. He will present to the people of the city of New York, as he does on every Buffalo Bill birthday, the pealing songs that will go winging out across that area of New York. If you know where that church is located you can imagine how people love that carillon tower. Its musical magic reaches across the river and up into the heart of the upper city.

Today Jim will play the selections Buffalo Bill loved most on the remarkable carillon endowed by a dear relative of our fine friend and colleague Senator JAY ROCKEFELLER. Amid the myriad melodies that will wing over the city of New York today as they have in the years before is the one he loved the best which was called "Tenting Tonight," tenting on the old camp ground, a great ballad of the Civil War. That will all take place today as it has for every year under the direction of Jim Lawson—a marvelous, bright, intelligent, creative genius of music and one of the most extraordinary carillonneurs of the world.

With that, Madam President, I leave us with the thought that as we do our

work here, there were some truly extraordinary people who went before us and certainly one who still commands the raft attention of young and old alike is the founder of my hometown, William F. "Buffalo Bill" Cody. I thank the Chair.

(At this point, Mr. SHELBY assumed the chair.)

ABM TREATY BREAKOUT?

Mr. McCLURE. Mr. President, I wish to bring to the attention of my colleagues an alarming editorial in yesterday's Wall Street Journal, which suggests that the Soviet Union has begun to break out of the ABM Treaty. This development, if it is true, would come as no surprise to many of us who have warned about such an eventuality for several years now.

This report is based on an earlier article in the New York City Tribune which cites "a senior military intelligence official" as the source of its information. Certainly I cannot personally vouch for this information. But it is incumbent on us as Senators to investigate these reports, which have tremendous implications for the whole range of our defense and arms control policies, in particular the START talks. To that end, I have written to Director of Central Intelligence William Webster and Secretary of Defense Frank Carlucci to request an immediate briefing.

I ask unanimous consent that the Wall Street Journal editorial and the New York City Tribune articles be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 25, 1988]

BREAKOUT

Our seismographs have been recording a major explosion or earthquake this week in the U.S. intelligence community. Someone in Congress ought to conduct an on-site inspection.

We hear that Air Force Intelligence has officially concluded the Soviets have rolled production lines to break out of the ABM treaty and deploy a nationwide anti-missile system, which possibly could be in place by next year. That Maj. Gen. Schuyler Bissell, head of Air Force Intelligence, briefed the CIA on this conclusion late last week. And that the finding is based on two new pieces of evidence:

First, the Soviets are "internetting" their early-warning radars with interceptor-guidance radars. They have conducted "hand-off exercises" in which the large phased-array radars like the controversial one at Krasnoyarsk pick up targets and alert the Flat Twin and Pawn Shop mobile radars that guide their SH-04 and SH-08 anti-missile interceptors. This is the key "battle management" function of an anti-missile system.

Second, the Soviets are mass producing the Flat Twin and Pawn Shop radars, though the ABM treaty limits them to two locations. Similarly, they are mass producing the SH-08, a relatively new supersonic missile that intercepts warheads within the atmosphere, with 500 such missiles already produced and 3,000 ultimately projected. The ABM treaty limits each side to only 100 interceptors of all types, and the Soviets also have the SH-04, which intercepts above the atmosphere, as well as other interceptors with both anti-aircraft and antimissile capability.

While rich in detail, our reports admittedly have not been from direct participants in these briefings. We now find that the New York Tribune, the Unification Church paper in New York, published substantially the same reports on Monday, quoting "a senior military intelligence official."

An official conclusion that the Soviets are breaking out of the ABM treaty, to be sure, only would put an official stamp on what has been apparent all along. The Soviets have taken full advantage of treaty provisions allowing large radars at one ABM site, at missile test ranges and on the periphery of the nation. To finish the job, they simply ignored these restrictions to build at Krasnoyarsk (see map adapted from the Pentagon's "Soviet Military Power").

The administration has cited the Krasnoyarsk radar as an outright violation, and both houses of Congress have voted their agreement. The administration also has protested the deployment of Flat Twin and Pawn Shop radars at Gomel, beyond the sites permitted at the Sary Shagan and Kamchatka test ranges. In his compliance report to Congress in December, President Reagan said: "The absence of Soviet dismantlement of the Krasnoyarsk radar, the new violation in the deployment of the Flat Twin and Pawn Shop observed at Gomel, and the totality of Soviet ABM-related activities in 1987 and previous years, suggest that the USSR may be preparing an ABM defense of its national territory."

These are the words, of course, of the same administration that currently has a new INF treaty before the Senate, and has just had its Secretary of State in Moscow pushing a new strategic arms treaty in time for the impending Moscow summit. A breakout finding would be of monumental importance to these enterprises.

On arms control in general, the prospect of a Soviet ABM breakout raises once again the question of why we are negotiating new treaties with them when they are breaking the old ones. On the proposed 50% reduction in offensive arms in particular, the Soviet ABM technology is not Star Wars. It is ground-based, and many analysts think each interceptor carries a nuclear warhead so that highly accurate guidance is not needed. But with our offensive weapons limited by treaty and with no defense of our own against a Soviet first strike, our deterrent could be significantly degraded even by this 1970s technology.

Perhaps our reports, or for that matter the Air Force itself, may be overly alarmist. But Senators about to vote on another arms treaty should be warned to inquire for themselves. Certainly anyone as preoccupied with the exegesis of treaties as Senator Sam Nunn would want to know chapter and verse of the current Air Force assessment.

[From the New York City Tribune, Feb. 21, 1988]

USAF INTELLIGENCE SAYS SOVIETS ARE SET TO BREAK OUT OF ABM TREATY

(By Peter Samuel)

WASHINGTON.—U.S. Air Force intelligence says a major Soviet violation of the 1972 Anti-Ballistic Missile (ABM) Treaty is imminent.

A senior military intelligence official has reported that the Soviets are mass-producing SH-08 Gazelle ballistic missile interceptors and associated small engagement radars and have been exercising the coordinated operation ("internetting" in military jargon) of the large early-warning and battle management radars.

Air Force intelligence believes the Soviets could have an operational nationwide ballistic missile defense system by next year.

"This has the gravest implications for U.S. security, if confirmed by interagency review," a senior official told the New York City Tribune last Friday. He said that, together with Soviet superiority in heavy and mobile offensive nuclear missiles and their monopoly of anti-satellite weapons, the Soviets could quickly demonstrate military preponderance if protected by nationwide defenses.

He referred to a statement of former Secretary of Defense Caspar Weinberger on Dec. 11, 1986, which warned of a possible Soviet nationwide ABM capability.

"Such a development would have the gravest implications for the U.S.-Soviet strategic balance. Nothing could be more dangerous to the security of the West and global stability than a unilateral Soviet deployment of a nationwide ABM system combined with its massive offensive missile capabilities."

Administration officials up to the president have previously made statements that the Soviet Union may be preparing to deploy a nationwide ABM network, but none have said publicly that this is actually happening.

According to the source, Air Force intelligence made the formal finding of the Soviet move to build the nationwide antimissile system only days after U.S. signals intelligence noted major data exchanges between six of the 10 Pechora-class large phased-array radars (LPARs), about which the United States has frequently expressed concern. These radars are legal individually under the ABM Treaty as early-warning devices—although the large radar site at Krasnoyarsk is considered a violation of the ABM Treaty in itself—but their "internetting" together for ABM purposes may be charged as a fundamental treaty violation.

As well as operating the six large radars as part of an integrated system in the recent exercises, the source said, the U.S. signals intelligence produced evidence of the calibration of the large radars with smaller mobile radars used for several varieties of surface-to-air missiles (SAMs) that have been tested in a ballistic missile defense mode. These include the SA-5, SA-10, and SA-12B SAMs.

The second major piece of evidence leading to the U.S. Air Force Intelligence Service finding of an imminent Soviet treaty "breakout" is the conclusion that SH-08 specialized ballistic missile interceptors and the supporting "Flat Twin" and "Pawn Shop" transportable radars are now in "serial" or mass production.

These are known as components of what the Pentagon calls the ABM-3 missile interceptor system that is deployed around the Moscow region. The Moscow ABM-3 consists of 84 SH-08 very-high-atmosphere interceptors and 16 longer-ranging SH-11 ground-to-space interceptors.

"The deployment of 100 missiles around Moscow is legal under the ABM Treaty, although the use of the new SH-11 missiles

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with infrared homing in place of the in place of the radar-controlled SH-04 is considered by some analysts as a treaty violation.

It is presumed the higher-flying SH-11 missiles are also being produced for the nationwide system, though probably in considerably smaller numbers.

Air Force intelligence says that ABM-3 system components have now been manufactured in numbers that go "well beyond the needs" of the Moscow region for defense.

Already about 500 SH-08 Gazelle interceptors and their associated radars are estimated to have been manufactured and stockpiled. The whereabouts of the ABM interceptor facility was not revealed, but the City Tribune was told the radars are being made in Gomel in the eastern Soviet Union.

According to the military intelligence official, Air Force intelligence believes the Soviet program is to produce 3,000 SH-08 ballistic missile interceptors and that they may be able to build the complete inventory by next year. The SH-08 interceptors are based in hardened ground silos in defense of the Moscow region (see the Pentagon's most recent annual report, "Soviet Military Power," page 47), but are thought likely to be deployed from SS-20-style wheeled launchers as part of the nationwide system.

SH-08 interceptors are somewhat similar to the U.S. HEDI (High Endoatmospheric Defense Interceptor) system designed under President Reagan's Strategic Defense Initiative (SDI) program, and the companion SH-11 system shares some of the characteristics of the ERIS (Exoatmospheric Re-entry vehicle Interceptor Subsystem).

Soviet ABM interceptors are, however, thought to be equipped with nuclear warheads to overcome the need to maneuver precisely to make a direct hit on a target for destruction.

The U.S. Air Force Intelligence Service is headed by a major general, and has a proud record of intelligence findings over 3 decades. Air Force intelligence was credited with being the most accurate, in retrospect, about Soviet strategic systems in the 1960s. It played the key role in detecting and analyzing data on Soviet intermediate-range missiles in Cuba during the Kennedy presidency. In the 1970s, it was alone in predicting the Soviet deployment of heavy SS-19 missiles under the SALT II treaty.

The military source told the City Tribune that Air Force intelligence last week briefed the Central Intelligence Agency on its dramatic finding, making it a formal event within the Washington inter-agency group that is referred to collectively as the "intelligence community."

The CIA is not known to have produced any response to the finding by the Air Force Intelligence Service, but is thought to be taking it seriously.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday next, at 12 noon, the Senate turn to the consideration of a leadership resolution dealing with Afghanistan; provided further that the resolution be considered under the following time limitations: 6 hours equally divided on the resolution, to be equally controlled by the two leaders or their designees; that no amendments be in order except those amendments that are agreed on by the joint leaders; and that no motions to commit either with or without instructions be in order; and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the final adoption of that resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on passage of the resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

BILLS NO LONGER ON DAILY CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the listing of the following bills as bills in conference no longer be printed as part of the Senate's daily calendar:

H.R. 2907, Treasury, Postal Service appropriations;

H.R. 2712, Interior appropriations;

H.R. 2713, D.C. appropriations;

H.R. 2714, legislative appropriations;

H.R. 3058, Labor, HHS appropriations;

H.R. 2783, HUD appropriations;

H.R. 2763, Commerce, State, Justice appropriations;

H.R. 2906, military construction appropriations;

H.R. 2890, Transportation appropriations; and

H.R. 2700, Energy and Water appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 3 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Record remain open until 3 o'clock p.m. today for statements and for the introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. McClure, as to whether or not the following measures have been cleared on his side of the aisle: Calendar orders numbered 542, 543, 544 through 564, and 566.

Mr. McCLURE. Mr. President, those items have been cleared on our side of the aisle.

Mr. BYRD. I thank the distinguished acting leader.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration en bloc of the aforementioned measures, that the amendments to the measures and/or to the preambles, as shown, be agreed to, that statements by Senators for the Record be appropriately placed, and that the measures be agreed to, and that the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

The joint resolution (S.J. Res. 216) approving the location of the Black Revolutionary War Patriots Memorial, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 216

Whereas section 6(a) of the Act entitled "To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as area I shall be deemed disapproved unless, not later than one hundred and fifty days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in area I, the location is approved by law;

Whereas the joint resolution approved October 27, 1986 (100 Stat. 3144), authorizes the Black Revolutionary War Patriots Foundation to establish a memorial on Federal land in the District of Columbia and its environs to honor the estimated five thousand courageous slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the countless black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said joint resolution approved October 27, 1986, should be located in area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to honor the slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom, authorized by the joint resolution approved October 27, 1986 (100 Stat. 3144), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as area I, is hereby approved.

KOREAN WAR MEMORIAL

The Senate proceeded to consider the joint resolution (S.J. Res. 225) approving the location of the Korean War Memorial.

LOCATION OF THE KOREAN WAR MEMORIAL

Mr. ARMSTRONG. Mr. President, today marks another milestone in recognizing the sacrifices of America's "Forgotten Warriors," the men and women who served in the Korean war. With passage of this resolution today that provides the necessary authority to place the Korean War Memorial on public land here in the Nation's Capital, we know that the Korean War Memorial will become a reality.

The approval of the site on the Mall between the Lincoln Memorial and the Washington Memorial is important in that it recognizes the extraordinary effort of Americans to serve the cause of freedom. It is particularly important to understand what the Korean War Memorial will represent.

The Korean War Veterans Memorial Advisory Board has decided upon a general concept for the Memorial. First, the purpose is to express the enduring gratitude of the American people for all who took part in that conflict, those who survived no less than those who gave their lives. Second, it is meant to project the spirit of service, the willingness to sacrifice and the dedication to the cause of freedom that characterized all participants.

I cannot think of a more fitting or appropriate way to express this Nation's most heart-felt thanks.

At this time, I would also like to express my appreciation for the untiring efforts of the Senate Energy and Natural Resources Committee for its expeditious action in completing work on the resolution of approval. Without the cooperation and support of the members of that committee, we would not be here today, knowing that those who served in the Korean war are no longer "forgotten warriors."

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 225

Whereas section 6(a) of the Act entitled "To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes," approved November 14, 1986 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as Area I shall be deemed disapproved unless, not later than 150 days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in Area I, the location is approved by law;

Whereas the Act approved October 28, 1986 (100 Stat. 3226), authorizes The American Battle Monuments Commission to establish a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War, particularly those who were killed in action, are still listed as missing in action, or were held as prisoners of war; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said Act approved October 28, 1986, should be located in Area I: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to honor members of the Armed Forces who served in the Korean War, particularly those who were killed in action, are still listed as missing in action, or were held as prisoners of war, authorized by the Act approved October 28, 1986 (100 Stat. 3226), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as Area I, is hereby approved.

NATIONAL TUBEROUS SCLEROSIS AWARENESS WEEK

The joint resolution (S.J. Res. 212) to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 212

Whereas tuberous sclerosis (hereinafter referred to in this resolution as "TS") is a genetic disorder affecting as many as 1 in 10,000 Americans;

Whereas TS remains poorly understood and frequently misdiagnosed, even though it is one of the more common genetic disorders;

Whereas TS affects males and females of all races;

Whereas the characteristics of TS include skin markings, seizures, motor difficulties, mental retardation, tumors of the brain and other organs, and behavioral abnormalities;

Whereas in any individual, the disease's severity can range from being mild, when patients can live normal lives, to being extreme, when TS is disabling and may be life threatening;

Whereas although modern research technology has provided information about TS, there remains much to be learned;

Whereas only with continued, extensive research is there any chance of conquering TS; and

Whereas establishing a national TS awareness week would serve to enhance public awareness of TS and stimulate further TS research: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing May 8, 1988, and ending on May 14, 1988, is designated as "National Tuberous Sclerosis Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

EXPRESSING GRATITUDE FOR LAW ENFORCEMENT PERSONNEL

The joint resolution (S.J. Res. 227) to express gratitude for law enforcement personnel, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 227

Whereas the first day of May of each year was designated as "Law Day U.S.A." and has been set aside as a special day to advance equality and justice under law; to encourage citizen support both of law enforcement and law observance; and to foster respect for law and to understanding its essential place in the life of every citizen of the United States;

Whereas during the course of each year many law enforcement officers are killed and tens of thousands are injured or assaulted in the course of their duties;

Whereas each day police officers and other law enforcement personnel perform their duties unflinchingly and without hesitation; and

Whereas these dedicated people are devoted to their jobs, underpaid for their efforts, and tireless in their work, performing without adequate recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in celebration of "Law Day U.S.A.", May 1, 1988, special emphasis be given by grateful people to all law enforcement personnel of the United States for the unflinching and devoted service in helping to preserve the domestic tranquility and guaranteeing to all individuals their rights under law.

RUN TO DAYLIGHT DAY

The joint resolution (S.J. 229) to designate the day of April 1, 1988, as "Run to Daylight Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 229

Whereas between one million and one million eight hundred thousand people in the United States suffer head injuries each year;

Whereas twenty years ago 90 per centum of the people who suffered severe head injuries died as a result of such injuries, but currently the survival rate for such injuries is 50 per centum;

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Whereas most people who suffer head injuries are under thirty years of age and will survive such injuries for at least forty years;

Whereas more than fifty thousand of the people who survive head injuries annually are unable to resume their normal lifestyles without intensive physical and physiological therapy;

Whereas the long term rehabilitation that is available for survivors of head injuries has not improved at the same rate as the medical treatment of such injuries;

Whereas Run to Daylight, a nonprofit corporation concerned with improving the rehabilitation that is available for survivors of head injuries, is sponsoring a three-thousand-six-hundred-mile run across the United States called the "Run to Daylight";

Whereas the purpose of the "Run to Daylight" is to raise the awareness of the people of the United States about the rehabilitation needs of survivors of head injuries and to raise funds to support the National Head Injury Foundation, an organization dedicated to improving the quality of life for survivors of such injuries and their families and to developing and supporting programs to prevent such injuries; and

Whereas the "Run to Daylight" will begin in San Francisco, California, on April 1, 1988, and will end in Boston, Massachusetts, on June 30, 1988: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 1, 1988, is designated as "Run to Daylight Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

CRIME VICTIMS WEEK

The joint resolution (S.J. Res. 234) designating the week of April 17, 1988, as "Crime Victims Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 234

Whereas millions of Americans are victims of crime each year;

Whereas many of those crime victims are traumatized further by the physical, psychological, and financial burdens resulting from their victimizations;

Whereas the sensitivity of our Nation's criminal justice system must be improved when working with crime victims and their families;

Whereas much progress has been made to correct these injustices by implementing in the Federal, State, local, and private sectors the recommendations of the President's Task Force on Victims of Crime; and

Whereas continuation of these efforts must be encouraged to ensure the restoration of balance to our Nation's criminal justice system and the fair and compassionate treatment of crime victims and their families: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 17, 1988, is designated as "Crime Victims Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

NEUROFIBROMATOSIS AWARENESS MONTH

The joint resolution (S.J. Res. 237) to designate May, 1988, as "Neurofibromatosis Awareness Month", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 237

Whereas neurofibromatosis is a genetic disorder which causes tumors to grow in the human nervous system;

Whereas neurofibromatosis is the most common tumor-causing genetic disorder of the nervous system;

Whereas neurofibromatosis is a potentially debilitating disorder which strikes males and females of all races and ethnic groups;

Whereas neurofibromatosis can strike in any part of the nervous system, at any time;

Whereas the National Neurofibromatosis Foundation, Inc., is a voluntary health organization, with chapters across the Nation, which was established to serve people with neurofibromatosis and their families, to stimulate and support biomedical research on neurofibromatosis, and to increase public awareness of neurofibromatosis and its consequences; and

Whereas the public and the Federal Government are not sufficiently aware of neurofibromatosis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1988, is designated as "Neurofibromatosis Awareness Month," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

NATIONAL SAFE KIDS WEEK

The joint resolution (S.J. Res. 240) to designate the period commencing on May 16, 1988 and ending on May 22, 1988, as "National Safe Kids Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 240

Whereas the children of the United States represent the most precious natural resource of the United States;

Whereas each year approximately one out of every four children under the age of fifteen in the United States is involved in an accident;

Whereas injuries resulting from accidents are the leading cause of death among children in the United States, claiming the lives of nearly eighty thousand children each year;

Whereas approximately fifty thousand children in the United States are left permanently disabled because of accidental injuries each year;

Whereas the incidence and seriousness of such injuries can be significantly reduced through preventive measures and appropriate treatments; and

Whereas adults and children in the United States should become aware of the frequency and nature of accidental injuries to children, and of the need to undertake preventive measures and seek appropriate treatment: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 16, 1988 and ending on May 22, 1988, is designated "National Safe Kids Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activites.

NATIONAL KNOW YOUR CHOLESTEROL MONTH

The joint resolution (S.J. Res. 244) to designate the month of April 1988, as "National Know Your Cholesterol Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 244

Whereas heart attacks struck an estimated 1,500,000 Americans in 1987, a third of whom died immediately;

Whereas scientific data indicates that effective measures to lower serum cholesterol are capable of decreasing occurrences of heart disease;

Whereas only 8 per centum of Americans know their cholesterol level; and

Whereas as many as 250,000 lives could be saved each year if Americans were tested for and took action to reduce high levels of cholesterol: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April 1988, is designated as "National Know Your Cholesterol Month," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs and activities.

NATIONAL ARBOR DAY

The joint resolution (S.J. Res. 247) to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

S.J. Res. 247

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1988 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

BALTIC FREEDOM DAY

The joint resolution (S.J. Res. 249) designating June 14, 1988, as "Baltic Freedom Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 249

Whereas the people of the Baltic Republics of Lithuania, Latvia, and Estonia have cherished the principles of religious and political freedom and independence;

Whereas the Baltic Republics have existed as independent, sovereign nations belonging to and fully recognized by the League of Nations;

Whereas the Union of the Soviet Socialist Republics (U.S.S.R.) in collusion with Nazi Germany signed the Molotov-Ribbentrop Pact which allowed the U.S.S.R. in 1940 to illegally seize and occupy the Baltic States and by force incorporated them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.;

Whereas due to Soviet and Nazi tyranny, by the end of World War II, the Baltic nations had lost 20 per centum of their total population;

Whereas the people of the Baltic Republics have individual and separate culture, national traditions, and languages distinctively foreign to those of Russia;

Whereas the U.S.S.R. since 1940 has systematically implemented its Baltic genocide by deporting native Baltic peoples from their homelands to forced labor and concentration camps in Siberia and elsewhere, and by relocating masses of Russians to the Baltic Republics, thus threatening the Baltic Cultures with extinction through russification;

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom;

Whereas the people of Lithuania, Latvia and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest;

Whereas the U.S.S.R. refuses to abide by the Helsinki accords which the U.S.S.R. voluntarily signed;

Whereas the United States stands as a champion of liberty, dedicated to the principles of national self-determination, human rights, and religious freedom, and opposed to oppression and imperialism;

Whereas the United States as a member of the United Nations has repeatedly voted with a majority of that international body to uphold the right of other countries of the world to determine their fates and be free of foreign domination;

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States of Lithuania, Latvia, and Estonia the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political and religious freedoms; and

Whereas 1988 marks the forty-eighth anniversary of the United States continued policy of nonrecognition of the illegal forcible occupation of Lithuania, Latvia and Estonia by the U.S.S.R.: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress recognizes the continuing desire and right of the people of Lithuania, Latvia and Estonia for freedom and independence from the domination of the U.S.S.R.;

(2) the Congress deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression;

(3) the fourteenth day of June 1988, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people; and

(4) the President of the United States be authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities and to submit the issue of the Baltic Republics to the United Nations so that the issue of Baltic self-determination will be brought to the attention of the United Nations General Assembly.

NATIONAL OSTEOPOROSIS PREVENTION WEEK OF 1988

The joint resolution (S.J. Res. 250) designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble are as follows:

S.J. Res. 250

Whereas osteoporosis, a degenerative bone condition, afflicts twenty-four million people in the United States;

Whereas osteoporosis, afflicts 90 per centum of women over age 75;

Whereas 50 per centum of all women in the United States over age 45 will develop some form of osteoporosis;

Whereas hip fractures are the most disabling outcome of osteoporosis, and 32 per centum of women and 17 per centum of men who live to age 90 will likely suffer a hip fracture due primarily to osteoporosis;

Whereas the mortality rates for people who suffer a hip fracture increase by 20 per centum, with such fractures resulting in the death of over fifty thousand older women and many older men each year;

Whereas 15 to 25 per centum of people who suffer a hip fracture stay in a long-term care facility for at least one year after the fracture occurs, and 25 to 35 per centum of people who return home from a long-term care facility after recovering from a hip fracture require assistance with daily living after returning home;

Whereas the total cost to society of dealing with osteoporosis was $7,000,000,000 to $10,000,000,000 in 1986 and such cost is expected to rise as the population ages;

Whereas osteoporosis is associated with the loss of bone mass due to a lack of estrogen as a result of menopause, alcohol or cigarette use, and low calcium intake;

Whereas exercise and proper nutrition before an individual is age 35 will build bone mass to help prevent osteoporosis; and

Whereas people who suffer from osteoporosis should be aware of the increased risk of bone fractures, and should take precautions to reduce the chance of accidents that may result in bone fractures due primarily to osteoporosis: Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of American in Congress assembled, That the week of May 8, 1988, through May 14, 1988, is designated as "National Osteoporosis Prevention Week of 1988", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

DEPARTMENT OF COMMERCE DAY

The joint resolution (S.J. Res. 251) designating March 4, 1988, as "Department of Commerce Day", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The joint resolution, and the preamble, as amended, are as follows:

S.J. Res. 251

Whereas the ability of the United States to provide for the economic security of the American people depends primarily upon the vitality of the private sector and the competitive free enterprise system;

Whereas the ability of the private sector to generate jobs and a constantly improving standard of living depends heavily on the policies which the Federal Government pursues and the services it provides;

Whereas the Congress of the United States, recognizing the importance of these policies and services, on March 4, 1913, reestablished as the Department of Commerce the executive agency created by the Act of February 14, 1903, and directed it to "foster, promote, and develop the foreign and domestic commerce" of the United States;

Whereas the Department of Commerce has been charged with many important responsibilities, including the effective administration of the trade laws, providing social and economic statistics for business and government planners, promoting the protection of intellectual property at home and abroad, advancing the Nation's science and technology and facilitating their use for public benefit, working to improve our understanding of the Earth's physical environment and ocean resources, helping the private sector take advantage of commercial opportunities in space, assisting in the growth of minority business, promoting domestic economic development, assessing policies and conducting research on telecommunications, and encouraging foreign travel to the United States; and

Whereas the officers and employees of the Department of Commerce, by their dedication, diligence, loyalty, and integrity, reflect the finest traditions of public service and, along with the important work they perform deserve public recognition as the Department of Commerce celebrates its seventy-fifth birthday: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 4, 1988, is designated as "Department of Commerce Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to ob-

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serve that day with appropriate ceremonies and activities.

NATIONAL NHS-NEIGHBORWORKS WEEK

The joint resolution (S.J. Res. 252) designating June 5-11, 1988, as "National NHS-NeighborWorks Week", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 252

Whereas Neighborhood Housing Services (NHS) and its affiliated partnership organizations of neighborhood residents, local governments, and businesses all comprise the NeighborWorks Network;

Whereas the NeighborWorks Network is successfully revitalizing declining neighborhoods and building and rehabilitating housing for lower income Americans in 137 cities throughout the United States;

Whereas America's neighborhoods are made up of families of a variety of ethnic, social, and economic backgrounds and such diversity is fundamental to a strong nation;

Whereas deterioration of a neighborhood's physical, economic, and social structures harms the neighborhood's homes, businesses, and residents and especially harms the neighborhood's elderly and poor residents;

Whereas reversing such deterioration is essential to the strength of America's families, neighborhoods, and businesses;

Whereas the NeighborWorks Network has generated over $4,000,000,000 in reinvestment funds for 297 declining neighborhoods and has improved the quality of life of over 3 million individuals, the majority of whom are lower income, elderly, or minority Americans;

Whereas more than 3,000 businesses and local governments are annually contributing over $16,000,000 to the operations of their local NeighborWorks partnerships; and

Whereas, to accomplish their goals, NHS and both Apartment Improvement Programs and Mutual Housing Associations in the NeighborWorks partnerships rely on local government and private sector resources and on the help of thousands of volunteers who contribute millions of hours of service to rebuild America's declining neighborhoods: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 5-11, 1988, is designated as "National NHS—NeighborWorks Week" and the President is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

NATIONAL RURAL HEALTH AWARENESS WEEK

The joint resolution (S.J. Res. 254) to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 254

Whereas the health of a nation depends on the health of its people;

Whereas one quarter of the population of the United States lives in rural communities;

Whereas one third of the Nation's elderly live in rural communities;

Whereas rural communities have disproportionately fewer health care providers compared to the urban population, with rural communities holding 12 percent of the Nation's doctors, 18 percent of the Nation's nurses, and 14 percent of the Nation's pharmacies;

Whereas rural areas face an acute and growing nursing shortage, with 50 percent of rural hospitals and long-trm care facilities reporting difficulty in recruiting and retaining nurses;

Whereas rural areas are increasingly impacted by a lack of access to obstetric care;

Whereas the decline of the rural economy in recent years has reduced economic resources available to rural communities, leading to increased closures of hospitals and other health care facilities in rural areas, the loss or curtailing of services by local health departments, and disruption of social service programs;

Whereas the decline in availability of health care services in rural areas has, in turn, increased the shortage of physicians, nurses, psychologists, and other allied health professionals;

Whereas rural communities have few transportation services, preventing rural residents from obtaining needed health care;

Whereas the health status of rural Americans is lower than for residents of urban areas, with rural residents having higher infant and maternal mortality rates, higher rates of chronic illness, and higher rates of injury;

Whereas there are more poor and medically indigent in rural areas than in urban areas;

Whereas rural hospitals serve a higher than average number of elderly patients, resulting in a high proportion of Medicare payment as a percentage of their total revenue; and

Whereas current policies result in substantially lower Medicare payments to rural health care providers for equivalent services, further increasing the likelihood of financial failure and closure of these facilities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 15, 1988, and ending on May 21, 1988, is designated as "National Rural Health Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the above period with appropriate programs, ceremonies, and activities.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

The joint resolution (S.J. Res. 255) to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week", was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 255

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week".

Mr. GARN. Mr. President, I am pleased that the Senate today will pass Senate Joint Resolution 255, to proclaim April 24-30, 1988, as "National Organ and Tissue Donor Awareness Week."

The miracles of modern medicine make it possible for thousands of lives to be saved when a transplanted organ from one human being takes over the vital functions of an injured or failing organ for another. There are a number of human organs and tissues that can be transplanted today including the kidney, heart, heart-lung combination, the liver, pancreas, cornea, bone marrow, and even the skin.

The challenge, however, is finding enough suitable donors. The American council on Transplantation relays that more than 17,000 people in our country are on waiting lists for such transplants.

The good news is that 20 percent of all Americans over age 18 currently carry an organ donor card. Even more encouraging is the fact that health providers are finding up to 70 percent of all Americans are willing to donate, if they are approached.

Sadly, the opportunity to give this gift of life most often arises when a family is facing a terrible tragedy, the death of one of its members. To be faced with the additional question of organ donation at such a time can be difficult. Yet families find the opportunity to give someone else a chance at life is comforting and can ease the pain of their own personal loss.

I hope that with increased awareness about organ donation, families will discuss their intent to give with each other before they are faced with a tragedy. I also hope that the 70 percent who say they would be willing to donate will take the time to fill out an organ donor card and make a point of sharing their intent with friends and family.

As you know, I can personally testify that organ donation saves lives. I am grateful that my daughter, Sue, has the chance at a normal life because of the miracles of modern medicine. And even though I am shy a kidney, I am most grateful that I could share a part of me with her.

AFGHANISTAN DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 257) to authorize and request the President to issue a proclamation designating

March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet troops.

Mr. HUMPHREY. Mr. President, it is critical that the Senate take time to express solidarity with the courageous people of Afghanistan.

The purpose of Afghanistan Day is to express solidarity with the Afghan people in their valiant struggle against the Soviet invasion. We hope that this is the last such resolution that the Congress will have to consider. However, I am confident that so long as Soviet troops occupy Afghanistan, the American people and Congress will continue to show unwavering support for the cause of Afghan freedom an independence. With 56 cosponsors, this resolution has more support than any previous resolution making Afghanistan Day.

We cannot be too familiar with what the Soviets are doing to the innocent nation of Afghanistan. For more than 8 years, Soviet forces have inflicted unspeakable horrors on the Afghan people. The toll has been enormous. According to a recent report financed in part by the French Government, more than 1.24 million Afghans have died as a result of Soviet policies in Afghanistan. Proportionately, that's the equivalent of 18 million dead Americans. Last October, the Congressional Task Force on Afghanistan held an important hearing on human rights in the country. We learned from a panel of international lawyers that "there is considerable evidence that genocidal acts have been committed against the Afghan people by the combined forces of the DRA and the Soviet Union."

Yet, despite the enormity of the suffering, the people of Afghanistan continue their struggle. On the battlefield, the Afghan freedom fighters have performed with greater and greater effect. The past year saw a series of successive resistance victories. It is this determination and courage, reflected in the growing military success of the Afghan resistance, which led the Soviets to propose the withdrawal of their forces this year.

Mr. President, we are at a very critical juncture. Next Wednesday, the Geneva negotiations will resume. There is enormous pressure to make the next round the last round of negotiations. The Under Secretary of State recently flew to Islamabad to discuss a settlement with the President of Pakistan.

Mr. President, unless the U.N. agreements are modified, the gains of the Afghan people may well be thrown away in the coming months. Last week, in a hearing of the Congressional Task Force on Afghanistan Dr. Zbigniew Brzezinski and Ambassador Jeane Kirkpatrick outlined several dangerous flaws in the agreements as they now stand and urged modification of the terms. I ask unanimous consent that their statements be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HUMPHREY. In the negotiations to secure the Soviet withdrawal we must proceed with the greatest caution. Why? Because we are negotiating the fate of a nation. We are negotiating the fate of a people. We are negotiating the fate of a cause for which so many have suffered enormously. Yes, we are negotiating. The Afghans themselves are not at the table. Therefore, let us take every reasonable precaution to ensure the Soviets do not secure at the bargaining table what they failed to achieve through 8 years on the battlefield.

Specifically, we must ensure that the United States does not abandon the Afghan resistance prior to the complete withdrawal of Soviet troops from Afghanistan. To cut off aid to the resistance completely upon the withdrawal of the first Soviet units, is just plain foolish. If the Soviets have deceit in mind, they couldn't ask for a better deal. All they have to do is withdraw a few units and the resistance loses all outside support. What incentive is there then for the Soviets to complete their withdrawal.

Along these lines, I urge Senators take a few moments to read the wise remarks of the majority leader delivered on the floor this past Tuesday. Commenting on Mr. Gorbachev's assertion that the United States must end all aid to the Mujahideen, Senator Byrd spoke for many of us when he said:

> American aid should stay in place until it is absolutely, indubitably and unquestionably clear that the Soviets are mainly out and that they are not redeploying their forces to be reinserted again, and that the Mujahideen is well enough equipped to maintain its integrity during the delicate period of a transition government leading to new elections.

The junior Senator from Massachusetts and I are circulating a letter to the President on this subject. The letter states:

> To agree to cut off all aid to the Afghan resistance, while Soviet troops remaining are generously and continually resupplied, and while the puppet government they set up is likewise resupplied, is unwise on its face. Let it never be said the United States threw away the sacrifice of the Afghan people.

We have been joined in the letter by the chairman of the Foreign Relations Committee, the chairman of the Intelligence Committee, and 24 other Senators. I urge each of my colleagues to join us in this effort.

The administration has steadily retreated from its demands on the Soviets. Last year, the administration insisted that any withdrawal of Soviet troops from Afghanistan must be based on solely logistical criteria. In other words, no longer than it logistically takes the Soviets to pack up and get out. The Congress unanimously endorsed that position. A study conducted at my request by the Defense Intelligence Agency estimated such a withdrawal, allowing a safe withdrawal of Soviet forces, would take only 30 to 40 days. Yet, today the administration stands ready to endorse a timetable that may take as long as 10 months.

Prior to the Washington summit, President Reagan stated that the United States would never cut off all assistance to the Afghans at the beginning of a Soviet troop withdrawal. However, several days later, senior State Department officials reiterated to the press that the United States would, in fact, be prepared to cut all aid to the resistance, once agreement is reached on a Soviet troop withdrawal. Earlier this month, the New York Times ran a disturbing article that says:

> An American commitment in 1985 to end military aid to the Afghan guerillas at the beginning of a Soviet troop withdrawal was made without the knowledge or approval of President Reagan.

This resolution authorizes and requests the President to designate March 21, 1988, as "Afghanistan Day." It provides an important opportunity for the President to articulate clearly our policy on Afghanistan. I call upon him to end the confusion about the American commitment to the Afghan freedom fighters. I call upon the President to make clear to the world, and especially to the State Department, that America will stand by the Afghan freedom fighters for as long as even a handful of Soviet soldiers remain. I call upon the President to forcefully refute the notion that America will completely cutoff the Afghan freedom fighters on the first day of a Soviet withdrawal, a withdrawal that is likely to last for at least 8 months. The Afghan freedom fighters have to worry every day about the Soviet bayonet at their throats. They should not also have to worry about a State Department dagger at their backs.

I was shocked to learn recently, that there are those in the Department of State who see no necessity for an "Afghanistan Day" ceremony this year at the White House, that it is not important for the President to hold a special ceremony marking this occasion.

Mr. President, that is an outrage. If ever there was a time when our Government as a whole must express solidarity with the people of Afghanistan, now is the time. It is shameful that there are those in the State Department who would dispense with even this minimal gesture of solidarity for the Afghan people.

In the days ahead, this body, which has been so solidly united in support of the Afghan cause, this body, which always has been substantially more generous than the White House in appropriations for the Afghan resistance, must stand guard against a sell-out of the Afghan cause. Let it never be said America threw it all away at the bargaining table. We have no right to do it. To the contrary, we have a grave responsibility to guard against it.

Exhibit 1

Statement of Zbigniew Brzezinski, Former National Security Advisor to President Carter, 1977–81, Presently With the Center for Strategic and International Studies

Dr. Brzezinski. Thank you, Mr. Chairman. And let me begin by making a few comments regarding the situation in the war of Afghanistan, and the implications for the war of the recent diplomatic moves that have taken place in the run up to the next round of the proximity talks in Geneva in early March.

In my testimony today, Mr. Chairman, I do not wish to prejudge the sincerity of the recent statement made by General Secretary Gorbachev. I have consistently argued that if the United States and the other supporters of the Afghan resistance continued to raise the military and political costs of the war to Moscow, the point would come when the Kremlin might choose to disengage.

We may have reached that point, although uncertainties remain. In his speech Gorbachev made some important initial concessions. We need to seek further changes, but I do believe that his proposal can be used as the partial point of departure for further negotiations.

Our goal must be a settlement that involves a withdrawal of the Soviet Union's occupation army, and that secures the right of self-determination of the Afghan people.

Such a settlement is in the interests of the Afghan people, and in the interests of those countries who have a strategic stake in Afghanistan. I believe we should do what we can to advance that goal through the proximity talks, but without engaging in wishful thinking, or in ignoring the very real differences that continue to divide the two sides.

It is to those outstanding issues that I will focus my remaks. But before taking up these issues, I wish to make one more general point.

As we move to take advantage of Gorbachev's new proposal, we must not foreclose the possibility that through these moves he seeks to attain at the negotiating table what he has failed to achieve on the battlefield.

It is conceivable that Gorbachev is trying to transform his problem in Afghanistan into our problem. He might be trying to shift attention away from the question of the presence of Soviet forces in Afghanistan and toward negotiating a complicated structure that would legitimize Moscow's present determinant in the internal affairs of Afghanistan, and that would enable his military forces to leave while Moscow retains political control, and while the talks precipitate a split between us and the resistance, and even perhaps Pakistan.

In this regard, a recent book, edited by Rosanne Klass at Freedom House, *Afghanistan: the Great Game Revisited,* offers some persuasive evidence to the effect that the talks in Geneva might be but a gambit in a larger strategy to prevail in Afghanistan.

Thus, while we should proceed with the talks, we must not let that happen.

Turning to the issues, I believe that there are two critical issues that still need to be addressed in the proximity talks. The first is a Soviet withdrawal timetable and the termination of outside aid to the resistance.

The second is the question of whether an accord is to be signed with the parent Kabul regime, or with some kind of a transitional government.

As far as the first issue is concerned, the current Soviet proposal calls for a 10-month withdrawal in which 50 percent of Soviet forces leave within the first three months, and during which Soviet forces would be prohibited from undertaking offensive actions.

Furthermore, it calls for a cutoff of outside aid to the Afghanistan resistance at the start of the Soviet withdrawal.

All of this under Gorbachev's proposal would be agreed upon by March 15th, and the aid cutoff and the withdrawal, would begin on May 15th.

It is my view that if we are to accept the 10 months timetable, or perhaps compromise on a 9-month timetable, since the Pakistani position right now is 8 months, we should still insist on two changes on Gorbachev's proposed formula; two changes.

First, we cannot accept the stipulation that terminates our assistance to the Afghans at the start of the Soviet withdrawal. We should agree to a phase-out but not to a cutoff of our aid.

I would favor an offer to reduce our aid in direct proportion to the reduction of Soviet manpower in Afghanistan. If Gorbachev pulls half his forces out, we could reduce our assistance by half; and so forth.

At the same time Soviet military aid to the Kabul regime would have to be phased down as well. This would guarantee that at no point would the military balance in the field shift in favor of the Soviet Union and its communist clients.

Therefore, at no time would our friends in the Afghan resistance become any more vulnerable than they are today.

There has been some discussion in the press to the effect that the United States may have committed itself in 1985 to an early aid cutoff. I believe you, Mr. Chairman, alluded to that in your opening remarks.

But any implied commitment was made in the context of an overall proposal by our side with a withdrawal timetable of 3 months. That is an important point.

Accordingly, if Moscow insists that we stick to this past implied commitment, we can simply respond by saying, fine; we'll cut off the supply effort entirely when only three months remain in the withdrawal period.

This is perfectly consistent with our previous commitment. Let me just make that clear. Since we made the initial statement that we may be willing to cut off aid upon the withdrawal of Soviet forces, and we expected that withdrawal to take place within three months; and we are willing to cut off that aid at the beginning of three months' period; it follows quite logically that we could say that we'll terminate all our aid to the Afghan resistance three months prior to the conclusion of the entire Soviet withdrawal.

This would be quite consistent with our position. And yet would meet the new situation which has arisen in the light of the expected longer duration for the Soviet withdrawal.

Furthermore, any undertaking of this sort should be part of a reciprocal prohibition on the provision of military support by either side to its respective friends in Afghanistan after the Soviet withdrawal.

Neither the Afghan communists nor the Afghan resistance should receive arms or munition or other military support after the Soviet Union's forces have departed.

Second, we cannot accept any settlement that would have the effect of dismantling the present infrastructure for assisting the Afghan resistance. This, too, is quite important.

Gorbachev's proposal calls for a two months' gap between the signing of a settlement and the start of the pullout. On January 11th, Pravda commented quite authoritatively, quote: The two-month gap is no random figure. It is conditioned by the need to allow Islamabad time to remove the rebel base in Pakistani territory. In short, the problem has to do not with the date when the Soviet troop withdrawal begins, but the date when U.S. aid to the rebels ends. End of quote.

If that observation represents Soviet intentions, we must not play into their hands. We should not accept any settlement that dismantles our assistance infrastructure, and that thereby precludes the possibility of restarting our aid in the event that Moscow violates the agreement.

The second major outstanding issue in the proximity talks is the question of a transition government. Gorbachev has declared his opposition to changing the leadership in Kabul.

Pakistan has demanded that the UN-sponsored settlement be signed with a transition regime, not with the current Kabul government. China has chided Gorbachev for ruling out the possibility of a transition government. Most resistance leaders also wish to see some kind of a transition regime established.

As far as this issue is concerned, I'm aware of the arguments in favor of demanding that a transition regime be established as part of a settlement. The often-cited danger is that signing with a Kabul regime would confer a measure of international legitimacy on Najibullah.

On the other hand, I'm also aware that negotiating a transition regime would take a long time, and would surely delay the initial staring point of a Soviet withdrawal, beyond May 15th.

Given these considerations, I lean toward the view favoring the separation of an agreement on the specific military arrangements for a withdrawal from any considerations of the political aftermath in the wake of a Soviet pullout.

In other words, concluding a technical agreement on the Soviet departure with whoever operates currently in Kabul as the alleged government need not imply a closer political relationship to this would-be regime than the one we have today.

We could certainly clarify that fact in a political statement issued coincidentally with the conclusion of an agreement. If the agreement provides for a proportional and reciprocal phase-out of military assistance, the emergence of an authentic Afghan government after the Soviet withdrawal would then be up to the Afghan people themselves.

It might, or it might not, involve the appearance of a transition regime arranged

among the Afghans. It could well involve a brief period of armed struggle, as a result of which the Mujahideen assume power directly.

It is not likely that the Najibullah regime could survive on its own for more than a brief period. The Mujahideen have indicated that they will be maganimous toward the remnants of the Najibullah government. And we could encourage and support such magnanimity. No one has an interest in continuing the bloodshed, or what would be a protracted negotiation over the membership and nature of a transition regime.

Nor do we have an interest in becoming mired in complex negotiations that would almost certainly lead to serious disputes between the resistance and the United States, or between the United States and Pakistan.

It could therefore well be best to separate the military aspects of the projected Soviet departure from the political arrangements that would emerge in its aftermath.

Thank you, Mr. Chairman.

Introductory Remarks—Congressional Task Force on Afghanistan February 18, 1988

(By Zbigniew Brzezinski)

I am very pleased to have this opportunity to discuss with you the current situation in the war for Afghanistan and the implications for the war of the recent diplomatic moves that have taken place in the run up to the next round of the proximity talks in Geneva in early March.

In my testimony today, I do not wish to prejudge the sincerity of the recent statement made by General Secretary Gorbachev. I have consistently argued that if the United States and the other supporters of the Afghan resistance continued to raise the military and political costs of the war to Moscow the point would come when the Kremlin might choose to disengage. We may have reached that point, though uncertainties remain. In his speech, Gorbachev made some important, initial concessions. We need to seek further changes, but I do believe that his proposal can be used as the partial point of departure for further negotiation.

Our goal must be a settlement that involves a withdrawal of the Soviet Union's occupation army and that secures the right of self-determination of the Afghan people. Such a settlement is in the interest of the Afghan people and in the interest of those countries which have a strategic stake in Afghanistan. I believe we should do what we can to advance that goal through the proximity talks, but without engaging in wishful thinking or ignoring the very real differences that continue to divide the two sides. It is to those outstanding issues that I will focus my remarks.

Before taking up these issues, I wish to make one more general point: As we move to take advantage of Gorbachev's new proposal, we must not foreclose the possibility that through these moves he seeks to attain at the negotiating table what he has failed to achieve on the battlefield. It is conceivable that Gorbachev is trying to transform his problem in Afghanistan into our problem. He might be trying to shift attention away from the question of the presence of Soviet forces in Afghanistan and toward negotiating a complicated structure that would legitimize Moscow's present determinant in the internal affairs of Afghanistan and that would enable his military forces to leave while Moscow retains political control and while the talks precipitate a split between us and the resistance. In this regard, a recent book edited by Rosanne Klass at Freedom House, *Afghanistan: The Great Game Revisited*, offers some persuasive evidence to the effect that the talks in Geneva might be but a gambit in a larger strategy to prevail in Afghanistan. Thus, while we should proceed with the talks, we must not let that happen.

It seems to me that there are two critical issues that still need to be addressed in the proximity talks. The first is the Soviet withdrawal timetable and the termination of outside aid to the resistance. The second is the question of whether an accord is to be signed with the current Kabul regime or with some kind of a transition government.

As far as the first issue is concerned, the current Soviet proposal calls for a 10-month withdrawal in which 50 percent of Soviet forces leave within the first 3 months and during which Soviet forces would be prohibited from undertaking offensive actions. Furthermore, it calls for a cutoff of outside aid to the Afghan resistance at the start of the Soviet withdrawal. All of this, under his proposal, would be agreed upon by March 15 and the aid cutoff and the withdrawal would begin on May 15.

It is my view that if we are to accept the 10-month timetable, we should insist on two changes in Gorbachev's proposed formula:

(1) We cannot accept the stipulation that terminates our assistance to the Afghans at the start of the Soviet withdrawal. We should call for a phase out, not a cutoff, of our aid. I would favor an offer to reduce our aid in direct proportion to the reductions of Soviet manpower in Afghanistan. If Gorbachev pulls half his forces out, we could reduce our assistance by half, and so forth. At the same time, Soviet military aid to the Kabul regime would have to be phased down as well. This would guarantee that at no point would the military balance in the field shift in favor of the Soviet Union and its communist clients. Therefore, at no time would our friends in the Afghan resistance become any more vulnerable than they are today.

There has been some discussion in the press to the effect that the United States may have committed itself in 1985 to an early aid cutoff. But any implied commitment was made in the context of an overall proposal with a withdrawal timetable of three months. Accordingly, if Moscow insists that we stick to this past statement, we can simply respond by saying, "Fine, we will cut off the supply effort when only three months remain in the withdrawal period. This is perfectly consistent with our previous commitment." Furthermore, any undertaking of this sort should be part of a reciprocal prohibition on the provision of military support by either side to its respective friends in Afghanistan after the Soviet withdrawal. Neither the Afghan communists nor the Afghan resistance should receive arms, ammunition, or other military support after the Soviet Union's forces have departed.

(2) We cannot accept any settlement that would have the effect of dismantling the present infrastructure for assisting the Afghan resistance. Gorbachev's proposal calls for a two-month gap between the signing of a settlement and the start of a pullout. On January 11, a writer in Pravda commented, "The two-month gap is no random figure: it is conditioned by the need to allow Islamabad time to remove the rebel bases in Pakistani territory. In short, the problem has to do not with the date when the Soviet troop withdrawal begins but the date when U.S. aid to the rebels ends." If that observation represents Soviet intentions, we must not play into their hand. We should not accept any settlement that dismantles our assistance infrastructure and that thereby precludes the possibility of restarting our aid in the event that Moscow violates the agreement.

The second major outstanding issue in the proximity talks is the question of a transition government. Gorbachev has declared his opposition to changing the leadership in Kabul. Parkistan has demanded that the U.N.-sponsored settlement be signed with a transition regime, not with the current Kabul government. China has chided Gorbachev for ruling out the possibility of transition government. Most resistance leaders also wish to see some kind of a transition regime established.

As far as this issue is concerned, I am aware of the arguments in favor of demanding that a transition regime be established as part of a settlement. The often-cited danger is that signing with the Kabul regime would confer a measure of international legitimacy on Najibullah. On the other hand, I am also aware that negotiating a transition regime would take a long time and would surely delay the initial starting point of a Soviet withdrawal beyond May 15.

Given these considerations, I lean toward the view favoring the separation of an agreement on the specific military arrangements for a withdrawal from any considerations of the political aftermath in the wake of Soviet pullout. In other words, concluding a technical agreement on the Soviet departure with whoever operates in Kabul as the alleged government need not imply a closer political relationship to this would-be regime than the one we have today. We could certainly clarify that fact in a political statement issued coincidentally with the conclusion of an agreement.

If the agreement provides for a proportional and reciprocal phase out of military assistance, the emergence of an authentic Afghan government after the Soviet withdrawal would then be up to the Afghan people themselves. It might, or might not, involve the appearance of a transition regime arranged among the Afghans. It could well involve a brief period of armed struggle as a result of which the mujahideen assume power directly. It is not likely that the Najibullah regime could survive on its own for more than a brief period. The mujahideen have indicated that they will be magnanimous toward the remnants of the Najibullah government, and we could encourage and support such magnanimity. No one has an interest in continuing the bloodshed for what would be a protracted negotiation over the membership and nature of a transition regime. Nor do we have an interest in becoming mired in complex negotiations that would almost certainly lead to serious disputes between the resistance and the United States. It therefore could well be best to separate the military aspects of the projected Soviet departure from the political arrangements that would emerge in its aftermath.

Exhibit 2

Statement of Jeane J. Kirkpatrick, Former U.S. Ambassador to the U.N., 1981–1985

Ambassador Kirkpatrick. Thank you, Senator Humphrey.

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I would like to begin by thanking you for inviting me this morning to share with you some views I have on this very important subject.

Senator HUMPHREY. Would you pause just a moment and pull the microphone a little closer, please? Thank you.

Ambassador KIRKPATRICK. Thank you very much for asking me to testify this morning. I welcome the opportunity to share my concerns with you and the other members of the Task Force.

I should like also to reiterate the view just expressed of Dr. Brzezinski that the work of the Task Force is important, has been important, and I think has made a major contribution and should continue to.

If I may, I will very briefly present some current preoccupations which I have about the current status of our situation in Afghanistan. Afghanistan's situation, I should say.

First, we are all aware of the agony of the Afghan people, the terrible, almost unthinkable cost to the Afghan people of the Soviet invasion and occupation of Afghanistan, which is now in its eighth year; the four million Afghan refugees, the more than a million Afghan dead, the disruption of Afghan life in all its aspects.

I would also remind the committee of the Soviet explanations for their decision to invade Afghanistan. First Secretary Brezhnev, then First Secretary Andropov have both described that decision as a lofty act of loyalty to the principle of proletarian internationalism necessary to defend the interests of our Motherland. First Secretary Gorbachev has recently restated in several public arenas his own view that the Soviet invasion and continued presence in Afghanistan was a direct consequence of both Soviet needs for self-defense and Afghan pleas for Soviet assistance. There has been no correction of the record, as it were, from the Soviet side about the reasons for the Soviet presence in Afghanistan.

The current negotiations, the proximity talks, so-called, which have been under way for a number of years and which were, I might mention, under way during my years as U.S. permanent representative to the United Nations, have, we all hear, reached a kind of a critical stage in which it is said that agreement is, indeed, very close at hand. And this is consistent with the repeated public statements, of course, of First Secretary Gorbachev and of his principal lieutenants of their desire to leave Afghanistan, the decision to leave Afghanistan. May I say that I believe that the Soviet government has, indeed, concluded that their continued military occupation of Afghanistan and war against the Afghan people is profoundly counterproductive from their point of view.

It is interesting. The deployment of Soviet SS-20's against the capitals of Europe were taken in Europe as the most tangible symbol of an actual possibility of a Soviet attack on western Europe. And the Soviet invasion of Afghanistan was widely interpreted in the world—in Asia as well as in Europe and the Amercias and in Africa—as a tangible and alarming symbol of Soviet expansionism in the world, of their willingness and readiness to use force in the course of the pursuit of an expansionist policy.

I believe that the new First Secretary of the Soviet Union, Mikhail Gorbachev, desires to eliminate both those symbols of Soviet aggressiveness in the world. I believe this has been a major impetus to the negotiation of an INF agreement which would remove and destroy Soviet intermediate range missiles. And I believe it is directly related to the Soviet stated intention to withdraw from Afghanistan.

In his book, *Perestroika*, Mikhail Gorbachev speaks about the barbaric mentality of Americans in emphasizing the existence of a Soviet threat to the security of other nations. And one of Premier Gorbachev's principal advisers on international affairs, Georgi Arbatov, commented semi-publicly during his visit with Gorbachev in the United States that they intended to "deprive the United States and the West" of the idea of a Soviet threat. I believe that the withdrawal from Afghanistan, in their view, constitutes and important dimension of this refurbishing of the Soviet image worldwide. It obviously also would be very desirable from the point of view of the Afghan people, providing, of course, that the wirthdrawal was real and complete and came accompanied by the restoration of a government in Afghanistan based on self-determination and respect for Afghan independence.

We all know that rumors are rife in Washington concerning the status of that agreement and its various provisions. I have no special knowledge of the agreement nor its status. My understanding is very similar to that described by Dr. Brzezinski. It is that the Soviet Union proposes to provide within a nine-month framework for troop withdrawal, which is front-loaded, which would begin with the removal of perhaps 50,000 Soviet troops, and a commitment that the remaining troops would undertake no offensive actions. My understanding is that in exchange for this, the United States is asked to cease all supply of the Mujahideen, and resupply, if you will, of the Mujahideen.

My understanding of the agreement and its terms does not include detailed knowledge about the removal of the remainder of Soviet forces from Afghanistan. My understanding is that the agreement contains no discussion of the composition of a subsequent government and leaves the implication that the existing Afghan government would be a party to the agreement. I am not certain that this is accurate.

My understanding as well—and this is perhaps the most disturbing aspect of the agreement to me—is that there would be a U.S. commitment to begin the dismantling of the Mujahideen bases concomitant to the cessation of U.S. supply and the beginning of Soviet withdrawal

Now, if this gossip, these rumors concerning the agreement are reasonably accurate, then I would say there would be some very serious consequences of it. First, it would dramatically increase the pressure on both the Mujahideen and on Pakistan, the government of Pakistan, to settle for almost anything or engage in a suicidal struggle. I have heard that the United Nations, through its World Food Program and the United Nations High Commission on Refugees, has already significantly slowed the flow of basic foodstuffs and kerosene and tents to the Afghan refugees, leaving them with less a backlog than, for example, the Soviet-backed Afghan forces, which I understand have been heavily resupplied and who, I am told, possess today a substantial backlog of both military supplies and basic requirements of subsistence.

Second, if such an agreement were to be adopted in its current form, then my view is that it would dramatically complicate the problems of the government of Pakistan, increase pressure on them, encourage destabilization of Pakistan through the flow of refugees into the cities in search of work and food for their families and themselves.

It is not necessary to emphasize to this Task Force the importance of Pakistan, the strategic importance of Pakistan to the whole Eurasian and Southwest Asian land mass.

The agreement comes at a time when Pakistan is already under significant pressure from the government of India and from the Soviet Union, and would, I think, lead to substantial demoralization in Pakistan as well as in the United States. I cannot resist saying that there is no prouder accomplishment of the President and the Reagan Administration than the restoration in the United States of a sense of solidarity, of American solidarity with the forces of freedom in the world.

I believe myself that the President's principal contribution, perhaps, to our life and the freedom in the world is to have re-established the viability of freedomm as an alternative future for mankind, demonstrating that it is not necessary for the countries of the world to slide or be pushed into a future of centralization, bureaucratization and tyranny.

I do not believe that the current rumors concerning the full contents of the agreement could be accurate, but I note I have more confidence in the administration than acceptance of the current rumors as accurage would permit me. I do note that the very existence of these rumors has a negative effect on the United States and on Pakistan and on the Afghan freedom fighters.

I think a decent agreement, which I suppose we all desire, would have some different characteristics than those which are said to characterize the current agreement. First, I believe that a decent agreement would formally and explicitly include representatives of the Mujahideen through the alliance in the negotiating process, just as the Central American peace accords included negotiations with the contras and the FNLN in El Salvador and other representatives of rebel groups in the peace talks.

If there is no elected government of Afghanistan—but certainly any reasonable appraisal would conclude that the alliance is the most plausible and credible representative of the Afghan people today. Indeed, they represent the whole Afghan people in exile which is more than a sample of the total population of Afghanistan.

Second, I believe the U.S. should take steps to guard the Mujahideen against pressures against their livelihood. The United States is the largest contributor to the United Nations High Commission on Refugees. We are the major contributors to the World Food Program. We are in a position to insist that supplies to the Afghan refugees not be diminished and that their livelihood not be forced to a dangerous edge.

Third, I believe that an adequate agreement would make some provision for the repatriation of refugees in an orderly fashion, and I understand that the current agreement does not. Again, all my information about the current agreement may be mistaken. Frankly, I hope it is. But I am unaware of any provision for repatriation in the current agreement.

Finally, I think that an adequate agreement would include some further provisions. It would, for example, provide for a return of Afghan children who have been forcibly removed from their families for prolonged education in the Soviet Union. It would provide a different timetable for U.S. termination of assistance to the Mujahideen. I think it is entirely unreasonable to imagine or contemplate that U.S. assistance to the Mujahideen would end before the total withdrawal of Soviet forces. Proportionate phasing down of support with Soviet troop withdrawal is reasonable, providing, of course, that it is not accompanied by dismantling of the infrastructure and the bases of the Mujahideen.

I note also that in the current form of rumors, there is no provision made for the dismantling of Soviet bases, forward air bases and other Soviet bases in Afghanistan. I should suppose that the dismantling of the Mujahideen's infrastructure would somehow be made proportionate to the total withdrawal of the Soviet infrastructure and destruction of the Soviet infrastructure.

I would note that in considering any U.S. commitment in any U.S. agreement of 1985, it is very important that the Task Force and all of us bear in mind that our Constitution provides for an orderly fashion for the making of commitments by the United States government. And, in fact, there is no lower level, even high level, lower level official of the United States government below the President, it seems to me, who is in a position to make an authoritative commitment on behalf of the United States.

Now, this is understood by the United Nations Secretary General and by other foreign governments with whom we deal.

So I would emphasize that it is disingenous for anyone sophisticated enough to have followed the Afghan scene to pretend that they imagine that an informal and secret agreement initialled by an anonymous person is somehow binding on the United States government. This could not be the case. And anyone sophisticated enough to concern themselves with these affairs surely understands that. So I regard it as almost frivolous for any part of the government of the United States to speak and act as though any such informal anonymous initialling of a secret agreement could be binding on us.

Thank you very much.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 257

Whereas more than eight years after the Soviet invasion, more than one hundred and twenty thousand Soviet troops are waging war against the Afghan people, with thirty thousand more positioned in contiguous areas of the Soviet Union, available for use against the Afghan population;

Whereas the United Nations General Assembly by increasing majorities has in nine annual resolutions called for the "immediate withdrawal of foreign troops from Afghanistan";

Whereas Soviet policies in Afghanistan are directly responsible for driving more than five million Afghans into foreign exile, creating the largest refugee population in the world, and for the deaths of more than one million Afghans;

Whereas a recent report of the Independent Council on International Human Rights, as distributed to the United Nations by the United States Mission as an official document, finds "there is considerable evidence that genocidal acts have been committed against the Afghan people by the combined forces of the DRA (Democratic Republic of Afghanistan) and the Soviet Union";

Whereas Kabul regime aircraft violated Pakistan's airspace more than five hundred and seventy four times during 1987, killing more than one hundred and eighty three innocent people and wounding more than four hundred and thirty seven;

Whereas over four hundred and fifty Soviet and Kabul-inspired terrorist incidents took place in Pakistan during 1987, in circumstances calculated to cause the deaths of innocent civilians;

Whereas Public Law 100-204 declares it to be the policy of the United States to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a timeframe based solely on logistical criteria; and to communicate clearly to the Government and people of the Soviet Union the necessity of a Soviet withdrawal from Afghanistan as a condition for better relations between the United States and the Soviet Union;

Whereas on May 16, 1985, the Afghan Resistance took an historic step by forming the Islamic Unity of Afghan Mujahideen, representing a unified coalition of the major Afghan organizations dedicated to ending the Soviet occupation;

Whereas, as enunciated by the President of the United States following a meeting with the President of the Afghan Resistance Alliance, any negotiated settlement to the war in Afghanistan that is unacceptable to the Resistance is destined to fail;

Whereas the Afghan Resistance continues to control more than 75 per centum of the territory of Afghanistan, despite more than eight years of brutal warfare;

Whereas in a statement on November 12, 1987, the President stated: "The support that the United States has been providing the Resistance will be strengthened rather than diminished, so that it can continue to fight effectively for freedom";

Whereas, since the Soviet invasion of Afghanistan, the Congress has in numerous resolutions declared the solidarity of the American people with the struggle of the Afghan people against the Soviet invaders; and

Whereas the people of Afghanistan observe March 21 as the traditional start of their New Year and as a symbol of their nation's rebirth: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 21, 1988, as Afghanistan Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

NATIONAL CHILD CARE AWARENESS WEEK

The joint resolution (S.J. Res. 260) to designate the week beginning April 10, 1988, as "National Child Care Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 260

Whereas the status and composition of the family in the United States is constantly changing;

Whereas women hold 53 percent of all jobs in the United States;

Whereas 80 percent of the women in the United States who are employed are of childbearing age;

Whereas, while child care is no longer considered the sole responsibility of women, the percentage of single-parent families headed by women has increased by more than 51 percent in 12 years;

Whereas it is estimated that 80 percent of the women with children of preschool age will hold jobs by 1990;

Whereas the increasing participation of women in the workforce will continue to increase the demand for child care during the working hours;

Whereas communities across the United States are planning special activities to honor child care providers and to illustrate the importance of quality child care as part of the Child Care America project of the Public Television Outreach Alliance;

Whereas the National Association for the Education of Young Children and the Public Television Outreach Alliance are sponsoring a week of the child, and it is appropriate for the Congress to designate the same week as a period devoted to increasing public awareness of child care issues; and

Whereas all children deserve quality child care, and all parents have a profound obligation to provide a safe and wholesome environment for their children at all times: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 10, 1988, is designated as "National Child Care Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. BOSCHWITZ. Mr. President, I rise today to call the Senate's attention to the pressing problem of child care. In our Nation today, over 8 million preschool children need some kind of child care. Many parents are able to provide care in their own home. But for a growing number, especially single parents and the working poor, affordable child care outside the home is one of their greatest needs.

We in this body need to recognize that need. Last year, I joined as a cosponsor of the child care bill introduced by our colleague from Utah, Senator HATCH, which develops new child care initiatives and supplements existing programs. I will soon be introducing my own bill, which will especially bolster the child care food program, a program I have worked on and supported for years.

Today, I have the privilege of placing before the Senate a joint resolution that will focus the attention of Congress—and the country—on the problem of providing good and affordable child care. This joint resolution designates the week beginning April 10, 1988, as "National Child Care Awareness Week." Already, a number of activities are being planned in Minnesota and across the rest of the Nation.

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"National Child Care Awareness Week" will also be marked by a number of important television shows on the public broadcasting network. A nationally televised program, "Who Cares for the Children?" will give an overview of the issues involved. Activities are also planned for parents, child care centers, businesses, child care professionals, and educators.

Obviously, this joint resolution is only the first step in what Congress must do to support quality care for our children. We must begin by recognizing and assessing the challenges we face in child care. I look forward to working with my colleagues in the months ahead, as we develop an effective response to these problems.

WOMEN'S HISTORY MONTH

The joint resolution (S.J. Res. 262) to designate the month of March 1988, as "Women's History Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 262

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of the Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in this country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March, 1988, is designated as "Women's History Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

NATIONAL FOSTER CARE MONTH

The Senate proceeded to consider the joint resolution (S.J. Res. 59) to designate the month of May 1987, as "National Foster Care Month," which had been reported from the Committee on the Judiciary, with an amendment:

On page 2, line 3, strike "1987," and insert "1988".

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 59

Whereas there are more than 250,000 licensed foster families in the United States who temporarily provide guidance, emotional support, food, shelter, and nurture to children who cannot remain in their own home;

Whereas foster parents devotedly and unselfishly open their home and family life to children in need;

Whereas foster parents are a vital part in permanency planning to protect the best interests of a foster child;

Whereas foster parents work cooperatively with human service agencies and biological parents to strengthen family life;

Whereas foster parents must have the commitment of the national, State and local communities in terms of funding, support, and training; and

Whereas the National Foster Parent Association holds its annual training conference during the month of May, 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May, 1988 is designated as "National Foster Care Month". The President is requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The title was amended so as to read "joint resolution to designate the month of May 1988 as "National Foster Care Month."

NATIONAL ADULT DAY CARE CENTER WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 147) designating the week beginning on the third Sunday of September in 1987 and 1988 as "National Adult Day Care Center Week," which had been reported from the Committee on the Judiciary, with an amendment:

On page 2, line 4, strike "1987 and".

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 147

Whereas more than 1,200 adult day care centers are in operation nationwide, providing safe and positive environments to functionally disabled adults and senior citizens who are in need of daytime assistance or supervision;

Whereas adult day care centers have comprehensive programs providing a variety of services related to health, including medical therapy, medication monitoring, counseling, and health education;

Whereas adult day care centers are operated by professional staff which identify individual health needs and give appropriate advice;

Whereas adult day care centers assist functionally disabled adults and senior citizens in maintaining a maximum level of independence;

Whereas adult day care centers provide opportunities for social interaction to individuals who otherwise may be socially isolated; and

Whereas adult day care centers offer relief to families who otherwise must provide constant care to functionally disabled adults and senior citizens, including victims of Alzheimer's disease and other forms of dementia: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the week beginning on the third Sunday of September in 1988 is designated as "National Adult Day Care Center Week". The President is requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The title was amended so as to read "Joint Resolution designating the week beginning on the third Sunday of September in 1988 as "National Adult Day Care Center Week."

NATIONAL FORMER PRISONERS OF WAR RECOGNITION DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 253) designating April 9, 1988, and April 9, 1989, as "National Former Prisoners of War Recognition Day," which had been reported from the Committee on the Judiciary, with an amendment:

On page 2, line 3, strike "and April 9, 1989 are", and insert "is".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 253

Whereas the United States has fought in many wars;

Whereas thousands of members of the Armed Forces of the United States who served in such wars were captured by the enemy and held as prisoners of war;

Whereas many such prisoners of war were subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war and died, or were disabled, as a result of such treatment;

Whereas in 1985, the United States Congress (in Public Law 99-145) directed the Department of Defense to issue a medal to former prisoners of war in recognition and commemoration of their great sacrifices in service to our Nation; and

Whereas these great sacrifices of former prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1988, is designated as "National Former Prisoners of War Recognition Day" in honor of the members of the Armed Forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such days with appropriate ceremonies and activities.

The title was amended so as to read "Joint resolution designating April 9, 1988, as 'National Former Prisoners of War Recognition Day'."

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee and as the author, along with the committee's ranking minority member, the Senator from Alaska [Mr. Murkowski], of Senate Joint Resolution 253, a resolution to designate April 9, 1988, as "National Former Prisoners of War Recognition Day," I rise in strong support of passage of this joint resolution to honor those of America's veterans who were prisoners of war.

Mr. President, over the many years I have served on the Veterans' Affairs Committee, both as the committee's chairman from 1977 to 1981 and now again, as well as its ranking minority member from 1981 to 1987, I have developed a deep appreciation for those of our Nation's veterans who made enormous sacrifices and endured extreme hardships as prisoners of war. Their strength, courage, and commitment to our national security and democratic ideals and institutions helped to preserve our country, and we truly owe them a debt that can never be fully repaid.

In a Veterans' Administration study undertaken as a result of legislation I authored in Public Law 95-479, the VA found that, although the particular type and source of hardship differed significantly according to place and time of internment, American prisoners of war from each of the three most recent wars—World War II, Korea, and Vietnam—were subjected to widespread hardships that often included extreme malnutrition, great psychological stress and abuse, inadequate medical care, brutal living conditions, and, very frequently, physical and pyschological torture or other abuse.

Mr. President, as my colleagues know, April 9, 1942, is the day that marks the fall of Bataan, the isle where thousands of American soldiers were taken prisoner by enemy troops in the Philippines and forced to march long distances under extremely brutal conditions to prisoner-of-war camps, where they suffered further hardships and deprivations. Many of those troops did not survive that harrowing ordeal, and those who did were often permanently disabled. Thus, April 9, is sadly, a most appropriate day to honor our Nation's POW's.

Mr. President, in 1985, Congress directed the Department of Defense to issue medals to former POW's in recognition of the great sacrifices they have made in service to our Nation. I believe, and have recommended to the VA Administrator, that the first distribution of these medals be marked by ceremonies on April 9—the proposed day of national recognition—to appropriately commemorate our former POW's.

Mr. President, this joint resolution is cosponsored by 69 of my colleagues, including 8 other members of the Veterans' Affairs Committee—the Senators from Hawaii [Mr. Matsunaga], Arizona [Mr. DeConcini], West Virginia [Mr. Rockefeller], Florida [Mr. Graham], Wyoming [Mr. Simpson], South Carolina [Mr. Thurmond], Vermont [Mr. Stafford], and Pennsylvania [Mr. Specter].

I would like to express my appreciation to the members of the Judiciary Committee for moving so expeditiously to report this joint resolution in time for it to be passed by the Senate and, with the help of our colleagues in the House of Representatives, enacted before April 9.

Mr. President, April 9, 1988—the day that would be designated as "National Former Prisoners of War Recognition Day" by this resolution—is fast approaching. As one expression of our Nation's continuing gratitude to our Nation's former POW's, I urge all of my colleagues to join today in support of this joint resolution.

TRAUMA AWARENESS MONTH

The Senate proceeded to consider joint resolution (S.J. Res. 199) to designate the month of May 1988, as "Trauma Awareness Month."

Mr. BYRD. Mr. President, the joint resolution that we are considering today to designate the month of May 1988 as "National Trauma Awareness Month" will draw the American public's attention to the gravity of the traumatic injury problem in the United States.

Trauma is the medical term for physical injury, either accidental or intentional, caused by motor vehicle accidents, falls, fires, and violent crimes. Trauma is the third leading cause of death among persons of all ages, and is the leading cause of death between the ages of 1 and 44 years of age.

According to the American Trauma Society, over 60 million people are traumatized in accidents, violent crimes and suicide attempts, and between 140,000 to 160,000 Americans die from trauma each year. Particularly tragic is the fact that trauma is the No. 1 killer of young Americans under the age of 40.

The problem of trauma can be addressed through both prevention and implementation of comprehensive emergency medical systems. Much has already been accomplished through seatbelt promotion and drunk driving awareness campaigns. Nevertheless, the incidence of trauma continue to rise alarmingly. A more comprehensive attempt to arouse public awareness is essential.

The adoption of this resolution will provide an important focus on a serious medical problem and I urge its passage.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 199

Whereas more than 2 million persons suffer traumatic injury every year;

Whereas traumatic injury is the number one killer of young Americans under the age of 40;

Whereas trauma costs American citizens over $100 billion annually;

Whereas every person is a potential victim of trauma;

Whereas trauma is a disease for which the victim has no anticipation and cannot care for himself;

Whereas trauma is the most neglected disease of modern man;

Whereas the problem of trauma must be addressed by both prevention and treatment;

Whereas the American public should be educated about trauma care and prevention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May, 1988, is designated "Trauma Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate ceremonies and activities.

NATIONAL AGRICULTURE DAY

The joint resolution (S.J. Res. 265) to designate March 20, 1988 as "National Agriculture Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 265

Whereas, agriculture is the nation's largest and most basic industry, and its associated production, processing, and marketing segments together provide more jobs than any other single industry;

Whereas, agriculture serves all Americans by providing food, fiber, and other basic necessities of life;

Whereas, the performance of the agricultural economy is vital to maintaining the strength of our national economy, the

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standard of living of our citizens, and our presence in world trade markets;

Whereas, it is important that all Americans should understand the role that agriculture plays in their lives and well-being, whether they live in urban or rural areas;

Whereas, since 1973, the first day of Spring has been celebrated as National Agriculture Day by farmers and ranchers, commodity and farm organizations, cooperatives and agribusiness organizations, nonprofit and community organizations, and Federal, State, and local governments:

Now, therefore be it *resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That March 20, 1988, is hereby proclaimed "National Agriculture Day," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities during the week of March 20 through March 26, 1988.

CALENDAR ORDER NO. 128, S. 2, RETURNED TO CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 128 be returned to the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

INF TREATY RIDDLED WITH LOOPHOLES, AMBIGUITIES

Mr. McCLURE. Mr. President, the INF Treaty has been presented to the American people as leakproof and verifiable. In fact it may be neither. A recent report from the American Enterprise Institute finds the treaty riddled with loopholes, ambiguities, and gaping uncertainties. I'd like to congratulate the authors of the report, a group of former administration arms control experts chaired by former Deputy Assistant Secretary of Defense, Frank Gaffney, for their excellent and provocative work. And I'd like to commend the report, which was entered into the CONGRESSIONAL RECORD of February 4, to my colleagues for their examination before the INF Treaty comes to the floor.

For the most part, the AEI report does not focus on the strategic wisdom of the treaty. Instead, it questions whether the treaty as written really does what it purports to do, namely eliminate INF missiles. The report raises a number of questions which I plan to address in future statements. For the moment I'd like to focus on the most glaring problem, what I call the "missile gap of 1988."

One of the breakthroughs in the INF Treaty, supposedly, is the baseline data on how many systems the Soviets have. As my colleagues will recall, one of the faults of SALT II was the lack of a verifiable baseline number of Soviet strategic systems. The negotiators were forced to work with United States intelligence numbers, which the Soviets refused to confirm or deny.

It turns out, however, that the numbers we have been given in the INF Treaty may be off by as many as 550 missiles, or 1,650 warheads. According to the memorandum of understanding, the Soviets have a total of 650 SS-20's. But according to press reports of a July 1987 CIA national intelligence estimate, the Soviets may have 1,200. Even if we take a more conservative intelligence community estimate of 950 SS-20's, which Admiral Crowe described during the ratification hearings, that still leaves a covert force of 900 warheads. A 1981 Defense Department study found that a mere 50 SS-20's—or 150 warheads—would be enough to devastate NATO. So it is clear that a covert force of 300 missiles would pose a severe military threat, especially in a START environment of 50 percent cuts in strategic arms. Not to mention the tremendous political implications of such enormous display of bad faith on the part of the Soviet Union.

Mr. President, before the Senate considers the INF Treaty, it must know whether the INF Treaty really eliminates all INF systems. If the huge discrepancy between our intelligence estimates and the data the Soviets have supplied cannot be resolved, then clearly the treaty does not meet its avowed purpose and should not be ratified.

AMERICA'S GROWING HOUSING CRISIS

Mr. RIEGLE. Mr. President, I rise today to call to the attention of my colleagues in the Senate a recent article in the Wall Street Journal which outlines the growing problem of affordable housing in our country.

Mr. President, many people are under the impression that there has never been a better time for purchasing a home. Yet, testimony before the Senate Housing Subcommittee suggests that the dream of homeownership is becoming more and more difficult for many Americans to achieve. Today, the Nation's homeownership rate is at its lowest level in 15 years. This decline occurs at a time when members of the baby boom are at the prime home buying age and during one of the longest peacetime recoveries in our Nation's history.

One of the principal reasons for the difficulties facing first-time homebuyers is that prices are rising faster than incomes. The cost of buying a house has gone up 108 percent in the last decade while the median family income has increased by 97 percent. The average cost of new and existing homes rose to $108,000 last fall—up 17 percent from the year before. In addition, rents have been rising faster than inflation which in turn siphons off savings which could have been used for a downpayment.

It is imperative that Congress begins to examine and to address our Nation's affordable housing crisis. One way we can begin to address this problem is to extend the sunset date of the mortgage revenue bond program. This tax exempt, private purpose bond program has successfully and efficiently enabled States to maintain first-time homebuyer programs.

Last July, I introduced legislation, S. 1522, that will extend this program through 1992. I am pleased to report that S. 1522 has the bipartisan support of 42 of my colleagues in the Senate.

Mr. President, the Wall Street Journal provides an excellent background for those of us who are concerned about affordable housing. I urge my colleagues to take a few moments from their busy schedules to review it.

Mr. President. I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 5, 1988]

EVEN WITH GOOD PAY, MANY AMERICANS ARE UNABLE TO BUY A HOME

(By Michel McQueen)

Married four years ago, Vincent and Michelle Williams of Chillum, Md., still come home to a rented first-floor apartment. They picnic on the terrace instead of barbecuing in a back yard and drive their three-year-old to the public park to play.

The Williamses want to buy a house. "It's part of the American dream to own," Mr. Williams says. "It's frustrating that every month you're putting out this large sum of money" for rent.

"And you're not getting anything in return," his wife adds. But despite nearly $40,000 in combined annual income, a year of saving and seven months of searching in Chillum, one of the least expensive suburbs of Washington, D.C., they haven't found a house they want and can afford.

The Williamses, both 28 years old, aren't the only aspiring homeowners who are finding the American dream deferred: For the first time since the 1930s, the percentage of Americans who own homes had been dropping. Even in smaller communities in the Midwest, the goal of owning a home has become elusive—frustrating and angering many of those who thought they had earned the right to achieve that cherished dream.

A LONGER ROAD

"If we were to say just 10 years ago that families with incomes of $35,000 and $40,000 and even $50,000 don't realistically have housing opportunity, people would have said. 'That's ridiculous,'" says Sen. Alfonse D'Amato, Republican of New York, but "that's the case today." Although many buyers with rising incomes will eventually find a way to buy a home, the road is getting longer and harder.

One reason is that home prices in most places have gone up more than incomes. Nationally, home prices rose 108% between

1976 and 1986 while median family income rose 97%. The median price for new and existing homes hit $106,000 last fall, up 17% from a year before, the Census Bureau says.

Meanwhile, rents are rising faster than inflation, siphoning off funds that could go into savings. And while fixed-mortgage rates have fallen below 10% lately, requirements for low-down-payment mortgages—which first-time buyers often need—have been tightened in recent years, making it harder to qualify or reducing the size of the loan a buyer can get. Many localities also have pushed up the fees that buyers must pay at closing.

OWNERSHIP RATE DROPS

After rising steadily since 1940, when 43.6% of American households owned their homes, and peaking in 1980 at 65%, the homeownership rate has edged steadily downward to 63.8% in 1986, the latest year for which figures are available. The ownership rate for households headed by people under age 35 has dropped even more—to 53.6% in 1986 from 61.7% in 1974.

"I can't afford to buy the houses I build," says Jeff Carter, 28, a contractor in Bridgeport, Conn. Homes there, he says, consistently appreciate faster than his ability to save. His annual income is about $30,000 and a single-family home in the area typically sells for $150,000 and up.

Housing affordability varies widely of course. Overall, the National Association of Realtors' affordability index shows a marked improvement from nearly a decade ago, when mortgage rates hit 17%. But the index reflects only those buyers who can make down payments of at least 20%, which mostly means those who have sold a previously owned home. For many first-time buyers, housing researchers say, the outlook remains grim.

"Our analysis shows there is an affordability problem for young families that's particularly difficult in areas where home prices are appreciating rapidly or were appreciating rapidly," says Denise DiPasquale, an assistant professor with the housing policy project at Massachusetts Institute of Technology. "A lot of people say when housing prices stop going up so fast, that housing is affordable there. Well, no, it's not. You still have the question of house price levels from the inflationary run-up in the late 1970's"

SOME BLAME THEMSELVES

Although prices are a problem, some homeseekers feel that they themselves are partly to blame. "It's me. I didn't manage my money correctly,' says David Jeffers, 33, a trade association executive in Washington.

Mr. Jeffers says that after their marriage in 1980, he and his wife, Leah, luxuriated in the new wealth of two rising incomes. Instead of saving for a house, they bought clothes, furniture and appliances that they probably could have done without. Now, seven years later, they have three babies under five and are cramped in a two-bedroom rented Cape Cod-style bungalow in the suburbs of northern Virginia. The rent he would have to pay for a less cramped house would be nearly twice as much, and that would take away from money he hopes to save to buy a house.

Even Mr. Jeffers's income—now about $55,000—plus a few thousand dollars in savings isn't enough to buy a home big enough for his family in an area where the median sales price for a home last year was $165,900. "You can't believe what an object of conversation we are for our friends," he says.

Some analysts suggest that such home buying woes partly reflect new attitudes favoring delayed marriages and delayed childbearing. And many initial buyers aren't willing to settle for modest starter homes or don't want to live in areas lacking the "right" racial or socioeconomic mix. "My kids wouldn't even consider living in the type of place I did," says John Tuccillo, the chief economist for the Realtors' association. "There may be kind of a crisis of rising expectations."

But many potential buyers dispute suggestions they want too much too soon. Last year Marilyn Chadwick, 34, held two part-time jobs in addition to her 40-hour week counseling unemployed job hunters in Providence, R.I. Living frugally on $17,000 a year, she managed to save the $5,000 she figured she needed for the down payment to break into the housing market.

PLANNED TO MOVE

Because frustrated buyers who can't afford sky-high home prices in nearby Boston pushed up prices in Providence by nearly 40% last year to an average of $127,000. Ms. Chadwick planned to move to a rural part of the state to qualify for a Farmers Home Administration mortgage. She scoured the papers and county records for a cheap house or property and decided to buy a manufactured home to put on a lot. She put down a deposit only to find that the land needed extra preparation work—$6,000 beyond her budget.

"It was very discouraging," Ms. Chadwick says, "I spent the whole year looking to find something that would meet the requirements." She hopes to get a teaching job that pays more than she earned last year.

But that wouldn't necessarily alleviate her plight: Teachers, police officers and other municipal workers are among those finding themselves hardest hit by rising home prices because their once-respectable salaries are, increasingly, not enough.

And even two incomes aren't necessarily the answer. Although most young wives work these days, research by the National Association of Home Builders shows that among couples 25 to 29, the homeownership rate dropped to 53% in 1986 from 54.2% in 1974. For reasons that aren't clear, the rate for singles that age increased to 19.7% from 13% in the same period. "Married couples are sort of taking it on the chin," says NAHB economist Douglas Diamond.

BIG DROP IN MIDWEST

Nor is the problem limited to the Northeast, where buoyant local economies have fueled housing demand and pushed prices to record levels: An NAHB analysis shows that from 1980 to 1986, the steepest drop in homeownership was in the Midwest (70.3% to 66.9%), where home prices haven't spiraled so fast.

The frustration isn't limited to young families, either, L.G. "Bud" Fritzgerald, the 50-year-old manager of a recreation center in Alexandria, Minn., wants to buy a small home for his and wife Beverly's retirement; it would be the first home they have ever owned. Last April he thought he had found one for $43,000. But mortgage rates went up to 12%—pushing the monthly payments beyond his reach, especially when his income, currently $26,282 a year, drops after retirement.

"The problem I have is, I've worked a lot of years to accomplish something and haven't been able to," says Mr. Fitzgerald who has seven children, with the youngest in college. "I've never been unemployed for more than a week. So it's kind of tough to look back and say, 'What am I doing wrong and what are these other people doing right?'"

The situation is prompting calls for action. Sen. D'Amato and Sen. Alan Cranston, Democrat of California, last fall helped form a congressional task force that is studying the issue, calling the firsttime homeownership situation "a crisis." The task force is reviewing ways the government could help—for example, by giving a tax break to savings when the proceeds are used to buy a first home.

Many states and some local governments have their own programs: Prince Georges County, Md., will help subsidize closing costs for some lower-income firsttime buyers. But additional efforts to aid such buyers are likely to be controversial at a time when federal spending on low-income housing has been cut.

Albert Wynn, a Maryland state lawmaker, says he would "rather take that money and put it in" subsidized rent for low-income families "or something like that, put it on the lower end. Based on my housing experience, I do think that most people who want a house get a house. It's like me a couple of years ago. I wanted a house, but I wasn't ready. I hadn't saved."

While that is true of Mr. Jeffers, not owning still hurts. "You still want to get into a house," says the trade-association executive. "I don't know why. It's a cultural imperative."

RESIGNATION OF UNDER SECRETARY OF THE ARMY JAMES R. AMBROSE

Mr. KENNEDY. Mr. President, I note with great regret that today Mr. James R. Ambrose will step down from his post as Under Secretary of the Army. For the past 6½ years, he has served with great distinction in this very difficult and demanding position. His reputation for hard work, good humor, and sound judgment is well deserved. When men of his caliber hold the highest posts in the Department of Defense, the country is well served.

I ask unanimous consent that the Army Times editorial on Mr. Ambrose's tenure as Under Secretary be included in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Army Times, Feb. 15, 1987]

THE AMBROSE LEGACY

Those who care for the Army should mark with deep regret the decision by Army Undersecretary James Ambrose to step down from his post. The service is losing a mind of the keenest intelligence and a man of the utmost diligence.

In more than six years on the job, "the Under" took weapons-buying as his special turf. But though the acquisition process has come in for much scrutiny in recent years, with tales of high priced toilet seats and other spare parts horror stories, Ambrose's more sophisticated analysis of the acquisition process has made him something of a pariah to Congress and the defense industry.

Part of the problem is his lack of enthusiasm about Congress' efforts at procurement reform, largely taken from the recommendations of the President's Blue Ribbon Commission on Defense Management, better known as the Packard Commission. While most attention has been focused on rivalries among the services and the relative impotence of Defense Department officials such as departed procurement czar Richard Godwin, Ambrose consistently has maintained that the process of generating weapons requirements is far more critical than any organizational arrangement. His concerns are still valid, but still ignored.

Ambrose's attention to the requirements process is a reflection of his determination to master the details of his job, remarkable in a high-level civilian appointee. It also has been another source of irritation to his colleagues in industry, Congress, the Defense Department and, occasionally, the Army. But no one ever boasted of pulling a fast one on the undersecretary. Ambrose is a man who trusts his own instincts and intellect, willing and able to argue the minutiae of programs. In many ways, Ambrose has remained an outsider, a Socratic gadfly buzzing in the ears of those in the Pentagon who want to conduct business as usual.

It does remain to be seen, however, the depth to which the Ambrose method will penetrate his service. There is a saying among those who follow Army procurement that no weapons issue can be decided until Ambrose decides it. We will discover in the coming years whether program officials have been studying attentively at Ambrose's knee or merely daydreaming. Without Ambrose as the master of the procurement system—and it is an issue, too, whether such a vast bureaucracy can be significantly changed by one man's efforts—the Army's weapons-buying process runs the risk of disintegrating entirely.

Nonetheless, when Ambrose leaves his post Feb. 27 he will leave a mark on the Army that will be visible for many years. His most significant achievement will be the purchase of the Mobile Subscriber Equipment, a giant, $5 billion battlefield communications network that will bring the Army firmly up to date technologically. Such projects, for all they may contribute to actually conducting a battle, have traditionally been the unloved stepchildren of the big weapons programs that make general's careers and congressmen happy. Ambrose also pushed the project through quickly, using a modified French design and off-the-shelf components. Without his involvement, the program probably would be on the drawing board still.

Another Ambrose legacy, if it survives, will be the Light Helicopter Experimental family. Though this has been a highly controversial program, and may well get terminated without Ambrose as its champion, Ambrose has been exactly right to focus on the service's need to replace, in large quantities, an aging fleet of Hueys and Cobras and other light choppers that form the overwhelming portion of Army aircraft. In pursuing the family-of-aircraft approach, Ambrose has been alone among service officials in seriously addressing the need to field significant numbers of aircraft in the future.

Finally, Ambrose has guided Army air defenders through an extremely troubling time. With the cancellation of the Roland and Sgt. York projects, Army air defense hit new lows in morale and competence. Ambrose's aid in formulating a new, comprehensive forward area air defense plan and selecting a new weapon to protect heavy divisions has helped to revitalize that moribund branch of the service.

Ambrose's term as the Army's acquisition chief has not been smooth sailing in terms of quickly developing and building new generations of weapons. Indeed, the service was not prepared to do that. But the Army well may reap the dividends in future decades for having wrestled with systematic problems and tended to deep-rooted deficiencies under Ambrose's leadership.

TRIBUTE TO MRS. VIVIDELL HOLMES McDONALD

Mr. HOLLINGS. Mr. President, it is with much sadness that I rise to offer these remarks on the tragic death of Mrs. Vividell Holmes McDonald. Vividell hailed from Spartanburg, SC, and, as a fellow Carolinian, I considered her a special friend. Yet I am far from the only Senator who held a special affection for this unusual woman. All of us have respected her as the charming and efficient hostess of the Senate Dining Room. How often I have heard Senators remark on the easy, gracious manner with which she greeted and assisted Members, family, staff, and visitors. Indeed, over the years, Vividell became a kind of fixture around here—one of those special, standout people who give character and warmth to the Senate community.

It is a rare Senator or staff member who doesn't recall occasions when Vividell came to the rescue by arranging for a table at the last minute, by coming up with an extra chair for a late arriving dinner guest, by seeing to it that a meal was available during a late-night session. No matter what the special request from Senators, their family and staff, Vividell invariably rose to the challenge. In this, as in so many other respects, she was a consummate professional.

Mr. President, I don't suppose any of us will ever understand the irrational and tragic incident which took this caring woman from us. We have lost a good friend in Vividell. However, we are all enriched for having been associated with such a fine person. I know the entire Senate community, along with the many visitors to the Capitol who made Vividell's acquaintance, join with me in extending our deepest sympathy to her family. We will miss her.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, with out amendment:

S. 2104: An original bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States (with additional views) (Rept. No. 100-290).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS:

S. 2098. A bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel; to the Committee on Commerce, Science, and Transportation.

By Mr. SYMMS (for himself and Mr. Levin):

S. 2099. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to elect to pay tax shown on return in installments and to authorize the Secretary to enter into installments agreements; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. Symms, Mr. Burdick, and Mr. Stafford):

S. 2100. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Enviroment and Public Works.

By Mr. STAFFORD (by request):

S. 2101. A bill to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, jointly.

Mr. McCLURE:

S. 2102. A bill to prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HEINZ:

S. 2103. A bill relating to decennial censuses of population; to the Committee on Governmental Affairs.

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary:

S. 2104 An original bill to amend the Immigration and Naturalization Act to change the level, and preference system for admission, of immigrants to the United States; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCONNELL (for himself, Mr. Kennedy, Mrs. Kassebaum, Mr. Simon, Mr. Weicker, Mr. Levin, Mr. Murkowski, Mr. Roth, and Mr. Sarbanes):

S. Res. 384. Resolution regarding the banning of political activity in South Africa; to the Committee on Foreign Relations.

By Mr. HEINZ (for himself and Mr. Riegle):

S. Res. 385. Resolution expressing the opposition of the Senate to the continued control of the cathedral of Vilnius, Lithuania, by the Union of Soviet Socialist Republics; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 2098. A bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel; to the Committee on

Commerce, Science, and Transportation.

AIR TRAVEL RIGHTS FOR BLIND INDIVIDUALS ACT

Mr. HOLLINGS. Mr. President, I am today introducing legislation entitled the Air Travel Rights for Blind Individuals Act. The purpose of this bill is to clarify and strengthen existing law to ensure that seating restrictions in commercial airlines are prohibited if based on the visual impairment or blindness of any passenger or the use by any such passenger of a white cane or dog guide.

In 1986, Congress attempted to ensure that commercial airlines not discriminate against any individual with a physical or mental impairment. The Air Carrier Access Act of 1986 (Public Law 99-435) was overwhelmingly approved to ensure that no individual be subjected to discrimination by any airline. Some 16 months later, however, the regulations implementing this legislation have yet to be issued.

A "regulatory negotiation" to establish the regulations broke down last fall when DOT announced plans to remove seat restriction issues from the negotiations. DOT's announcement said that the Federal Aviation Administration would issue a regulation on its own concerning passenger seating near emergency exits. FAA's involvement is premised on the provably false assumption that blind people will be hazardous to themselves and others in emergency evacuations of aircraft. But the FAA has never had a regulation to limit seat assignments of the blind before, and there is no present or known justification for a new regulation now.

Mr. President, our blind citizens are capable and competent people. They are as capable and competent to use and enjoy the benefits and privileges of air transportation as any other group. Their only disability is the lack of eyesight. This cannot be a barrier to travel, however. Those of us who can see often forget that maneuvering effectively without sight is a normal way of life for the blind. They are accustomed to using other senses and skills that the sighted are not trained to use.

It is unfortunate that the blind have been subjected to many unreasonable restrictions in air travel. These restrictions are not caused by the physical conditions of blindness, but rather the lack of knowledge about blindness and the understandable fear that many people have in dealing with blindness. This fear and lack of knowledge has in numerous instances led to policies that restrict the activities, movement, or rights of the blind.

Air transportation for the blind is now an essential part of business and commerce, as well as leisure time activities. Blind people who travel by air are rightfully concerned that they be treated in a dignified and respectful manner. And it is appalling to me that exactly the opposite trend has developed.

In a rising tide of incidents, Mr. President, blind passengers have become the targets of abusive treatment and harassment onboard airplanes. The situations I am referring to typically involve flight delays of up to 2 hours or more, and in some cases the arrest of blind persons who are seated near emergency exist windows or doors, after they have been assigned to those seats by airline personnel.

In one such incident that occurred in Louisville, KY, a blind Minnesota couple was arrested and taken to jail, where the woman was partially strip-searched. Charges were filed against the couple even though they were quietly sitting precisely where airline personnel had seated them. A jury trial was held and the couple was acquitted. In fact, no blind person has ever been found guilty of the violation of any law in these incidents.

In another situation, a blind man traveling from Baltimore, MD, to Denver, CO was one of three blind persons simultaneously arrested when seated near an emergency exit, again, as assigned by airline personnel. The man in question is an accomplished skier and rock climber, and serves as the deputy mayor of Boulder, CO. Charges were not filed in this instance and the three were quickly set free to take another flight. As hard as it is to imagine, the three were again seated in an emergency row, over the wing. Of course, it was a different flight crew and different airline altogether. This time, however, the deputy mayor and his friends were welcomed aboard and took their seats without incident. Their trip from Baltimore to Denver was uneventful, as they sat where assigned in the exit row.

Airline personnel admit that they do not reliably screen or assess passenger abilities to perform as required in the event of an emergency. In many instances, they do not even challenge passengers who pose obvious safety problems for themselves and others. For example, passengers who have already had too much to drink are often, without question, seated near emergency exits. In many other instances, the airlines seat infants, small children, and elderly people in emergency exit rows, clearly at the risk of all passengers on the aircraft.

Mr. President, the Department of Transportation must resolve this problem as expeditiously as possible. This legislation is to serve as a signal to DOT and the airlines that we are serious in our efforts to ensure that blind travelers are no longer subjected to harassment aboard commercial aircraft. It is indeed unfortunate that this legislation appears to be the only way that we have to assure the blind of fair and safe treatment when they fly.

Our passage of the Air Carrier Access Act in 1986 was intended to provide the blind with a legal means of protection against unwarranted airline demands and improper arrests. But implementation of this law has broken down. Therefore, I have concluded that clarifying legislation of the type I am introducing at this time is in the best interest of the aviation industry and the blind consumer of air travel services.

I remain firmly convinced, Mr. President, that the Department of Transportation and the Federal Aviation Administration must continue to bear primary governmental responsibility for adopting policies to assure fair treatment for the handicapped by the airlines. However, Congress must also continue to provide the aviation industry and the Federal regulatory and enforcement agencies with guidance from time to time when issues, such as seating restrictions placed on the blind, arise and cannot be resolved through administrative channels. My bill is intended to accomplish this objective, Mr. President, and I hope that my colleagues will join in its support.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Air Travel Rights for Blind Individuals Act".

Sec. 2. Section 404(c)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1374(c)(1)) is amended by adding at the end thereof the following: "An air carrier shall not restrict seating in aircraft on the basis of the visual acuity of a passenger or the use by a passenger of a white cane, dog guide, or other such means of assistance.".

By Mr. SYMMS (for himself and Mr. Levin):

S. 2099. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to elect to pay tax shown on return in installments and to authorize the Secretary to enter into installment agreements; to the Committee on Finance.

INSTALLMENT PAYMENT OF TAXES

Mr. SYMMS. Mr. President, today I am introducing a bill to formalize the procedures for the Internal Revenue Service to receive tax payments due on April 15 of each year by installments. Briefly, the bill I and my colleague from Michigan [Mr. Levin] are introducing today would permit a taxpayer who owes money on April 15 to pay one-third on that date, one-third 2 months later on June 15, and the final third on September 15. These dates were selected because they correspond with the dates the Internal Revenue Service already is equipped to process estimated tax payments, so no new administrative procedures will need to be devised.

In this first year of tax return filing following the Tax Reform Act of 1986, thousands if not millions of Americans are discovering they are going to be paying more tax. I think most of the problem with additional tax due is related to the absurd fiasco with the W-4 payroll withholding forms the IRS published last year, but regardless of the reason it is simply time to establish a formal procedure in the Internal Revenue Code for installment payments of tax.

As long as the Congress is making such a dramatic overhaul in the Tax Code, it is important and necessary that we permit taxpayers to adjust their financial arrangements to meet their obligations without hardship.

The idea of installment payments for tax is not a new one. The Secretary of Treasury already has the authority to negotiate a series of payments with a taxpayer, and our bill does not take anything away from the Secretary's existing authority. What our bill does is to formalize the process and make it available automatically to every individual taxpayer. In this way, we will reduce any uncertainty taxpayers might feel at tax time about whether the IRS would demand immediate payment or show some leniency.

I know of taxpayers who have borrowed money on their credit cards or borrowed from relatives or banks to make tax payments on April 15. This proposal for installment payments would not relieve a taxpayer of paying interest on the money due to the Treasury, nor would it relieve him of any penalties that may be due as a result of underwithholding or underestimating his tax. We are not making any changes in this bill to the rules in the Tax Reform Act of 1986 for the 90 percent test for estimated tax.

What this installment plan does is give the taxpayer a method to make three easy installments and pay the tax, with interest. The Federal Treasury will actually receive more revenue from this proposal than under existing law, because there will be interest income. The interest a taxpayer has to pay on underwitholding or underestimated amounts is greater than the U.S. Treasury has to pay on its own Treasury bills and Treasury notes, so the Government will make a profit. But even more important, the interest a taxpayer will have to pay on his installment payments in most cases will be significantly less than the interest charges on credit cards or other loans some taxpayers have had to make to meet the April 15 deadline.

Last year, I introduced a bill. S. 457, that provided for a 1-year amnesty in implementing the 90 percent estimated tax and withholding rule of the Tax Reform Act of 1986, and that provision was included in the tax section of the Budget Reconciliation Act that we adopted last December. The provisions in S. 457 for installment payments, however, were not enacted at that time, so my colleague and I are reintroducing the part of the earlier proposal that we believe is still needed.

The American people within a few weeks will be facing the annual agony of tax return filing. This bill we are introducing today is just one proposal to make the voluntary compliance of the people with our tax laws easier and more equitable. I supported the Tax Reform Act of 1986 because I believe in the wisdom and rightness of lower marginal tax rates. I know that many of my constituents have been adversely affected by some provisions, and many others have benefited from the tax reform.

Mr. LEVIN. Mr. President, I am pleased to introduce today with my colleague from Idaho, Senator Symms, legislation which would allow taxpayers to pay their taxes subsequent to April 15 in three installments plus interest without having to negotiate on a case-by-case basis a periodic payment plan with the IRS. It will not alter the current withholding system or reduce the IRS penalties for underwithholding. However, it will establish a standardized procedure for spacing over a reasonable amount of time the taxpayer's payments to the IRS for the taxes owed in excess of what has already been withheld.

Senator Symms voted for the Tax Reform Act of 1986 and I voted against it. But, we both agree that many taxpayers who have in the past received tax refunds will now find themselves owing the IRS a substantial lump-sum payment on April 15. It is true that preliminary data suggests that, in the aggregate, more taxpayers will be receiving tax refunds in the first year that the tax reform law is in effect than previously was the case. However, by the time this tax filing season is completed there is a very good chance that many taxpayers who have come to expect tax refunds will now find themselves having to mail a check to the IRS on April 15.

The reason for this new experience for many taxpayers can be traced to an attempt in the Tax Reform Act to make the withholding of wages and salaries during the year more accurately reflect the actual amount of taxes owed. At the same time, however, the Tax Reform Act also eliminated or greatly restricted some of the deductions which, in effect, had provided taxpayers with a margin of error upon which they could draw in April if they had been underwithheld during the year. In other words, the new W-4 withholding forms require taxpayers to project their incomes and deductions in the beginning of the year so that they are not under or overwithheld. As admirable as this goal may be from the point of view of tax policy, it runs into the practical difficulty that many taxpayers may estimate their deductions in the beginning of the year but not include income from unanticipated bonuses or salary increases that may occur during the year. Other taxpayers might, despite their best efforts, overestimate their deducitons for the coming year. These problems may especially arise in the case of two-earner couples whose chances of miscalculating the variables of deductions and income are effectively doubled. In fact, in recent testimony before the Senate Finance Committee, IRS Commissioner Lawrence Gibbs indicated that although most taxpayers would not be underwithheld, "pockets of underwithholding among certain groups of taxpayers such as—working couples—could exist."

One of the often repeated goals of the proponents of the Tax Reform Act was to decrease the cynicism of the American public toward the tax system. However, if taxpayers come to view this new income Tax Code as the callous dispenser of an unpleasant "April Surprise," then this goal will be undermined. The legislation we are introducing will make it somewhat easier for taxpayers to deal with that problem of underwithholding, if it occurs.

Similarly, it is true that under current law taxpayers could adjust their withholding amounts several times per year in order to accommodate unanticipated changes in income or deductions. However, expecting taxpayers to perform several of these "midcourse corrections" during the year is inconsistent with the understanding of many taxpayers that tax reform meant tax simplification. Unless there is a simplified way for taxpayers to compensate for this potential for underwithholding, many of them will grow even more resentful of the system. This legislation provides that simplified way.

I urge my colleagues to seriously consider this legislation. It offers a commonsense approach for assisting many taxpayers as they seek to adjust to the Tax Reform Act of 1986.

By Mr. MOYNIHAN (for himself, Mr. Symms, Mr. Burdick, and Mr. Stafford):

S. 2100. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT

Mr. MOYNIHAN. Mr. President, on behalf of Senators Symms, Burdick, Stafford, and myself, I am very pleased to introduce today the Water Resources Development Act of 1988. As too many of my colleagues are aware there was a 17-year hiatus between Omnibus Water Acts in the years 1970-86, and in that period of time water resource development by the Federal Government practically came to a halt. For many years the Corps of Engineers expended more on public works activities in Saudi Arabia than in its own backyard.

These days are now in the past, Mr. President. The major water policy issues of the last 20 years were resolved by the 1986 Water Resources Development Act, and it is time to return to a regular timetable authorizing new corps projects every other year. This is the most important reason for proceeding with this legislation Mr. President, and proceeding quickly.

Mr. President, for years the sighting of a water resource development act on the horizon has meant controversy, and conflict. Not so with this legislation. With this legislation we are merely exercising our legislative responsibilities to authorize those projects of the Corps of Engineers which have completed the planning process since the passage of the most recent omnibus bill, and make such technical adjustments to corps authorities which are refinements of that more general policy which was set in the 1986 act.

We are not revisiting cost sharing and user fees, Mr. President. Those issues are behind us. What the leadership of the Environment and Public Works committee proposes today is a routine bill. I would ask that a copy of the legislation and a section-by-section summary of its provisions be inserted at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Resources Development Act of 1988".

Section 1. Table of Contents:

Title I—Project Authorizations.
Title II—General Provisions.
Title III—Programs and Studies.

Sec. 2. For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—PROJECT AUTHORIZATIONS

Sec. 101. The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection:

FT. PIERCE HARBOR, FLORIDA

The project for navigation, Ft. Pierce Harbor, Florida: Report of the Chief of Engineers, dated December 14, 1987, at a total cost of $6,742,000, with an estimated first Federal cost of $4,319,000, and an estimated first non-Federal cost of $2,423,000.

NASSAU COUNTY, FLORIDA

The project for beach erosion control, Nassau County (Amelia Island), Florida: Report of the Chief of Engineers, dated May 19, 1986, at a total cost of $5,753,000, with an estimated first Federal cost of $4,619,000, and an estimated first non-Federal cost of $1,134,000.

LOWER OHIO RIVER, ILLINOIS AND KENTUCKY

The project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky: Report of the Chief of Engineers, dated August 20, 1986, at a total cost of $775,000,000, with a first Federal cost of $775,000,000, and with the costs of construction of the project to be paid one half from amounts appropriated from the general fund of the Treasury and one half from amounts appropriated from the Inland Waterways Trust Fund.

HAZARD, KENTUCKY

The project for flood control, Hazard, Kentucky: Report of the Chief of Engineers, dated October 30, 1986, at a total cost of $7,450,000, with an estimated first Federal cost of $5,590,000 and an estimated first non-Federal cost of $1,860,000.

MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA

The project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana: Report of the Chief of Engineers, dated May 19, 1986, at a total cost of $59,300,000, with an estimated first Federal cost of $59,300,000.

WOLF AND JORDAN RIVERS, MISSISSIPPI

The project for navigation, Wolf and Jordan Rivers and Bayou Portage, Mississippi: Report of the Chief of Engineers, dated June 19, 1987, at a total cost of $2,290,000, with an estimated first Federal cost of $1,620,000 and an estimated first non-Federal cost of $670,000.

TRUCKEE MEADOWS, NEVADA

The project for flood control, Truckee Meadows, Nevada: Report of the Chief of Engineers, dated July 25, 1986, at a total cost of $78,400,000, with an estimated first Federal cost of $39,200,000 and an estimated first non-Federal cost of $39,200,000.

WEST COLUMBUS, OHIO

The project for flood control, Scioto River, West Columbus, Ohio: Report of the Chief of Engineers, dated February 9. 1988, at a total cost of $31,562,000, with an estimated first Federal cost of $23,671,000, and an estimated first non-Federal cost of $7,891,000.

DELAWARE RIVER, PENNSYLVANIA AND DELAWARE

The project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware: Report of the Chief of Engineers, dated June 15, 1986, at a total cost of $17,200,000, with an estimated first Federal cost of $9,100,000 and an estimated first non-Federal cost of $8,100,000.

CYPRESS CREEK, TEXAS

The project for flood control, Cypress Creek, Texas: Report of the Chief of Engineers, dated October 12, 1987, at a total project cost of $114,200,000, with an estimated first Federal cost of $84,900,000 and an estimated first non-Federal cost of $29,300,000.

GUADALUPE RIVER, TEXAS

The project for navigation, Guadalupe River to Victoria, Texas: Report of the Chief of Engineers, dated September 1, 1987, at a total cost of $23,900,000 with an estimated first Federal cost of $15,100,000, and an estimated first non-Federal cost of $8,800,000.

Sec. 102. The provisions of Section 902 of P.L. 99-662 shall apply to the total costs of projects set forth in this Act, and to the total costs of projects authorized subsequent to this Act.

Sec. 103. (a) The provisions of Section 1001(a) and Section 1001(c) of P.L. 99-662 shall apply to the projects authorized for construction by this Act, except that the five-year period during which funds must be obligated to prevent deauthorization shall begin on the date of enactment of this Act.

(b) The provisions of Section 1001(a) and Section 1001(c) of P.L. 99-662 shall also apply to projects authorized subsequent to this Act, except that the five-year period during which funds must be obligated to prevent deauthorization shall begin on the date of authorization such projects.

Sec. 104. The project for flood control, Redwood River, Marshall, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4117), is modified to authorize the Secretary to construct the project substantially in accordance with General Design Memorandum, dated April 1987, at a total cost of $6,900,000, with an estimated Federal first cost of $5,000,000 and an estimated non-Federal first cost of $1,900,000.

TITLE II—GENERAL PROVISIONS

Sec. 201. (a) Section 101(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082) is amended by deleting all of subsection (2) and inserting in lieu thereof the following: "Additional 10 percent payment over 30 years. The non-Federal interests for a project to which paragraph (1) applies shall pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period not to exceed 30 years, at an interest rate determined pursuant to Section 106. The value of lands, easements, rights-of-way, relocations and dredged material disposal areas provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph."

(b) The amendment made by this section is effective as of November 17, 1986.

Sec. 202. Section 1125 of the Water Resources Development Act of 1986 is amended as follows:

(1) By deleting from line 4 of subparagraph (a) the words "United States" and inserting in lieu thereof the words "Bureau of Indian Affairs of the Department of the Interior."

(2) By deleting from subparagraph (b) line 11 the words "north of the half northwest quarter" and inserting in lieu thereof the words "north half of the northwest quarter."

(3) By deleting from subparagraph (b)(2) the description of lands beginning on line 6 and ending on line 13 and inserting in lieu thereof the following: "Commencing at the quarter corner common to Sections 15 and 16; thence easterly along the quarter line of said Section 15 a distance of 1,320.00 feet;

thence South 42 degrees 37 minutes 58 seconds West a Distance of 903.34 feet to the point of beginning; thence North 42 degrees 37 minutes 58 seconds East a distance of 903.34 feet; thence South 00 degrees 03 minutes 00 seconds East a distance of 1,518.00 feet; thence North 83 degrees 00 minutes 00 seconds West a distance of 668.00 feet; thence North 03 degrees 28 minutes 26 seconds East a distance of 773.78 feet to the point of beginning."

(4) By deleting subparagraph (c) and inserting in lieu thereof the following:

(c) The legal description contained in subsections (b)(1) and (2) herein will be subject to correction by survey in order to accomplish the purpose and intent of this act.

(5) By deleting subparagraph (d) and inserting in lieu thereof the following:

(d) These lands described in subsection (b) are hereby deemed excess to the needs of the United States for the maintenance and operation of the Garrison Dam and Reservoir Project and are hereby gratuitously declared to be held in trust by the Secretary of the Interior for the use and benefit of the Three Affiliated Tribes of the Fort Berthold Reservation. The United States shall not be responsible for damages to property or injuries to persons which may arise from, or be incident to, the use of said lands.

(6) By inserting a new subparagraph (e), as follows:

(e) "The United States hereby retains a flowage and sloughing easement for the purpose of flood control and related Garrison Dam and Reservoir project purposes over that portion of the lands described in subsection (b) that lie below the elevation of 1,854 feet (mean sea level), to exclude and reserve any residual interest necessary for project operations outside said 1,854 feet msl contour caused by the movement of such contour because of erosion, or the effect of flood impoundments, including, but not limited to, seepage, wave action or sloughing."

SEC. 203. Section 916(a) of the Water Resource Development Act of 1986 (Public Law 99-662; 100 Stat. 4082) is amended as follows: Delete all after ". . . and shall" and insert therein "have the power to recover benefits through any cost-recovery approach that is consistent with State law and satisfies the applicable cost-recovery requirement under subsection (b)."

SEC. 204. Section 402 of the Water Resources Development Act of 1986 (33 U.S.C. 701b-12) is modified by inserting the words "or shoreline protection" after the words "local flood protection".

SEC. 205. (a) The Secretary shall, whenever feasible, seek to promote long- and short-term cost savings, increased efficiency, reliability, and safety, and improved environmental results through the use of innovative technology in all phases of water resources development projects and programs under his jurisdiction. To further this goal, the Congress encourages the Secretary to—

(1) use procurement and contracting procedures that encourage innovative project design, construction, rehabilitation, repair, and operation and maintenance technologies;

(2) frequently review technical and design criteria to remove or modify unnecessary impediments to innovation;

(3) increase timely exchange of technical information with universities, private companies, government agencies, and individuals;

(4) foster design competition; and

(5) encourage greater participation by non-Federal project sponsors in the development and implementation of projects.

(b) Within two years after the date of enactment of this Act, and thereafter at the Secretary's discretion, the Secretary shall provide the Congress with a report on the results of, and recommendations to increase, the development and use of innovative technology in water resources development projects under the Secretary's jurisdiction. Such report shall also contain information regarding innovative technologies which the Secretary has considered and rejected for use in water resources projects under his jurisdiction.

(c) For the purpose of this section, the term "innovative technology" means designs, materials, or methods which the Secretary determines are previously undemonstrated or are too new to be considered standard practice.

SEC. 206. Upon receipt of a request from a non-Federal sponsor of a water resources development project under construction by the Secretary, the Secretary shall provide such sponsor with periodic statements of project expenditures. Such statements shall include an estimate of all Federal and non-Federal funds expended by the Secretary, including overhead expenditures; the purpose for expenditures; and a schedule of anticipated expenditures during the remaining period of construction. Statements shall be provided to the sponsor at intervals of no greater than six months.

SEC. 207. To the extent that the Secretary determines that a project for harbor development, constructed by the Corps of Engineers provides direct, quantifiable benefits to an installation, facility, or vessel of the armed forces of the United States or the Coast Guard, the proportionate share of cost of such project shall be borne by the Federal government.

SEC. 208. The Comptroller General of the United States General Accounting Office is authorized and directed to conduct a review of the Civil Works program of the U.S. Army Corps of Engineers. This management and administration review shall be transmitted to the Congress, together with any recommendations which the Comptroller General may make, no later than one year after the date of enactment of this act.

TITLE III—PROGRAMS AND STUDIES

SEC. 301. Section 91 of the Water Resources Development Act of 1974 (Public Law 93-251, 88 Stat. 12, 39) is amended by striking out "$30,500,000" and inserting in lieu thereof "$6,000,000 annually".

SEC. 302. The Secretary of the Army is directed to establish a Technical Resource Service for the Red River Basin in Minnesota and North Dakota. There is authorized an appropriation of $500,000 annually for the purpose of providing to the two such states a full range of technical services for the development and implementation of state and local water and related land resources initiatives within the Red River Basin and subbasins. The Technical Resource Service is to be provided in addition to related services provided under authority of Section 206 of the River and Harbor and Flood Control Act of 1960, as amended, and Section 22 of the Water Resources Development Act of 1974.

SEC. 303. (a) The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall undertake a study of the water quality effects of hydroelectric facilities owned and operated by the Corps of Engineers. Such study shall be transmitted to Congress within two years of the enactment of this section and shall consider and include information for each such Corps of Engineers hydroelectric facility pertaining to: relevant water quality standards including dissolved oxygen; water quality monitoring data; possible options and projected costs of measures required to improve the quality of water released from each such facility where justified; and recommendations with respect to these findings.

(b) Nothing in this section shall convey to any agency of the Federal government any new authority with respect to the allocation or release of water from Federal reservoirs. Further, nothing in this section is designed or intended to affect any present or future legal actions or proceedings.

SECTION-BY-SECTION

Section 1.

Table of contents and short title of bill.

Section 2.

Defines the term "Secretary" as the Secretary of the Army.

Section 101.

Authorizes eleven water resource development projects for construction. Each project has completed Corps of Engineers planning and review, and all have a final Chief of Engineers' report. Presently, five of these projects have been reviewed and cleared by the Secretary of the Army, and three of these five have been reviewed and cleared by the Office of Management and Budget. The projects are described below:

FORT PIERCE HARBOR, FLORIDA

Location.—Eastern coast of Florida within St. Lucie County at the City of Ft. Pierce.

Purpose.—Commercial navigation.

Problem.—Lack of sufficient channel dimensions, especially depths, preclude economical transportation of commodities.

Recommended plan.—Deepen and widen existing channels and turning basin and provide additional access channel, with disposal of suitable material on the beach.

Environmental impact statement.—Final statement filed with the Environmental Protection Agency in September 1986.

Project costs: Total $6,742,000; First Federal, $4,319,000; First Non-Federal, $2,423,000.

Benefit/cost ratio.—1.8 to 1 at a discount rate of 8⅝ percent.

NASSAU COUNTY (AMELIA ISLAND), FLORIDA

Location.—Northeast Florida, on the northern third of the ocean side of Amelia Island in Nassau County.

Purpose.—Beach erosion control

Problem.—Beach erosion along the shore of Amelia Island caused by natural erosion and by jetties constructed for a Federal navigation project at Fernandina Harbor.

Recommended plan.—Approximately 3.6 miles of initial beach fill with periodic nourishment along 4.3 miles of ocean shore. Advanced nourishment will occur with the initial construction, with renourishment over the life of the project.

Environmental impact statement.—Final statement filed with the Environmental Protection Agency in June 1985.

Project cost: Total $5,753,000; First Federal, $4,619,000; First Non-Federal, $1,143,000.

Benefit/cost ratio.—1.5 to 1 at a discount rate of 8⅝ percent.

LOWER OHIO RIVER NAVIGATION, ILLINOIS AND KENTUCKY

Location.—Lower Ohio River in the vicinity of Olmsted, Illinois.

Purpose.—Inland navigation.

Problem.—Water traffic demands and limited capacities of existing locks are projected to result in excessive delays in navigation. In addition, the existing locks and dams 52 and 53 have deteriorated and no longer meet design standards.

Recommended plan.—A new locks and dam structure about 1.8 miles downstream of the existing locks and dam 53, near the community of Olmsted, Illinois, to replace existing locks and dams 52 and 53. The new structure would consist of twin locks, 110' by 1200' and a dam with a navigable pass.

Environmental impact statement.—Final statement was filed with the Environmental Protection Agency in April 1986.

Project costs: Total, First Federal, $775,000,000; $775,000,000.*

Benefit/cost ratio.—2.2 to 1 at a discount rate of 8⅝ percent.

HAZARD, KENTUCKY

Location.—A 14-mile reach of the North Fork Kentucky River in Perry County, Kentucky.

Purpose.—Flood control.

Problem.—Recurring flood damages, primarily to residential and commercial properties and public facilities, in the Hazard, Kentucky vicinity.

Recommended plan.—Approximately six miles of channel enlargement consisting of clearing and snagging and channel widening.

Environmental impact statement.—An Environmental Assessment and Finding of No Significant Impact is included in the project report.

Project costs: Total, $7,450,000; First Federal, $5,590,000; First Non-Federal, $1,860,000.

Benefit/cost ratio.—1.6 to 1 at a discount rate of 8⅝ percent.

MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA

Location.—Southeastern Louisiana and southern Mississippi.

Purpose.—Enhancement of fish and wildlife resources.

Problem.—Deprived of the annual fresh water and sediment from the Mississippi River, the natural processes of subsidence compaction, erosion, and saltwater intrusion and man-induced activities have resulted in the loss of up to four square miles a year of coastal marshes in the study area. Saltwater intrusion is a key factor in habitat loss, erosion, and vegetative changes. The loss and alteration of habitat types have adversely affected the productivity of fish and wildlife.

Recommended plan.—Water diversion facilities to divert fresh water from the Mississippi River into Lake Pontchartrain and the Mississippi Sound: a multi-cell box culvert control structure, with necessary inflow/outflow channels, realignments of existing levees and associated features.

Environmental impact statement.—Final statement was filed with the Environmental Protection Agency in April 1985.

Project costs: Total, $59,300,000; First Federal, $59,300,000; First Non-Federal, 0.

Benefit/cost ratio.—1.2 to 1 at a discount rate of 8⅞ percent.

WOLF AND JORDAN RIVERS AND BAYOU PORTAGE, MISSISSIPPI

Location.—Pass Christian, Mississippi, adjacent to the St. Louis Bay.

Purpose.—Commercial navigation.

Problem.—The channel dimensions of Bayou Portage are inadequate for the size vessels using the Pass Christian Industrial Park, requiring lightloading and resulting in delays and safety problems.

Recommended plan.—Deepen and widen the navigation channel in Bayou Portage to 8 feet by 100 feet and extend the channel to the 8-foot contour in St. Louis Bay, ending in a 200' by 800' turning basin.

Environmental impact statement.—An Environmental Assessment and Finding of No Significant Impact is included in the project report.

Project costs: Total, First Federal, First Non-Federal, $2,290,000; $1,620,000; $670,000.

Benefit/cost ratio.—2.3 to 1 at a discount rate of 8⅝ percent.

TRUCKEE MEADOWS, NEVADA

Location.—The Truckee River and tributaries in the Reno, Sparks and Truckee Meadows urban area, Nevada.

Purpose.—Flood control.

Problem.—Recurring flooding in the rapidly urbanizing areas, primarily to industrial, commercial and residential properties.

Recommended plan.—A combination of levees, floodwalls, channel improvements and an overflow storage area, plus recreation facilities.

Environmental impact statement.—Final statement was filed with the Environmental Protection Agency in November 1985.

Project costs: Total, $78,400,000; First Federal, $39,200,000; First Non-Federal $39,200,000.

Benefit/cost ratio.—1.8 to 1 at a discount rate of 8⅝ percent.

SCIOTO RIVER, WEST COLUMBUS, OHIO

Location.—Franklin County, Ohio, in the western portion of the City of Columbus.

Purpose.—Flood control.

Problem.—Recurring flood damages to residential and commercial buildings in western Columbus.

Recommended plan.—About 3.3 miles of levee/floodwall, one new pumping station, modifications to existing pumping stations, and related features.

Environmental impact statement.—An Environmental Assessment and Finding of No Significant Impact is included in the project report.

Project costs: Total, First Federal, First Non-Federal, $31,562,000; $23,671,000; $7,891,000.

Benefit/cost ratio.—3.4 to 1 at a discount rate of 8⅝ percent.

DELAWARE RIVER, PENNSYLVANIA AND DELAWARE

Location.—Schuylkill River in the vicinity of Philadelphia, Pennsylvania, and the Delaware River in the vicinity of Camden, New Jersey (Beckett Street Terminal).

Purpose.—Commercial navigation.

Problem.—Current channel dimensions constrain efficient vessel movement and inadequate depths require the use of costly alternatives such as lightloading.

Recommended plan.—Deepen the existing project in the lower Schuylkill River to 40' and provide a turning basin with a depth of 40'. Deepen the existing project in the Delaware River at Camden (Beckett Street Terminal) to 40'.

Environmental impact statement.—An Environmental Assessment and Finding of No Significant Impact is included in the project report.

Project costs: Total, $17,200,000; First Federal, $9,100,000; First Non-Federal, $8,100,000.

Benefit/cost ratio.—6.3 to 1 for the Schuylkill River portion and 1.6 to 1 for the Delaware River portion, at a discount rate of 8⅝ percent.

CYPRESS CREEK, TEXAS

Location.—North and northwest of the City of Houston in Harris and Waller Counties, Texas.

Purpose.—Flood control.

Problem.—Recurring floods in the rapidly urbanizing Cypress Creek basin.

Recommended plan.—Channel enlargement of about 29.4 of Cypress Creek, plus recreation facilities.

Environmental impact statement.—Final statement was filed with the Environmental Protection Agency in August 1987.

Project costs: Total, $114,200,000; First Federal, $84,900,000; First Non-Federal, $29,300,000.

Benefit/cost ratio.—1.2 to 1 at a discount rate of 8⅝ percent.

GUADALUPE RIVER, TEXAS

Location.—Navigation channel extending from the Gulf Intracoastal Waterway (GIWW) in San Antonio Bay to the vicinity of Victoria, Texas.

Purpose.—Commercial navigation.

Problem.—Insufficient channel depths require the inefficient light-loading of ships.

Recommended plan.—Enlarge the existing channel from the GIWW to Victoria to dimensions of 12' by 125'.

Environmental impact statement.—Final statement filed with the Environmental Agency in August 1986.

Project costs: Total, $23,900,000; First Federal, $15,100,000; First Non-Federal, $8,800,000.

Benefit/cost ratio.—1.2 to 1 at a discount rate of 8⅝ percent.

Section 102.

Section 902 of P.L. 99-662 required the reauthorization of any water resource development project authorized in that act for which there was a cost increase of more than 20% plus future inflation adjustments over the cost estimate in the law. This section applies this provision to the projects authorized for construction in this act, and projects authorized by future acts of Congress.

Section 103.

Sections 1001 (a) and 1001 (c) of P.L. 99-662 provide that projects authorized for construction in that act are automatically deauthorized if no funds have been obligated toward planning or construction of the project within five years of the date of enactment. This section would apply this automatic deauthorization process to projects either authorized in this act or subsequent acts of Congress. It is stipulated that the five year period is to begin on the date of project authorization.

Section 104.

This section increases the cost ceiling for the Redwood River, Marshall, Minnesota project, authorized in Public Law 99-662. The Redwood River project cost ceiling is increased from $4,370,000 to $6,900,000. This increase is necessary because inaccurate information on the cost of this project was provided to Congress during deliberation on P.L. 99-662.

II—GENERAL PROVISIONS

Section 201.

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*Note: Of this amount, 50 percent of the total project cost is to come from the Inland Waterways Trust Fund into which are placed the receipts from the tax on barge fuel.

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This provision ensures that local sponsors of port improvement projects may count the costs of utility relocations which they finance towards the 10 percent of the project cost which they are required to pay back to the Federal Government over 30 years.

Although this was the original intent of the Conferees on the Water Resource Development Act of 1986, a technical drafting error prevents the Corps of Engineers from interpreting the original provision as intended. The provision is made effective as of the date of enactment of the 1986 Act in order to protect the interests of those ports which have entered into local cost sharing agreements with the Corps in the intervening time period.

Section 202.

Section 1125 of the 1986 Act provided that the Corps and the Ft. Berthold Indian Reservation would conduct a land transfer which would cede to the Indians land which they hold sacred, and at the same time, provide the Corps with acreage near Lake Sakakawea in exchange. Since that time, the Corps has failed to implement this transfer and exchange in the expeditious manner intended. This provision eliminates this difficulty by transferring the acreage directly to the tribe, provided that the Corps retain a flowage and sloughing easement for the purpose of flood control and related Garrison Dam project purposes.

Section 203.

This provision modifies Section 916 of the Water Resources Development Act of 1986. This provision allows the Corps of Engineers to enter into contracts for the recovery of project costs with a Federal Project Repayment District. As written, this provision would allow such a repayment district to recover its share of the project costs from revenues obtained only through a property transfer fee. This has proven to be unnecessarily restrictive, so, Section 203 would allow a project repayment district to use any cost recovery approach consistent with State law, including, but not limited to, property transfer fees.

Section 204.

Section 204 amends section 402 of the Water Resources Development Act of 1986. Presently, section 402 requires that non-Federal sponsors of Corps of Engineers flood control projects agree to comply with and participate in applicable flood plain management and flood insurance programs prior to project construction. The intent of this section was to provide additional assurance of compliance with these important programs.

This section amends section 402 to ensure that local non-Federal sponsors of Corps shoreline erosion protection projects meet these same requirements.

Section 205.

This section instructs the Secretary to, whenever feasible, promote long and short-term cost savings, improved safety, reliability, and efficiency, and improved environmental results through the use of innovative technology in all phases of water resources development projects and programs under his jurisdiction.

To that end, the Secretary is instructed to use his existing authorities and responsibilities, including contract and procurement procedures, formulation and review of design criteria, information exchange agreements, and participation with non-Federal project sponsors.

Subsection (b) also requires that within two years of the date of enactment of this bill, the Secretary is to report on the development and implementation of innovative technologies in water resources programs and projects under his jurisdiction. The report is also to contain information on innovative technologies that were considered and rejected for use by the Secretary.

Subsection (c) defines the term "innovative technology" to be "designs, materials, or methods which the Secretary determines are previously undemonstrated or are too new to be considered standard practice".

Section 206.

This provision requires the Corps of Engineers, at the request of project sponsors who have contributed cash toward project construction, to provide periodic statements outlining project expenditures which have been made and are anticipated on the project. A number of project sponsors have notified the Committee that the Corps of Engineers presently does not provide them with a proper accounting of the use of the funds which the sponsors have provided to the Corps under the new cost sharing policy.

Section 207.

This section corrects an unintentional ommission from Public Law 99-662. As originally intended by the conferees on that Act, the port cost sharing policy was to provide for a modification of the required local share of project costs to the extent the Secretary of the Army determined that there were direct and quantifiable benefits to the military.

Section 208.

This section authorizes and directs the Comptroller General to conduct a review of the management and administration of the civil works program of the U.S. Army Corps of Engineers. A review of management practices, organization, manpower, and structure can provide important information for future oversight of the Corps of Engineers.

TITLE III—PROGRAMS AND STUDIES

Section 301.

The existing New York Drift Removal Program authorizing the Corps of Engineers to remove material hazardous to navigation from around New York Harbor is capped at $30.5 million. This program ceiling will be reached in the current fiscal year. The work of the program remains largely incomplete because of rising costs and annual budget restrictions. In order to facilitate this important program, this section substitutes an annual program ceiling of $6 million for the program ceiling now in law. This annual ceiling is in line with current program needs, which in FY 1988 are $4.8 million.

Section 302.

The States of Minnesota and North Dakota are presently using the services of the Corps of Engineers under existing "technical assistance" programs in the Red River Basin to examine a range of water related problems in the basin. This provision would establish a technical resource service specifically for the Red River Basin. The authorized funding level for this Service would be $500,000 annually.

Section 303.

This study would direct the Corps, in conjunction with the Environmental Protection Agency, to peform a systematic study of the water quality-related aspects of their hydroelectric facilities and report back to Congress within two years. The report is also to include recommendations for what improvements, if any, might be necessary to improve conditions.

Mr. MOYNIHAN. This legislation is noncontroversial. It authorizes 11 corps projects, all of which have completed the corps planning process, all of which have positive benefit to cost ratios, and all of which have had an environmental impact statement completed.

In addition to these project authorizaticns, the legislation makes six technical corrections or minor modifications to the 1986 Omnibus bill; provides management guidance to the Corps of Engineers; requires the Comptroller General of the United States to conduct a general management review of the civil works program; establishes a Technical Resource Service for the Red River of the North; redefines the New York Harbor Drift Removal Program; and authorizes the Secretary of the Army to conduct a study of the water quality impacts of hydroelectric power projects.

Mr. President, the Subcommittee on Water Resources, Transportation, and Infrastructure will hold 3 days of hearings on this legislation March 16, 17, and 18. I would ask my colleagues with an interest in this bill to testify, as it would be my intention to have this legislation reported to the Senate by the Environment and Public Works Committee by April 15.

Mr. BURDICK. Mr. President, I join my colleagues on the Committee on Environment and Public Works today in introducing the Water Resources Development Act of 1988. Introduction of this bill, Mr. President, signals a return to the tradition of a biannual authorization bill for Corps of Engineers projects. This return was made possible by passage of Public Law 99-662, the Water Resources Development Act of 1986, which resolved a decade-long debate over water policy issues, most notably the question of cost sharing for water projects.

The bill which Senators MOYNIHAN, STAFFORD, SYMMS, and I are introducing today authorizes only those projects which have completed corps planning and for which there is local interest in proceeding to construction. We in the Congress have an obligation and a responsibility to see that these projects are authorized on a timely basis and not left unauthorized for another decade.

Mr. President, I would also say that while we have an obligation to proceed with projects in a timely way, we have no intention of authorizing projects which have no local support, or are of questionable merit. We will not do so in this bill.

I intend to work closely with my committee colleagues to have this bill reported to the Senate by April 15. I would hope that floor action would occur promptly thereafter because, as I have indicated, this legislation is routine and noncontroversial.

Mr. STAFFORD. Mr. President, I am glad to cooperate with my colleagues in cosponsoring this legislation. However, as I will explain, I do so with a nagging doubt in mind.

The passage of Public Law 99-662, the Water Resources Development Act of 1987, ushered in a new age for the Corps of Engineers. The cost sharing, user fees, and environmental protections in that bill have already resulted in an improved Corps of Engineers program, and have provided the key ingredients for a more sound Federal water resources development program.

Most of us who worked for years on the passage of that act would probably prefer to believe that with the signing of that bill into law, Congress could set aside water resources development legislation for a while. Certainly on the surface that would appear to be possible. The 1986 act authorized enough work to keep the corps busy for several years while at the same time setting a long-term policy direction which the corps is now working to implement.

But the Corps of Engineers marches on, and since the passage of Public Law 99-662, there are already several new projects ready for congressional authorization. In addition, there are a few technical changes that need to be made to the 1986 act and there are a few study and program provisions that probably should have been included in that act.

One of the oft-cited justifications for introducing another omnibus water resources bill so soon after the passage of the 1986 act is to "make the process more regular." More specifically, many believe it to be desirable to go back to the practice of passing a Corps of Engineers authorizing bill every 2 years or so.

There may be merit to that idea. Clearly, the 10-year wait leading up to the passage of the 1986 act resulted in a bill that was so large and so complex that the size in itself was a significant burden and issue. It also inspired an attitude that since the bill was so big anyway, then "just one more project wouldn't hurt anything." So, to avoid a replay of that very undesirable situation, it may be practical to try to pass a relatively modest bill every 2 or 3 years.

Further, a more regular schedule of authorizing bills seems possible now because so many of the controversial issues preventing passage of a bill for over a decade were resolved with the passage of the Water Resources Development Act of 1986.

So, in one sense, one might look at this bill as an experiment: if we can pass a relatively modest bill, free of unstudied or unjustified pork-barrel projects and free of controversial attempts to turn back the clock on newly won reforms, then we can consider the experiment to be a success.

However, if it turns out that this bill becomes a magnet for bad projects and ill-conceived policy initiatives, the experiment will have been a failure and we will have learned something about Congress' ability to successfully and smoothly regularize the Corps of Engineers authorizing process.

Mr. President, therein lies the source of the nagging doubt which I expressed at the outset of my remarks: the distinct possibility that this experiment may fail.

I sincerely hope that I am wrong in this regard, but we all know that public works bills, especially water resources bills, tend to grow very rapidly. And while this is a modest and responsible bill right now, I am not so naive as to think that there will not be strong pressure to increase its size by adding any number of special-interest provisions.

So, at the outset, I can hardly emphasize strongly enough that I do not consider, nor do I believe my colleagues on the committee consider, this bill to be merely the seed kernel of, or a place holder for, a much larger, more ambitious bill. It is our hope and our intent to see that this bill remains modest.

Similarly, this bill must not be looked at as an opportunity to undo the cost sharing and environmental reforms which were passed into law in the last Congress. The long-fought controversy over these issues was resolved in the last Congress, and to the extent we attempt to turn back the clock on a broad or individual project basis, the less likely we are to make progress on this legislation.

Mr. President, I support this bill as it now stands and I will do my best to ensure that it remains modest and responsible. To that end, I will oppose any unjustified projects or bad policy provisions that are offered for inclusion in committee, on the floor of the Senate, or in conference with the House.

COLLOQUY ON OMNIBUS BILL

Mr. STAFFORD. Mr. President, having said that, I would not like to ask my fellow sponsors of this legislation, my good friend from North Dakota, the chairman of the Committee on Environment and Public Works, my good friend from New York, the chairman of the Subcommittee on Water Resources, Transportation, and Infrastructure, and my good friend from Idaho, the ranking member of that subcommitee what would be their intent with respect to any attempts to include unstudied projects or regressive policy provisions in this bill?

Mr. BURDICK. Mr. President, I share the concerns of my good friend from Vermont. The 1986 water resource development ended 17 years of debate on how to reform Federal water policy for the Corps of Engineers. We are not going to change the fundamental reforms of that act respecting cost sharing, user fees, or environmental policy: not in committee, not in the Senate, not in conference. We are not going to tinker with these provisions at all.

Furthermore, Mr. President, I want my colleague from Vermont to know that I will join him in opposing the authorization of unsound water projects. They have no place on this legislation, which I have to have quickly considered by the Environment and Public Works Committee and reported to the Senate by April 15.

Mr. MOYNIHAN. Mr. President, the day of the corps boondoggle is over. It is over in large measure to the efforts of my friend from Vermont who worked with dogged determination to reform Federal water resource policy and make it more responsive to environmental concerns. We are proposing this legislation to reinforce the primacy of our authorizing committee in water policy matters. Unsound, unjustifiable water projects have no place on this legislation, and I, too, will not support their authorization.

Mr. SYMMS. Mr. President, I agree with my distinguished fellow cosponsors, and will oppose any attempts to include unjustified projects or ill-conceived policy provisions in this bill.

Mr. STAFFORD. I thank my colleagues for their assurances. I would now like to describe briefly a few of the provisions in this bill that are of particular interest to me.

Section 205 declares that, whenever feasible, the Secretary of the Army should seek to promote cost savings, increased efficiency, and improved environmental results through innovative techniques and technology in all phases of water resources development projects and programs under his jurisdiction.

During the last few years, studies conducted by the National Academy of Sciences, the Office of Technology Assessment, the Business Roundtable, and others have shown that in the United States far too little effort is directed toward improving the technologies of public works design, construction, repair, rehabilitation, and operation and maintenance. The relatively slow pace of innovation resulting from this neglect has caused inefficiencies and excessive expense in the construction and upkeep of the Nation's public works, including water resources facilities.

Since approximately $100 billion per year is spent nationally on public works, a significant portion of which is water resources related, even small inefficiencies become significant. Given the national character and magnitude of this problem, these studies have made it clear that the Federal Government can and should play an important role in addressing this situation.

In addition, water resources development projects frequently result in undesirable environmental consequences. In the past, new technologies, such as multilevel outlets at dams, nonstructural flood control techniques, and improved erosion control measures have helped lessen these impacts. Clearly, a more aggressive approach to demonstrating certain types of new technologies could help lessen environmental damages done by water resources projects.

Since the Corps of Engineers is the Federal Government's largest civil engineering force, and is involved in hundreds of water resources related projects and programs, it would seem reasonable that its considerable resources and responsibilities could be used more actively as a laboratory or proving ground for promising new technologies in water resources.

Presently, the Secretary, along with the Corps of Engineers, have a great number of administrative authorities and procedures which can be, and to an extent are, used to promote innovation in water resources related technology. These include various procurement and contracting procedures including design competitions, broad latitude with respect to project design criteria, formal and informal technical exchange arrangements with other agencies and persons, and internal information exchange between the corps laboratories and district and division offices.

To be sure, the corps does use its existing authorities in a good faith effort to promote innovation, and for this it is to be praised. However, every indication is that by making innovation a higher priority and by making a more concerted effort, the corps can make even more lasting contributions to improved water resources technologies.

So, although this provision provides the Secretary with no new authorities, it encourages the Secretary and the corps to redouble their efforts and make the maximum use of existing authorities, programs, and projects in order to advance the state of the art with respect to water resources and related technology and techniques.

Mr. President, it can be expected that the initial trial of a new technology or technique will sometimes cost more than conventional technology—cost savings only being realized after experience is gained with the new technology. To the extent that cost increases on an initial trial are within the scope of the law, and to the extent the Secretary chooses to absorb the increased cost or can work out these increased costs with local project sponsors, such costs should be considered to be part of the innovation process.

Although this provision encourages the Secretary and the corps to become more aggressive innovators, it must be emphasized that public safety and project reliability should continue to be given the highest priority.

Next, Mr. President, section 303 directs the Corps of Engineers, in conjunction with the Environmental Protection Agency, to perform a systematic study of the water quality related aspects of their hydroelectric facilities, and to report back to Congress within 2 years.

By their very nature, many hydroelectric facilities cause significant physical and chemical changes to downstream water. One of the more harmful changes that can occur is the reduction of the dissolved oxygen content in downstream water. Low dissolved oxygen levels limit the number and type of organisms that can live in the water and also limit the ability of the water to assimilate waste.

The Corps of Engineers currently operates over 72 hydroelectric plants throughout the United States. Despite the fact that initial data indicates that the releases from as many as 25 of these facilities fail to meet State standards for dissolved oxygen during certain portions of the year, there has never been a comprehensive study of water quality at corps hydroelectric plants.

Recently, the Tennessee Valley Authority has studied the dissolved oxygen problems at its hydroelectric facilities and has begun the long overdue effort to address these problems with various types of retrofits and modifications. Further, owners of non-Federal hydroelectric facilities are in many cases required by the Federal Energy Regulatory Commission to correct dissolved oxygen problems at their facilities. Given these facts, it seems particularly appropriate and timely for the Corps of Engineers to undertake a study of the water quality associated with its hydroelectric generation facilities.

Finally, section 204 ensures that local non-Federal sponsors of Corps of Engineers shoreline protection projects comply with and participate in applicable flood plain management and flood insurance programs prior to the construction of the project.

At present, section 402 of the Water Resources Development Act of 1986 requires that non-Federal sponsors of Corps of Engineers flood control projects agree to comply with and participate in applicable flood plain management and flood insurance programs prior to project construction. The intent of this section is to provide additional assurance of compliance with these important programs and to thereby lessen the need for flood control expenditures in the future.

This section amends section 402 to ensure that local non-Federal sponsors of corps shoreline erosion protection projects meet these same requirements.

By Mr. STAFFORD (by request):

S. 2101. A bill to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT

● Mr. STAFFORD. Mr. President, I am introducing, by request, the administration's draft water resources development legislation for the U.S. Army Corps of Engineers.

I ask unanimous consent that the letter of transmittal from Assistant Secretary Page, the bill, and the Secretary's explanation of the bill, be reprinted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Resources Development Act of 1988".

DEFINITION OF SECRETARY

SEC. 2. For purposes of this Act, that term "Secretary" means the Secretary of the Army.

PROJECT AUTHORIZATIONS

SEC. 3. The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated:

(1) the project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky: Report of the Chief of Engineers, dated August 20, 1986, at an estimated total cost of $775,000,000, with the costs of construction of the project to be paid one half from amounts appropriated from the general fund of the Treasury and one half from amounts appropriated from the Inland Waterways Trust Fund;

(2) the project for flood control, Hazard, Kentucky: Report of the Chief of Engineers, dated October 30, 1986, at an estimated total cost of $7,450,000, with an estimated first Federal cost of $5,590,000 and an estimated first non-Federal cost of $1,860,000;

(3) the project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware: Report of the Chief of Engineers, dated June 15, 1986, at an estimated total cost of $16,900,000, with an estimated first Federal cost of $9,000,000 and an estimated first non-Federal cost of $7,900,000; and

(4) the project for flood control, Truckee Meadows, Nevada: Report of the Chief of Engineers, dated July 25, 1986, at an estimated total cost of $78,400,000, with an estimated first Federal cost of $39,200,000 and an estimated first non-Federal cost of $39,200,000.

PROJECT MODIFICATIONS

SEC. 4. The project for flood control, Redwood River, Marshall, Minnesota, authorized by Section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4117), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum, dated

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April 1987, at an estimated total cost of $6,900,000, with an estimated Federal first cost of $5,000,000 and an estimated non-Federal first cost of $1,900,000.

HARBOR UTILITY RELOCATIONS

SEC. 5. (a) Section 101(a)(2) fo the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082) is amended by deleting the last sentence and inserting in lieu thereof the following sentence: "The value of lands, easements, rights-of-way, relocations, and dredged material disposal areas provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph.".

(b) The amendments made by this section are effective as of November 17, 1986.

RECREATION USER FEES

SEC. 6. (a) Section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460*l*-6a), is further amended by:

(1) inserting the words ", water resources development areas administered by the Department of the Army that are used in whole or in part for recreation purposes," after the words "the Department of the Interior" in the first sentence of subsection (a);

(2) deleting the words "The Secretary of the Interior and the Secretary of Agriculture" and inserting in lieu thereof the words "Each administering Secretary" in the first sentence of subsection (a)(4);

(3) deleting the words "The Secretary of the Interior and the Secretary of Agriculture" and inserting in lieu thereof the words "Each administering Secretary" in the first sentence of subsection (a)(5); and

(4) deleting the next to the last sentence of subsection (b).

(b) Section 210 of the Flood Control Act of 1968 (82 Stat. 746; 16 U.S.C. 460d-3) is repealed.

(c) The amendments made by this section shall take effect October 1, 1989.

CONFINED DISPOSAL FACILITIES

SEC. 7. Section 123 of the River and Harbor Act of 1970, as amended, (33 U.S.C. 1293a) is further amended by adding at the end thereof the following new subsections:

"(j) The Secretary of the Army is authorized to continue to deposit dredged materials into a facility constructed under the provisions of this section until the Secretary of the Army determines that such facility is no longer needed for such purpose or that such facility is completely full.

"(k) Authority to construct new facilities pursuant to this section expires on the date of enactment of this Act, except that this subsection shall not apply to any project for which there is an executed agreement, as required by subsection (c), on that date.".

TRANSFERS FOR INTENSIFIED MITIGATION MANAGEMENT

SEC. 8. The Secretary is authorized to transfer funds to another Federal agency or a non-Federal public agency to carry out intensified wildlife management on areas under the jurisdiction of the transferee agency for the purpose of mitigating fish and wildlife impacts attributable to projects under the Secretary's jurisdiction. Such transfers shall be without prejudice to the regular appropriations required by the transferee agency for ongoing management of lands under its jurisdiction.

SUPPORT TO PRIVATE U.S. FIRMS COMPETING IN FOREIGN COUNTRIES

SEC. 9. (a) The Secretary is authorized to undertake a demonstration program for a two-year period, which shall begin within six months after the date of enactment of this Act, to provide technical assistance, on a nonexclusive basis, to any United States firm which is competing for, or has been awarded, a contract for the planning, design, or construction of a project outside the United States, if the United States firm provides, in advance of fiscal obligation by the United States, funds to cover all costs of such assistance. In determining whether to provide such Assistance, the Secretary shall consider the effects on the Department of the Army civil works mission, personnel, and facilities. Prior to the Secretary providing such assistance, a United States firm must—

(1) certify to the Secretary, who shall co-certify, that such assistance is not otherwise reasonably and expeditiously available; and

(2) agree to hold and save the United States free from damages due to the planning, design, construction, operation, or maintenance of the project.

(b) As to an invention made or conceived by a Federal employee while providing assistance pursuant to this section, if the Secretary decides not to retain all rights in such invention, the Secretary may—

(1) grant or agree to grant in advance, to a United States firm, a patent license or assignment, or an option thereto, retaining a nonexclusive, nontransferrable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States and such other rights as the Secretary deems appropriate; or

(2) waive, subject to reservation by the United States of a nonexclusive, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States, in advance, in whole or in part, any right which the United States may have to such invention.

(c) Information of a confidential nature, such as proprietary or classified information, provided to a United States firm pursuant to this section shall be protected. Such information may be released by a United States firm only after written approval by the Secretary.

(d) Within six months after the end of the demonstration program authorized by this section, the Secretary shall submit to the Congress a report on the results of this demonstration program.

(e)(1) For purposes of this section, "United States firm" means a corporation, partnership, limited partnership, or sole proprietorship that is incorporated or established under the laws of any of the United States with its principal place of business in the United States; and

(2) For purposes of subsection (a), "United States", when used in a geographical sense, means the several states of the United States and the District of Columbia.

BRUSH CREEK AND TRIBUTARIES, MISSOURI AND KANSAS

SEC. 10. (a) The Secretary is authorized to provide services, including the provision of such services by contract, to the non-Federal project sponsor in the design and construction of upstream and downstream non-Federal extensions to the Federal project for flood control, Brush Creek and Tributaries, Missouri and Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4116), if the non-Federal sponsor provides, in advance of fiscal obligation by the United States, funds to cover all costs of such services.

(b) Prior to construction of such extensions, the non-Federal sponsor must obtain all necessary Federal and state permits.

(c) The non-Federal sponsor must agree to hold and save the United States free from damages due to the planning, design, construction, operation, or maintenance of such extensions.

(d) Such extensions remain a non-Federal responsibility and shall not be considered part of the Federal project for any purpose.

OHIO RIVER DIVISION LABORATORY

SEC. 11. The Secretary is authorized to construct a new division laboratory at an estimated cost of $2,000,000, for the United States Army Engineer Division, Ohio River. Such laboratory shall be constructed on a suitable site, which the Secretary is hereby authorized to acquire for that purpose.

EDUCATION EXPENSES FOR CHILDREN OF CORPS EMPLOYEES IN PUERTO RICO

SEC. 12. The Secretary is authorized to pay tuition expenses of suitable, English-taught primary and secondary education in Puerto Rico for the child or children of any Federal employee when such expenses are incurred after the date of enactment of this Act and while the employee is temporarily residing and employed in Puerto Rico for the construction of the Portuguese and Bucana Rivers, Puerto Rico, project.

SERVICES TO STATES AND LOCAL GOVERNMENTS

SEC. 13. Subsection (d) of section 3036 of title 10, United States Code, is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second sentence as paragraph (2); and

(3) by deleting "United States" and all that follows in such subsection and inserting in lieu thereof the following:

"United States or to a State or political subdivision of a State. The Chief of Engineers may provide any part of those services by contract. Services may be provided to a State, or to a political subdivision of a State, only if—

"(A) the work to be undertaken on behalf of non-Federal interests involves Federal assistance and the head of the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers; and

"(B) the services are provided on a reimbursable basis.".

SECTION-BY-SECTION ANALYSIS

(To authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.)

SECTION 1

This section provides that the Act may be cited as the Water Resources Development Act of 1988.

SECTION 2

This section provides that for purposes of this Act, the term "Secretary" means the Secretary of the Army. This section does not limit the Secretary's existing authority to delegate duties or functions to the Chief of Engineers or other Army Corps of Engineers officials.

SECTION 3

This section authorizes 2 navigation projects and 2 flood control projects. These projects are

Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky. The recommended navigation plan would modify the Federal navigation project on the Ohio River by replacing the existing Locks and Dams 52 and 53 with a single facility including twin 110 × 1200 foot locks at river mile 964.4 near the community of Olmstead, Illinois. At October 1987 price levels, the estimated first cost is $775,000,000. At an 8⅝ percent discount rate, average annual benefits are $208,050,000 with $203,300,000 attributable to navigation and $4,750,000 attributable to redevelopment. The benefit cost ratio is 2.2. The costs of the construction of the project will be paid one half from the general fund of the Treasury and one half from the Inland Waterways Trust Fund.

Hazard, Kentucky. The recommended flood control plan provides for channel widening along about 5.9 miles of the North Fork Kentucky River in Perry County in eastern Kentucky. The recommended plan provides 6–25 year frequency protection and would reduce average annual damages by approximately 44 percent. The estimated cost at October 1987 price levels is $7,450,000. At an 8⅝ percent discount rate, the average annual benefits are $1,110,000 and average annual costs are $754,000 with a benefit cost ratio of 1.57. The non-Federal sponsor is the City of Hazard.

Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware. The recommended navigation plan includes deepening the Federal project in the lower Schuylkill River from 33 feet to 40 feet and providing a turning basin with a depth of 40 feet; and deepening the project for the Delaware River in the vicinity of Camden, New Jersey, at the Beckett Street Terminal, from the authorized (but, as yet, unconstructed) depth of 37 feet to a depth of 40 feet. The sponsor of the Schuylkill River project is the City of Philadelphia, and the South Jersey Port Corporation has indicated its willingness to provide the required items of cooperation for the Beckett Street Terminal project. Costs and benefits for these two projects, based on the cost sharing provisions of Public Law 99-662, are displayed below. (October 1987 prices and discount rate of 8⅝ percent.)

	Total	Federal	Non-Federal	B–C
Schuylkill River	$11,800,000	$5,900,000	$5,900,000	6.3
Beckett St Terminal	5,100,000	3,100,000	2,000,000	1.6
Total	16,900,000	9,000,000	7,900,000	7.9

Truckee Meadows, Nevada. The project area is located in Washoe and Storey Counties, Nevada, and includes the Truckee River and tributaries in the Reno, Sparks and Truckee Meadows urban area. The selected plan would provide 100-year flood protection to the Reno-Sparks and Truckee Meadows urban areas using a combination of levees, floodwalls, channel improvements and an overflow storage area. Also, additional recreation facilities and improvements to fish and wildlife resources would be provided. Based on October 1987 price levels, the estimated cost of the recommended plan is $78,400,000 of which $39,200,000 would be Federal. Average annual charges, based on 8⅝ percent discount rate and a 50-year period for economic analysis are $7,160,000. Average annual benefits are $13,220,000, and the benefit-cost ratio is 1.8. The non-Federal sponsors are the County of Washoe and the Cities of Sparks and Reno, Nevada.

SECTION 4

This section increases the authorized project cost for one flood control project. This project is:

Redwood River, Marshall, Minnesota. This project was authorized in Public Law 99-662 at a cost of $4,370,000 at October 1985 price levels. The current estimated cost is $6,900,000 at October 1987 price levels. The increase is 48 percent, adjusted to October 1985 price levels. The cost of the project as authorized was based on the feasibility report which was completed in 1979 and was the best estimate of the cost at that time. Analysis of more recent frequency-discharge data, combined with new development in the project area, required departures from the authorized project. The departures do not materially alter the scope or function of the project as authorized. Rather, these departures are needed to insure the project functions as visualized in the feasibility report, but based on the more recent information collected as part of the GDM effort.

SECTION 5

This section provides that the costs of utility relocations borne by the non-Federal sponsor for a harbor or inland harbor project shall be credited toward the additional 10 percent payment required by Section 101(a)(2) of Public Law 99-662. That Act currently provides that the non-Federal sponsor receive credit toward the 10 percent for the value of lands, easements, rights-of-way, other relocations, and dredged material disposal areas provided.

SECTION 6

Effective October 1, 1989, this section authorizes the collection of fees for the use of project recreation lands and facilities. The current fee program is limited to the collection of fees for specialized recreation services or facilities (e.g. campgrounds). The Secretary of the Army is currently prohibited from collecting entrance or admission fees. The Secretary is limited to collection of fees for use of highly developed campgrounds and must provide one free campground at each project where camping is permitted. This section eliminates these restrictions and would place the Army Corps of Engineers on a comparable basis with other agencies concerning the collection of recreation use fees. The fee will be deposited into an existing special recreation use fees account credited to, and eligible for appropriation to, the Secretary.

SECTION 7

This section would make clear that the Secretary of the Army is authorized to continue to fill a confined disposal facility (CDF) constructed pursuant to Section 123 of the River and Harbor Act of 1970, Public Law 91-611, until the Secretary determines that such facility is no longer needed for such purpose or that such facility is completely full. The General Accounting Office has issued a report which concludes that Section 123 limits the Secretary's use of a CDF to a ten-year period after such facility's construction, a conclusion with which the Department of the Army disagrees. This section would remove any doubt on the issue.

In addition, this section would terminate the Secretary's authority to construct new Section 123 CDFs, except for those with local cooperation agreements executed prior to enactment of this provision.

SECTION 8

This section would authorize the transfer of funds appropriated for new construction and associated operation and maintenance of Army Civil Works water resource projects to other Federal and non-Federal agencies for the purpose of intensifying wildlife management on areas under these agencies' jurisdiction. The Secretary of the Army has no authority to fund intensified wildlife management activities in areas under another agency's jurisdiction as a means of full or partial mitigation of losses due to project construction and operation. These activities would offset unavoidable damages to fish and wildlife and would be included in water resource projects when the cost of measures for this purpose are justified by the monetary or nonmonetary effects attributable thereto. A transfer of funds to another agency would be included in mitigation plans, when it is one of the most efficient and least costly measures to reduce significant resource losses. Transfers of funds to the Mitigation Trust Fund created by Section 908 of the Water Resources Development Act of 1986, P.L. 99-662, are not authorized by this section. In addition, intensified mitigation management will not supersede or preclude other approaches to project impact mitigation (such as wetlands creation) as required pursuant to the national Environmental Policy Act, the Clean Water Act or any other applicable statute.

SECTION 9

This section authorizes the Secretary of the Army to establish a 2-year demonstration program beginning within six months of enactment, to provide supporting services on a nonexclusive basis to U.S. firms that are competing for the planning, design or construction of projects in foreign countries where the Army Corps of Engineers has an expertise that is not available in the private sector. The firms must agree to pay all costs upfront to use government expertise. In addition, both the Secretary and the private firm must certify that the assistance is not otherwise reasonably and expeditiously available through the private sector. The American Consulting Engineers Council and the Department of Commerce have expressed support of Army Corps of Engineers assistance to U.S. firms competing for overseas projects. Both recognize that U.S. firms sometimes operate at a disadvantage because many foreign countries are providing technical support to their firms pursuing international work. At the conclusion of the program, a report on its impact will be submitted to Congress.

SECTION 10

This section enables the Secretary of the Army to construct extensions to the Brush Creek project that are not part of the authorized work to achieve a more orderly, timely, and economical completion of the extensions at no cost to the Federal taxpayer. The local flood control measures will be constructed between State Line Road and Roanoke Parkway, upstream of the Federal project, and between Tracy Avenue and Cleveland Avenue, downstream of the Federal project. The project for flood control along Brush Creek was authorized in Public Law 99-662. Kansas City, Missouri, and the Army Corps of Engineers have agreed that, in conjunction with the authorized Brush Creek and Tributaries, Missouri and Kansas, flood control project, the Corps will design upstream and downstream extensions of the authorized project that are desired by the City. The City is paying in advance 100 percent of the cost of designing the extensions and will pay upfront 100 percent of the construction cost. The City also will be required to acquire all necessary permits for construction of the extensions. Many of the technical advantages, and probably some construction economies, will be foregone if the City is required to construct the extensions without further involvement of the Army Corps of Engineers beyond the design stage. Work accomplished under this section will not be considered part of the Federal project and no future liability or maintenance responsibilities will accrue to the Federal Government.

SECTION 11

This section authorizes the construction of a replacement laboratory for the Ohio River Division. The requests for the replacement laboratory was included in the Revolving Fund's Plant Replacement and Improvement Program for Fiscal Year 1988 as a major item new start with an estimated cost of $2 million. A Real Estate Design Meiorandum prepared in Noveiber 1986 considered several alternatives and recommended acquisition of approximately 3 acres in the Schumacher Commerce Park, in Butler County Ohio, at a cost of approximately $130,000. Other Army Civil Works-owned sites were determined to be unsuitable due to lack of access and utilities. Use of the present site would require temporary relocation of the facility while the existing lab is demolished, and the new lab constructed. The existing facility has an estimated market value of $400,000 and would be sold when the new facility is available.

SECTION 12

This section authorizes the Secretary of the Army to pay the tuition costs of obtaining English-taught education at nearby private educational institutions in Puerto Rico of any Federal employee who is residing in Puerto Rico and employed in the construction of the Portuguese and Bucana Rivers project. Army Corps of Engineers employees from the mainland of the United States are temporarily employed in the construction of the Portuguese and Bucana, Puerto Rico, project. As a condition of their responsibilities, they must reside in the immediate vicinity of Ponce, close to the project. This results in their children being unable to obtain a primary or secondary education taught in English at public facilities, because nearby local facilities teach in Spanish and English teaching educational facilities, that are provided at Federal expense in Puerto Rico, are too far away for these children to attend reasonably. This section remedies the inequity for these children caused by the unique residence requirements.

SECTION 13

This section corrects a technical deficiency in 10 U.S.C. 3036(d), created by enactment of Public Law 99-662. The purpose of Section 922 of Public Law 99-662 was to amend Section 3036(d) of Title 10, United States Code, to authorize the Army Corps of Engineers to provide services, including construction work, to states and political subdivisions thereof in certain circumstances. It appears that the conferees intended to adopt in to the Senate language on this provision; however, Section 922 of the conference-reported bill dropped the last phrase of the Senate langauge. With adoption of the conference report and enactment of Public Law 99-662, Section 3036(d) was amended into a nonsensical section. This proposal would correct the error.

DEPARTMENT OF THE ARMY,
Washington, DC, February 22, 1988.

Hon. GEORGE BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes".

This proposal contains the Department of the Army Civil Works legislative program for the second session of the 100th Congress, and the Office of Management and Budget advises that enactment of this legislation would be in accord with the President's legislative program. The Department of the Army recommends that the proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

We would like to take this opportunity once again to commend the Congress for its work in enactment of the Water Resources Development Act of 1986 (Public Law 99-662) and in the establishment of new cost sharing for water resources development projects. This legislative proposal is consistent with that Act and intends to reestablish the regular cycle of water resources development authorization acts. This proposal authorizes new water resources development projects; modifies the authorization for one project which exceeds the cost limitations imposed by Public Law 99-662; modifies provisions of that Act to effectuate the intent of the Congress; and otherwise addresses some concerns related to the Department of the Army Civil Works program.

COST AND BUDGET DATA

The estimated Federal first cost of the four projects which would be authorized and the one project which would be modified by this proposal is $446,000,000. Authorization of the recreation use fee provision in this proposal will result in a $20,000,000 increase in Department of the Army Civil Works fee collections in fiscal year 1990 and an $80,000,000 increase from fiscal year 1990 through fiscal year 1993.

ENVIRONMENTAL AND CIVIL RIGHTS IMPACTS

Enactment of the enclosed legislation will have no significant environmental or civil rights impacts.

Sincerely,

ROBERT W. PAGE,
Assistant Secretary of the Army
(CIVIL WORKS).●

By Mr. HEINZ:

S. 2103. A bill relating to decennial census of population; to the Committee on Governmental Affairs.

DECENNIAL CENSUS LEGISLATION

● Mr. HEINZ. Mr. President, in a few short years the U.S. Census Bureau will conduct its decennial tabulation of the Nation's population. The findings of that census will have a tremendous impact on the Congress, and could force a significant redrawing of this Nation's political landscape.

We should be able to rely, absolutely, upon the findings of the census. It should be based on sound methodology, and its results should be an accurate reflection of America's citizenry. Unfortunately, I fear that such will not be the case. The census will once more fail to count U.S. service men and women on temporary overseas assignment.

This matter has serious implications for a number of States. My home State of Pennsylvania will be directly affected—as will Connecticut—if policy does not change. Depending on the total that is actually tallied, Alabama, Missouri, Michigan, and North Carolina will also suffer a direct loss of representation. On the other hand, California and Texas will more than likely gain a number of Representatives.

Those persons and their families who are U.S. citizens and are serving their country overseas will lose representation to which they are entitled. Pennsylvania, for example, currently has 23,000 military personnel serving overseas. These persons, however, will not be accounted for in the U.S. census—and thus may lose their say here in Congress.

There is a simple word for this practice: unfair. That is why, Mr. President, I rise at this time to introduce legislation that will reverse this disturbing situation. Quite simply, this legislation, identical to H.R. 3815, introduced by Congressman TOM RIDGE in December 1987, will include overseas personnel in the census. It is a step toward correcting what I see as a fundamental flaw in the process by which we determine how congressional seats are apportioned.

I invite my colleagues to support this measure, and to join me in cosponsoring this important legislation.

I ask unanimous consent that a text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g)(1) Effective beginning with the 1990 decennial census of population, in taking any tabulation of total population by States for purposes of the apportionment of Representatives in Congress among the several States, the Secretary shall take appropriate measures to ensure that no member of the armed forces, civilian employee of the Department of Defense, or dependent of any such member or employee, is excluded based on such member or employee being assigned to a post outside the United States.

"(2) Nothing in this section shall be considered to preclude any decennial census data which is obtained by the Secretary other than in accordance with paragraph (1) of this subsection from being used for any purpose other than the one described in such paragraph.".●

ADDITIONAL COSPONSORS

S. 542

At the request of Mr. Armstrong, the name of the Senator from New Hampshire [Mr. Rudman] was added as a cosponsor of S. 542, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 675

At the request of Mr. Mitchell, the names of the Senator from Wisconsin [Mr. Kasten], the Senator from Alaska [Mr. Murkowski], the Senator from Arkansas [Mr. Bumpers] and the Senator from California [Mr. Wilson] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 840

At the request of Mr. Thurmond, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 1522

At the request of Mr. Riegle, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1776

At the request of Mr. Armstrong, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of S. 1776, a bill to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution.

S. 1885

At the request of Mr. Dodd, the name of the Senator from Vermont [Mr. Leahy] was added as a cosponsor of S. 1885, a bill to provide for a Federal program for the improvement of child care, and for other purposes.

S. 2033

At the request of Mr. Thurmond, the names of the Senator from Delaware [Mr. Roth], and the Senator from Texas [Mr. Bentsen] were added as cosponsors of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2051

At the request of Mr. McClure, the names of the Senator from Arizona [Mr. DeConcini], and the Senator from Missouri [Mr. Danforth] were added as cosponsors of S. 2051, a bill entitled the "Prohibition of Undetectable Firearms Act."

SENATE JOINT RESOLUTION 21

At the request of Mr. Hollings, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 59

At the request of Mr. Thurmond, the name of the Senator from Wisconsin [Mr. Kasten] was added as a cosponsor of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 225

At the request of Mr. Armstrong, his name was added as a cosponsor of Senate Joint Resolution 225, a joint resolution approving the location of the Korean War Memorial.

SENATE JOINT RESOLUTION 234

At the request of Mr. Thurmond, the names of the Senator from Arizona [Mr. DeConcini], and the Senator from Nebraska [Mr. Exon] were added as cosponsors of Senate Joint Resolution 234, a joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DeConcini, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 249

At the request of Mr. Riegle, the name of the Senator from Tennessee [Mr. Sasser] was added as a cosponsor of Senate Joint Resolution 249, a joint resolution designating June 14, 1988, "Baltic Freedom Day."

SENATE JOINT RESOLUTION 251

At the request of Mr. Hollings, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of Senate Joint Resolution 251, a joint resolution designating March 4, 1988, "Department of Commerce Day."

SENATE RESOLUTION 384—REGARDING THE BANNING OF POLITICAL ACTIVITY IN SOUTH AFRICA

Mr. McCONNELL (for himself, Mr. Kennedy, Mrs. Kassebaum, Mr. Simon, Mr. Weicker, Mr. Levin, Mr. Murkowski, Mr. Roth, and Mr. Sarbanes) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 384

Whereas, on February 23, 1988, President Pieter W. Botha, President of South Africa, signed an emergency order effectively banning 18 anti-apartheid groups from publishing information, organizing public meetings, distributing leaflets or engaging in any other political activities;

Whereas, the organizations banned from engaging in such political activities include: the United Democratic Front [UDF], the Detainees' Parents Support Committee, the National Education Crises Committee, the Cape Youth Congress, the Cradock Residents Association, the Detainees' Support Committee, the National Education Union of South Africa, the Port Elizabeth Black Civic Organization, the Release Mandela Campaign, the Soweto Civic Association, the Soweto Youth Congress, the South African National Students Congress, the South African Youth Congress, the Vaal Civic Association, the Western Cape Civic Association, the Azanian People's Organization, and the Azanian Youth Organization;

Whereas, the Congress of South African Trade Unions [COSATU] has been restricted to conducting only trade union activities and banned from political activities;

Whereas, at least seventeen orders have also been issued restricting the political activities of individual South African citizens including Albertina Sisulu and Archie Gumede, the only national UDF leaders who have heretofore not been detained;

Whereas, the South African government has engaged in a pattern of denial of international passports for travel to individuals who have exercised their right of free speech in criticising the government and its policy of apartheid;

Whereas, no action taken by these organizations or individuals have heretofore been represented by the South African government as other than legal and constitutional;

Resolved, it is the sense of the Senate that banning of political activities ruthlessly eliminates peaceful, legal means to oppose the policy and practices of apartheid;

That banning of political activities will increase the incidents and prospects of violence as the only remaining alternative to promote change in South Africa;

That the South African government's decision violates fundamental democratic principles of free speech and assembly and undermines opportunity for dialogue, reconciliation of views, and needed change in South Africa;

That international concern regarding the need for peaceful change in South Africa has been completely disregarded in the implementation of such bans;

That the U.S. Government should increase pressure on the South African Government through a variety of political, diplomatic and economic measures;

That the President should immediately take action to achieve numerical equivalence in diplomatic missions of the South African government and U.S. Government;

That approval of temporary U.S. visas requested by South Africans should be granted on a case-by-case basis only after consideration of the South African government's record of allowing South African citizens—particularly those who are members of anti-apartheid organizations—to travel to the United States.

Mr. McCONNELL. Mr. President, as we all know the Senate has been preoccupied this past week with S. 2. As we have been engaged in our exercise in free speech, the South African Government has decided to further suppress democratic political activities of the majority of its citizens. Earlier this week, President Botha signed an emergency order which effectively bans 18 anti-apartheid groups from publishing information, granting interviews, organizing public meetings, distributing leaflets, or urging public action on behalf of or in the name of the organization. This emergency decree effectively bans all political activity by the principle opponents of apartheid. We must ask ourselves, what options are now left for those who oppose apartheid? What opportunities will reasonable South African men and women have to peacefully express their opposition to apartheid and pursue a course of change? The answer is none.

I must confess I am stunned by this cynical, calculated, oppressive action. I wholeheartedly concur with the State Department's observation, "this is a giant step backward for democracy and human rights in South Africa." Only the extremists, only those who advocate violence, will benefit from this decision. So long as the majority of citizens demanding change. This new banning order robbing the anti-apartheid movement of free speech and assembly will not staunch the desire for freedom. The demand for the basic right to participate in government will not be abandoned. The desperate need and call for improvements in employment opportunities, education and health services will not subside. The banning order does not change the conditions, it simply criminalizes peaceful, political opposition to those conditions. The door has been opened to those who advocate violence.

Seventeen grassroots organizations as well as the Congress for South African Trade Unions [COSATU] have been restricted from political activities. What is incomprehensible is the fact that the government banned these organizations while simultaneously maintaining that they were legal and had done nothing to violate the law. The groups will be allowed to maintain financial records and remain in existence, they simply can't do anything with this status.

In addition to the group bannings, the government has issued a flurry of orders restricting political activities of individuals including Albertina Sisulu and Archie Gumede, leaders of the UDF. It is clear to me that the government is set on a course of silencing its critics. They intend to dismantle legal, peaceful political organizations not the odious tyranny of apartheid.

Mr. President, as we all know, it has been difficult to follow events in South Africa because repressive censorship of the press has severely curtailed information flow. To further curb any opposition to apartheid, critics of the government have been arrested and detained. Reliable organizations estimate that since June 1986 close to 30,000 people have been detained. Even those who are released such as Govan Mbeki, who endured 23 years in prison, are immediately banned from participating in political activities. As I noted when Govan Mbeki was released then detained, I believe the South African Government is engaged in a dangerous and cynical game of political chicken. By restraining the flow of information, restricting political activism against apartheid, refusing to engage in discussion with its opponents, the South African Government is calculating that both their opposition and international interest in apartheid will die out.

The resolution that I have introduced will demonstrate that both our interest and opposition to apartheid is alive and kicking. I do not want one more act of oppression to pass by unnoticed. I do not want the South African Government to have any reason to believe that the Senate does not care.

The resolution calls attention to the long list of organizations and individuals that have now been banned from peacefully protesting apartheid. I think it is interesting to note that of national organizations that have declared opposition to apartheid, only three continue to enjoy any modicum of political freedom. The resolution also highlights the South African Government pattern of denial of passports to its critics who wish to travel to the United States. But, Mr. President, the point is not to just call attention, yet again, to practices that we find objectionable. The resolution also specifically recommends that the president take two concrete actions to demonstrate that we believe the South African Government has crossed the line of reason, good faith and good judgment.

First, we ask the administration to take action to achieve numerical equivalence in the South African and American Diplomatic Missions. I believe strongly in the purposes of our embassies and consulates. They gather and communicate policy decisions and information essential to our understanding and pursuit of sound relations with all nations. However, the South African Government is not listening as is evident by this recent decision. U.S. policy and action must be targetted in such a way to affect the South African Government's interest. Equivalence in representation is just such an option. At present the South Africans have four consulates and one embassy in the United States compared with our three consulates and embassy. If the South Africans insist on acting like the Soviets, we shall treat them like the Soviets and maintain absolute parity in diplomatic missions.

Second, the resolution urges the administration to respond to the South African Government's pattern of denial of passports to its critics. Just this past week, Fatima Meer, a professor at the University of Natal who was invited to address the Smithsonian Institution, was denied a passport. I doubt any of us view the Smithsonian as a subversive poltical organization, nonetheless, Ms. Meer will not be able to address the lecture series. Ms. Meer is not the first and will not be the last critic of apartheid denied a passport.

In the meantime, a steady flow of South Africans sympathetic to the Government viewpoint continue to receive passports and come to the United States. I support their right to express their views and to do so both in South Africa and the United States. However, I am angered by the South African Government's efforts to control when, where, and which South Africans can enjoy freedom of speech. This legislation puts them on notice that American consular officials will take into consideration the South African Government's record of allowing South Africans—especially members of anti-apartheid organizations—the opportunity to travel to the United States.

No one in this body seeks to censor or restrict the debate on South Africa. This resolution simply expresses our willingness to respond, in kind, to South African restrictions. An illustration of what we hope to accomplish is if Fatima Meer is not allowed to come to the United States. Then the chairman of the publications review panel responsible for press censorship could be denied a visa. Perhaps this action will galvanize a body of opinion that has always been exempt from the harsh curbs of apartheid. Unfortunately, spreading the political pain may be the only way to make gains.

Mr. President, this resolution is a simple, straightforward reaction to a reprehensible, inexcusable act on the part of the South African Government. I crafted this sense of the Senate resolution because I wanted to focus our attention and respond to this one decision and issue of political bannings. Over the past several months, the South African Government has made a number of decisions that I view as counterproductive in solving the many problems its citizens suffer. However, none has offended and shocked me as much as the decision to ban these 18 grassroot anti-apartheid organizations. As a spokesman for the UDF noted, the Government has "declared war against peaceful opposition." I agree.

It is not my intention to reopen, at this time, the entire question of our relations with South Africa. However, I do want to serve notice that when the issue of U.S. policy is discussed later in the spring, if the bannings still stand it is my intention to support legally binding language similar to this resolution, in the context of more comprehensive legislation.

In concluding, Mr. President, I would urge my colleagues' support for this measure. The South African Government must be clearly and unequivocally advised of the Senate's continuing opposition to the injustices of apartheid and the shocking efforts to enforce it. The Senate must make clear that we support dismantling the tyranny of apartheid, not the legal, political organizations which oppose it.

Mrs. KASSEBAUM. Mr. President, I am pleased to be a cosponsor of the resolution of the Senator from Kentucky [Mr. McCONNELL] and I salute his efforts to bring to the Senate's attention his resolution regarding the tragic events, in many ways, which have been undertaken by the Government of South Africa.

The South African Government's announcement that it has effectively banned the activities of the peaceful opposition has been met by shock and outrage within South Africa and around the world.

It is a major and profound disappointment for all of us who have hoped for peaceful change from the disdainful policies of apartheid.

Since the passage of sanctions legislation over a year ago, there have been some minor glimmers of progress in South Africa. The Dakar meeting between the ANC and leaders of the Afrikaner community was a courageous attempt to open communication and dialogue. The constructive dialogue established during the miners' strike last summer also set an important precedent for dialogue and compromise, as opposed to violence, as a means to resolve problems in South Africa. And, the release of Goven Mbeki raised hopes for the release of other political prisoners and detainees.

Yet, the South African Government's recent cutoff of all political activity in South Africa only raises the spectre that violence will be seen once again as the only alternative. The latest announcement banning the activities of 18 leading antiapartheid organizations has struck a crushing blow to the efforts for political dialogue.

Instead of seeing calls met for lifting the State of Emergency and for respecting the principle of equal justice, we are seeing an arrogant attack on the antiapartheid groups and the basic human rights of free speech, free press, and political organization.

Instead of seeing our hopes met for the release of Nelson Mandela and all political prisoners, we are seeing the banning of the Release Mandela Committee and a ban on the activities of the few leaders of the political opposition who have not already been detained.

Instead of seeing the constructive dialogue that was established this summer with the trade unions continued, we are seeing the sharp curtailment of the activity of the Congress of South African Trade Unions [COSATU].

Mr. President, the South African Government's announcement this week is a glaring commentary on the government's attitude toward political reform. It is also a distressful reminder of the South African Government's stark lack of concern for international opinion and, consequently, of our own limited ability to affect change in South Africa.

Nevertheless, I firmly believe that we must continue to speak out against the flagrant abuses of basic human rights in South Africa, and I urge the overwhelming support of my colleagues for the resolution under consideration.

I would like to thank again the Senator from Kentucky for his introduction of this resolution.

Mr. McCONNELL. I want to commend the distinguished Senator from Kansas for her leadership on the South African problem, and for her leadership over the years.

There is probably no one in this body who knows more about South Africa than she does.

I thank her for cosponsoring the resolution, and look forward to working with her on this and other issues on South Africa in the coming months.

Mrs. KASSEBAUM. I thank the Senator.

Mr. SIMON. Mr. President, I want to join my colleagues Senator McCONNELL and Senator KENNEDY in condemning the action taken by the South African Government 2 days ago to essentially ban 17 antiapartheid organizations and to restrict the activities of the Congress of South African Trade Unions [COSATU].

It is very disturbing news that the South African Government has prohibited any kind of political activity by these organizations, thereby effectively shutting them down. It is also clear that the Government, in restricting the Congress of South African Trade Unions [COSATU] to nonunion activities, is trying to destroy one of the most powerful political opposition forces in South Africa.

The Government's crackdown is yet another in a series of moves to intensify the repression of apartheid and to silence all democratic and peaceful organized opposition. Although the Minister of Law and Order, Adrian Vlok, is careful to point out that these organizations are not banned and theoretically retain their legal status, these regulations are aimed at destroying the antiapartheid movement in South Africa.

Essentially, the South African Government wants these organizations to be blind, deaf, dumb, and otherwise nonexistent.

This action makes it all the more clear, and all the more imperative, that the United States impose additional, comprehensive sanctions against the South African Government. I join in the call of all my colleagues who continue to press for comprehensive sanctions.

Senator McCONNELL's resolution sets out two measures in particular which we ask the President to act upon immediately. First, to take action to achieve numerical equivalence in diplomatic missions of the South African Government and the United States Government; and, second, to fully consider when issuing visas to South Africans, the South African Government's record of allowing all South African citizens—particularly those who are members of antiapartheid organizations—to travel to the United States.

I fully support Senator McCONNELL's resolution, and the bipartisan spirit in which it is offered.

The South African Government has made a grave mistake. In attempting to bury dissent, these restrictions will only consolidate and strengthen dissent. In an attempt to forestall the pace of change, the Government will only lose its opportunity to seriously negotiate peaceful change. And I share the worry of leaders such as Archbishop Tutu and the head of the South African Council of Churches, Rev. Frank Chikane, who fear that by prohibiting peaceful protest the majority of those working for nonviolent change will be pressed to see force as the only means of fighting and ending apartheid.

I am deeply troubled by this action, and join all who harshly condemn it. The United States must now move forward vigorously to increase pressure on the South African Government to end apartheid.

Following my statement is the text of an action alert by the Lawyer's Committee for Civil Rights Under Law, and other documents on the South African Government banning orders. I have also included the text of a statement issued by Rev. Frank Chikane, head of the South African Council of Churches, and the text of the statement issued by the U.S. government.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SOUTH AFRICAN GOVERNMENT ISSUES NEW BANNING ORDERS

Today, February 24th, the South African Government instituted one of the harshest crackdowns in years on lawful democratic opposition groups. Seventeen organizations, the Congress of South African Trade Unions (COSATU), and 18 individuals were placed under severe restrictions which effectively force them to cease functioning. The order, issued by the Minister of Law and Order under authority of the Public Safety Act, states that the named 17 organizations are prohibited "from carrying on or performing *any activities or acts whatsoever*." (emphasis ours) Technically, the 17 organizations retain their status as legal, but

under the terms of the Order their only permitted activities are to preserve their assets, keep their books and records up to date, perform administrative tasks associated with those functions and comply with any obligations imposed on them by law.

The regulations also do not prohibit the organizations from seeking legal counsel, filing lawsuits or engaging in activities that have been explicitly consented to by the Minister of Law and Order.

The organizations restricted by the Order are:

Azanian People's Organisation.
Azanian Youth Organisation.
Cape Youth Congress.
Cradock Residents Association.
Detainees Parents Support Committee.
Detainees Support Committee.
National Education Crisis Committee.
National Education Union of South Africa.
Port Elizabeth Black Civic Organisation.
Release Mandela Campaign.
Soweto Civic Association
Soweto Youth Congress.
South African National Students Congress.
South African Youth Congress.
United Democratic Front.
Vaal Civic Association.
Western Cape Civic Association.

While allowing COSATU to continue to function, the Order restricts COSATU's activities to what the Government narrowly interprets as "shop-floor" issues.

The effects of the Order are devastating. For example, the Johannesburg-based Detainee Parents Support Committee will no longer be able to call for the release of detainees for publish statistics on how many children are in jail or even help distraught parents find in which jail their children are being held. The Cradock Residents Association will no longer be able to organize street committees or even memorial services for their political leaders who were assassinated. The National Education Crisis Committee will no longer be able to meet to discuss the crisis of the Bantu education system. All organized voices of opposition in South Africa will be silenced.

COSATU STATEMENT ON THE BANNING AND RESTRICTION ON ORGANISATIONS

The promulgation of the orders affecting COSATU and 17 other organisations are a direct attack on the democratic movement.

The state has obviously chosen a path of total repression. They intend to destroy the few remaining vestiges of democracy after the clampdown of the emergency regulations.

The closing of the avenues of democratic expression will possibly lead to an escalation of civil conflict and violence. There cannot be a peaceful resolution of S. Africa's crisis without freedom of expression and association, and without credible organisations which can articulate the needs and interests of the majority.

Democratic organisations in the country have recently faced severe attacks from vigilante and conservative rightwing forces. All peace initiatives we have taken to resolve the violence in P. N. Burg, KIC, etc are jeopardised by the banning and restrictions which open the way for conservative forces to continue at will their campaigns of violence and intimidation against our members and the community.

It is clear that the Government has been encouraged to opt for the path of increased repression through the support it has received from employers and right wing governments of Thatcher, Reagan, and Kohl, as well as through the vocal fanaticism of the right wing.

The banning and restricting our organisations is the action of panic stricken government which is unable to deal with the realities facing South Africa today. Conflict in our country is inherent because the majority of people are denied access to the formal political institutions. The Government has rejected the option of stability through dealing with the legitimate demands of the majority in favour of total control and iron fist repression.

The state is attempting to restrict COSATU to what they see as legitimate trade union functions. We reject this because there is no democracy in South Africa, and COSATU and other organisations are part of the extra/parliamentary opposition that are legitimately putting forward the demands and interest of our members both on the shopfloor and in broader society.

The promulgation is aimed at smashing the campaigns which COSATU has already embarked upon and undermining COSATU's strength. All these campaigns are lawful and reflect the demands of our members and the concerns of the oppressed majority.

The restrictions on COSATU, taken together with proposed labour relations amendment act, will place COSATU in almost the same position as the other 17 organisations which have been effectively banned.

DPSC PRESS STATEMENT

Minister Vlok says that his latest draconian action is aimed at "only those activities which endanger the safety of the public, the maintenance of law and order or the termination of the State of Emergency".

No organisation has worked harder than the DPSC to terminate the State of Emergency. Indeed, the State of Emergency is our main point of contention with Mr. Vlok. Furthermore, the major part of our work is geared towards the welfare of detainees and their families, whose dire circumstances are directly caused by Mr. Vlok and his political police.

This attempt to silence the legitimate voices of opposition to apartheid is yet another example of the government's aggressively confrontational attitude and their refusal to attempt to negotiate with the leaders and organisations which represent the majority of South Africans.

Furthermore, the DPSC believes that the restrictions placed on the 17 organisations are ultra vires and that the Government is not empowered to issue these restrictions.

The DPSC is a welfare and service organisation. We are baffled as to how we can be a threat to public safety. We are, however, proud of our record in exposing state repression, and bringing to public scrutiny the excesses and abuses of the security police. The public will judge the true reasons for our banning.

The restrictions will not stop the thousands of South Africans who are working for the welfare of the victims of apartheid. We know that our cause is just, and that our work and beliefs will outlive those of Mr. Vlok, as they did those of his predecessor, Mr. le Grange.

STATEMENT BY REV. FRANK CHIKANE, GENERAL SECRETARY, SOUTH AFRICAN COUNCIL OF CHURCHES

I am alarmed by the effective banning of 17 organisations and the restrictions imposed on COSATU.

This is another Draconian way of closing the doors for all organisations which were still committed to non-violent change in this country. Once more the nationalist government has revealed what really lies beneath its reform policy, i.e., total control of the people of South Africa by a white minority and outright repression of dessenting voices of the majority of people in this country.

The argument by the Minister of Law and Order that the order does not prohibit the organisations from preserving their assets, keeping up to date their books and records and performing administrative functions is an attempt to give an impression to mislead the international community that this action does not amount to closing down the organisations so affected.

The order is in fact directed to the fundamental aims and objectives of these organisations, i.e., to protest and work for the end of apartheid and that there will be no end to the state of emergency without an end to apartheid.

I am concerned that this action by the state is a way of forcing the majority of peace-loving South Africans to see force as the only way of ending apartheid.

I call upon the international community to act against the apartheid regime.

ADMINISTRATION STATEMENT—FEBRUARY 24, 1988 SOUTH AFRICA: RESTRICTIONS ON OPPOSITION

We are appalled by the announcement from the South Africian government today that it is effectively outlawing the activities of a large number of organizations. The affected organizations represent the aspirations of a broad cross-section of the black community.

By acting to outlaw the nonviolent political activity of these organizations, the South African government has dealt a severe blow to efforts to achieve a peaceful solution to South Africa's problems. This is a giant step backward for South Africa.

Assistant Secretary Crocker called in the South African Ambassador this morning to register our shock and distress at these inexplicable actions by his government.

SENATE RESOLUTIONS 385—RELATING TO THE CATHEDRAL IN VILNIUS, LITHUANIA

Mr. HEINZ (for himself and Mr. RIEGLE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 385

Whereas 1988 is the 600th anniversary of the erection of the cathedral in Vilnius, Lithuania;

Whereas the site on which the Vilnius Cathedral stands was once the location of a pagan temple and has served for centuries as the symbolic center of religious life for the people of Lithuania;

Whereas the founding and erection of the Vilnius Cathedral is closely related to the conversion of Lithuania from paganism to Christianity in 1387, and the Vilnius Cathedral is called the "cradle of Lithuania Christianity";

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Whereas the Vilnius Cathedral is both a religious and a national shrine, and the remains of prominent religious and secular rulers of Lithuania have been interred in the cathedral, including the remains of the patron saint of Lithuania, Casimir, and the greatest ruler of Lithuania, Grand Duke Vytautas;

Whereas, despite numerous natural and man-made disasters that caused the partial or complete destruction of the Vilnius Cathedral, the religious faithful in Lithuania always rebuilt it;

Whereas the Soviet Army invaded Lithuania in June 1940, and the Soviet Government incorporated Lithuania into the Union of Soviet Socialist Republics;

Whereas the Soviet Government nationalized church property in Lithuania, seized scores of churches, and converted them to other uses against the wishes of the Roman Catholic community in Lithuania;

Whereas Soviet officials, over the protests of the Roman Catholic Church leadership in Lithuania, announced in 1950 that the Vilnius Cathedral would be transferred to Government control and transformed the cathedral into an art gallery in 1956;

Whereas the seizure and desecration of the Vilnius Cathedral by the Soviet Government violates the provisions on religious liberty contained in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe;

Whereas Roman Catholics in Lithuania have never reconciled themselves to the loss of the Vilnius Cathedral;

Whereas in 1985 the Lithuanian Christianity Jubilee Committee, led by Bishop Juozas Preikšas, applied to the Soviet Government for the return of the Vilnius Cathedral and two other churches as part of the 600th anniversary of the Christianization of Lithuania;

Whereas over the last few years hundreds of priests in Lithuania, including 60 percent of the priests in the Vilnius Archdiocese, have publicly petitioned for the return of the Vilnius Cathedral; and

Whereas Soviet authorities have met such petition with either silence or outright refusal; Now, therefore, be it

Resolved, That in observation of the 600th anniversary of the erection of the cathedral in Vilnius, Lithuania, the Senate—

(1) expresses its deepest concern over the refusal of the Government of the Union of Soviet Socialist Republics to return the Vilnius Cathedral to the control of the Roman Catholic Church;

(2) voices its support to the Lithuanian people in their efforts to secure—

(A) the return of the Vilnius Cathedral, and

(B) the right to exercise fundamental religious rights so long denied them;

(3) calls upon the President and the Secretary of State to—

(A) raise the issue of the return of the Vilnius Cathedral in meetings with Soviet officials, and

(B) direct representatives of the United States Government at international human rights forums to speak out forcefully for the return of the Vilnius Cathedral;

(4) strongly encourages Members of Congress who visit the Union of Soviet Socialist Republics to include the return of the Vilnius Cathedral on the agenda in discussions with Soviet officials; and

(5) urges the Soviet Government to—

(A) reverse its policy of denying to Roman Catholics in Lithuania the right to worship in the Vilnius Cathedral, and

(B) return the cathedral to Roman Catholic Church control before the end of 1988.

● Mr. **HEINZ**. Mr. President, today I would like to call the attention of my colleagues to the situation in Lithuania, one of the Baltic States swallowed up by the Soviet Union following World War II.

It is well know that religion is often one of the main resources used by subjugated peoples to maintain their national identity. This is true in Lithuania, where the Catholic faith has helped the people preserve their unique national consciousness despite 40 years of domination and russification.

Today, along with Senator RIEGLE, I have introduced a resolution relating to the brave struggle of the Lithuanian people to maintain their spiritual and cultural independence. The resolution deals with the Vilnius Cathedral, the cradle of Lithuanian Christianity. This 600-year-old cathedral has been turned into an art gallery by the Soviet Government.

The Vilnius Cathedral has survived natural and manmade disasters, and has always been restored by the faithful of Lithuania. The profane transformation which the Soviets have committed is perhaps the most profound challenge ever faced by the Lithuanian Catholic supporters of the cathedral. My resolution calls attention to the unique historical role played by the Vilnius Cathedral and calls on the Soviet Government to restore the cathedral to church control.

I visited the Soviet Union last spring to assess progress in the area of human rights. While I noted some real improvements, the most glaring exception was in the area of freedom of conscience, primarily religious belief. It is clear that religion is not included under Mr. Gorbachev's program of reform. The pressure from us in the West must remain intense on the issue of religious freedom.

There is no more concrete example of religion versus atheistic Soviet state power than the struggle for control of the Vilnius Cathedral. I urge my colleagues to support my resolution and thereby support freedom of conscience for the people of Lithuania.●

● Mr. **RIEGLE**. Mr. President, I'm delighted to join my colleague from Pennsylvania, Senator HEINZ, in introducing this important resolution, which calls on the Soviet Government to return a sacred Lithuanian shrine to religious use.

For the past 32 years, the Vilnius Cathedral, once considered the cradle of Lithuanian Christianity, has been used as an art museum. Despite this action and other Soviet efforts to repress religious expression in Lithuania, the Lithuanian people continue to maintain their faith as well as their cultural and national identity.

Last year, to mark the 600th anniversary of the arrival of Christianity into Lithuania, the Senate unanimously adopted my resolution Senate Resolution 232, focusing attention on the denial of freedom of religion and other human rights in the Baltic States. The purpose of the resolution we are introducing today, is to send a further message of support to the Lithuanian people's struggle for religious freedom by echoing their calls for the return of the Vilnius Cathedral to the Roman Catholic Church.

Through peaceful public demonstrations during the past year, including one last week to mark the anniversary of their independence day, the Lithuanian people have shown great courage in challenging the continued Soviet occupation of their country. The return of the Vilnius Cathedral to its rightful place in Lithuanian society is long overdue, and I urge my colleagues to join in the call for religious freedom in the Soviet Union by cosponsoring this important resolution.●

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. **JOHNSTON**. Mr. President, I would like to announce for my colleagues and the public that a nomination hearing has been scheduled before the full Committee on Energy and Natural Resources.

The committee will hear testimony on the nominations of T.S. Ary for the position of Director of the Bureau of Mines, Ernest C. Baynard III for the position of Assistant Secretary of Energy for Environment, Safety and Health, and C. Anson Franklin for the position of Assistant Secretary of Energy for Congressional, Intergovernmental and Public Affairs.

This nomination hearing will take place on Monday, March 14, 1988, at 10 a.m. in the committee hearing room, SD-366, in Washington, DC.

CORRECTION OF HEARING NOTICE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. **BUMPERS**. Mr. President, the notice announcing the subcommittee's Montana wilderness hearings which appeared in the RECORD on Thursday, February 25, listed one of the bills to be heard incorrectly.

The two measures to be considered at the hearings on March 21 and 22 are H.R. 2090 and S. 1478, bills to designate certain National Forest System lands in the State of Montana for release to the forest planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System, and for other purposes.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. **BYRD**. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Friday, February 26, 1988, to hold hearings on the nominations of Frank Schwelb to be associate judge of the D.C. Court of Appeals, and Cheryl Long to be an associate judge of the D.C. Superior Court.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. **BYRD**. Mr. President, I ask unanimous consent that the Committee on Foreign Relations jointly with the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, February 26, to receive a briefing from administration officials on the Contra aid program.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. **BYRD**. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, February 26, to hold a hearing on Intelligence matters.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. **BYRD**. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, February 26, to conduct a hearing on the use of the Interstate Highway System right-of-way for magnetic levitation high-speed transportation systems.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. **BYRD**. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on February 26, 1988, to hold a hearing on S. 1515, attorney fees; S. 1515, injunctive relief; and section 614 of S. 1482, Judicial Branch Improvement Act of 1987.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL ARBOR DAY

● Mr. **BRADLEY**. Mr. President, I am pleased that the Senate will consider today a joint resolution to designate the last Friday in April of 1988 as National Arbor Day. Fifty-one Senators have joined me as cosponsors in this effort.

For many years, Congress has legislated, and the President has proclaimed., "The Last Friday in April" as National Arbor Day. The legislation we are considering would continue this special recognition in 1988.

Our Nation's trees are one of our most important natural resources. Trees not only provide the raw materials for some of our basic industries, they stabilize our environment and they also provide natural grace and beauty to our lives. The observance of a National Arbor Day will provide an important reminder to all our citizens to appreciate and protect this vitally important natural resource.

The importance of this natural resource should compel us to act promptly on the problem of forest decline. Scientists have observed growth declines, serious damage and death of a number of species of trees in large areas of Europe and the eastern United States.

In the United States, damage to forests has ranged from decline in growth of several species of pines in southern New Jersey to widespread damage to the Ponderosa pine in southern California. A number of other coniferous species have experienced growth decline in an 11 State region extending from Maine to Alabama.

While forest damage is well documented, the scientific debate continues as to the exact causes. Several causes have been hypothesized including such factors as aluminum toxicity, magnesium deficiency, ozone damage, excess nutrients, and general stresses such as drought or insect infestation. Even though the mechanisms are as yet unclear, the role of air pollution in general and acid deposition in particular seem directly related. Research efforts have indicated that nitrous oxides may play an equal or greater role than sulfur oxides in damaging forests.

America's history is different than that of Europe. Our land sets us apart: its size, its diversity, its wilderness, its riches. And America's expansive spirit is based on our expansive lands. The land offers a sense of permanence. The land also connects us to our own history as an American people. And the land is our teacher—teaching us the value of what cannot be bought or sold, traded or exchanged.

Because of our concern about the land and damage to our forests and trees, we annually designate National Arbor Day to take special note of the importance of trees. ●

BICENTENNIAL MINUTE

FEBRUARY 26, 1954: SENATE REJECTS THE BRICKER AMENDMENT

● Mr. **DOLE**. Mr. President, 34 years ago today, on February 26, 1954, the Senate defeated what was known as the Bricker amendment to the Constitution.

The impetus for the amendment came from Ohio Senator John Bricker's fears that international agreements such as the United Nations' human rights agreement would supersede American laws and even the Constitution. Section 1 of the Bricker amendment provided that "A provision of a treaty which conflicts with this Constitution shall not be of any force or effect," and section 2 stipulated that "A treaty shall become effective as internal law in the United States only through legislation which would be valid in the absence of a treaty." However it was section 3 that most disturbed the Eisenhower administration, which considered the language that "Congress shall have power to regulate all executive agreements" as binding the President's hands in making foreign policy.

President Dwight Eisenhower and Secretary of State John Foster Dulles strenuously opposed the Bricker amendment. Since 63 Senators had already endorsed the amendment, the administration decided against trying to defeat the measure outright, and instead sought a more tolerable substitute. Thus the measure that the Senate voted for was not the Bricker amendment in full, but a revised version submitted by Senator Walter George of Georgia, that embraced only the first two sections of the amendment. Senator Bricker's amendment was defeated on February 25 by a vote of 50 to 42. The next day, Senator George's amendment came up for a vote—but the administration, after having encouraged Senator George, now withdrew its support on the grounds that even this compromise measure would seriously weaken the Presidency. On February 26, the substitute amendment fell just one vote short of passage.●

CENTRAL ARIZONA PROJECT, "MODIFIED PLAN 6"

● Mr. **DeCONCINI**. Mr. President, I want to take this opportunity to thank our very able and distinguished chairman of the Subcommittee on Energy and Water Development, Mr. JOHNSTON, and the ranking minority member, Mr. HATFIELD, for all of the assistance they have provided over the years in finding the funds necessary to get some very important energy and water projects in my State of Arizona, underway. In particular, Mr. President, I want to express my appreciation to these fine gentlemen for their continued understanding and support for the completion of the central Arizona project, including all plan 6 components.

This has been a very unique year for the central Arizona project. The aqueduct itself is on a steady course and completion to the Tucson metropolitan area is expected by 1991. Approximately 25 miles of unfinished work remains. For plan 6 in the Phoenix metropolitan area, a $32 million contract has just been let by the Bureau of Reclamation for work on New Waddell Dam. And, with the $230 million included in the bill pending before this body, I am confident the Bureau will be able to maintain its progress toward completion of the project according to the existing time schedules. Important safety of dams work at Stewart Mountain and Roosevelt Dams are funded to the Bureau's capability in the bill so that critical safety of dams work will continue as well in fiscal year 1988.

Included in the pending legislation is a provision which modifies plan 6 and resolves once and for all the 10-year controversy over a suitable alternative to Orme Dam. That provision, Mr. President, is the result of amiable negotiations between environmental interests and the Arizona congressional delegation. Cliff Dam, an important water conservation, flood control, and safety of dams structure that was to be constructed on the Verde River, will not be built. In its place, the benefits Cliff would have provided will be carried forward by safety of dams repairs to Horseshoe and Bartlett Dams; acquisition of water rights within the State of Arizona to replace the yield lost by the elimination of Cliff; and flood control to be determined by investigations conducted by the Bureau of Reclamation and the U.S. Army Corps of Engineers.

The decision to eliminate Cliff Dam from plan 6 and authorize alternative projects, which provide benefits similar to those that would have been provided by Cliff, was not made lightly by the Arizona congressional delegation. All of us would have preferred to have kept Cliff Dam alive. However, in the interest of insuring that the important benefits of other plan 6 components proceed on schedule, we felt it was in everyone's best interest to put Cliff behind us and authorize alternatives. We have accomplished that goal, Mr. President.

Inherent in a process of negotiated agreements are misunderstandings that need clarification. I would like to take this opportunity, Mr. President, to clear up several very important issues. The first relates to a statement made on the floor of the House of Representatives by Congressman UDALL, regarding the definition of the Verde River. Mr. UDALL stated that "it is understood that the term "Verde River" in this provision is intended to include the Salt River from its confluence with the Verde though the city of Phoenix." This statement, Mr. President, was intended to clarify that for the purposes of studies to determine a comprehensive flood control solution for the Phoenix metropolitan area, reference to the Verde River for flood control only was meant to take in review of the Salt River downstream from the confluence of the Verde and Salt Rivers. There was never any intention on the part of the Arizona congressional delegation to redefine the Verde River. In the context of flood control, it was merely used as a means to convey the intention of the sponsors of the amendment for the flood control investigations by the Bureau of Reclamation and the U.S. Army Corps of Engineers.

The second clarification concerns the purpose of limiting the scope of the Bureau of Reclamation and the Corps of Engineers study to determine the flood control fix at Horseshoe and Bartlett Dams. The CAWCS studies which provided the basis for plan 6 as the suitable alternative to Orme Dam, was the result of 4 years of intensive study in the Phoenix metropolitan area. Much of the information collected from those studies is still relevant to any future flood control determinations. For this reason, both agencies have been directed to make use of relevant existing data in the determination of flood control needs. Obviously, any new information based on physical changes must be taken into consideration by both the Bureau of Reclamation and the Corps of Engineers in the studies authorized under the amendment in H.R. 2700. In fiscal year 1988, $500,000 has been provided to the Bureau of Reclamation, in conjuction with the Corps of Engineers, to undertake flood control studies at Horseshoe and Bartlett Dams. Those studies are anticipated to be completed in about 12 months. At that point, an additional $450,000 will be needed specifically for the Corps of Engineers to identify remaining flood control needs. In fiscal year 1989, if sufficient funds have not been requested by the administration for the corps' upstream-downstream studies, I intend to offer an amendment to the fiscal year 1989 bill for this purpose.

Such modifications to Roosevelt Dam on the Salt River will proceed with no change as a result of this agreement, there is no need to restudy the Salt River upstream from Roosevelt Dam or from Roosevelt Dam down to the confluence of the Salt and Verde Rivers. Roosevelt Dam will be built under the same terms and conditions as intended under the original plan 6 record of decision. The flood control protection that will be provided by Roosevelt Dam should be recognized by both agencies in their review of the need for remaining flood control in the Phoenix metropolitan area.

The next clarification I would like to make, Mr. President, is in reference to the safety of dams modification report to be prepared by the Bureau of Reclamation for Horseshoe and Bartlett Dams. In the Senate report, the committee has earmarked $1 million from the central Arizona project water development activities for the Bureau to initiate a safety of dams modification report for Horseshoe and Bartlett Dams. This action was necessary to expedite safety or dams repairs to protect the structural integrity of these two structures on the Verde River. Without Cliff Dam, safety or dams repairs at Horseshoe and Bartlett Dams must be completed. The separate account for the Safety of Dams Program under the cap does not reflect the $1 million increase for these two structures. It should, Mr. President, and I hope to address this issue during the conference on H.R. 2700. This oversight should not be construed as any intention to fund safety of dams activities under the authority of the central Arizona project.

On a related matter, Mr. President, committee report language identifies incidental flood control benefits that were provided by Horseshoe and Bartlett Dams in 1978, 1979, and 1980. However, there is no intention on the part of the sponsors of this language to authorize the use of safety of dams funds for any additional flood control at these structures as an outcome of the Bureau of Reclamation and Corps of Engineers flood control studies.

Finally, with reference to the authority given the Secretary of the Interior to acquire water to replace a yield up to 30,000 acre feet that Cliff Dam might have provided, while there is no language either in the amendment or in the report language requiring cost sharing, which is applied to newly authorized water supply projects, it must be noted that under the terms of the agreement, the modified plan 6 will be subject to the same cost-sharing arrangements authorized under the Colorado River Basin Project Act of 1968. The agreement to eliminate Cliff Dam did not alter repayment provisions that otherwise would have applied to Cliff Dam under current law. Because Cliff Dam was part of an already authorized project, the Central Arizona project, the cost sharing required for new municipal and industrial water supply will not be applied to the Cliff alternatives.

However, it is anticipated that the contributions made to the supplemental cost-sharing agreement will be applied to the costs of the acquisition of

the replacement water. The agreement we have entered into on the modified plan 6, Mr. President, is unique and is not intended to set a precedent for other, newly authorized water supply projects. The water supply provision contained in the agreement does not authorize the construction of any new Federal conservation storage features on the Verde River. Instead, it simply provides authority to the Secretary of the Interior to acquire water rights for municipal and industrial purposes.

I want to thank those individuals in the environmental community who have been very professional, thoughtful and straightforward in their approach to resolving the Cliff Dam controversy. The constructive efforts of Liz Raisbeck, David Conrad, Ed Osann, and Bob Witzeman are sincerely appreciated. I also want to express my personal thanks and appreciation to Peter Hayes of the Salt River project who made significant contributions in helping us achieve a responsible compromise. Mr. President, I ask that the "Statement of Principles" entered into by the Arizona congressional delegation and representatives of the National Coalition to Stop Cliff Dam be made part of the RECORD immediately following my remarks.

Finally, I think it is necessary to point out that any Senate modifications to the plan 6 provision as passed by the House of Representatives supplement the understandings laid out by Congressman MORRIS K. UDALL when H.R. 2700 was considered earlier this year by the House. The modifications made in the Senate bill are consistent with the original "Statement of Principles."

In closing, Mr. President, I also want to express my appreciation to the subcommittee staff, Proctor Jones, David Gwaltney, and Stephen Crow. They have all been very helpful in ensuring that Arizona energy and water projects have been given every possible consideration.

The statement follows:

STATEMENT OF PRINCIPLES ON THE ARIZONA CLIFF DAM SETTLEMENT, JUNE 18, 1987

1. Language in the FY 1988 Energy and Water Appropriations Act will state that no further funds will be appropriated for the study or construction of Cliff Dam, and that Plan Six without Cliff Dam is deemed to constitute a "suitable alternative" to Orme Dam within the meaning of the Colorado River Basin Project Act of 1968.

(This prohibition includes funds appropriated under the Reclamation Safety of Dams Act, as well as the Lower Colorado River Basin Project Act of 1968.

Funding will continue for Verde River fish and wildlife studies now under way as a result of the 1985 U.S. Fish and Wildlife Service biological opinion).

2. The organizations comprising the National Coalition to Stop Cliff Dam (hereafter "Coalition") agrees not to oppose funding in Fiscal Year 1988 and succeeding years for the construction of remaining features of Plan Six—New Waddell Dam, Modified Roosevelt and Modified Stewart Mountain Dams—provided that Cliff Dam or similar conservation storage reservoirs on the Verde River, federal or non-federal, are not a part of Plan Six, the Central Arizona Project generally, or any other plan.

(Remaining elements of Plan Six will be implemented in accordance with applicable environmental statutes.

There is a continued commitment by all parties to implement a fish and wildlife mitigation plan that will fully offset the loss of habitat values to riparian and wetland communities resulting from the construction of the balance of Plan Six elements).

3. The Coalition agrees to terminate its lawsuit against Cliff Dam and Plan Six without prejudice, upon agreement by the Secretary of the Interior to modify his decisions of April 3, 1984, and May 20, 1986, to remove Cliff Dam from the approved plan for the CAP.

The Coalition further agrees not to contest the adequacy of the Final Environmental Impact Statement as it pertains to all Plan Six features other than Cliff Dam.

4. The Arizona Congressional delegation agrees, upon termination of the lawsuit, to declare its intention not to pursue any future funding for Cliff Dam or similar water conservation storage feature on the Verde River.

5. The Coalition agrees to support Congressional appropriation of funding under the authority of the Reclamation Safety of Dams Act to complete safety-related improvements at Horseshoe, Bartlett, Modified Roosevelt and Modified Stewart Mountain Dams.

(Existing Safety of Dams Modification Reports for the Salt River Project Dams will be amended to remove Cliff Dam and to identify corrective measures for Bartlett and Horseshoe. Such measures will be subject to compliance with the National Environmental Policy Act and consultation under the Endangered Species Act, as appropriate.)

6. The parties agree that additional flood control measures may be needed on the Verde River and that the addition of flood control measures at Bartlett and/or Horseshoe Dams may be required to meet such needs. The parties agree to ask the U.S. Army Corps of Engineers to undertake studies to determine and identify appropriate flood control solutions on the Verde River. The parties further agree that once the studies are completed and flood control alternatives identified, the parties will work together to effectuate an appropriate flood control solution which is consistent with applicable environmental laws, to protect the people and property of the Phoenix Metropolitan Area from flooding.

7. The Arizona Congressional delegation and the Department of the Interior are committed to ensure that the Valley cities will secure water supplies necessary to replace the water yield that otherwise would have been provided by Cliff Dam and flood control consistent with the previous paragraph. The delegation has obtained a commitment from the Secretary of the Interior and the Commissioner of Reclamation to do all within their authority to assist in identifying sources of such water for the cities and for the purposes of settling the water rights claims of the Salt River Pima Maricopa and Fort McDowell Indian Communities.●

SOCIAL SECURITY MAILING SCAMS

● Mr. **BOSCHWITZ.** Mr. President, I'd like once again to talk briefly today on a subject that deeply concerns me. It is unfortunate, but it is true that there are organizations here in Washington, and across the country, taking advantage of Social Security recipients. It is nothing new. For years, direct mail con artists have capitalized on the hopes and fears of our citizens regarding Social Security.

There is no question that for many retirees, Social Security benefits mean the difference between a decent standard of living and poverty. The fact is, Social Security is a life line for many, and the health of the system is vital. That is why whenever anyone says that Social Security is in trouble, people get worried.

Since participating in the 1983 reform of Social Security, I have taken a personal interest in the continuing health of the Social Security system. Most recently, I have spent a great deal of my time traveling around Minnesota with a single, but extremely important message: "Social Security is not in trouble. It is safe and sound, and will be around for you and me, for your children and your grandchildren." The fact is, the Social Security fund is flush—at about $70 billion—and will continue to grow well into the next century.

But what I am concerned about today are mailings from con artists trying to take advantage of citizens who have a stake in Social Security—that's almost every citizens of our country. I have been asking my constituents in Minnesota to send along any mailings they have received from organizations which profess some connection with the Social Security Administration.

And what a collection I've received. Of course we all know about the organization run by the son of the President who founded Social Security. His mailings are full of conflicting and confusing messages—they've recently been saying things like "we can't let politicians touch the Social Security fund" and then advocate transferring Social Security funds to Medicare, or to increase a certain group's benefits. And they are pretty bold—and dishonest—they print my name on their letters; they even spell it right. Some of my constituents have written wondering why I support this bunk. I do not. But the mailings make it look like I do.

On May 29, 1987, I included a mailing in the RECORD from a group called the Social Security Protection Bureau. For $7 they offer a record of Social Security earnings, an insurance policy for Social Security cards should they be stolen, a stake in a $50,000 Social Security sweepstakes, and a mystery gift. One of my constituents took them up on this offer. She just sent me her winnings in the sweepstakes—a check for 7 cents. The mystery gift was a small discount with a car-rental firm. The Social Security Protection Bureau can't be reached. Their mailing address is a post office box.

My constituents have also sent mailings from organizations which will check on Social Security records for a fee—playing on the fears that the Social Security Administration makes mistakes. I'll admit that sometimes they do, but the mailing implies that our citizens have no way to check on these facts themselves—although you and I know that they can simply call their local Social Security office. Other mailings have offered—again for a fee—the service of filling in the application form for Social Security numbers in order to "expedite" the application process. That claim is utterly absurd.

What all these mailings have in common is official-sounding names and letterheads. They all imply a special connection with Social Security. And that is what I am getting to here. I have introduced a bill, S. 1469, which would go a long way in clearing the air regarding these organizations. My bill would bar the use of the words "Social Security" and "Social Security Administration" by any commercial venture or fundraising drive without the consent of the Social Security Administration.

My bill is based on a similar restriction which protects the Unites States Olympic Committee. In a ruling on June 25 of last year, the Supreme Court upheld the Olympic Committee's right to restrict the use of its name and logo in San Francisco Arts and Athletics, Inc. versus the United States Olympic Committee.

I encourage my fellow Senators to support me on S. 1469 so that we can clear the air in regard to Social Security, and give our citizens, especially our seniors, relief from the false rumors and confusion created by these mailing scams.●

NATIONAL TUBEROUS SCLEROSIS AWARENESS WEEK

● Mr. DIXON. Mr. President, I rise today to urge my colleagues to approve Senate Joint Resolution 212, a joint resolution to designate the week commencing May 8, 1988, and ending May 14, 1988, as "National Tuberous Sclerosis Awareness Week."

Tuberous sclerosis [TS] is a genetic disorder which is frequently misdiagnosed and poorly understood. It affects as many as 1 in 10,000 Americans.

The characteristics of TS include mental retardation, seizures, skin markings, motor difficulties, tumors of the brain and other organs, and behavioral abnormalities. In its extreme form, TS is disabling and may be life threatening.

I believe that the approval of this resolution will heighten public awareness and stimulate further research of TS.

Mr. President, I want to thank the 53 cosponsors of this joint resolution, and I urge my colleagues to vote for its immediate approval.●

FINANCIAL SERVICES

● Mr. GARN. Mr. President, two statements came out this week that are important to the current debates on banking legislation. These statements are important because they come from the users of financial services.

Too often Congress focuses on turf battles among commercial banks, investment banks, insurance companies, and other providers of financial services. Our real concern, however, should be the impact of the laws we pass on the consumers of financial services.

The National Association of Manufacturers has adopted a policy statement in support of Glass-Steagall reform. The NAM has no doubt that allowing bank holding companies to compete in the underwriting of corporate debt and equity will lower the cost to manufacturers of raising funds.

Twenty-four consumer groups wrote to the Senate Banking Committee this week opposing any amendment by Congress to limit the ability of State legislastures to authorize their own State-chartered banks to sell insurance. These consumer representatives have no doubt that the consumers they represent will benefit from lower costs if there were more competition in the insurance industry.

Mr. President, I ask unanimous consent that the messages from the NAM and the consumer groups be included in the Record at this point.

The material follows:

Board of Directors Meeting

Marriott's Marco Island Resort,
Marco Island, FL, February 4–6, 1988.

Committee: Corporate Finance and Management.

Chairman: John T. Hartley, Chairman, President and Chief Executive Officer, Harris Corporation.

Subject: Financial Marketplace Restructuring.

Committee Recommendation: Adoption of Policy Language.

NEW POLICY LANGUAGE

Under Glass-Steagall and similar legislative and regulatory restrictions, the financial industry and markets have been closely regulated and such constraints have served a purpose. However, economic developments in both domestic and international markets have changed the appropriateness of such constraints.

There is a need for more competition. This will stimulate new and innovative services and produce lower costs in the financial markets. As users of financial services, manufacturers have borne additional cost because of artificial constraints.

We resolve it is no longer necessary to have artificial and anticompetitive barriers between sectors in the financial markets. It is time for a review and reform of the laws that have constructed such barriers. Such reforms should promote competition that would be beneficial to manufacturers, regardless of size.

As Approved by the NAM Board of Directors, February 5, 1988.

February 22, 1988.

Dear Senate Banking Committee Member: We understand that, when the Senate considers proposed legislation dealing with the Glass-Steagall Act, an unrelated amendment may be offered to severely restrict the authority of state legislatures to authorize insurance activities for state chartered banks controlled by bank holding companies. We strongly oppose any such amendment.

Such federal preemption of state legislative discretion would be unfortunate. Many important consumer advances in financial services have originated when the states have fulfilled their role as laboratories for change. A preemption amendment would foreclose such experimentation.

Allowing banks to engage in insurance activities could bring much needed competition to the insurance industry. In addition, because banks have the potential to be more efficient in providing insurance, allowing banks to enter the insurance business could reduce the cost of insurance and force the insurance industry to become more efficient. Insurance competition from banking organizations with appropriate safeguards could benefit consumers. Such safeguards should include broadened disclosure, anti-tying, and new mechanisms for disseminating information and educating consumers. Importantly, recently enacted and proposed state legislation links bank insurance entry with new consumer protections.

Congress has already taken the unfortunate step, in the recently enacted Competitive Equality Banking Act, of restricting expansion of savings bank life insurance (SBLI) beyond states in which it is currently offered, despite numerous surveys which have found that SBLI offers one of the best life insurance values available to consumers. Any further federal preemption, particularly absent exhaustive Congressional hearings exploring inadequacies in the present insurance distribution and underwriting system, would be an ill-advised step detrimental to the interests of millions of Americans.

We urge you to reject any amendment that would restrict the insurance activities of state chartered banks, including those controlled by a bank holding company, within their respective states.

Sincerely,

Stephen Brobeck, Executive Director, Consumer Federation of America; Michelle Meier, Government Affairs Counsel, Consumers Union; Stephen Glaude, Executive Director, National Association of Neighborhoods; J. Robert Hunter, President; National Insaurance Consumer Organization; Jonathan A. Brown, Director, Bank Watch; Michael Waldman, Legislative Director, Public Citizen's Congress Watch; Ohio Consumers Association; Oregon Consumers League; Michigan Citizens Lobby; Idaho Consumer Affairs, Inc.; Consumer Action—San

Francisco; Louisiana Consumers League; Alaska Public Interest Research Group; Wisconsin Consumers League; Texas Consumers Association; Virginia Citizens Consumer Council; Concerned Consumers League of Milwaukee; American Council on Consumer Awareness; Niagara Frontier Consumers Association; North Carolina Consumers Council; Consumer Affairs Association—Kansas; Pennsylvania Citizens Consumer Council; Association of Massachusetts Consumers; New York Consumer Assembly.●

LAW DAY SALUTE TO THE AMERICAN POLICE OFFICER

● Mr. HOLLINGS. Mr. President, I rise to speak in support of Senate Joint Resolution 227, a resolution of respect and gratitude to America's law enforcement personnel. May 1, Law Day, is the day we set aside annually to salute our judicial system. That is fine as far as it goes. But I have always believed that it doesn't go far enough.

By all means, let us salute the work of our judges and attorneys and law students. However, bear in mind that law does not begin or end in the courtrooms or in the law schools. Law's presence is perhaps even more immediate and profound on the policeman's beat, in the precinct station, and in the jailhouse.

Accordingly, I am sponsoring this resolution to expand the focus of Law Day to give special recognition of our Nation's constables, sheriff's deputies, troopers, patrolmen, officers, and detectives—the men and women who walk the beats, patrol our roadways, and daily risk injury and death protecting the citizens of this country.

Mr. President, 60 police officers were killed last year in the line of duty; another 64,259 were shot or otherwise assaulted or injured. Of course, we all honor the brave dead. But let me be clear: First and foremost, this resolution is a salute to the living. It is in recognition of the daily service of law enforcement officers who are devoted to their jobs, too often underpaid, tireless in their exertions, models of professionalism under great stress and frequent danger.

Truly, these men and women stand as the first-line defense of our laws and of our civil order. America owes them an incalculable debt—a debt not of dollars, but of gratitude and deep respect. Accordingly, it is an honor to sponsor Senate Joint Resolution 227, and to encourage my colleagues' support for this long-overdue bill.●

U.S./CANADA FREE TRADE AGREEMENT OIL AND NATURAL GAS INCENTIVE EQUALIZATION ACT OF 1988

● Mr. WALLOP. Mr. President, I am pleased to join Senator Domenici and others in supporting the U.S./Canada Free Trade Agreement Oil and Natural Gas Incentive Equalization Act of 1988.

This proposal, Mr. President, is really nothing new. The package containing these reforms to the U.S. Tax Code for the oil and gas industry has a different twist to it this time. No matter how any of these oil and gas regulatory constraints and tax disincentives are wrapped, tied, and packaged, all of these reforms have long been overdue. Let me just name a few: repeal of the windfall profits tax, reform of the percentage depletion allowance, and the elimination of the net income limitation rule. This legislation is not so much aimed at Canada, but at ourselves. These are our problems created by our Government.

The purpose of this bill, as Senator Domenici has stated, is to conform the stated intent of the U.S./Canada Free Trade Agreement with the realities of the oil and natural gas marketplace in North America. Mr. President, those realities in America are tax disincentives and overly burdensome regulatory requirements on our oil and gas industry. I, for one, have not yet made a decision as to how I will eventually vote on the U.S./Canada Free Trade Agreement because I want to continue gathering information about what kind of impact this agreement may or may not have on my State of Wyoming. I am concerned, however, that because of both our heavy handed tax structure and regulatory burdens, America's oil and gas industry is far from being on an equal footing with Canada, or any other producing nation for that matter.

Mr. President, I have heard from constituents who have expressed concerns about this agreement's perceived impact on Wyoming's oil and gas industry. There is good reason for their concern but it exists with or without the agreement. Wyoming ranks fifth in the Nation in proved reserves of crude oil and seventh in natural gas reserves, and in 1986 we ranked sixth in the Nation in crude oil production and seventh in natural gas production. Wyoming, like other producing States, has seen its proved reserves of natural gas and crude oil plunge 18 and 8 percent, respectively, from last year. We have seen our production decline at somewhat a slower pace, but decline all the same from 14 percent for natural gas and 10 percent for crude oil from 1985.

The good news was that drilling rig activity in Wyoming did show an increase in 1987 over 1986. The average monthly rig count was 40 for the year, compared to 36 in 1986—an increase of 11 percent. The bad news is that the 1986 monthly average rig count of 36 established a new postwar record low.

What this means, Mr. President, is that the economy of my State suffers when the oil and gas industry suffers. Despite the declining production, the industry remains one of the largest providers of income to the State through property taxes, severance taxes, and royalties. In fiscal year 1987, the oil and gas industry contributed over $546 million to the coffers of State and local governments, more than $1,200 for every person living in Wyoming. Once again, I will join with my colleagues from producing States, as I have in the past, to remove our oil and gas production and exploration disincentives.●

NOTICE OF CHANGE OF DEADLINE FOR 1988 CONGRESS-BUNDESTAG STAFF EXCHANGE APPLICATION

● Mr. LUGAR. Mr. President, at this time I want to call attention to those Senate staff applying for the 1988 Congress-Bundestag Staff Exchange Program. Applications and résumés should be submitted to John Parisi, Senate Governmental Affairs Committee, 346 Dirksen Senate Office Building; or Bill Inglee, House Foreign Affairs Committee, 808 House Office Annex No. 1, no later than Friday, March 11, 1988. I call attention to the change in date. I thank the Chair for allowing me this chance to correct the date.●

RELEASE OF NAUM MEIMAN—A REALITY

● Mr. SIMON. Mr. President, I am pleased to announce that today is the final time I will be inserting a statement into the Congressional Record on behalf of Naum Meiman. As of today, Naum is in Vienna in the company of Ambassador Warren Zimmerman.

After far too long, Naum is finally going to be able to live his life in freedom. The personal cost to him has been extreme: the death of his beloved wife, Inna, and 13 wasted years. It's difficult to understand exactly what value the Soviet Union finds in creating this kind of situation. The Soviet Union could greatly enhance its credibility if, as a cosignator of the Helsinki accords, it would abide by its provisions. The Soviets would be wise to comply.

However, today everyone who worked so hard for Naum's release can rejoice. Both I and the members of my staff wish Naum the best in his new life in Israel.●

IN SUPPORT OF THE ACT FOR BETTER CHILD CARE

● Mr. LEAHY. Mr. President, I rise today to support the Act for Better Child Care, S. 1885. This bill was introduced by Senator Dodd to address the child care crisis that the United States is now facing. This legislation will go a long way in making child care more affordable for low- and moderate-income families. Not only will the legislation increase the number of child care facilities but it will set standards for quality so that our young children will receive the excellent care they deserve.

In Vermont, we have over 43,000 children under the age of 6. Furthermore, Vermont has the second highest percentage of mothers who participate in the work force—almost 64 percent. For these reasons, the need for more, high quality child care centers is a particularly great concern to myself and my constituents.

I am concerned that the cost of the program not contribute to the Federal deficit. I have discussed the fiscal aspect of the legislation with its author, the distinguished Senator from Connecticut, and I am convinced we can find ways to control costs and make the program affordable.

I compliment Senator Dodd on this comprehensive legislation. The United States is one of the only industrialized countries in the world that does not uniformly regulate and promote quality child care. It is therefore imperative that we act now to pass this very important legislation to correct this problem. I believe that better child care is the cornerstone to the social and economic well-being of our country.●

HONORING DAVID R. MARASUS

● Mr. LEVIN. Mr. President, David R. Marasus has been selected the 1988 Lutheran Layman of the Year by the Lutheran Luncheon Club of Metro Detroit. David Marasus is a member of Ascension of Christ Lutheran Church in Birmingham, MI. He is engineering group manager in the Door Systems Group of Fisher Guide Division, General Motors Corp.

David Marasus was born and raised in Detroit and attended Mackenzie High School. He graduated from the Ternstedt Division, General Motors Cooperative apprenticeship training program, as a journeyman tool and diemaker; and has a B.S. degree from Wayne State University.

He has served Ascension of Christ for the past 19 years as organist and choir director. He has organized choral groups within the church. In addition, he served on many committees, such as worship committees, and as chairman of the call committee. He was delegate to the English district convention for two terms. His service to the church has included Our Savior's Lutheran Church in Madison Heights, and Unity Lutheran Church in Detroit where he was organist and choir director.

He is currently the Director of the Lutheran Choralaires, membership chairman for the International Lutheran Laymans League, active member in the American Guild of Organists, Lutheran Church Musicians League, and the Lutheran Luncheon Club.

He has also served the community through his activity as a board member of the Rochester Symphony, director of the Walther League Choral Union, and through the annual scholarship fundraiser for the Lamphere School District in Madison Heights. He is a past president of the Wayne State Men's Glee Club and past representative fundraiser for the United Foundation Torch Drive.

David and his wife Colleen have three daughters: Jody, Amy, and Kristy. I congratulate them all on David's selection of Lutheran Layman of the Year.●

FRAUD OF THE DAY—PART 30

● Mr. HEINZ. Mr. President, several days ago my fraud of the day concerned coffee, a drink that can be bitter without the proper sweeteners. Appropriately, therefore, today's fraud is about the most significant sweetener—sugar. It is a sad fact of life that the fruits of criminal activity are inevitably not sweet, particularly for the victims, and leave a bitter taste in the mouth of justice until such criminals are caught and punished. Unfortunately, when the criminal activity also extends to sweeteners, you know our country has real problems.

Today's customs fraud case dealing with sugar imports and exports led to the conviction of 22 corporations and 20 individuals after 3 years of investigation by the U.S. Customs Service. In 1984 individuals and corporations begin to abuse drawback claims affiliated with sugar refineries. Centered in New Orleans and Miami, the perpetrators would claim to export sugar products in order to collect a 99-percent refund of the duties paid on imports of raw sugar. Instead, the shipments of sugar products turned out to be grains, flours, or nothing at all.

Fortunately, the U.S. Customs Service, in a joint operation with the U.S. Department of Agriculture, received ample information from confidential sources in the sugar industry in order to compile evidence and make the indictments. "Operation Bittersweet" concluded last year and eventually assessed $22.5 million in fines after the convictions.

This case typifies the temptation to commit fraud in "high risk" categories, where special import relief or protection is in place. Obviously, the risk and cost of getting caught far outweighs the benefit of avoiding payment of a small routine duty. It is in those categories where a special regime is in place that the incentive to commit fraud is the greatest—and the injury such fraud causes is also the greatest, since these are primary import-impacted areas.

Mr. President, we need a greater disincentive to such illegal practices, such as that contained in the private right of action provision.●

PROBING THE NORIEGA DRUG CONNECTION

● Mr. LEVIN. Mr. President, recent revelations indicate that our erstwhile ally, Panamanian strongman Manuel Noriega, may well have been a major conduit for drugs entering the United States. The administration finally has reached the point where it is unwilling to close its eyes to the charges against Noriega.

As always, there have been a few brave individuals who have doggedly pursued the trail of wrongdoing, refusing to cave in to the political pressures that are always brought to bear in such investigations.

My colleague from the Commonwealth of Massachusetts, Senator John Kerry, has been subjected to those kinds of pressures. He had the courage to initiate an investigation into the question of drugrunning from Central America into the United States.

An article by associate editor Robert Healy in the February 26 edition of the Boston Globe accurately portrays the difficulties and obstacles faced by Senator Kerry, along with the convoluted dealings of Oliver North, Elliott Abrams, and some of the other lead characters in this episode.

Mr. Healy has employed his usual concise and direct style in commenting on Senator Kerry's efforts. I commend his column to my congressional colleagues and to the public, and ask that it be printed in the Record.

The column follows:

[From the Boston (MA) Globe, Feb. 26, 1987]

Probing the Noriega Drug Connection

(By Robert Healy)

Washington.—After the Senate hearings on drug-running from Central America, Assistant Secretary of State Elliott Abrams approached the Senate Foreign Relations Committee with an offer: If Panamanian dictator Manuel Noriega left the country, would that satisfy the committee and would it suspend the hearings.

Abrams denies this for the record, but it is not the first time he has lied about what he has done before congressional committees.

What it shows is the enormous political and international stakes involved for the Reagan administration.

From the beginning of this investigation, which was initiated in the Senate Foreign Relations Committee by Sen. John Kerry (D/Mass.), Kerry and his staff were threatened, discredited, blocked and subjected to a campaign of disinformation by the administration.

Kerry never blinked. Though a freshman senator—and freshmen senators are always suspect in the club when they get too far out in front of the members—Kerry proceeded with great diligence. When he developed good information on the drug-running, he offered to turn it over to the House and Senate committees investigating the Iran-contra affair. He was not going to be accused of showboating in his investigation. The senior member of the Senate Foreign Relations Committee—Claiborne Pell (D-R.I.), the chairman, and Joseph Biden (D-Del.)—told him to go ahead and pursue his own independent hearings when the Iran-contra chairmen told him they already had a plateful.

There is political dynamite in these hearings. Vice President George Bush has the greatest immediate stake. But there are others—National Security Council aide Oliver North, the NSC's Adm. John Poindexter, and Attorney General Edwin Meese.

North knew what Kerry was doing in the Senate by leaks from the Republican staff members of the Foreign Relations Committee, one of whom went to work for North at the NSC. Kerry's name is mentioned 18 times in the North diaries now in Senate investigators' hands.

Meese showed his hand in the probe in Miami by US Attorney Jeffrey Kellner, who had begun an investigation of arms and drug trafficking from Central America to the United States in 1986. After briefing Meese on the case, Kellner was told to sidetrack the investigation because of political considerations. In the most ironic twist, Kellner began an investigation at the request of John Hull, one of the CIA's main operators in Costa Rica, of witnesses who had given information to Kerry and of the Kerry staff itself.

Then there was the personal attack against Kerry. A report in The Washington Times—a favorite outlet for Meese's disinformation—said Kerry had hindered the FBI's investigation into drug-running by offering witnesses incentives to testify. Sources in the story questioned Kerry's findings in his report of last October. An unidentified source was quoted as asking: "Were Kerry's actions illegal? Probably not." The source, who was asking and answering his own questions, continued: "Did they violate procedural ethics? I would say so."

In the October report, there are 24 allegations. Twenty have already been proved in the hearings, which will resume in April when the case will be made for the remainder. Kerry has been very careful.

What has been proved is important for the country to know.

First, money from putting drugs on US streets was used to support the contras, the rebels fighting to overthrow the government in Nicaragua.

Second, the CIA's operation of providing weapons to the contras was an integral part of getting drugs from Central America to the United States—the planes that went into Central America loaded with arms came back, under the cover of the CIA, loaded with drugs.

Third, the US supported the leaders of these drug operations, including Noriega, who was paid $200,000 a year by the CIA—the same salary as the president of the United States.

As one Senate staffer put it, "Guns and drugs go together."

The piece not yet in place is whether Reagan, Bush, Secretary of State George Shultz, Abrams, North and Poindexter knew that the tradeoff for selling drugs was support for the contras by the drug dealers of Central America.

One thing is certain—the evidence thus far shows that if the Reagan administration leaders did not know, they chose to shut their eyes to it. They should have known.

US citizens have been so battered and bruised by scandal that there is no longer a sense of outrage. But this one should be clear. Nothing justifies the corruption of the nation with a drug deal. And that is what was done in this operation. The nation should rise up in fury.●

THE 25TH ANNIVERSARY OF THE JEWISH COMMUNITY HOUR RADIO SHOW

● Mr. SIMON. Mr. President, the Jewish Community Hour, a Chicago area weekly radio show, recently celebrated its 25th anniversary. This milestone was celebrated throughout the Chicago area during the week of February 14, 1988, which was named Jewish Community Hour Week by the cities of Chicago, Evanston, and Skokie. The Honorable Jim Thompson, Governor of Illinois, awarded Mr. Finkel with a certificate of appreciation. I would like to take this opportunity to extend my personal congratulations to Mr. Finkel and all those associated with the show.

Since February 17, 1963, Bernie Finkel has produced the Jewish Community Hour, which appears every Sunday morning on WON-X (1590). The Jewish Community Hour provides residents of the Chicago area with entertainment ranging from Jewish music, comedy, news, and commentary. In addition, their is a discussion of this week's Torah portion as well as special features on religious holidays and festivals. The Jewish Community Hour provides a well-respected and necessary service to the many people that tune in every week.

Once again, I would like to commend Bernie Finkel, a resident of Skokie, IL, and those associated with the show for their many years of commitment to the Jewish community of the Metropolitan Chicago area.●

VOTING PATTERNS OF AMERICANS WITH DISABILITIES

● Mr. SIMON. Mr. President, the National Organization on Disability has announced the results of a Lou Harris Poll on the voting patterns of the 20 million voting age Americans with disabilities. The information should interest everyone who is concerned about the participation of our Nation's citizens in the democratic processes of our Government.

The underlying message of the survey is that we have a good possibility, if we make the effort, of bringing this large part of our population into voting participation. The poll results, based on interviews in 1987 with 536 adults with disabilities across the United States, show the following:

Americans with disabilities have a higher level of interest in politics, governmental affairs and public affairs than Americans in general, but they do not register and vote at correspondingly high rates. People with disabilities have twice as much interest in governmental and public affairs as other citizens, 53 percent compared to 26 percent, but they register and vote at a rate that is lower than the general population.

A large majority of respondents, 73 percent, said they would prefer to vote in the traditional way inside the polling place. Almost 30 percent of those registered and 50 percent of those not registered said they are not able to participate in voting in elections as much as they would like.

In other than voting, the level of active political involvement of Americans with disabilities is higher than the participation of other Americans. For example, they are twice as likely to attend rallies in support of a candidate and almost three times as likely to wear campaign buttons or use bumper stickers.

These findings indicate there is a high likelihood that if we remove the remaining barriers to people with disabilities, we will see a significant increase in their voting participation.

Participation in the political process is at the foundation of our democracy. Clearly, we should be making efforts to increase the participation of all Americans. In the case of citizens with disabilities, some specific steps—involving removing barriers to both voting and registration—could have a dramatic effect in a relatively short period of time. We ought to be doing all we can to take those necessary steps.

In 1984, Congress passed the Voting Accessibility Act for the Elderly and Handicapped. Although there have been major efforts to bring about compliance with the Act, particularly by the National Organization on Disability [NOD], we need to continue efforts to remove the remaining barriers and to strengthen the act. We also need to take steps to increase the registration of people with disabilities. In regard to the problem of registration, I am pleased to note that NOD is initiating a project that could have a real impact. Public service ads in newspapers and magazines and televised announcements will provide a toll-free number for all citizens to learn how, when, and where to register in their communities. The number is 1-800-248-ABLE. The TD number for the deaf is 202-293-5968.

We need to be concerned about voter participation in this country. We need to broaden our efforts to bring all parts of our society into active participation at all levels of the process. I am hopeful about the direction the Harris survey will give to efforts to include

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people with disabilities in this crucial aspect of American life.●

COMMITTEE TO HAVE UNTIL 5 P.M. TO REPORT AN ORIGINAL BILL

Mr. BYRD. Mr. President, I ask unanimous consent that the Judiciary Committee may have until 5 o'clock p.m. today to report an original bill on an immigration issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, FEBRUARY 29, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 o'clock a.m. on Monday next; that following the prayer and the recognition of the two leaders, or their designees, under the standing order, there be a period for the transaction of morning business, not to extend beyond the hour of 12 o'clock noon, and that Senators may speak therein for not to exceed 5 minutes each; provided further, that the Senate proceed to the consideration, and I believe it was included in the order previously entered, of the resolution on Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, does the distinguished Senator from Idaho have any further statement?

Mr. McCLURE. We have no further statement or business at this time.

Mr. BYRD. I thank the Senator.

RECESS UNTIL MONDAY, FEBRUARY 29, 1988, AT 11 A.M.

Mr. BYRD. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11 a.m. on Monday next.

The motion was agreed to, and the Senate, at 12:53 p.m., recessed until Monday, February 29, 1988, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Monday, February 29, 1988*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. BONIOR of Michigan].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 25, 1988.

I hereby designate the Honorable DAVID E. BONIOR to act as Speaker pro tempore on Monday, February 29, 1988.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May we, O God, so use the days and hours available to us that we do not miss the whole purpose of our existence. Help us to see the priorities and the goals of living, to experience the joys of love and faith, to know the rewards of unselfish giving. In spite of the necessary time needed for our tasks, may we never fail to give thanks to You, O God, for Your free gifts of life and Your encouraging spirit that is ever about us. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 1539) "An act to amend the Federal Railroad Safety Act of 1970 and for other purposes," and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. EXON, Mr. ADAMS, Mr. DANFORTH, and Mr. KASTEN to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 86-380, the Chair on behalf of the Vice President, appoints Mr. LEVIN to the Advisory Commission on Intergovernmental Relations.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives.

WASHINGTON, DC,
February 26, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 4:00 p.m. on Friday, February 26, 1988, as follows:

(1) Said to contain a message from the President whereby he transmits the Sixteenth Annual Report on the Administration of the Federal Railroad Safety Act of 1970; and

(2) Said to contain a message from the President whereby he transmits the Fourth Annual Report of the National Endowment for Democracy, which covers fiscal year 1987.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT OF ADMINISTRATION OF FEDERAL RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Monday, February 29, 1988.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of today, Monday, February 29, 1988.)

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOUGHTON) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 60 minutes, on March 1.

Mr. DORNAN of California, for 60 minutes, on March 2.

Mr. DORNAN of California, for 60 minutes, on March 3.

(The following Members (at the request of Mr. HOUGHTON) to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, today.

Mr. FRANK, for 30 minutes, on March 1.

Mr. OWENS of New York, for 5 minutes, on March 1.

Mr. OWENS of New York, for 5 minutes, on March 2.

Mr. OWENS of New York, for 5 minutes, on March 3.

Mr. OWENS of New York, for 5 minutes, on March 4.

Mr. GAYDOS, for 60 minutes, on March 1.

Mr. GAYDOS, for 60 minutes, on March 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. HOUGHTON) and to include extraneous matter:)

Mr. RINALDO.

(The following Members (at the request of Mr. HOUGHTON) and to include extraneous matter:)

Mr. BEILENSON.

Mr. ANDERSON in 10 instances.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Gonzalez in 10 instances.

Mrs. Lloyd in five instances.

Mr. Hamilton in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. de la Garza in 10 instances.

Mr. Florio.

Mr. Stark in two instances.

ADJOURNMENT

Mr. HOUGHTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 1, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2985. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of supplemental contract award dates for the period March 1, 1988, to April 29, 1988, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

2986. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to revise certain Federal banking enforcement statutes to enable the Federal banking agencies to fulfill their supervisory responsibilities in a more timely and effective manner; to the Committee on Banking, Finance and Urban Affairs.

2987. A letter from the Administrator, General Services Administration, transmitting the agency's report of its implementing responsibilities for the use of underutilized public buildings and property for facilities to assist the homeless, pursuant to Public Law 100–77 section 501(e) (101 Stat. 510); to the Committee on Banking, Finance and Urban Affairs.

2988. A letter from the Acting General Counsel, Department of Energy, transmitting a new plan of action to implement the Agreement on an International Energy Program [IEP], TIAS, which has been approved by the Secretary and by the Attorney General, pursuant to 42 U.S.C. 6272(m)(1)(A)(i); to the Committee on Energy and Commerce.

1989. A letter from the Acting Secretary of State, transmitting an arms sales proposal covering all sales and licensed commercial exports under the AECA of major weapons or weapons-related defense equipment, which are considered eligible for approval during the calendar year 1988, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

2990. A letter from the Acting Secretary of State, transmitting the 11th annual report on Americans incarcerated abroad, pursuant to 42 U.S.C. 2151n–1; to the Committee on Foreign Affairs.

2991. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 10th 90-day report on the Camarena investigation, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico, pursuant to Public Law 99–93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

2992. A letter from the Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time USG employees as of September 30, 1987 for which reimbursement is provided under section 21(a) or section 43(b) of the AECA; to the Committee on Foreign Affairs.

2993. A letter from the Administrator, General Services Administration, transmitting a report of the agency's actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2994. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the 1987 annual report of the Board's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2995. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 18, United States Code, to provide penalties for certain false statements regarding bombs or other explosives, and for other purposes; to the Committee on the Judiciary.

2996. A letter from the Chairman, Merit Systems Protection Board, transmitting a report titled, "Performance Management and Recognition System: Linking Pay to Performance," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

2997. A letter from the Chairman, National Council on Public Works Improvement, transmitting the Council's third and final report on the state of the Nation's infrastructure, pursuant to 42 U.S.C. 3121 note; to the Committee on Public Works and Transportation.

2998. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a copy of the first official national development plan of Palau, the administration's report, entitled "Review of the Official National Development Plan of the Republic of Palau," and comments of the Government of Palau in response to the administration's report, pursuant to 48 U.S.C. 1681 note; jointly, to the Committees on Foreign Affairs and Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THOMAS A. LUKEN (for himself, Mr. Walgren, Mr. Bryant, Mr. Bates, and Mr. Boucher):

H.R. 4035. A bill to amend the Motor Vehicle Information and Cost Savings Act to require a study of State motor vehicle safety inspection programs; to the Committee on Energy and Commerce.

By Mr. MRAZEK:

H.R. 4036. A bill to establish the Commission on International Security and Satellite Monitoring; jointly, to the Committees on Science, Space, and Technology and Foreign Affairs.

By Ms. OAKAR (for herself, Mr. St Germain, and Mr. Wylie):

H.R. 4037. A bill to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLOMON:

H.R. 4038. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for tuition; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4039. A bill to disclaim any right, title, or interest of the United States in certain lands in the State of California which form a part of the right-of-way granted by the United States to the Southern Pacific Transportation Co., to declare that those lands have been abandoned by the railroad, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SOLARZ:

H. Res. 389. Resolution making available certain records of the House; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

271. By the SPEAKER: Memorial of the 19th Legislature of Guam, relative to Francisco J. Cruz; to the Committee on Armed Services.

272. Also, memorial of the Legislature of the State of California, relative to national monetary policy; to the Committee on Banking, Finance and Urban Affairs.

273. Also, memorial of the Legislature of the State of California, relative to health care; to the Committee on Education and Labor.

274. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to Legislation establishing and funding a national health care plan; jointly, to the Committee on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 115: Mr. Smith of New Hampshire and Mr. Daub.

H.R. 245: Mr. Hayes of Louisiana, Ms. Pelosi, and Mr. Gingrich.

H.R. 458: Mrs. Morella.

H.R. 722: Mr. Mavroules and Mr. LaFalce.

H.R. 778: Mr. Broomfield.

H.R. 817: Mr. Packard.

H.R. 925: Mr. Borski and Mr. McDade.

H.R. 1051: Mr. Leland.

H.R. 1352: Mr. Roe.

H.R. 1394: Mr. Jontz and Mr. Tallon.

H.R. 1583: Mr. Broomfield, Mr. Callahan, Mr. Walker, Mrs. Martin of Illinois, Mr. Craig, Mr. Bartlett, Mr. Hefley, Mr. Huckaby, Mr. Smith of Texas, Mr. Bates, Mr. Andrews, Mr. Hyde, Mr. Sensenbrenner, Mr. Thomas of California, Mr. Hall of Texas, and Mr. Fish.

H.R. 1604: Mr. Dwyer of New Jersey, Mr. Chandler, and Mr. Packard.

H.R. 1721: Mr. Erdreich.

H.R. 1966: Mr. Roe.

H.R. 2320: Mr. Lowry of Washington.

H.R. 2727: Mr. Stark.

H.R. 2934: Mr. Hefley.

H.R. 2943: Mr. Clay, Mr. Hammerschmidt, Mr. Mack, Mr. Roybal, and Mr. Staggers.

H.R. 2944: Mr. Clay, Mr. Hammerschmidt, Mr. Mack, Mr. Roybal, and Mr. Staggers.

H.R. 3340: Mr. Ackerman.

H.R. 3392: Mr. Ortiz, Mr. Hiler, Mr. de Lugo, and Mr. Fuster.

H.R. 3440: Mr. Weiss and Mr. Owens of Utah.

H.R. 3455: Mr. Weiss, Mr. Wyden, Mr. Gray of Illinois, Mr. Ackerman, and Mr. Stokes.

H.R. 3511: Mr. Roe and Mr. Evans.

H.R. 3610: Mr. Owens of New York, Mr. Mfume, Mr. Hawkins, Mr. Dymally, Mr. Crockett, Mr. Edwards of California, Mr. Flake, Mr. Dyson, Mr. Kildee, and Ms. Pelosi.

H.R. 3742: Mr. Ackerman, Mr. Sunia, Mr. Richardson, Mr. Fuster, Mr. Gray of Illinois, Mr. Leland, Mr. Neal, Mr. de la Garza, Mr. McGrath, Mr. Jontz, and Mr. Chapman.

H.R. 3800: Mr. Ballenger and Mr. Akaka.

H.R. 3892: Mr. Brown of Colorado, Mr. Grandy, Mr. Smith of New Hampshire, Mr. Feighan, Mr. Martin of New York, Mr. Jontz, and Mr. Chapman.

H.R. 3914: Mrs. Boxer, Mr. Hawkins, Mr. Dellums, Mr. Akaka, Mr. Owens of Utah, Mr. Garcia, Mr. Evans, Mr. Frost, and Mr. Weiss.

H.R. 3944: Mr. McEwen and Mrs. Bentley.

H.R. 3969: Mr. St Germain.

H.J. Res. 37: Mr. Rinaldo.

H.J. Res. 374: Mr. Kasich, Mr. Campbell, Mr. Howard, Mr. Bartlett, and Mr. Bliley.

H.J. Res. 383: Mr. Callahan.

H.J. Res. 386: Mr. Ackerman, Mr. Bonior of Michigan, Mr. Dicks, Mr. Hall of Ohio, Mr. Henry, Mr. McMillen of Maryland, Mr. Miller of Ohio, Mr. Oberstar, Mr. Rowland of Connecticut, Mr. Sharp, Mr. Solomon, and Mr. Upton.

H.J. Res. 391: Mr. Michel and Mr. Wolf.

H.J. Res. 438: Mr. Ballenger, Ms. Oakar, and Mr. Fish.

H.J. Res. 440: Mr. Jeffords, Mr. Gordon, Mr. Ballenger, Mr. Davis of Illinois, Mrs. Boxer, Mr. Rahall, Mr. Weiss, Mr. Mazzoli, Ms. Pelosi, Mr. Wortley, Mr. Neal, and Mr. DeFazio.

H.J. Res. 447: Mr. MacKay, Mr. Bustamante, Mr. Borski, Mr. Lowry of Washington, Mr. Rangel, Mr. Morrison of Washington, Mr. Swift, Mr. Leland, Mr. Martinez, Mr. Livingston, Mr. Fields, Mr. Pashayan, Mr. Mazzoli, Mr. Panetta, Ms. Pelosi, Mr. Boland, Mr. Fish, Mr. Lancaster, Mrs. Saiki, Mr. Konnyu, Mr. Wise, and Mr. Parris.

H.J. Res. 464: Mr. Pickle, Mr. Horton, Mr. Gejdenson, Mr. Smith of Florida, Mr. Roe, Mr. Espy, and Mr. Fazio.

H.J. Res. 470: Mr. Young of Alaska, Mr. McDade, Mr. Henry, Mrs. Johnson of Connecticut, Mr. Wolf, Mr. Mack, Mrs. Lloyd, Mr. Harris, Mr. Ackerman, Mr. de la Garza, Mr. Dwyer of New Jersey, Mr. Clarke, Mr. Fields, Mr. Fuster, Mr. Gejdenson, Mr. Fazio, Mr. Hayes of Louisiana, Mr. Horton, Mr. Levin of Michigan, Mr. Manton, Mr. McGrath, Mr. Quillen, Mr. Roe, Mr. Smith of Florida, and Mr. Stratton.

H. Con. Res. 194: Mr. Hutto and Mr. Ortiz.

H. Con. Res. 237: Mr. McCloskey, Mr. Bryant, Mr. Kolbe, Mrs. Vucanovich, Mr. Madigan, Mr. Miller of Washington, Mr. Tauzin, Mr. Frenzel, Mr. Roe, Mr. Skeen, Mr. Carr, Mr. Kildee, Mr. Valentine, Mr. Brown of California, Mr. Johnson of South Dakota, Mr. Green, Mr. Morrison of Connecticut, Mr. Flake, Mr. Hoyer, Mr. Frank, Ms. Snowe, Mrs. Morella, Mr. Solomon, Mr. Price of North Carolina, Mr. Houghton, Mr. Dreier of California, Mr. Skaggs, Mr. Weber, Mr. Weldon, Mr. Conte, Mr. Clay, Mrs. Patterson, Mr. Penny, Mr. Biaggi, Mr. Matsui, Mr. Fish, and Mr. Howard.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

128. By the SPEAKER: Petition of the City Council, New York, NY, relative to a ban on allowing the Federal Communications Commission to permit the cross-ownership of media outlets; to the Committee on Energy and Commerce.

129. Also, petition of the City of Miami Commission, Miami, FL, relative to increasing Coast Guard presence in south Florida; to the Committee on Merchant Marine and Fisheries.

SENATE—*Monday, February 29, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.—Genesis 2:24.

Father God, in this quiet moment as the Senate begins another week, we hear Your word and we pray for our families. Protect them against the painful erosion of public life—against the recurring disappointment of canceled plans and postponed family pleasure—against the relentless pressures that fragment and fracture family life—against the tendency to invert priorities and yield to secondary matters. Protect against the loneliness of wives so often treated as nonpersons when the Senator is surrounded by curious, fawning, self-seeking opportunists at social events and political meetings. Protect against empty explanations that fall of their own weight midst pain of alienation, indifference, and insensitivity. Father God, heal our families. Give each of us the wisdom and the will to put first things first. We pray in His name who is unconditional love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the minority leader or his designee be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL ECONOMIC COMMISSION

Mr. BYRD. Mr. President, as part of last year's reconciliation bill, the Congress established a National Economic Commission to make recommendations to the President and the Congress in part on how the fiscal deficit can best be reduced. That Commission is to report by March 1, 1989.

The Commission was designed to reflect the balance between the two parties, the Houses of Congress, and the executive branch. In its initial stage, the Commission will consist of 12 members. The Speaker and I each made our three appointments over a month and half ago. The President and the minority leaders of both Houses made their two appointments each on February 19.

The President-elect will select two more members after the election in November. But for the group to make the most of its mandate, Mr. President, they need to select a chairman and get to work soon.

Mr. President, many observers have argued that reducing the budget deficit is not principally an economic problem. The fiscal arithmetic is very simple. It is the political calculus that is very complex. So there is much to that statement.

The battle over the budget is a question of national priorities, of how much should be spent on public rather than private pursuits, of our international role, and the future course of our economy. But all of these choices have a major economic dimension. Moving in one direction or another will have important economic consequences.

The key decisions may not be economic. But the Commission will have to look at their proposals with at least one eye to their economic impact at home and abroad. Much of the analytic work has already been done, some of it by the Federal Government itself. A quick start for the Commission will give the members an opportunity to draw on this work before the key decisions are made.

Suggesting a course for national priorities or a path for the economic future will require broad thinking and broad consultation. The members of the Commission bring considerable experience and perspective to these positions. Each has listened to, and participated in the increasingly complex debate about budgetary solutions.

With their new mandate, the members will want to reach out to a range of individuals to test their own sense of national purpose and priorities. That, too, will take time—all the more reason for a quick start, to make a difficult job just a bit less so.

Mr. President, we have all become depressingly familiar with the drumbeat of debt followed by deficit followed by more debt. Most of us in the Congress, and most of us in America, know that something has gone wrong. It goes beyond the fiscal deficits. It involves trade, international competitiveness, and a stagnating standard of living. There is an anger that we have not been true to America's potential. There is a fear that past policies may have diminished America's future.

It is my own view, Mr. President, that our fate is still very much in our own hands. Last year, the President came to the bargaining table to hammer out a 2-year agreement on budget priorities and deficit reduction. It was as part of that agreement that we decided to establish the National Economic Commission.

Born out of consensus and concern, the National Economic Commission has a chance to move us closer to reaching our potential and away from a downsized American dream. I hope it will move quickly to begin its work.

How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. Five minutes remain on the leader's time.

Mr. BYRD. I thank the Chair. I will use that time just now.

TURKEY IMPLEMENTS AGREEMENT ON SIDE LETTERS

Mr. BYRD. Mr. President, last Friday, the 26th of February, Turkish Prime Minister Turgut Ozal informed our Embassy in Ankara that he had taken the necessary steps to implement the side letters to the Defense and Economic Cooperation Agreement [DECA] between the United States and Turkey. These letters were exchanged last March between Secretary of State Shultz and the Turkish Foreign Minister. They have the effect of extending our existing DECA until 1990 and of making some modifications to that agreement which benefit each side.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Shortly after the letters were signed last spring, a series of events occurred in this country which placed the Turkish Government in an awkward position, specifically efforts in the Congress to reduce the amounts of security assistance provided to Turkey. The Turkish Government, in the light of these developments, delayed fully implementing the agreements outlined in the side letters. I am pleased to see that this delay is now behind us.

Turkey is an extremely important ally of the United States. It occupies a vital strategic position for the NATO alliance, bordering not only the Soviet Union and Bulgaria, but Iran and Iraq as well. Turkey has been a loyal and staunch supporter of the alliance, and is making a maximum effort within its limited financial resources to modernize its forces and to play its full role in our common defense.

On several occasions in the past year, most recently in my visit to Ankara earlier this month, I have urged the Turkish Government to implement the DECA side letters and remove this obstacle to our further defense and economic cooperation. I am extremely pleased that the Turkish Government has announced that the agreement embodied in the DECA side letters will now be fully implemented.

I congratulate the Turkish Government for this action. It follows other statesmanlike actions taken by Prime Minister Ozal recently, most notably the meeting at Davos, Switzerland, with Greek Prime Minister Papandreou. It signals a new era of forward-looking diplomacy in the region.

The United States should do everything—everything—in its power to encourage these developments. For example, in the current discussions at the Treasury Department concerning regulations for refinancing foreign military sales debt, I am hopeful that the administration will adopt a position which eases the debt burden on Turkey and other key allies.

We in Congress are also in a position to help this process along. The Congress should recognize these positive developments and act in ways that will encourage rather than retard diplomatic progress. It is our responsibility to recognize these hopeful developments and to act in accordance with them. In the coming months I will look forward to working to put together a package that responds positively to these recent actions of Turkey.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 12 noon with Senators permitted to speak therein for not to exceed 5 minutes.

The Senator from Wisconsin is recognized.

WHY IS THIS THE CRUCIAL TIME FOR COMPREHENSIVE ARMS CONTROL?

Mr. PROXMIRE. Mr. President, has there ever been a better time to negotiate arms control with our superpower adversary the Soviet Union? William Safire whose conservative views are synidicated by the New York Times has been as consistent and persuasive a critic of the Soviet Union as any leading writer and thinker in our country today. In a column syndicated on February 25, Safire argued that now is a time of "admitted Soviet economic weakness." Therefore, says Safire, it is the time "to put an irrevocable behavior modifying price on every concession we confer." Safire builds his case for Soviet economic weakness on recent CIA reports. Those reports indicate that previous estimates of 3 percent annual real economic growth by the Soviet Union have been wrong. Actually, the Soviet Union has grown little if at all in the past 7 years. Safire contends that if this is the case the previous estimates that the Soviets are putting an immensely burdensome 14 percent of their total economic production into their military is a gross underestimate. Actually the Soviets are losing what Safire calls an unbearable 20 percent of their more limited economic production to the drain of military spending.

Safire concludes that this is no time to accommodate or "subsidize" the Russians by providing entry to the World Bank, GATT, and the International Monetary Fund without significant concessions on their part.

Safire's analysis of the Soviet economy squares in part with the estimates provided by the CIA to my subcommittee of the Joint Economic Committee. The CIA has been saying for years that the Soviet economy has slowed down. It estimates Soviet growth has averaged about 2 percent per year in the 1980's. But both the CIA and DIA also have testified that the Soviets slowed the rate of increase in their military spending in the past 10 years from 4 to 2 percent annually. Why is this significant? Here is why: The declining rate of Soviet economic growth has certainly made Soviet leadership more receptive to arms control proposals that would require both superpowers to slow or stop the conventional as well as strategic arms race. Far-reaching arms control agreements meticulously verified would permit massive multibillion-dollar savings for both countries while actually strengthening the national security of both sides.

Mr. President, William Safire speaks as a conservative, vigorous anti-Communist. In his call for a tougher line toward the Soviet Union, he does not plead for arms control. He asks for our Government to "stress" Moscow now—demand concessions, modify their behavior, secure a price for our agreement to drop our opposition to entry by Moscow into GATT and the World Bank and the International Monetary Fund. Nowhere does Safire indicate on what price we should insist. Obviously, there are many areas where we would want to change Kremlin policies. Let's list a few: Lift Kremlin restrictions on emigration; make the Soviet exit from Afghanistan swift, complete, and without reservation; insist that the U.S.S.R. pull all of their military equipment and personnel out of Nicaragua, Angola, and Cuba. These are legitimate and proper objectives for any negotiations with the Soviet Union.

But above all and No. 1, we should push for a thoroughly verifiable end to the arms race. The INF Treaty represents a modest but helpful beginning in nuclear arms. The START Treaty promises more significant progress. But the real money saver for both sides must come from substantial reductions in conventional arms. In view of the huge numbers advantage the Soviets now enjoy in Europe in tanks, planes, artillery, and personnel, an agreement like the INF agreement would probably be asymmetrical with the Soviets' reduction substantially greater. Could we get it? In view of the Soviets' present economic weakness, our chances have never been better.

Of course, it is true that relief for the Soviet economy would as the years go by build a stronger economic base for some future Russian military threat. Soviet membership in international credit organization and access to financing and technology from the free world would also help build a potentially more powerful Soviet force. But such an agreement would also advance two elements that would more than offset this threat. First, the easing of the military drain on the resources of the United States and the rest of the free world would enable NATO countries to also build a still stronger economic and technological base for future potential military power. So there would be no relative loss in military potential to the Soviet Union. Second, the participation of the Soviet Union with the free world in trade, financial relationships, joint industrial and commercial ventures as well as cooperation in activities in space and assistance to the developing world could and probably would over time modify the hostility of both sides and promote cooperation and understanding.

Is all this pie-in-the-sky, love-your-enemy, dream stuff? No. Why not? Because both sides now know that a war between the superpowers would bring utter, total devastation to both. Such an all-out nuclear war would certainly finish both countries as organized societies. It could end civilization. The true reality is that there is no alternative to comprehensive arms control agreements between the superpowers.

Mr. President, I ask unanimous consent that the article to which I have referred by William Safire, headlined "Bailing Out Moscow," which appeared in the New York Times of February 25, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 25, 1988]

BAILING OUT MOSCOW

(By William Safire)

WASHINGTON.—We have just been told by a well-placed informant inside the Kremlin that the Soviet Union is not the economic power our intelligence analysts have long though it was.

Throughout the Reagan years, our experts have assumed that Soviet growth averaged slightly over 3 percent yearly. That is a vital statistic: we then put a price each year on what we knew the Soviet military machine cost, and get what we hope is a clear idea of what percentage of its economy Moscow is devoting to armament.

That's just about the most important intelligence number of all. In the 1970's, a "Team B" of outsiders was brought in by the C.I.A. to challenge the conventional wisdom, and doubled the previous estimate to 13 percent in the Soviet Union. That laid the basis for our own increased defense spending, which now amounts to 6 percent of our gross national product.

In a little-noted passage of his long speech last week to his Central Committee, Mikhail Gorbachev made a stunning revelation that kicks our estimates into a cocked hat.

He pointed out that during the Brezhnev years, economic growth had been artifically hiked by the sale of oil at high prices (the U.S.S.R. is the world's largest producer) and the accelerated sale of vodka (Soviet spending on alcohol may have reached 10 percent of total output, compared with less than 2 percent of ours).

"If we purge economic growth indicators of the influence of these factors," said Mr. Gorbachev, "it turns out that, basically, for four five-year periods there was no increase in the absolute growth of the national income and, at the beginning of the 1980's, it had even begun to fall. That is the real picture, comrades!"

No doubt the current Kremlin leader is trying to make the present bad economic picture look better by saying the old days under his predecessor were really much worse. But we should allow for the possibility that, concerning the 1980's at least, Mr. Gorbachev may be telling the truth.

If that is the real picture, comrades, we have to do some fast reassessing of our own. During the 80's as the price of oil has been cut in half, and the Soviet gulping of booze has been restricted, the total Soviet output is not likely to have risen much, if at all, from what Mr. Gorbachev says was its falling state in 1980.

Here is what that new assessment leads us to deduce: the Soviet ecomomy has been stagnant (or possibly declining) for seven years—most definitely not growing steadily at the over-3-percent rate per year our analysts had been assuming. That means our assessment of total growth of about one-fourth in this decade has been egregiously mistaken. That supposedly seven-foot giant turns out to be closer to five feet tall, same as he was in the Brezhnev years.

Apply that new assessment to arms control. The way estimate Soviet arms expenditures is by simple beancounting, mainly from satellites, and that total is not affected. What does change is the percentage of the output devoted to arms; if it was 14 percent by the old assessment, it must be an unbearable 20 percent in the new reality Mr. Gorbachev reveals.

Thus, under pressure to reduce arms spending, he seeks treaties; forced to cut losses, he announces withdrawal from Afghanistan and may offer to reduce subsidies in Central America; faced with the prospect of having to match serious Star Wars spending, he rails at the idea of strategic defense.

Apply that no-growth one-fourth-smaller fact to economic diplomacy. It explains why the Russians finally settled the old Czarist debt for a dime on the dollar, paving the way for a recent $77 million Soviet bond issue. That's also why the Kremlin will be seeking entry into the International Monetary Fund, GATT and the World Bank at the next meetings (in West Berlin) this fall. Soviet Communism is starving for capital.

Our European allies are rushing to lend Moscow money and to subsidize pipelines, while accommodationists here want to offer the Russians most-favored-nation status on trade. Commerce and State Department détenteniks await only vague "economic reforms" to end our opposition to Soviet entry into Western credit markets.

Here is a genuine issue to toss at the candidates in our election. In light of what the Soviet leader admits is "a very serious financial problem," should U.S. policy seek to finance our adversary? Or should we "stress" Moscow now, as it surely would do to us if the roles were reversed?

Or should we use this moment of admitted Soviet economic weakness to put an irrevocable, verifiable, behavior-modifying price on every concession we confer?

FEBRUARY GOLDEN FLEECE GOES TO FISH AND WILDLIFE SERVICE

Mr. PROXMIRE. Mr. President, I am presenting my Golden Fleece of the Month for February to the Fish and Wildlife Service of the Department of the Interior for so mismanaging its payroll that the agency continued to certify for pay as current employees people who had actually left their jobs. Ghosts may have voted in Chicago, but they probably worked for the Fish and Wildlife Service. Other employees were mistakenly credited with overtime pay while on holiday or personal leave. This gives a whole new meaning to the concept of "pay for play." Even the Department's own auditors concluded that the various payroll control deficiencies taken together "constitute a significant compromise of the integrity of the $217 million annual payroll within the Service."

Unlike our Olympic athletes, these employees were not going for the gold—they got it handed to them for doing nothing.

As early as 1983, the inspector general of the Department of the Interior issued a report that identified numerous problems with the procedures used to control payroll payments by the Fish and Wildife Service. In January 1987 the auditors concluded that the Service had failed to correct its payroll problems.

After another review of the Service's payroll operations, the inspector general issued another highly critical report on July 7, 1987. The audit report found that virtually none of the controls required by the General Accounting Office and the Office of Management and Budget existed in the payroll office.

Naturally, without proper controls in place, the auditors found many cases of abuse and even fraud. In their report the auditors stated:

> In fact, the lack of proper approval for changes to T&A (Time and attendance) Reports resulted in a case of fraudulent payroll entries involving two payroll coordinators in one regional office. They each added about 8 hours of overtime to their own T&A Reports every pay period of 10 pay periods.
>
> Other types of fraudulent entries, such as adding compensatory time or reducing the amount of leave used, would have been impossible to uncover using the cost reports because these reports did not provide information on hours and costs for either compensatory or leave taken.
>
> Other errors included three cases where 32, 24, and 8 hours of annual leave were keypunched as overtime.
>
> Several cases occurred where supervisors certified T&A Reports containing regular work hours for employees who were absent without leave, on leave without pay, or had terminated their employment.

All of this sounds fishy to me, and it looks like many of these employees were leading a wild life. The Fish and Wildlife Service did recover some of the improper payments and did fire the two payroll coordinators who falsified their own payroll records. In addition, the Service has taken some corrective action based upon the recommendations of the Office of Inspector General to improve payroll procedures.

However, were there other employees who granted themselves overtime for work they never performed? How many more Federal employees were sunning themselves at the beach while at the same time drawing overtime pay checks from the U.S. Treasury? Unfortunately, because of incredibly bad recordkeeping the taxpayers will never know the entire story nor get full restitution.

"Getting something for nothing" takes on new meaning from this fiasco.

I yield the floor.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the quorum call the rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK HISTORY MONTH: A TRIBUTE TO THE STILL FAMILY

Mr. BRADLEY. Mr. President, as the Nation concludes its celebration of Black History Month, I would like to pay tribute to a prominent black family, the Stills, whose accomplishments have played a vital role in New Jersey's history.

Since the early 1630's when an African man named Still settled in Gloucester County, the Still family has made impressive contributions to society in the fields of politics, business, social reform, athletics, and medicine. William Still, a businessman from Philadelphia, is known as the "Father of the Underground Railroad." He was responsible for the desegregation of Philadelphia's streetcars and for the appointment of the city's first black police officers. His brother, James, practiced herbal medicine during the late 1800's, and despite his lack of a medical degree, he often found cures that licensed doctors could nct. James' son, James, Jr. was the second black American to graduate from Harvard's Medical School in 1871. Another member of the Still family, Ephraim Still, was the founder and first mayor of Lawnside, NJ.

The Still family has always been close-knit, even in the face of slavery. Peter Still, who was separated from his mother at the age of 6, spent more than 40 years in slavery, and only late in life was reunited with his mother and siblings. Hundreds of family members continue to live in south Jersey; others are spread throughout the United States. But their proud heritage is kept alive during the family reunions, they hold each summer.

The current generation of Stills are no less outstanding. Today, Art Still plays football for the Kansas City Chiefs; his sister, Valerie, plays basketball and holds the career scoring record at the University of Kentucky.

The division of civil rights of New Jersey's Department of Law and Public Safety has planned a program of events today to pay tribute to the Stills and their outstanding legacy. I am proud to join in this celebration to honor a great American family.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 12 NOON

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 12 noon today.

There being no objection, the Senate, at 11:39 a.m., recessed until 12 noon; whereupon, the Senate reassembled when called to order by the Acting President pro tempore (Mr. SHELBY).

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that, even though the resolution on Afghanistan has not yet been submitted, that the 6 hours in the agreement begin running as of 12 noon in accordance with that agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the distinguished Senator from Missouri has some morning business, and I ask that he be allowed to conduct that morning business at this time, though it is on another subject.

I ask unanimous consent that there be 5 minutes for morning business at this time, that it come out of the 6 hours, and that the distinguished Senator from Missouri be allowed to speak out of order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the majority leader for his kindness and his assistance.

(The remarks of Mr. BOND, pertaining to the introduction of legislation, will be found later in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESSES

Mr. BYRD. Mr. President, first, by way of explanation, the resolution which was to have been introduced at noon is still undergoing some possible modifications. Rather than keep the Senate in on a quorum, I feel that it might be better if the Senate recessed until 1 p.m. today so as to allow these modifications to be resolved.

I, therefore, ask unanimous consent that the Senate stand in recess until 1 p.m. today, and that the time consumed in the recess be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 12:27 p.m., the Senate recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DASCHLE).

Mr. BYRD. Mr. President, I think that we are making progress in the modification of some of the verbiage of the resolution and I would expect shortly to have that cleared.

I ask unanimous consent that the recess be extended for 20 minutes, the time to be equally divided between both sides.

There being no objection, the Senate, at 1 p.m., recessed until 1:20 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DASCHLE).

The PRESIDING OFFICER. The Chair in his capacity as a Senator from South Dakota suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN

Mr. BYRD. Mr. President, I now have the resolution, which I send to the desk in behalf of myself, Mr. SIMPSON, Mr. PELL, Mr. HUMPHREY, Mr. DECONCINI, Mr. SYMMS, and Mr. DOMENICI. I ask unanimous consent that any other Senators who wish to add their names as cosponsors may do so during the afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I send to the desk the resolution which was referred to in the agreement that was entered on Friday.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

> A resolution (S. Res. 386) regarding the policy toward Afghanistan and Soviet troop withdrawal.

Mr. BYRD. Mr. President, I ask unanimous consent that the resolution be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

> S. RES. 386
>
> Whereas the Soviet Union invaded the sovereign territory of Afghanistan on December 17, 1979, and continues to occupy and attempt to subjugate that nation through the use of force, relying upon a puppet regime and an occupying army of an estimated 120,000 Soviet troops.
>
> Whereas Pakistan has harbored more than 3 million Afghan refugees and has en-

dured hundreds of brutal raids across its borders by Afghan and Soviet aircraft and artillery, resulting in the deaths of hundreds of civilians;

Whereas on February 8, 1988, Soviet General Secretary Gorbachev announced that the withdrawal of Soviet troops from Afghanistan could begin on May 15, 1988 if the agreements on the settlement being negotiated between Afghanistan and Pakistan in Geneva were signed no later than March 15, 1988;

Whereas General Secretary Gorbachev also announced that the Soviet Union could complete the troop withdrawal within 10 months and that it could arrange the withdrawal such that during the first phase, a relatively greater portion of the Soviet contingent could be withdrawn;

Whereas Pakistan has made it clear that it will not sign any agreements with the current Soviet puppet regime headed by Najibullah;

Whereas the Congress condemned Soviet policy toward and behavior in Afghanistan in Public Law 99-399, calling for appropriate provision of material support to the people of Afghanistan, so long as the Soviet military occupation continues; and

Whereas Public Law 100-204 declares it to be the policy of the United States to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time frame based solely on logistical criteria;

Therefore, be it *Resolved*, That the Senate hereby—

(1) reiterates its belief that the only acceptable formula for settlement of the Afghan situation is one which provides for the self-determination of the Afghan people and results in a government genuinely representative of the Afghan people, outlines a definite timetable based solely on logistical criteria for the complete withdrawal of Soviet troops in the near future, and provides for the return of refugees in safety and dignity;

(2) expresses its belief that the Pakistani government should not be put under any pressure to agree to Soviet terms for a settlement and that the future of Afghanistan should not be driven by the desire or schedule for a U.S.-Soviet summit;

(3) urges the President to—

(a) support strongly a political solution in Kabul acceptable to the resistance;

(b) insist in talks with the Soviet Union that all Soviet advisers be removed from Afghanistan at the same time as Soviet troop withdrawal takes place;

(c) address the issue of the future status of the nearly 400 bilateral treaties the Soviets have made with the puppet Kabul regime;

(d) address with the Soviets the deployment of Soviet troops across the Soviet-Afghan border after the completion of the withdrawal period;

(e) stand firm on the necessity for the Soviets to terminate all forms of military assistance and logistical support to the Kabul regime;

(f) address the repatriation by the Soviet Union of the more than 10,000 Afghan children who have been forcibly deported to the Soviet Union; and

(g) ensure that international assistance to the refugees continues at least until all Soviet and Soviet bloc forces have been withdrawn from Afghanistan and peace has been restored;

(4) expresses its belief that all Soviet and Soviet bloc advisers must be removed from Afghanistan during the period of troop withdrawal;

(5) expresses its support for increased U.S. humanitarian assistance to the Afghan people both during and following the withdrawal of Soviet and Soviet bloc forces from Afghanistan;

(6) expresses its support for a U.N.-sponsored peacekeeping force to help guarantee that Soviet forces can withdraw in an orderly way without being attacked on the way out and to help keep the peace in the major cities while an interim government organizes the nation's future; and

(7) expresses its strong belief that the government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan resistance or take actions which might limit the ability of the resistance to receive assistance until it is absolutely clear that the Soviets have terminated their military occupation, that they are not redeploying their forces to be inserted again, and that the mujahadeen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections.

Mr. BYRD. Mr. President, on February 8, Soviet General Secretary Gorbachev announced that the Soviet Union could begin withdrawal of its troops from Afghanistan on May 15 if Pakistan and Afghanistan reach agreement by March 15 at the upcoming round of UN-sponsored negotiations in Geneva. Mr. Gorbachev also said that withdrawal could be completed in 10 months. That is a long time, Mr. President. I cannot understand why it takes 10 months to get out of Afghanistan.

Last weekend Secretary Shultz went to Moscow to discuss details of the Soviet plan for withdrawal. Secretary Shultz came away from those meetings with Soviet Foreign Minister Shevardnadze and said he did not have the slightest doubt that the Soviet Union has decided it wants to leave Afghanistan. I must say I am not as optimistic as Secretary Shultz appeared to be. I have a feeling that Secretary Shultz is right, that the Soviet Union has probably decided that it wants to extricate its military forces from Afghanistan. But, even if the Soviets have decided they do want to get out, the important question now is: Under what terms and conditions?

I reiterate what I said in this Chamber several days ago. The United States did not create the mess, and it is not our responsibility, in any way, to reward or appear to be rewarding the Soviets for getting out of Afghanistan.

Moreover, I think it is vitally important for the Senate to go on record with a statement of policy about Afghanistan and the prospect of Soviet withdrawal. To that end, then, I am submitting a resolution which outlines the Senate's viewpoint toward Soviet withdrawal from Afghanistan.

It is not the role of this Senate nor the responsibility of the Senate nor within the power of the Senate to micromanage Soviet withdrawal from Afghanistan. Far be it from our thoughts. Nor can this Senate micromanage the administration's role in such a withdrawal. But this Senate can go on record, Mr. President. That is the purpose of this resolution; it is to put the Senate on record with the Senate's viewpoint strongly made in regard to such a withdrawal, if it occurs; and certainly the Senate's viewpoint as to where this country's honor lies in contributing to such a withdrawal.

There have been a lot of stories floating around recently, some of which have been somewhat puzzling and disconcerting, in regard to certain agreements that reportedly have been or may be made or may be signed. From the newspaper reports that I have read, and I have not read them all but I have read a few, I have been puzzled and concerned: concerned that the United States may agree to guarantee something that we cannot guarantee; concerned that the United States may be about to agree to withdraw military assistance from the mujadhadeen before the Soviets get out of Afghanistan and at a time when the mujahadeen, indeed, require further military aid in order to protect themselves in the process.

There are two things which this resolution emphasizes: support for the Government of Pakistan and the need to address a multitude of issues surrounding the withdrawal which have yet to be resolved; secondly, this resolution emphasizes—clearly, I might add—that the United States should not terminate military assistance to the Afghan resistance until the Soviets have indeed terminated their military occupation of Afghanistan.

They ought to get out. And their getting out should be for real and irreversible, not just based upon some flimsy assurances of good intent, that they are not redeploying their forces only to be injected again into Afghanistan, and that the mujahadeen is well enough equipped with arms to maintain its integrity as an effective fighting force during and throughout the delicate period of transition.

I believe these conditions are critical to a successful conclusion of the Afghanistan problem. We must be prepared for the Soviets to blame us and the Pakistanis for holding up their withdrawal from Afghanistan. But withdrawal is an option that the Soviets can exercise at this time or at any time.

We all want to see the Soviets get out of Afghanistan. When they went into Afghanistan, when they invaded Afghanistan, in December of 1979, they chose the option. They did not ask anybody else's opinion. They simply invaded.

And when they invaded Afghanistan in that instance, I called President Carter—I was majority leader of the Senate at that time—I called President

Carter and asked to see him. I went to the White House and I said to the President, "Mr. President, the Senate cannot produce a supermajority of the approval of the ratification of the SALT II treaty. We do not have the votes, and we will not have the votes to approve that treaty in the light of the Soviet invasion of Afghanistan. So, Mr. President, it would be unwise to call up the treaty for floor debate, and it would be an act of futility."

The President agreed.

If the President had said, "Go ahead and call it up," I would not have done it. It was felt by both of us that it would be best for the President to make that announcement in view of the fact that he is the chief spokesman on the foreign policy of the United States. And so the President made the announcement.

It had more of an impact coming from the President of the United States. I wanted him to know that the Senate would not approve that treaty in the light of the Soviet invasion. The President agreed with that view. He may well have reached that viewpoint without my advice, but I believe that Mr. Carter, the then President, the then occupant of the White House, as the leader of the Senate and leader of his party in the Senate, felt that I knew what I was talking about, and could well reflect the prospects for Senate approval of that treaty.

So it was a serious, very serious, matter. The Soviet invasion put the Salt II treaty into a cocked hat. Not a chance. Dead. The Soviet invasion sealed the treaty's doom. They did not ask our opinion about invading Afghanistan, and they certainly have the option to withdraw forthwith. They do not need the United States' approval to get out of Afghanistan. Getting out would not be an act of goodwill or altruism on the part of the Soviets. Soviet withdrawal is an option they can exercise at any time. We should not make it convenient for the Soviets to quit Afghanistan wrapped in clouds of glory or allow them to dictate the terms of their withdrawal. Their brutal occupation has not been honorable. Their defeat should not be rewarded. They should simply get out.

The world is too much with us, Mr. President. It is too easy to forget the atrocities that have been committed by the Soviet Union in Afghanistan. They have driven millions of Afghans from their homes and from their country. They have installed a puppet government in Afghanistan, one that does the bidding of the Soviet Union. They have killed and they have maimed millions of Afghans.

We have heard it said on the Senate floor today that over a million Afghans have died as a result of the Soviet invasion, over a million out of a total population of what was earlier 15 million.

Unfortunately, we have not seen enough of what really went on in Afghanistan. When the United States was in Vietnam, the television cameras were there. The Soviets have not dared let television cameras follow the atrocities, the fighting, in Afghanistan. There have been a few brave souls who have gone into Afghanistan, taking their cameras, and we have seen on the evening news and on other news broadcasts some of the fighting that was going on in Afghanistan. I compliment the news organizations for what they have been able to do under the circumstances. They have had to go in by stealth, slip in and slip out in order to get limited news pictures and stories that we have been exposed to in the course of these 8 years.

The Soviets kept a close curtain down on what was going on. They did not dare let the world see what was happening. They did not want the world to see what was happening. But the world saw enough in the few glimpses that we were permitted to see—not permitted by the Soviets but permitted to see by virtue of the resourcefulness and the courage on the part of news organizations that were able to get a little glimpse of what was going on.

I must say that I was disappointed after Mr. Gorbachev's visit to this country. The American people seemed to hold Mr. Gorbachev almost as high as they did the President of their own country, this country. It was a great PR trick, opening the door of the armored car and stepping out on the street and shaking hands with some Americans who were on the street. I thought some of those Americans who shook hands were about to swoon, they were so overcome. They were ecstatic.

American politicians do that every day. Get out of automobiles, stop and shake hands with people on the streets. The President shakes hands with people every day. That is a common thing in this country.

But for the Soviet leader, this new-style leader of the Soviet Union, to do that just swept the American people off their feet, one might say. What a big deal that was, that the Soviet leader would get out and shake hands with some Americans standing along the streets patroled by American policemen and with heavy guards all around.

But, Mr. President, there was something else that I saw on television. Not only did I see the Soviet leader get out of his car and reach out to the crowds that were gathered on the streets, not only did I see him reach out and grab the hands and pump the hands of the American people who stood there, but I saw something else.

I saw some Afghan children, some on crutches, with one foot, who came to present the Soviet leader with flowers. Those Afghan children did not succeed in presenting their flowers to the Soviet leader. They were not allowed to get to him.

For one reason or another, I do not know, they were not allowed to see him and present their flowers. But which of the two pictures will be etched upon the memories of the American people longer? Apparently it will be the picture of the Soviet leader reaching out to the crowds with his hands, the great PR trick. We American politicians all do that.

Mr. President, the picture of those crippled Afghan children should be the picture remembered longest by Americans and by people all over the world. Never mind the new style leadership. Never mind that. Remember what Lenin said: "We shall destroy everything, and on its ruins we shall bulid our temple." Is there any evidence that the new style Soviet leadership has repudiated the lessons, the teachings of Lenin? None.

Mr. SYMMS. Mr. President, will the leader yield for a question?

Mr. BYRD. Yes, I yield.

Mr. SYMMS. Before I pose my question, I compliment the leader for the insightfulness of the point he is making. I was literally shocked when I got to Pakistan, because I was not aware that the Soviet Union is running a state-supported terrorist operation against the civilian population of Pakistan. I would venture to say that 99.9 percent of the American people and 90 percent probably of the Members of Congress and the American Government are not aware of it.

It is not something that gets printed in the papers on a daily basis or reported on the nightly news in the United States. It occasionally gets a little glimmer here and there. But today the Soviet Union has between 1,000 and 2,000 KGB operatives working in Kabul doing nothing but training people to take bombs back into Pakistan to set them at places where people are gathered together, bus stops, shopping centers, schools, other places, and exploding these bombs.

Last year 1,000 Pakistan civilians were either killed or wounded—I think it was about a fourth of them were killed and three-fourths of them were injured—in those accidents.

This is the so-called same Soviet Union that their Trojan horse leader now comes over and wows the American people that they have a new method. I think the majority leader is making a point here in the Senate that is very important. He holds a very important position in our legislature as the leader of the Senate. I hope the remarks the majority leader just made would be carried from one end of this country to the other because I think it is significant.

The question I ask is, How many people who are polled on the streets or who make these comments like in West Germany where people think that Soviet Secretary General Gorbachev is more of a man of peace than is President Reagan, how many of those people in Western Europe and in the United States are aware that the Soviet Union runs State-supported terrorist operations as a matter of course, the typical way they do business? How many people does the Senator think know that out there in the United States?

Mr. BYRD. I do not think a great many people in the United States know that. I think perhaps the people of Europe are better aware of it than are our own people.

Mr. SYMMS. If I could, if the leader will yield further, I would like to tell him an experience I had. I made the statement in my State, and of course the young reporter doubted the validity of it so he called the U.S. State Department. I do not have the name of the person at the U.S. State Department who answered the phone, but he got someone from the U.S. State Department in Washington, DC, to give him a quote that he ran widely in the newspapers in Idaho which said that the U.S. State Department was not aware of any State-supported terrorist operation going on in Kabul.

I was briefed on this by our people in Pakistan. I asked them if it was classified or if it was something that could be talked about at home or on the Senate floor. They said, "We wish, for heaven's sake, you would talk about it on the Senate floor." The only thing that is classified is the number of KGB agents. That is why I gave the wide range. The rest of it is totally public, and in fact our station chief in Pakistan said it would be doing a great service to his duties and the furtherance of freedom and foreign policy of the United States if somehow the American people were aware that the Soviet Union is running a State-supported terrorist operation in Pakistan. It is significant in terms of the INF Treaty.

I compliment the majority leader for his comments on SALT II and the relationship of linking the SALT II Treaty with the invasion of Afghanistan. I wish that this administration would ask for the same linkage before we ratify the INF Treaty.

I do not expect that that will happen, but I wish that is what they would do. I would recommend they tie that to a Soviet exit of Afghanistan.

I thank the leader for yielding and I appreciate his leadership, again I say, in bringing this before the Senate.

My request of the Senator would be that we get clarified who Mr. Peck is speaking for when he says "we," because I find it difficult to think that that is the position of the U.S. Government. If it is, I think, as Patrick Henry said, no matter how bad the truth is, I want the bitter, unvarnished truth so we know where we are and what the situation is. I think we in the Senate are entitled to know just exactly what the position of President Reagan, Secretary Shultz, and the entire State Department is because I came back from Pakistan greatly encouraged by the quality of leadership of our ambassador and his entire incountry team and their dedication to what I think in a bipartisan sense this Senate would be proud to have as a foreign policy of the United States in a very troubled part of the world.

I thank the leader.

Mr. BYRD. Mr. President, the distinguished Senator has made reference to terrorist activities on the part of the Soviets.

Mr. SYMMS. Yes, that is right, killing and maiming innocent civilians by putting a bomb in a suitcase and setting it off so they terrorize the civilian population, so that they are frightened and terrorized in their support of the freedom fighters. It is a way to send a message to them that if they would not support the freedom fighters, who are opposing the Soviet intervention into Afghanistan, then we would not be forced to do this to you. It is a new kind of warfare which is very dangerous and damaging to the future of security and peace in the world if we accept and tolerate it as a way to carry on war. It will leave no place in the world safe for people to gather.

Mr. BYRD. Mr. President, it is not a new method of doing things in the Soviet Union. Terrorism is not something that is new in the Soviet Union. We need only remember the order that was given by Lenin to kill the czar.

The Tsar, his wife, their daughters, and their son were all wiped out in one stroke of terror while being held under close arrest. Not only that, but the Tsarevich's physician, the valet, the cook, and the maidservant were also executed—all shot together, with the exception of the maidservant and one of the daughters who were clubbed and bayoneted to death. Eleven of them, in all, while being held under close arrest in the Ipatiev house at Ekaterinburg. Let me read from "The Life and Death of Lenin," page 481. This is by Robert Payne, published by Simon and Shuster in New York, copywright 1964. Speaking of terrorism:

> It was never a question of shooting one man in ten, as a warning to the remaining nine. He must shoot five, or six, or seven, and go on until there are only the shreds of a man left. He practiced terror like the Romans. When the Emperor Gallienus cried out, "Tear, kill, exterminate!—Lacera, occide, concide!" he was saying no more than Lenin, who spoke of destroying "immediately, mercilessly, at whatever the cost, absolutely and irrevocably."

Lenin—continuing the quote from the book—Zinoviev: to June 1918. I will just extract a portion of his communication to Zinoviev:

> It is necessary to cultivate the mass nature of the terror against counterrevolutionaries and push it forward with even greater energy, especially in Petrograd, whose example is decisive. Greetings! Lenin.

Then Lenin to Eugene Bosh, August 1918:

> Your telegram received. It is necessary to organize an intensive guard of picked reliable men to conduct a merciless mass terror against kulaks, priests and White Guards;

Another communication from Lenin to the Soviet of Nizhni Novgorod, August 1918:

> An open uprising of White Guards is clearly in preparation in Nizhni Novgorod. You must mobilize all forces, establish a triumvirate of dictators, introduce immediately mass terror, shoot and deport hundreds of prostitutes who ply soldiers and officers with vodka. Do not hesitate for a moment.

For Lenin, says the author, "* * * mass terror was the most useful and therefore the most desirable of weapons."

"Lenin gloried in violence."

"In principle we have never renounced, and cannot renounce terrorism," Lenin wrote in Iskra in 1901.

Further quoting from the book, "The Life and Death of Lenin."

> Terror was to become the chief instrument of state power; and Lenin discovered to his surprise that terror was so formidable an instrument that no others were necessary.

Mr. President, I have seen no evidence that the teachings of Lenin have been repudiated by the new leadership in the Kremlin.

Mr. President, I try to be as reasonable as I can be. But I also try to be as realistic as I can be.

The Soviet leadership has a problem on its hands. It has a new leader and he recognizes the economic problems, the agriculture problem, the problem with the bureaucracy in the Soviet Union. He is trying to do something about it. He needs to do something about it. He recognizes that, not out of any act of good will toward the United States or toward the rest of the world, but he sees that dealing with this problem in an effective way is an absolute imperative for the Soviet Union and its people. I do not doubt that he seeks change in some things to bring about a better economic order in the Soviet Union. But let us not mistake for a moment that it means that the Soviet Communist Party has changed in its goals or objectives.

I say we ought to work with the leaders in the Soviet Union and always be ready to take advantage of any opportunities that are in our own good interests. I do not say we should turn the back of our hand to any opportunity to improve relations but always that we should keep in our mind's eye the history of what has gone on before, and keep in our mind's eye, and right up front, the fact that it is still the Soviet Communist State and still a "dictatorship of the proletariat," a dictatorship by a small group within the Soviet Union that makes the decisions. The decisions are not made by the people of the Soviet Union. The decisions are made by a small clique of individuals who did not have to run for office like Senators have to run for office.

We Senators are elected to a 6-year term. Members of the House have a 2-year term. The Soviet leaders in the Central Committee and the Politburo are not elected by the Soviet people or for a given term. The decisions are made by a small group of individuals who meet in secret and who make the decisions, and they do not publicize all their decisions to the world.

And we ought not take at full value everything that we think we see or hear from the leaders of that system. It is still the same system, and Lenin has never been repudiated. His teachings have never been repudiated. His goals have never been repudiated, that I know about.

One may say, "Well, what does that have to do with the Soviets getting out of Afghanistan?" I think some of us here today have been saying, and this Senate resolution is an attempt to say, the Soviets have the option of getting out. Let us not commit a dishonorable act, in any way, shape, or form, that would undermine the freedom fighters in Afghanistan, or would leave them without the equipment to protect themselves. We are going to be held accountable in the light of history for what we do in this situation. We should continue to support the mujahadeen, as long as they need support, by providing them with the arms to regain their freedom, until such time as they do not need such arms, until such time as the Soviets are out and their military withdrawal is irreversible. That is what the Senate is saying.

Mr. President, we all love our grandchildren. Sometimes I think our grandchildren have us wrapped around their fingers more so than our children ever had.

The American people love children. That is a given. We all love children, and it seems that we especially love grandchildren. To me, it is appalling to contemplate what the Soviet invaders have done to little children in Afghanistan. The Soviets have airdropped toys to the ground for children. Those "toys" were mines, explosives. If there is anybody anywhere in the world who is innocent in God's sight, it is children—unsuspecting, helpless, innocent children.

What kind of devilish mind could possibly think of, let alone concoct, an instrument of terror that would take off the hands, the arms, the legs of innocent children? It is repulsive. But, the Soviet Union invaders have done that to the children of the Afghans.

So let any individual who may be listening, or who may read, just stop and think for a moment: How would you feel if it were you whose child or whose grandchild or whose neighbor's child was maimed or killed by picking up what it thinks is a toy? What cruelty.

What I am saying is that this is repulsive, and the world ought not ever, ever, ever forget it.

Mr. Gorbachev has some admirable attributes—his ability to speak, his articulate eloquence. He is bright. He is trying to do something about some of his country's problems. I applaud him for that. We ought to try to help him succeed, if and when and where it is in our interest, to succeed in changing his system. But let us always keep in mind the interests of the United States and her allies and the interests of the free world, and the brave people of Afghanistan.

Basically what I am saying is, let caution be the watchword and let us never forget that, regardless of what the Soviet leadership may be attempting to say or do today in the Soviet Union, basically the system is still here. It is still the Communist system. It is still the Communist Party, and it is the daddy of all the Communist parties around the world.

Khrushchev said and I am paraphrasing, perhaps: "You may think we have forgotten Marx, Engels, Lenin, but we shall not forget Marx, Engels, Lenin until a shrimp learns to sing."

Some remember him as having said "when a shrimp learns to whistle," but, whatever, it is the same.

So the system, we must not forget, has not changed; we must hope at some time that it will. But until it does, let us keep our eyes open and let us remember history.

I wish all Americans could read the Life and Death of Lenin and the Life of Stalin. We are better armed against our own inclinations toward wishful thinking and our own inclinations to feel that the other fellow's values are the same as our own, if we will read history.

Read this book.

The Soviets have different definitions than we do. "Democracy" to Americans means one thing. A "democratic government" to the Americans means one thing. It means something else in the Soviet lexicon.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. SYMMS. I think that the point that the Senator makes about semantics is one which we often fail to heed, and he is so right in his recommendations that we read history.

But I want to give the Senator and the President a quote. "The most important weapon in my arsenal is the dictionary."

I want to repeat that. "The most important weapon in my arsenal is the dictionary."

That was said by Joseph Stalin. He is talking exactly the point the majority leader is bringing to the attention of this body, and that is that when they talk about democracy and they talk about peace it is a different definition than when we talk about democracy and we talk about peace.

They use those words very loosely and it becomes very confusing to people who have not studied history to know what it is they are talking about.

They consider people in Siberia in a gulag in a state of peace and I guess you might say it is the ultimate in social security—three meals a day and a place to sleep. But it is no freedom, no opportunity, no natural state of man and his nature and in relationship to God. It is totally foreign and abnormal for human behavior to be entrapped and living in a slave camp and then to call it peaceful. It is a way of twisting the words for their achieving the goals that they are out to achieve.

I thank the majority leader for yielding.

Mr. BYRD. I will just use 2 more minutes and then I am going to yield the floor. I know the Senator wishes to speak.

But I am reading from the chapter, the Third International, in "the Life and Death of Lenin." I read this book several months ago. But this past weekend I spent reviewing it.

On the subject of definitions, in the chapter the Third International:

"Kautsky's work evidently touched him"—meaning Lenin—"on a raw nerve."

Kautsky had written a short book, the Dictatorship of the Proletariat and Lenin in very high dudgeon took umbrage with Kautsky.

He attacked Kautsky. His attack on Kautsky was written during his convalescence—meaning Lenin's convalescence.

Lenin had been the target of an assassination attempt and was almost killed by a woman with a hand gun. Lenin described Kautsky as a windbag "who chews rags in his sleep."

Here is what Lenin says about Kautsky:

> Kautsky's definitions are wrong, he has only a limited understanding of Marx's teaching, and what little he has understood is outweighed by his intolerable misunderstandings.

So he attacked Kautsky's definitions.

Here is what the author says about Lenin's own definitions:

> Lenin's arguments are all of the same kind. Employing his own definitions Lenin can argue in any direction he pleases, secure in the knowledge that no one can controvert

him. In his hands "dictatorship" and "democracy" are interchangeable terms, and he can say for example that "proletarian democracy, of which the Soviet government constitutes one of the forms, has given a development and expansion of democracy hitherto unprecedented in the world." When Kautsky speaks of democracy, it is pointed out to him that he is merely referring to "the stinking corpse of democracy" as it is practiced in the West, which is far removed from the "true and pure" democracy practiced by the Soviets. We are reminded that "proletarian democracy is a million times more democratic * * *

Get that now.

We are reminded by Lenin that "proletarian democracy is a million times more democratic than any bourgeois democracy, and the Soviet government is a million times more democratic than the most democratic bourgeois government."

Those are the words that are quoted in the book as being Lenin's words.

So, we have to be careful of the Soviet leaders' definitions of words. They can be quite different from our own definitions and meanings.

So, "democracy" to us means one thing; "democracy" to the Communist system means quite something else.

As we are told here in this book, the word "democracy" and the word "dictatorship" by Lenin can be interchanged quite easily.

I thank the Senator for his patience in waiting, and I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I once again want to compliment the very thoughtful comments that the majority leader has just made and would add to that by saying that the definition of "peace" that Lenin, Stalin, Brezhnev, Khrushchev, and Gorbachev when they are talking about peace they are talking about when they finally have control of the whole world and they do not have anybody to conflict with their rulership. That is what they are talking about.

Notwithstanding that they had some problems with their Communist brethren in the People's Republic of China, they still ultimately drive toward a world where they have their Soviet style communism in place, and that is what their definition of "peace" is all about. That is what they are talking about.

When we talk about peace we talk about peace and freedom and we think that is inseparable and it is inseparable. They talk about peace where they have the Politburo be able to organize, operate, and manage the country without interference from any people that might object to what it is they are trying to do.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SYMMS. I am happy to yield to the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his cosponsorship of this resolution.

Let me make clear for the Record what the Senator from West Virginia is saying. I am saying that we must study history, but we must not be blinded by the lessons of history. We must not be blinded to the possibilities that may exist for change in the Soviet Union. We must not be blinded by the somber and tragic lessons of history to the possibilities toward change that may be there in the Soviet system. We should always be eager to seize opportunities that will be in our own best interest and it may be that those same opportunities will also be in the best interest, as they view it, of the Soviet Union.

So it is not impossible that we may be on the same line of approach at times. Take, for example, the INF Treaty, I happen to believe that that INF Treaty is in our best interest. I believe it is one that is verifiable and I believe that the verification regime is such that we can be assured that it is in our best interest. The Soviet leadership says that treaty is in its best interest. So I do not advocate that we should let history blind us to what may be opportunities that are in our best interest. I do not think we ought to avoid opportunities that come whereby we may improve our relations with the Soviet Union.

I simply say that we must remember history. And I am not a teacher of history, but I believe that history may provide the light by which our feet may be guided and may help us better to seize whatever potential for good that is within our reach at a given time. The Soviets are not always going to act in ways that are necessarily detrimental to our own interests.

So let us be ready. Let us try to seize those opportunities. Let us recognize the fact that Mr. Gorbachev is a new type of leader; that he is trying to change his system. But let us be careful that we do not fall prey to our own wishful thinking.

I do not turn my face like flint toward the Soviet Union at all times and say, "We will have nothing to do with them." But I do turn my face toward the Soviet Union and try to keep in mind some of the lessons that we should have learned from history and from our own dealings with the Soviet Union. Let us remember that glasnost is not freedom of the press and freedom of speech as the Western World understands those freedoms.

As we vote on the resolution today, and as we deal with the INF Treaty, and as we deal with future treaties, let us do our best to educate ourselves, as much as we can educate ourselves, as to the history of the Soviet system and of Soviet leaders. We will be better prepared not only to evaluate the opportunities that may come, but we will also be less likely to fall prey to our own wishful thinking.

I thank the Senator.

Mr. SYMMS. I thank the majority leader for those comments. I agree with much of what he just said here today. I think that this is, as I have said earlier, a most important resolution.

Mr. President, I ask unanimous consent that Senator Wallop be added to the list of cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I first want to say that I am pleased to be an original sponsor of this resolution, and I want to commend the majority leader, Senator Byrd, for his cooperation—when I brought this matter up to him last week—and for his willingness to work out this resolution. And I want to commend our distinguished colleague, Senator Humphrey, from New Hampshire, for his efforts in working with the majority leader to come up with what I consider to be a very, very fine resolution that all Senators, I think, should be comfortable in supporting.

I also ask unanimous consent to have Senator Dole added as a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. I want to say that Senator Humphrey has given timeless, countless hours of leadership supporting the Mujeheddin, the freedom fighters in Afghanistan. And, Senator Byrd has also spoken on the floor on numerous occasions. I think they are both to be commended because the freedom that the Afghan Mujeheddin freedom fighters are fighting for is not just their own freedom. They are fighting for freedom for all mankind. It is significant that we are winning that struggle in Afghanistan today. When I say "we," I mean free peoples all over the world are winning a battle that is being fought by some very fierce and very brave people in Afghanistan.

The Soviets have made comments that they are considering withdrawing from Afghanistan. I think we have to be cautious. I state this based on my recent travels to Pakistan and visiting with mujeheddin leaders. Yunis Khalis, and many others; visiting with the Pakistani leadership, President Zia, his Foreign Minister, the Prime Minister of Pakistan, and other leaders and military leaders in Pakistan. In the conversations I had with these individuals there is one underlying fear that comes through. That is that somehow we will make some superpower level deal between the United States and the Soviet Union, and allow the Soviet Union to gain politically what they have not been able to gain militarily.

I think it is significant to note that they are not leaving Afghanistan because they want to. They are leaving Afghanistan because they are literally having their tail handed to them on a platter because of the ability of the mujeheddin to carry the war to them. This is after countless suffering.

I think we in this country have a hard time recognizing the suffering that has gone on in Afghanistan. It is a country of 14 million people. It is a tough, hard, rocky country. At least 10 percent of the people have been killed. Most of those people have been killed by Soviet bombing with white phosphorus, napalm, antipersonnel bombs, CPU's, and so forth. They paid a terrible, terrible price in their country. They started fighting and they kept fighting. They resisted, and they had old Enfield rifles with only two or three rounds per soldier. Gradually, through the years, they started getting rifles from the Soviets which they would ambush and take their supplies with. They armed themselves.

Finally, the free world came to their assistance after 2 or 3 years and started helping them with basic minimal means of support. As you know, we have a fairly big problem in Afghanistan now, and with the addition of the Stinger missiles to the equation, they have now been able to deny the Soviets the freedom of the air space they had prior to that. They are shooting down airplanes any time they get in range of them. The Soviets have a choice—either go down close or stay way high with their fighter bombers out of range of the Stinger. When they do that, they cannot hit anybody on the ground. So they are no threat to them. If they go down close, they shoot them down with the Stinger. If they go down on the treetop level with the helicopters and jets, they are in range of small arm fire. I talked to one person who had been in the country that saw a Soviet helicopter shot down with an RPG. Apparently, the guy shot it through the door of the helicopter because they were flying so close to the ground.

So they are really doing a service. I would repeat again the freedom that they are fighting for is not just the freedom of Afghanistan. It is for freedom of all mankind. We are talking about reversing the Brezhnev doctrine. What the United States has to do is be the leader in this and not make any accommodation. When the Soviets say they want accommodation to leave the country, all the Soviet Union has to do is leave the country on the same highway that they came in on. It took them about 3 days to bring in some 100,000 troops. All they have to do is reverse the trucks, load the troops up and start heading out of the country and evacuate.

I visited Khyber Rifles, in Pakistan, and the Khyber Rifles is a military unit that guards the Khyber Pass. It has a great, proud tradition that goes back to the last century. When we were there, some Soviet aircraft overflew and they opened up with their antiaircraft weapons. They were too high for them to hit them. But they at least were trying to protect their own country. The Soviets, as a matter of fact, constantly overfly into Pakistan. That is a point many people in the world are not aware of. They constantly bomb and injure innocent Pakistanis with their aircraft along the borders.

The other thing that is happening while Mr. Gorbachev receives the great accolades of Time magazine for being the man of the year—he is now being treated as our new partner in peace by this administration. That may be well and good but I think it is a Trojan horse operation. But that is my opinion.

Mr. Gorbachev's own KGB, which reports directly to him, has a huge operation in Kabul. And they are ordering the bombing of innocent people in Pakistan, trying to terrorize the Pakistanis. While he is getting awards for being the man of the year in Time magazine, while there are votes being taken even in public opinion polls that somehow he is a bigger man at peace than the leaders of the Western democracies. I think it is interesting that his own KGB in Pakistan injured 1,000 innocent Pakistani civilians last year by setting off bombs in shopping centers, and in areas where people gather at bus stops and so forth. It is a constant occurrence.

I visited some of the places where these bombs have recently gone off. I think it is important that we put this in perspective. That is why I really want to say again that I think that the authors of this resolution, although I had one prepared and inserted in the Record last week, is even better and has built upon the one that we had. It is strong language. It speaks for itself. It is an opportunity for the United States Senate through the sense of the Senate resolution, to send a message around the world that we are going to stand beside the freedom fighters in Afghanistan, until the last vestige of Soviet influence is out of Afghanistan.

Mr. President, the Soviets are in a position in Afghanistan where there is no way they can win that war. If they wanted to put in 500,000, it will not work at this point because of the terrain being what it is, the countryside being what it is. They simply will continue to pile up casualties and pile up losses. The casualties now are running about 10 to 1 against the Soviet army. I think it is important that they get their troops out of there so they can stop the needless bloodshed of the fine Russian young people that are victims of this situation. They are not in Afghanistan because they want to be. They are in Afghanistan because they live in a dictatorship and they do not have any say-so about what the dictators in the Politburo decide. If Gorbachev wants to send them into Afghanistan, he sends them in. If you are a young Russian teenager and the army grabs you and drafts you, they send you to Afghanistan. They really have little choice. So it is very sad to see. I have in my office for any of the colleagues who are interested a Soviet uniform that I purchased in Peshawar. It is Soviet equipment. It is on sale everywhere. This is coming off fine young people who are innocent victims of this war as much as are the Afghans. This is pure and simple Soviet hegemony, and they need to be pushed back out.

On February 25, before the House Subcommittee on Asian and Pacific Affairs, Deputy Assistant Secretary of State Robert Beck said:

> We would be prepared if completely satisfied with the overall agreement to prohibit U.S. military assistance to the Afghan resistance.

This line of thinking from the State Department is totally unacceptable and contrary to President Reagan's policy. In fact, President Reagan said in an interview on December 3, 1987:

> You can't suddenly disarm the mujahideen and leave them prey to the other government.

Mr. President, I believe there are two reasons why the Soviet Union has begun considering the withdrawal of their forces. No. 1, as I mentioned, is the will and strong determination of the anti-Marxist resistance in their fight for freedom and independence; and, No. 2, the assistance the United States has provided to the freedom fighters.

Clearly, the Afghan resistance is winning the war, but if the United States discontinues its assistance before or during the withdrawal, we will literally be snatching defeat from the jaws of victory. That would allow the dictator, Gorbachev, to then take credit for withdrawing his army, but still leaving a Soviet influence government in place. That is exactly what we should not allow to happen.

Such a compromise would allow the Soviets the ability to continue the war and leave the mujahideen vulnerable to Soviet noncompliance. Regardless of the weapons the mujahideen may have stored or hidden, the Communist-backed regime has infiltrated the ranks of the resistance and could easily destroy the remaining equipment.

Because the State Department has taken the position of ending assistance, it is very important that the Senate go on record opposing an aid cutoff. This will send a clear message to the resistance movement in Afghanistan, and elsewhere, that the United States is committed to the Reagan doctrine and will back the freedom fighters, who are pursuing peace, freedom, and independence.

Mr. President, with respect to all this talk about glasnost, if one would really examine what glasnost is all about, one would see it is doomed to failure before the start. The Soviet Union is really not a union like the Union of the United States, where we are one Nation; a country that has 50 sovereign States, but we are all in the Union.

The Soviet Union is like a colonial empire, and the reason they have picked up one country and another country and another country through the growth of their empire is that they have the whip, the guns, and the Kremlin backing them up to force these people into line.

If we can throw them out of Afghanistan, that puts them on the defensive, so many other people would be emboldened to stand up to the tyrants, the dictators, and the oppressors. Once they get on the defensive, their empire will have all kinds of trouble from the inside and will pose less of a threat to those of us outside the Soviet empire.

I think it is most important that we not rush for an agreement. President Zia said to me, "We need to be patient. We need to be firm." But you must remember, Pakistan is a poor country; Pakistan is a country of 93 million people. They are under tremendous pressure to get this settled. They have 3 million refugees in the country.

They are running those refugee camps better than any refugee camps I have visited. I was very impressed with the Paks, with the quality of their soldiers, the demeanor and measure of efficiency, thoroughness, and compassion with which they run those refugee camps.

We saw no one hungry in the refugee camps. It is costing $1 million a day to keep 3 million refugees in refugee camps. The United States is spending about $250,000 a day to help on that effort; Saudi Arabia, about $250,000 a day, but the Pakistan Government is comping up with a half-a-million dollars a day in expenditures. That is a lot of money, and I hope we would be as generous. If we do not wake up with respect to what is happening in Central America—because I see those two issues somewhat similar—we may be put to a test of what we are going to do when we get 16 to 20 to 30 million refugees in Texas, in New Mexico, in Arizona, in California, and anywhere else in this country, as these refugees start voting with their feet and moving north, if the revolution expands from Nicaragua into the surrounding countries.

We may be put to a test to see if we would be as generous as those Pakistan people and the Pakistan Government.

So I think they need our support. I think it is a cause the United States citizens can be very proud we are participating in, and I think we should be very careful, as Jeane Kirkpatrick said, "to be too eager for any agreement."

We should have one goal in mind—that is, when the last Soviet soldier leaves the border, crosses back home to Russia. That should be our goal. When the last Russian soldier leaves, and that means they are leaving no advisers and no vestiges of Soviet influence.

It is true, there is a great deal of effort being made by the Soviets to politicize the people that are left so they will then represent what it is the Soviet Union wants in Afghanistan. But I think the one way we fail in our ivory tower thinking is that sometimes people say—our State Department and people from other countries—that we have to have some kind of compromise and a coalition government.

I met with the elected leader of the mujahideen. This was a fierce warrior at one time in the early part of this war. He was in the country and led troops and fought the Soviets. He was quite renowned among his troops for his bravery, his tenacity, and his willingness to fight. But at this point, he is an older man. He is 68 years old. He is out of the country. Even he cannot make a deal on what kind of a government they are going to have. The truth of it is that people who are in the country leading the mujahideen troops, the troop leaders, will be the makeup of a new government. Whether we like it or not, we should face that reality.

Our job is to get the Soviets out. All they have to do is load the troops on the trucks and the armored personnel vehicles and start an airlift. Fly these people out the same way they flew them in and get their tanks on the highway and head them back to the Soviet Union. If they start an armored column out of the country, they would probably be surprised how fast their route of exit would be opened for them to leave.

So I do not buy the argument that we should disarm the resistance. The only reason they are leaving is that they are losing the war. The word is getting out, even in the Soviet Union, because there are so many young Russian boys who have been sent there that by word of mouth the word is getting out that they are being defeated on the battlefield.

I had one story told to me where 80 speznick soldiers surrendered en masse. The Russian army is not quite the indomitable army they would like the world to believe. Their morale is down. They are literally under pressure and being forced out of Afghanistan, and we should help them make that decision to get out of Afghanistan to stop the bloodshed.

Mr. President, I ask unanimous consent that Mrs. Kirkpatrick's article in today's Washington Post be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. She makes the point that by now everyone has heard that the Soviets want to withdraw from Afghanistan. She makes the point also that the Soviet dictatorship leaves—and that is my word, not hers. I think we should remember that it is a dictatorship. This love in we witnessed here last fall before Christmas with Mr. Gorbachev makes me wonder if we have taken leave of our senses. We welcome these people in here and treat them as though they are the moral equivalency of the people of the United States in terms of government standing and the officialdom of our Government where we are elected by the people. We have a government that works for the people and is told by the people what we are supposed to do. In the Soviet Union it is just the opposite. There about 2 percent of the people who control all the whips and guns that make the people do what it is that they want them to do. Whether they like it or not they have to comply. They rule them by oppressing them, terrorizing them, and scaring them in making them do what it is they want them to do.

I am one person who finds it very repugnant to have Gorbachev in town. If we had not been having votes on the Senate floor, I would have taken leave of this city and gone to my home State and found some tranquility away from the television. I found it so nauseating to see a dictator who leads an empire who managed to kill 500 people a day on the average since 1917. They have on average been killing 500 people a day, to keep themselves in power. Now I do not believe we should not talk to the Soviets. In fact, I encourage the United States and Soviet dialog. However, we give them such great credibility in this country by signing treaties with them that they do not comply with. Then we turn around and want to sign another treaty with them that we know they will not comply with. They have never changed their goal, and that is world domination. That is their goal and they act like they still intend to do it if they can use Gorbachev as a Trojan horse. We should not be fooled by that.

The reason they are pulling out of Afghanistan is that they are losing the war and that is why this resolution is so important. It does two things. It will give our negotiators some backbone to know that the American people are supporting them to take a

strong stand; and, second, it gives a message around the world that we do not believe the Brezhnev doctrine. We do not believe that it is the word. It is not going to happen. In other words, it is not a self-fulfilling prophecy that the Brezhnev doctrine should become true. There is no mandate from Heaven that says the Brezhnev doctrine is sent from the Almighty, and that is the way things are going out.

We have the ability to support the resistance movement—to roll back the borders of communism, and expand the frontiers of freedom. That more people can live in freedom and opportunity instead of less people, as the Brezhnev doctrine is mandated to do.

I think it is important to note what Pravda said. Reporting from the Mrs. Kirkpatrick article:

> The Afghan problem has been used from year to year to block peace initiatives. Hawks across the ocean say "Afghanistan first, regional conflicts first." Until they are settled, it is pointless to talk about the cardinal problems of war and peace or to embark seriously on nuclear disarmament.

That is Pravda saying that.

I think that is a rather interesting point to make. So maybe they do have an incentive they think they can pull out of Afghanistan and say, "We are the good guys, we are getting out of there."

Do not forget that they are getting out of there because of the Stinger missiles and Kalysnekof rifles provided, both in the Afghans getting them and coming from out of the country, a lot of antitank weapons and RPG's and wherewithal that it takes food, boots, and so forth, to win a struggle such as this and stand up against a very powerful army that invaded the country.

> An extremely interesting article in a recent issue of Moscow's Literary Gazette is said to constitute the recommended interpretation of the Afghan experience. Terming the current Afghan policy one of "national reconciliation" and "an expression of the new political thinking on the Afghans' side," the Literary Gazette recalls the euphoria in the Soviet Union when the April 1978 "revolution" in Kabul was announced. The writer remembers the pleasure at hearing "that we might find ourselves with a socialist neighbor on our border to the south," and later recalls "disaster . . . threatened the red flag over Kabul." There was outside interference—American, Chinese, British and Pakistani guns appeared to threaten the regime. So, naturally, in response to the Afghan state's call for help, "We sent in the troops" to offset "the mighty presence from abroad."
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> The Literary Gazette recalls how, in the early happy days, everyone assumed "the victorious party [the People's Democratic Party of Afghanistan] would be able to create an effective structure covering the whole country, the whole territory and all the social strata of the society, and stability would prevail."
>
> It did not happen.
>
> The PDPA "offended against tradition." It "turned into violence and repression." It fell into factionalism. Afghanistan turned out to be a "medieval melting pot." Everyone could see that some accommodation was required with traditional culture and Islam. The process of compromise began.

Mr. President, it is interesting that the Soviets failed to study history when they did make the decision to invade Afghanistan. Our friends the British, from whom we have had a great and long and lasting tradition from some of their values, in about the year, it was either 1867 to 1873, they decided when they were in what is now Pakistan, which was old India under the colonial system, that they did not like the king that was in power in Afghanistan. They sent a regiment in the country of 4,000 British troops and they marched through a Khyber Pass and into Kabul. They took the king out that was in power and replaced him with one of their choice. This was in the fall of the year. As the winter came, they noticed that the Afghanistan people kept coming around and they kept looking out in the hills and they saw there was more and more Afghan people around those hills and decided that they should reduce the size of their garrison. So they rapidly dispatched 2,000 soldiers to leave. They did this after they had only been in the country about 6 weeks to 2 months.

Then by spring, they had noticed the constant buildup around Kabul. They decided they should head for the Khyber Pass with their remaining regiment, with the remaining 2,000 people and leave the king that they had put in power in power.

They started out on that march to the border with their horses and equipment, and so forth. Of course, they were very well armed compared to the Afghan people at the time.

The story is that in the Khyber Pass, there was one person they could see coming on a horse. After a few days, they heard nothing from their column, no messages, no means of communication, no signals, and the regimental doctor—I think his name was Brighton—appeared through the binoculars. They could see him from the outpost on the Khyber Pass. The Afghans had let the regimental doctor go so there would be one person left alive from the regiment to tell the British not to come back again, that the remaining part would be buried in Afghanistan.

The Soviets should have recognized this. Although they probably recognized the fierceness of the Afghanistan people, and the willingness to fight, they were counting on the rest of the world to do nothing. They were not counting on the likes of Senator Humphrey to be fighting every day in the U.S. Senate to get suppport for the freedom fighters and not counting on Ronald Reagan to be elected who would impose the Reagan doctrine. They were counting on us to continue to retreat from communism as though it was inevitable that they would expand their empire.

So I think we have a unique opportunity now in history to reverse the inevitability theory that the Soviet dictators operate under. If we do so, Mr. President, I believe we will find that the world will be a much more peaceful place so that the Soviets will not be so adventuresome in further activities. They will not be so willing to try to bully themselves around to force their will on other peoples in other places. It is my personal opinion that it is not beyond my hope that once we kick them out of Afghanistan then they will start a revolution in the surrounding perimeters of the Soviet Union. We should support resistance movements anywhere. That ought to be the policy of the United States. We should be supporting resistance movements in Cuba, Nicaragua, Afghanistan, Angola, Poland. Anywhere behind the Iron Curtain that people want to resist the dictators of the Soviet Union we should be willing to help them.

I think we would find that we would not have to have a $300 billion a year defense budget and not be threatened with nuclear missiles and not be threatened with massive backfire bombers, because the Soviet Union would have their hands full internally. It is an ideology that we are confronting. If we could just bomb the Soviet Union with Sears catalogs, it would be a big advantage over what we are doing so that the people in that country would know what it is that their Government denies them from having.

This is the best thing that has happened in a long time, to have the Soviet Union being defeated on the battlefield in Afghanistan so people will wake up in this propaganda war. They shoot people when they leave their country. When they crawl over the wall anywhere across Europe, you get shot. You have to get through mine fields, claymore mines, machine gun nests, and barbed wire entanglements. It is incredible what they have to do to escape the country. They will shoot you on the barbed wire as you are passing over.

We are passing laws in this country to try to keep people out, and we allow ourselves to lose the propaganda war and give the dictators an absolutely free address in the U.S. and the Western media. I find it almost incredible.

So I just want to say again, as Mrs. Kirkpatrick says:

> It is inconceivable that the administration of Ronald Reagan would accept a deal that leaves a residual Soviet presence in Afghanistan, a Communist government in Kabul aided by Moscow, while cutting off the flow of assistance to the Afghan resistance.
>
> It could not be.
>
> If there is to be an end to "outside interference" in Afghanistan it must be applied

equally. Cutoff of aid must include a cutoff of Soviet assistance to the Kabul puppet government.

So what we are saying here in this resolution today is we are giving our Secretary of State, George Shultz, a statement and we are giving President Reagan a statement that we in the U.S. Senate—the Democrats, the Republicans, Americans one and all—are going to stand together. We want to see this thing through to the end and we want to see freedom prevail over tyranny.

It is a black-and-white issue. It is so important that we get a good strong vote on this. I hope every Senator will come to the floor and cast their vote for freedom and support this.

The majority leader is quite correct in doing this. Senator Humphrey is quite correct in his efforts in it. I am happy that I brought this up with the majority leader last week and started this off by introducing a resolution, because we need a strong statement to the whole world that freedom is going to have the support of the people in the United States of America.

I will just say, in closing, Mr. President, that the freedom we are talking about in Afghanistan is not just freedom in Afghanistan. It is freedom for all mankind.

I yield the floor.

Exhibit 1

"Too Eager for Any Agreement" on Afghanistan

(By Jeane Kirkpatrick)

By now, nearly everyone has heard that the Soviets want to withdraw from Afghanistan. Secretary of State George Shultz has said he does not doubt it, though some remain skeptical. More important, however, the carefully worded pronouncements from Mikhail Gorbachev and other Soviet officials leave critical questions unanswered.

Will all Soviet troops depart? Do the Soviets intend to leave a permament presence? How will the next government be chosen? Will refugees and their leaders be permitted to participate? How much Soviet aid will there be for the puppet government in Kabul?

What did Pravda say? "The Afghan problem has been used from year to year to block peace initiatives. . . . Hawks across the ocean say 'Afghanistan first, regional conflicts first.' Until they are settled, it is pointless to talk about the cardinal problems of war and peace or to embark seriously on nuclear disarmament."

An extremely interesting article in a recent issue of Moscow's Literacy Gazette is said to constitute the recommended interpretation of the Afghan experience. Terming the current Afghan policy one of "national reconciliation" and "an expression of the new political thinking on the Afghans' side," the Literacy Gazette recalls the euphoria in the Soviet Union when the April 1978 "resolution" in Kabul was announced. The writer remembers the pleasure at hearing "that we might find ourselves with a socialist neighbor on our border to the south," and later recalls "disaster . . . threatened the red flag over Kabul." There was outside interference—Americans, Chinese, British and Pakistani guns appeared to threaten the regime. So, naturally, in response to the Afghan state's call for help, "We sent in the troops" to offset "the mighty presence from abroad."

The Literary Gazette recalls how, in the early happy days, everyone assumed "the victorious party [the People's Democratic Party of Afghanistan] would be able to create an effective structure covering the whole country, the whole territory and all the social strata of the society, and stability would prevail."

It did not happen.

The PDPA "offended against tradition." It "turned into violence and repression." It fell into factionalism. Afghanistan turned out to be a "medieval melting pot." Everyone could see that some accommodation was required with traditional culture and Islam. The process of compromise began.

"State forums were introduced by mullahs' prayers. The flag ceased to be red and acquired a green Islamic stripe." The party proclaimed its pluralism. it proclaimed a "policy of national reconciliation" and "unprecedented compromise with enemies," and a readiness to "see them not as enemies but as patriots, colleagues in a future traditionally Islamic society."

Now, the Literary Gazette tells us, the original aim of the revolutionary government "has been renounced by the government itself." Everyone now has come to realize that the "experts were wrong in their assessment. Errors were made."

The departure of our troops is not a defeat," the Literary Gazette explains, adding the soldiers will leave as "the vector of politics changes into reverse and the army follows that vector."

It will all happen "if the pens in Geneva sign the peace agreements." Gorbachev has decided to withdraw, but the decision, the Soviets explain, is not unconditional.

What must the pens in Geneva sign? The terms of the proposed agreement have not been made public, but reports have circulated for weeks. According to these reports, the Soviet Union—which now claim 90,000 troops in Afghanistan—will begin withdrawal by May 15 if the agreement is completed by March 15 and will complete withdrawal within 10 months.

But, and it is a very large but, the United States must cease all assistance to the Afghan *mujaheddin* as soon as the Soviet Union begins its troop withdrawal. The Pakistanis must dismantle the mujaheddin base camps, and the existing Afghan government will remain in place. That this government calls itself a government of national reconciliation does not change the fact that it was installed by the Soviet Union and is maintained by Soviet troops.

Obviously the withdrawal of Soviet troops from Afghanistan is intensely desirable. Eight long years of war have left 1.25 million Afghans dead, 4 million in exile and the country devastated.

However, Afghan resistance leaders fear they have already been betrayed by an American government that seems too eager for any agreement.

It is inconceivable that the administration of Ronald Reagan would accept a deal that leaves a residual Soviet presence in Afghanistan, a Communist government in Kabul aided by Moscow, while cutting off the flow of assistance to the Afghan resistance.

It could not be.

If there is to be an end to "outside interference" in Afghanistan it must be applied equally. Cutoff of aid must include a cutoff of Soviet assistance to the Kabul puppet government.

George Shultz should make it clear to the Soviets that it takes more than a change of name to make a government a "national reconciliation."

The PRESIDING OFFICER (Mr. Conrad). Who yields time?

Mr. HUMPHREY. Parliamentary inquiry: Is there a time agreement?

The PRESIDING OFFICER. There is a time agreement; 3 hours on each side.

Mr. SYMMS. Mr. President, I yield such time to Senator Humphrey as he may need. I would just say, Mr. President, that I think that the agreement is that Senators who wish to speak may come to the floor and speak. Senator Byrd has divided the time, but he has said that his time will be made available to any Senator who wishes to speak. I do not think there is any opposition, so there is really no division of who gets the time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for such time as he may need.

Mr. HUMPHREY. I thank the Chair.

Mr. President, I commend the Senator from Idaho for spearheading this effort to make known the sentiment of the Senate on the subject of the various agreements applying to the withdrawal of Soviet forces from Afghanistan. The Senator has performed more than a useful service. He has performed probably a historic service for reasons I will outline in the course of my remarks.

I, likewise, commend the majority leader and the chairman of the Foreign Relations Committee for their cooperation and their longstanding enthusiasm and help for the cause of Afghan independence.

Mr. President, as the Senator from Idaho has stated, the resolution before the Senate is, in effect, an expression of sentiment; in effect, counsel for the benefit of the administration. And let us hope that the administration takes it to heart, because there is very strong unity in this body—and I suspect when it comes to a vote there will not be a dissenting vote in the adoption of this resolution—there is strong bipartisan unity across the philosophical spectrum for not only supporting the Afghan cause all of these years, but for ensuring that whatever agreement the parties come to for securing the independence of Afghanistan be an agreement which is decent and which is prudent and which ensures, to the maximum possible extent, that the Soviet withdrawal will be complete and that there can be no doublecross accommodated by any such agreement.

At long last, the Soviets do appear genuinely interested in withdrawing from Afghanistan. The expression of wishes to withdraw is nothing new, but what is new is the recent statement of the Foreign Minister and the General Secretary to the effect that they no longer insist upon preconditions with respect to a surviving government; that they are now willing to withdraw without insisting upon leaving in place their puppet regime set up 8 years ago.

That is an important change. That is a watershed event that may show whether the Soviets are sincere in their wish to leave. Because what is clear is this: either they are sincere or they are insincere. And if they are insincere and they have deceit and doublecross in mind, we have to tailor an agreement which will not accommodate doublecross and deceit and insincerity. And if they are sincere, then they will find, I think, an agreement that facilitates the safe withdrawal from Afghanistan of their forces.

We do not want an agreement which in any way endangers the gains won by the Afghans at such enormous costs. We should bear in mind, the administration should bear in mind, the extra responsibility it bears in view of its negotiating on behalf of the Afghan people. The Afghans are not a direct party to these negotiations, unfortunately; not likely to be, in a meaningful sense. Therefore, it is all the more incumbent upon this Government to take even more seriously the very great responsibility it has in negotiating the future of others and especially in light of the enormous sacrifice the Afghans have made these last 8 years.

The Senator from Idaho said that Afghanistan is a country of 14 million people. That is not quite true. It is a country of about 10 million people. It used to be a country of 15 million people prior to the Soviet invasion.

What happened to 5 million people, well, a million-and-a-quarter of them are dead—dead; d-e-a-d—as a result of the Soviet invasion; a million-and-a-quarter out of 15 million. That is 7 percent.

If you apply that 7 percent to the American population, Mr. President, it equates to about 17 million dead Americans—17 million, if you can imagine such a catastrophe. There would scarcely be a family untouched—children dead, parents dead, grandparents dead; almost every family would have suffered the loss of loved ones. That may be difficult for us to imagine, but for the Afghans it is not a matter of imagination. It is a matter of daily reality. And the State Department ought to be bearing that terrible fact in mind daily and hourly as it negotiates the fate of Afghanistan and moves toward an agreement which will either secure the gains of that sacrifice or throw them away, throw away at the bargaining table what the Afghans have won at the battlefield.

It is a pretty sobering thought, sobering responsibility. And yet I have a great deal of unease, shared by many in this body and shared by many in the realm of public policy, in Government and out, that the State Department has very carelessly, at least foolishly, at least imprudently, so far conducted these negotiations.

The agreements, as best we can learn of them, are not prudent, not safe, not decent, and not just. And I will come in a moment to the particular points of criticism.

It seems to me that we ought to be approaching this responsibility with a set of criteria for an agreement which we can rely upon to ensure the success of the Afghan cause. We are at a critical juncture, it would seem. The U.N.-sponsored talks resume next month. There is a great urgency in some quarters to make this round of talks the last.

That would be fine, providing the talks yield an agreement which secures the gains of the Afghan people and in no way endangers them or exposes them to doublecross.

But if it takes more than one round to secure a just and decent and prudent agreement, then so be it.

Any agreement is not good enough. We should have a few criteria. The first is that outside assistance to the Afghan resistance can continue until the Soviets are completely withdrawn from the country or at least until it is crystal clear that they are so far withdrawn that they cannot return.

Unfortunately, under terms earlier agreed to by the State Department, the United States has agreed to cut off all assistance at the beginning. Not at the end, or not three-quarters of the way through, but on day one of the Soviet withdrawal. The Soviets need only withdraw a few hundred men, let us say, and that triggers immediately a complete cutoff of American assistance and the assistance of other countries to the Afghan resistance.

If the Soviets are insincere and if they have doublecross in mind, what more generous term could they hope for than for the United States and other interested countries to leave the Mujahadeen, the resistance, twisting in the wind for 10 months while Soviet forces and those of the puppet government they set up are continuously and generously supplied. If they intend a doublecross, what more generous term could they wish than that to which the State Department apparently already agreed; namely, cutoff of assistance on day one of a Soviet withdrawal? It is absurd; it is irresponsible and if it were permitted to stand, it would be tragic.

So our first criterion must be that outside assistance to the resistance upon which they are entirely dependent—entirely—must continue as long as there are significant numbers of Soviet troops in Afghanistan.

A rather odd bit of history attaches to this point. Prior to the Washington summit President Reagan stated that the United States would never cut off assistance to the Afghans at the beginning of a Soviet troop withdrawal. However, several days later, after that fine statement, senior State Department officials reiterated to the press that the United States would in fact be prepared to cut off all assistance at the outset, at the beginning, on day one of the Soviet withdrawal. So there you have the State Department contradicting the White House, contradicting the President.

We now know why the administration was forced to execute an about-face in this critical matter for, a few days later, the New York Times reported that:

> An American commitment in 1985 to end the military aid to the Afghan guerrillas at the beginning of a Soviet troop withdrawal was made without the knowledge or approval of President Reagan.

Imagine that.

On so cardinal a point as this the State Department has agreed to foolish terms not only without the approval of the President but, indeed, without his knowledge, if the New York Times can be believed. And I believe it in this case because I know the details and it is true. The President was blindsided. That is outrageous.

The Congress, unlike the administration, has spoken with one voice on this issue of Afghanistan over the years. Congress has continually pressed the administration to increase military and humanitarian assistance, year in and year out. We have increased the appropriations over those requested by the administration, so determined has been the Congress to stand with the people of Afghanistan.

We have not only provided material assistance, we have many times expressed our sentiments, as we will today, again, in a moment.

Example: In the last Congress, Public Law 99-399:

> The United States, so long as Soviet military forces occupy Afghanistan, should support the efforts of the people of Afghanistan to regain the sovereignty and territorial integrity of their nation through the appropriate provisions of material support.

So, as recently as the last Congress, the Congress stated that we should continue to provide such material assistance, "so long as Soviet military forces occupy Afghanistan."

In other words, we should not give away the store up front. We should resort to some shrewd Yankee bargaining for a change, but unfortunately the State Department was not listening, apparently.

In this Congress, last year, we adopted House Resolution 277 that came to us unanimously from the House on the same point. Congress has never agreed to cutting off the support for the Afghan resistance at the outset, the beginning of the Soviet troop withdrawal. Why not? Because such an agreement, such a term is foolish on its face. Along these lines I would urge my colleagues to take a few moments to read the wise remarks of the majority leader delivered on the floor just last Tuesday. Commenting on Mr. Gorbachev's assertion that the United States must end all aid to the Mujahadeen at the outset, Senator Byrd spoke for many of us when he said:

> American aid should stay in place until it is absolutely, indubitably and unqustionably clear that the Soviets are mainly out and that they are not redeploying their forces to be inserted again, and the the Mujahadeen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections.

Mr. President, the junior Senator from Massachusetts and I are circulating a letter to the President on this subject now, signed by 29 Senators, I might add which says:

> To agree to cut off all aid to the Afghan resistance while Soviet troops remaining are generously and continually resupplied, and while the puppet government they set up is likewise resupplied, is unwise on its face. Let it never be said that the United States threw aside the sacrifice of the Afghan people.

Let it never be said that we threw away the blood of a million and a quarter of the Afghan people and 4 million more who are refugees, and the suffering of 4 million more who have injuries and disease as a result of this war and whose future has been substantially diminished by the hardship brought about by Soviet occupation.

Let it never be said that this enormous, almost unprecedented sacrifice, was thrown away by the United States. And yet there is a substantial danger that the State Department will do just that.

With respect to that letter, now signed by 29 U.S. Senators, we have been joined in its by the chairman of the Foreign Relations Committee and the chairman of the Intelligence Committee as well and I urge my colleagues, likewise, to add their signatures.

Mr. BYRD. Mr. President, would the Senator yield?

Mr. HUMPHREY. I would be happy to yield to the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator for yielding. I compliment the Senator for the leadership that he has consistently shown in this subject area over a period of a great many years. I compliment him on his statement today. I have not been able to listen to all of it.

I have been looking over a statement titled "Testimony of Robert A. Peck, Deputy Assistant Secretary of State, Before the Subcommittee on Asian and Pacific Affairs, February 25, 1988," last week. This is Congressman Solarz' Asian Subcommittee of the House Foreign Affairs Committee. I have not had a chance to read all of the statement but my staff has just called my attention to a portion of the speech that was prepared for delivery by Mr. Peck before that subcommittee.

I do not know whether there were any modifications made in that statement at the time it was delivered or what may have evolved through the process of questions and answers in that hearing. But I read the following extract from the prepared statement of Robert A. Peck, Deputy Assistant Secretary of State, before Mr. Solarz' subcommittee.

> We and the Soviet Union would agree to the same basic commitment regarding noninterference and nonintervention. We would be prepared, if completely satisfied with the overall agreement, to prohibit U.S. military assistance to the Afghan resistance.

"We would expect"—and here I would underline the word "expect"—"the Soviet Union to show reciprocal restraint under the Geneva accords in stopping military support for the Kabul regime instrument on guarantees. We will, of course, continue nonmilitary humanitarian assistance and assume the Soviets will do the same. The commitments of all the parties would enter into effect on an agreed date following signature; at the present time, this is expected to be at the end of 60 days."

Mr. President, is the Senator aware of this statement that was made by Mr. Robert A. Peck on behalf of the State Department before the House Foreign Affairs Subcommittee on Asian Affairs?

Mr. HUMPHREY. I respond by saying that the staff called it to my attention. I did not know about it, no.

Mr. BYRD. What does this tell the Senator:

> We would be prepared, if completely satisfied with the overall agreements, to prohibit U.S. military assistance to the Afghan resistance. We would expect the Soviet Union to show reciprocal restraint under the Geneva Accords in stopping military support for the Kabul regime instrument on guarantees.

Does this mean that the State Department under this administration is getting ready to drop its military assistance to the Afghan resistance on the basis of some agreement, some promise by the Soviets, that they are going to get out of Afghanistan?

Would I understand this to mean that, as soon as the Soviets sign on the dotted line, they are going to withdraw from Afghanistan and that they will not interfere or intervene any further in the political affairs, the government in Afghanistan, and that we are going to basically lean upon or depend upon the so-called good "intentions" of the Soviet Government, and that we are going to shut off aid as soon as the Soviets sign a reciprocal restraint agreement; that we are going to cut off military aid to the Afghanistan resistance at that point?

It says:

> The commitments of all the parties would enter into effect on an agreed date following signature; at the present time, this is expected to be at the end of 60 days.

Are we saying that, when the Soviets sign on the dotted line, that 60 days thereafter, the United States will end its aid, its military aid to the Afghan resistance?

Mr. HUMPHREY. Mr. President, that is the agreement as now stated. To the extent this Senator is aware, and I have never had access to the agreements—I have asked for them, but I have not been able to see them—to the extent that I am aware from a number of sources, the agreement as now constituted requires the United States to cut off assistance to the Afghan resistance at the beginning of the Soviet withdrawal. Nothing in the agreement as now constituted requires the Soviets to exercise any restraint whatever in resupplying of its own forces or that of the puppet government which is set up.

Mr. SYMMS. Will the Senator yield for a point? Who has the floor?

Mr. HUMPHREY. I yielded to the majority leader.

Mr. SYMMS. I just wanted to share with my colleagues that when I was in Pakistan in January, the State Department team that we have in the country did not agree with it, or if they knew about the agreement, they did not mention it to me. I cannot speak for them, but I was very proud of the United States team in Pakistan, the State Department, our military advisers, and other people we have there. I was very proud of all of them. This is where I got so excited about this proposition because they are concerned about this very thing. The head of the mujahadeen is concerned about this. The military leadership of Pakistan, the Pakistan President, they are all concerned about this, this very point. They sense that something is in the making at the highest levels of the State Department. I did not get that from our Ambassador or our people in the other offices in Pakistan. They think exactly as we are saying, that we should stay right on the track of doing what we are doing, not have any impatience on our part, we should just be patient in doing what we are doing and keep telling the Soviets that the way out is the same way they came in and "Turn your trucks around and get your troops out with the Soviets on them."

I have a copy of the statement by Mr. Peck. I find it very, very alarming to see this statement, given as recently

as last week, coming out of the high levels of the State Department when this was inconsistent with what our policy was in Pakistan.

When you were off the floor, Mr. Leader, I said I appreciated so much your willingness to bring this before the Senate. I think this is an important resolution. As Senator Humphrey said, this may be a historic resolution that we agree to here today because we have to get the attention of the State Department and the President. I cannot believe that President Reagan would agree with this statement. I would have to have him say so before I would believe so.

Mr. BYRD. Will the Senator yield?

Mr. HUMPHREY. I would be delighted to yield.

Mr. BYRD. Mr. President, I am shocked at the language.

Mr. HUMPHREY. The Senator should be shocked.

Mr. BYRD. I am not only shocked, I am stunned.

Mr. HUMPHREY. The Senator should be stunned.

Mr. BYRD. This does not comport with what Secretary Shultz and the President have said to me. It may be that there are two ships passing in the night here, from what I thought I heard in talking with Secretary Shultz and the President and perhaps in what they thought they heard in talking with me. This would be a sellout by the United States of America, if I understand it correctly.

Mr. HUMPHREY. That is right.

Mr. BYRD. And it would be a shameful sellout.

Mr. President, when is this agreement supposed to be signed?

Mr. HUMPHREY. That is the function of what happens in the next round of negotiations which will begin in a few days. But we are led to believe that there is a strong push underway to conclude the agreement in the next few days.

Mr. BYRD. Mr. President, I can only say that I would like to know, and I think the Senate would like to know, what is in any agreement affecting the Afghan freedom fighters before our Government signs its name on the dotted line.

I would like to know what is in any such agreement which we intend to sign before I call up the INF Treaty.

Mr. HUMPHREY. I urge the Senator to use the leverage.

I think it is a tremendous idea.

Mr. BYRD. It is not leverage. I support the treaty. But I hope the administration will let this Senate know what is in any agreement on Afghanistan that we intend to sign so that the Senate has a full understanding as to whether this administration is going to unwittingly sell the Afghan resistance down the river.

I hope to be very careful about what I say and the way I say it. I am not making any accusations of the administration. I discussed this briefly with the Secretary of State last week in my office. Only last week I discussed it briefly with the President at a meeting which was also attended by Senator Nunn, Senator Pell, Senator Boren, and Senator Warner—I did not get the impression in listening to the President—or when I heard Secretary Shultz—that this is what we are about to do.

So I make no accusations. But I simply have to say that if something is going on here that we in the Congress have not been told about, and which, in effect, would sell out the Afghan resistance on the basis of the so-called good "intent" of Mr. Gorbachev and/or the others in the high leadership of the Soviet Union or on the basis of some other promise, even though it is in writing, if we are going to prematurely cut off military aid to those resistance fighters, the Senate and House ought to know about it. The Congress and the people should be told just what we are talking about doing. The Senate must not be kept in the dark. I hope that this resolution today will speak loudly for the Senate to that effect.

I hope that if that is what is in the cards, the passage of this resolution will send a clear message that the Senate wants no part of that kind of an agreement. And I read again the words from the prepared testimony. I have not seen the printed hearings. I do not know what questions or answers followed the presentation of this prepared statement or whether it was changed before it was given. This statement is, "The obligation which the United States would undertake as a 'guarantor' would relate exclusively to our own policies and actions. We would bear no responsibility for the actions of others."

We have to bear a responsibility for the actions of others. We cannot "guarantee" much in that part of the world; we all know, except as we guarantee our own actions. But to say we would bear no responsibility for the actions of others, we will bear a responsibility for the actions of others if we act in a way that sells the resistance fighters down the river. We have a responsibility not to do that and we have a responsibility not to depend only upon the good "intentions" of Soviet leadership. We should have learned through the lessons of history that we cannot depend upon the good intentions of the Soviet leadership.

This statement by Mr. Peck goes on to say, "We and the Soviet Union would agree to the same basic commitment regarding non-interference and non-intervention."

We could keep our part of the agreement, but what assurance do we have that the Soviet Union would keep its agreement?

I continue to read: "We would be prepared, if completely satisfied." What does that mean, "if completely satisfied"? Who is to be completely satisfied? What is meant by complete satisfaction? Are we just going to take the word of the Soviet leadership? How dumb, how silly, how stupid can we get?

"We would be prepared." Who is "we"? "We would be prepared." For whom is Mr. Peck speaking? "We would be prepared, if completely satisfied with the overall agreement."

Would the Senate be prepared? We. Who in the State Department is "we" other than Mr. Peck? "We would be prepared, if completely satisfied with the overall agreement, to prohibit U.S. military assistance to Afghan resistance." Are the leaders of the Afghan resistance going to be a part of this agreement?

I am asking rhetorical questions, but the Senator may respond anytime he wishes. I continue now to read. Now, who is "we"? "We would expect the Soviet Union to show reciprocal restraint." Suppose they do not show reciprocal restraint. Then what are "we" going to do about it? "We would expect the Soviet Union to show reciprocal restraint under the Geneva accords in stopping its military support for the Kabul regime instrument on guarantees."

"We would expect the Soviet Union to show reciprocal restraint." What does that mean? The Soviets didn't show any restraint when they invaded Afghanistan.

Mr. SYMMS. Mr. President, will the leader yield?

Mr. HUMPHREY. The Senator from New Hampshire has the floor, believe it or not.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. BYRD. If the Senator will yield to me, Mr. President, I will finish in 2 minutes, I assure you.

"We would expect the Soviet Union to show reciprocal restraint under the Geneva accords in stopping its military support for the Kabul regime instrument on guarantees. We will, of course, continue non-military humanitarian assistance and assume"—assume. Get that word—assume, we will assume—that the Soviets will do the same. The commitments of all the parties would enter into effect on an agreed date following signature. At the present time this is expected to be at the end of 60 days.

"We may be on the threshold of an historic achievement. We place the highest priority on seizing the opportunities inherent in the present situation to reach an early settlement. At the same time we are determined that it must be a good settlement, a settlement which gets Soviet forces out, results in the return of the refugees, and which restores the independence and nonalignment of Afghanistan and the right of the Afghanistan people to self-determination. All of our diplomatic efforts are bent toward this result."

Now that paragraph, I think, is on the right track. But how can we so assuredly believe that that paragraph will be a natural follow-on to what Mr. Peck was saying in the paragraph preceding it?

I thank the Senator for yielding. I again thank him for the leadership he has shown in this matter. I would be happy to hear his reaction, and the reaction of any other Senator.

Mr. HUMPHREY. Mr. President, the majority leader has raised some very decisive and important questions, the answer to which I think can be secured only by looking at the agreements, the agreements which the State Department so far at least with respect to this Senator has refused to share. I encourage the Senator's determination to get to the bottom of this matter in the way that only he can. And I urge him to use all reasonable leverage to secure the answers to those questions.

Mr. BYRD. What is the basis for the refusal of the people in the State Department to show the Senator from New Hampshire the words in the agreement?

Mr. HUMPHREY. Diplomats are never anxious to share anything with Senators.

Mr. President, the Senator from West Virginia, the majority leader, has focused on a very important passage in the testimony of the Deputy Assistant Secretary of State just a few days ago.

Diplomats used their words very carefully. If you read them carefully you will see what kind of game they are playing. Let me just read the two sentences on which the Senator dwelled a number of times.

> We would be prepared—

The United States for its part—

> if completely satisfied with the overall agreement to prohibit U.S. military assistance to the Afghan resistance.

Plain language translation: we have already agreed, we agreed 2 years ago, to cut off outside assistance to the resistance on the first day of the Soviet withdrawal. So for our part we are already bound unless these agreements can be modified and perfected as I hope they will and indeed they must be.

The next sentence says:

> We would expect—

Key word "expect"—

> the Soviet Union to show reciprocal restraint under the Geneva accords in stopping its military support for the Kabul; that is, puppet regime.

We would expect, and that is all we have a right to do is expect because there is nothing in the agreements to the best that I can find out, to the best of my knowledge, and ability to find out, that requires any such reciprocity on the part of the Soviets, and that is essentially the point.

This is a one-sided deal. We are going to cut off the resistance on day 1 and the Soviets are perfectly free under the agreements as they are now constituted to continually and generously supply their own troops and that of the puppet regime which they have shored up.

If the Soviets have the intent to deceive and doublecross, they could not hope for a more accommodating agreement than those which now exist.

The Senator has come right to the nub of the matter. I hope that he can get an answer. I think I have expressed the answer he will find when he finally gets his hands on those documents. That is the point of all of this today, frankly, to bring pressure to bear on the administration to modify these agreements to secure a decent agreement, one that will bring independence to Afghanistan without jeopardizing the sacrifice that people have made in these last 8 years.

If the Soviets are sincere this agreement will work fine. If they are insincere and mean to doublecross these agreements as they are now standing, it will accommodate them genuinely, and even if they are sincere now and simply change their mind later in response to changed circumstances, again it will be accommodated in the thwarting of the wishes of the Afghan people.

Mr. SYMMS. Would the Senator yield?

Mr. HUMPHREY. I am happy to yield.

Mr. SYMMS. Has the Senator talked personally with Secretary Shultz about this?

Mr. HUMPHREY. No.

Mr. SYMMS. As the Senator knows, I have not been a cheerleader for Secretary Shultz. But I made the statement here earlier that I find it hard to believe that Ronald Reagan would agree with this, and I find it hard to believe that the Secretary of State, George Shultz, would agree with this. I agree with the majority leader. I would like to know who Robert Peck is speaking for, and if he is speaking for Secretary Shultz then he should tell the majority leader what is in that agreement so we know what we are doing here.

What scares me—and I say this to the majority leader and to the President—if you analyze what the State Department is trying to do in Angola, it is a similar pattern. We have spent a lot of blood, sweat, and tears, and a lot of young people that are out there on the firing line have lost their lives in Angola also. And we just cannot have the credibility of the great United States of America on the line helping people who are dying where it is not some kind of a training exercise. They are firing live ammunition out there. As the Senator said, the 3 million people are refugees which I visited, and another 1.5 million are killed. We cannot put our credibility for future freedom and peace for mankind and the future, if the United States agrees to some kind of an arrangement like this. No one would be willing to risk their lives, and there would be nothing left that one could trust.

So I think if this agreement is there, we ought to demand that the Secretary of State bring it down and at least with the majority leader. I can see the reasons for some secret negotiations occasionally. But there was one great American in the past who talked about secret covenants secretly arrived at. I think this may be one of those.

We need to know this in advance because if this is the case, what about the young mujahadeen, the ones that are going out there today and fighting and risking their lives? Are we going to jerk the rug out from under them? If they do it to them, then who would want to join with us in a conflict in the future? Who will protect our freedom if we cannot be relied upon as a credible ally in the situation like this? This is very, very I think important even though this is just a sense-of-the-Senate resolution, a very important sense-of-the-Senate resolution because we are trying to put our credibility on the line that we want to stand with the freedom fighters.

As I said, because of my conversations with the U.S. Ambassador in Pakistan, I do not believe this. If it is, he certainly did not relate that to me. And our team in Pakistan is saying we have to be patient, we have to see this thing through to the end. We cannot abandon ship halfway across the river. We have to get clear to the other side.

I thank the Senator. I thank the leader.

Mr. HUMPHREY. Mr. President, Senators and others having a difficult time believing that our Government, our State Department, could possibly have agreed to terms which require us to cut off aid on the first day of the Soviet withdrawal while on the other hand permitting the Soviets to continually and fully continue to supply their own troops and that of the puppet regime. I can understand our Senators, even ambassadors, would have a difficult time believing such an agreement has been made because it is so preposterous, because it is such a travesty, because it is a sellout. That is precisely where we stand today to the best information available to this Senator.

Two years ago, without the President's approval and even without his knowledge, the State Department

agreed to that first part; we would cut off aid at the outset on the first day.

We have acquired so far in these agreements no reciprocity on the Soviets to cut off the aid to the puppet regime on the same basis. It is a sellout. It grossly and grievously endangers the gains and sacrifices of the Afghan people, and will generously accommodate Soviet deceit if that is what they have in mind.

Mr. BYRD. Mr. President, would the Senator yield?

Mr. HUMPHREY. Yes, of course.

Mr. BYRD. Mr. President, I ask that half the time that is being used by the distinguished Senator from New Hampshire in the colloquy in which I participated be charged to this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, does the Senator have any feeling that the administration may be so eager to come to an agreement with the Soviets on a START Treaty, so eager for a summit, that the administration may be about to enter into an agreement detrimental to the interests of the Afghan resistance?

Before the Senator answers, I want to say that Secretary Shultz and I had a discussion about this very point last week.

I was reassured with the Secretary's response to me on that, indicating that the U.S. Government not only was not being so influenced but also would not be influenced by a desire to reach a START agreement to any such extent—in other words, that the United States would not do anything or enter into any agreement or accede to any understanding that would in any way undermine the Afghan resistance in order to advance a summit on START or an agreement on START.

I have confidence in the integrity of the Secretary of State, his forthrightness, and his honesty. The response I got from him reassured me on that point.

Does the Senator from New Hampshire wish to comment?

Mr. HUMPHREY. Mr. President, I do not know what causes us to find ourselves in this bind, but we do. We find ourselves in a bind. The President finds himself in a bind. Maybe it was just a bureaucratic snafu that some underlings, without the knowledge or approval of the President, negotiated these decidedly one-sided terms as they now exist on this day. Maybe that was a bureaucratic snafu. Maybe it is the mind set. Maybe it is another manifestation of what I would call the casino-style negotiating, tied up in the INF thing, and now there is this intention to make the START Treaty yet another extravaganza.

I do not know if it is related. Perhaps it is not. The fact of the matter is, we face a very bad situation and will have to do something very soon or the sacrifice of the Afghan people will be grievously in danger.

The bottom line fact is we are required on our part to cut off aid on day one. The Soviets have no such requirement in the agreement as it stands now.

Mr. BYRD. Mr. President, this resolution on which the Senate will vote, it seems to me, represents a clean, sharp break on the part of the U.S. Senate from any such idea, or any such thought.

If that is the idea or the thought on the part of the administration, or anybody in the State Department—lower level, mid level, anywhere else—it seems to me that this Senate resolution clearly makes a clean, sharp break on the part of the Senate with any such idea, and it should be a caution light to the administration.

I read from the top of page 2 of the resolution, if the Senator will allow me.

Mr. HUMPHREY. Of course.

Mr. BYRD. "Therefore, be it resolved that the Senate hereby"—here is the paragraph, number 7:

> Expresses its strong belief that the government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan resistance or take actions which might limit the ability of the resistance to receive assistance until it is absolutely clear that the Soviets have terminated their military occupation, that they are not redeploying their forces to be inserted again, and that the mujahadeen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections.

If that is not strong enough, I would like to make it even stronger, if the Senator has any suggestions as to how that might be done.

It is alien to my thinking that the United States of America, through its Government, in any way, shape, or form, would even contemplate, much less sign on the dotted line, any agreement that would cut off aid to the Afghan freedom fighters as long as they need military aid, to repel the Soviet invaders, now or in the future, and I hope we are not about to take such a reprehensible and tragic step as that. I hope that things are really not what they seem.

I thank the Senator for yielding.

Mr. HUMPHREY. Mr. President, I thank the majority leader for his incisive comments. He has taken a good deal of time in addressing this matter, a good deal of his valuable time, because of the critical importance of the matter, the critical importance of the terms of the agreement.

Just any agreement is not good enough. It has to be one that ensures the gains of the people of Afghanistan and ensures against any treachery or doublecross on the part of the Soviets.

As the agreement now stands, they do not ensure against doublecross. There is not much time left, if we believe the press accounts, but there is time if the President and the Secretary of State will involve themselves. There is time to modify these agreements and to make them decent and to make them just, but it will take the involvement of the President and the Secretary of State.

The majority leader is right. We have not finalized anything yet. We may be 95 percent of the way there; we may be 99 percent of the way there; but until we cross that 100-percent mark, it is all open to modification.

Mr. BYRD. Are the Soviets saying that if we do not sign these agreements they will not withdraw?

Mr. HUMPHREY. No, I have not said that.

Mr. BYRD. I say, are the Soviets in essence saying that?

Mr. HUMPHREY. I think implicit in some of the comments in recent weeks is that the United States had better agree now because it might lose its opportunity for an agreement.

Mr. BYRD. Mr. President, if the Soviets get out of Afghanistan, they will not be getting out because of an act of good will or altruistic motives.

Mr. HUMPHREY. I think not.

Mr. BYRD. They will be getting out because they want out.

Mr. HUMPHREY. Yes, sir.

Mr. BYRD. Because the Afghans are making it pretty hot for them.

Mr. HUMPHREY. Yes.

Mr. BYRD. It is costing them more than they anticipated.

Mr. HUMPHREY. Exactly.

Mr. BYRD. In terms of treasure and in lives, I would call their bluff on that.

Mr. HUMPHREY. The Senator is right.

Mr. BYRD. If they are saying, "If you don't sign, we won't withdraw," I would hope we would give the Afghans more aid than we are giving them now.

The Soviets must not be rewarded for getting out of Afghanistan, and certainly we have our own honor to think of as we look down the many years ahead. This country ought to be very careful that it does not commit a dishonorable act to accommodate the Soviet Union. They ought to just turn tail and get out.

They did not ask our advice when they went in.

Now, after 8 years they intend to get out, we hear. They would probably like to get out, but they would like to get out with honor. They would like to be rewarded for getting out. They probably would like to have the Nobel Peace Prize.

Mr. HUMPHREY. They probably will get it.

Mr. BYRD. I hope not.

But they want out.

I guess they would like for the United States to help them get out under the appearance of honor, that it will appear noble of them to withdraw, an act of goodwill. They want the world to believe that they are peace-loving. They can do it simply by heading north out of Afghanistan.

Mr. President, I thank the Senator for his yielding to me, and I thank him again for the strong support that he has evidenced on many occasions for the Afghan fighters.

Mr. HUMPHREY. Mr. President, I thank the Senator for his kind words.

I would simply respond to them that we are indeed on the verge of committing, to use his term, a dishonorable act unless the agreements are modified before they are finally concluded.

We may well have exposed the Afghans unconscionably to a double-cross and significant if not total loss of the gains they have made through enormous sacrifice.

Mr. President, the Soviets act out of self-interest or at least as they perceive their self-interest. They are not leaving Afghanistan because of noble sentiments. They are leaving because the Afghans have raised the cost of occupation to a point the Soviets are no longer willing to pay. It is clear. It is that simple just as we for our part as Americans raised the cost of the British occupation of our country, the colonies, to a point which they were no longer willing to pay. We did not defeat the Redcoats except at Trenton and Yorktown and other places. We defeated the Redcoats because they were not willing to pay the price and they left.

The same is true of the Afghans. They have not defeated the Red army in the classical sense of the word, the literal sense of the word, but they have raised the cost of treasury and international public opinion to the point the Soviets are not willing to pay.

That is why they are leaving. That is why they leave in good order and make good on the agreement to withdraw, if we structure that agreement in such a way that it is in their interest to get out and start out, and that is to say to provide continued aid to the resistance until it is indelibly clear that the Soviets are gone and cannot possibly return.

In order to have such an agreement, Mr. President, I want to conclude my remarks by addressing a few further points, listing few further criteria which must be in any agreement for such an agreement to constitute decent and just agreement and one that safeguards the cause of Afghan independence.

The first point is we have to continue to supply the resistance.

The second point is if at some point we begin to reduce assistance, let us say in a phased basis commensurate with a Soviet withdrawal, the Soviets likewise have to phase out their assistance to the puppet regime.

There are a number of other important points, a number of other criteria, Mr. President, although not all of them listed in the resolution.

An agreement must address the repatriation by the Soviet Union of the more than 10,000 Afghan children who have been forcibly deported to the Soviet Union. One of the great underreported stories of this decade, the Soviets have been kidnaping, taking children from their parents without consent, kidnaping children from Afghanistan, the brighter ones, taking them off to the Soviet Union for periods of months ranging to years for "education."

It is hard to think of words strong enough to condemn such practice. Yet our dandies in the diplomatic corps have not seen fit to raise this issue as far as we can tell in these talks. Certainly there is no provision in these agreements for the return of these 10,000 children, more than 10,000 children to their parents, to their families, to their country.

That ought to be in a decent agreement, but it is not in this agreement.

And furthermore, interested parties should be free to continue humanitarian assistance to the Afghan people both during and following the withdrawal of the Soviet troops.

Mr. President, this is an outstanding comprehensive resolution which speaks with great clarity for the Senate, putting this body on record implicitly with respect to the agreements that now stand and explicitly with respect to the agreements as we believe they should stand if they are to do justice to the Afghans and to their sacrifice and to the responsibilities that fall on our shoulders inasmuch as we are negotiating for these people. They are not at the bargaining table unfortunately. We are representing them.

Mr. President, a columnist, A.M. Rosenthal, wrote an important incisive piece on this matter published a few days ago in the New York Times. I ask unanimous consent that it be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, earlier I alluded to a letter signed by 29 Senators, including the chairmen of the Foreign Relations Committee and the Intelligence Committee, a letter to the President calling upon the President to ensure that any agreement of which we are a party does not require us to cut off assistance to the Afghans while any Soviet troops remain in the country. I ask unanimous consent the letter be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HUMPHREY. Mr. President, one last insertion. Last year about this time, almost exactly a year ago, this Senator asked the Defense Intelligence Agency to conduct a study to determine how long it would take the Soviets to withdraw from Afghanistan based on logistical criteria, since our criteria for the length of the timetable has been logistics only, to use the word of Secretary Shultz. So I asked DIA to conduct such a study, and the report concludes it would take the Soviets 30 to 40 days to execute such a withdrawal, one that would be orderly and safe and which would accommodate the removal of the considerable equipment which they have in Afghanistan. Thirty to forty days.

Now, it appears that the United States is ready to agree to 10 months. It is almost 10 times longer than the Defense Intelligence Agency said is necessary for withdrawal based on the criteria which Secretary Shultz said logistics only. We are going to give them 10 months to do that, maybe six or eight times at least more than they need, proposing to cut off assistance to the resistance at the outset, leaving them twisting in the wind for 10 months while the Soviets are perfectly free to continuously and generously resupply their own forces. If they have a mind, during those 10 months to destroy the resistance, they will certainly have an opportunity to do so.

I ask unanimous consent to print in the Record this DIA study.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HUMPHREY. These agreements are dangerous as they stand. They must be modified and perfected. There is time to do that. They may be well along. But there is time and unless the President does that I believe the United States will have failed miserably in its responsibilities to freedom in Afghanistan and indeed around the world.

Mr. President, finally I want to thank and pay special tribute to a member of my staff who has worked fulltime on this issue of Afghanistan now for 3 years. He has done a remarkably fine job. That is Tom Kleine.

Mr. President, I yield the floor.

Exhibit 1

[From the New York Times, Feb. 26, 1988]

A Little Time Left

(By A.M. Rosenthal)

There is still time for President Reagan to make sure that a great victory in the making does not become a tragedy. But not much time.

The Soviet Union has agreed in theory to pull its troops out of Afghanistan. This can be a smashing political, military and moral triumph for the Afghan resistance fighters, for Pakistan, which gave them refuge for a decade, and for a strong bipartisan American policy of military and economic support to the resistance.

But there is a critical debate taking place in Washington to which neither the President nor the country has paid enough attention. It did not rate a Presidential statement or even a question at his news conference.

The debate in Congress, the State and Defense Departments, the White House and among intelligence specialists is not among political caricatures—war-minded kooks and mushy-headed peaceniks. On both sides are rational people who range from mildly radical to devoutedly conservative.

The heart of the debate is this:

Will the pullout mean that Afghans will be able to choose their own government or is the Soviet Union planning and the U.S. falling for a withdrawal plan that will keep Moscow's puppet Government in power in Kabul?

Two specific questions are involved:

Will the U.S. cut off aid to the resistance while Moscow openly or covertly supplies the Kabul Communist regime with arms and economic assistance?

Should the U.S. accept the Soviet determination to leave the Kabul regine intact and in power after the pullout or should we insist on an interim government in which the Afghan resistance, which fought not only against the Russians but their Kabul satellites, has a dominant role as the fruit of its victory?

In Congress and the Administration, there is a strong inclination to make the pullout deal quickly, to insure Soviet troop withdrawal. As for aid cutoffs, they say, we will make the best deal possible. It doesn't matter that much, anyway; once the Red Army is out, the Kabul regime will soon be torn apart by the Afghan resistance.

But there are also Congressmen and specialists convinced that the Administration's eagerness for agreements with the Russians can turn an anti-Communist victory into a Communist triumph.

They believe it is naïve, self-deluding and pantingly optimistic to assume Moscow will not keep up the struggle for Afghanistan. So do I. The Russians will leave behind a well-armed Kabul government that will fight from fortified cities. Moscow will keep supplying the Afghan Communists after we cut off aid to the resistance.

The resistance forces will indeed triumph over Kabul one day. But we owe it to them and ourselves not to leave them with a clap on the back and very best wishes as they face more years of war against a Soviet-backed Kabul government.

There is confusion and double-talk about what the United States has promised or hinted at. In a day or two, the President will get a letter from at least 29 senators of almost every political shading urging him to step in and clear things up. They want him to make sure himself that aid to the resistance is not cut off until all Soviet troops leave Afghanistan and Moscow ceases aid to Kabul.

The letter is signed by conservative Republicans like Gordon J. Humphrey of New Hampshire, one of the strongest backers of the resistance, and Strom Thurmond of South Carolina. It also has signatures of the Democrats Daniel Patrick Moynihan of New York and Christopher Dodd of Connecticut. Alfonse D'Amato of New York and Malcolm Wallop of Wyoming, Republicans, have signed and so have the Democrats Joseph Biden of Delaware and Dennis DeConcini of Arizona.

So it is now up to the President to call a meeting of the National Security Council, find out what has been committed and decide what he is willing to stand by.

But that's not enough. The next round of talks starts in Geneva on March 1. The agreements should be made public before the United States commits its power and honor to them.

The U.S. need not agree with the resistance on every point nor satisfy every demand. But at least the President should pay attention to the last sentence in the letter he will be getting from the Senators of both parties:

"We have no right to endanger the gains the Afghans have made at a terrible price to their nation."

Then let's hear from the President fully, openly and soon. Secret diplomacy is now unjustified. Whatever Washington tells Russians is exactly what it should tell Afghans, Pakistanis and Americans.

Exhibit 2

U.S. Senate,
Washington, DC, December 16, 1987.

The President,
The White House,
Washington, DC.

Dear Mr. President: We were encouraged by your statement preceding the Summit that the United States would not agree to end all outside assistance to the Afghan freedom fighters prior to the complete withdrawal of Soviet troops from Afghanistan. Your statement that we could not do "anything of that kind because the puppet government that has been left there has a military" was an accurate statement of the obvious.

Consequently, we are deeply concerned with reports today that U.S. assistance to the Afghan freedom fighters would in fact be cut off at the beginning of a Soviet troop withdrawal. To accede to General Secretary Gorbachev's demand that U.S. support be ended at the outset, is to gravely endanger the gains purchased by the Afghan people at very great cost: a million and a quarter dead—the equivalent of 20 million dead Americans.

To agree to cut off all aid to the Afghan resistance, while Soviet troops remaining are generously and continually resupplied, and while the puppet government they set up is likewise resupplied, is unwise on its face. Let it never be said the United States threw away the sacrifice of the Afghan people.

Mr. President, we strongly agree with your assessment that we "can't suddenly disarm them and leave them prey to the other government." We have no right to endanger the gains the Afghans have made at a terrible price to their nation.

Sincerely,

Larry Pressler, Dan Quayle, Chic Hecht, Rudy Boschwitz, Pete Wilson, Don Nickles, John McCain, Steven Symms, David Durenberger, Dennis DeConcini, Strom Thurmond, Joe Biden, Gordon Humphrey, John F. Kerry, Alfonse D'Amato, Bill Armstrong, Chuck Grassley, Thad Cochran, Daniel Moynihan, Mitch McConnell, Christopher J. Dodd, Jim McClure, Malcolm Wallop, David K. Karnes, Richard Shelby, Bob Graham, Claiborne Pell, David L. Boren, David Pryor, and Richard Lugar.

Exhibit 3

DOD Logistics Study, 10 February 1987

Background Paper for the Under Secretary of Defense for Policy.

Subject: Hypothetical Soviet Withdrawal from Afghanistan.

1. Purpose: The Senate Armed Services Committee requested an estimate of the period of time required for the Soviet forces to execute a rapid, effective, and complete withdrawal from Afghanistan.

2. Points of major interest:

a. The assessment was developed from the following assumptions:

The timetable is based solely on logistic considerations.

No major interference is expected from the Mujahedin.

The order of unit withdrawal would provide continuous security for the Soviet forces within Afghanistan.

Sequencing of the withdrawal would be as follows:

40 percent of combat ground forces;
80 percent of combat air forces;
70 percent of rear services;
50 percent of army headquarters (forward);
40 percent of combat ground forces;
30 percent of rear services;
50 percent of army headquarters (rear);
20 percent of combat air forces;
20 percent of combat ground forces.

b. Timing of the withdrawal includes movement preparation, e.g., repair of deadlined equipment, uploading of materiel, closing of facilities, and transfer of certain supplies and facilities to the Afghan military. Movement times were calculated based on reports and lines of communication capacity.

c. Soviet logistic operations in Afghanistan do not depend on the incountry infrastructure or Afghan support, except for the road network. Thus, withdrawal from Afghanistan would not involve new Soviet logistic responsibilities requiring additional resources.

d. Based on the above assumptions, the estimated time required to withdraw Soviet forces from Afghanistan is 30-40 days. Unforeseen administrative requirements involved in the Soviet departure could increase withdrawal times by as much as 20 percent.

Coordination: None.

Mr. SYMMS. Mr. President, I think the majority leader brought out some very important points about what the motivation of the Soviet Union is and also what the motivation of the United States on behalf of freedom and the Afghan freedom fighters on behalf of freedom is and should be. But I think when we look back at history, I would agree with the majority leader that we should not be blinded by history. I would also agree with his point that we must not see the world the way it is by the way we wish it were.

We cannot be blinded by hope. We have to look at what the Soviet actions are in Afghanistan. In Nicaragua, in Angola, arms shipments have gone up. They have gone up, they have not gone down since Gorbachev became the leader. In Angola, the Soviet Union sent over $1 billion in military arms under his new leader-

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ship. Under glasnost, they sent over $1 billion in arms to try to subvert freedom and subdue freedom in Angola. It is more in 1 year than any other year under any other Soviet leader.

In Nicaragua last year, they sent $600 million. And that is the same year that the U.S. House decided that we should not send any aid to the freedom fighters in Nicaragua.

But, Mr. President, I think a little bit of history—and I appreciate so much the fact that the majority leader brought the book, which he has obviously read very carefully and some underlying points in the book, on Lenin and pointed out some of those very important statements.

I wish to add a little bit to that, just to put this in perspective, of what is happening in Afghanistan and how it relates to world peace and freedom and how it relates to the security and the opportunities for Americans so that we will not be asking our sons and grandsons to be sent to some foreign country to fight; that we can be successful in these efforts for people to achieve their own freedom and their own self-determination as to what our goal is in Afghanistan.

But, Mr. President, the fact of the matter is that no matter what anyone may think about Mr. Gorbachev, communism has cost the lives of 160 million people in the last 70 years. That is right. I am not talking about countless people that have been deprived economic opportunity and have lived in poverty and lived in abject subsistence-type economies due to the fact that the Soviet Union tries to run everything through a bureaucracy.

I have said this many times, and I have said it on the floor before. If the Soviet Union would turn the farms over to the Russian people instead of trying to run them by the Soviet bureaucrats, the Soviet Union would be the biggest producer and exporter of food in the world. They have twice as much irrigable land as we have in the United States. They produce most of their produce, vegetables, and fruit crops from little private tracts that make up a very, very small percentage of the property in their country. It is very interesting. I am told, if you look down the fencerow from the private field to the Government field, that, on one side, it is clean, it is beautiful, the crops are growing well; on the other side, it is a weedpatch, it is barren, it is deprived of any nurture and cultural growth, and the field looks bad. And their answer is, of course, that the weather is bad.

I have said many times, one of the reasons why we do not always have crop failures is we get our weather from the Almighty. In the Soviet Union, they get their weather from Pravda, and it is bad weather. That is what the paper says. That is their excuse for their ineptitude in running their farms.

So, in addition to the people who have lived poorly, I think it is interesting to note that just the people I am talking about are people that have been killed by Communist dictatorships and it has averaged 2.3 million people a year since 1917.

The Soviet Union is not responsible for all of those, but they are responsible for an estimated 69.7 million of them. Refugees from the Soviet-sponsored aggression is staggering. From Afghanistan, there are 3 million refugees; the resolution we are talking about today. From Ethiopia, where state-controlled food distribution and collectivism has created mass starvation, there are 1½ million refugees.

When we pulled out of Vietnam, millions of people became boat people to flee the tyranny of communism. The Soviets killed over 20 million people after their revolution.

In his book, "The Great Terror," British scholar Robert Conquest quotes the philosophical father of modern day communism, V.I. Lenin who said: "Not a single revolutionary government can dispense with the death penalty for the exploiters"

And when Lenin spoke about exploiters, Mr. President, he is talking about the capitalists and the landlords, those people who are in the position of leadership in the infrastructure of a democratic society.

Lenin, chastized those who objected to the use of terror in a Communist Party meeting in June, 1918, saying: "This is unheard of. The energy and mass nature of terror must be encouraged."

Then there is the famous "terror-famine" in the Ukraine where the Soviets cut off the supply of grain and food to the area to kill off those objecting to communism.

Of course, today, people will say that cannot happen, but is happening in Ethiopia. The use of Western food aid to depopulate areas that are revolting against the Marxist-Leninist government.

They are notorious for stopping the food going to the people who want it because they are objecting to the Communist government. There again, you get back to the object of peace. A hard-nosed Marxist-Leninist thinks that peace is the condition where they run their government without interference from pockets of people who do not agree with the Communists.

"Communist governments are still executing non-believers."

In Mozambique, Frelimo, the Soviet-backed Marxist-Leninist government uses the death penalty as a means of crushing dissent and intimidating the population.

Ex-Frelimo member Jose A. Francisco, now a U.S. citizen testified before the U.S. Senate Committee on Foreign Relations African Subcommittee saying:

> The Frelimo defense chief to ex-President Samora Machel, Alberto Chipande, personally executed his own father in the presence of 1,000 Frelimo cadres as an example for establishing the "new order." This public murder was committed by stabbing his father in the stomach and ripping upwards until he died.

Mr. Francisco witnessed mass executions. He said in his testimony:

> "Young Frelimo cadres returning from indoctrination in Russia and other East-bloc countries were secretly identified by their instructors as being either converted communists or unconverted. The unconverted were met at the airport in Dar es Salaam with orders for special missions. They were transported into the operational area of Cabo Delgado only to find themselves in a detention center. Here they were executed by bayonet, first being sexually dismembered. This was a regular occurrence; the largest single massacre I witnessed involved 120 individuals.

Mr. President, it is clear that Communist regimes around the world are following Lenin's advise, that "Not a single revolutionary government can dispense with the death penalty for the exploiters—that is the capitalists and landlords."

That is exactly the point.

Mr. President, I will ask unanimous consent to have printed in the RECORD a few statements that came out of a Lexicon of Marxist-Leninist semantics that was put together by the editor, Raymond S. Sleeper, "Semantic Subversion of Words." He makes the point that the majority leader was making so well. Lenin said, "The most important weapon in my arsenal is the dictionary." There is a famous story about Lenin, when he was leaving by train in Europe to get back across into the Soviet Union. Someone asked him if he had his gun. He said: No, I have my pen. It is much more powerful.

They have twisted the words to fool the West whenever possible.

There are three or four articles. I would just like to read them and then have them printed in the RECORD.

PEACE MOVEMENT AND PURPOSE OF IT

> (1) To deprive the enemy, i.e., the Western democratic countries, of their masses, without which no modern army can exist (revolt and revolution). (2) To lay hands on valuable raw materials (control of sources by force or cunning). (3) To slow down the development of armament industry (activating systematic sabotage). (4) To place its dependence on the Soviet Union.

Mr. President, this is exactly what it appears to me that Mr. Gorbachev does. He makes no bones about it. They have Soviet tentacles across into the treasure house of minerals in Africa. That is why they are in Angola. That is why they are in Mozambique. That is why they have been exerting their influence in Zimbabwe and Zaire. That is why it is important that we support those freedom fighters in Angola so that they cannot control the resources and force us to have to go to the Soviet Union to get them. That is why they are in Afghanistan. It is so that they can get one step closer to Iran and control the Strait of Hormuz because through the Strait of Hormuz goes the oil that nurtures the Western economies. Without it we would not have the oil to run the economies of all our trading partners in Japan, the Pacific rim, in Western Europe. That is why the Soviets always fish out of troubled waters and stir that pot. They know what they are doing.

Peaceful coexistence. Listen to what Khrushchev had to say about peaceful coexistence.

I have always believed that coexistence with the Soviet Union was something like the same kind of agreement that the farmer has with the turkey. It works really well right up until Thanksgiving.

Khrushchev had this to say:

> We must realize that we cannot coexist eternally, for a long time. One of us must go to the grave.

He is talking about the capitalists and the Communists.

> We do not want to go to the grave. They do not want to go to their grave either. So what can be done? We must push them to their grave.

Peace, the definition of peace. Marxism, incompatible with pacifism.

> Marxism is not pacifism. It is necessary to fight for a speedy end of the war. But only through a call to revolutionary struggle will the peace demand gain proletarian content. Without a series of revolutions the so-called democratic peace is a petty-bourgeois utopia.

Mr. President, another definition that they use from the semantic dictionary, the book of Marxists-Leninists semantics: Peace, democratic.

> A democratic peace can be concluded only by proletarian governments after they have overthrown the rule of the bourgeoisie and begun to expropriate it.

PEACE STRUGGLE

> The struggle for peace, for peaceful coexistence does not slow down the revolutionary process but on the contrary, creates more favorable conditions for it. That is why the Marxist-Leninist parties, in elaborating their general line, have put forward the struggle for peace as the paramount task of the communist movement.
>
> G. Glezerman, "The Great Significance of Lenin's Ideas of the Struggle for Democracy and Socialism," Pravda (Moscow), 21 Jan. 1965.
>
> "The struggle for peace is inexorably intertwined with the revolutionary process. To curb the aggressive drive of U.S. imperialism is to create the most favorable conditions for the further development of revolutionary change. And each revolutionary advance, by weakening imperialism, reinforces the struggle for peace. In the broad historical sweep, the struggle for peace is objectively a struggle to facilitate the transition from capitalism to socialism" with the catastrophic devastation of nuclear war.—New Program of the Communist Party USA (May: 1970), pp 37-38.

Mr. President, I ask unanimous consent that the remainder of these comments be printed in the RECORD at the end of my remarks, including an editorial entitled "U.S. Communists Prepare Peace Offensive," from the October 30, 1987, issue of Washington Inquirer.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. Mr. President, the United States must show the importance of freedom and resolve in Afghanistan, guided by Soviet action, not Soviet words. When the Soviets have left, then we can stop sending arms and then we will probably have to send some help to help them rebuild their infrastructure and their society. But we are putting the policy and the credibility of the United States on the line, and if and when the Soviets leave, then we can stop our aid. Any stopping of our aid prematurely to that action would be a mistake.

Mr. President, that is why this resolution is an important resolution. I thank my colleagues for their support on this resolution and I urge my colleagues to vote for this resolution so that a message of strength and solidarity for resistance movements may be understood loud and clear from this country.

EXHIBIT 1

A LEXICON OF MARXIST-LENINIST SEMANTICS

(Raymond S. Sleeper)

PEACE STRUGGLE

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G. Glezerman, "The Great Significance of Lenin's Ideas of the Struggle for Democracy and Socialism," Pravda (Moscow), 21 Jan. 1965.

"The struggle for peace is inexorably intertwined with the revolutionary process. To curb the aggressive drive of U.S. imperialism is to create the most favorable conditions for the further development of revolutionary change. And each revolutionary advance, by weakening imperialism, reinforces the struggle for peace. In the broad historical sweep, the struggle for peace is objectively a struggle to facilitate the transition from capitalism to socialism" without the catastrophic devastation of nuclear war.

New Program of the communist Party USA (May: 1970), pp 37-38.

PEACE AND REVOLUTION, COMPATIBILITY OF

It is absurd to say that world peace and world revolution are incompatible. The socialist revolution will score a gradual victory in countries one by one as a result of internal factors in these countries' societies, the people's consciousness, and efforts and due preparations they have made for revolution. . . . The stronger the socialist camp becomes, the greater the development of the world people's revolutionary movement; the more countries that win revolutionary victory, the greater safeguard there will be for world peace.

Red Flag (Peking), Oct. 1960, pp 1-2.

The CPSU . . . views peaceful coexistence as a form of class struggle developing in the political, economic and ideological spheres on the international arena. By fighting against the outbreak of another world war, and organizing and leading the worker, national liberation, and all-democratic movement, the communists . . . pave the way to the triumph of socialism in the whole world.

Scientific Communism, A Glosary (Moscow: 1975), p 180.

[From the Washington Inquirer, Oct. 30, 1987]

U.S. COMMUNISTS PREPARE PEACE OFFENSIVE

The organ of the U.S. Communist Party, the People's Daily World, reported the following on October 15, 1987:

As many as 1,000 peace activists from around the country are expected to participate in the various activities of the U.S. Peace Council's Fifth National Conference in Detroit next month, organizers said this week.

Their deliberations, at the Pontchartrain Hotel, Nov. 13-15, will center on how to build the USPC and strengthen it organizationally, as well as how the Council can work most effectively to help mobilize the peace majority in this country to achieve nuclear disarmament by the year 2000.

"Our conference comes at a propitious moment because we're entering the final year of the Reagan presidency." USPC Executive Director Michael Myerson told the PDW Tuesday. Peace forces are registering major achievements—such as the Central American peace plan, the defeat of Bork and an arms agreement with the USSR almost complete—over the opposition of the Reagan administration, he said. "What we want to do at the conference is to lay out a strategy for the coming year, of increased mass actions leading through next summer's Third UN Special Session on Disarmament, into the November 1988 elections. We hope to send to Washington a Congress and administration which reflect the views of the peace majority in the country," Myerson said.

High on the agenda at the conference will be the Campaign for Disarmanent and Common Security by 2000, launched at a conference of some 40 organizations in New Jersey last June.

A "workshop of the whole" on Saturday, Nov. 14, will concentrate on the role of labor and oppressed minorities in the struggle for peace.

On Friday, Nov. 13, a reception at the hotel will honor Detroit city officials who are leaders in the peace and justice movements. Among these will be City Council President Erma Henderson and longtime City Council member and USPC board member Maryanne Mahaffey. Also honored will be Detroit members of Congress John Conyers and George Crockett.

THE ROLE AND AIM OF THE COMMUNIST PARTY

As the leader and organizer of the proletariat, the Communist Party of the U.S.A. leads the working class in the fight for the revolutionary overthrow of capitalism, for the establishment of the dictatorship of the proletariat, for the establishment of a Socialist Soviet Republic in the United States.

(Reprinted from The Communist Party—A Manual on Organization, By J. Peters.)

PEACE MOVEMENT, PURPOSE OF

(1) To deprive the enemy, i.e., the Western democratic countries, of their masses, without which no modern army can exist (revolt and revolution.) 2.) To lay hands on valuable raw materials (control of sources by force or cunning.) 3.) To slow down the development of armament industry (activating systematic sabotage.) 4.) To place its dependence on the Soviet Union (ruki poshvan'—or stand at attention.)

Ketrzynski, *Slowo Powszechnie* (Warsaw), 16 Nov 1950.

PEACEFUL COEXISTENCE, ETERNAL

We must realize that we cannot coexist eternally, for a long time. One of us must go to the grave. We do not want to go to the grave. They do not want to go to their grave either. So what can be done? We must push them to their grave.

N.S. Khrushchev, "Speech," United Polish Workers' Party (Warsaw), Apr 1955.

PEACE, MARXIST, INCOMPATIBLE WITH PACIFISM

Marxism is not pacifism. It is necessary to fight for a speedy end of the war. But only through a call to revolutionary struggle will the peace demand gain proletarian content. Without a series of revolutions the so-called democratic peace is a petty-bourgeois utopia. Only such a program showing that we declare a life and death struggle against capitalism, would sooner or later secure for us the sympathy of the real proletarian masses.

V.I. Lenin, "Reconstruction of the International," (1914), *Collected Works* (New York: International Publishers, 1930), Vol. 18, p 248.

PEACE, DEMOCRATIC

A democratic peace can be concluded only by proletarian governments after they have overthrown the rule of the bourgeoisie and begun to expropriate it.

V.I. Lenin, *Collected Works* (1917), Vol. 23, p 202. (V)

Mr. WALLOP. Mr. President, I rise in strong support of this resolution. It is a symbol of the bipartisan spirit that is at the core of the Nation's policy toward the people of Afghanistan and against the brutal Soviet occupation of that country. It reaffirms our support for the resistance—despite what I am concerned may be State Department attempts to cut aid to the democratic resistance before the Soviets have completely left Afghanistan and without assurances that the interim government formed is acceptable to the resistance.

Mr. President, this resolution makes clear that this Senate will not, and this Government should not, support a cosmetic solution to the fate of the Afghan people. It demonstrates that we are bipartisanly in favor of a solution that truly represents the legitimate hopes and aspirations of the Afghan people: to live free, governed by leaders of their own choosing, and without interference from Communist or Communist-supported forces.

Mr. President, this resolution is also significant for what it avoids doing. We are all hopeful that the Soviet Union under General Secretary Gorbachev will accede to the only acceptable solution to this conflict: complete and total withdrawal of all Soviet and Soviet-backed forces from Afghanistan and support for an interim government acceptable to the resistance. But we have all too often succumbed in our optimism to praising Soviet words only to find that Soviet deeds were not forthcoming. This resolution resists that natural temptation. We can hope that all turns out well, but we cannot know the final outcome of this process yet. It would be counterproductive for the Senate to support or condemn Soviet actions at this time. We can only set out, as we have in this resolution, what policy this country ought to be guided by so that in dealing with the Soviet ruler on this matter the President and the Secretary can be assured where the Senate stands: firmly behind a free Afghanistan.

Mr. President, I compliment the majority leader and his staff for their work on this resolution as well as Senator SYMMS and his staff, who I understand played a key role in its coming before this body today.

AFGHAN RESISTANCE AND NEGOTIATIONS FOR A SOVIET WITHDRAWAL

Mr. KERRY. Mr. President, in recent weeks, Mr. Gorbachev and other prominent Soviet leaders have repeatedly voiced their intention to begin a withdrawal of Soviet troops from Afghanistan. After more than 8 years of war in that country—war which has left over 1 million Afghans dead and 4 million as refugees—we must welcome and encourage this Soviet opening to an end to the carnage in Afghanistan. At the same time, however, we must stand firm in our insistence that the Mujahadeen resistance will play a leading role in shaping the Afghan Government that will replace the current regime in Kabul. I believe that this resolution clearly expresses the sense of the Senate that while we support the progress of negotiations on a Soviet withdrawal, the United States must not allow the future of the Afghan resistance to be compromised.

Secretary of State George Shultz returned last week from a trip which included talks with General Secretary Gorbachev and Foreign Minister Schevardnadze in Moscow. Mr. Shultz was encouraged by the discussions on Afghanistan. He is confident that the Soviets genuinely want to withdraw and intend to do so.

This is the best news to come out of Moscow in regard to Afghanistan throughout the whole course of the Soviet occupation. The withdrawal of Soviet troops would mark the end of one of the most brutal wars the world has seen in this decade. The withdrawal would allow millions of Afghans who are living as refugees to return home. The withdrawal would signal a victory for the Afghan resistance forces which have struggled against the Soviet occupation since the 1979 invasion, and would allow the Afghan people to exercise their fundamental rights to self-determination and democracy.

I welcome the Soviet openings to ending the war in Afghanistan. But I maintain that we must not let our eagerness to see the Soviets withdraw compromise our continued support for the Afghan resistance.

Mr. Gorbachev has stated that he intends to begin moving Soviet troops out of Afghanistan on a large scale by May 15. This pledge is contingent, among other things, on an agreement by the United States before March 15 to end all assistance to the Afghan mujahadeen as soon as the Soviets begin to withdraw. I believe that this condition is unacceptable.

Cutting off assistance to the mujahadeen might encourage a peace process if the conflict in Afghanistan were one between opposing forces within the country. If that were the case, the popular support of the Afghan people could determine the outcome of the peace process. But bringing peace and democracy to Afghanistan is not a matter of resolving a conflict between opposing factions within Afghanistan.

The fact is that Afghanistan was invaded, and has been brutally occupied by the Soviet Union—by 120,000 members of the most powerful army in Asia—for over 8 years. Afghanistan will not be able to begin the process of political reconstruction until the Soviet military presence is withdrawn; and the resistance which has fought against the Soviet invasion must be maintained until that time. To end support for the resistance before the Soviets are out of Afghanistan would be to risk all that the mujahadeen have fought for.

I think it is important to make clear that in supporting this resolution, we are not abandoning the path of negotiation on a peace settlement for Afghanistan. Rather, by reaffirming our support for the resistance, we are ensuring that all the parties involved in the conflict will be heard in Geneva.

The alliance of resistance groups in Afghanistan put forth a proposal last week for the establishment of an interim government to oversee the transition to democracy in Afghanistan. The interim government would rule during the Soviet withdrawal, and until national elections are held. This proposal marks the first time the Afghan resistance alliance has recognized the legitimacy of the peace talks in Geneva and has actively sought to negotiate on the terms of the Soviet withdrawal. The alliance's proposal, along with the Soviet proposal, will be discussed in Geneva when peace talks reopen there on Wednesday.

Mr. President, this resolution states clearly that the Senate supports the recent progress toward the resolution of the war in Afghanistan, but not at

the expense of the resistance we have supported for the past 8 years. The mujahadeen resistance in Afghanistan has provided an example of what a popular movement fighting against an unpopular regime can accomplish. While overwhelmingly outgunned and outmanned, the mujahadeen have unquestionably enjoyed the full support of the Afghan people.

With popular support, the mujahadeen have been able to execute consistently successful actions against the Soviet occupation forces and the Kabul regime throughout the course of the war. With popular support, the mujahadeen have been able to cotnrol vast sections of the Afghan countryside. With popular support, the mujahadeen have effectively convinced the Soviets that their invasion of Afghanistan was a mistake, and that their withdrawal is inevitable.

Now, as the resistance has entered the process of negotiating a resolution to the war, we must support them more strongly than ever. I ask my colleagues to join me in support for Senate Resolution 386, which will clearly express the confidence of this body in continuing with a policy that has been executed consistently and successfully.

Mr. BYRD. I am merely trying to get some idea as to when the Senate can vote.

Mr. SYMMS. Mr. President, I can be done in 5 more minutes.

Mr. BYRD. Mr. President, the Senator will need 5 minutes. The distinguished chairman of the Foreign Relations Committee will be speaking for 5 minutes. I understand that the distinguished acting Republican leader is agreeable to a final vote any time?

Mr. SPECTER. Is it possible to vote at 10 of 5?

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on the resolution occur at 10 minutes until 5. That allows 5 minutes each for Mr. SYMMS and Mr. PELL. Is that agreeable?

The PRESIDING OFFICER. Is there objection? Hearing none, that will be the order.

Mr. BYRD. All right. At 4:50 p.m., Mr. President.

The PRESIDING OFFICER. That is the order.

Mr. BYRD. I thank all Senators.

The PRESIDING OFFICER. The Senator from Idaho.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I am glad to cosponsor this resolution on Afghanistan. With the Geneva negotiations resuming on March 2, it is appropriate for the Senate to address the American position on the prospective agreement.

We can be hopeful that the Soviet Union will actually withdraw from Afghanistan. Soviet statements have been becoming increasingly definitive with regard to their intention to withdraw and the timeframe for such a withdrawal.

While we welcome stated Soviet intentions, we should not rely on them. Nor should we expect the Afghan mujahideen, many of whom have paid the ultimate price, to rely on these promises.

Inevitably, the time period for Soviet withdrawal poses risks for the freedom fighters. This resolution is designed to minimize these risks. It insists that assistance not be cut off at the beginning of the withdrawal period but continue until the Soviet military occupation of Afghanistan is terminated. It also makes clear that President Reagan should not, in a rush for a successful United States-Soviet summit in May, sacrifice the vital interests of the freedom fighters.

Equally important, the resolution calls for increased humanitarian assistance to the Afghan resistance. Perhaps the greatest threat to the Afghan resistance at this stage is inadequate food, clothing, and financial support. Without outside humanitarian and financial assistance, the mujahideen armies may simply go home. The next 10 months could be the Valley Forge of the Afghan resistance; it is essential that we do our part to keep the mujahideen armies intact.

A Soviet withdrawal will result in the rapid collapse of the Communist regime in Kabul. Of this there can be no doubt. It was the imminent collapse of the Communist regime in late 1979 that prompted the Soviet invasion. In 1988 the resistance is stronger and the regime even weaker. We should not allow the debate over the composition of an interim government to delay the Soviet withdrawal because this could not only prolong the conflict but also the life of the Kabul regime.

In the 8 years of Soviet occupation over 1 million Afghans have been killed. Bombing, nepalming, and massacres have taken a terrible toll of innocent men, women, and children. Nearly 5 million Aghans—almost one-third of the country's population—have been driven from their homes into refugees camps in neighboring Pakistan and Iran.

A Soviet withdrawal is the essential in order to end the holocaust that has engulfed Afghanistan. We must be sure, however, that any withdrawal agreement does not compromise the successes that have been achieved at untold human cost by the Afghan freedom fighters. This is the purpose of this rsolution. I stronlgy urge its adoption.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, as I recall, the order that was entered provided that this be a 15-minute rollcall vote and that the call for the regular order be automatic at the expiration of 15 minutes. Am I correct in my recollection?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I thank the Chair. I hope that our respective cloakrooms will remind Senators so that they will all make the rollcall within the 15 minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this will be the only rollcall vote today.

The PRESIDING OFFICER. The hour of 4:50 p.m. having arrived, the question is on agreeing to Senate Resolution 386. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Louisiana [Mr. BREAUX], the Senator from Florida [Mr. CHILES], the Senator from California [Mr. CRANSTON], the Senator from South Dakota [Mr. DASCHLE], the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. GRAHAM], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Illinois [Mr. SIMON], the Senator from Mississippi [Mr. STENNIS], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Nebraska [Mr. KARNES], and the Senator from Oklahoma [Mr. NICKLES] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER] would vote "yea."

The PRESIDING OFFICER (Mr. ADAMS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 0, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—77

Adams
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
D'Amato
Danforth
DeConcini
Dixon
Dodd
Domenici
Evans
Exon
Ford
Glenn
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Helms
Hollings
Humphrey
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Murkowski
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

NAYS—0

NOT VOTING—23

Armstrong
Baucus
Biden
Breaux
Chiles
Cochran
Cranston
Daschle
Dole
Durenberger
Fowler
Garn
Gore
Graham
Heinz
Inouye
Karnes
Moynihan
Nickles
Nunn
Simon
Stennis
Wirth

So the resolution (S. Res. 386) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, read as follows:

S. RES. 386

Whereas the Soviet Union invaded the sovereign territory of Afghanistan on December 7, 1979, and continues to occupy and attempt to subjugate that nation through the use of force, relying upon a puppet regime and an occupying army of an estimated 120,000 Soviet troops;

Whereas Pakistan has harbored more than 3,000,000 Afghan refugees and has endured hundreds of brutal raids across its borders by Afghan and Soviet aircraft and artillery, resulting in the deaths of hundreds of civilians;

Whereas on February 8, 1988, Soviet General Secretary Gorbachev announced that the withdrawal of Soviet troops from Afghanistan could begin on May 15, 1988, if the agreements on the settlement being negotiated between Afghanistan and Pakistan in Geneva were signed no later than March 15, 1988;

Whereas General Secretary Gorbachev also announced that the Soviet Union could complete the troop withdrawal within ten months and that it could arrange the withdrawal such that during the first phase, a relatively greater portion of the Soviet contingent could be withdrawn;

Whereas Pakistan has made it clear that it will not sign any agreements with the current Soviet puppet regime headed by Najibullah;

Whereas the Congress condemned Soviet policy toward and behavior in Afghanistan in Public Law 99-399, calling for appropriate provision of material support to the people of Afghanistan, so long as the Soviet military occupation continues; and

Whereas Public Law 100-204 declares it to be the policy of the United States to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time frame based solely on logistical criteria: Now, therefore, be it

Resolved, That the Senate hereby—

(1) reiterates its belief that the only acceptable formula for settlement of the Afghan situation is one which provides for the self-determination of the Afghan people and results in a government genuinely representative of the Afghan people, outlines a definite timetable based solely on logistical critieria for the complete withdrawal of Soviet troops in the near future and provides for the return of refugees in safety and dignity;

(2) expresses its belief that the Pakistani government should not be put under any pressure to agree to Soviet terms for a settlement and that the future of Afghanistan should not be driven by the desire or schedule for a United States-Soviet summit;

(3) urges the President to—

(A) support strongly a political solution in Kabul acceptable to the resistance;

(B) insist in talks with the Soviet Union that all Soviet advisers be removed from Afghanistan at the same time as Soviet troop withdrawal takes place;

(C) address the issue of the future status of the nearly 400-bilateral treaties the Soviets have made with the puppet Kabul regime;

(D) address with the Soviets the deployment of Soviet troops across the Soviet-Afghan border after the completion of the withdrawal period;

(E) stand firm on the necessity for the Soviets to terminate all forms of military assistance and logistical support to the Kabul regime;

(F) address the repatriation by the Soviet Union of the more than 10,000 Afghan children who have been forcibly deported to the Soviet Union; and

(G) ensure that international assistance to the refugees continues at least until all Soviet and Soviet bloc forces have been withdrawn from Afghanistan and peace has been restored;

(4) expresses its belief that all Soviet and Soviet bloc advisers must be removed from Afghanistan during the period of troop withdrawal;

(5) expresses its support for increased United States humanitarian assistance to the Afghan people both during and following the withdrawal of Soviet and Soviet bloc forces from Afghanistan;

(6) expresses its support for a United Nations-sponsored peacekeeping force to help guarantee that Soviet forces can withdraw in an orderly way without being attacked on the way out and to help keep the peace in the major cities while an interim government organizes the nation's future; and

(7) expresses its strong belief that the Government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan resistance or take actions which might limit the ability of the resistance to receive assistance until it is absolutely clear that the Soviets have terminated their military occupation, that they are not redeploying their forces to be inserted again, and that the mujahadeen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, there will be no more rollcall votes today.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent there be a period for morning business not extending beyond 15 minutes and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 387—EXPRESSING GRATITUDE OF THE SENATE TO THE U.S. WINTER OLYMPICS TEAM

Mr. DODD. Mr. President, I send a resolution to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. What is the request, Mr. President?

The PRESIDING OFFICER. The request by the Senator from Connecticut is to send a resolution to the desk and ask for its immediate consideration.

Mr. BYRD. Will the clerk state the title first?

The PRESIDING OFFICER. The clerk will report the title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 387) to express the gratitude of the Senate for the efforts and achievements of the United States Winter Olympics team.

Mr. BYRD. Mr. President, this resolution has been cleared on this side of the aisle. I am advised by the distinguished acting Republican leader, who is here to speak for himself, that it has been cleared on that side. So I have no objection.

Mr. SIMPSON. Mr. President, I thank the majority leader. There are no objections to the resolution on this side of the aisle.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, first, I thank the distinguished majority leader and the acting minority leader and my colleagues for allowing this resolution to be brought up promptly.

I will read the text of the resolution for the benefit of my colleagues. It is a resolution to express the gratitude of the Senate for the efforts and achievements of the U.S. Winter Olympics Team.

S. RES. 387

Whereas the athletes who represented the United States of America in the XV Winter Olympics demonstrated, through their commitment to excellence, hard work, and fair play, that the best traditions of Olympic competion endure;

Whereas the dedication, training, and discipline required of Olympic athletes set a standard for all of America's youth, imparting the lesson that determined pursuit of difficult goals is fulfilling both for itself and for the satisfaction of achievement;

Whereas the people of the United States of America share with their Olympic representatives the will to meet challenges head on, the thrill of competition, and a respect for athletic accomplishment and true sportsmanship; and

Whereas for the last two weeks the attention of many of our countrymen has been trained on Calgary and on the quest for the best among 1,700 athletes from 59 countries in 46 Winter Olympics categories: Now, therefore, be it

Resolved, That the Senate expresses its support and gratitude for the great efforts and achievements of the athletes of the United States at the XV Winter Olympics, and for the pride and enjoyment they brought to all Americans.

Mr. President, obviously, the winter Olympics was a compelling event that attracted the attention of not only people in this country but also across the globe for the last 16 days.

It is particularly important, I think, when we recognize how much hard work these athletes engaged in, when we recognize the accomplishments of Brian Boitano, who won the gold medal for the United States in men's figure skating; Bonnie Blair, the only 2-medal winner from the United States—a gold medal in women's 500-meter speed skating and a bronze medal in 1,000-meter speed skating;

Eric Flaim, who won the silver medal in the men's 1,500-meter speed skating; Debi Thomas, who won the bronze medal in figure skating.

All of us who watched that compelling and exciting contest last Saturday evening, knowing the hard work she engaged in for many years, express our gratitude to her.

We also express our gratitude to Jill Watson and Peter Oppegard who won the bronze medal in pairs figure skating.

In demonstrations sports, Kris Fedderson won the gold medal in freestyle skiing.

Jill Trenary was fourth in women's figure skating. While she did not receive a medal, she did an excellent job. Caryn Kadavy, who ranked third in the world in figure skating, had to withdraw from long program competition because of the flu.

The United States four-man bobsled team, driven by Brent Rushlaw, finished fourth, 2/100ths of a second behind the Soviet bronze medalists.

Dan Jansen: That young man who lost his sister, who fell twice in both competitions—I think the hearts of every American and people all over the globe go out to him and his family because of the trying circumstances under which he was competing. He was awarded the Olympic spirit award. What a great athlete he was to compete that day, with the knowlege that his sister had passed away.

The United States Hockey Team lost narrowly to Czechoslavakia and came within a hair of beating the all-powerful Soviet team, which lost only one contest throughout the Olympics. There are many others, obviously, who did not win medals but who came in close.

There will be people over the next few weeks talking about how we should have done better, that we should have won more medals. All of us would like to see us do better; but, thank God, we are not like the Soviet Union and the Soviet bloc nations.

Their athletes are professionals; ours are true amateurs.

We need to do more to support our teams—not just watch them as they are competing, but be active in supporting them, so that they have the best training, beginning now, for 1992; so that in the next Winter Olympics, it will not be just six medals, but those numbers will increase, and far more people will enjoy those contests, both here and abroad.

I am delighted to be able to offer this resolution, and I ask unanimous consent that the resolution remain open for those colleagues who wish to cosponsor the resolution.

The PRESIDING OFFICER. Without objection, the resolution will remain open for cosponsors.

Is there further debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 387) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 387

Whereas the athletes who represented the United States of America in the XV Winter Olympics demonstrated, through their commitment to excellence, hard work, and fair play, that the best traditions of Olympic competition endure;

Whereas the dedication, training, and discipline required of Olympic athletes set a standard for all of America's youth, imparting the lesson that determined pursuit of difficult goals is fulfilling both for itself and for the satisfaction of achievement;

Whereas the people of the United States of America share with their Olympic representatives the will to meet challenges head on, the thrill of competition, and a respect for athletic accomplishment and true sportsmanship; and

Whereas for the last two weeks the attention of many of our countrymen has been trained on Calgary and on the quest for the best among 1,700 athletes from 59 countries in 46 Winter Olympics categories: Now, therefore, be it

Resolved, That the Senate expresses its support and gratitude for the great efforts and achievements of the athletes of the United States at the XV Winter Olympics, and for the pride and enjoyment they brought to all Americans.

THE VIOLENCE MUST END

Mr. LEVIN. Mr. President, the news from the Middle East continues to be deeply disturbing. The violent acts of some demonstrators in the West Bank and Gaza, and the violent responses to them by some Israeli soldiers are both deplorable. Hurling rocks or Molotov cocktails at soldiers or policemen are acts which no government would ignore. But there is, obviously, a difference between controlling violence and responding to it with excessive force, and there have been too many instances of excessive force.

Today's newspapers indicate that the Israeli soldiers who allegedly participated in two acts of excessive violence have been arrested. Moreover, the Israeli Army commander in the West Bank has required his officers above the rank of captain to watch the television film of four soldiers beating two Palestinian youths. These are positive steps.

The Government of Israel should again emphasize, as it has for 40 years, that the way to peace is through negotiations with its neighbors and with representatives of Palestinian people willing to recognize the existence of Israel. At the same time, everyone in the Middle East must recognize that the policy of resistance to recognition of Israel or a policy of stone-throwing and violent demonstrations will accomplish little but more misery and more suffering.

The Shultz mission to the Middle East affords an opportunity for both sides to end the cycle of violence and begin a process that will lead to peace. I applaud Secretary Shultz for undertaking this effort and join him in the determination to build a Middle East where every state and people can live in peace and security.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

OL
34
PT
2
FE
17
MR
2
988
UMI

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS FOR 5 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 5 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

NATHAN MATHEWS

Mr. ROCKEFELLER. Mr. President, the world becomes a colder place when it loses people as gentle and caring as Nathan Mathews. Nathan, who ran my northern West Virginia office, and his father, Russell, were tragically killed last New Year's Eve in an automobile accident.

Nathan was more than a valued aide; he was a dear friend with a sense of humor that was both wonderful and infectious. As Nathan's old college friend Bob DeFrancis, now the editor of the Wheeling Intelligencer, put it in a recent tribute: "Nathan had the knack of bringing a smile to the face of nearly everyone he met."

I watched Nathan light up the faces of dozens of elderly people in his capacity as director of the Marshall County Senior Citizens Center in Moundsville. It was always touching for me to watch Nathan as he worked with the elderly; he could make them feel so at ease and so special. His affection for them was genuine, and the feeling was obviously mutual. As my northern West Virginia area coordinator, he worked selflessly and tirelessly, helping hundreds of West Virginians along the way. No matter what the task asked of him, Nathan was happiest when he was assisting others. He had a strong sense of community and commitment that was admired by all. Everyone who had the privilege of knowing him will always remember his laughter and extraordinary kindness.

Nathan leaves behind his wife Linda, and three beautiful children: Megan, Susannah, and Tom. There is nothing any of us can say or do that will ease their suffering. But Nathan's family needs to remember how much he was loved and respected Bob DeFrancis' lovely column says it much better than I ever could, and Mr. President, I ask that it be included as part of the RECORD:

There being no objection, the column was ordered to be printed in the RECORD, as follows:

NATHAN: A "PEOPLE PERSON"

(By Robert DeFrancis)

Something terrible happened on the last day of 1987 that I'm only just now able to write about. I'm going to tell you about my friend, Nathan, who died on that last day of the year.

I'm going to try to write about him because Nathan Mathews was one of the nicest people I've ever known, and he had friends throughout West Virginia, and his life deserves to be written about. Nathan and his father, Russell, were killed in an automobile accident when their car hit an icy spot in the road.

An awful tragedy. Tough to think about, tougher to write about. My loss, the loss of a friend, is small compared to that of his wife, Linda, and his three children, two teenage daughters and toddler, Tom.

Megan and Susannah always will remember their father. Tom's memories always will be subject to the haze that gets heavier with each passing year. I decided to write this, too, for Tom; so that young Tom will know how highly regarded was his father Nathan.

Nathan and his wife and children, and his Dad and Mom before her death earlier last year, lived in Cameron, in Marshall County. His Dad owned a jewelry store there, and was involved for a time in Democratic politics. I met Nathan when we were members of the same "pledge" class at a fraternity at West Virginia University.

We became roommates. We studied together, we partied together. When we met the women who were to become our wives, we all "ran around" together. We were in each other's weddings. We had a lot of shared history.

And it's so ironic that when such people are separated by time and miles, they still seem to move in and out of one another's lives; much the way recurring characters pop up periodically in those long, sprawling novels that have become popular nowadays. It was always good to hear from Nathan.

At the time of his death, Nathan was an aide to U.S. Sen. Jay Rockefeller. Before that, he had directed for many years the Marshall County Senior Citizens Center in Moundsville. We had kept in touch but, because of his new job with the senator, Nathan and I saw more of each other and talked on the phone more often in the last year or so than we had in the previous 10. It was nice, for Nathan had the knack of bringing a smile to the face of nearly everyone he met.

Shortly after he was hired by Sen. Rockefeller, Nathan called so that we could get together and have lunch. We syncronized our calendars, and set a date. It was the first time I had seen him in awhile. His excitement about his new job was evident. We joked a bit; talked about families; talked about old times and mutual friends. Nathan got kind of quiet, then looked me in the eye and said, "Did you ever think this would happen to us? Can you believe it? You're the editor of a newspaper, and I'm working for a United States senator." I just stared at him, and we both began to giggle, a giggle that soon turned into laughter.

At the time, we were nearing that magic age of 40. Our laughter didn't just mean we were able to conjure up images of ourselves as crazy collegians and say, "Hey, pal, I remember you when." Our laughter also was based on our good fortune, which makes Nathan's death even sadder to contemplate.

For, Nathan loved his job with Sen. Rockefeller. If ever there was a "people person," it was Nathan. And, I've met numerous aides to congressmen and senators, some more personable than others. Nathan was very good at what he did. I believed Nathan had a wonderful future ahead of him. Oh, we didn't talk politics very often. On many issues, we sat on opposite sides of the fence. When we had to discuss politics, it was on a purely professional basis. (Once he wrote me a letter about one of the newspaper's editorials that came down hard on an issue he knew intimately. His well-written letter in opposition to the editorial was right on the mark. He made me promise to destroy the letter after I read it. I did, and now wish I hadn't.)

Some people who knew him perhaps were not aware that he was an accomplished musician, and a good artist, besides being a good writer.

He lived in the Washington, D.C., area for a time, in an apartment house complex that, he told me, had more people in it than lived in Cameron. When I visited him and Linda, pregnant with their first child, at that complex, they were happy with their adventure but I knew it wouldn't last for Nathan. He loved West Virginia, and Cameron was home.

The last time I saw him was on the night the Suspension Bridge lights were turned on. He came to the newsroom, and we chatted. It had been a long day for both of us. He let me read the speech he was going to give for the senator. I said it was nice, and appropriate. I kept thinking about that conversation throughout the services for Nathan and his Dad at the small country church where they are buried just outside of downtown Cameron.

Nathan knew the bridge lighting was important to the people here. He knew the senator was disappointed he couldn't make the dedication himself. He knew he had to pump himself up for the occasion. As we talked, the fatigue disappeared and by the time he left, Nathan had a snap to his walk and twinkle in his eye. He was off to do something important, and he knew it.

Really can't write any more now. Deep down, I just knew it was important to remember in this way my good friend Nathan.

DEDICATION OF THE PHILIP A. HART SENATE OFFICE BUILDING

Mr. KENNEDY. Mr. President, on May 20, 1987, the Senate honored one of our own, a man who was also one of the great Senators of this century, by naming our newest Senate office building after him—Senator Philip A. Hart of Michigan.

Senator Hart's extraordinary career was recalled in the tributes delivered at the dedication ceremony. It is also summed up in the eloquent words inscribed above the main entrance to the Hart Building:

> This building is dedicated by his colleagues to the memory of Philip A. Hart with affection, respect and esteem. A man of incorruptible integrity and personal courage strengthened by inner grace and outer gentleness, he elevated politics to a level of purity that will forever be an example to every elected official. He advanced the cause of human justice, promoted the welfare of the common man and improved the quality of life. His humanity and ethics earned him his place as the conscience of the Senate.

I believe that the proceedings at the dedication ceremony, which was held in the atrium of the Hart Senate

Office Building, will be of interest to all of us and to all who knew our remarkable colleague. I ask unanimous consent that the proceedings may be printed in the RECORD.

There being no objection, the proceedings were ordered to be printed in the RECORD, as follows:

DEDICATION OF THE PHILIP A. HART SENATE OFFICE BUILDING—MAY 20, 1987

INVOCATION BY THE REVEREND RICHARD C. HALVERSON, CHAPLAIN OF THE SENATE

Almighty God, Creator of law and order in the universe and the earth and in the human heart, we thank you for this beautiful building, for the architects who envisioned it, for the skills that put it on paper, and the builders who constructed it. Thank you, Lord, for the craft, the intelligence, the dedication and the sweat that makes this moment possible. Together we dedicate this building to the finest and best for which our democracy and the United States Senate stand. Grant that it shall be the scene of the most faithful service by the representatives of the people who paid for it. Consecrate every office, every room, every square inch to use which will benefit the nation and the world. May the thoughts that are generated here, the words that are spoken here, the work that is done here bring glory and honor to Your Name as it conforms to the physical, moral and spiritual order of Your Creation. Thank you, Eternal Father, for this impressive edifice and for the productive future which it promises for God and nation. We pray in His name who is incarnate truth and justice. Amen.

REMARKS OF GEORGE M. WHITE, ARCHITECT OF THE CAPITOL

About two weeks ago in this same location we celebrated the collaboration of art and architecture with the presentation of the gift of sculpture that you see in front of you done by that great American sculptor, Alexander Calder. But architecture by itself is one of the arts, and in that regard this building is something special. Associate Architect John Carl Warnecke was selected because of his experience and expertise in helping us to fulfill the goal of designing our building in the contemporary idiom and yet founded on the classics. The proportions, for example, of the exterior fins on this building are the same proportions as the spacing and height of the colonnade that surrounds the base of the dome of the Capitol. The honesty and the integrity that are associated with simplicity—that is to say no frills, no superficial embellishments—that is a manifestation of modern architecture is manifested here but founded on the classics. And we've discovered that the more it has been used, the more it has been enjoyed. The building was of course designed and constructed under the direction of the Senate Office Building Commission with the advice of the Senate Committee on Rules and Administration, and we therefore have with us, representing the Senate Office Building Commission as the Ranking Minority Member, Senator Robert T. Stafford, to present the building.

REMARKS OF SENATOR ROBERT T. STAFFORD, OF VERMONT

Good morning, ladies and gentlemen, and Mrs. Hart and the members of your family who are here. It's a privilege to take part in the dedication of this building and to present it to the Rules Committee for their tender care in the future. It's been a long time coming. I remember all of the debates in the Committee on Environment and Public Works—the discussions with Mr. Warnecke and the others who had a role in planning and designing the building; the discussions about how much we should spend on it; how big it should be; whether it should be part of the same architecture as the Dirksen Building or whether it should be as you see it today.

Howard Baker, then a member of that committee, had a very high degree of interest in what sort of a building we produced, because he knew that there was the possibility it might simply be an add-on to the Dirksen Building already named after his father-in-law.

But finally, we all agreed upon the kind of building we should have—one that would be here a hundred years from now; one that the American public could be proud of and the American people would like to visit. And so here it is. And I will simply note that when it was completed, the chance to move in here was available to any of us who wished to do so. And my staff and I decided we should have an opportunity to vote on whether we moved from the Dirksen Building over here or not. And you'll be interested to know that on the day the staff voted, a mouse ran across our reception room in full view of four of the older girls in the office. It was unanimous that we move to the Hart Building. And so we did. And I think it is a building that is needed by the Senate and that is a worthy tribute to our friend and former colleague. Now, as former Chairman of the Building Commission which Bennett Johnston now heads, on behalf of myself and the Building Commission, with both joy and I guess some relief, we are very happy to turn the building over to the Chairman of the Rules Committee, Wendell Ford.

REMARKS OF SENATOR WENDELL H. FORD, OF KENTUCKY

It gives me special pleasure today to have the privilege, as Chairman of the Senate Committee on Rules and Administration, to accept this magnificent building on behalf of the committee and the Senate, and to participate in its dedication to Philip A. Hart, one of the finest men and ablest Senators I have ever known.

To be able to say that one is universally loved and respected is rare. But in relation to our late colleague Phil Hart, those words take on even greater meaning and magnitude.

This is a fine, new building. It has already demonstrated what a major contribution it will make to the work and efficiency of the United States Senate. It is a fitting tribute to the wonderful man and Senator we honor today.

Mrs. Hart, we are delighted that you and your family are able to be with us today. You can justly feel proud that this vital, new and important part of the Senate establishment will be a constant and functioning reminder to all Americans, for many, many years to come, of the life, the work and the worth of your husband Phil. And I am deeply honored and particularly pleased not only to accept the building on behalf of the Senate, but to express my appreciation of a fine gentleman, Phil Hart.

"AMERICA THE BEAUTIFUL" SUNG BY SENATOR HART'S DAUGHTER, ANN HART, ACCOMPANIED BY THE U.S. ARMY BAND

Oh beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain.
America, America, God shed His grace on
    thee,
And crown thy good with brotherhood
From sea to shining sea.

REMARKS OF GOV. JAMES J. BLANCHARD, OF MICHIGAN

Jane Hart, members of the Hart family—and I see we have enough to fill the Michigan Democratic caucuses with them—ladies and gentlemen.

There is a wonderful island called Mackinac Island. It's nicely positioned between the upper peninsula and the lower peninsula of Michigan. And if you are ever there—and most of you some day will find yourself there—and walk through the woods or ride by carriage or horse or bicycle, you might come across a beautiful little cemetery, and if you look closely, you'll see a wonderful, modest, pleasant, tasteful tombstone or monument that says Hart.

My guess is, having served with Phil and known him somewhat as a colleague, that that expression is more to Phil Hart's liking than this magnificent structure. On the other hand, as Governor of Michigan, I can say that the people of Michigan are proud that such a structure here in the world's most—usually—prestigious and deliberative body would be dedicated to the name of Senator Phil Hart.

It is also a very nice coincidence that during the State of Michigan's Sesquicentennial, this dedication would be held. And I can tell you, we've looked and searched and combed every inch of Washington, DC, and you will find there's not a park or a road or a monument or a building named after anyone from Michigan, except this one—this one, as of today, and now forever. So I believe it's as the people of Michigan would want—the Philip A. Hart Building here in Washington, DC, named after the man who was indeed our finest public servant.

REMARKS OF SENATOR DONALD W. RIEGLE, JR., OF MICHIGAN

For those of us who are privileged to be seated here, we have the opportunity to see directly Phil Hart's greatest contribution—and they are stretched across the front row of this hall today—a wonderful family.

It was the truly extraordinary qualities of Phil Hart that have caused our nation to honor him today with the dedication of this new Senate Office Building. That decision reflects our deep yearning and aspiration that we somehow infuse this building—the work that goes on here and those who do it—with some special measure of grace and goodness.

In his own special self-effacing way. Phil Hart embodied the finest qualities that we hope to find in citizen government. His integrity, decency and commitment to justice were a great moral force within the Senate. And it is striking how many of his colleagues—Ed Brooke, Ed Muskie, Gene McCarthy, Mac Mathias and others—are here today. And no matter how turbulent the legislative storms that raged during his service in the Senate, he was always a calming, civilizing and clarifying force. His quiet passion became a force of reason and leadership of remarkable strength. His decency and goodness helped the Senate find its way to a higher level of reason and conduct. He profoundly loved his family, which is gathered here today—and he often ached about the relentless demands of the job and the necessary time away from his family. It was his greatest regret, and he always advised the younger members to take time to be with their families.

As Governor Blanchard has just said, there is on Mackinac Island in Northern Michigan a small cemetery in a grove of pine trees where Phil Hart was laid to rest. It is a place of quiet beauty, where the clamorous sounds of modern life are far removed. That setting and this one express so well the two sides of this wonderful man. We are fortunate that he walked among us.

Remarks of Senator Carl Levin, of Michigan

Phil Hart was the kind of Senator and the kind of man that I would like to be when he was fighting his gallant Senate battles for civil rights or consumer protection, for a cleaner environment, for antitrust enforcement, and first and foremost for peace abroad and peace in our streets and in our homes. What shone through all those efforts was a special purity, an integrity that resonated with the people of Michigan who trusted him. We knew back home he would do what his conscience told him was best for us, regardless of whether it was popular or even understood. We knew back home he was a fiduciary—a public trustee who cared deeply about us, who listened carefully to try to understand our hopes and our fears. But we also knew that he would vote not our fears, or our selfishness, but the best that was in us and what we strive to be.

Some of the best advice that I ever got was to vote on issues as though I were not running for reelection. Phil Hart had that kind of fearlessness, and won election after election with the votes of those who trusted him regardless of whether they agreed with him.

Around my brother Sandy's breakfeast table, I had a chance to spend some time with the man whose sense of public trust I so idealized. His sweet and self-effacing nature, his caring about and his charity towards others, his passion about justice, and above all his abiding love and respect for Janie and their family shone through like the morning sun.

His legacy to us is reflected in the words of the old Shaker hymn that he heard near the end—to be simple, to be free, to come down where you ought to be. When we enter and work in this building, so alive with creativity and striving, we will be reminded of the true simplicity and freedom that he gained and that he shared, and we will as a result be better keepers of the public trust and kinder human beings.

Remarks of Senator Edward M. Kennedy, of Massachusetts

It is an honor to join in this last tribute to our friend. The last thing Phil Hart ever wanted was a building in his name. But we went ahead and named it for him anyway, because we loved him.

He was not a Speaker of the House of Representatives, but now he ranks with Cannon, Longworth, and Rayburn. He never served in the Senate leadership, but he ranks with Russell and Dirksen now. And all of us who knew him would put him in the pantheon of the greatest Senators of all, Webster, Calhoun, and Clay.

If he were here with us today, the irrepressible leprechaun inside him would make him smile that shamrock smile. He would cock a twinkling Irish eye at the Alexander Calder sculpture overhead, and he would ask, "Do you think it's safe to walk beneath?"

"Mountains and Clouds" is what Calder called it—the last work of his artistic genius. And how appropriate that sculpture is for Philip Hart, who once spoke of the mountains-and-clouds philosophy that guided him in public life:

"In a complex and free society," he said, "few if any mountains will be scaled on the first try, and progress comes by climbing a molehill at a time. And perhaps that is the way it should be, for who among us has the wisdom to foresee with certainty what life is like on a summit we have yet to achieve."

He spent eighteen years in the Senate, searching out the highest mountains on the issues, blazing trails for others to follow, offering oxygen to those of us with lesser endurance when the ascent became too steep.

He was like a brother. For years, our desks stood side-by-side on the Senate floor. And sitting there, when the day's passions had subsided and the votes had all been cast, he talked about the North Woods and summer days on Mackinac Island in Michigan—standing on a main street where cars were not allowed, having coffee with the year-round residents, buying fudge, listening to people who did not understand much about Washington but who understood a lot about America.

In debate, his voice almost never shook the rafters in the Senate. Instead, he used his quiet words to shake our conscience and our votes. He never had an axe to grind, but he could cut through any issue in a flash of intellect, and illuminate a deeper truth that no one else had seen.

The Senate was never too much with him. "The best day in the Senate is your first day," he said. "It's all downhill from there."

The personal, thoughtful side was always there. At a boring Senate hearing, he saw the six-year old daughter of an aide, reading a Raggedy Ann picture book. He wrote a note to her saying, "I'll bet you're enjoying your book right now much more than I'm enjoying this."

He had a way with legislation. He apologized for introducing patently defective bills, but he thought it best, he said, to make his fifteenth draft available for study. After he had finished summarizing all the flaws, he said there was no need for opponents to speak against it. But then the bill would start to move, because he had thought through the opponents' arguments better than they could do themselves.

As Robert Kennedy liked to say, it is the individual who makes the difference. As my brother told the students at the University of Capetown in South Africa on his visit there in 1966: "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope. And crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

What a difference Phil Hart made in the years he walked among us. If this building fulfills its purpose, the ripples of hope and justice that Phil Hart sent out will never die.

Above all, for a generation he was a missionary for civil rights. He arrived in 1958, at the dawn of the civil rights revolution in Congress. And he guided every major rights bill through the gauntlet of filibusters in the Senate. He understood the meaning of "We shall overcome"—and all his life, he helped America overcome.

Once, at a Senate hearing, he asked George Wallace whether he thought Heaven would be segregated. "Every American," Phil Hart said, "should be judged as an individual, by his individual merits—and not, while he is still 50 feet away, by the color God gave him."

After an election wager with his children, he became the first Senator in a century to wear a beard. We teased him and said he had gone Lincoln on us. He urged us to try it too, because it made him feel even more emancipated from the pressures to go along.

Friends and opponents were guided by his light in floor debate. But the real light of Phil Hart's life was his family. I asked him how he always seemed to care so much about so many issues—and he said, "It's really very simple. If I didn't do these things, I could never go home to Janey and the children."

He lived by the Golden Rule of Washington, that there is no limit to what you can accomplish in this city, if you are willing to give someone else the credit.

Often he started out by asking why. In his non-abrasive fashion, the Senate was his oyster, and he was the sand who created priceless pearls.

Why, he asked? Why should a Black child be more likely to drop out of school than graduate from college? Why should an infant on an Indian reservation never see a doctor in the first six years of life? Why should an immigrant's horizon be narrowed by the Hispanic inflection of his name?

He was a man of a thousand whys. And more than any other Senator in my time, he was listened to and responded to—because to hear such questions was to realize that the answers were unacceptable, and that America would have to change.

He was one of the first in Congress to oppose the Anti-Ballistic Missile system. He fought hard against the Vietnam War—and just as hard for amnesty for those who were ahead of Congress in seeing the war was wrong. For Phil Hart, amnesty began at home—he wanted to be sure the government would never prosecute Janey again.

And in his final months of illness, he showed another dimension of his courage. Every day, he came to the Senate floor in pain, to climb the last mountain of his life—the filibuster against his cherished antitrust reform.

No doctor in his right mind would have advised him to be on his feet, much less debating in the Senate. But he broke the filibuster, and two weeks before Congress adjourned in 1976, the House of Representatives accepted the Senate action, which meant that his bill would become a law. "Now," said Senator Philip Hart, "I can hang up my hat." And a few weeks later, the day after that last Christmas with his family, he left us.

It is fashionable for some people in this Bicentennial Year to ask, Why can't America produce Founding Fathers any more? But I reply, they should have met Phil Hart.

As Judge Learned Hand said about Justice Benjamin Cardozo, Phil Hart had a special quality "that made it possible for him to find the compromise between the letter and the spirit. It was wisdom, and like most wisdom, his ran beyond the reasons he gave for it. The wise man is exempt from the handicap of his past. He is the runner stripped for the race. He can weigh conflicting factors without always finding himself in one scale or the other. In this America of ours, where the passion for publicity is a

disease, and where swarms of foolish moths dash with rapture into its consuming fire, it was rare good fortune that brought to such eminence a man so reserved, so unassuming, so gracious to high and low. He has a lesson to teach us, if we care to stop and learn."

In the years to come, may those who serve here, and those who visit here, care enough to stop and learn about Phil Hart. He has a lesson to teach us for the ages, and in heeding that lesson, we heed the best in America and ourselves.

Remarks of Senator Robert Dole of Kansas (By Telephone)

First let me apologize to Jane and to all the Hart family and many many friends for not being there personally this morning. Jane knows, and others may know, that Phil Hart played a very special and some might say a very pivotal role in my life. Both of us were wounded in World War II, and Phil and I, along with Senator Dan Inouye spent many, many months in Percy Jones Hospital in Battle Creek, Michigan.

As a matter of fact, we were in the same ward, Phil and I, at the same time—on the fourth floor of that hospital. And almost everyone in that ward was immobile, including me. Phil's injuries weren't quite as severe, and he acted as our handyman around the ward and did a lot of things for a lot of us which we couldn't do for ourselves. As he did in every effort he ever made in anything he undertook, he endeared himself to every man in that ward, just as he did everywhere he went. I can remember—many, many times—those patients who were ambulatory. He would take them to the Detroit Tigers baseball game. He did everything he could, notwithstanding his own injuries, to make us feel comfortable. He was just that kind of person.

I remember years later, after he had been elected to the Senate, and I was the county attorney in a small town in Russell County, Kansas, I visited Phil Hart in Washington and I thought, "Well, I've just about seen everything—I got to see him personally, and he's a very, very important man." And I remember we talked a little at that time about Congress, and he said, "Well, someday, Bob, you ought to take an interest in politics and maybe run for Congress."

Well, I guess you could say that I followed Phil's advice. And I have thanked him before, and I say again to his family and friends and my colleagues who have already spoken—I felt very fortunate in joining Phil as a colleague in the United States Senate.

Sometimes we were miles apart philosophically, but we were great and close personal friends, and I remember the good advice Phil used to give me from time to time. We both agreed on the importance of public service and the importance of being active in the party of our choice. As far as I recall in my experience in office, I don't know of a truer or finer public servant than Phil Hart.

It's an honor and a daily reminder of what this Capitol and Senate and our country are all about to have an office building named after our good friend—a good old friend and mentor in my case—Senator Phil Hart. So I just say thank you to all of you assembled and remembering this great American and good public servant, and good and decent man—Phil Hart.

Remarks of Senator Daniel K. Inouye, of Hawaii

Like all of you gathered here, I was one of those fortunate to have known Phil Hart. Phil was a simple, unassuming veteran in the hospital, not a flashy one like the rest of us who wore our ribbons and flaunted our patriotism.

When I met him in the Senate, I could not believe that a simple man, a gracious man, could ever become a Senator, but here he was. He was not an orator in any sense of the word, but without question he was the most eloquent spokesman for the voiceless and for the voteless.

He was a very meek person, a very humble person, but he had the courage of a patriot and the tenacity of a tiger when it came to fight—to fight for the disadvantaged, fight for the immigrants, fight for the blacks, and fight for children.

He was obviously a most gracious person—gracious in life, and gracious when he met his Maker. Those of us who were in the Senate and watched him pass away each day can only marvel and say to ourselves, "I hope I have that grace when I leave this place."

He was a very simple man. This city, the City of Washington, is known to one and all as the city of monuments. There are over a hundred monuments in this city. Just about every Civil War general has a monument, every President has a monument, every Speaker of the House has some monument, Majority Leaders have monuments, and finally we have a monument to a good man. Sam Rayburn said the highest accolade one can pay to a fellow man is call him a good man. I am happy that we are dedicating this building to a good man.

Remarks of Walter B. Hart

Thank you everyone for being here. Thank you, Senators, past and present. On behalf of the entire Hart family, thank you all.

Dad, like most of us, was always a little uncomfortable or embarrassed when praise was aimed in his direction. But I am certain that he would have very much appreciated and enjoyed this attention and honor.

I was tempted to use this occasion to compare politics as practiced by Phil Hart with the sort of self-righteous, but amiable simplemindedness which has been so alarmingly popular in recent years. But to make that sort of comparison is not something Dad would do. So I won't. But I will quote him briefly on his view of politics:

"One thing you learn in politics is the need to avoid absolutism, especially the notion that your own conclusions must be correct, or whatever you finally decide should be done is what God would do if God were here."

And another time he said, "I remember the expression that the politician is the lay priest of society. A solid case can be made that whatever the venality that attaches to the profession, politics is still a high vocation."

And finally, as a member of his family, I would like to comment on the integrity that was always so apparent in his public service. For his family, that integrity was important because by it we have been able to understand and accept his time away from us. In everything he said and did, his heart and mind were in concert. So we understood that he quite simply loved us and that was why he did what he did. Thank you again.

Benediction by Rev. Timothy S. Healy, President of Georgetown University

Almighty and all merciful God, we pray for all those who work in this great building, all who look to this republic lest it suffer hurt, all who bear the heavy burden of our cares, all who labor under grace to find and follow your justice, grant to them the gifts you gave Philip Hart—that they might speak the truth without hyprocrisy, detract no man, and do all things in equity. Amen.

ANNUAL REPORT ON THE RAILROAD SAFETY ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 116

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 26, 1988, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the Sixteenth Annual report on the Administration of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.) as required by the Act. This report was prepared in accordance with Section 211 of the Act and covers calendar year 1986.

Ronald Reagan.

The White House, *February 26, 1988.*

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 117

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 26, 1988, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of Section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I herewith transmit the fourth Annual Report of the National Endowment for Democracy, which covers Fiscal Year 1987.

Ronald Reagan.

The White House, *February 26, 1988.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty, which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

DETERMINATION OF UNIFORM PERCENTAGE NECESSARY TO REDUCE CERTAIN APPROPRIATIONS—MESSAGE FROM THE PRESIDENT—PM 118

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Appropriations:

To the Congress of the United States:

In accordance with section 512 of the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1988, included in Public Law 100-202, I herewith transmit a report specifying my determination of the uniform percentage necessary to reduce outlays for travel, transportation, and subsistence by $23.6 million in accounts within this appropriations act in Fiscal Year 1988. Federal agencies have been instructed to make the required reductions.

Ronald Reagan.

The White House, *February 29, 1988.*

MEASURES REFERRED

The following bill, which was introduced on February 25, 1988, and ordered held at the desk until the close of business on today, February 29, 1988, was read the first and second times by unanimous consent, and referred as indicated:

S. 2091. A bill to protect the ground water resources of the United States; to the Committee on Environment and Public Works.

The amendment proposed by Mr. Durenberger on February 25, 1988, to the bill S. 2091, and subsequently also ordered held at the desk until the close of business on today, February 29, 1988, was ordered referred to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MELCHER, from the Special Committee on Aging:

Special report entitled "Developments in Aging, 1987, Volume 1" (Rept. No. 100-291).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 854. A bill entitled the "Nevada-Florida Land Exchange Authorization Act of 1987" (Rept. No. 100-292).

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, with amendment:

S. 1630. A bill to provide for retirement and survivors' annuities for bankruptcy judges and magistrates, and for other purposes (Rept. No. 100-293).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD (for Mr. Cranston, for himself and Mr. Murkowski):

S. 2105. A bill to amend title 38, United States Code, to extend for 4 years the authority of the Veterans' Administration to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities; to the Committee on Veterans Affairs.

By Mr. BOND (for himself and Mr. Heflin):

S. 2106. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to use multiyear set-asides to establish wildlife habitats and feeding areas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. KASSEBAUM (for herself and Mr. Dole):

S. 2107. A bill to authorize the construction by the Secretary of Agriculture of a plant science research and education facility at Kansas State University, Manhattan, Kansas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRADLEY (for himself and Mr. Moynihan):

S. 2108. A bill to authorize the Secretary of the Interior to conduct the Reclamation Groundwater Management and Technical Assistance Study; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself and Mr. Cranston):

S. 2109. A bill to amend Title 18, United States Code, to protect the civil rights of individuals from discrimination on the basis of affectional or sexual orientation; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 2110. A bill to provide access to check cashing services; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATFIELD:

S. 2111. A bill to amend the patent law, title 35, United States Code, to prohibit the patenting of genetically altered or modified animals; to the Committee on the Judiciary.

By Mr. SYMMS (for himself, Mr. Burdick, Mr. Dixon, Mr. Levin, Mr. McClure and Mr. Thurmond):

S.J. Res. 266. A joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week."; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Durenberger, Mr. Kerry, Mr. Pell, Mr. Dodd, Mr. D'Amato and Mr. Cranston):

S.J. Res. 267. A joint resolution in support of democracy in Panama; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. Simpson, Mr. Pell, Mr. Dole, Mr. Humphrey, Mr. DeConcini, Mr. Symms, Mr. Domenici, Mr. Wallop, Mr. Baucus, Mr. Dixon and Mr. Dodd):

S. Res. 386. A resolution to express the sense of the Senate on United States policy toward Afghanistan, especially toward the possibility of a Soviet troop withdrawal; considered and agreed to.

By Mr. DODD (for himself, Mr. Quayle, Mr. Matsunaga and Mr. Heinz):

S. Res. 387. A resolution to express the gratitude of the Senate for the efforts and achievements of the United States Winter Olympics Team; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for Mr. Cranston, for himself and Mr. Murkowski):

S. 2105. A bill to amend title 38, United States Code, to extend for 4 fiscal years the authority of the Veterans' Administration to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities; referred to the Committee on Veterans' Affairs.

VETERANS' ALCOHOL AND DRUG TREATMENT AND REHABILITATION IN COMMUNITY-BASED FACILITIES

● Mr. CRANSTON. Mr. President, as Chairman of the Committee on Veterans' Affairs, I am very pleased to introduce, along with my friend from Alaska [Mr. Murkowski], the ranking minority member of the committee, legislation to extend for 4 years, through September 30, 1992, the VA's present discretionary authority in section 620A of title 38, United States Code, to contract with halfway houses and other community-based facilities for the treatment and rehabilitation of veterans with alcohol or drug abuse or dependence disabilities.

Mr. President, according to the VA, approximately 32,000 veterans have been placed in community-based contract programs following detoxification in VA medical centers since the program began in 1980. More than 90 VA medical centers—6 in California—have contracts with nearly 400 non-VA community-based program—61 in California. The VA anticipates placing an average of 7,500 veterans each year in community halfway houses during the next 5 years.

Mr. President, the contract program offers a valuable alternative for treating certain veterans with chemical dependencies who otherwise would likely return to their homes and communities and resume drug and alcohol use. In order for former addicts to stay sober or clean, it is critical that they receive positive reinforcement after breaking the physical addiction to alcohol or drugs. Too often, veterans who don't have families or other support systems return to their old habits, including drug or alcohol use. Long-term counseling and followup

are necessary to break the cycle. Halfway houses and other community-based treatment centers provide that type of intervention. They enable veterans to integrate back into their communities with the needed assistance, through the development of self help and job skills and participation in Alcoholics Anonymous and other support services, while overcoming their chemical dependencies.

Halfway houses are cost-effective. A VA May 1984 report analyzing the first 3 years of the program found that the expenditures associated with relapse-related treatment following detoxification was on an average $346 less per case for individuals who had completed the Halfway House Contract Program than for those who were treated in traditional outpatient programs.

Mr. President, this would be the second extension of this program, which was originally enacted in 1979 as a pilot program in legislation I authored. When the original pilot program was nearing expiration in 1985, I sought to make the program permanent, based on the findings of the first VA report on the operations of the program, submitted in May 1984, and on reactions from veterans who had been placed in halfway houses and other community-based facilities and VA employees who worked with the veterans with drug and alcohol dependencies.

However, because of concerns raised at that time that more information was needed about the program before making it permanent, the Congress extended the authority for another 3 years, until September 30, 1988, and required the Administrator to submit to Congress, by February 1, 1988, a report on the cost-effectiveness and success of the program.

Unfortunately, as far too often is the case, the committee did not receive the report by its due date. I have now been advised that it will be submitted later this year. Should the report confirm the generally positive results of the 1984 report regarding the success and cost-effectiveness of the Contract Program, I believe it would be desirable to give very serious consideration to making the VA's contract authority permanent. The program has now been functioning for nearly 10 years, and I see little reason to continue temporary extensions if the successfulness of the program is established. However, until we have received and had an opportunity to review the forthcoming report, we are proposing in this legislation only an additional 4-year extension of this contract authority.

By Mr. BOND (for himself and Mr. Heflin):

S. 2106. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to use multiyear set-asides to establish wildlife habitats and feeding areas; to the Committee on Agriculture, Nutrition, and Forestry.

MULTIYEAR SET-ASIDES FOR WILDLIFE HABITATS AND FEEDING AREAS

Mr. BOND. Mr. President, the past few years have seen American agriculture begin a transition to protect one of the most important natural resources known to man—the soil. With continued emphasis on programs designed to reduce soil erosion, such as the Conservation Reserve Program [CRP], our Nation has proactively moved toward ensuring sustained productivity for generations to come. Not including the signup which ended last Friday, the CRP has already retired approximately 23 million acres for a minimum of 10 years. By 1990, the CRP may take as many as 45 million acres out of production.

In addition to optional programs such as the CRP, U.S. producers must "set aside" a certain percentage to their base acreage as a requirement for participation in Federal farm programs. For example, in 1987, corn producers were required to set aside 20 percent of their base acres and the optional paid land diversion idled up to another 15 percent—for a total of 35 percent. In 1987, farmers enrolled approximately 195 million acres, or 84 percent of the total program base in Federal farm programs. During the same year, the set-aside and paid land diversion for wheat, feed grains, cotton, and rice idled approximately 54 million acres, or 23 percent of the total program base.

Mr. President, I believe the United States has done an admirable job of balancing the needs of producers, consumers, and the environment as these programs have been implemented. Although mandatory set-asides are a bleak reminder of our current surplus commodities, I believe they also provide a golden opportunity to address another one of our Nation's priceless resources—wildlife. The quality of our soil and the proliferation of wildlife and inextricably linked to the land use decisions made by our Nation's farmers and ranchers. There is no doubt the mystique of living on a farm or ranch goes beyond bushels of grain, pounds of milk, cost of production, and rate of gain. The quality of rural living is enhanced by the natural beauty of the surroundings which includes the presence of wildlife. Although wildlife is often associated with rural America, its abundance depends ultimately on the way in which we utilize the land.

Mr. President, over the past couple months I have had the opportunity to speak with many people regarding the development of multiple benefit management strategies using the mandatory set-aside acres. The legislation which I am introducing today is the result of these efforts. Although the centerpiece of this bill is the creation of an optional multiyear set-aside program for the establishment of wildlife habitat and food plots, our Nation's efforts to reduce soil erosion will also benefit.

Although farmers and ranchers currently have some flexibility regarding these annual set-aside acres, the majority of the land is either fallowed or left unseeded. Unfortunately, seeded land loses much of its wildlife value due to disturbances such as plowing, discing, and mowing. I believe that with small incentives, many producers would forgo this annual ritual and opt to participate in a multiyear set-aside program due to lower maintenance costs, enhanced natural beauty, and improved soil tilth and fertility from the establishment of appropriate vegetative covers.

Mr. President, this legislation would require the Secretary of Agriculture to offer eligible producers the opportunity to enroll a percentage of their mandatory set-aside acres in a 3-year program. Producers will be eligible to enroll acreage into the program during the 1988, 1989, and 1990 crop years. Assuming a 3-year set-aside period, the final contracts would expire in 1993.

In an effort to prevent any increase in Federal budget outlays, enrollment in the program would be limited to producers who have participated in farm programs in two of the three crop years prior to the date of enactment. In response to concerns that the program would keep land out of production, I have included provisions which limit the amount of set-aside and paid diversion acres eligible for enrollment. No more than 50 percent of the required set-aside on the date of enactment will be eligible for enrollment in the multiyear program. The Secretary of Agriculture will also have the discretionary authority to permit enrollment of up to 50 percent of the paid land diversion in effect during the year of enrollment. However, no additional land will be taken out of production because of this bill.

This legislation also requires the Secretary of Agriculture to provide incentives to producers for the establishment of appropriate vegetative covers. The Commodity Credit Corporation [CCC] is authorized to provide up to 25 percent of this establishment cost. However, no Federal outlays will be authorized without a commitment from the State to provide matching funds.

Mr. President, the ultimate success of this program will depend upon the commitment of the States themselves. This legislation simply lays the groundwork from which the States can build programs based upon their own resources. For example, my home State of Missouri has already indicat-

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ed they would reimburse producers for their seed cost and will pay the real estate taxes on participating land for the 3-year period. I would hope that farmers, ranchers, conservationists, and sportsmen would encourage additional States to follow the lead of Missouri's Department of Conservation.

Over the past few weeks, I have been asked if this program is necessary and why the States can't implement such a program on their own. First of all, I believe it would be in everyone's best interest to make constructive use of lands which will be idled anyway. Second, it is my understanding that States will not designate funds for such a program if they do not have a framework in place which allows them to enter into contracts beyond 1990, the expiration date of the 1985 farm bill. It is also highly unlikely that farmers and ranchers would enroll in the program if their crop base is not protected for the life of the contract. Again, States do not have the authority to make such guarantees.

Mr. President, these are not new ideas, they are simply overdue ideas. Section 1010 of the Food Security Act of 1985 authorizes the Secretary of Agriculture to enter into multiyear set-aside contracts. This section states that the acreage must be devoted to "vegetative cover capable of maintaining itself through such period to provide soil protection, water quality enhancement, wildlife production, and natural beauty." Given that this act has been in effect since 1985, I believe it will be up to Congress to see that it is implemented.

A companion bill will soon be introduced in the House of Representatives by Congressman VIN WEBER and I thank Congressman WEBER and his staff for their assistance in drafting this legislation. I believe this is a practical way of utilizing land which will undoubtedly remain idle throughout the foreseeable future. I encourage my colleagues to support this legislation and would hope we could pass it expeditiously.

Mr. President, I ask unanimous consent that Senator HEFLIN be added as an original cosponsor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MULTIYEAR SET-ASIDES.

Effective for the 1988 through 1993 crop years, section 1010 of the Food Security Act of 1985 (7 U.S.C. 1445l) is amended to read as follows:

"SEC. 1010. MULTIYEAR SET-ASIDES.

"(a) AUTHORITY.—The Secretary of Agriculture (hereinafter referred to in this section as the 'Secretary') may enter into 3 year set-aside contracts for a period not to extend beyond the 1993 crops.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—Contracts authorized under subsection (a) shall only be entered into as a part of the programs in effect for the 1988 through 1990 crops of wheat, feed grains, upland cotton, and rice.

"(2) ELIGIBLE PRODUCERS.—Only producers participating in one or more of the programs referred to in paragraph (1) shall be eligible to enter into contracts with the Secretary under this section.

"(c) REQUIREMENTS OF SET-ASIDES.—

"(1) USE OF SET-ASIDE ACREAGE.—Producers entering into agreements with the Secretary under this section shall devote the set-aside acreage to vegetative cover that is capable of maintaining itself through the contract period to provide improved soil tilth and fertility, water quality enhancement, wildlife habitat, and natural beauty.

"(2) PROHIBITIONS.—

"(A) IN GENERAL.—During the term of a contract entered into under this section, a producer shall agree not to—

"(i) conduct any harvesting or grazing, nor otherwise make commercial agricultural use of the set-aside acreage that is subject to the contract; and

"(ii) adopt any practice specified in the contract by the Secretary as a practice that would tend to defeat the purpose of the contract.

"(B) EXCEPTION.—The Secretary may permit harvesting, grazing, or other commercial uses of the set-aside acreage that is subject to the contract if such determination is in response to a drought or other emergency that occurs in the area.

"(3) NOXIOUS WEED CONTROL.—Producers entering into agreements under this section shall comply with all applicable State and local laws and regulations governing noxious weed control.

"(d) INCENTIVES.—The Secretary shall offer cost-sharing incentives to producers for the establishment of appropriate vegetative cover, whenever a multiyear set-aside contract is entered into under this section.

"(e) SPECIAL SET-ASIDES.—

"(1) AUTHORITY.—The Secretary shall pay the Federal share of the cost of incentives offered by a State to administer a program designed to enroll a special class of acreage in a multiyear set-aside program that will encourage the use of such acreage for appropriate wildlife habitats and feeding areas.

"(2) FEDERAL SHARE.—For purposes of paragraph (1), the Federal share shall be no more than 25 percent of the cost of establishing the appropriate vegetative cover. To be eligible to obtain funds under this subsection, a State shall at least match the Federal share provided to carry out this subsection.

"(3) INCENTIVES.—States shall offer producers special incentives to encourage such producers to participate in the program authorized under this subsection. Such incentives may include—

"(A) the reimbursement of the producer for the property tax paid on land set aside under this section by such producer;

"(B) the provision of additional cost sharing incentives to the producer to enable the producer to use the acreage for the purposes described in paragraph (6); and

"(C) any other reimbursements of or payments to the producer determined appropriate by the State

"(4) STATE PARTICIPATION.—

"(A) APPLICATION.—A State that desires to receive funds under this subsection shall submit an application to the Secretary not later than 90 days prior to the start of the appropriate enrollment period as determined by the Secretary.

"(B) CONTENTS OF APPLICATION.—An application submitted by a State under this paragraph shall—

"(i) provide assurances that the applicant will pay the non-Federal share of the cost of the incentives offered by the State for which assistance is sought;

"(ii) contain assurances by the State that it will take actions to ensure compliance with this subsection;

"(iii) describe the incentives to be offered by the State under paragraph (3);

"(iv) describe the different types of vegetative covers determined appropriate by the State; and

"(v) provide any other information determined necessary by the Secretary.

"(C) ACTION BY SECRETARY.—The Secretary shall act on an application submitted under this paragraph within 60 days of receipt of such.

"(D) VEGETATIVE COVER ACTION.—

"(i) IN GENERAL.—The State may petition the Secretary at any time to request that the Secretary consider additional vegetative covers eligible for use under this subsection.

"(ii) DETERMINATION.—If the Secretary determines that the recommendation of a State for vegetative cover is not appropriate, the Secretary shall inform the State of such and the State may resubmit such a recommendation and any other additional information to the Secretary. The Secretary is required to issue a decision on such a recommendation not later than 30 days after receipt of such.

"(5) ELIGIBILITY.—Producers who desire to participate in the program authorized under this subsection shall—

"(A) have participated in programs in effect for the 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice for at least two of the three crop years prior to the date of enactment of this section; and

"(B) enter into an agreement to set-aside acreage as a requirement for eligibility to receive benefits under the Federal farm programs referred to in subparagraph (A).

"(6) USE OF ACREAGE.—Acreage enrolled in the program authorized in this subsection shall be devoted to vegetative cover approved by the State and agreed to by the Secretary after a review of a proposal for such submitted by the State for the development of wildlife habitats and feeding areas

"(7) ADMINISTRATION.—

"(A) MAXIMUM AND MINIMUM ACREAGE LIMITS.—The Secretary, in consultation with the Secretary of the Interior, shall issue regulations that determine the maximum and minimum number of acres that a producer may enroll in the program established under this subsection.

"(B) RELATIONSHIP TO UNPAID ACREAGE LIMITATION AND SET-ASIDE PROGRAMS.—The producers on a farm shall be eligible to enroll during a crop year in the program established under this subsection no more than 50 percent of the total quantity of acreage that the producers are required to remove from production during the crop year under an acreage limitation or set-aside program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

"(C) RELATIONSHIP TO PAID LAND DIVERSION PROGRAMS.—The Secretary may permit producers on a farm to enroll during a crop year in the program established under this subsection no more than 50 percent of the

total quantity of acreage that the producers are permitted to divert from production during the crop year under a paid land diversion program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

"(D) SIGNUP PERIOD.—The Secretary shall issue regulations to designate an appropriate period during which producers may apply to participate in the program authorized under this subsection on a first-come-first-serve basis.

"(E) PENALTIES.—The Secretary shall issue regulations applicable to both States and producers who violate this subsection or any agreement entered into under such, including the recovery by the Secretary of the Federal share of funds (and interest on such) used in such a violation.

"(8) BASE PROTECTION.—The crop acreage base and the farm program payment yield for a commodity shall not be reduced due to the fact that such portion of the permitted acreage of the farm was devoted to conserving uses under this subsection.

"(f) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(g) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the programs authorized by this section through the Commodity Credit Corporation.".

Mr. HEFLIN. Mr. President, I am delighted to rise, today, in support of a bill which has been introduced by my colleague from Missouri, Senator BOND, that would offer farmers and land owners the opportunity to make use of a portion of their set-aside land for the purpose of establishing wildlife habitat and food plots for a 3-year period.

Fifty years ago, our Nation's farms and rural areas where blessed with plentiful wildlife which provided both aesthetic beauty and great sport for hunters. These areas were also crucial to the protection of wildlife and endangered species. Since that time, however, modern farming techniques in many parts of the country have eliminated the hedge rows and other vegetation which were so beneficial to wildlife and to the protection of our Nation's most important agriculture resource, the fertile topsoil.

I believe that the vegetative cover which farmers and land owners would be encouraged to foster under this program would go a long way toward establishing a habitat for wildlife and will also enhance the conservation efforts of increasing soil fertility, and reducing erosion of our Nation's soils.

I would like to commend the sponsor of this bill, Senator BOND, for his efforts in introducing this bill. For too long, these needs have been ignored or overlooked in American agricultural policy. We must all remember that we are but guardians of the land and must ensure that it is protected not only for future generations, but for the beautiful and important wildlife with which we share the land.

I believe that this bill presents an important concept which could begin to restore the native habitat for so many species of animals, birds, and waterfowl. This will prove highly beneficial to all. The bill will begin to restore the ecological balance of nature and will also help farmers and land owners in their efforts to conserve the soil of their land so that it can be passed along to future generations.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 2107. A bill to authorize the construction by the Secretary of Agriculture of a plant science research and education facility at Kansas State University, Manhattan, KS; referred to the Committee on Agriculture, Nutrition, and Forestry.

PLANT SCIENCE RESEARCH FACILITY

● Mrs. KASSEBAUM. Mr. President, I am introducing legislation today that will authorize the construction of a plant science research and education facility at Kansas State University in Manhattan, KS. A review team appointed by the Department of Agriculture's Cooperative State Research Service [CSRS] to conduct a feasibility study of the project concluded that "* * * construction of the proposed plant science facility is urgently needed and that it would be beneficial to Kansas, the region, and the Nation."

Kansas State University is recognized worldwide for its research and leadership in wheat breeding, sorghum modeling and management, cropping system technology for wheat and sorghum, and wheat and sorghum processing and utilization. Manhattan, KS, is the world's center for grain research and teaching. It is the home of the USDA Grain Marketing Laboratory, the Wheat Quality Council, the Kansas Wheat Commission, and the American Institute of Baking. In addition, Kansas State University's unique grain science and industry department includes flour milling, bakery, and feed science programs, the International Grains Program, and the International Food and Feed Grains Institute. Kansas State University is strongly committed to a partnership with State and Federal scientists in providing research and educational programs that complement efforts to increase export and utilization of U.S. wheat and sorghum.

Much of the success of agriculture can be attributed to past investment in research. The Hard Red Winter wheat introduced to Kansas in 1874 remained basically unchanged through the 1970's. In 1977, Kansas State University introduced Newton, a short, semidwarf Hard Red Winter wheat that quickly became the leading wheat variety in the United States. In Kansas alone, Newton provided over $600 million in additional income to farmers during the period of 1980-86. Three other recently released wheat varieties have unique quality and pest-resistant characteristics that will continue to benefit Great Plains farmers for many years.

In addition to modifying existing crops to meet producer and consumer needs better, additional plant science research is needed to develop potential new crops. In this time of commodity surpluses, alternative crop developments is an especially timely topic.

However, modifying existing crops and developing new ones does not just happen. It takes the right people and the right facilities. Facilities are needed which will allow cooperation among scientists of many disciplines, such as agronomy, entomology, forestry, horticulture, and plant pathology. State-of-the-art laboratories are needed to translate biotechnology research into new crops and other agricultural products. First-rate facilities are also necessary to attract the plant geneticists, plant pathologists, entomologists, agronomists, and crop quality specialists which make up a successful research team.

The Plant Science Center at Kansas State University was planned to provide offices and modern classrooms, research and teaching laboratories, and greenhouses for the plant science departments. Most teaching and student needs were met in phase I of the project, which was completed in 1981. Phase II is sorely needed to complete the mission of providing modern facilities for plant science research which was outlined in the original building program. The lack of modern laboratory and greenhouse space is currently the most limiting factor in plant science research at Kansas State University.

The Kansas Board of Regents has placed the completion of the Plant Science Center as its top priority for new funding. Industry and commodity associations have expressed strong support for the project. The Kansas State Legislature has indicated its intent to provide $13.5 million for the project. However, matching Federal funding is needed for completion of the facility. This bill includes no funding and results in no outlays. It does, however, mark a commitment to continued excellence in plant science research and the resulting benefits to agriculture and to our Nation.

As the CSRS report stated:

> Completion of the proposed plant science facility will have a direct and significant positive impact on the economic well-being and competitiveness of Kansas agriculture. The current planned research programs are important to the food supply and its nutritional value on a regional and national basis. The ultimate and most serious potential result of failing to provide improved facilities for the Plant Science Program at Kansas State University is that Kansas and Great Plains Agriculture would not continue to be competitive in international trade. Thus, a further decline and loss of market share would occur both in export and domestic markets. The Review Committee con-

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cludes that construction of the proposed plant science facility is urgently needed and that it would be beneficial to Kansas, the region, and the nation.●

Mr. DOLE. Mr. President, I am pleased to join my distinguished colleague from Kansas, Senator KASSEBAUM, as a cosponsor of legislation authorizing the construction of phase II of the Plant Science Center at Kansas State University in Manhattan. This bill is authorizing language and does not result in new outlays.

BACKGROUND

During the 1970's Kansas State University began a two-phase project to upgrade their facilities for plant science. The initial complex, including Throckmorton Hall and new greenhouse space, was completed in 1981. This provided roughly 30 percent of the necessary office, laboratory, and greenhouse space.

Enlarging laboratory and office space devoted to research and updating equipment are important priorities if we are to improve and develop plant varieties that are resistant to disease and insects and that can survive under adverse weather conditions. Completion of phase II construction will further ensure that Kansas, the Great Plains region and the Nation remain competitive in export markets while providing a reliable and nutritious food supply.

The Senate Appropriations Committee's report accompanying the 1987 Agriculture, Rural Development, and Related Agencies appropriations bill included language directing the Agricultural Research Service to conduct a feasibility study of the Kansas State University proposal. The study concluded that construction of the proposed plant science facility is needed and that it would be beneficial to Kansas, the region, and the Nation.

CONCLUSION

Mr. President, completing this facility will have a positive impact both regionally and nationally. Research facilities that can efficiently use the latest technology to address production problems will increase farmers' profitability and will promote economic development. Modifying existing crops or developing new varieties does not just happen it, takes committed people, long-term investments, and modern facilities.

I congratulate Senator KASSEBAUM on her leadership in this important area and urge my colleagues to support this bill.

By Mr. BRADLEY (for himself and Mr. MOYNIHAN):

S. 2108. A bill to authorize the Secretary of the Interior to conduct the Reclamation Ground Water Management and Technical Assistance Study; to the Committee on Energy and Natural Resources.

RECLAMATION GROUND WATER MANAGEMENT AND TECHNICAL ASSISTANCE STUDY ACT

● Mr. BRADLEY. Mr. President, today I rise to introduce the Reclamation Ground Water Research Act of 1988. I am pleased to have Senator MOYNIHAN as a cosponsor of this important legislation.

In the past year, I have chaired three hearings on ground water issues before the Energy Committee's Subcommittee on Water and Power. The diversity of witnesses and perspectives ran the gamut from government and industry to environmental organizations and academia. While these witnesses had disagreements about what policies or courses of action were most appropriate, inaction never was suggested as a preferred strategy.

Mr. President, as a result of these hearings, I have reached a number of basic conclusions:

First, while we are not in a crisis situation, we are at a threshold. The choices we make today will determine whether ground water will be available for our future and our children's future. Much of the Nation depends on ground water supplies. Over 120 million people, including 90 percent of rural Americans, rely on ground water. The absence of adequate planning will place our future in jeopardy. We can't allow that to happen.

Second, prevention of contamination is the key element in protecting ground water resources for the future. Unfortunately, we know too well from experience the extreme cost and near impossibility of cleaning up ground water supplies once they become contaminated. In my home State of New Jersey, there is growing concern over contamination. Over 1,000 wells in the State have been closed, probably forever. We can't afford to pollute our ground water today; the price we would have to pay tomorrow would simply be too great.

Finally, we need to augment and restructure Federal programs in order to provide the information decision-makers need to prevent contamination from crippling our ground water supply and our future.

Mr. President, the legislation I introduce today has a very narrow focus and goal. It charges the Bureau of Reclamation—the manager of Federal water supplies in the West—to recognize and evaluate the impact on ground water quantity and quality which results from the Bureau's efforts to divert and control surface water supplies. If we are to manage most effectively our water resources, we need to acknowledge that all aspects of the hydrologic cycle, from rainfall to streamflow to ground water supplies, are related. This simple legislation is a first step toward a perspective that is truly comprehensive. Such a perspective is a critical element of any attempt to deal with current and future threats to ground water resources.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Reclamation Ground Water Management and Technical Assistance Study Act of 1987".

SEC. 2. (a) The Secretary of the Interior, acting through the Bureau of Reclamation and in furtherance of Public Law 98-434, the High Plains Ground Water Demonstration Program Act of 1983 (98 Stat. 1675), shall conduct an investigation and analysis and prepare a Reclamation Ground Water Management and Technical Assistance Study to be submitted to the Congress, which shall include—

(1) an assessment of the impacts of existing Bureau of Reclamation projects on the quality of ground water resources;

(2) a description of methods for optimizing Bureau of Reclamation project operations to ameliorate adverse impacts on ground water; and

(3) his recommendations concerning the establishment of a Ground Water Management and Technical Assistance Program in the Bureau of Reclamation in order to assist Federal and non-Federal entity development and implementation of ground water management plans and activities.

(b) The report shall be submitted to the Committees on Appropriations and Interior and Insular Affairs of the House of Representatives and the Committees on Appropriations and Energy and Natural Resources of the Senate within 2 years of the appropriation of funds authorized by this Act.

SEC. 3. There is authorized to be appropriated for fiscal years begining after September 30, 1988, $4,000,000 to carry out the study authorized by this Act.●

● Mr. MOYNIHAN. Mr. President, ground water legislation has been one of the prominent issues on the legislative docket for the 99th and 100th Congresses. Legislation has been concentrating on protection of surface and ground waters, and research to support planning and management of our water resources. In the face of a growing population and increasing demand for water, one of the crucial issues pertaining to ground water is assurance that our ground water systems are adequately recharged to sustain future demands on our aquifers.

Statewide in New York, 6 million New Yorkers rely on ground water for their primary source of drinking water. Three and a quarter million people depend solely upon the ground water underlying Nassau, Suffolk, Brooklyn, and Queens.

By the mid-1800's overpumping of the aquifer under Brooklyn had lowered the water table to 35 feet below sea level. Salt water intrusion forced abandonment of the aquifer in favor of ground water supplies from southern Queens and Nassau. This pattern of development and depletion was repeated in Queens, and over the years planners have moved eastward and continue to dig deeper to accommodate the growing demand for the drinking water from our natural underground reservoirs.

WATERSHED LANDS AND THE WATER CYCLE

We need to appreciate just what a complex and delicate cycle upon which we depend. The Magothy aquifer below Long Island, for example, supplies 90-percent of Nassau County's drinking water, because the shallower glacial aquifer has been polluted. The complete ground water cycle from precipitation to infiltration and migration beyond the barrier island takes approximately 800 years from the time precipitation falls on the center of Long Island. In the Lloyd aquifer, the deepest of the three major aquifers under Long Island, this process takes about 3,000 years.

The reason the water on Long Island remains drinkable so far is that there are still enough undisturbed watershed and recharge areas to allow this ponderous cycle to function. However, development is relentless on Long Island, as it is nationally—the Council on Environmental Quality estimates that by the year 1990 over 75 percent of the U.S. population will live within 50 miles of the coastline.

What is happening to the watershed lands which protect and recharge Long Island's ground water? Development has greatly reduced these valuable areas. As development encroaches, natural vegetation disappears reducing infiltration of precipitation. Pollution and increased drawdown of the water table will continue to increase unless our water resources are managed properly.

Loss of recharge areas in our watershed tells the story: The Hempstead Plains—once 45,000 acres, now 62 acres; the Oak Brush Plains—once 50,000, now 2,000 acres; and the Pine Barrens—once 300,000 acres, now 112,000 acres.

The Pine Barrens is a particularly crucial recharge area for the Long Island aquifer system. It is estimated that between 3.5 and 5.2 trillion gallons of water are stored in the saturated layers beneath the Pine Barrens. Fortunately, about 175,000 million gallons of water are recharged through the 112,000 acres of Pine Barrens each day. Without the benefit of recharge the total volume of ground water could be consumed in less than a month at the current rate of ground water consumption in this area. The importance of maintaining these lands as a principal source of future drinking water is self evident.

CONGRESSIONAL ACTION ON GROUND WATER

The Committee on the Environment and Public Works has sponsored important environmental legislation in the 99th and 100th Congresses which directly affect ground water. As we all know, quality of ground water ties directly to quantity—if we pollute our ground water aquifer systems, we endanger supplies of drinking water.

On the first day of the 100th Congress I introduced S. 20 which is the Ground Water Protection Act of 1987. S. 20 is cosponsored by Senators BURDICK, MITCHELL, BAUCUS, and LAUTENBERG. S. 20 recognizes State primacy in ground water regulation, control and management. This act directs EPA to establish criteria for 100 contaminants and to provide States with documents specifying the physical, chemical, biological and radiological properties of ground water. The bill directs EPA's Administrator to make use of research developed under other environmental statutes and to cooperate with other agencies that hold toxicological data. S. 20 authorizes a total of $75 million divided equally over 3 years to support a Federal-State 75:25 cost-sharing program for ground water assessment programs.

Later in the session, S. 1105 was introduced by Senators BURDICK, DURENBERGER, MITCHELL, BAUCUS, CHAFEE, STAFFORD, BREAUX, GRAHAM, and myself as a ground water research bill. S. 1105 is similar to H.R. 791 in many regards, such as strengthening ground water research programs in the USGS, EPA, and the Department of Agriculture. Together, these bills strive to increase our understanding of ground water—our most critical resource, and to balance Federal and State/local responsibilities for insuring the necessary quality and quantity of our drinking water supplies in the future.

THE SOLE SOURCE AQUIFER BILL AND SAFE DRINKING WATER ACT

In 1982, I sponsored the Sole Source Aquifer Protection Act, which became a part of the Safe Drinking Water Act amendments passed by the 99th Congress. The act authorized $78 million over fiscal years 1987-91 for States to monitor and protect underground sources of drinking water. EPA has designated Long Island as a sole source aquifer, so it will be eligible for these matching funds. Unfortunately, the administration has not supported funding for the sole source program nor the Wellhead Protection Program.

The Clean Water Act was enacted in 1972 to clean up our Nation's rivers and progress has been made toward this goal. However, much still needs to be done to ensure the quality of our rivers for our children and future generations. By cleaning these rivers—recharge areas fed by surface waters will be assured clean, unpolluted recharge.

Superfund amendments which I helped to draft as a conferee, passed in the 99th Congress. This bill provides $9 billion for cleaning-up the worst hazardous waste sites in the country. An important new addition to Superfund is a $500 million cleanup fund for leaking underground petroleum storage tanks. I will continue to support full funding for Superfund.

Water in our rivers is already diverted to satisfy our cities' thirst for water. The city of Los Angeles receives water from northern California and other States—as far away as the Gunnison River, CO. New York City's water, most of which comes from the Catskill and Delaware watersheds to the west is already fully committed. There are no nearby sources for ground water that can be newly tapped to supply the demand for additional water. Bearing this in mind, it is essential to maintain the recharge areas, such as the critical Pine Barrens in New Jersey, to ensure that we do not deplete our natural supplies of drinking water.

I therefore am pleased to cosponsor this bill today with Senator BRADLEY. The "Reclamation Groundwater Research Act of 1988" directs the Bureau of Reclamation to study the national capabilities for ground water recharge and the adequacy of artificial recharge technologies for varying hydrogeologic conditions. Specifically, the Bureau of Reclamation is directed to assess the impact of existing water projects on the quality of ground water, including quality and quantity. This is important because of the large number of water projects throughout the Nation and associated diversions from the water's natural channels and reservoir areas.●

By Mr. KERRY (for himself and Mr. CRANSTON):

S. 2109. A bill to amend title 18, United States Code, to protect the civil rights of individuals from discrimination on the basis of affectional or sexual orientation; referred to the Committee on the Judiciary.

CIVIL RIGHTS PROTECTION ACT OF 1988

● Mr. KERRY. Mr. President, I am today introducing the Civil Rights Protection Act of 1988. This legislation would protect the civil rights of Americans from discrimination on the basis of affectional or sexual orientation. I am very pleased to be joined by Senator ALAN CRANSTON as an original cosponsor of this legislation.

Last month Senator CRANSTON and I introduced S. 2000, the Hate Crime Statistics Act, which would provide for the acquisition and publication by the Attorney General of data about crimes that manifest prejudice based on race, religion, ethnicity, or affectional or sexual orientation. The legislation I am introducing today follows up on that effort by providing criminal penalties under the United States Code for violations of the civil rights of gay Americans. It adds affectional or sexual orientation to the list of protected categories under our civil rights laws, and extends our commitment to the protection of the civil rights of all Americans.

One year ago, Senator CRANSTON and I introduced S. 464, the Civil Rights Amendments Act of 1987, to protect the civil rights of gay Americans. The legislation which I introduce today continues and extends that effort.

Hearings which have been held in the House Judiciary Committee indicate that there is a serious problem in America with hate crimes of all types, including violence against blacks, Hispanics, Asian-Americans, Jews, Arab-Americans, and gays. While there are other bills in the Senate which would address some of these issues, none of them until now has addressed all of them together, including especially the serious problem of anti-gay violence.

This year, in 1988, it is even more important that we address the problem of violence against gay Americans. The epidemic of AIDS has spread throughout our society, and it continues unabated. Unfortunately, along with AIDS has come an increase in prejudice and violence against gay Americans in certain parts of our society. This problem can only be addressed by confronting it directly.

Violence against gays and lesbians has now reached epidemic proportions in America. A national study of anti-gay violence by the National Gay and Lesbian Task Force involving over 2,000 respondents found that nearly 1 in 4 gay men and nearly 1 in 10 lesbians reported having been "punched, hit, kicked, or beaten" because of their sexual orientation. More than 40 percent had been threatened with violence and more than 90 percent had experienced some type of victimization. One study in Philadelphia concluded that gay people in that city were at least four times more likely to be victims of violent crime than persons in the general population.

A recent study commissioned by the National Institute of Justice concluded that "homosexuals are probably the most frequent victims" of hate-motivated violence, and that gay Americans are frequently targeted for assault, verbal intimidation and vandalism. The report also suggested that excluding homosexuals from protection under hate crime legislation "either condones bias crimes against gays and lesbians or suggests it does not exist." This legislation addresses that problem on the Federal level by providing criminal penalties for hate crimes against gays and lesbians.

As we look around us, we see too many examples of hate crimes and crimes of violence and prejudice in our society. From Howard Beach to Forsyth County, from New York and Boston to Los Angeles and San Francisco, such crimes are an ugly fact of life. As legislators, we must be sensitive to this problem and strive to find a solution. For, as Martin Luther King once wrote: "Injustice anywhere is a threat to justice everywhere."

I ask that the "Civil Rights Protection Act of 1988" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Protection Act of 1988".

SEC. 2. AMENDMENTS TO TITLE 18.

(a) AMENDMENTS TO TITLE 18.—Whenever in this section an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of Title 18, United States Code.

(b) CONSPIRACY AGAINST RIGHTS OF CITIZENS.—The first undesignated paragraph of section 241 is amended by inserting after "laws of the United States" the following: "and the free exercise of the right to affectional or sexual orientation".

(c) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 is amended—

(1) by inserting after "laws of the United States" the following: "or the right to the free exercise of affectional or sexual orientation"; and

(2) by inserting after "or race," the following: "or affectional or sexual orientation,".

(d) FEDERAL PROTECTED ACTIVITIES.—Section 245 is amended—

(3) in subsection (b)(2) by striking out "or national origin" and inserting in lieu thereof ", national origin, or affectional or sexual orientation";

(2) in subsection (b)(4)(A) by striking out "or national origin" and inserting in lieu thereof ", national origin, or affectional or sexual orientation"; and

(3) in subsection (b)(5) by striking out "or national origin" and inserting in lieu thereof ", national origin, or affectional or sexual orientation".

(e) DEPRIVATION OF RELIEF BENEFITS.—Section 246 is amended by striking out ", or national origin," and inserting in lieu thereof ", national origin, or affectional or sexual orientation,".●

By Mr. METZENBAUM:

S. 2110. A bill to provide access to check cashing services; to the Committee on Banking, Housing, and Urban Affairs.

FAIR ACCESS TO CHECK CASHING ACT

● Mr. METZENBAUM. Mr. President, I am today introducing legislation to ensure that banks and savings and loans cash Government benefit checks for elderly and low-income consumers.

Persons who rely on their monthly Social Security or aid for families with dependent children checks are entitled to have a safe and inexpensive way to cash them. Too often, though, they have no choice but to pay check cashing outlets $7, $8, or $10 to cash each $500 benefit check. That's a rip-off and a waste of desperately needed money.

The problem is that many traditional depository institutions simply will not cash Government checks for noncustomers at any price. Indeed, according to Consumer Federation of America, 72 percent of the banks and savings and loans CFA surveyed refused to cash such checks.

That is shameful.

My legislation would simply require banks and savings and loans to cash Government benefit checks for free once a person obtains an identification card from the institution where he or she plans to cash the check. The institution would be able to assess a one-time charge for the ID card.

It seems only fair.

This is not a new issue, Mr. President. The bill I am introducing today is indentical to the amendment I offered to the Competitive Equality Banking Act last year. That amendment was adopted by the Senate, but the banking conferees decided instead to have GAO study the matter for 6 months. They are still studying the matter.

I am interested in GAO's findings. I believe they will help focus attention on the problem. In the meantime, though, the Senate ought to also be looking into the matter. We should not delay.

If there is a way to improve upon the legislation, let's get to work and do it. If we can find ways to strengthen the provisions dealing with fraudulent checks, let's incorporate them into the bill. If there are ways to guard against overcrowding at certain bank branches on payday—another complaint I've heard—let's address that too. In short, I'm open to suggestions. I want to cooperate.

But, Mr. President, make no mistake. I do not plan to turn my back on the concerns of the elderly, the veterans, or low-income persons trying to cash their Government checks. I urge my colleagues to join me in the effort to find a fair solution to this problem.●

By Mr. HATFIELD:

S. 2111. A bill to amend the patent law, title 35, United States Code, to prohibit the patenting of genetically altered or modified animals; to the Committee on the Judiciary.

MORATORIUM ON PATENTING ANIMALS

● Mr. HATFIELD. Mr. President, last spring the U.S. Office of Patents and Trademarks issued a notice that patent applications would now be considered for vertibrate and invertibrate animals which have been "created" through genetic engineering techniques. Although today no such patent has been granted, I am offering legislation which would place a moratorium on consideration of applications.

This moratorium is intended to give Congress the opportunity to assess the implications of animal patenting.

My decision to offer this legislation is not intended to politicize the Patent Office. I believe that the Patent Office does a fine job of protecting the commercial rights of this country's intellectual and technical wizards. Creativity should be encouraged through economic incentives in order to assist this Nation's competitiveness. But the Patent Office itself admits that it does not take ethical or moral considerations into account when assessing an application for a patent. It is, I believe, the responsibility of Congress to fully consider what kind of technological creativity we wish to encourage through the patenting process, and I believe the giant leap to animal patenting provides us with the specific example we need to conduct such a debate.

Congressional consideration of this matter must touch upon several areas, including the ethical implications of the creation, and exclusive rights to, an animal never before existing in nature. Man has always held ownership of animals and man has used traditional methods of animal husbandry to develop breeds which have desirable traits. But genetic engineering techniques will allow man an even greater ability to alter species. Gene-splicing will allow technicians the amazing ability to pick and choose qualities of one animal, insert those qualities into the genetic code of another animal, and produce a living thing never before imagined.

Let me state that this legislation is not an end-run to halt genetic engineering. This revolutionary science may produce results nothing short of miraculous in their impact upon the health and well-being of mankind. But there is also a dark side to the knowledge we now hold. Man has tapped the power to create living things purely for convenience or profit. To then confer patents to such creations could blur the line between man's role as steward of the planet and man's exploitation of the Earth's inherent riches.

There are other considerations as well. Of urgent concern to the agricultural community is the impact patent rights could have upon the small farmer's ability to compete with larger producers. Examination of current policy indicates that a patent could require farmers to pay royalties for every offspring of a genetically-created animal. Companies with extensive resources could conceivably corner the markets on super animals created through genetic manipulation. In a survey recently conducted by the Texas Department of Agriculture, 96 percent of producers responding stated that they were opposed to the patenting of farm animals.

Environmental concerns range from the impact large numbers of a new breed of animal could have upon the ecological system, to whether such new animals could possibly foster disease. And finally, there are concerns that the incentives created by the Patent Office's decision will encourage experimentation causing needless suffering to animals.

When the framers of the Constitution gave Congress the responsibility of protecting the economic value of inventions, Congress authorized the Patent Office to carry out that charge. But that responsibility has changed as the world of science advances and genetic engineering techniques are perfected. Abandoning or stifling this progress could do great harm, but we should not blindly adopt a policy which could later be deemed unwise, shortsighted or just plain wrong. Congress cannot expect the Patent Office to fully explore the implications of its decisions, and should put in place this moratorium order so that we can carefully and expeditiously consider whether or not animals should be patented.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 10 of title 35, United States Code, is amended by adding at the end thereof the following new section:

"SECTION 105. PATENTS ON ANIMALS

"Vertebrate or invertebrate animals, modified, altered, or in any way changed through engineering technology, including genetic engineering, shall not be considered matter within the confines of patentability and shall not be patentable within the meaning of section 101 or section 102 or any other provision of this title. No such patent shall be granted and any patent previously granted for any such animals is hereby revoked.".

(b) The table of sections for chapter 10 is amended by adding at the end thereof the follow new items:

"105. Patents on animals.".●

By Mr. SYMMS (for himself, Mr. BURDICK, Mr. DIXON, Mr. LEVIN, Mr. MCCLURE, and Mr. THURMOND):

S.J. Res. 266. Joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week"; to the Committee on the Judiciary.

NATIONAL SCLERODERMA AWARENESS WEEK

Mr. SYMMS. Mr. President, today I am introducing legislation which designates the second week in June as "National Scleroderma Awareness Week." It is my hope to increase knowledge concerning this rare disease.

Some 300,000 Americans are afflicted by the disorder. Scleroderma results in hardening of the skin, is often accompanied by a severe case of arthritis and swelling in the joints, and causes the connective tissue in the body to become rigid. When the disease affects the heart, lungs, or other internal organs, it may be fatal.

Scleroderma strikes its victims at random, both young and old, both men and women.

Because the cause and cure of scleroderma are unknown, its victims are often improperly diagnosed, and undergo needless medical treatment while the disease continues to progress.

It cannot be emphasized enough that scleroderma has been understudied and misunderstood.

Mr. President, five of our colleagues join me today in cosponsoring this Joint resolution. I look forward to enactment of "National Scleroderma Awareness Week."

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 266

Whereas scleroderma is a disease in which connective tissue in the body becomes hardened and rigid, and might afflict any part of the body;

Whereas approximately 300,000 people in the United States suffer from scleroderma;

Whereas women are afflicted by scleroderma 3 times more often than men;

Whereas scleroderma is a chronic and often progressive illness that can result in death;

Whereas the symptoms of scleroderma vary greatly from person to person and can complicate and confuse diagnosis;

Whereas the cause and cure of scleroderma are unkonwn; and

Whereas scleroderma is an orphan disease, and is considered to be under studied; Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 12, 1988, is designated as "National Scleroderma Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

By Mr. KENNEDY (for himself, Mr. DURENBERGER, Mr. KERRY, Mr. PELL, Mr. DODD, Mr. D'AMATO, and Mr. CRANSTON):

S.J. Res. 267, Joint resolution in support of Democracy in Panama; to the Committee on Foreign Relations.

DEMOCRACY IN PANAMA

Mr. KENNEDY. Mr. President, today I offer a joint resolution—on behalf of Senators DURENBERGER, PELL, DODD, KERRY, D'AMATO, and CRANSTON—supporting democracy in Panama.

Last Thursday, there was a coup d'etat in Panama. The American people should now make clear—through this resolution—that we support democracy in Panama and that we support the lawful, duly-constituted government of President Delvalle.

This joint resolution expresses that support and urges the administration to be active in the region, in the hemisphere and throughout the world, working on behalf of democracy in Panama.

We should be working in the OAS and in the United Nations to develop a multinational, coordinated effort to support democratic institutions in that country. And if those organizations won't go along with such an effort, we should work with those countries in the region—Argentina, Venezuela, Peru, Uruguay, Costa Rica, El Salvador, and Guatemala—who are prepared to take concrete action.

It is my understanding that the Governments of Argentina, Peru, Ecuador, and Uruguay have withdrawn their Ambassadors from Panama to protest the overthrow of the Delvalle government, and I am told that other governments—in Europe and in Latin America—will follow suit.

Mr. President, the continued presence of General Noriega as the Commander of the Panamanian Defense Forces is a threat to the peace and security of the region. The evidence is clear that General Noriega has used his position as head of the Panamanian military to support and sustain the narcotraffickers in the region. Some people have called this phenomenon "narcomilitarism." Whatever it is, when a drug trafficker gets control over the governmental powers of a nation, it is a clear threat to the peace and security of the surrounding nations.

President Delvalle is the lawful President of Panama—and we should say so.

General Noriega is a military dictator—and we should say so.

The American people support democracy, not dictatorship in Panama, and we should say so.

I urge my fellow Senators to support this joint resolution.

I ask unanimous consent that the full text of this resolution be printed in the RECORD—and also that an article by Thomas Powers of the Los Angeles Times also appear at this point

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES 267

Whereas on February 25, 1988, President Eric Arturo Delvalle on Panama announced the dismissal of General Manuel Antonio Noriega, the commander of the Panamanian Defense Forces (PDF);

Whereas President Delvalle is the duly constituted head of the Government of Panama and has the authority of dismiss General Noriega under the terms of the Constitution of Panama;

Whereas the Panamanian people enthusiastically support the order dismissing Noriega;

Whereas General Noriega has not yet obeyed President Delvalle's lawful order and gives every indication that he will defy that order;

Whereas the Government of the United States agrees with the President of Panama and the Panamanian people that a necessary first step towards the restoration of democracy is the departure of General Noriega as commander of the Panamanian Defense Forces;

It is the sense of the Senate;

That President Delvalle has the full support of the American people in his effort to assert civilian control over the Government of Panama and to restore democracy to the people of Panama;

That President Delvalle should receive the full moral, political and diplomatic support of the Government of the United States in his effort to assert civilian authority over the Government of Panama;

That in the event General Noriega continues to defy President Delvalle's lawful order to step down as commander of the Panamanian Defense Forces, the Government of the United States should support President Delvalle in the Organization of American States and in the United Nations;

That the Government of the United States should formally terminate any and all contacts with General Noriega, since General Noriega is no longer the lawful commander of the Panama Defense Forces;

That the Government of the United States should work with other nations of the region to mobilize support for President Delvalle and the Duly constituted Government of Panama;

That the Government of the United States should consider further measures to support democracy, including economic sanctions, in the event General Noriega continues to defy President Delvalle's lawful order; and

That the Government of the United States should make clear the commitment of the American people to support the people of Panama—politically and economically—in their effort to restore civilian rule and genuine democracy to Panama, and to that end, should put together a package of economic aid and financial assistance for Panama in the event progress toward genuine democracy is achieved.

[From the Los Angeles Times, Feb. 28, 1988]

NORIEGA: THE BIG DITCH IN PANAMA

(By Thomas Powers)

SOUTH ROYALTON, VT.—The Central Intelligence Agency really knows how to pick em—the shah of Iran, Ferdinand and Imelda Marcos and now Panama's military dictator, Brig. Gen. Manuel Antonio Noriega. Defenders of the agency are saying the marriage of convenience with Noriega was another legacy from the late William J. Casey, whose death last year has made him a convenient scapegoat for a dismal string of CIA blunders and failures. Noriega's indictment early this month on federal drug charges finally put him publicly beyond the pale and ended U.S. support. From there it was an easy step for Washington to orchestrate the failed firing attempt against Noriega on Thursday. But the sad truth is that for years Noriega was the agency's kind of guy—cynical, brutal and corrupt.

This is a harsh judgment, but consider the evidence. When Noriega murdered an opponent three years ago, Dr. Hugo Spadafora, the U.S. intelligence community was almost the first to know because the National Security Agency heard the crime discussed over the phone. Naturally the NSA said nothing, but according to a former Panamanian official, the CIA's chief of station in Costa Rica, Joe Fernandez, went further and provided Noriega with a "witness" who claimed Salvadoran rebels had murdered Spadafora. Still unclear is whether the agency knew about this gesture, and perhaps approved it in the hope it would be something to hold over the Panamanian's head.

If that was the plan, it failed. Noriega has been anything but pliant. He occasionally provided the CIA with information on the Sandinistas, Cuba's leader Fidel Castro and the rebels in El Salvador, and at the same time he shipped arms, technology and information in the opposite direction.

But these are only sidelines. Noriega's principal means of support has been the traffic in cocaine grown in Colombia and consumed in the United States. While Panamanian pilots, planes and airfields have all been used in this drug traffic. Noriega's principal service has been the laundering of billions of dollars shipped to Panama in cash and then returned in the form of conventional bank deposits—minus Noriega's commission—estimated at several hundred-million dollars.

Noriega's most impressive achievement was his unerring instinct for what officials in Washington wanted most—military and intelligence bases (including the NSA listening posts that picked up Noriega and his cronies on the phone), secret information about the Sandinistas and practical aid for the Contras fighting to overthrow the regime in Nicaragua. The Contras seem to have been President Reagan's favorite issue over the last seven years, and it is a rule of thumb that the CIA can't say no to a President. If Noriega could help the CIA give Reagan his heart's desire, then the agency might notice but would certainly overlook other scams he might be running on the side.

Noriega's personal history, which includes the rape of 13-year-old girl in addition to numerous murders, is a grisly example of the sort of company the United States has been keeping in Central America in recent decades. In addition to killing Spadafora, whose headless body was dumped across the border in Costa Rica, Noriega was responsible for the murder of the son of one of his fellow generals in the Panama Defense Force, a large army of the sort the United States creates for its friends. It has even been suggested that Noriega played a role in the death of his patron and predecessor, Gen. Omar Torrijos, who died in a plane crash in 1981.

But Noriega was not the only U.S. ally in Central America who seems to leave murder in his wake. Political murder is a way of life. At varying times over the last 30 years, U.S. allies have systematically murdered their political opponents in Guatemala, Nicaragua and El Salvador. This is not the occasional leader shot on his way to the office, but wholesale slaughter—with scores, even hundreds, of victims. In El Salvador, for a time, fresh bodies were found every morning at the city dump. In Guatemala, entire Indian villages were wiped out. But why limit ourselves to Central America? The same thing has happened in the Dominican Republic and Argentina and Chile.

It's a tough world, the realists say; you have to take it as you find it. Noriega may be a son of a bitch, but he was our son of bitch (as Lyndon B. Johnson once said of an ally with the same sort of troubling resumé). Life is full of hard choices, if you can't take the heat get out of the kitchen, the CIA isn't the Boy Scouts—all true enough. But ask yourself: Why do we so often end up on the side of brutal thugs with numbered Swiss bank accounts? Is it the luck of the draw, or something we are doing to ourselves?

Americans hate this sort of question. We treasure our innocence, trust our intentions and sleep easy in the fact that the home team has the good guys. Maybe it works this way in every democracy. But we cannot put off forever the hard questions about our long history of choosing allies who lay down the burdens of state craft when the time comes, as it must to all men, by skipping out of town with their bank books, one jump ahead of a howling mob. Noriega is still hanging in there, but the pattern of his career so far earns him a place in the wax museum of grotesques collectively known as "our sons of bitches."

Alas, it's a noisome crew. From one point of view the choice of Mohammed Reza Pahlavi, the Shah of Iran, was a good one. He held power for 25 years after the CIA rescued his throne in 1953—an early agency "success" that convinced us no regime was so broke it couldn't be fixed. The shah was on our side all right, but his departure left Iran in the hands of embittered Islamic fundamentalists who are convincing when they insist they will hate us forever. If we'd only had the courage of our faith in democracy we could have seen this coming when the shah spent millions to invite skiing friends from Switzerland to watch him crown himself on the 2,500th anniversary of the Persian empire. The shah's secret police, trained and equipped by our own, tortured people who objected to this fantasy, and to the family corruption that went with it; it was probably inevitable that we would be blamed for both. Much the same might be said of Mobutu Sese Seko in Zaire, or the Marcos family in the Philippines—their boundless greed was dismissed by U.S. officials as if it were a quirk of personality, like a taste for catsup on eggs.

Different as these countries are, the national leaders we have backed to run them seem cast from the same mold. In each case, their political power derives from the army—the only "modern" element of national society—and the leader and his immediate family are compulsively corrupt. The armies in particular are U.S.-made, right down to the jeeps, olive-drab uniforms and above all the tendency to solve every tactical problem in combat with firepower. These carbon-copies of the U.S. Army are the most lavishly funded state institutions, and like the Praetorian guard of Rome, they determine who rules. To a considerable extent the corruption is U.S.-made as well, because the first thing the United States does when it grows alarmed about the security of a friend is to pump it full of money. Long, melancholy experience suggests that these sudden millions don't make countries safer, but they do make their leaders greedier.

It would be unfair to imply that the U.S. government has no standard but convenience in choosing allies. Idi Amin in Uganda and Francois (Papa Doc) Duvalier in Haiti, both of whom developed a taste for personally torturing their enemies in dungeons, were eventually declared untouchable. But the more common rule has been that of the blind eye. If a foreign leader was willing to help our friends and confound our enemies and, above all, if he was willing to lend his territory for the listening posts that are the life-support system for U.S. intelligence, then we would ignore pretty much anything else he might choose to do.

The result has been a dazzling worldwide network of high-tech intelligence gear to keep track of the Soviets, polite and usually warm liaison with intelligence services that do things to their enemies which can't be printed in a family newspaper and the moral insensitivity that comes with long practice of not noticing. As they used to say in Congress, to get along you've got to go along. None of it is pretty. Among the inevitable results are dishonesty, since we can't admit what we're doing—and secrecy, so we can hide what we're doing.

But is it really fair to blame the CIA for this pattern of expediency and the ills that follow? The agency doesn't make policy, just carries it out for officials too busy, or too squeamish, to pay attention to the details. Blaming the agency is the working principle of plausible deniability. Better—in any event more honest—to say that if it weren't for the colossal scale of Noriega's drug-running, he'd still be our kind *our* kind of guy.

● Mr. DURENBERGER. Mr. President, events in Panama during the last few days have moved rapidly. Last Thursday, President Delvalle went on Panamanian television to announce that he had dismissed the commander in chief of the Panama Defense Forces, Gen. Manuel Noriega. President Delvalle clearly acted within the scope of his constitutional powers by dismissing Noriega and naming a successor.

President Delvalle showed great courage in standing up to a man known for his ruthless suppression of opposition. Noriega has had a hand in dismissals himself—of elected presidents. Now Delvalle has turned the tables on Noriega and I congratulate him. President Delvalle called for a general strike by the people of Panama to begin today.

The big question is how Noriega will respond. So far he has shut down La Prensa, the major opposition newspaper, and the television station that broadcast Delvalle's speech. Noriega's natural reaction is to use repression. Force, intimidation, and fear have been the trademarks of the Noriega regime. Drug running has also been a trademark of Noriega's rule. He is currently under indictment by two U.S. grand juries for his narcotics-related activities.

I have seen many sordid regimes in my years in the Senate but Noriega and his cronies have taken Panama to new depths. In the words of one former Panamanian official, "Panama is an occupied nation run for the profit of the Medellin cartel." The accusations against Noriega are well known: The murder of Hugo Spadafora; trafficking in arms and drugs; fixing the results of Presidential elections; human rights violations; massive corruption. What makes the case against Noriega so strong is the corroboration provided by numerous sources in a position to know: The former number two military official, Diaz Herrera; Noriega's former political adviser, José Blandon; Noriega's former personal pilot and a series of figures involved money laundering and narcotics shipping.

Pressure on Noriega to resign for the good of Panama has increased tremendously since civil unrest gripped Panama last summer. United States aid has been cut off, Panama's sugar quota has been suspended, and virtually all United States contact with Noriega has been halted. Noriega has turned to Cuba, Libya, and the Soviet Union to find support.

The economy of Panama has been in serious decline. Bank deposits have fallen, investor confidence is nonexistent, government loan payments are due, and the layoff of thousands of government workers may be necessary in the next month. The economic crisis is a tragedy—Panama has been the most prosperous nation in Central America—but its per capita foreign debt is the highest in the world.

As the economy worsens, pressure will increase on Noriega. But if he continues in power—in defiance of President Delvalle and the people of Panama—it will be necessary to consider tougher measures. I issued a statement earlier this week pointing out the U.S. Government must consider further measures, including a trade embargo. Such a step can only be taken after careful deliberation. Economic sanctions would clearly have an adverse impact on many innocent Panamanians. I do not like making trade policy on the basis of foreign policy considerations. However, in this case, economic sanctions would increase the pressure on Noriega to leave power. And there is clearly sentiment in Washington to consider increasing pressure on Panama if Noriega does not obey his constitutional superior.

Events over the weekend at the Organization of American States were very important and, to this Senator, very disappointing. The OAS had a magnificent opportunity to stand with civilian rule against military repression—instead the OAS equivocated. As one who has been an advocate of greater respect for the OAS as an institution, I was saddened by the refusal to seat the Ambassador appointed by the legitimate head of state in Panama. Individual members of the OAS have expressed support for the Delvalle government. A number of states have withdrawn their Ambassadors. I hope the OAS—as an institution—will side with justice in Panama and seat Ambassador Chewning Fabrega.

Mr. President, this body should express its support for the brave action by President Delvalle. I am pleased to rise as the lead cosponsor on this joint resolution. I congratulate the Senator from Massachusetts for his commitment to democracy in Panama. This joint resolution expresses the strong support of the United States Senate for the civilian government in Panama. It also calls for consideration of tougher sanction should Noriega continue to rule in defiance of his President and his people. I urge its unanimous passage.●

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. Pressler, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of S. 314, a bill to require certain telephones to be hearing aid compatible.

S. 714

At the request of Mr. Specter, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Incorporated.

S. 1250

At the request of Mr. Bentsen, his name was added as a cosponsor of S. 1250, a bill to strengthen the criminal justice partnership between the States and the Federal Government.

S. 1378

At the request of Mr. Thurmond, the names of the Senator from Indiana [Mr. Lugar], the Senator from Idaho [Mr. Symms], and the Senator from Nevada [Mr. Hecht] were added as cosponsors of S. 1378, a bill to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated.

S. 1522

At the request of Mr. Riegle, the name of the Senator from Arkansas [Mr. Pryor] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1731

At the request of Mr. Metzenbaum, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 1731, a bill to amend the Job Training Partnership Act to establish a demonstration program employment opportunities for severely disadvantaged youth, and for other purposes.

S. 1911

At the request of Mr. Hatfield, the names of the Senator from Virginia [Mr. Warner], the Senator from Washington [Mr. Adams], and the Senator from Alaska [Mr. Murkowski] were added as cosponsors of S. 1911, a bill to amend title 5, United States Code, to allow all forest fire fighting employees to be paid overtime without limitation while serving on forest fire emergencies.

S. 1929

At the request of Mr. Bumpers, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 1954

At the request of Mr. Inouye, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of S. 1954, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain cost-of-living allowances.

S. 1993

At the request of Mr. Bumpers, the names of the Senator from Hawaii [Mr. Inouye] and the Senator from California [Mr. Cranston] were added as cosponsors of S. 1993, a bill to amend the Small Business Act to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and for other purposes.

S. 2033

At the request of Mr. Thurmond, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2062

At the request of Mr. Nickles, the name of the Senator from Virginia [Mr. Trible] was added as a cosponsor of S. 2062, a bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax.

S. 2077

At the request of Mr. Kasten, the names of the Senator from Kansas [Mrs. Kassebaum], the Senator from Minnesota [Mr. Boschwitz], and the Senator from Idaho [Mr. Symms] were added as cosponsors of S. 2077, a bill entitled the "Livestock Producers' Recordkeeping Act of 1988".

S. 2095

At the request of Mr. Metzenbaum, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 2095, a bill to strengthen the protections available to private employees against reprisal for disclosing information, to protect health and safety, and for other purposes.

S. 2098

At the request of Mr. Hollings, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 2098, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

SENATE JOINT RESOLUTION 21

At the request of Mr. Hollings, the name of the Senator from Washington [Mr. Adams] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 178

At the request of Mr. Kennedy, the names of the Senator from Pennsylvania [Mr. Heinz] and the Senator from Washington [Mr. Adams] were added as cosponsors of Senate Joint Resolution 178, a joint resolution designating the first day of August as "National Day of Peace".

SENATE JOINT RESOLUTION 197

At the request of Mr. Dole, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of Senate Joint Resolution 197, a bill to designate the month of April 1988, as "Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 258

At the request of Mr. Thurmond, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of Senate Joint Resolution 258, a joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States.

SENATE CONCURRENT RESOLUTION 76

At the request of Mr. Inouye, the names of the Senator from Illinois [Mr. Simon] and the Senator from Minnesota [Mr. Boschwitz] were added as cosponsors of Senate Concurrent Resolution 76, a concurrent resolution to acknowledge the contribution of the Iroquois Confederacy of Nations to the Development of the United States Constitution and to reaffirm the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution.

SENATE RESOLUTION 383

At the request of Mr. Lautenberg, the names of the Senator from Pennsylvania [Mr. Heinz], the Senator from New Mexico [Mr. Bingaman], and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of Senate Resolution 383, a resolution to express the sense of the Senate regarding future funding of Amtrak.

SENATE RESOLUTION 386—RESOLUTION EXPRESSING THE SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD AFGHANISTAN

Mr. BYRD (for himself, Mr. Simpson, Mr. Pell, Mr. Dole, Mr. Humphrey, Mr. DeConcini, Mr. Symms, Mr. Domenici, Mr. Baucus, Mr. Wallop, Mr. Dixon, and Mr. Dodd) submitted the following resolution; which was considered and agreed to:

S. Res. 386

Whereas the Soviet Union invaded the sovereign territory of Afghanistan on December 27, 1979, and continues to occupy and attempt to subjugate that nation through the use of force, relying upon a puppet regime and an occupying army of an estimated 120,000 Soviet troops;

Whereas Pakistan has harbored more than 3 million Afghan refugees and has endured hundreds of brutal raids across its borders by Afghan and Soviet aircraft and artillery, resulting in the deaths of hundreds of civilians;

Whereas on February 8, 1988, Soviet General Secretary Gorbachev announced that the withdrawal of Soviet troops from Afghanistan could begin on May 15, 1988 if the agreements on the settlement being negotiated between Afghanistan and Pakistan in Geneva were signed no later than March 15, 1988;

Whereas General Secretary Gorbachev also announced that the Soviet Union could complete the troop withdrawal within 10 months and that it could arrange the withdrawal such that during the first phase, a relatively greater portion of the Soviet contingent could be withdrawn;

Whereas Pakistan has made it clear that it will not sign any agreements with the current Soviet puppet regime headed by Najibullah;

Whereas the Congress condemned Soviet policy toward and behavior in Afghanistan in Public Law 99-399, calling for appropriate provision of material support to the people of Afghanistan, so long as the Soviet military occupation continues; and

Whereas Public Law 100-204 declares it to be the policy of the United States to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time frame based solely on logistical criteria;

Therefore, be it resolved, that the Senate hereby—

(1) reiterates its belief that the only acceptable formula for settlement of the Afghan situation is one which provides for the self-determination of the Afghan people and results in a government genuinely representative of the Afghan people, outlines a definite timetable based solely on logistical criteria for the complete withdrawal of Soviet troops in the near future, and provides for the return of refugees in safety and dignity;

(2) expresses its belief that the Pakistani government should not be put under any pressure to agree to Soviet terms for a settlement and that the future of Afhanistan should not be driven by the desire or schedule for a U.S.-Soviet summit;

(3) urges the President to—

(a) support strongly a political solution in Kabul acceptable to the resistance;

(b) insist in talks with the Soviet Union that all Soviet advisers be removed from Afghanistan at the same time as Soviet troop withdrawal takes place;

(c) address the issue of the future status of the nearly 400 bilateral treaties the Soviets have made with the puppet Kabul regime;

(d) address with the Soviets the deployment of Soviet troops across the Soviet-Afghan border after the completion of the withdrawal period;

(e) stand firm on the necessity for the Soviets to terminate all forms of military assistance and logistical support to the Kabul regime;

(f) address the repatriation by the Soviet Union of the more than 10,000 Afghan children who have been forcibly deported to the Soviet Union; and

(g) ensure that international assistance to the refugees continues at least until all Soviet and Soviet bloc forces have been withdrawn from Aghanistan and peace has been restored;

(4) expresses its belief that all Soviet and Soviet bloc advisers must be removed from Aghanistan during the period of troop withdrawal;

(5) expresses its support for increased U.S. humanitarian assistance to the Afghan people both during and following the withdrawal of Soviet and Soviet bloc forces from Aghanistan;

(6) expresses its support for a U.N.-sponsored peacekeeping force to help guarantee that Soviet forces can withdraw in an orderly way without being attacked on the way out and to help keep the peace in the major cities while an interim government organizes the nation's future; and

(7) expresses its strong belief that the government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan resistance or take actions which might limit the ability of the resistance to receive assistance until it is absolutely clear that the Soviets have terminated their military occupation, that they are not redeploying their forces to be inserted again, and that the mujahadeen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections.

SENATE RESOLUTION 387—EXPRESSING GRATITUDE FOR THE EFFORTS AND ACHIEVEMENTS ON THE U.S. WINTER OLYMPIC TEAM

Mr. DODD (for himself, Mr. Quayle, Mr. Matsunaga, and Mr. Heinz) submitted the following resolution; which was considered and agreed to:

S. Res. 387

Whereas the athletes who represented the United States of America in the XV Winter Olympics demonstrated, through their commitment to excellence, hard work, and fair play, that the best traditions of Olympic competition endure;

Whereas the dedication, training, and discipline required of Olympic athletes set a standard for all of America's youth, imparting the lesson that determined pursuit of difficult goals is fulfilling both for itself and for the satisfaction of achievement;

Whereas the people of the United States of America share with their Olympic representatives the will to meet challenges head on, the thrill of competition, and a respect for athletic accomplishment and true sportsmanship; and

Whereas for the last two weeks the attention of many of our countrymen has been trained on Calgary and on the quest for the best among 1,700 athletes from 59 countries in 46 Winter Olympics categories: Now, therefore, be it

Resolved, That the Senate expresses its support and gratitude for the great efforts and achievements of the athletes of the United States at the XV Winter Olympics, and for the pride and enjoyment they brought to all Americans.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL SPENDING, BUDGET, AND ACCOUNTING

Mr. CHILES. Mr. President, I would like to announce that the Government Affairs Subcommittee on Federal Spending, Budget and Accounting will hold a hearing on legislation dealing with the former President Act of 1987 on March 3, 1988 at 2 p.m.

Mr. President, I would like to announce that the Government Affairs Subcommittee on Federal Spending, Budget and Accounting will hold a hearing on legislation dealing with the reauthorization of the Office of Federal Procurement Policy on Tuesday, March 15, 1988 at 2 p.m.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, February 29, beginning to conduct a hearing on the fiscal year 1989 budget of the Federal Highway Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, February 29, 1988, in closed session to receive testimony on tactical nuclear forces modernization in review of the fiscal year 1989 defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, February 29, 1988, to hold hearings on S. 1014, the Federal Civil Penalties Inflation Adjustment Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IMMIGRATION MARRIAGE FRAUD ACT OF 1986

● Mr. SIMON. Mr. President, I wish to bring to the attention of my colleagues the unintended consequences of a law passed in the last days of the 99th Congress. When we passed the Immigration Marriage Fraud Act Amendments of 1986 we did so in order to deter what was a serious problem—abuse of our immigration laws by citizens and aliens to illegally secure residency rights via a fraudulent marriage.

During hearings on this legislation, witnesses testified about being duped by aliens claiming to be in love but who were only after immigration benefits. Others discussed their involvement in well-organized marriage fraud schemes. Because we as a society value the institutions of marriage and family we make marriage one of the quickest and easiest ways to enter this country and receive a permanent resident card.

However, in trying to ferret out those who abuse our marriage-related immigration laws, recent news indicates we may have gone too far and are now infringing on the rights of those U.S. citizens and alien spouses who marry out of true love and respect for each other. Section 5 of the new law gives no opportunity for those who enter into bona fide marriages to demonstrate the validity of that marriage if the alien spouse was subject to deportation and married after November 10, 1986.

It appears now that the operation of section 5, which requires that an alien who married subject to deportation must leave the country for 2 years, goes too far and infringes on the privacy and futures of married couples we had no intention of affecting. The cases I have heard about in Illinois, Connecticut, Oklahoma, and here in the District of Columbia strongly suggest that we take another look at this law. I believe that we can seriously address the problems of marriages entered into to get around our immigration laws without requiring all spouses who were subject to deportation at the time of the marriage to leave the United States for 2 years. I believe it is sufficient for newly married aliens to be granted conditional residency for 2 years and then to return later for review by immigration officials for their permanent resident status.

Repealing section 5 does not take away from the central thrust of the law—to remove the incentive for fraud by delaying the residency benefit from marriage for 2 years. The INS can still ascertain the bona fide nature of the marriage but aliens who do marry will not be forced to return to their home country divided from their American spouse. Similarly, the American citizen should not be placed in the situation of having to choose between his or her country, career, and other family on the one hand and moving away to a foreign land where he or she may not know the language and customs or be able to work for a 2-year period on the other in order to live with the new spouse.

I have been informed by our Immigration Subcommittee chairman, Senator KENNEDY, that he, too, is interested in legislation to ameliorate the effects of this law on couples in bona fide marriages we did not intend to send away. This legislation will give them the opportunity to show they are not breaking our laws and will spare them from the blanket 2-year requirement for the foreign spouse to leave the United States.●

INFORMED CONSENT: SOUTH DAKOTA

● Mr. HUMPHREY. Mr. President, my informed consent bills, S. 272 and S. 273, would require abortion providers in HHS-funded facilities and military treatment facilities to give basic information to women who seek abortions. This information would include the facts on the different types of abortion procedures and the risks that are associated with each type; and the alternatives to abortion. Many women do not receive any information about these matters. I urge my colleagues to support my informed consent bills and to read the testimonies of the courageous women who have written to me. Two of those letters follow which I ask be printed in the RECORD.

FEBRUARY 10, 1987.

DEAR SENATOR HUMPHREY: I know it is vital for young women to have adequate counseling before an abortion. It's been ten years now for me and I am still feeling the loss. It would have helped me if I would have been presented these three facts:

1. The effects on me physiologically and emotionally for years to come.
2. Just how big the baby was at the time of the abortion and that it was human.
3. *And* the alternatives (such as homes for unwed mothers).

Thank you so much for your time.

Sincerely,

SUSAN.

VIBORG, S.D.

THE ALPHA CENTER,
Sioux Falls, SD, July 22, 1987.

Senator GORDON HUMPHREY,
Hart Senate Office Building,
Washington, DC

DEAR SENATOR HUMPHREY: I had an abortion a little over six years ago. I am still, and probably always will grieve for the baby I killed. My abortion was the single most traumatic experience of my life. I would never want to repeat it, ever. I believe I was misinformed, deliberately misled, and did not receive adequate counseling. I was a freshman at a small private liberal arts college when I became pregnant. I went down to the local Planned Parenthood office for a pregnancy test because I heard they gave free testing if you could not afford it. The results were positive. They (she) asked me how I felt about being pregnant. I said I was scared, that I didn't want to be pregnant, didn't want to get married (my boyfriend did), didn't want to shame my family, and wanted to finish school. She was very sympathetic and could see why I didn't want to be pregnant. A pregnancy at this time would be untimely and inconvenient and there's no reason why I should go through with it if I didn't want to. I replied that I had thought about an abortion. She assured me that would be the easiest way out of a bad situation and gave me the number of two clinics to call.

I went back to my dorm room scared to death. I made the appointment for that Saturday. My girlfriend and her mother took me to the clinic. The man who performed the abortion was a practicing gynecologist. His office to all appearances gave me the impression that he was an abortionist—period. I had to fill out a basic information sheet and pay right away—$200 cash. I was then told to wait. When my turn came I was ushered into a small office by a "counselor" wearing faded purple jeans. I thought at the time she was dressed unusually casual. The only counseling I received from her was about birth control and she gave me a month's supply of the Pill. I was never once told that the abortion would be killing a genuine, actual, real live human baby. I was never told about any of the possible physical or mental side effects. I was only told that the abortion was to be performed without anesthesia and that I would feel severe cramps like a bad menstrual period and that I might get nauseated afterward. I am now aware of all the possible things that could go wrong physically and have experienced first hand a great deal of mental anguish that I was not warned about. I am currently a volunteer lay counselor for a crisis pregnancy center in Sioux Falls, South Dakota. We will also be doing post-abortion counseling to help other women exploited by abortion sort out the tangle of their lives. I fervently hope you will be able to accomplish what you've set out to do. You may use my name if you need to. I would very much like to do anything I can in helping you succeed in your efforts even if only by giving one more testimony.

Sincerely.

CAROL J. HILL,
Lay Counselor,
Alpha Center.●

TELECOMMUNICATIONS AND ECONOMIC GROWTH

● Mr. DODD. Mr. President, we are stepping into the information age, having almost achieved the goal of universal telephone service. Recent advances in computer and telecommunications technology—and implementation of those advances into the Nation's telecommunications network—have made possible a wide range of services undreamt of only a few years ago. Now, as competition adds a new dimension to telecommunications, we must ask if the goal of universal telephone service should continue as our role model for the years to come or should these new services be limited to those citizens and groups that can afford them? One of the best discussions of this issue comes from a recent talk to the National Governors Association by Daniel J. Miglio, senior vice president—finance and planning, Southern New England Telephone, with headquarters in New Haven, CT. I commend his remarks to my congressional colleagues and to the public, and ask that they be printed in the RECORD.

The remarks follow.

TELECOMMUNICATIONS AND ECONOMIC GROWTH

(Daniel J. Miglio)

Good morning. Governor McKernan, members of the panel, distinguished guests—it's a pleasure to be here.

Portland is an excellent example of the New England resurgence. But that resurgence did not take place in a vacuum. Men and women took risks, looked to the future and shaped this city with the help of an infrastructure that provided underlying support.

The telecommunications network is part of that infrastructure.

I represent local exchange companies—the companies which built, maintain and improve the network that links Portland and the far-flung corners of Maine to each other and to the rest of the world.

To understand our thinking, you must understand us. We are 1,404 separate companies, with employees and facilities in literally every community in the nation. Over 600,000 employees. Paying, $13.7 billion in taxes.

From the beginning there was a unique morality to this industry. Theodore Vail, an early president of AT&T, spoke of the "public trust." The idea of service became pervasive.

That same ethic drove expansion of the business. "Everyone should have a phone," we thought. Our goal was "Universal service."

When tiny communities ran a road up a hill to one house, phone companies across the country ran a phone line to the same house. Neither the town or the phone company said, "You can have access only if you pay for the hookup."

Cost of service was spread over the network. City users subsidized rural users; business users subsidized residences; long-distance subsidized local service. American telephone service became the best in the world—and the most universal: 122 million access lines, 1.3 billion calls a day, phones in 92 percent of American homes; 93 percent in Maine, 97 percent in Connecticut.

Universal service, ubiquitous voice communication, has been virtually achieved.

Now we come to the issue that brings us here: How can we best use that public telecommunications network to promote and enhance economic development in the Information Age?

The place to begin developing an answer—or answers—to that question is with the formation of relevant public policy goals. Unfortunately, neither my industry nor public policy makers have thoughtfully considered and developed these goals. But we must do so, and soon. Without agreement on what we want to achieve, we are leaving the future to chance, gambling that a multitude of ad hoc decisions based on instant considerations and pressures will miraculously achieve the desired, but ill-defined, results.

Our industry has begun to identify and define its notion of public interest goals. Let me share some of that thinking with you. You can agree that all of these proposed goals would have a direct impact on economic development.

First: Universal telephone service—the primary national communications policy goal. We're close to that now, as I mentioned. Tied closely to it is the goal of high quality service. Important now, even more important in the future.

Another goal is ensuring quick and reliable public access to police, fire and government services—and that telecommunications will enable all arms of the government to function effectively, especially in emergency conditions. Much has been done, more is possible.

A third category of goals involves expanding the network's technological capability. The public switched network will have to stay up-to-date if Information Age services are to be used to improve productivity and efficiency. Not only in the network itself, but, equally important, through the increasing use and application of new telecommunications services by business, government and individuals.

Should universal information services be a goal—as universal voice communication has been?

Some people say "No," that universal service stops with POTS—plain old television service—and that there is no public demand or need beyond that.

Maybe. But almost everyone underestimates the potential and appeal of any new technology. Even Henry Ford didn't envision today's highway network; the Wright brothers never talked of 747s.

For years we've talked about banking by phone, telecommuting and home shopping services. They're not dreams any more. They're happening. Let me give you some examples from the State I know best: Connecticut.

Major companies are making teleconferencing an integral part of business, using it regularly to cut travel costs and save valuable employee time. Aetna, for instance, uses it to hold meetings, between its Connecticut offices.

In another example, SNET went into partnership with the State of Connecticut to install Enhanced 9-1-1, a statewide emergency reporting system. No more separate numbers for police, fire and ambulance. Dial 9-1-1 anywhere in the State and the system automatically routes you to the proper reporting center. Most important, if the caller is a child who can only say "Help," an immigrant who can't speak English or is simply too frightened or injured to speak—the system will display the number and address the call is from on a video screen. We can still send help to the right address.

That life-saving service would not be possible if the network didn't reach every corner of Connecticut; it would not be possible without an alliance between the government and local telephone companies.

In my own company, almost 100 employees take university courses by computer. They study at home and send assignments via modem—and very often through ConnNet, the nation's first and only statewide packet switched network—to a professor who may be 3,000 miles away. If that's a need in compact Connecticut, there may be a greater need in Maine, Vermont or the far West.

ConnNet also enables companies such as Travelers Insurance to institute tele-commuting. Employees across Connecticut work at home, using the computer to work with company data bases.

The telephone made everyone with a phone a potential customer. Pizza shops, brokerage houses and airlines could not function without it. Nor could government. New services such as fiber optic technology will let us provide simultaneous voice, data and video communication to business and residence customers over one tiny line of glass fiber.

It's easy to get excited about potential implications.

But if we say, "Yes, let's expand the potential," do we continue with the internal subsidies that promoted universal telephone service? Through external subsidies? Or should we rely on market forces and the profit motive? And, most important, do we understand that different approaches may well lead to different conclusions, some of them more acceptable than others?

The answers to these and other questions, while they may vary state to state, will be fundamentally driven by the goals that are set. Each state must also determine whether it wishes to encourage development from border to border, versus more concentrated, confined growth.

The needs of Maine—a few small cities, vast rural areas—are far different from New York, where Manhattan is the most concentrated telecommunications market in the world; and from Connecticut—a small, compact state with the highest per capita income in the nation, a mix of closely-packed cities, high-tech centers, and small towns, evolving rapidly toward a single metropolitan area.

We, the local telephone companies, cannot make policy—nor should we.

But we are in this together, ladies and gentlemen. Our commitment, like yours, is to the people in the states and regions we serve. Our economic survival—and yours—is closely tied to their economic health.

We believe that a good network is a must to attract and hold the high-tech, high-information companies that are this country's future industrial giants. In fact, we believe that companies will be as increasingly rigorous in their search for states with a good telecommunications network as they once were for states with large mineral deposits or port facilities. Today, the public telecommunications network is an integral part of each state's infrastructure. In tomorrow's economy it will become an even more essential resource.

For over 100 years, the local exchange companies and their respective state governments have been allies in a common cause.

Now, in a world which has made information—and the ability to move and act on information—as valuable as ore deposits once were, the alliance between government and the local telecommunications company would seem to be more natural than ever.

The technology has changed. The economic climate has changed. The amount of information and the way it is sent and received has changed.

What has not changed is our mutual responsibility to the people we serve.

I believe it is in the public interest, both economically and socially, that access to information services of all kinds becomes as prevalent as universal telephone service is today. Universal access to information services will require a reliable, advanced and ubiquitous telecommunications network.

The only way to insure the necessary telecommunications infrastructure is by maintaining the same cooperation between local telephone companies and state policy makers that brought about universal telephone service. I believe that any other approach or model would carry the risk of creating a patchwork of information "haves" and "have-nots."

I believe that risk is unacceptable.

Thank you.

MAUDELLE LARKIN

● Mr. HEINZ. Mr. President, I rise to recognize Maudelle Larkin, of Tarentum, PA, for her outstanding service as volunteer ambulance dispatcher for the communities of Tarentum, Fawn Township, and Brackenridge.

In 1937 Maudelle Larkin and her husband Kenneth founded Eureka Hose Co. Volunteer Ambulance Service. Since that time, Maudelle has dispatched ambulances from her home on a 24-hour basis. Thanks to her dedication, many lives have been saved in Pennsylvania communities that otherwise would have been without such services. Maudelle's charitable efforts on behalf of her neighbors are an example for us all to follow.

I join the residents of Tarentum, PA in saluting Ms. Larkin for her outstanding service. We all wish her success and fulfillment in the years to come.●

BICENTENNIAL MINUTE

FEBRUARY 25, 1804: THE "GRAND CAUCUS" OF REPUBLICANS

(By request of Mr. Simpson, the following statement was ordered to be printed in the Record:)

● Mr. DOLE. Mr. President, 184 years ago this week, on February 25, 1804, a "grand caucus of the Republican Members of Congress" drew 108 Senators and Representatives together in the Senate Chamber. These were not Republicans in the modern sense, but Jeffersonian Republicans, and the caucus was not a legislative conference in the modern sense, but in fact an early version of our national conventions to nominate Presidential candidates.

Prof. Noble Cunningham, a Jeffersonian specialist, has pointed out that this caucus was "the key party mechanism in the national organization of the Republican party and gave the Republican Members of Congress control over the selection of the party's candidates for President and Vice-President." He adds that while the caucus played no role in the legislative process—at a time when there were no formal party offices in either House—"it was indicative of the importance of party in Congress and demonstrated the ability of congressional Republicans to make major party decisions."

The caucus that met in 1804 agreed unanimously to renominate President Thomas Jefferson for a second term, and chose New York Gov. George Clinton for Vice President, to replace Aaron Burr. Jefferson and Clinton went on to win the election by an overwhelming margin over the decaying Federalist Party.

One Senator who attended reported that the caucus conducted its business "with remarkable decorum and harmony; and was dispatched at an early hour in the evening." As well as this system worked in 1804, however, it collapsed 20 years later. Supporters of Andrew Jackson complained vigorously against the influence of "King Caucus" in choosing the President. Jackson's election, and the development of national conventions, spelled the end of the congressional caucus as the means of nominating our presidential candidates.●

PROPOSED MEDICARE CUTS

Mr. SASSER, Mr. President, the administration's 1989 budget request has recently been released and it contains a proposal that I believe is badly timed and ill-advised. The administration, through the Office of Management and Budget, has proposed an addition $1.25 billion cut to Medicare in the 1989 budget request.

This $1.25 billion cut will be in addition to the $2 billion cut from Medicare in the Omnibus Budget Reconciliation Act that passed before Christmas and violates the agreements that were accepted with the passage of that bill.

I am concerned that these continual cuts in Medicare, our Nation's Health Care Program for the elderly, will have an adverse affect on the quality of care that senior citizens are receiving.

Medicare has been a consistent target of the administration for budget cuts and has already carried more than its fair share. The proposed new cuts will be particularly difficult during this time of soaring medical bills and rapidly rising hospital costs. The Medicare premium for part B recipients has just been increased by an unprecedented $6.90 a month, or 38 percent.

Medicare patients should receive more when they pay more money, not less. But lower quality care for the elderly will be the inevitable result if OMB's proposal is approved by the Congress.

The majority of the administration's proposed cuts—about $700 million—would come from part A of Medicare, the part that reimburses hospitals for their services. The other $550 million would be cut from reimbursements to physicians.

The recently passed reconciliation bill included the first increase in physician reimbursements in almost 5 years. Another Medicare cut would negate this increase thereby threatening to drive more physicians away from the treatment of Medicare patients altogether.

It's clear that Medicare is an expensive program, and I have nothing against efforts to contain its costs. One reason that the administration continually tries to cut Medicare is because they feel that the medical community is not doing enough to curtail medical costs.

I agree that doctors and hospitals must share the responsibility of reducing costs. But we have to take steps to insure that the ultimate burden doesn't fall on elderly Americans who rely exclusively on Medicare to provide their health care needs.

Mr. President, in the coming months I will be working to oppose this Medicare cut, and I urge my colleagues to do the same.●

CENTENNIAL OF TIMES PUBLISHING CO., ERIE, PA

● Mr. SPECTER. Mr. President, the times Publishing Co., of Erie, PA., publishers of the Morning News, the Daily Times, and the Sunday Times-News, is celebrating its 100th birthday on April 12, 1988.

Since its founding by John Mead in 1888, the company has been owned and operated continuously by the Mead family. Today, a third generation of Meads carries on the tradition that was begun so enterprisingly a century ago. They continue to serve their community well with journals that report the news fearlessly and without favor or bias toward anyone.

Over the past 100 years, these newspapers have become part of the indelible pattern of daily life in Erie and its environs. They are welcomed into the homes of the residents as old friends and are read with the certain knowledge that the papers' editors, writers, and reporters are striving diligently to provide them with accurate and late-breaking reports of the news of their area, the Nation and the world.

It is altogether fitting then that the U.S. Senate take note of this special occasion and congratulate the Mead family and the editors, writers and reporters of the Morning News, the Daily Times and the Sunday Times-News for 100 years of service to the Erie community and wish them continued great success in the future.●

AMBASSADOR MAX RABB AND HIS WIFE, RUTH RABB

● Mr. LEAHY. Mr. President, in my responsibilities as a member of the Intelligence Committee and as a member of the Appropriations Committee, I have met with dozens of the U.S. representatives in our Embassies, consulates, military bases, intelligence sites, and economic missions throughout the

world. I'm always impressed by the quality of the people the United States sends abroad to represent our great country.

No one impresses me more than the United States Ambassador to the Republic of Italy and his wife. Ambassador Max Rabb and his wife, Ruth Rabb, truly represent the best our Nation sends.

Italy more and more stands out as one of the United States strongest allies in the NATO alliance. Much of that reflects the historic ties of our two countries but increasingly it reflects the tireless efforts of Ambassador and Mrs. Rabb.

I mentioned both of them, Mr. President, because they are truly a diplomatic pair. Anyone who has had a chance to know this truly remarkable couple, and have seen them carrying out their diplomatic duties, knows how much they compliment each other. It is a case where America said we will send Italy our best and did.

The Rabbs are very special friends of mine and my family. I treasure the times I've been able to spend with them because of their warmth, integrity, and genuine love of life.

Much has been written of Ambassador Rabb's handling of one of our most delicate diplomatic situations following the *Achille Lauro* hijacking incident and of his successful efforts to continually make America's voice heard in Italy. Oftentimes the press does not also speak of the tireless efforts of Ruth Rabb in bringing together the best of Italian and American culture and business. Because of this, it was especially gratifying to see the article in the Philadelphia Enquirer. I am sure Ambassador Rabb will not mind if I tell my Senate colleagues that this article is devoted to an extraordinary person, Ruth Rabb, and gives a glimpse into their life. Because I am so proud of both Max and Ruth Rabb, I ask that the article be printed in the Record.

The article follows:

An Envoy's Wife is in Love With Rome

(By Jill Gerston)

Rome.—Anthony Quinn came to dinner one night, conductor Lorin Maazel arrived the next afternoon, and Liza Minnelli was expected the following day.

And just the previous week, Vice President Bush had been a house guest during his 10-day tour of Western European capitals.

When in Rome, anybody who is Somebody—movie stars, diplomats, royals, business tycoons, et al.—drop by Villa Taverna, the stately official residence of the U.S. ambassador to Italy, Maxwell Rabb, and his wife, Ruth.

"We've been here six years and three months, and if I told you how much entertaining we did, it's just impossible to believe," said Ruth Rabb recently, sitting on a yellow brocade sofa in the villa's vast, sun-dappled reception room. "Actually I love it all. It's a wonderful life, an exciting life."

Being an ambassador's wife in a plum posting like Rome is the diplomatic *dolce vita*. Not only do you get to play hostess to the world's movers and shakers and to sample the pleasures of Italian living, you also get to reside in the sedately elegant Villa Taverna. The historic residence, which dates to the 17th century, has 17 rooms, a pool, private movie theater, valuable art collection and eight acres of exquisitely tended gardens.

"It's the most tranquil spot in the city," said Ruth Rabb, gesturing to the enormous windows that overlook the lush seeep of grass and trees. "You come through the gate and you're in a different world."

It has its drawbacks, however. The house is surrounded by an ancient 14-foot wall and patrolled by armed guards. Shortly after Maxwell Rabb assumed his post in 1981, security measures were stepped up even further when a terrorist plot against the ambassador was uncovered.

"Max has security wherever he goes," said his wife, sounding somewhat uncomfortable discussing the topic. "There is no spontaneity because you can't say at the last minute, 'Why don't we have dinner out?' But you can't worry about it. You're just fatalistic."

Besides the security constraints, there is also the financial obligation that comes with the much-coveted post.

To run Villa-Taverna on the scale and style befitting an American ambassador, the Rabbs must personally supplement their State Department allowance. They pay for the villa's staff of 13 and shared in the cost of renovating the theater, among other expenditures.

"There is a tremendous financial burden for us," conceded Ruth Rabb. "It's too bad, but I can't complain. Obviously, we can afford to do it or we wouldn't be here. But we like to entertain and we think it's important for the image of the United States to do things properly. Still, I don't know how anyone can become an ambassador. We knew it would be an expense, but we didn't know *what* kind of expense."

Sitting in the imposing reception room with its masses of flowers, silver objets d'art and long yellow silk draperies. Ruth Rabb was friendly and totally at ease.

She is a handsome woman with blue eyes and ash blond hair cropped in a short, no-fuss hairstyle. She was dressed simply in a tailored black-and-white checked jacket and black skirt. A square-cut diamond sparkled on her finger, and a gold pin, patterned after the United States seal, gleamed on the white bow of her blouse.

While other ambassadors' wives may project an image of cool, steely formality, Ruth Rabb comes across as the warm, intelligent, Boston-born grandmother that she is.

"I learned you have to be yourself," said Rabb, who is a member of the Radcliffe College class of 1937. "You shouldn't try to put on an act."

Her open, unaffected style has won her a legion of fans.

Rome's most celebrated *couturier*, Valentino, described the ambassador's wife as "a special person who has brought a fresh breeze of ease and charm to the American Embassy and even Rome itself."

Victor Simpson, the news editor of the Associated Press, who has lived in Rome for 14 years, said that "people who know the Rabbs genuinely like them. Mrs. Rabb is warm, lively women who conveys the best of the American image to the Italians."

When President Reagan tapped him to be the ambassador to Italy, Maxwell Rabb was a prominent lawyer living with his family in New York. A longtime Reagan supporter and campaign contributor, he had no aspirations for the diplomatic service, according to his wife.

"When Reagan was elected president, he immediately offered Max several things but he wasn't interested," said Ruth Rabb, who has four children, one of whom, Sheila Rabb Weidenfeld, was press secretary to Betty Ford. "Then, one day he called and said, "Max, you can't turn me down on this. I would like you to be ambassador to Italy,'"

Maxwell Rabb was aware of his wife's special fondness for Italy. "The first time we visited Italy, many, many years ago—we were living in Boston—I said if I could live in any other city in the world I would love to live in Rome," said Ruth Rabb, who speaks fluent Italian.

The Rabbs arrived in the Eternal City of June 22, 1981; several days later, they celebrated Independence Day by hosting a reception for 2,000 "We stood on line shaking hands and not knowing anyone," said Ruth Rabb, recalling her plunge into diplomatic waters.

What prepared her for her role as ambassador's wife?

"When I was very young—just a Boston housewife with four small babies—my husband went into the Eisenhower White House," she said, referring to his posts as presidential assistant and secretary to the Cabinet. "We were invited to dinners and I, who had never been out of Boston, found myself seated between very, very important people. Total strangers. And that was a tremendous service to me, I realize now . . . I learned to be in an atmosphere where I knew absolutely nobody and to be comfortable in a situation that was foreign to me. So when I came here, there was no problem."

Ruth Rabb's days are consumed primarily by her duties as hostess at dinners, lunches, cocktail receptions, teas and the once-a-month movie screenings. She has welcomed to the Villa Taverna everyone from the secretary to state of the American News Women's Club.

Her most memorable party was the glittering black-tie dinner for 70 that the Rabbs gave in honor of Nancy Reagan when she visited Rome for two days during the Bonn economic summit meeting in 1985.

"It was really a fantastic guest list, if I do say so," Ruth Rabb said. "We had people from fashion, from industry, from the media, from the theater—Agnelli, Valentino, Zeffirelli, Fellini, Sophia Loren, the Aga Khan. Nancy Reagan said afterward she could never get a group like this together for one dinner. It was amazing.

In addition to her social activities, Ruth Rabb also has undertaken several projects. Foremost among them is helping to establish Polimoda (*Politecnico Istituto della Moda*) a design college in Florence similar to the renowned Fashion Institute of Technology in New York.

"I went to Shirley Goodman [executive director of FIT's Educational Foundation for the Fashion Industries] and said the fashion industry in Italy is so marvelous but the designers find it difficult to get assistants," said Rabb. "They need the training and expertise FIT has to offer."

A year ago, Polimoda was established with a class of 57 students (it has since increased to 160), American program directors from the FIT faculty, and Italian teachers.

Ruth Rabb also is active with the Italian Solidarity Center, a drug-rehabilitation program in the south of Rome. Nancy Reagan, who received the center's Project Man award when she visited there in 1985, expressed appreciation for Rabb's involvement with her well-known anti-drug campaign.

"We're all so grateful for the time Ruth has taken from her busy schedule to become involved in this vital cause," said Reagan through her press secretary, Elaine Crispen.

Ruth Rabb's latest project is trying to create a clinic in Rome for performance medicine similar to the one at Massachusetts General Hospital in Boston. The clinic would treat musicians, dancers and other performing artists who suffer physical handicaps or psychological problems. "I hope this can be a joint venture with the United States," she said. "So far, all the expertise is in the United States, but the musicians are international."

The Rabbs' tour of duty will end next year after the presidential election.

"I don't know what the real world will be like," Rabb said wistfully as she strolled through the gardens at the end of the interview. "Max has always done public service. I don't know what I'll do." She paused a moment and then added with a grin, "Maybe I'll go to FIT and learn fashion design."

RULES OF THE BUDGET COMMITTEE

● Mr. CHILES. Mr. President, pursuant to rule XXVI(2) of the Standing Rules of the Senate, I submit for printing in the Congressional Record the rules of the Committee on the Budget for the 100th Congress as adopted by the committee on March 17, 1987.

Rules of the Committee on the Budget—One-Hundredth Congress

I. MEETINGS

(1) The Committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chairman as he deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investiation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

II. QUORUMS

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chairman and ranking minority member determine that there is good cause to begin such hearing at an earlier date.

(2) A witness appearing before the committee shall file a written statement of his proposed testimony at least 1 day prior to his appearance, unless the requirement is waived by the chairman and the ranking minority member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has orderd a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.●

SOUTH AFRICA

● Mr. SIMON. Mr. President, some very disturbing news has come to us today: The South African Government has cracked down on 17 antiapartheid organizations, prohibiting any kind of political activity, and thereby effectively shutting them down.

The organizations which are affected by the new regulations include: the United Democratic Front [UDF], the Detainees Parents Support Committee ([DPSC], the Detainees Parents Committee, the National Education Crisis Committee [NECC], Azanian Peoples' Organization [AZAPO], the Azanian Youth Organization, the Cape Youth Congress, the Creadock Residents Association, the Release Mandela Campaign, the National Education Union of South Africa, the Port Elizabeth Black Civic Organization; the Soweto Civic Association, the Soweto Youth Congress, the South African National Students Conference, the South African Youth Congress [SAYCO], the Vaal Civic Association, and the Western Cape Civic Association.

The Congress of South Africa Trade Unions [COSATU] is also prohibited from pursuing any political or nonunion activities.

The organizations which are not covered are: Inkatha, the End Conscription Campaign, Black Sash.

This is yet another in a series of moves to intensify the repression of apartheid and to silence all democratic and peaceful organized opposition. Although the Minister of Law and Order, Adrian Vlok, is careful to point out that these organizations are not banned and theoretically retain their legal status, these regulations are aimed at destroying the antiapartheid movement in South Africa. Essentially, the South African Government wants these organizations to be blind, deaf, dumb, and otherwise nonexistent.

The South African Government has made a grave mistake. In attempting to bury dissent, these restrictions will only consolidate and strengthen dissent. In an attempt to forestall the pace of change, the Government will only lose its opportunity to seriously negotiate peaceful change. And I share the worry of leaders such as Archbishop Tutu and the head of the South African Council of Churches, Rev. Frank Chikane, who fear that by prohibiting peaceful protest the majority of those working for nonviolent change will be pressed to see force as the only means of fighting and ending apartheid.

I am deeply troubled by this action, and join all who harshly condemn it.●

A TRIBUTE TO JOHN CRAWFORD

● Mr. ADAMS. Mr. President, last year my State and our country lost a valuable citizen with the untimely death of John Crawford. Mr. Crawford

had a lifelong interest in environmental issues. After graduating from the University of Washington and serving in the Marines during World War II, he worked for the U.S. Fish and Wildlife Service in Alaska.

Mr. Crawford's lifelong interest in environmental issues soon expressed itself in his writing and photographs. His books and articles, including such works as "At Home With the High Ones" and "Wolves, Bears and Bighorns," were both scholarly and readable. His photographs, which were featured in the National Geographic and other publications, communicated his love of the outdoors and his respect for the forces of nature.

Mr. President, I did not know John Crawford, but I got a sense of the man after reading a letter from a constituent of mine, Grant Winther, who described John Crawford as a man who dedicated his life to the study of wildlife and to the promotion of their welfare. "His true concern," Mr. Winther indicated, "was for his country, fellow humans, and the animals he loved so much." Mr. President, I commend those concerns to my colleagues and our country.●

THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. Helms, as to whether or not Calendar Order No. 532 on the Executive Calendar has been cleared for action.

Mr. HELMS. Mr. President, I say to my friend that it has been cleared.

Mr. BYRD. I thank the Senator.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar Order No. 532 on the Executive Calendar.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE JUDICIARY

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Paul R. Michel, of Virginia, to be U.S. circuit judge for the Federal Circuit.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

ORDERS FOR TUESDAY

ADJOURNMENT UNTIL 12:15 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12:15 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

CALL OF THE CALENDAR UNDER RULE VIII WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar under rule VIII be waived and that no motions or resolutions over under the rule come over.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

ORDER FOR RECESS ON TOMORROW FROM 12:45 TO 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the Senate stand in recess from the hour of 12:45 p.m. until the hour of 2 p.m. to accommodate the two party conferences.

The PRESIDING OFFICER. Is there objection? Hearing no objection, is is or ordered.

PROGRAM

Mr. BYRD. Mr. President, I as unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, there be a period for the transaction of morning business until the hour of 12:45 p.m.; that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, does the distinguished Senator from North Carolina, the acting Republican leader, have anything further he wishes to say or any business he would like to have transacted?

Mr. HELMS. Mr. President, I thank the Senator, but I do not.

Mr. BYRD. Mr. President, I thank the Senator, and I thank the distinguished occupant of the chair, Mr. Adams, who always does a good job in the chair and out of the chair and is always ready to lay his shoulder to the wheel whenever he is asked to do so. As the majority leader I appreciate his cooperation and his good work and always his courtesy and understanding and his friendship.

The PRESIDING OFFICER. I thank the majority leader.

ADJOURNMENT UNTIL 12:15 P.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12:15 p.m. tomorrow.

The motion was agreed to; and, at 5:40 p.m., the Senate adjourned until tomorrow, Tuesday, March 1, 1988, at 12:15 p.m.

NOMINATIONS

Executive nominations received by the Senate February 29, 1988:

THE JUDICIARY

JOHN C. LIFLAND, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE CLARKSON S. FISHER, RETIRED.

DEPARTMENT OF THE TREASURY

JILL E. KENT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE JOHN F. W. ROGERS, RESIGNED.

DEPARTMENT OF COMMERCE

ROBERT H. BRUMLEY II, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE DOUGLAS A. RIGGS, RESIGNED.

FRANK DEGEORGE, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE, VICE SHERMAN MAXWELL FUNK.

DEPARTMENT OF TRANSPORTATION

ROBERT L. PETTIT, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, VICE JENNIFER LYNN DORN, RESIGNED.

INTERSTATE COMMERCE COMMISSION

KAREN BORLAUG PHILLIPS, OF VIRGINIA, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION FOR A TERM EXPIRING DECEMBER 31, 1991, VICE MALCOLM M. B. STERRETT, TERM EXPIRED.

SECURITIES INVESTOR PROTECTION CORPORATION

JESSE D. WINZENRIED, OF WYOMING, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1990, VICE ROGER A. YURCHUCK, TERM EXPIRED.

CONFIRMATION

Executive nomination confirmed by the Senate February 29, 1988:

THE JUDICIARY

PAUL R. MICHEL, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

EXTENSIONS OF REMARKS

SOMEONE SHOULD ASK RUFF-PAC SOME ROUGH QUESTIONS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. STARK. Mr. Speaker, over the years, my office has gotten some mail inspired by RuffPAC literature. While one can argue about the pros and cons of their positions, apparently one can't argue about the strange accounting they use.

The following two articles raise some very disturbing questions. One can contribute to conservative causes, but caveat emptor: the Ruff group needs to be asked some rough questions by its contributors:

[From the Washington Post, Feb. 22, 1988]

FIRM ADMITS USING FALSE AD CLAIMS

(By Bill McAllister)

A conservative Washington lobbying firm that sold about 1,100 sets of silver and gold "Founding Fathers Coins" claiming they were endorsed by federal officials, withdrew the offer last spring and acknowledged that the claims were false and the coins were not legal tender.

"It was a comedy of misunderstandings . . . just one of those nightmares that can happen to you," said Howard J. Ruff, chairman of Free The Eagle, the lobbying group.

Ruff's organization, one of a number that supported Marine Lt. Col. Oliver L. North's efforts to help the Nicaraguan contras, but apparently did not give money to the contra-aid effort, offered sets of the commemorative medallions to its supporters at prices ranging from $199 to $747 each.

In colorful brochures that a former employee said were mailed to about 100,000 people, the medals were described as "coins" produced by Liberty Mint with the approval of former Supreme Court chief justice Warren E. Burger.

Burger, who headed the federal commission overseeing the 200th anniversary of the Constitution, was said to have selected the firm as "the official minter" for last year's celebrations.

Officials at the U.S. Mint, which produced its own set of gold and silver commemorative coins in cooperation with the bicentennial commission, complained to the Postal Service, according to records released earlier this month by the Postal Service. The Postal Service filed a complaint against Ruff and his lobbying organization, accusing each of violating postal laws by making false claims through the mail.

In December, a Postal Service adjudicatory official entered an order making final a consent decree in which Free The Eagle and Ruff agreed to cease coin sales. No penalty was assessed.

"They were all innocent mistakes," Ruff said in an interview Friday after one of his former employees, John C. Houston, released copies of postal records, which Houston had obtained under the Freedom of Information Act. Houston, an Arlington lawyer who said he was formerly vice president of Free The Eagle, said he was releasing the postal records "in the interest of good government."

"The people at Free The Eagle thought Liberty Mint was the authorized minter," Ruff said.

He said that he and his 32-year-old son, Larry Ruff, were the owners of Liberty Mint, a Provo, Utah, firm that produced the set of eight medals carrying portraits of early American leaders. Asked how he could have misunderstood his own firm's status, Ruff replied, "Everyone in my organization, including my son, felt my wrath on that."

". . . The point is some stupid mistakes were made by young, enthusiastic amateurs. It was the darndest thing for me to straighten out," Howard Ruff said.

Free The Eagle, which has sold stamps, coins and old Czarist Russian bond certificates to raise money for lobbying, began to offer refunds last spring after hearing complaints about the offer, Ruff said. About 300 purchasers were given refunds, he said.

But Ruff said that his organization's troubles with the federal government may not be over. He said that Free The Eagle, a nonprofit organization, is being investigated by the Internal Revenue Service. He said that he did not know the precise nature of the IRS inquiry but assumed it is about whether the organization, which has 24 employees at offices in downtown Washington and Fairfax County, may have violated its tax-free status.

In a second brochure Ruff said he sent to purchasers of the set, he apologized for the first brochure. "I've made some impressive goofs, but this one beat all records. . . . Due to an incredible series of honest mistakes, miscommunications, and inaccurate assumptions, some of the things we said in good faith are not true."

Among the errors that Ruff conceded was describing Liberty Mint as an "authorized minting agent" and using Burger's picture. Ruff said Friday that he stood by his description of the medals as "coins," a description that the Postal Service disputed on the grounds that they are not money.

Ruff, a financial commentator and former stockbroker who publishes a newsletter called Ruff Times and runs a political action committee called Ruff-PAC said both the IRS investigation and the Postal Service investigation were initiated by complaints by disgruntled former employees.

[From the Fairfax Journal, Feb. 26, 1988]

RIGHT-WING LOBBY GROUP IS PROBED

(By Len Boselovic)

Free the Eagle, a Fairfax County nonprofit organization headed by conservative publisher Howard Ruff, is the subject of at least four investigations, according to former employees.

The conservative lobby, whose purpose is "promoting legislation that will strengthen America and expand free enterprise," is being investigated by two federal agencies and Virginia and Maryland state agencies.

A fifth investigation, by the U.S. Postal Service, concluded in December with an admission from Free the Eagle officials that they had "mistakenly' used the name of former Chief Justice Warren Burger in advertisements to sell gold and silver medallions.

According to former employees, who say they have been questioned by federal investigators or have filed complaints with state agencies, Free the Eagle is being probed by:

The Internal Revenue Service, which, according to the employees, is weighing the organization's tax-exempt status regarding its alleged use for personal gain by lobby officials.

Lobby officials confirm an IRS probe, but say it is only a routine audit.

The Federal Election Commission, which, according to employees, is looking into an alleged circumventing of election laws that prohibit for-profit corporate donations to a political-action committee.

A Free the Eagle official says the group may have "screwed up" in an arrangement in which a for-profit affiliate "loaned" money to Eagle employees so they could donate it, in turn, to a political-action committee, also affiliated with Free the Eagle.

The Virginia Department of Taxation, which confirms it is looking into a complaint filed by a former employee that Free the Eagle should have charged sales taxes on medallions it marketed.

The Maryland State Board of Accountancy, which, according to a former employee, is looking into his allegation that a 1986 audit of Free the Eagle by a Rockville, Md., firm has discrepancies with financial reports filed with federal agencies.

There also is evidence of poor bookkeeping at the organization, which, at one point, paid more than $164,000 in business expenses without adequate backup records and based on the word of its president, who said the expenses were legitimate.

In December, Ruff admitted to U.S. Postal Service investigators that Free the Eagle used former Justice Burger's name in advertisements for gold and silver medallions without permission from Justice Burger. Ruff said it was a mistake.

The mementos were sold by Free the Eagle and manufactured by Liberty Metals, which is owned by Ruff and his son, Larry.

The advertisements said Burger, who was chairman of the federal commission that organized the 200th anniversary of the U.S. Constitution, selected Liberty Metals as the official bicentennial minter. They did not mention that Ruff owned 51 percent of the mint. Ruff said Free the Eagle members know that he and his son own the mint in Provo, Utah.

Ruff said he donated his 51 percent of Liberty Mint's profits on the deal to Free the Eagle.

"WILD ACCUSATIONS"

Ruff, a Provo resident, dismissed the allegations as "wild accusations" made by two former employees who "were fired for mental instability." The IRS is conducting a routine audit of Free the Eagle, he said.

"Our tax-exempt status is not in question." said Ruff, 57.

Free the Eagle incorporated in California in 1980 and has been registered in Virginia since September 1985. It has 24 employees, in offices on Waples Mill Road in Fairfax County and on Capitol Hill.

The non-profit organization is devoted to "promoting legislation that will strengthen America and expand free enterprise" according to Free the Eagle materials. It and its affiliates have supported conservative causes, including Marine Lt. Col. Oliver North's campaign to aid Nicaraguan contras, a campaign of U.S. Sen. Jesse Helms (R-N.C.), the Gun Owners of America.

The investigations are the latest in a string of controversies involving Free the Eagle and its affiliates. Ruff and his associates have been dogged by allegations made by two former employers: John Houston, an Arlington attorney, and Harold Goode, an accountant who lives in Centreville.

"They're like the little dog next door who takes a bite at your ankle every time you walk past," Ruff said. He called Goode and Houston "crazy and obsessive."

"It's getting to be a damn bloody nuisance," Ruff added.

Houston and Goode said they only want to see justice done.

Federal Election Commission investigators want to know whether Ruff's political action committee, Ruff-PAC, illegally accepted contributions that allegedly moved through Free the Eagle, the former employees said. The FEC probe also covers money-laundering schemes allegedly used to circumvent federal limits on campaign contributions, the former employees said.

FEDS EYING LOANS

Ruff said FEC officials are examining loans made by American Heritage Centre, a Free the Eagle affiliate, to Free the Eagle employees, who then loaned the money to Ruff-PAC. All the loans have been repaid, Ruff said.

Goode said, however, that federal election laws may have been violated by the loan-donation arrangement. He said federal election laws prohibit corporate contributions to political action committees so that the for profit American Heritage Centre could not have donated money directly to Ruff-PAC. Free the Eagle employees, however, could make the donations after receiving "loans" from American Heritage.

"I personally think we screwed up on that one, but that was not anybody's evil intent." Ruff said.

Former Free the Eagle president Neal B. Blair of McLean, now a Ruff-PAC employee, declined comment on Goode's and Houston's allegations.

"We're not giving any interviews right now," Blair said.

Federal Election Commission and IRS officials said it is the policy of their agencies not to confirm or deny whether investigations are underway.

An IRS source, however, indicated that an investigation of Free the Eagle is, in fact, underway.

Goode, 30, was an accountant for Free the Eagle from December 1983 to March 1985.

"I saw them abusing their tax-exempt status. I saw them abusing tax laws for personal gain," Goode said.

Goode pointed to the for-profit sale of gold coins minted by Ruff and his son and sold through Free the Eagle, Goode also cited an $80,000 debt owed in 1984 to Free the Eagle by Target Publications Inc., a Ruff publishing company.

CLAIMS UNPAID DEBT

Goode alleges the $80,000 debt was never repaid and the loss was written off the books at Free the Eagle.

Ruff said it is "only half the story"—that Free the Eagle owed Target money too and, when it was all said and done, Target had to write off $15,000 in debts never paid by Free the Eagle.

Houston, 38, was Free the Eagle vice president and Ruff-PAC executive director until November 1986.

"Howard Ruff is a con man. He happens to be one of the biggest con men ever to hit this town," Houston said. "He is using a non-proft corporation to enrich himself, his family and his businesses."

A 1986 audit of Free the Eagle shows the organization had revenue of $1.9 million and expenses of $1.6 million. Of the $1.6 million, 58 percent was spent on fund-raising, 21 percent was spent on overhead and operating expenses and 21 percent was spent on lobbying and public information.

Free the Eagle coin deals through the American Heritage Centre are being investigated by the Virginia Department of Taxation. Goode asked for the examination, alleging that state sales tax should have been paid on the transactions.

"We will conduct an audit to make sure they are in compliance with sales tax laws," said spokeswoman Ann Meyers.

Many of Houston's and Goode's allegations revolve around Free the Eagle's sloppy bookkeeping—sloppiness that Ruff admits.

The former employees point to an internal audit of checks written by Free the Eagle to Blair from 1980 to 1984, a copy of which was obtained by the *The Journal.* The 1985 audit, conducted by Eagle employee Girard Broaddus 1985 audit, said, in part:

"CANNOT BE AUDITED

"The real result of the audit is the finding that the books and records, such as they are, cannot be audited."

The audit discovered $202,875 in unexplained payments to Blair, $25,911 in apparent business expenses by Blair and $21,315 in unpaid loans to Blair.

The use of the word "apparent," the audit report stated, "would never appear on an independent (outside) audit."

"It shows the size of the problem the companies have with disbursements which cannot be traced to approved invoices or check requests," the audit says.

A former Free the Eagle employee who asked not to be identified said: "You have to wonder why they (the records) are that sloppy. At the very least, these people are guilty of some very sloppy business practices—at the very least.

Blair later swore to Ruff and other Free the Eagle board members that $164,272 of the unexplained payments were for legitimate business expenses, according to records obtained by *The Journal.*

One of the checks written for Blair was a $609 check to the IRS for Blair's 1980 taxes, according to Free the Eagle documents. Goode said Blair ordered him to write the check.

Jeff Carneal, Ruff's assistant, was puzzled by the check. In an April 7, 1985 memo to Ruff, Carneal reported that "even though Neal (Blair) claimed to know absolutely nothing about this, Neal signed the check."

Blair could have forgotten he signed the check, Carneal told Ruff. "Nonetheless, the question remains: Why should Neal pay this from a business and not his personal account?" Carneal asked.

THE WHITE HOUSE CONFERENCE FOR A DRUG-FREE AMERICA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. GILMAN. Mr. Speaker, I would like to draw my colleagues' attention to the White House Conference for a Drug Free America, which opened this morning (and will extend for the entire week) with the keynote address by President Ronald Reagan and First Lady Nancy Reagan.

The President echoed the concern of many of our Government, community and school leaders, calling for the strengthening of our drug prevention laws while increasing military involvement in combatting international drug trafficking. Illegal drugs should not be tolerated in our homes, schools or communities. As the First Lady eloquently said:

> Drugs are tearing our communities apart. * * * We should not even tolerate the casual user because they are accomplices to murder. * * * We must all join together to fan the flame for rage.

The United States stands at crossroads in its fight against illegal drugs. While drug consumption in our schools is decreasing at an admirable rate, we are still confronted with the escalating drug trafficking from foreign nations into the United States. Victory will not be won until our communities are completely rid of all illegal drugs.

In closing I would like to share with my colleagues a recent editorial written by Lois Haight Herrington, chairman of the White House Conference for a Drug Free America, which appeared in the Washington Post on January 18, 1988:

DRUGS WERE WRONG IN THE '70'S, TOO

(By Lois Haight Herrington)

In his op-ed column of Jan. 14 ("When Do You Lie For a Friend?"), Richard Cohen insinuates that some illegal drug use is okay, "a naive and basically harmless activity."

He is wrong! A number of good people made that mistake in the '60's and '70's, and many bear the scars of their errors to this day. Let us not be mistaken: drug abuse was bad then, just as it is bad now. The only difference is that we now see with greater clarity just how dangerous and destructive drugs are.

Drugs were against the law in the 1970's as they are in the 1980's, and those who used them were breaking the law. The user was then, as now, lining the pockets of, and supporting the scum of the earth—the drug pusher who peddles death, destruction, ruined lives and lost dreams.

The user then, as now, keeps the thugs in business—the same thugs who corrupt governments and who threaten, injure and kill innocent citizens who get in their way. These same thugs are people who think and preach that education and hard work are for chumps, and that for two or three hours a day selling "poison" you can have it all—car, condo, yacht, big money.

Users then, as now, dropped out, ruined health, families and friends, and while chasing their high, victimized millions of innocent citizens. The drugs of the '70's are the

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

drugs of the '80's and are as flat-out wrong, illegal and terrible now as they were then.

Many Americans realize this. But the fact that Cohen doesn't gives a hint as to his politically biased logic—a logic which seeks to hide another evil. It is all the more egregious for its subtely; that it is permissible to lie about a crime, especially if it is a friend who committed it. Our moral values are left to drift in the wind when we preach that it is all right to lie if we personally do not condemn that which we lie about.

That may be Richard Cohen's code—intellectual dishonesty often traps the unwary. However, we must never let it cloud our moral integrity, and we must pray that no one, anywhere, ever again buys his tired old tirade—that those who fought then and those who fight now against the use, sale and profiting from illegal drugs are "holler-than-thou ideologues" or somehow un-American. That is not so, Mr. Cohen. They are trying to preserve America.

(The writer, a former assistant attorney general, is chairman of the White House Conference for a Drug Free America.)

CONGRATULATIONS TO CLAIRE GAUDIANI

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. GEJDENSON. Mr. Speaker, on Friday, February 19, 1988, Connecticut College, located in New London, CT, in my district, announced the appointment of Claire Gaudiani as president of the college. I am very pleased to offer my congratulations to her and to the college.

As a highly respected scholar of 17th-century French literature, a graduate of Connecticut College and with her experience as acting associate director of the Joseph Lauder Institute for Management and International Studies at the University of Pennsylvania, I am certain that she will maintain Connecticut College's tradition of academic excellence. I am also confident that her leadership will ensure the college's commitment to excellence in research and to attracting the high caliber of students and scholars that Connecticut College is known for.

Though Ms. Gaudiani has a hard act to follow in succeeding Mr. Oakes Ames, who served in that position since 1974, I am confident that with her expertise and experience, the college is in good hands and I look forward to working closely with her.

AGRICULTURAL CREDIT TECHNICAL CORRECTIONS ACT OF 1988

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. MARKEY. Mr. Speaker, I rise in support of H.R. 3980, the Agricultural Credit Technical Corrections Act of 1988. This legislation is a truly technical package of amendments to the Agricultural Credit Act of 1987, which the President signed into law earlier this year. It will permit the smooth implementation of this law, which provides needed relief to the Farm Credit System and creates a secondary market for agricultural real estate loan-backed securities to be administered by the new Federal Agricultural Mortgage Corporation, or Farmer Mac.

As chairman of the Subcommittee on Telecommunications and Finance, I have been concerned throughout the process of enacting the Agricultural Credit with the securities law elements of the new secondary market. The final product assured the full protections of the Federal securities laws governing registration and disclosure by issuers and activities of brokers and dealers who sell these securities. At a time when public focus on our financial markets is at its height, we must remain vigilant in our efforts to protect our investing public.

The securities law elements of H.R. 3980 represent no more than a fine-tuning of the product passed by Congress at the end of the last session. These technical corrections clarify the types of loans intended to be included within the securitized loan pools and otherwise ease administration of the secondary market. I urge my colleagues to support this legislation to permit the early and effective implementation of the new secondary market as well as the assistance for the Farm Credit System.

MARYLAND STATE ASSOCIATION OF B'NAI B'RITH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. CARDIN. Mr. Speaker, on Saturday, March 5 and Sunday, March 6, 1988, the Maryland State Association of B'nai B'rith will conduct its annual convention. B'nai B'rith is the oldest and one of the largest service organizations in the world and has developed and implemented programs of help to people throughout the United States and around the globe. Founded almost 145 years ago, B'nai B'rith projects and philanthropy impact on the lives of millions of people.

This organization is an outstanding example of America's distinctive characteristic—volunteerism. By merging voluntary action with community service, B'nai B'rith has achieved a reputation as a major benevolent force throughout the world. For more than 70 years, B'nai B'rithers in Maryland have perpetuated the tradition of community service by conducting programs for disabled persons, working in hospitals and police stations, sponsoring housing for senior citizens, and providing programs for young people.

As we all know, organizations such B'nai B'rith are effective because of dedicated members who participate actively and provide distinguished leadership.

One such person is Kent Schriner, international senior vice president of B'nai B'rith, who will be honored for his three decades of outstanding service and leadership at the local, district, and international levels.

Another exceptional member, Steven G. Tapper, will be installed as the 1988–89 president of the Maryland State Association. Mr. Tapper succeeds Arthur Savarick who is completing a very successful term as president.

Many other B'nai B'rith leaders will be participating in the convention, including International President Seymour Reich, international leaders Tommy Baer and Philip Kershner, and District 5 leaders Wayne Martin, Samuel Friedman, Stanley Joffe, Alvin Singer, and Bruce Rasking.

Mr. Speaker, it is indeed an honor to call the Maryland State Association of B'nai B'rith to the attention of my colleagues. Thanks to organizations such as B'nai B'rith and individuals like those being honored, our efforts as public servants are extended much further and are enhanced through the experience of public and private sector cooperation.

THE TRICKLE UP THEORY OF DEFICIT SPENDING

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. STARK. Mr. Speaker, President Reagan once again demonstrated his ability to inspire public confidence with a new economic theory.

In a press interview published last Friday, the President acknowledged that the interest on the Federal debt is one of the major factors in the budget. But far from being concerned about the $2 trillion Federal debt, the President's new feel-good economic theory condones our massive Federal debt as a way to redistribute our national wealth by payment of interest to bondholders:

> But who gets that interest? And you find out that a great many institutions, universities, and educational institutions of all kinds, that part of their endowment is government bonds. And so a lot of that interest is going to them * * * (and) to individual Americans * * * as part of their savings, instead of putting it in the bank or something * * * So instead of it being something that's just disappearing down a rat hole, it's a kind of redistribution * * * of national wealth in that these institutions and so forth are getting this interest from the government * * * So, no, I don't think it's a disaster.

Maybe someone should tell the President that the redistribution is working the wrong way: The top 10-percent income earners in America receive 60 percent of all interest income. Do the wealthy really need more assistance from the Federal Government? The $155,142 million interest on Federal debt reported as a budget outlay in fiscal year 1988 seems a bit generous even for this administration!

Foreign holders get a chunk of this interest as well. Foreign funds supplied nearly $100 billion to the U.S. credit market in 1987. Does the President think foreign investors don't receive interest or is this a Reagan form of foreign aid? The next step could be Contra bonds—a great way to fund the U.S. debt and the Contras, too.

The President told us that the last act of his administration was going to be a grand finale. So far, he has provided lots of laughs but little worthy of applause.

THE NEW AND IMPROVED GORBACHEV—IS IT JUST AN ILLUSION?

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. LENT. Mr. Speaker, we are hearing quite a bit lately about the renewed good relations between the Soviet Union and the United States, and about General Secretary Gorbachev's policy of openness known as glasnost. We have been encouraged by the signs of westernization in the Soviet Union and by the General Secretary himself. Who could forget that wonderful image of Gorbachev jumping from his motorcade to greet the "American on the street" as his bodyguards look on in horror. Isn't that what America is all about—exhuberance, daring and compassion?

Yes, Mr. Gorbachev seems to have captured the essence of the American spirit quite aptly. Or has he? A closer look at the man and his policies reveals that not so much has changed in the Soviet Union. And, that Gorbachev's policy of glasnost may just be a smokescreen to divert attention from the real issues—such as human rights. Gone are the exhuberance, daring, and compassion when Mr. Gorbachev is dealing with the Soviet Jews.

While the number of Soviet Jews allowed to emigrate from the Soviet Union in 1987 is far greater than in 1986, the numbers are still shamefully lower than in 1979. The total number of Soviet Jews allowed to emigrate in 1987 was 8,155 as compared to the 51,320 Jews who were permitted to leave in 1979.

It is sometimes difficult—when dealing with cold, impersonal statistics—to understand the significance and the human impact of these numbers. I'd like to take a moment to introduce you to just one of the hundreds of thousands of Soviet Jews imprisoned in the Soviet Union and to put a human face on these statistics.

Jacov Rabinovich is a Soviet Jew who—like all other refuseniks—desires to emigrate from the Soviet Union and to practice his religion without fear of persecution. Jacov is very special to me because I met him personally when I visited the Soviet Union and I was deeply moved by his courage and by his compassion despite his many hardships.

Jacov first applied for a visa almost 10 years ago, and he has been repeatedly refused since then. His wife, son, and daughter received permission to leave in 1980 and they now reside on Long Island. For those of us living in the United States and enjoying the liberties of democracy, it is difficult to imagine the agony of being separated from our loved ones and held captive in a country devoid of rights and freedoms.

While Jacov's situation seems bleak he does not succumb to self-pity. Indeed, Jacov has no time to think of his own plight as he works tirelessly to assist other Jews in securing their visas. Through his generosity of spirit and his determination Jacov has established himself as a leader in the effort to promote free emigration in the Soviet Union.

I remember Jacov telling me that "time and patience are the most powerful fighters." I know that Jacov and the thousands of other Soviet Jews still waiting to emigrate will prevail because of their persistance and their courage. Just as we say "never forget" we must also say "never give up." And so long as Jacov and others like him are denied their human rights we will not do either.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. BEILENSON. Mr. Speaker, thank you for this opportunity to join my colleagues in supporting the 1988 "Congressional Call to Conscience for Soviet Jews."

Today, I would like to take a moment to talk about the continuing plight of Mr. Sergey Pokryshevsky whose wife, children, and grandchild live in the congressional district I represent. Mrs. Pokryshevsky emigrated from the Soviet Union over 10 years ago with her children and is now a United States citizen. However, her husband, Sergey, has been denied exit permission repeatedly during their 10 year separation and remains alone in the Soviet Union. To make matters worse, in 1980, Sergey suffered a disabling stroke which forced him to leave his job and try to survive on Soviet Government pensions.

I urge the Soviet Union to honor its international commitments as outlined in the Helsinki Final Act, of which they are a cosignatory, and allow Sergey Pokryshevsky to finally be reunited with his family in the United States. Such action would be a positive example of the success of the glasnost campaign and would help to further the aims of the upcoming presummit meetings between Secretary George Shultz and Soviet Foreign Minister Eduard Shevardnadze in Moscow. I look forward to a day when pleas for family reunification will no longer be necessary.

GROVE CITY LEGISLATION

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. SENSENBRENNER. Mr. Speaker, with Grove City legislation coming before the House of Representatives on Wednesday, March 2, I thought it a good idea to recommend to the Members a recent article by James Kilpatrick on the negative impact of this legislation on the family farm and small business:

> "CIVIL RIGHTS RESTORATION ACT": FEWER RIGHTS FOR YOU
>
> (By James J. Kilpatrick)
>
> The bill that sailed through the Senate in late January begins with a deceptive title. It never gets out of character thereafter. Sponsors call it the "Civil Rights Restoration Act of 1988." This is hokum. The bill ought properly to be called the Civil Rights Expansion Act instead.
>
> It is astounding that a bill of such draconian impact should have passed by a vote of 75 to 14 [see Senate rollcalls in issue of February 13]. The explanation lies in the mesmerizing political power of two talismanic words: civil rights. Only the brave dare vote against them.
>
> In the instance, to vote in favor of "civil rights" was to vote in favor of vast new intrusions upon churches, synagogues, private schools and business entities.
>
> If this bill becomes law, even the smallest companies and least profitable farms will become subject to a panoply of federal rules and regulations. It is a bad thing—of course it is a bad thing—to discriminate by reason of sex, race, age or handicap. It is also a bad thing to enact unwarranted laws.
>
> By way of background: Almost four years ago, on Feb. 28, 1984, the Supreme Court handed down its ruling in a case involving Grove City College in Pennsylvania. This fine little liberal arts college never had accepted a dime in direct federal aid. Roughly one-fourth of its 2,200 students, however, had received financial aid in the form of federal grants or guaranteed loans. Because of this assistance, the U.S. Department of Education demanded that the college execute a formal "Assurance of Compliance." This would be a promise by the college never to discriminate against women in its program of student aid. Otherwise aid to 482 students would end.
>
> The college stood on principle: It would not submit to unwarranted federal intrusion. It never had discriminated against women. It had no intention of doing so. The federal form was an insult.
>
> An adamant bureaucracy pursued the matter in court. As the lawsuit progressed, a decision turned upon a single provision in Title IX of the Education Amendments of 1972. The law banned sexual discrimination in any "program or activity" receiving federal financial assistance. Did this mean that every aspect of Grove City College was covered by the law? Or did it mean that only particular programs and activities, such as student financial aid, were subject to federal supervision?
>
> The Supreme Court sensibly held, 6 to 3, that "any program or activity" meant precisely that: the proscription did not apply institution-wide. It applied to individual programs only. The decision triggered an uproar among civil rights activists and led directly to the recent vote on the "Civil Rights Restoration Act."
>
> I speak of deception. That word "restoration" is deceptive, for no old rights are being restored. Sponsors contend that the whole purpose of their bill is to put things back to where they were on Feb. 27, 1984, the day before the High Court's decision. This is a palpable falsehood. The opinion applied only to discrimination by reason of sex in educational institutions. The bill would forbid discrimination by reason of sex, race, age or handicap just about everywhere.
>
> Well, asks Sen. Edward Kennedy, the principal sponsor, what's wrong with that? "Just don't discriminate," the senator says.

This is sophistry. What we are talking about is a sweeping expansion of federal authority over our lives. We are talking about thousands of words of federal regulations, about forms, inspections, assurances of compliance. We are talking about threats of lawsuits and actual lawsuits. We are talking about the insatiable appetite of an immense bureaucracy.

The Department of Justice has prepared a memorandum on the long reach of this bill. "An entire church or synagogue will be covered. . . . Every school in a private or religious elementary or secondary school system will be covered. . . . Grocery stores and supermarkets participating in the food stamp program will be covered."

This simple little bill has been drafted with the most devious skill. The bill speaks of "entire private organizations." It speaks of "entire plants." If a private business contributes to a federally assisted school, the business itself becomes covered. Farmers receiving subsidies for crops or water would be covered. If a church participates in a food-for-the-elderly program receiving federal aid, the entire operations of the church would be covered.

The Senate bill now goes to the House, but it takes with it an "abortion-neutral" amendment that is bitterly opposed by militant feminist groups. The amendment may be enough to kill the bill. Let us pray it works out that way.

BLACK HISTORY MONTH

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. ERDREICH. Mr. Speaker, I would like to take a few moments to acknowledge and commend the many outstanding contributions of black Americans, both to the State of Alabama and the Nation, during this year's observance of Black History Month.

The celebration of the birthday of the Reverend Dr. Martin Luther King, Jr., just last month reminded us of his efforts to stir the conscience of our Nation. Our remembrance of his vision of a better future for all Americans brought back memories of our tumultuous past, progressive present, and promising future.

Of course, there are many others who deserve our acknowledgment and remembrance, who, in their own way, were just as assiduous in their efforts to assure that black Americans are afforded all the rights and privileges guaranteed all citizens of these United States in the Constitution. Their combined determination opened American society to all, providing the opportunity to excel in all professions and fields. Because of that, all of us in this Nation have benefited. It is those who paved the path, as well as those who walk it, whom we honor during this very special month.

Birmingham, AL, which I represent in the House, was a focal point of the civil rights struggle, and we in Birmingham are keenly aware of the importance of access to political and economic opportunity for all citizens. The people of Birmingham have made a concerted effort to overcome the images of the past, applying its lessons and messages to creatively serve present and future needs.

From our Nation's earliest history to today, there is no facet of our society that has not enjoyed the contributions of and leadership from black Americans. Their successes span across education, sports, science, industry, music, literature and the arts. People like Mary McLeod Bethune, noted educational leader who became the first black woman to receive a major appointment in the Federal Government, Jesse Owens, world-class athlete and U.S. Olympian, Shirley Chisholm, the first black woman elected to Congress, Dr. Charles Drew, who developed the first blood plasma bank, Dr. Daniel Hale Willaims, who performed the successful open-heart surgery, and Percy Julian, who was the first scientist to synthesize cortisone.

They include Sidney Poitier, first black to win an Academy Award for Best Actor, Ralph Bunche, U.N. Ambassador and first black to win the Nobel Peace Prize, Gwendolyn Brooks, first black to win a Pulitzer, Edward W. Brooke, the only black U.S. Senator since reconstruction, Jan Metzeliger, inventor of the first automated shoemaking machine, and Colin Powell, first black to head the National Security Council, to name just a few. Many do not know that the term "the real McCoy" refers to the numerous creations of inventor Elijah McCoy, or that Garrett A. Morgan, who was black, invented the electric traffic signal and gas mask.

As we observe this year's Black History Month, let us commit ourselves to continue to work for policies in this country that provide all citizens with the chance to share in the opportunity for economic prosperity our Nation offers, and give Dr. King's dream a continuing reality for tomorrow and all the tomorrows to come.

LAND TRANSFER IN ALAMEDA COUNTY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. STARK. Mr. Speaker, I am introducing legislation today to provide the Federal legal "blessing" of a land transfer that has taken place in Alameda County. This land transfer will provide for the future transportation and recreation needs of Alameda County.

Southern Pacific Railway decided to discontinue operations through Niles Canyon in Alameda County. Alameda County and East Bay Regional Park District with great foresight moved to acquire the railroad right-of-way for the future needs of the citizens of Alameda.

There is only one problem with Alameda County acquiring the property. Southern Pacific Railway originally received the land under a Federal land grant in the 1800's. Under the provisions of the land grant, if the railroad stops using it for railroad purposes, title reverts back to the Federal Government. This legislation would allow Alameda County to take over the right-of-way.

The route runs between Pleasanton and Fremont, CA. The canyon is picturesque and streamlined. An excursion train runs along part of the canyon. East Bay Regional Park District has plans to incorporate part of the property as a trail.

Alameda County would like to keep the corridor intact to provide for the long-term transportation needs of the county. As one of California's fastest growing areas, this is a key corridor to keep intact for the development of possible light rail or other transportation systems.

I hope my colleagues can support this legislation which is so helpful and important to the citizens of Alameda County.

PORTNOY HUMANITARIAN AWARD TO TONY BONJAVANNI

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. RINALDO. Mr. Speaker, the Phil Portnoy Association of Union, NJ, will honor an outstanding citizen and humanitarian, Tony Bonjavanni, on March 5, and also raise funds to assist Gail Camuso, a 26-year-old quadriplegic, whose indomitable spirit and bravery have given all of us a shining example of dignity in the face of misfortune.

Gail is among the thousands of Americans whose spinal cords have been severed by accidents. They face enormous expenses in treatment and learning to use mechanical devices to sustain themselves. Medical research grants provided by Congress offer some hope that in the future physicians will be able to restore the use of their limbs. In the meantime, government medical assistance and private health insurance only partly fill the gap in their expenses. It takes private fundraising efforts like those of the Phil Portnoy Association to come to their assistance.

Over the last 18 years, the Portnoy Association has raised over $1 million to help people like Gail Camuso and others who suffer from cancer, kidney disease or injuries from accidents. Thanks to generous contributors like Tony Bonjavanni, the Portnoy Association has been able to step in when no other help was available or families had exhausted their health insurance.

Tony Bonjavanni's dedication to helping others has earned him this prestigious award. Generous with both his time and talent, Tony Bonjavanni has donated countless hours of services to nonprofit organizations that help the poor, the elderly, the homeless, and people who meet with unfortunate accidents and health problems.

As a resident of Roselle, NJ, Tony has been employed by the Prudential Insurance Co. for 20 years, and is a member of the Million Dollar Round Table Club, an international association of insurance underwriters. He has twice been honored with the Donald S. MacNaughton Award which is given annually by Prudential for outstanding community service.

He is chairman of the board of directors of Union Hospital, Union, NJ. Now in his second term as chairman, Mr. Bonjavanni spends a great deal of time ensuring that the hospital remains responsive to the health care needs of the community.

Mr. Bonjavanni also is a member of the Oncology Benefit Institute. This nonprofit fundraising group financially supports the needs of cancer patients and their families. TOBI members actively plan and organize sporting events to help patients defray the costs of treating this tragic disease. To date, the group has raised close to $100,000, and Tony Bonjavanni has been very instrumental in their success. He is past president of the Italian-American Club and UNICO of Linden. In addition to these well-known organizations, Mr. Bonjavanni has taken part in countless other worthy projects. He also served as president of a Roselle-based civic association noted for its special projects devoted to benefit senior citizens and youths throughout Union County.

Tony Bonjavanni's high level of activity has not gone unnoticed. In addition to the honors he has received from the Prudential Insurance Co., he has been commended by the New Jersey State Senate and the Union County Board of Freeholders.

As one hospital official describes Tony Bonjavanni:

> It is easy to write a check in support of a cause, and Tony has been more than generous in that way. However, it is much more difficult to give of your time and energy—in short, to truly give of yourself. If Tony Bonjavanni's time and dedication could ever be measured in monetary terms, the amount would be staggering. If everyone would just give one-tenth of the time that Tony does, our world would be in fine shape.

I congratulate Tony Bonjavanni and the members of the Phil Portnoy Association on this award and for their efforts in helping to make life better for the ill and disabled.

SALUTE TO DEBI THOMAS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. MINETA. Mr. Speaker, once again, the world has been privileged to witness a spectacle of unparalleled excitement and skill. The XV Olympic winter games, staged in Calgary, Canada, have now concluded successfully. And as in games past, we have seen moments of great personal triumph and monumental achievement.

Every athlete, in every competition, spoke to us eloquently of the virtues of perserverance and determination. What was for us 16 days of thrilling competition was for the athletes who competed the culmination of many years of hard work and dedication.

Every nation represented at the games can take pride in the accomplishments of their athletes, and I know my colleagues join with me in saluting the bravery and skill of the U.S. winter Olympic teams.

Mr. Speaker, I would like to take a moment, however, to speak about one athlete in particular. She is a young woman from my district who, during the past several years, has won the admiration and affection of figure skating fans across this country and around the world.

Debi Thomas has risen steadily among the ranks of the world's finest figure skaters. She won her first U.S. National Figure Skating Championship in 1986. Later that year, she defeated Katarina Witt of East Germany to take the world figure skating ladies title. She accomplished all this while carrying a full course load at Stanford University.

Few of us can appreciate fully the incredible dedication and years of effort it takes to reach the top of the figure skating field. Day after day, aspirers such as Debi Thomas must fight pain, sacrifice, and fierce competition to join the ranks of the best in the world.

Many skaters consider their training to be a full-time job. Combined with a full-time schedule of classes at one of the best universities in the country, the task would seem to be impossible. But Debi Thomas has no intention of limiting her achievements to figure skating. She plans to become a doctor, following in the footsteps of Tenley Albright, another great American figure skater.

Debi's figure skating career has hardly been without adversity. In 1987, skating on an injury, she lost both her U.S. and world title. For Debi this called for drastic measures. She took a leave of absence from Stanford, moved to Colorado where better skating facilities were available, and practiced tirelessly. Last month she became the first figure skater in 54 years to regain a U.S. national title.

In short, Debi has been nothing less than a trailblazer. She embodies the finest in athletic tradition: the ability to pick yourself up, dust yourself off, find out where you made your mistakes and to go back out and make your best effort. She was the first black U.S. figure skating champion, the first black world figure skating champion, and on Saturday night she became the first black medalist in the history of the winter Olympic games. But there are other challenges ahead: a return to Stanford, the rigors of medical school, and the world championships later this year in Budapest.

Whatever the outcome of her final year in amateur competition, Debi Thomas has earned a place for herself in the history of figure skating. She will serve as an example of determination and dedication to all who aspire to compete in the sport. She will serve as a role model for the athletes who come after her. She will serve as an inspiration to all who strive to be the best they can be in whatever they do.

Mr. Speaker, to the people of San Jose, CA, Debi Thomas represents more than a mere bronze medal. To us, in our hearts, she will never be anything less than pure gold.

JET, NATIONAL DOG HERO OF THE YEAR

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. BERMAN. Mr. Speaker, if a citizen rescues a small child from drowning in a swimming pool or river, or guides a family from a burning home in the middle of the night or summons help for a dying woman, we call that person a hero and by doing so focus attention on extraordinary self-sacrifice. These situations have really occurred and the hero in each story is a dog.

In the early history of humankind, we struck up a friendship with another species, one whose heroism on our behalf is sometimes taken for granted. There are many cases where "man's best friend" has come to the aid of endangered humans, and communities across the Nation recently selected those dogs felt to be the bravest of the brave. Five canines were chosen as finalists in the 1987 National Dog Hero of the Year Contest. I am proud to announce that this year's winner is Jet, the pet of my constituent, Candy Sangster, of Sepulveda, CA.

Mrs. Sangster is a diabetic. One day last year she slipped into a life-threatening diabetic coma. Without immediate help, she would have faced imminent death. Sensing danger, Jet worked her way out of the yard through a fence and alerted neighbors with her frantic barking. Hazel Lavin, a neighbor, saw Jet and phoned her friend Candy. When she received no answer she called paramedics, who found Mrs. Sangster unconscious. I am happy to say that the paramedics were able to save Mrs. Sangster's life. Without that ancient bond between people and their pets, the results could have been tragic.

I ask my colleagues to join me in applauding a job well done by Jet. This year Jet is honored, but this recognition also serves as a reminder of the centuries-old partnership between man and dog that is sure to endure throughout time.

THE EMASCULATION OF THE CONSUMER PRODUCT SAFETY COMMISSION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. FLORIO. Mr. Speaker, much has been written about the record of the Consumer Product Safety Commission under its current leadership. Unfortunately, in the last few years, the leadership of the Commission has been more concerned about the manufacturers of dangerous products such as all-terrain vehicles, than the innocent consumers, including many young children, who have been killed or maimed.

Carol Suplee, a columnist for the Burlington County Times of New Jersey, recently wrote an excellent column discussing the failures and emasculation of the Commission. For the benefit of my colleagues, her article follows:

> [From the Burlington County (NJ) Times, Feb. 14, 1988]
>
> HOW CHILDREN DIE WITH SUBTLE LEGALITIES
>
> (By Carol Suplee)
>
> So why all the fuss about All Terrain Vehicles?
>
> Only 20 people a month are dying.
>
> Only 365,000 people have been injured, a lot of them kids.
>
> All told, only 900 people have lost their lives.
>
> Big deal.
>
> The Consumer Product Safety Division—(you remember them, the folks who used to protect us against unscrupulous manufacturers)—has exhibited that kind of cavalier attitude. It's all part of the Reagan adminis-

tration's systematic emasculation of the agency.

Having cut funding, having refused to appoint members to fill the agency's five positions, having placed at its head a man who accepts the Reagan premise that "business knows best," the administration has allowed the CPSC to become a shadow of its former self. A recent "deal" made with foreign ATV manufacturers has virtually cut consumers out of the process.

Rep. Jim Florio, whose First District includes some Burlington County towns, has introduced legislation to restore the CPSC's primary role serving consumers, not the administration. The bill, said Florio, is expected to be released from the full Energy and Commerce Committee this week (Tuesday). Then it's on to the floor of the House. Florio became involved through his role as chairman of the Commerce, Consumer and Competitiveness Committee in the House.

Beyond that, he's angry. The statistics are appalling and so is the agency's response. For four years, people—many of them children—have been maimed or killed while the CPSC fiddled.

What has people so hopping mad is that a preliminary settlement among the agency and the manufacturers literally abandons the 1.5 million people who now own one of the motorized, three-wheeled machines so ineptly named All Terrain Vehicles.

The settlement, says Florio, includes a ban that is not a ban on foreign-made ATVs and fails to provide for refunds to current owners. Ironically, in the government's own words, ". . . defendants (manufacturers) have falsely and deceptively promoted ATVs as safe, easy to operate vehicles for the entire family . . ."

That's the other thing that makes me mad. The three-wheelers have been promoted as toys, harmless little vehicles that will go anywhere. Wrong.

U. Haul used to rent ATVs to its customers, but the company was so concerned about the safety issue that it slapped warning stickers on the vehicles. With a skull and crossbones prominent, U-Haul used such phrases as "ATCs (the previous name for them) flip ever which way" and "corner strangely." Honda, the maker, was so upset that tried to force U-Haul to remove the stickers. In the end, U-Haul decided it wasn't worth the frustration and stopped renting them.

The settlement, soon to be signed in final form sounds as though a ban is being imposed. But it really isn't. The makers' own view, it's a moratorium until minor changes can be made. Both Yamaha and Honda expect to put their ATVs back in the marketplace.

Floria says he hopes his bill will clear up more vague language in the settlement and provide for refunds to current owners. But he's just as interested in shaping up the CPSC. The agency's enabling legislation requires a five-member board with three members quorum. But there are only three members now, with no appointees in sight. So when chairman David Scanlon doesn't want to take a stand, he doesn't show up, Florio said. No quorum; no action.

And when he really wants to slow things down, he reassigns people who have been working on particular investigations. You can't really call it corruption. It's not that complicated. It's a pervasive attitude, a tone set by the administration, a callous attitude that exceeds beyond product safety to other consumer protection issues, safety in the workplace and more.

Florio wants to restructure the agency so that future administrations, no matter what their political identity, will not be able to manipulate the commission in order to curry favor with business interests.

"There are serious flaws in the agency," Florio told the BCT, "It is a classic example of mismanagement." Mismanagement with political implications, that is.

It wasn't always so bad. In the past, the commission has even been accused of being too zealous, too eager to find hazard where there was none. But past commissions also have distinguished themselves in exposing faulty or dangerous products and protecting consumers.

Of course, there is one more aspect to the ATV debate we haven't mentioned. Jim Florio can introduce laws and the Congress can pass them. The CPSC can straighten itself out and begin again to serve the public.

But no amount of laws or hearings or agencies can replace common sense. There is simply no antidote for the stupidity of a parent who puts a five-year old in the driver's seat of a motorized vehicle.

For the sad fact is that too many parents have more money than brains. Too many think it's cute to see their toddler tooling around on a little three-wheeler. It's macho. It fulfills fantasies.

Right.

And it kills children.

BELMAR'S ST. PATRICK'S DAY PARADE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. HOWARD. Mr. Speaker, many great things have grown, from small beginnings. This is true in the case of Belmar, NJ's, 1988 15th Annual St. Patrick's Day Parade which will be marching down Main Street in Belmar on March 6.

The parade began 15 years ago in the most modest way under the sponsorship of the Jerry Lynch Social and Civic Club, because he and his fellow club members felt the event would be "a great way to wake up the Jersey Shore in wintertime."

It took a great deal of work to line up participants, but on a Sunday in March 1973, the first marchers stepped forth to the music of the Fort Monmouth Military Band. I am proud to say I was the first grand marshal and Mrs. Theresa Burke, now a senior citizen, was the deputy grand marshal. The club's standard bearer was Jerry Lynch, and behind him came 50 club members in tails and top hats with their ladies. There were also many bands and fire engines from neighboring towns.

The parade has increased every year since, especially in the last several years under president George McCormack. Last year's parade had 2,000 marchers, 10 floats, the Fort Dix Military Band, and 15 bagpipe bands along with numerous school and organization bands. Both sides of Main Street were jam-packed with 100,000 watchers to partake in what is now the best attended parade in New Jersey.

The 1988 parade is expected to top them all. There will be more than 150 units with over 2,000 marchers, the Fort Monmouth Band, several high school bands, 15 bagpipe bands, which will include some of the best in the East; and an array of almost 20 floats will be in the line of march. The committee also predicts that the crowd will be another record. So better make your plans now to attend.

JEWISH AMERICAN CONCERNS ABOUT UNITED STATES-ISRAELI RELATIONS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. DYMALLY. Mr. Speaker, I would like to bring to your attention the following advertisement which appeared in the Nation magazine on February 13, 1988:

TIME TO DISSOCIATE FROM ISRAEL

We are Americans and Jews and we come together at this time publicly to express our strong desire to see the United States take meaningful steps to dissociate our country from the policies of Israel.

For some years we have witnessed Israel increasingly deviating from political policies that we find acceptable and from moral values that we hold dear. These developments are not the responsibility of any particular political party in Israel but rather stem, in our judgment, from a tragically misguided approach toward the Arab world in which Israel is located, a racialist ideology and a growing militancy. We can no longer condone or be associated with such Israeli behavior, nor, do we believe, should our country.

In recent years Israel has twisted away from basic commitments made at Camp David in 1978; annexed further territories, including East Jerusalem and the Golan Heights, while continuing to expand settlements in all the occupied territories; and grotesquely invaded Lebanon, resulting in the death of tens of thousands of Lebanese and Palestinians as well as hundreds of Israelis and Americans, and the taking as hostages of many others.

Furthermore, Israeli policies and attitudes toward the Palestinian people have made it evident that only major changes in Israel's basic posture will allow for a peaceful political settlement with the Palestinians.

Israeli complicity in Irangate and Contragate coupled with Israel's employment of American Jews as spies against our country further underscore the growing dangers inherent in the current U.S.-Israeli relationship. The close identification in the public mind between Israel and Jews—an equation vigorously fostered by both the Zionist movement and the American Jewish lobby, which has come under its control—threatens to stigmatize Jews everywhere.

The recent acts of killing, beatings, curfews, expulsions and house arrests—all against unarmed Palestinians living in areas Israel has occupied for 20 years—further demonstrate that Israel has become a badly divided country with many unfortunate similarities to the situation that prevails in South Africa.

Our ancestors came to the United States because, as a result of their Jewishness, they were discriminated against and abused. The European experience culminated in the horrors of the Nazi Holocaust. How tragic

that in our own time the very state established by Jews in the aftermath of this evil has become a place where racialism, religious discrimination, militarism and injustice prevail; and that Israel itself has become a pariah state within the world community. Events taking place today are all too reminiscent of the pogroms from which our own forefathers fled two and three generations ago—but this time those in authority are Jews and the victims are Moslem and Christian Palestinians.

We believe that Israel's course could not be maintained but for the continuing financial, political, military and covert support of the U.S. government. And we fear that unless firm steps of disengagement from Israel are taken now our country might get dragged into a major war for which preparations are under way.

In addition, we believe that unless the United States takes serious steps to distance itself from Israel the Israelis will mistakenly continue to think that the course they are on is one acceptable to the American people.

For all these reasons we believe the time has come to normalize the U.S. relationship with Israel. A complete re-evaluation of what has become since 1967 the American sponsorship of Israel is required. The unprecedented amounts of economic aid should be cut back over the next two to three years to much smaller levels. Furthermore, the considerable military and intelligence assistance should also be radically reduced.

Unfortunately, during the years of the Reagan Administration much the opposite course has been followed, and Israel has practically become a ward of the United States. In this election year we urge an open debate about the serious problems and dangers which have resulted from the current structure of U.S.-Israeli relations. Few foreign policy issues are of such importance to our country. Consequently we urge our leading politicians to resist the widespread inhibitions from speaking up about Israel, inhibitions which result from the severe financial, political and ideological pressures often brought to bear against those who do.

We further believe that the time is overdue for negotiations between the Israeli government and the PLO, which is quite clearly the chosen representative for the great majority of Palestinians—negotiations that should quickly lead to a Palestinian state in the occupied territories and reasonable security guarantees for all parties. In the security guarantees we think our country should participate; but no longer in the financing and supporting of the kinds of policies Israel has been pursuing. The continual oppression and denial of the Palestinians of their right to self-determination is an injustice which has become intolerable not only to those demonstrating for their freedom in Jerusalem, the West Bank, Gaza and throughout Israel itself.

The citizens of Israel, of course, will ultimately choose their own country's destiny. But at the very least the citizens of the United States should stop financing and supporting policies that are contrary to the principles and values we hold precious as Americans and as Jews.

Professor Yigal Arens, Computer Science Department, USC., Santa Monica, CA.

Mark Bruzonsky, Former Washington Associate, World Jewish Congress, Washington, DC.

Noam Chomsky, Institute Professor, MIT, Cambridge, MA.

Rabbi Susan Einbinder, Colgate University, Hamilton, NY.

Professor Herbert Hill, University of Wisconsin—Madison, Former Labor Director, NAACP, Madison, WI.

Jane Hunter, Publisher, Israeli Foreign Affairs, Berkeley, CA.

Jeremy Levin, Former CNN Bureau Chief & Former Hostage in Lebanon, Washington, DC.

Professor John Mack, Professor of Psychiatry, Harvard Medical School, Cambridge, MA.

Professor Seymour Melman, Professor Emeritus of Industrial Engineering, Columbia University, New York, NY.

Eileen Newmark, Ph.D., Intercultural Communications, Boston, MA.

Professor Don Peretz, Professor of Political Science, SUNY, Binghamton, NY.

Henry Schwarzschild, American Civil Liberties Union, New York, NY.

Professor Steven Schwarzschild, Professor of Philosophy and Judaic Studies, Washington University, St. Louis, MO.

Saul Wechter, Retired, General Motors, San Jose, CA.

Gertrude M. Welch, Interfaith Peace Coalition, San Jose, CA.

Richard Walden, President, Operation California, Los Angeles, CA.

Danielle Yariv, Computer Analyst, Pasedena, CA.

Solomon Zeltzer, Attorney, San Jose, CA.

PLEASE JOIN US

To add your name to this statement or to make a contribution to enable its wider dissemination please send your name and check made out to "Statement" to:

Statement: P.O. Box 18367, Washington, DC

We hope many American Jews will take this opportunity to register their disapproval of both Israeli policies and excessive American support for Israel. Upon receiving your name and/or contribution you will be contacted by one of the original signers whose names are below. For information: (202) 362-2096.

OPENING OF THE NEW ANTHONY BOWEN BRANCH OF THE YMCA OF METROPOLITAN WASHINGTON

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. FAUNTROY. Mr. Speaker, at a time when drug-related homicides are accelerating at an alarming rate, teenage pregnancy has resulted in our city having the highest mortality rate in the Nation, the sharp increase of homeless families and the spread of the dreaded AIDS virus, the Washington YMCA, in its continuing tradition of community service, is now preparing to expand its vital human care service programs in areas of our innercity where poverty and crime are rampant.

On September 8, 1987, the YMCA's board of directors decided to purchase the Hillcrest Children's Facility located at 1325 W Street NW. Following extensive renovations, this building will open on March 10, 1988, as the new permanent home for the Anthony Bowen Branch YMCA.

Community leaders have hailed this action by the YMCA leaders as one of the most significant developments for District youth and families in over a generation.

YMCA EXPANSION

Under the leadership of YMCA president Thomas B. Hargrave, Jr., the association's membership has tripled and its operating budget has increased from $3.9 to $15 million annually. Today the YMCA's diversified community services reach 271,000 men, women, and children in the Washington metropolitan area.

YMCA provides a variety of quality community service programming including: before- and after-school care, AIDS education, tutorial services, the "Just Say No" drug prevention program in cooperation with the DC public schools, a food bank, senior outings, refugee services, on intern abroad program, and comparing and recreational activities.

The YMCA is expanding to meet the needs of our community. Of its 10 facilities, the Anthony Bowen Branch will be located in the Shaw-Cardozo community which was badly scarred during the riots in 1968.

HISTORY

This year the Washington YMCA will celebrate the 135th anniversary of its historic Anthony Bowen Branch.

The Washington YMCA has delivered continuous community service since it was founded in 1852. One year later, Anthony Bowen, a former slave who had risen to the rank of clerk in the U.S. Patent Office, founded this Nation's first YMCA for Afro-Americans.

Anthony Bowen was born October 8, 1809, on a plantation in Prince Georges County. In 1830, he purchased his freedom for the sum of $425 and moved into the District of Columbia. He was active in the underground railroad, founded the Colored YMCA in 1853, organized the St. Paul AME. Church in 1856 and served as a member of the 68th Common Council of the District of Columbia from 1870 until his death, July 21, 1871. During the Civil War, Bowen recruited black young men for service in the Union Army.

The "Colored YMCA" as it was known before its merger with the YMCA of the city of Washington in 1905, operated from rented facilities until 1891. Its first permanent facility was constructed that year at 1609 11th Street NW., which is now the site of Shaw Junior High School.

In 1912 a new facility was constructed at 1825 12th street and for 70 years the 12th Street YMCA was an important institution in the social and civic life of Washington's Afro-American community. That aged facility was closed by the YMCA's board of directors in 1982; however, the building remains a historic landmark.

As the YMCA prepares to observe the 135th anniversary of the founding of its Anthony Bowen Branch, let us reflect on the words from the mission of Anthony Bowen's YMCA written by young black men, most of whom had only been liberated from slavery less than 2 years.

To Young Men of Washington:

We, the Colored young men of Washington, D.C. feeling deeply interested in the mental, moral and spiritual improvement of our race and believing it is for the young of today to build a bulwark for the young men of the nation, cordially extend an invitation to all young men . . . who feel interested in the advancement of their race, to come and unite with us . . .

If you give your aid in this direction, you do what you can to redeem our race from the dominion of sin and slavery and place it on the broad platform of mental, moral and Christian equality.

December 26, 1866.

MISSION

In a similar spirit, the Anthony Bowen YMCA will fulfill Anthony Bowen's promise of providing opportunities for mental, moral and spiritual growth. The Anthony Bowen Branch will offer tutorial programs, drug and alcohol prevention education, values education and leadership development, and physical fitness programs. In essence, the Anthony Bowen YMCA will serve as a guide to troubled youths—offering them an alternative to the streets.

The Anthony Bowen YMCA holds that dream. The YMCA's mission, "to change the conditions that foster alienation, delinquency and crime" by providing human services, will also be integral to all programs at the Anthony Bowen Branch.

We salute the YMCA of Metropolitan Washington as it prepares to enter a new phase in its service to Washington children, youths, and families.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 1, 1988, may be found in the Daily Digest of today's Record.

Meetings Scheduled

MARCH 2

9:00 a.m.
Armed Services
Conventional Forces and Alliance Defense Subcommittee
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed joint hearings to review special access programs of the Department of Defense, and the possible impact of the Intermediate-Range Nuclear Forces (INF) Treaty on these programs.
S-407, Capitol

9:30 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 1989 for the National Aeronautics and Space Administration.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Economic Regulatory Administration, Office of Hearings and Appeals, and the Energy Information Administration, Department of Energy.
SD-192

Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.
SD-406

Judiciary
Constitution Subcommittee
To hold oversight hearings to review bail reform issues.
SD-226

10:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to review those programs administered by the Corps of Engineers.
SD-192

Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.
SD-406

Small Business
To hold hearings on proposed legislation to govern administration of the small business timber sale set-aside program.
SR-428A

3:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on the President's proposed budget request for fiscal year 1989 for the National Aeronautics and Space Administration.
SR-253

MARCH 3

9:30 a.m.
Armed Services
Manpower and Personnel Subcommittee
To hold hearings to review Department of Defense officer promotion procedures.
SR-385

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Energy and Natural Resources
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Forest Service, and the Federal Energy Regulatory Commission.
SD-366

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume hearings on S. 1301 and S. 1971, bills to implement the Berne Convention for the Protection of Literary and Artistic Works.
SD-106

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection Service, and the Agricultural Marketing Service.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Highway Administration, and the National Highway Traffic Safety Administration.
SD-124

Commerce, Science, and Transportation
To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.
SR-253

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on proposals to improve the efficiency and effectiveness of management of public buildings.
SD-406

Finance
To hold hearings on those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1989.
SD-215

1:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Election Commission, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.
SD-116

1:30 p.m.
Armed Services
To hold hearings on the nomination of Jack Katzen, of Connecticut, to be an Assistant Secretary of Defense for Production and Logistics.
SR-253

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands, and H.R. 2652, to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.
SD-366

Governmental Affairs
Federal Spending, Budget, and Accounting Subcommittee
To hold hearings to review those benefits provided to former Presidents of the United States.
SD-342

Select on Indian Affairs
Business meeting, to mark up S. 721, to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian owned business enterprises and to stimulate the development of the private sector of Indian tribal economies, S. 1236, to authorize funds for fiscal year 1988 for housing relocation under the Navajo-Hopi Relocation Program, and S. 802, to transfer ownership of certgain lands held in trust for the Blackfeet Tribe.
SD-628

MARCH 4

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1989 for the Department of Defense, focusing on Soviet strategic force developments.
S-407, Capitol

Budget
To continue hearings on preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Environment and Public Works
Hazardous Wastes and Toxic Substances Subcommittee
To hold hearings on sham recycling and the recycling exemption in RCRA.
SD-406

Joint Economic
To hold hearings on the employment/unemployment situation for February.
SD-628

10:00 a.m.
Appropriations
To resume hearings on the President's proposed budget for fiscal year 1989.
SD-192

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1608, to amend the Federal judicial code with respect to the administration of the U.S. Claims Court, and the salaries and benefits of Claims Court judges.
SD-226

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 14

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Veterans Administration.
SD-124

Energy and Natural Resources
To hold hearings on the nominations of T S Ary, of Oklahoma, to be Director of the Bureau of Mines, Department of the Interior, Ernest C. Baynard III, of Virginia, to be Assistant Secretary of Energy for Environment, Safety and Health, and C. Anson Franklin, of Virginia, to be Assistant Secretary of Energy for Congressional, Intergovernmental and Public Affairs.
SD-366

Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service Code penalties.
SD-215

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1991-1993 for the Corporation for Public Broadcasting.
SR-253

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Army.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.
S-126, Capitol

Finance
To hold hearings on proposed tax incentives for education.
SD-215

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on childhood immunization programs.
SR-428A

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to review Federal enforcement of foreign fishing activities in the Bering Sea.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

1:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Joseph T. Nall, of North Carolina, to be a member of the National Transportation Safety Board.
SR-253

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

MARCH 17

9:00 a.m.
Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review matters relating to the October 1987 market break.
SD-562

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for Amtrak.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Air Force.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Transportation Safety Board, and the Research and Special Programs Administration.
SD-124

Finance
To hold hearings on proposed legislation relating to the U.S./Canada Free Trade Agreement.
SD-215

Small Business
To resume hearings on S. 1929, to create the Corporation for Small Business Investment (COSBI).
SR-428A

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1508, S. 1570 and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.
SD-366

2:30 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

MARCH 18

9:00 a.m.
Veterans' Affairs
Business meeting, to continue consideration of the President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.
SD-116

MARCH 21

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.
SD-116

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 2090 and S. 1478, bills to designate certain National Forest System lands in the State of Montana for release to the Forest Planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Science Foundation.
SD-124

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for military construction, focusing on base rights and burdensharing.
SD-192

MARCH 22

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To continue hearings on H.R. 2090 and S. 1478, bills to designate certain National Forest System lands in the State of Montana for release to the Forest Planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System.
SD-366

Governmental Affairs
To resume hearings on proposals to establish a national nutrition monitoring and related research program.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Navy, and the U.S. Marine Corps.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the National Science Foundation.
SD-116

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SD-342

MARCH 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review federal collection activities of information relating to foreign investment in the United States.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the National Guard and Reserve programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (Amtrak).
SD-124

Finance
To hold hearings on S. 1245, to authorize the issuance by States of tax-exempt bonds for high-speed intercity rail transportation projects under certain circumstances.
SD-125

MARCH 25

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Archives and Records Administration, U.S. Secret Service, Administrative Conference of the United States, and the U.S. Postal Service.
SD-116

MARCH 28

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Management and Budget (OMB), and the Office of Federal Procurement Policy.
SD-116

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Finance
Taxation and Debt Management Subcommittee
To hold hearings to review certain tax provisions which have recently expired or will expire this year, focusing on the exempt treatment of mortgage revenue bonds and the targeted jobs tax credit.
SD-215

MARCH 29

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for force structure programs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Aeronautics and Space Administration.
SD-124

MARCH 30

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the National Aeronautics and Space Administration.
S-126, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for military construction and family housing programs.
SD-192

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Strategic Defense Initiative.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Aviation Administration, and the General Accounting Office.
SD-138

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 314, to require certain telephones to be hearing aid compatible.
SR-253

APRIL 11

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Environmental Protection Agency.
SD-124

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD-124

APRIL 13

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.
SD-106

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Labor.
SD-124

Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for reserve components' military construction and defense agencies' military construction and family housing programs.
SD-116

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for ACTION, Corporation for Public Broadcasting, Railroad Retirement Board, Federal Mediation and Conciliation Service, National Mediation Board, National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-124

APRIL 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Urban Mass Transit Administration, and the Washington Metropolitan Transit Authority.
SD-124

APRIL 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Prospective Payment Assessment Commission, Physician Payment Review Commission, Federal Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, National Council on the Handicapped, Soldiers and Airmen's Home, and the U.S. Institute of Peace.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the General Services Administration and the Executive Office of the President (with the exception of OMB).
SD-116

APRIL 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development.
SD-124

APRIL 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development.
SD-124

APRIL 20

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Social Security Administration, and the Health Care Financing Administration, both of the Department of Health and Human Services.
SD-192

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Army military construction and family housing programs.
SD-124

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Family Support Administration, and the Human Development Services, both of the Department of Health and Human Services.
SD-192

APRIL 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Assistant Secretary for Health, and the Centers for Disease Control, both of the Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Transportation, and the General Accounting Office.
SD-124

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Alcohol, Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration, both of the Department of Health and Human Services.
SD-192

APRIL 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, National Institute of Building Sciences, and the Office of Science and Technology Policy.
SD-124

APRIL 26

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.
SD-124

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Emergency Management Agency.
S-126, Capitol

APRIL 27

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.
SD-192

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Navy military construction and family housing programs
SD-124

APRIL 28

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development and related agencies.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Coast Guard.
SD-124

APRIL 29

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Health and Human Services.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Personnel Management.
SD-192

MAY 9

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.
SD-124

MAY 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Education.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.
SD-124

MAY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Compensatory Education for the Disadvantaged, School Improvement Programs, Impact Aid, Bilingual, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.
SD-192

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.
SD-124

MAY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Howard University, Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet), Education Research and Statistics, and Libraries.
SD-192

CANCELLATIONS

MARCH 2

10:00 a.m.
Select on Intelligence
To resume closed hearings on U.S. monitoring and verification capabilities with respect to the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles.
SH-219

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

SENATE—*Tuesday, March 1, 1988*

The Senate met at 12:15 p.m., and was called to order by the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

He hath showed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?—Micah 6:8.

Eternal God, ruler of history and the nations, strengthen the Senators for their tasks and grant them discernment in their responsibilities. Help them to maintain the delicate balance between representation and leadership. Deliver them from lowest-common-denominator consensus. Where else, O Lord, can the Nation look for leaders if not to its elected servants? Grant to Your servants the will to leadership that they will guide the people in what is needed rather than what is wanted—what is right when people demand what is inimical to the common good. Enable the Senators to prove their detractors wrong—to defuse cynicism—to be worthy of their high calling—to give the leadership our Nation so desperately needs in a time of moral anarchy and social decay. We pray in the name of Him who is righteousness incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 1, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. ROCKEFELLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

RESERVATION OF LEADERSHIP TIME

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the Democratic leader and the Republican leader be reserved for their use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Is there objection? There being no objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 12:45 p.m. with Senators permitted to speak therein for not to exceed 5 minutes.

WHY DOES THE GOVERNMENT LIVE BEYOND ITS MEANS? OMB THAT'S WHY

Mr. PROXMIRE. Mr. President, there is one fundamental weakness of our congressional war on the budget deficit. That weakness shatters the credibility of the whole Federal Government effort to follow a responsible fiscal policy. Here's the weakness: The Congress plans its budget directly on the estimates by the Office of Management and Budget and the Congressional Budget Office. Each year OBM estimates the revenues and expenditures of the Federal Government for the current and ensuing years. Those revenues and expenditure estimates tell us what the deficit is likely to be. Congress adjusts spending and taxes to meet the Gramm-Rudman goal. The estimates are absolutely crucial to achieving the deficit reduction purpose of Gramm-Rudman. And here is the crucial weakness of this law. The Gramm-Rudman law is failing. It is failing badly. Why? Here's why: The estimates of Federal spending and Federal revenues are consistently wrong.

Consider the dismal record. In every single year—without exception since 1980 the projected deficit from the first budget resolution has been wrong. Usually it has been painfully, in fact, ridiculously wrong. And in every one of these 8 years it has underestimated, I repeat, underestimated the deficit. Mr. President, this is an extraordinary consistency of underestimation. If anyone doesn't believe that this law as guided by OMB is stacked against deficit reduction just think about this record. The odds that in any one year the deficit will be underestimated in the first budget resolution are even. The odds that a fair and honest estimate will be too low in 2 successive years are 4-to-1 against. The chances of three underestimates in a row are 8-to-1 against. But this failure has been consistent and consistently wrong for 8 years in a row. What are the odds against this if the estimates were honest, unbiased, and reasonable? The odds against this 8 straight years of underestimate of the deficit are 256 to 1 against.

If the budget estimates for 1988 and 1989 are also underestimates in the first resolution and every reasonable observer knows they will be, the odds against this deficit underestimation resulting from unbiased reasonably calculated estimates are better than 1,000 to 1 against.

What does this mean, Mr. President? This means that the Congress is going to continue to go through the motions of reducing the deficit. But we are going to fail. As a result the Federal deficit will continue out of control. The national debt will soar. Interest on the national debt will soon become the largest cost of operating our National Government. Here is a cost that has two terrible consequences. First, the huge expenditure for interest on the national debt provides no real benefit. It doesn't educate a single child. It doesn't build a home for a family. It doesn't provide even one soldier, sailor, or airman to protect our country. It does not protect the American people against environmental pollution. It is an absolutely useless waste of our country's resources. It is simply tribute paid for the Federal Government's past irresponsibility.

Second, that interest payment represents the one and only Federal expenditures that we cannot control. We must pay it in full, every nickel of it. We can cut spending on scientific research. We can cut spending on health. We can slash welfare. But we cannot reduce the interest our Government owes on its debt by a penny. Unlike other expenditures we cannot stretch it out. We cannot postpone it. We must pay it right on time.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

And why is this interest cost sweeping on like a tidal wave? Because our deficits go on and on, out of control. The national debt increases. Certainly the combination of increased demand for credit and a reckless fiscal policy tend to drive up prices in the long run. As prices rise interest rates rise. This combination means a soaring climb in interest service on the national debt. One of the reasons the estimates are so far off is because OMB consistently predicts interest rates will fall. OMB continues its series of happy, rosy, and erroneous estimates year after year. In the OMB never-never land, unemployment falls. The GNP enjoys vigorous real growth. Meanwhile interest rates gracefully diminish. Our exports climb. Our imports diminish. All of this should speed up inflation. But not in the starry eyes of the OMB. For them the future always promises a declining rate of inflation. So, of course, they also foresee interest rates following a blissfully accommodating downward path.

Mr. President, all of this is fairy tale stuff. These are the kind of fantasies that fill the dreams of the suckers who spend their money to buy State lottery tickets. The odds of 256 to 1 against OMB doesn't discourage them from buying those dreamy deficit lottery tickets year after year. What a way to run the Government of the economic leader of the world.

SOUND OFF!—AMERICAN MILITARY WOMEN SPEAK OUT

Mr. PROXMIRE. Mr. President, an article in the New York Times highlights an important new book on women in the military.

The book is entitled "Sound Off!—American Military Women Speak Out" and was written by Carl and Dorothy Schneider, two retired professors from the University of Maryland.

Unlike other books concerning the military and military women, this books takes a refreshing first-person approach and provides the reader with the opinions and views of the people who presently make up 10 percent of the Nation's armed services.

Besides providing a firsthand view of women in the military, "Sound-Off" also addresses the critical issue of women in combat. The authors draw an important conclusion on the present combat-exclusion law saying:

> A jumble of a few laws, multiple interpretations, and thousands of administrative decisions, it invites disagreement and frequent changes of practice.

In addition, the authors say:

> The lack of a national policy endangers servicewomen and the national security. While the services report their conformity to the combat-exclusion law policy, the Department of Defense waffles, the Congress averts its eyes and the nation ignores the central problem of the dangers that service women will confront.

Anyone familiar with the current combat-exclusion laws and the present policies affecting military women will immediately recognize the obstacles the authors highlight. The DACOWITS report of last August and the GAO report of last November drew similar conclusions about the career obstacles and policy difficulties confronting military women.

The Schneiders have provided us with a valuable resource from which to base our discussion on the current laws affecting military women. They highlight the difficulties military women face in pursuing fulfilling and rewarding careers.

I urge my colleagues to take a close look at this informative book as we look for ways to bring coherence and consistency to the current laws so women can truly "be all that they can be" in the U.S. military.

Mr. President, I ask unanimous consent that the article from the New York Times entitled "A Few Good Women" be inserted in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 28, 1988]

A FEW GOOD WOMEN

(By Richard Halloran)

Since the draft was ended and the nation resumed its reliance on volunteers for the armed forces 15 years ago, a once predominantly white, single and male institution has absorbed large numbers of black Americans, young married people and women.

It's widely agreed, within and without the services, that they have done well in assimilating blacks into the mainstream of military life. Not all is perfect, by any means, but the armed forces may have done more to provide equal opportunity to minorities than any other American institution.

Young married people now fill about a third of the junior enlisted ranks. That has compelled commanders to see that young families are cared for, especially when a husband and father is away at sea or in the field. Otherwise, he will not be attentive to duty and will not re-enlist.

The role of women in the armed forces, however, is unresolved. The armed forces, reflecting the society whence they come, have not yet reached a consensus on where women fit in. Even more than American society at large, the place of women in a still uniquely male subculture is undecided.

Among the main issues are sexual harassment, fraternization between men and women, duty assignments leading to promotion, medical care for women and the difficulties of handling a military career and a family at the same time.

At bottom, the main unanswered question is: What is the role of women in combat? Law and regulations preclude women from direct combat but definitions have been revised over the years to permit women to go more and more into harm's way. Even though earlier this month another step toward putting women closer to combat was taken when the Defense Department instructed the services to open more places for women to serve, including as marine guards at American embassies and in some long-range reconnaissance aircraft, the issue's resolution awaits a consensus among the American people and Congress, and that appears to be some years away.

Meanwhile, Dorothy and Carl J. Schneider have contributed a valuable book, "Sound Off!," on this issue. Now retired from academic life, they became interested in the problems of military women while teaching for the University of Maryland's Far Eastern Division at American bases in Asia.

Unlike many books by academics that are heavy on theory, analysis and turgid language, "Sound Off!" is an easy read and is filled with trenchant observations and with real people, mostly women, telling about their military experience in their own words. For instance, they quote an enlisted woman: "I know I'm making the same amount of money as a male in my rank. That's not to say that I won't be the first one picked to make coffee, but at least I know it's going to be equal pay."

An Army captain is forthright on dealing with the fears of the wives of the men she has been working alongside: "Who wants their husbands? I have to deal with them all day. I certainly don't want 'em at night!"

The authors observe: "The servicewoman's experience as a minority member in the military world depends partly on which service she enters, partly on her own personality and upbringing—whether she grew up with brothers and how her father treated her."

On the critical issue of the military's policy on women and combat, the authors rightly assert: "A jumble of a few laws, multiple interpretations, and thousands of administrative decisions, it invites disagreement and frequent changes of practice."

They contend, again rightly, that the fault lies everywhere: "The lack of a national policy endangers servicewomen and the national security. While the services report their conformity to the combat-exclusion policy, the Department of Defense waffles, the Congress averts its eyes, and the nation ignores the central problem of the dangers that servicewomen will confront."

Even the Soviet Union and Israel, the authors say, "whose use of women in combat in time of war seized the popular imagination, don't enroll women in their peacetime military in anything like the numbers or the varieties of jobs that women have claimed in the United States military."

While criticizing the failure of the nation and the services to resolve this issue, however, the authors do not propose a solution of their own. Instead, they quote retired Army Brig. Gen. Mildred Hedberg: "We're going to have to educate the American public. Further change is going to have to be the will of the people."

Unhappily, there are other shortcomings that make this book not all it could have been, and the flaws as those a careful editor should have caught. The authors betray a lack of familiarity with military life; the book is sprinkled with mistakes that do not detract from its argument but erode the confidence of the reader. The authors often fail to explain the lingo military women use, and those unlettered in the language of the armed forces will be baffled. Too often, the

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writers fail to identify sufficiently the women who are quoted.

Perhaps most important, the book fails to distinguish between those things common to men and women in uniform and those that apply only to women. A female lieutenant complains that master sergeants repeatedly tested her authority. Any man who was ever a shavetail would say the same, and I speak from personal experience. Lastly, and this is clearly the publisher's fault, the book lacks an index.

Those shortcomings aside, "Sound Off!" has a solid ring of authenticity. The Schneiders quote a female parachute rigger who must jump to test the chutes. "Once you get out of that plane," she says, "it's you and God." To that, too, I can personally attest.

Mr. PROXMIRE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRESERVING THE DEFENSE INDUSTRIAL BASE OF THE UNITED STATES

Mr. DIXON. In November of last year, I introduced a bill, S. 1892, designed to preserve the U.S. defense industrial base. I will be sending a letter to my colleagues shortly to update everyone on the status of this effort. The problem of increasing use of foreign sources for critical components of U.S. military systems, I regret to say, continues, as does the diminishing capacity of U.S. firms to compete fairly in world markets. I would like to cite just a few examples of the problem we are facing.

A French defense contractor approached one of our leading aerospace manufacturers to propose a joint venture on the advanced tactical fighter [ATF]. However, when the United States company requested reciprocal arrangements on French military systems, they were turned down because they were reserved only for companies in the French industrial base.

Lukens steel has been a major provider of plate steel to the defense industry. Recently, the Department of Defense imported armor plate from Belgium and France through memorandums of understanding [MOU]. The market for armor plate in the United States is small. Since 1980, three major producers have closed, and only two major and one small producer remain. Lukens' attempts to be allowed to compete in both Belgium and French markets have been unsuccessful.

Gears are a small but critical component in defense weapon systems. Today, approximately 25 percent of all defense gearing products are from foreign sources. A major percentage of ship gearings are now coming from overseas producers. When the U.S.S. *Iowa* became inoperable in 1986, because of the loss of critical gears, a U.S. manufacturer was able to supply a replacement within 72 hours. Foreign producers cannot provide the ready and rapid response that is often necessary for repair and replacement. U.S. suppliers often can. U.S. gear manufacturers are continually being underbid by foreign companies subsidized by their governments, and not allowed, in turn, to compete in the foreign markets.

At this time, I also wish to address a serious issue directly related to maintaining the defense industrial base of this country. I will soon introduce companion legislation to S. 1892, intended to regulate and control the growing size and number of offset agreements that have become the normal, if unhealthy, condition of the foreign sale of our military systems.

Offsets are any arrangement where U.S. industry shares the production of a military system or purchases items from a foreign country to offset an established percentage of the cost of a foreign sale. I do not believe that offset deals are good for the economy or the national security of the United States. These arrangements have increased in the past decade from 50 percent of the value of a sale to 130 percent of the recent sale of Boeing's E-3 AWACS aircraft to France and Great Britain.

There are many types of offsets. Some proponents in Government and industry will argue that offsets are good for America. They can create jobs for our prime contractors and increase commonality and interoperability with our allies. I would agree that in some cases this is true. But I would say that we should not let short-term profits lead to long-term decline of the industrial base. The transfer of American technology has led to increased foreign competition, unfavorable balance of trade, taken jobs from U.S. workers and increased the cost of military systems and their subcomponents. One subcontractor, not from my State, has provided us with data showing that they were forced to give up over $130 million in sales as part of offset arrangements in just 1 year. That is just one subcontractor in just 1 year. Imagine what that means to American industry if you multiply that effect among all levels of industry. You reach an inescapable conclusion that offsets are hurting U.S. jobs, taking money out of our economy, and damaging our industrial base.

America no longer has the luxury of being far ahead of the rest of the world in manufacturing and production. It isn't that we have fallen behind, but that the industrialized world has caught up, often with our help. Americans are generous people. We have given freely of economic and military aid to help our allies since the Second World War. We have helped rebuild the industries of Western Europe and Japan. We have supported Third World countries like South Korea until they are our competitors. It is in our interest to have strong allies and we do not begrudge them their success. However, it must be understood that a number of our friends and allies are competing against us using technology that was developed in America. We have given it or traded it away as the price of doing business or for perceived defense or diplomatic reason. For example, the Japanese civilian aircraft industry has been developed as a direct result of a series of coproduction and licensing agreements with United States companies. The F-15 sale to Japan allowed them to use the advanced technology from the aircraft and engines to develop a commercial aircraft that now competes with U.S. companies. An Italian manufacturer is now producing a missile with technology they derived from a United States company and are now competing against that company in the world market.

According to reports of the General Accounting Office and internal Defense Department studies, there is no comprehensive national policy on defense offsets to guide government or industry. Furthermore, there is no single agency with the lead in dealing with offsets. My bill will designate the Department of Defense, in coordination with the Department of Commerce, with the responsibility for establishing an offset policy to monitor and control offset arrangements that involve military systems.

I have been accused by the press, members of industry, and some of my colleagues of introducing protectionist legislation. To the contrary. I believe strongly in free trade. My bills are designed to build America, not buy America. I support the two-way street, but I oppose the one way or dead end street. My office has found many examples of U.S. companies having to compete on an unfair basis with foreign competitors, or not being allowed to compete at all for foreign procurements. The United States has opened its acquisitions to get the best product at the best price, either foreign or domestic. All we ask is that everyone compete on a fair and level playing field. Let us preserve, not protect, America's industrial capabilities. Every industrial country in the world and many Third World countries have an industrial base policy. It is time for America to join the ranks of her friends and allies, and plan for the future.

RECESS UNTIL 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12:45 p.m. having arrived, the Senate will now stand in recess until the hour of 2 p.m.

There being no objection, the Senate, at 12:45 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BUMPERS].

CONCLUSION OF MORNING BUSINESS

Mr. HEINZ. Mr. President, it is my understanding that we are still in morning business?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. HEINZ. Very well.

WORLD BANK MEXICAN STEEL LOAN

Mr. HEINZ. Mr. President, I join today with my colleague, the Senator from Ohio [Mr. METZENBAUM], in offering this resolution in opposition to the proposed World Bank loan of $400 million to Mexico for the restructuring of its steel industry. This proposal could not possibly have come at a worse time.

First, the global steel market is in disarray. Excess capacity abounds. In the United States, we have shed some 50 million tons of capacity since our peak in the mid-1970's. The European Community has undergone a similar reduction. That reduction has been exceeded in this country only by the reduction in jobs. Over 56 percent of the steel labor force has disappeared in the last 12 years, and steel industry employment is now at its lowest level since 1933 at the height of the Depression. Anyone who has been to western Pennsylvania or eastern Ohio knows first hand the pain and misery that these layoffs have meant not just for individuals and families but for entire neighborhoods and communities.

The lack of a forward-looking steel revitalization policy in this country has debilitated the industry and squandered one of our most precious resources—our skilled workers. The President's Steel Program of voluntary restraints helped prevent a bad situation from getting worse and, more recently, has had some helpful impact in improving capacity utilization. Yet, nowhere in this process has there been an effort to look at the industry's longer term future and to develop a set of policies that help address the needs of this critical economic sector.

Senator METZENBAUM and I last year introduced major restructuring legislation designed to help the integrated companies cope with their ever-increasing pension burdens outside bankruptcy court. That bill would protect retirees, companies, and taxpayers alike by helping defuse what can only be called a financial time bomb. A few quarters of profits have given us the luxury of not thinking about the industry's problems, but they have not gone away by any means. Indeed, on a long term basis, they are more severe than ever.

In the midst of this continuing crisis, then, it is particularly distressing to see our Government going along with a World Bank bailout of the Mexican steel industry.

A $400 million bailout at that in the form of a so-called loan to the Mexican steel industry, which has an almost minuscule capacity, about 10 million tons, is the equivalent of a $4 billion loan to the United States steel industry—a level of direct financial support nobody has even come close to suggesting our producers ought to receive. Let me repeat that. The Mexican steel industry, which is getting a $400 million loan for 10 million tons of capacity, is getting the equivalent in this country of what would be a $4 billion Government bailout to our 100 million-ton capacity domestic steel industry.

Mr. President, I know those numbers are incredible, but they are accurate. Although this loan will not by itself create additional new capacity in Mexico, it will lead to very big production increases which will further clog international steel markets and it will make the Mexican industry, which now is not competitive, much more competitive, and at whose expense? The answer, Mr. President, is at the expense of other industries, other countries, and, in particular, our steel industry and our steelworkers, which are somehow expected to achieve the same results on their own with no Government help.

Although this loan will not by itself create new capacity, it will lead to production increases which will further clog international steel markets, and it will make the Mexican industry more competitive at the expense of other industries, like ours, which are being expected to achieve the same results on their own.

It is fair to say, Mr. President, that the Mexican Government appears to have made some useful promises in connection with the loan with respect to eliminating certain subsidies and price controls. But I have some questions as to whether the commitments are sufficient to provide for fair trade in steel, but I also object to what is essentially bribing a country to do what is in its own economic interest.

I would rather focus our Government's efforts on facilitating a more modern, more competitive U.S. industry, in supporting the pension legislation which Senator METZENBAUM and I have authored, which I earlier mentioned, and in developing a stronger worker adjustment and retraining program for laid off steelworkers and others.

On that point, Mr. President, it is something of a travesty that we only spend this year some $50 million for the entire Trade Readjustment Assistance Program, which is supposed to benefit all displaced American workers, no matter from what industry they are displaced. For the World Bank to spend eight times as much money, some of it our money, to put more American steelworkers out of work is both pernicious and grossly unfair.

This loan will be harmful to the global steel industry and to our producers and workers in particular. It should be opposed for that reason. What is also particularly distressing, about it, if I might add, is what it says about our own Government's willingness to focus on our needs when it is thinking about other people's requests for help.

Mr. President, we cannot afford the luxury of focusing on other people's needs before looking after our own first, and it is past the time, Mr. President, that we recognized that fact.

Mr. President, in due course Senator METZENBAUM will be offering this resolution for himself, myself, and others. I commend it to our colleagues. I urge our colleagues to join in cosponsoring Senator METZENBAUM's resolution. I see the Senator from Ohio on the floor.

I take this occasion to commend the Senator from Ohio [Mr. METZENBAUM] for authoring the resolution that he will shortly introduce. Mr. President, I thank the Chair. I thank my colleagues.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I will be happy to yield to the distinguished Senator from Ohio if he wishes to make a statement. I plan to go to the polygraph bill shortly, but I am awaiting the arrival of Mr. SIMPSON, who is presently detained temporarily in a conference.

Mr. METZENBAUM. I thank the leader.

The PRESIDING OFFICER [Mr. ADAMS]. The Senator from West Virginia has yielded to the Senator from Ohio.

WORLD BANK LOAN FOR MEXICO'S STEEL INDUSTRY

Mr. METZENBAUM. Mr. President, I send a sense-of-the-Senate resolution to the desk, on behalf of myself, Senator HEINZ and Senator DIXON regarding a World Bank loan for Mexico's steel industry.

Two days from now, the World Bank is scheduled to consider approving a

$400 million loan to help Mexico restructure its ailing steel industry.

The administration thinks its a good idea.

They couldn't be more wrong.

How can the United States, as a prominent member of the World Bank help Mexico turn its steel industry around with subsidized financing when it will not lift a finger for the steel industy here at home?

Why back an effort which could help a foreign country make more and better steel? There's already worldwide overcapacity.

Why back an effort which could wind up costing American workers their jobs?

It isn't fair.

It doesn't make sense.

Certainly I'm concerned about Mexico's financial woes. The stability of our friend and neighbor is critical to our own national interest.

But I'm just as concerned about the need to maintain a strong domestic steel industry. That's critical to our national interest too.

It makes no sense to provide subsidies to help Mexico restructure its steel industry while turning a deaf ear to domestic steel companies and workers.

But that is the present course of our Government.

Indeed, the administration has called it folly to pump Federal dollars into domestic steel companies.

This administration calls saving American jobs "folly."

I call their steel policy a three-ring circus.

The administration boasts that Mexico has agreed to change its own subsidy and pricing practices for steel as a concession for obtaining this loan. For instance, they say Mexico has expressed a willingness to raise its own low energy prices which have helped keep the cost of Mexican steel down.

This, the administration argues, will help make Mexican steel more competitive with U.S. steel.

It's outrageous for the administration to support a policy that would modernize our foreign competitors. It's nonsense for the administration to enable Mexico to produce more with less, all at the expense of the United States' industry.

If this is part of the administration's "competitiveness" strategy then it is the most absurd investment our Nation could make.

In fact, Mr. President, it is such a bad idea the administration has been too embarrassed to share it with us.

It was only yesterday that the administration informed some of our staffs about the proposed loan. They gave us less than 3 days' notice.

Mr. President, Mexico is facing an economic crisis. It needs our help, and we should do all we can to be a good friend to our neighbor. But I'm sure the U.S. Government, and the World Bank, can find more worthwhile projects to support than this one.

Our Government has the ability to block this loan. The U.S. Government provides the World Bank with 20 percent of its funding. It has a crucial voice in deciding which projects are funded. It is a voice that needs to be raised to just say no.

That is why I am offering this sense-of-the-Senate resolution today urging the U.S. Government to use its best efforts to prevent the approval of this loan.

Over the past decade, U.S. steel companies have lost billions of dollars. Bankruptcies have proliferated. Plants have shutdown and communities have been destroyed. Precious Federal resources should be aimed at helping American workers and industry, not revitalizing a foreign one.

I urge my colleagues to support this sense-of-the-Senate resolution.

Mr. President, I ask unanimous consent at this point that I include in the RECORD a letter from Bethlehem Steel Corp., and another letter from LTV Corp.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LTV STEEL CO.,
Cleveland, OH, March 1, 1988.

Hon. HOWARD METZENBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR METZENBAUM: Yesterday we were advised by representatives of the Department of Treasury that the World Bank intends to provide a $400 million loan to the Mexican steel industry for its restructuring and modernization. This loan is justified on the basis that Mexico intends to reduce its trade restrictions and some Mexican steel industry capacity will be eliminated.

We believe that loan should be opposed by the Treasury Department. Worldwide steel over capacity is recognized as a "root" problem to the world steel industry's current dilemma. This proposal, while eliminating some inefficient capacity, appears to, through its modernization program, have the effect of increasing the Mexican steel industry's net capacity, particularly in quality flat rolled steel products.

We believe it is fundamentally wrong to use U.S. taxpayer dollars to subsidize restructuring and modernization of the Mexican steel industry. The end result can only exacerbate the world over capacity problem, limit United States export opportunities and, absent VRA continuation, further threaten the domestic steel marketplace.

We urge to oppose this action.

Very truly yours,
DAVID L. CARROLL,
Vice President, Public Affairs.

BETHLEHEM STEEL CORP.,
Bethlehem, PA, March 1, 1988.

Hon. HOWARD M. METZENBAUM,
Senate Office Building,
Washington, DC.

DEAR HOWARD: I have just learned of the proposed World Bank loan of $400 million to assist the Mexican steel industry in its restructuring efforts. This initiative appears to be proceeding despite the continuing world steel crisis and despite the Mexican government's deplorable record in managing its state-owned Sidermex steel producing operations.

I strongly object to any such loan unless and until a clear case has been made before the Steel Caucus on its merits. I would greatly appreciate any efforts by you and your Senate colleagues to assure that the World Bank is working toward the common good before any such loan is made.

Yours truly,
WALTER F. WILLIAMS.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that additional Senators may be added as original cosponsors before the close of business this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the resolution be held at the desk pending further action of this body.

Mr. BYRD. Reserving the right to object, Mr. President, may I say that there is a request for this to be referred to the committee, to the Foreign Relations Committee. There would be an objection to holding it at the desk. If the Senator would change his request to that of asking that it be held at the desk for the remainder of the day and then be referred to the committee, I do not think I would have to object to that.

I am in sympathy with the objective of the Senator because I have steel mills in my State, of course, and I am interested in this matter. But I do have an objection that I would have to make on behalf of another Senator. If the Senator will change his request as I have proposed, I believe that would be agreeable.

Mr. METZENBAUM. Under the circumstances, the Senator from Ohio would change his unanimous consent request that it be held at the desk for the balance of the business day, and then referred to committee unless further action is dictated by the body prior thereto.

The PRESIDING OFFICER. Without objection, the resolution will be held at the desk for the remainder of the day, and the resolution will be referred to the appropriate committee.

ORDER OF PROCEDURE

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I have been discussing with the distinguished acting Republican leader our going to the polygraph bill, Calendar Order No. 528, S. 1904. I understand from the distinguished acting Republican leader that there would be an objection. I shall move, and I also understand from the distinguished acting Republican leader, and Mr. HELMS, that there will be a request for the yeas and nays on the motion.

Mr. President, I would suggest that Senators be informed by our respective Cloakrooms that the vote will occur shortly. I will put in a brief quorum so the Cloakrooms may get out that message. Before I make the motion I would be happy to yield to the distinguished acting Republican leader for anything that he might wish to say at this point.

Mr. SIMPSON. Mr. President, indeed the majority leader has been very cooperative in sharing with those of us on this side of the aisle what his intention is today and even into the week. Because of the adjournment yesterday we are in the position of morning business where we are to receive a nondebatable motion to proceed to S. 1904, it is perfectly appropriate in every way, and we have those who have objected to any type of ordinary procedure to get to that, and under the rules here. I do appreciate the opportunity to vote on the motion to proceed. That will be expected within a very few minutes.

I assume, then, that I might pass on to those on this side of the aisle and to all of the Senators that additional votes could occur indeed during the remainder of the session today. I doubt seriously that this matter is going to be resolved today. I do not know in the totality of things that we will find out soon.

But we are here to make progress on that. Then if disposed of in timely fashion, we will go on to either the Price-Anderson legislation or the intelligence oversight legislation as the majority leader would direct. Is that the general understanding? I inquire of the majority leader.

Mr. BYRD. Mr. President, yes. It is the understanding. I hope that during this week the Senate would be able to proceed to the congressional oversight legislation, Calendar Order No. 521, S. 1721 that came out of the Select Committee on Intelligence, and also the Price-Anderson legislation. It would be my present inclination to try to take up the House bill, not necessarily in that order.

But those are the two other pieces of legislation that I hope we could deal with this week and it could be one or the other, and then the other before the one. But I hope that the Senate will not be unduly delayed in completing action on the polygraph bill. But in answer to the distinguished acting Republican leader those two bills to which he has referred are the two measures that I would hope the Senate could complete action on this week or at least take some action on one or both this week before we got out. I do anticipate the Senate being in a full week through Friday with votes.

Mr. SIMPSON. Mr. President, I thank the distinguished majority leader. Indeed, it is helpful to have this agenda because, as we do the ritual known as holds, those are not for purposes of total obstruction. They are essentially for the purpose of notifying the Members that they need to be prepared for this debate and get involved and ready themselves, and that is, therefore, very helpful, I think, on both sides of the aisle as we look at that kind of an agenda. I thank the majority leader.

Mr. BYRD. Yes. In many instances, those holds are for that purpose, as the assistant Republican leader has said, of informing Senators that the measure is about to be called up. They may have amendments they wish to debate, and so on.

POLYGRAPH PROTECTION ACT OF 1987

Mr. BYRD. Mr. President, I now move that the Senate proceed to consideration of Calendar Order No. 528, S. 1904.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. BYRD. Mr. President, I believe the Senator from North Carolina wishes to ask for the yeas and nays.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, this is not a debatable motion. I ask unanimous consent to proceed for 15 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this motion is not debatable. I had said I would suggest the absence of a quorum.

I ask unanimous consent that the call for the regular order be automatic at the end of 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to proceed to the consideration of S. 1904, Calendar Order No. 528, a bill to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Oregon [Mr. PACKWOOD], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 74, nays 19, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—74

Adams
Armstrong
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Weicker
Wilson
Wirth

NAYS—19

Bond
Cochran
Garn
Gramm
Hecht
Helms
Karnes
McClure
McConnell
Murkowski
Nickles
Pressler
Quayle
Stevens
Symms
Thurmond
Trible
Wallop
Warner

NOT VOTING—7

Biden
Dole
Gore
Matsunaga
Packwood
Rudman
Simon

So the motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 1904) to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Polygraph Protection Act of 1987".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) COMMERCE.—The term "commerce" has the meaning provided by section 3(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(b)).

(2) EMPLOYER.—The term "employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee.

(3) LIE DETECTOR TEST.—The term "lie detector test" includes—

(A) any examination involving the use of any polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical, electrical, or chemical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual; and

(B) the testing phases described in paragraphs (1), (2), and (3) of section 8(c).

(4) POLYGRAPH.—The term "polygraph" means an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards.

(5) RELEVANT QUESTION.—The term "relevant question" means any lie detector test question that pertains directly to the matter under investigation with respect to which the examinee is being tested.

(6) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(7) TECHNICAL QUESTION.—The term "technical question" means any control, symptomatic, or neutral question that, although not relevant, is designed to be used as a measure against which relevant responses may be measured.

SEC. 3. PROHIBITIONS ON LIE DETECTOR USE.

Except as provided in section 7, it shall be unlawful for any employer engaged in or affecting commerce or in the production of goods for commerce—

(1) directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to take or submit to any lie detector test;

(2) to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee;

(3) to discharge, dismiss, discipline in any manner, or deny employment or promotion to, or threaten to take any such action against—

(A) any employee or prospective employee who refuses, declines, or fails to take or submit to any lie detector test; or

(B) any employee or prospective employee on the basis of the results of any lie detector test; or

(4) to discharge, discipline, or in any manner discriminate against an employee or prospective employee because—

(A) such employee or prospective employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act;

(B) such employee or prospective employee has testified or is about to testify in any such proceeding; or

(C) of the exercise by such employee, on behalf of such employee or another person, of any right afforded by this Act.

SEC. 4. NOTICE OF PROTECTION.

The Secretary shall prepare, have printed, and distribute a notice setting forth excerpts from, or summaries of, the pertinent provisions of this Act. Each employer shall post and maintain such notice, in conspicuous places on its premises where notices to employees and applicants to employment are customarily posted.

SEC. 5. AUTHORITY OF THE SECRETARY.

(a) IN GENERAL.—The Secretary shall—

(1) issue such rules and regulations as may be necessary or appropriate to carry out this Act;

(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act; and

(3) make investigations and inspections and require the keeping of records necessary or appropriate for the administration of this Act.

(b) SUBPOENA AUTHORITY.—For the purpose of any hearing or investigation under this Act, the Secretary shall have the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50).

SEC. 6. ENFORCEMENT FROVISIONS.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Subject to paragraph (2)—

(A) any employer who violates section 4 may be assessed a civil money penalty not to exceed $100 for each day of the violation; and

(B) any employer who violates any other provision of this Act may be assessed a civil penalty of not more than $10,000.

(2) DETERMINATION OF AMOUNT.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) COLLECTION.—Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) INJUNCTIVE ACTIONS BY THE SECRETARY.—The Secretary may bring an action to restrain violations of this Act. The district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act.

(c) PRIVATE CIVIL ACTIONS.—

(1) LIABILITY.—An employer who violates this Act shall be liable to the employee or prospective employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including but not limited to employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) COURT.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any one or more employees for or in behalf of himself or themselves and other employees similarly situated.

(3) COSTS.—The court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement of a pending action or complaint, agreed to and signed by all the parties.

SEC. 7. EXEMPTIONS.

(a) NO APPLICATION TO GOVERNMENTAL EMPLOYERS.—The provisions of this Act shall not apply with respect to the United States Government, a State or local government, or any political subdivision of a State or local government.

(b) NATIONAL DEFENSE AND SECURITY EXEMPTION.—

(1) NATIONAL DEFENSE.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to—

(A) any expert or consultant under contract to the Department of Defense or any employee of any contractor of such Department; or

(B) any expert or consultant under contract with the Department of Energy in connection with the atomic energy defense activities of such Department or any employee of any contractor of such Department in connection with such activities.

(2) SECURITY.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function, of any lie detector test to—

(A)(i) any individual employed by, or assigned or detailed to, the National Security Agency or the Central Intelligence Agency, (ii) any expert or consultant under contract to the National Security Agency or the Central Intelligence Agency, (iii) any employee of a contractor of the National Security Agency or the Central Intelligence Agency, or (iv) any individual applying for a position in the National Security Agency or the Central Intelligence Agency; or

(B) any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored for the National Security Agency or the Central Intelligence Agency.

(c) EXEMPTION FOR FBI CONTRACTORS.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to an employee of a contractor of the Federal Bureau of Investigation of the Department of Justice who is engaged in the performance of any work under the contract with such Bureau.

(d) LIMITED EXEMPTION FOR ONGOING INVESTIGATIONS.—Subject to section 8, this Act shall not prohibit an employer from requesting an employee to submit to a polygraph test if—

(1) the test is administered in connection with an ongoing investigation involving economic loss or injury to the employer's business, including theft, embezzlement, misappropriation, or an act of unlawful industrial espionage or sabotage;

(2) the employee had access to the property that is the subject of the investigation;

(3) the employer has a reasonable suspicion that the employee was involved in the incident or activity under investigation; and

(4) the employer—

(A) files a report of the incident or activity with the appropriate law enforcement agency;

(B) files a claim with respect to the incident or activity with the insurer of the employer, except that this subparagraph shall not apply to a self-insured employer;

(C) files a report of the incident or activity with the appropriate government regulatory agency; or

(D) executes a statement that—

(i) sets forth with particularity the specific incident or activity being investigated and the basis for testing particular employees;

(ii) is signed by a person (other than a polygraph examiner) authorized to legally bind the employer;

(iii) is provided to the employee on request;

(iv) is retained by the employer for at least 3 years; and

(v) contains at a minimum—

(I) an identification of the specific economic loss or injury to the business of the employer;

(II) a statement indicating that the employee had access to the property that is the subject of the investigation; and

(III) a statement describing the basis of the employer's reasonable suspicion that the employee was involved in the incident or activity under investigation.

SEC. 8. RESTRICTIONS ON USE OF EXEMPTIONS.

(a) OBLIGATION TO COMPLY WITH CERTAIN LAWS AND AGREEMENTS.—The limited exemption provided under section 7(d) shall not diminish an employer's obligation to comply with—

(1) applicable State and local law; and

(2) any negotiated collective bargaining agreement,

that limits or prohibits the use of lie detector tests on employees.

(b) TEST AS BASIS FOR ADVERSE EMPLOYMENT ACTION.—Such exemption shall not apply if an employee is discharged, dismissed, disciplined, or discriminated against in any manner on the basis of the analysis of one or more polygraph tests or the refusal to take a polygraph test, without additional supporting evidence. The evidence required by section 7(d) may serve as additional supporting evidence.

(c) RIGHTS OF EXAMINEE.—Such exemption shall not apply unless the requirements described in section 7 and paragraphs (1), (2), and (3) are met.

(1) PRETEST PHASE.—During the pretest phase, the prospective examinee—

(A) is provided with reasonable notice of the date, time, and location of the test, and of such examinee's right to obtain and consult with legal counsel or an employee representative before each phase of the test;

(B) is not subjected to harassing interrogation technique;

(C) is informed of the nature and characteristics of the tests and of the instruments involved;

(D) is informed—

(i) whether the testing area contains a two-way mirror, a camera, or any other device through which the test can be observed;

(ii) whether any other device, including any device for recording or monitoring the conversation will be used; or

(iii) that the employer and the examinee, may with mutual knowledge, make a recording of the entire proceeding;

(E) is read and signs a written notice informing such examinee—

(i) that the examinee cannot be required to take the test as a condition of employment;

(ii) that any statement made during the test may constitute additional supporting evidence for the purposes of an adverse employment action described in section 8(b);

(iii) of the limitations imposed under this section;

(iv) of the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(v) of the legal rights and remedies of the employer; and

(F) is provided an opportunity to review all questions (technical or relevant) to be asked during the test and is informed of the right to terminate the test at any time; and

(G) signs a notice informing such examinee of—

(i) the limitations imposed under this section;

(ii) the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(iii) the legal rights and remedies of the employer.

(2) ACTUAL TESTING PHASE.—During the actual testing phase—

(A) the examinee is not asked any questions by the examiner concerning—

(i) religious beliefs or affiliations;

(ii) beliefs or opinions regarding racial matters;

(iii) political beliefs or affiliations;

(iv) any matter relating to sexual behavior; and

(v) beliefs, affiliations, or opinions regarding unions or labor organizations;

(B) the examinee is permitted to terminate the test at any time;

(C) the examiner does not ask such examinee any question (technical or relevant) during the test that was not presented in writing for review to such examinee before the test;

(D) the examiner does not ask technical questions of the examinee in a manner that is designed to degrade, or needlessly intrude on, the examinee;

(E) the examiner does not conduct a test on an examinee when there is written evidence by a physician that the examinee is suffering from a medical or psychological condition or undergoing treatment that might cause abnormal responses during the test; and

(F) the examiner does not conduct and complete more than five polygraph tests on a calendar day on which the test is given, and does not conduct any such test for less than a 90-minute duration.

(3) POST-TEST PHASE.—Before any adverse employment action, the employer must—

(A) further interview the examinee on the basis of the results of the test; and

(B) provide the examinee with—

(i) a written copy of any opinion or conclusion rendered as a result of the test; and

(ii) a copy of the questions asked during the test along with the corresponding charted responses.

(d) QUALIFICATIONS OF EXAMINER.—Such exemptions shall not apply unless the individual who conducts the polygraph test—

(1) is at least 21 years of age;

(2) has complied with all required laws and regulations established by licensing and regulatory authorities in the State in which the test is to be conducted;

(3)(A) has successfully completed a formal training course regarding the use of polygraph tests that has been approved by the State in which the test is to be conducted or by the Secretary; and

(B) has completed a polygraph test internship of not less than 6 months duration under the direct supervision of an examiner who has met the requirements of this section;

(4) maintains a minimum of a $50,000 bond or an equivalent amount of professional liability coverage;

(5) uses an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards;

(6) bases an opinion of deception indicated on evaluation of changes in physiological activity or reactivity in the cardiovascular, respiratory, and electrodermal patterns on the lie detector charts;

(7) renders any opinion or conclusion regarding the test—

(A) in writing and solely on the basis of an analysis of the polygraph charts;

(B) that does not contain information other than admissions, information, case facts, and interpretation of the charts relevant to the purpose and stated objectives of the test; and

(C) that does not include any recommendation concerning the employment of the examinee; and

(8) maintains all opinions, reports, charts, written questions, lists, and other records relating to the test for a minimum period of 3 years after administration of the test.

(e) PROMULGATION OF STANDARDS.—The Secretary shall establish standards governing individuals who, as of the date of the enactment of this Act, are qualified to conduct polygraph tests in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph tests previously.

SEC. 9. DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—A person, other than the examinee, may not disclose information obtained during a polygraph test, except as provided in this section.

(b) PERMITTED DISCLOSURES.—A polygraph examiner, polygraph trainee, or employee of a polygraph examiner may disclose information acquired from a polygraph test only to—

(1) the examinee or any other person specifically designated in writing by the examinee;

(2) the employer that requested the test; or

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7 or any other person, as required by due process of law, who obtained a warrant to obtain such information in a court of competent jurisdiction.

(c) DISCLOSURE BY EMPLOYER.—An employer (other than an employer covered under subsection (a), (b), or (c) of section 7) for whom a polygraph test is conducted may disclose information from the test only to a person described in subsection (b).

SEC. 10. EFFECT ON OTHER LAW AND AGREEMENTS.

This Act shall not preempt any provision of any State or local law, or any negotiated collective bargaining agreement, that is more restrictive with respect to the administration of lie detector tests than this Act.

SEC. 11. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall become effective 6 months after the date of enactment of this Act.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary or appropriate to carry out this Act.

Mr. KENNEDY. Mr. President, it is quite apparent from the vote that was just taken that the Senate is prepared to debate this issue and hopefully reach an early conclusion to its consideration. I have talked with both my colleague and principal cosponsor, the Senator from Utah, as well as the majority leader—I have not had that opportunity with the minority leader—to try and spell out at least some kind of program for the benefit of the Members so that we would know how we might proceed and that we may move in an orderly way, taking such time as is necessary for the consideration of various amendments, but, nonetheless, to move on through the various amendments in an orderly procedure.

I do not know the disposition of those that are in opposition to the legislation, whether they are prepared to enter into any time agreement or not at this time or at any time. I would inquire, if there would be such a disposition or if there would be objection to such disposition because, if there was no objection, then I would seek out the majority leader and see if he would propose some kind of a time consideration.

I see the Senator from Mississippi on his feet. I think I know what his response might be, but I would be glad to yield to him for a question without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Mississippi has been yielded to for a question. The Senator from Massachusetts has the floor.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in response to the inquiry of the distinguished manager of the bill, I do know that there are serious objections to this bill on the part of several Senators. As a member of the committee, the chairman will remember, when we took it up, there were three votes in committee against the bill. I was one of those who voted against the bill when it was reported out. I do know there are amendments.

I do not imagine that it would be helpful at this time to put a unanimous consent request before the Senate. I think there would be an objection to limiting discussion or limiting amendments at this point.

So I would hope that we could go forward. There are amendments that will be offered. We can debate those and look at those. There is substantial opposition to the bill, I might say.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. I think the Senator has responded to the question. I hope, as one Member, that we can go ahead and proceed with the legislation and consider various amendments and try to do it in a timely fashion. I think, again, since there has been such an overwhelming vote in favor of considering it, I think that, since Members have indicated that the Senate should consider this resolution, we do not want to have an undue delay or undue debate and not have some kind of resolution of the various issues which might be raised. We are familiar with those that have been raised in the committee deliberations, and I imagine we will have a number of those again raised here this afternoon.

So I will make my statement, and the Senator from Utah will make his statement, and hopefully we will move ahead with the consideration of the various amendments and get on with the legislation.

Mr. President, today we begin consideration of S. 1904, the Polygraph Protection Act of 1987, introduced by myself and Senators HATCH, PELL, STAFFORD, MATSUNAGA, METZENBAUM, WEICKER, DODD, SIMON, HARKIN, ADAMS, and MIKULSKI on December 1 of last year.

On February 3, the Labor and Human Resources Committee reported the bill out favorably 13 to 3, with Senator HUMPHREY joining the 12 original sponsors.

The time has come to restrict the massive, unconscionable use of lie detectors in the workplace.

This legislation is a fundamental issue of workers' rights. Last year over 2 million workers were strapped to these inaccurate instruments of intimidation.

We know that in most applications, the devices cannot be trusted. It is time to put an end to their unacceptable misuse that unfairly places so many workers' jobs in jeopardy.

The abuse of polygraphs in the workplace has been a concern of Congress for almost 25 years. Scores of bills have been introduced and dozens of hearings held, but we have never taken final action. Meanwhile, the use of the machines has proliferated, especially in the workplace.

In 1964 a House Government Operations Subcommittee reported:

> There is no lie detector, neither machine nor human. People have been deceived by a myth that a metal box in the hands of an investigator can detect truth from deception.

A decade later, Senator Sam Ervin observed:

> A lie-detector test to innocent citizens simply wanting a job reverses our cherished presumption of innocence. If an employee refuses to submit to the test, he is automatically guilty. If he submits to the test, he is faced with the burden of proving his innocence.

All of these problems are compounded by the fact that science has increasingly found no scientific validity for polygraphs in the overwhelming majority of applications.

In hearings by the Senate Labor Committee in the last two Congresses, we received strong testimony supporting the conclusion reached by the Office of Technology Assessment in a technical memorandum published in 1983:

> While there is some evidence for the validity of polygraph testing as an adjunct to criminal investigations, there is very little research or scientific evidence to establish polygraph test validity in screening situations, whether they be preemployment, preclearance, periodic or aperiodic, random, or dragnet.

Beginning with Massachusetts in 1959, 21 States and the District of Columbia have restricted or prohibited the use of polygraphs in the workplace.

Similarly, the vast majority of courts refuse to admit polygraph tests as evidence of guilt or innocence, due to the documented unreliability of the tests.

Yet the use of these machines has climbed sharply in many jurisdictions in recent years. It is time for Congress to act to protect American employees from the massive misuse of this device, which columnist William Safire has called "the most blatant intrusion into personal freedom in this country today."

In the last Congress, the House of Representatives passed Congressman PAT WILLIAMS' private-sector ban on polygraphs, with five industry exemptions, by a vote of 236 to 173. The Senate Labor and Human Resources Committee reported out the Hatch-Kennedy bill, with no industry exemptions, by a margin of 11 to 5, with 4 Republicans and 7 Democrats voting to report it favorably. Congress adjourned, however, before full action by the Senate could take place.

In the current Congress, the House of Representatives has again passed the Williams bill, this time with only two industry exemptions, by an even wider margin of 254 to 158.

The bill before us today is an attempt to balance the interests of employers and employees, based on the known scientific evidence regarding polygraphs and their potential for abuse. It bans the use of preemployment and random testing, which make up 85 percent of the testing being conducted today and for which there is no demonstrable validity.

At the same time, the bill preserves the ability of employers to investigate specific losses under limited circumstances, with employee safeguards in place.

Under the bill, no employer can use a polygraph for preemployment testing of job applicants or random testing of employees. But employers can use the polygraph to investigate specific economic losses, by testing employees who had access to the property under investigation and who they have reasonable suspicion to believe were involved in the incident.

The employer must file a police report, an insurance claim, a report to a regulatory agency, or sign a written statement detailing the basis for the polygraph test, before requesting any employee to take the test.

No employee can be disciplined or dismissed for refusing to take the test or for failing the test without additional supporting evidence, and the test can only be conducted under carefully prescribed circumstances.

The bill does not apply to Federal, State, or local governments—because the Constitution does. Most public employees are constitutionally protected from polygraph tests, and the courts are increasingly affirming this protection.

On October 28, the Texas Supreme Court unanimously found that the State mental health agency's use of the polygraph "impermissably violates privacy rights" protected by the State constitution. The court went on to hold that this protection should yield only when the State can show that the intrusion is "reasonably warranted for the achievement of a compelling governmental objective that can only be achieved by no less intrusive, more reasonable means."

Constitutional protections for public employees, however, are not available to private sector employees, and it is in the private sector that action by Congress is essential to safeguard workers' rights.

The principles of this legislation have widespread support from both business and labor. The bill before us is carefully balanced, and has received the support of many polygraph users.

A number of large employer organizations whose members currently use the test and who opposed the House bill, endorse and support our Senate measure.

The American Association of Railroads opposed the House bill, but endorses the Senate bill.

The American Bankers Association opposed the House bill, but endorses the Senate bill.

The National Association of Convenience Stores opposed the House bill, but endorses the Senate bill.

The National Grocers' Association opposed the House bill, but endorses the Senate bill.

The International Mass Retailers Association opposed the House bill, but endorses the Senate bill.

The National Retail Merchants' Association opposed the House bill, but endorses the Senate bill.

The National Restaurant Association opposed the House bill, but endorses the Senate bill.

The Securities Industry Association opposed the House bill, but endorses the Senate bill.

Some businesses oppose this balanced approach, and some employee advocates also oppose it. But it is a fair measure based on the scientific evidence available to us, and will offer millions of workers long overdue protection from an employment practice too frequently abused.

I urge my colleagues to reject amendments weakening this bill, to reject special interest exemptions, and to support this important step to safeguard the rights and the jobs of millions of American workers.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Utah.

Mr. HATCH. Mr. President, I am sure that few of my colleagues expected to see, during this Congress, the distinguished Senator from Massachusetts and myself standing side by side in support of a labor bill, but S. 1904, the Polygraph Protection Act of 1987, is a truly unique bill. It is a bipartisan measure that represents an equitable compromise of several important, but competing interests.

Applicants and employees have a right to be judged on the basis of their experience, their record, and their character. They should not be prejudged, stigmatized or condemned by the vagaries of a single test for which the accuracy in many instances is highly suspect. Conversely, in our country, it is a regrettable fact that employees steal. Workplace theft is not uncommon in the United States. But nevertheless, polygraphs, though important, are not always accurate, and even the courts of law reject them as an evidentiary tool in most jurisdictions of this country.

S. 1904, I think, addresses these two concerns by barring the use of polygraph examinations where they are the most likely to make a false identification, that is, in preemployment screening or random verification mechanism, but permitting the use of these tests where they are the most likely to be accurate, that is, when given in conjunction with an investigation of a specific incident.

During the last several years, the committee has been struggling with the problem of how best to remedy the problems caused by the widespread use of the polygraph in the private sector. It has been estimated that over 2 million Americans are given a polygraph examination every year, and for many, the exam is given in a manner which minimizes its chances for accuracy. Too often, the polygraph examination is given in an extremely short period of time. These are called 15-minute quickie polygraphs, and the possibility of false identification, especially of honest applicants, is extremely high.

The committee has established a rather extensive record of the abuse and misuse of lie detectors, a record that proves quite conclusively that the existing patchwork of State and local regulation simply does not work. Employers have been rather candid in their admission that the local prohibitions are easily circumvented. Unfortunately, it would appear that many companies hire in one jurisdiction intending to employ in another, their sole reason for this tactic being to avoid existing polygraph restrictions.

And perhaps, most importantly, there is no scientific evidence that demonstrates clearly that the preemployment polygraph actually works. Instead, a reading of the existing literature makes it quite clear that, while the polygraph has some validity when used in conjunction with an investigation, it cannot predict future performance.

On the other hand, Mr. President, it is also clear that we have a problem of theft in the workplace, and we do. Something has to be done about that. Although it is not pleasant to admit, it is a fact that many employees, for a variety of reasons, steal. While it is important that we protect the rights of all citizens, we cannot at the same time eliminate every effective mechanism that an employer has available today to combat crime in the workplace.

It was these facts and considerations, Mr. President, that led to the formulation of S. 1904. By structuring the bill as we have done, we have protected the rights of employees and applicants without jeopardizing the ability and rights of an employer to maintain a safe and crime-free workplace.

There are a few key provisions about the bill, Mr. President, that I would like to highlight. First, the bill does not attempt to regulate Federal, State, or local government use of the polygraph, thus avoiding conflicts with the traditional police powers of State and local governments.

Second, the bill makes clear that the results of a polygraph examination may not be the sole basis for taking an adverse employment action against an employee. Even the most passionate advocates of the polygraph have told the committee that an employer should base its decision on more than just the results of an exam.

Third, the bill resolves the difficulties which arise when an employee refuses to take a polygraph examination. Under this legislation, an employer may not give a polygraph test unless there is a sufficient evidentiary basis warranting the test. As the committee notes in its report on S. 1904, an employer must have a reasonable suspicion that the employee was involved in the incident or activity in question, and that the employee had access. The report goes on to define "reasonable suspicion" to include some observable, articulate basis in fact, such as demeanor of the employee, the totality of the circumstances surrounding his or her access to the property, and discrepancies of fact which arise during the investigation.

Once this evidentiary basis is established, an employer can request that an employee take a polygraph examination. If the employee does not pass the test, this failure, combined with the already established evidentiary basis, is sufficient justification at least with regard to this act for taking an adverse employment action against the employee.

Any employee refusing to take an examination is treated under this legislation the same as one who did not pass the polygraph examination. An employer is free to take any action deemed appropriate. Without this provision, an employer would be taking a serious legal risk when requesting a polygraph exam and, as a result, few would probably ever choose to make such a request.

Fourth, an employer is free to act upon statements or confessions made during the examination process. In my opinion, when such statements are made in the controlled forum envisioned by the bill, that is, in conjunction with an investigation of economic loss or injury, action upon such statements is warranted.

Finally, the bill sets forth several general standards concerning both how a test can be given and the qualifications of an examiner. While the American Polygraph Association does not endorse this legislation, their recommendations in this area were heavily relied upon, and most of the provisions in this section of the bill mirror suggestions that their representatives have made to the committee. Again, I do not want my colleagues to be misled by these comments and presume that the association endorses the bill. They most certainly do not.

While these observations are by no means an exhaustive summary of the provisions of S. 1904, they highlight the care given to the construction of the bill and the utility of the provisions which permit use of a polygraph examination.

In sum, S. 1904 represents a careful balancing, after much consideration, of a variety of competing interests. I would like to say a word about the principal union advocating passage of this statute—the United Food and Commercial Workers International Union. In the past, I have earned, I think, a somewhat undeserved reputation for fighting labor-backed legislation, but I have fought labor-backed legislation which would throw undue power toward the union movement. At those times, I have repeatedly said that when the unions were right, when the legislation they advocated was both necessary and equitable, they would find an advocate in the Senator from Utah.

I supported their efforts to pass the Labor-Management Racketeering Act. I was happy to see that legislation enacted into law. I was glad to assist Senator Moynihan with the Senate's ratification of ILO Conventions 144 and 147 earlier this year. Both efforts were endorsed by the labor movement, and it is no secret they are very pleased with both of those matters. I am happy to be the principal cosponsor of S. 1904, and of course I could list others.

We all know that this body will have an opportunity before the November elections to vote on several items on the labor agenda. Several of these bills, such as the so-called double-breasting bill, will be vigorously opposed, because they are little more than heavy-handed attempts to throw power to unions at the expense of employees, open shop workers, minorities and employers. Proposals such as this raise serious questions, in my mind, as to the quality of leadership of our union movement at times.

S. 1904, the Polygraph Protection Act of 1987, is not such a bill. William Wynn, the president of the United Food and Commercial Workers International Union, should be congratulated for his willingness and foresight to fashion a compromise that addresses not just the needs of his members but the needs of employers also. As one of the few Members of this august body to rise up through the ranks of a trade union, I am proud that the union movement has leaders like Bill Wynn. His willingness to approach this issue with an open mind, to work with both sides of the aisle, and with anyone interested in resolving this problem are some of the key reasons that, unlike other labor bills, S. 1904 has an excellent chance, to become law.

Finally, Mr. President, I congratulate the chairman of the Committee on Labor and Human Resources for his handling of S. 1904 and his efforts to move this bill on the floor. Federal treatment of polygraph examinations could have been an issue where both sides retreated to their respective camps and let action drown in a sea of polemic speeches. Instead, the Senator from Massachusetts has served as the catalyst for the compromise now before us.

I hope my colleagues will take notice of today's unusual alliance on a labor issue. S. 1904 is an effective, equitable solution to the problem of polygraph use in the private sector, and I ask that all of my colleagues join in supporting this important piece of legislation.

This bill is an effective and workable solution to a vexing problem—how do we address the problems arising from polygraph use in the private sector without jeopardizing an employer's ability to combat crime in the workplace.

The polygraph examination was originally developed to assist criminal investigations within the law enforcement community. It was intended to help police investigators determine whether the individual taking the test had actually committed a specific act. In describing this kind of test during his testimony before the Committee of Labor and Human Resources in 1986, Dr. David Raskin, a noted polygraph expert and professor of psychology at the University of Utah, made the following observations:

> The control question technique is the test most generally used in criminal investigations and other situations involving past events, such as theft from an employer or civil litigation. It incorporates questions specially designed to overcome many of the problems inherent in the relevant-irrelevant test. During an extensive and complicated pretest interview which usually lasts at least an hour, the relevant and control questions are reviewed with the subject prior to their presentation during the test phase. The control questions are designed to cause an innocent person more concern than the relevant question, and the innocent person is expected to show stronger reactions to them. In the theft example, a control question might be "During the first 23 years of your life, did you ever take something which did not belong to you?" That question is worded and explained by the examiner in such a way that the subject will answer "No" to that question. Even though innocent subjects are certain of the truthfulness of their answers to the relevant questions, they will be concerned about failing the test because of deception or uncertainty about being truthful in answering "No" to the control questions on the test. The control questions are deliberately vague, cover a long period in the subject's prior life, and include acts which almost everyone has committed but are embarrassed to admit in the context of a psychologically proper polygraph examination. On the other hand, guilty subjects are more concerned about failing the test because they know that they are being deceptive to the relevant questions.
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> The outcome of a control question tests is evaluated by a numerical scoring system which is highly reliable. If the reactions are stronger to the relevant questions, the subject is diagnosed as deceptive. However, stronger reactions to the control as compared to the relevant questions are indicative of truthfulness to the relevant questions. The control question procedure also takes into account the individual reactivity of the subject. Any factor which produces a generally high or low level of reactivity will result in little difference between the reactions to the relevant control questions, and the outcome will be inconclusive instead of wrong. The control question test is administered according to a standard format, and the examination usually takes at least two hours.
>
> In most criminal investigations an incident has already occurred, and such methods are designed to assess the credibility of suspects who deny knowledge or involvement in criminal activity and informants who offer information about the incident, usually for some personal gain. Thus, applications in criminal investigation attempted to determine truth or deception with regard to a specific event which has already occurred. Furthermore, every person has a constitutional right to refuse to take such a test without prejudice. Polygraph techniques were originally developed for such situations, and the scientific evidence indicates that the control question test may attain accuracies in the range of 85 to 95 percent when assessing credibility regarding a past event.

Unfortunately, the most prominent use of polygraphs in the private sector is not in conjunction with an investigation of a specific incident. Instead, today many employers use polygraphs to screen applicants. The tests are used to judge whether an individual is likely to be an honest and hard working employee, to give the employer

some sense of security about the people he is hiring.

The obvious problem with such use, however, is that the polygraph was not designed to predict future performance. Consequently, the chances for false identification are much higher. And, in the preemployment area, these mistakes tend to be false positives instead of false negatives. As Dr. Raskin observed:

> Whether we consider the laboratory or field results, many more errors are made by incorrectly labeling innocent subjects as deceptive than by labeling guilty subjects as truthful. Those findings are consistent throughout the scientific literature and emphasize the need for caution in the interpretation of deceptive outcomes on polygraph tests, especially when the results of such tests are used in the employment context where individuals may be required to take the tests and their employability may be determined entirely by the findings of the polygraph examiner.
>
> The problem of false positive errors is magnified in those situations where the incidence of deception is relatively low. That is known as the problem of baserate. When the proportion of examinees practicing deception differs from 50 percent, the confidence in the outcome of a test is not the same as the average accuracy of the test. When most of the individuals tested are actually being truthful, many of the deceptive outcomes are errors in labeling truthful people as deceptive. Therefore, the confidence in a deceptive test outcome is much lower than we might expect with a highly accurate test.

When the proportion of guilty people among those who are tested is slight, which is the case in preemployment testing, the confidence that can be placed in a finding of deception is not high. For example, if we assume that one .out of every five persons taking a preemployment polygraph test is, in fact, guilty, and we are assuming that the overall may be as high as 85 percent, which is rarely the case in preemployment screening, almost half of the individuals who fail the test are in fact innocent.

It is estimated that there are approximately 2 million people a year taking polygraph tests. Under the example above, with the extremely generous assumption of 85-percent accuracy, roughly 320,000 honest people each year would be labeled as deceptive because of false positive errors. Given the reality about polygraphs in the workplace today, some experts believe the number of false identifications exceeds half a million each year.

It is interesting to note that these figures are based upon the assumption that the polygraph is being given in an above board manner by competent examiners. Unfortunately, we also know this assumption is false.

Too often applicants are subjected to the 15 minute special, where the level of accuracy is impossible to determine. During his testimony before the committee, F. Lee Bailey, a staunch advocate of the polygraph, stated that such tests were not polygraph tests. He went on to say that the type of examination he was defending takes a minimum of 3 to 4 hours to complete. The record is quite clear, Mr. President, that few employers are giving 3 to 4 hour polygraph examinations.

In sum, the committee has a rather extensive record, on both a practical and scientific basis, indicating that preemployment polygraph examinations are not accurate. As the American Psychological Association has noted:

> Despite many years of development of the polygraph, the scientific evidence is still unsatisfactory for the validity of psychophysiological indicators to infer deceptive behavior. Such evidence is particularly poor concerning the polygraph use in employment screening.

The traditional response to these findings is to list examples of confessions that have been given by applicants terrified by the prospects of taking a polygraph examination. In fact, some assert that the real benefit of these tests is not the results of the examination but their inherent ability to terrify applicants into confession.

While no one can doubt the confessional aspect of these exams, this feature is obtained at significant cost. Is branding as liars over half a million honest people each year a cost my colleagues are willing to pay to obtain the occasional terrified confession? I think not.

Another typical complaint heard is that it is true that polygraphs have been abused and misused, but that it is an issue that is best left for the States. Stephen B. Markman, Assistant Attorney General for Legal Policy made the following observation:

> The Framers of the Constitution set up a structure that apportions power between the national and state governments. The values that underlie this structure of federalism are not anachronisitic; they are not the result of an historic accident; they are no less relevant to the United States in 1986 than they were to our Nation in 1789. In weighing whether a public function ought to be performed at the national or state level, we should consider the basic values that our federalist system seeks to ensure. Some of those principles include:
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> *Dispersal of Power.*—By apportioning and compartmentalizing power among the national and 50 state governments, the power of government generally is dispersed and thereby limited.
>
> *Accountability.*—State governments, by being closer to the people, are better positioned as a general matter to act in a way that is responsive and accountable to the needs and desires of their citizens.
>
> *Participation.*—Because state governments are closer to the people, there is the potential for citizens to be more directly involved in setting the direction of their affairs. This ability is likely to result in a stronger sense of community and civic virtue as the people themselves are more deeply involved in defining the role of their government.
>
> *Diversity.*—Ours is a large and desparate nation; the citizens of different states may well have different needs and concerns. Federalism permits a variegated system of government most responsive to their diverse array of sentiment. It does not require that public policies conform merely to a low common denominator; rather, it allows for the development of policies that more precisely respond to the felt needs of citizens within different geographical areas.
>
> *Competition.*—Unlike the national government which is necessarily monopolistic in its assertion of public authority, the existence of the states introduces a sense of competition into the realm of public policy. If, ultimately, a citizen is unable to influence and affect the policies of his or her state, an available option always exists to move elsewhere. This option, however limited, enhances in a real way the responsiveness of state governments in a way unavailable to the national government.
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> *Experimentation.*—The states, by providing diverse responses to various issues which can be compared and contrasted, serve as laboratories of public policy experimentation. Such experimentation is ultimately likely to result in superior and in some instances naturally uniform policies, as states reassess their own and other states' experiences under particular regulatory approaches.
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> *Containment.*—Experimenting with varying forms of regulation on a smaller, state scale rather than on a uniform, national scale confines the harmful effects of regulatory actions that prove more costly or detrimental than expected. Thus, while the successful exercises in state regulation are likely to be emulated by other states, the unsuccessful exercises can be avoided.
>
> While these values of federalism may often mitigate in favor of state rather than national action, other factors—including a demonstrated need for national policy uniformity or for a monolithic system of enforcement—mitigate in favor of action by the national government and must be balanced in this process. For example, the need for a uniform foriegn policy on the part of the United States clearly justifies national rather than state action in this area. Similarly, in the interstate commerce area, the need for a uniform competition policy argues strongly for national antitrust law; and the need for efficient flow of interstate transportation argues for national rather than state regulation of airplane and rail safety. In other words, by federalism, we are not referring to the idea expressed in the Constitution that certain governmental functions are more properly carried out at the level of the 50 states, while others are more properly carried out by the national government.
>
> While reasonable individuals may well differ on the direction in which these and other factors of federalism point—and that may well be the case in the context of S. 1815—it is nevertheless critical that we not lose sight of the need to go through this analytic process.
>
> When these factors are examined in the context of polygraph regulation, the balance in the Administration's judgment is clearly struck in favor of state, not national, regulation. Not only is there no need for national enforcement or uniformity with respect to private sector polygraph use, but the benefits of leaving regulation to the states are evident; polygraph regulation is a complex issue, subject to extensive ongoing debate, in which a sustantial number of reasonable responses are available to (and have indeed been adopted by) the states.

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Whether or not polygraphs should be regulated by some level of government is not the issue here. Assuming that polygraphs are abused by private employers—and there is no question that such abuse is possible—the states are as capable as the national government of recognizing and remedying any such problem. In fact, they have the greater incentive to do so since the rights of their own citizens, to whom they are immediately accountable, are involved. As I indicated earlier, 70 percent of the states have already recognized a need for certain protections in this area and have provided them through various forms of state legislation.

The position of the Department is troubling for several reasons. First, it assumes incorrectly that Congress cannot preempt State law in the area of labor relations. In fact, most of the important aspects of labor relations have, over the last 50 years, become subject to Federal statutory law. The National Labor Relations Act of 1935, the Fair Labor Standards Act of 1938, the Labor-Management Reporting and Disclosure Act of 1959, the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Occupational Safety and Health Act of 1970, and the Rehabilitation Act of 1973 are just a few of the labor statutes enacted by Congress which have preempted State labor law.

Second, the test proffered by the Department of Justice is so stringent that it is doubtful whether any current Federal labor law or civil rights statute would satisfy its standards. If applied literally, it would appear to preclude congressional involvement, not only in the area of polygraph testing, but also in every employment practice currently regulated by the Federal Government. Congress, on the other hand, has consistently moved in the other direction, and it is difficult to imagine an employment issue other than polygraph testing that is still beyond the purview of Federal control.

Since the 1940's, the U.S. Supreme Court has broadly defined interstate commerce, consistently ruling that Congress has virtually unlimited authority to enact legislation in the labor context. See *United States* v. *Darby,* 312 U.S. 100 (1941); *Wickard* v. *Filburn,* 317 U.S. 111 (1942). As Justice Stevens said in a recent decision:

> Today, there should be universal agreement on the proposition that Congress has ample power to regulate the terms and conditions of employment throughout the economy.

Concerning opinion, *EEOC* v. *Wyoming,* 460 U.S. 226, 248 (1983).

It is interesting to note that during the testimony presented on behalf of the U.S. Department of Justice, the Department's witness admitted that it's opposition to S. 1815 would be considerably diminished if it could be shown that private employers were crossing state lines to avoid complying with polygraph bans in the States where they were operating. In fact, employer use of this deplorable practice is well documented.

Finally, the Department's position would have us ignore the one fact on which there seems to be a consensus of opinion—existing state restrictions and regulations have neither stopped or curtailed polygraph abuse.

It should be clear that there is a demonstrated need for uniform, national enforcement. The experience of the last 10 years has shown most vividly that State statutes, such as they are, have provided little effective protection for working men and women against those who intentionally misuse the polygraph instrument. To argue that the States can, and are, providing the best solution to polygraph abuse its tantamount to arguing that Congress should continue to ignore this pervasive problem.

Even where States do provide some regulations, it has often proved ineffectual. Take the case of Mary Braxton, who testified before the committee. She was required to sign a consent form when she was hired indicating her willingness to take a polygraph whenever her employer required her to do so. She worked for 5 years without any problems. In fact, on several occasions, she received promotions.

One day, she went to work and to her surprise was asked to take a test. She did and passed. The next day, which was her day off, her manager called and said she had to take another exam. Her own words best describe what happened when she showed up for the second test.

The examiner asked me, "Did I test you yesterday?"

I told him, "Yes, but my manager told me to come in and be retested today."

He called the manager, and after that he went about testing me again. Before he hooked me up, he went over some questions, like my name, whether I worked for the employer, how long I had worked there, and what was my position. He also asked me question about whether I had ever stolen, or if I knew of anyone who had. He did not write anything down, and I am not sure now whether he asked me all these questions before he hooked me up or while I was on the machine.

After the test, he looked puzzled and said something like, "Are you sure this is it? or "Is this all?" I felt like he was not satisfied with the way the test had come out.

He asked me some questions about money at the pottery, and I told him that I sometimes found money when I swept the floor. We had a cup over the register, and when we found money on the floor, we would put it there for anyone who needed some extra change for Cokes or things.

He then wrote up a statement saying that I had stolen $5 or $10 from the pottery. I refused to sign it. He got mad and threw the papers across the desk and onto the floor. At that point I got very nervous and wondered what in the world was going on. I was still doing 100 shakes a minute—as I am doing now. He would not test me again if I would not sign the paper. I agreed to sign the paper if he would give me another test, and the test would clear me. He retested me—it lasted about 5 minutes or less, because he went through the questions real fast. I spent no more than 20 minutes with the examiner that day.

After that, he showed my confession to my employer. He did not show them the test results. I had reported back to my building and was informed later that I had no job.

One of the employees walked up to me and stated that he stole every day, and he had taken the test, too, but had not gotten caught.

I felt betrayed, because I had built myself up on the job and had worked hard for my employer, and all of a sudden everything was gone. I was branded as a thief. I could not face the world, my friends, and my kids. When I told my kids, they felt bad about me being fired, and they could not understand because they said, "Mama, you don't steal."

They had a rough time in school, too, after that because other kids said that their mother had been fired because she stole.

My friends were supportive. They came by and told me I should fight the pottery on this. I did not talk to people other than my friends and family about it, because it was too painful. I cried many nights about it. I went to a doctor and got some pills to help me.

One day, about 2 weeks later, I just put it in my mind that I had to go look for a job. While I was applying for a job, I told the owner about what had happened to me, and he told me that he had heard about it. That made me feel bad, because I did not get the job, and because someone in the community knew about it, and I thought a lot of people must have been talking about it.

I applied for a number of jobs, but no one would hire me. I finally went to the unemployment office. I did not think I would get any benefits, but I did. The Pottery appealed the unemployment decision, and I went to legal aid. They helped me win again, and they told me that I might sue the Pottery and the Polygraph Examination Co. I won my case against the polygraph examiner and his company. And it took a number of years to live the story down. Now, if I have to look for a job, I tell the employer what happened to me and that I will not take a polygraph test. If the test is required, I do not want the job. So far that has worked well for me.

Ultimately, Mrs. Braxton won her law suit and a $21,000 judgment against the polygraph company, unfortunately, she never received a cent of her money, because the examiner packed up his bags and fled the State, free to practice his deplorable tactics in another jurisdiction.

Mr. President, the case for taking legislative action against the polygraph has been made. State regulation will not work, nor is there any scientific evidence that the polygraph can predict future performances. And, there seems to be little if any interest among private sector employers to conduct the type of exam, a 3- or 4-hour extensive polygraph test, that most polygraph experts believe is necessary to ensure some accuracy of result.

S. 1904 was drafted with these realities in mind. Its primary purpose is twofold. First, it prohibits preemployment and random polygraph tests, where the possibility of mistaken identifications are the highest, where the likelihood of identifying an honest person as a liar is prevalent. Second, it permits polygraph tests if given in conjunction with an investigation of economic loss or injury to the employer, where the likelihood of accuracy is highest.

The bill also requires that certain standards be met when giving such examinations and that examiners be sufficiently qualified, bonded, and controlled. S. 1904 also makes it clear that the polygraph, by itself, cannot be the sole basis for taking an adverse employment action. I might note, Mr. President, that this last point is one constantly stressed by every reputable polygrapher that I have talked with during the last 3 years.

In drafting such a bill, there are obviously a few key provisions. First, S. 1904 does not attempt to regulate Federal, State, or local government use of the polygraph. While the opponents of this legislation assert that this fact is one of the bill's most critical failings, I feel it is one of its real strengths.

I do not feel it is appropriate for the Committee on Labor and Human Resources to be interfering with the traditional police powers of State and local governments. Instead, S. 1904 carefully avoids such interference. As to the Federal Government, Congress has already established guidelines and regulations governing the limited instances in which it will use the polygraph. Again, I found little interest among private sector employers to engage in the kind of polygraph testing practiced by the Federal Government. Often these tests take 1 to 2 days and are followed by a detailed field investigation. I have yet to meet a private sector employer that utilizes similar procedures.

Second, S. 1904 does not apply to contractors for several agencies who are subject to intelligence and counterintelligence activities. Again, the regulations governing use of polygraphs by such employers are extremely stringent and, given the compelling governmental interest in national security, this limitation appears not only justified but highly appropriate.

Third, S. 1904 contains section 7(d) which provides that an employer may request an employee "* * * to submit to a polygraph test if the test is administered in connection with an ongoing investigation involving economic loss or injury to the employer's business, including theft, embezzlement, misappropriation or an act of unlawful industrial espionage or sabotage."

The committee's report makes it clear that the term economic loss or injury applies not only to instances where the employer can demonstrate a financial loss but also those instances, such as money laundering, which might actually result in a short-term gain to the employers.

Similarly, the report makes it clear that also included under this term would be instances such as theft from property managed by an employer. This language was added to address the fact that many crimes and situations may cause only indirect economic loss or injury. For example, a repairman at an apartment building might steal repeatedly from building tenants. An artful lawyer might argue that such theft would not cause direct economic loss or injury to the employer but to the tenant and thus would not be an event subject to the act. The committee report makes it clear that such theft would be covered, thus making it possible to avoid such an unintended anomaly.

Fourth, S. 1904 makes sure that the results of a polygraph examination are not the sole basis for an adverse employment action. As I noted before, I have yet to hear from any reputable polygraph expert that the results of a polygraph should be the only basis on which to decide an employee's fate. They all appear to agree that there should be some corroborating evidentiary basis before an action is taken. The legislation provides this requirement.

Fifth, S. 1904 addresses the issue of what happens when an employee refuses to take a polygraph requested by an employer in conjunction with section 7. According to section 8(b), an individual who refuses to take an exam is treated the same as one who did not pass. An employer may take an adverse employment action, including termination, if it has additional supporting evidence, the same evidentiary basis needed to give a polygraph. Consequently, an employer is not put in an adverse legal situation by requesting that an employee take a polygraph examination in accordance with the requirements of the bill and the employee refuses. Without this provision, the exemption would be a charade, of little or no use in the private sector.

Sixth, S. 1904 addresses the important issue of how to handle confessions or statements made during the examination. The bill makes it clear that an employer is free to act upon statements made before the examination or even during a test. The committee's review of the use of polygraph has provided numerous examples of individuals who have confessed to a variety of acts when confronted with the possibility or the reality of a polygraph examination. In my opinion, where such statements are made in the focused forum envisioned by the bill, that is in conjunction with an investigation of a specific economic loss or injury to an employer, action upon such statements is warranted. As a result, S. 1904 does not impinge upon such action by an employee.

Seventh, S. 1904 addresses the problem of lawyers to the degree that the problem of lawyers can be addressed under any one piece of legislation. The act makes it clear that while an employee has the right to obtain and consult with legal counsel before each phase of the test, his or her attorney cannot be present in the room, during the actual examination. Some have argued that counsel should be present during the examination, but I do not understand how one could run a legitimate polygraph test with a lawyer in the room who is constantly disrupting the process. Again, S. 1904 strikes a reasonable and equitable balance between the competing interests involved.

Eighth, S. 1904 provides that, before a polygraph exam can be given, an employer must, among other things, do one of four things. It must file a report of the incident or activity with the appropriate law enforcement agency, the employer's insurer, the appropriate Government agency, or it must execute a statement. Under this fourth category, an employer must keep on file for three years a statement setting forth the evidentiary basis which justifies resorting to the use of a polygraph. This requirement is a protection not only for employees but for employers. They will now know what type of materials they need to retain to ensure compliance with the law.

I have been disturbed, Mr. President, because some opponents of the bill have been contacting members of this body asserting that the only way an employer can give a polygraph is, if it first contacts the police, a burden they find excessive. While such a burden may or may not be excessive, certainly drafting a memorandum cannot be called burdensome. As a lawyer familiar with existing Federal and State labor statutes, I worry about the wisdom of any employer who is not already retaining a written record of every adverse employment action.

Ninth, S. 1904 does establish several qualifications for examiners and guidelines for the giving of tests. In drafting these provisions, great reliance was placed upon the recommendations of the American Polygraph Association. While I recognize that this organization does not support S. 1904, they did provide the committee with several ideas on how to ensure competent examiners and accurate exams. As William Scheve, the president of the American Polygraph Association testified in 1985:

> We would suggest that if the Federal Government decides to regulate the administration of polygraph examinations, that it do so by establishing recommended standards and guidelines for the polygraph industry and by strongly encouraging the states to adopt them.
>
> A regulatory approach such as this would establish the training criteria that competent examiners consider to be essential for the proper administration of all polygraph examinations.
>
> Federal standards and guidelines could also address issues such as appropriate instrumentation, proper examination procedures, and the necessity for effective enforcement policies. The employers' use of polygraph examination results could also be addressed. We believe that by adopting these standards, coupled with our suggestions for continuing education and professional affiliation, citizens and employers alike would be assured that tests would be both fair and accurate.

The provisions found in section 8 (c) and (d) are based in larger part on the recommendations of the association.

Finally, S. 1904 requires that polygraph examiners be bonded. By doing so, the Mary Braxtons of this world will no longer be without recourse against the deplorable acts of incompetent polygraphers.

Looking over these comments, I hope my colleagues will agree that S. 1904 is a carefully crafted, effective solution to the use of polygraphs in the private sector. It deserves the support of this body, and I hope we will act on legislation in an expeditious manner.

I think this is important legislation. I hope we will have support for this bill on the floor and that we can pass this bill all the way through both Houses of Congress in its present form. This Senator will do everything he can to work toward that end.

Mr. COCHRAN. Mr. President, I rise to note for the record and to advise Senators that there were three of us in the committee who voted against reporting this bill to the Senate. Those reasons are stated in minority views that are included as a part of the committee report. This Senator did not actually write views that were included in the report, but I wish to express some concerns now to advise Senators that there are objections to this legislation.

As we were waiting on a quorum when we were taking up the bill and preparing to report it out, I made the mistake of reading the bill. That may be why I voted against it. I was attracted to one provision that just jumped out at me; it is on page 35 of the bill now on the desk of every Senator. It is entitled "Promulgation of Standards," and I will read it with the indulgence of the Senate:

> The Secretary shall establish standards governing individuals who, as of the date of the enactment of this act, are qualified to conduct polygraph tests in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph tests previously.

It strikes me that we are creating, by passing this bill, an authority at the Federal level for a Cabinet-level Secretary to promulgate standards on which States will have to base their licensing of polygraph examiners. If there is a different meaning, for this language, I hope the Senate will be advised.

What concerns me about this provision is that it marks the first time ever the Federal Government has attempted to legislate standards for a profession or vocation it has never regulated before. And there are many other vocations and areas of activity for which the Federal Government does not purport to establish standards for licensing.

I think immediately of the medical profession, where the life, safety, and health of individuals is very directly affected by the competence and ability of those providing medical care. Under our system of government the States have the power to prescribe standards and qualifications that must be met by those who seek to be licensed as medical doctors. This is not the responsibility of the Federal Government. And there are many, many other illustrations of that. It may be that the Federal Government ought to be more involved in some areas, but I do not think the case has yet been made. Certainly, to permit the Secretary of Labor to establish standards for polygraph examiners would be a very sharp departure from past practice and from the division of power between the State and Federal governments.

So I raise that question. I may have an amendment that I will offer later to deal with this question, to try to define exactly what power we are conferring on the Federal Government in the area of licensing or standard setting, and to see whether or not the Senate agrees with a change in this section.

I sympathize with the views expressed by the managers of the bill that we certainly do not want to see in our country any abuse of the rights of individual workers or prospective employees by employers in the administration of polygraph examinations as a condition to employment. I do think, however, that in some industries there are legitimate concerns about the honesty, integrity, and physical condition of prospective employees. Employers have the right to inquire and to satisfy themselves that applicants for those jobs are fit and well-suited for employment in those industries.

I think for instance about the situation where employees may be called upon to handle large sums of currency. If in their backgrounds there are examples of behavior that show that prospective employees are not trustworthy, they, their prospective employers have a right to find that out. On the other hand, if a polygraph examiner is qualified for the job under licensing of the State, then in my judgment there should not be a Federal law to interfere.

I hope that we look very carefully at this legislation before we rush to passage or rush to vote. I know the distinguished Senator from Indiana, Senator Quayle, has expressed opposition in the committee to the bill and has amendments that he wants considered. There are other Senators who also contemplate offering amendments.

I appreciate very much having this opportunity to alert the Senate to the fact that there is opposition to this legislation, to state why there is opposition from this Senator at this point, and to express the hope that we will consider carefully suggestions for change before we enact the bill.

Mr. KENNEDY. Mr. President, just briefly I welcome the points that have been made by the Senator from Mississippi. He has made these comments during the course of our own consideration of the legislation.

We, over the course of our hearings, found that there were a number of instances where States did not have any kind of regulation or prohibition in terms or licensing of various of the polygraph personnel, and that many of those companies would actually use, in many instances, the kinds of abuses that would fall into the type of abuses that were described earlier, and then assigned those personnel to the various States where there were prohibitions against any kind of the intrusive aspects of polygraph that has been described.

So at the present time we find very substantial abuses in circumventing State regulations and we had impressive testimony along those lines.

Given the dramatic growth of the use of polygraph across the country and the abuses which have been so evident, it seemed like the type of actions

that we have recommended would be legitimate and be worthwhile.

I want to point out that we do not preempt those States that have effective laws. We respect those. But I would mention to the Senator from Mississippi that it was only about a year ago in the omnibus drug bill that Congress voted overwhelmingly to grant the Secretary of Transportation power to review the States' licensing of truckdrivers, not that that necessarily should as one instance be used as a blank predicate for the support of this legislation. But recognized were the dangers that were presented, particularly in many States that did not have the kind of review in terms of the safety and the training various truckdrivers—in fact, they were using the interstate system—and that these matters were in effect a matter of interstate commerce; that providing that kind of limited review by the Department of Secretary of Transportation was warranted. We have a number of other areas as well.

I respect the arguments that have been made by the Senator from Mississippi, but I do think in light of the overwhelming evidence during the course of our hearings, talking about the circumvention of various State laws and the growth of the various uses of the polygraphs, that this activity is warranted.

Mr. President, as I say, we are prepared to deal with any of the various amendments. I am hopeful we will be able to address those because we are prepared to deal with those now.

● Mr. SIMON. Mr. President, I am pleased today to be counted among those in support of the Polygraph Protection Act of 1987.

Twenty-one States have either banned or restricted the use of lie detectors in the workplace, but the number of Americans who must submit to these tests continues to grow. Working men and women in the private sector are subjected to more than 2 million lie detector tests every year—4 times the number given 10 years ago. State lie detector prohibitions have proven inherently inadequate.

The truth is that polygraph tests cannot accurately distinguish truthful statements from lies. The Congressional Office of Technology Assessment has reviewed field studies of polygraph validity and has found that honest people are more likely to fail polygraph tests than dishonest people. The tragedy is that at least 200,000 Americans are wrongfully denied employment opportunities every year—not because of their work records, but rather because employers rely on inaccurate lie detector tests. Honest workers would be better off if their employers made these personnel decisions by simply flipping a coin.

Certainly American workers must be afforded the same protection from polygraph tests which is routinely granted to indicted suspects in criminal proceedings. These people cannot be forced to take polygraph tests, and even the Justice Department opposes the use of polygraph examination results in criminal trials as evidence of guilt or innocence. Yet many employees and job applicants can be forced to take lie detector tests for any reason whatsoever.

Mr. President, this bill will prohibit the use of preemployment polygraph tests—the area of greatest abuse of applicants' rights by potential employers. It does not, however, prohibit the use of polygraph tests completely. If a loss report has been filed with a Federal agency or an insurance company, a detailed written statement has been made of the loss by an employer, or the police and a complete investigation has been made leading to certain, specified suspects, the polygraph may be used under certain restrictive circumstances. This, Mr. President, is certainly an equitable procedure for dealing with polygraph testing. We must address the problem of abuse here, and I would hope that many of my colleagues will agree with me and vote for this bill.●

Mr. THURMOND. Mr. President, I rise today to offer an amendment to this bill to require rotating health warning labels for all alcoholic beverage containers. This is the same legislation I introduced earlier this year along with my distinguished colleagues Senator Metzenbaum, Senator Harkin, and Senator Evans.

Last year, I took the opportunity to inform my colleagues of the continuing lack of responsibility on the part of the alcohol beverage industry regarding their advertising practices. Such irresponsibility demands congressional action to counter the adverse effect these practices are having on the Nation.

Mr. President, the Public Health Service recently completed a study on the potential educational effects of health warning labels and concluded that labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives.

Mr. President, health warning labels are an important step to educate the consumer on the potential hazards of alcohol consumption.

The warnings in this measure, which would be placed conspicuously on the beverage containers, would read as follows:

> Warning: The Surgeon General has determined that the consumption of this product, which contains alcohol, during pregnancy can cause mental retardation and other birth defects.
>
> Warning: Drinking this product, which contains alcohol, impairs your ability to drive a car or operate machinery.
>
> Warning: This product contains alcohol and is particularly hazardous in combination with some drugs.
>
> Warning: The consumption of this product, which contains alcohol, can increase the risk of developing hypertension, liver disease and cancer.
>
> Warning: Alcohol is a drug and may be addictive.

Mr. President, alcoholism and alcohol abuse are recognized as one of our Nation's most serious problems.

To illustrate the extent of alcohol abuse, here are a few relevant examples:

First. The National Institute on Alcohol Abuse and Alcoholism [NIAAA] says that alcohol costs the American economy nearly $120 billion per year in increased medical expenses and decreased productivity.

Second. The NIAAA estimated that 18.3 million Americans are "heavy drinkers" which is defined as consuming more than 14 drinks per week.

Third. In 1985, over 12 million American adults had one or more symptoms of alcoholism. This represents an increase of 8.2 percent from 1980.

Fourth. Since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy. Despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation. It is the only preventable birth defect among the top three. However, a 1985 government survey revealed that only 57 percent of Americans had even heard of fetal alcohol syndrome.

Fifth. A 1987 HHS report to Congress entitled "Alcohol and Health" cites that nearly one-half of all accidental deaths, I repeat, one-half of all accidental deaths—suicides and homicides are alcohol related. Nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime.

Sixth. Alcohol related traffic accidents claim over 23,987 lives each year in the United States.

Seventh. Among teenagers, alcohol abuse has reached epidemic proportions. According to the 1987 HHS report, an estimated 30 percent or 4.6 million adolescents experience negative consequences of alcohol use, such as poor school performance, trouble with parents, or trouble with the law.

Eighth. According to recent statistics, alcohol remains the most widely used drug among American youth.

For many years I have firmly believed in the need for warning labels on alcoholic beverages, and I have introduced this type of legislation before. In fact, I cannot imagine any argument against this legislation which I have not previously heard. More importantly, what I said in support of such legislation in 1979 and in 1981 is just as true today:

> If such a warning label deters a potential abuser of alcohol from taking a drink, or prevents a casual drinker from climbing behind the wheel of a car when he has had "one too many", or prevents a pregnant woman from potentially causing harm to her unborn child, then this legislation will be effective and worthwhile.

Mr. President, I will never forget the letter I received from Mr. Ben Robinson of Alexandria, VA, regarding alcohol labeling legislation. I want to read you a portion of that letter because it briefly, and very persuasively, explains the importance of this bill.

> Such a law is very much needed! It probably would not deter veteran drinkers, but for the young still unaddicted it would cause them to think twice before drinking. I speak from sad experience. Just a little over a year ago, August 12, 1984, our family was shocked with the news that our 22 year old son was dead. From information that we received later in bits and pieces we learned that while camping with two other boys near a fishing pond in West Virginia, they all drank heavily of hard alcohol. Bruce, our son, passed out and never awakened.
>
> The Certificate of Death reads for the cause "acute ethyl alcohol intoxication, and extensive aspiration of stomach contents into tracheobronchial tree." Bruce was a novice to whiskey drinking. He did drink beer in moderation, but I had never known him to drink whiskey—and he and I were close.
>
> I cannot help but think that warning labels carefully written as to consequences would prevent alcohol abuse and deaths among young people.
>
> Within a few weeks after Bruce's death, Paul Harvey in his newscast said alcoholic deaths among the young are not uncommon. He mentioned a young girl who had drunk to excess and gone into a coma. He said that youth are very susceptible to alcohol poisoning and this is especially true when body temperature is low . . . I wish you success and if there is something I can do to help, let me know.

Mr. President, this legislation will serve to provide individuals with the knowledge necessary to make an informed decision on whether or not to consume alcoholic beverages. Similar to cigarette warning labels, these labels do not create any legal restriction or penalty to those who do not heed the warnings. They merely provide cautionary notice that consumption of the product may entail serious consequences in certain situations.

Mr. President, I have received several letters from organizations endorsing health warning labels on alcoholic beverages. These organizations include: the American Medical Association; the American Academy of Pediatrics; the National Council of Alcoholism; the Center for the Science in the Public Interest; the General Association of General Baptists; Mothers Against Drunk Driving; the American Council on Alcohol Problems; the National Rainbow Coalition; the National PTA; the Christian Life Commission; the Association for Retarded Citizens; the National Women's Christian Temperance Union; and the American Medical Society on Alcoholism & Other Drug Dependencies.

Mr. President, the Senate passed alcohol warning labels legislation in 1979. I repeat, this Senate passed alcohol warning labels legislation in 1979. I urge my colleagues to support the passage of this vitally important legislation and reaffirm the commitment of this body to protecting the health of the American people.

AMENDMENT NO. 1472

(Purpose: To require a health warning on containers of alcoholic beverages)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 1472.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) Congress finds that—

(1) the most abused drug in America is alcohol;

(2) alcohol use costs the American economy nearly $120,000,000,000 per year, including increased medical expenses and decreased productivity;

(3) alcohol related traffic accidents claim over 23,000 lives each year in the United States;

(4) over 12,000,000 American adults have one or more symptoms of alcoholism, representing an 8.2 percent increase in problem drinking since 1980;

(5) since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy, and despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation;

(6) fetal alcohol syndrome is the only preventable birth defect among the top three types of birth defects in the United States, nevertheless, recent surveys reveal that only 57 percent of Americans have heard of fetal alcohol syndrome;

(7) nearly one-half of all accidental deaths, suicides, and homicides are alcohol related, and nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime;

(8) among teenagers, alcohol abuse has reached epidemic proportions and an estimated 30 percent or 4,600,000 adolescents experience the negative consequences of alcohol use (such as poor school performance, trouble with parents, or trouble with the law);

(9) in 1986, alcohol remained the most widely used drug among American youth;

(10) the Public Health Service has recently completed a study on the potential educational effects of health warning labels on alcoholic beverages and concluded that such labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives;

(11) the statistics cited in the preceding paragraphs indicate that many Americans are not aware of the adverse effects that the consumption of alcoholic beverages may have on health;

(12) it is necessary to undertake a serious national effort to educate the American people concerning the serious consequences of the consumption of alcoholic beverages; and

(13) warning labels on the containers of alcoholic beverages concerning the effects on the health of individuals resulting from the consumption of such beverages would assist in providing such education.

(b) Title V of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—PUBLIC AWARENESS CONCERNING THE HEALTH EFFECTS OF ALCOHOLIC BEVERAGE CONSUMPTION

"SEC. 550. PUBLIC AWARENESS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' includes distilled spirits, wine, any drink in liquid form containing wine to which is added concentrated juice or flavoring material and intended for human consumption, and malt beverages.

"(2) COMMERCE.—The term 'commerce' has the same meaning as in section 3(2) of the Federal Cigarette Labeling and Advertising Act.

"(3) CONTAINER.—The term 'container' means any container, irrespective of the material from which made, used in the sale of any alcoholic beverage.

"(4) DISTILLED SPIRITS.—The term 'distilled spirits' means any ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

"(5) MALT BEVERAGE.—The term 'malt beverage' means a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

"(6) PERSON.—The term 'person' has the same meaning as in section 3(5) of such Act.

"(7) SALE AND DISTRIBUTION.—The terms 'sale' and 'distribution' include sampling or any other distribution not for sale.

"(8) UNITED STATES.—The term 'United States' has the same meaning as in section 3(3) of such Act.

"(9) WINE.—The term 'wine' has the same meaning as in section 17(a)(6) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(6)).

"(b) GENERAL RULE.—It shall be unlawful for any person to manufacture, import, distribute, sell, ship, package or deliver for sale, distribution, or shipment, or otherwise introduce in commerce, in the United States, any alcoholic beverage during a calendar year unless the container of such beverage has a label bearing one of the following statements:

"(1) 'WARNING: THE SURGEON GENERAL HAS DETERMINED THAT THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, DURING PREGNANCY CAN CAUSE MENTAL RETARDATION AND OTHER BIRTH DEFECTS.

"(2) 'WARNING: DRINKING THIS PRODUCT, WHICH CONTAINS ALCOHOL, IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY.

"(3) 'WARNING: THIS PRODUCT CONTAINS ALCOHOL AND IS PARTICULARLY HAZARDOUS IN COMBINATION WITH SOME DRUGS.

"(4) 'WARNING: THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, CAN INCREASE THE RISK OF DEVELOPING HYPERTENSION, LIVER DISEASE, AND CANCER.

"(5) 'WARNING: ALCOHOL IS A DRUG AND MAY BE ADDICTIVE.'.

"(c) LOCATION OF LABEL.—The label required by subsection (a) shall be located in a conspicuous and prominent place on the container of a beverage to which such subsection applies. The statement required by such subsection shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such container.

"(d) REQUIREMENTS.—Each statement required by subsection (a) shall—

"(1) be randomly displayed by a manufacturer, packager, or importer of an alcoholic beverage in each calendar year in as equal a number of times as is possible on each brand of the beverage; and

"(2) be randomly distributed in all parts of the United States in which such brand is marketed.

"(e) BUREAU OF ALCOHOL TOBACCO AND FIREARMS.—The Bureau of Alcohol Tobacco and Firearms shall—

"(1) have the power to—

"(A) ensure the enforcement of the provisions of this section; and

"(B) issue regulations to carry out this section; and

"(2) consult and coordinate the health awareness efforts of the labeling requirements of this section with the Secretary of Health and Human Services.

"(f) VIOLATIONS.—Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

"(g) JURISDICTION.—The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this section upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"(h) EXEMPTIONS.—Alcoholic beverages manufactured, imported, distributed, sold, shipped, packaged, or delivered for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this section, but such exemptions shall not apply to alcoholic beverages manufactured, imported, distributed, sold, shipped, or packaged or delivered for sale, distribution, or shipment to members or units of the Armed Forces of the United States located outside of the United States.

"(i) LIABILITY.—Nothing in this section shall be construed to relieve any person from any liability under Federal or State law to any other person.".

(c) The amendment made by this section shall become effective 6 months after the date of its enactment.

Mr. THURMOND. Mr. President, I just listed a few of the organizations that support the use of warning labels on alcoholic beverages. I did not list all of them.

Other organizations that favor warning labels on alcoholic beverages are the American Academy of Pediatrics; the American Medical Student Association; the American Youth Works Center; the American College of Preventive Medicine; the Consumer Federation of America; Children's Foundation; the American Health and Temperance Society; Consumer Affairs Committee of Americans for Democratic Action; and the American Association of Health Education.

Those, I believe, are in addition to the ones I mentioned a few moments ago.

Mr. President, I wish to read a few letters to show the solid backing for this amendment.

I believe the distinguished manager of this bill on the floor was one of those who backed this amendment. I want to thank him, and I hope he will back it again.

Mr. President, here is a letter to me:

> On behalf of the 160,000 members of the Association for Retarded Citizens of the United States, I wish to commend you and the other Senate co-sponsors for your introduction of legislation to mandate health and safety warning labels on all alcoholic beverages. Our members, the majority of whom are parents of persons with mental retardation, have been seeking such legislation for some time. As you are keenly aware, fetal alcohol syndrome is a leading and preventable cause of mental retardation.
>
> We are particularly pleased that your proposed bill will require one of the warning labels to be affixed to beer, wine and distilled spirits containers to state that consumption of alcohol during pregnancy can cause mental retardation. Such a label, providing high exposure of this problem to the general public, is expected to be extremely helpful in preventing mental retardation caused by fetal alcohol syndrome.
>
> The ARC strongly endorses this legislation and urges its prompt enactment.
>
> Sincerely yours,
>
> V.K. "WARREN" TASHJIAN,
> *President.*

Mr. President, if this bill is adopted, if it did nothing more than prevent mental retardation, it would be thoroughly worthwhile. That is what this organization, the Association of Retarded Citizens, feels about this bill.

Now, Mr. President, I want to read a letter from the National Parents and Teachers Association, dated February 1, 1988.

> DEAR SENATOR THURMOND: The National PTA would like to extend our support to your efforts in enacting legislation that would require warning labels on alcoholic beverages.
>
> As you know, alcohol is the most widely used and abused drug in our society. Yet, a 1983 National Weekly Reader Survey on Drugs and Alcohol noted that only 42 percent of fourth graders realized that alcohol was a drug compared to 81 percent who considered marijuana a drug, and the percentage of students recognizing alcohol as a drug decreased with age, to 28 percent, in the upper grades.
>
> The public is not sufficiently aware of the danger of alcohol abuse or the short and long term effects of alcohol on their physical and mental health. Alcohol contributes to several fatal diseases, including cardiac myopathy, hypertension and stroke, pneumonia, several types of cancer and liver disease. As a poison, alcohol is second only to carbon monoxide as the substance directly responsible for the most unintentional poisoning deaths in the U.S. In addition, alcohol-related highway deaths are the number one killer of 15-24 year olds. In 1985, 52 percent of the 43,800 highway fatalities were alcohol related.

Mr. President, I want to pause to call attention to that. "In 1985, 52 percent of the 43,800 highway fatalities were alcohol related."

> Health warning labels will serve important informational and educational functions. Labeling of all alcoholic beverages will highlight specific information about alcohol use and health effects. The glamorization and normalization of drinking promoted yearly, in a 1.3 billion advertising campaign, will be countered through warning labels on all alcoholic beverages. And finally, warning labels with reinforced school-based alcohol prevention and education programs.
>
> We applaud your tireless effort to help educate the public to alcohol related problems. We hope that this year the health and safety of our nation's citizens takes priority over special interest concerns, and that legislation mandating health warning labels on alcoholic beverage containers be enacted.
>
> Sincerely,
>
> MILLIE WATERMAN,
> *Vice-President for*
> *Legislative Activity.*

Mr. President, I have a letter here from the National Council on Alcoholism, addressed to me, dated January 27, 1988.

> DEAR SENATOR THURMOND: On behalf of the National Council on Alcoholism, I would like to express my strong endorsement of your proposed legislation mandating health and safety warning labels on all alcoholic beverages.
>
> If enacted, this legislation will provide alcohol consumers with concrete information about the association of alcohol consumption with health and safety risks ranging from alcohol-related birth defects and alcohol's contribution to liver disease, hypertension and cancer; to the impairment of driving ability and the danger of combining alcohol with other drugs. The label which identifies alcohol as a drug with addictive potential will help to mitigate against the alarming equation of alcohol with soft drinks and juices so frequently featured in alcohol advertising in both broadcast and print media.
>
> Education has frequently been cited as a key ingredient in any comprehensive strategy to address alcoholism and alcohol-related problems in the nation. Clear and simple labels placed on every container of beverage alcohol every day of the year will keep educational messages about alcohol's effects constantly before the public eye. Public

service announcements on radio and television and educational campaigns to combat alcoholism and related problems are of necessity, time-limited. The labeling of alcoholic beverage containers will institutionalize important public health information and cannot help but greatly enhance the public's knowledge regarding health and safety risks attendant on alcohol use.

In a democratic society, consumers have a right to know about the risks associated with the consumption of any given legal product. This information is critical if individuals are to make informed decisions about their use or non-use of alcohol. Alcoholic beverages have long been held harmless from a number of consumer information strategies. In fact, alcohol advertising which glamorizes drinking continues to be the major and most powerful source of information Americans receive about alcohol. Your proposed legislation makes a major contribution to alcohol education for American consumers.

NCA has been on record in support of health and safety warning labels on alcoholic beverages since 1982. In our view, the utilization of this simple, cost-effective and well precedented educational vehicle is long overdue. We have appreciated your leadership on this important alcohol policy measure throughout the last decade. We pledge our unqualified support for all your efforts to make health and safety warning labels on all alcoholic beverages federal public policy during the second session of the 100th Congress.

Please don't hesitate to call on the National Council on Alcoholism and its 200 local and state affiliates throughout the nation for our assistance in helping you to realize this goal.

Sincerely,

THOMAS V. SEESSEL,
President.

Mr. President, I have letters and I will take more of them up later. As I say, I have letters from the American Academy of Pediatrics and various other organizations, which all endorse these labels.

What harm can there be to merely put on a container a label of the kind that I described, that warns pregnant women that it is dangerous to take alcohol because it would damage the babies and make many of them suffer from mental retardation? What is the harm in putting on a warning? People do not have to follow it, but why not warn the public? Why not inform the public of the dangers?

This is for the health of the Nation. I am very pleased that not only the majority manager of this bill supported this bill but also the minority manager, my distinguished friend, the ranking member of the committee, favors warning labels.

Now, some people say, "I favor them but I do not favor them on this bill." That is no excuse. You may never have another opportunity if you do not put it on this bill. We ought to be putting it on many bills in this Senate. If you favor warning labels, now is the time to show your colors. Now is the time to let the public know you believe in warning labels. It is for the good of the public. That is the only reason I offer this amendment. I am interested in trying to help warn mothers not to drink alcohol while they are pregnant, to warn of the dangers of alcohol causing automobile wrecks, causing homicides, causing suicides.

Mr. President, this is a very important amendment, and I hope the managers of this bill will accept it. They both have favored labeling heretofore, and I hope they will accept it on this bill and not say put it off to another time or bring it up separately.

Now is the time to stand by this bill if you believe in it. Now is the time to show your colors. Now is the time to let the people of this Nation know that it is detrimental to pregnant women and detrimental in the other ways I have said. All this bill does is require a label. It does not prohibit anybody from doing anything. It merely warns the public. I hope the managers will accept this amendment, and I will be pleased to hear from them right now.

(Mr. ROCKEFELLER assumed the chair.)

Mr. HATCH. Mr. President, it is intriguing to me that my distinguished colleague, who really has done a great job on warning labels as a member of the Labor and Human Resources Committee, would bring this matter up at this time on this bill, especially since tomorrow we have a number of health bills coming up in the Labor and Human Resources Committee, among which is the alcohol, drug abuse, and mental health bill, a perfect bill, a perfect vehicle, one where this amendment would be germane and one I would support without question, as I have in the past. The appropriate thing for him to do would be to bring it up tomorrow and put it on the alcohol, drug abuse, and mental health bill. Frankly, we might support it.

But there is another aspect of this, too, which I would like to call to my friend's attention. That is that there is not the same consensus for this particular bill as there might be if we sat down and really worked to get a consensus on warning labels which include warnings about the abuse of alcohol, because these labels do not do that. I think we could build a consensus with which we would pass a bill that would once and for all warn everybody in America about the dangerous use and the abuse of alcohol.

Unfortunately, I do not believe the bill the Senator is using as an amendment on the polygraph bill, a totally nongermane amendment, I might add, that really has no relationship to what we are trying to do with polygraph, would pass anyway. But I think we can work the language out so that we can pass it and do everybody in America a great deal of good.

Since 1977, I have supported Senator THURMOND's legislative efforts to require alcohol warning labels. I think Senator THURMOND has been a champion in educating Americans about the potential risks of alcohol abuse. However, I would like to suggest to my dear friend and colleague from South Carolina that he should consider offering this legislation as an amendment on the alcohol, drug abuse and mental health bill tomorrow and that would give it much more support than he will get here today, at least in my opinion.

Furthermore, I think there is an alcohol warning labeling bill that could be developed and passed by Congress. I do not think this one will be passed. There are many people, who are sincerely devoted to coming up with appropriate alcohol warning labels in the form of legislation, who perhaps would not vote for this bill. However, what Senator THURMOND has put before us is an important beginning. It can be improved.

For example, we should model this legislation after the recommendations by the Department of Health and Human Services. During last year's antidrug abuse legislative effort we asked the Department of Health and Human Services to assess the potential educational benefits of alcohol warning label legislation.

In summary, they found, one, health warning labels can have an impact upon the consumer if they understand the labels and understand the risks the label is warning about. Consumers tend to ignore label information which they feel is not useful to them or is not important to their goals.

Second. Health warning labels can have an impact upon the consumer if the labels are designed effectively.

Third. Health warning labels may not have an effect on consumer behavior.

Fourth. Warning label legislation should be done after a public education effort designed to increase consumer knowledge of the health hazards associated with alcohol consumption.

That fourth one really makes a very good argument against bringing it up as a nongermane amendment to a bill that has no relationship to it.

With those goals in mind, I believe we can sit down with the distinguished Senator from South Carolina—and I am dedicated to doing that; I believe in warning labels as much as he does—and fashion a warning label bill accompanied by an educational campaign that will educate consumers about the health hazards of alcohol abuse.

I believe we should force the industry to work with us on the bill, and I believe we can get help from the industry. They are concerned about the abuse of alcohol, and some of them have acted very responsibly as a result of the hearings that I held when I was

chairman of the Labor and Human Resources Committee, and as a result of some of the great work that the distinguished Senator from South Carolina has done, they are ready to do so. They have extended their hands toward us to talk. So let us do it. Let us not do it this way.

The managing editor of the Wine Spectator recently wrote, "We should adopt a forward-looking strategy that recognizes legitimate health concerns in America and proposes creative solutions to the warning label legislative effort which could put wine producers in a cosmic light and disarm the critics."

People are interested in discussing warning label legislation, so let us bring them all to the table with other interested groups including the National Council on Alcoholism, the National PTA, and the American Medical Association. Let us make them work with us and get an alcohol warning label bill signed into law. I do not think this is the vehicle, nor is this the amendment which will work.

Finally, I do not want to prolong this because I think everybody in this body and many people throughout the country know the fights that I have led to put warning labels on alcoholic beverages and on tobacco substances as well. We have the tobacco labels in effect. They are working. They are doing some good. I led the fight for those, among others. I will lead the fight, along with the distinguished Senator from South Carolina, on alcohol warning legislation as well. But this is not the way to do it. I am suggesting to you right now, Mr. President, that this is a vote on procedure, not substance.

Now, I would be hesitant about tabling a germane amendment, if this were a germane amendment, because there should be debate on this bill, but this issue is not germane. This is not the vehicle for those of us who really want to solve this problem. I do not think, the way it is written, it is passable either.

So I have to conclude that is the only reason for bringing it up at this time. You will have the perfect vehicle tomorrow. You have a committee that is acceptable to listening to alcohol warning legislation. I think they would allow it to be put in good form on the alcohol, drug abuse, and mental health bill, if not in committee certainly on the floor, and that bill is going to come to the floor without much hesitation. I think that is the appropriate way to do it.

Everybody knows I do not want to vote against alcohol warning legislation. Everybody knows that. Everybody knows my position on it. They know that I do not drink, and they know that I am concerned about the youth of this country. They know I am concerned about people who are uneducated in these areas. They know I am concerned about the abuse of alcohol. They know that I know that it is one of the biggest drug abuse aspects in our country today.

Frankly, this is not the bill to put it on, and we are going to have to move to table. Before we do, I know there are others who would like to speak on this, and certainly we want to give them adequate time to do so also.

I want to tell my dear colleague how much I respect him. There is nobody in this body for whom I have greater or more deep respect than Senator THURMOND. I hope he will withdraw this amendment, and do it tomorrow with my support in committee, do it properly on the bill where it will go through the Congress and be made into the law; work with us to get language that I know will be acceptable to everybody.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HATCH. I am happy to yield.

Mr. THURMOND. Mr. President, that sounds good.

Mr. THURMOND. But it is not practical.

Mr. HATCH. It is practical.

Mr. THURMOND. Here is why. The bill, the Alcohol, Drug Abuse and Mental Health Bill, is similar to the bill last year that we put it on; similar bill, brought it to the Senate and we never could get it up in the Senate. Is the Senator asking to go through that same procedure when we could not get it up? The bill is up. We will have a chance to vote on it. Last year we brought up this bill and we never did get it up. So it amounted to nothing.

Mr. HATCH. Let me answer the Senator. That is true because it is this language, and there is not a consensus for this language. I will vote for this language in committee on the ADAMH bill which both the distinguished Senator from Massachusetts and I did last year. But we know that this language is not acceptable.

Mr. THURMOND. Offer amendments to amend it.

Mr. HATCH. If I could just answer the distinguished Senator, I believe. If we will sit down together we can come up with consensus language that the Senator from South Carolina can lead the fight for that will be very acceptable to him, that would not only be added to the ADAMH bill but would pass the whole Congress. I believe we could do it, if it is right so it is appropriate.

Mr. THURMOND. I suggest we go on with the bill here. I will sit down with the Senator tonight and work out these, if these warnings are not all right. Then we can offer them tomorrow.

Mr. HATCH. Let us work it out. But let us not offer it on this bill.

Mr. THURMOND. I know the Senator does not want them on this bill. He does not want this bill touched.

Mr. HATCH. That is right.

Mr. THURMOND. How are we ever going to get these warnings put on if we do not put them on the bill here in the Senate? We tried it in committee, and the Senator never could get his bill up. All last year we tried to get this bill up and had warnings in it. Alcohol interests were for it, and we were not able to get it up.

Mr. HATCH. If I can answer the distinguished Senator, the reason we could not, one of the principal reasons was because of this particular language. I happen to support this language in committee. I did support it. As a matter of fact, I am for this language. But I think it can be made better, and I think we can get it so we have a consensus, and even the industry would probably consent to it. If they will not, at least they know they are going to take a beating on the floor of both Houses of Congress.

I think this is the way to do it. Let us do it through the appropriate vehicles. Let us not do it on something like that which has no relationship to this.

Mr. THURMOND. Senator, you know amendments are offered all the time here that have no relation to other parts of the bill. It is the only way to get it through. In 1984 we passed the finest omnibus crime bill in the history of this Nation. How did we do it? We had to amend appropriations bill that came from the House. We sent this omnibus bill to the House and they never would act on it. We would not have passed the omnibus crime bill embodying so many good provisions if we had not amended the approporiation bill and put it on that. That is the only way we get it on there.

Mr. HATCH. I was part of that process.

Mr. THURMOND. I commend the Senator for that. I want to cooperate. I want to commend the Senator for this.

Mr. HATCH. I am always happy to be commended by the distinguished Senator from South Carolina. The problem with this is we know that this amendment on this bill will not help this bill to pass. We also know it did not help the ADAMH bill last year. We also know that if we can sit down, work on language, come up with language to do just as much as this language, maybe even more as far as warning the American people, and Americans who partake of alcoholic beverages, and given appropriate warnings, that will pass. That is a worthwhile endeavor.

Under those circumstances I would have no compunction about moving to table the Senator's amendment. Under those circumstances, with the added

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assurance that I am going to help him in every way I can to get appropriate warning label language passed, I will but not on this bill because this bill is a different bill. It has no relationship to that. I agree. We can add nongermane amendments to any bill if we want to. But I think I have made a pretty good case as to why I have to in particular move to table this particular bill. I will withhold that.

Mr. THURMOND. Will the Senator yield?

Mr. HATCH. Yes.

Mr. THURMOND. I want to remind the Senator that last year when we brought this bill with the labels in to the floor we never could get them to take up that bill until we took the labels out. They made us take the labels out, the Senator had the same thing again. This bill is up now. If we include in here, it will go to conference, it will be in conference. At least we can work it out.

The distinguished Senator from Massachusetts supports this bill, and supports these amendments. I commend him. What is the objection to putting them on this bill here now? Let us go to conference and see if we cannot work something out. I do not believe we are going to get alcohol warning labels on a bill that just provides for that alone. You have to hook it onto something else, and the alcohol interests will fight it to a finish. They did it last year.

And we have to put it on something else. This is a good bill to put it on.

Mr. HATCH. I will make another offer to the distinguished Senator. This is not a good bill to put it on. As much as I am for alcohol warning labels legislation, I am personally not going to let it go on this bill if I can help it. If the Senator wins, that will be fine on the vote. But let me say this. Should the Senator not win on this vote, if he persists on continuing, then I will do everything in my power to help him add appropriate legislation. We will work with him to change the language so it can be acceptable, so it can go through both Houses, and so it will pass. But I will do everything in my power as I think I am known to do to help him add it to any other appropriate bill that it could be added to.

Let me just add this. I think this is important. I believe that the Senator is not adequate in his statement that the bill came up last year, and they had to script language out. The bill did not come up last year. We did not script the language out. The reason it did not come up was because the language was in and we could not pass it. They were not going to waste the time on the floor to pass it, to try, when they knew there would be objections to this language. I think that is an accurate statement.

Mr. THURMOND. My recollection is we had to take out the warning labels to pass the bill.

Mr. HATCH. That is not true.

Mr. THURMOND. If I am in error I will be glad to be corrected.

Mr. HATCH. My understanding is that it is not correct. Whether it is or is not, the Senator made my case. That is the warning labels as drafted were the reason the bill did not pass.

What I am offering is this, and I would like my colleague to consider withdrawing this amendment on this basis or otherwise I am forced to move to table. I am offering to do everything in my power to sit down with him, with my staff, his staff and others, and come up with legislation that I think will pass this year on the floor of both Houses of Congress, or at least we will have a much better chance to pass it than that.

I think it will pass. If the Senator will work with me on that, we will both be proud at the end of the year to have very effective alcohol warning legislation. If, for instance, the Senator persists with this amendment, and we have to move to table, then maybe the tabling will be granted. If it is granted, then the Senator, I think, has lost on his language.

I would prefer to work it out. I think we can work it out. We can work on something that is more germane as a bill, that is more germane than this particular bill. But that is all I have to say about it. If the Senator persists in presenting this amendment, we are going to have to move to table it. It is that simple.

Mr. THURMOND. I just want to say, Mr. President, for year after year these groups have been fighting to help the young people, and older people, too, defend against the dangers of alcohol. The National Council on Alcoholism has worked strenuously for years. The Center for Science in the public interest has worked for the public good. The American Medical Society on Alcoholism and other drug dependency groups have worked for years. The American Academy of Pediatricians; what is pediatrics? A doctor of pediatrics is one who treats little children. These doctors nationwide treat little children, and are advocating these warning labels. They put people on notice. It does not bind people. It puts them on notice that it is dangerous.

The American Medical Association—that is the doctors of America—favor this bill. They favor this amendment. For years they favored it. Are we just going to continue to ignore it because the alcohol interests come down and raises some points about it, puts it off, hires high-powered lobbyists, and makes contacts here that cause people to go against it?

The Parent-Teachers Association, what kind of organization is this? What better people do we have advise us than the American Medical Association; Academy of Pediatrics; the Parent-Teachers Association; American Council on Alcohol Problems; American Medical Student Association; American Youth Works Center; American College of Preventive Medicine. Those are not two-by-four organizations. They are prominent organizations. They have the respect of the American people, and yet we have not taken action on this because alcohol interests have opposed it, opposed it, opposed it year after year.

Consumer Federation of America; The Children's Foundation; The American Association for Health Education; the National Education Association; NEA. That is a teacher's organization. They favor this amendment.

Every good organization in America favors it that I know of. I do not know of a good organization in America that opposes this amendment.

Why do we want to keep opposing it? The people cannot get this because they cannot get a vote on it.

March of Dimes; Association of Halfway House Alcoholism Programs. That is where people have gotten in trouble and then instead of putting them on probation, immediately they send them to a halfway house.

The law enforcement people know what trouble we have had with alcohol. All we want to do is to inform the American public. That is all we want to do, inform the American public. People do not have to follow it. But we have a duty, I think, to inform the public of these dangers.

The American Medical Association says we do. the Parent-Teachers Association says we do, and all these good organizations. And why not inform the public about these things?

Mr. HATCH and Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. If I can respond, much of what the Senator says is true, most of it, and I support him.

Mr. THURMOND. If anything I said is not true, call it to my attention. If it is in error, I will correct it.

Mr. HATCH. I think the distinguished Senator is an acknowledged leader in this area, and I am one of the first to acknowledge it, and I want to express to anybody who is watching or who cares that I appreciate it. As a matter of fact, he does not have a better advocate than I. All I am saying is this: There is a way of doing this, and there is not a way. The way he is doing it means it will never pass. Of course, that also is one reason he has brought it up on this bill, which he opposes.

If he will sit down and work it out with me and with other interested people, we can come up with warning

langauge that is probably superior to this language that would be consensus language, and then we could start a public education program that would cause it to pass. I have no doubt about that. I think it is an idea which has its time now.

Frankly, I truly admire my colleague. There is nobody who admires him more than I do. I think I have shown that through the years, and I will stand with him and I will help, and I will do everything I possibly can to back him.

On this bill, I cannot back him. He knows that. It is a little embarrassing to me to have to move to table his amendment. I hope he will not put me to that, but if he does, I am going to have to do it because I am committed to this legislation and, frankly, I am committed to alcohol warning language that will go through the Congress, not just something that makes a point now. That is why I would move to table. I think the offer I have made is more than a good offer. He knows I live up to the things I say here on the floor to the best of my ability to do so.

So all I can say is that I agree with him except on this bill, and except with this language. I think the language can be improved, and I think it can be made acceptable even to some who probably oppose it today, and if that is so, then we will really pass something. It would be landmark legislation that everybody, except perhaps certain alcohol beverage manufacturers, is going to be proud of.

Let me yield the floor to the distinguished Senator——

Mr. THURMOND. I am willing to do this. For year after year now, we have played around with this thing and we get no results.

Mr. HATCH. Right.

Mr. THURMOND. Perhaps we can do this, if the Senator is willing on that bill tomorrow to help to work these labels out and get them on that bill tomorrow that we bring out, and if the chairman of the committee is willing to work with us on that to get these labels in shape.

Both Senators have failed to do that with the very labels I have here. But if there is any little amendment we can submit to make them effective and bring them out in that bill tomorrow, I am willing to do that with the understanding that if we do not get action on that bill with labels in it when it comes up in the Senate, then I am going to be free to offer it in some other bill in the future.

Mr. HATCH. That is right. Let me just say this to the distinguished Senator. I will do everything in my power to work with him to come up with language that will work by tomorrow. I do not know if we will be able to do so, because we have to bring together a whole bunch of people and do it in such a way that we can conduct a public campaign and people can understand it. Assuming that we cannot arrive at langauge tomorrow, which does not give us much time, but we will make an effort, then I will help the Senator when it comes to the floor, because the bill will come to the floor, and I think we can resolve it.

Mr. THURMOND. I want it understood that if we bring something out here and then if it is stopped, and we cannot get the bill up, I will be free to take it up on any other piece of legislation in the future.

Mr. HATCH. I am with the Senator, and I will probably support the Senator at that time.

Mr. DANFORTH. Mr. President, I wonder if I may just interject myself briefly in this conversation because I——

Mr. THURMOND. I will be glad to yield for a minute.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. THURMOND. I thought I had the floor. I never gave it up.

The PRESIDING OFFICER. The Senator from Utah has the floor and yielded to the Senator from South Carolina.

Mr. HATCH. I yield to the Senator from Missouri such time as he desires.

Mr. DANFORTH. I would like to make this point before people start making deals about what is going to come up and who will bring up legislation on an hour's notice or 24 hours' notice.

This bill was referred to the Senate Commerce Committee. It was introduced last month. It was referred to the Senate Commerce Committee. No hearing has been held on it.

Mr. THURMOND. Why?

Mr. DANFORTH. No hearing has been requested by the distinguished authors.

Mr. THURMOND. I request it now. How soon can the committee hold the hearing?

Mr. DANFORTH. I am not the chairman of the committee.

Mr. THURMOND. The Senator is the ranking member.

Mr. HATCH. Will the distinguished Senator from Missouri help the distinguished Senator from South Carolina get a hearing?

Mr. DANFORTH. I will be happy to talk to the other Senator from South Carolina, the chairman of the Commerce Committee.

I would just like to point this out about this legislation. It is wonderful to stand on the floor of the Senate and pick out various industries and start attacking them for one reason or another, but this is clearly very far-reaching legislation. This legislation provides that on containers for alcoholic beverages—what is a container? A glass? A paper cup at the ball park? On containers of alcoholic beverages, one of five warning labels has to appear.

One of the warning labels says: "The consumption of this product which contains alcohol can increase the risk of developing hypertension, liver disease, and cancer."

Mr. THURMOND. That is what the doctors say.

Mr. DANFORTH. That is a very significant thing to put on somebody's cup of beer at the ballpark, without any hearing whatever in the Congress of the United States. We are assured that——

Mr. HATCH. If the Senator will yield on that point——

Mr. DANFORTH. Just a second. We are assured that liver disease and cancer, and so forth, are caused by this. Also, I point out that in its present form the term "sale and distribution" in the bill includes sampling or any other distribution not for sale.

So presumably in this bill in its present form if you had a guest over to your house for dinner and served that person a glass of wine which you gave away, you would have to have a warning on the wineglass.

It would seem to me, if I read this correctly, and I have not had a chance to read it yet—we have not had a hearing on it—that this kind of blockbuster legislation at least deserves to go through the reasonable legislative process. My hope is that the Senator from South Carolina will withdraw his amendment.

I do not want to join the chorus of approval for a bill that has never had a hearing, that was only introduced, as far as the Commerce Committee is concerned, a month ago and that provides if you have a guest over to your home and give him a glass of wine, you have to have a warning on the wineglass.

I think that is an extreme piece of legislation, and it deserves a little bit of attention in the regular course of legislation.

Mr. HATCH. I will add this: I think the Senator makes a good point. Actually Senator THURMOND's amendment, when it came up in committee, was limited to distilled spirits, as I understand it, and one of the Senators added "beer and wine" onto the amendment. Everybody voted for it.

Of course, at that point everybody knew this amendment was dead because the distinguished Senator from Missouri points out some of the difficulties that come up, and that is why it never passed. That is why I am saying we are going to have to work out the language because, like all things around here, if you want to do good, you are going to have to get some sort of consensus.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. THURMOND. I wanted to say, as to the sale or distribution, that is not just a glass of wine in your home, or something like that. It is the sale or distribution of it.

Mr. HATCH. I understand.

Mr. THURMOND. I understand my good friend from Missouri is a friend of Colonel Bush with whom I was in World War II and hold in high regard. But after all, we have to protect the public, Senator. And you are a man of the cloth, too, and I am sure that you would like to protect the public.

The ACTING PRESIDENT pro tempore. The comments should be to the Presiding Officer.

Mr. HATCH. May I add one other thing—I think we chatted enough—I will commit to the Senator from South Carolina if he will withdraw the amendment, and I think it is the appropriate thing to do, we will work out language that will be acceptable. I think that would have to include the language that will be passable and that will bring a consensus about, and we are going to have to also work, and I think a number of Senators, possibly including our friends from Missouri, will work to develop a public consensus for appropriate language.

I think it is an appropriate thing for the Senator to withdraw the amendment at this time with the assurance from me, and I add one other thing. This amendment can be drafted so that it is subject to the Labor and Human Resources Committee jurisdiction.

The way it is drafted, it had to be sent to the Commerce Committee. I agree that there have not been any hearings in the Commerce Committee.

But to correct a misconception, there have been in the Labor and Human Resources Committee. The Senator is right in everything that he has brought out with regard to our hearing in the Labor and Human Resources Committee. We did cover this matter.

I will ask the Senator to withdraw the amendment with those assurances.

Mr. THURMOND. With those assurances that they have given and with the further understanding if we do not get this bill up and pass it later, I will be free to offer it to the legislation in the future. I want that understood. I do not want anybody to say I withdrew it. I intend to offer it again.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to express my views on this amendment and only take a few moments of the Senate's time and, if I could, invite the attention of the Senator from South Carolina so he will not misunderstand or misinterpret my position on this issue just as a Senator.

I had supported the labeling concept that had been basically included in the substance of the amendment of the Senator from South Carolina. It was altered and changed to include "beer and wine" in the committee.

The fact remains that there was at least a broad understanding, having spent time on the issue, that this would sound the death knell, because of various political factors, for any such labeling process to move forward.

That particular measure I still support. But I want to make it very clear that, as the Senator from Missouri has pointed out, this legislation which basically incorporates the amendment of the Senator from South Carolina has been referred to the Commerce Committee. Even should language be worked out that could be agreeable and acceptable to the Labor and Human Resources Committee and that was to be passed out on one of the most important health bills that we are facing, the NIAAA bill, that relates to drug abuse and alcoholism, an absolutely essential piece of legislation if we are going to deal with one of the great scourges of our country, on a very limited budget, I might add, about a tenth of what the Surgeon General had actually recommended in his recent report, it is absolutely essential that we pass it.

I want to make it clear that I will not risk that legislation moving forward with an amendment which is not related to our jurisdiction, when any single Member of this body can raise as a point of order and bring down that particular piece of legislation under article XV. I am not going to be a part of it. I will not be a part of it. I want to make that very clear. I will do the best I possibly can in trying to influence the members of that committee who have supported it on the basis of substance that if it is offered in that committee on that measure I will do the best I can to defeat it. If it is offered out here as a freestanding amendment and if it is not going to interfere with the basic acceptance of the legislation, I will support it. But I am going to make that call. I want to make that call.

I think that those of us who have been involved in this labeling issue for some period of time would have to be cautious about giving assurances to the membership as to whether those who have been involved on the Labor and Human Resources Committee would support such an amendment. Others can reach other conclusions.

The Senator from South Carolina has opposed this bill. I would ask the Senator from South Carolina if this amendment were accepted would he support the underlying bill?

Mr. THURMOND. I would have to think about it.

Mr. KENNEDY. There is a clear enough indication, Mr. President. I do not question the motives of the Senator from South Carolina, but he is opposed to the legislation. This is not relevant to the substance of the legislation.

What we are talking about now is a limited area, dealing in these issues with the whole question of the abuse of individual rights under the proliferation of polygraph testing.

It is a question of importance in terms of public policy and in terms of health policy, but it is not relevant to this particular issue.

I will certainly work with the Senator from South Carolina on this measure and work with the members of the Commerce Committee to see if some progress can be made.

But I, for one, do not want, at least the members of our committee, the Labor and Human Resources Committee, which basically has reported out this particular measure and hopefully will report out the other measures tomorrow, to misinterpret what at least my position would be. They will make their own judgment and make their own call. But this is how I view this particular amendment, and I would support the tabling resolution of the Senator from Utah.

The ACTING PRESIDENT pro tempore. The Chair will inquire of the Senator from South Carolina if he wishes his amendment to be withdrawn. It was not entirely clear to the Chair.

Mr. THURMOND. I would like to hear what the ranking member has to say on this.

Mr. HATCH. Let me say this: I agree that if we can work out language overnight, the amendment would have to be germane. That is part of working out the language. I think it can remain germane. I do not know if we can come up with the final language by tomorrow morning.

I have said to the distinguished Senator from South Carolina that I would work in good faith to see if we cannot do that by tomorrow morning's markup, that we will work very, very hard to get an amendment in shape with the appropriate public support for it that we can add to the bill on the floor of the Senate or to any other bill that he would like to add it to whether or not it is germane. I would help him, and I think he knows that. But I do not want it on this bill because it just is not germane here.

I hope the distinguished Senator will withdraw the amendment with that assurance, and he knows I will help him and I will help him regardless of what anybody thinks about it.

Mr. THURMOND. Mr. President, with that understanding I will withdraw the amendment at this time.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

Mr. THURMOND. I do not want to give assurances in the future as to what course it will take if we do not get something worked out in the committee.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO 1474

(Purpose: To make certain technical corrections)

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself and Senator Hatch and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. Kennedy], for himself and Mr. Hatch, proposes an amendment numbered 1474.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 3, strike out "1987" and insert in lieu thereof "1988".

Beginning on page 22, strike out line 22 and all that follows through page 23, line 3, and insert in lieu thereof the following new paragraph:

(1) In general.—Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than $10,000.

On page 35, strike out lines 18 through 23 and insert in lieu thereof the following:

(2) the employer that requested the test;

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7; or

(4) any court, governmental agency, arbitrator, or mediator, in accordance with due process of law, pursuant to an order from a court of competent jurisdiction.

Mr. KENNEDY. Mr. President, this is a technical amendment that basically changes the date of the act from 1987 to 1988.

Mr. HATCH. Mr. President, the amendment offered by the Senator from Massachusetts and myself will correct two apparent technical difficulties in the bill. First, the amendment will delete the language of S. 1904 which concerned potential monetary fines for failing to post notices concerning the prohibitions called for in this act.

It was not our intent to create yet another regulatory burden for employers. Instead, we wanted to make clear how serious Congress feels about this issue. After careful review, we have decided that the Fair Labor Standards Act already has ample provisions in this area, and the requirements for posting of a notice concerning polygraph examinations need not be treated any differently than existing requirements.

The second portion of the amendments makes clear who can have access to information derived from a polygraph test. The amendment makes clear a court, a governmental agency, an arbitrator or a mediator may have such information if obtained pursuant to an order from a court of competent jurisdiction.

This new language was added to clarify the status of parties who may be in arbitration or mediation over such matters as wrongful discharge or some other adverse employment action. In such instances, possession of the test information, if obtained in the appropriate manner, may expedite resolution of the dispute.

Mr. President, this amendment should help clarify two technical areas of the bill, and I hope my colleagues will approve their adoption.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1474) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMOVAL OF INJUNCTION OF SECRECY

The ACTING PRESIDENT pro tempore. As in executive session, without objection, it is ordered that the injunction of secrecy be removed from a supplementary protocol to the 1970 Tax Convention with Belgium (Treaty Document No. 100-15), transmitted to the Senate on February 29, 1988, by the President; and ask that the protocol be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the Record.

The message of the President follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Supplementary Protocol Modifying and Supplementing the Convention between the United States of America and the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, together with a related exchange of notes. The Supplementary Protocol and the exchange of notes were signed at Washington on December 31, 1987. I also transmit for the information of the Senate the report of the Department of State with respect to the Protocol.

Pending the successful conclusion of a comprehensive new income tax convention, the Supplementary Protocol will make certain improvements in the existing convention intended to promote the development of economic relations between the United States and Belgium.

It is most desirable that this Protocol be considered by the Senate as soon as possible and that the Senate give advice and consent to ratification.

Ronald Reagan.

The White House, *February 29, 1988.*

APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senators as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the second session of the 100th Congress, to be held in New Orleans, LA, March 4-8, 1988: the Senator from Alaska [Mr. Murkowski] and the Senator from Arizona [Mr. McCain].

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Sanford). Without objection, it is so ordered.

CLOTURE MOTION

Mr. BYRD. Mr. President, I am not particularly eager to offer a cloture motion on this bill, but I feel constrained to do so after having discussed the matter with the two leaders, the two managers of the bill. Senators have had an ample opportunity and plenty of time to come over and offer amendments. As I understand the situation, an amendment was offered. It was discussed and withdrawn. It was not a germane amendment. Mr. President, I am sorry that Senators apparently are not showing a disposition to call up amendments today.

This is an important bill. I shall offer a cloture motion which will mature on Thursday. In the meantime, I hope that Senators can come to some agreements. I will be very happy to offer a time agreement, allowing for germane amendments to be called up and voted on and disposed of so that the Senate could get on with this business. It will get on with this business, one way or another; and I hope that Senators will cooperate in helping the Senate to complete this business sooner rather than later.

So I hope that this cloture motion will not have to mature, but just as a bit of insurance, Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators in accordance with the provisions of Rule XXII of the Standing Rules of the Senate hereby move to bring to a close the debate upon the committee substitute to the bill S. 1904, Polygraph Protection Act of 1987.

Senators Edward M. Kennedy, Howard Metzenbaum, Brock Adams, Lowell Weicker, Patrick Leahy, John F. Kerry, Tom Harkin, Thomas Daschle, Orrin G. Hatch, Don Riegle, Christopher Dodd, Barbara A. Mikulski, Timothy E. Wirth, J.J. Exon, Dale Bumpers, and Robert Stafford.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, it is 5 o'clock p.m. I do not want to keep the Senate in further today if Senators are not going to call up amendments. The cloture motion will ripen by Thursday. In the meantime I would urge all Senators on both sides who are interested in the bill to try to get their heads together and resolve their problems and call up their amendments, dispose of them, let us pass the bill and get on to something else.

Mr. President, there will be no more rollcall votes today.

Mr. RIEGLE. Mr. President, today, March 1, marks the beginning of "National Social Work Month." I want to recognize the special contributions made by our Nation's social workers to the well-being of their fellow Americans.

Social workers deserve this recognition because they act on their compassion for others by working for more effective social services and programs. They display a commitment to professional integrity and a dedication to public service.

Social workers are involved in the entire range of activities from direct client counseling and family intervention services to the more broad matters of policy and program development and advocacy. They assist people from the entire range of socio-economic backgrounds.

I would like to underscore our Nation's social workers' long and proud tradition of reaching out to serve those most in need. They do, indeed, stand on the front line of battle against our most pressing social problems. Many victories, large and small, are attributable to their tireless efforts.

Mr. President, I worked closely with the National Association of Social Workers [NASW] on the budget this past fall in an effort to gain additional funding for the title XX social services block grant. NASW is the largest organization of social workers, speaking as one voice to promote our Nation's social and community life. NASW joined in a coalition of 95 national organizations, called Generations United, which successfully worked with other Members of Congress and I to secure an additional $50 million authorization for the social services block grant for fiscal year 1988.

Today, the NASW embarks on a public service campaign, marking the beginning of "Social Work Month," emphasizing the importance of education needed to stop the AIDS epidemic. The campaign also seeks to raise public awareness about the needs of AIDS patients and their families. As the painful toll of AIDS epidemic rises, social workers once again occupy the front lines to assist the afflicted. The NASW campaign will serve to enhance public understanding of the psychological and social burdens that often accompany AIDS, or the fear, hate and discrimination encountered by patients, families and friends.

Mr. President, I am pleased to have this opportunity to applaud the countless efforts made by social workers to improve the lives of people in need of assistance. As the challenges faced by social workers mount, I am certain they will continue to meet the challenge. It is with great appreciation that America celebrates "National Social Worker Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2630. A communication from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the reapportionment of an appropriation of an account of the Veterans' Administration; to the Committee on Appropriations.

EC-2631. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to repeal the authority for special pay for psychologists in the Commissioned Corps of the Public Health Service; to the Committee on Armed Services.

EC-2632. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting a draft of proposed legislation to authorize expenditures for fiscal year 1989 and 1990 for the Panama Canal Commisison to operate and maintain the Panama Canal and for other purposes; to the Committee on Armed Services.

EC-2633. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the annual report on Chemical Warfare—Biological Research Program Obligations for fiscal year 1987; to the Committee on Armed Services.

EC-2634. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, and interim report on the Supportive Housing Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2635. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the West Valley Demonstration Project for 1988; to the Committee on Energy and Natural Resources.

EC-2636. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Office of Alcohol Fuels for fiscal year 1987; to the Committee on Energy and Natural Resources.

EC-2637. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the Safety Research Program of the Commission; to the Committee on Environment and Public Works.

EC-2638. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Highway Resurfacing, Restoration and Rehabilitation (RRR) Practices"; to the Committee on Environment and Public Works.

EC-2639. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Results of Research Related To Stratospheric Ozone Protection"; to the Committee on Environment and Public Works.

EC-2640. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to February 16, 1988; to the Committee on Foreign Relations.

EC-2641. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report of the Department on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2642. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Expanded Authority for Temporary Appointments: A Look At Merit Issues"; to the Committee on Governmental Affairs.

EC-2643. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-2644. A communication from the Acting Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-2645. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the U.S. General Accounting Office for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2646. A communication from the Assistant Secretary of Housing and Urban Development (Administration), transmitting,

pursuant to law, a report on amendments to an existing Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2647. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for NIDRR—Research and Demonstration—Knowledge, Dissemination, and Utilization; to the Committee on Labor and Human Resources.

EC-2648. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, a report of the White House Conference on Small Business, including the findings and recommendations of the Conference, as well as proposals for any legislative action necessary to implement the recommendations; to the Committee on Small Business.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR:

S. 2112. A bill to amend the Internal Revenue Code of 1986 to treat certain meals provided by an employer as de minimis fringe benefits; to the Committee on Finance.

By Mr. DIXON:

S. 2113. A bill to provide for the establishment of a Joint Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. INOUYE (for himself, Mr. Hollings and Mr. Danforth):

S. 2114. A bill entitled the "Public Telecommunications Act of 1988"; to the Committee on Commerce, Science, and Transportation.

By Mr. DANFORTH (for himself, Mr. Mitchell, Mr. Boren, Mr. Durenberger and Mr. Heinz):

S. 2115. A bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. METZENBAUM (for himself, Mr. Heinz, Mr. Dixon, Mr. Rockefeller and Mr. Dole):

S. Res. 388. A resolution expressing the opposition of the Senate to the proposed $400 million World Bank loan to restructure Mexico's steel industry; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. Mitchell, Mr. Chafee, Mr. Burdick, Mr. Stafford, Mr. Moynihan, Mr. Graham, Ms. Mikulski, Mr. Baucus, Mr. Wilson, Mr. Simon, Mr. Gore, Mr. Harkin, Mr. Reid, Mr. Ford, Mr. Sarbanes, Mr. Leahy, Mr. Bradley, Mr. D'Amato, Mr. Cranston, Mr. Inouye, Mr. Humphrey, Mr. Levin, Mr. Pell, Mr. Riegle, Mr. Dodd, Mr. Weicker, Mr. Daschle, and Mr. Kennedy):

S. Res. 389. A resolution to express the sense of the Senate regarding future funding of the Construction Grants program of the Clean Water Act; to the Committee on Environmental and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR:

S. 2112. A bill to amend the Internal Revenue Code of 1986 to treat certain meals provided by an employer as de minimis fringe benefits; to the Committee on Finance.

EQUITY FOR SMALL BUSINESS EMPLOYEES

● Mr. PRYOR. Mr. President, today I am introducing legislation which will correct an unintended discrimination in our income tax laws against employers and employees in small- and medium-size businesses. This legislation will make it possible for small businesses which lack either the physical or financial resources to maintain an on-premises cafeteria for their employees to subsidize a de minimis portion of the cost of an employee's meal consumed off the business premises.

Current tax law permits any employer to subsidize the difference between the fair market value of an employee's meal consumed in a company cafeteria and the direct cost of providing that meal as a de minimis fringe benefit. Treasury regulations assume that this difference will be approximately one-third of the fair market value of the meal. So long as the employer subsidy falls within these limits, it is not treated as additional wages for income or employment tax purposes. Although this provision nominally applies equally to both small and large businesses, small businesses which lack the resources to provide an on-premises cafeteria are effectively precluded from providing this benefit to their employees.

Under my legislation small businesses would be able to subsidize a similar one-third share of the value of an employee's meal which is consumed off the business premises. However, only one-half of the employer subsidy would be excluded from taxable wages. This limitation is imposed solely to assure that the aggregate 3-year revenue cost of this proposal will be less than $100 million. Nevertheless, although falling short of full equality, this legislation will take a significant step toward giving small business access to a benefit freely available to large businesses under our tax laws.

Small business is the foundation of the American economy. Ninety-two percent of United States businesses employ less than 50 employees, and 68 percent of our work force is employed by establishments having less than 100 workers. Because our economy depends so heavily on the small businessman and his employees, it is essential that we, as legislators, assure that these employers and employees receive the benefits and incentives provided under our laws.●

By Mr. DIXON:

S. 2113. A bill to provide for the establishment of a Joint Committee on Intelligence; to the Committee on Rules and Administration.

ESTABLISHMENT OF A JOINT COMMITTEE ON INTELLIGENCE

Mr. DIXON. Mr. President, I rise today to introduce legislation designed to improve congressional oversight of the administration's covert and other intelligence activities. The establishment of a joint committee on intelligence would create a dependable and secure system and enable Congress to participate as a full partner in foreign policy and intelligence operations.

The root of the problem is that too many people in both the executive and legislative branches have access to sensitive information. A new joint oversight panel would significantly lessen the risk of damaging, unauthorized disclosure by reducing the number of people who are part of the intelligence information loop.

The benefits of a joint committee on intelligence are clear. I believe this legislation would go far in restoring confidence between Congress and the administration. The increased confidence would enable Congress to receive timely and detailed reports on intelligence activities, as well as, a renewed ability for in-depth cooperation.

The administration has recognized the need for a more secure environment and has begun to reduce access to secrets and punish those who have leaked. I applaud their steps. However, Congress now needs to follow suit and reinforce its ability to guide the security and foreign affairs of our Nation.

Mr. President, now is the time for Congress to act by correcting the deficiencies that have had such an undesirable effect on Congress' oversight capability. This measure will aid in correcting these deficiencies and send an important message to our allies, as well as the American people, that this is a government which can operate in an efficient and forthright manner. I urge by colleagues to join me in supporting this measure to bring about a determined, bipartisan effort for responsible congressional oversight of our national security.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE ON INTELLIGENCE.

There is established within the Congress a Joint Committee on Intelligence (hereafter in this Act referred to as the "joint committee").

SEC. 2. MEMBERSHIP OF JOINT COMMITTEE.

(a) Composition.—(1) The joint committee shall be composed of nine Members of the Senate and nine Members of the House of Representatives as follows:

(A) Five members of the Senate shall be appointed from the majority party by the President pro tempore upon the advice of the majority leader and four Members of the Senate shall be appointed from the minority party by the President pro tempore upon the advice of the minority leader. At least one but not more than two of such members shall be appointed from each of the following committees: the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on the Judiciary.

(B) Five members of the House of Representatives shall be appointed from the majority party by the Speaker of the House and four Members of the House shall be appointed from the minority party by the Speaker of the House upon the advice of the minority leader. At least one but not more than two of such members shall be appointed from each of the following committees: the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on the Judiciary.

(2) The majority leader and minority leader of the Senate and the majority leader and minority leader of the House of Representatives shall be ex officio members of the joint committee but shall have no vote in the joint committee and shall not be counted for purposes of determining a quorum.

(b) Term of Service.—(1) Except as provided in paragraph (2), a Member of Congress may not serve on the joint committee for more than six consecutive years.

(2)(A) Of the members initially appointed to the joint committee from the Senate, three members shall be appointed for a term of six years, three members shall be appointed for a term of four years, and three members shall be appointed for a term of two years. In each case, not more than two members may be from the same political party.

(B) Of the members initially appointed to the joint committee from the House of Representatives, three members shall be appointed for a term of six years, three members shall be appointed for a term of four years, and three members shall be appointed for a term of two years. In each case, not more than two members may be from the same political party.

(C)(i) A member who begins service on the joint committee during the first session of a Congress may not serve for more than five consecutive years plus the remainder of the session during which such service began.

(ii) A member who begins service on the joint committee during the second session of a Congress may not serve for more than six consecutive years plus the remainder of the session during which such service began.

(c) Vacancies.—Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

(d) Chairman and Vice Chairman.—(1) The joint committee shall select a chairman and a vice chairman from among its members at the beginning of each session of a Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman.

(2) The chairmanship and the vice chairmanship of the joint committee shall alternate between the Senate and the House of Representatives with each session of a Congress. The chairman during each odd-numbered year shall be selected by the Members of the House of Representatives on the joint committee from among their number and the chairman during each even-numbered year shall be selected by the Members of the Senate on the joint committee from among their number. The vice chairman during each session of a Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a member.

SEC. 3. DUTIES OF THE JOINT COMMITTEE.

(a) In General.—The joint committee shall exercise exclusive legislative jurisdiction with respect to the following:

(1) The intelligence activities conducted by each department and agency of the Federal Government.

(2) The authorization of appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence and intelligence-related activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence and intelligence-related activities of the Department of State.

(F) The intelligence and intelligence-related activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in subparagraph (A), (B), or (C).

(H) The activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in subparagraph (D), (E), or (F), to the extent that the activities of such successor department, agency, or subdivision are activities described in subparagraph (D), (E), or (F).

(b) Review and Study.—The joint committee shall review and study on a continuing basis the intelligence activities conducted by each department or agency of the Federal Government.

SEC. 4. POWERS OF THE JOINT COMMITTEE.

(a) In General.—The joint committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, to require by subpoena the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such tesitmony, to procure such printing and binding, and to make such expenditures as the joint committee considers advisable.

(b) Rules: Quorum.—(1) The joint committee may make such rules respecting its organization and procedures as it considers necessary, except that no recommendation may be reported from the joint committee unless done so by a majority vote of the members present and voting.

(2) Ten members of the joint committee shall constitute a quorum for reporting any recommendation.

(c) Subpoenas.—(1) Subpoenas may be issued over the signature of the chairman of the joint committee or of any member designated by the chairman or by the joint committee to the extent the chairman or such member is authorized by a majority of the joint committee to issue such subpoenas.

(2) A subpoena issued by the joint committee may be served by any person designated by the chairman or other member authorized to sign the subpoena.

(d) Administration of Oaths.—Any member of the joint committee may administer oaths or affirmations to witnesses.

(e) Availability of Information to Other Committees and Members.—The joint committee shall, under such regulations as the joint committee shall prescribe, make any information in its possession available to any other committee or to any Member of Congress not a member of the joint committee and may permit any member of Congress not a member of the joint committee to attend any hearing of the joint committee that is closed to the public. Whenever the joint committee makes such information available, the joint committee shall keep a written record showing, in the case of any particular information, which committee or which Members of Congress received such information. A Member of Congress who, or a committee which, receives information under this subsection may not disclose such information except in a closed session of the Senate or the House of Representatives.

(f) Presidential Liaison.—The joint committee may permit any individual designated by the President as a liaison to the joint committee to attend any meeting of the joint committee that is closed to the public.

SEC. 5. INFORMATION FROM FEDERAL DEPARTMENTS AND AGENCIES.

Any department or agency of the Federal Government referred to in section 3(a)(2) (A) through (F) and any other department or agency of the Federal Government which conducts any intelligence activity, shall keep the joint committee fully and currently informed with respect to any such activity. Any such department or agency shall furnish such reports as may be requested by the joint committee with respect to any such activity.

SEC. 6. CLASSIFICATION AND RELEASE OF INFORMATION.

(a) Classification of Information.—The joint committee shall classify information originating within the joint committee, and the records of the joint committee, in accordance with standards used generally by the executive branch of the Federal Government for the classification of information. The joint committee shall establish guidelines under which such information and records may be—

(1) maintained;

(2) used by the staff of the joint committee; and

(3) made available to any Member of Congress who requests such information or records and has an appropriate security clearance, as determined by the joint committee.

(b) Public Disclosure of Classified Information.—(1) The joint committee may, subject to the provisions of this subsection, disclose publicly any information in the possession of the joint committee after a determination by the joint committee that the public interest would be served by such disclosure.

(2)(A) In any case in which the joint committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, the joint committee shall notify the President of such vote.

(B) The joint committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless before the expiration of such five-day period, the President, personally in writing, notifies the joint committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3)(A) If the President notifies the joint committee of his objections to the disclosure of such information as provided in paragraph (2)(B), the joint committee may, by majority vote, refer the question of the disclosure of such information with a recommendation thereon to the Senate and the House of Representatives for consideration.

(B) The joint committee shall not publicly disclose such information unless a two-thirds majority of each House has, by recorded vote in open session but without divulging the information with respect to which the vote is being taken, agreed to the recommendation of the joint committee to disclose such information.

(4)(A) Whenever the joint committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(B) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(i) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed;

(ii) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed; or

(iii) refer all or any portion of the matter back to the joint committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day of which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (i), (ii), and (iii) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate.

SEC. 7. RECORDS.

The joint committee shall keep a complete record of all joint committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts, and files of the joint committee shall be the property of the joint committee and shall be kept in the office of the joint committee or such other places as the joint committee may direct.

SEC. 8. UNAUTHORIZED DISCLOSURE OF INFORMATION.

(a) Rules and Procedures To Prevent Unauthorized Disclosure.—The joint committee shall establish and carry out such rules and procedures as it considers necessary to prevent the disclosure, outside the joint committee, of any information which—

(1) relates to any intelligence activity which is conducted by any agency or department of the Federal Government;

(2) is obtained by the joint committee, any member of the joint committee, or any member of the staff of the joint committee; and

(3) is not authorized by the joint committee to be disclosed.

(b) Restriction on Access to Information.—No member of the staff of the joint committee shall be given access to any classified information by the joint committee unless such staff member has received an appropriate security clearance as determined by the joint committee, in consultation with the Director of Central Intelligence and other appropriate intelligence community officials. The type of security clearance to be required in the case of any such staff member or any class of staff members shall, within the determination of the joint committee, in consultation with the Director of Central Intelligence and other appropriate intelligence community officials, be commensurate with the sensitivity of the classified information to which such staff member or class of staff members will be given access by the joint committee.

(c) Violations.—(1) The joint committee may take appropriate actions against any member of the joint committee, or any staff member of the joint committee, who violates any provision of this section or any guideline established under section 6.

(2)(A) In the case of a member of the joint committee, such action may include (i) the censure of such member by the joint committee; (ii) the expulsion of such member from the joint committee, unless such expulsion is objected to, within five legislative days after the joint committee reports such expulsion, by a majority vote in the House of Congress of which such member is a Member; and (iii) recommendation to the Senate or the House of Representatives, as the case may be, by the joint committee that such member be censured or expelled by the Senate or the House of Representatives.

(B) Unless an objection is adopted under subparagraph (A)(ii), no member of the joint committee who the joint committee has expelled may attend or participate in any meeting or activity of the joint committee.

(3) In the case of a person serving on the staff of the joint committee, such action may include the immediate dismissal of such person. The joint committee shall report to the Attorney General of the United States any apparent violation of any Federal criminal law committed by any such person in connection with a violation of any provision of this section or any guidance established under section 6.

SEC. 9. STAFF.

(a) In General.—In carrying out its functions under this joint resolution, the joint committee may, by record vote of a majority of the members of the joint committee—

(1) appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, professional staff members and clerical staff members;

(2) prescribe the duties and responsibilities of such staff;

(3) fix the pay of such staff at rates not in excess of the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332(a) of title 5, United States Code;

(4) terminate the employment of such staff as the joint committee may consider appropriate; and

(5) require, at the time of appointment, all staff members to agree in writing and under oath to the policy of the joint committee governing the disclosure of classified information.

(b) Personnel and Services of Departments and Agencies.—In carrying out any of its functions under this joint resolution, the joint committee may utilize, on a reimbursable basis, the services, information, facilities and personnel of any agency or department of the Federal Government, and may procure the temporary or intermittent services of experts or consultants by contract at rates of pay not in excess of the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332(a) of title 5, United States Code, including payment of such rates for necessary traveltime.

SEC. 10. JOINT COMMITTEE EXPENSES.

The expenses of the joint committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, from funds appropriated for the joint committee, upon vouchers approved by the chairman of the joint committee.

SEC. 11. DEFINITIONS.

In this joint resolution:

(1) The term "intelligence activities" includes—

(A) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities;

(B) activities taken to counter similar activities directed against the United States;

(C) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement, or other association; and

(D) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons.

(2) The term "staff" includes any employee of the joint committee and any person engaged by contract or otherwise to perform services for the joint committee.

SEC. 12. AMENDMENTS TO STANDING RULES OF THE SENATE.

(a) Repeal.—Senate Resolution 400, Ninety-fourth Congress (adopted May 19, 1976), is repealed.

(b) Amendment to Senate Rules.—Rule XXV of the Standing Rules of the Senate is amended by striking out "Intelligence .... 15" and inserting in lieu thereof "Joint Committee on Intelligence .... 9".

(c) Rule Making Authority.—The provisions of this joint resolution are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 13. AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.

(a) Section 501 of the National Security Act of 1947 (50 U.S.C. 413) is amended—

(1) in subsection (a)(1) by striking out "Select Committee on Intelligence of the Senate" and all that follows through "('intelligence committees')" and inserting in lieu thereof "Joint Committee on Intelligence (hereafter in this title referred to as the 'joint committee')";

(2) by striking out "intelligence committees" each place it appears and inserting in lieu thereof "joint committee";

(3) in subsection (a)(1) by striking out "ranking minority members" and inserting in lieu thereof "vice chairman";

(4) in subsection (a)(2) by striking out "either of";

(5) in subsection (d) by striking out "each of" and inserting in lieu thereof "the Members of each House on"; and

(6) in subsection (d) by striking out "its respective" both places it appears and inserting in lieu thereof "their respective".

(b) Section 502(c)(2) of such Act is amended—

(1) by striking "Permanent Select Committee on Intelligence" and inserting in lieu thereof "joint committee,"; and

(2) by striking "and the Select Committee on Intelligence" and inserting in lieu thereof a comma.

(c) Section 602(c) of such Act is amended by striking out "Select Committee on Intelligence of the Senate" and all that follows through the period and inserting in lieu thereof "Joint Committee on Intelligence.".

(d) Section 603(a) of the such Act is amended by striking out "submit to the Select" and all that follows through "House of Representatives" and inserting in lieu thereof "submit to the Joint Committee on Intelligence".

SEC. 14. EFFECTIVE DATE.

This Act shall take effect at the beginning of the first Congress beginning after the date of enactment of this Act.

By Mr. INOUYE (for himself, Mr. Hollings, and Mr. Danforth):

S. 2114. A bill entitled the "Public Telecommunications Act of 1988"; referred to the Committee on Commerce, Science, and Transportation.

PUBLIC TELECOMMUNICATIONS ACT OF 1988

● Mr. INOUYE. Mr. President, today I am introducing the Public Telecommunications Act of 1988. This legislation authorizes funding for the Corporation for Public Broadcasting for fiscal years 1991 through 1993 and for the Public Telecommunications Facilities Program for fiscal years 1989 through 1991. It continues the tradition of advance funding for these important programs so that key long-term planning decisions can be made.

The roots of public broadcasting in America are in education. The Federal Communications Commission's rules and regulations require that licensees who seek to operate on channels reserved for noncommercial stations must intend to promote educational programming. From this basic concept, the obligation of public broadcasting has expanded to include programming that is generally not feasible for commercial stations to provide. In addition, public stations are expected to be more responsive to the local informational needs of the communities they serve and the needs of diverse interest groups who are not likely to be served by the commercial broadcasters.

In 1967, the Corporation for Public Broadcasting [CPB] was established by Congress. This law has as its goal:

> "* * * [to] help make public broadcasting available to all citizens * * * and to afford maximum protection to such broadcasting from extraneous interference and control.

In the 20 years since the adoption of the Public Broadcasting Act, public broadcasting has grown and matured. Even with the increased number of programming services, it is largely responsible for much of the quality entertainment and educational video and audio programming.

Public stations are generally viewed as the bastion of responsive programming. However, local programming is the most expensive to produce and the most difficult to finance. There is far more programming aired on more public broadcast stations than there was 20 years ago, but there is also a great deal of program duplication in the markets with multiple public outlets. This is a direct result of the fact that television programming is very expensive to produce.

Public broadcast stations are finding it increasingly difficult to fund operations and programming, not to mention research and development. To ensure that the CPB can assist stations in the maintenance of their current high quality programming, to enhance program production, and to further technological developments in the industry, this legislation authorizes funding for the CPB in the amount of $304 million for fiscal year 1991, $354 million for fiscal year 1992, and $404 million for fiscal year 1993.

These funding levels continue the 20-year trend of steadily increasing the funding levels for the CPB. They are identical to the levels for the CPB reported by the Commerce Committee in last year's reconciliation legislation. These amounts will enable our public broadcast stations to maintain their current high quality programming in the face of ever increasing production costs. In addition, the increase in funding will permit public broadcasting to fund an hour a day of preschool programming on the model of Sesame Street and two new programs designed to reach out to the community with solutions to local problems. These funds will also be used to expand the number of public radio stations by 60 a year and increase their ability to serve each local community. With such ambitious goals, public broadcasters could well use much larger amounts than I have included. I strongly believe that this legislation properly balances the needs of the public broadcasters with the overall desire to reduce the budget deficit.

This legislation also authorizes an additional $200 million to be used over a 3-year period to replace the satellite interconnection system. That system consists of four transponders, approximately 250 receive only ground terminals, the Main Origination Terminal, and 19 uplink facilities. The useful life of the transponders is expected to end in mid-1991, and the ground system will then be over 15 years old. For public broadcast stations to continue to operate, the transponders must be replaced and the ground system upgraded. This is one time authorization. It will not be an ongoing cost after the system has been replaced.

Finally, this legislation authorizes funding for the Public Telecommunications Facilities Program. This program provides funds for the construction of stations that will provide service to unserved and underserved communities or segments of the population. Extension of service to these communities is one of the primary goals of the Communications Act. This program also provides for the repair and replacement of equipment. The Congress found several years ago that many public broadcast stations were operating with antiquated equipment that often broke. This situation continues. The program receives far more requests for assistance than it is currently able to satisfy. To continue to

work towards these goals, it is important that the program have the necessary resources.

This bill authorizes $36 million for fiscal year 1989, $39 million for fiscal year 1990, and $42 million for fiscal year 1991. Although these levels represent increases over the previous authorization, the annual increase is only $4 million for 1989 and $3 million for each of the remaining years. In the previous authorization bill, the annual increases were $4 million per year. The increases proposed here are necessary to enable the program to overcome the effects of inflation and to permit a small increase in the number of stations assisted.

The Communications Subcommittee has scheduled a hearing on this legislation for March 15. This will provide an opportunity for parties to discuss the appropriate funding levels and to raise other matters related to public broadcasting. Because of the importance of this measure, I intend to move for prompt action after the hearing.●

● Mr. DANFORTH. Mr. President, I am pleased to cosponsor the Public Telecommunications Act of 1988, a bill which will ensure the financial viability of an important national resource, public broadcasting. Public broadcasting has brought excellence and diversity to the American public.

In 1967, Congress recognized the value and potential of public broadcasting by enacting the Public Broadcasting Act. The roots of public broadcasting, however, go back another decade to the educational television of the early 1950's. To this day, one of the central goals of public broadcasting is education. This bill furthers that goal in four ways.

First, by authorizing $36 million for the Public Telecommunications Facilities Program [PTFP] for fiscal year 1989, $39 million for 1990, and $42 million for 1991, the bill ensures the continuation of grants for educational and other public broadcasting purposes. A PTFP grant made last year to the Missouri School Boards Association serves as an example of the exciting educational programs that can be developed with PTFP funds. Grant money will help school districts in dozens of rural Missouri counties install equipment so that they can participate in an educational satellite network, and, for the first time, receive a Public Broadcasting System signal. What this means to rural Missouri school children is that they will be able to take courses such as advanced placement calculus and physics that would not otherwise be available. Other programs available for the first time to rural students include the Silent Network (for the hearing impaired), SCOLA (daily broadcasts of foreign news programming), and a series on the U.S. Constitution.

Second, by authorizing the Corporation for Public Broadcasting (CPB) in the amount of $304 million for fiscal year 1991, $354 million for 1992, and $404 million for 1993, this bill helps to ensure that those rural Missouri school children, and Americans generally, will continue to have access to rich and diverse educational programming and supplemental educational materials.

Third, continued funding for CPB will help bring cultural and educational programming to Americans through the Public Broadcasting System stations.

Today, satellites are the bridge between the programming and the public. Thus, the fourth way in which this bill furthers the goal of education is by authorizing $200 million for a Satellite Interconnection Fund, to ensure that public broadcasting will have the needed satellite capacity to continue bringing diverse and educational programming to the American public in the 1990's.

I am proud to be a cosponsor of this bill and I urge my colleagues to take this opportunity to support public broadcasting.●

By Mr. DANFORTH (for himself, Mr. Mitchell, Mr. Boren, Mr. Durenberger, and Mr. Heinz):

S. 2115. A bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes; to the Committee on Finance.

COMMUNITY REVITALIZATION TAX ACT

● Mr. DANFORTH. Mr. President, today I am introducing a bill that represents the first step in an effort to help revitalize the cities in our country and to provide affordable housing for low-income Americans. Specifically, my bill is designed to reinvigorate the rehabilitation tax credit and low-income housing tax credit programs and to encourage the participation of nonprofit organizations in low-income housing production. The Community Revitalization Act would provide access to the investment capital required by both the low-income housing and rehabilitation credit programs, thus allowing the programs more effectively to meet the needs that prompted Congress to create them. In addition, it would remove several existing barriers to nonprofit sponsorship and participation in creating affordable housing opportunities for their communities. In this effort, I am pleased to be joined by my colleagues Senators Mitchell, Boren, Durenberger, and Heinz. Identical legislation is being introduced today in the House by Representative Kennelly.

Mr. President, during the last several decades, our Nation's cities have become increasingly blighted. Widespread deterioration and squalid living conditions in many older residential areas stand in dramatic contrast to the large comfortable and beautifully landscaped residences of the new suburbs. Neighborhoods that once flourished are now ghettoes that offer no hope for those who live there. With moderate income individuals and families moving out to the suburbs, the poor and less educated are often left in the inner cities. Often, these people do not have the time or interest to spend on the welfare of the general community. This lack of economic mix perpetuates the ghetto and destroys communities.

In middle American cities, the problem is particularly severe. Disinvestment has ravaged these cities during the last several decades. Economic activity does not just happen there; it needs to be aggressively encouraged. In the last 7 or 8 years, we have begun to see successes with reinvestment in many of these cities. However, many neighborhoods still do not have the critical mass of development necessary to sustain their communities. As a result, entire cities are left without an adequate tax base, and vital services cannot be provided.

At the same time, we are in the midst of a vast and growing housing affordability and availability crisis. There is a large and expanding gap between the cost of decent housing, as provided by the private sector, and the income which is available to pay for it. The most tragic and visible indicator of the low-income housing crisis is homelessness. As many as 700,000 persons could be homeless on a given night in 1988, and considerably more could experience homelessness over the course of the year. National estimates range from 350,000, from a report by HUD, to over 3 million—National Coalition for the Homeless. While there is no satisfactory method of counting the homeless, there is general consensus that the problem is a growing one. Whatever the number of homeless people and families was 2 or 3 years ago, it is substantially larger now.

The house affordability crisis is creating a more severe economic situation in inner cities. City governments are being forced to spend much larger percentages of their resources on the provision of low-income housing. As a result, those cities with so few real estate markets have fewer resources to spend on neighborhood stabilization or the development of housing for more moderate-income individuals. Without any relief, these cities will only decline further, increasing the problems that already exist.

Clearly, these problems are extremely complex and deserve comprehensive solutions. Today, I am introducing a bill that will reinvigorate existing tax credits and provide a first step in our fight to address these problems. The low-income housing and rehabilitation credits were created by Congress specifically to revitalize aging downtowns and neighborhoods and provide increased access to affordable housing for Americans nationwide. They were established to encourage investment in areas and projects that Congress considered desirable, but unlikely to attract capital on their own because of their high risk, high cost, and low projected rate of return. It is this type of investment that is crucial to our Nation's inner cities and the poor who need affordable places to live.

Unfortunately, the Tax Reform Act of 1986 ensured that these important credits would not work. Congress destroyed the effectiveness of the existing tax incentives and created a low-income tax credit that has been unable to produce a meaningful amount of affordable housing. In fact, the National Council of State Housing Agencies reports that States used only 20 percent of available low-income housing in 1987. In Missouri, low-income housing activities did slightly better, but still only used $1.8 million of $6.3 million in available credits.

The effect of the inadequacy of the credits has been devastating for poor people across the country. The production of multifamily housing has dropped considerably since 1986. In 1985, 666,000 units were built. In 1987, only 474,000 units were built. The National Association of Home Builders blamed the slowdown primarily on the 1986 tax changes. In my own State of Missouri, the city of St. Louis developed an average of 210 units a year of below-market rate housing before the Tax Reform Act of 1986. In 1987, the city only developed 90 units of subsidized housing. This is a shocking drop that will certainly create additional suffering and homelessness in that city.

The rehabilitation of historic buildings, a key to urban revitalization, has also plummeted due to the Tax Reform Act of 1986. The most recent National Park Service study of historic rehabilitations reveals that historic rehabilitation activity in 1987 declined to the lowest levels since the first year of the rehabilitation tax credit program. Applications for rehabilitation certification nationwide declined by 35 percent between 1986 and 1987. Applications for approval of rehabilitation work since 1986 are down 52 percent from the level of a 12-month period in 1985 prior to congressional action on tax reform. Even worse, the National Park Service expects that those levels will show further decline in 1988. In St. Louis, renovations using the rehabilitation tax credit fell by more than 80 percent between 1985 and 1987. The city rehabilitated 908 units in 1985 and only 222 units in 1987.

Both the low-income housing and the rehabilitation tax credits suffer from the inability to attract capital. Because of their interaction with the passive loss rules, enacted as part of the Tax Reform Act of 1986, neither program is able to function as Congress intended. The passive loss rules were designed to prevent individual taxpayers from using losses from certain "passive" activities to shelter income from wages, salaries and other types of investment income. The rules addressed the significant increase in the use of losses from certain investments, typically those involving heavily leveraged investments in real estate, to offset "active" income. These transactions, often structured as limited partnerships, would allow investors to take advantage of generous depreciation deductions available for real estate as well as deductions for interest expense to create extensive tax losses in the early years of an investment.

Unfortunately, in addition to restricting the use of passive losses, the rules enacted in 1986 also restrict the use of credits, primarily the rehabilitation tax credit and the low-income housing credit. Under the rules, a taxpayer generally may use the credits only to offset tax liability from passive activities. In an attempt to lessen the negative impact of the passive activity rules on the rehabilitation and low-income housing credit programs, Congress provided a special exception for both credits in the 1986 act. The exception permits taxpayers with adjusted gross incomes of less than $250,000 to use up to $7,000 of either credit annually to offset nonpassive income. This limited exception phases out as an individual's income exceeds $200,000. This exception has been underutilized and has created two major problems in the financing of low-income housing and rehabilitation projects.

Low-income housing and rehabilitation projects have traditionally been structured as private placements under the regulation D exception to public offering registration requirements of the SEC. Generally, regulation D requires that all but 35 investors in a project be accredited investors—individuals with annual income of over $200,000 or net worth over $1,000,000. Since virtually all such accredited investors do not qualify for the credit exception to the passive activity rules because of the income cap, project sponsors are increasingly hard-pressed to find accredited investors who can utilize these incentives in a private placement. The main investment alternative, a registered public offering, requires extensive Federal submissions and individual submissions in every State in which the investment is to be marketed. These requirements make such an approach prohibitively expensive for all but the largest low-income and rehabilitation projects.

Vitality and viability must be restored to both the rehabilitation and the low-income housing credit programs. Under the Community Revitalization Tax Act of 1988, this would be accomplished by shifting the credit use limitations for these programs from the passive loss rules into the general rules that limit use of business credits. This is not a complete answer to the problems created in 1986 for low-income housing. I want to make it clear that it will still be necessary to address basic structural problems with the low-income housing credit in the future.

The Community Revitalization Tax Act of 1988 would increase the pool of investors eligible to use the rehabilitation and low-income housing credits and expand the number of practical financing mechanisms available to project sponsors. Additionally, the bill would allow a more coordinated use of the at-risk rules by conforming the rules for the low-income credit to those applicable to the rehabilitation tax credit.

The bill would have the additional benefit of simplifying the tax law in two ways. First, it would modify the passive activity rules to limit their scope to include only losses, not credits. Second, it would leave any limitations on credits where they conceptually belong, in the general business credit limitation. More specifically, section 3 of the bill would tighten the limitation as it applies to individuals to limit the amount allowable for a taxable year to the sum of the first $20,000 of a taxpayer's net tax liability plus 20 percent of liability exceeding $20,000. As an additional check on tax avoidance, taxpayers attempting to "zero out" through use of the credits are also subject to the alternative minimum tax system, where credits cannot be used to reduce alternative minimum tax liability. In order to ensure that this bill remains revenue neutral, I will support further restraints on the use of the business credit or such other changes that might help to accomplish this goal.

Section 5 of the bill would remove disincentives to nonprofit sponsorship of rehabilitation and low-income housing by adjusting and clarifying provisions of the law that currently restrict the ability of nonprofit housing sponsors to join with private investors in initiating and financing affordable housing projects. Nonprofit participation in these projects is particularly desirable since many nonprofit organizations have both low-income housing management expertise and a long-standing commitment to their communities. They are accordingly an element of stability in the low-income

housing market, and their participation will help guarantee continued housing affordability.

Section 5 makes four clarifications of current law as it applies to the participation of tax-exempt organizations in rehabilitation and low-income housing activities. First, it would clarify that credits from both programs earned by tax-exempt organizations could be used to offset any unrelated business income tax liability of a tax-exempt organization. Second, it would clarify that interest income foregone on below-market loans to organizations operating qualified low-income housing buildings can be treated as a qualifying distribution for purposes of the annual payout requirements of a foundation. The foregone interest could be calculated either annually or on a present value basis. Third, the bill would provide that the tax-exempt entity use restrictions do not apply to leases of a rehabilitation program building which is also a qualified low-income housing building within the meaning of section 42. Finally, the bill would clarify the pooled income fund rules to provide that a corporation can be an income beneficiary (with a 20-year life) in situations where the pooled fund's investments consist of qualified low-income housing buildings.

Mr. President, Congress reaffirmed its commitment to affordable housing and community revitalization by creating the low-income housing credit and preserving the rehabilitation credit in the 1986 Tax Reform Act. We have monitored these credit programs carefully since that time and have watched a steady and sharp decline in the effectiveness of the rehabilitation tax credit and a very disappointing start for the low-income housing credit. Simply put, if Congress is to make good on its commitment to create housing opportunities for our most needy citizens and revitalize our neighborhoods, we must ensure the vitality of the low-income housing and rehabilitation credits and encourage nonprofit participation in providing affordable housing. The Community Revitalization Tax Act of 1988 is an important first step in our efforts to ensure that the credits work and that low-income housing is available and cities in our Nation are decent, safe places to live.

I ask unanimous consent that the text of the bill and a fact sheet be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Revitalization Tax Act of 1988".

SEC. 2. TAX CREDITS ELIMINATED FROM PASSIVE ACTIVITY RULES.

(a) In General.—Paragraph (1) of section 469(a) of the Internal Revenue Code of 1986 (relating to passive activity losses and credits limited) is amended to read as follows:

"(1) In general.—If for any taxable year the taxpayer is described in paragraph (2), the passive activity loss for the taxable year shall be disallowed.".

(b) Conforming Amendments.—

(1) Subsection (b) of section 469 of the Internal Revenue Code of 1986 is amended by striking out "or credit" in the heading and the text thereof.

(2) Subsection (d) of such section 469 is amended to read as follows:

"(d) Passive Activity Loss Defined.—For purposes of this section, the term 'passive activity loss' means the amount (if any) by which—

"(1) the aggregate losses from all passive activities for the taxable year, exceed

"(2) the aggregate income from all passive activities for such year.".

(3) Subsection (e)(2)(A) of such section 469 is amended by striking out the second sentence thereof.

(4) Subsection (f)(1) of such section 469 is amended—

(A) by adding "and" at the end of subparagraph (A), by striking out subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B), and

(B) by striking out "subparagraph (A) and (B)" in subparagraph (B) (as so redesignated) and by inserting in lieu thereof "subparagraph (A)".

(5) Subsection (f)(2) of such section 469 is amended by striking out "and credits".

(6) Subsection (i)(1) of such section 469 is amended by striking out "or the deduction equivalent (within the meaning of subsection (j)(5)) of the passive activity credit" and by striking out "or credit".

(7) Subsection (i)(3) of such section 469 is amended by striking out subparagraphs (B) and (C) and redesignating subparagraph (D) as subparagraph (B).

(8) Subsection (i)(5)(A) of such section 469 is amended by adding "and" at the end of clause (i), by striking out ", and" at the end of clause (ii) and inserting in lieu thereof a period, and by striking out clause (iii).

(9) Subsection (i)(6) of such section 469 is amended by striking out subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(10) Subsection (j) of such section 469 is amended—

(A) by striking out "and the passive activity credit" in paragraph (4),

(B) by striking out "AND CREDIT" in the heading of paragraph (4),

(C) by striking out paragraphs (5) and (9), and

(D) by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively.

(11) Subsection (k) of such section 469 is amended by striking out the second sentence of paragraph (1).

(12) Subsection (m) of such section 469 is amended—

(A) by striking out "or credit" each place it appears in paragraph (1),

(B) by striking out the last sentence of paragraph (3)(A),

(C) by striking out "OR CREDIT" in the heading of paragraph (3), and

(D) by striking out "AND CREDITS" in the heading thereof.

(13) Paragraph (3) of section 501(c) of the Tax Reform Act of 1986 is amended to read as follows:

"(3) Special rule for low-income housing.—Section 469(i)(6)(B)(i) of the Internal Revenue Code of 1986 (as added by this section) shall not apply to any property placed in service after December 31, 1987.

(c) Clerical Amendments.—

(1) The section heading of section 469 of the Internal Revenue Code of 1986 is amended by striking out "and credits".

(2) The table of sections for subpart C of part II of subchapter E of chapter 1 of such Code is amended by striking out "and credits" in the item relating to section 460.

(e) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 1987, in taxable years ending after such date.

SEC. 3. LIMITATION PROVISIONS OF GENERAL BUSINESS CREDIT MODIFIED WITH RESPECT TO INDIVIDUALS.

(a) In General.—Subparagraph (A) of section 38(c)(4) of the Internal Revenue Code of 1986 (relating to special rules for limitation of general business credit based on amount of tax) is amended to read as follows:

"(A) Individuals.—

"(i) In general.—Except as provided in clause (ii), in the case of an individual—

"(I) the amount specified under subparagraphs (A) and (B) of paragraph (2) shall be $20,000 in lieu of $25,000, and

"(II) the percentage specified under subparagraph (B) of paragraph (2) shall be 20 percent in lieu of 75 percent.

"(ii) Married individuals filing separately.—In the case of a husband or wife who files a separate return, clause (i)(I) shall be applied by substituting '$10,000' for '$20,000'. This clause shall not apply if the spouse of the taxpayer has no business credit carryforward or carryback to, and has no current year business credit for, the taxable year of such spouse which ends within or with the taxpayer's taxable year.".

(b) Technical Amendments.—Subparagraphs (B), (C), and (D) of section 38(c)(4) of the Internal Revenue Code of 1986 are each amended by striking out "paragraph (1)" and inserting in lieu thereof "paragraph (2)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

SEC. 4. MODIFICATION OF AT-RISK RULES TO CERTAIN REHABILITATION PROPERTY.

(a) In General.—Section 46(c)(8) of the Internal Revenue Code of 1986 (relating to certain nonrecourse financing excluded from investment tax credit base) is amended by adding at the end thereof the following new subparagraph:

"(G) Special rule for certain rehabilitation property.—

"(i) In general.—Subparagraph (D) shall be applied to qualified rehabilitation property as if section 42(k) applied to such property.

"(ii) Qualified rehabilitation property.—For purposes of this subparagraph, the term "qualified rehabilitation property" means property attributable to qualified rehabilitation expenditures determined under section 48(g)(2).".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 1987, in taxable years ending after such date.

SEC. 5. TAX-EXEMPT ORGANIZATION PARTICIPATION IN CERTAIN BUILDING PROJECTS.

(a) CLARIFICATION OF UNRELATED BUSINESS INCOME TAX OFFSET.—Subsection (a) of section 38 of the Internal Revenue Code of 1986 (relating to general business credit) is amended by inserting "(including the tax imposed by section 511)" after "chapter".

(b) CLARIFICATION OF DEFINITION OF QUALIFYING DISTRIBUTION.—Section 4942(g) of the Internal Revenue Code of 1986 (defining qualifying distributions) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) CERTAIN LOANS TO SECTION 501(C) ORGANIZATIONS OPERATING LOW-INCOME HOUSING.—

"(A) IN GENERAL.—For purposes of this section, the term 'qualifying distribution' includes the amount of foregone interest on a below-market loan (as defined in section 7872(e)) to an organization described in section 501(c) which is exempt from tax under section 501(a) for the purposes of operating a qualified low-income building (as defined in section 42(c)(2)).

"(B) FOREGONE INTEREST.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The amount of foregone interest shall be computed each taxable year in the manner described in section 7872(e)(2) for the period the loan is outstanding during such taxable year.

"(ii) PRESENT VALUE.—If a taxpayer elects the application of this subparagraph, the amount of the foregone interest on a term loan (as defined in section 7872(f)(6))—

"(I) shall be computed for the taxable year in which the loan is entered into, and

"(II) shall be equal to the present value of the foregone interest determined under section 7872(e) for the period of the loan.".

(c) TAX EXEMPT ENTITY LEASING CONFORMING AMENDMENT.—Clause (v) of section 48(g)(2)(B) of the Internal Revenue Code of 1986 (relating to certain expenditures not included in definition of qualified rehabilitation expenditure) is amended by adding at the end thereof the following new subclause:

"(III) CLAUSE NOT TO APPLY TO QUALIFIED LOW-INCOME BUILDING.—This clause shall not apply to the extent that the expenditure is in connection with the rehabilitation of a building which is (or is reasonably expected to be) a qualified low-income building (as defined in section 42(c)(2)).".

(d) CLARIFICATION OF POOLED INCOME FUND RULES.—Section 642(c)(5) of the Internal Revenue Code of 1986 (defining pooled income fund) is amended by adding at the end thereof the following new sentence: "If substantially all of the assets of a pooled income fund are to be invested exclusively in qualified low-income buildings (as defined in section 42(c)(2)), then, for purposes of subparagraph (A), the fund may have 1 or more corporations as income beneficiaries and the life of any such corporate beneficiary shall be deemed to be 20 years.".

(e) EFFECTIVE DATE.—The amendments made by this section shall be applied to taxable years beginning after December 31, 1987.

FACT SHEET: THE COMMUNITY REVITALIZATION TAX ACT OF 1988

The rehabilitation tax credit and the low-income housing tax credit programs are not functioning as Congress intended, in part because the credits are regulated by the 1986 Tax Reform Act's passive loss rules. The rules effectively restrict credit use to $7,000 for many taxpayers and eliminate the use of credits completely for others above specified income levels. These limitations have caused a sharp decline in the availability of equity capital for affordable housing projects and commercial rehabilitation, thus frustrating Congress' goal of providing substantial tax incentives to encourage the revitalization of the nation's older commercial areas and low income and historic residential neighborhoods.

The Community Revitalization Tax Act of 1988 will restore the vitality of the rehabilitation and low-income housing tax credits and, at the same time, ensure that limits on credit use are maintained. The legislation will additionally remove several existing barriers to nonprofit sponsorship and participation in creating affordable housing. The bill:

Removes the rehabilitation and low income housing credits from the passive loss rules. Losses from rehabilitation and low income housing projects would remain subject to the rules.

Tightens the existing limitations on individual taxpayer use of all business tax credits, including the rehabilitation and low income housing credits. Currently, taxpayers may use only $25,000 of credits to reduce their total income tax liability plus an amount that would reduce up to 75 percent of any additional tax liability. The legislation tightens this restriction to allow individuals to use only $20,000 of credits plus an amount equal to 20 percent of additional tax liability.

Conforms the at-risk rules for the rehabilitation credit to those for the low income credit in order to encourage a more coordinated use of the two credits.

Removes specific disincentives to nonprofit sponsorship of rehabilitation and low-income housing by adjusting and clarifying provisions that currently restrict the ability of nonprofits to join with private investors in initiating and financing affordable housing.

The Community Revitalization Tax Act of 1988 will simplify the rehabilitation and low income credits by applying uniform eligibility rules to all taxpayers. Credit availability will no longer be tied to a $7,000 limit or be based on the amount of passive income a taxpayer can claim. The legislation thus will increase the pool of investors eligible to use credits and reduce transaction costs by expanding the number of practical financing mechanisms. Additionally, under the bill, nonprofit organizations will be more fully able to participate in the provision of community housing.●

ADDITIONAL COSPONSORS

S. 675

At the request of Mr. MITCHELL, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Maine [Mr. COHEN], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 1740

At the request of Mr. DURENBERGER, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1740, a bill to amend title XIX of the Social Security Act to permit States the option of providing comprehensive medical assistance to chronically ill and disabled children with a family income meeting a particular income standard, and for other purposes.

S. 1787

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1787, a bill to amend title 38, United States Code, to prescribe certain presumptions in the case of veterans who performed active service during the Vietnam era.

S. 1833

At the request of Mr. DURENBERGER, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1833, a bill to make grants from amounts appropriated from the Federal hospital insurance trust fund under title XVIII of the Social Security Act to test the cost-effectiveness of innovative nursing practice models under the Medicare Program.

S. 1839

At the request of Mr. MELCHER, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1839, a bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the Medicare Program, and for other purposes.

S. 1929

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2003

At the request of Mr. GRAMM, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Kentucky [Mr. MCCONNELL], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Idaho [Mr. MCCLURE], the Senator from Utah [Mr. GARN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Alabama [Mr. HEFLIN], the Senator from Georgia [Mr. NUNN], the Senator from Virginia [Mr. TRIBLE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 2003, a bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes.

S. 2021

At the request of Mr. GRASSLEY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2021, a bill to protect children from sexual exploitation.

S. 2026

At the request of Mr. CRANSTON, the names of the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of S. 2026, a bill entitled the "Atomic Energy Law Enforcement Act of 1988."

S. 2042

At the request of Mr. DURENBERGER, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Georgia [Mr. NUNN], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2045

At the request of Mr. DOLE, the name of the Senator from Nebraska [Mr. KARNES] was added as a cosponsor of S. 2045, a bill to amend the Food Security Act of 1985 to increase the number of acres placed in the Conservation Reserve Program, to protect water quality and wildlife habitat, to otherwise improve the program, and for other purposes.

S. 2046

At the request of Mr. DURENBERGER, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 2046, a bill to amend title XIX of the Social Security Act to provide mandatory coverage for certain low-income pregnant women and infants.

S. 2095

At the request of Mr. METZENBAUM, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2095, a bill to strengthen the protections available to private employees against reprisal for disclosing information, to protect the public health and safety, and for other purposes.

S. 2106

At the request of Mr. BOND, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 2106, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to use multiyear set-asides to establish wildlife habitats and feeding areas.

SENATE JOINT RESOLUTION 248

At the request of Mr. QUAYLE, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Massachusetts [Mr. KERRY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Virginia [Mr. WARNER], the Senator from South Carolina [Mr. THURMOND], the Senator from Kansas [Mr. DOLE], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. CHILES], the Senator from Florida [Mr. GRAHAM], the Senator from Connecticut [Mr. WEICKER], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 248, joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week."

SENATE RESOLUTION 377

At the request of Mr. LUGAR, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Resolution 377, a resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE RESOLUTION 388—OPPOSING THE PROPOSED WORLD BANK LOAN TO RESTRUCTURE MEXICO'S STEEL INDUSTRY

Mr. METZENBAUM (for himself, Mr. HEINZ, Mr. DIXON, Mr. ROCKEFELLER, and Mr. DOLE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 388

Whereas during the past decade the United States steel industry has witnessed significant economic disruption and employment losses due to increased foreign competition;

Whereas the United States steel industry has lost more than 12 billion dollars, more than half its workforce, and closed scores of plants throughout the country;

Whereas in order to regain its competitive posture, the United States industry has invested more than 8 billion dollars on modernization, obtained painful wage concessions from its remaining workforce, and slashed production capacity by one-third;

Whereas there are more than 200 million excess tons of steel capacity worldwide, causing severe financial strains on steel industries in many countries;

Whereas the proposed loan by the International Bank for Reconstruction and Development (hereafter referred to as the "World Bank") would provide Mexico's steel companies with subsidized financing to further the glut of worldwide steel production; and

Whereas the proposed loan could do irreparable damage to the United States steel industry: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the proposed loan is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization; and

(2) the government of the United States should use its best efforts to prevent approval of that loan.

SENATE RESOLUTION 389—RESOLUTION TO EXPRESS THE SENSE OF THE SENATE REGARDING FUTURE FUNDING OF THE CONSTRUCTION GRANTS PROGRAM OF THE CLEAN WATER ACT

Mr. LAUTENBERG (for himself, Mr. MITCHELL, Mr. CHAFEE, Mr. BURDICK, Mr. STAFFORD, Mr. MOYNIHAN, Mr. GRAHAM, Ms. MIKULSKI, Mr. BAUCUS, Mr. WILSON, Mr. SIMON, Mr. GORE, Mr. HARKIN, Mr. REID, Mr. FORD, Mr. SARBANES, Mr. LEAHY, Mr. BRADLEY, Mr. D'AMATO, Mr. CRANSTON, Mr. INOUYE, Mr. HUMPHREY, Mr. LEVIN, Mr. PELL, Mr. RIEGLE, Mr. DODD, Mr. WEICKER, Mr. DASCHLE, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 389

Whereas clean water is a vital resource deserving the most rigorous protection;

Whereas a key component in protecting the nation's oceans, rivers, lakes, and other waterways is federal funding for the construction of sewage treatment plants as set forth in the Construction Grants program of the Clean Water Act;

Whereas the unmet national need for sewage treatment construction has been estimated to be $76 billion;

Whereas Congress, in enacting the Water Quality Act of 1987, authorized $2.4 billion for the Construction Grants program in 1989;

Whereas the amount authorized by Congress is a just and prudent downpayment on a large national need;

Whereas the President's 1989 Budget unjustifiably would reduce the $2.4 billion that is authorized for the Construction Grants program by $900 million in Budget Authority;

Whereas the 100th Congress, by overriding the President's veto of the Water Quality Act of 1987, rejected the President's earlier attempt to amend and further reduce the Construction Grants program;

Whereas the President's rationale in the budget message of privatizing the Construction Grants program ignores the large national needs for sewage treatment as well as the Congressionally mandated plan for assisting with those needs through both Construction Grants and through a transition to State Revolving Loan Funds;

Whereas the State Revolving Fund approach that is set forth in the Water Quality Act of 1987 will assure an orderly and appropriate transition from the Construction Grants program;

Whereas tampering with the approach to Construction Grants funding, which was enacted by Congress with the support of the American people and through an override of the President's unwise veto, would have a disruptive and negative effect on implementation of the law; Now, therefore, be it

Resolved, That, it is the sense of the United States Senate that the President's 1989 Budget proposals for the Construction Grants program be soundly rejected, and that Congress through the Budget and Appropriations process assure the appropriation of the amount authorized for the program by the Water Quality Act of 1987, and further assure that such funds are spent in compliance with the spirit and the letter of the law.

Sec. 2. The Clerk of the United States Senate shall transmit a copy of this resolution to the President with the request that the President further transmit a copy to the Administrator of the United States Environmental Protection Agency.

● Mr. LAUTENBERG. Mr. President, today, I am joined by Senators Mitchell, Chafee, Burdick, Stafford, Moynihan, and others in submitting a sense of the Senate resolution on proposed cuts in sewage construction funding. Twenty-eight other Senators have joined me in calling for rejection of the President's proposed cuts in this program.

The administration's budget would unjustifiably cut $900 million or about 38 percent from the $2.4 billion that's authorized for sewage construction grants to States.

That would be a severe blow to New Jersey and the Nation as we push to clean up our oceans, rivers, and coastal areas. This country must turn the tide on water pollution. We must move forward to stem the ravages of beach closings, not turn our backs on our environment and coastal economies.

Mr. President, as you know, sewage construction grants to States are currently authorized by the Water Quality Act of 1987, which reauthorized the Clean Water Act. The 1987 legislation was enacted into law last February over the President's veto, which was based largely on the administration opposition to sewage construction funding. The House voted 401-26, and the Senate voted 86-14 to override the President's veto.

It's time for the President to stop trying to undo through the budget what Congress resoundingly enacted with last year's veto override. The administration must stop playing numbers games, and start showing a commitment to enforcing and funding this Clean Water Program.

The administration's budget would cut about $37 million or 38 percent from New Jersey's Federal assistance. New Jersey has an estimated $3.5 billion in needs for sewage construction. The national needs are estimated to be at least $76 billion.

All States would see reductions, including $99 million less for New York, $36 million less for Pennsylvania, and $64 million less for California.

Mr. President, these needs are displayed in a table provided by EPA, and I ask unanimous consent that the table be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

STATE ALLOTMENTS AT $2.4 BILLION AND $1.5 BILLION

[Feb. 29, 1988—in billions of dollars]

State	$2.4	$1.5	Difference
Alabama	26,870,000	16,794,000	10,076,000
Alaska	14,382,000	8,989,000	5,393,000
Arizona	16,230,000	10,144,000	6,086,000
Arkansas	15,719,000	9,825,000	5,894,000
California	171,863,000	107,415,000	64,448,000
Colorado	19,222,000	12,013,000	7,209,000
Connecticut	29,439,000	18,399,000	11,040,000
Delaware	11,797,000	7,373,000	4,424,000
District of Columbia	11,797,000	7,373,000	4,424,000
Florida	81,114,000	50,696,000	30,418,000
Georgia	40,629,000	25,393,000	15,236,000
Hawaii	18,612,000	11,632,000	6,980,000
Idaho	11,797,000	7,373,000	4,424,000
Illinois	108,680,000	67,926,000	40,754,000
Indiana	57,913,000	36,195,000	21,718,000
Iowa	32,523,000	20,327,000	12,196,000
Kansas	21,691,000	13,557,000	8,134,000
Kentucky	30,583,000	19,115,000	11,468,000
Louisiana	26,417,000	16,510,000	9,907,000
Maine	18,602,000	11,626,000	6,976,000
Maryland	58,119,000	36,325,000	21,794,000
Massachusetts	81,587,000	50,991,000	30,596,000
Michigan	103,325,000	64,578,000	38,747,000
Minnesota	44,168,000	27,605,000	6,563,000
Mississippi	21,650,000	13,531,000	8,119,000
Missouri	66,615,000	41,635,000	24,980,000
Montana	11,797,000	7,373,000	4,424,000
Nebraska	12,291,000	7,682,000	4,609,000
Nevada	11,797,000	7,373,000	4,424,000
New Hampshire	24,014,000	15,009,000	9,005,000
New Jersey	98,198,000	61,374,000	36,824,000
New Mexico	11,797,000	7,373,000	4,424,000
New York	65,237,000	165,774,000	99,463,000
North Carolina	43,370,000	27,106,000	16,264,000
North Dakota	11,797,000	7,373,000	4,424,000
Ohio	135,280,000	84,550,000	50,730,000
Oklahoma	19,414,000	12,134,000	7,280,000
Oregon	27,146,000	16,966,000	10,180,000
Pennsylvania	95,187,000	59,492,000	35,695,000
Rhode Island	16,135,000	10,084,000	6,051,000
South Carolina	24,618,000	15,386,000	9,232,000
South Dakota	11,797,000	7,373,000	4,424,000
Tennessee	34,908,000	21,818,000	13,090,000
Texas	109,833,000	68,645,000	41,188,000
Utah	12,662,000	7,914,000	4,748,000
Vermont	11,797,000	7,373,000	4,424,000
Virginia	49,179,000	30,736,000	18,443,000
Washington	41,789,000	26,118,000	15,671,000
West Virginia	37,460,000	23,413,000	14,047,000
Wisconsin	64,964,000	40,603,000	24,361,000
Wyoming	11,797,000	7,373,000	4,424,000
American Samoa	2,158,000	1,348,000	810,000
Guam	1,561,000	976,000	585,000
Northern Marianas	1,002,000	627,000	375,000
Puerto Rico	31,342,000	19,589,000	11,753,000
Pacific trust territory	3,077,000	1,923,000	1,154,000
Virgin Islands	1,252,000	782,000	470,000
Total	2,376,000,000	1,485,000,000	891,000,000
Marine Estuary Reserve	18,000,000	11,250,000	6,750,000
Indian tribes	6,000,000	3,750,000	2,250,000
Grand total	2,400,000,000	1,500,000,000	900,000,000

●

● Mr. BURDICK. Mr. President, I am pleased to cosponsor the resolution introduced by my colleague from New Jersey, Senator Lautenberg, on the subject of funding for the Sewage Treatment Construction Grant Program. The purpose of this resolution is to make clear that we stand foursquare behind the commitment we made to water quality last year when the Water Quality Act Amendments of 1987 were enacted.

We established a responsible program authorizing $18 billion over a period of years for an orderly transition to a system of State-managed revolving loan funds to continue the Sewage Treatment Works Construction Program. This is consistent with the administration's stated goal of "privatizing" programs of this kind.

However, the President is asking that we reduce funding by one-third just as States are to start implementing the program. It is time once again to "just say no" as we did when the Water Quality Act Amendments were vetoed last year.

We can achieve the goals of the Clean Water Act with the funds we have authorized, but we would make major sacrifices in water quality under the funding level proposed by the administration. My home State of North Dakota would lose $4 million in the coming year under this proposal or more than one-third of its authorized share. Other States would incur proportionate reductions.

People in my State and in the rest of the country are depending on us to carry through on our commitment to clean water. I commend Senator Lautenberg for his timely and appropriate response to this unacceptable element of the President's fiscal year 1989 budget.●

AMENDMENTS SUBMITTED

INTELLIGENCE OVERSIGHT ACT OF 1987

FOWLER AMENDMENTS NOS. 1469-1471

(Ordered to lie on the table.)

Mr. FOWLER submitted three amendments intended to be proposed by him to the bill (S. 1721) to improve the congressional oversight of certain intelligence activities, and to strengthen the process by which such activities are approved within the executive branch, and for other purposes.

Amendment No. 1469

On page 12, lines 14 and 15, strike out "necessary to support the foreign policy objectives" and insert in lieu thereof "consistent with, and in support of, the publicly avowed foreign policy".

Amendment No. 1470

On page 12, line 18, strike out "important" and insert in lieu thereof "essential".

Amendment No. 1471

On page 14, line 3, strike out "and".

On page 14, line 5, strike out the period and insert in lieu thereof "; and".

On page 14, between lines 5 and 6, insert the following:

"(7) Each finding shall specify the authorized duration (not to exceed one year) of the special activity.

POLYGRAPH PROTECTION ACT

THURMOND AMENDMENT NO. 1472

Mr. THURMOND proposed an amendment to the bill (S. 1904) to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce; as follows:

At the appropriate place, insert the following:

Sec. . (a) Congress finds that—

(1) the most abused drug in America is alcohol;

(2) alcohol use costs the American economy nearly $120,000,000,000 per year, including increased medical expenses and decreased productivity;

(3) alcohol related traffic accidents claim over 23,000 lives each year in the United States;

(4) over 12,000,000 American adults have one or more symptoms of alcoholism, representing an 8.2 percent increase in problem drinking since 1980;

(5) since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy, and despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation;

(6) fetal alcohol syndrome is the only preventable birth defect among the top three types of birth defects in the United States, nevertheless, recent surveys reveal that only 57 percent of Americans have heard of fetal alcohol syndrome;

(7) nearly one-half of all accidental deaths, suicides, and homicides are alcohol related, and nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime;

(8) among teenagers, alcohol abuse has reached epidemic proportions and an estimated 30 percent or 4,600,000 adolescents experience the negative consequences of alcohol use (such as poor school performance, trouble with parents, or trouble with the law);

(9) in 1986, alcohol remained the most widely used drug among American youth;

(10) the Public Health Service has recently completed a study on the potential educational effects of health warning labels on alcoholic beverages and concluded that such labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives;

(11) the statistics cited in the preceding paragraphs indicate that many Americans are not aware of the adverse effects that the consumption of alcoholic beverages may have on health;

(12) it is necessary to undertake a serious national effort to educate the American people concerning the serious consequences of the consumption of alcoholic beverages; and

(13) warning labels on the containers of alcoholic beverages concerning the effects on the health of individuals resulting from the consumption of such beverages would assist in providing such education.

(b) Title V of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—PUBLIC AWARENESS CONCERNING THE HEALTH EFFECTS OF ALCOHOLIC BEVERAGE CONSUMPTION

"SEC. 550. PUBLIC AWARENESS.

"(a) Definitions.—For purposes of this section—

"(1) Alcoholic beverage.—The term 'alcoholic beverage' includes distilled spirits, wine, any drink in liquid form containing wine to which is added concentrated juice or flavoring material and intended for human consumption, and malt beverages.

"(2) Commerce.—The term 'commerce' has the same meaning as in section 3(2) of the Federal Cigarette Labeling and Advertising Act.

"(3) Container.—The term 'container' means any container, irrespective of the material from which made, used in the sale of any alcoholic beverage.

"(4) Distilled spirits.—The term 'distilled spirits' means any ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

"(5) Malt beverage.—The term 'malt beverage' means a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

"(6) Person.—The term 'person' has the same meaning as in section 3(5) of such Act.

"(7) Sale and distribution.—The terms 'sale' and 'distribution' include sampling or any other distribution not for sale.

"(8) United States.—The term 'United States' has the same meaning as in section 3(3) of such Act.

"(9) Wine.—The term 'wine' has the same meaning as in section 17(a)(6) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(6)).

"(b) General Rule.—It shall be unlawful for any person to manufacture, import, distribute, sell, ship, package or deliver for sale, distribution, or shipment, or otherwise introduce in commerce, in the United States, any alcoholic beverage during a calendar year unless the container of such beverage has a label bearing one of the following statements:

"(1) 'WARNING: THE SURGEON GENERAL HAS DETERMINED THAT THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, DURING PREGNANCY CAN CAUSE MENTAL RETARDATION AND OTHER BIRTH DEFECTS.

"(2) 'WARNING: DRINKING THIS PRODUCT, WHICH CONTAINS ALCOHOL, IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY.

"(3) 'WARNING: THIS PRODUCT CONTAINS ALCOHOL AND IS PARTICULARLY HAZARDOUS IN COMBINATION WITH SOME DRUGS.

"(4) 'WARNING: THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, CAN INCREASE THE RISK OF DEVELOPING HYPERTENSION, LIVER DISEASE, AND CANCER.

"(5) 'WARNING: ALCOHOL IS A DRUG AND MAY BE ADDICTIVE.'.

"(c) Location of Label.—The label required by subsection (a) shall be located in a conspicuous and prominent place on the container of a beverage to which such subsection applies. The statement required by such subsection shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such container.

"(d) Requirements.—Each statement required by subsection (a) shall—

"(1) be randomly displayed by a manufacturer, packager, or importer of an alcoholic beverage in each calendar year in as equal a number of times as is possible on each brand of the beverage; and

"(2) be randomly distributed in all parts of the United States in which such brand is marketed.

"(e) Bureau of Alcohol Tobacco and Firearms.—The Bureau of Alcohol Tobacco and Firearms shall—

"(1) have the power to—

"(A) ensure the enforcement of the provisions of this section; and

"(B) issue regulations to carry out this section; and

"(2) consult and coordinate the health awareness efforts of the labeling requirements of this section with the Secretary of Health and Human Services.

"(f) Violations.—Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

"(g) Jurisdiction.—The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this section upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"(h) Exemptions.—Alcoholic beverages manufactured, imported, distributed, sold, shipped, packaged, or delivered for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this section, but such exemptions shall not apply to alcoholic beverages manufactured, imported, distributed, sold, shipped, or packaged or delivered for sale, distribution, or shipment to members or units of the Armed Forces of the United States located outside of the United States.

"(i) Liability.—Nothing in this section shall be construed to relieve any person from any liability under Federal or State law to any other person.".

(c) The amendment made by this section shall become effective 6 months after the date of its enactment.

BOSCHWITZ AMENDMENT NO. 1473

(Ordered to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill S. 1904, supra; as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Exemption for Voluntary Tests.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee or prospective employee if—

(1) the employee or prospective employee requests the test; and

(2) the employer or agent administering the test informs the employee or prospective employee that taking the test is voluntary.

KENNEDY (AND HATCH) AMENDMENT NO. 1474

Mr. KENNEDY (for himself and Mr. Hatch) proposed an amendment to the bill S. 1904, supra; as follows:

On page 19, line 3, strike out "1987" and insert in lieu thereof "1988".

Beginning on page 22, strike out line 22 and all that follows through page 23, line 3, and insert in lieu thereof the following new paragraph:

(1) In general.—Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than $10,000.

On page 35, strike out lines 18 through 23 and insert in lieu thereof the following:

(2) the employer that requested the test;

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7; or

(4) any court, governmental agency, arbitrator, or mediator, in accordance with due process of law, pursuant to an order from a court of competent jurisdiction.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, March 1, 1988, to mark up a committee print entitled the "Financial Modernization Act of 1988."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 1, 1988, to hold a hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 1, 1988, in closed session to receive testimony on military requirements for strategic defenses and relationship to phase I plans and capabilities in review of the fiscal year 1989 defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the full Energy and Natural Resources Committee be authorized to meet during the session of the Senate on Tuesday, March 1, 1988, for an oversight hearing to consider the President's proposed budget for the Department of Energy for fiscal year 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO ERIC AND SALOME ESTORICK

● Mr. REID. Mr. President, we cannot pick up a newspaper or turn on the TV without seeing a story on the continuing conflict between Palestinians and Israelis on the West Bank. It has gotten so serious that Secretary of State Shultz is conducting a personal diplomatic initiative to try to bring peace to the area. I support his effort and hope he is successful. However, equally as important to lasting peace in the Middle East are individual efforts to develop greater understanding with the peoples who live there as well as the rest of us.

Peace begins person-to-person and I would like to take a few minutes today to discuss the efforts of some friends of mine in encouraging understanding between Israel and the United States. Eric and Salome Estorick have established a scholarship for students who show outstanding achievement in both academics and community activities. The generous support of the Estoricks allows a group of Las Vegas students to travel to Israel and meet with the Arab, Christian, Druze, and Jewish population there. This experience provides a broader, indeed international perspective, which is difficult if not impossible to create in the classroom. The scholarship shows support for cultural and geographical literacy which is essential if our students are going to compete and lead in the world arena.

In addition to the educational value, this program helps strengthen the ties between Israel and the United States. The shared experience and friendship of these young people will promote understanding and continue to unify our nations long into the future. Being open to students of all faiths, the scholarship emphasizes the importance of Israel to all of the world and will foster communication which has so often been lacking.

Eric Estorick has firsthand knowledge of the consequences of the lack of world vision and understanding. A witness to the results of the Holocaust, Eric was responsible for the rescue of 1,400 Torahs from Czechoslovakia. They had been collected by the Nazis and were in imminent danger of destruction. Working with the Czechoslovakian ministry he saved the Torahs, many of which were wrapped in bloodied, torn pieces of material and clothing. All of them were tagged with the Nazi emblem—part of the booty collected by the Germans during the war.

For all Nevadans and other American citizens concerned about the Middle East, I would like to express our thanks and commendation to Eric and Salome Estorick for their support of this very worthwhile scholarship program. We are indebted to their generosity in expanding the horizons of our youth.●

THE RULES OF THE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

● Mr. HOLLINGS. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the "Rules of the Committee on Commerce, Science and Transportation," to be printed in the Record.

These committee rules were adopted at the committee's first executive session of this Congress, held on January 15, 1987.

The rules follow:

Rules of the Committee on Commerce, Science and Transportation

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Eleven members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony, a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during the hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.●

BICENTENNIAL MINUTE

MARCH 1, 1805: THE SENATE ACQUITS A SUPREME COURT JUSTICE

● Mr. DOLE. Mr. President, 183 years ago today, on March 1, 1805, the Senate, by a four-vote margin, failed to remove a U.S. Supreme Court Justice from office.

A year earlier, on a strict party-line vote, the Senate, under the control of the Jeffersonian Republicans, had found Federalist U.S. District Court Judge John Pickering guilty of decisions contrary to law, and of drunkenness and profanity on the bench. By all accounts, Judge Pickering was insane and the Senate's action was justified. On that same day in March 1804, the Republican dominated House of Representatives—linking a questionable decision to an appropriate one—voted to impeach the eloquent and intemperate Supreme Court Justice Samuel Chase for biased conduct and an "anti-Republican" attitude.

The Chase trial began on February 4, 1805 in the Senate Chamber, specially fitted out for the event with a ladies' gallery. Following 4 weeks of deliberation, the Senate voted to acquit Chase. The Senate's action was highly significant, for it effectively insulated the judiciary from further congressional attacks based on disapproval of judges' opinions. If the Republicans in the Senate had removed Chase, there is little doubt that their next target would have been Federalist Chief Justice John Marshall.

A few days later, Senator John Quincy Adams wrote to his father to express his surprise appreciation for the Senate's action in the face of fierce contrary desires by certain Republican members who wished to deliver a crippling blow to the already weakened Federalist opposition. He noted that "some of those whose weakness had yielded to the torrent of popular prejudice in the removal of Judge Pickering had the integrity to reflect, rallied all their energy to assist them, and took a stand which has arrested for a time that factious impetuosity that threatens to bury all our national institutions in one common ruin."●

INFORMED CONSENT: TENNESSEE

● Mr. HUMPHREY. Mr. President, it requires much courage for a woman to publicly share the extremely personal experience of past abortions. For many, these events are hidden from family and friends for decades. Recounting the stories brings back the pain and anguish, like opening an old wound. Still, hundreds of women have exercised this strength because they believe that others will be spared the tragic consequences of choosing abortion as the sole option for unplanned pregnancy.

Without exception, these voices call for informed consent for women who would undergo abortion. Informed consent provides women with true freedom to direct their lives to positive solutions. I ask unanimous consent that a letter from Donna Vowell of Tennessee be entered into the CONGRESSIONAL RECORD. Her letter follows:

FEBRUARY 18, 1987.

DEAR SENATOR HUMPHREY: I had an abortion. It was after a divorce and I already had three beautiful children. We lived in a nice, upper middle class neighborhood in a house behind my parents until I could get on my feet financially. After I had dated a short while, I found I was pregnant and excited about having the baby. I wasn't really interested in marrying the father but already had love for the child. I was dead set against abortion and had been for a long, long time.

When I began to share with others; family, employers, and friends, about my situation, I received nothing but discouragement and advice to get an abortion. That hadn't been an option to me before. I heard how easy and cheap it was. They told me I couldn't take care of the children I had as I was working full time and going to school to try to get ahead. The pressures began to seem insurmountable and I felt very alone.

Finally, out of curiosity, I called a clinic. I lived in southern California at the time. It was very easy. I don't remember any counseling on alternative courses to take. They assumed that I had made the decision and was sure about it. They asked me some health history questions and took my money. I had a physical and waited in a cold examination room. There wasn't any concern, warmth, or personal interest shown. It was all very matter of fact and over with before I knew it. I lay in the recovery room and cried my guts out on a cot all alone.

No one ever offered any guidance or post-abortion counseling. There are definite psychological after effects. I have since remarried and am having my second child with my new husband. When I first became pregnant with our daughter, fear came over me about her health, whether or not she would be whole, directly related to the guilt I still had for taking it upon myself to terminate my other baby's life. I kept claiming faith in God's forgiveness through that pregnancy. But I've heard of other women who can't forget their abortions and have terrific fear from what they did. That is a horrible thing to live with. I also know women who have had abortions and seem to have no remorse. This is superficial because I'm sure that deep inside it can't be escaped.

I do believe that my decision was based upon other peoples' opinions and upon circumstantial pressures. If I had had any encouragement, I could have managed the strength to stand on beliefs that would have sustained me. Getting pregnant out of marriage is bad enough, but the alternatives we have can make it a little more livable if we could have support in choosing life instead of death.

This is the first time I have gone back into these memories in depth. I just felt it was important to try and help. I now have my children back in my life. Old wounds have been healed. I have a wonderful husband and two more beautiful children (actually one on the way). But it was admitting the sin of murder to God that has brought me to the cleansing of self condemnation and guilt. There is no other way I could face that fact and still go on living with myself.

I felt that baby leave me—body, soul, and spirit. The love felt for it was real, and it still is. I couldn't feel this love for something that was not living.

Thank you for giving me an opportunity to share my story. I hope and pray that it helps.

DONNA VOWELL,
Tennessee.●

CLEAN WATER CONSTRUCTION GRANTS

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of a Senate resolution which rejects the administration's 1989 fiscal year funding proposal for the Clean Water Act's Construction Grants Program.

The Clean Water Act Amendments of 1987 authorized a multiyear $18 billion package consisting of construction grants, as well as funding for the gradual transition to the State Revolving Loan Program. By overriding a Presidential veto on this act, Congress sent the administration a clear message: Federal assistance is desperately needed in cleaning up our Nation's water and in constructing sewage treatment facilities. The EPA has estimated that State need for sewage construction projects is about $76 million.

Overwhelming congressional support for the Clean Water Act has apparently had no impact on the administration. The Clean Water Act authorized $2.4 billion for fiscal year 1989. The administration, however, has only proposed $1.5 billion. This ridiculously low proposal is detrimental to the Nation, and is particularly devastating to my own State, New York. New York's share of these funds is 11.16 percent. A $1.5 billion request will yield only $167.4 million to New York. This translates to a loss of $89.7 million in fiscal year 1989 alone! The congressionally authorized $2.4 billion will yield $267 million to New York.

This resolution reiterates congressional support of the full authorizations included in the Clean Water Act amendments. I urge my colleagues to stand behind this resolution and work toward its swift passage.●

BERNE CONVENTION IMPLEMENTATION ACT OF 1987

● Mr. HATCH. Mr. President, on December 18 of last year, on behalf of the administration, I introduced S. 1971, the "Berne Convention Implementation Act of 1987," which would place the United States in a position of being able to join that distinguished and venerable convention. I continue to believe that adherence to Berne is very much in the interest of the United States, and trust we will move toward that goal this year. In that connection, I would like to commend Chairman DECONCINI of the Patents Subcommittee and Senator LEAHY for their dedication to hearings on this topic.

Mr. President, when I lent my support and sponsorship to this bill, I was aware of a controversy over the application of a body of law called "moral rights." I was and remain quite concerned that S. 1971, or indeed any Berne implementation bill ultimately adopted by the Congress, not directly or inadvertently lead to a change in the current, delicate balance of rights between American authors and artists and copyright owners. In my view, the introduction of the concept of moral rights into American jurisprudence would seriously jeopardize, if not outright disrupt that balance. Hence, as I stated in my introductory statement on December 18, I am particularly concerned about helping to "ensure that concerns about moral rights provisions of the treaty be rendered fully unfounded."

It was in this spirit that I subscribed to several provisions of S. 1971 that were intended to maintain the status quo with respect to moral rights. However, many fine scholars continue to harbor concerns that these provisions are not adequate to do the job. These scholars make excellent arguments that the door could be left ajar for pressure at the Federal level to create an actual body of moral rights law. Moreover, these reputable scholars also contend that the convention's ratification could give States and the courts a reason, if not an incentive, to create a set of moral rights over and above that collected under the minimalist theory. Accordingly, I am prepared to consider stronger language to resolve many of these concerns. I would hope to dispel these doubts and see that neither the creative community nor the copyright owner community is disadvantaged by our joining the Berne Convention in connection with moral rights.

Therefore, I propose for consideration and discussion the following amendment which I believe will clarify current law and dispel these doubts. It is very much my hope that if this amendment is adopted, we can get on with the business of joining the Berne Convention with all parties reassured that nothing will change with respect to moral rights by U.S. adherence to the Berne Convention.

The essence of my proposal is to restate in stronger, sharper language, the provisions of S. 1971, to whose intent I still subscribe. These restatements will make clear that there is, in fact, a distinction between the substantial analogs of moral rights under current American law and the European body of moral rights; that all U.S. obligations under article 6bis of the convention are satisfied by current law, and that the state of moral rights

law in the United States as it exists on the date of adherence to the convention should be firmly established and sustained by this legislation.

In my view, this would answer doubts and ensure that the status quo does indeed remain. It comports with views of the overwhelming majority of participants in the Berne debate who believe that the United States needs no more than the basket of rights embodied in the current body of State and Federal law to satisfy our obligations under article 6bis. It will help reassure those opposed to Berne because of moral rights that ratification really will not change current copyright rules and relationships. And to those who wish to expand moral rights, it makes clear that it will have to be done wholly independently of the Berne Convention, its article 6 bis, or any inferences or implications that can be drawn therefrom.

Mr. President, I ask that the text of this amendment be included in the RECORD at this point. I anticipate working closely with my colleagues on the subcommittee to resolve, in as constructive a fashion as possible, as I believe this amendment may do, the questions and controversy surrounding moral rights. This proposal should open a constructive discussion of this important subject.

The text follows:

PROPOSED AMENDMENTS TO THE ADMINISTRATION BILL

1. Delete Congressional finding and declaration Sec. 2. (a)(4) and insert the following additional findings and declarations:

"(4) independently of the author's economic rights, title 17 of the United States Code does not provide an author, or an author's successor in interest, with the rights to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to the author's honor or reputation. These rights are refered to as 'moral rights'.

"(5) the obligations of the United States under Article *6bis* of the Berne Convention are satisfied by United States law as it exists on the effective date of this Act, whether such rights are recognized under any relevant provision of Federal or State statutes or the common law."

2. Revise Congressional Intent in Sec. 2(b)(1) as follows:

"(1) any obligation of the United States to provide an author, or an author's successor in interest, independently of the author's economic rights, with any moral rights as a consequence of adherence to the Berne Convention be satisfied by United States law as it exists on the effective date of this Act, whether such rights are recognized under any relevant provision of Federal or State statutes or the common law."

3. Renumber Congressional Intent in Sec. 2(b) (2) and (3) as Sec. 2(b) (4) and (5) and insert the following additional provisions on Congressional Intent:

"(2) That no author, or author's successor in interest, independently of the author's economic rights, shall be entitled on and after the effective date of this Act to any moral rights under any Federal or State statutes or the common law.

"(3) That any right of an author, or an author's successor in interest, whether under any provision of Federal or State statutes or the common law that, independently of the author's economic rights, is equivalent to any or all of the moral rights or any part thereof shall not, on and after the effective date of this Act, be expanded or enlarged either by Federal or State statute or by judicial construction."

4. Insert the following at the beginning of 17 U.S.C. § 301(d):

"Except as provided by section 306 . . ."

5. Insert the following New Section 306:

"§ 306. Preemption of Moral Rights:

"(a) The rights of an author, or the author's successor in interest, independently of the author's economic rights, to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to the author's honor or reputation, are referred to as 'moral rights'.

"(b) No author, or author's successor in interest, independently of the author's economic rights, shall be entitled on and after the effective date of this Act to any moral rights under any Federal or State statutes or the common law.

"(c) Any right of an author, or an author's successor in interest, whether under any provision of Federal or State statutes or the common law that, independently of the author's economic rights, is equivalent to any or all of the moral rights or any part thereof shall not, on and after the effective date of this Act, be expanded or enlarged either by Federal or State statute or by judicial construction."

ORDERS FOR TOMORROW

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow morning, after the two leaders have been recognized, or their designees, there be a period for morning business not to exceed 10 minutes, and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO MOTIONS, OR RESOLUTIONS OVER, UNDER THE RULE, TO COME OVER

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow no motions or resolutions over, under the rule, come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE CALENDAR WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLYGRAPH PROTECTION ACT

Mr. BYRD. Mr. President, does the distinguished Senator from Massachusetts have anything further at this point?

Mr. KENNEDY. Mr. President, if I could just have 2 minutes.

Mr. BYRD. I yield to the Senator.

Mr. KENNEDY. Mr. President, I first of all want to express our appreciation to the leader for calling this measure up. I think we saw from the motion to address this issue by a vote of 74 to 19 the overwhelming sense of the Senate to address this issue.

We have seen very substantial support for legislation that has passed in the House. There is an excellent opportunity to have this enacted into law.

I know we have a full calendar, but I do think we will go through these amendments. I am aware of the areas which have been raised during the course of the markup and during the points of discussion with other Members. I am familiar with the two or three different proposals which have been advanced.

I would hope that we would have a chance to debate those to whatever length. I do not think we will take a great deal of time. Then we can move ahead to a successful completion.

This is a major issue and a major question involving the rights of hundreds of thousands, millions, of Americans.

I just welcome the fact that we are debating it, the fact that the Senate is addressing it, and the fact that we have had strong bipartisan support for this measure.

I again thank the leader for bringing this matter before the Senate and the Republican leader as well for getting us to this point. I want to give assurance that we are prepared as floor managers to debate these issues for whatever length of time, but hopefully we will get expeditious consideration of this measure because it is so overwhelmingly supported both by the members of the committee, by a bipartisan group of Senators, and I believe by the American people.

I thank the majority leader and I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the committee (Mr. KENNEDY), the manager of the bill, and I also thank the ranking manager of the bill (Mr. HATCH).

PROGRAM

Mr. BYRD. Mr. President, the managers are ready to discuss amendments with other Members, and will be equally ready on tomorrow.

Mr. President, a rollcall vote may occur early. I may decide to have a vote early on the question of the Sergeant at Arms. Therefore, Mr. President, I would suggest that Senators be prepared.

So there could be a vote as early as 10:30. There could be.

I urge all Senators to be prepared to answer the rollcall.

Mr. President, as a matter of fact, I will just say now that there will be a rollcall vote. Mr. President, I believe I entered the order for the two leaders, and then for 10 minutes in morning business. Did I not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. That would take the Senate up to about 10:30, give or take a little bit.

I ask unanimous consent that morning business be closed at the end of that 10 minutes or upon the yielding back thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. So at 10:30 there will be a rollcall vote so that Senators will come to the floor and be prepared to call up their amendments or do business otherwise.

There will be a 15-minute limitation on that rollcall vote because it is not going to occur until around 10:30. That will be a 15-minute rollcall vote.

I ask unanimous consent, Mr. President, that the call for the regular order be automatic at the close of the 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I urge our respective Cloakrooms to inform Senators that there will be a rollcall vote tomorrow morning circa 10:30 a.m. It will be a 15-minute rollcall vote and at the conclusion of the 15 minutes the curtains will go down. I hope all Senators will be present to cast their vote.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment under the order until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and, at 5:07 p.m., the Senate adjourned until tomorrow, Wednesday, March 2, 1988, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 1, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for those about us—family, friends, colleagues—whose love is our support and whose friendship endures through all the moments of life. Grant us not to treat lightly the ties that bind us together nor let us forget how we gain happiness and satisfaction and health through those who care for us. With this word of appreciation and thanksgiving, O God, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FIELDS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FIELDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 88, answered "present" 2, not voting 129, as follows:

[Roll No. 13]

YEAS—214

Alexander
Anderson
Annunzio
Applegate
Archer
Aspin
Atkins
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bilbray
Boland
Bonior
Boxer
Brennan
Brown (CA)
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chappell
Clarke
Clement
Clinger
Coats
Collins
Combest
Conte
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Donnelly
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Fazio
Feighan
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Kanjorski
Kasich
Kastenmeier
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Luken, Thomas
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Oxley
Panetta
Pashayan
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Price (IL)
Pursell
Rahall
Rangel
Ray
Richardson
Rinaldo
Rodino
Roe
Roybal
Sabo
Saiki
Scheuer
Schneider
Schumer
Sharp
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (NE)
Snowe
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Taylor
Thomas (GA)
Udall
Valentine
Vento
Visclosky
Volkmer
Watkins
Waxman
Weiss
Whitten
Williams
Wise
Wolpe
Wortley
Wyden
Yatron

NAYS—88

Armey
Ballenger
Barton
Bentley
Bereuter
Bliley
Boehlert
Buechner
Bunning
Cheney
Coble
Coleman (MO)
Coughlin
Craig
Crane
Dannemeyer
DeLay
Dickinson
Dreier
Emerson
Fields
Gallo
Gekas
Hammerschmidt
Hastert
Hefley
Henry
Herger
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lott
Lujan
Martin (NY)
McCandless
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Moorhead
Parris
Penny
Porter
Regula
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Robert (OR)
Solomon
Sundquist
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Madigan
Rose

NOT VOTING—129

Ackerman
Akaka
Andrews
Anthony
AuCoin
Badham
Baker
Barnard
Bevill
Biaggi
Bilirakis
Boggs
Bonker
Borski
Bosco
Boucher
Boulter
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Burton
Bustamante
Chandler
Chapman
Clay
Coelho
Coleman (TX)
Conyers
Courter
Daub
Davis (IL)
DeWine
DioGuardi
Dixon
Dorgan (ND)
Dornan (CA)
Dowdy
Edwards (OK)
Espy
Evans
Fascell
Fawell
Flake
Foglietta
Gallegly
Garcia
Gaydos
Gejdenson
Gephardt
Gingrich
Goodling
Grant
Gregg
Gunderson
Hall (TX)
Hansen
Hayes (IL)
Hiler
Holloway
Jeffords
Jenkins
Jontz
Kaptur
Kemp
Kennedy
Kleczka
Lancaster
Leath (TX)
Levin (MI)
Lewis (FL)
Lightfoot
Lowery (CA)
Lowry (WA)
Lukens, Donald
Lungren
Mack
MacKay
Manton
Markey
Marlenee
Martin (IL)
Matsui
McCollum
McEwen
McGrath
Mfume
Molinari
Murphy
Nagle
Ortiz
Packard
Pickle
Price (NC)
Quillen
Ravenel
Ritter
Robinson
Roemer
Rostenkowski
Rowland (GA)
Russo
Savage
Sawyer
Schulze
Shaw
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Solarz
Spence
Stangeland
Stump
Sweeney
Swindall
Tallon
Torres
Torricelli
Towns
Traficant
Traxler
Walgren
Weber
Wilson
Wylie
Yates

☐ 1223

So the Journal was approved.

The result of the vote was announced as above recorded.

DISPENSING WITH CALL OF PRIVATE CALENDAR TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WASHINGTON, DC,
February 29, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 5:15 p.m. on Monday, February 29, 1988 and said to contain a message from the President transmitting a report specifying his determination of the uniform percentage necessary to reduce outlays for travel, transportation, and subsistence by $23.8 million in accounts within section 512 of the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1988.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. [illegible]9. Joint resolution to designate the month of May, 1988 as "National Foster Care Month";

S.J. Res. 147. Joint resolution designating the week beginning on the third Sunday of September in 1988 as "National Adult Day Care Center Week";

S.J. Res. 199. Joint resolution to designate the month of May, 1988, as "Trauma Awareness Month";

S.J. Res. 212. Joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week";

S.J. Res. 218. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial;

S.J. Res. 225. Joint resolution approving the location of the Korean War Memorial;

S.J. Res. 227. Joint resolution to express gratitude for law enforcement personnel;

S.J. Res. 229. Joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day";

S.J. Res. 234. Joint resolution designating the week of April 17, 1988, as "Crime Victims Week";

S.J. Res. 237. Joint resolution to designate May, 1988, as "Neurofibromatosis Awareness Month";

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988 and ending on May 22, 1988, as "National Safe Kids Week";

S.J. Res. 244. Joint resolution to designate the month of April, 1988, as "National Know Your Cholesterol Month";

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day";

S.J. Res. 249. Joint resolution designating June 14, 1988, as "Baltic Freedom Day";

S.J. Res. 250. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988";

S.J. Res. 251. Joint resolution designating March 4, 1988, as "Department of Commerce Day";

S.J. Res. 252. Joint resolution designating June 5-11, 1988, as "National NHS—NeighborWorks Week";

S.J. Res. 253. Joint resolution designating April 9, 1988, as "National Former Prisoners of War Recognition Day";

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week";

S.J. Res. 255. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week";

S.J. Res. 257. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day", a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces;

S.J. Res. 260. Joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week";

S.J. Res. 262. Joint resolution to designate the month of March, 1988, as "Women's History Month"; and

S.J. Res. 265. Joint resolution to designate March 20, 1988 as "National Agriculture Day."

DETERMINATION OF UNIFORM PERCENTAGE NECESSARY TO REDUCE CERTAIN APPROPRIATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations.

(For message, see proceedings of the Senate of Monday February 29, 1988, at page S1614.)

MAKE NORIEGA SQUIRM WITH STIFF ECONOMIC SANCTIONS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the President's decision not to impose stiff economic sanctions to Panama in response to General Noriega's drug smuggling and autocratic rule is most regrettable. At a time when Panama is about to explode while Noriega laughs in our faces, we continue to mildly rebuke him in the hope that he will just disappear.

Mr. Speaker, we have vital security interests in Panama. We also need to associate ourselves with democratic forces in that country. While we should continue to recognize President Delvalle as Panama's true leader, we should also recognize that the carrot and stick approach will not work with Noriega. We have tried every mode of quiet diplomacy and gentle persuasion and it has not worked.

Until we make Noriega squirm with stiff economic sanctions, such as a trade embargo, he will continue to defy the civilized world and abuse his own people.

Let us get tough with Noriega.

PANAMANIAN PRESIDENT DELVALLE DESERVES OUR COMMENDATION

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, Panamanian President Delvalle deserves our praise and commendation for his courageous action in trying to remove General Noriega as head of Panama's defense forces. Often described as little more than a figurehead, Delvalle nevertheless, acted for the best interests of Panama, without concern for himself. Even though President Delvalle did not succeed in his attempt to remove Noriega, he merits our high admiration for putting principle before personal interest.

With the rapidly developing events in Panama over the past several days, I am disappointed the administration did not appear to act more decisively in its opposition to Noriega and rallying our allies in the region to bring pressure against Noriega's intransigence. By contrast, Noriega was quick to secure support from Daniel Ortega, who made it clear how closely Nicaragua stands behind Noriega.

I trust the administration will soon make it clearer that it will act decisively to oppose Noriega's continued presence in power in Panama, which clearly represents a significant threat to the security of the Panama Canal.

EVENTS IN PANAMA DEMONSTRATE CORRUPT AND ABSOLUTE POWER OF GENERAL NORIEGA

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, the events in Panama over the last few days have demonstrated beyond doubt the corrupt and absolute power of Gen. Manuel Noriega. Faced with a Presidential demand for his resignation, Noriega responded by simply installing a President more to his liking. This constitutional crisis apparently registered little more than a blip on Noriega's radar screen.

While this international drug kingpin is running roughshod over his own people and exporting the narcotics that are killing our children, this administration is responding with hesitation and restraint.

If the President's war on drugs is to be anything more than a war of words, he must act now. Tough talk is no substitute for tough a action.

The Congress has already cut off both economic and military aid to Panama. The President should now cut off Panama's trade benefits and lending rights. He should impose a full economic embargo on Panama.

Mr. Speaker, on Thursday the House Foreign Affairs Subcommittee on the Western Hemisphere will meet to discuss the situation in Panama. At that time I will offer legislation to apply the full measure of American law to Panama and to General Noriega. We can and must make General Noriega such a liability to Panamanian defense forces, the Panamanian business community and the Panamanian people that they themselves will oust him.

This is not the time for delay or equivocation.

☐ 1230

CIVIL RIGHTS RESTORATION ACT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise in opposition to the so-called Civil Rights Restoration Act of 1987. While having reservations about the bill, I am most concerned about the manner of the bill's consideration.

Mr. Speaker, this legislation will come to the floor this week having totally bypassed the committee system in the House. With a piece of legislation which is so expansive and far-reaching, do we not owe it more than a cursory glance?

Now, some will say we have examined all the possible ramifications associated with the Civil Rights Restoration Act in previous Congresses. I know hearings were held in the 98th and 99th Congresses on a similar measure, but this is a different Congress, with new Members. I sit on a committee with primary jurisdiction over this bill, and this committee has had not one single opportunity to offer its input.

Once again, we have an instance where normal procedures are dispensed with and the opportunity for a full discussion of a major piece of legislation is stifled. The bill will no doubt be considered under a restrictive rule with little or no opportunity for amendment.

Mr. Speaker, the American people deserve better.

NONE OF US IS SAFE

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, when I was in my district this weekend, I heard an impassioned warning from a retired New York City police officer, whose son, Edward Byrne, had been murdered in cold blood by drug dealers.

Matthew Byrne, Edward's father, said:

> If our son Eddie, sitting in a police car, representing and protecting us, can be wasted by scum, then none of us are safe. And I don't care where you live.

Mr. Speaker, these words make us all stop and examine the contradictions of the war on drugs.

On the one hand, the President loudly trumpets his successes in the war against drugs. He addresses carefully selected audiences and tells them that the war is being won. He tells us that it is merely a question of supply and demand, and that we have the demand problem licked.

On the other hand, his budgets have continually cut funds for drug abuse and drug education programs. And we only have to look around us to see that the demand is as great as ever.

On the one hand, the President assures us that we are committing more and more resources to stemming the supply. And from time to time we see the results of big drug seizures at the border.

On the other hand, the President's latest budget provides not 1 penny for the State and Local Narcotics Control Assistance Program. This is the very program which provides local law enforcement agencies with supplemental funds to fight the supply of drugs in the street.

These funds can help New York and its police officers, such as the tragically slain Edward Byrne, with additional resources to fight this battle.

Edward's father was right. His son was protecting the home of a family which had complained to the police about the flood of crack dealers in the neighborhood. Their home was firebombed. Edward Byrne was there to protect them and he paid the ultimate price.

Yesterday, I wrote to President Reagan urging him to restore the full funding level of $230 million to the State and Local Narcotics Control Assistance Program. To do otherwise would be to send the wrong message to Officer Byrne's assassins.

Mr. Speaker, these resources are needed now if we are seriously interested in waging a legitimate war on drugs.

LEGISLATION TO IMPROVE THE SAFETY OF TRANSPORTING RADIOACTIVE WASTE

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, today I am introducing legislation to improve the safety of radioactive waste transportation. Radioactive waste is usually shipped in a cask approved the Nuclear Regulatory Commission. But the Department of Energy is exempt from this regulation and can approve its own cask, bypassing the NRC process.

This raises serious concerns. DOE contends that the containers used to ship radioactive wastes, spent fuel, and transuranic waste will withstand the most extraordinary transportation accident. As a result, all other factors, including the population of an area where the nuclear waste travels, are secondary.

I do not share DOE's optimism. If DOE is so confident about its cask, it should be equally confident that the casks would pass NRC certification.

My legislation would require DOE to transport nuclear waste in NRC-approved containers only. Such a change in policy is urgently needed because the Department of Energy ships a vast amount of radioactive waste.

Nuclear materials must be transported, but it is imperative that they be shipped with the highest degree of safety. My legislation helps achieve this goal.

FEDERAL RESERVE BOARD GOVERNOR SEGER OFF BASE ON MINIMUM WAGE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VENTO. Mr. Speaker, the Wall Street Journal last week reported that Federal Reserve Board Governor Martha Seger recently told a small business group that an increase in the minimum wage from the current $3.35 an hour would worsen youth unemployment. Governor Seger, however, didn't stop there but went on to explain her view by stating, quote, "a lot of them aren't worth $3.35 an hour; they don't know anything. Maybe they're worth two bucks."

Mr. Speaker, Governor Seger's insensitive speculation about the knowledge and worth of workers in minimum wage jobs is insulting. If Governor Seger would take the time to look at who makes up our Nation's minimum wage work force, she would find that indeed many of those working in minimum wage jobs are young people entering the work force for the first time. Many of these same young people are also enrolled in our Nation's colleges, universities, vocational and technical schools where they are working to develop their skills for self-advancement into better paying jobs. She would also find a significant number of older Americans, who have a lifetime of work experience behind them and who are working in minimum wage jobs to meet their economic needs. If Governor Seger were to look closely at our minimum wage work force, she would find a large number of workers who are underemployed and whose earnings are the primary or sole source of income for their households. Many of these people are working multiple jobs so that they can make ends meet. Governor Seger suggests that "Maybe they're worth two bucks." Maybe they're worth more than that, Governor Seger.

The Journal also included an article in which 54 economists including the Nobel Laureates, sent a letter to Congress expressing support for an increase in minimum wage increase.

It's been 11 years since Congress passed the last increase in the minimum wage and 7 years since that increase took effect. The increases in the cost of living over the period of time suggest that it's time for Congress to take a look at increasing the minimum wage. But whether or not you believe that it's time to increase the minimum wage, I hope my colleagues will all agree that it is unfair and just plain wrong to characterize minimum wage workers as people who don't know anything. Governor Seger, you owe an apology to the millions of Americans who work hard for their minimum wage.

Mr. Speaker, I include for the Record the Wall Street Journal article of February 23, 1988:

> A minimum-wage rise from $3.35 an hour would worsen the youth-unemployment problem, Fed member Martha Seger told a small-business group recently, because "a lot of them aren't worth $3.35 an hour; they don't know anything. Maybe they're worth two bucks." Meanwhile 54 economists, including two Nobel Laureates, sent a letter to Congress backing a minimum-wage rise.

VIVA DELVALLE

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, John Kennedy once said:

> Without belittling the courage with which men have died, we should not forget those acts of courage with which men * * * have lived. A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality.

Mr. Speaker, President Eric Arturo Delvalle, of Panama, is such a man of courage and morals.

At a time when his beloved nation of Panama was facing one of the greatest political crises in its history, President Delvalle—without concern for his own safety—exhibited great courage by ordering the firing of the military despot now running that country. General Antonio Noriega.

While General Noriega has refused to resign as head of the Panamanian Defense Forces and to accept the mandate of the Panamanian people, President Delvalle will go down in history as a man of peace and vision—a man who refused to allow democracy to die in Panama.

President Delvalle is a man who, in one of the darkest hours in Panamanian history, defended democracy and sought to guarantee basic human rights for his people.

Mr. Speaker, General Noriega has shown utter contempt for democracy and for the rule of law. He must go. And the United States must apply whatever pressure it can to remove this despot.

One weapon which can be wielded effectively is a trade embargo between the United States and Panama. While such an embargo will, in the short-term, hurt the Panamanian people, it offers us the best chance to apply pressure leading to the removal of General Noriega.

Mr. Speaker, only by resigning can General Noriega show all Americans that he and the duly elected civilian government of Panama are serious about seeking improved relations with the United States. Only General Noriega's resignation will allow the United States to once again assist the good men and women of Panama to build a better life for themselves and their children.

I urge my colleagues to support a trade embargo and to join with me in supporting the legitimate government of Panama headed by President Eric Arturo Delvalle, a man committed to democracy for the 4 million people who live in Panama.

Viva Delvalle!

WOMEN IN DEVELOPMENT ACT OF 1988

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I join Representative Mickey Leland in introducing the Women in Development Act of 1988.

Most development specialists are now aware of women's roles in economic development. But they have yet to integrate women into the design and implementation of development projects and programs. A look at the food crisis in Africa shows this lag: women grow as much as 90 percent of the food in countries south of the Sahara. Many food assistance programs, however, fail to reach women farmers.

There are still perceptions pervading policy decisions that income-earning enterprises are male turf, and that small businesses are not creditworthy unless they expand capital and increase employment These perceptions allow such forms of self-employment such as vending and catering to be bypassed as trivial by assistance programs. In addition, men are often taught new technology while women are left to use older, more time consuming methods.

Fifteen years ago, the Percy amendment to the Foreign Assistance Act called on U.S. bilateral assistance programs to pay special attention to development activities that integrate women into the national economies of their countries. To achieve real success, we need to spell out how the Agency for International Development should go about achieving the goal of integrating women—our bill does that.

I ask my colleagues to join us in cosponsoring this important improvement of development priorities.

WHITE HOUSE DRUG CONFERENCE

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, after long years of prodding and struggling, an important milestone in our war against narcotics is finally being realized. Today marks the second day of a week-long White House Conference for a Drug-Free America, chaired by former Assistant Attorney General Lois Harrington, and mandated by Congress in the 1986 Anti-Drug Abuse Act. The goal of this landmark Washington meeting of concerned experts and community leaders is to provide comprehensive direction to our "War on Drugs". As ranking minority member of the Select Narcotics Committee, I commend President Reagan and First Lady Nancy Reagan for their commitment of fighting the drug menace and we thank them for their leadership and participation during this week's important conference.

As a conferee, along with my colleagues Representative Charles Rangel and Representative Clay Shaw, I will be attending many of the White House Conference Sessions, including the Congressional Town Hall Forum which was on today's agenda.

Let us hope that the recommendations made by the White House Conference conferees who have come from all walks of life and from throughout our Nation will produce concrete, constructive actions to transform our society from one which abuses and glorifies illicit substances to one that loudly and categorically "just says no!" The future of our Nation depends on it. Accordingly, Mr. Speaker, I invite my colleagues to drop in on this conference to express our commendations and support to all the participants in this landmark narcotics conference. We need the help of the community activists and we need it badly to bring the insidious enemy of drug trafficking and drug abuse to its knees.

OFFICER EDWARD BYRNE

(Mr. OWENS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of New York. Mr. Speaker, Officer Edward Byrne was murdered in cold blood in the southeast section of Queens in New York City while he sat in a patrol car guarding the house of a witness in a drug case. Officer Byrne was gunned down by a single individual but behind that individual was the entire South American drug mob, the second greatest power in the Western Hemisphere. The mob was saying to the New York City criminal justice system, "We are coming after you."

Mr. Speaker, that was a message from the same people who have sent a message throughout the countries of South America. They have killed prosecutors, they have killed judges, they have stormed the palace in Peru, and they have said clearly that they are not to be touched. They dominate the nation of Panama. General Noriega, a man that we have made deals and treaties with, dominates the nation of Panama.

In Haiti they rule. Colonel Jean Claude Paul is the South American drug mob's commissar in Haiti. Jean Claude Paul is the primary power in Haiti. Jean Claude Paul controls Haiti.

The mayor of New York City took out an ad yesterday in the newspaper and called upon the President of the United States, Ronald Reagan, to begin to really do something about the trafficking of drugs into this country. We have to do more than just say no.

Yes, we have to dry up the demand, and we also have to show that we mean business on the left and the right, conservatives, liberals, and everybody should unite to really begin to act tough against drugs.

Let us act tough. Let us start by refusing to sign the certification for foreign aid to Mexico, Panama, the Bahamas, Paraguay, Haiti, Colombia, and other drug source countries. Above all, let us not sign the certification for Haiti. Above all, let us realize that the Government of Haiti, the blood-stained Government of Haiti should never be recognized as long as the drug commissar, General Jean Claude Paul, is running that government in Haiti.

If we really mean business, if we really want to protect our children, if that drug-free America conference in the White House is to have any real chance of succeeding, let us all declare war on the South American drug mob, the second strongest power in the Western Hemisphere.

EGYPT RELEASES SOME OF THE B'AHAIS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I am pleased to report that 12 imprisoned Egyptian B'ahais have had their convictions overturned and have been freed. The 12 were among 48 B'ahais convicted last May and sentenced to 3 years in prison for allegedly violating a 1960 Egyptian edict banning B'ahai religious activities.

Many in the Congress—and I thank them—our State Department, other governments, and the members of the National Spiritual Assembly of the B'ahais, all attempted to influence the Egyptian Government to free these individuals, whose only crime is their desire to practice their religion without interference. The leaders of the B'ahais community in the United States deserve our particular and highest praise for their ongoing efforts to fight religious intolerance and persecution whenever it is found.

Mr. Speaker, this action by the Egyptian Government demonstrates its commitment to religious tolerance and fair treatment of religious minorities. I am optimistic that the Egyptian Government will also reverse the convictions of the remaining 36 B'ahais, who are scheduled for retrial in March by the Egyptian Court of Appeals.

Mr. Speaker, at the same time the Government in Iran continues its deplorable persecution of the B'ahais. Perhaps the strength of the Egyptians in standing against religious persecution will be an example to Iran and help them overcome their weakness.

□ 1245

THIRD WORLD DEBT

(Mr. LaFALCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LaFALCE. Mr. Speaker, for almost 6 years, the term "crisis" has been applied to the issue of Third World debt. This problem has resulted in deteriorating terms of trade for the United States; the loss of hundreds of thousands of American jobs; substantially lower living standards for hundreds of millions of Latin Americans, Africans, and Asians; uncertainty in world financial markets; and increased political instability in many newly established democracies in developing countries.

Last year, I introduced legislation to begin the process of establishing an International Debt Management Facility to act as a mechanism to deal with this issue on a comprehensive basis, and to stick with the problem until it became manageable. In effect, I proposed an international chapter 11 bankruptcy procedure to replace the ongoing process wherein debtor countries and their creditors engage in a series of protracted rescheduling negotiations in which nothing is ever truly resolved, but the mountain of debt is simply pushed forward into the future.

The administration strongly opposed my ideas and those of other members of the House Banking Committee which were eventually included in the omnibus trade bill now in conference. Our proposals were characterized as dangerous and counterproductive precedents for debt relief; unworkable mandatory schemes which would neither allow a country-by-country approach nor provide sufficient leverage for economic reform by debtor countries; and, of course, the catch-all charge that any new approach constituted a bank bailout.

While none of these charges are based on fact, they have continued to be repeated over the past year. Meanwhile, the debt problem festers.

The administration insists that circumstances are improving; but the World Bank issued a report in February documentating the opposite.

The administration maintains that additional lending—and additional debt—is the answer; but commercial banks are going in the opposite direction. They are reserving more; writing off more; and lending less.

In December, the administration finally found a market-oriented voluntary debt relief program which it liked in the Mexico-Morgan Guaranty plan. Unfortunately, it has apparently not met initial expectations.

The administration is now calling for a massive increase of World Bank resources, much of which would go to something called structural adjustment lending—a code word for balance-of-payment loans to enable developing countries to pay interest on their debts. In short, the World Bank is becoming less of a development institution, and more of a short-term financing mechanism—a trend which should be more carefully examined.

In the midst of all this ferment, I want to call attention to two very important statements which were made yesterday at the annual meeting of the Overseas Development Council here in Washington, DC.

First, the Managing Director of the International Monetary Fund, Michael Camdessus, endorsed the necessity for debt relief as a necessary component of any solution to the Third World debt problem.

Second, the president of American Express, James D. Robinson III, outlined a plan to establish an Institute of International Debt and Development which would be empowered to deal with this issue on a comprehensive basis consistent with the proposals that I made last year.

I will be addressing the House later today with more detail on the Robinson plan, but for now I just want to express this thought: If the administration refuses to listen to Members of Congress, I hope that it will, at least, consider what these two preeminent individuals said yesterday. The time has come to confront the reality of this Third World debt crisis. We continue to muddle through only at great risk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Gray of Illinois). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote of the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, March 2, 1988.

BIG CYPRESS NATIONAL PRESERVE ADDITION ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 90) to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes, as amended.

The Clerk read as follows:

S. 90

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) Short Title.—This Act may be cited as the "Big Cypress National Preserve Addition Act".

(b) Amendment of Big Cypress National Preserve Act.—Whenever in this Act an amendment is expressed in terms of an amendment to the Act of October 11, 1974, such amendment shall be considered to be made to the Act entitled "An Act to establish the Big Cypress National Preserve in the State of Florida, and for other purposes", approved October 11, 1974 (Public Law 93-440; 88 Stat. 1257).

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) the planned construction of Interstate 75 is presently being designed in such a way as to improve the natural water flow to the Everglades National Park, which has been disrupted by State Road 84 (commonly known as "Alligator Alley");

(2) the planned construction of Interstate 75 provides an opportunity to enhance protection of the Everglades National Park, to promote protection of the endangered Florida panther, and to provide for public recreational use and enjoyment of public lands by expanding the Big Cypress National Preserve to include those lands adjacent to Interstate 75 in Collier County north and east of the Big Cypress National Preserve, west of the Broward County line, and south of the Hendry County line;

(3) the Federal acquisition of lands bordering the Big Cypress National Preserve in conjunction with the construction of Interstate 75 would provide significant public benefits by limiting development pressure on lands which are important both in terms of fish and wildlife habitat supporting endangered species and of wetlands which are the headwaters of the Big Cypress National Preserve; and

(4) public ownership of lands adjacent to the Big Cypress National Preserve would enhance the protection of the Everglades National park while providing recreational opportunities and other public uses currently offered by the Big Cypress National Preserve.

(b) Purpose.—It is the purpose of this Act to establish the Big Cypress National Preserve Addition.

SEC. 3. ESTABLISHMENT OF ADDITION.

(a) Big Cypress National Preserve Addition.—The Act of October 11, 1974, is amended by adding at the end thereof the following new section:

"Sec. 9. (a) In order to—

"(1) achieve the purposes of the first section of this Act;

"(2) complete the preserve in conjunction with the planned construction of Interstate Highway 75; and

"(3) insure appropriately managed use and access to the Big Cypress Watershed in the State of Florida, the Big Cypress National Preserve Addition is established.

"(b) The Big Cypress National Preserve Addition (referred to in this Act as the 'Addition') shall comprise approximately 146,000 acres as generally depicted on the map entitled Big Cypress National Preserve Addition, dated April, 1987, and numbered 176-91000C, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior, Washington, D.C., and shall be filed with appropriate offices of Collier County in the State of Florida. The Secretary shall, as soon as practicable, publish a detailed description of the boundaries of the Addition in the Federal Register.

"(c) The area within the boundaries depicted on the map referred to in subsection (b) shall be known as the 'Big Cypress National Preserve Addition' and shall be managed in accordance with section 4."

"(d) For purposes of administering the Addition and notwithstanding section 2(c), it is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated with respect to the Addition in not more than five years after the date of the enactment of this paragraph.".

(b) Hunting, Fishing, and Trapping.—Section 5 of the Act of October 11, 1974, is amended by inserting "and the Addition" after "preserve" each place it appears.

(c) Suitability as Wilderness.—Section 7 of the Act of October 11, 1974, is amended—

(1) By inserting "with respect to the preserve and five years from the date of the enactment of the Big Cypress National Preserve Addition Act with respect to the Addition" after "date of the enactment of this Act" in the first sentence; and

(2) by inserting "or the area within the Addition (as the case may be)" after "preserve" each place it appears.

(d) Indian Rights.—Section 6 of the Act of October 11, 1974, is amended as follows:

(1) In clause (i) insert "and the Addition" after "preserve" and insert "(January 1, 1985, in the case of the Addition)" after "1972".

(2) In clause (ii) insert "or within the Addition" after "preserve".

SEC. 4. ACQUISITION OF LAND WITHIN ADDITION.

(a) United States Share of Acquisition Costs.—The first section of the Act of October 11, 1974, is amended by adding at the end thereof the following new subsection:

"(d)(1) The aggregate cost to the United States of acquiring lands within the Addition may not exceed 80 percent of the total cost of such lands.

"(2) Except as provided in paragraph (3), if the State of Florida transfers to the Secretary lands within the Addition, the Secretary shall pay to or reimburse the State of Florida (out of funds appropriated for such purpose) an amount equal to 80 percent of the total costs to the State of Florida of acquiring such lands.

"(3) The amount described in paragraph (1) shall be reduced by an amount equal to 20 percent of the amount of the total cost incurred by the Secretary in acquiring lands in the Addition other than from the State of Florida.

"(4) For purposes of this subsection, the term 'total cost' means that amount of the total acquisition costs (including the value of exchanged or donated lands) less the amount of the costs incurred by the Federal Highway Administration and the Florida Department of Transportation, including severance damages paid to private property owners as a result of the construction of Interstate 75.".

(b) Methods of Land Acquisition in the Addition.—The first sentence of subsection (c) of the first section of the Act of October 11, 1974, is amended—

(1) by inserting "or the Addition" after "preserve" the first place it appears; and

(2) in the first proviso—

(A) by inserting "in the preserve" after "subdivisions,"; and

(B) by striking out the colon and inserting in lieu thereof "and, any land acquired by the State of Florida, or any of its subdivisions, in the Addition shall be acquired in accordance with subsection (d):".

(c) Valuation and Appraisal.—The fourth sentence of subsection (c) of such section is amended by inserting "or the Addition" after "preserve" each place it appears.

(d) Acquisition of Property Rights by the State of Florida.—Subsection (c) of such section is amended by adding at the end thereof the following: "Nothing in this Act shall be construed to interfere with the right of the State of Florida to acquire such property rights as may be necessary for Interstate 75.".

(e) Exclusion of Subsurface Estate.—The third sentence of subsection (c) of such section is amended by inserting "and the Addition" after "preserve" each place it appears.

(f) Improved Property in Addition.—Section 3(b) of the Act of October 11, 1974, is amended—

(1) in clause (i) by inserting "with respect to the preserve and January 1, 1986, with respect to the Addition" after "November 23, 1971,"; and

(2) in clause (ii)—

(A) by inserting "with respect to the preserve and January 1, 1986, with respect to the Addition" after "November 23, 1971," the first place it appears; and

(B) by inserting "or January 1, 1986, as the case may be," after "November 23, 1971," the second and third places it appears.

SEC. 5. COOPERATION AMONG AGENCIES.

The Act of October 11, 1974, is further amended by adding at the end thereof the following new section:

Sec. 10. The Secretary and other involved Federal agencies shall cooperate with the State of Florida to establish recreational access points and roads, rest and recreation areas, appropriate wildlife protection, and, where appropriate, hunting, fishing, frogging, and other recreational opportunities in conjunction with the creation of the Addition and in the construction of Interstate Highway 75. Not more than 3 of such access points shall be located within the preserve (including the Addition).".

SEC. 6. REPORT TO CONGRESS.

The Act of October 11, 1974, is further amended by adding at the end thereof the following new section:

"Sec. 11. Not later than two years after the date of the enactment of this section, the Secretary shall submit to the Congress a detailed report on, and further plan for, the preserve and Addition including—

"(1) the status of the existing preserve, the effectiveness of past regulation and management of the preserve, and recommendations for future management of the preserve and the Addition;

"(2) a summary of the public's use of the preserve and the status of the access points developed pursuant to section 10;

"(3) the need for involvement of other State and Federal agencies in the management and expansion of the preserve and Addition;

"(4) the status of land acquisition; and

"(5) a determination, made in conjunction with the State of Florida, of the adequacy of the number, location, and design of the recreational access points on I-75/Alligator Alley for access to the Big Cypress National Preserve, including the Addition.

The determination required by paragraph (5) shall incorporate the results of any related studies of the State of Florida Department of Transportation and other Florida State agencies. Any recommendation for significant changes in the approved recreational access points, including any proposed additions, shall be accompanied by an assessment of the environmental impact of such changes.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 8 of the Act of October 11, 1974, is amended—

(1) by striking out "There" in the first sentence and inserting in lieu thereof "(a) Except as provided in subsection (b), there"; and

(2) By adding at the end thereof the following new subsection:

"(b) There is hereby authorized to be appropriated from the Land and Water Conservation Fund not to exceed $49,500,000 for the acquisition of lands within the Addition and such sums as may be necessary for development.".

SEC. 8. OIL AND GAS EXPLORATION, DEVELOPMENT AND PRODUCTION.

The Act of October 11, 1974, is further amended by adding at the end thereof the following new section:

"Sec. 12. (a) Within nine months from the date of the enactment of the Big Cypress National Preserve Addition Act, the Secretary shall promulgate, subject to the requirements of subsections (b)-(e) of this section, such rules and regulations governing the exploration for and development and production of non-Federal interests in oil and gas located within the boundaries of the Big Cypress National Preserve and the Addition, including but not limited to access on, across, or through all lands within the boundaries of the Big Cypress National Preserve and the Addition for the purpose of conducting such exploration or development and production, as are necessary and appropriate to provide reasonable use and enjoyment of privately owned oil and gas interests, and consistent with the purposes for which the Big Cypress National Preserve and the Addition were established. Rules and regulations promulgated pursuant to the authority of this section may be made by appropriate amendment to or in substitution of the rules and regulations respecting non-Federal oil and gas rights (currently codified at 36 CFR 9.30, et seq. (1986)).

"(b) Any rule or regulation promulgated by the Secretary under subsection (a) of this section shall provide that—

"(1) exploration or development and production activities may not be undertaken, except pursuant to a permit issued by the National Park Service authorizing such activities or access; and

"(2) final action by the National Park Service with respect to any application for a permit authorizing such activities shall occur within 90 days from the date such an application is submitted unless—

"(A) the National Park Service and the applicant agree that such final action shall occur within a shorter or longer period of time; or

"(B) the National Park Service determines that an additional period of time is required to ensure that the National Park Service has, in reviewing the application, complied with other applicable law, Executive orders and regulations; or

"(C) the National Park Service, within 30 days from the date of submission of such application, notifies the applicant that such application does not contain all information reasonably necessary to allow the National Park Service to consider such application and requests that such additional information be provided. After receipt of such notification to the applicant, the applicant shall supply any reasonably necessary additional information and shall advise the National Park Service that the applicant believes that the application contains all reasonably necessary information and is therefore complete, whereupon the National Park Service may—

"(i) within 30 days of receipt of such notice from the applicant to the National Park Service determine that the application does not contain all reasonably necessary additional information and, on that basis, deny the application; or

"(ii) review the application and take final action within 60 days from the date that the applicant provides notification to the National Park Service that its application is complete.

"(c) Such activities shall be permitted to occur if such activities conform to requirements established by the National Park Service under authority of law.

"(d) In establishing standards governing the conduct of exploration or development and production activities within the boundaries of the Big Cypress National Preserve or the Addition, the Secretary shall take into consideration oil and gas exploration and development and production practices used in similar habitats or ecosystems within the Big Cypress National Preserve or the Addition at the time of promulgation of the rules and regulations under subsection (a) or at the time of the submission of the application seeking authorization for such activities, as appropriate.

"(e) Prior to the promulgation of rules or regulations under this section, the Secretary is authorized, consistent with the purposes of which the Big Cypress National Preserve Addition was established, to enter into interim agreements with owners of non-Federal oil and gas interests governing the conduct of oil and gas exploration, development or production activities within the boundaries of the Addition, which agreements shall be superseded by the rules and regulations promulgated by the Secretary when applicable; *Provided*, That such agreement shall be consistent with the requirements of subsections (b)-(d) of this section and may be altered by the terms of rules and regulations subsequently promulgated by the Secretary: *Provided further*, That this provision shall not be construed to enlarge or diminish the authority of the Secretary to establish rules and regulations applicable to the conduct of exploration or development and production activities within the Big Cypress National Preserve or the Addition.

"(f) There is hereby authorized to be established a Minerals Management Office within the Office of the Superintendent of the Big Cypress National Preserve, for the purpose of ensuring, consistent with the purpose for which the Big Cypress National Preserve was established, timely consideration of and final action on applications for the exploration or development and production of non-Federal oil and gas rights located beneath the surface of lands within the boundaries of the Big Cypress National Preserve and the Addition.

"(g) There are hereby authorized to be appropriated such sums as may be necessary to carry out the activities set forth in this section.".

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

ATTEMPT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. DANNEMEYER. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Dannemeyer moves that the managers on the part of the House at the conference on H.R. 5 and the Senate amendment thereto be instructed to agree to section 703 of the Senate amendment.

The SPEAKER pro tempore. The Chair will have to examine to see whether or not the present motion just read is a privileged motion, if the gentleman will bear with the Chair for a moment.

The Chair would state to the distinguished gentleman from California that this is a highly privileged motion under rule XXVIII but it is not more privileged than a motion to suspend the rules. Therefore, the Chair could entertain it later today.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. Mr. Speaker, the rules of the House provide that after the appointment of conferees any Member may file a motion to instruct conferees after 20 calendar days have elapsed; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

But there was a motion pending at the time the gentleman offered his motion and therefore the Chair has ruled that the motion to suspend the rules has the same privilege as the gentleman's motion and the Chair is in the process of recognizing two Members for 20 minutes each to debate the pending bill.

Mr. DANNEMEYER. Then I take it, Mr. Speaker, from the ruling of the Chair that this Member would be at liberty to renew this motion after the conclusion of the motion that was pending at the time the motion was made?

The SPEAKER pro tempore. The gentleman is correct. When no other higher motion is pending then the motion the gentleman is offering would be in order at that time.

Mr. DANNEMEYER. I thank the Chair.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. Vento] will be recognized for 20 minutes and the gentleman from California [Mr. Lagomarsino] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. Vento].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I regret the problems with regard to the competing motions. I had no knowledge the gentleman from California intended to offer such motion, nor am I aware that others had knowledge. So obviously with this suspension matter we appreciate the opportunity to go ahead with the ruling of the Chair.

Mr. Speaker, S. 90, which passed the Senate on December 12, 1987, would modify the boundaries of the Big Cypress National Preserve to add lands important to the ecological well-being of the southwest Florida region. The bill before us today closely parallels H.R. 184, which passed the House last March. Both proposals enjoy a broad bipartisan consensus, including the support of the entire Florida congressional delegation.

This is now the third time the House has had the Big Cypress National Preserve addition proposal before it, having passed it twice before. The record of support for the proposal and the need for this boundary adjustment is unchanged. The 146,000 acres added by S. 90 will enhance protection of the water supply for Everglades National Park and the region; preserve prime endangered species habitat; and provide increased recreational opportunities. Because of the concurrent construction of a segment of Interstate 75, we have a unique opportunity to leverage highway severance funds with Federal and State appropriations to acquire these important lands.

The Committee in Interior and Insular Affairs in its consideration of S. 90, adopted amendments pertaining to 4 provisions of the bill.

First, the amendments strike the Senate language and substitute the language of H.R. 184 regarding the administration of the area, so that the existing preserve and the addition will be managed in an identical fashion. This change retains the understanding which is elaborated on in the committee report accompanying H.R. 184, regarding recreational uses, including hunting, fishing and trapping. I would reiterate that the committee action and this language in no way further limits or expands the existing authority for such uses.

Second, the amendments require that the report to Congress be made in 2 years, rather than the 1 year proposed by the Senate and the 3 years proposed in H.R. 184. Additionally, the Senate provision regarding a study of access rights is referenced to the access points developed pursuant to this legislation.

Third, S. 90 made no provision for development funds. H.R. 184 authorized such sums as may be necessary for development and the amendment adds that language.

Finally, several changes were made in oil and gas provisions of S. 90. These amendments assure that the National Park Service's existing regulatory authority on access continues to apply to all oil and gas operations within the preserve and addition. These changes have the support of the interested parties and are in keeping with the understandings with which the oil and gas provisions were developed.

Mr. Speaker, for over a year now, there have been discussions of effecting a land exchange in Phoenix, AZ to deal with part of the land included in this legislation. I would point out to Members that the bill before us does not preclude such a exchange. The proposed Arizona-Florida land exchange has proven to be quite complex. The exchange proposal was under development when the House considered H.R. 184 last March and it is still being developed today. If, and when, such an exchange can be worked out, the Committee on Interior and Insular Affairs will give it fair and full consideration. I do not believe though that we should delay the addition of critical lands to the Big Cypress National Preserve on the basis of a land exchange that may or may not come about.

I support S. 90, as amended, and urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 90, to authorize a 146,000-acre addition to the Big Cypress National Preserve in southern Florida. It is nearly identical to legislation passed by the House last March.

As you know, S. 90 provides the Federal Government with a unique opportunity to acquire the lands included in the addition without paying the full cost. Due to the conversion of Alligator Alley to Interstate 75, highway severance funds would be utilized to pay a portion of the acquisition costs. The remaining expense would be cost-shared by the Federal and State Governments, 80 and 20 percent respectively.

Mr. Speaker, acquisition of this area is important for the preservation of the wetlands which provide critical fish and wildlife habitat and serve as recharge sources for southern Florida's water supply. The public will also benefit from the preserve addition since S. 90 allows for multiple use of this area in the same manner as the preserve. Such traditional uses as hunting and fishing would be, and certainly should be allowed to continue at existing levels. Mineral exploration and development would also be allowed as only the surface rights to the land would be acquired. Special permit language from such development was added to S. 90 during Senate consideration.

Mr. Speaker, the Senate passed S. 90 in December. As I mentioned, it is very similar to H.R. 184 which the House passed last March. However, our committee felt a few slight modifications to S. 90 where necessary and adopted several amendments to the bill during committee consideration. The amendments, which were primarily technical and conforming in nature, would: First, delete the special management section for the addition placing it under the same management guidelines as the preserve; second, expand the funding authorization to include development, as well as acquisition; third, revise the oil and gas permit section of the bill to bring the new rules in closer conformity with existing park service regulations; and fourth, extend the time frame for the report to Congress on the preserve and addition from 1 year to 2 years.

Although S. 90 authorizes a substantial land acquisition program, negotiations have been underway for nearly a year regarding a proposed exchange of a significant portion of this land for lands in Arizona. If approved by Congress, hopefully in the near future, the land exchange would substantially reduce the Federal funding necessary for land acquisition within the addition. Passage of S. 90 today should not, and is certainly not intended to, in any way affect the proposed land exchange. That is a separate agreement which will be considered by Congress on its own merits at a later date. However, I believe it is important that we move forward on S. 90 today to bring us one step closer to the preservation and protection of this area so critical to the Florida Everglades ecosystem.

I would like to commend the sponsor of the House companion to S. 90, Mr. Lewis from Florida, for his outstanding work and cooperation on this legislation. It has certainly been a pleasure to work with him. I would also like to commend the committee chairman, Mr. Udall, and the subcommittee chairman, Mr. Vento, for working with other Members to address the concerns expressed with regard to this legislation.

S. 90 is a good bill which has been finely tuned through the democratic process. It currently enjoys broad-based, bipartisan support. Therefore, I urge all of my colleagues to approve S. 90.

Mr. Speaker, at this point I would like to enter into a brief colloquy with the subcommittee chairman on behalf of the sponsor of the House bill on the Big Cypress Preserve Addition, Mr. Lewis of Florida.

As the subcommittee chairman knows, there is concern on the part of some individuals and organizations, including the sponsors of the Big Cypress expansion legislation, Congressman Tom Lewis and Senator Lawton Chiles, regarding the matter of continued use of the Big Cypress National Preserve and Addition for recreational purposes.

Clearly, recognizing the historical usage of lands in national preserves, it is imperative that the people living in southern Florida and elsewhere continue to have use of the Big Cypress Preserve for a variety of public purposes, including hunting, fishing and trapping. Therefore, it is extremely important that S. 90 clearly ensure that traditional uses of the land at existing levels be allowed to continue.

Mr. Speaker, how does the gentleman committee's intent in this regard?

Mr. VENTO. If the gentleman would yield as directly referenced in the committee report accompanying H.R. 184, I would reiterate that we all understand the strong interest that the people living in south Florida have in being assured of their continued access to the Big Cypress National Preserve and Addition for recreational purposes, including hunting, fishing and trapping. The committee took no action to limit or expand the existing authority for such uses. Rather, the language adopted by the committee will assure that the addition is administered in an identical fashion as the existing preserve. The committee has encouraged the National Park Service to manage the area's resources to maintain a high productivity of wildlife and fisheries and to continue practices that encourage the taking of a reasonable amount of these resources.

Mr. UDALL. Mr. Speaker, I rise in strong support of S. 90. The battle to save the Everglades and the remarkable environments of south Florida has been akin to a national crusade for a quarter of a century. The addition of these lands to the Big Cypress National Preserve and other conservation units is a major victory in that long struggle.

As some of my colleagues are aware, the administration has proposed that the lands subject to this legislation be acquired not through the normal procedure; namely, their purchase via the land and water conservation fund. Instead, it has proposed that they be acquired by means of an exchange for extremely valuable Federal lands in north central Phoenix, AZ. The lands are now the site of the Phoenix Indian School and total about 104 acres. Any such exchange would require an act of Congress.

Members of the Arizona congressional delegation and others have been involved in intensive efforts to put a deal together. It is a very complicated and difficult proposal that requires negotiations between the private landowner, the city of Phoenix, the affected tribes, the Veterans' Administration, and others. Despite a number of obstacles, I am optimistic that an exchange can be worked out that will be in the best interests of all the parties. It is my belief that legislation accomplishing the exchange can be brought before the Congress and enacted in this session.

The bill before us today does not contain any reference to the exchange proposal or to the possibility of acquiring these lands through any means other than those currently authorized. This is entirely appropriate as there is no question that these lands must be placed under Federal conservation management one way or the other.

But as I say, I am hopeful that passage of S. 90 today will be followed later this session by legislation to acquire these lands through exchange.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

Mr. DANNEMEYER. Mr. Speaker, I have a privileged motion at the desk.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, if the gentleman will withhold his motion, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record on S. 90, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. If the gentleman from California [Mr. Dannemeyer] will please withhold his motion, the Chair has not yet propounded the question on suspending the rules and passing the Senate bill, S. 90.

The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and pass the Senate bill, S. 90, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

ATTEMPT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. DANNEMEYER. Mr. Speaker, I have a privileged motion at the desk.

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1447).

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. Mr. Speaker, when I made the motion to instruct conferees before, there was then pending in the House a procedure to take up a specific bill under suspension of the rules and the Chair ruled that since that motion had preceded my motion to instruct conferees they were of equal dignity and the pending motion would proceed. Now I have achieved recognition before the motion to take up another bill on suspension, and now it would appear to this Member from California that from a parliamentary standpoint I should be recognized at this point to go forward on my motion, should I not?

The SPEAKER pro tempore. The Chair will state to the distinguished gentleman from California that the Chair has the power of recognition and the Chair stated to the gentleman that today motions to suspend the rules have equal privilege with the gentleman's motion. Therefore, the Chair is going to dispose of the two suspensions as matters of equal privilege, and then the gentleman from California could be recognized for the purpose he seeks recognition.

DESIGNATING MORGAN AND LAWRENCE COUNTIES IN ALABAMA AS A SINGLE METROPOLITAN STATISTICAL AREA

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1447) to designate Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area.

The Clerk read as follows:

S. 1447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Morgan and Lawrence in Alabama shall be considered for designation as a single metropolitan statistical area by the Director of the Office of Management and Budget without regard to the portion of the Bankhead National Forest located within Lawrence County.

The SPEAKER pro tempore. Is a second demanded?

Mrs. MORELLA. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. Dymally] will be recognized for 20 minutes and the gentlewoman from Maryland [Mrs. Morella] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. Dymally].

Mr. DYMALLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to explain briefy the background and intent of S. 1447.

S. 1447 was introduced by Senator Shelby to designate Morgan and Lawrence Counties in Alabama as a metropolitan statistical area. This bill would provide relief to these two counties, which have exhausted their administrative remedies.

Three years ago, the officials of Lawrence and Morgan Counties began an effort to have their area designated as a metropolitan statistical area. This effort has been based upon the fact that Decatur, AL is 1 of the 366 urbanized areas officially designated by the U.S. Bureau of the Census.

The problem which has been brought to our attention concerns the inability of Lawrence and Morgan Counties to qualify as an MSA under the present OMB regulations, due to the inclusion of the unpopulated Bankhead National Forest area in the computation of the population density.

An important factor which calls for passage of this bill is the decline of certain industies in areas adjacent to the counties in question. MSA status would encourage a measure of economic recovery to this area.

Economic recovery, however, would not mean any additional financial burden on the Federal Government. Due to the great measure of discretion given to Federal agencies in the allocation of funds, there is no evidence that designation as an MSA would increase Federal funding to that area. Designation, however, would bring an added competitive edge.

I also want to commend Congressman Ronnie Flippo for introducing the House companion bill, H.R. 2466. This is an important effort and deserves our consideration.

Mr. Speaker, the officials of these counties have sought our help. I urge passage of this bill to give them the relief they need and deserve.

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Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to express a few reasons why I oppose the passage of S. 1447.

This bill would require the Director of the Office of Management and Budget to consider the designation of Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area without regard to the portion of the Bankhead National Forest located within Lawrence County. Thus, a different set of standards would be used for Morgan and Lawrence Counties than in all other areas of the country to determine whether this area should be designated as a single metropolitan statistical area.

The usefulness of the metropolitan statistical area definitions depends on all MSA having similar characteristics which distinguish them from other areas. The criteria are established by a process which included public notice and comment. It is necessary periodically, to review the criteria to make certain that it is consistent, relevant and objectively measured. The review process is published in the Federal Register and the public is invited to comment and recommend changes. The comments are then reviewed by the Federal Committee on Metropolitan Statistical Areas, which includes representatives of 12 Federal agencies who use the MSA definition for statistical and nonstatistical purposes and for determining eligibility and benefits for certain Federal programs. The recommendations of the MSA are then published in the Federal Register prior to each decennial census. As an aside, I should mention that the current MSA criteria were published on January 3, 1980, and the next review will take place in the next 2 years.

The Office of Management and Budget has often received requests from areas to make exception to the MSA definition but has remained firm in its denial because granting the request would impair the comparability of historical and statistical data. It is important that the criteria remain constant for a period of time.

Census figures indicate that there is a real possibility that Morgan and Lawrence Counties may soon become an MSA on their own merits and under existing MSA criteria. At the same time, this bill would encourage other areas to seek exceptions to become MSA legislatively, rather than statistically.

As the ranking Republican on the subcommittee which considered this legislation, I would like to just briefly state that I do not want to hold any area back from economic growth and prosperity—which is one of the main reasons for being designated an MSA; however, changing the criteria for eligibility as a single metropolitan statistical area on a piecemeal basis undermines the Government statistical standard for the use of census data. Comprehensive change, published in the Federal Register, can be better utilized by all areas seeking the designation.

Mr. DYMALLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield time to the gentleman from Alabama [Mr. Flippo], let me say that during the period of the past year or 15 months this is the first time the gentlewoman from Maryland and I have disagreed on an issue. We have to take what she has to say very seriously, but one witness whom she quoted, I felt, was somewhat arrogant, and if I may put it very politely, in response to the congressional mandate, what he says in effect is, "If the Congress passes this law, I am going to ignore it."

Can we imagine that? Can we imagine the Department of Justice saying, "If you pass a piece of legislation here, we are going to ignore it"? Or can you imagine the President saying that? I thought it was, to put it mildly and politely, a very arrogant response to the passage of legislation. The other issue was, I said to him, "It seems to me this enhances what you are doing. The marketing survey you are involved in, and for radio stations, this bill enhances your position." So it was a personal quirk on his part. It did not present, in my judgment, meritorious arguments against this bill.

Having said that, Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. Flippo].

Mr. FLIPPO. Mr. Speaker, today the House considers S. 1447, a bill to designate Morgan and Lawrence Counties in the State of Alabama as a single metropolitan statistical area, without regard to the portion of the Bankhead National Forest located in Lawrence County.

The House Committee on Post Office and Civil Service has reported this bill by voice vote after taking into

consideration testimony given at hearings before the Subcommittee on Census and Population. North Alabama community leaders, with the support of myself and Senator Richard Shelby, have presented clear evidence that Morgan and Lawrence Counties would qualify for MSA status under current regulations were it not for the statistical distortion caused by the portion of the Bankhead National Forest extending into Lawrence County.

This measure is identical to the bill I introduced during the first session of the 100th Congress, and addresses an issue which continues to be of great concern to the citizens of Morgan and Lawrence Counties. Like the constituents of each Member of the House, the people of Morgan and Lawrence Counties believe strongly in working hard to improve their communities and to make their homes and towns better places to live in for themselves and their children.

The people of Morgan and Lawrence Counties understand that hard work and dedication do not mean instant reward. They have exhibited steady and patient dedication during over 3 years of laboring to gain MSA status.

Both the Subcommittee on Census and Population and the full Committee on Post Office and Civil Service have recognized the merit of this unique case. Decatur, AL, in Morgan County, is the only urbanized area in the Nation which has been deprived of MSA designation solely because of OMB's stubborn insistence that a federally owned and controlled natural preserve, the Bankhead National Forest, be included in the measurement of population density.

Only the presence of this national forest extending into the lower quarter of Lawrence County interferes with the prompt recognition of Morgan and Lawrence Counties as an MSA. On the basis of every other criteria cited by OMB, the counties of Morgan and Lawrence fully deserve and should be granted MSA status.

Over the past few years community leaders in Decatur, AL, and Morgan and Lawrence Counties, with the strong support of the North-central Alabama Regional Council of Governments, have pursued every possible avenue of administrative appeal to overcome the opposition of OMB. They have compiled overwhelming evidence to show that their situation is truly unique and merits special consideration. They have shown convincingly that the cohesive nature of the Morgan and Lawrence Counties' urbanized area constitutes, in every real and meaningful way, a single metropolitan statistical area.

And still, after nearly 3 years, the people of Morgan and Lawrence Counties have had to contend with the bureaucratic intransigence of OMB.

The citizens of Morgan and Lawrence Counties have gained a familiarity with the ways of Washington. They have witnessed firsthand the politics of delay. It may be suggested to the Members of the House that these people should wait still a bit longer, and perhaps things may change. Yet, fairness should dictate that this issue be judged on its merit and not left to the chance of what the future may or may not bring.

The people of Morgan and Lawrence Counties have exhausted the available administrative routes, and now seek legislative redress. The Senate has already acted favorably on this question. Both the Subcommittee on Census and Population and the full committee have approved this measure by voice vote. A fair examination of this effort to attain MSA status shows that there is good and abundant cause to disregard the Bankhead National Forest since its special status unfairly distorts the integrated, urbanized identity of Morgan and Lawrence Counties.

The people of Morgan and Lawrence Counties have long looked forward to this day when the U.S. House of Representatives, the peoples' Chamber, would favorably resolve this issue of great economic impact to the communities of the area. MSA status has long been recognized as a vital, necessary element of plans for overall economic growth and development in Morgan and Lawrence Counties. Therefore, I strongly urge my colleagues to vote in favor of this measure so that Morgan and Lawrence Counties may be justly designated as a metropolitan statistical area.

Mr. DYMALLY. Mr. Speaker, I yield myself such time as I may consume.

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. DYMALLY. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, I want to reiterate what the chairman of the Subcommittee on Census and Population stated. We are almost always unanimous in agreement on issues, and it has been an extreme pleasure working with him at the helm. However, on this particular issue, I have a real concern about the precedent that is going to be set, with the floodgates that are going to be opened. He mentioned that the statistician whom I quoted said they would not recognize this area statistically as an MSA and what they are concerned about is the purity of the statistical system. Even though Congress may change it, they do not see a change in the criteria; they see an exception being made that is not warranted.

My concern also is this: How about those other areas that would like also to have a special exception? There are many of those. There would be requests for amendments to be added to the legislation that has been established.

Finally, I just want to point out that there was an article in the Wall Street Journal of September 22, 1987, entitled "What's a Metropolitan Area? Whatever Congress Says It Is." Just extracting the language from that article, it says: "When metro areas become politically instead of statistically defined, they have less and less value."

☐ 1315

And then it goes on and it indicates with this particular case in mind, this particular bill:

If the proposed Alabama metro area is approved, "The dam will be broken, and you'll see all sorts of junk going on," says Edward Spar, president of Market Statistics, a New York demographic consultant. "I see the potential destruction of the metro-area concept," he adds.

Mr. FLIPPO. Mr. Speaker, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from Alabama.

Mr. FLIPPO. Mr. Speaker, the gentlewoman quoted the Wall Street Journal in her remarks about this matter. In that same article, it did talk about a change being made in the CR last time in Harvey County, KS.

The gentlewoman noticed that, in that same Wall Street article that she is quoting.

Another change was made and it points out that changes in that same article the gentlewoman refers to, and it refers to several instances when even President Nixon suggested changes in the criteria because Long Island, NY, did not fit that particular definition; so the article, while it does make the points that the gentlewoman is talking about, also contains specific instances when the criteria and definition of the MSA have been changed when circumstances justified those changes.

Mrs. MORELLA. Mr. Speaker, may I respond to the gentleman? Will the gentleman yield?

Mr. DYMALLY. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. There is opportunity for change in the criteria set at a certain time and it will go into the Federal Register and there is time for comment and whatever, and that is when there are if necessary certain changes because of growth and changes in our society. That is when it should take place.

When the other situation was examined, can we not see the problem of opening the floodgates, seriously?

Right now we have a lot of other places that would like to use this.

Mr. FLIPPO. Would the gentlewoman name one specific urbanized area that would become an MSA as a result of this bill, other than Lawrence County?

Mrs. MORELLA. No.

Mr. FLIPPO. Well, the gentlewoman said she would let down the floodgates. Name one that it would let down the floodgate on.

Mrs. MORELLA. The request that has been made and those that are now coming to the floor when people realize that this bill is before us to say, "We think we should apply for special exceptions."

If we grant it to Alabama, why can you not grant it to another area? Therein lies the problem. A precedent is being set, and how do you extricate yourself from that and say to another area, "No, no way. You can't do that."

Mr. DYMALLY. Mr. Speaker, reclaiming my time and before recognizing my friend, the gentleman from Alabama [Mr. HARRIS], I just want to bring to the attention of my friend, the gentlewoman from Maryland, that the Senate bill was introduced July 1, 1987, and since that time we have not had another bill on this subject, so the floodgate is closed.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from Alabama.

Mr. HARRIS. Mr. Speaker, I rise in strong support of this measure and point out that the people of north Alabama look forward to the day when this Congress will favorably resolve an issue which has great economic impact to the communities of this area. The other body has already addressed it and addressed it favorably. I think as a matter of fairness that this House should go ahead and address the matter, and I urge favorable consideration of the bill of my colleague.

Mr. DYMALLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and pass the Senate bill, S. 1447.

The question was taken.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mrs. MORELLA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the Senate bill S. 1447.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. DANNEMEYER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. DANNEMEYER moves that the managers on the part of the House at the conference on H.R. 5 and the Senate amendment thereto be instructed to agree to section 7003 of the Senate amendment.

PARLIAMENTARY INQUIRY

Mr. DYMALLY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DYMALLY. Mr. Speaker, could the gentleman from California tell me how much time he will consume of this?

Mr. DANNEMEYER. Under the rules, I have an hour. We are going to use most of that time, I suspect.

Mr. DYMALLY. Mr. Speaker, I thank the gentleman.

Mr. DANNEMEYER. Mr. Speaker, this issue came to the attention of the House 21 days ago when this Member sought recognition to make this motion. On that day another motion was recognized by the Speaker to be made, and under the rules of the House, any time after conferees are appointed another motion to instruct can be filed after 20 days. This is the reason this motion is made today.

This issue is very simple. It is time that we in the Congress of the United States vote up or down on the issue of whether or not we are going to have dial-a-porn in America. We believe that the law prohibited it at least on the basis of 47 U.S.C. 223, which provides as follows:

> Whoever knowingly in the District of Columbia or in interstate or foreign communication, by means of telephone, makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent, shall be fined not more than $500 or imprisoned for not more than six months, or both.

That would appear to be self-explanatory to prohibit dial-a-porn in this country; but the Federal Communications Commission and the Department of Justice declined to enforce section 223 because they interpreted the law to apply only to persons who utter obscene words during calls that they place. In other words, they interpreted this law to say that if the obscene language came from a recording, the law did not prohibit it.

This Member does not read the language the way the Justice Department and the FCC did, but that is the conclusion they came to.

As a result of that interpretation, Congress in late 1983 amended section 223 trying to strike a balance on this issue and by an act of Congress at that time it made it a crime to make any obscene or indecent communication for commerical purposes to any person under 18 years of age or to another person without that person's consent.

Now, that is the difficulty we had because we thought we prohibited dial-a-porn with respect to children under 18 or persons who did not consent to receive it, but that posed a great difficulty for purposes of implementation, or to be precise, how does anyone know the age of a person making the telephone call? You really do not. You cannot control that.

So as a result of this being the law, that is, allegedly prohibiting obscene calls by any person under 18 years of age, we have developed a great deal of data, constituents communicating to us from all over the country complaining about the fact that telephone calls were being made by members of households, by children and tremendous telephone bills were being run up.

In fact, according to Tele Marketing Inc., dial-a-porn telephone sex has achieved astonishing financial growth and now grosses $2.4 billion a year since 1983. It is an amazing growth of an industry dealing in filth.

In addition, half of all phone calls using California's 976 extra billing prefix are for pornographic tape messages or live pornographic discussion.

According to the California Public Utilities Commission, of the $64.2 million collected by Pacific Bell between July 1986, and May 1987, for 976 calls, $40.1 million went to adult services; yet the PUC is considering methods for complying with State legislation mandating that customers be allowed to block the service from their phones for a minimum fee.

The Senate considered this issue and voted by 98 to 2 to adopt the amendment that I am talking about at this time, that is, to prohibit dial-a-porn in this country.

We would achieve that by amending the section of the law that now prohibits dial-a-porn to any person under 18 years of age or to any other person without that person's consent. We would strike that language out of the law, which would then have the effect of saying in the District of Columbia or in interstate or foreign communications by means of telephone makes directly or by recording device any obscene or indecent communication for commercial purposes, regardless whether the maker of such communication placed the call.

It would also eliminate from the existing law the section that reads as follows:

> It is a defense to a prosecution under this subsection that the defendant restricted access to the prohibited communication to persons 18 years of age or older in accordance with procedures which the Commission shall prescribe by regulation.

In other words, that provision making a defense would be eliminated from the law.

The net effect of this motion to instruct conferees would be to make illegal dial-a-porn in America. Any person who was involved in it would then face prosecution by a U.S. attorney or by an appropriate public authority.

It is not pleasant for any of us to read some of the trash that has come into the airwaves or telephone or dial-a-porn, but for Members to have an appreciation of some of the material that is going out over the telephone today, I would like to read just a portion of the information that has been brought to my attention:

> I would love to squeeze those nice —— . . . 12-year-old, 13-year-old virgins and they're so tight . . . took off her training bra and took the little panties off pure virgins . . . I chewed on her little ears, she just cried. She loved it even though she didn't know it.

That was on September 12, 1987.

Then on September 22, 1987, this was recorded:

> Yeah, pat baby's little legs and take off my didys. Oh, spank me harder daddy. Baby wants her rattle and you know where baby wants it. ——.

It goes on and on, just plain trash. It does nothing to elevate the status of our society at all. I do not think there is any question that the law of this country proscribes, that is, prohibits pornographic material. The Supreme Court of the United States has made decisions on many occasions affirming that principle, the most noteworthy of which is Miller versus California in 1973, which established that obscenity is not protected by the first amendment.

This motion to instruct conferees, which I repeat was adopted by a vote of 98 to 2 on the Senate side, is supported by the Citizens for Decency Through Law, Inc. They have prepared an extensive brief asserting that the issue is constitutional, that is to say, we may by law prohibit dial-a-porn in this country.

Some of my opponents who discussed this issue 3 weeks ago when the matter came up said, "Well, it doesn't make sense for us to adopt this law prohibiting dial-a-porn, because when we do that it is only going to be tied up in the courts on the issue of whether or not to do so is constitutional."

To my good friends who urge or argue that point of view, let me make this observation. When this provision becomes the law, and I believe that it will, there is little doubt in my mind that the pornography industry in America, one of the major industries in our country, will immediately file suit to enjoin the constitutionality or the enforceability of this provision until such time as the constitutionality is adopted.

□ 1330

That suit will be joined undoubtedly by their colleagues and friends in the American Civil Liberties Union who believe that everybody in America has rights but nobody has duties, everybody has privileges but nobody has obligations.

They will look around the country and in forum shopping in the court system undoubtedly find a Federal court judge who is sympathetic to that point of view that there should be no restriction on the ability of such material to flow in interstate commerce and undoubtedly they will procure from that judge an injunction or prohibition on the enforcement of the law pending its contest or constitutionality by appeal to the U.S. Supreme Court. I expect that to happen.

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. Mr. Speaker, I am happy to yield to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from California [Mr. DANNEMEYER] for yielding. I would like to inform the gentleman from California that I was informed yesterday in my district where I have written a couple of columns on the dial-a-porn, and the invitation that it extends to young people and what it leads to, and that a local newspaper was notified that the distributors of this material formed a PAC of over a half a million dollars and that they intend to go after any legislators who have raised any kind of objection to what they are doing and what they are distributing.

I just think we should know that.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentlewoman from Maryland [Mrs. BENTLEY], for pointing that out.

Mr. Speaker, there is little doubt in this Member's mind that the procedure that I outlined before will take place, that is to say an injunction will be obtained by the pornography industry in America to enjoin the enforcement of this law and that will then work its way up through the court system and ultimately be passed upon in terms of constitutionality by the U.S. Supreme Court. This will give the people who argued on the other side of this issue 3 weeks ago an opportunity for pursuing the adoption of the amendment that they think we should adopt in order to avoid the contest over constitutionality and the sense of that amendment would entail in practical effect the continued availability of dial-a-porn in America.

Some of the elements of that amendment they are working on would be that dial-a-porn would be available for a subscriber in a household who asks that it be made available, but the difficulty with that is readily apparent when one reflects on the fact that it is not easy, in fact it is impossible, to prohibit the use of the telephone to somebody under 18 years of age. We all know today that many parents both work outside the home and as a result there are times when that household is left unattended unfortunately and kids can use that telephone in a household where the subscribers ask for the availability of dial-a-porn.

Another element of it would make it limited only to those using a credit card.

Mr. Speaker, I believe the correct policy alternative for us to be pursuing is to just prohibit it. I think that says an eloquent statement as to whether or not this trash should be available.

Mr. Speaker, these are the reasons that I am making this motion to instruct conferees today and I hope that my colleagues will support this motion and prohibit what most of us believe in our society does nothing to elevate the status of our culture or to suggest that such activities or such comments do anything but say to those of us living today that it is a value system that we approve for ourselves and our children, or a value system that we want to pass on to the next generation. The proper vote today is to prohibit it flat out.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion to instruct offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

Mr. SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 274, nays 17, answered "present" 24, not voting 118, as follows:

[Roll No. 14]

YEAS—274

Anderson
Annunzio
Applegate
Archer
Armey
Aspin
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bliley
Boehlert
Boggs
Boland

Bonior
Bonker
Brennan
Buechner
Bunning
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clement
Clinger
Coats
Coble
Coleman (MO
Collins
Combest
Conte
Cooper
Coughlin
Coyne
Craig
Crane
Dannemeyer
Darden
de la Garza
DeFazio
DeLay
Derrick
DeWine
Dickinson
Dicks
Donnelly
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Emerson
English
Erdreich
Evans
Fawell
Feighan
Fields
Fish
Flippo
Florio
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hochbrueckner
Hopkins
Houghton
Hubbard
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Kanjorski
Kasich
Kastenmeier
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lipinski
Livingston
Lloyd
Lott
Lujan
Luken, Thomas
MacKay
Madigan
Martin (NY)
Martinez
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McMillan (NC)
McMillen (MD)
Meyers
Mica
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Obey
Olin
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Penny
Pepper
Perkins
Petri
Pickett
Porter
Price (IL)
Price (NC)
Pursell
Rahall
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Roe
Rogers
Rose
Roth
Roukema
Rowland (CT)
Russo
Saiki
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Sharp
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Solomon
Spratt
St Germain
Staggers
Stallings
Stenholm
Stratton
Sundquist
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Traxler
Udall
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Watkins
Weldon
Whittaker
Whitten
Williams
Wise
Wolpe
Wortley
Wyden
Yatron
Young (AK)
Young (FL)

NAYS—17

Beilenson
Berman
Brown (CA)
Dingell
Edwards (CA)
Ford (MI)
Frank
Green
Morrison (CT)
Rangel
Roybal
Stark
Stokes
Studds
Weiss
Wheat
Yates

ANSWERED "PRESENT"—24

Atkins
Bates
Boxer
Dellums
Dymally
Fazio
Foley
Gonzalez
Hawkins
Hoyer
Leland
Levine (CA)
Lewis (GA)
Markey
McHugh
Owens (NY)
Pease
Pelosi
Rodino
Sabo
Swift
Synar
Visclosky
Waxman

NOT VOTING—118

Ackerman
Akaka
Alexander
Andrews
Anthony
AuCoin
Badham
Baker
Ballenger
Barnard
Biaggi
Bilirakis
Borski
Bosco
Boucher
Boulter
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Burton
Bustamante
Chapman
Clay
Coelho
Coleman (TX)
Conyers
Courter
Crockett
Daub
Davis (IL)
Davis (MI)
DioGuardi
Dixon
Dornan (CA)
Dowdy
Edwards (OK)
Espy
Fascell
Flake
Foglietta
Garcia
Gejdenson
Gephardt
Gregg
Gunderson
Hall (TX)
Hansen
Hayes (IL)
Hiler
Holloway
Horton
Howard
Huckaby
Hunter
Jeffords
Jontz
Kaptur
Kemp
Kennedy
Kleczka
Leath (TX)
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Lowry (WA)
Lukens, Donald
Lungren
Mack
Manton
Marlenee
Martin (IL)
Matsui
Mavroules
McCollum
McEwen
McGrath
Mfume
Miller (CA)
Molinari
Murphy
Oakar
Oberstar
Ortiz
Packard
Pickle
Quillen
Ravenel
Ritter
Robinson
Roemer
Rostenkowski
Rowland (GA)
Savage
Sawyer
Schulze
Shaw
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (NH)
Solarz
Spence
Stangeland
Stump
Sweeney
Swindall
Torricelli
Towns
Traficant
Vander Jagt
Walgren
Weber
Wilson
Wolf
Wylie

□ 1355

Mr. EDWARDS of California changed his vote from "yea" to "nay."

Mrs. BOGGS changed her vote from "nay" to "yea."

Mrs. BOXER, Mr. VISCLOSKY, and Mr. WAXMAN changed their votes from "nay" to "present."

Mr. BATES and Mr. LEWIS of Georgia changed their votes from "yea" to "present."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HILER. Mr. Speaker, on rollcall No. 14, I was unavoidably detained. Had I been present, I would have voted "aye."

RESOLUTION PROVIDING FOR CONSIDERATION OF JOINT RESOLUTION TO PROVIDE ASSISTANCE AND SUPPORT FOR PEACE, DEMOCRACY, AND RECONCILIATION IN CENTRAL AMERICA

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-507) on the resolution (H. Res. 390) providing for the consideration of a joint resolution to provide assistance and support for peace, democracy, and reconciliation in Central America, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 557, CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-508) on the resolution (H. Res. 391) providing for the consideration of the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, which was referred to the House Calendar and ordered to be printed.

□ 1400

REPORT ON THE SITUATION IN HAITI, PANAMA, AND CENTRAL AMERICA

The SPEAKER pro tempore (Mr. GRAY of Illinois). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, on many previous occasions I have spoken about the fact that the present situation in Haiti is an intolerable one. The present situation in Haiti is closely related to another crisis that we are facing in this hemisphere. The present situation in Haiti is closely related to a very important conference that is being held now under the sponsorship of the White House, a conference for a drug-free America.

The present situation in Haiti is related to what is happening in Panama, the fact that in Panama you have a criminal indictment that has been brought against the Commander in Chief of the Panamanian Armed Forces and the President of that country has chosen to remove him. He has refused that order.

The entire country has been thrown into chaos and nevertheless, General Noriega sits there. On several previous occasions I have linked these elements

in terms of what is happening in this hemisphere. The second strongest power in the Western Hemisphere is the South American drug mob. The South American drug mob is closely linked to what is happening in Panama, it is closely linked to what is happening in Haiti and, of course, we know the South American drug mob has killed numerous prosecutors in other Latin American countries. They have also killed judges, they have attempted to take the entire courthouse in Peru with tanks, and 11 judges perished.

The South American drug mob goes riding along without being checked at all by any force in this hemisphere. Instead of checking the South American drug mob, we have found our CIA has made deals with them. Our drug enforcement agents have praised Noriega. We find that members of the State Department are reluctant to apply sanctions against these countries that are conduits for the drugs coming to America and threaten to poison our entire social structure.

Last week in New York City—yesterday in New York City a funeral was held for police officer Edward Byrne. He is a police officer who was gunned down in his own patrol car while he sat guarding a witness in a drug case in southeast Queens.

That case was a message. The South American drug mob was sending a message to the New York City Police Department and the rest of the criminal justice system that they are ready to take them on.

What has happened all over South America has now come home to the United States. We can see more and more, we will see more and more violence perpetuated by the South American drug mob against judges, against policemen, against the entire society.

We must now resolve to act forcefully, united against the South American drug mob. This is a place where conservatives can unite with liberals, blacks unite with whites; we are all threatened by the power of the South American drug mob.

We can begin by saying to the President, "Do not certify the countries in this hemisphere such as Panama, Haiti, and Mexico, do not certify that they are cooperating with the efforts to decrease the drug traffic," when they are not.

It has been recommended by the bureau in the State Department responsible for this activity that they not be certified. Do not certify Haiti, do not certify Panama, do not say that they are doing what they are not doing. Let us cut off aid, let us remove certain privileges, let us stop using the taxpayers' money for the countries that are conduits for the drugs that are coming into this Nation.

Above all, let us take a close look at Haiti. Haiti is under the influence and domination of the commissar for drugs in that country. His name is Col. Jean Claude Paul. There is a threat that he might also be indicted just as Noriega was indicted. But Col. Jean Claude Paul is the commander of the Dessaline battalion in Port-au-Prince, Haiti. He is the person who gives the orders to the army. He is the person that the general who heads the armed forces fears. He is the person behind the massacre of November 29, the massacre of people who went out to vote in Haiti. The bloodstained Government of Haiti now in the palace in Port-au-Prince is there because of Jean Claude Paul. They would not be there if Jean Claude Paul and his murderous brigands had not gone out and murdered people in cold blood at the polls. They won by murdering people in cold blood at the polls on November 29, they won the right to go and run their own elections, their own crooked election, the election which was supported by less than 5 percent of the people. Yet they have installed themselves in the palace as a government. And we are about to recognize that government, not only is the United States going to certify that Haiti is cooperating in the prevention of drug traffic into this country, they are also going to move to the point we are going to recognize this bloodstained government in Haiti as a legitimate government.

What it does is put the South American drug commissars in power as the domineering force in one more country. I hope the gentleman will move to persuade the President to not certify Haiti, to not recognize the Government of Haiti. The South American drug mob should not be enhanced anymore.

THE UNITED STATES WILL MAINTAIN OUR STATUS IN THE REGION OF THE PANAMA CANAL

The SPEAKER pro tempore (Mr. OWENS of New York). Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, which of the Panamanian hats shall we wear? Should we wear the hat that will demonstrate to the world that the presence of American troops in the Canal Zone, that the Panama Canal itself, which is such a lifeline to the United States of America and to its allies and friends, the very fact that that portion of Central America is important to the whole hemispheric freedoms that we promote, shall we wear that hat? Or shall we wear the other Panama hat, the one which would lead us to indifference and noninterest in that region of the world leading to a devolution of the situation there to such an extent that we will have another uncertainty like Nicaragua on our hands?

I ask us as Members of this body to choose the former hat, to wear the Panama hat, the hardhat that shows that the vital interests of the United States of America are affected and we intend that nothing will occur in that part of the world to make it more difficult to maintain our status in that region.

UNINTENDED RESULTS OF GROVE CITY LEGISLATION

On another matter, Mr. Speaker, pretty soon we are going to be voting on Grove City which will be turning into "Trouble City." Grove City is a problem, and we will not go into the specifics of how that issue came to the floor of the House now, because that would take more than the 5 minutes allotted to me, but because of the insistence of many to try to restore what they feel is the condition of our civil rights laws to the place where they were before Grove City, now the proponents are taking us way beyond Grove City into Trouble City, as I said before. Why? Because a whole series of unintended results, or perhaps intended results would spew forth from this new legislation if we do not take pains to try to deliberate through and debate the issues that will be forthcoming.

For instances, it would be an unintended result that grocery stores, small grocery stores who happen to convenience food stamp recipients by giving their goods and taking food stamps instead of cash moneys from them, would be placed by virtue of this Grove City Reform Act, would be forced to abide by a whole series of new regulations having to do with handicapped and other kinds of renovations and alterations they have to make to their little shops, and paperwork galore just to comply with these new restrictions that this new statute would put into effect; an unintended result.

Not one proponent that I ever heard of for the reform of the Grove City situation mentioned grocery stores. This would be an unintended result. This is just one of them. Why?

Housing, religious schools, education institutions, all across the country will be affected in ways never dreamed of it this bill goes through. Why is this happening? Because the majority, the Democratic leadership refuses to allow an open rule so that we can debate all these issues one by one and come to a consensus.

No, they insist on a closed rule, one in which they will have their way regardless of any opposition, regardless of the rights that we have as a minority to try to demonstrate some of the inequities and the very unintended results that could come about by their own admission to some of these things.

In the Rules Committee, the one answer that was given, "Well, if that is the case, if one of those unintended results might be possible, we are going to cure that by colloquy on the floor."

They had better not bank on colloquies on the floor, or bureaucratic acts anywhere along the line to cure what the statute is going to have as a very deleterious, adverse, unintended result.

PART-TIMERS OR TRAINEES?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues a fine article, written by Lt. Cmdr. Richard J. Feeny, U.S. Naval Reserve. It appeared in the February 1988 edition of Proceedings, a publication of the U.S. Naval Institute.

While I might not agree with every point Lieutenant Commander Feeny makes, I think it offers an interesting perspective on the increased role of our Reserve components in the defense of our country.

PART-TIMERS OR TRAINEES?

(By Lt. Cmdr. Richard J. Feeny, U.S. Naval Reserve)

We cannot continue doing business with the Naval Reserve the way we have since World War II. Today's operational and fiscal realities require a change in the way the Navy takes advantage of the reserve assets that continue to accumulate.

The Naval Reserve has two roles—one potential, one kinetic. Its potential role is the traditional one: to be ready to mobilize and augment the active force in time of war or national emergency. Its kinetic role is relatively new, certainly on such a large and growing scale: to contribute meaningfully—and in several areas, vitally—to the peacetime operation of the active force. Over the years, the Naval Reserve's kinetic role has replaced its potential role in primary importance. Therefore, it should receive primary attention in policy planning and execution.

The Naval Reserve, particularly the Selected Reserve, has always represented the difference between the personnel and equipment the Navy can afford to maintain during peacetime and that needed for wartime operations. But the Naval Reserve today represents the difference between what the Navy can afford during peacetime and what it needs during peacetime, as well as for mobilization.

In its kinetic role, the peacetime reserve provides "mutual support" to the active force on a day-to-day basis. Ostensibly, mutual support is a by-product of reserve training, and it is true that reservists receive valuable training while providing support. However, the Navy has come to expect its reserve component to deliver services in many everyday mission areas, and not just to stand ready to provide assets upon mobilization. As a result, Naval Reserve personnel routinely participate in fleet operations. Nevertheless, the coincidence of service to the fleet as a fortunate by-product of training is a myth no longer worth perpetuating. The reality of the Navy's routine use of the Naval Reserve to carry out its peacetime mission dictates that Navy policy acknowledge that fact—and incorporate it into planning and operations.

It is appropriate for the Navy to rely on its reservists for operational support. However, only in rare exceptions should this reliance be total, in which the Navy finds itself unable to perform a peacetime mission without support from inactive-duty reservists. There must be a balance, to encourage reserve participation in the Navy's operations without creating total dependence on the inactive reserve in any mission area that could develop before mobilization.

The increasingly kinetic nature of the Naval Reserve is the result of a drive during the past several years to bring the Reserve into the Navy mainstream. This has been driven in turn by a combination of high (and expensive) operating tempos—derived from broad-based international responsibilities—and of fiscal constraints, under pressure of nonmilitary priorities.

Congress has perceived an opportunity to reduce overall defense costs by investing more in reserve and less in active components. Congressional pressure on the military services to emphasize reserve forces has also been encouraged by interests such as Reserve and National Guard organizations. Finally, the services have recognized that economies can be achieved by assigning nontraditional missions to reserve components.

The Navy has, in fact, saved money by giving several missions to the Naval Reserve. For instance, if several active ships were transferred to the Naval Reserve, reservists would benefit from improved training, and there would be lower operating and personnel-related costs. The remaining active force would then have to do one or more of the following: reduce commitments, increase frequency or length of deployments for the remaining active-duty ships, or lengthen their operating cycles. These actions are secondary costs that the active force assumes by transferring missions to the Naval Reserve.

The Navy must be ready to tap the Reserve's kinetic energy—because there is a substantial investment of resources and effort in the Naval Reserve—resources that could measurably enhance the Navy's ability to carry out its peacetime as well as wartime missions.

The imposition of the Naval Reserve's potential role as its primary reason for being severely restricts the manning of reserve units. At present, reserve billets or units must be justified by mobilization need—the traditional approach. But the system cannot provide reserve support for the active Navy's peacetime missions on a nonmobilization basis. In such cases, the Navy either does without the reserve contribution or attains it through a real or contrived mobilization need—then uses it for the original operational purpose. Having to follow this process hamstrings the Navy unnecessarily, and is not a good way to do business.

Limiting the Naval Reserve to its potential role hinders proper development of its kinetic role and denies the Navy legitimate peacetime support. The Navy should seriously consider establishing and maintaining, on a case-by-case basis, reserve billets and units specifically to support the Navy's peacetime operations.

Accessing Naval Reserve assets is not always easy—particularly on short notice. Occasionally, critical missions have been accomplished with volunteer reserve support. Such volunteer response is praiseworthy, but cannot be relied upon during periods of low-level conflict. The voluntary aspect of active duty for training (AcDuTra) presents little impediment when reserve support is scheduled well in advance, for example, in routine maritime patrols or construction battalion activity. But problems occur when assets are accessed on short notice.

"Calling up the reserves" has positive and negative implications. A callup of any kind sends a message that the government is sufficiently concerned about matters to activate its reserve forces. This is acceptable only when the government intends to put its own citizens, its allies, and its adversaries on notice. Historically, that message has been a useful political tool. But today, with the military's assigning much of its capabilities to the reserve components, simply accessing that capability by means of a callup could send the wrong signal or send the correct signal prematurely, threatening the objective.

AcDuTra, whether "annual" or "special," has two major drawbacks. In most instances it is voluntary, therefore not a valid basis for total force policy planning or execution. It also presents difficulties in terms of the status of trainees, especially in actual or potential combat zones. Tapping reserve assets for short-fuzed operations usually means inviting reservists with the appropriate skills to report for a specified—or unspecified—time for AcDuTra. The record of acceptance to these invitations has been laudatory, even encouraging. But, as more situations arise requiring reserve support, it becomes increasingly precarious to depend on enough of the right people being willing and able to volunteer, to leave the real world of family and professional commitments.

The second drawback is the question of whether it is appropriate to assign reservists strictly on "training" duty to fleet operations, where they are actually performing contributory service, especially in the face of a potential or actual hostilities. Can or should "trainees" ever be ordered into hazardous duty? What death or injury benefits do they and their families rate? How often and for how long can AcDuTra orders be extended? Can such extensions be made involuntarily, or can they be accomplished voluntarily without the members' signatures, in the event that the members are not readily available to sign the proper forms? The status of trainees and their benefits would be at least partially addressed by an Army proposal to amend the law to provide for members and their families in the event of death or injuries incurred during training periods, particularly under hostile conditions or in other special situations.

A concept worth pursuing is operational active duty, or contributory active duty (ConAcDu), as opposed to AcDuTra. Placing reservists on active duty to perform needed services for the Navy is legitimate and should be straightforward. ConAcDu could be involuntary in unusual situations. As a practical matter, the service would accommodate the personal schedules of reservists whenever possible, as is the case today with AcDuTra, but the determing factor would be the needs of the Navy to carry out its mission. ConAcDu would satisfy the Selected Reservists' requirements for two weeks of active duty annually, but if necessary could occur for a period or periods exceeding the minimum two weeks.

Existing law does provide for a means to achieve ConAcDu. In recognition of the increased portion of the military force structure assigned to the Naval Reserve components, Congress has provided the president with the authority (10 USC 673b) to order as many as 200,000 Selected Reservists to involuntary active duty for as many as 90 days per Selected Reservist to augment the active force for any operational mission,

without emergency mobilization. However, this authority has never been used.

The authority of Section 673b is not intended to be a preliminary step toward mobilization, but unfortunately, military planners insist upon treating it that way. This authority will have to be used for operational needs frequently enough to make such exercises routine. A simple way to accomplish this would be to select units whose periods of active duty have already been scheduled and whose AcDuTra is of a "mutual support" nature—then recall those units to active duty under Section 673b for the same period. This process would desensitize observers who still think every callup is a danger signal, and would help remove the cloak of "training" from operational reserve contributions.

If callups are delayed until the situation requires all 200,000 reservists, the president likely would be petitioned to provide reservists for all the services. The Navy's share would be too small to meet its needs.

If reservists are to be employed to a greater extent in a contributory role, there will also have to be careful public education on the subject. Otherwise it is questionable whether ordering reservists to tours of active duty other than their traditional two-week AcDuTra would be acceptable. Individual reservists, their families, or their employers might balk. The policy could even have a negative effect on reserve retention. In addition it would be impractical for the Navy to implement a ConAcDu program without securing acceptance of the concept from several sources: civilian and military leadership, the news media, and the public.

The Naval Reserve should be officially designated the part-time component of the total force. Whatever specific language this designation takes, such an action would give inactive reservists the status of part-time members, rather than trainees. To a great extent, this would merely formalize what is already common practice. However, by no longer having the official focus on training for mobilization, the Navy could much better exercise the Naval Reserve's kinetic role. At the same time, day-to-day reserve training would continue. Mobilization readiness would, in fact, be enhanced, because being an active participant in the total force before mobilization is the best possible preparation for mobilization.

By prefacing the amount of money appropriated for the Navy Reserve Pay account with direction that the money be used for training reservists, the existing statute emphasizes the "ready in waiting" aspect of reserve forces. Legislative action would be necessary to amend this and any other pertinent language. Congressional approval would be needed to complete official recognition of the part-time status of the reserves. But first, the Navy establishment will have to take a hard look at its reserve component and agree to dispel fond myths.

(Commander Feeny is a Naval Reserve officer on active duty in the office of the Assistant Secretary of Defense for public Affairs. Having enlisted in the Naval Reserve in 1965, he has been on active duty in the Pentagon since 1982, working for the most part in the office of the Director of Naval Reserve.)

CENTRAL AMERICA AND THE CARIBBEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. WEISS] is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, on February 19 of this year, the AFL-CIO Executive Council adopted a very important statement on Central America and the Caribbean. In clear and blunt language the AFL-CIO expressed specific concerns about conditions in Nicaragua, Honduras, Guatemala, Panama, Haiti, and El Salvador.

As its theme, I think it is worth quoting from page four of the statement where it says, and I quote:

> We continue to support the efforts of Speaker Jim Wright to bring peace and democracy to Central America, and to provide the people of Central America the opportunity to determine their own destiny through full exercise of their democratic rights.

While today I am going to be offering the entire statement of the AFL-CIO Executive Council in the RECORD, I want to focus on that part of their statement which addresses the situation from their perspective in Nicaragua.

The statement starts out by saying, and I quote:

> The AFL-CIO has consistently supported a peaceful settlement of the Central American conflict based on the goals set forth in the Central American Peace Accord and on the aspirations of the region's democratic trade unions. The major elements of the peace accord include: 1, negotiations between the governments of Central America and their respective oppositions; 2, cessation of outside military aid—including use of territory—to insurgent groups in the region; 3, implementation of democracy, including freedom of association, freedom of the press, and free and honest elections. In addition, the AFL-CIO convention has called for increased economic and development aid to the region through the tripartite Central American Development Organization (CADO) and has supported the call of the Nicaraguan Confederation of Trade Unity (CUS) for the withdrawal of United States military assistance to the Contras as well as the withdrawal of Soviet/Cuban military assistance to the Sandinistas.
>
> Congressional termination of U.S. military assistance to the Contras is one important step toward these goals. The AFL-CIO agrees with President Oscar Arias, the principal author of the Peace Accord, that "now that aid has been cut to the Contras, we must also ask the Soviets as well as the Cubans and all those who have been supporting the guerrillas in El Salvador and Guatemala to cut that aid."

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The statement says further:

> We support his call for the elimination of Soviet-Cuban military aid to the Sandinista government and urge increased public pressure on the Soviet Union to achieve this goal.

The statement further says:

> In meeting these criteria—

The criteria that it spells out—

> we note that the Nicaraguan government, in response to great pressure, has released some political prisoners, permitted public demonstrations, and allowed dissemination of news and opinion by several independent radio stations and newspapers. It has also belatedly ended its state of siege.
>
> The AFL-CIO welcomes these steps while recognizing that they are far from comprehensive and are reversible. Moreover, we agree with President Arias' statement on February 6th that "other countries have complied much more with the terms of the Guatemala Accord." Specifically, we condemn the Nicaraguan government's continued imprisonment of several thousand political prisoners, including 16 members of the ICFTU-Affiliated Confederation of Trade Union Unity (CUS). We support the view of CUS that fundamental changes are necessary to ensure the institutionalization of democracy.

Mr. Speaker, I commend the AFL-CIO for its strong and clear statement of principle. I urge my colleagues to study the entire statement very, very carefully. I think, as it addresses Nicaragua and other countries of Central America and the Caribbean, it really sets forth some very, very important guideposts.

Mr. Speaker, the full text of the statement is as follows:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON CENTRAL AMERICA AND THE CARIBBEAN, FEBRUARY 19, 1988, BAL HARBOUR, FL

The AFL-CIO has consistently supported a peaceful settlement of the Central American conflict based on the goals set forth in the Central American Peace Accord and on the aspirations of the region's democratic trade unions. The major elements of the Peace Accord include: (1) negotiations between the governments of Central America and their repective oppositions; (2) cessation of outside military aid—including use of territory—to insurgent groups in the region; (3) implementation of democracy, including freedom of association, freedom of the press, and free and honest elections. In addition, the AFL-CIO convention has called for increased economic and development aid to the region through the tripartite Central American Development Organization (CADO), and has supported the call of the Nicaraguan Confederation of Trade Union Unity (CUS) for the withdrawal of U.S. military assistance to the Contras as well as the withdrawal of Soviet/Cuban military assistance to the Sandinistas.

Congressional termination of U.S. military assistance to the Contras is one important step toward these goals. The AFL-CIO agrees with President Oscar Arias, the principal author of the Peace Accord, that "now that aid has been cut to the contras, we must also ask the Soviets as well as the Cubans and all those who have been supporting the guerrillas in El Salvador and Guatemala to cut that aid." We support his call for the elimination of Soviet-Cuban military aid to the Sandinista government and urge increased public pressure on the Soviet Union to achieve this goal.

The AFL-CIO endorses the specific criteria for evaluating compliance with the democratization provisions of the Peace Accord established by the Confederation of Central American Workers (CTCA) during its meeting in Managua, Nicaragua, on September 27, 1987, and is pleased that the U.S. House of Representatives, on December 8, 1987, adopted similarly specific criteria. In addition to freedom of the press, freedom of association, full human rights, and free and

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fair elections, the CTCA criteria include the right of workers to join unions of their own choice, to publish and distribute literature, to choose their own leaders, to strike, to bargain collectively, to organize free of government coercion or interference, to obtain legal recognition, and to mount peaceful public demonstrations. The AFL–CIO fully supports these criteria and favors strict deadlines for compliance and sanctions for non-compliance.

In meeting these criteria, we note that the Nicaraguan government, in response to great pressure, has released some political prisoners, permitted public demonstrations, and allowed dissemination of news and opinion by several independent radio stations and newspapers. It has also belatedly ended its state of siege.

The AFL–CIO welcomes these steps while recognizing that they are far from comprehensive and are reversible. Moreover, we agree with President Arias' statement on February 6 that "other countries have complied much more with the terms of the Guatemala Accord." Specifically, we condemn the Nicaraguan government's continued imprisonment of several thousand political prisoners, including 16 members of the ICFTU-affiliated Confederation of Trade Union Unity (CUS). We support the view of CUS that fundamental changes are necessary to ensure the institutionalization of democracy. The CUS believes that such changes must include: termination of the state security police program of mob harassment, arbitrary arrest, and torture of political dissidents; an independent status for the Sandinista party-controlled trade unions; full freedom of movement and association; the dismantling of "defense committees" and other institutions of political coercion which control access to food and other necessities; and a separation of the military and judiciary from Sandinista party control.

The AFL–CIO supports the efforts of CUS to bring about these changes. We note that their achievement will require internal democratic struggle and international pressure on the Nicaraguan government. The AFL–CIO therefore calls upon the United States and other Western democracies to ensure that any aid programs be conditioned on the democratization criteria of the CTCA. The AFL–CIO also urges that the U.S. Congress and other Western democracies provide increased training and assistance, through private or semi-private organizations, including the National Endowment for Democracy, to the civic, democratic opposition in Nicaragua.

Although Honduras has long abided by most of the democratization criteria established by CTCA, the AFL–CIO is concerned by recent reports of human rights abuses and involvement with drug trafficking by some elements of the Honduran military. We call for a full investigation of these charges. In addition, we support the call of the ICFTU-affiliated Confederation of Honduran Workers (CTH) for full compliance with the Peace Accord, including the denial of use of Honduran territory by the Nicaraguan Contras.

Guatemala continues to restrict severely trade union rights, and death squads too often solve labor and political disputes with murder rather than negotiation. The Ministry of Labor has denied legal recognition to numerous unions, and has twice overturned the national convention elections of the ICFTU-affiliated Guatemalan Confederation of Trade Union Unity (CUSG). Until such intervention ceases, the AFL–CIO will continue to favor Guatemala's exclusion from the Generalized System of Preferences (GSP) list.

In El Salvador, the major threat to democratization comes from an intransigent and violent right that continues to dominate the judicial system and a Marxist-Leninist guerrilla movement that seeks power through armed struggle. The AFL–CIO notes that the government of El Salvador has met most of the criteria for democratization established by the CTCA. However, there are disturbing reports of increases in death squad and political killings and disappearances. We are also dismayed and angered by the government's failure to reform the judicial system and by continuing resistance to prosecution of high-ranking military officers responsible for human rights violations. Specifically, the AFL–CIO vigorously protests the release from prison of two soldiers convicted of the 1981 murders of Michael Hammer and Mark Pearlman of the American Institute for Free Labor Development and campesino union leader Rodolfo Viera. We call on the U.S. government to suspend immediately all further military aid to El Salvador until its judicial system is significantly reformed, and justice is obtained in the Hammer-Pearlman-Viera murder case.

We also decry the lagging performance of the Salvadoran government in the implementation of Phase I and III Land Reform programs, including the apparent sharp decline in the number of families who are to receive definitive titles. The Phase III program should be completed as indicated for 56,000 beneficiary families who have been promised definitive titles as of 1986. The AFL–CIO insists that the government of El Salvador should reinstitute a vigorous implementation of land reform to assure dignity and self-sufficiency to the campesinos and to avoid the continuing threat of the radicalization of the countryside.

We continue to support the efforts of Speaker Jim Wright to bring peace and democracy to Central America, and to provide the people of Central America the opportunity to determine their own destiny through full exercise of their democratic rights.

The AFL–CIO joins with the ICFTU in expressing deep concern over the suppression of the free press and the right to peaceful assembly of citizens, opposition parties, and other civic organizations in Panama, whose military forces are exercising an unacceptable role in the political process of that country. The AFL–CIO restates its support for the Panama Canal Treaty and pledges to support the ICFTU-affiliated Confederation of Panamanian Workers (CTRP) in defense of freedom and democracy, while continuing to monitor the situation in that country in coordination with ORIT.

The AFL–CIO salutes the brave citizens of Haiti who attempted to exercise their right to vote on November 28, 1987, only to be shot down by terror squads aided and abetted by elements of the military. We regard the recent presidential elections as an outrageous parody of the democratic process. Until the government of Haiti permits truly free and fair elections managed by an independent elections commission, we urge that Haiti receive no U.S. military aid and be removed from the Generalized System of Preferences and from the Caribbean Basin Initiative.

Mr. ANNUNZIO. Mr. Speaker, dramatic changes in the way that consumers do their banking have occurred with the use of automated teller machines [ATM's]. Banks boasted at the outset that this innovation would be a more cost efficient system for taking care of routine banking transactions than the traditional teller system. This was to be a relief for customers from long lines at the bank, and would allow 24-hour banking.

Many of these high hopes have been realized. Customers may now bank at their convenience not only at ATM's at their banks, but often times may use machines conveniently located in such places as grocery stores and shopping malls. Moreover, many ATM networks make banks accessible across the continent, and soon the use of ATM's internationally will undoubtedly become more prominent. This system has truly revolutionized the banking industry for the betterment of the bank and the customer.

ATM's came with hidden strings, however. They are costing customers more and more money. Originally, bankers believed that these machines would lower bank costs by reducing the number of human tellers needed to provide banking services to customers. Bankers now claim that the machines are costing banks too much money.

Charges for ATM usage are becoming increasingly common. For some time now, banks have charged for transactions on machines which are part of the same network, but are owned by other banks. Recently, however, more banks have begun to charge for transactions on their own machines.

A 1986 survey conducted by the American Bankers Association concluded that the average fee charged per transaction at a bank's own ATM is 21 cents, while the average fee at machines owned by other banks is 62 cents. Of the banks surveyed, 13.1 percent of banks impose these fees for use of their machines, while 45.1 percent charge for use of machines owned by other banks. Why are consumers being charged for something that banks claimed were going to save them money?

An article by Albert B. Crenshaw in the Washington Post on January 19, 1988, explores some of the reasons why the cost of ATM usage is rising. An apparently common view among bankers, according to the article, is that these machines cost more than was anticipated. Bankers claim that there was no way to forecast this outcome. Bank's only choice, in bankers eyes, is to charge for this service.

Banks could seek ways to lower costs of ATM's without charging customers, but imposing fees is an easy out. Banks played this same game when they began to impose fees for credit cards. They enticed consumers with free use of the cards, then slapped them with fees once the credit card business was well established.

Charging for ATM usage is taking a similar course. Banks promised convenience for customers and bragged about the cost efficiency of the machines. Hours at many tellers windows have been reduced, and some drive-through windows have been replaced with ATM's. Thus, customers no longer have the option of driving up to their bank late on a Friday to cash a paycheck at the drive-through window. Instead, they are expected to use—and pay for—the ATM.

Customers are not charged for most transactions at drive-through windows or at tellers windows inside the bank. I do not believe that they should be charged for carrying out comparable transactions at ATM's. Banks are expected to provide services such as depositing and withdrawing money, and the medium through which this is accomplished should not affect the cost to the customers. Charging for ATM use is a disservice to banking consumers.

INTERNATIONAL FUSION RESEARCH COOPERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. Stark] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today Representatives George Brown, Manuel Lujan, Ralph Hall, James Sensenbrenner, Sid Morrison, Claudine Schneider, and I are introducing a resolution expressing congressional support for international fusion research.

Fusion energy offers the potential of safe, clean, unlimited power. Using hydrogen molecules from sea water, it creates energy to run turbines for electrical power. Its byproduct is simple helium—the stuff we fill children's ballons with. It produces no long-lived, high-level radioactive waste; no smog; and no reliance on foreign fuel.

Our fusion energy program has made great advances in recent years, most notably in the field of magnetic fusion. However, fusion power is still in the research stage. A commercially feasible fusion reactor is many years away.

Unfortunately, our progress is now being impeded by lack of money for basic research. We are in danger of falling behind Europe, Japan, and the Soviet Union in fusion research—and eventually being forced to rely on foreign technology to satisfy our future energy needs.

The answer is international scientific collaboration. The Office of Technology Assessment stated in its recent report, Starpower, that the Department of Energy now regards greater international collaboration as a financial necessity. The report warns that if no major collaboration takes place, our fusion program will have to be funded at a higher level—or slowed down.

The United States has benefited from 30 years of international collaboration on magnetic fusion research. Let's continue this process.

We are presently negotiating with other nations to jointly design a test reactor called the "International Thermonuclear Experimental Reactor." Our resolution recommends that the Department of Energy continue to pursue this agreement.

The development of fusion energy is of tremendous value to the United States. We hope our colleagues will support it.

The text of the resolution is as follows:

H. Con. Res. 254

Concurrent resolution recommending that the Department of Energy work more closely with other nations in the field of magnetic fusion research and that the Department continue to pursue an agreement with other nations to jointly design the International Thermonuclear Experimental Reactor

Whereas fusion energy offers the potential of safe, clean power which is unlimited in amount, is free of long-lived, high-level radioactive waste, and can have environmental advantages over other technologies;

Whereas budgetary constraints have forced the Department of Energy to cut back on fusion energy research programs;

Whereas the field of magnetic fusion research has a thirty-year history of successful and mutually beneficial international cooperation;

Whereas the Office of Technology Assessment states in its recent report "Starpower: The U.S. and the International Quest for Fusion Energy" that the Department of Energy now sees more intensive international collaboration as a financial necessity;

Whereas the United States has recently been negotiating with other nations to jointly design a magnetic fusion reactor called the "International Thermonuclear Experimental Reactor", with the costs to be shared by the participants; and

Whereas failure to participate in the International Thermonuclear Experimental Reactor project could place fusion research in the United States far behind such research in Japan, Europe, and the Soviet Union and could force the United States to rely on foreign technology to satisfy the Nation's future energy needs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress strongly recommends that the Department of Energy work more closely with other nations in the field of magnetic fusion research, provided that such collaboration can take place without jeopardizing our national security interests or endangering our domestic fusion program; that the Department foster collaborative research in fusion materials to maximize the environmental advantages of fusion energy; and that the Department continue to pursue an agreement with other nations to jointly design the International Thermonuclear Experimental Reactor.

RESOLUTION ON GEOGRAPHY AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. Panetta] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce a resolution declaring the week of November 13 to November 19, 1988, as "Geography Awareness Week." I was proud to be the original sponsor of this resolution in the House when it was introduced last year for the first time and was passed and enacted as Public Law 100–78. It is intended to draw attention to the importance of this discipline and to increase Americans' awareness of our own and of world geography. My sponsorship of this resolution is another expression of my strong belief in the vital importance of foreign language and international education. I am very pleased to be joined in introducing this resolution this year by my distinguished colleagues, Mr. Green and Mr. Kildee, and to once again be joined by Mr. Bradley and Mr. Stafford in introducing the companion resolution in the Senate.

As we all know, evidence abounds for the need to increase our attention to this fundamental subject. In 1946, only 46 percent of college students tested in a nationwide survey at one top State university could name all of the Great Lakes. In 1984, the news was even worse: only 12 percent of students surveyed at one top State university could name all of the Great Lakes. In 1950, 84 percent of these college students knew that Manila was the capital of the Philippines; by 1984, this number had shrunk to 27 percent. Furthermore, almost 70 percent of these students could not name a single country in Africa between the Sahara and South Africa.

This news is not only shocking—it is frightening. We depend on a well-informed populace to maintain the democratic ideals that have made and kept this country great. When 95 percent of some of our brightest college students cannot locate Vietnam on a world map, even after our extensive involvement in that country, we must sound the alarm. When 63 percent of the Americans participating in a nationwide survey by the Washington Post cannot name the two nations involved in the SALT talks, we must acknowledge that we are failing to sufficiently educate our citizens to compete in an increasingly interdependent world.

This ignorance of geography, along with a comparable lack of knowledge of foreign languages and cultures, places the United States at a significant disadvantage with other nations economically, politically, and strategically. We cannot expect to remain a world leader if our populace does not even know who the rest of the world is.

In 1980, a Presidential commission found that U.S. companies fare poorly against foreign competitors partly because Americans are often ignorant of things beyond our borders. As Gov. Gerald Baliles said in a Southern Governors Association report, "Americans have not responded to a basic fact: the best jobs, largest markets, and greatest profits belong to those who understand the country with which they are doing business."

One of the key themes and tasks for this Congress is, as you know, restoring America's competitiveness in a highly complex, rapidly changing world. Improving our knowledge of the geography, language, and culture of other lands is a concrete, attainable, and important goal in the context of international trade and our place in the world economy. It is a substantial way to give content to the "buzzword" of competitiveness. As John C. Lowe, chairman of the Geography Department of George Washington University, has commented:

> Business schools are beginning to understand that there is a big gap in their international business programs. If you are not aware of the affinities and subtleties * * * of other cultures * * * before you launch into a campaign to market a product, you can fall flat on your nose.

The understanding necessary to accomplish this, as I have said, can come only from

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knowledge of the peoples, cultures, resources, and languages of other nations. This is the sort of knowledge that the study of geography seeks to impart. However, the discipline of geography is seriously endangered in this country. Departments of geography are being eliminated from many institutions of higher learning, with only 370 colleges and universities in the country now offering geography degrees and less than 10 percent of elementary and secondary school geography teachers having even a minor in the subject.

However, there are a number of hopeful signs that geography education is beginning to experience a long-awaited and badly needed resurgence. The National Geographic Society has instituted a pilot schools program in which schools in different part of the country establish innovative geography education programs to test their effectiveness. One such school, Alice Deal Junior High here in Washington, was named a leading school in the grade 7 competition of the National Council for Geographic Education's 1987 National Geography Olympiad. Another, Audubon Junior High in Los Angeles, was 1 of 11 California winners in its category in the U.S. Department of Education's Secondary School Recognition Program. The Virginia Geographic Alliance is releasing a State map emphasizing Virginia's ties with other parts of the United States and the world, for use in schools throughout the State. The University of Tennessee is instituting a requirement that incoming students there have a certain level of knowledge of geography. This is going to cause elementary and secondary schools throughout the State to beef up their geography education programs. And, in addition to the declaration of a national "Geography Awareness Week," a number of States, including Oregon, Colorado, Alabama, North Carolina, Virginia, and Utah have all instituted such weeks at the State level. These are important occasions for promoting geography education and awareness in each State.

Another very exciting development is happening at the State level in my home State of California. The State had found, in standardized social studies tests, that students were sorely lacking in their knowledge of geography. Therefore, the State board of education adopted a new, statewide history-social studies framework that will integrate the study of geography in the history and social studies curriculum from kindergarten to 12th grade. Under this framework, geography will be studied in specific relation to the history and culture of each country, region, and period studied at each level. Texts for the program are scheduled to be ready by 1989, and the State plans to fully implement the curriculum by 1990. The new framework is considered a potential landmark step, one that will hopefully initiate a broad movement for improving geography, and overall social studies, education throughout the country.

Mr. Speaker, we are a nation with worldwide involvements. Our global influence and responsibilities demand an understanding of the lands, languages, and cultures of the world. The first "Geography Awareness Week" was an occasion for thousands of activities connected with geography throughout the country, and "Geography Week" this year will no doubt be an opportunity for many more events and efforts to increase awareness of our interdependent world. I was pleased to be joined in cosponsorship of this resolution by over 200 Representatives last year, and hope that my colleagues will once again give their support to this resolution and thereby help the citizens of this Nation better appreciate and function in this beautiful and diverse Nation, and in our much more diverse world.

H.J. Res. 478

Joint resolution to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week"

Whereas geography is the study of people, their environments, and their resources;

Whereas the United States of America is a truly unique nation with diverse landscapes, bountiful resources, a distinctive multiethnic population, and a rich cultural heritage, all of which contribute to the status of the United States as a world power;

Whereas, historically, geography has aided Americans in understanding the wholeness of their vast nation and the great abundance of its natural resources;

Whereas geography today offers perspectives and information in understanding ourselves, our relationship to the Earth, and our interdependence with other peoples of the world;

Whereas statistics illustrate that a significant number of American students could not find the United States on a world map, could not identify Alaska and Texas as the Nation's largest States, and could not name the New England States;

Whereas geography has been offered to fewer than one in ten United States secondary school students as part of the curriculum;

Whereas departments of geography are being eliminated from American institutes of higher learning, thus endangering the discipline of geography in the United States;

Whereas traditional geography has virtually disappeared from the curricula of American schools while still being taught as a basic subject in other countries, including the United Kingdom, Canada, Japan, and the Soviet Union;

Whereas an ignorance of geography, foreign languages, and cultures places the United States at a disadvantage with other countries in matters of business, politics, and the environment;

Whereas the United States is a nation of worldwide involvements and global influence, the responsibilities of which demand an understanding of the lands, languages, and cultures of the world; and

Whereas national attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of the United States for the future of an increasingly interdependent and interconnected world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing November 13, 1988, and ending November 19, 1988, is designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

THE JAPANESE CONSPIRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, a conference committee of this Congress is in the process of working out a trade bill on which we voted last fall. We are all concerned about what is happening to the industrial base of the United States, which is a very important part of our national security.

In connection with my research on the subject of trade and the industrial base, I have come across a book that I believe explains a great deal about what has happened to that industrial base and how it was forced to move overseas. This book is entitled "The Japanese Conspiracy," written by Marvin J. Wolf, an author who lives in Los Angeles. Between his military assignment and civilian life, Mr. Wolf has lived or spent more than a decade in Japan. He starts out his book, and on the cover, as a matter of fact, he calls it "The Plot To Dominate Industry World Wide—And How To Deal With It."

In the beginning, Mr. Wolf points out that Japanese business has come to be universally regarded with a near-mythic mixture of fear and admiration, even envy. Demigods of trade, the Japanese are seen as mysteriously energetic, tirelessly shrewd, part of an irresistible tide. In America, in Europe, Latin America, the Middle East, Southeast Asia, throughout the developed and undeveloped world, the West watches passively as the Japanese seize one market after another.

In scarcely a dozen years Japan has increased its annual exports of high-technology products more than sevenfold, to more than $40 billion.

This book, of course, was written in 1983.

Many estimates, including those by the American Productivity Center and by the Japan Economic Council, predict that Japan will surpass the United States as the world's leading economic power by the year 2000. The JEC, an advisory group to the Prime Minister's office, has already outlined Japan's conquest in simple terms. By the turn of the century, then only 15 years away, the per capita income of the Japanese will be $21,200, compared with only $17,000 in the United States and less in Western Europe.

The trade statistics in Japan's favor are startling and growing in awesome proportions each year. In 1970, Japan's balance of payments surplus with the United States was only $1 billion, a meaningless sum to a nation the size of America, then exporting some $150 billion a year to the world. By 1980, the $1 billion had magically mushroomed to $10 billion, a large, significant trade imbalance, but still

not one that threatened the economic sanctity of America, or of the West.

But within 2 years, the force of the Japanese export onslaught would be fully felt throughout the world. In 1982, America's trade deficit would rise to $30 billion, most of which—$21 billion—would be with one nation, Japan. Staggered by that red ink, Americans were soon to learn that 1983 would be considerably worse and each year after, even worse. As Japanese computers, television sets, radios, pharmaceuticals, cameras, cars, video recorders, stereos, bicycles, subway cars, tractors, and motorcycles flooded the American markets, estimates of the 1983 Japanese trade balance with the United States—initially $30 billion—rose to $35, even $40 billion and more.

And last year it is predicted that the final figures will show it is about $60 billion.

Along with these deficits have come increased unemployment in America and Western Europe, as more and more workers move from assembly to unemployment lines. The Japanese trade surplus accounts for the direct loss of over 1 million American jobs, and as many or more in Western Europe. Ultimately the toll is much greater as the industrial infrastructure of the Western world is weakened.

"No industry is immune from trade deficits," Alfred E. Eckes, chairman of the U.S. International Trade Commission, warned in August 1983. Each $1 billion in trade deficits, he reveals, is equal to about 25,000 U.S. jobs lost. "Problems that have hit footwear, apparel, steel, and autos may soon impact the chemical industry, pharmaceuticals, and other high-technology sectors," Eckes says. France, Sweden, West Germany, and other European nations are suffering these same deficits with Japan as that nation assaults their domestic markets.

Surprisingly, many Americans and Europeans believe that the Japanese deserve their success. Almost four out of five polled by the Los Angeles Times in May 1983, felt that the prime reason for the success of Japanese products is "cheaper labor costs," followed by superior management. "Our management is old-fashioned," is the common complaint. If the Japanese are beating the Western nations, this argument states, it is our own fault. We've been unwilling to work as hard; we demand wages that are too high. After all, our Calvinist consciences mutter, the Japanese demonstrate unrivaled energy and skill; it is no wonder their productivity is the envy of the world. They are shrewd bargainers, but outmaneuvering your opponent has always been the essence of good business. We must learn to do better; we must emulate the Japanese, say many. We need to adopt quality circles and other storied Japanese management techniques.

There is obviously much to be learned from the Japanese. But their skill and productivity, though impressive, is not the major reason for their stunning international success. Behind their massive penetration of foreign markets is a system of business activity which can best be described as economic totalitarianism, a government-directed enterprise in which all the energies of Japan have been mobilized to overwhelm the world competition. It is a national conspiracy directed from a central command post, a squat 11-story building in central Tokyo, the headquarters of MITI, the Ministry of International Trade and Industry. The elements that comprise the conspiracy come from every facet of Japanese life: unelected bureaucrats; industrialists; shinko-zaibatsu, the reconstituted cartels; labor union officials; politicians; and submissive workers. Even co-opted Americans and Europeans contribute to the new power of Japan.

The Japanese themselves have termed their centrally run operation the "Bureaucratic-Industrial Complex," one that is becoming as potentially dangerous to world stability as the military-political threat of the Soviet Union. But while Russian dissimulation seems to persuade only the naive, the Japanese have brilliantly disguised their conspiracy in a convincing cloak of free enterprise. They thus confound and confuse those in the West who have become unwitting partners in Japan's economic aggression.

Although Japan now boasts a democratic political system not unlike America's and Western Europe's, its business methods bear little resemblance to free market capitalism, or even the demisocialist-style capitalism of France, Great Britain, and Italy, which still follow the conventions and ethics of international trade.

Business the Japanese way is unique and often difficult to understand for those not familiar with its nuances. From the Western viewpoint, it regularly flouts the rules of ethical behavior, yielding to the obsessive need to win at any cost. Joseph J. Sullivan, a former employee of Sony, has repeated a telling conversation with Japanese industrialist Akio Morita, president of Sony. "Sullivan San," Morita said, "militarily we could never defeat the United States, but economically we can overcome the United States and become number one in the world."

Individual Japanese industries are efficient, but not to the degree the world has been led to believe. Much of their advantage is based on unsavory practices. Japan has borrowed or copied foreign technology, or acquired it through joint venture agreements which it has later disavowed. When this has failed they have resorted to bribery, industrial espionage, and outright theft. Its industries often act in concert, as did the prewar Japanese cartels, the zaibatsu, targeting their competitors in other nations and dumping their products at a temporary loss in order to win larger and larger shares of the world's markets and eventually achieve monopoly positions. The Japanese educate their scientists and engineers in American and European universities; they then return home to use their new skills in a trade war against those who educated them. Japan, it is now becoming clear, is winning the trade war because it refuses to play by the rules.

Mr. Wolf goes on to point out that the desire to become itchiban—No. 1—has created a tense, uneven, and unfair relationship between Japan and its trading neighbors. Not only does Japan insist on imposing Byzantine import barriers to shield its domestic market from outside competition, but its export trade policies include predatory pricing, secret government subsidies, the targeting of advanced technology industries in America and elsewhere, restrictions on direct foreign investments, and a grossly undervalued currency. The currency has been turned around.

In addition, Mr. Wolf notes that intervention by MITI forces Japanese firms to "Buy Japan," to purchase exclusively from domestic suppliers despite price and quality disadvantages, and to pursue an overaggressive export policy with the world. On one occasion, a group of Japanese television manufacturers found cheating the United States Government claimed that MITI had "compelled" them to do it. These, and still other methods, are at the core of a privately owned but state directed form of capitalism modeled after a military campaign.

□ 1430

Japan has been portrayed as a worker's paradise in which employees are perpetually grateful to a benevolent management. In fact, Mr. Wolf notes, Japanese corporations exploit many of their workers, particularly women and millions of temporary and part-time workers who are denied the much-heralded Japanese corporate benefits. Early retirement at age 55 forces skilled, mature workers with inadequate pensions back on the job market, usually starting all over at the bottom. Instead of true labor unions, the Japanese employ company unions, which are used less for collective bargaining than to enforce discipline and boost productivity.

Some in the West—including government leaders who could act to confront this worldwide industrial conspiracy—are reluctant to see our Japanese allies in a negative light. But con-

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temporary history demonstrates that whenever it has been convenient for them, the Japanese have bent, distorted, and abused existing American, European, and Japanese legislation and contractual arrangements in order to gain corporate and national advantage. Where avoidance, obfuscation, and shrewdness have failed, they have lied to achieve the defeat of their industrial partners and to further their quest for what they believe is their national manifest destiny—economic supremacy.

The Japanese industrial conspiracy has numerous layers of complexity, which, as we shall see, involve every aspect of the Japanese and world economy. One is a hypocritical, but effective, policy which insists on free trade for Japan throughout the world, while Japan uses every possible device, from tariffs to truculence, to close its domestic markets. America and the European Economic Community [EEC] have complained, often bitterly, that Japan does not practice what it preaches. Japan's response, for more than 20 years, has been to deny that there are any restrictions, and then to promise to "liberalize" the particular ones that trading partners point out. And we in the United States have certainly experienced that, on item after item.

"Trying to move the Japanese on trade is like peeling an onion," Mr. Wolf quotes, William Piez, who directed the U.S. Embassy's Tokyo trade office in early 1983. "You start taking the layers off, but you're never sure if there will be anything inside at the end. The whole thing is a rather zen experience." Piez was referring to the fact that behind the formal trade barriers that Japan had officially lifted, there is a maze of informal ones, including standards and inspection procedures that crudely, but effectively, block imports.

In 1982, Foreign Minister Yoshio Sakurauchi claimed that "Japan is one of the most open markets in the world." A few weeks after that comment was made, the Japanese ambassador to the United States, Nobuhiko Ushiba, told reporters: "There is no example in recent history of a nation liberalizing trade policy as fast as Japan." What a farce.

The reality, of course, is just the opposite, as Mr. Wolf said. European Economic Community spokesman Gilles Anouilh places it in perspective: "Japan, with a population of 117 million, imports no more manufactured goods than Switzerland, with a population of 6.4 million"—6.4 million versus 117 million. The Japanese answer, sounding ridiculous by contrast, comes from Norishige Hasegawa, chairman of a committee to promote trade with America. "We're already importing what we need; Parker pens, Cross pencils, and French neckties," he says with no trace of irony.

Japan's protectionist policy, which ensures the basic strength of its domestic industries against fair competition while it assaults foreign markets with its exports, is not an ad hoc program. It has been carefully orchestrated by MITI, which by persuasion and arm twisting, manipulates Japan's import and export strategy, down to the behavior of customs officials. "We enable the Japanese to bring in everything they want when they don't even give us the right of entry," commented Charles L. Nicolosi, an analyst in the New York offices of Dean Witter Reynolds.

As the world's leading manufacturer of automobiles, for example, Japan sells millions of its cars in the United States and Europe, but imports few. Before a car is shipped to the United States, each Japanese manufacturer certifies that it meets United States product and safety standards; America accepts its certifications and freely admits the Japanese imports. But the Japanese view every import into their market as currency lost in the war of trade balances.

If a foreign product does finally penetrate the protectionist barriers, the Japanese respond with elaborate tactical maneuvers. The cigarette war is an excellent illustration of their ingenuity in blocking imports. Achieving even a minuscule 1.5 percent share of the Japanese cigarette market required American manufacturers to absorb a prohibitive 35 percent tariff. But the official tobacco monopoly was still worried that some Japanese might prefer a foreign cigarette to a cheaper, if inferior, homegrown product.

In a guerrilla war of harassment, certifications by foreign manufacturers are disregarded by Japanese customs. Every car, every baseball bat, every foreign product attempting entry to Japan is subject to elaborate testing, and those not meeting standards must be reworked to meet them before entry is allowed. The handful of United States cars imported in Japan and in 1986 that figure was 2,500, compared with the 3 million or more that they sent in here, are sometimes virtually rebuilt in Yokohama harbor before leaving the Japanese customs area, and that cost, of course, is borne by the importer, and that raises the cost of the car four- or five-fold.

A six-page battle plan was issued by the Japanese cigarette industry to thousands of distributors and retailers, detailing such tactics as placing limits on the stocking of foreign brands, actually removing them from small vending machines, and eliminating point-of-purchase displays for foreign cigarettes in prominent locations. Compliance by retailers is assured: The Japan Tobacco and Salt Corporation [JTSC] has absolute control over the licensing and supply of all tobacco products in Japan.

In early 1983, in response to American diplomatic pressures, Japan made a great show of lowering cigarette import duties to 20 percent. But Japan's trade defenses are mobile. Almost immediately after this seeming concession, the price of all cigarettes was uniformly raised by 9 cents, wiping out much of the tariff cut's effect on imported cigarettes. The cigarette matter has been straightened out pretty much, but on other things it has not.

Despite facetious comments about "Parker pens," Japan has enormous need for at least one American commodity—food. It would not only help correct the United States trade imbalance, but would be a boon for Japanese consumers, who are victimized by Japan's inefficient agricultural industry. A Tokyo housewife must expect to pay $35 a pound for the best sirloin steak while Japanese ranchers, whose average herd consists of 2.5 cattle, get only 7 percent of that price, or about $2 a pound. The rest of the money is eaten up by an archaic distribution system of as many as 2 dozen middlemen, most of whom have never seen a live cow, a beef carcass, or even a raw steak. If a foreign supplier of beef—American, Australian, Argentine, or otherwise—should attempt to maneuver past these legions of middlemen, Japan has a final revetment: import quotas on foreign beef are kept so low that Japanese farmers sell virtually all their production at exorbitant retail prices, and it is, of course, the Japanese consumer who pays.

The Japanese face no such restraints in their trade with the West, who openly welcome most Japanese imports because of their price and quality, unaware of the permanent disruption it creates in their economies.

Mr. Wolf goes on to point out that Japan starts out with an enormous advantage in reaching its goal of industrial conquest. Unlike America, Germany, France, the Soviet Union, or Israel, Japan does not pay for most of its own defense. Former U.S. Senator Paul J. Fannin, of Arizona, calls it a $70 billion-a-year subsidy from the United States, the sum they would spend if we did not protect them from potential aggressors. "With this tremendous advantage," says Fannin, "the Japanese now dominate one after another of our markets. Radio, TV, recorders, small calculators, motorcycles, bicycles, sporting goods, and now the manufacture of automobiles, farm machinery, road equipment and electric generators, is suffering from this subsidized competition."

World reaction to the Japanese capture of world markets has varied from numbness to shock to impotent outrage, and even despair. Responding to a 1983 poll by Opinion Research Corp. of Princeton, NJ, three-fourths of 500 American opinion leaders from business, labor, Congress, academia, and the media stated that Japanese trading policies systematically violate internationally accepted business and trade practices.

More than two-thirds of Americans surveyed by the Los Angeles Times poll said U.S. policy should restrict imports to protect American industry and American jobs. American politicians from the President down have tried to persuade Japan to impose restrictions on its exports and to open their own markets to Americans goods. But it has been to little avail. The Japanese response has been a cascade of cosmetic changes and a public relations blitz incorporating blithe denials of wrong-doing along with righteous indignation. Japanese trade policy, they maintain, is strictly a matter for the Japanese to decide.

Many Japanese, exultant at their new world prominence, are immune to criticism about their business methods, but some do express anguish over Japan's reputation. "Our mercantile image has once again been tarnished," says Kinji Yajima, a retired Tokyo Institute of Technology professor. "We Japanese are now being regarded as a scheming bunch of villains around the United States. it will take years for us to improve our image to what it had been before."

Mr. Wolf goes on to point out that Japanese political commentator Akira Sono has warned his fellow Japanese of the friction that their economic war is beginning to generate worldwide. Trade relations between the United States and Japan, he says, have deteriorated to the point where "the Japanese people are reminded of the pre-World War II ABCD [American-British-Chinese-Dutch] encirclement of Japan, and European Community nations are taking an equally high-handed posture."

□ 1445

This has happened, Sono explained, because "Japan has been treating foreign products like unwanted stepchildren. Japanese politicians and bureaucrats seem incapable of demonstrating a spirit of fair play. Consumers seldom criticize the economic structure that causes them hardship through high commodity prices. The people cannot appreciate economic democracy because they have not assimilated the political democracy that was forced on them as a result of defeat in war."

Sono adds: "Perhaps the Japanese will reach maturity for the first time when foreign countries shut out Japan's exports. Recent Japan-United States relations resemble those of the spring of 1941. The free nations of the world might come to look upon Japan as an outcast. The result might be more disastrous than the defeat in World War II."

The seriousness of the problem and the need for a Western counterattack to protect its own economic health is the thesis on Mr. Wolf's book. To understand the dimensions of the problems, we need to see the Japanese conspiracy at work, as it targets one world industry after another for conquest.

Mr. Speaker, I intend from time to time to make those presentations on this floor.

THE COMMUNITY REVITALIZATION TAX ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 10 minutes.

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation with my colleagues Messrs. SCHULZE, GUARINI, RANGEL, COYNE, FOGLIETTA, and Mrs. BOGGS designed to revitalize and reinvigorate the Rehabilitation Tax Credit and Low-Income Housing Tax Credit Programs and to encourage the participation of nonprofit organizations in low-income housing production. My bill, the Community Revitalization Tax Act of 1988, would provide access to the investment capital required by both the Low-Income Housing and Rehabilitation Credit Programs, thus allowing the programs more effectively to meet the needs that prompted Congress to create them. In addition, it would remove several existing barriers to nonprofit organizations' participation in creating affordable housing opportunities for their communities. Identical legislation is being introduced today in the Senate by Senators DANFORTH, MITCHELL, BOREN, DURENBERGER, and HEINZ.

Title I of the bill will encourage the preservation of the Nation's historic buildings and the production of low-income housing using the rehabilitation and low-income housing credits. These credit were created by Congress in an effort to revitalize aging downtowns and neighborhoods and provide increased access to affordable housing for Americans nationwide. The programs were established to encourage investment in areas and projects that Congress considered desirable, but unlikely to attract capital on their own because of their high risk, high cost, and low projected rate of return. Unfortunately, because of their interaction with the passive loss rules, enacted as part of the Tax Reform Act of 1986, neither program is currently functioning as intended.

The passive loss rules marked a dramatic change in Federal tax policy. The rules were designed to prevent individual taxpayers from using losses from certain passive activities to shelter income from wages, salaries, and other types of investment income. The rules addressed a significant increase in the use of losses from certain investments, typically investments stemming from transactions involving heavily leveraged investments in real estate, to offset active income. These transactions, often structured as limited partnerships, would allow investors to take advantage of generous depreciation deductions available for real estate as well as deductions for interest expense to create extensive tax losses in the early years of an investment.

The passive loss rules restrict the use of certain credits, primarily the rehabilitation tax credit and the low-income housing credit, as well as passive losses. Under the rules, a taxpayer generally may use the credits only to offset tax liability from passive activities. Recognizing that the passive activity rules could have a significant negative impact on the Rehabilitation and Low-Income Housing Credit Programs, Congress provided a special exception for both in the 1986 act, permitting taxpayers with adjusted gross incomes of less than $250,000 to use up to $7,000 of either credit annually to offset nonpassive income. This limited exception phases out as an individual's income exceeds $200,000, creating two major problems in the financing of low-income housing and rehabilitation projects.

Such projects have traditionally been structured as private placements under the regulation D exception to public offering registration requirements of the SEC. Generally, regulation D requires that all but 35 investors in a project be accredited investors—individuals with annual income of over $200,000 or net worth over $1,000,000. Since virtually all such accredited investors do not qualify for the credit exception to the passive activity rules because of the income cap, project sponsors are increasingly hard pressed to find accredited investors who can utilize these incentives in a private placement. The main investment alternative, a registered public offering, requires extensive Federal submissions and individual submissions in every State in which the investment is to be marketed. These requirements make such an approach prohibitively expensive for all but the largest low-income and rehabilitation projects.

Recently available data demonstrates that the exception to the passive loss provisions has not achieved its purpose. The most recent National Park Service study of historic rehabilitations reveals that historic rehabilitation activity in 1987 declined to the lowest levels since the first year of the Rehabilitation Tax Credit Program. Applications for rehabilitation certification nationwide declined by 35 percent between 1986 and 1987. Applications for approval of rehabilitation work since 1986 are down 52 percent from the level of a 12-month period in 1985 prior to congressional action on tax reform. Worse yet, the National Park System expects that those levels will show further decline in 1988.

Although initial statistics on use of the low-income housing credit are just coming in, it appears that the market for those projects has been severely restricted by the passive loss limitations as well. A recently released MIT/Harvard study concluded that the Low-Income Credit Program is falling far short of its projected goals, with many States likely to use no more than a quarter of the credit authority that the law provides for 1987.

Vitality and viability must be restored to both the Rehabilitation and the Low-Income House Credit Programs. Under the Community Revitalization Tax Act of 1988, this would be accomplished by shifting the credit use limitations for these programs from the passive loss rules into the general rules that limit use of business credits.

The Community Revitalization Tax Act of 1988 would increase the pool of investors eligible to use the rehabilitation and low-income housing credits and expand the number of practical financing mechanisms available to project sponsors. Additionally, the bill would allow a more coordinated use of the at-risk rules by conforming the rules for the low-income credit to those applicable to the rehabilitation tax credit.

The bill would have the additional benefit of simplifying the tax law since it would modify the passive activity rules to limit their scope to include only losses, not credits.

More specifically, section 2 of the bill would tighten the limitation as it applies to individuals to limit the amount allowable for a taxable year to the sum of the first $20,000 of a taxpayer's net tax liability plus 20 percent of liability exceeding $20,000. As an additional check on tax avoidance, taxpayers attempting to "zero out" through use of the credits are also subject to the alternative minimum tax system, where credits cannot be used to reduce alternative minimum tax liability.

Section 5 of the bill would remove disincentives to nonprofit sponsorship of rehabilitation and low-income housing by adjusting and clarifying provisions of the law that currently restrict the ability of nonprofit housing sponsors to join with private investors in initiating and financing affordable housing projects. Nonprofit participation in these projects is particularly desirable since many nonprofit organizations have both low-income housing management expertise and a longstanding commitment to their communities. They accordingly add an element of stability in the low-income housing market, and their participation will help guarantee continued housing affordability.

Section 5 makes four clarifications of current law as it applies to the participation of tax-exempt organizations in rehabilitation and low-income housing activities. First, it would clarify that credits from both programs earned by tax-exempt organizations could be used to offset any unrelated business income tax liability of a tax-exempt organization. Second, it would clarify that interest income foregone on below-market loans to organizations operating qualified low-income housing buildings can be treated as a qualifying distribution for purposes of the annual payout requirements of a foundation. The foregone interest could be calculated either annually or on a present value basis. Third, the bill would provide that the tax-exempt entity use restrictions do not apply to leases of a rehabilitation program building which is also a qualified low-income housing building within the meaning of section 42. Finally, the bill would clarify the pooled income fund rules to provide that a corporation can be an income beneficiary—with a 20-year life—in situations where the pooled fund's investments consist of qualified low-income housing buildings.

Mr. Speaker, Congress reaffirmed its commitment to affordable housing and community revitalization by creating the low-income housing credit and preserving the rehabilitation credit in the 1986 Tax Reform Act. These credit programs have been carefully monitored since that time and clearly a steady decline in the effectiveness of the rehabilitation tax credit and a disappointing start for the low-income housing credit has occurred. Simply put, if Congress is to make good on its commitment to create housing opportunities for our most needy citizens and revitalize our neighborhoods, we must ensure the vitality of the low-income housing and rehabilitation credits and encourage nonprofit participation in providing affordable housing. I am convinced that the Community Revitalization Tax Act of 1988 can meet those goals. I urge you to join my colleagues in sponsoring and supporting this legislation.

FEILOA'IGA "WINNIE" APISALOMA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. SUNIA] is recognized for 5 minutes.

Mr. **SUNIA**. Mr. Speaker, I rise today to note the passing of history of American Samoa. When Florence Nightingale was carrying out her saintly acts of caring and compassion for the sick, the people of American Samoa had never seen a nurse. When Clara Barton became the most famous and celebrated of American nurses during the Civil War, American Samoa was not yet on the world map.

In their annual meeting on October 13, 1913, the Governor and the chiefs in American Samoa agreed on the creation of a nursing school to train local young ladies in this very important calling. In 1914, three graduates of the London Missionaries Society's Atauloma Girls' School were chosen to become the first student nurses at the Samoan Hospital in Malaloa Fagatogo. They were Feiloa'iga Malama Iosefa, Pepe Iotamo Iosefa, and Initia Taveuveu.

On February 21, 1916, the first graduation exercises of the Samoa Hospital Training School for Nurses was held at the naval Enlisted Men's Club in the township of Fagatogo. The three first students graduated with honor and distinction and were immediately assigned to the three districts of American Samoa. In his graduation speech that day, Governor Poyer noted that the territorial population had grown from 5,663, when the U.S. flag was raised in April of 1900, to 7,251.

On October 13, 1987, Feiloa'iga "Winnie" Apisaloma, died at the Seaton Medical Center in Daly City, CA. She was the last surviving of the three founders of the nursing profession on American Samoa.

Feiloa'iga was born on October 15, 1896, in Papua, New Guinea, where her parents had been sent as church missionaries from Samoa. Her parents were Iosefa Malama of Olosega and Ologa Sala of Fagasa. She entered Atauloma Girls' School at age 10 in 1906 and was graduated in 1912. For 2 years, she remained at Atauloma as an assistant teacher and in 1914 was chosen with her cousin Pepe and close friend Initia to start the nursing program. Because doctors had problems with her name, they called her "Winnie", a name by which she became widely known.

Winnie married Apisaloma Lemaveve of Matautu, Savaii in 1921, and they moved to the Gilbert Islands, now Kiribati, as Samoan missionaries. Returning to Samoa in 1931, they were assigned to a 1-year pastorage at Olosega in 1932. In 1933 they returned to the Gilbert Islands, where Apisaloma died in 1938. The next year Winnie returned to her nursing career and served there until her retirement in 1972. During her last 7 years of nursing she was the housemother at the student nurses' dormitories.

I had the opportunity as a young person, and later as a government official to witness this great and gentle person in the performance of her calling. I must say that she, because of her character and natural talents, was well-fit for the hospital. She was so caring and so natural in the role of a nurse and later as "mother" to the young nurses that young Samoan nurses who graduated from that program left with lasting impressions of this pioneer-nurse in their lives.

During the funeral service in San Francisco, which was well-attended by Samoans from all parts of the country and delegations from the territory, a legislative resolution memorializing her career of service to the people was presented to her surviving children: Merina, Apisaloma, Uperesa and Eliu. High Orator Sala Samiu, who so eloquently officiated, noted that we were "seeing the passing of history" of our people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD of Tennessee (at the request of Mr. FOLEY), for Wednesday, March 2, and Thursday, March 3, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

(The following Members (at the request of Mr. TALLON) to revise and extend their remarks and include extraneous material:)

Mr. WEISS, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. FORD of Tennessee, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, each day, today and March 3.

Mrs. KENNELLY, for 10 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SUNIA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and include extraneous matter:)

Mr. DAVIS of Michigan.

Mrs. MARTIN of Illinois.

Mr. HORTON.

Mr. KONNYU.

Mr. ROTH.

Mr. PARRIS in two instances.

Mr. ROGERS.

(The following Members (at the request of Mr. WEISS) and to include extraneous matter:)

Mr. WILSON.

Mr. FRANK in two instances.

Mr. GARCIA.

Mr. FAUNTROY.

Mr. DORGAN of North Dakota.

Mr. MAZZOLI.

Mr. LANTOS in two instances.

Mr. LIPINSKI in two instances.

Mr. FLORIO.

Mr. PEPPER.

Mr. CHAPPELL.

Mr. MCHUGH.

Mr. STOKES.

Mr. SWIFT.

Mr. EDWARDS of California.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 59. Joint resolution to designate the month of May 1988 as "National Foster Care Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 199. Joint resolution to designate the month of May 1988 as "Trauma Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 212. Joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 216. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial; to the Committee on Interior and Insular Affairs.

S.J. Res. 225. Joint resolution approving the location of the Korean War Memorial; to the Committee on Interior and Insular Affairs.

S.J. Res. 227. Joint resolution to express gratitude for law enforcement personnel; to the Committee on Post Office and Civil Service.

S.J. Res. 229. Joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 234. Joint resolution designating the week of April 17, 1988, as "Crime Victims Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 237. Joint resolution to designate May 1988 as "Neurofibromatosis Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 244. Joint resolution to designate the month of April 1988 as "National Know Your Cholesterol Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 249. Joint resolution designating June 14, 1988, as "Baltic Freedom Day"; to the Committees on Post Office and Civil Service and Foreign Affairs.

S.J. Res. 250. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988"; to the Committee on Post Office and Civil Service.

S.J. Res. 251. Joint resolution designating March 4, 1988, as "Department of Commerce Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 252. Joint resolution designating June 5-11, 1988, as "National NHS—Neighbor Works Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 253. Joint resolution designating April 9, 1988, as "National Former Prisoners of War Recognition Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 255. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 257. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day", a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; to the Committee on Post Office and Civil Service.

S.J. Res. 260. Joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 262. Joint resolution to designate the month of March 1988, as "Women's History Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 265. Joint resolution to designate March 20, 1988 as "National Agriculture Day"; to the Committee on Post Office and Civil Service.

BILL PRESENTED TO THE PRESIDENT

[Inadvertently omitted from the RECORDOF MONDAY, JULY 13, 1987]

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 558. An act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

ADJOURNMENT

Mr. SUNIA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 2, 1988, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2999. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving United States exports to the Republic of Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3000. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Neighborhood Reinvestment Corporation; to the Committee on Banking, Finance and Urban Affairs.

3001. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to Denmark (Transmittal No. 5-88), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3002. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to Denmark (Transmittal No. 4-88), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3003. A letter from the Director, Federal Emergency Management Agency, transmitting the Agency's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3004. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the 1987 annual report of the Commission's compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3005. A letter from the Executive Secretary, National Security Council, transmitting the Council's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3006. A letter from the Administrator, Small Business Administration, transmitting the Administration's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3007. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3008. A letter from the Administrator, General Services Administration, transmitting prospectuses for the fiscal year 1989 General Services Administration's Public Buildings Service Capital Improvement Program, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3009. A letter from the Comptroller General, transmitting a report on United States-supported drug control efforts in Burma, Thailand, and Pakistan (February 1988, GAO/NSIAD-88-94), pursuant to 22 U.S.C. 2291 notes, jointly, to the Committees on Government Operations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONIOR: Committee on Rules. House Resolution 390. A resolution providing for the consideration of a joint resolution to provide assistance and support for peace, democracy and reconciliation in Central America (Rep. 100-507). Referred to the House Calendar.

Mr. MOAKLEY: Commmittee on Rules. House Resolution 391. A resolution providing for the consideration of S. 557, an act to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 (Rep. 100-508). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AuCOIN (for himself and Mr. Waxman):

H.R. 4040. A bill to amend the Public Health Service Act to establish a grant program to provide for educating and counseling certain youths with respect to acquired immune deficiency syndrome; to the Committee on Energy and Commerce.

By Mr. BUECHNER (for himself and Mr. Ackerman):

H.R. 4041. A bill to require the Secretary of Energy, when transporting certain radioactive materials, to use packages that the Nuclear Regulatory Commission has certified for that purpose; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. COOPER (for himself, Mr. Boucher, Mr. Schumer, Mr. Perkins, Mr. Gordon, Mr. Garcia, Mrs. Collins, Mr. Bates, Mr. Leland, Mr. Carper, Mr. Walgren, and Mr. Weiss):

H.R. 4042. A bill to establish labeling and advertising requirements for food or drink which are labeled "lite" or "light" or which make similar comparative claims to describe fat, sodium, or calorie content and for other purposes; jointly, to the Committees on Energy and Commerce, Agriculture, and Ways and Means.

By Mr. DORGAN of North Dakota:

H.R. 4043. A bill to amend the Food Security Act of 1985 with respect to wetlands, and for other purposes; to the Committee on Agriculture.

By Mr. ENGLISH:

H.R. 4044. A bill to amend the Natural Gas Policy Act of 1978 to protect consumers who use natural gas as fuel for agricultural irrigation pumps from certain price increases; to the Committee on Energy and Commerce.

By Mr. FAUNTROY (for himself and Mr. Garcia):

H.R. 4045. A bill to amend the Bank Holding Company Act of 1956 and the Community Reinvestment Act of 1977 to allow bank holding companies whose bank subsidiaries have acceptable community benefit performance ratings to engage in certain securities activities through separate nonbank subsidiaries of such holding companies, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. GRAY of Pennsylvania:

H.R. 4046. A bill to amend the Department of Energy Organization Act to prescribe testing for the use of alcohol and controlled substances by employees of refineries and nuclear powerplants; to the Committee on Energy and Commerce.

By Mr. KANJORSKI:

H.R. 4047. A bill to direct the Secretary of Commerce to allow the city of Hazleton, PA, to use the proceeds from the sale of the Hazleton Municipal Complex building for economic development projects in the city of Hazleton, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. KENNELLY (for herself, Mr. Schulze, Mr. Guarini, Mr. Rangel, Mr. Coyne, Mr. Foglietta, Mrs. Boggs, and Mr. Moody):

H.R. 4048. A bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. LELAND (for himself and Mrs. Schroeder):

H.R. 4049. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Affairs.

By Mr. McCANDLESS:

H.R. 4050. A bill for the relief of certain persons in Riverside County, CA, who purchased land in good faith reliance on an existing private land survey; to the Committee on Interior and Insular Affairs.

By Mr. ROSE (for himself, Mr. Jones of North Carolina, Mr. Valentine, Mr. Lancaster, Mr. Price of North Carolina, Mr. Neal, Mr. Coble, Mr. Hefner, Mr. McMillan of North Carolina, Mr. Ballenger, and Mr. Clarke):

H.R. 4051. A bill to require the Secretary of Labor to permit North Carolina to continue to employ 17-year-old school bus drivers under certain conditions until June 15, 1988; to the Committee on Education and Labor.

By Mr. KOLBE:

H.J. Res. 477. Joint resolution commemorating January 28, 1989, as a "National Day of Excellence" in honor of the crew of the space shuttle *Challenger*; to the Committee on Post Office and Civil Service.

By Mr. PANETTA (for himself, Mr. Green, and Mr. Kildee):

H.J. Res. 478. Joint resolution to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. DREIER of California (for himself, Mr. Mack, Mr. Hunter, Mr. Boulter, Mr. Dannemeyer, Mr. Shumway, Mr. Wilson, Mr. Swindall, Mr. Ballenger, Mr. Moorhead, Mr. Solomon, Mr. Oxley, Mr. Weber, Mr. Dornan of California, Mr. Kyl, Mr. Lagomarsino, Mr. Badham, Mr. Shuster, Mr. McEwen, Mr. Emerson, Mr. Nielson of Utah, Mr. Inhofe, Mr. Hyde, Mr. Hastert, Mr. Porter, Mr. Ritter, Mr. Biaggi, Mr. Sikorski, Mr. Holloway, Mr. Hiler, Mrs. Bentley, Mr. Jenkins, Mr. Armey, Mr. Parris, Mr. Flippo, Mr. Fawell, Mr. Courter, Mr. Broomfield, Mr. Bunning, and Mr. McCollum):

H. Con. Res. 252. Concurrent resolution expressing the sense of the Congress that United States military and humanitarian assistance to the Afghan resistance should be maintained until the Soviet Union completely withdraws its troops from Afghanistan; to the Committee on Foreign Affairs.

By Mr. COELHO:

H. Con. Res. 253. Concurrent resolution expressing the sense of Congress that youth connections between the United States and other nations should be encouraged and supported because they promote international peace and understanding; to the Committee on Foreign Affairs.

By Mr. STARK (for himself, Mr. Brown of California, Mr. Lujan, Mr. Hall of Texas, Mr. Sensenbrenner, Mr. Morrison of Washington, and Miss Schneider):

H. Con. Res. 254. Concurrent resolution recommending that the Department of Energy work more closely with other nations in the field of magnetic fusion research and that the Department continue to pursue an agreement with other nations to jointly design the international thermonuclear experimental reactor; to the Committee on Science, Space, and Technology.

By Mr. SOLOMON (for himself, Mr. Gilman, Mr. Lagomarsino, Mr. McCollum, and Mr. Crane):

H. Res. 392. Resolution to express the sense of the House of Representatives on United States policy toward Afghanistan, especially toward the possibility of a Soviet troop withdrawal; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

275. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to opening the ANWR Coastal Plain to environmentally responsible oil and gas exploration, development, and production; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DONNELLY introduced a bill (H.R. 4052) for the relief of James L. Cadigan; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Obey.

H.R. 42: Mr. Fields.

H.R. 115: Mr. Clay.

H.R. 302: Mr. Lowry of Washington.

H.R. 303: Mr. Lehman of California, Mr. Owens of Utah, Mr. Petri, Mr. Callahan, Mr. Rodino, Mr. de la Garza, Mr. Huckaby, Mr. Espy, Mr. McHugh, Mr. Chapman, and Mr. Holloway.

H.R. 956: Mr. Flake, Mr. Leland, and Mr. Studds.

H.R. 1174: Mr. Lagomarsino, Mr. Boehlert, Mr. Horton, Mr. Solarz, Mr. Fazio, Mr. Walgren, Mr. Gilman, Mr. Hamilton, Mr. Dymally, Mr. DeWine, Mr. Fish, Mr. Manton, Mr. Rose, Mr. Jones of North Carolina, Mr. Torricelli, Mr. Clay, Mr. Price of Illinois, Mr. Davis of Michigan, Mr. Tallon, Mr. Tauzin, Mr. Ravenel, Mr. Frank, Mrs. Collins, Mr. Swift, Mr. Lehman of California, Mr. Bonior of Michigan, Mr. Borski, Mr. Lewis of Georgia, and Mr. Sisisky.

H.R. 1353: Mr. Hansen.

H.R. 1632: Mr. Walgren.

H.R. 1920: Mrs. Saiki.

H.R. 1974: Mr. Rinaldo.

H.R. 2091: Mr. Konnyu.

H.R. 3133: Mr. Leland, Mr. Jontz, Mr. Barnard, Mrs. Boxer, Mr. Coelho, Mr. Boehlert, Ms. Pelosi, Mr. Walgren, and Mr. Neal.

H.R. 3241: Mr. Campbell, and Mr. Murphy.

H.R. 3250: Mr. Moody.

H.R. 3312: Mr. Gilman.

H.R. 3348: Mr. Martinez and Mr. Gilman.

H.R. 3375: Mr. Levin of Michigan.

H.R. 3392: Mr. Dellums and Mr. Bryant.

H.R. 3410: Mr. Dymally and Mr. Wise.

H.R. 3518: Mr. Horton.

H.R. 3553: Mr. Thomas of Georgia, Mr. Swift, and Mr. Wilson.

H.R. 3619: Mr. Solomon, Mrs. Bentley, Mr. Evans, Mr. Dymally, and Mr. Berman.

H.R. 3663: Mr. Lehman of California, Ms. Pelosi, and Mrs. Roukema.

H.R. 3719: Mr. Duncan, Mr. Coelho, Mr. Ackerman, Mr. Moakley, Mr. Stark, Mr. Bustamante, Mr. Vander Jagt, Mr. Owens of New York, Mr. Mazzoli, Mr. Horton, Mr. Perkins, Mr. Kanjorski, and Mr. Williams.

H.R. 3764: Mr. Donnelly, Mr. Solomon, Mr. Craig, and Mr. Horton.

H.R. 3791: Mr. Taylor, Mr. Garcia, Ms. Pelosi, Mr. Oberstar, Mr. Armey, Mr. Wolf, Mr. Hansen, Mr. Dwyer of New Jersey, Mr. Fawell, Mr. Martinez, Mr. Traxler, Mr. McCurdy, Mr. Matsui, and Mr. Martin of New York.

H.R. 3794: Mr. Ritter, Mr. Davis of Illinois, Mr. Miller of Washington, Mr. Brown of Colorado, Mr. Lagomarsino, Mr. Bunning, Mr. Fields, Mr. Shumway, Mr. Wortley, and Mr. Armey.

H.R. 3814: Mrs. Bentley.

H.R. 3815: Mr. Bilirakis.

H.R. 3816: Mr. Solarz, Mr. Edwards of California, Mrs. Boxer, Mr. Dellums, Mr. Panetta, Mr. Sabo, Miss Schneider, Mr. Pepper, and Mr. Martinez.

H.R. 3828: Mr. Coelho, Mr. Levine of California, Mr. Martinez, Mr. Torres, Mr. Brown of California, Mr. Sikorski, Mr. Lujan, Mr. Richardson, Mr. Manton, Mr. Towns, Mr. Owens of New York, Mr. Garcia, Mr. Chapman, Mr. de la Garza, Mr. Leland, Mr. Ortiz, Mr. Atkins, and Mr. Waxman.

H.R., 3865: Mr. Bilirakis, Mr. Pursell, Mr. Callahan, Mr. Fields, Mr. Gingrich, Mr. Mazzoli, Mr. Sundquist, Mr. Fish, Mr. Boehlert, Mr. Hutto, Miss Schneider, Mr. Nichols, Mr. Campbell, Mr. Mollohan, Mr. Robert F. Smith, Mr. Holloway, Mr. Leath of Texas, and Mr. Huckaby.

H.R. 3870: Mr. Craig.

H.R. 3883: Mr. Weiss, Mr. Skelton, Mr. Young of Alaska, Mrs. Bentley, Mr. Fish, Mr. Evans, Ms. Pelosi, and Mr. Pease.

H.R. 3893: Mr. Michel, Mr. Denny Smith, Mr. Emerson, Mr. Martin of New York, Mr. Slattery, Mr. Tauzin, Mr. Latta, Mr. Brown of Colorado, and Mr. Hefner.

H.R. 3907: Mr. de la Garza, Mr. Harris, Mr. Flippo, Mr. Montgomery, Mr. Boucher, Mr. Donald E. Lukens, Mr. Lewis of Florida, Mr. Hubbard, and Mr. Perkins.

H.R. 3916: Mr. Swindall and Mr. Donnelly.

H.J. Res. 289: Mr. Bennett, Mr. Biaggi, Mr. Evans, Mr. Fish, Mr. Harris, Mr. Holloway, Mr. Howard, Mr. Hoyer, Mrs. Kennelly, Mr. Kolbe, Mr. Kolter, Mr. Lehman of Florida, Mr. Lewis of Georgia, Mr. Livingston, Mr. Donald E. Lukens, Mr. McGrath, Mr. Mazzoli, Mr. Miller of California, Mr. Montgomery, Mr. Owens of Utah, Mr. Rahall, Mr. Solomon, and Mr. Tallon.

H.J. Res. 380: Mrs. Collins, Mr. Waxman, Mr. McDade, Mr. Pursell, Mr. Wortley, Mr. Owens of New York, Mr. Moorhead, Mr. Lott, Mr. Dwyer of New Jersey, Mr. Wilson, Mr. Akaka, Mr. de la Garza, Mr. Stokes, Mr. Nielson of Utah, Mr. Traficant, Mr. Wolf Mr. Espy, Mr. Thomas of California, Mr. Wolpe, Mr. Erdreich, Mr. Atkins, Mr. DioGuardi, Mr. Neal, Mr. Towns, Mr. Boucher, Mr. Whitten, Mr. Porter, Mr. Packard, Mr. Crane, Mr. Russo, Mr. McEwen, Mr. Fields, Mr. Bruce, Ms. Pelosi, Mr. Hayes of Louisiana, and Mr. Spence.

H.J. Res. 398: Mr. Wolf, Mrs. Bentley, Mr. Fish, Mr. Wortley, and Mr. Owens of New York.

H.J. Res. 403: Mr. DeWine and Mr. McEwen.

H.J. Res. 429: Mr. Moorhead, Mr. Fish, Mr. Rose, Mr. McDade, Mr. Hertel, Mr. Vento, and Mr. Dyson.

H.J. Res. 438: Mr. Mavroules, Mr. Gingrich, Mr. Evans, Mr. Rhodes, Mr. Vento, Mr. Valentine, and Mr. McEwen.

H.J. Res. 447: Mr. Gordon, Mr. Whitten, Mr. Montgomery, Mr. Taylor, Mr. Spratt, Mrs. Boxer, Mr. Thomas of California, Mr. Schumer, and Mr. Wolpe.

H.J. Res. 453: Mr. McEwen, Mr. Lujan, Mrs. Meyers of Kansas, Mr. Clarke, Mr. Gejdenson, Mr. McDade, Mr. Aspin, Mr. Dwyer of New Jersey, Mr. Smith of New Jersey, Mr. Frenzel, Mr. Owens of New York, Mr. Frank, Mr. Fascell, Mr. Gunderson, Mr. Traficant, and Mr. Spence.

H.J. Res. 462: Mr. Weiss, Mr. Kolter, Mr. Towns, Mr. Fauntroy, Mr. Owens of Utah, Ms. Pelosi, and Mrs. Collins.

H.J. Res. 464: Mr. Frost, Mr. Sawyer, Mrs. Lloyd, Mr. Martin of New York, Mr. Towns, Mr. Owens of New York, Mr. Lehman of California, Mr. Wolpe, Mr. Hayes of Illinois, Mr. Fawell, Mr. Dwyer of New Jersey, Mr. Garcia, Mr. Lagomarsino, Mr. Wortley, Mr. Lipinski, Mr. Chapman, Mr. Boland, Mr. Kostmayer, and Mr. Rahall.

H.J. Res. 473: Mr. Foglietta, Mr. DeFazio, Mr. Frost, Mr. Mazzoli, Mr. Borski, Mr. Leland, Mr. Bonior of Michigan, Mr. Chapman, Mr. Wheat, Mr. Lipinski, Mr. Studds, Mr. Miller of California, and Mr. Bunning.

H. Con. Res. 28: Mrs. Meyers of Kansas.

H. Con. Res. 194: Mr. Dornan of California and Mr. Bilirakis.

H. Con. Res. 229: Mr. DioGuardi.

H. Con. Res. 238: Mr. Davis of Illinois.

EXTENSIONS OF REMARKS

THE WAR POWERS RESOLUTION DOESN'T WORK

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. DEFAZIO. Mr. Speaker, 15 years have passed since the War Powers Resolution was enacted into law. The effectiveness of the resolution has been tested many times since. But beyond a certain political utility, it has proven to be seriously flawed.

The War Powers Resolution doesn't work. It's that simple. Presidents have ignored its requirements, and courts have refused to enforce its provisions.

The framers of the Constitution granted the power to initiate war exclusively to the legislative branch of government. The sole exception to that grant lies in the President's right to repel sudden attacks on the United States. The President is named the Commander in Chief and as such, his authority is limited to the conduct of wars authorized by Congress. Alexander Hamilton wrote:

> The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy, while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

In a similar vein, James Madison wrote, in a letter to Thomas Jefferson:

> The constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war and most prone to it. It has accordingly with studied care, vested the question of war in the Legislature.

The framers of our Constitution would have turned green if they had known that Presidents, 200 years in the future, would routinely initiate foreign wars and undertake risky military adventures without prior congressional authorization.

On February 18 I introduced House Joint Resolution 462, a bill to substantially revise the War Powers Resolution. It's an ambitious undertaking. My amendments incorporate the original Senate language placing prior restraints on the President's war-making power. The War Powers Resolution, as it stands today, allows the President to get the Nation 90 days into a war before Congress has any authorizing role. This stands the constitutional scheme on its head.

Further, I am trying to resolve the sticky issue of enforcement. What happens when a President refuses to abide by a law passed by Congress, in this case, let us say, initiating a war without prior statutory authorization? Is Congress obliged to pass another law, over that President's veto, to enforce compliance with a law it already passed?

Common sense suggests the answer should be, "No."

No law passed by Congress can be binding upon an unwilling President unless the courts are willing to step in and settle the dispute. Too often, however, the courts have found it expedient to refuse to review cases brought by Members of Congress.

Over 100 of my colleagues and I recently brought suit against the President for his blatant violation of the requirements of the War Powers Resolution in the Persian Gulf. The President said he welcomed the opportunity for a ruling on the constitutionality of the War Powers Resolution. Unfortunately, his lawyers, rather than arguing the case on its merits, asked the court to dismiss the action on procedural grounds. The court agreed with the defendants, ruling that the case presented a nonjusticiable political question.

The political question doctrine, as it is generally applied in a case involving the execution of the Nation's foreign policy, is an example of extraordinary judicial discretion. The courts, wary of the possible effects of a ruling in a foreign affairs question, have declined to decide these issues, deferring instead to the political branches. There is legal precedent for directing the courts to proceed to the merits of such a case, however.

The Hickenlooper amendment to the Foreign Assistance Act of 1964 directed the courts to proceed to the merits of certain cases involving foreign expropriation of U.S. assets without recourse to the Act of State doctrine. The Act of State doctrine holds that the "courts of one country will not sit in judgement on the acts of the government of another done within its own territory." The amendment caused the Federal court of appeals to reverse itself and rule that an expropriation of United States assets in Cuba was illegal under international law.

The court case—Banco Nacional de Cuba versus Farr—serves as a precedent for legislation compelling judicial review in foreign affairs cases. Its application to the political question doctrine depends on whether the courts view the doctrine, or its application in a specific case, as a prudential matter—one where the courts are exercising their own discretion to avoid embarrassing the political branches in their exercise of foreign affairs—or as an interpretation of the Constitution's separation of powers, in which case an attempt to direct the courts to disregard it would constitute an unconstitutional legislative interference with the judicial power. I, of course, argue that the political question doctrine, as applied in cases such as Lowry versus Reagan, is a case of extraordinary judicial abstention, and thus can be legislated.

My bill states that the court shall not decline to rule on the merits of an action brought to enforce compliance with this resolution on the ground that the issue is a political question or is otherwise nonjusticiable. Additionally, the bill specifically confers standing to sue upon Members of Congress. It will ensure that any violation of this law will receive judicial review. Courts will still be entirely free to dismiss a case as lacking in merit, or refuse to grant the relief requested.

Another shortcoming of the current War Powers Resolution is the absence of any definition of the terms "hostilities" and "imminent hostilities." My legislation corrects that, providing direction to both the executive and judicial branches regarding the meaning of these terms.

The last 40 years have demonstrated the need for an effective War Powers Resolution. Unfortunately, what we have is almost worse than no War Powers Resolution at all. It gives the President too broad a grant of power and gives Congress the illusion that it still retains some control over the power to plunge the Nation into war.

My legislation will strengthen and improve the War Powers Resolution. It clearly defines the respective warmaking powers of the executive and legislative branches of Government and it provides for judicial review of alleged violations by the executive branch. Must we wait until this President, or another, sends United States troops to Nicaragua, to Panama, or to the Persian Gulf, without our approval, before we act? I hope not. The tools belong to those who will take them up and use them. It's time to take this one back.

What follows is a section by section analysis of House Joint Resolution 462:

SHORT TITLE

Section 1 cites this bill as the "War Powers Amendments of 1988".

PURPOSE; CONGRESSIONAL LEGISLATIVE AUTHORITY

Section 2 describes the purpose of the legislation and provides the constitutional authority for such legislation. The purpose is identical to that of the original War Powers Resolution. Authority is derived from article I, section 8 of the Constitution, which specifically provides that Congress shall have the power—

(1) to declare war; and

(2) to make all laws necessary proper for carrying into execution not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

USE OF THE ARMED FORCES IN HOSTILITIES

Section 3 describes, in detail, under which circumstances the President shall be allowed to introduce United States Armed Forces into hostilities without prior statutory authorization. Generally, these are instances where no prior congressional authorization is possible or prudent. The power to repel or forestall attacks on the United States or its armed forces is acknowledged, as is the President's historic right to rescue U.S. citizens whose lives are threatened. This section also imposes a prohibition on the expenditure of appropriated monies for any use of armed force not provided for in this section.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONSULTATION BETWEEN THE PRESIDENT AND CONGRESS

Section 4 enlarges upon what the consultation requirements in current law by specifying what is meant by "consultation" and by providing for the creation of an "Executive-Legislative Consultative Group."

REPORTS TO THE CONGRESS

Section 5 incorporates the provisions of section 4 of the original War Powers Resolution, with one improvement. It requires that any report submitted cite the specific paragraph of section 5(a) that requires such a report. The necessity for such a provision has been repeatedly demonstrated by presidential reports to Congress that are "consistent with the requirements of the War Powers Resolution." By refusing to cite the relevant paragraph of section 4(a), these reports avoid starting the 60 day clock, the main enforcement provision of the Resolution.

CONGRESSIONAL ACTION WITH RESPECT TO HOSTILITIES

Section 6 retains the provision requiring the automatic removal of United States Armed Forces from any hostile situation after 60 days unless Congress authorizes their continued presence. The 60 day clock commences upon introduction of such armed forces, not upon receipt of a presidential report. It applies, of course, only to situations covered by section 3(a) of this resolution. Any other introduction of United States Armed Forces into hostilities, without prior statutory authorization, would be illegal. Section 6 makes no change in the procedures providing for priority consideration of any joint resolution authorizing the use of United States Armed Forces beyond the sixty day statutory limit. Section 5(c) of the original War Powers Resolution is dropped.

JUDICIAL REVIEW

Section 7 specifically confers standing to sue upon Members of Congress if any provision of the Resolution is violated by the President or the Armed Forces. It also directs that the court shall not dismiss any such action on grounds of justiciability. The effect of this section will be to provide for judicial review in any instance where a Member of Congress claims a violation of this law. The court will still be entirely free to dismiss such a claim as lacking merit, or to refuse to grant the relief sought.

RULES OF INTERPRETATION

Section 8 specifically states that authority to introduce the Armed Forces into hostilities shall not be inferred from any provision of law (including appropriations bills), or from any treaty, unless that treaty is implemented by legislation authorizing the subsequent use of the Armed Forces. Section 8 also permits continued cooperation between high level command units for the purpose of abiding by treaty commitments.

DEFINITIONS

Section 9 defines the terms "hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances", "Armed Forces", and "introduce". Both the courts and the Executive branch have complained that current law lacks any clear definition of these terms.

SEPARABILITY CLAUSE

Section 10 retains the language from the original War Powers Resolution declaring that if any provision of this joint resolution is held invalid, the remainder of the resolution shall not be affected thereby.

"O JORNAL" HONORS PORTUGUESE AMERICANS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FRANK. Mr. Speaker, one of the most important voices of public opinion in my district is the newspaper O Jornal, published by Ray and Kathy Castro. This newspaper, published in Portuguese, serves as an excellent source of information for and about the Portuguese-American community of southeastern Massachusetts and Rhode Island. Ray and Kathy Castro, who put out this newspaper, are also leading members of the greater Fall River community, and make important contributions in a number of ways to the political, cultural, and economic life of our area.

One of the most important events in which they are involved is the annual dinner honoring leaders of the Portuguese-American community and sending an award to the Portuguese-American Citizen of the Year. I have been privileged to be able to be a regular attendee of these dinners, at which leading citizens in various aspects of public and community life have been very deservedly honored. This dinner is an important part of the work that the Castros do in celebrating the significant contribution which Portuguese-Americans make to the United States in general, and to southeastern Massachusetts in particular.

I want to congratulate Gil Santos, the sportscaster for the Boston Celtics, who has had a distinguished broadcasting career and who is the recipient of this year's Portuguese-American of the Year Award. Gil Santos is very, very good at what he does, and he has understandably a very large and enthusiastic following among sports fans in the Massachusetts and Rhode Island areas.

The others who will be given awards for their outstanding work at the 10th annual dinner to be held on Sunday, March 6, are:

Robert M. (Jack) Barboza, the founder of the Barboza car dealerships. Jack Barboza will receive the special award for achievement in business, an award which he has earned by hard work and responsible citizenship.

Celestino D. Macedo, who is vice president for student services at Southeastern Massachusetts University has made very important contributions to the educational life of our area. Southeastern Massachusetts University is a very significant institution, a public university which provides an excellent education to young people from all economic and cultural backgrounds. Mr. Macedo is an extremely able and diligent administrator whose work is quite valuable to the young people of southeastern Massachusetts.

The Cardinal Humberto S. Medeiros Award, named for the late and revered Cardinal Medeiros will be presented to Deacon Manuel H. Carmara, Jr. Mr. Camara, who has been a permanent deacon in the Diocese of Fall River since 1980, has served ably as a public official and now performs important work for the diocese.

Andrea Costa wins the special award for Achievement in Sports. Although she is only 21, she has compiled a very impressive record of athletic accomplishment, including being named to the Boston Globe All-Scholastic softball team and to the second team in volleyball for the All-America selections.

Mr. Speaker, I insert the article from O Jornal which gives more detail about these very meritorious recipients of these important awards.

And I want to extend my congratulations to the award winners, for their deserved recognition, and to Ray and Kathy Castro for the excellent work they continue to do on behalf of the Portuguese-American community of southeastern Massachusetts:

COMMUNITY LEADERS HONORED BY "O JORNAL" AT PORTUGUESE-AMERICAN DINNER

As part of the 10th annual Portuguese-American Award Dinner to be held on March 6th honoring veteran television sportscaster, Gil Santos, four members of the community will be singled out for their contributions in various fields.

The first honoree, Robert M. (Jack) Barboza, founded the Barboza Car dealerships in 1958. Barboza Enterprises started as a small auto body repair shop and has grown to become a national leader in the automobile industry. The company now represents sixteen franchises, employs 800 people throughout Massachusetts and is currently on a national expansion program, which will take it to Florida and other southern states.

"Jack" Barboza, who was born in Berkley, Massachusetts is married and the father of three children. He will receive the O Jornal's special award for Achievement in Business.

Celestino D. Macedo, Vice-President for Student Services at Southeastern Massachusetts University will be honored for his long and devoted career in the field of education. Born in New Bedford, the son of immigrants from Povoacao on the Island of Sao Miguel in the Azores, Macedo served in the Navy in World War II and returned to graduate on the GI Bill from Stonehill College with a Bachelor's Degree in 1953 and from Boston College in 1954 with a Masters Degree.

Macedo has been a part of SMU since 1955 when he was an instructor at the old New Bedford Institute of Technology. He later became Director of Student Financial Aid when New Bedford and Bradford Durfee College of Technology merged in 1966. He was named Dean of Students in 1968. Throughout this time, he continued as a member of the Department of English, teaching as well as carrying on his administrative duties.

Macedo has served as the University's first Vice-President for Student Services since 1985; and is one of the ranking members of the SMU administration. He is a widower (husband of the late Elizabeth Ann Heywood); and the father of four children.

The Jornal's recipient of the Cardinal Humberto S. Medeiros award for work in the field of social service is Deacon Manuel

H. Camara Jr., who has served as Senior Inspector of Food and Milk for the Division of Health and Human Services in the city of Fall River for the past twenty-six years. Mr. Camara was ordained as a Permanent Deacon for the Diocese of Fall River in 1980, and is presently assigned to Pastoral Ministries at St. Anthony of Padua Church and Sacred Heart Church. He served as an Administrative Assistant to former Fall River Mayor, Attorney Roland Desmarais; and has been a member of numerous charitable Boards and Foundations throughout his years in public service.

The son of immigrants from Agua Retorta, Sao Miguel, Manuel Camara is married, the father of three, and the grandfather of eight children.

Andrea Costa, who is the 1987 winner of the Special Award for Achievement in Sports, is a graduate of BMC Durfee High School and is a senior at Eastern Connecticut State University. At the tender age of 21, she has stacked up a winning record—not only in one sport but in several—that would be the envy of many champions. Andrea was named in 1984 by the Boston Globe to their All-Scholastic Softball Team; and in 1986, was named to the 2nd team All-America in Volleyball, the only all-America at that time in Eastern Connecticut State University history.

Andrea is the only female ever to start in two sports for four years (volleyball and softball); and she has set a record as a starter on seven NCAA (National Collegiate Athletic Association) post-season tournament teams in two sports.

The daughter of Joseph E. Jr. and Claire Costa, Andrea is one of seven children. Her grandfather, the late Joseph E. Costa Sr. was well known as a labor leader in the greater Fall River area.

Anyone wishing tickets for the dinner, may contact O Jornal at 410 Second Street, (617) 675-0321.

SPORTSCASTER GIL SANTOS NAMED PORTUGUESE-AMERICAN OF THE YEAR

Gil Santos, play-by-play television sportscaster for the Boston Celtics, has been named Portuguese-American of the Year 1987 by the Portuguese-language weekly, O Jornal. Santos, a native of Acushnet, Massachusetts, has a long and distinguished career in media, starting with his early days at local radio stations WNBH, WBSM and WSAR. He began his successful relationship with WBZ Radio-TV in 1971; and throughout the years has received numerous prestigious awards including UPI's Best Sports Reporter for Radio in the United States in 1986; UPI's Best Sports Reporter for Radio in New England 15 times; and AP's Best Sports Reporter for Radio in New England 12 times. Santos was the 1986 second-place winner in a World-Wide Radio Society Competition.

Like many in his field, Santos has run the gamut of sports announcing from local high-school and college basketball teams to coverage for ABC Radio of the 1984 Winter Olympics. And he loves it all.

"From the time I was a little kid, listening to radio sports, I knew it was what I wanted to do with my life," he told O Jornal. "I've been very lucky. I've met a lot of good people along the way—some of them my childhood idols like Mel Allen—and I have many people to thank for my success, including my family."

On learning of his selection as Portuguese-American for 1987, Santos commented that ". . . it is always an honor to be recognized for your life's work; but this award, coming from people of my own ethnic background, is all the more rewarding."

Santos, who is the son of Portuguese immigrants, will be honored at a dinner to be held at the Venus de Milo Restaurant on Sunday, March 6th. He resides in Raynham, Massachusetts with his wife, Roberta and two children, Mark and Kathleen.

For ticket information, please contact O Jornal.

COMMEMORATING JIM GRIGSBY FOR HIS OUTSTANDING SERVICE TO NEVADA

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. BILBRAY. Mr. Speaker, I rise today to bring to the attention of my distinguished colleagues the valiant life of Jim Grigsby, an outstanding firefighter who worked for 26 years with the city of Las Vegas. Jim was a first rate engineer and respected by all who knew him. He was my classmate in high school and a good friend.

Last year Jim passed away, a victim of Lou Gehrig's disease. It was tragically ironic that the disease that killed him is the same one Jim fought against for others all his life. Jim was instrumental in establishing the Muscular Dystrophy Boot Drive which began in Nevada and spread throughout the entire continent.

This year, the third annual Jim Grigsby Golf Tournament will be held as a memorial to Jim's courageous battle against muscular dystrophy. The money raised from this tournament will go into a trust fund from which his two sons and the retirees of the Las Vegas Fire Department benefit.

Jim Grigsby was an outstanding Nevada civic activist and an exceptional humanitarian. His legacy is one in which all Nevadans may take pride.

Mr. Speaker, I ask my colleagues to join with me now in recognizing Jim's commitment to the betterment of humanity—both in life and in the contributions of his memory.

ROBERT DELSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. STOKES. Mr. Speaker, recently, Mr. Robert Delson, a distinguished New York attorney and commentator on arms control issues, published an article in Disarmament, the United Nations' periodical, entitled "Unilateral Reciprocated Disarmament." Mr. Delson proposes that the superpowers reduce their strategic nuclear arsenals to a minimum deterrent level through a series of reciprocated unilateral stages. His proposal has been endorsed by a number of distinguished American arms control experts. As the United Nations convenes its annual Conference on Disarmament in Geneva, I would like to call Mr. Delson's recommendations to the attention of my colleagues as a contribution to the ongoing debate over how to achieve meaningful reductions in superpower nuclear arsenals. I insert at this point a short summary of Mr. Delson's 1987 article:

UNILATERAL RECIPROCAL REDUCTIONS IN NUCLEAR WEAPONS—A CHALLENGE TO THE SUPERPOWERS

(By Robert Delson)

Here is a proposal so dramatic, so much more sweeping than the freeze, that it may arouse even wider public support, and create an irresistible tide for nuclear disarmament.

I propose that both the Russian and American people demand that their governments initiate unilateral reciprocal reductions in their strategic nuclear arsenals until they reach the minimum deterrent level. This would take place during a period of approximately 10 years, during which one government would take the first step by initiating a reduction of its own arsenal, which the other power could reciprocate. This would proceed as long as reciprocity continued.

Such reductions would make possible a major breakthrough in arms reduction by lessening the tensions and suspicions which motivate both sides to create and expand their nuclear arsenals. Professor Charles Osgood, the prime initiator of the concept of Graduated Reciprocal Initiatives in Tension Reduction (GRIT), has demonstrated that the reduction in tensions need not precede cuts in nuclear weapons, but would be a product of arms reductions.

This is consistent with the philosophy enunciated by Jesse Jackson that "The weapons are in the mind." The diminution of tensions would continue at an accelerated rate if the superpowers established expanded relations in all fields of mutually beneficial interests. This would give them a vested interest in peace, with the gradual elimination of nuclear arsenals, and a higher standard of life for their people, reaching the stage which, without cynicism, could be called "constructive engagement," so that they would not need to rely upon nuclear weapons as a deterrent against aggression.

The interaction between the reduction in tensions and in armaments would mutually reinforce and stimulate the pace at which each of these steps would go forward. This could create the conditions for further unilateral actions, including a freeze on production, modernization and deployment of nuclear weapons, the cessation of nuclear testing, and renunciation of first use against conventional attack.

In view of the general agreement that the nuclear stockpiles contain many times more weapons than are required for retaliation against a first strike, it cannot reasonably be argued that such reductions could jeopardize national security.

Until such time as nuclear weapons are abolished, or at least until the minimum deterrent level is reached, which would be sufficient only to assure a survivable arsenal capable of inflicting unacceptable damage on the adversary in a retaliatory attack, both sides might believe they should rely on nuclear weapons as the principal element in maintaining deterrence. Since possession of such weapons does not give any assurance that the danger of a nuclear incident can be avoided, or even sharply diminished, it is indispensable to reduce the danger by pursuing unilateral initiatives. In that event, the principal component of deterrence increasingly would become not the capacity to retaliate, but the rapid extension of the mutual relations of the superpowers, until they reached the stage I have referred to as "constructive engagement."

Recent indications of tension reductions between the superpowers may make possible substantial progress toward strategic arms reduction agreement at the proposed summit, but there are many obstacles to achieving such an accord.

These include the insistence on achieving agreement on parity, not only in the main categories of weapons, but on the sublimits within each category, such as the American insistence on and the Russian resistance to, separate sublimits for land-based missiles (on which the USSR basically relies) and heavy missiles; and the extremely difficult task of achieving a compromise on the Star Wars issue.

The process of ironing out all the details of such an arrangement might extend over a period of years, during which the expansion and modernization of nuclear arsenals would vastly increase the dangers of a nuclear exchange.

Professor George Kennan has enthusiastically endorsed my proposal for unilateral reciprocated reductions, and I believe would support it, in addition to his suggestion that the 50 percent reduction, (which he advocated long before it was accepted in principle by the two sides), should take the form of an across-the-board reduction of all nuclear armaments. This would terminate the endless haggling about how to achieve parity, which in Professor Kennan's view, is not essential to security.

Unilateral measures and bilateral negotiations could be pursued simultaneously. Even if the two governments did not undertake such initiatives, wide popular support for unilateral initiatives could stimulate the pace of negotiations and acceptance of compromises essential to a bilateral agreement.

While France and Britain maintain substantial conventional and nuclear forces, does anyone fear that either would launch a conventional or nuclear attack against Western Europe or the U.S.? Of course not, because instead of hostility or suspicion, these governments have full confidence in each other's peaceful intentions, and maintain extensive and mutually beneficial relations in all areas of common interest. To begin to achieve such a relationship between the superpowers the risks, if any, of unilateral initiatives are not too great a price to pay.

EAGLE SCOUT ROBERT J. MIZERA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. LIPINSKI. Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues an exemplary young citizen, Robert Mizera. He will be recognized on Saturday, April 16, for achieving the highest rank in Scouting, Eagle Scout.

In becoming an Eagle Scout, he will join the ranks of a very select group. The individual tasks which he had to complete are impressive alone. These tasks challenged every facet of his personality—mental, physical, psychological, and more. His accomplishment becomes even more notable when it is viewed cumulatively. That is, the entire sum of achievements and the perserverance of character demanded illustrate just what high caliber young man Robert is.

In today's society, our youth are truly bombarded with a variety of lifepaths to choose from. While the freedom of choice is in itself good, too often we hear of young people who are led astray by the ignorance of their years to a lifestyle they do not deserve. It is always refreshing to recognize young men who choose a constructive way of life and also excel at it. Though credit is certainly due to the family of this young man and to the Scout leaders who provided support, Robert today knows that he can participate independently in society in a manner that will benefit himself as well as his community.

The achievement of attaining the rank of Eagle Scout lays an excellent base for a productive future. I'm sure my fellow Members of Congress join me in wishing Robert the best of luck in his future endeavors.

TRIBUTE TO MR. VICTOR E. FROLUND

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. TRAFICANT. Mr. Speaker, it is with pride and admiration that I stand before you today to pay tribute to the late Mr. Victor E. Frolund, of Youngstown.

Mr. Frolund was born September 17, 1900, in Youngstown, OH. He worked in the open hearth department of the Youngstown Sheet & Tube Co.'s Campbell Works for 33 years, retiring in 1966.

During his life, Victor was a member of the Western Reserve Baptist Church, the Curbstone Coaches, the Chatterbox Men's Club, the Pro Football Researchers, the Swedish Central Society, the Boardman Booster Club, and the Order of Protestant Men. Clearly he was a very giving man, generous with his time and efforts. We are saddened by his parting.

I am pleased to honor this great man for his kindness and unselfish contributions to the people of Ohio. Let Mr. Victor E. Frolund stand as an example to us all of the giving and love we are capable of. I am honored to pay tribute to such an outstanding citizen. All of us in the Mahoning Valley will miss him. Mr. Speaker, at this time I would like to also extend my sincere sympathies to the family of Victor Frolund. I know he will be warmly remembered by both family and friends.

A CONGRESSIONAL SALUTE TO EDITH "JOY" DOWELL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to honor Edith "Joy" Dowell, a distinguished political and civic leader in my district. Joy will be honored on March 4, 1988, by the Long Beach Democratic Women's Study Club as the Democratic Woman of the Year. I am happy to have this opportunity to publicly express my gratitude for the work she has done on behalf of the Democratic Party and the city of Long Beach.

Joy has been a Democrat all her life, probably spawned by her memories of the Depression and the New Deal of President Franklin Delano Roosevelt. She is a stalwart member of the party, having worked on the campaigns of many Democrats, including John Kennedy, Walter Mondale, Tom Bradley, Mark Hannaford, and Fred Chel. Joy has also been active in the Los Angeles County Democratic Central Committee, and the California State Democratic Central Committee. In addition to this, Joy has held every office in the Long Beach Democratic Women's Study Club, and currently serves as president of that organization.

Somehow, Joy has found the energy to give her time to many community organizations, including the Long Beach Senior Advisory Commission, the Golden State Humane Society, the Girl Scouts, and the Cub Scouts.

Joy is a woman of boundless enthusiasm and energy, dedicated to her party and her community. She has enriched both with her time and her many talents. My wife, Lee, joins me in extending our warmest congratulations to her on this auspicious occasion. We wish Joy all the best in the years to come.

RETURN "SWAMPBUSTER" PROGRAM TO CONGRESSIONAL INTENT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, I am introducing today a bill to bring the Swampbuster Program back in line with what Congress intended, and thereby relieve farmers in my part of the country of the fear of losing all of their farm program benefits because they inadvertently drain a small temporary depression in a field that has always been cropped.

Right now, farmers are afraid that they have an army of Federal bureaucrats looking over their shoulders, watching every move they make. My legislation, the Wetlands Conservation Amendments Act of 1988, would enable farmers to manage their own land without fear of reprisal by the Government, as long as they do not bring any new land into production.

In my opinion, the intent of the Swampbuster Program, enacted as part of the 1985 farm bill, was to prevent farmers from draining wetlands for the purpose of getting farm program payments. The intent was to prevent new land from coming into production through the loss of wetlands.

NUISANCE SPOTS AND POTENTIAL WETLANDS

But Swampbuster is being implemented in a way that goes beyond this intent. There is language in the law that defines wetlands as land that "under normal circumstances . . . supports hydrophytic vegetation." This is being interpreted to mean that any land with the potential to support hydrophytic vegetation qualifies as a wetland.

As a result, farmers are prevented from cleaning up nuisance spots in their fields. These are small areas that are wet in the spring for a week or two longer than the rest of the field. Farmers normally seed around these areas, and then come back later to seed the nuisance spot. Because this land has the potential to support water-loving plants, it is being called a wetland and farmers are not allowed to improve its drainage, despite the fact that they have always farmed it.

Some have asked, if the farmer has always farmed it like that before, why doesn't he just continue to do it the same way? Why does the farmer need to drain it, or why didn't he do it earlier? There are a couple of answers. First, to improve the drainage of nuisance spots increases the efficiency of a farm's operation. The motivation is not to increase production or add to the surplus, but to reduce costs. To drive around a wet spot when the field is seeded, and then come back 10 days later to plant the rest, is expensive and time-consuming. At a time when there is continuing pressure on farm prices and farm incomes, some of it from reductions in farm program benefits, we should not prevent farmers from reducing their costs.

As to why a farmer didn't drain the land before 1985 if it is so important to do so, the answer is that farmers need to improve drainage in many places on their land. There is a period of a week or two each fall, after harvest and before the ground freezes, when farmers have an opportunity to do drainage work. So over the years, farmers have been proceeding with their work, but many have not yet finished. Furthermore, the level of the water table can change over time, and an area that was not wet enough to be a problem five years ago may have become a nuisance spot in the meantime.

EXCESSIVE PENALTIES

The other major problem with the existing legislation is that it does not distinguish between a minor and a major violation. Any infraction, even an inadvertant draining of a half-acre wetland by pulling a plow the wrong way through a small depression, can result in a farmer losing all benefits of Federal farm programs, which can add up to tens of thousands of dollars. Drainage of wetlands can be discouraged without resorting to excessive penalties, but current law applies to every one the same sentence without regard to the nature of the violation.

A TWO-PART PROPOSAL

My legislation addresses these two problems in current law. First, the bill would clarify that land is to be defined as wetlend only if it supports hydrophytic vegetation under current land use practices, in others words, only if it really is a wetland, not just a potential wetland. The bill would exempt from Swampbuster any land which has been successfully cropped in a majority of years for which evidence is available, provided there is at least 5 years of evidence. With this change, Swampbuster will still prevent new land from coming into production, but will allow farmers to clean up the nuisance spots in their fields and improve the efficiency of their operations.

Second, the bill would provide for Agricultural Stabilization and Conservation Committees in each State to set penalties commensurate with the presence or absence of intent. If a producer knowingly violates the Swampbuster statute, the State Committees would be required to impose the full penalty provided by current law.

USDA HAS DONE A GOOD JOB

It is important to point out that the Agricultural Stabilization and Conservation Service and the Soil Conservation Service, both of the Department of Agriculture, have done their very best to implement this program in a way that farmers find reasonable while still protecting wetlands. It's a difficult path to walk, and I appreciate their efforts. The SCS has just completed surveying a large part of North Dakota where the outcry has been the most vocal. SCS feels once farmers see what has been determined a wetland and what has not, that much of the controversy will abate.

I sincerely hope the SCS officials are right. But there are other problems in the legislation which are beyond USDA's ability to control. The law states clearly that there is only one degree of penalty: loss of all farm program benefits, and USDA can't change that. As I pointed out above, this and other provisions in the law need to be changed, and I will continue to work for those changes.

Mr. Speaker, there will almost certainly be some who will attack this legislation. They will say that it would result in the loss of more vital wetlands; they will say that it undoes a key compromise in the 1985 farm bill. Neither statement is true. The 1985 farm bill never envisaged protecting nuisance spots that have traditionally been cropped. The shallow depression that is wet for a couple of weeks in the spring is not what I think of when someone says "wetland" and it's not what most Members of Congress thought of when they voted for the 1985 bill.

This legislation is a reasonable approach to bringing the Swampbuster program back in line with congressisonal intent. It will continue to protect America's most valuable wetlands, while allowing farmers the flexibility to manage their property and reduce their operating costs. Swampbuster has caused a storm of controversy in my region of the country, and I think its time to bring it back within reason. I urge my colleagues to support this important legislation.

LEGISLATION TO EXPAND WOMEN'S ROLE IN U.S. DEVELOPMENT EFFORTS

HON. MICKEY LELAND

OF TEXAS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. LELAND. Mr. Speaker, 15 years ago, Congress passed into law the Percy amendment to the Foreign Assistance Act. That amendment directed the Agency for International Development to "integrate women into their national economies." In those past 15 years, much has been said and written about integrating women into development, but far too little has been done.

Today we are introducing legislation to refocus and revitalize AID's program for integrating women in our assistance programs and to authorize funding for the two critical organizations which coordinate the integration of women in the United Nations' efforts. I feel that these steps are necessary and urgent. Until women are incorporated fully in our development programs—from participation in the design, implementation and management of programs to the receiving of assistance from those programs—our efforts at promoting development will continue to be inequitable and ineffective in reaching those who most need our assistance.

Several facts about the role of women in the Third World serve to highlight their importance to the development process. Women are the poorest, hardest-working, least educated and most unhealthy people in the developing world. They perform two-thirds of the world's work, receive one-tenth of its income and own only one one-hundredth of its property. Studies have shown that rural women work, on average, 2 to 4 hours more per day than their male counterparts.

Worldwide, one-third of all households are headed by women; in Latin America the figure is as high as 50 percent. These households are the poorest in the developing world with the most children, the least access to productive resources and the smallest capacity for income-generating activities.

Women are the food producers of the developing world. In Africa, women are responsible for 80 to 90 percent of the food grown for home consumption. They are the sustainers of life and the key to alleviating hunger.

Furthermore, women are vital to the informal economy, the 30 to 60 percent of economic activity and employment which is not officially recognized. In the Philippines, for example, four-fifths of the street food vendors are women. Most experts believe that the informal sector will be the greatest source of new employment in the coming decades.

Despite these realities, women continue to be underrepresented or excluded in development programs. A recent study of U.N. development assistance efforts showed that in 1982, only 1 percent of all U.N. funds spent for increasing agricultural production were allocated to women. Similar problems can be found in AID's programs. In AID-funded training programs in developing countries, women's participation is as low as 15 percent in Asia and only 28 percent in Latin America.

In a time of reduced foreign aid budgets, we cannot afford to neglect women's role in the development process. AID studies have shown that the failure to integrate women has resulted in failed projects and wasted resources. It is time to include women fully in our assistance programs and to use our foreign aid dollars more wisely.

The legislation we are introducing today calls on the Administrator of AID to take several steps to better incorporate women in our development programs. AID will be required to make women both participants in the planning, design, implementation, and evaluation of all development activities and recipients of assistance through those activities. In all aspects of a project. AID shall aim to include

women in proportion to their traditional participation in the activity or their proportion of the population. These participation targets are not to serve as strict quotas in all of AID's activities, but as benchmarks for which the Agency should aim. The legislation calls for full implementation by 1994, but allowances are made for the obstacles that will be faced in efforts to fully incorporate women. Should the AID staff responsible for designing a project or program find that it is impossible to meet the benchmark—because of cultural and institutional barriers, traditionally low levels of participation by women in a given activity, or any other legitimate obstacle—they will then identify the obstacle in their project or program document. They will also identify what steps they intend to take to overcome the obstacle, or, if they will not be taking steps as might be the case with entrenched cultural barriers, they must fully explain the circumstances. This will allow the Agency the flexibility it needs while at the same time giving its efforts to integrate women new life.

The bill identifies several other steps that the Agency must take. Wherever possible, data must be broken down by gender. Project evaluations must include an assessment of how effectively the project integrated women into the development process. Personnel evaluations must look at the same criteria at the staff level. AID must increase the number of, and the level of responsibility of, women in Washington and in mission-based professional positions in the Agency. AID's participant training programs must have as many women as men enrolled by 1992. Finally, AID will establish a task force with representatives from the WID office and from each of the regional and technical bureaus to oversee the implementation of this legislation, to assist mission staff in overcoming the obstacles to integrating women and to establish criteria to measure the Agency's performance in incorporating women in development activities.

In order to fund these increased activities, funding for the WID office will be changed from the "up to $10 million" earmark that is current law to "not less than $10 million." This will allow the office to provide greater levels of technical assistance to the missions and to maintain a larger staff, while continuing to carry out their current activities.

The legislation also provide funding for two U.N. organizations. UNIFEM would be authorized to receive $4 million to carry out its efforts to mainstream women into the U.N.'s efforts. UNIFEM has been a small but very effective voice working to incorporate women into every aspect of the U.N.'s development programs. The bill also calls for $1 million for INSTRAW, the U.N.'s organization which carries out research on women essential to the efforts of the U.N. and many other development organizations to incorporate women. These modest contributions will have enormous impact when they are used to leverage funds from the UNDP's budget.

We urge our colleagues to support this bill. If we want to spend our foreign aid dollars fairly and wisely, we must ensure that women are fully integrated as participants and recipients of development assistance. This bill is a clear and determined step in that direction. It deserves your support.

THE FINANCIAL REFORM AND COMMUNITY PROTECTION ACT OF 1988

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FAUNTROY. Mr. Speaker, I join my distinguished friend from New York in introducing the Financial Reform and Community Protection Act of 1988, a bill to amend Glass-Steagall, the Bank Holding Company Act and the Community Reinvestment Act of 1977. This bill allows bank holding companies whose subsidiaries have acceptable community benefit performance ratings to engage in certain securities activities through a securities affiliate.

While the limited expansion of powers in this bill is not unique, the linking of these powers with the community reinvestment performance of banking institutions owned by the applicant holding company clearly distinguishes this bill from all other bills proposed during the current debate.

COMMUNITY REINVESTMENT

The bill contains a provision which links the application for additional powers by a bank holding company with the community performance of subsidiary banks. The community reinvestment record of the applicant's subsidiary banks will be examined by the Federal Reserve Board prior to the granting of securities powers. If one or more subsidiary banks do not achieve a rating of "good" or better, securities powers will be denied—in the case of a BHC with five or more subsidiary banks, one rating of "average" is acceptable, though the bank must make a written commitment to improve its rating.

The bill leaves the current CRA rating system in place, though it strengthens the system for applicant bank in holding companies in the following manner. During the 6-month period following passage of this bill, the Federal Reserve Board will be required to establish regional criteria under which to evaluate the community performance of subsidiary banks. In establishing these criteria, the Fed must solicit and incorporate comments from participants in the communities included in the district. Criteria will be established for each of the 12 districts in the United States.

As the statute is currently enforced, CRA is at best, ineffective. At least 96 percent of all banks currently receive ratings of "good" or better. Thus, under the current system, one can assume that virtually all bank holding companies would receive approval. This bill, I am pleased to say, begins to change this de facto approval process by substantially enlarging the role of the community in CRA enforcement. Under the new system, community groups will be involved in establishing the criteria to be used by the Fed and by participating in any public hearings concerning the application. All CRA ratings will be publicly disclosed.

Ten years of CRA experience has demonstrated that the regulators, perhaps because of lack of time, have not taken their responsibilities seriously. The few cases which have been brought before the regulators have all occurred at the behest of groups active in specific communities, and this bill enhances the role of these groups in the process. The groups active in specific communities are brought into the review process early and will, I am certain, remain active throughout the entire process.

If we are going to grant the banks additional powers, we must obtain something in return for the communities in which the banks operate. I believe that this bill uniquely accomplishes this objective. The role of the communities is essential to strengthening CRA enforcement, as it is provided for applicant bank holding companies in this bill. It is my fervent hope that this approach will eventually be applied to all banks. I look forward to working with other supporters of CRA to fashion a system which accomplishes this goal.

The bill contains other community and consumer provisions which apply regardless to whether a bank holding company intends to seek new powers. These provisions include: language requiring banks to offer low cost deposit and transactions accounts; an amendment to the Home Mortgage Disclosure Act providing for similar disclosure of commercial lending activities; and a notice requirement for financial institutions intending to close a branch.

ENUMERATED POWERS

As mentioned at the outset, the community reinvestment language is linked with the granting of additional securities powers. An applicant bank holding company, if and when approved, could establish a securities affiliate which will be permitted to sell mortgage-backed and asset-backed securities, commercial paper, and municipal revenue bonds.

These powers are included inasmuch as they present minimal risk to the safety and soundness of the financial system. Securities activities will be undertaken by an affiliate of the bank holding company, thus providing a firewall akin to that included in many other pieces of legislation.

The bill recognizes the need to construct a careful balance between acting in recognition of the changing nature of these financial services system and the need to recognize that banks are indeed "special." There may be public policy consequences to allowing too rapid an expansion of powers.

BANKS ARE STILL SPECIAL

The bill intentionally does not authorize banks to engage in either mutual funds or in corporate equities. Banks are federally insured depository institutions and thus, must not be confused with other noninsured entities. They are as well fundamental to the implementation of monetary policy. Banks must observe their fiduciary responsibilities—their depositors' wealth and capital must not be subject to excessive risk—I believe that granting banks the right to sponsor mutual funds and/or underwrite corporate equities confuses the role of banks at great potential risk to the safety and soundness of the financial system.

Many will say that this definition of a bank is archaic, that the financial system has evolved since 1929 and that we risk a loss of competitiveness if we choose not to act immediately to repeal Glass-Steagall. It is clear that the recent trend has been towards securitization, and that the banking system has lost much of its business to securities firms. Corporations have turned to the commercial paper market in place of their former reliance on bank lending, simply because the costs of securitization are less than those associated with borrowing.

We recognize the changes in the financial services system, but these concerns must be balanced with public policy objectives. Banks are "special," they are federally insured, they are essential to monetary policy and we err in viewing them as identical to investment firms.

We could have chosen to draft a bill which repeals Glass-Steagall and many of my colleagues have elected this path. Nevertheless, the recent stock market crash serves as an invaluable reminder of the inherent riskiness of investment activities in today's economy. While I wholeheartedly believe the claims of the bankers in the District of Columbia that they would behave responsibly as investors, I can not bring myself to support the repeal of Glass-Steagall, certainly not at this point.

A LESSON FROM HISTORY

Those supporting complete repeal of Glass-Steagall advocate that the commingling of banking with securities did not cause the depression, and thus that Glass-Steagall was never needed. While it is increasingly clear that the commingling was not the sole cause of the Great Depression, it is equally clear that many of the 10,000 banks that failed did so due to investments in securities and stock market activities. With the most recent stock market crash only several months behind us, we must not act too hastily in addressing the bank powers issue.

We need a strengthened and more competitive financial services industry, but the costs must be carefully determined, and not under the constraints of the moratorium. I believe this bill represents an appropriate balance between domestic and international priorities, between the interests of communities and those of banks, and I move for its adoption by the Congress.

PAY EQUITY FOR FEDERAL EMPLOYEES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. HORTON. Mr. Speaker, as a member of the Post Office and Civil Service Committee, I have studied, worked on and been frustrated by a number of pay proposals for the Federal work force. Quite simply, Federal salaries have not kept pace with the private sector. Last year we considered salary recommendations for senior Federal employees, Members of Congress and Federal judges. These recommendations were contained in the regular salary report of the quadrennial commission, whose charge is to report and make recommendations on salaries of senior Federal executives.

We adjusted pay for Cabinet officers, Federal judges and ourselves, and I supported those adjustments. However, we neglected senior Federal executives who are and have been capped at the executive level IV $72,500 annual salary. To add insult to this, we denied these executives even the 2-percent cost-of-living adjustment granted to other Federal workers on January 1.

I have been a strong and sometimes outspoken proponent of pay equity for the Federal work force. I will continue my commitment. Today, however, I would like to inform my colleagues of a letter I received from a committed and dedicated employee of the Department of Education. Richard Hastings has served since 1981 as Director of the Education Department's Debt Collection and Management Assistance Service. I have worked with him on a number of issues, and I know personally the long hours he spends at his job and the hectic travel schedule he follows.

He is leaving public service. His letter speaks to the issue of pay equity, and of the frustrations shared by many in senior Federal positions. Dick Hastings makes a valuable contribution to the public service. Yet we are forcing him and people like him from public service—qualified, competent, intelligent and dedicated men and women. I would like to insert for my colleagues the letter I received from Mr. Hastings, and I want to publicly thank him for the many contibutions he has made and wish him well in his future endeavors. I'm sorry to see him leave.

Following is the text of the letter I received from Richard Hastings, Director of the Department of Education's Debt Collection and Management Assistance Service:

10307 Cedar Knoll Court,
Upper Marlboro, MD, February 15, 1988.

SEA Pay Project,
P.O. Box 7610,
Washington, DC.

Gentlemen: George Sotos from the ED chapter of the SEA asked that I fill out the enclosed questionnaire when he discovered that I would be leaving shortly. I thought it might be useful if I also added a few more words.

I have been an SEA member for the past several years and have been following the general subject of executive compensation with great interest in your periodic publications. Unfortunately, I have come reluctantly to the conclusion that nothing is going to change this mess until a significant number of us who can do so finally call the bluff of the President and the Congress.

A bit about my career might be of interest.

In 1967 when I joined the Federal civilian service at HEW as a management intern, a GS 7 earned $6,451/yr and I believe that GS 18's were earning a maximum of $36,000.

After perfoming a three-year internship at NIH, in the Office of the Secretary, HEW, and in the Office of Education, I moved into a permanent position, in OE's legislative office. By 1975 I was a GS 15 when I was offered a Schedule C position as Deputy Assistant Secretary for Legislation in HEW.

When the Carter Administration came in I moved back to the civil service as a GS 14 and joined the SES ranks in 1982. Since 1981 I have served as Director of ED's Debt Collection and Management Assistance Service.

In this job I've been responsible for letting the first Federal contracts with private collection agencies to reduce the backlog of uncollected defaulted student loans. Our efforts have been recognized government-wide as one of the finest collection efforts within the government. I have received both Presidential rank awards, an SES bonus in all other years, and was honored by Secretary Baker with a special Treasury award last spring.

Several times during the past few years, I have been approached by firms in the private sector with offers of employment. Although the offers were attractive, I did not accept any for two reasons.

First, I love government service. I recognized that it is very difficult to find private sector jobs with the scope and impact of a good senior executive position within the Federal government.

Second, I actually believed that the recommendations of the quadrennial commission would be taken seriously by the President and the Congress.

Well, time has revealed just how naive I was!

When the Congress further rubbed salt into this wound by its most recent hypocritical action to deny a miserable 2 percent increase to judges and SES members because it received a $15,000 increase last year (while we got $3,000), I decided that enough was enough.

Consequently, on February 27, 1988, I will be leaving Federal Service after 23 years (including military) and at age 45. Under the least optimistic circumstances, the taxpayers could have expected at least another 10 years of service from me. I won't even dwell upon the potential value I might have added during that period of time.

Some have recently pronounced publicly that the government should not attempt to recruit and retain the "best and the brightest". Along with Messrs. Volcker and Richardson, I happen to believe that this shortsighted policy will create serious problems for this country. That is why I am taking this time to explain why I will be leaving in two weeks.

It may be that I can be of greater assistance outside the government to those who wish to ensure that we have a trained, dedicated and experienced corps of senior executives. I don't know.

The best of luck to you all. We'll all need it!

Sincerely,

Richard A. Hastings.

JOHN HANCOCK CO. BELIEVES IN COMPETITION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FRANK, Mr. Speaker, one of the clearest, most consistent, and in my view most persuasive voices in the debate over financial services regulation has been that of the John Hancock Co. I have had the opportunity to talk often with the officials of John Hancock, and I am very favorably impressed with their commitment to competition, and their willingness to fight for it. I wish other entities in the financial services industry shared in practice the commitment to competition of free enterprise that they often voice in principle. John Hancock is an excellent example of consistency in this regard.

Jim Morton, the chief executive officer at John Hancock, has been an especially forceful advocate of a truly competitive system in

the financial services industry. As one who supports making the tenets of free enterprise a reality in the financial services area, I have appreciated the work that Mr. Morton and his colleagues at John Hancock have done on this issue.

Recently, George Melloan wrote an interesting article in the Wall Street Journal about the position of John Hancock and I ask that this article, because it is very relevant to our current debate on financial services, and because it presents to people an excellent example of a company that genuinely believes in competition and welcomes the chance to compete, be printed here.

[From the Wall Street Journal, Feb. 16, 1988]

What to Do When Your Own Lobby Is Against You

(By George Melloan)

When E. James Morton, chief executive of John Hancock Financial Services, testified recently before the Senate Banking Committee in favor of the "D'Amato-Cranston" banking-reform bill, he had some impressive backing. The bill was written by the Financial Services Council, an 18-company group that includes not only John Hancock but American Express, Citicorp, Ford Motor, J.P. Morgan, Merrill Lynch, Sears Roebuck, and 11 other stalwarts.

But lined up on the other side were some very influential trade associations, such as the American Bankers Association, the Securities Industry Association and Mr. Morton's own American Council of Life Insurance. In short, 18 of America's financial giants had been forced to form a new lobby to push for legislation their own trade associations oppose.

"I'm not shooting at them," says Mr. Morton as he reflects on this political anomaly in his office atop Boston's Hancock Tower. "Those associations are formed pretty much on a product-line basis and they're trying to protect their product area. There are many issues where they do speak for us. But on many, including this one, they don't. Yet sometimes it makes us wonder why we are paying dues to an organization that lobbies against us."

Of course, this is yet another manifestation of the increased complexity of Washington's huge legislative mill, where some 3,100 organizations employing 80,000 lobbyists try to bring their influence to bear on senators and representatives. Given that huge army, and the many thousands of things it tries to write into legislation, the mathematical probability is fairly high that some companies at some times—and individuals as well, for that matter—will be paying people to lobby against them.

In no arena is that more likely to be true than in the committee hearings where banking-deregulation bills are once more facing deadline pressure. The moratorium imposed by Sen. Proxmire last summer on further "non-bank banks" expires at the end of this month and the senator had hoped to have more comprehensive legislation to put in its place, defining more clearly who can own banks and what banks can and cannot do. But Mr. Proxmire may have been over-optimistic, given the number of institutions that feel their interests to be affected by whatever legislation finally emerges.

The Financial Services Council bill, which Sens. D'Amato and Cranston introduced in the Senate and Rep. Doug Barnard (D., Ga.) sponsored in the House, is a model of simplicity. Titled the "Depository Institution Affiliation Act" it allows any company, financial or nonfinancial, to become a Depository Institution Holding Company, enabling it to affiliate with any federally insured bank or thrift institution. In other words, ownership would be deregulated, but functions would continue to be regulated as they are now, with banks supervised by the current list of oversight agencies and thrifts retaining the overseers who wrestle with their problems now, etc.

Mr. Morton thought he detected some sympathy from Sen. Proxmire and his Republican colleague, Jake Garn, for this simple way of meeting the March 1 deadline. If not sympathy, he at least detected some exasperation among the senators with the narrow arguments the opposing trade associations were bringing up. The difficulties of writing a bill that would please everyone were evident years ago, which is one reason Congress stood by for so long and allowed the financial-services industry, in crude and complex ways, to engage in de facto deregulation.

Congress and trade associations function in similar ways. They count votes. The giants of the financial-services industry may swing a lot of weight in the world's money markets, but in their own trade associations their votes count for no more than that of the smallest bank, securities firm or insurance company. The small firms are the ones that feel most threatened by deregulation, fearing as they do that it might bring new competition into their communities. They are inclined to cast their votes for the status quo, and that vote frequently translates into a majority vote within trade associations. The smaller firms also very often outweigh their giant brethren in local-level political influence. A congressman is far more likely to listen to a banker from his district than to a lobbyist for Citicorp.

John Hancock over the past 20 years has expanded on its life-insurance base to become a diversified financial-services firm. In addition to insurance, it has mutual funds, employee-benefit services, venture capital and securities operations, leasing services and, since 1985, a bank. Taking advantage of the narrow legal definition of what constitutes a bank—the acceptance of demand deposits and issuance of commercial loans—it set up its own nonbank "consumer" bank in North Hampton, N.H., to offer broad retail banking services, such as consumer loans, to its insurance customers. It just barely made it under the wire before Sen. Proxmire's moratorium but still faces considerable limitation on what it can do.

The D'Amato-Cranston bill is of special importance because John Hancock is a mutual company. That is to say, it is owned by its life-insurance policyholders and does not have stockholders. Therefore, any legislation requiring a parent holding company would be of no use to John Hancock, because, since it has no stock, it cannot have a parent. It can only be a parent. About half the life-insurance industry has the same problem. Converting a mutual company to a stock company presents complex difficulties, given the long-term nature of life-insurance contracts. The other, stockholder-owned, half of the life-insurance industry is of course in no hurry to see deregulation legislation that would help the mutual companies solve their special problem.

"We have managed to do just about everything we wanted to do," says Mr. Morton. "But we've had to walk our way around all this. We've got a lot of lawyers trying to keep us out of trouble because of this maze of regulations and laws. We've got to deal with the bank holding company act, the Glass-Steagall act and other things as well as this state regulation, the blue sky laws. So we just think it is important to rationalize the system."

In his speeches, Mr. Morton cites the example of John Hancock's 1983 attempt to acquire an Ohio savings and loan company, Buckeye Financial. Given the problems Ohio savings industry had been having about that time, a good case could be made that having Buckeye Financial in stronger hands would have been a benefit to its depositors. But, for some reason, the state of Pennsylvania decided to bar John Hancock from doing business in the state if it completed the purchase. Given the vagaries of state insurance regulation, Mr. Morton would like to see insurance put on the basis as banks, with a national charter available to those companies that wanted to substitute national for state regulation.

But Hancock, for the time being, would settle for D'Amato-Cranston. Its best chance lies in the possibility that everyone in Congress is getting tired of hearing about who gets what protection in the financial-services industry.

COMMEMORATING MARJORIE BARRICK, NEVADA DANCE THEATER WOMAN OF THE YEAR

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. BILBRAY. Mr. Speaker, I rise today to call the attention of my colleagues to the work of an outstanding Nevada community and cultural leader, Mrs. Majorie Barrick. On Friday, January 15 of this year, Mrs. Barrick was honored as the Nevada Dance Theater's "Woman of the Year" at the prestigious Black and White Ball.

Few individuals have exhibited such generosity and compassionate understanding of her fellow Americans as has Mrs. Barrick. She originated and maintains the Barrick lecture series at the University of Nevada-Las Vegas, a series of free lectures open to citizens of all backgrounds. Mrs. Barrick is instrumental in the selection of each speaker and has brought such notable personalities as President Gerald Ford and former Secretary of State Henry Kissinger.

Mrs. Barrick's contributions have not been limited to the areas of the arts and education alone, serving as one of Nevada's leading philanthropists by giving unselfishly of herself to our State and Nation.

Mrs. Barrick was also one of the leading forces behind the establishment and continued operation of Nevada's leading educational television station, KLVX Channel 10. Even while pursuing these exhausting and most worthwhile activities, Mrs. Barrick nonetheless gives generously of her time and energies, having served as president of Variety Club and sponsor of the Nevada Dance Theater's first full length production.

It is for these reasons that I ask my colleagues to join with me now in recognizing this outstanding Nevadan. Mrs. Marjorie Barrick is one of America's finest humanitarians, a woman whose efforts have deeply enriched the lives of thousands of Nevadans.

A TRIBUTE TO MRS. CHARLOTTE BOOKER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. STOKES. Mr. Speaker, it is an honor and privilege for me to salute Mrs. Charlotte Booker, a resident of the 21st Congressional District of Ohio who will celebrate her 104th birthday on March 3, 1988.

Mrs. Booker was born and spent her early childhood and young adult years in Marian, AL. She married Robert Booker at the age of 20 and the family later relocated to the Cleveland area. Mrs. Booker worked for many years as a domestic worker in the Cleveland community. For the past 13 years, she has been a resident of the Forest Hills Nursing Home.

Mr. Speaker, all who have come to know Mrs. Booker will attest to the beauty, vitality, and warmth of this remarkable individual. She is a great source of price and inspiration in our community.

I would like to take this opportunity to join Mrs. Booker's relatives, Mrs. Altameza Stokes, Mrs. Harvester Foster and her host of friends in wishing her a very happy and joyous birthday.

EAGLE SCOUT PATRICK J. ROMCOE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the achievements of a fine young man from my district, Patrick J. Romcoe. Patrick will soon be honored for achieving the highest rank in scouting, that of Eagle Scout, at a private ceremony on April 16, 1988.

The path to Eagle Scout is truly a long and difficult one. It requires an extraordinary amount of dedication and determination not usually seen in youths of this age. The tasks which must be completed to become an Eagle Scout cover virtually every realm of human experience. Some require intellectual and creative abilities while others call for physical agility and strength. Some tasks help integrate the young man into society through community action that benefits his neighborhood and world. Still other acts are performed alone to assist his growth and maturity as a person. The central challenge is, however, to set and strive for goals through initiative and diligence.

Young men like Patrick are leaders. The achievement of Eagle Scout is likely to be only the beginning of a future full of accomplishments, for this young man has shown that he can perform exceptionally well without a compelling hand of authority over him. I say this not to downplay the importance of the encouragement he received from his family and Scout leaders but, rather, to assert the independence and self-motivation he has already shown.

Patrick, your achievement of becoming an Eagle Scout is praised and applauded. It is with sincere pleasure that I commend you, Patrick J. Romcoe, before my fellow Members of Congress.

TRIBUTE TO THE TRUMBULL COUNTY COACHES ASSOCIATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I stand before you today to pay tribute to the Trumbull County Coaches Association.

This most honorable association began November 12, 1968 with the gathering of nearly 75 coaches representing 25 schools. Established to represent the coaching profession which has given so much to its fellow coaches and athletes of Trumbull County, the organization has now been in full operation for 20 years.

The organization seeks to promote high school athletics in Trumbull County and camaraderie among high school coaches. The association provides a $1,000 scholarship each year to the child of a member coach. It also selects a coach of the year to represent each of the major sports. Among the organization's many services, it provides a sports medicine clinic which is open to all coaches in northeastern Ohio.

I am very proud to represent such a fine organization and extend my best wishes for their continued success. It is with great appreciation that I pay tribute to the Trumbull County Coaches Association for their efforts to maintain the quality and integrity of Ohio's high school athletic system.

A CONGRESSIONAL SALUTE TO ROBERT CHOW

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding citizen in my district, Mr. Robert Chow. Mr. Chow will be honored by the Los Angeles Department of Water and Power at a retirement luncheon on March 3, 1988, for 38 years of service to the Los Angeles community.

The son of Chinese immigrants, Bob was born in Los Angeles in 1924. In 1932, Bob's father decided that his large family could better survive the Depression in China, and moved home. War sent the Chow family back to the United States in 1939 and Bob was forced to relearn English in junior high school. After a brief stint in the Army, Bob finished high school at John Francis Polytechnic, and attended the University of California at Berkeley. Bob is currently a mechanical engineer with the L.A. Department of Water and Power.

Southern California is a particulary arid region of the country, and the residents must go to great lengths to obtain and store water. Bob Chow has spent the last 38 years working to ensure a supply of water to the people of Los Angeles County. He is responsible for the design and construction of many of the city's water wells, emergency supply equipment and pumping stations. He has worked on projects from Bishop, CA all the way down to San Pedro. His most recent project is the multimillion dollar Los Angeles Filtration Plant in the San Fernando Valley.

Bob Chow epitomizes the term "public servant". He has given his entire career to the County of Los Angeles. He is a man of dedication, energy, enthusiasm, and talent, and the citizens of Los Angeles are lucky to have such a man in their midst, My wife, Lee, joins me in extending our warmest congratulations to Robert Chow on this auspicious occasion. We wish Bob, his wife June, and their children, Emily, Cathy, Mike, Dan, and Bill all the best in the years to come.

FREEDOM NOW FOR THE SOVIET REFUSENIKS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. LANTOS. Mr. Speaker, during the holiday adjournment, I met in Moscow with a group of 35 Soviet refuseniks in the apartment of Vladimir Kislik. It struck me that while I could meet with them in their country, they could not meet with me in mine. Professionals all, their Government was denying them the basic human rights to live where they choose, to practice their callings, to worship in the manner of their forefathers. While they are less restricted now than they were 3 or 4 years ago, they are still not free. Partial freedom is a contradiction in terms.

For the RECORD, Mr. Speaker, I hereby insert the names of the refuseniks I met:

Bella Gulko, Vladimir Kislik, Yuriy Semenovskiy, Igor' Uspenskiy, Yuriy Ziman, Eugene Grechanovskiy, Evgenia Shvartzman, Tanya Rosenblit, Olga Grossman, Matus Pobereyskiy, Tanya Kolchinskiy, George Samojlovich, Vladimir Meshkov, Mikhail Feodorov, Sergey Mkertchyan, Yuliy Kosharovskiy, Nataliya Khassina.

Gregory Rosenstein, Boris Cherobilskiy, Yuriy Chernyak, Benjamin Charnyy, Naum Meiman, Gennadiy Resnikov, Sulamith Reznikov, Anatoliy Shvartsman, Evgenia Nenomnyaskaya, Judith Lurie, Emmanuel Lurie, Anatoliy Genis, Tsilya Reitburd, Vladimir Dashevskiy, Alexander Feldman, Igor Gurvich, Irena Gurvich, Yakov Strelchin.

There are many more refusenik cases which have been of concern to me in recent weeks involving individuals I was unable to meet with during my visit to Moscow. At this time, I am especially concerned about: Elena Keis-Kuna, her husband George and her son Andrei, Pyatras Pakenas, Mikhail Shteynber, George Karaskashev, Isaac Tsitferblit, Mikhail

Beliakov, Leonid and Sergei Dikii, the Garber family, the Gornshtein family, Lev and Marina Furman, Vladimir Kislik and Bella Frantsevna, and Vladimir and Izolda Tufeld.

GREAT LAKES WEEK

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. DAVIS of Michigan. Mr. Speaker, yesterday began the third annual Great Lakes week where we welcome representatives from our fourth coast to Washington, DC. The purpose of Great Lakes week is to educate us in the Congress and in the legislative branch about policy issues of consequence to the Great Lakes.

According to a front page article in The Great Lakes United newsletter, the citizens of the Great Lakes are concerned about Federal budget support for Great Lakes programs; the impact of airborne toxic pollution on the water quality of the lakes; contaminated sediments and related problems in toxic hot-spots across the Great Lakes Basin; and land use programs to protect sensitive shoreline environments.

These issues are of great concern to me, and have guided me in my work during this Congress. I have joined my colleagues on the Merchant Marine and Fisheries Committee in testimony before the House Appropriations Subcommittee on Commerce, State, and the Judiciary to make sure that the Great Lakes receive their fair share of money authorized for the National Oceanic and Atmospheric Administration. This includes adequate funding for the Great Lakes Environmental Research Laboratory, one of the only scientific bases for Great Lakes research. I have also introduced legislation, H.R. 2808, reauthorizing the National Sea Grant College Program, one of the primary sources of money in the Great Lakes States for pollution research and coastal erosion studies. This bill was incorporated into Public Law 100-272 signed by the President last December.

I am also acutely aware of the impact that toxic pollutants from the air are having on the water quality of our Great Lakes, especially Lake Superior, which runs along the northern coast of my district. I have supported amendments to the Clean Air Act which would be a first step in reducing these contaminants. I hope that my friends on the House Energy and Commerce Committee will be successful in seeing this important bill enacted.

Last June, I introduced three bills designed to help Great Lakes residents deal with the devastating high water levels in the lakes from a shoreside perspective. The first of these, H.R. 2707, created a new grant program under the Coastal Zone Management Act for States to pass on for erosion and flood control projects. My second bill, H.R. 2809, authorized the National Oceanic and Atmospheric Administration and the U.S. Geological Survey to update coastal maps of the Great Lakes—some of which are over 50 years old. These maps are to be used by the Federal Government, Great Lakes States and private citizens to help plan for and prevent future shoreline damage. This bill was also incorporated into Public Law 100-272.

Finally, H.R. 2810 directs the Secretary of the Interior to recommend areas along the Great Lakes shoreline which are eligible for inclusion in the coastal barriers resources system. Areas in the system are no longer eligible for certain types of Federal financial assistance, including Federal flood insurance, which promote development inappropriate for these undeveloped, unstable coastal areas.

The problems with polluted sediments in the 42 Areas of Concern identified by the International Joint Commission as poisonous hot spot under the Great Lakes Water Quality Agreement is also apparent in my district. Unfortunately, one of the 18 worse of these spots is located in the St. Mary's River, a narrow international channel dividing Sault Ste. Marie, MI from Sault Ste. Marie, Ontario. The St. Mary's suffers from not only sediments laced with deadly PCBs and PAHs, but also heavy metals and conventional pollutants which are affecting our fish and wildlife and endangering a source of drinking water for thousands of United States and Canadian citizens. The cleanup plan for the St. Mary's River—a remedial action plan, or RAP, under the Water Quality Agreement—is now being developed by the Province of Ontario and the State of Michigan. Because one of the clogs in the system in completing this plan is a lack of information about the types and amounts of contaminants which are currently being added to the Great Lakes, I have introduced a bill, H.R. 3715, which requires the preparation of a Great Lakes pollution inventory. It is hoped that this computerized, easily updated information will prove valuable to those drafting the St. Mary's River RAP, as well as the other areas which are yet to be cleaned up.

I have detailed part of my commitment to face the problems concerning members of Great Lakes United and other Great Lakes groups. I hope others will join me in creating solutions. I applaud the efforts to educate others about the national resource we have in our Great Lakes. They deserve our national attention.

ETHIOPIA'S PLIGHT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. ROTH. Mr. Speaker, day after day, month after month, year after year, we hear of the tragic conditions that confront the over 40 million people of Ethiopia. Two months ago the Ethiopian Government resumed its brutal forced resettlement program which has already uprooted 600,000 people against their will, resulted in tens of thousands of deaths, destroyed ancestral homes, separated families, and created thousands of orphans. Using the pretext of famine, the government has targeted another 900,000 people to move into "resettlement" camps. Two weeks ago, government troops rounded up over 3,000 "volunteers" for resettlement. When they refused to be crammed into 17 trucks, soldiers began firing into the crowd, killing dozens and wounding many others. The "volunteers" then began filing into the trucks to be hauled away hundreds of miles, never to see their families again.

We have read about this scene in our history books and we have said "Never again!" Yet it happens. The accounts are written up in our papers. And still we do nothing.

Yonas Deressa, a patriot who is known by many of us on Capitol Hill for his untiring efforts, asks the question "Is Anyone in the U.S. Listening?" I urge my colleagues to read his penetrating article just published in the January 30, 1988 edition of Human Events:

ETHIOPIA'S PLIGHT: IS ANYONE IN U.S. LISTENING?

(By Yonas Deressa)

To a visitor from the Third World, it's puzzling that the United States finds it so difficult to help people around the world who are fighting for the ideals that have made it great. Even after they are able to gain Administration backing, people like the Afghans, Angolans and Nicaraguans fighting against Soviet imperialism in their own countries are often lost when it comes to getting guarantees of help from their natural allies, because America often seems unable to recognize its own self-interest.

When I founded the Ethiopian Refugees Education and Relief Foundation, this was the problem I faced. I set out only to get help for the victims of a ruthless Stalinist regime, but to educate Americans to the threat it poses to their own security.

If you look at a map, the threat is not hard to understand. The Soviets are using their client state of Ethiopia as a base in their efforts to control one of the most important areas in the world.

Ruled by a cold-blooded Communist regime headed by military strongman Col. Mengistu Haile Mariam, Ethiopia dominates the strategically vital Horn of Africa, and with its fellow Soviet colony South Yemen threatens the entrance to the Suez Canal and the oil fields of Saudi Arabia. Its army at half-a-million is now the largest in Africa, and the Soviets have supplied it with over $5 billion in weapons.

America's ally, the Sudan, is being torn apart by a Communist insurgency backed by Ethiopia. Somalia, another ally, is under attack by Ethiopian-armed guerrillas. And Ethiopian troops are taking the place of Cubans in the effort to crush pro-democratic forces in mineral-rich southern Africa.

The humanitarian issue is even more compelling. Americans weren't told the facts behind the famine of 1984-85. The American news media didn't tell them that Ethiopia has the worst human rights record in the world—that torture, arbitary executions, mass forced relocations, and concentration camps had turned the country into a living hell. They weren't told that the mass starvation was not merely the product of drought, but the result of a deliberate policy: a carbon copy of Stalin's infamous murder by starvation of the Ukrainian peasants in the 1930s. Crops were confiscated and burned, livestock killed by soldiers, and relief aid hindered or expropriated by the state—all in order to quell resistance.

Like so many Third World freedom fighters who have come here for help, I thought all that would be necessary would be to present the facts to the news media and the government for the proper action to be taken.

Surely when the press was shown that American food was being kept from the starving and used by the regime to feed the army, it would jump on the story.

Surely, when the U.S. government was given evidence that some of its half-billion dollars in aid was being used in a massive campaign to kidnap hundreds of thousands of poor farmers and "resettle" them in forced labor camps—killing over 150,000 of them in the process—it would admit that it was being made the fool.

But it wasn't that easy. The news media couldn't have cared less. The State Department looked the other way. A few members of Congress were willing to help—most especially Rep. Toby Roth (R.-Wis.), along with Representatives Dan Burton (R. Ind.) and Bob Livingston (R.-La.) and GOP Senators Orrin Hatch (Utah), Malcolm Wallop (Wyo.) and Gordon Humphrey (N.H.)—but it was up to me to get out the word.

It took more than two years, and visits to half the 50 states. No city was too far away, no college, university, or church audience was too small. I spoke to any gathering that would listen, was interviewed on radio and television, wrote articles and letters to the editor. But as people out in America's heartland learned the truth about Ethiopia, they began to put pressure on their representatives in Washington. Resolutions by state legislatures helped, too. And the federal government and the news media began to pay attention.

The first result was a bill passed by Congress in 1986. Introduced by Rep. Roth, it called for sanctions against the dictatorship if it did not stop starving its own people. The Roth amendment forced the regime to let food shipments into the rebel-held areas in the north. Over a million lives were saved.

Now a new drought has combined with the regime's destruction of Ethiopia's agriculture to bring on a new famine that threatens to be even worse than the last. But this time it will be harder for the regime to con the West.

Now Americans know about Mengistu's atrocities, and the American news media have finally begun to ask the right kind of questions. It was a small but important victory when Ted Koppel on "Nightline" grilled Ethiopia's charge d'affairs to the U.S. on the regime's actions in causing famine and in preventing its relief.

There is a new, stronger bill now before the House of Representatives. Introduced by Congressmen Roth and liberal black Democrat William Gray (Pa.), Chairman of the Budget Committee, HR 588, the Promotion of Democracy in Ethiopia Act, calls for the Mengistu regime to grant basic human rights to its people, end forced relocation, free political prisoners, and establish democracy.

If these conditions are not met within a year, the bill revokes Ethiopia's most favored nation trading status and prohibits new American loans and investment in Ethiopia. It bans the import of Ethiopian coffee—which at $82.8 million made up 86 per cent of U.S. imports with Ethiopia in 1986. The bill also calls for the United States to oppose any new assistance by such organizations as the World Bank. The World Bank has loaned over $837 million worth of aid to Ethiopia's Communist dictatorship.

Detractors of the bill claim that withdrawing non-relief aid and loans to Ethiopia will only make matters worse in a country that cannot feed itself. But the dictatorship uses loans and gifts from the West not for constructive purposes, but to consolidate its power and carry out its murderous policies.

In 1985, Dr. Claude Malheuret, former head of the relief agency Doctors Without Borders—now France's minister for human rights—pointed out that Western aid was being used in the infamous "resettlement" campaign, an effort that he calls "one of the greatest slaughters in the history of the 20th Century."

Money from the World Bank and other Western sources is also used to acquire weapons and brand-new Boeing airliners, to buy luxuries like Mercedes-Benz cars for party officials, and for espionage in neighboring countries.

Hard currency is used in the West by agents provocateurs, who, like their Cuban counterparts, bribe members of the exile community and set up false anti-regime organizations in an effort to keep opposition movements fragmented. An Ethiopian agent on such a mission was caught a few years ago red-handed in London with a briefcase stuffed with hundreds of thousands of dollars.

Even Randall Robinson, the head of TransAfrica, has called for sanctions against the Ethiopian regime in an article in the Washington Post. The Promotion of Democracy Act has broad support in the House, with 86 cosponsors ranging from conservative Republicans to members of the Black Caucus such as Congressmen William Gray, Louis Stokes, John Conyers Jr., Walter Fauntroy, Mike Espy, Charles Hayes, and Congresswoman Cardiss Collins. But despite the overwhelming arguments in its favor, the bill is bottled up in three committees: Foreign Affairs, Banking, and Ways and Means. Until it is voted out of these committees, all the support in the world won't get it anywhere.

And meanwhile, the situation is building to a head in Ethiopia. Mengistu is hanging on to power by his fingernails. His sole base of power is terror. The dictatorship is universally hated, and dissent and unrest grow daily in every sector of the population—encouraged by a new underground radio station operated by the pro-democratic resistance.

An endless civil war with separatist guerrillas in the north is draining the resources of the dictatorship. In Addis Ababa, the capital, local Communist party organizations have been saddled with the task of impressing 16,000 boys into the army. The regime imprisons the mothers of draft-dodgers, yet parents willingly pay bribes of $1,500 to keep their sons out of military service—a fortune in a land where the annual per-capita income is $110.

The immense army is itself on the verge of revolt—entire brigades of 5,000 men have already deserted, and the fear of an outright mutiny last September forced the regime to give in to demands for a pay raise far higher than it can afford. Even this concession brought little relief: Now civilians in the cities are demanding pay raises as well, and the authorities cannot rely on the military to crush the riots that may result.

The time is ripe for the United States to help eliminate the cause of so much suffering, and to help its own interests in the process. For only $15 to $20 million—a mere pittance in comparison to the $600 million spent on the Afghan resistance or the $100 million voted this year for the Nicaraguan Contras—the pro-Western, pro-democratic resistance movement now operating out of the Sudan could feed and clothe the tens of thousands of soldiers waiting for the chance to defect. Together they can topple the most brutal dictatorship on earth.

I have learned from history and by my own experience, though, that America will not come to our aid unless we ourselves convince her citizens to bring pressure to bear on their leaders. It's time to hit the road again.

FIX THE BUDGET PROCESS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. CHAPPELL. Mr. Speaker, in last week's issue of Defense News was an editorial entitled "Fixing Budget Mess Top Priority."

As chairman of the Defense Appropriations Subcommittee, I agree with this premise. I am certain many other Members of Congress feel the same way.

Our budget process has become unworkable and this editorial points out the pitfalls associated with waiting until the last minute to make important decisions affecting our Nation's defense. It is simply irresponsible for us to pass the bill funding the Department of Defense for a given fiscal year nearly 3 months after the start of that year. I feel it is even more irresponsible to lump this legislation with every other appropriations bill and not afford the full House the opportunity to give it separate and thorough consideration on its own merits.

I hope my colleagues will read this editorial, and I hope the administration and Senate will take note as well. It is imperative that we all work together as soon as we can to consider the President's budget proposals, craft a budget resolution, and pass the authorization and appropriations bills individually and on time. A thorough revamping, or at minimum some streamlining, of our budget process should be a top priority for Congress later this session.

[From the Defense News, Feb. 15, 1988]

FIXING BUDGET MESS TOP PRIORITY

Congress should concentrate during the coming year on cleaning up a budget process that has become an absolute mess.

The 1989 defense budget should be signed into law before the 1989 fiscal year begins Oct. 1, not on Dec. 22, as was done last year. This should be a year when the defense budget lives or dies on its own merit. It should not be thrown into a giant continuing resolution that contains every other appropriation bill in the congressional universe.

Continuing resolutions are unwieldy. Provisions cannot be debated in a timely fashion, and any president who opposes just one line in the package must be prepared to veto the entire resolution and risk shutting down the federal government. Incidentally, that is just what President Reagan vowed in his latest State of the Union Address he would do this year if he is asked to sign another massive resolution.

The degeneration of the budget process on Capitol Hill is not entirely Congress' fault. Former defense secretary Caspar Weinberger's penchant for submitting budgets that dared action by Congress inevitably sparked long, arduous debates and ended in big, $30 billion cuts.

That should not happen this year. One of the interesting results of last year's prolonged budget summit between the Reagan administration and congressional leaders was an agreement to cap 1989 defense spending at $299.5 billion in order to meet targets designed to balance the budget by 1993.

The ceiling has forced Defense Secretary Frank Carlucci to order big reductions, to the tune of $33 billion in military spending. Cuts are being made that people notice.

The Air Force says it is willing to do with fewer wings of tactical jet fighters. The Navy is considering whether to defer plans for a 600-ship fleet. The Army cut in half its prized new helicopter program, the Light Helicopter Experimental. Entire security assistance accounts for some friendly nations are in jeopardy.

The reductions represent real pain to the services. They also suggest that the services are acting in good faith to limit their spending.

Congress should act in kind and not tinker with the agreed-upon budget ceiling unless the size of the deficit grows dramatically beyond projections. Any deviation from the ceiling will surely smack of a congressional double-cross and disrupt any hope of timely budget approval.

By putting aside the annual battle over the size of the defense budget, Congress affords itself an opportunity to restore some degree of institutional integrity to the budgetary process. We should not have to witness another round of hastily crafted compromises of the sort that lead to last year's premature authorization of $6 billion never requested by the Navy for two new aircraft carriers.

Providing the $6 billion, which will take years to spend, was based purely on the need to rush out a large enough budget to meet the terms of the summit agreement without hiking actual spending and increasing the deficit. The result of such gimmickry will be a lack of flexibility needed to face some tough choices on weapons programs in the future.

We do not expect any overhaul of the budgetary process to take precedence over thoughtful consideration of other weighty matters. Congress must ensure that the 1988 budget adequately bolsters NATO defenses in light of a decision to withdraw intermediate-range nuclear missiles from Europe. It must make sure that the Pentagon has its priorities straight. The legislators also must look carefully at the fine print in this year's slimmer, trimmer defense budget to see what implications this budget might have on future spending.

NAVY TIMES BACKS MALPRACTICE SUITS FOR SERVICE PEOPLE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FRANK. Mr. Speaker, last month, the House for the second time passed legislation which would allow active duty members of the Armed Forces to bring law suits under the Federal Tort Claims Act if they are victims of medical malpractice. For the second time, well over 300 Members of the House voted to extend to the men and women who defend this country a basic right which every other citizen has. Unfortunately, the administration remains opposed to this bill for reasons which are unpersuasive and the Senate has yet to act on the matter.

One of the least persuasive arguments made against this bill is that it would undermine military discipline and there are those who have made the even less persuasive argument that it is somehow antimilitary to confer this basic right on those who are voluntarily serving our country. I was therefore very pleased to read a recent editorial in the Navy Times, a newspaper dedicated to the interests of the Navy, the Marine Corps, the Coast Guard and those who serve in those important entities, supporting our action and passing this bill. This editorial specifically refutes the argument that our legislation would in any way undermine military discipline, noting "The limited measure passed by the House poses no such threat."

This endorsement by the Navy Times, a newspaper whose dedication to the interests of the men and women serving our country in the Navy, Marines and Coast Guard cannot be questioned, is further evidence of the correctness of the House position on this legislation.

I am grateful to Mr. William Cavanaugh, one of the founders of the Committee Against Military Injustice, who has been a dedicated fighter for better rights for the young people who serve our country for sharing this editorial with me.

[From the Navy Times, Feb. 29, 1988]

THE RIGHT TO SUE

Military members lack the right of other Americans to file medical malpractice claims against the government. Congress may end that inequity soon—and about time.

Most citizens, including service dependents and retirees, gained such rights in 1946 with passage of the Federal Tort Claims Act. The exclusion of active service members from the act's coverage was affirmed in 1950 in the Supreme Court's landmark Feres decision. There, the high court said the government cannot be sued for injuries to members arising out of "activity incident to service."

So the rule has stood for 38 years. However, the House of Representatives has just voted overwhelmingly to allow certain malpractice claims by service members. The House passed a similar bill in 1985 which died in the Senate, but the majority control has since shifted to the Democratic leadership. Thus, the proposal this time may become law.

For a long time, the traditions and reasoning behind the Feres doctrine were strong enough to deter any changes. A major concern was discipline. The armed forces are a team whose members' lives frequently depend on the competence of their comrades, leaders and units. Any law change would be destructive of discipline if it subjected decisions and performance to critical secondguessing by casualties of military training or combat.

The limited measure passed by the House poses no such threat. The bill would allow military people—or their spouses in the case of wrongful death—to sue the government for medical and dental malpractice in service hospitals in peacetime. Such conditions are remote from battle discipline and the chain of command.

What changed the legislative outlook was a series of horrifying examples in recent years of improper treatment in service facilities, with widely publicized cases of victims who suffered death or ghastly disabilities.

Defenders of Feres contend such victims and their families are adequately compensated by existing provisions for payment of disability retirement or veterans' benefit. But if those benefits are adequate for the commonplace accidents and natural ills of life—a thesis we do not fully accept—they are not so when the case involves incompetent or inept treatment under the controlled conditions of an established medical facility.

Implicit in the existing benefit system is the assumption that a line-of-duty disability can occur despite good medical care, and deserves compensation. Logic suggest a higher range of compensation is warranted when negligence or malpractice is proven. And, in this respect, we see no reason the legal rights of a military member should be inferior to others.

EAST TIMOR: A CONTINUING TRAGEDY

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. MCHUGH. Mr. Speaker, for many years now I have been following the human tragedy of East Timor, a former Portuguese territory annexed by Indonesia in 1975. Those of us in the House who have taken an interest in this issue are hardly alone.

Recently, for example, Pope John Paul II, speaking to Indonesia's new Ambassador to the Holy See, stated that "the church's universal mission of service leads her to hope that particular consideration will be given to the protection of the ethnic, religious, and cultural character of the people of East Timor."

In a similar vein, the administrative board of the U.S. Catholic Conference noted that the situation in East Timor has begun to receive "the attention it deserves" but also added that this attention had not been "translated into the action needed to right the wrongs which continue to this day." It underlined its hope that "a just and authentic peace" might one day become a reality in East Timor.

That day may be far off, Mr. Speaker, but at the very least we have a responsibility to try to insure that the human needs of the people of East Timor are addressed.

For the benefit of those of our colleagues who may not be fully familiar with the situation in East Timor, I am inserting an article into the RECORD that originally appeared in the Boston Globe.

[From the Boston Sunday Globe, Dec. 13, 1987]

A "HIDDEN HOLOCAUST" IN THE PACIFIC

(By Richard H. Stewart)

It has been called the "hidden holocaust," so far removed from the world's consciousness that only a handful of people are aware of the tragic events that have ravaged the population of the little-known Pacific island of East Timor.

It has been estimated that as many as 200,000 people out of a population of nearly 700,000 have perished from violence, starvation and disease since the 1975 invasion by troops of Indonesian dictator General Suharto.

Based on a population comparison, this would be comparable to 36 million deaths in the United States.

International human-rights organizations such as Amnesty International and Asia Watch as well as a coalition of international church groups have provided reports of the brutality inflicted on the Timorese by Indonesian forces, including summary executions, beheadings, torture, imprisonment without trial and the use of civilians as human walls in front of Indonesian troops battling guerrilla forces.

Some civilians who have "disappeared" from their villages have been reported by several independent sources to have been dropped to their deaths from helicopters. There have been reports of a photograph in an Indonesian newspaper showing Indonesian soldiers holding up the heads of their Timorese victims.

Exact death tolls can only be estimated because the Indonesians have virtually shut off the island to access by outsiders. But sources with contacts in East Timor insist the reports of inhuman treatment by the Indonesians are not exaggerated.

THE STAGGERING STATISTICS

The International Committee of the Red Cross has been able to provide food and medical aid to limited parts of the island and is the only humanitarian organization allowed access to the island, even on a restricted basis.

Some evidence of the human suffering can be surmised from the report in 1985 of East Timor Gov. Mario Carrascalao, who said that 100,000 East Timorese had died since 1975 and the island had 20,000 orphans, 13,000 widows and 8,000 crippled or maimed.

The 12-year agony of the Timorese began Dec. 7, 1975, when Indonesian troops invaded the island under the guise of preventing a communist takeover. They claimed that the East Timorese had sought integration with Indonesia.

According to Massachusetts Institute of Technology professor Noam Chomsky, President Gerald Ford and Secretary of State Henry Kissinger had advance knowledge of the invasion and authorized it. More than 90 percent of the invading troops carried American weapons, Chomsky has written.

In the aftermath of the invasion, the United States protested its illegality by announcing an embargo on the sending of American weapons to Indonesia. The embargo was nothing more than a political smokescreen. Professor Benedict Anderson of Cornell University, an Asia expert, discovered from a Pentagon report that the flow of arms to Indonesia had never been halted.

Prior to 1975, East Timor had been under Portuguese rule for 400 years, but the Portugese government had all but abandoned the island in the wake of domestic political problems at home, leaving it vulnerable to Indonesian expansionist interests.

Ten days before the invasion, the East Timorese declared themselves independent from Portugal under the rule of a political party known as The Revolutionary Front for the Independence of East Timor, which became better known as Fretilin.

To counter Indonesian forces, Fretilin leaders formed an armed guerrilla force, which has harassed the Indonesian military ever since.

Most recent estimates are that nearly two-thirds of the island, about the size of New Jersey, still has not been secured by Indonesian troops.

Last August, 40 U.S. Senators protested conditions in East Timor and wrote to Secretary of State George Shultz that Indonesian forces were engaged in "a renewed offensive" against Timorese insurgents. Similar protests have been lodged by 144 members of Congress.

A former apostolic administrator (the Catholic diocese is being administered from the Vatican rather than from Indonesia) from 1977 to 1983. Msgr. Martino da Costa Lopes, outlined the conditions of the population in a private letter last year:

"In the interior, in many villages and concentration camps, the people lack the conditions of life to enable them to survive as a people * * * the people live in a state of permanent encirclement. They are not allowed to go more than three kilometers outside their villages. In addition, they always have to have a pass issued by the Indonesian military authorities.

"It happens easily that East Timorese are accused of having contact with the guerrillas and then they become victims of torture, massacres, etc."

Msgr. Costa Lopes has testified that, when foreign visitors requested a meeting with him at his East Timor home, his home was first searched and Indonesian intelligence officers were often present during the discussions.

East Timor is predominantly Catholic. Indonesia is a Moslem nation.

CONDITIONS IN EAST TIMOR

Sources recently in contact with East Timor offer this picture of current conditions there:

A knock on the door is enough to make people afraid. Homes are raided and searched. People suspected of sympathizing with or supporting the guerrillas are arrested, often at night. People are afraid to be seen talking in groups.

It is illegal to listen to foreign broadcasts. People are arrested for having aerials. When foreign broadcasts do refer to East Timor, military vehicles tour the capital city of Dili with loudspeakers denouncing the broadcasts as lies.

Most jobs and places in schools go to Indonesians who have been moved into the island. Indonesian culture and language is being forced on the Timorese.

On the rare occasions when foreigners are allowed to visit, they are restricted in their movement. Indonesian soldiers are dressed in civilian clothes, and military vehicles are taken off the streets.

When foreign journalists visited the island during Indonesian elections in April, people were forced to take part in pro-Indonesian demonstrations. Even the prison population was released to swell the ranks of the demonstrators.

People who did not vote could not get identification cards, which are required for jobs and other means of survival.

Prisoners are held in secret prisons, which the Red Cross is not allowed to visit. Prisoners are beaten and tortured and some have been murdered.

Restrictions on movement make it difficult to grow crops, and severe malnutrition has resulted in some rural areas. Indonesia has taken control of the lucrative coffee crop.

Food shipped in from Indonesia is too expensive for many of the Timorese. There is a high mortality rate for children up to age 5.

Indonesia has instituted a highly-active birth-control program, particularly in the interior, where guerrillas are most active, using Deprovera, a vaccine banned in most Western countries. The birth-control program is financed by the World Bank. Some men and women have been sterilized without their knowledge during medical treatment.

Medicines are so scarce that hospitals have a shortage. Medicines are also so expensive that much of the indigenous population can't afford them. Birth control is free.

The current apostolic administrator, Msgr. Carlos Ximenes Belos, is under close military scrutiny. Military vehicles are frequently positioned outside his home.

Although the United Nations General Assembly condemned the Indonesian invasion soon after it occurred, 38 nations, including the United States, abstained. The resolution has been reaffirmed annually through 1982 but with dwindling support.

Indonesia's anticommunist government, its oil resources and strategic location between the Pacific and Indian oceans give it considerable international clout.

Portugal has neither the political will nor the military power to challenge the Indonesians, although there have been talks between the two nations.

A source in Lisbon said, "Indonesia feels it can keep protests at a lower level and avoid political embarrassment by agreeing to talks and making them drag on for as long as possible."

DOG HERO OF THE YEAR

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Ms. MARTIN of Illinois. Mr. Speaker, there is an old adage that goes: "A man's best friend is his dog." It is no hollow saying but a fact demonstrated many times by the heroic acts of canines.

I would like to describe the action of one very special dog from Sepulveda, CA. The dog's name is Jet. She is a mild-mannered six-year-old doberman pinscher.

Jet was home with her owner Candy Sangster one day last October. Ms. Sangster is a diabetic and must take regular insulin injections to maintain her body chemistry. On this day she slipped into a life-threatening diabetic coma.

Jet, sensing something was wrong with her owner, managed to open the Sangster door and run outside. A neighbor, Ms. Hazel Lavin, noticed that the usually quiet Jet was running about furiously and barking loudly. Hazel called Candy, and when she received no answer, she called paramedics. They found Candy in a coma and rushed her to the hospital where she later recovered.

Jet's heroism was recognized by the citizens of this Nation this year when they selected Jet the Ken-L Ration "Dog Hero of the Year" in a recent election from among five national finalists. Similar stories were told

about each of the finalists, and all are deserving of our thanks and gratitude. But I suspect that Jet had the distinct advantage of having been raised on Ken-L Ration dog food which was manufactured in Rockford, IL.

There appears to be a mysterious, but loving bond between dog and owner, one that continues to prove an old saying true.

Jet is part of a lineage of dogs which have gone above and beyond the call of duty as man's best friend. For this reason, Ken-L Ration, the sponsor of the Dog Hero of the Year Award, has asked that the dog-owning public observe the first week in March, from this day forward, as "Dog Hero Week" and recognize their dogs as the heroes they are or could be one day.

INCREASING VOTER TURNOUT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. SWIFT. Mr. Speaker, as we are all aware, voter turnout in this country has been less than impressive for too many elections. The Federal Voting Assistance Program within the Department of Defense has attempted to improve those numbers through a variety of projects, including its recently sponsored Voting Slogan Contest. The winning slogans will be used in a media campaign to encourage voter participation in the 1988 elections. This contest always generates a great deal of interest and this year was no exception with over 10,000 entries received.

I was honored to help judge the contest, along with Senator WENDELL FORD, chairman of the Senate Committee on Rules and Administration, and Ms. Nancy Neuman, president of the League of Women Voters of the United States. Although selecting the winning slogans out of so many creative entries was difficult, it was a pleasure to contribute to this effort to increase voter awareness.

The first place entry was submitted by U.S. Army Maj. Jay B. Savage of Laurel, MD. Major Savage's winning entry: "Tomorrow will be decided today. Vote."

Second place was awarded to Donald Roberts, a civilian working at Fort Monroe, VA. His slogan: "Vote—It's Good For Your Constitution."

"Count yourself in. Vote.", claimed third place in the contest. It was submitted by John F. Ganaway II, Major, USAF with the 400th Strategic Missile Squadron at Malmstrom AFB, MT.

The fourth place winner, submitted by Lt. John Miller of the USCG, San Leandro. CA was: "Let's Poll Together America—Vote".

Mr. John M. Hendry, who works for the U.S. Post Office in North Hollywood, CA, was awarded fifth place for his winning entry: "Your Vote: America's counting on it!".

Three other entries were outstanding enough to achieve honorable mention. They were: "Have a say, vote your way", by Bill Clement of Portland, OR; "Your opinion matters, but it's your vote that counts.", by Jay Robbins of Imperial Beach, CA; and "Don't let the few decide for you—Vote", by Lt. Otis Ransaw from Minot AFB, ND.

I commend the Federal Voting Assistance Program for its continued efforts to increase voter participation, and I congratulate not only the winners, but all who contributed to this worthy endeavor.

TRIBUTE TO SEMCOG

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. PURSELL. Mr. Speaker, I rise today to pay tribute to a unique volunteer organization in southeast Michigan that is comprised of 135 local governments in the seven-county Metropolitan Detroit region. This organization is known as SEMCOG, the Southeast Michigan Council of Governments, and on March 24, 1988, its officers and staff are celebrating its 20th anniversary.

Formed as the result of a unique public/private research and development effort, SEMCOG has provided 20 successful years of progress in regional planning and intergovernmental relations.

The 135 local governments that belong to SEMCOG include all seven counties in the metropolitan Detroit region, cities, villages, townships, intermediate school districts and community colleges. It provides an invaluable process for cooperative, comprehensive and continuing regional planning for southeast Michigan.

In its 20 years, SEMCOG has had many accomplishments, such as the development of a long-range transportation plan which helps guide highway and transit growth. In the past 5 years, an estimated $4 billion has been funneled into southeast Michigan as a result of this planning effort.

Another significant accomplishment was the development of a data analysis and forecasting process. This makes population, household and employment forecasts for all 234 units of local government in the region for a 20-year planning period.

Most recently, in 1987, SEMCOG was in the forefront of efforts to upgrade the State's hazardous waste siting process. It also spearheaded a program to establish the remedial action plan for clean-up of the Rouge River; supported efforts to maintain the State's Auto Exhaust Testing Program; and administered the Lodge Freeway Ability Public Information Program on behalf of the Michigan Department of Transportation.

Mr. Speaker, for the past 20 years SEMCOG has been a valuable resource to the people of southeast Michigan. I ask you, and my colleagues in the House of Representatives, to join me in saluting SEMCOG for its years of outstanding service and wishing it many, many more.

WEST VALLEY IS CELEBRATING 25 YEARS

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. KONNYU. Mr. Speaker, I rise to bring to the attention of my colleagues the 25th anniversary of the establishment of the West Valley-Mission Community College District in Saratoga, CA.

Today, with a student body of over 30,000, the district leads the State of California in the number of students who transfer to four year colleges. Moreover, its two campuses—West Valley College in Saratoga and Mission College in Santa Clara—provide the community with many valuable, career-oriented, courses designed to develop and enhance job skills.

Mr. Speaker, I submit for the RECORD a copy of the Saratoga News article entitled "West Valley is Celebrating 25 Years." I know my congressional colleagues join me in congratulating the West Valley-Mission Community College District on its many years of excellent service to the Saratoga/Santa Clara area, and in encouraging it to continue to provide the same level of quality education in the future.

The article follows:

WEST VALLEY IS CELEBRATING 25 YEARS

On Jan. 8, 1963, affected residents voted to establish the West Valley Community College District.

Many will agree that 25 years isn't a very long time, certainly not in the history of an institution. Yet it is long enough to allow reflection and if the record is a good one then a celebration is in order.

That's the happy circumstance we find ourselves in at the West Valley-Mission Community College District.

The District has grown from a 3,203-member student body at a single site to two comprehensive colleges with outreach programs at four high schools, several hospitals, and numerous businesses. Today's student body has grown to over 30,000 credit and non-credit students.

The achievements of those who have passed through our non-ivy covered walls is an impressive litany of successes and fulfilled dreams.

We all owe much to the early dreamers, the founding board and the educational pioneers who devoted their energies to nurture the establishment of not one, but two colleges.

As any parent can attest, early childhood is not without its surprises and setbacks. Let's not even discuss the ravages—to all concerned—of adolescence. Thankfully both colleges, West Valley College in Saratoga and Mission College in Santa Clara, survived those early days.

Today, under the board's guidance, a seasoned and forward-looking faculty and administration continues to serve an ever changing student population.

That fluid and changing configuration is one of the most interesting aspects of our daily life and is a harbinger of the future. Twenty-five years ago West Valley College's programs were established primarily to provide the first two years of a university experience for 18-year olds. Thus the junior college appellation. Some still see us providing the first two years for a variety of Stanford and Berkeley academic four year programs. We do perform that function. Sweaters that boldly proclaim "University of Saratoga" still sell briskly. And West Valley College heads the state in the number of students who transfer and succeed at four year colleges.

Yet the needs and realities of this valley have changed over the past 25 years. Today more and more of our students are older (the average age is 29); attend part time (many at night and on the weekends) and are quite certain regarding what they wish to study.

Pragmatic short-term courses are particularly popular. Many students also enroll to complete specific vocational programs or to prepare for technical and professional careers. This is particularly evident at Madison College where special efforts are made to keep programs of study current with changing needs of industry and the community.

We still insist that students be well grounded in the liberal arts before they graduate. But many, certainly well over half, do not intend to graduate. As adults, they select those courses that fit their particular current need. Our job is to make these courses academically sound.

One of the most exciting and satisfying experiences enjoyed by us all is to see both colleges serve as positive change agents for our students.

Although not as readily discernible in an 18-year old, it is certainly evident when we work with late bloomers, re-entry students, displaced homemakers, those training for a second career, and those wishing to upgrade their existing skills. It makes for interested and highly determined students who in turn motivate their classmates and teachers.

On Feb. 26, 1988, the District will host a Silver Anniversary Dinner Dance at the Fairmont Hotel. Our theme is "Celebrating the Success." Scores of former students exemplifying our successes have been nominated by the faculty and community leaders. A representative number will be formally recognized and honored that evening.

Since the District found it impossible to compress the celebration of its many successes into a 12-month period, we have taken the liberty of extending our period of celebration to 13 months. Thus, activities are planned through Commencements, and the community is invited to celebrate our twenty-five years of dreams fulfilled.

THE CELEBRATING OF CATHOLIC SCHOOLS WEEK IN THE DIOCESE OF STEUBENVILLE

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. APPLEGATE. Mr. Speaker, I rise today to ask that my colleagues join me in acknowledging the Catholic schools in my 18th Congressional District of Ohio in the diocese of Steubenville, consisting of 13 counties in southeastern Ohio. The important role that Catholic schools in the diocese play is instilled in our young adults with basic human, moral, and spiritual foundations.

It is with pleasure that I honor the Catholic schools in the diocese of Steubenville with their theme, "Catholic Schools: A Rainbow of Excellence," for their outstanding work in the field of learning. The Catholic education is committed to the education and training of students as future leaders of America through religious obligations, moral character, and leadership abilities. The longstanding tradition of Catholic education strengthens the community and the Nation by keeping viable the right to freedom of religion under law.

Mr. Speaker, I am proud to pay tribute to the Catholic schools in the diocese of Steubenville. I appreciate the dedication with which the faculty, staff, and students of these schools approach their respective jobs. It is to individuals such as these that we owe the continuation of and commitment to the Christian faith and education in our country.

LATEST CRACKDOWNS IN SOUTH AFRICA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. MAZZOLI. Mr. Speaker, I am distressed and outraged over the February 24 decree by the white South African Government to prohibit 17 antiapartheid groups and the country's largest labor federation from "carrying on or performing any acts whatsoever" and to restrict the movements of 18 antiapartheid leaders.

This most recent crackdown represents a shift in the government's recent strategy of developing a power-sharing arrangement with its black citizens. It is another example of the lack of good faith effort on the part of the Pretoria government to engage in political reform.

South Africa's official policy of racial separation is unacceptable not just by United States standards but by world standards.

Already there have been outcries by the European Community, France, and Britain—to name a few—against these latest developments. The United States must also make clear its objection to the continuation of such repugnant human rights policy.

I understand that a Foreign Affairs Subcommittee will conduct hearings on legislation imposing new and stronger sanctions against the South African Government.

I hope that, through these hearings and subsequent floor debate, the Congress and the United States will send a clear and unequivocal signal to the Pretoria government that its apartheid practices are unjust and inhumane and must be ended.

DARREL ESTLE RAINS—A MAN OF LIGHT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. ROGERS. Mr. Speaker, as Cumberland College in Williamsburg, KY, begins its centennial celebration, the alumni of that school in my district have begun working on a scholarship fund in honor of Dr. Darrel Rains, one of the school's outstanding alumni.

I have received a copy of a memorial article about Dr. Rains, which I want to enter into the CONGRESSIONAL RECORD to show my support for this effort and in memory of a truly unique medical practitioner.

DARREL ESTLE RAINS—A MAN OF LIGHT

"And God said, Let there be light: and there was light. And God saw the light; that it was good. * * *"

Darrel Estle Rains first saw the light of day on September 28, 1939, in diminutive Emlyn in southeastern Kentucky, and whether he knew it or not, light was to become the dominant theme of his life. First it was the loving light in the eyes of these proud parents, Robert and Lula Rains. Later, that light was supplemented by the pleased glow on the faces of his teachers, such as P.R. Jones, as they one by one recognized his inherent intelligence, strength of character, and unusual determination to learn. And then along the way came the light of self-discovery: Darrel saw clearly by the time of his graduation from Williamsburg High School in 1957 that his life's path was to be, had to be, in medicine.

"A wise man will hear, and will increase learning; and a man of understanding shall attain unto wise counsels. * * *"

Darrel began his pre-med training at Cumberland College in the fall of 1957, entering with many of his high school classmates: Siler, Byrd, Early, Chambers, Grant, Jones, King, Broyles, Yancy, West. He lived at home, studied hard, earned A's, and became increasingly committed to a career in medicine. He also lived in the light, further developing a religious faith and an aggressive self-discipline that stirred the respect of even the most macho of his friends.

In 1959, the Lamp of Higher Education was passed to the University of Kentucky after Darrel graduated from Cumberland; there he roomed with his old friend, Jimmy King. By now his enthusiasms for medicine and achievement had been fanned to white-hot intensity. He worked at the UK Medical School doing genetics research while also carrying a full class load. He consistently urged his close friends (many of them former classmates at Cumberland) to study hard and to develop demanding personal goals. And he took his own advice, graduating with honors in 1961. All three medical schools where he made application for admission accepted Darrel; he chose to remain at the University of Kentucky.

In medical school, Darrel continued to strain for the stars. Characteristically, he didn't want to become just another doctor—he wanted to provide Kentuckians with the quality of medical care that they would expect to receive at only the best metropolitan medical centers. In 1965, after four years of intensive study, Darrel achieved the first part of his bright dream; he received his M.D. degree. The second part was equally tough. To make sure he had all the skills necessary to give his patients complete medical care, Darrel did residencies in not one but three fields: General Practice (John Gaston Hospital in Memphis), Psychiatry (Rollmans Psychiatric Hospital in Cincinnatti), and his major field, Ophthalmology (Eye Foundation Hospital in Birmingham). It took five more years, but then, finally, Darrel knew he was fully prepared to begin his medical practice.

"* * * One thing I know, that, whereas I was blind, now I see."

The first few years of Darrel's practice were spent in hospital emergency rooms.

Then in 1974, he renewed his friendship with Dr. James Parrott, a Corbin native and classmate from UK, and his wife Phyllis, by opening an ophthalmology practice in Hopkinsville, Kentucky, where Dr. Parrott was working as a Radiologist. Darrel was joined there by his brother, Ken, who provided complementary services as an Optician. Darrel's reputation for excellence quickly spread, and physicians from all over Kentucky, Missouri, Tennessee, Alabama, Ohio, and Indiana sent patients to Hopkinsville for eye surgery. They gave Darrel the "tough" cases, and in return he gave his patients unexcelled professional care along with healthy measures of love and compassion. In many instances, the blind were literally made to see. Darrel had achieved his dream—he was providing his patients with the best medical care in the world.

Over a relatively short span of remarkably productive years, this "Man of Light" had many great achievements. Among them were:

Dr. Rains was one of the first doctors in the world to do outpatient surgery for cataracts, using as a scalpel the exquisitely pure light from a laser.

Dr. Rains built his own laser system and used it for patient care at a time when this technology was considered to be strictly a research tool. He was ten years ahead of his profession.

Dr. Rains had his own research effort, the development of laser surgery techniques for diabetic patients.

Dr. Rains published his work in internationally acknowledged medical journals, some with coauthors at major medical schools.

"And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also."

But even as Dr. Darrel Rains was bringing hope and healing and joy to others, dark storm clouds of ill health were gathering in his own life. In December of 1977, Darrel was forced to have a double heart valve replacement at a hospital in Birmingham. Shortly thereafter, in January of 1979, a heart transplant operation was performed on him at Stanford University. And finally, on October 20, 1982, one of the world's leading Ophthalmologists died. then, surely, his triumphant and shining spirit encountered another great Healer, One who once said, "* * * I am the Light of the world. * * *"

(Darrel's wife, Sheila, and sons, Derrick, Brian, and Gavin, are grateful to Cumberland College for helping Darrel develop his extraordinary vision, creativity, and determination, and are pleased that the Darrel Rains Memorial Scholarship Fund will assist Cumberland College students in their quest for the excellence achieved by their husband and father.)

—Jim Gover and Tom Oglesby, May 15, 1987.

MRS. HELEN LAVELL DAY

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. WILSON. Mr. Speaker, I would like to take this opportunity to declare March 13, 1988, as Mrs. Helen Lavell Day in Palestine, TX. Mrs. Lavell is the president of the Texas Dogwood Trails Association in Palestine which is celebrating its 50th year this month. Texas Dogwood Trails offers an extensive schedule of events and activities for three weekends in March to celebrate the coming of spring and the beautiful dogwoods blooming among the hills and piney woods of east Texas. Mrs. Lavell had donated thousands of hours of hard work and dedication over the years to promoting this event. I join the residents of Palestine in expressing our appreciation for her efforts by dedicating this special day to Mrs. Helen Lavell.

NEWLY SELECTED USIA GUIDE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FLORIO. Mr. Speaker, Michele Castagna of Moorestown, NJ, has been recently selected by the U.S. Information Agency [USIA] to serve as a guide with "Information U.S.A.," which is the first official U.S. exhibition in the U.S.S.R. since 1979. "Information U.S.A." was created to show how Americans use communication technology. In June 1987, the program began an 18-month, nine-city tour of the Soviet Union. The tour has been very successful, with 212,813 Soviet citizens visiting the exhibition in Moscow and some waiting in line up to 4 hours.

One of the vital elements to making "Information U.S.A." a success is the presence of the Russian speaking American guides. Ms. Castagna was chosen to be one of the 24 guides to travel with the exhibit in Tbilisi, Tashkent, and Irkutsk from December until June 1988.

Ms. Castagna has a strong and varied academic background. She has studied international affairs, journalism, and dancing in Washington, DC, Sweden, and Philadelphia. While working for the Visitor Program Service in Washington, DC, she recently coordinated a Fulbright Exchange Program between the United States, the U.S.S.R., and Eastern European countries at the Council for International Exchange of Scholars.

As a guide for this exhibit, Ms. Castagna has a vital role serving as an ambassador of goodwill to the Soviet Union. In an era of glasnost, the opportunity to better inform the Russian people of some aspects of our society goes a long way toward improving mutual understanding. Ms. Castagna's background makes her a perfect guide, able to answer questions on the cultural, political, economic, and social aspects of American life, as well as technological questions. I am sure that with Ms. Castagna's obvious capability she will be doing an exemplary job as a guide with "Information U.S.A."

RELIGION AND RACE: A CHAPTER OF HISTORY WRITTEN IN CHICAGO

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. YATES. Mr. Speaker, last month the Chicago Tribune printed an article by my dear friend, Rabbi Seymour J. Cohen of Anshe Emet Synagogue in Chicago. The article, which describes in a very vivid way the events and leaders of the civil rights movement, is an important reminder of what was happening in this country 25 years ago. This is the kind of history that we need to remember and preserve and I ask that the article be printed at this point in the RECORD.

RELIGION AND RACE: A CHAPTER OF HISTORY WRITTEN IN CHICAGO

(By Seymour J. Cohen)

At the northern end of Lake Shore Drive stood a hotel that was the scene of an historic conference on religion and race 25 years ago. It was the first time the major faith communities of America dealt with the profound social problem of racial strife that faced, and still faces this nation.

The hotel was the Edgewater Beach, and it was there that assorted liminaries and some 650 delegates gathered for the National Conference on Religion and Race, which began on Jan. 14, 1963. Among the principal participants were Albert Cardinal Meyer of Chicago; the Rev. Dr. Martin Luther King Jr., head of the Southern Christian Leadership Conference; Dr. Benjamin E. Mays, president of Morehouse College in Atlanta; and Prof. Abraham Joshua Heschel of New York's Jewish Theological Seminary.

The conference was called by the National Council of Churches, the Synagogue Council of America and the National Catholic Welfare Conference. It was designed as a strictly religious observance of the 100th anniversary of President Lincoln's Emancipation Proclamation.

In the popular perception, the Emancipation Proclamation transformed the Civil War from a battle to save the Union into a crusade for human freedom and dignity. Lincoln closed his proclamation, which took, effect Jan. 1, 1863, with these words: "Upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God."

In Lincoln's spirit, we came together for a high moment in American life. For most of us who participated, the four-day conference was the camelot of our careers: Archbishops mingled with bearded rabbis. Pastors met with Protestant bishops. Sisters of charity joined in the great discussions. A highlight for me—one of the great moments of my life—was introducing Dr. King.

The stated task was to study the role of religious institutions in race relations. In retrospect, it is remarkable that the problems of other minorities, Hispanics such as the Puerto Ricans of our Northern cities and the Mexicans of the Southwest, hardly surfaced in any of the discussions. The only issue was healing the problems of America's blacks.

Unfortunately, some of those vexing problems remain. The life expectancy of blacks

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is still lower than that of whites, and educational opportunities are more limited. Unemployment is higher among blacks than among whites.

The Edgewater Beach is gone, statuesque high-rises having taken its place. The principals are gone, too. Cardinal Meyers died in his early '60s. Dr. King was gunned down by a mad assassin in 1968, and is honored two decades later with a national holiday. Prof. Heschel died at the age of 65, victim of a heart attack brought on in part of his heroic efforts to bind the wounds of American society. Yet racial discrimination persists.

And the problems of the black community are matched by the difficulties of the Hispanics to lift themselves out of the mire of discrimination and bigotry.

A quarter-century ago, though, delegates to the conference were full of hope and expectation. There was a mood of profound interaction. Among the highlights of the conference was the statement of Cardinal Meyer. This scholarly spiritual leader of Chicago's 2 million Catholics said: "At the 100th anniversary of the Emancipation Proclamation we find ourselves seized with the nation's unfinished business." He explained to his followers that the ultimate test of Christianity is found in the New Testament statement: "By this will all men know that you are My disciples, if you have love for one another" (John 13:35).

Dr. King, in a stirring address, quoted Thoreau, who spoke of America's technological advance as being an instance of "improved means to an unimproved end." He challenged the participants by saying, "The problem of race and color prejudice remains America's chief moral dilemma. . . . Honesty impels us to admit that religious bodies in America have not been faithful to their prophetic mission on the question of racial justice. . . .

"Called to combat social evils," Dr. King said, "[the Church] has often remained silent behind the anesthetizing security of stained glass windows."

(Chicago was to be the scene of Dr. King's activity not only at the conference but also later, in the summer of 1965, when he returned for a major effort. Chicago was a special problem city for him. There was extensive public school segregation. Educators reported that grossly inferior facilities were used for black children. Black activists forced the resignation of the school superintendent, Benjamin Willis, but the school board refused to accept Willis' resignation. It was into this tension-filled atmosphere that King came to lead the struggle.)

At the conference King met Heschel for the first time. With twinkling eyes and light hearted manner, the slight, bearded rabbi spoke to the assemblage: "At the first conference on religion and race the main participants were Pharaoh and Moses. Moses pleaded, 'Let my people go.' The cruel Pharaoh answered, 'I will not let them go.' "

Heschel went on: "It was easier for the Children of Israel to cross the Red Sea than for a Negro to cross certain university campuses. . . . One hundred years ago, the emancipation was proclaimed. It is time for the white man to strive for self-emancipation, to set himself free of bigotry."

At the end of the conference an appeal was made to the conscience of the American people. The statement concluded with the call to all the American people "to work, to pray, to act courageously in the cause of human equality and dignity while there is still time to eliminate racism permanently and decisively, and to seize the opportunity the Lord has given us for healing an ancient rupture in the human family."

The meeting of so many church and synagogue leaders led to both national and local activity. Attempts were made to organize local conferences on religion and race. The only continuing conference throughout these last 25 years has been the Chicago effort. The Chicago Conference on Religion and Race was formed and is the only body cosponsored by the Catholic Archdiocese, the Protestant Church Federation and the Chicago Board of Rabbis. The Chicago Conference was reorganized several years ago into a Council of Religious Leaders. Our city remains the only one of several model cities that sustains an ecumenical organization committed to racial justice.

We still strive for the long-range solution President Lyndon Johnson spoke of in 1967 when he addressed the need to eradicate conditions that breed despair and racial violence—ignorance, discrimination, slums, poverty, disease and unemployment. "We should attack these conditions," LBJ declared, "not because we are frightened by conflict but because we are fired by conscience. To achieve a decent and orderly society, continuous effort is required."

THE CIVIC NEWS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize a publication that has been serving the Park Slope community in Brooklyn for half a century. The Civic News, published by the Park Slope Civic Council, is celebrating its 50th anniversary on April 16.

The Civic News began as the newsletter of the South Brooklyn Board of Trade. Its primary objective was to keep board members informed of projects and events that the board sponsored.

Now "The Official Monthly Publication of the Park Slope Civic Council," the Civic News serves as the communication arm of an active community organization. As the Park Slope area has undergone a rebirth in recent years, the civil council and the Civic News have been leading in the effort to organize community residents and businesses.

I would like to congratulate Ellery Samuels, the editor of the Civic News, as well as Jimmy Ryan and all of the officers of the Park Slope Civic Council. Their hard work and dedication are an inspiration to all of their neighbors, and I am proud to have the opportunity to serve them.

HUMAN RIGHTS IN EAST TIMOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. EDWARDS of California. Mr. Speaker, throughout this decade, I have been concerned over the tragedy in the Southeast Asian island territory of East Timor, a former Portugese colony invaded by Indonesia in 1975. Information I have received from Amnesty International, Asia Watch and other sources has heightened my interest in this little-known situation. As one who is concerned about the protection of human rights throughout the world, I believe that the international community should look into the human rights situation in East Timor.

An opportunity for such an investigation currently exists. The United Nations Human Rights Commission is now meeting in Geneva, with the East Timor issue under discussion. Recent testimony by the Asia Watch Committee makes it clear that there are a multitude of problems regarding East Timor that need to be addressed. I very much hope that the U.N. Commission will do so.

For the benefit of my colleagues, I ask that excerpts of the Asia Watch testimony to the United Nations in August 1987 be inserted in the CONGRESSIONAL RECORD. This testimony remains highly relevant today.

The excerpt follows:

Asia Watch is * * * concerned about continued reports of arbitrary arrest, mistreatment, and unfair trials of political prisoners suspected of supporting independence for East Timor. Since late 1983, more than 200 such persons have been tried and convicted. As we mentioned in our statement last year, it is remarkable that all the defendants were reported to have pleaded guilty and none have appealed their convictions. Under these circumstances, we again urge the Special Committee to do all within its power to encourage the Indonesian government to permit trial observation in East Timor.

In addition, we remain deeply concerned about the health and well-being of East Timorese detainees as well as those who have been released from Atauro detention center and other such facilities. Asia Watch once again appeals to the Special Committee to urge the Indonesian government to ensure appropriate medical and nutritional care for all East Timorese detainees. Asia Watch also appeals to the Specific Committee to take similar action in the cases of detainees who have been released from Atauro Island. Large numbers of these detainees have been prevented from returning to their home villages. In the past, such persons fell victim to starvation and disease. Barring full access to all areas of East Timor, there are no guarantees that such conditions are, in all cases, a thing of the past.

In conclusion, let me emphasize that the Asia Watch Committee has been prepared to visit East Timor for the past two years, but has been denied permission by the Indonesian government. As we have stated, the Indonesian government believes that human rights reporting on East Timor is biased and untruthful. We can only reiterate our position in this respect: if the Indonesian government truly wishes to set the record straight, it should allow the world community to view conditions in East Timor first-hand.

JOHN BRESSLER WEEK

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. YATRON. Mr. Speaker, in my home area of Berks County, we will soon be honoring a native son who has done much for our area, Mr. John Bressler. John Bressler, who resides in Oley, PA, is an internationally known singer, songwriter, and entertainer. In recognition of his many outstanding achievements, the Berks County Commissioners have proclaimed the week of March 3–10, 1988 as "John Bressler Week."

In Berks County, we are all very proud of John Bressler. John was born and raised in our area and this heritage is clearly felt in his music. John believes that good entertainment is timeless and uses music from all eras in his concerts, ranging from "Old Mac Donald" to more contemporary selections. It is in concerts that John truly shines. He is loved by audiences and always plays to packed houses. In recognition of his versatility and broad popularity, John has performed before numerous groups, including schoolchildren, rock club audiences, and senior citizens. He has also worked with top-name performers such as Kool and the Gang, Billy Joel, Willie Nelson, and the Oak Ridge Boys. Over the years, John has become a favorite of the fans, critics, and his fellow performers.

In recognition of John Bressler's many achievements, we will be celebrating "John Bressler Week" in Berks County. The celebration will coincide with the release of John's new album and video. In addition, a number of special concerts and events are planned. Mr. Speaker, I know that my colleagues will join me in honoring Mr. Bressler during this special week and in wishing him continued success in the years to come.

MEMPHIS SLIM

HON. HAROLD E. FORD

OF TENNESSEE

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FORD of Tennessee. Mr. Speaker, we rise today to mourn the passing of a great American, Memphis Slim.

Memphis Slim, born Peter Chatman, was one of the greatest blues musicians of all time. He was born September 3, 1915, the son of Pete Chatman Sr., a deacon of the local Baptist church and a musician himself. He was raised next door to the local honkeytonk and became interested in music at a very early age. At only 7 years of age, he taught himself the piano. By his midteens, he was already well known in the local juke joints on Beale Street. That was the beginning of what would prove to be a long and talented career.

Memphis Slim attended Lester High School where he played the bass in the school band. At the age of 16 he worked in the Midway Cafe. Later that same year, he left his home in Memphis to tour through the South, working in various juke joints and turpentine camps. After 6 years on the road, he finally settled in Chicago. He worked the local clubs there and recorded with his own washboard band. During this time in Chicago, he recorded with many famous blues musicians and under many labels. In 1938, having already established his reputation, he made the classic LP, "Just Blues," with Muddy Waters, Willie Dixon, and Blind Lemon Jefferson.

In 1962, he moved to Paris after a tour he completed in France the previous year. There he met and married the daughter of a nightclub owner. He had five children. He continued playing the blues overseas and soon became one of the foremost blues musicians in Europe. On December 15, 1977, the Senate passed a joint resolution recognizing Memphis Slim as an ambassador at large of goodwill for the United States.

Memphis Slim died last Wednesday and with him died a great era in blues music. Not only was he a prolific songwriter and a great musician, he was a good husband and a good father. But he was not just the father of his five children, he was the father of the urban blues. Among his 300 songs, one of the most famous is "Every Day I Have The Blues," a song that would be later recorded by such greats as Count Basie and B.B. King. In the words of Memphis Slim's good friend, Booker T. Laurie, "Nobody could copy Slim. They didn't even try to imitate him."

Mr. Speaker, we stand before you to honor a great man and a world reknowned musician. The death of Memphis Slim is a loss not only to the music world, but also to anyone who has ever known or loved the blues. Although the man is dead, the legend is alive in the hearts of many around the world.

TRIBUTE TO FIVE DISTINGUISHED MEMBERS OF THE SACRAMENTO COMMUNITY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to five distinguished members of the Sacramento community, Mr. William M. Campbell, Mr. Robert L. Curry, Ms. Jean Runyon Graham, Ms. Margo Murray-Hicks, and William D. Whiteneck, on their acceptance of the California State University, Sacramento Distinguished Service Awards. It is an honor to salute such dedicated and deserving individuals.

Mr. William Campbell has distinguished himself as one of Sacramento's finent developers. Since 1971, when he founded the Camray Development & Construction Co., Mr. Campbell, has been a major force behind the rapid growth of our community. Moreover, he is active in the community serving as president of the Sacramento YMCA.

Dr. Robert L. Curry is recognized as one of the foremost experts in the economic field today. He has served as a consultant for many international agencies including the World Health Organization and NATO. Dr. Curry has also appeared before congressional hearings to present expert testimony.

Ms. Jean Runyon Graham is one of the communities most outstanding citizens. She is a noted expert in the public relations arena and her firm's success is due mainly to her hard work and talent. Ms. Graham is also a community leader working with such groups as the United Way and the Matsuyama Sister City Corp.

Ms. Margo Murray-Hicks is founder and president of Margo Murray-Hicks & Associates, an international consulting firm specializing in management skill development. She is recognized as a innovative leader in her field and has consequently been asked to serve on various business councils and boards including the newly created Advisory Council for the School of Business at San Francisco State University.

Mr. William D. Whiteneck is one of Sacramento's most dedicated and successful public servants. His work on behalf of special education programs for the deaf and blind has been inspirational to each of us. Mr. Whiteneck has also made significant contributions to efforts to modify school finance.

Mr. Speaker, on behalf of the citizens of Sacramento and the State of California, I want to congratulate these fine men and women for a job well done. I thank them for the many contributions they have made to our community and I wish them the best of luck in all their future endeavors.

SALUTING THE FLORIDA INTERNATIONAL VOLUNTEER CORPS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. PEPPER. Mr. Speaker, the vital contributions of seniors to the well-being and progress of this Nation and to my home State, Florida, are well known. What may not be so well known are the achievements of America's seniors in programs beyond our border. For example, there is a new awareness in my State that in order for democracy, trade, and social and economic well-being to flourish in the neighboring Caribbean, seniors and others must get involved. Retired farmers, ambassadors, and social workers alike are coming together in an innovative, unique and exciting program called the Florida International Volunteer Corps.

The corps offers short-term—5 to 70 days, people-to-people technical assistance in health, social services, education, agriculture, and business, provided by professionals who receive only minimum expenses in exchange for sharing their skills and expertise. Seniors and other volunteers, motivated by a genuine commitment to their neighbors, are achieving dramatic results.

As you may know, volunteer corps technical assistance starts when needs are identified and organizations in the host country assign priorities and provide in the foreign nation logistic support for volunteers. Continuing activities on behalf of the host country such as solicitation of donations of equipment, supplies

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and resource materials, are commonly undertaken by volunteers upon their return to Florida. For every dollar invested in volunteer technical assistance, $4 in value is generated through donations of human and material resources.

The Florida International Volunteer Corps is a program of the Florida Association of Voluntary Agencies for Caribbean Action, Inc. [FAVA/CA]. FAVA/CA, a nonprofit membership organization, is a unique State, Federal, and private partnership to which I am privileged to serve as an adviser.

Individuals and organizations which have development interests in the Caribbean Basin region make up FAVA/CA's membership. Initial funding for FAVA/CA was provided by the U.S. Agency for International Development [AID], and other funding sources include membership fees and corporate sponsorships. Prominent sources of support for the Florida International Volunteer Corps presently include substantial State appropriations and an important agricultural program initiated the agency for International development, which is administered by Volunteers in Overseas Cooperative Assistance [VOCA], FAVA/CA's strong partner in Florida's Exemplary Technical Assistance Program.

It is with great pride that I acknowledge the work of our seniors in Florida's International Volunteer Corps in the Caribbean and the important contributions of seniors in development programs, worldwide.

FINANCIAL REFORM AND COMMUNITY PROTECTION ACT OF 1988

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. GARCIA. Mr. Speaker, bank safety and soundness has been the foundation stone upon which most bank legislation and regulations rest. In order to preserve the system it has often been felt necessary to preclude banks from participating in activities for which they have felt a special affinity or expertise. Last year, the Competitive Equality Banking Act imposed a moratorium on the granting of expanded powers by the regulators. The moratorium expires today, and it seems a particularly appropriate time to introduce financial reform legislation. I am very pleased to be joining my colleague Walter Fauntroy in introducing the Financial Reform and Community Protection Act of 1988.

With the expiration of the moratorium comes the question, What will the Congress do about bank powers? There have been several bills introduced by Members of both Houses that propose either repeal or amendment of Glass-Steagall, permitting banks to conduct some underwriting activities. Most of these bills are missing one essential ingredient—the consumer. The policy issues behind the enactment of Glass-Steagall included protecting the depositor and regaining his confidence in the system. Although Federal deposit insurance may have served the purpose in regaining the depositors' confidence, protecting the depositor and the system are still important issues today. Over 180 banks failed in 1987. The reasons for the failures are varied, but the cost to the system has been large. There are risks in every type of business, and in most cases Government does not become involved in business failures. But banks are considered special, and this specialness has subjected them to strict oversight by both the Congress and the regulators. The specialness of banks and the continuing need for protecting the consumer serve as focal points of the legislation we are introducing today. Our bill is intended to serve as a midpoint between the needs of banks and the very real needs of present and future depositors.

Our bill amends the Glass-Steagall Act and the Bank Holding Company Act to permit bank holding companies to establish or acquire a securities affiliate that underwrites commercial paper, mortgage and asset backed securities and municipal revenue bonds. These activities were chosen because they are closely related to banks' permitted activities, requiring the same types of credit and risk assessments. Banks currently maintain liquid liabilities—deposits—and illiquid assets—loans. These activities will give banks more liquidity, and hopefully increase countercyclical lending when the economy is in a slow phase.

Subsidiary banks of a bank holding company that applies to the Federal Reserve for permission to conduct these activities through an affiliate will be held to a higher standard of Community Reinvestment Act [CRA] compliance. A second tier of review will be implemented, based on regional criteria established by the regional Federal Reserve Banks, after public hearings and input by community groups. Each bank of a holding company will be required to meet these heightened standards before a holding company can receive permission to conduct new activities. A bank holding company with a subsidiary bank that has less than the necessary good rating will be required to make specific commitments to improve its community performance. We believe that an important aspect of this bill is that it is geared toward providing greater opportunity for community participation, and involvement in the regulatory process. The public is permitted to comment on applications, and a hearing may be held if the public comments raise substantial issues of concern.

Another important aspect of our bill is the requirement that banks offer low income consumers with accounts of $1,000 or less basic low cost banking services. This includes making available checking or savings accounts that have no more than a $25 minimum deposit requirement, and for which charges, if any, are minimal. As we have all become aware, the costs of maintaining savings and checking accounts have spiraled and are too often out of the reach of lower income consumers. Fees imposed for excess—more than the bank permits—transactions, not maintaining a minimum balance and processing of items coupled with nonpayment of interest on balances that are below the minimum have made banking an upper class activity.

Our bill also amends the Home Mortgage Disclosure Act to include commercial loan disclosure, with emphasis on small business loans. Small businesses are the backbone of our economy, employing millions nationwide. Many have been faced with rejection when applying for loans, often because banks have set minimum lending requirements that exceed small business needs. Disclosure of commercial loans will permit the community to determine which banks are meeting their needs and are truly interested in the continued economic development of the neighborhoods in which they are located.

Banks are the anchors of the communities in which they are located. They provide loans for housing, education, businesses and the many other needs of a neighborhood and its residents. When banks start to leave an area it is sometimes a signal to both residents and investors that the neighborhood is destined to decline. In essence, the bank pulls the plug on the community—businesses begin to leave, as do residents. The result is a lack of faith in the community and continued disinvestment. In order to help communities that are faced with decreased banking services, our bill requires banks that are planning to close branches to give advance notice to the appropriate regulator, its customers and the community—by placing notices on the bank premises. The regulatory agency, upon determining that a planned closing will result in a significant reduction in financial services to the community, will consult with community leaders and other depository institutions with respect to retaining or replacing the closing branch with other facilities, including credit unions. This provision is not aimed at precluding branches from closing, only toward giving the community a chance to be heard. New York adopted similar legislation because it was found that the branches that were being closed were unusually in poor areas. The legislation has been successful in helping retain branches that would otherwise have closed, and in assisting community groups to start their own credit unions.

IT'S A GOOD LIFE FOR MARY CLEMENT

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. JONES of Tennessee. Mr. Speaker, In my years of public service—in this body and in other capacities—I have always recognized the importance of spouses in the professional and personal accomplishments of those who serve in public office. Spouses often must learn to cope with many inconveniences and the difficult pressures that confront all public officials.

Furthermore, in many cases they must be the family member that attends to many of the details of family life. If that is not enough, they also provide much needed support for the work of their mates. In doing those things, they many times must put aside their own talents and careers. In short, political spouses many times must make enormous sacrifices.

I mention these attributes of political spouses to bring to the attention of my colleagues the wife of Bob Clement, our newest Member, who represents the Fifth District of

Tennessee. Mary Clement is a wife, mother, and business person. She shares with her husband, Bob, a deep commitment to public service and an unwavering willingness to offer assistance to those people in the Fifth District of Tennessee who need it.

In addition to those unselfish attributes, Mary is one of the most enthusiastic people that any of us will ever meet. Despite political setbacks in her husband's career, she has great faith in our political system and our Government. Without question, she is a credit to her husband—and our colleague—Bob Clement and by association a credit to this body.

Let me make it clear that Mary Clement is not just a politician's wife. She is an accomplished person in her own right. When given the opportunity, I hope all of my colleagues will take the time to meet this fine lady and welcome her to the ranks of political spouses. I would like to take this opportunity to insert in the Record a copy of a recent story on Mary that appeared in the Nashville Tennessean.

It's a Good Life for Mary Clement—Election Rough, but Husband's Win Worth It

(By Patrick Connolly)

How sweet it is these days for Mary Clement.

The wife of U.S. Rep. Bob Clement finds her family settling down into a temporary period of relative normalcy before more changes come with the move to Washington this summer. For now, at least, life revolves around her husband's weekly trips to Congress, maintaining the busy schedules of daughters Elizabeth, 6, and Rachael, 4, resuming her own pre-campaign volunteer activities (Girl Scout leader and helping with a computer class at her eldest daughter's school) and hunting for a new home, most likely somewhere in Virginia.

The primary and general election were rough, Mary Clement will grant you that. "Adversities" is the polite word she uses for the rough and tumble electioneering that saw her husband accused in an alienation of affection suit that was later dropped.

"Winning the election," says Mary Clement, "turned many of the negative adversities into positives."

Still, this past election, certainly the most personally vindictive she has been through, brought Clement a deeper understanding about the nature of politics.

"If you're in politics and an active participant, you have to realize that's part of the process—and up until now I've been somewhat naive to that side of it. You just have to put your blinders on and believe that good does come from it.

"Bob and I have always been a team in everything we've done, and I've always wanted to participate with him. I've never suffered an identity problem. I believe that when you're married, you're one, and you bounce off one another. Going through bad times should bring you closer.

"If you can remain friends and not take it all so seriously, you can remain free. If you know yourself and know each other, you don't have anything to worry about. If you're all pulling together, you're going to get there."

Believing that good must come, somehow and sometime, from any bad is a philosophy Clement holds dearly. As proof in her own life, she points to the birth of both her daughters, which came shortly after Bob Clement's razor-thin losses in the 1978 governor's primary and a 1982 run for Congress.

"I can honestly say that, once you get on down the road some and then look back at those adversities, that good came from them," she says.

Mary Clement worked hard for this latest chunk of "good." She campaigned every day, frequently keeping her own schedule to maximize the Clement presence. Privately she bemoans one-issue voters, publicly she considers the downside of today's high-tech politics to be "the fact that not everyone gets to know you."

It is that personal touch, she says, that fuels the democratic process. She remembers a young mother she met on the campaign trail in Springfield, Tenn., unemployed, sick and about to be evicted, who asked for assistance; she remembers, too, watching a young man graduate from Cumberland University, the first in his family to attend college, let alone graduate.

Both are examples, she insists, of what good government can be: helping those who need help, making possibilities possible. She does, of course, have faith in her husband to foster more good government: "He genuinely cares about people."

The decision to run for Congress did not come easy for Bob Clement, his wife says. He was happy as president of Cumberland University in Lebanon, Tenn., taking pride in his accomplishments and able to spend time with his family.

"He felt he was at a crossroads in his life, wondering if the time was right to get back into politics. Once we examined it, it seemed obvious it was the right time. And I never, never felt he would not win."

But if Bob Clement's future seems set, what of his wife's?

Together with Clement she has raised two sons, now 22 and 23, from her previous marriage and today focuses on their daughters. She ran a successful gift shop business for 10 years, and spent the time in Lebanon taking classes toward a degree in psychology. She'd like someday to work toward her master's maybe doing part-time counseling in the future.

She wants to help her husband as much as possible, hoping to spend a day or two a week as an unpaid volunteer personally taking calls to the congressman's office and answering correspondence.

And she claims to feel no pressure in being a politician's wife: "People want you to be yourself. If you're not, then you're placing pressure on yourself."

FREE AFGHANISTAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. SOLOMON. Mr. Speaker, today I am introducing legislation urging the President not to withdraw U.S. assistance to the Afghan Mujahidin until it is absolutely clear the Soviet Union has ended its occupation of Afghanistan.

This legislation is identical to the bill which was approved by the Senate yesterday by a vote of 77–0. I respectfully request that all my House colleagues join in cosponsoring this important measure.

The Soviet invasion and occupation of the independent nation of Afghanistan is now in its ninth year. Soviet occupational forces have killed over 1.4 million Afghanis. Additionally, over 5.5 million people or over one-fourth of the prewar population have fled their native land.

The U.S. Congress has been an active participant in support of the Mujahidin. Continued U.S. material support to the freedom fighters is essential to bring about a meaningful political settlement based on self-determination by the people of Afghanistan.

Time and time again, the Soviet Union has attempted to mislead the world into believing they are ending the war. Instead of talking about such action, the Soviets should actually remove their troops.

If you agree that the U.S. military support for the Mujahidin should be maintained until it is absolutely clear the Soviets will remove their occupation force of 115,000, please join in cosponsoring this most important legislation.

Thank you.

DEPARTMENT OF COMMERCE DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. DINGELL. Mr. Speaker, on March 4, 1988, the Department of Commerce will celebrate its 75th anniversary. Today, I join with my colleagues in honoring this occasion by passing House Joint Resolution 447, which declares March 4 as "Department of Commerce Day."

As the chairman of the Committee on Energy and Commerce, with jurisdiction over many activities of the Department of Commerce, particularly its trade and economic activities. I have spent my share of time overseeing the work of the Department. While I have not always seen eye to eye with the Department, I am nevertheless proud and delighted to join with my colleagues today in honoring the Department and the role it plays in contributing to the development and strength of our domestic and international commerce—a role that will become increasingly important in the coming decades.

The inclusive and sweeping mandate Congress has given the Department requires it to "foster, promote, and develop the foreign and domestic commerce of the United States." From the National Oceanic and Atmospheric Administration, the International Trade Administration, the U.S. Travel and Tourism Administration, the Bureau of the Census, and the Bureau of Standards, the Commerce Department's responsibilities are astonishing. In many instances, the Department of Commerce has exercised its duties faithfully and vigorously. Testimony at hearings held by the Energy and Commerce Committee attest to the usefulness of the officers of the Foreign Commercial Service in China. The Department's annual report on international barriers to trade contains a wealth of information useful to policymakers. The National Bureau of Standards makes an essential contribution

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to American commerce by providing generally excellent technical analysis and research.

The breadth of the Department's responsibilities is matched by their importance. As we all know, America's ability to compete in international markets is a central concern of the Congress and the public. Over the past few years our trade deficit has swelled to unprecedented and unimagined proportions. The United States, once the world's largest creditor, is now the world's largest debtor, surpassing Brazil and Mexico. The Department of Commerce will play a key role in identifying and removing barriers to trade, disseminating useful and timely trade information to policymakers, manufacturers, and service providers, and developing effective trade policy. The Department will have to carry out its responsibilities to monitor International negotiations and implement U.S. trade laws with particular care and forcefulness.

Once again, I am pleased to join my colleagues in honoring the 75th birthday of the Department of Commerce and I look forward to its taking an even greater role in improving this Nation's trade situation.

FAIR FOOD LABELING AND ADVERTISING ACT

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. COOPER. Mr. Speaker, today I am reintroducing legislation to bring some sanity and regularity to one of the fastest growing sectors of the retail food industry—"lite" food products. The growth in these products is phenomenal. Supermarkets now carry a whole array of lite products such as lite cheese, lite french fries, lite fruit and, of course, lite beer.

Unfortunately, the fact that there is no one definition of lite foods means consumers are often confused and sometimes even misled. My bill would prevent this from happening by establishing uniform standards for the term lite.

Americans have been making fundamental changes in their eating habits. In response to advice from medical and public health experts, we're cutting down on fat and sodium, watching our weight, and in general trying to choose healthier foods. Industry has responded with a plethora of food products designed for health-conscious consumers.

Recently, the word lite has superseded diet as a beacon for those watching what they eat. Many lite products do deliver significant reductions. Some not only tell you what they have less of, they go further by providing the specific information needed to compare their lite product with their regular product.

Unfortunately, there are lite products on the market that fail to deliver what they promise. Studies show that consumers associate lite with a reduction in calories or fat. Industry has spent a considerable amount of effort to develop this association. However, there is nothing which says that lite must indicate a reduction in something consumers want to avoid. Sometimes lite describes the density, texture, taste, or even the color of the product. This means that the consumer choosing a lite product for health or dietary reasons may not get the reductions they expect.

Even when lite is not misleading, it can be confusing. Much of this stems from the fact that not all foods are required to have nutritional labeling. Lite products, because they make nutritional claims, must have nutritional labeling. This means that some lite products can make the claim that they have less fat, sodium, or calories without giving the consumer any basis of comparison. In the worst cases, products don't even tell you why they are lite—you just have to trust that they're somehow better for you.

My bill would eliminate the confusion about the term lite by creating a uniform standard for it. In order to be labeled lite, a product would have to have a one-third reduction in either calories, fat, or sodium. The product label would have to state the reduction that makes it lite. This bill limits the comparative terms that can be used to describe a reduction in fat, sodium, or calories. In addition, my bill would prohibit foods from being advertised as lite unless they met these requirements.

I don't want to give the impression that Federal agencies haven't made any attempts to regulate the term lite, because they have. Unfortunately, these efforts address only some "lite" products. In addition, they add to the confusion by creating differing standards.

For instance, the U.S. Department of Agriculture defines lite as a 25 percent reduction in calories, fat, sodium, breading, or other component of a food. However, this applies only to meat and poultry products, and is further limited in that it does not apply to frozen foods or entrees that use lite in the brand name.

Last year, the Bureau of Alcohol, Tobacco and Firearms [BATF] proposed rules to govern the use of the term lite in labeling alcoholic beverages. Their proposed rule would allow an alcoholic beverage to be labeled lite if it had fewer calories than either the regular product or the regular product of their competitor. However, there is no uniform reduction required; just fewer calories than the product of comparison. In addition, the BATF proposal would allow lite to describe color or taste in certain instances, leaving room for confusion.

The Food and Drug Administration [FDA] has interpreted lite as a nutritional claim, which triggers the requirement that the label must include nutritional information. Lite products claiming caloric reductions fall under the FDA-defined term reduced calories, which requires a one-third reduction. However, this leaves unregulated products called lite because of fat or sodium reductions.

In addition to developing a standard for the term lite, my bill directs FDA to define officially the term low fat. FDA uses a working definition of low fat that states a product must have less than 2 grams of fat per serving or less than 10 percent of fat by dry weight. Yet it allows 2 percent milk, which exceeds those limits, to be called low fat. Only milk with 1 percent or less milkfat actually qualifies as low fat, and FDA regulations should reflect that.

While Federal agencies have taken some steps to regulate the word lite, more needs to be done. Consumers can only make intelligent nutritional decisions when they know what labels mean. We must give them not only clear guidelines on interpreting labels, but also consistent guidelines.

My bill dispels the current confusion about foods labeled lite. It lets consumers know that lite means a third less, and requires the label to disclose what the product has less of. It also limits comparative terms in order to end the free-for-all that now exists. These simple disclosure requirements will help consumers know what they are getting—or not getting—when they buy a lite product.

The Fair Food Labeling and Advertising Act already enjoys the support of several public interest groups including the American Heart Association, the American Diabetes Association, Public Voice for Food and Health Policy, the Center for Science in the Public Interest, and the Consumer Federation of America. I urge my colleagues to join us by consponsoring this important piece of consumer legislation.

ECONOMISTS' LETTER IN SUPPORT OF THE MINIMUM WAGE REFORM ACT OF 1987 (S. 837 AND H.R. 1834)

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. VENTO. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CITIZENS COMMITTEE FOR A
JUST MINIMUM WAGE,
Washington, DC, February 20, 1988.

To Members of Congress:

For fifty years the minimum wage law has been an important part of America's basic traditions. For fifty years this nation has declared that a decent wage floor be a mandated floor below which workers' pay will not be permitted to fall. For fifty years there has been a social contract to protect the standard of living of the working poor.

American workers are losing that protection. Since the last minimum wage increase went into effect in 1981 prices have risen by 32% and the minimum wage stands at the lowest real value since 1955.

Furthermore, today's minimum wage standard, frozen for close to seven years, has deteriorated sharply relative to the average hourly wage for nonsupervisory workers. Instead of amounting to at least half of that average—a level it had maintained historically—the current minimum wage is only 37% of that average.

Compounding the inequity, a worker paid at the present minimum wage of $3.35 per hour earns $6,700 on a full time year round job. This is an annual income more than $1,900 below the official poverty threshold for a family of three.

Some have argued in opposition to the proposed higher minimum wage that it will cause unemployment. These arguments have been regularly raised on each occasion Congress adjusted the minimum wage to preserve its traditional level. Yet six times this nation has raised the minimum wage and the historical experience offers no evidence of significant employment and business disruption.

In fact the evidence sharply refutes those arguments. The most thorough of all minimum wage studies, authorized by Congress in 1977 (The Minimum Wage Study Commission), found after several years of exhaustive analysis that raising the minimum wage has no significant impact on adult unemployment, youth unemployment, inflation, or the viability of business enterprises.

Just this year Professor F. Gerard Adams of the Economics Department and the Wharton School of the University of Pennsylvania using the Wharton model of the American economy, factored in the higher minimum wage proposal in pending legislation, concluded:

"The proposed increase would raise the inflation rate by no more than 0.2 percent annually over this period. In subsequent years, when minimum wages will be indexed to average hourly earnings, the effect of the minimum wage adjustment depends on the rate of wage increase in the rest of the economy; assuming wage increases of 5 to 6 percent in the 1990's indexing the minimum wage would contribute only 0.1 to 0.2 percent to the national inflation rate.

"Over a 3 year period, raising the minimum wage would increase the unemployment rate by less than 0.1 percent. Indexing the minimum wage thereafter is not likely to have significant impact on unemployment."

In summary, allowing for error it is safe to say that inflation might be one-tenth to two-tenths percent higher, and unemployment would rise by less than two-tenths of one percent.

In his testimony before the Senate Education and Human Resources Committee Professor Adams said that minimum wage increases would have only minor effects on broad economic trends. Professor Adams went on to say that based on his study using the Wharton Model that:

"These are tiny, largely imperceptible differences, and they will be overwhelmed by small changes in any one of the number of more important variables (interest rates, exchange fluctuations, trade and fiscal deficits, energy prices, etc.) which are likely to affect the economy over the next three or four years."

In view of all these questions of equity and economics, we urge you to support the Minimum Wage Reform Act of 1987.

Sincerely yours,

NANCY S. BARRETT,
LAURENCE R. KLEIN,
Co-Chair.

F. Gerard Adams, Professor of Economics, Director of Economics Research Unit, University of Pennsylvania.

Walter Adams, Distinguished Professor and Past President, Michigan State University.

Dr. Bernard E. Anderson, Urban Affairs Partnership.

Eileen R. Appelbaum, Professor of Economics, Temple University.

Solomon Barkin, Professor of Economics.

Nancy S. Barrett, Professor of Economics, American University.

Barbara Bergman, Professor of Economics, University of Maryland.

Arthur I. Blaustein, Professor of Economics, University of California, Berkeley.

Barry Bluestone, Frank L. Boyden Professor of Political Economy, University of Massachusetts/Boston.

Irving Bluestone, University Professor of Labor Studies, Wayne State University.

Mario Frank Bognanno, Industrial Relations Center, University of Minnesota.

Vernon Briggs, Professor, School of Labor and Industrial Relations, Cornell University.

E. Ray Canterbery, Professor of Economics, Florida State University.

Martin Carnoy, Professor of Education and Economics, Stanford University.

Paul Davidson, J. Fred Holly Professor of Political Economy, University of Tennessee.

Lloyd J. Dumas, Professor of Political Economy and Economics, University of Texas at Dallas.

Alfred S. Eichner, Professor of Economics, Rutgers University.

Robert Eisner, William R. Kenan Professor of Economics, Northwestern University.

Jeff Faux, President, Economic Policy Institute.

Walter H. Franke, Director, Institute of Labor and Industrial Relations, University of Illinois.

Robert E. Friedman, President, Corporaton for Enterprise Development.

John Kenneth Galbraith, Professor of Economics, Harvard University.

Helen Lachs Ginsburg, Professor of Economics, Brooklyn College.

Woodrow L. Ginsburg, Director of Research and Public Policy, Center for Community Change.

Eli Ginzberg, Graduate School of Business, Columbia University.

Norman J. Glickman, Hogg Professor of Urban Policy, Johnson School of Public Affairs, University of Texas at Austin.

Bertram Gross, Visiting Professor of Economics, University of California, Berkeley.

Bennett Harrison, Professor of Political Economy and Planning, Massachusetts Institute of Technology.

Charles Killingsworth, Professor of Economics, School of Labor and Industrial Relations, Michigan State University.

Lawrence R. Klein, Benjamin Franklin Professor Economics, University of Pennsylvania.

Thomas Kochan, Professor of Economics, Sloan School of Management, Massachusetts Institute of Technology.

Robert Lekachman, Distinguished Professor of Economics, Graduate Center, City University of New York.

Wassily Leontief, Professor of Economics, Institute for Economic Analysis.

Sar A. Levitan, Director, Center for Policy Studies, George Washington University.

Milton Lower, Senior Economist, Economic Policy Institute.

Garth L. Mangum, Max McGraw Professor of Economics, University of Utah.

Ray Marshall, Bernard Rapoport Professor of Economics and Public Affairs, University of Texas at Austin.

Elaine McCrate, Professor of Economics, University of Vermont.

S.M. Miller, Professor of Sociology and Economics, Boston University.

Laurence Mishel, Director of Research, Economic Policy Institute.

Martin Morand, Professor of Economics, Indiana University of Pennsylvania.

William F. Mueller, William F. Vilas Res. Professor, University of Wisconsin.

George L. Perry, Senior Fellow, Brookings Institution.

Wallace C. Peterson, Professor of Economics, University of Nebraska, Lincoln.

Robert B. Reich, Lecturer in Public Policy, John F. Kennedy School of Government, Harvard University.

Frank Reissman, Professor of Sociology, Graduate School, City University of New York.

Leonard S. Rodberg, Associate Professor of Economics, Quens College.

Juliet B. Schor, Assistant Professor of Economics, Harvard University.

Elliott Sclar, Professor of Urban Planning, Columbia University.

Derek Shearer, Director of Urban Studies and Public Policy, Occidental College.

William K. Tabb, Professor of Economics, Queens College.

Raphael Thelwell, Professor of Economics, School of Business and Public Administration, Howard University.

Lester Thurow, Professor of Economics and Management, Massachusetts Institute of Technology.

Fritz Wiecking, Citizens for Tax Justice.

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SENATE—*Wednesday, March 2, 1988*

The Senate met at 10 a.m., and was called to order by the Honorable JOHN BREAUX, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.—II Chronicles 7:14.

God of Mercy, we hear this glorious promise addressed to Your people with its unequivocal conditions. We pray for the church. Forgive its materialism, its preoccupation with success—its love of comfort and wealth, its conformity to the culture it so often criticizes. God of grace, help Your people to turn from their wicked ways—to obey Your command—to quit making scapegoats of government and education, the press and media. Deliver Your people from embracing the very secularism they protest so loudly. Forgive Your church the sin for which she so easily judges others. Grant that Your people will take seriously the mandate "* * * seek first the Kingdom of God and His righteousness * * *"—knowing then the church will have her greatest moral and spiritual influence in the world around her. Help her to realize that her failure to conform to the Kingdom of God compounds confusion and decay in the world. Gracious Lord, remind Your people that You will keep Your promise to heal the land if they will meet Your conditions. In His name who is the way, the truth, and the life, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 2, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. BREAUX thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the time of both leaders be reserved for the time being at least.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 10 minutes, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from Wisconsin [Mr. PROXMIRE].

WHY IS AN END TO THE ARMS RACE IMPERATIVE NOW?

Mr. PROXMIRE. Mr. President, if this Senator were given the power to have just one wish come true, I would wish that every Member of the Congress and every policymaker in the administration fully understand the implications of the fact that a superpower nuclear war is no longer an alternative. Think about this for 1 or 2 minutes. What would be the consequences of a nuclear war between the Soviet Union and the United States? The answer is sure. It is certain. The answer is the total and I mean total destruction of both countries. Most of the population of both sides would be dead. Most of the rest would be dying. Our country would lie in utter ruins. So would Russia. There would be no chance for the miserable, few American survivors to live in freedom. Ruthless martial law would have to be imposed for generations to come. President Reagan certainly knows this. So does Secretary Gorbachev. Both have said that a nuclear war can never be won and must never be fought.

So what does it mean that a superpower nuclear war must never be fought? First, it means that no war, however limited between these two armed to the teeth nuclear powers must never take place. Why? Because there would be an overwhelming likelihood that in such a war nuclear weapons at some level, perhaps beginning with tactical nukes would be employed by whichever side considered that it was losing. Once the first nuclear weapon was fired by either superpower, the nuclear exchange would rapidly escalate to the finish.

Second, if in fact no war will ever be fought between the United States and the U.S.S.R., most of the colossal hundreds of billions of dollars of military buildup on both sides is completely wasted. Both sides will need to maintain a credible nuclear deterrent to forestall an attack from the other. But the enormous navies, armies, air forces of both sides will be unnecessary. Each superpower will have every reason to negotiate a far smaller military force for both sides.

Third, none of this reasonable reduction in sterile military expenditures can prudently take place without reliable, mutual agreement between the Soviet Union and the United States. The first object of such an agreement must be to establish and guarantee the credibility of the nuclear deterrent of each side. The United States must be confident that its nuclear deterrent could survive any attack or any defense by the Soviet Union. Our country must know—not hope, not assume, not guess. It must know that whatever attack the U.S.S.R. might launch, however relentless it might be, our retaliatory capability would survive and so would the will of our President to use it. The Soviet Union must have precisely the same confidence and the same will. The verification provisions of the INF Treaty sharply advance the prospects of negotiating exactly the kind of intrusive, detailed verification that military reductions on both sides would require.

So why is it reasonable now to expect the superpowers to achieve something that has never been achieved in human history? Why at long last has the time arrived to negotiate an end to the arms race? The answer is that we have two crucial events occurring at the same time. First, we have the universal realization that a world war today—a superpower war—would be totally destructive. Neither nation could gain. Both nations would lose. Both would lose utterly. The second crucial event is that both superpowers are suffering deeply from the immense burden of the arms race.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

In America our deficits have become far and away our most intractable domestic problem. Our enormous Federal deficits can literally destroy our economy. Right at the heart of our huge deficits is our crushing military spending. In the Soviet Union the economic problems are worse, in fact, much worse. Their far less productive economy is staggering under the substantially heavier military spending. The Soviets desperately need relief from this arms race. Secretary Gorbachev and his Politburo thoroughly understand this. So what are we waiting for?

As I said at the beginning of this statement, if I were given one wish, I would wish that all Members of the Congress and all policymaking officials of our Government understood the meaning of the fact that a superpower nuclear war is no longer an alternative. It means we are wasting hundreds of billions of dollars every year in building an ever more powerful military force. So is the Soviet Union. Arms control—as never before—is the only sane way to peace. It is also the only sane way to financial solvency.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Colorado [Mr. WIRTH].

REDRESSING THE CONVENTIONAL BALANCE

Mr. WIRTH. Mr. President, again, this morning, I want to share with my colleagues another excellent analysis of the conventional balance in Europe and our relationship with the Soviet Union.

It is Andrew Hamilton's "Redressing the Conventional Balance," in International Security.

Andrew Hamilton, a well-regarded Washington defense analyst, has studied the issue of redressing the conventional balance in NATO's central region. He contends that NATO is within reach of a highly credible capacity to defend itself successfully, but that currently, NATO's "margin of safety" is too narrow to ensure success. He seeks to demonstrate that NATO has the means with which to correct deficiencies in its defensive capabilities, primarily by forming new operational combat units from available trained military manpower.

Hamilton criticizes two common measures of the European conventional balance: Direct comparison of "raw resources," and such as GNP, population, or defense spending; and, traditional "bean counts" of primary weapons systems. He believes neither of these measures accurately meaningfully assesses relative military capabilities.

According to Hamilton, one can derive more useful measurements of relative capabilities and combat effectiveness from three variables. These are first, the relative values assigned to different military formations and weapons, usually converted into some kind of division equivalent; second, the quantity of resources that each side is assumed to allocate to the central region; and third, the speed with which each side can bring these reinforcements into battle. Hamilton presents three different analyses based on data using these variables.

Although these analyses produce somewhat differing estimates, Hamilton notes that when one converts these into assessments of NATO requirements, all three reach a consistent conclusion: "While NATO lacks a robust conventional defense today, the shortfall between capabilities and requirements is not insurmountable."

This being so, Hamilton pessimistically observes the current NATO plans for ground force improvements do not promise much relative progress by 1990. Assuming that NATO's ground force improvement plans are fully implemented by that time, Hamilton notes that in a crisis or conflict in which NATO mobilizes, its greatest gains will come during the first 2 weeks after mobilization. But by 90 days after mobilization, the Warsaw Pack will have neutralized earlier NATO gains. Hamilton contends that, prior to mobilization, the current conventional balance is basically even, but that after mobilization, the pact progressively gains until NATO is outnumbered by about 2 to 1.

To determine NATO conventional defense requirements, Hamilton contends that one must necessarily make critical assumptions regarding relative pact and NATO buildup capabilities, strategy, and tactical effectiveness. The more optimistic these assumptions are, the less NATO must do to improve its relative position. Hamilton, however, is not very sanguine. He concludes that a successful NATO defense would require relatively "ineffective pact strategy and tactics" and an unfailingly "high degree of NATO tactical effectiveness and efficiency." To correct this thin margin of safety and redress the imbalance, according to Hamilton, NATO must utilize extant trained military reserve manpower by reorganizing and arming it more wisely to exploit its combat potential. Hamilton asserts that NATO largely wastes this manpower in lightly armed and poorly organized reserve forces.

Mr. President, I ask unanimous consent that a summary of Hamilton's article "Redressing the Conventional Balance" in the Summer, 1985, International Security, volume 10, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANDREW HAMILTON, "REDRESSING THE CONVENTIONAL BALANCE"

Two arguments are advanced in this article. First, the NATO-Warsaw Pact conventional balance in Central Europe today is shaky but not beyond repair. NATO stands within striking distance of a high-confidence capacity to defend successfully, but does not yet have one. Current NATO conventional forces might be able to thwart a Pact attack, but their margin of safety is woefully thin and the possibility of a NATO defeat is quite real. A robust NATO defense would require at least 20 more "division-equivalents"[1] beyond the roughly 52 division-equivalents that will be available two months after mobilization when present NATO modernization plans are completed around 1990.

Second, NATO conventional capabilities can be strengthened dramatically by equipping and reorganizing available trained European military manpower to form new operational combat units. (Most of these formations would be reserve units.) If this were done, the gap between NATO conventional forces and NATO requirements could be erased at a relatively modest cost.

THE CONVENTIONAL BALANCE IN CENTRAL EUROPE

Two misleading measures of the NATO-Warsaw Pact balance are commonly seen in public discussions of defense matters. First, the raw resources of NATO and the Pact are compared, without directly measuring their military capabilities. [S]uch comparisons demonstrate that aggregate NATO economic strength and population far exceed those of the Pact, while NATO's defense spending and military manpower roughly match those of the Pact. However, such comparisons paint an unduly optimistic picture because NATO has failed to distill an adequate conventional defense from this ample resource base.

Second, NATO and Pact capabilities are often compared in "bean counts" of principal weapons systems. The worldwide balance of tactical air forces is about even but the figures for ground forces convey an impression of vast Pact material superiority of 2.6:1 in tanks, 2:1 in artillery and multiple rocket launchers and almost 2:1 in anti-aircraft guns and missile-launchers.

Bean counts, however, also have shortcomings as portraits of relative military capabilities. They omit people and organizations—an important omission in the case of ground forces, where people make up nearly three-quarters of the annual cost. NATO has as many men in its active-duty ground forces as the Pact, and ample trained reserves. Bean counts also fail to show how the resources on each side might be concentrated over time in the theater of interest, which most assessments agree is the West German border or, in NATO terminology, the "Central Region."

A better method of estimate lies in directly measuring the combat effectiveness of military formations, and the rates at which these formations can be deployed into a theater of war. Tables 3 and 4 are based on measures of this kind, and are derived from data describing three variables: (1) the relative values assigned to different military formulations and weapons, usually converted into some kind of division-equivalent; (2) the quantity of resources that each side is assumed to allocate to the Central Region; and (3) the speed with which each side can bring these reinforcements into the battle . . .

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[1] I use the term "division-equivalent" to refer to a Heavy Division Equivalent, defined below as a formation with the military capability of an average American heavy (armored mechanized) division.

Tables 3 and 4 present different balance estimates derived from such measures, giving a spread of views on the fighting power of the forces likely to be available on each side at different times during the first four months after mobilization. While diverging somewhat from one another, all three estimates provide a better guide to NATO and Pact capabilities than the simple "bean count". Moreover, when these estimates are transformed into statements about NATO requirements, all three measures point towards the same conclusion, suggesting that while NATO lacks a robust conventional defense today, the shortfall between capabilities and requirements is not insurmountable.

Each of these models estimates the strength of ground forces alone, excluding air forces, but in doing so all focus on the element of the overall theater balance that has caused the most concern. None of the three depicts the balance under the traditional "worse case" of a fully mobilized Warsaw Pact army confronting an unmobilized and indecisive NATO, since this scenario seems relatively unlikely. Each of the three assumes that NATO begins mobilizing three days after the Pact begins.

While differing in detail and in relative optimism about the balance, these three estimates paint a broadly similar picture, as the force ratios in Table 3 show. The balance is about even in peacetime, but after mobilization it shifts more or less rapidly in the Pact's favor until NATO is outnumbered by about 2:1.

Moreover, the table shows that current NATO plans for strengthening ground forces do not promise much relative improvement by 1990. My extrapolations from current plans show that while both sides will add a few Heavy Division Equivalents, the relative balance in 1990 at M+30 (thirty days after the Pact begins mobilizing) will not be greatly changed from today. The principal benefits to NATO from currently planned improvements all come within the first two weeks after mobilization and are primarily due to planned improvements in the peacetime standing forces in Europe and to the more rapid arrival of early U.S. reinforcements.

In a comparison of details, the three estimates agree on some matters and disagree on others. In figures not presented in my tables, they agree that NATO will have about 30 divisions available in the Central Region on the day of mobilization (M-Day) or soon thereafter. By the end of two weeks, NATO will deploy a total of 43–47 divisions. The key issue creating this numerical spread is whether France would commit all of its available armored and mechanized divisions to defend Germany or only the 5 divisions of the First French Army (3 of which are stationed in Germany). During the next 7[illegible] days, NATO strength rises to a total of 49–61 divisions, with all of this further increase being supplied by American reinforcements.

In comparison, the Warsaw Pact would deploy roughly 32 Soviet-style divisions on M-Day, and is expected to deploy some 56–57 Soviet-style divisions by M+9 to M+10, rising to 110-120 Soviet-style divisions by M+60 to M+90. The key issues creating these numerical spreads lie in disputes over the rate of Pact buildup and the eventual size of the committed Soviet force.

All three estimates agree, however, that the Pact would gain a substantial lead by M+60 to M+90. All three estimates also agree that the Pact gains its edge over NATO mobilizing reserve manpower to fill out skeleton units. While nearly 80 percent of the reinforcing Pact division formations require mobilization of reserves, this is true of only 40 percent of reinforcing NATO divisions: active duty units make up about 60 percent of the NATO reinforcements to arrive in the first two months.

In sum, the current conventional balance in Central Europe is about even prior to mobilization and shifts more or less rapidly to the Pact's favor after mobilization, until NATO is outnumbered by about 2:1. Most of the improvement in the Pact's relative strength comes from skeleton units filled out with reserve manpower. NATO is not credited with a comparable ability to create additional combat power from its own manpower reserves during the first weeks after mobilizing. Anticipated changes in forces on both sides between now and 1990 will improve NATO's position in the early phases of mobilization but will not fundamentally alter the relative balance.

ESTIMATING NATO'S CONVENTIONAL REQUIREMENTS IN CENTRAL EUROPE

If the more pessimistic buildup curves for the Warsaw Pact and NATO shown in Tables 3 and 4 represent reality, the Pact-NATO force ratio exceeds 2:1 after about two weeks of mobilization. In that situation, most analysts would agree that NATO needs to add forces if it wishes to have a better than even probability of preventing a large-scale conventional attack from achieving a breakthrough in the Central Region, an event that would force NATO to consider using nuclear weapons. The problem is to define how much needs to be added.

The objective in adding forces to the NATO side is to improve the chances of deterring conventional military threats and conventional war by making it appear to the Soviet leadership that a conventional attack probably would not succeed. From a strictly political perspective, equality of forces would appear to offer the best deterrent. [H]owever, equality of forces does not guarantee deterrence and superiority does not guarantee victory. How much more force NATO needs to add depends on one's assessment of the strategy of Pact and NATO forces and of their relative quality.

I have used two concepts to measure quality. The first, and more significant, defines the local ratio of attackers to defenders at which the defense will have a better than even probability of defeating an attack. It is an estimate of the relative effectiveness of the two sides in employing firepower and maneuver to attack and defend terrain, and could be termed an index of relative tactical effectiveness.

The second concept of quality estimates the fraction of available NATO "operational reserve"—divisions not committed to the first line of defense—which can actually be moved quickly to shore up those sectors of the front that are under heaviest attack. The second concept captures the effects of imperfect intelligence, mobility constraints, and bad decisions, and could be termed a NATO efficiency index.

[I]f one rejects the more pessimistic curves shown in Tables 3 and 4, and the more pessimistic estimate of NATO effectiveness, and also assumes a more risk-averse Pact strategy and greater NATO efficiency, then one may conclude that NATO does not need to add any forces. As Table 3 shows, William Mako has estimated that the Pact may not be able to rapidly assemble large numbers of divisions manned mostly by reservists, and could take 90 to 120 days to get its fully mobilized 81 Armored Division Equivalents (ADEs) into place.

To summarize, Table 3 can be used with other assumptions to support arguments that NATO does not need to add divisions or that it needs to add as many as 45 HDEs, in order to have a credible defense posture. Thus, one's definition of a NATO requirement depends heavily on one's assumption not only about comparative buildup rates but also about strategy, tactical effectiveness, and what I have called efficiency, which is a measure of ability to bring available forces to bear where needed.

While NATO's forces might hold today, their margin of safety is thin and successful NATO defense would depend not only on relatively ineffective Pact strategy and tactics, but also on a uniformly high degree of NATO tactical effectiveness and efficiency. In my judgment, the margin is too thin for effective conventional defense.

USING EUROPEAN RESERVES TO MEET NATO REQUIREMENTS

The NATO European allies can meet these requirements at relatively small cost, by reorganizing and arming the trained military manpower that is now largely wasted in lightly armed and poorly orgainzed reserve forces.

Six European states contribute to the defense of the Central Region: Belgium, Britian, Denmark, France, the Netherlands, and West Germany. Together, they have a great deal of under-utilized trained military manpower in their reserves and in their lightly armed active-duty units. This manpower is now largely relegated to light combat units, most of which are not assigned or committed to NATO, and which serve anachronistic functions such as territorial militia. Indeed, contrary to widespread belief, the European members of NATO probably have enough trained military manpower to more than double their present contributions to alliance ground forces in the Central Region, if this manpower were properly organized into regular NATO reserve formations. What is lacking is the requisite organization, equipment, training, and supplies to convert this manpower—NATO's wasted resource—into combat potential.

European reserves clearly could supply more than enough manpower to create the 20 additional Heavy Division Equivalents that I suggest NATO requires to provide a robust defense in the 1990's.

It is not impractical to create rapidly mobilized heavy combat formations from reserves. The Soviet Union does it. Israel relies on such mobilization. Britain, Denmark, the Netherlands, and West Germany all do so on a smaller scale. What I am suggesting is that these European allies, together with Belgium and France dramatically increase the capabilities of their remaining reserves, and some active duty units, in much the same way.

The addition of the requisite 20 armored and mechanized division-equivalents would absorb less than half of the very large pool of trained but under-utilized European military manpower. Indeed, the European allies appear to have the capability to field as many as 45 additional Heavy Division Equivalents if, as some analysts have argued, they restructure to take more advantage of trained manpower, and use more civilians in support upon mobilization. The addition of these 45 HDEs would bring NATO fairly close to equality with the Pact at M+60.

SUBSTITUTES FOR GROUND FORCES?

Like the United States, the northern European allies will experience declining numbers of 18-year-olds each year during the 1980's and early 1990's. Recent developments in precision-guided, conventional anti-tank submunitions (PGSMs) capable of wide-area coverage have persuaded some that these could be substituted for tactical nuclear weapons in NATO arsenals in sufficient number to compensate for the disparity between Warsaw Pact and NATO ground forces in the Central Region.

However, the costs and military benefits of what NATO calls "emerging technologies" are highly speculative, involve long development lead times, and raise new arms control questions. At present, the emerging technologies are a major focus of European efforts to demonstrate movement towards more reliance on conventional weaponry. As time goes by, however, these weapons are likely to look less attractive as a unique solution to NATO's conventional weakness. In limited numbers they may help to deter short-warning attacks and also to force Pact planners to consider less concentrated, hence higher-risk, conventional attack options. But while they may supplement added ground forces, they cannot provide a full substitute.

Mr. WIRTH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be able to proceed for 11 minutes as though in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from Vermont.

CHIEF GEORGE CONNOR

Mr. LEAHY. Mr. President, during the years I was growing up in Montpelier, we always knew that our very special community was protected because of the dedication and concern of Chief George Connor. Even though as youngsters we had the proper respect and awe of the chief of police, we also knew that he was a man who would stop and speak with each one of us and actually knew every single youngster in Montpelier.

Chief Connor was always a good friend of my mother and father and I know how often both my parents spoke of him.

Because so many of us who grew up in Montpelier owe so much to him, I was pleased to see an article recently written about Chief Connor and I am sure his many friends have called him to talk about it.

I would like to share it with my fellow Senators, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GEORGE CONNOR REMEMBERS HIS DAYS ON THE FORCE

(By Mame Ramey)

George Connor, 85 of Montpelier, has influenced his birthplace more than he might imagine. His life, or at least 40 years of it, has been spent keeping the peace in Montpelier. His parents and grandparents were of strong Vermont stock and he learned well the practicality needed for his lifestyle. Grandfathers on both sides of his family served in the Civil War. He recalls one of the gentlemen, his mother's father, was very tall and had a flowing white beard that touched the ground. In the winter he tucked it into his vest for warmth. The man, as did many of George's ancestors, lived well into his nineties.

George's father cut stone, outlived many of his peers and died at 88. He was an outstanding athlete. He gave boxing and wrestling lessons and was a very good ball player—both batter and catcher.

"They used to come from all over the state to drag him off to play," says George proudly. "They used his name in advertisements. My brother was a good player too. Once father had to go to England to check out a surface cutting machine for granite. He went by boat and there was some legal hold up. Finally mother went over, three weeks it took, to join him. While he was there waiting for the okay to come home, he organized the first all American baseball league in England."

George's mother was born in Moretown. His grandmother made all the family bread without a recipe and her own mincemeat for pie. He says she never could show any of her 12 children how to do it and they never could pass their own good bread off as hers.

"I remember that we were happy children," says George. "We made up our own games and had a good time. I think life was better back then when we farmed in Middlesex."

"I remember one year I shot a deer and tracked it from Middlesex to Waterbury Center," George recalls. "I was afraid someone else was going to shoot it. It went right through a barnyard not six feet from the barn door where a farmer stood plucking a bird, maybe a turkey. He never saw it. As I was pointing out the tracks right next to him we heard two shots and someone else finished off my deer. I walked home through Middlesex Notch Road. I was so tired. I went by a farmhouse and the folks asked me what I was doing out on Thanksgiving day so I told them the story and how far I had walked. They were very friendly and had me come inside to rest and eat. After I did, I headed home and shot and killed a big spikehorn at dusk right within sight of my house. I took those nice people a hunk of that deer.

"It was very different then. If a man took sick, all his neighbors chipped in to do his work and they did it just the way he would. When the thresher came each year to do the wheat, it came to each farm and all the men and women worked together. I tell you, if the food wasn't good they wouldn't come back next time to help out.

"About the time there was a shortage of wheat, my folks moved to Montpelier. My wife, Lillian and I stayed and farmed a while. She was 18 and I was 19. Then we moved to Montpelier. My folks ran a poor farm in Montpelier. There were people there who had had money and lost it and people who had never had it. My folks ran a good farm. All the food that went on the table was good and the very same food my family ate, not like some other places.

"I sold the farm in Middlesex and went to work for Dad," says George. "I was waiting for a job in the Lane Shops. The pay there was good. Father had been on the police force twice but it didn't pay well and he didn't stay with it. I was trapping with a friend who had an automobile. We made over $200 a year which, in those days was enough to buy a small farm. So things were pretty good.

"We had been setting fox traps in springs and I remember it was a pretty dry fall because it was hard to find springs for the traps. It had rained steadily all one day and we thought it would help with trapping. I started for home with the car and realized the water in the culvert was boiling. When I tried to cross it, the car sunk in and got stuck. I got out and walked the rest of the way home. Every bridge was out. I couldn't get across the river to get to my family so I borrowed a plank from a farmer and walked over the water. The farmer thought I was crazy but my wife was on the other side. The next morning I walked back across and down to where I had left the car. Someone had pulled it with a team of horses so I got back into it and drove to town.

"When I got to the city hall," says George, "there was a lawyer on the front steps named Deavitt. He asked me what I was doing for work and I told him I hoped to work in the Lane Shops soon. He said, 'No you won't. From now on you are a policeman.' I tried every way out of it but it was Marshall Law and there was nothing I could do. That was November 4, 1927. I retired from the force 40 years later in 1967 and had served for 15 years as the Chief of Police of Montpelier. I knew enough about it I guess, they said use common sense and that is what I did. After a while the money got better. The people of Montpelier were very good to me. I had gone to school with many of them and I think it helped that they knew me.

"We used to work 11 hour shifts and every 15th day we got a day off. The men on the day shift got $27.50 a month but some of us worked special assignment and we were paid better. We got $1.25 a day. I didn't have any schooling for the job, but a local banker took me under his wing and talked to me a lot about common sense. I think I used it pretty good. One time I almost messed up.

"I was standing on the corner and a car came around wobbling back and forth," he says. "I stopped the car and had the driver get out. He was staggering all over the place so I took him down to jail. The next morning when I went to get him out, he was still staggering. I asked him if he was sick or something and he said no. He had two artificial legs! I told his wife right away, I would go talk to the judge and get it straightened out but she said no. She said he had been drinking heavily and they both felt he deserved what had happened. They had a pretty good sized boy with them and he drove home.

"Back then you didn't get arrested for intoxication unless you broke the peace. It was a serious offense to have on your record and it could keep you from getting a job. So unless you were making a lot of trouble, you didn't get arrested. We didn't have cars on the force then and I've carried quite a few men home on my back. I could always tell the drifters would make trouble when they were drinking. They wanted to go to jail where it was warm and dry and where they would get food. For the first offense it was 10 days in jail, for the second it was 30 days, and for the third it was six months in Windsor State Prison. I always thought those men were better off because they would be in long enough to get dried out."

In 1922, George married Lillian Holmes, whom he found out later, he had gone to kindergarten with. Lillian's father was from Maine and as a child she moved there while her father worked as a carpenter building houses. When the family got homesick they returned to Vermont. Later Lillian, who had two sisters, moved to Massachusetts with a married sister and worked in an office job for a time. The money was very good but she soon got homesick and returned to Vermont. George met her again at a dance and, thinking they "were fully grown," they soon married. They raised a son and daughter and were married for 64 years.

"Lillian was very handy, "George says fondly. "She worked in a store some and she could make any kind of clothing and people would think it has come from the store. Back then, she had to wear uniforms made of 16-ounce serge. They were double-breasted with a military color. They were brutal in the summer. One night, she didn't say anything to me but she moved all the buttons, opened up the neck and let the whole thing out. I didn't know if it would make trouble or not but I wore it to work. The chief took one look at it and said, 'That looks good.' He got permission to order open-collar, single-breasted coats. I'm sure we were the first in the state of Vermont to wear open collars. Later we even went to shirt sleeves in the summer."

George's children both live in California and he has flown out to spend time with each of them. He now has six grandchildren and 12 great-grandchildren. He feels he has been blessed with a healthy and fortunate life. He never has been very sick except for the time as a child when he broke some ribs in a sleighing accident and the time a year ago when he fell and broke a couple more. He spends three days a week at the Montpelier Senior Center where he socializes and plays some serious pool. George thinks his good health is due to all of the exercise he gets and a very slow heart rate. His hobbies are hunting and fishing and although he couldn't pursue either this year, he plans to next. He is concerned about the obvious effort of acid rain on the streams and ponds and isn't sure where he might find fish next summer but intends to look for them.

NORIEGA HAS TO GO

Mr. LEAHY. Mr. President, I come to the floor on a very serious matter this morning.

Mr. President, I would like to take a look at a few facts about the turmoil in Panama.

Panama is the main transshipment point for cocaine from Colombia coming into the United States. It is also the world banking center for laundering billions of dollars of drug money that comes from the poisoning of the youth of the United States.

Gen. Manuel Noriega and his cronies have institutionalized corruption, putting Panama's military services, banks and even airfields at the service of drug traffickers. It is nothing less than the prostitution of an entire country.

And their payoff? Kickbacks in the hundreds of million of dollars going into Swiss bank accounts and French villas.

Yesterday, President Reagan signed an order penalizing Panama for failing to cooperate effectively in the fight against the drug trade.

The United States Government gave Panama every chance—in fact, too, many chances for too many years a lot of us would say—to throw out its corrupt officers and officials. We waited and waited for Panama to find its national honor and get rid of this common criminal, Manuel Noriega.

I welcome President Reagan's action yesterday. But I am deeply concerned that he gave Noriega such a light tap in terms of real pressures on the Panamanian economy.

The President stopped short of imposing the maximum penalties allowed under the law. In fact, the sanctions he imposed—cutoff of Panama's sugar quota and a 50-percent cut in United States aid—fall short of actions that we here in Congress had already legislated.

Congress had directed that United States directors on international banks vote against loans to Panama. We ordered all economic and military assistance terminated, not just cut in half, but terminated, cut off entirely. We stopped the importation of Panamanian sugar. And, we barred any funding of joint military exercises with the Panamanian military.

Congress did this last year.

The President drew back from applying full trade sanctions, even though the law gave him the authority to do so. He apparently was not willing to be as tough as Congress already had been.

It was as if he found Noriega guilty of murder and then let him off with probation.

This is not a time to pull punches.

It is ironic that a President who declared war on drugs now refuses to use his power to punish a murderous military dictatorship that made its country the hub of the South American drug trade.

It is doubly ironic that this decision comes just days after General Noriega refused dismissal by the constitutional President, Eric Delvalle, after he staged a coup to oust the legitimate government and after he was indicted by two U.S. grand juries on Federal drug and racketeering charges.

Mr. President, this administration talks tough on drugs until it is time to start being tough. Then it acts like its hands are tied. It is delighted to impose a complete trade embargo against Nicaragua and spend half a billion dollars of the taxpayers' money to overthrow the Sandinistas.

But it cannot bring itself to institute even partial trade sanctions against a vicious military dictator who poses a far greater threat to this country than bankrupt Nicaragua.

Drugs are pouring into this country from South America through Panama and Mexico. Efforts to eradicate cocaine at the source have failed. Drugs are killing thousands of young Americans every year.

And what does the President say? That we have "turned the corner" on drugs. He seems to believe the "just say no" campaign is actually working—when all the evidence is that we are in the middle of a nationwide drug epidemic.

Remember that it was a courageous U.S. attorney in Florida who indicted Noriega on drug trafficking, not the Drug Enforcement Agency which cozied up to him for years.

And it was our colleagues, Senators KERRY and D'AMATO, who held the hearings that tore the veil off the drug dealing by Noriega and his henchmen, not an administration that turned a blind eye until it could no longer be ignored.

The Latin drug trade—not the ragtag Sandinistas—is the most serious threat we face in our own hemisphere. There is no better place to demonstrate our resolve than to destroy the drug empire that is strangling Panama.

The fight against drugs goes hand-in-hand with the fight for democracy in Panama. Last summer, thousands of Panamanians took to the streets and called for an end to oppression, an end to crime and corruption, and a return to democracy and the rule of law. They have had enough of seeing their country raped and pillaged by drug kingpins and power-crazed colonels.

The United States shares the blame for this crisis. Until the evidence for his corruption just became overwhelming, this administration was more interested in Noriega's support for the Contras through Oliver North than his subversion of democracy in Panama.

The White House cannot have it both ways. It cannot claim it is carrying on a war against drugs while soft-pedaling the thugs in Panama who funnel the drugs into our schools and our streets.

How can anyone argue against imposing the strongest sanctions possible? President Eric Arturo Delvalle,

still in hiding in Panama, has called on the United States and the world's democracies to levy tough sanctions on Panama as long as Noriega stays.

General Noriega himself may be beyond pressure. But the colonels who keep him in power are not. We can show them just how painful things can get as long as Noriega is in power.

Sixty percent of Panama's exports come to the United States. The President has the power to impose a 50-percent tax on those exports, to cut off preferential tariffs, and bar airline flights between Panama and the United States.

The President could order an immediate cutoff of short-term loans by United States banks or other financial institutions to the government or Panamanian banks. This would have an obvious and severe impact on Panamanian financial activity very quickly without harming United States banks unduly. Our banks are rapidly backing away from making these short-term loans to Panama anyway, and we would accelerate a process already underway.

Even more draconian financial sanctions are possible, though we need to do more study to determine their impact before we make decisions. We do not want to harm ourselves more than Noriega or the power brokers who back him.

Ultimately, if the colonels in Panama will not force Noriega to go quietly, the President could even impose a complete economic embargo—just as he has done against Nicaragua.

Mr. President, I want to make a final point.

Some political leaders, including, I am sorry to say, senior Members of this body from the other side of the aisle, have started talking about the United States abrogating the Panama Canal treaties.

This is irresponsible, and plays right into the hands of Noriega and his gang. They are claiming that this is nothing more than a plot by the United States to get out of the treaties and take over the Canal Zone again. They are trying to pose as the nationalist defenders of Panama's sovereignty over the canal.

I urge all Senators and indeed all responsible Americans to stop such talk. The treaties are permanent. We are not going to tear them up and go back to a dead past. The days when the United States could own a strip right through the center of another country are gone forever.

Let us all join together for the common goal—kick out Noriega, restore democracy to Panama, and save our children from the drug empire.

You know, Mr. President, I spent 8½ years as a prosecutor. I know that if you want real law enforcement, you do not talk tough, you have to act tough. We cannot stop drug traffic in this country by just asking everybody to stand up and say, "Just say no." It has not worked in the past. It is not working now. It is not going to work in the future.

Let us stop it at the source. The quickest way to do that is to stop General Noriega.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, has morning business closed?

The ACTING PRESIDENT pro tempore. The Chair will respond that morning business is now closed.

Mr. BYRD. I understand Senator KARNES wishes to speak in morning business.

Mr. KARNES. Yes.

The ACTING PRESIDENT pro tempore. The Chair will recognize the Senator from Nebraska. Does he seek unanimous consent to extend the time for morning business?

Mr. BYRD. No. I would object to that.

How much morning business time remains?

The ACTING PRESIDENT pro tempore. The Chair would advise the Senator we have 30 seconds left for morning business.

Mr. BYRD. I do not want business to extend beyond 10:30.

The ACTING PRESIDENT pro tempore. That request has not been made. Morning business was extended for 10 minutes.

Mr. BYRD. I stand corrected.

ORDER EXTENDING MORNING BUSINESS FOR 5 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from Nebraska, Senator KARNES.

Mr. KARNES. Mr. President, I thank the leader very much for that accommodation. I appreciate that very much.

(The remarks of Mr. KARNES will appear later in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, is morning business closed?

The ACTING PRESIDENT pro tempore. We have 1 minute remaining under the unanimous-consent agreement.

Mr. BYRD. I ask unanimous consent morning business be closed.

The ACTING PRESIDENT pro tempore. Morning business is closed.

POLYGRAPH PROTECTION ACT OF 1987

Mr. BYRD. Mr. President, I ask that the pending business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1904) to strictly limit the use of lie detector examinations by employers involved in or affecting interestate commerce.

The Senate resumed consideration of the bill.

QUORUM CALL

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum will be noted.

Mr. BYRD. It will be a live quorum, Mr. President. As I indicated on yesterday there will be a rollcall requesting the Sergeant at Arms.

The ACTING PRESIDENT pro tempore. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 12]

Adams
Breaux
Byrd
Ford
Karnes
Leahy
Wallop
Warner
Wirth

The PRESIDING OFFICER (Mr. ADAMS). A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BYRD. Mr. President, I move the Sergeant at Arms be instructed to request the presence of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the the Senator from Kansas [Mr. DOLE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 27, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—67

Adams
Baucus
Bentsen

Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kennedy
Lautenberg
Leahy
Levin
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Wirth

NAYS—27

Armstrong
Bond
Chafee
Cochran
Cohen
Conrad
D'Amato
Evans
Garn
Gramm
Hatch
Hecht
Heinz
Helms
Kasten
Lugar
McCain
McConnell
Murkowski
Nickles
Packwood
Quayle
Specter
Symms
Wallop
Weicker
Wilson

NOT VOTING—6

Biden
Dole
Gore
Kerry
Matsunaga
Simon

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I hope that Senators are ready to proceed with amendments on this bill.

May I inquire if there are Senators on the floor who have amendments that they intend to call up?

Mr. HELMS. I have one.

Mr. BYRD. Mr. Helms has one.

Are there other amendments that will be called up?

The PRESIDING OFFICER. The Senate will be in order. The majority leader is requesting that Members who wish to offer amendments please indicate at this time their intention.

The Senator from North Carolina. The Senator from Wyoming.

The majority leader.

Mr. BYRD. I yield to the distinguished Senator from Wyoming, the acting Republican leader; and ask unanimous consent that I might retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming, under the unanimous-consent request, is recognized.

Mr. SIMPSON. Mr. President, the majority leader has asked about amendments on this side of the aisle. We have at least two of which I can inform the majority leader, an amendment of Senator Cochran and Senator Nickles. So I can assure the majority leader that there are two amendments—three amendments, and the Senator from North Carolina. So we have three amendments here to show the majority leader we are anxious to do the business required.

Mr. BYRD. I thank the distinguished leader on the other side of the aisle.

There will be a cloture vote on this measure tomorrow if it is not disposed of today.

On yesterday, I introduced a cloture motion; there was not an inclination at that time to call up amendments. Now, I hope that we could finish this bill today and thus vitiate the cloture vote for tomorrow. I also hope that we could take up the intelligence authorization bill. We only have today, Thursday, and a full day on Friday, and I would like to at least finish these two bills and take up the Price-Anderson legislation so that when the Senate returns from the break, the Senate will be on the Price-Anderson legislation.

Now, I have indicated what I would hope to do, and I welcome any suggestions on the part of Senators that would help me to do what I have said I think the Senate needs to do.

Mr. JOHNSTON. Mr. President, will the leader yield?

Mr. BYRD. Yes. First, let me ask if the distinguished acting leader has any suggestion or proposal that he would make at this time to assist the Senate in moving on that schedule accordingly, if it can be done.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would inform the majority leader that I think the aspect of the cloture vote does impel us to do our work, and we are going to do that. I think it would be good if the majority leader and I visited about what we visited about last night. I think perhaps we might be in a position to utilize the services of the new committee, the ad hoc committee, for the referral of a sense-of-the-Senate resolution which could be discussed today, and I would like to visit with the majority leader about that. We have been asked to appoint one new member. I am ready to do that. That group would then deal with the rules issues that we discussed. Then we could go to a double track for the intelligence authorization and then get to Price-Anderson and be dealing with it and have it as the pending item of business when we return, because it is a very important piece of legislation.

I think the scenario is appropriate, and I would respectfully suggest that, as Senator Helms goes forward, the majority leader and I visit, and I think we can put this week's package together.

Mr. BYRD. Very well. If the Senator will allow me to yield to Mr. Johnston first.

Mr. SIMPSON. Indeed.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I yield, with the understanding I retain my right to the floor, to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I thank the leader for yielding.

As the leader knows, I am most anxious to bring up the Price-Anderson legislation, with only one caveat, and that is on Monday after the recess, our new Governor is being inaugurated, and our delegation wanted to be there and fly back that afternoon. There may be other aspects of the legislation which could be considered other than those that I am involved in that morning, but I would not be available that morning unless there was no other way to do it, in which event I will probably cancel attendance at the inauguration, but I hate to do that.

Mr. BYRD. Yes. I fully appreciate the Senator's situation and will be governed accordingly.

Mr. President, I wonder if I might make this proposal. In order to expedite, if I can, action on both this measure, which is before the Senate, and the intelligence authorization measure, and get action completed on those two bills this week and hopefully get into a position of taking up Price-Anderson for action following the recess, I wonder if Senators would give me consent that I might be able to maintain the status quo position vis-a-vis the rules until later in the day, at such time as we may be able to give me consent to take up the intelligence authorization bill.

What I am saying is I think now, so that Senators may understand, I am in position at this moment to move to take up the intelligence authorization bill. That would not require unanimous consent. That would be a nondebatable motion at this moment and will be for the next hour. I do not want to do that if I can get consent to take it up at any time today. I prefer that. But what I would like to do otherwise is move to take that up and have a vote on it. Of course, that vote would displace the pending business until tomorrow, at which time the cloture vote would occur and the Senate could vote for cloture on the pending business.

I would like to proceed today either with the intelligence authorization matter or the pending business. But in any event, this would be one way of utilizing today not in a way that the Senate would be spinning its wheels. And with only Thursday and Friday left after today, unless today can be utilized beneficially and to the extent of making progress on both these measures, I am concerned that we may go out Friday without finishing action on one or both of these measures.

Mr. SIMPSON. Mr. President, would the majority leader yield?

Mr. BYRD. Yes.

Mr. SIMPSON. Mr. President, I realize that the procedures now could go forward on the nondebatable motion and the majority leader could go with what he wishes to go on, too. I would respectfully suggest that if he would withhold, I think I have about two Members here that I think consent could come from a little later in the day. I really do believe that. But after I visit with the leader about the other proposal, there may be some material to deal with on the floor today. I can visit with him in his chambers after that.

Mr. BYRD. I certainly thank the distinguished Senator. I want to work with him.

Mr. BOREN. Will the leader yield?

Mr. BYRD. I hope that the Senate can make progress on the pending bill today, but I would not want to waste today. Much of yesterday afternoon was wasted because we only have 2 days left this week, and I hope we can complete action on the pending business and on the intelligence authorization bill. The chairman of the Intelligence Committee has indicated to me yesterday that he and Senator Cohen would be ready at any time after yesterday to proceed to that bill.

So what I am trying to do, let me say once again for the Record, is put the Senate in the position where it can complete action on both those measures and be ready to go to Price-Anderson by the time the Senate goes out for the recess.

Yes, I yield.

Mr. BOREN. I thank the leader.

I just want to state again that I believe—and I talked with Senator Cohen about this yesterday, and I talked with interested Senators on this matter; the intelligence oversight bill which was a committee product with a strong majority on both sides of the aisle in favor of that bill, came out of committee by almost a unanimous vote—we are prepared as well to endeavor to be ready at any point that the leader wishes to proceed to that.

So we will be prepared and ready if the leader decides to move forward on that legislation. I do not anticipate very many amendments in terms of volume that would delay consideration of that bill because it has been a matter that we have worked on in our committee for many, many scores of hours.

Mr. BYRD. I thank the distinguished Senator, my friend, the chairman of the Intelligence Committee.

Mr. HELMS. Mr. President, would the Senator yield without of course losing his right to the floor?

Mr. BYRD. Yes.

Mr. HELMS. May I inquire of the distinguished majority leader and the Republican leader if there are plans to proceed today with the General Burns nomination to the U.S. Arms Control and Disarmanent Agency? I think that we should proceed unless there is some reason to not proceed. I do want to make a statement in that connection. But I have had repeated contact with the White House about this and other matters, and we have resolved all except one point which is not minor but I do not think we ought to delay the nomination of General Burns.

Mr. BYRD. Mr. President, may I say that Secretary Shultz spoke to me about this nomination last week, and I do hope——

Mr. HELMS. Mr. President, I cannot hear the majority leader as near as I am to him.

The PRESIDING OFFICER. The Senators will suspend. The Senate will be in order. Those Senators and others conversing will please take their seats or retire to the cloakroom.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Carolina addressed a question to the majority leader.

Mr. BYRD. Mr. President, I hope we can go to this nomination at some point today or certainly before the week is out. Secretary Shultz spoke to me about the nomination last week, and I would be very happy to proceed on that matter at any time, if we can get clearance on it. Otherwise, we could move to it and dispose of that, hopefully, before the recess.

I would like to add that to the list of items that I hope we can get done before the close of business on Friday.

Mr. HELMS. Very well. I thank the leader.

Mr. BYRD. Mr. President, I had heard some rumor to the effect that inasmuch as we have offered a cloture motion on the pending business, and that cloture vote will not occur until tomorrow, a good bit of today might be spent in wrangling over the rules. I do not know whether there is any substance to that rumor or not. But I am not interested in spending today wrangling over old bones. What I would like to do is get on with today's business and the authorization for intelligence.

It is for that reason that I am asking now, and I ask unanimous consent because I want to have the opportunity to talk with the distinguished leader on the other side of the aisle, that I may yield the floor at this time, retaining throughout the day the position that I maintain as of this moment; namely, the ability to move to make a motion to proceed to another matter on the Calendar of Business, that motion being nondebatable as of now and for the next 53 minutes. Also, at this moment, not only could I move to do that, which would temporarily displace, if that motion carried, the pending business, but I would be in a position once the intelligence authorization bill was before the Senate to offer a cloture motion on it, and then I would have at this moment time remaining to move back to the pending business, and that again would be a nondebatable motion.

So I ask unanimous consent that I may yield the floor, and that the status quo situation in these respects may be continued until such time as later in the day I could either take whatever action may appear to be the best at that time, or I waive the status quo. This would allow me to have these conversations with the distinguished leader on the other side. He would lose nothing, and nobody would, because I am in a position now of holding the floor to move. Actually nobody loses any rights under this matter. I would simply retain the rights that I have at this moment as the leader to act in the interests as I see of the Senate in moving forward on these two measures this week, plus the nomination.

I yield, Mr. President, to the distinguished acting leader.

Mr. SIMPSON. Mr. President, that has been proposed as a unanimous-consent request. Reserving the right to object, and I just want to have it clearly said that the leader could do all of those things right now that he has discussed doing later.

I think that it is important for our people to realize that he could go to the nondebatable motion, the intelligence authorization, and I do not think we will have a bit of problem getting to that later today. I have one person that has indicated some concern, and I think that will fall away and we can go to it from what I understand.

So I just want it to be certain that we all see that what he is doing by this unanimous consent is simply preserving his procedural advantage of the moment which if we did not concur with the unanimous-consent agreement he could go ahead and do anyway. I think that is important. I believe we can do some business today, and we will be in a position to do that. I think that after we have a visit with the majority leader in his office, we will know a great deal more about the progress of the day.

At this point, I am well aware as to what the majority leader could do at this moment, By agreeing to this unanimous-consent request, it will accommodate that other Member, and we can go forward and allow the majority leader to preserve his position of the moment.

I believe others may wish to speak.

Mr. QUAYLE. Mr. President, will the Senator yield?

Mr. BYRD. I yield, without losing my right to the floor, to Mr. Quayle.

OL
34
PT
2
FE
17
MR
2
988
UMI

First, let me thank the acting Republican leader.

Mr. QUAYLE. Did I correctly understand the Republican leader to say that he did not think that he would raise an objection to the majority leader's request that he be in the same position later on? I had a difficult time hearing back here, with the noise.

I am trying to learn exactly what was said; because I will say, as one Senator who is somewhat interested in the bill—I can count noses and know where we are going—that there are a number of amendments on this bill that could or could not be called up. Senator HELMS has an amendment.

The majority leader has the floor and has it in his power to move to do whatever he wants to. As one Senator, I would not like him to retain that throughout the day, because then it would not give some of us who may want to raise various issues an opportunity to do so. He has the power to do that, if he wants to; that is his right. At least we would know what the remainder of today is going to be.

I, for one, would not like to see him retain that status throughout the day. If the minority leader does not object, I would object to that status remaining throughout the day, because, it would not allow us, in the minority, to know how we are going to proceed throughout the day, and it would not be in the best interests of this Senator.

I will object, if the minority leader does not, to allowing the status to remain throughout the day.

Mr. SIMPSON. Mr. President, I share with my colleague from Indiana the fact that the majority leader can make that motion now, and we could lose all our status in this process, and the polygraph bill could then disappear and not come up again until we deal with it on cloture.

What I am saying, and I think the majority leader will concur, is that we have three amendments—an amendment by the Senator from North Carolina, one by Mr. COCHRAN, and one by Mr. NICKLES. All those amendments, I assume, will be dealt with, without question, as the majority leader propounds this unanimous-consent request.

We want to make progress on polygraph. We have these three amendments. If there are others, I will immediately communicate them. I know of no other amendments. I know of no dilatory amendments. We are not interested in wrangling. We have serious concerns which I think can be resolved in a procedure that the majority leader and I have discussed, and I have discussed it with my Members.

I think we all should realize that at this point, under the morning hour, we are a bit defenseless as to what could be done.

Mr. QUAYLE. Mr. President, will the majority leader yield for an observation?

Mr. BYRD. Before the Senator responds, may I say that I think the Senator raises a reasonable point. I do not think I should ask to retain this privilege throughout the day. I would be willing to limit it to a couple of hours. I am sure that I will be able to say within a couple of hours where we are going and whether or not Senators are going to be offering serious amendments to the pending business.

All I am asking is that we get the business going and have serious amendments and not engage in extraneous type of amendments.

Mr. QUAYLE. Mr. President, will the Senator yield for an observation?

Mr. BYRD. I yield, without losing my right to the floor.

Mr. QUAYLE. I certainly understand the majority leader wanting to retain his right, whether it be all day or until 3 o'clock, to see what the flow of events is going to be. He certainly can move now.

I would like to establish what the flow of events is going to be as soon as possible, and that means within 2 hours.

If he wants to move the intelligence authorization bill, the majority leader can do so, and I will know that is the pending business. I do not want to prolong what may happen throughout the day, because, depending on whether we go to the intelligence authorization bill or stay on this bill is going to determine what I am going to do.

The minority leader does not know what is going to happen, under the 2-hour rule, and the majority leader has the power, established by precedent, to move to do that. If he makes that decision, the Senator from Indiana will make his decision on what he wants to do. That is why I will object to retaining that status by the majority leader.

I would like to know what we are going to do. I believe we can sit down during this 2-hour timeframe which expires at 12 o'clock. We have 45 minutes to see if we can get an understanding. I do not desire to go beyond that. The majority leader can make his decision, and then we can make our decision.

Mr. BYRD. Mr. President, I am happy that the Senator is ready to make a decision. Yesterday afternoon, I did not see a great inclination on the part of Senators to move this bill along.

I ask unanimous consent that I may retain for 1 hour the status quo insofar as the position I am in vis-a-vis the rules and precedents—1 hour.

The PRESIDING OFFICER. Is there objection to the request?

Mr. SIMPSON. Mr. President, I would like to clarify that. Would it be 1 hour past the hour of 12?

Mr. BYRD. No. One hour from this moment. I have until 12. I am simply asking for an additional 15 minutes. That would give the assistant Republican leader and myself time to have our discussion.

Mr. SIMPSON. Mr. President, I want to clarify another thing. I have assumed, as I have heard the majority leader propound the request, that the leader is not in any way using this arrangement to cut off amendments to the polygraph bill.

Mr. BYRD. No.

Mr. SIMPSON. I think that is important.

I can now share with the majority leader that there is another amendment, by Senator BOSCHWITZ. So there are four amendments to be dealt with. That is important in doing our business.

Perhaps my friend from Indiana has something further to add, but at this point I would not object to the unanimous consent request for 1 hour.

Mr. QUAYLE. Mr. President, reserving the right to object—and I will not object, in deference to the majority leader and the minority leader—it is my understanding that the unanimous consent request is that the 2-hour rule expire not at 12 but at 12:15, which would allow time for discussion. Is that correct?

The PRESIDING OFFICER. That is the understanding of the Chair, that it be until 12:15.

Mr. BYRD. Mr. President, I will make it easier on all Senators, so that this discussion can be brought to a close.

I ask unanimous consent that I be recognized at the hour of 12 noon and at that time my rights will continue as they are, or I can hold the floor until then, or I can move now.

Mr. QUAYLE. Reserving the right to object on the first unanimous consent request——

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. With respect to objecting to that, in deference to the majority leader and the minority leader, extending it 15 minutes, I will not object. But I will put the Senate on notice that if there are further requests to extend that, I will be constrained to object, so that we will know what the order of business will be by 12:15.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. Has the majority leader withdrawn the first request or is it still pending?

Mr. BYRD. I guess I would withdraw the second request.

The PRESIDING OFFICER. The second request is withdrawn. The first request, which was unanimous consent to extend the period until 12:15—is that request to be propounded by the majority leader?

Mr. BYRD. That is the request.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I will also ask unanimous consent to be recognized at 12:15.

The PRESIDING OFFICER. Is there objection to the two requests of the majority leader: that the time be extended to 12:15 and that the majority leader be entitled to recognition at 12:15? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators. I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

The Senator from North Carolina.

MAJ. GEN. WILLIAM BURNS AND ABM TREATY

Mr. HELMS. Mr. President, I thank the Chair.

In further reference to the colloquy between this Senator and the distinguished majority leader concerning the nomination of General Burns, to be Director of the Arms Control and Disarmament Agency, I would like for the record to show that I have been in direct consultation with General Powell and others at the White House about this nomination and about matters related thereto.

Now, General Burns appeared before the Foreign Relations Committee, and I would emphasize that he testified freely and frankly about the problems facing arms control in the near future. General Burns is an able man, and I support his nomination to be head of ACDA.

ACDA, however, Mr. President, has a great deal of other problems which have gone unresolved for far too long, for months on end.

There are three reports long overdue which are of significant importance to this Senate in the consideration of the INF Treaty.

The Senate cannot responsibly proceed to markup and have discussion of the INF Treaty without having the information in these reports, all of which are mandated by law, I might add.

So technically speaking, the law is being violated by the protracted absence of these reports.

Moreover, ACDA is under investigation by both the FBI and the GAO for serious breaches of national security. My office has received detailed information about the shredding and burning of several bags of documents from the offices under investigation.

My discussion with the White House has been to ascertain where the White House stands and to make sure that the White House understands where I stand, because this incident casts a shadow over ACDA's role in the INF negotiations, which I hope General Burns will remedy.

Now, as to the reports which I mentioned, they are as follows:

First is the third 5-year review report on Soviet ABM Treaty compliance which was due last October. The second is the report required under section 52 of the Arms Control and Disarmament Act which we call the Pell amendment report. The required report is on Soviet and United States compliance with arms control treaties, and that report is 1 month overdue already, or more. And the third is a report required by the Arms Control and Disarmament Act, section 37, which we refer to as the Derwinski amendment report and that report was due months ago. But not a peep out of ACDA.

That is what the discussion between this Senator and the White House has been about, and there is going to be a lot of discussion from now on, and an amendment which we will have pending in just a few months will deal with that.

It is time for them to get off the dime. These reports are highly significant, Mr. President.

The third 5-year review must decide whether there have been any material breaches of the ABM Treaty. In my judgment, and in the judgment of many other Senators, the seven reports which the President has sent to Congress show conclusively that there have been material breaches of the ABM Treaty by the Soviet Union. That is no secret around this place. We all know it, whether we acknowledge it or not.

The difference, however, is that the 5-year review must be conducted at the standing consultative committee with the Soviets themselves, and, oh, Mr. President, that is the hangup. There is a tendency among so many down in the State Department not to ruffle any Soviet feathers. Some call it appeasement. Some call it get along, go along.

Well, this is the first time the administration must actually confront the Soviets in an international forum with these material breaches which the President of the United States has reported to us, but not a peep out of the administration. They are too busy encouraging the euphoria about a seriously flawed INF Treaty.

Now, of course, the consequences of such a confrontation have a bearing not only on the INF Treaty, but upon all ongoing negotiations.

The Pell amendment report must certify United States and Soviet compliance with arms control treaties. That is what the amendment which is now law requires. And the Derwinski amendment, as we call it around this place, that report must report on the verification of proposed treaties, including the INF Treaty.

Now, up to this point, in addition to the telephone conversations between General Powell and me and others, I have a letter from General Powell to the effect that the Pell amendment report will be submitted to Congress by March 14 and the Derwinski amendment report by March 8. This is good progress, and I feel that we have made some headway, and I appreciate the cooperation of General Powell and others.

But General Powell's response on the third 5-year review is somewhat less than satisfactory, and I was candid with the general about it. He knows how I feel, and I think I know the spot he is in. But that does not matter. What matters is that compliance was due last October, not this coming October, and there is a great dragging of feet because they do not want to ruffle the feathers of the Soviet Union.

The general, General Powell, stated that he felt the United States has until next October to complete that review, and I will get to it in just a minute, but the United States does not have that luxury. The United States was required to have it last October, not this coming October, and I will get to that in short order.

I told the general we will just have to agree to disagree agreeably, but that he was engaging in a strained interpretation of treaty law which has no legal precedent in an effort to delay the review and the report for more than a year.

I think it makes no sense to proceed with any treaty, including the INF, until this 5-year review is accomplished, but that is the problem. All the warts will be visible in terms of the Soviet Union's duplicity, its violation, its flagrant violations of the ABM Treaty, not to mention all other treaties down the line dating back to 1920.

I have confidence that General Powell and others will act in good faith on this. I have confidence that he will consult their attorneys and ask them what the language means, and I have confidence that their attorneys will tell him, "This was due last October; Senator HELMS was right."

And that is why I mentioned to the majority leader earlier that I personally, as one Senator, hoped that the Senate would proceed to the nomination of General Burns and get this gentleman confirmed.

Mr. President, I ask unanimous consent that my letter to the President, bearing the date of February 22, be printed in the RECORD, followed by the letter from General Powell, dated February 25.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

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U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, February 22, 1988.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The nomination of Maj. General William Burns to be Director of the Arms Control and Disarmament Agency is now on the Senate Calendar awaiting action. General Burns testified forthrightly and fully at his nomination hearing and appears to be an excellent nominee.

While I am willing to do anything of a reasonable nature to expedite confirmation of General Burns, I am obliged to state that I am convinced that it would be counterproductive to debate General Burns' nomination at a time when ACDA appears to be in non-compliance with its legal obligations—a situation that clouds the current hearings over the INF Treaty.

I have received reports from witnesses that large quantities of documents were shredded late last week in ACDA offices under investigation by the FBI and GAO. There is an implicit confirmation of these reports in that today an order was issued that no documents should be shredded. I am apprehensive that this order was issued too late.

Moreover, there are three reports mandated by law which are overdue. All three have important bearing on the INF Treaty, and it will be difficult to mark up the treaty intelligently unless they are received in a timely fashion. These reports include:

(1) The Third Five Year Review report on Soviet ABM Treaty compliance (three and one-half months overdue);

(2) The Arms Control and Disarmament Act Section 52 (Pell Amendment) report on Soviet and U.S. compliance with arms control treaties (one month overdue);

(3) The Arms Control and Disarmament Act Section 37 (Derwinski Amendment) report (months overdue).

It is essential that the GAO be given an opportunity to comment upon the document-shredding before General Burns assumes his post; it is also essential that the three reports be delivered to the Senate in a timely manner.

I want to be cooperative, and if the above matters can be dealt with, confirmation of General Burns can be expedited.

Sincerely,

JESSE HELMS.

THE WHITE HOUSE,
Washington, DC, February 25, 1988.

DEAR SENATOR HELMS: Your letter of February 22 to the President raises several issues in connection with the Senate confirmation of the pending nomination of Major General William F. Burns to be Director of the Arms Control and Disarmament Agency. I am pleased to note that your concerns are not related to General Burns' personal qualifications for the position which, obviously, we both agree are excellent.

With regard to the three reports you addressed, the report required by Section 37 of the Arms Control and Disarmament Act will be forwarded to the Congress not later than March 8. The report on compliance with arms control treaties, the so-called Pell Amendment report, will be submitted to the Congress no later than March 14.

We believe that the third ABM Treaty review should take place consistent with Article XIV of the ABM Treaty. Under that provision, the parties have until October of this year to accomplish such a review. We have informed the Soviet Union that arrangements for the Treaty review, to occur prior to October 1, will be made through diplomatic channels.

With respect to reports of documents being shredded at ACDA that might be related to a GAO review, General Burns has given his personal assurances that, if confirmed, he looks forward to cooperating fully with the GAO and the FBI as they conduct ongoing investigations.

I hope you agree with our judgment that General Burns should be confirmed as soon as possible, so that we may have the benefit of his leadership in dealing with the arms control issues that lie ahead. Your support in expediting General Burns' confirmation would be deeply appreciated.

Sincerely,

COLIN L. POWELL.

POLYGRAPH PROTECTION ACT OF 1987

The Senate continued with consideration of the bill S. 1904.

AMENDMENT NO. 1488

(Purpose: To encourage the United States to end its present violation of the ABM Treaty)

Mr. HELMS. Mr. President, I send to the desk an unprinted amendment and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 1488.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. KENNEDY. Reserving the right to object, I inquire of the Senator from North Carolina if I may have a copy of the amendment.

Mr. HELMS. That is a fair proposition.

Mr. KENNEDY. I did not get a copy of the amendment.

Mr. HELMS. I assure the Senator will have it in his hands within 10 seconds. I thought it already had been done.

Mr. BYRD. Mr. President, I object. The amendment is a short one. I will object.

Mr. HELMS. No, it is not a short amendment. I am going to explain it.

Mr. BYRD. It is a short one to read. I was just objecting to the calling off of the reading of the amendment.

Mr. HELMS. That is fine. I will be glad to have it read.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

Add at the end of the bill the following new section:

"SEC. . (a) Findings.

(1) The Senate finds that the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, With Associated Protocol, (hereinafter the "ABM Treaty" or the "Treaty") in its Article XIV, Paragraph 2, reads as follows: "Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty."

(2) The Senate further finds that such Treaty entered into force on October 3, 1972, and that the third five-year anniversary date specified by Article XIV, Paragraph 2, for the conduct of the review contemplated therein was October 3, 1987.

(3) The Senate further finds that, as a fundamental principle of the canons of legal construction, a specified number of years after a specific and determinable date means and can only mean the specified anniversary of such date and not any time during such year as may follow such date.

(4) The Senate finds further that had the Parties to the ABM Treaty intended otherwise then Article XIV, Paragraph 2, of the Treaty would have read "During the fifth year after entry into force of this Treaty," but it does not so read.

(5) The Senate finally finds that the Parties to the Treaty have not met as required by Article XIV, Paragraph 2, because the United States of America refused or neglected to meet on the date required, to wit: October 3, 1987, and that the United States, five months later, still fails or neglects to meet or even to establish a date for meeting.

(b) Taking account of the findings of this Section, it is the sense of the Senate that the United States is violating the ABM Treaty.".

(Mr. HEFLIN assumed the chair.)

Mr. HELMS. Mr. President, now I will explain what you have just heard read by the clerk, although I know the distinguished Chair understands the amendment as it has been read.

A number of months ago, Mr. President, our distinguished colleague from Arkansas, Mr. BUMPERS, alluded in this Chamber to a possible American violation of the ABM Treaty. At that time, I asked the able Senator from Arkansas if he would specify the violation he had in mind. The ensuing discussion on the floor resulted in Senator BUMPERS never identifying the violation and, frankly, I did not pursue the matter. We left it right there.

Now I find myself in the somewhat interesting position of concurring with the view of the Senator from Arkansas, Mr. BUMPERS, that the United States has in fact engaged in a violation of the ABM Treaty. It probably is not the kind of violation that the Senator had in mind, although it may be. I do not know what he had in mind.

In any event, as the amendment states, article XIV, paragraph 2 of the ABM Treaty reads as follows—and the actual text is important, Mr. President. Without understanding what the treaty actually says, some Senators, understandably, might be misled by the glib arguments and obfuscation of the State Department lawyers.

Now the provision that I referred to, article XIV, paragraph 2, reads: "Five years after entry into force of this Treaty, and as 5-year intervals thereafter, the Parties"—and that means the Soviet Union and the United

States—"the Parties shall together conduct a review of this Treaty."

That is article XIV, paragraph 2 of the ABM Treaty.

All right. Mr. President, the term "entry into force of this treaty" is a legal specification of a date certain. It does not mean about such-and-such a time. It does not mean we will slip it further down the road a year or 6 months or 30 days. It means what it says.

The joint committee print entitled "Legislation on Foreign Relations" on page 69 states categorically that "The ABM Treaty"—and I am quoting—"entered into force on October 3, 1972." Now, bear that in mind: October 3, 1972. That is when this treaty entered into force.

So it follows, as Sam Ervin used to say, at least to those who are able to read and understand the English language, that "5 years after" October 3, 1972, is obviously October 3, 1977, and that the date of the two succeeding 5-year intervals after that date, October 3, is—guess what?—October 3, 1987, not 1988, unless they have changed arithmetic since I have learned it.

So that is the hangup between the Senator from North Carolina and the White House and the State Department and on down the list. They are trying to say that October—no, they do not even say that. They say the 1st of October of this year. That is not what the treaty says. In other words, they are engaged in an interpretation that is contrary to the plain meaning of the English language used.

So that report is long overdue right now and to delay it until the 1st of October of 1988 just will not wash.

Maybe I ought to spell it out in English. A year is the length of time it takes the Earth to orbit the Sun. We read all about that on February 29.

In practical usage, it is either 365 days or 366 days in a leap year. Either way, it is fairly precise. You can get down to where that orbit is 365 days and 6 hours or 365 day and 4 hours and 37 minutes, or whatever. But we are talking about what a year is in terms of the language in the ABM Treaty, which is being violated by the United States of America right now.

Maybe the Russian version of a year is different, but I doubt it. Regardless, we are, according to the rules and procedures of the Senate, bound by the English version, I suppose. And the English version is certainly unambiguous.

Mr. President, the point is this. On October 3, 1987, last year, the parties, meaning the Soviet Union and the United States of America, did not, in compliance with the treaty, conduct a review of the ABM Treaty, nor did they even begin such a review. Nor did they even set a date for beginning such a review. And that, as I say, is the hangup between the administration and this Senator.

I think I have been trying to support this administration. The President and I have been very good friends for a long time. That does not enter into it. But I refuse to be a yes-man to the U.S. State Department when they start playing fun and games with what a treaty says and what it means.

On October 3, 1987, there was no option under the terms of this treaty but to begin to conduct a review of the ABM Treaty with respect to violations by the Soviet Union and by the United States, if any. But the two parties, the Soviet Union and the United States, did not move a peg. They did none of those things; none. And it was because the United States—not the Soviet Union—it was because the United States did not want to do it. Or they had this big deal going. Mr. Gorbachev was coming over here, smile and conduct his PR campaign and get out of his car on Connecticut Avenue and wave to the people and everybody said: "Hooray, hurrah; peace is at hand." Not quite.

Some, in fact, may believe that the United States wished to avoid this because the administration would have been required, no option about it, to protest at least one material breach of the ABM Treaty by the Soviet Union. There is a widespread belief that the administration may not have wished to discuss a material breach of one treaty, meaning the ABM, amidst all of this PR hype, public relations effort, on behalf of the INF Treaty. Maybe they assume that the American people are stupid and cannot handle the truth and therefore they will not share it with them. But I hope that is not the case.

But this much is clear, Mr. President: At the insistence of the United States, 5 months have elapsed since the day on which the meeting was required under the terms of the treaty to begin and that failure on our side—this is not Soviet duplicity, this is State Department duplicity—that failure stripped of all the legal blue smoke and mirrors provided by the lawyers down in Foggy Bottom in that vast bureaucracy is, in fact, quite simply stated, a clear violation by the United States of the ABM Treaty.

So, Senator BUMPERS was right, last October. I was wrong. I did not believe he knew about any ABM violation by the United States. So to a certain extent I may be eating a little crow here. But I am not sure that is the violation that Senator BUMPERS has in mind.

One further word and I shall conclude. I am sure my friend from South Carolina, a distinguished and able lawyer, will agree the Constitution requires the President to see that the law is faithfully executed. The Constitution makes a treaty supreme law, which binds all Americans including even, or perhaps particularly, the President of the United States. The President surely agrees that he should obey the law and without delay direct that the required meeting occur immediately. Not just sometime this year; not by October 1 of this year; but immediately. That is what the treaty says and the treaty is the supreme law of the land.

I say again, Mr. President, that has been the hangup between the White House and me and the State Department and me. They can be cavalier about which laws they obey and execute if they wish. But as long as I am here, they are not going to get by with it.

Thus the pending amendment. I simply propose to encourage the administration to move along and no longer delay in confronting the Soviet Union with their violations of the ABM Treaty. That is all it does.

The violations by the Soviets are far more dangerous to world peace than our procedural violations. I will say again that the failure to abide by that provision of the treaty no doubt falls under the general category of appeasement and compromise, rather than one of deliberate falsification. But either way, it is time for the State Department to get off the dime and comply with the IBM Treaty.

Mr. President, the reason that I called up this amendment is I want the Senators to understand what is going on. I did not draw the amendment to any particular bill but, of course, it could have been offered to any one of several measures and I guess the polygraph legislation may have been the best choice that I made, because the amendment would not be at all amiss in that context, since the question is truth in treaties.

Mr. President, having said all that, and I apologize to the distinguished manager of the bill for taking so much time, I am going to end by withdrawing the amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment.

Mr. HELMS. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope the Senators who have amendments to the bill will show a disposition to call them up today. Up to this point, I have seen no indication on the part of Senators to call up serious amendments to the bill.

A cloture motion will, of course, be voted on tomorrow. But in the meantime, this is valuable time to spend on the bill.

Mr. President, does the Senator from Indiana have an amendment he wishes to call up at this point?

Mr. QUAYLE. I have a number of amendments concerning the polygraph bill, and if we go ahead on the polygraph bill today, I would probably call up some amendments.

Mr. BYRD. The Senator does not wish to call up one right at this moment?

Mr. QUAYLE. No, I have no desire to call one up right at this moment until we find out what will be the order of business today.

Mr. BYRD. All right. Mr. President, we have spent almost 24 hours—it soon will be, I guess—on this bill.

RECESS

Mr. BYRD. I ask unanimous consent that the Senate stand in recess for 10 minutes to give me an opportunity to talk with the Republican leader.

There being no objection, the Senate, at 12 noon, recessed until 12:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, if the Chair will indulge me momentarily, and protect my rights to the floor.

The PRESIDING OFFICER. The majority leader's rights are protected.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on the polygraph bill occur and final passage of the polygraph bill occur no later than 9 o'clock p.m. today, provided further that no nongermane amendments be in order, and that no motions to commit with or without instructions be in order.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The acting minority leader.

Mr. SIMPSON. I believe that I would defer to my colleague from Indiana who is one of the floor managers and active participants with this legislation. And I do so at this point.

Mr. BYRD. Mr. President, I yield for the reservation by the Senator from Indiana. I do not have to yield for that.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The majority leader has yielded to the Senator.

Mr. BYRD. No. The Senator can reserve the right to object. I maintain the floor.

Mr. SIMPSON. Mr. President, reserving the right to object, the procedural aspects of this matter are that the majority leader has every right under the rules to request a nondebatable motion to go forward with the intelligence authorization. There is nothing to preclude that or prevent discussion of that.

If we were to go forward with the polygraph legislation, and we are apparently ready to do that, we have germane amendments that are thoughtful and address the bill, and those are ready to be presented. But they have not yet been presented to this time. And I would hope that my colleagues would have come here with the purpose of amending, knowing full well that cloture has been requested, and will be performed tomorrow 1 hour after convening; that they would have come forward with the amendments.

At this point, I inquire of the majority leader. The time for the vote certain, together with the remaining part of the request that no nongermane amendments be in order and no motions to commit or recommit be in order, that the purpose of that, vis-a-vis the cloture procedure tomorrow, would be what?

Mr. BYRD. The purpose of the request, as I have made it, is to rule out amendments we know nothing about, have not seen, could range from the points of the compass from north to south, and the Senate would dispose of this bill today. The cloture vote on tomorrow would be vitiated.

Of course, I could not go to the intelligence authorization bill except by unanimous consent unless I find myself in the position such as I am in right at this point, in view of the fact that the Senate has been on this bill almost 24 hours, it will soon be 24 hours, has made no progress whatsoever, there has been very little debate on it other than debate on nongermane amendments, nongermane amendments were called up, and were withdrawn with no progress at all.

I am sure there are Senators who have germane amendments but they have not been to the floor and called them up. Today is a good day, it is Wednesday, to get some business done. I am in a position right now to go to the intelligence authorization bill, and I would not require unanimous consent to go to it, if I could do that within the next 5 minutes. Hopefully the Senate would complete action on that bill today.

From what I have heard said, it is believed by the manager, the chairman, I believe we can complete action on that today, and tomorrow the Senate will automatically vote on the cloture motion on the polygraph bill.

So in that way I could be sure that at least the Senate would spend these 3 days on these two bills, and hopefully we could finish both bills in those 3 days. But if I throw away the next 5 minutes, I then lose my privileged position that I am in at the moment of moving to the intelligence authorization bill and having that motion not debatable after which I would have unanimous consent to go to it, and one Senator could block that. It is for these reasons that I feel constrained to go to the intelligence authorization bill now unless we can get a unanimous consent request that action be completed on the polygraph bill by no later than 9 o'clock p.m. tonight, that there be no nongermane amendments, and I would have to add to that now the request that upon final disposition of the polygraph bill the Senate proceed to the consideration of the intelligence authorization bill, else I will have lost the privileged status that the situation is in right now.

Mr. SIMPSON. Mr. President, is the majority leader asking unanimous consent that at the completion of the polygraph measure, we go immediately to the intelligence authorization bill?

Mr. BYRD. Yes. I am hooking that to the first request, that the Senate complete action on the polygraph bill no later than 9 o'clock p.m. today; that no nongermane amendments be in order; and that no motion to commit, with or without instructions, be in order.

Mr. SIMPSON. Mr. President, I respectfully say that I must object to that. I know that the majority leader could go tomorrow to the same position and have a nondebatable motion tomorrow, with procedures tonight that would assure that.

I am still ready to produce amendments that are germane to the polygraph bill, but I know that he is on limited time, and I will not transgress.

I think we will have to go forward as the majority leader would wish to go forward at this point.

Mr. BYRD. Mr. President, how much time do I have before morning hour is closed?

The PRESIDING OFFICER. Three minutes remain.

Mr. BYRD. I ask to proceed for 2 minutes. That will leave me 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, let me change the request.

I ask unanimous consent that the Senate complete action on the polygraph bill today; that there be a final vote on passage no later than 9 o'clock p.m. today; that no nongermane amendments be in order to the bill; that no motion to commit or recommit, with or without instructions, be in order; provided, further, that on tomorrow, during the morning hour, I be

permitted to be in the position that I am right now, of making a nondebatable motion to proceed to the intelligence authorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, I reserve the right to object.

Mr. QUAYLE. A couple of people have said to me that on amendments, with a time certain tonight, we would move to polygraph. If the majority leader wants to move to intelligence after polygraph, this Senator will not object to that. I have a number of amendments to offer and will probably offer them at some time. They are germane to the bill. A couple may not be germane in a postcloture-type situation, but they are with respect to preemployment screening.

Mr. BYRD. Mr. President, are my rights being preserved?

The PRESIDING OFFICER. Yes.

Mr. QUAYLE. They are germane to preemployment screening.

So I would not object, if it is the desire of the majority leader to move the authorization bill after we dispose of the polygraph bill, whether it is tonight or tomorrow. I could not give a time certain tonight.

The PRESIDING OFFICER. The 2 minutes have expired.

Mr. BYRD. I have 1 minute remaining.

Mr. President, this thing is so involved from the standpoint of parliamentary procedure that I do not have the time to describe the position I have to be in on tomorrow and what I have to do to get into that position.

I ask unanimous consent that I may preserve the status quo, vis-a-vis my position and the nondebatable motion I could make, for 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, the distinguished acting Republican leader has indicated that on tomorrow, I could be in the same position to make a nondebatable motion. I might or I might not be. One Senator can block me from getting into that position.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes and twelve seconds.

Mr. BYRD. Mr. President, I thank the distinguished acting Republican leader, who is doing everything he possibly can to help to resolve this matter in a way that will see the Senate complete action on the polygraph bill in a very reasonable length of time, without nongermane amendments, and allow the Senate to go to the intelligence authorization bill and, hopefully, to complete action on that before the break. I thank the distinguished acting Republican leader for his efforts. He wishes some additional time so that he can make some contacts.

I ask unanimous consent that my privileged status in this situation be preserved for an additional 20 minutes, that the status quo remain the same for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I believe that if I were to yield the floor now and someone put in a quorum call and the quorum extended beyond the point of my 20 minutes, I would lose my privileged status to move to take up the intelligence authorization bill. Am I not correct?

The PRESIDING OFFICER. The Senator is correct.

15-MINUTE RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate recessed at 12:30 p.m. until 12:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I yield to the distinguished acting Republican leader for whatever he wishes to say or whatever he may wish to propose. We have had some discussion now. I think we all understand the desire on the part of myself that the Senate complete action on the polygraph bill and the intelligence authorization bill before the Senate goes out for the break, and hopefully get on the Price-Anderson bill. I am not suggesting the Senate complete action on that bill before the Senate goes out, but, at least, upon its return, it would be on that measure.

But, insofar as the intelligence authorization bill and the polygraph bill, which is the pending bill, are concerned, we had our recess and I would be interested in knowing what the distinguished acting leader is in a position to indicate at this point, based on his conversations.

Mr. SIMPSON. Mr. President, I have visited with my colleagues on this issue. Some have been deeply involved in this for many months. I believe that the law of the land is—and you can propound this or we can do it in the form of a gentlemen's agreement which we did quite successfully the other evening. I was pleased with the results of that. We never varied from our agreement one whit, and that was a long, long evening, as I recall.

So we would then proceed with our business on the polygraph legislation today. We have several amendments. We would go to that immediately upon the arrival at an agreement. We would keep people working here this afternoon doing the Senate's business. We would vote cloture tomorrow in the a.m., as set by the majority leader.

We have amendments of Senators QUAYLE, NICKLES, GRAMM, WALLOP, MCCONNELL, KARNES, SYMMS, COCHRAN, and BOSCHWITZ. As I am able to determine, all of those are subject to reasonable time agreements.

But, in any event, we know that cloture is tomorrow and that we have business to do. Then, after the cloture vote tomorrow, should it be invoked, we would go and give consent to go then to the intelligence authorization legislation tomorrow. That should not be terribly contentious from what I understand here. Then the majority leader could go forward and lay down or begin to address Price-Anderson before we go out for the recess.

I can say that I am not aware personally whether all of the amendments are totally germane, but I do not know of any that are detonating devices. I do not know of those here. I believe that the purpose of the Senate will be served. We will debate and we will have another item of business to go to and be prepared to go to that tomorrow.

That is the general outline. We can develop that further as to motions or activity or protection as you wish.

Mr. BYRD. Mr. President, I am happy to enter into a gentlemen's understanding with the distinguished acting Republican leader. I have entered into those understandings with him before and he has always kept them to the letter. He has had sufficient discussions with his colleagues on his side of the aisle to know what he is talking about and to know what can be counted upon.

I think that the proposal as he has outlined it here is perfectly agreeable to me. It would be as follows: That the Senate continue on the polygraph bill today; there are Senators on that side of the aisle who are ready to call up amendments; that the Senate will debate those amendments, act on them during the afternoon. We will have the cloture vote on tomorrow. Upon the disposition of this legislation, which will undoubtedly be clotured on tomorrow, the majority leader would be given consent to proceed to the consideration of the intelligence authorization bill. So there would be no question about getting it up. And that upon the disposition of that bill, as I understand it, the majority leader would be able to take up—I assume we are talking about consent; I have as many problems on my side as there are on the other side on that bill; maybe more—that I could have consent to take up, at least go to, Price-Anderson before the Senate goes out for the recess.

Mr. SIMPSON. Mr. President, two inquiries: that under this proposal the amendments to the polygraph measure would be germane to the subject matter of the bill and not any type of postcloture germaneness test as we do our business today, would that be agreeable?

Mr. BYRD. Yes. That is agreeable.

Mr. SIMPSON. And that at the time of going toward Price-Anderson that it would be the House bill that we would be dealing with?

Mr. BYRD. It would be the House bill.

Mr. President, the gentlemen's agreement is fine with me. I do not intend to try to lay that in stone. As I say, I do not care to attempt to lay the details of this understanding into cement. Because the gentlemen's understanding is fine with me, absolutely fine with me. But I wonder if I can get unanimous consent that upon the disposition of the polygraph bill and the intelligence authorization bill, that there would be no objection to my going to the House Price-Anderson bill?

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, I——

Mr. BYRD. With the understanding that action would not occur on that measure this week.

Mr. SIMPSON. Mr. President, I think I need to—we should resolve the issue of germaneness today as we debate precloture; that it will be regular order of amending and debating and that there be ordinary rules of our procedure, with regard to that?

Mr. BYRD. In other words, there may be nongermane amendments called up today?

Mr. SIMPSON. There might be, but I am told it might be a question of judgment that they are not truly nongermane such as dealing with Contra aid or something of that nature; but they might be something with regard to employee testing or something of that nature.

Mr. BYRD. Yes. That is understood.

Mr. QUAYLE. Will the Senator yield?

Mr. BYRD. I yield.

Mr. QUAYLE. At least my amendments that I intend to offer will be generally germane. They may not be germane on the postcloture situation, but they will be germane to the discussion of the bill. But, however, I would hope that we operate under the regular order that if another Senator wants to offer something that is nongermane that he has, or she, perfectly has that right before cloture is invoked? We have not restricted the Senate's—we have not imposed any restrictions on the Senate's nongermane rules?

Mr. BYRD. Mr. President, the Senator's understanding is correct as far as I know. Senators may call up nongermane amendments today under the understanding, but I think the intention of the acting leader, and colleagues on this side, is to, as well as possible, keep it in the general confines of germaneness today.

Mr. SIMPSON. Mr. President, the purpose of the exercise is to have a debate on polygraph, so I hope that those who want to have an honest debate on polygraph will visit with those who have nongermane amendments that do not really deal with polygraphs so that the debate can be had as it should be had on a very serious issue.

Mr. BYRD. All right. Mr. President, I am satisfied on all four corners of the understanding. I ask unanimous consent, however, that upon the disposition of the polygraph bill, the Senate proceed to the consideration of the intelligence authorization bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Now, Mr. President, I think we have reached a good understanding and it will be my intention, may I say to all Senators concerned, that upon the disposition of the intelligence authorization bill I will do everything I can to proceed to the consideration of the Price-Anderson legislation.

Mr. SIMPSON. Mr. President, that would be a clarification; that is upon disposition of the intelligence bill regarding whether it is in agreement or final passsage, if it should get into contention, we will still go forward with the Price-Anderson, House version?

Mr. BYRD. Yes; that is absolutely correct.

So, all Senators on both sides are aware of the intentions of the majority leader insofar as these three measures are concerned.

I thank the acting leader. I thank the distinghished Senator from Massachusetts [Mr. KENNEDY] and the Senator, [Mr. HATCH].

Mr. President, I yield the floor.

The PRESIDING OFFICER. The acting minority leader is recognized.

Mr. SIMPSON. Mr. President, I want to thank very much Senator QUAYLE for his assistance. He is a spirited advocate of his position and I respect that greatly and because of his persistent advocacy we have reached a result which will bring us to debate on the polygraph bill, which is something we all wish to do and the American public will want to hear that debate. I thank the majority leader for his unusual courtesies and extreme patience with me in my role as acting leader; and the Senator from Massachusetts who, I know along with our ranking member, Senator HATCH, do very much want to finish this bill. We have arranged the path to do that and I thank him sincerely. I thank the Senator from South Carolina for his courtesy.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I know that many Members of this body are concerned about the potential for polygraph abuse. There, certainly, is the possibility that examiners could use the tests to ask inappropriate or embarrassing questions to examinees. We don't want to see these things happen and, in fact, want to see such practices stopped when and if they do occur.

However, the question I ask is whether the Congress of the United States is the appropriate legislative forum for addressing these questions. As I have said during previous meetings of the Senate Labor Committee, I strongly believe it is not. I believe that the Constitution of the United States clearly grants jurisdiction over this issue to the States. Moreover, I believe that the States have proven they are much better to deal with the complexities of this issue and to develop the best legislation to meet the needs of their citizenry than the Congress.

PRINCIPLE OF FEDERALISM

As you know, I am deeply devoted to the principle of federalism. This is the fundamental issue before us today. We may differ on whether the polygraph works. We may disagree on whether use of the polygraph should be allowed in the public sector and denied to the private sector. Moreover, we may disagree on the best way to protect the rights of individual citizens who are asked to take polygraph examinations.

However, I don't believe we can disagree on whether we should be guided by the Constitution, and in particular the principles of the 10th amendment to the Constitution, in our deliberations about new legislation.

One of the axioms of American constitutional law is that Congress has only powers that are delegated to it by the Constitution, or reasonably implied from those so delegated. When Edmund Randolph, a delegate from Virginia, proposed the Virginia plan in the Constitutional Convention of 1787, it contained a principle by which the powers of Nation and State could be divided. It stated:

> * * * The national legislature ought to be empowered . . . to legislate in all cases to which the separate states are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation.

This outlined a principle rather than a method of allocating powers, and as a principle, it was approved by the Constitutional Convention. Two months later, the convention gave these instructions regarding national powers to those who would be formulating the text of the Constitution:

> The national legislature ought to possess the legislative rights vested in Congress by the Confederation; and, moreover, to legislate in all cases for the general interests of the Union, and also in those to which the states are separately incompetent, or in which the harmony of the United States may be interrupted by individual legislation.

Acting upon this instruction, the committee reported back to the convention the specific enumeration of the powers of Congress found in article I, section 8. The committee, adhering, as did the entire convention, to the principle of delegated powers, thus gave to the new Congress all of the powers then believed to be described in the article of instruction. Furthermore, it provided, in article V, a means by which those powers could be altered when necessary.

PRESERVING INDIVIDUAL LIBERTY

I fear we have a tendency to disregard this principle that was so central to the formulation of our Constitution. Yet, it is fundamental to the preservation of individual liberty and to preventing the consolidation of overwhelming governmental power.

The delegates to the Constitutional Convention were well aware of the abuses which flowed from the absolute coalescence of power in one governmental authority. Fresh from their experience with tyranny, they conceived a government of limited and delegated powers.

Their prime concern was that the people maintain their sovereignty. In order to accomplish that, power was first divided between the people and the government, reserving to the people the control of the power allotted to the government. This power was then divided between the Federal and State governments. These parts, in turn, were split up among the coordinated legislative, executive, and judicial bodies.

Through these safeguards, they believed they would be able to prevent a highly centralized government which historically have been fatal to civil liberty.

CLOSER TO THE PEOPLE

According to Thomas Jefferson, limiting government to its proper sphere was the very essence of republican government; and an important element was assuring strong and viable local governmental authorities. To Jefferson, local governments were closer to the people, and consequently, more safely trusted than the national Government.

I speak out about federalism so often because I believe firmly this is a central principle in maintaining a whole system designed to secure limited Government and individual liberty.

COMPETENCE OF THE STATES

The people of the States created our National Government and in so doing, delegated to it specific powers relating to matters they felt were beyond the competence of the individual States. Our founders trusted the States to govern the affairs of their citizens unless there was an overriding need for uniformity in national policy.

I believe that governing the polygraph industry is not beyond "the competence of the individual States," and I see no need for uniformity in national policy. In fact, I believe this issue requires the diverse approaches of State-by-State legislation that are being developed to meet the different needs of the citizenry of our various States.

As Members of the U.S. Senate, it is incumbent upon us to protect and ensure the proper balance of power between the States and the Federal Government. This legislation has the opposite result. It is an intrusion into an area never delegated to the Federal Government.

STATES PRODUCE BETTER LEGISLATION

The wisdom of the framers is evident today through the application of their arguments to the issue before us. The principles of federalism are not just abstract concepts. I believe we are more likely to get a more precise body of polygraph law that is much more responsive to the needs of our citizenry if the law is developed on a State-by-State basis.

QUESTIONS LEFT UNANSWERED

S. 1904 simply does not and could not address the many complex issues that should be explored regarding polygraph regulation. Questions involving the merit of preemployment testing verses incident-specific testing. Issues such as the diverse body of opinion concerning the validity of polygraph testing and how to maximize the chances of obtaining the most accurate results when the tests are given; and basics such as detailing and enforcing protections for examinees' rights.

However long and hard we might work to try to develop the perfect bill, I believe we would always fail. I do not believe that the Congress of the United States ever could or should write legislation that would adequately address all of the subtle and complex issues involved in the polygraph debate. We do not have the authority to do so, even if we could. We are bound by the Constitution to allow the States to resolve these questions. They, and not the Federal Government, clearly are empowered to govern regarding this issue.

Because the State government provides a better and closer ear to hear the voices of individual citizens, the States will be better enforcers of the legislation they do develop. They will more quickly find out how it is working and be able to followup with amendments that assure that their laws continue to be responsive to the needs of their citizens.

REASONS FOR STATE AUTHORITY

As many of you know, the administration strongly opposes the ban on polygraph testing contained in S. 1904. I received a letter from Assistant Attorney General John Bolton, who outlined some of the reasons for the administration's opposition. In it, he also underscores the administration's strong support for the principles of federalism. Mr. Bolton outlined a number of reasons why States are the appropriate functional jurisdiction for regulating the polygraph industry. I would like to relate some of those reasons to you today.

The first is accountability. State governments, by being closer to the people, are more able to be responsive and accountable to the needs and desires of their citizens.

Second, participation. Citizens are better able to be involved in developing legislation at the State level, resulting in a clearer sense of their actual needs, which in turn are reflected in the legislation they help to develop.

Third, diversity. The citizens of different States may well have different needs and concerns. If this matter is left to the individual States, a much richer, more diverse, and more appropriate body of law will be developed. If the Federal Government sets the policy, public policies must conform to a low common denominator in order to cover everyone with the same umbrella.

Fourth, experimentation. The States, by providing diverse responses to various issues, allow us to test many different approaches to solving public policy problems. One State may seize a novel idea that no one in Washington would have thought of but which is a fitting solution to a particular problem. Without this well-spring of creativity, our lawmaking would become stale and sterile.

And that leads me to a fifth point, containment. If experiments in public policy are not successful, they can be tremendously damaging if imposed on a national scale but much less so at the State level. As Mr. Bolton points out, "While the successful exercises of State regulation are likely to be emulated by other States, the unsuccessful exercises can be avoided."

In fact, the heated debate among scientists and scholars about the validity of the polygraph is evidence that this issue has not been resolved to the point that any national policy could be formulated.

POLICY UNIFORMITY

There are clearly issues where there is a need for national policy uniformity. We must have a uniform foreign policy if we are to effectively deal with other nations. If our foreign policy were dictated by the 50 States instead of by the Federal Government, our effectiveness in the world arena would be severely diluted. Further, the need for an efficient transportation system argues strongly for national, rather than State regulation of our airline, maritime, and rail systems. There are other examples of things that the Federal Government is better equipped to handle than the States, but polygraph law is not one of them.

The States are actively engaged in assuming this responsibility. Thirty-two of the fifty States have some kind of license or certification requirements for polygraph examiners. Forty-four of the fifty States have laws governing the use of the polygraph in the workplace; and 33 of the 50 States have addressed this issue legislatively since 1980.

STATE-BY-STATE ANALYSIS

For example, the State of Massachusetts addressed this issue as recently as 1982. The law bans most polygraph testing and requires polygraph examiners in private practice to be licensed.

Utah has required polygraph examiners to be licensed since legislation was passed in 1973.

The laws in the home States of the other Members of this body reflect the richness and diversity of law that our States are developing.

Alabama has required since 1975 for a polygraph examiner to be licensed. This law was revised as recently as 1983.

In Arkansas an examinee must be told the test is voluntary and State licensing is required.

Florida requires a State license. Georgia requires questions to be provided in advance in writing, and prohibits questions on race, religion, or politics.

Louisiana has a license requirement, as well as Mississippi.

New Mexico prohibits questions on sexual affairs, race, creed, religion, union affiliations, or activity unless agreed to by written consent. Virginia requires a license and prohibits questions similar to those prohibited by New Mexico.

Mr. President, as I have already mentioned, 44 States have laws governing the use of polygraphs in the workplace. I urge my colleagues to examine this chart, before voting on this issue.

STATES SHOW "COMPETENCE"

I believe that this chronicle of State law presents the case more effectively than any argument I can make of the States' ability and willingness to regulate or ban the administration of polygraph tests. Only the States have the power and the ability to develop a body of polygraph law that will address the many complexities this issue presents. If polygraph abuse is a problem in one State, then that State has the option of outlawing its use there. But other States may find that it is a tool that is being used responsibly and that it is contributing to the stability of the companies operating there. If so, those States have the option of regulating it to protect citizens from abuse, as so many have done.

Mr. President, S. 1904 completely undermines the solutions fashioned, through their legislative process, by the people of these and other States. When the Federal Government threatens to overrule the States on issues that are clearly in their purview, it is no surprise that some are hesitant to tackle tough questions if they fear it will be negated by unnecessary Federal intervention.

LEARNING FROM EXPERIENCE

In my opinion, Mr. President, we did not have ample opportunity to hear from the States when we conducted our hearings on this issue earlier this year. I believe that we could have learned a great deal by hearing testimony from a representative group of State officials who have had experience with administering polygraph laws.

Instead, we heard from only one State official, Attorney General Robert Abrams of New York who asked for Federal legislation because he has been unable to get a State law passed in New York. I must say that as a former Governor, it was displeasing for me to see a statewide elected official appear before the Labor Committee petitioning the Federal Government to take over a responsibility that clearly belongs to the States.

EXPERIENCE OF STATES

Testimony that we did not hear, but should have, was submitted to the Labor Committee in writing by the former Secretary of State from Florida, Mr. George Firestone.

Mr. Firestone has had ample experience administering polygraph law in Florida, and he indicated his belief that polygraph regulation works. He said that he believes the public has a right to privacy and that that right should be protected. However, he said his experience proves it is possible to protect those rights without prohibiting polygraph testing which, he said, "has consistently proven that its merit to society outweighs its risk."

His experience also shows that, with proper regulation, the abuses we are concerned about can be virtually eliminated. There are more than 500 fully licensed polygraph examiners in Florida, conducting more than 300,000 tests annually. State law requires that each examinee be told he or she can file a complaint if there are any improprieties. Yet only one validated complaint had been filed against an examiner in the year before Mr. Firestone submitted his testimony to the committee.

RESPECTING DIFFERENCES

I also believe that the Florida experience underscores another important point that I made earlier. In discussing States rights, I indicated that there may be differences in the States that require them to have different regulations. Mr. Firestone gave us a perfect example: He said that Florida is a particularly transient State where traditional background investigations are frequently impossible to perform. Further, it also has a large immigrant population.

Proponents of a polygraph ban say that background investigations and reference checks are a suitable substitute for polygraph testing. However, they are not always possible. Mr. Firestone pointed out that in Florida—and, of course, in many other States—the use of the polygraph actually allows residents to establish themselves in the work force. It is not the employment barrier that polygraph opponents so often claim but rather an opportunity for employment that might not otherwise be available.

Mr. Firestone said that the polygraph provides the business sector with an objective method of minimizing risk to itself and to the public by assuring the integrity of potential employees.

It benefits all of us when those who are qualified to work can find jobs.

EXONERATING THE INNOCENT

Further, State officials have argued their citizens should have access to the polygraph because it often serves to protect the jobs of employees who may be working in an area where theft occurs. There are many instances every day in American business and industry where a crime is committed and several employees are implicated. Without the polygraph, the employer may have felt it necessary to dismiss all of them. However, when he has access to polygraph test results, the person who committed the crime can more easily be determined—and the innocent employees exonerated, instead of fired. Whether we agree that this works or not is not the issue. The issue is whether or not local policymakers believe it does. Those who believe this is a useful tool for that purpose have the constitutional authority to allow their citizens to use it. Many States have found it can be especially effective when they enforce their own sets of standards, restrictions, and practices regarding the polygraph.

If the Congress were to outlaw polygraph testing in the private sector, as S. 1904 would require, the Federal Government would be barging into an area where it has neither the jurisdiction nor the ability to adequately regulate. The consequences could be to intrude on the legitimate right of local authorities to manage their own affairs.

REGULATION, NOT PROHIBITION

The legislation that we are considering here today would have far reaching and sweeping affects on American businesses, on employees and prospective employees, and on the body of polygraph law that is being developed by the States. Before we take such a major step, I believe we are obligated

to develop a much more substantial hearing record than we have so far. There are many who feel that regulation, and not prohibition, is the key to protecting our citizens. I believe we need to learn much more about the successes and failures of the States' experience with regulation and bans on polygraph testing.

We would need to have good reason to strip polygraph regulation from the purview of the States, especially since they have developed a significant body of law already on this issue.

STATES ARE BEST REGULATORS OF SERVICES

It traditionally is the purview of the States to regulate commerce within their boundaries. They have mechanisms to certify that those who deliver health care services to residents are qualified to do so. They oversee insurance and real estate brokers, utility companies, doctors, lawyers, and dentists, to name just a few.

The States are equipped to regulate the services offered by polygraph examiners as well.

Assistant Attorney General Bolton also has addressed this issue. He said:

> Polygraph misuse may be more appropriately deterred by restricting the conditions under which polygraphs are administered rather than prohibiting their use altogether. The states are better equipped to make those determinations.

OTHER PROTECTIONS

Mr. President, besides existing State law, other mechanisms are in place to address the issue of polygraph abuse in the private sector: namely, the collective bargaining process and the courts.

The courts provide an appropriate forum for redress for any citizen who feels his or her rights have been violated.

American workers have additional protection from polygraph abuse through the collective bargaining process. Mr. William Wynn of the United Food and Commercial Workers Union has said that 90 percent of the union's collective bargaining agreements prohibit polygraph testing.

Labor and management have the tools to find their own solutions in conjunction with existing State law on polygraph testing. This system allows even more fine tuning than State law alone.

I recognize that there may be abuses in the polygraph industry, and I urge the industry and the States to correct these deficiencies. However, under our constitutional system, not every problem has a Federal solution. If a Federal solution is desired, but not constitutionally available, then there is a provision for amending the Constitution wherein these additional powers can be granted.

THEORY OF NATIONAL POWER

In spite of the conclusive evidence to the contrary, it has sometimes been urged that the framers intended that Congress should have the power to deal with any truly national problem, whether that power is delegated to it or not.

It was this theory of national power which was presented to the Supreme Court in the case of Kansas versus Colorado in 1907 by President Theodore Roosevelt's Attorney General.

The Supreme Court's decision on this issue was very clear, and reads in part:

> The proposition that there are legislative powers affecting the nation as a whole which belong to, although not expressed in, the grant of power, is in direct conflict with the doctrine that this is a government of enumerated powers. That this is such a government clearly appears from the Constitution, independently of the Amendments, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the 10th Amendment. This amendment . . . disclosed the widespread fear that the national government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the Framers intended that no such assumption should ever find jurisdiction in the organic act, and that if, in the future, further powers seemed necessary, they should be granted by the people in the manner they had provided for amending the act. It read: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

It is incumbent upon us to respect and abide by these constitutional principles.

In conclusion, I would like to make just one further point that I believe further emphasized the wisdom of our Constitution in reserving authority to our states.

DOUBLE STANDARD

If S. 1904 were to pass, it would establish a double standard in which the public sector would be allowed to use the polygraph for employee screening and incident investigation. However, the private sector would be much more limited in its use of the polygraph. How would we explain that to our constituents?

The Federal Government, and especially its national security agencies, apparently feel they need access to the polygraph to conduct their business, and they have access to it. Whether individual citizens or businesses need the polygraph to conduct their business is not a matter for the Federal Government but rather one for local governments to decide. If they decide it is not in their citizens' best interest to allow use of the polygraph, then they can outlaw it. That ban would not set up the national double-standard that S. 1904 would perpetuate.

I urge my colleagues to consider these issues during the debate today. Perhaps the constitutional question is abstract and not pertinent to contemporary political concerns; but the Senate of the United States has a solemn obligation to uphold the Constitution of the United States. This legislation, in my opinion, violates that obligation. I urge my colleagues to join with me in opposing S. 1904 and allowing our local governments to continue to do their job in exploring and debating this issue and developing their own body of legislation.

Now, Mr. President, a very able lawyer from Richmond, VA, Mr. David E. Nagle, has made an analysis of this bill, the benefit of which I would like to give the Senate. This is a letter that is written to Mr. Powell A. Moore, of Ginn, Edington, Moore & Wade, 803 Prince Street, Alexandria, VA 22314. Mr. Nagle says:

> DEAR MR. MOORE: As an attorney who represents management in employment litigation, I am frequently called upon to advise employers regarding the lawful use of the polygraph in the workplace. I have accordingly kept abreast of efforts to secure federal legislation restricting employers' rights to conduct such tests. Pursuant to your request, I have reviewed Senator Kennedy's bill, S. 1904, and offer the following comments.
>
> Even before it was formally introduced, Kennedy's bill was touted as a compromise measure, one that would resolve the enduring battle over polygraph testing. It was supposed to be a trade-off—the elimination of pre-employment and periodic examinations, in exchange for allowing testing in investigations into employee misconduct.
>
> In fact, the bill as drafted will virtually eliminate all polygraph testing in the workplace. The circumstances in which testing can be conducted are so limited, the exposure to litigation is so substantial, and the penalties for violations are so severe, that I suspect the vast majority of employers have no alternative but to abstain from all testing. While I recognize this as the objective of the bill's patron, I fear many of the bill's current supporters are unaware of the true character of this legislation.
>
> The issues raised here are complex, and in-depth analysis would be preferred, but the reasons that the bill fails as a compromise fall into three categories.
>
> I. The bill does not provide an employer with a meaningful opportunity to utilize polygraph testing as part of an investigation into employee misconduct.
>
> First, the bill does not allow testing in the course of investigations into drug use or drug sales on the premises, into allegations of sexual harassment, or many other matters relating to unsafe and/or criminal conduct on the job.
>
> Second, in those limited subject areas where testing may be allowed, the employer must establish "reasonable suspicion" with respect to any employee tested, then file a formal report of the incident or develop a lengthy internal statement (a copy of which is given to the suspect) setting forth the basis for the suspicion.
>
> It is this aspect of the bill, when viewed in conjunction with the risk of litigation and harsh penalties, that may lead employers investigating misconduct to discharge all employees in a group of suspects, rather than raise the issue of polygraph testing. If the polygraph is effectively made unavail-

able to help clear the innocent, or to help identify the guilty, the "protection" afforded employees under this legislation is of dubious value. Investigations into misconduct may be resolved in a non-discriminatory manner—through discharge of guilty and innocent alike.

Third, even in those situations where the employer is able and willing to accept the legal risks associated with testing to further its investigation, the suspect employee cannot be required to take the polygraph, and neither the test results nor a refusal to submit to a test can serve as the basis for discipline or discharge without additional supporting evidence.

An employer who does not utilize the polygraph needs no evidence to terminate an individual under the prevailing doctrine of employment at will, but under this bill, when an employee is found deceptive on a polygraph (or refuses to submit to a test) then an employer must have additional supporting evidence. A discharge that fails to meet this vague standard subjects the employer to harsh penalties.

II. The restrictions and requirements are so ambiguous as to be certain to result in much litigation.

While some aspects of the bill are comparable to many state laws limiting areas of inquiry and imposing examiner licensing requirements, other provisions go much further. For example, the bill prohibits the asking of questions "in a manner that is designed to degrade, or needlessly intrude" upon the examinee. As noted above, a discharge on the basis of polygraph test results is unlawful without "additional supporting evidence"—but there is no guidance as to what will be sufficient.

III. An employer acting in good faith and attempting to comply with the law might well be found in violation. The penalties for non-compliance are so severe that few employers will be willing to exercise their right to use polygraph in ongoing investigations.

Virtually all employers (even those who have never used polygraphs) would be required to post a notice to employees regarding this law; failure to post resulting in fines of $100 per day. Any other violations of the law can result in civil penalties of up to $10,000. There are no comparable penalties imposed for violations of our most significant employment laws, e.g., the National Labor Relations Act, Title VII of the 1964 Civil Rights Act, or the Equal Pay Act.

Furthermore, an individual can bring a private civil action under this bill, and if an employer is found to have violated this law, the person may be awarded "employment, reinstatement, promotion, and the payment of lost wages and benefits" as well as other "legal and equitable relief as may be appropriate"—perhaps opening the door to awards for pain and suffering, embarrassment, and punitive damages. To keep the wheels of justice rolling, of course, prevailing parties recover their costs and attorneys' fees as well.

In summary, as currently drafted, the bill does not do what its sponsors claim, but instead effectively eliminates employers' right to utilize polygraph testing in the investigation of misconduct, and the preservation of safety and property in the workplace. I fear that many of those who innocently and sincerely endorsed the notion of "compromise" have, in fact, been duped. If this bill is passed into law, I see no alternative but to advise my clients to eliminate all polygraph testing from their workplace.

Finally, if an explanation of my credentials is in order, I have published one law review article and several pieces in journals regarding polygraph in the workplace. I have lectured on this subject in 9 states to some 25 groups of employers, polygraph examiners, and university students, and I have served on the Virginia Polygraph Advisory Board since 1985 when I was appointed by Governor Robb.

Thank you for this opportunity to explain my concerns with this proposed piece of legislation. I sincerely hope you will be able to shed sufficient light on the true impact of this bill to bring about its defeat. If there is any other way in which I can be of assistance, please do not hesitate to contact me. I remain,

Sincerely yours,

DAVID E. NAGLE.

Mr. President, as I say, Mr. Nagle is a very able and prominent lawyer from Richmond, VA. I think his analysis clearly sets out the situation.

Mr. President, there are many organizations that oppose this bill. I will read a letter from the U.S. Chamber of Commerce:

U.S. CHAMBER OF COMMERCE,
Washington, DC, February 11, 1988.

Hon. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR STROM: The U.S. Chamber of Commerce, on behalf of its approximately 180,000 members, respectfully urges you to oppose S. 1904, the Polygraph Protection Act of 1987.

S. 1904, introduced by Senator Kennedy (D-MA), would prohibit most private employers from using the polygraph for the purpose of screening prospective employees. Employers have found the polygraph to be an invaluable tool for deterring workplace crime and identifying security risks among job applicants. It helps to protect the financial health of American business and the health and safety of customers, employees and the public; therefore, limiting its use is not in the best interest of the American public or business.

The polygraph has proven its worth in assisting defense agencies in guarding national security; business should also have access to it. Congress has repeatedly overwhelmingly endorsed its use for this purpose.

On June 16, 1985, the House of Representatives voted 331-71 in favor of an amendment allowing the Department of Defense to increase the polygraph screening of personnel with access to sensitive information. On July 7, 1985, the Senate voted 94-5 to agree to the conference report containing a polygraph program.

On May 11, 1987, the House voted 345-44 for an amendment to the Department of Defense Authorization bill, offered by Congressman Bill Young of Florida, establishing a permanent polygraph program for national defense agencies. On November 19, 1987, the Senate voted 89-6 to agree to the conference report containing a permanent polygraph program.

Current employee theft raises the cost of goods to consumers by as much as 15 percent and continues to escalate. The Drug Enforcement Administration, which has endorsed polygraph use in employee-screening programs, estimates that one million doses of drugs are stolen each year from drug retailers, wholesalers and distributors. One employer, Days Inn of America, testified at a Congressional hearing during the 99th Congress that the use of polygraph has helped to reduce its annual losses from more than $1 million to $115,000.

I want to repeat that last statement, Mr. President.

One employer, Days Inn of America, testified at a Congressional hearing during the 99th Congress that the use of the polygraph has helped to reduce its annual losses from more than $1 million to $115,000.

Crime in America is a serious, pervasive concern. Day care centers must be able to pre-screen prospective employees to prevent incidents of child abuse. Nursing homes must know if their sick and often helpless patients are at risk of death. Public utility companies, chemical plants, airlines and railroads are only a few examples of the industries that need to be able to screen prospective employees to help avoid public disasters.

The rights of employers to use the polygraph to protect their employees, their assets and themselves must be preserved. The Chamber respectfully urges you to oppose S. 1904, the Polygraph Protection Act of 1987. Enclosed you will find a list of the business and trade associations who oppose S. 1904.

Sincerely,

ALBERT D. BOURLAND.

Mr. President, the list which the Chamber of Commerce has attached opposing this bill is a most imposing list. I would like for the Senators to listen to this list.

U.S Chamber of Commerce (Washington, D.C.).

Alabama Hotel & Motel Association (Montgomery, Alabama).

Alabama Retail Association (Montgomery, Alabama).

American Hotel & Motel Association (Washington, D.C.).

American Polygraph Association (Alexandria, Virginia).

American Rental Association (McLean, Virginia).

American Road & Transportation Builders Association (Washington, D.C.).

American Society for Industrial Security (Arlington, Virginia).

American Supply Association (Chicago, Illinois).

American Trucking Association (Washington, D.C.).

APCOA, Inc. (A Member of the National Parking Association)-(Cleveland, Ohio).

Association of Oilwell Servicing Contractors (Dallas, Texas).

Automotive Parts & Accessories Association (Lanham, Texas).

Automotive Wholesalers Association of Tennessee (Nashville, Tennessee).

Bishop, Cook, Purcell & Reynolds (Washington, D.C.).

Bowling Proprietors Association of Southern California (Burbank, California).

California Jewelers Association (Los Angeles, California).

Central Station Electrical Protection Agency (Washington, D.C.).

Circuit City Stores, Inc. (Richmond, Virginia).

Committee of National Security Companies, Inc. (CONSCO) (Memphis, Tennessee).

Federation of Apparel Manufacturers (New York, New York).

Greater New York Retail Merchants Association (Great Neck, New York).

Illinois Association of Convenience Stores (Springfield, Illinois).

Illinois League of Savings Institutions (Springfield, Illinois).

Illinois Lumber & Material Dealers Association (Springfield, Illinois).

Illinois Petroleum Marketers Association (Springfield, Illinois).

Independent Electrical Contractors, Dallas Chapter (Irving, Texas).

Independent Fire Insurance Companies (Jacksonville, Florida).

Independent Sewing Machine Dealers Association, Inc. (Columbus, Ohio).

Indiana Retail Grocers Association (Indianapolis, Indiana).

International Association of Chiefs of Police (Gaithersburg, Maryland).

Mr. President, I especially call attention to the International Association of Chiefs of Police.

Iowa Grain and Feed Association (Des Moines, Iowa).

Jewelers of America (Washington, D.C.).

Kentucky Wholesale Liquor Dealers Association (Louisville, Kentucky).

Louisiana Association of Business & Industry (Baton Rouge, Louisiana).

Manufacturing Jewelers & Silversmiths of America, Inc. (Providence, Rhode Island).

Marriott Corporation (Washington, D.C.).

Metal Treating Institute (Jacksonville Beach, Florida).

Michigan Automotive Parts Association (Lansing, Michigan).

Michigan Blueberry Growers Association (Grand Junction, Michigan).

Monument Builders of North America (Evanston, Illinois).

Multi-Housing Laundry Association (Raleigh, North Carolina).

National-American Wholesale Grocers' Association (Falls Church, Virginia).

National Apartment Association (Washington, D.C.).

National Association of Catalog Showrooms (W. Simsbury, Connecticut).

National Association of Truck Stop Operators, Inc. (Alexandria, Virginia).

National Automatic Merchandising Association (Chicago, Illinois).

National Automobile Dealers Association (Washington, D.C.).

National Burglar & Fire Alarm Association (Washington, D.C.).

National Independent Dairy-Foods Association (Washington, D.C.).

National Moving and Storage Association (Alexandria, Virginia).

National Parking Association (Washington, D.C.).

National Pest Control Association (Dunn Loring, Virginia).

National Retail Hardware Association (Indianapolis, Indiana).

Nevada Association of Employers (Reno, Nevada).

North Carolina Petroleum Marketers Association (Raleigh, North Carolina).

North Carolina Tire Dealers & Retreaders Association (Durham, North Carolina).

Northeastern Retail Lumbermen's Association (Rochester, New York).

Ohio Automative Wholesalers Association (Columbus, Ohio).

Petroleum Marketers Association of America (Washington, D.C.).

Precision Metalforming Association (Richmond Heights, Ohio).

Reid Psychological Systems (Chicago, Illinois).

Retail Bakers of America (Washington, D.C.).

Retail Merchants Association of Greater Richmond (Richmond, Virginia).

Service Station Dealers of America (Washington, D.C.).

Society of American Wood Preservers, Inc. (Falls Church, Virginia).

Society of Independent Gasoline Marketers of America (Washington, D.C.).

Tennessee Oil Marketers Association (Nashville, Tennessee).

Texas Automobile Dealers Association (Austin, Texas).

Texas Laundry & Drycleaning Association (San Antonio, Texas).

Texas Oil Marketers Association (Austin, Texas).

Texas Restaurant Association (Austin, Texas).

Texas Rental Association (Austin, Texas).

Texas Retail Grocers Association (Austin, Texas).

The Battle Mountain Gold Company c/o Burridge Associates, Inc. (Washington, D.C.).

Union County Chamber of Commerce (Union, South Carolina).

Washington Apartment Association (Tacoma, Washington).

Wine and spirits Wholesalers of America, Inc. (Washington, D.C.).

Wisconsin League of Financial Institutions, Ltd, (Milwaukee, Wisconsin).

Wisconsin Retail Hardware Association (Stevens Point, Wisconsin).

Mr. President, those are some of the organizations that oppose this bill. There are many others. It would be impossible to list all of them here.

Mr. President, I am not going to take the time to read excerpts from all of those organizations. I just want to read a few here which I think would be representative of most of these organizations.

Here is one from the American Mining Congress.

The American Mining Congress (AMC) wishes to convey to you its opposition to the Polygraph Protection Act of 1987 (S. 1904). The bill, introduced on Tuesday of last week, is currently scheduled for full Committee markup this Wednesday. As the representative of the nation's mining industry, we are concerned that this legislation will prohibit the use of the polygraph as a legitimate personnel testing tool.

While the polygraph is not used extensively in mining, several sectors of our industry do make use of the polygraph. Their reasons center on concern for theft of high explosives or precious metals. Precious metals mining and processing operations are particularly susceptible to internal theft. As part of their loss prevention program, many such operations prefer to retain the option of preemployment and random polygraph screening to assure the integrity of their workforce.

AMC believes that the question of polygraph use is an issue best left to resolution in the workplace.

The Automotive Parts and Accessories Association:

Up to 43 percent of business losses can be attributed to internal theft, according to Arthur Young and Company. Proper use of polygraphs can mean important protections for companies, preventing thefts before they occur and therefore avoiding severe damage to a company's financial position.

APAA particularly notes that S. 1904 exempts government agencies, military and security personnel from the lie detector ban. It seems unjust to our members that this bill would shield government agencies from problem employees, but deny that same protection for a small business an owner may have worked all his life to build. If polygraphs are considered a valid measurement of a person's innocence or guilt for government use and for national security needs, why are they an invalid measurement for use by private businesses?

An excerpt from Timken Bearing:

1. We conduct routine testing of potential employees using computers.

If this "mechanical device" is considered a "lie detector" based on the fact that we verify the accuracy of some information input by the applicant, such methods for simply collecting data on potential employees would be prohibited by the bill.

2. Inclusion of the term "chemical device" in the definition of lie detector may prohibit employers from doing drug screening of applicants.

3. The qualifications prescribed for the polygrapher could be interpreted to apply to anyone administering a test where an individual's honesty is verified. (As under item 1, it is routine to verify certain information that job applicants provide in seeking employment.)

Among these qualifications is maintaining a $50,000 bond and an internship of six months under a professional who has also met the specified qualifications.

If those who administer tests to regular job applicants are deemed to fall into this category, the costs to employers would be prohibitive.

4. Again, if standard pre-employment tests were interpreted as falling under this law, the reliability of such tests would be destroyed by the requirement for employers to provide the applicant with the questions prior to the test and the answers and conclusions drawn after the test is completed.

Please clarify whether these are valid concerns given the current wording of S. 1904.

While protection of an individual's rights is the responsibility of all employers, bills such as this—which, through interpretation, can create unjustified restrictions on employers and their ability to evaluate job applicants—unnecessarily increase costs and reduce the competitiveness of U.S. businesses at a time when global competition is severe and many jobs are at stake.

This letter, as I say, was from Timken Bearing in Canton, OH.

Mr. President, I have a letter from Wells Fargo from which I wish to read an excerpt:

This legislation prohibits private companies, including companies engaged in security work, from using pre-employment polygraph screening, while allowing public agencies such as the police department and FBI to use the polygraph. Pre-employment screening is vital when interviewing for the sensitive security positions within our firm. We are the target of not only criminals, but also terrorists who seek to infiltrate security companies.

In most cases, pre-employment polygraphing is more important than post-incident polygraphing in the security business, as the harm that can be done is of such a large magnitude. For example, the FBI recently arrested members of the 'Los Matcheteros' terrorist gang and charged them with an $8 million armored car robbery in Connecticut, a state where polygraphs are outlawed. The terrorists planted a member of their group inside an armored car company as a driver.

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He fled to Cuba with the funds, which were then used to fuel terrorism in Puerto Rico.

An excerpt from a letter from the Professional Lawn Care Association of America:

PLCAA represents over 1,300 lawn care companies throughout the United States, employing many thousands of people. Lawn care personnel have direct contact with a company's customers, and very often have a need to enter a customer's home. Our members are very conscious of hiring not only qualified people, but also employees who pose no risk to the customer or their property. Lie detector tests are one important tool used by some PLCAA members to help them in making a hiring decision.

An excerpt from Feature Enterprises:

Ten years ago, internal losses of diamonds and gold from this company were staggering and a voluntary polygraph program was instituted under my direction. At present, internal losses are minimal and my confidence in polygraph is maximal.

An excerpt from a letter from the National Pest Control Association:

The pest control industry sends 57,000 employees directly into 10 million homes nationwide. When the homeowner allows an unfamiliar person to enter the household, the security of life and personal property is squarely on the line.

When used with other preemployment screening methods, a polygraph examination is a valid and essential tool for preventing job applicants with criminal backgrounds from gaining access to the customer's home. S. 1904 would arbitrarily ban polygraph examinations as a preemployment screening method.

Mr. President, the excerpts I have given here are representative, I think, of the way the public feels about this matter. I could read letters from all these companies, but I just read excerpts from a few. I ask unanimous consent that the letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Chamber of Commerce,
Washington, DC, February 11, 1988.

Hon. Strom Thurmond,
U.S. Senate, Washington, DC.

Dear Strom: The U.S. Chamber of Commerce, on behalf of its approximately 180,000 members, respectfully urges you to oppose S. 1904, the Polygraph Protection Act of 1987.

S. 1904, introduced by Senator Kennedy (D-MA), would prohibit most private employers from using the polygraph for the purpose of screening prospective employees. Employers have found the polygraph to be an invaluable tool for deterring workplace crime and identifying security risks among job applicants. It helps to protect the financial health of American business and the health and safety of customers, employees and the public; therefore, limiting its use is not in the best interest of the American public or business.

The polygraph has proven its worth in assisting defense agencies in guarding national security; business should also have access to it. Congress has repeatedly overwhelmingly endorsed its use for this purpose.

On June 16, 1985, the House of Representatives voted 331–71 in favor of an amendment allowing the Department of Defense to increase the polygraph screening of personnel with access to sensitive information. On July 7, 1985, the Senate voted 94–5 to agree to the conference report containing a polygraph program.

On May 11, 1987, the House voted 345–44 for an amendment to the Department of Defense Authorization bill, offered by Congressman Bill Young of Florida, establishing a permanent polygraph program for national defense agencies. On November 19, 1987, the Senate voted 89–6 to agree to the conference report containing a permanent polygraph program.

Current employee theft raises the cost of goods to consumers by as much as 15 percent and continues to escalate. The Drug Enforcement Administration, which has endorsed polygraph use in employee-screening programs, estimates that one million doses of drugs are stolen each year from drug retailers, wholesalers and distributors. One employer, Days Inn of America, testified at a Congressional hearing during the 99th Congress that the use of the polygraph has helped to reduce its annual losses from more than $1 million to $115,000.

Crime in America is a serious, pervasive concern. Day care centers must be able to pre-screen prospective employees to prevent incidents of child abuse. Nursing homes must know if their sick and often helpless patients are at risk of death. Public utility companies, chemical plants, airlines and railroads are only a few examples of the industries that need to be able to screen prospective employees to help avoid public disasters.

The rights of employers to use the polygraph to protect their employees, their assets and themselves must be preserved. The Chamber respectfully urges you to oppose S. 1904, the Polygraph Protection Act of 1987. Enclosed you will find a list of the business and trade associations who oppose S. 1904.

Sincerely,

Albert D. Bourland.

Organizations Opposed to S. 1904, the Polygraph Protection Act of 1987

U.S. Chamber of Commerce (Washington, D.C.).

Alabama Hotel & Motel Association (Montgomery, Alabama).

Alabama Retail Association (Montgomery, Alabama).

American Hotel & Motel Association (Washington, D.C.).

American Polygraph Association (Alexandria, Virginia).

American Rental Association (McLean, Virginia).

American Road & Transportation Builders Association (Washington, D.C.).

American Society for Industrial Security (Arlington, Virginia).

American Supply Association (Chicago, Illinois).

American Trucking Association (Washington, D.C.).

APCOA, Inc. (A Member of the National Parking Association)—(Cleveland, Ohio).

Association of Oilwell Servicing Contractors (Dallas, Texas).

Automotive Parts & Accessories Association (Lanham, Maryland).

Automotive Wholesalers Association of Tennessee (Nashville, Tennessee).

Bishop, Cook, Purcell & Reynolds (Washington, D.C.).

Bowling Proprietors Association of Southern California (Burbank, California).

California Jewelers Association (Los Angeles, California).

Central Station Electrical Protection Agency (Washington, D.C.).

Circuit City Stores, Inc. (Richmond, Virginia).

Committee of National Security Companies, Inc. (Consco) (Memphis, Tennessee).

Federation of Apparel Manufacturers (New York, New York).

Greater New York Retail Merchants Association (Great Neck, New York).

Illinois Association of Convenience Stores (Springfield, Illinois).

Illinois League of Savings Institutions (Springfield, Illinois).

Illinois Lumber & Material Dealers Association (Springfield, Illinois).

Illinois Petroleum Marketers Association (Springfield, Illinois).

Independent Electrical Contractors, Dallas Chapter (Irving, Texas).

Independent Fire Insurance Companies (Jacksonville, Florida).

Independent Sewing Machine Dealers Association, Inc. (Columbus, Ohio).

Indiana Retail Grocers Association (Indianapolis, Indiana).

International Association of Chiefs of Police (Gaithersburg, Maryland).

Iowa Grain and Feed Association (Des Moines, Iowa).

Jewelers of America (Washington, D.C.).

Kentucky Wholesale Liquor Dealers Association (Louisville, Kentucky).

Louisiana Association of Business & Industry (Baton Rouge, Louisiana).

Manufacturing Jewelers & Silversmiths of America, Inc. (Providence, Rhode Island).

Marriott Corporation (Washington, D.C.).

Metal Treating Institute (Jacksonville Beach, Florida).

Michigan Automotive Parts Association (Lansing, Michigan).

Michigan Blueberry Growers Association (Grand Junction, Michigan).

Monument Builders of North America (Evanston, Illinois).

Multi-Housing Laundry Association (Raleigh, North Carolina).

National-American Wholesale Grocers' Association (Falls Church, Virginia).

National Apartment Association (Washington, D.C.).

National Association of Catalog Showrooms (W. Simsbury, Connecticut).

National Association of Truck Stop Operators, Inc. (Alexandria, Virginia).

National Automatic Merchandising Association (Chicago, Illinois).

National Automobile Dealers Association (Washington, D.C.).

National Burglar & Fire Alarm Association (Washington, D.C.).

National Independent Dairy-Foods Association (Washington, D.C.).

National Moving and Storage Association (Alexandria, Virginia).

National Parking Association (Washington, D.C.).

National Pest Control Association (Dunn Loring, Virginia).

National Retail Hardware Association (Indianapolis, Indiana).

Nevada Association of Employers (Reno, Nevada).

North Carolina Petroleum Marketers Association (Raleigh, North Carolina).

North Carolina Tire Dealers & Retreaders Association (Durham, North Carolina).

Northeastern Retail Lumbermen's Association (Rochester, New York).

Ohio Automotive Wholesalers Association (Columbus, Ohio).

Petroleum Marketers Association of America (Washington, D.C.).

Precision Metalforming Association (Richmond Heights, Ohio).

Reid Psychological Systems (Chicago, Illinois).

Retail Bakers of America (Washington, D.C.).

Retail Merchants Association of Greater Richmond (Richmond, Virginia).

Service Station Dealers of America (Washington, D.C.).

Society of American Wood Preservers, Inc. (Falls Church, Virginia).

Society of Independent Gasoline Marketers of America (Washington, D.C.).

Tennessee Oil Marketers Association (Nashville, Tennessee).

Texas Automobile Dealers Association (Austin, Texas).

Texas Laundry & Drycleaning Association (San Antonio, Texas).

Texas Oil Marketers Association (Austin, Texas).

Texas Restaurant Association (Austin, Texas).

Texas Rental Association (Austin, Texas).

Texas Retail Grocers Association (Austin, Texas).

The Battle Mountain Gold Company c/o Burridge Associates, Inc. (Washington, D.C.).

Union County Chamber of Commerce (Union, South Carolina).

Washington Apartment Association (Tacoma, Washington).

Wine and Spirits Wholesalers of America, Inc. (Washington, D.C.).

Wisconsin League of Financial Institutions, Ltd. (Milwaukee, Wisconsin).

Wisconsin Retail Hardware Association (Stevens Point, Wisconsin).

American Mining Congress,
Washington, DC, December 8, 1987.

Hon. Strom Thurmond,
Labor and Human Resources Committee,
U.S. Senate, Washington, DC.

Dear Senator: The American Mining Congress (AMC) wishes to convey to you its opposition to the Polygraph Protection Act of 1987 (S. 1904). The bill, introduced on Tuesday of last week, is currently scheduled for full Committee markup this Wednesday. As the representative of the nation's mining industry, we are concerned that this legislation will prohibit the use of the polygraph as a legitimate personnel testing tool.

While the polygraph is not used extensively in mining, several sectors of our industry do make use of the polygraph. Their reasons center on concern for theft of high explosives or precious metals. Precious metals mining and processing operations are particularly susceptible to internal theft. As part of their loss prevention program, many such operations prefer to retain the option of preemployment and random polygraph screening to assure the integrity of their workforce.

AMC believes that the question of polygraph use is an issue best left to resolution in the workplace. We urge your favorable consideration of our views.

Sincerely,

John A. Knebel,
President.

Automotive Parts &
Accessories Association,
Lanham, MD, December 14, 1987.

Hon. Storm Thurmond,
U.S. Senate, Washington, DC.

Dear Senator Thurmond: I am writing to inform you of APAA's continued strong opposition to any lie detector ban legislation (S. 1904). This bill is an unwarranted intrusion into the hiring and firing practices of our members.

Up to 43% of business losses can be attributed to internal theft, according to Arthur Young and Company. Proper use of polygraphs can mean important protections for companies, preventing thefts before they occur and therefore avoiding severe damage to a company's financial position. While certain retail groups now support S. 1904 as a result of the very limited exemption permitting polygraph use for "ongoing investigations," failure to allow preemployment screening will continue to leave many businesses vulnerable to employee theft or damage.

APAA particularly notes that S. 1904 exempts government agencies, military and security personnel from the lie detector ban. It seems unjust to our members that this bill would shield government agencies from problem employees, but deny that same protection for a small business an owner may have worked all his life to build. If polygraphs are considered a valid measurement of a person's innocence or guilt for government use and for national security needs, why are they an invalid measurement for use by private businesses?

APAA's nearly 2,000 member companies strongly urge you to reject this ill-advised legislation when it is brought before the Senate Labor and Human Resources Committee. Both businesses and consumers need the protection afforded by polygraphs from the higher overhead costs and prices which are associated with increased incidences of employee theft.

Sincerely,

Julian C. Morris,
President.

Wells Fargo Armored Service Corp.,
Columbia, SC, February 1, 1988.

Hon. Strom Thurmond,
U.S. Senate, Washington, DC.

Dear Senator Thurmond: Senator Kennedy recently introduced a bill which would restrict the use of the polygraph by private employers. S. 1904 is expected to move quickly to the Senate floor.

This legislation prohibits private companies, including companies engaged in security work, from using pre-employment polygraph screening, while allowing public agencies such as the police department and FBI to use the polygraph. Pre-employment screening is vital when interviewing for the sensitive security positions within our firm. We are the target of not only criminals, but also terrorists who seek to infiltrate security companies.

I am a manager of an armored car service company and we handle large sums of currency and coin daily. Our employees are in custody of this currency and coin much of the time without any supervision. It is of vital importance to our operation that we be able to screen out dishonest employees before they have an opportunity to steal from us. The polygraph is our most important tool for this purpose, and prohibiting its use for pre-employment screening would have a very immediate impact on our business and increase the costs of our service substantially.

In most cases, pre-employment polygraphing is more important than post-incident polygraphing in the security business, as the harm that can be done is of such a large magnitude. For example, the FBI recently arrested members of the 'Los Matcheteros' terrorist gang and charged them with an $8 million armored car robbery in Connecticut, a state where polygraphs are outlawed. The terrorists planted a member of their group inside an armored car company as a driver. He fled to Cuba with the funds, which were then used to fuel terrorism in Puerto Rico.

All of the above is also supported in the book titled "Los Macheteros" by Ronald Fernandez, published in English by Prentice Hall, copyright 1987. (The Wells Fargo robbery and the violent struggle for Puerto Rican Independence.)

The House of Representatives recognized the special needs of security companies and included in the Bill which just passed the House, an exemption for these functions. An identical exemption was included in the Bill which the House passed in 1986.

Frankly, we believe that polygraphs are best regulated at the state level. In fact, 22 states now have some sort of restrictions. However, if you believe the federal government should become involved, we would ask that you support an exemption for private security functions.

Sincerely,

Nobumasa Tsuboi,
Branch Manager.

Professional Lawn Care,
Association of America,
Marietta, GA, January 28, 1988.

Senator Edward M. Kennedy,
Senate Russell Office Building,
Washington, DC.

Dear Senator Kennedy: The Professional Lawn Care Association of America is writing to you to register our opposition to your Bill 1904, which will prevent our members from utilizing lie detector tests as one of several tools available to them in making hiring decisions.

PLCAA represents over 1,300 lawn care companies throughout the U.S., employing many thousands of people. Lawn care personnel have direct contact with a company's customers, and very often have a need to enter a customer's home. Our members are very conscious of hiring not only qualified people, but also employees who pose no risk to the customer or their property. Lie detector tests are one important tool used by some PLCAA members to help them in making a hiring decision.

PLCAA requests the opportunity to present our arguments against Bill 1904 to the Labor and Human Resources Committee. Your consideration of this request will be most appreciated.

Very truly yours,

James F. Wilkinson, Ph.D.,
Director of Regulatory and
Environmental Affairs.

National Pest Control
Association Inc.,
Dunn Loring, VA, February 11, 1988.

Dear Senator: On February 3, the Labor and Human Resources Committee voted to report S. 1904, legislation which would severely restrict the responsible use of polygraph examinations by private employers. As currently drafted, this legislation would hurt our ability to protect the safety and security of our customers.

The pest control industry sends 57,000 employees directly into 10 million homes nationwide. When the homeowner allows an unfamiliar person to enter the household, the security of life and personal property is squarely on the line.

When used with other preemployment screening methods, a polygraph examination is a valid and essential tool for preventing job applicants with criminal backgrounds from gaining access to the customer's home. S. 1904 would arbitrarily ban polygraph examinations as a preemployment screening method.

Furthermore, pest control companies comply fully with state regulations governing the administration of polygraph examinations. S. 1904 would preempt state laws and deny responsible preemployment use of the polygraph under state regulation.

Finally, S. 1904 would allow the government to continue preemployment polygraph testing. H.R. 1212, passed by the House, exempts private security services and drug companies from the private-sector ban on polygraph testing. These exceptions for government and certain businesses attest to the validity and value of polygraph use. If the polygraph works to screen prospective employees for tasks affecting national security, judicious polygraph application can work to protect the public we serve.

We respectfully ask that you oppose S. 1904. Thank you for considering our concerns.

Sincerely,

Harvey S. Gold,
Executive Vice President.

Feature Enterprises, Inc.,
New York, NY, January 28, 1988.

Hon. Strom Thurmond,
U.S. Senate, Washington, DC.

Dear Senator Thurmond: It has come to my attention that Senate Bill 1904 is presently before your Labor and Human Resources Committee for consideration. I am very concerned because S.B. 1904 would ban the use of polygraph for pre-employment screenings and periodic examinations, and severely limits its use for theft investigations in private industry. This proposed ban and severe limitations would not affect any government agencies and thus discriminates against the private sector.

The Polygraph, in the hands of experts, has proven itself an invaluable tool for pre-employment screenings, periodic examinations, and investigations of thefts in this company and other companies in the jewelry industry.

As a security professional, I have observed the polygraph prove itself to be both valid and reliable in this workplace during the past ten years. This company has not received any complaints of polygraph abuse from any employees or prospective employees during this period. Ten years ago, internal losses of diamonds and gold from this company were staggering and a voluntary polygraph program was instituted under my direction. At present, internal losses are minimal and my confidence in polygraph is maximal.

It is extremely unfair to disapprove the use of polygraph in the private sector and approve its use in all areas of government. Does the polygraph only work for the government and not the private sector? Of course not. Polygraph either works or doesn't work! I strongly believe it does work when administered by a highly qualified polygraph examiner.

Please give this letter your serious attention and consideration. I strongly urge you to oppose S. B. 1904 and vote against this discriminatory legislation. Remember, what is good enough for government should also be good for private industry!

Respectfully,

Vincent J. Lambriola,
Director of Security.

Mr. THURMOND. Mr. President, I refer again to this chart. Here is a chart that tells the situation in every State in the Nation—every State, whether or not it has polygraph; 44 States have some form of polygraph testing now. Why should the Federal Government enter into this field? This field has never been delegated to the Federal Government, and there is no authority to go into it. We can pass a constitutional amendment and give them that authority, but why do it?

Forty-four States now have polygraph laws on the subject. I hope the Senate will take that into consideration and not, in one fell swoop, pass a Federal law that will strike down what 44 States have done. If States want a polygraph law, they can have it. If they do not want to have a polygraph law, they will not have it.

I especially ask the Senate not to strike down these State laws but let States continue in this field of jurisdiction, which they have a right to do under the Constitution, since this field has never been delegated to the Federal Government under the Constitution.

Mr. President, I thank Senator Durenberger for allowing me to speak at his desk at this time, so that I could point out these charts to the Senate.

Mr. President, I ask unanimous consent that the charts to which I have referred be allowed to stay up in the Senate until this bill is finished and voted on.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in strong opposition to the bill that is currently before the Senate. I will have a series of amendments later in the day, and I will have some I assume, given our time constraints, after cloture is imposed if it is imposed.

I would like to say, Mr. President, that few bills that have come before the Senate in the 3 years that I have been here have been so unwise, so counterproductive, and so expensive to the functioning of the private sector of the economy.

I am struck, Mr. President, by a paradox here which is almost beyond imagination. The underlying logic of this bill is that polygraphs are fundamentally wrong, that their reliability is so low that we are in essence abridging people's rights by asking them to submit to examination, yet, the bill begins by exempting government.

I submit to my colleagues if you look at our great Nation and what makes it work, the logic is flawed. This bill regards the polygraph as a bad tool, yet it also holds that government is so critical to the Nation that we have to apply the polygraph in government, but that the private sector is so irrelevant to the Nation that because we have an imperfect tool in the polygraph, it, for all practical purposes, should not be used in the private sector of the economy except under the most limited nonproductive circumstances which one can imagine.

I submit, Mr. President, that the Government is made up of people who are riding in the wagon of this Nation and that the private sector is involved in pulling that wagon.

If we are talking about critically important elements of America, the private sector of the economy is certainly more important to the prosperity of our great Nation than is government. But if polygraphs are so counterproductive, so inefficient, so unreliable, so unfair, why are we using them in government when we are going to deny them to the private sector of the economy?

What a great paradox it is, Mr. President, that since 1985, over and over and over again the Congress has turned to greater reliance on the polygraph.

Now, when we are in the process as the House of Representatives has on three occasions employed the use of various types of testing and use of polygraph, what logic is there in saying to a day care center you are barred by law from using a polygraph to ask a prospective child care worker if they have ever been convicted of child molesting? It seems to me that what we have here is a totally illogical bill that embraces a faulty presumption. It clearly makes no sense.

What we are doing here is setting two standards, a perfect example of how Congress fails to serve the public interest.

One standard is the Government standard and in the Government we say, "use the polygraph." And yet we say to the private sector, whether you are talking about child day care, driving an armored car, guarding a nuclear powerplant, we say, no, this test is so unreliable that it may not be used.

Will it do us much good if someone breaks in and blows up a nuclear powerplant to go back and say, "Aha, you have complied with the special section of this bill that says now employees may be asked if they are willing to submit to a polygraph test to determine if an employee had a role in attacking the plant. They can still refuse, but you can use that as evidence in dismissing them."

Fat lot of good that is going to do when the nuclear powerplant is blown up.

Finally, as you look at the agencies listed here as being exempt, one has to ask who drew up their list?

If you are a private contractor doing specific work for the Department of Defense, Energy, the Central Intelligence Agency, the National Security Administration, the Federal Bureau of Investigation, where you are dealing with sensitive information, you can then be asked to use a polygraph under the Government exemption from the provisions of this bill.

What about the Arms Control and Disarmament Agency? I mean, surely we want some ability to determine, when we are negotiating arms control matters with the Soviet Union, that we have some degree of protection in terms of security. If we can give some lieutenant in the Defense Department a polygraph, why not the Arms Control and Disarmament Agency? What about the dozens of other agencies of Government that are dealing with highly classified material?

Are we concerned only about intelligence and counter-intelligence matters? Or are we concerned about security itself?

Mr. HATCH. Mr. President, will the Senator yield?

Mr. GRAMM. I will yield in just a minute.

Mr. HATCH. On just those points, because I understand how the Senator feels about this bill, and it is a controversial bill. But in those areas where they are exempt from this bill's provisions we exempt State and Federal Government agencies. The Senator recognized that at the beginning of his statement, and I just want to correct that now from that standpoint.

Mr. GRAMM. If there was a confusion in my statement, I would say that a central point is you are exempting the least important part of American society. You are exempting all the people who are riding in the wagon, but you are not exempting the people who are doing the work and are pulling the wagon in this country. That inequity is a major problem with this bill.

If polygraphs are so bad, why is the Government using them?

Mr. HATCH. There are two reasons, if the Senator will yield to me. One is we do not want to impose upon State governments the will of the Federal Government. That is one of the things I tried to put in this.

No. 2. is that we find that the Government does operate the polygraph better than the 15-minute quickie polygraphs that have been used to exclude people in preemployment hiring situations.

No. 3, we provide in this bill that you cannot use it for screening for plant preemployment because it is prejudicial and frankly the polygraphs are not all that accurate. Even the top authorities who testified before our committee said an 85 percent accuracy rate with all things going for it, everything done properly, would probably be a reasonable rate.

We just do not want to have people lose their jobs because of that.

Last and not least, the Government itself in administering polygraphs has been an expert. They generally very seldom rely purely on the polygraph itself. In fact, I have never heard of a case where they fired someone purely on results of a polygraph examination. There have to be some other reasons.

I think they have shown that proficiency in these national security areas to do that.

What we really wanted to do there was just plain recognize we are not going to tell State governments what to do.

The Federal Government we have exempted because there are so many people concerned about national security matters.

There are arguments on both sides of these.

What we tried to do is come up with a bill here that really does protect people's rights.

Mr. GRAMM. If I may reclaim the time, I do not remember having mentioned State or local government. I am talking solely about the Federal Government. I am saying if these tests are so flawed and inefficient, why are we letting government use them when we are not letting the private sector.

The Senator is talking about 15-minute quickie lie detector tests. If a child care center wants to administer a test and ask, "Have you ever been arrested for child molesting," I do not see that as a terrible thing.

Now I am certainly willing through due process to mandate that a test which was errant be eliminated from consideration in preventing them from being hired, but I am not opposed to them being asked.

If you are talking about a person who, through his job is responsible for safeguarding the lives of others, I am not going to apologize for saying yes, you can ask the person in a 15-minute test, "Did you use cocaine?" If the person denies drug use, but the test indicates otherwise, then I think it is reasonable to check further.

I just do not think this bill makes any practical sense. I am shocked and dumbfounded that it has the support it does. I am not in favor of having everybody submit to lie detector tests. But when we are talking about the private sector of the economy, when we are talking about people operating transportation systems, caring for our children, when we are talking about sensitive areas where people are going to be hurt if we make a mistake, I, frankly, do not understand the obsession embodied in this legislation.

What about the children who could be protected if we used polygraphs and asked people, "Have you ever been arrested for child molesting?" Where does this bill protect their rights?

I think it is easy to talk in glib terms about 15 minute quickie lie detector tests, but I think there is ample ability to go beyond the test.

As the distinguished Senator from South Carolina was saying, the availability of the lie detector test keeps terrorists from applying to go to work for armored car companies or nuclear plants. Quite frankly, I want people who are going to be working in security at nuclear powerplants or at drug manufacturing facilities to be concerned about the fact that they might be chosen at random sample to do a polygraph test on whether they are smuggling drugs that may destroy the life and health and happiness of our children; or whether they may be engaged in something similar that is clearly against the public interest.

Thirty-three States already have licenses and certificates. Forty-four States have regulatory legislation. Thirty-three States have acted in the last decade. How did this become a Federal issue? How is it a Federal issue that day care center uses a polygraph to avoid hiring a child molester.

The plain truth is it is not the Federal Government's jurisdiction. This is one more step toward federalizing fundamental decisions in the private sector of the economy, decisions that have been left to city, county and State governments which, miraculously, have done pretty well working within their own individual constraints.

This is a Federal preemption. It is moving in the wrong direction and I hope my colleagues will understand before we all rush down here and vote for cloture and say, "Well, you know, we are a little bit suspicious about this. Maybe we ought to have some regulation of it." We already have regulation. We have regulation in the States.

There is not a good argument for this bill that I have heard anywhere. The only argument is the old argument that these tests are not totally reliable. I have never talked to any company, never talked to any insurance firm, any security firm that did not realize they were less than totally reliable. In fact, in many cases, just the threat of the test is what is required to preserve honest operation.

So I ask my colleagues to think about the safety of children in daycare centers, to think about the safety of nuclear reactors, to think about the safety of people who are riding in trains, people who are riding in airplanes.

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This is not just an issue of 150 or 200 trade associations who are going to have their costs go up. We are not just talking about another deadweight burden of cost and inefficiency that robs the working men and women of America. We are not just talking about that. We are talking about people's health, people's safety, and about their lives.

I think this is a serious matter, and I think it ought to be thoroughly debated. I hope that by the time we are finished, the President will veto this unwise bill and that we will sustain that veto.

I yield the floor.

(Mr. SHELBY assumed the chair.)

Mr. HATCH. Mr. President, I think some of the allegations have to be answered. I respect my colleague from Texas. He is a great free enterpriser. He is one of the people who stand up on so many issues and I think he is one of the most articulate and intelligent Members who comes to this floor and who has ever spoken on this floor. But I have to correct him to a degree.

First of all, we would not require private businesses to do what the Federal Government does, because private businesses are not going to impose polygraphs on everybody. The airlines are not going to do it, and neither are day care centers, and neither are convenience stores and neither, really, will anybody else require polygraphs for every circumstance.

The fact of the matter is, under present law, 35 States require in all day care center situations that an FBI check, a thorough FBI check, be made, plus a criminal records check before they can hire these people.

I think what my colleague from Texas really does not realize is that drug users can be handled right now by any private business person by requiring a drug test. Under current law, they can do it. I believe the distinguished Senator from Indiana is going to offer an amendment in just a few minutes that will allow drug testing. And if the amendment is in the form I think it will be in, I am hopeful that we can accept that amendment. Now, that is current law, but he will lock it in, and he will do this whole country a favor in doing so. I cannot imagine anybody on this floor voting against that.

So the argument that you have to have a lie detector test, which is, at best, only 85 percent accurate on the average, which means that 15 percent of the people are getting just hammered for no good reason, that argument is not a good argument, because they can test everybody who comes through if they want to for drugs.

But, as a practical matter, unlike the Federal Government, they are not going to require everybody to take a drug test because it costs money and private sector businesses are not going to do it. But, in day care, they are going to have FBI checks, for the most part, and criminal record checks for the most part, at least 35 States require it. I wish the other 15 would require that, too. I think that would be a good step forward. If we have the slightest indication somebody might be a drug user, put them through a drug test. They can do it under current law. But when the distinguished Senator from Indiana gets through—and I have fought for his amendment—when he gets through, it seems to me they will have an absolute right to do it, even though I think that is current law anyway.

So, to stand here and argue that you have got to have a polygraph, which nobody in this world wants to take, especially when you know it is not 100 percent accurate, when you know you might be one of those 15 percent who is mistreated, I think is a poor argument.

I know that the distinguished Senator from Texas is not going to vote for anything that would allow the private sector to do what the Federal Government sector does, require polygraphs under certain circumstances.

This bill does not do away with polygraphs. We still recognize some efficacy. I do not think anybody has better conservative credentials than I do or better law and order credentials than I do, but I am tired of anybody thinking that the polygraph is the last answer to anything. It just plain is not.

For the most part, it is unacceptable in courts of law for evidentiary purposes, and with good cause. Because it is not accurate.

I can tell you this, one of the things this bill is going to establish is that you are never going to be able to use the polygraph in the private sector as the sole determining influence to determine whether a person is hired or fired. The fact of the matter is that I do not think it should be the sole reason why anybody is fired. It certainly should not be the sole reason why anybody is not hired. The reason is because it is inaccurate.

As accurate as it may be when you have the best of examiners asking the best phrased questions, giving sufficient time to do the polygraph checking and given the best of analysis at the end, after you look at what the polygraph says you are still going to be inaccurate about 15 percent of the time.

What American wants to have to appear for an imposed polygraph examination?

Mr. GRAMM. Would the distinguished Senator yield on that point?

Mr. HATCH. I would be happy to.

Mr. GRAMM. Why are you doing that in the Federal Government then? Is polygraph not inaccurate when used by the Federal Government?

Mr. HATCH. It can be, but it is not used solely as a determinant whether they are employed or not. It may be a tool, but it is not the sole determination as far as I understand.

I might add that I have been a little more fair with polygraphs than they deserve. The fact is the top testimony in front of our committee said that 85 percent accuracy, when you have the best examiner, with the best questions, with the best amount of time spent; certainly not 15 minutes or one-half hour, perhaps even an hour under certain circumstances, and with the best analysis, you are going to be accurate 85 percent of the time.

The actual testimony I think will be that they are accurate about 50 percent of the time.

I think in most cases the Federal Government does not use the polygraph as the sole means of excluding somebody from a job. Under this bill we will not allow it to be used in any way to exclude a person from a job, as a job applicant. But we do allow it postjob attainment. We allow it as long as there is a reasonable suspicion that that person did something wrong, that they might be required to have a polygraph. And if they take the polygraph examination and the examination clears them as a general rule they are going to be all right. If they take it and the polygraph says they were deceptive or that they were untruthful, then the employer can act responsibly. If they refuse to take it the employer can treat it as though they had a negative polygraph examination.

Mr. GRAMM. Would the distinguished Senator yield?

Mr. HATCH. Yes.

Mr. GRAMM. Would the Senator support an amendment that simply says the private sector, in using polygraphs, would have to meet the Federal standard? If the distinguished Senator is concerned about someone losing a job if they fail the test, maybe the solution is not to deny the ability to use the test, but to simply say: You have got to follow the same procedures as the Federal Government does. You have got to recognize they are not always accurate. You have got to go beyond the polygraph test and verify the fact. But it can alert you to it just as doing an FBI check on a child day care center, if that process can be improved by polygraph but people cannot be denied a job because they fail it—the plain truth is you have got a resource constraint in checking people out.

If you went ahead and cleared the people that passed the polygraph and then focused your attention on those who did not, could we not do a better job of protecting children? Would you be inclined to that kind of amendment?

Mr. HATCH. The answer to that is no because when we have checked——

Mr. GRAMM. I figured.

Mr. HATCH [continuing]. Through the committee process a couple of years ago the answer from the private sector was we do not want to have that imposed upon us because we cannot afford it.

What the distinguished Senator is saying, if they want to do it they ought to be able to afford it. The answer to that is no. Because polygraphs, as accurate as they may be with the best of examiners, using the best tools, using the best questions, using adequate time, and using the best analysis, at best they are going to be accurate probably 85 percent of the time. That is if we give them every benefit of the doubt; and maybe only accurate 50 percent.

Put yourselves in the shoes of those applicants for employment. How many people in this country would like to submit themselves for 15 minutes, or 20 minutes, or 30 minutes of polygraph examination? Then I think you see the wisdom of this bill. This bill says, no, you are not going to be able to do that and exclude people from employment. That is wrong.

I do not think anybody has any better credentials fighting unwise labor legislation on this floor than I do. I am not bragging. It is just that I have had to do it all these years. It is no fun, especially arguing against my brothers in the labor unions that I came through. I am one of the few in this whole doggone body who did, I might add, in the whole Congress, who went through an apprenticeship program and literally became a journeyman; and I am proud of it.

I have fought every bit of unwise labor legislation that came through here, but I always said to my brothers that when they are right, I will fight for them. I think it is incredible to argue that every business that should use polygraphs or could be required to use them, will not if they have to meet standards that are decent.

The fact of the matter is they would not pay the money to do it. They are using them, but they are intimidating people and they use the polygraph as an intimidation device, and it is not right.

This bill is wise because, once they are hired, if there is reasonable suspicion that they are doing something wrong, then the employer can ask them to submit to a polygraph. If they do not submit, that is their problem. The employer can act accordingly. If they do submit and they fail, then by gosh the employer has a right to fire them. If they do submit and pass, they are probably going to be cleared, under most circumstances.

The tool is still available but is not available under the best of circumstances, not under the intimidation circumstances that have been used so much in the past. And that is what this bill does.

It is a doggoned fine bill. It makes a lot of sense and frankly it protects people's rights and I think they ought to be protected and in this case the unions happen to be right and I support them.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, let me first of all just amplify on the two points that have been brought up by my distinguished friends from South Carolina and Texas, Senator THURMOND and Senator GRAMM, on the objections to this bill.

The first, as Senator THURMOND has pointed out in graphic detail, you have States that already regulate this. Second, particularly as Senator GRAMM has pointed out, you have got a double standard on this bill. You do have a double standard on this bill in the fact that it is banned for the private sector but is OK for the public sector to do.

That type of hypocrisy is not unusual, but I think it ought to be pointed out, that what we say for the Federal Government is OK to do, we are not going to allow this to be done in the private sector.

The question is what forces this kind of logic? And I think what probably forces this kind of logic is that this Congress likes to legislate, likes to do things that help the folks out back home. We call it by any other name. We do not want to say that this is, in fact, a usurpation of State responsibility; 44 States regulate polygraphs. We do not want to get in and say that this is an unusual intrusion of what has been left to an employer-employee relationship. We would rather pass it off in terms of nice sounding, politically acceptable terminology that is civil rights, that this is certainly rights that folks ought to have.

You have those. We are going to make sure those rights are for at least the private sector, in this particular case, but not the public sector.

What I imagine really drives this bill is that there is nothing else for the Senate to do.

We spent 2 weeks on campaign reform, on a bill that we knew was not going anywhere. We were in session close to 60 hours, and we went to the unusual procedure of arresting Senators, which I thought was very heavy-handed.

We spent 2 weeks on that, and now we have spent yesterday, and we will spend today and part of tomorrow on an issue of major importance. That is on whether an employer can, in fact, use polygraphs for preemployment screening in the private sector.

We are going to say that that is not a good idea. We really have before the Senate a bill of major importance, major consequence, and it is of utmost national urgency that we focus on this bill. It is so important that we have even filed cloture on this bill to make sure that we will get a cloture vote tomorrow and that we can get this bill of major national importance passed. At least that is certainly the desire.

I really do not believe that this bill is of such importance. As a matter of fact, I do believe this is a practice that has traditionally been left to the States.

I am opposed to this bill, not because I have any belief in the polygraph but because, quite frankly, I believe, in some instances, it has been reported where polygraphs are terribly unreliable.

If employers are banned from using this for preemployment screening, they will come up with something else. They are going to have a screening device. I cannot help it, although I suppose someone might try to come up with a law in the guise of doing something worthwhile to force employers to do things that are not done.

If the employer wants to rely on polygraphs that give faulty information, and I consider that not a terribly wise thing to do, I cannot preclude an employer from basing his hiring practices on something that may be called stupid. But that is no reason that we want to create this intrusion of the Federal law into an employment relationship.

But we do not have anything else to do. We go to the cupboard, and the cupboard is rather bare of things to do around here. So we will talk about polygraphs, lie detector tests. This is important.

I suppose you can make the argument that it will help out productivity, that it will lower interest rates, and that it will keep inflation down. It is not going to do anything in the area of strengthening national defense because this bill does not apply to national defense. DOD is exempt from this, as are other parts of the Federal Government.

Up to now, the Federal law has not been regulating employers' hiring and fire decisions, except to prohibit unlawful discrimination, and that is certainly a Federal responsibility.

There are certain inalienable rights, constitutional rights, issues like discrimination, that really demand the attention of the Senate. It is something that is of national importance.

Currently, we have labor-management agreements and State laws that, in fact, regulate hiring-firing decisions. Forty-four of the fifty States have laws governing the use of polygraphs. The Senator from South Carolina has pointed that out. Forty-four of the fifty States have laws governing the use of polygraphs in the workplace, and 33 of the 50 States have addressed this issue legislatively since 1980. Twenty-six States either ban or restrict the use of lie detector tests.

Being logical—and I suppose in Washington and in the Congress that is a bit much to ask—if you, in fact, were logical and if, in fact, you do not think lie detector tests are valid and if, in fact, you do not think lie detector tests ought to be used and you are suspicious of them, you ought to put up legislation and just ban lie detector tests. If they are no good, just ban them, pure and simple. But that is not what we have before us. We are just going to ban them for preemployment screening. We will use them elsewhere under certain conditions, and certainly much of the public sector will be able to use them.

But the States have, in fact, gotten into this a lot more than the Federal Government. They know what they are doing. But we do not have anything else to do, so we will talk about lie detector tests. We will invoke cloture, and we will spend the Senate's time talking about this.

In addition, the States have passed volumes of laws regulating the employment process, both through specific enactments against particular abuses and through statute and case law, requirements of just cause for discharge.

For example, in Massachusetts, New Hampshire, and Rhode Island, they increased the minimum wage above the current Federal minimum of $3.35 an hour. The District of Columbia raised the minimum hourly wage of beauty culture occupations from $3.75 per hour to $4.50. Kentucky and West Virginia raised their minimum wages to $3.35 per hour. Child labor laws were recently revised in 10 States. Florida imposed limits on permissible daily and weekly hours of work for 16- and 17-year-olds during the school year. Minnesota reduced the latest that minors, under the age of 16, may work. Connecticut no longer requires proof of age certificates for persons over the age of 18 employed in hazardous occupations.

The Labor Commissioner of Iowa was given authority to adopt rules on employment of minors. Several States require background checks of prospective child-care operators or workers. Tennessee requested a study of the need for minimum health and safety standards for the operation of video display terminals. The list goes on and on.

The States are actively involved in areas of concern to the employees. Twenty-six States have either banned or restricted the use of lie detector tests. But S. 1904 is the equivalent of a Federal ban on polygraph testing and sets up Federal standards for polygraph testing and licensing of polygraphers.

In passing this bill, we will be headed down the road of Federal standards of just cause for discharge. We will find ourselves not looking at broad policy issues, but obsessed with minutia of day-to-day hiring and firing decisions now subject to State law.

S. 1904 would set Federal standards for use of the polygraph device by employers.

A NEW AREA FOR FEDERAL LAW

I am opposed to this bill, not because I have any belief in the validity of the polygraph, but because it would create a new intrusion of Federal law into the employment relationship.

Up to now, Federal law has not regulated the employer's hiring and firing decision, except to prohibit unlawful discrimination.

TWENTY-SIX STATES PROHIBIT OR RESTRICT THE POLYGRAPH

Currently, labor-management agreements and State laws regulate hiring and firing decisions.

Forty-four of the 50 States have laws governing the use of polygraphs in the workplace and 33 of the 50 States have addressed this issue legislatively since 1980. Twently-six States either ban or restrict use of "lie detectors."

In addition, the States have passed volumes of laws regulating the employment process, both through specific enactments against particular abuses and through statute and case law requirements of "just cause" for discharge.

For example, in Massachusetts, New Hampshire and Rhode Island increased the minimum wage above the current Federal minimum wage of $3.35 per hour. The District of Columbia raised the minimum hourly wage of "beauty culture occupations" from $3.75 per hour to $4.50. Kentucky and West Virginia raised their minimum wages to $3.35 per hour.

Child labor laws were recently revised in 10 States. Florida imposed limits on permissible daily and weekly hours of work from 16- to 17-year-olds during the school year. Minnesota reduced the latest that minors under age 16 may work. Connecticut no longer requires proof-of-age certificates for persons over age 18 employed on hazardous occupations. The labor commissioner of Iowa was given authority to adopt rules on employment of minors.

Several States required background checks of prospective child care operators or workers.

Tennessee requested a study of the need for minimum health and safety standards for the operation of video display terminals.

The list goes on and on.

HEADING DOWN THE ROAD TOWARD "JUST CAUSE" FOR DISCHARGE

S. 1904 is the equivalent of a Federal bank on polygraph testing and sets up Federal standards for polygraph testing and licensing of polygraphers.

In passing this bill, we will be headed down the road of Federal standards of "just cause" for discharge. We will find ourselves, not looking at broad policy issues, but obsessed with the minutia of day-to-day hiring and firing decisions now subject to State law. This is the precedent set by this bill—that it appropriate for the Federal Government to ban the polygraph.

Next we will hear that it is appropriate for the Federal Government to ban drug testing. Indeed, it might be argued that this bill begins to do that very thing.

The polygraph is being banned because it is an inaccuarate device and because, even when it is accurate, unscrupulous polygraphers harass their subjects. The polygraph is but one of a multitude of devices, or tools used to make decisions, that are inaccurate.

In fact, it may interest my colleagues to note the the American Psychological Association argued in an amicus brief before the Supreme Court that "subjective personnel assessment methods, such as interviews, experience requirements and performance appraisals, can and should be validated". The APA, a strenuous supporter of S. 1904 would have us do just that, set Federal standards for hiring and firing.

It would seem to me that employers use many tools to make employment decisions, none of which is perfect. Thus, I am somewhat surprised at the reasoning of the report of the majority which states:

> Employees and applicants are being unjustly terminated or denied employment not due to their own shortcomings but due to the intentional and unintentional misuse of the polygraph exam and due to the inherent inaccuracies of the most common testing processes.

This statement implies that even the most common testing processes have inherent inaccuracies and leads me to believe that other tests will shortly be banned simply because they are imperfect. It is clear that the APA believes that the "interview and experience requirements" should be validated by "psychometric scrutiny" and require that employers "scientifically validate" all standards used in making employment decisions.

Further, the report states:

> While the committee heard concerns raised about written psychological preemployment tests used by some employers, there have been few complaints about such tests, and little evidence of abuse.

First of all, I wonder what the APA would have to say about such tests. Are they valid? Can they really detect deceptions. Are citizens being denied employment opportunities based on such tests? If they are why aren't those tests included in this Federal ban on "lie detectors?"

I also find it odd in the extreme that "psychological preemployment tests" are found to be nonabusive or reliable simply because the sponsors have not heard complaints about those tests. I am certain they could find statements enough, if they looked.

COLLECTIVE BARGAINING AGREEMENTS COVER POLYGRAPH USE

Collective bargaining agreements are replete with clauses on these matters—including prohibitions and limitations on the use of the polygraph.

For example, the master freight agreement which the Teamsters have negotiated with trucking employers already permits the use of polygraphs in preemployment screening, but not after the employee is hired.

PUBLIC POLICY ARGUMENTS

It is bad public policy for the Federal Government to enter this new arena. The rationale given for this legislation is that employers make many unfair decisions based on the polygraph exam. I agree that the polygraph may lead to unfair decisions—but I do not agree that Federal law is the answer to all mistakes that are made.

If the polygraph is unfair, what about the personality tests, which are specifically sanctioned by the report of the sponsors? What about the personal reaction which probably governs most hiring decisions? What about paper and pencil honesty tests? What about evaluations by psychologists?

We will be closing our eyes to reality if we believe that Federal supervision of the hiring and firing process will improve their quality. The Federal Government makes mistakes just as often as the private sector.

FEDERAL LICENSING OF OCCUPATIONS

S. 1904 also crosses another new boundary—it requires Federal licensing of polygraphers. I hope I do not need to remind my colleagues that currently the States license occupations whether it be the license of a surgeon or a barber. Proponents of this legislation have argued that abuses by polygraphers are so egregious that an overriding Federal law is needed to ameliorate the shortcomings of State law.

The Washington Post recently ran a series of articles on physicians in the State of Maryland who had been convicted of criminal offenses, but who nevertheless had not had their license to practice medicine revoked. Does this clear abuse of the licensing system and risk of public safety mean that the Federal Government should establish licensing standards for physicians?

DOUBLE STANDARD

S. 1904 contains an interesting double standard in the use of polygraph. This bill is based on the conclusion that the polygraph is an unrealiable device for screening employees and therefore, it should be banned for use by employers in the vast majority of cases—except where screening is important.

Thus, certain Government contractors are exempted from the provisions of the bill. For them, the polygraph is reliable, but the very same device, in the hands of the same polygrapher, is unreliable for other employers with less important needs for screening. Consultants under contract to the Department of Defense, the National Security Agency, the Central Intelligence Agency or anyone who is "assigned to a space where * * * information is produced, processed, or stored" for NSA or the CIA, may polygraph when they wish and whomever they wish. Contractors for the FBI are exempted and may polygraph their employees at anytime during their career and for any reason.

Why is the polygraph reliable for them, but not for Department of Transportation contractors supplying airport antiterrorist and security services? Why is the polygraph device reliable for certain DOD contractors, but not for drug wholesalers and manufacturers?

In conclusion, S. 1904 represents a valiant effort to eradicate the abuses associated with the polygraph test in the workplace. Unfortunately, good intentions are not enough to accomplish this goal when coupled with a bill such as this. As I have pointed out, S. 1904 will merely compound the initial problem by further involving the Federal Government in area best left to the private domain or as the continued prerogative of the States.

AMENDMENT NO. 1606

(Purpose: To provide an exemption for preemployment tests for use of controlled substances)

Mr. QUAYLE. Mr. President, I think it is entirely appropriate now to move to an amendment I have. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Indiana [Mr. QUAYLE] proposes an amendment numbered 1606:
>
> At the end insert the following new section:
>
> EXEMPTION FOR PREEMPLOYMENT TESTS FOR USE OF CONTROLLED SUBSTANCES
>
> (a) IN GENERAL.—An employer, subject to Section 7, may administer a scientifically valid test other than a lie detector test to a prospective employee to determine the extent to which the prospective employee has used a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the Controlled Substances Act (21 U.S.C. 812).
>
> (b) EXCEPTIONS.—
>
> (1) ACCURACY AND CONFIDENTIALITY.—Paragraph (1) shall not supersede any provision of this Act or State law that prescribes standards for ensuring the accuracy of the testing process or the confidentiality of the test results.
>
> (2) COLLECTIVE BARGAINING AGREEMENTS.—If prospective employees would be subject to a negotiated collective bargaining agreement, paragraph (1) shall apply only if testing is conducted in accordance with such agreement.

Mr. QUAYLE. Mr. President, I have modified this amendment, after discussions with representatives of the managers of this bill, to make sure that we are not precluding a lie detector test. I do not want to get into lie detector testing. The language "scientifically valid" and "other than a lie detector test" is a modification of my original amendment.

Mr. President, my amendment is very direct and to the point. It deals with allowing and saying, if this law applies to an employer prohibiting a polygraph examination, that it would not prohibit an employer on a preemployment basis from using a drug test. And drug test means to look at prospective employment.

Mr. President, there are two very important fundamental reasons that I offer this amendment.

First, what this bill does is it prohibits employers from using a polygraph in preemployment screening. It says you cannot do it and places a ban on that. If we are going to get into what employers can, in fact, do in preemployment screening, we better make absolutely certain what we are not taking away from them, and I dare say that we will be going down the road, this will probably be just the beginning of things this Congress may want to prohibit or micromanage or to regulate.

But, specifically, today we are not going to prohibit an employer from using a drug test if in fact they want to.

I have been very, very careful, Mr. President, that I do not by this amendment want to intercede in two very important areas. One, we do not supersede any provision of this act or State law that prescribes standards for ensuring the accuracy of the testing process or confidentiality, and, further, nothing in this will affect any collective-bargaining agreement that is, in fact, already reached.

But the important thing is that as we take away from one side with one hand, we want to make sure we are not taking away something else, and that is the possibility of drug testing.

Now, the second reason that this amendment is important is because we have heard decried on this floor and most recently by my dear friend from California the problem that we have with drugs—war against drugs. I concur in that, that we ought to have a war against drugs.

If, in fact, an employer wants to have a drug-free environment and he does not want his employees to be dependent upon drugs and he says "Look, I am not going to hire somebody," if they want to make that determination, "that is going to have this dependency on drugs," and he wants to use that information in hiring an individual. I want to make sure that this legislation does not prohibit him from doing that. He does not have to do it.

This does not get into mandatory or selective drug testing. It just says that if an employer wants to use this he or she, in fact, can do it.

There is no doubt about it, that we have a major problem of drugs in this country.

We have a Washington Post story just today.

"GAO cites cost of drug use in the U.S. Increased Availability, Potency Behind Epidemic, Report Says."

It says:

> Cocaine and other illegal drugs are costing the nation tens of billions of dollars a year in lost wages, law enforcement expenses and treatment, according to a new congressional report. But no price tag exists for what are generally believed to be the enormous costs to society created by the family strife, suicide and violence that drugs produce, the report said.
>
> Purer, cheaper and more easily attainable cocaine and heroin, as well as "designer drugs" produced in clandestine labs, have altered the shape of drug abuse in the 1980s, according to the study by the General Accounting Office, the investigative arm of Congress. Regarded as the entry-level to drug abuse, marijuana is still the most widely used illegal drug in the country, and although its use has declined since the 1970s, its potency has increased, the report said.

This is in today's paper, and you can thumb through other papers and periodicals, and you will find equally disturbing reports.

When we look at drug testing, there are many concerns that we have on drug testing, particularly when you look at drug testing of potential workers.

First, workers who abuse drugs have lower productivity;

Second, drug users have more health problems and hence generate higher employer insurance premiums;

Third, drug users have higher rates of absenteeism and on-the-job accidents;

Fourth, drug users may be responsible for lawsuits against the employer by employees or customers who are injured by drug abusers; and

Fifth, drug users may steal from their employer to support their drug habits or disclose confidential material in exchange for money or drugs.

So, yes, we have, in fact, decried the use of drugs. We have, in fact, decried and said that we are going to go on record that there is going to be a war against drugs.

And this amendment is very straightforward and it just simply says that an employer is not prohibited. An employer who could be subject to this bill may, in fact, use drug testing on preemployment screening.

The use of drugs in our society is, in fact, a national emergency and I believe that there is a compelling reason and need to act very promptly. We must not submerge the public interest or countless individuals and communities that will be exposed to these needless risks.

I just cite a couple statistics of loss of productivity to the use of drugs. Chemical abuse is costing American business as much as $100 million a year and is at least doubling accident rates. Health care costs go up and so does absenteeism. Substance abusers are absent from work 2½ times that of other workers, 2½ times.

Based on a study of the Research Triangle Institute [RTI] it concluded that drug abuse cost $33 billion in productivity losses. RTI estimated that in 1983 direct cost of drug abuse in our society was $60 billion or nearly 40 percent more than the $47 billion estimated for 1980.

Mr. President, illegal drugs have become so pervasive in the workplace they are used in almost every industry, the daily companions of white and blue collar workers alike. Their presence on the job is devastating to the productivity, the health, and safety of the American work force even as competition of the foreign market and work force become more heated.

The costs of drug abuse on the job, in fact, are staggering. Accidents do occur. Thefts do occur. Bad decisions are made. And lives are ruined.

Federal experts estimate that between 10 and 23 percent of all U.S. workers use dangerous drugs on the job. Federal experts estimate that between 10 and 23 percent of all U.S. workers use dangerous drugs on the job.

Should not that be of national concern? I think it is. Shouldn't we use every means possible to try to declare our war on drugs, to try to encourage and have peer pressure, as the First Lady says, to just say, "No"?

In 1985, a study concluded by 800-COCAINE, a hot line for Cocaine Users Council, said 75 percent of those who called in said they took cocaine on the job, 69 percent said that they regularly used the drug while working, 25 percent said they used cocaine every day.

One former computer company worker told of being a cocaine pusher 3 years. He said, and this is from a cocaine pusher, "It was made to order. I had an instant clientele of hundreds of people who worked with me."

(At this point Ms. MIKULSKI assumed the chair.)

Mr. QUAYLE. Madam President, no part of our society is immune from the drug abuse that has beset the American society. A drug-free society would make a significant contribution to public safety, not just on highways or skyways but in the board rooms, on Wall Street, in our communities, small business as well as big business. That is why I believe that this amendment is important to allow that possibility if, in fact, you want to test for drug use.

This amendment contains three very important safeguards. It maintains important quality standards in verification standards to be used in processing drug tests, it does respect the collective-bargaining agreements, and it does, in fact, maintain confidentiality of test results.

The drug test for Federal workers is well known to all of us. Executive Order 12-564, issued on September 15, 1987, directs agency heads to draw up programs to eliminate illegal drug use in Federal agencies.

On October 29, this Senate gave its approval to a measure requiring Federal drug and alcohol abuse tests for airline and transportation workers in S. 1485, the Airline Passenger Protection Act.

Madam President, I believe that the issue is known to all of us. We understand the problem of drugs. We understand that the intent of this bill is to ban polygraphs in certain instances. But, on the other hand, we are not interested and we want to make absolutely certain that we are not going to ban drug tests. Although I would imagine that perhaps someday, some Congress, because of questions of reliability, because of the issue of civil rights, because of many of the argument of hear for banning polygraphs, that when we do not have anything else to do and the shelf is rather bare for business in the Senate, somebody may come up with the idea that we ought to ban drug testing as well.

I would be opposed to that. That does not mean that Senators might not want to bring that up and debate that. But I do not believe that we ought to do that today.

I believe that the Senate ought to go clearly on record, as it does, on one hand, saying it is going to ban polygraphs, that on the other hand it is going to say that you can in fact use drug tests and they are not going to be banned or regulated by this legislation.

Madam President, I send a modification to my amendment to the desk that will insert the words "Federal or" before the word "State".

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment (No. 1606), as modified, is as follows:

EXEMPTION FOR PREEMPLOYMENT TESTS FOR USE OF CONTROLLED SUBSTANCES

(a) In General.—An employer, subject to Section 7, may administer a scientifically

valid test other than a lie detector test to a prospective employee to determine the extent to which the prospective employee has used a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) Exceptions.—

(1) Accuracy and confidentiality.—Paragraph (1) shall not supersede any provision of this Act or Federal or State law that prescribes standards for ensuring the accuracy of the testing process or the confidentiality of the test results.

(2) Collective bargaining agreements.—If prospective employees would be subject to a negotiated collective bargaining agreement, paragraph (1) shall apply only if testing is conducted in accordance with such agreement.

Mr. QUAYLE. That modification would make sure we are talking about State as well as Federal law.

So, Madam President, the issue is clear. I have conversed with representatives of the managers of this bill. I hope that it will be accepted. I believe a rollcall is important and at this time, Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Madam President, I urge my colleagues to support this amendment. I intend to vote for it. If the Senator from Indiana wants to have a rollcall, I am prepared to urge people to vote for it. It is basically a restatement of current law. This bill does not cover drug testing. We pointed out in the report on page 47:

> The Committee does not intend this broad definition of lie detectors to be misconstrued so as to include medical tests used to determine the presence or absence of controlled substances or alcohol in bodily fluids.

And so ours deals solely with the polygraph.

I have no objection to the amendment. As I stated, it is current law. If the Senator wants a rollcall, we can certainly have one. I hope that those who are supporting our bill will vote in favor of it.

I am prepared to move to a vote and hopefully then we will consider some amendments that are going to deal with the substance of the bill that we have now had before the Senate for about a day and a half.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—96

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—0

NOT VOTING—4

Biden
Dole
Gore
Simon

So the amendment (No. 1606), as modified, was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1607

(Purpose: To provide a restricted exemption for security services)

Mr. THURMOND. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from South Carolina [Mr. THURMOND] proposes an amendment No. 1607.

Mr. THURMOND. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Exemption for Security Services.—

(1) In General.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

On page 28, lines 17 and 18, strike out "limited exemption provided under section 7(d)" and insert in lieu thereof "exemptions provided under subsections (d) and (e) of section 7".

AMENDMENT NO. 1608 TO AMENDMENT NO. 1607

(Purpose: To provide a restricted exemption for security services)

Mr. NICKLES. Madam President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Oklahoma [Mr. NICKLES] proposes an amendment No. 1608 to amendment No. 1607.

Mr. NICKLES. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike all after "(e)" the first time it appears and insert in lieu thereof the following:

Exemption for Security Services.—

(1) In General.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) COMPLIANCE.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) APPLICATION.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

On page 2[illegible], lines 17 and 18, strike out "limited exemption provided under section 7(d)" and insert in lieu thereof "exemptions provided under subsections (d) and (e) of section 7".

On page 3[illegible], lines 10 and 11, strike out "Such exemptions" and insert in lieu thereof "The exemptions provided under subsections (d) and (e) of section 7".

Mr. NICKLES. Madam President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NICKLES. Madam President, this amendment has been called the armored car or security guard amendment. Basically, the amendment, as offered by my friends and colleagues, the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Utah [Mr. HATCH], would allow preemployment polygraph of Government employees who are engaged in security operations, sensitive operations.

This would allow private employers of private security guards to use the polygraph for the same purposes, if those purposes are involved in the protection of "facilities, materials, and operations having a significant impact on the health or safety of any State or political subdivision thereof."

It would allow a private company, such as an armored car company, such as Brinks or Wells Fargo, to use preemployment use of the polygraph to try and make sure those individuals who are involved in dealing with a significant amount of money, securities, be entitled to use a polygraph. They are using it right now. I personally do not think that we should pass the bill, as presently drafted, which would prohibit the private use of the polygraph in these very sensitive industries, these industries that individuals are providing private security for.

It would allow these private security firms the use of the polygraph. It is not a complicated amendment.

I might mention to my colleagues, this is an amendment that has been adopted by the House of Representatives. It is one that I would hope that my colleagues would support and would accept.

I have heard various indications at different times that maybe it would be accepted and maybe it would not be accepted. I think it is a good amendment. It is one that I would hope we would adopt.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I have a letter from Anderson Armored Car Services. It says:

> There is polygraph legislation now pending in the United States Senate which vitally affects the security industry as defined by the House bill. We feel the security of our industry is at risk.
>
> We would appreciate your supporting an exemption for armored car companies which would allow us to continue to use polygraphs for testing of employees.

I have another letter here from Wells Fargo Guard Services. It says:

> As a company engaged in security work, I am very concerned about the impact of this legislation on my industry. S. 1904 would allow employers to liberally use the polygraph on employees whom they suspect have caused them economic harm. This harm does not even have to be reported to the police before the polygraph is used.
>
> On the other hand, this legislation prohibits private companies from using preemployment polygraph screening, while allowing public agencies such as the police department and FBI to use the polygraph. Preemployment screening is vital when interviewing for the sensitive security positions within our firm. We are the target of not only criminals, but also terrorists who seek to infiltrate security companies.
>
> In most cases, preemployment polygraphing is more important than postincident polygraphing in the security business, as the harm that can be done is of such a large magnitude. For example, the FBI recently arrested members of the Matcheteros terrorist gang and charged them with an $8 million armored car robbery in Connecticut, a state where polygraphs are outlawed. The terrorists planted a member of their group inside an armored car company as a driver. He fled to Cuba with the funds, which were then used to fuel terrorism in Puerto Rico.

Madam President, another excerpt from the letter:

> We believe that polygraphs are best regulated at the state level. In fact, twenty-two states now have some sort of restrictions. However, if you believe the federal government should become involved, we would ask that you support an exemption for private security functions.

As I mentioned this morning, there are 44 States that now are regulating polygraphs. It seems to me that this certainly ought to be an exemption. Of course, I am opposed to the bill. At the same time, no one should really oppose this. I hope the Senate will adopt it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, in just a moment or two, I will respond in particular detail to the amendment. I was not on the floor when there were other statements made about the legislation as a whole, and I would like to comment again about what we are doing and what we are not doing and why this legislation is necessary.

Madam President, earlier in the afternoon there were those who pointed out that this legislation did not apply to Federal, State, and local officials, and if the legislation made sense in terms of the private sector, why not the public sector. I think even those who made that argument are very familiar with what we have done in terms of polygraph in the particular areas of the DOD and the CIA.

State officials are protected by various provisions under the Constitution. There has to be the allegation that there is going to be some achievement of public good before there can be an infringement in terms of privacy. That does not apply in the private sector, Madam President. And I can hear the arguments now if we had to extend it about how the Federal Government is reaching out into those local communities and local governments.

And now we hear, "Well, why aren't you doing it there if it is so good in the area of the private?"

So, Madam President, it is important for us to, first of all, understand what have been the time-honored court decisions in terms of the protections that have been extended in terms of Federal employment in DOD and the CIA.

I will come back to that in just a moment or two, and also to make some realistic assessment about whether there really is a problem in this area.

We have seen instances where there have been incidental problems, but we did not find what we are finding in the private sector today—2 million, 2 million polygraphs a year. It has doubled in the last 4 years, quadrupled in the last 8 years, and it is growing like wildfire. That is why we have to ask ourselves, is this really a problem today or is it not a problem today.

What I think we might do in this body is consider the best scientific evidence, and in this particular area of public policy we have been fortunate enough to have the OTA [Office of Technology Assessment] review the totality of various studies that have been done over the last 10 years, all of them, and they have reached various conclusions which those individuals who are concerned about this public

policy question and the reliability of polygraphs I would hope, if we are going to be fortunate enough to pass this legislation today, might have a chance to review if they are very much concerned.

But in looking at the most conservative studies, for those who feel the greatest confidence in using polygraphs, not the average that are mistaken but if you take those that have the fewest mistakes, 12 percent—12 percent mistakes—over the number of 2 million Americans who are given polygraphs a year, you are talking about 260,000 honest and truthful Americans who are being labeled liars and deceptive, and that is on their record. It will go to the end of their lives. Those numbers are increasing every day. There are 120,000 deceptive liars that pass.

Oh, I have been listening to those on the floor crying crocodile tears about the dangers of child molesters. Let them take that polygraph, they pass it, and we stick them into that day care center and forget about them; they have passed it. Why, no one who is aware of the techniques and knowledge of thorough, comprehensive investigation, personnel examination, would be willing to rely upon that as the sole source of making a determination.

I hear out on the floor, "Well, if it is good enough for the Federal Government, why don't you provide the same standards then for the private sector? Will you accept that amendment?"

Interesting.

We approved just a few years ago DOD to do 3,800 comprehensive polygraphs. DOD stopped at 3,300. Why? Because they could not get sufficiently trained personnel to administer them. And we want to extend that to all over the private sector? You know what is happening, and that is you have ill-trained individuals that are administering those quickie wiretaps. We hear, "Why don't you apply the standards at the Federal level to the private level?" The average cost for the private is $15 to $25. The Federal is $800. You talk about business reservation and opposition to a bill. Just try and accept that as a concept. It is those who are basically opposed who are insensitive to the growth of these violations of individual rights and liberties.

Sam Ervin, the great conservative, understood that well. Sam Ervin understood it well when he said you will put the Constitution on its tail. When you take a polygraph you prove yourself innocent instead of proving yourself guilty. He made that statement in the first polygraph bill legislation, and it has been sidetracked for a period of years. Now we have worked it out, and crafted, I think, a sensible, responsible program that is supported by numerous trade organizations.

I mentioned them yesterday and I will mention them at the end of this discussion.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. Not just now. I have been waiting for this debate to get started. We finally started it. I am going to speak for another few minutes, and then I will be glad to talk specifically about the amendment, and debate as long as the Senator would like.

One of the other interesting points that is raised by the OTA is who passes it? Who fails it? If you are an altar boy, you probably will fail it. You would have a sense of conscience, and potential guilt. But who passes it? The psychopaths, the deceptive ones, and here it is, Mr. President.

The OTA study results indicate that subjects that are not detectable were significantly less socialized than those who were detectable.

Susceptibility to detection seems to be immediately indicated by socialization, and socialization results indicated the low socialization subjects—well, the highly social, EDR's, highly socialization subjects were more responsive to electric terminal. As a result, several of them were misclassified as deceptive. Guilty psychopaths may escape detection. That ought to be satisfying. Guilty psychopaths may escape detection because they are not concerned enough about misdeeds to create an interpretation of physiological responses.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. If I can just finish now, please, I want to make my case.

Mr. HATCH. I am with the Senator.

Mr. KENNEDY. I know. But I want to finish my point.

Particularly psychotics were likely to be identified as deceptive. There were no guilty subjects in this real crime analog. OTA points out that if you are mean, scheming, lying, a child pedophile, you will pass this test. Just give them a test, they pass it, and put them in with the kids, put them in the wards, or put them anywhere you want to.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. No. I will not yield.

Mr. HATCH. Will the Senator quit pointing to this side of the aisle when he talks about mean, scheming, lying people? [Laugther.]

Mr. KENNEDY. Further, in the OTA study, let me just go through a few of these points for those who have a great sense of reliability about this measure. Here it is in the section of the OTA study dealing with the physical countermeasures. Listen to this. These are various studies.

I will put the references in, I will put the studies in, they are all referenced on the back of the appendix of the OTA study.

They found that when subjects pressed their toes toward the floor, they are able to reduce the probability of detection 75 to 80 percent. Put your toes on the floor and you are reduced.

In two recent studies discussed in chapter 5, the efficacy of physical countermeasures were tested. Both studies found that the countermeasures allowed subjects to beat the polygraph. Well, before we get all excited about these terrorists and bank robbers, they know how to put their toes on the floor, or to deal with various countermeasures. If they want to get them in the bag, just give them a polygraph, someone says over here. They know how to deal with these countermeasures. If they do not, all they have to do is read this book, and they will find out.

A recent study the distinguished researcher from Utah also found that the use of physical countermeasures decreased detectability.

Then, Mr. President, I will make reference to one of the studies. Again it refers to the OTA.

After they did the study and evaluation where they found out about what was inconclusive, and this study was 12 percent incorrect, it pointed out that the study required the polygraphers to make decisions of guilt or innocence based upon visual observation of the test scores without using the polygraph—visual observations alone to produce these results.

Among the guilty subjects, 86 percent were correctly classified; among the innocent subjects, 48 percent were correctly classified.

The polygraph on the other hand produced the overall results of 10 percent inconclusive, 10 percent incorrect, 80 percent correct, thus correctly identifying the guilty subjects. The behavioral observations of the polygrapher were more accurate than the polygraph.

We have an unreliable tool that has some importance and some significance when it is utilized with a wide variety of other investigative procedures.

I have not opposed that in terms of the Defense Intelligence Agency. They take between 4 and 8 hours to administer a polygraph. They are permitted to administer two polygraphs a day. These others that we heard about take 15 minutes, if you have that long. If you are going to do it for the defense industry, you have to have a 4-year college accreditation, you have to pass the DOD approval course of instruction, you are supervised for a period of 1 year, not less than 6 months, and you are retrained very 2 years. There is no such requirement in the area of the private sector; no other requirements.

Some States have some, and we do not affect those or touch them.

Now the argument is made with regard to that. So that gives some idea about where we came out just with regards to the efficacy and efficiency of the polygraph.

What do we find in the use of polygraphs with regards to the States and interstate actions? I think that is a fair question. The States have the laws. If they are working, and solving the problem, that is fine. Is that the case? No. No. That does not happen to be the case.

We had the testimony before our committee last Congress. An example is when the Justice Department testified against the Hatch-Kennedy bill. The Justice Department stated their opposition to the bill would be considerably diminished if it could be shown that employers were not crossing State lines to avoid complying with polygraph bans in the States where they operate.

Here is the attorney general of New York graphically testifying about the employment practice. This is what he said:

> We are surrounded by States which absolutely ban the lie detector, the polygraph, the so-called lie detector, from employing a person. National corporations seek to get out from under these kinds of prohibitions by either hiring someone initially in New York where there is no prohibition, that person goes through a polygraph screening, ships that person to another assignment to one of the other States, and might send someone in from one of the other States into New York.

We had the testimony from a Maryland applicant where requiring the test is prohibited, and anyone to be hired in the Virginia area can take the polygraph. We found constant examples of that, Madam President.

It is in fact what is happening, circumventing in a very significant and dramatic way in terms of the law.

Now, let me just go briefly to this current amendment in terms of the security guards. I would ask our colleagues, those who are in the room, to look to the rear of the Chamber. Here we have 12 States without a ban, and they are permitting polygraphs today. And there are 12 States with a ban dealing with bank fraud, embezzlement violations, theft, a whole range of activities.

Now, if you believe that the polygraph will work, if you believe that the polygraph States would be the black ones because they have about one-third of the number of violations of the law that would be reasonable to assume if you think the polygraph works. On the contrary, even in the States without the ban it is about three times higher going to the years 1983, 1984, and 1985 indicating I believe that the States that provide it are giving the quickie tests. They say they pass the test. They leave them alone, do not even watch them anymore, and they get their hands in the till. And you have the violations.

Those areas that use the traditional investigative personnel requirements do the kind of work that should be done. They are able to seek out those individuals who may be somehow threatening in terms of employment.

Finally, Madam President, with regard to dealing with bank fraud and embezzlement, even if you believe in the polygraph, you give the polygraph to the drivers and the guards and the parking lot attendants, and the people who are stealing are the CEO's and the white collar workers. They do not get it. Depending on the length of the debate, I will put those studies in, too, about whether it is abusing children or stealing money. We could find out what the results and what the facts are.

Madam President, we will hear the arguments about terrorism. Every Member of this body is against terrorism. The question before us is, does the polygraph as a screening tool have any validity? I think the answer to that question is clear. We pointed that out.

Perhaps later in the debate we will have an opportunity to look at which States permit the polygraph and which States prohibit it and see which States have the fastest growth in crime. It is in the States that permit the polygraph. These happen to be the facts. We can get into them. Thankfully, we are back into the substance of this debate. We will get back into them, so we can at least knock down some of these false allegations and misrepresentations and charges which have absolutely no basis in fact, based on scientific information.

Madam President, the polygraph concept does not make sense in terms of the scientific evidence, in terms of deception, as these States demonstrate. It does not make any sense in terms of applying it in the areas of banks or nuclear agencies or whatever.

I think it is enormously important to have safety and security in those areas, and the wide range of investigative techniques available to law enforcement officers ought to be strengthened in those areas where public health and safety are involved, in terms of employment.

In the limited areas where you have reason to believe that there may be some instances, we provide this as part of a comprehensive range of investigatory tools to be utilized, as one of the many tools that can be utilized under controlled circumstances.

I hope this body is not going to be swayed by arguments raised here that if you give people tests by the polygraph, they will be fine. Shevchenko took a number of polygraph tests, given to him by the DOD, and he passed those with flying colors. We have an instance of an agent Chen who passed several polygraph tests. Once they passed those tests, they got right back into those secret files as fast as they could get down the corridor.

Madam President, I think we ought to understand what is legitimate, what is reasonable, what is going to provide security, and what is not going to provide security. I think we have a balanced program that permits the use under the circumstances I have described; that is a reasonable use. It has been one which has been satisfactory in terms of those who understand its importance, although limited, under circumstances involving a range of different criminal activities. It seems to me that we should not violate that basic concept.

I do not think this amendment is useful or helpful in terms of achieving what I understand are the legitimate interests of the Senator from Oklahoma, and I hope it will be defeated.

Mr. SPECTER. Madam President, I wish to compliment the members of the committee who have worked so hard to work out a compromise, and I intend to support the bill. The comments I make at this time do not go to the pending amendment, but I wish to make a brief statement on some of the concerns I have about polygraphs generally.

The experience with the polygraphs has been that they have some distinctive value as an investigative tool. When I was district attorney of Philadelphia, we used the polygraph as an investigative tool, but it has to be used in a very careful way.

The fact that it is generally inadmissible in judicial proceedings—and there have been a series of tests in many courts, generally, in which they were held to be inadmissible—speaks to the ultimate issue of the lack of reliability sufficient to provide evidence in a court of law.

The polygraph was evaluated in one very celebrated case on which I would like to comment briefly—the polygraph of Mr. Jack Ruby, which was taken in connection with the investigation into the assassination of President Kennedy.

Director J. Edgar Hoover had this to say about the polygraph exam administered to Mr. Ruby: "The FBI feels that the polygraph technique is not sufficiently precise to permit absolute judgments of deception or truth without qualifications."

The polygraph administered to Jack Ruby was one which I had occasion to be personally involved with as an assistant counsel to the Warren Commission. It arose under very unusual circumstances, and I believe it is worthy of reference, albeit briefly, in the debate and the discussion which we are undertaking today.

When the Warren Commission was convened, customarily, Chief Justice Earl Warren, who was chairman of the commission, would call the sessions to order. But on the occasion when Jack Ruby's testimony was taken in the Dallas jail back on June 7, 1964, Mr. Ruby took over the proceedings, as he was wont to do. Before the commission could be called to order, Mr. Ruby stated—really blurted out—on that occasion: "Without a lie detector test on my testimony, my verbal statements to you, how do you know I'm telling the truth?"

In the course of the discussion which followed, Chief Justice Warren said: "I wouldn't suggest a lie detector test to test the truth. We will treat you the same as we do any other witness, and if you want such a test, I will arrange it for you."

That examination was a fascinating one, because after the commitment was made by Chief Justice Warren to administer the test, there were many second thoughts about it. Chief Justice Warren had great reservations about the reliability or validity or worthwhile nature of any such test. There were those in Jack Ruby's family who did not want the test to be administered.

Finally, the decision was made that Mr. Ruby would be offered the test if he wanted it, but he would have an opportunity to withdraw from the test.

On July 26, 1964, lacking any seniority on the Warren Commission staff, I was the assistant counsel who went to the Dallas jail, at which point a very extensive polygraph examination was administered to Jack Ruby. So far as the test itself discerned, the test indicator showed no deception when Jack Ruby answered that he was not involved with Lee Harvey Oswald and was not involved with any conspiracy to assassinate the President.

In the final analysis, the examination was not relied upon by the commission, substantially for the reasons pointed out by Director Hoover—that the FBI's judgment was that the polygraph examination lacked sufficient reliability, and that was especially in the context of Mr. Ruby's own mental status at that time.

Polygraphs can be extraordinarily embarrassing for those who choose to take them, given the questions about reliability.

We had a very celebrated voluntary polygraph examination in the city of Philadelphia in 1973, when the mayor of the city, Mayor Frank Rizzo, got into a controversy with former State Senator Pete Camiel, who was at that time chairman of the Democratic city committee.

The Philadelphia Daily News offered a polygraph exam to determine who was telling the truth under the circumstances. On that occasion, the polygraphs were administered to Mayor Rizzo and his administrative assistant, who was present for the conversation, Mr. Philip Carroll, as well as to a Mr. Camiel.

Mayor Rizzo, according to the test, failed, as did Philip Carroll, and Mr. Camiel, according to the test, passed, and it was a notorious situation with blazing headlines. There were a great many jokes about it, that jokingly said that was the only time that someone brought along a corroborating liar on a question of veracity, and it focused a great deal of attention at that time on the questionable nature of using a polygraph because of the problems which are inherent on the reliability of the polygraph.

But there are those who choose to use them, and in a free society, if there are appropriate limitations, a polygraph examination may be of some limited value, principally as an investigative technique, but the limits on its reliability have been established in quite a number of circumstances.

Mr. President, I ask unanimous consent that the record from the Warren Commission report, appendix XVII, be printed in the RECORD at this point.

There being no objection, the record was ordered to be printed in the RECORD, as follows:

APPENDIX XVII—POLYGRAPH EXAMINATION OF JACK RUBY

PRELIMINARY ARRANGEMENTS

As early as December of 1963, Jack Ruby expressed his desire to be examined with a polygraph, truth serum, or any other scientific device which would test his veracity. The attorneys who defended Ruby in the State criminal proceedings in Texas agreed that he should take a polygraph examination to test any conspiratorial connection between Ruby and Oswald. To obtain such a test, Ruby's defense counsel filed motions in court and also requested that the FBI administer such an examination to Ruby. During the course of a psychiatric examination on May 11, 1964, Ruby is quoted as saying: "I want to tell the truth. I want a polygraph * * *." In addition, numerous letters were written to the President's Commission on behalf of Ruby requesting a polygraph examination.

When Ruby testified before the Commission in Dallas County Jail on June 7, 1964, his first words were a request for a lie detector test. The Commission hearing commenced with the following exchanges:

"Mr. JACK RUBY. Without a lie detector test on my testimony, my verbal statements to you, how do you know if I am telling the truth?

"Mr. TONAHILL [Defense Counsel]. Don't worry about that, Jack.

"Mr. RUBY. Just a minute, gentlemen.

"Chief Justice WARREN. You wanted to ask something, did you, Mr. Ruby?

"Mr. RUBY. I would like to be able to get a lie detector test or truth serum of what motivated me to do what I did at that particular time, and it seems as you get further into something, even though you know what you did, it operates against you somehow, brain washes you, that you are weak in what you want to tell the truth about and what you want to say which is the truth.

"Now Mr. Warren, I don't know if you got any confidence in the lie detector test and the truth serum, and so on.

"Chief Justice WARREN. I can't tell you just how much confidence I have in it, because it depends so much on who is taking it, and so forth.

"But I will say this to you, that if you and your counsel want any kind of test, I will arrange it for you. I would be glad to do that, if you want it. I wouldn't suggest a lie detector test to testify the truth.

"We will treat you just the same as we do any other witness, but if you want such a test, I will arrange for it.

"Mr. RUBY. I do want it. Will you agree to that, Joe?

"Mr. TONAHILL. I sure do, Jack."

Throughout Ruby's testimony before the Commission he repeated his request on numerous occasions that he be given an opportunity to take a lie detector test.[7] Ruby's insistence on taking a polygraph examination is reflected right to the end of the proceedings where in the very last portion of the transcribed hearings Ruby states:

"Mr. RUBY. All I want to do is to tell the truth, and the only way you can know it is by the polygraph, as that is the only way you can know it.

"Chief Justice WARREN. That we will do for you."

Following Ruby's insistence on a polygraph test, the Commission initiated arrangements to have the FBI conduct such an examination. A detailed set of questions was prepared for the polygraph examination, which was set for July 16, 1964. A few days before the scheduled test, the Commission was informed that Ruby's sister, Eva Grant, and his counsel, Joe H. Tonahill, opposed the polygraph on the ground that psychiatric examinations showed that his mental state was such that the test would be meaningless.

The Commission was advised that Sol Dann, a Detroit attorney representing the Ruby family, had informed the Dallas office of the FBI on July 15, 1964, that a polygraph examination would affect Ruby's health and would be of questionable value according to Dr. Emanuel Tanay, a Detroit psychiatrist. On that same date, Assistant Counsel Arlen Specter discussed by telephone the polygraph examination with Defense Counsel Joe H. Tonahill, who expressed his personal opinion that a polygraph examination should be administered to Ruby. By letter dated July 15, 1964, Dallas District Attorney Henry Wade requested that the polygraph examination cover the issue of premeditation as well as the defensive theories in the case.

Against this background, it was decided that a representative of the Commission would travel to Dallas to determine whether Jack Ruby wanted to take the polygraph test. Since Ruby had had frequent changes in attorneys and because he was presumed to be sane, the final decision on the examination was his, especially in view of his prior personal insistence on the test. In the jury conference room at the Dallas jail on July 18, Assistant Counsel Arlen Specter, representing the Commission, informed Chief Defense Counsel Clayton Fowler, co-Counsel Tonahill and Assistant District Attorney William F. Alexander that the Commission was not insisting on or even requesting that the test be taken, but was merely fulfilling its commitment to make the examination available. In the event Ruby had changed his mind and would so state for the record, that would conclude the issue as far as the Commission was concerned.

Chief Defense Counsel Fowler had objected to the test. He conferred with Jack Ruby in his cell and then returned stating that Ruby insisted on taking the examination. Mr. Fowler requested that (1) Dr. Tanay, the Detroit psychiatrist, be present; (2) the results of the test not be disclosed other than to the Commission; (3) the questions to be asked not be disclosed to the District Attorney's office; and (4) the results of the test be made available to defense counsel. Sheriff William Decker announced his intention to have Allan L. Sweatt, his chief criminal deputy who was also a polygraph operator, present to maintain custody of Jack Ruby while the examination was being administered. Assistant District Attorney Alexander requested a list of questions, a copy of the recording made by the polygraph machine and a copy of the report interpreting the test. In response to the numerous requests, the procedure was determined that the questions to be asked of Ruby would be discussed in a preliminary session in the presence of defense counsel, the assistant district attorney and Chief Jailer E.L. Holman, who was to replace Swett. The assistant district attorney would not be present when Ruby answered the questions, but Jailer Holman was allowed to remain to retain custody of Ruby. No commitment was made on behalf of the Commission as to what disclosure would be made of the results of the examination. Since Dr. Tanay was not in Dallas and therefore could not be present, arrangements were made to have in attendance Dr. William R. Beavers, a psychiatrist who had previously examined and evaluated Ruby's mental state.

At the conclusion of the lengthy preliminary proceedings, Ruby entered the jury conference room at 2:23 p.m. and was informed that the Commission was prepared to fulfill its commitment to offer him a polygraph examination, but was not requesting the test. On behalf of the Commission, Assistant Counsel Specter warned Ruby that anything he said could be used against him. Chief Defense Counsel Fowler advised Ruby of his objections to the examination. Ruby then stated that he wanted the polygraph examination conducted and that he wanted the results released to the public as promptly as possible. Special Agent Bell P. Herndon, polygraph operator of the FBI, obtained a written "consent to interview with polygraph" signed by Jack Ruby. Herndon then proceeded to administer the polygraph examination by breaking the questions up into series which were ordinarily nine questions in length and consisted of relevant interrogatories and control questions.

ADMINISTRATION OF THE TEST

During the course of the polygraph examination Jack Ruby answered the relevant questions as follows:

"Q. Did you know Oswald before November 22, 1963?

"A. No.

"Q. Did you assist Oswald in the assassination?

"A. No.

"Q. Are you now a member of the Communist Party?

"A. No.

"Q. Have you ever been a member of the Communist Party?

"A. No.

"Q. Are you now a member of any group that advocates the violent overthrow of the United States Government?

"A. No.

"Q. Have you ever been a member of any group that advocates violent overthrow of the United States Government?

"A. No.

"Q. Between the assassination and the shooting, did anybody you know tell you they knew Oswald?

"A. No.

"Q. Aside from anything you said to George Senator on Sunday morning, did you ever tell anyone else that you intended to shoot Oswald?

"A. No.

"Q. Did you shoot Oswald in order to silence him?

"A. No.

"Q. Did you first decide to shoot Oswald on Friday night?

"A. No.

"Q. Did you first decide to shoot Oswald on Saturday morning?

"A. No.

"Q. Did you first decide to shoot Oswald on Saturday night?

"A. No.

"Q. Did you first decide to shoot Oswald on Sunday morning?

"A. Yes.

"Q. Were you on the sidewalk at the time Lieutenant Pierce's car stopped on the ramp exit?

"A. Yes.

"Q. Did you enter the jail by walking through an alleyway?

"A. No.

"Q. Did you walk past the guard at the time Lieutenant Pierce's car was parked on the ramp exit?

"A. Yes.

"Q. Did you talk with any Dallas police officers on Sunday, November 24, prior to the shooting of Oswald?

"A. No.

"Q. Did you see the armored car before it entered the basement?

"A. No.

"Q. Did you enter the police department through a door at the rear of the east side of the jail?

"A. No.

"Q. After talking to Little Lynn did you hear any announcement that Oswald was about to be moved?

"A. No.

"Q. Before you left your apartment Sunday morning, did anyone tell you the armored car was on the way to the police department?

"A. No.

"Q. Did you get a Wall Street Journal at the Southwestern Drug Store during the week before the assassination?

"A. No.

"Q. Do you have any knowledge of a Wall Street Journal addressed to Mr. J.E. Bradshaw?

"A. No.

"Q. To your knowledge, did any of your friends or did you telephone the FBI in Dallas between 2 or 3 a.m. Sunday morning?

"A. No.

"Q. Did you or any of your friends to your knowledge telephone the sheriff's office between 2 or 3 a.m. Sunday morning?

"A. No.

"Q. Did you go to the Dallas police station at any time on Friday, November 22, 1963, before you went to the synagogue?

"A. No.

"Q. Did you go to the synagogue that Friday night?

"A. Yes.

"Q. Did you see Oswald in the Dallas jail on Friday night?

"A. Yes.

"Q. Did you have a gun with you when you went to the Friday midnight press conference at the jail?

"A. No.

"Q. Is everything you told the Warren Commission the entire truth?

"A. Yes.

"Q. Have you ever knowingly attended any meetings of the Communist Party or any other group that advocates violent overthrow of the Government?

"A. No.

"Q. Is any member of your immediate family or any close friend, a member of the Communist Party?

"A. No.

"Q. Is any menmber of your immediate family or any close friend a member of any group that advocates the violent overthrow of the Government?

"A. No.

"Q. Did any close friend or any member of your immediate family ever attend a meeting of the Communist Party?

"A. No.

"Q. Did any close friend or any member of your immediate family ever attend a meeting of any group that advocates the violent overthrow of the Government?

"A. No.

"Q. Did you ever meet Oswald at your post office box?

"A. No.

"Q. Did you use your post office mailbox to do any business with Mexico or Cuba?

"A. No.

Q. Did you do business with Castro-Cuba?

"A. No.

Q. Was your trip to Cuba solely for pleasure?

"A. Yes.

Q. Have you now told us the truth concerning why you carried $2,200 in cash on you?

"A. Yes.

Q. Did any foreign influence cause you to shoot Oswald?

"A. No.

Q. Did you shoot Oswald because of any influence of the underworld?

"A. No.

Q. Did you shoot Oswald because of a labor union influence?

"A. No.

Q. Did any long-distance telephone calls which you made before the assassination of the President have anything to do with the assassination?

"A. No.

Q. Did any of your long-distance telephone calls concern the shooting of Oswald?

"A. No.

Q. Did you shoot Oswald in order to save Mrs. Kennedy the ordeal of a trial?

"A. Yes.

Q. Did you know the Tippit that was killed?

"A. No.

Q. Did you tell the truth about relaying the message to Ray Brantley to get McWillie a few guns?

"A. Yes.

Q. Did you go to the assembly room on Friday night to get the telephone number of KLIF?

"A. Yes.

Q. Did you ever meet with Oswald and Officer Tippit at your club?

"A. No.

Q. Were you at the Parkland Hospital at any time on Friday?

"A. No.

Q. Did you say anything when you shot Oswald other than what you've testified about?

"A. No.

Q. Have members of your family been physically harmed because of what you did?

"A. No.

Q. Do you think members of your family are now in danger because of what you did?

"(No response.)

Q. Is Mr. Fowler in danger because he is defending you?

"(No response.)

"Q. Did "Blackie" Hanson speak to you just before you shot Oswald?"

"A. No."

INTERPRETATION OF THE TEST

A polygraph examination is designed to detect physiological responses to stimuli in a carefully controlled interrogation. Such responses may accompany and indicate deception. The polygraph instrument derives its name from the Greek derivative "poly" meaning many and the word "graph" meaning writings. The polygraph chart writings consist of three separate markings placed on a graph reflecting three separate physiological reactions. A rubber tube is placed around the subject's chest to record his breathing pattern on a pneumograph. That device records the respiratory ratio of inhalation and exhalation strokes. The second component is called a galvanic skin response which consists of electrodes placed on the examinee's fingers, through which a small amount of electrical current is passed to the skin. The galvanometer records the minute changes in electrical skin response. The third component consists of a cardiograph which is a tracing obtained by attaching a pneumatic cuff around the left arm in a manner very similar to an apparatus which takes blood pressure. When the cuff is inflated, that device records relative blood pressures or change in the heart rate.

From those testing devices, it is possible to measure psychological or emotional stress. This testing device is the product of observation by psychologists and physiologists who noted certain physiological responses when people lie. In about 1920 law enforcement officials with psychological and physiological training initiated the development of the instrument to serve as an investigative aid.

The polygraph may record responses indicative of deception, but it must be carefully interpreted. The relevant questions, as to which the interrogator is seeking to determine whether the subject is falsifying, are compared with control questions where the examiner obtains a known indication of deception or some expected emotional response. In evaluating the polygraph, due consideration must be given to the fact that a physiological response may be caused by factors other than deception, such as fear, anxiety, nervousness, dislike, and other emotions. There are no valid statistics as to the reliability of the polygraph. FBI Agent Herndon testified that, notwithstanding the absence of percentage indicators of reliability, an informed judgment may be obtained from a well-qualified examiner on the indications of deception in a normal person under appropriate standards of administration.

Ordinarily during a polygraph examination only the examiner and the examinee are present. It is the practice of the FBI, however, to have a second agent present to take notes. It is normally undesirable to have other people present during the polygraph examination because the examinee may react emotionally to them. Because of the numerous interested parties involved in Ruby's polygraph examination, there were present individuals representing the Commission and the Dallas district attorney, as well as two defense counsel, two FBI agents, the chief jailer, the psychiatrist, and the court reporter, although the assistant district attorney and one defense counsel left when Ruby was actually responding to questions while the instrument was activated. Ruby was placed in a position where there was a minimum of distraction for him during the test. He faced a wall and could not see anyone except possibly through secondary vision from the side. Agent Herndon expressed the opinion that Ruby was not affected by the presence of the people in the room.

Answers by Ruby to certain irrelevant control questions suggested an attempt to deceive on those questions. For example, Ruby answered "No" to the question "While in the service did you receive any disciplinary action?" His reaction suggested deception in his answer. Similarly, Ruby's negative answer to the query "Did you ever overcharge a customer" was suggestive of deception. Ruby further showed an emotional response to other control questions such as "Have you ever been known by another name" "Are you married?" "Have you ever served time in jail?" "Are your parents alive?" "Other than what you told me, did you ever hit anyone with any kind of a weapon?" Herndon concluded that the absence of any physiological response on the relevant questions indicated that there was no deception.

An accurate evaluation of Ruby's polygraph examination depends on whether he was psychotic. Since a psychotic is divorced from reality, the polygraph tracings could not be logically interpreted on such an individual. A psychotic person might believe a false answer was true so he would not register an emotional response characteristic of deception as a normal person would. If a person is so mentally disturbed that he does not understand the nature of the questions or the substance of his answers, then no validity can be attached to the polygraph examination. Herndon stated that if a person, on the other hand, was in touch with reality, then the polygraph examination could be interpreted like any other such test.

Based on his previous contacts with Ruby and from observing him during the entire polygraph proceeding, Dr. William R. Beavers testified as follows:

"In the greater proportion of the time that he answered the questions, I felt that he was aware of the questions and that he understood them, and that he was giving answers based on an appreciation of reality.[11]

Dr. Beavers further stated that he had previously diagnosed Ruby as a "psychotic depressive."

Based on the assumption that Ruby was a "psychotic depressive," Herndon testified:

"There would be no validity to the polygraph examination, and no significance should be placed upon the polygraph charts."

Considering other phases of Dr. Beavers' testimony, Herndon stated:

"Well, based on the hypothesis that Ruby was mentally competent and sound, the charts could be interpreted, and if those conditions are fact, the charts could be interpreted to indicate that there was no area of deception present with regard to his response to the relevant questions during the polygraph examination."

In stating his opinion that Ruby was in touch with reality and understood the questions and answers, Dr. Beavers excepted two questions where he concluded that Ruby's underlying delusional state took hold. Those questions related to the safety of Ruby's family and his defense counsel. While in the preliminary session Ruby had answered those questions by stating that he felt his family and defense counsel were in danger, he did not answer either question when the polygraph was activated. Dr. Beavers interpreted Ruby's failure to answer as a reflection of "internal struggle as to just what was reality." In addition, Dr. Beavers testified that the test was not injurious to Ruby's mental or physical condition.

Because Ruby not only volunteered but insisted upon taking a polygraph examination, the Commission agreed to the examination. FBI Director J. Edgar Hoover commented on the examination as follows:

"It should be pointed out that the polygraph, often referred to as "lie detector" is not in fact such a device. The instrument is designed to record under proper stimuli emotional responses in the form of physiological variations which may indicate and accompany deception. The FBI feels that the polygraph technique is not sufficiently precise to permit absolute judgements of deception or truth without qualifications. The polygraph technique has a number of limitations, one of which relates to the mental fitness and condition of the examinee to be tested.

"During the proceedings at Dallas, Texas, on July 18, 1964, Dr. William R. Beavers, a psychiatrist, testified that he would generally describe Jack Ruby as a "Psychotic depressive." In view of the serious question raised as to Ruby's mental condition, no significance should be placed on the polygraph examination and it should be considered nonconclusive as the charts cannot be relied upon."

Having granted Ruby's request for the examination, the Commission is publishing the transcript of the hearing at which the test was conducted and the transcript of the deposition of the FBI polygraph operator who administered the test. The Commission did not rely on the results of this examination in reaching the conclusions stated in this report.

Mr. SPECTER. Mr. President, I am not putting into the RECORD the more extensive examination of Mr. Ruby or the more extensive documents on the tracings themselves which have certain probative value, but I think that it does have some bearing on the issue and is an appropriate matter for consideration at this point.

I do support the bill overall, but I do believe that there are sufficient problems with the polygraph that it has to be used in a very, very careful manner.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Mr. FORD). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to point out a few things that are in this amendment and maybe clarify some of the statements that have been made, and I appreciate my friend, Senator KENNEDY, for some of his comments.

Again, I would like for him to listen and hopefully he would accept this amendment because I do not think that it is that much different from the bill that he and Senator Hatch have introduced.

The bill as proposed by Senator Kennedy and Senator Hatch allows the use of preemployment polygraph. It does not prohibit it. It allows the public sector to use preemployment polygraph; in other words, before the Federal Government hires someone, whether it be the Department of Defense or the FBI, the Department of Energy, it is trying to guard an Army plant or something, and they are entitled to use the polygraph. They use the polygraph as an instrument to try and find out if persons are subject to or have a history of crime or a history of drug abuse or a history of terrorism. Maybe they are trying to infiltrate the CIA. They can use the polygraph to hopefully narrow down those persons who have that type of a background.

They have used it in the past. This bill allows them to continue using it. It does not prohibit the Government from using the polygraph in those instances.

The bill before us allows the use of polygraph for investigative purposes, and I compliment again the authors of the bill. I think that is a much needed provision because a lot of industries, when they find money missing, when they find valuables missing, they use the polygraph and the threat of the polygraph, frankly, to identify those persons responsible.

The Kennedy bill and the Hatch bill have some devices in it to protect from abuse of the polygraph, and I want the sponsor of the bill to be aware—if I can get Senator Kennedy's attention—that the amendment we have has the same protections that he has in his bill.

I think the Senator mentioned the quicky polygraph or the 15-minute polygraph. We kept all the protections that he provided for in the bill, such as saying it had to be a qualified examiner, had to be 21 years of age, had to be a certain time period, still under regulations by the State, still under regulations of collective-bargaining agreements, et cetera. All the protections that Senator Kennedy and Senator Hatch have in their bill are also in my amendment.

So what we have done as the sponsors of the amendment is to allow the use of polygraph for the public sector and also for post-incidents in trying to use it for investigative purposes. Our amendment says these private firms that are involved in providing security can use it in preemployment just as the CIA can, just as the FBI can, just as the Department of Energy who contracts out to private employers, those private employers who protect a nuclear weapons facility anywhere in the country. Since the Department of Energy can use a polygraph to screen employees, preemployment, this would allow that same company that is providing those services for the Department of Energy to also use the polygraph for those armed guards who are protecting a nuclear facility.

I think we have learned something when the Soviets had the Chernobyl accident, incident, or whatever you want to call it, disaster, that killed lots of people and caused a lot of damage. You realize how susceptible we might be if we had some type of nuclear incident in this country where we had a nuclear plant possible in Kentucky or Oklahoma or someplace, if a terrorist infiltrated that plant. Under the bill before us a company that employs a private armed guard right now cannot use a polygraph before they hire him and put him in that type of position.

Frankly, Mr. President, it would be far too late after that type of an incident to be trying to say. "Well, we are going to use polygraph to try to find out who was responsible for that event."

Maybe that person infiltrated a plant and caused a nuclear disaster at a powerplant.

Or maybe a little more on a mundane level but certainly very possible because it has happened, people have infiltrated armored car services. Maybe they went to work for one of the big armored car companies and infiltrated it, got on the inside and had an inside heist.

I have clips of one that was $7 million and it was an inside job. They even went to work in a State where polygraph was prohibited so they would not have a preemployment test in this one example.

I will be happy to put some information in the Record if my colleagues would like to see it.

But again the polygraph for some of these very important, very sensitive industries, has been a tool.

I might also mention to the sponsors of the amendment we put in the same protections that he did as far as preemployment—that this could not be the sole reason that an employer would not hire somebody. In other words, if they failed the polygraph they would still have to come up with additional support and evidence of why that person should not be hired.

So we take great lengths, as a matter of fact, the identical lengths that Senator Kennedy and Senator Hatch have, to protect individual rights and freedoms, but we just say that private employers who are engaged in providing for public security or security of bank funds or security of a large amount of valuables have the same access to a preemployment polygraph.

We have heard some statistics being bandied about, well 12 percent of these polygraph tests might be inaccurate and if they are, again we state that the employer would have to come up with some other substantiating evidence.

But you might turn that around and say, well, seven out of eight are accurate. What if you are a company that provides home protection devices, and there are major companies around the country that provide thousands of people that do so, would you not like to know that at least you would be able to screen and hopefully remove a large number of potential problems?

Let me read a couple of letters that came from individuals that hired these types of firms. I will not read the entire letters, and I will insert the letters for the Record, but I will read a few pertinent paragraphs.

One is from the Rollins Co. It is from the president of the Rollins Co. in Atlanta, GA. The letter states:

> Evidently, the validity of the polygraph is not in question since the federal, state, and local governments and their divisions are allowed full usage of the polygraph. Doesn't the American homeowner, whose life and investments could be imperilled by just one unscrupulous employee, deserve the same protection? We also see that this bill further acknowledges the polygraph's validity by allowing its use in specific incidents during an ongoing investigation. While we totally agree with its value in these cases, we prefer to work to avoid those situations.
>
> What consolation is it to a mother and father whose child has been harmed, or a family who has had their possessions stolen, to have an investigation after the fact? If we have the means within our power, is it not better to work to reduce those opportunities of criminal misconduct? An average citizen who would not consider allowing strangers access to his home is willing to do so if that stranger identifies himself or herself as an Orkin or Rollins Protective Services employee. We are proud of the fact that we have earned that trust through the years. We recognize that our responsibility, both morally and legally, is to continue to utilize the best methods available to protect our customers from the potential dangers arising from the access granted to their homes.
>
> To date the polygraph, when used in conjunction with other pre-employment screening methods, is the most efficient and accurate method of protecting the consumer from unscrupulous job applicants. Since 1976, when we first instituted this screening program, we have substantially lowered incidents of employee thefts and other criminal behavior directed to our customers. Rollins spends over $1 million a year to screen applicants through a series of very comprehensive tools, including the polygraph. Not one of these tests is 100% accurate, be it the background check, motor vehicle check, psychological test, etc. However, when used together, these methods greatly decrease the likelihood of an employee being hired who would endanger one of our customers.

Mr. President, I ask unanimous consent that the letters be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

December 17, 1987.

Dear Senator, as President of Rollins, Inc., the parent company of Orkin Pest Control Company and Rollins Protective Service, I strongly urge you to vote against S. 1904, the "Polygraph Protection Act of 1987." I am joined in this request by the 1600 company members of the National Burglar and Fire Alarm Association and 2500 company members of the National Pest Control Association, as well as the Professional Lawn Care Association and its membership.

While recognizing the merits of the polygraph in the public sector, this bill arbitrarily denies its utilization in the private sector, except in specific post-employment situations. As a result, it unnecessarily jeopardizes the safety of the consumer who is served by any type of in-home service such as ours, because it severely diminishes the accuracy of our pre-employment screening process. Without the use of the polygraph, it is far more likely that someone would be hired who would use his employment for criminal purposes. In addition, S. 1904 is an unnecessary intrusion by the federal government into the hiring practices of the private sector, and it interferes with the rights of the states to regulate the polygraph industry, which it has done effectively in 31 states.

Evidently, the validity of the polygraph is not in question since the federal, state, and local governments and their divisions are allowed full usage of the polygraph. Doesn't the American homeowner, whose life and investments could be imperilled by just one unscrupulous employee, deserve the same protection? We also see that this bill further acknowledges the polygraph's validity by allowing its use in specific incidents during an ongoing investigation. While we totally agree with its value in these cases, we prefer to work to avoid those situations.

What consolation is it to a mother and father whose child has been harmed, or a family who has had their possessions stolen, to have an investigation after the fact? If we have the means within our power, is it not better to work to reduce those opportunities of criminal misconduct?

Rollins Protective Services is one of the largest residential security system companies in the country, operating in 27 states. Orkin Pest Control is the world's largest structural pest control company, operating in 45 states and the District of Columbia. Together we send thousands of technicians and sales representatives annually into more than 1.3 million private residences. In numerous cases, because of customers' busy lifestyles, our employees even have keys to many of these customers' homes. This almost unlimited access could result in direct threats to the health and well-being of our customers and their families, as well as loss of their property, by employees with criminal motives.

An average citizen who would not consider allowing strangers access to his home is willing to do so if that stranger identifies himself or herself as an Orkin or Rollins Protective Services employee. We are proud of the fact that we have earned that trust through the years. We recognize that our responsibility, both morally and legally, is to continue to utilize the best methods available to protect our customers from the potential dangers arising from the access granted to their homes.

To date the polygraph, when used in conjunction with other pre-employment screening methods, is the most efficient and accurate method of protecting the consumer from unscrupulous job applicants. Since 1976, when we first instituted this screening program, we have substantially lowered incidents of employee thefts and other criminal behavior directed to our customers. Rollins spends over $1 million a year to screen applicants through a series of very comprehensive tools, including the polygraph. Not one of these tests is 100% accurate, be it the background check, motor vehicle check, psychological test, etc. However, when used together, these methods greatly decrease the likelihood of an employee being hired who would endanger one of our customers.

Presently 31 states recognize the benefits of the polygraph by establishing strict regulations that protect the rights of prospective employees while permitting private businesses like Orkin and Rollins Protective Services to utilize the best tools available to safeguard the welfare and property of its customers. These rules insure that the polygraph examinations are administered competently, fairly, and without bias. Without doubt, S. 1904 blatantly usurps the rights of these states to regulate the polygraph industry and is an unnecessary intrusion into the hiring practices of the private sector.

Further, there is no constitutional basis for a federal ban on polygraph testing in the private sector. Article 10 of the Constitution clearly states that the power not delegated to the United States by the Constitution, nor prohibited by it to the states, are served to the states respectively, or to the people. The majority of our states have accepted this responsibility and have already passed legislation regulating the polygraph. Some have even banned it. Clearly, this effort by the majority of our states signifies federal government intervention is unwarranted.

We will continue to make every effort possible to refine polygraph testing and comply with (if not surpass) all state requirements. After all, we are not in the polygraph business, but in the business of serving our customers and insuring their safety. Presently, the polygraph is one of the best tools we have to accomplish this. The American public should not be forced to withstand the dangers that could befall them should this legislation pass. With the rising crime rate, citizens rely on our industries to insure their safety—now they are relying on you.

We strongly urge you to ask for a hearing on the specific language of S. 1904 and the merits of S. 1854, the regulatory bill introduced by Senator Dan Quayle. We would welcome the opportunity to express the point of view of our industry before your committee.

Sincerely,

Gary W. Rollins,
President.

Mr. NICKLES. Mr. President, I will just read a couple other paragraphs from another letter. This is a letter from the Brinks Co. in Oklahoma City. It states:

> On the other hand, this legislation prohibits private companies from using pre-employment polygraph screening, while allowing public agencies such as the police department and FBI to use the polygraph. Pre-employment screening is vital when interviewing for the sensitive security positions within our firm. We are the target of not only criminals, but also terrorists who seek to infiltrate security companies.

Mr. President, I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Baink's Inc.,
Oklahoma City, OK, January 12, 1988.

Hon. Don Nickles,
U.S. Senate, Washington, DC.

Dear Senator Nickles: Senator Kennedy recently introduced a bill which would restrict the use of the polygraph by private employers. S. 1904 is expected to move quickly to the Senate floor.

As a company engaged in security work, I am very concerned about the impact of this legislation on my industry. S. 1904 would allow employers to liberally use the polygraph on employees whom they suspect have caused them economic harm. This harm does not even have to be reported to the police before the polygraph is used.

On the other hand, this legislation prohibits private companies from using pre-employment polygraph screening, while allowing public agencies such as the police department and FBI to use the polygraph. Pre-employment screening is vital when interviewing for the sensitive security positions within our firm. We are the target of not only criminals, but also terrorists who seek to infiltrate security companies.

In most cases, pre-employment polygraphing is as important than post incident polygraphing in the security business, as the harm that can be done is of such a large magnitude. For example, the FBI recently arrested members of the Matcheteros terrorist gang and charged them with an $8 million armored car robbery in Connecticut, a state where poygraphs are outlawed. The terrorists planted a member of their group inside an armored car company as a driver. He fled to Cuba with the funds, which were then used to fuel terrorism in Puerto Rico.

The House of Representatives recognized the special needs of security companies and included in the bill which just pasted the House, an exemption for these functions. An identical exemption was included in the bill which the House passed in 1986.

Frankly, we believe that polygraphs are best regulated at the state level. In fact, twenty-two states now have some sort of restrictions. However, if you believe the federal government should become involved, we would ask that you support an exemption for private security functions.

Sincerely,

Junior Strawn,
Branch Manager.

Mr. NICKLES. Mr. President, I have one other letter from the Rollins Co. in Dallas. It states:

> Between Rollins Protective Service and Orkin Pest Control Company, we send thousands of technicians into more than 1.3 million homes nationwide. We spend over $1 million a year screening our applicants through polygraph testing as well as through a battery of other pre-employment procedures to reduce the chances of our customers being harmed by an unscrupulous employee. To do anything less may be costly, but it would be seriously irresponsible.
>
> During the past ten years, we have denied employment to approximately 16% of those

> who applied because of repetitive drug use and criminal background which they admitted during polygraph testing. It is doubtful we would have been able to obtain this information through any other means.

It goes on to say:

> However, in our case, we are concerned with human lives. Personal property can be retrieved—a human life cannot. Therefore, it is imperative we employ the most comprehensive applicant screening process possible—which includes the use of professionally administered (and state regulated) polygraph testing.

Mr. President, I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Rollins Co.,
Dallas, TX, February 19, 1988.

U.S. Senator Don Nickles,
713 Hart Building, Washington, DC

Dear Senator: As you can see, we are strongly opposed to this legislation because it seriously jeopardizes our ability to protect our customers. Between Rollins Protective Service and Orkin Pest Control Company, we send thousands of technicians into more than 1.3 million homes nationwide. We spend over $1 million a year screening our applicants through polygraph testing as well as through a battery of other pre-employment procedures to reduce the chances of our customers being harmed by an unscrupulous employee. To do anything less may be costly, but it would be seriously irresponsible.

During the past ten years, we have denied employment to approximately 16% of those who applied because of repetitive drug use and criminal background which they admitted during polygraph testing. It is doubtful we would have been able to obtain this information through any other means.

People are vulnerable in their homes (see attached article.) We understand some industries have agreed to support S 1904 which would prohibit all preemployment polygraph usage but allow it in restricted specific incident cases. For a bank or retail store, perhaps that is sufficient because they are concerned with reducing property losses. However, in our case, we are concerned with human lives. Personal property can be retrieved—a human life cannot. Therefore, it is imperative we employ the most comprehensive applicant screening process possible—which includes the use of professionally administered (and state regulated) polygraph testing.

We have supportive data regarding our experience with the polygraph and would be more than happy to provide you with any information that would facilitate your efforts. Also, Mr. Nester Macho, special Advisor to the President of Rollins, would be glad to meet with you at any time to discuss our experience.

Mr. NICKLES. Mr. President, I have tried to make the point that we have retained all the protections that Senator Kennedy and Senator Hatch have in their bill. Their bill allows preemployment testing by polygraph. This amendment expands that. They allow it in the public sector for the FBI and the CIA and for the police departments, for the fire departments, for public municipalities, and for the State and Federal Government. We expand that for private concerns that would use it in the protection service—if they are involved in transporting money, if they are moving a lot of currency, if they are moving money from the Federal Reserve. Most of the money that is moved from the Bureau of Engraving and Printing that prints the money to the Federal Reserve banks is moved by private concerns. This would allow those armored car companies to use a polygraph test to screen persons and find out if they are a terrorist, find out if they are convicted felons, find out if they have a record of drug abuse.

I think it is a good amendment. it does not reach too far. It is a limited amendment. It is a limited amendment trying to protect those persons who are engaged in these types of services.

It would exempt those who provide services industries, such a protective service for your home, so they could at least screen and make sure they are not hiring somebody that has a record of breaking and entering homes or auto theft. They could find out and possibly weed out some of those individuals.

One other example. I mentioned this earlier in my comments and maybe it has been overlooked. But Senator Kennedy's and Senator Hatch's bill allows a private contractor, if they are guarding a munitions facility for the Department of Energy, to use the polygraph. And I think they should. Really, if you have somebody that is building munitions, I think they should have that option.

This would allow them that same option for the same guards, same company—maybe the same guards—protecting a nuclear power facility. I would shudder to think that a guard in a company that was protecting a nuclear power facility, if they infiltrated a private company, worked their way to being at the right gate at the right time, they could allow some of their terrorists in, maybe plant a bomb and start a chain reaction that would lead to a nuclear incident in this country.

Right now the companies that provide security for nuclear power plants have the ability—and most of them use it—to use polygraphs to try to screen and weed out those persons who might have a terrorist background. This bill would prohibit that test. I think that would be a serious mistake.

The House agreed. The House debated this amendment thoroughly, and they passed this amendment. They said we should allow the use of polygraphs in these instances.

Again, this is not much further than what Senator Hatch and Senator Kennedy have in their bill. I hope they would adopt the amendment. I believe it is a good amendment. It is one that I think has been well thought out. It does not allow a quickie test. It does not allow somebody who is not qualified to administer a polygraph.

I hope that they would agree to the amendment.

Mr. KENNEDY. Mr. President, I thank the Senator from Oklahoma for his explanation. I find it unconvincing. I would not expect that perhaps the Senator from Oklahoma might find it differently, as we do, in the area of preemployment. We do not permit the polygraph and we do not extend this to Federal, State, and local governments for a very important reason, and that is the constitutional protections. And it has not been found to be a problem.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. If I could just finish.

And so, that is basically the distinction on it. To suggest that, well, even under our bill there is permitted some preemployment testing that may be taking place is an accurate statement. I will say that. But, given the kind of other protections that we have found in our own review, we did not find there was sufficient problems compared to what is happening in the private sector to take action.

That is point No. 1.

Second, I want to point out about what the Senator's amendment really does. If you read through the "Exemption for Security Services" on the first page of the amendment, it talks about:

> In General.—Subject to paragraph (3), this act shall not prohibit the use of a lie detector test on * * * personnel engaged in the design, installation, and maintenance of security alarm systems.

"Personnel engaged in the design." I mean, is that every designer? Is it every engineer? Is it every draftsman?

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. I will give you a chance for you to explain. I would just like to make the central point, and then I would be glad to yield for a response.

It talks about the design. You have "personnel engaged in the design." And Lord only knows what that means. But I think it is reasonable to assume it is design or engineering draftsmen.

"Installation." Is that every electrician? "Maintenance of security alarm systems." Is that every repairman? Is that every cleaner that, as a part of their routine job, goes out and cleans that system?

And then, it continues: "or other uniformed or plainclothes security personnel and whose function includes protection of," and then it goes (A) (i), (ii), (iii), (iv), (B). And then comes the kicker: "or property." Do we know how many security property guards

there are that are listed? There are 500,000.

Mr. NICKLES. The Senator is not working off of the amendment. I am trying to make sure we are working on the exact same amendment.

Mr. KENNEDY. I think that is a fair point to make. That is the amendment that I was handed.

Mr. NICKLES. Could I answer the question of the Senator?

The PRESIDING OFFICER. Does the Senator yield for a statement of the Senator from Oklahoma?

Mr. KENNEDY. I will be glad to yield for a question.

The PRESIDING OFFICER. The Senator may proceed.

Mr. NICKLES. I would like to respond to the statement of the Senator.

Mr. KENNEDY. The Senator is correct with regards to the word "property." I had the first edition. It has been altered in the last few hours.

Mr. NICKLES. The amendment we submitted does not say "property."

Mr. KENNEDY. The one that was submitted as S. 1904 that has the Senator's name on it. Was this——

Mr. NICKLES. The amendment we sent to the desk, let me just read it——

Mr. KENNEDY. I see. Well, all we try to do in terms of the debate here is try to take the various amendments that are filed and circulated and then we examine them in terms of the debate and I apologize to the Senator. That was the one that was distributed with the Senator's name on it that was given to me. As I understand, it has been redrafted just prior to the time of submission and now has different language. Certainly I will adjust my remarks. I will review this now. We have been over here for a day and a half on this matter. I understand from staff that it still includes "design," which I referred to.

Mr. NICKLES. That is right.

Mr. KENNEDY. So all the relevant points I made with regard to design, draftsmen, is included, installation—everything I said about electricians is accurate; maintenance of security alarms, all the comments I made about those are accurate.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. Yes, I yield for a question.

The PRESIDING OFFICER. Let us set the record straight. You should come through the Chair to the Senator and we will keep the procedure in the proper perspective here. If the Senator will yield, why, then, we will proceed from there.

Mr. NICKLES. I am just trying to respond because I think the Senator from Massachusetts makes a good point. Let me read exactly what the amendment says. It says:

> Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—
>
> (A) facilities —and on and on.

I guess there is no real argument against armored car personnel; personnel engaged in the design, installation and maintenance of security alarm systems—these are the individuals who design, maintain, install security alarm systems in private homes. They are the people that I am talking about, if a person calls and says: I am worried about somebody breaking into my house. Maybe they have a lot of valuables or something in their house, so they call up a protective service and say: Would you please design a system that will help to protect my home. And maybe it will be electronic, maybe it will be sound, maybe it will be lights, maybe it will be a combination of things that will ring at the police department—these systems are available in most cities.

But the individuals involved go out to their home and they check the windows, they check the doors, they check the entrances to the homes and they design and they install and they maintain alarm systems to protect that home.

So, they are very vulnerable, so what this amendment allows in those companies that provide those services, since they are given such a large degree of confidence by the homeowners to protect their house, it allows those firms the right, before they hire this individual, to use the polygraph.

It says the polygraph cannot be the only reason they would not hire him. They would have to have some other evidence to not hire that person, so it still provides the protections as the Senator from Massachusetts did in his preemployment use of the polygraph, but it would say that these people, because of the nature of their job, since they are involved in security, would not be prohibited from using the polygraph.

Right now, if the Senator's bill passes, you are going to have all these private security companies unable to use the polygraph. I just read some letters into the Record. One said that the author found 16 percent of the applicants disqualified because of the use of the polygraph. And that may mean that one out of seven, or something like that, might have entered people's homes, maybe with the purpose of breaking into their homes. I am not sure. But I would hate to think of the people's property stolen. I would hate to think of the physical harm that might come to them, because we did not pass this amendment; or because we passed the Senator's bill as is drafted right now without the House language. Basically the language that we have in this amendment is almost identical to the House language that passed in the House of Representatives.

It is a little bit different because the House bill was basically a prohibition on the use of polygraph altogether. Senator Kennedy's bill does not go that far. He allows the use of polygraph. He says it is OK for the Department of Defense. He says it is OK for the CIA. My amendment would say it would be OK for firms that are installing protective systems in people's homes to use the polygraph. My amendment says it would be OK for armored car companies such as Wells Fargo or Brinks or other companies to use the polygraph as well, because we are entrusting a lot of security, a lot of valuables in these companies. A lot of value.

Now, if you have a person who is fairly intelligent and says, you know, I would like to steal a lot and I would like to do it a couple of times in a big fashion in a good way, and, therefore, instead of trying to go crashing through some door and find out nothing is there I think I would improve my odds if I went into homes that had security systems and maybe if I helped install that security system I would know now to turn it off; and, since I was in the home installing the system I would probably know something about the valuables that are inside that house. So, now I have installed the system, I know how to maintain it, I know how to turn it off, and also, since I have been servicing this home I know when they are not there.

It just makes sense. Well, if we are going to allow it to the Department of Defense, they are to protect us; we are going to allow it to the CIA, they are there to protect us, they have lots of sensitive information; the FBI, they are exempted because they are providing security, providing protection, let's allow the private firms that are also engaged in protection with the caveats of making sure that these tests are not used in an abusive manner—which is provided for in the Senator's bill. We provided for that in our amendment as well. So we are concerned not only about individual and employee's rights, we put in the identical protections that Senator Kennedy and Senator Hatch have. We just expanded, and not only allow just the public sector to use preemployment tests, but also we would allow the private sector that is engaged in protecting individuals and property to use preemployment tests as well.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, that has been subject to a variety of different drafts. I point out that it still, as it is drafted, has the same kinds of openness, in terms of those that are involved in any kind of a design, any aspect of installation, any aspects of the maintenance of the systems. I think we are talking about the tens of thousands or hundreds of thousands of people and because of the arguments I made before, in terms of the unreliability as a preemployment device, and we tried to make that case earlier, I have trouble in seeing the justification or the wisdom of this.

I refer back not to just the statements that I make, Mr. President, but I will refer back to what the National Institute of Justice said. They are the principal research arm of the Justice Department on criminal activity. They are the principal guide to the Justice Department and to the Congress. This is what they said:

> We found that applying the law enforcement model to theft does not work very well. For example, assessing previous theft activity outside the work setting by using polygraph exams has little relevance to future workplace behavior.

Mr. President, I am mindful of what the Senator would like to do but I believe those that are concerned about security in their banks, all the rest, you pass this amendment, they hire various firms to go on out and get security guards; those security guards are given that polygraph, they pass it, they come right on in that bank. It creates a false sense of security. That is what all of the scientific and medical information is, and that is the conclusion of the principal institute of the Federal Government dealing with crime and criminal behavior. That is their conclusion. That is just not the conclusion of the chairman of the Human Resources Committee or the Senator from Utah. It is an agency of the Justice Department that studies these kind of issues and evaluates the various tests.

I think rather than increasing the security in these areas, we would be creating a false sense. I think the way we have balanced this in terms of the way of the program, in terms of creating a reasonable suspicion after the employment situation, we would hope they would use all the other investigative techniques and personnel reviews that are absolutely essential in the guarding of the areas the Senator has outlined.

But I would hope that the Senate would accept the amendment. I am going to move to table the underlying amendment.

Mr. NICKLES. Will the Senator withhold for a few minutes?

Mr. KENNEDY. I withhold for 2 minutes. I ask consent that I be recognized after 2 minutes.

Mr. NICKLES. If the Senator would give me about 4 or 5 minutes.

The PRESIDING OFFICER (Mr. Exon). Is there objection to the 2 minutes?

Mr. KENNEDY. You cannot object, anyway. I will give you 4 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. Nickles] is recognized for 4 minutes, and then the Senator from Massachusetts [Mr. Kennedy] is recognized.

Mr. NICKLES. Mr. President, statement made by the armored car industry were that they transport and store over $15 billion per day. Of the majority of monetary losses from the industry, 65 percent result from internal theft.

Furthermore, I might mention employees in this industry frequently are required to carry guns.

I also mention one other result if we do not adopt this amendment. You are going to have a lot of airports not able to use the polygraph to screen those security guards. If the cities themselves hire the security guards, then they could do it. But a lot of airports use private firms to provide for security at the airports, screening, et cetera.

If this amendment is adopted, those private firms would not be entitled to use the polygraph. Again, let us think about that because we have had a lot of terrorism, a lot of it in other countries involving airports.

It would seem to be a terrible thing for us to be telling private firms that only a city can use the polygraph. Let us make sure we keep terrorists out by screening people as they enter the aircraft or coming through the airports, but a private firm, who may have been providing that function to the city for years, would not be entitled to do it.

Again, we keep the same protection that the Senator from Massachusetts and the Senator from Utah do to protect employee rights. We would just allow those private firms who are engaged in security and protection of employees and property in this country to continue the use of the polygraph.

I hope the Senate will reject the motion to table.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I move to table the underlying amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the underlying amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore] and the Senator from Illinois [Mr. Simon] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. Dole] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 20, nays 76, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—20

Armstrong
Bradley
Cranston
Danforth
Dixon
Dodd
Durenberger
Evans
Ford
Harkin
Hatfield
Heinz
Kennedy
Leahy
Metzenbaum
Mikulski
Proxmire
Reid
Stennis
Weicker

NAYS—76

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
D'Amato
Daschle
DeConcini
Domenici
Exon
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Hatch
Hecht
Heflin
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kerry
Lautenberg
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Quayle
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NOT VOTING—4

Biden
Dole
Gore
Simon

So the motion to lay on the table Amendment No. 1607 was rejected.

Mr. HEINZ and Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. NICKLES. Mr. President, will the Senator yield for just a moment?

Mr. HEINZ. I yield without losing my right to the floor.

Mr. NICKLES. We have not yet disposed of my amendment. Can we do that first?

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 1608) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WORLD BANK STEEL LOAN TO MEXICO

Mr. HEINZ. Mr. President, earlier today Members of the Senate Steel Caucus which is chaired by Senator Metzenbaum, myself, Senator Byrd, Senator Simpson, and others met with the Secretary of the Treasury, Jim Baker, to take strong exception to the plans of the World Bank tomorrow to act on a $400 million loan to Mexico for the benefit of their steel industry.

Part of our reason for meeting with Secretary Baker was to ascertain what our Government's position on this loan might be. The scale and scope of this loan is such as to be a very grave concern; that is, $400 million, a substantial portion of which represents a financial commitment by the United States and our taxpayers to a steel industry that currently produces about 5 million tons from about 10 million tons of capacity annually, compared to a U.S. industry that has about 100 million tons of capacity and when healthy is producing 70 or 80 million tons annually. And one might therefore compare that $400 million World Bank so-called loan to the equivalent of a $4 billion financial package of assistance to the American steel industry, if not more.

I call it a so-called loan because it is a deal that nobody could ever get in the private sector. It has a very generous term. It is a 15-year loan, it is at below market interest rate, and the nice thing is for the first 3 years the money is absolutely free. Would it not be nice if Americans, whether they are steelworkers or in the steel industry, could get free money, $400 million, let alone $4 billion for 3 years? I think we would be all very happy about that.

In following up a discussion that we had with Secretary Baker in which we all voiced our concerns about tomorrow, we urge Secretary Baker to express our concern to the president of the World Bank, Barber Conable, who, as a former colleague of many of ours from the House of Representatives, we have a great deal of respect for, and to urge Barber Conable to withdraw or postpone the action that the Bank was intending to take tomorrow so that it could reconsider not only the merits of the proposal but the wider implications of the Bank's proceeding.

We also wanted, as I say, to find out whether our Government intended to support, by the vote of our U.S. Executive Director to the Board of the World Bank, that loan. And we urged, of course, as one might expect that a proposal that we felt was ill-advised in the first place and certainly hastily considered, we were only informed of this within the last 48 hours—that our U.S. Executive Director should vote against that loan. But it does not do anybody very much good if the U.S. Executive Director votes against the loan and it goes through anyway.

If the loan is to have any economic value to it, the effect has to be to either increase production, to reduce imports, or to increase exports of steel, presumably at higher value-added categories. Otherwise, this is a bad loan.

So the position the World Bank is in is that it is either making a loan that can only pay for itself if Mexican production increases and imports decrease—imports of some of that steel at higher value added from the United States—and/or if their exports to countries like the United States increase.

I point that out because the argument for this loan is, "Don't worry; it's not going to hurt anybody."

Well, if it is not going to hurt anybody and it is not going to help anybody in Mexico, it is a bad loan.

So the World Bank, in my judgment, cannot make a consistent argument. It is either a bad loan that will not earn its keep or it is a loan that will earn its keep in way that is bound to affect international steel trade; and if there is one thing we know it is that we have enough steel capacity in the world, probably 100 percent more than we need. It is against everybody's interests to have institutions such as the World Bank putting more money into an industry with overcapactiy at subsidized rates. That just subsidizes more capacity or the upgrading of more capacity, and there is no justification for that. If people want to do it using money at nonconcessional rates, that is something else; but these are public funds, world funds, at concessional rates.

I made these argments in the course of a discussion within the hour with the president of the World Bank, Mr. Conable. I had hoped that these arguments would be persuasive to him and that he would withdraw the loan for consideration from the Bank's agenda tomorrow.

I am in the position of having to carry bad news to the Senate and to my constituents and to the American taxpayer. Barber Conable, who was very honest and direct, said: "I can't withdraw this loan. It will be put up to a vote tomorrow."

The implications were, I am sorry to say, that he thought it would be approved by the World Bank board, notwithstanding the vote of our U.S. Executive Director.

I suspect that he is probably right, because if there is one thing he did learn—he was in the House of Representatives, as ranking member of the Ways and Means Committee—it was to count votes.

I bring this to the attention of our colleagues because I think we should try to do something about it. What I want to urge is that this body at least take the modest step of going on record now against this loan. I do not doubt that should the loan go ahead—and I hope it will not—we may have to take additional action. But the most honest thing we can do is to express the policy of this body in the type of resolution that the Senator from Ohio [Mr. Metzenbaum] introduced yesterday. I see that he is on the floor, and I do urge him to offer his resolution. I will support it, as one might guess from my remarks, in the strongest possible terms.

Mr. President, I do not wish to impinge upon the debate right now, and I yield the floor.

POLYGRAPH PROTECTION ACT OF 1987

The Senate continued with the consideration of the bill S. 1904.

Mr. NICKLES and Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER [Mr. Fowler]. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the amendment of the Senator from South Carolina.

Mr. NICKLES. Mr. President, I urge the adoption of the amendment, as amended.

The PRESIDING OFFICER. Is there further debate on the question? If not, the question occurs on the amendment of the Senator from South Carolina.

The amendment (No. 1607), as amended, was agreed to.

Mr. NICKLES. I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

Mr. President, I see the Senator from Ohio on the floor. I know that he is very interested and committed on this issue. I would like to find out what the desire of the Senator from Ohio is. We would obviously like to cooperate. We know he feels intensely about it.

I inquire: What is his program?

The PRESIDING OFFICER. The Senator from Ohio (Mr. Metzenbaum).

WORLD BANK STEEL LOAN

Mr. METZENBAUM. Mr. President, I want to announce to my colleagues that we offered this resolution yesterday. It is a sense-of-the-Senate resolution which specifically provides that it is the sense of the Senate that the purpose of the loan is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization, and the Government of the United States should use its best efforts to prevent approval of that loan.

After a meeting with Jim Baker, the Secretary of the Treasury, this morning, which was called by Senator Byrd, with the assurance of Secretary

Baker that the United States would vote against the loan, I had hoped that, at a minimum, the World Bank would see fit to postpone this issue.

I had hoped that we would not have to get into this again today, because I thought that the World Bank would postpone the matter while we discussed it further.

However, according to Senator HEINZ, we have been informed by Barber Conable, the president of the World Bank, that they are going ahead with the vote tomorrow, which means they are going to approve the $400 million loan to Mexico.

Sometime before the evening closes, I will be prepared to offer a sense-of-the-Senate resolution as an amendment to this bill or as an amendment to a pending amendment. The manager of the bill has indicated that he would hope we would hold off for a bit, in order that he might try to get the bill closer to fruition. I am perfectly willing to be cooperative in that respect, with an assurance from him that before the bill is closed down, the Senator from Ohio, the Senator from Pennsylvania, and the Senator from West Virginia, who have an interest, would have an opportunity to come forward.

In view of the vote that will occur tomorrow, I feel that it is imperative that we act this evening. As long as the Senator from Massachusetts has indicated to me that he expects to finish this bill tonight—on that assumption I have no reason to go forward with the amendment now. If, for some reason, we do not finish the bill tonight, I hope I will have the assurance of the Senator from Massachusetts that an opportunity will be made so that we can offer this amendment, because offering it tomorrow will be after the fact.

Does the Senator see any problem with that?

Mr. KENNEDY. Is it the intention to offer it on this bill?

Mr. METZENBAUM. Yes. The intention is to offer it as an amendment or a second-degree amendment on this bill. I do not believe there is any opposition, with the possible exception of one Member. I may be wrong about that. There is tremendous interest by those Senators who have steelmaking operations in their States. I think there are 36 members of the steel caucus, on both sides of the aisle.

The answer is, yes, I do intend to offer it on this bill, because I cannot get it to a vote otherwise.

Mr. KENNEDY. I recognize the Senator's position and am in sympathy with it. We are in a situation now where we are not going to get final action on this, and I will have to reserve my position.

I want to make that clear to the Senator from Ohio. I have made a commitment that we keep off matters that were not relevant to this. I feel committed to that position. I voted against the position last evening with regard to labeling which I strongly support in terms of its merits. I have given those assurances to the floor.

I know this is an exceptional set of circumstances, and I am in sympathy with what the Senator is trying to do. He might be able to find that I am sometimes persuasive and sometimes not around this body.

But I am not able nor would I at this time give the assurances that we are going to be willing to accept that on this particular measure at this time.

Mr. METZENBAUM. Mr. President, will the Senator from Massachusetts be good enough to give me assurance that he will protect my position before closing down for the night?

Mr. KENNEDY. I would be glad to notify the Senator when we are closing or we are not able to make further progress on further amendments. I will certainly do that.

Mr. METZENBAUM. So I will have an opportunity. I do not wish to interfere with the Senator's handling of the bill. I want to be able to at least have an opportunity to offer this.

Mr. KENNEDY. Yes; I will be glad to notify the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1609

(Purpose: To permit an employer to administer a lie detector test to an employee if the employee requests the test)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ) proposes an amendment numbered 1609.

Mr. BOSCHWITZ. If you would read the amendment?

The legislative clerk read as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR VOLUNTARY TESTS.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee or prospective employee if—

(1) the employee or prospective employee requests the test; and

(2) the employer or agent administering the test informs the employee or prospective employee that taking the test is voluntary.

The PRESIDING OFFICER. The Senator from Minnesota is recognized in support of his amendment.

Mr. BOSCHWITZ. Mr. President, this amendment would allow an employee or prospective employee to voluntarily ask to have a polygraph test. It is not a condition of employment. It cannot be made a condition of employment by this bill. Nor does this amendment intend to create that result.

The polygraph test, Mr. President, has proven its worthiness in assisting defense agencies in guarding national security, and Congress has repeatedly endorsed the polygraph for the purpose of preserving national security.

Similar security considerations really should be able to apply to the private sector.

In 1985 the House of Representatives voted 331 to 71 for an amendment which would allow the Department of Defense to increase polygraph screening of personnel with access to sensitive information. The Senate agreed to a conference report containing these polygraph provisions.

In 1987 a similar vote occurred, 345 to 44, for an amendment to the defense authorization bill that established a permanent polygraph program for national defense agencies.

The Senate voted 89 to 6 to accept conference reports that contained those permanent polygraph provisions.

Mr. President, Congress has clearly expressed its support for polygraph as a means of ferreting out possible illegality within the Government in the areas of defense and the areas of security. If polygraph works for the Federal Government, it certainly should work equally well for the private sector in its battle against illegal conduct in the workplace. When you consider drugs and the distribution of drugs and other such things, certainly the public needs to be protected.

Employee theft raises the cost of goods. The U.S. Chamber of Commerce reports that it raises them significantly.

The Drug Enforcement Administration, which supports polygraph screening, estimates that over 1 million doses of drugs each year are stolen from drug retailers, wholesalers, distributors, hospitals, and the like. Crime in the workplace is really quite a serious threat to the economy. It can bring a whole company down.

In my experience as a businessman, Mr. President, I have often had that problem. Interestingly, I have never used a polygraph. But what this amendment would do is allow an employee to come to an employer and say, "I know that there is thievery going on." And unfortunately, it is a common occurrence in business. "And I want to take a polygraph in order that you know that you can rely upon me." That option should be open to an employee and under this bill it is not.

This amendment is really an encapsulation of Minnesota statutes, and in Minnesota this amendment has been made part of the law and really simply preserves an employee's right to request a test.

The evidence in Minnesota suggests that it has worked very well; that there has not been abuse, and I understand and agree that we should protect employees against such abuse. But it really in no way alters the approach taken by this bill for the employees in the use of polygraph. It is the employer which we seek to regulate, not the employee, and therefore I offer this amendment as an effort to give employees, honest employees, employees who want to protect not only their own position, their own job, but who want to protect their place of employment, an opportunity to ask for a lie detector test.

It will not be used in every instance, I am sure. It may be that the very suggestion by an employee to his employer that he wants to take a polygraph test will be enough in most instances, as I would assume it would be, for an employer to believe that this employee at least is not guilty of some of the problems that they may be having.

In my years in business, Mr. President, time and again I had that problem, and they are very difficult problems. I often had employees and their wives and their families approach me. Those were very difficult things to do in the conduct of business, to say to a person "you have to leave us because we believe you are stealing" or in some instances even proof was available and in some instances not. It is a very difficult situation. The use of a polygraph in such situations helps both the employer and the employee. It helps people protect their jobs and helps people protect the companies for which they work.

Many companies, Mr. President, have been brought down, many companies have had to go out of business due to employee theft, due to very many situations where people have acted in contravention of the law. So it is important that we allow the employee every ability to prove his innocence and to continue the business of his employer.

Mr. President, I understand that the managers of the bill will not accept this amendment. I would ask that they respond.

I yield the floor.

Mr. KENNEDY. Mr. President, I understand the purpose for which this amendment is offered. Under the best of circumstances, I imagine that the Senator from Minnesota is trying to offer opportunities to those individuals who truly want to take a polygraph and permit those circumstances to be available under this legislation. So I understand what the purpose is.

The amendment of the Senator from Minnesota is very closely patterned after the State law. As I understand, in Minnesota employers can solicit or require the polygraph.

Now, Mr. President, there are similar laws in a number of the different States, and what we have found even in the State of Minnesota, in the Kamrath versus Suburban Bank case of 1985, even though it might look voluntary, inevitably there is a sense of coercion when the States have prepared legislation that even indicates that they cannot solicit or require. The Kamrath case in Minnesota pointed that out.

But there are cases in Maryland, cases in Pennsylvania, in California, other States besides Minnesota which have similar kinds of requirements, and they have been just open-ended invitations to employers to say "Well, look, this is all voluntary, Mr. or Miss so-and-so, and we can't fire you or require you to take it as a condition of employment." You can imagine how that works in the various employment halls or personnel centers around the country. There is just instance after instance where this has created an enormous loophole.

In the legislation we do provide that when there are circumstances where there is reason to believe that an individual has been involved in some wrongdoing, the employer can make a request of the employee to take the lie detector, and the individual can either take it or not take it. We spell out exactly the circumstances when that will or will not be available.

So we do in the legislation permit an employer to make that request, and in a sense it is voluntary. There has to be other evidence besides the fact that the employee did not take the test if the employer wants to dismiss that employee. That is all laid out in the legislation.

It seems to me that that provides the kind of safeguards that are necessary in terms of assuring both the employer's interest and the employee's.

Basically, where similar kinds of legislation have been put into effect in the several States, there has been a wide record of abuse. They say it is voluntary, but the overwhelming evidence—and we have evidence in our committee records from Maryland and other cases, other than the State of Minnesota, which we have reference to in our record—just creates an absolutely enormous loophole.

It is really for those reasons that the Senator from Utah and myself find it difficult and unacceptable. I will be glad to yield.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. The distinguished senior Senator from Massachusetts points out the Kamrath case in Minnesota where implicit coercion was indeed found and where damages were awarded to the employee. The courts will protect the employees where there is implicit coercion.

The distinguished Senator from Massachusetts says the employer will make this request of the employee, under certain circumstances. Why cannot then the employee make a similar request of the employer? Why should he not have the right to make a similar request?

I think indeed there has to be other evidence. My friend from Masschusetts says that in the event the employer makes the request and the employee says no, there has to be other evidence before you can dismiss the employee. In the real world, other evidence can always be found, and other evidence is a very subjective type of thing. The other evidence, I presume, does not have to relate to the appearance at hand.

Really that is not very much protection at all, and I ask that the employee have at least the same rights that the employer has.

I would say to my friend from Massachusetts, I note that my amendment talks about administering a lie detector test to an employee or prospective employee. I would tend to agree with the Senator from Massachusetts when he says that you can ask somebody before he becomes an employee, "Would you be willing to take a lie detector test?" In the event a person says no and the employer would no longer consider that employee, I do not understand that that is permissible under this law, and it is not really covered by my amendment.

I wonder if the Senator from Massachusetts and the Senator from Utah would accept the amendment if we removed the term "prospective employee" so that there would not be consideration or a feeling, in the event a prospective employee does not volunteer to take a lie detector test, that he would not be considered.

For instance, the employer does not even really have to ask a prospective employee. As the distinguished Senator from Massachusetts points out, the employer can make it quite well known to an employment agency, for instance, that "we like employees who will come and volunteer to take lie detector tests." The employment agency will find a way to say to a prospective employee, "I would mention, if I were you, when you talk to this fellow that you suggest that you are willing to take a lie detector test." That can almost become a condition of employment. I agree.

In the event we take "prospective employee" out of this, and it would just be an "employee" rather than a "prospective employee," that certainly should make the amendment more palatable.

As a businessman, I have never used, and I wonder if the distinguished Senator from Utah is in the Chamber or nearby because I would like to hear his thoughts about it as well, but as an employer over many years, employing as many as 1,200 people at any one time, and often having had experience with theft and often having some very difficult moments with employees about it, I did not use it for employees and had never even considered using it for prospective employees.

Would that make the amendment more palatable, I would ask my friend from Massachusetts?

Mr. **KENNEDY**. I would answer the Senator, it really would not because basically what we are talking about is the real potential for coercion. In the preemployment situation, what individual is going to go to the extent of bringing a case, paying the expenses, following all the way through the legal process in order to get, what, in terms of damages? It is basically unrealistic, and it is extremely difficult for me to understand——

Mr. **BOSCHWITZ**. Would the——

Mr. **KENNEDY**. Let me just finish one other point. It is extremely difficult for me to understand why an employee would take the test in the first place when, under the OTA study it says only half, "53 percent of the test subjects were correctly identified by the polygraphers." It is a flip of the coin. That is what we are dealing with, and the only way we can understand it. It is difficult for me, in common sense values, to think someone is going in there to say voluntarily, "Give me a polygraph" with a 50-percent chance of being caught wrong, unless there is going to be some type of coercion. We permit it under limited circumstances described as an investigatory tool.

Given the record that we have, preemployment, it is virtually difficult, if not impossible, to expect that there would be cases that would be brought into the court system. In the postemployment situation, which is the Minnesota case, the Kamrath case, that individual had to come into court and demonstrate by the evidence that they had nightmares and bed wetting in order to get a judgment. Now who in the world is going to do that when we have testimony before our committee that it has been used in the States where they have these sort of protections: will not be used to coerce or solicit or required be taken. Virtually the identical words.

I have difficulty being persuaded. I understand what the Senator is trying to do. I just find it difficult to be persuaded that even adjusting it from the preemployment to the postemployment, without the kind of protections that we included, that the polygraph would be useful.

Mr. **BOSCHWITZ** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Minnesota.

Mr. **BOSCHWITZ**. I must tell you I respectfully think that my friend from Massachusetts has missed the point. We will take out the "prospective employee." We will only leave in the "employee" so that you cannot submit a person to a lie detector test as a condition of employment which, as I say, really can be implicitly done. The employer does not have to say anything to the employee directly. As you mentioned, he lets it be known to the employment agency in advance that he wants employees who will take lie detector tests. I can see where coercion could occur, but an employee who is already in the firm, if you want to put them in the firm for 3 months or something, fine, but take out the words "prospective employee" wherever it occurs in the amendment. Then an employee should have the right.

I would ask my friend from Massachusetts, if it is only 53 percent effective, why in the world are you allowing polygraph tests in the first place?

I mean I have never heard the percentage of 53 percent. If properly applied, the polygraph is certainly more effective than 53 percent. At least that is what the people in the security end of our Government have led me to believe. They sure believe in the polygraph test.

As the Senator knows, sometimes the security of the Nation is relying on the results of those tests. If it is so ineffective, why does the Senator make the exception at all? If we make the exception and allow the employer to make the request of an employee in the event that the employer makes an insurance claim or makes a report to the police of a missing item which is really not a very complicated procedure to make, then if the employer under those circumstances can make the request, certainly the employee should be able to make the request.

We would take out the word "prospective" employee. Very frankly, I, during my business career, had any number of break-ins, and thieves in our buildings. We had buildings all over the place. The police came in. It is not a very complicated matter to file some kind of a report with the police and thereby give the employer the opportunity to make a test.

So I ask my friend from Massachusetts once again. If we take out the words "prospective employee" and only apply the polygraph test to employees who wish and make that request, then why should it not be acceptable when he allows the employer to make a similar request?

Mr. **KENNEDY** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Massachusetts.

Mr. **KENNEDY**. Mr. President, just in response as to why we still permit it, the figures I gave the Senator were the correct ones. You have some that are incorrect and some that are doubtful, is the way this particular study that was conducted referred to in the OTA study, but just in terms of the study that is referenced in the OTA study on page 65.

But let me come to this: We only permit it then under very limited sets of circumstances. But let me just get back to the proposal. In the amendment of the Senator from Minnesota, he says exemption for the voluntary test.

> This act shall not prohibit an employer or agent of the employer from administering a lie detector to an employee or prospective employee if the employee requests a test and the employer or agent administering the test informs the employee that taking the test is voluntary.

Will you have that employer saying, look, this is voluntary. It is the employer telling that individual it is voluntary. I just find that given the record, Mr. President, as just being unrealistic. If we have eliminated the preemployment circumstances, now we are just taking those that are working. We set out where the individual will take that voluntarily under the circumstance of the bill. We are trying to move back from those other kinds of incidents. I just think that the record is so replete with instances of coercion, so replete with it that it just is not worth doing.

The way that this is crafted is the result of careful consideration of both the State laws, the professional testimony of the various polygraphers, and we have tried to devise a way both in terms of the business and the workers looking after each of their interests. I think we have been able to thread that needle in a rather different way. It is different from where the House came out. That is why we have been able to get the broad support from the business community that has opposed the House bill—nine different trading organizations with broad support.

I think what the amendment of the Senator from Minnesota is talking about would open up this whole proposal in a completely unworkable way, and still include the types of coercions, and exploitation that we have seen in the past.

Mr. President, I move to table the amendment.

Mr. **BOSCHWITZ** addressed the Chair.

The **PRESIDING OFFICER**. Would the Senator withhold?

Mr. **KENNEDY**. Mr. President, I think we really have to get action. We have taken a good deal of time. I would be glad to withhold for a couple of minutes. We waited for the good Senator for a good deal of time. I am

glad to, if he wants to make additional comments.

Mr. **QUAYLE**. Could I have 3 or 5 minutes to make sure I understand?

Mr. **BOSCHWITZ**. I want to respond to the Senator and ask for indulgence so we do not move to table the motion. We have not discussed the motion at great length. And we are not going to discuss it at great length but we want to have a fair amount of time. So I respectfully request we not move to table this at this time.

Mr. **KENNEDY**. The Senator is persuasive as always.

I cannot wait to hear from my friend from Indiana, and I always enjoy his eloquence on this subject matter. So we withdraw the motion.

The **PRESIDING OFFICER**. The Senator withholds his motion.

Who seeks recognition?

Mr. **QUAYLE** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Indiana.

Mr. **QUAYLE**. Thank you, Mr. President.

I see my dear friend from Massachusetts has seated himself to listen to what the Senator from Indiana has to say in a few brief moments. He did not want to stand up, and then have to sit down.

Let me make sure that I understand this amendment assuming that prospective employee is dropped. I want to make sure that the Senate understands what it is going to be voting on.

Let us take an example where there has in fact been a theft in a plant, and the employer decides not to polygraph the people, say there is a section out there where the theft occurred and there are 20 people, 30 people, or 50 people in that section. And there has been a theft. There has been something done that puts a cloud over that whole section of all the employees that are there.

The employer says "I am not going to go through the time of polygraphs. As a matter of fact, I just do not want to waste time to do this." However, an employee in that section says, "Wait a second. I may want to go on to another job and I certainly don't want anything on my record or anybody to think that I was involved in this. And I demand and I want to have a polygraph. I want you to polygraph me."

The employer says, "Well, if you want to, OK." Now, I believe that is what the amendment of the Senator of Minnesota is going to do. It goes to where you have an entire cloud that could be passed over a lot of employees. And what you are going to be doing is showing the degree of really involving ourselves in these employer-employee relationships. The employee may say, "I want to clear the record; I as an individual."

What we are saying is no, that individual cannot do that, no matter what. I believe we are going very far. I know the Senator from Massachusetts is a strong proponent of individual rights and civil liberties. And he takes a back seat to no one. But I want him to think of that particular situation of where an employee that has a cloud cast over the section, where they work, and he or she says, "You know, I want to make sure that they know that I am not involved and I want to, I myself want to go forward and ask for this polygraph." The employer says OK.

We are saying it would be prohibited under the bill, but would be allowed under the Boschwitz amendment. I think that makes common sense. I think that is the only decent thing we can do. I do not believe this amendment is that controversial. I think it goes to a very narrow fundamental point; that is, if an employee volunteers, I think the Senator from Massachusetts makes a good point that these prospective employees perhaps think there would be this intimidation factor. But an employee who wants to clear the air, clear the record, comes forth and says, "You give me a polygraph" and the employer says "OK," it is precluded. It would be allowed under the Boschwitz amendment. It goes to a very, very narrow situation, one that I hope the sponsors of the bill might agree to. I do not believe it is going to do that much damage to this piece of legislation.

Mr. **BOSCHWITZ** addressed the Chair.

The **PRESIDING OFFICER** (Mr. LEAHY). The Senator from Minnesota.

Mr. **BOSCHWITZ**. Mr. President, I thank the Senator from Indiana. Indeed, the situation that he described could certainly come up. Again from my business experience, I am aware of companies that have gone out of business due to theft. Indeed, that becomes a well-known fact. And employee theft within a company normally is not a well-known fact. It does not become knowledge that is to say. But in the event a company is widely affected or perhaps even goes out of business, the cloud indeed could be cast over all of the employees who were associated with that business, and make it more difficult for them to obtain employment thereafter.

My friend from Massachusetts talks about the fact that he has broad support from the business community. Nine associations, I understand, support this bill as it is. I understand that the Senator from South Carolina [Mr. THURMOND] has introduced a list of 80 associations that oppose it.

I say to my friend from Massachusetts, with respect to the second part of this amendment that he read, that the employer or agent administering the test inform the employee or prospective employee that taking the test is voluntary, we added that from the standpoint of protection. Just as a policeman must inform a suspect that he has certain rights, we just wanted to be sure that the employer must state to him that this is voluntary, so it is said out loud.

If the distinguished Senator from Massachusetts objects to that provision, we will take it out.

I ask for the attention of the Senator from Utah, as well, if the Senator from Utah will listen to the resubmission of this amendment. It would read:

> This act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee if the employee requests the test.

I would like to change the amendment. I would withdraw and resubmit the amendment, and I ask at this time that my amendment be withdrawn.

The **PRESIDING OFFICER**. The Senator has a right to withdraw his amendment. The amendment is withdrawn.

Mr. **KENNEDY** and Mr. **BOSCHWITZ** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Minnesota has retained the floor.

AMENDMENT NO. 1610

(Purpose: To permit an employer to administer a lie detector test to an employee if the employee requests the test)

Mr. **BOSCHWITZ**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Minnesota [Mr. BOSCHWITZ] proposes an amendment numbered 1610:
>
> On page 28, between lines 14 and 15, insert the following new subsection:
>
> (e) EXEMPTION FOR VOLUNTARY TESTS.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee if—
>
> the employee requests the test.

Mr. **BOSCHWITZ**. Mr. President, the amendment is simple and direct. I hope that the manager of the bill and the minority manager of the bill will be able to accept it.

Mr. **KENNEDY**. Mr. President, I have outlined the reasons earlier about my own reservations. They are reinforced with the example that has been given by the Senator from Indiana.

If you take the OTA study—say, you had a hall with 100 people. Something is missing, and they want to come forward. According to the OTA study, you would have 12 polygraph tests that would be incorrect. Given the false positives and false negatives, what it would say is that eight innocent people would be labeled guilty and four who are guilty would be labeled innocent, if they volunteer, under the most conservative of the studies, and 35 percent of the examinations are inconclusive.

So, here you have 35 people of that 100 in that building. They are under a cloud—their tests are inconclusive. You have eight people who are innocent and who are going to be labeled liars or deceitful, and you are going to have four who may be lying about it, who, under these tests, will be cleared. What possible sense does that make?

We have been through this. We have worked out the formula about how this can be used and used under restricted circumstances as a part of an investigation of specific incidents. The example that is given, I find, substantiates that point and makes it even less convincing than before.

Mr. QUAYLE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. QUAYLE. If you take that hypothetical of 50 people, I would think that maybe only one or two or three people want to come forward; because most people, frankly, including myself, do not want to take a lie detector test under any circumstances. But there might be somebody who wants to come forward, and you are precluding that one person, not all of them. Is there not some concern about someone who voluntarily wants to come forward?

Mr. KENNEDY. A hundred are in there, and they are missing a shoe box: "Now, Harry, Jim just came in and volunteered and he is free. He is not guilty. Do you think you would like to volunteer? You would or you would not want to volunteer?"

Let us be realistic about these circumstances. We have the conditions now where those tests can be requested and how those procedures would be made.

Mr. HATCH. Mr. President, I admire my colleague from Minnesota and what he is trying to do. I have to say that I know his intentions are very good, but I happen to disagree, and I will say why.

We have carefully crafted this section on post employment so that I think it basically takes care of his problem. I do not want to have his amendment in the bill for a very specific reason.

First of all, under section 7(2)(d), limited exemption for ongoing investigations:

> Subject to section 8, this Act shall not prohibit an employer from requesting an employee to submit to a polygraph test if—
>
> *(1) the test is administered in connection with an ongoing investigation involving economic loss or injury to the employer's business, including theft, embezzlement, misappropriation, or an act of unlawful industrial espionage or sabotage;*
>
> *(2) the employee had access to the property that is the subject of investigation;*
>
> *(3) the employer has a reasonable suspicion that the employee was involved in the incident or activity under investigation; and*
>
> *(4) the employer—*
>
> *(A) files a report . . .*

Where this type of language is included in State laws, the record in our committee is replete with examples where it has been the subject of considerable abuse. We are now under the third revision of this amendment. It seems to me that this substantiates that the way this was crafted in the committee, after a good deal of consideration, makes excellent sense.

I think it takes care of almost every situation, except one, and that is this: If we adopt the amendment of the distinguished Senator from Minnesota, then basically an employee who may be one of a number who are under suspicion, where there is a reasonable suspicion, may say, "I will be glad to take the lie detector test," and it may be the guilty employee, figuring that you can beat the lie detector, which you can. Sometimes, the most dishonest people can beat it. The most honest are the ones who are a little jittery about a lie detector test. Let us say there are three or four others there who are under reasonable suspicion.

One of them may be an extremely nervous person who just has heard that lie detector tests are not accurate. If they heard that they are right. They are not accurate.

Under the very best of circumstances which I described earlier they would be accurate maybe 85 percent of the time, but 15 percent that poor fellow is going to be thinking "because I am nervous and I am upset it is going to be inaccurate with regard to me."

So you develop a situation where the one who may be guilty may want the test and the other who is not guilty looks like he does not want the test and I think it becomes a subtle form of discrimination if not overt discrimination.

Mr. BOSCHWITZ. Mr. President, will the Senator yield?

Mr. HATCH. I would be happy to yield if I could make a line of points and then I think the distinguished Senator would want to ask me some questions perhaps.

Maybe there are three or four in that group of people, and I do not know anybody who would want to voluntarily take a lie detector test under the circumstances of knowledge that they may not be accurate. Most people perhaps do not know that they are generally inadmissible under evidentiary rules in our courts of law, but if they heard that they would be very concerned about the accuracy of lie detector tests, and maybe the honest guy will fail it.

I have actually seen cases of honest people where the polygrapher was so well skilled that he knew what looked like deception really was not, it was really honesty, but you have to have a very skilled polygrapher to be able to determine that because people who are very honest are sometime the most uptight. The one with the highest set of ethics and the highest principles may be the ones who come out deceptive under an improperly administered polygraph or even under one administered by a person who has skills but not the ultimate skills in administering polygraphs.

Under our bill you need the evidentiary basis before the employer can use the polygraph. That is a protection to both the employer and the employee.

Under the amendment the reality of coercion is always there. That is what I want to get rid of.

I know the distinguished Senator has noble goals here and noble aims, but literally the reality will be that of coercion.

Frankly, that is what we are trying to get around here.

For instance, let us push it to its logical extreme. Let us say that one employee is under reasonable suspicion. By this bill let us say that one employee requests a polygraph. Why would he or she request a polygraph? The reason he or she is requesting a polygraph is that somebody accused them or they are afraid they are under reasonable suspicion for having done something wrong. That is the only reason anybody would request a polygraph test. Nobody in their right mind would request it otherwise.

If there is the evidentiary basis, if there is a reasonable suspicion, nothing stops that employee from saying to his employer, "Look, I will be glad to take a polygraph." The employer might say to him, "Why, I don't want to pay for it."

Under this bill, you know there is a real question whether the employee can be fired under those circumstances.

The fact is that the employer probably would be glad to pay for it if he is any kind of employer.

Let us say the employer says, "I don't want to pay for it," and the employee says, "I will pay for it. Let us agree on the polygraph institution or the polygrapher and I will pay for it."

I cannot imagine an employer, unless they are really trying to discriminate against the employee, who would not accept that situation and allow the employee to demand a polygraph test for which the employee pays.

Now, I think that the carefully crafted language of this bill solves the problem of the distinguished Senator from Minnesota but it also solves this problem of coercion, and that is what bothers me.

I cannot support the amendment of my friend from Minnesota, and I wish I could, but I think the bill is crafted properly.

Let us face it. There are good arguments that we should have preemployment screening, but I think on balance

when you consider those who really are hurt by the process that exists today that outweighs the arguments in favor of preemployment screening. I think the arguments I made outweigh the arguments of the distinguished Senator from Minnesota even though I am sure he disagrees with that. I think we have it crafted. I think we can resolve these problems. I think the employee can demand a polygraph examination and pay for it himself or herself, but the fact of the matter is there is no reason to change this bill as it is written because if we adopt the language of my friend from Minnesota, then we are adopting language that I think leads to coercion in the workplace. That is what we are trying to avoid.

I am happy to yield to my friend.

Mr. BOSCHWITZ. I ask my distinguished colleague from Utah if these tests can be so easily fooled——

Mr. HATCH. They can.

Mr. BOSCHWITZ. They can, you say.

Mr. HATCH. They can under certain circumstances.

Mr. BOSCHWITZ. Why do you have this section in here at all in this case? If you think that polygraphs work so poorly why do you not just outlaw them out of hand?

Mr. HATCH. We know they work if they are properly administered under the best of circumstances with good analysis and good questions and a reasonable time. We know that they can work 85 percent of the time.

Now, the way we have written this is we have written it so that the polygraph does not solely become the instrument of discharge for the employee. It can be a part of the consideration and it may very well be that the polygraph examination will exonerate the employee so that the employer will really feel satisfied.

So, we have acknowledged that under those circumstances where a reasonable suspicion arises or appropriate evidentiary basis the employee can administer the polygraph and we also suggest standards better than the standards that presently exist.

This bill does two things. It sets up an evidentiary basis so that the polygraph itself is not the sole reason for discharging the employee and it sets up a system whereby better standards can be developed and more uniform standards.

Mr. BOSCHWITZ. Mr. President, will the Senator yield?

Mr. HATCH. I am happy to yield.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I do not want to extend this debate and I know that the senior Senator from Massachusetts wants to make a motion to table which will effectively end debate.

But in the event the Senator from Utah wants to put some conditions on this amendment that say that the tests have to be taken by a licensed person or something like that I have no objection.

Mr. HATCH. Will the Senator yield on that point?

Mr. BOSCHWITZ. I yield.

Mr. HATCH. We cannot do that because one of the biggest problems we have——

Mr. BOSCHWITZ. What?

Mr. HATCH. We cannot do that because one of the biggest problems we have is what standards will be set or imposed on the States or the Federal Government. We are going to leave that to the people to whom it should be left.

Frankly, we can do that.

The Senator's amendment is effective in one particular and that is that it results in coercion of the workplace. It results in that. I know what he is trying to do but the way it is written it results in that.

Frankly, I think our language on which we spent really quite a bit of time solves the problem.

Mr. BOSCHWITZ. Mr. President, we would be very happy to make this amendment subject to section 8 of the bill that lists qualifications of examiners and I presume that the bill would be broad enough that if the amendments were added it would be subject to all of those conditions.

But you know we deal with examples, I would say to my friend from Utah, and the example is that you cast a cloud over people who cannot exonerate themselves.

If you think that people are going to volunteer for this test, that people who are liars or know that the tests can be fooled, that they are going to volunteer for this test, you are really not dealing with the real world, I would say to my friend from Utah, because in my business career I never imposed a lie detector test on any of my employees but others that I knew in business did. That is a hard decision to make. That means that you do not trust your employees and if you do not trust your employees I tell you that you begin the path toward not doing very well in business and perhaps even ending your business career.

There has to be a mutuality of trust, but in the event that an employee wants to take the test, in the event that the business is going to fold due to employee theft, certainly an employee should be able to volunteer for a test so there will not be a cloud over his head.

To think that people will volunteer for a lie detector test on the basis that they are going to be able to fool the lie detector when the bill has provisions as to how the lie detector test is going to be administered I think that is not dealing with the real world.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Minnesota.

On this question, the yeas and nays were ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Iowa [Mr. HARKIN,] the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE] is necessarily absent.

The PRESIDING OFFICER (Mr. PELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 38, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—56

Adams
Armstrong
Baucus
Bentsen
Bingaman
Boren
Bradley
Burdick
Chafee
Chiles
Cohen
Conrad
Cranston
Daschle
DeConcini
Dodd
Durenberger
Evans
Exon
Ford
Glenn
Graham
Grassley
Hatch
Hatfield
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Stafford
Weicker
Wirth

NAYS—38

Bond
Boschwitz
Breaux
Bumpers
Byrd
Cochran
D'Amato
Danforth
Dixon
Domenici
Fowler
Garn
Gramm
Hecht
Heflin
Helms
Humphrey
Karnes
Kasten
Lugar
McClure
McConnell
Murkowski
Nickles
Pressler
Pryor
Quayle
Roth
Rudman
Simpson
Specter
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—6

Biden
Dole
Gore
Harkin
Simon
Stennis

OL
34
PT
2
FE
17
MR
2
988
UMI

So the motion to lay on the table amendment No. 1610 was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if we could have the attention of the Members here? As I understand, there are still two outstanding amendments to be made. Perhaps there are more, but at least two that the Senator from Utah and I know about. We are glad to consider and debate these issues this evening or we are glad to accommodate whatever the leadership is inclined to do; if there is a request by the leadership.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, how many Senators have amendments that they intend to call up? Mr. Gramm? How many amendments does the Senator intend to call up?

Mr. GRAMM. Less than 10, I think.

Mr. BYRD. Less than 10.

Mr. Cochran?

Mr. COCHRAN. Mr. Leader, I have three amendments.

Mr. BYRD. Anybody else? Mr. Metzenbaum?

Mr. METZENBAUM. I have one on the steel matter, a sense-of-the-Senate resolution.

Mr. BYRD. Well, Mr. President, I think we ought to just stay and let the Senators offer their amendments.

As to tomorrow, would the distinguished acting Republican leader at this time be ready to discuss the proposal that we talked about earlier?

Mr. SIMPSON. Mr. President, I think it would be very appropriate to discuss that. I am hoping that those who have amendments might finish them tonight, rather than at a postcloture attitude tomorrow. The majority leader may go ahead and express what he and I have discussed. I think it sounds highly reasonable and I have discussed it with those on my side of the aisle. You may wish to propose it or I could suggest what it is but I leave that to you, sir.

Mr. BYRD. Very well. I ask unanimous consent that on tomorrow, at 9 o'clock, there be, on another matter, 4 hours of debate under the control of the distinguished acting Republican leader; that there be 1 hour of debate under my control on the same matter; that the vote on cloture then occur which would be at 2 p.m.

As I understand it, I would hope that following tonight's work, there would not be any further amendments, but perhaps when the evening is over, we could determine whether or not there are one or two amendments. I hope there will not be any. And then the Senate would complete its action.

I assume that cloture will be invoked. We already have the order that upon the disposition of the pending bill, the Senate will go to the intelligence authorization bill. It is possible that that could be finished tomorrow, and if it is not finished tomorrow, it would go over until Friday. Hopefully we could complete action on that bill Friday.

There would be a vote on Friday on the nomination on the executive calendar of William F. Burns, of Pennsylvania, to be Director of the U.S. Arms Control and Disarmament Agency.

As to the unanimous consent request, as I say, it would provide for beginning at 9 o'clock tomorrow, time under the control of the distinguished acting Republican leader to be 4 hours, to be followed by 1 hour controlled by me, on an extraneous matter. He and I have an understanding as to how we will arrange the last hour and a half of that. Then the vote on cloture would occur at 2 p.m. with the mandatory quorum call under the rule being waived.

The PRESIDING OFFICER (Mr. Conrad). Is there objection?

Mr. SIMPSON. Mr. President, I would respectfully add, if I may, to the majority leader that we would convene at 8:30 and then 10 minutes with the leaders, leader time, and then recognition of Senator Proxmire, and then beginning at 9 o'clock with the 4 hours.

Mr. BYRD. That was the understanding. Not knowing what time the Senate will complete its work tonight, I thought I would leave that 8:30 convening hour out of the order for the moment. It may very well be that we are going to come in at 8:45, whatever. The 4 hours under the control of the distinguished acting Republican leader would start running at 9, the control of time.

For the moment, let me include the rest of the agreement that the distinguished Senator referred to.

I ask unanimous consent that when the Senate completes its business today that it stand in adjournment until the hour of 8:30 tomorrow morning; provided further, that after the two leaders, or the designees, have been recognized under the standing order, there be morning business not to extend beyond the hour of 9 a.m. and that Senators may speak during the period for morning business for not to exceed 5 minutes each; that if no motion or resolution over, under the rule come over and that the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Reserving the right to object, and I do not intend to object, would the leader be good enough to tell us what the subject is for that 5 hours?

Mr. BYRD. I would yield to the distinguished acting Republican leader.

Mr. SIMPSON. Mr. President, it is best described as a sensitive issue, one that would come to pass even under the most extraordinary parliamentary procedures. It has to do with a sense-of-the-Senate resolution which will be proposed by Senator Specter which directs itself to the rule to the motion to compel absent Senators through the use of the Sergeant at Arms, setting out the procedure in the future, which will be referred to the Rules Committee.

Mr. METZENBAUM. I have no objection.

Mr. SIMPSON. And that is what that is.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, reserving the right to object, and I do not plan to object, I am wondering if the majority leader and the acting Republican leader, together with the distinguished manager, the Senator from Massachusetts, might not propose some sort of a time agreement on the amendments to be offered tonight, debate those amendments and then tomorrow morning, having stacks of votes, let us start voting at an earlier time, rather than keeping the Senate in until 10 or 11 o'clock this evening.

I wonder if that is within the realm of possibility to perform in that manner?

Mr. BYRD. Mr. President, the Senator makes a good suggestion. I would want to hear from the manager of the bill first. I would like to say that at least there should be a vote on the amendment by Mr. Metzenbaum because of the limits of that sense-of-the-Senate amendment. And we could, over the next few minutes, attempt to see if we could work out a time agreement on the other amendments, possibly stack votes on them at some time. I suppose the stacking would have to begin after the cloture vote tomorrow or prior thereto.

Mr. PRYOR. Mr. President, further reserving the right to object, I have just discussed with the Senator from Ohio the possibility of a time agreement on his sense-of-the-Senate amendment. While a discussion is being held, would it be possible to move to his sense-of-the-Senate resolution and let disposition be taken of that and possibly go back to this, thus making us have only one vote tonight?

Mr. BYRD. Mr. President, I think there will definitely be a vote on the amendment by Mr. Metzenbaum this evening. I still want to hear from the manager of the bill. I would be happy to propound a time limitation of 15 minutes for each Senator or less, say,

10 minutes to a side. We already have had a good bit to say on it.

Mr. METZENBAUM. I do not care. My opinion is it would take 3 minutes or so.

Mr. BYRD. I would like to hear from the manager.

Mr. KENNEDY. Mr. President, I do think in fairness to my colleague, the Senator from Connecticut, I am glad to continue the debate on this issue. I am glad to debate it tonight. I am glad to follow whatever procedures the Senators want. I do note the Senator from Connecticut, I think in terms of the time limit, as I understand it, is the one Member who has brought to my attention his own concern about this issue.

I would hope that before a time limit is developed on the Metzenbaum amendment at least he be consulted. I am prepared to agree to any time limit that is worked out.

Mr. BYRD. Very well.

Mr. KENNEDY. I think he ought to be consulted on the time limit.

On the other issue, I imagine there would be objection to stacking. Quite frankly, I am glad to debate the Senator from Texas as long as he would like to.

I will point out to the Members that the bill was laid down at 2 o'clock yesterday, and we waited until well into the midafternoon before we had any amendments. So for those who have this burning desire to debate these issues, it is not that we have not had a reasonable period of time in which to do it.

Having said that, if there is objection, and there probably will be, I am more than glad to take some time to debate it. But I want to give the assurances as the floor manager of this bill that I do not feel a sense of constraint. I am sorry that we are going into the hours this evening, but I will remind my colleagues, and they can review the Record both yesterday and today, that we did not involve ourselves with the substantive issues.

The Senator from Texas made an eloquent statement, which I heard through the television because I necessarily had to be off the floor for about 15 to 20 minutes. But after that, we did not really have substantive amendments.

I think the membership ought to understand that if this was such a burning issue and people wanted to get over here, they certainly had an opportunity before 7 o'clock on this evening.

I am quite prepared to stay here and follow whatever the indications are of the Members on any of these matters. If they want to stack, that is agreeable with me. If they want to continue, I would hope that we would continue to move toward further progress on the bill.

Mr. GRAMM. Would the distinguished majority leader yield?

Mr. BYRD. I yield.

Mr. GRAMM. I would like to say I think the amendments we have had have been substantive. I have spoken on the floor twice today on this issue. In fact, I sat here waiting for an opportunity to offer an amendment while several Members spoke and others were recognized, in terms of offering amendments. So there have been no dilatory tactics on my part. Each of my amendments are germane. They would be eligible to be offered after cloture. They address fundamental issues like, do you want to exempt common carriers?

Fundamental issues such as given that you have exempted contracts with the Department of Energy. Do we want to exempt contracts with the Drug Enforcement Administration on the use of lie detectors?

So my amendments have nothing to do with dilatory tactics. They are all germane. They all address the issue. My problem has been that other people have been here, and when I was prepared to offer an amendment, other people were recognized. So I am willing to do it tonight. I would be happy to do it tomorrow. I would like to know when we are going to do it. If there is only going to be one amendment tonight, I would like to know it so I can go to the Banking Committee.

Mr. BYRD. Mr. President, if there is anybody here who is probably having some difficulties with respect to standing on his feet for the rest of this evening, it is the manager of the bill. I certainly want to accord him every courtesy and follow his wishes in this matter.

I have this suggestion: I suggest that Mr. Gramm proceed with an amendment. Perhaps we could get a time agreement on that one amendment. That would give us time to contact the Senators for whom Mr. Kennedy alluded earlier. Perhaps we can get a time agreement then on the Metzenbaum amendment. Then by that time I think we should be able to have a list of amendments and the time that we would propose on each of those amendments.

Mr. SIMPSON. Mr. President, I think we can do that. I have two amendments of Senator Cochran. He has agreed to a time agreement of 10 minutes equally divided on each amendment. That is Senator Cochran.

I have now Senator Gramm, who has agreed to go with his first amendment, which is 10 minutes equally divided on this first amendment. In any event, on his remaining amendments, it would not be more than 20 minutes equally divided. Perhaps that time will be yielded back or perhaps it might be accepted as we go along. But that would be the extent of the activity here. There are timely amendments, but any that are not brought in this evening or not known as per differently from Senators Cochran and Gramm can be handled tomorrow under postcloture. But we can certainly pull it down to that.

Mr. BYRD. Mr. President, I have the approval of the distinguished manager of the bill.

I ask unanimous consent that there be 10 minutes on each of the two Cochran amendments, equally divided in accordance with the usual form; that no amendment to the amendment be in order in each instance; and that on the amendment which Mr. Gramm will call up presently there be 10 minutes equally divided with no amendment to the amendment be in order. The reason I say that we do not exclude amendments to the amendment is any amendment, no matter how far-reaching, that was offered to his amendment would have to be voted on without debate. So I say that for the protection of all Senators.

That way, the Senator could proceed. He would have 10 minutes equally divided, and in the meantime I would hope that we could be able to clear the Metzenbaum amendment. Then we would proceed accordingly, if we could get these requests now.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Was the request put by the Chair, the earlier request that I propounded?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair.

Mr. PRYOR. Mr. President, I reserve the right to object; I did not quite hear the distinguished majority leader. Involved in this, was there any provision of stacking of votes?

Mr. BYRD. No, there was not. As I understand Mr. Kennedy, he would like to proceed for a while and there is an inclination on the other side about a certain time on amendments. So perhaps we are making progress, if we could go along for a little while to see where we are.

Mr. PRYOR. Might I just suggest, if we are going to have four or five votes tonight, as it looks as if we are, might I respectfully suggest to the majority leader that those votes be 10-minute votes?

Mr. BYRD. Mr. President, I guess we should not do that on the first vote certainly. Then we can put that request later. I thank the distinguished Senator.

But, Mr. President, I ask unanimous consent that on each 15-minute vote the call for the regular order be automatic at the conclusion of the 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. **BRADLEY**. Reserving the right to object, I missed the majority leader's description of what amendments were going to come and how frequently they would come. Is there a window?

Mr. **BYRD**. No. There is not any window. We expect votes frequently and without much debate.

Mr. **BRADLEY**. After half an hour or so?

Mr. **BYRD**. No. I think there should be a vote within 10 minutes.

Mr. **GRAMM** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Texas.

AMENDMENT NO. 1615

(Purpose: To provide a common carrier exemption)

Mr. **GRAMM**. I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1615.

Mr. **GRAMM**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

(e) COMMON CARRIER EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any common carrier as defined by section 10102 (4) of title 49 United States Code, including any air transportation as defined in section 101 of the Federal Aviation Act of 1958 and any other common carrier engaged in the hauling of passengers or freight.

The **PRESIDING OFFICER**. If the Senator will suspend, may we have order in the Chamber so the Senator can be heard?

Mr. **GRAMM**. Mr. President, this is a very simple amendment. The bill before us allows the Federal Government, State governments, and local governments to use polygraph for the purposes they may deem within State law and within Federal law. It in essence has a blanket government exemption.

It then specifically exempts from coverage under this bill, which is prohibition against use of polygraph, contractors that are doing work for the Department of Energy and some other specific Government agencies.

The amendment that I have offered simply allows the private sector within State law, within Federal law that part of the private sector that is involved in common carriage—that is, ground transportation, air transportation, water transportation—to have the right within Federal law and State law to use polygraph.

Mr. President, this is a clear-cut issue. If we are going to give the Department of Agriculture power to use polygraph for the public purpose related to people who are in seed research, if we are going to give local government that power, surely we dare not deny that power involving airline pilots, railroad engineers, pilots of ships where human life is potentially endangered.

We have already acted on a similar amendment related to drug testing. The problem is, however, that with the drug test you are testing drugs that are in people's bodies at the time. I for one am not willing to say to an airline, that has the potential of having a pilot flying an airplane that my wife and children may be on or that the distinguished Senator from Massachusetts might be on, that you do not have the right to use a polygraph within the constraints of State and Federal law to find out if that airline pilot has used cocaine or is likely therefore to use it in the future.

It seems to me we are denying the tool here related to common carriers that is not prudent public policy. So the vote here is do we want to give private companies engaged in common carriers the right to use polygraph obviously relating to those areas where we are talking about mechanics that are repairing airplanes, pilots, and people who are running railroad engines. I think this is a prudent exemption, and I urge the distinguished Senator from Massachusetts to not close his heart on this important exemption that could mean the life and health and safety of the American people.

I believe this is a reasonable exemption, and that it should be adopted.

Surely, if we can allow every agency of the Federal Government, every agency of every State government to use polygraph, we dare not deny that tool for use to protect the skyways, the waterways, the highways, and our railroads.

I urge my distinguished colleague to support this amendment. Perhaps we could adopt it by unanimous consent.

Mr. **KENNEDY** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Massachusetts.

Mr. **KENNEDY**. Do we have a time limit?

The **PRESIDING OFFICER**. Five minutes a side.

Mr. **KENNEDY**. How much time now remains?

The **PRESIDING OFFICER**. The Senator has 6 minutes and 11 seconds.

Mr. **KENNEDY**. I yield myself 4 minutes.

Mr. President, we have to make a decision whether the polygraph is effective and reliable or is not. That is the basic issue. The Senator from Texas has an irrefutable argument if it is accurate. It is not accurate. We have tried over the course of this debate to demonstrate it is not accurate. Even the National Institute of Justice has found that it is not effective.

For that reason, the Association of American Railroads, representing one of the prime common carriers, rejects it as a condition of employment and supports our particular proposal because we have aligned the request on polygraph with other investigative techniques. That way you provide safety in the common carrier area. We are providing it. Where you do not provide the protection for those that ride in the airlines or railroads or in other areas is by putting reliance upon safety by giving a polygraph. We have demonstrated that time in and time out with the OTA study. That is overwhelmingly powerful evidence, Mr. President.

The fact is, if we are concerned about the use of various drugs, we say, as we heard from the Senator from Indiana, we are not dealing with drug tests—this bill doesn't address drug tests. We are not dealing with that. But do not give the people in the back of the plane the sense that their pilot is OK because he passed a polygraph, because it is not that reliable in the kinds of circumstances in which it has been used in the private sector.

I heard the debate earlier of the Senator from Texas. He said, "Well, why don't we use the Federal rules?" Four to eight hours? Eight hours of investigation? Up to $800? The industries and the chamber of commerce out there in the waiting room would be appalled at that.

So you are having to deal with both safety and the extent that this should be used as an investigative technique. We have devised a balance and we believe that that provides for safety and security in the area of common carriers and the other areas as well.

That is basically the argument against.

I reserve the remainder of my time.

Mr. **GRAMM** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Texas is recognized.

Mr. **GRAMM**. The distinguished Senator from Massachusetts makes a total non sequitur, and the equivalent would be that because building a fence or putting a lock on your door does not guarantee you will not be burglarized; therefore, do not go out, spend money on fences or locks.

Nobody is guaranteeing that the tool of a polygraph is going to prevent someone on cocaine from flying an airliner into the ground, nor is it a guarantee that you are going to have ironclad protection by using a drug test or by using psychological testing. But the question is, do we want to deny the airlines access to that tool?

I was little amazed in listening to our distinguished colleague talk about how polygraphs were no good. I hope the Soviets were listening or the CIA because the Soviets told the Walker family when they were spying for the

Soviet Union "Get all the information you can except do not apply for a job where you have to take a polygraph." So obviously the Soviets do not understand this issue the way the distinguished Senator from Massachusetts does.

The **PRESIDING OFFICER**. The time of the Senator from Texas has expired.

Mr. **KENNEDY** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Massachusetts.

Mr. **KENNEDY**. The fact remains that, for example, Delta Air Lines, which I do not believe, is less concerned about their passengers than the Senator from Texas, refused to use it. They studied it, researched it, and refused to use it because they felt that it creates a false sense of security.

Now, Mr. President, it is not only Delta Air Lines; the railroad industry has endorsed our bill.

The Senator from Texas talks about the Russians. What does that have to do with it?

The scientific information, Mr. President, shows that it is not reliable, and that if you are going to use it as a tool, it may have some value in association with other investigative tools.

The Senator wants it both ways. On the one hand, he says it is not reliable and, on the other, he says let us use Federal standards—4-8-hour investigating, carefully trained investigators, two tests a day, $800 cost.

The military does not even have enough trained people to provide adequate polygraph tests, and the Senator wants to use it on others who may be able to escape detection and thus give a false sense of reliability.

If you want to go with the various kinds of drug testing, go ahead and do it, but do it in the way that is scientifically and medically sound.

The amendment of the Senator from Texas does not do it, and it deserves to be tabled.

I reserve whatever time I have.

The **PRESIDING OFFICER**. The Senator from Massachusetts has 31 seconds.

Mr. **LEVIN**. Mr. President, I will vote against the Gramm amendment because it provides a blanket exemption to the restrictions this bill places on the use of polygraphs for a certain class of workers, and does not provide any assurance that the results of these tests will not be used as the sole basis for firing, demoting, or denying employment to those workers.

Under the provisions of S. 1904, the underlying bill, common carriers are permitted to use polygraph testing as one of a number of tools to investigate a specific incident. It specifically provides that the results of a test cannot be used to take action against an employee "without additional supporting evidence."

The Gramm amendment, on the other hand, would permit the use of polygraphs for preemployment screening or random testing of employees without reasonable suspicion of their involvement in a specific incident. And it does not even provide a guarantee that the polygraph—which according to scientific studies has a questionable record of accuracy—won't be used as the sole basis to fire or demote an employee, or even to deny someone a job in the first place.

Last year, I supported an amendment offered by Senator DANFORTH which provided for drug testing of those involved in air transportation, and I would support similar amendments applying to other types of common carriers. Such proposals enhance public safety by allowing carefully prescribed use of a type of testing that has a reasonable record of accuracy.

Earlier today, I voted for the Nickles/Thurmond amendment, which provided for a wider use of polygraphs for security personnel. The security personnel amendment, in contrast to the Gramm common carrier amendment, has provisions defining employers' obligations and limiting the use of the test results. It emphasizes the employer's obligation to comply with State and local law and negotiated collective bargaining agreements that limit or prohibit the use of lie detector tests; and it provides that the results of the test are not to be used as the sole basis for adverse action against a current or prospective employee.

The Gramm amendment does not contain these safeguards, instead creating a wide open exemption for a certain group of employers to use polygraphs. Therefore, I cannot support it.

Mr. **KENNEDY**. I yield back the time.

The **PRESIDING OFFICER**. All time is yielded back.

Mr. **KENNEDY**. I move to table the amendment.

The **PRESIDING OFFICER**. The question is on the amendment.

Mr. **KENNEDY**. I ask for the yeas and nays.

Mr. **GRAMM**. Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER**. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Texas. The clerk will call the roll.

The legislative clerk called the roll.

Mr. **CRANSTON**. I announce that the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE], the Senator from Iowa [Mr. HARKIN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Maryland [Ms. MIKULSKI] would vote "yea."

Mr. **SIMPSON**. I announce that the Senator from Kansas [Mr. DOLE] is necessarily absent.

The **PRESIDING OFFICER** (Mr. LAUTENBERG). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 37, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—55

Adams
Armstrong
Baucus
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Chafee
Cohen
Conrad
Cranston
Danforth
Daschle
Dixon
Dodd
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Grassley
Hatch
Hatfield
Heinz
Hollings
Humphrey
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Reid
Riegle
Rockefeller
Sanford
Sasser
Shelby
Stafford
Weicker
Wirth

NAYS—37

Bentsen
Bond
Byrd
Cochran
D'Amato
DeConcini
Domenici
Garn
Graham
Gramm
Hecht
Heflin
Helms
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Pryor
Quayle
Roth
Rudman
Sarbanes
Simpson
Specter
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—8

Biden
Chiles
Dole
Gore
Harkin
Mikulski
Simon
Stennis

So the motion to lay on the table the amendment (No. 1615) was agreed to.

Mr. **FORD**. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. **LEAHY**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1616

Mr. **COCHRAN**. Mr. President, I send an amendment to the desk in the nature of a substitute and ask that it be stated.

The **PRESIDING OFFICER**. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 1616.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Polygraph Protection Act of 1987."

SEC. 2. DEFINITIONS.

As used in this Act:

(1) COMMERCE.—The term "commerce" has the meaning provided by section 3(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(b)).

(2) EMPLOYER.—The term "employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee.

(3) LIE DETECTOR TEST.—The term "lie detector test" includes—

(A) any examination involving the use of any polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical, electrical, or chemical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual; and

(B) the testing phases described in paragraphs (1), (2), and (3) of section 9(b).

(4) POLYGRAPH.—The term "polygraph" means an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards.

(5) RELEVANT QUESTION.—The term "relevant question" means any lie detector test question that pertains directly to the matter under invstigation with respect to which the examinee is being tested.

(6) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(7) TECHNICAL QUESTION.—The term "technical question" means any control, symptomatic, or neutral question that, although not relevant, is designed to be used as a measure against which relevant responses may be measured.

SEC. 3. PROHIBITIONS ON LIE DETECTOR USE.

Except as provided in sections 7 and 8, it shall be unlawful for any employer engaged in or affecting commerce or in the production of goods for commerce—

(1) directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to take or submit to any lie detector test;

(2) to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee;

(3) to discharge, dismiss, discipline in any manner, or deny employment or promotion to, or threaten to take any such action against—

(A) any employee or prospective employee who refuses, declines, or fails to take or submit to any lie detector test; or

(B) any employee or prospective employee on the basis of the results of any lie detector test or;

(4) to discharge, discipline, or in any manner discriminate against an employee or prospective employee because—

(A) such employee or prospective employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act;

(B) such employee or prospective employee has testified or is about to testify in any such proceeding; or

(C) of the exercise by such employee, on behalf of such employee or another person, of any right afforded by this Act.

SEC. 1. NOTICE OF PROTECTION

The Secretary shall prepare, have printed, and distribute a notice setting forth excerpts from, or summaries of, the pertinent provisions of this Act. Each employer shall post and maintain such notice, in conspicuous places on its premises where notices to employees and applicants to employment are customarily posted.

SEC. 5. AUTHORITY OF THE SECRETARY.

(a) IN GENERAL.—The Secretary shall—

(1) issue such rules and regulations as may be necessary or appropriate to carry out this Act;

(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act; and

(3) make investigations and inspections and require the keeping of records necessary or appropriate for the administration of this Act.

(b) SUBPOENA AUTHORITY.—For the purpose of any hearing or investigation under this Act, the Secretary shall have the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50).

SEC. 6. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Subject to paragraph (2)—

(A) any employer who violates section 4 may be assessed a civil money penalty not to exceed $100 for each day of the violation; and

(B) any employer who violates any other provision of this Act may be assessed a civil penalty of not more than $10,000.

(2) DETERMINATION OF AMOUNT.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) COLLECTION.—Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) INJUNCTIVE ACTIONS BY THE SECRETARY.—The Secretary may bring an action to restrain violations of this Act. The district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act.

(c) PRIVATE CIVIL ACTIONS.—

(1) LIABILITY.—An employer who violates this Act shall be liable to the employee or prospective employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including but not limited to employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) COURT.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any one or more employees for or in behalf of himself or themselves and other employees similarly situated.

(3) COSTS.—The court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement of a pending action or complaint, agreed to and signed by all the parties.

SEC. 7. GOVERNMENTAL AND FEDERAL EXEMPTIONS.

(a) NO APPLICATION TO GOVERNMENTAL EMPLOYERS.—The provisions of this Act shall not apply with respect to the United States Government, a State or local government, or any political subdivision of a State or local government.

(b) NATIONAL DEFENSE AND SECURITY EXEMPTION.—

(1) NATIONAL DEFENSE.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to—

(A) any expert or consultant under contract to the Department of Defense or any employee of any contractor of such Department; or

(B) any expert or consultant under contract with the Department of Energy in connection with the atomic energy defense activities of such Department or any employee of any contractor such Department in connection with such activities.

(2) SECURITY.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function, of any lie detector test to—

(A)(i) any individual employed by, or assigned or detailed to, the National Security Agency or the Central Intelligence Agency, (ii) any expect or consultant under contract to the National Security Agency or the Central Intelligence Agency, (iii) any employee of a contractor of the National Security Agency or the Central Intelligence Agency, or (iv) any individual applying for a position in the National Security Agency or the Central Intelligence Agency; or

(B) any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored for the National Security Agency or the Central Intelligence Agency.

(c) EXEMPTION FOR FBI CONTRACTORS.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to an employee of a contractor of the Federal Bureau of Investigation of the Department of Justice who is engaged in the performance of any work under the contract with such Bureau.

SEC. 8. STATE CERTIFICATION OF PLANS EXEMPTION.

(a) Subject to Section 9, this Act shall not prohibit any State, or political subdivision thereof, which, at any time, desires to assume responsibility for development and enforcement therein of standards relating to the use of polygraphs by employers and polygraph examiners, shall file a written statement with the Secretary of Labor certifying that is has adopted an administrative plan to insure compliance with the standards of this Act. Such certification shall:

(1) identify the agency or agencies designated as responsible for administering the plan;

(2) describe the standards contained in the administrative plan governing polygraph examiners and the use of polygraph examinations, which standards (and the enforcement of which standards) shall be at a minimum in full compliance with the standards set out in section 9 of this Act; and

(3) explain the manner in which the standards contained in the administrative plan are being administered and enforced by the designated agency to insure compliance with this Act.

(b) The Secretary shall make a continuing evaluation of each administrative plan which has been certified as in compliance with this Act. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that the plan is not being administered in a manner that insures substantial compliance with the standards set out in this Act, he shall notify the State or political subdivision of his withdrawal of certification of such plan and, upon receipt of such notice, such plan shall cease to be in effect.

(c) Review of a decision of the Secretary to disapprove an administrative plan under this section may be obtained in the United States Court of Appeals for the circuit in which the State or political subdivision or individual examiner is located by filing a petition for review with such court within 30 days after receipt of the withdrawal of certification.

SEC. 9. MINIMUM FEDERAL STANDARDS FOR POLYGRAPH TESTING.

Each State, or political subdivision thereof, seeking to establish a polygraph testing program under Section 8 of this Act, shall certify to the Secretary of Labor that its program meets the following minimum federal standards—

(a) OBLIGATION TO COMPLY WITH CERTAIN LAWS AND AGREEMENTS.—The exemption provided under section 8 shall not diminish an employer's obligation to comply with—

(1) applicable State and local law; and

(2) any negotiated collective bargaining agreement, that limits or prohibits the use of lie detector test on employees.

(b) RIGHTS OF EXAMINEE.—

(1) PRETEST PHASE.—During the pretest phase, the prospective examinee—

(A) is provided with reasonable notice of the date, time, and location of the test, and of such examinee's right to obtain and consult with legal counsel or an employee representative before each phase of the test;

(B) is not subjected to harassing interrogation technique;

(C) is informed of the nature and characteristics of the tests and of the instruments involved;

(D) is informed—

(i) whether the testing area contains a two-way mirror, a camera, or any other device through which the test can be observed;

(ii) whether any other device, including any device for recording or monitoring the conversation will be used; or

(iii) that the employer and the examinee, may with mutual knowledge, make a recording of the entire proceeding;

(E) is read and signs a written notice informing such examinee—

(i) that the examinee cannot be required to take the test as a condition of employment;

(ii) that any statement made during the trest may constitute additional supporting evidence for the purposes of an adverse employment action described in section 8(b);

(iii) of the limitations imposed under this section;

(iv) of the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(v) of the legal rights and remedies of the employer; and

(F) is provided an opportunity to review all questions (technical or relevant) to be asked during the test and is informed of the right to terminate the test at any time; and

(G) signs a notice informing such examinee of—

(1) the limitations imposed under this section;

(ii) the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(iii) the legal rights and remedies of the employer.

(2) ACTUAL TESTING PHASE.—During the actual testing phase—

(A) the examinee is not asked any questions by the examiner concerning—

(i) religious beliefs or affiliations;

(ii) beliefs or opinions regarding racial matters;

(iii) political beliefs or affiliations;

(iv) any matter relating to sexual behavior; and

(v) beliefs, affiliations, or opinions regarding unions and labor organizations;

(B) the examinee is permitted to terminate the test at any time;

(C) the examiner does not ask such examinee any questions (technical or relevant) during the test that was not presented in writing for review to such examinee before the test;

(D) the examiner does not ask technical questions of the examinee in a manner that is designed to degrade, or needlessly intrude on, the examinee;

(E) the examiner does not conduct a test on an examinee when there is written evidence by a physician that the examinee is suffering from a medical or psychological condition or undergoing treatment that might cause abnormal responses during the test; and

(F) the examiner does not conduct and complete more than five polygraph tests on a calendar day on which the test is given, and does not conduct any such test for less than a 90-minute duration.

(3) POST-TEST PHASE.—Before any adverse employment action, the employer must—

(A) further interview the examinee on the basis of the results of the test; and

(B) provide the examinee with—

(i) a written copy of any opinion or conclusion rendered as a result of the test; and

(ii) a copy of the questions asked during the test along with the corresponding charted responses.

(C) QUALIFICATION OF EXAMINER.—An individual who conducts a polygraph test must—

(1) be at least 21 years of age;

(2) comply with all required laws and regulations established by licensing and regulatory authorities in the State in which the test is to be conducted;

(3)(A) successfully complete a formal training course regarding the use of polygraph tests that has been approved by the State in which the test is to be conducted or by the Secretary; and

(B) complete a polygraph test internship of not less than 6 months duration under the direct supervision of an examiner who has met the requirements of this section;

(4) maintain a minimum of a $50,000 bond or an equivalent amount of professional liability coverage;

(5) use an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards;

(6) base an opinion of deception indicated on evaluation of changes in physiological activity or reactivity in the cardiovascular, respiratory, and electrodermal patterns on the lie detector charts;

(7) render any opinion or conclusion regarding the test—

(A) in writing and solely on the basis of an analysis of the polygraph charts;

(B) that does not contain information other than admissions, information, case facts, and interpretation of the charts relevant to the purpose and stated objectives of the test; and

(C) that does not include any recommendation concerning the employment of the examinee; and

(8) maintain all opinions, reports, charts, written questions, lists, and other records relating to the test for a minimum period of 3 years after administration of the test.

(D) PROMULGATION OF STANDARDS.—The Secretary shall establish standards governing individuals who, as of the date of the enactment of this Act, are qualified to conduct polygraph tests in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph tests previously.

SEC. 10. DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—A person, other than the examinee, may not disclose information obtained during a polygraph examiner may disclose information acquired from a polygraph test, except as provided in this section.

(b) PERMITTED DISCLOSURES.—A polygraph examiner, polygraph trainee, or employee of a polygraph test only to—

(1) the examinee or any other person specifically designated in writing by the examinee;

(2) the employer that requested the test; or

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7 or any other person, as required by due process of law, who obtained a warrant to obtain such information in a court of competent jurisdiction.

(c) DISCLOSURE BY EMPLOYER.—An employer (other than an employer covered under subsection (a), (b), or (c) of section 7) for whom a polygraph test is conducted may disclose information from the test only to a person described in subsection (b).

SEC. 11. EFFECT ON OTHER LAW AND AGREEMENTS.

This Act shall not preempt any provision of any State or local law, or any negotiated collective bargaining agreement, that is more restrictive with respect to the administration of lie detector tests than this Act.

SEC. 12. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall become effective 6 months after the date of enactment of this Act.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary or appropriate to carry out this Act.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. COCHRAN. I am happy to yield to the distinguished leader.

Mr. BYRD. This is an amendment on which there has been a time limit entered of 10 minutes equally divided; am I correct?

Mr. COCHRAN. The leader is correct: 10 minutes equally divided.

Mr. BYRD. Does the Senator intend to ask for the yeas and nays?

Mr. COCHRAN. I suspect the yeas and nays will be requested. I assume the managers will be moving to table and the yeas and nays will be requested on the motion to table.

Mr. BYRD. Does the Senator want the yeas and nays?

Mr. KENNEDY. I do not unless the Senator does it.

Mr. BYRD. Does the Senator ask for the yeas and nays?

Mr. KENNEDY. We are going to vote on it.

Mr. COCHRAN. It is all right with me to have an up or down vote or vote on the motion to table.

Mr. KENNEDY. Then we will probably do a motion to table. I am glad to do a voice vote. I will do whatever anybody wants.

Mr. COCHRAN. If the motion to table is made, I intend to ask for the yeas and nays.

Mr. KENNEDY. If it is up or down, the Senator will ask for a voice vote.

Mr. COCHRAN. We will ask for the yeas and nays.

Mr. BYRD. Mr. President, there will be a rollcall vote beginning 10 minutes from now and that will be a 15-minute rollcall vote.

I urge the cloakrooms to so announce to Senators.

Mr. COCHRAN. I understand that time did not get charged to my 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. Mr. President, this is an amendment in the nature of a substitute.

Let me state what the amendment seeks to do. The bill reported by the committee bans the use of polygraphs in screening applicants for jobs in selected industries. The bill exempts Department of Defense contractors, and it exempts certain other employers.

This substitute puts all employers on an equal footing, whether we are talking about a drug company interested in screening applicants to see whether they have a past history of drug abuse——

The PRESIDING OFFICER. The Senator will suspend. We should have order in the Chamber so the Senator can be heard.

Please empty the well.

The Senator from Mississippi.

Mr. COCHRAN. I thank the Chair.

The second thing the substitute does, Mr. President, is to permit States to regulate by meeting the standards set by the Secretary of Labor under the committee bill. It does not change the effort to establish minimum standards.

I have a problem with the fact that we are presuming standards are better if they are established in Washington than if they are established by a State government. In my State, for example, we have a good law regulating polygraph examiners and the use of polygraphs, and the law has been on the books since 1968.

Frankly, I do not see any good reason to jettison that law and have it preempted by a new Federal law without good cause.

What we seek by this substitute is to change the committee bill so that it does not ban the use of polygraphs. It lets the States decide how they may be used.

In the State of Massachusetts, the State of the manager of this bill, they have a ban and that will not be changed by the adoption of this substitute.

This substitute permits a State to legislate a ban if it wants to, but it does not provide for Federal preemption in that area.

I urge Senators to adopt the substitute. I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

I hope that this amendment will not be accepted for a number of the reasons that we have outlined earlier in the course of the debate.

One of the prime findings that we detected is that there is a variety of different States that have prohibitions on polygraphs and have regulations on polygraphers. But the fact that remains is that there is an enormous loophole in which we have seen massive abuse of the polygraph procedure and that is in the States which have the lesser regulation and lesser rules there are no prohibitions and the pattern and practice that is replete in the course of our hearing record is and is becoming increasingly true now with the various mergers of companies and corporations all over this country that for people who are going to be able to gain employment they are tested or they enter the whole job market in a particular area in a particular State and they go to that area instance after instance where there are limited restrictions or no restrictions or poor restrictions and the polygraph is abused. That happens to be the record. That happens to be the course of action.

And the substitute of the Senator from Mississippi—and it is a basic, fundamental substitute—effectively guts the balance that we have put in here which prohibits preemployment but permits the use of polygraph as one of a range of tools—it is just one of a range of tools—if there is reasonable suspicion or reason to believe that there has been some transgression or violation of the law.

Now, that is a balance. That is what has been accepted in the bill. That is what has been supported. And this effectively vitiates and undermines that whole process. It effectively guts the whole bill. It will not really deal with the kinds of excesses that today are so evident in the use of polygraph; as I mentioned, 2 million last year. It has virtually doubled in about the last 3 years. It has gone to eightfold in the last 7 years. The use of it and the abuse of it are going right up through the roof with all the kind of false labeling of individuals.

We do not prohibit the polygraph use, but we have prescribed it in a very narrow and limited way. The Senator from Mississippi would undermine that, and I think effectively gut the bill.

I reserve the remainder of my time.

Mr. COCHRAN. Mr. President, let me point out that at hearings before the Labor Committee, a representative of motel owners testified that in 1986 polygraphs helped to reduce annual losses in that industry from $1 million to less than $115,000. Another witness testified in behalf of the Jewelers of America and the American Retail Federation. He stated that his company had found, in States where there are no restrictions on polygraphs, their inventory losses are only 25 percent of what they are in States where the company cannot use polygraphs.

It has been shown that the selective use of polygraphs reduces consumer costs. This bill is going to outlaw it in many instances where it has been proven to save consumers and citizens of this country a great deal of money.

Mr. President, the Senator from Florida had asked me to yield him time. I am happy to yield to the distinguished Senator from Florida if he would like to be heard on this amendment.

I yield 1 minute to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I have asked to see a copy of the Senator's amendment, which I have not had an opportunity to do. I am not certain that the amendment that is before us is the amendment that I wish to speak on. I wish to speak on the amendment that I understand you were going to offer which would allow preemployment testing.

Mr. COCHRAN. The amendment would do that, Mr. President.

Mr. GRAHAM. I understand you do it in a broad bill which essentially strikes at the principle of Federal regulation of polygraph tests as opposed to that one issue within the current bill, is that correct?

Mr. COCHRAN. Mr. President, if I can answer the Senator's question, if the polygraph is banned, it is banned by the States under the substitute which I have offered. The substitute does not ban polygraphs as a matter of law as the committee bill does. It leaves to the States the regulation of the use of polygraphs in the workplace. I think that is what the Senator from Florida supports.

Mr. GRAHAM. So I do not use your time under any false pretenses——

The PRESIDING OFFICER. The Senator from Florida's 1 minute has expired.

Mr. GRAHAM. Mr. President, I ask unanimous consent for an additional 1 minute.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute and 50 seconds.

Mr. KENNEDY. I yield half of that to the Senator from Florida.

Mr. GRAHAM. To be fair to the Senator from Mississippi, the issue I wish to speak to and on which I hope you will have an opportunity to do so is the issue of the total prohibition which is contained in this bill on preemployment testing which I believe is excessive and which I believe denies employers in certain reasonable conditions and under appropriate standards a tool which they should have available to them, if they choose to use it, in a nondiscriminatory and acceptable procedural manner.

I do not support an amendment which would substitute total State control for reasonable Federal standards in this area. So I cannot take the floor on behalf of this basic amendment. I hope that there will be an opportunity before this debate is over to discuss the amendment which deals with the specific issue that is of concern to me.

Mr. KENNEDY. Mr. President, the Senator from Mississippi quoted some anecdotal evidence about certain industries, what was happening to them. I think it is perhaps useful, rather than quoting anecdotal evidence, to look at the evidence of the FBI in the areas of bank fraud, and embezzlement. Twelve States that have a total ban on polygraphs have 22.9 incidents per million of bank fraud, and embezzlement. Now we have 12 other States that permit the polygraph. If we were to follow the logic of the argument of the Senator from Mississippi, you would think that there would be less bank fraud, and embezzlement. But it happens to be 33.2 incidents per million; 50 percent higher where it is banned entirely.

This idea that it has an impact in the areas of bank fraud and embezzlement is just not sustained, by statistics from the Federal Bureau of Investigation. If we accept the amendment of the Senator from Mississippi, you are creating this false sense of security and in reality you are effectively undermining this bill.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired. All time has expired at this point.

The question is on the amendment.

Mr. KENNEDY. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. Kennedy] to table the amendment of the Senator from Mississippi [Mr. Cochran]. The yeas and nays have been ordered and the clerk will call the roll.

The Legislative Clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Iowa [Mr. Harkin], the Senator from Illinois [Mr. Simon], and the Senator from Mississippi [Mr. Stennis] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON announced that the Senator from Kansas [Mr. Dole] is necessarily absent.

The PRESIDING OFFICER (Mr. DeConcini). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 29, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—65

Adams
Armstrong
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Graham
Grassley
Hatch
Hatfield
Heinz
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Specter
Stafford
Weicker
Wirth

NAYS—29

Bond
Breaux
Bumpers
Cochran
Garn
Gramm
Hecht
Heflin
Helms
Hollings
Karnes
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Pryor
Quayle
Roth
Rudman
Simpson
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—6

Biden
Dole
Gore
Harkin
Simon
Stennis

So the motion to lay on the table the amendment (No. 1616) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BRADLEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, just from my understanding, and the conditions can change, as we have all seen, very rapidly, there is one additional amendment of the Senator from Mississippi. I believe we can hopefully dispose of it either one way or the other without, perhaps, a vote, and then there are additional amendments of the Senator from Texas. I think there are probably two that can be accepted. I think on the next one there will be a requirement for a vote.

Anyone obviously has a right to offer an amendment after that. However, it is at least my judgment at this time that we may be within a reasonable period, at least, of hopefully concluding this aspect of our debate.

Then we will have the Metzenbaum-Heinz amendment. The proponents can describe what the condition is in terms of the length of any debate.

Mr. President, that is the general condition. It might alter or change, but I think hopefully it might hold. That is just as a matter of information.

AMENDMENT NO. 1617

(Purpose: To remove the provisions establishing qualifications standards for polygraph examiners)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. Cochran] proposes an amendment numbered 1617.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 33, strike out line 10 and all that follows through page 35, line 7.

Mr. BYRD. Mr. President, if the Senator will yield, I ask unanimous consent that I may proceed for 2 minutes without the time being charged against the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have been discussing this with the distinguished Republican leader. It would be that we vote on cloture, say, at 9:30 tomorrow morning, and then proceed to dispose of this bill before we have the lengthy discussion which we had earlier talked about, following which the Senate would take up the intelligence authorization bill.

In that way, Senators would not have to wait until 2 o'clock tomorrow to vote on cloture and we would put this lengthy discussion off until afterward, following the action on this bill.

The distinguished Republican leader may wish to respond now, but that is what I am proposing, if I can change the order.

Mr. SIMPSON. Mr. President, I think that might be acceptable to those of us on this side of the aisle. Nothing else would change with regard to the order, the 4 hours under my control and the 1 hour under the majority leader's control.

Mr. BYRD. Yes.

Mr. SIMPSON. And going to the intelligence authorization bill right after that.

Mr. BYRD. Yes.

Mr. SIMPSON. Then we would complete cloture and any amendments suitable under postcloture, and then go through the scenario, with the cloture vote at 9:30.

Mr. BYRD. Yes. The first thing tomorrow would be the cloture vote. Assuming that that cloture vote carries, of course, the pending business would be the pending business to the exclusion of all other business until completed, following which we would do the 4 hour—1 hour talkathon, mini talkathon.

Following that, we would go to the intelligence authorization bill.

Mr. SIMPSON. Mr. President, that is not being proposed now as a unanimous-consent request or an agreement. I would suggest that we go forward with the next amendment, and I will get the information for the majority leader.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. BYRD. Mr. President, the distinguished Senator from Mississippi has the floor.

Mr. COCHRAN. I yield.

Mr. DANFORTH. With regard to the program for tomorrow, I think this might be a good occasion for us to think about stacking votes. Most of the votes we have had in the last hour or so have been following about 10 minutes of debate. It seems that Senators might be willing to stay around tonight and debate their amendments and then have them voted on tomorrow.

Mr. BYRD. I would certainly be happy to consider that. It may be that the amendments are running down pretty fast. I do not know how many remaining amendments there are. There is one by Mr. METZENBAUM. That may or may not be a voice vote.

Mr. METZENBAUM. It may not be. We are trying to see if we can postpone the World Bank amendment.

Mr. BYRD. Let us go forward with this amendment and we will find out.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. If the Senator will suspend for a moment so that the record is clear, on this amendment there is a 10-minute time limit equally divided between the Senator from Mississippi and the manager of the bill.

Mr. COCHRAN. I thank the Chair.

Mr. President, the amendment I have sent to the desk is designed to delete a provision of the committee bill that provides authority to the Secretary of Labor to develop and promulgate Federal standards for licensing polygraph examiners.

The previous amendment I offered in the nature of a substitute assumed the Senate would probably vote to have a Federal preemption in the establishment by the Secretary of Labor of qualifications for polygraph examiners but I frankly did not like that.

As a member of the committee, I can remember the day that we reported the bill out; I was sitting there waiting for us to get a quorum to transact business, and I made the mistake of reading the bill. I probably would not be as troubled as I am tonight if I had not read it. But I found that the presumption the committee was making was that Federal decisions made here in Washington about the qualifications of polygraph examiners were of a higher quality than decisions made on the same subject by State government officials.

I just do not buy that. I think it is a mistake for us to assume bill after bill, program after program, that Washington decisions are necessarily better than State decisions.

In my State we have had a polygraph examiner bill on the books since 1968, and it has been working fine. But now, suddenly, the Federal Government decides that it can do it better.

I do not know that is necessarily true. This amendment simply says that the States should be allowed to establish their own criteria for licensing polygraph examiners. We do not have a Federal preemption on the licensing of medical doctors. We leave that up to the States. In profession after profession we leave to the States the decision as to who is qualified to do the job. Licensing is a matter of State law, and here we are departing from that principle, and I object.

I hope the Senate will vote for this amendment and go on record as giving credit to the careful, deliberate decisions that can be made by State governments in this area.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator has objected to establishing some reasonable standards in terms of the administration of the various polygraph examinations. I have in my hand what is established in terms of Defense, in terms of the CIA, in terms of the NSA, the most important agencies protecting our security. We are not requiring that. We are requiring less stringent standards.

If you accept this amendment, you are accepting what is done in a wide majority of cases, and that is the examiner gets the machine, they have very little training, and they are in business.

Now, either we are or are not serious about trying to ensure that there are some reasonable standards, not that we have the answsers to all of them. But what we have seen in the course of our hearings is the kind of instance I just described—a polygraph machine arrives in the warehouse; they take it out of the box; someone who has very little understanding either about the machine, the behavorial sciences or investigations, at least in many of the firms, goes out and performs the test.

Now, I do not know what would be the reasonable grounds. We did not try to insist upon the kind of training that is required by the DOD or by the CIA. In the kinds of circumstances that we permit it, we are not even requiring that the people have the kind of training we insist on at the national level.

What we are asking for is a reasonable amount of training and standards that will ensure that at least, if they are going to administer the polygraph, those who are administering it meet some reasonable standards.

Now, I believe, Mr. President, that is not an unreasonable kind of provision. As the committee testimony has pointed out, the greatest instances of abuse are when the polygraphers do not have that kind of training or standards.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes and 8 seconds.

Mr. KENNEDY. These are the qualifications that are so objected to: At least be 21 years of age, has complied with all required laws in the State, successfully completed a formal training course regarding the use of polygraph tests—we do not say what the test is—completed an internship for not less than 6 months, renders an opinion in writing, and maintains reports and records for a minimum of 3 years. These are the objectionable standards.

It is difficult for me to understand how intrusive the long arm of the Federal Government is in that area, that they be 21 years old and have 6 months of training and comply with State laws. We do not talk about the course. We say 6 months. You must render any opinion in writing.

If everybody thinks that is the long arm of the Federal Government, I find it difficult to understand.

Mr. President, I do not know how much time I have.

The PRESIDING OFFICER. The Senator from Massachusetts has 40 seconds; the Senator from Mississippi has 2 minutes 50 seconds.

Mr. KENNEDY. I reserve the remainder of my time.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am not going to prolong the debate. I think we have discussed the issue so that Senators understand what is being questioned here by this amendment. Frankly, I was hoping that we would get a majority vote in favor of the substitute that was offered in the form of the previous amendment, but we did not. We had 29 votes. Somebody changed their vote at the end.

But the fact is that was the better amendment. This amendment is targeted to one objectionable provision that bothers this Senator. Obviously, it does not bother a majority of the Senate, so I am not going to insist that we belabor this point. But I did want to make the point. I think we continue to make a mistake by substituting the judgment of Washington officials for that of State officials. That is the point I am making, Mr. President.

I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I will just take 30 seconds.

The kind of requirements that we have here are the minimum requirements of any court reporter in the country. Is that intrusive? It is difficult for me to understand why there be such objection. It is established in the Federal legislation. I understand and respect the objection of the Senator from Mississippi to this legislation, but I am prepared for a voice vote.

I reserve the remainder of whatever time I have.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment (No. 1617) was rejected.

AMENDMENT NO. 1618

(Purpose: To provide for national security exemptions)

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1618.
>
> At the appropriate place, add: "Nothing in this Act shall be construed to preclude the use of a lie detector test to any expert or consultant or any employee of such expert or consultant under contract with any federal government department, agency or program where a security clearance is required by the federal government for such expert or consultant and such expert or consultant, as a result of the contract, has access to classified and sensitive government information."

Mr. GRAMM. Mr. President, this simply corrects what I perceive to be an error in the bill. Contractors working for the Department of Defense and the Department of Energy, the National Security Administration, CIA, and FBI that are dealing with sensitive matters and subject to lie detector. This brings in such agencies as the Drug Enforcement Administration and the Nuclear Regulatory Commission. I understand the distinguished Senator from Massachusetts has no objection to the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this has gone through a series of revisions, and I think is an acceptable amendment. I have no objection to it. I understand that the Senator from Utah has no objection to it. So I would support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Texas [Mr. GRAMM].

The amendment (No. 1618) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1619

(Purpose: To provide a nuclear power plant exemption)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1619.
>
> On page 28, between lines 14 and 15, insert the following new subsection:
>
> "(e) NUCLEAR POWER PLANT EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any nuclear power plant. This subsection shall not preempt or supersede any state or local law that prohibits or restricts the use of lie detector tests."

Mr. GRAMM. Mr. President, I am told that so clear is the argument for this amendment that the distinguished Senator from Massachusetts is willing to accept it.

Mr. KENNEDY. Mr. President, this is a very limited amendment targeted in a very specialized area which is of enormous sensitivity. I have really no objection to this amendment. I would urge the Senate to adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas [Mr. GRAMM].

The amendment (No. 1619) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1620

(Purpose: To provide an exemption for use of polygraph tests administered in accordance with Department of Defense Directive 5210.48)

Mr. GRAMM. Mr. President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1620.
>
> On page 28, between lines 14 and 15, insert the following new subsection:
>
> (e) EXEMPTION FOR TESTS CONDUCTED IN ACCORDANCE WITH DOD DIRECTIVE.—Nothing in this Act shall prohibit an employer from administering a polygraph test to an employee or prospective employee if the test is administered in accordance with Department of Defense Directive 5210.48 published on December 24, 1984.

Mr. BYRD. Mr. President, would the distinguished Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. BYRD. Would the Senator agree to a time limitation on this amendment?

Mr. GRAMM. It is my understanding that we have 10 minutes on each side. I would be willing to cut that down to 5 minutes.

Mr. KENNEDY. Let us keep the 10 minutes evenly divided.

The PRESIDING OFFICER. There is no time agreement on this, the Chair would advise.

Mr. BYRD. Could the Senator make it 10 minutes?

Mr. GRAMM. Excuse me. I just remembered the distinguished other Senator GRAHAM wants to speak on this as well.

Mr. KENNEDY. That is all the more reason to keep it to 10 minutes.

Mr. GRAMM. We could have 10 minutes. If the distinguished Senator from Massachusetts wants 5 minutes, we have no objection.

Mr. KENNEDY. That is awfully nice. Mr. President, I am always glad to hear both of my good friends and colleagues. If they make an overly persuasive case, let us do it 20 minutes equally divided, and I will try to move it along.

Mr. BYRD. Mr. President, I ask unanimous consent it be 20 minutes equally divided on this amendment, with no amendment in order thereto. Does this accommodate the distinguished Senator from Florida?

Mr. GRAHAM. Yes, it does.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes without the time being charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Mr. Metzenbaum plans to call up an amendment this evening.

Mr. President, I wonder if we could agree, if the Senator would agree, on a 10-minute limitation on the amendment by Mr. Metzenbaum, 5 minutes to Mr. Dodd and 5 minutes to Mr. Metzenbaum.

Mr. METZENBAUM. No objection.

Mr. DODD. I have no objection to that.

Mr. BYRD. Mr. President, also 5 minutes to Mr. Heinz; with no amendment in order to the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment by Mr. Metzenbaum follow the amendment by Mr. Gramm.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1620

Mr. GRAMM. Mr. President, I have been so moved in listening to the passionate arguments of the distinguished Senator from Massachusetts that I have offered this amendment. This amendment takes the Department of Defense directive as to how a polygraph examination must be given and the provisions that govern those who administer the test. We have heard at great length as to how the Government is so efficient that they administer the test in 8 hours, and the private sector does it in 15 minutes, one of the miracles of American Government.

This amendment says that if the private sector follows the Department of Defense directive, that they then can use the polygraph as a tool to protect the young, to protect the airline passenger, to protect those that are in sensitive areas that might be affected negatively.

I ask my colleagues to look closely at this amendment. This amendment preserves States' rights, except that it sets the highest existing Federal standard for those who employ the lie detectors within the private sector. Remembering that over 40 States have already set out procedures, we preempt only those procedures in terms of the quality of the test and the quality of the tester, but we preserve the ability of the private sector to use such test in the interest of trying to promote the public welfare.

Mr. President, there is a great paradox that we exempt Government in this bill. We exempt those riding in the wagon. We say they can use the polygraph but the people that are pulling the wagon, earning the income, paying the taxes, making the whole Government possible are effectively precluded except under the most limited circumstances.

Perhaps the distinguished Senator from Massachusetts is right. Maybe the quality of private testing is inadequate. This deals with that problem. This is a States' rights issue with a Federal preemption which sets the highest standards that exist in the Federal Government on the testers and the test.

I urge my colleagues to support this amendment. I reserve the balance of my time. And after the distinguished Senator from Massachusetts has spoken, I will yield 5 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, I yield 5 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I support the basic premise of this bill which is that there should be Federal standards, Federal conditions under which polygraphs are utilized.

I do not believe that requires an absolute prohibition or an absolute prohibition subject to industry-by-industry exception of employment of prospective employers. Our State of Florida, and a number of other States in this Union, have high mobility in their populations. In areas where it is virtually impossible to make a judgment based on community reputation, readily available other sources of information employers have found that the use of these examinations is an appropriate element of reaching the employment judgment.

I start from the premise that an employer who is already constrained by other provisions, and will be further constrained by the standards in this act from using these devices for discriminatory or other invidious purposes, is not going to be spending the money, taking the time, investing the effort, to have a polygraph administered, unless that employer feels that it has some value. It has significant value in many instances in reaching that preemployment decision as one element of the total information which an employer would utilize.

An employer bears a legal responsibility for the act of his employee. One important function the polygraph can serve is as a tool—and I underscore "a tool"—available to reduce the expense, the legal exposure, and the threat to other employees which the employment of a relatively unknown person requesting employment would be, where that use of the polygraph could be of assistance in identifying those who are inappropriate.

We have already recognized the appropriateness of preemployment use of polygraphs by the number of areas which have been expanded by amendments here today, in which we have provided an exemption, including an exemption to all Government employees.

I believe that by applying this highest standard available, the standard of the U.S. Department of Defense, to the applicator and the equipment used, we have protected the interests of those persons who would be the subject of a polygraph examination, but have made it available where the employer feels that it is a necessary and appropriate part of the information package in preemployment.

Mr. President, I have a letter which I have received from a leading firm in our State which is in the food business, a business that is not of the nature of high security, of nuclear powerplants or security guards, but a business which requires a high standard of its employees; a business that, under the best of circumstances, has a high turnover—in many of the communities in our State, we have heavy transit and tourist business, even more than would be true in most places in this Nation—has found that the use of polygraph is an important tool in reaching that decision.

Mr. President, I ask unanimous consent to have this letter, dated February 29, from Mr. Bern Laxer, of Bern's Steak House, in Tampa, FL, printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Bern's Steak House,
Tampa, FL, February 29, 1988.

Hon. Bob Graham,
U.S. Senate, Washington, DC.

Dear Senator Graham: My wife and I own a restaurant that employs 243 people and is considered by our city fathers to be an asset to our community. In fact, when a rumor reached one of the editors of our local Tampa Tribune that our restaurant was sold, the front page of the paper was held open until the editor located me to learn whether the rumor was true. Of course it was not. Yet my thoughts (for the first time in our 35-year existence) are to consider

closing. The reason is the possible passing of bill SB 1904.

Please permit me to explain.

If all people were honest and told only the truth, polygraphs would never be necessary and I would have no dilemna. But although I have interviewed at least 30,000 applicants (out of over 40,000 applications)—there is absolutely no way for me to judge who is telling the truth and who is not.

So many applicants will tell you with great conviction that they are telling you the truth; yet thoroughly lie. I have personally seen it again and again and again—so many times!

This is why there is absolutely no way to bring in honest, drug-fee employees without a polygraph program!

About 90% of all applicants who apply for employment with us have used illegal drugs. This is the prime reason for our polygraph policy.

I fully understand that not all examiners are equal, and yes, errors are made (in my experience, however, less than one percent). But using polygraph examiners is costly, so I have investigated every other possibility for determining truthful answers on applications.

Nothing comes close.

Some people who oppose polygraphs have not experienced first hand what I have seen in my 25 years of its use. I know both the good and the bad. And the good, and the potential good, far outweighs the bad.

Wouldn't it be a wise idea, then, for our government to direct efforts toward improving the best method that exists now to screen out cocaine sellers, cocaine users, and people who regularly steal or harm others?

Alternative methods like putting people in jail have not worked too well in reducing sales of drugs yet. Law enforcement agencies have also spent enormous sums of money and manpower, but drug use is still strong.

However, our local police and sheriff departments spend a lot of time and effort in conducting background investigations on applicants, but still use polygraph examinations; because it's worth it to them. So why not permit private industry to continue to do the same—we generally see excellent results every day. The expenses are ours alone.

Look at the damage firearms do. If we permit almost anyone in America to possess firearms for protection, why can't business be allowed to continue to use polygraph for its protection? It certainly is less damaging.

Complaints have come from some who have been examined. It is, of course, true, that this certainly must be addressed. There is no question that examiners who are not fully qualified should be given the opportunity to improve or be removed. Twenty years ago, physicians made more mistakes than they do today. They have been practicing medicine for how many years—1000, 2000? Polygraphs run about 97% accuracy, nationwide, but how old is their profession—60 years, 40 years? Why not ask the industry to raise its standards?

Then it would be easier to take a look at another side of the coin. Question those who have been examined and are pleased. Consider the failures, but also explore the successes.

Ask our own employees what they think about polygraphs. I invite you to come and ask each and every one if they would prefer for us to give up our polygraph program.

Ask employees of other businesses all over America who use the polygraph also—service stations; drug, convenience and department stores; hotels and motels; super market, insurance and trucking companies; banks—would they like polygraphs discontinued?

Our reason for the polygraph is very simple, but serious. You fly and drive in from all over the world to eat with us, and we are responsible to have the nicest employees serve you the best food. When you tour our facilities and speak with our employees, we want you to enjoy yourself. People continuously visit our kitchens and often comment on the niceness of our employees.

In fact, many applicants have applied to us because of our reputation for being a nice place to work. Our restaurant is like a family, and my job is not only to please our customers, but also to provide my employees with a safe and enjoyable place to work. Hot stoves, hot fryers, and kitchen work pressures are not conducive for an employee to come to work "high" on drugs or alcohol. Many employees have worked with us for over 20 years, and I have a definite obligation to them to employ other honest, drug-free, quality people to work alongside them. That does not mean discrimination. We just prefer to employ only nice people like you would like to hire yourself—like a babysitter or maid who you would willingly trust to leave in your home when you were not there.

If you could experience the hundreds of times that the polygraph saved us grief, you probably would also agree to enhance it; not destroy it. Like the applicant for our farm who had already "raped two women" (unknown to the law, and not mentioned in his application, who acknowledged this during the pre-employment polygraph examination). My wife and young son and daughter worked on our farm at this time (we raise vegetables for our restaurant).

Another applicant's daytime employment was to dispose ("get rid of") murdered, dead bodies (a factual case, but also not mentioned in his application).

And the lovely young applicant, who was awaiting trial for possession of 24 pounds of marijuana, denied any contact with drugs in her application.

Another applicant had been a "paid assassin." (He had never mentioned that in his application either.)

The above may be extreme examples, but these come to mind quickest. Most applicants lie about their involvement with drugs. (All who take our polygraphs have already been screened and interviewed first and seemed fine.)

Let's consider the positive side. I am very proud of the fact that I have helped many people give up drugs—or certainly reduce its use. Our polygraphing has been a great assistance in helping our employees improve themselves, and many who were not employed because of drug use, gave it up and returned to be hired later. Being able to ask them, "may we check you again?" permits this idea to work. The ability to give them a second chance is made possible only because of the polygraph program.

We have hired many employees who promised to never use illegal drugs again, and many did stop.

Wouldn't it be a great boon if all employees used polygraphs as we do? Drug use would have to decrease.

A work environment where all employees are polygraphed has to be the best work environment there is; not only do you feel much safer in it, but once you pass the polygraph, you are a prouder person because of it. If you could show me a method that works better than polygraph to help me hire better quality employees without discrimination, I certainly would use it.

Please oppose bill SB 1904, and allow us to employ only honest, drug-free people. Please do not destroy the best tool many of us have for providing you, our customers, with quality employees.

I know that you and our other legislators and government officials work in the best interests of every citizen, and I thank you for permitting me to share my experiences and thoughts with you.

Very respectfully yours,
Bern Laxer.

Mr. GRAHAM. Mr. President, I have been looking for this amendment. I am pleased that my colleague and namesake from Texas has offered it.

I urge that those who accept the need for Federal involvement in standards also be receptive to the fact that there is legitimate concern on the part of employers to be able to utilize for their own interests, where their interests coincide with the interests of the prospective employee, in being honest, fair, reliable, and credible, to be able to use this as a piece of information. I suggest that the standards set out in this amendment by the Senator from Texas achieve that purpose, and I urge its adoption.

The PRESIDING OFFICER (Mr. Pryor). The time of the Senator has expired.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, if I may have the attention of the Senator from Texas, we have heard a lot of amendments around here, and this is the most cockamamy amendment we have seen during this whole debate. This is what he has said:

> Nothing in this act shall prohibit an employer from administering a polygraph test to an employee or prospective employee if the test is administered in accordance with Department of Defense directive. . . .

Who is going to decide, Mr. Private Company, what your polygraph test is going to be? It is going to be the Inspector General, the Department of Defense, authorized use of polygraph examinations.

You talk about the Federal Government and the private sector. You are going to have the Secretary of Defense, the IG, the Department of Defense, right here—authorizing the use of polygraph examination.

Do you want to know what the training program is going to be? Page 7: The Secretary of the Army shall establish a manager retraining program.

Boy, you talk about the Federal Government reaching right down in terms of the private sector. What in the world are we doing?

The interesting point is that this is not even what DOD uses. DOD uses this along with the regulations and the standard operating manual proce-

OL
34
PT
2
FE
17
MR
2
988
UMI

dures. That is not the whole program. You want the long arm of the Federal Government deciding, in every one of these private industries, what they are going to do about polygraph training, waivers. There are 2 million tests a year in the private sector. You want a waiver. Who do you go to? You go right down to the Secretaries of the military departments, the Director of NSA. That is nice.

We are at 20 minutes to 9, and this is the third attempt to try to deal with preemployment testing. We know that genesis of this. We establish under DOD and NSA careful kinds of reviews, where a polygraph is part of a range of different investigative techniques, where people are trained well, are limited to two tests a day, and it has value. But to try to take that thought and graft it on to this program, at this hour of the night, makes no sense whatever.

I reserve the remainder of my time.

Mr. GRAMM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 2 minutes remaining.

Mr. GRAMM. I yield myself 1 minute.

Mr. President, the distinguished Senator from Massachusetts is so concerned about the Federal Government reaching down into the private sector and setting standards that he wants to outlaw tests altogether.

This amendment simply takes the highest standards set by the Federal Government and says that if the private sector complies with those standards, it still has to meet all existing State standards. But we are defining the highest level of Federal standards in terms of application, in terms of the test and qualifications of those administering the test.

So we have a pure and simple vote here on State's rights. The Federal Government can set the standards that have to be applied in the private sector, but the States determine whether the private sector can use those standards to administer the test.

The argument that this is overreaching by the Federal Government, when the bill denies the ability to use tests for prescreening, period, I think is disingenuous.

I yield 1 minute to the distinguished Senator from Indiana, and I reserve the remainder of my time.

Mr. QUAYLE. Mr. President, this amendment is very straightforward. It is basically an antidouble standard amendment. We have two different standards, one for the public sector and one for the private sector.

We have heard all along the Senator from Massachusetts and others saying, "We don't want those $15 polygraphs. We don't want those fly-by-night polygraphers in there."

Well, we are not going to have it with this amendment, because they have to meet the very high standards that you have to have to a polygrapher for the Government. We are saying it is OK to do it for the Government if you meet certain high standards.

We are saying, OK, we will meet those standards. We will have the high tests. We will have the high caliber. And then we are going to say if you met those standards, it is OK to do it for the Government. Then it will be all right to do for the private sector.

This gets away from the double standard that is in this legislation. It is a very straightforward situation. It gets to the point where we are going to do away with the $15 polygraphs and have the high-class ones which they say is OK.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. As much as the Senator from Indiana and the Senator from Texas would like to believe it, the amendment does not do it. It refers to the directive. The various provisions that are followed in the DOD and NSA are here in the regulations and standard operating procedures.

Now, the fact is the members of the Army and the military forces ought to be doing other things than training guards and security officers for Stop and Shop and Wal-Mart.

You have it right there, and it just says it authorizes the use. Here you are going to have it.

I mean, let us be realistic. We understand that the Department of Defense having reviewed this and studied it has established procedures which they think are important and useful in terms of important national security questions.

We know that is considerably more than even is required in the special circumstances of this bill.

And, Mr. President, I am surprised quite frankly at two members of the Armed Services Committee who are familiar with this issue. I have been in the deliberations on this issue on that committee conference report. We have debated and discussed this issue with the Senator from New Mexico about the numbers that we are going to permit in terms of it. And to make light of this kind of a procedure, I think, is unfortunate indeed.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

Mr. GRAMM. Do I not have a little time left, Mr. President?

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. GRAMM. Mr. President, I send a modification of the amendment to the desk.

Mr. KENNEDY. Mr. President, I move to table——

Mr. BYRD. Mr. President, there was action taken on this amendment by virtue of the time agreement.

Mr. KENNEDY. I move to table.

Mr. BYRD. The Senator needs unanimous consent to modify the amendment.

The PRESIDING OFFICER. The Senator needs consent to modify.

Mr. KENNEDY. I move to table amendment.

Mr. GRAMM. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator's motion to table is not in order.

Mr. KENNEDY. I yield back the remainder of my time and move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is now on the amendment.

The yeas and nays were ordered.

Mr. KENNEDY. I move to table.

The PRESIDING OFFICER. The motion to table is now in order.

The question is on agreeing to the motion to lay on the table the amendment of the Senator from Texas.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Iowa [Mr. Harkin], the Senator from Hawaii [Mr. Inouye], the Senator from Illinois [Mr. Simon], and the Senator from Mississippi [Mr. Stennis], are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. Dole] and the Senator from Idaho [Mr. Symms], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 35, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—57

Adams
Armstrong
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Glenn
Hatch
Hatfield
Heinz
Hollings
Humphrey
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Proxmire
Reid
Riegle

Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Specter
Stafford
Weicker
Wirth

NAYS—35

Baucus
Bond
Breaux
Chiles
Cochran
Fowler
Garn
Graham
Gramm
Grassley
Hecht
Heflin
Helms
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Quayle
Roth
Rudman
Simpson
Stevens
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—8

Biden
Dole
Gore
Harkin
Inouye
Simon
Stennis
Symms

So the motion to lay on the table amendment No. 1620 was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia, the majority leader, is recognized.

The Senate will be in order.

Mr. BYRD. Mr. President, I believe under the order previously entered, Mr. Metzenbaum is now to be recognized to call up his amendment. I ask unanimous consent that I may proceed for not more than 3 minutes, prior to the Senator's being recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, earlier an order was entered whereby beginning tomorrow at 9 o'clock, there would be 5 hours of debate on an extraneous matter prior to the vote on cloture.

I ask unanimous consent that, with respect to the time limitations in connection with that extraneous matter, that order remain as was, but that the discussion of the extraneous matter follow, rather than precede, final action on the pending measure.

The PRESIDING OFFICER. (Mr. Levin). Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, this would mean that tomorrow morning the Senate would proceed with further votes on amendments to this matter and cloture, if there be further votes on amendments.

Now, Mr. President, it is my understanding that there are two, possibly three amendments, that remain on the other side of the aisle to be called up. Let me put the request.

First of all, I ask unanimous consent that on the not more than three remaining amendments, that there be a time limitation on each of those amendments of 10 minutes to be equally divided and controlled in accordance with the usual form; that no amendment to any one of the amendments be in order; provided further that the amendments be discussed this evening and that the votes be stacked for tomorrow morning, beginning at 9:30 a.m., and that the first rollcall vote be a 30-minute rollcall vote; that the time on each of the two succeeding amendments be limited to 10 minutes each in view of the fact that they would be stacked and back-to-back votes; that the vote on cloture then immediately occur, that if cloture is invoked the Senate then proceed immediately to the vote on final passage of the bill without further amendment or debate or motion of any kind, and that the motion to reconsider—that there be no debate on that motion, and that paragraph 4 of rule XII be waived.

Let me put that request on hold for the moment.

Mr. GRAMM. Reserving the right to object, Mr. Leader, there are amendments that have been filed that meet the germaneness rule. I think those of us who have been concerned about the bill have had some amendments adopted by unanimous consent that have not been debated. I think we would like to go back and look tonight and in the morning at where we stand on the bill. It would be very difficult tonight to decide whether to go forward with any additional amendments without going back and making that review.

Mr. BYRD. I understand what the distinguished Senator is saying. I withdraw that request. Let me present another request.

Mr. President, I ask unanimous consent that there be no more than three amendments in order after this evening, that those three amendments be the type of amendments that would be in order postcloture, that the amendments each be limited to 10 minutes to be equally divided in accordance with the usual form, that at 9:30 a.m. tomorrow the Senate vote on cloture, that that be a 30-minute rollcall vote with the call for the regular order to be automatic at the conclusion of the 30 minutes and that, upon the disposition of the not more than three amendments, all of which are to be amendments that would qualify under the rules postcloture, the vote then occur on final passage immediately without further amendment, debate, or motions—let me modify the request. Following the disposition of the three aftermentioned amendments, there be 20 minutes of debate to be equally divided between Mr. Kennedy and——

Mr. GRAMM. Mr. Leader, could we have that on each side? I know there will be four or five people on this side.

Mr. BYRD. That there be 40 minutes to be equally divided on the debate following the three aforementioned amendments; the time to be equally divided in accordance with the usual form; that the vote then occur without further motion, amendment, debate, action of any kind on final passage; no time on the motion to reconsider and upon the final disposition, therefore, of the bill; that the 4 hours of debate to be controlled by the distinguished Republican leader, 1 hour to be controlled by this Senator on the extraneous matter, occur; after which 4 hours, plus 1, if all time is used or upon the yielding back thereof, the Senate proceed immediately to the consideration of the intelligence authorization bill.

Mr. PRYOR. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. And I hope I will not object. I may.

Mr. President, am I to understand from the majority leader and the distinguished acting Republican leader that we are going to have probably one more rollcall vote this evening on the sense-of-the-Senate resolution offered by the Senator from Ohio, Senator Metzenbaum; then we will come in tomorrow, have votes, probably three or four on this legislation now pending, and then have a 4-hour special order——

Mr. BYRD. Actually, it amounts to 5.

Mr. PRYOR. A 5-hour special order; that is what it amounts to. And then after that, we will have probably a vote on the Intelligence Committee authorization?

Mr. BYRD. Yes.

Mr. PRYOR. If this is true, I object.

Mr. BYRD. Mr. President, I hope the Senator will not object. May I point out that if the Senator objects, the Senators over here can take time on this bill. There is nothing to keep them from it prior to cloture. They can take time on this bill after the Pastore rule has run its course on the morrow, and they can take, not only 4 hours, they can take 6 hours, 7 hours, 8 hours of time under the rules of the Senate.

I would like for this cup to pass from me, but it is not going to. There are Senators on this side who want to say some things, and they are entitled to that. I suppose, I do not know, I may have to say a few words myself. I will try to restrain myself as much as possible. But I hope the Senator will not object because this really is something that has been worked out laboriously and in the long run it will save the time of the Senate; I assure the Senator of that.

Mr. SIMPSON. Mr. President, I think there is one other element that might be helpful to the Senator from Arkansas, that if we do not finish tomorrow with the intelligence authorization, we will deal with that Friday morning. There is no question that we will finish it then. We will also have a rollcall vote Friday morning on the Executive Calendar, William F. Burns. So I would think that if we are allowed to go forward like this, we will finish our work on—maybe not likely at all tomorrow night on the intelligence authorization, and go out at a reasonable hour, I would trust tomorrow evening, and then Friday deal with the intelligence authorization and then complete that in midafternoon and go on with laying down—or if it is the majority leader's intention to lay it down—the House version of Price-Anderson.

Mr. BYRD. Price-Anderson.

Mr. PRYOR and Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I would like to ask the leaders and the managers of this bill if it is conceivable that a slight amendment may be made. That is, before we get to the "sensitive extraneous matter," the 5-hour special order, that we do the Intelligence Committee legislation. It is of time essence. We know that. Why is it that we not consider that and vote on that, and then those Members wishing to decide whether or not we can arrest the other Senators can talk about that?

But in the meantime, while we are considering whether we can arrest each other, why do we not talk about something else? Why do we not talk about the principle of holding all of us hostage here while we wait around 5 hours, 6 hours, 7 hours to vote on the Intelligence matter?

I see no reason not to take the intelligence issue up first, and then those who wish to discuss this sensitive matter can debate it.

I see no reason in having us wait all day and all evening tomorrow night, holding us hostage so we can have that one final vote on the Intelligence Committee authorization.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I ask for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the distinguished Senator from Arkansas makes a very plausible proposal on the surface, but there are some things involved here that we have considered. I would like to have done that first. I would have liked to have gone to the Intelligence Committee authorization first. That occurred to me also. But I happen to know that there is going to be at least 5 hours of debate. I say there will be at least 4; 1 hour will be under my control. I would hope that Senators would let us proceed as I have suggested because, in this way, we will not be in long tomorrow evening, and we will not be in much longer this evening.

We have one vote on the Metzenbaum amendment. That vote is already set. We have one more vote on the Metzenbaum amendment, and then tomorrow we will complete action on this bill. We will not stay in too late tomorrow evening. We can finish the other bill either tomorrow evening or the next day, and do the nomination, lay down Price-Anderson, and go home.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, parliamentary inquiry. Is there a time certain for when the debate will end and passage of the pending matter?

Mr. BYRD. There is not a time certain. We do not know what time the final vote will occur on the pending matter. The 5 hours begin running on the disposition of the pending matter.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I do not wish to complicate a difficult job any more than I have already. So, I make a suggestion that might speed the process.

As I understood it, the unanimous-consent request just put to the body was that there be 3 amendments and 3 amendments only regarding the bill before the Senate, and they would be debated and taken up tomorrow, is that correct?

Mr. BYRD. Yes.

Mr. EXON. May I suggest that those who want to offer those amendments be allowed to do so this evening, and debate them this evening, and any rollcall votes that are required on any of those three amendments be stacked for an appropriate time.

There will be an agreement between the majority and minority leader. It seems to me that will save an awful lot of time tomorrow.

Mr. BYRD. Perhaps the distinguished Senator was not on the floor. That was the request I made just a few minutes ago, and the distinguished Senator from Texas did not feel disposed to agree with that.

Mr. EXON. I am appealing to the good sense and judgment of our respected friend from Texas. I listened to what he had to say. He said he wanted to review the voting today on the bill. We can dispose of that in a great hurry by having the Parliamentarian, through the Chair, explain to all of us what happened today. I think we already know that.

I do not happen to buy the argument realistically that we need to wait overnight to work this matter out. I would just appeal to my colleague from Texas to expedite the procedure and let those who want to offer their amendments, which I think are in order, to speed things along, and let us not put that over on top of everything else we have to do tomorrow and the following day.

Mr. GRAMM. Would the distinguished majority leader yield?

Mr. BYRD. Yes; I yield.

Mr. GRAMM. I would just like to remind my colleague that under the rules of the Senate in a postcloture situation, any germane amendment that has been filed is in order. We have limited all of the amendments that are currently at the desk. We have limited ourselves to only three that can be offered. We have said on those three that there be 5 minutes on each side. We have already started the process of going back and looking at what has been filed and trying to pull it down to a total of three.

I think, quite frankly, we are trying to save everybody time. There is always the possibility that they will not be offered. We have spent more time here discussing all this than we possibly are going to save tomorrow and, in my view, the leadership has worked it all out. We ought to do it and go home tonight.

Mr. BYRD. Mr. President, how many amendments are at the desk that are filed for postcloture?

Mr. SIMPSON. Mr. President, there are 140.

The PRESIDING OFFICER. The Chair is informed there are about 120-plus amendments.

Mr. BYRD. Mr. President, I would appeal to Senators. I assure my friends, I can understand their frustrations, but the distinguished Republican leader and I have gone over this, and I think this is the very best arrangement that could be possibly hoped for. I would hope that Senators would not object to this.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, if I may inquire of the Chair, has a time agreement been reached on the amendment by the Senator from Ohio?

Mr. METZENBAUM. Fifteen minutes.

Mr. PRYOR. Fifteen minutes, seven and one-half.

The PRESIDING OFFICER. Has the question of the Senator been answered?

Mr. PRYOR. I thank the Chair. I think the question has been answered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators.

The PRESIDING OFFICER. The Senator from Ohio is recognized under the previous rule.

AMENDMENT NO. 1621

(Purpose: To express the opposition of the Senate to the proposed $400 million World Bank loan to restructure Mexico's steel industry)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk on behalf of myself, Senator HEINZ, Senator BYRD, Senator DOLE, Senator SHELBY, Senator HOLLINGS, Senator ROCKEFELLER, Senator GLENN, Senator DIXON, Senator HEFLIN, Senator DURENBERGER, and Senator NICKLES, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 1621.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee amendment add the following new section:

"SEC. . MEXICO STEEL LOAN.

The Senate finds:

(1) during the past decade the United States steel industry has witnessed significant economic disruption and employment losses due to increased foreign competition;

(2) the United States steel industry has lost more than $12 billion, more than half its workforce, and closed scores of plants throught out the country;

(3) in order to regain its competitive posture, the United States industry has invested more than $8 billion on modernization, obtained painful wage concessions from its remaining workforce, and slashed production capacity by one-third;

(4) there are more than 200 million excess tons of steel capacity worldwide, causing severe financial strains on steel industries in many countries;

(5) the proposed loan by the International Bank for Reconstruction and Development (hereafter referred to as the "World Bank") would provide Mexico's steel companies with subsidized financing to further the glut of worldwide steel production;

(6) the proposed loan could do irreparable damage to the United States steel industry. Therefore, it is the sense of the Senate that the proposed loan is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization; and the World Bank should reject the proposed loan.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, this sense-of-the-Senate resolution, which is an amendment to the pending bill, arises by reason of the fact that within the last 3 or 4 days we learned that the World Bank intends to approve a $400 million loan to the Mexican Government for the development of steel. Frankly, we had no prior notice of that. When we learned about it, we discussed the matter with Jim Baker this morning in the leader's office and Jim Baker agreed that the United States would vote "no" in connection with the approval of that loan.

Some of us subsequently today spoke with Mr. Barber Conable, president of the World Bank, and urged him not to go forward with this loan.

There are unemployed steelworkers in Ohio, Pennsylvania, West Virginia, Texas, and almost every State in the country.

Approval of $400 million to develop the steel industry in Mexico to compete with the steel industry in America is difficult for this Senator to understand. We have already heard from the American Iron and Steel Institute indicating their concern and objection—from U.S. Steel, from Inland, Bethlehem, and LTV.

There is at this moment 200 million tons of excess steel capacity worldwide. Why we would under those circumstances want to help Mexico develop a steel industry to compete with American steel is difficult for me to understand.

Let me make it clear. It is not out of a lack of concern or affection with respect to Mexico. We want to see Mexico's economy strong. We want to continue the good trade relationship that we have with Mexico. But it is not logical. It is not right to take the American taxpayers' dollars, because we pay about 20 percent of the $400 million, to take the American taxpayers' dollars and make them available to the Mexican Government to develop a competitive steel industry.

Mr. President, I reserve the remainder of my time. At this point I yield 1 minute to the Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Senator from Ohio.

Mr. President, I join the Senator in my stunned reaction to this proposal by the World Bank. I also thank Secretary Baker for agreeing to vote against this matter, but, unfortunately, it probably will not do any good.

It is appalling to me, first of all, that the Senate did not know about this. Also appalling to me is the insensitivity of the administration these last several years not only to the steel industry as a whole but especially to the unemployed steelworkers in this country.

My vote has nothing to do with Mexico itself. If there were any country to which the World Bank was considering a loan in order to help its steel industry, I would be opposed. I would join a resolution to fight it. Our steel industry has not come back. Weirton and Wheeling-Pittsburgh Steel for example still have a long way to go. This resolution ought to pass and the World Bank ought not to make this loan to Mexico for the purpose of competing with the American steel industry.

I thank the Senator from Ohio for yielding.

The PRESIDING OFFICER. Who yields time.

Mr. HEINZ. Mr. President, I yield 1 minute to the Senator from Texas.

Mr. GRAMM. Mr. President, I am struck by the fact that we are here, after the horse is out of the barn, talking about money that is loaned to Mexico to develop the steel industry—that is in competition with our own—when we have people out of work.

We have had numerous other opportunities when we were voting on the World Bank to do something about this problem. In fact, when you let other people loan your money, you lose control. I hope those who are outraged by what is happening here tonight will remember that the next time we vote on World Bank authorization and appropriations. That is the time to do something about the problem. What we ought to be doing is not letting other people lend the American taxpayers' money, because when they do it, we do not have control over it.

Mr. HEINZ. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

Mr. SPECTER. I thank my distinguished colleague.

Mr. President, this movement is very surprising in light of the fact that there have been repeated assurances from the administration, including the Secretary of the Treasury, that there would not be United States acquiescence in loans of this sort which unfairly compete with U.S. industry.

I put this question to the Secretary of the Treasury: Why should a Pennsylvania steelworker pay taxes to the U.S. Government, which in turn makes advances to the World Bank, which then makes loans to a country like Brazil or Mexico in this instance, which then uses those loans to subsidize steel which comes back into the United States and puts that Pennsylvania steelworker, who paid the taxes, out of a job?

It is just fundamentally unfair and this resolution ought to be passed and these practices ought to be stopped.

I thank the Chair, and I thank my colleague.

Mr. HEINZ. Mr. President, if there are no further requests for time on this side, I will make one comment.

Mr. President, there has been a lot of debate about this matter, and I am pleased to join with the Senator from Ohio in supporting his resolution. Maybe the authorities at the World Bank should consider, if they are determined to go ahead with this loan which will put still more American steelworkers out of work, extending such loans to those unemployed steelworkers and others on the same generous terms of 3 years to pay with interest rates about half what they could get if they were lucky.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I would like to make four points.

The first is this amendment has no impact on the loan that will be authorized tomorrow. It has no impact.

The second point is, do we really want to start voting on every loan that is made by the World Bank? Do we not have enough things to vote on?

The PRESIDING OFFICER. The Chair will interrupt the Senator from New Jersey. On whose time is the Senator speaking?

Who yields time?

Mr. STEVENS. Who has time in opposition?

Mr. CRANSTON. Mr. President, is not time equally divided in some fashion?

The PRESIDING OFFICER. Time is controlled by Senator Dodd, Senator Heinz, and Senator Metzenbaum.

Mr. HEINZ. Mr. President, parliamentary inquiry. Is it not that the time in opposition is controlled by Senator Dodd?

The PRESIDING OFFICER. There is no time in opposition. The time is allocated to three Members.

Mr. METZENBAUM addressed the Chair.

Mr. BRADLEY. Mr. President, I ask unanimous consent that I may continue for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object. I think we ought to comply with the rules and give the opposition time to the minority leader, if there is no time designated. He is entitled to equal time.

Mr. BRADLEY. If the Senator will yield, I am the opposition.

Mr. STEVENS. The Senator does not have any time.

The PRESIDING OFFICER. Objection is heard.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. SIMPSON. Mr. President, at the time that unanimous-consent request was propounded, I had been advised that Senator Dodd was speaking in opposition to the measure or else I would not have concurred with it. If we have three people, each with 5 minutes, speaking in favor of it and no one in opposition, I hope our colleagues would give 5 minutes through unanimous consent to the Senator from New Jersey or someone who wishes to speak on the other side so we might have total fairness in the debate.

Mr. METZENBAUM and Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, there is an element of unfairness but it was not intended to be that way because the proponents have 10 minutes and the opposition has 5 minutes.

If the minority leader agrees, I would suggest we give Senator Dodd the additional 5 minutes and let him dispense time to Senator Bradley.

I ask unanimous consent that Senator Dodd be given an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BRADLEY. Will the Senator yield?

Mr. DODD. I yield 2 minutes to the distinguished Senator from New Jersey.

Mr. BRADLEY. Mr. President, just to recap, this amendment has no impact whatsoever on the loan that the World Bank will approve tomorrow.

Second, I do not think we want to start voting on every loan that the World Bank offers. We have enough things to vote on as it is.

Third, half the population of Mexico is under 15 years of age.

There is no way that they are going to generate enough jobs to employ their population if they do not get sufficient investment. If they do not get sufficient investment to generate jobs, there is only one place that those young people are going to head, and that is north.

Fourth, we are in the middle of a Presidential campaign in Mexico. The Presidential candidate of one party is known to be pro-American. This is the kind of amendment which is offered for domestic political consumption that can become a lightning rod in an election in Mexico.

Mr. President, I hope that we will approach this a little more soberly, and we will, of course, be concerned about the plight of steelworkers in this country but that we will actually do something to improve the plight of steelworkers in this country as opposed to making a gesture that will have no impact on the loan that will be approved tomorrow.

Mr. STEVENS. Mr. President, would the Senator yield a minute of his time?

Mr. DODD. I would prefer to comment, if I could and if there is some time remaining, I will yield.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. Rockefeller). Eight minutes.

Mr. DODD. Let me commend my colleague from New Jersey, who is always succinct and eloquent. Obviously, if there is anything that will legitimately help the steelworkers in this country, then I think all of us would join in that kind of an effort.

The fact of the matter is this amendment, even if it were meaningful—I will briefly describe it to you—would have absolutely the opposite effect if you knew what was included in this $400 million loan to Mexico.

First of all, it has been said that the World Bank has been used to develop Mexican steel. That is not the case with this loan. It is not a loan to develop Mexican steel, but rather to improve the quality of their steel.

Let me tell you what the Mexicans have agreed to as a result of the negotiations over this loan.

One, Mexican officials have been and are willing to cut even further tariffs on steel imports which is vitally important to United States steel interests as a result of this $400 million loan agreement.

Second, officials have agreed to stop subsidizing their steel industry over the course of this loan, something we have been trying to get them to do for years. They have agreed to do it as a result of this loan.

Third, the loan is not designed to increase Mexico's steel. A unique feature was included in this particular loan agreement. That is built into this which would allow the package to make sure no additional economically unsound expansion of Mexico's steel industry occurs during this particular period.

All of these things we have been trying to get for years from Mexico. As a result of tough negotiations for this loan we were able to get those concessions. In fact, the U.S. steel industry will be assisted by this particular proposition.

My colleague from New Jersey is absolutely correct. We have an interparliamentary meeting beginning 48 hours from now which this Senator chairs with a group of Senators and Congressmen from Mexico in New Orleans as we do every year. We are going to go down there and we are going to fight to get them to be more supportive of our interests in drug interdiction, we are asking them to be more supportive about expanding and opening up Mexican markets for United States investment, we are asking them to be more supportive to pay back those loans on the debt that they have incurred, and they are going to have to be tough with their own people.

How do you expect us to go down and try to convince them to be supportive of us? We are going to ask them as well to help us out with Noriega in Panama.

How willing do you think they are going to be to help us on those things when the U.S. Senate passes a meaningless resolution for domestic political consumption which in fact will hurt the U.S. steel industry? How do you explain that? That is exactly what we are doing. Tonight if you want to be helpful, if you want to send a good message to our colleagues to the south, and our colleague from New Jersey is absolutely correct, Mexicans are only going in one direction. It is a desperately poor country. It is on its knees. It needs help.

If you want to beat Marxism, if you want to take on the Communists in Latin America, we have heard more speeches about that, then let us do something to help these countries struggling with it; not turn around and give the speeches about Marxism and then cut off a loan that tries to help Mexico when it is in trouble.

So I would urge my colleagues tonight to vote against this resolution and to do something sensible for once, and not try to interfere with every decision the World Bank makes when in fact they negotiate a loan that is in our interests.

I yield to my colleague from Kansas.

Mrs. KASSEBAUM. Mr. President, time is running for those of us who wish to speak in opposition. I would like to associate myself with the remarks of the Senator from Connecticut.

I understand the frustration of those who initiated this resolution but it is a serious mistake I think for the U.S. Senate to go on record trying to dictate, regardless of the merits of the issue the World Bank will do in their vote for or against, individual votes taken at the World Bank. It places us in a difficult position.

I think the Senator from Connecticut has stated it very well.

I yield.

Mr. DODD. Mr. President, I yield to the Senator from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, I join with the Senators from New Jersey, Connecticut, and Kansas in opposing this resolution. I am appalled at the laxity with which we jump into foreign affairs, knowing half of what we are talking about or half of what we are doing, and we ask people in a 15-minute period to vote on something that could have extraordinarily adverse effects on our foreign policy.

Frankly, I am appalled that the Secretary of the Treasury would have his arm twisted to even vote against this loan. That is what I think is wrong about what we are doing. I would hope my colleagues would join with us in taking a second look and a second thought about the hasty action we are taking that could have some very, very bad effects on our ability to conduct foreign policy with the nearest neighbor we have to the south, and one which has plenty of problems.

Mr. DODD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 26 seconds.

Mr. DODD. I reserve the remainder of my time.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I have heard it said that this action will have no impact on the loan. I do not know about that. I think that there is a possibility that if the World Bank learns that the U.S. Senate is not in favor of this loan and recognizes what it will do to the American steel industry that we still might save the World Bank from the error of its own ways.

I think the World Bank performs a useful purpose in many instances but quite often I think it goes overboard. I would not be here standing supporting the World Bank creating a new insurance industry in Mexico, and I am not in favor of creating a new steel industry in Mexico. It does not make any sense when we have steelworkers walking up and down the streets of every State in the country where there are steel operations in effect, and they are unemployed. And they do not understand this. You would not understand it either if you were they.

It has been stated this will hurt the domestic steel industry if we defeat this resolution. I do not understand that at all. The domestic steel industry does not want this loan to be made. And it should not be made. It is wrong to make it. And the only reason we are acting as we are here this evening is because the World Bank gave us 3 days' notice—3 days' notice—before we learned what was involved. And we urged them to postpone it, and if they did we would not have gone forward with the resolution this evening.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, I yield 1 minute to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, it is almost impossible for this Senator to conceive an action by the World Bank that would not involve a conflict with some industry in the United States. I cannot conceive how these countries can repay our banking system the amount that they owe us unless we keep our nose out of their business, and I really cannot understand why in a 15-minute period we are asked to pass a resolution of this gravity without any prior study, without any reference to a committee, and without any compliance with what I consider to be the proper procedure for consideration of such a far-reaching question.

I am going to oppose this because I think those countries need jobs; and if they have jobs, they will buy more of our products, not less.

Mr. DODD. Mr. President, I yield 1 minute to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, we want Third World countries to pay their debts to us. We want Third World countries to be good customers of ours, but apparently we do not want those Third World countries to compete with us in any respect; we do not want to, apparently, lend them any money to improve their capacity to purchase goods from us and to pay back their debt. That, to me, is ridiculous. I think we are making a great mistake in meddling in this business.

I want to commend the Senator from Connecticut and others who have made remarks in that connection. I think we ought to oppose this resolution.

Mr. DODD. Mr. President, let me mention, because I think it is worth noting here, that we have been fighting for so long to get the Mexican Government to lift those restrictive tariffs, not to subsidize their industry. Somehow we happen to believe or think that if we can reject the World Bank loan, the Japanese or someone else is not going to go in, divide that kind of money which probably will not secure for us the kind of improvements we would like to see in Mexican public policy decisions when it comes to tariffs and subsidies.

I would just implore, if there were more time, my colleagues to read in fact what this agreement involves, in fact what we have secured from the Mexican Government as a result of this loan.

Mr. President, I know there is time remaining on the other side, but at the appropriate time I would move to table this resolution and ask for the yeas and nays on it, but I will withhold that motion until my colleagues have expended their time.

I reserve the remainder of my time.

(By request of Mr. SIMPSON the following statement was ordered to be printed in the Record:)

● Mr. DOLE. Mr. President, I am pleased to join as a sponsor of this amendment in opposition to the proposed World Bank loan to Mexico. We all would applaud most efforts to help Mexico improve its economy, but it seems to me that this $400 million loan targeted to Mexico's steel industry is misguided.

The global market for steel already suffers from serious overcapacity. Our domestic industry has gone through the pain of reducing capacity, as has the steel industry in Europe and elsewhere. This pain has been very real. It has meant lost jobs, lost incomes, devastated communities.

Our domestic steel industry continues its efforts to modernize, to become more productive, to become more competitive in the world marketplace. The effort has not been easy, and we still have a way to go.

In this context, I question the wisdom of targeting assistance to the Mexican steel industry. It seems clear that the world market does not need additional production. I understand that the proposed loan will not add capacity, but it certainly will add product.

After all our own steel industry has gone through to reduce capacity and become more competitive, it seems particularly aggravating that the World Bank would strive to increase world production.

I am especially gratified that the administration has changed its position and will now vote against this loan when the matter comes before the World Bank tomorrow. I can understand the desire of the administration to help Mexico revitalize its economy, but I am sure there is a better way to do it.

I want to emphasize that this is not "Mexico bashing." That would be in no one's interest. However, it would seem far preferable both for Mexico and our own steel industry if the World Bank would look for ways to help Mexico develop its economy in industries where there is an excess demand, not where there is an excess supply.●

Mr. HEINZ. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 3 minutes.

Mr. HEINZ. I yield myself 1 minute.

Mr. President, as the Senator from Ohio has stated, this comes to the floor because we have no alternative. The World Bank will act tomorrow, and, as he says, they have given us less than 3 day's notice.

I think I know the reason. The Senator from Connecticut has said, "Let us examine what is part of this agreement." The first part of it, I say to the Senator from Connecticut, is $100 million to subsidize—straight subsidy—raw materials for the Mexican steel industry. This is not simply $400 million of investment; it is subsidy.

Mr. President, if we made a loan of this equivalent size in the United States to our steel industry, it would be the equivalent of a $4 billion loan.

I listened to my colleagues who say this is not a good amendment because we should do anything the Mexicans want us to do for them. I do not know how much is too much. $4 billion? $40 billion? $400 billion? This Senator says enough is enough.

Mr. DODD. Mr. President, does the Senator yield back the remainder of his time?

Mr. HEINZ. Is the Senator prepared to yield back the remainder of his time?

Mr. DODD. Yes.

Mr. HEINZ. I yield back the remainder of my time.

Mr. DODD. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE] is necessarily absent.

The result was announced—yeas 45, nays 48, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—45

Adams
Baucus
Bingaman
Boren
Bradley
Breaux
Bumpers
Chafee
Chiles
Cochran
Cohen
Cranston
Daschle
Dodd
Evans
Fowler
Graham
Hatfield
Humphrey
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Matsunaga
McCain
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Sanford
Simpson
Stafford
Stevens
Trible
Warner
Weicker
Wilson
Wirth

NAYS—48

Armstrong
Bentsen
Bond
Boschwitz
Burdick
Byrd
Conrad
D'Amato
Danforth
DeConcini
Dixon
Domenici
Durenberger
Exon
Ford
Garn
Glenn
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Karnes
Kasten
Levin
Lugar
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Nickles
Pressler
Quayle
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Specter
Symms
Thurmond
Wallop

NOT VOTING—7

Biden
Dole
Gore
Harkin
Inouye
Simon
Stennis

So the motion to table was not agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the call for the yeas and nays be vitiated.

Mr DODD. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I believe some Senators have gone home.

Mr. President, I ask unanimous consent that the call for the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, that is the last rollcall vote.

The PRESIDING OFFICER. The question is on the amendment.

All those in favor will signify by saying "aye."

Opposed, "no."

The Chair has a doubt.

The Chair will have a vote count. All those in favor of the amendment will raise their hands and the clerk will count.

All those opposed, raise their hands.

The amendment is agreed to.

The amendment (No. 1621) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I rise today in support of S. 1904, the Polygraph Protection Act of 1987.

I am very pleased that the Senate is taking up this matter today. This is an issue Congress has struggled with for several years now, and it is one of great importance to employers and employees alike. According to the Office of Technology Assessment, there were approximately 2 million polygraph tests administered in 1986, 98 percent of them by private employers. Clearly, the use of these tests is widespread, and both employees and employers have very important and real concerns. Employees want and deserve to have their rights protected. Employers want and deserve to be able to protect themselves from dishonest employees.

Previous polygraph proposals have stalled in Congress because they have not embodied a consistent and logical approach to this problem. As all of us know, the House twice in the past 2 years has passed legislation restricting polygraph use. In 1986, the full House considered a bill that would have completely banned polygraph testing except by nursing homes and day care centers, which could have used the test to screen applicants for positions involving direct contact with children or the elderly. On the floor, amendments were added to allow testing of security guards as well as workers and contractors employed by public utilities.

This year, the House passed a similar bill, H.R. 1212. Again, the ban was to be complete, but in floor action

amendments were adopted to exempt security firms from the prohibition. Manufacturers and/or distributors of controlled substances were also permitted to use polygraph tests, but only in the conduct of criminal investigations.

Mr. President, the problem with the House approach in the past two Congresses is that it would create selective and subjective polygraph bans that vary according to the type of business concerned. This is illogical, and contrary to the very reasons we want a national polygraph policy in the first place. Lie detectors are inherently unreliable and there is no empirical way to differentiate one industry from another in terms of their respective need for exemptions from the polygraph ban. Security firms versus day care centers; nursing homes versus nuclear powerplants; who needs the polygraph more?

I am proud to take at least partial credit for the new approach to polygraph legislation embodied in S. 1904. In 1986, the Senate Labor Committee reported polygraph legislation based on the bill which had just passed the House of Representatives. However, that legislation was never considered on the floor of the Senate because prospective amendments to create industrywide exemptions eroded political consensus for the bill. In anticipation of this problem, I discussed seven amendments during that 1986 committee markup, six of which form the basis for the radically different approach before us today.

Two of my amendments sought to ensure that law governing polygraph use was consistent for all industries, and was based on scientific evidence concerning polygraph reliability. One amendment would have banned all random or preemployment testing, and another would have permitted tests only in the course of an investigation into theft or criminal violations. These proposals were based on expert testimony that both random and preemployment testing programs were simply unreliable and that accuracy is much greater in cases where tests are part of an ongoing investigation. These amendments formed the basis for the approach before us today: a ban on all preemployment and/or random testing programs, with tests permitted as part of ongoing investigations of loss or theft.

Of course this approach makes neither employers nor employees ecstatic. But such is the nature of the legislative process, that opposing sides must compromise. What is significant is that S. 1904 meets the principal objectives of both sides. On the one hand, the ban on random and preemployment screening will protect employees from inaccurate testing and will eliminate approximately 70 percent of the tests currently conducted. At the same time, employers will be allowed to use the polygraph test in circumstances most useful to them.

Other amendments that I offered in 1986 sought to further protect the rights of employees. One of my proposals would have ensured that employees were not dismissed or discriminated against solely for refusing to take a polygraph test. Another would have prevented similar adverse actions against people who actually fail a polygraph test. In both cases, employers would have been required to show further evidence in order to act against an employee. In addition, I proposed that polygraph test results be kept confidential. All three of these provisions have been included in S. 1904 and these are crucial to the protection of an employee's civil rights when tests are permitted.

I am also pleased that S. 1904 includes my proposal to preclude the preemption of State law. The State of Connecticut, for example, has very tough restrictions on polygraph tests that I do not want compromised by a weaker Federal law. Under S. 1904, the Federal statute would become the minimum standard governing polygraph use, but stronger State laws would remain in force.

Finally, I am pleased that S. 1904 details important and comprehensive guidelines for the conduct of polygraph tests. An employee who takes a test must have notice as to the time, place, nature, and procedures of the test, and must be given an opportunity to review the questions to be asked. The examinee may not be asked questions concerning political or religious beliefs, nor other personal matters, and may not be subjected to probing and badgering questioning. The examinee is also allowed to terminate the test at any time. These are important guidelines, because they systematize polygraph tests and take much of the mystery out of the process.

Mr. President, we have before us an excellent opportunity to enact legislation concerning a widespread and questionable industry practice; a practice under which an employee's right to privacy can now be denied under virtually any circumstance; a practice under which employees can now be stigmatized as criminals or liars based on the results of a scientifically unreliable testing procedure. The proposal before us today would apply laws consistently across the board; it is a compromise in which the interests of both sides are taken into account; and it is one based on the hard evidence concerning the accuracy of polygraph tests. I urge the swift passage of S. 1904.

Mr. HEINZ. Mr. President, I rise in strong support of S. 1904, the Polygraph Protection Act of 1987. By prohibiting employers from using lie detectors to screen potential or present employees, S. 1904 will help eliminate a significant and growing hazard in today's workplace.

I support this legislation for several reasons. First, a wide variety of studies have shown that polygraphs are unreliable in detecting truth from deception. I would point out that it is the professional judgment of groups such as the American Psychologists Association, the American Medical Association that no scientific evidence exists to justify the reliability of polygraphs as pre-employment screening tools.

In an effort to quantify the accuracy of polygraphs, Congress' own Office of Technology Assessment conducted an intensive analysis and review of research studies in this area in 1983. The OTA report only found evidence to justify the validity of polygraphs when used to investigate specific criminal incidents. In these instances, OTA rated a polygraph's ability to detect deception at "better than chance, but with error rates that could be considered significant." One study reviewed in the OTA analysis found that a polygraph incorrectly identified innocent respondents 75 percent of the time.

With success rates like this, it is no wonder that most Federal courts refuse to admit polygraph test results as evidence in criminal trials.

But as information about the inaccuracy of polygraphs continues to mount, these machines are increasingly used as a means to screen potential employees. It is estimated that 2 million polygraphs are administered each year in this country, more than four times the amount administered 10 years ago. Over 75 percent of these tests are administered not as part of an investigation into theft where the employer has reason to suspect an employee but rather as a means to disqualify an applicant from being hired. And it is precisely these type of tests that OTA has found to have the highest percentage of "false positives"—instances in which the polygraph incorrectly identifies innocent persons as deceptive. As many as 50,000 Americans each year are wrongfully denied jobs or promotions because of prescreening tests that, according to OTA, have error rates as high as 50 percent. For many of these people, a failed polygraph, accurate or not, leaves a permanent blemish on their employment record.

Mr. President, I would point out that S. 1904 has been tightly drawn to address only the most dangerous and inappropriate uses of polygraphs—to screen potential employees or randomly test present employees. The bill does not prohibit the use of lie detectors in investigations of wrongdoing where an employer has reason to suspect an employee of involvement in such a crime. In these instances, however, no adverse action can be taken against an employee based solely on the results of a polygraph. As such, the polygraph may be used as a confirmatory instrument, which, given its dubious reliability, is appropriate.

Some will argue that polygraph protection is a function best left to State legislatures, 21 of whom have enacted laws to prohibit or restrict the use of these machines. My response to that argument is twofold. First, these laws are fine if a prospective employee is fortunate to live in one of the 21 States that regulates polygraphs. But what of job applicants in the remaining 29 States who may still be forced to take a preemployment polygraph? Furthermore, as the body with control over interstate commerce, the Federal Government has the authority and the responsibility to regulate the use of the polygraph, an instrument widely employed by industries engaged in this type of commerce.

In conclusion, S. 1904 is balanced and necessary legislation. Studies have repeatedly shown that the polygraph is an unreliable instrument. More importantly, its use may have potentially dangerous and unintended effects on the ability of an innocent and honest job applicant or employee to find or keep a job. I urge my colleagues to support this legislation.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond 10 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTENT OF THE HARKIN/HUMPHREY AMENDMENT TO S. 557, THE CIVIL RIGHTS RESTORATION ACT

Mr. KENNEDY. As Democratic floor manager of S. 557, the Civil Rights Restoration Act of 1987, and following my discussion with members of the Subcommittee on the Handicapped and Others, I would like to ask my colleague from Iowa, Senator Harkin, to help clarify the record with regard to amendment No. 1396 that he cosponsored and that was added to the bill during Senate consideration of S. 557 on January 28, 1988. We believe we had a clear understanding of the purpose of the amendment when we negotiated and agreed to it and I would like that purpose to be established for the record.

Mr. WEICKER. As an original cosponsor of S. 557 and former chairman and the current ranking minority member of the Subcommittee on the Handicapped, I too would like to ask my colleague, the current chairman of the Subcommittee on the Handicapped, to reiterate his understanding of the amendment.

Mr. HARKIN. I would be happy to set forth for the record the background and intent of this amendment. On January 28, I sponsored amendment No. 1396 to S. 557, with Senator Humphrey as a cosponsor. The purpose of the amendment was to clarify for employers the applicability of section 504 of the Rehabilitation Act of 1973 to persons who have a currently contagious disease or infection.

In a recent statement in the Congressional Record (page S 970, February 18, 1988), Senator Humphrey pointed out that those of us who worked out the language of the amendment hoped to avoid unproductive sparring over the fine points of its meaning, and thereby provide direction for the courts, by presenting a concise agreed upon colloquy which addressed certain points regarding the amendment. I agree. I also agree that the intent and effect of the amendment are made quite clear by the language of the amendment itself and are further clarified by the colloquy.

Senator Humphrey also points out that the amendment modifies substantive law by specifying that persons with contagious diseases and infections creating direct health threats are not to be classified as "individuals with handicaps" under the employment provisions of the Rehabilitation Act. Senator Humphrey is correct that, through this amendment, we have added—as we intended—a new substantive part to the "definition" section of the Rehabilitation Act in order to address specifically the category of people with contagious diseases and infections. But it is important, at the same time, to make clear that the purpose of the amendment was to clarify—and not to modify in any way—the protections of section 504, as they apply to individuals with contagious diseases or infections. The amendment is consistent with the Supreme Court decision in *School Board of Nassau County* v. *Arline*, 107 Sup. Ct. 1123 (1987).

To understand the background and intent of the compromise amendment, I would like to begin briefly with the Arline decision. In that case, the Court held that individuals with contagious diseases were not intended to be excluded categorically from the definition of "individuals with handicaps" under the Rehabilitation Act of 1973. The Court also made clear that the existing requirement in section 504 of the act that a handicapped individual must be "otherwise qualified" protects the public health and safety of those who come in contact with such individuals.

The day the Supreme Court handed down its decision, the press reported that the Court had affirmed that persons with contagious diseases were covered by the Federal civil rights law protecting handicapped persons. That same day, I made a statement in the Congressional Record in support of the decision. See Cong. Rec. S2748-2749 (March 3, 1987). My hope in making that statement was to clarify the holding in anticipation of questions that might arise by those entities covered under section 504.

As I had anticipated, after the press accounts of the decision, my staff on the Subcommittee on the Handicapped, which I chair and which has jurisdiction over section 504, received numerous inquiries from employers and other regarding the meaning of the Arline decision. Some employers even expressed the unfounded concern that they would have to hire or retain individuals who had a contagious disease or infection and for whom no reasonable accommodation could eliminate the significant risk of such individuals transmitting the disease, thus posing a direct threat to the health or safety of other workers.

My staff responded to these inquiries by explaining section 504 and the Arline decision. As the Court stated in the case:

> A person who poses a significant risk of communicating an infectious disease to others in the workplace will not be otherwise qualified for his or her job if reasonable accommodation will not eliminate that risk.

Thus, for example, the act would not require a school board to place a teacher with active contagious tuberculosis in a classroom with elementary school children if the individual did not meet the standards enunciated by the Court.

Because of the lack of understanding of the decision as evidenced by the inquiries, it became clear to me that there was a need to educate individuals regarding the meaning of current law, as stated by the Supreme Court in the Arline case.

When Senator Humphrey announced, as part of the unanimous consent agreement, his intent to offer an Arline amendment to the Civil Rights Restoration Act, I instructed my staff to negotiate with Senator Humphrey to ascertain whether he would be willing to agree to an amendment that clarified how section 504 applies to persons with contagious diseases and infections. I believed that such an amendment could serve as a useful vehicle for communicating to employers and employees the existing precepts of section 504, as applied to persons with contagious diseases or infections.

Although I recognized that it was a compromise to place explicitly in statutory language the manner in which existing law applies to a subgroup of individuals—those with contagious diseases or infections—I believed that such an amendment could serve a useful clarifying purpose.

Moreover, as I instructed my staff, the amendment was designed specifically not to change in any way the standards of section 504 and to ensure that it was consistent with the Arline decision. An amendment that did seek to undermine the standards of section 504, as reaffirmed in the Arline decision, had been soundly defeated—2 to 14 vote—by the Senate Labor and Human Resources Committee when it was offered by Senator Humphrey during consideration of the Civil Restoration Act.

In negotiating this amendment, therefore, we believed that it was appropriate to clarify the applicability of section 504 to persons with contagious diseases and infections. It was not our intent to change the substantive standards of section 504, as they apply to such individuals.

In negotiating the purpose of the amendment, the terms of the amendment, and the terms of the colloquy we were cognizant of the fact that, as Senator Cranston explained in the Congressional Record on S723, February 4, 1988, in 1978 the Senate was faced with essentially the same types of unjustified concerns by employers with regard to the hiring or retaining of alcoholics and drug users who could not perform the essential functions of the job or who posed a threat to others.

In other words, our intent in fashioning the compromise was to parallel the changes made in 1978. Thus, it is important that the Senate's efforts in 1978 be fully understood.

The amendment passed by the Senate and accepted in House/Senate conference in 1978 provided that the term handicapped individual does not include "any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to the property or safety of others."

The legislative history of the compromise amendment makes clear that Congress understood that the term "handicapped individual" is to be broadly defined to include alcoholics and drug addicts but that the "otherwise qualified" standard of section 504 already ensures that no employer could be forced to hire or retain an individual who is not otherwise qualified because of the threats to the health or safety of others. Nevertheless, Congress enacted the amendment to reassure employers regarding the two-step process in the existing section 504 statute. (See Congressional Record S30322-30325, Sept. 30, 1978. See also Congressional Record S19001-19002, October 14, 1978.)

As Senator Williams noted at the time:

> The amendment offered . . . is a compromise that would protect such persons [alcohol and drug users] from discrimination but would reassure employers that it is not the intent of Congress to require any employer to hire a person who is not qualified for the position or who cannot perform competently in his job. (Congressional Record S30323, Sept. 30, 1978.)

Senator Williams also emphasized the point that the amendment "clarifies the fact that employers covered by the act need not indiscriminately hire persons with histories or conditions of alcoholism or addiction, but are obliged to hire and retain only those who are qualified with respect to performance, behavior, and other job-related criteria. Again, the amendment in this regard simply makes explicit what prior interpreters of the act—including those of the Attorney General and the Secretary of Health, Education, and Welfare—have found: Where addiction or alcoholism prevents a person from successfully performing the job, the person need not be provided the employment opportunity in question." (124 Congressional Record S19002, October 14, 1978.)

My conclusion regarding congressional intent is consistent with the conclusion reached by the American Law Division of the Congressional Research Service [CRS] of the Library of Congress in a paper entitled, "Proposed Amendment to the Definition of Handicapped Persons Regarding Alcoholics and Drug Abusers." (September 26, 1986.) "In summary, then, the 1978 Amendments relating to drug addicts and alcoholics were seen as codifying the Attorney General's opinion." (page 9) CRS explains (page 4) that the Opinion (43 O.A.G. No. 12 [April 12, 1977]) concluded that alcoholics and drug addicts were handicapped persons and therefore were covered under section 504 if they were discriminated against solely because of their status as drug addicts or alcoholics. CRS also explained that the opinion concluded that the individual must also be "otherwise qualified."

Furthermore, this conclusion is consistent with the Arline decision in which the Supreme Court recognized that Congress reaffirmed in the 1978 Amendments the danger of improper discrimination targeted toward alcoholics and drug users if they were to be categorically excluded from coverage under section 504, while still reassuring employers regarding the standards that the statute demanded of such individuals. See Arline, 107 Sup. Ct. 1123, 1131 n. 14.

In sum, the 1978 Amendments clarified how the standards of section 504 are to be applied to alcoholics and drug addicts; it did not change these standards. It was with this legislative history in mind that we agreed to the statement of purpose preceding the amendment; the language of the amendment; and the colloquy that accompanied the amendment.

The stated purpose of the amendment was "to provide a clarification for otherwise qualified individuals with handcaps in the employment context." Cong. Rec. S 256, January 28, 1988. Thus, our intent was to specify—and by so doing clarify—in statutory language the current law as it applies to people with contagious diseases and infections. If our intent had been to "modify" or "change" the standards of section 504 as they apply to such individuals, we would have said so.

The language of the amendment is parallel to the language added in 1978 by the Senate with respect to alcoholics and drug abusers and accepted by the House/Senate conference. Arline at footnote 14. The amendment therefore states that, for purposes of sections 503 and 504, as they relate to employment, the term "individual with handicaps" does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or would be unable to perform the duties of the job.

The colloquy underscores that the purpose of adding the amendment was to deal with a concern comparable to the one faced by Congress in 1978 with regard to coverage of alcoholics and drug users. Thus, as in 1978, the amendment states clearly in statutory language the current standards of section 504 so as to reassure employers that they are not required to hire or retain individuals with contagious diseases or infections who pose a direct threat to the health or safety of others or who cannot perform the essential duties of a job.

The risk of spreading a contagious disease or infection to others is the kind of threat to the health and safety of others that we had in mind. The basic manner in which individuals with contagious diseases or infections can prevent a direct threat to the health or safety of others is when the individual poses a significant risk of transmitting the contagious disease or infection to others. Indeed, the Supreme Court in Arline explicitly recognized this necessary limitation in the protections of section 504 and, as we have discussed, it was to place that standard clearly in statutory language that this amendment was added.

Second, the colloquy explains that the amendment does nothing to change the requirements in the regulations regarding providing reasonable accommodations for persons with handicaps, as such provisions apply to persons with contagious diseases and infections. Thus, if a reasonable accommodation would eliminate the ex-

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istence of a direct threat to the health or safety of others or eliminate the inability of an individual with a contagious disease or infection to perform the essential duties of a job, the individual is qualified to remain in his or her position.

Third, the colloquy notes that the two-step process of section 504 continues to apply in these cases. That is, a court must first determine whether an individual is protected under the statute under the traditional three-part definition of "individual with handicaps" under the statute. The court must then make an individualized determination as to whether the individual with a contagious disease or infection is "otherwise qualified" to hold the particular position at issue in the case before it.

In sum, Congress noted in 1978, with regard to alcohol and drug users, that the addition of an amendment at that time was necessary simply to reassure employers regarding the requirements that currently existed in law to protect public health and safety. That same purpose motivated the inclusion of this amendment. The protections of section 504 are designed to maintain a proper balance between protecting the public health and protecting private rights. This amendment clearly sets forth this balance so as to allay any unnecessary fears on the part of employers.

Mr. KENNEDY. I thank my colleague from Iowa for his description of the purpose and intent of the amendment we added to the Civil Rights Restoration Act of 1987. It reflects my understanding as well. As those of us who worked on the amendment understand, it is sometimes necessary to place in explicit statutory language the standards of law as they apply to a particular group of individuals with handicaps—in this case, individuals with contagious diseases and infections.

Mr. WEICKER. I would also like to thank the Senator from Iowa for his cogent explanation of the amendment. It reflects my understanding as well.

DRUG CERTIFICATION

Mr. HELMS. Mr. President, yesterday the administration sent to Congress its annual certification for narcotics source and transit countries. Each year the President must decide which countries have "cooperated fully" with the United States to control narcotics production, trafficking, and money laundering. The President may either fully certify a country, certify for vital national interests of the United States, or not certify at all.

Along with the Presidential determination sent to Congress was the international narcotics control strategy report prepared by the U.S. State Department. It is well known that the drug certification is determined by the State Department, with only minor input from the Customs Service. Out of a total of 24 drug-producing, or drug-transit countries, only four were considered not to have "cooperated fully" with the United States.

It has been reported widely in the press that the original State Department recommendation was to certify Panama for "vital national security reasons." I am pleased that the Department was forced to reconsider Panama's certification after much public outcry. In the end Panama was not certified.

Mr. President, last year I introduced along with the distinguished Senator from Massachusetts [Mr. KERRY], three resolutions to disapprove the certification of Panama, Mexico and the Bahamas. After much debate, the Senate decided that Panama should not have been certified. Due to delaying tactics by opponents of the resolutions, we were not able to gain approval of the resolutions within the 30-day deadline. Nevertheless, the Senate went on record with regard to Panama and General Noriega. We also sent a strong signal to the administration and to other countries that we take seriously the drug certification.

It is now abundantly clear to the world that Mr. Noriega and Panama were not cooperating with the United States. In fact, Mr. Noriega and his band of gangsters were cooperating with the Medellin drug cartel, and the international drug traffickers. Those of us who have been pointing this out for many years were finally proven right when Noriega and many of his cronies were indicted in February on drug charges in two separate cases in the United States.

I commend the administration for not certifying Panama this year, but I am deeply concerned with the decision to not implement all possible sanctions against Panama under the law. A decision was made to only impose mandatory sanctions against Panama, as opposed to discretionary sanctions.

Let me make clear to my colleagues that all of the mandatory sanctions are already in effect by law since December. Therefore, the failure of Panama to cooperate fully with the United States will result in no additional sanctions. As a result, a bipartisan effort will be made this week in the Senate to impose further sanctions on Panama.

Mr. President, I am distressed by the administration decision to once again certify other countries, particularly in our own hemisphere, that are clearly not cooperating to stop the flow of drugs into our own borders. I am most concerned about the serious lack of cooperation by the Governments of Mexico, the Bahamas, and to a large degree, Colombia.

I am sympathetic to the fact that Colombia has suffered a lot of violence at the hands of the drug traffickers. But that is all the more reason why the Government should resolve to take a tougher stand against the traffickers. They have done just the opposite. The Attorney General is considering legalizing drug trafficking. This can only mean that he has already been co-opted by the Medellin Cartel. I was pleased to see, however, that the President of Colombia has stated publicly that he would oppose the legalization of drug trafficking.

Mr. President, the results of our drug war around the globe are gloomy. By law we have only 45 days to pass into law any resolution of disapproval on this certification. That does not leave us time to introduce legislation on more than a couple of countries.

This year, I have joined with Senator WILSON as the principal cosponsor of a resolution of disapproval for Mexico, and I may be joining with other Senators to introduce legislation on other countries in the coming weeks. I believe that outside of Panama, Government complicity in drug trafficking is probably greatest in Mexico. Certifying full cooperation of Mexico is simply unthinkable.

I will not get into the details of corruption at the highest levels of these Governments until such time as we are prepared to debate the resolutions in the Senate.

Mr. President, I would mention a matter that may be of interest to my colleagues. As ranking minority member of the Senate Foreign Relations Committee, I am entitled to receive the State Department certification report immediately. Even though the report was made available to many in the press yesterday morning, I did not receive copies until 3 p.m. yesterday. When I did finally receive a copy of the Presidential determination, there were five sheets of paper attached to it. Three pages described the reasons for certifying Paraguay, Lebanon and Laos under vital national interests. Interestingly enough, the State Department felt it necessary to explain its justification for fully certifying Colombia and Mexico, and pointed out that they expected more cooperation from both countries in the next year. That clearly does not represent full cooperation.

In attempting to justify its position on full certification for Mexico, the State Department claims that "there are important bilateral and multilateral considerations which would be placed at risk should certification be denied." If that is the case, it might be better to do away with the drug certification requirements rather than make a sham of the law. But the State Department's reasoning is specious,

and certainly capricious regarding the sanctity of the law.

Mr. President, the law states that these countries must have cooperated fully during the last 12 months to control narcotics production, trafficking and money laundering. When this law passed in 1986, I didn't hear a single word against it.

The certification law passed by this Senate did not, and does not exempt Mexico. It is ironic that the very week Mrs. Reagan is holding her drug conference, some in this administration elect to ignore Mexico's blatant involvement in every aspect of the drug business.

How can we talk about a national war on drugs without being tough on those countries responsible for producing the drugs, and bringing them across our borders.

Mr. President, Senators should know that the U.S. Customs Service recommended against any certification for Mexico. On February 23, Customs Commissioner William von Raab wrote to Assistant Secretary Ann Wrobleski recommending strong actions with regard to Mexico, Panama, and Colombia.

Commissioner von Raab stated that "powerful Mexican officials are providing safe havens to drug traffickers and making it possible for narcotics to be smuggled into and out of Mexico with impunity." Furthermore, Mr. von Raab explains that out of sheer frustration over Mexican corruption, Customs officials have had to cease working with the Mexicans.

The narcotics related figures for Mexico are staggering. Mexico is still the primary single country supplier of heroin and marijuana to the United States. Moreover, one-third of the cocaine consumed in this country in 1986, transitted Mexico.

Last year when we debated this issue there was a lot of talk about not wanting to upset Mexico because they are on our border. Some complained that I was engaging in Mexico bashing. Perhaps some in the State Department did not want to ruffle any feathers before the United States-Mexico interparliamentary meeting this weekend. But in the opinion of this Senator, the State Department's certification of Mexico is unjustifiable by any standards. If we intend to get serious about our war on drugs, I urge my colleagues to join with me to decertify Mexico and other countries that are sending a deluge of drugs across our borders.

REGARDING JUDGE GEORGE BRODY

Mr. HEFLIN. Mr. President, often on the floor of the Senate, my colleagues and I have the opportunity to bring to the attention of the American people, individuals who have served their country in a manner deserving recognition and our gratitude. I submit for the RECORD an article which appeared in the Detroit Legal News on Friday, December 18, 1987, commending the work and dedication of George Brody who is retiring from the bench of the Bankruptcy Court of the Eastern District of Michigan in April.

As chairman of the Subcommittee on Courts and Administrative Practice, it is a pleasure for me to recognize bankruptcy judges who perform an outstanding service to our judicial system. I do not believe that I could add anything to the tribute already paid to Judge Brody by his colleagues and friends. I would simply like to commend him for a job well done and for his commitment to the furtherance of excellence in the legal profession.

The article follows:

JUDGE BRODY WILL NOT FADE AWAY: HERE'S AN OLD SOLDIER OF BANKRUPTCY COURT

(By Hugh Munce)

The administrative rules of the nation's Bankruptcy Court say that George Brody is retiring from the Eastern District of Michigan in April. A number of people don't think he is the retiring type. I don't.

For the past four weeks I have mentioned his retirement to his friends, colleagues and practicing attorneys and they confirmed my opinion that even though he is over 70, has served on the bench for 27 years and has earned retirement, George Brody will not take it easy.

I asked him if he wanted to go fishing. No. Go visit family. No. Take a Southern Cruise. No. Sleep late and be indolent. No.

George Brody graduated in 1941 from City College of New York in Social Science and a few years later decided that the University of Michigan Law School offered a new challenge. He left there in 1947 with his law degree (and Order of the Coif), but returned to New York University, earning his LLM in taxation, convinced that the academic world was his oyster.

A teaching job at the University of Toledo and intervening work with the U.S. Office of Price Stabilization held his attention for five years, but then in 1958 he was offered a law clerk position with Detroit's federal judge Theodore Levin.

His writing and speaking on the subject of tax law, bankruptcy and the federal system attracted more than average attention and Judge Levin recommended him (in 1960) for a post as Eastern District of Michigan Referee in Bankruptcy (later changed to Judge of Bankruptcy). At every opportunity he spoke, wrote and kept an eye on laws and procedures of the court, earning licenses to practice in California and New York, as well as Michigan.

The Detroit Legal News asked members of the court for opinions of this elder statesman and received the following quotes: "Where would I have gotten such background on the history, the actions of this court without him. No one has such knowledge," said administrator David Sherwood. Others voiced similar sentiments, ". . . always stable, the same, professional, duty-bound. He can't leave the Court."

During the joint Detroit Bar Association/Wolverine Bar Association Honors Luncheon, Chair of the DBA Debtor-Creditor Section Lawrence K. Snider said it all . . . "dedicated."

The Detroit Legal News then talked to outsiders. Phoenix attorney Gerald K. Smith—"For 20 years I've associated with George through the National Bankruptcy Conference. Delightful, scholarly, a major contributor to the law, and, he makes opinions on the leading edge."

"Over 20 years, when the court was in major change, when I was also a member of the Judicial Conference on Administration of the Bankruptcy System, I learned many other judges of the nation realize his strength, his values," said Judge Robert DeMascio. He is joined by Los Angeles attorney George M. Treister—"A friend for more than 30 years, we worked in bankruptcy law improvements and administration. A warm, mature major legal figure."

His law clerk (1981–82), Darlene Nowak, says—"Classic example of temper vs. temperament in law. He was considered contrary. He demanded perfection and damned the faint or failing. He pushed and shoved in those tumultuous years, but remarkable that his temperament was the opposite. He then turned to labor over 20 drafts of an opinion, and labored an hour over a paragraph. He scowled and growled at mediocre attorneys and ill-prepared lawyer motions and briefs. He left not one letter from a citizen go unanswered, nor did he ever refuse to talk to student groups.

"He was more apt to ask advice than to give it and he never demanded it. He was self-effacing and never felt important or profound. I'll always remember his reading a scathing letter I wrote, but he said he always put those types of letters in his drawer and read it the next day, or the second day, but he never sent those letters."

Prominent New York attorney Benjamin Weintraub writes: "Like the Mississippi I thought he just glided along, never to retire. For 20 years we've discussed and reviewed decisions and opinions. Always I said to him, 'George, it is another step in clarifying the law.' And, if we disagreed he held his ground, saying let's leave it to the higher court, but seldom if ever did it disagree. We meet at the National Conference and it's always a pleasure, as he continues to work to improve the Bankruptcy laws. Such a friendship we have."

University of Michigan Professor Frank R. Kennedy declares: "In 1961, shortly after I joined the "M" faculty, I got to really know him. What a help in my arguments, writings, speeches, research, conversations and correspondence. The court has been fortunate to have him, but he left an indelible mark on the laws."

U.S. District Judge John Feikens, Judges Ralph Freeman and George Woods and their praise.

"My friend, my colleague, his law and court are his mistresses. He's an 11 on a scale of 10. Dealing every day with calamity, broken dreams, discontent, scorn, troubles, stress and strains, problems of advocates and litigants, he was the rock and unselfishly helped me, with his wit, charm, subtle humor and wise counsel," said federal judge and former Bankruptcy Judge George Woods.

"When he clerked for Judge Theodore Levin I first met him. We have been good friends over the years, about 30 of them, and his public interest, close supervision, firm but fair principles are not easily duplicated," says John Feikens.

Senior Judge Ralph Freeman sums the qualities of George Brody:

"Quiet, kind, compassionate, with a sense of humor. This I've witnessed for more than 30 years. Dignity, decorum and respect rule his court. This brings respect of colleagues, attorneys and litigants, and his outstanding judicial temperament makes him one of the best I've known."

ACCESS '88 AND RURAL AMERICA

Mr. PRESSLER. Mr. President, I am pleased that my good friend and former Senate colleague from South Dakota, Jim Abdnor, is continuing his efforts, as Administrator of the Small Business Administration, to rebuild rural America. During his Senate confirmation hearing, Jim pledged that he would make rural economic development a top priority of the SBA, and he certainly has kept that commitment. In an effort to bring employment opportunities and stability to our rural areas, Senator Abdnor initiated ACCESS '88, "Assisting Committed Communities with Effective Solutions for Success," a program designed to bring all Federal, State, and local rural economic development programs and people together.

ACCESS '88 provides rural decisionmakers with information they need to locate assistance programs for their communities. The SBA is the catalyst, bringing the "people and programs together." By combining and targeting all of the government's rural development resources, ACCESS '88 will play a key role in brightening rural America's economic future. On February 22, Senator Abdnor outlined SBA's economic development initiatives at the National Governors Association meeting. I applaud Senator Abdnor for his New Alliance, a partnership which calls for a more effective use of the many programs already on the books.

Mr. President, I ask unanimous consent that Senator Abdnor's statement be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record as follows:

Winning in Rural America

(Presentation by Hon. James Abdnor)

I welcome the opportunity to be here at the National Governors Association meeting this afternoon to discuss an issue that is near and dear to my heart, rural development.

I want you to know that rural development holds the highest priority at SBA. I also want you to know that our intent is not credit or praise for SBA, our intent is to help rural America.

I have always been committed to working for Rural America. I have seen the problems first-hand by living them. When I was Vice-Chairman of the Joint Economic Committee of Congress in 1985 and 1986, we focused on the Revitalization of Rural America in a series of hearings that we held both here in Washington and throughout the nation. Our witnesses included some of the nation's leading economists, state and local elected officials, and representatives from dozens of concerned associations. We heard not just about agriculture, but also about problems of communities, health care, education, families, and businesses. We learned enough to fill three books.

Shortly after becoming Administrator of SBA last March, I made rural development one of the Agency's top three initiatives. In fact, I announced my plan during my Senate confirmation hearing!

However, it's high time we stopped talking about the problems in rural America and started doing something.

We all know that the federal government can't afford new programs . . . there are no new federal dollars available for this effort. The important point is that we don't need new programs, there are plenty already on the books. What we need to do is to make better use of them. At SBA, my staff knows that all of our programs are rural development programs. Our initiatives, ACCESS 88, is being done on the budget we already have. I'll go into that a little bit more later.

I don't need to tell you, Governors, that too many of our young people are leaving rural towns for the big cities, too many Main Street businesses have closed. In the last three months, we at SBA have done something that most people probably thought was impossible . . . we brought together all of the Federal agencies, the states, and local people to work together on solutions for rural America. Over 1500 people, representing all 50 states, joined us in ACCESS 88, a combined effort of government and the business community.

Governor Branstad, you will recall when I addressed the Governors in Galena, Illinois last fall at the Midwest Governors Conference, I said that we at SBA are not here to tell you what to do, we are here to help you. We now have the beginning of a new alliance between the Federal government and the states. And SBA is the catalyst.

Today, we are providing you with strategies and solutions devised by economic development professionals around the nation at 10 Rural Roundtables. We have laid the groundwork, but it is up to you to take the next step, and determine which of these strategies will help your state the most. States must take the lead in implementing many of the solutions.

Every Governor in the United States is concerned about economic development, and many of you have done alot in your states to create jobs in rural areas. Governor Thompson in Illinois, for instance, established a Rural Fair Share Initiative and a Rural Affairs Council; Governor Cuomo—you also have an Office of Rural Affairs, Governor Deukmajin has his Rural Renaissance program. I'm sure many other Governors here today are taking similar leadership roles in rural economic development. However much remains to be done, and none of us can do it alone.

Let me suggest, from my experience, both past and present, that without small business development, rural areas cannot prosper. Small business is the economic backbone of our country and the key to rural America's future. 98% of all our businesses in America are small. In many states, and in most rural communities, small business is the only business. Today, our 18 million small businesses provide: ⅔ of all new jobs; about 40% of our gross national product; and half of all major innovations.

In America, small business is big business.

There can be another 10 million small businesses by the turn of the century if we do our job right. But Governors, a concern we should share is the fact that in rural America, small businesses are growing 30% slower than in our cities.

Communities that depend on agriculture, and other natural resources . . . the coal fields of Appalachia, the timber forests of the Northwest, the Oil Patch . . . must face the reality that this isn't a localized problem, but a national competition for jobs in rural America. We can't just depend on any one single industry for our economic well being, we must have a variety of jobs and industries in rural America.

In my early days, I spent a few years as a teacher and coach. I soon learned that winning requires teamwork. Any coach knows that the key to winning is getting all of the players working together. We're all on the same team, Governors, but the game will be played in your states. Each of us has a different role to play, different talents that we bring to the team, but our strength will come from working together.

Let me tell you a little about what we've been doing for the past three months with ACCESS 88. ACCESS stands for Assisting Committed Communities with Effective Solutions for Success. The first phase was to recruit witnesses who gave us both problems and solutions at 5 field hearings. Governor Branstad, you and Governor Hunt were two of our best witnesses. We also heard from other Governors, mayors, business leaders, bankers, and over forty small business owners.

We took these problems and recommendations to the leaders of government agencies, economic development professionals, and key business organizations at 10 Regional Roundtables. Governor Martin, you and Governor Gardner of Washington joined with us. We involved leaders in each Region including State, federal, local, university, and business talent. These players have gone through the drills, done their warmup exercises, and are ready to Win in Rural America.

I want to emphasize that this was not just an SBA effort. At each of the Roundtables we had team members from the Department of Labor, the Department of Housing and Urban Development, the Economic Development Administration, and the US Department of Agriculture, all working together for a common cause. We also had representation from Defense, the Appalachian Regional Commission, Transportation, Education, and Interior.

We emerged from these Roundtables with one common theme:

It's time for a New Alliance, working together on Solutions. This is one thing I want you to remember: It's time to work together on solutions in a new alliance.

Hundreds of solutions and strategies for success were proposed at these roundtables. They all basically fit in to 8 categories:

Capital for small business development.

Training and advice for small business owners.

A workforce which is educated and trained.

Information about all of our existing programs.

Infrastructure to support business development.

Technology that competes in the global economy.

Marketing plans and strategies for future growth; and

Leadership in local communities.

At SBA, we are ready for this New Alliance. Our next step is to hold conferences in every state in this union. And Governors, we invite you to co-sponsor these conferences

to bring all of the programs of federal and state government to rural small businesses. We will also work with other national organizations and associations to make sure that they understand and will work with our programs.

We also plan to publish a Resource Guide listing and describing all of the Federal and state programs for Rural Development. I want you to remember that we're doing this all on the budget we already have. with some help from the private sector. I had hoped to be able to announce the name of our private sector sponsor to you today, but we are still negotiating. This book will be similar to one that we prepared only a few months ago for International Trade, although it will be longer.

The International Trade initiative we have at SBA was also one of my first priorities when I arrived. It goes hand-in-hand with rural development. Instead of exporting young people from our rural communities, we need to start exporting more goods and services! In fact, we are holding 10 International Trade Conferences around the country over the next several months. We know SBA can't solve our trade deficit alone, so we are working with a large Interagency Task Force on Trade. This Task Force is chaired by Simon Fireman, director of the Export-Import Bank. It includes the Agency for International Development, Departments of Agriculture, State, Treasury, Commerce, Education, the GAO, the Trade Representative, and several other agencies.

But getting back to rural development, we are now proposing formal cooperative agreements with both federal agencies and the states in forging the New Alliance for Solutions. Just last week, we signed a Memorandum of Understanding with the Farmers Home Administration. In Maine, they are way ahead of us and have already signed an agreement with SBA, Farmers Home, and the State in January.

This New Alliance is not an end in itself for rural America. If we measure our success by the number of conferences we hold, books we print, or agreements we sign, we will have failed rural America. Our solutions must be measured in the only way that businesses know how . . . the bottom line. How many jobs are we creating, how many businesses have we helped establish or expand, how many main streets have survived, how many failing businesses have we turned around?

I don't have to tell you, Governors, that it's time for Solutions. . . . Solutions must be emphasized to all of our staff. If we can find more capital, better infrastructure, a competitive workforce, and creative small business owners, we'll be well on our way to a victory in rural America. At SBA, our staff is committed to working with you, Governors, to target communities that need solutions the most, and to bring all of the resources of SBA and the other federal agencies into action. Because victory will take time, we need to start right now!

Revitalizing Rural America is a slow process. With renewed enthusiasm and commitment, Rural America has an opportunity to help itself win, to save its small towns, and to have a prosperous future.

In closing, let me emphasize that the key to rebuilding rural America is working together—

Working together to develop new enterprises;

Working together to develop new industry;

Working together to strengthen existing small businesses;

Working together to forge a New Alliance.

Let's commit ourselves today to working together for prosperity in Rural America.

AIRPORT SECURITY SYSTEMS

Mr. HEFLIN. Mr. President, on December 10, 1987, I placed a statement in the Record on airport security systems. It has come to my attention that I may have inadvertently misconstrued a statement made by my distinguished colleague from Ohio, Senator Metzenbaum, at a recent hearing on S. 465, the Plastic Handguns bill. To correct any misunderstanding that may have arisen from my earlier statement, I ask unanimous consent that the dialog between Senator Metzenbaum and Mr. Baker of the National Rifle Association at that July 28, 1987, hearing be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Excerpt of Transcript

Senator Metzenbaum. Mr. Baker, I was listening to you very carefully, and your entire statement will be included in the record, of course, and I think that your offer to work to improve airport security generally—I think that is an offer that the government ought to take up with you and work with you on it. I think that is commendable.

But I was sitting here and saying to myself, why the hell are they opposed to this bill. What difference does it make to them? Nobody says you cannot buy a metal gun. Nobody says you cannot buy a half plastic and half metal gun.

Mr. Baker. There is a very simple answer to your question, Senator. It is because your legislation as drafted would ban thousands of the firearms that are currently possessed in this country that happen to weigh less than eight-and-a-half ounces in terms of metallic content.

Senator Metzenbaum. Our doors are open to you. You are welcome to come and help us draft the legislation. We are only after the plastic guns. We are not after taking away anybody's right to own a gun. They can own one gun, six guns, twenty-six guns.

Mr. Baker. Senator, I would be happy to work with you. I do not, quite, frankly, see—if we are going to attempt to ban something that does not exist, I do not think that under the federal law—one has to have a standard. If you are going to proscribe something, it has to be clear what is proscribed, especially if you are going to provide criminal penalties for the breach of that law.

Unless you can come up with a standard that is sufficiently clear, I do not think that the law would be constitutional. I think that the best approach, and what I have said in my testimony, is to focus on the inadequacies of airport security today. Senator, I do not need a plastic gun.

Senator Metzenbaum. We are in agreement on that, Mr. Baker. Let us not go back and keep pounding that dead horse.

Mr. Baker. I do not think it is a dead horse.

Senator Metzenbaum. You said we have to improve airport security. I said okay, let us do that. If you cannot arrange a meeting with the government people, I will help you arrange it, but I am certain that you can.

Mr. Baker. All right.

Senator Metzenbaum. Now, I want to know what is there in your—is it a knee-jerk kind of reaction?

Mr. Baker. No, sir.

Senator Metzenbaum. We have knee-jerk liberals, we have knee-jerk conservatives?

Mr. Baker. No, sir.

Senator Metzenbaum. I want to know if we have knee-jerk gun people.

Mr. Baker. In fact, I am a registered Democrat, Senator.

Senator Metzenbaum. I do not care whether they are Democrats or Republicans. What I am concerned about is why can we not get you on this bill with us.

Mr. Baker. Because I think the bill is misplaced; the direction is wrong. I think that we have been shown here today that there are problems with the procedures at airports today.

I think the FAA has testified to that in Congresswoman Cardiss Collins' subcommittee not two months ago over in the House of Representatives. There is a problem with airport security in this country.

Senator Metzenbaum. Absolutely; we have agreed on that.

Mr. Baker. And I think that is where the legislation ought to focus.

Senator Metzenbaum. But what does that have to do with plastic guns?

Mr. Baker. Everything, because your legislation talks in terms of interdicting terrorists.

Senator Metzenbaum. Help us rewrite it.

Mr. Baker. I would be happy to.

Senator Metzenbaum. I do not care how we write it. All I want to do is get at the plastic guns.

Mr. Baker. Well, all we want to do is get at airport security.

Senator Metzenbaum. But, Mr. Baker, you cannot do that. We have had three important witnesses—the Secret Service, the ATF, and the FAA—who recognize you cannot get at plastic guns at this point. There is no way to do it.

Now, I am saying to you what is there about your position that does not permit you to help us draft a bill, if you do not like the way we have drafted this one.

Mr. Baker. I would be happy to help you draft a bill that deals with airport security.

Senator Metzenbaum. I do not want you for that. I want to know whether you will help me draft a bill for plastic guns.

Mr. Baker. I would be happy to discuss it with you.

Senator Metzenbaum. Will you help me draft a bill to zero in on the issue of plastic guns?

Mr. Baker. Senator, they do not exist. It is very difficult to deal with a hypothetical threat.

Senator Metzenbaum. What difference does it make whether they exist or not? They are going to exist in two years.

Mr. Baker. I do not think that that is necessarily so. I do not think we have had anybody testify here today that plastic guns are going to exist.

Senator Metzenbaum. They testified in the House to that effect.

Mr. Baker. And the gentleman was asked whether he had a working prototype and he did not have a working prototype. There is one promoter in south Florida that says he can produce a plastic gun. That is it.

Senator Metzenbaum. Then, Mr. Baker, what difference does it make if we draft a law that is applicable to something that does not exist?

Mr. Baker. Senator, the difference is what is the issue here. Is the issue airport security or is the issue banning firearms? Once we decide that, we can come to some agreement.

Senator Metzenbaum. Mr. Kapelsohn has pointed out to us that we do not do that great a job as far as airport security at the moment.

Mr. Baker. And that is the issue as far as I am concerned.

Senator Metzenbaum. Then you do not care about plastic guns. You do not care if a person comes on a plane with a plastic gun.

Mr. Baker. I do not care about plastic guns; they do not exist. I care about the threat to airports.

Senator Metzenbaum. Mr. Baker, understand that this Chairman—I am not the Chairman of this Subcommittee, but the acting Chairman, but this Committee is willing to work with you.

Mr. Baker. And I am willing to work with you, Senator.

Senator Metzenbaum. Okay, good enough. Let us go on to Mr. Halbrook.

COLORADO'S PIONEERING OXY FUELS PROGRAM OFFERS LESSONS FOR NATION'S FIGHT FOR CLEANER AIR

Mr. WIRTH. Mr. President, in January, Colorado embarked on a pioneering program to reduce carbon monoxide emissions from cars and trucks by requiring the use of oxygenated fuels along the State's Front Range from Fort Collins to Colorado Springs.

At high altitudes, gasoline burns less completely, meaning that a higher level of carbon monoxide pollutants are emitted into the air. Mixing gasoline with ethanol, methanol and ether-based MTBE increases the oxygen content, which promotes more complete combustion and reduced carbon monoxide emissions.

In its first year, Colorado's oxygenated fuels program was a stunning success. The program reduced carbon monoxide pollution by 9 percent, according to the State's air pollution control division. The experiment shows the tremendous contributions that oxygenated fuels can make toward cleaning up the air in Colorado and across the country.

Next year, the program will be in effect twice as long—from November 1 to March 1. In addition, the program will require higher blends of oxygen fuels than were mandated this winter. As a result, we expect to see even greater reductions in carbon monoxide emissions as this program continues.

Mr. President, I ask unanimous consent that two articles from the Denver Post be included with my statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

Oxy Fuel Slashed Carbon Monoxide by 9 Percent, State Says

(By Lou Chapman)

Health officials were crowing Monday about Colorado's high-oxygen fuels program, saying it cut carbon monoxide pollution more than 9 percent.

"We feel real good with our numbers, they've been blessed by the EPA and they're on target," said Jerry Gallagher of the state Air Pollution Control Division.

WE WERE NERVOUS

"We were nervous going into it. We were worried about how it all was going to shake out."

The two-month program was the nation's first attempt to cut carbon monoxide pollution by setting gasoline standards.

Only high-oxygen gasoline could be sold along the Front Range from Fort Collins to Colorado Springs from Jan. 1 to Monday.

About 2 million vehicles are registered in the area, and they were driven about 40 million miles a day on high-oxygen fuels this winter, Gallagher said.

Even critics of the program agreed that complaints from motorists were minimal. The loss of mileage that worried some drivers could have resulted from the harsh weather in January.

INDUSTRY SKEPTICAL

But representatives of the oil industry, which fought the program, said the state's carbon monoxide figures are "just the best estimate you can get" and not good enough to justify continuing the mandatory program next winter.

"When you're in a mandatory program, you've got to be able to look at a reduction in pollution, and at what the actual pollutants were on those days, and say what difference the program made," said Pam Oldham, attorney for the Rocky Mountain Oil and Gas Association.

Oldham admitted she was unsure how health officials could arrive at that type of information but said her organization will continue arguing that the program be considered a "test" next winter.

The preliminary air-quality numbers released by the state Monday were based on a model recently approved by the U.S. Environmental Protection Agency. Dale Wells of the EPA said a 9 percent reduction in carbon monoxide "sounds about right."

Looking ahead to next winter, Gallagher said the state hopes more service stations will offer ethanol or fuels with similar levels of oxygen.

MOSTLY MTBE SOLD

About 97 percent of the gasoline sold in the metro area during this winter's program were blended with ether-based MTBE, which does not reduce carbon monoxide as much as ethanol.

Health officials also will spend more time and money promoting the program to the average auto mechanic and new-car dealer later this year.

"We want this to be approved at the barber-shop level," Gallagher said. "If people say, 'Well, my mechanic says it's OK,' then we'll have gotten somewhere."

Starting next year, the program will be in effect twice as long, from Nov. 1 to March 1, and will require higher amounts of oxygen than were mandated this winter.

A High-Oxygen High

The State's initial experience with high-oxygen fuels, it appears, has been more successful than anyone anticipated. Not only did the widespread fears of mechanical malfunctions prove to be unfounded, but pollution totals dropped even more than expected.

Preliminary estimates released by the Colorado Health Department show that the 2 million cars along the Front Range produced 9.2 percent less carbon monoxide than usual during the two-month program, which ended Monday. State health officials had predicted a reduction of 8 percent or less, considering the fact that virtually all of the high-oxygen fuel sold contained MTBE rather than ethanol, its cleaner-burning rival.

Next winter, when changes in the rules are expected to make ethanol more attractive and boost its share of the market, the pollution levels could fall as much as 16 percent. That would have twice the impact of the voluntary no-drive program, with none of the disruption in people's lives.

Admittedly, owners of some older cars might experience vapor locks or clogged fuel filters if they fill up with ethanol blends in the second go-round. But judging from this season's record, they should have no trouble using MTBE.

Moreover, there is some indication that other non-ethanol blends with an even higher oxygen content may be on the market by the time mandatory sales of such fuels begin again next November. This would give motorists with "performance anxiety" an alternative offering all the anti-pollution benefits of ethanol, but none of its risks.

In short, this controversial strategy has worked out well in its national debut, defying the false cries of alarmists when the program began.

WATER RIGHTS AND THE ENDANGERED SPECIES ACT

Mr. EXON. Mr. President, I rise to voice concern about a potential amendment to the Endangered Species Act. Although I have not been provided many details, I understand this proposal could affect the allocation of North Platte river water in Nebraska and Wyoming. If offered, I am prepared to do whatever it takes to block its adoption.

The dispute which is the focus of this amendment is now before the Supreme Court. It is a complicated dispute involving water for human consumption, irrigation, power generation, and wildlife protection. Nebraska and Wyoming have been at odds over the construction of the proposed Deer Creek Dam on the North Platte River in Wyoming for several years. The Senate needs to think long and hard before asserting itself in this matter. Indeed, it would be improper for the Senate to involve itself in this dispute at this time since it is before the Supreme Court.

We should not, at this juncture, disrupt the Supreme Court's deliberations. It would simply open a legislative pandora's box which I will be determined to close.

Water wars are nothing new among Western States. As Governor of Nebraska, and now as U.S. Senator, I have been through my share of them. And given the importance of water to the basic life and economy of Nebraska, I am prepared to do battle again.

MASSACHUSETTS AND CALGARY—A WINNING COMBINATION

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to congratulate the athletes from Massachusetts on their outstanding performances in the winter Olympic Games in Calgary; 17 of the 168 members of the U.S. Olympic team are residents of Massachusetts, and the State is proud of them.

I especially want to commend the accomplishments of two Massachusetts athletes who were medal winners. Eric Flaim of Pembroke earned the silver medal in 1,500 meters speed skating, one of only six medals awarded to Americans in the Games. Eric placed fourth in three other speed skating events—a brilliant showing. None of us who saw joy in his face as he crossed the finish line in the 1,500 meter race will soon forget his achievement. It was one of the most inspiring moments of the Games, and he missed the gold medal by the thinnest of margins—only six-hundredths of a second in a race of nearly a mile.

Diana Golden of Lincoln is gold medal proof that disabled people are not unable. In this first year of disabled skiing as an exhibition event at the Olympics, Diana won the gold medal in the giant slalom. With this victory, she continued an outstanding career in competitive skiing. She already has eight national championships to her credit. Most impressive of all is the inspiration she is bringing to millions of physically challenged young men and women throughout the world.

In addition, I want to commend the extraordinary contingent from Massachusetts—nine players strong—who were part of the U.S. Ice Hockey team—Allen Bourbeau of Falmouth, Greg Brown of Southborough, Scott Fusco of Burlington, Guy Gosselin of Rochester, Peter Laviolette of Franklin, Stephen Leach of Lexington, Jeff Norton of Acton, Kevin Stevens of Halifax, and Scott Young of Clinton. They played some outstanding games, and for a few moments against the Soviet Union, it seemed as if they were on the verge of creating the "Miracle on Ice" of Lake Placid in 1980.

Finally, I commend the six other members of the U.S. Olympic team from Massachusetts: Pam Fletcher of Acton, downhill, Super-G, Alpine combined; who was unable to compete at the last moment because of a freak accident on a cross-trail, but who impressed us all with her cheerful sportsmanship in spite of her bad luck and obvious disappointment; Jim Herberich of Winchester, two-man and four-man bobsled; Hans Johnstone of Carlisle, Nordic combined; Matt Petri of Newton, ski jumping; Scott Pladel of Boston, four-man bobsled; and Heidi Voelker of Pittsfield, slalom, giant slalom.

All of these young athletes deserve praise for their performances. They brought credit to Massachusetts, to the Nation, and to the Olympic ideal, and I congratulate them on their accomplishments.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment:

S. 450. A bill to recognize the organization known as the National Mining Hall of Fame and Museum (Rept. No. 100-294).

S. 840. A bill to recognize the organization known as the 82nd Airborne Division Association, Incorporated (Rept. No. 100-295).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs:

Frank G. Zarb, of New York, to be a Director of the Securities Investor Protection Corporation for the term expiring December 31, 1989;

Paul Freedenberg, of Maryland, to be Under Secretary of Commerce for Export Administration; and

Mark E. Buchman, of California, to be President, Government National Mortgage Association.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Howard W. Cannon, of Nevada, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence Foundation for a term of four years.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KARNES (for himself, Mr. D'Amato, Mr. Boschwitz, Mr. Grassley, Mrs. Kassebaum, Mr. Helms, and Mr. McConnell):

S. 2116. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm and firefighting vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. MELCHER (for himself, Mr. Metzenbaum, Mr. Heinz, Mr. Chiles, Mr. Weicker, Mr. Burdick, Mr. Bradley, Mr. Kennedy, Mr. Durenberger, Mr. Stafford, Mr. Moynihan, Mr. Reid, Mr. Inouye, Mr. Riegle, Mr. Cohen, Mr. Shelby, Mr. Matsunaga, Ms. Mikulski, Mr. Sanford, Mr. Grassley, Mr. Adams, Mr. Sarbanes, Mr. Glenn, Mr. Hatch, and Mr. Packwood):

S. 2117. A bill to extend the statute of limitations applicable to certain claims under the Age Discrimination in Employment Act of 1967 that were filed with the Equal Employment Opportunity Commission before the date of enactment of this act; ordered held at the desk.

By Mr. GRAMM:

S. 2118. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for off-highway uses; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. Moynihan, and Mr. Durenberger):

S. 2119. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from income of amounts received under qualified group legal services plans; to the Committee on Finance.

By Mr. Matsunaga (for himself, Mr. Burdick, Mr. Ford, Mr. Shelby, Mr. Stafford, Mr. Inouye, and Mr. Moynihan):

S. 2120. To amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. ROTH:

S. 2121. To impose trade and other economic sanctions against the Republic of Panama; to the Committee on Foreign Relations.

By Mr. BRADLEY (for himself, Mr. Chafee, Mr. Mitchell, Mr. Rockefeller, Mr. Matsunaga, Mr. Durenberger, Mr. Riegle, Mr. Chiles, and Mr. Daschle):

S. 2122. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid program, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Leahy, Mr. Simon, Mr. Daschle, and Mr. Conrad):

S. 2123. A bill to provide hunger relief, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOSCHWITZ:

S. 2124. A bill to expand the availability of child care, and for other purposes; to the Committee on Finance.

By Mr. WILSON (for himself, Mr. Helms, Mr. DeConcini, Mr. D'Amato, Mr. Domenici, Mr. Wallop, Mr. Symms, Mr. McClure, and Mr. Hecht):

S.J. Res. 268. A joint resolution disapproving the certification by the President under section 481(h) of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KARNES (for himself, Mr. D'Amato, Mr. Boschwitz, Mr. Grassley, Mrs. Kassebaum, Mr. Helms, and Mr. McConnell):

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S. 2116. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm and firefighting vehicles; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL MOTOR VEHICLE SAFETY ACT AMENDMENTS

Mr. KARNES. Mr. President, I rise today to introduce, for myself and my distinguished colleague from New York, Senator D'Amato, a bill to exempt the operators of certain farm and firefighting vehicles from requirements under the Commercial Motor Vehicle Safety Act of 1986.

My bill would amend this 1986 act to exempt farm vehicles which are not driven more than 15,000 miles in a year, along with firefighting vehicles, from commercial licensing requirements.

The purpose of this bill is to ensure that these vehicles, which do not travel great distances in any given year, are not subject to the same rules and restrictions as over-the-road trucks which often travel more than 100,000 miles in a year.

The Department of Transportation has proposed certain testing and licensing standards for all commercial motor vehicle operators. These standards are designed to increase safety on our roadways, but, while they may well be appropriate for over-the-road trucks, I believe they are misguided because they are too broad when one considers incidental use farm and firefighting vehicles.

Farmers in Nebraska, for example, use trucks which would be subject to these new licensing requirements an average of 4 to 6 weeks per year. Some use these heavier vehicles as little as 14 days in a given year. Few farmers travel over 5,000 miles per year in their agricultural vehicles—and much of this is on county roads, not on high speed roadways. These farm vehicles are critical to the farms, but, more importantly, they are essential to getting to markets the harvest of this Nation's food producers. Clearly, licensing requirements for commercial operators that travel significantly greater mileage on our Nation's highways should not apply to these infrequent users.

Farmers who have driven their trucks for years should not have to be retested in order to continue operating these same vehicles. Failure to obtain the appropriate license would force a farmer to rely on outside help, such as farm supply co-ops or independent licensed third-party contractors to transport his crops to market. In any case, we are talking about additional costs to farmers who are already struggling to make ends meet.

My bill would protect farmers from these needless additional inconveniences, costs, and paperwork.

Mr. President, without this exemption, economic hardships would be felt among farmers in another way as well. A farmer's livelihood depends upon his ability to use all available resources at harvest time. Farmers must often use people who have full-time jobs for help during the harvest season. These part-time people, who do not otherwise work on farms, would be reluctant to go through the process of obtaining and maintaining a license since it would not be something that is necessary in their daily lives. Family members and friends who also normally pitch in and help during harvest time would be prevented from doing this with these new licensing requirements.

As both a farmer and a U.S. Senator, I understand the views on both sides of this issue. I believe that highway safety should indeed be a national priority, but not insofar that it infringes upon the livelihood of a vehicle operator that does not pose a real threat to our Nation's highway users. With this bill, farmers will no longer have to worry that they will be subject to standards that should not really apply to them.

Mr. D'AMATO. Mr. President, I rise today along with my colleague Senator Karnes to introduce a bill to free fire fighters and farmers from the unnecessary burden and expense of securing Federal commercial motor vehicles drivers' licenses.

This legislation is identical to H.R. 4011, introduced by Congressman Slattery on February 24, 1988. It will assure that fire fighters and farmers are exempted from licensing requirements under the Commercial Motor Vehicle Safety Act of 1986 (the Act). The Department of Transportation is currently drafting regulations to implement this new law.

Senator Karnes and I specify in our legislation that commercial motor vehicles covered by the act do not include those registered in a State for farm use which are not driven more than 15,000 miles per year, and those which are only used for fire fighting purposes. The Department has the power to exempt these types of motor vehicles from the requirements of the act. While I encourage them to do so, it is important for Congress to make its intentions clear by passing this legislation.

The clear purpose of the act was to improve safe operation of commercial motor vehicles, and help reduce truck and bus accident and injuries by disqualifying unsafe drivers. I certainly support those goals. However, I also believe that those critical safety objectives will not be enhanced by an overly broad application of the law to vehicles that are already adequately regulated by the States.

Fire fighters, particularly those who volunteer spare hours for this lifesaving work, should not be burdened with a new administrative hurdle. Given the high cost of firefighting vehicles, it is extremely unlikely that fire departments will entrust their operation to irresponsible drivers. Moreover, it is critical that firefighters' emergency response times not be lengthened by waiting for the arrival of particular volunteers who have had the time and money to obtain the new licenses. Similarly, the farmers of this Nation should not have to undertake this burden with respect to farm vehicles that are very seldom used on the public highways.

Mr. President, I urge my colleagues to cosponsor this bill and to support its early passage.

By Mr. MELCHER (for himself, Mr. Metzenbaum, Mr. Heinz, Mr. Chiles, Mr. Weicker, Mr. Burdick, Mr. Bradley, Mr. Kennedy, Mr. Durenberger, Mr. Stafford, Mr. Moynihan, Mr. Reid, Mr. Inouye, Mr. Riegle, Mr. Cohen, Mr. Shelby, Mr. Matsunaga, Ms. Mikulski, Mr. Sanford, and Mr. Grassley):

S. 2117. A bill to extend the statute of limitations applicable to certain claims under the Age Discrimination in Employment Act of 1967 that were filed with the Equal Employment Opportunity Commission before the date of enactment of this Act; ordered held at the desk until the close of business on March 3, 1988, by unanimous consent.

AGE DISCRIMINATION CLAIMS ASSISTANCE ACT

Mr. MELCHER. Mr. President, few things are more basic than the right of individuals to be treated fairly, and on the basis of their abilities. But regrettably, life doesn't always work that way. Every day, people are denied their basic rights simply because of others' preconceived notions about them. That's called discrimination.

Congress long has acknowledged that people need protection from the injustice of discrimination. However, it has come to my attention—and the attention of many of my colleagues—that the Federal agency charged with protecting those rights has failed to do so for at least one large portion of our society—older Americans.

Last year, as chairman of the Special Committee on Aging, I held a hearing into the Equal Employment Opportunity Commission's enforcement and administration of the Age Discrimination in Employment Act. I held that hearing, in part, because of charges that people's rights were being denied due to inaction and bad management at the EEOC. Many charges awaiting action at the Commission had exceeded the Act's statute of limitations, thus foreclosing many people's right to legal redress.

Since that time, I repeatedly have asked the Commission to provide the Aging Committee with accurate information about the number of charges that have exceeded the statute. But, they repeatedly have failed to do so. And, imagine my shock when, late in December, I read press accounts of how the Commission now was admitting that nearly 900 charges had been allowed to exceed the ADEA's 2-year statute. This lack of action, the lack of cooperation by the EEOC, and the Agency's own admission of management errors is what prompted me to subpoena Chairman Thomas to provide to the Aging Committee the information we've been asking for.

While I believe that the EEOC's actions have shown a total disregard for the rights of those seeking the Commission's help, there is a larger issue here. Because of EEOC's failure, an undetermined number of working men and women have lost their right to have their day in court. For this reason, I—along with many of my colleagues—am introducing a bill that will restore the legal rights of those people who have been allowed by EEOC to fall through the cracks. While we have no way of knowing the merit of the claims this bill will affect, each individual should have an opportunity to try to prove his or her case. And this is exactly what this bill does—no more and no less. Without the bill we are introducing today, the employers of many people with legitimate age-discrimination claims will get off scot-free because the Commission was asleep on the job.

The Age Discrimination Claims Assistance Act of 1988, which, incidently, is being supported by the EEOC as well as the American Association of Retired Persons, waives the ADEA's statutes of limitation for 18 months for those who have already filed a charge with the Commission, thus providing them with all of the rights that they would have had were their cases handled responsibly. Those who wish now will be able to file suit against their employers. And they will be entitled to the same rights to conciliation and Commission intervention that they were originally entitled to. This bill restores their chance to have their day in court.

There is a great deal of legal precedent supporting the right of Congress to alter statutes of limitation to protect people's legal rights. The Supreme Court is firm on that. Statutes of limitation were never intended to protect lawbreakers from negligence, and my bill is consistent with that point.

Not only does the bill rejuvenate the rights of hundreds of victims of age discrimination, but it also sends a message that Congress will not tolerate such failure in the future.

Mr. President, the prompt passage of the Age Discrimination Claims Assistance Act is crucial to the protection of the rights of hundreds of older Americans. These people have suffered as a result of blatant negligence, and it is our job to right the wrong. I urge my colleagues to join me in guaranteeing that those who have been cheated out of their legal rights will have them reinstated, and have their day in court.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Age Discrimination Claims Assistance Act of 1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Equal Employment Opportunity Commission (hereafter in this Act referred to as the "Commission") has failed to process an undetermined number of charges filed under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621-634) before the running of the statute of limitations applicable to bringing civil actions in the Federal courts under such Act, and

(2) many persons who filed such charges with the Commission have lost the right to bring private civil actions with respect to the unlawful practices alleged in such charges.

SEC. 3. EXTENSION OF STATUTE OF LIMITATIONS.

Notwithstanding section 7(e) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(e)), a civil action may be brought under section 7 of such Act by the Commission or an aggrieved person, during the 540-day period beginning on the date of enactment of this Act if—

(1) with respect to the alleged unlawful practice on which the claim in such civil action is based, a charge was timely filed under such Act with the Commission after December 31, 1983,

(2) the Commission did not, within the application period set forth in section 7(e) either—

(A) eliminate such alleged unlawful practice by informal methods of conciliation, conference, and persuasion, or

(B) notify such person, in writing, of the disposition of such charge and of the right of such person to bring a civil action on such claim,

(3) the statute of limitations applicable under such section 7(e) to such claim ran before the date of enactment of this Act, and

(4) a civil action on such claim was not brought by the Commission or such person before the running of the statute of limitations.

SEC. 4. NOTICE OF STATUTE OF LIMITATIONS.

(a) Notice Regarding Claims for Which Statute of Limitations is Extended.—Not later than 60 days after the date of enactment of this Act, the Commission shall provide the notice specified in subsection (b) to each person who has filed a charge to which section 3 applies.

(b) Contents of Notice.—The notice required to be provided under subsection (a) to a person shall be in writing and shall include the following information:

(1) The rights and benefits to which such person is entitled under the Age Discrimination in Employment Act of 1967.

(2) The date (which is 540 days after the date of the enactment of this Act) on which the statute of limitations applicable to such person's claim will run.

(3) That such person may bring a civil action on such claim before the date specified in paragraph (2).

SEC. 5. REPORTS.

(a) Contents of Reports.—For each 180-day period in the 540-day period beginning on the date of enactment of this Act, the Commission shall submit a written report that includes all of the following information:

(1) The number of persons who have claims to which section 3 applies and the dates charges based on such claims were filed with the Commission.

(2) The number of persons to whom notice was provided in accordance with section 4(a) and the date the notice was provided.

(3) With respect to alleged unlawful practices on which claims affected by section 3 are based, the number of such alleged unlawful practices that the Commission has attempted to eliminate by informal methods of conciliation, conference, and persuasion in the 180-day period for which the report is submitted.

(4) The number of alleged unlawful practices referred to in paragraph (3) that were so eliminated in such period.

(5) The number of civil actions filed by the Commission on behalf of persons to whom notice was sent under section 4.

(b) Submission of Reports.—Each report required by subsection (a) shall be submitted by the Commission to—

(1) The Committee on Education and Labor, and the Select Committee on Aging, of the House of Representatives, and

(2) The Committee on Labor and Human Resources, and the Special Committee on Aging, of the Senate,

not later than 30 days after the expiration of the 180-day period for which such report is required.

● Mr. METZENBAUM. I am pleased to join with Senator Melcher and other Senators from both parties in introducing the Age Discrimination Claims Assistance Act of 1988.

We are here today because the EEOC fell asleep on the job. Some 900 older Americans went to the EEOC seeking vindication of their legal rights. The Commission not only failed to protect these men and women—it failed to process their claims so they could protect themselves.

The EEOC has confessed error. We assume it will not let such a thing happen again. But in the meantime, some 900 individuals have lost their rights.

This bill has one simple aim. It restores the right to seek legal redress for hundreds of hardworking older men and women. The bill provides additional time to pursue claims for anyone who filed a timely charge with the EEOC on or after January 1, 1984, but whose charge was not processed by the Commission in time to meet the applicable statute of limitations. Any claimant who falls into this category will have 18 months from the date of enactment to pursue his or her rights under the Age Discrimination in Employment Act, including the right to conciliation and the right to pursue a civil action.

Every American should have a fair chance at his or her day in court. This bill provides that fair chance. The Chairman of the EEOC has indicated that he welcomes this bill, and that the Commission is grateful to members of Congress for correcting the mistake made by the EEOC. With this support, I look forward to rapid enactment of the legislation.●

● Mr. HEINZ. Mr. President, I rise today to cosponsor the legislation offered by the Senator from Montana to extend the statute of limitations for older workers whose age discrimination complaints have not been acted on by the Equal Employment Opportunity Commission.

Like many in this body I was shocked to learn that the EEOC failed to complete its required duties on some age discrimination cases and make the appropriate filings within the statutory time period. Evidence uncovered as a result of investigations by the Special Committee on Aging and its counterpart, the House Select Committee on Aging revealed hundreds of cases where individuals lost their rights because of EEOC failure to meet deadlines. It is grossly unfair when citizens of this country are denied their legal rights with no avenue of recourse.

Mr. President, I recognize the need for statute of limitation provisions. They encourage prompt filing of grievances and protect parties from the threat of litigation arising many years after an alleged discriminatory practice. I believe the situation we have here, however, warrants limited extension of the statute of limitations for the plaintiffs involved. This bill does not upset the balance or rights in the cases involved—the EEOC will still have to make a determination on the legitimacy of the claim.

I urge my colleagues to join in this legislation—it not only redresses the improper extinguishment of rights, but it provides mechanisms for ensuring that this situation does not arise in the future.●

By Mr. GRAMM:

S. 2118. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for off-highway uses; referred to the Committee on Finance.

TAX-FREE SALES OF DIESEL FUEL FOR OFF-HIGHWAY USES

Mr. GRAMM. Mr. President, today I am introducing legislation which, in essence, is a companion measure to S. 2003, a bill I introduced on the first day of the current session of Congress. Both bills are designed to correct a problem created by a provision in the 1987 Reconciliation Act enacted last December.

One of the many provisions contained in the Reconciliation Act, which passed in this body during the early morning hours of December 22, requires that off-highway consumers of diesel fuel—who are exempt from the 15-cents-per-gallon excise tax—begin paying the excise tax on April 1. Technically, the consumers remain exempt from the tax and are able to file with the IRS for a refund of the taxes paid on diesel not consumed on the highway; but the bottom line is that this is effectively a new tax on many diesel consumers. At the current average price of diesel, paying the excise tax at the time of purchase means a 24-percent increase in the cost of diesel to these off-highway consumers of the fuel. The consumers must pay the tax up front, keep detailed records of the amount of diesel not consumed on the highway, file with the IRS for a refund, and then wait for the IRS to send them a check. In the meantime, the Treasury has had the interest-free use of this money—immediately increasing business costs, depriving the consumers of the right to use those funds and denying them the interest that could have been earned on those funds.

Mr. President, there are many industries which consume diesel fuel off our Nation's highways. Most of these industries have a significant presence in the great State of Texas, as well as other States. In particular, I am concerned about the effect of this burdensome new tax requirement on the oil and gas industry—an industry which is vital to our national security, yet finds itself in a struggle today. For example, drilling, well-servicing and workover rigs all consume a large amount of diesel fuel.

With the drastic decline in domestic oil exploration and production, only 34 percent of the 3,000 rigs now available—down from the 5,500 rigs available in 1983—are currently being utilized, and just 54 percent of the 6,227 well-servicing rigs are working. Now, with that industry fighting for its life, the last thing it needs is to be forced to pay a 15-cents-per-gallon tax that it does not owe. An average servicing rig consumes 24,960 gallons of diesel fuel annually, the average onshore rig uses 280,770 gallons per year, and an offshore rig will consume over 612,000 gallons of diesel fuel in a year. Paying 15 cents-per-gallon more for diesel amounts to an annual financial burden of more than $3,700 for each service rig, over $42,000 for each onshore rig, and almost $92,000 for each offshore rig. This translates into a total of $75 million of petroleum industry funds—$25 million in Texas alone—that must be paid to the Federal Government—money which will be refunded at a later date. Why should we ask the oil industry to give up $75 million a year—at a time when the industry desperately needs its resources—so that the Treasury can have interest-free use of its money?

The rig industry is only one of many which will be unduly burdened by being forced to pay up front a tax which is not owed. Other industries include the commercial marine industry, the fishing industry and the general building contractors. The legislation I am introducing today will remove the requirement that these off-highway consumers of diesel pay the diesel fuel excise tax at the time of purchase and reinstate past treatment of this tax.

Because the new tax requirement will not take effect until April 1, it is my hope that this bill, as well as S. 2003, will be passed by Congress very soon so that the rig operators, shrimpers, water carriers, and other off-highway diesel fuel consumers—as well as the ranchers and farmers covered under S. 2003—will never have to go through the grueling process of paying a tax they do not owe and then filing, and waiting, for a refund from IRS. I urge my colleagues to join me in supporting removal of this new tax burden placed on these industries.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4093 of the Internal Revenue Code of 1986 (as added by section 10502 of the Revenue Code of 1987) is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

"(d) Exemption for Off-Highway Use.—

"(1) In general.—Under regulations prescribed by the Secretary, no tax shall be imposed by section 4091 on the sale of any taxable fuel for use by the purchaser in an off-highway use, or for resale by the purchaser to a second purchaser for use by such second purchaser in an off-highway use.

"(2) Off-highway use.—For purposes of paragraph (1), the term 'off-highway use' means any use not as a fuel in a diesel-powered highway vehicle or a diesel-powered train.".

(b) The amendment made by subsection (a) shall take effect as if included in the amendments made by section 10502 of the Revenue Act of 1987.

By Mr. HEINZ (for himself, Mr. Moynihan, Mr. Durenberger, and Mr. Boren):

S. 2119. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from income of amounts received under qualified group legal services plan; to the Committee on Finance.

TAX EXCLUSION OF GROUP LEGAL SERVICES BENEFITS

● Mr. HEINZ. Mr. President, today I am introducing legislation to make permanent the tax exclusion of group legal services benefits. In 1985, I introduced the legislation to extend this provision which was included in the Tax Reform Act of 1986.

Under current law, section 120 of the Internal Revenue Code expired on December 31, 1987. This section of the Code excluded from gross income of employees the amount of employer contributions and the value of benefits associated with employer-provided prepaid group legal services plans. This provision was originally enacted in 1976 for 5 years, and has been extended on three previous occasions. The legislation I am introducing today would make the section permanent.

The exclusion for education assistance and group legal services were originally enacted in 1978 for a temporary period in order to provide Congress with an opportunity to evaluate the use and effectiveness of the exclusions. During the tax reform debates in 1986, the Finance Committee included a provision in their bill that made the provision permanent. It was believed that the effectiveness of the group legal services provision had been clearly demonstrated. However, at conference the provision was extended only through 1987. prior to 1986, section 120 of the Tax Code has been allowed to expire twice. In 1986, the Finance Committee was concerned that the practice in prior years of temporarily extending the exclusion had led to disruption of employers' employee benefit programs. This exclusion has now been permitted to expire a third time. Previously, when it has expired we have had to retroactively reinstate the provision. We will now have to reinstate the provision retroactively one more time. The practice of retroactively extending bills is clearly untenable.

Mr. President, there is no particular reason for Congress to continue the practice of letting the tax exclusion of prepaid legal services expire. It is one of the least costly employee benefits for the Treasury and a benefit that is already fairly limited in scope. There is no cause to believe that these plans either do encourage litigation or foster conflict or could. The plans themselves typically are inexpensive for employers. The benefits provided vary by plan, but the plans most often emphasize relatively simple and routine legal services: General legal advice, assistance with real estate matters, wills, family problems, consumer and debt problems, personal bankruptcies, and representation for misdemeanors and traffic matters.

Group legal service plans provided by employers do serve a valuable social purpose. The services they provide are those which working people might otherwise not consume because of the cost. Employer provision through a prepaid plan can save employees lost time, expense and uncertainty in seeking their own legal counsel, and provide them with information which may actually reduce the need for litigation later to settle disputes.

I urge my colleagues to join me in making this provision a permanent part of the Tax Code.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GROUP LEGAL SERVICES PLANS.

(a) In General.—Section 120 of the Internal Revenue Code of 1986 (relating to amounts received under qualified group legal services plans) is amended by striking out subsection (e).

(b) Effective Date.—The amendment made by this Act shall apply to taxable years ending after December 31, 1987.●

● Mr. MOYNIHAN. Mr. President, I rise today to join my distinguished colleague from Pennsylvania, Senator Heinz, in sponsoring a bill to extend permanently section 120 of the Internal Revenue Code, which provides for tax-free treatment of employer-provided group legal services. This tax treatment helps to make affordable legal services available to millions of employees nationwide. Because the provision expires at the end of 1987, the availability of legal services to these employees has been jeopardized. The bill we introduce today would make permanent this important provision.

Originally enacted on a trial basis in 1976, section 120 provides for an exclusion from an employee's taxable income for amounts contributed by an employer to qualified group legal services plans. Reimbursements to employees under such plans also may be excluded from income. The provision has been extended three times since 1976, twice retroactively after it had been allowed to expire. This is a disruptive process for a program of proven value. It is time that a permanent provision be adopted.

Over the past decade, employer-provided group legal services has grown from a relatively unknown program to one that serves millions of Americans. Since 1976, the number of employees, spouses, and dependents covered under such plans has increased from less than 25,000 to 6.2 million, according to the National Resources Center for Consumers of Legal Services.

While coverage has increased dramatically, the cost to the Treasury has not been great. The Office of Management and Budget estimates that the revenue lost to the Treasury in 1987 as a result of the provision was less than $75 million. The plans are inexpensive to employers as well—most plans cost employers less than $200 per year per employee.

One of the reasons for the program's low cost is the limited scope of the provision. Qualified group legal plans must satisfy stringent statutory nondiscrimination requirements ensuring that the benefits are aimed at lower- and mid-level employees, and do not become a perk for executives.

Group legal services enhance simple equity in our society by giving working persons who might need a lawyer the opportunity to have affordable access to one. Employees make the most use of group legal services in the area of preventive legal care—seeking advice to avoid or resolve legal problems without expensive and time-consuming litigation, or legal assistance for routine matters such as wills, divorces, real estate transactions and consumer matters.

The tax-free treatment of employer-provided group legal benefits should be maintained in order to encourage the provisions of high quality, low-cost legal services to working Americans. I urge my colleagues to support this bill, to ensure that such legal services will continue to be available.●

By Mr. MATSUNAGA (for himself, Mr. Burdick, Mr. Ford, Mr. Shelby, Mr. Stafford, Mr. Inouye, and Mr. Moynihan):

S. 2120. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

ELIMINATION OF OFFSET BETWEEN VETERANS' DISABILITY COMPENSATION AND MILITARY RETIREMENT PAY

Mr. MATSUNAGA. Mr. President, I am today introducing with the cosponsorship of Senators Burdick, Ford, Moynihan, Shelby, Stafford, and Inouye a bill to eliminate the offset, currently required by law, between military retirement pay and VA disability compensation. Similar legislation has been introduced in the House by Congressman Mike Bilirakis with 203 cosponsors.

As my distinguished colleagues are aware, those who serve in the Armed Forces for 20 or more years qualify under present law for retired military pay. They also are aware that veterans who are disabled by injury or disease incurred or aggravated during active service in the line of duty, either during wartime or peacetime service, are eligible for monthly payments based upon the level of their disability. But few may know that—because the Federal Government wrongly identifies retirement pay and disability pay as compensation for the same service—military career retirees, in order to qualify for veterans' disability compensation, must deduct an amount equal to such compensation from their retirement pay. Even fewer may be aware that militiary career retirees are the only group of Federal annuitants who cannot receive concurrent disability compensation without having to pay an offset.

A simple example will illustrate the injustice that is done to disabled military career retirees. Imagine two soldiers who are injured in the line of duty. One soldier leaves after several years of service while the other makes the military a career and retires after 20 years. The disabled soldier who left the service early collects VA disability payments as well as retirement pay from either private sector or Federal employment. But the career military soldier who is disabled is required by statute to offset the disability payment from military retirement pay; he receives no separate payment for his service-connected disabilities. In other words, unlike the short timer, the disabled career soldier is required to fund his own disability benefits.

This is grossly unfair. Disabled veterans who happen to be career soldiers should be permitted to receive both full retirement pay and VA disability compensation because the two programs have two different purposes. Whereas retirement pay is paid to attract quality personnel and retain their services as a career over a long period of time, disability pay is disbursed to compensate a veteran for the pain, suffering, and loss of future earnings caused by service-related injuries or disease. Unfortunately, Federal law currently does not distinguish between the two, although it does so for other types of Federal and non-Federal service. My bill would remedy this discriminatory situation.

Mr. President, as I mentioned at the outset, the companion House bill enjoys the bipartisan support of 203 Members of Congress. In addition, 17 major veterans' and service organizations have voiced active support for the bill: the American Legion, Disabled American Veterans, Veterans of Foreign Wars, Uniformed Services Disabled Retirees, Military Order of the Purple Heart, Non-Commissioned Officers Association, Reserve Officers Association, Fleet Reserve Association, Retired Enlisted Association, Catholic War Veterans, Air Force Sergeants Association, National Military Family Association, National Association for Uniformed Services, Amvets, Retired Officers Association, American Retirees Association, and Jewish War Veterans.

I hope that my colleagues will join this distinguished group in supporting this legislation to provide equitable treatment for the thousands of disabled career military, retirees who are now suffering the shorter end of the unfair double standard.

By Mr. BRADLEY (for himself, Mr. Chafee, Mr. Mitchell, Mr. Rockefeller, Mr. Matsunaga, Mr. Durenberger, Mr. Riegle, Mr. Chiles, and Mr. Daschle):

S. 2122. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program, and for other purposes; referred to the Committee on Finance.

MEDICAID INFANT MORTALITY AMENDMENTS OF 1988

● Mr. BRADLEY. Mr. President, I rise to introduce the Medicaid Infant Mortality Amendments of 1988. Joining me in introducing this legislation are Senators Chafee, Mitchell, Rockefeller, Matsunaga, Durenberger, Riegle, Chiles, and Daschle. This legislation amends title XIX of the Social Security Act to require States to provide health care coverage for pregnant women and very young children up to 100 percent of the Federal poverty level and to increase provider participation in the Medicaid Program.

Mr. President, one of the ways that we judge progress in a society is the health of its people—particularly through such indicators as life expectancy and infant mortality. Although we can be proud of the progress we have made in extending life, we can take no pride in our progress in protecting the lives of infants and children. It is appalling that the infant mortality rate of a nation as technologically advanced and wealthy as ours ranks so far behind most other industrialized nations.

Unless we, as a nation, take further action, the United States will have little chance of meeting the Surgeon General's goal of reducing the infant mortality rate from its current level of 10.6 deaths per 1,000 live births to 9 deaths per 1,000 live births by 1990. In recent years, we have instead seen a serious decline in the progress we had been making in reducing the rate of infant mortality. Neonatal mortality actually increased by 3 percent between 1984 and 1985 for black infants. It will be virtually impossible to reach the Surgeon General's goal unless we concentrate on eliminating the discrepancy in infant mortality rates among different segments of our population. The infant mortality rate for whites is already 9.3 per 1,000 live births, but for blacks it is a disgraceful 19.4 per 1,000 live births.

The Institute of Medicine has determined that the most critical step we can take to reduce infant mortality is to expand access to early prenatal care and services for infants in the first year of life. Quality prenatal care can reduce the incidence of low birth weight, a major contributor to infant mortality. It is also extremely cost-effective; for every $1 spent on prenatal care, $3 is saved over the first year of the infant's life. The Office of Technology Assessment recently reported that every low birthweight birth avoided by prenatal care saves the U.S. health care system between $14,000 and $30,000 in initial hospitalization and long-term costs. OTA further concluded that the health care savings from preventing low birthweight would outweigh the costs of extending Medicaid eligibility to all poor pregnant women.

Mr. President, good prenatal care is certainly an important step. But after the baby is born, developmental checkups are also essential. Because poor infants and children are more likely to start life sick and live in poor surroundings, their health problems are particularly serious. If these health problems can be detected early in life, their most serious effects can be prevented. This is good for children and it is cost-effective. While it costs only $350 a year for a young child to have full preventive health care services, 1 day in the hospital for an untreated illness costs at least $600.

Despite the obvious benefits of expanding access to health care for pregnant women, infants, and children, serious gaps in access persist. More than 11 million children are uninsured and nearly 15 million women of childbearing age have no private or Government health insurance covering maternity. Each year, 555,000 of these women give birth. Overall, 3 in every 10 women—including 1 in every 2 black women—do not receive adequate prenatal care.

Since 1984, we have been slowly moving forward to correct this unfortunate situation by expanding and strengthening public health programs for pregnant women and children. Many of us in the Senate worked hard to give States the option to expand coverage to pregnant women and children with family incomes above AFDC levels but below the Federal poverty line. At this time, 25 States and the District of Columbia are taking advantage of this option. As a result of the Bradley-Waxman initiatives contained in the Omnibus Reconciliation Act of 1987, States are further permitted to extend Medicaid coverage to infants and pregnant women with family incomes below 185 percent of the Federal poverty level and to all poor children younger than 8. I hope that States will expand their programs

along these lines. Last year's Bradley-Waxman initiatives also mandated States to provide coverage through age 6 of the children added to Medicaid by the 1984 act.

These reforms, significant as they are, have unfortunately not been adopted by all States nor have they been adequate to keep pace with higher child poverty levels. There remain over 160,000 children born to poor women each year in States which do not provide access to prenatal care. In addition, more than half of all children below the poverty line remain uncovered by Medicaid.

Mr. President, Medicaid eligibility is not the only problem. Even when Medicaid coverage is available to women and children, they may not get medically appropriate services. Many health care providers are simply unwilling to serve Medicaid patients because they find Medicaid payments to be insufficient and require burdensome paperwork. Furthermore, Medicaid patients tend to fall on and off coverage so that providers are never sure whether or not they will receive any reimbursement at all.

Other Federal programs aimed at meeting the needs of pregnant women and children have also fallen short. We all know how effective the WIC Program is. Yet it serves only half of all financially eligible, nutritionally at-risk women, infants, and children. Its failure to serve the entire maternal and child health populations eligible for, and in need of nutritional supplements, in inexcusable. This problem is also addressed in this new piece of legislation.

Mr. President, my bill would do four important things for pregnant women, infants, and children: It would require that States offer Medicaid coverage to all pregnant women and infants up to 100 percent of the poverty level and it would phase in such coverage for children up through age 3; it would increase participation in the Medicaid Program among those who are Medicaid-eligible; it would provide incentives to increase provider participation in the Medicaid Program; and it would allow for Medicaid to purchase WIC services for pregnant women, infants, and children.

The esteemed chairman of the House Subcommittee on Health and the Environment, Congressman Waxman, is today introducing a companion bill in the House of Representatives. Joining him are Congressmen Leland, Hyde, Scheuer, Walgren, Wyden, Sikorski, Bates, Bruce, Mrs. Collins, Boucher, Miller, and Downey. Congressman Waxman's leadership in the area of children's health issues is well known, and I look forward to working with him in our continuing effort to reach pregnant women and children with needed health care.

Mr. President, we frequently talk about the problems facing our poor. Inadequate prenatal care is among the most serious because it contributes to incidence of low birthweight infants. These low birthweight infants, if they survive, experience a range of health problems. If these health problems go unresolved, they contribute to school difficulties and failure. Children who do poorly in school are more likely to become dropouts and joint the ranks of the unemployed. And, in turn, these unemployed, undereducated and welfare dependent individuals are more likely to become teen parents who, in turn, are unable to secure prenatal care. Thus the cycle continues unabated.

Mr. President, if there ever was a place to intervene, this is it. We can have an impact on our citizens, giving them a chance to be the best they can be from the very beginning. We can no longer afford, in dollar costs or human costs, not to extend prenatal care and health services to pregnant women, infants, and young children. I strongly urge my colleagues to support this bill.

I ask that a copy of the summary of the bill appear in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Medicaid Infant Mortality Amendments of 1988—Bill Summary

The Surgeon General has established an infant mortality goal of 9 per 1,000 live births by 1990. Unless serious efforts are undertaken, the United States will fall short of this goal, and continue to have a higher infant mortality rate than most other industrialized nations. In recent years, attempts have been made to limit this tragic waste of innocent lives through modifications to the Medicaid program that expand access to health care for pregnant women, infants, and young children. Important as these reforms have been, the data on infant mortality point to the fact that significant gaps in access to health care remain. This bill attempts to close those gaps with the following provisions:

1. MANDATORY COVERAGE FOR POOR PREGNANT WOMEN AND CHILDREN

Medicaid coverage for poor pregnant women.—States are currently required to offer Medicaid coverage for prenatal care to all pregnant women who are below state AFDC income levels. States are allowed to extend coverage to pregnant women who are below 185 percent of the poverty line. To date, 25 states and the District of Columbia have elected to extend Medicaid coverage to pregnant women and infants with family incomes above AFDC levels but below the federal poverty level. There remain over 160,000 children born to poor women each year in states which do not provide access to prenatal care.

This legislation would require that all states provide Medicaid coverage to all pregnant women up to 100 percent of the Federal poverty line. As under current law, coverage is limited to pregnancy-related services.

Phase in children through age 3.—States are currently required to offer Medicaid coverage to all young children who are below state AFDC income levels. States have the option to extend coverage to all children under age 5 who are below 100 percent of the Federal poverty line. To date, 20 states and the District of Columbia have implemented the option to phase in Medicaid coverage to children over age 1 but younger than five with family incomes above AFDC levels but below the federal poverty level. There remain roughly 600,000 poor children through age three who are uncovered by Medicaid.

This legislation would require that all states extend Medicaid coverage to children born after 12-31-87 with family incomes below the poverty line, until they reach the age of four. Medicaid coverage for infants and young children would be identical to that currently offered other such assistance recipients.

In addition, the bill provides for a small change in the calculation of family income for children. Just as states determine Medicaid eligibility for pregnant women by calculating family income with either the SSI resource test or no resource test, states would now determine Medicaid eligibility for children through age 3 by calculating family income with either the SSI resource test or no resource test.

Expansion of continuation coverage.—Currently, states have the option to provide Medicaid coverage for pregnant women through the end of the 60 day period beginning on the last day of pregnancy. However, only 22 states provide this continuous coverage. In most states, pregnant women can lose their Medicaid eligibility in the middle of pregnancy. In these cases, the physician may be unable to receive compensation for the delivery of the baby. As a result, physicians are often unwilling to treat Medicaid recipients out of concern that the loss of Medicaid eligibility will lead to a loss in reimbursement for their services.

In an effort to encourage physician participation and expand access to prenatal care, this legislation would mandate states to provide continuous Medicaid coverage to women until the end of the month in which the 60 day post-partum period expires.

2. PROMOTING MEDICAID COVERAGE

Presumptive eligibility.—The Medicaid eligibility determination process is often a barrier to the timely and appropriate receipt of prenatal care. In response to this problem, states were recently given the option to provide "presumptive eligibility" for pregnant women which allows for short-term eligibility to begin at the earliest point of contact between the patient and the provider. To date, 12 states have implemented this option.

This legislation would require states to provide presumptive eligibility for ambulatory prenatal care for pregnant women. The presumptive eligibility period would be extended to 45 days or whenever the state makes a final eligibility determination, whichever is longer. During the presumptive eligibility period, a pregnant woman could receive prenatal care from private practitioners who are not qualified to do eligibility determinations.

Outreach services.—Many Medicaid-eligible pregnant women are unaware that they are eligible for Medicaid and may therefore forego appropriate prenatal care because they believe that such care is unaffordable.

States would be given the option to cover outreach services for pregnant women and children.

3. ASSURING PROVISION OF NECESSARY SERVICES

Payment for obstetrical services.—A minority of physicians and other health care providers deliver the bulk of services to low income patients. For example, one of every two physicians either does not participate in Medicare at all or it accounts for less than 10 percent of their practice. Low provider fees and programmatic complexity are the primary explanations for these low provider participation rates. The rising cost of malpractice insurance is also mentioned as a major cause of declining participation.

This legislation would codify current regulations requiring that State payments to providers for prenatal care be sufficient to enlist enough providers so that services under Medicaid are available to recipients at least to the extent that those services are available to the general population. States would have to report on Medicaid reimbursement levels and the extent of provider participation to the Secretary on an annual basis. The Secretary would then report annual compliance determinations to the Congress and sanction those states found out of compliance.

The legislation would also allow states the option of setting higher payment levels for prenatal and delivery services delivered by ob-gyns and other qualified providers (eg. family practitioners, certified nurse midwives) with practices located in rural areas.

Payment for exceptionally lengthy hospital stays.—Currently, many state Medicaid programs place limits on coverage for young children with extended or highly medically intensive hospital stays. Some place limits on the number of days for which they provide reimbursement for inpatient care, with virtually no exceptions for cases of medical necessity. Others place limits on the prospective payment Medicaid makes, with no additional coverage for high cost "outlier" cases. These benefit limitations lead to inadequate coverage for low income children with special health care needs.

This legislation would require each state, as appropriate to its Medicaid reimbursement system to establish either a mandatory override on day limits for medically necessary care or a mandatory outlier on prospective payment for the inpatient hospital care of infants in disproportionate share hospitals. Each state would have discretion in both the design of overrides/outliers and the application of a budget neutrality requirement.

4. INCREASING ACCESS TO WIC BENEFITS

Medicaid purchase of WIC services.—Currently, all Medicaid-eligible pregnant women and children are also eligible for benefits under the Special Supplemental Food Program for Women, Infants, and Children (WIC). This program provides food assistance and nutritional screening to low-income pregnant and post-partum women and their infants as well as to low-income children up to age 5. The WIC program is aimed at women and children who are considered "at risk" for nutritionally-related medical problems. Recent evidence proves that WIC's services aid in the prevention of premature births, fetal deaths, and other problems among pregnant women and infants. Despite WIC's obvious success, WIC services are provided to only half of those who are eligible.

This legislation would make the WIC program more accessible to Medicaid-eligible pregnant women and children up to age 5 by requiring states to coordinate their Medicaid plans with the WIC program and requiring states to make information about WIC available to all pregnant women and children applying for Medicaid. In addition, state Medicaid programs would be allowed to purchase the WIC food package for Medicaid-eligible pregnant women and children. Medicaid recipients would be certified for the WIC program in the same manner as all other WIC applicants.●

● **Mr. MITCHELL.** Mr. President, I am pleased to join with my colleague from New Jersey, Senator BRADLEY, in introducing the Medicaid infant mortality amendments. This important legislation will require that all States provide Medicaid coverage to pregnant women and young children through age 3 up to 100 percent of poverty.

This bill expands upon the significant improvement in Medicaid coverage for pregnant women and children which were included in last year's budget reconciliation bill. That legislation gave States the option of providing Medicaid coverage to pregnant women and young children up to 185 percent of poverty. Thus far, 24 States and the District of Columbia have elected to expand Medicaid coverage under this provision.

The issue of infant mortality is a critical one in our society.

The Children's Defense Fund document entitled, "The Health of America's Children," reports that during the 1950-55 period, the United States ranked sixth best on infant mortality among 20 industrialized countries. By the 1980-85 period, the Nation had fallen to a tie for last place among the same countries.

Very little improvements in the rates of infant mortality is evident in recent years. In 1984, the percentage of women who received either no prenatal care or none until the seventh month or later did not decline at all from the 1983 figure of 5.6 percent. 1984 was the fifth consecutive year during which the percentage of babies born to mothers who received late or no care worsened or failed to improve.

The Institute of Medicine has determined that the most critical step we can take to address infant morality is to expand access to early prenatal care and services for infants in the first year of life. The IOM determined that quality prenatal care could reduce the incidence of low brithweight babies by 15 percent among white infants and 12 percent among black infants.

They also found that this approach is extremely cost effective; for every $1 spent, $3 would be saved in the first year of the infant's life, and saves up to $11 in total medical expenses over the lifetime of the child.

The legislation we are introducing today will continue to build upon the improvements in services for low-income pregnant women and their babies enacted last year. In addition to expanding Medicaid coverage for these women, the bill also includes provisions which will provide incentives for physicians to treat Medicaid-eligible pregnant women.

The bill also includes provisions which will mandate States to provide continuous Medicaid coverage to women 60 days post-partum and make the WIC Nutrition Program more accessible to Medicaid-eligible pregnant women and children.

I look forward to working with Senator BRADLEY and others to see that this important legislation is enacted in the very near future. This modest expansion of Medicaid dollars represents a prudent investment which will have a significant and long lasting effect upon the health and the future of the Nation's poorest children.

I urge my colleagues to support this important bill.●

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. SIMON, Mr. DASCHLE, and Mr. CONRAD):

S. 2123. A bill to provide hunger relief, and for other purposes; referred to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY HUNGER RELIEF ACT

Mr. KENNEDY. Mr. President, I am pleased to join with Senators LEAHY, SIMON, DASCHLE, and CONRAD in introducing the Emergency Hunger Relief Act of 1988. A war on hunger was waged successfully in the 1960's and 1970's—but it has been lost in the 1980's, a casualty of both a harsh recession and harsh budget cuts. Since 1981, Federal spending on nutrition programs, adjusted for inflation, has increased by less than 1 percent. During the same period, the number of Americans in poverty increased by 3 percent—or over half a million people. Between 1986 and 1987 alone, demand for emergency food services increased in 24 major cities by an average of 18 percent.

By the mid-1970's, hunger had essentially been eradicated in America. But in 1985, the Harvard Physicians' Task Force estimated that as many as 20 million Americans suffer from hunger for some portion of each month. The measure we are introducing today is designed to be a new declaration of war on hunger, and this time we intend to see that the war stays won.

The bill we are introducing today, the Emergency Hunger Relief Act of 1988 strengthens, four basic Federal programs—food stamps, school breakfasts, child care food, and summer food service. It will significantly improve the nutritional content of the meals for food stamp recipients, and it will strengthen our essential child nutrition programs.

The current Food Stamp Program began in 1961 as a pilot project in one of President Kennedy's first executive orders. Since that time, food stamps have become a lifeline for the hungry—nearly 19 million Americans were served in 1987. In spite of the large number of people served, the program is still far from successful, because its benefits are far from adequate.

For the vast majority of recipients, food stamps run out well before the end of the month. Millions of other needy citizens would be eligible for food stamps, but they do not know that they are eligible, or how to apply. Increasing numbers of poor Americans are forced by the high cost of housing to choose between decent shelter and food stamps. Others, who have been forced to move in with relatives because they have lost their home or apartment, find their food stamp benefits reduced or terminated.

The bill we are proposing deals with these problems in the following ways:

It increases the basic food stamp benefit amount.

It restores food stamp information activities and targets those services to the most vulnerable Americans: low income workers with children, the homeless, the disabled, the elderly and those in rural areas.

It phases out the excess shelter cost deduction cap so that recipients can spend a more realistic portion of their income on housing before their food stamps are reduced.

It changes the household definition so that recipients who move in with relatives will not lose their benefits.

In addition to these essential reforms in food stamps, the bill makes a number of improvements in other nutrition programs:

It reauthorizes the Temporary Emergency Food Assistance Program and ensures that surplus commodities will continue to be made available to the homeless and other low income Americans.

It increases the reimbursement for school breakfasts by 3 cents a meal, so that schools can serve more nutricious breakfasts to poor children.

It allows centers participating in the child care food program to serve children an additional meal.

It permits nonprofit organizations to administer the Summer Food Service Program, so that greater assistance will be available to poor children when school is out.

The changes we are proposing will take place over the next 5 years. We estimate that the bill will cost $300 million in fiscal year 1989, rising to $900 million in 1993.

We are well aware that scarce Federal dollars limit our ability to fight hunger as effectively as we would like. But we believe that the war on hunger deserves the highest priority in domestic spending, and we intend to work with our colleagues to see that this priority is met.

We could obviously do more. But we cannot afford to do less. America needs effective national leadership against hunger—and this measure will provide it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2123

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Emergency Hunger Relief Act of 1988".

(b) Table of Contents.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—FAMILY SELF SUFFICIENCY IMPROVEMENT

Subtitle A—Food Stamp Program

Sec. 101. Low cost food plan.
Sec. 102. Relatives living together.
Sec. 103. Categorical eligibility.
Sec. 104. Income standards of eligibility.
Sec. 105. Excess shelter expense deduction.
Sec. 106. Reporting requirements and calculation of household income.
Sec. 107. Limitation on resources.
Sec. 108. Value of allotment.
Sec. 109. Benefits for households subject to prorating.
Sec. 110. Food stamp information activities.
Sec. 111. Extension of homeless amendments.

Subtitle B—Related Programs

Sec. 121. Temporary emergency food assistance program.
Sec. 122. Community food and nutrition program.
Sec. 123. Study of special diets.

TITLE II—CHILD NUTRITION PROMOTION

Sec. 201. Exclusion of foster care and adoption assistance from income under the food stamp program; removal of obsolete reference.
Sec. 202. Improvement of school breakfast program.
Sec. 203. Restoration of private nonprofit organizations under the summer food service program for children.
Sec. 204. Addition of one snack or one meal to the child care food program.
Sec. 205. Technical correction relating to income guidelines for free lunches.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

SEC. 2. FINDINGS.

Congress finds that—

(1) millions of Americans face hunger several or more days each month due to the fact that—

(A) one in every five American children is poor (using the United States Census definition for the most recent year for which dates are available), and almost one of every two black children and two of every five hispanic children are poor;

(B) the demand for emergency food assistance is increasing, and the majority of those requesting emergency food assistance in major cities are families with children;

(C) participation in the food stamp program has declined in this decade, despite an increase in the number of poor Americans, and barriers to participation in the food stamp program are contributing to the growth of domestic hunger;

(D) food stamp benefits are based on the lowest cost food plan devised by the United States Department of Agriculture and the benefit level makes it difficult for most poor families to achieve a minimally adequate diet;

(E) the Department of Agriculture estimates that low-income children receive a substantial portion of their daily food from meals served in schools under the National School Lunch Act, yet during the summer months, only one eighth of the low-income children who participate in school meal programs get nutrition assistance under the summer food program;

(F) only one fourth of the low-income children who participate in the school lunch program participate in the school breakfast program; and

(G) over half of our children under age 6 now have mothers that work outside of the home, and those children need high-quality child care services and nutrition to be prepared to do well in school and eventually lead productive adult lives;

(2) as a matter of national public policy, the health and nutritional status of low-income Americans (particularly vulnerable groups such as women of child-bearing age, children, and the elderly) should be protected;

(3) low-income people in need should have information about and access to Federal food and nutrition programs; and

(4) freedom from hunger and undernutrition is a basic human need, and food and nutrition programs are essential to enhance the health of the Nation.

TITLE I—FAMILY SELF SUFFICIENCY IMPROVEMENT

Subtitle A—Food Stamp Program

SEC. 101. LOW COST FOOD PLAN.

(a) Food Plan Definition.—Section 3(o) of such Act (7 U.S.C. 2012(o)) is amended—

(1) by striking out "Thrifty" and inserting in lieu thereof "Low cost";

(2) in the first sentence, by inserting after "calculations" the following: "published and distributed in April, 1983"; and

(3) by striking out "thrifty" each place it appears and inserting in lieu thereof "low cost".

(b) Value of Allotment.—Section 8(a) of such Act (7 U.S.C. 2017(a)) is amended by striking out "the thrifty food plan" and inserting in lieu thereof "79 percent of the low cost food plan during the period beginning January 1, 1989, and ending September 30, 1989, and 80 percent of the low cost food plan during fiscal year 1990 and thereafter".

(c) Conforming Amendment.—Section 21(b)(2)(C)(ii) of such Act (7 U.S.C. 2030(b)(2)(C)(ii)) (as added by section 1509 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203)) is amended by striking out "the thrifty food plan" and inserting in lieu thereof "79 percent of the low cost food plan during the period beginning January 1, 1989, and ending September 30, 1989, and 80 percent of the low cost food plan during fiscal year 1990 and thereafter".

SEC. 102. RELATIVES LIVING TOGETHER.

The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(1) by striking out "(2)" and inserting in lieu thereof "or (2)"; and

(2) by striking out ", or (3)" and all that follows through "disabled member".

SEC. 103. CATEGORICAL ELIGIBILITY.

The second sentence of section 5(a) of the Food Stamp Act of 1977 (7 U.S.C. 2014(a)) is amended—

(1) by striking out "during the period"; and

(2) by striking out "and ending on September 30, 1989".

SEC. 104. INCOME STANDARDS OF ELIGIBILITY.

Section 5(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(1)) is amended by inserting after the paragraph designation the following: "in the case of a household that includes an elderly or disabled member,".

SEC. 105. EXCESS SHELTER EXPENSE DEDUCTION.

The proviso to the fourth sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended after "respectively," the following: "plus an additional $10 for each such jurisdiction for each adjustment period,".

SEC. 106. REPORTING REQUIREMENTS AND CALCULATION OF HOUSEHOLD INCOME.

(a) Calculation of Household Income.—Section 5(f) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)) is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2)(A) Households not required to submit monthly reports of their income and circumstances under section 6(c)(1) shall have their income calculated on a prospeective basis, as provided in paragraph (3)(A).

"(B) Households required to submit monthly reports of their income and circumstances under section 6(c)(1) shall have their income calculated on a retrospective basis, as provided in paragraph (3)(B), except that in the case of the first month, in a continuous period in which a household is certified, the State agency shall determine the amount of benefits on the basis of the household's income and other relevant circumstances in such first or second month"; and

(2) in paragraph (4), by striking out the second sentence.

(b) Optional Monthly Reporting.—Section 6(c) of such Act (7 U.S.C. 2015(c)) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1)(A) A State agency may require certain categories of households to file periodic reports of household circumstances in accordance with standards prescribed by the Secretary, except that a State agency may not require periodic reporting of households—

"(i) in which all members are migrant or seasonal farm workers;

"(ii) in which all members are homeless individuals; or

"(iii) that have no earned income and in which all adult members are elderly or disabled members.

"(B) Each household that is not required to file such periodic reports on a monthly basis shall be required to report or cause to be reported to the State agency changes in income or household circumstances that the Secretary considers necessary to assure accurate eligibility and benefit determinations."; and

(2) by striking out paragraph (5).

(c) Monthly Notice.—Section 6(c)(2) of such Act is amended—

(1) by striking out "and (D)" and inserting "(D)"; and

(2) by inserting before the period the following: ", and (E) be provided each month with an appropriate, simple form for making its required reports together with clear instructions explaining how to complete the form and its rights and responsibilities under the monthly reporting system".

SEC. 107. LIMITATION ON RESOURCES.

The second sentence of section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by inserting after "$4,500" the following: "(adjusted on October 1, 1988, and on each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for the 12 months ending the preceding June 30)".

SEC. 108. VALUE OF ALLOTMENT.

Clause (2) of the last sentence of section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) is amended by striking out "following any period" and inserting in lieu thereof "that applies following any period of more than 30 days".

SEC. 109. BENEFITS FOR HOUSEHOLDS SUBJECT TO PRORATING.

Section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) (as amended by section 109 of this Act) is further amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (2) (as so designated), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(3) A household applying after the 15th day of the month or similar period shall be entitled to receive, in lieu of its initial allotment and its regular allotment for the following month or period, an allotment that is the aggregate of the initial allotment and the first regular allotment, which shall be provided in accordance with paragraphs (3) and (9) of section 11(e).".

SEC. 110. FOOD STAMP INFORMATION ACTIVITIES.

(a) Authority.—Subparagraph (A) of section 11(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended to read as follows: "(A) inform low-income households containing members who are homeless individuals, elderly or disabled members, low-income workers with children, or residents of rural areas (and, at the option of the State, other low-income persons) about the availability, eligibility requirements, application preocedures, and benefits of the food stamp program, including notification to recipients of aid to families with dependent children, supplemental security income, and unemployment compensation, distribution of application forms and associated information about filling out such forms (including information about the documentation required pursuant to paragraph (3)), and".

(b) Administrative Costs.—Section 16(a)(4) of such Act (7 U.S.C. 2025(a)(4)) is amended by striking out "permitted" and inserting in lieu thereof ", including those undertaken".

SEC. 111. EXTENSION OF HOMELESS AMENDMENTS.

Section 11002(f)(3) of the Homeless Eligibility Clarification Act (Public Law 99-570; 7 U.S.C. 2012 note) is amended by inserting ", except those amendments made by subsection (b)," after "this section".

Subtitle B—Related Programs

SEC. 121. TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) Authorization.—The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) (as amended by section 813 of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77)) is amended by striking out "through September 30, 1988" and inserting in lieu thereof "through September 30, 1990".

(b) Local Support.—The first sentence of section 204(c)(2) of the Temporary Emergency Food Assistance Act of 1983 is amended by striking out "20" and inserting in lieu thereof "50".

(c) Notice of Availability of Commodities.—Section 210(c) of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 814(b)(2) of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "fiscal year ending September 30, 1988" and inserting "fiscal year 1990".

(d) Program Termination.—

(1) In general.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 814(a) of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "1988" and inserting "1990".

(2) Conforming amendment.—Section 202A(a)(1) of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 812 of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "To the extent" and all that follows through "fiscal year 1988" and inserting in lieu thereof "For the period ending on the date specified in section 212".

SEC. 122. COMMUNITY FOOD AND NUTRITION PROGRAM.

(a) Programs.—Section 681A(a) of the Community Services Block Grant Act (42 U.S.C. 9910a(a)) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and "; and

(3) by adding at the end thereof the following new paragraph:

"(4) to develop innovative approaches at the State and local level to improve the nutritional content of meals consumed by low-income people that are home bound due to debilitating diseases or conditions.".

(b) Authorization.—Subsection (c) of section 681A of such Act is amended to read as follows:

"(c) There is authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 1988 through 1993.".

SEC. 123. STUDY OF SPECIAL DIETS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall—

(1) conduct a study, by contract with the National Academy of Sciences—

(A) to identify which kinds of medical conditions commonly suffered by members of households participating in the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) require such members to follow special diets;

(B) to determine the incidence of each medical condition identified under subparagraph (A) among members of households that are eligible to participate in the food stamp program;

(C) to determine the estimated costs that would be incurred by households (of various sizes) participating in the food stamp program, to follow special diets required by medical conditions suffered by the members of such households; and

(D) with respect to such households and each of the medical conditions identified in

subparagraph (A), to determine the adjustments to the low cost of food plan that would be necessary to provide to such households allotments that take into account additional costs that would be incurred to follow special diets required by such medical conditions; and

(2) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing in detail the results of such study.

TITLE II—CHILD NUTRITION PROMOTION

SEC. 201. EXCLUSION OF FOSTER CARE AND ADOPTION ASSISTANCE FROM INCOME UNDER THE FOOD STAMP PROGRAM; REMOVAL OF OBSOLETE REFERENCE.

Paragraph (12) of section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended to read as follows: "(12) any payments made under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) or under any State or local foster care program, and".

SEC. 202. IMPROVEMENT OF SCHOOL BREAKFAST PROGRAM.

The first sentence of section 4(b)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(3)) is amended by inserting after "3 cents" the following: ", and (effective beginning July 1, 1989) an additional 3 cents,".

SEC. 203. RESTORATION OF PRIVATE NONPROFIT ORGANIZATIONS UNDER THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) Eligible Service Institutions.—Section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended—

(1) in subparagraph (B), by inserting ", private nonprofit organizations," after "county governments";

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by striking out "and" at the end of subparagraph (D); and

(4) by inserting after subparagraph (D) the following new subparagraph: "(E) 'private nonprofit organizations' includes only such organizations (including summer camps) that (i) operate at not more than 15 sites, or operate at not more than 20 sites pursuant to a waiver granted under subsection (i)(2), and (ii) use self-preparation facilities to prepare meals or obtain meals from a public facility (such as a school district, public hospital, or State university); and".

(b) Eligible Private Nonprofit Organizations.—Section 13 of the such Act is amended by inserting after subsection (h) the following new subsection:

"(i)(1) Eligible private nonprofit organizations entitled to participate in programs under this section as service providers shall be limited to those that—

"(A) operate in areas where a school food authority or the local, municipal, or county government has not indicated by March 1 of any year that such authority or such unit of local government will operate a program under this section in such year;

"(B) exercise full control and authority over the operation of the food service programs under this section at all sites under their sponsorship;

"(C) provide ongoing year-round activities for children;

"(D) demonstrate adequate management and fiscal capacity to operate programs under this section; and

"(E) meet applicable State and local health, safety, and sanitation standards.

"(2) The Secretary may waive the limitation of 15 sites established under subsection (a)(1)(E)(i) and permit a private nonprofit organization under this section to operate at not more than 20 sites if such organization demonstrates to the satisfaction of the Secretary that an unmet need for such additional sites exists and that such organization has the capability to serve such additional sites.".

SEC. 204. ADDITION OF ONE SNACK OR ONE MEAL TO THE CHILD CARE FOOD PROGRAM.

Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C 1766(f)(2)(B)) is amended by inserting before the period the following: ", or in the case of an institution or home open more than 8 hours per day, two meals and two supplements or three meals and one supplement".

SEC. 205. TECHNICAL CORRECTION RELATING TO INCOME GUIDELINES FOR FREE LUNCHES.

Section 9(b)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(b)(1)(A)) is amended—

(1) in the second sentence, by striking out "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) by striking out the third sentence.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided in this section, this Act and the amendments made by this Act shall become effective on October 1, 1988.

(b) Low-Cost Food Plant; Excess Shelter Expense Deduction.—The amendments made by sections 101 and 105 shall become effective on January 1, 1989.

(c) School Breakfast Program; Child Care Food Program.—The amendments made by sections 202 and 204 shall become effective on July 1, 1989.

● Mr. SIMON. Mr. President, I would like to comment in the Record on the bill known as the Emergency Hunger Relief Act of 1988. This bill seeks to restore many of the financial benefits taken from the Food Stamp Program through the Gramm-Rudman-Hollings Act. The adjustments placed in this bill are significant for two reasons. First, they symbolize our efforts to recognize and restore meaning to the assistance acts which we pass. Second, the adjustments offer improvements in our Food Stamp Program that aid families and households, children, and extend existing relief programs.

Specifically, this bill offers a 2-year extension to the Temporary Emergency Food Assistance Program [TEFAP] and reauthorizes the Community Food and Nutrition Program until 1993. In addition, the bill uses the low-cost food plan as the basis for the computation of benefits. This increases the basic amount per person, per meal by $0.02.

These are but a few examples of the adjustments made through this bill. Yet, these are ways in which a difference can be made to those who need the program most. This bill, developed by the distinguished chairman of the Committee on Labor and Human Resources, Senator Kennedy, has the support of the Illinois Catholic Charities as well as many other local and national groups. I am pleased to be one of its original cosponsors.●

Mr. HARKIN. Mr. President, I want to recognize some of my good friends and colleagues who today introduced the Emergency Hunger Relief Act of 1988. I commend them for their commitment and efforts in fighting domestic hunger. Their concern and perseverance is evidenced not only by the legislation introduced today but by their years of dedicated service to the cause of human welfare.

As a concerned citizen, I realize that hunger is more than a social blight. It is an epidemic that is robbing our country of its dignity as well as its economic potential. As chairman of the Senate Nutrition Subcommittee, I have had the opportunity to study this problem and become familiar with the resources we are using to fight hunger. As I have studied this problem, I have become intimately familiar with it and I have seen and met some of the people who participate in these programs. They have made a lasting impression on me. An elderly lady, for example, standing for hours in 4-degree weather, waiting for a food pantry to open its doors. A young child in a school lunch line. Lines of people waiting, with outstretched hands, to receive food for themselves and their families. These are real people with real needs.

Unfortunately, in these brief remarks, I can only describe in words and numbers the nature and extent of hunger in America. It is hard to talk about hunger without talking about the underlying factors which lead to hunger. They are poverty and the inability of many wage earners to earn enough money to properly feed themselves and their families. They are dislocated workers or unskilled labor just entering the job market.

Today there are over 32 million people living at or below the poverty level. The poverty level for a family of four is $11,600.

Nearly 13 million of these poor people are children. In fact, 1 in 5 children born in this country today is born into poverty.

Four and one-half million are elderly—over age 60.

About 85 percent of our Nation's poor are women, children, handicapped, or elderly.

Twenty percent of our Nation's poor are gainfully employed—but not enough to rise above poverty status.

In addition to the childrenization of poverty, a statistic in which we lead the industrialized world, and notwithstanding the tremendous social gains by women in the last couple of decades, we are witnessing the feminization of poverty. Seventy-eight percent of food stamp households are headed by women and over 80 percent of food stamp benefits go to households with children.

Many women are not trained to meet the demands of today's labor force. If they go back to college on a full-time basis to try to improve job skills, they lose their food stamp eligibility. If they have children, the cost of child care may eliminate potential food stamp benefits. Hence some food stamp restrictions work against the very objectives of the Food Stamp Program, namely to help people help themselves.

Let me address the adequacy of existing food assistance programs. They are basically good programs—they do a tremendous amount of good but they are woefully inadequate. I mentioned our 32 million people now living in poverty.

Food stamps reach only 19 million of these people and it provides an average of only $0.51 per person per meal.

WIC, the most efficient and economical of the food assistance programs, reaches only 40 percent of eligible persons. Who goes unserved? Children, ages 1-5, are the lowest priority. We reach less than a third of eligible children.

I could go on: I could talk about the underutilized School Breakfast Program. I could talk about the many recipient agencies—State human services offices, food banks and pantries—that have contacted me about the loss of many TEFAP commodities. I could address the cap on bonus commodities for the School Lunch Program and the real economic loss this program will suffer as a result. In my own State of Iowa, school officials have told me that a $0.03 increase in the price of school lunches will mean a 3-percent decline in participation, which could in turn necessitate a further increase in the cost of the school lunch. Suffice it to say that our supplies do not match our needs and those who suffer are generally not able-bodied men who simply refuse to work.

My message then is brief. When it comes to food assistance programs, let us not be penny-wise and pound-foolish. It is a waste of our Nation's resources to starve so many who ought and want to be productive citizens. We need to train these people not kick them off the Food Stamp Program when they seek to develop job skills or productive employment. Nor should we withhold our resources from those unable to provide for themselves such as the handicapped, the elderly and children. With regard to children, we will far outspend any perceived savings in the WIC Program by increased medical bills within a year or so after an infant is born.

As chairman of the Subcommittee on Nutrition, I can say that this issue will receive a high priority. I will be studying this bill as well as other antihunger measures in the upcoming weeks. I look forward to working with my colleagues on this legislation and commend them for their efforts.●

By Mr. BOSCHWITZ:

S. 2124. A bill to expand the availability of child care, and for other purposes; to the Committee on Finance.

CHILD CARE AND NUTRITION ENHANCEMENT ACT

● Mr. BOSCHWITZ. Mr. President, today I am introducing the Child Care and Nutrition Enhancement Act of 1988. This bill is a broad-based approach to the problems of child care, one that provides Federal assistance to States without imposing a heavy burden of Federal regulation.

This is not a new issue for me. On the Nutrition Subcommittee, I have worked for years to support and improve the Child Care Food Program, the largest single child care program in the Federal budget today. This bill works to make further improvements in that program, and I will use my position on the Agriculture Committee to push those changes.

This bill has some broad characteristics. First, it provides resources to the States to improve both the quantity and quality of child care services. States can use their matching grants to supplement current subsidies and bolster programs like resource and referral centers. In addition, competitive grants provide an incentive for States to develop innovative new approaches to child care.

Second, it keeps Federal regulations at an absolute minimum. I do not want to lay burdensome new regulations on child care providers, regulations that would raise the cost of child care and create a huge new Federal bureaucracy. In addition, a new flood of Federal regulations would be especially burdensome for the small child care providers, those who run family daycare homes in neighborhoods across America. We must not spawn a new Federal bureaucracy which would make it impossible for those providers to exist.

Child care needs to be responsive to local needs, not Federal regulations. States should be free to develop programs that fit their unique situations. Communities should be able to design standards that respond to their particular needs. All providers, both, family daycare homes and larger daycare centers, should receive meaningful assistance and support.

Third, this bill is responsible fiscally. Through reform in the dependent care tax credit, we make substantial savings in the Tax Code. These savings help fund the new programs and tax credits established by the bill. Through reform in an existing credit, the bill can fund new incentives for child care providers and provide greater assistance to low- and middle-income families—without an unmanageable increase in Federal spending.

Title I of the bill authorizes block grants of $350 million per year for the next 3 years. These grants will be allocated to the States to support and expand programs like sliding fee subsidies, resource and referral centers, training and accreditation programs, and information services. States must provide assurances that these funds will supplement, and not supplant, existing non-Federal sources.

Title I also authorizes a total of $50 million over the next 3 years in competitive grants. These grants will be an incentive to States to develop new programs that would have a national significance and, when copied, would further the objectives of this act.

Title II makes important improvements in the Child Care Food Program. By increasing the breakfast reimbursement by 3 cents, it allows providers to increase the nutritional quality of their meals. In addition, as child care hours often extend over an entire day, my bill will not reimburse providers for an additional meal or snack.

Title III establishes a tax credit for providers who want to provide child care in their homes. Because licensing requirements often involve modest structural changes in a home, this title establishes a tax credit for those needed improvements. Providers will receive a credit of 20 percent, up to a maximum of $1,000, to make improvements that are needed to become licensed.

Title IV establishes an investment tax credit for businesses who establish an on-site child care facility. In addition, when a number of businesses cooperate to establish an off-site child care facility, they will be able to take advantage of this same credit. Many businesses have already discovered the feasibility and importance of providing on-site child care. This credit will help businesses to expand that service for their employees.

Title V reforms the dependent care tax credit, making it more useful to those with lower incomes and phasing it out for those with higher incomes. For those with limited tax liability, the credit is now made refundable. For those with one child, the credit is phased out between $35,000 and $45,000. For those with two or more children, the credit is phased out between $45,000 and $55,000. These changes in this credit will result in substantial savings, so that this bill is almost self-liquidating.

Title VI requires the Department of Health and Human Services to examine the current problems in child care. Besides examining the demographic and societal trends that are increasing the need for child care, it will focus special attention on ways that we can provide assistance to those parents who want to care for their children in their own homes.

Child care is a pressing problem that calls for a response from Congress, but it must be a response that does not generate stacks of new Federal regulations or take child care out of the homes of the local neighborhoods. I look forward to working with my colleagues on this issue in the weeks and months ahead.●

By Mr. WILSON (for himself, Mr. Helms, Mr. DeConcini, Mr. D'Amato, Mr. Domenici, Mr. Wallop, Mr. Symms, Mr. McClure, and Mr. Hecht):

S. J. Res. 268. Joint resolution disapproving the certification by the President under section 481(h) of the Foreign Assistance Act; to the Committee on Foreign Relations.

DISAPPROVAL OF PRESIDENTIAL CERTIFICATION OF MEXICO

Mr. WILSON. Mr. President, I send a joint resolution to the desk. Let me, before giving it to the clerk, announce that I am joined in cosponsorship of this Senate joint resolution by Senators Helms, DeConcini, D'Amato, Domenici, Wallop, Symms, McClure, and Hecht.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. WILSON. I thank the Chair.

Mr. President, I rise in support of the joint resolution and wish to make a statement on behalf of myself and the cosponsors. I am very pleased to enjoy the support and the cosponsorship of the Senators whose names I have read. They are a commendable group of public servants who have shown real leadership on this floor in the fight against drug abuse and all of the evils that flow from it.

Mr. President, I rise in submitting this resolution to perform what is a very unpleasant but, necessary duty. This resolution disapproves the Presidential certification that the Republic of Mexico is in full cooperation with lawenforcement efforts to eradicate illicit narcotics as required by the Antidrug Abuse Act of 1986.

Mr. President, let me at the outset make a personal observation, one I made about this time last year on the floor of the Senate. I suspect that even more than any other Senator on this floor, I have enjoyed a special relationship with the Republic of Mexico and with a number of its citizens. I had the good fortune for the 11 years that I was mayor of San Diego and for 5 years before that in the State legislature to work very closely with Mexican officials particularly as a member of the Commission of the Californias, where, we made some progress on this seemingly intractable problem of drug abuse. We recognized then that it was an international problem, and we now have even more evidence of the worldwide magnitude of this disease

As mayor of San Diego, I had frequent exchanges with a succession of mayors of Tiajuana, the city with whom San Diego shares the busiest international crossing in the world, and with a succession of Governors of the State of Baja, CA. Those relationships were personal; they were warm. The exchanges which we had were not purely symbolic; they were substantive in many cases. San Diego cooperated with local officials on the Mexican side of the border to achieve our common goals in municipal planning and regional environmental planning. We frequently gave assistance in the area of fire protection. We extended sewer and water capacity, and the Commission of the Californias was instrumental in finding the source of a poison that had threatened Mexican citizens as the result of a pesticide that contaminated a drain supply in Baja, CA.

More to the point, Mr. President, I must say that I have been privileged to serve with my distinguished friend and colleague, the senior Senator from Texas, as the cochairman of a CSIS congressional study group on Mexico. The Center for Strategic and International Studies at Georgetown University, correctly recognizing that the United States has with Mexico more intimate contacts than with any other nation, has chartered this study group for Members of Congress to have the benefit of information and expert opinion from both sides of the border on very difficult economic challenges confronting our two nations

The list goes on and on, Mr. President. But all of the bright opportunities that exist are threatened by a cloud upon the horizon of our future relationship. That cloud, to put it simply and bluntly, is the fact that Mexico is the point of origin for or transshipment of much too much of the poison that reaches the streets of the United States, making life unnecessarily dangerous and difficult both for thousands of American communities.

It is not a purely internal concern of Mexico, Mr. President, when corruption in Government and in law enforcement there jeopardizes the lives of United States law enforcement officers and the youngsters who die of drug overdose.

Now, that is the reason, Mr. President, I have been pressed to go forward with this unpleasant duty. The Department of State, in recommending to the President that he sign their recommended certification of Mexico as being in full cooperation with drug eradication efforts, has been a disservice.

Let me first state the requirements of law. As amended by section 2005 of the Antidrug Abuse Act of 1986, the Foreign Assistance Act requires the President to provide Congress with an annual report on whether 19 drug-producing nations have cooperated fully with the United States or taken adequate steps on their own to prevent the cultivation, manufacture, sale, and traffic of illegal drugs. The President's report must also include an evaluation of the legal and law enforcement steps these countries have taken to control the laundering of drug-related profits. And if the President finds that any of the nations cited in the law have not adequately cooperated with the United States or if Congress passes a joint resolution disapproving a Presidential certification, then the country in question loses 50 percent of its U.S. foreign assistance.

Decertification by either the President or the Congress also requires the American directors of the International Development Bank to vote against any loans to the offending government. If Congress passes a joint resolution of disapproval, the President may submit a recertification invoking American security, vital national security interests in order to provide that foreign assistance notwithstanding the disapproval, or the lack of certification of that nation as being in full cooperation. This recertification must be approved by both Houses of the Congress.

Mr. President, last year several Members of Congress opposed decertification because they did not want to set a precedent of linking U.S. foreign aid exclusively with the Nation's Drug Enforcement Program. That obviously was inconsistent with the fact that at a moment when public outrage had reached a fever pitch, when it was manifest as the leading issue causing discontent with all levels of government by American citizens, in the summer of 1986, the Congress passed a bill which actually produced some very useful mechanisms for those on the firing line in waging the war on drugs. But even so, for those Members reluctant to hinge our foreign assistance upon the performance of drug-producing nations, the President, if he believes that vital national interests require it, may submit a recertification to provide the total foreign assistance package.

Therefore, the certification law, if properly enforced, does not arbitrarily penalize or bash a country for its faulty record on controlling the growth in traffic of narcotics. To the contrary, it gives Congress and the administration an opportunity to very carefully scrutinize and to improve the performance of foreign governments to arrest the supply of illegal drugs at its source. And there are two parts to this problem, Mr. President. Let there be no doubt about that.

Let us stipulate at the outset that we have not done enough in this country to curb demand. I count that as a painful failure in the extreme. Twenty years ago, when I first ran for the State legislature, I proposed a program to educate American youth so that they formed an informed choice and avoid perilous experiments that threaten their lives as well as the cohesion of their families. We have not done a sufficient job on curbing demand and we must do so.

But, Mr. President, when the President of Mexico says that Mexico has not created the American appetite for dangerous drugs, he is quite right, but that is no adequate response. Mexico may not have created that appetite but it has fed it, and the problem of curbing demand, while it deserves far greater attention than we have given, is not something that can be totally divorced from the supply side.

It is true that we will not sufficiently curb demand without greater efforts, but we will not adequately focus on that question if we allow the unfettered kind of traffic that has brought more and more drugs to the streets of America's communities, and more and more drugs to our schoolyards. It is not an adequate response.

Focusing on the State Department's 1988 report, let me simply say that as opposed to last year, the State Department's 1988 certification of Mexico takes a more diplomatic and more politically sophisticated approach. It stresses a number of genuine improvements in the Mexican drug program.

Let me also stipulate, Mr. President, that there are a number of courageous and honest law enforcement agents in the Republic of Mexico. All too many, sir, have lost their lives in making this fight against dangerous drugs. But that in no way unhappily offsets the pervasive corruption that has permitted Mexico to become a portal through which has flowed at least a third of the marijuana, the cocaine and the heroin that has contaminated the communities of this Nation.

So the State Department, while it stresses a number of genuine improvements in the Mexican drug programs, makes no response to the overall inadequacy of that Mexican governmental performance. It remains clear that Mexicans have not met the standards of the full cooperation required under the terms of the Antidrug Abuse Act.

Let me emphasize here, Mr. President, we are not talking about an effects test. We are not measuring the adequacy of the effort by the results that it has achieved. What we are measuring is the adequacy of the effort made, and that effort has been inadequate. It has by no means reached the point that we could dignify it as full cooperation required under the law.

In its very own report, the State Department provides abundant evidence for a recommendation contrary to that which they gave. Let me quote just a few of the points from the State Department report which undermined the validity of its recommendation.

> The Mexican Government has turned down a U.S. request for unrestricted access to Mexican airspace to permit the pursuit of suspected drug-carrying craft.

This is the so-called hot pursuit provision which we have been granted by the Bahamians. Indeed, one of the successes of our program has been that Bahamian and American officers have pursued suspected smugglers into the Bahamas, and they have made countless arrests. The Bahamian government could just as easily assert sovereignty as a bar to our hot pursuit. But they have not done so, recognizing the need for international cooperation to deal with the international drug menace.

No. 2, and I quote from the State Department's report:

> The Mexican Government's cooperation with the U.S. Government investigation of the Camarena case has not been at the level of which Mexico is capable.

Mr. President, this assessment is a euphemism that should get a prize. It is, I think, so gross an understatement of the inadequacy of the response in the case of the kidnaping and torture-murder of U.S. Drug Enforcement Administration Agent Enrique Camarena, that it insults the intelligence of the Members of this body.

No. 3:

> U.S. officials report that the levels of U.S.-bound cocaine transiting Mexico have significantly increased, and that Mexico represents a major transit point for cocaine from South America.

No. 4:

> Documented violations of Mexican law enforcement officials are becoming more prevalent.

No. 5:

> Corruption exists in the Mexican government bureaucracy and many corrupt officials are not prosecuted.

No. 6:

> There is no indication that the level of narcotics-related corruption has diminished, either in absolute terms or in its impact on programs.

No. 7:

> No data is available on the extent of money laundering in Mexico. Mexican banks, all but two of which are nationalized, do not provide information to the U.S. on their activities.

No. 8:

> Mexico needs to further strengthen its criminal justice system and enforce existing laws in order to carry cases from arrest through conviction to imprisonment.

Mr. President, there is additional evidence from the Customs Service.

United States Customs still does not have reconnaissance privileges within Mexican airspace they have asked for. In addition, promises by the President of Mexico to dismiss corrupt officials within the Mexican Customs Service have not materialized.

United States Customs reports that "there is no evidence that the Government of Mexico is taking those steps necessary to destroy the infrastructure of the narcotics trafficking trade."

This assessment would clearly place the Mexicans in violation of the Anti-Drug Abuse Act of 1986, which mandates "full cooperation" in the areas of limiting both the international traffic of narcotics and the laundering of drug-related profits.

United States Customs has described cooperation in the exchange of intelligence information on traffickers and growers as "greatly lacking." The information is particularly inadequate on gun and ammunitions smuggling, shipping and cargo firms, and foreign dealers who operate in Mexican territory.

A January 1988 report of the GAO concluded that the Mexican Drug Eradication Program suffers from inefficient management and maintenance, a shortage of personnel, and lack of agreement with United States experts on program goals and standards.

GAO also affirmed that the Mexican Attorney-General's air fleet, largely purchased and maintained at United States expense, did not meet United States expectations in 1987–88. Flight hours decreased far below what the United States had recommended and expected.

Finally, GAO faulted the Mexicans for collecting an unreliable and inadequate amount of information on the narcotics crop cultivation base as a prelude to developing eradication strategies and consulting with United States law enforcement agents.

What the Mexican Army does by way of eradication, we do not know, because they do not permit access by our agents to their staging grounds.

In a February 23, 1988, letter to Assistant Secretary of State Ann Wrobleski, Customs Commissioner von Raab wrote:

> Mexican corruption has effectively precluded our working with Mexican authorities on narcotics interdiction, and inordinately increased the level of resources we are forced to commit to the Southwest border. Further, the amount of drugs entering the United States through Mexico continues to steadily climb.

Mr. von Raab also maintained that "powerful Mexican officials are providing safe havens to drug traffickers and making it possible for narcotics to be smuggled into and out of Mexico with impunity."

The conclusion of all this evidence is that Mexico has made an insufficient effort. They have made some progress, and we must applaud them for it, but it is inadequate in fulfilling most of the criteria for cooperation set forth in the Anti-Drug Abuse Act. And we

cannot simply wink, Mr. President, at the requirements of our own law.

We are talking about the future of this country. We are talking about ways to measure the harmful impact of drugs in the workplace and the cost in lost productivity and wasted lives. But there are two statistics which I find overriding all others in importance.

It does not have to do with the increase in drug-related violent crimes, or the growth in the number of court judges, probation officers, and prisons. It has to do with the number of young American drug enforcement agents who have left behind widows and families to whom we provide a grossly inadequate survivor benefit, and it has to do with the number of young Americans who die by drug overdose.

Diplomatic niceties be damned, Mr. President. We are talking about something infinitely more important. The full cooperation which U.S. law demands, the U.S Senate is obliged to demand, because of the seriousness of the threat to our people.

Mr. President, I thank my friend from Indiana for his graciousness. I thank my friend from Massachusetts. I understand his impatience; but I think that, given the importance of what we are about in terms of the Senate joint resolution, it was worth interrupting even important business of the kind he wishes to move forward.

When the Foreign Relations Committee has acted on this measure, it will come before us. A privileged motion to proceed is then in order. Within 45 days of the President's submission of his certification, Congress can act to disapprove that certification. At that time, my cosponsors and I and many others, I am sure—probably including the Senator from Massachusetts—will have much to say.

We have today merely scratched the surface. But when the time to debate and vote comes upon us, we cannot turn a blind eye or a deaf ear to the mandates of our own law.

ADDITIONAL COSPONSORS

S. 709

At the request of Mr. Kennedy, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 709, a bill to impose additional sanctions against Chile unless certain conditions are met.

S. 1052

At the request of Mr. Specter, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of S. 1052, a bill to establish a National Center for the United States Constitution within the Independence National Historical Park in Philadelphia, PA.

S. 1378

At the request of Mr. Thurmond, the name of the Senator from Kentucky [Mr. McConnell] was added as a cosponsor of S. 1378, a bill to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated.

S. 1513

At the request of Mr. Heinz, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of S. 1513, a bill to provide for the inclusion of the Washington Square area within Independence National Park, and for other purposes.

S. 1647

At the request of Mr. Chiles, the name of the Senator from Delaware [Mr. Roth] was added as a cosponsor of S. 1647, a bill to reform the laws relating to former Presidents.

S. 1761

At the request of Mr. Durenberger, the name of the Senator from Iowa [Mr. Grassley] was added as a cosponsor of S. 1761, a bill to amend the Internal Revenue Code of 1986 to provide that a decedent's spouse may enter into a cash lease of farm and other real property with family members and still qualify for the special estate tax valuation of the property.

S. 2033

At the request of Mr. Thurmond, the names of the Senator from Alaska [Mr. Stevens], and the Senator from Virginia [Mr. Trible] were added as cosponsors of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2035

At the request of Mr. Heflin, the names of the Senator from Kentucky [Mr. McConnell], and the Senator from Nebraska [Mr. Karnes] were added as cosponsors of S. 2035, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes.

S. 2042

At the request of Mr. Durenberger, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2062

At the request of Mr. Nickles, the names of the Senator from Alaska [Mr. Stevens], the Senator from Iowa [Mr. Grassley], the Senator from Michigan [Mr. Levin], and the Senator from Tennessee [Mr. Sasser] were added as cosponsors of S. 2062, a bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax.

S. 2067

At the request of Mr. Conrad, the name of the Senator from Louisiana [Mr. Johnston] was added as a cosponsor of S. 2067, a bill to amend the Internal Revenue Code of 1986 to permit farmers to purchase tax-free certain fuels for farm use, and for other purposes.

SENATE JOINT RESOLUTION 59

At the request of Mr. Thurmond, the names of the Senator from Maryland [Ms. Mikulski], and the Senator from Arkansas [Mr. Bumpers] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1988 as "National Foster Care Month."

SENATE JOINT RESOLUTION 234

At the request of Mr. Thurmond, the name of the Senator from Oregon [Mr. Packwood] was added as a cosponsor of Senate Joint Resolution 234, a joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

SENATE JOINT RESOLUTION 237

At the request of Mr. Dole, the names of the Senator from Alaska [Mr. Stevens], and the Senator from Texas [Mr. Bentsen] were added as cosponsors of Senate Joint Resolution 237, a joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 244

At the request of Mr. Exon, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of Senate Joint Resolution 244, a joint resolution to designate the month of April, 1988, as "National Know Your Cholesterol Month."

SENATE JOINT RESOLUTION 267

At the request of Mr. Kennedy, the name of the Senator from Florida [Mr. Graham] was added as a cosponsor of Senate Joint Resolution 267, a joint resolution in support of democracy in Panama.

SENATE RESOLUTION 388

At the request of Mr. Byrd, his name was added as a cosponsor of Senate Resolution 388, a resolution expressing the opposition of the Senate to the proposed $400 million World Bank loan to restructure Mexico's steel industry.

At the request of Mr. Metzenbaum, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of Senate Resolution 388, supra.

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AMENDMENTS SUBMITTED

POLYGRAPH PROTECTION ACT

QUAYLE AMENDMENTS NOS. 1475 THROUGH 1486

(Ordered to lie on the table.)

Mr. QUAYLE submitted 12 amendments intended to be proposed by him to the bill (S. 1904) to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce; as follows:

AMENDMENT No. 1475

On page 36, line 7 delete the matter after "ment" through "Act" on line 8.

AMENDMENT No. 1476

On page 19, lines 18 and 19, strike out "mechanical, electrical or chemical" and insert in lieu thereof "mechanical or electrical".

AMENDMENT No. 1477

On page 20, line 20: delete "any" and insert in lieu thereof "such employer's".

AMENDMENT No. 1478

On page 35, line 1: delete "Secretary" and insert in lieu thereof "Attorney-General".

AMENDMENT No. 1479

On page 33, line 20: delete "Secretary" and insert in lieu thereof "Attorney-General".

AMENDMENT No. 1480

Beginning on page 23, strike out line 22 and all that follows through page 24, line 13.

AMENDMENT No. 1481

Beginning on page 21, strike out line 22 and all that follows through page 22, line 3.

AMENDMENT No. 1482

On page 19, line 12, before the period, insert the following: ", except that such term shall not include a small business that employs 50 or less full-time equivalent employees".

AMENDMENT No. 1483

On page 19, line 12, before the period, insert the following: ", except that such term shall not include an agricultural producer".

AMENDMENT No. 1484

On page 27, line 5, strike out "and".

On page 27, between lines 5 and 6, insert the following:

(4) if the employer learns from the investigation that a felony has been committed, the employer informs the appropriate law enforcement authority of the felony; and

On page 27, line 6, strike out "(4)" and insert in lieu thereof "(5)".

AMENDMENT No. 1485

On page 35, strike out lines 1 through 7.

AMENDMENT No. 1486

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR TESTS CONDUCTED IN ACCORDANCE WITH DOD DIRECTIVE.—Nothing in this Act shall prohibit an employer from administering a polygraph test to an employee or prospective employee if the test is administered in accordance with Department of Defense Directive 5210.48 published on December 24, 1984.

FOWLER AMENDMENT NO. 1487

(Ordered to lie on the table.)

Mr. FOWLER submitted an amendment intended to be proposed by him to the bill S. 1904, supra; as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR DRUG SECURITY, DRUG THEFT, OR DRUG DIVERSION INVESTIGATIONS.—This Act shall not prohibit the use of a lie detector test by any employer authorized to manufacture, distribute, or dispense a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the Controlled Substances Act (21 U.S.C. 812) to the extent that—

(1) such use is consistent with—

(A) applicable State and local law; and

(B) any negotiated collective bargaining agreement that explicitly or implicitly limits or prohibits the use of lie detector tests by such employer;

(2) the test is administered only to an employee who has, or a prospective employee who would have, direct access to the manufacture, storage, distribution, or sale of any such controlled substance;

(3) the results of an analysis of lie detector charts are not used as the sole basis on which any employee or prospective employee is discharged, dismissed, disciplined in any manner, or denied employment or promotion; and

(4) if the test is administered to a current employee—

(A) the test is administered only in connection with an ongoing investigation of criminal or other misconduct involving, or potentially involving, loss or injury to the manufacture, distribution, or dispensing of any such controlled substance by such employer; and

(B) the employee had access to the person or property that is the subject of the investigation.

HELMS AMENDMENT NO. 1488

Mr. HELMS proposed an amendment to the bill S. 1904, supra; as follows:

Add at the end of the bill the following new section:

SEC. . (a) FINDINGS.—

(1) The Senate finds that the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, With Associated Protocol, (hereinafter the "ABM Treaty" or the "Treaty") in its Article XIV, Paragraph 2, reads as follows: "Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty."

(2) The Senate further finds that such Treaty entered into force on October 3, 1972, and that the third five-year anniversary date specified by Article XIV, Paragraph 2, for the conduct of the review contemplated therein was October 3, 1987.

(3) The Senate further finds that, as a fundamental principle of the canons of legal construction, a specified number of years after a specific and determinable date means and can only mean the specified anniversary of such date and not any time during such year as may follow such date.

(4) The Senate finds further that had the Parties to the ABM Treaty intended otherwise then Article XIV, Paragraph 2, of the Treaty would have read "During the fifth year after entry into force of this Treaty," but it does not so read.

(5) The Senate finally finds that the Parties to the Treaty have not met as required by Article XIV, Paragraph 2, because the United States of American refused or neglected to meet on the date required, to wit: October 3, 1987, and that the United States, five months later, still fails or neglects to meet or even to establish a date for meeting.

(b) Taking account of the findings of this Section, it is the sense of the Senate that the United States is violating the ABM Treaty.

COCHRAN AMENDMENTS NOS. 1489 THROUGH 1491

(Ordered to lie on the table.)

Mr. COCHRAN submitted three amendments intended to be proposed by him to the bill S. 1904, supra; as follows:

AMENDMENT No. 1489

Beginning on page 33, strike out line 10 and all that follows through page 35, line 7.

AMENDMENT No. 1490

On page 35, strike out lines 1 through 7.

AMENDMENT No. 1491

On page 20, line 16, strike out "section 7" and insert in lieu thereof "sections 7 and 8".

On page 24, line 19, between "Sec. 7." and "Exemptions.", insert "Governmental and Federal".

On page 26, line 16 through page 28, line 14, delete subsection "(d)" and insert in lieu thereof the following new section:

SEC. 8. STATE CERTIFICATION OF PLANS EXEMPTION.—

(a) Subject to Section 9, this Act shall not prohibit any State, or political subdivision thereof, which, at any time, desires to assume responsibility for development and enforcement therein of standards relating to the use of polygraphs by employers and polygraph examiners, from filing a written statement with the Secretary of Labor certifying that it has adopted an administrative plan to insure compliance with the standards of this Act. Such certification shall:

(1) identify the agency or agencies designated as responsible for administering the plan;

(2) describe the standards contained in the administrative plan governing polygraph examiners and the use of polygraph examinations, which standards (and the enforcement of which standards) shall be at a minimum in full compliance with the standards set out in Section 9 of this Act; and

(3) explain the manner in which the standards contained in the administrative plan are being administered and enforced by the designated agency to insure compliance with this Act.

(b) The Secretary shall make a continuing evaluation of each administrative plan which has been certified as in compliance with this Act. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that the plan is not being administered in a manner that insures substantial compliance with the standards set out in this Act, he shall notify the State or political subdivision of his withdrawal of certification of such plan and, upon receipt of such notice, such plan shall cease to be in effect.

(c) Review of a decision of the Secretary to disapprove an administrative plan under this section may be obtained in the United States Court of Appeals for the circuit in which the State or political subdivision or individual examiner is located by filing a petition for review with such court within 30 days after receipt of the withdrawal of certification.

On page 28, line 15, delete "Sec. 8. Restrictions on Use of Exemptions." and insert in lieu thereof the following:

SEC. 9. MINIMUM FEDERAL STANDARDS FOR POLYGRAPH TESTING.—Each State, or political subdivision thereof, seeking to establish a polygraph testing program under Section 8 of this Act, shall certify to the Secretary of Labor that its program meets the following minimum federal standards—

On page 28, line 18, strike out "7(d)" and insert in lieu thereof "8".

On page 29, delete lines 1-10 and insert in lieu thereof "(b) RIGHTS OF EXAMINEE."

On page 30, line 16, strike out "described in section 8(b)".

On page 33, lines 10-12, delete "Such exemptions shall not apply unless the individual who conducts the polygraph test—" and insert in lieu thereof "An individual who conducts a polygraph test must—".

On page 33, line 13, strike out "is" and insert in lieu thereof "be".

On page 33, line 14, strike out "has complied" and insert in lieu thereof "comply".

On page 33, line 17, strike out "has successfully completed" and insert in lieu thereof "successfully complete".

On page 33, line 21, strike out "has completed" and insert in lieu thereof "complete".

On page 34, line 1, strike out "maintains" and insert in lieu thereof "maintain".

On page 34, line 3, strike out "uses" and insert in lieu thereof "use".

On page 34, line 7, strike out "bases" and insert in lieu thereof "base".

On page 34, line 11, strike out "renders" and insert in lieu thereof "render".

On page 34, line 22, strike out "maintains" and insert in lieu thereof "maintain".

On page 35, line 1, stike out "(e)" and insert in lieu thereof "(d)".

On page 35, line 8, strike out "SEC. 9." and insert in lieu thereof "SEC. 10".

On page 36, line 4, strike out "SEC.. 10." and insert in lieu thereof "SEC.. 11".

On page 36, line 9, strike out "SEC. 11." and insert in lieu thereof "SEC. 12".

BOSCHWITZ AMENDMENT NO. 1492

(Ordered to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill S. 1904, supra; as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR VOLUNTARY TESTS.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee or prospective employee if—

(1) the employee or prospective employee requests the test; and

(2) the employer or agent administering the test informs the employee or prospective employee that taking the test is voluntary.

COCHRAN AMENDMENT NO. 1493

Mr. COCHRAN submitted an amendment intended to be proposed to the bill, S. 1904, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Polygraph Protection Act of 1987."

SEC. 2. DEFINITIONS.

As used in this Act:

(1) COMMERCE.—The term "commerce" has the meaning provided by section 3(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(b)).

(2) EMPLOYER.—The term "employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee.

(3) LIE DETECTOR TEST.—The term "lie detector test" includes—

(A) any examination involving the use of any polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical, electrical, or chemical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual; and

(B) the testing phases described in paragraphs (1), (2), and (3) of section 9(b).

(4) POLYGRAPH.—The term "polygraph" means an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards.

(5) RELEVANT QUESTION.—The term "relevant question" means any lie detector test question that pertains directly to the matter under investigation with respect to which the examinee is being tested.

(6) SECRETARY.—THE TERM "SECRETARY" means the Secretary of Labor.

(7) TECHNICAL QUESTION.—The term "technical question" means any control, symptomatic, or neutral question that, although not relevant, is designed to be used as a measure against which relevant responses may be measured.

SEC. 3. PROHIBITIONS ON LIE DETECTOR USE

Except as provided in sections 7 and 8, it shall be unlawful for any employer engaged in or affecting commerce or in the production of goods for commerce—

(1) directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to take or submit to any lie detector test;

(2) to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee;

(3) to discharge, dismiss, discipline in any manner, or deny employment or promotion to, or threaten to take any such action against—

(A) any employee or prospective employee who refuses, declines, or fails to take or submit to any lie detector test; or

(B) any employee or prospective employee on the basis of the results of any lie detector test or;

(4) to discharge, discipline, or in any manner discriminate against an employee or prospective employee because—

(A) such employee or prospective employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act;

(B) such employee or prospective employee has testified or is about to testify in any such proceeding; or

(C) of the exercise by such employee, on behalf of such employee or another person, of any right afforded by this Act.

SEC. 4. NOTICE OF PROTECTION

The Secretary shall prepare, have printed, and distribute a notice setting forth excerpts from, or summaries of, the pertinent provisions of this Act. Each employer shall post and maintain such notice, in conspicuous places on its premises where notices to employees and applicants to employment are customarily posted.

SEC. 5. AUTHORITY OF THE SECRETARY.

(a) IN GENERAL.—The Secretary shall—

(1) issue such rules and regulations as may be necessary or appropriate to carry out this Act;

(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act; and

(3) make investigations and inspections and require the keeping of records necessary or appropriate for the administration of this Act.

(b) SUBPOENA AUTHORITY.—For the purpose of any hearing or investigation under this Act, the Secretary shall have the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50).

SEC. 6. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Subject to paragraph (2)—

(A) any employer who violates section 4 may be assessed a civil money penalty not to exceed $100 for each day of the violation; and

(B) any employer who violates any other provision of this Act may be assessed a civil penalty of not more than $10,000.

(2) DETERMINATION OF AMOUNT.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) COLLECTION.—Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) INJUNCTIVE ACTIONS BY THE SECRETARY.—The Secretary may bring an action to restrain violations of this Act. The district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act.

(c) PRIVATE CIVIL ACTIONS.—

(1) LIABILITY.—An employer who violates this Act shall be liable to the employee or prospective employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including but not limited to employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) COURT.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any one or more employees for or in behalf of himself or themselves and other employees similarly situated.

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(3) Costs.—The court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

(d) Waiver of Rights Prohibited.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement of a pending action or complaint, agreed to and signed by all the parties.

SEC. 7. GOVERNMENTAL AND FEDERAL EXEMPTIONS.

(a) No Application to Governmental Employers.—The provisions of this Act shall not apply with respect to the United States Government, a State or local government, or any political subdivision of a State or local government.

(b) National Defense and Security Exemption.—

(1) National Defense.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to—

(A) any expert or consultant under contract to the Department of Defense or any employee of any contractor of such Department; or

(B) any expert or consultant under contract with the Department of Energy in connection with the atomic energy defense activities of such Department or any employee of any contractor such Department in connection with such activities.

(2) Security.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function, of any lie detector test to—

(A)(i) any individual employed by, or assigned or detailed to, the National Security Agency or the Central Intelligence Agency, (ii) any expect or consultant under contract to the National Security Agency or the Central Intelligence Agency, (iii) any employee of a contractor of the National Security Agency or the Central Intelligence Agency, or (iv) any individual applying for a position in the National Security Agency or the Central Intelligence Agency; or

(B) any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored for the National Security Agency or the Central Intelligence Agency.

(c) Exemption for FBI Contractors.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to an employee of a contractor of the Federal Bureau of Investigation of the Department of Justice who is engaged in the performance of any work under the contract with such Bureau.

SEC. 8. STATE CERTIFICATION OF PLANS EXEMPTION.

(a) Subject to Section 9, this Act shall not prohibit any State, or political subdivision thereof, which, at any time, desires to assume responsibility for development and enforcement therein of standards relating to the use of polygraphs by employers and polygraph examiners, shall file a written statement with the Secretary of Labor certifying that is has adopted an administrative plan to insure compliance with the standards of this Act. Such certification shall:

(1) identify the agency or agencies designated as responsible for administering the plan;

(2) describe the standards contained in the administrative plan governing polygraph examiners and the use of polygraph examinations, which standards (and the enforcement of which standards) shall be at a minimum in full compliance with the standards set out in section 9 of this Act; and

(3) explain the manner in which the standards contained in the administrative plan are being administered and enforced by the designated agency to insure compliance with this Act.

(b) The Secretary shall make a continuing evaluation of each administrative plan which has been certified as in compliance with this Act. Whenever the Secretary finds, after affording due notice and opportunity for a hearing; that the plan is not being administered in a manner that insures substantial compliance with the standards set out in this Act, he shall notify the State or political subdivision of his withdrawal of certification of such plan and, upon receipt of such notice, such plan shall cease to be in effect.

(c) Review of a decision of the Secretary to disapprove an administrative plan under this section may be obtained in the United States Court of Appeals for the circuit in which the State or political subdivision or individual examiner is located by filing a petition for review with such court within 30 days after receipt of the withdrawal of certification.

SEC. 9. MINIMUM FEDERAL STANDARDS FOR POLYGRAPH TESTING.

Each State, or political subdivision thereof, seeking to establish a polygraph testing program under Section 8 of this Act, shall certify to the Secretary of Labor that its program meets the following minimum federal standards—

(a) Obligation To Comply With Certain Laws and Agreements.—The exemption provided under section 8 shall not diminish an employer's obligation to comply with—

(1) applicable State and local law; and

(2) any negotiated collective bargaining agreement, that limits or prohibits the use of lie detector test on employees.

(b) Rights of Examinee.—

(1) Pretest Phase.—During the pretest phase, the prospective examinee—

(A) is provided with reasonable notice of the date, time, and location of the test, and of such examinee's right to obtain and consult with legal counsel or an employee representative before each phase of the test;

(B) is not subjected to harassing interrogation technique;

(C) is informed of the nature and characteristics of the tests and of the instruments involved;

(D) is informed—

(i) whether the testing area contains a two-way mirror, a camera, or any other device through which the test can be observed;

(ii) whether any other device, including any device for recording or monitoring the conversation will be used; or

(iii) that the employer and the examinee, may with mutual knowledge, make a recording of the entire proceeding;

(E) is read and signs a written notice informing such examinee—

(i) that the examinee cannot be required to take the test as a condition of employment;

(ii) that any statement made during the trest may constitute additional supporting evidence for the purposes of an adverse employment action described in section 8(b);

(iii) of the limitations imposed under this section;

(iv) of the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(v) of the legal rights and remedies of the employer; and

(F) is provided an opportunity to review all questions (technical or relevant) to be asked during the test and is informed of the right to terminate the test at any time; and

(G) signs a notice informing such examinee of—

(1) the limitations imposed under this section;

(ii) the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(iii) the legal rights and remedies of the employer.

(2) Actual Testing Phase.—During the actual testing phase—

(A) the examinee is not asked any questions by the examiner concerning—

(i) religious beliefs or affiliations;

(ii) beliefs or opinions regarding racial matters;

(iii) political beliefs or affiliations;

(iv) any matter relating to sexual behavior; and

(v) beliefs, affiliations, or opinions regarding unions and labor organizations;

(B) the examinee is permitted to terminate the test at any time;

(C) the examiner does not ask such examinee any questions (technical or relevant) during the test that was not presented in writing for review to such examinee before the test;

(D) the examiner does not ask technical questions of the examinee in a manner that is designed to degrade, or needlessly intrude on, the examinee;

(E) the examiner does not conduct a test on an examinee when there is written evidence by a physician that the examinee is suffering from a medical or psychological condition or undergoing treatment that might cause abnormal responses during the test; and

(F) the examiner does not conduct and complete more than five polygraph tests on a calendar day on which the test is given, and does not conduct any such test for less than a 90-minute duration.

(3) Post-Test Phase.—Before any adverse employment action, the employer must—

(A) further interview the examinee on the basis of the results of the test; and

(B) provide the examinee with—

(i) a written copy of any opinion or conclusion rendered as a result of the test; and

(ii) a copy of the questions asked during the test along with the corresponding charted responses.

(C) Qualification of examiner.—An individual who conducts a polygraph test must—

(1) be at least 21 years of age;

(2) comply with all required laws and regulations established by licensing and regulatory authorities in the State in which the test is to be conducted;

(3)(A) successfully complete a formal training course regarding the use of polygraph tests that has been approved by the State in which the test is to be conducted or by the Secretary; and

(B) complete a polygraph test internship of not less than 6 months duration under the direct supervision of an examiner who has met the requirements of this section;

(4) maintain a minimum of a $50,000 bond or an equivalent amount of professional liability coverage;

(5) use an instrument that records continuously, visually, permanently, and simul-

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taneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards;

(6) base an opinion of deception indicated on evaluation of changes in physiological activity or reactivity in the cardiovascular, respiratory, and electrodermal patterns on the lie detector charts;

(7) render any opinion or conclusion regarding the test—

(A) in writing and solely on the basis of an analysis of the polygraph charts;

(B) that does not contain information other than admissions, information, case facts, and interpretation of the charts relevant to the purpose and stated objectives of the test; and

(C) that does not include any recommendation concerning the employment of the examinee; and

(8) maintain all opinions, reports, charts, written questions, lists, and other records relating to the test for a minimum period of 3 years after administration of the test.

(D) Promulgation of standards.—The Secretary shall establish standards governing individuals who, as of the date of the enactment of this Act, are qualified to conduct polygraph tests in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph tests previously.

SEC. 10. DISCLOSURE OF INFORMATION.

(a) In General.—A person, other than the examinee, may not disclose information obtained during a polygraph examiner may disclose information acquired from a polygraph test, except as provided in this section.

(b) Permitted Disclosures.—A polygraph examiner, polygraph trainee, or employee of a polygraph test only to—

(1) the examinee or any other person specifically designated in writing by the examinee;

(2) the employer that requested the test; or

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7 or any other person, as required by due process of law, who obtained a warrant to obtain such information in a court of competent jurisdiction.

(c) Disclosure by Employer.—An employer (other than an employer covered under subsection (a), (b), or (c) of section 7) for whom a polygraph test is conducted may disclose information from the test only to a person described in subsection (b).

SEC. 11. EFFECT ON OTHER LAW AND AGREEMENTS.

This Act shall not preempt any provision of any State or local law, or any negotiated collective bargaining agreement, that is more restrictive with respect to the administration of lie detector tests than this Act.

SEC. 12. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), this Act shall become effective 6 months after the date of enactment of this Act.

(b) Regulations.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary or appropriate to carry out this Act.

NICKLES AMENDMENTS NOS. 1494 THROUGH 1504

(Ordered to lie on the table)

Mr. NICKLES submitted 11 amendments intended to be proposed by him to the bill S. 1904, supra; as follows:

Amendment No. 1494

At the appropriate place insert the following:

Exemption for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the amendment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such propective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

Amendment No. 1495

At the appropriate place insert the following:

Exemption for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

Amendment No. 1496

At the appropriate place insert the following:

Exemption for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

Amendment No. 1497

At the appropriate place insert the following:

Exemption for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

Amendment No. 1498

In the amendment, strike out the number "60" the first time it appears and insert in lieu thereof the number "61".

Amendment No. 1499

In the amendment, strike out the number "60" the first time it appears and insert in lieu thereof the number "61".

Amendment No. 1500

In the amendment, strike out the number "60" the first time it appears and insert in lieu thereof the number "61".

Amendment No. 1501

In the amendment, strike out the number "60" the first time it appears and insert in lieu thereof the number "61".

Amendment No. 1502

In the amendment strike all after the word "exemption" and insert the following: for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under the rules and regulations issued by the Secretary within 61 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

Amendment No. 1503

In the amendment strike all after the word "Exemption" and insert the following: for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 61 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance. The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

Amendment No. 1504

In the amendment strike all after the word "exemption" and insert the following: for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 61 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

GRAMM AMENDMENTS NOS. 1505 THROUGH 1605

(Ordered to lie on the table.)

Mr. GRAMM submitted 101 amendments intended to be proposed by him to the bill (S. 1904) supra, as follows:

Amendment No. 1505

On page 36, line 13, strike "120" and insert in lieu thereof "150".

Amendment No. 1506

On page 36, line 11, strike "6" and insert in lieu thereof "12".

Amendment No. 1507

On page 34, line 24, strike "3" and insert in lieu thereof "1".

Amendment No. 1508

On page 33, line 22, strike "6" and insert in lieu thereof "5".

Amendment No. 1509

On page 33, line 13, strike "21" and insert in lieu thereof "22".

Amendment No. 1510

On page 32, line 22, strike "90" and insert in lieu thereof "60".

Amendment No. 1511

On page 23, line 3, strike "10,000" and insert in lieu thereof "5,000".

Amendment No. 1512

On page 22, line 25, strike "100" and insert in lieu thereof "50".

Amendment No. 1513

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Transportation or any employee of any contractor of such Department."

Amendment No. 1514

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of State or any employee of any contractor of such Department."

Amendment No. 1515

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Labor or any employee of any contractor of such Department."

Amendment No. 1516

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Justice or any employee of any contractor of such Department."

Amendment No. 1517

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of the Intrior or any employee of any contractor of such Department."

Amendment No. 1518

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Housing and Urban Development or any employee of any contractor of such Department."

Amendment No. 1519

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Health and Human Services or any employee of any contractor of such Department."

Amendment No. 1520

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Education or any employee of any contractor of such Department."

Amendment No. 1521

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Agriculture or any employee of any contractor of such Department."

Amendment No. 1522

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Commerce or any employee of any contractor of such Department."

Amendment No. 1523

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Education or any employee of any contractor of such Department."

Amendment No. 1524

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Health and Human Services or any employee of any contractor of such Department."

Amendment No. 1525

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Housing and Urban Development or any employee of any contractor of such Department."

Amendment No. 1526

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of the Interior or any employee of any contractor of such Department."

Amendment No. 1527

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Justice or any employee of any contractor of such Department."

Amendment No. 1528

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Labor or any employee of any contractor of such Department."

Amendment No. 1529

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of State or any employee of any contractor of such Department."

Amendment No. 1530

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Transportation or any employee of any contractor of such Department."

Amendment No. 1531

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of the Treasury or any employee of any contractor of such Department."

Amendment No. 1532

At the appropriate place, add: "Nothwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Arms Control and Disarmament Agency or to any employee of any contractor of such Agency."

Amendment No. 1533

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Securities and Exchange Commission or any employee of any contractor of such Commission."

Amendment No. 1534

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Nuclear Regulatory Commission or any employee of any contractor of such Commission."

Amendment No. 1535

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the National Aeronautics and Space Administration or any employee of any contractor of such Administration."

Amendment No. 1536

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Reserve System or any employee of any contractor of such System."

Amendment No. 1537

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Emergency Management Agency or any employee of any contractor of such Agency."

Amendment No. 1538

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Export-Import Bank of the United States or any employee of any contractor of such Bank."

Amendment No. 1539

At the appropriate place add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Board for International Broadcasting or any employee of any contractor of such Board."

Amendment No. 1540

At the appropriate place add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Information Agency or any employee of any contractor of such Agency."

Amendment No. 1541

At the appropriate place add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States International Trade Commission or any employee of any contractor of such Commission."

Amendment No. 1542

At the appropriate place add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Commerce or any employee of any contractor of such Department."

Amendment No. 1543

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Agriculture or any employee of any contractor of such Department."

Amendment No. 1544

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Agriculture or any employee of any contractor of such Department."

Amendment No. 1545

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Commerce or any employee of any contractor of such Department."

Amendment No. 1546

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Education or any employee of any contractor of such Department."

Amendment No. 1547

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Health and Human Services or any employee of any contractor of such Department."

Amendment No. 1548

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Housing and Urban Development or any employee of any contractor of such Department."

Amendment No. 1549

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Interior or any employee of any contractor of such Department."

Amendment No. 1550

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Justice or any employee of any contractor of such Department."

Amendment No. 1551

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Labor or any employee of any contractor of such Department."

Amendment No. 1552

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of State or any employee of any contractor of such Department."

Amendment No. 1553

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Transportation or any employee of any contractor of such Department."

Amendment No. 1554

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Treasury or any employee of any contractor of such Department."

Amendment No. 1555

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Arms Control and Disarmament Agency or to any employee of any contractor of such Agency."

Amendment No. 1556

At the appropriate place, add: "Notwithstanding any other provision of this act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Securities and Exchange Commission or any employee of any contractor of such Commission."

Amendment No. 1557

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Nuclear Regulatory Commission or any employee of any contractor of such Commission."

Amendment No. 1558

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the National Aeronautics and Space Administration or any employee of any contractor of such Administration."

Amendment No. 1559

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Reserve System or any employee of any contractor of such System."

Amendment No. 1560

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Emergency Management Agency or any employee of any contractor of such Agency."

Amendment No. 1561

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Export-Import Bank of the United States or any employee of any contractor of such Bank."

Amendment No. 1562

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Board for International Broadcasting or any employee of any contractor of such Board."

Amendment No. 1563

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Information Agency or any employee of any contractor of such Agency."

Amendment No. 1564

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States International Trade Commission or any employee of any contractor of such Commission."

Amendment No. 1565

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Agriculture or any employee of any contractor of such Department."

Amendment No. 1566

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Commerce or any employee of any contractor of such Department."

Amendment No. 1567

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Education or any employee of any contractor of such Department."

Amendment No. 1568

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Health and Human Services or any employee of any contractor of such Department."

Amendment No. 1569

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Housing and Urban Development or any employee of any contractor of such Department."

Amendment No. 1570

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Interior or any employee of any contractor of such Department."

Amendment No. 1571

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Justice or any employee of any contractor of such Department."

Amendment No. 1572

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Labor or any employee of any contractor of such Department."

Amendment No. 1573

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of State or any employee of any contractor of such Department."

Amendment No. 1574

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Transportation or any employee of any contractor of such Department."

Amendment No. 1575

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Treasury or any employee of any contractor of such Department."

Amendment No. 1576

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Arms Control and Disarmament Agency or to any employee of any contractor of such Agency."

Amendment No. 1577

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Securities and Exchange Commission or any employee of any contractor of such Commission."

Amendment No. 1578

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Nuclear Regulatory Commission or any employee of any contractor of such Commission."

Amendment No. 1579

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the National Aeronautics and Space Administration or any employee of any contractor of such Administration."

Amendment No. 1580

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Reserve System or any employee of any contractor of such System."

Amendment No. 1581

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Emergency Management Agency or any employee of any contractor of such Agency."

Amendment No. 1582

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Export-Import Bank of the United States or any employee of any contractor of such Bank."

Amendment No. 1583

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Board for International Broadcasting or any employee of any contractor of such Board."

Amendment No. 1584

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Information Agency or any employee of any contractor of such Agency."

Amendment No. 1585

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States International Trade Commission or any employee of any contractor of such Commission."

Amendment No. 1586

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Treasury or any employee of any contractor of such Department."

Amendment No. 1587

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Arms Control and Disarmament Agency or to any employee of any contractor of such Agency."

Amendment No. 1588

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Securities and Exchange Commission or any employee of any contractor of such Commission."

Amendment No. 1589

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Nuclear Regulatory Commission or any employee of any contractor of such Commission."

Amendment No. 1590

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the National Aeronautics and Space Administration or any employee of any contractor of such Administration."

Amendment No. 1591

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Reserve System or any employee of any contractor of such System."

Amendment No. 1592

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Emergency Management Agency or any employee of any contractor of such Agency."

Amendment No. 1593

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Export-Import Bank of the United States or any employee of any contractor of such Bank."

Amendment No. 1594

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Board for International Broadcasting or any employee of any contractor of such Department."

Amendment No. 1595

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Information Agency or any employee of any contractor of such Agency."

Amendment No. 1596

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States International Trade Commission or any employee of any contractor of such Commission."

Amendment No. 1597

Strike all on page 25, line 1 through page 26, line 15 and insert in lieu thereof: "Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function, of any lie detector test to any expert or consultant under contract to any Federal government department, agency or program. This subsection shall not preempt any state or local law."

Amendment No. 1598

On Page 28, between lines 14 and 15, insert the following new subsection:

(e) Air Safety Exemption.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any air carrier. This subsection shall not preempt any state or local law.

Amendment No. 1599

Strike all on page 25, line 1 through page 26, line 15 and insert in lieu thereof: "Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function of any lie detector test to any expert or consultant under contract to any federal government department, agency or program.

Amendment No. 1600

On page 36 line 7, strike all after "ment" through "Act" on line 8.

Amendment No. 1601

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Air Safety Exemption.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any air carrier.

Amendment No. 1602

On page 28, between lines 14 and 15 insert the following new subsection:

(e) Common Carrier Exemption.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any common carrier, including air, water ways and rail.

Amendment No. 1603

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Nuclear Power Plant Exemption.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any nuclear power plant.

Amendment No. 1604

On page 28 between lines 14 and 15, insert the following new subsection:

(e) Public Safety and Public Trust Exemption.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee in a position with responsibility for the health or safety, including:

(1) Welfare of children;

(2) care for the aged;

(3) protecting safety and security.

Amendment No. 1605

At the end insert the following new section: Exemption For Controlled Substance Tests For Employees of Common Carriers:

(a) In General. An employer subject to section 7, may administer a test to an employee or prospective employee of any common carrier, including air, rail, and water ways, to determine the extent to which the employee or prospective employee has used a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the controlled substances Act (21 U.S.C. 812).

QUAYLE AMENDMENT NO. 1606

Mr. QUAYLE proposed an amendment, which was subsequently modified, to the bill S. 1904, supra; as follows:

EXEMPTION FOR PREEMPLOYMENT TEST FOR USE OF CONTROLLED SUBSTANCES

(a) In general.—An employer, subject to Section 7, may administer a scientifically valid test other than a lie detector test to a prospective employee to determine the extent to which the prospective employee has used a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) Exceptions.—

(1) Accuracy and confidentiality.—Paragraph (1) shall not supersede any provision of this Act or State law that prescribes standards for ensuring the accuracy of the testing process or the confidentiality of the test results.

(2) Collective bargaining agreements.—If prospective employees would be subject to a negotiated collective bargaining agreement, paragraph (1) shall apply only if testing is conducted in accordance with such agreement.

THURMOND AMENDMENT NO. 1607

Mr. THRUMOND proposed an amendment to the bill S. 1904, supra; as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Exemption for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lic detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

On page 28, lines 17 and 18, strike out "limited exemption provided under section 7(d)" and insert in lieu thereof "exemptions provided under subsections (d) and (e) of section 7".

NICKLES AMENDMENT NO. 1608

Mr. NICKLES proposed an amendment to amendment No. 1607 proposed by Mr. Thurmond to the bill S. 1904, supra; as follows:

In the amendment, strike all after "(e)" the first time it appears and insert in lieu thereof the following:

Exemption for Security Services.—

(1) In General.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

On page 28, lines 17 and 18, strike out "limited exemption provided under section 7(d)" and insert in lieu thereof "exemptions provided under subsections (d) and (e) of section 7".

On page 33, lines 10 and 11, strike out "Such exemptions" and insert in lieu thereof "The exemptions provided under subsections (d) and (e) of section 7".

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BOSCHWITZ AMENDMENTS NOS. 1609 AND 1610

Mr. BOSCHWITZ proposed two amendments to the bill S. 1904, supra; as follows:

Amendment No. 1609

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Exemption for Voluntary Tests.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test on an employee or prospective employee if—

(1) the employee or prospective employee requests the test; and

(2) the employer or agent administering the test informs the employee or prospective employee that taking the test is voluntary.

Amendment No. 1610

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Exemption for Voluntary Tests.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee if—

the employee requests the test.

GRAMM AMENDMENTS NOS. 1611 THROUGH 1614

(Ordered to lie on the table.)

Mr. GRAMM submitted four amendments intended to be proposed by him to the bill S. 1904, supra; as follows:

Amendment No. 1611

At the appropriate place, add: "Nothing in this Act shall be construed to preclude the use of a lie detector test to any expert or consultant or any employee of such expert or consultant under contract with any federal government department, agency or program where a security clearance is required."

Amendment No. 1612

On page 36 line 7, strike all after "ment" through "Act" on line 8.

Amendment No. 1613

At the appropriate place, add:

"(e) Common Carrier Exemption.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any common carrier as defined by section 10102(4) of title 49 United States Code, including any air transportation as defined in section 101 of the Federal Aviation Act of 1958 and any other common carrier engaged in the hauling of passengers or freight."

Amendment No. 1814

At the appropriate place, add:

"(e) Nuclear Power Plant Exemption.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or propsective employee of any nuclear power plant. This subsection shall not preempt or supersede any state or local law that prohibits or restricts the use of lie detector tests."

GRAMM AMENDMENT NO. 1615

Mr. GRAMM proposed an amendment to the bill S. 1904, supra; as follows:

At the appropriate place, add:

"(e) Common Carrier Exemption.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any common carrier as defined by section 10102(4) of title 49 United States Code, including any air transportation as defined in section 101 of the Federal Aviation Act of 1958 and any other common carrier engaged in the hauling of passengers or freight."

COCHRAN AMENDMENTS NOS. 1616 AND 1617

Mr. COCHRAN proposed two amendments to the bill S. 1904, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Polygraph Protection Act of 1987."

SEC. 2. DEFINITIONS.

As used in this Act:

(1) Commerce.—The term "commerce" has the meaning provided by section 3(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(b)).

(2) Employer.—The term "employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee.

(3) Lie Detector Test.—The term "lie detector test" includes—

(A) any examination involving the use of any polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical, electrical, or chemical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual; and

(B) the testing phases described in paragraphs (1), (2), and (3) of section 9(b).

(4) Polygraph.—The term "polygraph" means an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards.

(5) Relevant Question.—The term "relevant question" means any lie detector test question that pertains directly to the matter under invstigation with respect to which the examinee is being tested.

(6) Secretary.—The term "Secretary" means the Secretary of Labor.

(7) Technical Question.—The term "technical question" means any control, symptomatic, or neutral question that, although not relevant, is designed to be used as a measure against which relevant responses may be measured.

SEC. 3. PROHIBITIONS ON LIE DETECTOR USE

Except as provided in sections 7 and 8, it shall be unlawful for any employer engaged in or affecting commerce or in the production of goods for commerce—

(1) directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to take or submit to any lie detector test;

(2) to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee;

(3) to discharge, dismiss, discipline in any manner, or deny employment or promotion to, or threaten to take any such action against—

(A) any employee or prospective employee who refuses, declines, or fails to take or submit to any lie detector test; or

(B) any employee or prospective employee on the basis of the results of any lie detector test or;

(4) to discharge, discipline, or in any manner discriminate against an employee or prospective employee because—

(A) such employee or prospective employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act;

(B) such employee or prospective employee has testified or is about to testify in any such proceeding; or

(C) of the exercise by such employee, on behalf of such employee or another person, of any right afforded by this Act.

SEC. 4. NOTICE OF PROTECTION.

The Secretary shall prepare, have printed, and distribute a notice setting forth excerpts from, or summaries of, the pertinent provisions of this Act. Each employer shall post and maintain such notice, in conspicuous places on its premises where notices to employees and applicants to employment are customarily posted.

SEC. 5. AUTHORITY OF THE SECRETARY.

(a) In General.—The Secretary shall—

(1) issue such rules and regulations as may be necessary or appropriate to carry out this Act;

(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act; and

(3) make investigations and inspections and require the keeping of records necessary or appropriate for the administration of this Act.

(b) Subpoena Authority.—For the purpose of any hearing or investigation under this Act, the Secretary shall have the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50).

SEC. 6. ENFORCEMENT PROVISIONS.

(a) Civil Penalties.—

(1) In general.—Subject to paragraph (2)—

(A) any employer who violates section 4 may be assessed a civil money penalty not to exceed $100 for each day of the violation; and

(B) any employer who violates any other provision of this Act may be assessed a civil penalty of not more than $10,000.

(2) Determination of amount.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) Collection.—Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) Injunctive Actions by the Secretary.—The Secretary may bring an action to restrain violations of this Act. The district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act.

(c) Private Civil Actions.—

(1) Liability.—An employer who violates this Act shall be liable to the employee or prospective employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including but not limited to employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) Court.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any one or more employees for or in behalf of himself or themselves and other employees similarly situated.

(3) Costs.—The court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

(d) Waiver of Rights Prohibited.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement of a pending action or complaint, agreed to and signed by all the parties.

SEC. 7. GOVERNMENTAL AND FEDERAL EXEMPTIONS.

(a) No Application to Governmental Employers.—The provisions of this Act shall not apply with respect to the United States Government, a State or local government, or any political subdivision of a State or local government.

(b) National Defense and Security Exemption.—

(1) National Defense.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to—

(A) any expert or consultant under contract to the Department of Defense or any employee of any contractor of such Department; or

(B) any expert or consultant under contract with the Department of Energy in connection with the atomic energy defense activities of such Department or any employee of any contractor of such Department in connection with such activities.

(2) Security.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function, of any lie detector test to—

(A)(i) any individual employed by, or assigned or detailed to, the National Security Agency or the Central Intelligence Agency, (ii) any expert or consultant under contract to the National Security Agency or the Central Intelligence Agency, (iii) any employee of a contractor of the National Security Agency or the Central Intelligence Agency, or (iv) any individual applying for a position in the National Security Agency or the Central Intelligence Agency; or

(B) any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored for the National Security Agency or the Central Intelligence Agency.

(c) Exemption for FBI Contractors.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to an employee of a contractor of the Federal Bureau of Investigation of the Department of Justice who is engaged in the performance of any work under the contract with such Bureau.

SEC. 8. STATE CERTIFICATION OF PLANS EXEMPTION.

(a) Subject to Section 9, this Act shall not prohibit any State, or political subdivision thereof, which, at any time, desires to assume responsibility for development and enforcement therein of standards relating to the use of polygraphs by employers and polygraph examiners, shall file a written statement with the Secretary of Labor certifying that it has adopted an administrative plan to insure compliance with the standards of this Act. Such certification shall:

(1) identify the agency or agencies designated as responsible for administering the plan;

(2) describe the standards contained in the administrative plan governing polygraph examiners and the use of polygraph examinations, which standards (and the enforcement of which standards) shall be at a minimum in full compliance with the standards set out in section 9 of this Act; and

(3) explain the manner in which the standards contained in the administrative plan are being administered and enforced by the designated agency to insure compliance with this Act.

(b) The Secretary shall make a continuing evaluation of each administrative plan which has been certified as in compliance with this Act. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that the plan is not being administered in a manner that insures substantial compliance with the standards set out in this Act, he shall notify the State or political subdivision of his withdrawal of certification of such plan and, upon receipt of such notice, such plan shall cease to be in effect.

(c) Review of a decision of the Secretary to disapprove an administrative plan under this section may be obtained in the United States Court of Appeals for the circuit in which the State or political subdivision or individual examiner is located by filing a petition for review with such court within 30 days after receipt of the withdrawal of certification.

SEC. 9. MINIMUM FEDERAL STANDARDS FOR POLYGRAPH TESTING.

Each State, or political subdivision thereof, seeking to establish a polygraph testing program under Section 8 of this Act, shall certify to the Secretary of Labor that its program meets the following minimum federal standards—

(a) Obligation To Comply With Certain Laws and Agreements.—The exemption provided under section 8 shall not diminish an employer's obligation to comply with—

(1) applicable State and local law; and

(2) any negotiated collective bargaining agreement, that limits or prohibits the use of lie detector test on employees.

(b) Rights of Examinee.—

(1) Pretest Phase.—During the pretest phase, the prospective examinee—

(A) is provided with reasonable notice of the date, time, and location of the test, and of such examinee's right to obtain and consult with legal counsel or an employee representative before each phase of the test;

(B) is not subjected to harassing interrogation technique;

(C) is informed of the nature and characteristics of the tests and of the instruments involved;

(D) is informed—

(i) whether the testing area contains a two-way mirror, a camera, or any other device through which the test can be observed;

(ii) whether any other device, including any device for recording or monitoring the conversation will be used; or

(iii) that the employer and the examinee, may with mutual knowledge, make a recording of the entire proceeding;

(E) is read and signs a written notice informing such examinee—

(i) that the examinee cannot be required to take the test as a condition of employment;

(ii) that any statement made during the test may constitute additional supporting evidence for the purposes of an adverse employment action described in section 8(b);

(iii) of the limitations imposed under this section;

(iv) of the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(v) of the legal rights and remedies of the employer; and

(F) is provided an opportunity to review all questions (technical or relevant) to be asked during the test and is informed of the right to terminate the test at any time; and

(G) signs a notice informing such examinee of—

(1) the limitations imposed under this section;

(ii) the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(iii) the legal rights and remedies of the employer.

(2) Actual Testing Phase.—During the actual testing phase—

(A) the examinee is not asked any questions by the examiner concerning—

(i) religious beliefs or affiliations;

(ii) beliefs or opinions regarding racial matters;

(iii) political beliefs or affiliations;

(iv) any matter relating to sexual behavior; and

(v) beliefs, affiliations, or opinions regarding unions and labor organizations;

(B) the examinee is permitted to terminate the test at any time;

(C) the examiner does not ask such examinee any questions (technical or relevant) during the test that was not presented in writing for review to such examinee before the test;

(D) the examiner does not ask technical questions of the examinee in a manner that is designed to degrade, or needlessly intrude on, the examinee;

(E) the examiner does not conduct a test on an examinee when there is written evidence by a physician that the examinee is suffering from a medical or psychological condition or undergoing treatment that might cause abnormal responses during the test; and

(F) the examiner does not conduct and complete more than five polygraph tests on a calendar day on which the test is given, and does not conduct any such test for less than a 90-minute duration.

(3) Post-Test Phase.—Before any adverse employment action, the employer must—

(A) further interview the examinee on the basis of the results of the test; and

(B) provide the examinee with—

(i) a written copy of any opinion or conclusion rendered as a result of the test; and

(ii) a copy of the questions asked during the test along with the corresponding charted responses.

(C) Qualification of examiner.—An individual who conducts a polygraph test must—

(1) be at least 21 years of age;

(2) comply with all required laws and regulations established by licensing and regulatory authorities in the State in which the test is to be conducted;

(3)(A) successfully complete a formal training course regarding the use of polygraph tests that has been approved by the State in which the test is to be conducted or by the Secretary; and

(B) complete a polygraph test internship of not less than 6 months duration under the direct supervision of an examiner who has met the requirements of this section;

(4) maintain a minimum of a $50,000 bond or an equivalent amount of professional liability coverage;

(5) use an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards;

(6) base an opinion of deception indicated on evaluation of changes in physiological activity or reactivity in the cardiovascular, respiratory, and electrodermal patterns on the lie detector charts;

(7) render any opinion or conclusion regarding the test—

(A) in writing and solely on the basis of an analysis of the polygraph charts;

(B) that does not contain information other than admissions, information, case facts, and interpretation of the charts relevant to the purpose and stated objectives of the test; and

(C) that does not include any recommendation concerning the employment of the examinee; and

(8) maintain all opinions, reports, charts, written questions, lists, and other records relating to the test for a minimum period of 3 years after administration of the test.

(D) PROMULGATION OF STANDARDS.—The Secretary shall establish standards governing individuals who, as of the date of the enactment of this Act, are qualified to conduct polygraph tests in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph tests previously.

SEC. 10. DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—A person, other than the examinee, may not disclose information obtained during a polygraph examiner may disclose information acquired from a polygraph test, except as provided in this section.

(b) PERMITTED DISCLOSURES.—A polygraph examiner, polygraph trainee, or employee of a polygraph test only to—

(1) the examinee or any other person specifically designated in writing by the examinee;

(2) the employer that requested the test; or

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7 or any other person, as required by due process of law, who obtained a warrant to obtain such information in a court of competent jurisdiction.

(c) DISCLOSURE BY EMPLOYER.—An employer (other than an employer covered under subsection (a), (b), or (c) of section 7) for whom a polygraph test is conducted may disclose information from the test only to a person described in subsection (b).

SEC. 11. EFFECT ON OTHER LAW AND AGREEMENTS.

This Act shall not preempt any provision of any State or local law, or any negotiated collective bargaining agreement, that is more restrictive with respect to the administration of lie detector tests than this Act.

SEC. 12. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall become effective 6 months after the date of enactment of this Act.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary or appropriate to carry out this Act.

AMENDMENT No. 1617

Beginning on page 33, strike out line 10 and all that follows through page 35, line 7.

GRAMM AMENDMENT NOS. 1618-1620

Mr. GRAMM proposed three amendments to the bill S. 1904, supra; as follows:

AMENDMENT No. 1618

At the appropriate place, add; "Nothing in this Act shall be construed to preclude the use of a lie detector test to any expert or consultant or any employee of such expert or consultant under contract with any Federal government department, agency or program where a security clearance is required by the federal government for such expert or consultant and such expert or consultant, as a result of the contract, has access to classified and sensitive government information."

AMENDMENT No. 1619

At the appropriate place, add:

On page 28, between lines 14 and 15, insert the following new subsection:

"(e) NUCLEAR POWER PLANT EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any nuclear power plant. This subsection shall not preempt or supersede any state or local law that prohibits or restricts the use of lie detector tests."

AMENDMENT No. 1620

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR TESTS CONDUCTED IN ACCORDANCE WITH DOD DIRECTIVE.—Nothing in this Act shall prohibit an employer from administering a polygraph test to an employee or prospective employee if the test is administered in accordance with Department of Defense Directive 5210.48 published on December 24, 1984.

METZENBAUM (AND OTHERS) AMENDMENT NO. 1621

Mr. METZENBAUM (for himself, Mr. HEINZ, Mr. BYRD, Mr. DOLE, Mr. SHELBY, Mr. HOLLINGS, Mr. ROCKEFELLER, Mr. GLENN, Mr. DIXON, Mr. HEFLIN, Mr. DURENBERGER, and Mr. NICKLES) proposed an amendment to the bill S. 1904, supra; as follows:

At the end of the Committee Amendment add the following new section:

"SEC. . MEXICO STEEL LOAN.

The Senate finds:

(1) during the past decade the United States steel industry has witnessed significant economic disruption and employment losses due to increased foreign competition;

(2) the United States steel industry has lost more than 12 billion dollars, more than half its workforce, and closed scores of plants throughout the country;

(3) in order to regain its competitive posture, the United States industry has invested more than 8 billion dollars on modernization, obtained painful wage concessions from its remaining workforce, and slashed production capacity by one-third;

(4) there are more than 200 million excess tons of steel capacity worldwide, causing severe financial strains on steel industries in many countries;

(5) the proposed loan by the International Bank for Reconstruction and Development (hereafter referred to as the "World Bank") would provide Mexico's steel companies with subsidized financing to further the glut of worldwide steel production;

(6) the proposed loan could do irreparable damage to the United States steel industry.

Therefore, it is the sense of the Senate that the proposed loan is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization; and the World Bank should reject the proposed loan.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on March 14, 1988, beginning at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on a bill currently pending before the subcommittee. The measure is:

H.R. 1860, a bill entitled the "Federal Land Exchange Facilitation Act of 1987."

For further information regarding the hearing, please contact Tom Williams of the subcommittee staff, at (202) 224-7145.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, March 2, 1988, to conduct an executive session on pending business (agenda attached).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 3, 1988. Oversight hearing to consider the President's proposed budgets for fiscal year 1989 for the Forest Service and the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommitte on Public Lands, National Parks and Forests be authorized to meet during the session of the Senate on Thursday, March 3, 1988, to receive testimony concerning S. 1544, a bill to amend the National Trails System Act to provide for cooperation with State and local governments for the improved management of certain Federal lands, and for other purposes; and H.R. 2652, a bill to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, March 2, 1988, to conduct a hearing on the fiscal year 1989 budget of the Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE AND SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittees on Strategic Forces and Nuclear Deterrence and Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 2, 1988, in closed session to review special access programs of the Department of Defense, to include the Department's assessment of the INF Treaty's possible impact on the Department's special access programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, March 2, 1988, to continue marking up the committee print No. 2 entitled the "Financial Modernization Act of 1988."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, March 2, 1988, to hold a hearing on the impact of a new proposal by the U.S. Forest Service to govern administration of the Small Business Timber Sale Set-Aside Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 2, 1988, to receive a closed briefing from administration representatives pursuant to section 25(a)(1) of the Arms Export Control Act, covering major arms sales which are considered eligible for approval during calendar year 1988—known as the Javits report.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FUNDING CHESAPEAKE BAY CLEANUP

● Mr. SARBANES. Mr. President, I am pleased to join in cosponsoring the resolution (S. Res. 389) which calls for full funding of the Clean Water Act's Construction Grants Program as authorized by Congress. The Reagan administration's budget for fiscal year 1989 that was recently sent to the Congress would reduce funding from the $2.4 billion authorized by Congress to $1.5 billion. This program, as well as the entire Clean Water Act, is critical to the cleanup of the Chesapeake Bay and our Nation's waterways.

At the end of 1986, President Reagan vetoed the Clean Water bill which passed at the end of the 99th Congress. His primary objection was funding for the Construction Grants Program. Early in the 100th Congress, I joined with other Members of the Congress in moving swiftly to pass the Clean Water Act, once again by an overwhelming margin—the House by a vote of 406 to 8, and the Senate by a vote of 93 to 6. As this body knows, the President once again vetoed the Clean Water Act; and the Congress quickly and decisively overrode his veto on February 4, 1987.

It is certainly clear that Congress strongly supports the Construction Grants Program. It is also clear that this administration is adamantly opposed to it. We are faced with the administration's budget which proposes significant reductions in the levels authorized by Congress.

The Clean Water Act, first passed in 1972, and the Waste Water Construction Grant Program have been important elements of the national effort to clean up our Nations' waterways and an absolutely vital part of the multistate effort to improve the water quality of the Chesapeake Bay. Over 1,300 sewage treatment plants discharge directly or indirectly into the Bay. Their effluent represents a substantial part of the total pollutant load to the Bay. Through comprehensive sewage treatment, significant reductions in nutrient and toxic pollution have been achieved since the passage of the Clean Water Act in 1972.

However, continued progress toward construction and upgrade of sewage facilities throughout the bay watershed must be made if our efforts to clean up the bay and to meet the goals established in the 1987 Chesapeake Bay Agreement are to succeed. The State of Maryland alone needs about $60 million a year to meet the goals of the Clean Water Act and to reduce nutrients being discharged to the Chesapeake Bay. However, under the administration's budget proposal, Maryland's allocation of wastewater construction funding would drop from $58 million this year to approximately $36 million—a loss of $22 million.

In many cases, we are just now beginning to see the benefit of the investment that we have made. We must continue the investment so that the rivers, lakes, and bays in this country become and remain safe for drinking, fishing, and recreation. I urge my colleagues to support Senate Resolution 389.●

MONTGOMERY GI BILL

● Mr. COHEN. Mr. President, all of us are acutely aware of the grave challenge that global competition raises about our country's use of its human resources. One of the most enlightened steps the Congress has taken to maximize the national gain from young talent is the Montgomery GI bill.

This is particularly true of the benefits the new GI bill provides for National Guard and Reserve members. It turns part-time soldiers into full-time students who in many cases are filling the critical skill needs of both national security and global economic competition.

This point has been aptly made by Frank Mensel in a recent address to the National Guard's second National Education and Incentive Management Conference held in El Paso in February. Mr. Mensel is a senior executive of both the Association of Community College Trustees and the American Association of Community and Junior Colleges.

I hope my colleagues will weigh carefully his message, and I ask that it be included in the RECORD:

MONTGOMERY GI BILL—DOORWAY TO THE AMERICAN DREAM

(Remarks by Frank Mensel)

The Montgomery GI Bill has opened many doors that address national needs. Most important perhaps are the doors of educational opportunity it has opened that help the American economy meet the challenge of global competition. The Montgomery GI Bill is at the same time the newest and surest door to the American Dream.

In the history of higher education in this century, two programs stand out as the great landmarks of national policy. One was the original GI Bill, coupled with the Korean and Vietnam derivations of it. The second has been the Pell Grant program, which has now enabled more American youth to pursue their college than have the several GI bills combined.

It is my prediction, however, that the Montgomery GI Bill soon will stand in its own right alongside the other two as the century's greatest landmarks of higher education policy. According to one of the oldest cliches of politics and legislation, "timing is everything." The Mongomery GI Bill is the right program at the right time. It is right for national security, and it is right for education.

It already has had a profound impact in upgrading enlisted talent, especially in the Army. We look back only a few years to a time when our country's defenses rested on a third-rate Army. An Army in which barely half the enlistees were high school graduates. An Army that was getting much of its weapon systems training from comic books conceived to satisfy a sixth-grade level of literacy. In those days, the Army was losing a division a year from attrition—some 13,000 to 15,000 soldiers flunking out simply because they couldn't "cut it." You don't have to be a statistician to grasp the "cost effectiveness" of that kind of attrition. A lot of college benefits for GI's can be paid for by the stemming of that loss.

What a difference the Montgomery GI Bill has made. Today nine out of ten Army enlistees are enrolling in the Montgomery program. They are almost all high school graduates, and they are outscoring the other services on the standard military entrance exam.

Talk about competitiveness! What the Montgomery GI Bill has given us now is a *yuppie* Army. It's no wonder that Mr. Gorbachev wants more treaties.

When the yuppie movement started, the joke was that a yuppie was simply a yippie who married the boss' offspring. The best example of today's yuppies are the young Americans who take six-year enlistments in their local National Guard or Reserve and become part-time soldiers and full-time students.

If the Montgomery GI Bill is good for the military, it is even better for the individual. Which is just what America is all about. It puts the best college educations within reach of lots of deserving youth who otherwise could never afford it—with or without Pell Grants. It gives them the satisfaction of serving their country without leaving home, as part of a local Guard or Reserve unit.

It is my own view also that, in the best yuppie tradition, the Montgomery GI Bill also produces more capitalists, or at least gives them an earlier start. The students who have the Montgomery benefits are much more likely to complete college without a heavy student loan burden. And without such debt, they will be in a better position to marry younger, start a family sooner, buy a home sooner—than their peers who didn't elect to serve their country in this way. The Army ads make the point beautifully: "A great place to start."

And neither last nor least, the Montgomery GI Bill is good for education. If Labor Department forecasts that the services may take as many as half the high school graduates for the rest of this century are true, the Montgomery GI Bill can significantly reduce the competition among industry, colleges and the military for the shortened supply of high school graduates. By the same token, it will help greatly in such a demographic cycle to stabilize the enrollments and operations of colleges and universities across the land.

Through the six-year enlistments with the Guard and Reserve, the Montgomery GI Bill will produce many "three-fers." A "three-fer" was affirmative action jargon for a job candidate who represented three protected groups—for example, an Hispanic veteran over 40 years old, or a minority woman with a handicap. In Montgomery GI Bill terms, a "three-fer" is a part-time soldier going to college on Montgomery GI Bill benefits, who is applying newly acquired skills in part-time work outside Guard or Reserve duty. Actually, I would see that student as a four-fer if he or she were moonlighting in a defense industry.

With the reduced supply of high school graduates, we are going to need lots of three-fers and four-fers in the next decade if the American economy and workforce are going to catch up with the global competition. Very simply, we are not going to overtake the competition unless U.S. employers have the best-trained skill base, the best technicians, in the world. And it will take strong partnerships between the military and the two-year colleges, drawing upon the Montgomery GI Bill, to produce them.

No other combination can bring quite the same horsepower to such partnerships, simply because our military draws more talent than any other employer, and because the community colleges have become the largest branch of higher education and the largest network of formal skill training, now serving more than half the Americans who start college. For most Guard and Reserve units, the nearest comprehensive training center will be a community college. With the broadest, most flexible technical curriculum, and the lowest cost per credit.

Competitiveness has become the bottom line for all of us. Increased productivity holds the key to both our future standard of living and our national security. The genius of the Montgomery GI Bill is that it harnesses the GI bill concept for a larger purpose. While it provides the veterans with the traditional educational and career opportunities they have rightly earned, it puts the same benefits to work in meeting the skill needs of both the military and the general economy. If the military and the community colleges make these training partnerships fly as they should, the U.S. by the year 2000 will again be out front—the economic flagship of the non-communist world. And we again will have the long-term insurance of the best skill base in the world. What better return could we ask of the Montgomery GI Bill investment.●

FIRST LIBRARY IN FEDERATED STATES OF MICRONESIA

● Mr. JOHNSTON. Mr. President, I would like to take this opportunity to tell the Senate about what I believe is an exciting and commendable project undertaken by The Corps Associates [TCA], a volunteer arm of the U.S. Army Corps of Engineers on Pohnpei, the capital of the Federated States of Micronesia.

United States involvement in Micronesia began in earnest during World War II in the critical battle for the Pacific. Following our liberation of Pohnpei and other islands, Micronesia was put under United States administration as a strategic trust by the United Nations and for 40 years was administered by the United States, first under the Navy and then by the Department of the Interior. Just last year, we entered into a new, more mature relationship with these emerging nations under the Compacts of Free Association. As we enter this new relationship and particularly as leaders in Micronesia, who worked closely with us after our liberation of the islands from the Japanese, enter retirement, I believe it is critically important that the American people reach out to the new generation through people-to-people projects such as the recent effort by TCA to obtain books and magazines for the Pohnpei Public Library.

Pohnpeians have long desired the establishment of a public library on their island, but given the other more basic capital infrastructure needs, the library never received a sufficiently high priority for Federal funding. This fall, in a creative public-private partnership, the U.S. Army Civic Action Team agreed to supply the know-how and the Pohnpeians raised over $20,000 to purchase the basic materials to construct a building to house this facility. Not only is this the first public library on Pohnpei but it is also the first public library in the Federated States of Micronesia. Construction has since been completed and even though there are only a few resources available, I was startled to learn that already over 300 children are using this facility each day.

Clearly, there is wide interest in this small community of about 32,000 people in developing a good resource to stimulate and encourage reading. This is particularly important since mandatory public education only extends through the eighth grade. Without the resources, those who complete the mandatory curriculum tend to lose their reading skills and their opportunity to learn about the world beyond their small island nation. TCA's project to obtain book donations for children and teenagers as well as magazines and "how-to" books for adults recognizes this need and will certainly be a large help to the library in achieving its goal of obtaining 12,000 children's books and 12,000 books for adults.

Through the leadership and generosity of a number of U.S. companies, foundations, and individuals, TCA's efforts have gotten off to a good start. I'd like to take a minute to recognize each of these participants:

The National Geographic Society—85 books for children.

The World Book Co.—a set of World Book Encyclopedias.

The law firm of Van Ness, Feldman, Sutcliffe, Feldman, Curtis and Levenberg—over seven boxes of books for children and adults.

The Wilderness Society—a complimentary subscription to their acclaimed children's magazine, Ranger Rick.

The Close Up Foundation—a VHS set and a number of educational tapes for high school students, which will enable the Library to begin an educational video program for children.

Children's Better Health Institute—complimentary subscriptions to Humpty Dumpty, Stork, Turtle, Children's Playmate, Jack and Jill, Child Life, and Children's Digest.

Scott, Foresman and Company—set of pupils editions from their Focus reading program for kindergarten through eighth grade.

The Young Naturalist Foundation—complimentary subscriptions to Chickadee and OWL, magazines concerned with interesting young children in the environment.

Harcourt Brace Jovanovich—a general selection of books for adults and children.

We have an excellent opportunity not only to help a worthy community effort, but also to strengthen our ties with those who were members of the American family for many years. Over half the population of Pohnpei is under age 16 and this group is especially in need of up-to-date materials which are not available in their underfunded schools. I was pleased to learn that books for children and adventure stories for teenagers are the highest priority in TCA's effort.

I have worked with this area through my membership on the Energy and Natural Resources Committee since I first came to the Senate in 1972 and have watched our relationship grow from one of absolute dependence to one of partnership, a relationship I hope will be strengthened over the 15-year compact. Efforts to help children, Pohnpei's greatest future resource, will certainly be an important contribution to this effort. I know that the Members of the Senate join with me in congratulating the efforts of those—in particular, the president of TCA, Mrs. Kathryn Heiberg, and Mrs. Elizabeth Clarke of Pohnpei—who have established the first public library on Pohnpei and in wishing them much success in achieving their goals.●

BUDGET SCOREKEEPING REPORT

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $900 million in budget authority, and by $2.9 billion in outlays. Current level is under the revenue ceiling by $10.6 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 26, 1988.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1988 and is current through December 22, 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution (H.Con.Res. 93). This report is submitted under Section 308 (b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S.Con.Res. 32.

Since my last report the President has signed the Continuing Resolution for Fiscal Year 1988 (P.L.100-202), the Omnibus Budget Reconciliation Act of 1987 (P.L.100-203), the Airport and Airways Improvement Act of 1987 (P.L.100-223), the Agricultural Credit Act of 1987 (P.L. 100-233), the Technical corrections to FERS and CSRS (P.L.100-238), and the Housing and Community Development Act (P.L.100-242), changing budget authority, outlay, and revenue estimates. This report summarizes final action in the first session of the 100th Congress.

Sincerely,

JAMES L. BLUM,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100TH CONG., 1ST SESS., AS OF DEC. 22, 1987

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 93 [2]	Current level +/− resolution
FISCAL YEAR 1988			
Budget authority	1,145.1	1,146.0	−0.9
Outlays	1,031.8	1,034.7	−2.9
Revenues	922.2	932.8	−10.6
Debt subject to limit	2,456.8	[3] 2,565.1	−108.3
Direct loan obligations	34.4	34.6	−.2
Guaranteed loan commitments	155.1	156.7	−1.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(1)(b) the budget authority and outlays include an adjustment that reflects the amount reserved for subsequent allocation under sec. 302(a) of the Congressional Budget Act.

[3] The permanent statutory debt limit is $2,800,000,000,000.

PARLIAMENTARIAN STATUS REPORT, 100TH CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1988 AS OF CLOSE OF BUSINESS DEC. 22, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			898,554
Permanent appropriations and trust funds	779,621	681,502	
Other appropriations		205,550	
Offsetting receipts	−169,458	−169,458	
Total enacted in previous sessions	610,163	717,594	898,554
II. Enacted this session:			
Water Quality Act of 1987 (Public Law 100-4)	−2	−2	
Emergency Supplemental for the homeless (Public Law 100-6)		−7	
Ginnie Mae fees (Public Law 100-14)		52	
Surface Transportation and Relocation Act (Public Law 100-17)	10,969		364
Federal Employees retirement system technical corrections (Public Law 100-20)	10	10	
Farm Disaster Assistance Act (Public Law 100-45)	−30	−30	
Supplemental appropriations, 1987 (Public Law 100-71)	68	915	
Small Business Administration program and authorization amendments (Public Law 100-72)	−41	−41	
Competitive Equality Banking Act of 1987 (Public Law 100-86)		−650	−7
Credit certain air traffic controller service for retirement benefits (Public Law 100-92)		3	
Medicare and Medicaid Patient and Program Protection Act (Public Law 100-93)		3	
Balanced Budget and Emergency Deficit Control Reaffirmation Act (Public Law 100-119)		−160	
Interim extension of certain veterans' housing programs (Public Law 100-136)	677	608	
Technical amendments to laws relating to Indians (Public Law 100-153)	1	1	
Older Americans Act Amendments of 1987 (Public Law 100-175)		5	
Veterans Home Loan Improvements Act of 1987 (Public Law 100-198)	−53	−53	
Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203)	−2,201	−8,497	8,844
Airport and Airway Improvement Amendment of 1987 (Public Law 100-223)	1,700	−1	1,551
Agriculture Credit Act of 1987 (Public Law 100-233)	70	70	
Technical corrections to FERS and CSRS (Public Law 100-238)		−2	
Housing and Community Development Act (Public Law 100-242)	−1	−1	
Total enacted this session	11,167	−7,778	10,752
III. Continuing resolution authority:			
Continuing resolution, fiscal year 1988 (Public Law 100-202)	568,544	373,084	−106
FMS prepayment		−5,919	
IRS compliance	481	385	1,850
Offseting receipts	−31,241	−31,241	
Total continuing resolution authority	537,784	336,309	1,744
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Disaster relief	142	85	
National wildlife refuge fund	1	1	
Special milk	5	1	
Special benefits (general retirement)	(1)	(1)	
Special benefits (Federal employees)	83	83	
Special benefits for disabled coal miners	7		
Medicaid	51	51	
Social services block grants	50	48	
Veterans readjustment benefits	16		
Veterans compensation	282	0	
Payment to air carriers	8	2	
Coast Guard retired pay	6	6	
Total entitlement authority	650	276	
VI. Adjustment for economic and technical reestimates	−14,650	−14,650	11,200
Total current level as of Dec. 22, 1987	1,145,115	1,031,751	922,250

PARLIAMENTARIAN STATUS REPORT, 100TH CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1988 AS OF CLOSE OF BUSINESS DEC. 22, 1987—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
1988 budget resolution (H. Cong. Res. 93)	1,146,000	1,034,700	932,800
Amount remaining:			
Over budget resolution			
Under budget resolution	885	2,949	10,550
Amount remaining:			
Over budget resolution			
Under budget resolution	885	2,949	10,550

¹Less than $500.

Note.—Numbers may not add due to rounding.●

INF TREATY REPORT BY AFL-CIO COMMITTEE ON DEFENSE

● **Mr. KENNEDY.** Mr. President, just as the Senate began ratification proceedings on the Intermediate Nuclear Forces [INF] Treaty, the AFL-CIO Committee on Defense conducted its own examination of this agreement. Under the leadership of its chairman, John T. Joyce, president of the International Union of Bricklayers and Allied Craftsmen, the committee has taken a careful look at the treaty and issued a thoughtful and instructive report. That committee's report and recommendation in turn led the executive council of the AFL-CIO to issue a statement on February 16, 1988, supporting ratification of the INF Treaty.

I recommend the report to anyone who is interested in the issues now facing the Senate—and the country—as we complete consideration of this agreement. This report provides a historical context for the treaty—important not only for considering INF but also for determining what direction the United States with its NATO allies should move next. The report also sets forth briefly and accurately the pertinent information about the treaty, and it highlights the most significant elements of this agreement. The committee concludes—correctly—that the greatest significance of the INF Treaty is the "establishment of two principles, both of which will be instrumental to the success of future, and arguably even more important arms control treaties: First, the principle of asymetrical reductions; and second, the principle of intrusive verification."

The committee points out that, after ratification of the INF Treaty, the focus changes to strategic and conventional force balances between NATO and Warsaw Pact forces.

With respect to the nuclear balance, the committee concludes that the INF Treaty will "leave some gaps in the implementation of the 'flexible response' doctrine" although the agreement "will not significantly undermine the strategy of deterrence."

With respect to the conventional balance, the committee points out that there "is a substantial disparity between the Warsaw Pact and NATO in terms of numbers" but that the effectiveness of military forces in combat cannot be measured "simply by referring to the ratios of tanks-to-tanks, aircraft-to-aircraft, and men to men." But the committee expresses real concern about the political uses to which the Warsaw Pact's superior numbers of conventional forces can be used. The committee observes that "The preferred answer to Warsaw Pact conventional superiority is not a buildup of Western forces * * * but a build-down of forces on both sides to equivalent levels * * * through asymetrical reductions."

I ask that the committee report—along with the February 16 statement by the AFL-CIO executive council supporting the INF Treaty—be included in the RECORD.

The report follows:

THE REPORT OF THE AFL-CIO COMMITTEE ON DEFENSE ON THE INTERMEDIATE-RANGE NUCLEAR FORCES (INF) TREATY TO THE AFL-CIO EXECUTIVE COUNCIL, BAL HARBOUR, FL, FEBRUARY 15, 1988

INTRODUCTION

The AFL-CIO Committee on Defense, after completing its 1987 study of the Strategic Defense Initiative, was asked by President Kirkland to undertake a study of the INF Treaty and related issues, and to report to the AFL-CIO Executive Council in February. Chaired by John R. Joyce, President of the International Union of Bricklayers and Allied Craftsmen, the Committee met with experts on this topic during the month of January 1988. A list of those who appeared before the Committee to discuss the INF Treaty is included in this report, and a list of the Committee members is appended.

The Committee's report to the Executive Council follows.

THE COMMITTEE REPORT

History of the INF question

The history of the deployment of intermediate-range nuclear forces in Europe has its origins in the early post-war period and the development of the strategy of massive retaliation. The tenets of this strategy were simple: any Soviet attack on the NATO alliance would invite a devastating, full-scale nuclear counter-attack on Soviet soil. Such a strategy was the product, in the early days of defense planning, of the crude nature of ballistic missile technology, the imbalance between Warsaw Pact and NATO conventional forces, and of the heightened political tensions associated with the Cold War. It was also cheaper to deploy nuclear weapons than to finance a military build-up to eliminate the Warsaw Pact conventional force advantage.

The shortcomings of this approach became all too apparent in the 1960s, when missile accuracy and throw-weight improved sufficiently to make the wholesale destruction of cities a morally repugnant response to conventional attack. The NATO alliance developed a replacement for massive retaliation that came to be known as "flexible response." Instead of triggering a general nuclear counter-attack, a Warsaw Pact assault on West Europe would now trigger a chain of responses, each more serious than the one that preceded it, and each designed to escalate the conflict at the appropriate moment to an appropriate level. If the lowest level of flexible response failed to halt the advance, the theory went, then a second, more threatening, response would be launched, and so on. This series of responses could escalate all the way through to general nuclear warfare. The difference between flexible response and massive retaliation lay in the fact that the former provided a spectrum of defense steps that could be employed selectively, while the latter relied on an almost automatic radical escalation.

But in time the credibility of flexible response was undermined by a combination of factors affecting the Alliance's ability to deliver nuclear warheads onto Soviet territory. First, the Alliance possessed only two such delivery systems: the aging and ineffective British Vulcan bomber, which was being phased out of service, and its newer American replacement, the F-111. Second, the Warsaw Pact forces had by that time developed formidable air defense systems. It was becoming clear that the F-111 could only with difficulty penetrate those defenses and strike targets deep in Soviet territory.

It was decided to close this gap by adding new delivery systems to the Alliance's weapons inventory: the ground-launched cruise missile (GLCM), and the Pershing missiles.

Meanwhile, in late 1977, the USSR introduced the first SS20s to the European theater. These were modern, mobile ballistic missiles, each carrying three independently-targetable nuclear warheads that were capable of striking any target in Western Europe from bases in the USSR. The deployment of the SS-20 gave new impetus to the deployment of GLCMs and Pershings.

Deployment of these weapons by the Alliance and by the Warsaw Pact proceeded apace for over ten years. However, the USSR was able to arm itself with far more SS-20s and other INF systems, such as the SS-4 and the SS-5, than NATO could match in the same period, owing both to the nature of Soviet society, and in the absence of treaties controlling the manufacture and deployment of INF weapons. The Alliance's pace of deployment was also slackened by massive protests and political problems in some Western Europe democracies during the initial deployments of American GLCMs and Pershings.

By the time the INF Treaty was signed, last December 8, the Soviet Union possessed 1752 INF missiles, deployed and non-deployed, while the United States had only 859, deployed and non-deployed—a missile ratio of 2:1 favoring the USSR. The numbers of nuclear warheads on these weapons gave the Soviets an even greater advantage of nearly 4:1 over the United States.

Even as deployments of these weapons were proceeding, the United States and the Soviet Union were talking about doing away with them.

In November 1981, President Reagan proposed the so-called "zero-option," which applied to the "longer-range intermediate-range nuclear forces" (LRINF). These are weapons with ranges of between 600 and 3,400 miles. The United States offered to cancel deployment of the GLCMs and Pershings in Europe if the Soviets would agree, in turn, to dismantle their SS-20, SS-4, and SS-5 missiles. Two years later, in November 1983, the Soviet Union walked out of the INF talks. In March 1985, the Soviets returned to the negotiating table.

A Soviet counterproposal in October 1985 for freezing the deployment of American

and Soviet INF weapons, which had proceeded in the absence of an agreement, brought a positive response from the United States with an additional proposal to negotiate the numbers of "shorter-range intermediate-range nuclear forces" (SRINF). These weapons have a range between 300 and 600 miles. Such weapons are the American Pershings I-A and the Soviets SS-12 and SS-23.

This American proposal became the second zero in the "double zero option" when, in June 1987, the United States proposed the elimination of all SRINF weapons on both sides. The next month, the U.S.S.R. indicated its willingness to accept the "double zero option." In September 1987, the U.S.S.R. and the U.S.A. agreed to conclude a treaty on INF. Remaining differences between the two sides were negotiated in the next three months, culminating in the signing of the INF Treaty in Washington, D.C., on December 8, 1987.

The INF Treaty

As the American and Soviet governments have told the world, the INF is a significant arms control pact because, in the words of the White House, both countries: "will eliminate—for the first time in history—an entire class of U.S. and Soviet nuclear weapons; intermediate-range nuclear force missiles. *This is the first agreement in history to actually reduce, not simply limit, the build-up of nuclear weapons.* Furthermore, *almost four deployed Soviet warheads will be eliminated for every one the U.S. eliminates.* . . . Such reductions will establish a foundation of mutual restraint and responsibility that will help us build a *safer world.*" [Emphasis in the original.]

To be sure, the elimination of all INF weapons is significant. But the Committee believes greater significance rests in the establishment of two principles, both of which will be instrumental to the success of future, and arguably even more important, arms control treaties: (1) the principle of asymmetrical reductions, and (2) the principle of intrusive verifications. Acceptance of these principles offers hope for progress on strategic and conventional arms agreements.

These principles are introduced in the first of the four documents that constitute the Treaty.

The *first document* comprises the Treaty articles and binds the United States and the Soviet Union to the elimination of all LRINF missiles and launchers within three years of the Treaty's taking effect, and to the elimination of all SRINF missiles and launchers within 18 months of the Treaty's taking effect. Thereafter, these weapons are banned. The weapons' support structures and support equipment are dealt with similarly. (The Treaty does not require the parties to destroy the nuclear warheads on these missiles, nor does it mandate the destruction of the warheads' guidance systems.)

As mentioned earlier, the Soviets possess a 2:1 advantage in missiles and an almost 4:1 advantage in warheads. Thus, in order to reach the level zero, the Soviets must eliminate twice as many missiles and four times as many warheads as the United States. This is the first instance of disproportionate cuts in nuclear arms agreements.

(It should be noted that INF warheads make up only 3% of the nuclear arsenal of the Soviet Union and the United States. The Treaty affects a very small class of weapons.)

Further, as soon as the Treaty takes effect, neither party may produce or flight-test, and, in the case of SRINF missiles, launch, any INF weapon. Certain numbers of LRINF missiles may be launched if such launching is designed to dispose of the missile.

Once these weapons and related systems have been eliminated three years down the road, all facilities for the deployment, storage, repair, and production of INF missiles are banned.

The United States and the Soviet Union also agree to submit to a regime of verification by representatives of the other side and to abide by an effective verification system explicitly for the terms of the Treaty. Though the Committee is given to understand that there are no fool-proof verification systems, and that the procedures associated with the INF Treaty verification can be circumvented, the establishment of even an imperfect onsite inspection system is a breakthrough in nuclear arms control agreements.

The *second document* of the Treaty is the "Memorandum of Understanding (MOU) on Data." Based on information exchanged between the two sides on November 1, 1987, the MOU describes each individual LRINF and SRINF system covered by the agreement, its numbers and characteristics, as well as the map co-ordinates of each missile deployment area and each missile operating base. Related facilities are defined in extraordinary detail.

The *third document* of the INF Treaty is the inspection protocol, which describes the verification system associated with the Treaty. It lays out the conduct of and procedures for onsite inspections. These include short-notice inspections and what is known as "continuous portal monitoring," a system of resident inspectors, consisting of representatives from the other country, who continually verify adherence to the terms of the Treaty at a missile factory in each country. In the United States, the site where Soviet inspectors will monitor U.S. compliance is the Hercules Plant Number 1, which produces Pershings, in Magna, Utah. In the Soviet Union, American verifiers will be situated at the Votkinsk Machine Building Plant, where the SS-20 is built, in the Udmurt Autonomous Soviet Socialist Republic of the Russian Soviet Federated Socialist Republic.

In addition, this protocol provides for elimination and "close-out" inspections, and requires each side to facilitate the other side's collection of verification intelligence through national technical means.

The *final document* is the elimination protocol, which essentially describes the permissible manner and methods for the disposal of the missiles, launchers, and support equipment associated with the INF pact.

The INF Treaty has unlimited duration. Either party may withdraw from the agreement when it considers its interests are no longer served by compliance. A six-month notice of intention to withdraw is required. The parties may also amend the treaty.

Previous AFL-CIO Policy

The INF Treaty is consistent with previous AFL-CIO policy on intermediate-range nuclear forces, verification, and arms control.

The first interim report of the Defense Committee, published in February 1983, made note of the INF negotiations then going on between the United States and the Soviet Union and welcomed the direction they were taking. To quote that report:

"As for the negotiations now underway on intermediate-range ballistic missiles in Europe, the Committee believes that the Administration's call for the "zero option"—the elimination of all such weapons—is a goal that merits support."

That further negotiations led to the elimination of not only LRINF but also SRINF—that is, to the "double zero option"—is a logical and welcome extension of the AFL-CIO's policy.

The 1985 AFL-CIO Convention also laid down a policy on arms control and verification which finds satisfaction in the INF Treaty. The Convention endorsed "the objective of a balanced *reduction* of nuclear arms within a system of verification guaranteeing collective security." [Emphasis added.] The Treaty has, for the first time, actually reduced the numbers of weapons to a balanced level. But the INF Treaty goes further by making that level zero and by requiring asymmetrical reductions to achieve that level.

Finally, the INF agreement reflects the view set forth in the AFL-CIO Executive Council's statement on the Strategic Defense Initiative (August 19, 1987), that "negotiated arms limitation agreements are essential to the maintenance of world peace." This treaty is a step in the right direction, but, in the Committee's view, only a step.

The hearings on the INF Treaty

To assist in its consideration of the question of intermediate-range nuclear forces and of the treaty governing their elimination, the Committee held four hearings during two days in January 1988, interviewing five prominent experts. The views they presented to the Committee included those of the Administration, an opponent of the Treaty, a foreign policy advisor to the Senate Armed Service Committee, and representatives of the Commission on Integrated Long-Term Strategy.

The experts who appeared included an official responsible for negotiating the INF Treaty, another responsible for U.S. national security policy formulation, and two former NATO commanders.

In order of appearance, the Committee met with:

Ambassador Max M. Kampelman, Head, United States Delegation to the Negotiations on Nuclear and Space Arms.

General Bernard W. Rogers (USA, Ret.), former Supreme Allied Commander of Europe.

Gregory Craig, National Security Advisor, Office of Senator Edward M. Kennedy.

Dr. Fred Ikle, Under-Secretary of Defense for Policy, and Co-Chairman, the Commission on Integrated Long-Term Strategy.

General Andrew J. Goodpaster (USA, Ret.), Chairman, the Atlantic Council of the United States, and Member, the Commission on Integrated Long-Term Strategy, and former Supreme Allied Commander of Europe.

The Committee is grateful for their valuable contributions to its work and understanding of the complex political, military, and strategic implications of the INF Treaty. The Committee also drew on numerous articles and analyses that appeared in the media during the course of the negotiations and signing of the INF pact.

Throughout these hearings, the Committee sought, first, to determine whether the INF Treaty merits AFL-CIO support and serves the interests of American national security; and, second, to identify related issues of American and allied defense policy that now require the full attention of the political and military authorities of the democracies. That is, what will happen to the defense equation, assuming the INF Treaty is ratified and the INF weapons are eliminated?

(The basis of this assumption lay in the Committee's view that, once the Soviet Union and the United States agreed to the elimination of the INF weapons, there was little reason to believe that the NATO countries where these weapons have been located, often against vocal domestic opposition, would insist that they remain.)

As the Committee states in its "Conclusions," the treaty is clearly in the national interest of the United States.

At the same time, we recognize that the elimination of intermediate-range nuclear forces from Europe and Asia has led to certain serious implications for the security of the NATO countries and other American allies, implications that must be addressed as the superpowers proceed with negotiations on conventional and strategic arms limitations.

Perhaps the most important contribution the INF Treaty makes to American national security lies in the new standards it sets in the arms control process. Each speaker interviewed by the Committee, regardless of his opinion of the treaty, identified the two principles cited earlier as significant departures from previous arms control agreements and holds the view that they will be instrumental in the START and conventional force talks. That is:

Any future arms control agreement will have to rely on asymmetrical reductions in order to restore conventional and strategic balances between the two superpowers; and

Intrusive verification procedures will also be necessary to improve the chances of success of future arms control agreements. The United States has learned through hard experience, both with the Soviets and, before them, with Nazi Germany and Imperial Japan, that an arms control agreement that cannot be verified is no arms control agreement at all.

Senate approval of the INF Treaty would preserve these two principles as important precedents for other negotiations. Rejection of the Treaty will give the Soviets the opportunity to recant these principles, which would be a major setback for future pacts.

A second contribution of the treaty on intermediate-range nuclear forces to the national interests of the United States is that, in some important ways, it strengthens the military security of the Alliance.

Soviet superiority in the INF class of weapons is well-established; indeed, it was virtually acknowledged by Mr. Gorbachev when he publicly acceded to the need for "disproportionate" reductions. The Treaty would abolish that Soviet edge, and thus maintain NATO's strategy of flexible response, by preserving NATO's capability of delivering nuclear charges to Soviet territory, employing either allied American air power or with the independent nuclear forces of France and Great Britain. The elimination of Soviet INF weapons complicates the Warsaw Pact's ability to strike at NATO ports and airfields, which are important targets because of their wartime role as staging points for incoming American men and materiel.

The elimination of the Soviet INF further enhances Western military security by denying the Warsaw Pact strategic offensive options which they have possessed for three decades, thus further complicating Soviet attack planning—contributing to increased international stability.

The INF Treaty also serves U.S. national interests by doing away with an entire class of nuclear weapons without undermining the credibility of NATO's nuclear deterrent. The elimination of these missiles, though they constitute roughly 3% of the nuclear arsenals of the Soviet Union and the United States, contributes to a more balanced nuclear equation and to increased strategic stability between the superpowers. The elimination of these missiles also lessens the possibility of a conventional confrontation escalating into a full-fledged nuclear war.

The Committee recognizes that the INF Treaty does not cure all the woes of the Western alliance, nor is it an ideal arms control agreement. The Committee heard impressive testimony reflecting serious doubts about the effects the elimination of these forces could have on the strategy of deterrence. But taking this testimony into account and weighing it against the positive effects of the Treaty, the Committee has concluded that the Alliance will continue to have the capacity to deter a Warsaw Pact attack through the use of remaining tactical nuclear weapons, delivery systems, and conventional forces, all backed by the American strategic nuclear guarantee.

Finally, the political success of the entire INF story—from the initial deployments to the signing of the Treaty—represents a significant gain for the United States and the NATO alliance. The unity displayed by the allies during the long period leading to the conclusion of this agreement has strengthened the alliance politically and demonstrated to the Soviets the depth of NATO resolve. As trade unionists, we are well aware of the truth of the maxim, "In unity is strength."

The committee's concerns: What lies ahead?

While the INF Treaty merits the support of the AFL–CIO and the approval of the U.S. Senate, its effects cannot be viewed in isolation from the other elements of the Alliance's military security—i.e., the strategic and conventional force balance between NATO and the Warsaw Pact, both of which are the subjects of negotiations now underway. Indeed, the ultimate security value of the INF agreement may well be determined by the outcome of those negotiations. That is, if the INF agreement leads to further progress in the reduction of nuclear arms, the need to redress the conventional force imbalance in Europe becomes more urgent. Unless agreement can be reached on conventional force reductions, achieved through disproportionate cuts, NATO will be forced to build up to Soviet levels, at considerable cost.

AFTER INF: THE NUCLEAR BALANCE

Before the signing of the INF Treaty, the American nuclear forces consisted of three elements—short-range, or battlefield, nuclear weapons; intermediate-range nuclear weapons, such as the Pershings, GLCMs, and those delivered by aircraft; and long-range weapons, such as intercontinental and submarine-launched ballistic missiles. The INF Treaty has done away with the most potent and, from the Soviet point of view, most threatening weapons of the second type, leaving aircraft-borne bombs as the main weapon of this class.

Since the deterrence of war should continue to be the main objective of American defense policy, the Committee was compelled to consider the impact of the INF Treaty on the Alliance's deterrent capability. We conclude that, while the elimination of intermediate-range nuclear forces in Europe will not significantly undermine the strategy of deterrence, it will leave some gaps in the implementation of the "flexible response" doctrine.

There are limitations on the deterrent capabilities of both long- and short-range nuclear weapons in the European theater. Short-range, or battlefield, nuclear weapons, cannot strike Soviet territory and therefore pose no threat to the Soviet Union. Their effects would be confined to Europe itself, a prospect that understandably frightens many Europeans. Long-range, or strategic, nuclear weapons are poor theater weapons because Soviet missile trackers cannot distinguish one fired in a theater role from one fired in an attack on the Soviet Union. This makes long-range weapons dangerous to rely on as theater weapons.

With the elimination of intermediate-range nuclear forces, the F–111 remains the only useful step on the flexible response ladder between the use of short-range and strategic nuclear weapons. And unlike the Pershings, the F–111 is not invulnerable to defensive countermeasures; nor are they as fast or as accurate. The Committee doubts the wisdom of relying on such aircraft as its primary theater nuclear deterrent.

The resulting gap in our theater deterrence capability becomes more critical in light of the opinion expressed by virtually all of the experts who appeared before the Committee to the effect that NATO's conventional forces could probably not survive a Warsaw Pact attack for more than ten days. We also learned that the NATO Commander is required to request permission to use nuclear weapons—that is, to start the escalatory chain of flexible responses—no later than 14 days after a Warsaw Pact invasion begins.

The Committee is concerned about the elimination of any intermediary steps between the initiation of conventional warfare and the resort to strategic nuclear exchanges. Various proposals have been made to redress this problem by restructuring our nuclear forces. In the months ahead, the Committee will review these proposals as it turns its attention to the negotiations on strategic arms reductions.

An area of concern for the Committee is the conventional balance between the NATO and Warsaw Pact forces. There is a substantial disparity between the Warsaw Pact and NATO in terms of numbers. The situation has not changed appreciably from 1983, when the Committee stated that "Soviet superiority in conventional forces is incontestable." Yet, one cannot measure these forces simply by referring to the ratios of tanks-to-tanks, aircraft-to-aircraft, and men-to-men. Technological superiority is an important factor which is not measured in "bean counts" of men and materiel.

Nevertheless, conventional forces remain of concern to the Committee for several reasons.

As of now, the West enjoys a comfortable technological lead in many conventional weapons, but there is no guarantee that this will always be the case.

Recent Soviet successes in space technology compare brilliantly with the numerous failures and disappointments of the American space program. They also indicate that the Soviet Union can overtake the United States in certain types of technology which once were generally recognized as areas of American dominance. Were the Soviets ever to surpass the NATO allies in terms of conventional defense technology, NATO's numerical inferiority could become a serious security problem. It is imperative, therefore, that the West maintain its lead in the race to develop new technology.

While it may be true that the West's technological superiority makes the East's numerical superiority of less military importance, the massive numbers of Soviet and Warsaw Pact troops wield political strength, whose purpose it is to intimidate Western Europe and to separate it from the United States.

The political advantage the Soviets possess should not be underestimated. The Soviets are masters of exploiting political situations to their advantage. If given the opportunity, Mr. Gorbachev is no less likely to make full use of the political value of his country's military machine than his predecessors were.

The prefered answer to Warsaw Pact conventional superiority is not a build-up of Western forces, which may well be politically and economically impossible, but a build-down of forces on both sides to equivalent levels. This can be achieved only through asymmetrical reductions, as both sides have agreed.

Mindful of the fact that the NATO Commander is required to request permission to use nuclear weapons within two weeks of battle, the Committee is deeply concerned that NATO's inability to mobilize quickly and sustain a conventional defense could result in an early nuclear exchange.

Even if recent trends toward overcoming these insufficiencies continue, the lack of adequate American sea- and airlift capability could paralyze any mobilization effort.

The United States and its allies spend hundreds of billions of dollars annually on defense equipment and personnel, but virtually nothing on the air- and sealift needed to transport this equipment and personnel. Part of the solution lies in the revitalization of the maritime industry and the merchant marine, and in the creation of supersonic forms of military air transport.

Conclusions

In summary, the AFL–CIO Committee on Defense recommends that the AFL–CIO support Senate approval of the INF Treaty. We believe it is a good treaty, although not perfect, and that it serves the national security interests of the United States.

Those interests are not guaranteed by the Treaty alone; it must be supplemented by agreements leading to balanced and verifiable reductions in conventional and strategic forces. Such reductions will also require the United States and its allies to develop appropriate new defense policies and to restructure their remaining forces accordingly.

The Committee attaches considerable significance to the inclusion in the INF Treaty of the principles of asymmetrical reductions and intrusive verification. These principles can open the door to real progress toward future strategic and conventional arms control agreements.

The Committee respects the views of those who have expressed reservations about the INF Treaty and its impact on the defense of Europe, which is most directly affected by the weapons eliminated. We believe that many of their concerns can and must be addressed in future arms negotiations and adjustments in Allied defense planning. We do not, however, concur with the view that the Treaty represents a serious setback for the doctrine of deterrence.

Meanwhile, the Committee recommends that the AFL–CIO reaffirm its strong support for the American commitment to NATO and the defense of Europe. At stake is the protection not merely of geographical territories but of democratic values and institutions, including the free trade union movement itself.

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON INF TREATY, FEBRUARY 16, 1988, BAL HARBOUR, FL

The recently concluded treaty between the United States and the Soviet Union on the elimination of intermediate-range nuclear forces serves the security interests of the United States and its NATO allies and merits the consent of the Senate.

In several important respects, the Treaty conforms with arms control proposals advanced by the AFL–CIO over the past five years. Chief among these is that, unlike past agreements that set ceilings on increases in the number of weapons allowed each side, this treaty reduces the numbers of nuclear weapons and does so by eliminating an entire class of them.

The AFL–CIO concurs with the findings of its Committee on Defense that these reductions will not adversely affect NATO's deterrence capability.

Although the Treaty deals with only three percent of the nuclear arsenals on both sides, it establishes two precedent-setting principles that may open the way toward real progress in both strategic and conventional arms control.

The first is that asymmetrical or disproportionate reductions are required to achieve equivalent numbers of weapons on each side—the number in the case of intermediate-range nuclear forces being zero.

The second is that compliance with the Treaty requires intrusive verification, i.e., on-site inspection. The INF Treaty marks the first time the Soviets have agreed to these principles, which the AFL–CIO has called for in the past.

The AFL–CIO believes that the INF Treaty would never have been achieved were it not for the political unity and determination demonstrated by the NATO alliance, despite a massive Soviet propaganda campaign aimed at driving a wedge between the United States and Europe. Had the Alliance not proceeded with the deployment of cruise and Pershing missiles, in the face of Soviet deployments of the SS–20s, there would have been little inducement for the Soviets to return to the bargaining table.

In urging Senate approval of the INF Treaty, the AFL–CIO is under no illusion that this agreement, in isolation, will remove the impetus to the arms race or achieve dramatic reductions in military spending.

The elimination of INF weapons necessarily focuses attention on the conventional force imbalance between NATO and the Warsaw Pact, an imbalance Gorbachev has implicitly acknowledged by publicly agreeing to the principle of "disproportionate" cuts in conventional forces. There is now an urgent need to reach agreement on achieving balanced conventional force reductions, so that NATO will not be compelled to build up its conventional forces.

The AFL–CIO notes the view of many defense experts that, in a post-INF era, the maintenance of a credible deterrence against a Warsaw Pact attack on Western Europe will require a restructuring of U.S. strategic nuclear forces. As the strategic arms limitations talks proceed, the Executive Council calls upon the Defense Committee to study what, if any, such restructuring might be required within the framework of the AFL–CIO's repeated calls for radical, balanced, and verifiable reductions in strategic nuclear warheads.

The goal of the AFL–CIO continues to be the maintenance of a credible deterrence to war at ever lower levels of nuclear armaments. It is not necessary to believe that the erosion of that deterrence would provide an immediate Soviet invasion of Europe to appreciate that it would significantly enhance the Soviets' political leverage and powers of intimidation in the region, to the detriment of American security.

The INF Treaty is a step toward our goal—but only a step. Its ultimate value will be determined by whether comparable progress can be made in the reduction of conventional and strategic forces.●

BICENTENNIAL MINUTE

MARCH 2, 1805: AARON BURR'S FAREWELL TO THE SENATE

● Mr. DOLE. Mr. President, 183 years ago today, on March 2, 1805, the Senate witnessed a moment of extraordinary drama. In the final hours of the Eighth Congress, Vice President Aaron Burr delivered a farewell address that remains a classic in the Senate's history. Less than 8 months earlier, he had killed former Treasury Secretary Alexander Hamilton in a duel at Weehawken, NJ. Following that tragic event, Burr fled southward to escape indictment.

In his address the Vice President apologized for any offense that his actions as the Senate's Presiding Officer might have given to Senators. Burr asserted that during the past 4 years, he followed his belief that error was preferable to indecision and that his errors, "whatever they might have been, were those of rule and principle, and not of caprice."

Burr concluded his address with the following stirring remarks about the nature of the Senate. He said:

> This House is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, [that] resistance [will] be made to the storms of political frenzy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

Senator Samuel Mitchell recorded what happened immediately following Burr's address:

> When Mr. Burr had concluded, he descended from the chair, and in a dignified manner walked to the door, which resounded as he, with some force, shut it after him. On this, the firmness and resolution of many of the senators gave way, and they burst into tears. There was a solemn and silent weeping for perhaps 5 minutes.●

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LED SPENCER'S THOUGHTS ON FOREIGN POLICY

● Mr. BOSCHWITZ. Mr. President, a short time ago I received in my mail a letter from Ed Spencer, chairman of the board of Honeywell. Ed, who is also a trustee of the Carnegie Endowment for International Peace and the Ford Foundation, wrote very knowledgeably about United States-Soviet relations, the need to reestablish a bipartisan foreign policy in this country, and the need to adequately fund the State Department and our foreign assistance programs.

As a member of the newly formed Senate Caucus on a Bipartisan Foreign Policy, I found Ed's remarks timely and compelling. I heartily recommend them to my colleagues' attention and ask that they be printed in the RECORD.

The remarks follow:

WHAT IF GORBACHEV SUCCEEDS?

(By Edson W. Spenser)

What if Gorbachev succeeds? Or perhaps it will be his successor's successor who succeeds, if the present General Secretary does not stay the course.

Regardless, we had better wake up to the fact that Gorbachev has unleashed new forces in the Soviet Union. We are looking at a Soviet Union greatly changed from the one we have learned to live with since the arms race began to accelerate two decades ago. The changes that Gorbachev has set in motion will ultimately prevail in some manner. In spite of centuries of oppression in Russia, human nature will not permit even a small taste of freedom to perish.

The recent U.S.-Soviet summit again focused public attention on arms control and easing military tensions between the two super-powers. But, we cannot afford to ignore the other items on Gorbachev's policy agenda, namely, improving economic conditions in the Soviet Union and enhancing the way in which the USSR is seen by the rest of the world. We must be alert to these non-military changes and what they mean not only for the USSR, but also for the United States.

Perestroika—restructuring which includes decentralization of economic planning and a taste of entrepreneurship—will lead to increased availability of consumer goods, a modest rise in the standard of living, and high hopes for continued improvement. The historic patience and patriotism of the Russian people, however, will enable the government to keep expectations under control. Glasnost—openness and a willingness to criticize the past—will lead to internal competitive pressures on public officials to improve their performance. Even so, the continued presence of the KGB and the military will see to it that openness does not lead to pluralist democratic tendencies, or to a weakening of the central control of the Communist Party. The word "democracy" as used by Gorbachev has quite a different meaning than we are accustomed to.

Summitry—arms reduction deals with the United States—will enable Moscow to shift resources from nuclear forces to the domestic economy. But with no weakening of the overwhelming threat of conventional Soviet military forces in Europe and Asia.

Perestroika and glasnost will have their international ramifications as well. The Soviet Union is already starting a campaign to become an important trading partner of the United States. A major public relations offensive is well underway to project a "god-guy" image of Soviet leaders and their beefed-up embassy staffs around the world. It is not inconceivable that the Soviets will propose an arms-free Central Europe and will get a peace treaty with Japan, materially affecting our relationships with our traditional allies.

Suddenly the United States and the free world are faced with a very different adversary. The Soviet Union has in the past had a bankrupt domestic economy, incapable of supporting a meaningful international economic presence. It has had a brutal totalitarian government, suppressing dissent at home. Military might was the only way the Soviet government could command respect—or fear—around the world.

To be sure, for the foreseeable future at least, the Soviet Union will still be a one-party totalitarian state, with an oppressive police and a mighty military establishment. Soviet leaders will still look on our type of democratic ideas as threats to their security. But this new Soviet Union will be an international competitor of a different kind. It will project openness, reasonableness, and a willingness to trade. It will down-play the importance of Soviet military might and the spread of international communism.

The Soviet Union will step up its efforts to appear as a non-threatening partner as it builds a network of friendly states in the Third World as well as in Europe and the Pacific. These efforts could erode the support many of those countries traditionally have provided to the geopolitical objectives of the United States.

In the longer run, perhaps in the twenty-first century, perestroika and glasnost might lead to a very different Soviet Union—to the breakdown of the East European communist bloc, to the decline and fall of imperial Russia, and to the emergence of a European-style democracy.

The United States is not well prepared to deal with the changes coming out of Moscow. Bipartisan foreign policy has been almost absent since the Vietnam War. We find ourselves foundering in response to Soviet arms reduction initiatives. We find it difficult to maintain worldwide economic leadership in the face of financial difficulties at home. Budgets for foreign economic aid and overseas embassies have been cut. For the first time since the Second World War, our leaders are competing for international political loyalty with a young, vigorous, open and confident leadership in the Kremlin.

A new president will have a good opportunity to put our house in order so we can take advantage of changes initiated by the new leadership in the Kremlin. Here's what he must do.

First—trust must be restored between the Administration and Congress so that once the issues have been debated we can go forward in unison with a bipartisan foreign policy.

Second—the first small step to limit the number of nuclear weapons has been taken and should be followed up by a treaty to reduce strategic weapons as well. Then, with each side maintaining enough strategic arms deterence to avoid a war of annihilation, we can explore to see if sufficient trust can be built up over a decade or more to gradually wind down nuclear weapons still further. During that period our defense spending will have to be shifted to conventional weapons.

Third—for the United States to strengthen its international leadership, we must put our domestic house in order with some restructuring of our own. This requires reducing the federal budget deficit, and the means to do so involves three politically unpopular steps. The first is to increase taxes, for example with a debt reduction surtax, the income from which cannot be spent. The second is to limit entitlements by limited cost-of-living increases and by putting in a needs test for Social Security, Medicare and Medicaid. The third is a gradual reduction in defense expenditures under the assumption that the Soviet Union will present us with an opportunity to do so over the next decade.

We must also ask Congress to bury protectionism, and the new Administration to continue to use trade remedy legislation on the books to open foreign markets to U.S. products, just as our market is open to foreign products. We have to let the dollar find its own level in international exchange markets. We must step up to our financial obligations to the World Bank and in return, insist that the Bank take the lead in solving the third-world debt problems. We should also meet our financial obligations to the United Nations while trying to breathe new life into that body.

Fourth—we have to provide funding to the State Department and other departments and agencies so as to strengthen our presence through our embassies abroad. A revitalized international aid program with emphasis on economic rather than military assistance is an important part of projecting a vigorous, new American image in other countries where the new Soviet initiatives will be aimed at undermining traditional support for our policies.

If Gorbachev succeeds, we will be facing a different and very formidable competitor in the 1990's and beyond. We have to continue some restructuring of our own to reaffirm our own traditional economic strengths and reinforce in the international arena those fundamental values that perestroika and glasnost are unlikely to bring to the Soviet Union, namely, freedom and democracy.●

U.S. ROLE IN THE PERSIAN GULF

● Mr. BOSCHWITZ. Mr. President, I wish to commend to my colleagues' attention an important article, written by Karen Elliot House, that appeared recently in the Wall Street Journal. The article, entitled "In Gulf, U.S. Underestimates Own Strength," concerns the U.S. effort in the Persian Gulf. Noting the success of our efforts thus far in the Persian Gulf, the writer cautions against those who would squander our achievement by abandoning our present role.

Ms. House points out that the policy embarked upon last summer by President Reagan has brought many real achievements: it has done much to restore American credibility with the moderate Arab States in the gulf; we have also secured the support of several NATO allies, engaging their active participation in an area outside the normal NATO theater of operations. We, together with our European allies, have succeeded in upholding the universally recognized principle of freedom of navigation through international waterways. And we have done all this without in any way increasing the influence of the Soviet Union in the region. In fact, while our influence and position in the Persian Gulf has expanded, that of the Soviet Union has considerably diminished. In their attempt to woo Iran, the Soviets have managed to incur the anger of most of the Arab world.

To those who liken the American role in the gulf to our involvement in Vietnam or Lebanon, Ms. House points out the strong dissimilarities. Our involvement in the gulf is a "naval operation, not a land war," the United States has the clear support of neighboring countries and of its allies, and the adversary in this case—Iran—is "easy to distinguish" and one that receives no sympathy from the American public.

Mr. President, I highly recommend this article for review by my colleagues and ask that a copy of the article be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Jan. 13, 1988]

IN GULF, U.S. UNDERESTIMATES OWN STRENGTHS

(By Karen Elliott House)

As America enters an election year and a year of stepped-up superpower negotiations, pressures almost surely will mount to make linkages that ought to be avoided and to avoid commitments that ought to be kept.

Nowhere is that more true than in the Persian Gulf, where American warships are defending the right to freedom of navigation, the economic interests of the Western alliance and America's reputation as a reliable ally. It is a commitment that the Reagan administration isn't as proud of as it should be, and that the pack of Democratic presidential candidates is much more critical of than either logic or smart politics should lead them to be. The commitment is put further at risk by morose and muddle-headed analysts who wring their hands and argue that by standing up to the Iranians, we are going to wind up handing Iran to the Russians.

What the critics are saying, in effect, is that America's very success at keeping the Persian Gulf oil lanes open in the face of Iranian threats serves to increase Iranian isolation and hostility and thus will send Iran scurrying to Moscow for sympathy and support. This is undoubtedly what the Soviets wish would happen—and what the Iranians want us to believe could happen—but it isn't what either Moscow or Tehran believes will happen.

As all too often is the case, Americans are assigning exaggerated capabilities and opportunities to the Soviets and overlooking the strengths of America's position. For the first time in the modern history of this region, Arabs and Israelis are united in their support of an American initiative; and for the first time since the Korean War, almost all of America's European allies are providing direct military support for a U.S. military action outside of Europe. Imagine the hand wringing among professional pessimists if Moscow had the united support of gulf Arabs and its allies for some Soviet initiative in the region.

In truth, the Soviets seem neither confident nor content about their position in the gulf. Soviet officials accompanying Mikhail Gorbachev on his recent visit to Washington dropped hints all over town that their efforts to court Iran have brought only frustration—and worsening relations with the Arabs. Indeed, Iraq, a longtime Soviet ally, is so frustrated with Moscow's political and military support for Iran that Iraqi Foreign Minister Tariq Aziz publicly has lashed out at the Soviets. (Moscow provides some 80% of Iraq's arms and allows its East European allies and Syria to supply Iran.)

More important, Soviet actions seem to be supporting Soviet whispers. For example, the Soviets have just welcomed Jordan's King Hussein to Moscow, in spite—or more likely because—of the fact that he has just orchestrated an unusual show of Arab unity with Iraq in its eight-year-old war against Iran.

Above all, history and ideology stand in the way of any significant Soviet-Iranian friendship. Iran for centuries has viewed Russia as a threatening giant to the North. And Iran's current ideology of Islamic fundamentalism is as hostile to godless imperialism. The Soviets surely are well aware of all this. Much as they might dream of dominating Iran and winning warm-water ports on the Persian Gulf, their more realistic goal is much more limited: to prevent Iran from being lured back into America's orbit.

The point here isn't that it's inconceivable for the Soviets to improve relations with Iran nor that an American policy of allying itself with Arab interests against Iran is free of all risks. The point is that a year ago Iran was moving to dominate the entire region by bludgeoning the Iraqis on the battlefield, bullying Persian Gulf oil sheikdoms such as Kuwait and blackmailing Saudi Arabia into supporting Iran's strategy for higher oil prices. U.S. credibility in the region was at an all time low after the Reagan administration's duplicitous arms-for-hostages deal with Iran. The immediate risk wasn't Soviet dominance of Iran but Iranian domination of the region that accounts for nearly 60% of the world's proven oil reserves.

Given that bleak outlook a year ago, it's remarkable how well America and the rest of the West have managed their gulf policy. It would be tragically ironic if America now abandons a winning position with the gulf Arabs out of fear of future Soviet gains in Iran at precisely the moment Moscow is realizing its position with Tehran is unwinnable and is trying to tilt to the Arabs again.

There are a couple of ways Moscow may try to encourage that switch. In recent weeks, the Soviet Union, which blocked United Nations sanctions against Iran in an effort to curry favor with Tehran, is suddenly beginning to hint at a willingness to support sanctions—but with one big condition: that the U.S. naval armada must leave the Persian Gulf. The Soviets are setting up a situation in which the U.S. naval presence, rather than their own gamesmanship with Iran, will be perceived as the obstacle to international cooperation against Iran. If the Soviets could get an impotent U.N. force (which would, of course, include some Soviet ships) to replace the powerful U.S. presence in the gulf, not only would they have a freer hand in the region but American credibility would be destroyed with the very Arab oil producers the U.S. seeks to protect.

The further risk is that Moscow may somehow manage to link Soviet withdrawal from Afghanistan to American withdrawal from the Persian Gulf. Undersecretary of State Michael Armacost was in Southwest Asia this past week seeking ways to hasten Soviet withdrawal from Afghanistan, while Defense Secretary Frank Carlucci was in the gulf to "reevaluate" (reduce?) America's presence there. Equating the U.S. presence in the gulf with the Soviet presence in Afghanistan is exactly like equating the actions of a mugger with the actions of a policeman. They're both at the site of conflicts but for precisely opposite reasons. The Soviets invaded Afghanistan to deprive Afghans of their freedom. The U.S. is in the gulf to keep Iran from depriving Arabs of their freedom. Thus, linkage of these issues is immoral as well as illogical.

The biggest danger of all, however, to American interests in the gulf isn't the sophistication of Soviet foreign policy but, once again, the muddle-headed view among many in Washington that the Persian Gulf is somehow comparable to Vietnam and Lebanon. It isn't.

The U.S. is involved in a naval operation, not a land war. The U.S. is fighting both for a clear principle and clear national interests, not for fuzzy goals it can't define. America has the solid support of nations within the region and of its Western allies. And unlike Vietnam and Lebanon, where friends and foes were hard to distinguish, the Iranian adversary is easy to identify. Moreover, the ayatollah's Iran isn't the sort of underdog that attracts the sympathies of Americans. Fundamentally, the common sense of the American people buys the common sense of America's commitment.

Nonetheless, administration officials these days talk nervously of the need to scale down the U.S. presence in the gulf. The hand wringing of all the Democratic presidential candidates (except Sen. Albert Gore) and their incantations of "another Vietnam, another Lebanon" put further pressure on the Reagan administration to begin withdrawing from the gulf. Add to that the pressure that inevitably will build in coming months to go along with the Soviets on all kinds of issues to protect the president's plans for a midyear summit in Moscow, and there is a real risk the administration may make linkages that ought to be avoided or reduce commitments that ought to be preserved. If so, it won't be the first time that America has been its own most dangerous enemy.●

INF

● Mr. COHEN. Mr. President, as you know, the Senate Select Committee on Intelligence, of which I am vice chairman, is in the process of holding a series of hearings on the INF Treaty and our Nation's ability to monitor compliance with the provisions of that treaty if it is ratified.

Recently, Senator DOLE, the distinguished Senate minority leader, wrote Intelligence Committee Chairman DAVID BOREN and me to give us the benefit of his insights on this critical question. His letter addressed some of the essential elements relating to verification of the INF Treaty and any subsequent agreement on strategic nuclear arms which the United States might enter into with the Soviet Union.

In his letter, Senator Dole stressed the need to ensure that we have adequate technical resources and manpower to provide confidence in our ability to effectively verify treaty provisions. He emphasized the importance of creating a dedicated capability to ensure that the monitoring mission for verification is carried out.

"Effective verification will not come cheap," Senator Dole stated. "But ineffective verification would exact a cost higher than this Nation can ever afford to pay—the cost of a less secure America.

Chairman Boren and I share the view that we need to assure that the United States has adequate technical means to effectively verify the INF Treaty and any other arms control agreements into which we may enter. If we conclude that our capabilities need to be improved, we will, as Senator Dole suggests, make our colleagues in the Senate aware of that conclusion. I would note that Chairman Boren spoke on this issue just last week.

The issues and concerns raised in Senator Dole's letter are important ones. I ask that the full text of his letter be printed in the Record for the benefit of my colleagues.

The letter follows:

U.S. Senate,
Washington, DC., February 4, 1988.

Hon. William S. Cohen,
Vice Chairman, Select Committee on Intelligence, Washington DC.

Dear Senator Cohen: Immediately upon completion of the negotiations leading to the signature of the INF Treaty by President Reagan and General Secretary Gorbachev, I undertook my own intensive study of it. In doing this, I took the opportunity to discuss the treaty with some of the nation's most prominent leaders and defense experts. Because verification has been one of my chief arms control concerns, I discussed at great length with Secretary of State George Shultz, Secretary of Defense Frank Cariucci, National Security Adviser General Colin Powell, and, of course, our chief negotiator, Max Kampelman. I also made it a point to meet with DIA Director General Perroots and NSA Director General Odom.

In short, I did my homework, and I am now confident that the INF Treaty can be verified. This is because the treaty's "double-global-zero" levels ease the verification problem. When I met with President Reagan on December 17th to advice him of my decision to support the treaty, I indicated that effective verification still concerns me because we may well need to beef up our own intelligence capabilities to do the job under the regime established in the INF Treaty. These are areas in which the Senate can, and ought to, act. I hope my thoughts on this subject will be of help to the Select Committee on Intelligence as it examines the INF Treaty.

Our technical intelligence-gathering systems are increasingly burdened with vital tasks. They must provide our national leaders and military commanders strategic or tactical warning of an attack upon the United States or its friends and allies. They provide the information to maintain currency on numerous orders of battle, and they provide timely intelligence on development in such places as the Persian Gulf. These systems must also support the considerable demands of effective arms control verification. And let's face it, montoring a START or conventional force agreement is only going to make the job harder, not easier.

Let's be plain about it: all this is vital national security information we cannot do without. Therefore, we must insure that our space launch capabilities and backup technical systems are such that we can recover from setbacks in a timely way. I know this problem is not new to members of the SSCI, but I urge the Committee to use the occasion of debate on the INF Treaty to recommend any action our country should take in this regard.

The intelligence chiefs I met with stressed that—in the end—it is people who turn the raw data our sophisticated machines collect into information useful to policy-makers. It is imperative we attract, train, and retain skilled intelligence professionals—they too are a national asset not easily recovered once lost.

I believe the best way to insure effective verification is to dedicate a number of people solely to the arms control monitoring mission. I hope the SSCI will support this idea, and explore with the Administration how such a capability would be organized, and where its staff and leadership would be drawn from.

Creation of this "dedicated capability" will insure that the monitoring mission for verification is carried out. But we should also explore whether its creation, or the cumulation of missions assigned to our intelligence agencies, has caused a shortfall in any vital area. If the SSCI finds that our capabilities need to be shored up, now is the time to make the rest of the Senate aware.

Effective verification will not come cheap; but ineffective verification would exact a cost higher than this nation can ever afford to pay—the cost of a less secure America.

Finally, the SSCI can recommend language which the Senate could use to give advice in the original sense intended by our Constitution's framers when they wrote of "advice and consent." I am convinced that the INF Treaty is verifiable because of its "double-global-zero;" START will require much more. For example, START must have an effective on-site inspection regime for suspect sites—which is also acceptable to the United States. Also, inspectors of the destruction process will have to insure that missiles presented for destruction are genuinely capable, and not just off-specification or training missiles. A clear statement of the Senate's expectations in this regard could strengthen President Reagan's hand as his negotiators tackle tough verification problems with the Soviets in Geneva.

The SSCI's job is exceedingly important. Americans across our great land want stabilizing arms reductions, but they want agreements which are verifiable because they know that the Soviet treaty compliance record is dismal. The details you must master are dauntingly complex, but after all is said and done, your purpose can be simply put: the American people want to know whether the Soviets are complying with their obligations. Your committee can count on any help I can lend to insure we have the answer.

Sincerely,

Bob Dole,
U.S. Seante. ●

JOHN SORTINO'S TEDDY BEAR COMPANY

● Mr. LEAHY. Mr. President, in a time when everything is imported from overseas and it is difficult to find the "Made in the USA" label, John Sortino is a tribute to Yankee ingenuity and ideals.

Five years ago Mr. Sortino started the Vermont Teddy Bear Co., a small, struggling business in downtown Burlington, VT. Today, it is the largest manufacturer of 100-percent American made stuffed bears.

All the material for the stuffed animals is produced in America and all the labor, including Mr. Sortino and his wife Susan, are 100-percent American, as well. One of their bears is permanently displayed in my office, where it is viewed longingly by every child who visits—and many parents.

Recently a biography of John Sortino and the Vermont Teddy Bear Co. appeared in the Burlington Free Press. I ask that the article from the February 8, 1988 edition be printed in the Congressional Record in its entirety.

The article follows:

Vermont Leads in All-American Teddy Bears

(By Kent M. Shaw)

In a world dominated by multimillion dollar giants, John Sortino does not expect to turn the teddy bear industry on its fuzzy, polyester head anytime soon.

On the other hand, he would appear to be the leading American contender.

Starting with the now familiar cart on Church Street in downtown Burlington in 1983, the Vermont Teddy Bear Co. has grown to be the largest manufacturer of completely American-made teddy bears. The firm expects to produce some 100,000 of the huggable creations this year.

"Still," says Sortino, "that's a really, really small company that makes 100,000 bears. Companies like Dakin do over $200 million, just in stuffed animals." Sortino declines to reveal Vermont Teddy Bear Co.'s revenues.

The theme is not a new one. Cheap labor in the Far East had eliminated the U.S.-born teddy bear industry. At least until Sortino left a job driving a United Parcel Service truck and entered the fray. Other American stuffed animal makers use material produced elsewhere in the world to manufacture their animals. Vermont Teddy Bear Co. makes the entire product.

In Vermont, Teddy Bear's beginning, there was Bearcho, a take-off on the elder Marx brother, with thick black glasses, mustache and eyebrows.

"I thought he was going to be the bear to end all bears," laughed Sortino, who now finds the prototype sorely lacking. Poor fur, Sortino pointed out. "You couldn't make a nose like that."

And there was Bearazar, complete with retractable antennae and cape, boasting magic powers.

And there was Fuzzy and Wuzzy and Buffy. Nothing from the original product line remains except the commitment to selling a 100 percent American-made bear with a 100 percent lifetime guarantee.

That first year on Church Street, Sortino sold just 200 bears.

"I went from making a huge salary (with UPS) to about $8,000 a year," he said.

He and his wife, Susan, designed and produced their wares at home, with the occasional help of another seamstress.

Poor but encouraged, Sortino sought the help of the Small Business Administration, created a business plan and went shopping—in vain—for a loan from a Vermont bank.

Instead, the Vermont Teddy Bear Co. was rescued from obscurity by a low-interest development loan from New York state, which put the firm in a manufacturing plant in Albany.

Sales jumped to 1,200 bears in 1984, to 9,000 in 1985, and 17,000 in 1986.

Last year, with almost 30 employees, the company produced 30,000 bears, and in the fall, brought new meaning to its name by leasing a 5,500-square-foot facility on Industrial Avenue in Williston.

"We have the capacity here to do about 300,000 units," Sortino said. "And we want to keep growing."

The Albany plant has been closed and all manufacturing takes place in Williston now, although some employees work at home on a piece-work basis.

The current line of about 40 bears wholesales from $7.50 to $40. Models are available with and without jointed limbs and heads, including such stars as Jeremiah Pockets, Bear Buns, Pearl (complete with strand), Bogsworth (a rabbit, actually, who can carry a baby teddy) and Sunshine Fogelbear.

A six-foot-tall bear will wholesale for $275.

The largest of all is not for sale. In 1986, Sortino unveiled a 26-foot, 1,100-pound colossus made in collaboration with University of Vermont engineering students. It would have set a Guinness record had there been a teddy bear category to enter.

The company has built up a contingent of more than 1,000 retail outlets across the country which sell Vermont Teddy Bear creations. The company employs a sales staff of three, as well as independent sales representatives.

Last week a massive, 10-ton press was stamping out polyester parts for Freddy Freihofer, part of an initial contract for 2,500 of the white promotional rabbits for the giant bread maker. They won't show the Vermont Teddy Bear Co. logo, but in maximizing factory efficiency, piecework like Freddy—or the Pamper Plus Bear for the diaper maker or the Heritage Bear, for a Florida firm—could greatly boost sales.

But mostly, Sortino and five minority shareholders are banking on innovation and quality and, well, a spirit of bear-ness.

"I think that bear people are more open," he mused. "There's been no study about that, but a bear person will sit down and talk to you all day. About anything.

"If you're buying a stuffed animal, you ought to be buying a stuffed animal from someone who cares about them," he said. "It should be a given."

At a time when natural fibers have some cachet, Sortino is proud to use top quality polyesters.

"A kid gets a teddy bear and it's going to get wet. If it's organic, it's going to rot."

And they are virtually indestructable—"A friend for life," says the logo.

Besides, if anything does go awry, the Vermont Teddy Bear Co. will repair or replace any product, at any time, for any reason. Of the 100,000 or so bears it has produced to date, Sortino guesses that between 25 and 50 have come back for a check-up, an experience, he says, that invariably ends up a positive one.

The Vermont Teddy Bear Co. is happy to provide guided tours.

"My goal isn't to do it just for the money," Sortino said. "Part of it is the excitement of watching it grow. It was an industry that had completely lost its base in the United States.

"It's really important that someone does something with this industry and makes it better. And I think we've done that."

Outsold, to be sure. But not outdone.●

THE 150TH BIRTHDAY OF HONEOYE FALLS, NY

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a small town with a grand past—Honeoye Falls in western New York. The 13th of March marks the village's 150th birthday, and it pleases me to join in the celebration of this historic event.

Founded in 1791, Honeoye Falls has come a long way since its founder, Zebulon Norton, came to western New York and purchased 1,820 acres of land at 12½ cents per acre on Honeoye Creek.

The area, then known as Norton's Mills, attracted villagers almost from the start and by 1822 had developed into a bustling little hamlet with mills, stores, a school, a post office, and churches. The creek played a large part in the life of the inhabitants with its mills and factories along the banks. A bridge had been built in 1810 connecting both sides of the village making for a larger and more closely knit community. The village was by this time known as West Mendon, but in March of 1838, West Mendon became incorporated and from that day on has been known as Honeoye Falls.

Today, 150 years later, Honeoye Falls—population 2,410—maintains the quaintness of a small town while serving the needs of its citizens. An excellent school system and fire department, 4 churches, 11 light industrial plants, and an array of stores and businesses set this unique village apart in terms of both small town charm and the efficiency and growth of many larger communities.

Honeoye Falls' residents have much to be proud of. They enjoy both the nostalgia and lost in time feeling of 150 years ago and the modernization of 1988.●

MR. CHARLES L. GRIZZLE

● Mr. McCONNELL. Mr. President, I rise today to insert into the Record a copy of a newspaper article that recently appeared in the Ashland (KY) Independent. The article details the career of a good friend of mine, Charlie Grizzle.

Charlie, who is now the Assistant Administrator for the Environmental Protection Agency's Office of Administration and Resources Management, has a record of distinguished service to our party, our State, and our Nation. He has served the Kentucky Republican Party in numerous capacities. For example, he was the party's executive director in 1981 and 1982, and he was deputy chairman of the Kentucky Reagan-Bush Committee in 1980. In addition, he was chairman of the Young Kentuckians for—former Senator Marlow—Cook in 1974, a position I held in 1968.

The article's headline is now incorrect. Charlie was recently approved by voice vote in the Senate's executive session of February 19, 1987. I would like to congratulate Charlie for his dedicated service and wish him the best of luck in his new position.

The article follows:

Greenup Native Awaits Senate Action on EPA Appointment

(By Mark Wigfield)

WASHINGTON.—Greenup County native Charles L. Grizzle doesn't mind talking about how political connections have eased his climb up the career ladder in the nation's capital.

But there was something different, he said, about the way he won his recent presidential appointment to a top Environmental Protection Agency post.

"Strange as it seems, I got the job on my merits," said Grizzle, a round, friendly, bespectacled man. Although the Senate probably won't vote on Grizzle's nomination until Tuesday or Wednesday, he has been training for the job since last fall and recently moved to his executive suite.

Already, Grizzle has a book of Kentucky photographs on the coffee table. He thumbs through to find the picture of the white frame church his grandfather, John "Crit" Grizzle, helped build in 1905, the Argillite Methodist Church on Highway 1, since replaced by a brick structure.

On the wall are photos of Kentucky's famous Republicans, including former Sen. Marlow Cook, former 5th District Representative Tim Lee Carter and Sen. Mitch McConnell.

"I know them all well," Grizzle said.

Which is not surprising for a 30-year-old who learned politics at his grandfather's knee and began scouring the hollows for voters by the time he was 15. Two of the Wurtland High School graduate's stories about Grandpa Crit's partisanship stand out.

When Charles and Florine Grizzle, Charles' parents, asked Crit Grizzle for permission to marry, the patriarch granted it on one condition: that the bride-to-be renounce the Democrats and register as a Republican. And when New Deal Democratic President Franklin Roosevelt died suddenly on April 12, 1945, farmer Crit dropped his rake and danced a jig in his corn field.

Grizzle made contacts that led to Washington when he became student party leader in the late 1960s at the University of Kentucky. His appetite for politics left no room for torts when he attended the University of Louisville Law School from 1972 to 1974. He flunked out, he said, because politics took all his time.

He began work in 1973 at the First National Bank of Louisville became a loan officer in 1974, and stayed put until 1981. But his political resume grew in those 7½ years with his paid and unpaid party titles.

He was executive director of the Republican Party of Kentucky for eight months in

1981 and 1982, a deputy chairman for the Kentucky Reagan-Bush Committee in 1980, and a volunteer for the McConnell for County Judge/Executive Committee in 1977, to name a few. Other positions included finance chairman, state committee member, convention chairman, precinct captain and district campaign chairman.

Grizzle was happy with life as a banker. But we kept in touch with his GOP friends in Washington, some of whom were working in the White House. They told him he should come to town and work for the Reagan administration.

Lee Atwater, a South Carolinian working for Reagan who had known Grizzle since college, went further; He asked Grizzle to name the agency, and Atwater would find him a job.

"I had been deputy chairman of the president's campaign in Kentucky," Grizzle said. So the White House told the agencies "here's someone you have to take."

First to take Grizzle was the Department of Agriculture, to the dismay of his new coworkers. The department gave him a desk in an office staffed by career bureaucrats "who had never seen a political appointee," Grizzle said. "They thought I was some kind of spy."

The bureaucrats left the "spy" with nothing to do in the five weeks before then-Agriculture Secretary John Block made him one of his assistants. Grizzle held that title for a year and was promoted in 1983 to deputy assistant secretary.

At the same time, the Kentuckian worked after hours on the social events that feed the capital's power networks. He organized McConnell's inauguration party, and became the first commissioner of the Reagan-Bush softball league. He launched an annual black-tie charity dubbed "A Taste of the South," which brings the town's prominent Southerners together over mint juleps and Southern food. He throws a pre-Kentucky Derby bash in the back yard of his McLean home, and helped gather Kentucky Republicans in an event called "An Evening of Old Kentucky Hospitality."

He also became a good contact for Kentucky Republicans looking for work in Washington. By 1986, Grizzle wanted a new job for himself. With current Agriculture Secretary Richard Long's blessings, Grizzle told his friends at the president's personnel office he was available.

The two agencies most important to Kentucky are Agriculture and Interior, according to Grizzle. So when he became a finalist for a job at the latter agency "I used every ounce of political power I could muster in terms of phone calls and letters, but it didn't work out."

When Grizzle heard about the EPA opening, he took a different approach.

"I said I wouldn't call in my political chits for this," said Grizzle. "If it was meant to be, it would be."

After friendly meetings with Adminstrator Lee Thomas, Grizzle won the appointment to a post with a title nearly as long as the job description: Assistant Administrator for the Office of Administration and Resources Management. The complex job includes oversight of most EPA administrative and budgetary affairs, personnel management and computer services, and procurement for massive programs such as Superfund, the agency's hazardous waste cleanup effort.

But Grizzle will have to work quickly, for he expects to leave with the Reagan administration.

"I'll be gone by January 19 if it's a Republican administration," he said. "And if it's Democratic, I'll be gone by Christmas time. I couldn't bear the humiliation. I won't be around to turn out the lights."

Grizzle says that the training he began last fall prepared him to get things done this year. The down side, he said "is that this is an exciting challenge. I regret that I don't have longer to be here."

A George Bush supporter, Grizzle would like to work next on the White House staff. But if Bush isn't elected, Grizzle would like to work for a trade association or lobby for Kentucky interests here.

Grizzle said he would join a transition team to help the next adminstration get going at EPA. But he won't stay too long.

"I have a conscience, but I'm not a fool," he said.●

INFORMED CONSENT: TEXAS

● Mr. HUMPHREY. Mr. President, there is no more divisive issue for this body than the question of abortion. There seem to be few areas upon which either side can agree or compromise. But, even those who favor abortion on demand should recognize the simple justice and common sense of informed consent. Women have a right to know what abortion entails and what the risks and alternatives are. S. 272 and S. 273 would require that basic information be given to women who seek abortions. Surely, the principle of informed consent is one area in which we can begin to move to benefit all women who face this most difficult decision. I ask that the letters of two women in Texas be entered into the RECORD.

The letters follow:

FEBRUARY 21, 1987.

Hon. GORDON J. HUMPHREY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HUMPHREY: I am thankful for this opportunity to express my feelings about the abortion issue.

I had an abortion when I was 17 years old. I was a straight A student, involved in many organizations in high school and thinking of where to go to college. Of course, I thought it would never happen to me, but it did. I was pregnant. I picked a doctor out of the phone book and called to find out what I needed to do, all I was told was to make an appointment and bring $300.00 in cash when I came in. That's it! Nothing about what was going to happen, nothing about the fact I was carrying a real baby that could feel pain. All I thought was it was just a blob of tissue, not already a baby. I didn't understand what I was doing. There were no books about it in the waiting room, the doctor never mentioned the baby at all, except to use the terminology of "products of conception". He told me I would feel cramping for a few seconds and then it would be over. Because of the fact I was so uninformed of what was going on, I found myself pregnant again when I was 19. Of course, I already knew what I had to do, just make an appointment and bring $300.00 with me. The main problem is no one bothered to tell me about the emotional trauma I would go through for the rest of my life. Not a day goes by that I don't think about what I did.

I became a Christian in May, 1985. It was then that I really found out what I had done. My church showed the film "The Silent Scream" which tells about what happens during an abortion from the baby's point of view. I cried until I thought I would die.

If only someone had told me what I was really doing! If only I had been informed! If only someone had told me the pain the baby and I would go through physically and emotionally, I never would have had one. How I wish I had known.

Please help in whatever way you can to inform women of the circumstances that go along with abortion. Please help end abortion for good.

Sincerely,

A Victim of Abortion.

MARCH 6, 1987.

DEAR SENATOR HUMPHREY: Thank you so much for working on an informed consent bill for abortion. Informed consent is necessary for women to make an intelligent choice on abortion. Women have been making uninformed, ignorant choices for the past 14 years. I know because I made such a decision 13 years ago!

I was a 20 year old, divorced mother of a 3 year old son. I was afraid of how my family would react to my second pregnancy, so I secretly obtained an abortion. The doctor did a pregnancy test and a pelvic exam. Then he said, "Are you sure you want this pregnancy terminated?" I said yes. All this took 20–30 minutes and an appointment was set for 2 days later.

On the day of the abortion, however, no more information was given to me. I didn't see the doctor until I was on the table ready for the abortion. After the abortion, the nurse told me to watch for hemorrhaging and/or infection. That was it—for them. The first day the severe cramping kept my mind occupied with the physical pain. On the second day, I was emotionally numb, so I got drunk. I stayed that way except at work or when I was sleeping it off.

Three years later, I remarried, but kept drinking. I verbally abused my husband and 2 living children. I could not relate to my kids emotionally, so I neglected them and yelled at them or spanked (and slapped) them at inappropriate times. My abortion was not only afflicting me, it affected my whole family. I just didn't seem to care about anything except me, me, me!

Two years ago, after taking a biology class, I began to think about my abortion. I learned about fetal development, and realized I had been denying the fact that I took a human life. The guilt and remorse became so heavy. My behavior became worse; I continued drinking, always lashing out at my husband and children. My marriage almost broke up, and I was severely depressed. I cried out to God and accepted Jesus Christ as my Lord and Savior.

Since then, I've quit drinking and my relationship with my family is improving every day. But, I know I should have another child and I always miss that child. I think, "If only I had known!" Why wasn't I told about the development of my baby? Why did they only tell me about 2 possible physical effects? And why wasn't I informed about the psychological problems that would follow? Why???

I guess it's because no one cared. Thank you for caring Senator. I have an eight year old daughter, and I will do anything that will ensure that she and others have the right to make a totally informed choice to

abort or not to abort. Thank you for your time and efforts.

Sincerely,

JEAN WHITTON,
San Antonio, TX.

A PRIVATE SECTOR SOLUTION TO THE LONG-TERM CARE PROBLEM

● Mr. SASSER. Mr. President, long-term health care for America's senior citizens continues to be a matter of grave national importance. And despite the catastrophic health care bill now pending in conference, long-term care is a problem we have yet to deal with. In our search we need to weigh all viable alternatives.

To that end, I would like to call to the attention of my colleagues an article that appeared in the New York Times last month. That article focused on the rising demand for private insurance that covers long-term care.

There is no doubt that this demand will continue to increase as our Nation's elderly population continues to be the fastest growing segment of our economy. The Times article tells us that to meet this demand, major insurance companies are starting to offer long-term care policies for large groups. Several large companies such as Proctor and Gamble, American Express and General Motors are adopting these long-term care policies for their employees. The State teachers retirement system in Ohio has also adopted long-term care insurance for their 65,000 members.

These new long-term care policies differ from existing policies in two ways. They promote group buying, thereby decreasing costs by spreading risk, and they encourage people to start paying for policies which provide retirement coverage during their working years so that the cost can be spread over a longer period of time. Both of these are excellent cost savings concepts.

I am very encouraged by such developments. However, because of the nature of long-term illnesses, the private sector will have a very difficult time single handedly addressing this problem. The needs of an elderly population that exists largely on the fixed income of Social Security or a retirement check will be difficult to meet through these policies alone. The fact of the matter is that many of our Nation's over 65 population cannot afford the premiums that would be necessary to cover the expense of their increased health risk.

The only way that private insurance can insure such a high-risk group of participants is by placing a cap on the amount that the long-term care policy would pay for a typical day's care. Yet, such a daily expense limit is the major obstacle that prevents this type of insurance from being more effective.

The daily expense limit is a problem because it is difficult if not impossible to set rates for a service that may not be required for 30 or 40 years. If I buy long-term care insurance today, I will be insured against nursing home costs of around $60 a day; a reasonable rate by today's standards. However, the onslought of a long-term illness may not begin for 30 years or more. And in 30 years the policy will pay the same $60 a day for nursing home care that it pays today.

Mr. President, nobody knows what inflation will be like over the next 30 years, but I would wager that the cost of a day's nursing home care 30 years ago was nothing compared to its cost today. In 30 years, $60 will likely not make a dent in a 1 day nursing home bill.

Nevertheless, I am pleased to see that more attention is being given to the issue of long-term care. I hope that the private sector continues to focus on and search for solutions to the problem that long-term illness poses for the financial security of our Nation's elderly. But more importantly, I hope that the long-term care problem remains a congressional priority so that we can eventually implement a comprehensive long-term care solution.

Mr. President, I ask that a copy of the New York Times article be printed in the RECORD at this point.

The article follows:

DEMAND RISING FOR INSURANCE THAT COVERS LONG-TERM CARE

(By Milt Freudenheim)

Thousands of Americans have begun buying a new form of health insurance that pays for nursing homes or care in their own homes for chronic illnesses.

In a development that has raised hopes of alleviating some of the deepest concerns of millions of families, the new policies promise protection in a changing society in which many wives, daughters and other family members are no longer available to stay at home and care for a chronically ill relative.

The protection, known as long-term care insurance, pays a fixed daily amount, which can vary from $10 to $200, for a nursing home stay or the costs of help with the daily tasks of living at home. The national average of nursing home costs is $60 a day, although in New York some homes charge $160 or more. Monthly premiums start at $2 for young people buying minimal policies and rise with age and extensive coverage to $600 or more for people in their 70's.

Late last year, a few companies began offering the new insurance to their employees, in addition to the more traditional health insurance that pays for a hospital stay and doctors' bills. In the past, patients who needed help with such daily tasks as eating, bathing and dressing were rarely covered. Insurers paid only if the patients were ill enough to first require expensive skilled care in a hospital or nursing home.

Many of the new policies have eliminated these barriers. If a chronically ill person qualifies under provisions of the insurance, the payments might be used to pay the costs of an adult day care center or for such expenses as a home health aide, a helper to shop and cook, or a companion to sit with the patient.

The new approaches by private insurers are being developed as a result of growing pressure from Congress and the Reagan Administration and demands by advocates for elderly Americans.

Most of the purchasers of the new policies have been middle-aged and elderly Americans concerned by the experiences of relatives and friends who have been overwhelmed by the expenses and responsibilities that come with chronic illness.

For instance, Mary Mazur and her twin sister, Josephine, spend their days drafting plans in a large New York engineering firm. Nights and weekends in their separate East Side apartments, they alternate in caring for their 90-year-old mother.

Leah Mazur, who has Alzheimer's disease, is cared for by a home health aide while her daughters are at work. The disease afflicts 2.4 million Americans, destroying the memory and eventually rendering them helpless.

"In our family, we live into our 80's," Mary Mazur said. "There are seven of us children, and there's a strong possibility that half of us will get Alzheimer's."

While their mother, like others already ill, cannot purchase the insurance, the Mazur sisters believe they should get it.

GROUP COVERAGE

Late last year, in a development that Government officials and authorities on chronic illnesses said was a breakthrough, several major insurance companies began offering the new coverage to large groups. These groups included employees of the Procter & Gamble Company, the American Express Company's Travel Related Services division, the Aetna Life and Casualty Company, the John Hancock Mutual Insurance Company and the State of Maryland.

At about that time, two other large employers, the General Motors Corporation and the Ford Motor Company, agreed in their contract with the United Automobile Workers to try out in small pilot programs long-term care benefits to be paid for by the companies.

And the State Teachers Retirement System in Ohio plans to offer long-term care insurance to its 65,000 members and their families in July.

Insurance company planners say they anticipate tens of millions of dollars in added revenues from premiums this year as sales of the new policies accelerate. The most active insurers include Aetna, the Travelers Corporation, Hancock and Metropolitan Life.

GROWING NEED CITED

Health care experts say that the steady aging of the United States population and changing social trends are dramatically increasing the need for the insurance.

At least 3.5 million chronically ill or disabled Americans, of which a million are under age 65, already require help with the tasks of daily living. They include 1.4 million in nursing homes, about half suffering from Alzheimer's disease or similar disabilities.

More than half of the estimated $46 billion that Americans are expected to spend on nursing homes in 1988 comes from individuals and their families. Private insurance has paid for only 1 percent, with the balance paid by government programs.

The ultimate success of the new insurance may hinge on proposals for adjustments in the tax laws to encourage companies and employees to obtain it.

The Department of Health and Human Services has been quietly developing new proposals. Thomas R. Burke, the department's chief of staff, said the "up-front cost" of tax concessions might be balanced by savings in Medicaid.

Medicaid is the Government health care program for the poor—including middle-class people who "spend down" until they become poor enough to qualify. Medicaid pays nearly 42 percent, or close to $20 billion a year, of the country's expenditures on nursing homes.

Even before the new group insurance for long-term care became available, nearly 500,000 people had purchased individual policies, most of them last year. More than 70 insurance companies are selling the individual policies, which usually provide more restricted benefits than the group plans.

Public awareness of the issue grew when the Health and Human Services Secretary, Dr. Otis R. Bowen, sent recommendations on insurance for catastrophic illnesses to Congress in February.

Advocates for the elderly used the ensuing committee hearings to call for increased protection for the chronically ill as well.

"The Bowen report let the long-term care issue out of the closet," said John Rother, director of legislation and research for the American Association of Retired Persons, an advocacy group with 26 million members. "Once you started talking about catastrophic care, you had to acknowledge that long-term care was 80 percent of the problem."

Industry analysts expect the recent group offerings to open the way for the program at other companies. "This is a market on the verge of exploding," said Gail P. Schaeffer, a specialist on insurance for the elderly at Hancock.

Other groups weighing the long-term-care idea include Owens-Corning Fiberglas, Southwestern Bell, the 100,000-member Michigan Education Association and Kaiser Permanente, the big California-based prepaid health plan.

In a recent national survey, half the 147 companies responding said they would probably be offering an employee-financed long-term care benefit within five years, according to Robert C. Levin of the Washington Business Group on Health, an employer's group.

Premiums on the first group policies will be paid by the individual purchasers. But Maryland officials said their state intended to offer the insurance as a subsidized benefit to state employees in about two years.

SOME ARE CRITICAL

But not everyone is satisfied with the new insurance. Citing a study by the General Accounting Office, a subcommittee of the House Select Committee on Aging said recently that many of the policies did not offer protection against inflation, a major concern in health care.

Another criticism was raised by John Jager, director of the New York City chapter of the Alzheimer's Disease and Related Disorders Association. He said, "By and large, long-term-care insurance has specifically excluded Alzheimer's patients."

The exclusions were all too evident to Gertrude Steinberg. "When I turned 65, I was really desperate to find insurance that would fill in the gaps in Medicare," she said. Medicare, the Federal health insurance for the elderly and disabled, does not cover chronic illnesses.

Mrs. Steinberg knew what she was looking for, she said, because her father had died of Alzheimer's disease after six years of total dependence on his wife and daughters. But she said she was unable to find an appropriate policy she could afford.

A.A.R.P. PROGRAM

The American Association of Retired Persons, which also sells insurance, issued 26,000 of the new type of policies after a low-key test offering to members this summer. The policies were underwritten by the Prudential Insurance Company of America.

A notice and advertisement in a members' bulletin brought 108,000 telephone calls requesting information on a toll-free number, Gail Y. Kirby of A.A.R.P. said. There was no direct mail solicitation.

All the insurers hope to attract younger buyers. At Aetna, JoAnn Mathieu, a products manager, said two-thirds of the company's employees who purchased the new policies were 30 to 50 years old—"a very positive indication." This spreads the risks because younger buyers are unlikely to need care for many years. Later, their accumulated premium payments will help pay for it.

Premiums for younger people are relatively low. "It cost me $23 a month to cover myself and my husband," said Linda Ulrey, a Procter & Gamble employee in Cincinnati. She is 38 years old and her husband is 40. Their policies promise to pay $60 a day toward nursing home costs and $30 a day for home care. However, given inflationary trends, these amounts would probably pay only a fraction of the cost by the time the care is needed.

FEDERAL PROGRAM SOUGHT

Democrats on the House Select Committee on Aging, led by Representative Claude Pepper of Florida, are pressing for a federally financed long-term care benefit. The American Association of Retired Persons plans to spend $2 million to build support for the idea in the 1988 Presidential campaign, Mr. Rother said.

Administration officials said their tax proposals, which still must win White House approval, were intended to head off any new Federal entitlement program.

Insurance company officials are also worried about the proposals for a new Federal benefit. "We see the specter of a national program as very real, although not imminent," said James B. Weil, a vice president at Metropolitan Life.

"We have a three- or four-year window, five years at most, in which the private sector has the opportunity to prove that it can write a high-quality product," he added.

Some insurers are put off by the risks. "The people who want it and buy today are the ones who see a need for it in the next five years," said C.B. Hudson, president of the United American Insurance Company, a division of the Torchmark Corporation. "We don't have time to build a fund to cover the benefits." ●

THE CAPITAL MARKET IN MONTPELIER

● Mr. **LEAHY**. Mr. President, in this fast paced world, change is inevitable. But some things do stay the same, and remind you of those magical times of growing up in Vermont.

My first memories of the Capital Market in Montpelier were as a child, when my parents brought me there. It was a family market then, and still is today.

A place where you can go get groceries, and find out about all your neighbors as well.

There is nothing impersonal about the store that has been operated by Narciso Alvarez for more than 60 years. There are no checkout counters or computerized cash registers.

Ray Alvarez, Narciso's son, still totes up your bill in pencil on the brown, paper shopping bag. And he does it as fast and as accurately as any automated cash register.

But Gayle M.B. Hanson, of the Barre-Montpelier Times Argus, tells the story of the Alvarez family very well in the January 18, 1988, edition of that newspaper. I ask that it be printed in the CONGRESSIONAL RECORD, so that other Senators can enjoy reading about this remarkable family.

The article follows:

[From the Barre-Montpelier (VT) Times Argus, Jan. 18, 1988]

WHERE 'THE GOOD OLD DAYS' LIVE ON

(By Gayle M.B. Hanson)

MONTPELIER.—When the Capital Market first opened its doors on Jan. 14, 1928, customers bought their flour and sugar in bulk, potatoes by the bushel, and coffee for 25 cents a pound. Raymond Alvarez was nine months old.

Times have changed: The price of coffee has long since gone beyond a dollar and flour and sugar now come conveniently prepackaged. In the grocery store business, success these days is often measured by the length of the lines at the check-out counters.

Not so at the Capital Market, a family-owned operation that last week marked its 60th year in business, making it one of Montpelier's oldest retail markets and longest continually running businesses.

The Alvarez family which runs the market, still takes orders by phone and it's not unusual to see boxes of groceries being filled up on the counter while few customers are in the store. Raymond Alvarez, now 60, often can be seen getting the orders ready.

Capital Market also still delivers every day but Monday and maintains charge accounts for favored customers, some of whom have been trading at the market since it opened.

"We used to have at least 20 customers who'd order 10 bushels of potatoes every winter," recalled Narciso "Villa" Alvarez, 92, founder of the business.

"People would come in and buy molasses by the gallon."

A self-described "meat man," Alvarez said he decided to go into business for himself after working for several years at the old L.B. Brooks and Co. market on Barre Street, now the site of Steve's Market.

"There were 12 or 13 clerks working in that store," he recalled. "Of course when we started, we used to have two trucks delivering orders."

Among the customers who continue to order their groceries by phone is Marguerite McKee, 94, who the Alvarez's reckon to be their oldest, longest continuous customer.

When asked how the store had changed over the years she couldn't pinpoint anything exactly, and with good reason.

"I always did most of my shopping over the phone," she said. "I still get an order every week."

These days McKee's children, now grown, are also customers.

The them, and for the Alvarez family, Capital Market is a family affair.

Raymond, who was nine-months old when his parents opened the market, began working there at the age of nine; his job was filling the bulk orders of food. These days he can be found at the market almost all the time, often with both his father and mother, Josephine.

"Villa" Alvarez still works in the store six days a week, from 8 a.m. until one in the afternoon. Josephine, at 84, is there from 7 a.m. until 6 p.m. from Monday through Saturday.

The family is pleased that in 60 years in business, they have not had to open evenings or on Sundays in order to maintain a steady clientele.

"We've pretty much been able to keep things as they were," said Raymond Alvarez.

In all, seven people work at the market, which is particularly known for its meats.

At a time when ground beef comes wrapped in plastic, and every other chicken is named Perdue, the Capital Market prides itself in offering custom meats, their own corned beef and sausage and chickens shipped in fresh from Maine three times a week.

Raymond Alvarez recalled being slightly perturbed when the Agriculture Department made them eliminate the word "home made" from their own speciality meat products—after all, while the market may not be classified as a residence it certainly qualifies as a second home to the family.

Tastes have changed over the years, he added, and today the younger customers aren't eating quite as much meat as their parents did.

"We used to render our own lard and sell about 100 pounds of it a week," he said. "These days we don't even sell a pound a week."

Other changes in the business include the availability of fresh fruit all year round and a wide selection of "gourmet" foods.

"We've always tried to offer something just a little bit different," Raymond Alvarez said.

Then, as he ran out to make a delivery to a local restaurant, his father took a breather, relaxing for a few minutes while paging through the Wall Street Journal.

"I think we've done some things right and some things probably wrong," he said looking up momentarily from his paper.

Suddenly though, he's attracted by an item in the upper right hand corner of the financial pages.

"Mmmm," he pondered. "It looks like the Grand Union chain is being sold again."●

JUSTICE FOR VICTIMS OF AGENT ORANGE

● Mr. **KERRY**. Mr. President, there is no issue more important to America's Vietnam veterans than the issue of agent orange. Today, 13 years after the end of the Vietnam war, Vietnam veterans are still not receiving any compensation from the Federal Government for diseases caused by agent orange. This injustice has gone on for too long. It is time for Congress to take action.

Last fall, I joined with Senator TOM DASCHLE in introducing S. 1787, the Veterans Agent Orange Disabilities Act of 1987. This legislation would begin the process of providing compensation for the victims of agent orange. Identical legislation was introduced in the House by Representative LANE EVANS. I am very pleased that Senators SIMON, WIRTH, HEINZ, SPECTER, PRESSLER, DODD, MELCHER, BURDICK, HARKIN, MOYNIHAN, RIEGLE, BRADLEY, PELL, HEFLIN, MATSUNAGA, and INOUYE have joined as cosponsors of S. 1787. I hope that more Senators will join in helping to resolve this vital issue.

Providing compensation for the victims of agent orange is a simple matter of justice. It is not, and should not be, a partisan issue. It is not an issue of liberal versus conservative. It is an issue of fundamental fairness, an issue which all Americans who are concerned about our Vietnam veterans can agree upon. It is time to heal the wounds, and bring all of our Vietnam veterans home again.

I am very pleased that the Senate Veterans Affairs Committee has now scheduled a hearing on the agent orange issue, and on this legislation, for March 31. I commend Senator ALAN CRANSTON, chairman of the committee, for taking this important step. Vietnam veterans deserve a hearing in Congress. We owe them no less.

A recent article in the Veteran newspaper, published by Vietnam Veterans of America, contains a clear and cogent analysis of the agent orange issue. As the article concludes, "New studies should be undertaken, compensation should be authorized, and perhaps most importantly, an unbiased mechanism for providing compensation should be put in place." This is an important and valuable contribution to our understanding of the issue of agent orange. I hope that all of my colleagues will study the issue of agent orange, and join in an effort to resolve it. I ask that the text of the article be printed in the RECORD.

The article follows:

DOES CONGRESS HIDE BEHIND SCIENCE ON AO ISSUE?

(By Paul Eagan)

Just prior to adjournment of the first session of the 100th Congress, while the Senate was debating an omnibus veterans' health bill, an exchange of views on the subject of Agent Orange took place. The exchange involved Senators Tom Daschle (D-SD) and John Kerry (D-MA) speaking with Senator Alan Cranston (D-CA), the chairman of the Senate committee on Veterans Affairs. Essentially, Senators Daschle and Kerry were expressing their interest in seeing the Senate take steps legislatively to provide compensation to veterans with disabilities associated with exposure to dioxin, the principal contaminant in Agent Orange. They were also inquiring as to when and if Chairman Cranston planned to hold hearings on the subject.

Senator Cranston responded by saying that the Senate Veterans Affairs Committee as well as the House Committee on Veterans Affairs were awaiting evaluations (by the Office of Technology Assessment, the Agent Orange Working Group of the Cabinet Council, and the VA's Advisory Group on Environmental Hazards) of the recently released VA longitudinal mortality study, another study conducted in Washington State on the possible association between dioxin exposure and non-Hodgkin's lymphoma, and another VA study on the soft-tissue sarcoma. Once these evaluations are available, a hearing will be held, most likely in February or March. The scope of the upcoming hearing will include legislation favored by VVA to provide compensation for Agent Orange-related disabilities.

That the chairman of the Senate Committee on Veterans Affairs has agreed to hold a hearing is genuinely significant, because earlier in the year, he expressed the view on the floor of the Senate that compensation at this point in time would be premature. In the past, Senator Cranston has been a clear ally on the Agent Orange issue. It was legislation he authored that mandated the original Agent Orange studies, which were later turned over to the Centers for Disease Control (CDC), and it was his legislation that required the VA to review all pertinent scientific studies and promulgate regulations compensating veterans with illnesses found to be associated with Agent Orange exposure.

CRANSTON KEY

Given the fact that not one veteran has yet been compensated under that legislation, it is hoped that Senator Cranston is coming around to the realization that the intent of his own legislation has been ignored by the VA, that it is about time something meaningful were done.

VVA has recently sought serious legislation for compensation as a result of the findings of the VA's longitudinal study released last summer. That study, a study the VA had with held for several months, found that Marines having served in I Corps had a 110 percent greater likelihood of becoming afflicted with non-Hodgkin's lymphoma and a 58 percent greater likelihood of becoming afflicted with lung cancer than those having served outside the Republic of Vietnam. Not suprisingly, the VA immediately characterized the study's findings as a statistical fluke—as having little merit in ascertaining a scientific relationship between exposure to dioxin and specific diseases.

As a result of the VVA's efforts and those of Senators Kerry and Daschle in the Senate, and Representatives Lane Evans (D-IL), John Bryant (D-TX), Jim Jeffords (R-VT), and several others in the House, a bill addressing the issue was written. On October 14, 1987, this legislation was introduced in both the House and Senate, HR 3486 and S 1787. Currently there are 53 House cosponsors and 15 Senate cosponsors for the legislation.

THE SCOPE OF AO LEGISLATION

Each of these measures would authorize immediate compensation on a presumptive basis for non-Hodgkins' lymphoma and for lung cancer manifesting itself within 25 years of departure from Vietnam. These two diseases were shown in the VA-conducted longitudinal mortality study to be much more likely to appear in Marine veterans having served in Vietnam than in other individuals.

Additionally, a general review of all relevant studies, completed or ongoing, would be assigned to an unbiased, nongovernmental, scientific entity for the purpose of determining which diseases are likely to result from the presumed immuno-suppressive effects of dioxin exposure. At the end of each year that the review is undertaken, a list of these diseases would be provided to the VA. The VA would then be required to compensate exposed veterans for these diseases on a presumptive basis unless Congress passed, and the president enacted, legislation to the contrary, within 90 days of the VA's receipt of the disease.

Finally, the VA would be required, for the first time, to evaluate data already at its disposal to determine whether any disease patterns can be discerned on the basis of individuals treated at VA facilities for alleged Agent Orange-related physical problems (the VA has been required to provide this care for several years.)

At prsesent, virtually hundreds of thousands of veterans have been treated, but the VA has never attempted to evaluate the resulting data. Why the VA has never undertaken such an analysis is an open question.

Naturally, obtaining broad cosponsorship of the legislation will be important in order to prevail upon the House and Senate veterans affairs committees to move forward with the desired legislation; VVA has already taken steps to increase cosponsorship. It is encouraging to note that House Veterans Affairs Committee chairman, G.V. "Sonny" Montgomery, introduced a bill last summer that would provide a presumption of service connection for non-Hodgkin's lymphoma. Similar legislation was subsequently introduced by the Senate committee's ranking minority member, Senator Frank Murkowski.

Unfortunately, neither of these bills go far enough.

In view of the VA's foot-dragging attitude in awarding compensation for disabilities associated with Agent Orange—a foot-dragging that has persisted in spite of the VA's existing legal authority under Senator Cranston's original legislation to provide compensation—it is now time for an approach extending beyond compensation for a single obscure disease.

The measures the VVA is supporting, HR. 3486 and S. 1787, constitute a modest first step on the road to meaningfully putting the Agent Orange issue to rest. For years, veterans and their families have been asked to await the outcome of various epidemiologic studies before compensation is provided. Some in the VA as well as in Congress have been able to successfully hide behind scientific inconclusiveness in order to avoid the tough political decisions that must ultimately be brought to bear in resolving the Agent Orange issue. By now, with many years having passed and numerous dioxin studies having been completed, it is clear that the epidemiologic community is incapable of reaching a consensus on the effects of exposure. For veterans, the final strokes came in November when it was officially announced by the CDC and others that the long-awaited Agent Orange exposure study, also mandated by Senator Cranston's earlier legislation, was impossible to undertake. Adding insult to injury, the CDC then filed its final report of a blood study comparing dioxin levels of exposed and non-exposed veterans. That report shows negligible differences in dioxin levels between veterans having served in Vietnam and those who served elsewhere.

DERAILING LEGISLATION

The study, finding that there is practically no difference in body levels of dioxin between Agent Orange-exposed and non-exposed veterans, could be politically devastating to efforts aimed at providing compensation for disabilities associated with Agent Orange exposure in Vietnam. Already, those who oppose compensation are seizing upon this study's findings to derail the legislation to provide even modest compensation. As expected, the VA tops the list of those in opposition.

Nevertheless, the results of this study may be confidently relied upon as being accurate to the extent that the study's parameters were narrowly defined. Perhaps the most important variable the study failed to consider, however, is the meaning of equal levels of dioxin in veterans exposed to Agent Orange and veterans who were not exposed to Agent Orange. The very existence of dioxin in those having served outside of Vietnam suggests strongly that these individuals were exposed to dioxin even though the form of exposure was other than Agent Orange. As we have seen from numerous examples of dioxin contamination around the country in places like Love Canal, NY, Elizabeth, NJ, and Times Beach, MO (as well as from the fact that dioxin has been used widely in a variety of industries) the dioxin levels in veterans who served outside of Vietnam must be understood to constitute normal exposure in an "acceptably" polluted domestic environment. The equally low levels of dioxin in veterans who served in Vietnam must be understood differently.

Since all the study sought to do was determine dioxin blood levels in veterans who did not serve in Vietnam, the study is silent on the question of why the levels for each category are about the same. One possible explanation that makes sense to the VVA and has considerable grounding in the scientific community is that over time dioxin disintegrates within the body. If the veterans who served in Vietnam have dioxin body levels of five parts per trillion today, what might those levels have been seven or fourteen years ago? According to some in the scientific community, it takes about seven years for dioxin levels to fall by 50 percent.

Looking at the dioxin comparison of the two groups from a different perspective suggests that a Vietnam veteran whose dioxin level is five parts per trillion today may have had a level of ten parts per trillion seven years ago and twenty parts per trillion fourteen years ago. With no similar reason to suspect previously higher dioxin levels in veterans who served outside of Vietnam, the explanatory differences in the two groups of veterans become extremely important. Unless we are to believe—which VVA does not—that the significantly higher dioxin levels in Vietnam veterans years ago hold no greater risks of causing disease than modest constant levels in veterans who served outside of Vietnam, there are very compelling reasons to proceed with compensation, regardless of the CDC blood study.

VVA'S POSITION

This, however, should not be taken to mean that VVA finds further study of dioxin pointless. Studies should continue even though it is unlikely that consensus in the scientific community will emerge. After the nearly eight years since the Congress approved an exposure study, it is clear enough that too much has been invested financially on the part of the government and emotionally on the part of the exposed veterans and their families to allow the scientific process to cease.

In fact, the absence of any further federally mandated studies of Agent Orange's effects on exposed individuals would improperly signal to public health policy makers in and out of Congress that the issue has been resolved and, by extension, the compensation is unwarranted.

Nevertheless, by using the mechanism incorporated in the legislation supported by the VVA to add disabilities to the list of those for which the VA must provide compensation, an important change in policy direction would follow. First of all, the VA would be stripped of its ability to withhold compensation by pointing to a lack of scientific consensus. Secondly, the scientific community would be forced to share in the responsibility for determining what diseases should be compensable.

It is ironic that this mechanism is nearly identical to what was intended by the Cranston legislation enacted several years ago, legislation that authorized the VA to establish its Advisory Committee on Environmental Hazards. That committee was to have surveyed the existing and ongoing scientific dioxin studies. It was then to have recommended diseases reasonably associated with dioxin for compensation purposes. True to its longstanding reputation for failing to meet its responsibilities on the Agent Orange issue, however, the VA manipulated the committee's scope of dioxin literature review in order to prevent awarding compensation. By limiting the studies to be reviewed, the committee has been unable to fulfill the mission intended for it by law. As a result, only one disease to date, chloracne, has been recommended for compensation.

At present, it is unclear what progress will be made on meaningful legislation this year. It is hoped that both Cranston and Montgomery will intervene aggressively in view of the VA's disregard for its Agent Orange responsibilities. The CDC should be called to account for the lateness of its decision to cancel the long-awaited Agent Orange exposure study, and it should be pointedly asked to fully explain the reasons for similar dioxin levels in the blood study of veterans having served in Vietnam and those who served elsewhere. New studies should be undertaken, compensation should be authorized, and perhaps, most importantly, an unbiased mechanism for providing compensation should be put in place.●

COMMUNITY HEALTH CENTERS PROGRAM

● Mr. DASCHLE. Mr. President, I rise today in strong support of the reauthorization of the Community Health Centers [CHC] Program. I commend the distinguished Senator from Massachusetts for his timely introduction of this important reauthorization and am pleased to join as an original cosponsor.

In 1975, Congress recognized the need to expand health services in both rural and urban underserved areas and authorized CHC's under section 330 of the Public Health Service Act. Since the inception of the program, the number of CHC's has grown from 150 to over 600. Approximately, 5 million Americans have received care at CHC's, 85 percent of whom had incomes below 200 percent of the poverty level.

Community health centers provide critically needed primary care services in rural areas like South Dakota. In South Dakota, a disproportionate number of poor elderly are served by CHC's. With the decline of the rural economy, CHC's in my State have witnessed a dramatic rise in the need for subsidized services. Although there are 7 projects and 14 satellite clinics serving over 26,000 people in South Dakota, CHC's are only able to serve a fraction of the people needing health care services.

The need to strengthen and expand the services of CHC's is greater than ever. These health centers are primarily serving the low income and uninsured whose numbers are increasing rapidly. Unfortunately, these trends are accompanied by consistent cuts in major health programs. Low-income discretionary health programs have declined by 26 percent from 1981 to 1988 when adjusted for health care inflation. In 1969, Medicaid reached 65 percent of the poor; by 1985 that number had dropped to 46 percent.

Over the years, CHC's have demonstrated the ability to provide high-quality, cost-effective health care. CHC's have been extremely effective in encouraging families to end their reliance on expensive emergency room care and begin using preventive health services. In addition, CHC's have helped reduce the infant mortality rate in areas which they serve, sometimes as much as 40 percent, by providing high quality maternity and infant care services.

Mr. President, few programs make as significant a contribution to health care in underserved areas as the community health centers programs. I strongly urge my colleagues to join in support of this valuable program.●

ORDER OF PROCEDURE ON TOMORROW

Mr. BYRD. Mr. President, the first rollcall vote tomorrow will occur at 9:30. That will be a 30-minute rollcall. At the conclusion of the 30 minutes, the call for the regular order will be automatic.

ORDERS FOR THURSDAY

RECESS UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business not to extend beyond 9:30 a.m., that the call for the mandatory quorum be waived, that the vote occur immediately on the motion to invoke cloture, and that Senators may speak for not to exceed 2 minutes each during the period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2117 HELD AT DESK

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2117 be held at the desk until the close of business Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. BYRD. Mr. President, with respect to the maximum of 3 minutes which will be in order tomorrow under the agreement entered, I ask unanimous consent that no amendment to any one of the amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSIONS OF APPRECIATION

Mr. BYRD. Mr. President, let me thank the distinguished acting Republican leader and the assistant Republican leader, both of whom are my good friend, the distinguished Senator from Wyoming, ALAN SIMPSON.

I yield to the Senator.

Mr. SIMPSON. Mr. President, I want to say I very much appreciate working with the majority leader today and in these days past, as I take on this additional responsibility of acting leader. I have found him to be most extraordinarily courteous and we have, I think, assumed a very high degree of mutual respect, which is helpful when you legislate. Certainly I share with him in my earthy way: Mr. Leader, this is what I have to deal with on my side; and he tells me what he has to deal with on his side; and we are, therefore, when all the cards are there, able to shuffle them up and deal them correctly and fairly, and that is a very pleasant way to do business, and it is called legislating, and that is what I am about on this side of the aisle. I like to legislate, and the only way to do that is to move legislation. I appreciate the way in which we are accomplishing that.

Mr. BYRD. Mr. President, the distinguished Senator has my utmost admiration and respect.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, if there is no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and, at 10:09 p.m., the Senate recessed until tomorrow, Thursday, March 3, 1988, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 2, 1988*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray for the leaders of our Nation and specially for those who labor in this assembly, that they would receive the gifts of wisdom and judgment. We recognize, gracious God, the unique concerns that confront people to whom great responsibility has been given, and we pray that they will be motivated not by personal satisfactions, but rather by the earnest desire to do justice for every person, from every land. Grant to our leaders, O God, all blessings and encouragement so they will be good and faithful custodians of our heritage as a people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CRAIG. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CRAIG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 270, nays 124, answered "present" 1, not voting 38, as follows:

[Roll No. 15]

YEAS—270

Ackerman
Alexander
Anderson
Andrews
Annunzio
Applegate
Archer
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Konnyu
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lipinski
Livingston
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McEwen
McHugh
McMillen (MD)
Mfume
Mica
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Mrazek
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Price (IL)
Price (NC)
Quillen
Rahall
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—124

Armey
Badham
Ballenger
Barton
Bentley
Bereuter
Billey
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dorgan (ND)
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Gallegly
Gallo
Gekas
Goodling
Gregg
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lowery (CA)
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morrison (WA)
Murphy
Packard
Parris
Pashayan
Penny
Porter
Pursell
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wheat
Whittaker
Wolf
Young (AK)

ANSWERED "PRESENT"—1

Chappell

NOT VOTING—38

Akaka
Anthony
Aspin
Atkins
Baker
Biaggi
Bilirakis
Boulter
Brown (CA)
Coyne
Dowdy
Feighan
Ford (TN)
Frenzel
Gephardt
Gingrich
Gray (PA)
Holloway
Huckaby
Kemp
Leath (TX)
Lehman (CA)
Leland
Lewis (GA)
Lightfoot
Lott
Mack
McGrath
Miller (CA)
Moody
Murtha
Panetta
Rangel
Roemer
Rostenkowski
Schulze
Smith (FL)
Young (FL)

□ 1415

Mr. PACKARD changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

TAX CUT: DEJA VU ALL OVER AGAIN

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, in listening to the latest hullaballoo in the Democratic Presidential debate on the fairness of the 1981 tax cut, I'm reminded of something said by Yogi Berra: "It's deja vu all over again."

The debate on the 1981 tax cuts is redundant. They were unfair in 1981 and they're unfair today. They were a mistake then and they're a mistake now.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In 1981 we knew the Reagan tax cut would be a windfall for the rich. We knew in 1981 that the average American family was getting ripped off under the Reagan bill. Seven years does not change the fact that it's unfair to give $120 to families making between $10,000 and $20,000 and $8,300 to those making over $80,000.

Thanks in part to the Reagan tax cut, the richest families in America pay 25 percent less in taxes than they did 10 years ago. Yet CBO tells us that families at the low end of the spectrum are paying 10 percent more than they did 10 years ago.

Mr. Speaker, rotten eggs don't sweeten with time. A vote for the 1981 tax bill smells just as bad in 1988 as it did in 1981.

UNITED STATES $400 MILLION LOAN TO MEXICO'S STEEL INDUSTRY

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, tomorrow the World Bank members will vote on whether to grant a $400 million low-interest loan to Mexico. I rise to protest this loan.

Seventy-five percent of this loan will directly aid Mexico's steel industry. This $300 million is to compensate Mexico for rationalizing and modernizing its steel industry. The remaining $100 million will go directly into Mexico's treasury.

Mr. Speaker, this loan amounts to an international subsidy designed to provide Mexico with a competitive advantage in the world steel market.

American steel companies are presently struggling to stay alive, not only because of world steel overcapacity, but also because of foreign subsidized steel. This proposed loan flies in the face of competitive rationale, tipping the scales even further against U.S. steel producers in the trading arena.

At a time when American steel companies are in grave trouble, it makes absolutely no sense for the World Bank to subsidize foreign steel. I urge my colleagues to oppose this loan by contacting the U.S. World Bank members.

□ 1430

THE WAR ON DRUGS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the President has said that we are winning the war on drugs. I do not believe it. In fact last week a rookie policeman in New York City was gunned down while he was guarding a witness for a drug trial.

Police suspect that the hit was ordered by a drug boss in prison. That drug boss had been sentenced to 25 years to life and he is also under indictment for having murdered his parole officer.

Mr. Speaker, I think it is time for Congress to declare war. Saying no is not enough. I think it's time for these drug kingpins who kill our policemen and destroy our kids to face the death penalty. We must defend our borders and bolster our Coast Guard, and I think it is time to take issue with people like Panama strong man Manual Noreiga.

Mr. Speaker, what bothers me is that rumors abound that the Central Intelligence Agency supposedly turned their back on General Noriega because he was helping the Contras. I do not know if that is true, but the CIA has flatly denied it. In fact they say they know nothing about General Noriega. Mr. Speaker, if my colleagues believe that, I have got some swampland I would like to talk to them about located down in Florida.

The truth of the matter is if a 10-year-old in New York City can find heroin and crack, the CIA knows where it is coming from. I think it is time that if necessary we attack those sources in Colombia and put our foot down. I think the problem is everyone in America is trying to say no. The only problem is our Government has yet to say "no."

RESOLUTION OF OPPOSITION TO A $400 MILLION WORLD BANK LOAN TO RESTRUCTURE THE MEXICAN STEEL INDUSTRY

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker, here we go again. My constituents may be, once again, paying their taxes to put themselves out of work. Unless we do something and quickly, the World Bank will vote tomorrow to approve a $400 million loan to help refinance a restructuring of the Mexican steel industry.

Worldwide, there are more than 200 million excess tons of steel capacity. The United States currently is spending $50 million on trade adjustment assistance each year to retrain workers who have lost their job due to this overcapacity. The American steel industry has undertaken a massive restructuring, 8 billion dollars' worth, without Government assistance and has improved its competitive position. Now, the World Bank, which receives 20 percent of its funding from the United States and its taxpayers, is about to make a $400 million contribution to a $1 billion effort to upgrade plants and equipment in order to increase the Mexican output.

Additionally, I understand that the Mexicans hope to attract American auto parts manufacturers to Mexico with its modernized steel industry and a free trade zone. So the $1 billion may only be the tip of the iceberg.

While I sympathize with Mexico's desire to reinvest in its steel industry and the World Bank's desire to assist the ailing Mexican economy, I cannot stand idling by and watch the World Bank use American tax dollars to add capacity at a time when the industry suffers from a worldwide glut.

The American steel industry and the American steelworker have suffered and have restructured without the benefit of assistance from the American Government or any international lending body. The World Bank should assist the Mexican economy but not at the direct and immediate expense of American workers. Many in our Government turned their back on the U.S. steel industry because they felt that change and shakeout in the industry was necessary. Well, a change and a shakeout has taken place. Let's not punish the survivors by saving jobs in Mexico that we refused to save in the United States.

Today, I am introducing a resolution of opposition to the proposed $400 million World Bank loan making it clear that the House of Representatives does not see this loan to be in the best interests of the United States and our economic revitalization. It resolves that our Representatives should make its best effort to prevent approval of the loan. At this time, I understand that our Treasury Department supports the loan. My colleagues, we must demonstrate our dissatisfaction and must do it today. I ask that you join me on this resolution and I ask that my colleagues contact the Treasury Department today.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1259

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1259.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

REJECT $400 MILLION IN BAIL-OUT OF MEXICO'S STEEL INDUSTRY

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, tomorrow, the World Bank will vote to approve a $400 million project to aid in the downsizing of Mexico's steel indus-

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try. I rise to express my outrage and indignation over this project, and to plead with the administration to withhold its approval of this project.

We lack the courage to support our own industry in its efforts to relieve itself of excess capacity. We won't "bail them out." That's not the American way. That's not the way the marketplace should work. That's not the way to stimulate competition.

But we will willy-nilly help to bail-out a Mexican industry that expanded in the 1970's and 1980's. We will relieve them of the financial and social pain involved in downsizing. And the marketplace is almost irrelevant: The Government of Mexico owns at least 60 percent of its industry. We will bail out Mexico's inefficient and overbuilt industry but we won't raise a finger to help our own.

Now, some will say that this project will get rid of some of the 200 million tons of excess capacity in the world's steel industry. But it probably will not lower production. You see, if Mexico's capacity is reduced by 20 to 30 percent, they could still maintain its nearly 8 million tons of production. But they will be able to lower their costs, and thus enhance their competitiveness. We will help them to compete in the world steel market but we won't raise a finger to make our own industry more competitive.

And, I would point out to you that Mexico is shipping more and more steel to our market. They exceed their VRA quota limits under the President's steel program.

The products they sell here are the high value products, like pipe and tube, galvanized sheet, and cold rolled sheet and strip. By giving Mexico $400 million, we make it easier for them to compete in our markets, and diminish the opportunities for American steelworkers to produce their products.

I urge the administration to back off from this bailout of Mexico's steel industry. Let them start at home. If we want the world's steel industry to be more competitive, let it be done here first.

CREATING OUR OWN ADVERSITY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, it has been learned that tomorrow the World Bank will vote to lend Mexico $400 million; $300 million is for modernizing its steel industry, $100 million is for the general fund of its Treasury.

I think the Congress should be asking the World Bank to stop, to cease and desist from encouraging any expansion of the steel capacity of any nation. Right now, every statistic available points to the overproduction-overcapacity of steel worldwide. Our own industries are being beaten around the ears to phase out old plants, old technologies with no help from our own Government.

Does the World Bank offer such loans to U.S. steel companies? Of course not. And the $100 million going into the Treasury? Where is that going? To retire debts to International Banks?

With about 50 cents of every dollar of World Bank money being contributed by the U.S. taxpayer, it might be time that we demand an audit through the treasuries of some of these foreign nations to make sure that our money is not being used against our best interests or to guarantee the bad debt of incompetents.

STOP THE FLOW OF DRUG MONEY FROM PANAMA

(Mr. MANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, illegal drugs are killing our Nation's youth and having a devastating impact on every segment of our society. Just 3 days ago, Edward Byrne, a 22-year-old uniformed New York City police officer, was murdered in cold blood in eastern Queens. Officer Byrne was sitting in a patrol car guarding the house of a witness in a drug case.

Upon hearing of this summary execution by way of three bullets to the head, I thought, "there but for the grace of God go I," having also served years ago as a New York City police officer on solo foot patrol on some of the meanest, drug plagued streets in the Harlem area of New York.

Mr. Speaker, we must stop the flow of illegal drugs into our Nation. Regrettably, that the Government of Panama, under Gen. Manuel Noriega, has become a major center for assisting international drug trafficking.

Along with the drugs from Panama that are crossing our border, billions of dollars in laundered drug money is flowing into United States banks through the Federal Reserve payment system.

In that regard, today I and Congressman ACKERMAN are introducing a resolution expressing the sense of the Congress that the Board of Governors of the Federal Reserve should take every step necessary to stop the transfer of funds from Panama to banks in the United States through the Federal Reserve System.

We must not allow Panama to use the Federal Reserve System as a tool for its deadly trade.

GROVE CITY

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I rise in opposition to the so-called 1987 Civil Rights Restoration Act. If this legislation passes the House, entire private elementary and secondary school systems, including religious school systems, will be covered if just one school in the system gets any Federal assistance.

Mr. Speaker, this is just one example of how this bill tramples on the rights and religious liberties guaranteed to all Americans by the U.S. Constitution. The first amendment to the Constitution states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Nowhere does it say that the Department of Education shall have the supreme power to decide which religious tenets are important and which are not.

Congress must uphold the civil rights of religion and religious institutions just as it affirms the civil rights of other vital parts of our society. I therefore urge my colleagues to vote "no" on this bill.

PERSONAL EXPLANATION

Mr. ALEXANDER. Mr. Speaker, yesterday I was unavoidably detained in an important meeting with Arkansas soybean producers during rollcall No. 14, the vote on the Dannemeyer motion to instruct conferees regarding the dial-a-porn amendment to H.R. 5. Had I been present, I would have voted "yes."

CIVIL RIGHTS RESTORATION ACT

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, I rise in opposition to the rule under which the House will today debate S. 557, the so-called reinstatement of civil rights, caused by Grove City.

Mr. Speaker, I went before the Committee on Rules, and I asked authority to offer an amendment. I was turned down.

Mr. Speaker, I intend to speak about this when the matter is relevant. In a nutshell, however, under existing law, if one wishes to come into this country as an immigrant and has a communicable disease, they are not eligible, but the bill in the form that we are going to consider it goes in the opposite direction, that if one has a communicable disease an affirmative action program would come into existence whereby the whole force of the Federal Government would come to your aid in order to get a particular job.

Mr. Speaker, it is ludicrous that we would have such a result in our law. We need time to debate this issue because it relates to one of the most fundamental issues facing the country; namely, the necessity of developing a public health response to deal with the AIDS epidemic and stop this nonsense of treating it as a civil rights issue.

THE FUTURE OF NATO

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, history seldom deals a perfect hand. The convergence of our Nation's fiscal crisis with a fresh dialog between the United States and the Soviet Union on disarmament puts the future of NATO in question.

NATO has served its allies well for more than 40 years but today it faces stark realities. The United States is the principal ally in terms of monetary support, and the United States is mired in a budget crisis which forces significant cutbacks in military expenditures. Changes in our exchange rate have made the cost of troops overseas more expensive than ever and there is a growing feeling that our allies should have matured economically and politically to the point where they can shoulder equal shares of the NATO burden. But these challenging issues may go unaddressed in Brussels, where the President is meeting with NATO ministers. At a time when we should be meeting to assess, redefine, and position NATO in a changing world we hear only the strains of Auld Lang Syne from an administration whose eye may be more on retirement than the realities which face us.

PERSONAL EXPLANATION

Mr. SWINDALL. Mr. Speaker, I would like to state that I was unavoidably absent during rollcalls 13 and 14 on yesterday, March 1, 1988. Had I been present I would have voted "no" on rollcall 13, and I would have voted "yes" on rollcall 14.

THE FEDERAL GOVERNMENT INTRUSION ACT

(Mr. SWINDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWINDALL. Mr. Speaker, I would like to take this opportunity to speak out against the Civil Rights Restoration Act. First of all certainly that is a misnomer. It ought to be entitled "The Federal Government Intrusion Act."

Mr. Speaker, I particularly am perturbed about one particular aspect that affects the religious tenets. It is something that has been from the time this country was founded a very protected area. I wanted to offer an amendment to correct this new intrusion but unfortunately the rule that we will be voting under later today prevents any such amendments.

Specifically what this bill will allow to happen is that any church or synagogue that has for example a homeless shelter or any type of soup kitchen that receives Federal funds, it will now bring that facility under Federal jurisdiction, that synagogue or that church, and that has never before existed in this country.

Mr. Speaker, I am concerned about it because the title says "civil rights restoration." This is not a restoration. It is a new intrusion into a previously protected area. I think it is a grave mistake, and I urge my colleagues to vote no on the rule which allows no amendments to correct the flaw, and then if the rule does in fact pass I ask my colleagues to please vote no on the bill until it can be corrected.

□ 1445

WHISTLEBLOWER PROTECTION ACT AMENDMENTS OF 1988

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, today I am introducing legislation that will help protect nuclear powerplant employees who report safety problems from retaliation by their plant managers.

As someone who is deeply concerned about nuclear powerplants' inherent safety problems, I want to make sure potential problems do not escalate into major threats to public safety.

The best way to do this is to ensure that plant workers, who are safety's first line of defense, have the security of knowing they can report these problems without being harassed or losing their jobs.

My legislation will strengthen existing laws created to protect whistleblowers in an effort to encourage these employees to come forward.

The bill gives employees who feel they have been fired or harassed because they reported safety problems a year—rather than the current 30 days—to file a complaint, and protects their rights to file a claim in a State court as well as with the Secretary of Labor.

It also requires management to prominently post the rights of employees who report safety problems, and grants explicit protection to workers who report problems directly to management rather than Federal regulators.

This legislation improves the Federal Government's ability to protect nuclear powerplant employees who report safety problems. Their honesty should not cost them their jobs.

OPPOSITION TO FmHA FARMER RELIEF

(Mr. DioGUARDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DioGUARDI. Mr. Speaker, I rise today to express my strong opposition to the Farmers Home Administration announcement to draft rules relieving farmers of up to 7 billion dollars' worth of debt owed to the U.S. Treasury, thus passing this cost on to all American taxpayers.

Unfortunately, the story gets worse. Not only is FmHA heaping this $7 billion cost onto all of us, it is doing so with the intent of lending even more money to the very same enterprises that were unable to pay back their loans in the first place.

What happens when we hit another downturn in the farm economy? Will we once again wipe the slate clean and extend new loans that will never be paid back?

Mr. Speaker, whether you're from the farm or the city, this policy makes little horse sense or common sense. It is a policy that will further sow the seeds of disaster for our budget deficit without giving any real long-term health and stability to the farmers it is designed to help. I have written to FmHA Administrator Vance Clark expressing my opposition to their proposal and my intention to introduce legislation that would block its implementation.

This action is just another in a long line of government shell games that disguise economic reality and hide the true cost of government from the American people. In fact, the only thing this farm policy will put on the kitchen table of most Americans is more debt.

EMERGENCY HUNGER RELIEF ACT OF 1988

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, I today, along with close to 50 of my colleagues, in a bipartisan effort, am introducing the Emergency Hunger Relief Act of 1988.

It is a sad commentary in America that there is a need to introduce any Emergency Hunger Relief Act at all. In a land blessed with the great agricultural bounty, it is a national shame that there is hunger in our society.

Just a week ago I convened a hearing on this issue and heard from a wide range of people who confront

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daily the reality of hunger in our society, food bank directors, ministers, national experts on nutrition and child health, and the mayors, mayors indicating that there will be an increase in hunger needs in this country from some 18 to 20 percent over this next year, all of whom spoke of the growing problem of hunger and the failure of the current programs to meet the need. They also spoke in particular of the fact that there will be a failure of distribution of the temporary emergency food assistance program within the next few months.

So today we introduce what I think is a balanced and prudent agenda to try to deal with the hunger problem in our society. The consequence of delay is already evident. We are seeing increases in infant mortality, anemia and malnutrition, and the simple fact is that we cannot afford not to act. The time is now. I urge your support for the Emergency Hunger Relief Act of 1988.

COMMUNIST FOOTHOLD IN CENTRAL AMERICA

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, tomorrow we have our monthly vote on whether or not communism is going to get a permanent foothold on the Isthmus, the land bridge between our country and the Panama Canal. I am going to take a special order tonight. I want my colleagues to watch. It should be on sometime between 7:30 and 9:30. We will be so limited in debate, the issue becomes more and more critical but the key debate time becomes more and more narrow. So this special order is going to be important. For those who follow the written and electronic record of this House, that means about 5 o'clock in California, Pacific time, or 3 o'clock in the afternoon in Hawaii. They can take time out from paradise to listen to the latest Communist shipments, deliveries from General Secretary Gorbachev to the Communists in Nicaragua.

Here is a Rand report on communism in Nicaragua, how close they are to fulfilling a lifelong dream of 70 years of communism, a permanent colony on the Continent of North America. And here is a report taken off of the body of a killed Communist guerrilla in El Salvador, eight pages long of detailed commentary on how they use the Congress, negotiations, and the peace process.

My colleagues may hear Yoko Lennon caterwauling "All we are saying is give peace a chance," but, Mr. Speaker, put the word "communism" in place of peace, and that is what you and your liberals and radicals and your party are helping to prop up on the soil of North America.

EMERGENCY HUNGER RELIEF ACT OF 1988

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I am proud to join with my colleague, Congressman Panetta in cosponsoring the Emergency Hunger Relief Act of 1988 to address the growing problem of hunger in America—this land of plenty.

Clear indicators show a rising demand for emergency food assistance in this country. This need will expand even farther when commodities distributed through the Temporary Emergency Food Assistance Program will no longer be available later this year. While the number of persons living in poverty grew between 1980–86, there were 400,000 fewer persons participating in the Food Stamp Program in an average month. In addition, the USDA estimates that the WIC Program reaches just 40 percent of those eligible. This is a particularly disturbing statistic to my State of West Virginia where 50 percent of all babies born in the State last year were born into poverty. All of these indicators combine to evidence a grave shortfall in ensuring the basic nutritional needs of poor Americans.

I would like to alert my colleagues to a recent study conducted by public voice for food and health policy on rural poverty and nutrition. It highlights the growing segment of rural poor who are at high risk because of nutritional deficiencies and outlines the barriers to food assistance programs that the rural poor face.

The Emergency Hunger Relief Act of 1988 addresses the hunger crisis in all of America by eliminating the barriers to food assistance programs and by increasing benefits to meet nutritional needs.

My colleagues, tomorrow we will be asked to vote on humanitarian aid for victims of the war in Central America, today I ask that you lend support to legislation which would provide humanitarian aid to the victims of the war on hunger in America.

THE MANAGEMENT INTERLOCKS REVISION ACT OF 1988

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, today I am introducing legislation that will amend the Management Interlocks Act of 1978. That act's broad intention was to promote competition among financial institutions. First, it prohibited the dual service by management officials in nonaffiliated institutions within the same standard metropolitan statistical area. Second, if a depository institution holding company has assets over $1 billion, a management official from that company was prohibited from serving as a management official of a nonaffiliated institution with $500 million in assets.

Mr. Speaker, since the enactment of this legislation, we have seen some rather dramatic changes in the financial services industry. I could spend an hour talking about the disintermediation of the banking industry, but in sum, there are now a greater number of financially diverse institutions. For example, one of the largest thrift holding companies in the United States is Ford Motor Co. Moreover, the provision from the 1978 act that restricts companies with assets over $1 billion is hopelessly outdated. In 1978, only 3 percent of the institutions insured by FSLIC, 144 institutions, had assets over $500 million. Now, that number has grown to 400 institutions.

The effect of this in the marketplace is that commercial firms that have acquired thrifts have difficulty getting persons to serve on their, the company's, board because potential directors usually serve on another financial institution's board. This is a frustrating exercise, and it is one impediment that we certainly need to clarify, particularly if we want to continue encouraging commercial firms to buy thrifts. This bill will allow the regulators to determine if dual service is a competitive problem. The primary supervisory agent in each region will have 60 days in which to disapprove of the dual service.

A second part of this bill is designed to ease the effects that this bill has had on smaller banks. First, it would define "control" of an institution at 25-percent share ownership, as opposed to 50 percent ownership. This will bring this legislation in line with the definition of control of a bank holding company, moreover, it will allow a greater number of institutions which are affiliated in practical reality to be affiliated for management purposes. Additionally, this legislation will allow an interlock in a primary Federal supervisory area if the regulators believe that no competitive problems will be created by allowing it. Because statistical areas have changed in the last 10 years, many banks find themselves facing interlock problems now—where there were none before.

Mr. Speaker, on December 3, 1987, the Independent Banker's Association of America testified in support of these revisions to the Interlock's Act. In doing so, they stated that "competent directors are the foundation of a bank's survival and profitability." Having once served on the board of directors of a bank, I could not agree more. I am confident that these changes will strengthen the banking industry.

Finally, exemptions are made for acquisitions of failing banks and thrifts. Perhaps this is the most important change since 1978, 10 years ago we did not have a FSLIC crisis, and we weren't experiencing nearly the number of bank failures that we are now. Easing the acquisition of a failing institution is one of the most important aspects of this bill.

Mr. Speaker, I am pleased to be joined by three distinguished members of the House Banking Committee in introducing this legislation. They are Mr. Barnard, Mr. Shumway, and Mrs. Saiki.

DRUGS AND CRIME

(Mr. GARCIA asked and was given permission to address the House for 1 minute.)

Mr. GARCIA. Mr. Speaker, a great deal has happened in the city of New York over this past week. A young police officer was shot five times in the head as he was sitting in a patrol car outside of a drug witness' home.

What I would like to ask my colleagues to do is to join with me. I am sending around a "Dear Colleague" letter and I hope that my colleagues would join with me and with the New York delegation in a special order that will take place this coming week, and if not the following week, but it will be done.

I think this is an issue that affects every one of us, the question of drugs, the question of AIDS, the question of how these criminals are getting away with what they are getting away with.

So I hope that all my colleagues will be able to join together in a special order on behalf of Patrolman Edward Byrne, who gave his life.

THE CIVIL RIGHTS RESTORATION ACT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the Civil Rights Restoration Act is the most important civil rights legislation of this session of Congress. The goal of this legislation is simple. It will restore original congressional intent to the laws which prohibit discrimination in federally funded programs and institutions.

Passage of this act will restore enforcement authority to civil rights statutes which have been crucial to minorities, especially Hispanics and underprivileged Americans in their fight for equal opportunity in our society.

Title VI of the Civil Rights Act has been a powerful tool for minorities, blacks, Hispanics, and Native Americans in their efforts to combat discrimination in employment, education, and housing. The restrictions imposed on that law by the Grove City decision have been used to deny minorities the basic civil right of equal opportunity.

We rely on our laws to secure our fundamental rights. If we fail to pass this bill, we will leave in place a law which condones discrimination with our tax dollars. Such has no place in a country which professes to be governed by a Constitution which declares that all are created equal.

DESIGNATING MORGAN AND LAWRENCE COUNTIES IN ALABAMA AS A SINGLE METROPOLITAN STATISTICAL AREA

The SPEAKER pro tempore (Mr. Gray of Illinois). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1447.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Dymally] that the House suspend the rules and pass the Senate bill, S. 1447.

The question was taken.

Mr. MICHEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 122, not voting 27, as follows:

[Roll No. 16]

YEAS—284

Ackerman
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Bellenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Coats
Coleman (TX)
Collins
Conyers
Cooper
Courter
Coyne
Crockett
Darden
Daub
Davis (MI)
de la Garza
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Konnyu
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McEwen
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Rahall
Rangel
Ravenel
Ray
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NAYS—122

Archer
Armey
Badham
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Bunning
Burton
Cheney
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Craig
Crane
Dannemeyer
Davis (IL)
DeLay
DeWine
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Green
Gregg
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hunter
Hyde
Inhofe
Kasich
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lowery (CA)
Lujan
Lungren
Marlenee
Martin (IL)
McCandless
McCollum
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Nielson
Oxley
Packard
Parris
Petri

Quillen
Regula
Rhodes
Roberts
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Sensenbrenner
Shays
Shumway
Shuster
Skeen
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Spence
Stangeland
Stump
Swindall
Tauke
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wylie

NOT VOTING—27

Akaka
Anthony
Baker
Biaggi
Boulter
Brown (CA)
Coelho
DeFazio
Dellums
Dowdy
Ford (TN)
Gephardt
Holloway
Huckaby
Kemp
Leath (TX)
Leland
Lewis (GA)
Lightfoot
Lott
Mack
McGrath
Moody
Roemer
Rostenkowski
Schulze
Smith (FL)

☐ 1518

Mr. CONTE, Mrs. SMITH of Nebraska, and Mr. MILLER of Washington changed their votes from "yea" to "nay."

Mr. EMERSON changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES

Ms. OAKAR. Mr. Speaker, I offer a privileged resolution (H. Res. 393) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 393

Resolved, That the following Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Armed Services, H. Martin Lancaster, North Carolina;

Committee on Public Works and Transportation, Bob Clement, Tennessee; and

Committee on Merchant Marine and Fisheries, Bob Clement, Tennessee.

The SPEAKER pro tempore. The question is on the resolution.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 278, nays 122, not voting 33, as follows:

[Roll No. 17]

YEAS—278

Ackerman
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Ballenger
Barnard
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clement
Coble
Coelho
Coleman (TX)
Collins
Combest
Conyers
Cooper
Coyne
Craig
Crane
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Frank
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hochbrueckner
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Rahall
Ravenel
Ray
Richardson
Robinson
Rodino
Roe
Rogers
Rose
Rowland (GA)
Roybal
Russo
Sabo
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whittaker
Whitten
Wilson
Wise
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)

NAYS—122

Archer
Armey
Badham
Bartlett
Barton
Bateman
Bentley
Bliley
Broomfield
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coleman (MO)
Conte
Coughlin
Courter
Dannemeyer
Davis (IL)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Fawell
Fields
Frenzel
Gallegly
Gallo
Gingrich
Goodling
Green
Gregg
Hansen
Hastert
Henry
Hiler
Houghton
Hunter
Inhofe
Ireland
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McDade
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Packard
Petri
Pursell
Quillen
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Roth
Roukema
Saiki
Schaefer
Schneider
Schuette
Sensenbrenner
Shuster
Skeen
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wolf
Wylie
Young (FL)

NOT VOTING—33

Akaka
Anthony
Baker
Biaggi
Boulter
Daub
Dellums
Dowdy
Ford (MI)
Ford (TN)
Gephardt
Gilman
Holloway
Huckaby
Kemp
Leath (TX)
Leland
Lewis (GA)
Lightfoot
Mack
Martin (NY)
Mavroules
McGrath
Moody
Rangel
Roemer
Rostenkowski
Rowland (CT)
Savage
Schulze
Smith (FL)
Stark
Williams

☐ 1539

Mrs. SMITH of Nebraska changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 557, CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 391 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 391

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, with thirty minutes to be equally divided and controlled by the chairman and

ranking minority member of the Committee on Education and Labor, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order in the House or in the Committee of the Whole except an amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Michel of Illinois, or his designee, which shall be considered as having been read, which shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto, and which shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. Gray of Illinois). The gentleman from Massachusetts [Mr. Moakley] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. Latta] and pending that I yield myself such time as I many consume.

Mr. Speaker, House Resolution 391 is a modified closed rule providing for the consideration of the bill S. 557, the Civil Rights Restoration Act of 1987.

The rule provides for 1 hour of general debate with 30 minutes equally divided between the chairman and the ranking minority member of the Committee on Education and Labor and 30 minutes equally divided between the chairman and ranking minority member of the Committee on Judiciary.

Mr. Speaker, under the rule no amendments are in order to the bill in the House or in the Committee of the Whole, except an amendment in the nature of substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by the gentleman from Illinois [Mr. Michel] or his designee.

The substitute shall be debatable for 1 hour, with the time equally divided and controlled by a proponent and a Member opposed to the amendment also, Mr. Speaker, no amendments to the substitute are in order. Finally, the rule provides for one motion to recommit.

Mr. Speaker, S. 557 would overturn the 1984 Supreme Court decision, Grove City College versus Bell which narrowed the application of Federal antidiscrimination laws. The bill would restore and clarify the interpretation of a program or activity within an agency or institution that receives Federal assistance.

What the Supreme Court ruled was that Federal laws barring discrimination did not apply to entire agencies or institutions but only to the specific programs or activity that received Federal assistance. This bill, which passed the Senate 74 to 14, would amend four major civil rights statutes that prohibit discrimination in federally assisted programs: The Education Amendments of 1972, the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Civil Rights Act of 1964 to make clear that under each act discrimination is prohibited throughout an entire agency or institution if any part receives Federal financial assistance.

Also, Mr. Speaker, there is language in the bill that specifically states that institutions that receive Federal aid would not be required to perform or pay for abortions and would prohibit an educational institution from discriminating against anyone who has had or is seeking a legal abortion.

Mr. Speaker, immediately after the Grove City ruling of 1984 the House attempted to overturn that ruling by a vote of 375 to 32. The Senate, however, chose not to act on the measure. Now that the Senate has acted it is time for the House to move this bill expeditously through and put a stop to the loss of educational benefits, jobs, and job opportunities that can never be recovered and to ensure that no Federal dollars will be sent to any institution that allows or encourages discrimination. I urge my colleagues to vote for this rule and for final passage of the bill.

☐ 1545

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not believe that most Members of this House realize how important this legislation is. This is an extremely important piece of legislation and it has been handled in an extraordinary way.

Believe it or not, there was not one single minute's worth of hearings on this legislation during this Congress by a House committee. My colleagues would think that the Members of this House would be entitled to some hearings on a piece of legislation this important. So without hearings, the committee came before the Rules Committee and got a rule that is very restrictive allowing only one amendment to be offered by the gentleman from Wisconsin [Mr. Sensenbrenner].

Mr. Speaker, that is not the way to legislate. Over on the Senate side they had an opportunity to amend the legislation. Why not the Members of the House? Why deny the Members of this body the opportunity to amend an important piece of legislation?

We are talking about a piece of legislation under which, according to the Justice Department, an entire church or synagogue, including its prayer rooms and religious classes, will be covered under at least three of these statutes if it operates one federally assisted program or activity. Every school in a religious school system would be covered in its entirety if one school within the school system receives even one dollar of Federal financial assistance, even though the others receive no assistance.

Grocery stores and supermarkets participating in the Food Stamp Program will be subject to coverage solely by virtue of their participation in that program.

Every division, plant, facility, store, and subsidiary of a corporation or other private organization principally engaged in the business of providing education, health care, housing, social services, or parks or recreation will be covered in their entirety whenever one portion of one division, plant, facility, store, or subsidiary receives any Federal aid.

A private national social service organization will be covered in its entirety, together with all of its local chapters, councils or lodges, if one local chapter, council or lodge receives any, and I stress the word "any" Federal financial assistance.

As a consequence more sectors of American society will be subject to increased paperwork requirements, and random on-site compliance reviews by Federal agencies, even in the absence of an allegation of discrimination. Thousands of words of Federal regulations will be forthcoming. There will be costly accessibility regulations that can require structural and equipment modification, the need to attempt to accommodate contagious persons, and increased exposure to costly private lawsuits that will inevitably seek the most expansive interpretation of the already overbroad language of the bill.

Moreover, the bill inadequately protects the religous tenets of entities covered under title IX by refusing to strengthen the current exemption to allow institutions not only controlled by, but also those closely identified with the tenets of, a religious organization, to seek an exemption from title IX coverage when title IX conflicts with those tenets.

Mr. Speaker, let me just read a part of a letter that was sent to our Republican leader, the gentleman from Illinois [Mr. Michel] from the President dated March 1:

> The bill poses a particular threat to religious liberty. It interferes with the free exercise of religion by failing to protect the religious tenets of schools closely identified with religious organizations. Further, the bill establishes unprecedented and pervasive Federal regulation of entire churches and synagogues whenever any one of their many activities, such as a program to provide hot meals for the elderly, receives any Federal assistance. Moreover, and in further con-

trast to the pre-Grove City coverage, entire private elementary and secondary school systems, including religious systems, will be covered if just one school in such a private system receives Federal aid.

Let me also say that the President says if this legislation reaches his desk in its present form he will veto it. So why, why not have the Members of the House have an opportunity to have hearings on it so that they could make proper changes, so we could send to the President a bill that he can sign? Why, why all of the hurry? Why deny the Members of this House that opportunity?

The only chance we have today to show any kind of a protest is to adopt the amendment to be offered by the gentleman from Wisconsin [Mr. SENSENBRENNER]. That is all we have.

So we are looking down a road toward a veto and accomplishing absolutely nothing.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 14 minutes to the gentleman from California [Mr. HAWKINS], chairman of the Education and Labor Committee.

Mr. HAWKINS. Mr. Speaker, I rise in support of the rule and urge my colleagues to do the same.

The decision in Grove City College versus Bell is now 4 years old and hundreds of people are being denied their basic rights to be treated equally in education, housing, health, and other federally sponsored programs. It is time to restore the original congressional intent of broad systemwide coverage to these four statutes affecting women, disabled, the elderly, and minorities.

This measure has been heard and heard again. It is incorrect to say that no hearings have been held on this subject. We have had more than 22 days of hearings in the Education and Labor Committee. I am confident that hearings have also been held by the other committee of jurisdiction, the Judiciary Committee as well.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I am glad to yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, the gentleman just said that there have been hearings on this legislation. When were hearings held on S. 557 as it came over from the Senate?

Mr. HAWKINS. S. 557 is a bill that has been in this House several times before. The issues have certainly been heard in three different Congresses. It is similar to legislation introduced in the 98th Congress, heard throughout that Congress and identical to legislation introduced in the 99th Congress, and certainly has had enough hearings that everyone is acquainted with it. To say that this specific piece of legislation has to have hearings I think is being totally illogical, and certainly would not add at all to the knowledge of the Members of this body.

Mr. HENRY. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Michigan just briefly. I do not have much time.

Mr. HENRY. Mr. Speaker, is it not correct, however, that when the committee last considered this 3 years ago in the previous Congress it adopted a religious tenets provision, in fact, a religious tenets provision broader than the one we seek to bring to the floor and have been denied an opportunity to do so?

Mr. HAWKINS. No; we did not. I think the gentleman has misconstructed what we really adopted. It was different from the one before us today.

Mr. HENRY. It was broader.

Mr. HAWKINS. But that is not the issue. The issue is whether or not we have had hearings, and I am asserting that we have had hearings on an identical piece of legislation, and the only difference basically is the abortion amendment. I have never heard of any issue that has been discussed more than the abortion amendment. Certainly, this is true in this body as well as the other body.

I think that it is totally unfair for those who have delayed the consideration of this proposal since the 98th Congress to be advocating the issue of unfairness. It is certainly unfairness on the side of those who have been denied their rights since the 98th Congress, and therefore, I think the time has come to act and not deny this bill through the guise that hearings have not been held.

This bill has been fully debated by both Houses and it was passed, I think it should be understood, by the House in 1984 by a vote of 375 to 32, and in the other body just recently by a vote of 75 to 14 with 11 not voting.

All the compromises, it seems to me, that could possibly be made have already been made. All the negotiations have gone on. If those opposed to civil rights had done what the proponents of civil rights had done in S. 557 and put their ideas into their amendment; that is, the substitute which is allowable today, then they would have had an opportunity to have obtained a vote. They apparently preferred not to do that, and consequently it seems to me they come in with ideas that they have refused to discuss among themselves.

Mr. Speaker, I have promised a colloquy to the gentleman in the well, so let me rapidly conclude.

Since this bill has been first introduced in the 98th Congress almost 2,500 amendments have been offered to identical bills. Certainly, all of the ideas that could ever have been thought of have already been expressed. Just how many more ideas can we think of to delay the passage of this bill?

The time is now. Certainly, we have been fair. Certainly, we have had hearings and the choices now are clear, and this rule ensures a clear vote. No more delays or obfuscation is needed, and it is time to vote, and I urge my colleagues to do so in support of S. 557.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Speaker, does the Civil Rights Restoration Act change in any way the standards for determining whether or not a handicapped individual has been discriminated against on the basis of a handicap under section 504 of the Rehabilitation Act of 1987?

□ 1600

In particular, does the bill change in any way the standards for determining whether a handicapped person has been discriminated against because of the lack of accessibility of a facility.

Mr. HAWKINS. May I say this to the gentleman from Tennessee: The answer is "No."

The purpose of the bill is simply to restore the scope of coverage that existed prior to the Grove City decision. The bill does not redefine what constitutes discrimination under section 504. Many in the civil rights community, including advocates for persons with handicaps, would have liked to strengthen and expand the current definition of discrimination. However, it was agreed, in the spirit of bipartisanship, and in an effort to gain passage of the bill, to put aside such agenda and to support the restoration principle.

Mr. GORDON. What is your understanding of the standards in the current regulations for determining whether a recipient has been denied access to a program provided in an existing facility? Are there different standards for new construction?

Mr. HAWKINS. The regulations issued by the Reagan administration's Department of Justice pursuant to Executive Order 12250, which requires Department of Justice to coordinate the implementation of section 504, contain two standards—one standard for new construction and a second standard for existing facilities. The standard for new construction is that each new facility must be designed and constructed to be readily accessible to and usable by handicapped persons. The rationale for this standard was first enuciated on May 17, 1976, when the Secretary of Health, Education, and Welfare explained in the Inflationary Impact Statement accompanying HEW's "Notice of Intent to Publish a Proposed Regulation" his belief that is reasonable to require that all

newly constructed facilities be accessible because the additional cost of incorporating such a requirement into construction plans from the onset usually amounts to less than one-half of 1 percent.

On the other hand, to make an existing facility accessible may require additonal costs. Thus, the regulations include a far more flexible standard for existing facilities, which is commonly referred to as the program accessibility standard. The regulations require that the program operated in an existing facility, when viewed in its entirety, must be readily accessible to handicapped persons. Under this standard, a recipient is not required to make each existing facility or every part of a facility accessible to handicapped persons, so long as the program as a whole is accessible. Thus, a recipient is not even required to make any structural changes when other methods are effective in making the program accessible.

Mr. GORDON. In other words, it is your opinion that the standards of program accessibility have been in existence for over 11 years and have not caused any significant burden on recipients. And, these standards have been reaffirmed by the Reagan administration.

Mr. HAWKINS. The gentleman is correct. It is interesting to note that following the publication of the final section 504 regulations issued by the Department of Health, Education, and Welfare, numerous letters were sent to the Department and the Congress erroneously describing the exorbitant costs of complying with these new regulations. In an attempt to address these concerns, David Tatel, the Director of the Office for Civil Rights, issued a statement noting:

> It has been difficult to get attention focused on program accessibility, because some people seem to skim over the regulations and explanatory materials and start fretting about the widening of thousand of door or installation of high- and low-water fountains in every facility at every conceivable point. A result of the misunderstanding is a rising exaggeration of the potential cost of making programs accessible * * *. A recent report by Mainstream, Inc., a private nonprofit organization indicates that the cost of making 34 facilities accessible—in a survey they conducted—totaled only 1 cent per square foot. These same facilities spend 13 cents a square foot to clean and polish their floors.

Mr. GORDON. Mr. Chairman, in the situation of a hypothetical of corporation A receives Federal funds to construct and operate a low- and moderate-income apartment complex. Corporation A also owns and operates a luxury apartment rental complex and a candy company. Which components of corporation A are subject to the nondiscrimination laws?

Mr. HAWKINS. The housing project being constructed using Federal financial assistance is clearly covered. The luxury apartment rental complex would also be covered under subsection (3)(A)(ii) if, as appears to be the case, the corporation is principally engaged in the business of providing housing. In that circumstance, the entire corporation, including the Candy Co., would be under an obligation to comply with the several laws amended by S. 557.

If Housing is not the corporations' principle business, the scope of coverage of its components would depend on whether the Federal assistance was extended to the corporation "as a whole" within the meaning of subsection (3)(A)(ii) which is simply a question of fact. It is unlikely that a corporation, other than in a Chrysler bailout type situation, will be construed to be receiving assistance to the corporation "as a whole." The housing assistance described in the hypothetical would not be assistance to the corporation "as a whole," and the Candy Co. would not be covered.

Mr. GORDON. Questions have also been raised regarding what constitutes Federal financial assistance to a recipient entity. For example, do FHA loans, VA loans or other federally guaranteed loans to individuals, corporations or partnerships that are used to purchase or build single family or multifamily housing units constitute Federal financial assistance as contemplated by the law?

Mr. HAWKINS. I should stress at the outset that this is an issue which must ultimately be resolved on a case-by-case basis in the courts. Indeed, whether or not Pell Grants constitute Federal financial assistance to the institution was the principle question in Grove City College versus Bell. I would stress also that nothing in this legislation affects the definition of Federal financial assistance.

Mr. Speaker, I would like to emphasize that point: That nothing in this legislation affects the definition of Federal financial assistance; that which constitutes Federal financial assistance before S. 557 was enacted will constitute Federal financial assistance after it is enacted. We affect only the scope of coverage of the four laws amended by S. 557. A private individual would most likely be an ultimate beneficiary and thus not covered. However, a developer could be covered depending upon the kind of assistance it obtained.

Mr. GORDON. I thank the chairman.

Mr. HAWKINS. Mr. Speaker, I yield back the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, what has just occurred on the floor is a prime example of why we should reject the rule and ultimately the bill in its present form. The gentleman from Tennessee who is honestly in favor of this bill also has honest doubts about the efficacy and the wording of this piece of legislation. He has even in the Rules Committee expressed his reservations about the unintended consequences of this bill. He seems to feel, and the gentleman from California is accommodating him, that this whole thing can be straightened out by a colloquy on the floor. There are unanswered questions about higher assistance, there are unanswered questions about the effect of this law on the housing bill. But the gentleman from Tennessee and the gentleman from California are willing to allow the body to proceed into the passage of this bill with a colloquy in explaining all these unintended consequences.

I say to you that the only way that we can deal with the unintended consequences is to have hearings, full debate on every single one of them; on how it would affect the Amish in Pennsylvania; how it would affect the religious houses of our country; how it would affect the religious colleges and their curricula; how it would affect the religious colleges in separate facilities for men and women if that is the desire; unintended consequences on our grocery stores, on our market places.

Colloquies and opinions on the part of people putting records into this debate are not sufficient. The wording of the law is going to bring about unintended consequences like you can never imagine.

Mr. LATTA. Mr. Speaker, I yield 6 minutes to the Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I have always supported every Voting Rights Act—Mr. Speaker, I rise in opposition to the rule. In a little over 32 years in this House, I voted for every civil rights bill. But I must confess that in times past I wanted to know for sure what I was voting for, what I was voting against. The point that the gentleman from Pennsylvania just made is a very valid one. When we take legislative history only from the colloquy of two individual Members on matters that are this controversial when frankly no one person of us as individuals is all that knowledgeable to have all the answers. There is nothing wrong with full aeration and debate on some of these more controversial issues.

In 1964 we in the House took 9 days to debate the Civil Rights Act. In the next year we took 4 days to discuss the Voting Rights Act. Yet today we have 1 hour of debate time on the bill and 1 hour on a substitute; we have 2 hours to discuss what the proponents call the single most important piece of civil rights legislation to appear before us since those landmark bills of 20 years ago.

I am reminded by one of the knowledgeable folks on the committee that there has not been any kind of hearings before the Committee on the Judiciary, for example, since April of 1985 on this particular legislation.

I am not necessarily all that enamored with what the other body does, whether they have an opportunity to amend or not. It is not that old great deliberative body that it once used to be where we could count, maybe, on an extended debate on some controversial issues from that other body. Today they are just as political as the city councils and the county commissioners back home.

There have been questions raised about the effect of this legislation on local and State governments, private organizations, churches, synagogues, businesses, farmers, private and religious schools and higher education. The modified closed rule, allowing one substitute, simply cannot address all those issues.

Now this term "restoration" that I heard the distinguished chairman mention in the bill is misleading because the effect of the legislation is not simply to restore civil rights to the status quo before the Supreme Court decision but to actually expand in many areas of coverage and that is what we ought to explore in full aerated debate around here. I am not arguing a case against expanding coverage of civil rights. What I am saying is we must not sacrifice our beliefs in open and free debate to pass a civil rights bill.

The two are equally essential pillars of our democratic society.

Procedure determines substance in so much of our legislation.

The way we debate an issue can change the very substance of that issue by either leaving no time for reasoned debate or in overlooking possible consequences of well-intentioned legislation.

The rule is in essence not a guide to debate but a way of determining its outcome; the medium truly is the message here.

Mr. Speaker, no one, least of all this Congressman, wants to take issue with the sincere motivations or good intentions of those supporting this bill in and out of Congress. Protecting civil rights is such an essential part of the duties of Congress that I can think of few issues outside of actual national security of our country that so deserve our attention. But that is precisely my point. We are debating a complex, wide-ranging issue but we are not applying our energies and our talents really to the fullest.

We are not doing what legislators do best in a great deliberative body. The rule assumes that since the goal is so profound the responsibilities of lawmakers can be temporarily suspended for the sake of expediency.

All we ask is that the issues get proper hearings. I ask you what is wrong with that? Suppose we were being asked today to consider a bill which has wide-ranging consequences in every aspect of national security, including the right of privacy, questions about electronic surveillance et cetera.

□ 1615

Suppose the bill was supported by a patriotic organizations and anti-Communist organizations; suppose they claimed that support of this bill was mandatory for anyone really patriotic. Suppose further that supporters demanded that the national security bill, with all its unknown consequences in so many areas, would be debated for only 1 hour, with one substitute. I think we would hear all kinds of protests, and rightly so.

But those who would protest would not, therefore, be against national security. They would be against passing a national security law without proper time for debate and reflection.

That is exactly our position. We believe so strongly in the goals of this bill that we do not want to see those goals put at the mercy of unacceptable legislative methods.

If every aspect of this bill is in the public interest, an open rule would not be harmful to its passage. On the other hand, if parts of this bill ought to be amended, then an open rule would certainly be helpful to the process.

For the record, I just want to make it abundently clear that the Rules Committee—and let us face it—with a 9-4 Democratic majority over Republicans, is a tool of the Democratic leadership. With the tendency in recent years to move more and more toward closed rules or limiting alternatives to one substitute, we ought to take a good look at that. We are stifling debate in this House of Representatives.

Frankly, we have all the time in the world. We have not been doing that much from January to March 2. We have plenty of time to debate these issues. What is so terrible about talking about it in this body, for heaven's sake?

I testified in the committee for an open rule. I did not ask for a substitute; I said I wanted an open rule. I remind the Members that we debated this thing for 9 days a few years back, and we had 4 days on another civil rights bill. What is wrong with talking about it and debating it and letting every Member have an opportunity to offer their amendments? The gentleman from Wisconsin is going to have his amendment. This is his view on several selected areas. I am going to support what he is proposing here, but it seems to me we ought to be talking more in terms of opening up the process.

Mr. Speaker, I include with my remarks the full text of the letter from the President and the letter from the Secretary of Education, as follows:

THE WHITE HOUSE,
Washington (Brussels, Belgium),
March 1, 1988.

Hon. ROBERT H. MICHEL,
Republican Leader, House of Representatives, Washington, DC.

DEAR BOB: I am writing to advise you of my deep concern with the "Civil Rights Restoration Act" (S. 557), also called the "Grove City" bill, which the House is scheduled to consider shortly. I will veto the bill if it is presented to me in its current form.

Preservation of the civil rights of Americans is an important function of government. In the area directly affected by the Grove City decision of the Supreme Court—education—my Administration has supported the effort to end discrimination against women, such as in collegiate athletics. In this and other areas, we remain committed to the effort to eradicate invidious discrimination in American society.

Unfortunately, the Grove City bill dramatically expands the scope of Federal jurisdiction over State and local governments and the private sector, from churches and synagogues to farmers, grocery stores, and businesses of all sizes. It diminishes the freedom of the private citizen to order his or her life and unnecessarily imposes the heavy burden of compliance with extensive Federal regulations and paperwork on many elements of American society.

The bill poses a particular threat to religious liberty. It interferes with the free exercise of religion by failing to protect the religious tenets of schools closely identified with religious organizations. Further, the bill establishes unprecedented and pervasive Federal regulation of entire churches and synagogues whenever any one of their many activities, such as a program to provide hot meals for the elderly, receives any Federal assistance. Moreover, and in further contrast to pre-Grove City coverage, entire private elementary and secondary school systems, including religious systems, will be covered if just one school in such a private system receives Federal aid.

I regret that the Members of the House of Representatives were not given the opportunity to consider and solve these and the many other problems with the bill through the normal process of committee consideration. I urge the House to correct these deficiencies.

Sincerely,

RONALD REAGAN.

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
March 1, 1988.

Hon. BOB MICHEL,
U.S. House of Representatives,
Washington, DC.

DEAR MR. MICHEL: We understand that S. 557, the Civil Rights Restoration Act will be debated under a very restrictive rule on Wednesday, March 2, 1988. This legislation, in its current form, presents many problems; two of the more serious deal with corporate coverage and the question of religious tenets exemption.

While the Department of Education strongly supports legislation to restore the status of civil rights enforcement by the Department prior to *Grove City*, it does *not*

support attempts to expand jurisdiction beyond its prior scope, as S. 557 proposes to do. It is important to understand that under past policies and practices, the Department of Education never claimed jurisdiction based on education funding over more than all facets of the education program in question. Prior to the *Grove City* case, jurisdiction was asserted by the Department over every educational facet of an institution connected with education: transportation of students, housing of students, employment of faculty and staff, athletics, extra-curricular activities, etc. whether or not the particular activity received Federal education grants.

Prior to *Grove City*, the Office for Civil Rights, U.S. Department of Education (OCR/ED) would not have accepted a complaint alleging that a large private corporation, *e.g.*, Widgit Corp., was discriminating against women in the management of Widgiet's offices if the only federal monies it received were funds under the Vocational Education Act for participating in model programs for teaching computer repair. S. 557 would subject the company's other operations, however unconnected with the educational activities of the corporation, to Education Department civil rights jurisdiction. (See Section 908 "all operations of" read together with Section 908(3)(A)(i).)

I am concerned that if S. 557 became law, social service organizations or businesses that previously felt a mission to support education might decide that the intrusion of the government into every aspect of their operations (and S. 557 makes it clear that *all* aspects of a covered entity's operations will be included) is not worth bearing. They may, therefore, withdraw from participating in programs for the improvement of education.

The pending legislation, S. 557, also does not address a serious concern that arose during consideration of Grove City legislation in both the 99th and 100th Congress, namely the scope of current Title IX exemption to protect religious organizations.

In 1972, when Congress enacted Title IX, it contained the following exemption to its coverage: "(Title IX shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religous tenets of such organization * * *" 20 U.S.C. S 1681(a)(3)). At that time, many religious institutions were controlled outright by religious entities. By contrast, many of these institutions are today controlled by law boards, or are otherwise organized so that they fall outside the exemption, even though they retain their religious mission and their affiliation with religious entities. A number of organizations, including the United States Catholic Conference, expressed concern about this development. In response, the House Education and Labor Committee adopted language in May 1985, that excluded from Title IX coverage "any operation of an entity which is controlled by a religious organization, or affiliated with such an organization when the religious tenets of that organization are an integral part of such operation, if the application of (Title IX) to such operation would not be consistent with the religious tenets of such organization."

A substitute amendment to S. 557, to be offered by Mr. Sensenbrenner, addresses the concern about adequately protecting religious tenets under Title IX. The pending legislation, S. 557, does not address the religious tenets issue. The religious tenets amendment that would be included in the substitute bill contains language identical to that enacted by Congress in the Higher Education Amendments of 1986, in a provision barring religious discrimination in the construction loan program. The law (P.L. 99-498) provides that any prohibition with respect to religion shall not apply to an educational institution which is controlled by or *which is closely identified with the tenets of* a particular religious organization if the application of this section would not be consistent with the religious tenets of such organization. (Emphasis supplied.) The Education Department believes that this language clearly expresses the appropriate scope of the religious tenets exemption.

It should also be noted that there is precedent under other civil rights laws for employing a broader test than "control" for a religious tenets exception. For example, Title VII of the Civil Rights Act of 1964 currently contains a religious tenets provision that establishes a broader test than the "control" test in Title IX.

The Department of Education supports the amendment to be offered by Mr. Sensenbrenner, which would resolve these two major problems in S. 557.

Sincerely,

WILLIAM J. BENNETT.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, I wish to have a colloquy with the gentleman from California [Mr. EDWARDS], and I will ask the gentleman this question first:

Does title IX's prohibition against sex discrimination require that colleges provide unisex housing for its students?

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from California.

Mr. EDWARDS of California. No, it does not. Section 106.32(b)(1) of the Code of Federal Regulations explicitly provides that "a recipient may provide separate housing based on sex." These regulations apply to all educational institutions, not just institutions controlled by a religious organization.

Mr. DERRICK. Does this bill in any way change those regulations?

Mr. EDWARDS of California. No; this bill has no effect on those regulations. They would remain in effect.

Mr. DERRICK. Mr. Speaker, I thank the gentleman for this clarification.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the distinguished whip, the gentleman from California [Mr. COELHO].

Mr. COELHO. Mr. Speaker, I rise today in support of the Civil Rights Restoration Act. This is one of the most important civil rights bills of recent years. It is a bill that breaks no new ground, it only restores rights this body long ago granted.

The passage of this bill will take us back to where we have already been in assuring necessary antidiscrimination protections for minorities, for women, for the elderly and for people with disabilities. This bill is a simple restoration of rights—it does nothing to further the cause beyond eliminating discriminatory practices we have already banned—but until this restoration is complete, there is no way we can pursue a future vision.

I have a personal interest in this bill as a member of America's largest minority—people with disabilities. I have epilepsy. I understand discrimination because I have experienced it. I, like millions of other disabled people—people who are blind, or deaf, or mentally retarded, or who have spinal cord injuries, or cerebral palsy, or a host of other disabling conditions, have been subject to discrimination based on ignorance, irrational fear, and prejudice.

In 1973 Congress recognized that Americans with disabilities, like minorities and women, were subject to discrimination and were entitled to basic civil rights protections—were entitled to share in the promise of America. When Congress passed section 504 of the Rehabilitation Act, it sent a loud and clear message to all disabled Americans—Congress told us that we did not have to be relegated to second-class citizenship—that we have the right to the same opportunities that other Americans take for granted—the right to an education, to employment, to housing, to transportation, and to health care.

Americans with disabilities have made great progress in our fight for equal citizenship since the enactment of section 504. Today, disabled people are no longer "out of sight, out of mind"—shut away in institutions and school basements. However, this fight for equal citizenship is only just beginning—we have a long way to go.

The Grove City College versus Bell decision has halted much of the progress that has been made. Immediately following the decision, the Supreme Court ruled in Consolidated Rail Corporation versus Darrone that Grove City's narrow interpretation of "program or activity" for title IX would apply to section 504. As a result the protections afforded disabled Americans under section 504 have been eroded by the courts and Federal agencies in succeeding judicial and administrative decisions regarding education, transportation, health care, and employment.

Some of the most serious setbacks have occurred in the employment area where the Darrone ruling has been used to thwart persons with disabilities in their efforts to seek legal recourse for job-related discrimination. In one case, a young woman who had epilepsy was denied employment by a large corporation solely on the basis that the company had a blanket policy preventing anyone with epilepsy from being hired for that particular job.

The company received Federal job training funds. However, the court ruled that section 504 only covered persons participating in the job training program, not the entire corporation.

For disabled Americans, achieving equal employment opportunity is essential to achieving full integration in society—our ultimate goal. I know all too well from my own personal experience as well as from conversations with other people with epilepsy and other disabilities, that employment discrimination based on disability is rampant in this country. Employers, like others in the public at large, hold stereotypes and prejudices about disabled people which impede their ability to objectively evaluate the qualifications of applicants or workers with disabilities. I believe that stereotypes and prejudices rather than handicaps themselves, are the most potent barriers to equal employment opportunity. Too often, the image of what disabled people "can do" has no basis in reality.

There is perhaps no area in which that image has become more distorted lately than in the arena of contagious diseases, particularly as it has focused on the dilemma of AIDS. The distortion has paralleled the historical response to all disabilities. Irrational fears and prejudice have prompted uninformed and unjustifiable responses in all aspects of life for people with AIDS, but particularly within the workplace. The lack of understanding has not just been about the realities of the disability, but also about the employer's responsibilities relative to an individual with AIDS under the compliance requirements of section 504 of the Rehabilitation Act.

Last year the Supreme Court in the case of School Board of Nassau County versus Arline reaffirmed the fact that individuals with contagious diseases have protections available to them under section 504 of the Rehabilitation Act. In its decision, the Court reflected on the congressional intent behind the development of section 504 stating:

> Congress acknowledged that society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from the actual impairment.

However, the Court also made clear that such individuals would not otherwise be qualified for employment purposes if the individual posed a significant risk of communicating the infectious disease to others in the workplace and such risk could not be eliminated by reasonable accommodation.

In the bill we are considering today, the Senate has included an amendment which places the precise standard and approach articulated in Arline into statute. Their amendment provides that individuals with contagious diseases or infections are protected under the statute unless they pose a direct threat to the health or safety of others or cannot perform the duties of the job.

The purpose of this provision is to clarify without modifying or altering the substantive standards of section 504 of the Rehabilitation Act as they apply to individuals with contagious diseases. As is clear from the discussion in the Senate, the essential objective of this amendment was to parallel the efforts undertaken by the Congress in 1978 with regard to coverage of alcohol and drug users under the statue. Some employers today, as was the case in 1978, are unjustifiably concerned that they may be required to hire or retain handicapped individuals who are not qualified for a particular employment position.

This amendment reaffirms that section 504 does not impose such a requirement. To the contrary, under the statue, as now clearly stated in this amendment, individuals with contagious diseases and infections are not otherwise qualified—and thus are not protected in a particular position—if, without reasonable accommodation, they would pose a direct threat to the health and safety of others or cannot perform the duties of the job. This type of amendment maintains, as section 504 always has, the proper balance between private rights and legitimate employment and health-related concerns.

People with contagious diseases and infections, such as people with AIDS or people infected with the AIDS virus, can be subject to intense and irrational discrimination. I am pleased that this amendment makes clear that such individuals are covered under the protections of the Rehabilitation Act. Although it may be unfortunate that we must, at the same time, include a specific requirement of section 504 as it applies to individuals with contagious diseases and infections, in order to allay the fears of some employers, such a clarification of existing section 504 law may itself be useful.

Section 504 is regarded by all Americans with disabilities as the hallmark of this Nation's commitment to full integration and equal opportunity. Since its enactment, section 504 has opened doors for disabled Americans which the Grove City decision is closing once more. We can no longer delay the fulfillment of the promise of nondiscrimination that Congress extended to disabled Americans in 1973.

Now is the time for us to act. People with disabilities, as well as minorities, women, and the elderly have been waiting for the past 4 years for us to restore to them what we had already granted. We cannot ask them to wait any longer. It is time to reaffirm our commitment to basic civil rights protections. It is time, once and for all, to say that Federal dollars cannot be used to subsidize discrimination.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. Henry].

Mr. HENRY. Mr. Speaker, I rise in strong opposition to the rule, and I plead with my colleagues to listen very carefully to what the issue is. The issue is really a twofold one, a fundamental question as to religious rights and, quite frankly, first amendment freedoms. When this issue was last considered in a House committee on May 21, 1985, the House Education and Labor Committee, which considered and debated and heard testimony on this issue, voted 18 to 11 for a religious tenets amendment because of the problems we have in this area. Every Republican voted for it, and 40 percent of the Democrats of that committee voted for that. That was not a partisan vote, and it was almost a 2-to-1 vote in committee.

Subsequent to that time the committee voted another piece of legislation in 1986. That was the higher education reauthorizations bills, and we put identical language in the higher education authorization bill which, if I am not mistaken, every single Member of this House except one voted for that change in that act believing it was necessary. Now the committee in discussing this act felt that language was necessary. The committee in the entire House and the Senate agreed to this language in the higher education bill.

What is the problem now? Frankly, I know of no opposition to this language. Why not open it up to this question? A second question in terms of scope has been issued. Does this bill extend to primary, secondary, tertiary definitions of a recipient under the Civil Rights Act?

Now we deserve clear answers to those questions. That does not mean necessarily in my opinion that, if we extend Civil Rights Act applications more broadly than they have been, that is bad. I am not saying that, but I would like to know, and unfortunately this is a bill which in the name of broadening civil rights threatens religious rights and constitutional rights. It is a bill that in the name of broadening rights denies rights to the minority legislatively.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentlewoman from Rhode Island [Miss Schneider].

Miss SCHNEIDER. Mr. Speaker, I find it very amazing that before 1972 the School of Agriculture at Cornell University required women to have SAT scores 30 to 40 percent higher than those of men. Times have changed as a result of title IX to the Education Act.

But now the Supreme Court several years ago had issued an opinion in the case of Grove City, which I believe has set back the practice of civil rights enforcement in the United States by easily 20 years.

I also believe that no other decision cries out as loud for corrective legislative action, and this decision reversed the record of a decade during which title IX provided to all the programs or activities of an institution receiving taxpayers dollars. By rejecting the argument in Grove City justice put hundreds and thousands of students out in the cold, and only 4 percent of all education assistance is direct aid. After Grove City the overwhelming majority of educational programs, including athletics, counseling services, and curriculum procedures were exempted from the title IX coverage, but only 1 year later 61 investigations of alleged discrimination and education institutions have been dropped by the education department because Federal aid did not go far enough.

Mr. Speaker, let us look to the future. Seven out of ten people entering the work force in the next 10 years will be women. They need equal access to education.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. Stenholm].

Mr. STENHOLM. Mr. Speaker, I rise today to voice my support of the rights which are such precious and fundamental elements of our democracy, constitutional rights, rights to protection against discrimination based on gender, race, age, or handicap, and rights such as the opportunity for free and open discussion in this House of Representatives. I oppose this rule for the same reason that I have opposed other rules in the past that are closed and artificially obstruct the open deliberation of serious ideas of serious consequence in this body of which we are all elected. On very rare occasions can such restrictiveness be justified in a democracy, and this bill at this time could hardly be considered one of those occasions. In fact, I suggest to all of us who are ardent supporters of the fundamental rights that I mentioned originally that this action actually works to the harm of those final results that we seek.

Mr. Speaker, I had hoped to offer an agriculture amendment to this bill today that would guarantee in statute, as some have not only hinted but have kindly agreed to in colloquy, that this bill has no intention of imposing new paperwork requirements, vulnerability to lawsuits, and susceptibility to unannounced Federal inspections on family farms and ranches.

My simple question to the Rules Committee is, if indeed no such intrusions are intended by the authors of the legislation, it seems there should be no problem in stating so in the actual law.

Of course, without the opportunity to offer an agriculture amendment on the floor, and to offer other amendments, there is no way of expressing the will of the Congress in statute on this specific issue.

Mr. Speaker, I reluctantly urge my colleagues to oppose the rule but not the intent of the legislation. We all agree on the intent. It just seems that of all the legislation this is one on which we should be a little more willing to hear the debate and to answer the questions before it is put into law so that the problems that we have found in the past would not be there for us in the future.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. Sensenbrenner]

Mr. SENSENBRENNER. Mr. Speaker, it is ironic that today we are going to consider civil rights legislation under a closed, restrictive rule that prevents the House of Representatives from working its will on this major civil rights bill. The problem that this bill faces, as was correctly stated by the gentleman from Michigan [Mr. Henry], is the unintended consequences of the language contained in the draft which will come before us under this rule.

Let me emphatically state that no one, including this Member, is against having antidiscrimination provisions where Federal funds flow, but we are opposed to a gag rule and a "railroad job" which brings the bill up in such a way that in that amendments we had to eliminate the unintended consequences that could not be debated and voted on and hopefully adopted. The type of procedure that is being utilized today is going to set the stage for another Grove City decision by the Supreme Court misinterpreting the intent of Congress. There are no hearings in this Congress, there is no committee report filed, debate is limited; amendments, except for one substitute, are prohibited under this rule, and consequently the courts are not going to have an adequate legislative history on this piece of legislation to interpret what Congress actually meant, as they really should.

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In effect, by not adopting the usual procedure of an open rule, we are abdicating our responsibility to the Senate where there is an adequate legislative record.

There have been no dilatory tactics relating to this piece of legislation being considered. The two committees voted on this bill in May 1985, and the committee chairmen responsible for bringing this bill to the floor, my two friends from California, Congressman Hawkins and Congressman Edwards, never filed the committee report until the closing days of the 99th Congress and never asked the Rules Committee for a rule to bring this bill up, so the dilatory tactics were on that side of the aisle, not on this side of the aisle. We were prepared to vote with an open rule in May 1985. The other side of the aisle did not bring it up.

Finally, because this bill cannot be approved, a veto is certain. I received a letter from the President today dated March 1 that says:

> Dear Jim: I am writing to advise you of my deep concern with the Civil Rights Restoration Act, S. 557, also called the Grove City bill, which the House is scheduled to consider shortly. I will veto this bill if it is presented to me in its current form.

We need to undo the damage caused by the Grove City decision. We can do that with a correctly drafted bill and avoid a veto, but we cannot do it with this closed rule, and that is why the rule should be defeated.

Mr. MOAKLEY. Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Moorhead].

Mr. MOORHEAD. Mr. Speaker, I rise in opposition to the rule. It prohibits fair and open debate on the complex and far-reaching piece of legislation before us. S. 557, as passed by the Senate, does not adequately protect religious values. While the Sensenbrenner substitute includes a broader and more realistic standard for a title IX exemption, it does not go far enough in protecting religious institutions from the reach of Federal control. Only an open rule will let us address that important issue.

In 1972 Congress enacted title IX banning sex discrimination in education programs receiving Federal financial aid. The legislation included an exception to coverage which applied to educational institutions controlled by religious organizations if application of title IX requirements would be inconsistent with the organization's religious tenets.

Today only 150 schools qualify for this exemption. In fact, the governing bodies of many church-related educational and health institutions are made up of lay persons. As such, many institutions, which may have previously qualified, are now outside the scope of the existing religious tenets exemption.

The Sensenbrenner substitute would modernize the exemption to include these church-related institutions. Without this change it is possible some schools may be subject to future actions, either administrative or legal, designed to strip them of their exemptions. I am concerned, as you should be, for institutions such as Georgetown and Notre Dame. And Grove City College, a Presbyterian College which has never practiced discrimination of any kind.

Let me assure Members that the proposed exemption applies only to a policy of a particular institution if that policy is based on religious tenets which conflict with title IX. Furthermore, an institution cannot claim protection under this exemption for differentiation on the base of race, handicap or age. Finally, the exemption would have no application to public schools or public hospitals.

In framing this, the authors have mirrored language which Congress included in the Higher Education Amendments of 1986. There, Congress provided a nearly identical exception to a prohibition on religious discrimination for projects under the construction loan insurance program. This exemption is supported by the National Association of Independent Colleges and Universities, the American Association of Presidents of Independent Colleges and Universities, the Association of Catholic Colleges and Universities, Agudath Israel of America, the National Association of Evangelicals and the Lutheran Church—Missouri Synod. I am told that the National Society for Hebrew Day Schools, and the Association of Advanced Rabinical and Talmudic Schools are also supportive.

The second issue threatening the independence of religious institutions is the scope of coverage. In the other body, Senator HATCH offered an amendment, which was not adopted, that would limit coverage of religious institutions to the particular program or activity of the institution receiving federal funds. Such an amemdment is consistent with the ruling in Grove City versus Bell as well as pre-Grove City case law. These cases include decisions from four U.S. Courts of Appeal and even a prior U.S. Supreme Court case.

During the last 4 years proponents of this legislation have provided us with no evidence that these civil rights laws covered entire churches, synagogues, or other religious entities, when just one of their programs received Federal funds. In view of the potential constitutional problems, it is not prudent for Congress to enact legislation that would invite Federal interference with and control over private independent religious institutions.

The leadership has completely bypassed regular procedures in an effort to railroad this bill through the House under an unfair rule. The rule should be defeated.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr LUNGREN].

Mr. LUNGREN. Mr. Speaker, I yield to the gentleman from Iowa [Mr. TAUKE]

Mr. TAUKE. Mr. Speaker, I rise in opposition to the rule that has been proposed for consideration of the Civil Rights Restoration Act, S. 557.

Mr. Speaker, I want to be able to support this legislation, and I think most Members of the House are in favor of restoring institution-wide coverage of our civil rights laws. However, the procedures under which the leadership is asking us to consider this far-reaching legislation is making it difficult for many of us to lend our full support to its passage.

I think it would be useful to review the history of this legislation since the 1984 Grove City decision. Shortly after the decision was renderd, legislation was introduced in Congress to overturn it. That bill received quick consideration and broad, bipartisan support in the House, reflecting the basic, underlying sentiment of this body to restore civil rights coverage to entire institutions receiving Federal financial aid. That original bill died in the Senate in 1984 when unintended ramifications of it were identified.

In the 99th Congress a revised bill, the Civil Rights Restoration Act, was introduced. This bill went a long way toward addressing concerns raised about the measure that was considered in 1984, and again there was broad, bipartisan support for the concept, reflected by the large number of cosponsors that this bill, H.R. 700, garnered.

Action on H.R. 700 in the 99th Congress seemed likely. The House Committees on Judiciary and Education and Labor, held hearings, and marked up the bill early in 1985. Both committees approved the legislation in May, 1985. But reports were not filed on H.R. 700 by the committees for over a year. Only in the last few days of the second session of the 99th Congress, in October 1986, were committee reports on H.R. 700 filed. This delay in filing the reports prevented further House consideration of this important civil rights legislation in the 99th Congress.

The decision not to go forward with the Civil Rights Restoration Act in 1985 or 1986 was because of the adoption by the Education and Labor Committee of two amendments to the bill. Those amendments dealt with abortion and with religious tenets. Neither amendment was designed to undercut or jeopardize the restoration of the civil rights laws, but served to address two serious concerns raised by the bill. Nevertheless, the House was denied an opportunity to consider the Civil Rights Restoration Act in the 99th Congress.

In the 100th Congress, the Civil Rights Restoration Act was again introduced. H.R. 1214 was introduced with numerous cosponsors and referred to the committees of jurisdiction. But this year, these committees decided to allow the other body to act first on the legislation. And it did so, passing the bill with amendments January 28, 1988.

Now, nearly 4 years after the Grove City decision, the Civil Rights Restoration Act is being brought before the House. I congratulate the leadership and proponents of this legislation for this apparently herculean task of finally getting this bill before the House.

But by avoiding House committee consideration of this bill in the 100th Congress, no hearings have been held, no legislaitve history has been established and, moreover, no opportunity for amendments has been available to Members of this body. And now, the Rules Committee, proposes to deny Members their final and only opportunity in the 100th Congress to offer amendments to this important legislation. I think this procedure is unfair and unwarranted.

This bill has been waiting for House consideration for 3 years. Another few hours to allow for the full and fair consideration of legitimate amendments to this bill is justified; indeed, it is the only way that this bill should be considered by this body.

Mr. LUNGREN. Mr. Speaker, I would just like to address my colleagues because of an experience I have just gone through over the last few weeks in my home State of California where I was being considered, still being considered, for an appointment statewide.

My record was subjected to question and misrepresentation. One of the examples of misrepresentation is this very bill. I voted against this bill 4 or 5 years ago because it did not have an abortion-neutral amendment in it and it did not have a religious tenents amendment in it. For that reason I was called, among other things, racist, anticivil rights, insensitive to minorities, et cetera.

What we have done and what we are doing now is to put ourselves in an untenable position where men and women of good faith on both sides have a difference of agreement with respect to how to achieve civil rights in this country, but we create a rule in this House which prevents legitimate debate, which prevents people who are as equally committed to civil rights as anybody on your side of the aisle and we cast them in the posture of being against civil rights. We cast them in the posture of being insensitive to minorities. We cast them in the posture of being attacked for being racist.

Why? Because they have a concern about religious tenets.

Now, Mr. Speaker, we have thick skins in this House and thick skins in politics we have to have, but I am more concerned about what this does to the process and I am more concerned about what this does to the cause of civil rights, because if what we do in terms of adopting rules and forcing division amongst us, as opposed to reconciliation in this House and in this Nation, we demean the cause of civil rights. We say that for partisan political advantage we are willing to see a civil rights law go down so that we can talk about it in the next election. That does not serve anybody's purpose at all. That demeans the House. It demeans the memory of those who fought for civil rights in the past and it does not help the people we want to help.

Mr. Speaker, give us a fair rule. Fairness ought to be part of the debate on civil rights as well.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, it is not often that I disagree with my good chairman, but it seems to me that we have a very, very important bill here. I

can understand the desire to limit amendments, but to limit debate when you have two major committees involved is not the way it ought to work. To me, this is a reverse filibuster. It is an abomination to deny us the opportunity in a rational way to establish legislative history or to debate the important issues involved. This rule does not allow this body to be the kind of deliberative body it ought to be.

We have had no time to establish any legislative history and we will have no time. To see legislative history being established under a rule is just the opposite of the way things ought to go.

What legal effect does it have if you establish legislative history under the rule instead of in the debate on the bill?

Mr. Speaker, I hope and I wish we could change this situation, and I will vote against the rule in the hope that we can get a better rule to allow the proper kind of debate on these critically important issues.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, it is tragic. I do not want to overstate the case, but this is the most important civil rights bill in 25 years. That is what you say.

Why do you circumscribe debate? Are you afraid of the democratic process? Do you not want to debate these issues? Do you want to intimidate people and say you are against civil rights when you are for freedom of religion?

There are five liberties in the first amendment. The first freedom is freedom of religion, and some of us are concerned that religiously affiliated schools, not religiously controlled, but religiously affiliated schools will have their free practice of religion trampled on by this very bill.

We ought to be able to explore that, to debate it, to go into the nuances of it.

The chairman said that we prevented this bill from coming forward for years. You control the progress, the odyssey of this bill. You did not want to bring it here. You can bring any bill any day any time you want, but for some reason you are afraid of debating openly what you are doing to the cause of civil rights.

We fought for a Voting Rights Act a few years ago and a bloody fight it was, but it was incomplete. We need a Voting Rights Act for Congressmen so we can vote on issues that are important, especially civil rights issues.

The first amendment is sacred. You are running all over it with your railroad. You will not give us a chance to debate freedom of religion. If this was freedom of speech, oh, my God, if this was freedom for homosexual rights, we would be tied up here for a couple of days. No, it is just freedom of religion, cut off debate and shove it down our throats. Is that civil rights? That is your version of civil rights.

Mr. SHAW. Mr. Speaker, I rise today in strong opposition to this highly restrictive rule that does not allow Members to offer and debate individual amendments to the Civil Rights Restoration Act.

I am opposed to this rule for several reasons. First, it would be a mockery of civil rights if a major civil rights bill were considered under this rule.

The committees with jurisdiction over this matter have not even held hearings or acted on the House version of the bill. We are simply taking up the Senate-passed version of Grove City. I would like to know when this body started rubber stamping legislation that the Senate created?

Once again, we are not proceeding with the normal legislative process. No committee hearings. No committee markup. Why do we even have the committee system if we are going to merely usurp their powers to study legislation?

Furthermore, if I recall correctly, isn't there supposed to be a discharge petition if the committees don't report out a bill? If so, I haven't seen one. Under these extraordinary circumstances, I would have at least expected an open rule.

If we had not been discriminated against, I would have offered an amendment related to drugs. My amendment would have clarified a loophole in section 504 in the Rehabilitation Act which prohibits discrimination on the basis of handicaps in federally assisted programs and activities.

The regulations implementing section 504 define drug addicts as handicapped persons with physical or mental impairments within the meaning of the Rehabilitation Act. The regulation states that "Congress did not focus specifically on the problems of drug addiction * * * in enacting section 504." However, the regulation defines drug addicts as handicapped individuals. This was not the intent of Congress.

This interpretation of the regulation has had a negative effect in our public school system. Drug addicts must be kept in schools and their "handicap" must be given special accommodation. Twelve individual complaints have been filed with the Office of Civil Rights in the Department of Education alleging handicap discrimination on the basis of drug use. In my opinion, one case is one too many.

Mr. Speaker, we have got to correct this grave error in the interpretation of the 1973 statute before it is too late. I do not believe that the American public wants to impede public school officials in their fight against drugs. My amendment would have helped our schools fight drugs. Unfortunately, under this rule I am not given the opportunity to assist in this effort.

Mr. KOLBE. Mr. Speaker, I rise today in strong opposition to the rule.

The rule that has been proposed, if adopted, amounts to nothing more than a procedural choke device, designed to circumvent full participation by all Members of the House. If this rule is adopted, the House will have no impact on one of the most important pieces of civil rights legislation in recent years.

I believe it was the intention of Congress to prohibit discrimination in an entire organization if any program or activity of such organization received Federal aid. I agree with the thrust of this legislation. At the same time, Congress has always sought to ensure that civil rights legislation has been approached in a fair and open manner, allowing full debate and consideration of amendments. And yet, there have been no hearings, no markups, and no committee reports in the House on S. 557 during the 100th Congress. Now we propose to also block consideration of any amendments. I am disturbed to see the House move in such a manner on an issue of such importance. Since when has this body become a rubberstamp for the Senate?

During the last two Congresses, and in this one—a span of 4 years—Congress has worked to clarify the language of the civil rights statutes and to reverse the narrow decision of the Court in Grove City versus Bell. Considering the time and effort that has been devoted to this issue, it is disheartening to view the action taken to rush this legislation through now without any House hearings, and without the opportunity for fair debate and consideration of amendments. Clearly, we are more content to do something, anything, to have the appearance of accomplishment, than to take the time and effort to make sure it is done right.

The issues that my colleagues have raised, and the amendments that would have been offered under an open rule are not frivolous. In nearly every case they were issues and amendments which were debated at length by several committees in previous Congresses, and which received substantial support. These issues deserve full consideration in committee and in the House, and the intent of the civil rights statutes must be established.

The gains this country has made in civil rights have been hard fought. And always, the efforts have been made in a fair and bipartisan way. Honorably, Congress has put aside party differences and avoided strong arm tactics. If this rule is passed, this will no longer be the case, and the issue of civil rights will be subverted to just another partisan power play.

I urge my colleagues to oppose any attempt to restrict debate and amendments on this bill. Vote "no" on this rule.

Mr. LATTA. Mr. Speaker, I yield myself 1 minute and 15 seconds.

Mr. Speaker, I would hope that this House would vote down the previous question so that we could offer a different rule which would give us an opportunity to make amendments to this very important bill; an open rule, that is all we are asking, an open rule so this House can work its will on this very, very important piece of legislation.

Now, as for the argument that they discussed this bill in 1985, there are a lot of different Members in this House today and they all are not privy to what went on in the Judiciary Committee. It has already been stated here today that there are changes. It is not the identical piece of legislation. Let us not fool ourselves. This is a broader piece of legislation. There are other facets to it, and to say that this thing was debated back in 1985 just is not sufficient; so all we are saying is let us have an open rule so we can amend this piece of legislation so it can become law.

How much plainer can the President of the United States be than when he says he will veto the bill if you send it down to him as it is? That is exactly what you want to do. You want to send it down to him so he will have to veto it. Then where are you? Where is the cause of civil rights then? You will come back here and start all over. You are not going to be able to pass this bill over his veto.

The **SPEAKER** pro tempore. The time of the gentleman from Ohio has expired.

Mr. **MOAKLEY**. Mr. Speaker, I yield 15 seconds to the gentleman from Ohio.

Mr. **LATTA**. Mr. Speaker, I have 15 seconds, but I appreciate the gentleman's generosity.

The **SPEAKER** pro tempore. Does the gentleman from Ohio yield himself additional time?

Mr. **LATTA**. Mr. Speaker, I yield myself the balance of the time.

The **SPEAKER** pro tempore. The gentleman from Ohio has 45 seconds remaining.

Mr. **LATTA**. Plus the 15 seconds from the gentleman from Massachusetts?

The **SPEAKER** pro tempore. That will give the gentleman 1 minute.

The gentleman from Ohio is recognized for 1 minute.

Mr. **LATTA**. Mr. Speaker, that is wonderful. I thank my friend, the gentleman from Massachusetts.

Mr. Speaker, we should not be arguing about whether or not we ought to have an open rule. You know, I could put into the RECORD here, and maybe I should, what has been going on in this Congress, the 100th Congress. We have had 45 percent of the rules passed out of the Rules Committee this 100th Congress which have been restrictive, restricting the rights, as the gentleman from Illinois said, that we ought to have as elected Members of this House.

Civil rights—we have 500,000 people who elect us to come here to represent their interests and the interests of the United States of America, but just because you have the votes up there in the Rules Committee, 9 to 4, you restrict every Member's right.

Now, come on. Let us have some civil rights in the House of Representatives so we can at least offer amendments to this important piece of legislation. What is unfair about that?

OPEN AND RESTRICTIVE RULES, 95TH-100TH CONGRESS[1]

Congress	Open rules		Restrictive rules		Total rules
	No.	Percent	No.	Percent	
95th	213	88	28	12	241
96th	161	81	37	19	198
97th	90	80	22	20	112
98th	105	72	40	28	145
99th	65	64	36	36	101
100th[2]	44	55	36	45	80

[1] Source for data: Survey of Activities of the House Committee on Rules (Reports by the Committee on Rules), 95th–99th Congress. Rules counted were those providing for the initial consideration of legislation (as opposed to special rules on conference reports, etc.) For the purposes of this table, restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules.

[2] Data for the 100th Congress is based on "Notice(s) of Action Taken," Committee on Rules, 100th Congress, as of Mar. 2, 1988.

Note: Prepared by Minority Staff, Subcommittee on Legislative Process, Committee on Rules

Mr. **MOAKLEY**. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The **SPEAKER** pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. **LATTA**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 252, nays 158, not voting 23, as follows:

[Roll No. 18]

YEAS—252

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Rahall
Rangel
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Rowland (CT)
Rowland (GA)
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—158

Archer
Armey
Badham
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Fawell
Fields
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Horton
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Myers
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ritter
Roberts
Rogers
Roth
Roukema
Saiki
Saxton
Schaefer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—23

Anthony
Baker
Biaggi
Boulter
Courter
Dowdy
Ford (TN)
Gephardt
Hammerschmidt
Holloway
Huckaby
Kemp
Leath (TX)
Leland
Lightfoot
Mack
McGrath
Moody
Ray
Roemer
Rostenkowski
Roybal
Schulze

□ 1704

The Clerk announced the following pair:

On this vote:

Mr. Anthony for, with Mr. Boulter against.

Mr. **ENGLISH** changed his vote from "yea" to "nay."

Mr. **COUGHLIN** changed his vote from "nay" to "yea."

So, the previous question was ordered.

The result of the vote was announced as above recorded.

The **SPEAKER** pro tempore (Mr. GRAY of Illinois). The question is on the resolution

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **MOAKLEY**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 391.

The **SPEAKER** pro tempore. Is there objection to the request from Massachusetts?

There was no objection.

CIVIL RIGHTS RESTORATION ACT OF 1987

The **SPEAKER** pro tempore. Pursuant to House Resolution 391 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the Senate bill, S. 557.

□ 1705

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, with Mr. SWIFT in the chair.

The Clerk read the title of the Senate bill.

The **CHAIRMAN**. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California [Mr. HAWKINS] will be recognized for 15 minutes, the gentleman from Vermont [Mr. JEFFORDS] will be recognized for 15 minutes, the gentleman from California [Mr. EDWARDS] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. **HAWKINS**. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I rise in strong support of S. 557, the Civil Rights Restoration Act and in opposition to the Republican substitute.

I, like most of my colleagues, was outraged by the 1984 Supreme Court decision of Grove City versus Bell which overturned the clear legislative intent of title IX of the Education Amendments Act of 1972. It is an absurd notion that only those departments or programs receiving Federal aid within institutions should comply with anti-discrimination laws and the decision was clearly in conflict with the legislative intent of several other major pieces of civil rights legislation.

I believe that the original intent of Congress needs to be reasserted, thus, I have been a cosponsor of the Civil Rights Restoration Act since it was first introduced in 1984 to restore the broad applicability of title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, the Rehabilitation Act of 1974 and the Age Discrimination Act of 1975.

It was clearly the intent of Congress in these laws to prohibit widespread discrimination based on race, sex, age, and disability. Institutions do not have the right to discriminate against minorities, women, or handicapped persons particularly if these institutions are receiving Federal aid. Moreover, I am pleased to see that the sponsors of this bill included provisions to extend these anti-discrimination laws to persons with contagious diseases such as AIDS. While AIDS is a grave public health concern, the disease should not give anyone the right to discriminate against persons who have had the misfortune of contracting it.

I would like to commend the sponsors of the Civil Rights Restoration Act for their perseverance in trying to secure passage of this extremely important legislation. Passage of this bill will truly be a great victory for all those who support the strongest possible enforcement of our civil rights.

Mr. **HAWKINS**. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise in support of the Civil Rights Restoration Act.

This bill provides that Federal laws which prohibit discrimination on the basis of sex, race, age, or handicapped condition apply to all operations of any institution receiving Federal assistance. The purpose of this legislation is to overturn the Grove City versus Bell, 1984 Supreme Court decision, which restricted the coverage of federal anti-discrimination laws to the individual programs or activities receiving aid.

The *Grove City* ruling reversed a previous interpretation that held that Federal anti-discrimination laws applied to the entire institution if any part of the institution received Federal aid. The *Grove City* decision does not correct discrimination but has caused a dramatic reduction in the enforcement of four major civil rights laws. The Civil Rights Restoration Act will restore the law to its broad interpretation before the *Grove City* decision.

The bill would not require individuals, institutions, programs, or activities that receive Federal assistance to provide or pay for abortions. The measure makes clear, however, that the law would not permit an educational institution to discriminate against a person who has had a legal abortion.

The bill also codifies court rulings that provisions of the Rehabilitation Act that prohibit employment discrimination against disabled persons applies to those with a contagious disease or infection (such as AIDS), unless the disease constitutes a direct threat to the health or safety of others or the disease prevents them from performing their jobs.

We all know that the Civil Rights Restoration Act is one of the most important civil rights measures to come before the 100th Congress. This bill has 153 cosponsors in the House and is supported by a broad coalition of more than 185 national organizations.

Since the 1984 *Grove City* decision, the application of civil rights laws has been unpredictable, unfair, and unacceptable. Today, we have a unique opportunity to right a wrong that is long overdue, by ending the discriminatory impact of the *Grove City* decision. I support the Civil Rights Restoration Act and ask that all of my colleagues express their support to end discrimination in institutions or agencies that receive Federal assistance. In closing, I urge you to vote for this bill without further amendments.

Mr. **HAWKINS**. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ].

Mr. **MARTINEZ**. Mr. Chairman, I rise in full support of the bill.

As chairman of the Employment Opportunities Subcommittee, with oversight responsibility for several of the statutes covered here today, I think the whole debate comes down to one simple issue: Should the Federal Government sanction discrimination in institutions receiving Federal support? My unequivocal response to you is "No."

As I stand here today, I can't help but feel that we are fighting the civil rights battle once again. If we vote this bill down, even with amendments added by the other body, we disavow all the principles embodied in the civil rights laws and negate the gains that were made over the past 35 years. We take a giant step back.

We ignore the obvious if we say that the institution as a whole does not benefit if Federal dollars are only used by one department; another four are not required to abide by anti-discrimination laws. One part of an institution does not exist with it being a part of the whole, consequently the whole institution should be subject to requirements of the law. I say as public officials we cannot allow any Government moneys being used by any institution to support discrimination.

Gentlemen and gentleladies of the House, I urge your consciences to stand firm in eliminating discrimination in every institution receiving Federal dollars moving toward a truly discrimination free society. There is no room anywhere in our free country to accept any principle short of applying the rule that our citizens should be judged and employed and given rights on the basis of their ability, and not their position by birth or circumstance. There should be no room for debate on any of this. Let us stand for the decent principles fought for over the past 35 years, indeed over the past 200-plus years of our existence as a country. Let us not turn back to the time when discrimination was allowed and even condoned in our land.

Mr. HAWKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1984 the Supreme Court decided in Grove City College versus Bell that the duty, of a recipient of Federal financial assistance, not to discriminate on the basis of sex, was program-specific and not institution or systemwide. By narrowly defining the term "program or activity" the Court severely restricted the scope of coverage of title IX of the education amendments of 1972, in clear contradiction of congressional intent and prior and consistent enforcement practices. With such narrowing has come the resurgence of gender based barriers in our educational systems denying equal opportunity to young women in athletics and in their choices of educational disciplines.

On the same day as the Court decided the Grove City case, it applied the same misconstrued interpretation to the phrase "program or activity" under section 504 of the Rehabilitation Act of 1973 in Consolidated Rail Corp. versus Darrone, thereby denying equal rights and opportunities to this Nation's disabled population.

In the face of such a clear cut misinterpretation of congressional intent, the reaction was swift and within 2 months of the decision, H.R. 5490 was introduced in this body. H.R. 5490, the Civil Rights Act of 1984 was designed to restore the broad coverage of these laws and to reaffirm and rededicate our efforts to eliminate all forms of discrimination and to say without equivocation, that the Federal Government would not condone nor subsidize any form of discrimination; that with the acceptance of Federal dollars came a duty not to discriminate.

Accompanying the transmittal of the Civil Rights Act in 1963, President John F. Kennedy stated:

> Simple justice requires that public funds, to which all tax-payers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination. * * *

Again in 1984, a full 20 years after the enactment of the Civil Rights Act of 1964, "simple justice" became the rallying cry of the campaign to enact H.R. 5490, a bill to restore the vitality of four major civil rights laws lost as a result of the Grove City decision.

Mr. Chairman, I stand here today, 4 years after the decision in Grove City and the introduction of H.R. 5490, as evidence that "simple justice" is neither simple nor swift. I desperately want to believe that this Nation has grown since the early civil rights days; that since it has seen the heinous nature of discrimination that it would act swiftly to repel it. But yet I see a new resurgence of discrimination in all forms—age, race, sex, and handicapped, and in all areas—education, housing, and health, and I see an unfortunate public tolerance for such acts and a Congress unable or unwilling to respond. For 4 years I have listened to excuse after excuse as to why this legislation just wasn't perfect enough to be passed. Now, Mr. Chairman, we have the clear opportunity to do "simple justice," to insure equal opportunities for all people. No more diversions or excuses; this is the time to restore our civil rights laws to their intended broad scope of coverage and effectiveness. I, therefore, urge my colleagues to support the passage of S. 557, as it is before us today.

Mr. Chairman, S. 557, the Civil Rights Restoration Act of 1987, as passed by the other body, like H.R. 1214 and its predecessor, H.R. 700 of the 99th Congress, defines the terms "program or activity" and "program" broadly to reflect the principle of institutionwide coverage as applied to public and private entities which are recipients of Federal financial assistance. The act's definition is applied to title VI of the Civil Rights Act of 1964, prohibiting race discrimination; to the Age Discrimination Act of 1975, prohibiting discrimination on basis of age, to title IX of the education amendments of 1972, prohibiting discrimination on the basis of sex in education programs or activities; and section 504 of the Rehabilitation Act of 1973, prohibiting discrimination against handicapped individuals. It adds no new language to the coverage or fund termination sections of these four statutes and the definitions make clear that discrimination is prohibited throughout entire agencies, institutions or systems if any part receives Federal financial assistance.

S. 557 will leave in effect the enforcement structure common to each of these statutes. The section in each statute states that the termination of assistance "shall be limited * * * to the particular program, or part thereof, in which such noncompliance has been so found." The bill defines "program" in the same manner as "program or activity," and leaves intact the "or part thereof" pinpointing language. Thus, consistent with the Supreme Court's holding in Board of Public Institution of Taylor County versus Finch, Federal funds earmarked for a specific purpose would not be terminated unless discrimination was found in the use of those funds or the use of the funds was infected with discrimination elsewhere in the operation of the recipient. In the case of Grove City College, for example, if there is discrimination in the math department, a fund termination remedy would be available because the funds from BEOG's flow throughout the institution and support all of its programs. (S. Rep. p. 20.) On the question of what entities are covered the Senate report to accompany S. 557, which we endorse by passing this act, clearly states:

> For education institutions, the bill provides that where federal aid is extended anywhere within a college, university, or public system of higher education, the entire institution or system is covered. If federal aid is extended anywhere in an elementary or secondary school system, the entire system is covered.
>
> For State and local governments, only the department or agency which receives the aid is covered. Where an entity of state or local government receives federal aid and distributes it to another department or agency, both entities are covered.
>
> For private corporations, if the federal aid is extended to the corporation as a whole, or if the corporation provides a public service, such as social services, education, or housing, the entire corporation is covered. If the federal aid is extended to only one plant or geographically separate facility, only the plant is covered.
>
> For other entities established by two or more of the above-described entities, the entire entity is covered if it receives any federal aid.

This last provision as passed by the Senate reflects a clarifying amendment adopted in the Committee which states that part (4) of the "program or activity" definition, the catch-all provision, applies to entities which (1) are not described in parts (1), (2), or (3) of the definition of "program or activity" in the bill; and (2) are established by two or more entities which are described in parts (1), (2), and (3) of the "program or activity" definition. (S. Report 100-64, 100th Cong., 1st sess. June 5, 1987, at 19).

In addition, Mr. Chairman, churches and religious organizations have expressed concern that, if the Restoration Act passes, all of their operations will be subject to coverage if one of their facilities or parishes receives any federal financial assistance. This would not be the case. As indicated in Senate Report No. 100-64, a limited purpose grant, for example, for refugee assistance, to a religious organization to enable it to assist refugees would not be assistance to the religious organization 'as a whole' if that is only one among a number of activities of the organization. Federal financial assistance to a corporation for particular purposes does not become assistance to the corporation as a whole simply because the assistance may free

up funds for use elsewhere. Similarly, because they are principally religious organizations, institutions such as churches, dioceses and synagogues would not be considered to be 'principally engaged in the business of providing education, health care, housing, social services or parks or recreation,' even though they may conduct a number of programs in these areas. Nor would a Catholic diocese be covered in its entirety under the catch-all provision where, for example, three geographically separate parishes receive Federal financial assistance and the diocese is a corporation or private organization of which the parishes are a part. Only the three parishes which receive Federal assistance would be covered by the antidiscrimination statutes.

"The bill contains a rule of construction which leaves intact the current exemption from coverge by the civil rights laws for 'ultimate beneficiaries' of Federal financial assistance." (S. Rept, at p. 4.) Examples of "ultimate beneficiaries include farmers who receive price supports or loans, persons receiving Social Security benefits, or Medicare and Medicaid benefits, and individual recipients of food stamps.

"The bill also incorporates regulatory 'small providers' exception into the coverage provisions of section 504 * * *." (Id. at p. 4), as did H.R. 700 of the last Congress. "This new subsection specifies that small providers such as pharmacies or grocery stores, are not required to make significant structural alterations to their existing facilities to ensure accessibility to handicapped persons if alternative means of providing the services are available." (Id. at 23.) This provision is limited to those providers with 15 or fewer employees.

Mr. Chairman, not all parts of the Senate passed bill now before us are to my personal liking, and I know many of my colleagues share my view specifically with regard to the Danforth Abortion Amendment, but I want to make it clear that I intend to support passage of the bill in its entirety. The Danforth amendment reads as follows:

> Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

This amendment invalidates the title IX regulation only in so far as the regulation may be construed to require the performance of or payment for abortion. In addition, the second sentence makes clear that no person or individual may be discriminated against based on any abortion, or benefit or service related thereto.

The act as passed by the Senate, and now presented here, includes a floor adopted compromise amendment regarding coverage of individuals with contagious diseases and infections under section 504 of the Rehabilitation Act of 1973. This amendment is patterned after a similar amendment that was added in 1978 regarding coverage of alcohol and drug users. The amendment, No. 1396, ensures that people with contagious diseases and infections remain covered under the statute as handicapped individuals and codifies the existing "otherwise qualified" standard of section 504 as it applies to such individuals. This amendment is consistent with the holding and standards announced by the Supreme Court in the recent case of School Board of Nassau County versus Arline.

As the amendment indicates, its purpose is "to provide a clarification for otherwise qualified individuals with handicaps in the employment context" under the Rehabilitation Act of 1973. It is important to note that the purpose of the amendment is to clarify, and not to modify or alter, the substantive protections afforded individuals with contagious diseases and infections under the Rehabilitation Act.

One of the cosponsors of the amendment and chair of the Senate Subcommittee on the Handicapped, in a letter addressed to me and Congressman DON EDWARDS, as a response to our request for a description of the terms of the amendment and its impact, has explained that the amendment was designed to clarify clearly in the statute the current requirement of section 504 so as to allay any unnecessary fears on the part of employers. As I believe this to be an important compromise, I ask unanimous consent that both letters be included in the text of my remarks at this point.

Concerns have been raised that this legislation would require sex integrated college dorms. That is, of course, completely incorrect. Regulations which continue to be applicable after the enactment of S. 557, while requiring that "a recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements or offer different services or benefits related to housing * * *," nevertheless clearly provide that "a recipient may provide separate housing on the basis of sex." "Similarly" a recipient may provide separate toilet, locker room, and shower facilities on the basis of sex * * *," so long as the facilities provided are comparable.

In conclusion, and in anticipation of the debate to follow it is important to note what this act does not do. First, it does not alter in anyway who is a "recipient" of Federal financial assistance. Likewise, this act does not change what is defined as "Federal financial assistance." The Senate report on page 29 is clear on this point and I quote:

> Whatever was determined to constitute "federal financial assistance" as that term applies to title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and title VI of the Civil Rights Act of 1964, before the enactment of S. 557 will continue to constitute "Federal financial assistance" after its enactment.

I would like to make one last point clear. A number of groups have expressed concern about certain issues where no concern is in fact warranted. For example, it is clear that this bill, and the underlying antidiscrimination statutes the bill amends, are self-contained laws designed to promote a broad scope of civil rights coverage. Their definitions, terms and provisions have no necessary bearing in any other context. Thus, a recipient of Federal financial assistance for purposes of the civil rights laws will not necessarily be deemed a recipient of Federal financial assistance for other purposes.

Mr. Chairman, we have spent 4 long years in our effort to insure "simple justice" by restoring these four statutes to their original broad scope of coverage. Granted not all parts are to my personal liking but it is enough. Enough to assure full and equal participation for all people in programs funded by this Government. Passage of the Civil Rights Restoration Act of 1987 will reaffirm this Nation's true and continuing dedication to the principle of civil rights for all people—there can be no more excuses—no more diversions—no more lost school years—the time is now and I urge each and every one of my colleagues to this rededication to equality.

□ 1715

Mr. GREEN. Mr. Chairman, will the gentleman from California yield?

Mr. HAWKINS. I yield to the gentleman from New York [Mr. GREEN].

Mr. GREEN. I thank the gentleman for yielding for the purpose of a colloquy with regard to the Danforth amendment. A question has arisen whether the first sentence of the Danforth amendment applies to treatment that may arise because of medical complications stemming from an abortion.

Mr. HAWKINS. The first sentence of the Danforth amendment would not apply to medical treatment needed for complications arising from an abortion.

Mr. GREEN. When the second sentence of the Danforth amendment speaks of "a penalty," does that include the denial of things that may be considered privileges, such as participation in athletics or extracurricular activities?

Mr. HAWKINS. Yes, Senator Danforth and other Senate supporters of his amendment made this clear. This would include the denial of student scholarships; the denial of student access to housing; refusal to hire or promote employees; denial of participation in extracurricular activities, such as athletics, and the like.

Mr. TAUKE. Mr. Chairman, will the gentleman from California yield?

Mr. HAWKINS. I yield to the gentleman from Iowa, a member of the Committee on Education and Labor.

Mr. TAUKE. I thank that gentleman for yielding.

Mr. Chairman, I confirm that that also is my understanding.

Mr. GREEN. If the gentleman would further yield I simply want to thank the chairman and the distinguished gentleman from Iowa [Mr. Tauke] who has been very much involved in the issues relating to the Danforth amendment for those clarifications.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from California [Mr. Berman].

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Chairman, may I say that this also confirms my understanding.

I would like the gentleman from California [Mr. Edwards], the chairman of the subcommittee, to consider this as well.

Mr. Chairman, it is only because of the interpretation that has been given and that you have said is the legislative intent behind this bill that I do support adoption of the bill and I would like to make reference to the Senator from Missouri who said in the debate on the Senate bill, and I quote, "This amendment says that a college is prohibited from discrimination——"

The CHAIRMAN. The Chair would advise the gentleman that under the rules he may not quote a Senator in the House.

The gentleman may continue.

Mr. BERMAN. It was the sum and substance of the comments of the Senator from Missouri that a college is clearly prohibited from discrimination against people who have had abortions or who are seeking abortions. I think if one searches the legislative record of the Senate debate, they will find that intent set forth very clearly.

I ask the gentleman from California his understanding of this matter.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman from California yield?

Mr. HAWKINS. I yield to the gentleman from California [Mr. Edwards].

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, the answer is yes, that is my understanding too.

Mr. BERMAN. I thank the gentleman from California for yielding and yield back.

Mr. HAWKINS. Mr. Chairman, I yield to the gentleman from Iowa [Mr. Tauke] for a colloquy.

Mr. TAUKE. I thank the gentleman for yielding.

Mr. Chairman, I wish to engage the chairman of the Education and Labor Committee in a short colloquy. Mr. Chairman, I wish to address concerns raised by this legislation regarding the proper interpretation and application of the current title IX religious tenet exemption. I believe that congressional deliberations on this issue may provide helpful guidance to the Department of Education on how exemption requests should be handled in the future.

By way of background, title IX provides a limited exemption for educational institutions "controlled by a religious organization" if application of any provision of the title is inconsistent with the religious tenets of such organization. The religious tenet exemption does not provide institutions with a blanket exemption from the requirements of title IX or other civil rights statutes. Rather, it provides a limited exemption from specific title IX requirements that conflict with religious tenets.

The Department of Education should continue to avoid the role of determining the nature and meaning of religious beliefs and should give deference to the claims of qualifying institutions regarding those beliefs. Good faith claims by eligible institutions as to their religious tenets are entitled to a presumption of validity. Furthermore, doubts about the existence or meaning of religious tenets should be resolved in favor of religious liberty.

In connection with our earlier deliberations on this legislation in 1985, we expressed serious concern about how the Department of Education handled title IX exemption requests. The Department had clearly been dilatory in administering its responsibilities under this section of title IX. In fact, between 1975 and 1985 some 200 exemption requests were filed without action and remained pending when Grove City legislation was first considered by Congress.

In the context of the Grove City legislative debate, the Department finally began to act on these many pending requests. While the Department has now acted on these requests, the prior situation was clearly unacceptable. Such administrative inaction caused institutions to be left uncertain as to their status; the Department should not allow this situation to be repeated. Institutions must be assured that their claims for an exemption will be given proper attention.

In enacting the religious tenet exemption in 1972, Congress sought to provide to religious educational institutions a limited exemption from title IX requirements inimical to their religious beliefs.

The concerns that underlie the religious tenets exception were articulated by the senior Senator from Oregon during the Senate debate. He said "our country was founded on principles of diversity and pluralism, particularly with regard to the free exercise of religious beliefs * * *. We must continue to protect our full rights, under the Constitution and the first amendment, particularly in the field of religious education."

As the importance of equal opportunity in education is recognized in this legislation, so must the strongly held religious beliefs of these institutions be respected.

Mr. HAWKINS. That is my understanding.

Mr. Chairman, I would say to the gentleman from Iowa [Mr. Tauke], that that is clearly my understanding.

Mr. TAUKE. I thank the chairman.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Vermont [Mr. Jeffords].

Mr. JEFFORDS. I thank the gentleman from yielding.

Mr. Chairman, I just want to also say that I agree with the statement of the gentleman from Iowa, and that is my understanding of the legislation.

Mr. HAWKINS. I thank the gentleman.

Mr. DORGAN of North Dakota. Mr. Chairman, would the chairman of the Committee on Education and Labor yield for a question?

Mr. HAWKINS. I yield to the gentleman from North Dakota [Mr. Dorgan].

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, I would ask the chairman what is the status of the farmer under the Civil Rights Restoration Act?

Mr. HAWKINS. Mr. Chairman, farmers retain their exempt status under this legislation. Since the passage of title VI of the 1964 civil rights farmers have been excluded from coverage because they are "ultimate beneficiaries" of Federal aid and thereby qualify for an exemption under the "recipients" category of Federal aid. This construction has been consistent in Federal regulation for nearly 25 years. Farmers who receive price and income supports and loans are exempt from the requirements of this legislation as they have always been.

I refer the gentleman to section 7 of the bill. That section explicitly states that ultimate beneficiaries like farmers continue to be excluded from this act. This grandfather clause ensures

the continued exemption for farmers and explicitly states the exemption in statutory language. The exemption will continue upon enactment of this legislation.

Mr. DORGAN of North Dakota. I thank the chairman for his answer and rise in strong support of the bill as reported.

The CHAIRMAN. The Chair informs the gentleman from California that he has 45 seconds remaining.

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. Miller].

Mr. MILLER of Washington. Mr. Chairman, I rise in support of the Civil Rights Restoration Act. The battle in this Nation for civil rights laws has been fought and won. After decades of struggle, today, the law of the land is "thou shalt not discriminate."—period. In Grove City vs. Bell, the Supreme Court found a chink in our armor of antidiscrimination laws. Institutions can discriminate in one branch and not be penalized in another branch. In other words you can discriminate on one hand as long as you don't discriminate with the other. It is up to us now, to repair that chink, to close that loophole, to make sure that the antidiscrimination laws work. That is what this bill is all about. Making the laws work.

Making the laws work means knowing when to go back to the drawingboard to do some fine tuning. The Senate has added to this Civil Rights Restoration Act an amendment to protect from discrimination, people who have contagious diseases and infections. This is a good amendment, carefully crafted to protect the public from contagion—and to protect the individual from intolerance and ignorance.

We live in a dynamic, ever changing world. A world driven by technology, with uncharted waters in social and scientific arenas. Our laws must respond to these dynamics. But the sense of fair play, the preservation of individual liberty and the democratic principles upon which these laws are based cannot change. I urge my colleagues to make the laws work—and pass the Civil Rights Restoration Act today.

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. Smith].

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of S. 557 notwithstanding reservations regarding certain aspects of the Senate-passed bill. I am able to support this legislation however, because it advances civil rights and because it contains the Danforth amendment, which makes a major and positive change in Federal law with respect to abortion. Much has been said on this floor concerning the progress we hope to achieve in mitigating discrimination by passing this bill so I will focus the gist of my remarks on the language relating to abortion.

The Danforth amendment states:

Neutrality With Respect to Abortion

Sec. 909. Nothing in this title [Title 9] shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

Mr. Chairman, attorneys for proabortion organizations have for some years been engaged in attempting to forge a legal link between the growing body of State and Federal laws which prohibit discrimination "on the basis of sex," and so-called abortion rights.

In adopting the Danforth amendment, Congress is for the first time speaking to—and very explicitly repudiating—the legal doctrine that sanctions against abortion, or the failure to provide "abortion services," constitute a form of discrimination "on the basis of sex."

Understood in this light, Members will understand why the executive director of the National Abortion Rights Action League, Kate Michelman, called the Senate's adoption of the Danforth amendment "a grave loss for us. It was a big defeat" (Associated Press, Jan. 28, 1988).

It is also understandable that Marcia Greenberger of the National Women's Law Center, called the Danforth amendment "a bold-faced repeal of all of the protections that women have relied upon" concerning abortion rights (United Press International, June 28).

We who support the Danforth amendment have referred to it as an "abortion neutral" amendment, and that is in one respect a very accurate label, because the amendment renders title IX neutral with respect to abortion.

But the Danforth amendment is not at all neutral on the legal linkage between abortion rights and a prohibition on sex discrimination—it completely severs any such linkage. Even Molly Yard, the president of the National Organization for Women, states in the January 1988 issue of National N.O.W. Times that the Danforth amendment is not neutral, because "it in fact puts abortion language into civil rights law for the first time and, by making a substantive change in law, limits a woman's constitutional right to abortion."

It is important to understand the attorneys for these proabortion groups have long recognized that the so-called right to abortion which the Supreme Court manufactured in Roe versus Wade rests on no real footing in the Constitution. They have recognized the possibility, or even the likelihood, that there will come a day when a majority of Supreme Court Justices can no longer bring themselves to uphold such a constitutionally indefensible ruling as Roe versus Wade.

Thus, these proabortion attorneys have searched for some alternative legal theory which would provide a separate and distinct basis for legal abortion, some legal foundation which would survive a future Supreme Court decision that the "right to privacy" does not include a "right to abortion."

Many of these proabortion attorneys regard a "right to abortion" based on sex-discrimination analysis as the most promising alternative to the shaky "right to privacy."

Their basic legal argument goes something like this: since only women procure abortions, any law which treats abortion differently from other medical procedures is a form of discrimination on the basis of sex.

Any Member who thinks that this is a far-fetched legal argument should study an article by Judge Ruth Bader Ginsburg of the U.S. Court of Appeals for the District of Columbia, titled "Some Thoughts on Autonomy and Equality in Relation to Roe versus Wade," which appeared in the January 1985 North Carolina Law Review. As I read the article, Judge Ginsburg regrets that the Supreme Court did not ground Roe versus Wade in sex-discrimination analysis instead of "privacy." She seems to feel that the sex-discrimination approach would have been more secure. She also appears to argue that if the Supreme Court had originally employed the sex-discrimination approach, the Supreme Court might have struck down the Hyde amendment when that issue came before the Court in 1980.

Judge Ginsburg is by no means alone in these views. Indeed, certain proabortion groups have aggressively employed anti-sex-discrimination laws as proabortion legal weapons.

For example, in at least four States, the American Civil Liberties Union has urged courts to rule that State equal rights amendments require State funding of elective abortions. In 1986, the ACLU persuaded the Connecticut courts that the Connecticut ERA requires that State to pay for elective abortions. In other words, the Connecticut courts ruled that the State was engaged in discrimination "on the basis of sex," in violation of the ERA, by refusing to fund elective abortions.

To date, only one important Federal anti-sex-discrimination law—title IX of the Education Amendments of 1972—has been construed to protect abortion rights. In passing S. 557 and the Danforth amendment today, the House of Representatives follows the Senate in explicitly repudiating that construction of title IX.

Of course, Congress did not originally intend title IX to have anything to do with abortion rights. When Congress enacted title IX of the Education Amendments of 1972, it was still a felony to perform an abortion in most States.

Nevertheless, the administrative agency responsible for enforcing title IX issued, in 1975, regulations which required federally funded programs of higher education to provide abortion on the same basis as other medical benefits in student and faculty health plans.

Sponsors of S. 557 concede that the bill will extend title IX coverage to any hospital which has even one medical student or nursing student. If the Danforth amendment had not been added to this bill, with this title IX coverage would have come the requirement that these thousands of hospitals provide abortion on the same basis as other medical procedures.

Now, when this effect was initially pointed out by pro-life organizations, certain supporters of the Civil Rights Restoration Act responded that the title IX regulations make no reference to hospitals. But that is because the regulations were written back when IX was considered to cover basically institutions of higher education—colleges, for the most part.

But this bill extends coverage to all of the operations of any hospital which has any teaching program—even a single medical student or nursing student. And, but for the Danforth amendment, these thousands of hospitals would for the first time have been exposed to lawsuits if they failed to provide abortions on the same basis as other medical procedures.

Let me be very clear on this: the root of the problems is not the title IX regulations, but the underlying legal doctrine that one is engaged in discrimination "on the basis of sex" if one treats abortion differently from other medical procedures. That legal doctrine had to be read into title IX, before the proabortion regulations could be written.

So, Mr. Chairman, all Members should clearly note that the Danforth amendment does not refer directly to the regulations. Rather, the Danforth amendment goes straight to the root of the problem—title IX itself—and amends title IX to explicitly renounce the notion that title IX provides any basis for abortion rights. That nullifies the regulations, of course, but it also has broader legal implications.

The Danforth amendment states that title IX does not "require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion." That is very sweeping language. It amounts to a wholesale rejection of any equation between discrimination on the basis of sex and abortion rights.

This emphatic rejection of the sex discrimination-abortion rights linkage is not diluted by the second sentence of the Danforth amendment, which simply states that "Nothing in this section"—that is, the Danforth amendment itself—"shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

The second sentence does no more than state that the amendment, in and of itself, does not create a new legal authorization for, say, colleges to impose penalties on women who procure lawful abortions on their own.

But the second sentence of the Danforth amendment does not say that title IX provides any rights relating to abortion in the first place. If, as I believe, Congress never intended title IX to confer any abortion rights whatever, then nothing in the second sentence of the Danforth amendment creates new legal remedies for employees or students who think they have grievances relating to abortion.

To summarize, then, the Danforth amendment explicitly repudiates the notion that institutions which receive Federal funds are thereby obligated to provide any abortion-related benefits whatsoever. And with respect to "penalties," the Danforth amendment simply preserves the status quo prior to the passage of this bill—whatever that is.

Mr. Chairman, I believe that adption of the Danforth amendment is the first time that Congress has explicitly addressed itself to the legal doctrine that sanctions against abortion constitute sex discrimination. I think that it is highly significant that the Senate repudiated the equation between sex discrimination law and abortion by a decisive margin of 56 to 39. It is more significant still that proabortion organizations have publicly conceded that the House would ratify the Danforth language by an even more lopsided margin—which is why we are considering this bill under a rule which allows the Danforth amendment to stand without challenge.

I hope that the action of Congress on this bill will provide guidance to the courts, not only on title IX, but on how they should construe other statutes which employ similar language—"on the basis of sex," "on account of sex," and the like.

I also hope that we will remember our experience with title IX when we consider other sex discrimination bills in the future, such as the proposed Federal equal rights amendment. The only way to ensure that such measures will not be misinterpreted—as title IX was misinterpreted—is to adopt specific language to exclude abortion rights, as we are doing on this bill today.

Mr. JEFFORDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 2 days ago we passed a landmark date. It was 4 years ago that the Supreme Court handed down its Grove City decision. The past two Congresses both tried to pass a bill that would overturn the decision. Fortunately, it looks like on this, our third try, our efforts might be successful.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any education "program or activity" receiving Federal financial assistance. In Grove City the Court concluded that the phrase "program or activity" should be given a narrow meaning. The Court held that the term did not refer to the institution as a whole. Rather, it referred only to those parts of a college or university which directly benefited from the receipt of Federal funds. This program-specific decision has left colleges and universities free to discriminate against women, as long as the discrimination takes place in areas that do not receive Federal money.

Title IX's "program or activity" language was modeled after similar language in title VI of the Civil Rights Act of 1964, forbidding discrimination on the basis of race. Similar "program or activity" language appears in the Age Discrimination Act of 1975 and the Rehabilitation Act of 1973, prohibiting discrimination on the basis of handicap. Because the Court's program-specific rationale would appear to apply to these statutes as well as title IX, the bill under consideration today will define the term "program or activity" in all four statutes.

The Grove City decision has meant in some instances that the Federal Government can provide no protection at all against discrimination by institutions receiving Federal funds. The results have been disheartening. In Alabama, for example, a massive discrimination suit against the State's system of higher education was dismissed because a court of appeals concluded that the plaintiffs would have to show that Federal money flowed to virtually every program and department at the State colleges. In California black students at a proprietary school of cosmetology alleged that in the practical training course white customers were referred to white students and black customers were referred to black students. They also alleged that black students were given extra cleanup responsibilities. Even though the school accepted Federal money in the form of Pell grants and guaranteed student loans, the Department of Education was precluded from even considering the complaint, as no Federal funds could be traced to the practical training course. Another school system receiving Federal money was able to avoid providing interpreters for the deaf in its adult education program because no Federal funds could be traced to that activity. Had these classes been held in a building funded with Federal assistance, however, the school system would not have been relieved of its duty to accommodate qualified handicapped students.

S. 557 provides for institution-wide coverage under the four civil rights laws for institutions receiving Federal funds. The protections of Federal civil rights laws will not be based on bookkeeping or accounting. Tracing Federal money into individual accounts to determine whether a particular part of a college is covered will no longer be necessary. The simple message of this bill is:

> If you receive Federal money, you cannot discriminate. And if you are going to discriminate, don't expect Federal money.

I am an original cosponsor of the version of S. 557 that was introduced in the House. I was also an original cosponsor in the 98th and 99th Congresses of bills that would have overturned the Grove City decision. The version of S. 557 we consider today is, in most instances, identical to a substitute bill I introduced at the Education and Labor Committee markup during the 99th Congress. Basically, the bill is simple: it adds a new section to each of the four affected civil rights laws defining the term "program or activity." It is this term that establishes the scope of coverage under each of the statutes.

In the case of educational institutions, "program or activity" refers to all of the operations of a college or university if any part of the institution receives Federal money. Similarly, entire elementary or secondary systems are covered if any part receives Federal funds. State and local governments are covered only in the department or agency receiving Federal funds. If, however, one agency receives Federal funds and disburses them to another agency, both agencies are covered.

The general rule for private corporations or organizations is that only the plant or geographically separate facility receiving aid is covered. If aid is extended to the corporation as a whole, however, or if the corporation is principally engaged in providing social services, education, housing, health care, or parks and recreation, a different rule applies: the entire corporation is covered by the civil rights laws.

Two provisions in S. 557 that were added to the bill in the 99th Congress incorporate the terms of longstanding regulations and specifically address concerns raised when a Grove City bill was first introduced in 1984. The first of these clarifies that "ultimate beneficiaries" of Federal programs are not covered. Thus, for example, the rental activities of a Social Security benefits recipient who owns a rental duplex will not be covered under the civil rights laws because of participation in the Social Security Program. Similarly, farmers who participate in crop subsidy and disaster loan programs are likewise ultimate beneficiaries of those programs and will not be covered under the new program or activity language.

The second provision added to the bill provides that small providers of services to the handicapped need not make significant structural alterations to their facilities if there are alternative means of providing the services. This section also incorporates into statutory language the terms of longstanding Rehabilitation Act regulations, assuring that S. 557 does not embody any new requirements of architectural modification to accommodate the handicapped. Therefore, no new requirements are placed on "mom and pop" grocery stores participating in the Food Stamp Program or pharmacies participating in Medicare.

During Senate consideration of the bill, a third clarifying amendment was added to the bill. With regard to persons with contagious diseases or infections, the Harkin-Humphrey amendment places within the terms of the Rehabilitation Act the otherwise qualified standard now set forth in regulations and case law. In brief, the Harkin-Humphrey amendment adopts the approach and standards of the Supreme Court's Arline decision. It provides that persons with contagious diseases and infections remain protected in their jobs under the Rehabilitation Act if they do not pose a direct threat to the health or safety of others and are able to perform the essential duties of their jobs. This determination would require a case-by-case analysis based on reasonable medical judgments. In other words, there would have to be a determination that there is a significant risk of transmission of the disease or infection to others in the work place, a risk which could not be eliminated by reasonable accommodation. With respect to persons with contagious diseases and infections, this amendment adopts an approach consistent with that taken in 1978, when Congress addressed the concerns of employers regarding the Rehabilitation Act's coverage of alcohol and drug abusers.

Finally, the Senate bill contains an amendment offered by Senator DANFORTH which overturns certain title IX regulations relating to abortion. Under this amendment, title IX could not be read to require or prohibit a college or university to provide or pay for an abortion. Thus, an institution subject to title IX would not have to include the costs of an abortion procedure in insurance for its students or employees. This limitation does not mean, however, that medical complications related to an abortion could be excluded.

During consideration by the Education and Labor Committee of the Civil Rights Restoration Act offered in the 99th Congress, I voted against a similar amendment because I felt that it violated the principle of restoration—of merely returning the civil rights laws to their pre-Grove City scope of coverage. I suspect, though, that the amendment we now have will make the bill more palatable to many Members of the House. For that reason, I will support the bill, including the amendment. Crucial to my support, however, is the assurance that a college is prohibited from discriminating against those who have had or who are seeking abortions. The second sentence of the amendment will ensure that a woman is not denied scholarships, promotions, extracurricular activities, student employment or any other benefits because she has received or is seeking an abortion.

Last, I want to focus briefly on an issue of great importance to me—the interpretation and enforcement of the title IX religious tenets exemption. Because this bill will restore broad title IX coverage for colleges and universities, I believe it is important to clarify and confirm our understanding of the religious tenets exemption and the Department of Education's responsibilities in this area.

No other antidiscriminatory statute dealing with race, sex, national origin, age or disability allows for an exception to accommodate an organization's religious tenets. When title IX was originally enacted, however, the religious tenets exception was adopted for institutions "controlled" by a religious organization in recognition of the unique role played by religious organizations in the establishment of many of this country's colleges and universities. The exemption is not a blanket exemption. Rather, it is a narrow one, allowed only for those title IX regulations in conflict with a specific religious tenet. This exemption assures colleges and universities of the full exercise of religious liberty.

Federal inquiries into the doctrine and beliefs of religious organizations raise delicate and difficult first amendment issues. Thus I believe it is important that the Department exercises deference in considering these requests. Further, I believe that it is important that the Department of Education should continue, as in the past, to avoid the role of determining the meaning and judging the validity of religious beliefs. Doubts about the meaning of religious tenets should be resolved in favor of the educational institution and religious liberty.

During the first 10 years after promulgation of the title IX regulations, the Department of Education took virtually no action with respect to the vast majority of requests for exemption. This administrative inaction may well have had a chilling effect on the exercise of religion at educational institutions. I believe it is extremely important for the Department of Education to act expeditiously on requests for exemption.

Last, there has been a great deal of discussion about modifying the "control" standard. Despite its alleged deficiencies, no applicant has ever been denied a properly completed request for a title IX exemption under the current religious tenets exemption. I believe, therefore, that the recent record of implementation in this area demonstrates that the current standards can be applied in a sufficiently flexible manner to avoid significant problems.

Mr. Chairman, it is indeed fitting that we should take up consideration of this bill at this time. During the past 2 weeks we had the pleasure of watching the winter Olympics. We saw Bonnie Blair break a world record and Debi Thomas break down yet another color barrier. We saw Bonnie Warner's sixth-place finish in luge, the best finish ever by an American. All of the women representing the United States—medal winners or not—made us proud. In fact, American women brought home more medals than American men.

Initially, women's athletics was one of the primary beneficiaries of title IX. Prior to enactment of the statute in 1972, there were in this country virtually no athletic scholarships offered to women. After Donna DeVerona won her two gold medals in swimming at the 1964 Tokyo Olympics, she was offered no college scholarships. Her swimming career ended while she was still a teenager. Her colleague, gold medalist Don Schollander, went on to participate in swimming for 4 more years during colleage, while on an athletic scholarship.

Before Grove City title IX had resulted in some positive gains in women's sports. In the 10 years following passage of title IX, the number of women participating in college sports grew 100 percent, and the number of high school girls participating in sports increased 500 percent. By 1984, the number of athletic scholarships available for women had increased from zero to 10,000. Many of the women who participated in the 1984 summer Olympics in Los Angeles said they would never have had the opportunity to train and compete had it not been for title IX's infusion of money into women's colleagiate sports.

Women's athletics, however, is one of the areas where the Grove City decision has had its most devastating impact. Virtually no Federal money is traceable to women's sports. The Office of Civil Rights at the Department of Education has been unable to investigate charges of discrimination in women's athletics on college campuses. And cases alleging discrimination in women's sports that commenced prior to Grove City were abandoned. Passage of this bill, with its restoration of broad coverage, will serve as a well deserved tribute to those women who served our Nation so well in Calgary and to all those other women who have broken new ground in what were formerly fields for men only.

□ 1730

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding time, and I rise in strong support of the Civil Rights Restoration Act.

Mr. Chairman, it has been 4 years since the Supreme Court ruled in Grove City College versus Bell that Federal antidiscrimination laws apply only narrowly to particular federally supported programs, and not to recipient institutions as a whole. While the Grove City case specifically applied to title IX of the Education Amendments of 1972, the ruling has been interpreted to include section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964. As the result, women, minorities, the disabled, and the elderly have been denied the protection which Congress specifically intended them to receive.

Clearly, the Court misinterpreted the intent of Congress, and we have been working ever since to clarify the coverage of those laws.

In June 1984, the House voted overwhelmingly in favor of legislation overturning the Grove City decision. Unfortunately, the Reagan administration launched a full-scale attack against the bill, and it was never brought up in the Senate.

The real turning point occurred in 1985, when the U.S. Catholic Conference issued a memo suggesting that the new proposal could force Catholic teaching hospitals receiving Federal assistance to perform abortions. Since then, the Civil Rights Restoration Act has been tangled up, as so many bills have been in the last few years, over the abortion question.

When the Senate considered the Restoration Act last month, antiabortion Senators were prepared to defeat the bill if restrictive language was not included. And when the bill was finally adopted by that body, that victory was tempered by the approved abortion language.

The Danforth amendment specifies that institutions receiving Federal aid are not required to provide or pay for abortions. This language effectively supersedes existing regulations dating from 1972 that require educational institutions receiving Federal aid to "treat pregnancy, childbirth, and termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability" where leave, health services, or insurance are concerned.

I am very disappointed that this Congress, in its effort to clarify and extend antidiscrimination laws, must allow restricted access to legally protected medical care. In permitting hospitals receiving Federal funds to deny provision of abortion services, the Congress is actually sanctioning another form of discrimination. This is a very regretful act; but one, it seems, that is unavoidable at this time.

While I feel very strongly that a woman's right to abortion includes the right of access to abortion services, it is imperative that passage of the Civil Rights Restoration Act not be delayed any longer.

In these last few years during which Congress has been divided over the scope of coverage under the law, the rights of women, minorities, and disabled and elderly Americans have been put on hold.

In the Grove City case, the Supreme Court unanimously held that financial aid dollars reaching a college through its students constituted Federal financial assistance to the school. The scope of duty not to discriminate, however, was defined narrowly by the court. The court determined that student financial aid money only reached the school's financial aid office; therefore, only that office had to comply with Federal anti-discrimination law.

As the result, hundreds of discrimination cases have been dropped because the offending office or activity was deemed not in direct receipt of Federal funds. The Office for Civil Rights in the Department of Education, one of the primary agencies responsible for enforcement of these basic civil rights laws, has closed title IX, title VI, section 504, and age discrimination cases for lack of jurisdiction. In all, the Office of Civil Rights has closed or scaled back the investigation of 674 sex discrimination cases since the Grove City ruling.

Court mandated desegregation efforts have also come to a halt. The Subcommittee on Human Resources and Intergovernmental Relations, which I chair, recently held hearings on illegal racial discrimination at a number of southern universities and colleges. As a result of that investigation, the Government Operations Committee issued a report entitled "Failure and Fraud in Civil Rights Enforcement by the Department of Education." The committee concluded that 10 southern and border States are in violation of title VI of the Civil Rights Act because they have not completely eliminated the remnants of previously illegal systems of higher education that separated students by race.

Unfortunately, under Grove City, the victims of racial discrimination have little form of redress. Late last year, a title VI discrimination suit brought by the Justice Department against the University of Alabama was blocked by a Federal court of appeals which applied Grove City versus Bell to it. As the result of this and similar rulings, the effort to desegregate our Nation's schools, which began in 1954, has come to a screeching halt.

Enforcement efforts have also been gutted at other Federal agencies. The Office of Civil Rights at the Department of Health and Human Services and the Department of Housing and Urban Development's Office for Fair Housing and Equal Opportunity report that they too have severely cut back investigation of complaints.

By returning the four financial assistance civil rights statutes to their pre-Grove City status, the Congress will be renewing its commitment to fairness and equality. At the same time, we will be making certain that the next administration does not have an excuse to ignore its responsibility to enforce vital antidiscrimination laws.

I was very pleased that, with the exception of the Danforth amendment, all of the weakening amendments proposed in the Senate were defeated by large margins. I am hopeful that the House will follow with passage of an equally strong bill and that it will be received favorably by the President.

At this time, I would like to address specifically an amendment added by the Senate regarding coverage of individuals with contagious diseases and infections under section 504 of the Rehabilitation Act of 1973. It is important to note that this amendment was added to clarify—and not modify—the current section 504 requirements applicable to such individuals.

The need for a clarification arises from a misplaced response by some employers to the recent Supreme Court decision in School Board of Nassau County versus Arline. Although often misunderstood, the Supreme Court's recent decision interpreting and applying section 504 does not require that entities covered under the section take unwarranted risks in hiring and retaining individuals with contagious diseases who pose a direct threat to the health and safety of others or who cannot perform the essential functions of a job. The Supreme Court made that point very clearly in the Arline decision. See *School Board of Nassau County* v. *Arline*, 107 S.Ct. 1123, n. 16 (1987). ("A person who poses a significant risk of communicating an infectious disease to others in the workplace will not be otherwise qualified if reasonable accommodation will not eliminate that risk.")

Nevertheless, some employers have reacted to the Supreme Court decision by expressing the unfounded concern that they could be required to hire or retain an individual who has a contagious disease or infection and for whom no reasonable accommodation could eliminate the significant risk of such an individual transmitting the disease to others. In response, the Senate amendment clearly sets forth the basic standard of section 504 that effectively precludes imposing such a requirement on employers.

The language of the amendment is purposely patterned after a similar amendment adopted by Congress in 1978. At that time, many employers had similar unjustified concerns that they could be forced to hire or retain individuals who were alcohol or drug users and who could not perform the essential functions of a job or who posed a threat to others. The 1978 amendment provided that the term "handicapped individual" did not include "any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others."

During the legislative debate on the 1978 amendment, many Members of Congress pointed out that the "otherwise qualified" standard of section 504 already ensured that no such requirement could be placed on employers. Nevertheless, Congress enacted the amendment to reassure employers regarding the existing section 504 protections, thereby avoiding a categorical exclusion of alcohol and drug users from the protections of the statute.

The Senate amendment included in the Civil Rights Restoration Act, which is patterned after the 1978 amendment, thus specifies that, for purposes of sections 503 and 504 of the Rehabilitation Act of 1973, as such sections relate to employment, the term "individual with handicaps" does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.

The basic manner in which individuals with contagious diseases and infections can present a direct threat to the health or safety of others in the workplace is if there is a significant risk that the individual could transmit the contagious disease or infection to other individuals. In such circumstances, the individual is not "otherwise qualified" to remain in that particular position. The Supreme Court in Arline explicitly recognized this necessary limitation in the protections of section 504. The Senate amendment places that standard in statutory language—thereby hopefully allaying any misplaced concerns on the part of employers.

It is important to note the aspects that this amendment does not change. First, the amendment does nothing to change the requirements in the regulations and case law regarding providing reasonable accommodations for persons with contagious diseases or infections. Thus, if a reasonable accommodation would eliminate the existence of a direct threat or an individual's inability to perform the essential duties of a job, the individual is qualified to remain in his or her position.

Second, the two-step process of section 504 should continue to apply in cases involving individuals with contagious diseases and infections. That is, a court must first determine whether a plaintiff is protected under the statute under the traditional three-part definition of "individual with handicaps" under the statute. The court must then determine whether the individual is "otherwise qualified" to hold the particular position at issue in the case before it.

In his dissent in the Arline case, Justice Rehnquist stated that Congress should have stated explicitly that individuals with contagious diseases were intended to be covered under section 504. Congress has done so now with this amendment, stating clearly that individuals with contagious diseases or infections are protected under the statute as long as they meet the "otherwise qualified" standard. This clarity is particularly important with regard to infections because individuals who are suffering from a contagious infection—such as carriers of the AIDS virus or carriers of the hepatitis B virus—can also be discriminated against on the basis of their infection and are also individuals with handicaps under the statute. See, e.g., *Local 1812, American Federation of Government Employees* v. *U.S. Department of State*, 662 F.Supp. 50 (D.D.C. 1987) (HIV-infection); *Ray* v. *School District of DeSoto County*, 666 F.Supp. 1524 (M.D. Fla. 1987) (HIV-infection); *New York State Association for Retarded Children* v. *Carey*, 612 F. 2d 644 (CA2 1979) (hepatitis B carrier). As the Senate amendment now restates in statutory terms, such individuals are also not otherwise qualified if, without reasonable accommodation, they would pose a direct threat to the health or safety of others or could not perform the essential functions of a job.

Because of the importance of these protections, public health leaders have called for vigorous enforcement of section 504 with regard to cases involving AIDS and infection with the AIDS virus. The National Academy of Sciences, in its authoritative report, "Confronting AIDS," specifically pointed out the importance of section 504 as a means to fight medically unjustified discrimination:

> The committee believes that discrimination against persons who have AIDS or who are infected by HIV is not justified, and it encourages and supports laws prohibiting discrimination in employment and housing as formal expressions of public policy. The committee also supports a federal policy to include AIDS as a handicapping condition under the federal law prohibiting improper discrimination against the handicapped.

The Congress noted in 1978, with regard to alcohol and drug users, that the addition of an amendment was unnecessary in light of current law. Nevertheless, rather than exclude categorically a group of individuals, we added a provision to reassure employers regarding the requirements that currently existed in law to protect public health and safety. That same purpose motivates the inclusion of this amendment. I support the Civil Rights Restoration Act with this amendment because it continues to maintain the proper balance that currently exists between protecting the public health and private rights.

I urge adoption of the bill.

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, I rise in strong support of this measure.

Mr. Chairman, as chairman of the House subcommittee of jurisdiction over the Rehabilitation Act, the Subcommittee on Select Education, I wish to address one aspect of this bill, which is amendment 1396 added by the Senate.

In some respects, amendment number 1396 is not really necessary. It simply clarifies that persons with contagious diseases and infections are covered by the Rehabilitation Act unless their condition constitutes a direct threat to the health or safety of others or renders them unable to perform the functions of the job. With or without this statutory amendment, under current law, as interpreted by the Supreme Court last year in School Board of Nassau County versus Arline, the standards applied in any given case would be the same. If the plaintiff had a contagious disease which was likely to be transmitted to coworkers, and no reasonable accommodation by the employer could eliminate that risk of transmission, the law would not force the hiring of that plaintiff. If, on the other hand, the plaintiff's disease was not transmissable by normal workplace contact, so that in fact coworkers were not endangered by it, then the law would grant relief to that plaintiff. This is precisely the balance between public health and civil rights which the law should embody.

Although this statutory amendment is not necessary, it may serve some useful practical purposes. Our Nation is now grappling with the multiple consequences of AIDS. One of those consequences is an epidemic of discrimination and hysteria. In many cases, persons who have AIDS or are infected with the AIDS virus have lost their jobs and their ability to support themselves and their families because others irrationally fear the disease. The disease has disproportionately affected black and Hispanic Americans. In communities like my own, the effects of AIDS have been devastating—medically, socially, and economically. We in Congress can help eliminate this discrimination and hysteria by reaffirming that the law will not allow the firing of persons affected with AIDS who do not pose a direct threat to others and who are, in fact, able to work.

The U.S. Centers for Disease Control estimates that more than 1 million Americans today are infected with the virus believed to cause AIDS. The great majority of these Americans are asymptomatic and fully capable of working. Many have family members dependent on them. Their infection is not transmissable by ordinary interaction with those around them, whether at work or at home. In short, there is no sound medical or public health reason why they should be excluded from employment. In that regard, I am glad to see that amendment 1396 refers to individuals with contagious infections, thus clarifying that such infections can constitute a handicapping condition under the act.

In sum, amendment 1396 adds directly to the statutory language the standard for assessing the appropriateness of relief under the Rehabilitation Act when the handicapping condition involved is a contagious disease or infection. It follows the principles outlined by the Supreme Court in the Arline case and it will convey unambiguously to the courts our intent that contagious diseases and infections not be excluded per se from coverage under the act.

Mr. EDWARDS of California. Mr. Chairman, I yield 3 minutes to our foremost champion of civil rights, the chairman of the Committee on the Judiciary, the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, I thank the gentleman very much for yielding these 3 minutes to me.

Mr. Chairman, there were several key provisions in the landmark Civil Rights Act of 1964. One of the provisions, title VI, is being amended today in the bill before us. Title VI established the principle that Federal funds would no longer be used to subsidize racial discrimination.

This prohibition of Federal assistance to discriminatory programs became an effective tool in Federal civil rights enforcement. As each new group pressed its claim for Federal Antidiscrimination legislation, civil rights advocates demanded a title VI-like provision as well. By 1975, the four civil rights laws amended by S. 557 were in place—title VI, title IX of the 1972 Education Amendments (prohibiting sex discrimination in any education program receiving Federal financial assistance), Section 504 of the 1973 Rehabilitation Act (prohibiting handicap discrimination in any federally funded program) and the 1975 Age Discrimination Act (prohibiting discrimination against the elderly in any federally funded program). The carrot and stick approach set forth in these laws has helped to speed up the process of eliminating barriers to equal opportunity for minorities, women, the handicapped and the elderly.

The Congress had seen the promise of Brown versus Board of Education frustrated by States unwilling to comply with the Court's order to desegregate with all deliberate speed. It was Federal enforcement of title VI which turned massive resistance to public school integration into meaningful desegregation. Soon recalcitrant school districts determined that Federal financial assistance was more important than adherence to a bankrupt, racist philosophy.

In enacting title VI and its progeny, the Congress understood these laws to have broad coverage. Supporters of these laws believed all the operations of a recipient were required to comply with the nondiscrimination duty when any part of the recipient's operations was extended Federal financial assistance. The Supreme Court's 1984 decision in *Grove City College* v. *Bell,* 465 US 555, narrowly construed title IX of the 1972 Education Amendments. The Court determined that the college was a recipient of Federal financial assistance but because student aid was the only form of assistance extended to the school the Court reasoned that only the financial aid office was obligated to comply with the nondiscrimination duty. This program-specific analysis turned 20 years of executive branch enforcement of title VI and its progeny on its head. On that same day the Court applied the same narrow interpretation to section 504 in *Consolidated Rail Corporation* v. *Darrone,* 465 US 624. The Supreme Court's program-specific analysis, first hinted at in *North Haven* v. *Bell,* 456 US 511 (1982), has brought Government and private enforcement efforts of the four civil rights laws amended by S. 557 to a virtual standstill.

The bill before us today, S. 557, will restore the broad coverage of these four civil rights laws by defining the terms program and program or activity where they appear in each statute. For State and local governments coverage will be the entire agency or department when any part of the agency or department is extended Federal financial assistance. If assistance is extended to a unit of Government which then distributes the assistance to other departments or agencies, then all the operations of the distributing entity are covered as well as the agency or department to which the assistance is extended. For post-secondary institutions or public school systems coverage is college-wide, university-wide, or other post-secondary institution-wide, or public school system-wide. For elementary, secondary and vocational systems coverage is system-wide. Two or more schools are a system if there is significant linkage between them. An individual elementary, secondary or vocational school which is not part of a system is covered in its entirety under the corporate coverage section of the bill. A corporation, partnership, other private organization, or sole proprietorship is covered in its entirety if the assistance is extended to the corporation as a whole, or if the corporation, partnership, other private organization or sole proprietorship is principally engaged in the business of providing education, health care, housing, social services or parks or recreation; in all other instances, coverage is plant-wide or other comparable, geographically separate facility-wide. A geographically separate facility refers to facilities located in different localities or regions. Two facilities that are part of a complex or that are proximate to each other in the same city would not be considered geographically separate.

The bill makes clear that ultimate beneficiaries of Federal financial assistance are not obligated to comply with the nondiscrimination provisions in each of these laws. Ultimate beneficiaries include farmers receiving crop subsidies, as well as food stamp and social security recipients. Under the bill, there is also a small provider exception, which recognizes that small providers, such as pharmacies and Ma and Pa grocery stores have more flexibility in making their facilities accessible to handicapped persons. Under the 504 regulations, small providers—15 or fewer employees—are allowed a more flexible approach in meeting the accessibility requirements. Thus Ma and Pa grocers may satisfy the requirement by referring the handicapped person to a nearby accessible grocery store or by making home deliveries. The title IX religious tenet exemption is not changed; that is, it is available to education programs controlled by a religious organization; however, it clarifies that the exemption is as broad as the coverage now defined by this bill. The fund termination provision found in each of these statutes will remain in effect. In the case of Grove City College, for example, if there is discrimination in the math department, a fund termination remedy would be available because the funds from BEOG's flow throughout the institution and support all of its programs.

Mr. Chairman, the protection of civil rights is a fundamental test of justice and fairness in our Nation. Through the enactment and enforcement of our civil rights laws, we have made much progress toward eliminating many forms of discrimination. These laws are the cornerstone of the promise of equality under law—equality for all citizens, regardless of race, sex, national origin, age, or physical handicap. That promise is embodied in the Civil Rights Act of 1964, the Education Amendments of 1972, the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. In passing these laws, Congress sent a message—loud and clear—that the law of the land would not tolerate discrimination, and that those practicing discrimination should be held accountable for their actions, not rewarded with Federal funds.

Unfortunately, in 1984, in Grove City versus Bell, the Supreme Court narrowed the application of these civil rights laws by ruling that only the program or activity receiving Federal funds—not the entire institution—must comply with civil rights laws. This was not Congress' intent. This bill would restore the law to where it was before the Grove City decision.

The House in June 1984 passed legislation overturning the Grove City decision by a vote of 375 to 32. The Senate, however, did not act on the measure. Mr. Chairman, there has already been too much delay by the Congress. It is time to set the record straight.

Federal dollars collected for all of the people should not be used to discriminate against some of the people. It is important to make clear that Federal tax dollars will not be used to subsidize discrimination.

I urge my colleagues to support S. 557, the Civil Rights Restoration Act of 1987.

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. WAXMAN]

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in support of the Civil Rights Restoration Act. I urge my colleagues to support it.

Mr. Chairman, I rise in support of the Civil Rights Restoration Act and urge my colleagues to vote for it.

I want to call special attention to the provisions regarding discrimination against the handicapped under section 504 of the Rehabilitation Act. While this legislation does not make substantive change in the law as it has been interpreted by both the Supreme Court and lower courts, it does add some clarity to those holdings.

The provision essentially restates the holding in the recent Supreme Court case, School Board of Nassau County against Arline. In that case the Court said clearly that persons with contagious diseases are covered by the protections of the statute. Having said that, however, the Court went on to say that if they pose a significant risk of transmitting their diseases in the workplace, and if that risk cannot be eliminated by reasonable accommodation, then they cannot be considered to be "otherwise qualified" for the job. The amendment added by the Senate to this bill places that standard in law.

I do not believe that it is necessary to make this addition to the statute; the Court's holding is easily understood and reasonable on its face, and certainly supported by the entire legislative and regulatory history of 504. This legislation does not lay out new limitations on eligibility or different standards of accommodation from those already applied. It does not change the traditional two-step analysis in which it is first determined that a person is handicapped and then that he is otherwise qualified. It appears, however, that some Members want the holding codified in statute, and I will not oppose doing so.

I would note that an amendment to limit the protections for people with infectious diseases was offered and defeated in the Senate committee. If any such limitations were offered in the House, I would fight to defeat them. Inasmuch as this provision does not limit the reach of 504 for those people infected or ill, I have no objection to it.

I want to say, however, that this does not mean that I am satisfied that discrimination protections for people with HIV infections or related illnesses are adequate, especially if we are to advance the public health agenda of counseling, testing, and medical care. While section 504 and the decisions that have addressed infectious diseases—such as Arline, AFGE versus State, Thomas versus Atascadero, and Ray versus Desoto—have made it clear that people with AIDS and HIV infections are protected if they work for an employer assisted with Federal funds, there are still no general protections for people who do not work for such employers.

This is certainly unfair, but, as important, it creates bad public health policy and bad medicine. If we want people at risk of HIV infection to volunteer for counseling, testing, and medical care, we must be able to guarantee to them that they will not lose their jobs as a result. If we do not, only those people who have nothing to fear from HIV—either because they are at the most minimal risk or because they are already sick and need the little public care that is available—will come forward. The very people that public health authorities most want to counsel, test, and provide care for will be the ones driven away by unwarranted discrimination.

I wish that it were possible in the context of this bill to expand the coverage of discrimination protections for the seropositive and ill beyond those who work for federally assisted employers. Within this bill, such a change is not possible, and I understand that. I am frustrated, however, that while the epidemic continues, killing productive citizens and draining our public health care system of dollars and staff, we must continue in the Congress and the administration to debate whether to blame people who are ill for their illness.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to a distinguished member of the subcommittee, the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, today we consider the single most important civil rights legislation of the 100th Congress: the Civil Rights Restoration Act of 1988.

The bill amends four major civil rights statutes to prohibit all the operations of an institution, not just specific programs, that receive Federal funds from discriminating on the basis of race, age, gender, or disability.

We consider today a principle that I believe is fundamental to the American constitutional scheme, and to the role of Government: Government should never support or subsidize discriminatory practices in any way whatsoever, and should do everything it can to eliminate the unfair and un-American results of discrimination.

Presidents Kennedy, Johnson, Nixon, Ford, and Carter all also believed that. That is why their administrations followed broad based interpretation of the civil rights statutes that we today seek to codify. Both the House and Senate, after 4 years of hearings and debate have voted overwhelmingly in favor of broad coverage.

A recent Supreme Court Decision, Grove City versus Bell, interpreted the civil rights laws as they were written to apply only to recipient operations and not the entire institution. This legislation overturns that decision, and the opportunities for discrimination and unequal access that the decision created.

Consider the everyday importance of the law:

A black man could be denied hypertension medication in a large clinic receiving Federal funds if those funds were not earmarked for hypertension treatment.

A victim of sexual harassment in a classroom would not be protected if Federal construction funds received by the school were not used to construct the building in which the classroom is located.

A qualified disabled employee could be denied a promotion in a nursing home corporation if the specific department involved received no Federal money though the corporation was a recipient of such funds.

An older couple could be denied flu shots in a privately built city clinic which decides to reserve vaccine for the so-called working-age population, even if the city health department got Federal health funds.

Literally hundreds of discrimination suits before the courts and administrative agencies have been dropped already—even when discrimination was found—due to the Grove City decision. According to the Department of Education's Office of Civil Rights, 834 cases in the administrative enforcement process have been affected between 1984 and 1986. Consider the kinds of cases and instances of discrimination we are debating:

A black high school student ranked fifth in her class who sued her school's chapter of the National Honor Society for allegedly denying her admission into the program due to race. The Office of Civil Rights dropped the suit because the alleged discrimination did not occur in a program directly receiving Federal assistance.

A first year medical student's charge that she had been sexually harassed by a professor who offered her good grades in exchange for sexual favors and who threatened to have other professors manipulate her grades were dismissed because no Federal money was earmarked for first year students or the department in which the professor taught.

The Office of Civil Rights also dismissed a suit against a community college which offered insurance policies that discriminated on the basis of age and sex, and which did not treat pregnancy and related disabilities the same as any other temporary disability. The case was closed because the college office which generated the mailing labels for the insurance company and the dean who wrote the letter to the students to introduce the plan were not part of the program that benefitted from Federal funding.

Clearly the primary vehicles for attacking the specter of discrimination for the last 25 years have been eroded.

The effects of discrimination, race based, gender based, are clear and undeniable. Just look at statistics on employment, income, representation in professional communities. This measure stops short of affirmative measures to correct those wrongs, it simply helps prevent the potential for more discrimination, and their lasting effects.

For those of you who do not want to fight the old battles and reopen the healed wounds from the civil rights movement; for those of you who truly want Dr. King's vision of justice and equality to become a reality in American life, the Civil Rights Restoration Act is an essential piece of legislation. I therefore urge you to vote in favor of this bill, and to oppose any substitutes or weakening amendments.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, we have the opportunity today to restore simple justice to thousands of Americans. For years, the rules were simple: Any system that received Federal funds could not discriminate. Period. But the Grove City versus Bell decision in 1984 significantly narrowed the scope of the civil rights statutes. In ruling that those statutes only applied to the specific program or activity that received Federal aid, and not the entire institution or system, the Supreme Court misinterpreted the intent of Congress. Consequently, the civil rights of women, minorities, the elderly and the handicapped have been endangered.

For 4 years, we have been working to reinstate the original intent of the civil rights statutes and to restore basic rights to these individuals. Four months after the Grove City decision was reached, this body voted overwhelmingly, 375 to 32, to overturn the Supreme Court's ruling.

In 1985, the Education and Labor Committee and the Judiciary Committee again considered, and reported out, the Civil Rights Restoration Act. Mr. Speaker, for 4 years, we have worked to pass this legislation and restore civil rights to their full strength. There have been a number of worthwhile compromises during that time, and I believe that we have a better bill because of them.

But we should never forget that hundreds of lives continue to be affected by Grove City every day. The Department of Education alone has closed, narrowed or suspended over 500 complaints and compliance reviews over the past 4 years. Opportunities have been closed, horizons have been narrowed, and lives have been put on hold because of these denials of basic civil rights.

The individual cases speak for themselves:

A worker alleged that he was discriminated against by the Massachusetts Department of Youth Services. Although he passed the exam for a "supervising group worker" and was ranked first on the list for such a position, he was not given a supervisory position accommodating his disability. Although the Department of Youth Services receives Federal funds through the chapter 1 program, no action was taken because the department's program where the complainant applied for the position was deemed not to have received Federal funds.

A maintenance worker at a university filed a complaint with the Office for Civil Rights in the Department of Education, alleging disability discrimination. The university's lawyers said that it received no Federal funds for maintenance and therefore the Government had no authority to investigate. Since 1979, that university had received approximately $3,376,182 in Federal funds from the Department of Education, but the complaint has been put on hold because the Office for Civil Rights could not link the allegation of discrimination to a specific federally funded program.

A first-year medical student at a university in California alleged that she had been sexually harassed by a professor who made explicit sexual remarks to her, offered to give her better grades in exchange for sexual favors, and finally threatened to use his alliances with other professors to manipulate her grades. Although the medical school received Federal funding through the Department of Education, no money was earmarked for the educational program for first year students or the professor's department of surgery. OCR closed the case because it decided the Grove City "program or activity" requirement could not be satisfied.

The cases go on and on: A black high school student is denied admission to her school's national Honor Society, a hospital adopts a policy of refusing to perform heart transplants on persons over the age of 55—even if the older patient is otherwise healthy, a teacher is permitted to call an emotionally-disturbed student "stupid" and "retard," a school system is permitted to place minority students in segregated classes that deny them educational opportunity.

These real-life examples represent only a small sampling of the hundreds of discrimination cases in the Department of Education, the Department of Health and Human Services, and in the Department of Housing and Urban Development that have been frustrated, or essentially ignored, in the time since the Grove City decision.

Our efforts to restore these civil rights have tremendous support from all facets of our citizenry. The NAACP, the AFL-CIO, the League of Women Voters, the American Association of Retired Persons, the United States Catholic Conference, the Disability Rights Education and Defense Fund, the Paralyzed Veterans of America, Business and Professional Women, the United Auto Workers have all endorsed this bill. The American Baptist Churches, the National Education Association, the American Jewish Congress, the National Association of Independent Colleges and Universities: The list goes on and on.

Mr. Chairman, opponents of this bill are resorting to blatant distortions of the intents of this legislation. The fact remains that under the false logic of Grove City, our Federal tax dollars are being used to fund discrimination, something that Congress never intended to allow. This legislation clarifies our original intent. We, and all of the individuals whose lives are being affected by this discrimination, have waited 4 long years for this day. The time has come to restore simple justice.

Mr. SENSENBRENNER. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, as an original cosponsor of the Civil Rights Restoration Act, I am very pleased and proud to stand here today. For 4 years, I have supported legislative action to return four pivotal civil rights laws to their rightful status prior to two Supreme Court decisions which occurred on February 28, 1984. These decisions were: *Grove City College* v. *Bell, Secretary of Education* 104 S.Ct. 1211 (1984), and *Consolidated Rail Corporation* v. *Darrone*, 104 S. Ct. 1248 (1984).

The Civil Rights Restoration Act is intended to reestablish the fundamental principle that when any part of an organizational entity receives Federal financial assistance, then all of the operations of that entity are subject to the antidiscrimination requirements contained in four civil rights statutes. The four laws to which I refer are: First, title IX of the Education Amendments of 1972; second, title VI of the Civil Rights Act of 1964; third, the Rehabilitation Act of 1973; and fourth, the Age Discrimination Act.

Each of these laws prohibits discrimination in any program or activity receiving Federal financial assistance. Title IX prohibits discrimination based upon sex. Title VI prohibits discrimination based upon race, color, or national origin. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based upon a person's disability. The Age Discrimination Act prohibits discrimination based upon an individual's age.

So, if you choose to participate in Federal programs and receive Federal financial aid, you must comply with the antidiscrimination requirements of all four of these laws. This seems to me a patently logical and fundamentally fair result. The Federal Government should not be in the business of subsidizing discrimination—inadertently or otherwise. If you choose to discriminate or ignore discriminatory activities within the realm of your organizational control, then you will not be aided and abetted in doing so through the use of taxpayer moneys.

Allow me to briefly review the problems presented by the Supreme Court decisions in Grove City and Darrone, and to explain further why I believe remedial legislation is necessary.

Grove City College, a private, coeducational liberal arts college, refused to sign the "Assurance of Compliance" certification under title IX. Grove City College asserted that it received no Federal financial assistance—that is, that it was not a recipient under title IX and, consequently, was not subject to the discrimination prohibitions of that statute. The facts in the case were that no direct Federal assistance went to the college, but that some of the students attending Grove City College received Federal basic educational opportunity grants [BEOG's].

The Supreme Court held, first, that Grove City was a recipient under title IX, because "receiving Federal financial assistance" includes Federal aid to a student who uses the funds at a particular institution. But, the Supreme Court went on to construe "program or activity" as not meaning the operations of the entire college, but only the student financial aid office, that is where the BEOG money, in fact, ultimately went. On virtually the same day, in the Darrone case, the Supreme Court also gave the same restrictive interpretation to "program or activity" in section 504 of the Rehabilitation Act of 1973.

Immediately, there was a critical reaction to the narrow and potentially damaging interpretation given to "program or activity" in both of these decisions. In an education context, the Supreme Court interpretation means, for example, that if sex discrimination occurs in the history department of a college but no Federal funds expressly go to that particularly department, then the college could continue to receive Federal assistance despite this discrimination. Importantly, since the phrase "program or activity" is also present in title VI and the Age Discrination Act, that same program-specific construction could be applied in cases under those laws.

Soon after the Supreme Court action, legislation was introduced both in the Senate and in the House of Representative to respond to the Grove City problem. These bills were intended to restore the four relevant laws to their status prior to the Grove City decision. The House bill (H.R. 5490) in the 98th Congress was favorably reported by both the Education and Labor Committee and the Judiciary Committee. This legislation passed the House of Representatives on June 26, 1984, by a vote of 375 to 32. However, disagreement over the intended and actual scope of the bill's language resulted, time ran out, and the Senate did not take final action.

That bill ran into difficulty principally because it contained a broad and arguably ambiguous definition of "recipient." The bill's definition differed in certain respects from the existing regulatory definitions of recipient for each of the four laws. Concern was expressed that this legislation was, in fact, being used to expand the coverage of these four laws to entirely new categories or classes of recipients.

Subsequent versions reflect a sincere attempt to respond to those early criticism. S. 557, the bill we consider today, is based upon a substitute developed from weeks of bipartisan negotiations in the spring of 1985. Those negotiations—involving Democrats and Republicans from from both the Judiciary Committee and the Education and Labor Committee—brought about important improvements in the bill. Under this revised and still relevant format, the existing regulatory definitions of "recipient" are left unchanged and, importantly, the exclusions for "ultimate beneficiaries"—farmers, students, medicare and medicaid recipients, food stamp recipients and Social Security beneficiaries—which are contained in three out of four regulatory definitions are retained. So, for example, entities or persons such as farmers, that are not recipients under the law now, because they are "ultimate beneficiaries," would not have their status changed.

Furthermore, S. 557 defines the phrase "program or activity" and attempts to bring that definition in line with executive branch enforcement policy as it existed prior to Grove City and Darrone. This makes good sense in that it was the Supreme Court's restrictive interpretation of that phrase which prompts our legislative reaction.

Under S. 557, coverage under the four antidiscrimination laws would extend to: First, departments or agencies of a State or a local government; second, colleges, universities or public systems of higher education; third, local education agencies or other elementary or secondary systems; fourth, corporations, partnerships, or other private or nonprofit organizations; and fifth, any other entity established by two or more of those previous entities. In the case of this last category "other entity", coverage presumably would occur depending upon whether or not the resulting entity is analogous in structure and purpose to the previous categories in the specified list.

S. 557 also intends to leave the so-called pinpointing doctrine on fund termination unchanged. See: Senate Report No. 100-64, page 20. The landmark case on pinpointing is *Taylor* v. *Finch*, 414 F.2d 1068 (1969). That doctrine holds that once a "program or activity" is receiving Federal financial assistance, and discrimination is found to exist, then only those funds which actually support the discrimination would be cut off. So, for example, if a municipal housing authority is found to be discriminating on the basis of race, or sex, or age, or handicap, only housing moneys are potentially terminated but not transportation moneys or education moneys. While as a practical matter fund termination is a negotiation tool and is utilized only as a last resort, the intent of this legislation is to limit the potential scope of fund termination to those funds which actually have a specific nexus to the discrimination that is found.

As the Members of this House know, progress on the Civil Rights Restoration Act has been stalled since early 1985 because of a dispute over the possible abortion implications of this legislation. Now, with adoption of the Danforth amendment in the Senate and the inclusion of that "abortion neutral" language in the bill before us today, that 3-year impasse is over. For many of us, a compromise on the abortion issue was a necessary prerequisite to the enactment of this legislation. While that debate was understandable and important, its unfortunate side effect was to distract many Members from focusing on the very valid and fundamental policy reasons justifying the remaining portions of the bill. But now that this issue has been satisfactorily resolved, let us not be further distracted.

With passage, colleges and universities will not be able to receive Federal aid and discriminate against women or blacks or the handicapped in their admissions policies or hiring practices. State and local governments, similarly, cannot continue to receive financial aid without assuring Federal enforcement officials about equal opportunity in employment and nondiscriminatory disposition of those funds. Components of corporations will also have to comply with the basic elements of the four applicable civil rights laws.

Today, the House of Representatives is faced with a policy choice that should not and cannot ignore the original rationale that prompted the enactment of these four laws. These statutes were intended as deterrents to institutional discrimination and that fact ought not be overlooked or abandoned in this debate. Ultimately, the question for us to answer is whether or not we want these laws to be enforced in a comprehensive and effective manner.

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Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. Gilman].

Mr. GILMAN. Mr. Chairman, I rise in strong support of S. 557, the Civil Rights Restoration Act. I would like to commend the House sponsor of its companion bill, the gentleman from California, Mr. Hawkins, the chairman of the House Civil Liberties and Constitutional Rights Subcommittee, Mr. Edwards, and the ranking minority members of the committees of jurisdiction, the gentleman from Vermont, Mr. Jeffords, and my fellow colleague from New York, Mr. Fish, for their leadership in restoring civil rights to the many discriminated sectors of our society, and for allowing for the expeditious consideration of this important legislation.

Its been almost 4 years since the Supreme Court laid down its landmark decision in Grove City College versus Bell that antidiscrimination provisions did not apply to an entire institution receiving Federal aid, only to the specific program getting the money. Clearly, this was not the intent of Congress. Discrimination must not be tolerated in any degree, shape, or form. Discrimination within an institution or organization cannot be justified simply because that institution's programs which receive Federal funds are in compliance with antidiscrimination statutes.

S. 557 amends title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 to deny Federal funds to institutions or organizations that discriminate against minorities, women, older Americans, and the handicapped. The new language redefines program or activity, broadening the scope of interpretation to include institutionwide coverage of antidiscrimination statutes.

This bill has received the support of a broad coalition of groups and organizations, including the American Association of Retired Persons, League of Women Voters, U.S. Catholic Conference, National Education Association, and the American Bar Association. I share their belief that this legislation would reestablish the basic principle that in order to benefit from Federal funding, an institution must agree to operate its programs free from discrimination. Our democratic Government must not stand idle while our Southern colleges remain segregated or our women continue to be denied jobs and scholarships because of their sex.

We are not considering a new issue here today. Many of us voted for identical legislation during the 98th Congress when we adopted the Civil Rights Act of 1984 by an overwhelming 375 to 32 margin. Hearings and committee markups were held during the 99th Congress. We can no longer delay enactment of this vital legislation. Accordingly, I urge my colleagues to join today in supporting S. 557, the Civil Rights Restoration Act.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to a distinguished member of the Committee on the Judiciary, the gentlewoman from Colorado [Mrs. Schroeder].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from California for yielding this time.

I must say as I stand here, this is not a day that I hoped it would be.

First of all, I have been a primary sponsor of the Civil Rights Restoration Act since it was first introduced in 1984. I have been impressed and proud of the civil rights community in its persistence that we have a clean civil rights restoration bill—with no substantive amendments. We have stood tall and together to make sure that no rights will be sacrificed.

That's why I have trouble with the bill before us today. While we are moving to restore rights for blacks, Hispanics, the handicapped, women, and the elderly, we are cutting back on the rights of a subsection of that group—young women of childbearing age.

We are abandoning young women when they are at the most vulnerable and crucial time of their lives. College is a time for our young women to learn, expand, and create the opportunities for their future. With the Senate language we are considering today, we may be cutting off any option they have to decide the course of their future.

I have problems with repealing longstanding title IX regulations requiring colleges and universities that choose to offer comprehensive health plans for students and employees to also provide coverage of abortion services.

Last week I talked to pregnant teens in St. Petersburg, FL, and Little Rock, AR. I want to share with you some of their comments that I find particularly relevant to today's debate. First, they saw a college education as the key to a better, more economically secure life. Second, they didn't realize the responsibility involved in having a child and that responsibility affected the choices in their lives.

As I try to decide on my vote here today, the images of those girls stick with me. I also think of my daughter who is graduating from high school this year and the girls in her graduating class.

Do we leave young women and their civil rights unprotected?

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to the bill and in support of the substitute which I shall offer at the proper time.

Let us make it perfectly clear. The bill as sent over to us by the Senate is more than a mere restorative bill. This is particularly true in the area of corporate coverage. The Senate-passed bill provides for corporationwide coverage, rather than plantwide coverage in five specifically enumerated areas. That was never anybody's idea of the law prior to the Grove City decision, so it does expand the coverage of the civil rights laws and the bill being labeled as the Civil Rights Restoration Act is a completely fallacious and misleading application of the term "restoration."

Second, it is vitally important that the religious tenets of church-affiliated schools be protected. Times have changed since title IX was passed in 1972. At that time most of the church schools were controlled by policy boards consisting of the clergy. During the 16 years that have elapsed since title IX was passed the control has shifted from clergy-dominated boards to lay boards. There is a very significant legal distinction, as it has been interpreted by the courts.

Many of the supporters of this legislation say that, well, the Department of Education will be eager to grant exemptions when it is demonstrated that an exemption is in order, and yet between 1972 and May 1, 1983 the Department of Education only exempted three colleges and universities based upon religious tenets: Brigham Young in Utah, the St. Charles Borromeo Seminary in Pennsylvania, and Harding College and University in Arkansas. The remaining exemptions for religious tenets were done during the Reagan administration, and that can easily be repealed by a succeeding administration and a succeeding Secretary of Education. That is why religious tenets have got to be statutorily protected.

Now, I do not think that we should be using Federal money to discriminate. I certainly agree with the people on the other side of the aisle that there should be strong antidiscrimination laws to protect against that, but nobody who has supported this bill has stated one instance of all of the discrimination that has occurred that would be sanctioned with the religious tenets and the corporate coverage amendment adopted in this bill, which is what my amendment proposes.

Therefore, all of the arguments that my amendment is a killer amendment are completely fallacious. The same protections will be there, but the unintended consequences will be gone and I am more confident that the President of the United States will sign this piece of legislation with my two amendments adopted than he will in passing the bill without an amendment.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. Tauke].

Mr. TAUKE. Mr. Chairman, the Civil Rights Restoration Act is an important and far-reaching measure. Its primary intent is to restore the institutionwide coverage of our civil rights laws, a goal that I fully endorse. Institutions receiving Federal funds should not discriminate. However, as the bill has been considered over the last few years, other ramifications of the bill have been identified and need to be addressed.

Perhaps the most critical of these ramifications relates to abortion. The other body adopted an amendment to the Civil Rights Restoration Act that made title IX neutral on the question of abortion. As the sponsor of this abortion-neutral amendment in the House Education and Labor Committee in 1985, I am pleased that this amendment has been adopted and is part of the bill we are considering today.

The abortion amendment states that "nothing in this Title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to abortion * * *." This provision removes any legal connection between sex discrimination and abortion rights. This is a critical provision, and I am pleased that the legislation now removes any Government mandate for abortion or abortion-related services in the name of civil rights.

Also in 1985, an amendment was agreed to by the Education and Labor Committee to clarify the religious tenet exemption in title IX. This amendment was not adopted by the other body, but I believe it is also a critical issue that should be addressed by a change in the statute. The colloquy I had earlier with the distinguished chairman of the Education and Labor Committee has served to clarify current law and to provide guidance to the Department on exemption requests.

The significance of the religious tenets provision is fundamental—it is a question of whether or not we will force education institutions with strong ties to religious organizations to compromise their religious beliefs as a condition of receiving Federal financial aid. The fact is, because of the evolution since 1972 of the administrative control of private education institutions, relying on the current law exemption for religious tenets jeopardizes the first amendment rights of these institutions.

For this reason, I will support the substitute this afternoon. It seems to me to be ironic that in a bill by which we will expand civil rights, we will jeopardize religious freedom and first amendment rights.

I am hopeful that the current practice of deference to institutions requesting exemption on the basis of conflict between title IX and religious tenets, regardless of the outcome of the substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Dannemeyer].

Mr. DANNEMEYER. Mr. Chairman, in 1973 Congress adopted the Handicapped Act that became a basic part of our law relating to handicapped people. During the Carter administration, around 1976, the Attorney General rendered an opinion that the definition of a handicapped person included somebody who was a drug addict or an alcoholic. In 1978, Congress corrected this aberration by saying as a matter of policy that the definition of a handicapped person did not extend to a drug addict or an alcoholic.

In 1987, the U.S. Supreme Court in the Arline decision extended the definition of a handicapped person to include someone with a communicable disease, a remarkable decision, to say the least.

This issue of whether or not the definition of a handicapped person extends to someone with a communicable disease deserves to be debated on the floor of this House for an extended period of time. This cannot be done under this restrictive rule. We need to debate the issue because we may have between 1½ to 5 million Americans with the virus for AIDS coursing through their veins, and if this bill is passed in the form that it is being presented, claims will be made around this country that persons so infected can go to court for the purpose of asserting that they come within the purview of the definition of a handicapped person, and that is not any way to run the public health policy of this country.

The data is coming in slowly, but it is coming in clearly that a person with the virus for AIDS, even through assertedly asymptomatic, 30 to 44 percent of those people in one study, over half of them in another study, are evidencing dementia, and we are supposed to adopt as a policy statement or permit to stand a Supreme Court decision that an individual with such a communicable disease is entitled to affirmative action protection. It does not make any sense at all.

As a result of the logic of the Supreme Court ruling in the case of *School Board of Nassau County* v. *Arline* (U.S. Sup. Ct, 1987), persons with a communicable disease were determined to be "handicapped" within the meaning of that term in section 504 of the Rehabilitation Act. The Court ruled that persons with such a handicap may not be discriminated against in employment. While the specific case dealt with a teacher who had tuberculosis, the principle the Court invoked would presumably apply to persons with AIDS and the Court affirmed that conclusion in dicta. In States with handicap provisions comparable to section 504, there has been a decided tendency for courts and administrative agencies to extend the law to prohibit discrimination against AIDS patients. Although most cases of AIDS in the United States have been attributed to the transmission of bodily fluids through sexual intercourse, the sharing of needles by intravenous drug users and the like, scientific knowledge of mechanisms for transmitting the disease is hardly complete enough to make us sanguine about the prospect of federally forced hiring of AIDS patients by university cafeterias and hospitals.

This clarification is especially important in light of the AIDS epidemic this Nation now faces. At present there are over 52,000 cases of AIDS of which 28,000 are already dead and a projected 1.5 million cases of AIDS infection in our population. If this bill is passed as presently written, employers will be required to accommodate victims of this fatal disease despite potential health threats to other employees.

The major threat posed by AIDS patients at this time is that they may pass on a host of opportunistic diseases which plague AIDS patients due to their compromised immune system. Many of these diseases are highly contagious and easily transferred to others. They include a deadly version of pneumonia called pneumocystis carinii, tuberculosis, cytomegolovirus, and others. In Urbana, IL, 12 nurses who were caring for AIDS patients were infected with a drug resistant strain of tuberculosis which was detected after testing.

In addition, recent evidence indicates that 30 to 44 percent of asymptomatic carriers show signs of neurological impairment. This impairment ranges anywhere from slight memory loss to schizophrenia and poses serious safety questions about the ability of these persons to function in society. In recognition of this grave threat, the Department of Defense is removing HIV-positive individuals from employment situations, such as flying certain types of aircraft, which could pose a risk to the health and safety of others. In light of the uncertain status of medical knowledge on this and other aspects of the AIDS virus, it is unwise to enact sweeping provisions that would result in federally forced hiring of these individuals.

In addition, the legislative history of the Rehabilitation Act does not contemplate inclusion of persons with contagious diseases within the antidiscrimination protections of the Rehabilitation Act. The lack of reference to contagious diseases in the legislative history of the Rehabilitation Act is conspicuous by its absence. The House and Senate both exhibited strong concern about the need to retain health and safety protections during floor debate on the 1978 amendment to exclude drug and alcohol abusers from the definition of "handicapped." These same concerns are tantamount to consideration of defining contagious diseases as a "handicap." It is clear that Congress did not intend the act to require this result. Unless this amendment is adopted, schools, hospitals, health clinics, and other entities will have to surrender their authority to deal with these problems to the dictates of Federal judges interpreting the Rehabilitation Act. My amendment will enable institutions to use their sound judgment to implement State or local policy dealing with the problems of contagious disease.

It is undeniable that the problem posed by the condition of persons with contagious diseases is fundamentally different than that posed by the normal meaning of handicapped. Historically, individuals with contagious disease have been isolated while persons with physical or mental impairments have maintained essential freedoms but relegated to unproductive societal roles. Even today, a stark distinction exists. Persons with contagious disease, or those who abuse alcohol or drugs are legally excluded from this country under our immigration laws while persons with physical defects are only excluded if "the disability is determined to be of such a nature that it may affect the ability of the alien to earn a living." The apparent irony of permitting the implications of the Arline decision to stand is that we will be extending affirmative action rights to individuals currently barred from this country. It is imperative that this body be permitted to debate the merits of such a distinction.

Mr. Chairman, we should reject this bill without the opportunity to debate this issue.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTLETT. Mr. Chairman, I rise to make two comments briefly on what the bill does and does not do that has not been discussed.

First of all, the bill does make a major improvement over current law. It repeals those 1975 regulations under title IX which should never have been passed in the first place, so with the passage of this bill title IX will no longer require student health centers on college campuses and universities to preform abortions if they choose not to.

No. 2, this legislation does not include, to the long-term shame of this House and of the sponsors of the bill, coverage of Congress as an institution under the antidiscrimination laws of this country.

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With the passage of this bill the Congress of the United States continues to be exempt from the laws that prohibit discrimination based on race, age, sex, or handicap. That is a significant omission in this legislation. This is an opportunity for the bill's sponsors and the committees and the Senate and this Congress to make the changes that should have been included.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentlewoman from Rhode Island [Miss SCHNEIDER].

Miss SCHNEIDER. Mr. Chairman, I rise in strong support of this bill, but I would like to ask my colleague from California for a clarification.

Is it your understanding that the purpose of the Danforth amendment is to ensure that there could not be discrimination against women who either are seeking or who have received abortion-related services?

Mr. EDWARDS of California. Mr. Chairman, will the gentlewoman yield?

Miss SCHNEIDER. Mr. Chairman, I am happy to yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I certainly agree with the gentlewoman from Rhode Island [Miss SCHNEIDER] has said. Indeed, without that assurance I would not be able to support this bill. I believe this is the intent of the chief sponsors of the amendment in the other body.

Mr. JEFFORDS. Mr. Chairman, will the gentlewoman from Rhode Island [Miss SCHNEIDER] yield?

Miss SCHNEIDER. Mr. Chairman, I am happy to yeild to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, I would like my colleagues to know that I also agree with the definition as it has been explained by the gentlewoman from Rhode Island [Miss SCHNEIDER].

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in strong support of this bill. I do it largely out of my own personal experience as director of the Office for Civil Rights at the Department of Health, Education, and Welfare in the enforcement of civil rights laws under title VI that involved in particular discrimination in education.

We have adopted a number of civil rights laws in this country including title VI, title IX, section 504 of the Rehabilitation Act, as well as laws relating to age discrimination. The fact is that the key to enforcement of these civil rights laws largely rests with our ability to terminate Federal funding if in fact it supports the discrimination which is occurring in these various institutions. Indeed, with regard to title VI, title VI was a law that could not be enforced very strongly until the Elementary and Secondary Education Act came along, and the Higher Education Act which in effect provided the funding for education throughout the country and thereby gave the Office for Civil rights the leverage to begin to enforce the antidiscrimination requirements of that law.

The bottom line is that there are no rights in this country unless there are remedies, and there are no remedies here unless this bill is adopted. The only effective leverage we have in enforcement is Federal funding. There is an administrative process that is available, allegations need to be made, they are proven through an administrative process, and they can ultimately result in termination.

The decision in Grove City essentially has stopped enforcement by allowing schools and allowing other institutions to isolate discrimination, to cubbyhole it, so that enforcement of these laws is virtually at a standstill.

Mr. Chairman, I think the point is this, if we are for civil rights we have to be for the enforcement of these rights and therefore have to be for this bill.

Mr. Chairman, I rise today to voice my support for the Civil Rights Restoration Act. This legislation was introduced in response to the Supreme Court's 1984 decision the case of Grove City College versus Bell. The Court reversed a long-standing position of the law as it relates to discrimination. Title IX, which prohibits sex discrimination by federally assisted educational institutions can be enforced by the ability to terminate Federal aid to institutions when deliberate discrimination is proven. This is based on the legally supported premise that any institution that accepts or tolerates discrimination in any of its programs should be subject to the loss of all Federal funds. This Court, however, has severely limited that enforcement power.

Passage of this legislation today will ensure that those institutions found to discriminate on the basis of race, color, national origin, sex, handicap, or age do not receive Federal financial assistance. As former head of the Office of Civil Rights at the Department of Health, Education and Welfare, I have firsthand knowledge of the leverage the Federal Government can bring to bear against discrimination by using the tool of funding termination. Strong and effective civil rights enforcement is essential if our shared commitment to equal rights and equal opportunity for all our citizens is to have any meaning.

My main concern is that the original intent of the law be restored and in the process that full civil rights enforcement become possible. We cannot allow institutions which receive Federal funding to use the Grover City decision as a means to discriminate. Our country

is built on the premise that all individuals are created equal. By allowing the 1984 Supreme Court decision to stand we are condoning discrimination at a national level. This is totally inconsistent with the efforts our country has made to insure that civil rights are enjoyed by all. We have just finished celebrating Black History Month and the Bicentennial of our Constitution. This is the ideal time to pass the civil rights restoration as a signal to all Americans that the Federal Government will not permit discrimination on the basis of race, sex, age, or handicap.

What will be the result if we do not pass this legislation today? Will we allow black children to be denied access to the college of their choice? Will we allow a medical facility to deny care to a patient over the age of 55? Will we allow handicapped children to be denied access to social service programs? Will we allow our colleges and universities to discriminate against women athletes? I believe that we must take this opportunity to allow the Federal Government to exercise the power to enforce the antidiscrimination laws we have worked so hard to establish.

We cannot ignore the responsibility that we have to insure all the people of the United States have equal access to an education, health care, social services, and employment and are not denied these things because of their sex, age, race, or handicap. I urge my colleagues to vote "yes" on the Civil Rights Restoration Act today.

Mr. EDWARDS of California. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I rise in strong support of the fundamental premise of the Civil Rights Restoration Act, but with deep concern and deep division about inclusion of the Danforth amendment in the Senate version of the bill we are voting on today.

I have been a sponsor of legislation to overturn the Grove City versus Bell decision for the last 4 years, and I regret very deeply that it has taken so long to do what should have been done the day after the Supreme Court erred so badly in interpreting congressional intent in its Grove City decision.

In the years that have passed, I've watched the destructive impact of this decision with great sorrow. What took us so long to build—equal opportunity for all citizens and an end to Government condoned discrimination—was mangled by the Grove City wrecking ball.

With the overhelming passage of this legislation by the Senate, and I predict by the House today, we will have finally corrected a 4-year-old mistake. And we will have stated unequivocally that the Federal Government will not be party to discrimination based on age, on sex, on race, or on physical ability.

I have heard the President wants to veto this bill. That, of course, is his right. But should he do so, we will override that decision. And that will be a good day, and a good outcome for so many of our people who depend on good government to open doors and promote individual opportunity.

But I cannot let this record stand without expressing my outrage, and my serious concern over the regrettable inclusion in this antidiscrimination bill, the discriminatory Danforth provision regarding reproductive rights for women in this country. Time and time again, the vagaries of the political process have presented a dilemma to supporters of civil rights who also are strong supporters of reproductive rights. We're forced to choose which of these principles is more important. In my mind they are the same. They are indivisable. Civil rights are very basic and very simple, and among them must be the right to reproductive freedom.

Instead of immediately rejecting the Grove City decision, the Congress has been tied up in knots, and civil rights have been held hostage, to the demands of some who would like to use the restoration legislation as an opportunity to further their goals of placing limits and restrictions on reproductive freedom.

We have watched a process for 4 years in which a powerful minority—not one which represents the majority opinion of the people of this great Nation—has stymied and hogtied the civil rights restoration legislation.

But today we have finally moved ahead, and because of the statements of authors of the Danforth amendment during consideration of S. 557, and only because of these statements and others which have been made by chief sponsors of the bill on the floor today, can I support this bill.

These statements have clarified what could have been a dangerous loophole in the Danforth provision. With regard to his amendment, the Senator from Missouri said, "The amendment says that * * * a college * * * is prohibited from discriminating against people who have had abortions or who are seeking abortions." And the Senator from California, a coauthor of the Danforth provision, also stated that the provision was drafted "to ensure that there could not be discrimination against women who either are seeking or have received abortion-related services."

These statements by the authors of the provision have precedence in setting the terms of legislative intent and history. And with their statements clarifying that this legislation before us today expressly prohibits, and does not in any way permit, discrimination against women who have had or are seeking abortions, I can support this bill. I regret, however, and do strongly oppose, the further diminishment in access to safe and legal abortion included in this bill.

With assurances from the authors of the Danforth amendment, and with the clarification provided by floor leaders today, it is now clear that this legislation prohibits discrimination based on a person's decision regarding abortion—in scholarships, in housing, in extracurricular activities, in student or faculty hire and tenure, and in other benefits offered to students or employees under title IX. Equally important is the fact that the bill clearly prohibits denial of provision of services related to complications arising from abortion under the terms of title IX.

I commend so many people here in Congress and outside Congress, who have struggled long and hard to restore basic civil rights to the people of this country. I salute all those individuals involved with the leadership conference on civil rights, with so many women's rights organizations, and the many religious entities which played a constructive and important role in this vital effort to reverse the Grove City decision.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Chairman, I rise in opposition to S. 557, the Civil Rights Restoration Act and support the substitute. Many of my colleagues are here this evening to voice their concern over various provisions of the bill. I would simply wish to emphasize one major theme that we all agree on: this is further Federal intrusion into the private sector. Is it really civil rights when the Federal Government trespasses on the rights of countless schools, churches, farms and businesses? Do we solve anything by forcing more sectors of American society to do more Federal paperwork? Or if we subject them to onsite compliance reviews by Federal agencies even in the absence of an allegation of discrimination?

Mr. Chairman, the House has not even had the opportunity to properly hear many issues in this bill; I do not see how we can bring this legislation to the floor today. This is a monumental change in civil rights enforcement policy, it makes drastic modifications, it has not been fully considered. For this and the other reasons you will hear today, I am opposing S. 557.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I urge my colleagues to join me in supporting S. 557, the Civil Rights Restoration Act of 1987. It is vital that we overturn the 1984 Supreme Court decision, Grove City versus Bell, and restore the coverage of Federal antidiscrimination laws to ensure that institutions receiving Federal aid are not allowed to discriminate in any aspect of their operations.

After 4 years of effort to develop an acceptance compromise, the Senate bill may be our only chance to overturn the Grove City case in the near future. It is imperative that we reaffirm our strong support for our civil rights laws and make it clear that institutions which accept Federal funding cannot discriminate on the basis of race, religion, age, gender, or disability.

Mr. Chairman, I urge my colleagues to support S. 557 and restore the scope of protection against discrimination intended under title IX and all of our civil rights laws.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I support the purpose and intent of S. 557, the Civil Rights Restoration Act. Clarifying the coverage of these four civil rights laws which connect receipt of Federal funds to legal requirements not to discriminate on the basis of race, sex, age, and handicap is both necessary in light of the Supreme Court's decision in Grove City and subsequent administrative rulings, and vital to a strong Federal commitment against discrimination based on these factors.

We have found, of course, that in carrying out the fundamental purpose of the act, that there are certain specific areas that need special consideration. One such area is the issue of abortion and I am pleased that the Tauke/Sensenbrenner, now the Danforth amendment, is included in both bills before us.

I believe very strongly that we need to address a second issue as well, the so-called "religious tenets" issue. Current law in title IX allows the Department of Education to grant an exemption for "religious tenets" to those educational institutions which are "controlled by a religious organization if the application of title IX would not be consistent with the religious tenets of such organization." The amendment which I proposed to S. 557, and which is included in identical form in the substitute bill, would simply add the words "or which is closely identified with the tenets of a particular religious organization" to that current test of "control."

It has been pointed out that one of the reasons why this amendment is necessary is that many private religious colleges and universities have changed their form of governance since 1972, so that they are no longer, strictly speaking, controlled by a church denomination or diocese. That is true, but there is a second reason, besides this "change in circumstances," why this amendment should be included in the Civil Rights Restoration Act. In 1972 and for many years thereafter, many small private religious schools whose only connection to Federal funds was through student financial aid programs, did not believe they were covered by title IX, since these were "student aid," nct "college aid," programs. This was indeed the "other" issue decided by the Supreme Court in Grove City, and unlike the definition of "program or activity," on this issue the Court held against the college. But we are now clearly extending the reach of title IX to every school, and every aspect of every school, that takes in students who receive Federal financial aid. We need to be certain that the religious tenets exemption is similarly adequate to protect the right to hold and practice religious beliefs.

Let me point out here the irony of the current statutory test for an exemption: a school which for historical reasons is still formally part of a church denomination, but is not particuarly "religious" in terms of outlook and teachings would nonetheless clearly qualify under the existing test, while another school which is independent but deeply religious would not. The proposed amendment corrects this discrimination.

Let me respond briefly to a few of the claims that opponents of the amendment have been raising:

First, opponents claim that the language of the amendment creates a huge loophole for a large number of colleges and universities to discriminate as they wish. In fact, schools would still have to apply for an exemption to the Department of Education, as is the case under current law. The amendment would in fact give better guidance to the Department in evaluating requests for waivers.

Second, opponents argue that the amendment is unnecessary because no application for exemption has been denied. In fact the history of the Department's administration of this provision has not been very reassuring. For 10 years, the Department did nothing with applications, it simply sat on them. Then suddenly in 1985, the Department approved all of them which did not have technical defects. While I appreciate the Department's recent broad and flexible application of this section, and hope it will continue, the experience of the previous decade cannot be ignored.

Third, opponents have also now agreed to "legislative history" language which will in effect say that the current language of title IX should continue to be broadly construed and applied by the Department in granting exemptions. I certainly hope the Department does follow this advice. Indeed, I would argue that the Department must do so in order not to violate the first amendment rights involved. And while I hope that this is the exception, we are all well aware of the "respect" accorded to "legislative history" by executive departments and courts which disagree with it. So I do not believe that this is an adequate substitute for doing our job, which is to shape the legislative language, not to depend on the Department of Education to do it for us.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, in the two decades between passage of the Civil Rights Act of 1964 and the Grove City decision, this nation was finally making progress in exorcising discrimination from our society.

For racial minorities, for American women, for handicapped persons, passage and enforcement of antidiscrimination laws meant the doors of opportunity were no longer legally locked. Under title IX, as an example, girls and women have been able to experience the growth in character and health from competitive sports that had previously been the almost exclusive domain of men.

And, of critical importance, enforcement of these laws was helping to challenge and change the limitations which society assumed existed for American women and others.

What, then, was the problem? I would suggest that there wasn't one. It was not a situation of unwarranted Federal intrusion, particularly since various institutions certainly welcomed the intrusion of Federal tax dollars. The Grove City decision solved a problem that didn't exist, yet in so doing created substantial ones in its wake.

Essentially, the Supreme Court rewrote the protections against discrimination in a manner that defied congressional intent. I find irony in the fact that those who oppose our efforts today to restore Congress' intent on discrimination are usually the ones who object most vehemently to the usurpation of our powers by the courts.

At heart, the Grove City decision eviscerated antidiscrimination efforts. In less then 2 years after the decision was issued, some 674 title IX complaints were either dropped or scaled back. Fighting discrimination became a bureaucratic nightmare, a matter for accountants who could trace the flow of Federal funds at an institution.

The Civil Rights Restoration Act only seeks to return to the pre-Grove City situation. It was not a situation, I will remind my colleague, that prompted an uprising in the Nation to limit the protections against discrimination. The Supreme Court did that.

In effect, opponents of this legislation are seeking to retain the narrowest possible protection against discrimination. They oppose discrimination when its unavoidable to do so, not

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whenever its possible. Even when the trumpets of celebration for our Constitution's bicentennial have scarcely grown silent, opponents of this bill would effectively limit the coverage of that Constitution.

They are reduced, again I note with some irony, to making the argument that this bill expands discrimination protections. Legislative intent, committee report language, and court precedent refute this red herring. The core of their argument is that discrimination is acceptable, except under very narrow circumstances.

I suggest that is a perversion of the Constitution itself and the will of the American people. We have a responsibility to do everything within our power to see that Federal funds do not in any form support discriminatory actions. If an institution permits discrimination to exist, why then should it receive tax dollars? An institution that refuses adherence to publicly define laws and values has no claim on publicly provided funds.

Mr. Chairman, can the Congress be in the position of knowingly and willingly condoning discrimination? Do we not attack discrimination, instead of accepting its existence? Opponents of this bill are using the Supreme Court decision to make discrimination easier. That is a shameful proposition, so I urge my colleagues to support this legislation.

Mr. EDWARDS of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I join my distinguished chairman of the Judiciary Committee and my good friend and colleague, Chairman HAWKINS, in bringing S. 557, the Civil Rights Restoration Act of 1987 to the floor for a vote. Except for two amendments added during Senate debate on the legislation a few weeks ago, this bill is virtually identical to its companion in the House, H.R. 1214.

Let me remind my colleagues that this legislation was drafted with the cooperation of civil rights advocates and Republican and Democratic members and staff from the House and Senate over a period of several months in 1984 for introduction in the 99th Congress. Indeed, the scope of coverage outlined in this legislation—especially as it relates to corporate coverage—is a result of direct bipartisan negotiations over a period of months between the members of the Judiciary and Education and Labor Committees in 1985. Senate and House sponsors agreed to honor that compromise by introducing the Civil Rights Restoration Act of 1987 in the 100th Congress.

An extensive congressional record on the need for this legislation and a full description of its purpose and effect have been made in the 98th, 99th and 100th Congress. Twenty-one days of legislative and oversight hearings have been held on this bill since the Grove City decision was handed down in 1984. Thirteen met in a building constructed with Federal funds. In another case, a teacher is without a remedy of her discrimination complaint unless the computer software used in the computers purchased with Federal funds was also purchased with Federal aid.

The Grove City ruling is gutting executive branch enforcement of these laws; pending litigation is also being frustrated by the absurdities of the Court's analysis. For example, on October 6 of last year, the Fifth Circuit Court of Appeals cited Grove City in dismissing the Justice Department's race discrimination suit against the State of Alabama's higher education system. This complaint, which alleges racial discrimination in every aspect of the university system—employment, resources allocated to white and black schools, etc., has been winding its way through the Federal administrative process for many years. Private parties who had intervened in the case were also blocked in their effort to obtain relief. This bill applies to all pending cases. It is of great concern that it has taken this long to pass this legislation. I wish that no cases had been lost because of this delay. Of the 21 hearings were conducted by the Judiciary and Education and Labor Committees in joint hearings conducted in Washington, DC, and across the country. S. 557 is a product of these committees' labors.

This legislation must be passed. Preliminary findings by civil rights investigators of the Committee on Education and Labor show that the Department of Education's Office of Civil Rights [OCR] has closed 70 percent of its higher education cases because of the Supreme Court's ruling. The Senate report accompanying S. 557 finds OCR has closed or narrowed at least 674 of the civil rights complaints it had on file. In addition, 156 Department-initiated civil rights compliance reviews have been dropped or narrowed following the Grove City decision.

In the wake of Grove City, Federal civil rights specialists now spend their time tracing the flow of Federal dollars rather than investigating and remedying civil rights complaints. As the Senate report notes, Federal officials have encountered serious difficulty complying with the Grove City decision. Not only does the Government's available data system prevent it from tracing Federal funds—so that the Government must rely on the alleged discriminating institution's representations as to where the funds were spent—the results of this audit approach, when tried, is often absurd. For example, it was reported to Education and Labor Committee investigators this year that in a complaint involving university housing and student services, OCR had to determine if the university's Committee on Appeals of Residences

The bill before us is a simple restoration bill. The distinguished chairman of the Judiciary and Education and Labor Committees have carefully explained the scope of coverage of these four laws set forth in S. 557. Let me stress that the provisions in S. 557 do not become operative unless there is a "recipient" of "Federal financial assistance"; these are terms of art defined in existing Federal regulations. The Civil Rights Restoration bill does not change the meaning of those terms of art; it broadly defines the scope of coverage of title VI of the 1964 Civil Rights Act, title IX of the 1972 Education Amendments, section 504 of the 1973 Rehabilitation Act, and the 1975 Age Discrimination Act by defining the terms "program" and "program or activity" wherever they appear in each of the four laws.

During Senate debate on S. 557, two amendments were adopted on the floor. The Harkin-Humphrey amendment is a clarifying amendment with respect to employment under the 1973 Rehabilitation Act; the Danforth amendment is in a substantive change regarding insurance coverage for abortions.

The Senate amendment concerns coverage of individuals with contagious diseases and infections under section 504 of the Rehabilitation Act, insofar as that law covers employment. This amendment clarifies that Congress intends the Rehabilitation Act to apply to persons with that kind of handicap unless they pose a direct threat to the health or safety of others or are unable to perform the essential duties of the job. This amendment essentially places into the statute the standard and approach of the recent Supreme Court decision in School Board of Nassau County versus Arline. The colloquy in the Senate between the two cosponsors of the amendment clarifies that it is the intent of Congress that the amendment result in no change in the substantive law with regard to assessing whether persons with this kind of handicapping condition are "otherwise qualified" for the job in question or whether employers must provide "reasonable accommodations" for such individuals.

This amendment is necessary solely to allay the fears of some employers who have misinterpreted the Arline decision as requiring them to take unwarranted risks in hiring individuals with contagious diseases or infections. This amendment therefore places the requirements of current law into statute. It does so by codifying the "otherwise qualified" framework for courts to utilize in these cases. This is identical to what was done in 1978 when employers had similar unjustifiable concerns regarding employment of drug and alcohol users who were not qualified for employment positions.

The framework to be used was explained by the Supreme Court in School Board of Nassua County versus Arline. It requires a medical assessment of whether exclusion is necessitated by the degree of risk involved in the particular situation. A court's determination of whether a risk of transmissibility is significant, and thus poses a direct threat to the health or safety of others, will be highly fact-specific. So, too, will be the determination of whether a reasonable accommodation by the employer can eliminate the risk. The outcome of each case will depend on the medical facts concerning the particular infectious condition, how that infection is transmitted, and the nature of the job in question. If a court were to find, based on medical evidence, that the employment of an individual with a contagious disease or infection did present a significant risk of transmitting that condition to others, and no reasonable accommodation could eliminate that risk, it would be proper to deny that individual relief under section 504. As I noted, this amendment is designed to place this framework into the statute. Thus, this amendment affirms—without modifying or changing—the current substantive protections for people with contagious diseases or infections.

I commend the Members of the Senate for fashioning this amendment in such a way that the courts will continue to adjudicate cases involving AIDS. HIV infection and other communicable conditions on a case by case basis. I also wish to point out that the law under section 504 has long had to deal with situations other than contagious diseases or infections in which claims were made that the employment of a person with a handicap create a risk of harm to others in the workplace. Such cases have included, for example, school bus drivers with hearing impairments, *Strathie* v. *Department of Transportation*, 716 F.2d 227 (3d Cir. 1983), and machine operators with epilepsy, *Montolete* v. *Bolger*, 767 F.2d 1416 (19 Cir. 1985). In these and other cases, the courts have adopted a standard requiring that defendants show a significant or substantial risk of harm in order to prove that the plaintiffs were not otherwise qualified under section 504 for the job in question. These cases demonstrate that determining risk of harm in these situations is well within the capacity of the courts.

The amendment which we are enacting today concerning contagious diseases or infections thus logically and appropriately parallels current law governing the risk of harm from employing individuals with other kinds of handicaps. I am pleased that our desire to prohibit discriminatory employment policies which are medically unjustified is being preserved in such a way that the nature of the handicap does not lead to a greater leeway for discrimination. Although, as I have noted, this amendment is essentially unnecessary because it restates current law, I believe it can serve a useful clarifying function.

It is unfortunate in my view that the Senate failed to adopt an abortion-free bill. House sponsors of this legislation could have reported a bill with such an amendment in the 98th Congress. However, we knew that abortion was wrongly tied to this legislation, and therefore, we urged Senate sponsors to present us with a clean bill—something they were unable to do.

I do not believe that the Danforth amendment belongs on this bill. But I will support the bill, including the amendment, because of the critically important statements made by Senator DANFORTH in describing its purpose and effect. He said, and I quote:

> The amendment says that * * * a college is prohibited from discriminating against people who have had abortions or who are seeking abortions. (135 Cong. Rec. S. 163, Jan. 27, 1988)

Senator WILSON, who had a role in drafting the amendment, said that it was drafted:

> To ensure that there could not be discrimination against women who either are seeking or have received abortion-related services. (135 Cong. Rec. S. 227, Jan. 28, 1988)

Such assurance, that the Danforth amendment clearly prohibits any covered institution from discriminating against a woman who is seeking or has had an abortion, is critical to my support of this provision. Whether it be scholarships, promotions, extracurricular activities, student employment or any other benefits offered to students or employees, under title IX benefits cannot be withheld from a student or employee because she received or is seeking an abortion.

Finally, it is important to keep in mind not only what the Danforth amendment does, but what it does not do.

Under its provisions, a covered institution does not have to include the costs of an abortion procedure in insurance for its students or employees.

But does not mean that it can exclude, for example, medical complications related to an abortion. Under the Danforth Amendment, Title IX still requires those complications to be covered.

I do not take the loss of health insurance to cover the costs of an abortion procedure lightly. Nor do I approve of the Danforth amendment's exclusion of the performance or use of facilities for performance of an abortion. But at least we in the House have the assurance that is the limit to the damage that Danforth does. And it is only because of this assurance that I am supporting the bill.

THE RELIGIOUS TENET AMENDMENT

Title IX currently provides an exemption for educational institutions that are "controlled by a religious organization if the application. * * * [of title IX] would not be consistent with the religious tenets of such organizations." The religious tenet amendment would extend the exemption to schools that are "closely identified with the tenets of a religious organization." The National Center for Education Statistics reports that at least a quarter of the more than 3,000 institutions of higher education report a religious affiliation. Because of the loose wording of this amendment it would appear that even more educational institutions could qualify for an exemption as they would not have to be associated with any religious organization just with a religious tenet. In addition the amendment invites, if not requires, Federal officials to evaluate the religious beliefs and activities of an educational institution in order to determine whether the institution is "closely identified with the tenets of a religious organization." The proposed amendment thus raises serious 1st amendment problems.

Federal law does not generally grant immunity from antidiscrimination laws to religious organizations. Title VII of the Civil Rights Act of 1964, which outlaws employment discrimination, contains certain exemptions for religious organizations, including schools, but limits those exemptions to "religious discrimination," that is, favoring members of the same religion in employment, and has not generally been interpreted to permit race or sex discrimination on the grounds that religion requires it. In contrast, if the religious tenet amendment is approved, institutions with tenuous religious connections would be free to discriminate in the admission of students, in rules regarding the marital and parental status of students and employees, and in providing access to particular course offerings and extracurricular activities. For example, such an institution could with impunity invoke a religious tenet that it is unseemly for women to participate in athletic activities. Such a broadening of the exemption would tear a gaping hole in title IX protections. It is critical that the control test remain in effect, and enforced severely for that aspect of the test is the linchpin for assuring that only a limited number of institutions may discriminate with Federal funds.

Further, the amendment is unnecessary as the Department of Education has not denied any statement of exemption filed by a school under the current statutory language and rules.

The real question that must be asked is since resolving the abortion issue no longer hinges on religious tenet, the desire to be out from under title IX regulations via a broadened religious tenet exemption must mean that these schools wish to discriminate in some manner against women. It would be interesting to know what forms of discrimination this might be?

I reluctantly support this bill because for the first time there will be an antiabortion provision in a permanent civil rights law. The assurance from sponsors of the Danforth amendment that it is limited in scope moves me to support the bill at this time.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time, 2½ minutes, to the gentleman from Pennsylvania [Mr. WALKER].

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Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding me this time.

(Mr. WALKER asked and was given permission to read from papers.)

Mr. WALKER. Mr. Chairman, we have heard this bill described as a civil rights bill. I would tell my colleagues that from what I can tell it is a civil wrongs bill because from what I see we are now going to have the Government intruding into places that Government ought never be. I refer specifically to groups in this country with uniquely religious heritages that could be dramatically undercut by this bill.

It just makes no sense to me at all that in the name of politics, and this is largely a political exercise, I am afraid, in the name of politics we would destroy religious liberty from uniquely religious groups that have survived in this country for 200 and 300 years.

But let me quote to my colleagues what is at least a portion of the problem from the preeminent authority in this country, Mr. William Ball, the man who has tried more cases on behalf of the Amish and the Mennonites than any other man. He testified in the Senate about this bill. He was not permitted, of course, to testify here because we had no hearings on the bill. But he has some devastating things to say, and he says:

> Reference has been made to the "tenets" exception in the bill. We do not find this satisfactory; it never was satisfactory in Title IX, because it expresses a rather naive concept of religion. In a number of major religious liberty decisions by the Supreme Court of the United States. an established policy or practice was not found in the formal language of some black letter "tenet". In *Wisconsin* v. *Yoder*, the Amish case, a landmark religious liberty case decided by the Supreme Court, no "tenet" was found. Instead, at stake was the immemorial practice of a faith community, based upon its religious motivations, to respecting the lives of its young people.

He went on to say that in order for this bill to help the Amish, help the Mennonites preserve their religious heritage, what we would have to have is language in there referring to religious tenets, convictions, practices or ministries of such program or activity.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am a little bit concerned about the colloquy that went on between the gentlewoman from Rhode Island and the gentleman from California relative to the Danforth amendment in section 3(b) of the bill. My understanding of the Danforth amendment is that there is no penalty for one who seeks an abortion imposed but there is no exception to the prohibition that nothing in the title should be construed to require or inhibit any person, public or private entity, to provide for, pay for any abortion or services related to abortion. Is that the gentleman's agreement?

Mr. WALKER. That is certainly my understanding of it, and it appears that that colloquy was designed to undermine it, and perhaps permit abortion referral services to be provided as a part of an educational exercise on the campuses that should never be.

Mr. SENSENBRENNER. Mr. Chairman, as one of the House authors of that amendment 2 years ago, I agree with the analysis of the gentleman from Pennsylvania.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me his time.

Mr. Chairman, what we are witnessing here today is an effort by Members of this body to legislate sweeping changes in our society by what I call buzzword blackmail.

We're calling this bill by a name that makes most people think it is something good, something to restore important rights to those who have been abused. And, of course, who doesn't favor real civil rights in this country? We all do.

But the problem we have is that we've perverted the concept of civil rights and are using it as an excuse to bring the heavy hand of the Federal Government down on a wide range of schools, churches, farms, businesses, and other organizations.

Many Members will feel good about themselves for voting for civil rights, but if they would take a minute to look at the consequences of this misnamed bill, they might reconsider.

One example will illustrate just how far-reaching this legislation will be, its effect on grocery stores. I'm not necessarily talking about huge, chain grocery stores like Safeway; I'm talking about a typical Mom and Pop small corner grocer.

These stores will be covered in their entirety by this legislation simply because they participate in Government's Food Stamp Program. A grocery store falls within the definition of an entity receiving assistance as a whole under section (3)(A), or under (3)(B) as a geographically separate facility.

Our former colleague, PAUL SIMON, admitted that grocery stores are intended to be subject to coverage under this type of bill. The small provider provision in the bill does not exempt grocery stores. It only relieves them of one burden under section 504, and only under very limited circumstances. Has anyone suggested that there are problems with discrimination in buying food?

The grocery store example only illustrates how extreme this legislation is. There is, of course, no exemption for churches and synagogues that may be required to enforce policies that go against the very nature of their faith. We would be using this civil rights bill to trample on the rights guaranteed in the first amendment.

Family farms that receive price supports could be subjected to the same grueling paperwork requirements to comply with this law.

All these devastating requirements could be put into effect even if the employer has never had a complaint registered for violating any civil rights statute. We are in effect violating their due process by passing this civil rights bill.

A better name for this bill would be The Comprehensive Federal Instrusion Act of 1988. If this bill becomes law, without doubt there will be an open floodgate of lawsuits, making it extremely difficult for small businesses to stay in business.

I strongly urge my colleagues to vote "no" on this bill.

Mr. JEFFORDS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Vermont is recognized for 2 minutes.

Mr. JEFFORDS. Mr. Chairman, I am not all sure what issues the gentleman from Pennsylvania was raising, but it is my belief with respect to the abortion provision no benefit or service is required or prohibited. Therefore, I do not think that it in any way would require abortion services to be offered.

Mr. Chairman, also I would point out that under the ultimate beneficiary language, and I am not sure whether this applies to the Mennonite situation, if the gentleman were asserting that being a conscientious objector somehow involved receipt of benefits under a Federal program it is my understanding that the recipient would be an ultimate beneficiary. Therefore, under this bill, with the modifications that we put in it this time, the gentleman's concerns would not apply.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the Selective Service already issued the regulations under the present Civil Rights Act, so there is absolutely no doubt that it does apply under this and the modifications in this law do nothing to change that because the religious tenets do not go far enough, because tenets are not necessarily spelled out in black and white.

Mr. JEFFORDS. But the religious tenets exemption only applies to colleges under title IX.

Mr. WALKER. No; let me say to the gentleman if he will look at the bill it talks about school systems. The Amish run a school system, for example, and Mr. Ball, when he testified in the Senate, and I am sorry of course we did not have that testimony here, he pointed out that the language was so imprecise that it causes great damage. That is exactly what we are worried about, imprecise language in the case of these people who we are trying to protect who are religious minorities and it is exactly the wrong thing to be doing. This language throughout this bill is imprecise as to exactly what we mean when we are dealing with these areas.

Mr. JEFFORDS. I am sorry, but I just cannot follow the logic of this argument. The issue is one of "ultimate beneficiary" and in no way pertains to the operation of a school system. I do not follow the argument of the gentleman.

Mr. HAWKINS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Senate bill is considered as having been read for amendment under the 5-minute rule.

The text of the Senate bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Civil Rights Restoration Act of 1987".

FINDINGS OF CONGRESS

Sec. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

Sec. 3. (a) Title IX of the Education Amendments of 1972 is amended by adding at the end the following new sections:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"Sec. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

(b) Notwithstanding any provision of this Act or any amendment adopted thereto:

"NEUTRALITY WITH RESPECT TO ABORTION

"Sec. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.".

REHABILITATION ACT AMENDMENT

Sec. 4. Section 504 of Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "Sec. 504."; and

(2) by adding at the end the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

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"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

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"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

Sec. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

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"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

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the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

Sec. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"Sec. 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

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"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

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"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

Sec. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

ABORTION NEUTRALITY

Sec. 8. No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal Funds to perform or pay for an abortion.

CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

Sec. 9. Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after subparagraph (B) the following:

"(C) For the purpose of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job."

The CHAIRMAN. No amendments to the bill are in order except an amendment in the nature of a substitute printed in House Report 100-508 by, and if offered by, Representative Michel, or his designee. Said amendment is considered as having been read, is not subject to amendment, and is debatable for 60 minutes, equally divided and controlled by the proponent and a Member opposed thereto.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, by designation of the gentleman from Illinois [Mr. Michel], I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. Sensenbrenner:

Strike all after the enacting clause, and insert in lieu thereof the following:

SHORT TITLE

Section 1. This Act may be cited as the "Civil Rights Preservation Act of 1988".

FINDINGS OF CONGRESS

Sec. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and longstanding executive branch interpretation and broad, institution-wide application of those laws as previously administered.

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"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

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"(B) the entire single plant or other comparable, geographically separate single facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3); any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by, or which is closely identified with the tenets of, a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization".

(b) Notwithstanding any provision of this Act or any amendment adopted thereto:

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"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

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"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State and local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

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"(B) the entire single plant or other comparable, geographically separate single facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3); any part of which is extended Federal financial assistance."

RULE OF CONSTRUCTION

SEC. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

ABORTION NEUTRALITY

SEC. 8. No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion.

CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

SEC. 9. (a) Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after subparagraph (B) the following:

"(C) For the purpose of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job."

The CHAIRMAN. Under the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, the unfortunate fact is that some proponents of Grove City legislation are putting many fine people on both sides of the aisle and on the question in the uncomfortable position of confrontation. The rule deprives members of a fully informed view on the issues and simply pits a so-called Republican substitute against the Senate-passed bill, which I suppose by implication makes it a democratic bill. Confrontation and partisanship should not be part of civil rights law in America.

The substitute I offer is not a Republican substitute, but a bipartisan, moderate one. This substitute is offered in the spirit of reconciliation. It addresses two major problems. It avoids the unintended consequences of an unamended Senate-passed bill while still meeting the goal of restoring full coverage of civil rights laws.

I emphatically support overturning Grove City and support stronger enforcement of civil rights. I want to see a Grove City bill pass and I am prepared to do all I can to do so. But the Senate bill is not perfect and I have full confidence in my colleagues on both sides of the aisle that we can do just as good a job as the Senate in improving the bill.

I recognize that some proponents feel they made a huge concession by continuing to move this bill with an abortion neutral amendment. But it should also be recognized that this substitute represents a huge concession on my part. In 1987, I introduced H.R. 1881, the Administration Alternative to the Civil Rights Restoration Act. I have moved from that position and I am now prepared to accept coverage as it existed before Grove City in toto. However, I still support a religious tenets amendment and do not support coverage of the private sector that is beyond pre-Grove City scope.

My substitute is a compromise position. It is the Senate-passed bill with a religious tenets amendment similar in nature to the one offered by Congressman JEFFORDS in 1985 and a corporate coverage amendment similar in nature to the one offered by Congressman FISH and BARTLETT. This substitute builds more consensus and more reconciliation. With the ordeal we have had with this bill, we owe it to the people we are trying to help to proceed with this bill in a positive, conciliatory way.

This morning the Secretary of Education sent Mr. MICHEL a letter endorsing my substitute. It is my feeling that if we pass this substitute the President is much more likely to sign the bill. We know he will veto the Senate-passed bill in its current form.

Anyone who doubts my motives on this substitute, let me say this:

If a religious tenets amendment and corporate coverage amendment are adopted, I will support the bill and vote for final passage. After 4 years we need to pass a bill, but we need to do it in a way that advances civil rights for all and not at the expense of some.

RELIGIOUS TENETS

An amendment needs to be made to expand the current religious tenet exception in title IX from an entity that is controlled by a religious organization to an entity which is closely identified with tenets of a religious organization when the religious tenets are an integral part of such operation. This is the same language adopted by Congress in the Higher Education Act of 1986. In 1985 an amendment to provide such relief was offered by Congressman JEFFORDS, the ranking minority member of the Education and Labor Committee and a cosponsor of the Grove City bill in the 99th Congress. It was adopted by a vote of 18 to 12.

Currently, section 901(A)(3) of title IX allows recipients "controlled by a religious organization" relief from complying with provisions in title IX and its regulations if such regulations "would not be consistent with the religious tenets of such [religious] organizations". With an ever-increasing number of religious colleges and religiously affiliated institutions such as hospitals being controlled by lay

boards or otherwise church organizations, this amendment is essential to prevent some bureaucrat Federal judge from forcing church-affiliated entities from taking action they feel is morally repugnant. At its essence, this is an issue of religious freedom and liberty as expressed in the first amendment.

To see how out of date the religious tenet exception is, one need only look at the testimony from the House hearings in the 99th Congress. In 1985, Father William Byron, president of Catholic University, on behalf of church-related and/or independent colleage and university associations, testified that the "control" test is not an appropriate yardstick. He stated:

> We believe that the conditions relating to the governing body and financial support are no longer appropriate. Over the years, as colleges and universities matured as educational institutions, colleges once tightly linked to churches began to expand the makeup of their governing bodies. They began to include members who could help promote and administer quality education but who were independent of the controlling religious group. This result, which we see as a positive trend, points to the conclusion that since many of these boards of directors are now independent and self-perpetuating, requiring the governing body to be appointed by the religious organization is no longer relevant or appropriate. * * *

The issue of an adequate or effective religious tenet exception is seen as essential to the U.S. Catholic Conference. In addressing Grove City, Father Hehir of that organization stated that the absence of a broader religious tenet exception was "a fundamental flaw in the legislation."

In the name of the first amendment, religious liberty and freedom, language to protect religiously affiliated entities is necessary. The language adopted by the House Committtee on Education and Labor must be kept in the bill. This language has the strong support of various associations of private schools, colleges, and universities.

CORPORATE COVERAGE

There is a significant expansion of corporate regulation resulting from S. 557. One major new provision is the creation of a whole new regulatory category singling our certain businesses for ultra-comprehensive coverage of their business operations without restriction to the plant or geographically-separate facility receiving the Federal assistance. This category encompasses any company engaged in the business of providing "education, health care, housing, social services, or parks and recreation." This regulatory concept is entirely new, and is certainly no part of any "restoration" of pre-Grove City law.

Under this new provision, a corporation operating a nationwide chain of realty offices, nursing homes, or rehabilitation clinics would be subject to coast-to-coast regulatory coverage in all of its operations, even those unrelated to the divisions or plants receiving Federal assistance.

The justification for this especially expansive coverage set forth in the committee report is revealing. The report says that these private corporations are doing business in areas "traditionally regarded as within the public sector." Therefore, even though they are privately owned businesses, they are to be regulated as though they are providing a "public service." This explanation reveals the underlying philosophy of this provision for what it really is: an attempt to obliterate the distinctions between the private and public aspects of society and the economy, and expand Federal civil rights regulation beyond any meaningful limits.

CONCLUSION

In sum, I urge my colleagues to support my substitute as a way to improve the Grove City bill, build more consensus, and let the House have some input rather than rubberstamp.

☐ 1830

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from California [Mr. HAWKINS] oppose the amendment?

Mr. HAWKINS. I am opposed, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. HAWKINS] is recognized for 30 minutes.

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, the substitute offered by the gentleman from Wisconsin should be defeated. The religious tenet amendment contained in the substitute is unnecessary and unwise, and that will be the focus of my remarks.

Mr. Chairman, under title IX, an institution "controlled by a religious organization" may secure an exemption from title IX's prohibition of sex discrimination if the application of a provision of title IX "would not be consistent with the religious tenets of such organization." An amendment to broaden the religious tenet provision is not only unwarranted and unprecedented, but in thousands of private schools throughout the country would seriously undermine title IX's protection.

Such an amendment was defeated by a vote of 56 to 39 in the Senate. It is opposed by leaders of major religious organizations, including the United Methodist Church; the Presbyterian Church [USA]; the National Council of Churches; the American Baptist Churches, USA; and the American Jewish Congress. The U.S. Catholic Conference has expressly opposed the substitute, which includes the religious tenet amendment.

Under the proposed amendment, the exemption would be extended to institutions "closely identified with the tenets of a religious organization." This is a loose definition, which could be interpreted to allow many private institutions to qualify. This is so because an institution need only claim a close identification with a religious tenet of a religious organization in order to justify a discriminatory policy it wishes to pursue. I do not think the Congress wants to put its stamp of approval on such a license.

In contrast, the Civil Rights Restoration Act as passed this year by the Senate and as reported by the Judiciary Committee in 1985 makes an important clarification in the religious tenet provision. The religious tenet provision that has been in title IX since 1972 applies only to education institutions. Before us is a title IX that applies not just to educational institutions receiving Federal financial assistance but to educational programs operated by noneducational institutions such as nurses training in a hospital.

S. 557 provides that a religiously controlled education program or activity that is not part of an educational institute would still be within the protective scope of the religious tenet exception. That is as far as we should go.

The key in the religious tenet exemption is the control test. A Government inquiring into the nature of a religious tenet asserted by an institution is fraught with difficulties. Therefore, the assurance that an institution is actually controlled by the religious organization whose tenets it relies upon is essential to keep this exemption from becoming an escape hatch from title IX.

There has been no showing that any further changes are needed. No application to the Department of Education has ever been denied. No administration has ever required any institution seeking an exemption to change a practice it claimed conflicted with its religious tenets. The Department of Education has granted religious tenet exemptions to 150 institutions.

The National Center for Education Statistics reports that 786 out of 3,301 higher education institutions consider that they are religiously affiliated. Even if the proposed loosening of the standard for this exemption applies only to these 786 schools, 559,053 full- and part-time women students will be affected. Not even counted in these figures are the employees in these schools, or the many students and employees in private elementary and secondary schools who would also be affected.

It has been argued by supporters of this amendment that it has been adopted in other legislation—particularly the Higher Education Act amendments. However, in fact no other Federal law has ever permitted sex discrimination under these circumstances. The Higher Education Act amendment deals only with allowing institutions to favor individuals of a particular religion—it has nothing to do with sex discrimination.

I reiterate my opposition to the substitute. Its potential for abuse is alarming—for it opens the door to discrimination against thousands of women and girls in our country, discrimination supported by our own tax dollars.

At this point I include the following letters:

U.S. CATHOLIC CONFERENCE,
Washington, DC, March 1, 1988.

DEAR REPRESENTATIVE: On behalf of the Catholic Bishop's Conference, I would like to share our views on the Civil Rights Restoration Act. We were deeply gratified that the Senate recently adopted by a wide margin an "abortion-neutral" amendment and then passed this important legislation overwhelmingly. We now hope that this vital civil rights legislation with the necessary improvements made in the Senate can also be quickly and overwhelmingly approved by the House of Representatives.

We wish to renew our consistent support for a Civil Rights Restoration Act, which strengthens our national commitment to combat discrimination without requiring any institution to violate deeply held convictions on human life. We believe government has the fundamental duty to protect the life, dignity and rights of the human person.

We support the Senate Bill for what it does to strengthen federal civil rights protections and for what it does in making clear that institutions are not required to provide abortion benefits and services as a condition of receiving federal funds. Therefore, we oppose the substitute since it could seriously jeopardize ultimate Congressional enactment of these critically important improvements in federal law and regulations.

Sincerely yours,
Rev. Msgr. DANIEL F. HOYE,
General Secretary.

FEBRUARY 29, 1988.

Members of the U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: We are writing to ask you to support the Civil Rights Restoration Act without additional amendments.

However, we are deeply concerned about the need for clarifying language in the Danforth amendment regarding the possible discrimination against women who have had abortions. As presently worded, the Danforth amendment is vague and could be construed to permit such discrimination. While we believe that the amendment's sponsors intended to insure that no discrimination against women will occur, we believe it is imperative that a vehicle (such as a colloquy) be found to clarify that the amendment expressly prohibits discrimination.

We also are concerned that there would be no change in the existing understanding of religious tenets. Any amendment to expand religious institution exemptions goes beyond restoration and needs very serious debate before consideration.

We urge you to support the Civil Rights Restoration Act, oppose further amendments and find a way to clarify the language of the Danforth amendment to insure that there will be no discrimination against women who have had abortions.

Sincerely,

American Baptist Churches; American Ethical Union, Washington Ethical Action Office; The Christian Church (Disciples of Christ), Church in Society of the Division of Homeland Ministries; Church of the Brethren; Church Women United; Friends Committee on National Legislation; Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America; National Council of Churches; NETWORK, A National Catholic Social Justice Lobby; Presbyterian Church USA, Washington Office; Union of American Hebrew Congregations, Religious Action Center; Office of Public Policy, Women's Division, United Methodist Church; General Board of Church and Society, United Methodist Church.

AMERICAN BAPTIST CHURCHES, USA,
Washington, DC, February 24, 1988.

DEAR REPRESENTATIVE: On behalf of American Baptist Churches USA, a Protestant denomination of one-and-a-half million members, I urge you to support the Civil Rights Restoration Act without any weakening amendments.

This legislation is needed in order to reverse the growing trend of discrimination against women, minorities and disabled persons that has been occurring in this country since the Grove City case decision.

It is important that you oppose attempts to expand the religious institution exemption or to alter substantially the religious tenets provisions of the bill.

One aspect of the Senate-passed bill needs some clarification: the "Danforth amendment" concerning abortion. We believe that the intent of the amendment is to prohibit discrimination against women, and hope that a clarifying colloquy on that point will occur on the House floor.

Sincerely,
ROBERT W. TILLER.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I support the substitute by the gentleman from Wisconsin [Mr. SENSENBRENNER]. First, I do want to note to the House that the so-called substitute is not really a substitute. The gentleman is offering two amendments to the bill that had been considered and in at least one case had been passed by the Committee on Education and Labor and he is offering these two amendments to the main bill in the only form that he was given the opportunity to offer those.

So as members come to vote I think they need to understand that by voting for the Sensenbrenner so-called substitute they are really not voting for a substitute for the bill, they are voting for two amendments in the only way in which the rule was constructed that they could vote for those two amendments.

Now it is also important to note that in fact the Sensenbrenner substitute or the Sensenbrenner two amendments are closer to a restoration of pre-Grove City law than the main bill.

The main bill either with or without the substitute will not be a precise restoration of pre-Grove City. But the Sensenbrenner amendments brings us much closer to nearly restoring pre-Grove City law which on the surface is purported to be the purpose of this legislation.

So what do the two amendments do? First, the religious tenent amendment, that amendment was considered by the Committee on Education and Labor 3 years ago and was adopted by a 21-to-18 vote. The language of the bill presently tracks current law which says that an entity may get an exemption if it is controlled by a religious organization, if the application of the operation would not be consistent with the religious tenents of that organization. That was the original law passed in 1972.

What has happened, and the purpose of the Sensenbrenner religious tenent amendment, is that the world has changed. Since 1972 in order to achieve the intent of Congress, and that is to allow a religious college or university to have an exemption for their religious tenents from title IX, to have that exemption, in order to achieve that exemption we now have to change the law to meet the current practice among religious colleges and universities and that is to permit those colleges and universities that are affiliated with the religious organizations and not nearly or narrowly controlled.

Second, the second of the Sensenbrenner amendments adopts a more narrow corporate coverage that is much more consistent with pre-Grove City. In pre-Grove City the law, no where in the law were any industries or types of activities singled out for special or broad coverage. But that is what this bill does in a wholesale revision and expansion of the law, when the law provides for businesses that are engaged, and I quote the bill, "in providing education, health care, housing, social services or parks and recreation," to have one type of extremely broad test and everyone else to have a more narrow test that is more consistent with pre-Grove City. What the Sensenbrenner amendment does is it says that all business activities regardless of whether they fit in these five neat and narrow-sounding categories in fact will have only—the law will only apply to that facility that accepts those Federal funds.

I urge a "yes" vote for the Sensenbrenner amendments.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the gentleman for yielding.

I would like to say at the outset that although I oppose the amendment being offered by the gentleman from Wisconsin, I want to salute his efforts

on this issue, because I know he spent many, many hours dealing and grappling with very, very difficult issues and he offers this amendment in good faith in an attempt to try to resolve a very difficult choice which we face tonight on the floor of the House of Representatives: The choice between the diversity of religion which is guaranteed by our Constitution and the basic human freedoms guaranteed by that same document.

As I tried to assess this issue after working on it myself for some time I think what we are about this evening can be characterized as an attempt to make sure that as religion should not be a victim of our efforts to overturn Grove City, neither should it be a shield which exalts discrimination in the name of theology. It is virtually impossible for us to craft legislative language which guarantees this distinction, which makes certain that good faith religious tenets are not violated in the name of prohibiting sexual discrimination. What we have done instead is to require good faith proof to the Department of Education to qualify for an exemption. The track record of this Department of Education I think is clear and unequivocal. They have never denied an application for a religious tenet exemption. As a result of that track record I think we find that this legislation without the adornment of the Sensenbrenner amendment has attracted the support of virtually every religious group in the United States.

My colleague from New York, Mr. FISH, recounted in specific terms all of the religious groups that endorse the effort this evening without the Sensenbrenner amendment.

One group in particular, the United States Catholic Conference, has specifically by correspondence to Members to the House of Representatives stated that they are in opposition to the substitute being offered by Mr. SENSENBRENNER.

It is interesting to note that the Catholic Conference speaks for a religion which has universities which gave up direct control long ago.

If the Catholic Conference can speak so clearly and unequivocally against the Sensenbrenner amendment, representing institutions which gave up direct control by the Catholic Church years ago, I think it is a clear signal that the procedure we are putting in this bill is sufficient to satisfy their needs.

I would also question whether or not the gentleman wants to go so far as to take an exception from control by religious tenets and merely to open it up widely to organizations closely identified with.

I think that opens the door far too wide. It invites mischief. It may invite discrimination in the name of theology. And I hope that those of my colleagues who view this as a good compromise coming from the Senate will oppose the Sensenbrenner amendment and vote for the bill, the resolution as it is offered.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Civil Rights Restoration Act of 1987 and support for the Sensenbrenner Amendment. I oppose this bill on two grounds: It deceives the American people into believing that it restores civil rights when in fact it jeopardizes them. Furthermore, it sets a bad legislative precedent for future civil rights legislation by side-stepping the House committee process. If we are to consider seriously civil rights legislation in this Chamber, let us allow the appropriate committees to review this bill. Let us hold the proper hearings on the House side. And let us legislate responsibly, adhering to the procedural standards of the House.

Under the House and Senate bills, all beneficiaries of direct and indirect Federal assistance would be compelled to prove that they do not discriminate on the basis of sex, age, handicap, or race. Placing the burden of proof on the entities receiving Federal assistance contradicts our country's judicial tenent of innocent until proven guilty. On a more practical level, this bill would increase Federal paperwork as well as result in random Federal on-site inspections, even in the absence of a complaint.

Grove City trespasses upon the civil rights of our churches, schools, farms, and businesses, and it restricts much of the good many of these institutions are able to do in helping our Government attend to those in need. Imagine the ironies involved here: A church which accepts federally subsidized cheese for its soup kitchen is susceptible to a Federal investigation. Not only is this an intrusion, but it also wastes time that could be spent feeding people. The grocer who accepts food stamps for those customers who need them would also be susceptible to a Federal investigation.

This legislation which seeks to protect civil rights threatens them. I urge my colleagues to vote "no" on this bill.

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Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I want thank the gentleman for yielding this time to me.

There are several things on which I want to set the record clear. First, we had heard that there had been no committee hearings, and I want to point out that the Subcommittee of the Committee on the Judiciary had 21 hearings on this issue. We not only had them in Washington, they did a road show and went all over America. We literally ran out of funds. We looked for everybody who wanted to talk.

I suppose we could duplicate that again, but I think what we would find is just more cases of discrimination. People may not like what we turned up in the hearings, but the hearings were very thorough and accurate. I believe 21 hearings is more than most people have on any bill. Second, let us not forget what we are talking about here. I hope Members vote against this substitute. We are talking about tax money collected equally in America. This is an equal tax-paying opportunity Government. They do not give blacks a break or give women a break or anyone else because they turn around and give our tax money to groups that discriminate. So if we are going to collect money equally from women and everyone else, then certainly when that money is given to an institution, they ought to make sure they do not discriminate against the groups they collect the money from. If people do not want to abide by those rules, they do not have to take the money.

Third, it is pointed out that it is very clear in the law that if an institution is controlled by a certain religious group, then we can give them an exemption. So there is an exemption there if they are controlled. I think that is very fair. But beyond that, any other institution that is getting Federal money—and if they do not want to get Federal money, then they do not have to worry—if they are getting Federal money because that money is collected from everyone, I think we have to make sure that they have an opportunity to get the benefits back. As a woman, if they want to come and say they will cut my taxes 30 percent because they are going to give it to groups that discriminate against women, I might negotiate, but no one from IRS ever comes and negotiates that way.

Let me also point out something else that I think is important. I remember the title IX hearings, and I remember the crazy things we heard. We heard Ph.D's who were the head of universities telling us the reason they could not let women in equally is they would have to buy more diminutive furniture, and that women ate more often and they had to put in more cooking facilities, and that the best way to keep grades up was to have long stag lines on Saturday nights. I do not know any area in the country that still has stag lines. I think all that stuff has been proven very out of date since we put title IX into effect.

Furthermore, we just finished the Olympics, and one of the great changes in title IX was opening up gymnasiums to women, and, oh, my, was there a fight on that. The "Jockocracy" went crazy. I want to say that I think everybody has been very proud of the medals American women have won. Those American medal winners have been here in this House and in the Senate talking to people about how important title IX was for that beginning.

So, Mr. Chairman, I ask the Members to please vote no against the substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. Ridge].

Mr. RIDGE. Mr. Chairman, today we decide the fate of the Civil Rights Restoration Act of 1987. It is legislation that has aroused strong sentiments among friend and foe alike. Throughout the debate and discussion, S. 557 has inaccurately been referred to as the Grove City bill. It is important for my colleagues to understand clearly and completely that at no time was there ever an allegation or even a suspicion that the college discriminated on any fashion.

Grove City College is located in my district in western Pennyslvania. This fine institution of higher learning has never discriminated in any of its programs or policies. Grove City College is a private liberal arts college, which was founded by strongly religious members of the Presbyterian Church. This affiliation has helped to shape the academic, social, and spiritual aspects of the college. It is this very fact that as a Christian institution, Grove City College considers discrimination of any type to be inherently inconsistent with its Judeo-Christian beliefs. It has operated for over 100 years with strict policies of nondiscrimination.

Grove City College filed suit against the Government because of its longstanding belief that the intrusion of the Federal bureaucracy into the day-to-day affairs of a private institution was unnecessary and against their cherished freedom, not in defense of discriminatory policies. After the Supreme Court reached its now famous interpretation of title IX which narrowed the view of title IX to a program specificity, Grove City College, under the fine leadership of its president, Dr. Charles McKenzie established the "Student's Freedom Fund" to provide private financial grants for those students that would need Federal financial aid to attend the college. This fund has allowed Grove City College to be free from any Government monies, thus permitting it to retain its much valued autonomy.

The college in the past has appealed for strong civil rights legislation, however, at the same time allowing America's private schools the right to retain their independence and distinctive educational traditions. They will continue this stance in the future. In a campus speech in December of 1986, Dr. Clarence M. Pendleton Jr., Chairman of the U.S. Commission on Civil Rights, pronounced that Grove City College "cherishes freedom, clearly abhors discrimination and that nothing could be further from the truth than to suggest that discrimination existed on campus."

I represent seven private, church affiliated colleges and am proud of their historically unique and distinct academic, social, and spiritual beliefs and tenets. They have helped to shape the towns and communities where they are located and have produced fine men and women who strive for the best that America has to offer. I regret so few of my colleagues have a complete understanding of the specific facts and issues involved in the lawsuit. It is used as a point of reference in this debate without regard to the actual facts. There were never any allegations of discrimination and I appreciate my colleagues giving me this time to correct the record.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, at this point in the debate I think it is important to make the record clear about religious tenets exemptions granted by the Department of Education.

Between 1976 and 1984 there were only five religious tenets exemptions granted, and 215 applications were not acted upon. While it is true there never was a denial of the religious tenet exemptions by the Department of Education, the failure to act is the same as a denial. It is only the Reagan administration that has approved the vast bulk of the religious tenet applications that have been filed, and we know that that administration has less than a year to go. Another administration can easily take away what the Reagan administration has granted, and that is why I believe the religious tenets need to be statutorily protected rather than left to the whim of the Secretary of Education or the people who work with him.

Mr. FISH. Mr. Chairman, will the gentleman yield to me so I may respond?

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. Sensenbrenner] has expired.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. Fish].

Mr. FISH. Mr. Chairman, I thank the gentleman for the time, and I appreciate it because it certainly was my prior remarks that prompted my friend from Wisconsin to say what he said, and I would just like to underscore the fact that the legislative history of the religious tenets exemption shows that what the Congress had in mind was seminaries, and the vast bulk of the numbers of exemptions granted have been to seminaries. I think there are only two colleges I saw on the list that have ever been applied and granted exemptions, so I think the purpose of this thing that we have lost sight of was seminaries rather than the dates and other matters.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. Edwards].

Mr. EDWARDS of California. Mr. Chairman, of course I rise in opposition to the substitute offered by the gentleman from Wisconsin [Mr. Sensenbrenner] and I want to point out that this is another attempt to go past simple restoration. Our agreement many years ago was to have a bill that would legislate simple restoration of the law before the Grove City decision, and here is another attempt to piggyback another issue, another exemption on it.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, where in the pre-Grove City law was there corporationwide rather than plantwide coverage rather than the five specific enumerated areas in your bill, to wit: education, health care, housing, social services, or parks and recreation? I cannot find any interpretation of the law prior to Grove City that had broader application in these 5 years than in another five areas, and what your bill does is provide different strokes for different folks.

Mr. EDWARDS of California. Mr Chairman, in response to the gentleman, the section he refers to was a compromise worked out by himself and a group of us a number of years ago.

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will yield further, that does not answer my question. Where in the pre-Grove City law was there broader coverage for these five areas than for the other areas in the private sector?

Mr. EDWARDS of California. Mr. Chairman, it is our understanding that the commitment was made not to go beyond the law as it was before the Grove City decision of the Supreme Court.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman from California still has not answered the question.

Mr. EDWARDS of California. Mr. Chairman, I only have 3 minutes. I will not yield further.

Mr. Chairman, I oppose the amendment offered by the gentleman from Wisconsin. The amendment would emasculate the title IX prohibition against sex discrimination in a federally funded education program by exempting hundreds, possibly thousands,

of schools from compliance with this nondiscrimination duty. In addition, it would severely weaken the application of all four laws to private entities operating federally funded programs. If this amendment is adopted, the Federal Government will find itself in the untenable position of providing Federal assistance to programs that discriminate against minorities, women, the handicapped, and the elderly.

The amendment opens up a giant loophole in the existing title IX religious tenet exemption. Since its enactment in 1972, title IX has permitted very narrow exceptions from the prohibition against gender-based discrimination in any federally funded education program. One of the exceptions is available to an educational institution if it is "controlled by" a religious organization and there is a title IX requirement which conflicts with the religious tenets of that organization.

Since this bill was introduced in 1985, supporters of this loophole amendment have argued that such a change is necessary because otherwise these institutions, which they claim are no longer religiously controlled, will have to pay for or perform abortions. They can no longer make that claim in light of the Danforth amendment. Now, at last, they must confess their true motives which is they simply want to be exempt from title IX coverage.

In fact, they have lobbied for this change each time title IX has been amended. Congress, in its wisdom, has rejected this effort. During consideration of this bill a few weeks ago, the Senate rejected their claim by a vote of 56 to 39. The House refused to accept this proposal during floor consideration of the restoration bill in 1984.

Virtually every private school can establish some affiliation with a religious organization. Adoption of such a loophole would defeat the purpose of title IX. Not only is such a proposal unacceptable, on policy grounds, it is also unnecessary. Proponents of this amendment cannot cite a single instance in which legitimate exemptions have been denied. It is critical that the control test remain in effect and enforced seriously—for that aspect of the test is the linchpin for assuring that only a limited number of institutions may discriminate with Federal funds.

The proposed change to the corporate coverage section in S. 557 is unacceptable and unwarranted. The corporate coverage provision in the bill represents an accommodation which Democratic supporters in the House made to our Republican colleagues in the Judiciary and Education and Labor Committees during consideration of this bill in the 99th Congress. We agreed to abide by this compromise and convinced Senate supporters to do the same when the bill was introduced in the 100th Congress last year.

The corporate coverage in the bill is a compromise in that the record presented to the Congress supported corporatewide coverage in all instances. The compromise provides for corporatewide coverage in only two instances: First when Federal financial assistance is extended to the corporation "as a whole," or second, when the corporation is "principally engaged in" five business areas—education, health care, housing, social services or parks and recreation—services which in the past have been provided by the government but through increased privatization, are likely to be available through the private sector.

Adoption of this amendment is likely to encourage entities to create discriminatory schemes which will go unchecked by Federal civil rights enforces. For example, under the gentleman's substitute, a nursing home chain could create racially segregated facilities free from Federal review by confining all Medicaid recipients to one or some of the facilities rather than throughout the chain. We should not encourage the development of such creative techniques to avoid compliance with these civil rights laws.

For these reasons, I urge my colleagues to reject this substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. Hastert].

Mr. HASTERT. Mr. Chairman, I rise in opposition to S. 557, the so-called Civil Rights Restoration Act of 1988, more commonly known as the Grove City bill.

"Civil rights restoration." That really has a nice ring to it, doesn't it? An affirmative vote on this bill would seemingly "restore" lost civil rights. Who can oppose a bill that would protect people from discrimination due to their race, creed, color, sex, national origin or handicap status? Who is against establishing justice and securing the blessings of liberty? No one.

But, justice and liberty are not what this bill is about.

The mantle of the Civil Rights Restoration Act of 1988 has been used as a cloak for one of the most outrageous attempts at a Federal power grab in our Nation's history. This bill does not simply overturn the Grove City decision, as is claimed by the bill's cosponsors; it goes far beyond that limited objective. S. 557 would allow the Federal bureaucracy to lay jurisdictional claim to levels of American society until now thought beyond its constitutional limits.

The Grove City bill would expand the Federal Government's range of authority for the enforcement of civil rights laws and regulations to every church, school, college, farm, business, or any other institution that receives direct or indirect Federal funding. With 1 trillion Federal dollars sloshing around out there every year, few institutions can remain secure in the knowledge that they would be exempt from the harrassment and expense of burdensome paperwork, bureaucratic compliance reviews, or costly legal fights with individuals or advocacy groups due to an oversight in complying with complex and arcane Federal regulations.

Where will the burden of compliance with the provisions of this bill fall the heaviest? The burden will not fall heaviest on State governments or large corporations, but on institutions that can ill-afford the costs of compliance: private liberal arts colleges, small businesses, and farmers .

What will happen to religiously affiliated colleges like Wheaton or Judson Colleges in Illinois? If a present or future Federal civil rights bill were to violate the religious tenets of these two colleges, should the Federal Government force these institutions to comply, even though compliance may violate deeply held convictions?

What will happen to small businesses that have received assistance from the Small Business Administration or grocery stores that accept food stamps? Not very far from my home is a mom-and-pop grocery store that has been in business for over three generations. They couldn't even hire their grandson to pack groceries without having the burden to prove that they complied with Federal regulations with regard to hiring practices.

I have approximately 10,000 farm families in my distrct, and many of the family farms are incorporated for tax purposes. Those farms that receive crop subsidies, price supports, or similar assistance would come under the scrutiny of Federal agents to ensure that they are fulfilling their obligations in documenting compliance the Federal civil rights laws. It is unfair to expect someone as hard hit as the American farmer to comply with regulations that simply are inappropriate on the farm.

To paraphrase Chief Justice John Marshall, the power to regulate is the power to destroy. The bedrock of American constitutional government is the independence of the individual, and the associations into which he or she freely enters, from the coercive power of the state. When we relinquish the independence of our businesses, our schools, and even our churches to the intrusiveness of the Federal bureaucracy, then we have truly surrendered a piece of our hard-won liberty.

Mr. Chairman, no one in Congress is opposed to civil rights; but we should be against the intrusion of the Federal bureaucracy into areas where it does not belong. I urge my colleagues to defeat this bill.

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Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentlewoman from Maine [Ms. Snowe].

Ms. SNOWE. Mr. Chairman, even when protecting civil rights, we obviously don't want to interfere with the true exercise of religious beliefs. That's why title IX has a specific exemption for religious institutions.

But while the legislation today seeks only to restore protections against discrimination, this substitute would significantly diminish those protections through a vastly expanded exemption.

The amendment suggests that, somehow, that before the Grove City case there was a problem with the religious exemption. That simply isn't the case. As the Department of Education itself wrote in May 1987, in this administration, they "have never denied a request for religious exemption * * * (and) no requests for exemption are pending at this time."

With this amendment, however, upward of 786 of the Nation's 3,000 higher education institutions, ones which still receive Federal assistance, might be able to disregard antidiscrimination laws—no matter how tenuous the religious connection, since there is no reasonable test as to what can be claimed. Without responsible criteria to an exemption, the laws themselves become meaningless.

Finally, as to the corporate coverage issue, I just don't see the logic, frankly, in allowing a company, part of an overall organization, that receives tax dollars in one part to discriminate in another. As former Education Secretary Bell wrote, "If you take Federal money, you must comply. If you receive no Federal funds, you need not. It was as simple as that."

It was as simple as that then and it is as simple as that today.

We are here to set the higher standards, not the lower standards. The burden should be on those who seek to discriminate, not on the victims of discrimination.

We as Representatives of the people should be in the business of not creating loopholes for prejudice. Make no mistake, that is what this amendment represents, and that is why I urge you to oppose it.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. Ford].

Mr. FORD of Michigan. Mr. Chairman, I rise in support of S. 557 as presented to the floor by our committee and ask my colleagues to vote to oppose all of these amendments that are offered, whether they are offered en bloc or individually.

I am distressed by how terribly familiar some of the rhetoric tonight sounds to those of us who were here in the sixties when we were passing landmark legislation.

I find it, as some would say, amazingly strange to hear coming from that side of the body the plaintive cry of "we can't do this, it won't work, and it's going too far" of a law that was signed by someone that certainly has not gone into the books as any extremist in promoting civil rights.

I was a part of the committee when we put title IX in the Higher Education Act, and it was Richard Nixon who signed it into law proudly. I wish that his party had a better memory for the good things he did while he was here.

Mr. Chairman, as a cosponsor of H.R. 1214, the House bill which responds to the Supreme Court's 1984 decision in Grove City College versus Bell, I rise today in support of an identical bill. S. 557, passed by the Senate on January 28, 1988.

Although the Grove City decision ostensibly applied only to title IX of the 1972 Education Act amendments, it cast doubt on the scope of similarly worded civil rights laws barring discrimination on the basis of race, age and handicap.

The first of these statutes to be enacted was title VI of the 1964 Civil Rights Act, prohibiting racial discrimination in federally funded programs, and since that time every administration, no matter which political party was in the White House, has interpreted these laws to mean that whenever a program or activity of an institution received Federal funds, all of the institution's other programs and activities had to comply with the nondiscrimination policy. At the Reagan administration's urging, however, the Supreme Court adopted a very narrow view which, if it remains uncorrected, puts the Federal Government in the untenable position of providing Federal assistance to discriminating entities.

Because of the court's decision, we find ourselves here today in an effort to pass legislation that will restore the pertinent civil rights stautes to their former meaning and interpretation.

If we do not pass S. 557 today, then our Federal civil rights enforcers will be nothing more than auditors. Instead of correcting and eliminating discrimination, these "auditors," along with the victims of discrimination themselves, will have to trace the flow of Federal dollars—an almost impossible task, and a task that will prove to be unconscionably costly to the Federal Government.

Passage of S. 557 will give meaning to the longstanding national policy that Federal funds shall not be used to support discrimination.

In May of 1985, when H.R. 700, the previous restoration bill introduced in the House, was reported by the Education and Labor Committee, it carried two amendments. One was the so-called Tauke-Sensenbrenner abortion-neutral amendment, and the second was an expansion of the religious tenet waiver.

Mr. Chairman, the Senate bill that is before us, S. 557, carries with it only one of the above-mentioned amendments—that relating to abortion. Specifically, S. 557 includes the following language: "nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

The effort today will focus largely upon amending the religious tenent provision currently barring discrimination against women and girls in federally funded education programs. Title IX of the Education Act Amendments of 1972.

Under current law—title IX—an institution "controlled by a religious organization" may secure an exemption from title IX's prohibition on sex discrimination if the application of the title "would not be consistent with the religious tenets of such organization." The amendment to expand it would exempt any school merely "affiliated" with a religious group.

The effort to broaden the exemption is unwarranted, and would seriously undermine title IX's protection in thousands of private schools throughout the country.

In passing S. 557, the Senate defeated an expansion of the religious tenent waiver by a vote of 56 to 39 on January 28, 1988.

The bill before us clarifies that the current religious tenet exemption is as broad as the title IX coverage of education programs and activities. No further assurances are needed.

Of the 3,301 higher education institutions in this country, 786 are "religiously affiliated." But even if the loosening of the religious tenet provision only affected those 786 schools, it would impact on 559,053 full- and part-time women students. We can only imagine the numbers of elementary and secondary schools and employees in such schools that would be affected should the exemption be loosened to that extent.

Finally, Mr. Chairman, leaders from more than 20 religious organizations have called upon Congress to defeat any substantive amendments to the Civil Rights Restoration Act, and particularly the expansion of the religious tenet waiver under title IX.

Mr. Chairman, as I have stated, I am opposed to any substantive amendments to the Civil Rights Restoration Act, and I find myself in a most difficult position of supporting the Danforth amendment—the abortion-neutral amendment—which is attached to S. 557 as passed by the Senate. We each have our beliefs concerning the abortion question—and some of us are strongly in favor of women's choice in the matter while others are just as strongly in favor of making abortions illegal altogether.

In fact, the Supreme Court ruling in Roe versus Wade made it legal for women to seek and to obtain clean, safe and painless abortions. It was this remarkable decision that bro.ht women out of the dark alleys and butcher shops where they were once consigned, should they choose not to carry a pregnancy to term.

The Danforth amendment as adopted by the Senate does not seek to nor does it overturn the Court's decision in Roe versus Wade.

In the plainest language, the Danforth amendment "permits universities and hospitals that receive Federal funds to refuse to pay for or to perform abortions.

Having stated my feelings concerning the one amendment on the Senate bill, I will go on to say that my longstanding interest in and concern for educational equity, civil rights and the rights of the handicapped, bids me to support the Civil Rights Restoration Act as amended—but no more than that.

I am strongly opposed to any so-called substitute for S. 557 that might be offered here, and to any other damaging amendments that may be called up.

S. 557 is marred by its equivocation on civil rights for women under the Danforth amendment; but it is important for me—for all of us—to renew our commitment to restoring the scope of the interpretation of antidiscrimination laws under title IX, under section 504 of the Rehabilitation Act, under title VI of the Civil Rights Act, and under the Age Discrimination Act.

Mr. Chairman, I rise in support of S. 557, and recommend to my colleagues that it do pass.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. Nielson].

Mr. NIELSON of Utah. Mr. Chairman, the Civil Rights Restoration Act has many flaws that need to be addressed. The bill does not adequately protect, under title IX, the policies of many educational institutions that are based on religious tenets. The 1972 exemption only applies to institutions controlled by a religious organization. If the Department of Education applied a strict control test, only two universities would qualify: Brigham Young University and Catholic University. Due to composition of governing boards or funding sources, almost all other religious tenet based institutions could lose their protection. For this reason, language should be included—in title IX only—to provide the exemption to institutions controlled by or closely identified with the tenets of a religious organization.

If we don't include this language, institutions all over the country could have their exemptions revoked by the bureaucracy, and will certainly be sued by advocacy groups seeking to overturn them.

However, not only will private schools be affected by this bill, but almost every aspect of our lives will be touched. From the community hospital to the corner grocery store, to farmers, factories, charitable organizations—anyone that receives any Federal aid in any form will be engulfed by the cancerous growth of government in their private lives. This is not the original intent of the Civil Rights Act.

Civil rights are for everybody not just a select few.

In addition, it would appear that the sponsors of the bill believe that the Supreme Court was right in defining Federal aid as aid to a single student but wrong to apply the definition of program very broadly. It amazes me that the court can be so right on one part of the ruling and so wrong on the other part.

Support the Sensenbrenner amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. Sensenbrenner] is recognized for 10 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I am afraid that if my substitute is not adopted the consequences of passage of this legislation will be to harm the very people who it is intended to help, those people at the lower end of the socioeconomic scale that need the assistance of the Federal Government and need the opportunity that the strict application of the nondiscrimination provisions provide.

For example, if this bill is passed without a religious tenets amendments, the church-related college or university will be forced in choosing between adhering to the religious tenets of the sponsoring denomination or denying students who use guaranteed student loans or VA benefits admission because they do not want to be poisoned by the Federal money. The result of that is that people of the low and lower middle income brackets who might want to attend a church-related college or university and who need the Federal assistance in order to pay for the expenses of higher education will be denied that choice of an educational opportunity.

We might have the mom and pop grocery store that accepts food stamps from qualified customers. If they are subjected to the rules and regulations contained in this bill, they may very well put a sign in their window, "No food stamps accepted," and that will just close the door to the poor people who use food stamps to feed themselves the choice of shopping at the mom and pop grocery store.

We have heard the example of the national chain that has some facilities taking Medicaid patients in their nursing home facilities. If they are forced between corporationwide coverage or not getting involved in taking Medicaid patients, they may very well opt to close the doors to Medicaid patients so that they do not have to be subjected to the paperwork and the investigation and all of that that is contained in this bill and that will be just that many fewer facilities available for people who are ill who need nursing home care and who have to receive Medicaid payments to pay for it.

So I think we should think long and hard about rejecting the Sensenbrenner amendment. The bill is designed to protect people who require the protection of civil rights laws. I am afraid that the consequences will have exactly the opposite effect.

Finally, there is the question of how to phase a religious tenets amendment. My bill is a good faith effort to bring the law up to date to reflect the change from clergy-controlled boards of directors to lay-controlled boards of directors and the legal interpretations that the courts have placed on that change.

If we have a doubt, I think we should resolve that doubt in favor of religious liberty, not to be unduly restrictive, but to resolve it in favor of religious liberty.

Not one case of discrimination that has been talked about by those who are opposed to this substitute that would still be condoned if my substitute with the religious tenets amendment were adopted.

I would like to quote the President in a letter that he sent to the gentleman from Illinois [Mr. Michel] said:

> The bill poses a particular threat to religious liberty. It interferes with the free exercise of religion by failing to protect the religious tenets of schools closely identified with religious organizations. Further, the bill establishes unprecedented and pervasive federal regulations of entire churches or synagogues whenever any one of their many activities, such as the program to provide hot meals to the elderly, receive any federal assistance. Moreover, and in further contrast to pre-Grove City coverage, entire private elementary and secondary school systems, including religious systems, will be covered if just one school in such a private system receives federal aid.

Mr. Chairman, I ask the Membership of this body to vote to preserve religious liberty, to give the benefit of the doubt to religious liberty and to support the Sensenbrenner substitute.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

It is important as we go into this final vote that we focus on exactly what the gentleman's amendments do. What they do precisely firstly with regard to religious tenets is that it says that an organization or a college which is closely identified with the tenets of a religious organization is entitled to the exemption. That should be and always has been the intent of the sponsors.

With regard to corporate coverage, it says that facility which is receiving the Federal funds will be covered, but not everything else in the world. That has also always been the intent of these four laws.

One other thing. What the gentleman is trying to do, I would say to the sponsors and the proponents of the legislation, is to save the legislation. The gentleman said that there is a veto message out on this bill. It only takes 146 votes to sustain that veto.

These two amendments are worthy, have been adopted by the committee, and ought to be adopted by the Sensenbrenner substitute as a way of in fact improving this legislation.

Mr. Chairman, I commend the gentleman for those improvements.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, I yield back the balance of my time.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. Cardin].

Mr. CARDIN. Mr. Chairman, I rise in strong support of S. 557 and against the pending amendment.

Mr. Chairman, I rise in support of S. 557, the Civil Rights Restoration Act. This important legislation will bring the law back to the original intent of Congress, declaring, once and for all, that public funds should not be spent to subsidize discrimination.

Our Nation was governed effectively for 20 years by the principal civil rights laws first enacted in 1964. Title VI of the Civil Rights Act of 1964 was a vital component of the most far-reaching civil rights legislation since the reconstruction era, outlawing discrimination in schools, voting, and housing on the basis of race, color, or national origin. Title IX of the education amendments addressed discrimination on the basis of sex, section 504 of the Rehabilitation Act championed the rights of the disabled and finally, the Age Discrimination Act of 1975 protected the elderly.

Then, in 1984, a restrictive Supreme Court ruling, Grove City College versus Bell, narrowed the coverage of all these laws, reversing years of enforcement practices and limiting the options for citizens excluded from jobs, housing, or educational opportunities. That decision made it permissible to continue Federal funding of an institution even though it discriminated in one or more of its programs. That is, Federal funds could be withheld only from the program that was discriminatory. Surely, Congress did not intend to say that the rest of the college could discriminate when its athletic programs excluded women. Nor did it intend to continue funding an institution that in any way continues racial discrimination, or excluded the handicapped from jobs.

The impact of this ruling has been most unfortunate. The Department of Justice has applied the Grove City limitations to other statutes and the Department of Education has halted numerous investigations. We in Congress must reverse this situation.

It should be clear to all of us in this Chamber that the commitment to civil rights must be ongoing and vigilant. Every day another newspaper story reminds us that discrimination is, unfortunately, still alive throughout the Nation. Our policies cannot alter attitudes deeply entrenched, but they can cease to subsidize the practices that are an outgrowth of these attitudes. As President Kennedy stated:

> Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.

Let us continue the progress that we have made in civil rights and support S. 557. To do otherwise means that Federal taxpayers' dollars will be subsidizing invidious discrimination.

Mr. HAWKINS. Mr. Chairman, I yield myself such time as I may consume.

I believe that it is rather clear cut now that the Sensenbrenner substitute would certainly gut the bill both in terms of the religious tenet exemption that he would allow and also the broad coverage that would be permitted under corporate coverage.

I think that one should remember in terms of the Grove City incident itself that this distinguished college, and we do not accuse it of having discriminated or seeking to discriminate, but that it did receive substantial financial funding. As a matter of fact, between 1974-75 through 1983-84 the Grove City College students brought to the university more than $1.8 million in basic educational opportunity grants.

In addition to that, it did receive financial assistance through guaranteed student loans.

Now, that is a very substantial amount of financial assistance being given to a university that refused to at least assure the Department that it did not seek to discriminate, and it was that failure that brought about in a sense this whole debate and the narrowing of the definition in the Grove City decision.

May I remind the Members also that the supporters of this amendment have not really identified the discriminatory policies that they are seeking to protect by obtaining exemptions for such a large number of institutions and entities. I think throughout the debate there has been no identification of how they intend to pursue these discriminatory policies and to protect them or to give to us a real answer as to when and where should discrimination and such policies actually end.

It is a clear-cut and I think rather obvious theory in government that those who dip their hands in the public till should not object if a little democracy sticks to their fingers.

What the Sensenbrenner substitute seeks to do is to dip their hands into the till and yet not require any obligations or any promises that those who do so will not discriminate against those whose taxpayer's money they seek to use.

So I think that in order that that theory can be upheld that we should reject the Sensenbrenner substitute and not allow such temptation to prevail in our economy and in our society.

Mr. Chairman, I yield back the balance of my time.

Mr. MARLENEE. Mr. Chairman, because I am not a member of the Education and Labor Committee or Judiciary Committee, I might not normally be expected to speak on legislation of this sort. However, as a farmer-rancher and member of the House Agriculture Committee I was appalled to learn that the definition of "program or activity" under this bill would certainly cause farmers and ranchers participating in Federal farm programs to be classified as ultimate beneficiaries of Federal assistance.

This would mean additional, onerous, Federal paperwork requirements and random, Gestapo-like, on-site compliance inspections by Federal bureaucrats without a search warrant on privately owned farms and ranches. This Member will have no part of such an assinine scheme.

Mr. Stenholm testified before the House Rules Committee yesterday requesting to offer a bipartisan amendment, drafted by members of the House Agriculture Committee to effectively exempt family farms and ranches from coverage under this bill.

Unfortunately, the rule granted yesterday by the House Rules Committee prevents Mr. Stenholm's amendment from being offered. As a result, they have paved the way for more regulation, paperwork, fines, and lawsuits against farmers and ranchers. Will we ever learn?

Mr. Chairman, I was frankly not at all surprised by the insensitivity of the leadership in the House on this issue yesterday. After all, this is the same leadership that would not allow even one single committee of the House to have a legislative hearing on the bill. Imagine that, we are ready to pass one of the major overhauls of the Civil Rights Act in a quarter century without one single legislative hearing in the House.

To add insult to injury, the leadership had the arrogance to try to bring this bill to the House under suspension of the rules. After one-fourth of the Members of the House protested to the leadership, we were granted today's gag rule which is not much better.

If we do not want this legislation to cover every farm in America, why don't we just say so? We should not leave it to the whim of some Federal judge or Washington bureaucrat to determine whether a farm is or is not covered. The American Farm Bureau Federation certainly thinks that they are going to be covered according to their thorough analysis of the bill.

The reason why we need language in the bill specifically addressing farmers is that legislative history is not enough to protect farmers. While farmers may have been regarded as ultimate beneficiaries under the current statutes, these statutes are being completely rewritten.

Before, the statutes covered programs or activities receiving Federal aid. Under this bill, private organizations, businesses, partnerships, and sole proprietorships are expressly covered if they receive Federal aid. Farms are obviously businesses.

So I am not at all persuaded that legislative history is adequate to retain the pre-Grove City exclusion of farmers. I am told that in 1964, when debating the 1964 Civil Rights Act, its leading sponsors, Senator Hubert Humphrey, said he would eat the pages of the Congressional Record if the bill permitted quotas. We now know the Supreme Court

would make Senator Humphrey eat those pages.

Moreover, even if I believed section 7 excluded farmers, it only applies to those regarded as ultimate beneficiaries prior to enactment of the Civil Rights Restoration Act. What happens when the 1985 farm bill expires in several years? At best, it is very unclear that farmers will be excluded from coverage under a new farm bill, and, in fact, I think it is clear they would not be, no matter what we say in the legislative history.

So if we don't want to cover farms just because they get crop-loan subsidies or price supports, the Rules Committee should have listened to Mr. Stenholm yesterday. Because they didn't, the onerous regulations and massive paperwork requirements facing farmers will be mind boggling.

Mr. Chairman, if America's farmers and ranchers could see what the Congress is doing to them this afternoon they would load their .357's and bring us to justice. Let's defeat this outrageous bill and keep the Washington bureaucrats in their offices and off Montana's farms and ranches.

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The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin [Mr. Sensenbrenner].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 266, not voting 21, as follows:

[Roll No. 19]

AYES—146

Archer
Armey
Badham
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Coats
Coble
Coleman (MO)
Combest
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Flippo
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gordon
Grandy
Grant
Gregg
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hunter
Hutto
Hyde
Ireland
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Lewis (FL)
Lipinski
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
McCandless
McCollum
McEwen
McMillan (NC)
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Myers
Nichols
Nielson
Ortiz
Oxley
Packard
Parris
Petri
Quillen
Ravenel
Regula
Rhodes
Ridge
Ritter
Roberts
Rogers
Roth
Saxton
Schaefer
Scheuer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOES—266

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gradison
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Rahall
Rangel
Ray
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—21

Anthony
Baker
Biaggi
Boulter
Courter
Dowdy
Ford (TN)
Gephardt
Holloway
Huckaby
Inhofe
Kemp
Leath (TX)
Leland
Lightfoot
Mack
McGrath
Porter
Roemer
Rostenkowski
Schulze

☐ 1930

The Clerk announced the following pairs:

On this vote:

Mr. Boulter for, with Mr. Anthony against.

Mr. Kemp for, with Mr. Gephardt against.

Mr. Holloway for, with Mr. Leland against.

Mr. Schulze for, with Mr. Ford of Tennessee against.

Mr. SMITH of Florida and Mr. MATSUI changed their votes from "aye" to "no."

Mr. GINGRICH and Mr. BEVILL changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. Swift, chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the Senate bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, pursuant to House Resolution 391, he reported the bill back to the House.

The SPEAKER. Under this rule, the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the Senate bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HAWKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 315, nays 98, not voting 20, as follows:

OL
34
PT
2
FE
17
MR
2
988
UMI

[Roll No. 20]

YEAS—315

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bartlett
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Lungren
MacKay
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Rahall
Rangel
Ray
Regula
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NAYS—98

Archer
Armey
Badham
Ballenger
Barnard
Barton
Bateman
Bilirakis
Bliley
Bunning
Burton
Callahan
Coats
Coble
Combest
Craig
Crane
Dannemeyer
Davis (IL)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Emerson
Fields
Gallegly
Gekas
Gingrich
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hunter
Hyde
Inhofe
Ireland
Konnyu
Kyl
Lagomarsino
Latta
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
McCandless
McEwen
McMillan (NC)
Michel
Miller (OH)
Moorhead
Myers
Nielson
Ortiz
Oxley
Packard
Parris
Quillen
Ravenel
Rhodes
Ritter
Roberts
Rogers
Roth
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Whittaker
Wolf
Wylie

NOT VOTING—20

Anthony
Baker
Biaggi
Boulter
Courter
Dowdy
Ford (TN)
Gephardt
Holloway
Huckaby
Kemp
Leath (TX)
Leland
Lightfoot
Mack
McGrath
Porter
Roemer
Rostenkowski
Schulze

□ 1954

The Clerk announced the following pairs:

On this vote:

Mr. Gephardt for, with Mr. Kemp against.

Mr. Anthony for, with Mr. Boulter against.

Mr. Huckaby for, with Mr. Baker against.

Mr. McGrath for, with Mr. Holloway against.

Mr. Porter for, with Mr. Schulze against.

Mr. McCOLLUM and Mr. BUECHNER changed their votes from "nay" to "yea."

So, the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF S. 557, CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, the Clerk be authorized to make corrections in section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending S. 557, the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

REQUEST FOR GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 557, the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so simply to inquire of the gentleman whether or not we might be able to just have a statement at this point to indicate that no one is to use Extensions of Remarks on this bill in order to make legislative history.

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield, I hesitate because I am very doubtful if I can limit the Members' right to make such a request.

The SPEAKER. May the Chair comment: In the opinion of the Chair, it would be impossible for anyone to establish by unanimous consent whether or not a court at some future undisclosed date might construe something placed in the Record as legislative history or legislative intent. But I think the Chair would indicate to the gentleman from Pennsylvania that courts sometimes are inclined to make a distinction in their evaluations between those things that were said actually in debate and other things that may have been inserted following the passage of the bill and it would be clear to a court in the future the distinction between the two. Those things inserted pursuant to the gentleman's request within the next five legislative days obviously would appear as additions to the Congressional Record which would make it clear to any future court that they had been inserted rather than spoken during the debate.

Mr. WALKER. Further reserving the right to object, I appreciate the Chair's explanation. But do we have some assurance that the extensions that we are talking about here all will appear in the Extensions of Remarks and none of those will find their way into the body of the Record as a part of the debate of this bill?

The SPEAKER. If they should, they would be in a different type style, the Chair is advised.

Mr. WALKER. Further reserving the right to object, even if they are extensions where the Member spoke, say, briefly on the floor, did a 1-minute speech on the floor, could that not end up being a speech that is added on to and, therefore, could, in fact, govern legislative history?

The SPEAKER. Well, yes; the gentleman is theoretically correct in that Members are given the privilege of revising and extending remarks they have made on the floor. It is conceivable that a change could be made in the manner in which the remark might have been transcribed earlier.

Mr. WALKER. Further reserving the right to object, additions could be added under those circumstances too.

What this gentleman is trying to assure, we are dealing with a very, very important bill that some people, looking at it, say that the language is somewhat imprecise in it and that we could have a situation where legislative history will play a very important role.

□ 2000

This gentleman wants to be assured, having sat here during a good part of the debate, that that which we heard on the floor today is that which will be the legislative history of the House with regard to this bill, and that we will not have legislative history created through an extension of remarks at some point in the future.

I have no objection at all to Members extending their remarks if they are commenting about whether or not they are supporting this bill, but I do think in this particular case, because of the nature of some of the provisions of it, that it would be a travesty for us to find out later on that legislative history was made where their words were not actually spoken on the floor and agreed to, and I am just wondering if we can get some kind of an assurance and some kind of a statement from the gentleman that that material which appears in the Extensions of Remarks does not constitute legislative history on this bill.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, if the gentleman yields under this reservation of objection, I might suggest that the gentleman from Pennsylvania has an awfully good point with regard to the making of legislative history. Perhaps the way to resolve it would be for the gentleman to object, but then to make it clear that he would object tomorrow or on a subsequent legislative day for additional material to be inserted, and then the courts would have it crystal clear that no changes were made as to this day's legislative day. So on any subsequent days we could have material on this subject inserted.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I would point out that in many instances where the Committee on Standards of Official Conduct has brought recommendations to the floor disciplining an incumbent Member of the House, it has been made quite clear by the chairman of the committee that there are to be no extensions of remarks made to the body of the debate, but that extensions of remarks should appear either in the appendix of the Congressional Record or in the subsequent day's Congressional Record. Just so that there is no confusion, I would hope that that procedure would be followed in this instance because of the paucity of legislative history at the committee level.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Wisconsin.

That is exactly the point this gentleman is trying to make. All I would hope we could have is a statement similar to that precedent referred to by the gentleman.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, having been involved a number of times in legislative history before the U.S. Supreme Court, et cetera, I would point out that you have lawyers on each side, and I would also point out that you now have a video history of the House floor events which gives lawyers an option to examine as to what actually happened in the floor debate.

Mr. WALKER. Mr. Speaker, the gentleman is correct insofar as those cases which come up in 6 months are concerned, but those video tapes are destroyed after 6 months, so, therefore, there is not a permanent record, and the actual permanent record is that which appears in the Record. All this gentleman is seeking is some assurance that that which appears in the Record will be that which is the true legislative history on the floor. I will simply take a statement from the chairman of the committee that that is the intention that the committee would have with regard to establishing legislative history.

The SPEAKER. The Chair will instruct that the Official Reporters of Debates shall adhere strictly to the official rules of the Joint Committee on Printing in which the precise formula for distinguishing between that which was part of the debate on the floor and that which is inserted subsequently, not part of the debate on the floor, shall be made clear.

Mr. WALKER. Mr. Speaker, further reserving the right to object, do I understand the Chair is saying that if some Member adds material to the body of the Record, even though he spoke on the floor, that material will be italicized so it can be distinguished, and so it, therefore, would not necessarily constitute legislative history? Is that what I understand the Chair is telling me?

The SPEAKER. The rules of the Joint Committee on Printing, if the Chair fully understands them, do not require a revision, if within the parameters of the speech, to be so distinguished; they do require, if the Chair is correctly informed, that anything extraneously added and not a part of a speech officially made, nor a revision, presumably a correction made by a Member who had addressed the House, shall be so distinguished.

Mr. WALKER. Mr. Speaker, further reserving the right to object, this gentleman has no problem with that. This gentleman is concerned about a possible extension of remarks. If I understand what the Chair is saying, with regard to an extension of remarks under that situation; for instance, if a Member decides to add five pages of material, that would not fall under the rule as the Chair has stated it, and, therefore, it would be italicized. This gentleman is satisfied with that if that is the case.

If we are talking about grammatical changes, I do not have a problem with that. If we are talking about making incomplete sentences into complete sentences, I do not have a problem with that. But I do have a problem about adding pages of material that could end up being legislative history.

So do I understand that if some Member attempts to add substantial new material over what he or she spoke on the floor, that at that point that would be distinguished in a way that it would not appear that it was actually spoken on the floor?

The SPEAKER. The Chair would want to be somewhat precise in responding to the gentleman's inquiry. The Official Reporters of Debates have been asked to adhere strictly to the rules of the Joint Committee on Printing. I think the appropriate rule is rule No. 7. The Congressional Record shall contain a substantially verbatim account of remarks actually made during proceedings of the House subject to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved. The substantially verbatim account shall be clearly distinguishable by a different typeface from material inserted under permission to extend remarks.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, as the Chair well knows, we had a fairly lenient interpretation of that rule around here for a long, long time with regard to how much Members can put into the record after having spoken only a few words on the House floor. We have allowed them to insert volumes of material from time to time having just spoken a few words of debate on the House floor.

This gentleman is very much concerned about this. We have no committee report on this bill. There is language in this bill that is, in the opinion of some lawyers, very difficult to understand. If in fact the whole history of this bill as established in the House is to be the legislative history on the floor over the last couple of hours, then I think we have some right to be assured that we will have a verbatim transcript of what went on on the House floor in the RECORD, and the fact is that when we deal, as the gentleman from Wisconsin has pointed out, with Official Standards around here, that is something we adhere to. I do not understand why, when we are dealing with a matter this serious, with this many questions, we cannot have that same standard apply.

All I am asking is for the chairman of the committee to give me some assurance that that is the intention. If we could get that kind of assurance, I am perfectly willing to grant the request. But if I do not get the assurance, then I am going to have to assume that what we have is the potential for material being added to the RECORD that will establish legislative history that goes beyond anything that was debated in the House over the last couple of hours.

Mr. Speaker, I guess I am asking, can we get that kind of assurance?

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, certainly as I understand it, it is only a verbatim account which ought to be used as legislative history. I agree with the gentleman 100 percent, and I would praise him for bringing this issue up. I would again point out that I hope that advocates on either side of this issue would get a verbatim account of the proceedings and keep that record so that any possibility that it would be manipulated could be taken care of.

I am certain also that the chairman would agree that there should be no deliberate attempt on either of our parts, and certainly I, as a supporter of the bill, would not in any way want to attempt to alter or change the legislative history. That is why I read about 55 miles an hour when I was trying to get everything in the RECORD under the few minutes I had been allowed under the rule, and it was unfortunate that the rule was in that way so we could not get more direct legislative history in. So I certainly would not allow anyone that I knew in any way to alter the meaning of the words that I put in.

Mr. WALKER. Mr. Speaker, the gentleman points out another difficulty we have. The short amount of time we had to debate is in fact one of the problems.

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield, I cannot give any assurance about what a Member may do that might be in violation of the rule. I would think, if you would grant this unanimous-consent request on the condition that it not in any way violate the rules, including the joint committee rules on printing, then we could give the gentleman that assurance. I do not know of any other assurance that I could offer the gentleman. I do not know what will conform to the rules and what will not.

Mr. WALKER. Mr. Speaker, further reserving the right to object, is it the gentleman's intention as chairman of the committee that no material that is inserted in the RECORD under this request shall be regarded as legislative history for the bill?

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield, I would think that is the final analysis. The courts are going to give what weight they would give to this as opposed to what else might be given.

Mr. WALKER. Mr. Speaker, I am seeking just basically a yes or no answer here. Is it the gentleman's intention that none of the material inserted into the RECORD after the debate is over, in other words, pursuant to the gentleman's particular request, should be considered as legislative history, that we will not have legislative history there?

Mr. HAWKINS. No. If the gentleman will yield, not as it conforms to what was previously said in the House and it was based on something factual with respect to that Member. I cannot give the gentleman any such assurance. That is the answer.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PERMISSION FOR SUBCOMMITTEE ON CRIMINAL JUSTICE OF COMMITTEE ON THE JUDICIARY TO SIT ON TOMORROW DURING 5-MINUTE RULE

Mr. BOUCHER. Mr. Speaker, I ask unanimous request that the Subcommittee on Criminal Justice of the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on tomorrow, March 3, 1988.

This request has been cleared by the minority, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PERMISSION FOR MEMBER TO INSERT EXTRANEOUS MATERIAL IN GENERAL DEBATE ON S. 557, CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. FISH. Mr. Speaker, I ask unanimous consent that I be permitted to insert extraneous matter consisting of three letters immediately following my comments under general debate on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, did I understand the gentleman's unanimous-consent request to be that he wanted to insert material in the debate on the Grove City bill?

The SPEAKER. The Chair will point out that the request was made by the gentleman from New York [Mr. FISH].

Mr. SENSENBRENNER. Mr. Speaker, I would ask, is the gentleman attempting to insert material?

Mr. FISH. Mr. Speaker, if the gentleman will yield, that is correct. We have to wait until we get in the House in order to make the request. These are letters I referred to in the course of my remarks.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT AS MEMBER OF COMMISSION ON RAILROAD RETIREMENT REFORM

The SPEAKER. Pursuant to the provisions of section 9031 of Public Law 100-203, the Chair appoints on the part of the House the following individual from private life to the Commission on Railroad Retirement Reform:

Mr. Robert J. Myers, of Silver Spring, MD.

□ 2015

WOMEN'S HISTORY MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 262) to designate the month of March 1988, as "Women's History Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. VISCLOSKY). Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, the minority has no objection to this legislation.

Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI], formerly from the State of Maryland, who is the chief sponsor of House Joint Resolution 473, to designate the month of March as "National Women's History Month."

Ms. PELOSI. I thank the gentlewoman for yielding.

Mr. Speaker, it is my pleasure today to speak on the House floor in support of the first piece of legislation I have introduced as a Member of the House of Representatives.

Today, the House will act on House Joint Resolution 473, which my distinguished colleague, Representative OLYMPIA SNOWE, and I introduced. This resolution proclaims the month of March 1988, as "Women's History Month."

Women's history provides a new perspective for looking at the past, a perspective which honors the richness and diversity of the lives of the many women who came before us. It also presents a vision for the future, a vision that shows us there are no limits to achievement.

From Susan Brownell Anthony, who led women to the voting polls in 1872, only to be arrested and while awaiting trial, tried to vote again in city elections; to Eleanor Roosevelt, who emerged as a striking symbol of strength and good will during a tumultuous period of our Nation's history; to Rosa Parks, who defied a racist society and refused to move to the back of a bus, women have been at the forefront of revolution and change. As a mother of four daughters, I want all doors of opportunity open to them. The struggle for freedom and for rights by women in history has brought inspiration and determination for women in the present and in the future.

I ask my distinguished colleagues to join me in the celebration of "Women's History Month" and to support House Joint Resolution 473.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I rise in support of Senate Joint Resolution 262 and its House counterpart, House Joint Resolution 473, a resolution designating the month of March, 1988 as "Women's History Month."

Women have played a major role in all facets of American life. Throughout our history, women of all backgrounds, classes and ethnic heritages have contributed to our cultural, economic and social life. Women of every race were involved in the abolitionist and civil rights movements. American women are known worldwide for their philanthropic endeavors. And it was the struggle of dedicated women who secured voting rights for all qualified citizens; now women make up over 50 percent of the registered voter population in our country.

There are presently 54,520,000 women—45 percent—in the American work force. These are women, who continue to contribute to the social, cultural and economic growth of America in the pioneer spirit of their predecessors.

It is only fitting that women in our country be recognized.

I commend my colleague from California, Congresswomen PELOSI, for sponsoring this thoughtful measure in this House. And I would also like to take this opportunity to recognize the gentlewoman from Maine, Congresswoman SNOWE, for her tireless efforts on issues for the betterment of women and children.

Mr. Speaker, I am proud to be an American woman, and to have cosponsored this measure. I urge my colleague to support this resolution.

Mr. Speaker, I would also like to take the opportunity to recognize the gentlewoman from Maine, Congresswomen SNOWE, for her tireless efforts on issues for the betterment of women and children.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I withdraw my reservation of objection.

Mrs. KENNELLY. Mr. Speaker, it is with great pride and enthusiasm that I cosponsored this bill proclaiming March 1988 as Women's History Month. I feel this is a small but significant way to pay tribute to the many women whose influence and accomplishments have helped to shape American History. Women's achievements have gone virtually unnoticed by traditional historians.

During Women's History Month, we seek to encourage both men and women to look back in history, to look beyond the traditional history books to discover the interesting and important things women have done. Women's contributions and influence were, and continue to be, great in so many areas: the art of Bertha Morisot, Mary Cassatt, and Georgia O'Keeffe; the writings of Jane Austin, Virginia Woolf, and the Bronte sisters; the drama of Lillian Hellman and Lorraine Hansbury. All of these women, and many others, have made tremendous contributions in the fields of art and literature.

Women like Dr. Elizabeth Blackwell have paved the way for women in the field of science and medicine. More recently, Carol Gilligan has challenged the findings of Freud and the early developmental psychologists, offering a new perspective on women's psychological and moral development. Great athletes such as Wilma Rudolph have proven that women can compete and excel in the Olympic games.

And, let us not forget the hard work and dedication of suffragettes such as Elizabeth Cady Stanton and Alice Paul. Because of the efforts of these women, all American women can take part in our electoral process by exercising their right to vote. And, of course, the work of Frances Perkins, the first woman in the Cabinet and author of the bill that eventually became Public Law C531, known more commonly as Social Security. During the month of March, it is our hope that men and women alike will remember and honor these and other special women for their important role in shaping our Nation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 262

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of the Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in this country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American History: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March 1988, is designated as "Women's History Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPARTMENT OF COMMERCE DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 251) designating March 4, 1988, as "Department of Commerce Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

Mrs. **MORELLA**. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation being considered.

I do want to commend the two sponsors of the legislation, the gentleman from Washington [Mr. FOLEY] and the gentleman from Illinois [Mr. MICHEL] for sponsoring House Joint Resolution 447, designating March 4, 1988, as "Department of Commerce Day."

Mr. FARLEY. Mr. Speaker, in the early 1900's, it was President Theodore Roosevelt who, with business and Government leaders, first envisioned what would become the Department of Commerce; a Federal agency which would establish the United States as a leader among our industrial competitors. Seventy-five years later we join with the Senate in honoring this occasion by designating March 4 as "Department of Commerce Day."

The first Secretary, William C. Redfield, assumed the responsibility for this most versatile of all departments. Its many components include:

The International Trade Administration which supports commercial representatives in foreign capitals and industrial centers as well as administering our Nation's trade laws;

The Census Bureau which will be conducting its bicentennial poll of social and economic statistics for business and Government planners;

The U.S. Patent Office which is the final clearinghouse for all intellectual property rights;

National Oceanic and Atmospheric Administration which is our Nation's weather bureau and is responsible for plotting large portions of the Earth's surface;

The National Bureau of Standards which helps to advance the Nation's science and technology and ensures their availability to the public. This year NBS will be administering the first Malcolm Baldridge Quality Award to recognize efforts by business to achieve the highest level of quality; and

The Minority Business Development Administration which assists the growth of minority enterprises.

Although the responsibilities and operations of the Department have changed over the years, promoting the economic growth of the United States remains the fundamental duty of the Commerce Department. Gouverneur Morris, during the Constitutional Convention in 1787, was one of the first advocates of a Secretary of Commerce. Over 200 years later, the original concept of a steward to guide the commercial interests of the United States still endures.

Mr. MICHEL. Mr. Speaker, I am pleased to join the majority leader in sponsoring House Joint Resolution 447 and endorsing the companion measure here, Senate Joint Resolution 251, honoring the Department of Commerce on its 75th Anniversary by declaring March 4, 1988, to be "Department of Commerce Day." This commemorative for one of our distinguished executive branch departments was cosponsored by 230 Members of this House and 63 Senators in the other body.

Such widespread support is indicative of the important role the Commerce Department has played in 75 years of service to the Nation. Its mission of fostering, promoting, and developing the foreign and domestic commerce of these United States is indeed worthy of recognition, perhaps now more so than ever.

Not until early in the 20th century when the United States had become an industrial power in the world did Congress finally establish a Department of Commerce to promote industry and trade. The Department's true beginnings, and many of its component programs precede its official birthdate by more than a century. In the critical period between the Articles of Confederation and the ratification of the Constitution, the common interest in expanding commerce was the strongest link which bound the newly independent States.

As the Nation commemorates the 200th anniversary of the oldest written constitution still in use and the Department of Commerce begins the celebration of its own 75th year, the strength and importance of this link remain. The expansion of commerce is still the key to the development of the United States as the most productive and prosperous country in the world.

My congratulations to Secretary Verity and all his distinguished colleagues on this occasion.

Mrs. **MORELLA**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 251

Whereas the ability of the United States to provide for the economic security of the American people depends primarily upon the vitality of the private sector and the competitive free enterprise system;

Whereas the ability of the private sector to generate jobs and a constantly improving standard of living depends heavily on the policies which the Federal Government pursues and the services it provides;

Whereas the Congress of the United States, recognizing the importance of these policies and services, on March 4, 1913, reestablished as the Department of Commerce the executive agency created by the Act of February 14, 1903, and directed it to "foster, promote, and develop the foreign and domestic commerce" of the United States;

Whereas the Department of Commerce has been charged with many important responsibilities, including the effective administration of the trade laws, providing social and economic statistics for business and government planners promoting the protection of intellectual property at home and abroad, advancing the Nation's science and technology and facilitating their use for public benefit, working to improve our understanding of the Earth's physical environment and ocean resources, helping the private sector take advantage of commercial opportunities in space, assisting in the growth of minority business, promoting domestic economic development, assessing policies and conducting research on telecommunications, and encouraging foreign travel to the United States; and

Whereas the officers and employees of the Department of Commerce, by their dedication, diligence, loyalty, and integrity, reflect the finest traditions of public service and, along with the important work they perform deserve public recognition as the Department of Commerce celebrates its seventy-fifth birthday: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States in Congress assembled That March 4, 1988, is designated as "Department of Commerce Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **DYMALLY**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two Senate Joint Resolutions just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO INCLUDE AN EXTENSION OF REMARKS IN TODAY'S RECORD

Mr. **HOYER**. Mr. Speaker, in light of the action that has just been taken, I had a revision of remarks which I now ask unanimous consent to have included in the Extension of Remarks in today's RECORD. I had talked to the gentleman from Pennsylvania, and I showed the remarks, by the way, to the gentleman from Pennsylvania, although he has not had an opportunity, obviously, to study them, but they do deal with the specific section giving a colloquy of essentially the things that occurred in the Senate.

My unanimous-consent request, Mr. Speaker, is that they appear in today's RECORD under Extensions of Remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. **WALKER**. Reserving the right to object, Mr. Speaker, it is my understanding the gentleman is requesting not that these remarks be put in the body of the debate, but rather that they be included in the Extensions of Remarks in the back of the RECORD, is that correct?

Mr. **HOYER**. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. **WALKER**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

GENERAL LEAVE

Mr. **HOYER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Illinois [Mr. ANNUNZIO].

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

THIRD WORLD DEBT RELIEF

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, on February 29, James D. Robinson III, chairman and chief executive officer of American Express Co., outlined a detailed and comprehensive proposal to ease Third World debt burdens by creating a new international institute that could purchase commercial bank debt at a discount.

Benefits from these discounts could then be passed along to debtor countries, provided that agreement could be worked out, on a case-by-case basis, with individual countries to assure that necessary economic reforms would be taken to promote the long-term development prospects of these countries.

In making this proposal, Mr. Robinson has put out the "Open for Business" sign for those who have ideas on confronting the Third World debt crisis which is now well into its sixth year.

This problem has resulted in deteriorating terms of trade for the United States; the loss of hundreds of thousands of American jobs; substantially lower living standards for hundreds of millions of Latin Americans, Africans, and Asians; uncertainty in world financial markets; and increased political instability in many newly established democracies in developing countries.

Last year, I introduced legislation to begin the process of establishing an International Debt Management Facility to act as a mechanism to deal with this issue on a comprehensive basis, and to stick with the problem until it became manageable. In effect, I proposed an "International Chapter 11" bankruptcy procedure to replace the ongoing process wherein debtor countries and their creditors engage in a series of protracted rescheduling negotiations in which nothing is ever truly resolved, but the mountain of debt is simply pushed forward into the future.

I believe that Mr. Robinson's plan is fully consistent with the approach I suggested last year; and even better, his proposal has been worked out in significantly greater detail to demonstrate that it is financially feasible. What is presently lacking, however, is the political will to make it happen.

Unfortunately, my concept has been strongly opposed by the administration during the past year, and it will, I expect, also oppose the Robinson approach. Instead, the administration continues to insist on its current approach which, while long on rhetoric, has produced very little in reality.

The administration insists that circumstances are improving; that there is light at the end of the tunnel; but the World Bank issued a report in February documenting the opposite.

The administration maintains that additional lending—and additional debt—is the answer; but commercial banks are going in the opposite direction. They are reserving more; writing off more; and lending less.

In December, the administration finally found a "market-oriented" voluntary debt relief program which it liked in the Mexico-Morgan Guaranty plan. Unfortunately, it has apparently not met initial expectations.

The administration is now calling for a massive increase of World Bank resources, much of which would go to something called "structural adjustment lending"—a code word for balance-of-payment loans to enable developing countries to pay interest on their debts. In short, the World Bank is becoming less of a development institution, and more of a short-term financing mechanism—a trend which should be more carefully examined.

Because of the timeliness and extreme importance of Mr. Robinson's remarks last night before the Overseas Development Council, let me take a few moments to summarize the details of how the plan would work, and then place the entire text of his speech in the RECORD.

Essentially, the Robinson proposal is to convert at least part of the developing countries' commercial bank loans into longer term, more reliable securities. The Institute for International Debt and Development would be sponsored by the governments of the larger industrial countries, which would contribute the initial capital. Both the World Bank and the International Monetary Fund may also contribute. Commercial banks who choose to participate would receive preferred stock from the Institute in exchange for their existing LDC loans.

Under this innovative plan, the Institute would be governed by representatives of the sponsoring governments, the World Bank, the IMF, and the banks. Administration of the Institute would be in the hands of a general manager through a joint venture of the IMF and the World Bank. Voting power in the agency would be according to each government's financial contribution.

The value of the loans bought by the Institute from the banks would be at a substantial discount, to be determined by the Institute's directors and not necessarily equal to the current secondary market valuation of the debt.

After arranging to buy a country's debt, the Institute would negotiate an agreement providing relief either through lower interest rates or reduced principal. In order to guarantee a positive cash flow for the Institute, each participating LDC would be required to pay—for at least 2 years—more than the interest payments made by the Institute on the debt it holds. An important feature of the plan is that all debt acquired by the institute would be subordinate to any subsequent obligations incurred by the debtor nations.

In exchange for the debt relief provided by the Institute, LDC's would have to accept limitations on new borrowing, fiscal and monetary reforms promoting economic growth, and minimum percentages of export revenues to be dedicated to servicing their external debt.

Since participating banks will incur a significant loss as a result of the discount on their existing LDC loans, it should be clear that the Robinson plan is not a "bail-out" of private financial institutions. The proposal does not let either the borrower or the lender off the hook. Instead, it brings everyone together—debtors, creditors, and industrialized countries—in an effort to deal with this vexing problem in a comprehensive manner.

Mr. Robinson has met with a number of Japanese and European officials who have expressed a willingness to discuss their participation in this enterprise. Their interest in participating in the Institute appears to contradict the administration's contention that such a multilateral agency would have little support in these creditor nations.

I hope and believe that the Robinson proposal will initiate a new round of debate and discussion on appropriate ways to deal with the debt problem. We continue to "muddle through" at a very high risk.

The full text of Mr. Robinson's speech follows:

A COMPREHENSIVE AGENDA FOR LDC DEBT AND WORLD TRADE GROWTH

(By James D. Robinson III)

While we in the United States have enjoyed the longest sustained period of peacetime economic growth in our history, there is widespread agreement that the world economy today suffers from chronic structural imbalances—imbalances which have grown dramatically over the past several years.

The U.S. twin deficits;

The trade surpluses of Germany, Japan, and the newly industrialized countries of Asia;

The consumption bias of the U.S. versus the savings bias of its trading partners.

Another imbalance is the debt burden of less developed countries, and the fragility of the world financial system related to these troubled loans in bank portfolios.

Economic growth and prosperity around the world have been hurt by these imbalances. The pain has ranged from less exports and fewer jobs in developed countries, to poverty and political instability elsewhere.

Reductions in the budget and trade deficits are top priorities in the U.S. political agenda and have been for several years. They are getting serious attention, actually progress has been slow—embarrassingly slow.

Easing the LDC debt burden has had a much lower national priority. Indeed, LDC debts seem to be a faraway problem for most Americans. Some think of them solely as an issue for the big banks or as some foreign problem that will one day correct itself.

The blunt reality is that LDC debt has taken a heavy toll on the world economy. For many less developed countries, it has choked off growth and development. The opportunity cost for the developing countries is beyond measure in economic, political, and human terms.

For the developed countries, LDC debts are a silent burden, constricting trade and economic activity. At any time, the LDC debt problem could deteriorate into a financial crisis, triggering world-wide recession

Now, I am not predicting an imminent financial or economic crisis. But I am saying these imbalances, despite many good efforts, have proven highly resistant to self-correcting market remedies to date. Our best antidotes have been case-by-case reschedulings, IMF austerity programs, and the Baker plan.

The current strategy of case-by-case negotiations among the banks, the central banks, the LDC's and the IMF has so far held a crisis at bay. It's been a good strategy for its time, and must continue to be a major part of any future strategy. But it has not brought with it adequate resources to support sustained growth in LDC economies and the consequent gain in living standards.

The case-by-case approach has bought time and set the stage for a solution. But many believe it has not helped the LDC debt problem get much better. As the World Bank said in its report on LDC debt in January, the participants in LDC negotiations are suffering from "debt fatigue."

I believe the time has come to develop new approaches—approaches that are comprehensive—and that's what I want to talk about tonight.

My objective is to shift the dialogue and the focus to the comprehensive level—a level that acknowledges the interrelationship between trade and debt, growth and national security, prosperity and peace.

What I am suggesting is a new approach that seeks to share the burdens, risks and benefits of LDC debt restructuring. The approach that my associates and I at American Express and Shearson Lehman Hutton have developed centers on the creation of a new entity—an entity that will serve as an international reorganization facility.

We've called the facility "The Institute of International Debt and Development." Its purpose is two-fold: First, to provide the IMF and World Bank with new options, powers, and incentives in negotiating programs for LDC economic growth and reform. Second, to act as a reorganization entity for LDC debts, by acquiring outstanding sovereign bank debt, at a discount, country-by-country, in exchange for new, long-term high-quality obligations.

Tonight, I offer this presentation as an example of the type of comprehensive solution we believe is necessary. I hope it can serve as a catalyst to start an active dialogue.

Before describing the proposal, however, permit me to discuss why I believe the LDC debt problem calls for such an approach. Agreement on the need for action is in many ways just as important as agreement on specific solutions.

When the LDC debt crisis surfaced five-and-a-half years ago, the response adopted in Mexico, and subsequently elsewhere, was the classic solution to a liquidity crunch: Temporary rescheduling of loan repayments, belt-tightening by the debtor countries to free up funds for debt service, and new loans by the banks to tide the debtor countries over until improved conditions allowed normal debt servicing.

This ad hoc policy, labeled by some as "muddling through," was put into place with the original Mexican crisis. It has remained the predominant approach to the LDC debt crisis since 1982. Now, "muddling-through" is not meant as a perjorative. When faced with difficult choices, small-steps and crisis management may well be the right strategy. But, unless time in fact will solve or ease the problem, "muddling-through" may simply allow conditions to grow worse and the problem to get larger.

For several years, this case-by-case approach worked. The austerity programs many LDC's adopted under IMF prodding sharply cut their imports. A pick-up in world growth from 1983 to 1985 and large devaluations of LDC currencies helped their exports. As a result, many debtor countries were able to run large enough trade surpluses to generate funds for debt servicing. Finally, the secular fall of interest rates helped by reducing financing costs.

But has progress been an illusion? The LDC debt burdens that sparked the crisis have not gone away. Certainly major confrontations have been avoided, so the case-by-case approach has not failed; but have the results been adequate?

In almost all cases, LDC debts are higher today than they were in 1982:

Mexico, for example, had total debt at that time of $88 billion; in 1987, it was $104 billion.

For Brazil, total debt expanded from $84 billion to $105 billion in 1987.

For eight major Latin American debtors, total debt grew by more than $65 billion over this period.

Of course, growth in debt by itself may not be a sign of trouble, if economic growth or the ability to service the debt increase more rapidly. Generally, this has not happened. Debts of LDC's have risen faster than either their economies or their exports. Debt to GNP ratios have worsened for problem LDC's from 43% in 1982 to 49% in 1986. Ratios of debt to exports—an important measure of the ability to generate income to service debt—have gone up.

As LDC debts have grown, so have their burdens.

On the LDC's, both economically and politically;

On world trade in general;

On U.S. exports in particular; and

On the world's financial system.

Many LDC's have experienced several years of austerity. Real per capita income declined over the 1981-1987 period for all major debtor LDC's, except Brazil. Inflation rates have been high, poverty has worsened. The economic and social costs of trying to generate export earnings principally to meet debt payments have grown. These are the ingredients of political instability.

World trade has also been distorted. Since 1981, U.S. exports to LDC's have fallen. For example, U.S. exports to Latin America alone were $11 billion lower in 1987 than in 1981.

U.S. exporters have suffered and American workers have lost jobs. If the U.S. could regain just the $11 billion in lost exports to Latin America, up to 200,000 jobs could be recovered. If it could regain the $150 billion in total lost exports recently estimated by the overseas development council, 1.7 million U.S. jobs could be created. Clearly, the benefits of a comprehensive solution can be significant.

Finally, LDC debts have been a burden on the world financial system.

Questions about the value of LDC loans have hurt the credibility of bank income statements and balance sheets.

Stock prices of money center banks are below book value, limiting their access to much needed new equity capital.

So, despite many positive contributions from the case by case approach, the risk of a debt crisis still hovers over the financial markets. Can "muddling-through" continue to keep it at bay, awaiting a better tomorrow? What happens when interest rates go up, which they will one day? What happens when U.S. imports start to fall because of our high trade deficit?

What will happen? No one knows. Debt repudiation, a term no one utters, except behind closed doors, has always been a risk. As debt service burdens remain heavy and prospects for new loans and growth stay limited, debtor countries are left with difficult options. Any uptick in interest rates on the larger debt bases will seriously increase the pressure.

Prolonged nonaccrual, much less debt repudiation, would of course be dangerous to banks in the U.S. and elsewhere. In some cases, LDC loans are more than the bank's total capital. The U.S. Government, which insures deposits, or the taxpayers may be forced to act as lender of last resort.

Debt repudiation is obviously a serious matter for debtor countries as well. It would mean the loss of new trade credit; it would impair access to capital markets for many years; capital flight would surely accelerate.

Debt repudiation by one or more major LDC's remains highly unlikely. But, debt repayment moratoriums or suspensions, ceilings on repayment, and other unilateral actions by debtors are possible if conditions deteriorate.

Brazil last year unilaterally suspended its interest payments on certain commercial bank loans. Clearly, it's good news to learn Brazil will soon complete negotiations with the IMF and the banks on a new package of economic reforms, renewed debt service, and new loans. We also hope that the recent IMF/Argentina negotiations on economic reforms have a similar outcome.

Case by case agreement by LDC's on their debt service responsibilities is absolutely necessary to any long-term solutions. But the economic cost of servicing all their existing debts, without sufficient capital for much needed growth, continues to be a "Catch 22."

In the face of this reality, banks, both in the United States and elsewhere, have been increasing reserves and writing off or selling LDC loans, especially since May of 1987. Secondary market valuations for LDC loans, admittedly in a thin market, have moved in one direction—downward. Regional banks with less exposure have been able to write off or sell most or all of those debts.

That action places pressure on larger banks to do the same. Yet, the magnitude of losses that such banks would have to take makes similar acitons more difficult. Of course, if the Financial Accounting Standards Board goes ahead with its proposed requirement that U.S. banks mark down loans, including those to LDC's, to secondary market value, there would be little choice.

Now, loan write-offs or credit reserve increases are not really a blessing for the LDC's. A written-off loan remains a legal obligation of the LDC, and banks will try to collect whatever they can. New credits that LDC's desperately need are even less likely to occur under these conditions. Also as regional banks and others exit the business, the pool of banks ready to make international loans grows smaller and smaller.

The danger in the present situation is that the banks and the LDC's can fall into a war of attrition, grinding each other down in the effort to gain a negotiating advantage. At some point, that struggle could then turn into a mutual suicide pact, crippling both banks and LDC's.

The bright side is that the banks' increase of reserves and the LDC's recommitment to debt service have provided flexibility for new approaches. New initiatives have been launched to promote private investment in the LDC's, such as the Multilateral Investment Guarantee Authority, "MIGA". Also approval of the enhanced structural adjustment facility within the IMF offers much needed help to the poorest debtor countries, especially in Africa.

Are we at a turning point? Does success with Brazil or Argentina and other initiatives in fact give us a new window of opportunity? Is there, or should there be, an alternative to "muddling-through" . . . A new, more comprehensive approach that supplements and goes beyond the capacity of efforts to date? I think there is. Indeed, there must be.

The Baker plan with its shift in emphasis from austerity to growth, was a good intitial step. It's an important approach, which has proved its worth over the past few years—and still provides a valuable framework. Debt/equity swaps, and other initiatives, have expanded the menu of options. All of these represent important contributing pieces. What the Baker plan has lacked, however, are:

Mechanisms to encourage adequate new lending and investment:

Adequate incentives for LDC's to adopt market-oriented policies; and

The means to assist these countries during a difficult adjustment period when both debt service and growth have to be accommodated.

Where is the light at the end of the tunnel, where banks and capital markets voluntarily extend new credit to LDC's on commercial terms?

More recently, the Morgan/Mexican plan has attracted attention as a way for Mexico to reduce sovereign bank debt. We all hope the tended is successful. Yet even this plan will have only a limited impact for Mexico, and its applicability elsewhere is confined to LDC's with access to sufficient foreign-exchange reserves. Nevertheless, initiatives like this should all be welcomed for whatever individual or collective contribution they can make.

But we still need, in my view, a more comprehensive approach to deal with the major imbalances and present realities.

A market-oriented approach that allows present initiatives to continue, yet establishes an additional framework of broader potential and promise?

A mechanism that allows the creditor and debtor countries, together with financial institutions and central banks to come together on a country-by-country basis in a program that involves significant contributions by each party, in expectation of major benefits for all?

The Institute of International Debt and Development, or I2D2 as we call it for convenience, is such a program. I offer I2D2 tonight as an example—a starting point—as a challenge to others to improve it or to put forth sounder comprehensive solutions. My purpose in describing the proposal is also to highlight the issues that need to be addressed and how in a comprehensive approach they can be knitted together.

I would now like to summarize the features of I2D2. Please bear with me through some detail. We do have a booklet available for you that covers the program in great depth.

Our proposal calls for:

1. The creation of I2D2 as a joint venture of the IMF and World Bank. By drawing substantially from their staffs and capabilities, the need to build a new bureaucracy is avoided.

2. In terms of organization, the I2D2 Board of Directors would include representatives of the sponsoring governments, the IMF, the World Bank, the participating debtor countries, the creditor financial institutions and central banks. The managing director would come from the IMF or World Bank or be hired by them.

3. Major developed country governments—called the sponsoring governments—are asked to provide the initial capital of I2D2, either directly, by call or through arrangements made with the IMF or World Bank. On-going supplemental contingent support would also be provided.

4. I2D2 will seek to negotiate agreements on a case by case basis. Debtor governments that elect to participate would agree to implement economic and financial policies that lead to noninflationary growth, open markets and build creditworthiness.

5. I2D2 would also negotiate with creditor banks to purchase their LDC loans at a discount in exchange for high-quality obligations issued by I2D2. These obligations would be in the form of floating rate consols (perpeptual bonds) and participating preferred stock. Because of the contingent commitments from the sponsoring country governments, the rating on the debt would be among the highest given.

6. Because I2D2 buys LDC debt from the banks at a sizeable discount from face value, its own debt servicing needs would be considerably less than present debt service requirements. Because of this, I2D2 will be able to provide meaningful debt concessions to the LDC's during the adjustment period.

7. A key feature of I2D2—a powerful feature—is that, once it buys the LDC debt from the banks, it subordinates that debt to all new debt issued. That means that new loans would have a prior claim on resources over debt purchased by I2D2. The subordination step is a key factor in opening up new sources of credit for the country.

8. Debt subordination and the concessionary terms negotiated with any participating country are major tools that are presently unavailable to the IMF or World Bank. I2D2's powers to grant debt relief and debt subordination are very attractive incentives for LDC's to "stay the course" on the reforms needed to restore economic health and creditworthiness. Subordination and concessions can be suspended if a country does not meet I2D2 covenants on structural adjustments, or whatever the agreement in force provides, such as limits on the amount of new senior borrowing.

9. In short, the scope of incentives and the mechanisms for discipline are well beyond anything presently available. The increased credibility of the LDC's economic reforms generated by the use of those two features should not only open LDC access to credit markets, but also represent a "safe harbor" attraction for direct foreign investment and increased foreign aid.

Now, what's the size of the program I'm talking about? Sovereign bank debt of the seventeen rescheduling countries covered by the Baker plan is about $250 billion. Suppose for the moment that I2D2 negotiated over a period of time to buy all $250 billion.

If I2D2 ultimately acquired all of that debt at, say, an average of 60 percent of face, only $150 billion of I2D2 securities would be needed in the exchange. We've arbitrarily split the securities into $125 billion of consols and $25 billion of participating preferred stock. This would be supported by $12.5 billion in equity capital raised from the sponsoring governments. The equity capital would serve as a reserve. It may be paid in or callable.

While I have referred to $250 billion as the size and scope of the proposal, that is simply a framework—in fact, it could turn out to be much smaller. I2D2 would be implemented voluntarily, so some countries may choose not to participate; or they might not reach mutually acceptable terms; or I2D2 might decide a particular country was ineligible; for instance, because its actions were those of a "rogue" debtor. In addition, the amount of capital the developed countries are prepared to commit may not allow I2D2's ultimate size to be that large.

The concept is what I want to establish—the actual size will depend on a number of considerations. The program is modular, although part of its flexibility and strength comes from a pooling of cash flows from a number of participating LDC countries who pay their negotiated debt requirements to I2D2.

While negotiating with a particular LDC on market-oriented reforms, I2D2 would seek bank consensus on an exchange package for that country. The discounted price that I2D2 would pay the banks will take into account several factors, including estimates of the debtor's ability to pay interest, concessions determined appropriate, and the value of the loans in the secondary market.

Please note that to make subordination feasible, free riders can't be allowed; therefore, all sovereign bank debt owed by a contracting debtor country must be acquired by I2D2. To encourage bank participation in full, an acquisition premium over the secondary market would be appropriate. Also, bank regulators would be directed to allow the discount from the debt's face value to be treated as a reserve in a bank's capital base and/or amortized over several years. Banks that choose not to participate would be offered lower yielding exit bonds, or would be required by the regulators to mark down the loans to market value without the benefit of the special reserve treatment or the longer amortization period.

We have included more detail and a variety of additional considerations in the booklet I imentioned earlier.

As you can tell, in our effort to offer a more constructive solution to the LDC debt problem, we did not reinvent the wheel. Some very bright people around the world have been thinking about this question. Government officials, members of Congress, experts in the IMF and World Bank, economists, academicians and members of the banking community—too many to mention by name—have devoted time and energy to developing proposals for dealing with LDC debts. We have benefited from their ideas, as we have from discussions with a number of government and business leaders in several countries.

What's unique about our plan?

First, it addresses new money needs and it establishes ongoing discipline. The subordination feature opens the doors for new money sources. The plan also creates ongoing discipline by making subordination, as well as concessions, contingent on achieving the structural, market-oriented reforms agreed to by the participating LDC's.

Two weeks ago, in a speech at the Bretton Woods committee meeting, Secretary of State John Whitehead said that an issue "which merits creative thinking in the period ahead is how to encourage developing countries to adopt better economic policies that promote growth." I2D2 not only does that, it also encourages countries to stick to those policies.

Second, a major objective of a comprehensive approach is to get the United States and other G-7 governments more directly involved. World trade growth depends on it; more market-opening trade policies can flow from it.

Third, it provides the IMF and the World Bank with an international reorganization facility that is presently lacking—one that can offer meaningful incentives. Such a facility can negotiate and execute comprehensive solutions on a case-by-case basis. The private banking community cannot do that. Someone must.

Fourth, it strengthens the world banking system. I2D2 does that, country-by-country, as agreement is reached and I2D2's high-grade securities are exchanged for lower quality debt presenty in bank portfolios. This reduces the uncertainty plaguing bank income statements, balance sheets and stock prices.

Fifth, since the banks take a sizeable loss, it is not a bank bailout.

That's enough on the details of I2D2. I hope you believe as I do that it is time to develop comprehensive concepts. As to I2D2, I'm sure you have questions. Let me try to answer some in advance.

First, "Why would the governments put in any money and take an ongoing contingent risk?" The answer, in my view, is that it's in their best interest to do so.

Timely involvement by the G-7 governments can not only lead to greater growth in world trade and economic prosperity but also strengthen the world's banking system and reduce the risk of a possible and more costly rescue effort in the future. Remember, an ounce of prevention is worth a pound of cure.

For those who believe the "muddling through" approach and time is all that is needed, I ask, what happens if you are wrong?

Why not develop comprehensive programs and have them ready? Test them for effectiveness now; roll them out as conditions permit, have them available, if not in place, before problems get out of hand.

Another question might be, which governments will play?

Based on my personal discussions with a number of Japanese Government and business leaders, I'm convinced the Japanese are clearly looking for approaches to recycle funds in a major way and to take a more substantial role in world financial affairs. I think there is a chance they would be a major participant. It's possible, in fact, they would consider taking * * *

A significant share of the equity. What's needed is for the United States to endorse the concept of a comprehensive approach—one that seeks a partnership with the Japanese and other key countries.

In fact, I believe that LDC debt and trade should be a centerpiece for the next G-7 summit.

We think the Institute of International Debt and Development is a workable and comprehensive solution to the LDC debt problem. It is widely applicable, yet can be implemented country-by-country—when needed.

There are certainly other comprehensive approaches. For instance, the debtor governments themselves could offer to exchange consols directly with banks under an I2D2 framework. Under such a plan banks would be asked to pay sizable insurance premiums to I2D2 which when combined with some callable equity from the sponsoring governments, and, as some have suggested, perhaps further supported by private reinsurance, would serve to guarantee the interest flow. Perhaps that route would be more readily acceptable, and less costly, than the I2D2 proposition I've just outlined.

Again, my point tonight is to shift the dialogue to a comprehensive level. In the weeks and months ahead, I hope there will be active participation in that dialogue by governments, international institutions, the financial and business community, academia and knowledgeable media.

Certainly, there are many ideas in this room and elsewhere. Let's put up an "open for business" sign and seek them out.

In conclusion, it's time to support the general capital increase of the World Bank. It's time to expand our support of the Uruguay round of the GATT negotiations. And it's time to take the next step in the Baker initiative by finding workable, comprehensive approaches. All of us have a vested and collective interest in doing so.

Yes, it is time to expand our vision to the interrelationship between trade and debt, growth and national security, prosperity and peace.

Remember, George Marshall was right: without economic prosperity there can be no lasting world peace. Thank you.

COAST GUARD BICENTENNIAL MEDAL ACT COSPONSOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, it is my great privilege and honor to add our distinguished colleague from Florida, the chairman of the Subcommittee on Coast Guard and Navigation, Mr. HUTTO, as the first cosponsor on H.R. 3919, a bill I introduced to authorize the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard in 1990. These medals will join with bicentennial medals authorized in 1975 in commemoration of the bicentennials of the U.S. Army, Navy, and Marine Corps.

The members of the Coast Guard and its predecessor services have a long and distinguished record of service to the United States, and particularly to mariners.

The Coast Guard is worthy of commemoration as part of our bicentennial celebrations.

Under the rules of the Consumer Affairs Subcommittee, medal bills cannot be considered until they have at least 218 cosponsors. I urge all Members of this House to join with the chairman of the Subcommittee on Coast Guard and Navigation and myself in cosponsoring this legislation by calling the Consumer Affairs Subcommittee at extension 6-3280.

Mr. HUTTO. Mr. Speaker, I am pleased to join with the distinguished gentleman from Illinois, Mr. Annunzio, in cosponsoring H.R. 3919 to provide for a commemorative medal in honor of the bicentennial of the U.S. Coast Guard, which will celebrate its 200th birthday on August 4, 1990.

The Coast Guard is the oldest continuous sea-going service of the United States, and Coast Guard personnel have fought alongside the Navy in every war since the United States conflict with France in 1799.

All Americans benefit from the services of the men and women of the Coast Guard, whether it be directly as the result of search and rescue missions or indirectly through enhanced port security, the cleanup of oil spills, the safe transport of consumer goods made possible by the Coast Guard's system of aids to navigation, or the interdiction of illegal drugs plaguing our Nation.

The many missions of the Coast Guard are critical to the health and safety, as well as the national security, of our Nation. As the fifth branch of our Nation's Armed Forces, the Coast Guard is a 24-hour-per-day, 7-day-per-week service whose personnel put in 96 hour work weeks, without overtime pay, if that's what it takes to get the job done. Despite ever-increasing missions and cuts in their funding, the dedicated men and women of the Coast Guard continue to live up to their motto—Semper Paratus—Always Ready.

In addition to the commemorative medal proposed by the gentleman from Illinois, the members of the House Merchant Marine and Fisheries Committee have recommended to the Citizens' Stamp Advisory Committee that a commemorative stamp be issued in 1990 in recognition of the bicentennial of the Coast Guard. We have also introduced a resolution, House Joint Resolution 456, directing the Postmaster General to issue a Coast Guard commemorative stamp, and I invite all Members of the House to join in cosponsoring that resolution honoring the Coast Guard, also.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, I have information that the gentleman from California [Mr. SHUMWAY] has laryngitis. He is going to do his special order tomorrow and I am going to do a little piece of it tonight in mine.

I ask unanimous consent that this may be the order of business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, the gentleman from Indiana [Mr. BURTON] has a special order following mine.

Mr. Speaker, I ask unanimous consent that we reverse our order and he be allowed to go ahead of me. The gentleman has some pressing business this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON PANAMANIAN INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. DORNAN] for being so kind by letting me go first.

Mr. Speaker, I just returned from Panama. While I was down there I had some interesting information conveyed to me by a number of people who reside in Panama, including members of our Government who are stationed down there in the military and in our embassy. The information that I learned was that Mr. Blandon who has been testifying before a committee in the other body has a Marxist background.

Many people with whom I talked said flat out that he is a Communist.

Mr. Blandon has made some very interesting revelations during his testimony before the committee in the other body regarding the military strongman, the head of the Narco military complex down in Panama, General Noriega.

He has also made some allegations regarding the Vice President of the United States who is now running for President, Mr. BUSH.

Because Mr. Noriega is perceived to be everything that he has been depicted to be by Mr. Blandon and others who have been involved in the indictment of Noriega by our Government in Miami, our U.S. Attorney in Miami with the assistance of the Drug Enforcement Agency, it has given Mr. Blandon a great deal of credibility.

Now, I do not take issue with what Mr. Blandon has said regarding General Noriega, because I think his statement and the indictment together speak for themselves, but what I do question are the comments and allegations that he has made regarding the Vice President of the United States, i.e., that the Vice President called General Noriega the night before we invaded Granada. General Noriega contacted Mr. Blandon. Mr. Blandon contacted Fidel Castro at 2 in the morning and Castro then called General Noriega back around 4 a.m.

The Vice President has vehemently denied this took place, but Mr. Blandon has received a great deal of credibility in the media because of his denunciation of General Noriega and the revelations about General Noriega; so the credibility he has gained while attacking General Noriega I think gives him a modicum of credibility in other areas, that is, the allegations against the Vice President of the United States.

Now, I have a great deal of concern about that. We are in an election year. The Vice President of the United States is running for President. He appears to be the frontrunner right now and very well may be our nominee. The allegations that Mr. Blandon has made may very well come up in the Presidential campaign this fall if Mr. BUSH is our nominee for President.

For that reason and not because I have any real concern about his testimony regarding General Noriega, I believe that the other body and this body collectively should request that Mr. Blandon be given a polygraph. The testimony that he has given according to sources with whom I have talked is not essential to the case against General Noriega that is pending in Miami, FL, right now. That case I understand has enough corroboration from other witnesses to pretty much have an airtight case against General Noriega. At least that is what I have been told. So Blandon's testimony is not absolutely essential to that case; but even if it were, I think it is absolutely essential since he has made these statements about the Vice President that he be given a polygraph.

So I say to my colleagues in this body, Mr. Speaker, and all who are concerned, let us get Mr. Blandon polygraphed so we will eliminate any doubt once and for all whether or not he is telling the truth. I think it is absolutely essential not just because of General Noriega, but because of the Vice President of the United States, but I do not have much doubt about Noriega.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, the gentleman and I have made different selections of two honorable men in this Presidential season. One of them, the gentleman's candidate, is a good friend of both of us and is an outstanding leader in this Chamber, was our number three in the Republican leadership until he resigned for the Presidential race, JACK KEMP of California, by birth of New York, by the gridiron and by his great congressional service now in his 18th year.

I would wholeheartedly support our colleague, JACK KEMP, to be the President of the United States and an exciting President. I wish him well in the coming primaries.

But my man, the Vice President of the United States, has been about as loyal a Vice President as this country has ever seen just in this century ever. The gentleman would also support the nominee of our party if it is the distinguished and honorable GEORGE BUSH, correct?

Mr. BURTON of Indiana. Obviously, I would.

Mr. DORNAN of California. So what the gentleman is saying is that with all these rumors and everything floating around, generating out of Panama, which said rumors are now being stated as fact on the Columbia Broadcasting System, they are stating, I have heard it come from the mouth of Ghunga Din Dan Rather that Ollie North is a bosom buddy of this drug-running thug, Noriega, all sorts of innuendoes of ties to the Vice President.

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I want some of this Blandon testimony and I agree with my colleague, if this man is not a liar then he will not be afraid to be polygraphed. I would like to give him truth serum on top of it, because the networks tend to hang any type of a case on just the testimony of one person, no matter how flawed his background, and they do not do an investigation on him or follow him around as they did one of the former Senators, Mr. Hart.

I just think the gentleman from Indiana [Mr. BURTON] is absolutely correct. People are telling me that probably my candidate is going to win, maybe even on Super Tuesday he will get enough delegates to put him over the top, or be within reach of it, and then they turn around, these liberals, and say, "but we have got him and this administration in the Iran/Contra issue and look what is coming out of Panama."

I had my staff go back and get all of my speeches, but unfortunately we cannot get those from the Subcommittee on the Panama Canal on which I have served in my first 4 years, 1977, 1978, 1979, and 1980, but in my very first congressional delegation, a fact-finding trip like one that the gentleman from Indiana [Mr. BURTON] has just returned from in Panama, I went down there in February 1977.

We found out then that Torrijos was not very bright, and the man who was then Governor Reagan had called him a tin-pot dictator, and that he was run by Noriega, that he organized the demonstrations on our Canal Zone property at that time that we had in perpetuity, and that this guy was about as big a low-life that we had in Central or South America. This has been my understanding as we discussed it for 4 years as we gave away the canal, and as we have still discussed that whole situation, and GEORGE BUSH had said, no way, Jose, Joe, or anybody else that will listen, has he had anything to do with this drug-running thug, and of course until we hear from Lt. Col. Oliver North we do not know.

But I think the gentleman from Indiana [Mr. BURTON] is absolutely correct, let us nail this guy down.

I would inquire of my colleague, if he went down to Southern Command?

Mr. BURTON of Indiana. Yes; I spent quite a bit of time with the commander.

Mr. DORNAN of California. And you stood in front of the deposed President's house?

Mr. BURTON of Indiana. Yes; the Ambassador and I tried to go in to see President Delvalle but they would not let us in.

Mr. DORNAN of California. And the gentleman became aware of the Noriega secret police, the Dobermans, as in attack dogs, the Dobermans running around?

Mr. BURTON of Indiana. Yes.

Mr. DORNAN of California. Did our excellent Ambassador, Ambassador Arthur Davis, an excellent man, a master sergeant in the Weather Office in World War II, an NCO up in Alaska? He showed me pictures of our Embassy, and I saw it with my own eyes, covered with red paint thrown by Noriega's Dobermans. Then Manuel Noriega's thugs broke the windshields and windows of every single U.S. car in Panama City that had Government plates on it.

This is back in the summer when I went down there with the gentleman from California [Mr. Hunter], and the gentleman from California [Mr. Dreier]. So we have a strange situation here where the media without proof is suddenly trying to wrap this thug around the necks of those of us who were totally opposed to giving away the canal precisely because of the instability of drug running in Panama even then in 1977. They had all these apartment buildings that were called see-throughs. There were no occupants. They were big business buildings and apartment buildings, and they had all gone bankrupt.

The Midland Marine Bank was financing all sorts of loans, and I forget the name of the guy that was on President Carter's team to give away the canal, and in a closed committee hearing, I said, "How come your bank, Marine Midland, that your board of directors is on, Ambassador Linowitz, how come you are on the board of directors there? You have got all these loans down there. Of course you want to see Panama try to get money out of the canal."

He said, "Funny you should ask that, Congressman," and this was in closed session, but it can be released 11 years later, "I have decided today to resign from the board of directors of Marine Midland Bank."

I wonder if he would have resigned if I had not asked the question?

So all that nightmare we are reliving except for Jesse Helms, who was so out-front pounding on the late Torrijos and the thug Noriega about the canal. Only Jesse Helms seems to get an excuse slip from the liberals who are revisionist historians, and I want CBS to prove to me that Colonel North or particularly the Vice President of the United States or the Central Intelligence Agency had any dealings with this guy Manuel Noriega.

Mr. BURTON of Indiana. Mr. Speaker, if I may reclaim my time, I think the gentleman from California [Mr. Dornan] makes some salient points, and that is why I think it is absolutely imperative, if we are going to get at the truth, that we have Mr. Blandon polygraphed, and I will urge my colleagues here and in the other body to do just that.

I would like to say that after my visit to Panama, in reflecting upon it, we really have some fine people down there. I think our Ambassador, Ambassador Davis, and his staff are very hard working and are accomplishing this work under very trying circumstances and are doing an outstanding job. And I want to include in that General Woerner, the head of Southcom down there.

Mr. DORNAN of California. Terrific people.

Mr. BURTON of Indiana. They are doing a great job. I have great confidence that whatever happens in the immediate or foreseeable future that they will be able to deal with it.

I would just like to make a couple of brief comments about the Panama Canal because some of our colleagues in the other body and I think some in our body as well are advocating immediate sanctions or immediate embargoes against the government down there and against the people of Panama because they want to stop what is going on, and I agree. We want to get Mr. Noriega out because narco-military organizations like his should be stopped, particularly since they are sending drugs in to kill and maim the children of the United States and other parts of the world. But the people down there do not particularly care for General Noriega. The people down there generally like Americans.

I was very surprised to find out that there are very favorable attitudes toward this country down there.

Their currency is the U.S. dollar. They do not have a currency of their own, they use the U.S. dollar, so they are closely tied to us. If we in a knee-jerk fashion impose an economic embargo or sanctions against Panama I think it could create an anti-American sentiment among the people, not among the Government but among the people, that could have long-term effects that we do not really want to see.

I think pressure applied to the Government itself is already underway. We cut off economic and military aid to that Government I think back in June. They are in trouble with their loans, the country's loans to banks, and I think Panama is going to have difficulty even paying interest on their loans to the World Bank and to IMF. Some of their banks in Panama are in deep trouble. They tell me the Government revenues are down to such a degree they may have to lay off as many as 20,000 employees in the Government within a month.

If we just take a deep breath and hold on for a little bit I think Mr. Noriega may face all kinds of problems of his own making and because of previous pressures that are still ongoing that are being exerted on him he may find it in his own interest to leave Panama as quickly as possible.

Conversely, he controls all of the television, the radios, the newspapers, and the only thing one sees in the newspapers down there now are stories to the effect that the Gringos, the United States of America, is trying to undermine Panama's economy so that they can forcibly take back the Panama Canal and abrogate the treaty we have with Panama, and that we are going to put economic hardship on the vast majority of the people down there in so doing.

If we go ahead and impose these sanctions unilaterally or impose an embargo unilaterally, Noriega will say, "I told you so." I think it will give him more of a solid position than he has had in the past and it might keep him in power longer than he otherwise would be able to stay.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. I would like to inquire, your mind was not made up on that point when you went down there?

Mr. BURTON of Indiana. I say to the gentleman from California, no it was not at all.

Mr. DORNAN of California. If the gentleman will continue to yield, I defer to your judgment. That is interesting. I would have been inclined like some Members in the Senate were saying, to sock it to them but sometimes a little fine-tuning to help the people is very important.

Mr. BURTON of Indiana. If I might reclaim my time, let me say I think it may be something we might have to do later on. We may have to do a lot of things. I do not think military intervention is necessary now or in the foreseeable future. I do not think we should impose sanctions unilaterally by ourselves now, but we may have to later on.

The interests of the United States and the free world and this part of the world are very closely tied to the Panama Canal and the Isthmus of Panama. I think we should take a long hard look at what we are going to do and see what ramifications that has

not only for the people of Panama and the Government of Panama but what it might portend for the people of the United States as well.

We have a lot of American business down there, a lot of American investment, a lot of American citizens, 10,000 military troops, and I have been told as much as two-thirds of U.S. commerce is affected directly or indirectly by what happens in the Canal Zone. So if we impose economic sanctions unilaterally or impose an embargo unilaterally which leads to an escalation of the problem and maybe a military conflict, we could see the ships going through that canal slowed down or maybe even stopped and that would have a real bad impact on the United States and every State in this Union.

We have to think of the long-term ramifications of our actions before we jump into any situation down there.

I am not saying it may not have to be done at some time, but we should not do it in a knee-jerk fashion. We should take a little time and decide when it is the right time and when it is the right course of action for us.

A lot of our Latin American neighbors feel the same way. They think that democracy should flourish in Panama like it is in other countries down there. They have come out in favor publicly of President Delvalle and I think if we do it in concert with them, even if they do not impose sanctions, but if we make a move in concert with our friends in Latin America I think it will have more of a positive impact. If that does not work we may have to do something else.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield to me?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. All of our Latin American neighbors, and a lot of our European friends use the Panama Canal. They are well aware that since President Woodrow Wilson pressed an electric button in the Oval Office at the White House in 1914, that until now in all that time when we were the builders, the financers, and the caretakers of the canal, that we have only raised the tolls three times. That is remarkable given the inflation that has gone on in this world since 1914. Since Teddy Roosevelt launched that project and since in his second year Woodrow Wilson got the honor of opening the first canal gate with an electric system that went from Washington, DC, all the way to the Canal Zone, these people are well aware of how well we have managed that canal. They are very worried about an unstable government taking over, and finding itself in a bankrupt situation such as with every Socialist and Communist country in the world, and then having Panama say, well, what is our largest asset? What is our treasure?

The same argument was used by the Speaker on this floor when he was majority leader when we had all the doors sealed, because we had had a lot of secret information on just what a thug Noriega was, and then Jim Wright got up and made this compelling speech and got a standing ovation, and it all went down the tube. They opened the doors, we went into public debate, and many people were unable to know what was divulged in the first sealed Chamber briefing in this Chamber in over a century and a half. But it prevailed in this House to give away the taxpayers' property down there and all our holdings as of 1999 and now all these countries are doing the same to us on Central America, the Arias peace plan, Yoko Ono singing about giving peace a chance, and they are doing the same to us 11 years later that they did to me in Central America in 1977 and that is to say just do not give away that canal, Torrijos is unstable, not very bright, and he is run by this thug Noriega anyway.

Then they turn around and because of home domestic problems about poor Latin Americans and we have this big colossus to the north, they turn around and publicly say to give up the canal.

Now we are getting the same private testimony and public contradiction going on right now about Nicaragua and its Communist government.

Mr. BURTON of Indiana. Reclaiming my time, all these things we are starting to see are interlocked. One thing that concerns me is that we should probably have never given away the canal in the first place but after having said that we have signed a treaty that does give up control of the canal and gives up ownership of the canal so to speak by 1999. Some of my colleagues are saying that we should take it back immediately, and I think there are a lot of people in this Chamber, Mr. Speaker, and on the Hill and around the country that think that that would be a good idea.

I would like to just tell everybody a little bit about some of the problems that we will face if we try to go in and take that canal back immediately. I think the people across this country need to know this as well as our colleagues, Mr. Speaker, that is, that the canal is 52 miles long. At one end is located Colon, at the other end Panama City. On both sides of the canal all the way down there is jungle except for a few short spans of distances there. A lot of that canal has hills on both sides, not mountainous but very, very hilly, and they have an erosion problem. The mud and sludge that come off those hills, and the tides going in and out necessitates constant dredging. They have dredging equipment that dredges out that canal all the time keeping it open so that ships can pass through.

That is an ongoing problem. In addition to that there is a dam about a half-mile long in a clear-water area from which they get about 8 million gallons of water to take each ship through the canal. This is fresh water that goes through the locks, raises the ships up so they can go to the next lock, and empties out into the Atlantic or Pacific Ocean depending on which way the ship is going.

The problem is there are 104 miles of jungle, 52 miles on each side of the canal. In addition to that we have the dam that has to be protected.

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Everybody in all parts of the world, the free world and the nonfree world is anxious to keep the canal open because we all have a vital stake in that and an interest in that.

But before we get involved in a military conflict, trying to force or to abrogate that treaty or take it back, we need to make absolutely sure we are handling it in the right way, if that is the course of action we decide to take, because defending that canal from one end to the other would necessitate I do not know how many troops and how much money. And even if you did that, you still might have some nut, some guerrilla, get up there and blow up part of the mountain with plastic explosives, or that dam, and you would not be able to get the ships through there, and that would have, as I said before, an adverse impact on our economy, the United States of America.

So we may have to think about renegotiating that treaty. We may have to think about a lot of things. We may ultimately think about economic sanctions or even military intervention, I do not know. These are things we are going to have to look at as time goes by.

I hope the problem kind of resolves itself as General Noriega sees what the consequences of his actions are, and I think ultimately he is going to feel that pressure. But we ought to look at all of this in both bodies before we jump into it, and I would urge as many of my colleagues, if possible, if they have the opportunity to go down there and educate themselves for 3 or 4 days on what the canal is all about, what the situation is so that when we do vote on something of that magnitude that will affect this country militarily, economically and every other way that we make the right decision. No knee-jerk reactions.

Mr. DORNAN of California. When you were briefed by the Southern Command, one of our 10 combatant commanders around the world that answers directly to the Secretary of Defense, who answers directly to the

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President, in any impending crisis or red alert the Secretaries of the military services are cut out of the picture and it is the Commander in Chief, the SECDEF and Southern Commander, and one is the Southern Command and he has the largest area of responsibility of all 10 commands with the smallest—he may be second to the Pacific, but the smallest number of men. Most of his men are assigned to him, but they are doing something somewhere else. General Warner, right?

Mr. BURTON of Indiana. The gentleman is correct.

Mr. DORNAN of California. His predecessor, John R. Galvin, he has gone from this smallest asset commander to our most important command traditionally, SACUR, Commander in Chief of all forces in Europe, and also the commander of all of the American forces in Europe.

Has my colleague not noticed since General Galvin, a 4-star Army general has gone from the Canal Zone to Brussels, Belgium to NATO headquarters how we do not have any more of our NATO allies criticizing us about our policy in Central America, because one of the things that all of the military officers in NATO said was they could hardly wait to get their hands on a 4-star general who would be their Supreme Commander, Europe, to lecture their politicians. And he has been doing this for almost a year now about Central America. And General Warner was pointing that out to the four of us who went down there in July.

If I could just cross a couple of your t's, that Culebra Cut there which was the largest Earth-moving operation in history, and still is, we picked up where the French left off; that is, what they could not get accomplished in the 1890's and because of the disease also. In that cut, it is so narrow, you are right, the hills are so high on either side that if somebody wanted to bring in a ship, and all ships have free passage there, and have mines in the bottom of the ship, to detonate the ship, to jump the ship at night, or to not even let your own crew know. The Communist world has sacrificed a lot of their own soldiers in many conflicts in the last 70 years, to just blow a ship externally on the internal Culebra Cut, and it would take months to get it out of there.

But the worst of all is what you said about the water, the Gatun Lake, one of the largest man-made fresh water lakes in the world which is fed by rainfall.

Mr. BURTON of Indiana. From the hills.

Mr. DORNAN of California. Right, and the rainfall in Panama is not all that regular. Sometimes that lake is down, dangerously down. Every time a ship goes through the canal it is flushed out both ends into the Atlantic and Pacific. I remember, 55,000 gallons of water? It cannot be 55 million, 55,000 gallons of water right out of that fresh lake.

Mr. BURTON of Indiana. No, it is much more than that.

Mr. DORNAN of California. Then it must be 55 million gallons.

Mr. BURTON of Indiana. I think that is probably right.

Mr. DORNAN of California. Just to replace the lost fresh water going up to Gatun Lake and Miraflores Lake and the other lock, three together on the Atlantic side and two and one broken up on the Pacific side, all that water goes out only to be returned by rain.

Imaginé a commando operation. Although it is well guarded, as we saw, imagine blowing the Gatun Dam, and all of that water from the Gatun Lake going down to the bottom. How are we going to pump water into there? Is it going to sit 10 years until the rain water goes back up that lake, or 2 years or 3 years? It is absolutely so easy to sabotage that canal.

That is why in the Second World War when our troops and our fighter planes were needed everywhere we had squadrons of P-40's, whole naval task forces on either end guarding the German U-boats on one side and the Japanese submarines on the other to stop them from destroying this world treasure, and even to this day if there is a crisis in Europe, all of the Pacific coast troops and assets, what is it, 60, 70, 75 percent has to transit the Panama Canal.

Mr. BURTON of Indiana. If the gentleman will yield back to me, that is a very salient point. That is why if we decide we have to do something down there, it should be done in a calculated, thorough manner so that we have enough personnel there to protect all aspects of it, which is going to be an awful lot of people because you are looking at 104 miles of shoreline in a jungle area. So when my colleagues on the other side, in the other body, and maybe even in this body start talking about precipitous action, after having been down there I start to shudder a little bit and say, hey, your approach may be wrong. Your goal is correct but let us think about where we are going and what the ultimate ramifications of our actions are going to be, because we are not talking about repossessing a car. We are talking about a major thing that has a tremendous impact.

Mr. DORNAN of California. It is fragile.

Mr. BURTON of Indiana. Let me just talk about something else. I know the gentleman was going to talk about and may yet, and that is the Panama Canal and how it is affected by the surrounding countries.

General Noriega, I understand from radio accounts, television accounts and newspaper accounts, has received support, verbal support and possibly a promise of military support from Fidel Castro of Cuba and Daniel Ortega of Nicaragua saying that they stand with him in his fight to remain in power and keep control of Panama. These are 2 Communist leaders who have a different agenda for the people of this Hemisphere, and they have now come out openly supporting this man who is supposed to be not dealing with them, and giving him offers of not only verbal support but I understand possibly military support if necessary to keep control of Panama.

My colleagues on the other side of the aisle, and some on our side of the aisle, I think there were 12, ought to think about that when we vote down the road, tomorrow and down the road on very critical issues like Contra aid, because they have shown their true colors. They have said in the past, Daniel Ortega, that he wants that Communist Government of Nicaragua to expand throughout Central America, all the way down to the Panama Canal and down into South America, and up into Mexico to endanger our soft underbelly, the southern flank of America, the Mexico-American border. Here for the first time that I can recall he is actually saying to another leader down there we are going to give you help if you need it.

That just shows very clearly to me that he intends to make good on his promise to export revolution, as he has been doing in El Salvador, Guatemala, Honduras, and even down into Panama. When you are talking about Guatemala, Honduras or Costa Rica and El Salvador, those are very important countries. But when you talk about Panama, you are talking about the jugular vein economically and possibly militarily of the United States of America. And for my colleagues on that side of the aisle and some on our side of the aisle who say, well, what are you worried about Nicaragua for, it is such a small little country, they have only 129,000 or 130,000 men in their army right now, there is a danger if they start trying to get control of the jugular vein of North and South America, the Panama Canal, and they have already expressed interest in it, and so has Castro.

The only two government leaders in our Hemisphere who have come out openly in favor of Noriega were two Communist leaders, Fidel Castro and Daniel Ortega. Now if that does not tell the people of this country and this body something, I do not know what it does. It lets them know what the agenda is, what the objectives are of the Communists in Central America, and their strings are being pulled by the Soviet Union and the Communist bloc controlled out of Moscow.

So my colleagues, we had better be concerned about helping those freedom fighters down there in Nicaragua,

because they truly are not only fighting for their security and the freedom of their country, but our own as well. And it looks like they have been fighting all along to keep the Communists from getting control ultimately of the Panama Canal.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. You and I were going to participate in a special order by our colleagues, the gentleman from California, NORM SHUMWAY tonight, and now we have these rules around here that you and I occasionally flip on that we are not allowed to refer to anybody in the gallery, even though they pay all of the bills around here, we are not allowed to refer to the press, although in the British Parliament they always refer to the fourth estate behind them in the same general location, but let us put it this way. Talk about national technical means, Cuban Americans, hundreds of thousands of them in the Southern Florida area and throughout the country, and a lot of them in my area, in Los Angeles, Orange County area, they were looking forward to tracking, let us say, through the written record and otherwise this special order about human rights violations in Cuba.

Our colleague from California Mr. SHUMWAY, as I said earlier, has laryngitis, and hopefully he will be well tomorrow, and you and I will participate with him again probably to have maybe not a post-mortem but maybe it will be an analysis of the victorious vote for freedom. This seems to be our monthly Contra tyrant vote, the freedom fighter democratic resistance vote. Maybe it will be on the 3d of every month. My birthday is April 3, next month, and maybe we will do it in April, May, June, July, and we will just keep going like this. Anyway, February 3 and now we have one tomorrow, March 3. I would like to read the first part of Mr. SHUMWAY's "Dear Colleague" letter. To my people who follow the written record know what is coming up tomorrow.

> Dear Colleague, as you know, the United Nations Human Rights Commission is expected to vote on a U.S. resolution which simply asks the Commission to investigate the continuing reports of serious human rights violations in Cuba.
>
> There is no disagreement about Cuba's human rights record. It is one of the few countries in which a political prisoner," that is our first amendment generally, "can be sentenced to 20 years, survive the horrors of Boniato or Combinado del Este prison, and not be released two decades later," even when he has served his entire prison sentence.
>
> Why is the vote expected to be so close again this year?

Remember one Member pointed out that India went against us, Mr. Gandhi, the former 747 pilot, the dashing figure who stood before us at that treasured spot up here where Winston Churchill stood and lectured us about Central America, and he put Vietnam out of his ken. He does not worry about that any more, but he votes, I guess, because he has Lenin Square in front of his presidential palace, and all of the Soviet joint commitments to make Mig's, even up to the Mig-29 fulcrum, and let us hope that India comes to its senses as the world's largest democracy in population. Why is it expected to be so close this year, Mr. SHUMWAY says continuing, because "Fidel Castro is an expert at terrorizing his own people. He is also an expert at terrorizing the democratic nations in this hemisphere. Last year Cuba warned that 'armed disturbances' would occur in countries which supported the United States resolution."

Imagine the arrogance of this guy. But then he is going to be watching his eighth United States President come into office in January while he has been there without having had an election.

"The international community has ignored the suffering of the Cuban people for nearly 3 decades," 30 years. "The time has come for those countries who believe in fundamental human rights and freedoms to take a stand on Cuba."

The gentleman from California [Mr. SHUMWAY] has excellent material here, fabulous statements of our great Ambassador up there, the incomparable linguist Gen. Vernon Walters. He has statements from Armando Valladares. When we came back from a fact-finding trip in Honduras and Nicaragua and we put in a call to the White House to go down and give a report to President Reagan. Reagan called me and said welcome back to you and Mr. BURTON, BOB, and then he said, BOB, guess what. I have just done something you are going to enjoy. I have appointed Armando Valladares to the Human Rights Commission and the U.N., and then Castro together with the Kremlin went into a high-powered disinformation program to try to shred this man's reputation, but anybody who has read Valladares' book, "Against All Hope," or has met this compelling figure, they know that this is just more Communist lies to destroy a good man.

So I look forward to participating with you and the gentleman from California [Mr. SHUMWAY] in the special order tomorrow night.

Mr. BURTON of Indiana. I may or may not be able to participate tomorrow night, depending on workload here and the time we get out, because I have commitments elsewhere. But I was going to do it tonight. So I would just like to make a couple of comments about that, and I hope Representative SHUMWAY will forgive me for starting a little earlier. He may want to make some comments too.

But the gentleman talked about India, and I think India is very important because they introduced an amendment last year which in effect killed any kind of human rights investigation regarding the atrocities that have been taking place at the hands of Fidel Castro and his government in Cuba. India, over the next 4 years, is receiving about $600 million in direct economic aid from the United States of America.

□ 2100

India, immediately after they received this promise of economic assistance over the next 4 years——

Mr. DORNAN of California. All borrowed money against our grandchildren.

Mr. BURTON of Indiana. Yes, all borrowed money against our grandchildren. They had Daniel Ortega, the Communist dictator of Nicaragua fly to New Delhi and they gave him one of the highest medal award honors that they can possibly give a foreign leader. They gave him $10.4 million. After getting $600 million in commitments from the United States that is.

So it is our money they gave to the Communist leader of Nicaragua whom we have been opposing.

Mr. DORNAN of California. Argentina did the same thing.

Mr. BURTON of Indiana. Did they? I did not know that.

Well, he took that $10.4 million, flew out with his medal and a big smile on his face and I understand he went to China and bought some weapons which he is now using in Nicaragua against the freedom fighters, the Contras.

So this gentleman, Rajiv Gandhi, the head of India not only took our money and then shafted us by helping Daniel Ortega but now we are trying to get at least an investigation into the human rights violations taking place in Cuba by having the United Nations investigate through a United Nations resolution and India comes in and stops even the investigation of human rights atrocities. And I think that is reprehensible. I think we should reevaluate our aid program to India.

The gentleman from California pointed out that they are building Mig-29 fighter bombers. That is the most sophisticated weapon I think that the Soviet Union has, at the present time. I know they are working on some others. But they are producing those in India and I understand India is going to get some of those weapons for its own use.

In addition to that I understand they are tending Soviet submarines in the Indian Ocean off the coast, they actually come in and have port privileges in India.

So as far as India being our ally, they are really not and as far as them being a nonaligned nation, I think that is a bunch of baloney. They are tied to the Soviet bloc even though it is not readily noticeable.

The other thing I would like to point out, and I have a number of these things, some of the countries that voted with India last year to divert attention away from Cuba were Algeria, Bulgaria, Ethiopia, East Germany—you would expect the Communist countries to do that. But then Mozambique, Mozambique is one of the countries that our State Department is saying we can wean away from the Soviet bloc. Well, they are not being weaned away very far because they are still supporting the Communist dictatorship and repression that is taking place in Cuba right now even though—there you go again—we are giving them economic assistance.

There are some people like our Ambassador, our new Ambassador over to Mozambique who is advocating that we give them, get this, military aid as well. It is a Communist government that has killed over 70,000 of their own people and they are asking for military assistance and economic assistance which we are already giving them. And we are going to wean them away from the Soviet Union? Sure looks like it with this vote of yesterday.

Mr. DORNAN of California. What the Assistant Secretary Chester Crocker should say to them is, "We are not asking you to vote with us but we are telling you no abstention, no aid." That ought to be clearcut. There has to be some quid pro quo for all this money that we are borrowing against our grandchildren with the No. 3 item in the new Federal budget, $162.5 billion in interest on the debt, and we go more in debt every time we give a nickel to anybody, but to give it to a Communist government that votes against us in the United Nations is incredible.

Mr. BURTON of Indiana. Yes, whose ultimate objective is to do us in. Then you go on: Nicaragua, Nicaragua voted against investigating Cuba. Well, you would expect that, that is a Communist dictatorship.

Yugoslavia, now in Yugoslavia we are buying Yugo cars by the boatload now. That does not make sense. I have auto workers in my district who are concerned about their jobs and the unfair competition. We have Yugoslavian workers who are being paid 50 cents to $1 per hour to build these Yugos and we are buying them in droves, in boatloads as I said. Here they are voting against our position in the United Nations just to investigate human rights violations in Cuba which Armando Valladares has said very clearly are legion down there.

They are torturing people, killing people, repressing people, no fair trial, nothing. Then of course the Soviet Union, you would expect them to be supporting Cuba since Cuba is one of their puppets. But we continue to loan massive amounts of money to the Soviet Union. I do not understand that.

I think once again this year we have an opportunity to put Castro in the docket, on the docket where he belongs.

In 1961, Fidel Castro said there cannot be—one cannot be neutral in Cuba. Over the years he has held to this creed. In Cuba today those who do not actively support the Communist regime are considered to be against it and they are treated accordingly.

Consider this: There are tens of thousands of political prisoners in Cuba. Even Jimmy Carter—now this is back in 1978–79—estimated between 15,000 and 20,000. Professor Edward Gonzalez of UCLA, a noted authority on Cuba puts the number closer to 25,000 to 80,000. Now look at that, 25,000 to 80,000 people being held as political prisoners down there. Che Guevara said, "We have no mercy for those who take weapons against us. It does not matter if they are weapons of destruction or ideological weapons."

Granma, the official newspaper in Havana said, "Before the revolution ceases to be, not one counterrevolutionary will remain with his head on his shoulders." The model for Cuba's edifice of repression is Stalin's, Khruschev's, Brezhnev's, and Gorbachev's Russia. Castro has proven to be an excellent pupil and in fact may have outdone his masters.

In 1988, Cuba can boast Soviet-style gulags, prison farms and forced labor brigades. Some of the longest serving political prisoners in the entire world are being held in Cuban jails according to Amnesty International. That is not our government. Cuba's prisons contain a larger number of prisoners in proportion to population than any other Latin American country. They hold five to eight times as many political prisoners per capita as the Soviet Union, itself. That is according to Castro's own figures.

Mr. DORNAN of California. The only country, pro rata, that has more prisoners is probably Nicaragua. They still have 10,000 prisoners or more with less than 2.5 or 3 million of their people who are in country, because the rest are in the United States as refugees in Honduras or Costa Rica. So Nicaragua may be even worse.

But even in Nicaragua unless we find out otherwise, as we found out with our POW's after the fact, even in Nicaragua as brutal as their captivity is, as many secret executions as there have been and torture, we have not yet heard of examples being thrown into pits of human feces or being put in a cell, solitary confinement, total blackness, stark naked for 8 years, 9 years, which happened to the Ambassador to the United States. Senor Vargas, who Jesse Jackson came out and right here at Dulles while Jackson was posturing about getting these people out, Ambassador Vargas says, "With all due respect to the Reverend here, he has been used," "You have been used, Senor. Don't think that Castro has mellowed or that this is any type of gracious move. This man is a hardened Communist and although I am glad to be out we have been used to further his goals." And that is after 22 years.

Mr. BURTON of Indiana. I am glad the gentleman brought that out, because this is something that really concerns me about the race that is going on for President right now.

The gentleman to whom you just alluded, Jesse Jackson, I talked to him about the atrocities that were taking place in Nicaragua and he was down there and put his arm around Daniel Ortega. He subsequently on the same trip flew up to Havana and put his arm around Fidel Castro. They had a very friendly meeting.

Mr. DORNAN of California. He declared him a reverend, raised his hand to the air and said he was a man of God.

Mr. BURTON of Indiana. And he has also been very closely befriended I think by President Assad of Syria.

Mr. DORNAN of California. And hugging Yassir Arafat.

Mr. BURTON of Indiana. And hugging Yassir Arafat, and other people who oppose the goals and ideals of the United States and other free world countries. It really concerns me that the people of the United States do not understand at least what this one candidate's position is with a lot of these people who oppose our very way of life.

I hope that comes out at some point in the campaign because I think it is extremely important. When we put somebody in the White House we certainly want to have somebody in there who upholds the goals and objectives and principles that this country stands for and is not falling prey to the ideological views of people like Castro and Daniel Ortega.

I took a man named Teafillo Archibald to see Jesse Jackson when he was here. He was meeting with the Black Caucus.

Tiafillo Archibald was from Bluefield, a black from Bluefield who supported the Sandinista government, the Communist Sandinista government when they took power. He worked with them, because he thought they were going to bring about democracy in that country.

Well after he found out what they were really all about, he started opposing some of their policies. They put him in a gulag-style jail, a very small one. They pulled his fingernails out one by one. He showed me what they had done to him. I took him to meet Jesse Jackson. I said I want you to talk to this guy because you think Daniel Ortega is the George Washington of this country. In fact, I heard him say that, I heard him make a statement to that effect, at least I recall he made a statement to that effect. I think it was published in Time or Newsweek.

And he looked at this man and talked to this man. The man showed him his fingers, talked about the atrocities, burning people alive to death, he talked about these little villages down there, the repression of the Miskito Indians and so forth and Jesse Jackson looked at him and said, "Well, those kinds of atrocities unfortunately take place in any way. That is the price of war. But fortunately when this thing is all over they will head toward democracy in Nicaragua."

I believe and hope and pray that Jesse Jackson, Reverend Jackson has been duped by Daniel Ortega, Fidel Castro, and others. But the fact of the matter is he at least has been gullible enough to believe those people. I think we ought to think long and hard about that as we debate the issues in this Presidential campaign because he is becoming more and more of a strong political figure. People ought to know his foreign policy views clearly.

Mr. DORNAN of California. I did not get a chance to tell the gentleman this today. The gentleman and I were witness to something back in September when the gentleman and I were on a fact-finding trip to Nicaragua and then Honduras. We went out to somewhere in Central America to one of the command centers of the freedom fighters, the so-called Contras, what our colleague Henry Hyde calls the Contra tyrants.

The gentleman will recall I had a lifelong friend with me. Since 1943, 45 years, we went through 3 years of grade school, high school, college, and I went into the Air Force as a pilot, he went in as a dentist. We both came out captains. Lifelong friends. He has six kids. His name is Terry O'Brien, you remember Dr. Terrence O'Brien.

Mr. BURTON of Indiana. Yes.

Mr. DORNAN of California. The gentleman will remember we had a Member of the other body, a Senator with us who has to remain nameless under the rule. But remember some of the Central Intelligence Agency people were saying, "Don't let the Senator go in such and such a tent. We don't trust him." Well, that is too bad, that they don't trust somebody. But remember he went down there to Managua and would not let us go in with him to meet Ortega. Now do you think if Ortega had said to him in that meeting, "Tell me, Mr. Senator, what did you see there in the Contra camps, what do the battle maps look like, how much provisions do they seem to have?" Do you think he might be willing to share with his friend the Ortega brothers, what he saw? I am inclined to think so as a matter of fact, having watched him for years.

Mr. BURTON of Indiana. Well, I hate to speculate on things like that. It would bother me to no end if I find a U.S. Senator or Representative would stoop that low.

Mr. DORNAN of California. Well, you know one of the newspapers around here couched in sort of critical terms that the gentleman and I went down there. We had five Members on that trip. It was my Codel. Three of them cancelled, one of them ill, one of them from exhaustion the night we were supposed to pick him up. So we went down, the two of us. But this member of the other body had a private Air Force airplane—not private, I mean a U.S. taxpayer airplane—all by himself with a civilian aboard named Ed King who is the chief honcho—he was discharged from the Army for refusing to go to Vietnam in 1971 because it was combat—he ran the appropriations operation for some of our Members. The gentleman will remember he said, "Who is this man sitting in on this top secret meeting and briefing?" He was introduced as Federal staffer and he is not a staffer at all.

Mr. BURTON of Indiana. He said he was a staffer for the majority leader in the U.S. Senate.

Mr. DORNAN of California. But unpaid staffer. Just a consultant. I still do not know if he was paid, but I know he is one of the people our Speaker tried to force on Cardinal Obando y Bravo along with Wilson Morris of the Speaker's own staff. You will recall when the gentleman brought that up to the Senator, the Senator said "Well, why is Dr. O'Brien here?"

Well let me tell you what Dr. O'Brien did last weekend with his beautiful wife Joan. The gentleman is hearing this for the first time. He got to know Terry on that trip.

Mr. BURTON of Indiana. That is right.

Mr. DORNAN of California. He went down as he promised that he would and as he promised Ambassador Briggs he would. He went down for 3 days just over this last weekend—he just got back yesterday—and he saw 32 freedom fighters, young people. He said all of them dark-skinned peasants. He did 29 restorations, 5 extractions on one man alone and other extractions, 6 impressions, 70 flouride treatments and found out that there are only 150 dental technicians in all of the Contra forces, only 1,500 medics of any kind. That is not doctors, just first aid type medics. And less than a tenth of that are dental technicians. He said some of these kids the teeth were just rotting out of their head with exposed nerves, in combat with this intense pain. He said some of them he could only give one shot to and then work on them for hours. He worked all day long from dawn until dusk. He said he was so impressed with their bravery and decency, he said as an American citizen, "It infuriates me to hear Members in Congress get up and talk about these young boys and girls, that they bayonet pregnant women, their fellow campesino peasants, rape people burn farms and all of that."

□ 2115

He was so touched by these people he said, "Several times I was choking back tears looking at some of these young fighters," some who would never go back into combat because they had lost arms and legs, others who had slight wounds or no wounds and would be going back into combat and maybe be dead within days or maybe be hunted like animals by this 140,000-man reserve and active duty Communist force built up by the Ortega brothers and their 7 Communist members of the junta. It was really touching to me that my lifelong friend followed through on his promise to Ambassador Briggs.

Mr. BURTON of Indiana. Mr. Speaker, I admired him then. I admire him even more now. His statements bear out pretty much what you and I have known for some time, and that is that the Communists in Nicaragua have followed the lead of their masters in the Soviet Union in building up a perfect or almost perfect disinformation agency down there equivalent to the KGB in Moscow. They are very effective in manipulating American newsmakers and the views of the American people by sending disinformation up all the time.

As for the disinformation the gentleman talked about concerning the atrocities, there have been, I am sure, some on both sides, like their is in any war, but the vast majority of the atrocities, according to the independent human rights agency in Managua, the vast majority or 90 percent of them are occurring at the hands of the Communist Sandinista government. Yet the American people are led to believe night after night on the news, when the news is broadcast on the problems going on in Central America, that the Contras are a bunch of animals, when you and I and the dentist you just alluded to; that is, your colleague, know for a fact from personal firsthand knowledge that they are not that kind of people.

Mr. DORNAN of California. Absolutely not. Let me say that we have been out so much, out more than we

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have been in, that I have not seen one human rights advocate get up in the well of the House yet and criticize Israel, nor have I, because I truly want to see that fine democracy survive. There is no better fighting force in the world, more disciplined or more courageous in combat, or more of a civilian force on active duty or off active duty, called back war after war; there is no better trained force in the world than the Israelis. And under tremendous pressure you see your lifelong friend next to you take a brick in the face and break his nose, and the next thing you know, you are breaking the fingers on a child. It is a horrible human rights violation. And, by the way, most of the soldiers who were filmed by CBS doing that, all four of them and their officer, are under court-martial and in prison right now.

Would Ortega do that to one of his? That is what the Contra freedom fighters have done. They have 80-plus people in prison right now for human rights violations, and they have had summary court-martials in the field and have executed some of their own members who were fighting for freedom but lost the objective of their goal to stop the human rights violations of Communists, and some of them paid for it with their lives by abusing their own people, the camposinos that feed them, that call them los muchachos, the boys, the commandoes.

So the gentleman is correct. We remember every incident throughout history, including some of our men in the South Pacific. And as Tom Braden, the host of "Crossfire", told me, Eisenhower had to send an order down to our beautiful doughboys that were liberating France and Germany and tell them, "Stop executing German prisoners. We are now up against old men of the home guard and young teen-aged boys. Stop executing them." But after a guy sees four or five of his friends blown away or a whole platoon loses their legs to mines, as happened before My Lai, discipline can break down. It does not mean your cause is unjust or your whole army is rotten or your nation is rotten; it means that you have had a break down of discipline. What you look for is the policy.

What is the policy of Israel? It is a human rights policy. What was the policy of Nazi Germany? It was a genocidal policy. What is the policy of the Contras? To liberate their country for freedom. What is the policy of Daniel Ortega and his brother and his seven cohorts, every one of them a dedicated Communist? It is to turn themselves into a Soviet colony. And out of Ortega's own mouth: "Castro is the past. We are the future."

Remember what Fidel said, that it was a great misfortune of history that he, Fidel, was born into a country of only 10 million people. He was dreaming of being Mussolini or Lenin. What is Ortega's dream? Probably to say that it is sad that he was born into a country of only 3 million people.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will let me reclaim my time for just a minute, Daniel Ortega just recently said, just last November, in a newspaper interview that what he would really like to be doing—and I think I am quoting him almost verbatim—what he would really like to be doing is what Che Guevera did, go to other countries to spread the revolution. That is what his goal is. That is what his goal is. That is what his objectives are, and if we let him do it, they will do it. He has already said to Noriega in Panama, "If you need any help, let us know," because that, they know, is one of our real vulnerable areas down there, and he is anxious to jump in down there.

Before my special order runs out, I would like to just finish up on the problems with the human rights atrocities in Cuba and why it is important that this U.N. resolution that is going to be discussed in Geneva in the next few days be passed, and I would urge all the countries that are going to be voting on that to think long and hard about what is going on in Cuba.

Who are these prisoners in Castro's jails? They come from every walk of life—men and women, doctors, lawyers, farmers, writers, unionists, priests, Jehovah's Witnesses; even one man, Andres Solares, who was thrown in prison for writing a letter to Senator Kennedy, a letter in which he was asking for advice about starting a political party.

As with Castro's protege, Daniel Ortega's Nicaraguan revolutionaries who fall out of favor or who dare to support democracy are dealt with severely. Dr. Martha Frayde, Cuban delegate to UNESCO in 1964, found that out when she criticized Cuban submission to the Soviet Union. Her reward for being a loyal Communist and for being one who criticized just briefly their subservience to the Soviet Union was a 29-year prison sentence.

Members of Congress and other public figures who chum around with Castro are accomplices to this abominable, pathetic, sorry excuse for a human rights record. Shameful silence of the U.N. and of those in the United States who condemn our friends in this hemisphere while failing to condemn Cuba; failure to condemn Cuba further undermines credibility of the U.N.

Frank Calzone, a native of Cuba, an expert on Castro's repression, said, "Castro's gulag is the most massive, systematic, and long-term repressive system in Latin America," with the possible exception, as the gentleman from California said, of Nicaragua.

Last year, "Non-aligned" India sabotaged our attempt to shine the light on Cuba. We need to pressure countries to help us on this. I have been talking to African ambassadors left and right on this since I am the vice chairman of the African Subcommittee. It is in our interest, and in the interest of the Cuban people, who are fighting so valiantly for their freedom down there and who are suffering daily in those jails, and the Cuban Americans in Miami, FL, in the southern part of this country, to really understand the problem, and they are urging the Members of Congress from the Florida delegation and others to take some active interest in this.

Cuba is a country that commits mischief around the world, i.e. Angola, Nicaragua, and elsewhere. Cuba is a country heavily involved in drug smuggling. We know for a fact that a MIG airplane helped to escort a plane into a military base in Cuba to unload narcotics.

Cuba is a country that abuses and tortures its own citizens.

Recommended reading for my colleagues: "Castro's Gulag: The Politics of Terror," by Frank Calzone, and "Against All Hope," by Armando Valladailes.

The Bible says, "Thou shalt not stand idly by over the blood of thy brother," in Leviticus. The Cuban people are our neighbors and our brothers, and we owe it to them to speak out. The friends of freedom need to raise their voices on behalf of the Cuban people who have suffered long enough.

Mr. Speaker, I urge all my colleagues in this body to take an active interest in this vote that will take place in Geneva next week.

Mr. DORNAN of California. Mr. Speaker, I would underscore what my colleague said about their closeness to us. Most of those Cuban Americans in south Florida will be voting for GEORGE BUSH, but one of them said to me, "We love this man because he didn't come down here and lie to us." He said, "There isn't much we can do for Cuba." He said, "May we ask you to suggest to a Bush administration that Cuba go back on the national agenda, that if Gorbachev, the General Secretary of the world's largest Communist Party"—although it is only 4 percent of the Russian people and all the other various ethnic groups in the Soviet Union—"if he can use the word, 'democratization,' "—and he used that very word, translated literally into the Russian—"if he can talk about that, when is Castro going to be pressed to the wall to talk about the democratization of that island 90 miles from Key West?"

I told him I believed that under any Republican administration Cuba goes back on our national agenda. It is immoral that under the disaster of the way Kennedy ended up the Cuban missile crisis, and all of his defenders proclaimed it as a moment of glory, that it ended up to be the sanitization of the vicious Communist regime, and that is that Bobby Kennedy and Cardinal Cushing did not morally get back the money from the Bay of Pigs, although they transferred that money into tractors and medicine, we are led to believe. We do not know what else transpired. But when we got back those Bay of Pigs invaders, did we get back all of them? And the ones who were the political people in the cities, who were open politically, they paid for it with a quarter of a century of their lives in these slimy Communist prisons in Cuba that I mentioned before.

Mr. Speaker, Cuba has got to be free in our lifetimes. Cuba Libre.

AN ANALYSIS OF THE CURRENT SITUATION IN CENTRAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, I do not have my A-frame here with all the charts of those gulag, Soviet-designed, Cuban-built prisons, 16 of them now, I am told, by the army general who is the President's National Security Advisor. I do not have all of those pictures tonight, but then this is not a postmortem.

Tonight is March 2. Tomorrow is our monthly up-or-down vote on the Contra "tyrants," the freedom fighters, the democratic resistance. So let me call this an analysis of where we are going in the so-called historic 100th Congress—that adjective given to this body, the Senate and the House of Representatives, in these 2 years, last year and this year, not because of anything we have done that is historical of import but merely because it is a round number, the 100th Congress over a period of two centuries.

Let us see if we are really going to write history for freedom tomorrow or again become the indispensable arm of the Soviet expansion in the Western Hemisphere. Then we will proceed to do that same thing—become the indispensable arm for Soviet expansionism in Africa because, if we crush the freedom fighters in Nicaragua, the next target is to crush the freedom fighters in Angola. And at this moment in Africa, on that Atlantic coast in Angola, there are battles going on at this moment between units on the Communist side, the forces out of Luanda, that are being commanded by Soviet officers right down to the battalion level—and there are even some rumors that Soviet officers are commanding some companies—not to mention Afghanistan. I am really shocked, having been in about 9 or 10 States over the last month working for the Vice President of the United States, because I want this GEORGE to become the first George since the first President. I want him to be the 41st President of the United States. And in every single appearance I have made for him on the road one or two people have come up and let me know that they have carefully tracked the record of proceedings in this House, either the written record or the national technical means we are not supposed to speak of, and they followed the special order that I had on the night of February 3 which I called a postmortem.

I even used an oxymoron in that at the beginning. I did not realize I had said, "Freedom is murdered temporarily." Of course, when you murder something, it is permanent. What I meant was, I had not given up hope. What I should have said is: It appears freedom is murdered, but it is not. That is a temporary situation.

But here we go again tomorrow. I have here a document I got from the National Security Council. I have trusted the NSC under every Democratic President we had. I particularly admired it under Zbigniew Brzezinski. I did not always agree with what President Carter's National Security Advisor said, but I admired him.

In this Chamber we have people who have utter contempt not only for President Reagan's policies but for his National Security Council. But our National Security Council, under this distinguished 4-star general, Colin Powell, gave my office this document.

Here is what it says: On 10 February, 1988—7 days after my postmortem last month—the Salvadoran Armed Forces engaged a unit El Pepeto in Eastern Chalatenango department, killing an insurgent believed to be a courier. Among the documents recovered from the body of the insurgent was the document entitled "Strategic Estimate." According to this estimate, during the time before the Salvadoran elections and the next harvest, the insurgency should make blows against vital points, increase not only suburban action but urban action, and generalize the war on highways in all parts of the country—in other words, continue destroying the infrastructure.

The document actually uses a new acronym, GPR, which is believed to be the People's Revolutionary War, and it says the GPR should fuse the political, military struggle. The document states that planning must be done in order to get the masses to break through legality and generate anarchy. Communism loves anarchy.

The document also assesses the insurgent view of United States policy toward Central American and internal Salvadoran political matters.

Now, even in an hour's special order, even tightening my stomach muscles and giving you all the energy I can to make you listen, I cannot touch on all this, so I will, by unanimous consent, submit it for the RECORD later.

This is a 19-page document in Spanish taken off this dead insurgent's body. As Cal Thomas put in in one of his excellent columns in the Washington Times, the other day, it was called "Lesson From a Corpse."

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Here are some of the things it says. This is an exact translation:

> During the next few months of the harvest and the electoral campaign, a window of great political and military weakness of the Army and the Government will open. Our military plan during this time must be of an integral political-military character; we must seek to give military operations a better political content and reach the capacity for destabilization in the rearguard of the enemy—

The enemy being, of course, being José Napoleón Duarte, the one-term elected 5-year President of El Salvador, who everybody around here pretends to love and hug so much. I consider him a brave man.

> especially in the capital and principal cities.

This communique goes on, titled "Strategic Estimate."

> We need a wide strategy which combines all tactics and categories of effort. We must combine the guerrilla actions of destruction with political-economic destabilization by concentrating blows against vital points.

It goes on with an excellent analysis. You would think this was written by Lenin himself, Vladimir Ilyich Ulyanov Lenin, who died 2 or 3 months before his 54 birthday. I am 54 and when I think about what that man did, died January 21, 1924. He was to be 54 years of age on April 22 of that year. The way this Lenin has influenced the history of mankind, certainly the most improtant man, evil or good, in a millennium of the most important influence on the course of history, given the numbers of people who have died at the hands of communism, far more than Hitler was able to brutally murder in the 12 stinking years of his so-called thousand year Reich. The Communist killing goes on in most of the continents of the world right at this moment.

Listen to how well this is written, as though Lenin himself were guiding the pen:

> The special forces must also operate in this way in accordance with their own characteristic including local forces, clandestinity, and semi-clandestinity. But all these forces must always maintain their bond with the masses and work toward converting the masses into the largest service and intelligence structure of our army. We must understand clearly that our greatest strength lies in our level of accumulated

> forces and the social timebomb. We can use the GPR to fuse the guerrilla military struggle with the struggle of the large numbers of masses so that the fusion with give rise to the general insurrection. (Field comment: "GPR" may be the people's revolutionary war.)

So hope springs eternal. They tried to pull off this general insurrection within 10 days of President Reagan's inauguration back in January 1982. Is that not amazing? We have been trying to work this problem in Central America for President Reagan 7 years and almost 2 months, and yet in World War II, starting from scratch, with nothing, barely getting the draft going, we went from Pearl Harbor all the way to victory in Europe in 3 years and 5½ months. This has been double what it took to conquer Hitler, double what it took to wrap up Japan by Mid-August 1945, and we are still working this problem, with my hero, Reagan, still adhering to Jimmy Carter's off-the-wall figure, like the speed limit of 55 advisors in this beleaguered nation of El Salvador.

He says:

> The key factor with the masses is that we need to get to the point where the radical demonstrations turn into revolutionary and insurrectional actions.
>
> There must be appropriate planning and lines of action which break through legality and generate a state of anarchy, disobedience, and social disorder and causes the masses and members to make the decision to forget about fear of death.
>
> Never before has there existed objective bases as strong and dynamic as those which exist now which give the GPR an integral paramilitary character to advance in the widening and radicalization of the masses movement and the impositions of our conspiratorial policy in the FDP. (Field comment: other documents taken in this same capture show the expansion of "FDP" to be the Democratic Patriotic Front.) These objective bases will present an opportunity of exceptional importance through all of 1988 and a good part of 1989.

Get the feeling here? We are going to be voting on Contra aid again and again and again in the second session of the 100th Congress and in the 101st Congress and thereafter until the cancer of communism is removed from Managua.

Then he goes on another couple of paragraphs.

> However, the context of the document seems to imply that the "third forces" and possibly the other terms are references to garnering support from untraditional sources for example, as the document states, from within the United States. It must be taken into account that other forces can do a lot to help us get to the moment most appropriate to achieve victory. These include conspiratorial spaces and tendencies in the United States itself which have come about as result of the U.S. Central American policy.

I might add, that includes slimy films out of Hollywood, like the one called "Salvador," that they show in some of the Communist camps throughout Central and South America as a training film for how rotten the United States of America is.

I saw a movie on cable the other night called, "No Way Out," excellent movie with this young actor who starred in "Silverado" and "The Untouchables." In the film inside the Pentagon, of course they did not get permission to shoot over there, but they sure built a set that looked like it, inside that Pentagon, and of course liberal writers love to put down homosexual and then give them all sorts of special interest treatment, they have the Secretary of Defense who is having an affair with some young woman. They have as his senior aide-de-campe a homosexual who hires two guys as thugs to kill the Secretary of Defense's mistress girlfriend. Of course, how are these people introduced to the movie audience? And it is a big success, one of the most rented videotapes in America. "No Way Out" is the film. They are described as agency people, CIA people, who have just come back from Central America and the young naval hero, the lieutenant commander, says, "You mean these are people who work with the death squads in El Salvador and Honduras?"

And the guy nods affirmatively.

So here we have without batting an eye two CIA agents, he calls them, Oliver and Hardy. They are thugs. They crash and try to kill people all through the second half of the film. It is accepted in Hollywood that the CIA, of course, ran the death squads in El Salvador and is now setting up death squads in Honduras. Unbelievable. So these people understand, these Communists in Central America, they have a lot of friends in Hollywood.

Then it goes on after another three excellent paragraphs. I do not have time to read them all. It says:

> Our conspiratorial line is by its very nature bound to dialog and negotiated political solutions but the dialog is not the only form of conspiracy.

It goes on to say:

> Dialog is one form of the conspiratorial struggle but we must develop other informal methods that in the moment of opportunity of power can be more or less important than official methods.

In other words, Yoko Ono Lennon, all we are saying is, "Give dialog a chance."

Then it goes on to say:

> And we must remember that flexible discussion and proposals are needed to stimulate the conspiracy.

Another couple of valuable paragraphs that I do not have time to read, and it says:

> For revolutionary states and in the area of socialization, negotiation is an expression of victory. To force the United States to negotiate shows that the United States administration is politically weak and cannot mobilize all its efforts and that its policies are internationally isolated.

I wonder if they learned any of this from Vietnam.

> Imperialists during negotiations try to make concessions on weak points and try to preserve the other points. The concrete expression of this, in our case, is that there is United States congressional bipartisan support for El Salvador, but in the case of Nicaragua there are deep divisions in the Congress. The unity of the United States Congress in relation to aid to El Salvador will only be broken through strategic advance of the revolutionary movement. The time of the United States elections is the most propitious moment to favor this division.

They are dividing us to conquer us. Watch the debate on the House floor tomorrow. Follow it in the written record.

Esquipulas II—that is the so-called Arias plan, named after the President of Costa Rica, a one-term 4-year President, by the way—is a concrete expression of the negotiation aspect. There is, in Esquipulas II—sometimes referred to as Guatemala's, most commonly known as the Arias plan.

"There is, in Esquipulas II, for imperialism and its strategy for low-intensity conflict"—finally that expression of ours is making it into the Communist documents—congratulations, Maj. Andy Messing, you finally got that expression to be understood. The Communists always understood it.

> There is, in Esquipulas II, for inperialism and its strategy for low-intensity conflict an aspect which is a mortal game. The defeat of the Contras would be a grave strategic defeat for the United States, especially if we take into account the impact of failure in Vietnam and the geo-political position of Central America.

There is a field comment by our Intelligence analysists:

> It is clear from the text that the writer is using "Contras" to refer to the Nicaraguan Resistance.

In other words, this poor field guy hates to use the name the Communists in Managua tacked on to the Freedom Fighters, Dick Nicaraguan Resistance. However, if I ever need this man, I will tell him that Henry Hyde says, "Call them Contra tyrants."

Right up there is the seal for Virginia. It says, "So always tyrants. Sic sempere tyranis." So let us call them Contra tyrants, our young freedom fighters.

It says:

"The failure of the Contras"—this is the Communists writing again—"and the acceptance of the Nicaraguan revolution for the United States can be a total global strategic change. It would also affect the U.S. counterinsurgency policy and support to the Salvadoran Government."

And right you are, Mr. Communist scholar, being curried by this young courier. Right you are. If the Contras are defeated in Nicaragua, driven into some Bataan death march toward the Rio Coco River in the north and the

San Juan River in the south to be picked up by American medical teams so some of our majority colleagues here, being humanitarians would pick them up and bring them to the United States, hopefully, Mr. Speaker, all of them to move to Fort Worth and get registered 5 years from now and vote in one of your elections up there.

Let us see what it says, continuing here:

> In spite of the bipartisan unity in the case of El Salvador—

Very fragile, only due to this liberal Democrat, Notre Dame graduate, Jose Durate—

> It would be very difficult to have to reccgnize defeat in Nicaragua in a global view. It would not be politically logical for the U.S. to take its hands out of Nicaragua and place them in El Salvador in the form of more military aid.

Do not bet on it.

> For these reasons, the Esquipulas II/Guatemala City/Arias/Wright/Reagan Plan—"is positive for the revolution. The Revolutionary forces can use Esquipulas II"—

And Mr. Arias, I add that—

> to divide and break down the opposition. The United States can give nothing and needs to beg for everything. The popular Sandinista revolution has established its rules and we have our own 18 points and 6 points. The United States is weak.

In the interest of time, I jump over the next excellent paragraph, and it says:

> El Salvador is a strategic pilot model for the application of low-intensity conflict methodology for the United States. Not only because of the geo-political factor, but also because of the characteristics of the model. El Salvador is a place where the United States broke the classic model of traditional military dictatorship and developed dictatorships of a new type which the United States classifies as "democratic processes"—

In other words, people going to the voting booth, pulling a little curtain and voting in secret, they call that a new form of imperialism.

I jump ahead:

> The failure of the Duarte model—

otherwise known as democracy—

> would have strategic implications. One thing is a revolution which triumphs over a traditional dictatorship. Another thing would be the fall of a Christian democratic government with a reform ethic.

In other words, they are admitting that Duarte's government is a Christian democratic government with a reform ethic and they want to make it fail because that is an advancement for what we used to call around here Godless—getting redundant—atheistic communism.

I jump through some tremendous material here, which will be in the Record:

> The longer the war continues, the more favorable is the situation for the revolutionary forces.

That is, Vietnam, French or American model.

> The bourgeoisie does not have prospects for resolving the economic crises and the internal contradictions of the situation tend to deepen. All this causes the imperialists to have less control and more instability.

And then we came to page 8. You have got to read this, my fellow American citizens, in its totality.

> The United States has started to display fissures in unity.

Yes, sir, right in this Chamber.

> Diverse factors have created this fissure, including tiredness of the length of the war—

because we are an impatient people—

> the destruction, the impossibility of winning and the realization that the war is an integral phenomenon based on economic, political and social difficulties.

Break the back of the Communist forces of terror, as we did in the Tet offensive, and then a distinguished American, Walter Cronkite, says, "I've had it." A few years later he says on the air, I heard him say this with my own ears:

> I am no longer going to call the enemy forces in Vietnam communist forces, red forces. I am going to call them only the Army of North Vietnam.

Was that not nice, the complete capitulation of America's No. 1 watched and No. 1 trusted newsmaker?

Now, here is a little document that all of my colleagues can get. Any American can write to the State Department. It is an easy address. United States Department of State, Bureau of Public Affairs, Washington, DC. You do not even need a ZIP code. Put "Foggy Bottom." It might get there faster. It used to be a swamp down there to the west of the White House.

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This document that I want everyone to send for is called, America's Foreign Policy Agenda in 1988. That is a grandiose title. It has a nice number, it is Current Policy No. 1040. Does that sound familiar? That is your income tax return number. Just a little coincidence. It is Current Policy No. 1040.

Now here is a paragaph, and it is good reading, there are a lot of dreams here. It says in one paragaph on the front page that in Afghanstan, Angola, Cambodia, Nicaragua, our determined support for those fighting for their freedom has forced our adversaries to understand that expansionism and aggression are costly and that alien and repressive regimes will be challenged.

Not under my colleague, the gentleman from Missiouri [Mr. Ghephardt] they will not be. Not under the current Governor of Massachusetts they will not be. Certainly they will not be under Rev. Jesse Jackson. Al Gore, the gentleman who is running for President from one of the other legislative bodies around this Hill, the jury is still out. We will find out after next Tuesday whether people can believe that his great conservative or moderate voting record in the House turned into less support for President Reagan than Teddy Kennedy was throwing toward the President.

Here is a speech by a gentleman who worked on the National Security Council for most of the term of the President, Dr. Constantine C. Menges, resident scholar, American Enterprise Institute in Washington, DC. This document and I guess I will have to supply anybody who is interested, it is called Central America and Mexico in the Balance. Let me say this, I cannot put this load on my staff in an election year, just write to the American Enterprise Institute, get the number from information, it is Washington, DC, and this gentleman served in the Reagan administration for 5 years including from 1983 to 1986 as Special Assistant to the President for National Security Affairs. He is an expert on Central America.

Listen to this:

> If Congress persists in abandoning the Contras, they will soon have to leave Nicaragua or find themselves hunted down by the 140,000-strong Sandinista Armed Forces, which have been supplied with more than $2 billion in Soviet-bloc weapons (compared to about $200 million in U.S. funds for the Nicaraguan Resistance).

By the way, the Armed Forces in Nicaragua are owned by the Sandinista political party, not by the nation of Nicaragua.

That is a 10-to-1 advantage, and we wonder if our little force of 14,000 Contras, all of them inside Nicaragua now—there is no fighting unit in Honduras or Costa Rica—if they are going to be hunted down like dogs.

Mr. Speaker, I submit Dr. Menges' speech for the Record.

CENTRAL AMERICA AND MEXICO IN THE BALANCE,[1] FEBRUARY 5, 1988

> In a dramatic vote late in the evening of February 3, 1988, the Democratic controlled Congress refused the President's request to provide further aid to the Nicaraguan resistance. Nicaragua's Ortega responded by calling for the "complete and total defeat" of the resistance. If Ortega is successful what will this mean for Central America and Mexico.
>
> In 1982 the late, great Democratic Senator Henry Jackson said: "Leftist revolts in Nicaragua, El Salvador, and Guatemala are the preliminary stage for the ultimate assault on Mexico, the true Soviet objective in the Western hemisphere." Early in 1984 the Bipartisan Commission established at Senator Jackson's suggestion and led by Dr. Kissinger presented its report to President Reagan. The Commission, including a former chairman of the Democratic National Committee and Lane Kirkland, wrote: "As Nicaragua is already doing, additional

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[1] Dr. Constantine C. Menges is Resident Scholar at the American Enterprise Institute in Washington, DC. He served in the Reagan administration for 5 years including from 1983 to 1988 as Special Assistant to the President for National Security Affairs. This statement was made at a recent AEI foreign policy briefing.

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Marxist-Leninist regimes in Central America could be expected to expand their armed forces, bring in large numbers of Cuban and Soviet advisors, develop sophisticated agencies of internal repression and external subversion."

President Reagan echoed Senator Jackson's warning in a May 1984 television address designed to persuade Democratic congressmen to provide adequate levels of aid for the friendly countries of Central America. "If we continue to provide too little help, our choice will be a communist Central America. . . . This . . . poses the threat that one hundred million people from Panama to the open border on our south could come under the control of pro-Soviet regimes."

If the Democratic majority in Congress continues to abandon the armed resistance in Nicaragua (by preventing adequate levels of military support), the linked dangers of communist victory in Central America and Mexico may well develop rapidly.

The Sandinista regime became the aggressor in the region when in 1979 it initiated armed subversion against its peaceful neighbors and, as President Duarte again documented recently, this continues despite the Arias plan. After Carter, Reagan, and the Central American leaders had tried diplomacy and economic aid as a means of persuading the Sandinistas to stop this armed subversion, aid for the Contras began in 1982. It was and is a defensive response to Sandinistas aggression, and it is consistent with the right of states to defend themselves and their allies.

Former Defense Secretary Caspar Weinberger told Congress that if it cuts the Contras off, the Sandinistas with full Cuban and Soviet-bloc backing are likely to expand dramatically their levels of military support to the communist insurgencies in El Salvador and Guatemala. Weinberger said this might include disguising thousands of Sandinista soldiers as communist guerrillas and infiltrating them into neighboring countries.

For example, at about one hundred per day or three thousand each month, it would take only about seven months for the now weakened Salvadoran guerrillas to have additional forces of 21,000. Since it requires about ten soldiers to contain one insurgent, this would mean that the Duarte government would have the impossible task of adding about 210,000 soldiers—a four-fold increase costing about $2 billion.

If Congress persists in abandoning the Contras, they will soon have to leave Nicaragua or find themselves hunted down by the 140,000-strong Sandinista Armed Forces, which have been supplied with more than two billion dollars in Soviet-bloc weapons (compared to about $200 million in U.S. funds for the Nicaraguan Resistance). Next, it is likely that the combination of a sharply increasing communist threat and the demoralization of the pro-democratic groups could lead to a communist Central America in two stages. First, a process including internal panic, turmoil and polarization—perhaps one or more military coups and the return of the violent right—followed by the Congress cutting vital U.S. aid to some of the friendly Central American countries. Some congressional Democrats would likely take a "let the dust settle" approach to any breakdown of the recently achieved democratic institutions. Second, the emboldened communist groups could step up terrorist, military and political action using the usual "broad front" approach to deceive some non-communist elements into helping them take power.

By now Mexico's plight is well known to many Americans: deep poverty unalleviated by the former oil boom; the belief of many Mexicans that economic mismanagement and corruption within the ruling Institutional Revolutionary Party (PRI), led to their years of economic decline; and unwillingness by the governing party to make good on its promises of genuine political liberalization.

Yet six decades of political stability, forty years of steady economic growth, and the adaptation to the effects of the 1982 economic crisis all testify to the strengths of the Mexican political system. It is likely that Mexico will continue to be stable and change through evolution unless the internal and international communist movements decide to attempt a seizure of power.

Unfortunately, history suggests that a communist victory in Central America is likely to be followed by a sustained and systematic strategy aimed at bringing the pro-Soviet communist parties of Mexico and Panama to power. The internal communist movement in Mexico, with the support of the Soviet bloc and Cuba, will use the communist countries of Central America as a base area just as Nicaragua has been used by the Central American communist movements since 1979.

Except for the governing party, only the communist movement in Mexico is organized in every area of life: a political party with tens of thousands of members, millions of voters, and clandestine apparatus; key communist labor unions and communist penetration of some ostensibly government-controlled unions; peasant organizations throughout the country; a wide array of Soviet-supported front groups; and, two large communist-controlled coalitions of disaffected poor which were formed after the onset of the economic crisis in 1982. To this must be added decades of close Mexican communist cooperation with the Soviet Union and an unusually large Soviet-bloc "diplomatic" presence in Mexico City and permission for the PLO and other terrorist organizations to maintain facilities in Mexico.

A communist strategy for taking power in Mexico will likely emphasize deception and speed in order to prevent the leadership in the United States from understanding until it is too late that a communist seizure of power has taken place. Once the decision is taken, it is likely that clandestine communist groups will deepen the economic and political crisis by sparking strikes, demonstrations, attacks on tourists, and sabotage of oil production facilities which in a short time could begin a sharp downward economic spiral and deepen the misery of the very poor.

There are many classic approaches, all of which have been tried and have often worked in other countries. In the context of deepening crisis, clandestine pro-communist elements within the governing party might cooperate with the communist party and gradually gain full control—this is the Czechoslovakia 1948 approach. Or communist cadres within the military might stage a coup to "reform the Revolution of 1910." This method was used in Ethiopia (1977) and in Afghanistan (1978). Or significant elements of the governing party might openly join with communist-controlled fronts in a coalition defined as the "the authentic and reformed governing party." All of this could be accompanied by terrorism directed at moderate Mexican leaders by groups claiming to represent various regional or class interests but in fact operating under clandestine communist control.

This combined with the lack of real knowledge about Mexican politics among U.S. leaders and the concerns caused by the new communist states of Central America could well mean that a communist government could be in power before there was any consensus in the United States about how to prevent that from occurring. Communist victory in Central America and Mexico would be a tragedy for the hundred million people who live there, and it would confront the United States with an enormous threat which would grow worse year by year.

Fortunately this can be prevented if the Congress provides the funds for the Reagan strategy of helping the people of Central America themselves achieve democracy and real peace. Since 1981 the number of democracies has increased from one to four among the five Central American countries. The Sandinistas came to power in 1979 by promising the OAS that they would establish genuine democracy and remain non-aligned. If Congress finally provides sufficient aid to the Nicaraguan Resistance, the people of Nicaragua can bring about a genuinely democratic government there which will also be at peace with its neighbors. The Democratic majority in Congress continues to face a historic decision in 1988.

Here is something that just came by our offices. Our written Record does not print charts or graphs so I have written the word "in" in front of each year. This shows how much money the Soviet Union has put into the military buildup of Nicaragua. This is all in United States dollars so it can be compared to something.

In 1979, nothing.

In 1980, $10 million, a pittance.

In 1981, $160 million.

In 1982, $140 million.

In 1983, $250 million.

In the year when this House cut off aid to the Contras and used this word "fenced" to talk about a punk $14 million, the Communists put in $370 million.

There was a slight drop down to $280 million, and then the big year 1986, $600 million of military aid.

In 1987 the Soviet Union came up with $505 million, that is half a billion.

Guess what happened during the Arias peace plan period. That is when half that money in 1987 came in, $250 million or $300 million of that $505 million.

But what happened to January when people including our distinguished Speaker were singing, all we are saying is give peace a chance? What happened?

During January the Communists, Gorbachev, little darling Mikhail Sergeyevich, and this is his birthday today. Just think, his birthday is today and what did Gorby do for us after leaving the White House, right before Christmas? He went back to the Kremlin and he said, "Go for it. Send

them another $75 million worth of aid."

Happy birthday, you deceitful Communist leader, General Secretary Gorbachev, 57 years old. I cannot believe he sent them $75 million. Was that the way to treat you, Mr. Speaker? Was that the way to treat our Democratic leadership that has worked so hard to advise the Ortega brothers on how to be good little boys? How to conduct themselves in proper public relations terms during all the division inside this distinguished legislative body? Thanks a lot, Secretary General Gorbachev, for $75 million worth of military aid to hunt down those teenage boys and girls that we uniformed, booted, fed, armed and told to go into Nicaragua to fight for their freedom. Not mercenaries like the late Benjamin Linder, and I will give him his idealism, but he was a mercenary on Nicaraguan soil carrying a Soviet Kalashnikov rifle, AK-47, against Nicaraguans fighting on Nicaraguan soil for what they perceived to be Nicaraguan freedom, whether anyone agrees with it or not.

Mr. Speaker, I submit for the Record a letter I wrote to the President 6 days after that disgraceful vote on February 3:

House of Representatives,
February 9, 1988.

The President,
The White House, Washington, DC.

Mr. President: The February 3rd House vote against your package to aid the Nicaraguan Resistance was a major blow to freedom. The cut-off of the Resistance at this critical juncture cripples their negotiating strength and undermines confidence in U.S. reliability throughout the region. Mr. President, Congressional short-sightedness has overtaken your policy in Central America. We need your help to reverse this set-back.

Mindful of the fact that the Democratic leadership of the House of Representatives has always advocated an abandonment of the Nicaraguan Resistance, we urge you to reject their overtures for your help in fashioning a "compromise" package. Your efforts to compromise on the components of the February package went unheeded by the same individuals who are now requesting your assistance in fashioning a thinly veiled policy of abandonment. We have been asking for some time to see what the Democratic alternative is to aiding the Nicaraguan Resistance. Let these liberals offer it without the Reagan imprimatur.

Mr. President, you can help the opponents of the Resistance to see the folly of their actions by making the American people aware that losing Nicaragua to communism is the inevitable outcome of the liberal's vote last week. We believe that the Democratic leadership is attempting to involve you in their political face-saving ploy to make it appear that they are concerned about the spread of communism in Central America. The facts show that the hard-core opponents of your policy fear the political fallout in November more than they fear the loss of Nicaragua to communism. You, Mr. President, must not be a party to this blue smoke and mirrors political trick.

Mr. President, we do not want to see a precedent of abandonment in Nicaragua spur liberal efforts to undo the Reagan doctrine elsewhere. You must leave office with the banners of the Reagan doctrine unfurled and flying high!

Additionally, we believe that the time is long overdue to get tough with Republicans who consistently vote against your highest priority foreign policy initiative. It is time they feel your political heat in this important election year.

We are here Mr. President, to help you implement your Central American policy.

Your loyalists,
Robert K. Dornan, Gerry Solomon, Buz Lukens, David Dreier, Dan Burton, Henry Hyde, Duncan Hunter.

I will just read part of it.

The February 3rd House vote against your package to aid the Nicaraguan Resistance was a major blow to freedom. The cut-off of the Resistance at this critical juncture cripples their negotiating strength and undermines confidence in U.S. reliability throughout the region.

I should have said throughout the world.

Mr. President, Congressional short-sightedness has overtaken your policy in Central America. We need your help to reverse this set-back.

My colleagues will notice that the President is not on television tonight, the eve before tomorrow's vote, and at a leadership meeting today all my Republican leaders indicated that tomorrow's vote is every bit as important as the vote of February 3. The President is not even asking the networks for time because they all turned him down last time except for the world's most important network, CNN.

Reading further, "Mindful of the fact that the Democratic leadership of the House of Representatives has always advocated an abandonment of the Nicaraguan Resistance, we urge you to reject their overtures for your help in fashioning a 'compromise' package. Your efforts to compromise on the components of the February package went unheeded by the same individuals who are now requesting your assistance in fashioning a thinly veiled policy of abandonment. We have been asking for some time to see what the Democratic alternative is to aiding the Nicaraguan resistance. Let these liberals offer it without the Reagan imprimatur.

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We are here, Mr. President, to help you implement your Central American policy.

This is signed "Your loyalists," Dan Burton, who just left the floor, Gerry Solomon of New York, Henry Hyde, who will probably be our anchorman tomorrow pleading eloquently as he always does to give freedom a chance, not a dishonorable peace as exists now in Indochina or exists in the empty marketplaces of Managua, Nicaragua, but peace with freedom. Give liberty a chance. Also, Buz Lukens, Duncan Hunter, and Dave Dreier. Those last two people went with me on a Codel down to Panama in July and got the full Southern Command briefing, and it is a stunning briefing and I do not know why it is locked up top secret away from all the American people who fund this place, and run this Government, and are asked to fund this trillion-dollar budget, and the American people do not get to see the top-secret information. As much as I admire my friend from California, one of the greatest Secretaries of Defense this Nation has had, "Cap" Weinberger, his biggest failure was that he resisted my blandishments and pleas to declassify 85 percent of this stuff called top secret, which the Soviets already know, which we Congressmen know, including the Senators and Congressmen who will not act upon it. As Jesus Christ himself said, "There are none so blind as those who will not see."

I do not know why we are keeping all these things locked up and we have to leak them out on the floor in dribbles being careful not to declassify anything ourselves when there is one person, as Lyndon Baines Johnson, President of the United States, taught us, here is one person that can declassify anything he wants by just opening his mouth and that is the President of the United States because he is the Commander in Chief.

Here is a document, and this is something we get in our boxes filled with this blizzard of paper, and this is from the Foreign Broadcast Information Service.

This is JPRS report on Latin America.

Listen to this. This is a document that has a section for every country south of the border and north of the border including Canada. It says this week a U.S.S.R. rice shipment arrives in Nicaragua. "A Soviet ship carrying a 5,000 metric ton load of rice arrived in San Juan del Sur," which is a port that we do not hear too much about. It is the last port on the Pacific Coast before one gets to Nicaragua. It is a beautiful little sleepy town.

"Distribution priorities are: first, the armed forces, then regions 2, 3, and 4 in the Pacific." Feed the men, that is what some of the liberals who are not for any help for the Nicaraguan Resistance no matter what, they will get up and say quite correctly that an army travels on its stomach, and it is a sleazy comment for what Colonel North calls a vascillating unpredictable on-again, off-again group of Members who go back and forth, they are going to vote for humanitarian aid not realizing that it is food, and the army travels on its stomach, so some people vote down freedom and are telling the truth more than some of the so-called swing votes.

It says after they give the armed forces their distribution of rice, then regions 2, 3, and 4 in the Pacific are next, and here the product has not been seen in places of distribution for some days. So maybe it is all going to the army.

Then it says down here another news story: Mass Organizations Denounce Israel—the heads of six Sandinista mass organizations sent a message to the executive committee of the PLO supporting that organization, an organization that was thrown out of Washington, DC, for bragging about terrorist bombings of school buses. These Sandinistas support the PLO calling for an international peace conference on the Middle East and condemning recent actions by Israel.

I do not think we will hear much comment on that on the House floor.

Here is another one, U.S.S.R. Graduates Association—an "Association of Nicaraguans Graduated in U.S.S.R." was formed December 19 in Managua. This "shows the willingness of graduates to strengthen the solidarity between Nicaragua and the U.S.S.R.

Imagine all these kids coming back and indoctrinating communism to Central America, between us and South America.

When the Nicaraguan Government ordered the newspaper in question to shut down indefinitely after the U.S. Congress approved $100 million for the Contra revolution, it was not administering a "definitive blow" to freedom of the press; it was putting an end to the "freedom" of that paper to continue being the mouthpiece of the aggressor power; that is, us.

Thus, what was being shut down in Nicaragua was not an "independent" newspaper, but a paper that was financially, politically, ideologically, and morally dependent on the Reagan administration.

I wonder if my colleagues feel it coming here? Depending on what they do on the leadership side of the aisle, they are going to close down La Prensa again, the only paper they have opened up.

Mr. Speaker, three times I have corrected you. Do not do it tomorrow, sir, do not say they have opened up newspapers—plural. They have opened up one.

Do not say they have opened up radio stations. They have opened one, a Catholic radio station.

Please be accurate. No TV stations are open yet. Even Somoza had TV stations that were against him, and that he hated.

Mr. Speaker, I submit for the Record the JPRS article on Nicaragua.

U.S. Intervention in Haiti Condemned

[Editorial: "Why Are They Meddling in Haiti"?]

Yankee hypocrisy and arrogance are once again looming up threateningly in the wake of the recent bloodstained events in Haiti. Mouthpieces such as the Miami Herald and Congressman Walter E. Fauntroy have outspokenly proclaimed the need for military intervention headed by the United States to assume a "democratic" course in that beleaguered country. Who has given the United States that right? Why didn't they talk about intervening in Chile in 1973 when Allende and 50,000 others were murdered?

The purpose is very clear. The United States is in no way interested in putting an end to crimes of the Tom Tom Macoutes or to the continuation of the Duvalier dictatorship through the Military Junta or other means. On the contrary, its interest consists in perpetuating a Duvalierism with Duvalier and in cutting short the mounting aspirations of the masses for freedom and democracy.

The comment that "Namphy has exhausted the people's patience" and that "he must go" is true, but not because the U.S. Government does not like him. It is simply choosing a perfect scapegoat to placate the masses, keep the system intact and put a "clean" face at its head.

The Yankees could not be more brazen, with the Miami Herald taking the invasion of Grenada as an example and saying bluntly that "this paper supported that invasion." They believe that this unfortunate precedent can be repeated in Haiti, calling on "the democracies of the hemisphere or the United States alone if necessary, to invade Haiti," as if Haiti were the private property of Americans and the Haitian people had no right to ascertain and resolve their internal differences on their own.

The dust is being shaken off the old protectionist practices, and another appeal is being made for "multinational troops to impose order."

The Latin American community of nations, which represent the fundamental component of the OAS and the overwhelming majority of which have signed the NOAL's now have the strength and cohesiveness needed to abort the United States' interventionist plans.

Within this context, the Acapulco pledge, signed by eight Latin American presidents, must become a spearhead against intervention and for the right to self-determination of peoples.

RECENT POLITICAL, ECONOMIC, SOCIAL DEVELOPMENTS

32480047 [Editorial Report] the following items have been abstracted from reports published in various issues of the Spanish-language press in Nicaragua, as indicated. No. 8 in a series. USSR Rice Shipment Arrives—A Soviet ship carrying 5,000 metric tons of rice arrived in San Juan del Sur. Distribution priorities are; first, the armed forces, then regions 2, 3, and 4 in the Pacific, "here this product has not been seen in places of distribution for some days." A donation from the EEC is expected with 3,500 metric tons of rice and 1,500 metric tons of cooking oil, the latter enough to supply the country for 2 months. [El Nuevo Diario 23 December 87 p 12.]

Drought Effects, Statistics—According to Reinaldo Antonio Tefel, head onf INSSBI (Nicaraguan Institute of Social Security and Welfare], 530,000 peasants have been "directly affected" by the drought. This includes 230,000 in region 1; 60,000 in region 2; 20,000 in region 3; 20,000 in region 4; 150,000 in region 5; and 50,000 in region 6. A total of 20,000 manzanas planted with beans and corn have been lost, and farm cooperatives report losses of 200,000 quintals of beans and 100,000 quintals of corn. It was reported that region 6 has been left without basic grains due to the drought. [Barricada 23 Dec. 87 p 2; Managua Domestic Service 0300 GMT 18 Dec. 87.]

Land Reform Enters New Phase—The basic transformation in the countryside has been "completed" claimed Alonso Porras, general director of land reform. The land reform program has entered a "phase of consolidation of accomplishments", with private holdings affected only "as a last resort." Only 22 percent of the land distributed in 1987 belonged to private producers, according to Porras. The state owned 22 percent of all lands in 1985, but only 13 percent in 1987. During this year 178,042 manzanas were distrubted to 9,300 peasant families. Land distribution totals since 1979 are: 1,268,000 manzanas to 112,000 families, of which 40,000 were squaters given the land they worked outright. [El Nuevo Diario 18 Dec 87 p 16.]

Mass Organizations Denounce Israel—The heads of six Sandinist mass organizations sent a message to the Executive Committee of the PLO [Palestine Liberation Organization], supporting that organization, calling for an international peace conference on the Middle East, and condemning recent actions by Israel. [Barricada 22 Dec 87 p 2.]

USSR Graduates' Association—An "Association of Nicaraguans Graduated in USSR" was formed 19 December in Managua. This "shows the willingness of graduates to strengthen the solidarity between Nicaragua and the USSR," stated member Gloria Rizo Centeno. [Barricada 22 Dec. 87 p 2.]

'Pardoned' La Prensa Accused of Following Reagan Line

[Editorial: "Echoes of the Reagan Plan in the Pardoned Newspaper".]

We pointed out yesterday that nothing is more fatal to the hopes for peace than the ideological fanaticism on which the Reagan policy is based, because it leads to an unusual version of reality in which the facts are turned upside down by obsessions or mirages.

The United States counterproposal on the cease-fire offered by the top echelon of the mercenaries shows as much. Only a disoriented Pentagon strategist in the thrall of Reagan metaphysics could imagine that a group of routed mercenaries could allegedly control 68,500 kilometers of our national territory. This alone explains how they can see a "triumph" where there is defeat, "strength" where there is weakness, "an offensive" where there is flight. This is what

is called "wishful thinking" in English, the sort of chimera that, as we can see, only a policy doomed to failure can create.

This way of thinking and portraying things has been introduced into the country by a mass medium that since May 1980, with the help of advisers from the IAPA [Inter-American Press Association] and the National Endowment for Democracy (both linked to the CIA), has been the spokesman for the interests of the Reagan administration in Nicaragua. Since then it has pursued an antirevolutionary and openly pro-American editorial policy, playing the purported role of the local "organizational brains" of the mercenaries and the scattered "civic right wing." Thus, its language is representative and all-embracing, albeit not its own, because it is merely an echo of "His Master's Voice," like the RCA logo.

When the Nicaraguan Government ordered the newspaper in question shut down indefinitely after the U.S. Congress approved $100 million for the counterrevolution, it was not administering a "definitive blow" to freedom of the press; it was putting an end to the "freedom" of that paper to continuing being the mouthpiece of the aggressor power.

Thus, what was being shut down in Nicaragua was not an "independent" newspaper, but a paper that was financially, politically, ideologically and morally dependent on the Reagan administration. The "freedom" that was being suspended was not freedom of information or of the press; it was the freedom for the Reagan administration, after escalating and formally declaring war on Nicaragua, to have one more destabilizing tool in the country.

The paper did more than supply arguments for the debate on the $100 million in Congress. It also systematically concealed all gains by the revolution; provided slanted coverage of military and economic activities; fomented discontent and projected an image of chaos; promoted shortages; reprinted information from the U.S. Embassy word for word; gleefully reported the triumphs of the Reagan administration in its lobbying for funds for the contras; did not report on the counter-revolutionary actions that have adversely affected the lives and the development of the Nicaraguan people, claiming thousands of victims, etc.

Because of its complicity, as proven time and again by its own writings, the plug was pulled on the United States' "rag." Now that the military victories of the people have strategically defeated Reagan's military tool, creating chances for peace not only in Nicaragua but in the rest of the isthmus as well, what this paper says or fails to say, or rather, what it dreams up, fades into the background, because reality is and will be much stronger than any words.

It is precisely because reality shows that the people of Nicaragua are marching forward at a victor's pace that we can afford the luxury of being both generous and implacable in combat. Therefore, as part of the entire package aimed at allowing peace to finally break out, the newspaper of the Reagan administration has also been "pardoned" along with the rest of the beneficiaries of amnesty.

The above does not mean, of course, that they have "laid down their arms" ideologically, because in the final accounting it is the only bastion that the Reagan administration controls in Nicaragua, as this business about 68,000 kilometers is just a pipe dream.

From this controlled position right in the heart of Managua we can thus hear the echoes of the Reagan Plan and we could even read in advance through its editorials the famous counterproposal that they have conveyed to Nicaragua through the mercenaries as their intermediaries.

Compare the comments of the pardoned newspaper with the Reagan Plan and the counterproposal of the [contra] top echelon. They are like two peas in a pod. Their language has an "Orwellian" tint to it, interpreting reality in reverse, as words are not what they mean, and fanaticism clouds reason, law and decency. It thus clamors for a "General Amnesty" so that the pardon granted to the newspaper will extend to some of the self-proclaimed defenders of "liberty" (there is a shortage of "cadres") who left the paper and became overt militants in the mercenary groups; they would thus be able to return without having to lay down their arms (for example, Oscar Leonardo Montalvan, spokesman of the FDN [Nicaraguan Democratic Force]; Humberto Belli, who is on the payroll of the CIA's Institute for Religion and Democracy; Adriano Guillen, a public relations man for MISURA, etc).

Many foreign observers, who have nothing at all to do with the Sandinist Revolution, cannot help but be surprised at the totally uncritical attitude that this paper, which calls itself "nationalist" and "in service to all Nicaraguans," has taken towards the Reagan administration's policy against Nicaragua. While the administration is openly criticized in the United States itself from time to time by papers such as The New York Times or The Washington Post (which in the final accounting, like all major bourgeois papers, are nevertheless good ones), in Managua it finds only apologies and unlimited space for its slander and interests.

All indications are that the pardoned newspaper has once and for all given up the chance to become a national opposition paper and remains an instrument in service to a foreign power. If not, just look at the sort of opposition it engages in and what interests it defends.

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It is precisely the Communists gone on because reality shows that the people of Nicaragua are marching forward at a victor's pace that we cannot afford the luxury of being both generous and implacable in combat. In other words, en garde Cardinal Obando, Msgr. Bismark Carballo. En garde Chimorro family and Violetta Chimorro, the great lady head of that family whose husband was assassinated by the late dictator, Somoza, or even his daughter told me 1 chance in 10 by the Sandinistas themselves to achieve sympathy. But I will accept it that the feif, Somoza, killed the senior newspaperman in that country, the head of the founding family of La Prensa.

Now here is a report that I am going to bring up in my 2 minutes or whatever I get on the floor, and mark my words, there will be a Dornan post mortem for 1 hour if again in this Chamber we vote against freedom. Tomorrow I will do another little talk-down, and show some more of the 16 gigantic prison camps that people suffer in because this Congress cannot make up its mind whether it cares or not about people being executed in secret and being tortured in these Communist prisons in Nicaragua, the only thing they have built since their overthrow of Somoza in July of 1979.

This is from the Rand Corp., headquartered in the middle of my own district right in Mel Levine's district. Oh I wish my good friend and colleague, Mel Levine, would stop in at the Rand Corp. there on the Pacific Ocean and meet with Bryan Jenkins, who helped write this report with Gordon McCormick, Edward Gonzales, and David Ronfeldt. It is called Nicaraguan Security Policy, and as with most academic papers it has a rather colorless subtitle "Trends and Projections." This book by the Rand Corp. in its 40th year of existence, which has given us Secretaries of Defense and Secretaries of Energy, this book is so incontrovertibly filled with information, how the Sandinistas are selling their soul to Gorbachev and the Soviet Union, it is unbelievable that Members will not accept this Rand projection as they accept the current Rand report on drug-running and what it is doing to our Capital City, this beautiful Washington, DC. Nancy Reagan was quoting a Rand report similar to this extensively yesterday in all of her television appearances. Last night it was being used again on Nightline and other shows.

But why do they believe the Rand Corp. on what cocaine cowboys and narcotics are doing to our grade school kids, high school kids and college kids, and the whole fabric of our society? What did Nancy say that I have been saying for 20 years since I got on television 20 years ago last month. I said that casual users of drugs are murdering people in Colombia and all through the Caribbean and in other parts of the world, Turkey, whether we use the golden scimitar, the golden triangle, or our own Western Hemisphere, anybody who uses recreational drugs is murdering people. They have the blood of the Attorney General of Sicily and the Attorney General of Colombia, 11 of the Supreme Court Justices out of 15 in Colombia, their blood is on their hands. That is what Rand said.

Well here is the Rand research and development, that is what Rand means here, the Rand report in Rand's 40th year on Nicaraguan security policy. I am going to ask what this costs. I do not care if it costs $50,000, I am going to have it put in the Congressional Record so that as these records of this great deliberative body go out to every library in America, every school that wants them, and as we distribute them to our friends and supporters, detractors and colleagues, I want this report as a part of the historical record in the second session of the 100th Congress as we jeopardize freedom.

Here is another report, Cuban, Nicaraguan support for subversion in Honduras, El Paraiso, July 1954. Here is what really grieves me, because we cannot put photographs into the Congressional Record. Several pages into this is the picture of the type of person I generally just honor because they walk in the footsteps of the Son of God, Jesus Christ. Here is a priest, a former priest, a betraying Judas Escariot, Father Boulang. He is still considered in Honduras as a subversive priest, an activist, a Christian agrarian, and he reported meeting with Farabundo Marti guerrillas in El Salvador in Concepcion del Uruguay on more than one occasion. This is another mystery to me. How can so many people reject the counsel of Reverend Jim Bakker, Reverend Swaggart or any of the priests or bishops or ministers when they counsel us on pro-life issues, or euthanasia, or drugs, or premarital sex, or infidelity, or pornography and we reject what they say, when the Cristics Institute, as naive and stupid a pro-Communist group as there is, or the National Council of Churches, or the Witness for Peace, when Witness for Peace cycled 65,000 American citizens with very little Communist guidance, they all do the grunt work themselves, to inculcate in these people and indoctrinate them on how these 9 Communists are really benign reformers and they deserve to rule the people of Nicaragua, and they blind themselves to the prison system, they blind themselves to the fact that this is a peasant uprising in Nicaragua, that 98 percent of the Contra freedom fighters resistance forces are Contra kids and girls right off the coffee farms, and 98 percent of the people Ortega has thrown into prison are also peasants, humble peasants out of this poor country. And we have priests who have sold out their vow against anything that would have to do with atheism, and we have Witness for Peace cycling all of these people through training them to hate the United States of America, not just Reagan. They hate the whole government because they know that they are not going to get any better out of our foreign colleague, Al Gore, or anybody else.

Here is a memorandum from a man who actually created the slide show that Colonel North got credit for. He only gave the slide show. This is Colonel Tracy on active duty who is now wrapping up his life's career, and now he is available to the civilian sector as a consultant, and here is his analysis of that disgraceful debate on February 3, his overview "Themes of the Anti-Contra Aid Coalition and the Rebuttals." He starts out with that one, "That's all we are saying, give peace a chance." The Central American presidents want us to stop giving military aid to the Contras, and he analyzes that and knows there is a lot of double talk there. The Soviets do not want to be saddled with another albatross like Cuba. They are really ready to cut off military aid to the Sandinistas once the Contras are gone. Here we stand on little Gorbie's 57th birthday, and he just sent him $75 million, and that is in January. I wonder what our intelligence people are going to tell us that Gorbachev pumped into the Isthmus of North American soil between us and the Panama Canal that we built? I wonder how much he is going to pump in February now that the analysis starts on that 29-day month? We cannot permit the Soviets to place offensive weapons in Nicaragua. Little rebuttal on how they talk big, one of the Senators saying "why, we will take them out with air strikes," and the man has never called for an air strike in his life. He would not even use a spray can to kill a fly, and managed to avoid military service, and he is saying oh, we will mount an air strike. Not one of his sons is going to be in jeopardy.

Another point, no matter how onerous the Sandinistas, the United States cannot provide military aid to the Contras for the simple fact is that it is illegal under international law. We went through that in the Iran-Contra hearings. Here is the rebuttal by Colonel Tracy, retired from the U.S. Army, a humanitarian aid package designed to maintain military pressure on the Sandinistas by keeping the Contras viable as a military force moving around, 14,000 people starving to death in the bush of Nicaragua, ready to once again receive arms from the United States if the Sandinistas renege on their promises. The Sandinistas are unloading Soviet-made artillery, they are unloading more and more surface-to-air missiles so that they can shoot down any airplanes, and the real thing I love about tomorrow's vote is that we are going to take it away from the Central Intelligence Agency who is keeping perfect books, and against the advice of the present Commander in Chief, the President, or his brand new Secretary of Defense, Mr. Carlucci, and the people who love him on both sides of the aisle, and I think he is doing a good job so far, and he says no way that we want this mission.

Then we have my good friend on this side of the aisle, the black sheep of the great Czech American family, Bob Mrazek, who established the Mrazek line down there, no military person in Honduras can go within 20 miles, not clicks or kilometers, 20 miles of the border. So what are our defense people going to do given the Mrazek line, go up to 20 miles from the border and hand it to the people?

Mr. Speaker, could I ask how much time I have remaining?

The SPEAKER pro tempore (Mr. Visclosky). The gentleman from California has 14 minutes remaining.

Mr. DORNAN of California. Mr. Speaker, I will try not to use all of that time out of respect to the hardworking staff, although, folks, you have not worked too hard over the last 2 months. We have only had 18 votes and it is March already. I cannot believe the way things are around here, and we are going to have threats of a post-election rump session in December. That means we will be here till midnight, 1 o'clock, 2 o'clock in September and up to October, and we will get very little time to go home and campaign.

Some people who read the Record or follow through on the national technical means asked me to repeat an analogy because they wanted to get it straight. If you want to get it straight, send for it, but I will go through it again.

Why not a single voice on this side of the aisle standing up and speaking out against our aid to the resistance in Afghanistan against Soviet genocide on the other side of the world? All right, here is the point I tried to make in that post-mortem on February 3. First of all, when I brought up from the leadership desk on our side this point that because Mr. Barney Frank of Massachusetts got up and said not a Member on either side of the aisle speaks out against aid to Afghanistan, that we can run good covert programs, first of all that is a joke. The whole program is overt. Everything I heard in the Khyber Pass that was secret last Thanksgiving has now been flashed on the front page of the L.A. Times. The Tennessee mule program I can discuss openly now, and in last week's Time magazine it says we are giving $630 million. That is a classified figure I thought, and that is only a few million off. What is this? How does this stuff leak out?

Anyway, Barney Frank said that, and I said that is not true. One hundred Members here would vote against aid to the democratic resistance in Afghanistan. No, it is not democratic, we do not know whether it will be democratic, it is just a resistance, a national resistance, and he said that is not true. And once he said those words contradicting me, a Member got up, went right up into the well, it was not Judge Crockett, it was a gentleman from the First or Second District of Chicago, not Mr. Savage, the other gentleman got up and said from the Second District, I guess, I do not want any aid to go anywhere in the world. And then I think Mr. Crockett got up and said it too. Now that is two that I know of, and four Members on our side of the aisle that do not want to give any money to Angola, Afghanistan, or anywhere else in the world, and they

make one interesting point, that we are borrowing all of this money not on ourselves, not on our children, but on my seven grandchildren and any more to come. That is why it is so critical and these dollars are so precious.

But far better we borrow a little money on my grandchildren than to have my children or grandchildren fighting down there or disbursing through the Defense Department aid to the resistance.

Here is why Mr. Frank is wrong, and I will start a poll in this place, and I will give him the names of people who say that they will cut off the aid to Afghanistan after we cut off the Contras in Nicaragua, and then in Angola. Here is what is so peculiar: Not a voice has been raised on this side except by innuendo, these Members that I mentioned who said they do not want aid to go anywhere against Afghanistan.

Now what did we argue about on February 3? It is easy to remember because we argued about $3 million on February 3. I pointed out on this House floor that the star airplane of the highly popular "Top Gun" costs $32 million plus. One engine, whether it is a Pratt and Whitney or a General Electric engine in an F-15, -16, -18, the Harrier, the AV-8(b) or the F-20 Tiger Stark that has been cancelled, one of these engines costs about $8 million, $9 million, or $10 million.

If anybody is following these House proceedings from aerospace, give me the exact figure because I had trouble getting it today. But certainly when you have a 2-engine airplane, and it is worth $32 million, or in the case of the F-15 Strike Eagle that the liberals tried to get out of the budget, and we managed to salvage them, and they are going to go to the Fourth Fighter Wing that earned their glory in Korea, the Fourth Fighter Wing stationed at Seymour Johnson Airbase in North Carolina, and they are going to get the first F-15 Eagles, and those will be made by McDonnell Douglas in Richard Gephardt's district, the Caucus Chairman, doing very well running for President, they are made in his State, and he is all for them, and they cost over $45 million each, one airplane $45 million. But we haggled here over $3.2 million.

I do not think you could buy the landing gear or its hydraulic system for an F-14, -15, -16 or -18 with $3 million, the landing gear for one fighter. I pointed out that 2 F-18's out of the Marine Corps Air Station at El Toro joining my district, that two of them went up like I used to do in peacetime with a friend, a wing man, probably a good buddy, someone who has a wife, or a friend who they are separated from, and you fly in opposite directions until you are off of one another's radar. Then you turn around and you come at one another, and it is known as ACM, air combat maneuvers. To the air fighters it is called bumping heads, and to the old time fighters, a carryover from World War I, it is called dog fights. That is for you people left over from World War I. And these people go up and they fly over Highway 395, and they go up to the great ski areas of Manmoth and June, and they come together, and as sometimes happens they collide head on, and one fighter goes home, but the other one dies. How do you replace that man? You cannot put a price on a young warrior like that trained to be combat ready so that he never has to fight in combat or leave his family. But two planes cost about $27 million each, the new Marine Corps FA, and that means fighter attack, 18 Hornet.

□ 2215

Fifty-four million dollars gone. I do not know, under this budget or Carlucci's plans whether we will ever be able to replace those two F-18's. They are so hard to come by. We are pumping them out but we were going to build the ones in the budget anyway.

Fifty-four million dollars in one instant over California, preparing to keep that honed edge so that they never have to fight in combat, to stay combat ready and deter the Communist forces around the world. Gone, $54 million and a precious life and we haggled here on February 3 over $3.25 million. That was for bullets. Of course that is not even going to be in the Democratic package, the aid package. Yes, aiding them through the elections November 8.

Now here is this weird comparison between Afghanistan and this nation that you can drive to called Nicaragua.

Under Harry Truman this Chamber voted money to build a PanAmerican highway right through Texas and to California into Mexico—down from Texas and California into Mexico all the way down to the Darien Gap at the neck of Colombia where it meets Panama. You can drive on a top notch highway through Mexico, Guatemala, you can go to El Salvador, detour up to Honduras. Their capital is the only one in Central America, Tegucigalpa, not on the PanAmerican highway. It is as though you were driving to Costa Rica where there are thousands of American businessmen, down to Panama, you can go right down to Managua, the lowest of all the cities down there in those volcanically formed lakes. You can drive to this.

I know a newsman who is afraid to fly. He told my wife, "Yes, I have to leave a couple of weeks ahead of you to be down there with the Congressmen because I have to drive down there, I do not fly." She said, "Drive?" She turned to me, my wife, and she said, "Hey, you can drive to this war, this is not Vietnam." Now here we are, Managua is on Chicago time, Henry Hyde time, New Orleans time where we are going to have our convention. If you want to look at El Paso, which is on mountain time or Salt Lake City or Denver, take Miami time, Dick Cheney time, that is 12 hours away from Pakistan and Afghanistan. In other words, our beautiful Rocky Mountains where so many lucky Americans are skiing right now, that is precisely the opposite of a 24-hour world from the United States of America. Up there in those hills of Afghanistan where those ferocious fighters in Afghanistan who beat the British three times and are fiercely independent, whether it is swords or making replicas of any gun you hand them, these people do not have to be trained to fight. They took to our high-tech surface-to-air arm held Stinger missiles, they took to them like ducks to water. But guess what I was informed? It was top secret but it is now on the front page of the Wall Street Journal just a week ago today.

The Stingers did not go to the Afghan resistance through over 6 years of the Reagan administration, almost 6 years; that the first Stinger—and the very first one got a victory, a ground-to-air kill on a Mig—it was September 1986, after we had already started kicking the Contras around several times when the first Stinger was unleashed. And from that September until I went with an excellent fighter for freedom in this Chamber, Congressman Democrat Charlie Wilson, of Texas, when I went with his Codel to the Khyber Pass and to the Afghan border and the resistance support town of Pashawa where we visited all these refugee camps too. That was in November. In those 14 months the whole war had been turned on Gorbachev's birthday. Yes, on your birthday, Mikhail, I tell you that there is a cartoon that I would like to send to you. Cartoonists in America are brilliant because they can say so much with a picture.

Here is a picture of the Soviet soldier with you by his side, Mr. Gorbachev. He is sticking this bayonet right through a Mujahidin freedom fighter. And you are saying, Mr. Gorbachev, "Yes, I see this is a bleeding wound. We can pull out now." You are the one who has created the bleeding wound, you are the one who has killed somewhere between 1 and 2 million people. Your leader, who we were told you were going to criticize on November 2 when you had Ortega and U.S. Communist chief Gus Hall and you had Fidel Castro in the front row November 2 in Moscow, and said you were going to rip up Stalin and then you barely slapped Josef Stalin's wrist. It was Stalin who said 1 million deaths is nothing, one man's death in important.

Well, somewhere between 1 and 2 million, hundreds of thousands of

Afghan men, women, and children have disappeared because in the 3 years that you have been in command—and this is your anniversary month because you took over 3 years ago this month of March—in those 3 years you have not pulled out any troops. You went through a charade about a year ago making—putting in some troops as you were taking some out—a little shell game. But you can take these troops out, you do not have to wait until May 15 to start and then take 10 months. What are you doing? Patterning yourself after Nixon's Vietnamizations? Oh no; you will make sure, unlike Mr. Nixon, that there is no way that you will fail to leave a puppet government behind in Afghanistan. Only the resoluteness of the Pakistanis will stand between you and some sort of a phoney pullout. No, Mr. Gorbachev, we put that war back in your face, by doing something under President Reagan that Jimmy Carter, with all due respect, would never have done, just like he never would have bombed Qadhafi and stopped Americans being killed all around the world by terrorists.

Whether it was Syria more guilty than Qadhafi or not, Assad of Syria got the message when we rattled Qadhafi's brains, Jimmy Carter would never have liberated Grenada. It was bad enough trying to get around some of the wimps that Reagan had on his staff to get this job done of liberating Grenada. If Mike Deaver had still been on the staff we probably would never have gotten Grenada liberated or Qadhafi bombed.

Now we see, Mr. Gorbachev, that we are willing to put over $630 million, leaked all over the American papers, against you, more than one-half of a billion dollars; not $3 million, over $600 million, 12 time zones away from the Rocky Mountains. Not Chicago/Managua time. And the people there, part of the world family, but they are Islamic and there are seven groups. The first group that gets Stingers believe it or not are loyal to the Ayatollah Khomeini and the whacked-out fundamentalists in Tehran. And, they hate the United States. And, of course, they leaked some of the Stingers down there to Iran.

So parts are in carrying cases and carriages and sites show up on some of those boats that these Iranian cowboys ride around in in the gulf shooting up unarmed tankers. But of those seven groups the Mujahidin, they are all competing with one another. Do we have any guarantee that there will be an election as in Costa Rica, Guatemala, or Honduras or El Salvador? Of course not.

We are just asking them—we are supporting them in their struggle to get rid of the Soviet occupation troops and then whatever government they carve out for themselves, that is fine because after all they are in the Himalayan foothills. We are not going to track them. Why is it we do for Islamic people, seven competing groups with no hope of democracy that will give them way over 1,000—that is what it said in the L.A. Times and the top figure is classified—way over 1,000 big, strong genetically powerful Tennessee mules not with the little skinny pointy back like Pakistani and Afghan mules but the big, slope-backed mules where you can pile them on top and on both sides; as big as horses, 15 hands, 16 hands high.

We are sending these Tennessee mules, low tech, but we tell the poor Contras, "You carry your stuff on foot across that Mrazek line, if in fact Honduras and Costa Rica haven't completely kicked you out" which I believe they have by now, because of the Arias adaptation of the Wright/Reagan plan. And then with the low-tech Tennessee mules we gave them the high-tech state of the art Stingers. What do we give to the Contras down here, our fellow Norte Americanos who have grown up under a Judeo-Christian culture, Old Testament, New Testament, most of them Christians with crosses around their necks? What do we give them? The Red Eye. What is the difference, my fellow Americans, between a Red Eye and a General Dynamics Stinger?

I will tell you, it is very simple. With a Red Eye they get to try to kill you first. They roll in this big Hind 24D, actually the 25 export model, it is coming at you firing rockets, Soviet Gatling guns, it has soldiers inside so it can land. Our Apaches do not do that. We do not have soldiers to come out and bayonet the wounded. But they do in these big Hinds. They are coming at you and you just sit there and you start praying. And if they do not blow you to bits then you get a shot at their exhaust as they leave. But with a Stinger, it is a fair contest.

You get them as they are coming at you. That is the way we treat the Afghans. More on this tomorrow. Why do we not treat our fellow people of this culture, fellow North Americans down in Nicaragua? I think it is a mystery to me and I think it is a mystery to the American people.

Thank you, Mr. Speaker, more tomorrow. I will put some of these reports in the RECORD. Please read what I have already put in the RECORD, my colleagues and anybody else interested in the written RECORD and the national technical means that some of you use to follow the proceedings in this Chamber.

Four hundred thousand Americans watch this, these special orders. So it is a joke that the majority pans the House as though to humiliate us that we are talking to wind here. Four hundred thousand of you watch. God bless you for taking an interest in your country. I love these special orders. Thank you, more tomorrow.

The SPEAKER pro tempore (Mr. VISCLOSKY). Is there objection to the request of the gentleman from California?

There was no objection.

The material referred to is as follows:

MEMORANDUM FOR CONGRESSMAN BOB DORNAN ON CONTRA AID FROM LARRY TRACY

OVERVIEW

The debate on February 3, 1988 demonstrated a paucity of effective arguments on the part of the anti-Contra aid coalition. I suspect that the same old arguments will be trotted out by Speaker Wright on February 25. After have read the Congressional Record for the February 3rd debate, I have isolated the principal arguments that I believe they will use, and have also developed counter-arguments. I am repeating much of the information I furnished you on February 3rd, but in a more legible form. I also recommend you read (and extract anything you find useful) the attached paper—"The United States and Central America in 1988: A Watershed Year"—that I presented at a conference at the University of Miami in January. I just finished updating it to include the events of February, and I believe it can provide you with material that will be relevant in the debate. You may use any of the information in the paper, and you may distribute it to any of your colleagues for their use.

I believe that you and your colleagues should hammer home the theme that if the Democrats are as serious as they say they are to deter Soviet aggression in the region, then Contra aid is an alternative to U.S. troops. Bring out, especially to the C-SPAN audience, that if American boys start coming back in body bags from Central America, it will be because Speaker Wright and his Democrats denied young Nicaraguans the arms to fight for their country.

THEMES OF THE ANTI-CONTRA AID COALITION, AND SUGGESTED REBUTTALS

1. "Let's give peace a chance:

Rebuttals:

A. This is pure sophistry. What we in the West mean by "peace" is entirely different from that meant by "mir", the Russian word that generally translates as "peace". Mir is used, in the Marxist-Leninist lexicon, to refer to a condition that can exist only in a "Socialist" (read Communist) state.

B. Before the Contras became successful in the field (pre-"Redeye" days), the Sandinistas were not willing to talk "peace" except on their terms, which meant unconditional surrender for the Contras. In the last eight months, the Contras have moved with impunity throughout much of Nicaragua, the Sandinista gunship fleet is virtually grounded due to the "Redeye" missiles, and the Sandinista infantry is not as aggressive now that it cannot count on air cover. It has been the military prowess of the Contras that "gave peace a chance", as the Washington Post and other elements of the elite media have pointed out. To now remove the essential factor in the peace equation—Contra military pressure—is to set back peace, not support it.

2. "The Central American Presidents want us to stop giving military aid to the Contras."

Rebuttals:

A. It is not at all certain that Presidents Duarte and Azcona are eager to see their chief antagonist, Nicaragua, free of the kind of guerrilla war that the Sandinistas have waged against their countries, especially El Salvador. But they also realize that congressional power of the purse in the U.S. can be used against them if they displease the Congress, and they are keeping a low profile, not wanting to become embroiled in a U.S. internal dispute. President Cerezo of Guatemala maintains a studied aloofness from the fray, perhaps because Guatemala, larger and more populous than Nicaragua, has traditionally never thought that either Somoza or the Sandinistas were of much concern.

B. President and Novel Laureate Oscar Arias, on the other hand, has not been reticent about injecting himself in the internal U.S. dispute. That he feels comfortable in so doing is explained by the special circumstances of Costa Rica. It has no army, and is dependent on the OAS (read U.S. Army) to defend it. On February 3, 1986, on "One-on-One", John McClaughlin observed in an interview with President-elect Arias that Costa Rica "had it all ways" with no Army to worry about, but secure in the belief that the U.S. would come to its defense if it was attacked. Arias responded that "We think it is correct that we have enough friends who will come to defend Costa Rica in case of attack by the Sandinistas or by what ever force." Arias knows that he can take "a chance for peace" because it will not be young Costa Ricans dying to defend Costa Rican democracy, it will be young Americans. And these young Americans will be the constituents of many of the Democrats who voted against Contra aid.

3. "The Soviets don't want to be saddled with another albatross like Cuba. They are ready to cut off military aid to the Sandinistas once the Contras are gone".

Rebuttals:

A. Soviet military aid to the Sandinistas has been approximately $120 million since the August 7, 1987 signing of the Peace Plan. This is almost twice the amount of U.S. military aid to the Contras in three years. There has been no sign of slackening Soviet resolve. If there were a freeze on all outside military support for the Central American countries, Nicaragua would be "frozen" as the dominant military power in the region.

B. Soviet interest in building Nicaragua rapidly into this dominant position is indicated by the fact that on a per capita basis, Nicaragua has received more military assistance than Cuba over the last four years. Cuba has a population three times greater than that of Nicaragua, and an active duty military twice the size of Nicaragua's. Yet since 1984, Nicaragua has received about the same amount of military assistance from the Soviet bloc as has Cuba.

4. "We cannot permit the Soviets to place offensive weapons in Nicaragua." (the "see what a tough anti-Communist I am argument").

Rebuttal:

A. This is a thoroughly disingenuous argument. Members of Congress must surely know that the Soviets have no need to place nuclear missiles in Nicaragua, as they placed them in Cuba in 1962. They had few missiles that could reach the U.S. then. They can now reach any target in the U.S. in 30 minutes with their land based intercontinental missiles and with their Typhoon and/or Delta nuclear submarine-launched missiles. The Soviets are too rational and cautious to risk provoking the sleeping giant of the U.S. Congress by such a blatant (and unnecessary) move. Democrats who use this argument are drawing a line in the sand that the Soviets will never cross. The soon-to-be 600,000 man army is the real offensive weapon that the countries of Central America have to fear, and the factor that is likely to cause the U.S. to send troops to Central America in the future under the terms of the 1947 Rio Treaty.

B. Once the Congress succeeds in doing what the Sandinistas have been unable to do—destroy the Contras—the Sandinista military will be able to settle down to the business of consolidating the power position of the Sandinista Party, its political superior. Major Roger Miranda has said that the Ortega brothers: "think that the only way of guaranteeing the development of their Marxist program in Nicaragua is to construct a powerful army. One can sign agreements, one can appear to be more flexible in the political system, but what they will never negotiate is the Sandinista army. They know that their power rests, in the long run, in the size of that army."

5. "U.S. support for the Contras has driven the Sandinistas into the arms of the Soviets.

Rebuttals:

A. This is the same argument that was used in the 1960's about Castro. Castro now says that U.S. hostility "had nothing to do with the direction of our revolution. Inexorably, we considered ourselves Marxist-Leninists" (TV interview in Madrid, January 1984). The Sandinistas have been more discreet, but in November 1977, they issued a "General Military-Political Program" in which they said that after toppling Somoza, they would develop a government "along progressive Marxist-Leninist lines." Humberto Ortega said in 1981 that "our doctrine is Marxism-Leninism." Bayardo Arce said in 1984 that although Nicaragua's "strategic allies tell us not to declare ourselves Marxist-Leninist" the goal of the November 1984 elections was "the unity of Marxism-Leninism in Nicaragua.

B. Nicaragua's ambassador to Washington, Carlos Tunnermann, inadvertently acknowledged in a March 30, 1985 Washington Post article that in November 1981, at the time the Reagan Administration decided to assist the Resistance, Nicaragua faced "only a few hundred" ex-National Guardsmen whose chief occupation was cattle-rustling and extortion". At that time, Nicaragua had a Soviet-supplied army of almost 40,000, the largest in Central America's history. (The Sandinista army was 5,000 in July, 1979.)

C. The Sandinista alliance with the Soviet-bloc started long before there were any Contras. The Sandinistas turned down offers of doctors, nurses, and teachers from Costa Rica, and Peace Corps volunteers from the U.S. They immediately turned to the Soviet's surrogate in the Caribbean, Castro, for all of this help and military training. The first Soviet tanks arrived six months before the U.S. decided to help the Resistance. In fact, the Sandinista army, the backbone of the Party as in all Communist countries, became the largest in Central America at the time the Carter Administration was providing more economic aid to Nicaragua than any other benefactor.

6. "No matter how onerous the Sandinistas, the U.S. cannot provide military aid to the Contras for the simple fact that it is illegal under international law."

Rebuttal:

A. Under Article 51 of the United Nations charter, "individual and collective self-defense" measures are permitted to any country. Since 1979, Nicaragua has been engaging in an armed attack against El Salvador. The assistance to the Contras is part of the United States' response to Nicaraguan aggression. To say that U.S. aid can only be sent to El Salvador, and that Nicaragua is free to act with impunity, is to turn the law on its head. If, as Dr. John Silber points out in the March 4, 1988 edition of National Review, aid to the Afghan rebels is legitimate, so too is aid to the Contras. The commonality, according to Silber, is that each is fighting an illegitimate government. The November 1984 elections in Nicaragua did not provide legitimacy to the Sandinistas: it was considered so flawed that every democratically-elected president of Latin America boycotted the inauguaration of Daniel Ortega.

7. We hold no brief for the Sandinistas, but they have, under the pressure of their Central American neighbors, opened the political system and have said "if the opposition wins the election, we will turn over the government to them. There should be no equivocation about that." (Daniel Ortega, as quoted by Speaker Wright from a New York Times story, during February 3, 1988 debate.)

Rebuttal:

A. What Speaker Wright should have quoted from Ortega was a conversation Oscar Arias had with him in November 1986, when Ortega was not feeling much pressure from the Contras. Arias told a Panamanian TV interviewer that "Ortega told the democratic presidents present that he was not willing to risk his political power." Arias went on to say: "I told him the essence of the democrat is to acknowledge that one day he could be the leader, and on the next the opposition. I asked him if he was willing to become the opposition some day. His answer was no" (FBIS-Latin America) November 14, 1986).

That was the attitude expressed to Arias at the time that the Contras were not placing much pressure on the Sandinistas, because the $100 million voted by the Congress was just beginning to reach the Contras. More than a year later, the Contras have placed sufficient pressure on the regime to cause Ortega to talk of turning over the government. According to Miranda, they will not turn over the army, which is the basis of their power.

B. As to whether Congress can believe Ortega, an article in the June 10, 1983 Washington Post by Lawerence E. Harrison, the director of AID in Nicaragua during the Carter Administration is illustrative. He recounts a coversation with a Sandinista official, who commented that: "You don't understand revolutionary truth. What is true is what serves the ends of the Revolution".

8. "This humanitarian aid package is designed to maintain military pressure on the Sandinistas by keeping the Contras a viable military force, ready to once again receive arms from the U.S. if the Sandinistas renege on their promises."

Rebuttal:

A. A transparent cop out on the part of Wright and his colleagues. The impact on the morale of the Contras has been devastating in the aftermath of the February 3rd vote. Even if the Contras have military supplies, the momentum of their operations will be stopped. A cease fire in place, with no resupply under U.S. control, will enable the Sandinistas to surround them, and when they are ready, "crush them", in Ortega's words of February 21.

B. The Democrat's proposal is actually a capitulation to the Sandinistas, an effort to cover their tracks so that if things don't work out, and the U.S. must eventually send combat troops to Central America, these Democrats will be able to say "we did all we could". If U.S. troops eventually fight and die in Central America, the record should be clear that it was because the Democrats cared more for a political victory over Ronald Reagan than they did for Central American democracy. They should not be allowed the political cover of what is an act of moral cowardice.

BANKS SHOULD PAY PREMIUMS TO FDIC ON FOREIGN DEPOSITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 30 minutes.

Mr. KLECZKA. Mr. Speaker, I am today introducing legislation to restore equity in the federal deposit insurance funding mechanism by requiring the Federal Deposit Insurance Corporation [FDIC] to levy assessments on foreign as well as domestic deposits.

Current law requires banks to pay an insurance premium based on deposits received in the United States. Banks do not now, however, pay a nickel in deposit insurance assessment on foreign-based deposits, even though the FDIC provides de facto coverage for the bulk of these deposits.

The de facto coverage results from the "too large to fail" doctrine now embraced by the federal regulatory agencies which effectively guarantees all deposits of large banks, insured and uninsured. De factor insurance of foreign deposits without a parallel assessment which includes those deposits clearly favors larger banks at the expense of others. This is because the FDIC premium is assessed on just about all the deposits for most banks, but is levied against only about half the deposits of the largest banks.

I include in the RECORD a table from the February 19, 1988, American Banker which answers the question "Who Pays Least for FDIC Protection";

TEN INSTITUTIONS WITH MOST FOREIGN DEPOSITS IN 1987

	Assets 12/31/87 ($ bil.)	Domestic deposits 9/30/87 ($ bil.)	Foreign deposits 9/30/87 ($ bil.)	FDIC 1987 assessment ($ bil.)	Percent of deposits on which assess. paid
Morgan Guaranty	$75	$15	$34	$11	31
Bankers Trust	57	11	23	9	32
Citicorp	204	40	66	34	38
Republic National	19	5	8	3	39
First Chicago	44	12	17	9	41
Chase Manhattan	99	27	36	24	43
Continental Illinois	32	8	10	7	44
Manufacturers Hanover	73	23	23	18	50
Chemical	78	26	13	20	67
BankAmerica	93	50	23	42	69

Source: Federal Deposit Insurance Corporation.

While small- and medium-sized banks usually pay full fare premiums, big banks ride the deposit insurance system via super saver.

Mr. Irvine Sprague, who chaired the FDIC for more than a decade, described the current situation well in the October 22, 1987, American Banker. Relating the cost of Federal deposit insurance, and defining those who bear that cost, he said:

> What does federal deposit insurance cost? Bank-America paid $21.5 million in January and $20.5 million in July in assessments; Citibank paid $16.9 million in January and $17.3 million in July. The numbers varied from January to July because assessments are based on the moving average of deposits as stated in call reports.
>
> The obvious question: Why does Citibank, a much larger institution, pay less for FDIC protection than Bank-America? The answer: The law is unfair.
>
> Only domestic deposits are assessed and insured and Citibank does much more business in the foreign markets. All of the thousands of smaller banks pay on all of their deposits, the handful of international giants, mostly headquartered in New York City, pay on only a portion of theirs.
>
> The fact is that when megabanks face failure, all of the depositors are protected, insured and uninsured alike . . . The record is clear. Continental Illinois paid only $6.5 million in assessments in 1984, yet its entire $69 billion structure was protected. Why will Congress not correct this inequity? Why do the big banks get a free ride on their assessments while their smaller brethren pay full fare?

At this point, a recounting of the Continental Illinois escapade is in order. As Mr. Sprague noted in his book "Bailout," of the $69 billion Continental structure bailed out by the Federal Government, $30 billion was in off-book liabilities. A hefty $36 billion was in uninsured borrowings, much of it foreign originated. These figures dwarf the $3 billion in insured domestic deposits the FDIC was required by law to protect. As the General Accounting Office noted,

> The Federal move to bail out all depositors and creditors involved, insured and uninsured, was carried out in part to prevent a run on the bank by foreign depositors.

Continental, of course, paid no FDIC premiums based on those deposits.

A few large banks are the principal beneficiaries of this all-to-convenient underassessment. In 1984, the 10 largest banks collectively controlled 71 percent of foreign deposits. This means that 10 megabanks controlled among themselves $224 billion in deposits on which FDIC premiums were not assessed but for which, for all practical purposes, the FDIC was liable. As of March 31, 1987, 20 megabanks controlled 84.3 percent of all foreign deposits of FDIC-insured banks. The $280 billion in unassessed foreign deposits of these giant institutions came close to equalling the $363 billion in domestic deposits on which these institutions paid a bargain basement $303 million in gross insurance premiums. As the chart I previously included in the RECORD indicates, foreign deposits actually exceed domestic deposits at some money center banks.

For some banks, overseas accounts are very profitable. According to a recent study, the 10 biggest U.S. banks escaped payment of a collective $115 million in insurance premiums in 1984. This figure is perhaps better understood when separated out as a percentage of net income for the banks involved. For six of the 10 banks, the benefits accrued by not paying FDIC assessments on foreign deposits accounted 3 to 4 percent of net income, a sizable portion by any standard.

We now have a deposit insurance system in which the 14,000 plus banks with no foreign deposits subsidize the deposit insurance premium payments of the fewer than 300 banks which do. This point has not been lost on most bankers. I am pleased to report that the measure I introduce today has the strong support of the Independent Bankers Association of America, an industry trade group which represents the interests of approximately 6,500 commercial banks. In testimony before the House Banking, Finance and Urban Affairs Financial Institutions Subcommittee on December 3, 1987, Charles Doyle, the chairman of the IBAA Federal Legislation Committee, explained why his organization favors extending the FDIC assessment to cover foreign deposits. He said:

> All banks pay a premium for FDIC insurance protection based on all their domestic deposits, including those over $100,000. However, the insurance coverage for most banks extends only to domestic depositors up to $100,000. In contrast, all deposits—foreign and domestic—at too-big-to-fail banks are covered, and such banks by their very nature present a greater systemic risk to the FDIC. The money center banks do not want to pay a fair premium assessment for their covered deposits, both foreign and domestic. This means that every bank holding foreign deposits gets a free ride and is subsidized by the rest of the banking system. As the Continental Illinois case made clear, foreign deposits are effectively a liability to the FDIC, and all liabilities should bear an assessment . . . Congress could partially address this inequity by simply including all deposits, foreign and domestic, in the deposit insurance base. Too-big-to-fail banks would then pay a fairer share for the FDIC coverage they enjoy. And, this proposal could be made "revenue neutral" by decreasing the overall assessment rate that the FDIC imposes.

The legislation I introduce today is revenue-neutral. It would reduce the overall assessment rate for all banks, to one-fourteenth of 1 percent of deposits from one-twelfth of 1 percent, while broadening the base to include foreign as well as domestic deposits. According to the FDIC, a reduction of the premium rate to one-fourteenth of 1 percent would nearly level out the effect of the expansion of the premium base which results from the inclusion of foreign deposits, with gross assessment revenues declining by eight-tenths of 1 percent. The effect for the overwhelming number of banks would be a welcome reduction in FDIC insurance premiums. Banks with a modest amount of foreign deposits would, in many instances, roughly break even as the effect of the broadened assessment base is mitigated by the lower overall assessment rate. Large banks which rely on a substantial amount of foreign deposits would begin to pay full freight.

I would like to address the arguments of those who might oppose this legislation.

Some large banks argue that the FDIC assessments of foreign deposits would sharply reduce the competitiveness of American banks abroad while having a serious adverse impact on the American trade deficit.

While an equitable assessment system would increase slightly the cost of doing business for a handful of banks, it would not make loan or deposit rates of American institutions with foreign branches uncompetitive with other banks, nor would it have a serious adverse impact on our trade balance.

Let us take a look at the numbers.

To raise $1.4 billion in 1985 assessment income, the FDIC levied an assessment of approximately 0.079 percent, or one-twelfth of 1 percent, against $1.8 trillion in domestic deposits.

Had that assessment base included foreign deposits, an additional $322 billion would have been added to the amount on which the premium was levied.

With such a broadened base, a flat percentage charge of 0.067 percent, or one-fifteenth of 1 percent, would have raised an equal amount of assessment income—$1.4 billion.

It is very useful to remember that the inclusion of foreign deposits for purposes of FDIC assessment can make possible a corresponding reduction in assessments on domestic deposits held by a bank.

Had the FDIC base been broadened in 1985, the assessment on all domestic deposits would have declined by 0.012 percent, from 0.079 percent to 0.067 percent. This would reduce pretax costs to banks by $210 million. The 268 banks with foreign offices that year would have enjoyed a reduction of 0.012 percent in assessments on their $825 billion in domestic deposits. In other words, they would pay $99 million less to the FDIC on their domestic deposits.

The $322 billion in foreign deposits held by these same banks would be subject to an 0.067 percent assessment. That would have translated into an additional $216 million in costs.

Accordingly, the net increase in pretax costs for banks holding foreign deposits would have been about $117 million. This is the figure that results from subtracting the $99 million in savings from the $216 million in cost increase.

The $117 million figure is essential if we are to determine the impact of an equitable FDIC assessment system on competitiveness and trade.

Had banks with foreign deposits paid an additional $117 million in pretax assessment costs in 1985, their greater pretax cost of funding loans could be approximated by dividing the $117 million in costs by the $322 billion of foreign deposits. This would yield an additional cost of doing business of roughly four one hundredths of 1 percent—0.00036. If the aftertax cost of funding loans rose by roughly three-quarters of this value—a reasonable assumption based on worldwide effective corporate income tax rates for banks—and if higher net costs were passed on to all bank borrowers on a dollar for dollar basis, bank deposit and loan rates would be affected only slightly by the resulting percentage point change of approximately three one hundredths of 1 percent.

The impact on competitiveness and profitability of higher net costs equal to three basis points would be minimal.

The nine largest money center banks in 1985 paid 10.5 percent on interest-bearing deposits in foreign offices while earning 11.1 percent on their loans, net losses. Large banks other than money-center banks paid 9.6 percent on interest bearing deposits in their foreign offices while earning 11.0 percent on their loans, net losses.

Neither money center banks nor other large banks were required to pay a premium to the FDIC on their foreign deposits. The differences were determined by the marketplace itself and the position of individual banks within the marketplace. A higher net after-tax cost of three one-hundredths of 1 percent would not make foreign branches of American banks uncompetitive.

The costs incurred by an individual institution, whether related to economies of scale or regulatory requirements, are a determinant in that institution's position in the marketplace. Some banks may find making interbank loans on extremely thin margins to be profitable others might not. The inclusion of foreign deposits in the FDIC premium base is not the determining factor on whether or not a bank does business overseas.

The very existence of the FDIC makes banks more competitive in their bids for foreign deposits. It certainly enhances the basic capital position of the bank by guaranteeing domestic deposits up to $100,000. Foreign competitors have no comparable deposit insurance mechanism.

In addition, foreign depositors are concerned about the safety of the institutions in which they deposit large sums of money. Not all banks are as safe and sound as American banks. According to a confidential Bank of England study, stockholdings of Japanese banks equal to about one-third of their assets are tied up in the Japanese stock market. As noted in the January 28, 1988 Wall Street Journal, this makes Japanese banks, unlike American banks, very vulnerable to a stock market crash.

Does the marketplace put a value on the safety of deposits? While difficult to quantify with exactness, Catherine Cumming noted in the Federal Reserve Bank of New York Quarterly Review of Autumn, 1985: "The normal tiering in the Euromarket suggest that safety may be worth more than 8 basis points." It seems clear that the backing American banks receive in the marketplace from FDIC protection may well be worth substantially more than the minimal cost of assessment of foreign deposits.

While an increase in the assessment base and an across-the-board reduction in the overall assessment may be the most equitable way to proceed, I want to make clear to my colleagues that I would certainly support a broadening of the base to include foreign deposits without a corresponding reduction in the overall premium if events demand such a course. The inclusion of the $332 billion in foreign deposits would increase the FDIC premium base by approximately 15 percent. If the FDIC maintains that this is a more desirable method of comprehensive assessment, Congress would be wise to listen to that advice.

Since I indicated my intent to introduce this legislation earlier this year, bankers in 25 States have contacted me to let me know of their support for the initiative. At this point, I would like to include in the RECORD copies of some of those letters of support from the various States along with the text of the legislation.

The material follows:

McHENRY STATE BANK,
McHenry, IL, January 15, 1988.

Re Federal Deposit Insurance Assessment Equity Act.

Hon. GERALD KLECZKA,
Cannon House Office Building., Washington, DC.

DEAR CONGRESSMAN KLECZKA: I am certain that about 99 percent of the insured banks in this country would support your legislation to impose federal deposit insurance assessment on foreign deposits. The present program is totally unfair to us who deal strictly in domestic deposits.

We can certainly understand that foreign deposits must be insured but to enjoy protection without assessment is totally unfair.

Very truly yours,

THOMAS F. BOLGER,
President.

STATE BANK OF LISMORE,
Lismore, MN, January 11, 1988.

Hon. GERALD KLECZKA,
House of Representatives, Washington, DC.

DEAR MR. KLECZKA: Received information today on your Federal Deposit Insurance Assessment Equity Act and would like to inform you that I am in complete agreement with the proposed bill. It is a wonder that this inequity has been unaddressed for this long.

If there is anything I can do to assist you please feel free to contact me.

Sincerely,

GARY M. LOOSBROCK,
V.P. Cashier.

VIRGINIA COMMUNITY BANK,
Louisa, VA, January 12, 1988.

Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR MR. KLECZKA: I support you in your introduction of a bill requiring FDIC to

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charge premiums on foreign deposits. We pay premiums for insurance based on all of our deposits, and I see no reason for money center banks being excluded. I would suspect they are better able to pay the premiums, than are many community banks across the country and I wish you success in guiding this legislation to completion.

Sincerely yours,

A. Pierce Stone.

State Bank of Escanaba,
Escanaba, MI, January 15, 1988.

Re F.D.I.C. Assessment Equity Act.

Hon. Gerald D. Kleczka,
House of Representatives, Washington, DC.

Dear Congressman Kleczka: I hail and support your bill to bring equity to the F.D.I.C. assessments of bank deposits.

As pointed out in your bill, the money center banks have been getting a free ride for many years by their ability to exclude foreign deposits from their deposit base when calculating their F.D.I.C. assessment.

I support increasing the F.D.I.C. revenue by including these foreign deposits in future assessments.

Your bill will give small community banks and large banks that do not accept foreign deposits equity in the F.D.I.C. fund.

Thank you for your efforts.

Sincerely,

Forrest A. Henslee,
President.

Potosi State Bank,
Potosi, WI, January 28, 1988.

Re Amendment to Federal Deposit Insurance Act.

Hon. Gerald D. Kleczka,
House of Representatives, Washington, DC.

Dear Congressman Kleczka: Foreign deposits should not receive free coverage under FDIC insurance. This only subsidized the much larger Banks at the expense of smaller banks.

The Federal Deposit Insurance Act should be amended to include foreign and domestic deposits in the deposit insurance base.

Thank you for your help on this matter.

Sincerely,

Neil C. Pier,
President.

Livermore Falls Trust,
January 21, 1988.

Hon. Gerald Kleczka,
House of Representatives, Washington, DC.

Dear Mr. Kleczka: It is my understanding that you are planning to, or have introduced a bill called the, "Federal Deposit Insurance Assessment Equity Act". You are to be commended for your efforts to corrects a gross inequity in the business of banking.

As you know, the nation's mega banks have long enjoyed a competitive advantage with the nation's community banks—not because of economics-of-scale or for efficiencies often attributed to large institutions (improperly, in my opinion) but rather because of the perceived too-big-to fail umbrella under which they operate. Fortunately, or unfortunately, depending on one's view point these same maga institutions are the primary beneficiaries of foreign deposits. The problem is that by exempting foreign deposits from the F.D.I.C. assessment process, holders of domestic deposits are being unfairly asked to subsidize those institutions with the foreign claims. Your bill seems to address the salient issues and remedies the inequity.

Thanks for your understanding and support.

Sincerely,

L. Gary Knight,
Executive Vice President.

Pemigewasset National Bank,
January 25, 1988.

Re: Federal Deposit Insurance Assessment Equity Act.

Hon. Congressman Kleczka,
House of Representatives, Washington, DC.

Dear Congressman Kleczka: In any discussion, plain facts stemming from common knowledge are a basic method to come to agreement.

Common knowledge—Failure of the Continental Illinois Bank

Fact—The Continental Illinois Bank had both domestic and foreign deposits.

Fact—The Continental Illinois Bank was assessed a premium on only its domestic deposits.

Fact—The Continental Illinois Bank failed.

Fact—The Continental Illinois Bank's $69 billion structure—which included both domestic and foreign deposits—was protected by FDIC insurance.

In this ear when equality is being stressed, the obvious question raised is "Why is this allowed"?

Foreign deposits are effectively a liability of the FDIC and all liabilities should and must bear an assessment.

Respectfully,

Fletcher W. Adams,
Executive Vice President.

First National Bank,
January 11, 1988.

Hon. Gerald D. Kleczka,
House of Representatives,
Washington, DC.

Dear Mr. Kleczka: Thank you very much for your concern over the inequities in the FDIC assessments to banks. This has been of conceren to smaller, community banks for some time and your proposed bill, "Federal Deposit Insurance Assessment Equity Act", addresses the main items affecting community banks. It is my opinion that foreign deposits should definitely be included in the FDIC assessment base. This would accomplish two things: increase the overall amount of premium income to FDIC and make the bill "revenue neutral", decreasing the overall assessment rate on deposits.

Money center banks are presently the beneficiaries of an enormous U.S. Government support system that is not available to smaller domestic banks. Your bill addresses this inequity by including all deposits, both foreign and domestic, in the deposit insurance base. Large banks would then pay a fairer share of the FDIC coverage they enjoy.

We encourage your efforts to assess foreign deposits. Independent bankers throughout the United States are solidly behind you in this endeavor.

Very truly yours,

L.D. Westbury,
President.

The Apple Creek Banking Co.,
January 11, 1988.

Hon. Gerald Kleczka,
Washington, DC.

Dear Congressman Kleczka: I am pleased to hear that you propose to introduce legislation that would charge big banks premiums on foreign deposits. I want to applaud you for introducing such a bill. For too long, big banks have gotten a free ride. Particularly since Continental Illinois failed and was bailed out, in total, by FDIC. In essence, all of the deposits of that bank were made whole, foreign and domestic. It is time that the big banks share the full load.

I also would like to point out that many money center banks are also presently the beneficiaries of enormous US Government support system not available to smaller domestic banks. The US government is not playing a major role in helping us re-negotiate our troubled agriculture and energy loans. There is no IMF support system helping to ensure that interest payments will be made. The perception of small banks depositors is that their deposits over $100,000 are at risk in smaller banks no matters how well run they are.

For the Apple Creek Banking Company, a small $21 million bank, and for the 130 plus members of IBAA in Ohio, I wish you success in the passage of this bill.

Sincerely,

Alfred C. Leist,
President.

State Bank of Chittenango,
February 1, 1988.

Hon. Gerald Kleczka,
House of Representatives, Washington, DC

Dear Congressman Kleczka: Thank you for your interest in correcting the glaring inequity inherent in the FDIC's failure to assess foreign deposits.

Obviously, a very large majority of the nation's smaller banks are devoid of any foreign deposits and are, therefore, bearing a disproportionate share of the cost of carrying the deposit insurance system. In recent years, this situation has been exacerbated by the reduction in assessment credits resulting from the rash of bank failures. FDIC assisted merger activities and open bank assistance costs highlighted by the $4.5 billion injection into Continental Illinois.

State Bank of Chittenango noticed an increase of more than $5,000.00 annually in its net FDIC premiums when the assessment credits were modified because of those problems.

Those same banks which are too big to fail are, for all practical purposes, 100% FDIC insured and are, at the same time, enjoying the benefits of a portion of their deposits free of insurance premium assessment. Our bank, on the other hand, is paying a premium on 100% of its deposits, but does not enjoy 100% deposit insurance.

Congressman Kleczka, like you, I just don't understand why we should pay more and get less, nor why our depositors and shareholders should be treated like second class citizens by comparison to the depositors and shareholders of major money center banks which hold the lion's share of unassessed deposit liabilities.

Sincerely,

Robert B. MacDonald,
President and Chief Executive Officer.

Crescent City Bank,
New Orleans, LA, January 22, 1988.

Congressman Gerald D. Kleckza,
Cannon House Office Building, Washington, DC.

Dear Congressman Kleckza: This letter expresses my support for your plans to introduce a bill requiring that the Federal Deposit Insurance Corporation impose premiums on foreign deposits of domestic banks.

Good luck in this endeavor.

Very truly yours,

Ray C. Baas,
President and
Chairman of the Board.

The Brookings Bank,
Brookings, SD, January 20, 1988.

Congressman Kleckza,
House of Representatives, Cannon Building, Washington, DC.

Dear Congressman: As a community banker in a small town in South Dakota, I want to applaud your efforts in reforming the FDIC deposit insurance premium structure. Your attention to this is a welcome relief to those of us who serve the communities in obscurity, while money center banks dominate the consciousness of the news media and regulators.

For a long time we have watched expenses for FDIC insurance increase (there has been no partial refund of premiums for some time) while the money center banks have paid far less proportionally because of their international deposits. Nevertheless, when a bank the size of ours experiences financial difficulty, it is closed, while the Continental's of this world remain in business draining away the reserves of the FDIC. A fund our bank has been contributing to since 1935.

I hope this legislation is successfully passed, and I will urge my Congressional Representatives to support it.

Very truly yours,

George Lund,
Chairman.

Bank of Columbia,
Columbia, AL, January 28, 1988.

Hon. Gerald Kleczka,
U.S. Congressman, House of Representatives, Cannon House Office Building, Washington, DC.

Dear Congressman Kleczka: I would like to offer you my support and appreciation for your introducing the bill requiring the FDIC to impose premiums on foreign and domestic deposits. Small banks should not have to pay high FDIC premiums so that the larger institutions can house foreign deposits and not pay for their coverage. The law should be changed, assessing all deposits, foreign and domestic.

Again, I appreciate your support of this legislation.

Sincerely,

B.F. Oakley,
Chariman and CEO.

The Peoples Bank,
Winder, GA, January 12, 1988.

Hon. Gerald D. Kleczka,
House of Representatives, Cannon Building, Washington, DC.

Dear Congressman Kleczka: It is my understanding that you plan to introduce a bill requiring that the FDIC impose premiums on foreign deposits. As a small town community banker for over 40 years, I would like to thank you in advance for your decision to place this bill before Congress and to urge its passage in the strongest possible terms.

The large money center banks have failed to carry their fair share of the insurance deposit load for many, many years and yet have derived all the benefits of having 100 percent of their deposits insured as shown by the Continental Bank's near failure.

It not only seems basically unfair to require the small and regional banks to pay full premiums on their deposits but it adds insult to injury when we find that the small banks are allowed to fail without any intervention whatever and yet when a large bank gets into difficulties, the regulatory authorities rush to their rescue.

As you are well aware, the many small banks, particularly in the midwest and agricultural areas, have had some extreme difficulties in trying to serve their farm communities and it would be of tremendous help if you would push this bill through and at least make the large banks pay their pro rata share of the premiums for deposit insurance.

May I express in advance my personal appreciation for your consideration and I will be more than happy to supply any information from a local standpoint that you might desire to support your position.

Yours very truly,

Charles O. Maddox, Jr.,
President.

The First National Bank,
Greencastle, PA, January 13, 1988.

Congressman Gerald Kleczka,
Cannon House Office Building, Washington, DC.

Dear Congressman Kleczka: May I congratulate you on the introduction of your bill "Federal Deposit Insurance Assessment Equity Act" which would include foreign deposits in the FDIC assessment base, and speaking for the small banking industry, (having been past President of the Independent Bankers Association of Pennsylvania) the present FDIC assessment has been so unfair to the small banks of the United States.

Although the mega banks do not use this in their promotion, we know what they rest comfortably in knowing the fact that the federal government totally insures all of their deposits, including those of foreign depositors. On the other hand, we small bankers must be straightforward with our depositors in indicating that the limit of insurance coverage is $100,000 per deposit. It is beyond our comprehension how the United States government can allow this inequity to continue to exist. It is important to us that "All" liabilities should bear an assessment by the FDIC, and the free ride that the mega banks have enjoyed should come to an end.

Our small banks have outperformed the mega banks year in and year out. This comes from highly qualified management and knowing our customer, thereby, creating fewer loan writeoffs; despite the fact that we outperform most mega banks makes very little difference in the minds of the customer or depositor. By putting ourselves in his place, we must weigh very heavily where we are going to place our deposits in excess of $100,000; where they are 100 percent guaranteed, or where they are exposed in excess of $100,000.

I totally support your act which calls for the inclusion of foreign deposits in the FDIC assessment base.

I hope your bill meets with success. Any Congressman should vote in favor of your bill to correct the inequity and unfairness against small banks which has prevailed since the Continental Illinois failure.

From all of us, we thank you for your sponsorship.

Yours truly,

C.B. Shank
President.

The Farmers Bank,
Hardinsburg, KY, January 12, 1988.

Hon. Gerald Kleczka,
House of Representatives,
Washington, DC.

Dear Congressman Kleczka: This letter will register our Bank's support and the support of other Independent Bankers in the State of Kentucky for your proposed legislation requiring the FDIC to impose premiums on foreign deposits. This requirement is long overdue and we feel it is important that the large banks who have foreign deposits should pay their fair share of insurance premium.

You have our solid support for your proposed legislation.

Sincerely,

C.D. Bennett,
President.

Valley Bank,
Kalispell. MT, January 14, 1988.

Hon. Gerald Kleczka,
House of Representatives,
Washington, DC.

Dear Congressman Kleczka: We understand that you are planning to introduce a bill requiring that the Federal Deposit Insurance Corporation impose premiums on foreign deposits. We are pleased to note your concern and we sincerely support your efforts. With the failure of the Continental-Illinois Bank, it has become obvious that the Federal Deposit Insurance Corporation and those required to provide the funding for the FDIC Reserves were being "ripped off" by money center banks earmarked "too big to fail". It is the feeling of this writer that it is imperative that all deposits insured by the Federal Deposit Insurance Corporation be placed under the assessment system if we have any hope of maintaining the safety and soundness of the system. It is totally unrealistic that the major money center banks of this country should be receiving FDIC premium *welfare* from the Nation's ten or eleven thousand community banks. We sincerely hope that you are successful in your efforts.

Sincerely,

A.J. King,
President.

Nebraska State Bank,
South Sioux City, NE, January 25, 1988.

Congressman Gerald Kleczka,
Washington, DC.

Dear Congressman: I am voicing my support of your bill to require that the FDIC impose premiums on foreign deposits. Though foreign deposits are technically not covered by deposit insurance, banks that rely heavily on foreign deposits are generally the same banks that the federal regulators would not allow to fail under any circumstances. Thus, they enjoy de facto 100% deposit insurance, but pay on only their domestic deposits. As the Continental Illinois case illustrated, foreign deposits are effectively a liability of the FDIC, and all liabilities should bear an assessment. This inequity can be solved by your bill whereby all deposits, foreign and domestic, are assessed equally.

Thank you for your consideration in this matter.

Sincerely,

Roy Yaley,
President.

19-059 O-89-49 (Pt. 2)

Farmers Bank,
Parsons, TN, February 5, 1988.
Congressman Gerald D. Kleczka,
U.S. House of Representatives,
Washington, DC.

Dear Congressman Kleczka: I am writing in support of your effort to require the FDIC to impose premiums on foreign deposits.

As you know one of the strengths of America has been the diversity of its institutions including commercial banks.

This diversity has been nurtured by the "dual" banking system of nationally chartered banks and state chartered banks.

It seems that in recent years "dual" banking has come to connotate something else and that something else is unfair and uneven treatment by regulators of large banks and small banks.

We have seen a myriad of regulations imposed on small banks because of abuses of consumers by large banks, but when it comes to the question of surviving or failing or of not paying a fair FDIC insurance premium or of paying a fair FDIC insurance premium the new "dual" standard has been invoked.

The fundamental question here is, what is right and what is wrong with the FDIC insurance premium policy? We are dealing with matters of principle, but there is more to the question than principle.

It is just plain good sense to assess all deposits with a premium and lower the overall assessment rate.

I commend you on your effort and I sincerely hope that your colleagues will support this effort to right a wrong.

Sincerely,
H.L. Townsend, Jr.,
President.

American Exchange Bank,
Collinsville, OK, January 15, 1988.
Congressman Gerald Kleczka,
Washington, DC.

Dear Honorable Congressman: I am writing in response and support of your proposed legislation which would require all banks to pay equally on all of their deposits.

I feel, in these troubled economic times, that fair the burden of FDIC protection must be borne by all. It appers to be crystal clear that most small community bankers perceive large banks as having full coverage from FDIC, which is not afforded to us. With this favored treatment should come responsibility and liability of payment for all premium payments.

I certainly support your efforts to see that the FDIC assessment is equal and fair to all. I appreciate your help on our benefit. If there is anything we can do to assist you, please let me know.

Sincerely yours,
William S. Flanagan, Jr.

Farmers and Merchants Bank,
Wimbledon, ND, January 14, 1988.
Hon. Gerald D. Kleczka,
U.S. House of Representatives,
Washington, DC.

Dear Representative Kleczka: I am writing in support of your bill entitled the "Federal Deposit Insurance Assessment Equity Act." As a small rural banker, I totally agree that it is time the "too big to fail" banks pay their share of the insurance assessment.

Congress can simply address this matter by including all deposits, foreign and domestic, in the deposit insurance base. Too-big-to-fail banks would then be paying a fairer share for the FDIC deposit insurance they enjoy.

As a rural agricultural bank, the proposed decrease assessment would also help our situation. I wish you the best of luck in this legislation.

Sincerely,
J.A. Brown,
President.

Avery County Bank,
Newland, NC, January 19, 1988.
Hon. Gerald Kleczka,
House of Representatives, Washington, DC.

Dear Congressman Kleczka: I am writing you in support of the bill you are planning to introduce requiring that the FDIC impose premiums on foreign deposits. I feel that all liabilities should bear an assessment. The money center banks do not pay their fair share for the safety they enjoy.

Very truly yours,
Martha Guy,
President.

Western Commerce Bank,
Carlsbad, NM, January 20, 1988.

Subject: Federal Deposit Insurance Assessment Equity Act.

Hon. Gerald Kleczka,
Cannon House Office Building,
Washington, DC.

Dear Congressman Kleczka: The two reasons for requiring the Federal Deposit Insurance Corporation to levy assessments on foreign deposits as well as domestic deposits is one, because it is fair and two, it will also help restore the much needed equity in the federal deposit insurance funding mechanism.

The majority of foreign deposits are "technically" insured since most of them are kept in too-big-to-fail banks. These deposits have no risk because they enjoy a federal safety net being in banks that are significant to the banking system.

Banks that don't carry foreign deposits have carried more than their fair share of the funding of the F.D.I.C. If a bank wants to have foreign deposits on its books, it should have to pay the F.D.I.C. a premium on them. This change should not only apply to the large money center banks, but also to the smaller institutions as well.

Sincerely,
Don Kidd,
President.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Baker of Louisiana (at the request of Mr. Michel) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Dornan of California) to revise and extend their remarks and include extraneous material:)

Mr. Burton of Indiana, for 60 minutes, today.

Mr. Parris, for 5 minutes, on March 3.

Mr. Hunter, for 5 minutes, today.

(The following Members (at the request of Mr. Hoyer) to revise and extend their remarks and include extraneous material:)

Mr. LaFalce, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Edwards of California, for 60 minutes, today.

Mr. Edwards of California, for 60 minutes, on March 3.

Mr. Kleczka, for 30 minutes, today.

Mr. Garcia, for 60 minutes, on March 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PANETTA and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the Record and is estimated by the Public Printer to cost $1,815.

Mr. MARLENEE to revise and extend his remarks prior to the vote on the Sensenbrenner substitute in the Committee of the Whole today.

(The following members (at the request of Mr. Dornan of California) and to include extraneous matter:)

Mr. Dornan of California.
Mr. Green.
Mr. Broomfield.
Mr. Porter.
Mr. Saxton.
Mr. Donald E. Lukens.
Mr. Vander Jagt.
Mr. Moorhead.
Mr. Gilman.
Mr. Davis of Michigan.
Mr. Lewis of Florida.
Mr. Coughlin.
Mr. Parris.
Mr. Bereuter.
Mr. Gunderson.
Mr. Barton of Texas.
Mr. McDade.

(The following members (at the request of Mr. Hoyer) and to include extraneous matter:)

Mr. Sharp.
Mr. DeFazio.
Mr. Lipinski.
Mr. Montgomery.
Mr. Gejdenson.
Mr. Manton in two instances.
Mr. Yates.
Mr. Edwards of California.
Mr. Clements.
Ms. Oakar.
Mr. Miller of California.
Mr. Levine of California.
Mr. Tallon.
Mr. Hawkins.
Mrs. Schroeder.
Mr. Richardson in two instances.
Mr. Garcia in two instances.
Mr. Dyson in two instances.
Mr. Coleman of Texas.
Mr. Kleczka.
Mr. Brooks.
Mr. Coelho.

Mr. Donnelly.
Mr. Durbin.
Mr. Leland.
Mr. Ackerman.
Mr. Mazzoli.
Mr. Vento.
Mr. Lantos in two instances.
Mr. Swift.
Mr. Stallings.
Mr. Gray of Pennsylvania.
Mr. Hamilton.
Mr. Berman.
Mr. Owens of Utah.
Mr. Boland in two instances.
Mr. Applegate.
Ms. Slaughter of New York.
Mr. Waxman.
Mr. Mineta.
Mr. Stark.
Mr. Studds.

ADJOURNMENT

Mr. DORNAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, March 3, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3010. A letter from the Administrator of Veterans Affairs, Veterans' Administration; transmitting a report of a violation which occurred in connection with the allotment to the Office of the Inspector General and consisted of an overobligation in excess of the OIG's third quarter allotment, fiscal year 1987, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3011. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to provide greater flexibility in military officer personnel management during officer force reductions; to the Committee on Armed Services.

3012. A letter from the Administrator, Environmental Protection Agency, transmitting a copy of the Agency's study of asbestos-containing materials in public buildings, pursuant to 20 U.S.C. 4016, 4020(7); to the Committee on Energy and Commerce.

3013. A letter from the Chairman, Environmental Protection Agency, transmitting a report "EPA Activities and Accomplishments under the Resource Conservation and Recovery Act: Fourth Quarter fiscal year 1986 through fiscal year 1987", pursuant to 42 U.S.C. 6915; to the Committee on Energy and Commerce.

3014. A letter from the Chairman, President's Cancer Panel, transmitting a copy of the Panel's 1987 annual report to the President, pursuant to 42 U.S.C. 285a-4(b); to the Committee on Energy and Commerce.

3015. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 88-10, certifying that 17 major narcotics producing and/or trafficking countries have cooperated fully with the United States to control narcotics production, trafficking, or money laundering; that certification of Laos, Lebanon, and Paraguay is in the vital national interests of the United States; determination that he will not certify Panama, Iran, Syria or Afghanistan; and a copy of the 1988 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2991(h)(3); to the Committee on Foreign Affairs.

3016. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting a copy of the Deputy Secretary's Determination and Justification that the needs of displaced Tibetans are not similar to those of displaced persons and refugees in other parts of the world, pursuant to Public Law 99-399, section 1308(b)(2)(A) (100 Stat. 901); to the Committee on Foreign Affairs.

3017. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to wiave foreign military sales surcharges on sales to the NATO Maintenance and Supply Organization [NAMSO]—a NATO subsidiary body—in support of weapon system partnerships and NATO/SHAPE projects; to the Committee on Foreign Affairs.

3018. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the 1987 annual report of the Board's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3019. A letter from the Deputy Director of Administration, Central Intelligence Agency, transmitting the Agency's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3020. A letter from the Chairman, Commodity Futures Trading Commission, transmitting the Commission's thirteenth annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3021. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1987 annual report of the Department's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3022. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the Bank's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3023. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3024. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Agency's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3025. A letter from the Chairman, National Endowment for the Arts, transmitting the Council's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3026. A letter from Assistant Vice President for Public Affairs, National Railroad Passenger Corporation, transmitting the Corporation's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3027. A letter from Vice President and General Counsel, Overseas Private Investment Corporation, transmitting the Corporation's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3028. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3029. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting the 1987 annual report of the Board's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3030. A letter from the Solicitor, United States Commission on Civil Rights, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3031. A letter from the Chairman, United States Consumer Product Safety Commission, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3032. A letter from the Administrator, Veterans' Administration, transmitting the Administration's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3033. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3034. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting copies of grants of suspension of deportation of certain aliens, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

3035. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report on appeals filed for fiscal year 1987, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Post Office and Civil Service.

3036. A letter from the Secretary of Health and Human Services, transmitting a report on the applicable percentage increase for the Medicare prospective payment system for fiscal year 1989, pursuant to Public Law 100-203, section 4002; to the Committee on Ways and Means.

3037. A letter from the Secretary of Education, transmitting the Department's views on S. 557, the Civil Rights Restoration Act; jointly, to the Committees on Education and Labor and the Judiciary.

3038. A letter from the Comptroller General, transmitting a report on U.S. international narcotics control activities, pursuant to 22 U.S.C. 2291 nt.; jointly, to the Committees on Government Operations and Foreign Affairs.

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3039. A letter from the Assistant Attorney General, transmitting a draft of proposed legislation to amend Title 42 of the United States to confer statutory law enforcement powers on special agents of the U.S. Environmental Protection Agency with responsibility for criminal enforcement of environmental laws; jointly, to the Committees on the Judiciary, Energy and Commerce, Agriculture, Merchant Marine and Fisheries, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2032. A bill to authorize the conveyance of the Liberty ship Protector with an amendment (Rept. 100-509). Referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 4053. A bill to redesignate the J. Strom Thurmond Reservoir as the "Clarks Hill Lake"; to the Committee on Public Works and Transportation.

By Mr. BROOKS (for himself and Mr. Horton):

H.R. 4054. A bill to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments, and for other purposes; to the Committee on Government Operations.

By Mr. BROWN of Colorado:

H.R. 4055. A bill to amend the Uniform Time Act of 1966 to permit Colorado to observe daylight savings time during additional periods in order to improve air quality in urban areas; to the Committee on Energy and Commerce.

By Mr. DAVIS of Michigan (for himself, Mr. Jones of North Carolina, Mr. AuCoin, Mr. Bateman, Mrs. Bentley, Mr. Biaggi, Mr. Bilirakis, Mr. Bosco, Mrs. Boxer, Mr. Callahan, Mr. Dyson, Mr. Eckart, Mr. Fauntroy, Mr. Feighan, Mr. Fields, Mr. Foglietta, Mr. Fuster, Mr. Herger, Mr. Horton, Mr. Howard, Mr. Hutto, Mr. Lent, Mr. Lipinski, Mr. McCloskey, Mr. McMillen of Maryland, Mr. Owens of New York, Mr. Porter, Mr. Quillen, Mrs. Saiki, Miss Schneider, Mr. Shumway, Mr. Smith of New Jersey, Mr. Traficant, Mr. Upton, Mr. Vander Jagt, Mrs. Vucanovich, Mr. Weldon, and Mr. Young of Alaska):

H.R. 4056. A bill making urgent supplemental appropriations for fiscal year 1988 for Coast Guard operating expenses; to the Committee on Appropriations.

By Mr. ERDREICH:

H.R. 4057. A bill to provide for a study by the Secretary of Health and Human Services to develop recommendations for correcting the disparities in the computation of social security benefits (commonly referred to as the "notch problem") which were caused by the enactment (in 1977) of the present formula for computing primary insurance amounts under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. GARCIA:

H.R. 4058. A bill to amend the Export-Import Bank Act of 1945 to require appropriations for the amount of any loan subsidy provided by the Export-Import Bank of the United States and to authorize appropriations for such purposes for fiscal years beginning after September 30, 1989; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4059. A bill to amend the Export-Import Bank Act of 1945 to authorize appropriations to the Tied Aid Credit Fund for fiscal years 1989 and 1990; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PANETTA (for himself, Mr. de la Garza, Mr. Foley, Mr. Staggers, Mr. Glickman, Mr. Olin, Mr. Hawkins, Mr. Espy, Mr. Jeffords, Mr. Morrison of Washington, Mr. Ackerman, Mr. Nowak, Mr. Owens of New York, Mr. Vento, Mr. Wyden, Mr. Lowry of Washington, Mr. Miller of California, Mr. Rodino, Mr. Matsui, Mr. Fazio, Mr. Traxler, Mr. Penny, Mr. Gonzalez, Mr. Dorgan of North Dakota, Mr. Stark, Mr. Walgren, Mr. Gilman, Mr. Mfume, Mr. Brown of California, Mr. Edwards of California, Mr. Atkins, Mr. Berman, Mr. Wilson, Mr. Martinez, Mr. McHugh, Mr. Dwyer of New Jersey, Ms. Pelosi, Mr. Traficant, Mr. Frank, Mr. Stokes, Mr. Wolpe, Mr. Williams, Mr. Hertel, and Mr. Leland):

H.R. 4060. A bill to provide hunger relief, and for other purposes; jointly, to the Committees on Agriculture and Education and Labor.

By Mr. KLECZKA:

H.R. 4061. A bill to amend the Federal Deposit Insurance Act to provide deposit insurance in a manner which does not discriminate against small- and medium-sized banks by expanding the assessment base and reducing the assessment rate for deposit insurance; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PARRIS (for himself, Mr. Barnard, Mr. Shumway, and Mrs. Saiki):

H.R. 4062. A bill entitled "The Management Interlocks Revision Act of 1988"; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROSE (for himself, Mr. Jones of North Carolina, Mr. Valentine, Mr. Lancaster, Mr. Price of North Carolina, Mr. Neal, Mr. Coble, Mr. Hefner, Mr. McMillan of North Carolina, Mr. Ballenger, Mr. Clarke, Mr. Ravenel, Mr. Spence, Mr. Derrick, Mrs. Patterson, Mr. Spratt, and Mr. Tallon):

H.R. 4063. A bill to require the Secretary of Labor to permit North Carolina and South Carolina to continue to employ 17-year old school bus drivers under certain conditions until June 15, 1988; to the Committee on Education and Labor.

By Mrs. SCHROEDER (for herself and Mr. Glickman):

H.R. 4064. A bill to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges; to the Committee on the Judiciary.

By Mr. SHARP (for himself, Mr. Moorhead, Mr. Bruce, Mr. Bryant, Mr. Lent, Mr. Markey, Mr. Richardson, Mr. Walgren, and Mr. Wyden):

H.R. 4065. A bill to amend the National Energy Conservation Policy Act with respect to the energy policy of the United States; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER of New York:

H.R. 4066. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of firefighting vehicles; to the Committee on Public Works and Transportation.

By Mr. WELDON:

H.R. 4067. A bill to prohibit certain railroad employees from leaving their post in the event of a train accident; to the Committee on Energy and Commerce.

By Mr. GEJDENSON (for himself, Mr. Udall, Mr. Miller of California, Mr. Richardson, Mr. Campbell, and Mr. DeFazio):

H.R. 4068. A bill to amend the Archaeological Resources Protection Act of 1979 to strengthen the enforcement provisions of that Act, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and the Judiciary.

By Mr. HOWARD (for himself (by request), Mr. Anderson, Mr. Hammerschmidt, and Mr. Shuster):

H.R. 4069. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1988 and 1989, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. PARRIS:

H.R. 4070. A bill to provide another opportunity for Federal employees to elect coverage under the Federal Employees' Retirement System; to provide that the recently enacted government pension offset provisions of the Social Security Act shall not apply to Federal employees who take advantage of the new election period; and for other purposes; jointly, to the Committees on Post Office and Civil Service and Ways and Means.

By Mr. SLATTERY:

H.R. 4071. A bill to amend section 210 of the Energy Reorganization Act of 1974 to provide protection against discrimination for certain employees, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Energy and Commerce, Armed Services, and Science, Space and Technology.

By Mr. WAXMAN (for himself, Mr. Hyde, Mr. Leland, Mr. Scheuer, Mr. Walgren, Mr. Wyden, Mr. Sikorski, Mr. Bates, Mr. Bruce, Mrs. Collins, Mr. Boucher, Mr. Miller of California and Mr. Downey of New York):

H.R. 4072. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. FASCELL (for himself (by request), Mr. Broomfield, Mr. Solarz, and Mr. Leach of Iowa):

H.J. Res. 479. Joint resolution to authorize the entry into force of the "Compact of Free Association" between the United States and the Government of Palau, and for other purposes; jointly, to the Committees on Foreign Affairs and Interior and Insular Affairs.

By Mr. BOUCHER (for himself, Mr. Cardin, Mr. Wolf, Mr. Hoyer, Mr. Parris, Mr. McMillen or Maryland, Mrs. Morella, Mr. Fauntroy and Mr. Sisisky):

H.J. Res. 480. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Mr. GARCIA (for himself, Mr. Wyden, Mr. Bliley, Mr. Fuster, Mr. Lewis of Georgia, Mr. Smith of Florida, Mr. Lehman of Florida, Mr. Kostmayer, Mr. Wolf, Mr. Mfume, Mr. Owens of Utah, Mr. de Lugo, Mr. Konnyu, Mr. Bilbray, Mr. Fauntroy, Mr. Howard, Mrs. Collins, Mr. Fazio, Mrs. Boxer, Mr. Hughes, Mr. Mrazek, Mr. Frost, Mr. Lipinski, Mr. Evans, Mr. DeWine, Mr. Wortley, Mr. Bates, Mr. Crockett, Mr. Volkmer, Mr. Roe, Mr. Hochbrueckner, Mr. Berman, Mr. Horton, Mr. Kolter, Mr. Levin of Michigan, Mr. Solomon, Mr. Towns, Mr. Darden, Mr. Borski, Mr. Campbell, Mr. Clay, Mr. Donnelly, Mr. Dowdy of Mississippi, Mr. Buechner, Mr. Dreier of California, Mr. de la Garza, Mr. Fish, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frenzel, Mr. Boucher, Mr. Bustamante, Mr. Feighan, and Mr. Bryant):

H.J. Res. 481. Joint resolution to designate the period beginning May 16, 1988, and ending May 22, 1988, as "National Safe Kids Week"; to the Committee on Post Office and Civil Service.

By Mr. BONIOR of Michigan (for himself, Mr. Hamilton, Mr. Obey, Mr. Stokes, Mr. Aspin, Mr. Miller of California, Mr. Guarini, Mr. Lowry of Washington, Mr. Dorgan of North Dakota, Mr. Frank, Mr. McCurdy, Mr. Spratt, Mr. Rowland of Georgia, Mr. Slattery, Mr. Morrison of Connecticut, Mr. Cooper, Mr. Carper, Mr. Andrews, and Mr. Lancaster):

H.J. Res. 482. Joint resolution to provide assistance and support for peace, democracy and reconciliation in Central America; jointly, to the Committees on Appropriations, Armed Services, Foreign Affairs, the Permanent Select Committee on Intelligence, and Rules.

By Mrs. MEYERS of Kansas:

H.J. Res. 483. Joint resolution to designate the week beginning April 3, 1988, as "National Auctioneers Week"; to the Committee on Post Office and Civil Service.

By Mr. KOSTMAYER:

H. Con. Res. 255. Concurrent resolution expressing the support of the Congress for Panamanian President Delvalle and for democracy in Panama; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. LEACH of Iowa (for himself, Mr. Broomfield, and Mr. Pashayan):

H. Con. Res. 256. Concurrent resolution urging the President to use his emergency refugee authority to accommodate the admission of additional Armenians and others from the Soviet Union; to the Committee on the Judiciary.

By Mr. MANTON (for himself and Mr. Ackerman):

H. Con. Res. 257. Concurrent resolution expressing the sense of the Congress that the Board of Governors of the Federal Reserve System should take such steps as may be necessary to prevent electronic fund transfers between financial institutions in the Republic of Panama and financial institutions in the United States until such time as the President certifies the Republic of Panama pursuant to section 481(h)(2)(A) of the Foreign Assistance Act of 1961; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RAHALL (for himself and Mr. Mollohan):

H. Con. Res. 258. Concurrent resolution expressing the sense of Congress regarding the upcoming National "Silver-Haired Congress"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR:

H. Res. 393. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. KOLTER:

H. Res. 394. Resolution expressing the opposition of the House of Representatives to the proposed World Bank loan to restructure Mexico's steel industry; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GAYDOS (for himself, Mr. Murtha, Mr. Ritter, Mr. Applegate, and Mr. Regula):

H. Res 395. Resolution expressing the sense of the House of Representatives that the proposed World Bank loan to Mexico is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization efforts; and the Government of the United States should use its best efforts to prevent approval of that loan; to the Committee on Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

276. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to the depletion of the ozone layer, to the Committee on Energy and Commerce.

277. Also, memorial of the Legislature of the State of Nebraska, relative to the Vietnam Women's Memorial Project; to the Committee on Interior and Insular Affairs.

278. Also, memorial of the Legislature of the State of Maine, relative to the retention of mortgage revenue bonds; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. STALLINGS introduced a bill (H.R. 4073) for the relief of Mr. Wilhelm Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo Davio Schlechter; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. Moody.

H.R. 190: Mr. Sabo, Mr. Erdreich, Mr. Neal, and Mr. Tauke.

H.R. 245: Mr. Grandy.

H.R. 276: Mr. Richardson.

H.R. 341: Mr. Hiler and Mr. Packard.

H.R. 541: Mr. Brennan.

H.R. 778: Mr. Wortley and Mr. Ford of Tennessee.

H.R. 912: Mr. LaFalce.

H.R. 1119: Mr. Richardson.

H.R. 1204: Mr. Fields.

H.R. 1272: Mr. Owens of Utah.

H.R. 1583: Mr. Petri, Mr. MacKay, Mr. Rogers, Mr. Denny Smith, Mr. Goodling, Mr. Cheney, and Mr. Gregg.

H.R. 1663: Mr. Packard, Mr. Hefner, Mr. Hastert, Mr. Bates, Mr. Craig, Mr. Obey, and Mr. Cooper.

H.R. 1766: Mr. Roe.

H.R. 1782: Mr. Mfume and Mr. Smith of New Jersey.

H.R. 1965: Mr. Craig.

H.R. 2017: Mr. Wortley.

H.R. 2148: Mr. Clarke, Mr. Andrews, Mr. Miller of Ohio, Mr. Cooper, Mr. Shays, Mr. Markey, and Mr. Craig.

H.R. 2238: Mr. de Lugo, Mr. McMillan of North Carolina, Mr. Espy, Mr. Houghton, Mr. Smith of Texas, Mr. McCollum, Mr. Vander Jagt, Mr. Traficant, Mr. Lewis of Georgia, Mr. Stenholm, Mr. Price of Illinois, Mr. Weldon, Mr. Pepper, Mr. Tallon, Mr. Dickinson, Mr. Konnyu, Mr. Feighan, Mr. Smith of New Jersey, Ms. Pelosi, Mr. Lent, Mr. Saxton, Mr. Lehman of California, Mr. Davis of Illinois, Mrs. Lloyd, Mr. Penny, and Mr. Bilirakis.

H.R. 2567: Mr. Sunia, Mr. Roybal, Mr. Sabo, Ms. Pelosi, Mr. Ackerman, and Mr. Fuster.

H.R. 2580: Mr. Chandler.

H.R. 2674: Mr. Hoyer.

H.R. 2717: Mr. Lehman of California and Mr. Durbin.

H.R. 2734: Mr. McEwen.

H.R. 2800: Mr. Chandler, Mr. Aspin, Mr. Skelton, Mr. Hefner, Mr. Carr, and Mr. Ford of Tennessee.

H.R. 2837: Mr. Vento.

H.R. 2879: Mr. Fish.

H.R. 2976: Mrs. Bentley and Mrs. Collins.

H.R. 2988: Mr. Harris, Mr. Young of Alaska, Mr. Barnard, and Mr. Sunia.

H.R. 3070: Mr. Vento, Mr. Slattery, Mr. Lowry of Washington, and Mr. Cooper.

H.R. 3132: Mr. Lehman of California.

H.R. 3146: Mr. Rinaldo and Mr. Slattery.

H.R. 3149: Mr. Bilirakis.

H.R. 3193: Mr. Richardson.

H.R. 3199: Mr. Lewis of Florida.

H.R. 3299: Mr. Dyson, Mr. Eckart, Mr. Horton, Mr. Owens of New York, Mr. Vander Jagt, and Mr. Young of Alaska.

H.R. 3361: Mr. Applegate, Mr. Spence, Mr. Howard, Mr. Lewis of Georgia, Mr. Towns, Mr. Vander Jagt, Mr. Gejdenson, Mr. Garcia, Mr. Leland, Mr. Coughlin, Mr. Florio, Mr. Dyson, and Mr. Kennedy.

H.R. 3603: Mr. Moody.

H.R. 3622: Mr. Dowdy of Mississippi, Mr. Evans, Mr. Boucher, Mr. Roe, Mr. Konnyu, Mr. Wortley, Ms. Kaptur, Mr. Brown of California, Mr. Tallon, Mr. Bilirakis, Mrs. Collins, Mr. DeWine, Mr. Lowery of California, Mr. Edwards of California, Mr. Lancaster, Mr. Robinson, Mr. Gejdenson, Mr. Nielson of Utah, Mr. Hughes, Mr. Panetta, Mr. Richardson, Mr. Levin of Michigan, Mr. Jontz, and Mr. Dyson.

H.R. 3628: Mr. Rinaldo, Mr. McDade, Mr. Downey of New York, Mr. Traxler, Mr. Clarke, Mr. Owens of New York, Mr. Mack, Mr. Traficant, Mr. Rahall, Mr. Carper, Mr. Skeen, Mr. Bilirakis, Mr. Sunia, Mr. Boland, Mr. Brooks, Mr. Upton, Mr. Schuette, Mr. Grandy, Mr. Mica, Mr. Feighan, Mr. Hayes of Louisiana, Mr. Matsui, Mr. AuCoin, Mr. Mineta, Mr. Spratt, Mr. Dixon, Mr. Moorhead, Mr. Garcia, Mr. Kennedy, Mr. Dymally, Mr. Obey, Mr. Sikorski, Mrs. Schroeder, Mr. Stark, and Mr. Pepper.

H.R. 3662: Mr. Wortley, Mr. Howard, Mr. Grant, Mr. Hughes, Mr. Upton, Mr. Dannemeyer, Mr. Nielson of Utah, Mr. Henry, and Ms. Kaptur.

H.R. 3757: Mr. Miller of Washington, Mr. Lowry of Washington, and Mrs. Kennelly.

H.R. 3774: Ms. Kaptur, Mr. Nielson of Utah, Mr. Hughes, Mr. Lancaster, Mr. Owens of Utah, Mr. Campbell, and Mr. Tallon.

H.R. 3781: Ms. Kaptur, Mr. Owens of Utah, Mr. Mrazek, and Mr. Boucher.

H.R. 3782: Mr. Mrazek, Ms. Kaptur, Mr. Owens of Utah, and Mr. Boucher.

H.R. 3784: Mr. Boucher.

H.R. 3800: Mr. Jones of Tennessee and Mr. Spence.

H.R. 3828: Mr. Ray, Mr. Miller of California, Mr. Lagomarsino, Mr. Lewis of Florida, Mr. Oberstar, Mr. Upton, Mr. Lantos, Mr. de Lugo, Mr. Chapman, Mr. Horton, Mr. Sisisky, Mr. McCurdy, and Mr. Martinez.

H.R. 3830: Mr. Fish and Mr. Blaz.

H.R. 3840: Mr. Hutto, Mr. Dicks, and Mr. Atkins.

H.R. 3842: Mr. Davis of Illinois, Mr. Frank, Mr. Glickman, Mr. Boehlert, and Mr. Johnson of South Dakota.

H.R. 3844: Mr. Valentine, Mr. Hubbard, Mr. Holloway, Mr. Campbell, and Mr. Stump.

H.R. 3865: Mr. Tauzin, Mr. Nielson of Utah, Mr. Slaughter of Virginia, Mr. AuCoin, Mr. Spence, Mr. Livingston, and Mr. Regula.

H.R. 3866: Mr. Tauzin, Mr. McCloskey, Mr. Slattery, Mr. Murtha, Mr. Leath of Texas, Mr. Huckaby, and Mr. Bonker.

H.R. 3878: Mr. DeFazio.

H.R. 3879: Mrs. Boxer, Mr. Gonzalez, Mr. Markey, Mr. Evans, Mr. Neal, and Mr. Garcia.

H.R. 3889: Mr. Lujan, Mr. Rahall, Mr. Stenholm, Mr. Carper, Mr. Sweeney, Mr. Miller of Ohio, Mr. Barnard, Mr. McGrath, Mr. Bereuter, Mr. Donald E. Lukens, Mr. Frenzel Mr. Rowland of Connecticut, Mr. Shuster, Mr. Whitten, Mr. Chapman, Mr. Bruce, Mr. DeLay, Mr. Ravenel, Mrs. Vucanovich, Mr. Lent, Mr. Flake, Mr. Upton, Mr. Tauke, Mr. McDade, Mr. Gallo, Mrs. Patterson, Mr. Tallon, Mr. Traxler, Mr. Horton, Mrs. Lloyd, Mr. Bunning, Mr. Livingston, Mr. Smith of New Jersey, Mr. Badham, Mr. Hansen, Mr. Bateman, Mr. McEwen, Mr. Solomon, Mr. Coats, Mr. Blaz, Mr. Ritter, Mr. Slaughter of Virginia, Mr. Holloway, Mr. Glickman, Mr. Stangeland, Mr. Applegate, Mr. Packard, Mr. Mollohan, Mr. Vento, Mr. Bevill, Mr. Wise, Mr. Sundquist, Mrs. Smith of Nebraska, Mr. Derrick, Mr. Hefner, Mr. Boulter, Mr. Bustamante, Mr. Pashayan, Mr. Gilman, Mr. Kostmayer, Mr. Fuster, Mr. Rinaldo, Mr. Garcia, Mr. Wortley, Mr. Davis of Michigan, Mr. Stratton, Mr. Robinson, Mr. Dowdy of Mississippi, Mr. Jeffords, Mr. Lancaster, Mr. Watkins, Mr. Vander Jagt, and Mr. Bryant.

H.R. 3892: Mr. Bilbray, Mr. Davis of Illinois, Mr. Swift, Mr. Denny Smith, Mr. Panetta, Mr. Nielson of Utah, Mr. Gray of Illinois, Mr. Tauzin, Mr. Bryant, Mr. Garcia, Mr. Combest, Mr. Davis of Michigan, and Mr. Fazio.

H.R. 3900: Mr. Wortley.

H.R. 3905: Mr. Dellums, Mrs. Vucanovich, Mr. Owens of New York, Mr. Hochbrueckner, Mr. Lowry of Washington, Mr. Ackerman, Mr. DeFazio, Mr. Rodino, Mr. Studds, Mr. Bates, Mr. Martinez, and Weiss.

H.R. 3907: Mr. Nichols, Mr. Denny Smith, and Traficant.

H.R. 3915: Mr. Fauntroy, Mr. Sensenbrenner, Mr. Dellums, Mr. Wolpe, and Mr. Roe.

H.R. 3919: Mr. Hutto.

H.R. 3940: Mr. Horton, Mr. Dyson, Mr. Upton, Mr. Petri, Mr. Lightfoot, and Mr. Penny.

H.R. 3974: Mr. Schumer and Mr. Akaka.

H.R. 3975: Mr. Stark, Mr. Owens of New York, Mr. Jontz, Mr. Ackerman, Mr. Davis of Illinois, and Mrs. Boxer.

H.R. 4002: Mr. Boehlert.

H.R. 4003: Mr. Hawkins.

H.R. 4011: Mr. Thomas of Georgia, Mrs. Bentley, Mr. Marlenee, Mr. Martin of New York, and Mr. DeLay.

H.R. 4017: Mrs. Patterson.

H.J. Res. 50: Mr. Craig.

H.J. Res. 373: Mr. Roemer, Mr. Gallegly, Mr. Wolf, Mr. Neal, Mr. Atkins, Mr. Livingston, Mr. Skeen, Mr. de la Garza, Mrs. Lloyd, Mr. Richardson, Mr. Rowland of Georgia, Mr. Morrison of Washington, Mr. Lehman of California, and Mr. Smith of New Hampshire.

H.J. Res. 377: Mr. Perkins, Mr. Ackerman, Mr. Skelton, Mr. Spratt, Mr. Sabo, Mr. Watkins, Mr. Rowland of Georgia, Mr. Yates, Mr. Gonzalez, Mr. Campbell, Mr. Regula, Mr. Owens of Utah, and Mr. Natcher.

H.J. Res. 386: Mr. AuCoin, Mr. Bartlett, Mr. Bilbray, Mr. Dingell, Mr. Hoyer, Mr. Ireland, Mr. Lowery of California, Mr. Mavroules, Mr. Russo, and Mr. Schaefer.

H.J. Res. 388: Mr. Campbell, Mr. Chapman, Mr. Crane, Mr. Evans, Mr. Hastert, Mr. Martinez, and Mr. Vento.

H.J. Res. 415: Mr. Schumer, Mr. Hall of Ohio, Mr. Gallegly, Mr. St Germain, Mr. Hayes of Illinois, Mr. Wilson, Mr. Weiss, Mr. Schuette, Mr. McEwen, Mr. Rowland of Georgia, Mr. Frank, Mr. MacKay, Mr. Pepper, Mr. McMillen of Maryland, Mr. Hoyer, Mr. Montgomery, Mr. Thomas of Georgia, Mr. Pashayan, Mr. Yatron, Mr. LaFalce, Mr. Grant, Mr. Lott, Mr. Volkmer, Mr. Stark, Mr. Wise, Mr. Markey, Mr. Dowdy of Mississippi, Mrs. Bentley, Mr. Fish, Mr. Blaz, Mr. Morrison of Washington, Mr. Coughlin, Mr. Gilman, Mr. Taylor, Mr. Cooper, Mr. Young of Alaska, Mr. Lent, Mr. Miller of Ohio, Mr. Bilirakis, Mr. Murphy, Mr. Sundquist, Mr. Sunia, Mr. Miller of Washington, and Mr. Erdreich.

H.J. Res. 420: Mr. Towns, Mr. Mazzoli, Mr. LaFalce, Mr. Leland, Mr. Fawell, Mr. Schaefer, Mr. Ray, Mr. Lipinski, Mr. Espy, Mr. de Lugo, Mr. Bevill, Mr. Lowry of Washington, Mr. McEwen, Mr. Shaw, Mr. Campbell, Mr. Roe, Mr. Quillen, Mr. Price of North Carolina, and Mr. Horton.

H.J. Res. 441: Mr. Lagomarsino.

H.J. Res. 442: Mr. Rogers, Mr. Obey, Mr. Leland, Mr. Thomas A. Luken, Mr. Yates, Mr. Mrazek, Mr. Atkins, Mr. Fazio, Mr. Blaz, Mr. Boland, Mr. Bevill, Mr. Regula, Mr. Horton, Mr. Anderson, Mr. Martinez, Mr. Carper, Mr. Clinger, Mr. Coughlin, Mr. Crockett, Mr. Campbell, Mr. Davis of Illinois, Mr. Bilbray, Mr. Dixon, Mr. Dowdy of Mississippi, Mr. Dymally, Mr. Emerson, Mr. Borski, Mr. de la Garza, Mr. Lancaster, Mr. Foglietta, Mr. Erdreich, Mr. Fauntroy, Mr. McCloskey, Mr. Skaggs, Mr. Robinson, Mr. Mineta, and Mr. Parris.

H.J. Res. 443: Mr. McGrath, Mr. Hughes, Mr. Neal, Mr. Lagomarsino, Mr. Michel, Mr. English, Mr. Clay, Mr. Bonior of Michigan, Mrs. Kennelly, Mr. Conyers, Mr. Harris, Mr. Rowland of Connecticut, Mr. Ford of Michigan, and Mr. Fuster.

H.J. Res. 445: Mr. Kildee, Ms. Oakar, Mr. Berman, Mr. Dixon, Mr. Jones of North Carolina, Mr. Lancaster, Mr. Rhodes, Mr. Matsui, Ms. Pelosi, Mr. Rose, and Mr. Oberstar.

H.J. Res. 447: Mr. Gaydos.

H.J. Res. 448: Mr. Vander Jagt, Mr. Donald E. Lukens, Mr. Davis of Illinois, Mr. Yatron, Mrs. Boxer, Mr. Hunter, Mr. Scheuer, Mr. Gallo, Mr. Richardson, Mr. Wolf, Mr. Borski, Mr. Dyson, Mr. Weldon, Mr. Wolpe, Mr. Fawell, Mr. Gradison, Ms. Pelosi, Mr. Frenzel, Mr. McHugh, Mr. Clinger, Mr. Sabo, Mr. DioGuardi, Mr. Lantos, and Mr. Manton.

H.J. Res. 470: Mr. Volkmer, Mr. Owens of New York, Mr. Fascell, Mr. Grant, Mr. Skaggs, Mr. Nowak, Mr. Campbell, Mr. Brennan, Mr. Schumer, Mr. Erdreich, Mr. Mrazek, Mr. Kostmayer, Mr. Neal, Mr. Moakley, Mr. Synar, Mr. Anderson, Mr. Bryant, Mr. Lipinski, Mr. Moody, Mr. Bustamante, Mr. Jenkins, Mr. Lagomarsino, Mrs. Saiki, Mr. Schuette, Mr. Regula, Mr. McEwen, Mr. Martin of New York, Mr. Sisisky, Mrs. Boxer, Mr. Boland, Mr. Nielson of Utah, Mr. Young of Florida, Mr. Wortley, Mr. Vander Jagt, Mr. Gilman, Mr. Frost, Mr. Inhofe, Mr. Pursell, and Mr. Weldon.

H.J. Res. 473: Mr. Fazio, Mr. Garcia, Mr. Oberstar, Mr. Wolf, Mr. Bryant, Mr. Panetta, and Mr. Erdreich.

H. Con. Res. 83: Mr. Espy.

H. Con. Res. 115: Mr. Gonzalez, Mr. Fuster, Mr. Bates, Mr. Erdreich, Mr. Sikorski, Mr. Conte, Mr. Gordon, Mr. Oberstar, Mr. Levin of Michigan, Mr. Richardson, Mr. Panetta, Mr. Vento, Mr. Torres, Mr. Smith of Florida, Mr. Wyden, Mr. Walgren, Mr. Bennett, Mr. Roe, Ms. Kaptur, Mr. Montgomery, Mr. Neal, Mr. Dornan of California, Mr. Frost, Mr. Rahall, Mr. Crane, Mr. Fazio, Mr. Kostmayer, Mr. Bryant, Mr. Coyne, Mr. Davis of Illinois, Mr. Dymally, Mr. Whitten, Mr. Hughes, Mrs. Boxer, and Mr. de Lugo.

H. Con. Res. 229: Mrs. Martin of Illinois.

H. Con. Res. 238: Mr. Craig and Mr. Hansen.

H. Con. Res. 241: Mr. Vento.

H. Res. 258: Mr. Wortley, Mr. Hyde, Mr. Craig, and Mr. Parris.

H. Res. 276: Mr. Craig.

DELETIONS OF SPONSORS FROM PUBLIC BILL AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1259: Mr. Schumer.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

[Omitted from the Record of Tuesday, March 1, 1988]

130. By the SPEAKER: Petition of Robert W. Wangrud, Milwauki, OR, relative to the U.S. Constitution; to the Committee on the Judiciary.

[Submitted March 2, 1988]

131. Also, petition of the Erie Couinty Environmental Management Council, Buffalo, NY; relative to the Clean Air Act; to the Committee on Energy and Commerce.

132. Also, petition of the Council of the city of New York, NY, relative to congratulating merchant marine war veterans of World War II on the occasion of their being given official war veteran status; to the Committee on Veterans' Affairs.

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EXTENSIONS OF REMARKS

CHILDREN AND FAMILIES IN POVERTY: THE STRUGGLE TO SURVIVE

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 2, 1988

Mr. MILLER of California. Mr. Speaker, last week, the Select Committee on Children, Youth, and Families held a hearing on "Children and Families in Poverty: The Struggle To Survive." We heard very compelling testimony from children and families who experience the stress and frustration of poverty every day, as well as from the dedicated human service providers who try to help them with overworked staff and limited resources.

We also released a report, "Trends in Family Income: 1970–1986," prepared at my request by the Congressional Budget Office, which illustrates that the plight of poor families has only grown worse. I have attached a select committee staff analysis of the report. As we engage in the current budget debate, I urge my colleagues to take notice of the report's findings that millions of families with children, especially young families and families who were already poor, have lost income over the last decade and a half. We cannot afford to weaken any further the resources available to these families.

The material follows:

OPENING STATEMENT CONGRESSMAN GEORGE MILLER, CHAIRMAN, SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

"CHILDREN AND FAMILIES IN POVERTY: THE STRUGGLE TO SURVIVE" FEBRUARY 25, 1988

For millions of families in America today, poverty—not prosperity—remains a tragic fact of life.

Since 1983, the Select Committee on Children, Youth, and Families has documented that millions of children and families have been left out of the so-called "economic recovery."

In 1986, despite many months of economic expansion, almost 13 million children remained in poverty, nearly 3 million more than in 1979. Children living in single-parent families are at greatest risk of living in poverty, and the experts now tell us that one out of two children will spend some portion of childhood in a single-parent family. Yet the greatest relative increase in child proverty has been among children living in two-parent families.

Today, we will hear the results of a new study of child and family poverty rates among 8 western industrialized nations, including our own. It should be a source of despair for every American that, despite the promise of economic security for all, the United States has higher child and family poverty rates than every one of the countries studied, except Australia, even when income transfer benefits are included.

We are also releasing a major new study on trends in family income in the United States, prepared at my request by the Congressional Budget Office (CBO). The new report, "Trends In Family Income: 1970-1986," contains both good news and bad news. The good news is that family income rose for the typical family during that period, based on CBO's new method for measuring income trends. CBO found that "Adjusted Family Income" rose 20 percent from 1970 to 1986. Even among those families for whom incomes rose, CBO found that the principal reason, among the non-elderly, was the increased number of workers per family, not increased earnings by the typical worker. In many families, both parents now must work to maintain the standard of living, which results in increased costs as well as increased income, such as child care and commuting.

But there is also bad news. Many of the most vulnerable families, and those in which many of our children are growing up, did not share in the prosperity. In fact, young families, low-income families with children, and poor single parent families in 1986 were much poorer than their counterparts in 1970. Income inequality became more pronounced among all major family types except unrelated individuals under age 65 and the elderly, and income gaps widened between the rich and those who are less affluent. The sharpest increases in inequality have occurred since 1979, even among the elderly. Among those affected most adversely were poor families with children. The CBO report notes that "the group of families with children that is at the bottom of the income distribution is markedly worse off now than the corresponding group was 16 years earlier." Among the poorest two-fifths of families with children, median income dropped 12 percent from 1970 to 1986.

Poor single-mother families with children were hit especially hard. In 1986, one-fifth of all single mother families had incomes less than half of the poverty line, and approximately 45 percent had incomes below the poverty line.

Young families have been affected very dramatically, too. More than 40 percent of families with children in which the family head was under 25 lived below the poverty line—and over one-fifth had incomes less than half the poverty line in 1986. For these families, median family income fell 43 percent between 1970-1986. In fact, even among the top two-fifths of these families, median income fell 21 percent.

Today we will also receive testimony from real experts on poverty: the children and families who endure privation, day in and day out, year after year, despite national economic recovery. And we will also hear from those from both rural and urban communities who work with the families to break the terrible and degrading cycle of poverty in America.

I also want to pay tribute to those who are here today under the auspices of the National Planning Committee on Children in Poverty, who are attending a national conference in Washington this week.

STAFF ANALYSIS OF KEY FINDINGS, FROM THE CBO REPORT: "TRENDS IN FAMILY INCOME: 1970-1986"

The new Congressional Budget Office report, "Trends in Family Income: 1970-1986," contains both good news and bad news. The good news is that under a revised way of measuring income trends developed by CBO, family income for the typical family rose during this period. Previous measures of changes in family income over the period have shown a decline.

The bad news is that these income gains were not evenly distributed. Low income families with children, young families at all income levels and poor single mother families in 1986 were much worse off than their counterparts in 1970. Among all major family types except nonelderly unrelated individuals and the elderly, income inequality increased and the gaps widened between the rich and those who are less affluent.

In addition, the news that family incomes rose is tempered by the finding that the principal reasons for the gains among the non-elderly was the increased number of workers per family, not increased earnings by the typical worker. Many families with children have needed to have both parents work to avoid losing ground.

TRENDS IN FAMILY INCOME

The CBO report measures changes in family income over the 16 year period from 1970-1986. These measurements are made in a different manner than that traditionally employed in the past. There are three differences between the CBO measurements and traditional measurements: [1]

CBO adjusted family incomes to reflect to a decline in the average size of families during this period. Since the average family was smaller in 1986 than in 1970, CBO concluded that the average family needed less income to remain at the same level of well-being. This adjustment for family size is the principal reason why the CBO measure shows income growth rather than the stagnation indicated by other measures.

In adjusting annual income levels for inflation, CBO did not use the Consumer Price Index (CPI), but used an alternative inflation index that CBO believes provides a more accurate measure of price changes. Because the alternative index rose more slowly during the 16-year period than did the CPI, measured income growth is greater than if the CPI were used.

CBO modified the definition of "family" normally used in measuring family income changes. CBO counted unrelated individuals—including elderly people living alone—as "families". One-third of CBO's "family units" consist of unrelated individuals.

With all three adjustments, CBO finds that "adjusted family income" (AFI) for the median (or typical) "family" rose 20 percent from 1970 to 1986. This compares with an increase of six percent in median family income during this period among families as traditionally defined, without adjusting for family size and using the CPI to account for inflation.

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[1] CBO notes that adjustments should also be made for income received in-kind and for taxes paid, since both factors changed markedly over the 16-year period and would thus affect the well-being of families. Because the requisite data are not available, CBO was unable to make these adjustments.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The CBO data show differing trends in changes in AFI for median families in various family categories. For single mother families with children, median income rose just 2 percent under CBO's AFI measure. For both elderly unrelated individuals and elderly families without children, median family income rose 50 percent.

INCREASES IN WORKERS PER FAMILY BOOSTED INCOMES

CBO observes that "the rise in the number of workers per family appears to be the principal reason why incomes increased." CBO states that earnings failed to keep pace with inflation for many workers, especially those in the younger age groups. This suggests that, for many families, adding a second earner to the workforce or increasing the second earner's work hours was often necessary to keep family income from falling. This also indicates that the increased incomes reported by CBO did not come without a cost. These altered work arrangements have resulted in parents (especially mothers) having less time with children, less leisure time, and possibly, fewer children.

Indeed, when the large influx of mothers into the labor force during this period is taken into account, it is striking that AFI did not rise more substantially. From 1973 to 1986, the median AFI for married couple families with children rose a relatively modest 13.1 percent, despite large increases in work by mothers and a reduction in family size as well (see further discussion of this 1973-1986 period, which is different than that used in the CBO report).

It should be noted that the CBO data do not include a major cost borne by many of these families as a result of the entrance of many mothers into the labor force—child care costs. Child care costs are a corollary of the increase in workers per family that CBO identifies as the factor primarily responsible for the income gains. As CBO notes: "Families are likely to bear a cost, however, when more of their members work. In particular, there are direct costs associated with employment, such as for child care or for commuting. Furthermore, the new workers have less time available to perform household chores, so either costs rise—if services are purchased—or some chores are not done." (CBO did not incorporate these costs in the analysis, in part because data are not available to make such adjustments.)

THE FAMILIES LEFT BEHIND

A number of family groups fell behind. As CBO states, "Not all [family groups] experienced a growth in income." Some suffered large income declines.

1. Poor Families with Children

Among those affected most adversely were poor families with children. The CBO report states:

> Median family income has continued to grow since 1970, albeit more slowly than in earlier years and at widely different rates for different groups. At the same time, the group of families with children that is at the bottom of the income distribution is markedly worse off now than the corresponding group was 16 years earlier.

The CBO report shows that the median AFI of the poorest two-fifths of families with children in 1986 was 12 percent lower than that of the comparable group in 1970.[2]

Poor single mother families with children were hit especially hard. In 1986, one-fifth of all single mother families with children had incomes below half the adjusted poverty line (that is, below $3,974 for a family of three).[2] Approximately 40 percent of these families had incomes below the adjusted poverty line.

2. Young Families

The family group affected most severely was that of young families. In 1986, the median AFI of families whose head was under age 25 was 18 percent lower than that of the corresponding group in 1970. For the poorest two-fifths of families with a head under 25, median family income was 34 percent lower. Median family income even declined for the top two-fifths of all families with a head under 25.

The declines are most stunning among young families that had children (2.3 million in 1986). The median income of such families in 1986 was 43 percent below that for comparable families in 1970. Among the poorest two-fifths of these families, median income was 56 percent lower in 1986 than in 1970. Even among the top two-fifths of these families, median income fell 21 percent.

More than one-fifth of all families with children in which the family head was under 25 had incomes below half the poverty line in 1986. More than 40 percent of these families lived below the poverty line.

Low-income families with children in which the family head was 25 to 34 also had sharply lower median AFI in 1986 than their counterparts in 1970. Median income was fully 18 percent lower for the two-fifths of these families with the lowest incomes.

Median AFI also fell for both young married couple families and young single parent families. For example, median income of married couple families with children in which the family head was under 25 was 17 percent lower in 1986 than for similar families in 1970.

Median AFI was also lower for single mother families with children in which the mother is under 25. By 1986, nearly one-fifth of these families had incomes below one-fourth of the adjusted poverty line (that is, below $1,987 for a family of three). About two-fifths of these families fell below half of the adjusted poverty line, and a large majority of these families were poor. Among single mother families with children in which the mother was 25-34, more than one-fifth lived below half of the adjusted poverty line and a majority were poor.

Increased inequality

The CBO report shows that income inequality increased substantially between 1970 and 1986 among non-elderly families. For all types of non-elderly families except unrelated individuals, inequality rose over this period. The growth in inequality helps explain another CBO finding: despite general income growth since 1970, poverty rates of groups other than the elderly failed to decline appreciably.

Among the poorest two-fifths of families with children, median adjusted income was 12 percent lower in 1986 than for comparable families in 1970. But, among the wealthiest two-fifths of families with children, median adjusted income was 27 percent higher.

For the botton two-fifths of all families (including the elderly), median AFI in 1986 was 9 percent higher than for similar families in 1970; among the top two-fifths of all families, it was 29 percent higher—a gain about 3 times as large.

Among the poorest two-fifths of families with a head under 25, median AFI in 1986 was 34 percent lower than for corresponding families in 1970; among the top two-fifths of these families, it was five percent lower.

The sharpest increases in inequality have occurred since 1979. CBO found that "for all major family types, inequality grew between 1979 and 1986. While high and low-income families had roughly comparable gains in income during most of the 1970's, the incomes of low income families rose only slightly or fell between 1979 and 1986, while incomes of wealthier families rose sharply." Even among the elderly, inequality grew in the 1980's.

Median adjusted income for the bottom two-fifths of all families fell 2 percent from 1979 to 1986, while median adjusted income for the top two-fifths of all families rose 10 percent.

Median adjusted income for the bottom two-fifths of families with children fell 14 percent from 1979 to 1986, while median AFI for the top two-fifths of these families increased 8 percent. This trend—of lower AFI for poor families in 1986 compared with their counterparts in 1970 and rising AFI for wealthier families—also holds for married couple families with children.

In fact, for every major non-elderly family type, median adjusted income for the bottom two-fifths of families was lower in 1986 than for the comparable groups in 1979. For most of these family types, the median adjusted income of wealthier families rose during this period.

Observations Concerning the CBO Findings

Several observations should be made concerning the income gains that CBO found over the 1970-1986 period. An analyses of stagnating family income in the U.S., the year 1973 (rather than 1970) has often been used as the starting point (see for example Frank Levy's recently published book Dollars and Dreams: The Changing American Income Distribution). 1973 has traditionally been regarded as the high point for income growth in the U.S. It was the year in which the conventional measure of median family income reached what is still its highest level. The CBO report shows that nearly half of the 20 percent increase in AFI occurred between 1970 and 1973. From 1973-1986, the increase for the median family was 11 percent.

In addition, 1970 was a recession year, albeit one in which the unemployment rate was not that high. There is growing concern that a recession could occur in the next few years. If, as many economists predict, a recession does occur in the near future, a significant amount of the income gain reported by CBO could disappear.

A further observation is that virtually all remaining income growth found by CBO (other than that in the 1970-1973 period) has occurred since 1982 when income growth was financed in significant part through large budget and trade deficits—in

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[2] The median income for the bottom two-fifths of families is the income received by the family at the 20th percentile. Similarly, the median income for the top two-fifths of families is the income received by the family at the 80th percentile.

[3] The adjusted poverty line is the same as the official poverty line except that CBO used the alternative inflation index to adjust for price changes since 1967.

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essence, by borrowing from the future. When we repay these debts, living standards for American families may well fall back.

As Frank Levy states in Dollars and Dreams:

> . . . the U.S. rate of investment is no higher today than it was in 1973, despite the [inflow of] foreign capital. Foreign funds have been used to offset government deficits and thus to finance extra U.S. consumption. This is a strategy for postponing stagnation's effects, but it involves borrowing from the future. Eventually the foreign funds must be paid back with interest. And because they were used to finance consumption, rather than additional investment, the repayment will require reducing our consumption below what it otherwise would have been.
>
> . . . are we living as well today as we did in 1973? The answer is no. "We appear to be doing better, but this is only because we have borrowed against the future in ways that eventually must be repaid."

Moreover, CBO observes that the principal reason why its measurements show income increases (instead of the income stagnation or declines previously reported for this period) is its adjustment of family incomes for declining family size. Many analysts believe that the decline in family size is itself related, in part, to the slow economic growth that was occurring. Families postponed having children, or had fewer children, in part because they believed they could not afford as many children as families had in the past. This decline in birthrates contributes markedly to the rise that CBO found in AFI, but it may also mean that we will have fewer skilled workers than we will need in the future. Levy comments that "the decline in the birthrate was, in its way, a different kind of borrowing from the future" especially since the "decline is heavily concentrated among middle-income families."

BUDGETING FOR EXPORT-IMPORT BANK

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GARCIA. Mr. Speaker, today I am introducing a bill that will substantially improve the way the Export-Import Bank of the United States is reflected on the Federal budget and improve the weakened financial condition of the Bank.

First, the bill will clarify the true or subsidy costs of Eximbank's programs. The annual budget figures for Eximbank are misleading because they overstate Eximbank's impact on the Federal budget. Currently, Congress annually sets ceilings limiting the Bank activity for direct loans, guarantees and insurance, and administrative expenses. Eximbank borrows funds from the Treasury's Federal Financing Bank [FFB] to run its programs, repaying the FFB with interest. But often, the ceilings are viewed as costs to the Government. The fact is that the actual subsidy costs of Eximbank's programs were less than 7 percent for direct loans and 2 percent for guarantee and insurance programs of the total budget authority allocated to Eximbank during fiscal year 1987.

Eximbank has labored for years against a misunderstood image of being too costly. Clarifying the actual cost of Eximbank's programs will lead to a better understanding of the agency. This is critical during a time when Eximbank can play an important role in our efforts to reduce the trade deficit.

The legislation can also improve the condition of Eximbank's declining capital base. According to the testimonies received from the Congressional Budget Office and the U.S. General Accounting Office at the February 25 hearing my subcommittee held on Eximbank, the approach of annually appropriating for Eximbank's subsidy costs could in the future maintain the capital base and minimize the need for future recapitalization resulting from losses on future lending activities. The reason is that Congress will be appropriating for the cost of new assistance the Bank provides our exporters.

Eximbank's capital base has been declining primarily because of the losses incurred during the late 1970's and the early 1980's when borrowing rates were high as compared to international lending rates. Another reason for the decline is the penalties it owes FFB as result of prepayments on its borrowings. These borrowings were prepaid as result of congressionally mandated loan asset sales. While the present difficult financial condition of Eximbank does not affect its operations due to the Bank's unlimited authority to borrow from the FFB, it could undermine confidence in the Bank. Moreover, a negative capital level may threaten the independence of the Bank's operations. According to the majority of the witnesses at the February 25 hearing, one time recapitalization of $2 billion or more would be ideal, but given budget constraints it is not realistic. What is realistic is an annual appropriation equal to the subsidy costs of Eximbank.

Finally, in taking this step to improve the image of Eximbank by clarifying the costs of its programs and annually appropriating for the subsidy costs, we will be sending a positive signal to our major trade competitors that U.S. exporters have a solid commitment of support from Congress. I urge my colleagues to support this bill.

NEED FOR BORDER CROSSING IN SOUTHERN NEW MEXICO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. RICHARDSON. Mr. Speaker, I would like to bring to the attention of my colleagues a unique joint private-Government venture to spur economic development in southern New Mexico and on the United States-Mexico border.

New Mexico has for decades sought an additional border crossing in Dona Ana County, but due to its proximity to El Paso the Federal Government has never seen the need for a new facility. Residents from New Mexico have long felt that economic development along the border has been stifled for the lack of a separate border crossing. Local interests have prevailed, starting with a cattle crossing near Santa Teresa, NM, which will soon become a formal port-of-entry.

Developer Charlie Crowder and his company, Santa Teresa International, have managed an agreement with the Mexican Government, and have secured parcels of land on both sides of the border to accommodate the port, and specified for additional development. Now the company has begun to build, and when they are finished they will have constructed a unique project—the first reimbursable port-of-entry in the State.

As such, Santa Teresa International will pay for the development of the Customs port, will build the thoroughfares that provide access to the port, and will pay for its operation, including paying the wages of the customs officials. The cost of the operation will be regained by charging the businesses that use the port.

The Santa Teresa Port will help reduce the congestion in the El Paso/Juarez area, as some of the traffic along that well-established route chooses to make the short journey to the Santa Teresa location. In addition to increasing the expediency of border crossings, Santa Teresa's location near the El Paso/Juarez Port provides a basis for economic expansion in the region. Businesses looking to expand will be attracted to Santa Teresa's proximity to an already developed port, and to the amount of land already slated for industrial development. Consequently, Santa Teresa has the potential to develop into a large industrial and commercial area utilizing resources in both New Mexico and Mexico.

At a time when great efforts are being made to reduce the Federal deficit, the Santa Teresa Port provides a novel approach to reducing Federal costs, increasing the productivity of the private sector, and utilizing a Federal service that would not normally be provided. I commend Santa Teresa International for its initiative in providing a long-needed service, for its contribution toward supporting economic development in southern New Mexico, and for working in cooperation with our good neighbor, Mexico.

TIME FOR THE ADMINISTRATION AND CONGRESS TO ACT ON THE PEDIATRIC AIDS CRISIS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. OWENS of New York. Mr. Speaker, the Presidential AIDS Commission has been the subject of much controversy, but on one thing there can be little doubt, the latest recommendations by the Chairman of the Commission, Admiral Watkins, represent a much needed step forward.

Specifically, the recommendations concerning needed programs in the area of the pediatric AIDS demonstration projects deserve our support. Many of the features of one proposed demonstration project resemble those included within "The Abandoned Infants Assistance Act," H.R. 3009. This is a companion bill to S. 945 sponsored by Senators METZENBAUM and HATCH that passed the other House by unanimous consent.

It is now time for Congress and the administration to place a realistic dollar amount to this legislation. It is increasingly evident that anything less than full funding for such programs is not only short sighted but a false economy. In testimony before the subcommittee, Surgeon General Koop stated that the administration was only prepared to spend $1.2 million this year on the problem. This derisory amount represents a gross underestimate of the scale of the problem particularly in the light of revised projections for the epidemic. Estimates for the annual cost of care of one abandoned infant with AIDS range from $136,000 to $237,000. It is clear to see that it would only take one ward full of these children before we have exhausted the funds the administration has made available. It should be more than evident to everyone who has begun to study this tragic problem that hospitals are not only not appropriate institutions for the vast majority of these children but that alternative settings can be at least 75 percent less expensive.

I commend for my colleagues attention both an article that appeared in the Washington Times, February 23, 1988, "Explosion of Childhood AIDS Cases Feared," which addresses the revised projections for the epidemic impact on children, as well as Admiral Watkins' specific recommendations concerning foster care needs for children with AIDS.

SELECTIONS FROM THE CHAIRMAN'S RECOMMENDATIONS TO THE PRESIDENTIAL COMMISSION ON THE HUMAN IMMUNODEFICIENCY VIRUS, FEBRUARY 29, 1988

(SYS-3) The Department of Health and Human Services should provide funding to local governments for development of foster care programs for infants whose parents are either unable or unwilling to care for them, and respite care programs, which provide intermittent relief for parents. Foster care programs should include recruitment, training, support, and incentives for foster parents. Respite care should be available to provide respite for natural or foster parents and should include substitute caregivers as well as shelter.

(SYS-4) The proposed Pediatrics Demonstration Projects (funded by FY88 Continuing Resolution and allocated to Health Resources and Services Administration) should continue to be funded through 1991. Grants should be awarded to programs which are family-focused, community based, include a coordinated, comprehensive network of services, and utilize a family case management approach.

(SYS-5) The Health Resources and Services Administration, through the Maternal and Child Health Program, should provide funding for demonstration grants for Regional AIDS Comprehensive Family Care Centers, in areas where inadequate pediatric services exist and the prevalence of HIV infection is high (this is in addition to demonstration grants mentioned in SYS-4). These centers would provide a full range of services to HIV infected children and their families including: diagnostic, treatment, and follow-up services, prenatal and well-baby care, testing, counseling, psychosocial support services, day care, respite care, education, and linkages with home care and acute hospital care.

(SYS-6) In areas where intermittent or chronic care services availability is encumbered by local restrictions or zoning requirements, such as number of exists required for a building or allowable number of occupants of a facility, local governments should provide reasonable variances to permit such care to be available. The necessity of health care, for both adults and children, should be balanced with local zoning priorities.

[From the Washington Times, Feb. 23, 1988]

EXPLOSION OF CHILDHOOD AIDS CASES FEARED

(By Joyce Price)

By 1991, at least one out of every 10 pediatric beds in U.S. hospitals and clinics will be occupied by a child infected with AIDS, a physician said yesterday.

"Pediatric AIDS is a growing problem that's killing our children and infants. It has the potential to explode into the largest problem we've ever known," said Dr. Edward Connor, spokesman for the newly formed Pediatric AIDS Coalition.

"Given the fact that 80 percent of the children with AIDS nationwide have been born to mothers who are either drug abusers themselves or sexual partners of drug abusers or others in high-risk groups, a massive educational effort is what's needed most," he said. "If we could reach these prospective parents today, we could stop this expanding problem in nine months."

As of Feb. 15, a total of 839 childhood AIDS cases were reported nationally. But by 1991, projections for the number of children with AIDS range from a low of 3,000 to a high of 20,000, coalition officials said..

U.S. Public Health Service officials said pediatric AIDS cases climbed 60 percent in 1987 and predicted the caseload will skyrocket 350 percent by 1991.

"Of the 40,000 pediatric beds in this country, at least one in 10 will be occupied by a child infected with HIV [the AIDS virus] by 1991," Dr. Connor, a fellow of the American Academy of Pediatrics, said at a news conference yesterday.

To date, 11 pediatric AIDS cases have been diagnosed in the District. But leaders of the Mayor's Pediatric AIDS Task Force have said the city may have 1,000 reported HIV-infected babies by 1991.

The goal of the new coalition of child advocacy and health groups is to focus more attention on the problems of children with AIDS. "We need money, both from government and private sources—money for research, money to treat and money to provide out-of-hospital care," Dr. Connor said.

In an article on pediatric AIDS in the April issue of Children Magazine, Dr. James Oleske of Children's Hospital of New Jersey in Newark said he believes the official pediatric AIDS estimates are too low.

Dr. Oleske, who has been battling an epidemic of childhood AIDS in Newark, said he believes there may be about 3,000 American children carrying the virus now—most of them unreported. He also believes at least half of them have full-blown AIDS.

Dr. Connor said yesterday it's likely there will be more than 3,000 pediatric AIDS cases nationally by 1991. "First of all, children develop AIDS faster than adults," he said. "Secondly, there's the problem of underreporting. Children are not always perceived as a high-risk group, and their symptoms are not always recognized."

Children with AIDS live a "brief and pain-filled existence," he said. While 20 percent to 30 percent of adults with AIDS die within five years of diagnosis, 75 percent of children with AIDS die within two years.

Typically, AIDS children have symptoms such as chronic diarrhea, abdominal distension, loss of appetite, lung disease and repeated infections.

CHIANG CHING-KUO'S LEGACY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. PORTER. Mr. Speaker, I am submitting for my colleagues benefit the text of a recent speech given by Dr. Fredrick F. Chien, representative, Coordination Council for North American Affairs, before the Chicago Council on Foreign Relations. In his speech, Dr. Chien discusses the accomplishments of the late Taiwanese President Chiang Ching-kuo's tenure. I commend it to my colleagues' attention.

LEGACY OF PRESIDENT CHIANG CHING-KUO

(By Dr. Fredrick F. Chien)

I consider it a great privilege to be with you today. The Chicago Committee of the Chicago Council on Foreign Relations is one of this country's most prestigious forums. I am honored that you extended an invitation to me and gave me this opportunity to discuss with you momentous events which are occurring in the Republic of China today.

As many of you probably are already aware, my country lost its great leader and President, Chiang Ching-kuo, less than four weeks ago. He was an immensely popular figure—a populist by nature—and his death was mourned not just by those holding positions of leadership in government and business but, as you say in America, by "the man on the street," who forms the bedrock of our society.

It may be pertinent to note in this regard that an annual public opinion poll conducted by the Public Opinion Research foundation shortly before President Chiang's death showed his approval rating in 1987 at 85 per cent. This was up seven per cent from 1986, reflecting the overwhelming support he received from the citizens of my country for his bold democratization program initiated last year. An 85 per cent approval rating would cause most American politicians to turn green from envy, I suspect, and indicates that Chiang Ching-kuo must have possessed unusual qualities of leadership.

This should come as no surprise. He was schooled in leadership by his father, President Chiang Kai-shek. As the eldest son, Chiang Ching-kuo learned his lessons well and earned the high offices he held. He was elected to the presidency only after more than 40 years of service in various government and party positions, including six years as premier.

It was my personal privilege to know well both President Chiang Kai-shek and our late President Chiang Ching-kuo. I served as President Chiang Kai-shek's secretary for ten years and was privy to many of his meetings with world leaders. I saw first-hand how skilled he was in the art of diplomacy. Likewise, I knew President Chiang Ching-kuo for some 30 years and during his term as premier, I served as his official spokesman. That was a great experience for me, and I shall never forget how President Chiang Ching-kuo instructed me when I assumed my duties.

President Chiang said, "Fred, you are now my spokesman. I know you are a man of integrity and would never say anything which is untrue on your own account. Never think that you have to tell a lie on my account. Always be straightforward and tell the truth, and I will be well-served."

So, I can tell you without reservation that President Chiang was a man of high moral principles and integrity. In short, he said what he meant and he meant what he said. This characteristic, perhaps more than any other, allowed him over the years to inspire confidence and to make an indelible mark on the history of the Republic of China.

But let's not get ahead of ourselves. Let's look back to President Chiang's earlier accomplishments. Then we can appreciate even more the service he rendered his country and the vision he had for the future of the Republic of China.

I said earlier that President Chiang Ching-kuo was a "populist." He was comfortable in the presence of the powerful, but I earnestly believe he was happiest in the company of working people. He moved easily among the people he served and took pleasure in trips to factories and farms and visits with shopkeepers and laborers. He appreciated the contribution they made to creating a modern society on Taiwan and he wanted them to know it. He was determined that policies of the government would result in a continuously higher standard of living for them and greater participation in the processes of government.

He availed himself of every possible opportunity to attain those goals for the Chinese of Taiwan. As chairman of the Vocational Assistance Commission for Retired Servicemen, he understood the needs of those who had served their country on the battle field and had to make the transition to private life. Just as you created special training and employment programs for veterans in the United States, Chiang Ching-kuo did so on Taiwan. We Chinese are known for our extended families and for making sure that relatives are cared for in their old age. But many soldiers had been unable to bring their families with them to Taiwan. In their old age, they found themselves alone. President Chiang made sure they were not forgotten by the country they had served; they were cared for.

And as he understood the peculiar problems of the old, he understood the needs and ambitions of the young. As director for more than 20 years of the China Youth Corps, he knew that China's future depended upon the development of its young people. He had the ability to instill in them his own intense nationalism, his devotion to Dr. Sun Yat-sen, who founded the Republic of China, and his dedication to the principles of democracy and free enterprise which are the foundation for what many call the "miracle" which has happened on Taiwan. He knew that young people had to keep busy. Corps projects and summer camps became outlets for the constructive energy of hundreds of thousands of young Chinese who now hold my country's future in their hands.

Let me pause for a moment to say that the Republic of China would not be the international economic power that it is today without careful planning over the years. Throughout the world, we have seen what has happened when developing countries set out helter-skelter to try to improve their lot. Not only are they not successful, usually they take steps backwards. Economic woes are followed by political woes and, all too often, domestic unrest degenerates into violence, anarchy and bloodshed.

Thanks to the vision of such persons as President Chiang, Taiwan's progress has been planned and orderly. Social and political progress have kept step with economic progress. We are always flattered when scholars hold up Taiwan's experience as an example to other developing countries.

President Chiang had the long view, and that long view is a great part of his legacy. When he became premier in 1972, the country was beginning to understand its potential as a major exporting nation. But it lacked the infrastructure necessary to achieve that goal. Times were not so good then, either. Because of the international oil crisis, the treasury was depleted and the government was operating at a deficit. The future was unsure, and the faint-hearted were arguing for retrenchment. It was in this economic climate that then Premier Chiang Ching-kuo proposed the "10 Major Construction Projects," which, while necessary to establish a viable infrastructure, would require tremendous public expenditures. He was willing to take the risk to insure Taiwan's place in world trade in the decades to come. He prevailed and all China shall be forever grateful, for he laid the foundation—carefully, block-by-block—for the "economic miracle" which was to follow.

Chiang Ching-kuo knew that Taiwan could not be a major manufacturing country unless it could easily move raw materials and finished goods about the island. So he built major highways to keep domestic commerce flowing. Taiwan could not ship its goods to world markets without deep water ports and modern shipping facilities. So he built two new world-class ports. Taiwan could not make the transition from light to heavy industry without the ability to produce a vital raw material—steel. So he launched Taiwan's modern steel industry. Taiwan could not produce goods without energy to turn the factory wheels. So he built new power plants. And Taiwan could not entice foreign investment to the island without a major new international airport. So he built one.

Piece by piece, he put the program together so each project complemented the other and formed a solid foundation for a dynamic export economy. He was not alone in his undertakings. The free Chinese on Taiwan were with him. He called for national sacrifice and the support of all the island's citizens. He got both, and his detractors shook their heads in disbelief as the projects were begun and successfully completed.

But neither he nor the country could afford to rest upon its laurels. Other countries in Asia were making progress also, though not at the same rate. It was clear that Taiwan would not be a leader for long if it were content to remain primarily a producer of labor-intensive products and be a captive of traditional industries.

When Chiang Ching-Kuo took the oath of office for the first time as President in 1978, his work was cut out for him. High-tech was just around the corner. The handwriting was on the wall: any country which could not upgrade its economy would be out of the game. Developing countries would be forced to play in the minor leagues and compete against themselves. Countries such as Japan, Germany and the United States would play in the majors.

President Chiang was not willing to accept minor league status for the ROC. He urged the people on Taiwan to shift toward a technologically-intense economy. We made a conscious decision to cede part of our share of such markets as plastics, textiles, and other inexpensive consumer goods for the opportunity to move with the major industrialized nations into the new age of computers and high-tech. As you know, that has proved to be a wise decision.

The Republic of China on Taiwan is now the fifth largest trading partner of the United States in the world. Last year two-way trade between our countries was $31.2 billion. Building the foundation for a major manufacturing and exporting nation and developing that nation into what is now one of the world's healthiest economies was no small task. It is a legacy that few leaders have ever been privileged to leave with their people.

Today, the signs of prosperity and economic well-being are evident throughout Taiwan. Today per capita income has risen dramatically to about $5000, one of the highest in Asia. A study of the distribution of wealth has showed that the gap between the top and bottom of the income scale has narrowed to one of the best ratios in the world. On Taiwan, the ratio of the average per capita income of the top 20 percent and the bottom 20 percent is an amazing 4.4:1. Another survey showed that a great majority—85 percent—of the people consider themselves "middle class," a sign of economic and social stability. Symbols of affluence and creature comforts—cars, refrigerators, televisions—are common. The fruit of Taiwan's progress has been shared by all its citizens.

President Chiang was never satisfied. The words he had written in his diary on his 70th birthday at the beginning of this decade were always fresh in his mind. He had said then, "Time flies. I know I have done too little to express my gratitude to my father or to fulfill even a small fraction of the expectations of my compatriots." He could not rest until, in his words, "Anything that must be done for the good of the people (has been) done." He still had mountains to climb.

I have mentioned that as premier he spearheaded the "10 Major Construction Projects." They had provided a solid foundation for Taiwan's economic development, but when he became president, he knew, it was time to bolster that foundation. And he felt compelled to look for ways to improve the quality of life of the almost 20 million people of the Republic of China.

Working closely with the country's leadership and highly trained young Chinese professionals—now a mainstay of our development efforts—he proposed a 14-point program designed to insure Taiwan's continued progress and touch every life on the island.

So even in his 70s and in ill-health—he had long suffered from diabetes—President Chiang still possessed great energy and determination. His agenda was that of a man half his age. And remember, too, that at the same time he was having to deal each day with the serious problems resulting from the ROC's trade imbalance with the United States; maintaining a strong defense system to deter the mainland's designs on Taiwan—he was a former minister of defense; and the day-to-day problems of running a government.

But the last chapter still was not written. And it is that chapter which may be most memorable. To paraphrase the words of the American poet Robert Frost, Chiang Ching-kuo still had promises to keep—to his father and his compatriots—and miles to go before he slept.

President Chiang looked about him and saw a prosperous economy. He saw an educated citizenry. He saw hundreds of thousands of persons traveling abroad each year, expanding their horizons and their expectations. He saw a pluralistic society where people were eager to learn more about democracy and the science of self-government. Looking around him, he saw a country that was more secure than at any time since the government relocated on Taiwan in 1949. And he realized that the task before him—perhaps his last major task—was to perfect the country's democratic institutions and insure future generations of free Chinese maximum involvement in their government.

He proposed that the Emergency Decree, which had existed for 38 years, be lifted, removing the last vestiges of "martial law" on Taiwan. In fact, the decree had little effect on the citizens of my country and a survey showed that it was near the bottom of their list of concerns. But the specter of "martial law" continued to be raised in the international community and President Chiang wanted to remove it and settle the matter once and for all.

Opposition candidates had been clamoring for some time for the right to form a party and run a slate of candidates under a single banner rather than running individually as independents against the ruling party. The restrictions on the formation of new political parties were lifted, and the door was opened for a multi-party political system to challenge President Chiang's own KMT. Interestingly enough, when the first elections were over, the KMT still polled about the same percentage it had polled in previous elections (70 percent), giving a vote of confidence to the KMT and its leadership in its first head-on challenge.

Restrictions on newspapers were eased. Already licenses have been granted for the publication of new newspapers, and established newspapers have the right to expand their coverage. An educated population is an inquiring population, and Taiwan's newspapers now will be a greater source of news and opinion. The war of words has begun, for as the English writer, John Milton, said, "Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making."

On Taiwan, we believe, quite sincerely, that democracy must be learned. We have looked to the United States above all others as our teacher in this area just as we have looked to you repeatedly for lessons in free enterprise and market economy. The United States has outstripped every other country in the world in developing democratic instutions and creating prosperity for its people. We are grateful, and our imitation is intended as the most sincere form of flattery.

Last of all, President Chiang tackled the problem of how to make our legislative body more representative of the people on Taiwan without abandoning the Republic of China's claim to represent all China and its ultimate goal of reunification with the mainland. Revitalizing the structure of the national law-making body and admitting new, younger blood has just begun, but it took a bold leader to focus the attention of his countryman on this sensitive problem and, we hope, pave the way for an ultimate solution.

President Chiang Ching-kuo's democratization program, viewed broadly, as I noted, as a "display of courage and confidence in the people to whom he had brought unprecedented prosperity," drew accolades from throughout the world. And the citizens of my country have talked of little else since these dramatic reforms were proposed and, one-by-one, began to become reality.

There is one more important part of President Chiang's legacy which I think I should discuss with you.

For seven decades, members of the Chiang family—first President Chiang Kai-shek and later his son Chiang Ching-kuo—have been prominent figures in both the Koumingtang (Nationalist Party) and the government of the Republic of China. Despite efforts by President Chiang Ching-kuo to dispel speculation, rumors persisted that he would somehow pass the mantle of leadership to another member of the Chiang family. Obviously, some observers did not understand his populist nature. Now, history has proved his sincerity.

Because President Chiang was in ill health for a long while, questions concerning succession constantly arose. He often pointed to the constitution and said firmly that succession would be orderly and in accord therewith. When he died January 13, there was no doubt on Taiwan what would happen. In accord with the constitution adopted in 1946, Vice President Lee Teng-hui, a native of Taiwan province and proven administrator, was sworn in immediately. Government in the Republic of China proceeded without a hitch. President Chiang's insistence that there was no place in Taiwan's modern democratic government for a family dynasty is now an important part of his legacy.

It is important to note that President Lee, who became vice president in 1984, is the first Taiwan-born president of the Republic of China. His succession blunts much of the criticism which opposition leaders have made about the participation of Taiwan-born Chinese in the government of the Republic of China. The truth is that President Chiang worked hard to make the KMT an inclusive, rather than an exclusive, political party. Today more than 80 per cent of the members of the KMT were born on Taiwan and about half of our cabinet ministers. Any person who wants to participate in the party can do so and the height to which he or she can rise depends only on the limits of their own energies, ambitions and abilities.

President Chiang Ching-kuo, shortly before his death, dictated a last testament which was witnessd by several government leaders, including then Vice President Lee. He called upon the people to continue to seek reunification with the mainland, oppose communism and, importantly, to "actively carry constitutional democratic development forward without interruption." Upon assuming the office of president, Dr. Lee Teng-hui called upon the citizens of the Republic of China "to follow without fail the final exhortations of President Chiang . . . with one heart and mind in a united effort." The torch was passed.

President Chiang's leadership will be deeply missed. But, he was a wise man. He knew he would not stay on the scene forever and planned carefully for our future. His legacy actually has two-parts: unprecedented economic progress and democratic reforms he initiated during his life, and the clear path he marked for the Republic of China's democratic development after his death.

One editorialist summed up by stating, "Taiwan, which first showed Third World nations how to use capitalism, free trade and export-led growth to turn a third-world peasant economy into a sophisticated exporter with a flourishing middle class, now appears bent on demonstrating how democratization can be made to follow economic success.[1] In the long run, the extraordinary economic success and the democratic reforms instituted during President Chiang Ching-kuo's last years will be equally treasured by the citizens of the Republic of China.

HUMAN RIGHTS FOR ARMENIANS IN THE SOVIET UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LANTOS. Mr. Speaker, on February 22, nearly 200,000 Armenian citizens of the Soviet Republic of Azerbaijan engaged in a demonstration—an event that is almost unheard of in the Soviet Union. They were protesting the Soviet Government's unwillingness to honor its own constitution and grant them self-determination. At issue is their 83-year forced separation from their fellow Armenians.

Mr. Speaker, I am very sympathetic to the issue that these Armenians are raising. The continuing suffering of Armenians in the Soviet Union is both tragic and unnecessary.

Earlier this month, the Armenian people petitioned the Soviet Central Committee to have their small sector of Azerbaijan—Nagorno-Karabakhskaya—incorporated into neighboring Armenia. The central committee flatly refused their request, fearing further nationalist movements, and moved in Red army tanks to crush public protests to the decision. This week's protests were met without resistance by the Soviet Government, only because of increased press coverage.

The Armenians, like the Ukrainians, Crimean Tartars, Estonians, Lithuanians, and Latvians, cry out to breath freely, without cultural and racial oppression. In 1925, Stalin divided the Armenian population, to consolidate Soviet power over the region. Today, over 60 years later, the Armenian people continue to suffer, long after any threat to Soviet control has passed.

Mr. Speaker, the Soviet Union, before the entire world, signed the 1975 Helsinki accord and ratified the 1948 Universal Declaration of Human Rights and the 1976 International Covenant on Civil and Political Rights. Each and every one of these international documents forbids member nations from coercing its citizenry, and from restricting the free expression of religion and culture. By dividing the Armenian people and placing a significant Armenian population in an Islamic area, the Soviet Union has violated these basic tenents of its own constitution as well as international human rights law.

Mr. Speaker, I call upon my colleagues in Congress to express their outrage with this continuing injustice, and to encourage the Soviet Government to deal more responsively with the demands of the Armenian people in the Soviet Union.

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[1] The Ledger-Star, Norfolk, Virginia, January 5, 1988.

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PROTEST OF ARMENIAN NATIONALISTS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. COELHO. Mr. Speaker, Mikhail Gorbachev's true commitment to his much hailed policies of glasnost, or "openness," and perestroika, or the "restructuring" of Soviet society, is now being put to the test by the citizens of Soviet Armenia. Hundreds of thousands of these Armenian nationalists have taken to the streets in recent weeks to protest their continued separation from their brothers in the Nagorno Karabakh region of the neighboring Soviet republic of Azerbaijan. How Mr. Gorbachev and the Politburo deal with this ethnic dispute may well decide whether the U.S.S.R. is to advance down the path of political and social reform in the future, or turn back to the methods of brutality and coercion that Mr. Gorbachev's predecessors often employed to keep order in the vast Soviet empire.

The region now known as Karabakh is a historic center of Armenian culture, and its population today remains 80 percent ethnic Armenian. Karabakh was annexed by Russia in 1805, but the czars that ruled the country during the 19th century allowed this region to remain semiautonomous. Both the Armenian people and the Azerbaijani people declared their independence from the empire following the Russian Revolution of 1917. The two nationalities fought over which would control Karabakh, though, and the conflict was ended only after the entry of the Red army in 1920. By the terms of the Treaty of Moscow Karabakh became a district of Soviet Azerbaijan rather than Soviet Armenia, in spite of the region's historic ties to Armenia and the overwhelming majority of ethnic Armenians that lived there.

Since then, the regional government of Azerbaijan has carried out a systematic policy of discrimination against the Armenian people in Karabakh, and has encouraged the emigration of ethnic Armenians from the area. In January of this year I wrote to Mr. Gorbachev about this issue, expressing my deep concern about the discriminatory treatment of ethnic Armenians throughout his country. I also asked him to give his personal consideration to the issue of the reunification of Armenia.

Both Azerbaijan and Armenia have been under the tight control of the Soviet central government during the last several decades, but this control has not served to diminish the deep passion stirred in the hearts of the Armenian people by the artificial separation of Nagorno Karabakh from Soviet Armenia. The Armenians that are now engaged in one of the largest demonstrations of popular dissatisfaction in the history of the Soviet Union are not demanding the secession of greater Armenia from the U.S.S.R.; instead, they only want to be reunited with their brothers in Karabakh within the framework of the Soviet State.

The Soviet Union, unlike the United States, is not a melting pot. It is instead a union of more than 100 different ethnic groups speaking some 112 different languages, and many of these groups have a deep history of strife with one another. The Armenian issue is important, then, because it is representative of numerous other ethnic conflicts festering within the Soviet empire. It is clear that the Soviet Government must take steps to cleanse these deep and historic wounds, but it is not clear yet just what steps it will take. Whatever the outcome, it is likely that Mr. Gorbachev's handling of the current crisis will set the stage for how he deals with the future eruptions of ethnic strife that will inevitably occur in this forced confederation composed of competing nationalities.

I call upon Mr. Gorbachev to grant the Armenian people the simple goal that they are seeking—a single, united Armenia within the framework of the Soviet Union. This will be the only real solution to the problem. Any other means of ending the protests that are currently rocking Armenia and Azerbaijan will only put off the final resolution of this problem for the future.

Mr. Speaker, we will be watching the events in Armenia during the coming weeks closely to see whether Mr. Gorbachev is sincere in his proclaimed policies of glasnost and perestroika. He now has a historic opportunity to take steps to peacefully heal one of his country's most serious ethnic wounds. Whether he takes this opportunity or not may well determine if he is the "reformed" Russian leader he claims to be, or if he is just another authoritarian Russian wolf—but in more fashionable sheep's clothing.

A CONGRESSIONAL SALUTE TO 100 YEARS OF ADULT EDUCATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding institution in my community, the Adult Education Department of the Los Angeles Unified School District. On Saturday, March 5, the California Council for Adult Education will celebrate the 100-year anniversary of adult education in Los Angeles.

In 1887, the first night school in Los Angeles was opened, accommodating 30 students who were eager to learn to read and write. In 1896, the program was expanded to include sewing, cooking, and manual arts. In 1930, citizenship and Americanization classes were started to help the flood of immigrants assimilate in the United States. This was followed in 1911 by the organization of the first day classes for foreign women. From this point onward, the school began to be thought of as a "neighborhood adult school" rather than a "night school."

In 1927, the first parent education class was organized. This was an important milestone in the history of adult education. The focus of adult education was no longer literacy and citizenship but a comprehensive program involving all facets of adult life. Vocational training became available, along with employment preparation for the young, and gerontology classes for the elderly. Currently, the two of these classes attract both youthful and mature participants.

Over the years, the adult schools of the Los Angeles Unified School District, whether they were called night schools, evening schools, or night high schools have consistently offered a diverse program for adults seeking to better themselves through continued education. My wife, Lee, joins me in congratulating the people who have toiled to make adult education an institution in Los Angeles. We wish them all the best in the years to come.

A TRIBUTE TO POLICE CHIEF THOMAS F. ADAMS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. SAXTON. Mr. Speaker, I rise today to ask my colleagues in the House to join with me in paying tribute to my constituent, Thomas F. Adams, who is retiring after a long and distinguished career as chief of police of Cinnaminson Township in Burlington County, NJ.

Known more popularly by fellow law enforcement officials and local residents alike as simply "Tommie Adams," he has been a dedicated police officer for 42 years, serving the last 34 years as chief of the Cinnaminson force.

Even more, Tommie has been, and continues to be, far more than a police chief. He has demonstrated a strong sense of community, participating in church functions, charitable groups and lodge organizations, and in countywide organizations formed to serve the needs of the poor, of juveniles, and of civil defense.

Never complacent, Chief Adams has over the years participated in many law enforcement programs, expanded his own training, and trained others. He has also reached into the community, and given numerous addresses on drug abuse at churches, schools, private homes, and before other organizations.

His biography is a most interesting one, revealing that he served in the Army Air Force as a medical corpsman. He served in Guam during World War II. In addition, he participated in a USO show in 1945.

Tommie Adams was hired as a Cinnaminson police officer in 1946. At that time, there was no official police force, and he—and just one other officer—worked 12-hour shifts. They had no uniforms, and used their personal cars to patrol. Nor was there any radio contact, and a local judge would alert them to calls by turning on a porch light.

In 1945, Tommie Adams became Chief Adams, and took on the task of completely organizing the Cinnaminson Police Department. He has been the chief ever since, with the exception of a 3-month stint as a Burlington County detective.

To put it all in perspective, Mr. Speaker, Thomas F. Adams has been an outstanding law enforcement officer, a concerned citizen, and a good neighbor. Tomorrow evening, his

friends, family and colleagues will pay recognition to him at a testimonial dinner being held in his honor.

I am sure my colleagues in the House will want to join with me in congratulating Chief Adams on a job well done, in extending best wishes to him and his family, and, of course, in wishing him a long and well-deserved retirement.

AN EDITORIAL STATEMENT ON THE STATE OF AGRICULTURE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BEREUTER. Mr. Speaker, an editorial in the Lincoln Star of today contains some good news that I would like to share with my colleagues. The editorial uses as an example the 8.3-percent rise in the value of Nebraska agricultural land that was reported by the Federal Reserve Bank of Kansas City for 1987.

The editorial mentions a new optimism spreading through our rural communities. "Rising values are, indeed, a reflection of better times in rural America. Out on the farm these days, there is more of that old time feeling of pride and confidence."

Yes, conditions have improved and continue to improve. But, we must be cognizant of how truly fragile is our enhanced position in the world agricultural markets. The basic programs implementing the 1985 farm bill and a tougher stance on agricultural trade have helped turn the tide.

I commend the following editorial to the attention of my colleagues:

[From the Lincoln Star, Mar. 2, 1988]

AND OUT ON THE FARM

> Well into the category of good news is the 8.3 percent rise in the value of Nebraska agricultural land, as reported by the Federal Reserve Bank of Kansas City for 1987. For the seven-state region of which Nebraska is a part, there was an estimated 5.2 percent rise in values.
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> Rising values are, indeed, a reflection of better times in rural America. Out on many farms these days, there is more of that old time feeling of pride and confidence.
>
> Good prices for wheat and corn and a profitable situation in many cattle operations has given rise to rural optimism. How long has it been, for instance, that the price of grains in the open market equaled or exceeded the federal government price support levels?
>
> A very long time, but such is currently the case at least with wheat and nearly so with corn. Additionally, the federal government has disposed of the great bulk of its grain reserves.
>
> With the depletion of reserves, some 70 million acres of land held out of production and agricultural exports showing renewed strength, all the pressure on prices is upward.
>
> All of that is good news and we hope it continues that way. But caution remains advisable when considering the future of agriculture.
>
> Farming is a volatile business. A production drop due to drought could hurt farmers even as it pushed the price of products still higher.
>
> Billions of dollars continue to flow into agriculture from the federal govenment and a curtailment of those funds could be damaging. Cattle prices would have a hard time keeping up with the price of feed grains if grain shortages developed.
>
> Thus, the measured attitude of reserve bank economist Lynn Gibson is appropriate.
>
> "We think there's room for some optimism—not wild optimism—but I think we've seen the bottom. 1988 may be about the same—nothing wild and crazy—but fairly steady," said Gibson.
>
> None of that means agriculture is out of the woods, but it is quite an improvement over conditions of the past few years.

REPRESENTATIVE MILLER SALUTES DEAN LESHER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MILLER of California. Mr. Speaker, I know that Members of the House will want to join me in saluting Mr. Dean Lesher, the publisher and chairman of the board of Lesher Communications, Inc., on his receipt of the Medal of Freedom tomorrow by the Valley Forge Freedom Foundation.

The foundation is recognizing and saluting Mr. Lesher for his outstanding record of service both to the newspaper industry and to this community through publication of several major daily newspapers.

Several of those newspapers are published in my district, Contra Costa County, and as a result, I have had the good fortune to know Dean Lesher for many years. I'm sure that every Member of this Congress will understand when I say that those years have not been without disagreements over particular issues. But throughout the years, the favorable endorsements and the scathing editorials, I have deeply admired Dean Lesher's vision of the future, and his commitment to the people of our county.

He has been more than a publisher. He has been an ardent advocate of economic development, a promoter of the arts, and a forceful voice for expanded higher education. And I believe those qualities, as well as his record as a publisher and businessman, are responsible for his receiving this tribute from the Valley Forge Foundation.

To Dean Lesher, and to his wife Margaret, I want to extend my own congratulations, and those of the Congress of the United States. I am proud to recognize his innumerable contributions to our community, which has so benefited by his energy, his vision, and his diligence.

EXTENDING THE WAR CHEST AUTHORITY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GARCIA. Mr. Speaker, today, I am introducing a bill to extend the authority for the tied aid credit fund within the U.S. Export-Import Bank for 2 more years. This simple extension would express to the U.S. exporters and their foreign competitors that Congress is firmly in support of U.S. exporters in their efforts to win markets abroad.

Tied aid credits, which combine grants with export financing, is a predatory type of financing commonly used by our major trade competitors to win export markets. The practice has placed U.S. exporters at a significant disadvantage because competition is not only based on quality, technology, and service, which is the responsibility of individual companies, but on the level of government assistance. The problem of competing against subsidized tied aid credits offered by foreign competitors is particularly serious in efforts to win markets in less developed countries, because they logically prefer the concessional financing to be able to buy the foreign goods.

In 1986 Congress established a tied aid credit fund—also known as the war chest—within the U.S. Export-Import Bank to be used aggressively during 1987 and 1988 for the purpose of facilitating the negotiation of a comprehensive international arrangement restricting the use of tied aid for commercial purposes. Last year there was an agreement reached at the Organization for Economic Coordination and Development [OECD] by the industrialized countries that tightened the rules governing tied aid credit. This agreement basically made the practice more expensive by requiring a higher level of grant element in tied aid financing. The first phase of the agreement was implemented last July and the second phase will be implemented later this year.

Despite the agreement, the trend of using tied aid credits by other countries is increasing. Until there is a way to effectively reduce this practice, we must make sure that the U.S. exporters compete on an equal footing with foreign competitors. One way is by extending the war chest authority which expires this year. That is the focus of my bill. The key purpose is to allow us to ensure that the OECD arrangement on tied aid credits will be effectively implemented.

There is no additional budget authority required for this legislation because the funds will come out of the existing authority for direct loans. In addition, I would like to clarify that the funds will be used only if the chairman of the Eximbank certifies that the direct loan authority is no longer needed for direct loans and can be used for tied aid purposes. That means that if the OECD arrangement proves to be effective, the fund does not have to be used. In the meantime, the war chest will be an effective tool in bringing the use of tied aid credit under control. I ask my colleagues to support this legislation.

NEW MEXICO'S ANGEL FIRE SKI RESORT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. RICHARDSON. Mr. Speaker, I would like to take this opportunity to offer my sup-

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port of Mr. Gary Plante, a businessman in northern New Mexico, who last year with his partner, began an ambitious project to expand the Angel Fire Ski Resort into an all-season resort, providing facilities to rival the best in the Nation. As Mr. Plante was quoted as saying in the Albuquerque Journal of February 20, "I don't think I've ever gone into a project without trying to be first at whatever I did."

In this case Mr. Plante will provide a facility that will attract thousands of skiers to New Mexico, and countless others for golf, tennis, and fishing the rest of the year. I congratulate Mr. Plante for his initiative and acumen in utilizing New Mexico's resources as a source for financial productivity, and for building a facility that will also allow visitors a unique view of New Mexico's beauty.

And of course, Mr. Plante's project also promises to offer economic stimulaton to a depressed area. During the past year, the counties surrounding Angel Fire have had a rate of unemployment of approximately 30 percent. Not only will the resort directly alleviate the unemployment problem by providing jobs for local New Mexicans, it will also encourage economic growth in the surrounding communities as a result of increased tourism. As the 5-year project develops, local residents can look forward to a positive economic growth especially in the service industry.

I am pleased to express my support for Mr. Plante and his determined endeavor to renovate Angel Fire. Mr. Plante demonstrates the initiative and spirit that are necessary to utilize the resources on New Mexico, while simultaneously providing for the New Mexican people. He deserves our commendation.

RAISING THE MINIMUM WAGE IS PROFAMILY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. OWENS of New York. Mr. Speaker, in the wake of disturbing increases in the rate of teenage pregnancies and other indicators of distress and instability in young American families, many have been quick to diagnose these problems as a simple failure of personal morality and to prescribe intensified efforts at promoting a greater sense of individual responsibility, values, and self-esteem among our youth as the cure. The message promoted by these efforts is an essential one, but by itself, it tends to ring hollow and even hypocritical because we are doing so very little to provide the economic foundation needed by our youth to build the strong and stable families we hail.

At few other times in our history has it been as difficult as it is today for a young man to start and sustain a family. Since 1973, the average real annual earnings of men aged 20 through 24 have declined by 30 percent; for young black men, the decline in earnings has been a catastrophic 50 percent. Fourteen years ago, 60 percent of our young men were able to earn enough to maintain a three-person family above the poverty line; today, just 42 percent of all young men and 23 percent of young black men are able to do so.

There are many reasons for the growth of poverty among young adults but key among them is the erosion of the real value of the minimum wage. It has been 6 years since the minimum wage was last increased and in that time its purchasing power has plummeted by nearly a third. During the 1960's, a full-time worker earning the minimum wage could support a family of three at or slightly above the poverty line; today a minimum wage worker brings home a paycheck which is only 77 percent of the poverty level income for a small family.

If we are serious about promoting strong and stable families among our young people, it is time to match our profamily rhetoric with profamily action to increase the minimum wage to a level which adequately provides for the needs of American workers and their families. As an original cosponsor of the Minimum Wage Restoration Act (H.R. 1834), I urge my colleagues to join me in supporting this much-needed legislation. H.R. 1834 would increase the minimum wage from its current rate of $3.35 an hour to $3.85 in 1988, $4.25 in 1989, and $4.65 in 1990. Most importantly, in all subsequent years the wage rate would be indexed to 50 percent of the average hourly wage in the private sector, assuring that the needs of workers who depend on the minimum wage will never again be permitted to fall through the cracks.

Under Ronald Reagan, the American economy is rapidly becoming one vast Marshalsea Debtor's Prison straight from Charles Dickens, imprisoning millions of young families, and others who hope to raise families but are unable to do so, in grinding, enervating poverty and despair. Enacting the Minimum Wage Restoration Act is one necessary step we must take to help set those Americans free.

TAX DEDUCTION FOR FAMILY DAY-CARE PROVIDER—CLARIFICATION OF A RECENT IRS PUBLICATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LANTOS. Mr. Speaker, last fall the Employment and Housing Subcommittee, which I chair, held a hearing in San Carlos, CA, to examine the very serious problem working people face in finding affordable, quality child care. My subcommittee was greatly impressed by the testimony of family day-care providers, who are a major resource in this important area.

The Day-care Association of San Mateo County recently called to my attention an Internal Revenue Service [IRS] publication which gave inaccurate information, by reducing the allowable deduction for food consumed by children in family day care. I contacted the IRS and, thanks to the persistent efforts of my subcommittee staff, we discovered that this provision was erroneous. The IRS has issued a correction:

Report of Error In Publication 587, Business Use of Your Home, (Rev. Nov. 87)

Announcement 88-39

Publication 587, Business Use of Your Home, (Rev. Nov. 87), has a note on page 4 under the heading Day-Care Facility that states: "If you provide food for your day-care business, you can deduct as a business expense only 80% of the cost of the food consumed by your day-care recipients and employees. The cost of the food consumed by you or your family is not deductible." The first sentence is incorrect and should read: "If you provide food as part of your day-care business, you can deduct the cost of the food consumed by your day-care recipients, but generally only 80% of the cost of the food consumed by your employees."

Mr. Speaker, I believe that my colleagues will want to join me in sharing this information with their constituents who provide child care in their homes. These socially valuable small businesses should certainly be assisted in fully utilizing all legitimate tax deductions.

HONORING A TRUE CANINE HERO

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. PORTER. Mr. Speaker, although it's often said that "man's best friend is his dog," we usually dismiss this as a tired adage. I would like to note the actions of one very special dog that deserves that praise.

Candy Sangster of Sepulveda, CA, may well owe her life to her dog Jet, a 6-year-old doberman pinscher. As a diabetic, Candy must take regular insulin injections to maintain her body chemistry. In late October 1987, Candy, at home alone with Jet, slipped into a life-threatening diabetic coma. Sensing that something was wrong with her owner, Jet managed to open the Sangster's door and ran outside.

A neighbor, Hazel Lavin, noticed that the usually quiet Jet was running about furiously and barking loudly. Hazel called Candy, and when she received no answer, called a paramedic rescue team. They found Candy in a coma and rushed her to the hospital where she later recovered. Without Jet's action, Candy may well have died.

Jet was recently selected as Ken-L Ration's "Dog Hero of the Year" in a nationwide poll from among five national finalists. Each of those dogs had performed similar acts and are cherished by their owners. Those people would all say that their best friend was there in an emergency, reaffirming that special bond between dog and owner.

This first week in March, the dog-owning public observes "Dog Hero Week," to recognize those special pets that are much more than companions. Canine heroes such as Jet remind everyone that from the smallest poodle to the mighty mastiff, dogs are indeed "man's best friend."

CREATION OF SECOND OPEN SEASON FOR FERS ELECTION—EXTENSION OF EXEMPTION FROM GOVERNMENT PENSION OFFSET

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. PARRIS. Mr. Speaker, today I am introducing legislation relating to the Federal Employees Retirement System [FERS] in an effort to restore a sense of trust and fair dealing to the valued and valuable employees who work for the Federal Government and who have been given an opportunity to take advantage of FERS. My bill would create a second election period for transferring from the Civil Service Retirement System [CSRS] to FERS, beginning July 1, 1988, and ending December 31, 1988, and would extend to December 31, 1988, the termination date for this newly created second FERS election period, the exemption from the Government pension offset—spouse/survivor offset—currently made available under the Omnibus Budget Reconciliation Act of 1987—Public Law 100-203—only through December 31, 1987.

It certainly is no secret that the percentage of Federal employees expected to transfer into FERS was grossly overestimated. The projected transfer figure was 40 percent, while the actual figure appears to be somewhere between 1 and 2 percent. How can this disparity be explained? Very simply, Federal employees chose to shun the new retirement program for two reasons. First, they were waiting for Congress to act on several proposed revisions to the plan that could have had a significant impact upon their election decisions, and, second, they frankly no longer trust their employer, the Federal Government, to provide a new employee benefit that is truly beneficial for them.

The particular provisions awaiting congressional action throughout much of the FERS election period included: First, exemption of the thrift savings plan from the nondiscrimination rule, a rule applied to private sector retirement plans similar to FERS which says that workers earning annual salaries of more than $50,000 can contribute no more than 2 percentage points above the contribution for all lower paid workers in the plan; second, requirement that Federal workers joining FERS must remain under FERS for at least 5 years to escape application of the Government pension offset to their Social Security spouse/survivor benefit; and third, reduction of the number of years of Social Security earnings necessary for Federal, State, and local workers to be exempt from application of the windfall benefit reduction. Congressional action before yearend on the first provision, exemption of the thrift savings plan from the nondiscrimination rule, appeared extremely unlikely until the Senate included the exemption in its version of continuing appropriations legislation for fiscal year 1988 and House conferees later agreed to retain the provision in the final continuing appropriations legislation passed in both Chambers and signed into law by the President—Public Law 100-202. The House Committee on Ways and Means passed its versions of changes to the Government pension offset and windfall benefit reduction in July 1987. Each of these proposed changes, together with earlier versions of the changes, had been regularly reported to Federal employees throughout the FERS election period with admonishments to refrain from making final FERS election decisions until Congress had completed action on the measures, if the results of such action could significantly affect their decisions.

Finally, during the last days of the 1st session of the 100th Congress and just 10 days before the close of the FERS election period, Congress enacted and the President signed into law Public Law 100-202 and Public Law 100-203, two major pieces of legislation that included provisions affecting FERS. The nondiscrimination exemption was included in Public Law 100-202, continuing appropriations legislation, and a revision to the Government pension offset, never previously reported or made public, was included in Public Law 100-203, budget reconciliation legislation. No change to the windfall benefit offset was included in the December 1987 legislation.

When Congress finally got ground to acting on the FERS proposals, the resulting legislation was, at least in part, favorable for Federal employees and well reasoned. Ironically, however, the timing of the action made it virtually impossible for Federal employees to learn of their newly granted options and to take advantage of them, even if they wanted to, before December 31, 1987, the FERS election cutoff date. The proposals were tucked away in extremely complex legislation that was not even available in print for review by congressional staff members and Office of Personnel Management [OPM] staff until well after the December 31 deadline. Many Federal workers had already left their offices for the Christmas holiday when the changes became effective, and those who remained and tried to get concrete information regarding the changes were often frustrated and/or given inaccurate answers because their agencies were themselves just learning of and trying to understand the changes. Publication of the changes through congressional newsletters was for all practical purposes impossible due to the tremendous backlog of mailings faced by the congressional mailroom at the close of the year. In the end, Federal workers had only 7 business days, of which 4 were sandwiched between Christmas and New Years' Day, to learn of the FERS changes, baffling at that point even to OPM and congressional staffers, factor the changes into their retirement benefit analyses, and make the FERS election.

Is it any wonder that our Nation's Federal workers express such distrust in their employer when time after time the rules guiding their retirement options are changed and retirement options are deleted or made so confusing or unattractive that they are no longer of benefit? Compounding the inequity of such change is the fact that the changes are made with no opportunity for thorough study or comment by those affected by the action, no opportunity for Federal employees to work the changes into their retirement plans, and, at least in the case of the recently enacted FERS proposals, no real opportunity to even learn of and take advantage of the changes. The answer is no—it is no wonder that our Nation's Federal workers express such distrust in their employer, the Federal Government; the real wonder is that workers continue to join the Federal Government and that those presently under the Federal payroll continue to stay.

My bill would help to restore some sense of equity and fair dealing to Federal Government retirement benefits, while demonstrating to Federal employees that their employer is ready to stand accountable for its actions and to recognize them for the valuable employees they are. If you believe that the FERS changes enacted into law in the last days of the 1st session of the 100th Congress made good law and were truly intended to benefit Federal workers, then I urge you to support my bill in order to give Federal workers a real opportunity to take advantage of the changes. If, however, you support the notion that the Federal Government is at liberty to make empty promises to its employees, then I, regretfully, will understand that you cannot support this legislation.

CRUZ PONDERS SOLUTIONS TO NICARAGUAN MALAISE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GREEN. Mr. Speaker, the one topic on everyone's mind this week is the situation in Nicaragua. I would like to bring my colleagues' attention to an article in the December 4, 1987, Harvard Law Record which is a report of a speech by Arturo Cruz, former Sandinista and former Contra leader. It is one of the most balanced interpretations of the situation I have read and I am reprinting it here for the benefit of those Members who have not seen it:

CRUZ PONDERS SOLUTIONS TO NICARAGUAN MALAISE

(By Troy Morgan)

On Nov. 19 former Sandinista and former contra leader Arturo Cruz stood behind a podium and a line of tables placed end to end in order to address a crowd of students in the Ames Courtroom. Security officers guarded every entrance and required that bags be checked. In light of the Adolfo Calero incident of October 2, a wave of laughter washed over the audience when Professor Detlev Vagts '51, who introduced Cruz, said that he hoped the discussion would remain "within the bounds of civilized discourse." The speech proceeded without incident.

Cruz stated that after fulfilling the HLS Forum's request to explain why he left the Directorate of Unified Opposition in Nicaragua, he would expound on the "more worthy" subject of the prospect of peace in his homeland. He expressed mild resentment at being the center of attention, since "more than once [he has] played the role of slave in the Roman Circus."

Cruz explained that "Nicaraguan dissidents" like himself "believe in the Revolution," but are opposed to its orientation. "The real struggle is both poles against the

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center—there is a democratic center," he said.

Cruz admitted that at the "end of 1986 the Iran-Contra scandal obviously influenced [his] decision to leave" the contras, but added that it was only a "trigger." He claimed that other considerations, such as his "duty as a Nicaraguan" and as a family man, along with "self guilt" and a "fed up" feeling, were the underlying causes of his departure.

THE POLITICAL SITUATION

Cruz called his 1985 decision to join the Nicaraguan resistance a "mistake," and referred to Barbara Tuchman's *The March of Folly*, in saying that he "decided that [he] had to accept [his] errors." He explained that because the *contras* had "failed to give a political dimension to [their] cause," no one saw them as "freedom fighters," and U.S. policy foundered without domestic support. Nor does Calero favor the *sandinistas*, who, in his judgment, are "a regime based on force" and "guilty of injustice," he said.

Before his decision to leave, Cruz explained, the major faction of the *contras*, the *F.D.N.*, was divided geographically between *somocistas* (followers of the ex-dictator Somosa), *guardias* (national guardsmen) and *campesinos* (country folk), all in the North, as well as *sandinista* dissidents and *guardias* who had rebelled against Somosa in the South.

Cruz claimed to lean toward the South. He said that to the *somocistas*, anyone who believed in the revolution, for instance a *sandinista* dissident, was "a wandering dog." Because the Northern "clique" would not commit to human rights, democratic principles and pluralism, Cruz decided not to "stay in an alliance with those who [were] not [his] friends."

Cruz declared that Costa Rican President Oscar Arias is the "new reality" in the region. The Arias Plan, Cruz said, is not just "another platitude," because it "removes all pretexts for the *sandinistas* not to accept it." According to Cruz, Arias would bring to Nicaraguans the respect for human rights, democratic principles and pluralism that the *sandinistas* have thus far denied them.

RIGHTS VIOLATIONS

In particular, Cruz mentioned three violations of human rights by the *sandinistas*. First, the "right to elect and to be elected" identified in 1984 by the human rights commission of the Organization of American States is violated, he said, when the *sandinistas* put themselves in a superior position during elections.

Second, he accused the *sandinistas* of "injustice" for keeping thousands of former members of the national guard imprisoned, when only one hundred of them might be "murderers and torturers," while the rest were, he asserted, orderlies and privates. Cruz proclaimed, "The shield of protection of the revolution is not war; the shield of protection of the revolution is justice." Third, Cruz accused the *sandinistas* of "recklessly" causing food shortages and other problems that he attributed primarily to the ideological inflexibility of the *sandinistas*. He said that "the first duty of a statesman" is to "protect people," and "we have a *duty* to work for peace."

After the speech, Cruz lamented that it is "hard for the world to believe that the dragon-slayers of 1979 [the *sandinistas*] are now the dragon." He suggested that instead of boycotting the elections of 1984, the opposition should have gone to the assembly "day in and day out," using the elections to denounce violations. They could have protested and then withdrawn from the elections the day before, he said.

Cruz stated that a "cease fire has to be negotiated." He said that "there should not be surrender on either side," but that there is "a distinction between discussing a cease fire and negotiating peace;" the former is done with the people in arms and the latter between leaders within Nicaragua.

Cruz said that the United States should comply with the Arias Plan, even though it is not a party to it, by withdrawing support from the rebels "when it becomes apparent that Arias is working." He added that "Honduras should also comply" by not allowing anything on its territory that the *sandinistas* could label a threat.

Cruz suggested that "nine-tenths of the people in Miami" who he described as pro-contra Cubans who fled from Castro and Nicaraguan emigres who fled from the *sandinistas* are against the Arias Plan, along with the "bourgeoisie of Managua." In the rural areas, people "probably don't know what the Arias Plan is," he said, but "sophisticated Nicaraguans" support it.

Cruz addressed two arguments commonly invoked against the Arias Plan: that only force will work on the *sandinistas*, and that with the contras there is hope, but without them there is no hope. To the first he replied that before one can use force effectively, one must "earn political legitimacy." Cruz said that the "*sandinistas* should have been left alone," that there "never should have been an insurgency," because the result has only been to weaken the "moral authority" of the opposition.

In reference to the second argument, Cruz asserted that "we must reexamine that reasoning." Arias, he said, is "the way to bring peace and democracy" to Nicaragua, but "[we must] be sincere" and show that "[we are] not just out to taunt the *sandinistas*."

FISK UNIVERSITY: AN UPDATE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. CLEMENT. Mr. Speaker, Fisk University is an invaluable member of Nashville's education community. Yet, only a few years ago Fisk faced such financial difficulties that its continued existence was doubtful.

Led by Fisk University president Henry Ponder, the university began an aggressive cost-cutting and fundraising effort. Today, Fisk is in considerably better financial health. While much work lies ahead, I want to congratulate all of Fisk's students, administrative and academic staff, alumni, and friends for their efforts to assure the future success of this fine institution.

An article in the New York Times describes Fisk's efforts in greater detail and I commend it to my colleagues.

[From the New York Times, Mar. 1, 1988]

FOUR YEARS AFTER CRISIS, FISK UNIVERSITY THRIVES

NASHVILLE, February 29.—Enrollment is up and the debt is down at Fisk University, where only a few years ago students shivered in unheated dormitories because the historically black private institution could not pay its gas bill.

When the Nashville Gas Company cut off service in early 1984 until Fisk paid a $170,000 debt, students brought space heaters to class and joined with faculty and staff members to raise funds to insure the university's survival. The overall debt mounted to $4.1 million, but classes continued.

Henry Ponder, appointed Fisk's president in July 1984, led the school on a course of austerity programs and aggressive fund-raising.

When Mr. Ponder was told, for example, that boiler repairs would cost $350,000, he found an alumnus, a maintenance expert, who did it for $60,000.

"HELP IS STILL NEEDED"

Mr. Ponder acknowledged that things are better at Fisk, but he added, "You have to get the public to understand that help is still needed to get the resources to move this institution to the forefront of educational institutions in this country."

"I don't say that lightly," the educator said. "That's where we've been, and we will get back." Mr. Ponder said the school did not lower its academic standards when it was in financial trouble.

Today, debt at Fisk has been reduced to $200,000 and its endowment has reached $3.9 million. An unrestricted gift of $1.3 million by Bill Cosby, the entertainer, in December 1986 was a big help. Officials say they have received substantial grass-roots support, too.

The turnaround has not been free of problems. Three of the university's 23 trustees announced last week that they would resign at the end of the school year. One trustee said the resignations were related to the accountability of those charged with day-to-day administration. Fisk's financial aid director and assistant director were dismissed in December for allegedly failing to fill out forms to receive financial aid.

SALARIES UP SHARPLY

Faculty salaries have increased 30 percent over the last three years, to an average of $32,000 for a tenured professor, although that is still below the $35,000 to $40,000 Mr. Ponder said is appropriate.

Aggressive recruiting of students brought enrollment, which dipped to 500 at one point, up to 644 students this semester, an increase of 27 percent over the 1987 spring semester, said Harrison DeShields, director of the office of admissions and records.

Bryon Cobb, a student from Huntsville, Tex., said Fisk's role in black history in America was important to him.

"Fisk introduced the black spiritual to the world; it was active in the civil rights movement; W.E.B. DuBois went to college here," Mr. Cobb said.

The financial crisis at the school had some positive benefits for the Fisk community, said Roland Hayes Robinson, now a graduate student.

"The student body handled the crisis well," Mr. Robinson said. "It united us. We were able to confront a problem and come through it."

The university, founded in 1867 by the Freedmen's Bureau, is no stranger to struggle. The campus was purchased with $150,000 raised by the college's Jubilee Singers during a European tour in the 1870's.

The earnings of the singers, whose tours still bring $60,000 a year to Fisk, also paid for building Jubilee Hall, whose exterior was recently restored with a $150,000 Federal grant.

James Weldon Johnson, a poet who was a diplomat and an early organizer of the National Association for the Advancement of Colored People, was a professor at Fisk in the early 1930's. W.E.B. DuBois, a philosopher and writer who graduated from Fisk in 1888, also helped found the N.A.A.C.P. and was the first black to earn a doctorate from Harvard.

"I think students are attracted here because it has the reputation of a good community," Mr. Ponder said. "When they get here, they find out we have a dynamic science faculty, and many of our students go to medical and dental schools."

Revais Mitchell, executive assistant to the president and a history professor, said Fisk's financial problems mirrored those of other liberal arts college, but were worse.

"In the 1960's and 1970's the philosophy of supporting a liberal arts education dried up, and the interest shifted to business degrees," Mr. Mitchell said.

NEW ADVANCES IN COMPUTER TECHNOLOGY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. ACKERMAN. Mr. Speaker, Mr. Speaker, I rise to take this opportunity to acquaint my colleagues with a breakthrough in computer information technology which has a significant bearing on certain issues of concern to each of us in this Chamber.

It is the story I read recently in Barron's Weekly about a young innovative computer software company and what it is doing to help resolve some of our major national problems.

Mr. Speaker, as I was reading the intriguing story of this nearby Arlington, VA, company, IDMI—Information Design and Management Inc., a subsidiary of Classic Capital Corp. of New York, I could not help but reflect on how much the technology achievements of a small private sector enterprise can contribute to certain of the goals we seek here in the Congress.

I refer in particular to the effort to eliminate waste in Government procurement, especially in the military, and to the search for answers to the ever-growing AIDS crises. Both of these issues have been addressed by IDMI—and the results are proving to be remarkable.

IDMI has developed an information technology system known as PM-2000 which enables program managers to track and report administrative, logistical, and budgetary data. This system fulfills a tremendous and unserved need for program management information and controls throughout the Government, including materials acquisition and logistics operations worldwide.

Mr. Speaker, we are only too familiar with the startling revelations of the outrageous costs of such items as ashtrays, toilet seats, nuts, bolts, tools, et cetera, et cetera—not to mention the immeasurable waste of millions in military hardware procurement.

These exposures have called for a strong demand to tighten on-going oversight of the purchasing process. PM-2000 is designed to assist in this effort through its extensive system of automated management and controls. It is anticipated that this newly developed information technology will go a long way in helping to resolve this long-overdue need. Unquestionably, the end result will be vast improvement in efficiency and a significant savings of taxpayer dollars.

I should point out that the U.S. Navy is currently utilizing the PM-2000 program and the system is under review by the Army and Air Force for application to their program management requirements.

Now, Mr. Speaker, I want to cite another timely example of IDMI's diversity of software technology as described in Barron's. I refer to the company's development of an automated system especially designed to speed up the development and approval of new drugs for the treatment of AIDS victims.

This system, known as ADTS—AIDS Data Tracking System—is designed for use by pharmaceutical firms to facilitate new drug development and provide the information tools to hasten FDA approval to get breakthrough drugs to the market under the FDA's recently implemented approval-process policy.

Mr. Speaker, we are all aware of the long and tedious process heretofore required for FDA approval of new drugs for testing and treating. Commendably, last June, the FDA and the NIH, responding to public and congressional demands to accelerate drug availability for AIDS patients, adopted a new policy known as the "treatment Investigational New Drug" process. This policy requires extensive tracking of patient data and detailed reporting by the drug company. In turn, IDMI took the initiative and developed its ADTS program to help expedite this new policy.

The information contained in this IDMI system is based on the data-tracking of thousands of AIDS patients and the monitoring of various bio-medical criteria in many cases on a daily basis.

It is significant to note that IDMI's ADTS system is the first and only system utilized in gaining FDA's recent clearance for the only approved prescription drug currently available for AIDS victims.

Burroughs-Wellcome used IDMI's ADTS program to help obtain approval to administer and test nationwide the drug AZT. And now, under the FDA's investigational new drug policy, with implementation by such automated tracking information, the way is open for wider AIDS drug development and quicker determination of availability.

I understand further that the new FDA treatment IND program also applies to non-AIDS-related drugs being developed to test and treat other life-threatening diseases such as cancer, Alzheimer's and multiple sclerosis among others included in the FDA's treatment IND policy.

To accelerate progress in the required processes to bring these vitally sought drugs as quickly as possible to the gravely ill, IDMI has designed, and is further developing, other data-based tracking systems, similar to ADTS, to provide the necessary information specified by the new policy.

Mr. Speaker, I feel a special commendation is due IDMI for concentrating its computer softwear expertise and advanced information technology on such issues of national concern as those I have described here today. This company has set an example of what private sector partnership with the Government is all about.

CHINESE GULAG

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. EDWARDS of California. Mr. Speaker, upholding basic human rights should always be a central theme to this country's foreign and domestic policies, and in fact, is a clearly stated objective of the foreign policy of the United States (Public Law 100-204, section 1245).

With this in mind, I would like to refer my colleagues to a February 21, 1988, Los Angeles Times editorial entitled "Chinese Gulag." This editorial references the recently released report by Asia Watch on the human rights situation in Tibet. This report outlines the continued human rights violations against Tibetans in their own country as well as the disparity of economic, educational and religious opportunities available to Tibetans as compared to Chinese immigrants residing in Tibet.

As stated in Asia Watch's report, there are a number of internationally accepted standards of human rights that are knowingly violated by the authorities in Tibet. "These include such provisions of the Universal Declaration of Human Rights, such as freedom from torture or cruel and inhuman punishment—article 5; freedom from arbitrary arrest—article 9; freedom of thought, conscience and religion—article 18; freedom of opinion and expression—article 19; And freedom of assembly—article 20."

Violations of internationally accepted standards of human rights bears evidence to the fact that the current human rights situation in Tibet is of global concern. All nations need to recognize that the issue of human rights extends beyond national borders and must be addressed by all people.

I urge you to take the time to read the Los Angeles Times editorial, and the report by Asia Watch and help to ensure the people of Tibet have their human and civil rights restored.

The editorial follows:

[From the Los Angeles Times, Feb. 21, 1988]

CHINESE GULAG

For a decade the Chinese government has insisted that there are no political prisoners in China, that unlawful arrests and midnight interrogations and torture ended with the Cultural Revolution in 1976. That position was never credible: Chinese jails and prison camps may not be as crowded as they once were, but anyone who challenges the supremacy of the Communist Party or speaks too candidly to a foreigner is likely to be branded a counterrevolutionary and shipped off to prison, often without even a perfunctory trial.

The exact dimensions of the Chinese *gulag* have been impossible to measure, however. China's extreme secrecy has made it hard for journalists to penetrate the system, and most foreign governments, including the United States, have been so eager to woo Chinese trade and strategic support that they have been reluctant to raise human-rights issues. It has been easier to accept China's contention that widespread abuses were a thing of the past.

But a disquieting new study by Asia Watch offers proof that in Tibet, the most troubled corner of its kingdom, China still engages in "systematic human-rights abuses." With chilling documentation, Asia Watch charges that the Chinese authorities in Tibet maintain a close surveillance of the entire population, discriminate against Tibetans in housing and education, brutally repress all political dissent, make arbitrary arrests and run prisons where "torture is part of the . . . routine." Former prisoners have told Asia Watch that jailers usually use cattle prods on anyone who resists during "struggle sessions."

To be sure, Tibet's 2 million people have been a thorn in China's side ever since they rebelled against Beijing's rule in 1959. The People's Liberation Army quickly put down the rebellion, but the Chinese Communist Party remains so sensitive about Tibetans' continuing loyalty to the exiled Dalai Lama, the political and spiritual leader who fled to India just ahead of the liberation army, that even owning the traditional Tibetan flag is cause for arrest. Tibet's best-known dissident, Geshe Lobsang Wangchuk, had been imprisoned almost continuously since 1982 for daring to write about the years in which Tibet was independent; blind and often tortured, he died in captivity in December, Asia Watch says.

China succeeded in shielding what happens in Tibet from the rest of the world until last Oct. 1, when Lhasa police officers fired on unarmed Buddhist monks and other demonstrators who chanted independence slogans and attacked a police station to free political prisoners; China acknowledged six deaths in the incident, though Western observers reported 14 dead. The Chinese promptly banned foreign journalists and most tourists from Tibet in an attempt to throw a veil around the region once again.

Both houses of Congress have denounced human-rights violations in Tibet, but the Reagan Administration's response has been characteristically limp. First it applauded China's efforts to restore order in Tibet, then it criticized the killings and in recent months has fallen silent again despite reports of continuing arrests. That silence is disturbing in an Administration so firmly committed to self-determination for the people of Central America. The danger is that, unless the Administration takes some concrete step like linking trade and improved bilateral relations with China to progress on human rights, the United States will lose whatever chance it has to affect events in Tibet. One may disagree with Tibetan dissidents' demands for independence, as the United States does, and yet firmly believe that they should not be tortured for expressing them.

IMPROVING ENERGY MANAGEMENT IN FEDERAL BUILDINGS

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. SHARP. Mr. Speaker, today I am introducing the Federal Energy Management Improvement Act, which I am jointly sponsoring with several of my colleagues. This bill will strengthen the Government's efforts to reduce energy use in its own buildings and facilities.

Reducing the Government's energy use will have several benefits. First, it will reduce Government spending and we all know how important it is to keep expenditures down in this time of large budget deficits. Second, any energy saved will help reduce our dependence on foreign imports. Third, by vigorously pursuing energy conservation, the Federal Government provides leadership to the rest of the country. Such efforts not only send the message that "This is still important!" but also provide a good example to private sector firms and State and local governments.

The energy used in Federal buildings is not trivial. In 1986, the last year for which figures are available, the Government spent $3.3 billion on energy for its roughly 500,000 buildings and facilities. The energy used by those buildings was the equivalent of 120 million barrels of oil.

The concepts embodied in this bill are simple. The bill sets minimum goals for agencies to reduce their energy use by 1995. It also authorizes a modest study of a representative sample of Federal buildings to determine the maximum potential energy savings that can be obtained. Finally, the bill provides an economic incentive to agencies to encourage them to go beyond the minimum goals toward the maximum potential.

HISTORY OF ENERGY CONSERVATION GOALS IN FEDERAL BUILDINGS

A little history is needed to demonstrate the need for the goals in this bill. In 1976 the President issued Executive Order No. 11912, which set a goal for agencies to reduce their energy use. That goal was a 20-percent reduction of energy used per square foot of building floor space between the years 1975 and 1985.

By 1985 the Federal Government, on average, had done a good job by cutting its energy use 16.6 percent, on a per-square-foot basis, compared to 1975. Some agencies exceeded the 20-percent target, while some fell short.

The 10-year goal which expired at the end of 1985 was not renewed. Consequently, there is currently no overall goal or directive to agencies telling them they should continue to conserve energy.

In 1986, energy use per square foot of building space was up 2.8 percent over 1985. Figures are not yet available for 1987, but the expectation is that they will be up over the 1986 levels. In other words, the progress the agencies made from 1975 to 1985 is now being eroded. We need to let these agencies know that Congress wants to see progress, not backsliding.

Hence the need for this modest goal of an additional 10-percent savings by the year 1995.

STUDY OF MAXIMUM ENERGY EFFICIENCY POTENTIAL

It is not good enough just to set minimum goals for agencies. Minimum goals often have a way of becoming maximum ceilings. Therefore this bill authorizes a study of a representative sample of Federal buildings, of different types in different climates, to determine the maximum, cost-effective level of energy savings that can be achieved. The study would be carried out by employees of DOE's national laboratories who have expertise in energy conservation and building systems technology.

This is to show Federal building managers that it is possible to go well beyond the minimum 10-percent goal, in buildings similar to the ones they manage. Many building professionals believe that savings on the order of 20 to 30 percent are practical and cost-effective just by applying existing technologies to existing buildings.

The more agencies are willing to go beyond the minimum, the more the Government will save. The $250,000 authorized for this study should be a very good investment indeed.

INCENTIVES FOR ENERGY SAVINGS

The incentives section of this bill allows agencies to keep some of the savings that result from energy conservation measures. They can then use the savings for additional investments in conservation to help them achieve their goal or for other purposes authorized by the Congress for their agency.

THE ROLE OF PERFORMANCE CONTRACTING

A common excuse for not undertaking conservation programs is that money is not available in capital budgets to make the needed improvements, even if the investment would more than pay for itself over the next few years. One way to deal with that problem is through the use of private capital and performance contracting.

Performance contracting is a method whereby private firms survey a building, make recommendations on energy saving measures and install the measures at little or no cost to the "host" building owner. The contractor gets paid back from a portion of the energy savings that result. While there are many different ways to set up performance contracts, typically the building owner starts saving money from the first month, rather than having to wait a number of years or months for the payback to occur.

Many private building owners have taken advantage of these arrangements as a relatively easy way to get control of their energy costs and generate a positive cash-flow immediately. A number of State and local governments have taken the lead in this area. They see it as a way to reduce their energy use without having to resort to increased capital budgets.

Congress gave Federal agencies the authority to enter into performance contracts in the Consolidated Omnibus Budget Reconciliation Act of 1985, but agencies have been slow to take advantage of this opportunity. Two years later, the Postal Service has entered into one limited performance contract and no other agency has done so.

Performance contracting is an excellent tool to help agencies achieve the goal set out in this bill. The goals, incentives and the study of maximum potential contained in this bill should help agencies overcome their timidity in exploring this option.

SUMMATION

In closing, Mr. Speaker, I would like to add a final thought. As a nation our energy problems are not as bad as they used to be, but they have not disappeared either. Energy prices are down, to a great extent because of how much energy has been saved by using it

more efficiently. But, now is not the time to forget where we have been.

This bill is good energy policy. More importantly, it is sound fiscal policy. I urge its swift consideration and passage.

ALLEGATIONS OF DRUG TRAFFICKING WITHIN HONDURAN ARMED FORCES

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DONALD E. LUKENS. Mr. Speaker, allegations have been made that the Honduran Armed Forces are connected with drug trafficking. The New York Times recently reported that "senior Honduran Army officers * * * are setting up major drug operations in Honduras." (February 12, 1988).

A February 18, 1988, New York Times article reported about the State Department's response to these allegations, State "praised the Honduran Government and armed forces for demonstrating their opposition to drug trafficking. * * *"

I would like to bring to the attention of my colleagues press guidance text from the State Department. It sends a clear message that the Honduran Armed Forces have "demonstrated both through public statements and their actions their opposition to drug trafficking."

FEBRUARY 16, 1988.

HONDURAS: REQUESTS FOR DEA OFFICE

Q. Does the Department have any comment on allegations that the U.S. Embassy in Tegucigalpa may have prevented investigation of drug trafficking in Honduras by other USG agencies?

A. The allegations are not correct. In fact, in 1987, Honduran authorities—including the highest levels of the armed forces leadership—informed us that they were becoming increasingly concerned about drug trafficking in Honduras and sought U.S. assistance in contending with this problem. From that point, both the Department of State and the Government of Honduras sought the establishment of a DEA office in Honduras.

We expect that a DEA office will be operating in Honduras within weeks.

In the interim, DEA officials have been working in Honduras on temporary duty for the past several months until their office is established and fully operational.

FEBRUARY 12, 1988.

HONDURAS: DRUG TRAFFICKING

Q: Has the U.S. Embassy protected traffickers in the Honduran Armed Forces by preventing investigation of their narcotics activities?

A: No. To the contrary, the U.S. Embassy and the State Department have urged the Drug Enforcement Administration to reopen an office in Honduras. The government of Honduras joined in that request. DEA has provided temporary duty personnel since November and is scheduled to open a permanent office in Tegucigalpa this month.

Q: Does that mean the Department and the Honduran Government have suspicions about the Honduran Armed Forces?

A: The Department and many Honduran officials—including the senior leadership of the armed forces—became seriously concerned about the possibility of significantly increased drug trafficking when Juan Ramon Matta Ballesteros returned to Honduras from Colombia. We believe he (is attempting to) created a drug trafficking network in Honduras, undoubtedly with the cooperation of some corrupt officials. However, we do not believe that such corruption has yet become pervasive. We anticipate that the new DEA office in Honduras will be able to substantially improve anti-trafficking cooperation with the Honduran Government.

The Honduran Government and armed forces have demonstrated both through public statements and their actions their opposition to drug trafficking. Much remains to be done, however, to raise Honduran technical means to match the threat.

THE SCALES OF ANTICOMMUNISM

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mrs. SCHROEDER. Mr. Speaker, justice is blind but anticommunism shouldn't be. I commend to my colleagues a thoughtful commentary on the scales of anticommunism.

[From the Rocky Mountain News, Feb. 13, 1988]

THE DRUG OF ANTI-COMMUNISM

The U.S. indictment of Panama's military strongman, Gen. Manuel Antonio Noriega, on drug and racketeering charges puts a fine focus on the Reagan administration's policy in Latin America:

The United States will deal with any dictator or despot—even knowing of his deviltries—if the Reagan White House believes him to be an anti-communist.

In Noriega's case, there were obviously strong suspicions he was, at best, only a part-time anti-communist, exchanging favors and information with Cuba's Fidel Castro. But top officials of the Reagan administration maintained cordial contact with Noriega, ignoring both the criminal odor and the Castro contacts.

Those Reaganites, it's now said, included such powerful men as William J. Casey, who until his death last year served as President Reagan's director of the CIA.

In the mindless implementation of Reagan's anti-communist policy—which since 1981 has targeted the Sandinista government of Nicaragua—the administration could ignore years of warnings and evidence that Noriega was not just a brutish lout who since 1983 ruled over a puppet civilian government, but was actually a thief of enormous audacity.

A lengthening list of witnesses inside and outside the Reagan government are now saying that while efforts were made at the White House level to persuade Noriega to take an active military role in Reagan's crusade to unseat the Sandinistas, it was known—or ought to have been known—at the same levels that Noriega was aiding and profiting off huge illicit drug transfers into the United States.

But even in the years of accumulating information that Noriega was involved in the lethal deliveries of drugs into this country, the president and his aides chose to warn, instead, of the imaginary capture of all of Central America by the Nicaraguan Sandinistas.

That Reagan and his chief aides would indulge Noriega's suspected criminality to cultivate his on-and-off anti-communism displays not just the blindness of the administration's policy but its bankruptcy.

Revelations concerning Noriega and the prior knowledge of his activities among some in the Reagan administration also serves—if anyone in the White House has the wit to see it—as an insult to the president's wife. Nancy Reagan has done her goodhearted best to turn young people away from the temptations of drug use, while aides close to her husband were aware of reports of Noriega's activities to harm the very children the president's wife sought to protect.

The federal indictment of Noriega presumably signals the White House disenchantment with the thuggery of the Panamanian dictator. But it also presents new cause to wonder at a Reagan Latin-American policy that separates good guys from bad guys only on a test of anti-communism until—as in Noriega's case—the criminality became notorious on an international scale.

Just as Americans have been damaged by the drug trafficking that Noriega is said to have encouraged while the Reagan administration blinked, Americans have as surely been damaged by lies and untold truths that have been wrapped into the Reagan policy in Latin America.

It has not been a wise anti-communism calculated to block Marxist expansionism and win commitment to those democratic principles the president has espoused.

It is fanatical, senseless anti-communism whose function has been to open the nation to ridicule and hatred every time the foolishness is exposed.

THE INSPECTOR GENERAL ACT AMENDMENTS OF 1988

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BROOKS. Mr. Speaker, I am introducing today the Inspector General Act Amendments of 1988. By all counts the Inspector General Act of 1978 has been a resounding success. It is now time to further that success story, by extending the provisions of the Inspector General Act of 1978 to other major departments and agencies of the Government that stand to benefit greatly from improved internal audit and investigations.

My bill would establish Offices of Inspector General, with the full authorities, duties, responsibilities, and protections provided by the Inspector General Act of 1978, in the Departments of Justice and Treasury, and in the Federal Emergency Management Agency. In addition, it would strengthen existing audit and investigative offices in agencies without statutory inspectors general by consolidating those offices in each agency, requiring that they report to the head of the agency and to the Congress, and giving that office the same duties and authorities as are provided to the statutorily established inspectors general.

In addition, my bill would provide greater independence to the heads of these audit and investigative offices by, (1) requiring that the agency head report to the Congress the reason for any removal or transfer of them and, (2) prohibiting the agency head from stopping or interrupting any planned or ongoing audit or investigative activity.

Mr. Speaker, this is exactly the same bill that I introduced and the House passed in the 99th Congress. The Senate acted on an amended version of that bill only in the waning hours of the 99th Congress, leaving no time to go to conference on the differences in the two measures. The issues are still the same. According to the President's 1989 budget submission, the Departments of Treasury and Justice, together with FEMA, employ over 200,000 people and have a budget authority of over $18 billion. The smaller agencies that are covered by this bill together employ over 60,000 people and have a budget authority of over $65 billion. Yet the audit and investigative groups in these offices are still unconsolidated and largely uncoordinated; and most of them report to and receive direction and control from officials lower than the head of the department or agency.

Other provisions of my bill would authorize inspector general personnel to administer oaths, provide uniform salary levels for statutorily-established inspectors general, and assure more uniform reporting of audit results in order to eliminate the reporting of inconsistent data and inflated claims of savings that have misled the American public in the past.

Mr. Speaker, the passage of this bill will improve Government accountability and congressional oversight of Government activities. I hope it will have the support of every Member.

THE MEGACITIES PROJECT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GREEN. Mr. Speaker, I want to bring to the attention of my colleagues the megacities project, based at the Urban Research Center of New York City. This project is addressing the opportunity presented by and the problems brought on by the remarkable growth of cities around the world. Dr. Janice Pearlman, senior research scientist at the center, characterizes this project as a strategy "to accelerate the generation of effective social and technological innovation" will concentrate on 10 of the most populous cities in the world, megacities with populations of over 10 million by the year 2000.

Projections indicate that by the year 2000 there will be 23 such cities, most of them in Asia and Latin America. New York City and Los Angeles are the only two in the United States, and London and Moscow are the only two in Europe. As Dr. Pearlman says: "the world is becoming predominantly urban * * * and the locus of growth is shifting from the developed to the developing countries," yet 90 percent of all international development assistance is directed toward rural areas—the areas which people are leaving.

The people who are coming to cities throughout the world are looking for a better life, a way of life with opportunities which they have been unable to find in the rural areas from which they come. Yet, the current systems for providing housing, jobs, and services are often inadequate and city budgets are, in many instances, stretched to the breaking point. Innovative approaches must be found to make the best use of currently underutilized human and natural resources.

Yet there are opportunities to be found in the midst of these difficulties and Dr. Pearlman, through the megacities project, is in search of them. Happily, it is a search for which she is well qualified. In 1977, Dr. Pearlman's book on favela life in Rio de Janiero won the C. Wright Mills award for the most outstanding social policy book of the year. "The Myth of Marginality: Urban Politics and Poverty in Rio de Janiero," studies the remarkable growth of Rio de Janiero and offers the conclusion that the hope for the city's future lies with ambitious and hard-working squatters who left the countryside to find a better life for themselves.

Mr. Speaker, I know my colleagues will agree with me that in order to live together well in this world, we must solve the problems in our cities and the only way we can solve them is to work together—to communicate to each other our ideas for and successes in finding answers. This communication must be across borders, a form of communication that great megacities such as my city of New York have always encouraged. I know my colleagues will join me in wishing Dr. Pearlman good luck, and we shall all look forward to the results of her work.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MAZZOLI. Mr. Speaker, for the past several years, I have participated in the Congressional Call to Conscience Vigil in an attempt to draw attention to the plight of Soviet Jews and other prisoners of conscience who are seeking freedom and emigration from the Soviet Union. This is a specially worthy effort to draw the world's attention to the plight of those who are still in the gulags and behind the Iron Curtain yearning to be free.

As chairman of the Subcommittee on Immigration, Refugees and International Law, I have closely followed the emigration of Soviet Jews to the United States and Israel. And, each year as a consultative member on the President's Refugee Admissions Program, great attention is paid to assuring that numbers of admissions and funding for the resettlement of Soviet Jews are forthcoming.

Several years ago I had the opportunity to consult with the voluntary agencies in Vienna with regard to assuring that the Soviet Jews transmitting through Austria are given the opportunity to exercise the freedom of choice either to go to Israel or to the United States.

In Rome, I observed the meticulous care given by Italy to the transmitting of Soviet Jews, and especially, the hospitality of the Italian Government over the years in allowing these refugees to complete their processing with a minimum of interference.

Despite these efforts, and those of Members of Congress and concerned American citizens in recent years, there still is room for considerable improvement in Soviet emigration policy toward its Jewish citizens.

Soviet Jewish emigration reached a peak of about 51,000 in 1979, when Soviet officials placed more stringent restrictions on emigration. In 1986, fewer than 1,000 were allowed to emigrate. And, while the number exceeded 8,000 in 1987 for the first time since 1979, it is still appallingly low.

This year I would again like to bring to the attention of my colleagues the plight of the Yakov Beilin family. Yakov Beilin is a forestry technician who lives in a small Jewish community in Tula. Most of his family, eight aunts and uncles who previously lived in Vilna, were exterminated with their young children during World War II.

In 1973, Beilin's father died after a long illness. Before he died, his last stated wish was that his family move to Israel where his only sister resided. This request the widow Beilin decided to fulfill.

Yakov Beilin's mother was granted permission to emigrate to Israel, but Yakov Beilin, his wife and two children were refused. Despite her age and fragility, Yakov Beilin's mother decided to make the move.

His mother remains most distressed by being separated from her family. She writes:

> I have but one desire. I beg you to help me bring my son and his family to Israel. The few years that I have left to live, I would like to spend together with him.

As one of many concerned Members participating in this year's vigil, I hope the Soviet Union will exhibit respect for basic human rights and privileges, as guaranteed under the Soviet Constitution and the Helsinki Accords, and reunite the Beilin family and other Soviet families in similar circumstances.

Mr. Speaker, it has often been said that the flow of immigration from the Soviet Union depends on the status of our government's relationship with each other. We are now experiencing a period of comparatively better relations.

In this regard, we must make sure that we can meet our part of the bargain by assuring that our admission numbers and financing are adequate to receive those fortunate persons who succeed in obtaining exit visas.

INTRODUCTION OF BILL TO PROHIBIT RAILROAD EMPLOYEES FROM LEAVING THEIR POST IN THE EVENT OF A TRAIN ACCIDENT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. WELDON. Mr. Speaker, as a frequent rail traveler, I was alarmed to learn that there is no Federal law prohibiting railroad employees from leaving the scene of a train accident.

On January 29 of this year, an Amtrak employee fled his post as a control tower operator after an Amtrak train slammed into a work vehicle injuring 25 passengers. The employee in question could not be interviewed by investigators until 3 days after the accident. He later admitted to having caused the accident by failing to take the train off a stretch of track undergoing maintenance. This incident occurred just outside of my district on the same trains and track that I and many of our colleagues use to travel back and forth between our districts.

That is why I am introducing today legislation to prohibit certain railroad employees from leaving their post in the event of a train accident. Specifically, my legislation prohibits any railroad employee who may have caused or contributed to the occurrence of a rail accident from leaving the scene of the accident without proper authorization. This legislation also provides for a prison term of up to 3 years and a fine of up to $250,000 if convicted of violating this act.

Mr. Speaker, the safety of rail passengers and workers everywhere is at stake here. I urge my colleagues to support this legislation and take prompt action to ensure its passage.

THE ARCHAEOLOGICAL RESOURCE PROTECTION ACT AMENDMENTS OF 1988

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. UDALL. Mr. Speaker, today my colleague from Connecticut [Mr. GEJDENSON,] has introduced the Archaeological Resource Protection Act Amendments of 1988. I am pleased to be a cosponsor of this bill.

The desecration and looting of ancient Indian ruins on public and Indian lands seriously threaten the loss of historical data which present and future generations may use to understand and appreciate our forbearers. Once this valuable information is lost, it is lost forever. The original Archaeological Resource Protection Act [ARPA] passed by Congress in 1979 began the long process of protecting these irreplaceable artifacts. Experience over the last 8 years has made it apparent that a few changes in ARPA would help prosecutors carry out the intent of this law.

The bill that we introduce today will make it illegal to "attempt to violate" or to hire someone else to vandalize archeological sites. It will change the threshold for determining felonies and misdemeanors, clarify what constitutes a violation of law and enable those who testify in court to do so based on clear standards and terms, when violations occur. In short, this proposed legislation will make the existing law more easily understood.

Mr. Speaker, changes in ARPA are needed and I look forward to the opportunity to work with my friend from Connecticut as this bill works its way through the legislative process. We ask our colleagues in the House to join us in protecting the historic remains left by previous generations.

A TRIBUTE TO DR. BARRY BERLIN AND ARC/OAKLAND COUNTY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LEVIN of Michigan. Mr. Speaker, one of the true marks of a compassionate society is the ways in which it assists its citizens who are mentally handicapped. This is an area in which I have had a keen interest throughout my years of public service. It is therefore with great pleasure that I rise to recognize an individual from the district I represent who has excelled for many years in community service to the mentally handicapped.

Dr. Barry Berlin is the supervisor of the Oak Park SMI/SXI Center. This center serves persons from infancy through age 26 who are diagnosed as severely mentally or multiply handicapped. It is the only program in Oakland County which integrates severely handicapped students into regular elementary, middle school, and high school classrooms. Dr. Berlin plays a variety of roles to ensure the center's operation. He must be a motivator, a teacher, a cheerleader, a supervisor. Above all else, he is an advocate for and with those he works with in the community. Often, this means overcoming many frustrations and obstacles in order to witness small, incremental victories.

The Association for Retarded Citizens of Oakland County has seen fit to recognize Dr. Berlin for his many accomplishments at their annual award dinner on March 4, 1988. It is a choice I heartily commend. I join with ARC and Dr. Berlin's colleagues, friends, and family in saying "well done." I know that each victory, however small it appears, is a major triumph for those who accomplish it. I wish Dr. Berlin, ARC/Oakland County and the individuals and families they work with many additional victories in the years ahead.

TO ARCH MACDONALD

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. SWIFT. Mr. Speaker, Arch MacDonald is a friend to a great many people, but he has helped give indigestion to many as well. The latter is not exactly his fault, though he is an accomplice.

Arch has been an important figure in Snohomish County in my district for many years. While he makes his living—and a good one—as a developer, he has taken much greater interest in the people of the communities in which he works than is typical of most.

He has worked with a variety of community groups. He has worked with local Indians. He has helped many different charitable organizations. He has built a wonderful facility called simply Arch's Barn which has become a community meeting place in a rural area that really had none.

Now, Arch isn't perfect. He's been known to allow politicians to use the barn too. What's worse, he's done it for both parties. And therein lies the heartburn I mentioned before. Every year I sponsor a big chili cookoff at Arch's Barn. It is always hard to tell whether the good chili or the bad chili gives the most gastric disturbance, but there is a fair amount of it. Arch must share the responsibility for this because of the indiscriminate way in which he lets the community use his barn.

Aside from that failing, he's a great asset in Snohomish County.

Mr. Speaker, I insert in the RECORD at this point a resolution passed by the Snohomish County Council and another currently before the Washington State Legislature. I might also add that Arch was made a deputy sheriff by the Snohomish County Sheriff's office and was recently adopted by the tribal council of the Tulalip Indian Tribes making him an honorary Indian—the first such honor ever extended by the Tulalips.

These resolutions speak eloquently of the contribution Arch MacDonald has made to our community.

RESOLUTION

Whereas Arch MacDonald as a community and state leader has made a positive difference in the lives of many people and communities in the State of Washington.

Whereas Arch MacDonald has been an admirer and a contributor of both major political parties and is a believer in our democratic process of government

Whereas Arch MacDonald's foresight and vision have brought about great changes and improvement in the quality of life in the State of Washington and more particularly in Snohomish County, Clark County and the Tri-City area.

Whereas the original development of Arch MacDonald and his partner, Donald MacKay, known as Cascade Park, has turned into one of the finest residential communities in Clark County and the State of Washington

Whereas the Clark County Economic Council acknowledged at its annual meeting in 1983 that Arch MacDonald and Donald MacKay have provided more economic stimulation to Clark County than any two people, past or present.

Whereas Arch MacDonald's personal involvement has played a major factor in having Hewlett-Packard and Tektronix local high technology plants in Clark County.

Whereas Arch MacDonald was instrumental in bringing Hewlett-Packard into Snohomish County and has been working in that county to help develop the economic potential that exists there.

Whereas Arch MacDonald and Donald MacKay, developed one of the finest large cattle ranches and irrigation projects (Lewis & Clark Angus Ranch) in the Tri-Cities, which was incorporated into the City of West Richland to allow for development into compatible multiple uses.

Whereas Arch MacDonald has continually stressed the importance of transportation (highways and major airport facilities and carriers) to our economy and has worked toward their development and improvement within the State of Washington.

Whereas Arch MacDonald's sphere of influence has touched all aspects of the quality of life in the State of Washington and has made Washington State a better place to live.

Whereas Arch MacDonald recently was one of the moving parties in a major land use case heard before the United States Supreme Court that has brought about greater protection of property rights for property owners of all states.

Whereas Arch MacDonald is the first non-Indian to be selected an honorary Indian of the Tulip Indian Tribe.

Whereas Arch MacDonald is now 76 years old and still going strong and is too busy thinking of others to have time to think of himself, even though he has had a setback with the discovery of cancer; now therefore be it.

Resolved, That Arch MacDonald be officially recognized as a man who has left his mark not only in the hearts of the people but in the hearts of our communities by quietly and methodically pursuing a vision which benefits every person who lives in the State of Washington: Be it further

Resolved, That the people of the State of Washington publicly thank Arch MacDonald for his dedication, encouragement, and long-term vision which has benefited all aspects of our quality of life in the State of Washington.

SNOHOMISH COUNTY COUNCIL, SNOHOMISH COUNTY, WA, RESOLUTION No. 88-001

A RESOLUTION HONORING ARCH MACDONALD

Whereas, the County of Snohomish has been exceptionally fortunate to benefit from the generous spirit of Arch MacDonald during his residency in Snohomish County, and

Whereas, his presence and his contagious enthusiasm for the beauty and the future of this county has been a major force in the development of new jobs here while maintaining our unmatched quality of life, and

Whereas, that commitment to our community resulted in his developing the unique "MacDonald's Barn" for the use by all citizens for various functions, without charge, bringing to the attention of people throughout the state and country the many attractions of Snohomish County, and

Whereas, he is a virtual one-man Chamber of Commerce for our county, bringing top representatives of U.S. industry and government, including U.S. Senator Robert Dole and the late U.S. Senator Henry M. Jackson, and foreign nations, including the Peoples Republic of China and Japan to "the Barn" for special events, and

Whereas, Arch MacDonald's commitment to our community, including his close relationship with the Tulalip Indian Tribe, has resulted in Snohomish County being a better place to live and work: Now therefore be it

Resolved, That the Snohomish County Council assembled, in recognition of his contributions, does extend its heartfelt appreciation to Arch MacDonald for his lasting and generous service to our community.

NATIONAL SAFE KIDS WEEK

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GARCIA. Mr. Speaker, nearly 10,000 children die due to accidental injuries each year while an additional 50,000 are permanently disabled. The tragic fact is that the vast majority of these deaths and disabilities could have been prevented. This is why I am introducing a resolution today to designate the week of May 16–22, 1988, as "National Safe Kids Week."

Accidents are the leading cause of death among children. Nearly 50 percent of deaths of 1-year-old to 14-year-olds are caused by injuries. There are as many injury-related deaths as there are noninjury deaths, such as those from cancer, AIDS, and congenital problems. Yet it is estimated that 90 percent of these deaths could have been prevented.

The best prevention is education and it is for this reason that the 1988 National Safe Kids Campaign was launched. This campaign is designed to educate parents, teachers, and other adults who interact with children on how to best prevent accidents in such major risk areas as traffic, water, fire, falls, and choking/poisoning.

Among those organizations participating in the campaign are the American Red Cross, the American Academy of Pediatrics, the National PTA, the National Association of Children's Hospitals and the U.S. Conference of Mayors, as well as the Departments of Agriculture, Health and Human Services, and Transportation. I hope my colleagues will join me in helping to end needless deaths due to accidents.

OMB CONVENIENTLY DELETES PERTINENT FACTS FROM BUDGET SUBMISSION

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MONTGOMERY. Mr. Speaker, supporters of legislation that would elevate the Veterans' Administration to a Cabinet-level Department have argued that the Office of Management and Budget literally runs the agency. VA input into the budget process is very limited. I believe that when differences of opinion occur between the VA and OMB on major policy questions, VA is told what its official position will be. We know this occurred when the enactment of the Montgomery GI bill was being debated. Before we put a stop to it a few years ago, the VA was required to send answers prepared in response to questions asked at congressional hearings to OMB so that the VA's answers could be edited to reflect the views of OMB.

Even small requests of the agency are often ignored. Let me cite you a specific example. Late last year I informed the controller of the VA that I wanted certain statistical information on the Montgomery GI bill included in the budget documents submitted for fiscal year 1989. I thought Members of Congress and the general public would want to know the amount of money that has been saved by the Federal Government through reductions in service members' basic pay required in order to participate in the new education program. New enlistees must agree to have their basic pay reduced by $100 per month for 12 months in order to be eligible to receive the benefits. I wanted the budget documents to also show the amount of money saved by not having to borrow the funds to pay a higher rate of basic pay.

In order to comply with my request, the VA included the following information in the budget documents which it submitted to OMB:

> The veteran participant contributes $100 a month for each of the first 12 months the individual is in the service. These funds are deposited into the Treasury general receipt account. In 1987 a total of $195.5 million has been deposited into the Treasury account. Since the inception of this program, over $312 million has been deposited into the Treasury account. If these funds were not deposited into the General Treasury fund, the interest costs to borrow $312 million would be $32 million. It is estimated that annual collections into this account will total $210 million in 1988 and 1989.

When the budget documents arrived on February 18, I learned that OMB had chosen, without the VA's knowledge, to delete all of the language in the above paragraphs except the first two sentences. No explanation was given, and OMB keeps wondering why our committee gets involved in its business.

JOHN L. DeSMET, GEICO PUBLIC SERVICE AWARD WINNER

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DEFAZIO. Mr. Speaker, it is with great pleasure that I rise today to honor an exemplary Federal employee. John L. DeSmet is one of five public servants to be awarded the 1987 Employees Insurance Company Public Service Awards. John has been chosen to receive this honor because of his important contributions to the quality of life in our country.

While in the military and as a civilian, John has served in the field of alcoholism treatment and prevention. Currently, he is chief of the Alcohol and Dependency Treatment Program at the Veterans' Administration Medical Center in Roseburg, OR.

Since 1979, John has served on the Douglas County Council on Alcohol and Drug Abuse Prevention and Treatment. As chairman of the council, he was influential in broadening community services and quadrupling the budget. Among his many accomplishments is the establishment of an informal network among the VA alcohol and drug treatment programs in the local medical district. He was also asked to participate on a State task force which helped make sweeping reforms in alcohol and drug treatment programs in the Oregon penal institutions.

John donates much of his free time to provide alcohol education in schools and other community settings. Tapes of his lectures are used throughout the State to help train allied health professionals, nurses and family therapists. In addition, he offers the use of his home for free counseling and recreational activities to youth who have completed chemical dependency programs.

Mr. Speaker, it is with pride that I congratulate John on this award. I also thank him for the work he has done for the veterans, youth, and citizens of Oregon.

HONORING MAJ. GEN. AMATO A. SEMENZA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GILMAN. Mr. Speaker, all Americans are proud and grateful for the unselfish devotion of our National Guard forces. In great part due to their diligence, we can all sleep more soundly at night, knowing that they are at the ready to protect our Nation.

The devotion of State guard units is often personified by their outstanding leaders. One such leader is Maj. Gen. Amato A. Semenza, commander of the New York Guard and, currently, president of the State Defense Force Association of the United States.

Regrettably, Major General Semenza will be retiring later this month. Although General Semenza has worked long and hard for this well-deserved rest, the New York Guard will not be the same without him.

Amato Semenza, like so many of us, began his military service during the early months of American involvement in World War II. During that conflict, Amato was assigned to the 32d Signal Center Team and the Psychological Warfare Branch in North Africa and Italy.

General Semenza joined the New York Guard as a first lieutenant on April 6, 1960. Subsequent to that date, he worked his way up the ranks until his appointment as commander by then-Gov. Nelson A. Rockefeller on July 20, 1973.

Maj. Gen. Amato Semenza has received so many awards and honors over the years that space and time prevent our listing them all here. A partial list would include: the Good Conduct Medal; Merit Citation; American Campaign Medal; the European-Africa-Middle Eastern Campaign Medal; World War II Victory and Occupation Medals; the New York State Meritorious Service Medal; the New York State Commendation Medal; the Humanitarian Service Medal; the 25 Year Long and Faithful Service Medal; and the award for Aid to Civil Authority.

On the board of directors of the State Defense Force Association of the United States, Major General Semenza serves with distinction, working closely with other outstanding board members from throughout the Nation.

On March 19, guardsmen and women from throughout New York State—indeed, from throughout the Nation—will be joining at a dinner honoring Gen. Amato A. Semenza on the occasion of his retirement. I invite all of our colleagues to join in congratulating this outstanding public servant.

EAGLE SCOUT MICHAEL W. BURNS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LIPINSKI. Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues an exemplary young citizen, Michael Burns. He will be recognized on Sunday, March 20 for achieving the highest rank in Scouting, "Eagle Scout" in Boy Scout Troop 414.

To become an Eagle Scout, Michael earned 10 skill awards, 24 merit badges, numerous other Scouting honors, and organized and conducted a program to obtain and install smoke alarms in the homes of senior citizens living in the area as his Eagle Scout project. During his tenure with Troop 414, Michael has also attended six summer camps at the Owasippe Scout Reservation and High Adventure trips at the Philmont Scout Ranch in Cimmaron, NM, the Florida Sea Base in Islamorada, FL, and the Boundary Waters Canoe Area in Ely, MN. As a member of Troop 414, Michael has served in various leadership positions including patrol leader, troop historian, troop quartermaster, leadership corp member, and senior patrol leader.

Michael is joining the ranks of a very select group. The individual tasks which he had to complete are impressive alone. These tasks challenged every facet of his personality—mental, physical, psychological, and more. His accomplishment becomes even more notable when it is viewed cumulatively. That is, the entire sum of achievements and the perseverance of character demanded illustrate just what high caliber young man Michael is.

In today's society, our youth are truly bombarded with a variety of lifepaths to choose from. While the freedom of choice is in itself good, too often we hear of young people who are led astray by the ignorance of their years to a lifestyle they do not deserve. It is always refreshing to recognize young men who choose a constructive way of life and also excel at it. Though credit is certainly due to the family of this young man and to the Scout leaders who provided support, Michael today knows that he can participate independently in society in a manner that will benefit himself as well as his community.

The achievement of attaining the rank of Eagle Scout lays an excellent base for a productive future. I'm sure my fellow Members of Congress join me in wishing Michael the best of luck in his future endeavors.

THE DEFENSE PRODUCTION ACT AMENDMENTS OF 1988

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Ms. OAKAR. Mr. Speaker, the House Subcommittee on Economic Stabilization—which I have the honor of chairing—has conducted an extensive series of hearings on current problems facing the U.S. industrial base and whether it can supply critical materials in times of national emergency. These hearings were held in conjunction with the subcommittee's jurisdiction over the Defense Production Act of 1950.

To perhaps the surprise of no one, an array of witnesses from business, labor, public organizations, and an Undersecretary of Defense concluded that the U.S. industrial base is eroding and that actions must be taken to reverse its deterioration and restore U.S. industrial strength. This jeopardizes our national security.

Specifically, the subcommittee hearings revealed that the U.S. industrial base is developing a strong dependency on foreign sources for products, parts and components and other materials used in manufacturing and that such a dependence, especially in times of national emergency, would weaken our national defense. Moreover, the inability of U.S. industry, especially small- and medium-size subcontractors and suppliers, to provide vital parts and components and other materials would prevent the United States from meeting production surge demands should a national emergency arise. Additionally, the U.S. industrial base is being eroded by a growing dependence on imported parts, components, and raw materials. Clearly, this is a serious threat to our national defense.

Mr. Speaker, this is not a partisan issue; it affects all of us equally. Today, I am introducing legislation designed to get us started in that direction.

I include for the RECORD an explanation of the legislation following my remarks:

SECTION-BY-SECTION ANALYSIS OF THE DEFENSE PRODUCTION ACT OF 1988

Sec. 1. Short Title: This section cites the title of the bill as the "Defense Production Act Amendments of 1988".

Sec. 2. Amendments to the Defense Production Act of 1950: This section amends the Declaration of Policy (Section 2) of the Defense Production Act of 1950. It updates the policy to reflect that our defense mobilization preparedness effort continues to require the development of preparedness programs, defense industrial base improvement measures, the expansion of domestic productive capacity and supply beyond the levels needed to meet the civilian demand, and some diversion of certain materials and facilities from civilian use to military and related purposes. This section also repeals Section 720 (National Commission on Supplies and Shortages) of the Defense Production Act of 1950 which is obsolete.

Sec. 3. Findings: This section provides for Congressional findings. Included is the finding that the U.S. Defense Industrial Base is developing a growing dependency on foreign sources for key parts and components and other materials used in manufacturing and assembling major weapons systems for our national defense. This dependency is threatening the capability of many critical industries to respond rapidly to defense production needs in the event of war or other hostilities.

Sec. 4. Strengthening of Domestic Capability: This section amends Title I of the Defense Production Act by adding a new section 107 for the purpose of preserving and strengthening the capability and capacity of the U.S. industrial base to produce all materials and related services needed for the national defense of the United States. It requires the President to limit, to the maximum extent practicable, the national defense production of existing and new weapons systems, to domestic manufacturing and assembly sources within five years following the date of enactment of this section. This requirement shall remain in effect until the Secretary of Defense determines that domestic sources can meet Defense production needs for at least six months following the onset of a war or other hostilities. In addition, this section permits the President to waive the domestic-source only production on any contract but only after considering (1) the effects on U.S. industrial capability to provide the same materials and services and, (2) the actual costs of off-shore purchase when lost Federal, State, and local tax revenues are considered contrasted with bids submitted by domestic sources and their estimated costs of complying with U.S. laws.

Authorization to Use Existing Authorities for Purposes of This Section: To implement the Buy-American only requirement, the President is authorized to utilize incentives in the form of loan guarantees, price supports, direct loans and purchase agreements.

Designation of Critical Industries: This section also provides that the President shall designate industries critical to the U.S. Defense Industrial Base. They would be given priority for assistance for the modernization of manufacturing facilities and equipment and the production of materials. If any materials, services, or skills affecting such an industry are unavailable or in short supply, the President must seek to develop them.

Assistance for Small and Medium-Sized Businesses: Assistance under this section is provided only to small and medium size businesses, unless the President transmits to the Congress an exception to this limitation.

United States Defense Industrial Defined: This section also defines the term "U.S. Defense Industrial Base" for purposes of this Act.

Coordination with Memoradums of Understanding: Additionally the requirements of this section constitute an exception or exclusion to any existing or future memorandum of understanding.

Borrowing Authority Subject to Ultimate Net Cost Limitation: Funding for any assistance would come from existing authorizations, but could be leveraged on an ultimate net cost approach subject to appropriations.

MILLENNIUM ANNIVERSARY CELEBRATION OF DUBLIN, IRELAND TO INCLUDE LA CANADA HIGH SCHOOL BAND

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MOORHEAD. Mr. Speaker, it is with a great deal of pleasure that I announce to my colleagues in the U.S. House of Representatives that the La Canada High School Spartan Band will soon join with the Honorable Carmencita Hederman, Lord Mayor of Dublin, and the residents of Dublin, Ireland, in the millennium anniversary celebration of that proud and enduring community.

In the United States we have never celebrated the 1,000th birthday of any city or town so it is with a special awareness and gratitude and not a wee bit of awe that we recognize and take part in such a venerable and historic celebration.

I know that the members of the La Canada High School Spartan Band, Entertainment Groups and String Quartet have worked very hard to raise the necessary funds so they can experience a once-in-a-lifetime event—the Dublin millennium celebrations of 1988.

The band and its auxiliary teams will compete for 6 days with musical groups from all over the world. They will march in the March 17th St. Patrick's Day Parade. They will no doubt feel a powerful bond with all the people of Dublin as they celebrate an occasion made unique by time and history.

Mr. Speaker, as the Representative from the 22d Congressional District of California, I would like to say "Well Done" to the members of the La Canada High School Band. Because of their initiative, they will soon embark on an adventure that will never be forgotten.

And, Mr. Speaker, I would like to send, on behalf of the band, the community of La Canada and the House of Representatives, special congratulations to the Lord Mayor of Dublin and all his constituents as they begin a historic celebration. I trust it will be as grand and colorful, as vigorous and enchanting as the 1,000-year history of Dublin itself.

THE 25TH ANNIVERSARY OF COMSAT COMMEMORATED

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MARKEY. Mr. Speaker, this year marks the 25th anniversary of Comsat, a publicly traded company which links the United States by satellite with more than 160 other nations and 6500 ships at sea and offshore facilities. Since the company's inception, Comsat has been instrumental in laying the groundwork for the success of satellite communications worldwide.

In recognition of Comsat's 25th anniversary, and for the acknowledgment of persons associated with its success, I am submitting the text of remarks made by Irving Goldstein, chairman and chief executive officer, at Comsat's 25th anniversay gala.

COMSAT 25TH ANNIVERSARY GALA

(By Irving Goldstein)

Deputy Secretary Whitehead, distinguished members of the Diplomatic Corps, Members of Congress and distinguished guests. In a moment I want to say something about the future. But before I do that I want to make sure you meet some of the people who were important to our, and your, future 25 years ago.

When we began to plan this evening, I thought it would be appropriate to recognize a few people who are or have been extremely important to the development, nurturing and success of Comsat and the entire satellite communications industry that grew out of the Act. Then I thought "you can't do that Irv, because everybody you're inviting falls in that category." And you do.

Obviously I can't call the roll of everyone here . . . though you are all very special to us. There are, however, a few people here who played such pivotal roles in the development of the industry and of Comsat that I would like them to stand and be recognized.

Nicholas Katzenbach, who as Deputy Assistant Attorney General of the United States formed the coalition that steered the Act through Congress;

Ambassador George Feldman, one of the original incorporators appointed by President Kennedy;

Byrne Litschgi, also one of the original incorporators appointed by President Kennedy;

Joseph McConnell, Chairman Emeritus of Comsat and former President of Reynolds Metals, former President of Colgate-Palmolive, former President of NBC and, with the rank of Ambassador, headed the U.S. Delegation to the Conference on Satellite Frequency Allocation in 1963. He was Chairman of Comsat from 1970 to 1979;

Ambassador Jacob Bean, who was the State Department representative on the U.S. Delegation to the Satellite Frequency Allocation Conference in 1963;

Ambassador Ted Brophy has just been named by President Reagan as Ambassador to the World Administrative Radio Conference in 1988, and is retiring Chairman of GTE;

Ambassador Abbott Washburn, as a member of the Nixon Administration was the Chief negotiator for the Definitive Arrangements which established INTELSAT;

Dean Burch, former Chairman of the FCC and now Director General of the International Telecommunications Satellite Organization;

Olof Lundberg, Director General of the International Maritime Satellite Organization;

Andrea Caruso, Director General of the European Telecommunications Satellite Organizaton;

Fabrizio Serena, Chairman of the Board of Societa Telespazio which is the only satellite communications organization in the world that is older than Comsat—it was formed in October, 1961; and a man that is truly special to me;

Joe Charyk, one of the incorporators appointed by President Kennedy, hired as President of Comsat. He ran this Company for 23 years. He retired as Chairman of the Board and CEO and is a continuing member of our Board of Directors. If Arthur Clarke is considered the father of satellite communications, then Joseph Charyk has to be considered the father of the communciations satellite industry.

The American writer Ambrose Bierce once defined the future as that period of time in which our affairs prosper, our friends are true and our happiness is assured. Mr. Bierce could've said those very things about the future of Comsat on its creation 25 years ago. Over the last quarter century, our affairs have prospered; as your presence here tonight shows, our friends have remained true; and our happiness and pride have been assured by our progress.

And I believe the future of satellite communications is even more exciting today than it was 25 years ago. The first 25 years, as important as they are, represent only our booster stage.

The poet Coleridge said that the Earth with its scarred face was the symbol of the past; the Air and the Heavens were the symbol of the future. I genuinely believe that, not because I believe in the predictions of poets, but because I believe in science and technology and because I know the Air and the Heavens is the province of the satellite. Comsat is excited by the 1990's. We're excited by the changes that are coming, and indeed Comsat intends to be at the forefront of those changes.

The combination of dramatic technological improvements and economically driven

demand for services will spark tremendous growth in worldwide communications.

To those who are still amazed by today's technology, I believe "you ain't seen nothing yet." And to those who say that fiber optic cables sound the death knell for satellites. I say you are wrong. In fact, satellites and fiber optic cables are more compatible, than copper cables ever were.

My crystal ball will have an even greater impact on our lives than the introduction of satellites did.

Consider, for example, that less developed countries will have the communications infrastructures necessary to economic growth and development without the huge capital outlays for earth-bound systems.

Consider smaller, less expensive, low earth orbiting satellites made possible by flat antennas the size of a magazine. And that these antennas don't need to move physically to track the satellites because they can be pointed or steered electronically.

And consider worldwide communications networks that don't break down because with artificial intelligence they will have learned to repair themselves.

Within the next five to seven years we're expecting the day when mobile satellite communications will make taxi and truck fleets, personal vehicles, airplanes, and ships instantaneously reachable no matter where they are. No more escapes on cruises to the Caribbean or South Seas. On the land most remote areas will have direct access to any place else on earth. Wireless, solar-powered telephone booths will make it as easy to call the office from an arctic outpost as from New York City.

Ladies and gentlemen, a leader has been described as a dealer in hope. Our industry is such a leader. I believe we offer not only the cold hope of technological advancement, but the warmer hope of vision. We are still guided by President Kennedy's initial vision that the peoples of the world can be brought closer together. What can be more powerful than a technology driven by a generous ideal? This is still our dazzling hope.

Thank you.

HUECO SCHOOL QUILT PROJECT SHOWS CIVIC PRIDE

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. COLEMAN of Texas. Mr. Speaker, it is with great pride and admiration that I would like to bring something very special to the attention of my colleagues.

As part of their bicentennial celebration, the students and faculty of the Hueco School have produced a magnificent work of art in the form of a quilt that commemorates our national historical heritage. The Socorro Independent School District in El Paso County, TX, which includes the Hueco School, also celebrates its 25th anniversary this year.

This large quilt, which measures approximately 4 feet by 10 feet, displays one stirring bicentennial theme after another. The handsewn squares feature the Founding Fathers, the Constitution, the Declaration of Independence, the Liberty Bell, James Madison, Independence Hall, and other important themes of our national heritage.

The quilt was signed by those who built it, and it presently hangs in the lobby of my office in the Cannon Building, where visitors from Washington and west Texas alike will no doubt be impressed by the dedication of the students and faculty at the Hueco School to our Nation's heritage and the principles upon which it was founded.

On behalf of the people of the 16th Congressional District of Texas and on behalf of the House of Representatives, I would like to commend the Hueco School for this noteworthy accomplishment, and I invite my colleagues and their staffs to visit my office and view the quilt.

AFFORDABILITY OF FIRST-TIME HOMES FOR AMERICANS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DONNELLY. Mr. Speaker, I rise today to point out an alarming fact of which every Member of the House needs to be aware: despite the fact that we remain a well-housed Nation, the rates of homeownership among young, moderate-income Americans are on the decline.

On January 23, the Washington Post ran an article which discussed the fact that builders are constructing new homes for trade-up purchasers, not for moderate-income first-time homebuyers. While no one can blame builders for seeking to maximize their markets, this situation will only exacerbate the decline in homeownership we are facing. Mr. Speaker, I ask that this Post article be added to my remarks.

Last session, I, along with a majority of my colleagues on the Committee on Ways and Means, introduced legislation, H.R. 2640, which goes far toward stemming the erosion of homeownership for moderate-income Americans. Today, that bill has more than 200 cosponsors. I urge those of my colleagues who have not joined us in cosponsoring to do so. Extending the sunset date for mortgage revenue bonds is tantamount to extending the opportunity for homeownership to many of our citizens.

The article follows:

[From the Washington Post, Jan. 23, 1988]

BIG, COSTLIER HOMES FILL THE MARKET

BUILDERS AIM NEW HOUSES AT "MOVE-UP" BUYERS

(By Kenneth Bredemeier)

DALLAS.—In a significant shift, nearly two-thirds of American home builders are now constructing houses for homeowners looking to move into bigger, more expensive homes rather than for first-time buyers.

In a survey of 615 builders taken here at the National Association of Home Builders' annual convention, 65.7 percent said they are building homes for so-called move-up buyers, those who are moving from a first or second home into one with more space or more amenities, or both. A year ago, in a similar survey, 53 percent of the builders said they were building for move-up buyers.

Conversely, 29.4 percent of the builders in the latest survey said they are building cheaper houses for the first-time buyer, down from 43 percent a year ago. A total of 4.9 percent of those polled said they build housing for the elderly, up slightly from last year.

"It's really a direct trade-off," said Kent W. Colton, executive vice president of the home builders' trade group, of the shift away from construction for the lower end of the housing market. "That's where the market is going."

Several studies have shown that as the price of housing has steadily risen in recent years, would-be first-time home buyers have had to delay buying a house or forgo buying altogether.

As of the third quarter of 1987, 64.2 percent of all households in the United States own their homes, down slightly from the peak figure of 65.6 percent reached in 1980, but up a notch from the dip to 63.8 percent two years ago.

What the overall figures mask, however, is that home ownership among younger adults is declining. Home ownership among 25- to 29-year-olds has dropped from a peak of 44 percent in 1979 to 36.9 percent in the third quarter last year, while the figures show a dip from 62.4 percent (in 1976) to 54.5 percent for 30- to 34-year-olds.

In a policy statement approved here, the builders said the young home buyers' plight was in part the fault of the Reagan administration because of its 70 percent reduction in federal housing spending since 1980. But the NAHB also blamed local governments for "imposing excessive fees that in many cases add tens of thousands of dollars to the price of a home and go far beyond the actual costs associated with new development."

Colton said the organization "in a policy sense [is] very concerned about the first-time home buyer" and, among other measures, favors creation of savings incentives in the federal tax code that would encourage would-be young buyers to set aside money for housing down payments.

Asked if the association's membership, by building more homes for the move-up buyer, is at odds with the stated goals of the group's leadership, Colton replied, "They're reacting to the demographics of where the market is going. The membership are building homes where they can sell them. They're concerned about those issues. They're concerned, but they're not dumb. We're telling them to build where they can sell."

Anthony Natelli, Sr., president of the Suburban Maryland Building Industry Association and the developer of the expensive Avenel residential and golf course complex in Montgomery County, said the national trend of more construction for move-up buyers is mirrored in the Washington area. The builder survey here showed that the typical builder last year constructed a home that cost $185,200, a figure Natelli said he believes Washington area builders matched or topped. The builders predicted the median price of a new home would rise about 5 percent this year.

With land prices skyrocketing in the Washignton area, Natelli said new homes for first-time buyers increasingly will be those offered at the ever-expanding fringe of the metropolitan region.

In other findings the survey showed:

Slightly more than half of the builders believe the number of housing starts this year will equal 1987's 1.6 million total, which would be about 100,000 more than most housing industry groups, including the NAHB, are projecting.

Almost half of the builders (48.4 percent) said the stock market plunge last October has had no impact on their businesses, although 40.7 percent said it did.

The decline in mortgage interest rates after the stock market collapse boosted home sales for 37 percent of the poll respondents.

JUSTICE FOR MERCHANT SEAMEN

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MANTON. Mr. Speaker, I take this opportunity today to honor our Nation's valiant merchant seamen. The U.S. merchant marine, often referred to as our country's fourth arm of defense, performs a vital service for our great Nation, both in times of peace as well as war. Unfortunately, our merchant marine is a service that is too often overlooked or taken for granted. Even though they serve unselfishly to ensure the safe transport of waterborne cargoes.

Recently, our merchant mariners won a great and long overdue victory. Thanks to the unfailing dedication of C.E. "Gene" DeFries, president of the National Maritime Engineers Beneficial Association, and our colleague, the Honorable MARIO BIAGGI, the U.S. merchant marine finally has been fully recognized for their valuable service to their country. The U.S. Government has agreed to grant veteran status to the merchant seamen.

On January 19, 1988, the Secretary of the Air Force determined the service of the group of individuals known as the "American Merchant Marine in Oceangoing Service during the period of armed conflict, December 7, 1941, to August 15, 1945," shall be considered active duty for the purpose of all laws administered by the Veterans' Administration. The U.S. Coast Guard is the agency which will issue certificates of release of discharge from active duty. These certificates will serve as documentation of a merchant seaman's veteran status.

The Coast Guard estimates approximately 200,000 citizens or their survivors may now be eligible for veterans benefits. This decision comes too late for many of those brave men who served their country on merchant ships during World War II to take full advantage of veterans status. However, this is a strong symbolic victory of their dedicated service. The myth that somehow merchant seamen had an easy life during the war and were not deserving of veteran status has finally been laid to rest.

The American merchant marine was called upon to serve their country during war time, and they answered that call. They sailed through zones of hostility at great cost. An estimated 145 merchant ships were sunk in American coastal waters alone, with a loss of over 5,662 dead or missing in action over the entire war. They were an integral part of our war effort without which the Navy could not have carried out its mission.

At a time when our merchant seamen are under attack both at home and abroad, this ruling will help to restore their faith in the American Government and their value to our country. They have Gene DeFries and MARIO BIAGGI to thank for this, and we can all thank our merchant seamen for their dedicated service to our country.

Mr. Speaker, Mr. James J. Kilpatrick recently wrote an excellent column in the Washington Post entitled "Justice for Merchant Seamen," which I commend to my colleagues attention. I include this article in the RECORD following my statement:

[From the Washington Post, Feb. 2, 1988]

JUSTICE FOR MERCHANT SEAMEN

(By James J. Kilpatrick)

More than 40 years after the end of World War II, the merchant seamen who served so bravely in that conflict finally are to get the recognition that injustice so long has denied them. At last they are to be counted as veterans.

The decision has been a long time coming, but two weeks ago the Defense Department caved in. It will not appeal an order from U.S. District Judge Louis Oberdorfer granting surviving seamen the same rights and privileges that have been extended to other wartime civilian groups.

The court's order will have only limited effect, however. More than 250,000 merchant seamen served their country. It is thought that perhaps 70,000 to 80,000 of them are still alive, but they are beyond the age for such GI benefits as college tuition. A government witness conceded that the benefits now available to them will be mostly symbolic, "really minimal." Most of them will get "only a flag and a headstone" in a military cemetery.

The merchant seamen wrote a valiant chapter in the history of warfare at sea. More than a year before Pearl Harbor, the Coast Guard began training merchant seamen in gunnery and other military subjects. In October 1941, President Roosevelt lifted the ban on arming merchant ships: they would be sailing "on missions connected with the defense of the United States."

With the outbreak of war, merchant seamen received additional military training. Shipping articles were changed so that seamen could be ordered "to such ports and places in any part of the world as may be ordered by the U.S. government." A War Shipping Administration took over the merchant ships for service consistent with "strategic military requirements."

The merchantmen then set about the dangerous business of transporting Army and Navy cargoes. The great majority of 7 million soldiers went overseas on merchant ships. "Without this support," said Adm. William King, "the Navy could not have accomplished its mission."

For all practical purposes, the merchant steamers were under the Navy's control. Military authorities assigned their places in convoys, regulated shore leave for seamen and supervised discipline for misconduct. A seaman who attempted to resign was subject to court-martial.

Tantamount to military service, theirs was a harsh service indeed. In the first three months of the war, German U-boats sank 145 merchant ships in American coastal waters, killing 600 seamen. Over the entire war, Judge Oberdorfer noted, 5,662 merchant seamen lost their lives or were declared missing in action. More than 600 seamen became prisoners of war.

Other civilian groups also served in the war effort. Not until 1977 did Congress move tangibly to recognize their service. Sen. Barry Goldwater added an amendment to the GI Improvement Act making benefits available to the WASPs (Women's Air Force Service Pilots), and it was expanded to include other groups that had received military training and were susceptible to assignment for duty in combat zones.

Veterans' benefits were extended to 14 groups, including female telephone operators in Europe, engineer field clerks, female stenographers with the American Expeditionary Force and "reconstruction aides and dietitians." The merchant seamen were repeatedly turned down, largely because of the dog-in-the-manager opposition of the regular Navy and such organizations as the American Legion. They complained that the civilian merchant seamen were paid better than enlisted sailors. In fact, as Judge Oberdorfer noted, studies found that their total remuneration "was approximately comparable."

President Roosevelt linked "the beleaguered men of the merchant marine" with our soldiers, sailors and pilots. They carried out "a vital part in this global war." So they did, and if it should cost the taxpayers a few million dollars for their medical care, gravestones and flags, the money will be well spent.

COAST GUARD SINKING IN A SEA OF RED

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DAVIS of Michigan. Mr. Speaker, it is with regret that I find it necessary to introduce today this urgent supplemental funding bill for Coast Guard fiscal year 1988 functions. The budgetary crisis the Coast Guard is experiencing is not only a regrettable situation, but one that is a dire emergency for the U.S. Coast Guard and our Nation.

During the fiscal year 1988 appropriations process, culminating in the continuing resolution which was passed in the last moments of 1987, the Coast Guard found itself facing a severe cut in its operating expenses. In fact, the cut was so severe that the Coast Guard was confronted with the necessity of closing down or decommissioning many vital resources all across the country. Any time an agency must curtail its congressionally mandated missions by 55 percent and begin closing those very facilities that are the lifeblood of the organization. I believe there is an urgent need to restore adequate funding to continue operations. This is especially true for the Coast Guard, which shoulders the responsibility for drug interdiction and safety of life at sea, among other missions.

For the past 5 years the Coast Guard has taken repeated cuts in its budget until it can no longer be expected to absorb further cuts. Conceptually we may expect budget reductions to be absorbed by increasing efficiency in operations, but there is no other Federal agency that has produced greater results from every single dollar than has the U.S. Coast Guard. There is no fat left in this agency.

Under the so-called Summit Budget Agreement, supplemental funding requests are appropriate only in cases of dire emergency. I, and all of the Members who have joined with me as cosponsors on this bill, consider the situation urgent when the Coast Guard must cease all routine patrols for search and rescue, reduce drug interdiction and fisheries enforcement patrols by 55 percent, and begin closing facilities. I am introducing this bill to provide $105 million in supplemental funding for Coast Guard operations simply to restore their operations to the modest level requested by the President, and to prevent the closure of facilities that is taking place at this very moment.

I believe it is a false economy to attempt to save money by reducing Coast Guard operations when it is weighed against the economic losses from violations of our fisheries laws by foreign nations, the social destruction caused by the entry of illegal drugs into our country, or the loss of even a single life in frigid seas because the closest Coast Guard air support was 2 hours away.

I urge my colleagues to take action to ensure early enactment of this important legislation.

TRIBUTE TO DR. G. OTHELL HAND

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. VANDER JAGT. Mr. Speaker, I am delighted to have this opportunity to pay tribute today to a very good friend, and an outstanding individual, Dr. G. Othell Hand. Dr. Hand is the director of government relations of the American Family Corp. A recent article in the Columbus Ledger-Enquirer captured some of Dr. Hand's many exceptional qualities and efforts. I would like to commend this article to my colleagues' attention. As this article attests, Dr. Hand is well known for his dedication to his church, his community, and to his country. Those who are fortunate to know him have found their lives enriched by his loving concern for others.

The article is as follows:

[From the Columbus Ledger-Enquirer, Jan. 27, 1988]

OTHELL HAND: A NEW THRUST TO CITY'S SPIRIT

(By Glenn Vaughn)

Things have never been the same since Othell Hand came to town.

Even as he began in 1962 his 11-year senior ministry at Columbus' First Baptist Church, his inspired eloquence attracted widening notice and tongues were set to wagging.

He is flamboyant, they said. His highly-colorful sports jackets are "a bit much," they said. He puts artificial flowers in his yard, they said. Later, with relish, came the topper: He has started to wear a hairpiece, they said.

But there was something infectious about his exuberance and flair which made things begin to happen. He tackled a long-overdue, major restoration at his church * * *. He launched in the community an interfaith worship series and was the first Protestant minister ever to preach from the pulpit at Holy Family Catholic Church * * *. He spearheaded a community beautification program * * *. He constructed a handsome fountain at First Baptist, encouraged the development of others and dubbed Columbus "the Fountain City" * * *. He focused his zest on a successful rejuvenation of the Springer Opera House.

Othell Hand's "can do" freshness helped ignite a spirit in Columbus that still grows.

In 1973 he moved his motivating ministry to the marketplace as senior vice president of American Family Corp. Today, at a youngish and nimble 66, he is the firm's director of government relations, spending about half his time in the nation's capital.

No one, who has been touched by his ever-present cheer or heard his seemingly effortless golden voice lilting from the pulpit, will be surprised that he opens with ease the doors of Washington officialdom. Nor would any doubt that he knows all 100 U.S. senators, and they know him, and has a first-name relationship with half of them. It's the same for most congressmen and others high in government.

His eye-catching involvements include being a Washington Opera Company trustee, a member of the board of governors for Ford's Historic Theater and a member of the "Golden Circle," which is a Kennedy Center support group. He is a member of the prestigious Senate Trust Committee which often meets in the White House and has been guest chaplain for the U.S. Senate. He is highly active with the American Cancer Society and serves as a trustee for Macon's Mercer University.

In his Washington circles everyone knows the dapper Dr. Hand, including clerks, bellmen, waiters and waitresses at hotels he visits. Fashionable dressers often ask the name of his tailor. (He is David Garrison of Tifton.)

That he, a quintessential gentleman, grew up on a one-horse cotton farm without electricity in Mississippi astounds many. After working his way through Mississippi College at Clinton, he earned masters and doctorate degrees at Southern Seminary in Louisville, Ky., the same way. He taught religion for five years at the University of Richmond and pastored churches in Jacksonville, Fla., and Hickory, N.C.

He and his wife of 42 years, the former Martha Pillow, have two sons—Kerry of Columbus and Mark of Jacksonville—and four grandchildren, two in each son's family.

G. Othell Hand, whose hobbies are gardening, cooking and collecting antiques, is one of those rare individuals who seems to savor, and be thankful for, life's every moment. His reassuring demeanor comfronts the humble as well as the mighty in the same warm way.

In Columbus once-wagging tongues today say he's a marvel and he's our own.

USING MEDICAL MARKETS TO STIMULATE THE RURAL ECONOMY

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. TALLON. Mr. Speaker, the economic realities now confronting our States and Nation have compelled those of us in Government to rethink our spending policies. For too long, we've spent first and thought about it afterwards. It hasn't worked. Now we're trying the reverse approach of cutting back first and thinking later: yet the results are the same.

I believe it's high time we gave some serious, long-term consideration to our spending priorities, particularly in the programs that matter most to our people, such as Medicaid. The popular perception of Medicaid is as a State supplier of health services for the poor. Most view it as a one-sided process: State dollars directed to the needy. In reality, there are two sides to the equation.

On one side, Medicaid provides vital, often preventive health care to those who otherwise could not afford it. At the same time, however, State Medicaid dollars are returned four times over through Federal matching funds while saving an indeterminable amount on the costs of neglect. There is no doubt that by providing basic health services early, we avoid the enormous expense of extensive, life-saving services later.

For example, South Carolina's decision to eliminate the Medically Needy Program will save $4.8 million in the short term, but it will eventually cost South Carolinians up to $25 million neonatal intensive care for low-income babies born of mothers who do not receive adequate prenatal care.

In short, the need for basic funding health care will not go away and somewhere the costs must be absorbed. States can invest in Medicaid now and benefit from a Federal match that may eventually be reduced or eliminated; or they can reduce Medicaid, ignoring the health care needs of the poor, damaging the financial stability of hospitals, clinics and nursing homes, shifting staggering costs to paying patients and State and local governments. The old adage holds true: we can pay a little now or a lot more later.

Dr. Joseph Prinzinger and Dr. George Uhimchuk have conducted an important analysis of the role of Medicaid in the economic development of South Carolina. Their study further confirms that Medicaid is one of the soundest investments States can make. I believe it bears reading and rereading.

USING MEDICAL MARKETS TO STIMULATE THE RURAL ECONOMY

(By Joseph M. Prinzinger, Ph.D., and George A. Uhimchuk, Ph.D.)[*]

Medicaid is an entitlement program that supplies health care to persons who meet monetary and medical eligibility criteria. Most of the Medicaid clients are either the very young or the very old. Medicaid was established Nationally in 1965 through Title XIX of the Social Security Act. Three years later South Carolina Government started providing Medicaid services to 39,900 people. Today the State Health and Human Services Finance Commission contracts for Medicaid services for approximately 235,000 clients with a annual budget of nearly a half a billion dollars.

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[*] The authors (both Economists) are respectively. Director of the Office of Medicaid Program Development and the Coordinator of Research and Planning for the State Health and Human Services Finance Commission. The authors want to thank both Dr. Gavin Appleby and Mr. Frank Adams for their helpful comments. Of course all mistakes in this article are the sole responsibility of the authors.

South Carolina Governor Carroll A. Campbell's 1987 State of the State address set the pursuit of economic development as a major goal for South Carolina. This article addresses economic development through the market for medical services. Medical care in South Carolina is a major sector of the State's economy, and of that, Medicaid is a significant proportion. Common opinion is that Medicaid is strictly an entitlement program that pays for medical care for the poor with no other effects on the State's economy. Our hypothesis is that Medicaid expenditures go beyond the payment for medical care and permeate the State's economy creating jobs and income.

THE THEORY

Income is derived from the production of goods and services. A basic tenet of economic theory is that as additional demand (called "aggregate demand" because it is a demand for all goods and services) enters a particular geographic area, income and employment will rise in that specific area. The opposite effect is equally true. Income and employment will continue to rise in surrounding areas, known as the Cantillion Effect, eventually rippling out into the overall area much like the circles which expand out when one throws a pebble into a pond. This influx of demand can come from many sources. Of course, in the conventional economic development model it comes from the production of goods or services that are then, at least in part, exported out of the state. With Medicaid, aggregate demand flows into the state from the Federal Government. Under Medicaid rules, the Federal Government supplements Federal dollars to state dollars at a given rate, known as the "Medicaid match rate." Federal dollars coming into South Carolina are an injection into the state's economy. Aggregate demand rises inside of the state receiving Medicaid expenditures and circulates creating decreasing waves of increased income changes.

A new dollar spent in a local economy eventually creates more than a dollar's worth of income and jobs. This is due to the fact that after that dollar is spent it winds up being someone else's income. The person receiving that dollar spends part of it (part of that dollar is saved and part is taxed) which in turn winds up being someone else's income. This process continues until all of the original new dollar leaves the local economy through either savings, taxation, or buying of goods and services imported from outside of the local area. Economists call this a multiplier effect. The originator of this concept as applied to both local and national economies was Sir John Maynard Keynes. It is, therefore, known as the Keynesian Multiplier.

EMPIRICAL ESTIMATION

For South Carolina the Keynesian Multiplier was estimated using various measures of taxation, sales, value added, the saving rate, and income levels. The data for calculating the South Carolina multiplier was collected and compiled from several sources. The base data for the calculations are: Nominal Personal Income for South Carolina (supplied by the State Budget and Control Board, Division of Research), South Carolina Retail Sales (from "Survey of Buying Power", by Sales and Marketing Management of New York City), Value Added by South Carolina Manufacturers (from "Economic and Related Statistics for South Carolina," U.S. Bureau of Census, Department of Commerce, South Carolina Tax Collections (from the "South Carolina Statistical Abstract"), Federal Government Tax Collections (from Annual Report of the Commissioner and Chief Counsel of the Internal Revenue Service), and the Consumer Savings Rate for South Carolina (from "Estimating State Sales Taxes on Business Purchases: Methodology and Validations" by Sarah J. Uhimchuk, 1986).

We estimated that the simple Keynesian multiplier for 1982 was 3.47. Although for 1983, the most recent year that complete data was available at the time of our investigation, our calculations result in a Keynesian multiplier of 3.78. The weighted average of these two (3.62) is used for the calculations that follow.

The Federal Government matches each dollar of state money spent on Medicaid with an additional $2.70. Therefore, for each additional dollar of state money a total of $3.70 is spent purchasing health services for South Carolina Medicaid clients.

To calculate the full economic impact of additional Medicaid spending, it is necessary to treat the state dollars separately from the Federal dollars. South Carolina is a balanced budget state, every dollar expended on Medicaid by the State is equally matched by a dollar taxed by the State. This exactly describes a special case of the Keynesian mutiplier known as the balanced budget multiplier (BBM).

As noted earlier, the Keynesian Multiplier is bidirectional. Therefore, the monies collected by taxes reduces aggregate demand and lowers income and employment in the State of South Carolina. It would first appear that a dollar spent by a balanced budget government would exactly offset the dollar taxed by the same government with the net effect being zero. But that is not the case, because by definition, a balanced budget government spends an amount exactly equal to the revenue it collects therefore, there are no funds leaking out of the system (Keynesian leakages) associated with balanced budget governments. As it turns out, the mathematics associated with this spending pattern calculate out to a BBM of 1.0. In an intuitive sense, this is because government merely interrupts a step in the geometric progression (which is what the Keynesian multiplier is). When the government levies taxes, it takes money out of the local economy thereby reducing aggregate demand. By purchasing an equal valued amount of goods and services, aggregate demand is increased by exactly the amount that it was reduced in the taxing process (the normal leakage in each step is hence removed). This leaves the geometric progression the same but with an addition of an increase in government services. As you can see, the overall effect is an increase exactly equal to the amount of government purchases brought, or 1.0. Of course, there is a rearrangement of the mix of public and private goods, and the government purchases must came from nonutilized resources.

Thus, the dollar spent by the State Government will create one more dollar in income in the local economy. However, when the Federal Government matches it by $2.70, this expands the economy by the whole Keynesian Multiplier (the Federal Government is not a balanced budget government) because changes in Federal Government spending on South Carolina Medicaid are not directly related to the Federal taxes collected in the State of South Carolina. Indeed the Keynesian multiplier states that the $2.70 will create 3.62 times that amount of money of $9.77 of local income for the Federal Government portion of the income expansion. That is, the dollar spent by the state will eventually create $1 of added income to South Carolina residents for the State part of the match and $9.77 for the Federal Government part of the match or a total of $10.77. If that is not enough of a bargain, South Carolina received that additional income by treating sick poor people who qualify for Medicaid.

If this process creates additional income, then doesn't it also generate additional tax dollars, Indeed it does. The tax rate that the State Government receives from the residents of this state (includes individual income tax, corporate income tax, and the retail sales tax only) is 5.1% Thus the State Government gets back 55 cents (5.1% × $10.77) for every state dollar it spends on Medicaid. That is, on net, the State Government has to only spend 45 cents to receive these benefits. If this seems like a bargain, then including local taxes as another tax-enhancing factor in this Medicaid scenario seems like a steal. For both state and local taxes, the tax rate for South Carolina is 7.5%. Therefore, for each state dollar spent on Medicaid, State and local governments get back 81 cents (7.5% × $10.77). Therefore, looking at tax revenues as a whole, for a net cost to the taxpayer of 19 cents, the State receives $3.70 worth of health care for Medicaid clients and also receives an increase of $10.77 to the income of South Carolina residents.

CONCLUSION

A major concern for South Carolina State Government is how to develop the State's economy. Rural development is particularly stressed because rural development is very hard to accomplish. It is because of this simple fact that all alternatives to rural development must be explored. Of these, expanding Medicaid services is often ignored. Yet the infrastructure to exploit this form of economic development is already in place. By taking advantage of this existing infrastructure, income and jobs can be created quickly in some of the poorest and most rural parts of the State with little cost to South Carolina State Government. Indeed, taking account of the favorable Federal match dollars, a labor intensive Medicaid medical market, and counting enhanced tax collections for both state and local governments, a policy of economic development through expansion of the Medicaid program, is for all purposes, a real bargain because it increases State income, jobs, and health care to the poor for a relatively low cost to South Carolina citizens.

RETIREMENT OF A LEGEND

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DYSON. Mr. Speaker, today I rise to praise a distinguished member of my constituency, Mr. Richard Jamard "James" Holt, who has recently retired after 17 years at the helm of Chesapeake Bay Maritime Museum. Almost singlehandedly he has taken a minuscule assortment of local knicknacks and turned it into a nationally recognized museum encompassing 32 buildings over an expanse of 18 waterfront acres. The museum has become one of the most famous tourist stops on Maryland's

Eastern Shore, and this is tribute of Mr. Holt's skill.

The Chesapeake Bay Maritime Museum is a memorial to, and a celebration of, the life along America's greatest estuary, the Chesapeake Bay. The museum is located on a peninsula in the harbor of St. Michaels. Contained within the grounds of the museum are exhibits tracing the development of ship building, commercial fishing, and navigation along the bay. The museum's library is a valuable source of scholars of the bay. Also located there is an important collection of bay small-craft types, an impressive decoy and waterfowl display, and a 100-year-old "screwpile" lighthouse, which has become one of the major tourist attractions on the east coast.

Mr. Holt has been an inspiration all of his life. At the young age of 15, he signed up with the merchant marine. He later attended the University of Pennsylvania, graduating with a degree in economics. Fresh out of school, he joined the Navy and served as a gunnery officer in southern France. He began a 25-year career with the Honeywell Corp., where he managed the company's operations throughout Latin America. Mr. Holt has even been a member of the Olympic Committee, handling the sailing events during the Mexico City summer Olympics. His proven commitment to excellence has immensely aided the growth of the Chesapeake Bay Maritme Museum, and Mr. Holt's efforts will have a lasting effect, helping to keep the Chesapeake Bay Maritime Museum strong even after his retirement.

Mr. Holt's dedication to the Chesapeake Bay Maritime Museum has made it one of the most important maritime museums in the country. In 1978, the museum was accredited by the American Association of Museums. When Mr. Holt took over the museum, attendance stood at a paltry 3,900 visitors a year. Under his tutelage, the number of tourists who have come to learn from the museum has risen to over 100,000 a year.

Mr. Speaker, because of the efforts of James Holt, the citizens of Maryland, the east coast, and the Nation can learn about the history of the Chesapeake Bay. For his devotion and untiring efforts in making this possible, we all salute him.

THE PRESIDENT TALKS ABOUT THE FIGHT AGAINST NARCOTICS: A WAR WE MUST WIN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BROOMFIELD. Mr. Speaker, I want to share with my colleagues a recent speech by President Reagan concerning illegal drugs and America's war on that menace to our society. The President is to be commended for his leadership on this vital national issue. While reducing America's demand for illicit narcotics is critical if we are to win this battle, we must also continue to focus our resources on the overseas sources of illegal narcotics, the drug producing countries. We must never forget that our enemies in this struggle, the international drug traffickers, are formidable adversaries with incredible resources. The Latin American narco-traffickers have been particularly active.

Recent revelations about the activities of the Medellin cocaine cartel—a Colombia-based organization—the indictment of General Noriega of Panama, and the activities of a "drug lord" in Honduras have shown the financial power, the ruthlessness, and the organizational skills of the so-called drug kings of Latin America.

The brutal assassination in Colombia of the Attorney General is the latest in a string of murders committed by the Medellin cocaine cartel. In the last 4 years, the cartel has murdered 20 Colombian judges. In 1984, the Minister of Justice was murdered in Bogota and the next year the terrorist group, M–19, following orders from the cartel, attacked the Palace of Justice in that country. Eleven of the twenty-four justices of the Colombian Supreme Court were massacred, including its president. The Colombian cartel also enjoys close relations with Cuba and the Sandinistas.

In December, a Colombian, reputed to be one of the world's leading cocaine smugglers, was freed from a Colombian prison after having "bought off" the prison warden. He is reported to be worth over $1 billion. The drug lord was awaiting extradition to the United States. After massive pressure from the cocaine cartel, the Colombian Supreme Court annulled a 1979 extradition treaty between the United States and Colombia.

From an equipment point of view, the Colombian and other drug traffickers have a high-technological advantage. The traffickers often use encrypted communications systems and monitor U.S. Government frequencies. They also use night vision equipment and remotely piloted vessels in some areas.

In recent weeks, Mexican authorities have intercepted large quantities of modern arms and seven light airplanes destined for the Colombian cocaine traffickers. The weapons and aircraft were being shipped to the Medellin cartel for use in that organization's war on the Colombian Government.

While drug traffickers in Mexico are not yet as powerful as the Colombian groups, Mexican officials have expressed growing alarm about their destabilizing potential.

The recent indictment of General Noriega in Panama by two Federal grand juries for aiding drug traffickers and laundering millions of dollars in illicit profits from United States drug sales, clearly illustrates the power and influence of the drug traffickers.

General Noriega was reportedly paid $10 million per month for his help in turning Panama into a major cocaine-smugglling and money-laundering center in this hemisphere.

More recently, Congress learned of the activities in Honduras of Matta Ballasteros, a ruthless narcotics trafficker, who escaped from a Colombian jail and was implicated in the murder of a DEA agent in Mexico a few years ago. As a member of the Medellin drug cartel, Ballasteros is already trying to corrupt members of the Honduran legislative, executive, and judicial branches of government.

It is evident that the drug traffickers operating against our society are tough adversaries who constantly challenge our efforts to eradicate and interdict illegal narcotics destined for the United States. While all Americans appreciate the deep personal commitment that our President has in the fight against drugs, this battle will not be won overnight. The United States must commit even more resources in this vital struggle against those who would undermine the basic fabric of our society.

I commend the following Presidential speech on narcotics to my colleagues in the Congress:

REMARKS BY THE PRESIDENT TO SEMINAR ON "SUBSTANCE ABUSE IN THE WORKPLACE—STRATEGIES FOR THE 1990'S," FEBRUARY 8, 1988, DURHAM, NC

The PRESIDENT: Thank you very much. (Applause.) Thank you, Governor Jim Martin, and thanks, too, for that great music by the Duke University Pep Band. (Applause.) I understand I'm the backup speaker today. You had a real star this morning—Secretary of Labor Ann McLaughlin. (Applause.)

Governor, Dr. Brodie, distinguished guests, Duke students—(Applause)—I figured that was the best way to find out if you were here. (Laughter.)

Well, this has been a week of champions for me. Last Wednesday the Redskins came to the White House. (Applause.) And today I am visiting the home of Coach K's Duke Blue Devils. (Applause.) I met them out at the airport when we arrived.

You've got a champion Governor in Jim Martin, and a champion Senator in Jesse Helms. (Applause.) And North Carolina has given our administration champion leaders—Jack Matlock, our Ambassador to the Soviet Union; Jim Burnley, our Secretary of Transportation; and Bill Bennett, our Secretary of Education. (Applause.)

But today, we're here to talk about drugs in the workplace, as you've been doing. As I mentioned, earlier today I had the opportunity to hear from some people who know firsthand about what drugs in the workplace can mean. And I've been very impressed, as well, with what our panel here has told me.

As you know, Nancy and I have both taken a personal interest in the crusade for a drug-free America. Like so many Americans, we watched with greater and greater apprehension during the years when too much of our media and too many of our cultural and political leaders sent out the message that using illegal drugs was okay.

Well, thank God those days are over. (Applause.) Those days of scenes in a movie where you would get laughs out of someone who was high on marijuana—those scenes where everybody—the first thing they did was open a bottle before the scene began on the screen—well, this conference proves that we no longer shrug off illegal drug use. Yes, Americans in all walks of life have seen the truth about drugs. Workers, employers, students, teachers are all saying "no" to drugs and alcohol.

A few weeks ago we learned that America's students are saying "no" as never before. For 13 years we have conducted annual surveys of thousands of graduating seniors in high schools across our country. What drugs have they used? How often? What do they think about drug abuse? Well, just last month, the survey of the class of 1987 came out, and the news was the best ever.

For the first time since the surveying began, a substantially smaller proportion of high school seniors—one-third smaller—acknowledged current use of cocaine than did the year before. Use of marijuana and amphetamines is also dropping. And almost all students said it was wrong even to try a drug like cocaine. So America's students are getting the message—drugs hurt; drugs kill. And let me add, I can't help being proud of the role someone close to me has played in teaching our young people to stay away from drugs. Nancy's doing a great job. And by the way—(applause)—I'm the only one in the family the government's paying, but I think she's working more than I am. And by the way—(laughter and applause)—she's asked me, as she always does when I speak to an audience that includes young people, please, for your families, for your friends, for yourselves, do what so many others are doing and "just say no" to drugs and alcohol. (Applause.)

But if we're to achieve our goal of a drug-free America, we must reach outside the schools and into the workplace. Now, the professional basketball court may seem like a long way for the average office or factory. But as I heard those personal stories before I came out here, I couldn't help thinking how similar they were to a story about drugs in the workplace that I was planning to tell you.

A few years ago, here in North Carolina, North Carolina State had one of the nation's most promising young basketball stars. David Thompson led North Carolina State to an NCAA championship before signing a pro contract for over $2 million. After three seasons of brilliant play, he was the highest-paid player in the National Basketball Association and then he got into drugs. Over the next two seasons, his game deteriorated. He became injury- and accident-prone. He started showing up late for practice and got into fights on the court. So he was traded, and eventually cut. Two years ago he filed for bankruptcy—millions and a brilliant career squandered on drugs.

Today, David Thompson is pulling his life together—we all pray for his success—and he has this warning: In his words, "You never feel like you're going to be the one to get hooked," he says. And he added, "I knew that it was harmful both for me and for my career, but I couldn't stop." And he offers this advice about drugs: "Never try it. It's easy to get involved with, and it's very hard to get out of."

David Thompson was an extraordinary athlete but an all-too-typical on-the-job drug user.

Game deteriorating? Studies show that drug users are two-thirds as productive as non-users. Lost productivity because of drugs costs America nearly $100 billion a year—and that's like having a pulled hamstring in the race of international commerce.

Injury- and accident-prone? Drug users are three or four times as likely to be involved in accidents. For example, a study of airline pilots using flight simulators showed that they had trouble performing standard landing maneuvers as long as 24 hours after smoking a marijuana cigarette. I have heard that the amount of time that marijuana stays in the fat in the body—unlike alcohol leaving so quickly—that it can be up to four days that the body is still being affected.

Missing work? In one national study drug users reported skipping work two or three times as often as non-users.

Difficult to get along with? Ninety-two percent of all Americans say they don't want to work around someone who gets high during the day, perhaps because drug users act the way they tell researchers they feel—they don't want to be at work, period.

One other thing. As I heard first-hand today, when it's all over, and drug users look back on the wreckage of their careers and their lives, like David Thompson, their advice is "never, never" try it. They wish they never had. They wish someone had discovered their habit earlier and given them help.

Well, that's why we're here. Now I've heard critics say employers have no business looking for drug abuse in the workplace. But when you pin the critics down, too often they seem to be among that handful who still believe that drug abuse is a "victimless" crime.

When I hear those critics, with their new version of an old discredited theory, I remember the story about the man who took the train ride. This is my way of getting to tell you a story. (Laughter.) The man noticed that the fellow across the aisle was making strange and elaborate gestures and grimaces and then laughing. And finally the man leaned over to ask if anything was wrong. "No, no" the fellow said. "It's just that when I travel I pass the time telling stories to myself." And the man said, "Well, then why do you make faces and gestures as if you were in pain?" And the fellow answered, "Well, everytime I start a story, I have to tell myself that I've heard it before." (Laughter.)

But we've heard the story of victimless crime before, and it's a bad one. The drug user is a victim. His employer is a victim. His fellow employees are victims. The family that depends on his wages are victims. And America, which is only as strong and as competitive as all of us together, America is the victim. It would be hard to find any crime with more victims than drug abuse.

Almost a year-and-a-half ago, we announced a federal campaign for a drug-free workplace. To accomplish this, we proposed to put the federal government in the lead, moving toward a drug-free workplace for federal employees. We're encouraging state and local government to follow our example, as well as federal contractors, and all of the private sector. That means you—and I know that the companies represented here have already moved ahead.

I'm proud of the progress we've made—particularly in the military and other areas where an alert mind can mean the difference between life and death. We got a head start with the military. And since the drug program started there, illegal drug use has gone down by two-thirds.

But I know we have a long way to go. The companies here today are leaders, but I know hundreds of others are making progress, too. We in Washington have a lot to learn from you. You're showing how compassion and campaigns for a drug-free workplace go hand-in-hand.

The crusade for a drug-free America is being waged on many fronts. In the last six years, for the first time ever, we have set up a nationally coordinated attack on drug smuggling. Drug seizures are at an all-time high. Federal drug arrests have increased 66 percent. Arrests of major traffickers have tripled.

But in the end, the crusade against drugs will be won not on the shores, but in the heart of America. If students, workers, executives, professionals—if all of us decide that there's no place for the enslavement of illegal drugs in this land of the free, then we will win and drugs will lose.

And that's our challenge. That's the crusade that you're helping to lead. You know, there's a great deal of emphasis and people talking about—when I heard a phrase about throwing money at drugs, the idea that it can all be done if we have enough people out there on the borders intercepting. Well, we have intercepted, tons and tons. We have fleets of airplanes and boats and trucks that have been confiscated. And I told some people earlier today, I saw for the first time in my life what $20 million looked like. It was piled up on a table down in Florida, confiscated from drug dealers. And yet, as long as there is a profit in it, that isn't enough. The real answer must come from taking the customer away from the drugs, not the other way around. (Applause.)

Then, to those of you—and like some who've spoken here today—who have resolved their problem and cured, they are the greatest exponents. I found that out back, Jim, in my Governor days when I would try to talk to young people about this when it was first beginning—the emphasis then was on marijuana. And I found out that I might stand there and talk all day and I wasn't as effective as one individual who could stand up in front of them and say to them, "I've been there. I used to do that." And he can solve more problems in 10 minutes than, as I say, as I could all day. And those are the people, so many of them, who are so unselfishly now joining the crusade. And God bless them and—for all of that—you're doing to help—you, to your fellow Americans. I thank you and God bless you. (Applause.)

THE RETIREMENT OF POLICE CHIEF JIMMY D. KENNEDY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DORNAN of California. Mr. Speaker, it is with mixed emotions that I rise today to announce the retirement of a good friend and long time public servant, Police Chief Jimmy D. Kennedy. Chief Kennedy is retiring as chief of police of the largest city in Orange County, CA, Anaheim, which is in my 38th Congressional District.

Like Disneyland, and the California Angels and Rams, all of whom call Anaheim home, Chief Kennedy has grown to be a respected and well-known local institution. Chief Kennedy, who joined the Anaheim Police Department in 1958, served in various positions before being appointed chief in May 1983. His dedication and commitment to the people of Anaheim and California goes beyond his job as chief peace keeper in Anaheim. Chief Kennedy served as a member of Governor Deukmejian's Task Force on Juvenile Arson and Firesetting; president of the Orange County Chiefs of Police and Sheriff's Association; former district chairman of the Ahwahnee District for the Boy Scouts of America; president of the California Juvenile Officers Association; past vice president of the Southern California Community Relations Officers Association; former member of the Governor's Advisory Committee to the California Youth Authority; member of the International Association of Chiefs of Police; member of the California Police Chiefs Association; and a member of the California Peace Officers Association.

Chief Kennedy has a master of arts degree in management from the University of Redlands and is a graduate of the prestigious FBI Academy and the FBI National Executive Institute. For the past 17 years, Chief Kennedy has shared his wealth of experience in law enforcement with students at Fullerton College where he taught police science.

On behalf of the citizens in my 38th Congressional District, who have all benefited from Chief Kennedy's 30 years of service, I want to extend my best wishes for a happy and rewarding retirement.

JOURNEY TO NICARAGUA

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. RAHALL. Mr. Speaker, I would like to submit for the record the following report detailing a trip to Nicaragua last March taken by United Methodist Bishop William Boyd Grove of my home State of West Virginia. Bishop Grove is the chair of the board of church and society of the United Methodist Church.

Bishop Grove draws some very insightful conclusions from his observations of the situation in Nicaragua and his discussions with the people of that country, and I would encourage every Member of the Congress to read this report carefully.

JOURNEY TO NICARAGUA, MARCH 1-8, 1987

(By Bishop William Boyd Grove)

I write this report while en route from Nicaragua to the United States. I want to collect and compose my reflections while the images of the country and its people, the words of those who spoke with us, and my emotional and rational responses to those words are still vivid in consciousness.

I went to Nicaragua with twelve other representatives of the West Virginia Annual Conference and two from the Western Pennsylvania Annual Conference. We went to this beautiful and ravaged country as representatives of the church of Jesus Christ and as citizens of the United States of America. We went to learn; to "see for ourselves"; to seek to penetrate the wall of propaganda that now stands between Nicaragua and our own country. We went to have fellowship with Nicaraguan Christians, to hear their story and to share our story. We went hoping to implement a decision made by the West Virginia Annual Conference at its 1985 Session to establish a covenant relationship with a congregation in Nicaragua.

Our itinerary was prepared by Peggy Heiner who, with her husband Howard, is a missionary of our church assigned by the World Division of The Board of Global Ministries. Our schedule was carefully planned so as to engage us with all points of view concerning the conflict in Nicaragua and to enable us to be present with the people of Nicaragua. The planning was well done and the objectives outlined above were achieved. We spent four days in Managua, the capital city, and two days in the smaller city of Jinotega in the northern mountains. Our night in Jinotega was spent in the homes of Christians in that city—an unforgettable experience for all of us.

Nicaragua is a small country of 3,000,000 people positioned approximately midway on the land bridge between North and South America. The country has a tropical climate in the southwest around Managua, the capital city. To the north the terrain is mountainous, to the east there is deep jungle with few people. The Miskito Indians live along the east coast and are relatively isolated from the majority population to the west.

Nicaragua, like the rest of Latin America was strongly influenced or dominated by the United States during the late 18th and 19th centuries. Between 1900 and 1934 the United States sent the Marines into Central America thirty-five times. Since 1932 the Samozas, backed by the United States, have imposed tyrannical dictatorial rule in Nicaragua. (The U.S. Government now acknowledges that Samoza was a tyrant.) In 1979 the Samoza regime was overthrown in a revolution carried on by groups that were politically diverse but united in their resistance to Samoza. One of the groups was the FSLN (Frente Sandanista Liberacion National) popularly known as the Sandanista Party. After the victory in 1979 a coalition government was formed with the FSLN as the dominant party. That government was committed as the government says that it is today to:

1. Self determination.
2. Political nonalignment.
3. A mixed economy.
4. Political pluralism.

As we all know, it is the conviction of the Reagan administration and the United States Government that the revolution has been betrayed and that a repressive government that is aligned with the Soviet Union has become a threat to the neighbors of Nicaragua, and to the security of the United States. That conviction has led the United States to support with massive financial aid the war being waged against the government of Nicaragua by counter-revolutionary forces (Contras), an economic blockade, the attempted mining of the Nicaraguan harbor, activities that have been found by the World Court to be in violation of International Law.

The United Methodist Church has declared its opposition to such American intervention on a number of occasions: in a resolution adopted by the 1984 General Conference, and in more contemporary and specific resolutions by the Council of Bishops, the General Boards of Church and Society and Global Ministries, and many of the annual conferences, including the West Virginia Annual Conference. The National Council of the Churches of Christ in the U.S.A. and many other religious groups have taken similar actions. Our trip to Nicaragua should be seen in continuity with this denominational and ecumenical history and involvement.

To test the validity of U.S. government policy toward Nicaragua and our church response to it, we talked with representatives of all groups available to us. Interviews/briefings were held with the following:

1. The United States Embassy: Luis Moreno—Second Political Secretary.

2. The Nicaraguan Government:

Ray Hooker—a member of the National Assembly and Chairman of the Foreign Affairs Committee. (Ray Hooker is a former professor at Ohio University.)

Alejandro Bendana—Secretary General of the Foreign Ministry and former ambassador to the United Nations. (Alejandro Bendana has a doctorate from Harvard University where he served as professor of history prior to 1979.)

Alberto Martinez—a member of the National Committee and Director of Government in Jinotega.

3. The Liberal Independent Party (PLI): Joaquim Mejia and Jaime Bonilla.

4. Persons from the private sector—Representatives of COSEP—an umbrella organization comprised of persons from business, the professions, agriculture, etc.: Nicholas Bolanos and Gilberto Coadra.

5. Representatives of the Churches:

The Roman Catholic hierarchy—Father Uriel Reyes.

The Roman Catholic "Peoples Church"—Father Rafael Aragon.

CEPAD—A council of 46 protestant denominations organized for relief and development: Gilberto Aguirre—Executive Director and Pedro Antonio—Regional Director in Jinotega.

CENPEN—A council of evangelical protestant pastors: Felix Rosales—President.

The Reverend Norman Bent——a Moravian pastor who has been vitally involved in reconciliation between the government of Nicaragua and the Miskito Indians.

In addition to these formal meetings we attended an evangelical (protestant) worship service in Jinotega and talked with common people and stayed in their homes. We talked with two members of the "Mothers of Heroes and Martyrs", a strong women's organization comprised of those who have lost sons in the war. We visited the home of one of the mothers. We visited a class of young persons in a Roman Catholic Church in Managua. There we met 20 twelve-fourteen year olds who were being taught by their priest. Several of them are "Catechists", and are being prepared to teach reading and writing to illiterate adults in the community. On a long wall around their chapel they have painted a beautiful mural that portrays the biblical salvation story from creation to resurrection. The mural flows into a pictorial depiction of the liberation of Nicaragua with vivid scenes representing agrarian reform and the literacy campaign. At the center of this part of the mural was a picture of the revolutionary hero Sandino.

We also visited a Cooperative south of Jinotega where 30 homes are being built for resettled campesinos, victims of the war, who will together own and farm the land (a symbol of the revolution was the outdoor workbench of one carpenter containing carpenter's tools, a rifle, and a New Testament).

Criticisms of the present government and responses to those criticism are as follows.

1. Nicaraguan society is experiencing social disintegration and conditions are worse than before the revolution.

Only representatives of business (COSEP) made this charge. No one else whom we met supported it.

Response. Representatives of the government pointed to the reduction of illiteracy from 55% to 12% since the revolution; Land distribution leading to more private ownership of land today than ever before in Nicaragua's history. Acknowledged shortages of goods and services were ascribed to the embargo imposed by the U.S.A., the cost of the war, and priority given in the early years to social development (education, health care, etc.) over production.

2. The government has betrayed the revolution, is politically repressive, and does not have the support of the people of the country. This charge was made by the American Embassy, COSEP, representatives of the

Liberal Independent Party, and the representatives of the Roman Catholic hierachy.

Illustrations: The closing of La Prensa, the opposition newspaper, the closing down of a Catholic television station and the exile of Bishop Vega.

Response. Representatives of the Government maintain that Nicaragua, a small country, is involved in a war for its life against opponents who represent the U.S.A. They point to the fact that nations have often had to suspend certain civil rights in war time to protect national security. (The U.S.A. resettled and confined thousands of Japanese-American citizens during World War II in the name of national security. Although this was not mentioned, I remember that President Abraham Lincoln suspended the right of Habeas Corpus during the Civil War.)

La Prensa, financially supported by outside sources openly advocated support of those who were at war with the nation. "Would the U.S.A. have permitted an American newspaper to openly advocate support for Germany during World War II?" (Secretary Bandano). "Bishop Vega could have been charged with sedition. Instead we escorted him to our border." (Secretary Bandano). "All restrictions will be lifted immediately upon the cessation of U.S.A. support for our enemies." (Secretary Bandano.)

Aside from Father Uriel Reyes, representing Cardinal Abando y Bravo, and Mr. Luis Moreno of the American Embassy, no one claimed religious persecution. Gilberto Aquiro (CEPAD) indicated that he and other representatives of CEPAD have regularly scheduled meetings with government officials and are encouraged to be critical. Reverend Norman Bent, who was under house arrest for five months in Managua, reported that the government had formally apologized to him for its mistake. He also reported that the government had formally apologized to the Miskito Indians for their forced resettlement. (Secretary Bandano listed the resettlement of the Miskitu as a mistake.) Reverend Felix Rosales (CNPEN) said that he has not seen the government as oppressive of the church. "There have been some incidents but they were the result of misunderstanding and were quickly corrected. Let those who believe otherwise come and see." (Felix Rosales) "We need a responsible political opposition. The other parties are making no attempt to do the hard work of organizing the people and not because of lack of access." (Ray Hooker)

3. The Nicaraguan Government has built the largest standing army in Nicaragua and is a tool of the Soviet Union and is a threat to its neighbors. This charge was made only by Luis Moreno of the American Embassy. We heard it no where else.

Response. The government believes that it must be prepared for invasion of the U.S.A. military forces as a result of the political and military failure of the Contras. "Our country has hurt no one. No other country has been hurt by us." (Pedro Antonio—CEPAD). "The U.S.A. is building landing strips and hospitals in Honduras. There are regular spy flights by the U.S.A. over our air space. U.S.A. troops are now permitted by Congress to mass within twenty miles of our border. There are U.S.A. battleships off both coasts." (Secretary Bandano). "The Soviets are sending us trucks and machinery to help build our country. The Contras are trying to burn us down." (Secretary Bandano).

OUR OBSERVATIONS AND CONVICTIONS

1. The Nicaraguan people are incurably religious, and their religious faith is a vital ingredient in their commitment to a new and independent Nicaragua. Except for the instances of conflict with the Roman Catholic hierarchy referred to above religion is free and unfettered. The churches have open access to the government, and criticism is permitted. What is not permitted is support for or identification with the country's enemies by the churches.

2. The Nicaraguan people and government are totally committed to self-determination and to non-alignment with any super power.

3. The Soviet Union, whatever its motives, is responding far more positively and creatively to a struggle for freedom than is the U.S.A. For instance in response to our question "Why are there so many Marxist/Leninist books around?", Secretary Bandano said "Our people are gaining the ability to read. The Soviet Union is sending us books free. We would love to have the works of Jefferson and Lincoln. If you or your government will provide them, we will make them available to the people gladly!"

4. The people are suffering terribly by the shortages caused by the embargo and from the war.

In Jinotega the brother-in-law of my hostess, who was the President of a rural cooperative had been killed and mutilated nine days before, leaving a wife and eight children. "Proportionately, the people of Nicaragua have endured more suffering during the last seven years then Britain did during World War II." (Ray Hooker).

5. The American press has been lazy and ineffective in its coverage of the Nicaraguan conflict. We are astounded by the failure of the American press to examine objectively the premises of our nation's policy. We desperately need some outstanding journalism in relation to the issues in Nicaragua.

6. The current policy of the U.S.A. is morally bankrupt. We are clearly working to destabilize and overthrow the government of a sovereign nation for illegitimate reasons. Our actions are illegal and immoral and are a betrayal of our own national history and our identity as a people committed to freedom.

I call upon all members of the Congress of the U.S.A. to stop financial aid of any kind to the contras. I urge members of Congress to visit Nicaragua and to talk with persons representing all points view.

I call upon the West Virginia Conference, the United Methodist Church and all Christian people to continue and to intensify prophetic response to the crisis in a small country, a crisis caused and manipulated by our government.

LEGISLATION TO STOP THE TRANSFER OF LAUNDERED DRUG MONEY FROM PANAMA THROUGH THE FEDERAL RESERVE SYSTEM

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MANTON. Mr. Speaker, two U.S. grand juries indicted Panamanian Gen. Manuel Noriega last month on drug trafficking and racketeering charges. General Noriega has been charged with conspiring to import tons of elicit drugs into the United States and using Panama's banks to launder the proceeds from these sales. Taking full advantage of Panama's bank secrecy and incorporation laws, Noriega has made Panama a safe haven for drug trafficking and money laundering. Let me give my colleagues just a few examples.

First, Panama's incorporation laws guarantee anonymity to corporate organizers. Corporations are easily formed by those who want to keep their "business dealings" in the dark. A 1983 investigation by the Drug Enforcement Agency revealed a Miami based drug czar had formed approximately 800 separate corporations in Panama to facilitate drug trafficking and money laundering.

Second, Panama's banking laws permit numbered and coded bank accounts and impose penalties on the unauthorized disclosure of bank account information. These laws make it very easy for drug traffickers to launder their proceeds. Panama's banks hold more than $50 billion in dollar deposits and the banking industry accounts for almost 10 percent of the country's GNP. Although Panama's bank secrecy laws are covering up money laundering from drug trafficking, Panama's bankers appear to be working together to undermine any attempt at open disclosure of bank records.

Without a doubt, massive amounts of laundered drug money is being transferred to the United States from Panama through the Federal Reserve Payment System. In 1983, more than $1 billion was sent to the United States by 14 Caribbean nations. Panama accounted for over half of that amount. Now 5 years later those figures have skyrocketed.

Along with the drugs from Panama that are crossing our border, billion of dollars in laundered drug money is flowing into United States banks. In June 1987, the Federal Reserve Bank in Atlanta alone had deposits of $1.3 billion cleared through Panamanian banks. Undoubtedly, much of this is laundered drug money. We simply cannot allow the United States Federal Reserve System to be a tool in Panama's sleazy drug operation.

In that regard, today I am introducing a resolution expressing the sense of the Congress that the Board of Governors of the Federal Reserve should take every step necessary to stop the transfer of funds from Panama to banks in the United States through the Federal Reserve System. The resolution states the Board should deny any resumption in payment transfers through the Federal Reserve System until the President certifies the Government of Panama is actively cooperating in our war against illegal drug trafficking.

Mr. Speaker, illegal drugs are killing our Nation's youth and having a devastating impact on every segment of our society. Just 3 days ago, Edward Byrne, a 22-year-old uniformed New York City police officer, was murdered in cold blood in Eastern Queens. Officer Byrne was sitting alone in a patrol car guarding the house of a witness in a drug case. This murder is just the latest in a series of violent deaths in our cities resulting from attempts to stop these drug dealers.

According to the House Select Committee on Narcotics Abuse and Control, the estimated social and economic cost of drug abuse

prevention programs, treatment, related crime, violence, death, property destruction, lost productivity, and drug enforcement totaled $100 billion in 1986. We must take every action available to stamp out this cancer.

Under General Noriega, the Government of Panama has been a major center for assisting international drug trafficking. We must not allow Panama to use the United States Federal Reserve System to promote its deadly trade.

I urge my colleagues to join me in cosponsoring this important resolution.

TRIBUTE TO FALLEN POLICE HERO EDWARD BYRNE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BIAGGI. Mr. Speaker, every other day in our country a police officer is killed in the line of duty. Another 600,000 risk their lives for our protection every hour of every day. Yet, no matter how true those facts may be, the brutal assassination of New York City Police Officer Edward Byrne is simply beyond the realm of human understanding.

Sitting alone in his patrol car last Friday morning, guarding the home of a narcotics witness in Queens, 22-year-old police officer Edward Byrne was gunned down with three shots to the head at point-blank range. The apparent motive for the cold-blooded killing? Officer Byrne's father, Matthew, himself a retired New York City Police Lieutenant, said it best when he blamed his son's death on drug dealers who are "telling us they've declared war on society. When Eddie died a little of all of us died because Eddie represented decent people of this world and his death becomes a responsibility of the decent people.

The war on drugs is indeed as bloody a war as this Nation had ever fought, and it's the police officer who risks his or her life every day on the frontlines of that war. As much as we value those men and women as our protectors, we are reminded by Officer Byrne's death that they are also very vulnerable; they often become the victims of the war they are fighting for all of society's sake.

Mr. Speaker, more than 10,000 police officers attended Officer Byrne's funeral on Monday. It was the largest turnout at a police funeral ever remembered. It was an emotional tribute to a brave, young comrade. It was also a loud and clear signal by law enforcement that they are more than prepared to respond decisively to the declaration of war that has been issued by the crazed drug dealers that prey on our streets.

But, the war against drugs requires more than committed and courageous soldiers. In a statement by Matthew Byrne that was filled with emotion and truth, he declared:

> An aroused citizenry is the only thing that will generate the kind of response we need. If we don't get immediate and drastic action the streets will be as they are in Beirut or Bogota. If our son Eddie, sitting in a police car, representing and protecting us, can be wasted by scum like that, then none of us is safe—and I don't care where you live.

Mr. Speaker, Matthew Byrne added something else and it was intended for our ears. He challenged government officials to "put their money where their mouth is" in the war against drugs. Simply put, we have an absolute responsibility to our constituents and our police officers to focus more resources on the war against drugs. A good place to start would be to get tougher on the foreign governments that refuse to crackdown on the drug supplies originating in their countries. We must also ensure that the $250 million in drug-fighting Federal aid for our local law enforcement agencies is restored. Further, we must work to ensure that every State in our country has a death penalty statute on the books for would-be killers, like the ones responsible for the murder of New York Police Officer Edward Byrne.

Mr. Speaker, I would like to join the millions of other New Yorkers and Americans everywhere in saluting Officer Byrne. As a former New York City police officer myself, I have very special feelings about his sacrifice and the tragic loss his family is now experiencing. I know I speak for my colleagues when I say we share that sense of loss and we will work to ensure that Officer Byrne's death is never forgotten.

A little more than 3 years ago, we authorized a National Law Enforcement Memorial to be built in Washington, DC. I was proud to lead that successful effort. That long overdue and richly deserved tribute to the service and sacrifice of Officer Byrne and thousands of other law enforcement officers is well underway. The memorial will serve as a constant reminder of the tremendous risks our law officers take on our behalf. It will also remind us all of their tremendous need for our support in the war against crime.

Two years ago, this august body passed the toughest antidrug law in our Nation's history. That legislation provided more than $4 billion over 3 years for drug eradication, enhanced law enforcement efforts, drug interdiction, drug education and drug abuse treatment. That bill included more than $1 billion to help police authorities fight the drug problem at the local level. Obviously, that was not enough. We must do more and I am confident we will.

Mr. Speaker, at this time, I wish to insert a March 1 New York Times article reporting on the funeral for Officer Byrne:

10,000 AT SLAIN OFFICER'S MASS DISPLAY RESOLVE

(By Sarah Lyall)

SEAFORD, Long Island, Feb. 29.—In a turnout that veteran officers said was the largest they had ever seen at a police funeral, more than 10,000 police officers today mourned one of their own who was killed while guarding a narcotics witness in Queens.

The officers stood six deep along Hicksville Road in a line that stretched the length of at least eight city blocks. They came from as far as Texas to pay their respects to Officer Edward Byrne of the 103d Precinct.

That so many police officers came to the funeral for Officer Byrne, a 22-year-old rookie who was slain while guarding the South Jamaica home of the witness, was an expression of the officers horror at what they called an assassination. And it was a sign of defiance meant to show that similar acts must not occur again.

"BECAUSE HE WAS SO YOUNG"

"This is an action which will convey how seriously we take this," said Officer Michael Fandall of the Sixth Precinct, who took a train from Manhattan after his shift to attend the funeral. "We always turn out when a police officer dies. But this was different, because of the way he died, and because he was so young."

A police funeral is a reminder to other officers and their families that they, too, are highly vulnerable. But what distinguished this death, officers said, was that it pointed out the difficulty of trying to wipe out the crack business that is taking over some neighborhoods. The officer said the death made the police want to fight back against the people responsible for the slaying—not just the people who pulled the trigger, but the entire drug trade.

That attitude was also reflected by the increase in the number of officers sent out after the slaying. Officers stepped up efforts in the 103d Precinct to make arrests in suspected crack dens and other crack-selling locations. The arrests were in part an effort to obtain information in the case, but they also showed the frustration in dealing with crack, several officers said.

Officer Pete MaGinnis of the 71st Precinct in Brooklyn, who is 23, said: "It could have happened to anyone out there, any time. We can't let it happen again."

"We've always been angry, and this has helped bring it out in the open," Officer Fandall said. "This provides us with a moment to do something dramatic to reverse the disease."

With the large turnout, he added, "we can try to get the attention of the people committing the crimes."

CLUES ARE SCANT

Police officials said today that .38-caliber bullets were used to kill Officer Byrne. The weapon has not been recovered, and no other hard evidence was developed to connect people identified as drug dealers in Queens to the slaying, the officials said.

Federal agents have become deeply involved in the case, with agents of the Drug Enforcement Administration talking to their informers and trying to develop leads that local detectives might use. The killing, the special agent in charge of the D.E.A. office in New York, Robert Stutman, said.

Detectives are focusing on several people charged with having tried to intimidate the homeowner who had complained of the drug dealing—in two cases by firebombing his house and in two others by verbally threatening him.

One of those charged in the firebombings, which occurred last November, is Claude Johnson, 27, who lives in the area where Officer Byrne was killed. Mr. Johnson is in custody on Rikers Island, awaiting trial on arson and other charges. His lawyer, Ronald J. Gesten, said yesterday that Mr. Johnson had "nothing to do" with the officer's death or the firebombing.

ENTIRE FORCE OF 103D PCT.

After the 90-minute Mass for Officer Byrne at St. James Roman Catholic Church at 80 Hicksville Road, a number of officials on hand, including Senator Alfonse M. D'Amato, Republican of New York, and United States Attorney Rudolph W. Giuliani, called for a Federal crackdown on drug trafficking and stricter penalties for dealers. Mr. Giuliani also said he favored the death penalty for criminals convicted of murdering a police officer.

During the service, friends and relatives of the slain officer, the entire force from the 103d Precinct and a host of officials, including Mayor Koch and Police Commissioner Benjamin Ward, filled hundreds of seats and spilled into the church aisles. The officers stood outside in formation, as the day turned colder and the mood more somber.

As the officers from the 103d Precinct, wearing white shirts as part of their ceremonial uniforms, bowed their heads, some crying softly, the Rev. Thomas DeVita, associate pastor, said: "We commit him back to our God and our Father who gave him life 22 years ago. If only it could have been a little longer."

GREETINGS FROM MACDONALD

After the service, family members and police officials followed the coffin, draped in a green, blue and white Police Department flag, out of the church. The officers, representing every precinct in the city, stood at attention as one played taps. Five police helicopters flew low overhead and disappeared.

Sitting in his uniform in a wheelchair at the church door was Officer Stephen MacDonald, who was paralyzed in a gunfight in the summer of 1986 and who breathes with the help of a respirator. Officer MacDonald, overcome with emotion, greeted members of the funeral party leaving the church.

After the service, Mr. Ward, looking drawn and tired, left quickly for Manhattan. But several other officials spoke briefly to reporters.

Officer Byrne's oldest brother, Lawrence, is an assistant United States attorney in Mr. Giuliani's office in Manhattan, and Mr. Giuliani called on the Reagan Administration to spend more money combating drugs. He said:

"When a police officer is killed, the death penalty should be available. I think that would get the message across to the drug dealers. Maybe the people who oppose the death penalty don't understand that you're dealing with uncontrollable behavior."

The hearse, escorted by eight officers, inched past the line of officers from New York City, Syracuse, Maryland, Boston and Ohio. The officers disbanded, many to return to their posts. Officer Byrne's family followed the hearse to Farmingdale, where he was buried.

MARCH 1988: AMNESTY MONTH A TIME TO "COME OUT OF THE SHADOWS"

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BROWN of California. Mr. Speaker, I would like to remind my colleagues and my constituents that the month of March has been proclaimed as Amnesty Month, and urge all individuals eligible under the provisions of the Immigration Reform and Control Act of 1986 to come out of the shadows and establish themselves as legal residents of this great Nation. With only 2 months remaining in the amnesty period, it is my hope that all qualified illegal aliens will come forward to take advantage of the freedom and pride afforded by legalized status.

Upon passage of the Immigration Reform and Control Act of 1986, it was estimated that over 2 million illegal aliens resided in the United States. Since the beginning of the Amnesty Program in May 1987, over 1¼ million of these individuals have applied for temporary legal status. As we rapidly approach the end of the amnesty period, however, it is even more important that we reach out to the hundreds of thousands of individuals who have yet to come out of the shadows to obtain the benefits of legalized status.

The amnesty provision of the Immigration Reform and Control Act applies to individuals who entered the United States prior to January 1, 1982, and who have continuously resided in an illegal status since that date. This Amnesty Program is not a "sting" operation or an attempt to locate and register illegal aliens. Confidentiality provisions included in the act prohibit the use of information from amnesty applications in the deportation of applicants or nonqualifying family members. The Amnesty Program ends on May 4, however, and no applications will be accepted after that date.

It is crucial that qualified individuals step forward to take advantage of this unique, once-in-a-lifetime opportunity. Obtaining amnesty under the Immigration Act promises freedom from the fear and insecurity of life in the shadows. Those who apply have everything to gain, and nothing to lose. Thus, during Amnesty Month, I urge all qualified illegal aliens not to be left behind: Apply for amnesty now, while you still can. Take advantage of the law, and enjoy the freedom that can be yours.

SALUTE TO TEXAS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BARTON of Texas. Mr. Speaker, I rise today to inform Members of Congress not fortunate enough to represent that great State of Texas about the significance of today, March 2, Texas Independence Day. On this date in 1836, settlers gathered at Washington-on-the-Brazos, which borders my district, to sign a declaration of independence. Thirteen days later, Col. William Travis and his loyal band of 187 men sacrificed their lives holding off a larger Mexican forces of 4,000 soldiers at the Alamo.

Several weeks later, on April 21, 1836, the Texas Army of 800 surprised Gen. Santa Anna and his force of 1,600 at what is now San Jacinto. This decisive battle finally freed Texas from Mexico and for the next 10 years Texas existed as an independent republic.

On this great day in Texas history, it is also fitting to recognize the birthday of the Lone Star State's most outstanding statesman, Sam Houston. Born this day, March 2, in 1793, Houston served the Union as a Congressman from Tennessee. However, Houston is most renown for this role in Texas independence as the Commander of the Texas Army. It was under his command that the Texas Army defeated Santa Anna at San Jacinto.

Because of Houston's military accomplishments, he was elected the Texas Republic's first President. He was later elected as one of Texas' first two Senators to serve in the U.S. Senate after statehood was approved in 1845. The city of Houston was named to honor this great man, and his statute is one of two that represents Texas in our capital building.

Mr. Speaker, along with you, I share great pride with all Texans in remembering this special day in Texas history. This day serves to mark both the former Republic's independence from Mexico and the birth of one Texas' and the Nation's finest leaders; Sam Houston. It is, indeed, a great day for all Texans and Americans.

THE BUDGET LEGACY OF THE REAGAN YEARS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 2, 1988, into the CONGRESSIONAL RECORD:

THE BUDGET LEGACY OF THE REAGAN YEARS

With the submission of President Reagan's final effective budget, it is an appropriate time to review the President's federal budget legacy.

Under President Reagan, annual federal spending has increased by $377 billion, to more than $1 trillion. Federal outlays, which were 22.7% of the gross national product (GNP) in 1981, rose to 24% in 1985 before dropping back to 22.5% of GNP in 1988. At the same time, federal revenues have not kept up, increasing $298 billion over the same period.

The result has been that President Reagan has overseen the creation of more new debt than the combined deficits of all previous presidents. President Carter's largest deficit was $73.8 billion in 1980, but under President Reagan the deficit reached $220.7 billion in 1986. The last few years have shown us that there is no way to cut taxes sharply, increase defense spending strongly, promise not to touch various entitlement programs, and still pay interest on the debt without creating enormous deficits. Reflecting the large increase in public debt, federal interest payments have risen from $69 billion in 1981 to $148 billion this year. Interest payments now eat up 14% of all federal spending, and exceed the combined budgets of the Departments of Agriculture, Commerce, Education, Energy, Interior, Justice, Labor, State, and Transportation.

The most enduring fiscal legacy of the Reagan period will be a heavily indebted government. To finance the changes brought about during the Reagan presidency, the government has added $500 million a day to its debt. So far, this deficit spending policy has not caused dramatic economic problems. During the President's watch, inflation and interest rates have come down, the civilian unemployment rate has fallen to 5.8%, and we are in the midst of the longest peacetime economic expansion in U.S. history. The concern about the deficits is more long-term. The deficits entail massive governmental borrowing that mortgages the nation's economic future. They have also weakened the government's ability to undertake important initiatives. The large deficits

will make it more difficult for the government to increase spending if the economy falls into a recession and the unemployed and others hurt by such a downturn need government aid.

President Reagan has not dismantled many government programs. Basically his approach has been to consolidate federal programs, and to pare programs rather than eliminate them. Eligibility has been tightened and benefits reduced. The President killed 18 programs in his initial 1981 budget but many of them were later restored. Revenue sharing—federal funds provided directly to the states and cities—was the only major domestic program repealed in the Reagan years that stayed repealed. At the same time, various new programs have been added, including the Strategic Defense Initiative, AIDS research, and aid to the homeless.

While total government expenditures have reached historic highs during the Reagan years, the portion of the budget going for domestic discretionary spending has shrunk. Overall, the poor have been harder hit than others under the Reagan budgets. Education and training, community development, welfare, nutrition, housing, and other anti-poverty programs were reduced the most. The young have been hit harder than the old. Today we spend four times as much per capita for the aged than for children, and the gap is growing. State and local governments have also received less help under the Reagan budgets. The President has shifted many responsibilities to the states while reducing federal aid to state and local governments by 30% in constant dollars. Some middle-class benefits were reduced, but large federal funds continue to flow to programs that benefit Americans of all income, such as social security, medicare, and farm price supports. Outlays for these programs have far outstripped inflation during the President's tenure, while federal outlays for poor families with children and for food stamps have declined in real terms. This represents a sharp change from the past when spending on poverty programs rose more rapidly than spending on middle-class entitlements.

Although the President has failed to stop the growth of government spending, he has significantly changed the composition of the federal budget. Measured in dollars adjusted for inflation, what has happened in the federal budget from 1981 to 1987 is as follows: Interest on the national debt has risen 59%, defense spending has risen 46%, social security, medicare, and other retirement programs have gone up 26%, while other domestic spending, such as for energy, transportation, and economic development, has declined 21%. The programs receiving the greatest increases during President Reagan's years have had some successes. Our defense capabilities have been strengthened, social security has been rescued from the threat of insolvency, the medicare payment system has been restructured, and there has been a turnaround in the farm sector.

The President's rhetoric about government spending as the source of the ills of the economy masks the results of his presidency. In many respects the federal establishment that he leaves behind is remarkably similar to the establishment he found when he came to office in 1981. The basic programs of the New Deal and the Great Society endure even at the end of his administration, and several, including social security, medicare, and medicaid, have been significantly expanded. So clearly, the legacy of the Reagan budgets is that many of the federal programs created in previous decades will continue in the post-Reagan period. Huge budget deficits will also survive, and the next president will have very little room to maneuver to address pressing problems. Public opinion polls show that the public wants to spend more on poverty, homelessness, child care, and long-term health care, but it is hard to see where the money will come from.

The next president faces a bleak fiscal outlook with defense and domestic discretionary spending squeezed. The leaders and the taxpayers in the post-Reagan period will inherit the burden of paying for the debt if not paying it off.

IN SUPPORT OF THE NATIONAL SILVER-HAIRED CONGRESS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. RAHALL. Mr. Speaker, today I am introducing a piece of legislation that will recognize an increasingly influential sector of society, not only in my home State of West Virginia, but all over the United States. The purpose of this concurrent resolution is to express the support of the Congress for the upcoming 1989 "National Silver-Haired Congress."

These senior citizen legislatures began convening in 1972 and are now established in nearly half of the States in this country. In their 14 years, "silver-haired" legislatures have provided a wealth of information and assistance to their State governments concerning the ever-changing face of issues on aging. Their effectiveness lies in their experience: they live with the daily problems faced by all aging Americans yet they refuse to succumb to the stereotypical stigmas heaped upon them by the rest of society. They choose instead to channel their wisdom and their vigor into championing their cause. This energy has resulted in the birth and success of the "National Silver-Haired Congress."

Since 1984, the National Silver-Haired Congress has been incorporated as a nonprofit organization. Their national steering committee is now at work to establish guidelines for the election of legislators to attend the 1989 National Congress in Washington, DC. They do not ask for, nor do they desire, funding from their State or the Federal Government, but prefer to rely on assistance from the private sector. Their goal is to work alongside the Government and national organizations as an independent advisory group on aging issues.

At present, more than 12 percent of the Nation's population is over the age of 65. In just four decades, when the last of the "baby boomers" are reaching 65, 1 out of every 5 persons will be over 65. As a "baby boomer," the reality of those statistics has hit home with me. It is with this in mind that I urge my colleagues to take a good look at this piece of legislation. In the years to come, our senior citizen population will continue to increase at an alarming rate. This increase will serve to intensify the problems we are facing right now with regard to medical costs and insurance coverage. We cannot face these problems ourselves. We need not face these problems ourselves when there are organizations like the "National Silver-Haired Congress" are willing and able to help.

In supporting this national meeting of the "Silver-Haired Congress," we not only provide ourselves with an expert grassroots forum for national aging issues, but we also provide the opportunity to bring these issues to national attention. I urge my colleagues to realize the wealth of wisdom to be gained from such an extraordinary group and ask for your support in recognizing the National Silver-Haired Congress.

PERSONAL EXPLANATION

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LEWIS of Florida. Mr. Speaker, while in my district on March 1, 1988, conducting official business, I missed two votes. Had I been present I would have voted "nay" on rollcall No. 13 in opposition to approving the Journal of February 25, 1988, and I would have voted "yea" on rollcall No. 14 in support of the motion to instruct conferees on H.R. 5.

COMMUNITY BANKS AND FARMER MAC

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. STALLINGS. Mr. Speaker, I would like to make a short statement and insert for the RECORD an article which recently appeared in the January issue of the Independent Banker.

This article, by Mr. Weldon Barton of the Independent Bankers Association, centers on the developments and importance of the recently passed Farm Credit Act of 1987 concerning the secondary market for agricultural real estate.

As the chief sponsor of the secondary market in the House, I am pleased with the progress to date of this new market for agriculture real estate, intended to provide competitive long-term, fixed-rate financing to qualifying farm borrowers. This new market should help stabilize land prices and benefit farm and rural communities. I urge my colleagues to take a look at this article and to follow the development of this exciting area in agriculture financing:

[From the Independent Banker, January 1988]

COMMUNITY BANKS AND FARMER MAC

(By Weldon Barton)

As the new Farmer Mac secondary market, enacted last month, assumes its place alongside Fannie Mae, Freddie Mac, and other federally sponsored markets, Farmer Mac may change the financing of production agriculture dramatically. Local banks in agricultural communities will probably use the market primarily for originating and selling farmland mortgages after Farmer Mac becomes operational. However,

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independent bankers can ill afford to ignore the start-up period for this new market, because decisions during start-up will have a major effect on how originating lenders are able to use the market after it becomes operational.

For local agricultural banks, Farmer Mac should give smaller banks the capacity to offer "one stop" financing to farmers and ranchers, and thus to strengthen their farm customer base. Banks will be able to offer long-term real estate financing to their customers routinely alongside of operating credit, without exceeding the bank's lending limit or jeopardizing its liquidity. For real estate mortgages, the valuable long-term, fixed-rate mortgage option can be offered for the first time.

Real estate mortgages sold through Farmer Mac will involve not only new mortgages for financing turnovers in ownership of farmland, but also refinancings where borrowers convert variable rate loans or "balloon" notes into long-term, fixed-rate mortgages.

The refinancing can occur with the borower's existing real estate lender, or with a new lender. Because fixed-rate mortgages will represent a new option for farmers and ranchers, the pent-up demand may be large. The window of opportunity for refinancings will depend upon the prevailing level and expected future levels of interest rates. Agricultural banks should postion themselves to use Farmer Mac aggressively whenever those opportunities occur.

The secondary market program authorizes the sale of securities backed by pools of real estate mortgages only and will not include farm production or operating loans. Farmer Mac may also securitize rural housing mortgages. Long-term real estate mortgages are backed by rather standardized collateral, and the costs of securitization (the pooling of loans and underwriting of the loan-backed securities) can be spread over many years. Farm borrower acceptance of having their debt securitized appears to be greatest for real estate mortgages. For those reasons, portfolio lending should continue to predominate for short and intermediate term farm financing, with the secondary market specializing in real estate mortgages.

As indicated, local agricultural banks have important potential advantages with Farmer Mac. To realize those advantages in the tug-and-pull of the marketplace, local bankers must get involved early while the other participants in this new market are being determined to position themselves for best use of Farmer Mac for the origination, sale and servicing of farmland mortgages.

FARMER MAC PARTICIPANTS

A new federally sponsored agency created by Congress, the Federal Agricultural Mortgage Corporation, will have general purview over the Farmer Mac market. However, the Mortgage Corporation will not purchase, pool, and sell mortgages and mortgage-backed securities. Other participants will perform those functions.

In addition to the coal lenders who originate, sell and service the mortgages and the farmers and ranchers who borrow from those originators, Farmer Mac will involve institutions that assemble loans into pools, issue certificates or securities collateralized by those loan pools, and broker, deal in, underwrite, and invest in those securities. Of course, more than one of those functions may be carried out by a single institution. The Farm Credit Administration will be the primary regulator of the secondary market, for safety and soundness, the Securites and Exchange Commission (SEC), and broker-dealers for the securities must register with the SEC.

Very importantly, one type of player is not an essential participant in Farmer Mac: the private credit enhancer. The Mortgage Corporation will guarantee the timely payment of principal and interest to investors in the mortgage-backed securities. The Mortgage Corporation's guarantee is backstopped with $1.5 billion of borrowing authority from Treasury. Consequently, although guarantee fees will be charged by the Mortgage Corporation based upon risk incurred, and the securities will not enjoy "government securities" status. Farmer Mac's status as a federally sponsored trading market should enable the securities to be priced so as to allow the pass-through of competitive interest rates to farm borrowers. Such competitive pricing is an ultimate test of whether the secondary market will work for local banks and their farm customers.

ROLE OF THE MORTGAGE CORPORATION

The Farmer Mac market will revolve around the Mortgage Corporation. No other participant can use the market until the Mortgage Corporation becomes operational with a permanent board of directors, establishes loan underwriting and appraisal standards and other guidelines for the market, and certifies specific institutions to pool mortgages that can be packaged, submitted to the Mortgage Corporation for its approval and guarantee, and then sold as securities in the market.

To make the Mortgage Corporation operational, the President must first appoint interim directors within 90 days of enactment of the secondary market legislation. The role of the interim board is roughly analogous to that of incorporators under state business corporation laws. The interim board will issue the initial voting common stock, with open class of stock offered to commercial banks, insurance companies, and other financial institutions and another class offered to Farm Credit System institutions.

As soon as at least $20 million of voting stock is sold, the interim board will oversee the selection of permanment directors and then turn over the affairs of the Mortgage Corporation to the permanent board. The Mortgage Corporation can then proceed with establishing underwriting standards, certifying loan poolers, and taking the other steps necessary for the market to function.

Who will control the Mortgage Corporation? The 15-member permanent board will have a balanced, mixed membership composed of five members selected by the Farm Credit System and five from the other institutions holding voting stock (banks, insurance companies and other financial institutions), and five public members appointed by the President. The presidential appointees will include persons with a farming or ranching background. The President will designate the chairman. Only loan originators and pooling institutions may hold voting stock.

No entity may be required to hold stock in order to participate, unless the Mortgage Corporation requires additional capital for administrative expenses and determines that financial contributions from participants are necessary to raise that capital. In that event, common stock would be issued to the contributors. Dividends may be paid to stockholders. However, although the Mortgage Corporation will charge a guarantee fee, the fees will be based upon risk of loss and retained initially to build a reserve. Consequently, the Mortgage Corporation is unlikely to pay substantial dividends, except over the long term.

It is unlikely that local agricultural banks, acting individually, will consider it practical to purchase substantial amounts of voting stock. Blocks of stock are likely to be purchased by larger institutions that expect to receive "dividends" in fee income and other benefits derived from high-volume participation in Farmer Mac. However, two factors should help to protect the interests of local banks in originating loans for sale to the market, and the interests of farm customers.

First, three balanced segments represented on the Mortgage Corporation's board should prevent any particular segment from dominating the board's decisions. Second, smaller banks should be able to gain equitable entry to Farmer Mac because the loan poolers and securities dealers must somehow reach the local lender's customer base.

The legislation creating the secondary market provides that the Mortgage Corporation, within 120 days of the selection of its permanent board, shall establish uniform loan underwriting, security appraisal, and repayment standards "in consultation with originators." It should be in every Farmer Mac participant's best interest that local lenders who originate loans for the market fully participate in the development of those standards.

Local lenders will need to conform their loan documents to the requirements of Farmer Mac for specific mortgages to qualify, and Farmer Mac will attract newly originated mortgages only to the extent that the terms and conditions are mutually workable for all participants, including originators and farm borrowers.

THE IMPORTANCE OF POOLER-ISSUERS

Aside from the Mortgage Corporation itself, those institutions that receive prior approval of the Mortgage Corporation to buy and assemble farm mortgages into marketable pools, submit them to the Mortgage Corporation for its guarantee, and issue securities to investors backed by those mortgage assets, will be central players in the Farmer Mac market. Called "certificate facilities" in the statute, the pooler-issuers must meet certain statutory requirements including adequate capitalization and management capability to perform the functions involved. The Mortgage Corporation must establish the complete standards for pooler-issuers, and approve institutions for certification within 120 days of receiving an application, if the applicant meets the qualifications.

Some financial institutions that become pooler-issuers will have the in-house capability to handle the entire "deal," including purchase and pooling of the mortgages and borrowing the offsetting funds through the issuance and sale of the collateralized securities. This could include the securities underwriting function. In other instances, separate institutions from the pooler-issuers may perform underwriting and other functions. Of course some pooler-insurers may also originate loans and purchase the Farmer Mac securities as investments.

One major reason that the pooler-issuer is critically important to local agricultural banks' interests as originators of mortgages for Farmer Mac is that the pooler-issuer is responsible to the Mortgage Corporation for the statutory 10 percent reserve. No pool of mortgages will qualify for the Mortgage

Corporation's guarantee unless the pooler-issuer assures that a capital reserve or a subordinated participation interest equal to at least 10 percent of the principal amount of the loans in the pool is maintained. That reserve or participation interest is at risk, up-front, to absorb any losses on loans in the pool.

The reserve amount, or participation interest, may be actually contributed or held by the loan originators and pooler-issuers, respectively, in any combination that they agree upon.

It will be very important that originating lenders have flexibility regarding their reserve contribution or participation interest. Except for any participation interest that they may retain, originators will sell the farm mortgages without recourse. Depending upon a bank's specific circumstances, it may be practical for the bank to retain the full 10 percent interest, no interest at all, or some percentage of participation between zero and 10 percent.

The bank's individual loan lending limit, the borrower's total credit owed to the bank, the bank's primary regulator's stance on how much capital must be held behind the subordinated participation interest, the bank's (and the borrower's) attitude toward the bank's relationship with the pooler-issuer (that is, will the originator's role be essentially one of agent servicer, or joint participant, in relation to the pooler-issuer?)—all of those factors will affect how much (if any) participation in the loan the bank should retain. Obviously, it will be beneficial for the local originator to have as many options available, as much flexibility, as the arrangement with the pooler-issuer can provide.

The terms of handling the 10 percent participation interest or reserve is probably the most important of many terms and conditions to be determined between originators and pooler-issuers, which will vitally affect the agricultural bank's role as originator and servicer of mortgages.

How might local agricultural banks best secure the proper terms and conditions from pooler-issuers? One way is through competition. Originators should be better situated if at least two or more institutions certified as pooler-issuers are competing for the purchase of farm mortgages in an originator's region. Another way is to have pooler-issuers such as bankers' banks that may be particularly alert to an originator's concerns.

Another consideration is whether a pooler-issuer intends to originate loans for Farmer Mac himself, in direct competition with local banks as originators. During the start-up period for Farmer Mac, community bankers may be in a position to influence which and how many institutions seek certification as pooler-issuers, and should be in a position to develop relationships with institutions that are becoming involved as pooler-issuers by being alert to those developments.

CONCLUDING COMMENTS

To reiterate, the Farmer Mac secondary market is structured to be potentially advantageous to local agricultural banks and their customers for several reasons. Farmer Mac will specialize in farm real estate mortgages (rural housing mortgages). The secondary market will be restructured so that local banks may originate (including refinance) farmland mortgages, sell them without recourse, and retain the servicing with the farm borrower. The Mortgage Corporation is authorized to guarantee the mortgage-backed securities with a $1.5 billion Treasury backstop to keep interest rates to farmers competitive in the marketplace. Given that structure, agricultural community banks should be able to participate in Farmer Mac in a substantial way, serving and strengthening their farm customer base.

In order to actually realize Farmer Mac's potential for themselves and their customers, community bankers must be alert to the tug-and-pull of the market-place during Farmer Mac's start-up period and must position themselves to make the secondary market work best for them. I have discussed some of the leverage points in doing that.

100TH BIRTHDAY OF NORWELL, MA

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. STUDDS. Mr. Speaker, I rise today to commemorate the 100th birthday of the town of Norwell, MA, which I am honored to represent in the U.S House of Representatives.

The town of Norwell, which is located in the northern part of Plymouth County, actually dates back 350 years. In 1637 Cornet R. Stetson obtained a grant for a large parcel of land called Church Hill. Because of its location on the North River, the early settlement thrived on a booming shipbuilding industry.

Ships such as the *Mount Vernon,* the *Helen M. Forster,* and the *Columbia* which later circled the globe—were built in Norwell. As smaller ships, stagecoaches, and railroads became more popular, many boatyards and sawmills were forced out of business. The town survivied on farming, leather working, and shellfishing.

The town was originally incorporated in 1849 as South Scituate. Thirty-nine years later, the Massachusetts State Legislature chartered Norwell as a separate town. Residents agreed to match $2,500 per year for 10 years for highway maintenance, and on March 5, 1888, the town of Norwell was officially incorporated. The townspeople proceeded to build a town hall and school, and nearly 2,000 local people attended the incorporation ceremonies.

Norwell brings to the 10th District a history rooted in the colonial traditions of our country. I am pleased to join the people of Norwell in this centennial commemoration and offer my best wishes for a successful celebration.

MIKE RICHTER, GOALTENDER, U.S. HOCKEY TEAM

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. COUGHLIN. Mr. Speaker, I wish to take this occasion to congratulate a constituent of mine from Flourtown, PA, who was one of the many fine young men and women who represented the United States at the XV winter Olympic games in Calgary, Canada.

Mike Richter, a goaltender for the U.S. hockey team, performed well under difficult circumstances. Though his team did not make it to the medal rounds, Mike played furious defense, stopping 26 of 29 shots in the game against Austria.

Mike, who is a 21-year-old student at the University of Wisconsin, was inspired to take up a hockey stick by the famed Philadelphia Flyers when they were winning national championships. As a resident of the greater Philadelphia area, Mike followed the Flyers games, and then followed their footsteps onto the ice.

We can't win them all, but our athletes, including our ice hockey teams, are as good as those of any other nation.

Defeat, moreover, can teach as many lessons as victory, and perhaps more. The most important thing is to compete and give it your best.

Theodore Roosevelt said it best:

> Far better it is to dare mighty things, to win glorious triumphs, even though checkered by failure, than to take rank with those poor spirits who neither enjoy much nor suffer much, because they live in the gray twilight that knows not victory nor defeat.

Mike Richter, who dared a mighty thing, deserves our respect.

JUST SAY "NO" TO WORLD BANK LOAN FOR MEXICAN STEEL INDUSTRY

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. APPLEGATE. Mr. Speaker, I would like to join with my colleagues on both sides of the aisle in voicing opposition to the proposal by the World Bank to loan $400 million to the Mexican steel industry.

I cannot believe that this administration has stooped so low as to actively work on behalf of foreign industry to the detriment of American commerce. Not only do we find ourselves looking over the past 7 years of the Reagan administration's neglect of American manufacturing and factory workers, but we are now witnessing the wholesale abandonment of our Nation by this administration for the interests of another country and another people.

What possible explanation can anyone in this administration offer in support of providing $400 million to a steel industry outside our borders while, at the same time, any and all urgings to provide help to American steel firms and American steel workers are virtually ignored?

At a time in our Nation when we are facing a major budget crisis, when our balance of trade is about the worst that it has ever been in our history, and unemployment remains in double digit rates throughout many parts of our Nation, how can President Reagan support a proposal which will only add to our budget deficits, will only worsen America's trade picture, and will serve as a stab in the back for thousands of American workers and those who have not enjoyed a steady income for many years?

Mr. Speaker, the upper Ohio Valley is dotted with the rusting hulks of steel mills and closed factories and my congressional district in eastern Ohio is overflowing with unemployed steelworkers. I want to stress my very strong feelings that these rusting mills and my jobless constituents should not be made monuments to the insensitivities of the Reagan administration and the misdirection of the World Bank. I urge the support of my colleagues in opposing the proposal of the World Bank and request that they join with me and others in cosponsoring resolutions expressing the opposition of this Chamber to the $400-million loan to the Mexico steel industry.

TRIBUTE TO BARBARA DANIEL COX

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise today to salute Barbara Daniel Cox, executive director of the Mayor's Commission for Women of the city of Philadelphia.

Under her leadership, the commission has been at the forefront in responding to a wide range of issues that affect women of all ages and socioeconomic backgrounds.

New policies on domestic violence have been put into place.

Cox created and obtained funding to conduct such programs as "Life Skills for Low Income Women," "Parenting for Women Inmates," and "Pre-employment and Self-employment Training for Women."

She coordinated the development and implementation of Philadelphia's first pay equity study—a review to assess the salary scale of women in relation to that of men in jobs requiring comparable background, skills, and job responsibilities.

During her 4 years as executive director, Cox also has been an advocate of women-owned business enterprises, serving as an appointed representative of the Minority Business Enterprise Council.

Out of her deep concern for the plight of women worldwide, not just in America, Cox conducted an international women's conference and marketplace in Philadelphia with women from 40 countries during last year's Bicentennial celebration.

This gathering was prompted by her attendance at the International Women's Year Conference in 1985 in Nairobi, Kenya. She headed a delegation of 50 Philadelphia area women who participated in that historic gathering.

Cox has been a tireless champion and protector of women's rights. Her commitment—her sincerity—will be sorely missed when she steps down as executive director next week.

I know my colleagues will join me in saluting this distinguished public servant.

TRIBUTE TO MR. LEONARD SMITH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding member of my community, Mr. Leonard Smith. For many years, Leonard has contributed his time and talents to the San Fernando Valley Jewish community. In recognition of his service and dedication, Leonard has been selected as Valley Beth Shalom's Man of the Year.

Leonard has served the San Fernando Valley Jewish community in many capacities. He first became interested in religious lay leadership while serving as the treasurer of Van Nuys Temple. A pioneer member of the Valley Jewish Community Center—now Adat Ari El—he served on its executive board for 25 years. Leonard also served as temple vice president and as president of the Adat Ari El Men's Club and Couples' Club. In addition to his extensive involvement with Adat Ari El, Leonard has served as president of the Regional Professional Association of Temple Administrators and the National Association of Synagogue Administrators. He is also a member of the board of directors of the Jewish Federation Council and the Valley Board of the Jewish Federation Council.

After many years of service, Leonard recently retired from the position of executive director of Valley Beth Shalom. Leonard will certainly be missed for his leadership and commitment in this position. However, his accomplishments will continue to benefit Valley Beth Shalom as a member of several committees.

It is my distinct honor and pleasure to ask my colleagues to join me and Valley Beth Shalom in honoring Leonard Smith. His extensive involvement with the Jewish community displays his ongoing commitment to helping others. Leonard Smith is quite worthy of the distinction "Man of the Year."

FAIRPORT SAVINGS AND LOAN CELEBRATES 100TH ANNIVERSARY

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Fairport Savings and Loan Association of Fairport, NY, on beginning its 100th year of operation.

Established in 1888, Fairport Savings and Loan has never had a year in which it lost money. Throughout its history the savings and loan has reinvested its customers' savings in the Fairport community. Today, its assets have climbed to $44.6 million. The savings and loan's continuing service to the community is demonstrated by the record level of local mortgages it originated in 1987.

Unlike its giant competitors, Fairport Savings has only one office and concentrates on serving its home town. Almost all its customers live in Fairport and are known by name to the association's 11 employees: President Lowell Twitchell, Jackie Bartela, Carmen Bundschuh, Marlene Donovan, Scott Erdeli, Emily Harrington, Bertie Janosky, Meg Pardington, Kandy Schreiber, Eileen Sek, and Paul Yerrick.

Despite its relatively small size, Fairport Savings and Loan has been consistently rated as a top performer by financial rating services. Its success demonstrates there is still room in the financial world for well managed, people-oriented institutions.

I ask my colleagues to join me in recognizing Fairport Savings and Loan Association's first 100 years of service and in wishing that fine organization a prosperous second century.

SOUTH AFRICA GOVERNMENT CRACKDOWN

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LELAND. Mr. Speaker, apartheid has claimed yet another victim. On Wednesday, February 24, the South African Government instituted one of the harshest crackdowns of 17 lawful democratic opposition organizations by prohibiting them "from carrying on or performing any activities or acts whatsoever."

This order effectively eliminates all organized efforts to locate and publish information on political prisoners, to call for democratic reforms and to organize street committees or memorial services for assassinated leaders.

Mr. Speaker, this latest blatant expression of apartheid victimizes these organizations and all black South Africans. But the true victim I speak of is simple democratic freedom. Pretoria must realize that the denial of fundamental rights such as the right to disagree with government policy or to peacefully petition for the redress of grievances is anathema to man's civility and any semblance of justice. This is an indictment of a government plagued by eroding authority and morality.

We in Congress must unite and act now. We must stand against this affront to the same freedoms which are the cornerstones of all democracies.

THE PROBLEM OF UNSOLICITED PORNOGRAPHIC ADVERTISEMENT SENT THROUGH THE MAIL

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. OWENS of Utah. Mr. Speaker, in response to complaints from several of my constituents, I introduced a bill to address the problems of unsolicited, pornographic advertisements being sent through the mail. My bill

would allow postal patrons, upon receiving a sexually explicit advertisement in the mail, to request that the Postal Service issue an order requiring the sender to disclose how they obtained the name and address of the addressee. The purpose of this bill is to encourage publishers to use more discretion in selling their mailing lists.

A recent article by Alan Bunce of the Christian Science Monitor indicates that this is a widespread problem affecting citizens all over the country.

I submit Mr. Bunce's article for the consideration of my colleagues:

[From the Christian Science Monitor, Feb. 29, 1988]

SURPRISED POSTAL PATRONS OBJECT TO SMUT IN THE MAILBOX

(By Alan Bunce)

BOSTON.—A woman in the Boston suburb of Scituate—call her Cynthia—is used to getting lots of mail and found nothing startling about the pile of letters in her box the other day.

But when she opened one of the pieces, something did startle her: an advertisement and order form for "adult" videos, complete with explicit sexual descriptions and a color brochure containing graphic photos of semi-nude figures in suggestive poses; 17 videos for $49 or 21 for $59.

"My first reaction was surprise," says Cynthia, a middle-aged widow who doesn't even own a VCR and has no idea why she was on the list. "But I was also angry, because I thought it was against the law."

Across the US, reactions like hers have become increasingly typical over the past six to eight months. Direct mailing of hard-core home video ads is the new wave in the old business of mail-order pornography. Amid pornography's new delivery forms—telephone, for instance, and computer networks—X-rated video is a prime offender.

Although it is but a small part of the legitimate, mainstream home-video business the mailing trend has several signs:

A surge in complaints about offensive, unsolicited ads cited by the postalservice and anti-pornography groups.

A growth in hard-core video sales.

A widening cross-section of people receiving such material.

Like Cynthia, many people assume mailing such ads is inherently illegal. But Phil Nater of the Postal Inspector's office in Washington, says, "Not, it isn't. The law is on the books specifically saying that you're not supposed to willfully place anything in the mail stream that contains sexually oriented advertisements. But the law is tied in to purchasing the mailing list. It's very, very complicated."

Mr. Nater also says the law requires people in the business of sending explicit advertisements to place the words "Sexually oriented material" in bold type on the face of the envelope. Cynthia's letter had this warning but she overlooked it. "I just thought it was a bill and opened it," she says.

Meanwhile, Nater reports, "The X-rated video market mailing business in the US has definitely been on the upswing. There's more and more of it coming in unsolicited ads with provocative brochures and pictorial displays. A year ago, we were documenting 4,000 to 5,000 a month. Now we're up to almost 8,000 or 9,000 a month—combination print and media—and the video part is increasing fastest.

"However," he hastens to add, "we have programs in place to stop it."

The surge of mailings is confirmed by Steve Hallman, director of Citizens for Community Values, a local watchdog group in Cincinnati, Ohio. "The number of complaints we've been getting about advertisements for home videos is incredible," he says. "In the past three months, the volume has at least tripled or quadrupled. We have people in the greater Cincinnati area who have never been on any kind of list for sexually explicit mail, that all of a sudden about a year ago received mailers from these companies."

The National Coalition Against Pornography also sees a rapid growth in the US X-rated video business. "That's where the primary battle lines will be drawn in the months and years ahead," says Paul Mauer, assistant to the group's president.

Most adult videos sales are made not by mail but at video stores. A check with several adult video shops in Boston's "Combat Zone" suggests they are not an easy place for an individual to get on mailing lists. The proprietors are quick to disclaim any mail connections. "We're not allowed to do any mailing," said one, who asked not to be named. "You can't get on any mailing lists here," another asserted.

Then where do the lists come from? Even if the stores are cautious about mailing material, observers say some stores have sold lists of customers with a record of rentals and purchases to distributors.

Sometimes lists are bought by video distributors who wish to sell directly to individuals, rather than to stores, the main market for adult video. "The best way is to just send out to people and see who sends back," explains John Houlihan, a professor of business law who teaches courses on social responsibility at the University of Southern Maine. "From the economic standpoint, if they're willing to offend 99 people to find the one who's interested in their product, it's still worth it to them," he says.

The practice is confirmed by Gene Ross, editor of Adult Video Magazine. "There are a lot of fly-by-night companies which buy these products cheap and try to market them," he says. "But the [more established X-rated] companies I know of do it upon request for the material."

A spokesman for the company named on Cynthia's advertisement could not be reached by phone, but someone at another adult video distributing company on the West Coast—one of the largest in the business—spoke on condition that he and his firm not be identified. Without being told, he knew the source city of the ad. "Those are run by some company out of New York," he said.

And though he recognized one of the video companies named in the ad as affiliated with his own, he asserted, "Those are scams. The mailing has nothing to do with us. We don't even sell directly to the public, but to video stores. That outfit is sending to everybody in the United States they can get a letter to. They buy lists from just about anybody—might be people who go the grocery store and fill out a form for a free trip to Hawaii."

Houlihan, whose own wife has received an unwanted adult ad, says, "You can actually make money on the deal; that's what bothers me. If they send out 100,000 pieces and get a 1 percent response, that gives them 1,000 people they didn't know of before who might very well be willing to spend $100, $200, $300 over the course of a year—each. Pretty decent change. Problem is: It might even makes sense to them later to actually have a computer call up and say 'Would you like to buy any sexual videos?' "

According to some analysts, video companies no longer restrict themselves to lists of VCR owners. * * *

"If you're a mail-order vendor, you're much more interested in a mailing list that has known 'mail responses' than you are whether or not the people on it are VCR owners," he says, because many are bound to be VCR owners.

The Video Software Dealers' Association (VSDA), a large industry group, is not in the direct-mail business at all, according to Rick Karpel, who—among other things—advises store owners in trouble for selling adult material.

"No one in VSDA does that kind of thing. That's not our business," he says. He did not recognize the name of the company that mailed Cyntha's ad, but did know one of the video producers—when the names were read off to him—as a member of VSDA.

"Once they sell their videos to someone, they don't know what people do with them," Mr. Karpel explained.

"Our members are video stores and companies that sell things to video stores. . . . They don't market products through direct mail."

Then how do ads for members' products end up in Cynthia's mailbox?

"There are a lot of fly-by-night companies—what we call 'Gypsy' distributors—who go out, buy up the product cheap, and then sell cheap. But a major adult product distributor does not ordinarily work through those kind of channels. As far as I know, that's a real small part of the business. Most of the X-rated business is done through stores."

But what is VSDA doing to counter the problem?

"The position we take on X-rated material," Mr. Karpel states, "is that store owners have to be very sensitive to their community standards and take them into account when making the business decision of whether to have X-rated videos in their stores."

Ironically, the jump in complaints is happening despite a shrinking percentage of adult productions in the overall home video market, according to Mr. Eisele's figures.

As the mainstream video medium grows, adult fare has only to maintain its share to increase in volume.

"But we think the actual percentage is going down steadily," Eisele says. "And we expect that trend to continue as good, legitimate product gets on the market."

COUNCILMAN BILL OLIVER

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DURBIN. Mr. Speaker, too often, we overlook officials who work diligently to bring recognition not to themselves but to another.

Decatur, IL, Councilman Bill Oliver is such a person. For 7 years Mr. Oliver fought to bring to his city a permanent remembrance of Dr. Martin Luther King, Jr. In 1981, Bill Oliver began his efforts to rename the city's Broadway Street after the slain civil rights leader to ensure that Dr. King would be honored.

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Though his initial attempt failed, Mr. Oliver persevered until the city council voted 6 to 1 on October 19, 1987, to pass the proposal. On January 18, 1988—3 days after what would have been Dr. King's 59th birthday—Decatur's Broadway Street became M.L. King Drive.

Dr. King's message stressing education, equality, and perseverance will endure for generations to come. He helped all men, women, and children of this Nation to dream of equality. He pulled that dream to the forefront of the American conscience, where it will remain until the freedoms about which he spoke are no longer goals we seek, but the reality we live. He ensured that Americans would not settle for the achievements already made, but would strive for the equality our society demands and deserves. Dr. Martin Luther King, Jr. was a great leader who dedicated his life to the improvement of the human condition and we rightfully honor him.

Similarly, we should not forget Bill Oliver, who worked for 7 long years to ensure that the lessons of this great leader will be honored and remembered in central Illinois. Bill Oliver's determination is part of the continuing effort to preserve the ideals on which our Nation is built—ideals Dr. King eagerly embraced for every American.

PERSONAL EXPLANATION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. PACKARD. Mr. Speaker, due to commitments in my district in California, I was not able to be present for the vote on the motion to instruct conferees on H.R. 5 to accept Senate language which would ban phone pornography. Had I been present I would have voted "yes" on rollcall vote No. 14. I find it appalling that such pornography is available and I will support any and all legislative efforts to end such practices.

THE MALCOLM BALDRIGE NATIONAL QUALITY IMPROVEMENT AWARD

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. WALGREN. Mr. Speaker, planning for the Malcolm Baldrige National Quality Improvement Award is now well underway and the first awards will be presented in November 1988 by President Reagan. This award program, patterned after Japan's Deming Award, is designed to promote quality in manufacturing and services by honoring the very best companies in the United States and by publicizing their successful quality standards. Potential awardees must apply by May 2, 1988.

I urge my colleagues to get word of this award to any companies in their districts, large or small, who are dedicated to producing quality products or services. I expect the information gained from expert examination of their operations will be valuable to all who participate in the program. More detailed information on the program follows:

MALCOLM BALDRIGE NATIONAL QUALITY AWARD, 1988

UNITED STATES NATIONAL QUALITY AWARD

Public Law 100-107, the Malcolm Baldrige National Quality Improvement Act of 1987, signed by President Reagan on August 20, 1987, establishes an annual U.S. National Quality Award. The purposes of the Award are to promote quality awareness, recognize quality achievements of U.S. companies, and to publicize successful quality strategies. The Secretary of Commerce and the National Bureau of Standards (NBS) are given responsibilities to develop and administer the Awards with cooperation and financial support from the private sector.

AWARD CATEGORIES

Up to two Awards may be given each year in each of three categories: manufacturing companies or subsidiaries; service companies or subsidiaries; small businesses.

Fewer than two Awards may be given in a category if the high standards of the Award Program are not met.

THE AWARDS

The first awards will be presented by President Reagan in November 1988. Award recipients will receive a medal bearing the inscriptions "Malcolm Baldrige National Quality Award" and "The Quest for Excellence." Recipients may publicize and advertise their Awards, provided they agree to share with other American organizations information about their successful quality strategies.

ELIGIBILITY

Businesses incorporated and located in the U.S. may apply for Awards. Subsidiaries are defined as divisions or business units of larger companies. Subsidiaries must primarily serve either the public or businesses other than the parent company. For companies engaged in both services and manufacturing, classification is determined by the larger percentage of sales. Small businesses are independently owned with not fewer than 25, nor more than 500 full-time employees.

AWARD CRITERIA

Seven (7) areas are examined: (1) corporate quality leadership; (2) information and analysis; (3) planning; (4) human resource utilization; (5) quality assurance of products and services; (6) quality improvement results; and (7) customer satisfaction. Applicants will address a set of sub-areas within each of these categories.

Heavy emphasis is placed on quality achievement and quality improvement as demonstrated through quantitative data furnished by applicants.

EXAMINATION PROCESS

Each written application will be reviewed by three (3) examiners. High-scoring applicants will be selected as finalists, and must then undergo a site-verification visit by one or more teams of examiners. A panel of judges will review all data and information and recommend Award recipients. Applicants will receive a written feedback summary of strengths and weaknesses in their quality management process.

The Malcolm Baldrige National Quality Award Consortium, formed by the American Society for Quality Control and the American Productivity Center, will administer the evaluation process.

EXAMINERS

The Board of Examiners will be comprised of quality experts, including retired quality professionals, selected from industry, professional and trade organizations and universities. Those selected must meet the highest standards of qualification and peer recognition. Examiners will take part in a preparation program based upon the criteria, the scoring system, and the examination process.

TIMETABLE

Applications/guidelines available, February 15, 1988.

Applications due, May 2, 1988.

Application review/site visits, May 2-September 30, 1988.

Award Ceremony, November 1988.

CONFIDENTIALITY

All applications will be treated as confidential and are not covered by the Freedom of Information Act. Applicants will not be expected to provide or to reveal proprietary information regarding products or processes. Examiners will be assigned avoiding conflicts of interest. All examiners will sign nondisclosure agreements. Information regarding successful strategies of Award recipients will be released only after written approval from recipients.

FEES

Fees will be set to recover the costs of review. A fee of $1500 will be charged for review of the basic written examination. More detailed written examinations—required of organizations which need to describe multi-business or multi-product quality systems—will result in proportionately higher fees. Separate site visit fees will be set for finalists at the time site visits are scheduled.

For further information, write or call: Malcolm Baldrige National Quality Award, National Bureau of Standards, Gaithersburg, Maryland 20899 (301) 975-2036.

MEDICAID INFANT MORTALITY AMENDMENTS OF 1988

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. WAXMAN. Mr. Speaker, last Thursday the Subcommittee on Health and the Environment held a hearing on a new report by the Office of Technology Assessment entitled "Healthy Children: Investing in the Future." OTA told us that the United States, with an infant mortality rate of 10.6 per 1,000 live births in 1985, ranks 17th among industrialized countries in infant mortality, after Japan, East Germany, and Spain. Equally if not more disturbing, OTA reports that the U.S. ranking has not improved since 1980. Based on a review of 55 studies of prenatal care, OTA concluded that a principal cause of infant mortality—low birthweight—can be reduced with earlier and more comprehensive prenatal care, especially in high-risk groups such as adolescents and poor women.

Over the past several years, Congress has incrementally expanded coverage of prenatal care under the Medicaid Program; as a result, States now have the option of offering Medicaid coverage to pregnant women and infants

with family incomes up to 185 percent of the Federal poverty level. According to the National Governors' Association, as of January 1988, 26 States have elected to provide Medicaid coverage to pregnant women and infants with incomes below 100 percent of Medicaid coverage to all pregnant women with incomes below the Federal poverty line. For every low birthweight birth averted by earlier prenatal care, OTA estimates, the U.S. health care system saves between $14,000 and $30,000 in newborn hospitalization, rehospitalizations in the first year, and long-term health care costs. Using Medicaid to pay for the provision of prenatal care to all poor pregnant women, OTA concludes, "is a good investment for the Nation."

A recent GAO report, "Prenatal Care: Medicaid Recipients and Uninsured Women Obtain Insufficient Care"—September 1987—also found that providing poor women with prenatal care through Medicaid is cost effective. "While expanding Medicaid eligibility in all States would increase Medicaid costs for prenatal care services," the GAO concluded, "* * * these costs should be offset by savings from reduced newborn intensive care and long-term institutional costs."

The failings of current Medicaid coverage policy toward low-income pregnant women were underscored by hearings held in September 1987, by the Select Committee on Children, Youth, and Families. Whether in Chicago or in suburban or rural Illinois, the select committee heard of significant barriers to quality prenatal care, including a shortage of providers willing to accept Medicaid patients because of low reimbursement rates for prenatal care and delivery; a drastic shortage of health care providers, especially in rural areas, but increasingly in urban areas; no insurance or underinsurance for working families; and limited Medicaid coverage for families below the poverty line. The select committee also heard how coordination and networking with other Federal programs, such as community health centers, maternal and child health agencies, and WIC, were successfully bringing more women into care.

Today I am introducing the Medicaid Infant Mortality Amendments of 1988, which would implement several of the OTA options for reducing infant mortality. I am joined in this effort by Mr. HYDE, who has cosponsored successful Medicaid infant mortality initiatives in previous years, and by Chairman LELAND of the Select Committee on Hunger, who has played a leading role on this issue. I am also joined by Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. BATES, Mr. BRUCE, Mrs. COLLINS, and Mr. BOUCHER from the Subcommittee on Health and the Environment of the Committee on Energy and Commerce; chairman MILLER of the Select Committee on Children, Youth, and Families; and chairman DOWNEY of the Subcommittee on Public Assistance of the Committee on Ways and Means. A companion bill, which contains all of the provisions in this version plus some that are not, is being introduced today by Senator BRADLEY, Senator MITCHELL, chairman of the Senate Finance Health Subcommittee, Senator CHILES, chairman of the Senate Budget Committee, and Senators CHAFEE, ROCKEFELLER, MATSUNAGA, DURENBERGER, RIEGLE, and DASCHLE.

In addition to suggesting the mandatory coverage of all pregnant women in poverty, OTA also identified two other policy options that we must implement if we are to make progress in reducing infant mortality.

First, the Medicaid eligibility process needs improvement. OTA found that some providers have been reluctant to offer care to pregnant women in anticipation of their eligiblity for Medicaid because of concern that Medicaid eligibility would be denied retroactively and payment would not be made for services rendered. OTA suggested that Congress could require the States to expedite eligibility determinations for pregnant women, through mechanisms such as the presumptive eligibility option that about 12 States have adopted under current law. All of these are incorporated into this bill.

Second, provider reimbursement rates are often too low. OTA found that physicians' refusal to accept Medicaid reimbursement for maternity care in private practice settings is widely considered to be a major barrier to poor women's access to prenatal care. OTA suggested that Congress could require States to increase fees paid to physicians when they care for Medicaid-eligible children. The same policy would make eminent sense in the context of obstetrical services as well. It obviously does little good to mandate Medicaid eligibility for pregnant women if no obstetrician, family practitioner, or nurse midwife will accept her Medicaid card because the payment levels are too low.

A recent report by the Alan Guttmacher Institute, "Blessed Events and the Bottom Line: Financing Maternity Care in the United States," provides some recent data on this point. Forty-four percent of doctors providing obstetric services will not accept Medicaid payments for delivery. One of the reasons for low physician participation, the study concludes, is low reimbursement. In 1986, physician fees averaged $830 for a vaginal delivery and $1,040 for a cesarean section; maximum Medicaid reimbursements for a normal vaginal delivery averaged $554, but ranged as low as $216. While other factors, such as paperwork, payment delays, and malpractice concerns affect the decision of an obstetrician to accept Medicaid patients, the payment levels clearly play an important role, particularly where they diverge substantially from those paid by private insurers.

The legislation I am introducing today would mandate Medicaid coverage of all pregnant women and infants up to age 1 with incomes below 100 percent of the Federal poverty level—$9,690 per year, or $807 per month, for a family of three. The following States currently do not offer such coverage: Alabama, Alaska, California, Colorado, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, South Dakota, Texas, Virginia, Wisconsin, and Wyoming. Preliminary CBO estimates indicate that extending coverage to 100 percent of poverty in these States would reach 137,000 poor pregnant women and 193,000 low-income infants, at a cost of $106 million in fiscal year 1989, $243 million in fiscal year 1990, and $306 million in fiscal year 1991. Other provisions of this bill are likely to increase Federal outlays, but no CBO estimates are available at this time.

SUMMARY OF THE MEDICAID INFANT MORTALITY AMENDMENTS OF 1988

Mandatory Coverage of Pregnant Women and Infants (Section 101). States would be required to extend coverage to all pregnant women and infants with incomes at or below 100 percent of the Federal poverty level. States could impose resource tests, but any test they use could be no more restrictive than that under the Supplemental Security Income Program for both pregnant women and infants. Pregnant women would receive coverage for pregnancy-related services, including 60 days post-partum care. Infants would receive the entire basic Medicaid benefit package. States could not finance this coverage by reducing cash assistance payments under their Aid to Families with Dependent Children program below the levels in effect on July 1, 1987. Effective January 1, 1989.

Mandating Continuation Coverage for Pregnant Women (Section 102). Under current law, States would have the option to continue Medicaid coverage to pregnant women who lose their Medicaid eligibility due to an increase in income. Under this bill, States would be required to continue Medicaid coverage to pregnant women who qualify for Medicaid through the end of the postpartum period regardless of subsequent changes in the women's incomes. Effective January 1, 1989.

Optional Coverage of Outreach Services (Section 201). States would be allowed to claim Federal Medicaid matching funds, at their regular matching rate, for outreach services for pregnant women and infants, to identify those who might be eligible for Medicaid coverage and to assist them in applying for Medicaid. Effective January 1, 1989.

Presumptive Eligibility for Pregnant Women (Section 202). Under current law, States have the option of allowing health centers, maternal and child health clinics, and other designated providers to determine whether a pregnant woman is presumptively eligible for Medicaid. During a 45-day presumptive eligibility period, a pregnant woman is covered for ambulatory prenatal care, avoiding delays in early prenatal care due to lack of coverage. The bill would require all States to implement presumptive eligibility for pregnant women, effective April 1, 1989. The presumptive eligibility period would last until the State Medicaid agency made an eligibility determination. The following providers would be added to the list of those the State could designate to make presumptive eligibility determinations: programs providing health care to the homeless; urban Indian health programs; and tribal facilities or programs contracting under the Indian Self-Determination Act.

Payment for Obstetrical Services (Section 301). The bill would codify the current regulatory requirement that Medicaid payment rates be sufficient to induce enough providers to participate in the program so that services are available to Medicaid beneficiaries to the same extent that such care and services are available to the general population. States would be required to file with the Secretary of HHS a Medicaid plan amendment no later than April 1, 1989, setting forth the payment rates it will use for obstetrical services under the plan as of July 1, as well as additional data to assist the Secretary in determining whether the rates are sufficient to elicit sufficient participation. Within 90 days of receiving the State plan amendment, the Secretary must approve or disapprove the amendment; if the Secretary disapproves, the State must immediately submit a revised amendment which brings the State into compliance. These plan amendments would be submitted annually on April 1; beginning in 1991, the bill specifies what supporting data the States would have to provide. The bill clarifies that States may establish higher payment levels for obstetrical services in rural areas than in urban areas.

Coverage and Payment for Exceptionally Costly and Lengthy Inpatient Hospital Services for Infants in Disproportionate Share Hospitals (Section 302). Under current law, States may establish reasonable limits on the amount, duration, and scope of the services they offer under Medicaid. Some States have elected to place durational limits on the number of inpatient hospital days that they will cover for an eligible individual, ranging from 12 to 60 days per year. Some of these States make exceptions to these limits; others do not. The bill would provide that, if a State imposed a durational limit on inpatient hospital services, it would have to establish exceptions to any such limit for medically necessary services provided to an infant up to age 1 by a disproportionate share hospital (i.e., a hospital that serves a high percentage of Medicaid or low-income patients).

Under current law, State payments for inpatient hospital services must be reasonable and adequate to meet the costs incurred by efficiently and economically operated facilities. A number of States have adopted prospective payment systems; some of these systems make allowance for exceptionally lengthy or costly cases, and some do not. The bill would require that any State that pays for inpatient hospital services on a prospective basis must submit to the Secretary, by April 1, 1989, a State plan amendment that specifies the outlier adjustment that the State will make in payments to disproportionate share hospitals for eligible infants up to age 1 with exceptionally long lengths of stay or exceptionally high costs. The Secretary would be required to approve or disapprove the State plan amendment by July 1, 1989; if the amendment is disapproved, the State must immediately submit a revised amendment that complies.

Required Notice and Coordination Between Medicaid and WIC (Section 401). The bill would require each State's Medicaid program to coordinate its operations with those of the Special Supplemental Food Program for Women, Infants, and Children (WIC). This mirrors a requirement in the WIC legislation. In addition, with respect to all pregnant, breastfeeding, or postpartum women, and all children below the age of 5, who are determined to be eligible for Medicaid, States would be required to notify them of the availability of WIC benefits and to refer them to the agency responsible for administering the WIC program.

COLONEL HANLEY'S NISEI LAMENT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MINETA. Mr. Speaker, I rise to bring to the attention of my colleagues the timeless thoughts of Col. James Martin Hanley (retired), commanding officer of the 2d Battalion, 442d Regimental Combat Team, during the Second World War.

The 442d, which had as its motto "Go for Broke," was almost entirely comprised of Americans of Japanese ancestry and became the most highly decorated unit of its size in U.S. history. On February 13, 1988, Colonel Hanley addressed the 38th annual Veterans of Foreign Wars reunion in San Jose, CA. He spoke eloquently of the 442d and the 100th Battalion. The attendees at the reunion were mostly Niseis second generation Americans of Japanese ancestry. But Colonel Hanley's remarks had a far broader significance for all Americans. Hear then his words:

It is always a pleasure to talk about Japanese Americans, Nisei. Much has been written over the years but there is still much to say. As the record fades into the mist, one is reminded that the past is prologue—as it should be. But we should not forget—at least as long as those who laid their lives on the line are still with us.

I was called into active service in June 1940 as a Captain. In January 1943 I was on duty as an instructor at the Infantry School, Fort Benning, Georgia, in the rank of Lieutenant Colonel. I received orders to report to Camp Shelby, Mississippi, as a part of the to-be-activated 442nd Regimental Combat Team.

When I informed my family of the assignment the reaction was: "Why, you can't speak Japanese." Which illustrates how little many Americans knew of the thousands of Japanese American citizens and aliens in this country.

I was fortunate in being briefed by General Omar Bradley and his staff. I was told that the President was strongly behind the effort to organize a combat unit of Americans of Japanese ancestry. The Chamber of Commerce of Hawaii and other organizations and individuals, had been clamoring for such a role to give the Nisei an opportunity to prove that they were in fact loyal Americans. According to the staff the President's orders were to provide high quality officers.

It was apparent to me, as time went on, that the Intelligence Branch of the Army, G-2, had attended to the activation and organization of the unit. Lt. Colonel Merritt Booth had been assigned as Regimental Commander. Within a few days the orders were changed and Colonel Pence was ordered to replace him. The importance of this is that Colonel Pence was an infantry officer, and I have imagined that when G-3, (Operations) found out what G-2 was doing they spoiled the game. You, see, Colonel Booth was a regular officer who had been attached to the Japanese Army in earlier years and was fluent in the Japanese language.

Activation of the 442 was accomplished on February 1st, 1943. The volunteers were from Hawaii, and the Mainland, including some from behind barbed wire.

They were some 5,000 strong and before the end of the war some 10,000 additional volunteers and draftees became members of the Combat Team. Our training started for the new recruits on the 30th of May 1943 and in less than a year we were on our way to Italy. A short time, actually for the training of infantry units.

In the meantime the 100th Battalion had been assembled in Hawaii. They were volunteers who had served in the Hawaiian National Guard. The Battalion was sent to Italy in the summer of 1943 and made a fine record as the "Purple Heart Battalion", as it was called after its fights on Mount Cassino.

The two units came together North of Rome in early June 1944, and entered combat on the 26th, North of Grossette. By the end of July the Combat Team was two-thirds understrength and was ordered in to a rest area, to receive and train replacements from the States.

General Eisenhower requested General Marshall to send the 442nd to France to bolster the 36th Texas Division, which had seen hard fighting moving up the Rhone Valley from the beaches of Southern France to the Vosges Mountains in Lorraine in North Eastern France.

The first attack by the 442 came on October 15 in the hilly, mountainous, and wooded terrain. There we captured the city of Bruyeres, which is a story in itself.

By the middle of November we were again below effective combat strength and again relieved. This time we were posted to Southern France in the Maritime Alps, North of Nice, on the French Italian border. Our orders were to prevent the Germans in Italy from crossing the border.

We referred to our tour as the "Champagne Campaign". The only really notable event was the capture of a German submarine by, of all people, our Cannon Company.

In March we were on our way back to Italy and the final campaign of the war. The most notable event in that campaign was the breaking of the German Main Line of Resistance, which they had extensively fortified during the long winter.

This was accomplished by an audacious climb up the very steep slope of a mountain, at night, without prior ground reconnaissance, which was impossible. The troops entered the village at night and laid low the next day. They were not betrayed by the village Italian civilians, many of whom accompanied the Battalion the next night.

There were only a few trails up the slope and the men climbed in single file for three hours to reach the top. At the top, they found a machine-gun position, with three guns pointing down the slope. An alert crew would have wiped out a good part of the attacking force. But the post was unmanned. Three Germans were located near-by—fast asleep. There is a good deal of luck in war.

The war was over in Europe on May 2nd 1945.

For their services the Nisei suffered over 9,500 casualties, including 650 killed in action, and were awarded some 15,000 decorations, not counting the Combat Infantryman's badge.

These achievements are encased in place-names—the geographical features—the hills, mountains; rivers, cities and towns. They are enshrined in the hearts and minds of many of us, Salerno, Cassino Anzio, (where the 100th Battalion won its spurs).

And the roll goes on—Grossette, Belevedere, (where the 100th again won fame), Sasseta, Castagnato, Cecina River, Hill 140 (a place of heavy casualties on the 4th, 5th and 6th of July, 1944) Rosignano San Luce, Orciano, Luciana, Livorno, Arno River. Florence and the leaning Tower of Pisa. All in Italy.

In France we find similarly familiar proper nouns, Bruyeres, Hills A, B, C, and D. Hill 155, Task Force O'Connor, Hill 505, Belmont, Biffontaine, Hill 703, The Lost Battalion, Hill 617, Hill 85, the Forest Dominiale du Champ.

During the "Champagne Campaign" we remember Nice, Menton, Castillion Sospel, Moulenet, Piera Cave, Luceram, Fort La Forca.

In the final campaign to end the war in Europe we come across these place names, Mount Folgorito, Hills Florida, Georgia, and Ohio, 1, 2, 3, Mount Ceretta, Mount Carchio, Montignoso Mount Belevedere, Massa, and Carrara, the Italian marble Centers, Altagnana, Pariana, Frigido River, Mount Bastione, Mount Nebbione, Tendola, Aulla, La Splezia, Chiavari, Genoa, Novi, Turin, and the war is over.

Yesterday was February 12th, Abraham Lincoln's birthday and I could not resist the temptation to combine his birthday with a celebration for the Nisei. He would have been proud of them.

To those of you who memorized the Gettysburg Address in School I apologize if I do not do justice to our greatest President.

The Nisei Lament

(With apologies to Abe Lincoln)

(By Col. J.M. Hanley)

Two score and seven years ago the Japanese Imperial Navy launched an attack on Pearl Harbor to cripple our fleet which brought death and destruction to hundreds of Americans.

We were thus thrust into a great world war, which might well have determined whether this nation, or any nation conceived in liberty and dedicated to the proposition that all men are created equal can long endure.

It harvested for Americans of Japanese ancestry, shame, hatred, fear, frustration and suspicion. They were vilified and accursed. Rumors were rampant of disloyalty to America and obeisance to an Emperor.

The response of the Government was incarceration of thousands under armed guard for the duration of the war.

The response of the Japanese American was to answer vilification with a turned cheek; to answer disloyalty with enlistment in the armed forces, to answer sneers with blood, spilled on foreign soil.

The call for volunteers echoed through out the Japanese American community. The response was overwhelming in Hawaii. On the Mainland many volunteered from behind barbed wire, a difficult and wrenching decision.

One must consider that criticism would not have been justified if on hearing the call to arms they had replied: "Free our brothers—then we will join your army".

In the event the call was met many times over and the 442nd Combat Team became a reality.

Many, too, too many, gave their last full measure of devotion to their country. They paid in blood for the honor of serving. Of an original force of some thirty-six hundred and a total from first to last, of eighty five hundred, they had over forty-five hundred casualties.

They were awarded over fifteen thousand decorations.

Many thousands more served in the Pacific Theatre in the Military Intelligence Service, with equal valor.

The world has not forgotten the blood, toil and tears. But has it forgotten the shame of the nation in so hurriedly branding a segment of its citizenry as saboteurs, and disloyal flunkies of a foreign power?

That our fellow citizens have not entirely forgotten is evident in the upbound of the civil rights movement since World War II. To which the sacrifices of the Nisei made a contribution.

What did these stalwart men do to earn these accolades? They fought gallantly in attacking Mount Cassino in the early Italian campaign; in a brilliant operation against Mount Belvedere; in the renowned capture of Bruyeres in France; and the famed rescue of the "Lost Battalion", of 36th (Texas) Division, in the Vosges Mountains of Lorraine. What has been said of these men? What have their commanders said. What have their comrades-in-arms said?

This is what has been said.

This is what President Franklin Delano Roosevelt has said:

"The proposal to organize a combat team consisting . . . of citizens of Japanese descent has my full approval . . . Americanism is a matter of the mind and the heart; Americanism is not, and never was, a matter of race or ancestry."

And this is what Congressman K.W. Stimson said:

"If any race living in America should have lost faith in America, it should have been the Japanese Americans . . . They had begged and petitioned for this (the chance to prove their loyalty) for two long bitter years, and when they were at last given the opportunity, the response was overwhelming . . . these volunteers became the most decorated unit in our military history."

General George C. Marshall, Army Chief of Staff, said this:

". . . Clark took them (the 100th Battalion) . . . they were superb! They took terrific casualties. They showed rare courage and tremendous fighting spirit . . . everybody wanted them . . . in the operations, and we used them quite dramatically in the great advance in Italy which led to the termination of the fighting there."

And what did General Mark W. Clark, fifth Army Commander, have to say? This is what he said:

"General Marshall . . . gave me very strict personal instructions . . . to report to him immediately the outcome of your first baptism of fire . . . after your engagement. I said They . . . performed magnificently on the field of battle. I've never had such fine soldiers. Send me all you can."

And what does this former battalion commander say? This is what I say:

"One could not have commanded a more moral, harder working, more conscientious group of men. The youngest fully and deeply felt the racial tone of events. In and out of battle they were generous, caring and self-sacrificing. Each man, without exception, did more than his full share.

"Were they brave? Bravery is a word without specific definition. If it were to be defined as self sacrifice for others then they were brave beyond measure.

"Did they prove their loyalty? A dozen times over—and over again. They were the only American soldiers called upon to validate their birth-right—American."

Let me rephrase Abraham Lincoln's Gettysburg Address:

"We should highly resolve that the dead shall not have died in vain; that the Japanese American sacrifices shall not be lost in the mystique of time; that this nation shall have a new birth of freedom; and shall develop racial, ethnic, and religious bonds of harmony, and that we shall revere this Government of the people, by the people, and for the people."

WISCONSIN BANKS SUPPORT EQUITY IN FDIC PREMIUM ASSESSMENTS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. KLECZKA. Mr. Speaker, banks in my home State of Wisconsin support a change in the law which would require banks with foreign deposits to pay premiums to the FDIC on those deposits, thereby eliminating a nagging inequity in our system of Federal deposit insurance which unfairly penalizes smaller institutions.

I have today introduced legislation, the "Federal Deposit Insurance Assessment Equity Act," which would require FDIC to assess foreign as well as domestic deposits.

At this point, I include in the RECORD a sampling of letters I received recently from banks in support of the legislation:

STATE BANK OF CROSS PLAINS,
Cross Plains, WI, January 19, 1988.

Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: It is my understanding that you may be introducing legislation addressing the inequity now existent in the FDIC assessment relative to the insurance coverage for domestic and foreign deposits. Such a review and correction is certainly long overdue.

It seems inherently unfair that all banks pay insurance premiums based on domestic deposits and yet those deposits of foreign origin receive identical protection. Such a burden of course falls unfairly on the smaller banks which are much less international by nature. Not only are the large money center banks too big to fail, but their deposit clients have more coverage at a cheaper cost than the majority of banks in the system.

I am certainly heartened to see that someone plans to correct this inequity.

Very truly yours,

H. LEE SWANSON,
President.

STATE BANK OF HOWARDS GROVE,
Howards Grove, WI, January 21, 1988.

Hon. GERALD D. KLECZKA
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: This letter is to voice our support of a bill to correct the inequality of FDIC insurance premium payments by banks. Because of the fact that foreign and domestic deposits are insured by the FDIC and premium payments are based on domestic deposits only, banks with both foreign and domestic deposits essentially pay less in premiums for more coverage than banks with domestic deposits only.

We urge you to take whatever measures you can to help change this unfair situation.

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Thank you very much for your assistance.

Sincerely,

ROBERT B. FURMAN,
President.

THE FARMERS STATE BANK OF WAUPACA,
Waupaca, WI, January 15, 1988.

Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: It is my understanding that you plan to introduce a bill on January 26, 1988 to change the F.D.I.C. Insurance Act to include foreign and domestic deposits in the deposit insurance base for all banks. I want to commend you for your action and would like you to know we support that proposal.

At the present time I'm sure you are aware that large banks are covered for their foreign deposits yet they do not pay a premium for this coverage. We feel this is an inequity in the system and your proposal will have the large banks pay their fair share and remove the burden of high premium to the banks not having foreign deposits.

I wish you well in your endeavor.

Sincerely,

F.J. VERGATIWEN
President.

STATE BANK OF ARCADIA,
Arcadia, WI, January 25, 1988.

Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC 20515

DEAR CONGRESSMAN KLECZKA: There is a serious inequity in the way FDIC insurance is charged. The premiums are figured on only domestic deposits, yet foreign deposits are also protected by FDIC.

The larger banks that have foreign loans and deposits are thereby getting a real deal at the expense of smaller banks. I don't understand how in the U.S. where a sense of fairness should prevail, this has been allowed to continue.

Please use your influence to do what you can do correct this inequity.

Sincerely,

JAMES W. SCHULTZ,
President and Cashier.

STATE BANK OF ROSHOLT,
Rosholt, WI, January 14, 1988.

Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC

DEAR CONGRESSMAN KLECZKA: The majority of Wisconsin Banks are considered small and medium sized, and like large banks they pay deposit insurance premiums.

The insurance covers the domestic deposits of all banks, yet it covers domestic and foreign deposits of larger banks. Thus, banks having foreign deposits get free coverage, subsidized by the complete banking system.

We respectfully request correction of this inequity, by amending the Federal Deposit Insurance Act to include foreign and domestic deposits in the deposit insurance base. Larger banks would then pay a fairer share for the FDIC coverage they have. Also, by decreasing the overall assessment rate used by the FDIC, this proposal could be made "revenue neutral."

Your help on this matter will be appreciated very much.

Sincerely,

NEIL R. PARKER,
President.

STATE BANK OF DRUMMOND,
Drummond, WI, January 1988.

Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: Our state Independent Bankers Association has updated us on your introduction of a bill to have foreign deposits included in the assessment of FDIC dues. The inclusion of these deposits in the deposit insurance base will cure the inequity that exists today between large and small banks such as ourselves. We applaud your bill and hope that it is successful. We believe larger banks should pay for the total coverage they have and not be picked up by those of us competing against them.

We appreciate your interest in this matter.

Sincerely,

WILLIAM R. MACLEOD,
President.

BANKERS' BANK OF WISCONSIN,
Madison, WI, January 19, 1988.

Hon. GERALD D. KLECZKA,
Re FDIC assessment of foreign deposits.

House of Representatives, Washington, DC.

DEAR CONGRESSMAN: This bank heartily applauds your efforts to include foreign deposits in the calculations of FDIC insurance assessments. We feel that the banks holding substantial foreign deposits are getting a free ride with fully insured foreign deposits but are not paying the premium. The Continental Illinois failure was a dramatic case in point.

If the foreign deposits are indeed going to get the benefits of insurance, the banks utilizing those deposits should pay the premiums. This is only logical and fair. In addition, it is necessary to impose these changes in order to preserve the financial viability of the FDIC.

We feel strongly about this issue and encourage your seeing the legislation through. There are a number of inequities in any regulated system and the FDIC is no exception. For example, in our bank, we pay insurance premiums on all our deposits; however, because our accounts are all of large size, only about 35% is insured. This is not a situation that we like, but it is necessary to the integrity of the FDIC concept. So, too, with insurance premiums on foreign deposits.

Thank you.

Sincerely,

HELGE S. CHRISTENSEN,
President.

PARK BANK,
Madison, WI, January 13, 1988.

Mr. GERALD KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: We support your plan to introduce the "Federal Deposit Insurance Assessment Equity Act."

All deposits that receive the protection of the Federal Deposit Insurance Corporation should be assessed.

Hopefully your committee will fend off "the big boys," as they will certainly fight this proposal vigorously.

Best of health to you in 1988!

Very truly yours,

ROBERT C. GORSUCH,
President.

STATE BANK OF SAINT CLOUD,
St. Cloud, WI, February 4, 1988.

GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: I am the president of a small independent Wisconsin bank. We are concerned with the inequities of the FDIC deposit insurance.

We pay an assessment based on our total domestic deposits. We do not have foreign deposits.

The large banks pay an assessment based on their domestic deposits. However, our deposits are only covered up to $100,000.00. The deposits of the too-big-to-fail banks are in effect covered 100%.

While we do not agree with this theory we do see some purpose being served. We do feel that the mega banks should be assessed based on both domestic and foreign deposits.

I also feel that there should be some minimum capital requirements set for banks that are engaged in Interstate Bank acquisitions.

Your efforts in these matters are appreciated.

Sincerely,

JOHN DIEDRICH,
President.

COMMUNITY STATE BANK,
Union Grove, WI, January 12, 1988.

Congressman GERALD KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: I was very pleased to hear of your intentions to introduce legislation which would require that the Federal Deposit Insurance Corporation impose premiums on foreign bank deposits.

This legislation would provide a more equitable allocation of premiums among all insured banks and will complete a necessary first step in obtaining regulatory equality between large money center and smaller community banks.

The resulting decrease in FDIC premiums for the majority of insured banks in the nation is not only fair, it is long overdue.

Thank you for efforts in this regard.

Sincerely,

DAVID BALLWEG,
President.

STATE BANK OF KEWAUNEE,
Kewaunee, WI, January 20, 1988.

Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: I understand that you will soon be introducing a banking bill in Congress. Therefore, I would like to take this opportunity to make a statement relative to the FDIC Insurance coverage afforded the bank.

As you are aware, the FDIC fund has been barraged due to the record bank failures over the past several years. The continued solvency of that fund has to be a major consideration whenever matters of banking are being considered.

An area of inequity currently exists in that the foreign deposits of the larger banks are covered by FDIC Insurance, but the banks are not paying any premiums on these foreign deposits. Therefore, small banks like ours are subsidizing the foreign deposits of the larger banks. Please give consideration to removing this inequity as you work on new banking legislation. Thank you.

Sincerely yours,

RICHARD A. BRAUN,
President and Trust Officer.

A BLUEPRINT FOR ACTION: AN EDUCATIONAL CHALLENGE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. HAWKINS. Mr. Speaker, at no time in the history of public education in this Nation, has there been the need for a greater push to achieve equity, excellence, and quality in our public school systems.

If we are to become more competitive in the world's economic markets, it means that our school systems must be able to train and graduate academically and technologically superior students, with the capability of outproducing all others in the global economies. It is evident that in producing such superior students, every student in this country must receive the best education that this country can offer.

In order to contribute to this effort, on September 5–7, 1986, The National Conference on Educating Black Children, a broad, representative cross-section of black organizations; other national organizations, associations, and sectors; members of local/grass roots communities; and local and national institutions, met to discuss and respond to five major issue areas which impact on the education of black children. The issue areas were: students, teachers, administrators, parents, and policymakers. The principal conference mission was to produce out of each issue area an articulate set of action-oriented mandates—the Blueprint for Action—which the conference participants would develop and take back to their local communities for introduction and implementation. A sixth issue area, community, has since been added.

It was determined the the Blueprint for Action would be doable, implementable, achievable, and succinctly written in easy-to-understand English.

The May 1987, National Conference on Educating Black Children, continued to urge communities—their citizens and their organizations—to act on the Blueprint for Action, and to report the status of their activity to the National Conference Organization, which is located at Howard University, Washington, DC, in the Offices of the Journal of Negro Education.

Here, then, presented for my colleagues review are excerpts from the Blueprint for Action II, developed by The National Conference On Educating Black Children.

THE BLUEPRINTS II

I. STUDENTS

Preamble: Emphasizing that students attend school to become intellectually, socially, and economically productive, and that they have the right to the best possible education on a free and equitable basis, we pledge to:

Action item

A recognize and advocate education as essential for success in our society.

Implementation activities

1. Attend school regularly and on time.
2. Complete school assignments.
3. Exercise self discipline.
4. Develop and exhibit confidence in the ability to succeed.
5. Participate in school activities as a positive learner and contributor.

Action item

B. Develop and maintain a positive attitude about learning.

Implementation activities

1. Acquire and practive effective study habits.
2. Consider academic success as a peer group goal.
3. Learn to work independently.
4. Learn to think critically.
5. Learn to communicate effectively.

II. TEACHERS

Preamble: High standards of effective teaching must be a non-negotiable reality in all schools and classrooms in which Black students are in attendance. Teachers must ensure that each Black child is provided the opportunity to attain the skills needed to achieve excellence in education.

Action item

A. Develop and demonstrate effective teaching strategies in all aspects of instruction.

Implementation activities

1. Demonstrate subject matter mastery and a strong general education background.
2. Design an effective classroom management program which minimizes student disruptions and creates an environment in which learning can take place.
3. Interact with all students in the classroom and provide individual guidance and feedback for students based on learning styles and special needs.
4. Demonstrate knowledge of the racial, cultural, social and ethnic background of the student body in order to more accurately and fairly interpret student behavior, thereby lessening the chances of misdiagnosis, misplacement and miseducation of Black youth.
5. Upgrade teaching skills based on effective teaching strategies which enhance learning, regardless of student population.
6. Encourage the development of inservice workshops which focus on varying aspects of effective teaching.
7. Use test data as diagnostic and prescriptive tools for improving student achievement, but *not* as sole indicators for students' entry, promotion, or detention in academic programs.

III. ADMINISTRATORS

Preamble: Recognizing that the school site administrator exercises authority and influences the actions of students, staff, faculty, and parents, we ask that such authority and influence be systematically directed to the development and implementation of educational programs which shall effectuate the maximum academic growth of each Black child.

Action item

A. Maximize the time principals are visible to pupils and staff.

Implementation activities

1. Defer activities which can be done after pupils leave school.
2. Schedule and make regular classroom visits.
3. Schedule and make regular hall and other site visits.
4. Make non-scheduled visits frequently.
5. Delegate and monitor activities which are not priority.
6. Develop and publicize the principal's expectations of pupils, teachers, and staff.
7. Disclose to parents the principal's plans for observation and monitoring.
8. Invite parents to participate in scheduled visitations and arrange for such participation.

Action item

B. Require administrators to help teachers upgrade their performance in the school.

Implementation activities

1. Help each teacher to be better prepared for classroom duties.
2. Provide each teacher classroom management models.
3. Provide classroom teaching models.
4. Communicate when appropriate regarding all matters relating to pupil performance.
5. Identify and discuss with the teacher officially those strengths and weaknesses that were observed during regularly scheduled observations of teacher performance.
6. Conceive and implement teacher development programs designed to improve performance in areas of identified weakness.
7. Seek legislation that will mandate effective teacher development.
8. Involve each teacher in planning and delivering staff development and evaluation services.
9. Hold staff accountable for *improvement* based on school goals.
10. Develop school goals with the assistance of faculty and parents.
11. Require total staff self-evaluation.
12. Provide for intra-school visitation of faculty identified as effective teachers.
13. Provide resources to each teacher to improve the teachers' knowledge of Black history and culture.
14. Require each teacher to demonstrate working knowledge of Black history and culture.

Action item

C. Make the principal accountable for knowing and providing an instructional program which teaches basic skills and more.

Implementation activities

1. Require the principal to specify to teachers, parents, and community those skills needed by the pupils attending the school.
2. Require the principal to specify the method to be used *by the principal* to assure those skills are taught in the school.
3. Require the principal to specify how the teaching of the identified skills will be measured in the school.
4. Require the principal to specify what will be done if, upon measurement, it is determined that the identified skills have not been taught in the school.
5. Require the principal to explain to parents and the community the extent to which recognized effective teaching techniques *are* being used or *are not* being used in the school.

IV. PARENTS

Preamble: Assisting Black parents in understanding their rights and responsibilities, developing models for parental involvement in the schools, encouraging parents to take responsibility for the education of their children, we comment as follows to:

Action item

A. Create a home environment which fosters respect for and interest in learning/education.

Implementation activities

1. Develop a daily/weekly routine or schedule that allows:
    a. time for family sharing and nurturing.

b. time for suitable reading.

2. Provide work space for suitable study.

3. Encourage family members to assist one another in learning.

4. Monitor children's school work.

5. Assign household tasks that develop responsibility and cooperation within the home.

6. Monitor and direct television viewing, including length of time and quality of programs.

7. Perpetuate Black History and Culture through:

a. family reunions.

b. family history book/photograph albums.

c. stories from older family members.

d. family activities such as movies, concerts, field trips, outings, etc.

8. Understand and appreciate the aesthetic value of a variety of music.

a. Become familiar with music heard on the radio. Allow children opportunities to share their thoughts on what the words in songs mean. Have children sing their favorite tunes and develop songs or lyrics on their own.

Action item

B. Assist other Black parents in understanding their rights and responsibilities; develop models for parental involvement.

Implementation activities

1. Urge the school administration to sponsor image building training activities designed to abate institutional distrust and fear on the part of parents.

2. Urge parents to share information on rights, responsibilities, and other activities, issues of concern to parents.

3. Sponsor events to inform parents of policies and practices. Develop a format which clearly advises parents of their rights and responsibilities.

a. Role playing conferences.

b. Clearly understandable written materials.

Action item

C. Develop interaction with teachers to improve the achievement of students.

Implementation activities

1. Initiate working relationships with teachers and school administrators via school visits, telephone conversations, and written communications.

2. Promptly respond to any notices from the teacher or the school.

V. COMMUNITY

Preamble: Understanding the need to organize and activate community groups to participate more effectively in educating Black children, including the need to ask the "right questions" to improve local schools and school systems, we commit as follows to:

Action item

A. Maximize the time community groups interact with the system (local schools, districts, areas, regions, etc.).

Implementation activities

1. Develop a clear set of minimum expectations as they relate to students' academic achievement and behavior.

2. Identify the key actors in the policy and decision making process (school board members, principals, regional superintendents, etc.). Target your energies toward the most appropriate level.

3. Learn the official chain of command and the appropriateness of its use.

4. Be prepared to move to the next level of decision making.

5. In the beginning, pick targets that are likely to present quick success.

6. Expect success.

7. Identify other community groups which may share your ideas.

Action item

B. Monitor students' outcomes.

Implementation activities

1. Obtain the hard data (reading scores, mathematics scores, attendance figures, dropout rates, number of pupils progressing to the next educational level, etc.) from the various Board of Education offices.

2. Consider items that relate to school culture that may be more subjective.

VI. POLICYMAKERS

Preamble: Recognizing that policymakers have the ultimate authority to plan and provide for effective educational policies and programs, we ask that this weighty influence be directed to the goals of achieving educational equity and excellence for Black children.

Action item

A. Eliminate and replace those policies and practices that are institutionalized but obsolete.

Implementation activities

1. Systematically review and analyze all existing school district policies and practices.

Action item

B. Assure that recognition and appropriate incentives are directly related to the success of Black students.

Implementation activities

1. Mandate school-wide evaluation policy based on the improvement of Black student achievement.

2. Evaluate and reward schools based on the performance of Black students in at least the following areas:

a. improved academic achievement,

b. improved attendance,

c. decreased suspensions,

d. decreased dropout rate,

e. increased college eligible rate.

3. Provide school incentives to encourage superior teachers to remain in the classroom.

Action item

C. Promote high standards of academic excellence and cultural awareness.

Implementation activities

1. Focus on basic skills, followed by higher cognitive and effective skill development.

2. Focus upon the positiveness of the Black experience.

THE ARCHEOLOGICAL RESOURCE PROTECTION ACT AMENDMENTS OF 1988

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GEJDENSON. Mr. Speaker, I am very pleased to introduce the Archeological Resource Protection Act Amendments of 1988. The 8 years of experience since the passage of Archeological Resources Protection Act of 1979 [ARPA] have demonstrated that there are a number of weaknesses in ARPA which make it extremely difficult to prosecute looters. This legislation strengthens ARPA and will give law enforcement officials the statutory tool they need to combat archeological looting and vandalism of public lands.

The looting and destruction of Indian archeological sites has reached crisis proportions and threatens to destroy an important part of our Nation's heritage. Every time an archeological site is destroyed, a part of human history is lost. The archeological resources on public lands belong to all Americans. These national treasures are being systematically and ruthlessly destroyed by professional looters.

No one knows precisely how many archeological sites have been vandalized or looted, but the limited information available indicates the problem is very serious, and is growing. The Interior Department and the Forest Service report that as much as 90 percent of the archeological sites on Federal lands in the Southwest have been looted or vandalized.

According to Governmentwide statistics collected by the National Park Service, the number of reported incidents of vandalism of archeological sites on Federal lands increased from 430 in fiscal year 1985 to 615 in fiscal year 1986, a 42-percent increase. These statistics are probably only the tip of the iceberg.

One of the barriers to getting the looting problem on public lands under control are the weaknesses in ARPA. At an October 1987 field hearing I chaired on the archeological looting problem many witnesses supported strengthening ARPA, including the States of Arizona, Utah, and Colorado, the U.S. attorney for Arizona, the U.S. attorney for Utah, the Navajo and Hopi Tribes, and the Society for American Archeology. In addition, a December 1987 report by the General Accounting Office recommended that ARPA be strengthened.

This legislation replaces the $5,000 felony/misdemeanor threshold in ARPA with a much simpler threshold: if you dig, its's a felony; if you surface collect, its a misdemeanor. Under current law, if the value of a stolen artifact, or the cost of restoring damage exceeds $5,000, it is a felony offense.

The $5,000 threshold causes many problems because it is extremely difficult to quantify the monetary value of damage to priceless and irreplaceable archeological resources. It also does not apply outside the Southwest United States where most archeological materials have no market value. Monetary value has no place in a law protecting priceless archeological resources.

The surface collection/excavation threshold is a clear distinction, which juries and judges can understand without the assistance of an expert. Inevitably, the $5,000 threshold leaves juries confused and distracts attention from the real issue of whether or not a crime was committed. ARPA trials often degenerate into a "battle of the experts" with opposing archeologists offering radically different damage estimates on behalf of the defense and the prosecution. In the 8 years since the passage of ARPA there has been only one felony conviction by jury.

The bill also amends ARPA to prohibit attempts to loot or vandalize archeological sites. It is clearly impossible to catch violators in the act of looting. This provision would make it possible to prosecute individuals who are

caught preparing to dig for a misdemeanor violation.

The bill lowers the age limit of archeological resources to 50 years. Under current law ARPA only applies to artifacts and sites that are over 100 years old. In a recent ARPA prosecution, U.S. versus Ashford et al., the 100-year age limit caused problems. In this case the defendants dug up a deceased Shoshone warrior and drove around with him the back of their pickup truck for a number of days. They put a cigar in his mouth and named him Hector. The Government had to prosecute the case over a few associated burial goods, instead of the skeleton, because an expert estimated that the Shoshone was buried 96 years ago.

The bill replaces or removes a number of subjective terms in ARPA that cause problems in a criminal statute. The most important change of this type is a new definition of the term "archeological resource." As currently written, ARPA only prohibits the looting and vandalism of "archeological resources." The precise meaning of this term is unclear and has caused problems in at least five ARPA prosecutions in which the defense argued that the archeological site that the defendant was looting was not an "archeological resource."

I strongly urge my colleagues to support the Archeological Resource Protection Act Amendments of 1988. Passage of this legislation is urgently needed to protect our Nation's archeological heritage.

Mr. Speaker, I insert at this point in the record an excerpt from a February 1988 report prepared by the House Interior Subcommittee on General Oversight and Investigations, which I chair, entitled, "The Destruction of America's Archaeological Heritage", followed by a copy of the Archaeological Resource Protection Act Amendments of 1988.

EXCERPT FROM "THE DESTRUCTION OF AMERICA'S ARCHAEOLOGICAL HERITAGE," AND INVESTIGATIVE REPORT, SUBCOMMITTEE ON GENERAL OVERSIGHT AND INVESTIGATIONS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

III. THE ADEQUACY OF THE ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979 AS A LAW ENFORCEMENT TOOL

A major purpose of the October 19, 1987 subcommittee hearing on the theft of Indian artifacts was to evaluate the effectiveness of the Archaeological Resources Protection Act of 1979 (ARPA). ARPA has been on the books for over eight years and there has been a sufficient amount of experience with the law to provide a basis for an evaluation of its effectiveness. Many witnesses at the October 19, 1987 hearing supported strengthening ARPA, including the states of Arizona, Utah, and Colorado, U.S. Attorneys for Utah and Arizona, the Navajo and Hopi Tribes, and the Society for American Archaeology. GAO has also recommended strengthening APRA.[1]

[Footnotes at end of article.]

Before beginning an evaluation of ARPA's effectiveness, it is important to put the law in perspective. ARPA is not, and never will be, a panacea for the problem of the looting and destruction of archaeological sites. ARPA, and law enforcement in general, is only one of the many approaches available to protect archaeological resources. Other methods such as public education, interactive archaeology programs, and archaeology site stewardship programs are at least as important. ARPA must be evaluated in the context of its effectiveness as a law enforcement tool, not as a cureall for the looting and vandalism problem.

This section of the report will focus on the adequacy of ARPA as a law. A later section will evaluate the effectiveness of the implementation of ARPA by federal agencies.

A. Summary of ARPA

The purpose of ARPA is to protect archaeological resources on public lands and Indian lands. Under ARPA, an individual must receive a permit to excavate on federal and Indian lands. ARPA prohibits the looting and destruction of archaeological resources on public lands and Indian lands. It also prohibits trade in stolen artifacts.[2]

Violation of ARPA is a misdemeanor offense if the value of the stolen archaeological materials, or the cost of restoring damage is less than $5,000.[3] Misdemeanor violators can be imprisoned for up to one year and fined up to $100,000.[4]

If the value of stolen archaeological materials, or the cost of restoring damage exceeds $5,000 it is a felony offense, and the violator can be fined up to $250,000, and imprisoned up to two years.[5] None of these penalties applies to the removal of arrowheads located on the surface of the ground (this activity is still illegal under the Antiquities Act [6]).

Prior to November 1, 1987 the maximum fines under ARPA were $10,000 for a misdemeanor violation, $20,000 for a felony violation, and $100,000 for a second felony violation. These fines were increased as of November 1, 1987 pursuant to Title 18, Section 2623 of the U.S. Code, The Uniform Sentencing Law.

In addition to criminal penalties, ARPA authorizes federal land managers to assess civil penalties for ARPA violations. Private individuals who furnish information which leads to a civil penalty or a criminal conviction receive a reward amounting to one half of any penalty or fine, but not to exceed $500.

B. Prosecution Under Authorities Other Than ARPA

ARPA appears to be a difficult law to use to prosecute and convict individuals who have vandalized or looted archaeological sites. In the eight years since its passage, there has been only one ARPA felony conviction by jury. This case, U.S. vs. Cortiana, was prosecuted by the U.S. Attorney for Arizona in November 1987. The defendant was found guilty of attempting to sell the mummified remains of an Anasazi infant.[7]

In many cases, individuals who are caught looting are not prosecuted under ARPA. Prosecutors often resort to other statutes, such as theft of government property (18 U.S.C. 641), under which it is easier to obtain a conviction. For example, in Fiscal Year 1986 there were 12 prosecutions of incidents of looting and vandalism of archaeological sites on Forest Service lands, and 11 of the prosecutions were under authorities other than ARPA.[8]

There are many reasons that prosecutors resort to authorities other than ARPA to prosecute archaeological looters and vandals. In his testimony before the Subcommittee, Stephen M. McNamee, United States Attorney, District of Arizona, provided an explanation of why prosecutors often resort to authorities other than ARPA:

"To prove a felony under 18 U.S.C. 641 (theft of government property) or 18 U.S.C. 1361 (destruction of government property), the government need only prove a theft of or damage to an artifact worth more than $100. A felony conviction for theft or destruction of government property carries a ten year maximum sentence. The maximum sentence under the Archaeological Resources Protection Act is two years for the first offense and five years for subsequent convictions. In short, there are burden of proof and penalty advantages to charging theft or destruction of government property as well as a violation of ARPA.

"It has been our experience, at least in Arizona, that lay persons, especially juries, understand that it is wrong to steal, and destroy property, but do not appreciate the sometimes technical and scientific provisions specifically governing archaeological resources within ARPA. In short, it is much more persuasive to call a thief, a thief." [9]

C. *Problems With Prosecuting Under ARPA*

1. THE $5,000 FELONY THRESHOLD

The most criticized provision of ARPA is the $5,000 felony threshold. Under current law, if the value of the stolen artifact, or the cost of restoring damage to an archaeological sites must exceed the sum of $5,000, for it to be a felony. Many witnesses at the hearing supported lowering the threshold, including the Society for American Archaeology, the States of Utah, Arizona, and Colorado, the Navajo and Hopi Tribes, and the U.S. Attorneys for Utah and Arizona.[10] Senator Domenici (R-NM) has introduced legislation, S. 1314, which would lower the felony threshold to $500.

Kristine Olson Rogers, a former Assistant U.S. Attorney with a great deal of experience prosecuting ARPA cases, testified that the $5,000 felony threshold confuses juries and undermines prosecutions. Rogers argued that it is extremely difficult to quantify the value of damage to archaeological resources. Rogers described the following scenario of a jury grappling with the $5,000 felony threshold, "What typically happens is: a case is indicted accompanied by headlines touting massive damage estimates and then the jury convicts of a misdemeanor, utterly disregarding the expert's staggering damage totals. And any time there is a defense expert, the jury will opt for the lowest bidder's price." [11]

A September 23, 1987 memorandum by Paul D. Weingart, Director of Recreation, Southwestern Region, Forest Service, to the Chief of the Forest Service, stated that the felony threshold value of $5,000 should be deleted from ARPA. Weingart wrote, "The present situation makes it (ARPA) very difficult to enforce. The whole concept of value as stated in the law and regulations presents difficulties leaving even professional archaeologists divided and confused about the meaning." [12] In an October 2, 1987 letter to the Subcommittee, Forest Service Chief Dale Robertson supported modifying the felony threshold.[12]

In its written testimony, the Part Service stated that the $5,000 limit, "* * * requires rather elaborate and technical presentations by prosecution expert witnesses about the cost of archaeological investigations that are difficult for a jury of nonexperts to understand and accept. Reducing the threshold level would reduce the amount of explanation and technical justification necessary for a successful prosecution." [14]

U.S. Attorney Stephen H. McNamee argued that the $5,000 ARPA felony threshold was arbitrarily high in comparison to other laws prohibiting the same activities and should be lowered. He stated, "Theft of government property is theft of government property, no matter how unique the stolen article. The same is true of destroyed property; it should be valued no less because it is an archaeological site." [15]

Another problem with the $5,000 felony threshold is that most archaeological artifacts have no value on the private art market. This is especially true outside of the Southwest where it is rare to come across intact pots and other well preserved artifacts valued by collectors. Although the looting problem is most visible in the Southwest, it is a problem all over the country. The current dollar amount makes prosecution of ARPA violations outside the Southwest even more difficult.

Many witnesses supported lowering the felony threshold amount to $500. U.S. Attorney Stephen H. McNamee pointed out that lowering the threshold to $100 would bring ARPA in line with other federal laws prohibiting theft and destruction of government property.[16]

Kristine Olson Rogers proposed a simpler approach which would eliminate the entire question of archaeological value from ARPA cases. Rogers stated, "It makes much more sense to use a clean distinction which jurors and judges can handle even without the assistance of an expert. I prefer the Arizona State Statute's approach: if you dig, it's a felony; if you surface collect, it's a misdemeanor."[17]

2. 100 YEAR AGE LIMIT

ARPA applies to artifacts and sites that are over 100 years old. In a recent ARPA prosecution U.S. versus Ashford et al. this limit caused problems. In this case the defendants dug up the remains of a deceased Shoshone warrior and drove around with them in the back of their pickup truck for a few days. They put a cigar in his mouth and named him Hector. The government had to prosecute the case over a few associated burial goods, instead of the skeleton, because an expert witness estimated that the Shoshone was buried 96 years ago.[18]

Kristine Olson Rogers recommends lowering the age limit to 50 years.[19] In addition, the National Register of Historic Places uses a 50 year age limit. It is easier for experts to make this determination and would also include many of the "Old West" remains left by non-Indians.

3. OTHER ARPA ISSUES

Many witnesses supported strengthening ARPA by prohibiting attempts to loot or vandalize archaeological sites, including the two U.S. Attorneys, for Arizona and Utah, as well as the Society for American Archaeology.[20] U.S. Attorney, Stephen H. McNamee wrote, "If 'attempt' were included, looters caught on archaeological sites with screens, probes, and shovels could be stopped before damage occurred and the looters could be prosecuted." [21] S. 1314, the Domenici bill, prohibits looting and vandalism attempts.

Because of the remoteness of most archaeological sites, it is extremely difficult to catch individuals in the act of looting. Adding attempted acts of looting and vandalism would make it easier to prosecute violators.

Kristine Olson Rogers suggested two technical amendments to ARPA. Rogers is concerned that the current definition of "archaeological resource" in ARPA is unclear and confusing to juries. She believes that a simple, broad definition is necessary to eliminate confusion in this area. She also suggested striking the phrase "of archaeological interest" from the ARPA definition of "archaeological resource." Rogers argues that subjective phrases such as "of archaeological interest" have no place in a criminal statute.[22]

U.S. Attorney Brent Ward proposed that ARPA should be amended to make it a criminal offense to purchase or sell archaeological materials without written proof that the artifact is from non-public lands. Ward stated that this change is necessary because it is nearly impossible to prosecute dealers in stolen artifacts because of the difficulty of proving that an artifact is from public lands.[23] This proposal was supported by David Madsen, the Utah State Archaeologist.[24] One problem with this solution would be that it would be easy for individuals to attest that any object was from private lands, and it would be almost impossible to prove that the statement was incorrect. In addition, a registration system could be extremely difficult to implement and administer because of the large number of artifacts currently possessed by private individuals.

Henry Deal, testifying on behalf of the Navajo nation, proposed that ARPA should be amended to provide Indian tribes with criminal jurisdiction over non-tribal members violating ARPA on tribal lands. The Navajo stated that looting on their lands is very difficult to prosecute because of the competing jurisdictions of the federal government, the tribe, and the States. They propose that tribes that develop enforcement programs consistent with ARPA receive criminal jurisdiction over non-tribal members violating ARPA. As an alternative the Navajo propose permitting tribes to assume primary enforcement authority, with actual jurisdictions left to the federal government.[25]

[Footnotes]

[1] General Accounting Office (GAO), Cultural Resources: Problems Protecting and Preserving Federal Archaeological Resources, December 15, 1987, page 86.

[2] The Archaeological Resources Protection Act of 1979, (16 U.S.C. 470aa-470ll), Public Law 96-95, October 31, 1979.

[3] Ibid.

[4] ARPA as amended by Title 18, U.S.C. Section 2623, The Uniform Sentencing Law.

[5] Ibid.

[6] The Antiquities Act (16 U.S.C. 431, 432, 433) June 8, 1906.

[7] Subcommittee Staff Telephone Interview with Linda Akers, Assistant U.S. Attorney for the District of Arizona, January 19, 1988.

[8] National Park Service Memoranda, Preliminary Comparison of FY 1985 and 1986 Looting Statistics, September 1987.

[9] Prepared testimony of Stephen M. McNamee, United States Attorney, District of Arizona, before the Subcommittee on General Oversight and Investigations, October 19, 1987, page 4.

[10] Prepared testimony of States of Utah and Arizona, Society for American Archaeology, the Navajo, and Hopi Tribes, and the U.S. Attorneys for Utah and Arizona. Oral testimony of State of Colorado.

[11] Prepared testimony of Kristine Olson Rogers, Attorney-at-law, before the Subcommittee on General Oversight and Investigations, October 19, 1987, page 8.

[12] Forest Service Memorandum, September 23, 1987, Paul D. Weingart, Director of Recreation, Southwestern Region, to Chief, Information for Interior and Insular Affairs Committee, page 7.

[13] Letter of October 2, 1987, from Dale F. Robertson, Chief, U.S. Forest Service, to Sam Gejdenson, Chairman, Subcommittee on General Oversight and Investigations.

[14] Prepared testimony of William Penn Mott, Jr., Director, National Park Service, before the Subcommittee on General Oversight and Investigations, October 19, 1987, page 11 (testimony delivered by Jack Neckles, Deputy Regional Director, Rocky Mountain Region, National Park Service).

[15] Prepared testimony of Stephen M. McNamee, October 19, 1987, page 4.

[16] Ibid., page 5.

[17] Prepared testimony of Kristine Olson Rogers, October 19, 1987, page 8.

[18] Ibid., page 9.

[19] Ibid., page 10.

[20] Prepared testimony of Stephen M. McNamee, U.S. Attorney for Arizona, Brent P. Ward, U.S. Attorney for Utah, and Allen Downer, Society for American Archaeology, October 19, 1987.

[21] Prepared testimony of Stephen M. NcNamee, October 19, 1987, page 5.

[22] Prepared testimony of Kristine Olson Rogers, October 19, 1987, page 9.

[23] Prepared testimony of Brent D. Ward, October 19, 1987, page 11.

[24] Prepared testimony of David B. Madsen, Utah State Archaeologist, before the Subcommittee on General Oversight and Investigations, October 19, 1987.

[25] Prepared testimony of Henry Deal, Director of the Navajo Nation Resources Enforcement Agency, before the Subcommittee on General Oversight and Investigations, October 19, 1987, page 2.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENFORCEMENT.

Section 6(d) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) is amended to read as follows:

"(d)(1) Whoever knowingly violates, or attempts to violate, any prohibition contained in subsection (a), (b), or (c) shall, except as provided in paragraph (2) or (3), be imprisoned not more than one year or fined under title 18 of the United States Code, or both.

"(2) Whoever knowingly violates, or attempts to violate, any prohibition contained in subsection (a) shall be imprisoned not more than 2 years or fined under title 18 of the United States Code, or both, if such violation involves any excavation. For purposes of this paragraph, the term 'excavation' means any disturbance of the ground or of deposits beneath the surface.

"(3) For a second or subsequent conviction of a person under this subsection, such person shall be imprisoned not more than 5 years or fined under title 18 of the United States Code, or both."

SEC. 2. DEFINITION OF ARCHAEOLOGICAL RESOURCE.

Section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) is amended to read as follows:

"(1) The term 'archaeological resource' means any physical evidence of sites, structures, or objects used by humans and the conceptual content or context of an area. For purposes of this paragraph, the conceptual content or context is the associations of the archaeological site structures or objects, or portions or pieces thereof, with each other or biological or geological remains or deposits. Nonfossilized and fossilized palen-

tological specimens, or any portion or piece thereof, shall not be considered archaeological resources for purposes of this Act unless found in an archaeological context. No item shall be treated as an archaeological resource for purposes of this Act unless the item is at least 50 years of age."

CIVIL RIGHTS RESTORATION ACT

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LELAND. Mr. Speaker, due to very pressing concerns beyond my control in my district, it is with sincere regret that I am unable to join my colleagues tonight and cast my vote for passage of the Civil Rights Restoration Act.

Reflecting on a lifetime dedicated to securing and preserving civil rights, I am proud to support this significant piece of legislation which will effectively end discriminatory practices in federally funded institutions.

The unfortunate Supreme Court decision in Grove City versus Bell negated years of civil rights progress. The original intent of Congress, as expressed in title IX of the education amendments, the Civil Rights Act of 1964, the Rehabiliation Act of 1974, and the Age Discrimination Act of 1975, was to prohibit discrimination on the basis of sex, race, disability, and age. The Grove City decision allowed each of these statutes to be circumvented.

By limiting the applicability of title IX of the education amendments to a specific discriminating "program or activity" receiving Federal funds, the Grove City decision permitted taxpayer's dollars to support institutions engaged in discriminatory practices. Not only was this in direct contravention of original congressional intent, but it articulated a public abhorrent to our democratic ideals.

Under the rationale of Grove City, a victim not "fortunate" enough to suffer discrimination and oppression by a program directly receiving Federal dollars, will not receive assistance from the very Federal agencies charged with the responsibility of investigating such complaints. Instead, in order to address such injustices, victims must resort to filing expensive and lengthy private law suits. Such suits require resources unavailable to most victims. If a complainant cannot laboriously trace Federal money to the specific program in question, technically, that program is free to continue its discrimination.

A history of court decisions and congressional interpretations reaffirm the broad scope of coverage implicit in pre-Grove City legislation. The Civil Rights Restoration Act simply restores this broad coverage concept to our Federal law.

It is imperative that we reaffirm a national policy which does not tolerate the use of Federal funds, directly or indirectly, to perpetuate discrimination. I urge all my colleagues to pass this imporatnt legislation.

JONATHAN TILOVE NEWHOUSE PUBLICATIONS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BOLAND. Mr. Speaker, as my colleagues can attest, one of the mixed blessings of public life is the necessary relationship between journalists and elected officials.

While we readily acknowledge the important role the press plays in our society, we can often view with trepidation the process by which our activities become newspaper stories or segments on the evening news broadcasts.

As a result, we quickly come to appreciate and admire the work of reporters for whom the ability to write well, and a commitment to objectivity, are fundamental to the way in which they approach the demands of their profession.

For the past 3 years, the readers of my hometown newspapers—the Springfield MA Union-News, and Sunday Republican have benefited from the skills of just such a reporter.

Jonathan Tilove, who assumed his duties as chief of the Newhouse newspapers northeast bureau in New York City on February 29, covered events on Capitol Hill and Washington with perception and dedication.

A 7-year veteran of the Springfield newspapers before coming to Washington, Jonathan brought to his assignments the instincts of a good reporter, and the advantages of a quick learner.

In pursuit of a story he was presistent and thorough, and he was at all times, and in all ways, fair.

Those attributes won him the respect of those, like myself, whose work it was his job to cover.

In my judgment, the highest compliment that can be paid to a reporter is that he or she can be trusted to report the news as it is, without coloration, slant or spin.

Jonathan Tilove leaves his post in Washington, having earned that trust.

The reward for a job well done should be advancement, and while Jonathan's talents will be missed in Washington, I am pleased that he will be given added responsibilities in New York.

I want to wish him and his wife, Jo-Ann, who is an able reporter in her own right, all the best as they embark on what should be an exciting time in their lives.

SUPPORT OF S. 557

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. HOYER. Mr. Speaker, I rise in support of S. 557, the Civil Rights Restoration Act. In addition, I would like to comment specifically on an amendment added by the Senate during floor consideration of this legislation. This amendment concerns coverage of people with contagious diseases and infections under section 503 and 504 of the Rehabilitation Act of 1973.

I have been a long-time supporter of the antidiscrimination protections of the Rehabilitation Act. These protections are essential to ensure that individuals with handicaps are not subjected to irrational and unjustified discrimination and to ensure that such individuals have the opportunity to bring cases of alleged discrimination to court and to have them adjudicated on their merits.

In the cases of individuals with contagious diseases and infections, the protections of section 504 of the Rehabilitation Act have been critical in ensuring that decisions regarding such individuals are based on reasonable medical judgments. It is essential to maintain a proper balance between protecting the private rights of such individuals and the public health. The Senate amendment maintains this balance by essentially placing the current "otherwise qualified" standard of section 504 into the statute. Under the Rehabilitation Act, individuals with handicaps—including individuals with contagious diseases and infections—must be otherwise qualified for the positions they seek to hold. As the Supreme Court explained recently in the case of *School Board of Nassau County* v. *Arline,* 107 S.Ct, 1123 (1987), an individual will not be "otherwise qualified" if the person poses a significant risk of communicating an infectious disease to others in the workplace and that risk cannot be eliminated by reasonable accommodation. As the court further explained, this is a highly fact-specific inquiry that must be conducted on a case-by-case basis.

The Supreme Court adopted the approach recommended by the American Medical Association (AMA]. According to the AMA, such an inquiry should include: "[F]inding of facts, based on reasonable medical judgments given the state of medical knowledge, about (a) the nature of the risk (how the disease is transmitted), (b) the duration of the risk (how long is the carrier infectious), (c) the severity of the risk (what is the potential harm to third parties), and (d) the probabilities the disease will be transmitted and will cause varying degrees of harm." *Arline,* 107 S.Ct. 1123, 1131 (1987).

The Senate amendment embodies the approach and standards of the Arline decision. With this amendment, the Senate provided that individuals with contagious diseases and infections remain covered under sections 503 and 504 of the Rehabilitation Act, as long as such individuals do not pose a direct threat to the health or safety of others or are unable to perform the essential duties of the job. The colloquy in the Senate between the cosponsors of the amendment clarifies that the amendment does not alter the requirements of reasonable accommodation under the statute, or the traditional two-step test in which a court first determines whether an individual meets the ordinary statutory definition of a handicap under the statute and then determines whether the individual is otherwise qualified for the particular position at issue in the case before it.

As I noted, this amendment essentially codifies the existing standard of otherwise qualified in section 504, as explicated by the Supreme Court in Arline. If an individual poses a direct threat to the health or safety of others—that is, if there is a significant risk that the individual will transmit a contagious disease or infection to others in the workplace and that risk cannot be eliminated by reasonable accommodation—then such an individual can be excluded from the particular position in which this risk exists. As always, this determination would require a case-by-case analysis and would have to be based on reasonable medical judgments.

This amendment is particularly important today when people with acquired immune deficiency syndrome [AIDS] and people infected with the AIDS virus are often subject to unjustified and irrational discrimination. It is unfortunate that fear of people with AIDS and people infected with the AIDS virus has resulted in many unfounded concerns on the part of employers. Nevertheless, to the extent that this amendment can clarify the current law—and can help to allay some of those fears—I believe that it serves a most useful and important function.

Mr. Speaker, in 1972, Congress adopted the education amendments which included title IX, forbidding sex discrimination by institutions receiving Federal funding. I am sure that every Member who voted for that legislation meant to prevent discrimination in every department and program of every institution receiving Federal funds.

For many years, title IX was interpreted by governments, universities, and the courts to do just that. It revolutionized spending on athletic programs for women in our Nation's colleges and universities.

The 1984 decision of the Supreme Court in Grove City College versus Bell was a tremendous set back. It has weakened not only title IX, but the fundamental discrimination laws enacted by this Congress over the past 25 years: the Civil Rights Act of 1964, the Rehabilitation Act of 1974, and the Age Discrimination Act of 1975.

Today we state again, emphatically, any institution receiving Federal funds may not discriminate on the basis of sex, race, age, or handicap in any program or department.

It is a wonder that we still must pass laws to state the obvious. The Congress representing the people of the United States will not tolerate discrimination. We will enact and re-enact law until that point is crystal clear.

I am proud to have cosponsored this legislation. I commend the chairman of the Education and Labor Committee and so many others, who have worked so long and hard to bring it to this floor.

INTRODUCTION OF THE EMERGENCY HUNGER RELIEF ACT OF 1988

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. PANETTA. Mr. Speaker, I rise to announce the introduction of legislation to deal with the hunger emergency which we face. It is a sad day commencing in America when there is a need to introduce an Emergency Hunger Relief Act. In a land blessed with the greatest agricultural production and wealth in the world, it is a disgrace that we face a hunger emergency in this country. While the President announces that we are in fine economic shape and are in the "longest peacetime expansion in our Nation's history," the demand for emergency food assistance in soup kitchens and food pantries multiplies across the country.

Just 1 week ago, I convened a hearing on the subject: "The Hunger Emergency in America." It should have been called: "A Tale of Two Countries." One country faces an increasing problem of hunger among the poor and the homeless. We listened to a welfare recipient who lives in a State that pays among the highest AFDC benefits in the country. She has only $25 every 2 weeks for all of her children's expenses because the rest of her AFDC payment goes for housing. Her food stamp benefits never last more than 19 or 20 days into the month; then she must go to food pantries to get food for her children. We heard from a wide range of people who confront daily the reality of hunger in America: food bank directors, ministers, national experts on nutrition and child health, and Mayor Sidney Barthelemy of New Orleans, whose city has been particularly hard hit by the downturn in the economy in the Sun Belt.

All spoke of the growing problem of hunger, the failure of current programs to meet the need, and the impending crisis which looms because crucial commodities will not be available for distribution through the Temporary Emergency Food Assistance Program [TEFAP].

The vision of the other country was presented by the administration witness. Their vision is a country in which hunger does not exist. At most, it is anecdotal, if not measured by statistics collected by a Washington bureaucracy. There is no hunger problem because after nearly 8 years in office, the administration has not identified an acceptable methodology to measure hunger.

I don't think the American people accept the administration's vision. A respected polling firm recently conducted a survey of attitudes toward hunger and homeless and found that helping the hungry and homeless ranks second only to reducing the Federal deficit as the problem American voters want the next President to work on.

Today, Senators KENNEDY and LEAHY and I are introducing in the House and the Senate, the Emergency Hunger Relief Act of 1988. This bill sets forth a balanced and prudent agenda to meet the hunger emergency which we face. The bill has 44 sponsors in the House of Representatives, including Members from both sides of the aisle.

The first step is to make sure that we make room in the budget resolution to fund most, if not all of the provisions of the Emergency Hunger Relief Act as well as for WIC. I am confident that we can get sufficient reallocation of the domestic priorities within the Budget Summit agreement to deal with the hunger emergency this year. The consequences of delay are already evident in rising infant mortality, anemia, and malnutrition. The simple fact is that we cannot affort not to act. The time is now. I urge your support of the Emergency Hunger Relief Act.

I insert in the RECORD the text of the Emergency Hunger Relief Act of 1988 and explanatory material:

The material follows.

H.R. 4060

A bill to provide hunger relief, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Hunger Relief Act of 1988".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1 Short title: table of contents.
Sec. 2. Findings.

TITLE I—FAMILY SELF SUFFICIENCY IMPROVEMENT

SUBTITLE A—FOOD STAMP PROGRAM

Sec. 101. Low cost food plan.
Sec. 102. Relatives living together.
Sec. 103. Categorical eligibility.
Sec. 104. Income standards of eligibility.
Sec. 105. Excess shelter expense deduction.
Sec. 106. Reporting requirements and calculation of household income.
Sec. 107. Limitation on resources.
Sec. 108. Value of allotment.
Sec. 109. Benefits for households subject to prorating.
Sec. 110. Food stamp information activities.
Sec. 111. Extension of homeless amendments.

SUBTITLE B—RELATED PROGRAMS

Sec. 121. Temporary emergency food assistance program.
Sec. 122. Community food and nutrition program.
Sec. 123. Study of special diets.

TITLE II—CHILD NUTRITION PROMOTION

Sec. 201. Exclusion of foster care and adoption assistance from income under the food stamp program; removal of obsolete reference.
Sec. 202. Improvement of school breakfast program.
Sec. 203. Restoration of private nonprofit organization under the summer food service program for children.
Sec. 204. Addition of one snack or one meal to the child care food program.
Sec. 205. Technical correction relating to income guidelines for free lunches.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

SEC. 2. FINDINGS.

Congress finds that—

(1) millions of Americans face hunger several or more days each month due to the fact that—

(A) one in every five American children is poor (using the United States Census definition for the most recent year for which data are available), and almost one of every two black children and two of every five hispanic children are poor;

(B) the demand for emergency food assistance is increasing, and the majority of those requesting emergency food assistance in major cities are families with children;

(C) participation in the food stamp program has declined in this decade, despite an increase in the number of poor Americans, and barriers to participation in the food

stamp program are contributing to the growth of domestic hunger;

(D) food stamp benefits are based on the lowest cost food plan devised by the United States Department of Agriculture and the benefit level makes it difficult for most poor families to achieve a minimally adequate diet;

(E) the Department of Agriculture estimates that low-income children receive a substantial portion of their daily food from meals served in schools under the National School Lunch Act, yet during the summer months, only one eighth of the low-income children who participate in school meal programs get nutrition assistance under the summer food program;

(F) only one fourth of the low-income children who participate in the school lunch program participate in the school breakfast program; and

(G) over half of our children under age 6 now have mothers that work outside of the home, and those children need high-quality child care services and nutrition to be prepared to do well in school and eventually lead productive adult lives;

(2) as a matter of national public policy, the health and nutritional status of low-income Americans (particularly vulnerable groups such as women of child-bearing age, children, and the elderly) should be protected;

(3) low-income people in need should have information about and access to Federal food and nutrition programs; and

(4) freedom from hunger and undernutrition is a basic human need, and food and nutrition programs are essential to enhance the health of the Nation.

TITLE I—FAMILY SELF SUFFICIENCY IMPROVEMENT

Subtitle A—Food Stamp Program

SEC. 101. LOW COST FOOD PLAN.

(a) FOOD PLAN DEFINITION.—Section 3(o) of such Act (7 U.S.C. 2012(o)) is amended—

(1) by striking out "Thrifty" and inserting in lieu thereof "Low cost";

(2) in the first sentence, by inserting after "calculations" the following: "published and distributed in April, 1983"; and

(3) by striking out "thrify" each place it appears and inserting in lieu thereof "low cost".

(b) VALUE OF ALLOTMENT—Section 8(a) of such Act (7 U.S.C. 2017(a)) is amended by striking out "the thrifty food plan" and inserting in lieu thereof "79 percent of the low cost food plan during the period beginning January 1, 1989, and ending September 30, 1989, and 80 percent of the low cost food plan during fiscal year 1990 and thereafter".

(c) CONFORMING AMENDMENT.—Section 21(b)(2)(C)(ii) of such Act (7 U.S.C. 2030(b)(2)(C)(ii) (as added by section 1509 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203)) is amended by striking out "the thrifty food plan" and inserting in lieu thereof "79 percent of the low cost food plan during the period beginning January 1, 1989, and ending September 30, 1989, and 80 percent of the low cost food plan during fiscal year 1990 and thereafter".

SEC. 102. RELATIVES LIVING TOGETHER.

The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(1) by striking out "(2)" and inserting in lieu thereof "or (2)"; and

(2) by striking out ", or (3)" and all that follows through "disabled member".

SEC. 103. CATEGORICAL ELIGIBILITY.

The second sentence of section 5(a) of the Food Stamp Act of 1977 (7 U.S.C. 2014(a)) is amended—

(1) by striking out "during the period"; and

(2) by striking out "and ending on September 30, 1989".

SEC. 104. INCOME STANDARDS OF ELIGIBILITY.

Section 5(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(1)) is amended by inserting after the paragraph designation the following: "in the case of a household that includes an elderly or disabled member,".

SEC. 105. EXCESS SHELTER EXPENSE DEDUCTION.

The proviso to the fourth sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended after "respectively," the following: "plus an additional $10 for each such jurisdiction for each adjustment period,".

SEC. 106. REPORTING REQUIREMENTS AND CALCULATION OF HOUSEHOLD INCOME.

(a) CALCULATION OF HOUSEHOLD INCOME.—Section 5(f) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)) is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2)(A) Households not required to submit monthly reports of their income and circumstances under section 6(c)(1) shall have their income calculated on a prospective basis, as provided in paragraph (3)(A).

"(B) Households required to submit monthly reports of their income and circumstances under section 6(c)(1) shall have their income calculated on a retrospective basis, as provided in paragraph (3)(B), except that in the case of the first month, or at the option of the State the first and second months, in a continuous period in which a household is certified, the State agency shall determine the amount of benefits on the basis of the household's income and other relevant circumstances in such first or second month."; and

(2) in paragraph (4), by striking out the second sentence.

(b) OPTIONAL MONTHLY REPORTING.—Section 6(c) of such Act (7 U.S.C. 2015(c)) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1)(A) A State agency may require certain categories of households to file periodic reports of household circumstances in accordance with standards prescribed by the Secretary, except that a State agency may not require periodic reporting of households—

"(i) in which all members are migrant or seasonal farm workers;

"(ii) in which all members are homeless individuals; or

"(iii) that have no earned income and in which all adult members are elderly or disabled members.

"(B) Each household that is not required to file such periodic reports on a monthly basis shall be required to report or cause to be reported to the State agency changes in income or household circumstances that the Secretary considers necessary to assure accurate eligibility and benefit determinations."; and

(2) by striking out paragraph (5).

(c) MONTHLY NOTICE.—Section 6(c)(2) of such Act is amended—

(1) by striking out "and (D)" and inserting "(D)"; and

(2) by inserting before the period the following; ", and (E) be provided each month with an appropriate, simple form for making its required reports together with clear instructions explaining how to complete the form and its rights and responsibilities under the monthly reporting system".

SEC. 107. LIMITATION ON RESOURCES.

The second sentence of section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by inserting after "$4,500" the following: "(adjusted on October 1, 1988, and on each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the Consumer Price Index for All Urban Comsumers published by the Bureau of Labor Statistics for the 12 months ending the preceding June 30)".

SEC. 108. VALUE OF ALLOTMENT.

Clause (2) of the last sentence of section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) is amended by striking out "following any period" and inserting in lieu thereof "that applies following any period of more than 30 days".

SEC. 109. BENEFITS FOR HOUSEHOLDS SUBJECT TO PRORATING.

Section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) (as amended by section 109 of this Act) is further amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (2) (as so designated), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(3) A household applying after the 15th day of the month or similar period shall be entitled to receive, in lieu of its initial allotment and its regular allotment for the following month or period, an allotment that is the aggregate of the initial allotment and the first regular allotment, which shall be provided in accordance with paragraphs (3) and (9) of section 11(e).".

SEC. 110. FOOD STAMP INFORMATION ACTIVITIES.

(a) AUTHORITY.—Subparagraph (A) of section 11(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended to read as follows: "(A) inform low-income households containing members who are homeless individuals, elderly or disabled members, low-income workers with children, or residents of rural areas (and, at the option of the State, other low-income persons) about the availability, eligibility requirements, application procedures, and benefits of the food stamp program, including notification to recipients of aid to families with dependent children, supplemental security income, and unemployment compensation, distribution of application forms and associated information about filling out such forms (including information about the documentation required pursuant to paragraph (3)), and".

(b) ADMINISTRATIVE COSTS.—Section 16(a)(4) of such Act (7 U.S.C. 2025(a)(4)) is amended by striking out "permitted" and inserting in lieu thereof ", including those undertaken".

SEC. 111. EXTENSION OF HOMELESS AMENDMENTS.

Section 11002(f)(3) of the Homeless Eligibility Clarification Act (Public Law 99-570; 7 U.S.C. 2012 note) is amended by inserting ", except those amendments made by subsection (b)," after "this section".

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Subtitle B—Related Programs

SEC. 121. TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) Authorization.—The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) (as amended by section 813 of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77)) is amended by striking out "through September 30, 1988" and inserting in lieu thereof "through September 30, 1990".

(b) Local Support.—The first sentence of section 204(c)(2) of the Temporary Emergency Food Assistance Act of 1983 is amended by striking out "20" and inserting in lieu thereof "50".

(c) Notice of Availability of Commodities.—Section 210(c) of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 814(b)(2) of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "fiscal year ending September 30, 1988" and inserting "fiscal year 1990".

(d) Program Termination.—

(1) In general.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 814(a) of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "1988" and inserting "1990".

(2) Conforming amendment.—Section 202A(a)(1) of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 812 of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "To the extent" and all that follows through "fiscal year 1988" and inserting in lieu thereof "For the period ending on the date specified in section 212".

SEC. 122. COMMUNITY FOOD AND NUTRITION PROGRAM.

(a) Programs.—Section 681A(a) of the Community Services Block Grant Act (42 U.S.C. 9910a(a)) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(4) to develop innovative approaches at the State and local level to improve the nutritional content of meals consumed by low-income people that are home bound due to dibilitating diseases or conditions.".

(b) Authorization.—Subsection (c) of section 681A of such Act is amended to read as follows:

"(c) There is authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 1988 through 1993.".

SEC. 123. STUDY OF SPECIAL DIETS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall—

(1) conduct a study, by contract with the National Academy of Sciences——

(A) to identify which kinds of medical conditions commonly suffered by members of households participating in the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) require such members to follow special diets;

(B) to determine the incidence of each medical condition identified under subparagraph (A) among members of households that are eligible to participate in the food stamp program;

(C) to determine the estimated costs that would be incurred by households (of various sizes) participating in the food stamp program, to follow special diets required by medical conditions suffered by the members of such households; and

(D) with respect to such households and each of the medical conditions identified in subparagraph (A), to determine the adjustments to the low cost food plan that would be necessary to provide to such households allotments that take into account additional costs that would be incurred to follow special diets required by such medical conditions; and

(2) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing in detail the results of such study.

TITLE II—CHILD NUTRITION PROMOTION

SEC. 201. EXCLUSION OF FOSTER CARE AND ADOPTION ASSISTANCE FROM INCOME UNDER THE FOOD STAMP PROGRAM; REMOVAL OF OBSOLETE REFERENCE.

Paragraph (12) of section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended to read as follows: "(12) any payments made under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) or under any State or local foster care program, and".

SEC. 202. IMPROVEMENT OF SCHOOL BREAKFAST PROGRAM.

The first sentence of section 4(b)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(3)) is amended by inserting after "3 cents" the following: ", and (effective beginning July 1, 1989) an additional 3 cents,".

SEC. 203. RESTORATION OF PRIVATE NONPROFIT ORGANIZATIONS UNDER THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) Eligible Service Institutions.—Section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended—

(1) in subparagraph (B), by inserting ", private nonprofit organizations, " after "county governments";

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by striking out "and" at the end of subparagraph (D); and

(4) by inserting after subparagraph (D) the following new subparagraph: "(E) 'private nonprofit organizations' includes only such organizations (including summer camps) that (i) operate at not more than 15 sites, or operate at not more than 20 sites pursuant to a waiver granted under subsection (i)(2), and (ii) use self-preparation facilities to prepare meals or obtain meals from a public facility (such as a school district, public hospital, or State university); and".

(b) Eligible Private Nonprofit Organizations.—Section 13 of the such Act is amended by inserting after subsection (h) the following new subsection:

"(i)(1) Eligible private nonprofit organizations entitled to participate in programs under this section as service providers shall be limited to those that—

"(A) operate in areas where a school food authority or the local, municipal, or county government has not indicated by March 1 of any year that such authority or such unit of local government will operate a program under this section in such year;

"(B) exercise full control and authority over the operation of the food service programs under this section at all sites under their sponsorship;

"(C) provide ongoing year-round activities for children;

"(D) demonstrate adequate management and fiscal capacity to operate programs under this section; and

"(E) meet applicable State and local health, safety, and sanitation standards.

"(2) The Secretary may waive the limitation of 15 sites established under subsection (a)(1)(E)(i) and permit a private nonprofit organization under this section to operate at not more than 20 sites if such organization demonstrates to the satisfaction of the Secretary that an unmet need for such additional sites exists and that such organization has the capability to serve such additional sites.".

SEC. 204. ADDITION OF ONE SNACK OR ONE MEAL TO THE CHILD CARE FOOD PROGRAM.

Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C. 1766(f)(2)(B)) is amended by inserting before the period the following: ", or in the case of an institution or home open more than 8 hours per day, two meals and two supplements or three meals and one supplement".

SEC. 205. TECHNICAL CORRECTION RELATING TO INCOME GUIDELINES FOR FREE LUNCHES.

Section 9(b)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(b)(1)(A)) is amended—

(1) in the second sentence, by striking out "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) by striking out the third sentence.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided in this section, this Act and the amendments made by this Act shall become effective on October 1, 1988.

(b) Low Cost Food Plan; Excess Shelter Expense Deduction.—The amendments made by sections 101 and 105 shall become effective on January 1, 1989.

(c) School Breakfast Program; Child Care Food Program.—The amendments made by sections 202 and 204 shall become effective on July 1, 1989.

Summary of Provisions in Panetta Emergency Hunger Relief Act of 1988

ENSURE THAT THE FOOD STAMP PROGRAM MEETS EMERGENCY FOOD NEEDS

Increase Food Assistance to Hungry Families.—Food Stamp benefits are currently based on the Thrifty Food Plan, the lowest cost plan devised by the U.S. Department of Agriculture. The maximum benefit is 81 cents per person per meal, but the average benefit is 51 cents per meal, a level on which it is difficult for most poor families to achieve a minimally adequate diet. A 1984 study of families below the poverty line by the Association of Children of New Jersey found that only 20 percent of families reported that food stamps lasted throughout the month; 47 percent said that food stamps lasted only three weeks, while 32 percent said that the benefits lasted two weeks or less. These families had an average monthly income of $438. The food stamp benefit formula assumes that 30 percent of cash income will be spent on food. These families were only able to spend an average of $60 in cash on food to supplement their food stamp benefits.

Of the families receiving food stamps in this study, 83 percent said that they sometimes or always run out of food. Most families in the study reported that this happens from the middle to the end of the month. A

1978 Department of Agriculture study found that only 12 percent of low-income families spending at the Thrifty Food Plan level obtained all of their Recommended Dietary Allowances (RDA's), the average daily amounts of nutrients that population groups should consume over time. The survey also showed that food shopping expertise of households with low income and receiving food stamps was as good or better than other households.

Because food stamp benefits do not enable many low-income families to get through the month, they must often resort to emergency feeding facilities. In the 1987 study by Project Bread: Hunger Hotline in Massachusetts, 45 percent of the clients of emergency feeding facilities came because they had run out of food stamps.

The Thrifty Food Plan, according to the Department of Agriculture, was designed for "short-term use when funds are extremely low," yet the inadequate level of food stamps based on this plan are the major source of food assistance for recipients.

Almost two thirds of all food stamp recipients are children, the elderly or disabled, and 94 percent of all recipients have gross income below the poverty line; these are population groups that are particularly vulnerable to interruptions in food or a lack of proper nutrients.

An increase in benefits from the Thrifty Food Plan to the Low-Cost Food Plan, the next least expensive diet calculated by the Department of Agriculture, would provide recipients with more nutritionally adequate diets and help them have food available for the entire month. In purchasing food at the Low-Cost Food Plan level, low-income persons are almost three times as likely to achieve 100 percent of the RDA's than at the Thrifty Food Plan level.

When the Thrifty Food Plan was established as the basis for food stamp benefits in 1976, the plan was 80 percent of the Department of Agriculture's Low Cost Plan. The benefits are now about 78 percent of the cost of the low cost plan. The Emergency Hunger Relief Act would increase the basic food stamp benefit by about 1 percent and a second 1 percent in fiscal year 1990. This will be a step toward providing a guarantee of a nutritionally adequate diet, and would over the next two years restore the historic relationship between food stamp benefits and the USDA Low Cost Food Plan. Granting a modest benefit increase to all food stamp recipients is also an equitable way to soften the impact of the decline in availability of certain commodities distributed through the TEFAP program.

Phase out the food stamp shelter deduction limit.—Under current law, non-elderly and non-disabled households are entitled to an excess shelter deduction of up to $164 a month if after all other deductions are taken, their shelter expenses exceed 50 percent of net income. There is no limit on the maximum shelter deduction for the elderly or disabled. The original justification for a shelter deduction limit for the non-elderly or non-disabled was to prevent participation in the food stamp program by individuals with high incomes before deductions. Because since 1981, households with a gross income above 130 percent of the poverty level ($14,568 a year for a family of four in 1987) have been ineligible to participate in the program, this restriction is no longer needed. The Emergency Hunger Relief Act will phase out this limit on the shelter deduction because it simply serves to hold down benefits for the 25 percent of households with the highest shelter costs. For budgetary reasons, the phase out would be over a number of years. This is a major homeless prevention measure.

Change household definition.—Current law discriminates against relatives living together. Last year, in the homeless bill, the program was reformed to allow parents whose adult children and their children lived together to receive food stamps as separate households if meals are purchased and prepared separately for the family units. The Emergency Hunger Relief Act will make further adjustments in the household definition so that relatives who live together, but who purchase and prepare their meals separately, will not have their food stamps benefits reduced. This is an important homeless prevention measure, which responds to the shortage of affordable housing that has caused many relatives to have to live together.

Adjust asset test to more closely reflect current costs of automobiles.—Under current law, the value of an automobile above $4,500 is counted as a liquid asset in the food stamp program, no matter what the equity is for the automobile. This amount was established in the Food Stamp Act Amendments of 1977 and has not been adjusted since even though the cost of automobiles has increased by more than 100 percent. The Emergency Hunger Relief Act will index the automobile asset limit so that food stamp applicants with automobiles with low values in terms of current prices will not be denied food stamp benefits. This change will also help alleviate problems in remote rural parts of the country where pickup trucks or 4-wheel drive vehicles are necessary for even the poorest of families.

REDUCE BARRIERS TO PARTICIPATION IN THE FOOD STAMP PROGRAM

Allow states to decide whether to require monthly reporting.—Under current law, states must receive approval of the U.S. Department of Agriculture if they are to waive monthly reporting requirements for households with earnings or a recent work history. For all other households, monthly reporting is at the option of the state except the following categories for which monthly reporting cannot be required: migrant farm worker households, households in which all members have no earned income, and households in which all members are elderly or disabled. For other categories of recipients, states should be given the discretion to decide whether to require monthly reporting which creates a significant administrative burden for both recipients and welfare agencies. If states fail to utilize proper procedures, they are subject to fiscal sanctions. Waiving monthly reporting for households with earnings, when it has been tested, has not resulted in significantly more errors than mandatory monthly reporting.

Ensure that benefits of recipients who have a gap in eligibility for 30 days or less are not reduced.—Since 1982, eligible food stamp households who have a short break in food stamp benefits because of failure to meet paperwork requirements associated with recertification have had their benefits pro-rated when food stamp certification resumed. This approach is more restrictive than the Reagan administration's initial 1981 proposal. The Emergency Hunger Relief Act will enact the 1981 administration proposal by providing full benefits if there is a break in the certification of 30 days or less.

Require only one income test for food stamp participants.—Under current law, households who do not have an elderly or disabled member must meet two income tests for eligibility for food stamps. The first test is that gross income, before exclusions and deductions, cannot be higher than 130 percent of the proverty level. The second test is that the net income, after exclusions and deductions, must not be greater than the proverty level. The Emergency Hunger Relief Act will delete the net income test. The two income eligibility tests simply pose an additional administrative burden on applicants and caseworkers. The gross income test is sufficient to keep high income households from participating in the program.

Ensure that low-income families who are eligible for Food Stamps are made aware of the availability of benefits.—Resume mandatory food stamp informational activities for low-income working families with children who are not receiving welfare benefits, households with one or more elderely or disabled members, the homeless, and residents of rural areas. At state option, resume informational activities for other categories of recipients. The Emergency Hunger Relief Act also extends information activities to low-income persons in rural areas, as does the House-passed Family Welfare Reform Act of 1987. Last year, the Stewart B. McKinney Act authorized the provision of informational activities on behelf of homeless persons.

Make permanent the current law provision which allow homeless persons in shelters to receive food stamps.—The Homeless Eligibility Clarification Act of 1986 allowed homeless persons in shelters to receive food stamps. The Emergency Hunger Relief Act extendes this provision permanently.

EMERGENCY CHILD HEALTH PROTECTION PROVISIONS

One of the most important determinatants of health status is adequate nutrition. The following provisions are designed to ensure that young childern have access to adequate nutrition.

Increase participation in the School Breakfast Program.—Starting with academic year 1989-1990, the reimbursement rate to schools for the school breakfast program would be increased by 3 cents a meal so that school lunch directors would have adequate funding to improve the quality of breakfasts served in schools. This change would also encourage more schools to participate in the school breakfast program. Currently, only one-fourth of the low-income children who participate in the school lunch program participate in the school breakfast program. A nutritious breakfast is indispensable if children are to be healthy and to learn.

Allow private nonprofit organizations to participate in the summer food program.—Starting in the summer of 1989, allow private nonprofit organizations to participate in the summer food program. Children need adequate nutrition throughout the year; yet only one eighth of the low-income children who participate in school meal programs get nutrition assistance under the summer food program. Non-profit organizations were excluded from participation in the summer food program in 1981 because of abuses by some private sponsors who obtained the meals used in the program from private vendors and who did not adequately police their meal sites. The Emergency Hunger Relief Act attempts to deal with the hunger that resulted and limits the number of sites

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and requires sponsors to provide self-prepared meals or to contract for meals with a school or private agency.

Ensure that children who stay in day care centers which are open more than eight hours a day get adequate nutrition.—For mothers to be able to work, their children must have adequate day care, including adequate nutrition. Because of the time required for mothers to commute to and from work, children often must stay in day care centers for more than 8 hours. The Emergency Hunger Relief Act will provide an additional meal or snack to childen who attend day care centers which are open more than eight hours a day. This would partially restore a 1981 budget cut.

Ensure that low-income households who desire to adopt children or to take in foster children do not have food stamps reduced as a result.—The Emergency Hunger Relief Act will exclude from income for purposes of food stamp eligibility and benefits, state and federal adoption assistance and foster care payments. This will not only better ensure that these children receive an adequate diet but also encourage the placement of children with families as an alternative to institutionalization. In the Family Welfare Reform Act of 1987 (H.R. 1720), the House has already approved the exclusion of adoption assistance payments made under the Social Security Act from consideration for AFDC purposes.

Correct a technical probelm which threatens to disrupt administration of free price school meal lunches at the beginning of the academic year 1988-89.—Eligibility for both food stamps and free school lunches is set at 130 percent of the poverty level. Since 1983, the income eligibility guidelines for free school lunches has been tied to the annual food stamp eligibility adjustment, which in recent years has been July 1 of each year. As a result of the Stewart B. McKinney Homeless Assistance Act, the adjustment this year will be October 1, 1988, which is after the academic year has begun. Therefore, the Emergency Hunger Relief Act will retain the 130 percent of poverty eligibility limit for free school lunches but delete the tying of the adjustment to the food stamp eligibility guidelines so that school lunch directors do not have to compute eligibility in July and then again in October.

Increase the authorization level for the Community Food and Nutrition Program (CFNP) which is a separately authorized program within the Community Services Block Grant Act.—CFNP funds are available for community based, local and statewide groups which distribute information on federal food and nutrition programs as a mechanism for increasing nutrition assistance to low-income Americans. The seed money to initiate Second Harvest, the most successful food bank system, came from this program.

EMERGENCY FOOD ASSISTANCE

The level of food assistance given by the food bank and emergency feeding network is in jeopardy because of the decline in availability of certain important commodities held by the Commodity Credit Corporation (CCC), which are distributed through the Temporary Emergency Food Assistance Program (TEFAP). The Department of Agriculture estimates that after April 1988, no more cheese and non-fat dry milk will be distributed through TEFAP, and after March 1988, no more honey and rice may be available for distribution. This projection is subject to considerable uncertainty because production of these commodities could increase. For example, if dairy supplies are larger than originally anticipated, the Department of Agriculture indicates that cheese and non-fat milk donations will be resumed. Most likely, such deliveries would, however, be intermittent—thus making it difficult for recipient agencies to plan orderly distribution programs.

At the same time that the availability of commodities is uncertain, the demand for emergency food assistance is increasing. The Conference of Mayors recently released a survey on the demand for emergency food assistance and shelter in 25 major cities, The Continuing Growth of Hunger, Homelessness and Poverty in America's Cities: 1987. Last year, the demand for emergency food assistance increased an average of 18 percent in all but two of the cities surveyed. Two-thirds of those requesting emergency food assistance in the cities surveyed are members of families with children. All but one of the survey cities project a greater demand for emergency food assistance this year than in 1987. To address this problem, the Emergency Hunger Relief Act will do the following:

Extend the authorization for the TEFAP program through fiscal year 1989 at the current level of $50 million.

Increase the share of TEFAP administrative funds which must go to emergency feeding organizations from 20 percent to 50 percent. This is intended to ensure that the food distribution network is not disrupted because of the uncertainty about the availability of CCC commodities. The increase in the relative share of TEFAP funding which will go to emergency feeding organizations is intended to ensure that the operations of these organizations will not be disrupted due to current uncertainty about the amount of TEFAP commodities which will be distributed. The emergency feeding organizations which have developed program expertise should receive the maximum possible share of the TEFAP appropriation so that the delivery system can be kept in place until the situation regarding commodity availability is clarified.

WELFARE REFORM

Expedite final Congressional action on the Family Food Stamp Welfare Reform provisions approved by the House of Representatives.—On December 16, 1987, the House of Representatives approved the Family Welfare Reform Act of 1987, which includes as Title X the food stamp welfare reform provisions reported by the Committee on Agriculture (H.R. 3337). The food stamp welfare reform provisions will either be introduced as a separate bill by Senator Leahy or will be incorporated as a separate title into the Emergency Hunger Relief Act. Because final action on the legislation is not likely until late in this session, the effective dates will be delayed one year from the House-passed bill.

EMERGENCY NUTRITION APPROPRIATIONS INCREASES

Two discretionary programs are not affected by this bill because current law authorizes appropriation of such sums as the Congress considers appropriate. These are WIC and the Commodity Supplemental Food Program. Nevertheless, appropriations above the baseline are urgently needed to address the hunger emergency.

WIC.—Despite the severe budget constraints in fiscal year 1988, the Congress appropriated $87 million above current services for WIC in fiscal year 1987. This increase reflects the high priority which the Congress gives to this highly effective program. This funding increase was slightly more than half of the funding objective of $150 million above current services in the joint resolution, WIC Food for Life (H.J. Res. 192 and S.J. Res. 99). A full funding increase of $150 million above the fiscal year 1989 current services level is needed. The U.S. Department of Agriculture estimates that this program reaches only about 40 percent of those eligible.

Commodity Supplemental Food Program.—This program provides supplemental food to the following low-income groups: infants and children up to age six, pregnant or post-partum women at nutritional risk, and elderly persons. Sufficient funding to serve the unmet requirements in current project areas is a way to target nutrition assistance on low-income communities which have an infrastructure in place to meet emergency food needs. This would require an apporpriation increase of $10 million.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 3, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 4

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1989 for the Department of Defense, focusing on Soviet strategic force developments.
S-407, Capitol

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Joint Economic
To hold hearings on the employment/unemployment situation for February
SD-628

10:00 a.m.
Appropriations
To resume hearings on the President's proposed budget for fiscal year 1989.
SD-192

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1608, to amend the Federal judicial code with respect to the administration of the U.S. Claims Court, and the salaries and benefits of Claims Court judges
SD-226

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 9

10:00 a.m.
Joint Economic
To hold hearings on the national economic outlook for 1988
2175 Rayburn Building

MARCH 14

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Veterans' Administration
SD-124

Energy and Natural Resources
To hold hearings on the nominations of T.S. Ary, of Oklahoma, to be Director of the Bureau of Mines, Department of the Interior, Ernest C. Baynard III, of Virginia, to be Assistant Secretary of Energy for Environment, Safety and Health, and C. Anson Franklin, of Virginia, to be Assistant Secretary of Energy for Congressional, Intergovernmental and Public Affairs.
SD-366

Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service Code penalties.
SD-215

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1991-93 for the Corporation for Public Broadcasting.
SR-253

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Army.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.
S-126, Capitol

Finance
To hold hearings on proposed tax incentives for education.
SD-215

Joint Economic
To resume hearings on the national economic outlook for 1988.
Room to be announced

10:30 a.m.
Conferees
On the agricultural trade provisions of H.R. 3, Omnibus Trade and Competitiveness Act of 1987.
SR-332

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on childhood immunization programs.
SR-428A

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to review federal enforcement of foreign fishing activities in the Bering Sea.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

1:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Joseph T. Nall, of North Carolina, to be a Member of the National Transportation Safety Board.
SR-253

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

MARCH 17

9:00 a.m.
Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review matters relating to the October 1987 market break.
SD-562

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for Amtrak.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Air Force.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Transportation Safety Board, and the Research and Special Programs Administration.
SD-124

Finance
To hold hearings on proposed legislation relating to the U.S./Canada Free Trade Agreement.
SD-215

Small Business
To resume hearings on S. 1929, to create the Corporation for Small Business Investment [COSBI].
SR-428A

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1508, S. 1570 and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.
SD-366

2:30 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

MARCH 18

9:00 a.m.
Veterans' Affairs
Business meeting, to continue consideration of the President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

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9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

Domestic and Foreign Marketing and Product Promotion Subcommittee

To hold joint hearings on soybeans and the world market.

SR-332

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.

SD-116

10:00 a.m.

Finance

Energy and Agricultural Taxation Subcommittee

To hold hearings on recent changes in collection procedures on gasoline, diesel, and special motor fuel taxes.

SD-215

MARCH 21

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.

SD-116

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on H.R. 2090 and S. 1478, bills to designate certain National Forest System lands in the State of Montana for release to the Forest Planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System.

SD-366

Finance

Taxation and Debt Management Subcommittee

To hold hearings on the tax treatment of single-premium and other investment-oriented life insurance.

SD-215

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the National Science Foundation.

SD-124

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for military construction, focusing on base rights and burdensharing.

SD-192

MARCH 22

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To continue hearings on H.R. 2090 and S. 1478, bills to designate certain National Forest System lands in the State of Montana for release to the Forest Planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System.

SD-366

Finance

Health Subcommittee

To hold hearings on S. 1673, to require States to provide Medicaid coverage of community and family support services for severely disabled individuals.

SD-215

Governmental Affairs

To resume hearings on proposals to establish a national nutrition monitoring and related research program.

SD-342

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.

SD-138

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Navy, and the U.S. Marine Corps.

SD-192

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1989 for the National Science Foundation.

SD-116

MARCH 23

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SR-253

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to examine Health Care Financing Administration's management of medical laboratories.

SR-342

MARCH 24

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to review federal collection activities of information relating to foreign investment in the United States.

SR-253

Governmental Affairs

Oversight of Government Management Subcommittee

To continue oversight hearings to examine Health Care Financing Administration's management of medical laboratories.

SR-342

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.

SD-138

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the National Guard and reserve programs.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (Amtrak).

SD-124

Finance

To hold hearings on S. 1245, to authorize the issuance by States of tax-exempt bonds for high-speed intercity rail transportation projects under certain circumstances.

SD-215

MARCH 25

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the National Archives and Records Administration, U.S. Secret Service, Administrative Conference of the United States, and the U.S. Postal Service.

SD-116

MARCH 28

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Management and Budget (OMB), and the Office of Federal Procurement Policy.

SD-116

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

Finance

Taxation and Debt Management Subcommittee

To hold hearings to review certain tax provisions which have recently expired or will expire this year, focusing on the exempt treatment of mortgage revenue bonds and the targeted jobs tax credit.

SD-215

MARCH 29

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for force structure programs.

SD-192

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the National Aeronautics and Space Administration.

SD-124

MARCH 30

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.

SD-138

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1989 for the National Aeronautics and Space Administration.

SD-126, Capitol

Appropriations

Military Construction Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for military construction and family housing programs.

SD-192

MARCH 31

9:00 a.m.

Veterans' Affairs

To hold hearings on proposed legislation relating to agent orange and related issues.

SR-418

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Strategic Defense Initiative.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Aviation Adminstration, and the General Accounting Office.

SD-138

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 314, to require certain telephones to be hearing aid compatible.

SD-253

APRIL 11

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Environmental Protection Agency.

SD-124

APRIL 12

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.

SD-342

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Environmental Protection Agency, and the Council on Environmental Quality.

SD-124

APRIL 13

9:00 a.m.

Veteran's Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.

SD-106

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Labor.

SD-124

Governmental Affairs

Oversight of Government Management Subcommittee

To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.

SD-342

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.

SD-138

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for reserve components' military construction and defense agencies' military construction and family housing programs.

SD-116

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for ACTION, Corporation for Public Broadcasting, Railroad Retirement Board, Federal Mediation and Conciliation Service, National Mediation Board, National Labor Relations Board, and the Occupational Safety and Health Review Commission.

SD-124

APRIL 14

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Urban Mass Transit Administration, and the Washington Metropolitan Transit Authority.

SD-124

APRIL 15

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Prospective Payment Assessment Commission, Physician Payment Review Commission, Federal Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, National Council on the Handicapped, Soldiers' and Airmen's Home, and the U.S. Institute of Peace.

SD-192

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the General Services Administration and the Executive Office of the President (with the exception of OMB).

SD-116

APRIL 18

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury.

SD-116

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development.

SD-124

APRIL 19

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-138

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development.

SD-124

APRIL 20

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Social Security Administration, and the Health Care Financing Administration, both of the Department of Health and Human Services.
SD-192

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Army military construction and family housing programs.
SD-124

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Family Support Administration, and the Human Development Services, both of the Department of Health and Human Services.
SD-192

APRIL 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Assistant Secretary for Health, and the Centers for Disease Control, both of the Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Transportation, and the General Accounting Office.
SD-124

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Alcohol, Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration, both of the Department of Health and Human Services.
SD-192

APRIL 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, National Institute of Building Sciences, and the Office of Science and Technology Policy.
SD-124

APRIL 26

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.
SD-124

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Emergency Management Agency.
S-126, Capitol

APRIL 27

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.
SD-192

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Navy military construction and family housing programs.
SD-124

APRIL 28

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Coast Guard.
SD-124

APRIL 29

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Health and Human Services.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Personnel Management.
SD-192

MAY 9

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.
SD-124

MAY 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Education.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.
SD-124

MAY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Compensatory Education for the Disadvantaged, School Improvement Programs, Impact Aid, Bilingual, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.
SD-192

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.
SD-124

MAY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Howard University, Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet), Education Research and Statistics, and Libraries.
SD-192

CANCELLATIONS

MARCH 4

9:30 a.m.
Environment and Public Works
Hazardous Wastes and Toxic Substances Subcommittee
To hold hearings on sham recycling and the recycling exemption in RCRA.
SD-406

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

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